

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

TERRY PETTEWAY, et al.,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	Civil Action No. 3:22-cv-57-JVB
	§	[Lead Consolidated Case]
GALVESTON COUNTY, TEXAS, et al.	§	
	§	
<i>Defendants.</i>	§	

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UNITED STATES OF AMERICA,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
	§	
v.	§	Civil Action No. 3:22-cv-93-JVB
	§	
GALVESTON COUNTY, TEXAS, et al.,	§	
	§	
<i>Defendants.</i>	§	

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DICKINSON BAY AREA BRANCH NAACP, et al.,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
	§	
v.	§	Civil Action No. 3:22-cv-117- JVB
	§	
GALVESTON COUNTY, TEXAS, et al.,	§	
	§	
<i>Defendants.</i>	§	

**PLAINTIFFS’ DESIGNATIONS OF DEPOSITION TESTIMONY**

Pursuant to the Court’s Amended Docket Control Order dated April 28, 2023  
(Doc. 155) and Rules 11 and 13 of the Galveston Division Rules of Practice, Plaintiffs in

the above-referenced actions hereby submit designations of deposition testimony as part of their pre-trial disclosures in accordance with Federal Rule of Civil Procedure 26(a)(3). Attachment A identifies the Plaintiffs' deposition designations and counter-designations to deposition testimony designated by Defendants. Attachment B identifies Defendants' deposition designations; counter-designations to deposition testimony designated by Plaintiffs, and Plaintiffs' objections to Defendants' deposition designations.

Plaintiffs also submit the following deposition transcripts with highlighted excerpts corresponding to Plaintiffs' deposition designations and Plaintiffs' counter-designations to deposition testimony designated by Defendants, as follows:

<b>EXHIBIT NO.</b>	<b>WITNESS</b>	<b>DEPOSITION DESIGNATIONS HIGHLIGHTED IN EXHIBIT</b>
1	Barbara Anders	Plaintiffs' Designations and Counter-Designations
2	Darrell Apffel	Plaintiffs' Designations and Counter-Designations
3	Armstrong, Robin	Plaintiffs' Designations and Counter-Designations
4	Matthew Barreto	Plaintiffs' Counter-Designations to Testimony Designated by Defendants Only
5	Thomas Bryan	Plaintiffs' Designations and Counter-Designations
6	Joe Compian	Plaintiffs' Designations and Counter-Designations
7	William Cooper	Plaintiffs' Counter-Designations to Testimony Designated by Defendants Only
8	Edna Courville	Plaintiffs' Designations and Counter-Designations
9	Tyler Drummond	Plaintiffs' Designations and Counter-Designations
10	Joseph Giusti	Plaintiffs' Designations and Counter-Designations

11	Mark Henry	Plaintiffs' Designations and Counter-Designations
12	Stephen Holmes	Plaintiffs' Designations
13	Cheryl Johnson	Plaintiffs' Designations and Counter-Designations
14	Lucretia Lofton	Plaintiffs' Designations and Counter-Designations
15	Dianna Martinez	Plaintiffs' Designations and Counter-Designations
16	Dale Oldham	Plaintiffs' Designations and Counter-Designations
17	Kassra Oskooii	Plaintiffs' Counter-Designations to Testimony Designated by Defendants Only
18	Mark Owens	Plaintiffs' Counter-Designations to Testimony Designated by Defendants Only
19	Terry Petteway	Plaintiffs' Designations and Counter-Designations
20	Leon Phillips	Plaintiffs' Designations and Counter-Designations
21	Penny Pope	Plaintiffs' Designations and Counter-Designations
22	Derreck Rose	Plaintiffs' Designations and Counter-Designations
23	Michael Shannon	Plaintiffs' Designations and Counter-Designations
24	Nathan Sigler	Plaintiffs' Designations and Counter-Designations
25	Dwight Sullivan	Plaintiffs' Designations and Counter-Designations
26	Patricia Toliver	Plaintiffs' Designations and Counter-Designations
27	Jessica Trounstine	Plaintiffs' Counter-Designations to Testimony Designated by Defendants Only
28	Roxy Hall Williamson	Plaintiffs' Designations and Counter-Designations

Respectfully submitted this 18th day of July, 2023.

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 18, 2023, I filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification to all counsel of record in this case.

/s/ Catherine Meza  
CATHERINE MEZA

Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
<b>Anders, Barbara</b>					
	6	1	6	6	
	72	4	74	19	
	75	13	75	25	
	77	17	80	16	
	83	24	84	13	
	86	17	87	1	
	88	10	90	18	
	113	2	113	18	
	113	24	118	13	
	120	5	120	8	
	125	4	125	13	
	126	14	126	15	
	127	5	127	14	
	127	24	128	8	
	131	6	131	12	
	132	24	133	1	
	135	10	135	13	
	145	20	146	11	
	147	3	147	14	
	160	6	160	19	
	162	2	166	1	
	178	5	178	25	
	224	11	225	24	
	230	3	230	23	
	239	22	240	23	
	241	6	244	3	
	244	19	246	11	
	258	17	259	7	
	262	18	263	6	
	263	13	265	21	
	279	13	280	2	
	298	11	303	18	
	310	7	311	13	
<b>Apffel, Darrell</b>					
	22	21	23	6	
	23	17	23	20	
	31	12	31	15	
	37	12	39	5	
	43	13	43	25	
	47	14	47	17	
	64	2	64	10	
	68	2	70	18	

Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	79	4	79	24	
	81	17	81	25	
	86	2	88	9	
	88	10	89	12	
	91	4	91	17	
	91	18	91	21	
	95	5	95	14	
	95	15	96	23	
	97	9	97	10	
	99	5	99	11	
	103	6	103	9	
	103	24	104	6	
	106	12	106	23	
	107	23	108	11	
	112	6	114	15	
	115	6	116	6	
	117	14	117	16	
	117	17	119	13	
	126	6	127	13	
	127	20	127	20	
	127	21	129	9	
	129	10	130	3	
	132	20	133	2	
	133	3	139	22	
	140	2	141	16	
	142	2	142	12	
	146	7	148	2	
	148	3	148	7	
	149	3	149	18	
	150	7	151	10	
	157	23	158	14	
	161	6	161	22	
	162	9	162	21	
	166	17	166	24	
	167	3	168	2	
	169	14	169	23	
	170	15	170	22	
	170	23	171	4	
	175	1	175	14	
	176	15	176	23	
	177	8	179	2	
	179	7	181	1	
	183	19	184	1	
	184	2	184	22	
	186	11	188	6	

Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	188	9	189	2	
	190	10	191	8	
	191	13	192	7	
	192	24	193	8	
	198	17	200	10	
	208	25	209	4	
	213	19	215	3	
	217	1	217	13	
	217	14	217	23	
	217	24	218	11	
	218	21	219	1	
	220	13	221	4	
	221	25	223	4	
	225	7	225	7	
	226	1	227	5	
	230	3	230	8	
	230	9	231	25	
	237	9	237	16	
	238	25	239	7	
	251	17	252	21	
	258	22	259	8	
	260	6	261	12	
	263	1	264	12	
	264	13	265	15	
	270	8	270	14	
	278	24	280	12	
	282	18	283	22	
	283	23	284	7	
	286	1	287	9	
	289	10	289	15	
	292	14	293	5	
	294	1	294	5	
	295	8	296	16	
	296	17	297	15	
	301	18	303	10	
	303	21	304	19	
	305	10	306	11	
	306	12	308	15	
	308	16	310	6	
<b>Armstrong, Robin</b>					
	17	20	17	25	
	20	10	21	8	
	22	9	22	23	
	23	17	23	19	
	25	4	25	18	

Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	27	11	27	18	
	28	7	28	23	
	29	9	30	14	
	35	14	35	20	
	41	13	42	2	
	43	8	44	6	
	44	9	44	11	
	45	5	45	16	
	47	1	47	6	
	48	19	49	17	
	49	22	50	14	
	55	12	55	23	
	56	8	57	23	
	59	23	60	2	
	62	5	63	18	
	66	16	66	25	
	68	7	68	22	
	69	12	70	19	
	70	22	71	9	
	73	2	73	18	
	74	3	75	2	
	76	14	76	20	
	78	15	78	24	
	82	5	82	10	
	86	12	86	16	
	87	23	88	17	
	91	1	91	4	
	91	25	92	4	
	92	7	92	24	
	93	9	93	22	
	95	14	95	21	
	97	10	97	13	
	97	18	99	19	
	101	12	101	19	
	103	10	103	21	
	111	15	111	25	
	116	22	117	8	
	119	18	120	5	
	120	23	121	5	
	124	20	125	4	
	132	3	132	7	
	135	8	135	25	
	137	5	137	13	
	138	17	139	2	
	147	1	147	6	

Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	148	19	149	24	
	153	7	153	24	
	159	21	160	21	
	162	3	162	13	
	163	1	163	7	
	164	1	164	17	
	165	14	165	17	
	170	1	170	25	
	172	4	172	10	
	174	2	174	5	
	176	10	177	2	
	178	23	179	14	
	181	5	181	17	
	190	15	193	19	
	201	12	202	3	
	205	12	206	3	
	207	11	207	13	
	211	9	211	14	
	221	1	222	20	
<b>Barreto, Matthew</b>					
	36	1	39	8	
	40	14	40	25	
	43	7	45	6	
	49	24	54	6	
	55	19	59	6	
	69	2	71	24	
	77	2	79	13	
	79	21	83	10	
	83	14	89	7	
	89	11	90	16	
	91	2	91	17	
	92	3	97	24	
	102	7	105	2	
	106	16	110	6	
	111	15	112	14	
	123	17	124	24	
	130	2	133	9	
	133	24	135	6	
<b>Bryan, Thomas</b>					
	11	15	25	12	
	26	12	33	14	
	37	3	40	16	
	43	19	45	14	
	53	13	53	16	
	63	5	63	18	



Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	67	8	68	18	
	69	17	71	19	
	73	13	75	19	
	86	18	87	14	
	88	2	88	16	
	94	8	95	12	
	104	12	105	4	
	107	5	107	16	
	108	9	109	17	
	110	1	110	13	
	111	21	112	11	
	113	4	114	8	
	114	19	117	9	
	121	17	122	5	
	124	15	125	13	
	126	12	128	6	
	128	16	129	18	
	130	19	131	19	
	133	9	133	18	
	141	2	142	12	
	144	12	144	16	
	145	1	152	6	
	155	11	157	5	
	158	16	158	21	
	161	17	162	21	
	163	13	167	17	
	178	5	179	17	
	180	3	180	19	
	184	6	185	8	
	191	1	191	7	
	192	2	192	12	
	195	6	201	10	
	213	1	213	7	
	214	14	216	5	
	217	1	217	18	
	219	1	219	20	
	223	4	224	13	
	226	12	228	14	
	229	19	231	12	
	233	1	233	16	
<b>Compian, Joe</b>					
	8	3	8	4	
	26	16	27	6	
	27	18	28	10	
	29	5	29	6	

Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	29	22	30	13	
	39	12	40	3	
	43	11	44	7	
	51	16	52	4	
	58	18	64	1	
	64	13	65	17	
	65	24	66	3	
	68	16	68	23	
	69	6	69	19	
	87	9	93	21	
	99	8	99	19	
	99	22	100	8	
	100	18	101	8	
	102	1	102	15	
	105	1	105	18	
	106	16	108	14	
	117	12	118	11	
	120	16	121	7	
	138	25	139	8	
	139	17	139	23	
	141	16	141	18	
	171	17	171	23	
	172	7	172	12	
	172	21	173	7	
	175	21	179	16	
	186	16	186	25	
	190	9	191	5	
	194	11	195	7	
	196	20	197	17	
	199	8	201	6	
	210	5	210	14	
	211	18	211	24	
	213	1	217	24	
	218	7	218	14	
	240	22	241	25	
	250	12	250	21	
	250	22	251	21	
	289	3	289	13	
<b>Cooper, William</b>					
	37	24	38	1	
	38	17	38	22	
	44	21	44	24	
	50	1	50	14	
	56	3	56	7	
	56	15	56	18	

Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
<b>Courville, Edna</b>					
	9	5	9	8	
	11	17	12	19	
	14	20	15	8	
	16	21	16	23	
	17	25	18	5	
	26	4	26	20	
	28	22	29	4	
	34	9	34	16	
	35	25	36	4	
	36	20	37	21	
	40	3	42	20	
	42	23	43	1	
	44	5	45	11	
	50	22	51	7	
	56	7	57	4	
	57	14	59	16	
	79	18	79	24	
	80	17	82	3	
	94	9	94	24	
	97	21	97	23	
	99	9	99	20	
	101	9	101	21	
	101	25	102	3	
	102	10	102	21	
	103	6	103	9	
	105	17	105	23	
	106	24	107	11	
	110	25	111	2	
	112	6	113	14	
	114	5	114	20	
	118	10	118	18	
	120	24	121	17	
	123	18	124	5	
	132	14	132	23	
	137	19	137	21	
	141	4	141	9	
	143	12	143	16	
	146	1	148	25	
	167	9	167	22	
	169	3	169	14	
	185	15	185	19	
	186	23	187	10	
	189	3	189	9	
	193	7	193	8	

Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	194	8	194	22	
	196	3	196	16	
	197	5	197	11	
	197	21	198	12	
	199	16	200	9	
	204	2	206	2	
	206	19	211	21	
	212	25	215	14	
<b>Drummond, Tyler</b>					
	34	15	35	7	
	36	6	39	1	
	40	7	41	19	
	41	23	42	3	
	42	13	44	21	
	52	15	53	2	
	53	15	53	20	
	54	1	54	4	
	54	11	54	14	
	54	23	54	25	
	55	3	55	3	
	55	17	55	20	
	56	15	57	17	
	60	7	61	16	
	66	14	67	9	
	68	3	68	15	
	74	11	77	11	
	79	4	79	23	
	80	12	82	4	
	83	3	83	15	
	84	5	90	2	
	92	13	93	23	
	94	4	95	3	
	97	14	97	16	
	97	23	98	14	
	99	1	102	6	
	105	1	106	3	
	107	4	107	10	
	108	12	110	11	
	110	23	112	21	
	114	8	115	13	
	115	19	118	19	
	119	3	121	21	
	122	2	124	1	Plaintiffs did not designate 122:1

Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	129	10	129	16	
	130	25	132	1	
	132	13	132	24	
	133	6	133	12	
	137	10	138	19	Plaintiffs did not designate 138:20-21
	148	18	148	24	
	150	7	152	5	
	154	25	156	4	
	159	9	164	6	
	164	21	166	16	
	168	11	170	17	
	171	3	178	25	
	180	1	181	1	
	181	6	181	13	
	187	2	187	16	
	188	10	188	23	
	192	21	194	2	
	196	23	200	15	
	200	20	201	4	
	201	18	202	11	
	209	19	210	25	
	219	21	220	13	
	222	6	223	24	
	234	10	234	17	
	234	21	237	10	
	237	15	239	8	
	239	12	240	13	
	242	15	244	10	
	248	4	248	19	
	249	1	250	15	
	254	25	255	19	Plaintiffs did not designate 255:20-256:2
	257	14	261	17	
<b>Giusti, Joseph</b>					
	11	21	12	13	
	13	1	14	17	
	16	1	17	7	
	18	8	19	23	
	20	11	23	7	
	25	12	27	2	
	28	5	29	15	
	30	7	30	24	

Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	33	13	34	8	
	44	3	45	14	
	47	19	52	21	
	53	2	53	21	
	54	13	57	12	
	59	5	60	25	
	61	7	64	15	
	65	12	65	21	
	66	24	68	3	
	68	14	68	19	
	69	14	69	25	
	71	5	73	19	
	74	15	75	11	
	76	16	78	23	
	83	1	85	16	
	87	9	87	12	
	87	16	88	15	
	90	24	92	25	
	93	5	93	15	
	94	9	97	1	
	98	5	99	22	
	100	1	101	8	
	101	15	102	22	
	103	5	103	8	
	105	17	110	5	
	111	22	115	1	
	115	11	117	1	
	117	23	119	2	
	119	22	121	25	
	123	9	124	11	
	125	2	126	15	
	127	4	129	14	
	129	22	129	25	
	130	6	130	17	
	131	8	132	1	
	133	8	134	1	
	135	3	136	16	
	137	21	138	5	
	138	12	138	25	
	140	8	142	1	
	142	12	143	13	
	143	18	144	10	
	145	18	148	2	
	148	8	148	14	
	149	2	149	22	

Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	150	7	150	11	
	151	4	151	8	
	151	21	152	14	
	152	24	153	3	
	153	24	157	3	
	157	19	158	18	
	158	19	158	25	
	159	17	160	2	
	161	5	161	15	
	163	4	163	14	
	163	25	165	2	
	165	20	166	8	
	166	11	170	12	
	171	17	172	25	
	174	2	176	9	
	178	25	179	3	
	183	1	183	12	
	185	16	186	5	
	186	11	187	2	
	188	5	191	4	
	191	18	191	20	
	194	3	195	1	
	195	18	196	9	
	196	14	198	5	
	198	14	203	12	
	204	15	207	5	
	207	18	208	4	
	211	18	212	3	
	220	11	221	19	
	229	7	229	24	
	234	2	234	23	
	236	5	236	13	
	240	2	240	11	
	242	7	243	18	
	252	12	252	24	
	254	17	258	4	
	258	18	264	6	
	265	15	266	10	
	266	22	267	18	
	268	16	269	18	
	269	25	272	7	
	272	17	272	24	
	273	12	274	9	
	275	17	275	19	
	277	10	277	22	

Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	279	18	280	2	
	282	1	282	15	
	284	22	285	7	
	285	16	286	12	
	288	4	288	11	
	289	25	290	10	
	291	5	292	19	
	295	10	301	19	
	302	1	302	8	
<b>Henry, Mark</b>					
	12	2	12	19	
	13	11	15	8	
	15	13	15	17	
	17	14	17	18	
	18	15	18	18	
	22	24	23	16	
	24	12	25	22	
	29	7	29	13	
	30	12	30	19	
	42	13	42	15	
	43	7	43	12	
	43	16	43	19	
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	52	4	52	10	
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	61	7	61	9	
	63	15	63	22	
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	67	7	67	8	
	68	10	68	18	
	68	21	68	24	
	69	13	69	15	
	71	23	72	1	
	72	19	73	25	
	74	8	74	21	
	74	23	75	6	
	77	21	77	25	
	78	6	78	8	
	78	25	79	7	
	79	11	81	6	



Plaintiffs' Designations/Counterdesignations					Notes
	PgFrom	LnFrom	PgTo	LnTo	
	82	25	84		22
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	93	15	93		17
	94	2	94		10
	94	20	94		22
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	103	9	103		15
	115	20	117		11
	119	1	119		4
	119	21	121		10
	124	12	124		17
	125	20	125		22
	126	20	126		25
	127	21	137		18
	139	2	139		18
	140	9	146		8
	146	12	146		18
	147	6	148		11
	152	20	153		15
	155	4	155		10
	155	15	156		1
	158	23	159		22
	160	1	160		5
	163	21	166		10
	169	14	170		7
	171	20	173		13
	174	20	175		4
	175	8	175		11
	184	22	185		6
	195	7	195		12
	195	22	196		1
	196	23	196		25
	197	1	197		7
	197	17	198		3
	198	23	200		4
	200	15	200		20
	201	5	201		22
	203	1	203		10

Plaintiffs' Designations/Counterdesignations					Notes
	PgFrom	LnFrom	PgTo	LnTo	
	204	21	205	21	
	206	16	211	15	
	212	7	212	23	
	213	1	213	1	
	213	13	214	14	
	214	19	214	22	
	215	1	215	4	
	217	13	217	16	
	217	21	218	17	
	219	5	219	15	
	219	25	220	6	
	221	22	221	25	Plaintiffs did not designate 222:1-222:18
	222	19	222	25	
	224	4	225	1	
	225	23	226	6	
	227	3	228	9	
	228	14	228	21	
	228	24	229	21	
	230	4	230	6	
	230	23	231	25	
	232	8	232	20	
	233	3	233	13	
	233	22	234	2	
	235	21	236	20	
	238	3	238	8	
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	241	11	243	11	
	244	20	247	7	
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	248	5	248	13	
	249	12	249	20	
	255	15	256	4	
	257	3	257	12	
	258	4	258	7	
	258	15	259	1	
	260	12	267	4	
	268	13	269	1	
	270	23	271	4	
	272	8	272	19	

Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	272	24	274	16	
	275	23	276	2	
	276	16	278	12	
	288	22	290	1	
	290	14	290	17	
	292	1	292	3	
	292	10	292	18	
	293	19	294	4	
	295	11	296	9	
	296	23	297	10	
	297	17	297	22	
	301	4	302	9	
	304	8	305	20	
	306	1	306	18	
	307	3	307	6	
	310	21	311	8	
	316	7	317	5	
	318	8	318	24	
	321	14	322	6	
	324	8	324	11	
	325	8	325	14	
	330	13	330	18	
	330	25	333	9	
	333	13	335	6	
	335	21	336	20	
	341	23	343	5	
	345	15	345	24	
	347	13	347	20	
	350	2	352	12	
	352	22	353	15	
	360	12	361	8	
	364	3	365	1	
	372	16	373	5	
	373	9	373	13	
<b>Holmes, Stephen</b>					
	9	11	10	9	
	11	18	12	5	
	14	8	15	11	
	16	7	17	19	
	19	11	20	1	
	21	12	22	5	
	24	3	25	9	
	25	15	26	2	
	34	5	37	4	
	38	1	38	5	

Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	38	15	40	11	
	43	19	44	6	
	45	3	45	24	
	46	22	48	16	
	48	23	49	13	
	50	22	52	10	
	53	1	53	11	
	54	9	54	19	
	56	1	58	25	
	59	13	60	20	
	61	5	62	16	
	62	25	63	24	
	64	9	65	10	
	65	15	66	4	
	66	15	69	6	
	69	13	70	15	
	72	12	72	16	
	73	9	74	12	
	74	16	74	21	
	77	17	78	6	
	79	12	79	14	
	81	8	81	18	
	85	16	87	21	
	89	20	90	19	
	90	25	91	25	
	92	5	93	6	
	93	11	93	15	
	93	21	94	4	
	94	18	95	10	
	95	18	96	18	
	97	4	97	23	
	98	20	101	12	
	102	6	102	18	
	104	21	105	10	
	105	20	106	9	
	106	23	107	5	
	112	17	113	9	
	115	22	117	2	
	117	6	117	19	
	118	18	119	8	
	119	20	120	9	
	124	20	125	12	
	126	13	126	16	
	126	20	128	16	
	129	3	129	18	

Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	130	21	131	3	
	132	23	133	2	
	133	19	134	5	
	134	12	134	25	
	136	6	138	1	
	139	1	139	4	
	139	8	141	12	
	141	21	141	25	
	142	23	143	6	
	143	23	144	15	
	144	23	145	2	
	149	8	149	11	
	150	18	151	6	
	154	13	154	23	
	159	13	159	25	
	160	19	162	2	
	164	25	166	8	
	171	15	171	18	
	172	7	172	23	
	173	6	173	11	
	177	8	179	16	
	182	12	183	3	
	183	24	184	11	
	185	14	185	19	
	187	10	188	1	
	189	21	190	4	
	191	8	191	18	
	192	12	193	10	
	193	22	194	2	
	194	14	195	6	
	195	15	196	13	
	204	2	209	14	
	211	13	212	25	
	214	10	215	13	
	215	22	216	19	
	217	2	217	4	
	223	19	225	23	
	226	18	227	20	
	229	1	229	11	
	233	3	233	7	
	233	17	237	1	
	238	1	238	12	
	238	19	239	4	
	239	10	239	17	
	240	12	240	14	

Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	240	24	242	1	
	246	15	246	21	
	247	2	247	16	
	248	5	250	10	
	253	20	254	1	
	258	23	259	20	
	264	11	264	22	
	265	14	265	16	
	266	20	267	16	
<b>Johnson, Cheryl</b>					
	19	8	19	12	
	22	6	22	25	
	34	22	35	4	
	36	1	36	7	
	38	22	39	25	
	43	5	43	18	
	43	19	43	25	
	44	1	45	22	
	46	22	47	8	
	48	20	49	3	
	49	16	50	20	
	52	23	53	8	
	55	22	56	13	
	56	21	58	2	
	58	14	59	11	
	59	12	60	2	
	60	21	62	4	
	62	5	62	9	
	62	18	63	4	
	63	5	63	14	
	63	15	64	11	
	64	14	65	4	
	65	5	66	11	
	67	18	69	1	
	70	16	71	14	
	71	17	71	17	
	71	23	72	4	
	72	18	73	8	
	74	5	74	15	
	74	16	76	7	
	76	8	77	6	
	77	10	77	17	
	77	18	79	2	
	79	3	80	1	
	80	2	80	14	

Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	82	3	83	11	
	84	14	85	10	
	86	3	86	17	
	89	7	89	12	
	89	13	90	17	
	90	20	91	14	
	91	15	93	1	
	93	2	93	13	
	94	10	94	20	
	101	24	103	9	
	109	6	110	3	
	114	15	115	3	
	124	4	124	25	
	125	23	127	13	
	129	1	130	13	
	131	13	132	2	
	134	16	136	12	
	137	6	137	23	
	139	1	139	10	
	139	17	139	25	
	140	3	141	11	
	143	10	143	23	
	145	5	145	16	
	146	5	147	24	
	151	12	151	21	
	151	22	153	2	
	153	3	153	23	
	155	3	155	19	
	157	7	157	21	
	159	13	160	7	
	161	23	165	19	
	168	12	168	21	
	169	9	169	12	
	177	23	179	4	
	190	24	192	24	
	194	22	195	15	
	195	16	195	24	
	197	3	199	2	
	199	5	200	16	
	200	22	202	3	
	202	4	203	5	
	203	15	204	15	
	204	23	205	7	
	207	12	208	2	
	227	15	228	10	

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
<b>Lofton, Lucretia</b>					
	27	4	27	17	
	50	8	51	14	
	53	24	54	12	
	60	4	60	8	
	63	10	63	21	
	68	8	69	6	
	69	7	70	18	
	71	5	71	19	
	76	1	76	10	
	79	21	80	18	
	86	23	87	9	
	96	14	96	25	
	165	18	166	23	
	170	22	171	11	
	174	25	175	21	
	180	17	181	15	
	182	5	182	24	
	211	25	213	5	
	219	16	220	7	
	221	9	222	1	
	227	11	230	19	
	233	9	234	11	
	274	24	276	13	
	292	21	292	25	
	293	14	293	24	
	309	9	309	22	
	310	11	311	9	
	313	19	314	11	
	316	24	320	11	
	321	3	322	8	
	323	18	324	8	
	325	2	327	12	
	328	12	330	12	
	331	3	332	21	
<b>Martinez, Dianna</b>					
	18	21	19	8	
	24	6	24	14	
	30	2	30	15	
	30	16	31	6	
	31	11	32	8	
	32	15	35	5	
	36	11	36	20	
	44	11	45	17	
	47	21	48	20	



Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	52	18	52	21	
	59	8	59	25	
	66	6	66	18	
	67	3	67	20	
	69	5	69	12	
	80	5	80	19	
	81	11	81	19	
	84	10	84	24	
	85	6	85	19	
	86	7	86	20	
	87	1	87	9	
	88	3	89	1	
	95	18	97	3	
	97	20	98	10	
	103	4	104	10	
	114	2	114	15	
	115	2	115	8	
	117	6	117	12	
	122	16	122	18	
	125	2	126	20	
	128	10	129	19	
	130	10	133	24	
	134	18	135	22	
	136	15	137	21	
	138	18	138	25	
	141	14	143	6	
	143	8	143	18	
	149	23	150	6	
	151	14	151	19	
<b>Oldham, Dale</b>					
	16	5	17	17	
	25	11	25	21	
	31	5	33	15	
	34	15	38	15	
	38	21	38	23	
	39	17	40	22	
	41	15	41	25	
	43	4	43	16	
	45	4	48	15	
	49	9	51	3	
	51	14	53	8	
	55	1	57	7	
	57	25	60	5	
	60	24	70	1	
	70	16	71	10	

Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	71	24	73	6	
	73	13	74	10	
	74	19	75	7	
	75	19	85	8	
	85	14	85	21	
	86	4	86	13	
	88	24	89	6	
	101	16	106	6	
	106	10	106	25	
	107	16	109	20	
	110	6	110	9	
	110	18	112	2	
	112	6	114	24	
	115	6	116	3	
	117	3	118	24	
	119	3	119	21	
	120	16	122	6	
	122	9	126	18	
	127	7	128	1	
	129	11	129	18	
	131	3	131	15	
	132	4	133	8	
	133	11	134	3	
	134	10	135	20	
	136	13	138	6	
	139	24	141	18	
	142	2	144	15	
	145	19	146	12	
	148	21	150	23	
	151	20	153	14	
	153	21	154	6	
	154	20	159	5	
	159	25	161	8	
	162	2	162	25	
	163	3	163	20	
	166	10	167	12	
	168	8	168	13	
	169	25	173	21	
	175	19	176	13	
	176	18	176	19	
	177	3	177	6	
	177	11	178	14	
	187	21	187	25	
	190	6	190	20	
	193	8	193	13	

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	195	21	196	1	
	199	10	200	15	
	200	19	200	23	
	202	17	202	23	
	202	25	203	7	
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	203	24	204	13	
	205	23	206	6	
	207	13	209	16	
	210	19	210	23	
	211	6	211	25	
	212	17	212	21	
	214	3	216	8	
	224	25	225	20	
	231	10	232	4	
	232	10	232	20	
	232	25	233	6	
	233	9	233	17	
	233	20	234	5	
<b>Oskooii, Kassra</b>					
	64	14	64	19	
	68	22	69	10	
	74	2	74	10	
	96	5	98	4	
	99	12	101	1	
	102	7	105	16	
	106	18	107	2	
	107	7	107	17	
	113	1	113	4	
	180	5	180	16	
<b>Owens, Mark</b>					
	124	21	125	14	
	155	24	156	6	
	155	23	156	5	
	155	9	156	17	
	157	25	160	20	
	178	3	178	4	
	183	1	184	8	
	225	5	225	16	
	249	14	250	4	
	250	17	251	9	
<b>Petteway, Terry</b>					
	12	1	12	7	
	12	22	13	3	
	14	6	14	10	

Plaintiffs' Designations/Counterdesignations					Notes
PgFrom	LnFrom	PgTo	LnTo		
14	18	14		24	
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15	21	16		6	
16	14	16		24	
17	20	19		23	
20	8	20		17	
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26	10	27		1	
32	19	33		6	
37	12	37		21	
41	22	42		5	
43	9	44		9	
45	7	45		23	
46	18	47		4	
47	18	49		4	
57	11	57		18	
61	24	62		24	
62	25	63		6	
64	8	64		22	
64	23	65		9	
71	22	72		3	
<b>Phillips, Leon</b>					
7	8	7		9	
13	20	14		8	
21	2	21		7	
31	15	32		3	
33	22	34		15	
44	4	44		25	
50	21	50		25	
51	21	52		23	
57	10	57		19	
58	2	58		15	
65	22	66		12	
85	18	85		23	
93	7	93		21	
103	16	104		13	
110	5	110		9	
117	11	118		2	
124	3	124		22	
<b>Pope, Penny</b>					
9	9	9		17	
9	24	10		6	
13	12	13		14	
13	19	14		3	

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	14	6	14	20	
	16	3	18	1	
	20	13	21	7	
	25	13	26	2	
	26	16	26	24	
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	35	22	36	2	
	36	20	37	14	
	38	4	38	23	
	40	9	41	2	
	42	3	44	3	
	45	2	45	12	
	46	25	47	24	
	48	7	49	1	
	62	13	63	25	
	64	16	66	4	
	66	9	66	23	
	68	9	68	16	
	87	7	87	21	
	89	15	89	17	
	90	22	91	23	
	93	1	94	19	
	94	22	95	16	
	96	7	98	13	
	99	6	99	25	
	100	9	102	9	
	102	23	103	2	
	103	20	104	10	
	104	25	106	8	
	119	25	120	8	
	120	25	121	19	
	124	5	125	22	
	127	7	130	21	
	134	14	135	4	
	138	10	138	16	
<b>Rose, Derreck</b>					
	22	2	22	15	
	24	13	24	24	
	25	6	25	14	
	26	3	26	10	
	30	13	30	15	
	31	5	31	11	
	32	3	32	16	
	33	8	33	18	
	36	3	38	16	

Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	40	8	41	9	
	41	14	42	14	
	45	9	46	7	
	47	24	48	17	
	50	9	50	14	
	51	13	52	3	
	54	22	55	20	
	56	23	57	22	
	58	6	59	2	
	59	7	60	23	
	61	5	61	15	
	61	20	62	5	
	64	3	64	24	
	75	5	76	12	
<b>Shannon, Michael</b>					
	82	20	84	1	
	89	24	91	20	
	92	8	92	14	
	100	5	101	13	
	121	20	122	21	
<b>Sigler, Nathan</b>					
	20	23	21	1	
	21	4	21	6	
	28	4	28	8	
	54	12	54	12	
	55	11	55	18	
	56	16	57	4	
	57	7	57	13	
	57	20	57	25	
	60	15	60	18	
	61	6	62	5	
	62	14	62	19	
	65	3	65	6	
	66	24	67	10	
	67	15	67	18	
	68	19	69	12	
	69	24	70	2	
	70	10	72	12	
	72	15	72	15	
	72	20	73	9	
	73	15	73	18	
	73	19	74	3	
	74	7	75	13	
	75	20	75	24	
	76	2	76	22	

Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	77	9	78	3	
	78	14	78	16	
	78	25	79	20	
	80	14	83	14	
	83	23	84	4	
	84	11	84	20	
	86	17	87	15	
	89	18	89	22	
	90	10	91	12	
	91	17	92	3	
	92	15	92	19	
	92	25	93	1	
	96	14	97	15	
	100	18	100	24	
	105	18	105	24	
	106	2	106	25	
	107	8	107	14	
	108	7	108	9	
	108	24	112	12	
	116	1	120	25	
	121	7	121	9	
	130	24	138	22	
	140	4	141	22	
	142	3	144	22	
	146	19	147	15	
	147	19	149	25	
	150	6	151	24	
	152	6	152	8	
	152	16	152	19	
	152	24	153	18	
	154	15	154	20	
	156	9	158	19	
	167	17	168	24	
	174	19	175	8	
	203	15	203	15	
	204	12	205	20	
	211	19	211	20	
	222	1	223	21	
	224	12	227	17	
	229	14	229	16	
	229	22	230	11	
	230	20	230	23	
	231	16	231	16	
	232	12	233	20	
	238	21	239	12	

Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
<b>Sullivan, Dwight</b>					
	20	19	21	22	
	26	19	27	1	
	35	24	36	4	
	36	12	36	24	
	40	21	41	23	
	45	12	46	7	
	67	8	67	21	
	84	21	85	2	
	90	11	90	19	
	91	17	91	24	
	92	7	92	10	
	94	2	94	17	
	95	12	95	24	
	97	8	97	10	
	124	9	125	3	
	130	23	131	20	
	135	23	136	7	
<b>Toliver, Patricia</b>					
	15	21	16	20	
	18	7	18	15	
	30	5	31	3	
	31	4	31	15	
	37	10	37	16	
	37	18	37	21	
	43	1	44	6	
	46	16	46	25	
	47	1	49	8	
	53	4	53	25	
	61	20	62	5	
	64	12	64	23	
	79	22	80	24	
	90	9	90	22	
	91	23	92	4	
	96	25	99	5	
	102	1	102	11	
	103	5	103	11	
	103	23	104	21	
	105	10	105	18	
	107	16	108	1	
	108	13	108	23	
	109	25	110	3	
	110	8	110	15	
	111	18	112	2	
	114	2	114	14	



Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	115	9	115	22	
	122	4	122	23	
	123	25	124	15	
	132	6	132	16	
	144	24	144	25	
	145	2	145	4	
	146	8	146	17	
	147	23	149	6	
	171	15	172	2	
	187	15	188	24	
	190	19	195	2	
	192	21	194	15	
	195	1	195	2	
	197	12	198	10	
	203	5	205	21	
	211	18	212	20	
	213	17	215	3	
	216	18	216	23	
	218	2	218	24	
	220	18	221	11	
	222	24	224	14	
	224	20	225	11	
	226	3	226	16	
<b>Trounstine, Jessica</b>					
	83	11	83	16	
	84	17	85	1	
	86	9	86	10	
	87	4	87	5	
	98	5	98	14	
	99	4	99	13	
<b>Williamson, Roxy Hall</b>					
	11	17	11	25	
	12	6	12	7	
	12	12	12	20	
	13	10	13	19	
	14	17	16	5	
	16	19	19	9	
	19	16	21	11	
	21	24	26	13	
	27	8	30	25	
	31	8	32	3	
	32	19	34	14	
	35	9	35	24	
	36	12	36	14	
	37	6	38	22	

Attachment A

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	39	1	39	6	
	39	10	39	18	
	40	24	41	6	
	42	19	43	9	
	44	13	45	4	
	45	24	46	12	
	47	10	48	6	
	48	16	49	12	
	49	19	51	14	
	52	17	56	6	
	56	15	56	20	
	56	25	57	8	
	57	17	59	1	
	60	10	61	7	
	61	15	65	6	
	66	5	68	4	
	69	20	73	7	
	73	8	74	3	
	74	11	74	22	
	75	8	76	18	
	77	6	78	5	
	78	12	78	14	
	79	25	82	15	
	83	15	84	11	
	84	23	85	19	
	87	3	87	5	
	87	12	87	24	
	89	3	89	17	
	90	6	92	8	
	93	16	94	2	
	94	14	95	6	
	96	15	97	2	
	97	8	104	11	
	105	8	106	4	
	106	19	107	11	
	107	23	108	10	
	108	11	108	25	
	109	1	109	22	
	115	2	117	7	
	117	8	118	12	
	126	3	126	18	
	134	13	135	14	
	135	23	138	10	
	155	11	156	6	
	157	1	157	11	

	Plaintiffs' Designations/Counterdesignations				Notes
	PgFrom	LnFrom	PgTo	LnTo	
	168	7	168		13
	182	11	183		2
	190	9	192		2
	193	14	194		6
	195	2	197		3
	197	17	199		13
	199	22	200		2

		Defendants' Designations/Counterdesignations				Plaintiffs' Objections
		PgFrom	LnFrom	PgTo	LnTo	
						Consolidated Plaintiffs preserve and maintain all form objections raised by Consolidated Plaintiffs' counsel during the depositions, and the inclusion of a counter-designation by Consolidated Plaintiffs is in no way intended to waive such form objections or other objections listed herein.
<b>Anders, Barbara</b>						
		74	25	75	2	
		80	17	81	2	
		87	2	88	9	
		90	19	93	24	
		94	4	96	15	
		110	21	111	25	
		113	19	113	23	
		118	23	119	16	
<b>Apffel, Darrell</b>						
		79	25	80	10	
		85	20	86	1	
		103	3	103	5	
		103	14	103	23	
		106	24	107	16	
		130	4	130	6	
		148	9	149	2	
		160	7	161	5	
		216	18	216	25	
		219	3	219	21	
<b>Barreto, Matt</b>						
		36	1	36	18	
		38	1	38	21	
		40	4	40	13	
		43	24	45	3	
		50	1	50	25	
		51	4	51	24	
		53	19	54	2	
		56	10	57	25	
		58	4	58	25	
		69	2	69	21	
		71	14	71	24	
		77	14	78	14	
		80	1	80	4	
		81	4	81	25	
		83	7	83	10	
		83	20	84	7	
		84	18	86	9	
		87	4	87	12	
		88	1	88	14	
		90	3	90	11	
		91	7	91	17	
		92	10	93	9	
		94	10	94	21	

Attachment B

	Defendants' Designations/Counterdesignations				Plaintiffs' Objections
	PgFrom	LnFrom	PgTo	LnTo	
	95	22	95	25	
	96	4	96	19	
	97	19	97	21	
	102	18	103	7	
	107	3	107	10	
	109	13	110	6	
	111	15	111	25	
	124	3	124	15	
	130	17	131	9	
	132	1	133	9	
	134	13	135	6	
<b>Bryan, Thomas</b>					
	35	7	35	21	
	41	2	41	8	
	50	7	50	13	
	51	2	52	5	
	53	2	53	12	
	58	2	58	5	
	58	14	59	4	
	60	2	60	16	
	64	16	65	3	
	65	7	66	2	
	68	19	69	6	
	82	3	82	13	
	89	20	92	2	
	92	7	93	1	
	97	15	98	6	
	99	4	99	20	
	100	10	101	2	
	105	5	106	7	
	106	11	107	4	
	110	14	110	20	
	112	12	112	15	
	121	5	121	16	
	139	9	140	3	
	142	19	143	14	
	144	3	144	11	
	157	6	157	12	
	159	1	159	18	
	160	2	160	15	
	161	1	161	16	
	163	1	163	12	
	179	17	180	2	
	186	3	190	12	
	191	8	191	15	
	216	6	216	21	
	217	19	218	17	
	220	2	223	3	
	231	13	232	15	
<b>Compian, Joe</b>					
	28	11	28	20	

		Defendants' Designations/Counterdesignations				Plaintiffs' Objections
		PgFrom	LnFrom	PgTo	LnTo	
		43	5	43	10	
		99	20	99	21	
		100	11	100	17	
		108	24	109	12	
		113	19	114	4	
		123	20	123	25	
		139	9	139	16	Incomplete (FRE 106); Designation is part of an answer and needs more context
		141	19	142	21	
		180	5	180	17	
		195	25	196	11	
		210	7	210	22	
		218	15	218	18	
		227	2	227	11	Irrelevant and unfairly prejudicial (FRE 401, 403)
		243	12	243	24	
		249	8	250	21	Incomplete (FRE 106)
<b>Cooper, William</b>						
		36	8	36	16	Incomplete, mischaracterizes testimony (FRE 106, 403)
		37	5	37	23	Incomplete (FRE 106)
		38	2	38	3	Incomplete (FRE 106)
		44	13	44	20	Incomplete, mischaracterizes testimony (FRE 106, 403)
		46	2	48	16	Incomplete (FRE 106)
		48	21	49	25	Incomplete, mischaracterizes testimony (FRE 106, 403)
		51	1	51	21	
		52	1	53	4	
		55	15	56	2	Incomplete (FRE 106)
		56	8	56	14	Incomplete (FRE 106)
		56	19	56	24	
		75	3	75	21	
		77	2	77	19	
		84	9	84	24	
		94	10	94	18	
<b>Courville, Edna</b>						
		37	22	38	18	
		38	22	39	7	
		79	25	80	5	
		80	9	80	16	Incomplete, misleading without more context (FRE 106)
		90	10	91	6	
		96	23	97	20	Incomplete, misleading without more context (FRE 106)
		102	22	103	1	
		103	10	103	22	
		110	10	110	16	
		110	17	110	24	Incomplete, misleading without more context (FRE (106))
		110	25	111	1	

	Defendants' Designations/Counterdesignations				Plaintiffs' Objections
	PgFrom	LnFrom	PgTo	LnTo	
	129	12	130	25	
	138	23	139	8	
	141	4	141	9	
	142	4	142	11	
	142	16	143	12	
	144	2	144	18	
	149	17	149	23	
	150	8	151	5	
	167	23	168	24	
	185	5	185	12	
	187	11	187	18	Incomplete (FRE 106)
	193	9	193	16	Incomplete (FRE 106)
	198	13	199	15	
	200	10	200	16	
	201	5	201	13	
	201	23	202	13	
	211	23	212	24	
	220	4	220	18	
	221	24	222	1	
	222	5	222	9	
	222	15	223	9	
<b>Drummond, Tyler</b>					
	42	4	42	12	
	53	23	53	25	
	54	5	54	10	
	54	15	54	22	
	59	17	60	6	
	65	23	66	4	
	82	25	83	2	
	93	24	94	3	
	102	15	102	21	
	107	11	107	17	
	107	25	108	2	
	112	22	113	2	
	126	13	127	5	
	156	10	156	20	
	186	6	186	11	
	212	5	212	7	
	212	10	212	23	
	232	4	232	24	
	233	10	234	9	
	245	25	246	2	
	251	2	251	7	
	252	10	252	23	
	254	18	254	24	
<b>Fairfax, Anthony</b>					
	25	15	26	2	
<b>Giusti, Joseph</b>					
	15	1	15	25	
	17	8	17	11	
	23	8	23	10	

	Defendants' Designations/Counterdesignations				Plaintiffs' Objections
	PgFrom	LnFrom	PgTo	LnTo	
	23	20	24	11	
	24	16	25	11	
	27	3	27	10	
	34	13	35	1	
	42	11	42	18	
	43	9	43	22	
	47	8	47	11	
	64	16	65	2	
	66	20	66	23	
	73	20	73	23	
	75	12	75	16	
	88	16	89	7	
	89	12	89	15	
	89	22	90	17	
	101	9	101	14	
	115	2	115	10	
	126	19	126	23	
	134	17	135	2	
	136	24	137	11	
	139	25	140	7	
	144	11	144	18	
	145	4	145	10	
	148	3	148	7	
	148	20	149	1	
	153	12	153	15	
	160	18	161	4	
	162	14	162	16	
	165	9	165	19	
	170	23	171	16	
	173	15	174	1	
	186	6	186	10	
	187	17	188	4	
	191	8	191	17	
	192	20	194	2	
	195	4	195	9	
	208	12	209	1	
	233	3	234	1	
	234	24	235	22	
	243	19	243	23	
	244	5	244	16	
	250	14	250	23	
	266	11	266	15	
	267	25	268	7	
	272	25	273	11	
	276	12	276	22	
	279	11	279	17	
	282	16	282	19	
	283	13	283	20	
	284	2	284	13	
	284	20	284	21	
	285	13	285	15	



	Defendants' Designations/Counterdesignations				Plaintiffs' Objections
	PgFrom	LnFrom	PgTo	LnTo	
	286	13	287	1	
	287	13	288	3	
	290	11	291	4	
	292	20	293	3	
	302	16	302	25	
<b>Henry, Mark</b>					
	61	10	61	17	
	67	9	67	11	
	68	24	69	12	
	69	16	71	7	
	93	9	93	14	
	94	23	95	2	
	146	9	146	11	
	159	23	159	25	
	160	6	160	18	
	162	20	163	20	
	200	21	201	4	
	219	16	219	24	
	228	22	228	23	
	234	12	234	18	
	235	3	235	19	
	236	21	237	8	
	241	3	241	10	
	272	20	272	23	
<b>Johnson, Cheryl</b>					
	35	12	35	25	
	36	17	37	9	
	38	5	39	21	
	40	1	40	11	
	41	16	41	22	
	42	13	43	4	
	47	24	48	8	
	54	15	54	25	
	100	19	101	23	
	103	10	104	3	
	105	1	105	7	
	105	20	106	14	
	131	16	132	2	
	132	3	132	6	
	137	24	138	5	
	141	23	143	2	
	154	12	154	17	
	156	1	156	14	
	166	2	166	20	
	168	22	169	19	
	194	10	194	21	
	196	6	196	10	
	204	16	204	22	
	206	14	207	11	
	208	4	208	22	
	211	4	211	24	

	Defendants' Designations/Counterdesignations				Plaintiffs' Objections
	PgFrom	LnFrom	PgTo	LnTo	
	212	7	212	17	
	212	25	213	19	
	214	11	215	1	
	215	21	216	5	
	218	7	219	17	
	229	16	229	24	
<b>Lofton, Lucretia</b>					
	52	4	52	21	Irrelevant (FRE 401)
	60	16	61	5	
	103	16	105	14	
	106	19	107	5	
	111	8	112	3	
	166	24	168	12	
	173	24	175	4	Incomplete (FRE 106)
	184	6	185	19	
	187	7	187	19	
	189	7	189	25	
	193	6	194	5	
	200	3	202	7	
	219	5	219	15	
	220	10	221	8	
	227	7	227	10	
	231	17	233	8	
	234	24	235	3	
	266	6	267	4	
	269	9	272	19	Incomplete (FRE 106)
	322	9	323	10	Incomplete (FRE 106)
	324	14	325	1	
	332	22	333	15	
<b>Martinez, Dianna</b>					
	24	15	24	24	
	26	9	26	13	
	26	25	27	20	
	30	16	31	10	
	31	2	31	6	Misleading without fuller context
	32	15	33	12	Misleading without fuller context
	36	11	36	17	
	36	21	37	12	
	42	7	43	5	
	44	7	44	10	
	50	9	51	12	
	52	18	53	24	
	61	7	62	19	
	66	19	67	2	
	67	21	67	24	
	73	25	74	21	
	76	8	76	20	
	79	1	80	4	
	80	20	81	10	
	81	20	82	4	
	84	6	84	9	

		Defendants' Designations/Counterdesignations				Plaintiffs' Objections
		PgFrom	LnFrom	PgTo	LnTo	
		84	16	84	24	Misleading without fuller context
		84	16	85	5	
		92	10	92	20	
		97	4	97	19	
		100	1	100	12	
		102	17	104	4	
		103	4	103	8	
		103	18	103	23	Documents speak for themselves
		107	13	109	10	
		110	3	110	5	
		110	16	112	5	
		112	13	113	6	
		114	16	115	1	
		117	13	118	2	
		127	21	128	1	
		128	15	128	17	Misleading without fuller context
		130	3	130	9	
		133	10	133	24	
		134	3	134	17	
		141	14	143	18	Relevance (FRE 401)
		150	7	151	13	
<b>Oldham, Dale</b>						
		55	1	57	7	
		58	6	59	18	
		62	24	65	8	
		67	7	69	3	
		77	23	79	9	
		79	15	81	16	
		81	20	84	25	
		86	14	86	25	
		87	5	87	15	
		90	11	93	11	
		95	4	95	25	
		96	5	98	7	
		102	10	109	11	
		110	2	110	5	
		110	18	111	23	
		112	9	114	17	
		117	10	119	21	
		120	5	120	8	
		120	18	126	14	
		127	7	128	1	
		128	16	129	13	
		132	4	133	1	
		133	19	136	25	
		138	1	139	6	
		139	24	140	22	
		142	24	144	25	
		146	18	147	8	
		155	3	156	12	
		156	21	158	15	

	Defendants' Designations/Counterdesignations				Plaintiffs' Objections
	PgFrom	LnFrom	PgTo	LnTo	
	160	4	162	1	
	162	24	163	16	
	163	25	164	9	
	199	21	201	16	
	202	17	203	12	
	205	7	207	1	
	207	21	208	19	
	211	15	212	16	
	212	22	213	12	
	216	3	218	9	
	220	25	221	20	
	222	23	226	2	
	226	12	228	14	
	229	3	230	1	
<b>Oskooii, Kassra</b>					
	61	7	61	18	
	64	20	65	3	Incomplete (FRE 106)
	66	15	66	22	
	69	11	69	18	Incomplete (FRE 106)
	74	11	74	15	Incomplete (FRE 106)
	75	6	76	2	
	87	2	89	3	
	96	20	97	20	Incomplete (FRE 106)
	100	4	100	11	Incomplete (FRE 106)
	101	2	102	6	Incomplete (FRE 106)
	103	1	103	18	Incomplete (FRE 106)
	107	3	107	6	Incomplete (FRE 106)
	107	18	108	7	Incomplete (FRE 106)
	110	16	110	22	Best evidence/document speaks for itself
	112	11	112	22	Best evidence/document speaks for itself; Incomplete (FRE 106)
	113	5	115	22	As to 114:15-115:22 best evidence/document speaks for itself
	116	6	117	11	Best evidence/document speaks for itself
	121	19	122	3	
	126	3	126	6	
	133	6	133	13	
	134	8	134	22	
	137	2	137	11	
	143	16	146	15	
	168	2	174	7	
	180	17	181	21	Incomplete (FRE 106)
	187	19	188	18	
	190	4	191	9	
	192	9	193	3	

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	PgFrom	LnFrom	PgTo	LnTo	
	193	18	194	4	
<b>Owens, Mark</b>					
	154	19	155	23	Incomplete (FRE 106)
	156	6	156	11	Lacks adequate basis (FRE 702)
	156	13	156	17	Lacks adequate basis (FRE 702)
	157	25	158	20	
	159	6	160	20	Lacks adequate basis (FRE 702)
	169	7	169	17	
	178	5	179	6	Incomplete (FRE 106); Lacks adequate basis (FRE 702)
	179	13	180	7	Incomplete (FRE 106); Lacks adequate basis (FRE 702)
	182	19	182	25	Incomplete, mischaracterizes testimony (FRE 106, 403); Lacks adequate basis (FRE 702)
	224	19	225	4	Incomplete (FRE 106); Lacks adequate basis (FRE 702)
	248	16	249	13	Lacks adequate basis (FRE 702); Misleading without fuller context
	249	20	250	16	Incomplete (FRE 106); Lacks adequate basis (FRE 702); Misleading without fuller context
	304	17	305	9	
<b>Petteway, Terry</b>					
	43	9	44	2	
	62	25	63	5	
	65	6	65	9	
	71	22	72	3	
<b>Phillips, Leon</b>					
	32	6	32	10	
	35	1	37	7	
	45	13	45	23	
	50	1	50	20	
	52	24	53	1	
	57	20	58	1	
	61	21	62	9	61:21-62:9: Lack of foundation
	61	21	62	10	
	62	20	65	21	
	67	17	70	21	
	73	5	74	2	
	73	10	75	15	73:10-75:15: Irrelevant and unfairly prejudicial (FRE 401, 403)
	76	4	78	15	
	76	14	78	11	76:14-78:11: Irrelevant and unfairly prejudicial (FRE 401, 403)
	79	5	79	25	Irrelevant (FRE 401)
	80	7	80	21	Irrelevant and unfairly prejudicial (FRE 401, 403)
	85	3	85	5	Incomplete (FRE 106)
	101	3	101	15	
	103	2	103	19	
	122	23	123	9	

	Defendants' Designations/Counterdesignations				Plaintiffs' Objections
	PgFrom	LnFrom	PgTo	LnTo	
<b>Pope, Penny</b>					
	32	10	33	12	
	36	3	36	16	
	38	15	38	23	
	42	13	42	21	Vague as to "improvement"
	62	13	63	13	
	65	6	66	8	
	66	24	68	8	
	75	5	75	25	
	92	24	93	17	
	99	2	99	25	
	99	21	99	25	
	101	8	103	19	
	103	24	104	10	
	104	15	104	24	Incomplete, misleading without more context (FRE 106)
	120	22	121	6	
	128	12	130	21	Incomplete, misleading without more context (FRE 106)
	133	2	134	3	
	134	20	135	4	
<b>Rose, Derreck</b>					
	31	12	31	22	Misleading without more context
	32	3	33	7	Misleading without more context; Irrelevant (FRE 401)
	33	19	33	21	
	36	19	36	24	Calls for legal conclusion
	41	10	41	13	
	50	2	50	8	Irrelevant (FRE 401) incomplete, misleading without more context (FRE 106)
	51	9	52	14	
	54	7	54	25	
	55	21	56	13	
	57	23	58	5	
	60	6	61	4	
	62	8	62	18	
	62	23	71	9	
	75	5	76	12	Misleading without more context
	79	5	79	25	Misleading without more context
<b>Shannon, Michael</b>					
	19	19	19	20	
	21	3	21	12	
	33	24	34	10	
	36	22	37	23	
	40	19	40	19	
	44	6	44	11	
	56	3	56	19	
	56	25	57	25	
	63	13	63	16	
	81	11	81	20	
	87	11	87	18	

	Defendants' Designations/Counterdesignations				Plaintiffs' Objections
	PgFrom	LnFrom	PgTo	LnTo	
	88	1	88	7	
	94	2	96	13	
	96	17	96	20	
	97	7	98	1	
	101	14	102	9	
	104	23	104	24	
	105	2	105	25	
	106	8	106	11	
	106	15	106	19	
	113	3	113	15	
	115	18	117	1	
	118	4	118	9	
	122	22	122	24	
	123	2	123	24	
	125	1	125	25	
	126	18	127	7	
	128	10	128	15	
	131	15	133	3	
	133	6	134	3	
	134	22	135	17	
	136	17	137	6	
	162	23	163	2	
	166	7	166	11	
	168	20	168	23	
<b>Sigler, Nathan</b>					
	18	18	18	19	
	21	2	21	3	Incomplete and Misleading (FRE 106)
	21	7	21	14	Incomplete and Misleading (FRE 106)
	43	4	43	16	
	49	8	49	11	
	49	19	51	3	
	51	13	51	20	
	52	3	52	8	
	52	10	52	20	
	53	20	53	25	
	57	5	57	6	Incomplete and Misleading (FRE 106)
	57	14	57	19	Incomplete and Misleading (FRE 106)
	60	24	60	25	
	61	1	61	3	
	62	6	62	13	Incomplete and Misleading (FRE 106)
	64	20	65	2	
	66	20	66	23	Incomplete and Misleading (FRE 106)
	67	19	68	18	
	69	13	69	23	
	70	3	70	9	
	74	4	74	6	Incomplete and Misleading (FRE 106)
	75	14	75	19	
	75	25	76	1	
	76	23	77	8	
	78	4	78	13	
	83	15	83	22	

	Defendants' Designations/Counterdesignations				Plaintiffs' Objections
	PgFrom	LnFrom	PgTo	LnTo	
	84	21	86	16	
	87	16	88	25	
	89	13	89	17	Incomplete and Misleading (FRE 106)
	89	23	90	9	Incomplete and Misleading (FRE 106)
	91	13	91	16	Incomplete and Misleading (FRE 106)
	92	4	92	6	Incomplete and Misleading (FRE 106)
	92	20	92	21	Incomplete and Misleading (FRE 106)
	93	2	93	5	Incomplete and Misleading (FRE 106)
	121	10	122	10	Incomplete and Misleading (FRE 106)
	139	19	140	3	
	144	23	146	18	
	150	1	150	5	
	155	21	156	8	
	194	19	195	10	
	202	6	202	22	
	209	14	209	17	
	212	13	212	16	Incomplete and Misleading (FRE 106)
	233	21	233	25	Incomplete and Misleading (FRE 106)
	234	8	234	11	
<b>Sullivan, Dwight</b>					
	27	2	27	4	
	42	10	42	18	
	46	8	46	11	
	125	4	125	14	
	178	19	179	8	
<b>Toliver, Patricia</b>					
	15	14	15	20	
	18	3	18	6	
	18	15	18	19	
	22	7	23	13	Testimony is beyond the 30(b)(6) noticed topics and deponent is speaking in her individual capacity, not as a representative of NAACP.
	28	5	28	11	Testimony is beyond the 30(b)(6) noticed topics and deponent is speaking in her individual capacity,
	28	5	28	25	not as a representative of NAACP.
	37	5	37	9	
	37	17	37	25	
	44	24	46	15	
	46	4	46	15	Testimony is beyond the 30(b)(6) noticed topics and deponent is speaking in her individual capacity,
	46	23	46	25	not as a representative of NAACP.
	49	9	50	1	
	50	4	51	18	
	89	21	90	8	
	91	10	91	22	
	99	9	99	14	



		Defendants' Designations/Counterdesignations				Plaintiffs' Objections
		PgFrom	LnFrom	PgTo	LnTo	
		99	19	101	2	
		102	12	103	4	
		105	19	106	2	
		106	22	107	15	
		109	21	109	24	
		111	10	111	17	
		113	19	114	1	
		114	15	115	8	Testimony is beyond the 30(b)(6) noticed topics and deponent is speaking in her individual capacity, not as a representative of NAACP.
		121	25	122	3	
		122	24	123	4	Testimony is beyond the 30(b)(6) noticed topics and deponent is speaking in her individual capacity, not as a representative of NAACP.
		122	24	123	12	
		132	2	132	5	
		132	16	134	13	
		144	15	146	7	
		145	23	146	12	Testimony is beyond the 30(b)(6) noticed topics and deponent is speaking in her individual capacity, not as a representative of NAACP.
		146	18	146	24	
		149	6	150	2	
		192	14	192	20	
		195	3	196	6	Incomplete (FRE 106); Misleading and confusing without fuller context
		197	7	197	11	
		215	4	215	9	
		216	24	217	13	
		224	15	224	19	
		226	17	226	21	
<b>Trounstine, Jessica</b>						
		84	4	84	16	Incomplete (FRE 106)
		86	11	87	3	Incomplete and misleading because designations start mid-question and end mid-answer (FRE 106)
		97	5	97	10	
		98	15	99	3	Incomplete misleading because designations start mid-question and end mid-answer (FRE 106)
		149	15	153	11	
		157	21	158	4	
<b>Williamson, Roxy Hall</b>						
		21	4	21	23	
		27	8	27	19	Incomplete, misleading without further context (FRE 106)
		29	12	29	15	
		31	3	31	7	

		Defendants' Designations/Counterdesignations				Plaintiffs' Objections
		PgFrom	LnFrom	PgTo	LnTo	
		32	13	32	18	
		38	23	38	25	
		39	7	39	9	
		40	5	40	12	
		41	18	42	4	
		43	10	43	17	
		46	21	47	9	
		49	13	49	18	
		56	7	56	14	
		56	21	56	24	
		68	5	69	19	
		74	4	74	10	Incomplete, misleading without more context (FRE 106)
		78	7	78	11	
		78	15	79	6	
		79	13	79	24	
		89	18	90	5	
		93	4	93	15	
		94	3	94	13	
		95	13	95	22	
		107	12	107	18	
		108	11	108	21	
		108	24	108	25	
		111	2	111	15	Incomplete (FRE 106)
		111	16	112	9	
		115	2	115	20	
		116	4	116	7	
		116	22	117	7	
		117	16	117	25	Objectionable as counsel misstating prior testimony and misstating the facts, unfairly prejudicial (FRE 403)
		118	1	118	17	
		118	18	121	8	Unfairly prejudicial (FRE 403)
		134	18	135	14	
		147	24	148	12	
		155	4	155	18	
		155	19	155	23	
		156	7	156	12	
		156	22	156	25	
		183	18	184	4	
		185	11	186	19	
		189	19	190	17	Unfairly prejudicial (FRE 403)
		190	18	191	4	
		191	5	191	8	
		191	9	191	19	
		191	20	192	2	

# Exhibit 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TERRY PETTEWAY, THE )  
HONORABLE DERRECK ROSE, )  
MICHAEL MONTEZ, SONNY )  
JAMES and PENNY POPE, )  
Plaintiffs, ) CIVIL ACTION

v. ) NO. 3:22-cv-57

GALVESTON COUNTY, TEXAS, )  
and HONORABLE MARK HENRY, )  
in his official capacity )  
as Galveston County Judge, )  
Defendants. )

UNITED STATES OF AMERICA, )  
Plaintiff, ) CIVIL ACTION

v. ) NO. 3:22-cv-93

GALVESTON COUNTY, TEXAS, )  
GALVESTON COUNTY )  
COMMISSIONERS COURT, and )  
HONORABLE MARK HENRY, in )  
his official capacity as )  
Galveston County Judge, )  
Defendants. )

DICKINSON BAY AREA BRANCH )  
NAACP, GALVESTON BRANCH )  
NAACP, MAINLAND BRANCH )  
NAACP, GALVESTON LULAC )  
COUNCIL 151, EDNA )  
COURVILLE, JOE A. COMPIAN, )  
and LEON PHILLIPS, )  
Plaintiffs, ) CIVIL ACTION

v. ) NO. 3:22-cv-117

1 )  
 GALVESTON COUNTY, TEXAS, )  
 2 HONORABLE MARK HENRY, in )  
 his official capacity as )  
 3 Galveston County Judge, )  
 and DWIGHT D. SULLIVAN, in )  
 4 his official capacity as )  
 Galveston County Clerk, )  
 5 )  
 Defendants. )

6 -----

7 ORAL AND VIDEOTAPED DEPOSITION OF

8 BARBARA ANDERS

9 APPEARING AS CORPORATE REPRESENTATIVE OF

10 PLAINTIFF NAACP MAINLAND BRANCH

11 APRIL 21, 2023

12 -----

13  
 14 ORAL AND VIDEOTAPED DEPOSITION OF BARBARA ANDERS,  
 15 produced as a witness at the instance of the DEFENDANTS,  
 16 and duly sworn, was taken in the above-styled and  
 17 numbered cause on the 21st of April, 2023, from 9:10  
 18 a.m. to 6:16 p.m., before Velma C. LaChausse, Shorthand  
 19 Reporter and Notary Public in and for the State of  
 20 Texas, reported by machine shorthand, at the law offices  
 21 of Greer Herz & Adams, L.L.P., 2525 South Shore  
 22 Boulevard, Suite 203, League City, Texas 77573, pursuant  
 23 to the Federal Rules of Civil Procedure and the  
 24 provisions stated on the record or attached hereto.  
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A P P E A R A N C E S

FOR THE NAACP MAINLAND BRANCH PLAINTIFF:  
Ms. Sarah Chen  
Skadden Fellow, Voting Rights Program  
TEXAS CIVIL RIGHTS PROJECT  
PO Box 17757  
Austin, TX 78760  
Phone: (512)474-5073  
E-mail: schen@texascivilrightsproject.org

FOR THE DEFENDANTS:  
Mr. Joseph R. Russo, Jr.  
GREER, HERZ & ADAMS, LLP  
One Moody Plaza, 18th Floor  
Galveston, TX 77550  
Phone: (409)797-3200  
E-mail: jrusso@greerherz.com

ALSO PRESENT:  
Mr. Bill Hartley, Videographer  
Ms. Jordan Raschke  
Mr. Andrew Silberstein  
Mr. Brandon Guerrero

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PROCEEDINGS

THE VIDEOGRAPHER: Today is April 21st, year 2023. We're going on the record, 9:10 a.m. We're here for the deposition of Barbara Rice Anders for a case filed in the United States District Court for the Southern District of Texas, Galveston Division.

Can the attorneys introduce themselves and who they represent?

MR. RUSSO: Yes. Joseph Russo, Jr., here on behalf of the defendants, Galveston County, and et al., other defendants; and Brandon Guerrero is with me as well who's a paralegal, and looks like Jordan Raschke Elton is online for my firm as well, so.

MS. CHEN: And Sarah Chen from the Texas Civil Rights Project and Andrew Silberstein from Willkie Farr & Gallagher for NAACP plaintiffs.

BARBARA ANDERS,  
having been first duly sworn, testified as follows:

EXAMINATION

BY MR. RUSSO:

Q. Good morning. It's Ms. Rice Anders. Right?

A. Mm-hmm.

Q. Can you go ahead and introduce yourself to the Court? State your name and --

A. My name is Barbara Jean Anders -- Rice Anders.



1 Q. Okay. And what's your current address?

2 A. My current address is 715 Second Avenue,  
3 North Texas City, Texas, and P.O. Box 1586. It's listed  
4 as my current address.

5 Q. Okay. How long have you lived at that address?

6 A. I've had that address since I think 1978.

7 Q. Okay. So definitely during the duration of  
8 this case, you've been resident of that --

9 A. I've been a resident of that --

10 Q. Yeah.

11 A. -- that address.

12 Q. All right. Do you -- have you ever had your  
13 deposition taken before?

14 A. Not as I can recall.

15 Q. All right. So do you understand you're here as  
16 the -- the representative voice for the NAACP Mainland  
17 Branch today?

18 A. Yes.

19 Q. Okay. And that you -- I assume you saw a -- or  
20 tell me if you did or didn't -- saw a deposition notice  
21 with a list of topics for you to know when you came  
22 today? Let me -- let me ask -- make it a simple  
23 question.

24 Do you recall seeing a deposition notice  
25 with a list of topics that you -- that we might ask you

1 about today?

2 A. I -- I saw a lot of different forms. I can't  
3 exactly recall everything that I saw.

4 Q. Okay. Well, and -- I'll actually give you a  
5 copy of the notice, and we can talk about it in more  
6 detail later. I was just wondering if you've seen it or  
7 recall seeing it.

8 So given that you haven't been deposed  
9 before, let's just -- we can talk about some of the  
10 ground rules and things that happen in a deposition just  
11 to make sure you're aware of those. If you -- I'm going  
12 to ask you questions. You answer as -- as -- you know,  
13 truthful and honestly. Your counsel may object between  
14 my question and your answer. Unless she instructs you  
15 not to answer, though, you typically can provide an  
16 answer. The objections, oftentimes, are just to  
17 preserve the record for -- for later. Do you understand  
18 that?

19 A. Could you repeat it again?

20 Q. Yes, ma'am.

21 A. Sorry.

22 Q. So I will ask you questions, and you're here to  
23 provide answers on behalf of the NAACP Mainland Branch.  
24 Do you understand that?

25 A. Yes.

1 Q. There may be times when I ask a question and  
2 your counsel objects on some basis or another. It  
3 doesn't necessarily mean that you're not supposed to  
4 answer unless she tells you not to. Do you understand  
5 that?

6 A. Yes.

7 Q. Okay. The court reporter swore you in, and do  
8 you understand that you're under oath to provide honest  
9 and truthful testimony just as if you were sitting in  
10 front of the judge and the jury in this case?

11 A. Yes.

12 Q. Okay. And so you're prepared to give truthful  
13 and honest testimony today?

14 A. Yes.

15 Q. All right. Did -- because the court reporter  
16 is transcribing, writing down everything that we say so  
17 that we'll have a record afterwards --

18 A. Mm-hmm.

19 Q. -- we have to -- our responses or your  
20 responses need to be verbal responses, and so shakes of  
21 the head or nods of the head don't -- don't transfer  
22 very well to her. So if you can keep your responses to  
23 "yes" or "no" and don't use gestures to answer a  
24 question, it's best for the court reporter. Is that  
25 okay with you?

1 A. That's okay.

2 Q. All right. We'll do -- I'll do my best not to  
3 speak over you, and if you let me, as I'm asking a  
4 question, get the full question out and then respond,  
5 that will help the court reporter take down what's  
6 happening in the room because she can't get two people  
7 or three people speaking at once. Do you understand  
8 that?

9 A. Yes.

10 Q. Okay. And in terms of breaks, if you need to  
11 take a break at any time, we're pretty, you know,  
12 flexible here. The only caveat to that is if you need a  
13 break, that's fine. We try to get -- make sure that we  
14 get whatever. If there's a question pending, if I ask  
15 you a question, we don't break between the question and  
16 the answer. You provide the answers, and then we can  
17 break after the answer is provided. Is that okay with  
18 you?

19 A. I -- I guess if I don't have to go on an  
20 emergency.

21 Q. Well, if -- an emergency may change everybody's  
22 situation here. Right?

23 A. Mm-hmm.

24 Q. But the point is when you're ready to take a  
25 break, let us know. All I would ask is that we get an

1 answer to any pending questions before we take a break.

2 Are you okay with that?

3 A. Yes, if it's a short enough -- I mean, if the  
4 answer that I'm going to give is going to be short  
5 enough --

6 Q. Okay.

7 A. -- that I -- that it wouldn't stop me from  
8 maybe going to the bathroom or something, if I had to.

9 Q. Yeah. Okay. I understand that.

10 A. Mm-hmm.

11 Q. And if that situation was to arise, we'll deal  
12 with it at that time. But nevertheless, we've discussed  
13 sort of the expectations, and, you know, we'll see how  
14 it goes. Is that agreeable?

15 A. Okay. That's agreeable.

16 Q. Okay. Then I understand we had your deposition  
17 set for Wednesday, and you weren't feeling well. Is  
18 that true?

19 A. Yes.

20 Q. And then how -- do you feel well enough today  
21 to be able to provide truthful and honest testimony?

22 A. Yes.

23 Q. Okay. And are you on any medications that  
24 might affect your ability to answer my questions  
25 truthfully and honestly? And let me say that I should

1 know about.

2 A. I can't say. I think I'll be able to -- maybe  
3 to answer the questions, but I don't know how the  
4 medication will affect that.

5 Q. Okay. So I'm gathering you're maybe taking  
6 some kind of medication? I'm not asking what it is.  
7 Are you taking some kind of medication currently?

8 A. Yeah, I take medication.

9 Q. Okay. And is it -- do you believe that the  
10 medication you're taking or have taken during the  
11 deposition or before the deposition is somehow going to  
12 impact your ability to listen to my questions and  
13 provide a truthful answer? Do you think the medication  
14 is going to affect that?

15 A. I can't -- I can't really give out  
16 specifications of particular medications, but I can just  
17 say I can answer the questions to the best of my  
18 ability.

19 Q. Okay. And what I'm trying to avoid is a  
20 situation where we go through your entire deposition,  
21 and then for whatever reason the answer is inaccurate or  
22 you think it needs to be changed, and then later we find  
23 out you're on some kind of medication that might  
24 affect -- impact your judgment. So that's what I'm  
25 trying to get at. Do you think -- are you on any

1 medications that you think might affect your ability to  
2 answer questions or understand the questions? For  
3 example, if you are on some kind of hallucinogenic  
4 medicine, it might impact your answers. That's what I'm  
5 trying to get at. Is there anything like that in your  
6 system that you think we should know about?

7 A. Well, I think my medical background would  
8 probably be protected, protected information, and I  
9 can't tell you exactly what all medications would do.

10 Q. Okay.

11 A. If I could do that, you know.

12 Q. Well, are -- have any of the medications you've  
13 taken, have they said maybe you shouldn't be answering  
14 questions or it might affect your ability to recall  
15 information or a historical fact?

16 A. Well, I -- I can't -- can't completely say  
17 because I don't know all -- all side effects of all  
18 medication. You're asking me something that I just  
19 can't tell you because I don't know all side effects of  
20 all medications.

21 Q. Okay.

22 A. If I'm going to be -- and you're asking me to  
23 be truthful and honest.

24 Q. I am asking you.

25 A. So asking me to give a truthful and honest

1 response to your question.

2 Q. And that's all I can ask for. At the moment I  
3 just want to make sure it's not your belief that any  
4 medications that you're on are going to impact your  
5 ability to do that?

6 A. Well, I can't make a belief because I don't  
7 know all the specific side -- side effects of all  
8 different medications, so I can't answer that. I'm --  
9 I'm -- I didn't do the research on the medi- -- on  
10 medications. I don't have all data on medications, so I  
11 can't be the one to answer those things completely.

12 Q. All right. Let me ask you this. Do you have  
13 any -- any conditions, physical conditions or other  
14 health conditions that might impact your ability to  
15 understand my questions today?

16 A. I think that might be a little hypothetical  
17 question, and I probably couldn't answer that  
18 completely. So you're wanting me to make a judgment on  
19 my own healthcare conditions today? Is that what you're  
20 asking me?

21 Q. Yes, ma'am.

22 A. And can you explain because...

23 Q. Yes, ma'am. My question is related to whether  
24 you have any health condition that might affect your  
25 ability to understand my questions. Do you anticipate



1 that being a problem today?

2 A. I'd say there would be something. I couldn't  
3 answer truthfully then and adequately because you're  
4 asking me to make an overall evaluation of my own  
5 health.

6 Q. All right.

7 A. But I can just say if you ask me something, I  
8 can answer the question to the best of my extent what I  
9 think, but I can't say the exact thing because I'm not  
10 the medical person that's in charge of that. I would  
11 say maybe you can talk to my physician or something, but  
12 I'm not going to make -- sit up here and make an overall  
13 diagnosis about my own health.

14 Q. Okay. Well, let me ask it this way, and I know  
15 I'm trying to get it to sort of make you comfortable  
16 with my concerns which are, do you anticipate that any  
17 health condition you have is going to create a problem  
18 with you understanding my questions today?

19 A. That's the same question that you just kind of  
20 asked me. It's -- you are asking me to make a decision  
21 about my overall health.

22 MS. CHEN: Joe, do you think we can go off  
23 the record for a second?

24 MR. RUSSO: Yeah, I was just going to ask  
25 you about that.

1 THE VIDEOGRAPHER: Off the record, 9:22.

2 (Recess taken.)

3 THE VIDEOGRAPHER: Going back on the  
4 record, 9:35.

5 Q. (BY MR. RUSSO) Ms. Rice Anders, okay, after --  
6 after the break -- well, before the break we were  
7 talking about asking you questions about your ability to  
8 answer my questions and understand my questions.

9 So let me ask you again after you've had a  
10 chance to discuss the situation. Did -- do you feel  
11 like -- well, let me ask it this way. Are there any --  
12 do you think you have any health conditions or on any  
13 medications that might impact your ability to understand  
14 what I'm asking you today?

15 A. I understand the question that you just asked  
16 me, and I'll be listening to try to understand the  
17 questions that you ask me and I can answer. But as to  
18 all effects of all medications, I can't say. But I can  
19 answer the question that you -- I understand what you  
20 just asked me.

21 Q. Okay. So let me see then if I can try to  
22 clarify this. You're on the medications, and you  
23 believe they might impact your ability to understand my  
24 questions, depending on what the question is?

25 MS. CHEN: Objection; misstates testimony.

1           A. My answer to you I just gave was that I don't  
2 know the side effects of every medication, so I can't --  
3 I can't -- you asked me to answer truthfully and to make  
4 a decision, and I'm answering truthfully. I say I can't  
5 understand the side effects of all particular  
6 medications and the impact they would have on any  
7 particular person. But I said I understood the question  
8 that you just asked me, and I'm answering that question.

9           Q. (BY MR. RUSSO) Okay. Do you have any reason  
10 to believe that the medication you're taking may impact  
11 your ability to understand my question? Has anybody  
12 told you that?

13          A. Would you say if my health provider -- I would  
14 have to go back and read all the literature on  
15 medications that I'm currently on.

16          Q. Yeah.

17          A. Because the medications, they would list  
18 different side effects and stuff like that of any  
19 medication that you're on. So I would have to go  
20 through the medication, read all the different things,  
21 and then ask you if there would have been something.  
22 But I understand what you're saying, and I'm answer- --  
23 trying to answer the question to the best of my  
24 abilities that you asked me.

25          Q. And that's all I can -- all I can ask for.

1                   So but -- my question, though, is, as you  
2 sit here right now without reading through the side  
3 effects of your medication, just reflecting on what you  
4 have and you know sitting here right now, is there any  
5 reason you have to believe that either a health  
6 condition you have or medication you're on presently is  
7 going to affect your ability to understand what I'm  
8 asking you? Is that something you know about right now?

9           A. So are you -- you're asking me to make my own  
10 healthcare diagnosis? Is that what you're asking me?

11          Q. I'm asking you what's in your -- what's in your  
12 head right now in terms of what knowledge do you have  
13 sitting right here right now as to whether you have may  
14 have a health condition or be on medication that may  
15 affect your ability to understand my questions?

16          A. Well, I understood what you just asked me, and  
17 I'm -- and you're trying to -- to get me to say  
18 something specifically I don't know. I can just say  
19 what I'm saying, and I can answer the questions to the  
20 best of my ability right now.

21          Q. Okay. There's -- do you have any independent  
22 reason to believe that you can't -- you wouldn't be able  
23 to understand what I'm asking you, though? Do you have  
24 any reason to believe that you might have a condition  
25 that does not allow you to understand what I'm asking

1 you?

2 A. I understand what you just asked me right  
3 there, and -- and I understand that you're trying to  
4 tell -- make me make a medical diagnosis of myself. But  
5 I can understand you can ask me the questions, and I can  
6 understand -- answer to the best of my understanding  
7 right now.

8 Q. Okay. So it's your belief that you can  
9 understand what I'm asking you. Correct?

10 A. I don't have belief about my over- -- my own  
11 overall medical health because I wouldn't just be  
12 diagnosing myself. But, you know, I can answer the  
13 questions to the truth, as truthfully as I can of what  
14 you ask me.

15 Q. Okay.

16 A. Okay?

17 Q. All right. Then you don't -- you don't have  
18 any reason to believe that you have some condition that  
19 might impact your testimony. Is that true?

20 A. You're asking me to make a medical diagnosis of  
21 myself right now, so... Okay.

22 Q. I don't want your medical diagnosis. I'm just  
23 asking about what you know, as you sit here right now,  
24 as you walked in the door. Do you have a belief that  
25 there's a condition or a medication you're on that

1 impacts your ability to understand what I'm asking you?

2 A. I can -- I understand what you're asking me  
3 right now.

4 Q. Okay.

5 A. What -- the question that you just said there,  
6 but you say as you walked in the door. I could  
7 hypothetically say as you walked in the door, you  
8 wouldn't necessarily know. You could think that you had  
9 something, but you wouldn't necessarily know whether you  
10 had cancer or whether you had some other condition. So  
11 I'm not understanding why I'm being asked to make a  
12 medical diagnosis of myself.

13 Q. Right.

14 A. But I can understand to the best of my ability  
15 the questions you're asking me, and I will answer them  
16 as truthfully as I can.

17 Q. Okay. Well, maybe I can kind of clarify what  
18 I'm asking, I guess the distinction I'm trying to draw,  
19 which is do you have any understanding as to what my  
20 vehicle that I drove in today looks like?

21 A. Well, how would I -- how would I know your  
22 vehicle? So that's the same thing I'm asking you. How  
23 would I know my overall health diagnosis?

24 Q. So the answer to the question is "no"?

25 A. I don't know what vehicle you brought in.

1 Q. Right.

2 A. But I am saying that I can answer to my best  
3 ability --

4 Q. Right.

5 A. -- the things that I'm answering right now.

6 Q. Right. And the answer to my question is "no,"  
7 you don't have any idea what kind of car I drove today.  
8 Right?

9 A. No, I don't. I mean, was I supposed to know?

10 Q. No, ma'am. No, ma'am.

11 A. Okay. Well...

12 Q. No, ma'am. But that's based on information you  
13 brought with you today. Right? But if I told you that  
14 I drive a white truck, now you have knowledge of a  
15 belief as to what I drive. Correct?

16 A. I don't have knowledge. I have what you said.  
17 I don't know whether you're being truthful or not, so I  
18 wouldn't have exactly knowledge. So I don't know. I'm  
19 going on what you're saying. I'm not understanding the  
20 line of questioning but...

21 Q. All right. But you have a -- you might have a  
22 reason to believe that I drive a white vehicle now.  
23 Would that be true?

24 A. I don't have a reason to believe you're driving  
25 just because you say it because you may not be telling

1 the truth, you know. I don't know.

2 Q. Okay. And you know what kind of vehicle you  
3 drove. Right?

4 A. I know what kind of vehicle I drove here.

5 Q. And you walked in the door with that  
6 understanding. You knew it without anybody having to  
7 tell you anything else. Correct?

8 A. I know what kind of vehicle that I drove here  
9 in.

10 Q. Right. So that's my -- that's why I'm asking  
11 you about your medical conditions, what you already  
12 know. As you sit here today, is there anything that you  
13 can think of in your -- in your mind that might tell you  
14 that there's something in your either medical health or  
15 that you're on medication that you've taken that may  
16 affect your ability to understand what I'm asking you?

17 A. Now, I don't know what type of car that's  
18 concrete and stuff and something that's not as concrete  
19 as a medical condition would have any bearing. But you  
20 just gave me two different circumstances that were not  
21 interrelated, and you want me to make a decision about  
22 that.

23 Q. No, ma'am. I'm asking you simply, in your  
24 mind, do you have any understanding as to whether you  
25 have a condition -- medical condition or taking



1 medications that might affect your ability to answer  
2 my -- understand my questions?

3 A. Now I'm saying I understand what you just asked  
4 me, and I understand that I gave you an answer that I  
5 cannot diagnose my own -- all my own -- one health  
6 medical condition.

7 Q. So you may, you may not; we're just going to  
8 have to guess about that today?

9 A. No.

10 Q. Is that true?

11 A. I don't know if it's true or not. I mean,  
12 you're just asking me to just put something in a blanket  
13 now.

14 Q. I'm just asking you.

15 A. You said, do you believe you can understand my  
16 questions? I said yes. Would you give the answer to my  
17 questions as truthfully as you possibly could answer? I  
18 said yes. And when I tried to answer them as truthfully  
19 as I possibly could answer, then it seems like I'm being  
20 directed to answer the way you want me to answer. But  
21 I'm going to answer the questions that you ask me to the  
22 best of my knowledge today. That's what I swore under  
23 oath to do.

24 Q. Yeah, and I get that.

25 A. Okay.

1 Q. The piece of the puzzle I guess I'm missing is  
2 that should I have some expectation that there's a  
3 condition you have or a medical -- you're on medication  
4 that may -- we may have to talk about later because I  
5 didn't know about it that's going to impact the  
6 deposition transcript? So that's what I'm asking you  
7 is, is there anything that you know of that might affect  
8 your ability to understand my questions or answer  
9 honestly?

10 A. I'm answering your questions as honestly as I  
11 can right now.

12 Q. Right. And -- but we don't know. I don't  
13 know. I still don't have an answer to the question.  
14 The answer to the question is you don't know. Is that  
15 true?

16 A. I'm answering the question from direct  
17 knowledge because things happen. If you're dealing  
18 about medications and stuff like that to the best of  
19 your ability, people always assume that they don't have  
20 side effects from different things, and then ten years  
21 down the line it might be talcum powder caused cancer.  
22 It might be hair dye caused cancer. So when you say  
23 stuff in a blanket, you just don't know.

24 Q. Right.

25 A. That's why -- and you're a lawyer. I presume

1 that you see. You've probably done a lot of litigation  
2 in your life, and you know that at one particular time a  
3 person may think everything is all right. Next year  
4 they done found out maybe something else is coming along  
5 with it. So if you asked me to put something in a  
6 blanket, I just told you I don't know what all  
7 everything would do. But I told you that right now, I'm  
8 answering questions to the best of my ability.

9 Q. And you don't have any belief as to any  
10 medications that you're on that are going to affect that  
11 that you know of. Is that true? That you know of right  
12 now. I'm not asking about what you might find out  
13 later. I'm just talking about right now.

14 A. I don't -- I just say I don't know, but go  
15 ahead.

16 Q. Okay. Well, I guess we'll see where the  
17 deposition takes us.

18 A. Okay.

19 Q. You know, deal with the fallout.

20 You said -- I think you told me you don't  
21 remember having a deposition taken before. Is that  
22 accurate?

23 A. I can't recall in the years that I've ever been  
24 on a deposition like this before.

25 Q. Okay. What about have you ever been a party to

1 a lawsuit, either a plaintiff or defendant?

2 A. A party to any type of lawsuit before?

3 Q. Yes, ma'am.

4 A. I -- I have been a party to a lawsuit before.

5 Q. Do you know when about that was? What year  
6 approximately?

7 A. Hmm. Well, we've -- I live in Texas City, so  
8 we've had all kind of different spills and stuff like  
9 that that I just don't remember exactly -- can't recall  
10 exact days.

11 Q. But --

12 A. But as being a party or something of being  
13 hurt, I guess it would have been that before. So I  
14 probably would have been a party to something or a  
15 plaintiff or a party to.

16 Q. Okay. Do you remember being a part of the most  
17 recent, what, I think they were referred to as the BP  
18 litigation?

19 A. The -- the -- I can't recall.

20 Q. All right. Of the matters you're thinking  
21 about that you might have been involved in, did those  
22 happen in the last ten years?

23 A. The last ten? I don't think so, as I can  
24 recall.

25 Q. Okay. So as the best you can recall right now,

1 if you had been involved in a lawsuit, it might have  
2 been as a plaintiff related to a spill or some exposure  
3 in the Texas City area? Is that what I'm hearing?

4 A. Are you just saying like individual overall  
5 plaintiffs or groups of plaintiffs? I -- I don't  
6 understand what you're really talking about.

7 Q. Okay.

8 A. But I know some of them would have been related  
9 to spills that happened in the -- in the city.

10 Q. Okay. Was it liquid spills or like the air  
11 spill into the air, do you remember?

12 A. So you...

13 Q. So, for example, there's -- let me try to  
14 clarify this for you.

15 A. So I understand what you just said. So you  
16 want me to delineate whether the spill was water or  
17 liquid or whether the spill was aerosols or something  
18 like that. I'm not an expert on environmental things,  
19 and I can't say exactly what they were.

20 Q. Okay.

21 A. So I would think you would have to get the  
22 experts that did the litigations and stuff to give you  
23 information on those particular things.

24 Q. Okay. Do you remember who your counsel was in  
25 the latest case, who represented you?

1 A. In different lawsuits before?

2 Q. In the most recent lawsuit that you were a  
3 party to, do you remember who your lawyer was?

4 A. I'm just not understanding. Is it any type of  
5 lawsuit? Are you asking broad, in-general lawsuits?  
6 It's lawsuits as a member of a particular group? Or  
7 what are you saying? Because we have different things  
8 at hand, so I want to know are you asking me something  
9 as an individual party or are you asking me something on  
10 behalf as a group party, say as it may have been a group  
11 that you may have been involved in such as the NAACP or  
12 it may have been a spill or whatever?

13 Q. And that's fair. That's exactly --

14 A. So I don't understand what you're asking.

15 Q. Let me -- let me rephrase the question. I  
16 appreciate that, you know, you drawing that distinction.

17 So you as an individual person, have you,  
18 Barbara Rice Anders, been involved in a lawsuit prior to  
19 today, to the best of your knowledge?

20 A. I said as an individual.

21 Q. Yes, ma'am.

22 A. So as an individual, to the best of my  
23 knowledge, I have been.

24 So I'm just trying to clarify. Am I going  
25 to be talking as an individual or am I going to be

1 talking about in this deposition all day as a plaintiff  
2 to the NAACP? So am I going back and forth?

3 Q. Yeah.

4 A. But you just asked me something individual. So  
5 I want to know, are we going to be doing all individual  
6 questions right now or where are we going?

7 Q. Well, again, that's a fair statement. What I'm  
8 trying to do is get a little background on you as an  
9 individual, and when I turn and we talk about the NAACP  
10 as a group, I'll let you know that.

11 Right now I'm just trying to get background  
12 on you as an individual, where you lived, what your  
13 background is like, have you been in lawsuits, that kind  
14 of thing.

15 MS. CHEN: So just to clarify, are you  
16 planning on taking the full individual deposition first  
17 and then transitioning to the 30(b)(6) transcript?

18 MR. RUSSO: No, this isn't an individual  
19 deposition. This is just you put up a witness; she's  
20 here. I just want to know a little bit about her, and  
21 that's it.

22 A. Okay.

23 Q. (BY MR. RUSSO) So my question is, you, as  
24 Barbara Rice Anders, what's -- have you ever been a  
25 party to a lawsuit as an individual before?

1 A. I answered that question before. I said I had.

2 Q. Okay. And do you know how many?

3 A. I don't know how many exactly.

4 Q. Okay. Do you know who any of the cases were  
5 against? Who was the defendant on the other side? Who  
6 was sued?

7 A. Well, and I live in an industrial area, so I  
8 would have to say I would have been -- possibly been a  
9 little -- might have been involved in some of the  
10 plant-based spills --

11 Q. Okay.

12 A. -- as a group of people, maybe for Marathon,  
13 but we have all kind of industries there, so...

14 Q. Right. And do --

15 A. And I would say as a person that lives on the  
16 coast and insurance and stuff like that, I would say I  
17 would have had litigation against specific insurance  
18 companies for property damages.

19 Q. Do you recall having litigation -- actual -- a  
20 case lawsuit filed against an insurance company or was  
21 it just a claim made to the company?

22 A. Can you specify what you mean against the claim  
23 and whatever?

24 Q. Yes, ma'am. So you understand that there's --  
25 you can file an actual lawsuit against a party, and you



1 mentioned insurance companies. You can file a lawsuit  
2 against that party. Right? Do you understand that  
3 that's part --

4 A. I understand that you can file a lawsuit  
5 against any particular party. Okay.

6 Q. Okay. And then you can also have a situation  
7 where you have a loss, your property experiences a loss,  
8 and then you send paperwork to your insurance company  
9 and say, hey, you owe me for this, and that's called a  
10 claim. You make a claim on your -- on your policy, and  
11 I'm just trying to understand, is when you're talking  
12 about a dispute with your insurance company, was there  
13 an actual lawsuit filed or was it just -- you just filed  
14 a claim with them?

15 A. I would say it would be a lawsuit for  
16 non-payment of claims.

17 Q. Okay.

18 A. If that's what you're asking me if I've ever  
19 had a lawsuit or...

20 Q. Yes, ma'am. Was that related to any of the  
21 storms, like Ike?

22 A. It would have been related to a storm.

23 Q. Was it Ike or Harvey or do you remember?

24 A. No, not Harvey. I can't recall the exact storm  
25 or occasion right now, but it would have been

1 weather-related.

2 Q. All right. In the last ten years, you think?

3 A. Do you know exactly what year -- if you're  
4 saying in the last ten years, I can't -- exactly what  
5 time Ike was -- I know when Harvey was. Ike or so would  
6 have been...

7 Q. Ike was September of 2008.

8 A. So that would have been greater than ten years  
9 right now.

10 Q. Yes.

11 A. So if you're saying within the last ten years,  
12 it might have been before that because I can't remember  
13 which specific events it was.

14 Q. Okay.

15 A. But it was not Harvey.

16 Q. Okay. Well, so let's turn and talk about your  
17 preparation for your deposition today.

18 What did you do to get ready to testify  
19 today?

20 A. I looked over -- talked with my attorney and  
21 looked -- just looked over the paperwork and stuff like  
22 that, and just prayed that I hope I can answer each  
23 question that you have to ask me today.

24 Q. That's probably the most important part, most  
25 important part of it. But really, it's not that bad.

1                   The -- so you said you met with your  
2 counsel?

3           A. Yes, I met with my counsels.

4           Q. And did you meet with anybody other than  
5 Ms. Chen, who's sitting here today?

6           A. Yes.

7           Q. Who else? Who were the other parties that you  
8 met with?

9           A. I think Andrew and -- I can't remember the  
10 attorneys that's associated with her.

11          Q. Are you thinking three people? Three other  
12 attorneys, you think?

13          A. Well, I know mostly Sarah and -- and Andrew,  
14 but maybe other attorneys. I don't know all the other  
15 attorneys, but...

16          Q. Okay. Was there anybody in any of the meetings  
17 that was not a lawyer that you recall?

18          A. What you mean?

19          Q. Did you meet with anybody in preparation for  
20 your deposition that you don't believe was a lawyer?

21          A. No. I met with my legal counsel. Are you  
22 trying to say did the legal counsel -- you have to ask  
23 the attorney about that because I don't know everybody  
24 that may or may not be a lawyer, so...

25          Q. Okay.

1 MS. CHEN: I am a lawyer, you're right.

2 A. You have to ask my legal counsel about that.

3 Q. (BY MR. RUSSO) Okay. So you don't know if any  
4 of the people you met with were not lawyers?

5 A. No. I prepped with my attorney. You know, I  
6 don't know.

7 Q. Did you talk to anybody, other than your  
8 lawyers, about the fact that you're having your  
9 deposition taken in this case?

10 A. What do you mean did I talk to anybody else?

11 Q. Did you tell anybody you were coming, that you  
12 were going to be deposed in the case?

13 A. No. I talked to my lawyers about being  
14 deposed --

15 Q. And that's it?

16 A. -- in the case.

17 Q. But anyone else?

18 A. I guess -- did I talk to somebody else or  
19 did -- the people that were listed on the sheet, we  
20 probably knew that was party to it was going to be  
21 deposed. But did you talk to them about deposed -- we  
22 knew other people was going to be deposed. I knew that  
23 probably.

24 Q. Okay. And who would you have spoken with about  
25 you being deposed? Who do you recall talking to that --

1 whether the conversation was, yeah, I'm going to be  
2 deposed or, you know, how does the deposition process  
3 work? Is there anybody that comes to your mind that you  
4 had a conversation with, other than your lawyers, about  
5 the fact that you were going to be deposed in this case?

6 A. No. The lawyers told us that we was going to  
7 be deposed and stuff.

8 Q. Well, I don't -- let me stop you there. I  
9 don't really want to know --

10 A. Because I don't know what you're saying.

11 Q. I just don't want you to disclose what your  
12 lawyer is talking to you about.

13 A. Okay. Well, okay. So I don't know.

14 Q. Let me just give you an example. So you  
15 understand that in this case one of the parties to the  
16 case is Terry Petteway. Do you understand that?

17 A. Well, you just showed me. You want me to look  
18 at that so I can see all the different parties to the  
19 case on there?

20 Q. I can show you what's been marked as Anders  
21 Exhibit 1.

22 (Exhibit No. 1 was marked.)

23 A. Okay.

24 Q. (BY MR. RUSSO) This is the style of the  
25 lawsuit.

1 A. Okay. So what you want?

2 Q. I'm asking -- I'm just -- so follow along here.

3 So if Terry Petteway is a plaintiff in the  
4 case, did you, by chance, talk to Terry Petteway about  
5 the fact that you're going to be deposed?

6 A. No.

7 Q. Okay. That's all I'm asking. And is there any  
8 other parties to this case here that you have spoken  
9 with in relation to you being deposed?

10 A. No, no, no. I ain't saying that -- spoken with  
11 or knowing about the deposition, not particularly about  
12 the deposition, but I knew that these other people were  
13 going to be deposed --

14 Q. Okay. And --

15 A. -- in this branch of this.

16 Q. In the lawsuit?

17 A. Yes, but no, so...

18 Q. Okay. So you haven't specifically talked to  
19 anybody on that list about --

20 A. Well, I talked to a lot of people on the list,  
21 but I talk to people on the list not particularly about  
22 being disposed -- deposed. And if I can't talk about --  
23 you say I can't talk about a client -- lawyer/client  
24 information, so I can't say.

25 Q. But you can tell me whether you've spoken to

1 individuals and not -- let me just make sure we're  
2 clear.

3 Right now I'm talking to you about any  
4 discussions you've had with people who are not lawyers  
5 and are not representing you or the NAACP in this  
6 lawsuit. And as an example, Ms. Chen is representing  
7 NAACP in the case. So other than lawyers --

8 A. So if she's representing NAACP in the case, I'm  
9 just going to ask you to clarify something. If she's  
10 representing NAACP and branches in the case, which I  
11 don't know if those people are on the case that she's  
12 representing that may be NAACP members, would they know  
13 something about it?

14 Q. Yeah, I wouldn't know that.

15 A. Okay. Well, I'm not understanding when you say  
16 did you talk to them or have you been in a group where  
17 they're not -- I can't talk about things in a group with  
18 their attorneys or what. So what are you exactly saying  
19 if you don't want me to be talking about the  
20 lawyer/client's privileges?

21 Q. Yeah. What I'm asking you is have you had  
22 conversations about the fact that you're going to be  
23 deposed with people who are not your lawyers in this  
24 case?

25 A. The people that are party to NAACP branches or

1 something that's represented in this case?

2 Q. Anyone. Have you spoken to anyone, other than  
3 your lawyers, about the fact that you're being deposed  
4 in this case?

5 A. Well, I can't say that I have not. I think  
6 that the people on here knew -- probably knew that  
7 people were going to be deposed on that.

8 Q. But do they know that from your conversation  
9 with them?

10 A. We're not having -- we're not having general  
11 conversations and stuff because...

12 Q. What do you mean?

13 A. General conversations about the deposition?

14 Q. Yes, ma'am.

15 A. We don't have general conversations about the  
16 deposition because we don't know what they're going to  
17 be doing, but that's what the deposition is about.

18 Q. Okay. So then the answer is no, you haven't  
19 talked to other folks particularly on that list related  
20 to the fact that you're being deposed. Is that true?

21 A. Well, I wouldn't necessarily -- I would say  
22 that they probably knew that everybody was being  
23 deposed.

24 Q. But if they knew that information, they got it  
25 from someplace, not from you. Is that true?



1 A. They could have been -- how would I know they  
2 weren't in a group setting?

3 Q. I don't know. You have to tell me that.  
4 That's why I'm asking you.

5 A. Well, then I can't --

6 Q. Have you had a group setting without your  
7 counsel available?

8 A. Well, I can't say that with no group setting  
9 without any counsel available. I can just say what I've  
10 gone with my counsel.

11 Q. Have you had any group settings without your  
12 counsel related to this case?

13 A. What do you mean?

14 Q. Have you had any group meetings without your  
15 lawyers present related to this lawsuit?

16 A. Related to the lawsuit?

17 Q. Yes, ma'am.

18 A. That's broad and general because before you  
19 even come to the lawsuit and even file the lawsuit, it  
20 has to go through people, executive boards and stuff  
21 like that. So would you have had conversations about --  
22 possibly, maybe, about retaining counsel, maybe.

23 Q. Okay.

24 A. So I'm not understanding.

25 Q. So the answer is maybe?

1           A. If you're talking about a group because the  
2 NAACP is a branch. It's a group.

3           Q. That's true. But I'm asking you, do you --  
4 Ms. Rice Anders, do you recall having a meeting with  
5 people, whoever it is, without your lawyers present  
6 related to this case?

7           A. I would say we -- I would have to have had  
8 something without.

9           Q. And do you remember when those might have been,  
10 what -- approximate dates of those meetings?

11          A. No. Probably before these things because they  
12 happened, though, that the suit was going to be filed,  
13 but I don't know the exact dates.

14          Q. Okay. But prior to the suit being filed, you  
15 think?

16          A. Well, I know it would have been prior to that  
17 they would have, and other than than those...

18          Q. All right.

19          A. I'm trying to think to my best of my knowledge  
20 because I want to be telling the truth. And like I  
21 said, on some of these things the branches may know.  
22 The branches -- when you're talking about any group  
23 settings without your attorneys and stuff.

24          Q. All right. As a representative of the NAACP,  
25 do you -- how many times did you meet with your lawyers

1 to prepare for the deposition today?

2 A. I can't recall the exact amount of times that I  
3 met with my attorneys.

4 Q. Was it more than once?

5 A. More than once.

6 Q. Okay. Ten times?

7 A. I don't know if I met with him ten times. I  
8 don't know the exact number, but it was more than once.

9 Q. Okay. Could it have been as many as ten?

10 A. I don't know the exact amount. You probably  
11 could get that from the attorney.

12 Q. I can't ask your attorney, unfortunately.

13 A. Okay. Well...

14 Q. I just have to get whatever knowledge you have  
15 on behalf of the NAACP.

16 A. I don't know the exact amount of times that I  
17 talked to my attorneys on prep and stuff, and I would  
18 say it would be greater than one. And would I say it  
19 would be greater than ten, I don't know if it was  
20 greater than ten.

21 Q. It could have been more than ten times?

22 A. It could have been more than five. If it was  
23 more than -- however I talked to my attorney, more than  
24 ten times, I'm not going to say in a box because I  
25 wouldn't be truthful. If I say it was less than ten, it

1 was more than ten, I may not be telling the truth. So  
2 if I'm telling the truth, I can't exactly recall the  
3 amount of times that I'd spoken to my legal team.

4 Q. So as --

5 A. So it was more than once. I can't exactly say  
6 whether it was greater than ten because you gave me two  
7 specifics and stuff, so I cannot say.

8 Q. Okay. But as a NAACP representative, you could  
9 have met with your lawyers more than ten times in  
10 connection with preparing specifically for this  
11 deposition?

12 A. Just overall meeting with the attorney  
13 preparing for the deposition?

14 Q. Yes, ma'am.

15 A. I don't know because you're asking me to say  
16 something, and I'm telling the truth. I ain't trying --  
17 I can't make an untruthful statement.

18 Q. And I don't --

19 A. I'm trying to tell the truth.

20 Q. I don't want you to do that either.

21 But as we sit here today, you don't know  
22 whether the number of times that you met with counsel to  
23 prepare for this deposition was more or less than ten  
24 times?

25 A. I'd say I didn't know whether it was more or

1 less.

2 Q. What about the --

3 A. It was greater than one.

4 Q. What about the amount of time spent with  
5 counsel in preparation for your deposition? Do you know  
6 how much time that you might have spent?

7 A. Are you trying to ask me about the exact number  
8 of -- I don't know what you're trying to ask me. Are  
9 you trying to ask me the exact number of billable hours  
10 that I spent with my counsel or something regarding  
11 that? I don't know. That would be something that I  
12 guess you can get somewhere down the line from them  
13 because I don't know the exact answer to that.

14 Q. Can you provide me with an estimate amount of  
15 time in hours or minutes that you spent with your  
16 lawyers in preparation for your deposition today?

17 A. I just can't guess and make up nothing. You're  
18 asking me for a guesstimation; that's something made up.

19 Q. Well, I'm asking for your best guess, based  
20 upon what you know. How much time did you spend  
21 preparing for your deposition today?

22 A. I don't just have a best guess.

23 Q. Okay. So you don't know?

24 A. You're asking me an exact time, and I said, you  
25 know, what I thought. Are you asking me about all --

1 you're asking me two different things. You're asking me  
2 about how many times did you meet with them? Secondly,  
3 you asked me how much time did I spend with them each  
4 time I met with them and stuff, which I said I didn't  
5 know those exact times. But you say you wasn't able to  
6 ask my attorney, so I guess somewhere down the line --  
7 you're an attorney. I don't know. Maybe y'all have  
8 billable hours. You may find it out. So you may get  
9 those exact times and stuff. I don't know how this  
10 goes, but I'm sure you probably would be able to find  
11 out the exact stuff. So there's no sense in me sitting  
12 here trying to lie about it.

13 Q. Okay. But as you sit here today, you do not  
14 have any estimate for the amount of time you spent with  
15 your counsel in preparation for your deposition. Is  
16 that accurate?

17 A. You asked me in a range. You say, was it more  
18 than once? I told you it was more than once. You say,  
19 was it greater than ten? I said, I don't know whether  
20 it was greater or less than ten. So I gave you an  
21 estimated time, a range. And then you asked me about  
22 how many hours I spent exactly on each time I prepped  
23 with them, and I said, I don't know exact amount of  
24 hours. Was it an hour or two hours, 30 minutes or  
25 40 minutes or two-and-a-half hours? I told you I didn't

1 know the exact time, so I'm just being truthful about  
2 what I'm saying.

3 Q. Right. And I don't -- I'm asking you if you  
4 have an estimate amount of time, not the exact.

5 A. In order to make an estimate, I have to know  
6 exact how many times because estimations are made off of  
7 timing and things spent between that time and the time  
8 that's allotted. So if I say that it was more than ten  
9 or something, if I would have said that, which I didn't  
10 say, I said I didn't know whether it was more or less,  
11 and if I knew exactly whether it was an hour or two  
12 hours and stuff, then I can say based on that specific  
13 amount of stuff this is the estimation, but I told you I  
14 couldn't -- didn't know the exact times and stuff.

15 Q. When was the --

16 A. So I'm not making that explanation [sic].

17 Q. When was the last time you met with your  
18 counsel to prepare for your deposition? What day --  
19 date?

20 A. The last time I spoke with my counsel?

21 Q. To prepare for your deposition, yes, ma'am.

22 A. I spoke with my counsel on yesterday.

23 Q. Okay. And how long did y'all talk in that  
24 meeting, conference?

25 A. I don't know because I wasn't sitting there

1 watching the time.

2 Q. Was it by phone?

3 A. I was talking to my counsel.

4 Q. By -- on the phone?

5 A. I think it was by phone, but I wasn't, you  
6 know, just looking at the time. But -- but, you know,  
7 I'm sure they would have that. I don't know.

8 Q. Okay. And so you spoke to your -- on the phone  
9 to your counsel yesterday. Was that with Ms. Chen or  
10 were there other attorneys involved? What do you  
11 recall?

12 A. I recall that I spoke with my counsel,  
13 Ms. Chen, on yesterday.

14 Q. Okay. And, again, no estimate? Do you have  
15 any estimate? Can you provide me any estimate for how  
16 long you spoke to her?

17 A. Hmm. Because when I'm talking to her, I don't  
18 think about -- I won't be thinking about time. So I  
19 don't know if it was hours or less than an hour or --  
20 or -- I don't know. I don't know the exact time.

21 Q. Okay. And the best of your recollection, it  
22 was not in person. True?

23 A. You're talking about did I meet with Sarah in  
24 person on yesterday?

25 Q. Yes, ma'am.



1 A. Ms. Chen on yesterday? No, I did not.

2 Q. Okay. All right. And what about did you -- do  
3 you recall meeting before yesterday with your lawyers to  
4 discuss preparation for your deposition? Was there --  
5 can you remember what approximate date you met with them  
6 prior to yesterday?

7 A. I have met with my counsel in person before.

8 Q. Let's -- okay. When was the last meeting in  
9 person you can recall, approximately?

10 A. What's today? Maybe -- I'm trying to get my  
11 thoughts together now. I think it was -- I think it was  
12 earlier this week. This is Friday today. So maybe  
13 Monday or something. I'm guessing. Maybe earlier this  
14 week. It could have been at the end of last -- oh, God.  
15 I'm not sure exactly.

16 Q. Okay. So if I'm correct, the -- Monday would  
17 have been the 17th of April? I think that's right, but  
18 is that your understanding?

19 A. I -- I'm trying to -- I can't remember the  
20 exact days that -- I'm just thinking that it would have  
21 been.

22 Q. Okay. Maybe this will help you recall. So we  
23 originally had your deposition set on Tuesday of this  
24 week, which was the 18th. Did you meet with your  
25 lawy- -- counsel immediately before that date and

1 setting?

2 A. I'm thinking it was -- I'm thinking it was  
3 Monday.

4 Q. All right.

5 A. But to be exact.

6 Q. Okay. And who was present at that meeting?

7 A. I just say if it was -- if it's -- because I'm  
8 just saying I think it was that day. I'm not exactly  
9 sure. But when I -- I think I just met with Ms. Chen.  
10 Are you talking about in -- who was present there?

11 Q. Yes, ma'am.

12 A. At that meeting?

13 Q. Yes, ma'am.

14 A. In person? I just said who it was, but would  
15 my other attorney have been on -- I guess like if  
16 they're on this, whatever they're on today, that you  
17 want me to say they would have been there, too?

18 Q. Yes, ma'am.

19 A. Okay. Well --

20 Q. I would include them as well.

21 A. Okay.

22 Q. So Ms. Chen was there in person? Is that what  
23 I'm understanding?

24 A. Yes.

25 Q. And then there were --

1           A. The last time I met with her, I met with her on  
2 person -- in person.

3           Q. And then at this in-person meeting with  
4 Ms. Chen, there were other people that might be  
5 available, licensing in, communicating with you on a  
6 Zoom chat or some kind of computer program. Is that  
7 true?

8           A. Probably just like y'all got -- did you say  
9 somebody was on here with you today, somebody else from  
10 your firm? Did you say that?

11          Q. There's several people, yes, ma'am.

12          A. Okay. Well, I think it would have been like  
13 that.

14          Q. Okay. Did you communicate with someone over  
15 the chat or through the computer during this meeting?

16          A. If I can recall, I think so.

17          Q. All right. So was it -- did you have a meeting  
18 with your counsel prior to this meeting which you think  
19 might have been on Monday?

20          A. Are you saying have I ever had in-person  
21 meetings with my counsel?

22          Q. In preparation for your deposition, prior to  
23 this in-person meeting that you just described for me.

24          A. Yes, I've met with my counsel before.

25          Q. In preparation for your deposition?

1           A. You got to explain. Like when I'm just talking  
2 to my counsel about stuff on here or when I'm just  
3 talking to my counsel because I'm confused about prep  
4 procedure -- preparation for the deposition and stuff  
5 like that or specifically meeting with your counsel?

6           Q. Okay.

7           A. So what you're -- what I am getting from you is  
8 that those are two different things. But if I meet with  
9 them for preposition [sic], it's not the same as me  
10 meeting -- just meeting with my counsel because -- about  
11 other stuff. So I don't know the difference when you're  
12 telling me, you know. Would you just explain that to me  
13 so I can understand what you mean? Because you keep  
14 saying meeting with them in preposition, have you ever  
15 met with your counsel and stuff like that.

16           Q. Yeah, and I'm trying to gear my questions  
17 towards the things that you would have done in an  
18 attempt to be ready to testify today as an  
19 organizational rep- -- representative for the NAACP  
20 Mainland Branch. So focus on that being the purpose of  
21 the meeting. That -- with that purpose in mind, did you  
22 have any meetings with your counsel for that purpose  
23 prior to this meeting on Monday that you just described  
24 to me?

25           A. Well, I'm a little confused on all these legal

1 terms by these meetings and stuff. So I can say that  
2 I've met with my counsel, and you're trying to make me  
3 make assumption about which -- which was what, but  
4 that's legal to me. So that's up to y'all, and I'm sure  
5 you'll get -- because those things are probably  
6 billable, I'm sure you'll get them on how they document  
7 what it was and what it wasn't. But I just know I met  
8 with my attorney several times.

9 Q. And -- okay. Let's look at the document that's  
10 marked as Exhibit 1 in front of you. Can you tell me,  
11 have you seen that document before? Go ahead and look  
12 through it as much as you need to.

13 A. (Witness perusing document.) So what you're  
14 asking me, if I've ever seen this before?

15 Q. Yes, ma'am.

16 A. I think I can recall seeing some of it before,  
17 and I can recall because this other one being notified  
18 that this deposition was going to include the new  
19 change, the date was going to include individuality or  
20 something on here and cooperative or something, and it  
21 changed from one date to the other one. Is that the  
22 notice of the change of the deposition? Was that that?

23 Q. Yes, ma'am. I'll represent to you that this is  
24 a notice of deposition that we sent to you, NAACP  
25 Mainland Branch, and it identifies topics that we would

1 like to discuss with the branch. Do you recall seeing  
2 this document before now?

3 A. I've seen -- yes, I saw these, some of these  
4 topics for examination, I think.

5 Q. Okay.

6 A. I can't recall exactly all the stuff I seen,  
7 but I can read over them and see some of the stuff.

8 Q. All right. And you were referring to the  
9 topics, the topics for examination that are on the  
10 fourth page of the document in front of you?

11 A. Are you talking about the document that's  
12 saying Exhibit A? Is that what you're talking about?

13 Q. Yeah. The page in -- actually in the middle of  
14 the page, it says, "Topics for examination." Do you see  
15 that?

16 A. Yeah, okay. I've seen that.

17 Q. And have you seen that list of topics before  
18 today?

19 A. I've seen topics.

20 Q. Okay. And is it your understanding that you're  
21 here to testify on behalf of the NAACP Mainland Branch  
22 as to these topics?

23 A. Yes.

24 Q. As the person with the most knowledge in the  
25 organization with -- for these topics? Let me ask the

1 question a little bit better.

2 As of today, do you feel like you're the  
3 person with the most knowledge on these -- the topics  
4 that are listed here?

5 A. Well -- well, I'm not saying that I'm the --  
6 that I'm the person with the most knowledge because  
7 that's an assumption on my part that I'm much smarter  
8 and know more than everyone else, but I understand what  
9 you're saying, that I'm going to be asked these  
10 questions and I'm here to testify regarding these  
11 things.

12 Q. Okay. Were there any topics on this list, 1  
13 through 20, that you feel like you can't provide  
14 testimony on on behalf of NAACP Mainland Branch?

15 A. Well, I would have to go through all of them  
16 again specifically. I think if you ask me the  
17 questions, I can answer to the best of my knowledge on  
18 some of the things --

19 Q. Okay.

20 A. -- that are here.

21 Q. Is it your understanding that to the extent  
22 that you needed to, that you had a duty to figure out  
23 the answer to some of these topics if you didn't already  
24 know the answer?

25 A. That I had a duty to?

1 Q. Yes, ma'am.

2 A. Okay. I'm not understanding what the duties  
3 entail. What type of duty are you saying that I had to  
4 figure out? Because some things that I don't have  
5 knowledge on, how would I figure them out and be  
6 truthful about? So I'm not here to speculate and think  
7 on things. I'm just here to give answers on what I can  
8 give. Now, to figure something out that I didn't have  
9 firsthand knowledge to is something different. So, now,  
10 I'm not here to speculate on anything. I'm here to  
11 answer the questions to -- that I know I can answer to  
12 the best of my knowledge. I'm not here to fact-find and  
13 discuss stuff that I wasn't privy to because if I wasn't  
14 party [sic] of it and it in there, I could be lying. So  
15 I'm not here to just overthink and say stuff.

16 Q. Were there topics on this list where you had to  
17 go find information from other people in order to cover  
18 them?

19 A. Well, some of the stuff that I'm looking at you  
20 may have, but this is some litigations and stuff like  
21 that and I don't know. You're an attorney. If you  
22 wanted to find information on stuff that I may or may  
23 not have been present on, I would think it is things  
24 that may not have been done by me, that you would locate  
25 those people and depose them yourself regarding it. I



1 don't know.

2 Q. Okay. In looking at this list, did you read  
3 through the list?

4 A. I read through some of the things briefly.

5 Q. Some of them or all of them?

6 A. I read through the list right here that you've  
7 given me, and I read through them. I looked through the  
8 list of things, and you're saying that -- I'm just going  
9 back to your question, that I'm supposed to look up  
10 people and find people and attest to something. So what  
11 you're saying, you want me to attest to second-hand  
12 knowledge about everything? Is that what you're asking  
13 me?

14 Q. That's what you're here to do. We asked -- we  
15 asked a representative from NAACP Mainland appear  
16 today --

17 A. Okay.

18 Q. -- to be able to provide testimony to the best  
19 of the organization's knowledge --

20 A. Okay.

21 Q. -- on these topics.

22 A. Okay.

23 Q. Can you do that?

24 A. I can provide information to the best of my  
25 knowledge on the topics that you ask me about on the

1 best of my knowledge that I have information regarding.

2 Q. Okay.

3 A. But what you're -- what I'm trying to get from  
4 you is I want to know are you asking me that if you said  
5 something in 1910 [sic] that I wasn't present on, that  
6 you want me to make a statement and say that it is a  
7 true statement and that it's in regards to something I  
8 may not have been in? That's what I'm asking you. Are  
9 you asking me to make statements of fact that I was not  
10 relevant to? Is that what you're asking me? I'm just  
11 trying to get some clarification on this.

12 Q. Yes, and I'm asking -- yes. The answer to your  
13 question -- I think the simple answer is yes. Are you  
14 prepared to provide answers to these --

15 A. I'm prepared to -- to do a response to the  
16 question.

17 Q. To these topics?

18 A. To the topics. To the best of my knowledge  
19 about the topics, yes.

20 Q. Are you suggesting then that if someone else  
21 from the Mainland Branch has knowledge relevant to these  
22 topics, you don't have that today necessarily?

23 MS. CHEN: Objection; form.

24 You can answer.

25 A. What I'm saying, you say if someone else --

1 could you repeat that? Because you said someone else.

2 Q. (BY MR. RUSSO) Sure. If there's -- if someone  
3 else knows something on behalf of the organization that  
4 you haven't talked to -- well, strike that.

5 Were there -- did you do anything to  
6 investigate what the response would be for these topics;  
7 "yes" or "no"?

8 A. So did I do anything to investigate what the  
9 response would be? So what you're asking me is did I --  
10 did I contact people that may not be present here that  
11 may be deceased or that may not be coherent enough or  
12 may not be something else that had privy to something,  
13 did I contact them to get true answers and stuff?  
14 Wouldn't that be if you had something that said these  
15 people may have been party to something, wouldn't it  
16 have been up to you or somebody to get them to witness  
17 that themselves [sic] because you want to have true  
18 testimony? I can answer anything on here to the best of  
19 my knowledge that I know about.

20 Q. Okay. And --

21 MS. CHEN: Joe, can we take a quick break?

22 MR. RUSSO: Anything would be helpful.

23 It's perfectly fine by me.

24 THE VIDEOGRAPHER: Off the record, 10:37.

25 (Recess taken.)

1 THE VIDEOGRAPHER: Going back on the  
2 record, 10:51.

3 Q. (BY MR. RUSSO) So Ms. Rice Anders, we were --  
4 I was asking you about the list of topics that we  
5 asked -- or planned to talk to the NAACP Mainland Branch  
6 about. You had a moment to speak with your counsel.

7 Can you tell me whether there are topics on  
8 the list that you've looked at and which required you to  
9 go find information from other people in order to answer  
10 the questions related to that topic today?

11 A. Related to a topic when it said from 2010 to  
12 present, I wasn't the president in that -- in 2010.

13 Q. Okay.

14 A. And back there. So I would have to get -- try  
15 to get information from past presidents and stuff that  
16 may have been involved in that time. And one of the  
17 past presidents would have been Dottie Jones, and I was  
18 not able to get in touch with Ms. Jones regarding that  
19 because she would have been the president at that time  
20 if you're talking about 2010 or '11 or something in that  
21 particular cycle.

22 Q. Okay. Was that the only topic where the  
23 situation -- where your response might be the same,  
24 which is you weren't able to get in touch with people  
25 who might have better knowledge than you to answer the

1 question -- the topics?

2 A. Yes. If it was -- if the question is if it was  
3 specific -- your specific information related to the  
4 topic.

5 Q. Do you have sufficient information or would  
6 you -- would you need to go find that information from  
7 other people within the branch?

8 MS. CHEN: Objection; form.

9 Q. (BY MR. RUSSO) Do you want me to rephrase  
10 that?

11 A. Yes, please.

12 Q. Okay. Do you feel like you have enough  
13 information to answer all these questions on these topic  
14 areas or are there topics here where you might have to  
15 go talk to somebody else about what the answer might be?

16 A. I would say I would have to hear some of the  
17 questions. Because at the time some of the things or  
18 documents relating to them, I may not know the answer  
19 because they would have come from someone else.

20 Q. Okay. And did you make an effort to collect  
21 information on these topics from other people, if you  
22 felt it necessary?

23 A. I -- in the past question that you asked me, I  
24 said the past president would have been -- at this time  
25 would have been Dottie Jones, and I was not able to --

1 to get in contact with Ms. -- with the past president.

2 So we have a lot of past presidents and past secretaries  
3 who may have had relevant information, but those people  
4 are older now and sick and they're not active in things  
5 like that, so --

6 Q. Okay.

7 A. -- we're not able to get with them. And I  
8 could just answer the questions and stuff to the -- to  
9 the best of my knowledge right now.

10 Q. Okay. Perfect. Did you -- are there -- do you  
11 recall -- did you speak with anybody within the NAACP  
12 Mainland organization or outside of the organization  
13 that might have information related to one of these  
14 topics in preparation for your deposition?

15 A. I would say I tried to, but...

16 Q. Okay. But you weren't able to get in touch  
17 with anyone, particularly Ms. Jones?

18 A. Particularly Ms. Jones that would have some of  
19 the information that you may be asking or the  
20 ex-secretary that may have had some of the  
21 information --

22 Q. Okay.

23 A. -- due to health-related issues and things like  
24 that, so...

25 Q. All right. So is it true then that you -- you

1 came to the deposition today with whatever knowledge you  
2 have on these topics, and that's what you prepared to  
3 cover. Is that true?

4 A. Yes, mm-hmm.

5 Q. Okay. All right. Did you review any documents  
6 in preparation for your deposition today that you can  
7 remember?

8 A. Any specific documents? Yes, I reviewed some  
9 documents.

10 Q. All right. Let me back up because there was  
11 something I wanted to ask you about that Exhibit 1.

12 Do you recall when around you received that  
13 list of topic areas?

14 A. I can't remember -- recall the exact date right  
15 now.

16 Q. All right. Do you think it was -- I don't  
17 know. Can you give me an estimate whether it was more  
18 than 30 days ago or less than 30 days ago, which would  
19 have been, I guess, March roughly 21st or 20th? Do you  
20 think it was before that or after that?

21 A. I can't recall the exact days and stuff.

22 Q. Okay.

23 A. You say you sent it to the branch, so I don't  
24 see no specific date.

25 Q. That specific document I'll represent to you

1 would have gone through your counsel, and then  
2 provided -- presumably provided to the branch through  
3 your counsel. I assume that's what happened. Is that  
4 your understanding as well?

5 A. Yes.

6 Q. Okay.

7 A. But I couldn't tell.

8 Q. All right.

9 A. I can't recall the exact specific dates or  
10 something like that.

11 Q. All right. How long have you known that you  
12 would have to show up to do -- to appear to be the  
13 representative for the Mainland Branch?

14 A. Probably -- I think it would probably maybe --  
15 to this deposition?

16 Q. Yes, ma'am.

17 A. I think it would be maybe more than 30 days or  
18 something. I'm assuming, but I can't tell you the exact  
19 date or so.

20 Q. Okay. And that's all I was asking more as a  
21 general estimate. Do you think you might have been  
22 informed that the NAACP Mainland needs to provide  
23 testimony on these topics, you think, maybe more than  
24 30 days or around that time?

25 A. I can't recall the exact time, but I just know



1 we did.

2 Q. All right. Okay. So now back to my question  
3 about reviewing documents.

4 I assume one of the documents you reviewed  
5 in preparation for your deposition was Exhibit 1.

6 Right? I think we've established that.

7 A. Yes.

8 Q. All right. And then what other documents that  
9 you recall that you looked at in preparation for your  
10 deposition today?

11 A. Okay. We had Exhibit 1, and I think we had the  
12 general overall statement of the -- the lawsuit that was  
13 filed, and I can recall maybe a letter or something that  
14 was reviewed by my attorney. I can't recall all of the  
15 different stuff. I would have to see.

16 Q. Okay. So I think you mentioned a statement of  
17 the case. Was that -- do you recall that being like a  
18 complaint or an amended complaint? Does that refresh  
19 your memory as to what you might have looked at?

20 A. Do you have a copy of that --

21 Q. I probably do.

22 A. -- so I can see?

23 MR. RUSSO: Let's mark this Plaintiff's  
24 Exhibit 2. I only have one copy of that for some  
25 reason.

1 (Exhibit No. 2 was marked.)

2 A. Yes, I've seen this before.

3 Q. (BY MR. RUSSO) Okay. Was that was doc- -- was  
4 Exhibit -- the document that's been marked as Exhibit 2,  
5 was that the document you were referring to as the  
6 statement of the case a minute ago that you reviewed?

7 A. I guess so, yes.

8 Q. All right. Was there anything in that --  
9 reading through that -- did you read through Exhibit 2?

10 A. Have I read through Exhibit 2 before?

11 Q. Yes, ma'am.

12 A. Yes, I've had an opportunity to -- to read some  
13 of the things listed.

14 Q. Okay. Do you recall -- do you recall looking  
15 at the original complaint in this case before it was  
16 filed back in the middle of 2022? Do you remember  
17 seeing it in sort of draft form?

18 A. I can't recall.

19 Q. All right. Okay. So in your more recent  
20 review of the complaint on Exhibit 2, do you -- is there  
21 anything in that document that sort of stuck out in your  
22 mind as being inaccurate?

23 A. I can't re- -- well, right now I can't recall.  
24 I would have to -- I said I saw it in brief, and I would  
25 have to read over it again.

1 Q. Okay. And then you also mentioned in your  
2 review you might have seen some letters. Is that right?

3 A. Yes.

4 Q. Okay. Do you remember approximately what the  
5 date was on those letters?

6 A. No.

7 Q. Was it an e-mail or an actual letter?

8 A. It was a -- no. It was a copy of a letter from  
9 something from maybe 2011.

10 Q. Do you remember who the letter was to or from,  
11 either way?

12 A. I think it was to the Justice Department. I'm  
13 not exactly sure. Do you have a copy of that?

14 Q. I don't know if I do or not, but I don't know  
15 that we'll need it. But I think --

16 A. If we -- are you saying -- I'm trying to think  
17 if I saw something. I would like to see whatever it is  
18 that I think I might have saw.

19 Q. Yeah, and I'm just trying to get your best  
20 recollection at this point. But as best you can recall,  
21 you think it was a letter that was sent to the  
22 Department of Justice back in, what, 2012 maybe?

23 A. Maybe.

24 Q. Okay. Is there anything else that sticks out  
25 in your mind, letter-wise or e-mail-wise, correspondence

1 that you looked at in preparation for your deposition?

2 A. So -- okay. So you're asking me did I see  
3 these in preparation for my deposition? You put some  
4 new word in there to me. Okay. So I can't recall  
5 exactly what else.

6 Q. Okay. Does seeing the documents, the  
7 amended -- or the amended notice of deposition,  
8 Exhibit 1, and then also the amended complaint which is  
9 Exhibit 2, does seeing those documents refresh your  
10 memory as to sort of how many times you met with your  
11 counsel in this case?

12 A. Are you talking about -- you said I met with  
13 my -- when I told you I met with my counsel more than  
14 once?

15 Q. (Nodding head.)

16 A. But I said -- and you said was it more than  
17 ten, and I said I didn't know, somewhere between one and  
18 that, I couldn't say more or less. So are you saying --  
19 are you asking me related to these three things that  
20 give me a time range that I may have met with my  
21 attorney? Are you saying that I got each one of these  
22 things at different times or what are you asking me?

23 Q. Yeah, I was asking you if your testimony is  
24 still the same as it was this morning now that you've  
25 seen those two documents? Has anything changed in your

1 mind as to how many times you've met with your lawyers?

2 And if the answer is no, I mean, I just want to know

3 if --

4 A. I -- I want to say between that time that I met  
5 with my lawyers, you know, within that range.

6 Q. Okay.

7 A. But I was just trying to see if you're saying I  
8 saw this or I saw this at one time and I saw this at the  
9 other time, I was just trying to figure out what kind of  
10 inference you was making.

11 Q. Yeah. Most of the time I'm not making any  
12 inferences.

13 A. Okay.

14 Q. I was just asking questions.

15 A. Okay.

16 Q. So yeah, I was just wondering if the material  
17 in front of you gave you some sort of revelation or  
18 something, you know --

19 A. Yeah.

20 Q. -- recollection as to the number of times you  
21 met. So it sounds like no?

22 A. I gave you a recollection. I said it was more  
23 than one, and I say it would have been -- may have been  
24 more than one, and you put the ten in there. That's  
25 something you put up there, and you said greater or

1 lesser than ten, and I said maybe in between the range,  
2 but I couldn't say it didn't go out the range. I said  
3 it could have been in between the range. It could have  
4 been one, it could have been five, it could have been  
5 seven, I said, in that range somewhere.

6 Q. Right. So let's turn and talk about your -- I  
7 just want to talk about your sort of individual  
8 background for a minute.

9 A. Okay.

10 Q. What -- what high -- did you grow up in  
11 Galveston County?

12 A. Yes, I did.

13 Q. You've spent your entire life in Galveston  
14 County?

15 A. Yes, I have.

16 Q. Did -- what high school did you graduate from?

17 A. Texas City High.

18 Q. Did you do any -- did you go to college after  
19 high school?

20 A. Yes, I did.

21 Q. Okay. Where did you go?

22 A. I went to Galveston Junior College. I went to  
23 UTMB-Galveston. I went to TWU. I went to the  
24 U of H-Clear Lake.

25 Q. Okay. And in -- was -- did you go to Galveston

1 Community College immediately after high school?

2 A. Yes.

3 Q. Okay. And then did you get your associate's  
4 degree from there?

5 A. Yes.

6 Q. All right. And what was that degree in?

7 A. I got an associate's degree in applied science  
8 and an associate's degree in nursing.

9 Q. In nursing?

10 A. Mm-hmm.

11 Q. Nice. Okay. And then after that was when you  
12 were going to UTMB?

13 A. I went later. After working a while, I went to  
14 UTMB School of Nursing.

15 Q. Okay. So --

16 A. Go ahead.

17 Q. Yeah. Let me try to sort of keep this in  
18 order.

19 So after you got your associate's from  
20 Galveston Community College, what did you do next? Did  
21 you go to work or go to another school?

22 A. No. I went to work in nursing.

23 Q. All right. And you worked -- did you work at  
24 UTMB?

25 A. After I finished -- after I originally finished

1 Galveston College, I went to work for UTMB for a year,  
2 and then I went to work at -- in Texas City. And then I  
3 went to work -- to the Health District, Galveston County  
4 Health District.

5 Q. Okay.

6 A. For 15 years.

7 Q. All right. So then you worked for UTMB for a  
8 period of time. How long was that?

9 A. One -- less -- one year right after coming out  
10 of school.

11 Q. And then you went to the city of Texas City?  
12 You worked at the city? Did you say city?

13 A. No. I went to work at Danforth Hospital.  
14 Danforth, they had a community hospital --

15 Q. Okay.

16 A. -- for a small time.

17 Q. All right. Was that as a nurse?

18 A. Yes.

19 Q. Okay. Was there any more specific title than  
20 nurse? Was it nurse practitioner? Nurse specialist?

21 A. Staff nurse at that time, at that particular  
22 time.

23 Q. Okay. All right. And then after that, you  
24 went to the Health District for work?

25 A. I went to work for Galveston County, well,



1 specifically for the City of Galveston but it was  
2 Galveston County, within Galveston County Health  
3 District in community health nursing, and I think that  
4 was in maybe '78.

5 Q. All right. Did you do that -- you went -- did  
6 you do that immediately after you left Danforth?

7 A. Yes, uh-huh.

8 Q. All right. What were your duties at the Health  
9 District?

10 A. I worked in public health nursing.

11 Q. And what does that entail? What do you do as a  
12 public health nurse?

13 A. You do home-based visits in the community,  
14 public health, and you do disease control, TB control,  
15 STD control. You do well-child care, things like that.  
16 But it's mostly public health, which has to do with  
17 maintaining the health of the community.

18 Q. Mm-hmm.

19 A. And so I worked there for 15 years in various  
20 communities within Galveston County.

21 Q. Did you -- while you were at the Health  
22 District, did you have any particular area that you  
23 worked or was it just anywhere in the county?

24 A. No. You had -- you had a particular area.

25 Q. Where were -- where was your area?

1           A. My first area is in -- when I worked at the  
2 Health District but -- because you had different  
3 employees. For the City of Galveston. For the City of  
4 Galveston, I worked in the City of Galveston doing  
5 public health nursing, newborn visits, home visits, and  
6 stuff like that within Galveston.

7           Q. Okay.

8           A. Within all the housing complexes in just the  
9 city.

10          Q. And so it sounds like you're telling me you had  
11 visits at individuals' homes?

12          A. Yes.

13          Q. In Galveston?

14          A. Mm-hmm, that's public health.

15          Q. What were you checking for when you visited?

16          A. You do -- you do mostly maternal and child  
17 health, babies and new mothers. You did the elderly,  
18 high blood pressure, diabetes, and stuff like that.  
19 Communicable diseases, TB control, seeing people that  
20 had communicable diseases, some VD control. We did  
21 clinics, actually saw clients in clinics to do  
22 well-child care as far as public health.

23          Q. And that's -- I'm going to -- I think you told  
24 me this. What year did you think you started at the  
25 Health District, '78 or so?

1 A. I think I started there in 1978.

2 Q. Okay. And then you worked there for 15 years?

3 A. 15 years.

4 Q. All right. During your time at the Health  
5 District, did you ever see incidences of race -- racial  
6 discrimination by Health District employees?

7 A. Well, you're talking about the period of  
8 time -- you're saying about Health District, per se,  
9 employees?

10 Q. Yes, ma'am.

11 A. Or general overall discrimination?

12 Q. No. I'm talking about people that you worked  
13 with or for.

14 A. Well, the Health District provided care to  
15 mostly indigent populations because this is Galveston  
16 County Health District. So you had a particular group  
17 of low to moderate income people that was there that  
18 they provided care for, so...

19 Q. Do you feel like for the most part that the  
20 Health District treated those patients fairly?

21 MS. CHEN: Objection; form.

22 A. I can't -- well, you had a different segment of  
23 people that kind of attended the Health District, and it  
24 was more low income minorities and stuff like that.  
25 Now, within -- being in -- that's medical healthcare.

1 | Being in medical healthcare, I would say, you know,  
2 | people had different referrals to different services and  
3 | stuff like that, you know, as getting specialty  
4 | referrals and things like that, the overall system on  
5 | where you could go for care if you were indigent created  
6 | barriers.

7 | Q. (BY MR. RUSSO) Created what, barriers?

8 | A. Because if I came, I wasn't -- couldn't go to  
9 | the specialist up the street. I had to go within the  
10 | system. So you just had one group of people that had to  
11 | go to what they considered -- they considered  
12 | substandard care, but you could go other places if you  
13 | had insurance and money and different stuff like that.  
14 | But you knew where you was going, if you was coming to  
15 | the Health District.

16 | Q. Within the Health District itself, though, do  
17 | you feel like the patients that you were seeing, they  
18 | were -- were they discriminated against based upon their  
19 | race from what you recall?

20 | A. Well, when you're seeing a particular group of  
21 | people in a certain place of care, then you can almost  
22 | adhere to that. I would say we -- my thing I would say,  
23 | we probably had poor and underprivileged people of all  
24 | color, but the majority of people there were minorities  
25 | and people that, you know, were uninsured.

1 Q. Okay. And were they specific race of

2 minorities when you say majority --

3 A. Well, it mostly --

4 Q. -- or was it mostly African Americans?

5 A. -- right, African Americans and stuff and

6 Latinos, yes.

7 Q. And then -- but there were White patients being

8 treated as well. Yes?

9 A. Well, you had some.

10 Q. Yeah. And so -- but do you -- sitting here

11 right now, do you recall any specific instances in your

12 mind where the Galveston County Health District acted,

13 you know, I guess in a discriminatory manner against one

14 of the patients based upon their race?

15 A. See, you're asking me for specific examples.

16 I'm just telling you about blocks of people and where

17 they would their healthcare at, and as to how they got

18 referrals and different resources they got. You would

19 know the difference.

20 Q. What difference? What do you mean? The

21 difference in level of healthcare?

22 A. Okay. Well...

23 Q. Strike that question. Let me make it -- let me

24 start with you.

25 Did you ever discriminate against any of

1 the individuals that you treated based upon their race?

2 A. No, I did not.

3 Q. All right. Do you -- do you know of any  
4 instances of other people you worked with that did that?

5 A. Well, I didn't work with everybody at the  
6 Health Department, because the Health Department is  
7 broad in general. So I can't speak to everybody that  
8 was employed there. I can speak to myself and some  
9 other community health nurses, but the Galveston County  
10 Health District is more than just community and public  
11 health. It has a whole medical aspect also because I  
12 can't speak exactly to what they did every day.

13 Q. Are you aware of any instances where an  
14 employee you worked with or someone you worked for, you,  
15 particularly, aware of any instances that you believe  
16 were an example of race -- discrimination based on race?

17 A. Well, what -- what -- what things that I can  
18 look at I would say if I -- if you were there -- I'm  
19 saying when you go resource route, if I'm in here as a  
20 patient and I had a lot of different complex medical  
21 problems and stuff, I might get different referrals to  
22 other type doctors or different -- doing medical  
23 equipment and stuff like that because that's provider  
24 based. So it goes according to your providers on how  
25 they divvy out your care.

1 Q. And who divvies out the care?

2 A. Your providers. When you go to your physician,  
3 he decides on what referral you're going to get. He --  
4 till today, it's still --

5 Q. Is the provider Galveston Health District?

6 A. The provider is within Galveston County Health  
7 District or a provider within any institution, public or  
8 private physicians decide -- determine what quality of  
9 care you're going to get.

10 Q. Okay. And so are you aware of any Galveston  
11 County Health District provider?

12 A. Well, that's -- that's been a long time that I  
13 was there, but I'm just saying --

14 Q. Well, let me finish my question.

15 A. Okay.

16 Q. Are you aware of any Galveston County Health  
17 District provider that you would maintain discriminated  
18 against an individual patient on the basis of their  
19 race? Are you aware of any specific instance of that or  
20 complaint lodged?

21 A. Well, I'm sure they had a lot of complaints. I  
22 didn't get them. But I don't know.

23 Q. Yeah.

24 A. Because you're asking me to tell you something.

25 Q. I'm asking you what you know. That's all I'm

1 asking.

2 A. Yeah, that's what I'm saying. You're asking me  
3 on what I know and what I thought about the Health  
4 District.

5 Q. So are you aware of any complaints lodged  
6 against the Health District for racial discrimination  
7 during your time there?

8 A. I'm aware that -- that the people probably  
9 didn't think that they had adequate access to care.

10 Q. Are you -- did anyone complain to you about  
11 that?

12 A. Did they complain directly to me? Well, I  
13 can't tell you exactly. I don't remember exactly who  
14 complained, but I would hear complaints from people  
15 saying that they didn't feel like they got the adequate  
16 referrals and stuff that they needed at that time.

17 Q. And is it -- so is it your conclusion sitting  
18 here today that the person that was complaining was  
19 being discriminated against based upon their race?

20 A. I think they would be discriminated based on  
21 their race because they have limited access to other  
22 care options. When you're a group of people in a  
23 certain place and they don't have the same care as  
24 someone else, then they have limited access to different  
25 healthcare environments. They have limited access to



1 | people like speech therapists or PT, OT, all that  
2 | because that comes provider based on what kind of care  
3 | you're actually going to get.

4 | Q. And is that -- is that response based upon the  
5 | fact that the individual doesn't necessarily have their  
6 | own coverage for healthcare or is it because the  
7 | individual's race in your mind? In other words, let me  
8 | ask you this. In the time that you worked there, were  
9 | White patients treated the same way that African  
10 | American patients were treated if they had the same  
11 | income level and the same access to healthcare, as far  
12 | as you know?

13 | A. As far as I know, they might have more access  
14 | because they're going to get different referrals.

15 | Q. And are you aware of that happening where a  
16 | White patient and a Black patient with the same access  
17 | to healthcare or same limitations to healthcare, where  
18 | the White patient received a more beneficial referral?

19 | A. It's within the healthcare systems? Of course.

20 | Q. You're aware of that specific instance?

21 | A. Well, we -- specific? Okay. I'm going to just  
22 | say with -- I come from the Health Department to where  
23 | you were grouped into one specific place that you can go  
24 | till they -- the federal government had to -- because of  
25 | all the litigations they had between unequal access to

1 | some care, that they changed Medicare things to where  
2 | people could -- they started doing Medicare with a lot  
3 | of different private providers that they didn't have  
4 | before so that people could have better access to other  
5 | care. And so you had litigations from that. I'm  
6 | sure -- you guys are attorneys. I'm sure you can find  
7 | all that out through the Medicaid -- Medicaid, different  
8 | policies and stuff that they had, that they had to  
9 | revamp the different access to care for people.

10 | Q. Is that --

11 | A. But it's just in general.

12 | Now, you're asking me about my time in  
13 | community health. It came a long time ago and bias and  
14 | different stuff. You have to realize. I told you I  
15 | worked in Galveston, and I worked for the city in  
16 | Galveston and even then a nurse, as myself, being --  
17 | doing healthcare and stuff because I had districts like  
18 | Highland and Bolivar and stuff like that. I had to go  
19 | across there to deliver care because that was my job.  
20 | So I delivered care to everybody the same way. Now, I  
21 | may have tried to deliver care, but was the care that I  
22 | was trying to do at that time received? I had been to  
23 | where you couldn't even go, and people wouldn't let you  
24 | serve them because -- because I was Black, and it was  
25 | racism. Like, if I'm coming to do blood pressures and

1 | stuff, they wasn't coming if I happened to be there.

2 | And I can recall that they couldn't go when people --

3 | even in housing, they couldn't go to Highland House,

4 | Gulf Breeze, different things like that because they

5 | only had Anglo only, but we had specific clinics in

6 | there; and so I've been on both sides of it, so...

7 | Q. Okay. And the instances you're speaking about

8 | were incidences where the patients may not have wanted a

9 | nurse that's African American. Is that what you're

10 | telling me?

11 | A. Mm-hmm, well, at that specific time because I

12 | was at that district a long time. So we have all

13 | different parts, you know, that you -- that you have

14 | to -- I mean because you're in community and public

15 | health, and you work for the city, the county, or the

16 | state, and you see everybody equally; that's your job.

17 | Q. And that's what you did. Right? You saw

18 | people equally, your patients that you worked with.

19 | True?

20 | A. Of course, true, mm-hmm.

21 | Q. And would you say that same thing is true with

22 | most of the people that worked with you during your time

23 | at the Health District, that they treated people equally

24 | just like you did?

25 | A. I can't say exactly that all of them did

1 exactly what I did. I can attest for what I did as a --  
2 as a public health nurse.

3 Q. And I'm asking you do you recall --

4 A. Now, if you would ask people from that area  
5 what other people have done, then you might get a  
6 different story, but you're asking -- I can tell you  
7 what I did.

8 Q. And you're not aware sitting here right now of  
9 any people you worked with during your time at the  
10 Health District that treated patients differently --

11 A. Well, I'm not going to say that.

12 Q. Let me finish my question.

13 A. Okay.

14 Q. -- based upon their race? That was it.

15 Do you want me to restate it?

16 A. Yeah, please restate that.

17 Q. You're not aware, as you sit here right now, of  
18 any instances where a person that you worked with  
19 treated a patient -- patients differently based upon  
20 their race. Is that true?

21 A. Are you talking about specifically just at the  
22 Health District or at other specific places?

23 Q. Right now at the Health District.

24 A. Well, I can say when I can't remember, I know  
25 the clients when you would visit they didn't want

1 certain people, you know, seeing -- they would say they  
2 didn't want them seeing their child because they didn't  
3 feel like they was treating them fairly, but I can't say  
4 exactly who those people were. So I can't make up  
5 something for other people, but just say how people --  
6 what the perception was, I don't know.

7 Q. Did you say the Kleins?

8 A. Clients.

9 Q. Clients.

10 A. Clients, uh-huh.

11 Q. Oh, okay. But you're not aware of any  
12 particular client that complained that -- that they were  
13 being treated by an employee you worked with --

14 A. So you --

15 Q. -- differently because of their race?

16 A. You're talking about names now 15 to 16 years  
17 later, so I'm not going to say that people didn't  
18 complain about certain people.

19 Q. Do you specifically remember any?

20 A. I can't just come up here and say that -- tell  
21 you their names and stuff right now.

22 Q. So the answer is no?

23 A. The answer is not necessarily no. I said I  
24 couldn't remember the names. But did people have  
25 complaints and stuff? Of course, they said complaints.

1 I said I can't just say that -- all the exact providers  
2 because I don't even know the exact providers and stuff.

3 Q. You don't know if the complaints were -- any  
4 complaints were lodged against one of the people you  
5 worked with?

6 A. But you have to ask the county because I'm sure  
7 they keep instances of that. The Health District is  
8 still in effect and stuff, and I'm sure that they have  
9 to keep internal documents about the history of  
10 complaints and stuff within their system.

11 Q. Okay.

12 A. So, you know, I'm not going to speculate on who  
13 complained against what. I would say that you would  
14 have to get that information from the Health District  
15 because it's been running. I started there in '78, and  
16 it's still a health district.

17 Q. And you don't have any recollection of any  
18 specific complaints. True?

19 A. I didn't say I have recollection. I said I  
20 didn't know who the people were.

21 Q. Who -- what recollection do you have?

22 A. So I said people didn't feel like they were  
23 having adequate healthcare.

24 Q. And that was because of their race or some  
25 other reason?

1 A. They -- they felt like because of their race  
2 they were being grouped to see a certain amount of -- a  
3 certain group of people. They didn't have access to  
4 outside care. They didn't have access to referrals.  
5 They didn't have access -- they felt like they didn't  
6 have access to deal -- do medical equipment, which is  
7 wheelchairs and different specialty stuff like that for  
8 their children. So they -- especially the mothers and  
9 stuff. They felt like they were being marginalized. If  
10 it was a preemie, they may have felt like they didn't  
11 get the same referral as this person got. So, I mean,  
12 you're -- you're asking me from a perspective with the  
13 Health District.

14 Q. Yeah, I'm asking whether you're aware of any  
15 situation at the Health District where the Health  
16 District employees discriminated against a patient based  
17 on race?

18 MS. CHEN: Objection; asked and answered.

19 Q. (BY MR. RUSSO) And I think you're telling me  
20 you're not?

21 MS. CHEN: Objection.

22 A. I didn't say. I didn't say. I told you what I  
23 said, that the perspective -- you asked me what was the  
24 perspective of the clients that were being served, and I  
25 told you what -- how those -- how they felt.

1                   Now, I also said that they keep a list of  
2 complaints and stuff that you probably could ask them,  
3 and you would find out whether they have complaints.

4           Q. (BY MR. RUSSO) Okay. You told me about that.

5           A. Okay.

6           Q. I'm asking what you know because that's the  
7 only person --

8           A. So you're asking --

9           Q. Look, ma'am, let me finish.

10          A. Okay. Mm-hmm.

11          Q. What I'm asking you is -- you're the one here  
12 being deposed.

13          A. Okay.

14          Q. Not the Health District.

15          A. Mm-hmm.

16          Q. What do you know about whether the Health  
17 District while you were there had complaints against it  
18 for discrimination based upon race --

19                   MS. CHEN: Objection; asked and answered.

20          Q. (BY MR. RUSSO) -- if anything?

21          A. I am saying that regarding -- I can't tell the  
22 exact person that may have had a complaint, but that's  
23 not to say that they didn't have complaints.

24          Q. You're just not aware of it, if they did?

25                   MS. CHEN: Objection; misstates testimony.



1 Q. (BY MR. RUSSO) Correct?

2 A. I just told you that I worked in the part of  
3 public and community health, and I'm saying that we had  
4 various parts of the Health Department. The Health  
5 Department is a multi-facet organization. They have a  
6 medical component of the Health Department. They have a  
7 community health component of the Health Department.  
8 They have a social service component of the Health  
9 Department, social service about -- with social workers  
10 and stuff, they had at that particular time. They had  
11 dental service, whether they got -- they felt like they  
12 were getting the same type of dental care and stuff, so  
13 whether they was being referred to all the same  
14 resources. So you have a multi-branch of services that  
15 they were offered, that people could be offered at the  
16 Health District.

17 Q. And as you sit here today, you're not aware of  
18 any specific complaint that an individual didn't  
19 receive, correct, healthcare that's provided by the  
20 County Health District based upon their race?

21 A. You're saying at that particular --

22 MS. CHEN: Objection; form. Give me a  
23 second. Objection; form.

24 You may answer.

25 A. I'm saying at that particular time, the

1 patients were not given the same access to healthcare.

2 Q. (BY MR. RUSSO) By who?

3 A. You asked me that. I told the person that has  
4 the more access to give you access to healthcare would  
5 be your providers.

6 Q. And --

7 A. Okay. I'm trying to explain this to you.

8 Q. Right. But are there situations where the  
9 Galveston County Health District is deciding to provide  
10 one of their patients with less healthcare due to their  
11 race?

12 A. The Galveston County Health District still  
13 provides people with their healthcare because they have  
14 Indigent Healthcare Fund, and so they still ought to  
15 meet us on how you come in and get healthcare. If -- if  
16 you were indigent, and I don't know -- you're trying to  
17 make it a race issue. It could be low to moderate  
18 income issue also. But if you came in today to get  
19 services and you came from a private physician and  
20 you -- he told you you already had this problem, and you  
21 didn't have no money to have surgery or something done,  
22 you would have to go through the Indigent Healthcare  
23 Fund with the Health District.

24 Q. And --

25 A. And then they do a screening and stuff, and

1 then they tell you whether they're going to provide the  
2 services and stuff for you, but then you have to go back  
3 and see their people at their -- within their clinics  
4 first, and they have to determine that you need the  
5 care. So you're the person -- your physician that you  
6 went to -- and I already told you -- but then you got to  
7 go back and see some other primary care physician, and  
8 then they have to refer you to the Indigent Healthcare,  
9 and then you may get to go where you need to go.

10 Q. In your experience at the Galveston County  
11 Health District, would a White patient in that situation  
12 generally receive the same referral as a patient of --  
13 that's an African American, in your experience?

14 MS. CHEN: Objection; asked and answered.

15 Q. (BY MR. RUSSO) Would they get the same  
16 referral?

17 A. I already told you that they had barriers in  
18 the amount of services that they gave. If I came --

19 Q. But if -- stop. Wait, wait, wait.

20 A. Well, you're asking me a question.

21 Q. No, I didn't ask you anything about that.  
22 Okay? I'm not asking you about different levels of care  
23 or access to care. I'm asking about the same access to  
24 care; two individuals, same access to care.

25 A. Okay.

1 Q. One's White.

2 A. Mm-hmm.

3 Q. One's Black.

4 A. Mm-hmm.

5 Q. In your experience at the Galveston County  
6 Health District, would you expect that both of those  
7 individuals would receive the same referrals or would  
8 one receive a better referral or how did you -- what was  
9 your experience telling you?

10 A. My experience --

11 MS. CHEN: Objection; asked and answered.  
12 And please let my client finish when she's answering a  
13 question.

14 MR. RUSSO: If she answers my question.

15 A. My experience is because you asked me, if two  
16 people come and one was Black and White, if you and I  
17 came and we saw a provider and one was Black and White  
18 [sic], what I'm telling you the experience would be that  
19 you would get a different level of care, a better level  
20 of care and referrals than what I would. That's what  
21 you're asking me, and that's what I'm telling you.

22 Q. (BY MR. RUSSO) You're saying the White patient  
23 would receive a better level of care than the Black  
24 patient in your experience?

25 A. And referrals.

1 Q. Because of their race?

2 A. Because of race.

3 Q. And it had nothing to do with the level of  
4 access to care? Your experience at the Galveston County  
5 Health District is that individuals with the exact same  
6 level, only difference being --

7 A. I said -- I'd say all --

8 Q. Let me finish my question. Let me finish my  
9 question.

10 The only difference between these two  
11 individuals is one's White and one's Black. Your  
12 experience is that the Black patient gets the worse  
13 referral during your time at the Galveston Health  
14 District?

15 A. I say get the worse or no referral maybe.

16 Q. So solely based upon their race?

17 A. I would say -- you're asking me my opinion. I  
18 would say race-based.

19 Q. And what do you base that on?

20 A. What I base that on is you're -- what I base it  
21 on? If you would come in and see someone, and I may  
22 have somebody that's a patient that would be -- that  
23 have developmental defects and stuff, then I would ask  
24 them, a patient, have you been to this or have you been  
25 referred to speech therapy? Does your child go to OT

1 because he don't walk? Who redid this? Why doesn't he  
2 have this type of wheelchair? Does he have this type of  
3 bed? They would say, no, nobody ever told me that. But  
4 you been coming out here all the time. So you can tell.  
5 You would know that they didn't have the same quality of  
6 care.

7 Q. Okay. Were you ever involved in what you would  
8 sort of classify as that situation where a White patient  
9 and a Black patient, same levels of -- basically income  
10 levels and access to care, were you ever involved in a  
11 situation, yourself, of any referrals or treatment  
12 provided where a Black patient received less treatment  
13 than the White patient? Did you ever do that?

14 MS. CHEN: Objection; form.

15 A. You're asking me -- you're asking me did I ever  
16 treat people different?

17 Q. (BY MR. RUSSO) Yes.

18 A. I have already told you. No, I would not treat  
19 a patient -- I have not treated a patient different. I  
20 would treat patients with the same whatever, whatever.  
21 If I saw a patient, whatever quality of care or whatever  
22 type referral or resources that they needed, I would  
23 make those.

24 Q. But your expectation is that the other people  
25 you worked with would make a different decision based

1 upon the race of the patient?

2 MS. CHEN: Objection; form.

3 Q. (BY MR. RUSSO) Is that what you're telling me?

4 A. That's -- that's what I was just telling you.

5 Referrals and different things like that from providers  
6 are different.

7 Q. Not when you're involved, but when other people  
8 are involved potentially. Correct?

9 A. I say -- I said I could attest for myself I  
10 didn't. You asked me had it ever happened. I said I  
11 have seen different levels of care that has been given  
12 when you've seen a person, so...

13 Q. All right. But there's no individual you  
14 worked with or you could point to that actually did  
15 that, provided different levels of care to similar  
16 patients based upon their race?

17 MS. CHEN: Objection; form.

18 A. Well, you're trying -- you're asking me --  
19 you're asking me about specific names and groups of  
20 people, and I don't have those right now, those specific  
21 names and groups of people for you. But you asked me  
22 how did I feel that the care was distributed, and I'm  
23 telling you.

24 Q. (BY MR. RUSSO) You think the people you worked  
25 with did it unfairly based upon race?

1 MS. CHEN: Objection; form.

2 Q. (BY MR. RUSSO) True?

3 A. You're trying to make me make an opinion. I'm  
4 just telling you what I saw within the time that I  
5 worked at the Health District, so...

6 Q. And what you saw leads you to believe that  
7 individuals you worked with discriminated against  
8 patients based upon their race. Is that true?

9 A. First of all, you only -- you only had to see a  
10 particular group of people. You didn't get all the  
11 referrals that you need. So when you're -- if you got  
12 counsel and you needed counsel referral, you would  
13 expect to be getting those things. If you needed excess  
14 treatment in home health care and different things like  
15 that, you would expect to be getting those things. If  
16 you had an autistic child, you would expect to be  
17 getting the same level of care for an autistic child  
18 irregardless to what income level, nationality, or  
19 whatever you had.

20 Q. And I'm not -- I'm not -- I'm not in  
21 disagreement with that, but that's not what my question  
22 was.

23 A. Okay.

24 Q. My question --

25 A. Because you want me to stop up here and say,



1 well, would you name a person in particular right now?

2 Q. Yeah, I do.

3 A. And then I said --

4 Q. I want to know if there's anybody in your mind  
5 that you can point to that, while you were working at  
6 the Galveston Health District, you feel like they  
7 discriminated against someone based upon their race? I  
8 want to know that.

9 A. I said -- I said it was -- sometimes you have a  
10 whole different system of racism.

11 Q. That wasn't my question.

12 A. I know what your question is --

13 Q. My question is real sim- -- my question is  
14 very --

15 A. -- and I'm not going to an- -- I'm answering  
16 your question to the best of my effect.

17 Q. Well, this is --

18 A. I actually told you that they did not get --  
19 that they did not get the same level of care. Now, you  
20 want me to ask [sic] what specific provider that didn't  
21 give them that level of care, and I said I cannot name  
22 names in particular.

23 Q. You don't -- you don't know who it was? You  
24 don't have the name of anybody who you would claim  
25 discriminated against someone based on race --

1 MS. CHEN: Objection; form.

2 Q. (BY MR. RUSSO) -- at the Health District. Is  
3 that true?

4 A. I said that I didn't have a particular name  
5 right now at this time. I didn't say that it wasn't  
6 discriminatory practices.

7 Q. Is there some note that you could keep, journal  
8 summary that you could refer to that would provide you  
9 with that revelation here today?

10 A. No, because you just told me you couldn't get a  
11 note, a form or something that would provide you with  
12 complaints or stuff that the Health Department would  
13 have.

14 Q. I'm asking you if you --

15 A. So if you want -- if what you're asking me is  
16 that you want me to go to the Health Department, up to  
17 the county, and you want me to ask them for a list of  
18 all the complaints that they have had that have been  
19 racially involved and then come back to you at this  
20 deposition and tell you how many complaints they had  
21 because you're asking me to make a specific inference.

22 Q. I'm asking you if there's any documentation --

23 A. Well, I just told you.

24 Q. Wait, wait. Stop. Please let me finish.

25 A. Okay.

1 Q. Please.

2 I'm asking you if you have in your  
3 possession any documentation that you could refer to  
4 that would allow you to answer the question about  
5 whether you experienced racial discrimination at the  
6 Galveston Health District while you worked there?

7 MS. CHEN: Objection; form.

8 A. I don't have the document at my house because  
9 that's what you asked me.

10 Q. (BY MR. RUSSO) That's what I'm asking.

11 A. You asked me for a specific document, and I'm  
12 telling you I don't have a specific document that...

13 Q. Okay. You spent 15 years at Galveston County  
14 Health District. Correct?

15 A. Yes, I did.

16 Q. And during that time, you worked in the city of  
17 Galveston and then also Bolivar?

18 A. I say -- well, that's part of -- they consider  
19 that part of Galveston, if you work for Galveston on the  
20 island. Because at that specific time, Galveston had  
21 eight community health nurses just for the island.

22 Q. Mm-hmm.

23 A. And so -- and Bolivar was, you know, part of  
24 that area also. You had to go over there --

25 Q. Yeah.

1 A. -- to Bolivar and High Island to do care also.

2 Q. Did that seem reasonable to you to keep  
3 Galveston and Bolivar together for the purpose of the  
4 Health District?

5 A. I don't know. Maybe they considered it because  
6 it's Galveston County, but they -- I don't know if it  
7 seemed relevant to me because they had other blocks that  
8 vary and stuff. That was just what they did within the  
9 city of Galveston and closest to that Health Department  
10 because we had the Health Department at the City of  
11 Galveston, and then we had the Health Department off --  
12 the Galveston County Health District that's in  
13 La Marque. So different health departments handled  
14 different areas.

15 Q. Okay.

16 A. When I left the City of Galveston as an  
17 employee, I went to the La Marque office. Galveston  
18 County Health District is in La Marque. After those  
19 three years, I went -- I mean, after the first three  
20 years in Galveston, I went to La Marque to work at the  
21 Health District there, and so I had different -- because  
22 you were previous talking about areas that I had to  
23 service, so I had different areas at different times  
24 that I serviced at Galveston County Health District --

25 Q. Okay.

1           A. -- which those areas were -- I guess you want  
2 to know that.

3           Q. Well, let me break it down first. I'll get to  
4 that definitely.

5                     Just to clarify, though, when you were in  
6 Galveston -- what do they call it, the division or  
7 section of the Health District? What do they call these  
8 areas?

9           A. Yeah, they had -- like, the City of Galveston  
10 had their part of the Health District, which I was at  
11 third floor in City Hall.

12           Q. And that -- and you also serviced Bolivar at  
13 the same time. Correct?

14           A. Yes, they service Bolivar.

15           Q. And then there's -- there's some other separate  
16 division that deals with La Marque, and then you went --  
17 that's where you worked after three years at the Health  
18 District?

19           A. Yeah, I got transferred to the mainland part.  
20 The Health Department has different areas.

21           Q. Okay. And so then where does the La Marque  
22 division service? What areas roughly?

23           A. The La Marque division pretty much serviced the  
24 areas of Texas City, La Marque, Hitchcock, Santa Fe,  
25 Bacliff -- Bacliff, some are saying Leon -- League City,

1 Friendswood.

2 Q. So that sounds like most of the mainland?

3 A. That's the mainland, uh-huh.

4 Q. So are there any other branches of the Health  
5 District?

6 A. No, no.

7 Q. No?

8 A. They had the place in -- they had -- the city  
9 of Galveston had part, and then they had the -- in  
10 Galveston they had the health medical place on 45th  
11 Street with Galveston County.

12 Q. Is that still the same situation today as far  
13 as you're aware, where there's a Galveston office and  
14 then -- or division and a La Marque mainland?

15 A. I'm not sure. They used to have an area on  
16 40th Street, and I'm not sure if that's still there.  
17 But now they have the one in -- they still have the --  
18 where they do the Health Department over in La Marque.

19 Q. All right. And so you worked for a total of  
20 15 years at the Health District. So is it true that the  
21 first three years were in the Galveston location, and  
22 then the last 12 were at La Marque?

23 A. Well, from out of the La Marque location, and  
24 you would have different areas that you -- that you  
25 service.

1 Q. Did -- what area in the La Marque location did  
2 you serve primarily, you personally?

3 A. In the La Marque area, I had -- my district  
4 basically was -- I had Dickinson -- Dickinson and  
5 League City and Bacliff.

6 Q. Okay.

7 A. But then you would have to -- you know, you  
8 service those particular areas, but you would have  
9 clinics in other areas that you would have to go to,  
10 like Santa Fe or West County Building, different things  
11 like that.

12 Q. Mm-hmm. Do you recall any general differences  
13 between patients that you would see in the Dickinson  
14 area versus the League City area and Bacliff area? Were  
15 the patients different in any way? Were they more --  
16 let's start with demographics. Did you have more of the  
17 sort of African American bunch in certain areas and  
18 White in different areas? What would you say is the  
19 distinction between the three cities you mentioned?

20 A. Well --

21 MS. CHEN: Objection; form.

22 THE WITNESS: Huh?

23 MS. CHEN: Go ahead.

24 A. Well, the areas, when I -- I moved because I  
25 had -- my main district was Dickinson and League City.

1 Of course, I had League City and it was -- and part of  
2 Dickinson, more Anglo, Bacliff, more Anglo area. They  
3 had minorities also in Dickinson. You know, you had  
4 different various populations and stuff.

5 Q. (BY MR. RUSSO) And are the -- are the  
6 individuals that go through the -- get health coverage  
7 -- or care, healthcare, through the Galveston County  
8 Health District, are they -- is it done by the level of  
9 income or indigency or not having insurance? How does  
10 one become --

11 A. Well, they can apply for the Health District,  
12 but it -- and a lot of times it goes -- they do some  
13 income-based screening as to how they pay for care maybe  
14 through the County Indigent Healthcare Fund, but they  
15 also -- when I worked for the Health District, you have  
16 different programs. And when I came to La Marque -- in  
17 La Marque I went on state, and I worked for the  
18 department of Maternal and Child Health. So my job was  
19 to see new mothers and babies. So new mothers and  
20 babies would include anyone in that area that we had --  
21 you know, we had a newborn list. We would see the  
22 mothers and babies from there. So I would have  
23 different groups of people.

24 Q. Okay. And so if you -- if the Dickinson/League  
25 City -- parts of Dickinson and League City and Bacliff



1 had more, I guess, White patients, is it true then  
2 that -- I mean, you obviously had White patients that  
3 were needing assistance from the Galveston County Health  
4 District. Is that true?

5 A. I worked for the division of Maternal and Child  
6 Health within the Galveston County Health District, and  
7 we -- when you're in Maternal and Child Health, you see  
8 all patients irregardless to income.

9 Q. Okay.

10 A. So you just -- of course, you may have had a  
11 newborn baby, and you could have been of any income  
12 level. And if you're a newborn baby was on my list, I  
13 would have to be as your public health nurse to come out  
14 and say -- or call and say, this is Barbara Rice. I'm  
15 the public health nurse from Galveston County. You have  
16 a new baby, and I want to know if you have any questions  
17 about the care, and would you like someone to call, talk  
18 to you about well-child care and the services --

19 Q. Mm-hmm.

20 A. -- that your child will be needing. So it was  
21 more of an educational thing that, you know, they need  
22 to go in at two weeks, one month, two months, whatever,  
23 to explain to new moms and stuff what they -- what type  
24 of care that they should be having with their child.

25 Q. Yeah.

1 A. So that's irregardless to income.

2 Q. All right. And irregardless of race?

3 A. And irregardless of race and income, yes, when  
4 you're in community health. That's what I did for them.

5 Q. Okay. So did you stay in the same area? I  
6 don't know what you call them, maternity type of care.  
7 Did you stay in that same area throughout your 12 years  
8 at the Health District?

9 A. Yeah, we did because we were public health, so  
10 you did Maternal and Child Health, and you did other  
11 things like TB control. And, of course, whenever a  
12 person has TB, you have to educate them around the  
13 county within -- if they were within my area, you had TB  
14 control.

15 Q. Are you saying TB, like tuberculosis?

16 A. Tuberculosis, uh-huh, control.

17 Q. Okay.

18 A. So you had different things. You had  
19 immunizations as a part, and we had to know that  
20 immunizations are available irregardless to income and  
21 things like that. So we had -- because those are public  
22 health services.

23 Q. And is it true that you provided services and  
24 checked on people of all races in the areas that you  
25 worked in would have been White, Black patients, Latino

1 patients; you treated all of them --

2 A. Mm-hmm.

3 Q. -- in your areas. True?

4 A. Mm-hmm, yes. I was Maternal and Child Health,  
5 so -- so specific areas, you learn your different areas  
6 of your operation.

7 Q. All right. So then what did you do after you  
8 left the Galveston County Health District? Did you go  
9 to employment -- continue employment? Did you go back  
10 to school? What happened next, I guess, in your life?

11 A. You asked two different questions. Did you  
12 continue employment? Did you go to school?

13 Well, in between the time that I was at the  
14 Health Department, I went to UTMB. So I went to UTMB  
15 School of Nursing. I went to TWU School of Nursing. I  
16 got a bachelor's degree in nursing at UTMB, a nurse  
17 practitioner degree from -- from TWU, and I went from  
18 UTMB --

19 Q. Let me slow down. From UTMB you got your  
20 bachelor's in nursing?

21 A. Yes.

22 Q. All right. Okay. Do you remember basically  
23 sort of what year that was? Do you have any idea?

24 A. Let's see, '90... Okay. It might have been --  
25 let's see. I started in '88, took a break. It had to

1 be maybe after -- I finished after '90 from UTMB because  
2 I went to TWU in the middle of it. I took a leave and  
3 went to TWU.

4 Q. Okay. So at the time that you went to TWU, is  
5 that Texas Women's?

6 A. Texas Women's, mm-hmm.

7 Q. Had you not completed your courses at UTMB at  
8 the time you went to TWU or had you completed your UTMB  
9 courses?

10 A. No, I hadn't finished. I took a small leave  
11 from there and went to TWU.

12 Q. All right. And then did you eventually get a  
13 degree from TWU?

14 A. I went to their nurse practitioner school.

15 Q. Okay. Did you obtain any degree or  
16 certificate?

17 A. Yes, from TWU.

18 Q. What was it? What did you get?

19 A. I'm a pediatric nurse practitioner.

20 Q. Okay. And then did you subsequently go back to  
21 UTMB and --

22 A. I finished what I started.

23 Q. All right. And then how did you end up at  
24 University of Clear Lake -- Houston-Clear Lake?

25 A. I -- when I was working at UTMB, I started to

1 work on my master's degree, the MBA, at the U of H-Clear  
2 Lake.

3 Q. In business?

4 A. Yes.

5 Q. Did you complete that course -- those courses?

6 A. Yes.

7 Q. And you obtained a master's degree?

8 A. Yes.

9 Q. Okay. Do you have any other degrees?

10 A. No.

11 Q. How long did it take to get -- you to get your  
12 master's, your MBA? How many years?

13 A. Somewhere between a year and a half or two  
14 years.

15 Q. All right.

16 A. I can't recall the exact time, but somewhere  
17 within that time.

18 Q. Do you remember what year you got your master's  
19 degree?

20 A. I think it was maybe 2001, something like that.  
21 I just can't think about the exact dates.

22 Q. I know I'm stretching it. I appreciate you  
23 dealing with me.

24 Okay. Did -- I haven't done the math to  
25 figure out how the work and the education sort of

1 coexisted. So explain to me how -- whether you left to  
2 the Health District and went to another employment and  
3 then were you -- well, let me ask you that. Did you  
4 leave the Health District and go someplace else to work?

5 A. Yes.

6 Q. And where was that?

7 A. UTMB.

8 Q. Okay. And do you know when that happened?

9 A. I think that was in maybe '95 or '96, something  
10 like that. '94, '95 or '96, somewhere within that time  
11 range.

12 Q. Okay. And that -- were you -- I think -- what  
13 was your position at UTMB in '95?

14 A. I was the nurse manager of the pediatric  
15 outpatient department.

16 Q. Okay. How long did you do that?

17 A. I think I worked for UTMB totally for -- I  
18 worked for them, I think, 13 years, but I stayed in the  
19 pediatric outpatient department for four or five years,  
20 and then I went back and went in the department of  
21 psychiatry.

22 Q. Okay. So I'm trying to get some of the math  
23 right. You think you were with the manager of  
24 pediatric -- pediatric department until roughly '99 or  
25 so --

1 A. Yes, I think so.

2 Q. -- four years? And then you went to the  
3 department of pediatrics?

4 A. No, no.

5 Q. Department of psych- --

6 A. Department of psychiatry.

7 Q. Psychiatry.

8 A. And I was there until 2008 maybe, after Ike,  
9 when they closed the psychiatric department at UTMB.

10 Q. Okay. And then where did you go after that to  
11 work?

12 A. I worked at -- I worked at Mainland Center  
13 Hospital for a short time in 2014.

14 Q. Okay. What did you do there?

15 A. I worked in the department of psychiatry,  
16 neuropsych.

17 Q. All right. And then what -- did you stay in  
18 the psychiatry area for the duration of your time at  
19 Mainland?

20 A. Yes.

21 Q. When did you -- what point did you leave  
22 Mainland?

23 A. I worked for Mainland almost a year, and I left  
24 in 2014 to stay at home and take care of my ill mother.

25 Q. Okay. All right. Did you have any sort of

1 formal employment after that? Did you work anywhere  
2 else?

3 A. I started up -- I was trying to start up my --  
4 I did some -- started on my case management business but  
5 stopped because I had to take care of my mother. So I  
6 would just do a lot of volunteer work because I had  
7 enough...

8 Q. Okay. So then you had volunteer work. Have  
9 you done that --

10 A. Mm-hmm.

11 Q. -- pretty much up till today? Is that true?

12 A. Yes.

13 Q. All right. And I guess while we're on the  
14 topic, what -- what -- is the NAACP -- well, let me get  
15 back to that. Okay. I want to talk about this first.

16 While you were at UTMB working as a manager  
17 of the pediatric department or in the department of  
18 psychiatry, did you ever -- do you recall witnessing  
19 situations where individuals you worked with at UTMB or  
20 the people above you, supervisors, did you witness  
21 discrimination based upon race?

22 A. Yes.

23 Q. Okay. And can you tell me about that?

24 A. Well, when I was in the outpatient of --  
25 department of outpatient pediatrics, what I noticed



1 about the clients and stuff, if you were a client coming  
2 in to see a provider, they would say, well -- started  
3 off with their Medicaid clients. So if they were  
4 Medicaid clients, they felt as if they would to see --  
5 actually, see faculty [sic].

6 Q. That they needed to see what?

7 A. Faculty.

8 Q. What is that, faculty --

9 A. That's the head -- you have students at UTMB  
10 and -- -

11 Q. Oh, faculty.

12 A. Mm-hmm.

13 Q. I'm sorry. I just couldn't understand with  
14 your mask on.

15 A. Okay.

16 Q. Sorry about that.

17 So you're saying the Medi- -- people that  
18 had Medicaid coverage or Medicare coverage saw the  
19 students or saw faculty? Is that what --

20 A. Well --

21 Q. Explain that to me.

22 A. Yeah. Started off like when they made -- when  
23 they do the templates and stuff, they would more often  
24 to assign them to the students versus the faculty  
25 because they would say, oh, they just got Medicaid. And

1 we had the conversation that if you got Medicaid, then  
2 the people -- the person that actually can be on  
3 Medicaid, because I think that was a perception, would  
4 have to be the faculty. So I would say what you're  
5 telling me that these people may or may not be seeing  
6 the people that need to be billed because that creates a  
7 problem. And so now we know faculty has to -- should be  
8 seen because Medicaid has specific rules on who can or  
9 cannot see their patients, whether they be seen by a  
10 licensed physician or a nurse practitioner. At this  
11 specific time they may not have included a physician  
12 assistant, but they could have a nurse practitioner.

13 So those were some of the things because  
14 people are made to say, well, they're just Medicaid  
15 patients and they kind of group you, which shouldn't --  
16 irregardless as to what type of insurance you have, it  
17 should be equally done.

18 Q. So is that an example of discrimination based  
19 upon race or is it discrimination based upon the  
20 person's coverage?

21 A. Well, it's based on coverage, but the large  
22 amount of your coverage area would be low -- some of the  
23 lower margin income people, and they can be, you know --  
24 a lot of them would be Black and Hispanic, but they  
25 could be low income, Anglo, different things, too. But

1 it just...

2 Q. Yeah. But generally speaking, would you agree  
3 that the White Medicaid patients, whether they were  
4 getting a different level of care than people who had  
5 insurance coverage, would White patients having Medicaid  
6 coverage and Black patients having Medicaid coverage,  
7 both of them were likely to be referred to a student as  
8 you remember it?

9 A. Not necessarily. Because even with today,  
10 depending on who your provider is, I could be saying  
11 that I'm not accepting Medicaid patients. You might  
12 could walk in today and say, well, they're not accepting  
13 Medicaid patients, but I may have been a long time  
14 client of yours before you had to get on Medicaid. But  
15 then, okay, well, you may have been a private-pay person  
16 then but now you're on Medicaid, so I'm going to keep  
17 all your children, but you just told me that this group  
18 of people couldn't come because you don't accept  
19 Medicaid. So is it one or is it the other?

20 Q. Yeah. Were they -- were they -- in your -- in  
21 your experience were they referring individuals to  
22 students more often if they were minority, like African  
23 American or Latinos versus the White patients?

24 A. I just was saying -- well, the more your  
25 clientele that came in that was of a particular -- that

1 was on Medicaid was a particular racial -- mm-hmm.

2 Q. Yeah. But the -- again, the issue of the  
3 amount of care they got, from what you're telling me,  
4 was more based upon whether they're on Medicare versus  
5 something else?

6 A. And if you come in and you were on Medicare or  
7 something, you were less likely to get the same  
8 referrals.

9 Q. Okay. Again, based on Medicare is the key to  
10 your example?

11 A. Mm-hmm.

12 Q. Is that true?

13 A. And with the population. Now, you could get --  
14 you can be on Medicare, and it depends on how the care  
15 is being issued out because you can be on Medicare and  
16 you can get a whole bunch of benefits, and I can be on  
17 Medicare and maybe get none. It depends on what the  
18 provider's perception is.

19 Q. And does your -- are you aware the providers  
20 again --

21 A. It depends on how your provider is going to  
22 refer you to the resources. It goes back to resource  
23 referral.

24 Q. Okay. Can you -- can you provide me any  
25 specific example of a person that you feel like was

1 | discriminated against based on race at UTMB, a patient  
2 | that was discriminated against?

3 |       A. I would say systematic, and I can't say the  
4 | exact provider's name now. But I can tell you of an  
5 | incident because doing case management, having case  
6 | management services, the Department -- Texas Department  
7 | of Health and the Case Management Division, when they  
8 | have complaints from a client about things that they're  
9 | not getting, they have to follow up on it.

10 |       So I have been a case management provider.  
11 | So sometimes the state will call and ask that you are a  
12 | case management provider within this area, so we would  
13 | like you to follow up on a specific referral and see why  
14 | this patient -- these patients are complaining that  
15 | they're not getting the services that they need from a  
16 | particular area. And so within doing so, those  
17 | referrals, you have to go and visit the provider,  
18 | different areas where they had care, and you would have  
19 | to say that the patient is saying that they're not --  
20 | don't feel like they're getting appropriate referrals  
21 | and things that they should be getting. And you would  
22 | have to follow up on what happened, and it was just  
23 | general in particular about beds and chairs and  
24 | different things like that for a handicapped child that  
25 | had never missed an appointment but was being seen

1 | within the facilities and had outgrown all their special  
2 | needs stuff. But when the mother kept saying that no  
3 | one was making referrals for the other half, things  
4 | update. So those kind of things they'll go to the State  
5 | of Texas, the division of Medicare and Medicaid and case  
6 | management. And then you have to go and, you know, see  
7 | what happened.

8 |                   So, therefore, if a person is not getting  
9 | stuff and they're making all appointments, never missed  
10 | an appointment, and if I'm going to an occupational  
11 | therapist, if I'm going to a physical therapist, if I'm  
12 | going to a physician and I'm hanging out a chair,  
13 | somebody within that area should have been doing some  
14 | type of assessment saying I have outgrown all these  
15 | things and maybe I need to order something else.

16 |           Q. Okay. And the instance you're talking about  
17 | with the individual in a wheelchair, what color was the  
18 | individual in the wheelchair?

19 |           A. Well, this individual was a -- well, just  
20 | happened to be Black.

21 |           Q. And is it your view that the reason that he  
22 | wasn't getting the care or being treated fairly was  
23 | because of his race?

24 |           A. Well, that could be an assumption, but I'm just  
25 | saying that you're needing -- you're not missing any

1 | appointments, you're keeping all your appointments, and  
2 | you're not getting any of the things. The bed, circle  
3 | electric bed, the bed was too small; the high chair was  
4 | too small; the stroller was too small; everything that  
5 | the mother said. And they was talking about, well, that  
6 | was going to cost but the mother has insurance, and the  
7 | only person that can make those things are your  
8 | providers and the people that are actually seeing you.  
9 | So they do large -- you know, patients do have a right  
10 | to complain and ask for, you know, different things.

11 | Q. So -- but it was your assumption that the  
12 | reason that this individual didn't receive the care you  
13 | thought he needed was because of his race. Is that what  
14 | you're assuming?

15 | A. That would be an assumption because you have --  
16 | you're talking about -- I would say I would be talking  
17 | about a system because I'm seeing an occupational  
18 | therapist, you should know what I can do if you're doing  
19 | your job every day. I'm seeing a physical therapist.  
20 | I'm seeing a physician. I'm going to chronic care  
21 | clinics that have to address this. So if I'm going to  
22 | multiple things and all these things are happening, I'm  
23 | not getting something happening. You know --

24 | Q. Are there any other -- are there any other  
25 | instances you might refer me to that you believe

1 demonstrate that there's a race -- there was a racially,  
2 discriminatory action taken at UTMB while you were  
3 there?

4 A. No. It just -- you know, like I said,  
5 everything probably was just -- happened to do with --  
6 you know, it's basically basic healthcare referral, so  
7 I'm just saying people get different qualities of  
8 healthcare.

9 Q. And the reasons why they get different  
10 referrals, is it your belief that race is the reason for  
11 that?

12 A. I think race has to play a role in it.  
13 That's -- you're asking my general, all belief. I can't  
14 say exactly how you're feeling or how -- why you're not  
15 following up on referrals and stuff. But I mean, and  
16 that could go from any person that's not getting  
17 specific referrals and stuff. So I say you have some  
18 barriers in healthcare, and you have some different  
19 biases in healthcare.

20 Q. Yeah. Do you -- do you have any specific facts  
21 that let you know that those shortcomings are race-based  
22 as opposed to people just not doing their job?

23 MS. CHEN: Objection; form.

24 A. Well, I'm not thinking about the -- I can't  
25 speak to what the -- I can tell when people are not



1 | doing their jobs and they're getting referrals, but when  
2 | you have systematic certain groups of people and you  
3 | see, and they come in and they come out with different  
4 | things, they're saying, well, you don't need oxygen or  
5 | you don't need this, it can be different veteran  
6 | services that comes in. I worked in the -- you know,  
7 | are you actually referring these people over to the  
8 | actual things that they need? You can -- you can  
9 | observe differences.

10 | Q. (BY MR. RUSSO) And it's your testimony that  
11 | you believe racial discrimination occurred at UTMB  
12 | against patients while you were there?

13 | A. I'll say it within healthcare systems.

14 | Q. And based upon --

15 | A. Those are --

16 | Q. -- what?

17 | A. -- those are -- that's just -- that's just  
18 | observations to me. You're saying what I thought, so  
19 | I'm just telling you.

20 | Q. It's your belief?

21 | A. I'm telling you beliefs and actions, so that's  
22 | what I'm saying.

23 | Q. Belief in what?

24 | A. I said there was a belief, and if you refer a  
25 | certain group of people to certain things and stuff, is

1 it -- it could be racial, it could be low income, it  
2 could be anything, but everybody should be treated  
3 equally and should have equal access.

4 Q. I'm not -- I'm not disagreeing with, you know,  
5 people should be treated equally. I guess what I just  
6 need to know from you is, are you here maintaining and  
7 willing to testify under oath that you observed racial  
8 discrimination at UTMB while you were there?

9 MS. CHEN: Objection; asked and answered.

10 A. I said general policies. You asked me for some  
11 things that I may have thought. Now, I'm just saying  
12 by, you know, what I observed sometimes, what I observed  
13 there, and that's the only thing I can say. You know, I  
14 can't attest to what a person's particular reason is  
15 behind something. I'm just saying.

16 Q. (BY MR. RUSSO) Okay. Let's see. How many  
17 degrees would you say you have, just to sort of sum this  
18 whole thing up?

19 A. Like I told you, I graduated from Galveston  
20 College with an associate's degree in nursing and  
21 applied science. Those are -- kind of go with the first  
22 nursing degree.

23 Q. Mm-hmm.

24 A. I have --

25 Q. You have a bachelor's from UTMB?

1           A. -- a bachelor's degree from UTMB. I have a  
2 certificate, nurse practitioner degree from TWU, and I  
3 have a master's degree in business from the University  
4 of Houston-Clear Lake.

5           Q. Okay. All right. At what point did you become  
6 a member of the NAACP?

7           A. Right now I can't recall the exact year, but  
8 I've been a member of the NAACP for more than 30 years.

9           Q. Were you always a member of the Mainland  
10 Branch?

11          A. Yes.

12          Q. All right. Let me talk to you --

13                   MR. RUSSO: Let's do this. It's 12:20.  
14 I'm about to sort of move into a topic related to the  
15 organization itself. Do you guys to want to break and  
16 take a lunch and come back or do you want to --

17                   THE WITNESS: Yeah.

18                   MS. CHEN: If you want, we can take a  
19 break.

20                   MR. RUSSO: We can go off the record.  
21 Wait, wait, wait. Before -- and for people online,  
22 let's just -- do you need an hour? Do you want  
23 45 minutes? What do you want to do?

24                   THE WITNESS: 45 minutes.

25                   MS. CHEN: 45 minutes should be sufficient.

1 We just need to make sure we can get an order in or  
2 something.

3 MR. RUSSO: We usually get like a sandwich  
4 shop, and I've got to check and see if Kathy is still  
5 here. So you just want to get back at 1:15, which is a  
6 little bit more than 45 minutes?

7 MS. CHEN: That should be fine. Thank you.

8 MR. RUSSO: Okay. All right.

9 THE VIDEOGRAPHER: Off the record, 12:22.

10 (Recess taken.)

11 THE VIDEOGRAPHER: Going back on the  
12 record, 1:26.

13 Q. (BY MR. RUSSO) Good afternoon, Ms. Rice  
14 Anders?

15 A. Mm-hmm.

16 Q. I had a couple of follow-up questions for you  
17 on an individual basis. Are you a member of any  
18 particular political party? Such as, are you Democrat  
19 party member? Republican party member?

20 A. Are you talking about my -- am I a registered  
21 in a particular party on how you vote?

22 Q. Yes, ma'am.

23 A. Democratic.

24 Q. Are you an actual party member? Like, was  
25 there a date that you would say, I became a member of

1 the Democratic party or is it just an issue of whenever  
2 you voted you feel like you're more Democratic side of  
3 things? Hang on. Strike that.

4 Are you an official Democratic party  
5 member, and, if so, when about did that start?

6 A. I'm not understanding that question. Like, do  
7 I register to vote as Democratic in general elections or  
8 Republican? Is that what you're asking?

9 Q. Well, more specific than that, do you have any  
10 sort of specific affiliation with the Democrat party in  
11 say the state of Texas?

12 MS. CHEN: Objection; form.

13 Q. (BY MR. RUSSO) Is there any membership that  
14 you might have with the Democrat party?

15 A. Like, paid membership or something?

16 Q. Yes, ma'am. I mean, whether it's paid or  
17 otherwise.

18 A. Do I -- have I ever attended Democratic  
19 meetings or something like that? Is that what -- I  
20 don't know what you're meaning.

21 Q. I'm gathering you don't have any sort of card  
22 that says, "I'm a member of the Democrat party"?

23 A. I don't have a card.

24 Q. Okay. But you typically would -- are you --  
25 would you typically vote as a Democrat on the Democrat

1 side of the ticket?

2 A. Well, you have to register for what specific  
3 party that you're going to vote in during the election  
4 that you have to declare whether you're going to be  
5 Democrat or Republican.

6 Q. Okay.

7 A. I would say I would declare that I was in the  
8 Democratic party because you have to list -- you have to  
9 elect something.

10 Q. Have you ever elected to vote in a Republican  
11 primary, so to speak, in Texas?

12 A. The primary?

13 Q. Yes, ma'am.

14 A. Not that I can recall.

15 Q. Okay. Have you ever registered with the  
16 Republican party as a voter with the Republican party --  
17 for the Republican party?

18 A. Are you talking about -- when you say  
19 registered, are you talking about registered in the  
20 primary as a Republican voter? Is that what you're  
21 saying -- asking?

22 Q. Yes, or otherwise. Again, had any dealings  
23 with the Republican party where you, you know, become a  
24 member of that organization?

25 A. Not that I can recall, if you're talking about

1 registering for a primary or something like that within  
2 the Republican party.

3 Q. But have you historically voted for a Democrat  
4 candidate over a Republican candidate?

5 A. Historically, I voted for the candidate of my  
6 choice. So what do you mean?

7 Q. Well, has -- do you typically vote for the  
8 candidate who is running as a Democrat?

9 A. I would always say that I vote for the  
10 candidate of my choice when I got in there. So are you  
11 saying that I would never, ever vote for anybody of any  
12 other party? Or what do you mean?

13 Q. Well, we can start there. Is there any  
14 circumstance under which that you would -- strike that.

15 Is it your testimony that you would never  
16 vote for a Republican candidate?

17 MS. CHEN: Objection; form.

18 A. I would say I would vote for the candidate of  
19 my choice.

20 Q. (BY MR. RUSSO) And that might be a Republican  
21 or a Democrat maybe?

22 A. I vote for the candidate of my choice. That's  
23 the only thing I could say.

24 Q. And, historically, can you recall any such time  
25 in which you did vote for a Republican candidate?

1           A. Well, I can't exactly recall because I have to  
2 look at people's qualifications and different things  
3 like that, so...

4           Q. All right. Have you ever run for political  
5 office?

6           A. Yes.

7           Q. When did that -- when did you do that?

8           A. Wow. I can't remember the exact years. It  
9 would have been maybe in the -- I guess approximately in  
10 the '80s or something. I ran for school board. I just  
11 can't remember the exact year.

12          Q. And was that Texas City Independent --

13          A. Texas City, uh-huh, ISD.

14          Q. And that's sometime in the '80s, you think?

15          A. I think it may have been in the '80s. I just  
16 can't remember the exact time right now.

17          Q. Okay. Is that the only election you can  
18 remember running in?

19          A. What are you talking about, like local  
20 elections?

21          Q. Any elections for public office.

22          A. Oh, public office. That's usually -- you're  
23 talking about city, county, state, those type things,  
24 the school board.

25          Q. Municipalities --



1 A. Municipalities.

2 Q. -- ISDs?

3 A. Mm-hmm.

4 Q. It's the only time you can recall running?

5 A. It's when I ran for school board.

6 Q. Okay. That's the only time?

7 A. That's the only time I can recall that you're  
8 saying in the ones that you listed.

9 Q. Running for the ISD position, did you have a --  
10 did you have a Republican or Democrat side for your  
11 campaign?

12 MS. CHEN: Objection; form.

13 A. Back then I can't recall right now, but...

14 Q. (BY MR. RUSSO) Okay. Did you win?

15 A. No, I didn't.

16 Q. Who -- who was the other candidates that ran  
17 against you?

18 A. Oh, it's been so long ago now. I can't really  
19 recall their names.

20 Q. Okay. Why have you not -- why was that sort of  
21 the last time you ran for office?

22 A. Because I -- why is it the last time I ran for  
23 office? Just work and life balances and stuff. No  
24 particular reason.

25 Q. I understand. Do you have any thoughts about

1 running for office in the future, political office?

2 A. I can't say I will. I can't say I won't. You  
3 just never know how circumstances are, so I can't say  
4 either way.

5 Q. Okay. All right. So let's talk about the  
6 NAACP Mainland a little bit. We'll talk about the  
7 organization structure and sort of mission operations  
8 and that kind of thing.

9 Where from -- does the NAACP Mainland  
10 Branch have a specific area from which its members come  
11 from or have to reside?

12 A. The majority of our members -- the members from  
13 the Mainland, the people will work pretty much in the  
14 area, Texas City, La Marque, and Hitchcock.

15 Q. Is there any designation or difference within  
16 the organization between the Galveston Branch and the  
17 Dickinson Branch? And what I mean by that is could you  
18 be -- if you lived in -- if you lived in Dickinson,  
19 could you be a member of the Mainland Branch or the  
20 Dickinson Branch?

21 MS. CHEN: Objection; form.

22 A. I just -- I said they have to work a little  
23 within one of the areas.

24 Q. (BY MR. RUSSO) And there's a specific confined  
25 area, exclusive area that the NAACP Mainland Branch

1 covers. Is that accurate?

2 A. We -- the Mainland Branch covers Dickinson,  
3 Hitchcock, La Marque, and Texas City. That's the  
4 Mainland Branch areas. However, I could have a person  
5 in the Mainland Branch, could have a person -- like, I  
6 could be a Mainland Branch person, and I may have some  
7 problems in Galveston. So it may run over, but we have  
8 a Galveston Branch.

9 Q. So would you be -- could you be a member of  
10 both organizations, Galveston Branch and the Mainland  
11 Branch if you wanted to?

12 A. No. Usually, you're with one branch. If they  
13 want to go to another branch, they pretty much had  
14 changed their branch affiliation if they wanted to.

15 Q. Okay. And then so, again, you said that  
16 Mainland Branch does cover Dickinson. Does the person  
17 that lives in Dickinson --

18 A. I said Mainland is Texas City, La Marque, and  
19 Hitchcock. I'm sorry if you thought I said Dickinson.  
20 I said Texas City, La Marque, Hitchcock.

21 Q. All right. So would the Dickinson Branch be  
22 able to accept any residents of Texas City?

23 A. I said the person could live or work within  
24 that area or something. So I could be in Texas -- be a  
25 resident of Texas City, and I could join the Dickinson

1 Branch.

2 Q. If you lived and worked in that area, in the  
3 Dickinson area?

4 A. Yeah.

5 Q. Okay. And, you know, I just don't know how it  
6 works, whether it's exclusive. But it sounds like what  
7 you're telling me, if you live and work in the area  
8 covered by the branch, then you can join. Right?

9 A. Yes.

10 Q. And then what, is there a fee to join?

11 A. Well, they have different fees, and I would  
12 have to go to their bylaws and constitution that tells  
13 you all the exact fees that they have, but they have  
14 membership.

15 Q. Okay.

16 A. They have different types of membership, so...

17 Q. Are there different fee rates for the different  
18 type of membership?

19 A. They have different fee rates for different  
20 types of membership.

21 Q. How many different rates are there in the  
22 Mainland Branch?

23 A. I would have to send you to national --  
24 NAAC.org [sic] membership being because we are now with  
25 the national office.

1 Q. Okay. All right. What level are you?

2 MS. CHEN: Objection; form.

3 A. That's the type of membership I have within the  
4 branch?

5 Q. (BY MR. RUSSO) Yes, ma'am.

6 A. That would be asking things that I think would  
7 be private to the NAACP members.

8 Q. Okay. But do different levels entitle you to  
9 different sort of benefits?

10 A. No.

11 Q. So is the -- is the distinction between the  
12 level of membership just an issue of monetary  
13 contribution?

14 A. I have to --

15 MS. CHEN: Objection; form.

16 A. -- send you to the national organization for  
17 their rules and regulations on membership.

18 Q. (BY MR. RUSSO) Okay. But as you sit here  
19 today, you can't -- you don't know what those are?

20 A. I said it's a bunch of different types of  
21 membership and the exact cost and money. I would send  
22 you to the membership department.

23 Q. On the fees are they charged on an annual  
24 basis?

25 A. Different fees are charged different rates.

1 Different -- I mean, they're not always annual.

2 Different fees may have different things.

3 Q. All right. And why is that, do you know?

4 A. You'd have to ask the national membership  
5 office.

6 Q. Okay. All right. As you sit here, what's  
7 the -- what's the goal of the NAACP Mainland Branch?  
8 What's its function? Why is it there?

9 A. It's to help with the educational, social,  
10 economical, and political, and areas of our population,  
11 and to really advocate against any type of  
12 discrimination in all people.

13 Q. Okay. And how does it -- how does the Mainland  
14 Branch accomplish those goals?

15 A. How does the Mainland Branch --

16 Q. Yes, ma'am.

17 A. -- accomplish those goals? Well, because we  
18 have advocacy and we have committees that address things  
19 like education. They're out in the community to see how  
20 education impacts their community, how economic  
21 development, workforce development and stuff impacts  
22 their community, and to be able to educate members of  
23 their community about different opportunities.

24 Q. Is there -- are there different sort of  
25 committees set up within the Mainland Branch to do

1 different things?

2 A. They have committees according to the national  
3 branch. We have committees on housing that deals  
4 with -- so they can find out information about housing  
5 and housing issues within the community. We have  
6 someone that's -- would be with school to find out about  
7 education of school. We have someone with workforce  
8 development that would work with that. You would want  
9 to have labor and industry that has to do with economic  
10 growth of the area and how it relates to jobs and labor,  
11 labor readiness and stuff. You'd have -- you would have  
12 healthcare as a major policy, and healthcare would come  
13 with how your environment is impacted about different  
14 various aspects of health and to -- you want to try to  
15 improve the overall health of the people within your  
16 community.

17 Q. Okay. And so are you sort of a member or head  
18 of any of those specific committees?

19 A. Well, as a president you have -- you're  
20 getting -- you know, actually kind of be a chair or  
21 access to all different aspects of different committees  
22 and input on the different things that -- you know,  
23 regarding those specific things.

24 Q. What -- what -- what year did you become the  
25 president of the Mainland Branch?

1 A. I think in 2018. 2017, 2018 thereabout.

2 Q. And was the prior president Dottie Jones?

3 A. No.

4 Q. Who was -- who was the president before you?

5 A. It was -- I think it was Mr. Harper. I can't  
6 think of his last [sic] name and -- and Cunningham.

7 Q. And do you know why --

8 A. And then --

9 Q. I'm sorry. Go ahead?

10 A. And then you would -- Dottie Jones would have  
11 been prior to those people.

12 Q. Do you know why Mr. -- Mr. Cunningham, your  
13 immediate predecessor, he was there before -- right  
14 before you as president?

15 A. No. I think it was Mr. Harper.

16 Q. And do you know why he stopped being president?

17 A. I can't speculate on why a person stops or  
18 started their presidency.

19 Q. You didn't have any conversations with him  
20 about that issue?

21 A. No. I can't say why he...

22 Q. Do you know how many members Mainland has, the  
23 Mainland Branch has?

24 A. I would -- how many members we have?

25 Q. Yes, ma'am.



1           A. I don't have exact membership rosters, but I  
2 know we would have more than 50.

3           Q. Okay. Is that about average what the  
4 membership has been since you've been president?

5           A. I didn't say that was average of what it's  
6 been. I said that we would have more than 50.

7           Q. Okay. And you have more than 50. Again, is  
8 that -- that's pretty consistent?

9           A. Well, it's -- you would have more than 50.

10          Q. The -- do you know anything about the racial  
11 makeup of the membership? The demographic makeup, is  
12 what I should say?

13          A. Well, membership is open to all races.

14          Q. Right. But do you have any idea -- do you have  
15 a notion as to what percentage you think might be  
16 African American versus Latino versus White members?

17          A. I can't tell you the exact racial makeup.

18          Q. You cannot?

19          A. Because I don't have the membership list or  
20 roster to say so.

21          Q. Okay. Are there -- are there African American  
22 members?

23          A. Are there African -- I'm a member; I'm African  
24 American.

25          Q. Okay. So we know that much. What about Latino

1 members?

2 A. You're asking me about specific membership  
3 rosters and stuff like that and names of something, and  
4 I don't have that right here.

5 Q. Okay. Are you aware whether any of your  
6 members identify as Latino?

7 A. So you're asking me about specific memberships  
8 within the thing. I would say we have a variety of  
9 members because it's open to everyone.

10 Q. So do you believe you have members who identify  
11 as Latino?

12 A. I believe that we have memberships from various  
13 races.

14 Q. Including Latinos?

15 A. Including Latino? I'm -- we have memberships  
16 from very different races.

17 Q. Right. But, again, do you know whether there  
18 are Latino members as -- that are members of the  
19 Mainland Branch?

20 A. The NAACP memberships are protected  
21 memberships, so I would say that.

22 Q. Well, I'm not asking about a specific member or  
23 any of his personal or her personal information. I'm  
24 just asking.

25 A. I was just saying we have members from

1 different races and...

2 Q. I get that. My question is a little more  
3 specific than that.

4 Can you tell me, based upon your knowledge,  
5 whether you have Latino members in the Mainland Branch?

6 A. I can tell you that we have members from  
7 different nationalities. Now, different nationalities I  
8 can -- are you making me say an assumption of that  
9 because I happen to know what a person identifies as?

10 Q. Well, again, I have to suggest that either you  
11 do know that there's a Latino member or you don't. And  
12 I'm fine either way. If you don't know that you have a  
13 Latino member, that's okay with me.

14 A. I just said that I -- that I don't have all the  
15 specific membership rosters. So you want me to tell you  
16 whether I do or do not have Latino members and stuff?  
17 Then I would have to know --

18 Q. Whether you know. I'm asking whether you know.  
19 Do you have the information enough to provide to me as  
20 to whether the Mainland Branch has any Latino members?

21 A. Well, I just know we have a vast variety of  
22 memberships within the Mainland Branch.

23 Q. Okay. And do you have the information within  
24 your personal knowledge about the nationalities of -- or  
25 the racial identity of any of those members, other than

1 your own?

2 A. So -- so what you're asking me is you want me  
3 to identify all my members and tell you what their  
4 nationalities are?

5 Q. No, no, no.

6 A. I -- I -- I --

7 Q. That's not what I asked.

8 A. But that's --

9 Q. That's not what I asked.

10 A. I'm just trying to get clearance.

11 Q. I'm trying to provide you clearance.

12 A. Okay.

13 Q. I don't -- I don't -- I'm not asking you to  
14 name every member. I'm not asking you to name which one  
15 is the --

16 A. I just told you we have a variety of members  
17 and a variety of different types of members within  
18 our...

19 Q. And that's great. That would be an answer to  
20 the question of do you have members of all different  
21 nationalities, to which I assume you'd say yes. My  
22 question is different than that.

23 Based upon what you have in your knowledge  
24 sitting here right now, do you know whether the Mainland  
25 Branch has a member that identifies as Latino?

1           A. So -- so you want me, as the president, to ask  
2 everybody what they identify as?

3           Q. No, ma'am. I'm asking you what you have --  
4 what knowledge you have right now of that question.

5           A. Well, the only thing I can say is you can ask  
6 national membership if they'll -- if they have --  
7 because we have a national membership, if they can tell  
8 you a breakdown on every person that we have, and  
9 they'll say that's protected --

10          Q. Is it fair --

11          A. -- information.

12          Q. -- to say -- I'm sorry. Is it fair to say you  
13 don't know if you have any Latino -- any members that  
14 identify as Latino? Is that fair?

15          A. It's fair to say that I said we have a variety  
16 of members from different ethnicity groups. That's  
17 exactly what I said, so...

18          Q. We're going to be here all day --

19          A. Okay.

20          Q. -- if you absolutely refuse to answer my  
21 question. It is an extremely simple question, and it's  
22 not tricky.

23          A. I know it's not tricky.

24          Q. There's no tricks.

25          A. I just told you we've got people from different

1 areas.

2 Q. I'm asking about Latino members specifically.  
3 Do you know whether you have any Latino members? That's  
4 what I'm asking you.

5 MS. CHEN: And I'll object to form, and  
6 she's not refusing to answer your question.

7 MR. RUSSO: She absolutely is. Absolutely,  
8 she is.

9 Q. (BY MR. RUSSO) It's a very simple question.  
10 Do you know whether you have Latino members in the  
11 Mainland Branch?

12 THE WITNESS: So I'm not objecting to  
13 answer his thing because national memberships and stuff  
14 go to national and stuff.

15 A. And for me to tell you exactly at this point in  
16 time what percentage of who I have as a member in my  
17 group, I just can say we have a variety of members in  
18 our group that may be from all races, Anglo, Latino,  
19 different races. I just said that.

20 Q. (BY MR. RUSSO) But do you know whether any of  
21 those people identify as Latino?

22 MS. CHEN: Objection; asked and answered.

23 A. I just asked [sic] and answered you. I said  
24 that we would have to get that because you're asking me  
25 at a specific time and stuff, that do I know exactly if

1 we have Latinos or what we have right now. I would have  
2 to have a membership list here, and tell you that we got  
3 this many people and they're Latino in here.

4 Q. Ma'am, I'm not asking you about what your list  
5 actually looks like. I'm asking you what you know.  
6 What do you know about your membership? And, again, if  
7 you don't know of any members that are Latino, then just  
8 tell me that, I don't know of any or I don't know if we  
9 have any. But you won't -- I mean, again, it's a pretty  
10 simple question.

11 A. Yeah, but you're saying I don't know if we have  
12 any. I don't know if we don't have any.

13 Q. So you don't know either way. Right?

14 MS. CHEN: Objection; form.

15 A. I just told you you can have -- actually  
16 request a copy of the membership and a breakdown in the  
17 membership from the national office.

18 Q. (BY MR. RUSSO) I'm not asking about national  
19 membership. I mean, we're getting to a point --

20 A. Well, the national has membership roles for  
21 every unit, and if they want to give you a breakdown on  
22 how many of each race we have --

23 Q. This is absolutely absurd. I mean, we're  
24 getting to a point we have to go to the judge to get the  
25 most simple and basic question answered, and I don't

1 want to do that and waste everybody's time. It's very  
2 simple. If you don't know whether you have any Latino  
3 members in the Mainland Branch, then just tell me that  
4 and we can move on. Now, you've told me four times I  
5 could go to the national people and find that out.

6 A. Yeah.

7 Q. But I'm not asking what the national knows.  
8 I'm asking what you know.

9 A. So I'm answering this person because within  
10 this unit you can register online. You don't have to  
11 come by. You can register online. I don't know who all  
12 registers online. So you're asking me a specific  
13 question that you can sit right here and register online  
14 today and say, do you have Latino members and stuff?  
15 They may say I want to be a part of the Mainland Branch.

16 Q. And do you know whether that's happened?

17 A. Well, I know people register online every day.

18 Q. Do you know what people are registering online  
19 as Latino for the Mainland Branch?

20 A. I don't get the -- I don't get the ethnicity  
21 breakdown of what they are. They're registered with the  
22 Mainland Branch.

23 Q. So you don't know of any -- by virtue of  
24 attending meetings or otherwise, don't know of any  
25 people that are in the Mainland Branch that are of



1 Latino identity?

2 MS. CHEN: Objection; form.

3 A. So now you're asking me to say something about  
4 the specific group of people that come that may be  
5 within my group? Is that what you're asking me?

6 Q. (BY MR. RUSSO) No, ma'am.

7 A. Okay.

8 Q. I'm asking whether -- have you talked to any of  
9 the members of the Mainland Branch who have told you, I  
10 identify as a Latino?

11 A. I didn't know if we had a conversation about --  
12 with members or anything, if we ask them about what do  
13 you identify as.

14 Q. So the answer is no?

15 A. I said I didn't ask them what they identify as.

16 Q. So the answer is no, you never had a  
17 conversation with anyone who said, I identify as Latino,  
18 and I'm a member of Mainland?

19 A. When people come up, they don't usually just  
20 tell me, I identify as Latino or nothing.

21 Q. So, again, no, you've never had that kind of  
22 conversation?

23 MS. CHEN: Objection; form.

24 A. I never said I never had that conversation. I  
25 said if you want to ask me something, and you just said

1 do you think that we have Latino, Anglo, different  
2 things. I told you -- I think that I told you the true  
3 answer that we have --

4 Q. (BY MR. RUSSO) I have to tell you --

5 A. -- specific.

6 Q. -- you're one of the -- probably the most  
7 noncommittal witnesses I've ever had the pleasure of  
8 deposing.

9 A. But I'm answering your questions.

10 Q. No, you're not.

11 A. You asked me something directly. You want me  
12 to tell you what you think I need to be saying.

13 Q. No.

14 A. I'm saying --

15 Q. Again, it's a very simple question. Do you  
16 know anything -- do you know whether you have any  
17 members in the Mainland Branch that identify as White?

18 A. We have people of all races, and as I say,  
19 people online and they may not necessarily say what they  
20 are. That's why you have private membership roles.

21 Q. You don't know the answer to that question  
22 either?

23 A. Because you can register online if you have  
24 private membership roles.

25 Q. You don't have that information with you today?

1           A. So I don't have -- what you're asking me is do  
2 I have a roster? Do I have a roster here? Does my  
3 roster tell me the specific racial breakdown of  
4 everybody that's in it?

5           Q. As far as I know, and the record will bear this  
6 out, I haven't mentioned a thing about a roster.

7           A. Well, I'm just saying you want me to know.

8           Q. Well, I do. Because you know why? You came to  
9 this deposition --

10          A. Mm-hmm.

11          Q. -- being the person with the most knowledge of  
12 what the NAACP --

13          A. Okay. When we --

14          Q. Let me finish.

15          A. Okay.

16          Q. -- Mainland Branch knows about these topics.

17          A. Mm-hmm.

18          Q. And I can't get you to even answer the question  
19 of whether you know you have any Latino members or White  
20 members. Again, I'm putting aside what the organization  
21 knows. I'm just asking you as an individual.

22          A. Okay. And I just told you as an individual, I  
23 don't get the specific list.

24          Q. So the answer to my question is what?

25          A. That I don't have the specific list that I can

1 go down and say this is my member; this is -- this  
2 member is White or Anglo. This is my member; this  
3 member is Chinese. This is my member; this member is  
4 Latino.

5 Q. Okay. So --

6 A. I say we have different members from various  
7 background. We don't discriminate against any type of  
8 background or racial thing, so they can be of any  
9 race --

10 Q. Okay.

11 A. -- and be a part of it.

12 Q. We've established that there are many different  
13 races in the branch, but we don't know whether there is  
14 a Latino member and/or a White member. Correct?

15 MS. CHEN: Objection; form.

16 A. I didn't say that. I said that a lot of  
17 members register online, and we don't ask them when they  
18 get in the membership roles and stuff exactly what they  
19 are.

20 Q. (BY MR. RUSSO) Okay. All right. Have it the  
21 way you want it.

22 Do you all work with members of the LULAC  
23 organization?

24 A. Yeah, I have worked with the members of LULAC.

25 Q. Do you work closely with the LULAC

1 organization?

2 MS. CHEN: Objection; form.

3 A. I work with the -- I have worked with a member  
4 of LULAC before.

5 Q. (BY MR. RUSSO) On what project?

6 A. On economics, small business, administrative,  
7 things like that.

8 Q. Anything else?

9 A. Well, lately just economics and stuff like  
10 that, and then discussing different issues and stuff  
11 regarding housing and things like that.

12 Q. Is it your understanding that the LULAC  
13 organization is geared towards the sort of, I guess,  
14 advancement or seeking equality of Latino -- Latino  
15 membership?

16 A. I'm sure that LULAC -- because I don't have  
17 their exact mission statement, but I would assume that  
18 they're on equality and equal rights and equal access  
19 and things and their rights.

20 Q. Yeah. So you don't know whether their mission  
21 statement is geared towards the sort of advancement of  
22 the Latino -- Latino population?

23 A. Well, I'm sure that may -- would be their core  
24 mission, but I don't have their exact mission statement  
25 right here. But if you have a copy of that, I would be

1 more than happy to read it to you.

2 Q. Okay. We can do that in a minute.

3 Have you ever had a situation where the  
4 interest of the NAACP member and the LULAC membership in  
5 Galveston County have diverged, they're different?

6 A. What do you mean?

7 Q. What I mean is have you ever seen a situation  
8 where the two organizations have competing interests?

9 A. Have I personally seen that we have competing  
10 interest? I haven't had an issue with having things  
11 being competed interests that I know of now. I can't  
12 say that that's totally true because you have to know  
13 their mission, what their mission statements and what  
14 their core focuses are.

15 Q. Is it your testimony that the NAACP nat- --  
16 Mainland and the LULAC organization in Galveston are  
17 aligned in every way in their goals?

18 MS. CHEN: Objection; form.

19 A. I can't make that decision on that they are  
20 aligned in everything and stuff. You're asking me  
21 something about a specific different organization, and  
22 you're asking me to make inference to some other  
23 organization.

24 Q. (BY MR. RUSSO) Are you aware of any  
25 advertising or marketing undertaken by the NAACP

1 membership specifically geared toward the Latino  
2 population?

3 A. What do you mean? Does --

4 Q. Does the NAACP Mainland Branch have advertising  
5 or marketing efforts that are geared, focused on driving  
6 up membership of Latino -- Latinos in Galveston County?

7 A. Well, the NAACP core mission is to help -- is  
8 to be inclusive. We're an inclusive organization. And  
9 so we put out -- if you go to the national web page, you  
10 would see all the -- some of the missions and policies  
11 and activity that has to do with inclusion; and so we're  
12 an inclusive organization.

13 Q. Okay. Sorry, I thought you were done.

14 Does the Mainland Branch do any of its own  
15 advertising and marketing to drive up membership?

16 A. What do you mean? Different, like, membership  
17 drives or something like that?

18 Q. That could be an example, yes.

19 A. Well --

20 Q. Yes.

21 A. We encourage people, you know, to join and  
22 stuff when we're out in the public and stuff so that  
23 people that join know that we're an inclusive  
24 organization. But we -- usually when you're doing any  
25 type of literature or putting out something, those

1 things are copyrighted through national. You have  
2 national membership goals, literature, and different --  
3 even the pamphlets that's made to join. That's all  
4 through national, trademarked through national, so...

5 Q. Sorry, I thought you were done. Is it true  
6 that the literature that you might distribute would come  
7 from the national organization related to the membership  
8 drives?

9 A. Yeah. All the stuff would come, and national  
10 sends out a lot of things on membership.

11 Q. Does the national send it out directly or does  
12 the Mainland Branch send it to its particular members?

13 MS. CHEN: Objection to form.

14 A. The things that are sent out, the membership  
15 pamphlets and stuff that are made are made by national.

16 Q. (BY MR. RUSSO) Do they actually -- does  
17 national actually send it out or mail it out or  
18 distribute it or is it distributed through the Mainland  
19 Branch?

20 A. The Mainland Branch -- if the Mainland Branch  
21 needed some membership flier and stuff, those pamphlets  
22 would come from -- through the national.

23 Q. And the Mainland Branch would distribute it?

24 A. Yes, it would come from national because  
25 national has their copyrighted stuff.



1 Q. And is that done through e-mail usually? How  
2 is it distributed to the public?

3 A. The national office has e-mails and different  
4 stuff like that. In the public, if we was in public and  
5 stuff, if I had something here on my desk and I had a  
6 sign or something, it would be national -- things from  
7 national. We have a publications division.

8 Q. Of national or of the Mainland Branch?

9 A. I just told you national. We have -- we have  
10 things that are copyrighted through national, and we  
11 have -- ordering things where you would order things  
12 from national.

13 Q. All right. But then how does it get to the  
14 members? How does the pamphlet or whatever advertising  
15 material you're getting from national, how does it get  
16 to the public in Galveston County, so to speak? Who  
17 distributes it?

18 MS. CHEN: Objection; form.

19 A. Like, if I was somewhere and it was at a  
20 conference or a table or something, just like the  
21 Red Cross and everything else that have things that are  
22 national that only put out Red Cross badges, pamphlets  
23 and stuff, or Salvation Army have stuff that's only  
24 Salvation Army, the NAACP would have stuff and that  
25 would come there and you would have your specific thing

1 set up like that.

2 Q. (BY MR. RUSSO) Okay. And so --

3 A. So the same general way that other national  
4 organizations would have things that they send down from  
5 national headquarters to all of their affiliated  
6 offices.

7 Q. And so does -- when is the last time that the  
8 Mainland Branch had a member drive?

9 A. A membership drive?

10 Q. Yes, ma'am.

11 A. Well, membership drives now, we've been -- I  
12 can't say the exact date that we've had our last  
13 membership drive, but memberships, sometimes people  
14 request memberships or if you had an activity, I think  
15 maybe -- I can't say. Maybe -- I can't say the exact  
16 date it was.

17 Q. Has it been since you were president?

18 A. Yes, of course. We're out in the public and  
19 stuff, and it may be at an event or something you have a  
20 table, and then they'll have pamphlets for members for  
21 member drives and stuff that. You would have pamphlets  
22 and stuff out there. But the organization is a  
23 well-known organization, and a lot of people sign up  
24 because they know what the organization is, and they  
25 sign up their things online.

1 Q. And you don't remember where or when the last  
2 drive was for the Mainland Branch, that was conducted by  
3 the Mainland Branch?

4 A. Well, we've been in COVID and stuff like that.  
5 So being out in public, whenever we're out, we always  
6 have a table. We was out -- if we have something in the  
7 public, we always bring in NAACP pamphlets and stuff if  
8 it's at a Juneteenth organization, if it's at any  
9 specific event.

10 Q. Have you had distribution pamphlets at a  
11 Juneteenth celebration since COVID started in 2020?

12 A. We've had other drives that we've had pamphlets  
13 out at, but not a lot because we've not done a whole lot  
14 of drives because of contact.

15 Q. Do you -- does -- does the Mainland Branch have  
16 pamphlets that are in Spanish?

17 A. They would have -- I would have to see English  
18 and Spanish. Most of them I have is English.

19 Q. Most of the ones you've seen are in English?

20 A. But we have a publication department that puts  
21 things in different languages.

22 Q. So do you recall distributing either pamphlet  
23 or membership drive material that is in Spanish on  
24 behalf of the NAACP Mainland Branch?

25 A. I can't recall that right now. I can't recall

1 the last thing because various people within the branch  
2 do membership and you have a membership department and  
3 they're distributing out there pamphlets at different  
4 times when they do their membership drive because you  
5 have a membership committee, so...

6 Q. Do y'all have any membership material or --  
7 well, let me just ask the question.

8 Do you have any membership material that  
9 you -- that is geared towards gaining membership of  
10 White members of the public?

11 A. We're non- -- we're not biased. Anyone that  
12 comes and wants to join or anybody that want to join  
13 online can join. Because if you read the historic  
14 history, NAACP was started by a lot of Whites and it was  
15 inclusive. So you can go to our website and read the  
16 fundamental history, and see how the organization  
17 started as a very diverse and inclusive organization,  
18 and we continue to have that same policy and goal right  
19 now.

20 Q. Right. But my question was a little more  
21 directed.

22 Do you recall, in the time that you've been  
23 president, having and distributing advertising  
24 membership drive types of material that's specifically  
25 geared towards the White population?

1           A. When we have a membership drive, we don't  
2 discriminate, any population that comes.

3           Q. Okay.

4           A. At any venue, at anything we do, and anywhere I  
5 am, we don't discriminate as to what population or where  
6 we are. If I'm in all -- all Anglo area and I'm NAACP,  
7 I'm going to let them know this NAACP, this is the  
8 table, it's going to be information out there, and we  
9 don't -- we like equality for all.

10          Q. Do you recall doing any membership -- well, let  
11 me strike that question.

12                         Do you just do membership drives within the  
13 areas in which your branch should be signing up members,  
14 and in this case it would be Texas City, Bacliff, and  
15 Hitchcock?

16                         MS. CHEN: Objection; form. Misstates  
17 prior testimony.

18           A. I'm not understanding that question.

19           Q. (BY MR. RUSSO) Okay.

20           A. However, I'm thinking that you're asking me  
21 would I only distribute NAACP information in the area  
22 that I serve. Is that correct?

23           Q. Yes, ma'am, on behalf of the -- on behalf of  
24 the Mainland Branch.

25           A. Okay. Since we're a national organization and

1 stuff, irregardless to where I am, that literature can  
2 be taken out, and they would join with your [sic]  
3 ZIP Code. They would route you to the branch that's in  
4 your location.

5 Q. Okay.

6 A. So...

7 Q. And in that situation -- well, strike that.

8 Let me do it this way.

9 Has the Mainland Branch ever conducted  
10 membership drives in person outside of the areas that  
11 the Mainland Branch covers, which I think you told me is  
12 Texas City, Santa Fe, Bacliff?

13 A. I said Texas City, La Marque, and Hitchcock.

14 Q. Okay. Texas City, La Marque, and Hitchcock.

15 A. You're getting that mixed up with places I've  
16 worked in the past.

17 Q. I think you're right.

18 A. Mm-hmm.

19 Q. But -- so has the Mainland Branch ever  
20 physically set in any of these other locations city-wise  
21 and distributed membership drive type of material?

22 A. Are you talking about setting up a booth  
23 specifically to do a membership drive?

24 Q. Yes, ma'am.

25 A. Because anywhere I go, if it's a person that

1 wants to be a member, I don't care from working  
2 somewhere and they ask something and they come by and  
3 they see the table and see the sign, anywhere I'm going  
4 and I'm doing something and they have an NAACP logo or  
5 table there, then that information would be given to  
6 them, and they would be able to find their place that  
7 they would go to.

8 Q. Okay. Have you ever conducted a membership  
9 drive in League City?

10 A. You're asking me specifically?

11 Q. The NAACP Mainland Branch.

12 A. No. I would think it would be Dickinson,  
13 League City. But, however, I can't say that if I was  
14 out there and if I had a table out in League City or in  
15 a park in League City, if I was out there and I was as  
16 an NAACP representative, I would have literature there,  
17 of course, that people could get if it was in League  
18 City, and I would tell them that their district would be  
19 the Dickinson Bay Area Chapter.

20 Q. Okay. But as of now, you don't recall the  
21 Mainland Branch conducting a membership drive in  
22 League City?

23 A. You're saying specific membership drive. I'm  
24 saying everywhere I go, if I have something, and  
25 somebody want to be a member, they're going to get

1 something if they ask about it.

2 Q. Do you typically carry around pamphlets and  
3 membership drive material with you wherever you go?

4 A. Sometimes depending on a requirement or  
5 something, I may have a membership -- or if I tell him  
6 right now to go to NAACP.org, and they can do their  
7 membership online.

8 Q. Is that the more likely scenario, that you can  
9 direct them to the website rather than actually hand  
10 them material?

11 A. Well, we have a new generation that's young,  
12 and they do a lot of stuff. So sometimes I go there,  
13 sometimes I have literature, a lot more than a lot. I  
14 have literature that I can give out a person, of course.

15 Q. Okay. Did -- so let's turn and talk about the  
16 lawsuit a little bit.

17 Which -- what's the Mainland Branch's  
18 understanding of what the suit is about that we're here  
19 on today?

20 A. My understanding about the suit is the  
21 redrawing of lines, the voting commissioner precinct  
22 lines. Redistricting.

23 Q. Okay. And what -- what's the -- what injuries  
24 has the Mainland Branch claims it suffered?

25 A. I'm saying people within the district in the



1 Mainland Branch have suffered because the lines have  
2 been drawn with the maps and stuff. The maps that was  
3 approved, the lines have been drawn that has cut those  
4 voting-specific precincts into three or four parts.

5 Q. And is there any difference between the injury  
6 that you're saying was suffered by the Mainland Branch  
7 membership, is there any difference between that injury  
8 for people who aren't members of the Mainland Branch who  
9 may also be minorities in the old Precinct 3?

10 MS. CHEN: Objection; calls for a legal  
11 conclusion.

12 A. The lines were drawn in a way that cut up the  
13 districts of Black and Latino votes that had a more  
14 majority population. They were cut and split into three  
15 or four different parts.

16 Q. And in terms of -- I'm sorry. Go ahead.

17 A. And by that, the candidates cannot select a  
18 candidate of their choice.

19 Q. Yeah, and I guess the wrong that you're saying  
20 was committed, wouldn't that wrong be the same and  
21 suffered the same by a person who is not a member of the  
22 NAACP Mainland Branch --

23 MS. CHEN: Objection; form.

24 Q. (BY MR. RUSSO) -- as a person who is a member  
25 of the Mainland Branch? Aren't they both suffering the

1 same --

2 MS. CHEN: Objection; form.

3 Q. (BY MR. RUSSO) -- if at all?

4 MS. CHEN: Calls for a legal conclusion.

5 A. I know that people in my branch have suffered  
6 those things, and minorities within that community that  
7 may or may not be in my branch have probably suffered  
8 the same things because the lines were redrawn. So if  
9 you live in the area, those lines were redrawn.

10 Q. (BY MR. RUSSO) Right. And that's true  
11 regardless of whether you're a Mainland Branch member or  
12 not. Right?

13 A. Well, that's why you probably may have some  
14 individuals that may have complaints, that may have  
15 filed complaint against the drawing of the maps --

16 Q. Right. And then --

17 A. -- because they may or may not be members, I  
18 don't know, but...

19 Q. So what is it --

20 A. So we're -- we're worried about the political  
21 implication for all the different people within that  
22 area.

23 Q. And what's -- what's the sort of best case  
24 scenario for the NAACP Mainland Branch? What do you  
25 expect -- if you could write your own order in this

1 case, what would you want the court to give you in  
2 relief?

3 MS. CHEN: Objection; form.

4 A. Well, I would just expect for it to be -- the  
5 maps to have been a fair process.

6 Q. (BY MR. RUSSO) And is there a particular map  
7 in your mind that meets that, those qualifications?

8 A. I'm not an expert map drawer, but I'm sure that  
9 they could have come up with some kind of way as to not  
10 dilute the voting population of certain minority groups,  
11 so...

12 Q. All right. Is it your belief that the county  
13 should just revert back to the precincts as they existed  
14 prior to the vote in November of 2021?

15 MS. CHEN: Objection; form.

16 A. I'm not an expert map drawer. I didn't draw  
17 the maps, but I think that they -- that the maps should  
18 be where people would have an opportunity to elect  
19 candidates of their choice.

20 Q. (BY MR. RUSSO) So if I wanted to know what the  
21 NAACP Mainland Branch's view of that relief should look  
22 like, should I just look at the expert reports in this  
23 case?

24 A. I think to look at the expert report, I don't  
25 know who drew the maps, but I'm sure the county --

1 whoever the county thought was an expert drew the maps  
2 that they drew, and they drew the maps that they drew  
3 racially biased because they drew the lines so that they  
4 affected a certain group of people.

5 Q. Yeah. And what I'm --

6 A. So I don't understand what you're talking  
7 about, but I'm not the expert map drawer right here.  
8 But I think they should have had some things that was  
9 open and trans- -- a little more open and transparent  
10 with information on it so we could have seen the way  
11 some of these things were being done.

12 Q. Yeah, and that's where I'm headed with this. I  
13 just want to know whether -- whether the NAACP Mainland  
14 Branch has any view of what the maps should look like,  
15 separate and apart from what your experts have said the  
16 maps should look like in this case.

17 A. So what you're asking me if the Mainland Branch  
18 NAACP had sat down and collected or drawn maps that they  
19 thought was appropriate? Is that what you're asking me?

20 Q. Yes, ma'am.

21 A. We hadn't. We hadn't sat down and drawn no  
22 maps which we think was appropriate, if that's what  
23 you're trying to get me to say. No, we have not. But  
24 we have common knowledge that maps and when you  
25 redistrict and redraw, they should be fair to the

1 constituents that you're serving.

2 Q. So do you have any knowledge as to how the  
3 NAACP Mainland Branch became a part of this lawsuit?

4 A. How we became a part of the lawsuit?

5 Q. Yes, ma'am.

6 A. Because we looked at the maps and saw that. In  
7 looking at the missions and goals of the NAACP as for  
8 equality and different things like that, that these maps  
9 were not fair. And when you have maps that are cut up  
10 like -- cut and knock out certain groups of people, you  
11 have other specific things that go along with that  
12 because it could bring up things with housing. It could  
13 bring up harm with housing, education, and different  
14 things. If you're not able to elect candidates  
15 sometimes of your choice, then other resources go other  
16 places, too. So the NAACP sees that these maps have  
17 some potential harm.

18 Q. And so how did it -- how did it come to be that  
19 the NAACP Mainland Branch was actually a plaintiff in  
20 this case? Do you recall who first approached the  
21 branch?

22 MS. CHEN: Objection; form.

23 Q. (BY MR. RUSSO) About being a plaintiff in the  
24 case?

25 A. The NAACP is a plaintiff in this case because

1 | they have standing because we have members that were  
2 | hurt after these maps were drawn like that. So what are  
3 | you asking me or what are you trying to say?

4 | Q. So I'm trying to figure out how it came to be  
5 | factually that --

6 | A. That's why -- that's why we're a plaintiff in  
7 | this.

8 | Q. How did you become a plaintiff? Did you  
9 | approach counsel? Did counsel approach you? Did you  
10 | speak to other members? Did you speak to other  
11 | organizations about being part of the suit? What can  
12 | you tell me about that?

13 | MS. CHEN: Objection; form.

14 | A. I said the NAACP had -- the Mainland Branch  
15 | NAACP had clients that was affected by this map.

16 | Q. (BY MR. RUSSO) Had clients?

17 | A. Members.

18 | Q. Members.

19 | A. Members affected by this map. So, therefore,  
20 | the NAACP Mainland Branch had their -- made their own  
21 | decision about being in this lawsuit. So what are you  
22 | asking me? Did somebody else try to put us in the  
23 | lawsuit? What are you asking?

24 | Q. Yeah, I'm asking -- what I'm trying to figure  
25 | out again, is it -- was it Mainland's decision, let's go

1 | file a suit, go find a lawyer, or was it somebody  
2 | approached Mainland about being involved in the suit?

3 | A. The Mainland Branch looked at the information  
4 | and looked at the maps and was concerned about the  
5 | people in our residence and talked with our executive  
6 | committee about what we needed to do to try to rectify  
7 | the wrong that was brought by these maps.

8 | Q. Okay. Those conversations started -- were  
9 | they -- did they start after the vote in November of  
10 | 2021 or did they start before that?

11 | A. What are you talking about?

12 | Q. Well, maybe you're not -- the vote where the  
13 | county adopted the new maps occurred in a hearing that  
14 | happened on November 12th --

15 | A. Yeah.

16 | Q. -- 2021?

17 | A. Yeah, November 21st [sic], okay.

18 | Q. So my question to you is, did the discussion  
19 | amongst the NAACP and needing the suit occur after that  
20 | hearing or had conversations happened prior to the vote  
21 | by the county?

22 | A. Are you talking about -- what are you asking  
23 | me? Did we have conversation about pursuing legal  
24 | representation before the vote was even made?

25 | Q. Yes, ma'am.

1 A. Why would we need legal representation before  
2 the vote was made because we didn't know how the maps --  
3 I mean, we didn't know what maps was going to be adopted  
4 until it was voted upon. So are you trying to ask me  
5 did we have -- get legal assistance before the county  
6 made a vote on these maps?

7 Q. Yes, ma'am, as you recall.

8 A. As I recall, when we obtained counsel, it was  
9 after these maps was drawn.

10 Q. And when was the first time that the NAACP  
11 Mainland expressed concern about the maps that the  
12 county -- well, strike that.

13 When was the first time that Mainland can  
14 recall having concerns about the redistricting effort  
15 that was being undertaken by Galveston County in 2021?

16 MS. CHEN: Objection; form.

17 A. When did we have concerns about the  
18 redistricting effort? Well, I didn't see where we got  
19 notices about the redistricting efforts and stuff. So  
20 are you asking me if we get concerns because we -- they  
21 had open forums and letters and things sent out that  
22 they was going to be discussing redistricting and stuff?  
23 I don't remember seeing any of those things where the  
24 county had public forums and stuff about the  
25 redistricting and stuff like that and showing them maps



1 prior to the discussions about the process.

2 Q. (BY MR. RUSSO) So as best you can recall, the  
3 concerns about the county's redistricting effort arose  
4 closer to the hearing date in November of 2021?

5 MS. CHEN: Objection; form.

6 A. I can't exactly recall, but I'm saying that I  
7 didn't see where the county -- and maybe you have  
8 somewhere -- the county put out a bunch of literature  
9 and stuff that you can show me. If you have a copy of  
10 that stuff that the county posted about all the hearings  
11 they were having for this redistricting process, I would  
12 like to look at that and look over it or something, if  
13 you have that here with you, where the county had all  
14 those details that posted dates, events, and stuff like  
15 that on hearings about the maps.

16 Q. (BY MR. RUSSO) Do you remember seeing any of  
17 that material?

18 A. I said I didn't remember seeing it, so I was --

19 Q. You did not?

20 A. Remember seeing what?

21 Q. Documentation as to the county's redist- --  
22 ongoing redistricting effort in 2021?

23 A. The ongoing? What do you mean the ongoing?  
24 Like, did they have community outreach meetings and  
25 stuff about that when they completely started all the

1 process?

2 Q. Well --

3 A. What are you asking?

4 Q. What I'm trying to figure out is when it was  
5 the Mainland Branches -- Mainland Branch started --  
6 gained an understanding and concerns over the fact that  
7 the Galveston County -- that Galveston County was  
8 conducting a redistricting effort in 2021? When was the  
9 Mainland Branch aware of the ongoing effort?

10 A. That they was -- when -- whenever -- I would  
11 say sometime during late October, early November, or  
12 something like that maybe. And I can't exactly recall  
13 the exact time, but I'm saying that I didn't see prior  
14 to the maps being drawn and posted that they had a lot  
15 of things on that.

16 Q. Okay.

17 MR. RUSSO: Let me go ahead and mark a  
18 couple of documents here. This is 34, Exhibit 3.

19 (Exhibit No. 3 was marked.)

20 MR. RUSSO: Go ahead and mark 35, also.

21 (Exhibit No. 4 was marked.)

22 MR. RUSSO: 36.

23 (Exhibit No. 5 was marked.)

24 MS. CHEN: I think I'm missing one of these  
25 documents. Maybe the one you marked as 4.

1 MR. RUSSO: Did I give it to you?

2 MR. GUERRERO: Yeah.

3 MS. CHEN: Thank you.

4 MR. RUSSO: Mm-hmm. One more, 83.

5 (Exhibit No. 6 was marked.)

6 MS. CHEN: This looks the same as 5.

7 Q. (BY MR. RUSSO) Okay. Let me start with the  
8 document marked as Exhibit 3. Do you have that in front  
9 of you?

10 A. Mm-hmm.

11 Q. Okay. And that's an e-mail dated Thursday,  
12 April 8th, 2021. Do you see it?

13 A. Yes.

14 Q. It's from who?

15 A. That says Kimberley -- is that Kimberley Yancy?

16 Q. Yes. Do you know Ms. Yancy?

17 A. Yes, I do.

18 Q. Okay. Do you recall receiving this e-mail?

19 A. I'm just reading it. I'll say it might have  
20 been sent to my e-mail. Looks like it was sent to my  
21 e-mail address, but I don't necessarily read all e-mails  
22 that are sent to my address.

23 Q. Okay. Is this the one you might have missed?

24 A. I miss quite a few of them.

25 Q. All right. And the subject of the e-mail is,

1 "Re: This is something we need to ALL FIGHT if we can."

2 Do you see that?

3 A. Well, I'm reading it right now.

4 Q. Okay. I'm just asking if I'm reading it

5 accurately. Do you see it?

6 A. Mm-hmm.

7 Q. And then it goes on to say "if it's not too

8 late," colon -- semicolon, "this should be nonpartisan."

9 Do you see that?

10 A. I see that. I saw what you said. I see where

11 you're reading from. Okay.

12 Q. Okay. Do you know looking at this -- this

13 e-mail, what fight it is that Ms. Yancy is suggesting

14 the recipients need to fight?

15 A. No, I can't speculate on exactly when somebody

16 is talking about what their intent was --

17 Q. Okay.

18 A. -- when they wrote something.

19 Q. Did you see the article that's included below

20 in Exhibit 3?

21 A. Yes. Seems like an order. Where is this

22 article from?

23 Q. It looks like it's from Galveston Daily News.

24 The last page of the -- I'm sorry. The second to last

25 page has the by line of John Wayne Ferguson. Do you

1 know Mr. Ferguson?

2 A. I've -- I've seen his name in there where he's  
3 written articles.

4 Q. And was Mr. Ferguson with the Galveston Daily  
5 News at the time?

6 A. Huh?

7 Q. Was Mr. Ferguson with the Galveston Daily News  
8 at the time?

9 A. You're asking. I don't know if he was or not,  
10 but I see his name on here.

11 Q. Okay.

12 A. So I can't attest whether he was working or not  
13 because I wouldn't know.

14 Q. All right. The e-mail address that's next to  
15 Mr. Ferguson's name is @galnews.com?

16 A. Okay.

17 Q. Does that tell you anything about where the  
18 article might have been --

19 A. It probably came from Galveston County Daily  
20 News, I guess.

21 Q. All right. And if you would, just look through  
22 the article a bit. I've got a question about whether  
23 this article is commenting on the Galveston County's  
24 redistricting efforts in April of 2021.

25 A. Okay. So I read that. Okay.

1 Q. So does it -- does it appear that the article  
2 is notifying -- or reporting on the Galveston County --  
3 or Galveston County's decision to hire a lawyer by the  
4 name of Dale Oldham to assist with the redistricting  
5 effort in 2021?

6 MS. CHEN: Objection; form.

7 A. Yeah. This is -- you said this was an opinion  
8 by someone else, Wayne Ferguson and stuff. I can't  
9 attest to what they exactly thought and what he exactly  
10 thought and what his article is specifically saying.

11 Q. (BY MR. RUSSO) Okay.

12 A. But I guess he's saying that the Galveston  
13 County had hired someone, if they had hired someone  
14 before the census data came out to already make maps,  
15 and they don't even have census data to tell you what  
16 the tract is going to look like. That's what I get out  
17 of this. So are you saying that someone was doing  
18 something or did somebody know some census data before  
19 the national federal agency sent out stuff because this  
20 was in February and you're already getting someone to do  
21 the stuff? Is that what they're saying?

22 Q. Well --

23 A. I'm not understanding this whole article, and I  
24 can't speculate on somebody else's intent. I can't  
25 think anything on that.

1 Q. Okay. Is it your testimony that -- or do you  
2 agree that the receipt of the census data is typically  
3 what starts the redistricting -- should start the  
4 redistricting process?

5 MS. CHEN: Objection; form.

6 Q. (BY MR. RUSSO) Do you understand that?

7 A. No. I can't say anything. I just say that  
8 this is a person that has an opinion. It was an opinion  
9 stuff of the thing. What section was this? I can't  
10 comment on nobody else's opinion because I don't know  
11 what their exact opinion or their intent of their intent  
12 of opinion was.

13 Q. Okay. Well, let's look at the first --

14 A. So you're asking me to make inference on that?

15 Q. Let's look at the first -- the second paragraph  
16 of this, the article. It states, "In a 4 to 1 vote  
17 Monday, commissioners agreed to hire Dale Oldham, a  
18 Washington-D.C.-based political consultant to help  
19 redraw the county's precinct map." Do you see that?

20 A. Yeah, it's saying the county hired somebody to  
21 redraw the maps. That's what they're saying?

22 Q. "A D.C.-based political consultant." Correct?

23 A. Mm-hmm.

24 Q. And it goes on. "Oldham helped the county with  
25 that process during 2011 and 2020, and the new maps

1 landed the county in a legal fight with the  
2 U.S. Department of Justice." Do you see that?

3 A. Yes.

4 Q. So Mr. Ferguson in his article is identifying  
5 the fact that Commissioners Court had approved hiring  
6 Mr. Oldham. True? That's what the article says?

7 A. That's -- that's what the article says.

8 Q. Right. And it also says that Mr. Oldham was  
9 involved in drawing the maps back in 2011 as well. Do  
10 you see that?

11 A. Mm-hmm. And is that the maps that -- that --  
12 so okay. That's the map that they had in 2011 that went  
13 to the Justice Department for something? Is that saying  
14 that? Does that say the Justice Department?

15 Q. Yeah. Is that how you read it? It was  
16 discussing the prior redistricting effort in 2011?

17 A. I know he got two different dates. He's got  
18 2011 and 2020. So you want me to make a legal decision  
19 about this person's intent in the map? Is that what you  
20 want to ask me?

21 Q. No. I'm just --

22 A. Or are you just asking that they -- that this  
23 is somewhere where it's showing that the county hired  
24 someone?

25 Q. Right. That was my question. Is -- looking



1 through the article, isn't it indicating to the reader  
2 that the county commissioners approved this individual  
3 to assist with the redistricting effort, basically?

4 A. Well, I guess that's what they -- I don't know  
5 that's what the intent says. Is it saying that they  
6 approved -- did they say that they approved someone that  
7 had people to go to the Justice Department in the past  
8 that -- over some maps they thought was racist? I mean,  
9 what's the intent? Is that what the county did when  
10 they approved it on 4 to 1? So are we back at the same  
11 thing again? What are you trying to say?

12 Q. Well, I'm asking -- asking you what you get out  
13 of this article in terms of what -- what Mr. Ferguson is  
14 conveying in his article, and then secondly, and I think  
15 we've already talked about that, but my next question is  
16 why do you think Ms. Yancy was providing this article  
17 and attaching this article to this list of recipients  
18 and stating in the subject line this is something we all  
19 need to fight? Why do you think --

20 MS. CHEN: Objection; form.

21 Q. (BY MR. RUSSO) -- she did that?

22 A. Okay. What I'm going to say is I don't think  
23 for Ms. Yancy, number one. And if you wanted to know  
24 what Ms. Yancy was thinking about this thing and why she  
25 wrote it, then you should call -- should have had

1 Ms. Yancy here to address this because I can't think  
2 about how somebody wrote that. I won't even make  
3 inference to what I think they wrote something.

4 Q. Okay. And is it your belief sitting here today  
5 that you didn't see this e-mail back in April of 2021?

6 A. Well, I just read the article and stuff right  
7 here that you have right there. I see my name is on  
8 here. I'm saying specifically I don't read all e-mails.  
9 I don't read a whole bunch of e-mails that I get.

10 Q. But as you sit here --

11 A. I don't read 50 percent of them maybe sometimes  
12 of my e-mails that I get. I see my name on there, but I  
13 see a bunch of everybody else's names. Did they all  
14 read the arti- -- this information and stuff? I don't  
15 know.

16 Q. Right. But as you sit here right now, you  
17 don't remem- -- can you tell me, do you remember seeing  
18 this e-mail?

19 A. I said I didn't necessarily remember seeing  
20 this e-mail. I can't remember whether I read it or not.  
21 This was in the newspaper, and I can't make inference on  
22 what somebody wrote or the intent that they wrote it.

23 Q. All right. Who's Ms. Yancy?

24 A. You gave me this article, and in the back of  
25 the article it tells you who Ms. Yancy was on here. It

1 says NAACP Dickinson Bay Area, third vice president.

2 This is what you just gave me to read. Correct?

3 Q. Yes, ma'am. And so --

4 A. Okay. So does that not explain who Ms. Yancy  
5 was?

6 Q. Well, I just want to make sure you know who she  
7 is.

8 A. Okay.

9 Q. And you understand at the time that this e-mail  
10 went around, Ms. Yancy was the president of the NAACP --  
11 or third vice president, I guess?

12 A. Well, that's what this says. I can't attest to  
13 who and who were not members of their unit at that time.  
14 I'm saying what it says on this e-mail address.

15 Q. Do you remember talking to Ms. Yancy about this  
16 e-mail and what to do about it?

17 MS. CHEN: Objection; form.

18 A. I can't recall specific individual  
19 conversations that I may or may not have with a subject  
20 person at that -- that particular time back then.

21 Q. (BY MR. RUSSO) Okay. And if you did read this  
22 e-mail, the notice of "we all need to fight" wasn't  
23 enough to jar your memory as to what was going on at the  
24 time? It wasn't that important at the time. Do you  
25 agree?

1 A. It wasn't that --

2 MS. CHEN: Objection; form.

3 A. Well, you're saying that I -- you're making an  
4 assumption that I actually read the mail at that time.  
5 So when you ask me did I not figure it's important and  
6 stuff, you're making an assumption that I read that  
7 e-mail at that time.

8 Q. (BY MR. RUSSO) Yeah. What I'm saying --

9 A. So what are you asking me, two or three things?

10 Q. One thing. If you had read the e-mail, do you  
11 think you would remember it?

12 MS. CHEN: Objection; form.

13 Q. (BY MR. RUSSO) Is that important enough?

14 A. Like I say, I can't remember everything that  
15 you may have in private conversations with people, but  
16 this was an e-mail and this is something that was in the  
17 Galveston County. And what it's saying is that the vote  
18 had already been made, so Galveston County -- talking  
19 about fighting something, the vote was -- this is about  
20 hiring a person that had some controversial things that  
21 was deemed by the Justice Department as not writing  
22 biased in 2010, and this is just saying that the county  
23 has hired the same type person to do the same thing.

24 Q. Is it --

25 A. So is that what you're trying to ask me? I

1 don't know where -- how the Commissioners Court would  
2 hire the same type person doing the same type maps  
3 because that's what we came out with that they did back  
4 then, but I see the vote that they took right there.

5 Q. Is it accurate to you to say that the NAACP  
6 Mainland Branch thought that a fight would be necessary  
7 with the county back in April of 2021 related to  
8 redistricting?

9 MS. CHEN: Objection; form.

10 A. You -- you said that this was something that  
11 came from someone else and making an assumption that I  
12 saw it, and you're asking me about the fight with the  
13 county. The county -- evidently, when county takes a  
14 vote, the vote is there. Right? The county took this  
15 vote, and they approved the people. The county took --  
16 in looking at this and what's happening before, that  
17 they had the same thing. They wanted to have the same  
18 results that they had in 2011, and I don't know whether  
19 they're saying that the county and the county's  
20 Commissioners Court were totally being racist regarding  
21 to how Black and Latinos vote. They're doing the same  
22 thing in 2021 that they did in 2011. Is that the intent  
23 of this message or whatever that you got me looking at?  
24 I can't decide. I can't speculate. I'm just seeing  
25 facts here.

1 Q. (BY MR. RUSSO) Yes. My question, though,  
2 is --

3 A. These are facts to matter, I guess.

4 Q. So my question is in April of 2021, did NAACP  
5 Mainland believe, based upon this correspondence, that a  
6 fight was going to be necessary with Galveston County  
7 related to redistricting?

8 MS. CHEN: Objection; form. Asked and  
9 answered.

10 Q. (BY MR. RUSSO) If you know?

11 A. I just now told you. You're making an  
12 assumption that I had actually read all this specific  
13 stuff. I just read it right now for you and stuff, and  
14 I just told you the answer, that what I am reading --  
15 and this is an opinion by John Ferguson, you just told  
16 me, with the Galveston News, and it's showing that the  
17 lone person that decided -- that did not vote for hiring  
18 this person that had been -- drew a map that was -- had  
19 the same kind of intent of diluting the voice of Black  
20 and Brown people in 2011, that they went ahead and voted  
21 again in 2020, and that's sad.

22 Q. Do you know whether the Mainland Branch took  
23 heed of this warning or -- strike that.

24 Do you know whether the Mainland Branch  
25 believed that a fight was going to arise between

1 Galveston County and members of your branch related to  
2 redistricting as of April 2021?

3 MS. CHEN: Objection; form. Asked and  
4 answered.

5 Q. (BY MR. RUSSO) Do you know? Do you know?

6 A. The maps were drawn and shown by this person,  
7 and they were shown at the -- in October or November.  
8 That's when we know we had a fact. You want me to  
9 speculate on something, on what we're doing before then.

10 Q. Is it --

11 A. I -- I -- I'm not...

12 Q. Is it true that you don't know whether NAACP  
13 Mainland thought a fight would be pending, coming in  
14 April of '21? Is that true?

15 MS. CHEN: Objection; form.

16 Q. (BY MR. RUSSO) You just don't know?

17 MS. CHEN: Asked and answered.

18 A. I've already answered that question to say I  
19 looked at this. I just now read it. You wanted me to  
20 answer to what the intent of the person that wrote this,  
21 what the intent of Wayne Ferguson was, and I said you  
22 should have asked those people and had them here so they  
23 could tell you the exact intent on what this was.

24 Q. (BY MR. RUSSO) I want Mainland's view of it.  
25 That's why you're here.

1           A. Okay. Well, the Mainland's view of this and  
2 what Mainland has done is after Mainland got those maps  
3 and the maps were racial and biased, just like the  
4 person that they hired before that did the same thing,  
5 then the Mainland NAACP Branch decided to file  
6 litigation because of the wrong that was done to their  
7 people after we did not have preclearance for these maps  
8 again. They just threw the same thing up here or  
9 something. That's all I can say about that.

10           Q. Well, you know preclearance was not required as  
11 of 2021?

12           A. No, it's not required. I said after it is not  
13 required.

14           Q. Okay.

15           A. So they have done the same specific thing.  
16 Okay?

17           Q. Okay. Is it Mainland's testimony that the  
18 branch didn't have concerns about the maps until they  
19 were released by the county in October?

20           MS. CHEN: Objection; form.

21           A. So you want me to speculate on something that  
22 wasn't done? Are you asking me can I speculate on  
23 something that was blind, a blind map that's not done?  
24 You want me to speculate on the map?

25           Q. (BY MR. RUSSO) No. I want you to answer the



1 question --

2 A. Okay.

3 Q. -- of whether Mainland, who you're here

4 representing --

5 A. Okay.

6 Q. -- that entity believed a fight was necessary  
7 over the maps and redistricting effort? Did that occur  
8 in April or did it occur after the maps were released in  
9 October --

10 MS. CHEN: Objection; form.

11 Q. (BY MR. RUSSO) -- from the branch's  
12 perspective?

13 A. When did that fight start? How are you going  
14 to fight something that you didn't have any -- you  
15 didn't see it yet, but you know that you're saying all  
16 these people are saying this is something to worry about  
17 because this is the same racist people, the person that  
18 drew the maps before. So you're asking me something.  
19 The maps came out before Mainland Branch has voiced  
20 their opinion, and that's why we're here about the maps.

21 Q. Did you conclude -- when you stated that the  
22 maps were being drawn by racist people --

23 A. I didn't say. I said the same people that drew  
24 these maps did the same ones in 2011 that tried to  
25 dilute the voting population of Black and Brown people

1 in Galveston County.

2 Q. And you're not calling them "racist people."

3 Right?

4 A. No. I said the same ones that drew the races  
5 [sic]. I meant the races -- the maps that diluted the  
6 racial population there.

7 Q. Okay.

8 A. Okay.

9 Q. Let's look at Exhibit 4 --

10 A. Okay.

11 Q. -- which is a response from an e-mail address  
12 that says "VDRcaptain Galveston County."

13 A. So do we know who that is?

14 Q. I was going to ask you if you know who that is.

15 A. I don't know who they're talking about  
16 VDRcaptain.

17 Q. Okay.

18 A. So --

19 Q. But you're copied on this e-mail as well.

20 Agreed?

21 A. Well, I can be copied on a lot of e-mails and  
22 stuff, so...

23 Q. Were you copied on this e-mail; "yes" or "no"?

24 A. I was copied -- I was -- let me see. Okay. I  
25 was copied on this e-mail, also.

1 Q. Okay. Do you remember reviewing it and reading  
2 it?

3 A. No. It's saying something relating to a video  
4 and stuff.

5 Q. Do you remember seeing this e-mail?

6 A. I can't recall this e-mail. I don't know if I  
7 read that e-mail or not.

8 Q. Okay. There's -- down here below the -- I  
9 think you were talking about a video link?

10 A. Well, I was just reading where it said this.

11 Q. Yeah, exactly. That's where I'm going to  
12 point. Down below that there's another date that says,  
13 "On Thursday, April 8th, 2021 at 2:25 p.m.," and again,  
14 "Kimberly Yancy," and there's a redaction and it says  
15 "wrote." Do you see where I'm reading?

16 A. Yeah, I see that.

17 Q. And there's an additional e-mail from Ms. Yancy  
18 where it starts, "Galveston County leaders and group  
19 leaders sounding the alarm," with four exclamations. Do  
20 you see that?

21 A. Well, I'm sorry. I missed that.

22 Q. Yeah. Right here under -- under the --

23 A. Group leaders, uh-huh.

24 Q. It says, "Galveston leaders," and then it says,  
25 "Sounding the alarm," and there's four exclamation

1 points. Do you see that?

2 A. I see that.

3 Q. And then it goes on, "This is something we  
4 should ALL FIGHT," and all fight is in all caps?

5 A. Mm-hmm, I see that.

6 Q. "This man helped to DILUTE," and dilute is in  
7 all caps? "Our vote 10-11 years ago." Do you see that?

8 A. I see that.

9 Q. So looking at this, what is in this e-mail,  
10 does this refresh your recollection as to whether you  
11 received it?

12 A. I said it came to my e-mail. If it came to my  
13 e-mail, it didn't go back, I probably received it. I  
14 said the question is not did I receive it. It's had I  
15 read it.

16 Q. Okay. That's a more clear question, very fair.  
17 Do you recall --

18 A. And so I don't recall -- I can't actually  
19 recall if I read it or not.

20 Q. Okay. And let me ask you this.

21 A. Mm-hmm.

22 Q. If you could, of the people that are on the  
23 e-mail there on the c- -- the carbon copy right here and  
24 then there's a big list of people, do you see there's  
25 names? Do you see those names? Do you see the list of

1 names?

2 A. You're talking about the cc down here?

3 Q. Well, yes, ma'am, and there's names and it  
4 states "Mandalyn Salazar" and then "Marsha William  
5 Rappaport," do you see those names there?

6 A. Are you talking about players here? Wait a  
7 minute. I'm missing...

8 Q. It's right here underneath Ms. Yancy's name.  
9 On the to line is Ms. Yancy --

10 A. Oh, okay.

11 Q. -- and then right below that it starts a list  
12 of people that the e-mail is to and cc'd to.

13 A. Yeah, I see e-mail to. You're talking about  
14 all these specific people down here?

15 Q. Yes. So my question to you is, do you know --  
16 can you tell me how many of the people on this list are  
17 actually also Mainland Branch members?

18 A. You're asking --

19 Q. And I don't want to know who they are. I just  
20 want to know the number, if you can look at the list and  
21 tell me.

22 MS. CHEN: Objection; form.

23 A. Okay. That's -- that's a point now counting  
24 people on the list that has to do with Mainland Branch  
25 and if I know actually Mainland Branch members. That's

1 a violation of national stuff and about -- talking about  
2 memberships. I will not count -- give information on  
3 people that I think are members.

4 Q. (BY MR. RUSSO) So you're refusing to answer  
5 that?

6 MS. CHEN: Well, I appreciate that you  
7 understand the First Amendment protections that the  
8 membership list enjoys.

9 MR. RUSSO: Yeah, I understand it.

10 Q. (BY MR. RUSSO) But are you refusing to answer  
11 my question?

12 A. I said that I would -- we have protected  
13 membership, and I will not give out any information on  
14 people that may or may not be, if I actually know people  
15 that -- all people. I can tell you one thing. I see  
16 one name on here, Barbara Rice, and I'm a member of the  
17 Mainland Branch NAACP.

18 Q. Yeah. And that's my question. Is there  
19 anybody else?

20 A. And I said that under protected membership, I  
21 will not be giving out personal information --

22 Q. I'm not asking you to tell me --

23 A. -- on who it may not be, or the number of  
24 people on this list that may be.

25 Q. I am not -- listen. I'm not asking you to tell

1 me what the names are or who they are. I'm just asking  
2 you to tell me how many are -- how many people on this  
3 list that you know of are also branch -- Mainland Branch  
4 members?

5 A. And I'm saying that I can't adequately recall  
6 everybody that's on here that are Mainland Branch  
7 members.

8 Q. Okay. So you don't know? Do you see any  
9 members -- do you see any names on that list that you  
10 know are also Mainland Branch members?

11 MS. CHEN: So I'll keep objecting to this  
12 as getting very, very close to the First Amendment  
13 privilege.

14 MR. RUSSO: I understand it might be  
15 getting close, but I'm not asking about any personal  
16 information. I think we're entitled to know what other  
17 people -- how many other people from the branch received  
18 this e-mail.

19 MS. CHEN: I don't think you are because  
20 it's frankly not relevant to your case.

21 MR. RUSSO: Relevance is not an objection.  
22 Are you objecting on relevance?

23 MS. CHEN: I'm objecting because the First  
24 Amendment test requires you to show that this isn't  
25 actually necessary for your case.

1 MR. RUSSO: Okay. The First Amendment also  
2 requires that we show that we're chilling speech, and  
3 how is chilling speech of any of these people happening  
4 when I'm not asking about anybody's name? I'm only  
5 asking are there other people on the list.

6 MS. CHEN: You're asking for information  
7 that could reveal their identities.

8 MR. RUSSO: There's no way for me to know  
9 who those people are, and you know that.

10 Q. (BY MR. RUSSO) So the simple answer is --  
11 question from me is, ma'am, are you refusing to answer  
12 that question based upon advice of counsel?

13 A. I'm not refusing to answer the question. I  
14 just answered your question. I said I cannot tell you  
15 exactly because people can register by e-mail or online.  
16 So I cannot tell you who is actually a member of  
17 Mainland Branch NAACP as of this date, were they a  
18 current member or whatever. That's what you're asking  
19 me, and I'm just telling you exactly what I know.

20 Q. Do you see anyone on the list? Don't tell me  
21 who it is, and don't point to them. Do you see anyone  
22 on the list that's also a Mainland Branch member?

23 MS. CHEN: Same objection.

24 A. Because people have a right to go down and  
25 register privately and stuff at this particular date and



1 time because you're talking about a particular date and  
2 time on the 27th [sic]. Are you wanting me to attest to  
3 a person actually may be a member or not of something?  
4 I cannot tell you that.

5 Q. You don't -- you don't see any?

6 A. People -- membership -- comes and renew their  
7 memberships at different times, so I can't tell you  
8 exactly if a person is a member or not a member at that  
9 particular time and date.

10 Q. But as of -- as of April of 2021, you were the  
11 president of Mainland. True?

12 A. Okay. So as of April of '21, I was the  
13 president of Mainland Branch. And as of April of '21, I  
14 cannot tell you the exact name and list of members that  
15 we had at that particular time.

16 Q. I don't want a list. I don't want a list of  
17 members. I just want to know if on this e-mail other  
18 members are included?

19 MS. CHEN: Objection; form. Asked and  
20 answered, first Amendment privilege.

21 Q. (BY MR. RUSSO) And if you don't know, then  
22 just tell me you don't know.

23 A. I just told you as of that date, I cannot tell  
24 you whether people are exact members of the Mainland  
25 NAACP. That's what I just told you. So you asked me

1 the same thing over. I said as of this date, I cannot  
2 tell you if a person was a current member of the  
3 Mainland Branch NAACP at that time. That's just what I  
4 asked [sic] you.

5 Q. Okay.

6 A. But you asked me, and that's what I told you.

7 Q. So you can't identify anybody on the list that  
8 might have been a Mainland Branch member as of April of  
9 '21. Correct?

10 MS. CHEN: Objection; misstates prior  
11 testimony.

12 A. I said I don't know.

13 Q. (BY MR. RUSSO) You don't know?

14 A. Yeah. I said I cannot tell you whether their  
15 membership was current at that particular time.

16 Q. Okay. Let's look at -- let me ask you this.  
17 Can you tell me whether the Mainland Branch agreed  
18 that -- in April of '21, that this -- which is referred  
19 to in Kimberley Yancy's e-mail, "This is something we  
20 should ALL FIGHT. This man helped to DILUTE our vote  
21 10-11 years ago"? Did the Mainland Branch agree with  
22 that at this time?

23 MS. CHEN: Objection; form.

24 A. You just asked me that question a while ago,  
25 and that's saying that I remember because these are all

1 chains of e-mail and stuff, if I remember reading the  
2 particular first e-mail and different things at that  
3 time and different change. You're asking me to relate  
4 to the same person that I have just answered in the  
5 past.

6 Q. (BY MR. RUSSO) Okay.

7 A. Okay?

8 Q. And so you don't know. Correct? You don't  
9 know whether the Mainland had any agreement on that  
10 e-mail -- with the e-mail?

11 A. You're asking me if Mainland people are writing  
12 out stuff and what other people are saying? You're  
13 asking me to take full agreement on the e-mail and  
14 stuff? I can't take agreement on what everybody else is  
15 writing. One specific person wrote this, somebody else  
16 wrote that, and you want me to have agreements with  
17 everything. I don't know what their intent was at that  
18 time or whatever.

19 Q. So you can't tell me what Mainland Branch's  
20 position was on the content of this e-mail, true, in  
21 April of '21?

22 MS. CHEN: Objection; form, asked and  
23 answered.

24 A. Okay. So I'm saying this is written by someone  
25 else and people have commented on -- on these, and I

1 can't just testify to their -- what they thought or what  
2 they were commenting on.

3 Q. (BY MR. RUSSO) Okay. Let's look at  
4 Exhibit 5 --

5 A. Okay.

6 Q. -- which is another response to the same  
7 e-mail --

8 A. Mm-hmm.

9 Q. -- related to the -- it has the same subject  
10 line, "Re: This is something we all -- we need to ALL  
11 FIGHT if we can." Do you see that?

12 A. Yes, I see that. Who was the first notice  
13 from? Okay. I see.

14 Q. Lucille McGaskey?

15 A. Yes.

16 Q. Do you know Ms. McGaskey?

17 A. Yes, I do.

18 Q. How do you know her?

19 A. Just knowing her. I think she used to work at  
20 different things and housing and just a community  
21 worker.

22 Q. And she states in her -- in this e-mail of  
23 April 11th, 2021, it says, "Good evening! Yes, you must  
24 include Commissioner Holmes and get info from state  
25 Democratic party, organizations (LULAC, NAACP,

1 et cetera)." Do you see that?

2 A. Yes, I do.

3 Q. Did you agree with that position in April of  
4 '21?

5 MS. CHEN: Objection; form.

6 A. That's someone else's opinion on what they  
7 wrote. That's not something that I sent out as the  
8 president. So you want me to agree with everybody  
9 else's opinion and stuff? You're asking to agree on  
10 something else somebody wrote and somebody else's  
11 opinion that was responding.

12 Q. (BY MR. RUSSO) Yeah. What I'm asking is, did  
13 the Mainland Branch have a position on what -- the  
14 content of this e-mail?

15 A. Did you see a response from the Mainland Branch  
16 president somewhere here?

17 Q. No. I see that you're copied on the e-mail.

18 A. Okay. You see that I'm copied on the e-mail.  
19 Did you see a response from the Mainland Branch  
20 president regarding the e-mail?

21 Q. Did you respond?

22 A. I don't even know if I seen it. I was asked,  
23 did you see this? You're saying what somebody else  
24 responds to, you want me to attest to everything else  
25 somebody else said.

1 Q. Did you respond?

2 A. Do you --

3 Q. Did Mainland Branch respond to this e-mail?

4 A. I didn't even -- I said I didn't even remember  
5 seeing the e-mail, and this is like chain of response  
6 from different people that definitely had read the  
7 e-mails and stuff, and you have a chain of responses to  
8 them right now. So, you know...

9 Q. Do you know whether you responded?

10 A. I don't think I responded. If I can't remember  
11 recalling receiving it, I can't recall saying a  
12 response.

13 Q. Is it your testimony that had you agreed with  
14 the position taken in these e-mails, you would have  
15 responded?

16 MS. CHEN: Objection; form.

17 A. When we have responses and stuff that's going  
18 on, we take our things under our executive branch. I  
19 don't just respond after stuff in a mass thing like  
20 this. So you're asking me something that I cannot  
21 answer. You're asking me to respond on other people's  
22 responses and stuff. This is their opinions on what  
23 needs to be happening and stuff, and you're asking me to  
24 make a decision or response for my whole group regarding  
25 other people's responses.

1 Q. (BY MR. RUSSO) Yeah. I'm trying to figure out  
2 whether Mainland Branch had an opinion of the  
3 redistricting effort back in April of 2021. Was the  
4 branch concerned?

5 A. This -- this was about the hiring of the person  
6 to maybe start the redistricting process in 2021. This  
7 is about the response to who someone hired at that time  
8 and if the redistricting process that they was doing  
9 something beforehand before they started that, and that  
10 they was going to vote for somebody to make maps  
11 earlier. And so you would be asking me if we had a  
12 response to them, something that they already voted in,  
13 the map drawers.

14 Q. Yeah. Well, I'm asking you, though, do you  
15 know whether the branch had any concerns about what the  
16 county was doing in its redistricting effort as early as  
17 April?

18 A. Well, looking at this paper and stuff, I see  
19 this stuff now. But did they put out a public meeting  
20 and stuff and saying that we're thinking about hiring  
21 this person. Y'all need to come over and protest. Do  
22 y'all want to -- that we're fixing to hire the other  
23 person, Dale Oldham, again off of taxpayers' money to do  
24 this map and stuff because one commissioner objected.

25 MS. CHEN: We've been going for about

1 almost two hours. Do you want to take a break?

2 THE WITNESS: Yeah.

3 MR. RUSSO: Yeah, I was just about to do  
4 that. Are you guys ready to take a break?

5 MS. CHEN: Yeah, let's do that.

6 THE VIDEOGRAPHER: Off the record, 3:14.

7 (Recess taken.)

8 THE VIDEOGRAPHER: Back on the record,  
9 3:30 p.m.

10 Q. (BY MR. RUSSO) So do you recall sitting here  
11 today when it was -- well, strike that. Let me do this.

12 A. Huh?

13 Q. Let me -- I'm going to give you another exhibit  
14 here, it's 13.

15 (Exhibit No. 7 was marked.)

16 MR. RUSSO: Let me get these three marked  
17 as well. 80 and 81.

18 (Exhibit Nos. 8 and 9 were marked.)

19 MS. CHEN: Thank you.

20 MR. RUSSO: All right. Print two copies of  
21 82. I don't see it in here.

22 MR. GUERRERO: 82.

23 MR. RUSSO: I'm going to need it in a  
24 minute.

25 Q. (BY MR. RUSSO) Okay. If you would take a look



1 at -- before we jump to Exhibit 7, I want to look at  
2 what's been marked as Exhibit 8 and 9.

3 A. Huh? Oh, okay.

4 Q. So Exhibit 8 you have in front of you?

5 A. Mm-hmm.

6 Q. Looks like a document that's dated -- an e-mail  
7 dated "Tuesday, November 2nd, 2021." Do you see that?

8 A. Mm-hmm.

9 Q. Do you see that, 8:41?

10 A. Yes.

11 Q. And the subject is redistricting from Lucretia  
12 Lofton? Did I say that right?

13 A. Yes, uh-huh.

14 Q. And to -- I think that's you. Is that your  
15 e-mail address?

16 A. Yes, that's my e-mail address.

17 Q. And then it has an attachment, "Redistricting  
18 101 - Fellows." It's a PPTX file, which is a  
19 PowerPoint.

20 A. Mm-hmm.

21 Q. And I believe the PowerPoint has been attached  
22 to your deposition as Exhibit 9.

23 A. Yes.

24 Q. Okay. So my first question is, what were the  
25 circumstances under which Ms. Lofton was conveying this

1 information to you?

2 A. If -- if -- I'm -- I'm trying to think. I  
3 think she might have been conveying this information  
4 because they were going to have -- someone was giving an  
5 in-service or something regarding this redistricting  
6 here.

7 Q. Mm-hmm. Do you remember that to be the case?  
8 Do you remember attending an in-service around November  
9 of 2021?

10 A. I'm not sure if -- if the Galveston Branch had  
11 something or what, but this looked like some information  
12 on just a little PowerPoint, a little education of stuff  
13 about redistricting.

14 Q. Right. And did -- who is Ms. Lofton?

15 A. She's the Dickinson Bay Area president.

16 Q. Okay. And you two know each other?

17 A. Yes, of course.

18 Q. And is it common for you two to sort of share  
19 information like this particularly around this time as  
20 the redistricting effort was going on at the county?

21 A. I'm trying to think if this was something -- if  
22 the Galveston office may have had something going, and I  
23 may not have had this information, and she might have  
24 sent it to me.

25 Q. Okay. But is it -- am I correct that your

1 thinking is it was given to you in some connection to  
2 something you were going to attend?

3 A. It was a PowerPoint regarding redistricting.

4 Q. Okay. What did you do with the PowerPoint?

5 A. Just looked at the PowerPoint when they was  
6 talking about just a basic thing about what  
7 redistricting is and stuff like that.

8 Q. Do you recall looking at it and reviewing it  
9 with -- with someone in the Galveston Branch or with  
10 Ms. Lofton?

11 A. If I can recall, it might have been -- I don't  
12 know because the things with the Galveston Branch, if  
13 they have executive meetings or something like that and  
14 if they had criteria, then it might have been something  
15 that was privileged in the executive meeting from one --  
16 one organization to the other.

17 Q. Do you know whether this information was shared  
18 generally with the Mainland Branch membership?

19 A. What do you mean, a class or something on  
20 redistricting?

21 Q. Or was it just forwarded to the membership that  
22 you know of?

23 A. No. This looks like something, some  
24 information that she sent to me. I would have to see  
25 something else besides this attachment to be exactly

1 clear about what it was.

2 Q. Okay. On the first page of Exhibit 9, which is  
3 the PowerPoint --

4 A. Uh-huh.

5 Q. -- look at it again -- the bottom of it says --  
6 there's a name, "Roxy D. Hall Williamson," and it says,  
7 "CROWD Mapping Fellow." Do you see that?

8 A. Yes.

9 Q. Do you know Ms. Williamson?

10 A. Yes, I do.

11 Q. And what was her role in or about November of  
12 2021? Was she involved with NAACP, I guess, to be more  
13 exact?

14 MS. CHEN: Objection; form.

15 A. I think she was -- Roxy was doing class -- I  
16 mean some type of class in-services about redistricting.

17 Q. (BY MR. RUSSO) Okay. And do you -- do you --  
18 is this a PowerPoint provided by Ms. Williamson or  
19 created by Ms. Williamson, do you know?

20 A. I can't -- well, it has her name on it, but I  
21 don't know if she's the one who created it or not. I  
22 can't say because I just got this, so I can't just say  
23 it was created by her. But it looked like it was  
24 something that she did.

25 Q. Okay. Do you know whether -- do you know what

1 you did with this PowerPoint? Did you read through it  
2 at the time in November of 2021?

3 A. November the 2nd? If I got the thing on what  
4 it was preclearance or something like that, then I would  
5 have read through this. This is just a basic  
6 information about what redistricting is.

7 Q. Okay. I want to look at page -- there's Bates  
8 numbers on the bottom of these pages. Do you see them  
9 right here, right there at the bottom?

10 A. Is that 10 right there?

11 Q. Yes, ma'am.

12 A. Okay.

13 Q. And then there's one there. So I want to look  
14 at the page that is the last three digits that are  
15 marked 903.

16 A. Oh, 903 is at the front? Okay.

17 Q. So at the very top of that slide it says, "How  
18 Redistricting Works." Do you see that?

19 A. Mm-hmm.

20 Q. And it states -- it starts with the census. We  
21 talked a little bit about this earlier, and I just  
22 wanted to know if you agree or the Mainland Branch  
23 agrees that redistricting generally starts with the  
24 census data coming in?

25 MS. CHEN: Objection; form.

1 Q. (BY MR. RUSSO) Do you agree with that?

2 A. I can't just say that I agree with this. This  
3 is something that someone else put out.

4 Q. Okay.

5 A. I don't know if it's -- the census -- the new  
6 census track shifts and changes in population and stuff  
7 like that, but, you know...

8 Q. Is it your understanding that you need the  
9 census data to really sort of undertake the  
10 redistricting effort?

11 A. What do you mean? Do you mean to redraw lines  
12 and stuff?

13 Q. Yes, ma'am.

14 A. You need some type of criteria because you  
15 have -- don't you have rules about when you need to  
16 redistrict? Do you have any information about the rules  
17 or percentages or changes in voting patterns or when you  
18 need to do redistricting?

19 Q. Right. What's your understanding of that in  
20 terms of one of the rea- -- well, strike that.

21 Are you aware that one of the reasons that  
22 redistricting occurs is to rebalance the population and  
23 the various districts after a ten-year period?

24 A. It depends because you're asking me if I'm  
25 aware that it occurs because of shifts and change in

1 population?

2 Q. That's one of the things and reasons it  
3 happens. Right?

4 A. Shifts and changes in population.

5 Q. Yes, ma'am. Do you agree with that?

6 A. Well, you have federal rules on the different  
7 changes and shifts in population when you have to  
8 redistrict, don't you? Do you have a copy of something  
9 like that?

10 Q. Well, we can stick with the PowerPoint slide  
11 which actually says -- underneath it starts, "The  
12 census," again. I'm on page Bates No. 903.

13 A. Okay.

14 Q. It says, "The census helps track population  
15 growth and where people move."

16 A. Mm-hmm.

17 Q. "Election districts must be redrawn every ten  
18 years to balance their population." Does the Mainland  
19 Branch NAACP have any understanding as to whether that's  
20 an accurate statement?

21 MS. CHEN: Objection; form.

22 A. You're making me conclude to a legal something  
23 now, a legal rule. The Mainland Branch, I would say, is  
24 official. The Mainland Branch, I see it says changes in  
25 population, but they have specific amount of changes in

1 population. When you do this, it's broad and general.  
2 It just says a change in population. That could mean  
3 anything. But you probably have rules on what  
4 percentage changed in populations from one area to the  
5 next that you probably need to be doing redistricting.

6 Q. (BY MR. RUSSO) Okay.

7 A. So this is kind of broad and general. So what  
8 are you asking me? Am I -- do I agree with every  
9 specific thing that's on this paper?

10 Q. No. I'm --

11 A. Is that what you're saying?

12 Q. No, ma'am.

13 A. Oh, okay.

14 Q. I'm asking whether the Mainland Branch has any  
15 understanding of -- that one of the reasons  
16 redistricting is done is to comply with the need to  
17 generally equalize populations amongst the different  
18 districts over time. Do you have any understanding of  
19 that?

20 MS. CHEN: Objection; form.

21 A. I just said that they probably have rules on  
22 what specific changes in population. What percentage  
23 change you could have from one population shift to the  
24 other when it would require you to redistrict that area.

25 Q. (BY MR. RUSSO) Yeah. You have a general



1 understanding?

2 A. I have a general understanding of that. They  
3 have rules and regulations regarding to when you should  
4 be redistricting a certain population or area.

5 Q. And to be able to do that, it makes sense then  
6 that knowing what the population is, according to the  
7 census, within each of those boundaries is something you  
8 need to know?

9 MS. CHEN: Objection; form.

10 Q. (BY MR. RUSSO) Correct?

11 A. Well, I'm not a map specialist and stuff. So  
12 whoever is drawing, I don't know what all criteria they  
13 use. I don't know if they completely use that or if  
14 they are drawing something ahead of time, they're using  
15 statistics from somewhere else, if you're drawing  
16 something earlier ahead of time before you have them or  
17 you're using statistics from other places that you have  
18 in the county that's Galveston County, have some  
19 statistics that they give somebody before the shift in  
20 population before the census come out. I don't know  
21 what you're specifically asking. For somebody to -- are  
22 you saying for somebody to make a determination, they  
23 have to make it by changes in census in population?

24 Q. Well, I'm asking is it your understanding, on  
25 behalf of the Mainland Branch, that the need to analyze

1 data from the census means that the cen- -- receiving  
2 the census data is where the work starts in terms of  
3 redrawing lines? Do you need that data in order to  
4 start the process of redistricting?

5 MS. CHEN: Objection; form.

6 Q. (BY MR. RUSSO) If you know?

7 A. Are you asking me if I need that data because  
8 you just gave me something a while ago that say you  
9 didn't have the data and you assigned somebody to start  
10 it over? I'm not understanding this line of  
11 questioning, really.

12 Q. You don't have to understand it.

13 A. Okay.

14 Q. All you have to do is understand my questions.  
15 So --

16 A. So does Galveston County think that they need  
17 the census to redraw or did they just use some other  
18 kind of stuff to hire somebody and redraw instead of  
19 redrawing them earlier? I -- that's what I want to know  
20 about the line of questioning.

21 Q. Well, my question is what is the -- what is  
22 Mainland's view of it? Do you agree that --

23 A. Mainland -- Mainland -- Mainland --

24 MS. CHEN: Let him finish his question.

25 A. Oh, I'm sorry.

1 Q. (BY MR. RUSSO) That's okay. Do you agree that  
2 you need the census data in order to figure out whether  
3 redrawing the boundaries is necessary?

4 MS. CHEN: Objection; form.

5 Q. (BY MR. RUSSO) And, again, if you don't know,  
6 that's okay. I just -- what does -- does Mainland have  
7 a view of that?

8 A. My view goes alongside what the federal laws  
9 are regarding redistricting.

10 Q. Do you know what the federal law is related to  
11 redistricting?

12 A. The way -- well, I guess it would be changes in  
13 population shift with -- up to a certain percentage.

14 Q. Shown by the data released on the census.  
15 Correct?

16 MS. CHEN: Objection; form.

17 A. I don't know. If you have a copy of that where  
18 you can show it to me, I can read it and give you an  
19 honest opinion on that.

20 Q. (BY MR. RUSSO) Well, yeah. I'm wondering -- I  
21 just want to know what you walked into the room with  
22 knowing.

23 A. Well, I just told you. You asked me was this  
24 just said on Page 3. You told me to look at Page 3.

25 Q. Right.

1           A. And it says that they would change according to  
2 changes in the population, and I said they were redrawn  
3 every year to balance the population, and I said they  
4 probably have specific criteria for when they need to do  
5 it. That's the only thing I said.

6           Q. Yeah. Do you know when the census data was  
7 released by the government in 2021?

8                   MS. CHEN: Object.

9           A. I can't tell you the exact date that the census  
10 data was released and received by the different  
11 authorities, county and state authorities within this  
12 area.

13           Q. (BY MR. RUSSO) Do you have any idea whether it  
14 was in a particular part of the year? Was it in April  
15 of '21 or was it in September of '21? Do you have  
16 any --

17           A. I would have to know --

18                   MS. CHEN: Objection; form.

19           A. -- the exact deadline that the census stuff was  
20 due and when they sent it out. I cannot tell you that  
21 because I'm not the one that, you know -- I don't have  
22 knowledge of when they sent the census material out to  
23 all the government entities.

24           Q. (BY MR. RUSSO) Okay. You told me something  
25 earlier that when we were talking -- bless you. Let me

1 start that again.

2 You mentioned something earlier when we  
3 were talking about the April 2021 e-mails, and I thought  
4 you said at this point the county hadn't -- didn't have  
5 the census data, so how were they working on  
6 redistricting. Did you know that in April of '21?

7 A. Well, I thought that you showed --

8 MS. CHEN: Objection; form.

9 A. Okay. I'm sorry. I thought that you showed me  
10 something, and maybe I could be mistaken. I thought you  
11 showed me something about somebody read something about  
12 September. And so that was the question that I asked  
13 you because you gave me something, I thought, that said  
14 may have had a September date or something like that  
15 when it came, and I asked you the question whether this  
16 is September date that they said where you were saying  
17 something about April. I was asking you --

18 Q. (BY MR. RUSSO) Okay.

19 A. -- about that, so --

20 Q. And that --

21 A. -- I don't know.

22 Q. That's fair. Again, I just asked for your best  
23 understanding.

24 A. Now, you were telling me to make a comment on  
25 something somebody else had wrote, and I said I couldn't

1 comment on what somebody else had wrote. But listen, if  
2 what they wrote here, they're telling me some date, and  
3 now you're trying to say -- tell me to say something  
4 about the other date. I'm just wanting to go with --  
5 because you're giving me different papers that people  
6 done wrote to read.

7 Q. Do you have any -- do you have any independent  
8 understanding of when the census data was obtained by  
9 Galveston County in 2021?

10 MS. CHEN: Objection; asked and answered.

11 A. I can't tell the exact date that they got the  
12 information from the census bureau.

13 Q. (BY MR. RUSSO) Okay.

14 A. Because I wasn't privy to that same information  
15 on that same date that Galveston County or the state or  
16 nobody else got it. So I couldn't just sit here and  
17 tell the truth that I have the exact date that they got  
18 the information.

19 Q. So on -- back looking at the document marked  
20 903, it also says, "Who's responsible for  
21 redistricting?" And it goes on to have a bullet point  
22 that says, "Elected officials (Fox in charge of the  
23 henhouse.)" Do you know what that means?

24 A. No. What -- I don't know what that means. I  
25 can't attest to what somebody wrote as to what it means.

1 Q. Right. And that was my question. Do you know  
2 what it -- what it means to put sort of the "Fox in  
3 charge of the henhouse"? Do you know what that  
4 reference is?

5 A. This is not a PowerPoint that I have written  
6 and stuff, and so I don't know what the person that  
7 wrote that intent was when they put that in parentheses.  
8 I can't speculate on what's on someone else meant by  
9 writing something like that.

10 Q. I was going to ask you if you agree with that  
11 statement, but if you don't know --

12 A. I can't agree.

13 Q. -- what it means, then no agreement either way.  
14 Right?

15 A. Everybody's interpretation of something would  
16 be different, so I can't speculate on something that  
17 someone else wrote and what that means.

18 Q. Okay. All right. But it does appear that  
19 Ms. Williamson or whoever put this PowerPoint together  
20 believes that elected officials dealing -- being  
21 responsible for redistricting is like putting a fox in  
22 charge of the henhouse?

23 A. I can't speculate on what -- if Ms. -- you're  
24 speculating that now that Ms. Washington [sic] actually  
25 wrote this and that that was her summation, I can't

1 speculate on what somebody else thought or what they  
2 wrote or something like that.

3 Q. Do you remember --

4 A. You have to call Ms. Williams [sic] and ask her  
5 what that means.

6 Q. So do you know -- do you remember reviewing any  
7 of this with Ms. Williamson now that you've looked at a  
8 couple of pages?

9 A. Review- -- talking about reviewing it in person  
10 with Ms. Williams?

11 Q. Or on a Zoom session or in a phone meeting?

12 A. I had -- I had things on redistricting before  
13 with the NAACP, so I'm not sure if I've had things that  
14 specifically was with her or someone else or Houston or  
15 Arlington or what. So I don't know.

16 Q. Okay. The next line on 4- -- on 903 also says,  
17 "Jurisdictions will usually contract with legal counsel  
18 to draw maps." Do you see that?

19 A. Yes, I see that.

20 Q. Okay. Do you have any sort of view -- strike  
21 that.

22 Does Mainland have any view on whether the  
23 county of Galveston should have contracted with legal  
24 counsel to draw its maps in 2021?

25 A. I'm not a county commissioner, and they make



1 the decisions on what they want to do, and I can't  
2 speculate on what -- the county commissioners right  
3 here.

4 Q. So if they made the decision to retain counsel,  
5 you're fine with that?

6 MS. CHEN: Objection; form.

7 A. I didn't say -- I didn't say I was fine with  
8 it. I said they made the decision. It didn't say  
9 Barbara was fine because Barbara didn't make that  
10 decision. But I said they said they usually contract.  
11 They didn't say they always. They said they usually.  
12 We have the sentence in there, usually a jurisdiction  
13 will usually contract with a legal person. That means  
14 they may or they may not contract. So I guess you're  
15 saying Galveston decided that they would contract with  
16 legal counsel to draw the maps.

17 Q. (BY MR. RUSSO) And according to this  
18 PowerPoint, it's not uncommon for jurisdictions to use  
19 legal counsel in terms -- in drafting maps for  
20 redistricting purposes?

21 MS. CHEN: Objection; form.

22 Q. (BY MR. RUSSO) Do you agree?

23 A. I can't speculate on this, something that I  
24 didn't work. It said usually. It didn't say always.  
25 And so I can't speculate as to what Galveston County

1 wanted to do with their time.

2 Q. Well, you know they did retain counsel to help  
3 with the redistricting effort. Right?

4 A. Well, that's what you showed me in the paper  
5 that I referred back to while ago about September and  
6 April.

7 Q. And if we -- if we believe what's on the  
8 PowerPoint, it's not an uncommon occurrence for  
9 jurisdictions to do that. Correct?

10 A. Well, I just told you. You want me to believe  
11 everything that I see, but you just told me -- I just  
12 told you I didn't know about a fox and a henhouse and  
13 different stuff like that. And so they also say you can  
14 use sophisticated software and stuff, you'd have  
15 different things. I think those are summaries of what  
16 they thought people may do.

17 Q. So let me ask you this: You know the -- have  
18 you heard the term gerrymandered?

19 A. Okay. In the PowerPoint that you just gave me  
20 that I went through --

21 Q. Wait, wait, wait. If you want to rely on the  
22 PowerPoint, that's fine, but I'm asking --

23 A. I mean, you said have I ever heard of the term,  
24 but you just gave me something with the gerrymander.

25 Q. Let me ask the question first.

1 A. Uh-huh.

2 Q. We'll talk about that page, but I'm just  
3 asking. Right now I just want to know if you have an  
4 understanding of what the term gerrymandered means?

5 A. Well, that's when lines are drawn to favor one  
6 particular group of people or something, a party or  
7 something like that.

8 Q. Yeah. And can you -- can you identify  
9 generally a gerrymandered map by just looking at it?

10 MS. CHEN: Objection; form.

11 Q. (BY MR. RUSSO) Just look at the map and say  
12 that looks gerrymandered? Is that possible from your  
13 definition?

14 A. From my -- are you asking me if I look at a map  
15 and can I just look at a map and make an assumption that  
16 it's been gerrymandered and stuff?

17 Q. Or conclude that it's gerrymandered.

18 A. Why would I be able to conclude that? Because  
19 I would have no -- just looking at a map, I have no  
20 specific census data, no shift, no population, nothing  
21 to compare it with. So why would I make that  
22 conclusion? That's exactly what was on the website at  
23 the county, just some maps with no kind of data and  
24 stuff. Why would I make a conclusion whether that was a  
25 good map at that time or anything to comment? Because

1 you have nothing else to go along with that.

2 Q. So you need additional information, besides  
3 just looking at the map, to know whether it was a  
4 gerrymandered map. Is that agreeable?

5 A. I would suspect the person would have because  
6 you just asked me about having to have system data and  
7 stuff to draw a map, so you have to have something to  
8 make sure that maps are changing and moving and lines  
9 are drawn.

10 Q. Yeah. So looking at Page 909 now, the last  
11 three digits marked 909, which is what you were looking  
12 at earlier --

13 A. Uh-huh.

14 Q. -- there is a discussion about "Gerrymandering  
15 and Redistricting Gone Wrong" is the title. Do you see  
16 that?

17 A. I see that.

18 Q. And it states, "The practice of drawing  
19 district lines to favor one party or group of people  
20 over another." Do you see that?

21 A. I'm reading it. Go ahead.

22 Q. Okay. And then there's -- it cites two forms,  
23 partisan and racial. Do you see that?

24 A. I see that.

25 Q. Do you know the difference between those two,

1 partisan gerrymandering and racial gerrymandering?

2 A. Okay. Do you have something that explains it?

3 I will expect that, since there's no explanation, you're  
4 asking for an opinion. I would think that racial may be  
5 doing when you're trying to change the group of one  
6 di- -- the population of one direct -- one group of  
7 people over another one when you're trying to shift that  
8 population so they have less of an intent to vote or  
9 something. I don't know. Shift populations in that  
10 way.

11 Q. Based on the race of the people in the  
12 population?

13 A. Possibly. So if you're saying racial, but I  
14 would like to see some definitions. Do you have the  
15 definitions of partisan and racial? Because this is  
16 just plain and blank.

17 Q. I don't. I'm just asking you if you know, if  
18 you know when this -- when it refers to two types of  
19 gerrymandering, one being racial and one being partisan,  
20 if you -- if you know the difference?

21 A. Partisan may be doing -- sounds like it -- I  
22 don't know if it is because I don't know what the intent  
23 of that was. Sounds like it could be political party  
24 based.

25 Q. Mm-hmm.

1           A. And I don't know, but if I had some more stuff,  
2 because you're just giving a group or something, and the  
3 person that may have been giving the workshop may have  
4 been explaining some of these things. I don't know.  
5 Because it's --

6           Q. You don't remember the conversation?

7           A. I don't remember the conversation right now.

8           Q. Okay.

9           A. So I don't know what these -- just looking at  
10 this would mean.

11          Q. So are you uncomfortable right now making an  
12 attempt to state what partisan gerrymandering means to  
13 you?

14                   MS. CHEN: Objection; form.

15          A. That will be my specific opinion, so I would  
16 like to see what's the direct reasoning and wording of  
17 it.

18          Q. (BY MR. RUSSO) Okay. Does it sound reasonable  
19 to you that partisan gerrymandering might relate to  
20 drawing lines favoring one party -- political party over  
21 another political party? Does that make sense?

22          A. Oh, it makes sense.

23                   MS. CHEN: Objection; form.

24          A. That -- that -- that depends on what the person  
25 that wrote the intent was. So I would have to -- like I

1 say, if I had the specific definitions and stuff, then I  
2 probably could expound on it. Do you have that?

3 Q. (BY MR. RUSSO) Again, I don't -- I don't have  
4 any specific definitions --

5 A. Okay.

6 Q. -- of racial versus political gerrymandering,  
7 but I do have a question for you. Have you heard the  
8 phrase in the county or just outside the county,  
9 frankly, of -- that -- well, strike that.

10 Have you heard individuals use the phrase  
11 either verbally or through social media "turn the county  
12 red" in connection with Galveston County?

13 MS. CHEN: Objection; form.

14 A. What do you mean have I seen something like  
15 that?

16 Q. (BY MR. RUSSO) Have you?

17 A. Have I read it or seen it?

18 Q. Read it, seen it, heard about it. Have you  
19 heard people saying that within Galveston County?

20 A. I -- I can't recall because people put all kind  
21 of things out on Facebook and stuff like that, so I  
22 can't say it -- cannot say that some things like that  
23 have not been out there because people post different  
24 things.

25 Q. Do you have any understanding of what is meant

1 by the phrase "turn the county red" in connection with  
2 elections in Galveston County?

3 MS. CHEN: Objection; form.

4 Q. (BY MR. RUSSO) What does that mean to you?

5 A. "Turn the county red"? Well, I would have to  
6 see what the person was they're talking about between  
7 red and blue, Democrat and Republican. I -- I don't  
8 know what the intent was. I don't know.

9 Q. Okay.

10 A. So you mentioned colors and stuff. I can't  
11 just say something in the contents of colors and  
12 speculation and stuff like that. That would be  
13 speculating, and I'm not trying here to think. I'm here  
14 to try to tell the truth about something, so I'm not  
15 trying to think on what somebody has done.

16 Q. So you've heard in all your years on the --  
17 being involved in or knowing about politics and voting,  
18 that the color red, is it typically associated with the  
19 Republican party?

20 A. I don't -- I don't know because parties change  
21 things.

22 Q. And is the color blue typically associated with  
23 the Democrat party?

24 A. Are you talking about historical? I'm not  
25 sure.



1 Q. Or even currently.

2 A. Well, different people have different things  
3 that they -- that they say about parties and  
4 affiliations, and they have different things. And,  
5 well, when you're on TV, they have red states. Whenever  
6 you're on the news, it's showing this is a red state and  
7 this is a blue state. And when they're on the news and  
8 they're giving election statistics and stuff and  
9 probabilities and stuff like that, they always said they  
10 can turn this red and this may be Republican, and they  
11 can turn this blue and it may be Democrat.

12 Q. Okay. And you've seen --

13 A. So if you're talking about in terms of what I  
14 see on the news or something like that, I would see  
15 people make inference to that, so I don't know.

16 Q. Yeah. I mean, you've seen that. Right?  
17 You've seen -- you're talking about a general election,  
18 watching on the news, and if a state votes for the  
19 Republican candidate, they turn the state red on the  
20 graphic? You've seen that. Right? I think that's what  
21 you were just referring to.

22 A. If you look at the evening news, you'll see in  
23 the elections they're flipping stuff, but I just guess  
24 that's an inference of what they're doing.

25 Q. Well, so --

1 A. So -- but when a person uses something  
2 themselves, I don't know what they mean.

3 Q. Right.

4 A. So I can't speculate on what the intent of what  
5 the person was saying.

6 Q. In connection with the -- if the term "turn the  
7 county red" is used in Galveston County in association  
8 with elections, would it be your understanding that the  
9 idea is to put Republican candidates in office?

10 MS. CHEN: Objection; form.

11 A. You're trying to get me to speculate on what  
12 somebody said right there, so I'm not going to speculate  
13 on things.

14 Q. (BY MR. RUSSO) Yeah.

15 A. I can just say.

16 Q. Do you have any belief one way or another as to  
17 whether, you know, "turn the county red" is a reference  
18 to putting Republican candidates in office?

19 MS. CHEN: Objection; form.

20 A. Well, it depends on whether people are sending  
21 out posts and stuff like that and their elected  
22 officials and stuff. I don't know what the intent would  
23 be or what they would have -- what they mean, I don't  
24 know.

25 Q. (BY MR. RUSSO) Mm-hmm.

1           A. You asked me -- first you asked me did I see  
2 it, and now you're wanting me to speculate on everything  
3 that other people are doing on social media and  
4 different places like that. I don't know. They put  
5 everything in the paper and in the social media and all  
6 that, so...

7           Q. Do you know -- you know the county commission-  
8 -- commissioners adopted the revised maps after the  
9 meeting on November 12th, 2021. Right? You were there?

10          A. Yes, mm-hmm.

11          Q. Now, in looking at the map, do you believe that  
12 the map that was adopted by the Galveston County in 2021  
13 resulted from partisan gerrymandering?

14          MS. CHEN: Objection; form. Calls for a  
15 legal conclusion.

16          A. You're trying to ask me why they drew the maps  
17 their certain way? I can only tell you of the maps that  
18 were elected, they were -- diluted the voting powers of  
19 Black and Browns in certain precincts and made them not  
20 be able to elect the candidate of their choice.

21          Q. (BY MR. RUSSO) Do you have any belief as to  
22 what -- whether the maps that were adopted by the  
23 Commissioners Court were drawn to turn the county red?

24          MS. CHEN: Objection; form.

25          Q. (BY MR. RUSSO) Do you have any belief in that

1 | one way or another?

2 |       A. It's -- if you -- I'm just saying the maps that  
3 | was adopted and drawn deleted [sic] the voting --  
4 | deleted the voting power of the Black and Latino people  
5 | in the district, so it had the effect to change the  
6 | voting constituencies in those areas.

7 |       Q. Okay. So you've identified what you believe is  
8 | the effect, which is a different question but you've  
9 | stated it on the record, which I'm -- that's fine.

10 |               My question to you is, do you think that  
11 | that map was a result of attempts to change the maps so  
12 | that Republicans would be elected in each of the  
13 | districts, precincts?

14 |       A. Well, if you look at the statistics of the new  
15 | drawn maps that's accepted, they make it hard for you to  
16 | elect different people. If you look at the racial  
17 | breakdown and stuff like that, then I don't know, but I  
18 | can't say what the exact intent of these maps were. I'm  
19 | talking about the results of the maps.

20 |       Q. Mm-hmm.

21 |       A. So Galveston County commissioners drew them. I  
22 | think they could have had a lot better alternatives that  
23 | they could've done and they didn't, and this is the  
24 | effect that they have.

25 |       Q. Are you aware of any specific intention that

1 was on the part of any specific commissioner to  
2 discriminate against voters on the basis of race when  
3 they cast their vote on November 12th, 2021?

4 MS. CHEN: Objection; form.

5 A. I don't understand what you mean by that  
6 question.

7 Q. (BY MR. RUSSO) Okay. Well, let me try it  
8 again.

9 Are you aware of any specific statement,  
10 record made by any of the commissioners or Judge Henry  
11 that demonstrate to you that that particular member  
12 intended to discrimination against voters on the basis  
13 of race when they enacted the map in November of 2022 --  
14 '21, sorry?

15 A. Well, do you know if any of them made any  
16 statements about, like you were just asking me, about  
17 wanting to turn the county red or anything like that?  
18 Have you ever seen anything like that to where they made  
19 the Black and Brown people may vote in the cohesionist  
20 Democrats and stuff? Do you think somebody made  
21 statements or anything like that or just the idea of  
22 diluting different voting populations and stuff had that  
23 intent? So you're asking me to go in somebody else's  
24 head and say what they intended to do.

25 Q. Do you have --

1           A. Because they voted 4 to 1 on getting somebody  
2 to draw the same kind of favoring map, so, you know...

3           Q. Do you have any -- do you have any thought or  
4 belief as to whether Commissioner Giusti intended to  
5 discriminate against voters on the basis of race when he  
6 adopted the map in November of 2021?

7                       MS. CHEN: Objection; form.

8           A. Well, you're asking me about one particular  
9 person.

10          Q. (BY MR. RUSSO) Right.

11          A. One person didn't --

12          Q. He's a commissioner, and he cast a vote.

13          A. Okay. But what I'm telling you is one person  
14 didn't adopt that map. It was a group of them.

15          Q. Right. So --

16          A. And I can't tell what his intent was of that  
17 thing.

18          Q. You don't know what his intent was?

19          A. You're trying to make me go in somebody's head  
20 and say this was their intent. I said that they drew  
21 the map. They looked at the map. They probably had  
22 census and stuff because you said it was sent to them.  
23 They probably had some knowledge on how these shifts in  
24 population was going to dilute votes and stuff because  
25 you just told me, I guess, that the county commissioners

1 got census data and stuff so they had knowledge that  
2 maybe the public didn't have and stuff like that. They  
3 hired people, so they probably knew the exact things and  
4 stuff that the map was going to do because they had that  
5 knowledge. That's their job. They're supposed to be  
6 knowing.

7 Q. Is it your belief that Commissioner Giusti knew  
8 that he was -- intended --

9 MS. CHEN: Objection; form.

10 A. I'm just not talking about one particular  
11 person. I just said the commissioner because it don't  
12 take one commissioner to do something. It takes all the  
13 commissioners. And I think they had -- had the  
14 information about the maps, the demographics about the  
15 maps and everything else because you say they hired an  
16 expert. So they knew right then the intent and the  
17 consequences that these maps would have.

18 Q. (BY MR. RUSSO) Right. And are you saying that  
19 they enacted the map -- and I'm going to stick with  
20 Commissioner Giusti for a minute. Do you know him, by  
21 the way?

22 A. I -- I -- I know the name.

23 Q. Do you know who he is, if you saw him on the  
24 street?

25 A. I don't know if I would know him. I haven't

1 seen him enough to be seeing him on the street.

2 Q. Okay.

3 A. So --

4 Q. So safe to say you never -- you don't recall --  
5 you never spoke to him about the redistricting effort,  
6 other than like at the meeting?

7 A. At the meeting, no.

8 Q. Okay. Is the same true with  
9 Commissioner Apffel? You never -- you haven't spoken to  
10 him?

11 A. I never -- I didn't speak to Apffel.

12 Q. What about Commissioner Clark? Did you speak  
13 to him at all about the redistricting effort or plan in  
14 2021, other than -- he wasn't at the meeting. So do you  
15 recall speaking to Commissioner Clark at all about  
16 redistricting in 2021?

17 A. No.

18 Q. What about Judge Henry? Did you ever speak to  
19 him about redistricting?

20 A. Are you talking about -- when you're saying  
21 speak to them, are you talking about having  
22 conversations with them about being on any forums or  
23 something with them about it, being on any type of  
24 forums and stuff? What do you exactly mean about  
25 speaking to them about the redistricting? Because the



1 things were put out, and they was voted on it in just a  
2 few days.

3 Q. Right. So do you recall -- let's start with  
4 you personally, and we'll put aside the Mainland Branch  
5 for a minute. Okay? Did you personally reach out and  
6 speak to Judge Henry, Commissioner Apffel,  
7 Commissioner Giusti, or Commissioner Clark in relation  
8 to the redistricting effort that was occurring in 2021?

9 MS. CHEN: Objection; form.

10 A. I -- I did not speak to them.

11 Q. (BY MR. RUSSO) Okay. And then what about  
12 Commissioner Holmes?

13 A. Personally speaking?

14 Q. Yes, ma'am.

15 A. I did not personally speak to  
16 Commissioner Holmes, but Commissioner Holmes was on a  
17 forum about redistricting that I saw. But no, I did not  
18 reach out and speak specifically because these maps came  
19 out and you didn't have a lot of public -- time for  
20 public input and stuff because none of the meetings were  
21 listed and none of them -- nobody had time to come in  
22 and come in on the -- on the maps in a public section  
23 and stuff like that.

24 Q. Okay. Now, let's look at it from the  
25 broader -- the broader answer, an answer on the broader

1 scope of Mainland NAACP, which would include the  
2 membership. Are you aware of any specific  
3 correspondence with Judge Henry related to the 2021  
4 redistricting effort undertaken by the county?

5 A. What type of correspondence? Did he send you a  
6 correspondence or something? What do you mean  
7 correspondence?

8 Q. Well, did you send Judge Hen- -- did anyone  
9 send Judge Henry an e-mail that you're aware of?

10 A. Well, I don't know what people do in their  
11 personal life. I can't say whether they send e-mails  
12 out. You're trying to make me think of something broad  
13 and general. I can't testify for everybody in the  
14 Mainland area, the NAACP, or in the county.

15 Q. What about phone calls? Have you heard of any  
16 NAACP Mainland member that told you they called  
17 Judge Henry?

18 A. Well, I don't know what people do in their  
19 private conversations and stuff, whether they're talking  
20 to Judge Henry. I can't get up here and say that people  
21 call or they talk to or they met with and stuff. I  
22 wasn't with them. I can't say. I can't attest to  
23 nobody else's private conversations.

24 Q. And you haven't heard about anything about that  
25 either?

1           A. I can't attest to nobody's private  
2           conversations, so I do not know. But if you know and  
3           you want to tell me or if you have some correspondence  
4           and stuff? Because I don't know what you're talking  
5           about.

6           Q. Okay. But you don't recall sitting here right  
7           now that anybody spoke to you personally about the fact  
8           that they called Judge Henry in connection with the  
9           redistricting effort in 2021. Is that true?

10                   MS. CHEN: Objection; form.

11           A. So are you trying to say did I speak with  
12           somebody or somebody told me in a private conversation?  
13           I can't recall that.

14           Q. (BY MR. RUSSO) Okay.

15           A. That they spoke with Judge Henry. If I have,  
16           when I get through with this private conversation with  
17           you, I probably won't remember half the stuff that you  
18           done asked me to say today.

19           Q. Understood. And -- okay. So the same question  
20           in connection with Commissioner Giusti. Have you spoken  
21           to anybody that's an NAACP Mainland member that  
22           mentioned speaking with Commissioner Giusti during the  
23           2021 redistricting effort?

24           A. No. People don't generally call and tell you  
25           when they spoke to someone. That's between them and

1 their private conversation, and I can't attest to a  
2 private conversation a person had with anyone.

3 Q. Okay. And then what about Commissioner Apffel,  
4 the same answer?

5 A. The same answer. I can't tell you if anybody  
6 spoke to Commissioner Apffel because I can only tell you  
7 what Barbara done. I can't tell you what anybody else  
8 does.

9 Q. Okay. And then Commissioner Clark, same  
10 answer, you don't know if anybody spoke to him?

11 A. I don't know, and I'm sure that they're  
12 commissioners and they probably speak to all kind of  
13 constituents and stuff. So I don't know.

14 Q. But if that happened with a Mainland member,  
15 you don't know? You're not aware of it?

16 A. Do you think a Mainland member is going to sit  
17 there and call you and tell you, I just talked to  
18 somebody? These people have individual, private lives.  
19 They do a lot of stuff in their private area. So I'm  
20 not privy to what they do, and I can't attest to  
21 something that somebody did or said they did, whether  
22 they did it or not or whatever. So I can't attest to  
23 that, so I can't make no statements on nobody else.

24 Q. And just understand. I mean, some of the  
25 questions I'm asking may be just totally nonsensical to

1 you, but I have to know going into trial that I'm not  
2 going to have a Mainland NAACP member step into the  
3 bench and say, I talked to Joe Giusti and he said all  
4 these wonderful things about the maps. That's what I'm  
5 trying to get to.

6 A. Okay.

7 Q. So --

8 A. But you can't --

9 Q. Wait, wait, wait. Just let me finish.

10 A. Okay. "Let me finish," okay.

11 Q. Let me finish.

12 A. Sorry.

13 Q. And so -- and you're the person here that --  
14 you're the only person I get to talk to today on behalf  
15 of Mainland, and so I just need an answer. That's why  
16 I'm asking questions. I don't want -- I don't want  
17 something else to come up at trial. I'm asking you if  
18 you know of any of those types of conversations. I  
19 don't want any surprises. That's why I'm asking these  
20 questions. Do you understand that?

21 A. Okay. Mm-hmm.

22 Q. Okay.

23 A. And I'm answering them to the best of my  
24 knowledge to tell you if they came up and said, I can't  
25 tell you nothing about it because I have no knowledge of

1 their personal conversations with anybody.

2 Q. Right. And I'm going to accept that, except  
3 just understand. We don't need to get in a big  
4 discussion about the law or the legal process.

5 A. Mm-hmm.

6 Q. But that's the subpoena we sent --

7 A. Mm-hmm.

8 Q. -- to Mainland -- or not subpoena. The notice  
9 with topics on it --

10 A. Mm-hmm.

11 Q. -- that's -- that asked Mainland to provide us  
12 with the person who can speak for the organization.

13 A. Okay.

14 Q. And so that's why -- that's why the response  
15 should cover the whole organization. That's what we're  
16 trying to get to.

17 A. Okay. You can speak for some things on  
18 organization, but you cannot speak for a person's  
19 individual opinions. You're a lawyer and stuff. You're  
20 on the Bar. You -- can't nobody at your association  
21 that's over you come out and tell you everything they're  
22 speaking for you. So I can't speak for what a person  
23 does individually, and I don't know everything. I'm not  
24 with them 24 hours a day, and I'm not privy to say  
25 everything that they have done or said. So I can just

1 tell you to the best of my knowledge that I don't know  
2 if these people have done those things.

3 Q. Okay.

4 A. Of you're talking about individual people.

5 MS. CHEN: And you can rely on our  
6 responses to request for production and for  
7 interrogatories -- or disclosures for the identities of  
8 the individuals who have organizational information.

9 MR. RUSSO: Except for this, that she's  
10 here to talk about communications with -- from the  
11 organization.

12 MS. CHEN: Okay.

13 MR. RUSSO: So if any of these people on  
14 this list are in the organization and they step up and  
15 say, hey, I had a bunch of conversations with these  
16 people, we're going to have a problem.

17 MS. CHEN: Right. I think we're making a  
18 distinction of the communications by the organization,  
19 which she's answered, versus communications by anyone  
20 who might be a member in their free time, not on behalf  
21 of the organization.

22 MR. RUSSO: Okay. Well, we'll cross that  
23 bridge when we come to it, I guess.

24 MS. CHEN: We likely won't, so rest  
25 assured.

1 MR. RUSSO: I appreciate that.

2 Q. (BY MR. RUSSO) Okay. So I think you have an  
3 understanding as to sort of why my questions are what  
4 they are.

5 A. Okay. I understand what you're saying, but I  
6 was just making sure that I -- I just don't have control  
7 over -- some people I don't even know that's a member.

8 Q. Understood.

9 A. So -- most of the members, I don't know them.  
10 So you can't attest to what they are saying or doing or  
11 not saying or doing and stuff.

12 Q. Mm-hmm.

13 A. People be on Facebook. They're doing all this  
14 stuff. You don't have control of people's personal life  
15 because they're specific members of an organization.

16 Q. Right. Do you -- so we talked about  
17 conversations with the commissioners and Judge Henry.  
18 Is it your contention that the -- well, strike that.

19 Let me ask you this question. Do you know  
20 an individual named Keith Henry?

21 A. Keith Henry? Was that Keith Henry that just  
22 ran for -- used to be city commissioner because we have  
23 different people, so you have different names. So I'm  
24 not sure.

25 Q. He's on the Texas City -- one of the



1 commissioners there. Do you know who I'm speaking  
2 about?

3 A. He was on Texas City council.

4 Q. Was he on -- was Mr. Henry on city council that  
5 you're aware of?

6 MS. CHEN: Objection; form.

7 Q. (BY MR. RUSSO) Do you know what I'm talking  
8 about? Keith Henry, do you know a person by that name?

9 A. I've heard of a Keith Henry, and I've known  
10 some Keith Henrys. And what was the second question you  
11 asked about him?

12 Q. What association did he have with -- with Texas  
13 City that you're aware of?

14 A. Was he a past city commissioner? Is that the  
15 Keith? Because people have similar names. So is that  
16 the past person that you're talking about?

17 Q. Yeah, I think that's -- I think that's correct,  
18 but I just want to know if that's consistent with your  
19 memory.

20 A. I said maybe he was a past commissioner with  
21 Texas City.

22 Q. Yeah, I think he was. And what about a person  
23 by the name of Dedrick Johnson?

24 A. Are you asking me do I know Dedrick Johnson?

25 Q. Yes. Yes, ma'am.

1 A. Are you speaking of Dedrick Johnson? Because  
2 some people have duplicate names. Are you talking about  
3 Dedrick Johnson who's the mayor of Texas City?

4 Q. Yes, ma'am. Do you know him?

5 A. Of course, I know the mayor of Texas City.

6 Q. Okay. And he's a member of Mainland NAACP.

7 Correct?

8 A. You're asking me to give you our information on  
9 members and stuff, which I can't.

10 Q. Right. And if you're not -- if you --

11 A. Do -- you can ask -- you can ask those --

12 Q. I'll withdraw --

13 A. -- either one of those people, are those  
14 members and --

15 Q. I'll withdraw the question because I clearly  
16 have the information.

17 Have you ever spoken with Mayor Johnson  
18 about the maps involved in this case and the  
19 redistricting effort by the county?

20 A. Have I ever spoken with him about the maps?  
21 Not that I can recall in general conversation.

22 Q. All right. Do you have any evidence or what  
23 evidence do you point to that the maps adopted by the  
24 county commissioners in November of 2021 were a result  
25 of a product of racial gerrymandering?

1 MS. CHEN: Objection; form. Calls for a  
2 legal conclusion.

3 A. Well, I would say if you -- if you look at the  
4 maps and how they were split up and the breakdown of the  
5 amount of percentage of Anglo and stuff because you're  
6 doing those statistics that were in a select place and  
7 how many they're in now, you can see how the districts  
8 have been split and cracked, have been split.

9 Q. (BY MR. RUSSO) Okay. And that's the effect of  
10 the map. But, again, do you --

11 A. It was made to dilute a certain group of  
12 individuals.

13 Q. And was -- do you -- what's your belief as to  
14 whether the sort of the purpose or underlying intention  
15 in passing the maps was a result of partisan  
16 gerrymandering versus racial gerrymandering? Do you  
17 have a belief one way or another?

18 MS. CHEN: Objection; form. Calls for a  
19 legal conclusion.

20 A. Yeah. I'm saying going on the statistics that  
21 we have. When you look at the statistics, you will show  
22 the dilution of different ethnicity groups with the new  
23 drawing of the maps.

24 Q. (BY MR. RUSSO) Okay. Which is a different  
25 question. Again, I agree with you that your testimony

1 relates to the changes in the data --

2 A. The changes in --

3 Q. -- and the effects of the -- the difference of  
4 the effect of the map of the population. I'm giving you  
5 that.

6 My question, though, relates to in passing  
7 the map by the Commissioners Court, do you have a view  
8 as to whether -- a belief one way or another? Do you  
9 think it was based on partial gerry- -- partisanship, as  
10 in let's turn the county red, or was it based on race as  
11 in we would rather not have the Latino and Black  
12 population be able to vote anymore?

13 MS. CHEN: Objection; form. Legal  
14 conclusion.

15 Q. (BY MR. RUSSO) Do you have any understanding  
16 and belief as to what the Commissioners Court's view  
17 was?

18 A. Well, if you look at the statistics, you can  
19 just look at the statistics of maps and see what effects  
20 they had on them.

21 Q. Okay.

22 A. You -- if people vote cohesionly together and  
23 if the one particular group in 3 might have been voting  
24 leaning more Democratic, now they don't have enough  
25 people to even vote for a candidate of their choice as

1 | it was there. So effectively, you've probably done both  
2 | if you look at the map.

3 | Q. So in terms of what the intention was in voting  
4 | and approving on the map, you point to the effects as  
5 | showing what the intentions were. Is that correct?

6 | MS. CHEN: Objection; form.

7 | A. Well, I'm looking at the effect of -- what the  
8 | effect of the map had on particular groups of people.

9 | Q. (BY MR. RUSSO) Okay. And in terms of trying  
10 | to figure out why the commissioners did what they did,  
11 | you would principally look at what the effect of the  
12 | maps was to determine intention. Correct?

13 | MS. CHEN: Objection; form.

14 | A. The commissioners had an opportunity to do all  
15 | kind of maps and provide feedback in an adequate way  
16 | that they did not do with the people of their community.  
17 | So they could have drawn the maps in different ways so  
18 | they didn't have to move or shift population like that,  
19 | but they voted on maps and stuff that did.

20 | Q. (BY MR. RUSSO) And --

21 | A. So they can talk about their intent and what  
22 | happened.

23 | Q. And correct me if I'm wrong. So then do you  
24 | agree with the statement that the Commissioners Court  
25 | passed and adopted the map in November of 2021 in spite

1 of the fact that it had the effect of diminishing voting  
2 power in Precinct 3? Do you agree with that?

3 MS. CHEN: Objection; form.

4 Q. (BY MR. RUSSO) They did it even though they --  
5 they might have known the effect?

6 A. They had to -- they had more than anybody else  
7 had because they had all the statistics and stuff and  
8 what the maps was going to do. They didn't put that out  
9 to the public so they could see it. So they were aware.  
10 They hired the map drawing people. They could ask them.  
11 They could see what the calls and what the effects would  
12 be when they had different scenarios and stuff, so...

13 Q. And in spite of all that, they adopted the map  
14 anyway.

15 A. They --

16 Q. Is that an accurate characterization --

17 A. Well --

18 Q. -- of Mainland's position?

19 MS. CHEN: Objection; form.

20 Q. (BY MR. RUSSO) In spite of the knowledge of  
21 the effects of the maps, they adopted them?

22 MS. CHEN: Objection; form.

23 A. Well, you -- you -- you have to ask them.  
24 They're the ones who took the vote. So you know exactly  
25 what happened. They took the vote, and in spite of all

1 | the information that they had and the intent that the  
2 | effect that it would have on particular groups of  
3 | people, they adopted them anyway.

4 | Q. (BY MR. RUSSO) Understood. And that's your  
5 | principal complaint related to the Commissioner Court's  
6 | actions --

7 | MS. CHEN: Objection; form.

8 | Q. (BY MR. RUSSO) -- in approving the map. True?

9 | MS. CHEN: Objection; form.

10 | A. I'm saying you're making me repeat. I'm just  
11 | saying what the intent, what the overall effect of the  
12 | maps were.

13 | Q. (BY MR. RUSSO) Right.

14 | A. So they know -- they would know what their  
15 | intent was for the maps. So --

16 | Q. So if -- I'm sorry. Go ahead. I didn't want  
17 | to cut you off.

18 | A. No, that's okay.

19 | Q. Okay. Did you -- have you ever heard of the --  
20 | has anyone ever told you, explained to you that the  
21 | Commissioners Court wanted to put in place a coastal or  
22 | district or precinct that oversaw all of the land in  
23 | front of Galves- -- including all of the city of  
24 | Galveston and Bolivar and wanted that in the one  
25 | precinct because it would unite the coast of Galveston

1 County? Have you ever heard that explanation?

2 A. Well, I heard -- I heard them say that it was a  
3 coastal precinct. They put down it was a coastal  
4 precinct, but they didn't put the cause and effect of  
5 making that coastal precinct. My question, if it was a  
6 coastal precinct and they wanted to maintain a coastal  
7 precinct, I have some questions about that because I  
8 live in Texas City, and I see ships going across Texas  
9 City all the time in a coastal precinct, and I had  
10 Bacliff saying all that and I see a coast over there.

11 So they picked up Bolivar and all these  
12 different places, but I'm seeing the Battleship Texas  
13 come through Texas City and saying Leon and Bacliff,  
14 that's coastal. So if they were going to do a coastal  
15 area, is that the only coastal way that they had to chop  
16 up this, that they couldn't do it and add Bolivar and  
17 everything else over there and stuff to make a coastal  
18 precinct? I may not be understanding what's coastal  
19 because I was thinking when I go out and look at the  
20 dock and stuff and watch ships pass by all the time,  
21 it's some coastal right there, too.

22 So they probably have the option to do  
23 something maybe with, you know, saying Leon or with  
24 Bacliff or Texas City. They could have probably drawn  
25 the maps the other way. So if you're going to take in a



1 true coastal precinct, it's the other people on the  
2 coast, too.

3 Q. So is it your testimony that people that live  
4 in Texas City are on the coast?

5 A. I say it's water. They're talking about --  
6 they're talking about the coastal water. They're  
7 talking about Galveston coastal area around there. But  
8 I was saying we have Ship Channels and stuff, and I  
9 think they go through Galveston. The last time I rode  
10 the ferry, we went through. We go across the border way  
11 to get there.

12 Q. Because it's all connected?

13 A. Well, what maybe they're saying it's not. But  
14 I'm just saying I don't -- like I say, I don't  
15 understand the specific water-bound areas and stuff like  
16 that.

17 Q. Mm-hmm.

18 A. But I thought Galveston County was -- they  
19 consider it the Gulf Coast. Every time I look at stuff  
20 from the Worksource or something like that, they can say  
21 Gulf Coast. So I'm not understanding the particular  
22 way, but I guess they know because they had experts, but  
23 I don't know.

24 Q. So you don't -- you don't really have an  
25 understanding of what -- what is meant by coastal? What

1 is a coastal precinct?

2 MS. CHEN: Objection; form.

3 A. Well, I understand -- what I understand is if  
4 they're talking about coastal and waterways and stuff,  
5 why are you picking up specific bodies of water and  
6 stuff?

7 Q. (BY MR. RUSSO) Well, have you ever heard of  
8 the term intracoastal waterway?

9 A. Well...

10 Q. You heard of that?

11 A. Well, I heard the word on the bottom [sic] of  
12 that when you said intra, and you still used the word  
13 coastal.

14 Q. Right.

15 A. Okay.

16 Q. And what is an intracoastal waterway?

17 A. Well, I don't know. But when you said intra,  
18 you used that. But I was just saying if they had  
19 different areas and they want to keep all people that  
20 had water coming by --

21 Q. Right.

22 A. But when they mentioned we're considered the  
23 Gulf Coast, so anything around here is considered the  
24 Gulf Coast.

25 Q. What is it that makes you believe, if you

1 believe this, that the place where the water meets the  
2 edge of Texas City is considered a coast? Why do you  
3 believe that?

4 A. I said it was a body of water.

5 Q. Okay. So it may not be a coast?

6 A. I said -- I said that they're just looking  
7 keeping everything on the water and stuff together.

8 Q. It may not be?

9 A. And then they go all the way around. You have  
10 to determine what they think.

11 Q. No.

12 A. They call the whole League City part of the  
13 Gulf Coast area and stuff. They call Santa Fe part of  
14 the Gulf Coast. So if you're talking about what's Gulf  
15 Coast and water, if we're saying the word Gulf Coast  
16 because that's what you do, if I go to Worksource, they  
17 say, what district do y'all live in? It's in the Gulf  
18 Coast area. Okay. So --

19 Q. So, again, is it --

20 A. -- it's a terminology of what I -- I don't know  
21 what they was talking about. But I guess they're the  
22 ones that had the map drawers. They was the ones that  
23 decided what they was going to do. All I know is it's  
24 diluted the voting power of Black and Brown people.

25 Q. Right. And the Commissioners Court passed it

1 in spite of that?

2 MS. CHEN: Objection; form.

3 Q. (BY MR. RUSSO) That's all you know. True?

4 A. Well, you -- y'all got the vote. You got the  
5 vote on how they voted and stuff. They're the ones had  
6 to -- they're the ones that passed laws over there.

7 Q. But I want to stick with this coastal deal  
8 again just for a second.

9 A. Well, I don't know about coastal, but they said  
10 they was just keeping everything closer together. It's  
11 the same thing. They keep putting Bolivar and stuff  
12 like that, people on the coastal area and stuff. So  
13 that's what they said, but I understand the policy and  
14 what that thing had to do with the voting population of  
15 specific areas.

16 Q. Mm-hmm. Yeah. So is it true in your belief  
17 that there's -- that the coast of Galveston County  
18 includes the area that's inside Galveston Bay?

19 A. I don't --

20 Q. Is that your belief?

21 A. I don't know what it is. They're the ones that  
22 got the -- they're the ones determined what they wanted  
23 to include coastal, as a coastal.

24 Q. Okay.

25 A. But I said when they're doing something,

1 they're the ones that put up signs there and stuff.  
2 You're in the Gulf Coast. You go down here, you're in  
3 the Gulf Coast. You can be somewhere where there ain't  
4 no land, and the county of Galveston have you in the  
5 Gulf Coast area. So okay.

6 Q. Okay. Sorry.

7 A. No, it's not what I think. It's what they  
8 think and where they want to put stuff and do stuff.

9 Q. Do you know whether the -- do you know the  
10 Texas General Land Office with the State of Texas has  
11 control over the coast region and beaches in Galveston?  
12 Do you know that or not?

13 MS. CHEN: Objection; form.

14 A. What does that have to do? General Land  
15 Office --

16 Q. (BY MR. RUSSO) No. Wait, wait, wait. Just  
17 listen to my question.

18 A. Okay.

19 Q. Do you know that the Texas General Land Office,  
20 an entity that is created by the Texas Legislature  
21 generally has control and say-so over what happens on  
22 the beaches in Galveston? Do you know that or not?

23 MS. CHEN: Objection; form.

24 A. Are you asking me if I know everything about  
25 the Texas Legislature and the GLO? I know the GLO has

1 land because the GLO -- of some things, but I don't know  
2 everything the GLO is in control of.

3 Q. (BY MR. RUSSO) Okay.

4 A. And so what are you asking me about the GLO?  
5 Did the GLO vote on changing these precincts?

6 Q. Well, I'm asking you whether you know whether  
7 or not the GLO has control over Galveston's beaches and  
8 the beaches in front of -- in Port Bolivar and Highland?

9 A. I don't know exactly what because you have  
10 to -- I'd have to get somebody from the GLO to come down  
11 here and tell me exactly what they have control over.

12 Q. All right.

13 A. But the GLO have a lot of control over land,  
14 housing, federal funding and stuff that goes out to  
15 rebuild stuff in these areas.

16 Q. Does the GLO have control over Texas City  
17 areas, to your knowledge?

18 A. I said the GLO has control over a lot of  
19 different federal fundings and stuff, General Land  
20 Office and stuff as it relates to when they're doing  
21 stuff with disasters and stuff on how things are --  
22 resources are allocated, so...

23 Q. And to your knowledge, where does the GLO --

24 A. I don't know wherever they go.

25 Q. Wait a minute. Let me finish.

1 A. Oh.

2 Q. To your knowledge -- do you have any knowledge  
3 or understanding as to whether the GLO controls funds  
4 over the city of Galveston and its beaches, or do they  
5 have control over funds all over the place? Do you  
6 know?

7 A. If it's the Texas General Land Office, I'm sure  
8 they have control of land all over the state of Texas.  
9 It's just not in Galveston County because you're talking  
10 about the General Land Office.

11 Q. Mm-hmm. And are you --

12 A. And I'm not an expert on the General Land  
13 Office. But if you need an expert and you need to know  
14 about all these things, you can call somebody from the  
15 GLO. Maybe they have a little office here. Or you can  
16 call Austin and get all the information about the GLO or  
17 somebody from the county because they would have to know  
18 that. You can call one of the commissioners and they  
19 would tell you if they have any authorization or have  
20 been bound by anything with the GLO. But I'm not going  
21 to sit here and be an expert on Galveston County and the  
22 GLO.

23 Q. What we should do is defer to the county in  
24 terms of what the GLO's jurisdiction is and whether it  
25 makes sense to join Galveston and Bolivar. Is that what

1 you're telling me?

2 MS. CHEN: Objection; form.

3 A. No, I didn't say that. I said if you want to  
4 know from the GLO what they control, you need to be  
5 contacting the GLO.

6 Q. (BY MR. RUSSO) Okay.

7 A. Because I'm sure that they got specific rules  
8 on how they -- their land requirements and what they  
9 control. And so that's not for Barbara that's not an  
10 official at the GLO to determine in these proceedings  
11 right here. And I'm not -- I don't think the GLO is the  
12 one who is drawing redistricting lines here. So I don't  
13 know why I'm being asked about what the GLO does because  
14 they didn't draw the lines. Galveston County  
15 Commissioners Court drew the maps and the lines. Now,  
16 if you're telling me right now that the GLO done it,  
17 then you -- they didn't draw these lines. I don't even  
18 understand why we're going on about the GLO.

19 Q. Well, again, I asked you earlier whether you're  
20 aware of the statement or allegation that the county  
21 believed and commissioners believed that having a single  
22 commissioner covering a Gulf coastal precinct made  
23 sense. Have you heard that before today?

24 MS. CHEN: Objection; form.

25 A. No.



1 Q. (BY MR. RUSSO) This is the first?

2 A. I don't know what they are talking about in  
3 their meetings or stuff there. You can't make me  
4 testify to stuff that I have not heard and have I heard  
5 about it before today. I'm not going to get into the  
6 GLO and the county and the beaches and stuff. I'm sure  
7 they have a lot of land and laws as in regards to the  
8 right-of-way areas in Galveston and Crystal Beach and  
9 stuff like that. The right to be able to go on the  
10 beach and access beach but people put up private lines  
11 and stuff like that so you can't get across them. So if  
12 you want to talk to the GLO, you need to talk to GLO  
13 about all the different waterways and stuff in Galveston  
14 and Brazoria County.

15 Q. And so if the county's view of the adopted maps  
16 is that it's a good idea to have a single commissioner  
17 over a coastal precinct regarding all the coast, you're  
18 not the person to ask about whether that's a valid  
19 purpose. Is that right?

20 MS. CHEN: Objection; form.

21 Q. (BY MR. RUSSO) Is that right? We should -- we  
22 shouldn't ask you about that?

23 MS. CHEN: Objection; form.

24 A. I'm not -- I'm not the expert on that. So if  
25 you want the expert to come in here and testify why the

1 county should have that, if the county have an expert,  
2 he wants you to sit in here to testify about why they  
3 have these maps and stuff like that, then they can come  
4 in here and do that. But I'm sure that they could have  
5 drew some kind of lines that would have been different,  
6 that they would have not diluted the voting power of the  
7 Black and Latino people --

8 Q. (BY MR. RUSSO) Do you --

9 A. -- within these communities.

10 Q. And do you have any evidence of that? What's  
11 your evidence of that?

12 A. I just asked you -- you asked me that a while  
13 ago. I said you can look up the racial background  
14 because they had all the information about how, when  
15 they changed these maps, that they was going to change  
16 the voting population in these different areas and  
17 stuff, how they was going to change. So I'm sure  
18 because you know they didn't put none of that out for  
19 the people to see, but I'm sure they have it.

20 So if you have some information like that  
21 that you can show me where it's -- that you've seen to  
22 think it's fair and stuff, okay, that it didn't change.  
23 I'm just telling you about how the lines are.

24 Q. Do you -- what's your belief, if you have one,  
25 as to what percentage of African American voters vote

1 Democrat generally?

2 MS. CHEN: Are you asking -- sorry -- in  
3 her individual or NAACP capacity?

4 Q. (BY MR. RUSSO) We'll start individual.

5 A. Okay.

6 Q. Do you have a belief?

7 A. I don't -- I don't have a belief, but I'm sure  
8 because, you know, the county usually keeps statistics  
9 and stuff. I'm sure they have numbers on that, and I  
10 don't know if you might have the numbers with you on  
11 what -- because you know they have Galveston County  
12 votes and stuff like that on what -- particularly  
13 what -- how people of color vote. How many voted  
14 Democrat and whatever. I may think they vote Democrat,  
15 and it depends on where the people are, so...

16 Q. Okay. Sorry. Do you have any -- as a  
17 representative of Mainland NAACP, do you have any  
18 belief as to what percentage of Black voters in  
19 Galveston County typically vote Democrat?

20 A. I would have to look at the Galveston County  
21 statistics. They have statistics on the website. We  
22 vote all the time, and those voters, saying they track  
23 the voting population by statistics because you -- when  
24 they come in to vote, they can tell a person. They got  
25 you broke down how many 18-years-olds, how many

1 20-year-olds, how many folks over 60, what's the  
2 population and stuff. So I would like to refer to a  
3 paper like that, and then if you want me to make a  
4 precise thing on how they vote.

5 Q. Is it your belief that the population of voters  
6 in any given election is tracked by the race of the  
7 voter? Do you think that that's tracked in each  
8 election, the person's race?

9 MS. CHEN: Objection; form.

10 A. You're asking me an opinion and stuff.

11 Q. (BY MR. RUSSO) No, no, no. Wait, wait, wait.  
12 I don't want your opinion.

13 A. I'm saying that they have -- I'm saying that  
14 they have -- usually have statistics. Everything now is  
15 statistics, and I would have to call the  
16 Galveston County voting thing to see what their  
17 statistics would be.

18 Q. But you don't have -- independent of that,  
19 Mainland doesn't have a view as to the percentage of  
20 African American voters that vote Democrat. Is that  
21 what you're telling me? Absent what you would have to  
22 go find someplace else?

23 A. Well, I could tell you for the past elections  
24 and stuff.

25 Q. I want your --

1           A. Are we talking about in the elections from when  
2 they have voted -- the only -- when they have elected a  
3 Democratic person, they have elected  
4 Commissioner Holmes, but I can't tell you exactly what  
5 people do when they vote, go into voting booths.

6           Q. Right. But does Mainland have any estimation  
7 as to what --

8           A. I don't have -- I don't have an estimation and  
9 stuff. I'm not keeping specifics to statistics on how  
10 people vote.

11          Q. Okay. And then what about for Latino voters?  
12 Do you have any estimate as to what percentage of --

13          A. Well, if I had statistics, I'd have  
14 statistics --

15          Q. Wait, wait. Let me finish.

16          A. Okay. Okay.

17          Q. Do you have any estimation as to what  
18 percentage of Latino voters vote Democrat in any general  
19 election in Galveston County?

20          A. Well, when they were voting in the precinct  
21 that was dismantled, they -- the Black and the Latino in  
22 Precinct 3 seem to have voted in a cohesion because they  
23 kept electing a candidate of their choice with their --  
24 and it was Democrat, so I can't tell. But looking at  
25 percentages...

1 Q. Do you base that conclusion about cohesion on  
2 the fact that in this case Commissioner Holmes was  
3 elected year after year? Is that where you're getting  
4 that information?

5 A. Well, that must have been the candidate of  
6 their choice because people tend to vote for the  
7 candidates of their choice when they're there.

8 Q. And do you know what -- what percentage of  
9 Latino voters voted for Commissioner Holmes?

10 A. Well, they -- they voted -- well, I can't say  
11 all the different things because I had to know. They  
12 would have to have that breakdown. They would have to  
13 have that breakdown. You're asking me to give you  
14 information that I don't have from the voting pool.

15 Q. Okay.

16 A. So I can't sit here and lie and make that thing  
17 [sic].

18 Q. All right. Well, let me ask you. I want you  
19 to look at the next page of that sheet. It's 910. Do  
20 you see it?

21 A. Uh-huh, I got it. Mm-hmm.

22 Q. And there's a written description here.

23 A. Uh-huh.

24 Q. And I'm interested in the -- midway through  
25 this description it starts "African American" --

1 A. Uh-huh.

2 Q. -- "communities overwhelmingly support," do you  
3 see that?

4 A. Uh-huh.

5 Q. Right here. Don't write on it.

6 A. Oh, okay. "Overwhelmingly support."

7 Q. She's going -- it's an exhibit, so just hang on  
8 a second.

9 A. Okay.

10 Q. But that -- read that sentence to yourself, and  
11 then I'm going to ask you, do you agree that "African  
12 American communities overwhelmingly support Democratic  
13 candidates (90 to 95 percent)"?

14 A. And that's an analysis? I would say -- 90 to  
15 95 percent. I would say sometimes, but these are things  
16 that I'm just seeing. I don't know because I didn't see  
17 the statistics myself, but somebody did. But they  
18 usually kind of vote maybe Democratic.

19 Q. Okay. All right.

20 A. But this is something somebody wrote.

21 Q. Then it goes on and says, "and Hispanic  
22 communities also support Democratic candidates," and it  
23 says, "(70 to 75 percent)." Do you see that?

24 A. I see that.

25 Q. Do you have any belief as to whether that's a

1 true statement in Galveston County?

2 A. I just said that they vote together to elect  
3 the candidates of their choice, and in different areas  
4 and stuff, you know, when you have a high incident of  
5 Black and Latino within the area that was changed and  
6 stuff. So within this area, I would say that they vote  
7 to elect people of their choice together.

8 Q. But do you have any belief as to whether 75 to  
9 70 percent is an accurate number in terms of --

10 A. Well, I didn't look at the statistics. How  
11 would I -- it seems like it may be, but you're asking me  
12 to make a determination on something that I hadn't  
13 looked at, but I'm sure you have these statistics  
14 somewhere.

15 Q. Again, understand sort of what I'm doing here.

16 A. Uh-huh.

17 Q. I just got to know what trial is going to look  
18 like. I just want to know what Mainland's view  
19 of whether the statement --

20 A. Well, I said that they --

21 Q. Let me finish.

22 A. Okay.

23 Q. I'm trying to figure out what Mainland's view  
24 of these statements are. And if -- I'm perfectly fine  
25 with the testimony, we don't know, we have to go look at



1 the statistical information. I'm okay with that.

2 A. Okay.

3 Q. What I don't want to happen is, again, we get  
4 to trial and all of a sudden Mainland's view is, oh,  
5 yeah, 75 to 70 percent based upon what I'm reading. You  
6 understand what I'm saying?

7 A. I said that the Black and Latino people vote --  
8 generally vote together to elect candidates of their  
9 choice.

10 Q. Mm-hmm. And the reason you say that is because  
11 you used an example, Commissioner Holmes had been  
12 elected in old Precinct 3 year after year. Is that  
13 true?

14 MS. CHEN: Objection; form.

15 A. Well, that's just one thing. It's not all the  
16 time, but I'm saying they usually vote to try to get the  
17 candidates of their choice in their area.

18 Q. (BY MR. RUSSO) What else? Is there anything  
19 else that makes you believe that -- that -- if you  
20 believe this, that African American voters and Hispanic  
21 voters are cohesive? What other evidence do you have to  
22 support that?

23 A. Because in this area they have some of the same  
24 things regarding as to economics. They have some of the  
25 same houses [sic] as the -- issues as economic housing,

1 | education and stuff. So they have some of the same  
2 | things. They have the same thing as when you come to  
3 | economic development, workforce development. It's the  
4 | same thing. So you're trying to help the marginal  
5 | people to do better. So, yeah, they have some of the  
6 | same basic ideas and needs.

7 | Q. All right. Let's see what else we can look at.

8 | On Page 914 --

9 | A. Okay.

10 | Q. -- the heading on 914 says, "Traditional  
11 | Redistricting Criteria."

12 | A. Mm-hmm.

13 | Q. Can you tell me, on behalf of Mainland, which,  
14 | if any, of these criteria that Galveston County  
15 | Commissioners Court failed to use -- allegedly failed to  
16 | use in the passing of adopting the map in November of  
17 | 2021?

18 | MS. CHEN: Objection; form. Calls for a  
19 | legal conclusion.

20 | A. So are you -- so are you saying that -- what  
21 | are you asking on this? Like, they're -- they --  
22 | preserving communities of interest? They changed those  
23 | communities of interest because they split the  
24 | communities, and so you have different -- when you split  
25 | the communities and stuff, you -- you change -- you

1 | didn't keep -- you didn't keep that preserved.

2 | Q. (BY MR. RUSSO) Okay. So that's one of the  
3 | items you think the Commissioners Court didn't use?

4 | A. And then like I say, we have similar problems  
5 | like respecting the core value of the people and things  
6 | in housing and different stuff like that, the same  
7 | problems that we have.

8 | Q. Okay. Which criteria are you pointing to?

9 | A. With respecting cores.

10 | Q. Oh, the district cores?

11 | A. The district cores right there, that the area  
12 | they had was in, because they had core values in housing  
13 | and education and different things like that. They  
14 | completely changed the political bound area. They  
15 | didn't respect the bound areas that they had and had  
16 | been with the majority of things and that.

17 | Q. Mm-hmm.

18 | A. They didn't respect those when they redrew  
19 | them. If they had -- if they're talking about equal  
20 | population, they're talking about the overall population  
21 | on, like, 50 percent of Black and Brown people, and they  
22 | went to less than those percentage of population in each  
23 | one of the things and then they didn't show, I guess,  
24 | compactness would be areas of -- areas that was close  
25 | together. They just drew that coastal thing. I guess

1 | they have some similar areas, but they're not close. So  
2 | it's just different. It's different criteria that they  
3 | would be looking at. If you read all the specific  
4 | things that you can just go through them and say that  
5 | they didn't adhere to those things, I think.

6 | Q. Are there any criteria listed on this page that  
7 | you think they did follow?

8 | MS. CHEN: Objection; form.

9 | A. That's an -- that's an opinion. You just asked  
10 | me about going through the population, and some of  
11 | them -- I just said some of them that I thought. I  
12 | don't know because they didn't put out no criteria. Had  
13 | they put out that we're going to try to -- to keep these  
14 | things together, we're going to go through each one of  
15 | these criteria. But I didn't see no -- these criterias  
16 | listed with a definition of what the criteria was and  
17 | present it to the public before they did these different  
18 | things. I didn't see them have no open meetings and  
19 | stuff about all these different criterias to where they  
20 | want to check that when they drew the maps, it didn't  
21 | have any effect on these.

22 | Q. (BY MR. RUSSO) So do you have any  
23 | understanding of what the criteria descriptions here  
24 | mean?

25 | MS. CHEN: Objection; form.

1 A. Do you have a list? Because they have forums.

2 Do you have a list that I can see that explains all the  
3 different districts?

4 Q. (BY MR. RUSSO) No, ma'am, I don't have a list.

5 A. Okay.

6 Q. My question, though, is, do you know what -- do  
7 you know what these criteria mean?

8 A. The criteria? The criteria, that when they're  
9 redistricting, that they might have set out from the  
10 government that when you're redistricting you should  
11 keep these things -- these areas in respect to when  
12 you're redoing redistricting maps. I'm saying I don't  
13 even know if the county did this or what their  
14 definition is because we didn't get no -- get out -- set  
15 out nothing with no criteria that they was going to try  
16 to adhere to in this redistricting process.

17 Q. Okay. So as you sit here, then you don't  
18 really know whether -- what criteria they followed and  
19 didn't follow on this page. Is that true?

20 A. I didn't say that. I said like keeping the  
21 population cen- -- thing. I say preserving community of  
22 interest. You just asked me a bunch of things, and I  
23 just told you what those things were. Some of them,  
24 what they were.

25 Q. Right. But then I asked you if you knew what

1 they meant and --

2 A. And I explained that to you what I thought they  
3 meant.

4 Q. Okay.

5 A. But they have specific guidelines on what they  
6 meant. What I'm saying is the county could've put the  
7 list on here and could've checked off the boxes that  
8 they did that like they do for other specific places  
9 that they do. Like, when they have school board and  
10 stuff like that and they have these list of criterias  
11 and stuff and they have open meetings and stuff before.  
12 The county could've did those certain things, and I  
13 might be mistaken. They might have done it, but I  
14 didn't see it.

15 Q. And if the county believes that they did  
16 utilize and stick to some of these criteria that you  
17 think they didn't stick to, who should --

18 A. Well, I --

19 Q. Wait.

20 A. Oh, okay.

21 Q. Should we listen to what the county has to say  
22 about that or should we refer to Mainland NAACP?

23 MS. CHEN: Objection; form.

24 A. Oh, this is not a -- this is not a Mainland  
25 NAACP. These criterias usually come from the

1 redistricting. These are redistricting criteria, and  
2 they usually have definitions of them.

3 Q. Listen to my question, though.

4 If the county maintains in this suit that  
5 they complied with some of these redistricting criteria  
6 that you maintain they didn't comply with, should we  
7 defer to the county on that issue or should we listen to  
8 the NAACP Mainland as to whether the criteria were met?

9 MS. CHEN: Objection; form.

10 A. Did the county have open meetings to where they  
11 list these criterias and what they meant and check them  
12 off so the people can see? Did they do that?

13 Q. (BY MR. RUSSO) That wasn't my question.

14 A. Okay. But that's my question to you.

15 Q. My question is, if the county believes that  
16 they did comply with some of these redistricting  
17 criteria that you said they didn't comply with --

18 A. I said that was my opinion.

19 Q. Again, let me finish.

20 A. Mm-hmm.

21 Q. -- should we defer to the county's view of how  
22 they applied the redistricting criteria or should we  
23 defer to the NAACP Mainland's view of the redistricting  
24 criteria and utilization of the same?

25 MS. CHEN: Objection; form.

1           A. I'm not an expert. They're the one who did it.  
2       So they -- they used what they thought was their  
3       criteria, and that's why we have the maps that are  
4       unfair right now. So whatever this criteria that they  
5       did, I would like to see that. Do you have the criteria  
6       that they used in writing anywhere that I can look at  
7       and read over so I can read how they adhered to this  
8       criteria? Do you have any of that for me to look at  
9       over there and see, so I can read it?

10          Q. (BY MR. RUSSO) Well, what we can -- I can't  
11       answer that question for you.

12          A. Okay.

13          Q. Again, the point is -- I'm trying to make is  
14       the NAACP Mainland Branch's view of how these criteria  
15       are applied and whether they were applied correctly --

16          A. Well, I don't --

17          Q. -- wait -- more important than the county's  
18       view of it when they were actually involved in drawing  
19       the maps and looking at the data?

20                 MS. CHEN: Objection; form.

21          Q. (BY MR. RUSSO) Who should we defer to?

22                 MS. CHEN: Objection; form.

23          A. I didn't draw the maps. The Mainland Branch  
24       NAACP didn't draw the maps. The Mainland NAACP didn't  
25       have this criteria.



1 Q. (BY MR. RUSSO) The county drew the map.

2 A. So if the county had this criteria, then they  
3 can come show where they already did it. They should  
4 have the stuff right here so I can read and say, we went  
5 through all these redistricting criteria and this is  
6 what we got because you're using something from a map  
7 and you're asking me about it from a PowerPoint did they  
8 do all that.

9 Q. Did you --

10 A. The county -- the county needs to tell me  
11 whether they did all this.

12 Q. Did you ask any of those questions about  
13 criteria before you filed suit in this case?

14 MS. CHEN: Objection; form.

15 Q. (BY MR. RUSSO) Of the county?

16 A. You just asked me a while ago did I talk to the  
17 county. The county didn't send out nothing.

18 Q. So the answer --

19 A. The county didn't want to send that, and I told  
20 you a while ago I did not talk to nobody over at the  
21 county. I said --

22 Q. So in terms of --

23 A. -- that we looked at the terms of their maps.

24 Q. And --

25 A. And the terms of their maps came out. That is

1 why we filed a lawsuit.

2 Q. All right. And as -- when you filed a lawsuit,  
3 Mainland did not talk to the county about whether they  
4 used criteria or whether they felt like they complied  
5 with the traditional redistricting criteria. Is that  
6 right?

7 MS. CHEN: Objection; form.

8 A. I just told you that I did not call. You asked  
9 me that a while ago. Did I talk to anybody over there  
10 at the county. You went through Clark, you went through  
11 Commissioner Mark Henry. You went through Giusti. You  
12 went through all them different people, and I told you  
13 that I did not talk to any of them people. You asked me  
14 the same thing. I'm telling you the same thing. I did  
15 not talk to any one of those people over there.

16 Q. (BY MR. RUSSO) Okay.

17 A. Now, I did not see any of this criteria listed  
18 anywhere of any open meetings that they were going to  
19 use, and they did not give the community an opportunity  
20 to have input on these maps.

21 Q. Okay. So let me look at the document marked  
22 916, the document with Bates No. 916.

23 A. Okay.

24 Q. The top of it reads, "Political Subdivision  
25 Boundaries & Communities of Interest." Do you see that?

1 A. Mm-hmm. Mm-hmm.

2 Q. I want to ask you at the bottom in bold, the  
3 bottom community of interest criteria. It says,  
4 "Neighborhoods are the most common." Do you see that?

5 A. I see that.

6 Q. At the very bottom?

7 A. Right here it's the last one.

8 Q. Yes, ma'am.

9 A. Okay.

10 Q. It's just bolded. I'm making sure you see it.

11 A. Mm-hmm.

12 Q. And so are you aware of the -- I want to have  
13 you think about for a second old map Precinct 3. All  
14 right? And it includes areas of Dickinson in it, and  
15 also areas of La Marque. Correct?

16 A. Yes.

17 Q. But La Marque and Dickinson are not neighbors,  
18 true, in terms of cities? They don't touch each other?

19 A. Well, do you know anything about --

20 MS. CHEN: Objection; form.

21 THE WITNESS: Oh, excuse me.

22 A. When I go down Highway 3 and I leave right  
23 by -- or when I pass the subdivision, it says leaving  
24 Texas City on Highway 3 before you get to that light. I  
25 think it's Hughes Road and entering before that, and

1 entering Dickinson. So we -- I'm not understanding what  
2 you mean that Texas City don't touch and stuff.

3 Q. (BY MR. RUSSO) Well, I didn't say Texas City.  
4 I said La Marque.

5 A. Okay. La Marque.

6 Q. La Marque doesn't -- La Marque is not a  
7 neighbor with Dickinson. Would you agree with that, as  
8 far as you're aware?

9 A. So -- so -- but La Marque is not a neighbor of  
10 Dickinson.

11 Q. Is that true? Are you aware of that? I don't  
12 know. If you don't know, that's fine.

13 A. I know where -- somewhere where La Marque is.  
14 Well, I have a different take on that, but it's not  
15 connecting. And I don't know if it's not connecting to  
16 different -- to Dickinson because you have to look at  
17 the La Marque bound areas and how they turn and go  
18 before they go towards 646. They may or may not be  
19 connected to Dickinson because Dickinson may -- could  
20 turn up in that area down there, so I don't know.

21 Q. I'll confess to you. I --

22 A. Other than that, if I'm not looking at bound  
23 areas, I cannot say that La Marque is not connected --

24 Q. Okay.

25 A. -- because I don't know all of La Marque's

1 specific bound area.

2 Q. All right.

3 A. Okay.

4 Q. So as you sit here today, you just don't know  
5 the answer to the question of whether La Marque and  
6 Dickinson are neighbors?

7 A. I said unless I see the maps of the bound areas  
8 of La Marque and all the maps of the bound areas of  
9 Dickinson, I cannot make that inference that La Marque  
10 is not because I would be lying if I said I knew that  
11 they were or were not connected.

12 Q. Do you have any feeling as a resident of the  
13 Texas City area for years and years and years where  
14 citizens of La Marque typically work? Where are they  
15 employed generally? What's your belief on that?

16 A. Well, people in La Marque, they're --

17 MS. CHEN: Objection; form.

18 A. I don't know where everybody in every house is  
19 employed in La Marque because La Marque expands a long  
20 way. La Marque goes all the way out by some areas and  
21 it's still La Marque. They go all the way out by  
22 The Wayne Johnson Center and stuff like that. So I  
23 can't tell you where everybody in La Marques lives -- or  
24 works.

25 Q. (BY MR. RUSSO) You don't have any general

1 impression of where?

2 A. Well, because you have different areas that are  
3 still zoned as La Marque. So when you're asking me,  
4 you're asking me to make some broad and different. You  
5 can say people in this area in La Marque and stuff, they  
6 may work different things. But if I'm looking at the  
7 whole La Marque and stuff, you got people in La Marque  
8 that may be in more foreign areas. They may work in  
9 more their interest and stuff like that. They may go  
10 down I-45 to Houston and stuff. You can't tell where  
11 everybody works. I couldn't tell you where people live  
12 in Texas City, where everybody in Texas City -- I've  
13 been there all my life -- works.

14 Q. Based upon what you know of the areas and  
15 boundaries of old Precinct 3, did it include areas --  
16 affluent areas of La Marque as well as the more lower  
17 income areas of La Marque?

18 A. Well, since Precinct 3 went to -- included some  
19 of Hitchcock also, it's different areas that they may  
20 include. So I can't tell about everybody's income.  
21 You're trying to make me make something broad and  
22 general, and I don't have everybody's income and stuff  
23 just because you...

24 Q. Yeah. I'm just asking if you have a feel for  
25 it as a 30-year, 40-plus-year resident.

1           A. Well, as a 30 and 40 percent [sic] resident and  
2 as living -- having Dickinson, La Marque, and working in  
3 community health, I have a different take on bound areas  
4 and where people live.

5           Q. Okay. And you don't really have any belief --  
6 understanding as to where they -- whether affluent areas  
7 in La Marque were included in Precinct -- old Precinct 3  
8 as well as the -- what might be considered lower income  
9 areas of La Marque? You don't have any feel for whether  
10 those all were put into one?

11                   MS. CHEN: Objection; form.

12           A. Well, because you have different people in  
13 La Marque. I just answered that. I'm not on -- people,  
14 all areas, you have lower income people that live in  
15 La Marque. You have higher income people that live in  
16 La Marque.

17           Q. (BY MR. RUSSO) Mm-hmm.

18           A. So that's in any city. Any city you go to, you  
19 have lower income people in this area, and you have a  
20 very high income people in this area; League City also.

21           Q. Mm-hmm.

22           A. So...

23           Q. All right.

24           A. Okay.

25           Q. Do you have any -- any belief in terms of like

1 housing prices in those two areas, La Marque versus  
2 Dickinson? Or is one area typically something you would  
3 consider to be more affluent or less affluent in either  
4 one of those cities?

5 MS. CHEN: Objection; form.

6 A. Because that's making me make an opinion on the  
7 cause of housing, and as population grows and stuff and  
8 new subdivisions develop, then you have higher income  
9 houses than you even having population growth. So I  
10 can't attest to how much the housing values are in  
11 different cities.

12 Q. (BY MR. RUSSO) Okay.

13 A. In the cities in their bound areas.

14 Q. Understood. Okay. I marked earlier Exhibit 7.

15 A. Okay. On back to 7, whew.

16 Q. It's an e-mail dated Thursday, November 4th,  
17 2021, from Roxy Williamson.

18 A. Did we not go over this before?

19 Q. No, ma'am. We set it aside.

20 A. Okay.

21 Q. And you're copied on this e-mail as well, I  
22 believe. Or, actually, it's to you. Is that true?

23 A. Oh, I see my name on here, mm-hmm.

24 Q. Okay. And do you remember seeing this e-mail  
25 back in November of '21?



1           A. I -- redistricting. Okay. I -- I can't be  
2           sure, but I knew it was -- so this is saying that they  
3           had a past redistricting workshop on 2021. This was  
4           done on -- sent out on the 4th. Right? Okay.

5           Q. November 4th, yes, ma'am.

6           A. Okay.

7           Q. So there's a couple of things on the e-mail. I  
8           just want to see if you generally remember receiving it,  
9           and then I can ask you a question on it.

10          A. Well, I see it came to my e-mail. I'm trying  
11          to think if I had specifically read it and... So wait a  
12          minute. So I -- I can't remember this map. I'm not  
13          saying that I did or did not. I just can't completely  
14          recall right now.

15          Q. Okay. So my first question is -- relates to  
16          the section down below at the bottom part of the map --

17          A. The map.

18          Q. -- that's of the front, first page, and it  
19          states in the second full paragraph, it starts with,  
20          "The Honorable County Commissioner," do you see where  
21          I'm referring to, the second --

22          A. Yes, uh-huh.

23          Q. And it goes on to say, "Stephen Holmes will be  
24          speaking on redistricting this evening (signup  
25          information attached)." So it seems to be indicating

1 that Commissioner Holmes was speaking about  
2 redistricting on November 4th, that evening. Do you  
3 remember attending a meeting --

4 A. Okay. Where was he speaking because it says  
5 something. Do they tell where you're...

6 Q. Well, do you know whether you attended this,  
7 say, Zoom meeting?

8 A. Okay. But there's nowhere on here that's  
9 saying where the Zoom meeting is. It says something is  
10 attached. Do you see it?

11 Q. I don't -- this is an e-mail I have.

12 A. Oh, okay. Well...

13 Q. So my question to you is --

14 A. I'm saying --

15 Q. -- do you -- do you recall attending a meeting  
16 at that time with Commissioner Holmes?

17 A. I -- Commissioner Holmes was on a meeting with  
18 the Democrats, but I don't know if that was a meeting or  
19 something like that, that he was talking about  
20 redistricting and stuff with the Texas Women Democrats  
21 or something. So I don't know about this because this  
22 doesn't tell anything. It says some stuff, but it  
23 doesn't tell where you're going to have a meeting or it  
24 don't say anything.

25 Q. Do you recall attending a meeting, a Zoom

1 meeting with Commissioner Holmes prior to the  
2 Commissioners Court adopting the maps?

3 A. He said he was going to be talking something  
4 about redistricting. I think, if I'm not mistaken, that  
5 he may have had something on -- I don't know whether it  
6 was Texas Democratic Women. I don't know when that was.  
7 I don't know what it was. So I can't recall whether it  
8 was before or after or what, but I'm trying to make  
9 sense of this.

10 Q. As you sit here today, you have no recollection  
11 of attending a Zoom meeting where Commissioner Holmes  
12 was discussing redistricting in November of 2021?

13 MS. CHEN: Objection; form.

14 A. No.

15 THE WITNESS: Huh?

16 A. I didn't just tell you that. I just said I  
17 thought he had a meeting on some -- I don't know if it  
18 was a Texas Democratic something, but I can remember him  
19 talking about something on there. I just don't know  
20 when it was.

21 Q. (BY MR. RUSSO) Was it a Zoom meeting?

22 A. Well, I hadn't been in no person. It would  
23 have had to have been some Zoom, but not this.

24 Q. Do you recall what Commissioner Holmes talked  
25 about?

1           A. Well, it had to be something about -- no, I  
2           can't definitely recall, but it might have been just  
3           talking to -- in general with the -- I don't know if it  
4           was Texas Women Democrats. I don't know what it was.  
5           It was something. I had nothing to do with that.

6           Q. All right. So you do -- let me just see if I  
7           get it straight. You do recall attending a meeting  
8           where Commissioner Holmes was speaking about  
9           redistricting, but as you sit here today, you don't  
10          recall what he was talking about specifically?

11          A. Well --

12                   MS. CHEN: Objection; form.

13          A. -- if he was talking about redistricting, but I  
14          can't remember the exact stuff because people be asking  
15          questions and stuff on that, if I logged in. But I just  
16          can't say exactly what it was, everything, because I  
17          also would have been on Zoom meetings and stuff like  
18          that, but it would have had to be something about  
19          redistricting.

20          Q. (BY MR. RUSSO) Okay. Was there only one  
21          meeting that you recall being on with  
22          Commissioner Holmes?

23          A. If it was -- if it was -- if he was on there,  
24          it would have been on -- he, I guess, would have been  
25          maybe a guest speaker. I don't know. I can't recall

1 the exact thing.

2 Q. All right. Do you know who was putting on the  
3 meeting?

4 A. I just said I thought it might have been Texas  
5 Women -- I don't know -- Democrats or something like  
6 that. I don't know what flyer or something. I can't  
7 really recall.

8 Q. Was there any discussion about a need to, you  
9 know, show up and discuss with the Commissioners Court  
10 your feelings about the proposed maps?

11 MS. CHEN: Objection; form.

12 A. I can't recall whether it was something on  
13 that. I just see where -- what is this, something about  
14 current maps that were available or something, but...

15 Q. (BY MR. RUSSO) Okay.

16 A. The only time you had the maps or something  
17 they got on there, you was supposed to -- if you saw the  
18 maps, you were supposed to write some kind of comment on  
19 the maps.

20 Q. Okay. And you do recall getting an e-mail  
21 about going to make a comment about the maps on the  
22 county's website?

23 A. Well, I remember either in -- I don't know if  
24 it was in the news or somewhere else that they had maps  
25 or something that was supposed to have been on the

1 county's website.

2 Q. Okay. So looking back at Exhibit 7, which is  
3 the Thursday, November 4th e-mail?

4 A. Mm-hmm.

5 Q. Again, focusing down below, the paragraph  
6 before the one we read about Commissioner Holmes  
7 speaking, it starts, "For those of you prepared to sign  
8 on to the advocacy letter," do you see that?

9 A. Yes.

10 Q. All right. And it goes on, "Please forward  
11 your logos and signatories to me or Steph Swanson so we  
12 can update the letter illustrating the depth of our  
13 community support." Do you see that?

14 A. Yeah, I see that.

15 Q. Okay. Do you recall that Ms. Williamson  
16 asks -- asked several of the organizations, NAACP  
17 Dickinson, Galveston, Mainland to sign on to a letter  
18 that was going to be submitted to the county  
19 commissioners in November of 2021?

20 A. Well, I see that right now that -- that this  
21 letter is saying that.

22 Q. Yeah. Do you remember it happening at the  
23 time?

24 A. About with the advocacy letter?

25 Q. Yes, ma'am.

1           A. I can't recall the advocacy letter or if we --  
2           our branch signed the advocacy letter because we would  
3           have to talk to them about it and stuff, and I don't  
4           know. Do you have a copy of that?

5           Q. Well --

6           A. Or signatures or something that went to the  
7           thing that I could see?

8           Q. So let me do this. Let me show you, this is  
9           86.

10                           (Exhibit No. 10 was marked.)

11           Q. (BY MR. RUSSO) So you've been handed a copy of  
12           Exhibit 10, which is -- the cover on that document is an  
13           e-mail from Stephanie Swanson dated October 29th, 2021.  
14           My first question to you is, do you know Stephanie  
15           Swanson? Do you know who she is?

16           A. I'm not sure if I know who Stephanie is. Just  
17           off hand, I can't remember Stephanie.

18           Q. Okay. Her title on the e-mail says, underneath  
19           her -- I guess signature line says, "Issue Chair of  
20           Redistricting, League of Women Voters, Texas." Do you  
21           see that on the first page?

22           A. Yes, I do.

23           Q. All right. Does that help you remember her at  
24           all?

25           A. Well, no, it really doesn't because if I seen

1 Stephanie -- I'm not going to say I have never seen  
2 Stephanie or anything like that. I'm just saying I  
3 can't recall.

4 Q. Okay. Understood. And so this cover e-mail --

5 A. Mm-hmm.

6 Q. -- is -- attaches a letter that was sent to the  
7 Commissioners Court, which is the second page through  
8 the end of the document. It's signed -- or has a  
9 signature blank for "Barbara Murray, President of the  
10 League of Women Voters of the Bay Area." Do you see  
11 that?

12 A. Mm-hmm.

13 Q. And Sarah Chen's name is on there, too.

14 A. Mm-hmm.

15 Q. Do you see that?

16 A. Yes, mm-hmm.

17 Q. So -- so this -- this letter appears to have  
18 been sent to the Commissioners Court by Ms. Swanson on  
19 October 29th, 2021.

20 A. Mm-hmm.

21 Q. Right? My question to you, though, is, do you  
22 recall seeing the letter, the content of this letter in  
23 a request for additional signatures from Ms. Roxy  
24 Williamson for a similar letter to be sent to the  
25 Commissioners Court in November of 2021?



1           A. So you're saying do I have a copy of this  
2 letter beforehand that was sent to the court? What are  
3 you asking?

4           Q. Not before. This would be afterwards.

5           A. Why would you say it was the 29th, and you gave  
6 me something on the 4th? So that's confusing me.

7           Q. So here's my question.

8           A. Mm-hmm.

9           Q. Okay? This letter -- let's make sure we  
10 understand the timeline. This letter was submitted to  
11 the Commissioners Court by Ms. Swanson on October 29th,  
12 2021. Right?

13          A. Okay, mm-hmm.

14          Q. Do you recall receiving a request from  
15 Ms. Williamson later in time in November around the 4th,  
16 attaching a letter similar to this one requesting that  
17 NAACP Mainland sign off or sign on to a similar letter?

18          A. Well, I -- this is the note that you're saying  
19 on the 4th, that you're saying that she sent out by  
20 mailbox requesting a logo. So I don't see in this  
21 attachment as -- see something as this attachment that  
22 that letter was there. Is that what you're saying?

23          Q. I'm asking you if you remember receiving it,  
24 receiving a letter like this.

25          A. And I'm saying to you, I don't see an

1 attachment to this, so...

2 Q. Do you remember receiving a letter like this in  
3 November of 2021?

4 A. Okay. From Roxy?

5 Q. Yes, ma'am.

6 A. I can't say that I did or didn't, but I'm  
7 saying that she's asking about it and I don't see an  
8 attachment with a letter on here.

9 Q. Okay. So if you received it, you're just not  
10 recalling that that happened. Correct?

11 A. But I see a request for the logo and people  
12 with the letter, if you had kind of... Do you have a  
13 copy of that letter with signatures on it?

14 Q. I don't know that it was ever submitted because  
15 I haven't seen a copy, but I do know because we've seen  
16 the e-mails from Ms. Williamson in November of 2021,  
17 that she was asking for sign-ons, signatures to a letter  
18 to be sent to Galveston County. Do you remember that  
19 being true, as you sit here right now?

20 A. Well, I see right here where she was asking for  
21 it, but what I'm telling you, I don't see a copy of the  
22 letter. So you're asking me to talk about something, if  
23 I saw a copy of the letter if I had the letter and  
24 stuff. I'm just saying I can't recall, and I'm asking  
25 you did they get a letter and did it come to

1 Galveston County? Did Galveston County get a letter  
2 with the signatures on it?

3 Q. I haven't run into that letter if it did. But  
4 my question to you was, do you remember getting a copy  
5 of that letter and a request from Ms. Williamson to sign  
6 on --

7 MS. CHEN: Objection; form. Asked and  
8 answered.

9 A. I see a request saying something about the  
10 letter, to be able to send a signature so it can go on  
11 the advocacy letter, and I'm just trying to see if, you  
12 know, if the advocacy letter, indeed, came over.

13 Q. (BY MR. RUSSO) Okay.

14 A. And if we sent a request. Because if it went  
15 to the county, somebody should have a copy of it.

16 Q. Yeah. You --

17 A. I just want to see if our logo was sent in  
18 response or something to it.

19 Q. Okay. Do you -- did Ms. Williamson typically  
20 ask for request and sign on in advocacy efforts of  
21 Mainland NAACP?

22 MS. CHEN: Objection; form.

23 Q. (BY MR. RUSSO) Was it typical for her to do  
24 that?

25 A. Is it typical?

1 Q. Yes.

2 A. Well, I can't say to specific executive stuff  
3 that comes to the NAACP whether she does or not. That  
4 would be, like, privileged things.

5 Q. Okay.

6 A. And I -- you know, if I could see the letter  
7 that's either signed and stuff, I can verify that it  
8 may -- maybe I've seen, but I don't have nothing to go  
9 on. I just have something -- and I don't have a copy of  
10 the letter and stuff. I see the e-mail.

11 Q. All right. Do you -- do you -- looking back at  
12 Exhibit 7 --

13 A. Mm-hmm.

14 Q. -- and the content --

15 A. Mm-hmm.

16 Q. -- of Exhibit 7 --

17 A. Yeah.

18 Q. -- again, was the sentence we read related  
19 to -- for those of you who are -- for those of you  
20 prepared to sign on to the advocacy letter, do you  
21 remember reading that statement from this e-mail?

22 A. I can't recall when I read this, but I would  
23 have to say -- I would have to see advocacy letter for  
24 me to say if you're going to be proposed to sign on it,  
25 so...

1 Q. Okay. And at this moment in time, you don't  
2 know whether you received it -- do you know whether you  
3 received this e-mail?

4 A. Well, it says it came to my e-mail address on  
5 here.

6 Q. Okay. Do you remember getting a request from  
7 Ms. Williamson?

8 A. Well, it's saying it came from Ms. Williamson,  
9 but anything, like you said, is a request to sign on to  
10 an advocacy letter, and I don't see the advocacy letter  
11 and when that request was sent because it looked like it  
12 was sent here -- I don't know if it was sent before or  
13 what because I'd be speculating reading this.

14 Q. Yeah.

15 A. Mm-hmm.

16 Q. Okay. Do you have any belief or understanding  
17 as to why Ms. Williamson was requesting sign-on to an  
18 advocacy letter to be sent to the county?

19 A. Well, it seems like from reading this, the  
20 advocacy letter, it's talking about -- let's see. Well,  
21 you don't know what the advocacy letter -- because it's  
22 saying for you all, and I don't have the advocacy  
23 letter.

24 Q. Right. Do you have any belief as to why she  
25 was sending you that letter and requesting sign-on by

1 various groups?

2 MS. CHEN: Objection; form. Asked and  
3 answered.

4 A. You're asking me to make a specific thing about  
5 the advocacy letter that I don't have here. So if I saw  
6 the advocacy letter, I could tell you specifically what  
7 the request was. That's why I was asking you do you  
8 have a copy of the advocacy letter that was sent to the  
9 Commissioners Court by Ms. Williams?

10 Q. (BY MR. RUSSO) Right. And again --

11 A. Because it seems like it had a workshop here on  
12 the 21st, and this is on the 29th, and then on the  
13 bottom it's saying on the 4th. So it's got two or  
14 three -- I guess she's saying on the 3rd, this is what  
15 she wrote. It seemed like a follow-up to something the  
16 way this is done. It's talking about a redistricting  
17 workshop on the 28th from Galveston city council, and  
18 then it's going on the 4th, it seems like it's a  
19 continuation or something.

20 Q. You're correct. Is it your belief that  
21 Ms. Williamson was updating you-all in terms of what was  
22 going on in the redistricting effort?

23 A. It could have been. You have two different  
24 dates. It's sent out on the 4th and there's information  
25 about the 4th, but we also have something about a

1 workshop that was passed on the 28th, so...

2 Q. All right. And that e-mail reflects it was  
3 sent on the 4th of November?

4 A. Yes.

5 Q. At 2:33?

6 A. Mm-hmm.

7 Q. And the e-mail below reflects it was sent  
8 Thursday, November 4th at 3:08?

9 A. That's saying when the workshop was. So I'm  
10 not sure what I can attest to because the paper is a  
11 little confusing, but...

12 Q. All right. So as you sit here today, you don't  
13 know whether the Mainland Branch signed off on -- signed  
14 on to any correspondence --

15 A. I'd just have to see.

16 Q. -- it intended to go to the Galveston County  
17 Commissioners Court. True?

18 A. I'd have to see the letter and see about a lot  
19 of stuff that's on there, if we sent a correspondence to  
20 it if you have it, whether it went to it.

21 Q. But independent -- you don't have any  
22 independent recollection of that happening, though, as  
23 you sit here right now?

24 A. I don't have a copy of the letter. So if I see  
25 a copy of the letter, I can say that we would have sent

1 it.

2 Q. Okay.

3 A. It's local. I would just like to see the  
4 specific letter.

5 Q. You have no independent recollection of signing  
6 on to -- agreeing to sign on to a letter that was  
7 intended to go to the Commissioners Court in November of  
8 2021. Is that true?

9 A. I mean, I'm being asked now to say something  
10 broad and general. I'd like to see whether -- if I had  
11 a letter that I was signing on to.

12 Q. Right. But, again, my question to you is, as  
13 you sit here right now, you don't have any recollection  
14 of being asked to sign on?

15 A. Well, you have -- you see it says for those of  
16 you prepared to sign the advocacy letter. So it's got a  
17 highlight, and I'm trying to see when did the advocacy  
18 letter come and did we get to read that advocacy letter  
19 and then make a definition [sic] to sign on with it.

20 Q. Right. But do you remember receiving the  
21 letter yourself?

22 A. I just said I don't see a letter. I don't see  
23 it's referencing a letter right here on there.

24 Q. Do you remember receiving one, a letter?

25 A. You just asked me that. I said I don't see a



1 copy of the letter or --

2 Q. Listen. Listen to my question.

3 A. Okay.

4 Q. You've told me three times you don't see one.

5 A. No. You're asking me did I sign a letter, so  
6 you're asking me if I signed a letter.

7 Q. I'm asking if you remember doing that.

8 A. Okay. I just told you I don't remember signing  
9 a letter, but I'm not saying I didn't sign a letter. I  
10 said I can't recall. But if I find a letter, I'll get a  
11 letter to my attorney if it come up here. You're asking  
12 me at this point in time did I remember signing on to  
13 it.

14 Q. Yeah, and that's fine. All I was asking is  
15 whether you remember doing it.

16 A. Mm-hmm.

17 MR. RUSSO: Why don't we take a quick  
18 break, and then we need to figure out how much time is  
19 left on the record and then -- if that's okay with you.

20 MS. CHEN: A quick break is fine.

21 THE VIDEOGRAPHER: Off the record, 5:35.

22 (Recess taken.)

23 (Exhibit Nos. 11-13 were marked.)

24 THE VIDEOGRAPHER: Going back on the  
25 record, 5:50 p.m.

1 Q. (BY MR. RUSSO) Ms. Rice Anders, I appreciate  
2 your patience today.

3 The court reporter has marked as Exhibit 13  
4 an e-mail document with the Bates number on the bottom  
5 that's NAACP 1362, the last four digits on the Bates  
6 number. Do you have that in front of you?

7 A. I'm sorry. What was the number?

8 Q. The last four digits were 1362.

9 A. Oh, that's the wrong one.

10 Q. I'm sorry, 1361.

11 A. Okay. Yes.

12 Q. And that's an e-mail dated Thursday,  
13 November 11th, 2021. Do you see that?

14 A. Yes.

15 Q. All right. Okay. And there's an e-mail  
16 address that says BMT NAACP. Is that related to the  
17 Mainland Branch, or do you know?

18 A. I don't know what that is. No, I don't know.

19 Q. Okay. Do you remember receiving this e-mail on  
20 November 11th of 2021?

21 A. I don't remember seeing this, and I was not  
22 listed on the people that received this e-mail either.

23 Q. Okay. As far as you're aware, the BMT NAACP,  
24 that's not Mainland Branch?

25 A. No.

1 Q. Does it reflect -- are you able to tell me what  
2 that might be? What branch it might be?

3 A. No. No, I can't say.

4 Q. All right. So another question I have is  
5 related to there's an entry of NAACP 6219 right here on  
6 the top. Do you see that reference?

7 A. Yes, I see that reference.

8 Q. And does that strike you as a branch number?

9 A. Maybe. It's possible to be branch number.

10 Q. Do you know who 6219 is?

11 A. I can't specifically say. I wouldn't exactly  
12 know. We have over 2,000-and-something branches, so I  
13 wouldn't know an exact branch number.

14 Q. Do you know the branch number for the Mainland  
15 Branch?

16 A. 6201.

17 Q. Okay. All right. All right. So let's look  
18 at -- let's see. Exhibit 13 -- I'm sorry. Exhibit 11  
19 is a copy of your statement made at the hearing in front  
20 of the Commissioners Court on November 11th, 2021. Do  
21 you remember attending that hearing?

22 A. Yes.

23 Q. Do you know what time you got there?

24 A. No, I can't recall the exact time I got there  
25 now.

1 Q. Did you get there early ahead of the meeting or  
2 right up against when the meeting was about to start?

3 A. Yeah, kind of close to -- to, I think, when the  
4 meeting was starting. But I can't tell you the exact  
5 time that we had in between when I got there and before  
6 it started.

7 Q. And did you have a seat inside the room or  
8 where were you? Where did you attend?

9 A. I did.

10 Q. You found a seat inside?

11 A. I found it, mm-hmm.

12 Q. Okay. And this was just -- even though you  
13 showed up pretty close to when the meeting started, you  
14 found a seat inside?

15 MS. CHEN: Objection; form.

16 A. Well, I said I can't tell exactly when I got to  
17 the meeting, but I got a seat, an aisle seat inside of  
18 the meeting.

19 Q. (BY MR. RUSSO) Did somebody save you a seat or  
20 there was just one open when you got there?

21 A. I -- I think someone got up or something. I  
22 can't recall.

23 Q. Okay.

24 A. But I got a seat inside.

25 Q. All right. So do you -- do you know, as you

1 sit here, of any -- any person who attended the meeting  
2 that wanted to speak to the Commissioners Court but  
3 didn't have the opportunity to do that?

4 A. Well, I would say that from sitting inside, a  
5 lot of people were signing up, but a lot of people was  
6 outside, you know, because I went to the bathroom. They  
7 was out there, and they couldn't get in. So I don't  
8 know if they had an opportunity to sign up or speak or  
9 not because it was a lot of people there coming, trying  
10 to get there, I guess.

11 Q. And I understand it was crowded, but are you  
12 aware of anyone who told you, I wanted to speak but I  
13 didn't have a chance to?

14 A. Well, coming out, a lot of people were saying  
15 that they didn't have an opportunity to get inside the  
16 room because it was too crowded, and the room was small  
17 and then the halls was narrow. And so the room, there  
18 wasn't enough space. The people was lined up down the  
19 halls and stuff in there and...

20 Q. Did any of those people tell you, I didn't get  
21 a chance to speak, although I wanted to?

22 A. Well, they said they couldn't get in.

23 Q. Did they --

24 A. That it was too crowded. The conditions were  
25 crowded. It wasn't enough space in there. They

1 | couldn't even get into the area.

2 | Q. Okay. There's -- but understand, there's a  
3 | difference between being able to get into the -- into  
4 | the room and sit there and listen to the comments?

5 | A. Mm-hmm.

6 | Q. It's a whole different problem if someone  
7 | wanted to speak, but they didn't have a chance to do  
8 | that. Are you aware? Did anyone tell you that  
9 | specifically?

10 | A. I can't recall exactly the people that had  
11 | comments on that coming out, but they were saying  
12 | because they couldn't get in the room and they felt like  
13 | they knew the room was too small, that they didn't want  
14 | the people to get in and be able to voice their opinion  
15 | about the maps because I guess the people that came  
16 | intended to voice their opinion, but it was people that  
17 | couldn't get into the area.

18 | Q. Right. But did anybody tell you they didn't  
19 | have a chance to speak?

20 | A. Well, they said they couldn't get in the area,  
21 | so they couldn't get in there to sign up to speak.

22 | Q. So is it your testimony --

23 | A. So and I can't say --

24 | Q. Wait, wait, wait.

25 | MS. CHEN: Please let her finish.

1 A. Oh.

2 Q. (BY MR. RUSSO) You're not listening to my  
3 question, and you've been doing it all day talking all  
4 over the record.

5 A. Okay.

6 Q. So listen to what I'm asking you.

7 A. Mm-hmm.

8 Q. Did anyone tell you that they wanted to speak  
9 but did not have the opportunity to do that?

10 MS. CHEN: Objection; asked and answered.

11 A. I can't say the exact name of the people that  
12 said it, but on the way coming out, people were very  
13 upset and they were saying they didn't have an  
14 opportunity to voice their vote opinions because they  
15 could not get into the room, that the area was not large  
16 enough, and some elderly people was on walkers and  
17 different stuff like that and they was trying to get in  
18 there and stand in halls and stuff, and they said the  
19 place wasn't large enough to have something of that  
20 magnitude there.

21 Q. (BY MR. RUSSO) Okay. So your testimony --

22 A. So they felt like their voices could not be  
23 heard because they were not able to get into the room.

24 Q. Okay. So you're telling me that people told  
25 you that they wanted to speak but weren't able to?

1 A. There was a complaint on the outside.

2 Q. That people were not able to speak at the  
3 meeting?

4 A. Because they couldn't get inside. A lot of  
5 them couldn't get inside the building.

6 Q. Let me ask you. Did people that were -- that  
7 wanted to speak, were they able to walk up to the podium  
8 from outside the room? Did anybody do that?

9 A. Well, some people --

10 MS. CHEN: Objection; asked and answered.

11 A. You're talking about -- you're talking about  
12 two different things.

13 Q. (BY MR. RUSSO) Huh-uh.

14 A. You're talking about people that was lined up  
15 in the hall, and you're talking about some people was  
16 still lined up outside because the building was crowded,  
17 that they wasn't even being able to get into the  
18 building because the hallways were crowded, which  
19 probably would have created -- I don't know why the fire  
20 marshal didn't come with a fire hazard with people  
21 jammed up in there, so...

22 Q. Did you see people come to speak at the podium  
23 from outside the room when their name was called?

24 A. I see -- I saw people hollering because  
25 everybody that was in that room couldn't sit in that



1 | room that spoke. Some of the people was lined up in the  
2 | halls and stuff, and I guess the other people might say  
3 | their names or something and they would try to come up  
4 | there because they was trying to walk in the room and  
5 | sign the paper and then go back out.

6 | Q. So you saw people that would, even though they  
7 | were standing in the hallway, they had an opportunity if  
8 | their name was called to go speak as well?

9 | A. Yeah, if they -- if they heard their names and  
10 | stuff, but people came from -- some people came from out  
11 | in the hall because everybody was not inside the room.

12 | Q. Okay. And so the other thing I've heard is  
13 | that there was no place to park at this site. Do you  
14 | know of anyone who didn't go to the meeting because they  
15 | couldn't find a place to park?

16 | A. Well, because the place was under construction,  
17 | you couldn't go down the sides. You could park in the  
18 | front in a little bit, but they had a lot of  
19 | construction so the parking was really bad there. And  
20 | when the people were coming in, they had to circle and  
21 | stuff. I don't know because I wasn't out there the  
22 | whole time, but I'm sure that some people circle and  
23 | stuff and if they had to walk a long way, it wasn't  
24 | accessible, I wouldn't say, to the people unless they  
25 | could park in front because the parking was full, too.

1 Q. All right. But sitting here today, you're not  
2 aware of anybody that told you, I tried to park,  
3 couldn't find a spot, and left specifically. Is that  
4 true?

5 A. Well, I say people commented that it was hard  
6 for them to find spots, and people were circling around.  
7 When I -- when I got there myself, I had to circle  
8 around several times before somebody -- and wait before  
9 somebody got out that may have been paying some other  
10 thing and stuff, and I finally got a parking spot  
11 further down to walk in. And so it was a big problem  
12 with parking there just because, you know, like I'm  
13 saying, they had construction and stuff going on.

14 Q. Right. And you've --

15 A. And then the other people that was coming in to  
16 do other business with the county because all that was  
17 still open, so it was -- it was -- it was a chaotic  
18 little mess.

19 Q. So you were able to park and find a seat  
20 actually in the room. True?

21 A. I would say I got in the room.

22 Q. And other people who had to circle or find a  
23 parking place also made it to the meeting. Correct?

24 A. Well, I don't know about everybody else because  
25 I can't speak for everybody else. I can speak that I

1 got there, and then I went in the room and standed [sic]  
2 up, and I don't know if somebody moved or what, but I  
3 got a seat in the room.

4 Q. Yeah. All right. With Exhibit 11, it's a copy  
5 of your statement.

6 A. Mm-hmm.

7 Q. Particularly the comments that you made at the  
8 hearing, and really I just want you to confirm that  
9 that's -- those are your words as made at the hearing.

10 A. First I got to -- see, I'm Barbara Anders,  
11 Mainland Branch, ACC [sic]. So I think it should be  
12 NAACP up there, but it says ACC all the way down this  
13 paper.

14 Q. Mm-hmm. All right. So the third -- that third  
15 paragraph says -- starts, "So what I want to know is,"  
16 do you see that?

17 A. Mm-hmm.

18 Q. After the -- after the comma after "again," it  
19 says, "so we have some concerns about how that map was  
20 fitting with the inclusion of Bolivar Peninsula again."  
21 Do you see that?

22 A. Yes.

23 Q. So you had concerns about why Bolivar was in  
24 this Precinct 3 on one of the maps?

25 A. How -- how they were redistricting one of the

1 maps with Bolivar Peninsula. They had two maps, and  
2 that was something that was similar to the map that was  
3 drawn in 2011, similar.

4 Q. Right.

5 A. I guess that the -- they went to the  
6 Justice Department.

7 Q. Was there concern that there were -- that there  
8 were too many White people from the Bolivar Peninsula  
9 that would have then been added to Precinct 3? Was that  
10 one of your concerns?

11 A. Well, the concern was the maps because they  
12 didn't have enough information on the maps or how they  
13 would be -- that particular district would be diluting  
14 the population, is what it was doing in 2003. Plus,  
15 they didn't put all the maps back up there --

16 Q. Did you conclude --

17 A. -- so that was a concern.

18 Q. Did you conclude at the time when you were  
19 having a conversation, making your comments, that adding  
20 people from Bolivar would dilute the population of  
21 Precinct 3 because there were an excessive number of  
22 White people that lived in Bolivar? Is that your  
23 conclusion?

24 MS. CHEN: Objection; form.

25 A. That wasn't my conclusion. That was the last

1 time they put forth the map that had similar stuff.

2 That was the conclusion that they had from the

3 Justice Department, I guess.

4 Q. (BY MR. RUSSO) All right. So your conclusion  
5 at the time, the comments were that adding Bolivar was  
6 not fair. It was diluting the pop- -- the voting  
7 abilities?

8 A. They had the potential. They had the potential  
9 to dilute the voting population. Because at that point  
10 in time, they put up a bunch of maps with no statistics.  
11 So you had to go on potentials because you didn't put up  
12 there this is how the population is going to change, and  
13 you're going to put on their maps and stuff on the  
14 website and stuff about anything. Before we had no type  
15 of changes to that map. You had no statistics to go  
16 with these maps. You just had pictures.

17 Q. But you concluded that it must be deleting --  
18 diluting the voting power in Precinct 3 because --

19 A. Yeah, I said --

20 Q. -- it was your understanding that the  
21 population in Bolivar was primarily White?

22 MS. CHEN: Objection; form. Asked and  
23 answered.

24 A. I said it had no statistics. I said that the  
25 map was seen to be similar to something that they had

1 before, and the same company had drew the map. Looked  
2 like they just put something up that they did before.  
3 But I'm saying that the county didn't offer any type of  
4 statistics with this particular map. So when they're  
5 saying, do you like Map No. 1 or do you like Map No. 2,  
6 you can't make a reasonable thing of which map you want  
7 because you had no statistics to go along with the maps.

8 Q. (BY MR. RUSSO) And your conclusion was that  
9 you didn't want Map No. 1 or No. 2. Correct?

10 A. I had no statistics, so I couldn't make a  
11 logical reference on the maps because you had no  
12 statistics for the maps.

13 Q. But you concluded that dilution was occurring  
14 based upon what your knowledge of the population of  
15 Port Bolivar. Is that right?

16 A. No. You're trying --

17 MS. CHEN: Objection; form.

18 A. You're trying to say that I made the  
19 conclusion. I said the map looked similar to the maps  
20 that had been presented before that was objected by the  
21 Justice Department when preclearance was still in. I  
22 said these maps had no particular information on  
23 population growth or anything else and how it would  
24 change the demographics of their precinct.

25 Q. (BY MR. RUSSO) Mm-hmm.

1           A. So if they put up something and say, y'all just  
2 vote on this without you even knowing what you're voting  
3 on basically.

4           Q. Mm-hmm. Again, as of the meeting, your  
5 conclusion was there was a vote --

6           A. No. What I said --

7           Q. Wait, wait.

8           A. Oh, okay.

9           Q. Let me ask you the question.

10          A. But you're not letting me finish.

11          Q. Well, I haven't asked a question.

12          A. But you were saying --

13          Q. I haven't asked a ques- -- I have not asked a  
14 question.

15          A. Okay. Go ahead.

16          Q. I haven't asked you anything yet.

17          A. Okay.

18          Q. Okay. Let me look at Exhibit 12.

19                   MS. CHEN: I have a question. What's the  
20 time? You can ask your question, I guess, while we're  
21 waiting for that.

22                   MR. RUSSO: I don't know if he's got --

23                   THE VIDEOGRAPHER: Yeah, 19 minutes. Let's  
24 see here.

25          Q. (BY MR. RUSSO) So do you recognize Exhibit 12?

1 THE VIDEOGRAPHER: 6:58.

2 Q. (BY MR. RUSSO) Have you seen Exhibit 12 before  
3 today?

4 A. This is a newspaper -- coming from a newspaper.

5 Q. Yeah. It's an article dated April 16th of  
6 2022, and you're quoted in it which is where the  
7 question I'm -- the area I'm going to focus on, which is  
8 the fourth full paragraph down on the first page. It  
9 starts with the word, "Original lines were developed."

10 A. Yes.

11 Q. Okay. And it states, "Original lines were  
12 developed in order to give voters an opportunity to  
13 elect candidates of their choice. The will of the  
14 voters should prevail in how decisions are made and  
15 resources are allocated." Do you remember stating that?

16 A. I remember this.

17 Q. Okay. Were you --

18 MS. CHEN: Before you continue, you can  
19 feel free to finish your questions on this exhibit, but  
20 then I think we'll be over the seven hours.

21 MR. RUSSO: Well, we'll figure it out.

22 Q. (BY MR. RUSSO) When you state the "original  
23 lines were developed in order to give voters an  
24 opportunity to elect candidates," is it accurate to say  
25 that the original lines were developed in order to give



1 minority voters an opportunity to elect a candidate of  
2 their choice?

3 MS. CHEN: Objection; form.

4 A. Okay. This is -- this statement is a statement  
5 I had given or written, some of it, of the statement  
6 that I said.

7 Q. (BY MR. RUSSO) Okay. And your -- when you  
8 state the "original lines," what were you referring to?  
9 Was it the old Precinct 3?

10 A. No. What I -- what I -- what I specifically  
11 said is that, historically, people didn't have a  
12 decision in where they live because of redlining and  
13 stuff like that. And original lines were drawn with the  
14 people and where they live in the county. Because in  
15 the old days, historically, Black and Brown people had  
16 to live in certain parts of the -- lived in certain  
17 parts of the county. So, historically, original  
18 lines -- I don't have the exact statement that I made on  
19 this. They were -- those districts were drawn because  
20 that's where people lived, and so we came from the  
21 original lines. And so they gave people opportunity to  
22 do -- to elect candidates of their choice because they  
23 lived in a specific area from redlining and different  
24 stuff like that. We didn't have an opportunity to  
25 choose where we lived. We had to live in specific

1 | areas. So, historically, when lines were drawn, they  
2 | were different.

3 | Q. They were what?

4 | A. The lines -- when the historical lines were  
5 | drawn, they were different. And I specifically said on  
6 | this thing because this is some of what I said, it's a  
7 | newspaper article, but I could give you the full  
8 | statement or copy of what I wrote. I said that people  
9 | should be able to elect their candidates. Candidates  
10 | shouldn't be able to elect their people. And in the  
11 | drawing of these lines, it seems like the candidates are  
12 | electing their voters versus the voters being able to  
13 | elect some of their candidates.

14 | Q. Okay. So there's -- someplace there's a more  
15 | complete statement that this was taken from?

16 | A. I would say so.

17 | Q. Do you have a copy of that?

18 | A. Do I have a copy of it?

19 | Q. Yes, ma'am.

20 | A. I would look for the copy of the statement that  
21 | I -- complete statement that I wrote.

22 | Q. Yeah. Okay. Did you write it specifically for  
23 | this article or was the statement just one that you had  
24 | written and made and then got added to this document?

25 | A. No. That asked for a statement. I gave a

1 statement, and I'll look for a copy of that statement  
2 and I'll give it to my attorney so she can read exactly  
3 what I said.

4 Q. Okay. All right. Well, I appreciate that.

5 MR. RUSSO: I'm going to pass the witness  
6 at this time.

7 A. Okay. Thank you.

8 MS. CHEN: Thank you, and I'll reserve  
9 questions for trial. I'd like to read and sign and also  
10 order a rush copy, please.

11 THE VIDEOGRAPHER: Off the record, 6:16.

12 THE REPORTER: Mr. Russo, would you also  
13 like to order it rush?

14 MR. RUSSO: Yes, please.

15 (Proceedings concluded.)

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1 CHANGES AND SIGNATURE

2 WITNESS NAME: BARBARA ANDERS

3 DATE OF DEPOSITION: APRIL 21, 2023

4 PAGE LINE CHANGE REASON

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I, BARBARA ANDERS, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

\_\_\_\_\_  
BARBARA ANDERS

THE STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

Before me, \_\_\_\_\_, on this day personally appeared BARBARA ANDERS, known to me (or proved to me under oath or through \_\_\_\_\_) (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF \_\_\_\_\_  
COMMISSION EXPIRES: \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

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TERRY PETTEWAY, THE )  
HONORABLE DERRECK ROSE, )  
MICHAEL MONTEZ, SONNY )  
JAMES and PENNY POPE, )  
)  
Plaintiffs, ) CIVIL ACTION

v. ) NO. 3:22-cv-57

GALVESTON COUNTY, TEXAS, )  
and HONORABLE MARK HENRY, )  
in his official capacity )  
as Galveston County Judge, )  
)  
Defendants. )

UNITED STATES OF AMERICA, )  
)  
Plaintiff, ) CIVIL ACTION

v. ) NO. 3:22-cv-93

GALVESTON COUNTY, TEXAS, )  
GALVESTON COUNTY )  
COMMISSIONERS COURT, and )  
HONORABLE MARK HENRY, in )  
his official capacity as )  
Galveston County Judge, )  
)  
Defendants. )

DICKINSON BAY AREA BRANCH )  
NAACP, GALVESTON BRANCH )  
NAACP, MAINLAND BRANCH )  
NAACP, GALVESTON LULAC )  
COUNCIL 151, EDNA )  
COURVILLE, JOE A. COMPIAN, )  
and LEON PHILLIPS, )  
)  
Plaintiffs, ) CIVIL ACTION

v. ) NO. 3:22-cv-117

1 )  
 2 GALVESTON COUNTY, TEXAS, )  
 3 HONORABLE MARK HENRY, in )  
 4 his official capacity as )  
 5 Galveston County Judge, )  
 6 and DWIGHT D. SULLIVAN, in )  
 7 his official capacity as )  
 8 Galveston County Clerk, )  
 9 )  
 10 Defendants. )

-----

REPORTER'S CERTIFICATION

ORAL AND VIDEOTAPED DEPOSITION OF

BARBARA ANDERS

APPEARING AS CORPORATE REPRESENTATIVE OF

PLAINTIFF NAACP MAINLAND BRANCH

APRIL 21, 2023

-----

15 I, Velma C. LaChausse, Shorthand Reporter and  
 16 Notary Public in and for the State of Texas, hereby  
 17 certify to the following:

18 That the witness, BARBARA ANDERS, was duly sworn by  
 19 the officer and that the transcript of the oral  
 20 deposition is a true record of the testimony given by  
 21 the witness;

22 That the deposition transcript was submitted on  
 23 \_\_\_\_\_ to the witness or to the attorney  
 24 for the witness for examination, signature and return to  
 25 me by \_\_\_\_\_;

1           That pursuant to information given to the  
2 deposition officer at the time said testimony was taken,  
3 the following includes counsel for all parties of  
4 record:

5 Ms. Sarah Chen, Counsel for NAACP Mainland Branch  
6 Plaintiff;

7 Mr. Joseph R. Russo, Jr., Counsel for Defendants;

8           That \$\_\_\_\_\_ is the deposition officer's  
9 charges to the Defendant for preparing the original  
10 deposition transcript and any copies of exhibits;

11           I further certify that I am neither counsel for,  
12 related to, nor employed by any of the parties or  
13 attorneys in the action in which this proceeding was  
14 taken, and further that I am not financially or  
15 otherwise interested in the outcome of the action.

16           Certified to by me this 26th of April, 2023.

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---

Velma C. LaChausse  
Notary Public in and for  
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# **Exhibit 2**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HONORABLE TERRY PETTEWAY, \*  
ET AL., \*  
PLAINTIFFS, \*  
\* CASE NO. 3:22-CV-00057  
VS. \*  
\*  
GALVESTON COUNTY, ET AL., \*  
DEFENDANTS. \*

\*\*\*\*\*  
ORAL AND VIDEOTAPED DEPOSITION OF  
DARRELL APFFEL  
JANUARY 5, 2023  
\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION OF DARRELL  
APFFEL, produced as a witness at the instance of  
the PLAINTIFF(S), and duly sworn, was taken in the  
above-styled and numbered cause on JANUARY 5, 2023,  
from 9:17 A.M. to 6:01 P.M., before AMY PRIGMORE,  
CSR, in and for the State of Texas, reported by  
stenographic means, at the offices of GREER HERZ &  
ADAMS, One Moody Plaza 18th Floor, Galveston,  
Texas, pursuant to the Federal Rules of Civil  
Procedure and the provisions stated on the record  
or attached hereto.

A P P E A R A N C E S

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21 ALSO PRESENT:

22 Ray Burchette, Videographer  
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1 P R O C E E D I N G S

2 \* \* \*

3 THE VIDEOGRAPHER: Good morning.  
4 We're going on record at 9:17 a.m. Today's date is  
5 January 5, 2023. This is Media 1 of the video  
6 recorded deposition of Darrell Apffel.

7 Ms. Court Reporter, please swear in  
8 the witness.

9 DARRELL APFFEL,  
10 having been first duly sworn, testified as follows:

11 EXAMINATION

12 BY MS. VALL-LLOBERA:

13 Q. Good morning, Mr. Apffel.

14 A. Good morning.

15 Q. Could you please state your name for the  
16 record and spell it?

17 A. Darrell Apffel, D-A-R-R-E-L-L, A-P-F-F-E-L.

18 Q. Good morning. And thank you again for your  
19 time today.

20 My name is Diana Vall-Llobera. I work at  
21 the law firm Wilkie Farr & Gallgher. And I'm  
22 joined by co-counsel, Sarah Chen, from Texas Civil  
23 Rights Project, and Andrew Silberstein, who is also  
24 working for Wilkie Farr.

25 We are the attorneys for the Plaintiff, in

1 Dickinson Bay Area Branch NAACP, Galveston Branch  
2 NAACP, Mainland Branch NAACP, Galveston LULAC  
3 Council 151, Edna Courville, Joe Compian, and Leon  
4 Phillips versus Galveston County, Texas, the  
5 Honorable Mark Henry, Dwight D. Sullivan.

6 This case is consolidated with the cases  
7 brought by Terry Petteway, and other individuals,  
8 as well as the case brought by the Department of  
9 Justice in Galveston County, in the Southern  
10 District of Texas.

11 Counsel for Petteway and DOJ will also have  
12 the opportunity to ask question after I'm done,  
13 before your counsel asks any questions that he may  
14 have.

15 Before we start with questions, I wanted to  
16 go over a few expectations for today. If anything  
17 I say is unclear or if you have any questions, let  
18 me know.

19 So, first, today, we have with us our court  
20 reporter --

21 MS. VALL-LLOBERA: Sorry.

22 THE REPORTER: Amy Prigmore.

23 Q. (BY MS. VALL-LLOBERA) -- Amy, thank you.  
24 She'll be making a transcript of everything that  
25 occurs in the deposition today.

1           To ensure that -- an accurate record and  
2           help Amy with the written transcript, I ask that  
3           you give verbal responses to all my questions, as  
4           opposed to simply shaking or nodding your head.

5           Do you agree?

6           A. I agree.

7           Q. To make a clear record, it's also important  
8           that we not interrupt or talk over each other.  
9           I'll try my best not to interrupt you when you're  
10          responding, and I'll ask that you wait until I  
11          finish my question before giving your answer.

12          Will you do that?

13          A. Yes.

14          Q. I will be asking you questions about your  
15          knowledge of certain events.

16          If you could help clarify the record by  
17          being clear when you don't know something or you  
18          can't recall something, versus when the answer is  
19          no, that will help make the record clear.

20          I'll ask you to clarify between those  
21          responses, if your answer is unclear to me.

22          You have been sworn in, which means that  
23          you're under oath, and you have an obligation to  
24          give accurate and truthful testimony today. If I  
25          ask you a question and you don't understand, let me

1 know and I will clarify or rephrase.

2 If you do not ask for clarification, I will  
3 assume you understood my question and that you are  
4 answering the question I've asked.

5 Do you understand?

6 A. Yes.

7 Q. Is there any reason that you might not be  
8 able to give full and truthful testimony today?

9 A. No.

10 Q. Are you currently on any medication that may  
11 affect your testimony?

12 A. No.

13 Q. Have you consumed any alcohol today?

14 A. No.

15 Q. Do you understand that you can't communicate  
16 with anyone else about the deposition, whether in  
17 person, e-mail, text message, Zoom, or any other  
18 way, about your testimony or the questions I'm  
19 asking, while your deposition is being taken today,  
20 other than to consult with your attorney about  
21 issues of privilege?

22 A. Okay.

23 Q. If you need a break at any point during the  
24 deposition, please let me know and we will  
25 accommodate that. If I have just asked you a

1 question, I will ask you to respond to that  
2 question before we take a break.

3 Is that clear?

4 A. It's clear. But I'll rely on my lawyer what  
5 we do.

6 Q. Have you been deposed before?

7 A. One time.

8 Q. When did that deposition take place?

9 A. I don't know.

10 Q. More or less, when did this occur?

11 A. Seven, eight years ago.

12 Q. What were you deposed before?

13 A. I'm a plaintiffs personal injury lawyer. I  
14 had a medical malpractice case. Under the statute,  
15 you have to give notice of filing suit, and that  
16 tolls the statute of limitations for 75 days. There  
17 was an issue whether or not the -- we were within  
18 that tolling period.

19 Q. I understand.

20 Did this case involve the Voting Rights Act?

21 A. No.

22 Q. Did it involve any allegations of racial  
23 discrimination?

24 A. No.

25 Q. Have you taken depositions before?

1 A. Hundreds.

2 Q. Did any of those cases involve the Voting  
3 Rights Act?

4 A. No.

5 Q. Did any of those cases involve racial  
6 discrimination?

7 A. No.

8 Q. Did you meet with anyone to prepare for this  
9 deposition?

10 A. My lawyer.

11 Q. And what was the purpose of meeting with  
12 your counsel to prepare for that -- for this  
13 deposition?

14 A. Preparation.

15 Q. When did you meet with your attorney?

16 A. Yesterday.

17 Q. Where did you meet?

18 A. His office.

19 Q. For how long did you meet?

20 A. Two hours.

21 Q. Did you meet for -- with your attorney to  
22 prepare for this deposition any other time, other  
23 than yesterday?

24 A. One time.

25 Q. What was the previous time -- what was the

1 other time that you met?

2 A. I don't remember. A couple of weeks ago.

3 Q. Where did you meet that time?

4 A. My lawyer's office.

5 Q. And for how long did you meet during that --

6 A. 30 minutes.

7 Q. And I'll remind you, let me finish my

8 question, even if you know where it's going, just

9 to keep the record clear.

10 A. I'm sorry.

11 Q. Did you review any documents in preparation

12 for the deposition?

13 A. Some discovery.

14 Q. What types of documents did you review?

15 A. Some discovery.

16 Q. When you say some discovery, do you mean --

17 could you elaborate?

18 A. Your interrogatories with -- and our

19 answers.

20 Q. Okay. Did you review any other documents?

21 A. Couple of my e-mails, maybe. Documents that

22 were produced to you.

23 Q. Do you -- do you recall roughly what number

24 of documents you reviewed?

25 A. Less than five.

1 Q. Did these documents refresh your memory of  
2 events, conversations, and the like?

3 A. Only those e-mails.

4 Q. How else did you prepare for this  
5 deposition?

6 A. I went to bed last night early and got up,  
7 so that I would be fresh.

8 Q. Okay. We're going to move to some questions  
9 about your personal background.

10 Where were you born?

11 A. Galveston, Texas.

12 Q. Island or a county?

13 A. The island.

14 Q. Okay.

15 A. St. Mary's Hospital.

16 Q. And where did you grow up?

17 A. Galveston Island, Galveston County.

18 Q. Okay. Have you ever lived on Bolivar?

19 A. Never have.

20 Q. Where do you currently live?

21 A. League City, Texas.

22 Q. And how long have you lived there?

23 A. Since 2012.

24 Q. And what area of League City do you live in?

25 Does -- is it a neighborhood with a name or any



1 more --

2 A. Tuscan Lakes.

3 Q. Could you describe your professional  
4 background a little bit?

5 A. I'm a lawyer. This May will be 36 years.  
6 I've been in private practice all of those years.  
7 My 31-year-old son is my law partner. I am also in  
8 business with my 28-year-old son. We own a lumber  
9 yard together.

10 Q. Do you identify as a Republican?

11 A. I do.

12 Q. When did you first become involved in  
13 politics?

14 A. 2003.

15 Q. Have you always identified as a Republican?

16 A. I have not.

17 Q. In 2003, did you identify as a Democrat?

18 A. I did.

19 Q. What years did you identify as a Democrat?

20 A. 2003 to 2013, I was the Democratic JP of  
21 then Precinct 7.

22 Q. And JP stands for Justice of the Peace?

23 A. Yes.

24 Q. What caused you to switch parties?

25 A. The move of the population in Galveston

1 County.

2 Q. Why would the shift in population in  
3 Galveston party affect your political affiliation?

4 A. Because you -- you run on a party ticket.  
5 And if the majority is -- you believe is one way or  
6 another, that's the ticket you choose, in my  
7 opinion.

8 Q. So you have run for elected office, correct?

9 A. Many times.

10 Q. When was your first run?

11 A. January 2004. I was appointed in 2003, and  
12 ran -- had to -- for a -- un -- un -- what do you  
13 call it, unfinished term of the then Justice of the  
14 Peace. And so I had to then immediately file to  
15 run.

16 Q. Who appointed you?

17 A. The then Commissioners Court.

18 Q. Was that the decision by the whole  
19 Commissioners Court?

20 A. Yes, I believe.

21 Q. When you first ran in -- you said 22 --  
22 January 2004?

23 A. Yes, ma'am.

24 Q. Was there a primary or did you run  
25 against -- were you opposed?

1           A. I was opposed -- someone else filed, and  
2 then dropped out.

3           Q. Okay. Could you describe the campaigning  
4 process for that first election? I -- I'll be more  
5 specific.

6                     Did you announce a campaign formally?

7           A. Possibly. I don't remember.

8           Q. Where did you -- did you campaign?

9           A. Attending events in my communities.

10          Q. What kind of events?

11          A. Back then, I was -- my children were  
12 younger. And so it would have been football  
13 booster, baseball booster, those types of events.  
14 Foot -- you know, high school, and school events.

15          Q. Did you -- did you put on any events?

16          A. I did not.

17          Q. Okay. Did any groups put on events  
18 specifically for your campaign?

19          A. Not that I recall.

20          Q. And when -- a little earlier, you referred  
21 to your communities, is -- like events in your  
22 communities.

23          A. Uh-huh.

24          Q. What -- what was your community?

25          A. Well, Texas City, during that time, from --

1 we moved to Texas City and raised our children, and  
2 were there 17 years, from 1997 to 2012.

3 And so, that encompassed that time I was the  
4 Justice of the Peace.

5 Q. When you were Justice of the Peace, what  
6 geographic area constituted your -- your  
7 constituency?

8 A. There was nine Justice of the Peace  
9 precincts back then -- eight, but one with two  
10 places.

11 And so I was Precinct 5. I said 7 earlier,  
12 but I think it was 5, Precinct 5. And it was  
13 basically Texas City proper.

14 Q. I see. When you say Texas City proper, what  
15 do you mean?

16 A. From 45 -- I-45, which goes from Galveston  
17 to Houston, east, to the bay. And from the middle  
18 of Texas City, which is Palmer Highway, or 9th  
19 Avenue North, to the Dickinson bayou -- no,  
20 possibly a little further, but not much. That was  
21 it.

22 Q. And how long did you serve as Justice of the  
23 Peace?

24 A. Until 2013, I believe.

25 Q. So about 12 years?

1 A. That's right. Ten years.

2 Q. And how many election cycles was that?

3 A. So I ran in four. I was reelected in '8,  
4 and I can't remember how it went. If I -- I was  
5 reelected in '12, and then they redistricted, or  
6 how that went. I think that's how it went.

7 Q. So how did you further develop your  
8 community ties, when you were Justice of the Peace?

9 A. I was born and raised in Galveston County,  
10 and I was very active and involved in my children,  
11 and their school, and the community. And that's --  
12 and the church. That's how I -- I was active.

13 Q. Earlier, you mentioned football games.

14 Is that how you were involved in your kids'  
15 school?

16 A. I mean, you know, you -- not -- that's one  
17 way. But I mean, that's -- once they're in high  
18 school, you know, they -- they both -- they -- all  
19 three played baseball, football, and soccer.

20 Q. Were you ever in contact with the NAACP or  
21 LULAC?

22 A. I don't understand the question.

23 Q. When we are referring to your ties to the  
24 community, you referred to football games and your  
25 children's school and church. And I have some

1 follow-up questions about your general statement  
2 that you had ties to the community, other than  
3 those.

4 So, were you affiliated with any local  
5 organizations?

6 A. Affiliated as in a member of the NAACP? Or  
7 what do you mean by that, affiliated? I don't know  
8 what that means.

9 Q. More generally, were you affiliated --  
10 or were you a member of any other local  
11 organizations?

12 A. No.

13 Q. Any --

14 A. I'm not a very social person.

15 Q. No social clubs, no political organizations?

16 A. Not that I'm -- not that I recall, no.

17 Q. What church did you attend?

18 A. I was born and raised a Catholic, and went  
19 to St. Patrick's Elementary School. And graduated  
20 from the Catholic high school.

21 So I went to Catholic churches, until I  
22 married my wife in June of 1986. And we then  
23 started attending non-denominational church.

24 And I've been to several. But most  
25 recently, we are members of The Fellowship in

1 Texas City.

2 Q. In your role as Justice of the Peace, did  
3 you interact with the commissioners in their  
4 official capacity?

5 MR. RUSSO: Did you what? Sorry?

6 THE WITNESS: Interact.

7 Q. (BY MS. VALL-LLOBERA) Did you interact?

8 MR. RUSSO: Interact, sorry.

9 A. I mean, I'm going to say no.

10 Q. (BY MS. VALL-LLOBERA) Do you recall who the  
11 commissioners were around that time frame?

12 A. Eddie Janek, Eddie Barr, Stephen Holmes, and  
13 Judge Jim Yarbrough.

14 And then I was -- oh, and I -- that's only  
15 four. So, I'm missing one. Anyway, there's one  
16 missing.

17 Q. What about Ken Clark?

18 A. Ah, Mr. Clark, yes.

19 Q. So, thinking about, let's say, 2009 or 2010,  
20 were there Democrats on the Commissioners Court?

21 A. 2009, yes. 2010, no.

22 Q. What changed between 2009 and 2010?

23 A. The population. That was the big swing in  
24 the Galveston County.

25 Q. I see. So, in 2008 or 2009, then, how many

1 Democrats were on the Commissioners Court?

2 A. The judge and three commissioners.

3 Q. Okay. And in 2011, how many Democrats were  
4 there?

5 A. It was just the opposite. It was one  
6 Democrat, and three commissioners, Republican.

7 Q. In 2008, when you identified as a Democrat,  
8 did you work closely with the Democratic -- the  
9 Democrat commissioners?

10 A. You know, I may have misspoke, because it --  
11 because those terms are -- are staggered. So  
12 they're -- while the Republican judge took office  
13 in 2010, there might have still been two Democratic  
14 commissioners until their term in '12.

15 Q. Maybe we can rephrase a little more  
16 generally.

17 Was there a shift in the Commissioners Court  
18 from more Democratic to more Republican, between  
19 2005 and 2012?

20 A. Yes.

21 Q. Okay. Between that time period, did you  
22 work closely with any of the commissioners that --  
23 or the judge that identified a Democrat?

24 A. Patrick Doyle was my law partner.

25 Q. Did you share policy positions with him?



1 A. No.

2 Q. Did you share policy positions with the  
3 other commissioners?

4 A. No. I wasn't on the Court then.

5 Q. So you didn't -- so you didn't work with any  
6 of them in your official capacity?

7 A. As the JP?

8 Q. Correct.

9 A. No.

10 Q. So, in 2011, the County Commissioners Court  
11 sought to redistrict both the commissioner court --  
12 Commissioners Court, and the Justice of the Peace  
13 constable lines.

14 Do you recall this redistricting process?

15 A. Yes.

16 Q. Are you aware that in connection with the  
17 2010 census, a process was started to reconsider  
18 and, if necessary, redraw the Galveston  
19 Commissioners Court precinct maps?

20 A. Yes.

21 Q. Are you aware that a separate process was  
22 also started to reconsider, and, if necessary,  
23 redraw, the Galveston County Justice of the Peace  
24 and constable precinct maps?

25 A. Yes.

1 Q. Let's start with the Commissioners Court  
2 redistricting process in 2011.

3 Were you involved in that redistricting  
4 process?

5 A. No.

6 Q. Were you involved in your official capacity  
7 as a Justice of the Peace with either redrawing of  
8 the Commissioners Court lines, or the Justice of  
9 the Peace constable lines?

10 A. No.

11 Q. So you were not involved in proposing  
12 changes to the map?

13 A. No.

14 Q. And you had no involvement in promoting the  
15 adoption of any of the draft maps?

16 A. Correct.

17 Q. Were you aware of public hearings for these  
18 maps?

19 A. Possibly. I just can't recall.

20 Q. Did you attend any of the public hearings?

21 A. Not that I recall.

22 Q. So, as Justice of the Peace, you wouldn't  
23 have been informed of these hearings, that might  
24 affect your seat?

25 A. Would I have been informed? I was informed,

1 along the way, what they were doing, I'm going to  
2 say, to me. So, yes, I knew. But I don't recall  
3 any hearings, public meetings.

4 Q. I'm going to look at my notes for a moment.

5 Who informed you about the update in the  
6 redistricting process?

7 A. No one. I mean, it's just what you -- what  
8 I would know and understand, and hear, and feel,  
9 and...

10 Q. Where would you learn this information?

11 A. I can't answer that. I don't know. I don't  
12 know how to tell you.

13 Q. Do you read the Galveston Daily News?

14 A. Oh, possibly in the -- maybe there. Yes,  
15 that's a great spot for public information,  
16 possibly it was there.

17 Q. Do you -- do you read other newspapers,  
18 likes Houston Chronicle?

19 A. I do not.

20 Q. Do you read other news publications, local  
21 or otherwise?

22 A. I don't remember of any others at the time.  
23 There might have been the Texas City Sun. There  
24 was a little paper in Texas City at the time.

25 Q. Did you know that as part of the

1       redistricting process, the county held five public  
2       hearings on the proposed changes?

3             A.   Huh, I don't recall that.

4             Q.   Did you know that over 300 people attended  
5       just one of those sessions?

6             A.   Obviously not.

7             Q.   Are you familiar with the term,  
8       redistricting criteria?

9             A.   No.

10            Q.   Were you aware of -- excuse me.  
11                Are you currently familiar with the term,  
12       redistricting criteria?

13            A.   You would have to just tell me what it is  
14       and then I can tell you if I know what it is.

15            Q.   I'm going to shift gears to the Justice of  
16       the Peace constable redistricting.

17                What was your involvement in the 2011  
18       redistricting process?

19            A.   Zero.

20            Q.   Did you speak with any commissioners or the  
21       judge, or their staff?

22            A.   I spoke with one commissioner that the --  
23       the then, my predecessor, the then commissioner,  
24       Ryan Dennard, one time, in my JP office, about the  
25       redistricting.

1 Q. What did you discuss?

2 A. I don't want to combine -- I don't want to  
3 consolidate nine precincts to four.

4 Q. So you opposed consolidation?

5 A. I didn't oppose it. That, to me, sounds  
6 like I went out and did something. I was against  
7 it.

8 Q. Why were you against it?

9 A. Because I knew that it was going to affect  
10 my ability to be elected.

11 Q. Were you concerned about losing your elected  
12 position?

13 A. No. I just wanted to continue to serve.

14 Q. So --

15 A. Let me rephrase that. It was going to  
16 affect my ability to be reelected as a Democrat.

17 Q. At this point, had you seen proposed maps  
18 that would affect your ability to run as a  
19 Democrat?

20 A. I don't recall seeing maps.

21 Q. So, was this a general concern, that any  
22 changes could affect your ability to run as a  
23 Democrat?

24 A. Well, it was different, because it was a  
25 consolidation of precincts. So it -- that was

1 going to be put two JPs into one precinct.

2 Q. So, you recall one conversation with  
3 Commissioner Dennard, but you don't recall -- but  
4 am I understanding correctly that you don't recall  
5 participating in the process?

6 A. I didn't participate.

7 Q. Did you -- and you didn't participate as a  
8 private citizen, either?

9 A. No.

10 Q. What did the Commissioners Court propose to  
11 change about the Justice of the Peace lines?

12 A. Consolidation.

13 Q. From how many to how many?

14 A. Well, from -- from -- it's nine, because one  
15 was two places. So from nine to four.

16 Q. And you didn't attend any public hearings  
17 related to that?

18 A. I don't recall any, no.

19 Q. Do you recall that several Justices of the  
20 Peace sued the county in 2011 over its proposal?

21 A. I do.

22 Q. What was your involvement in the lawsuit?

23 A. I was not a party.

24 Q. Did you have any other involvement in the  
25 lawsuit?

1 A. I did not.

2 Q. What was your opinion of the lawsuit?

3 A. I had -- I did not have one.

4 Q. Did you support the lawsuit?

5 A. I did not. I mean, I don't -- again, I was  
6 not a party.

7 Q. In your personal capacity, did you support  
8 the lawsuit to stop consolidation?

9 MR. RUSSO: Objection; asked and  
10 answered.

11 Q. (BY MS. VALL-LLOBERA) You may answer the  
12 question.

13 A. So, support the lawsuit, I don't know what  
14 that means. I mean, I -- I was not a party. I did  
15 not participate. So that's -- that's all I know.

16 Q. Did you make any statements -- let me  
17 rephrase.

18 Did you make any public statements opposing  
19 that the -- the redistricting planning?

20 A. I don't recall.

21 Q. Did you know that in 2011, the Voting Rights  
22 Act required Galveston County to seek and obtain  
23 preclearance from the Department of Justice for  
24 enacting new precinct lines for Commissioners  
25 Courts or JPs and constables?

1 A. Now, that's a very broad general statement.

2 So the answer is yes, I knew that, but I don't know

3 what that means.

4 Q. What do you understand about that

5 question --

6 A. I don't know what it means. I know that

7 it's no longer required, and that that lawsuit was

8 taken -- the lawsuit was about that, and the county

9 won.

10 Q. What is no longer required?

11 A. Preclearance.

12 Q. What is your understanding of the Voting

13 Rights Act?

14 A. I don't have an understanding. I mean, one

15 man, one vote.

16 Q. Did you know that pursuant to Section 5 of

17 the Voting Rights Act, the county submitted a

18 preclearance letter with proposed maps subject to

19 the DOJ's approval?

20 A. No.

21 MR. RUSSO: Object as vague.

22 Q. (BY MS. VALL-LLOBERA) Excuse me, I

23 didn't --

24 MR. RUSSO: Vague.

25 Q. (BY MS. VALL-LLOBERA) Were you aware that



1 the county submitted a preclearance letter with  
2 proposed maps to the DOJ, pursuant to Section 5 of  
3 the Voting Rights Act?

4 MR. RUSSO: Vague and ambiguous.

5 A. Was I aware? Maybe. But I don't recall.

6 Q. (BY MS. VALL-LLOBERA) But you did  
7 understand that the DOJ had to approve the new maps  
8 before they could be enacted.

9 Is that correct?

10 A. Not -- not specifically. I just knew what  
11 you said was the law.

12 Q. What did you understand preclearance to  
13 mean?

14 A. I don't -- in the common sense, to me, it  
15 means they had to approve it. But I don't know.

16 Q. Do you know that the Department of Justice  
17 rejected the county's submission?

18 A. No. It obviously didn't matter.

19 Q. Why is that?

20 A. Because the Federal court ruled that what  
21 they did was sufficient and legal.

22 Q. Did you know that the attorney, Dalton  
23 Oldham, was part of the team hired by the county to  
24 prepare that preclearance proposal?

25 A. No.

1 MS. VALL-LLOBERA: I would like to  
2 introduce an exhibit. It's going to be Tab 2.  
3 Thank you.

4 (Voices en sotto.)

5 MS. VALL-LLOBERA: So I am  
6 introducing Exhibit 1, which was produced as  
7 Defendants DEFS00010522.

8 Q. (BY MS. VALL-LLOBERA) This --

9 (Exhibit 1 is marked.)

10 MR. RUSSO: Sorry, Counsel. For  
11 clarity, you're going to mark this as Apffel  
12 Exhibit 1, or maybe you sort of need to --

13 MS. VALL-LLOBERA: Apffel Exhibit 1.  
14 Thank you.

15 Q. (BY MS. VALL-LLOBERA) This is an e-mail  
16 from Patricia Grady, legal liaison to Judge Henry,  
17 attaching a document entitled, Order Enjoining the  
18 Implementation of Voting Changes.

19 The date on this e-mail is November 22,  
20 2011.

21 Is that correct?

22 A. Yes.

23 Q. Do you recognize this e-mail?

24 A. No.

25 Q. Do you see that you are a recipient of this

1 e-mail, in the to line, on the first page?

2 A. Yes.

3 Q. If you turn to the next page -- the next  
4 three pages, that show the attachment, do you  
5 recognize this document?

6 A. This letter? Do I recognize it?

7 Q. Yes, and the attached order.

8 A. I recognize -- no.

9 Q. Did you respond?

10 A. The answer is no, to the letter. I'll read  
11 the order.

12 (The witness peruses the document.)

13 A. I don't recognize it, no.

14 Q. (BY MS. VALL-LLOBERA) Going back to the  
15 first page that shows the e-mail, why did you  
16 receive this e-mail?

17 A. I guess because --

18 MR. RUSSO: Objection; speculation.

19 A. -- I was the JP. It looks like it went to  
20 all Justice of the Peace constables and  
21 commissioners.

22 Q. (BY MS. VALL-LLOBERA) Did you read the  
23 attached order at the time?

24 A. Not that I recall.

25 Q. Do you usually read your e-mails?

1 A. All the time.

2 Q. Do you usually read the attachments to  
3 e-mails?

4 A. I do.

5 Q. You mentioned a few moments ago that it  
6 didn't matter -- it -- the preclearance issue  
7 didn't matter because the maps were -- were -- the  
8 Court ultimately made a decision that affected  
9 that? Am I -- am I recalling that correctly?

10 A. We've been four precincts since those maps  
11 were redrawn, in whatever year that was. And I  
12 know that the Federal court just finally ruled in  
13 favor of the county.

14 Q. And to clarify my understanding, is it your  
15 contention that a Federal court approved Galveston  
16 County's 2011 redistricting maps?

17 MR. RUSSO: Object as vague and  
18 ambiguous.

19 A. I don't -- I don't know that.

20 Q. (BY MS. VALL-LLOBERA) Going back to the  
21 2011 maps, you knew that -- you stated previously  
22 that you understood that the Voting Rights Act  
23 required Galveston County to seek and obtain  
24 preclearance from the DOJ, correct?

25 A. Generally. You stated that, and I said I

1 know something -- I've heard that. That's about  
2 all I know about it.

3 Q. In 2011, were you familiar with the  
4 requirements of the Voting Rights Act relating to  
5 redistricting?

6 A. No.

7 Q. What was your understanding of what the  
8 Voting Rights Act required?

9 A. Like I said, best way I know is, one man,  
10 one vote. But I don't -- don't really know.

11 MS. VALL-LLOBERA: I would like to  
12 introduce the next Exhibit 2, which is going to be  
13 Tab 3.

14 (Exhibit 2 is marked.)

15 (Voices en sotto.)

16 THE WITNESS: Do we have others on  
17 zoom?

18 MS. VALL-LLOBERA: Yes, sir.

19 MR. RUSSO: There are other counsel  
20 there.

21 THE WITNESS: And are those lawyers  
22 that are going to be questioning me, or are the  
23 lawyers that are questioning me here?

24 MR. RUSSO: I don't know the answer  
25 to that.

1 THE WITNESS: Well, so, where --  
2 where is the lawyers? Where are they?

3 MR. RUSSO: See, they're attending  
4 right here, on our screen.

5 Q. (BY MS. VALL-LLOBERA) So, Mr. --  
6 Mr. Apffel, there may be additional questions from  
7 counsel for DOJ or counsel for Petteway, at the end  
8 of my questioning.

9 A. And they're on Zoom?

10 Q. Correct.

11 A. Okay.

12 Q. So, I'm introducing exhibit -- Apffel  
13 Exhibit 2. This is an e-mail from -- excuse me.  
14 This is a letter from the DOJ explaining the  
15 rejection of the preclearance submission we just  
16 discussed. It's dated March 5, 2012.

17 Is that the correct date?

18 A. Yes.

19 Q. Have you seen this before?

20 A. I don't recall.

21 Q. Were you aware of this document?

22 A. I don't remember being, but possibly.

23 Q. Do you recall the preclearance submission  
24 being rejected?

25 A. I don't.

1 Q. I would like you to turn your attention to  
2 some of the DOJ's reasoning for rejecting the  
3 county's submission.

4 So -- excuse me one moment.

5 On page 2 of the letter, in the second full  
6 paragraph, the first sentence said -- I'll read the  
7 first sentence. It says: Based on our analysis of  
8 the evidence, we have concluded that the county has  
9 not met its burden of showing that the proposed  
10 plan was adopted with no discriminatory purpose.

11 Did I read that correctly?

12 A. Yes.

13 Q. I'll read the next two sentences: We start  
14 with the county's failure to adopt, as it had in  
15 previous redistricting cycles, a set of criteria by  
16 which the county would be guided in the  
17 redistricting process. The evidence establishes  
18 that this was a deliberate decision by the county  
19 to avoid being held to a procedural or substantive  
20 standard of conduct with regard to the manner in  
21 which it complied with the constitutional and  
22 statutory requirements of redistricting.

23 Did I read that correctly?

24 A. Yes.

25 Q. Were you aware that the county had adopted

1 | criteria during previous redistricting cycles to  
2 | guide the redistricting process?

3 | A. It -- that sounds like you're saying they  
4 | did. Are you -- are you saying they did have a  
5 | criteria? I don't know. I wasn't involved.

6 | Q. Starting at the page -- top of page 3, I'll  
7 | read a sentence that begins on the first full  
8 | paragraph: That this retrogression in minority  
9 | voting strength in Precinct 3 is neither required  
10 | nor inevitable heightens our concern that the  
11 | county has not met its burden of showing that the  
12 | change was not motivated by any discriminatory  
13 | purpose.

14 | Did I read that correctly?

15 | A. Yes.

16 | Q. Do you understand that sentence?

17 | A. Do not.

18 | Q. Do you understand what the term,  
19 | retrogression in minority voting strength, means?

20 | A. I do not.

21 | Q. Do you know what that phrase refers to?

22 | MR. RUSSO: Objection; asked and  
23 | answered.

24 | Q. (BY MS. VALL-LLOBERA) All right. Outside  
25 | of the specifics of this redis -- this 2011



1 redistricting order, do you understand the concept  
2 of retrogression in minority voting strength?

3 A. No.

4 Q. One moment.

5 Now moving on from that document, I know the  
6 proposed consolidation of -- let me rephrase.

7 I understand the proposing -- the proposed  
8 consolidation of Justice of the Peace and constable  
9 precincts from eight to five, four or five, ended  
10 up in court. And I don't want to get too deep into  
11 that right now. But I do want to ask a few more  
12 questions about 2013.

13 Do you recall that the Commissioners Court  
14 adopted Justice of the Peace and constable maps in  
15 early 2013 that maintained eight precincts for each  
16 position?

17 A. No.

18 (Voices en sotto.)

19 MS. VALL-LLOBERA: I'm introducing  
20 Apffel Exhibit 3. This is a very long document, so  
21 we only have two versions. But it's available on  
22 Exhibit Share.

23 (Exhibit 3 is marked.)

24 Q. (BY MS. VALL-LLOBERA) Okay. So, the first  
25 page is an e-mail from Paul Ready to Tyler

1 Drummond, dated October 26, 2021.

2 Is that correct?

3 A. Yes.

4 Q. Okay. The subject is Re: 2010 census  
5 redistricting order.

6 Is that correct?

7 A. Yes.

8 Q. So are you a recipient of this e-mail?

9 A. No.

10 Q. Let me make sure the record is clear. This  
11 is an e-mail from Veronica Van Horn to Paul Ready  
12 and copying Tyler Drummond.

13 Is that correct?

14 A. Yes.

15 Q. I want to turn your attention to Bates  
16 number DEFS00929338. So, if there -- they are in  
17 numerical order.

18 A. 299 -- what?

19 Q. 29338.

20 A. Okay.

21 Q. This is an order establishing the boundaries  
22 of the justice constable precincts in Galveston  
23 County to be effective January 1, 2014.

24 Did I read that correctly from the box on  
25 the first page -- or on that page? Excuse me.

1 A. Uh-huh, yes.

2 Q. And this is dated February 11, 2013, on  
3 the -- the first line of this -- of this page.

4 Is that correct?

5 A. Yes.

6 Q. Does this refresh your memory about the  
7 adoption of a -- let me rephrase.

8 Does this refresh your memory about the  
9 Commissioners Court establishing these boundaries?

10 A. No. You just said they kept eight and that  
11 confused me. I -- this is what I recall, is they  
12 went to four, because I lost my place.

13 Q. Okay. We'll get to when they get to four,  
14 but in early 2013, they set boundaries for eight,  
15 according to this document.

16 A. Okay. I believe you.

17 Q. So as these conversations were happening  
18 about redrawing the lines, you were not -- is it  
19 accurate to say that you weren't monitoring the  
20 process closely?

21 A. I had an ear and an eye towards all of this,  
22 but I had no involvement. I had no corporation.  
23 And I just waited for -- to see what happened.

24 Q. Other than the conversation you had with  
25 Commissioner Dennard, did you have other

1 conversations about these JP or constable lines?

2 A. No.

3 Q. What ultimately happened with the Justice of  
4 the Peace constable lines?

5 A. They were consolidated.

6 Q. Can you state how many constable lines --  
7 how many -- into how many?

8 A. Four.

9 Q. Why did the map consolidate to four  
10 precincts, instead of five, as suggested in 2011?

11 A. I don't know.

12 MR. RUSSO: Objection; speculation.

13 Q. (BY MS. VALL-LLOBERA) So, you were just a  
14 passive observer while your political future was  
15 threatened by consolidation?

16 A. I didn't see my political future as  
17 threatened. I saw it as a change of the current  
18 times via population, and I would deal with it  
19 accordingly.

20 Q. I would like to --

21 A. And I did.

22 Q. And you did what?

23 A. Dealt with it accordingly.

24 Q. How did you deal with it?

25 A. I'm now the Republican commissioner.

1 Q. Can you -- well, let me rephrase.

2 Once the new lines for Justice of the Peace  
3 were -- were redrawn, what -- what happened to your  
4 seat?

5 A. It -- the flame burned out, if you will, at  
6 the end of 2013.

7 Q. Can you say that again?

8 A. The flame -- it -- it ended, in -- at the  
9 end of '13.

10 Q. And why did it end?

11 A. Because they consolidated.

12 Q. Did your seat disappear?

13 A. Yes. It went from Precinct 7 to Precinct 1,  
14 I believe.

15 Q. Did you automatically lose your seat, when  
16 that happened?

17 A. Yes.

18 Q. Did you run under the new map for Justice of  
19 the Peace?

20 A. I did.

21 Q. Who did you run against?

22 A. Penny Pope.

23 Q. And who is Penny Pope?

24 A. I don't know. I mean, she was a -- she was  
25 the other JP that consolidated with me.

1 Q. So, to clarify, you ran as a, you know,  
2 Justice of the Peace from your precinct, against  
3 a -- an also then sitting Justice of the Peace of a  
4 different precinct?

5 A. Correct.

6 Q. Was this -- would -- excuse me. Was she  
7 Democrat?

8 A. Yes.

9 Q. Did you -- was -- did you run against her in  
10 a primary?

11 A. I did.

12 Q. And who won?

13 A. She did.

14 Q. Were there any other people in that primary  
15 base?

16 A. Not that I recall.

17 Q. Did she go on to win the general election?

18 A. She was unopposed, as I believe. So the  
19 answer is yes.

20 Q. Do you recall the margin of victory for  
21 Penny Pope in the primary against you?

22 A. No.

23 Q. Why do you think you lost?

24 A. I don't know.

25 Q. Is Penny Pope African-American?

1 A. She is.

2 Q. Was the -- was the new precinct that you  
3 were running in a majority minority?

4 A. I don't know what that means.

5 Q. Was the new precinct that you were running  
6 in -- let me rephrase.

7 Did the precinct that you were running in  
8 for Justice of the Peace against Penny Pope have a  
9 population that was more than 50 percent white?

10 MR. RUSSO: Objection; calls for  
11 speculation.

12 A. Yeah, I don't know.

13 Q. (BY MS. VALL-LLOBERA) Do you recall what  
14 the constituency was, for your new -- for the new  
15 precinct that you ran in?

16 A. I just can't remember the lines. No, I  
17 don't remember.

18 Q. You have referred to changes in population  
19 earlier today. Can -- can you describe what the  
20 constituency was like for Precinct 5, when you ran  
21 and lost against Penny Pope?

22 MR. RUSSO: Object as vague.

23 A. Yeah, I don't know. I...

24 Q. (BY MS. VALL-LLOBERA) Do you recall what  
25 geographic areas were within Precinct 5?

1 A. That's what I said, I don't remember the  
2 lines.

3 Q. So you ran as a Democrat, correct?

4 A. That's what I said, yes.

5 Q. But another Democrat won the seat, correct?

6 A. That's what I said, yes.

7 Q. After you lost your seat, did you stay  
8 politically involved?

9 A. I did.

10 Q. Was there a gap between when you were  
11 Justice of the Peace and when you ran for  
12 commissioner?

13 A. One year, two years, something like that.

14 Q. How did you stay politically involved?

15 A. I switched parties, in the year 2015, and  
16 identified myself as a Republican, and ran on the  
17 2016 ticket.

18 Q. Did you stay connected with the community,  
19 even when you weren't a Justice of the Peace?

20 A. It's really about community.

21 MS. VALL-LLOBERA: I would like to  
22 introduce one more exhibit at this time.

23 MR. RUSSO: For the day?

24 MS. VALL-LLOBERA: Yeah. No.

25 THE WITNESS: Thank you.



1 MS. VALL-LLOBERA: For this moment.

2 THE WITNESS: I'm so glad we're  
3 done.

4 MR. RUSSO: Just trying to get a  
5 commitment out of you.

6 MS. VALL-LLOBERA: I'm going to  
7 introduce Tab 4. I'm introducing Apffel Exhibit 4.

8 (Exhibit 4 is marked.)

9 Q. (BY MS. VALL-LLOBERA) This is a printout  
10 from the Galveston County website.

11 Does this look familiar to you?

12 A. It does.

13 Q. Do you recognize this biography?

14 A. I do.

15 Q. I want to direct your attention to the  
16 second page of this printout, the next-to-last  
17 paragraph. About two, three, four, five -- on the  
18 fifth line, starting in the middle, I'm going to  
19 read a sentence out loud.

20 During his tenure, Darrell worked closely  
21 with the Galveston County Commissioners in trying  
22 to resolve the much opposed redistricting  
23 consolidation.

24 Do you recognize this sentence?

25 A. I do.

1 Q. How did you work closely with the Galveston  
2 County Commissioners, in trying to resolve the much  
3 opposed redistricting consolidation?

4 A. I asked Ryan Dennard to come to my JP office  
5 and have a meeting with me, and tried to get him to  
6 not consolidate the precincts, which I've  
7 previously referenced to you.

8 Q. And you think that constitutes working  
9 closely with the Galveston County Commissioners?

10 A. That's -- that's what I did. So, if you  
11 don't think so, that's up to you. I'm -- but  
12 that's -- yes, that's what I did.

13 Q. So in 2023 --

14 A. It was closer than anybody else, because the  
15 rest were suing.

16 Q. So in 2023, the redistricting consolidation  
17 process that began in 2011 is still a relevant  
18 experience?

19 A. I'm sorry, I don't understand the question.

20 Q. So this is in your 2023 biography, correct?

21 A. Okay.

22 Q. And -- and you think your experience,  
23 working with Commission Dennard is still a relevant  
24 experience today in your role as commissioner?

25 A. I never said I had experience. You're --

1 what are -- I don't call that experience. I  
2 don't -- I'm not -- I've told you all about it, I  
3 don't know, I don't profess to know.

4 And so, while I said that, I don't call that  
5 experience, or whatever you're calling it.

6 Q. Why did you include this sentence in your  
7 biography?

8 A. That's a -- not -- I don't recall. I hate  
9 this biography. I need to change it. It needs  
10 updating.

11 Q. Were you proud of your work as a justice of  
12 the precinct?

13 A. More than you'll ever know.

14 Q. Why do you refer to the redistricting  
15 consolidation as being much opposed?

16 A. Where in here did it say that?

17 Q. The end of the sentence, yes. It says --

18 A. Yeah, I don't -- again --

19 Q. -- you're trying to --

20 A. -- I don't -- I don't know. I -- I stand by  
21 the statement. It's an accurate statement. It was  
22 very much opposed, obviously based for all the  
23 reasons you've described.

24 And the closely working was what I did with  
25 Ryan Dennard to try to convince him otherwise.

1 Q. Who are the opponents?

2 A. What are you talking about?

3 Q. Who opposed the consolidation?

4 A. I don't remember the parties. I remember it  
5 was Constable Montez, Constable Petteway. I  
6 believe Penny Pope was -- was -- I don't remember.  
7 You have that, I'm sure. You can tell me and I'll  
8 agree.

9 Q. Would you agree that black and Latino  
10 Justice of the Peace and constables, thought the  
11 consolidation was racially discriminatory?

12 MR. RUSSO: Objection; vague and  
13 ambiguous, calls for speculation.

14 A. I don't recall if that's -- that's what --  
15 that's why they -- I thought it was about  
16 consolidation, and the -- the amount of work and  
17 all of that.

18 MS. VALL-LLOBERA: I think this  
19 would be an appropriate time to take a ten-minute  
20 break.

21 THE VIDEOGRAPHER: Off the record at  
22 10:14.

23 MR. RUSSO: Sir -- in the future,  
24 sir, can we wait until we get agreement to go off  
25 the record.

1 THE VIDEOGRAPHER: Okay.

2 MR. RUSSO: And just -- just so we  
3 know --

4 THE REPORTER: Are we still on?

5 MR. RUSSO: No, we can go off.

6 (Break.)

7 THE VIDEOGRAPHER: Back on the  
8 record at 10:30. Please proceed.

9 THE WITNESS: I had one  
10 clarification statement. I just read my bio. I  
11 like this bio. I'm sorry. This was not the one I  
12 was thinking.

13 Now, I do object to the young guy in  
14 this picture. But other than that, it's all good.

15 Q. (BY MS. VALL-LLOBERA) Thank you for that  
16 clarification.

17 MS. VALL-LLOBERA: I would like to  
18 introduce Tab 39, the next exhibit. This exhibit,  
19 I don't have a hard copy, but it is available on  
20 Exhibit Share.

21 MR. RUSSO: I'll put this in front  
22 of him.

23 MS. VALL-LLOBERA: Thank you.

24 It's going to be Apffel Exhibit 5.

25 (Exhibit 5 is marked.)

1 Q. (BY MS. VALL-LLOBERA) Do you see that, a  
2 news article is in front of you as Apffel  
3 Exhibit 5?

4 A. Uh-huh.

5 Q. And the title of this is, judge -- Judges  
6 Oppose Proposed Redistricting Plans, correct?

7 A. Uh-huh, correct.

8 Q. And the date is August 17, 2011?

9 A. Yes.

10 Q. So this is an article from the Galveston  
11 Daily News, regarding the 2011 redistricting plan.  
12 And I would like you to -- excuse me.

13 Does this look familiar to you?

14 A. I know the guy.

15 Q. Have you -- do you recall reading this?

16 A. No.

17 THE VIDEOGRAPHER: One minute. Do  
18 you have a phone on you?

19 THE WITNESS: No, I don't.

20 THE VIDEOGRAPHER: Okay. It's  
21 been -- probably yours.

22 Q. (BY MS. VALL-LLOBERA) If you scroll to  
23 page 2 of 5 in this exhibit, there is a quote by  
24 you that I would like to read.

25 I think it -- this is towards the bottom, so

1 it's the --

2 A. Hang on. I'm just reading my -- the whole  
3 article, to get oriented.

4 (The witness peruses the document.)

5 A. Okay.

6 Q. (BY MS. VALL-LLOBERA) Okay. On -- towards  
7 the bottom of page 2, there is a quote by you, that  
8 says, quote, I think it does a disservice to the  
9 people of Texas City, or vice versa, end quote.  
10 Precinct 5 Justice of the Peace, Darrell Apffel, a  
11 Democrat, set up the first redistricting plan, open  
12 quote and parenthetical, the Court, close  
13 parentheses, is for serving the people in the local  
14 community, close quote.

15 Did I read that correctly?

16 A. Yes.

17 Q. Did you make this statement?

18 A. Absolutely.

19 Q. So you were making public statements in  
20 opposition to the consolidation plan?

21 A. What -- what -- obviously I made this  
22 statement. I mean, I trust that the paper put that  
23 there. I don't recall it specifically, but I still  
24 stand by that.

25 Q. Did you make other public comments?

1           A. If you want to show me, possibly. But I  
2 don't recall.

3           Q. Earlier, you also mentioned that  
4 Commissioner Doyle was your law partner.

5           Is that correct?

6           A. Yes.

7           Q. And he was your law partner at the time that  
8 the 2011 redistricting was occurring, correct?

9           A. Yes.

10          Q. And so, his seat was also in jeopardy,  
11 correct?

12          A. I don't remember that.

13          Q. You mentioned --

14          A. No -- the answer is no, I don't think so.

15          Q. Was he also a Democrat?

16          A. Yes, he was a Democrat, yes. Mine was not  
17 about Democrat or Republican. Mine was about work,  
18 as I told you previously. And that's exactly what  
19 this statement says.

20          Q. Can you elaborate how it was about work?

21          A. Because I was thinking that the more JP  
22 precincts, the -- the -- the better for the -- the  
23 people.

24                 And they were saying, we don't need eight,  
25 there's not enough work for eight, we only need



1 four.

2 Q. And who is they?

3 A. The -- the Court, that you've been referring  
4 to. The people that you've been saying that I --  
5 that I talked to.

6 Q. The Commissioners Court?

7 A. Yeah.

8 Q. Going back to the meeting you had with  
9 Commission Dennard, what specifically did you tell  
10 him about the consolidation?

11 A. My -- I was arguing numbers. I was argue --  
12 you know, that we have -- we each have, I don't  
13 know the number, 5,000 cases a year, you're going  
14 to double -- while you may save the -- some money,  
15 by consolidating two elected officials' salaries to  
16 one, you're going to need twice the staff to  
17 handle -- because it's still -- you're just taking  
18 two 5,000 cases, and putting them to 10. So you're  
19 going to have the same amount of work.

20 So, stuff like that. I was arguing for  
21 keeping eight, because of the workload, in my  
22 opinion.

23 Q. And how did consolidation do a disservice to  
24 the local community, in your opinion?

25 A. It didn't, as it turned out. It's been

1 great.

2 Q. When you made these public statements  
3 against it, saying it would be a disservice, why --  
4 why would it be a disservice?

5 A. Again, because you had two -- you had a  
6 precinct, and those people in the San  
7 Leon/Bacliff/Bay Shore area, went to the -- to the  
8 Bacliff annex for their court.

9 Those people in Precinct 5, which was my  
10 precinct, went to the -- to the -- the -- the  
11 courthouse on Texas Avenue, in Texas City.

12 So, as it -- as it -- I thought they were  
13 going to have to -- they were going -- all the  
14 people in Texas City were going to have to drive to  
15 Bacliff to go to court, or all the people in  
16 Bacliff were going to have to drive to Texas City  
17 to go to court.

18 As it turned out, the one judge go -- holds  
19 court in both places. So it didn't turn out to be  
20 a problem.

21 Q. Did you and Commissioner Doyle discuss the  
22 redistricting process?

23 A. I don't recall doing that, no.

24 Q. Did you discuss how the changes in  
25 population might affect your -- both your elected

1 seats?

2 A. I don't remember it being about changing  
3 population back then.

4 Q. What do you recall it being about?

5 A. Consolidation of lines, of precincts. They  
6 wanted to go from eight to four.

7 Q. And how would the redrawing of maps  
8 potentially affect Commissioner Doyle?

9 A. I don't know that. I was -- I was worried  
10 about my Precinct 5 Justice of the Peace precinct.

11 Q. Moving on from your time as Justice of the  
12 Peace -- excuse me.

13 Earlier -- earlier today, you said that  
14 consolidation would affect your ability to be  
15 reelected as a Democrat.

16 Is that accurate?

17 A. Say it again. What did I -- what, now?

18 Q. Did you think consolidation would affect  
19 your ability to be reelected as a Democrat?

20 A. No. I ran again.

21 Q. You said -- you said earlier that  
22 consolidation would affect your ability to be  
23 reelected as a Democrat.

24 Were you mistaken when you made that  
25 statement in your -- earlier in your deposition

1 today?

2 A. I don't -- I don't recall saying that. No,  
3 I don't recall saying it. I obviously ran again.  
4 And so...

5 Q. So, moving on from your time as Justice of  
6 the Peace, when did you decide to run for  
7 Precinct 1 commissioner?

8 A. I don't remember, but it was -- I --  
9 sometime in 2000 -- early 2015. Maybe '14. It  
10 might have been -- I just don't remember. It might  
11 have been -- it was late '14, early '15.

12 Q. Why did you decide to run?

13 A. Because I have a heart of service. I love  
14 representing the people, and I enjoy what I do.

15 Q. Why didn't you run for Justice of the Peace  
16 again?

17 A. Because I had been the Justice of the Peace  
18 for however many years that was, 10 years, 11  
19 years. And I had heard that Ryan Dennard was not  
20 going to run again, and so I chose that seat.

21 Q. Did anybody in the organization encourage  
22 you to run?

23 A. No.

24 Q. You decided to run on your own?

25 A. Yes.

1 Q. So nobody supported your decision to run?

2 A. My wife, my preacher. Many people supported  
3 my decision to run. But those were -- come to mind  
4 first.

5 Q. Who -- who else did you speak to about  
6 running before you announced your candidacy?

7 A. Goodness, I -- I just don't recall. I don't  
8 recall.

9 Q. You said you decided to run because of a  
10 heart -- heart of service.

11 Did I get that correctly, roughly?

12 A. Yes.

13 Q. Was there any specific political issues that  
14 made you want to run?

15 A. No.

16 Q. Were you unhappy with the Commissioners  
17 Court -- the commissioners then on the  
18 Commissioners Court?

19 A. Meaning, I -- no. I -- I mean, I was  
20 unhappy that they did what they did because I  
21 opposed it. But that's it. I wasn't unhappy when  
22 I was then moved on to run for a different office.

23 MS. VALL-LLOBERA: I would like  
24 it -- to introduce an exhibit.

25 (Voices en sotto.)

1 MS. VALL-LLOBERA: This is Tab 43.

2 And this is being introduced as Apffel Exhibit 6.

3 (Exhibit 6 is marked.)

4 MS. VALL-LLOBERA: Here, Counsel.

5 MR. RUSSO: Thank you.

6 Q. (BY MS. VALL-LLOBERA) So, Mr. Apffel, this  
7 is a printout from -- from Twitter dated  
8 January 24, 2016, -- excuse me, Facebook.

9 A. Facebook, yeah.

10 Q. This is a post by you, correct?

11 A. I don't remember it. Let me read it.

12 (The witness peruses the document.)

13 A. Okay. I -- I recall this.

14 Q. (BY MS. VALL-LLOBERA) The first sentence  
15 refers to the Galveston County Republican  
16 leadership PAC putting out a mailer for claiming,  
17 quote, I am successful and therefore not a  
18 conservative, close quote.

19 Do you recall that?

20 A. Do I recall being successful, and not -- I  
21 don't know what you're asking.

22 Q. Do you recall the mailer?

23 A. I don't. But, no. I won a hard-fought  
24 fight. So there was no doubt there were mailers,  
25 and all of that. But...

1 Q. What's the connection between being  
2 successful and, therefore, not a conservative?

3 A. In my -- in my opinion, you shouldn't run  
4 for office if you have skeletons in your closet. I  
5 had no skeletons in my closet, and so the best they  
6 had -- they, my opponents -- was to say that I was  
7 a successful lawyer and, therefore, because I was  
8 successful, I was not a conservative.

9 I hope I answered your question.

10 Q. Who were your opponents?

11 A. Tim Paulissen, the League City mayor, and  
12 Barbara Meeks, the -- was our other opponent.  
13 There was three of us.

14 Q. Are they both Republicans?

15 A. Yes.

16 Q. Did you run as a Republican?

17 A. I did.

18 Q. Did -- did both of those individuals run  
19 against you?

20 MR. RUSSO: Objection; asked and  
21 answered.

22 A. Yeah. I mean, it was -- it was the three of  
23 us in the race.

24 Q. (BY MS. VALL-LLOBERA) So other than the  
25 candidates, did you have other opponents?

1           A. Oh, gosh, I mean, that's just the way it is  
2 in an election.

3           Yeah, I mean, I can't name any. There was  
4 those four -- there was those for one candidate,  
5 those for another candidate, and those for me. So  
6 I would call those that were for the other two, my  
7 opponents.

8           Q. So scrolling a little -- little on this --  
9 this same Facebook post, you state, quote, because  
10 this PAC was set up by County Judge Mike Henry and  
11 Ryan Dennard and Ken Clark's first assistant Tyler  
12 Drummond, close quote.

13           Did County Judge Mike Henry oppose your  
14 candidacy?

15           A. He did.

16           Q. Did the then sitting commissioner, Ryan  
17 Dennard, oppose your candidacy?

18           A. He did.

19           Q. And did Ken Clark oppose your candidacy?

20           A. He did.

21           Q. Why did -- let me rephrase.

22           Who did Judge Henry support?

23           A. Tim Paulissen.

24           Q. Did Judge Henry ever tell you why he didn't  
25 support you?



1 A. No.

2 Q. What was your understanding of why he didn't  
3 support you?

4 A. You know, I cannot stand to be disliked, and  
5 I never knew why, at the time, they opposed me,  
6 because I was a conservative as a Democrat, and I  
7 was a conservative as a Republican.

8 And the proof is in the pudding that it  
9 doesn't matter your party affiliation. It's the  
10 people choose you. And you represent the people.

11 Q. Have you ever asked Judge Henry why he  
12 opposed you?

13 A. No. You can ask him.

14 Q. The next sentence refers to being their  
15 puppet -- quote, their puppet to fulfill their  
16 political agendas and self-promotion.

17 Are you referring to Judge Henry, Ryan  
18 Dennard, and Ken Clark.

19 A. I got to see that. Where are you swear --

20 Q. It's the next line, after the one I just  
21 read. I'll read the full quote: Because I won't  
22 be their puppet to fulfill their political agendas  
23 and self-promotion.

24 A. Okay. So, I don't know what you're asking.

25 Q. Who --

1 A. The puppet is referring to me, and you --

2 Q. Who -- whose puppet would you be?

3 A. Well, according -- I was saying I -- they --  
4 they -- I was not going to be their puppet, is what  
5 I was referring to.

6 Q. And define, their.

7 A. The three you just said, in that -- you  
8 asked that question. But I don't -- I don't see  
9 that in there, so I don't know what you -- where  
10 are you -- I've got to find it.

11 Q. Sure. So I can read the fuller section.  
12 It's right after what I just read: So, because the  
13 PAC was set up by County Judge Mark Henry and Ryan  
14 Dennard and Ken Clark with assistance from Tyler  
15 Drummond to attack me. Why? Because I won't be  
16 their puppet to fulfill their political agendas and  
17 self-promotion.

18 A. Okay. Yeah. Again, you got to understand,  
19 you're in a fight. You -- you're in a fight. And  
20 so, it's speaking -- it's speaking figuratively  
21 about a fight. And so, they were against me, and  
22 so, that's -- that's why I put that.

23 I felt like they thought that Tim Paulissen  
24 would be a better fit for them. And so that's why  
25 I -- I write like that. I don't even remember this

1 PAC, or anything about it.

2 Q. And so you said Paul -- who would be a  
3 better fit?

4 A. They thought that -- my opponent. They were  
5 for my opponent. That's what I'm saying.

6 Q. Which -- Paulissen? Is that --

7 A. Yes.

8 Q. Why would Paulissen be a better fit for  
9 them?

10 A. Oh, again, I don't -- I said they thought.  
11 I don't -- I have no idea. I thought I would be a  
12 better fit. And as it turned out, I've been a  
13 wonderful fit.

14 Q. You also refer a little lower down to,  
15 broken government. Quote, a vote for me gets rid  
16 of the broken government, close quote.

17 A. That was my campaign theme.

18 Q. How was the government broken?

19 A. It's fixed.

20 Q. In terms of your campaign, how is the  
21 government broken at this time?

22 A. I -- I can't really give you any specific  
23 instances of that. I can't remember why we used  
24 the, fixing our broken government.

25 But we only obviously used it as the

1 challenger, and not as the incum -- once -- once I  
2 was reelected, it was -- we dropped that,  
3 obviously, because as the incumbent, I had fixed  
4 it.

5 So I don't remember specific instances,  
6 other than I wasn't a part of, quote, that team.

7 Q. Who was part of, quote, that team?

8 A. The -- the three you referenced. The three  
9 you had referenced. Judge -- Judge Henry and  
10 Commissioner Dennard and Commissioner Clark.

11 Q. Were there other people that -- excuse me.

12 Were there other elected officials on that  
13 team?

14 A. No. Because at the time,  
15 Commissioner Giusti was a commissioner, and I  
16 believe he supported me.

17 And Commissioner Holmes was the other. And  
18 while I -- I think he supported me, too. But -- I  
19 think he supported me, too.

20 Q. So your recollection is that  
21 Commissioner Holmes supported you, even though he  
22 was a Democrat and you ran as a Republican?

23 A. Well, again, what -- well, yeah, I mean,  
24 there's a ton -- when I say supported me, I mean,  
25 again, you can ask him, but I feel like he was a

1 supporter.

2 Q. So earlier you stated that you switched  
3 parties, correct?

4 A. Yes, ma'am.

5 Q. Did your policies change, when you switched  
6 parties?

7 MR. RUSSO: Object as vague.

8 A. Yeah, I don't know what that means.

9 Q. (BY MS. VALL-LLOBERA) Other than -- or what  
10 does it mean to switch parties?

11 A. You pay your thousand dollars to the  
12 Republican party instead of paying it to the  
13 Democratic party, to run for office.

14 Q. What else -- did anything else change when  
15 you -- when you made that difference, that change?

16 A. I'm still the same old guy in the same old  
17 clothes that I was then.

18 Q. You referred to yourself as conservative,  
19 earlier.

20 Has your base changed?

21 A. The population changed. My base has not.

22 Q. How would you describe your base?

23 A. Friends, family, and constituents who  
24 believe that I protect them as taxpayers of  
25 Galveston County.

1 Q. Protect them from what?

2 A. Protect their dollar --

3 Q. Would you describe yourself --

4 A. -- that they pay.

5 Q. Would you describe yourself as a fiscal  
6 conservative?

7 A. Absolutely, I -- yes.

8 Q. How did you build support from the  
9 Republican party when you switched from Democrat to  
10 Republican?

11 A. You know, it's -- it's all about Darrell  
12 Apfel, the person, it's not about your  
13 affiliation. It's -- it's the same people, that --  
14 that you go see. It's the same people that you  
15 represent.

16 And so that -- so when you say how -- yeah,  
17 that's the best way I can describe it.

18 Q. So, is your understanding that your base  
19 switched from voting Democrat, to voting  
20 Republican, to continue electing you?

21 A. I don't understand the question.

22 Q. When you referred to changes in the  
23 population, do you mean an influx of Republicans  
24 or what -- what do you mean?

25 A. So, I spent 17 years in Texas City, which at

1 the time of my election, was more -- probably more  
2 Democrat than Republican. But I don't -- don't  
3 hold me to that, but that's what I believe.

4 I had moved to League City, and -- which is  
5 obviously more Republican than Democrat. The  
6 precinct in which I was running for encompassed  
7 both of those areas. Still does.

8 Clearly, for me to win, the people of  
9 Texas City had to vote Republican, cross over and  
10 vote in the Republican primary to vote for me, and  
11 they did. And they will. And I'm living proof.

12 Texas City caused me to win my election.

13 Q. So it's your contention that Democrats had  
14 to cross party lines to vote for you?

15 A. No. My contention is that people,  
16 regardless of their affiliation, do what it takes  
17 to vote for the person they want. And I was that  
18 guy. And Stephen Holmes could be, too.

19 Q. This is a three-way race between you and  
20 Barbara Meeks and Mr. Paulissen, correct?

21 A. Yes, ma'am.

22 Q. Did you win outright?

23 A. I was in a runoff.

24 Q. Who were you in a runoff with?

25 A. Paulissen.

1 Q. Did Barbara Meeks endorse anybody?

2 A. Me.

3 Q. Okay. Do you recall your margin of victory  
4 against Paulissen in the runoff?

5 A. I do not. I just know it was a W.

6 Q. Let me look at my notes here.

7 Okay. When you ran for the commissioner  
8 seat, how -- how did you announce your candidacy?

9 A. I believe I did a press release, that's what  
10 I recall, and sent it to the paper.

11 Q. How did you campaign?

12 A. Boots on the ground.

13 Q. Was campaigning for the Commissioners Court  
14 different from campaigning for the Justice of the  
15 Peace?

16 A. Only in the sense that I was unopposed,  
17 always, as a Justice of the Peace. And I was  
18 opposed for commissioner.

19 Q. Did any organizations put on events for you?

20 A. I don't know what that -- I don't recall  
21 organizations putting on events for me, but I could  
22 be wrong.

23 Q. Did any individuals host campaign events for  
24 you?

25 A. Well, sure. I mean, we would have meet and



1 greets in community -- you know, in people's homes.  
2 That's a wonderful way of boots on the ground, to  
3 get pockets of people to come to support you, and  
4 learn you, and know you.

5 So, yes, I had meets and greets, as I  
6 recall. I -- that's -- that's what I -- yeah. But  
7 organizations, I -- I don't recollect anyone. I  
8 don't know what that means, really.

9 Q. Did you ever reach out to the NAACP?

10 A. No.

11 Q. Did you ever reach out to LULAC?

12 A. Yes. Actually -- actually, possibly, the  
13 NAACP -- I don't remember. That's a better way.  
14 Possibly the NAACP.

15 Q. Could you tell me about your outreach to  
16 LULAC?

17 A. It wasn't -- it was more of an outreach from  
18 them, as I recall. And it -- that's what I recall.

19 Q. So they reached out to you about your  
20 campaign?

21 A. As I recall.

22 Q. What -- what did they say in their outreach?

23 A. I mean, just we want to support you as the  
24 person. I think I went and spoke to them.

25 Q. Why -- why did you speak to LULAC?

1 A. Because they asked me to.

2 Q. Why did LULAC support you?

3 MR. RUSSO: Objection; speculation.

4 A. I don't know.

5 Q. (BY MS. VALL-LLOBERA) What issues did you  
6 campaign on?

7 A. There was really no issues, other than I  
8 would be a fiscal conservative and protect each of  
9 the taxpayers' money as if it was their own, and  
10 that I would be a voice for them. I would be an  
11 ear for them. I would be eyes for them.

12 That's pretty much it.

13 Q. So you said you recall LULAC reaching out to  
14 you.

15 Did they endorse you in -- in this race?

16 A. I don't -- I want to say yes, but I just --  
17 I better say I don't remember.

18 Q. Did any other groups endorse you?

19 A. Groups?

20 Q. So, did any churches endorse you?

21 A. No, I didn't -- no.

22 Q. Did any businesses endorse you?

23 A. I mean, businesses via the people, I would  
24 have to say yes. I mean, I had endorsements, but I  
25 just can't tell you who they were.

1 Q. How do you normally communicate for your  
2 role as commissioner? And specifically, do you use  
3 e-mail for official business?

4 A. Absolutely.

5 Q. Do you use a private e-mail account?

6 A. I do not. I have a law office account, and  
7 I have a Galveston County account.

8 Q. And do you use your law office account for  
9 communications in your role as commissioner?

10 A. I do not.

11 Q. So your -- your legal business e-mail  
12 account has no e-mails related to your role as a  
13 commissioner?

14 A. It does not. We had -- we did a search of  
15 all of the terms and requests that you-all had, and  
16 it was zero.

17 Q. Do you have a work phone?

18 A. My cell phone.

19 Q. I should clarify.

20 Do you have a phone dedicated for your  
21 commissioner duties?

22 A. I do.

23 Q. Do you have a personal phone, as well?

24 A. No. If you're talking about county, no.

25 I -- so, I have a -- I don't know what you're

1 asking. I have a law office phone number, and I  
2 have a commissioner phone number and I have my cell  
3 phone.

4 Q. Do you use all three of those to conduct  
5 official business, as a commissioner?

6 A. I guess you could say that I do, yes, but  
7 mostly the land lines.

8 Q. Do you text, regarding official business?

9 A. I typically do not, no.

10 Q. But sometimes, yes?

11 A. Have I, maybe.

12 Q. Do you use any other messaging platform --  
13 platform, like WhatsApp or Signal, other  
14 applications to send messages?

15 A. I use WhatsApp, but only for my friends.

16 Q. You don't use any other applications like  
17 that for -- in your role as commissioner?

18 A. No. Like, I use -- are you talking about,  
19 like, Facebook? I mean, I use Facebook, but that's  
20 it, not -- nothing else. No Twitter, no -- all  
21 those things y'all talk about, I don't know any of  
22 those.

23 Q. You -- you no longer use Twitter?

24 A. Did I use Twitter?

25 Q. You no longer use Twitter?

1           A. That's assuming -- that's saying I did, and  
2 I don't even know that I did. I don't recall ever  
3 using Twitter.

4           If I did, I dangerously tried it. And if  
5 there's a tweet out there, goodness, I don't  
6 remember it. But I don't know how to do that.

7           Q. Okay. You have Facebook, though, correct?

8           A. I do.

9           Q. You still use Facebook?

10          A. Love it.

11          Q. Do you use any other sites like Instagram,  
12 TikTok?

13          A. No.

14          Q. Do you work more closely with any of the  
15 other commissioners, currently on the Commissioners  
16 Court?

17          A. I work with them all equally close.

18          Q. Including the judge?

19          A. I do.

20          Q. Are there any particular issues that, you  
21 know -- that matter to your -- your constituents,  
22 and the constituents of one of the other  
23 commissioners?

24          A. I don't understand.

25          Q. Are there -- are there any commissioners

1 with whom you -- you have an overlap in issues  
2 specific to your constituency?

3 A. Well, we all -- if you're talking about,  
4 like, drainage and roads and -- sure, all of them.  
5 We all overlap. I guess that's what you -- yeah.

6 Q. Are there any issues that are unique to your  
7 constituents?

8 A. Yes. I -- I -- my precinct is -- was  
9 70 percent unincorporated. So, because it was  
10 that, you know, many of the other -- most -- not  
11 many -- not most.

12 All of the other commissioners, except  
13 Giusti, Giusti has some unincorporated areas as  
14 well. And now a little more, with having Bolivar.

15 So, as an un -- having that kind of  
16 unincorporated areas, you become the police chief,  
17 the fire chief, the mayor, the city councilman.  
18 You become all of those things for all of those  
19 people who don't have a municipality to assist  
20 them.

21 So, in that regard, that's how I'm  
22 different, and I have issues different.

23 Q. So, would you say you have more  
24 responsibilities as a commissioner, than the  
25 others?

1 A. I wouldn't say that. They just differ.

2 Q. Are there other responsibilities that they  
3 have that you don't?

4 A. No. Well, I don't -- not that I am aware  
5 of, that I can give you a specific instance.

6 Q. Okay.

7 A. I'm the hardest working one there is.

8 No, it's just a joke.

9 Q. Describe the geographic boundaries of  
10 District 1, when you ran in 2016. And -- and by  
11 that, I mean, more or less what areas or  
12 neighborhood.

13 A. I like to describe it as, when I ran from  
14 the Kemah Seabrook bridge, all the way to High  
15 Island, and from Galveston Bay, which is the bay  
16 shore, to Highway 3.

17 So it was the east -- so I called it from  
18 High -- doing it in the reverse, from High Island  
19 all the peninsula, and then you skipped the  
20 southern part of Texas City, and it became the  
21 northern part of Texas City, all the way up the bay  
22 shore, and then a sweeping curve of the east side  
23 of League City.

24 Q. Could you describe your community under  
25 those lines?

1 A. I don't understand.

2 Q. Could you describe your constituency?

3 A. No. I don't know the -- great people.

4 Q. Did you know the racial makeup of your  
5 precinct?

6 A. I do not.

7 Q. Did you know the socioeconomic status of the  
8 people who lived in your precinct?

9 A. I do not.

10 Q. Do you know the level of education of people  
11 who lived in your precinct?

12 A. I do not. None of that matters to me.

13 Q. What did these different communities and  
14 areas that you've discussed have in common?

15 A. Quite frankly, they were very different.

16 Q. How so?

17 A. The people -- the people of Texas City are  
18 middle class, blue collar plant workers, very  
19 community oriented, very good solid people.

20 The people of the bay shore are, I will say,  
21 less fortunate. And the socioeconomic of them is  
22 obviously less, but still have all the same needs  
23 and wants and desires and family orientation that  
24 the people of Texas City do.

25 And then, the east side of League City,



1 which encompasses the rest of my -- I would say are  
2 middle class to -- I hate to use the word upper  
3 class, because I don't believe any of us are upper  
4 class; I think we're all -- middle class,  
5 self-employed, entrepreneurial-type folks.

6 I hope that describes it.

7 Q. Could you describe the people of Bolivar  
8 peninsula?

9 A. I would say they're more of the retired, and  
10 folks like those in the east side of League City.

11 Q. In what areas did more racial minorities  
12 live?

13 A. I don't -- I left out Dickinson, by the way.  
14 There's -- I have part -- east side of Dickinson as  
15 well. And so I would say that Texas City,  
16 Dickinson, and the bay shore.

17 Q. Are those areas majority minority?

18 A. I don't know what that means.

19 Q. Majority minority is -- I use the term  
20 majority minority to refer to an area where the  
21 population is less than 50 percent white.

22 A. So to -- like, the majority of the people  
23 are less than 50 percent white?

24 Q. The --

25 A. Is that -- is that what you're saying?

1 Q. So the majority minority is a shorthand way  
2 of referring to an area where the majority of the  
3 people identify as a minority race.

4 A. I mean, I don't know -- so I don't know  
5 that. I don't know what that means.

6 MR. RUSSO: Objection; speculation.

7 A. I don't know. But certainly you can --  
8 there's -- those numbers are available, I'm sure.

9 Q. (BY MS. VALL-LLOBERA) Are you familiar with  
10 the term, community of interest?

11 A. No.

12 Q. Have you heard this term before?

13 A. I -- have I -- have I heard the term?  
14 Possibly. But I don't know even how you're using  
15 it, or what it -- I don't know how it would relate  
16 to this. But...

17 Q. How do you ensure that you -- let me  
18 restate.

19 Referring to your time -- your first term as  
20 commissioner, until the lines changed, so part way  
21 through your second term, how did you ensure you're  
22 representing constituent needs?

23 A. I have an open door policy to my office. I  
24 move about the community as a whole, and I've never  
25 heard anyone say they couldn't access me.

1 Q. Did you hold events?

2 A. Events? Like, what do you mean?

3 Q. Would you host meet and greets, or anything  
4 when -- outside of a campaigning context?

5 A. I've had some town hall meetings at the  
6 volunteer fire departments, in conjunction with  
7 the -- another -- like the neighborhood watch, or  
8 something, you know.

9 So I would announce a town hall, because  
10 they were holding something. And so -- but I  
11 attend those types of things.

12 Q. Were you more aligned with one commissioner  
13 or another?

14 A. No.

15 Q. So, politically, were most votes unanimous?

16 A. I don't -- what do you mean?

17 Q. With reference to politics, were you more  
18 aligned politically with any commissioner?

19 A. No.

20 Q. Were your votes, as a -- the -- excuse me.

21 Were the votes of the Commissioners Court  
22 unanimous?

23 MR. RUSSO: Object as vague and  
24 ambiguous.

25 A. I would say most of the time.

1 Q. (BY MS. VALL-LLOBERA) So in instances where  
2 votes were not unanimous, do you recall any -- any  
3 typical breakdown of votes was -- or --

4 A. We all vote our convictions. And so, you  
5 know, there may be something that the majority  
6 feels is important as a whole, to the county, that  
7 I think is not. And so -- and -- and vice versa,  
8 for any of us.

9 Q. So with reference to your campaign earlier,  
10 you -- you stated that Judge Henry did not support  
11 your campaign. But you recall that, for example,  
12 Commissioner Giusti did support your campaign.

13 Does that -- do you recall --

14 A. Saying that? Yes, absolutely.

15 Q. So do those differences still exist?

16 A. No. I believe that when I came on the  
17 Court, I made the Court a cohesive unit. There was  
18 a lot of fighting and bickering, and I pride myself  
19 in taking claim that the Court is very cohesive,  
20 and works as a unit, and a body, for the betterment  
21 of all.

22 Q. How did you achieve that?

23 A. I'm that kind of guy.

24 Q. Could you be more specific about how you --

25 A. I really can't --

1 Q. -- made it cohesive?

2 A. -- without tooting my own horn. I'm just --  
3 I'm a people person. I'm -- I'm a sensible person.  
4 I'm a sincere person. And I can make -- I hate to  
5 use the word, make. I can -- pride myself in  
6 bringing people together, to work together.

7 Q. Have you ever posed -- opposed Judge Henry?

8 A. Opposed him with -- how so?

9 Q. Have you ever disagreed with Judge Henry on  
10 a vote?

11 A. Many times.

12 Q. Have you ever voted with Stephen Holmes  
13 against others?

14 A. Many times -- many -- many is probably -- I  
15 don't know. You know, ten times or more -- ten  
16 times or so, with each.

17 Q. Can -- can you give a specific example?

18 A. No, I can't -- you -- with -- with Holmes,  
19 or with the judge?

20 I can't with either, actually, but you can  
21 certainly find them. And if they were in front of  
22 me, I would tell you, oh, yeah, I remember this  
23 one.

24 Q. Okay. You said you've often -- wait.

25 You stated that you have voted with Stephen

1 Holmes against others on more than one occasion,  
2 correct?

3 A. Well, then -- and I would say that I've  
4 voted against Judge Henry more times than I've  
5 voted for something for Commissioner Holmes.

6 But Commissioner Holmes hadn't had anything  
7 that he was -- that was -- to cause that, so to  
8 speak. I remember more times voting against  
9 Judge Henry.

10 Q. Can you provide an example?

11 A. No, I can't. I can tell you that I -- I get  
12 pissy, and I've gotten pissy with him on -- openly,  
13 and in the public, because he got pissy with me  
14 first.

15 And so they're out -- those things are  
16 there. But we aired our differences, we voted, and  
17 we move on. And it's never brought up again, and  
18 we -- sometimes, in this business, you have to  
19 agree to disagree, and move on.

20 Q. Are there particular policy positions that  
21 you and Judge Henry disagree on?

22 A. No.

23 Q. Are there any recurring -- recurring policy  
24 positions that you and Commissioner Holmes agree on  
25 consistently?

1 A. I would say most.

2 Q. I want to talk about a couple of specific  
3 votes.

4 The Commissioners Court decided in 2020 not  
5 to remove the Confederate monument in front of  
6 Galveston County courthouse.

7 Do you recall that?

8 A. I do.

9 Q. And this was despite attempts by Black  
10 residents and Commissioner Holmes to have it  
11 removed, correct?

12 A. Yes.

13 Q. During the special session about this,  
14 various people spoke out against the statue.

15 Do you recall that?

16 A. I do.

17 Q. In fact, 16 people spoke out against the  
18 statue.

19 Does that sound right?

20 A. I -- if you -- if you say so. I don't  
21 remember. But, okay.

22 Q. Did you support removal?

23 A. No. I voted against removal.

24 Q. Why didn't you support the removal?

25 A. Be -- because they've been there as long as

1 | they've been there. The history -- they certainly  
2 | didn't affect my children. And I believe that  
3 | history is an important part for our children to  
4 | understand and learn.

5 | Q. What did you -- what did you understand was  
6 | the reason Commissioner Holmes and others wanted to  
7 | remove the statue?

8 | MR. RUSSO: Object as vague.

9 | A. Yeah, I don't know. I never understood it.

10 | Q. (BY MS. VALL-LLOBERA) Earlier, you said  
11 | that you -- it certainly didn't affect your  
12 | children, regarding the Confederate statue.

13 | What did you mean by that?

14 | A. Meaning that history is important for -- for  
15 | our children to understand and know.

16 | Q. Did you think the statue affected other  
17 | people's children?

18 | A. No.

19 | Q. What did you understand was the argument  
20 | against the statue?

21 | A. I don't -- I don't really know it.

22 | Q. Did you listen to the people who supported  
23 | removing the statue?

24 | A. Absolutely.

25 | Q. Did you understand their concerns?



1 A. Obviously, at that time, I did, yes, of  
2 course. But I don't recall what they were.

3 Q. I think earlier you said you didn't  
4 understand what the argument was, for removing  
5 the --

6 A. And I don't now. You're saying -- you're  
7 asking me did I listen to them, and I'm saying  
8 sure. And I absorbed what they said, and I voted  
9 accordingly.

10 Q. In July 2021, you wanted to vote to approve  
11 Judge Henry's disaster declaration and approve the  
12 emergency spending for, quote, border security  
13 issues, quote.

14 Do you recall that?

15 A. I did. I do.

16 Q. But you weren't able to -- to approve that  
17 declaration because of Zoom issues.

18 Is that correct? Does that ring any bells?

19 A. I -- that -- I remember right as a vote was  
20 happening, I was on Zoom -- I was in a Zoom meeting  
21 and I got disconnected. But I don't recall -- and  
22 it was about a vote, but -- and maybe it was that  
23 one. So, yes, maybe so.

24 Q. Why did you think this was a good use of  
25 county resources?

1 A. Because we have a border crisis, whether you  
2 believe it or not. And that -- those people,  
3 coming across the border, we get affected all the  
4 way in Galveston County. There are -- there  
5 have -- since we paid for the constables to go  
6 assist the Edwards County Sheriff's Office, there  
7 have been arrests and stops of people from  
8 Galveston County, there, and with illegal  
9 immigrants, and people -- and illegal immigrants on  
10 their way to Galveston County.

11 So I thought it was a good use of funds. In  
12 fact -- that's it. I don't have anything else.

13 Q. What evidence did you have prior to sending  
14 the funds?

15 A. What evidence did I have?

16 Q. You mentioned that you sent some constable  
17 resources.

18 A. Uh-huh.

19 Q. What -- what caused you to do that?

20 A. The county judge, Judge Tully Shahan, of  
21 Edwards County -- I'm sorry, of Kinney County, is a  
22 personal friend of mine. And he and I had  
23 conversations about the crisis there, at the  
24 border.

25 And he -- he asked for assistance, and so

1 that's -- that was my evidence.

2 Q. Did you think this was a more pressing issue  
3 than other local issues in Galveston County?

4 A. No. We've handled the local issues equally  
5 as strong.

6 Q. All right. I want to turn now to  
7 redistricting in 2021. You're aware this case  
8 concerns the 2021 Commissioner Court redistricting  
9 process, correct?

10 A. Yes, ma'am.

11 Q. Have you read the complaint in this matter?

12 A. I can't say that I have.

13 Q. And you're aware that the Galveston County  
14 Commissioner precinct lines were redrawn pursuant  
15 to a map approved by the Galveston County  
16 Commissioners Court on November 12, 2021.

17 Is that correct?

18 A. Yes, ma'am.

19 Q. Do you understand that redistricting occurs  
20 when population imbalances need to be corrected due  
21 to changes in the census that comes out every ten  
22 years?

23 A. Yes.

24 Q. Are you aware that in connection with the  
25 2020 census, a process was commenced to reconsider

1 and, if necessary, redraw the Galveston  
2 Commissioners Court precinct maps?

3 A. Yes.

4 Q. I'm going to refer to this as the 2021  
5 redistricting process, to -- for clarity.

6 Did Galveston County undertake any steps,  
7 either in advance of the 2020 census results --  
8 excuse me, let me restate.

9 Did Galveston County undertake any steps in  
10 advance of the 2020 census results to consider  
11 whether any changes needed to be made to the then  
12 existing precinct maps?

13 A. No. As I recall, we were waiting for the  
14 census to -- to know the population.

15 Q. As far as you understood, no action needed  
16 to be taken before the census came out?

17 A. As far as I understood, yes.

18 Q. Would you please describe what steps the  
19 county took in reacting to the 2020 census results?

20 A. I don't even remember when they came out or  
21 what reaction there was.

22 Q. Okay. One moment.

23 MS. VALL-LLOBERA: Could we take  
24 just a four-minute break?

25 THE WITNESS: Let's just wait here.

1 Let's do it.

2 MS. VALL-LLOBERA: Could -- could we  
3 go off the record for --

4 THE VIDEOGRAPHER: Are we in  
5 agreement?

6 MR. RUSSO: Yes.

7 THE VIDEOGRAPHER: Off the record  
8 11:26.

9 (Break.)

10 THE VIDEOGRAPHER: Back on the  
11 record 11:28. Please proceed.

12 Q. (BY MS. VALL-LLOBERA) When did the  
13 redistricting process for 2021 begin?

14 A. I guess you could say with the approval of  
15 the contract with the Holtzman Vogel law firm.

16 MS. VALL-LLOBERA: Okay. I would  
17 like to introduce Tab 7 as the next exhibit. And  
18 that's going to be Apffel Exhibit 7.

19 (Exhibit 7 is marked.)

20 MR. RUSSO: Thank you.

21 Q. (BY MS. VALL-LLOBERA) So, Mr. Apffel, this  
22 is a January 14, 2021, e-mail, from Cheryl Johnson,  
23 the Galveston County tax assessor collector, to  
24 Judge -- Judge Henry, the four commissioners, and  
25 staff members.

1 A. Okay.

2 Q. Does -- did I state that correctly? Do you  
3 want to take a moment to look at the names?

4 A. No, you said that. I see it, yes.

5 Q. You are a recipient to this e-mail, correct?

6 A. Yes.

7 Q. Is this the first time you heard about the  
8 2021 redistricting proc -- process?

9 A. I don't even recall this. But -- so I  
10 would -- it's more in close -- it's more earlier in  
11 time than what I just referred to, so...

12 Q. Did you read this e-mail?

13 A. Yes, I recall seeing it.

14 Q. Did you review the attachments?

15 A. I don't remember that, but I'm sure I did,  
16 because I told you I do, and I do.

17 Q. What is your understanding as to why Cheryl  
18 Johnson sent this e-mail?

19 A. I don't -- I don't know.

20 Q. If you look at the body of the e-mail  
21 itself, Ms. Johnson refers to, quote, working  
22 together, close quote, on redistricting.

23 A. Okay.

24 Q. She also refers to, quote, being at odds,  
25 close quote.

1 A. Where do you see that?

2 Q. Okay. It's the last paragraph -- there we  
3 go. Thank you.

4 A. I see it.

5 Q. It's the last paragraph, quote, I hope you  
6 find that this letter was both thoughtful and  
7 efficient, and that working together is far better  
8 than being at odds and possibly creating  
9 difficulties that can be avoided, close quote.

10 Do you see that?

11 A. I do.

12 Q. What was your understanding of what  
13 difficulties might be avoided?

14 A. I don't have an understanding. I -- I don't  
15 read that that way. I read that as, hey, I'm  
16 sending you all this. It's better that we all work  
17 together than to be at odds. And like a -- it  
18 doesn't say we are at odds.

19 Q. Did you respond to this e-mail?

20 A. I don't think I did, no.

21 Q. Did you take any action in response to this  
22 e-mail?

23 A. I didn't see it as -- I saw it as  
24 rhetorical.

25 Q. Did you review the letter that she included

1 in her e-mail, which is on page 2 of the exhibit?

2 A. I don't specifically recall it. But as I  
3 read it, it somewhat refreshes my recollection,  
4 like I saw it in a...

5 Q. Who is responsible for leading the process  
6 of redistricting?

7 A. I would say the county judge.

8 Q. So, Judge Henry?

9 A. Yes.

10 Q. And his staff?

11 A. Yes. I mean, the -- yes.

12 Q. Are there any other offices or agencies  
13 involved?

14 A. Ultimately, all of us.

15 Q. Did you ever ask Commissioner Clark about  
16 redistricting?

17 A. Yes.

18 Q. What did you discuss?

19 A. Well, we're jumping way ahead, but if you  
20 want to go there.

21 So he was -- I was in a meeting with him and  
22 Dale Oldham. Ken Clark was the longest serving  
23 member of the court. His institutional knowledge  
24 of Galveston County was phenomenal.

25 Q. When did this meeting with



1 Commissioner Clark and Dale Oldham take place?

2 A. I don't know. In the fall, before the maps  
3 were approved, if you...

4 Q. The fall of 2021?

5 A. Yes. I only had one in-person meeting with  
6 Dale Oldham, so...

7 Q. And it was this meeting?

8 A. Yes.

9 Q. Who else was there?

10 A. Me, Dale Oldham, Ken Clark, Tyler -- Tyler  
11 Drummond, and Paul Ready. And on the TV was our  
12 expert map demographer.

13 Q. Where did this meeting take place?

14 A. The county judge's conference room.

15 Q. And you said fall 2021, before the maps were  
16 adopted, correct?

17 A. Yes.

18 Q. Could you be more precise, August or  
19 September or October --

20 A. Well, it's in the discovery, isn't it? I  
21 thought it was -- I thought those dates were  
22 listed, but possibly -- could I be -- yeah, August  
23 or September. I don't remember those dates, but...

24 Q. And the -- Judge Henry was there, or no?

25 A. No.

1 Q. So, this meeting took place in his  
2 conference room, but he was not there?

3 A. Correct. That's -- it's a central meeting  
4 place.

5 Q. Do you regularly have meetings in his  
6 conference room without him there?

7 A. Of course. We all do. It's a county  
8 building. It's a -- it's my conference room, too.

9 Q. What did you discuss?

10 A. The maps and population.

11 MR. RUSSO: Let me just caution the  
12 witness about revealing attorney-client privileged  
13 communications, and that specifically is  
14 communications between Mr. Oldham, Mr. Ready,  
15 advising the county as to legal issues for which  
16 they were retained.

17 THE WITNESS: Okay.

18 MR. RUSSO: But other than that, you  
19 can answer.

20 MS. CHEN: And to that, we'll also  
21 state on the record our argument against that  
22 assertion of attorney-client privilege with respect  
23 to conversations with Dale Oldham, on redistricting  
24 matters, as we've discussed. And our letter to the  
25 judge --

1 MR. RUSSO: Yeah, I'm -- I mean I'm  
2 obviously aware that there is a letter out there  
3 for the judge to make decisions on what needs to be  
4 disclosed.

5 But just so the witness understands  
6 that, you know, we're not going to -- he's not  
7 going to be able to disclose attorney-client  
8 privileged communications between those two  
9 specific individuals for the services the client  
10 retained to provide.

11 MS. CHEN: Certainly. And we'll  
12 continue to state our assertions for the clarity of  
13 the record and ask questions accordingly.

14 MR. RUSSO: Understood.

15 Q. (BY MS. VALL-LLOBERA) You mentioned this  
16 was your first in-person -- your only in-person  
17 meeting with Mr. Oldham, correct?

18 A. Yes.

19 Q. You also mentioned earlier that there is a  
20 contract approved with the Vogel firm?

21 A. And Mr. Oldham, yes.

22 Q. Were you aware that the law firm, Allison  
23 Bass Magee, submitted a proposal to Judge Henry, to  
24 be hired as redistricting counsel?

25 A. I think I was, yes.

1 Q. Did you review that proposal?

2 A. I don't recall. But in pops Dale Oldham,  
3 and you asked me earlier, did I know that he -- or  
4 whatever. And I didn't.

5 And so it was at that time that I knew Dale  
6 Oldham assisted the county ten years prior.

7 Q. So before signing the -- before the  
8 Commissioners Court signed the contract with Dale  
9 Oldham in 2021, you were unaware that he had helped  
10 with the 2011 redistricting?

11 A. Uh-huh, yes.

12 Q. Were you aware that this -- well, let me  
13 restate.

14 Going back to the proposal by Burger --  
15 Bickerstaff, were you aware -- oh, excuse me.  
16 Thank you.

17 Returning to the proposal by Allison Bass  
18 Magee, were you aware that this was sent to  
19 Judge Henry, in -- around February 2020?

20 A. I believe I was. And that's what I'm  
21 saying, that's when I learned -- that's when I  
22 looked at the -- the options we had, and learned  
23 that Dale Oldham had helped in 2010.

24 Q. Did you review this proposal?

25 A. I'm sorry?

1 Q. Did -- did you review that proposal?

2 MR. RUSSO: Objection; vague.

3 A. As I said, I don't recall.

4 Q. (BY MS. VALL-LLOBERA) Did -- did you  
5 consider Allison Bass Magee for this job?

6 A. Of course. They -- they do a lot of things  
7 for us.

8 Q. How did you consider them?

9 A. Well, I'm just -- it's on my assumption that  
10 they -- that they do a lot of work for us, so that  
11 I -- if they submitted a proposal, I know -- while  
12 I don't independently recollect seeing it, I know  
13 that if it was presented, we would have considered  
14 it.

15 MS. VALL-LLOBERA: I would like to  
16 introduce Tab 9. It's going to be Apfel  
17 Exhibit 8.

18 MR. RUSSO: Thank you.

19 (Exhibit 8 is marked.)

20 Q. (BY MS. VALL-LLOBERA) This is a  
21 February 18, 2020, e-mail to Mark Henry, regarding  
22 the Commissioners Court redistricting.

23 Did I read that correctly?

24 A. Yes.

25 Q. So, if you turn the page, you'll see that

1 attached to this e-mail is a proposal. And I want  
2 to turn to the last page of that proposal. It's  
3 the last page of the exhibit.

4 A. I was just scanning it. Okay.

5 Q. At the -- at the end of this page, right  
6 before the executed line, it says: The total fixed  
7 fee for services is \$62,500.

8 Do you see that?

9 A. Yes.

10 Q. Does this -- does this exhibit refresh your  
11 recollection about this proposal?

12 A. Yes, it does.

13 Q. Have you seen it before?

14 A. I believe I have, but I still don't recall.

15 Q. So I would like to turn your attention to  
16 page 2 of the proposal, which is page 4 of the  
17 exhibit.

18 A. Okay.

19 Q. No. 2, towards the top of the page, says:  
20 In rebalancing that population, additional care  
21 must be given under the Voting Rights Act of 1965  
22 so that minority residents within the jurisdiction  
23 compose a sizable portion of the overall  
24 population. The boundaries drawn to accomplish  
25 numerical balance cannot neither fragment, dilute,

1 or unfairly compact that minority population to  
2 restrict the minority's ability to have an impact  
3 on the outcome of an election within the  
4 commissioner precinct where the minority population  
5 is located.

6 Did I read that correctly?

7 A. You did.

8 Q. What did you understand by this paragraph?

9 A. Well, it's referring to the Voting Rights  
10 Act of 1965, that I still am not clear on. But  
11 what I understood that to mean is we have to follow  
12 the law in redistricting.

13 And so while I didn't break down the law  
14 specifically, I knew that that's what we were  
15 hiring people to do. And we did.

16 Q. Beneath that, 2-A, 2-B, and 2-C, there are  
17 three -- there's a few definitions.

18 Could you read the first one out loud, for  
19 the record?

20 A. What are you talking about, A?

21 Q. A, yes.

22 A. "Cracked" or "fragmented" meaning that large  
23 concentrations of minority voters cannot be divided  
24 into several commissioner precincts, rather than  
25 left intact in a single or even multiple

1 commissioners court precincts.

2 Did I read that correctly?

3 Q. Yes. Did that definition -- did you  
4 understand that definition?

5 A. That all goes to the law. And so, I  
6 didn't -- I didn't -- I trusted the people that we  
7 hired to -- to look at the population and draw the  
8 maps in -- as equal as we could get them, and  
9 follow the bounds of the law.

10 Q. Do you understand what packed or stacked  
11 mean in the context --

12 A. I do not.

13 Q. -- of redistricting?

14 Returning to page 5 of their proposal,  
15 towards the top, there is a heading that says,  
16 steps in redistricting.

17 Do you see that?

18 A. I do.

19 Q. This has a proposal -- you know, a proposed  
20 timeline.

21 Did you review this at the time?

22 A. Same answer. I don't remember specifically.

23 Q. Were --

24 A. Again, this is -- this is two firms touting  
25 their experience and ability to redistrict for us.



1 And so I was looking at these for price and

2 experience and -- to make my decision.

3 Q. All right.

4 A. I assumed we would always follow the law. I

5 didn't need to know the steps. I knew that we

6 would.

7 Q. Were you aware that the law firm Bickerstaff  
8 submitted a proposal to Ken Clark to be hired as  
9 redistricting counsel in January of 2020?

10 A. Not if it was just submitted to him, no.

11 Q. So you did not see a proposal from bur --  
12 Bickerstaff?

13 A. Not that I recall.

14 MS. VALL-LLOBERA: I would like to  
15 introduce Tab 8.

16 THE WITNESS: 9.

17 MR. RUSSO: It's Tab 9 -- Tab 8, not  
18 exhibit.

19 THE WITNESS: Oh.

20 MS. VALL-LLOBERA: Thank you for  
21 keeping track.

22 I would like to introduce Apffel  
23 Exhibit 9.

24 (Exhibit 9 is marked.)

25 Q. (BY MS. VALL-LLOBERA) This is January 29,

1 2020, e-mail from David Mendez to Ken Clark,  
2 regarding redistricting estimate for Galveston  
3 County.

4 If you turn to the second page of this  
5 exhibit, there is a proposal for redistricting.

6 Have you seen this before?

7 A. Not that I recall.

8 Q. If you turn to the third page, there is an  
9 actual budget.

10 Do you see that?

11 A. Hang on just a second.

12 (The witness peruses the document.)

13 A. Okay.

14 Q. (BY MS. VALL-LLOBERA) Does seeing this  
15 exhibit refresh your recollection about this  
16 proposal?

17 A. No.

18 Q. On the last page, do you see what the total  
19 is for their proposal? It's towards the bottom.

20 A. Yeah, I see that number. 50,370.

21 Q. And do you see, as part of this proposal on  
22 this page, there's a section, Section 5, towards  
23 the middle of the page, that refers to public  
24 hearings?

25 A. Yeah, I do.

1 Q. Would it be unusual for only one  
2 commissioner to get a proposal?

3 A. No.

4 Q. Did you receive any proposals?

5 A. No.

6 Q. Going back to the approval of the contract  
7 with Vogel and Oldham, when was -- when was  
8 Mr. Oldham's contract approved?

9 A. I believe -- I believe in April.

10 Q. April 2021?

11 A. Yes, ma'am.

12 Q. What kind of services does Mr. Oldham  
13 provide?

14 A. Again, it was all about determining --  
15 looking at the population and having his  
16 demographer draw the maps, to equalize the  
17 population.

18 Q. Okay. What did you know about the  
19 redistricting process?

20 A. Nothing.

21 Q. Did you see a proposal from him?

22 A. That we approved? That -- that we  
23 ultimately approved? Yes, I saw that.

24 Q. Do you recall how much that proposal was  
25 for?

1           A. 80 or \$90,000, but only 25,000 for mapping.  
2           And what I liked about that one was it -- it -- if  
3           there -- those people -- these two that you've  
4           shown me were just about mapping.

5                     That one said not only will we draw the maps  
6           for you, we will handle your litigation as part of  
7           it.

8           Q. Did you expect litigation?

9           A. Absolutely not.

10          Q. So why was that a factor in hiring Oldham?

11          A. Because it -- it would make good business  
12          sense to me that not only did -- these people were  
13          putting their money where their mouth is to say,  
14          our maps were going to be within the bounds of the  
15          law, so much that we will -- we will handle any  
16          litigation as part of our fees.

17          Q. Did it strike you as odd, that they would  
18          include litigation -- expected litigation --

19          A. No. It struck --

20          Q. -- as part of their proposal?

21          A. -- it struck me as good, that, hey, look,  
22          it's a guarantee, a warranty of the work.

23          Q. What did you know about Mr. Oldham's  
24          background, at this time?

25          A. Nothing.

1 Q. Did -- did you --

2 A. I knew -- I knew that he had assisted the  
3 county in the maps before. That's what I had found  
4 out.

5 Q. You knew that for --

6 A. Prior to approval.

7 Q. Okay. Did you know that he helped prepare  
8 the 2011 submission that culminated with the DOJ  
9 rejecting the county's preclearance submission?

10 A. That's too specific. No, I didn't know -- I  
11 don't know that.

12 Q. Who made the decision to hire Mr. Oldham?

13 A. The Court.

14 Q. How was that decision made?

15 A. Vote of the -- a vote, in open court, on  
16 a -- whatever day.

17 Q. Did that occur at a special session or a  
18 regular session?

19 A. I seem to recall at a regular session.

20 Q. Does the county have a requirement to seek  
21 out requests for proposals for third-party vendor  
22 contracts like the redistricting work?

23 A. I think that possibly falls under  
24 professional services. But you're getting beyond  
25 my pay grade.

1 I trust that -- that all of our departments  
2 and department heads follow the law with regard to  
3 competitive bid process and distinguish what has to  
4 be and what doesn't.

5 And so by the time I ever see it to vote on  
6 it, that's all been handled.

7 Q. Did you put out -- excuse me.

8 Did the Commissioners Court put out a  
9 request for proposals for the redistricting work?

10 A. I don't know.

11 (Voices en sotto.)

12 Q. (BY MS. VALL-LLOBERA) Did you reach out to  
13 Mr. Oldham to prepare his proposal?

14 A. No.

15 Q. Do you know how this proposal came to the  
16 Commissioners Court?

17 A. No.

18 Q. Has the Commissioners Court ever saw a  
19 request for proposal for other third-party  
20 contracts?

21 A. In general?

22 Q. (Counsel nods head.)

23 A. Thousands.

24 Q. So the Commissioners Court itself -- the  
25 Commissioners Court itself, when -- when they're

1 entering into -- into contracts, or approving  
2 contracts, does that usually follow a request for  
3 proposal process?

4 A. Like I say, I -- it -- we absolutely follow  
5 the competitive bid process. So there are  
6 certain -- I would say most items fall under that,  
7 and have to have a RFQ and RFP -- request for  
8 qualifications, request for proposal -- and an  
9 opening -- opening bid process.

10 Some things fall under, as I understand,  
11 professional services and other things that the law  
12 allows you not to have to go through that process,  
13 and we have done that as well.

14 But either way, it's all done, based upon  
15 our department and department heads, for following  
16 the -- the government code.

17 Q. You mentioned earlier that it's not uncommon  
18 for proposals to be sent to individual  
19 commissioners.

20 Is that right?

21 A. I was specifically thinking of Ken Clark.

22 Q. Did Commissioner Clark regularly receive  
23 proposals to him directly?

24 A. No, but --

25 MR. RUSSO: Object to speculation.

1           A. Yeah. Ken -- I noticed that he was in  
2 El Paso and saw this man at Bickerstaff, and  
3 that's -- and they discussed it.

4           So, Ken, because of his tenure on the court,  
5 he had relationships with people far beyond many.  
6 And so -- so they would -- they -- they were  
7 sending it to him, with -- because they had had a  
8 discussion.

9           Q. (BY MS. VALL-LLOBERA) When you  
10 get sent -- when you get sent such a proposal, are  
11 there any laws requiring that you to send them to  
12 the county attorneys or other staff?

13          A. I don't think so, no.

14          Q. Is there -- is it best practice to send  
15 proposals to county attorneys or staff, if you  
16 receive them?

17                   MR. RUSSO: Objection; speculation.

18          A. Yeah. I mean, I -- I don't know that that's  
19 a best practice, because it -- you know, we, as  
20 commissioners, get -- I don't know the word, I'm  
21 going to use the word hustled -- all the time, for  
22 one thing or another.

23                 And many times you just say yes, yes, yes,  
24 and -- and move on. And -- and so -- so it's  
25 not -- it's not, there's no way that we present



1 everything.

2 I think that we all expect, as fellow  
3 commissioners, to filter out, and -- and if we --  
4 but certainly, everyone has the right to present  
5 anything they want.

6 Q. (BY MS. VALL-LLOBERA) The 2020 census data  
7 came out in August 2021, correct?

8 A. Did you give me a month there? I'm sorry.

9 Q. August 2021.

10 A. I don't recall that. But I know that we  
11 were waiting -- we had approved the contract, and  
12 we were waiting for census data.

13 Q. What actions did you take with regards to  
14 redistricting, between the approval of that  
15 contract with Mr. Oldham, and when the census data  
16 came out?

17 A. Nothing.

18 Q. What awareness did you have of Mr. Oldham  
19 working on redistricting?

20 A. None.

21 Q. Did you have any conversations with  
22 Mr. Oldham regarding that -- excuse me.

23 Did you have any conversations with  
24 Mr. Oldham after the contract was signed, before  
25 the census data came out?

1 A. No, not that I recall.

2 Q. Did you have -- did you have any  
3 conversations with the other commissioners about  
4 redistricting during this time?

5 A. No.

6 Q. Why didn't you do any work before the census  
7 data came out?

8 MR. RUSSO: Objection speculation.

9 A. I was a -- somewhat of a freshman on the  
10 Court, and I had not experienced any of the  
11 redistricting. And so, I did not know what to  
12 expect or how -- how to proceed.

13 Wait. That was -- that was...

14 Q. (BY MS. VALL-LLOBERA) Did you -- did you  
15 seek out any information regarding the  
16 redistricting process?

17 A. No.

18 Q. What steps did you take to -- to fill in  
19 this knowledge gap of yours, regarding the  
20 redistricting process?

21 A. I asked Judge Henry -- typically, in the  
22 past, I believe that Ken Clark was the one  
23 commissioner that assisted with the redistricting.

24 And so I asked Judge Henry, hey, when  
25 redistricting kicks off, if it kicks off, would you

1 include me?

2 Because I wanted to be included.

3 Q. What did Judge Henry say?

4 A. Absolutely. We need to schedule a meeting  
5 with Dale Oldham. And when that happens, I'll let  
6 you know.

7 Q. Did that meeting take place?

8 A. It did.

9 Q. When did that meeting take place?

10 A. I don't remember -- I'm -- I'm guessing at  
11 or about -- after the census data came out, a phone  
12 conference was set up between me and Dale Oldham,  
13 and our other attorney, Paul Ready, and Mark Henry  
14 and Tyler Drummond.

15 And I participated in that call.

16 Q. So did this meeting occur at your request?

17 A. No.

18 Q. So they were including you in a meeting,  
19 at --

20 A. At my request.

21 Q. All right.

22 A. The way I understood it was, okay -- at some  
23 point, I had said, I would like to be in  
24 redistricting with you, Judge Henry, if -- as  
25 things move along.

1           And so, he set up a first phone conference  
2           to get started sometime after that, and they  
3           included me.

4           Q. Did you prepare for that phone conference?

5           A. No.

6           Q. What other steps did you take to learn more  
7           about redistricting, other than asking Judge Henry  
8           to be included?

9           A. That's it.

10          Q. Did you reach out to Mr. Oldham, about  
11          redistricting, once the contract was signed?

12          A. Only -- only that call that I have just  
13          previously referenced.

14          Q. Did you request that call with Mr. Oldham?

15          A. No, no. So are you saying did I reach out  
16          other than that? No.

17          Q. Why didn't you take more steps?

18          A. Because the steps were identified in that  
19          phone conference of what was going to be happen.

20          Q. And what steps were those?

21                           MR. RUSSO: Again, advise the  
22          witness not to disclose conversations with  
23          Mr. Oldham, and Mr. Ready, to the county, related  
24          to legal analysis of dealing with redistricting.

25                           MS. VALL-LLOBERA: And we -- and

1 | we'll again preserve our arguments, as to what --

2 | A. What -- what was going to happen -- the what  
3 | is that he and his firm had an expert who would  
4 | look at the census data and create maps equalizing  
5 | the population among the precincts. That's what I  
6 | understood.

7 | Q. (BY MS. VALL-LLOBERA) So during that  
8 | September conference call, they already had a  
9 | mapping expert.

10 | Is that correct?

11 | A. I don't know that.

12 | Q. Who was speaking to you about who --

13 | A. The lawyers. The lawyers, identifying the  
14 | procedure that was going to take place.

15 | Q. You just said he and his firm had an expert.

16 | A. Yeah. I now know, because I ended up  
17 | meeting with him in that meeting I referred you to,  
18 | the only other meeting I had, where the expert was  
19 | on the Zoom.

20 | And did he specifically mention him then? I  
21 | don't recall.

22 | Q. When did you first see the census data?

23 | A. I don't recall. When it came out.

24 | Well, when you say did -- yeah, I -- I don't  
25 | ever remember seeing the data, like in a big

1 thick -- I remember talking about the data.

2 Q. When do you first recall talking about the  
3 census data that came out, in August 2021?

4 A. I don't recall -- I don't have a date.

5 Q. Who did you speak to the census data about?

6 A. Tyler Drummond.

7 Q. Did you understand that there would need to  
8 be shifts in the map lines, due to the changes in  
9 population?

10 A. I'm not sure I understand your question.  
11 But if you're saying, did we have to redraw the  
12 lines to equalize the population, that's what I  
13 understood.

14 Q. Were any steps taken at that time to notify  
15 Galveston County residents of the census release?

16 A. I don't know.

17 Q. Were any steps taken to inform Galveston  
18 County residents that the County Commissioner map  
19 would need to be redrawn to account for  
20 population -- population shifts?

21 A. I feel like at -- be -- yes. But there --  
22 at the chamber luncheons, at the -- at the --  
23 whatever events that -- mostly chamber luncheons,  
24 as commissioners would go, they would inform --  
25 they would stand up and introduce themselves, and

1 | inform the people that the census data is now out

2 | and we will have to equalize the population.

3 | Q. When you say, chamber meetings, is that per  
4 | commissioners?

5 | A. No. Many times --

6 | Q. What --

7 | A. -- several of us go to the same chamber  
8 | luncheon.

9 | Q. What -- is that the Chamber of Commerce?

10 | A. Yes. We have 13 of them.

11 | Q. 13 of them. What is --

12 | A. Well, maybe not 13. There's 13 cities, and  
13 | probably eight or nine chambers. Some work  
14 | together.

15 | Q. So, there was no -- excuse me.

16 | Was this an informal notification process?

17 | A. I -- I don't know that to be what you're --  
18 | you asked me did -- did -- did we take any steps.

19 | And I was just saying, I can seem to recall people  
20 | talk -- talking about it at the meetings to the  
21 | public.

22 | Q. Do you recall any -- do you recall any  
23 | specific Chamber of Commerce luncheons, or the  
24 | dates?

25 | A. No.

1 Q. Do you recall how many you attended in that  
2 time frame?

3 A. No.

4 Q. You mentioned --

5 A. Less than a handful.

6 Q. Did you make an announcement about the need  
7 to equalize population at any other group events?

8 A. I did not, no.

9 Q. Did you make that statement in other  
10 settings, such as church, or school, or these other  
11 community events that you attend?

12 A. No. I wasn't out campaigning for anything,  
13 redistricting wise.

14 MS. VALL-LLOBERA: Okay. I would  
15 like to introduce Tab 11. This is going to be  
16 Apffel Exhibit 10.

17 (Exhibit 10 is marked.)

18 Q. (BY MS. VALL-LLOBERA) This is an August 24,  
19 2021, e-mail from Cheryl Johnson to the  
20 commissioners, with the subject line, current voter  
21 count by precinct.

22 Is that correct?

23 A. What -- what -- which -- current voter count  
24 by precinct is what it says, yes.

25 Q. The subject line.



1 A. Yes. Yes, I saw this document.

2 Q. The first line of this e-mail reads: Since  
3 we are nearing the time to redistrict, I wanted you  
4 to have the most current voter counts in your  
5 precinct's district. I hope this helps you moving  
6 forward, close quote.

7 Do you recall this e-mail?

8 A. I do. I don't recall the e-mail. I recall  
9 receiving the numbers.

10 Q. So turning the page to those numbers, did  
11 you notice this voter population imbalance at the  
12 time of reading this e-mail?

13 A. That's when it became real for me, that --  
14 what we needed to do.

15 Q. What did you need to do?

16 A. Equalize the population among the four  
17 precincts.

18 Q. Did you talk to anyone about redistricting  
19 in response to this e-mail?

20 A. None -- none other than -- I don't -- so I  
21 don't know when I had the meeting with Dale Oldham,  
22 on the telephone, if it was before this or after  
23 this. But that's the only talk I had about  
24 starting a process.

25 MS. VALL-LLOBERA: I would like to

1 introduce Tab 12. This is Apffel Exhibit 11.

2 (Exhibit 11 is marked.)

3 Q. (BY MS. VALL-LLOBERA) This is an e-mail  
4 from Cheryl Johnson to the commissioners, as well  
5 as some staff. It's dated August 24, 2021 -- oh,  
6 excuse me --

7 A. 27.

8 Q. Excuse me. This is an August 27, 2021,  
9 e-mail from Seth Collins to you.

10 Is that correct?

11 A. Correct.

12 Q. Do you recall this e-mail?

13 A. I think I do, yeah.

14 Q. Who is Seth Collins?

15 A. He was my policy and constituent advisor at  
16 the time.

17 Q. Is he still your policy and constituent  
18 advisor?

19 A. No.

20 Q. Is he still a member of your staff?

21 A. No.

22 Q. So turning to the data that he attached,  
23 what does this data show?

24 MR. RUSSO: Object as vague.

25 A. Yeah, I don't know what you're -- what

1 you're asking, but...

2 Q. (BY MS. VALL-LLOBERA) Take a moment to --

3 A. You're talking about -- what page are you  
4 on?

5 Q. On the first page of the data, which is  
6 page 4 of this exhibit, the Excel is titled, 2020  
7 Galveston County Vote Totals.

8 So page 4 of the exhibit would be one tab in  
9 the Excel, and the next page is another tab in the  
10 Excel --

11 A. Uh-huh.

12 Q. -- and so forth.

13 A. I asked him for the data, but I don't -- I'm  
14 not sure why, what I was using it for.

15 I think I wanted to know the -- the -- I  
16 don't remember why.

17 Q. So if you look at the bottom of the first  
18 page of the data, which says Precinct 1 on the top  
19 right.

20 A. Uh-huh.

21 Q. At the -- towards the bottom, there's some  
22 totals. And it shows a net gain -- a line that  
23 says, net gain.

24 Do you see that?

25 A. I do.

1 Q. What is this referring to?

2 A. I have no idea.

3 Q. Okay. And for Precinct 2, on the next page,  
4 there's a line item that refers to net loss.

5 Do you see that?

6 A. I do.

7 Q. And the next page, there is a -- for  
8 Precinct 3, net gain.

9 Do you see that row?

10 A. I do.

11 Q. And on the next page, there is one more row  
12 for net loss, for Precinct 4.

13 A. Yeah, we were looking at how to equal -- how  
14 that the population was going -- by vote, was going  
15 to equal out, is what I believe I asked.

16 Q. So on the next page, there is a tab on this  
17 Excel that, on the top right, says, precinct number  
18 changes. And there's some color coding.

19 A. Uh-huh.

20 Q. Do you recall what the color coding refers  
21 to?

22 A. No.

23 Q. Who prepared this Excel?

24 A. I don't know. I'm -- I don't know.

25 Q. Did Seth Collins prepare it, and send it to

1 you?

2 A. I don't know.

3 Q. Would it have been within his role to  
4 prepare data like this for you?

5 A. Yeah -- yeah.

6 Q. Turning to the next page, this title -- this  
7 page is titled, Registered Voters By Commissioner  
8 Precinct as of August 13, 2021.

9 What does the color shading refer to here?

10 A. I don't -- I have no -- I don't know.

11 Q. And so, you did not prepare this Excel?

12 A. No. But I was --

13 Q. Did --

14 A. I had Seth helping me. But I don't remember  
15 our intent and purpose, other than for my own  
16 information.

17 Q. What information were you trying --

18 A. Trying to figure out what -- how the -- how  
19 the -- we would equalize the precincts.

20 Q. So, on --

21 A. And which ones I could give up, because I  
22 knew I was going to have to give up. And looking  
23 at the number of active voters, trying to say,  
24 okay, well, we could give up -- if we gave up  
25 Bolivar, for example, we would be giving up so many

1 votes -- excuse me, so many residents.

2 Q. On the next page, the last page of the  
3 exhibit, there's another chart similar, also  
4 showing the four precincts and some color coding.

5 Do you see that?

6 A. Uh-huh.

7 Q. Do you see the key on the top right, with  
8 the names of the four commissioners?

9 A. Yes.

10 Q. Do those -- does that key correlate to the  
11 shading in the charts on these two pages?

12 A. Yes.

13 Q. Were you working to try to rebalance the --  
14 the district, the precincts?

15 MR. RUSSO: Objection; asked and  
16 answered.

17 A. Yeah, I -- I was just doing -- I'm a visual  
18 printout sort of guy. And so I was needing to see  
19 it by voting precincts, and -- and commissioner  
20 precincts.

21 Q. (BY MS. VALL-LLOBERA) Were you personally  
22 manipulating this Excel to try different variations  
23 of redrawing the maps?

24 A. Not -- no, I never touched it. I don't know  
25 how -- I wouldn't know how.

1 Q. So a member of your staff prepared this?

2 MR. RUSSO: Objection; speculation,  
3 asked and answered.

4 A. Yeah, I -- I don't know who prepared it.  
5 But I know that Seth sent it to me.

6 Q. (BY MS. VALL-LLOBERA) Do you know what  
7 these geographic areas that the -- that these  
8 numbered precincts correspond to?

9 A. For my precinct, I do.

10 Q. So when you were looking at these proposals,  
11 you had a sense for what communities or what --  
12 what geographic areas you were thinking of breaking  
13 out?

14 A. The only thing I was trying to do was break  
15 out Bolivar peninsula, because it did not make  
16 sense for me -- for a 20-minute meeting to drive  
17 four hours.

18 And so, I was trying -- I was hoping there  
19 would be enough population there that I could give  
20 up, to better geographically fix the problem I had.

21 Q. So you did not want to represent Bolivar?

22 A. No, that's not -- that's -- that's the wrong  
23 statement. I would love to continue to represent  
24 Bolivar.

25 But I thought it would make better use of

1 | all of our time, if, unfortunately, someone else  
2 | did it, based on a redraw.

3 | And redraws needed to happen, and I had too  
4 | many people that -- and so I thought that was a  
5 | logical place to give up.

6 | Q. Was the impulse -- was your -- was your  
7 | desire to draw Bolivar out of your map driven by  
8 | the logistics of getting there?

9 | A. Only.

10 | Q. Only -- just to -- to clarify, so that was  
11 | the only motivating factor for you wanting to draw  
12 | Bolivar out of your precinct?

13 | A. That's it.

14 | MR. RUSSO: Object as vague.

15 | MS. VALL-LLOBERA: I would like to  
16 | introduce Tab 13. Here you go, Counsel.

17 | MR. RUSSO: Thank you.

18 | MS. VALL-LLOBERA: This is  
19 | exhibit -- excuse me, Apffel Exhibit 12.

20 | (Exhibit 12 is marked.)

21 | Q. (BY MS. VALL-LLOBERA) So this is an  
22 | August 30, 2020, e-mail from Paul Ready to Linda  
23 | Liechty. And the subject is, call request, hyphen,  
24 | Galveston County redistricting.

25 | Did I read that correctly?



1 A. Yes.

2 Q. Do you recall receiving the e-mail from  
3 Ms. Liechty about scheduling this meeting with Dale  
4 Oldham?

5 A. No, but it -- I don't doubt that this is  
6 what caused us to have that meeting I referenced.

7 Q. Am I pronouncing her name correctly? Is  
8 that Liechty?

9 A. Liechty.

10 Q. Liechty, thank you.

11 Do you recall reading the forwarded e-mail  
12 below, from Paul Ready?

13 A. Yes.

14 Q. Have you received any communication from  
15 Ready about redistricting in any other format  
16 previously?

17 A. No. This was our kickoff.

18 Q. Returning to the second page of this  
19 exhibit, I want to read a line from Mr. Ready's  
20 initial e-mail: Our first step needs to be an  
21 online meeting or conference call with you, me,  
22 Judge Henry and Commissioner Apffel.

23 Do you see that?

24 A. Yes.

25 Q. And the you refers to Mr. Oldham, correct?

1 A. I guess.

2 Q. Who -- who is the recipient of this e-mail?

3 A. Yeah, Dale Oldham.

4 Q. Why was this -- why was meeting with you the  
5 first step?

6 A. Because they had received the census data,  
7 and it would -- we had approved the contract with  
8 the -- him and his firms, much earlier. And it was  
9 time to begin discussing redistricting.

10 Q. But only with Judge Henry and you, from the  
11 Commissioners Court?

12 A. Yeah. Because as I told you, it's the  
13 judge's duty and responsibility to handle  
14 redistricting, in my opinion.

15 And more than two people would be a quorum.  
16 And so, on many occasions, the judge will invite a  
17 commissioner to a meeting for informational  
18 purposes.

19 And -- and -- and he had done that, I knew,  
20 with Ken Clark, in redistricting before. And I  
21 asked that I be that one.

22 Q. Did you know that Mr. Ready and Mr. Oldham  
23 were setting up similar online meetings or  
24 conference calls with the other commissioners, to  
25 discuss redistricting?

1 A. After this, or at some point -- yeah, I knew  
2 that they were going -- everyone was going to be  
3 talked to. That's how we do.

4 Q. And did all the commissioners meet with  
5 Mr. Oldham?

6 A. As far as I know, yes.

7 MS. VALL-LLOBERA: I would like to  
8 introduce Tab 14. I'm introducing Apffel  
9 Exhibit 13.

10 (Exhibit 13 is marked.)

11 Q. (BY MS. VALL-LLOBERA) This is an Outlook  
12 invitation, dated September 8, 2021. The attendees  
13 are listed as you, Mr. Ready, Seth Collins, and  
14 Veronica Van Horn.

15 Do you see that?

16 A. I do.

17 Q. And the subject line -- in the subject line,  
18 it states, conference call re: Redistricting;  
19 attendees, colon, Judge Henry, Commissioner Apffel,  
20 Paul Ready, and Dale Oldham.

21 Do you see that?

22 A. Yes.

23 Q. Did this meeting take place?

24 A. That's the telephone conference call that I  
25 previously described, yes.

1 Q. And I believe --

2 A. I'm assuming. I only had one, and I'm  
3 assuming this is the same.

4 Q. And who was present at -- during that call?

5 A. It was for -- it was -- I -- I was by  
6 myself, so it was a phone call.

7 Q. Who was on the call?

8 A. Me; Mr. Ready; the judge, Judge Henry; and  
9 Tyler Drummond.

10 Q. Okay. Seth Collins didn't attend?

11 A. No.

12 Q. Was there an agenda for this call?

13 A. No.

14 Q. Did you take -- did you make any notes?

15 A. No.

16 Q. Did anyone take minutes?

17 A. I wasn't there to -- I didn't. I was by  
18 myself. It was a call, so I don't know where  
19 everybody was.

20 Q. Okay. Did anybody say they were taking  
21 notes?

22 A. No.

23 Q. How long did this meeting last?

24 A. I think -- I can unequivocally say less than  
25 30 minutes, but I don't know exactly.

1 Q. Did you discuss your meeting with Mr. Oldham  
2 with any of the other commissioners?

3 A. No.

4 Q. Did any other commissioner discuss their  
5 meeting with Mr. Oldham with you?

6 A. No.

7 Q. You mentioned this was not your only meeting  
8 with Mr. Oldham, correct?

9 A. Correct.

10 Q. How many meetings did you have with  
11 Mr. Oldham?

12 A. This -- if you call this a meeting, I -- I  
13 had two. This was a phone conference, and the  
14 other was an in-person.

15 Q. Were those the only times you met with  
16 Mr. Oldham, regarding redistricting?

17 A. The only times I ever spoke to him, to this  
18 day.

19 Q. In the September -- excuse me.

20 | Were you aware that Mr. Oldham would be  
21 | meeting with other commissioners individually,  
22 | regarding the same topic?

23 | A. You've asked me that, and I -- I don't know.

24 | Yes, I understood that he -- but that was  
25 | later. That was not -- not like at this phone

1 conference. But after that, when he met with me, I  
2 was aware that he was going to meet with everyone.

3 Q. At this September 8, 2021, meeting, did  
4 Mr. Oldham provide an overview of the 2021  
5 redistricting process?

6 A. I -- I'm not sure, but when you say that, I  
7 don't know.

8 Q. Did he provide an overview of the 2011  
9 redistricting process?

10 A. No, we didn't discuss it.

11 Q. Did you discuss the 2011 redistricting  
12 process at all?

13 A. No.

14 Q. Back to the 2021 redistricting process.

15 Did he provide an overview of the process,  
16 such as referring a -- to a timeline?

17 MR. RUSSO: Counsel, asked and  
18 answered.

19 A. Yes. I mean, he -- we talked about what  
20 ultimately was going to happen, and what -- what  
21 happened, I should say.

22 Q. (BY MS. VALL-LLOBERA) Did you identify  
23 deadlines by which redistricting had to occur?

24 A. We knew that it had to have --

25 MR. RUSSO: Let me just interpose

1 the objection.

2 On attorney-client privilege  
3 grounds, in terms of, you know, the -- what the  
4 process -- what or -- what you were doing, is --  
5 has already been stated, frankly, on the record.

6 But just be very careful here about  
7 revealing conversations between counsel and the  
8 county, related to the redistricting effort.

9 Other than that, you can answer,  
10 which is a very fine line.

11 A. My understanding was that we were behind,  
12 because the census data had taken so long to come  
13 out, and that we needed to finish by the end of the  
14 year.

15 And so, that timeline was established, just  
16 because of my understanding. That's the only  
17 timeline we knew -- I knew of.

18 Q. (BY MS. VALL-LLOBERA) At this meeting,  
19 you -- did you review the census data?

20 A. Like I said, I didn't have a stack in front  
21 of me. We -- I -- and Mr. Oldham talked to us  
22 about certain things, the population and so forth,  
23 that...

24 Q. At this time, you -- you already knew that  
25 the populations would have to be rebalanced,

1 correct?

2 A. That was my general understanding, yes, of  
3 the whole redistricting every ten years, period.

4 Q. Did Mr. Oldham talk to you about  
5 redistricting criteria?

6 MR. RUSSO: Objection. Don't --  
7 objection, based on privilege, and instruct the  
8 witness not to answer.

9 MS. VALL-LLOBERA: And we'll reserve  
10 our arguments that these conversations are not  
11 privileged.

12 MR. RUSSO: The objection is on the  
13 record.

14 MS. VALL-LLOBERA: We'll have  
15 several of these questions. Would you be amenable  
16 to stipulating that you object and we'll preserve  
17 our arguments, without reiterating our full  
18 arguments?

19 MR. RUSSO: Without you re --  
20 reiterating your arguments? I mean, I -- my  
21 objection stands. Whether you argue against it or  
22 not, doesn't matter.

23 I mean, if you want to ask all the  
24 questions, I'll pose the objection as -- as  
25 necessary. I -- I understand you don't agree with



1 | our position, but I don't -- you know, it's  
2 | deposition procedure. I just need to make sure I  
3 | maintain my -- and preserve the objections for the  
4 | record.

5 | Q. (BY MS. VALL-LLOBERA) Did -- without  
6 | revealing the substance of any conversations with  
7 | counsel, as we sit here today, what is your  
8 | understanding of traditional redistricting  
9 | criteria?

10 | A. The county grows by people. The precincts  
11 | become imbalanced by people. And we are required  
12 | to continually balance the representation of the  
13 | people.

14 | Q. Specifically, how do you have to rebalance  
15 | the populations?

16 | A. In my simple little way --

17 | MR. RUSSO: Let me object -- just  
18 | let me interpose -- interpose the objection on  
19 | attorney-client privilege grounds. And you've  
20 | heard the basis before.

21 | So don't reveal conversations or  
22 | information you've learned from Dale, related to  
23 | the redistricting effort.

24 | A. Well, my simple understanding is to -- to  
25 | redraw the lines to balance the population, to be

1 within compliance with the law.

2 Q. (BY MS. VALL-LLOBERA) Is the only criteria  
3 for redistricting that the numbers line up?

4 A. I don't know.

5 Q. You've stated that the imbalances needed to  
6 be corrected, based on population shifts.

7 What -- do you need to consider anything  
8 other than population numbers, in redrawing maps?

9 A. I don't --

10 MR. RUSSO: Same objection on  
11 attorney-client privilege grounds.

12 To the extent you can answer without  
13 revealing conversations between the county, you,  
14 and any of your counsel, you can answer.

15 MS. VALL-LLOBERA: And we  
16 preserve --

17 A. I trust that the people we hired to do the  
18 job, do it in compliance with the law.

19 Q. (BY MS. VALL-LLOBERA) Are there any other  
20 factors considered in drawing the maps?

21 A. I don't know.

22 Q. Earlier, you stated that you were looking  
23 to -- to cut Bolivar.

24 Was that a factor that you were considering  
25 in redrawing the maps?

1 A. No, I wasn't looking to cut Bolivar. I  
2 wasn't looking to cut anyone. I was understanding  
3 that in order to balance the -- the four precincts,  
4 that I would have to give up something and give it  
5 to someone else, to -- to make that -- to  
6 accomplish that.

7 And so, that's -- that's what I understood.

8 Q. When looking at what areas you could peel  
9 off of your district, what factors did you  
10 consider?

11 A. I've told you, that made sense to me. And  
12 part of that analysis, in -- the -- the Excel  
13 spreadsheet, I was trying to see how many -- I was  
14 trying to see the numbers by the voting precincts  
15 to say, okay, we can give up this -- 103 and 104,  
16 because I have to -- for a 20-minute meeting in  
17 by -- in High Island, I have to drive four hours,  
18 because of the ferry, the geographical split  
19 between the -- the island and the peninsula.

20 But -- so, it was -- I was thinking, okay,  
21 this -- this is what makes sense. If I've got to  
22 give something up, I'll give up this.

23 Q. Did you consider any other factors?

24 A. I wasn't --

25 MR. RUSSO: Object as vague.

1 A. -- considering factors. I was just looking  
2 at numbers.

3 Q. (BY MS. VALL-LLOBERA) Did Mr. Oldham  
4 discuss any factors?

5 MR. RUSSO: Objection.

6 I'll instruct the witness not to  
7 answer, based upon attorney-client privilege.

8 Q. (BY MS. VALL-LLOBERA) If a constituent  
9 asked you about the redistricting process and asked  
10 what kind of things you were thinking about in  
11 redrawing the maps, what would you have said --  
12 what would you say?

13 A. I would say our county grew by whatever  
14 number, 80,000 people, whatever the number was. I  
15 don't remember the number.

16 And the law requires us to balance the  
17 precincts, based on that population, and we've  
18 hired a law firm and a demographer to -- to do that  
19 for us the best way possible to be within the  
20 bounds of the law.

21 Q. Did you discuss the Voting Rights Act?

22 A. Never.

23 MR. RUSSO: Objection.

24 What -- what are you talking about?

25 Are you talking about a meeting with -- who are --

1 with who?

2 Q. (BY MS. VALL-LLOBERA) Referring still to  
3 the September 8, 2021, meeting, and your other  
4 meeting with Mr. Oldham, the in-person conference,  
5 did you discuss the Voting Rights Act?

6 MR. RUSSO: I'm going to object to  
7 that and instruct the witness not to answer based  
8 upon attorney-client privilege.

9 MS. VALL-LLOBERA: We'll preserve  
10 our arguments that these are not protected  
11 communications.

12 A. And for clarification, when I said never, it  
13 was because I thought you were talking about  
14 constituents still. I didn't have those  
15 conversations.

16 Q. (BY MS. VALL-LLOBERA) Did you discuss the  
17 U.S. Constitution?

18 MR. RUSSO: Objection. Instruct the  
19 witness not to answer, based on attorney-client  
20 privilege.

21 MS. VALL-LLOBERA: And we preserve  
22 our arguments.

23 Q. (BY MS. VALL-LLOBERA) Without revealing the  
24 substance -- without -- without revealing the  
25 substance of any conversations with counsel, as we

1 sit here today, what is your understanding of the  
2 Voting Rights Act?

3 A. I've answered that twice.

4 Q. Without revealing the substance of any  
5 conversations with counsel, as we sit here today,  
6 what is your understanding of the requirements of  
7 the U.S. Constitution with regard to redistricting?

8 A. I don't know.

9 Q. Did you discuss policy objectives with  
10 Mr. Oldham?

11 MR. RUSSO: Same objection,  
12 attorney-client privilege, instruct the witness not  
13 to answer.

14 MS. VALL-LLOBERA: And we preserve  
15 our arguments that these are not privileged  
16 communications.

17 Q. (BY MS. VALL-LLOBERA) Did you discuss  
18 policy objectives with the other commissioners?

19 A. No.

20 MR. RUSSO: Wait. Let me clarify  
21 it. When? Anytime?

22 Q. (BY MS. VALL-LLOBERA) Okay. I'll rephrase.  
23 Did you discuss policy objectives with other  
24 commissioners during -- between the two meetings  
25 you had with Mr. Oldham?

1 A. No.

2 Q. During your two meetings with Mr. Oldham  
3 that we previously referred to, did you discuss  
4 political objectives?

5 A. No.

6 Q. During those two meetings, did you discuss  
7 the need or desire for a coastal precinct?

8 MR. RUSSO: Let me object, and  
9 instruct the witness not to answer that question,  
10 based on attorney-client privilege.

11 MS. VALL-LLOBERA: And we preserve  
12 our arguments that these are not privileged.

13 Q. (BY MS. VALL-LLOBERA) Did you run an RPV  
14 analysis -- excuse me.

15 Separate from these two meetings, did you  
16 run an RPV analysis?

17 MR. RUSSO: Objection; vague and  
18 ambiguous.

19 A. I don't know what -- I don't understand the  
20 question.

21 Q. (BY MS. VALL-LLOBERA) RPV stands for  
22 racial -- racially polarized voting.

23 Are you familiar with the term, racially  
24 polarized voting?

25 A. I am not.

1 Q. Have you heard this term before?

2 A. I have not.

3 Q. So Mr. Oldham and you did not discuss an RPV  
4 analysis in either of these meetings?

5 MR. RUSSO: Let me object based upon  
6 the attorney-client privilege, and instruct the  
7 witness not to answer.

8 MS. VALL-LLOBERA: And we preserve  
9 our arguments that these are not privileged  
10 communications.

11 Q. (BY MS. VALL-LLOBERA) Have you ever seen an  
12 RPV analysis?

13 A. No.

14 Q. Generally --

15 A. Maybe, but I didn't know what I was looking  
16 at.

17 Q. When might you have seen an RPV analysis?

18 MR. RUSSO: Object as ambiguous.

19 A. During the process --

20 MR. RUSSO: And again, are you  
21 talking about in the conversation with his  
22 attorneys --

23 MS. VALL-LLOBERA: Generally.

24 MR. RUSSO: -- or any time?

25 Q. (BY MS. VALL-LLOBERA) Generally, when might



1 have you --

2 MS. VALL-LLOBERA: The witness  
3 stated that he may have seen an RPV analysis, in  
4 answer to my question, have you ever seen an RPV  
5 analysis.

6 MR. RUSSO: Okay.

7 Q. (BY MS. VALL-LLOBERA) So my follow-up  
8 questions, still in the context of have you ever  
9 seen an RPV analysis, was, when might you have seen  
10 one.

11 MR. RUSSO: Again --

12 A. I wouldn't know.

13 MR. RUSSO: -- we can't -- he's not  
14 going to answer a question as to whether he saw an  
15 RPV analysis with his lawyers present.

16 So other than that, he can answer  
17 your question.

18 Q. (BY MS. VALL-LLOBERA) Has anyone ever tried  
19 to explain RPV to you?

20 MR. RUSSO: Again, same objection.  
21 It's not limited to conversations with lawyers and  
22 counsel.

23 To the extent you can answer the  
24 question without referring to communications in  
25 consultation with lawyers and counsel on that

1 question, you can answer.

2 MS. VALL-LLOBERA: Underlying facts  
3 learned by a witness are not privileged just  
4 because they were conveyed by counsel.

5 MR. RUSSO: But --

6 MS. VALL-LLOBERA: I am merely  
7 stating --

8 MR. RUSSO: We can -- we can  
9 have the --

10 MS. VALL-LLOBERA: -- for the  
11 record --

12 MR. RUSSO: We can have the  
13 colloquy, if you'd like to. The problem is, is  
14 that I -- I don't know whether he's had  
15 conversations with lawyers, and I need to make sure  
16 that what he's telling you does not come from a  
17 conversation with counsel, in terms of how  
18 they're -- they're going to do redistricting  
19 effort, or even related to our conversations  
20 dealing with this case.

21 A. Well, I don't recall. So let's -- well,  
22 that will -- I don't know.

23 MR. RUSSO: I mean, do you  
24 understand what I'm saying, Counsel? It's very  
25 possible that we looked at an RPV count between the

1 two of us.

2 Surely not claiming that's something  
3 you're entitled to know.

4 I'm -- so I'm suggesting you clean  
5 your questions up at least a little bit, so that  
6 it -- we don't have to keep doing this.

7 Q. (BY MS. VALL-LLOBERA) Did you consider the  
8 impact on minority populations when you were going  
9 through the redistricting process?

10 A. I would have to say yes.

11 Q. How?

12 A. I knew that equalizing the population was  
13 going to change precinct lines. But I never saw it  
14 as a deterrent for someone to represent the people  
15 or win office.

16 Q. How did that relate to impacting minority  
17 populations?

18 A. I don't understand your question.

19 MS. VALL-LLOBERA: If the court  
20 reporter could read --

21 A. You said did I consider it. And I said yes.  
22 Now, this question is a follow-up to that or I  
23 don't --

24 MS. VALL-LLOBERA: Could you read  
25 his -- and Mr. Apfel's answer to my prior

1 question. The question was: Did you consider

2 the -- the impact on minority populations?

3 Could you read back his response?

4 THE REPORTER: Just a moment.

5 (The requested portion of the record

6 was read by the court reporter.)

7 Q. (BY MS. VALL-LLOBERA) So you knew that

8 changing precinct lines would impact minority

9 populations?

10 MR. RUSSO: Objection; vague and

11 ambiguous, calls for speculation.

12 Q. (BY MS. VALL-LLOBERA) How would changing

13 the precinct lines impact minority populations?

14 MR. RUSSO: Calls for speculation.

15 A. No, it doesn't change minority populations.

16 The minorities still live in the same area. It

17 just adds more people.

18 And unfortunately for Commissioner Holmes,

19 these more people ended up being of a different

20 party. But he could switch parties and run for

21 office and still represent the same people, like I

22 did.

23 Q. (BY MS. VALL-LLOBERA) Was it a goal -- was

24 it one of -- was it a goal of yours, to put people

25 into Mr. -- Commissioner Holmes' district that were

1 of a different political party?

2 A. Never.

3 Q. Did anybody -- did anyone ask you for your  
4 preferences regarding redrawing maps?

5 A. My preferences -- I -- I'm going to say no.

6 Q. Did you share any political preferences?

7 A. I did not.

8 MR. RUSSO: Objection; vague.

9 Q. (BY MS. VALL-LLOBERA) Did you propose any  
10 geographic modifications?

11 A. Other than those that I -- we've talked  
12 about, giving up Bolivar to equalize the numbers,  
13 no. For my -- I only talked about my precinct.

14 Q. Did others share with you their preferences  
15 regarding how the maps should be redrawn?

16 MR. RUSSO: Could you --

17 A. Not -- only in the sense of a vote, on the  
18 day we approved it.

19 Q. (BY MS. VALL-LLOBERA) Did anybody propose  
20 any geographic modifications to the maps, to you?

21 A. Would -- I don't understand your question.

22 Q. Did constituents or others come to you with  
23 proposals on how to modify the maps?

24 A. They did not.

25 Q. Did anybody -- did anybody else come to you

1 with proposals on how to modify the maps?

2 A. They did not.

3 Q. In your communications -- in your meetings  
4 with Mr. Oldham, did you discuss geographic  
5 modifications to the maps?

6 MR. RUSSO: Again, same objection  
7 related to attorney-client communications, specific  
8 to the legal services, and the relationship -- the  
9 legal services relationship in providing counsel to  
10 the county.

11 A. Can you read me that question one more time,  
12 please?

13 Q. (BY MS. VALL-LLOBERA) In your two meetings  
14 with Mr. Oldham, did anyone propose geographic  
15 modifications to the maps, to -- to the existing  
16 map?

17 A. The demographer would -- did, in the -- the  
18 in-person meeting.

19 Q. How many -- how many maps did you -- did you  
20 see?

21 A. We didn't have maps in that meeting. He was  
22 just discussing how to balance the -- the  
23 population, among the four precincts, and you --  
24 you know, clicking on this one to move it, saying  
25 if we move this one, that will bring down the

1 number in Precinct 4 and add to Precinct 3. If we  
2 can click out 103 and 104, and add them to  
3 Precinct 2, that will get -- that will get you in  
4 Precinct 1, where you need to be.

5 And he was showing it. That's the only --  
6 that was it.

7 Q. Did you share with Mr. Oldham, or his  
8 mapping expert, what your ideal map would look  
9 like?

10 A. I didn't draw a map. Jay did --

11 MR. RUSSO: Hold on. Just -- hang  
12 on a second.

13 THE WITNESS: I'm sorry.

14 MR. RUSSO: Please let me interpose  
15 an objection related to attorney-client privilege.

16 Same objection with that line of  
17 questioning. Do not discuss communications between  
18 the county and its counsel.

19 MS. VALL-LLOBERA: And we preserve  
20 our arguments that these communications are not  
21 privileged.

22 Q. (BY MS. VALL-LLOBERA) Did Mr. Oldham ask  
23 you what your ideal map would look like?

24 MR. RUSSO: Objection, based upon  
25 attorney-client privilege.

1 MS. VALL-LLOBERA: And we preserve

2 our arguments that these are not privileged

3 communications.

4 Q. (BY MS. VALL-LLOBERA) Were you asked about

5 what factors you thought were important?

6 MR. RUSSO: Same objection.

7 Objection, based on attorney-client privilege.

8 MS. VALL-LLOBERA: And we preserve

9 our arguments that these are not privileged

10 communications.

11 Q. (BY MS. VALL-LLOBERA) How long was the

12 phone call with Mr. Oldham?

13 A. I've answered that. Certainly less than 30

14 minutes.

15 Q. And the --

16 A. But I don't recall how long.

17 Q. And the in-person meeting?

18 A. Hour and a half, hour.

19 Q. When you were -- when you were discussing

20 proposed changes to the maps with the mapping

21 expert, did you see a map that you liked?

22 A. I didn't see a map.

23 Q. Did you discuss communities of interest?

24 A. I don't know what that means.

25 Q. Did you discuss the impact of any proposed



1 changes on any specific communities or groups of  
2 people?

3 MR. RUSSO: Object, based upon  
4 attorney-client privilege.

5 MS. VALL-LLOBERA: And we preserve  
6 our arguments that these aren't privileged  
7 communications.

8 Q. (BY MS. VALL-LLOBERA) Did you discuss the  
9 impact of any proposed changes on Bolivar, and the  
10 constituents that live there?

11 MR. RUSSO: Object, based on  
12 attorney-client privilege.

13 MS. VALL-LLOBERA: And -- and we  
14 preserve our arguments that these are not  
15 privileged communications.

16 Q. (BY MS. VALL-LLOBERA) Did you discuss the  
17 impact of any proposed changes on people of color,  
18 specifically on black and brown residents in  
19 Galveston County?

20 MR. RUSSO: Object, based upon  
21 attorney-client privilege.

22 MS. VALL-LLOBERA: We preserve our  
23 arguments that these are not privileged  
24 communications.

25 Q. (BY MS. VALL-LLOBERA) Earlier, you said, we

1 didn't have -- earlier, you said you didn't have  
2 maps in the meeting, that you were just discussing  
3 how to balance the population. And you referred to  
4 the map drawn -- clicking on precincts.

5 What -- what was he clicking on?

6 MR. RUSSO: Let me object, based  
7 upon attorney-client privilege.

8 A. I -- what --

9 MR. RUSSO: And instruct you not to  
10 answer.

11 MS. VALL-LLOBERA: And we preserve  
12 our arguments that these were not privileged  
13 communications.

14 Q. (BY MS. VALL-LLOBERA) What were you looking  
15 at during this meeting?

16 MR. RUSSO: Object, based upon  
17 attorney-client privilege. Instruct the witness  
18 not to answer.

19 MS. VALL-LLOBERA: We preserve our  
20 arguments that these were not privileged  
21 communications.

22 Q. (BY MS. VALL-LLOBERA) Previously, you said  
23 you did not look at a map during this meeting, but  
24 you did meet with a mapping expert.

25 What were you looking at?

1 MR. RUSSO: Same objection, based on  
2 attorney-client privilege.

3 MS. VALL-LLOBERA: And preserve --

4 MR. RUSSO: And let me ask you a  
5 clarifying question for the record.

6 Was the expert that was there, to  
7 your knowledge, there on behalf of the --  
8 Mr. Oldham --

9 THE WITNESS: Absolutely.

10 MS. VALL-LLOBERA: Counsel --

11 MR. RUSSO: -- as part -- as part of  
12 his work?

13 THE WITNESS: Absolutely.

14 MS. VALL-LLOBERA: Excuse me, are  
15 you --

16 MR. RUSSO: I'm clarifying the  
17 privilege being asserted. The expert there, was  
18 there at the behest of the counsel.

19 MS. CHEN: And performing a service  
20 for the county.

21 MR. RUSSO: As a -- as a lawyer.

22 MS. CHEN: As a policy --

23 MR. RUSSO: Brought in by a lawyer.

24 MS. CHEN: -- (unintelligible)

25 legislative critical objective --

1 MR. RUSSO: I'm sure you have  
2 consulted --

3 MS. CHEN: And we have plenty of  
4 reasons to (unintelligible) --

5 MR. RUSSO: -- experts that we'll  
6 see later in the case. Do you understand how  
7 consulting experts work?

8 MS. VALL-LLOBERA: Well, and I'd  
9 actually -- actually --

10 MS. CHEN: You understand that if we  
11 have to reopen this deposition, if you --

12 MR. RUSSO: You do what you need to  
13 do, Counsel. I preserve the privilege. If you're  
14 surprised by the -- what's happening here today --

15 MS. VALL-LLOBERA: Counsel, excuse  
16 me.

17 MR. RUSSO: -- you haven't been  
18 here.

19 MS. VALL-LLOBERA: You'll -- you'll  
20 have your --

21 MS. CHEN: Actually, you are  
22 surprised by our --

23 (Multiple voices.)

24 MR. RUSSO: I'm not, which is  
25 exactly why I'm preserving the record.

1 MS. VALL-LLOBERA: You'll have the  
2 opportunity to ask him questions and clarify. If  
3 you want to --

4 MR. RUSSO: Again, I'm clarifying  
5 for you, because you have not done that.

6 MS. VALL-LLOBERA: Unless you want  
7 to clarify that he has misspoken, this is not the  
8 moment to clarify or explain your arguments to your  
9 client.

10 MR. RUSSO: No. I'm just clarifying  
11 that the individual that he referred to as an  
12 expert was there at the behest of the firm.

13 MS. VALL-LLOBERA: I don't need you  
14 to restate on the record to me.

15 MR. RUSSO: Actually, you do, all of  
16 us do in the room, so we understand that he is  
17 disclosing or you're asking him to disclose  
18 conversations between an expert who was there on  
19 behalf of the law firm.

20 MS. CHEN: Performing a policy  
21 legislative function of a governing body.

22 MR. RUSSO: A -- again, you can say  
23 that all day long. The individual -- the fact of  
24 the matter is, the county is entitled to attorneys,  
25 just like your clients are.

1                   And you are, by all means, going to  
2                   assert an objection if I asked you what you talked  
3                   to your client about.

4                   MS. CHEN: And our clients are not  
5                   governmental entities.

6                   MR. RUSSO: If you think a  
7                   governmental entity is not entitled to  
8                   attorney-client privileges, I would love to see  
9                   case law on that.

10                   MS. CHEN: We can continue with  
11                   questioning.

12                   Q. (BY MS. VALL-LLOBERA) Who is the expert  
13                   that attended this meeting with Mr. Oldham, the  
14                   map -- excuse me.

15                   Who is the mapping expert that attended this  
16                   meeting?

17                   A. I don't remember his name.

18                   Q. Had you met him before this meeting?

19                   A. No.

20                   Q. Have you spoken with him anytime outside of  
21                   that meeting?

22                   A. No.

23                   Q. Did you see any draft maps before they were  
24                   posted on the Commissioners Court website?

25                   A. I saw those maps, before they were posted on

1 the Commissioners Court.

2 Q. When did you see those maps?

3 A. Within a day or hour before posting.

4 Q. You didn't see those maps before -- you  
5 didn't -- so you didn't see those maps before that?

6 A. Not that I recall, no.

7 Q. Did you see other draft maps before that?

8 A. No.

9 Q. Did anybody ask you to review Map 1 or Map 2  
10 before they were posted on the website?

11 A. I don't think they asked me to review. But  
12 I think that I saw them. So I wasn't re -- seeing  
13 them to review them. I was just seeing them as  
14 the -- the maps.

15 Q. Let me -- let me read my notes a moment.

16 Did you prefer Map 1 or Map 2?

17 A. When?

18 Q. When you first saw the two proposed maps,  
19 did you have a preference between Map 1 and Map 2?

20 A. I can't -- I was considering them. I can't  
21 say that.

22 To be honest, do you have those maps, that I  
23 could look at again? A comparison?

24 MS. VALL-LLOBERA: I think this  
25 actually would be a good moment to break for lunch.

1 We --

2 THE WITNESS: Okay.

3 MS. VALL-LLOBERA: Since I see it's  
4 almost 1:00 o'clock.

5 MR. RUSSO: How much time are you  
6 thinking you need?

7 MS. VALL-LLOBERA: Well, can we go  
8 off the record?

9 THE VIDEOGRAPHER: Do we have  
10 agreement of counsel?

11 MR. RUSSO: Yes.

12 THE VIDEOGRAPHER: Off the record at  
13 12:52.

14 (Break.)

15 THE VIDEOGRAPHER: Back on the  
16 record at 1405. Please proceed.

17 Q. (BY MS. VALL-LLOBERA) Welcome back,  
18 Mr. Apfel.

19 A. Thank you.

20 Q. So picking up right where we left off, we  
21 were discussing the 2021 redistricting process  
22 that took place, you know, after the census data  
23 came out, through that -- that fall.

24 Were you aware that Commissioner Holmes  
25 received the National Republican Redistricting



1 Trust numbers from Mr. Oldham?

2 A. I don't even -- no, I guess -- I don't know  
3 what that means, and I -- so, no.

4 Q. So you did not get redistricting information  
5 from the National Republican Redistricting Trust?

6 A. No.

7 Q. Did you receive demographic information from  
8 Mr. Oldham?

9 A. Can you be more specific?

10 Q. Did you receive racial demographic  
11 information from Mr. Oldham?

12 A. I wasn't concerned about race.

13 Q. But did Mr. Oldham provide you with any  
14 racial demographic information?

15 A. Huh-uh, not that I recall. Other than in  
16 our discussions and -- I mean, but no -- no, I  
17 don't even recall that.

18 Q. I'm a bit unclear. You did discuss racial  
19 demographics in your discussions --

20 A. No. That's why I say, I don't recall that.  
21 It was just population.

22 Q. So you saw demographics on a TV screen?

23 A. What's -- so what's demographics? I -- I  
24 don't know what demographics are.

25 Q. So racial demographic -- did you see

1 information that showed the race of the people who  
2 lived in certain areas of Galveston County, as part  
3 of your redistricting process?

4 A. No. We were looking at population, and how  
5 to equalize that.

6 Q. Did you look at the percentages of  
7 African-Americans or Hispanics in the county?

8 A. No.

9 Q. Are you -- are you aware -- currently, this  
10 day, are you aware of the percentage of  
11 African-Americans and Hispanics in Galveston  
12 County?

13 A. I'm not.

14 Q. Are you aware of the percentage of  
15 African-Americans or Hispanics in your precinct  
16 today?

17 A. I'm not. I probably should be, but I'm not.

18 Q. Were you aware of the percentage of  
19 African-Americans and Hispanics in your precinct  
20 before the redistricting? Like -- excuse me, the  
21 map in place before redistricting?

22 A. I'm not.

23 Q. During the August and September 2021 time  
24 period, to your knowledge, did any of the other  
25 commissioners or Judge Henry, or their staffs, have

1 any other meetings about redistricting?

2 A. To my knowledge, no.

3 Q. So they didn't meet with Mr. Oldham, to your  
4 knowledge?

5 A. Oh, I thought you meant other than, to my  
6 knowledge. To my knowledge --

7 Q. I can rephrase --

8 A. Okay.

9 Q. -- so it's clearer.

10 To your -- to your knowledge, did any of the  
11 other commissioners or Judge Henry, or their  
12 staffs, have other meetings or conversations about  
13 redistricting with Mr. Oldham, or his staff?

14 A. After -- at or about the time we had -- that  
15 I had mine?

16 Q. Correct.

17 A. My understanding -- I didn't witness it.

18 But my understanding was, he was there to -- for  
19 two days, to meet with me, Mr. Clark,  
20 Commissioner Holmes, Commissioner Giusti, and  
21 Judge Henry.

22 Q. Okay. And to your knowledge, did the  
23 commissioners or did Judge Henry's other staff have  
24 other meetings or conversations about  
25 redistricting, other than those meetings with

1 Mr. Oldham and his staff?

2 A. Not to my knowledge.

3 Q. Did you discuss redistricting with any other  
4 commissioner?

5 A. Not that I recall. Not -- not -- no, not  
6 that I recall. Other than Commissioner Clark, in  
7 that meeting that he was in with me, that's it.

8 MS. VALL-LLOBERA: So I would like  
9 to introduce the next exhibit, which is going to be  
10 tab --

11 MS. CHEN: Tab 19, right? Or --

12 MS. VALL-LLOBERA: Yes, but --  
13 excuse me, could you repeat the last answer?

14 THE REPORTER: Just a moment.

15 (The requested portion of the record  
16 was read by the court reporter.)

17 Q. (BY MS. VALL-LLOBERA) Was this  
18 redistricting process a big part of your workload  
19 at this time?

20 A. No.

21 MS. VALL-LLOBERA: All right. I  
22 would like to introduce Tab 19, as the next  
23 exhibit, which is Apffel Exhibit 14.

24 MR. RUSSO: Thank you.

25 (Exhibit 14 is marked.)

1 Q. (BY MS. VALL-LLOBERA) This is an  
2 October 19, 2021, e-mail, from you to various  
3 people, with the subject line, courthouse security  
4 committee.

5 Have I read -- have I represented that  
6 correctly?

7 A. Uh-huh. Yes.

8 Q. Okay. The bottom e-mail is about a  
9 courthouse security committee, which --

10 A. Correct.

11 Q. -- we don't need to read in detail. But I  
12 want to turn your attention to the first sentence  
13 of your e-mail above, which says: Joe and I are in  
14 redistricting meetings today.

15 Did I read that correctly?

16 A. Yes.

17 Q. Can you tell me about those meetings?

18 A. So, I think that I thought that I was going  
19 to be in with Joe. Typically -- it's kind of weird  
20 how it all falls -- used to fall out.

21 But like, if two commissioners need to meet,  
22 it was always Joe and I meeting. And it was always  
23 Clark and Holmes meeting.

24 And so this -- this day, I thought I was  
25 meeting with Joe, and Clark came. This is the

1 meeting I'm -- this is the meeting -- I had no  
2 other meetings.

3 So, I was thinking Joe -- and Joe and I were  
4 asked to be on this courthouse committee. And so,  
5 that's why, you know, I thought we were -- we were  
6 in there together.

7 Q. And just to clarify for the record, Joe  
8 refers to Commissioner Joe Giusti, right?

9 A. I'm sorry, yes. Yes, that's correct.

10 Q. You -- you said that normally you and  
11 Commissioner Giusti would attend meetings together?

12 A. We just kind of shake -- shook out that way,  
13 for some reason. Yes, they -- they always group --  
14 if -- if -- if they needed two commissioners to  
15 meet with someone, it was always -- they would pick  
16 me and Joe.

17 Q. Was it unusual -- did it strike you as  
18 unusual that you ended up attending this meeting  
19 with Commissioner Clark?

20 A. Oh, no. Not at all.

21 Q. Did you attend -- let me rephrase.

22 What kinds of other situations would you do  
23 this kind of -- let -- let me rephrase.

24 Like, could you provide examples of when you  
25 and Commissioner Giusti might meet?

1           A. All kinds. Our health benefits, our AUL  
2 plan. You know, we had just --

3           Q. What does AUL stand for?

4           A. It's -- it's our alternative retirement  
5 system. We don't pay into social security, we pay  
6 into a -- I don't know what the AUL stands for, but  
7 it's for that.

8           You know, we just -- if we have to meet with  
9 a ven -- the vendor to -- to discuss the AUL plan,  
10 it may be Joe and I. Or if we have to meet with  
11 the health benefits people, it may be Joe and I.  
12 Those -- those kind of things.

13           Those are what come to mind right now. It  
14 was -- it was one other that we just did  
15 recently -- or the jail, the jail medical. We had  
16 a jail medical contract. You know, so -- you know.

17           And so they will meet with two and bring  
18 them up to speed, and then meet with two others and  
19 bring them up to speed, so that when we're together  
20 in court, we can discuss.

21           Q. So those kinds of, you know, smaller  
22 meetings, are -- are done in the ordinary course of  
23 business?

24           A. Yes.

25           Q. What role did Cheryl Johnson -- let me

1 rephrase.

2 We spoke earlier about Cheryl Johnson.

3 What role did Cheryl Johnson have, in the  
4 redistricting process, if any?

5 A. I don't know her role. She's the -- you  
6 know, the -- she's the reg -- what is she, the  
7 official registrar, or was she the -- she's the  
8 voter registration department.

9 Q. Okay.

10 A. She's one of the -- she's like Ken Clark in  
11 that regards. She's very knowledgeable and, you  
12 know, been there a long time and --

13 Q. So her signature line, so you don't have to  
14 go back to the exhibits, says that she's the  
15 Galveston County tax assessor collector.

16 A. Yeah, I know. But as the tax assessor, she  
17 has duties and responsibilities as voter registrar,  
18 I believe, voter --

19 Q. And so, did she have any role in  
20 redistricting?

21 A. No, other than preparing what they prepared  
22 in Exhibit 7. That's all I'm -- I'm aware of.

23 Q. So, other than the exhibits that might  
24 include that -- other than what you've seen today  
25 in the exhibits, did you have any communications



1 with her on -- about redistricting?

2 A. No.

3 Q. Okay. Who else -- who else was involved in  
4 the redistricting process?

5 A. Nathan Sigler was -- as our mapping guy.  
6 And I can't think of anybody else.

7 MS. VALL-LLOBERA: I would like to  
8 introduce Tab 20, as our next exhibit. And this is  
9 going to be Apffel Exhibit 15.

10 There you go, Counsel.

11 MR. RUSSO: Thank you.

12 (Exhibit 15 is marked.)

13 Q. (BY MS. VALL-LLOBERA) So this is -- this is  
14 an October 29, 2021, e-mail from Stephanie Swanson  
15 to Judge Henry and the four commissioners. The  
16 subject line is, Galveston County redistricting.

17 A. Uh-huh.

18 Q. Is that correct?

19 A. Yes.

20 Q. Do you recognize this document?

21 A. Yes. I got this exact same document from a  
22 constituent of mine, Leslie Clift. So the only  
23 thing that had changed was her signature. So I had  
24 gotten it twice. I got it from legal and the  
25 voters, and I got it from Leslie Clift.

1 Q. What is this letter that is attached?

2 A. I -- you know, it's a community activist  
3 informational letter.

4 Q. And how did you react to this e-mail and the  
5 attached letter?

6 A. I acknowledged it. I mean...

7 Q. Did you respond to this e-mail?

8 A. In this one? No, I did not. I did, to  
9 Ms. Clift's.

10 Q. Did you have additional communications -- or  
11 did you have any other communications with  
12 Ms. Swanson?

13 A. No.

14 Q. Did you -- what did you do with this  
15 information?

16 A. I processed it and believed that it was all  
17 being taken care of through our legal counsel, in  
18 the drafting of the maps.

19 Q. What made you believe that it was being  
20 taken -- taken care of by your legal counsel?

21 A. I still believe it. I mean, I believe that  
22 we have great -- a great map that's in compliance  
23 with the spirit of the law.

24 Q. Did you discuss this e-mail with the other  
25 commissioners?

1 A. Not that I recall, no.

2 Q. Did you discuss the letter with the other  
3 commissioners?

4 A. No, not that I recall.

5 Q. Why not?

6 A. No reason. I mean, like I said, I was -- I  
7 believed that we -- we were doing -- we were taking  
8 care of business.

9 Q. Did you review the redistricting criteria  
10 that was recommended in this letter?

11 A. Not -- I mean, ish, yes. I see stuff like  
12 this coming from the League of Women Voters much  
13 like your lawsuit. It's your opinion of what  
14 should have been, versus what has to be.

15 Q. What do you understand -- what's your  
16 understanding of what has to be, with regards to  
17 redistricting?

18 A. That you take the census data, and you look  
19 at population and you equal the -- the precincts  
20 within a 5 percent of -- I think that it's not a  
21 margin of error -- differential, and you draw maps  
22 accordingly.

23 Q. Did the Commissioners Court adopt  
24 redistricting criteria?

25 A. I don't know what -- what that means.

1 Specifically -- no. I mean, I've told you  
2 everything we did. So, are you saying did we --  
3 did someone draft a redistricting criteria that we  
4 voted on? No.

5 Q. You mentioned a margin of 5 percent.

6 Where -- where do you get that knowledge  
7 from?

8 A. I don't -- I don't know. And maybe I'm  
9 incorrect. Maybe I'm incorrect. But that's what I  
10 seem to recall, was that there was a -- you had to  
11 get all of the precincts within 5 percent of one  
12 another, on numbers.

13 MS. VALL-LLOBERA: I would like to  
14 move on to Tab 1, to introduce Tab 1 as the next  
15 exhibit. So introducing Apffel Exhibit 16.

16 (Exhibit 16 is marked.)

17 Q. (BY MS. VALL-LLOBERA) This is May -- excuse  
18 me. This is a May 24, 2011, e-mail, from Roxann  
19 Lewis to Mark Henry, with the subject, resolution  
20 you needed typed.

21 Have I read that correctly?

22 A. I wasn't paying attention. What are -- or  
23 Galveston County resolution adopting criteria? Is  
24 that what you read? What did you read? Are you --

25 Q. So this is a May 24, 2011, e-mail, from

1 Roxann Lewis to Mark Henry, with the subject,  
2 resolution you needed typed.

3 A. Yes, you read that correct.

4 Q. The -- the next page shows a document  
5 titled, Galveston County Resolution Adopting  
6 Criteria for Use in Redistricting 2011 Process.  
7 And it's a -- it's a draft, it's about three pages  
8 long.

9 Do you see that?

10 A. I do.

11 Q. Had you seen this document before?

12 A. No.

13 Q. Take a moment to review this criteria, and  
14 the criteria itself begins on page 2.

15 (The witness peruses the document.)

16 A. Oh, it's 10 percent, not 5. So I was  
17 incorrect.

18 (The witness peruses the document.)

19 A. Okay.

20 Q. (BY MS. VALL-LLOBERA) So I want to turn  
21 your attention to Criteria 2, in Judge Henry's  
22 draft, that says that community -- quote,  
23 Communities of interest should be maintained in a  
24 single district where possible, and attempts should  
25 be made to avoid splitting neighborhoods, end

1 quote.

2 And there are some -- some elaboration on  
3 that afterwards.

4 Did I read that correctly?

5 A. Yes.

6 Q. And I want to turn your attention to  
7 Criteria 4: Although it is recognized that  
8 existing districts will have to be altered to  
9 reflect new population distribution, any  
10 redistricting plan should, to the extent possible,  
11 be based on existing districts.

12 Have I read that correctly?

13 A. You did.

14 Q. I want to turn your attention to Criteria  
15 No. 8.

16 Could you read that one out loud for the  
17 record?

18 A. The redistricting plan should be narrowly  
19 tailored to avoid retrogression in the position of  
20 racial minorities and language minorities, as  
21 defined in the Voting Rights Act, with respect to  
22 the effective exercise of the electoral franchise.

23 Q. Okay. And finally, if I could turn your  
24 attention to Criteria 9.

25 And could you read that one for the record?

1           A. The redistricting plan should not fragment a  
2 geographically compact minority community or pack  
3 minority voters in the presence of polarized voting  
4 so as to create liability under Section 2 of the  
5 Voting Rights Act.

6           Q. Thank you.

7                    Would you generally support Judge Henry's  
8 2011 draft redistricting criteria?

9           A. I don't -- when I read the -- the  
10 resolution, it looks exactly like what we did.  
11 The -- the exact ones you went over, 2 -- anyway,  
12 the four you just went over are the four we've  
13 discussed by way of vocabulary terms that I told  
14 you I don't know what they mean. So...

15           Q. So you did -- but you did -- excuse me.

16                    You did discuss these topics and factor in  
17 this -- this criteria in your redistricting process  
18 for 2021?

19           A. Well, is that a question? Because you --  
20 you've asked me those questions specifically about  
21 all of this for three-and-a-half hours. So I don't  
22 know the -- I stand on everything I've told you,  
23 with regard to those things.

24                    So, is this a new question? Because I don't  
25 know what -- I'm...

1 Q. I believe earlier, you -- let me rephrase.

2 Here's a written document listing out some  
3 factors, which I have been referring to as  
4 redistricting criteria.

5 A. Uh-huh.

6 Q. Did the -- did you have any kind of guiding  
7 documents like this, during the 2021 redistricting  
8 process?

9 A. And the answer was no, we -- that I know of,  
10 we didn't adopt -- this is what I would have  
11 envisioned, when I gave you my answer about, we --  
12 the court didn't adopt anything. Excuse me.

13 And this says this was for use in the 2011  
14 process. So I don't know of one for...

15 Q. Okay. Would you agree that -- excuse me.

16 But it would be fair to say that -- excuse  
17 me.

18 I would like to return to the previous  
19 exhibit, which is the League of Women Voters  
20 letter, in Exhibit 15, right? Oh, Exhibit 15.

21 So this letter also contained a proposed  
22 timeline, and I would like to turn your attention  
23 to page 3 of the exhibit.

24 Did you review this timeline, when the  
25 League -- Ms. Swanson sent this?



1 A. I mean, I'm familiar with it, yes. But I  
2 see this as her opinion as to what we should do.

3 Q. How does this timeline compare to what  
4 actually occurred in the 2021 redistricting  
5 process? I -- I should be more specific.

6 She sent this e-mail on October 29, 2021.  
7 At this point in time, when you received this  
8 letter, how did this timeline compare to what had  
9 occurred, to date, in the 2021 redistricting  
10 process?

11 A. Everything had happened, except the  
12 receive -- receiving of the proposed maps and the  
13 publication to the public, on October 29th, I  
14 think -- or no, I don't remember.

15 Somewhere right in here is when the maps  
16 were posted on the county's website for comment, of  
17 which we got 534, by the way. That's -- that's  
18 bigger than any public meeting you said we had in  
19 2011.

20 Q. Could you state that again?

21 A. To which we got 534 comments to the maps.

22 Q. Through the public comments portal?

23 A. Yes. Yeah.

24 Q. Great. Okay.

25 So earlier, when we were referring to -- to

1 numbers, do you recall that there were five here --  
2 public -- public hearings in advance of the 2011  
3 redistricting?

4 A. No, you told me that. And mentioned 301, or  
5 something, that -- so I was saying --

6 Q. 300 at one of those five?

7 A. Yes.

8 Q. At this point in time, so we're talking  
9 about on October 29, 2021, had any public hearings  
10 been held regarding the 2021 redistricting?

11 A. I don't remember if the -- if the maps had  
12 been posted or not. If -- they were either posted  
13 just before this, or just after this.

14 Q. Did you propose that a public hearing be  
15 scheduled?

16 A. No.

17 Q. Who -- who decided that?

18 A. Decided what?

19 Q. Who decided to set the public hearing that  
20 ultimately took place on November 12, 2021 --  
21 excuse me.

22 Who decided to schedule the special session  
23 that took place on November 12, 2021?

24 A. Oh, the judge does that. The judge puts  
25 that on the -- sets the meetings.

1 | And we were up against a timeline, at that  
2 | point, that --

3 | Q. Why was that?

4 | A. Because we were -- we were thinking we had  
5 | till the end of the year. Then we were told we had  
6 | to approve the maps by, like, the next day, or --  
7 | they -- it was my understanding that we had -- we  
8 | had a deadline to approve.

9 | Q. When did you learn that the timeline  
10 | changed?

11 | A. With -- within days. Maybe -- maybe within  
12 | two weeks. Right about this time --

13 | Q. Uh-huh.

14 | A. -- is when we knew.

15 | Q. And who told you, that the --

16 | A. The --

17 | Q. -- timeline had to be moved up?

18 | A. The AG, the -- the State. I'm not -- I'm  
19 | not sure who told us, but it came down from...

20 | Q. So why did -- why did you think you had  
21 | until the end of year to complete the process?

22 | A. Well, that's just what I assumed, was the --  
23 | that we had to -- maybe it was not the first -- the  
24 | end of the year. Maybe it was some other date.

25 | But certainly within a -- two weeks, we were

1 | told the deadline is this day, to approve a map.

2 | And it was just thrown on us, quickly.

3 | MS. VALL-LLOBERA: I would like to  
4 | introduce the next exhibit. While that's  
5 | getting -- I'm sorry. It's going to be Tab 21.  
6 | But a couple of follow-ups.

7 | Q. (BY MS. VALL-LLOBERA) So you -- you  
8 | mentioned the end of the year. So --

9 | A. So I'm guessing it was just the end of the  
10 | year. But there was a timeline that was beyond  
11 | what was handed down quickly by the -- I think it  
12 | came from the legislature.

13 | Q. Who -- did -- did any -- do you recall any  
14 | specific person communicating to you a timeline  
15 | that comported with the end of the year?

16 | A. No. I was -- no.

17 | Q. Okay. And between your Justice of the Peace  
18 | and commissioner, you know, campaigns, you ran for  
19 | office several times, right?

20 | A. Yes.

21 | Q. And you're aware there was candidate filings  
22 | deadlines?

23 | A. Yes.

24 | Q. Which -- which -- and those deadlines  
25 | precede the actual election date, or race day,

1 right?

2 A. I think it's December. It's in December.

3 Q. So December for a March race, let's say?

4 A. Yes.

5 Q. Okay. So -- so if there is a March primary,

6 you usually have to file by December?

7 A. I believe December 1st is the first day to

8 file. And I don't know if it's 20 -- the 31st

9 or -- yeah, but --

10 Q. And do you know --

11 A. -- the filing deadline is over in December

12 for the March primary.

13 Q. So you are familiar with, you know,

14 deadlines proceeding actual races, correct?

15 A. Actual what?

16 Q. The actual -- actual election dates, right?

17 A. Yes.

18 Q. Okay.

19 A. And I think -- maybe it was December 1st,

20 the day -- the first day to file to run, was what

21 I -- we thought the date was going to be.

22 And as I recall, the legislature upped it by

23 45 days, so that they could redraw -- adopt --

24 people could adopt maps and get the -- the

25 precincts redrawn in time for a December 1st

1 filing, beginning.

2 MS. VALL-LLOBERA: All right. I  
3 would like to introduce Tab 21. This is Apffel  
4 Exhibit 17.

5 (Exhibit 17 is marked.)

6 Q. (BY MS. VALL-LLOBERA) This is an  
7 October 30, 2021, e-mail from Kurt Otten, to -- to  
8 you, copying Seth Collins, correct?

9 A. Uh-huh, yes.

10 Q. And who is Kurt Otten?

11 A. Mayor of Clear Lake Shores, Texas.

12 Q. And what is he e-mailing you about?

13 A. A few concerns or questions.

14 Q. Okay. Your response to him, on  
15 October 30th, at 7:32 a.m., says, quote, Was crazy  
16 busy this week with redistricting, close quote.

17 Did I read that correctly?

18 A. Yes.

19 Q. And his question above says -- asks you if  
20 you are for the redistricting changes, correct?

21 A. Correct.

22 Q. Did you respond to this e-mail?

23 A. I guess not.

24 Q. You guess not?

25 A. I don't know. Did I? I mean, if you have

1 it, show me. But I don't -- I don't -- I would  
2 think that it would be here if I did.

3 Q. Do you recall meeting with Mr. Otten about  
4 the concerns that he references below?

5 A. I -- I'm still meeting with him today about  
6 things. So I don't specifically recall what this  
7 was about, at the time.

8 Q. And when you say you're crazy busy, what did  
9 you mean?

10 A. You know, I -- I probably want to make  
11 myself appear busier than I am. So -- so I -- you  
12 know, I -- it just meant that, hey, I -- sorry I  
13 didn't get to you this week, but I will talk to you  
14 next week.

15 Q. Were you in any kind of redistricting  
16 meetings this week?

17 A. Well, this was a Saturday, so I was catching  
18 up to e-mails from the week before. And so when  
19 did -- I don't remember the time.

20 It was right in here that we were -- we  
21 ended up adopting the maps on November the 12th.  
22 And we ended up publishing the maps, you know.

23 So it was probably just a lame excuse,  
24 because it was -- I was not doing anything by  
25 this -- unless I was -- and I don't remember the

1 date.

2 I'm -- no, I had already met with Dale.

3 So --

4 Q. So other than the two meetings that you had  
5 with Mr. Oldham that we discussed previously, you  
6 didn't -- you weren't doing any work related to  
7 redistricting?

8 A. No.

9 Q. When did you first see the two proposed  
10 maps?

11 A. I think I answered that. But with -- within  
12 a day or so of when we published them.

13 Q. Did you know that Map 1 was referred to as  
14 the minimum change plan, and Map 2 was referred to  
15 as the optimal GO plan?

16 A. I think I've heard that, yes.

17 Q. Did you refer to them this way?

18 A. No.

19 Q. When did you first learn that Precinct 1  
20 would be losing Bolivar under both proposed Map 1  
21 and proposed Map 2?

22 A. Well, I think it was kind of understood that  
23 I was going to -- that was a -- because I was going  
24 to have to give up some area, that they were going  
25 to take that first, because of the geographical



1 | hindrance that I had.

2 | Q. So, would it be fair to say it was your idea  
3 | to eliminate Bolivar from Precinct 1?

4 | A. It was a -- it was an idea, that -- I don't  
5 | know if I was the first to float it or not. But  
6 | what it did was create a Gulf Coast district that  
7 | became really intriguing to everybody.

8 | Q. Could you be more specific on who the idea  
9 | of a coastal precinct was intriguing to?

10 | A. Well, I say everybody. I'm just meaning  
11 | that was the map that ultimately was -- that --  
12 | well, both of them -- I think both of those maps  
13 | were Gulf Coast districts.

14 | So, it was -- so it just kind of happened,  
15 | in the -- in the equalization of the population.  
16 | And then it would -- it became a, well, this is  
17 | a -- this is a great idea because of all of the  
18 | coastal issues.

19 | And then the judge took it. And I'm sure  
20 | you've seen he put the -- when he posted the maps  
21 | on, and he proposed -- he -- what's the word, not  
22 | proposed -- supported Map 1 for that reason.

23 | Q. All right. I would like to look at those  
24 | proposed maps with you.

25 | MS. VALL-LLOBERA: And that's going

1 to be Tab 23, we want to produce that.

2 A. Took me an hour to hand -- I asked for those  
3 an hour ago.

4 MR. RUSSO: She's trying to build up  
5 the suspense.

6 MS. VALL-LLOBERA: So this is going  
7 to be Apffel Exhibit 18.

8 (Exhibit 18 is marked.)

9 Q. (BY MS. VALL-LLOBERA) I'm handing you a  
10 copy of the proposed maps as they appeared on  
11 Galveston County's website.

12 A. Correct.

13 Q. Do these look familiar to you?

14 A. They do.

15 Q. So did you prefer one map to the other, when  
16 you first saw these maps?

17 A. I can't say that I did initially, no.

18 Q. What was your reaction when you saw these  
19 two maps for the first time?

20 A. That my precinct was almost the same, except  
21 for the Bolivar Peninsula.

22 Q. Your precinct was almost the same under  
23 both.

24 Is that what you're saying?

25 A. Yes. You said what was my reaction to the

1 maps, and I said that my precinct was almost the  
2 same, except for the Bolivar Peninsula.

3 Q. Your precinct changed a little bit more with  
4 Map 2, though, correct?

5 A. It did, because the -- it -- yes, it did.

6 Q. And were you -- were you satisfied with  
7 either of these maps, for your precinct?

8 A. I think I had them both -- you know, I did  
9 not make up my mind. I just took them under  
10 consideration and waited for the public comments.

11 Q. Okay. Earlier, you mentioned a -- reviewing  
12 over 500 public comments.

13 Is that correct?

14 A. I didn't say I reviewed them. I said we  
15 had.

16 Q. So you received over 500 comments?

17 A. That was my understanding.

18 Q. Uh-huh. And this was through an online  
19 portal, correct?

20 A. However we got them, yeah. Yes, that's how  
21 it was.

22 Q. They were handwritten comments, right?

23 A. No. No, they were, absolutely, through  
24 the -- online, clicking on them.

25 Q. So who tracked the incoming public comments?

1 A. I believe Tyler Drummond -- you know, the  
2 Judge's office, and his staff.

3 Q. And were they -- who was reviewing the  
4 comments?

5 A. I believe Tyler Drummond, and the Judge's  
6 staff, Zach Davidson.

7 Q. Did you review the comments that -- excuse  
8 me.

9 Did you review all the comments that were  
10 submitted through the website?

11 A. Drop the word all, and maybe some. But not  
12 all.

13 Q. Did you review any of the comments that were  
14 submitted through the website?

15 A. Yes.

16 Q. How did you personally get access to the  
17 public comments that was submitted?

18 A. They were printed, and on a -- top of a file  
19 cabinet in the judge's office. And they were  
20 keeping track of them.

21 Q. How did you select which ones to read?

22 A. I just read through them. I would read  
23 through them.

24 Q. Did anybody give you a selection of public  
25 comments to read?

1 A. No. Like -- no.

2 Q. So nobody give you a stack of comments that  
3 referred to you, or a stack of comments in support  
4 of the map, and opposing the map? They --

5 A. They might have been categorized as fors and  
6 against.

7 Q. Okay.

8 A. But I don't -- I don't remember exactly.

9 Q. What was the purpose of this public comments  
10 portal?

11 A. In my opinion, that was to serve the purpose  
12 of the public meetings, public hearings.

13 Q. But at a public hearing, each of the  
14 commissioners and the judge would hear each public  
15 comment, right?

16 A. I don't believe that the public hearings  
17 have all of the commission -- I don't think the --  
18 the court convenes in session to have that public  
19 hearing. But I -- I could be wrong.

20 Q. Whenever you have a regular session, or a  
21 special meeting, is there always public comment at  
22 the end?

23 A. We do it at the beginning. But yes, ma'am,  
24 three -- three-minute public comment.

25 Q. Do the commissioners and the judge all stay

1 present to hear those public comments?

2 A. Absolutely. They're very important.

3 Q. So the idea of the public comments portal  
4 was to replace and function like they would at a  
5 public hearing, correct?

6 A. No. In fact, people come to Commissioners  
7 Court all the time to express their comments,  
8 questions, or concerns, about a particular matter.  
9 And that's what public -- public comment is about.

10 So, if you will, in fact, for the month that  
11 the maps were out, or whatever the time period was,  
12 if we had three meetings, in essence, if anyone  
13 wanted to come and speak, they could have.

14 Not counting the meeting where it was on the  
15 agenda to approve -- approve a map, and...

16 Q. Were there any meetings of the Commissioners  
17 Court between when these maps were posted online  
18 and the meeting in which they were ultimately  
19 adopted?

20 A. And that's -- I don't know those dates. But  
21 it would be easy enough to determine. It is --  
22 they either -- they either were or they weren't.  
23 And I just...

24 Q. So there was no public hearing on these  
25 proposed maps, correct?

1 A. Other than those I've just described, and  
2 what I believe -- I don't know what a public -- if  
3 there's a definition of public hearing, that I  
4 don't know of. But...

5 Q. So you reviewed --

6 A. Social media, in 2021 -- excuse me, in --  
7 was -- is far more public than it was in 2011. So,  
8 I felt like it was sufficient, as public notice and  
9 comment period.

10 Q. So -- excuse me.

11 Did anyone report to you how many comments  
12 were coming in favor of Map 1 or in favor of Map 2,  
13 or against both of the maps?

14 A. I don't remember. But I seem to recollect  
15 that they -- the majority were for Map 2.

16 Q. And you said you reviewed some comments that  
17 came in through the portal, correct?

18 A. Yeah. But -- but I can't tell what they  
19 were, or what -- I mean, it was not like for a  
20 specific reason. I was just looking at --

21 Q. But --

22 A. -- to see what some of the comments were  
23 like.

24 Q. So you would just grab a -- a random stack  
25 to get a sense of what was going on?

1 A. That's it.

2 Q. What was the purpose of this public comments  
3 portal, if not for the commissioners to personally  
4 review the public comments?

5 A. I believe that's what it was for, was for --

6 Q. But you didn't review them?

7 A. I -- I -- other than what I have described  
8 it, yes, I did.

9 Q. Did Judge Henry, or other members of his  
10 staff, expect -- express -- express a preference  
11 for either map before the special session?

12 A. Yes.

13 Q. Which map did they prefer?

14 A. Judge Henry. And I mean, he -- when he  
15 posted them -- he posted them, and then I think he  
16 went on his Facebook page and per -- what's the  
17 word; not promoted it, what's the word -- stated it  
18 was the map of his choice.

19 He -- he went -- the paper -- the paper  
20 published an article. And it stated, in -- in the  
21 Galveston Daily News article, that he was -- he was  
22 going to support Map 2.

23 Q. Did he tell you why he -- excuse me.

24 Did he state why he supported Map 2?

25 A. At the meeting, at the adoption, after all



1 of the comments and questions and concerns of the  
2 people were finished, he referenced -- as I recall,  
3 he referenced the comments, and made a motion to  
4 adopt Map 2.

5 So I think I answered your question, did he  
6 tell us why. It was based on the comments, and the  
7 Gulf Coast district that he liked.

8 Q. Either map would have a Gulf Coast district,  
9 though --

10 A. That's true.

11 Q. -- correct?

12 A. No.

13 Q. Oh. Of course. Thank you.

14 Did anyone try to convince you to support  
15 Map 2?

16 A. No. I -- I made my own decision.

17 Q. Why did you ultimately vote for Map 2?

18 A. Because I believed it was the best map to  
19 equalize the population. And it created the  
20 coastal district, which allowed one commissioner to  
21 have the entire Gulf Coast district to deal with  
22 coastal issues, coastal agencies. And that was my  
23 governing -- governing drive.

24 Q. When considering these two maps, did you  
25 consider the political -- the safety of your

1 |     precinct seat?

2 |     A. Safety?

3 |     Q. Were you concerned, at all, about your  
4 |     precinct becoming less Republican?

5 |     A. No, I did not worry about that.

6 |     Q. Was that a fact -- was the partisanship a  
7 |     factor in your evaluation of these maps?

8 |     A. Not at all.

9 |             Q. Did you visit Bolivar to promote the  
10 |            proposed maps, or to discuss the proposed maps?

11 |            A. I did not. No. I'm just trying to think  
12 |            back to the chamber. The chamber -- I believe the  
13 |            Bolivar chamber posted them on their website. But  
14 |            there was no opinions of mine, or anyone else's, as  
15 |            to which -- which map.

16 |                     MS. VALL-LLOBERA: Let's introduce  
17 |            Tab 24, to refresh Mr. Apffel's -- excuse me,  
18 |            Mr. Apffel's memory.

19 |                     MR. RUSSO: Objection to sidebar.  
20 |                     I'm kidding. I saw your fingers off  
21 |            the thing.

22 |                     MS. VALL-LLOBERA: This is going to  
23 |            be Apffel Exhibit 19.

24 |                     (Exhibit 19 is marked.)

25 |            Q. (BY MS. VALL-LLOBERA) So,

1 Commissioner Apffel, this is a printout from a  
2 website, Crystal Beach local news. It describes  
3 the Bolivar Chamber of Commerce annual meeting in  
4 2021.

5 Do you recognize this article?

6 A. I do.

7 Q. Have you seen it before?

8 A. Possibly.

9 Q. Do you recall attending this meeting?

10 A. I do.

11 Q. Did it take place at Bolivar?

12 A. It did.

13 Q. But --

14 A. Jose's Cantina, in the back room.

15 Q. The article references a presentation by you  
16 on the proposed maps, and notes that you would not  
17 represent Bolivar under either map.

18 Do you recall this presentation?

19 A. It -- it wasn't a presentation. It was --  
20 I'm trying to think what the meeting -- what the  
21 meeting was about, looking up top.

22 Oh, it did. So they asked me to come: The  
23 meeting agenda included a year-end review of the  
24 chamber and a presentation from Commissioner Apffel  
25 about the announced redistricting of the county

1 precincts.

2 That's correct.

3 Q. What -- what do you recall about your  
4 presentation?

5 A. Well, much like it says, I wasn't promoting  
6 one or the other. I was telling them that either  
7 one, I was no longer going to be their  
8 commissioner. And I think I even said -- yes: I  
9 vow to work closely with the new commissioner to  
10 help him understand the issues.

11 So I -- one would have been Stephen Holmes,  
12 and one would have been Joe Giusti. And I wasn't  
13 selecting for the people. I was saying I will --  
14 they will be great, and I will work with them  
15 closely for a smooth transition.

16 Q. How did people at this meeting react to the  
17 fact that you wouldn't represent Bolivar under  
18 either map?

19 A. They were sad.

20 Q. Did others at this -- excuse me.

21 Did people at that meeting express a desire  
22 for a coastal precinct?

23 A. They liked the idea very much. It --  
24 Bolivar, more than anywhere, needed this district  
25 to be like this.

1           And like I said, it was ingenious. It just  
2 kind of developed. It -- no one even thought about  
3 it. The judge thought about it when it happen --  
4 when he saw a map of it.

5           And from -- from the beach access dune  
6 protection plan, where you have from zero to  
7 25 feet of protection by the GLO, and you have  
8 25 feet to 200 feet of protection by the GLO, and  
9 you have 200 feet to a thousand feet protection by  
10 the GLO, all that protection is different.

11           But it's the same for the guys and gals in  
12 Galveston, from that -- the -- the -- the beach  
13 access dune protection, to beach raking.

14           We have sargassum, which is commonly known  
15 as seaweed, that comes in. And we have to -- to  
16 rake our beaches.

17           The beach raking, Galveston had the proper  
18 Corps of Engineers permit to rake the beaches, to  
19 protect the sea turtles, and all of the different  
20 birds. And we, Galveston County, did not.

21           And we -- we applied for that permit, and it  
22 took five years, and we just are getting it, I'm  
23 proud to say.

24           But -- so from beach raking, dune  
25 protection, it just goes on and on, the types of

1 issues that were so identical that it made total  
2 sense for the people of Bolivar.

3 Because they always felt slighted over  
4 there, it's just people's -- it's just human  
5 nature. And it was like, why does Galveston have  
6 this and we don't? Why does Galveston have this  
7 and we don't?

8 So it -- they all believed -- this is a long  
9 answer to, they all believed that it was very  
10 important, that they liked the idea.

11 Q. Earlier in this deposition, you said that  
12 you took pride in making the Commissioners Court  
13 cohesive, once you joined in 2016.

14 A. Uh-huh.

15 Q. Did you feel that the commissioners could  
16 not represent these interests, when Galveston and  
17 Bolivar were represented by different  
18 commissioners?

19 A. Well, no, because then we did. I did for  
20 six years. So, it could be done. It has been  
21 done. It wasn't that it -- that's not the type of  
22 cohesiveness I was talking about.

23 I mean, as far as I know, the Court  
24 supported Ryan Dennard, my predecessor, for  
25 anything he needed for the Bolivar Peninsula while

1 he was in office. And they certainly did the same  
2 for me.

3 So, that -- that's not what -- the  
4 cohesiveness I was referring to. The -- so I think  
5 your question was --

6 Q. Wouldn't it be helpful to the people of the  
7 Bolivar Peninsula to have more commissioners who  
8 care about the same issues, because it affects  
9 their constituents as well?

10 A. No, that's -- for all the reasons I've  
11 previously stated, it was a brilliant idea, because  
12 of the community interest of those that live along  
13 the -- the coast.

14 We -- our whole county is a coastal county.  
15 But those who live along the exact coast have very  
16 interesting issues.

17 Q. And so, you cared about the -- the -- you  
18 know, the unique needs of -- the community  
19 interests of these group of people who lived on  
20 Bolivar and Galveston Island?

21 A. Correct, the whole coastline.

22 Q. But you --

23 A. Go ahead.

24 Q. But you didn't factor in the community  
25 interests of other -- other constituents that lived

1 | in Galveston County, such as African-Americans or  
2 | Latino?

3 | A. Is that the type of community interest  
4 | you're referring to? I -- I -- those -- they don't  
5 | have the community -- they don't have the same  
6 | interest where we're talking about right now.

7 | Q. So -- so, if I understand your testimony  
8 | correctly, you're saying that it was important that  
9 | there be a commissioner that represents the -- this  
10 | coastal community interest, right? The --

11 | A. Correct.

12 | Q. And so, is it important for there to be a  
13 | commissioner that represents the community  
14 | interests of different populations, such as  
15 | minority voters?

16 | A. Sure. But -- and I actually ended up with  
17 | one of the voting precincts of what was  
18 | Commissioner Holmes before.

19 | And I certainly know that I can protect  
20 | and -- and -- those -- those minorities com --  
21 | community interests, whatever they may be. If  
22 | we're just talking in general terms, if that's what  
23 | community interest means.

24 | Q. And what are the community interests of  
25 | the -- the African-American and Hispanic voters



1 | that are in your precinct?

2 | A. The juvenile justice system. The -- taking  
3 | care of the children. The -- the truancy laws for  
4 | the children of those districts.

5 | I would say that the -- that the -- the  
6 | truancy rate is higher in those -- in those areas,  
7 | than they are in other areas.

8 | But as far as roads and bridges, drainage,  
9 | parks, taxes, law enforcement, their interests are  
10 | the same.

11 | MS. VALL-LLOBERA: Okay. I would  
12 | like to introduce Tab 25 as the next exhibit.

13 | Here, Counsel.

14 | MR. RUSSO: Thank you.

15 | MS. VALL-LLOBERA: And this is going  
16 | to be Exhibit 20, Apffel Exhibit 20.

17 | (Exhibit 20 is marked.)

18 | Q. (BY MS. VALL-LLOBERA) So, Commissioner,  
19 | this is a November 1, 2021, e-mail thread between  
20 | you and Brenda Flanagan.

21 | Who -- did I describe that correctly?

22 | A. Yes, Brenda Flanagan, a very good friend and  
23 | constituent on the Bolivar Peninsula.

24 | Q. Okay.

25 | A. And the chamber president.

1 Q. Do you recognize this e-mail?

2 A. I do.

3 Q. Did -- let's see. So in this e-mail, she  
4 asks who the commissioner would be on Map 1 and  
5 Map 2.

6 And you explained to her that, quote, It  
7 would be Stephen Holmes -- excuse me: On Map 1, it  
8 would be Stephen Holmes, but on Map 2, it would be  
9 Joe Giusti.

10 I read that correctly?

11 A. Yes, ma'am.

12 Q. You also state, quote, The judge is for a  
13 unified Gulf Coast district. So I guess he will be  
14 pushing the Map 2, close quote.

15 Is that right?

16 A. Uh-huh, yes.

17 Q. Did she respond to this e-mail, or did you  
18 have further communications with her about  
19 redistricting?

20 A. No, I didn't. I mean, other than -- I was  
21 trying to see the date of this meeting, if this was  
22 before this, or this was before this (indicating).

23 And this meeting doesn't say when it was.  
24 So if this meeting came after this, I had further  
25 communication with her.

1           If this meeting came before, then I didn't.

2                   MR. RUSSO: And for the record,  
3 you're referring to the meeting referenced in  
4 Apffel 19.

5                   THE WITNESS: The town hall, yes,  
6 that's correct, in Apffel 19.

7           Q. (BY MS. VALL-LLOBERA) She also asked if  
8 there would be a workshop on the redistricting.  
9 But you didn't respond to that in your e-mail to  
10 her.

11                   Do you recall why you didn't answer that  
12 question?

13           A. I don't. On that point, it would be -- will  
14 there be one -- I guess, no, I missed that...

15           Q. And the -- to save you the trouble, the  
16 chamber of commerce -- that meeting we just  
17 referred to from Exhibit 19, that took place on  
18 November 10th or 11th. So after this e-mail  
19 thread.

20           A. Okay. So then I did have further contact  
21 with her, because she was at this meeting. That's  
22 her sitting in the middle, with her back to us.

23           Q. Did you discuss Ms. Flanagan's request  
24 regarding a workshop with anybody?

25           A. No.

1 Q. I'd like to show you another constituent  
2 comment.

3 MS. VALL-LLOBERA: This is going to  
4 be Tab 26. This is going to be Apffel Exhibit 21.

5 (Exhibit 21 is marked.)

6 Q. (BY MS. VALL-LLOBERA) This is a public  
7 comment, dated November 8, 2021. It shows kind in  
8 the middle of the page that the name of the person  
9 submitting it Kim L. Kitchen.

10 Does that sound correct? Does that look  
11 correct to you?

12 A. Yeah. Can we come back on another day for  
13 seven hours of testimony for that, regarding that?  
14 But anyway...

15 Q. With your counsel's permission.

16 Could you read the comment for the record?

17 A. You have got to be kidding. You talk about  
18 a blatant gerrymander to seal Darrell Apffel's  
19 seat. What streets are now part of Darrell's and  
20 Stephen Holmes? You paid this guy well, Mark. I'm  
21 sure your new besti. Darrell appreciates all your  
22 help and your buddy who drew out the maps.

23 Q. Who is Kim Kitchen?

24 A. Who is Kim Kitchen? So, Kim Kitchen is the  
25 worst enemy in my life. She -- when I ran for

1 office, the Rollover Pass was a subject of  
2 contention. That was an inlet between the Gulf of  
3 Mexico, and the bay -- the bay of -- East Bay,  
4 Galveston.

5 It was an open body of water. It was a  
6 recreational area that people used. And the State  
7 and the GLO decided they were going to close the  
8 pass, because -- we referred to it as, the pass.

9 The Commissioners Court had to -- I'm sorry,  
10 the State had to use eminent domain to take some  
11 people's property, and -- and had a interlocal  
12 agreement with the County of Galveston to assist in  
13 the contract of closing the pass. This is in 2013,  
14 '14.

15 Kim Kitchen was a -- an opponent of closing  
16 the pass.

17 All of that that I just described to you  
18 took place by vote of the Commissioners Court  
19 before I started running for office in 2015.

20 In 2015, she approached me about my position  
21 with regard to the pass. I told her that all of --  
22 it's all done, and there's no turning it back.

23 But there was lawsuits, there was appeals,  
24 of -- all over the closure of the pass. Those all  
25 ultimately have been dismissed by the District

1 Courts or the Supreme Court, depending on where it  
2 went.

3 Kim Kitchen decided, after I was elected,  
4 that I was not doing enough, and thought that the  
5 campaign promise I made was I was going to reverse  
6 all of that, that had taken place before my term.  
7 And so, she became a very mad person at me.

8 And if you just go to her Facebook page, you  
9 could find tons.

10 In the meantime, as I used to drive her to  
11 and from Bolivar Peninsula, with my wife, giving  
12 her a ride, she got a car. She was doing great.  
13 She had a car accident.

14 And I made the mistake of, no good deed goes  
15 unpublished, attempting to represent her in  
16 connection with that accident.

17 Q. I see. And to be clear, she was a  
18 constituent of yours, right?

19 A. No.

20 Q. She -- she did not live in your precinct?

21 A. No.

22 Q. Okay. Did --

23 A. That I recall. No, she -- she -- yeah, she  
24 must have, because I'll get there, or -- or ended  
25 up in the precinct.

1           So, the only bad review that Apffel Legal  
2 Law Firm has had in 35 years of doing business was  
3 from Kim Kitchen, because the -- the -- her  
4 personal injury case was taking longer than she  
5 thought it should, and so she terminated me.

6           Q. I see.

7           A. I tried to help her in a lawsuit, and she  
8 didn't believe that I did the right thing with  
9 regard to the Rollover Pass. And she has been on  
10 my case ever since.

11           Also, right at this time, she filed to run  
12 against me, in my reelection, which would have been  
13 in December of '20 -- of '19. December of '19, she  
14 filed to run against me for the primary in March of  
15 '20.

16           Q. So she filed as a Republican?

17           A. And she filed as a Republican.

18           Q. Okay.

19           A. But she did it with no filing fee and with  
20 signatures. And her signatures go to the county  
21 judge for certification.

22           The county judge removed himself and had  
23 Cheryl Johnson, the registrar, check the  
24 signatures. And they were not enough.

25           And so she didn't get on the ballot, so more

1 gas on the fire. So, anyway, only person that I  
2 know of that doesn't like me.

3 Q. I -- I -- I think I have heard enough about  
4 Kim Kitchen for one deposition.

5 Is this the first time you've seen this  
6 public comment?

7 A. No, I've seen it.

8 Q. Did somebody give you this?

9 A. I don't remember.

10 Q. Do -- you don't recall how you got -- how  
11 you -- who gave you the version of this that you  
12 read, previously --

13 A. I want to say probably it was in that stack,  
14 or came from the judge's office who was monitoring  
15 them, and they told me.

16 But this one clearly went out the window and  
17 in the trash, because it was just very biased.

18 MS. VALL-LLOBERA: Okay. I would  
19 like to introduce Tab 27 as the next exhibit. I  
20 think I referred to this one earlier today. This  
21 is going to be Apffel Exhibit 22.

22 (Exhibit 22 is marked.)

23 Q. (BY MS. VALL-LLOBERA) This is an e-mail  
24 from Leslie Clift, to Judge Henry and the  
25 commissioners, regarding the redistricting maps.



1 And it's dated November 10th.

2 A. Correct.

3 Q. Have you seen this before?

4 A. Yes. And that's how I knew I had seen the  
5 League of Women Voters letter because I thought it  
6 was interesting that she was taking the exact same  
7 letter, updating it, and changing the signature.

8 And so, it appeared to be -- then it really  
9 made me think, okay, this is a setup.

10 Q. What do you mean by a setup?

11 A. As if the -- these -- someone didn't like  
12 the way that we were doing it and was going to put  
13 self-serving documents out there to later come back  
14 and use.

15 Q. What do you mean by, self-serving documents?

16 A. Well, back to what I told you. Your opinion  
17 is that all of these things needed to be done. My  
18 opinion is that we hired the people to do the -- do  
19 it within -- within the bounds of law, and -- and  
20 in the spirit of the law. And so, we did that.

21 And so, this is one opinion of how it should  
22 be done, versus the way that we did it.

23 Q. Would you --

24 A. But I don't know Leslie Clift.

25 Q. What do you think the spirit of the law is?

1 A. For the tenth time, respectfully, equalizing  
2 the population within a 10 percent margin  
3 differential, and -- and redrawing the lines  
4 accordingly.

5 Q. And you said you didn't know who Leslie  
6 Clift is, correct?

7 A. I may. But at this moment, I can't place  
8 her. And I didn't recall her then, either.

9 MS. VALL-LLOBERA: I would like to  
10 introduce the next exhibit, which is Tab 28. This  
11 is Apffel Exhibit 23.

12 (Exhibit 23 is marked.)

13 MS. VALL-LLOBERA: Here.

14 MR. RUSSO: Thank you.

15 Q. (BY MS. VALL-LLOBERA) This is your response  
16 to Leslie Clift, copying --

17 A. Yes.

18 Q. -- the judge and commissioners.

19 You write to her, quote, Thank you. I think  
20 you're a bit confused. I would be happy to discuss  
21 with you on phone.

22 Did I read that correctly?

23 A. Correct. I respond to everybody. I do not  
24 let any e-mail go unresponded. Except, I think did  
25 on this one.

1 I -- this was a group. When it's a  
2 constituent, I specifically -- but it was too  
3 much to try to -- I felt like she had this all  
4 messed up, and so I offered for her to call me, but  
5 she didn't.

6 Q. Did she you respond to this e-mail?

7 A. Not that I'm aware of.

8 Q. Did you have any more communications with  
9 Ms. Clift?

10 A. She didn't call me.

11 Q. So you didn't have any more communications  
12 with her?

13 A. No.

14 Q. In this e-mail, you describe her as a bit  
15 confused.

16 Can you elaborate on why you described her  
17 as a bit confused?

18 A. Because she was saying, I don't want Bolivar  
19 in Precinct 3. And then she was saying, if only  
20 provided two options, I support Map 1, which keeps  
21 Holmes.

22 So, I felt like she was, on the one hand,  
23 saying she didn't want Holmes as her commissioner.  
24 On the other hand, she was saying she wanted to  
25 keep Holmes.

1           So that was my -- why I thought she was  
2 confused.

3           Q. You mentioned you responded to all  
4 constituent e-mails, correct?

5           A. Correct.

6           Q. Did you respond to all the constituent  
7 messages that came in through the portal for the  
8 constituents that lived in your precinct?

9           A. No, I did not.

10          Q. Why not?

11          A. Because it wasn't set up for commenting. It  
12 was set up for those people to tell us.

13          Q. I want to shift gears to the November 12,  
14 2021, special meeting.

15                 Do you recall the -- this meeting?

16          A. Yes.

17          Q. Generally, who sets the agenda for  
18 Commissioners Court's meetings?

19          A. The judge drafts the agenda, and anyone who  
20 needs an item put on the agenda can -- has to have  
21 it sponsored by one of the commissioners.

22          Q. Does the judge ask the commissioners for --  
23 whether they want to add anything to the agenda?

24          A. It's -- no. It's assumed, week in and week  
25 out, if you want -- you're welcome to present

1 anything to his office to be on the agenda.

2 Q. Do you generally see a draft agenda  
3 circulated before it's published on the county  
4 website?

5 A. 72 hours in advance.

6 Q. Do -- do the commissioners view a draft of  
7 that agenda before it's put on the website --

8 A. No.

9 Q. -- or all at the same time?

10 A. All at the same time. And it's all put on  
11 the consent agenda. But each meeting, before the  
12 meeting, we can pull anything we want pulled, to --  
13 to -- to make an action item.

14 Q. Let me try to understand the process.

15 So 72 hours before the meeting, the agenda  
16 is posted on the website with consent agenda items.

17 Is that correct?

18 A. And some action items, sometimes.

19 Q. Okay.

20 A. Yeah, sometimes there's action items, for  
21 whatever reason. But most everything goes on a  
22 consent agenda for expediency, with the  
23 understanding any commissioner can say, I want to  
24 pull that and talk about it, because I have  
25 questions or concerns or comments.

1 Q. And you can do that even before it's been  
2 posted on the agenda as a consent item?

3 A. It's done as -- yes, it's done the morning  
4 of. The judge says -- yes, when he makes the  
5 motion for the consent items, with the exception of  
6 blank, No. 1, 10, 11, 12, have been pulled. And  
7 then we -- those goes immediately to action items.

8 Q. So did Judge Henry decide to schedule the  
9 special meeting to discuss redistricting?

10 A. I mean, he always -- they keep up with the  
11 timelines. And, yes, they...

12 Q. To your knowledge, why was only one meeting  
13 scheduled to discuss redistricting?

14 A. What do you mean? I don't -- I don't -- I  
15 mean, that -- that goes -- that's your -- that goes  
16 back to -- that -- I don't know what you're saying.

17 I mean, are you -- are you referring to,  
18 like, public hearings again? Or are you...

19 Q. So, earlier we talked about the public  
20 hearings they held in 2011. In 2011, they also  
21 discussed redistricting at Commissioners Court  
22 meetings.

23 And so my -- my question to you here is, why  
24 was only one meeting scheduled, on which 2021  
25 redistricting was on -- on the agenda?

1 A. Okay. So, to go back, like we've talked  
2 about already, I considered the social media  
3 posting and the comment period the pub -- the  
4 public hearings that you're referring to.

5 I consider the -- the action to approve a  
6 map a public hearing as well. But that was  
7 necessitated by the fact that we had to meet and  
8 vote on a map.

9 So why was only one, because we needed to  
10 vote and -- we needed to meet and vote on a map.

11 And of course, we knew it would be a public  
12 hearing at that same time.

13 Q. So you mentioned social media posting.

14 Was there a different way that you were  
15 getting constituent responses, other than the  
16 portal --

17 A. I don't --

18 Q. -- Facebook comments or Facebook posts?

19 A. No. I know that -- Galveston County has a  
20 Web page and a Facebook page. I believe that the  
21 portal was set up through the Web page. But -- and  
22 I -- I believe they were posted on the Galveston  
23 County Facebook page, too. But I'm -- I don't  
24 recall.

25 Q. And did you post on social media about the

1 maps?

2 A. No, I didn't. I -- I felt like I did, but

3 I -- I looked and I don't see it.

4 Q. Were you in any private Facebook groups that  
5 discussed the maps?

6 A. No.

7 Q. Or any other private online organizations?

8 A. No.

9 Q. Did you promote this meeting to your  
10 constituents?

11 A. No -- no more than the normal notice process  
12 that we -- that the county uses.

13 Q. So, other than the county posting the  
14 meeting -- the notice of a meeting before --  
15 beforehand, you didn't take any steps to promote  
16 it? You didn't post about it on Facebook or send  
17 any e-mail blasts to your constituents, anything  
18 like that?

19 A. None of those things you've just mentioned.  
20 But I consider all the things that I did, that  
21 you've pointed out, as promoting a meeting about  
22 maps.

23 Q. Were you aware that Judge Henry initially  
24 planned for the meeting to be on November 9, 2021?

25 A. I don't recall that.



1 Q. Did you -- let me -- let me restate that.

2 And you said you didn't see any drafts of  
3 the agenda before it was published, correct?

4 A. Correct. I never do. And when it's  
5 published on the website, it's also sent to each  
6 commissioner, as, here's the agenda.

7 MS. VALL-LLOBERA: I would like to  
8 introduce Tab 31. I have about three more  
9 exhibits, and then we'll take a break. Thank you.  
10 This is going to be Apffel Exhibit 24.

11 (Exhibit 24 is marked.)

12 MR. RUSSO: Thank you.

13 Q. (BY MS. VALL-LLOBERA) This is a  
14 November 10, 2021, e-mail, that contains the final  
15 agenda attached to it.

16 Is that accurate?

17 A. Yes.

18 Q. Okay. So turning to the agenda itself,  
19 which is page 3 of the exhibit, this meeting was  
20 scheduled for 1:30 p.m.

21 Is that correct?

22 A. Yes.

23 Q. Is it -- is it routine to have meetings  
24 during normal business hours?

25 A. Of course.

1 Q. Are all --

2 A. Yes.

3 Q. -- meetings during normal business hours?

4 A. All of them.

5 Q. The regular and the special meetings?

6 A. 9:30, at regulars. And 1:30 to 3:30 on

7 specials.

8 Q. Isn't it hard for people with day jobs to

9 attend meetings?

10 MR. RUSSO: Objection; speculation.

11 A. I -- I mean, I don't know. I mean, the --

12 they're -- they're posted online, and -- and

13 they're available to watch.

14 Q. (BY MS. VALL-LLOBERA) Are Commissioners

15 Court meetings well attended, generally?

16 A. No.

17 Q. So, with reference to the meeting itself, on

18 November 12th, did you expect so many people to

19 attend?

20 A. I'm going to have to say I didn't.

21 Q. So you were surprised at the number of

22 people that appear --

23 A. Yes.

24 Q. -- that were there?

25 What was your reaction to seeing so many

1 | people at the meeting that they couldn't fit in the  
2 | meeting room?

3 | A. Well, I didn't -- I didn't contemplate that,  
4 | or -- realize that, until after it -- when it  
5 | became a complaint.

6 | Q. But you did notice that the meeting room was  
7 | full, correct?

8 | A. Oh, yes. But I'm saying I didn't know there  
9 | was a complaint that people were outside. Of  
10 | course, I knew, after those spoke, then some had to  
11 | come in to speak. But...

12 | Q. Do you recall what any of the people  
13 | testifying said?

14 | A. Mostly --

15 | MR. RUSSO: They testified?

16 | MS. VALL-LLOBERA: Excuse me.

17 | MR. RUSSO: I didn't know. I --  
18 | they don't swear people in, do you?

19 | THE WITNESS: No.

20 | MR. RUSSO: I didn't think so.

21 | Q. (BY MS. VALL-LLOBERA) During the public  
22 | comment portion of the meeting, do you recall what  
23 | people generally stated?

24 | A. What a great guy that Commissioner Holmes  
25 | was, is, has been, will be, and that they hated

1 that he was a victim of the new population.

2 Q. Do you recall -- let me rephrase.

3 Can you explain what you mean by victim of  
4 the new population?

5 A. Meaning, based on the redrawing of the lines  
6 to equalize the population, it was clear that he  
7 was not going to be able to maintain a Democratic  
8 seat.

9 Q. Did you think he would not be able to win  
10 under Map 1?

11 A. I think he can win under either map, just  
12 like I did.

13 Q. Can you elaborate on that?

14 A. As I previously told you, the people are who  
15 elect you -- and remember my analysis three hours  
16 ago, about Texas City bringing me.

17 So, while you have a large number of what  
18 I'll call straight Republican voters that live in  
19 the north county, there are the people that have an  
20 option of, regardless of party affiliation, going  
21 and voting for you, to be their representative.

22 Q. One moment. So you don't think party  
23 affiliation matters for commissioners?

24 Let me rephrase that.

25 You don't think a commissioner's party

1 affiliation affects their policy positions?

2 A. Okay. I'm not sure I'm understanding your  
3 question.

4 I think Stephen Holmes -- affects their  
5 pol -- you're talking about -- I don't know. You  
6 got -- you got to be a little -- a little more  
7 detailed.

8 Q. You stated that you thought  
9 Commissioner Holmes could win by using the same  
10 method you did, by switching party affiliation.

11 Did -- did I understand that correctly?

12 A. Yes.

13 Q. So, is it the case that you don't think it  
14 matters how many Republicans or Democrats are in  
15 any -- any particular precinct?

16 A. Well, sure, if you -- if you could  
17 gerrymander up a Democratic precinct, that would be  
18 lovely. But that's not what we're supposed to do.  
19 We're supposed to divide the -- the population  
20 equally.

21 And it's no one's fault that Galveston  
22 County is now a -- very Republican. It just is a  
23 nature of the -- the world's politics. So -- but  
24 in light of that, I still believe the people pick  
25 the person.

1 Q. And so, you don't think -- am I  
2 understanding correctly that you would oppose  
3 gerrymandering for either Democrats or Republicans?

4 A. Absolutely.

5 Q. Okay. Returning to the November 12, 2021,  
6 meeting, and specifically the folks that spoke at  
7 the meeting, did any of the people speaking at the  
8 meeting express opposition to eliminating the only  
9 majority African-American -- excuse me, the only  
10 majority non-Anglo commissioners precinct?

11 A. One more time.

12 MR. RUSSO: Okay. Can you -- yeah,  
13 if you want to state your question again. I lost  
14 it.

15 Q. (BY MS. VALL-LLOBERA) Yeah. Did any -- any  
16 of the people speaking at the meeting express  
17 opposition to eliminating the only majority  
18 minority commissioners precinct?

19 A. Absolutely. I think they said -- thought  
20 that what we were doing was based on minorities.

21 Q. Did any of them express concerns that the  
22 map violated the Voting Rights Act?

23 A. None of them went into that detail, that I  
24 recall.

25 Q. Do you think this meeting, which occurred

1 | one day before the deadline to adopt the new maps,  
2 | provided a meaningful opportunity to consider  
3 | constituents' feedback?

4 | A. Absolutely.

5 | Q. Was there an opportunity for you and the  
6 | judge and the -- for the Commissioners Court to  
7 | reconsider the maps, based on the comments at the  
8 | hearing?

9 | A. No.

10 | Q. Do you recall Commissioner Holmes brought  
11 | two map proposals with him to the meeting?

12 | A. Well, now that you mention, maybe. Yes, I  
13 | seem to recall, but I can't recall what they looked  
14 | like.

15 | Q. Did you see them in the moment?

16 | A. Yes. He -- he put them up there and talked  
17 | about them, I believe.

18 | Q. Did you have an opportunity to consider  
19 | those map proposals that Commissioner Holmes  
20 | brought?

21 | A. Absolutely.

22 | Q. Do you recall Judge Henry saying, quote, We  
23 | don't have time. We must adopt a map by tomorrow,  
24 | according to Secretary of State, close quote?

25 | A. I don't recall it, but that was certainly a

1 fact.

2 Q. And you were all aware of the -- the  
3 deadline, correct? Is that right?

4 A. Yes. Hence, the special meeting.

5 MS. VALL-LLOBERA: I would like to  
6 introduce Tab 5 as the next exhibit. This is going  
7 to be Apffel Exhibit 25.

8 (Exhibit 25 is marked.)

9 Q. (BY MS. VALL-LLOBERA) So this cover page is  
10 just showing that this was a scanned document.

11 A. Okay.

12 Q. If you turn to the second page, here is the  
13 order establishing new Commissioner precinct  
14 boundaries.

15 Do you recognize this?

16 A. Yes.

17 Q. So who moves to adopt the map?

18 A. Judge Henry.

19 Q. And did you second?

20 A. I did.

21 Q. Why did you support Map proposal 2, over Map  
22 proposal 1?

23 A. Because of the Gulf Coast district.

24 Q. Returning once more to the public comment --  
25 excuse me, the statements made during the public



1 comment period of the meeting, did it give you --  
2 did it give you pause, at all, to consider the  
3 feedback that the maps would eliminate the only  
4 majority minority precinct?

5 A. I like Stephen Holmes as a commissioner, and  
6 as a person. And I think he's a wonderful man.  
7 Quite frankly, I wasn't sure how we could do what  
8 you-all are saying we didn't do without flipping it  
9 and gerrymandering it for him. And so --

10 Q. Had --

11 A. -- I didn't see any way to make it any  
12 different.

13 Q. Had you considered the effect on map -- of  
14 Map 2, before people mentioned it during that  
15 meeting?

16 Let me --

17 A. I think you're talking about Stephen Holmes  
18 in particular.

19 Q. Yes.

20 A. And I considered Stephen Holmes, always.  
21 But I saw him as no different than me.

22 Q. Were you aware that -- before this meeting,  
23 were you aware that the proposed maps were going to  
24 make it -- were going to affect his ability to stay  
25 in his seat?

1 A. No. For all the reasons I've stated to you.

2 MS. VALL-LLOBERA: All right. Okay.

3 I think -- I have one -- I think one more exhibit,  
4 and then a pause.

5 Tab 48. So introducing Apffel  
6 Exhibit 26.

7 (Exhibit 26 is marked.)

8 Q. (BY MS. VALL-LLOBERA) This was a cover  
9 e-mail from December 2021. It was produced by the  
10 Department of Justice, and it contains, embedded in  
11 the e-mail, a news article.

12 Have you seen this e-mail before?

13 A. I've got to look. But...

14 (The witness peruses the document.)

15 A. It was in the Galveston News. So, of  
16 course, I read it.

17 Q. (BY MS. VALL-LLOBERA) And I would just like  
18 to turn your attention to a specific section, which  
19 is going to be on page -- one, two, three -- on  
20 page 4 of the exhibit, there is a heading that  
21 says, Coastal District, about halfway down the  
22 page.

23 A. Okay. Let me get there.

24 (The witness peruses the document.)

25 A. Okay.

1 Q. (BY MS. VALL-LLOBERA) So towards the end of  
2 this page, under the heading, Coastal District, it  
3 says: Apffel said he didn't spend much time before  
4 Friday's meeting analyzing data about changes the  
5 map made to the racial makeover -- makeup of  
6 precincts.

7 A. I think my testimony has been consistent  
8 with that.

9 Q. And you are quoted in this article as  
10 saying, quote, I saw it, but just for a second, end  
11 quote.

12 Did I read that correctly?

13 A. Nope, I'm lost. I'm looking for that. Oh,  
14 right here, yeah.

15 Q. Is that still your recollection of -- of  
16 seeing the -- the data about the changes the map  
17 made to the racial makeup of precincts?

18 A. Yes, it's still my testimony.

19 Q. Okay. Thank you.

20 A. I saw it, but just for a second. Is that --  
21 what are they talking about there, a map, or -- I  
22 don't know what -- are they talking about racial  
23 data? I don't know what -- but that --

24 Q. The line before it -- I can re-read it.

25 A. Yeah, I see it. I mean, I'm just confused

1 | on what it -- what that -- what they're talking

2 | about.

3 | So my recollection is I didn't look at that.

4 | But maybe that's saying I did. If I did, it was

5 | just for a second.

6 | (Voices en sotto.)

7 | MS. VALL-LLOBERA: I think this is a  
8 | good stopping point for us to have a ten-minute  
9 | break. And...

10 | THE VIDEOGRAPHER: Counsel, are you  
11 | in agreement?

12 | MR. RUSSO: Yeah. Are you looking  
13 | to pass, or what are you doing with ten minutes?

14 | MS. VALL-LLOBERA: I still have a  
15 | couple more sections before passing.

16 | MR. RUSSO: Okay. You need a break?

17 | THE WITNESS: I'll take a little  
18 | break. It can't hurt.

19 | MR. RUSSO: Okay. Sounds good.  
20 | Okay. Thank you.

21 | THE VIDEOGRAPHER: With agreement of  
22 | counsel, we're off the record at 1544.

23 | (Break.)

24 | THE VIDEOGRAPHER: Back on the  
25 | record at 1601.

1 MS. VALL-LLOBERA: Okay. I would  
2 like to introduce the next exhibit. So this is  
3 going to be Tab 46. This is going to be Apffel  
4 Exhibit 27.

5 (Exhibit 27 is marked.)

6 Q. (BY MS. VALL-LLOBERA) So...

7 (Voices en sotto.)

8 Q. (BY MS. VALL-LLOBERA) So, Exhibit 27 is an  
9 October 26, 2021, e-mail. And the subject line  
10 says, Galveston Work Products.

11 Specifically, if you -- if you go to --  
12 there is a placeholder in this document for an  
13 Excel. It's towards almost the end of the  
14 document, and it ends in 11286.

15 A. Okay.

16 Q. So there are various documents attached to  
17 this e-mail, but the one we're going to talk about  
18 is actually the -- just this Excel document that's  
19 called, Galveston Analysis.

20 A. Okay.

21 Q. And so, the Excel itself is going to be an  
22 exhibit that we introduce only via Exhibit Share,  
23 because --

24 A. Yeah.

25 Q. -- it's a native Excel.

1 MS. VALL-LLOBERA: So we would like  
2 to introduce Tab 49. So I would like to introduce  
3 this as Exhibit 27-A.

4 (Voices en sotto.)

5 (Exhibit 27-A is marked.)

6 (Voices en sotto.)

7 Q. (BY MS. VALL-LLOBERA) Okay. While that's  
8 coming up, earlier in the -- before we went on  
9 break, you said that -- I understood you correctly  
10 to say that you wouldn't agree with drawing  
11 gerrymander maps that favor Democrats or  
12 Republicans, right?

13 A. Right.

14 Q. And you don't believe the law firm that the  
15 county hired drew gerrymandered -- politically  
16 gerrymandered maps.

17 Is that correct?

18 A. What -- what maps are you talking about?

19 Q. The --

20 A. Just in general, or the -- the maps -- the  
21 map that we approved?

22 Q. Do -- do you believe that the law firm,  
23 these two proposed maps, do you believe -- excuse  
24 me.

25 Do you believe that the law firm that you --

1 that Mr. Oldham and his staff drew politically  
2 gerrymandered maps on purpose?

3 A. Are you -- again, if you're talking about  
4 our map that we approved, I don't believe was a  
5 gerrymandered map.

6 In fact, I'm saying just the opposite. In  
7 order to protect Stephen Holmes, it would have had  
8 to have been a gerrymandered map.

9 Q. Okay. Let me turn your attention to  
10 Exhibit 27-A. And in particular -- or your  
11 counsel -- in particular, I'm in the tab that is  
12 called, pop pivot.

13 And actually while it's in front of you, I  
14 should ask you first.

15 Do you recognize this Excel?

16 A. So far, no.

17 Q. Can you turn to the tab called, pop pivot?

18 A. Okay.

19 Q. And specifically, looking at the numbers  
20 here, so do you see that there is some color-coded  
21 shading towards the right side of this?

22 A. Yes.

23 Q. I'll represent to you that VAP, V-A-P,  
24 stands for voting age population. BNA -- BNH  
25 percentage VAP means black non-Hispanic VAP, and

1 HISP, H-I-S-P, VAP, means voting age -- excuse me,  
2 Hispanic voting age population.

3 A. Okay.

4 Q. M-I-N VAP means minority VAP, so the  
5 minority voting age population.

6 Can you look at the numbers in this section  
7 of the Excel?

8 MR. RUSSO: Yeah. I just want to  
9 lodge an objection here, the document speaks for  
10 itself.

11 But you can ask the witness whether  
12 he's seen it or knows what those columns mean.

13 Q. (BY MS. VALL-LLOBERA) Have you -- have you  
14 seen this before?

15 A. Not that I recall, but possibly. But go  
16 ahead. So -- because I'm not sure what we're doing  
17 here.

18 Q. So is this the -- is this the racial data  
19 that you referenced in the article that we looked  
20 at before the break?

21 A. I just don't know.

22 Q. Do these numbers correspond with the try --  
23 labeled original map -- original Map 1, Map 2?

24 A. I don't know. I just think you better ask  
25 Dale about all this.



1 Q. Do you see on the left side -- on the left  
2 side column, it says, original, and you scroll --  
3 in row 2. And if you scroll down, row 15 refers to  
4 Map 1. And if you keep going, row 28 refers to  
5 Map 2.

6 A. Okay.

7 Q. So focusing on the percentage of minimum  
8 VAP, do you -- do you see minority age  
9 population -- voting age population? Excuse me.

10 A. In Map 2?

11 Q. So, towards the top of the original, when  
12 we're looking at the percentage of minority VAP,  
13 which is Column I, do you see that shaded coloring?

14 A. Yes. But are we still at the bottom --

15 Q. Does that -- does --

16 A. -- or are we up at the top?

17 Q. We're around rows 3 through 8.

18 A. Okay.

19 Q. Do those percentages mean anything to you?

20 A. They do not.

21 Q. Do -- if we scroll down to Map 1, which is  
22 rows 15 through 21, same column, do those  
23 percentages mean anything to you?

24 A. No.

25 Q. If we scroll down to Map 2, which is rows 28

1 through 34, in the same column, do those  
2 percentages mean anything to you?

3 A. No.

4 Q. Okay. Thank you.

5 Moving on from -- moving on from that  
6 spreadsheet, you ran for reelection in 2020,  
7 correct?

8 A. I did.

9 Q. Was the 2020 election contested?

10 A. Mine?

11 Q. Yes, yours.

12 A. In the beginning, when Kim Kitchen filed,  
13 but didn't have enough signatures.

14 Q. So --

15 A. So...

16 Q. -- was anyone else on the ballot in the --

17 A. Challenging me?

18 Q. -- March --

19 A. No.

20 Q. Did anybody run against you in the general?

21 A. No.

22 Q. So although you won the election in 2020  
23 under the old map, you currently represent a  
24 different geographic area under the current maps,  
25 correct?

1 A. Yes.

2 Q. And Precinct 1 lost a large portion of  
3 League City, including near where you live, right?

4 A. Oh, yes.

5 Q. And Precinct 1 gained all of Texas City, or  
6 it now -- or Precinct 1 now has all of Texas City.

7 Is that correct?

8 A. Okay.

9 Q. So, to be clear, those new constituents  
10 within your precinct have not had the opportunity  
11 to vote for or against you, correct?

12 A. That's correct.

13 Q. How has your constituency changed under the  
14 new map?

15 A. It hasn't. I mean, different. Some -- some  
16 folks are different.

17 Q. Is it more or less Republican?

18 A. I don't know. I thought -- I don't know.

19 Q. Economically, how --

20 A. I don't --

21 Q. -- has that shifted?

22 A. I don't -- I don't know. I would be  
23 interested to see.

24 Q. What about the racial makeup of your -- of  
25 your precinct? Is that different, under the new

1 map?

2 A. I don't know.

3 MS. VALL-LLOBERA: I would like to  
4 introduce Tab 36, which is a copy of the prior map,  
5 and refer back to Exhibit 18, which is the proposed  
6 maps, so that we can compare those.

7 THE WITNESS: Okay.

8 MR. RUSSO: Thank you.

9 MS. VALL-LLOBERA: So this is  
10 exhibit Apffel -- Apffel Exhibit 28.

11 (Exhibit 28 is marked.)

12 A. Okay. So I'm looking -- trying to get 18,  
13 you said?

14 Q. (BY MS. VALL-LLOBERA) Correct. It looks  
15 like this (indicating).

16 A. Yeah. It took me a while to dig it out.  
17 Okay.

18 Q. So, this is an image of the previous  
19 Galveston commissioners precinct lines.

20 Does this look accurate to you?

21 A. Yes.

22 Q. Okay. Comparing Precinct 1 in the previous  
23 map, and Precinct 1 as it was adopted, there are --  
24 there are a few differences, correct?

25 A. Yeah. I don't -- I'm not seeing them here.

1 But yes, I know there are. I mean, I see --

2 Q. Specifically, towards the -- towards the  
3 lower part of -- towards the lower part of your  
4 precinct in the current map, you gained some  
5 geographic area.

6 A. Okay.

7 Q. Do you know what those areas are?

8 A. It's that area you previously referenced,  
9 south of 9th Avenue in Texas City.

10 Q. Are you familiar with this -- with this  
11 neighborhood, or this area?

12 A. Absolutely. My JP office was in that  
13 neighborhood and area for 13 years.

14 Q. Socioeconomically, is this an affluent area  
15 or lower class or lower income?

16 A. I would say lower income to middle class --  
17 yeah, to middle class.

18 Q. And is this a majority minority  
19 neighborhood?

20 A. I don't know what that means.

21 Q. Is -- are the residents in this area -- does  
22 this area contain a -- a large number of  
23 African-Americans and Hispanic residents?

24 MR. RUSSO: Objection; calls for  
25 speculation.

1           A. Yeah, I don't know. I -- I mean, I can --  
2           as I sit here and think, I don't think, oh, that's  
3           a black neighborhood, or that's a -- that's a  
4           Hispanic neighborhood. I don't think of it like  
5           that.

6           Q. (BY MS. VALL-LLOBERA) You don't think of  
7           this area that way?

8           A. No.

9           Q. And to be clear, on the record, you don't  
10          know what percentage of your constituency  
11          identifies as African-American or Hispanic,  
12          correct?

13          A. It doesn't matter to me, as a  
14          representative.

15          Q. And so you don't know --

16          A. No, I don't know.

17          Q. -- what those numbers are?

18                 Do you feel like you're in a better position  
19                 to represent your current constituency, than the  
20                 constituency under the prior map that included  
21                 Bolivar?

22          A. In a better position? I don't understand.

23          Q. Are you better able to represent the people  
24                 who you currently represent, than the people you  
25                 represented under the prior map, which included

1 Bolivar?

2 A. I don't -- I don't draw any distinction.

3 It's just different -- different set of people.

4 Q. Do you know Dorthea Jones, the city  
5 commission -- of the city commission of Texas City?

6 A. Absolutely.

7 Q. Have you met her before?

8 A. Oh, yes. Consider her a friend.

9 Q. Have you worked with her?

10 A. Absolutely.

11 Q. Could you give an example?

12 A. Where -- how I've worked with her?

13 I'm just trying to think. We -- we were  
14 redoing Texas Avenue. And I believe part of Texas  
15 Avenue was in her precinct. In the county bond,  
16 that we identified that road with her, and for her,  
17 and -- for the -- the reconstruction of that --  
18 that roadway.

19 Q. This was under the current maps or -- you  
20 know, the time -- in terms of time frame, was that  
21 recent?

22 A. That would have been probably at or about  
23 the time of my reelection, which was -- and at or  
24 about the time of the -- the redrawing of the maps.

25 Q. Have you done any outreach specific to the

1 | new areas within your precinct, to -- to get to

2 | know those new constituents?

3 | A. I know those people. They know me.

4 | Q. So --

5 | A. Very well.

6 | Q. So you haven't done any specific outreach?

7 | A. No.

8 | Q. Have you -- I'll rephrase.

9 | When is your term up?

10 | A. December of '25.

11 | Q. Do you plan to seek reelection?

12 | A. In March of '24, yes.

13 | Q. Do you anticipate a primary challenger?

14 | A. I hope not.

15 | Q. A Democratic challenger?

16 | A. I don't know.

17 | Q. Have you had a Democrat -- a Democrat

18 | challenger as commissioner, in any of your races?

19 | A. No.

20 | MS. VALL-LLOBERA: I would like to

21 | introduce Tab 42. So Tab 42 is being introduced as

22 | Apffel Exhibit 29.

23 | (Exhibit 29 is marked.)

24 | Q. (BY MS. VALL-LLOBERA) This is a screen

25 | shot.



1 Does it -- does this appear to be a post  
2 from what was your Twitter account?

3 A. I don't know -- I didn't know I had a  
4 Twitter account.

5 Q. So you don't recall having a Twitter account  
6 at all?

7 A. No.

8 Q. Are you saying somebody impersonated you on  
9 Twitter?

10 A. Oh, no, no, no. Possibly -- this was way  
11 back in 2015, or '16, when I was running for office  
12 the first time. I know that, because of how skinny  
13 I was and the car that I drove.

14 So this was my initial run for election. So  
15 possibly, you know, someone was -- that worked --  
16 you know, we had a campaign Twitter, or something.  
17 I don't know.

18 Q. But you have no reason to believe that this  
19 was not your Twitter account, right?

20 A. You know, no, I don't have any reason -- no,  
21 because that's my -- that's everything on there,  
22 that -- the picture and all is me.

23 Q. Do you recall this post?

24 A. No.

25 Q. In this photo, you're using three hashtags.

1 The first one says, #OathKeepers. The second one  
2 says, #ThinBlueLine. And the third one says,  
3 #Vote4Apffel.

4 Is that right?

5 A. Uh-huh, that's correct.

6 Q. What does the #OathKeepers mean to you?

7 A. I -- I never heard of the Oath Keepers until  
8 the January 6th insurrection. That's the first I  
9 heard of them. If -- it's a group, isn't it?

10 And --

11 Q. So, you said you hadn't --

12 A. So I don't know anything about them --

13 Q. You haven't --

14 A. -- other than they're bad news, in my  
15 opinion.

16 Q. So you're saying you haven't -- you haven't  
17 heard of the Oath Keepers until the January 6,  
18 2021, insurrection?

19 A. And the days in the following, when they  
20 said that a bunch of these folks were members of  
21 the Oath Keepers, or something -- an organization  
22 called the Oath Keepers.

23 Q. But you used this hashtag --

24 A. I didn't use it.

25 Q. -- in 2015?

1           A. I didn't. Whoever wrote this tweet for me  
2 did.

3           Q. Would you have instructed your staff to use  
4 that hashtag?

5           A. No.

6           Q. And you didn't have to approve tweets or  
7 campaign messaging before these were published?

8           A. No, the buck stops with me. I -- I will  
9 accept it. But it's -- you know, like I said, I  
10 don't know any -- I don't -- still -- wherever you  
11 got this, is there still a Twitter account? But  
12 we'll -- I'll certainly let you know.

13          Q. And could you describe again what kind of  
14 organization the Oath Keepers is?

15          A. I don't -- I don't -- again, I don't know  
16 anything about them. I'm looking it up now.

17                   MR. RUSSO: Don't do that.

18          A. American far right antigovernment militia  
19 whose leaders have been convicted of violently  
20 opposing the government.

21                   So I -- until -- Jesus, God in heaven, if  
22 that's what they were talking about here, that's --  
23 you know, like I said, I never heard of them until  
24 the -- all those members of the --

25          Q. (BY MS. VALL-LLOBERA) I'll have to remind

1 you, you can't look it up right now.

2 A. Well, I just did, so -- you asked.

3 But anyway, that's -- I was right. I knew  
4 it was something crazy. So I don't identify with  
5 them.

6 Q. Turning -- turning to the second or -- oh,  
7 before doing that, did you think that having  
8 #OathKeepers would resonate with Republican voters?

9 A. I didn't know that it was even put out  
10 there.

11 Q. Turning to the second hashtag, that says  
12 Thin Blue Line, what does that hashtag mean to you?

13 A. I don't know what it means.

14 Q. What were you trying to convey?

15 A. I wasn't.

16 Q. So when you reviewed this post before it  
17 was -- before it was posted --

18 A. I -- I didn't. I didn't. I didn't even  
19 know I had that Twitter account.

20 Q. So you don't review the posts or messaging  
21 before it's published on your campaigns?

22 A. I didn't -- no, I do not. I did not. I  
23 apologize.

24 Q. And no one has ever told you, you have a  
25 Twitter account?

1           A. No one has ever told me I have a Twitter  
2 account. I will find out tonight and I will  
3 supplement the record, if it's still active and  
4 ongoing.

5           Q. And no one in the public has ever raised  
6 either the Oath Keepers or the Thin Blue Line to  
7 you?

8           A. Never.

9           Q. Okay. And you personally would not use  
10 these hashtags?

11          A. I would not.

12          Q. Thank you. All right.

13                   MS. VALL-LLOBERA: I would like to  
14 introduce tab --

15          A. You didn't ask me about the last one.  
16 That's a good one. Vote4Apffel.

17                   MS. VALL-LLOBERA: I would -- I  
18 would like to introduce Tab 41.

19                   Here you go. Here, Counsel. This  
20 is Apffel Exhibit 30.

21                   (Exhibit 30 is marked.)

22          Q. (BY MS. VALL-LLOBERA) This is also from  
23 your Twitter account. This post links to a news  
24 story, correct?

25          A. I don't know.

1 MR. RUSSO: Object to sidebar.

2 MS. VALL-LLOBERA: Is this a  
3 question about privilege?

4 MR. RUSSO: No, not at all. It's a  
5 question about the preface of your question, which  
6 is, this is a post from your Twitter account.

7 Q. (BY MS. VALL-LLOBERA) Do you recognize --  
8 do you recognize this?

9 A. No.

10 Q. Do you see that you used two hashtags in  
11 this post, as well?

12 A. Yes.

13 Q. And again, the first one says,  
14 #ThinBlueLine, and the second one is, Vote4Apffel.

15 Is that correct?

16 A. That's correct.

17 Q. Do you see that it's posting an article by  
18 the Houston Chronicle?

19 A. Yes, I do.

20 Q. What was the news story about?

21 A. Judge holds suspect in deputy slaying  
22 without bail.

23 Q. Are you familiar with this news story?

24 A. No.

25 Q. Do you have any recollection of this deputy

1 slaying?

2 A. No.

3 Q. Would you have chosen to tweet this  
4 yourself?

5 A. I don't know the -- the content of it.

6 Q. Do you know why someone on your staff or  
7 someone else might have tweeted this under your  
8 name?

9 MR. RUSSO: Objection; calls for  
10 speculation.

11 A. No, I have no idea. What I can tell you it  
12 wasn't, was a Black/White issue, because I'm not  
13 that kind of person.

14 Q. (BY MS. VALL-LLOBERA) Who were you hoping  
15 to appeal to with this post?

16 A. Like I say, ma'am, I'm sorry, but I don't --  
17 I don't know about it.

18 MR. RUSSO: Objection; calls for  
19 speculation.

20 A. I -- I do accept responsibility for them.  
21 But I don't -- again, they're -- other than this  
22 Oath Keepers over here, this one doesn't offend me.  
23 It's just -- it's just an article saying that they  
24 got the suspect.

25 Q. (BY MS. VALL-LLOBERA) And earlier we

1 discussed the County Commissioner vote over whether  
2 to remove a Confederate monument.

3 Do you recall that?

4 A. Yes.

5 Q. At the time, you couldn't recall the reason  
6 that residents wanted to remove the -- the  
7 monument.

8 Do you recall?

9 A. Yes.

10 Q. Sitting here right now, can you think of any  
11 reason that African-American constituents would  
12 want to remove a statue honoring Confederate  
13 soldiers?

14 A. Wait. Say it -- would I -- could I think of  
15 any reason that what?

16 Q. Can you think of any reason that  
17 African-American constituents would want to remove  
18 a statue honoring Confederate soldiers?

19 A. I mean, yeah. Yes, I get the gist of why.

20 Q. And what is that gist?

21 A. I don't -- I don't know the --

22 MR. RUSSO: Objection; calls for  
23 speculation.

24 A. -- the history of it all.

25 Q. (BY MS. VALL-LLOBERA) What do you mean by,



1 it all?

2 A. Of the Confederate --

3 MR. RUSSO: Objection; calls for  
4 speculation.

5 A. -- soldiers and the African-Americans, and  
6 the hate and the -- between the -- all of that.

7 Q. (BY MS. VALL-LLOBERA) Do you mean, does  
8 that include slavery?

9 A. Yes.

10 Q. And Jim Crow?

11 A. I don't know.

12 Q. When you talk about the -- the history, does  
13 that include the Jim Crow era?

14 A. I don't know.

15 Q. Do you have any sense for whether, in the --  
16 in the precinct election for County Commissioner,  
17 do you believe that you received a majority of the  
18 votes of African-American and Hispanic voters in  
19 your district -- in your precinct?

20 A. Yes.

21 Q. I would like to shift gears to the  
22 appointment of Commissioner Armstrong.

23 On May 8, 2022, the commissioner of  
24 Precinct 4, Ken Clark, died, leaving his seat open.

25 Do you recall that?

1 A. Absolutely.

2 Q. When did you learn of Commissioner Clark's  
3 death?

4 A. May 8, 2022.

5 Q. And when did you speak to the other  
6 commissioners about replacing him?

7 A. I didn't.

8 Q. On May 16, 2022, Judge Henry appointed and  
9 swore in Dr. Armstrong as the commissioner of  
10 Precinct 4.

11 Do you recall that?

12 A. Yes.

13 Q. Were you present?

14 A. I was.

15 Q. Between May 8, 2022, and May 16, 2022, did  
16 you have conversations with any of the  
17 commissioners regarding Commissioner Clark's vacant  
18 seat?

19 A. Possibly.

20 Q. But you don't recall any conversations with  
21 any of the commissioners?

22 A. If there was, it was about who gets the  
23 appointment. And it was determined that the judge  
24 makes that appointment, not the Commissioners  
25 Court. That's what I seem to recall, if I had any

1 discussions.

2 Q. And did you have conversations about how to  
3 fill the seat, with anybody?

4 A. No. None.

5 Q. And I -- I guess, specifically, did you have  
6 a preference about who to point for that seat?

7 A. I wasn't asked, so I didn't get -- I didn't  
8 get a preference.

9 Q. So Judge Henry didn't consult you?

10 A. No.

11 Q. And to your knowledge, did he consult with  
12 anybody else?

13 A. Not to my knowledge.

14 Q. And did you have conversations with anybody  
15 else about how you want -- would like to see the  
16 vacant seat filled?

17 A. No.

18 Q. Did you know Dr. Armstrong before his  
19 appointment?

20 A. I did.

21 Q. In what capacity?

22 A. Professional.

23 Q. Is he also an attorney?

24 A. A doctor.

25 Q. So, how did you know him?

1           A. Well -- and he's also -- he was also the --  
2           our SREC Senate Republican Executive Committeeman,  
3           for the State of Texas. And so, I knew him through  
4           politics.

5           Q. So was he involved in Republican -- in GOP  
6           politics, before his appointment?

7           A. As the Senate Republican Executive  
8           Committeeman.

9           Q. What was -- could you describe that role?

10          A. No.

11          Q. What did he do in that role?

12          A. I don't know.

13          Q. Was he involved in local Galveston politics?

14          A. As our local Senate Republican Executive  
15          Committeeman, he was over this region, district,  
16          whatever you want to call it.

17          Q. Are you aware of any other county-level  
18          minority candidates who have successfully run in a  
19          Republican primary?

20          A. Repeat the question.

21          Q. Are you aware of any county-level minority  
22          candidates who have successfully run in a  
23          Republican primary?

24          MR. RUSSO: Objection; vague.

25          A. No. But it's because of their affiliation

1 with a party versus the color of their skin.

2 Q. (BY MS. VALL-LLOBERA) Other than

3 Dr. Armstrong, can you identify any minority

4 Republican elected officials?

5 A. One more time.

6 Q. Other than Dr. Armstrong, can you identify

7 any elected officials who are both Republican, and

8 a racial minority, in the Galveston County area?

9 A. I -- no. Because if they hadn't run for

10 office, then they wouldn't be elected officials.

11 Q. So, no commissioner or Justice of the Peace

12 or county judges, district clerks, none come to

13 mind?

14 A. I'm -- no. I mean, I don't -- but you said

15 Republican, right?

16 Q. Right.

17 A. Yeah.

18 Q. Okay. I need one moment.

19 A. I mean, we had another SREC committeeman

20 which, I'm ashamed to say, I can't think of his

21 name.

22 Q. Okay. One moment.

23 (Voices en sotto.)

24 Q. (BY MS. VALL-LLOBERA) In general, there --

25 there used to be a lot more Anglo Democrats in

1 Galveston County.

2 Is that -- is that correct?

3 MR. RUSSO: Objection; calls for  
4 speculation.

5 You can answer if you know.

6 A. I'm going to answer it, Galveston County  
7 used to be a Democratic county.

8 Q. (BY MS. VALL-LLOBERA) Including --  
9 including yourself, right?

10 A. Absolutely, for all the reasons we  
11 discussed.

12 Q. Uh-huh. Are there any Anglo Democrats  
13 elected in county government currently?

14 MR. RUSSO: Objection; calls for  
15 speculation.

16 A. You're talking about Galveston County  
17 governments?

18 Q. (BY MS. VALL-LLOBERA) Yes.

19 A. I -- I just can't think of any.

20 Q. Okay. Right now, what elected Democrats are  
21 there in the Galveston County government?

22 A. Constable Rose and Judge Williams and  
23 Commissioner Holmes. I'm just running through it  
24 all. I guess that's it.

25 Q. Uh-huh. As you sit here today, do you

1 believe that there is racially polarized voting in  
2 Galveston County?

3 A. I don't know what that means. What -- I  
4 don't know what that means.

5 Q. Did you notice any difference in the racial  
6 composition of Democratic primary voters compared  
7 to Republican primary voters?

8 A. When? No, I don't -- like I say, I don't  
9 get into all that. Never have, never will.

10 Q. So, am I understanding correctly that you  
11 have no awareness at all about whether Anglos tend  
12 to vote at higher rates than non-Anglos, for  
13 Republican candidates?

14 MR. RUSSO: Objection; calls for  
15 speculation.

16 A. Say that -- they -- Anglos tend to vote  
17 for --

18 Q. (BY MS. VALL-LLOBERA) At higher rates, than  
19 non-Anglos for Republican candidates?

20 A. Yeah. I -- what -- one more time. Anglos  
21 tend to vote at a higher rate --

22 Q. Are -- yeah. Are -- are you saying that you  
23 have no awareness that Anglo voters -- a higher  
24 percentage of Anglo voters vote for Republicans  
25 than non-Anglos vote for Republican candidates?

1 MR. RUSSO: Objection; calls for  
2 speculation, incomplete hypothetical.

3 A. It wasn't the case with Trump. But -- so I  
4 don't know.

5 Q. (BY MS. VALL-LLOBERA) All right. Early in  
6 this deposition, you stated that you reviewed the  
7 responses to the interrogatories that Plaintiffs  
8 submitted to -- to the Defendants.

9 Is -- is that accurate?

10 A. I mean, I -- just cursory looked -- they  
11 said we have these, and I looked -- yeah, I  
12 looked -- looked through them, but I didn't read  
13 them.

14 Q. I'm sorry, you did or you did not?

15 A. No, I did not. I mean, I read parts of  
16 them, but I didn't -- I didn't -- I just scanned  
17 them. That's a better word.

18 MS. VALL-LLOBERA: Okay. All right.  
19 And -- well, let me make sure here.

20 Okay. So, I'm going to state for  
21 the record that NAACP Plaintiffs reserve the right  
22 to keep this deposition open, in light of  
23 pending -- pending discovery issues, and in  
24 particular, our privilege dispute.

25 Other than that, I am ready to pass



1 it on. I'm going take this off.

2 Do we want to take a break, or keep  
3 going?

4 THE WITNESS: No, let's rock. I've  
5 got to go.

6 MS. CHEN: Can we go off the record  
7 for a moment while we deal with the logistics?

8 THE VIDEOGRAPHER: Are we -- are we  
9 going to go off record or --

10 MS. CHEN: Is it all right to get  
11 logistics of virtual counsel?

12 MR. RUSSO: What -- what do we need?  
13 What's he need?

14 MS. CHEN: For counsel to be able  
15 to -- for him to be able to see counsel, I think.

16 MS. VALL-LLOBERA: Yeah, I think  
17 that makes sense.

18 MR. RUSSO: All right.

19 MS. VALL-LLOBERA: Are we going off  
20 the record for --

21 THE WITNESS: Well, let's just --

22 MR. RUSSO: I think I can get it --  
23 I think I can get it up in a second.

24 THE VIDEOGRAPHER: I can turn -- I  
25 can turn this one around.

1 MR. RUSSO: Oh, you've got it --  
2 you've got video up, right? That's what I asked  
3 you about.

4 THE VIDEOGRAPHER: Yeah. Let me  
5 turn it around.

6 Can you see this from here?

7 THE WITNESS: Me?

8 THE VIDEOGRAPHER: Yeah.

9 THE WITNESS: I can see, yeah.

10 MS. REYES: It will be me  
11 questioning. So can folks hear me on your end?

12 THE WITNESS: Yes, ma'am.

13 MS. REYES: (Unintelligible.)

14 THE REPORTER: I'm sorry, this is  
15 the court reporter. You're digital right now.  
16 Just a moment.

17 If you could repeat what you said.

18 This is the reporter again. I can't  
19 hear you.

20 Can we go off record for a moment,  
21 please, so we can take care of a technical issue?

22 MR. RUSSO: Yeah.

23 MS. VALL-LLOBERA: Yes.

24 THE VIDEOGRAPHER: Off the record at  
25 1642.

1 (Break.)

2 THE VIDEOGRAPHER: Back on the  
3 record at 1643. Please proceed.

4 EXAMINATION

5 BY MS. REYES:

6 Q. Okay. Good afternoon, Mr. Apffel. My name  
7 is Bernadette Reyes. And I am an attorney on  
8 behalf UCLA Voting Rights Project on behalf of the  
9 Petteway Plaintiffs.

10 We represent the Petteway Plaintiffs in this  
11 case, specifically Terry Petteway, the Honorable  
12 Barrett Rose, Michael Montez, Kenny Folks, and  
13 Sonny James.

14 I'm going to be asking you a few more  
15 questions today. And I'm going to be following up  
16 on some of the topics that we've already discussed.  
17 So excuse me if I jump around from topic to topic.

18 If you have any questions or don't  
19 understand my questions, please let me know and I  
20 will clarify.

21 A. Okay.

22 Q. Okay. Great. So, I wanted to talk about  
23 your -- your precinct.

24 Do you know the partisan breakdown of the  
25 precinct that you represent?

1 A. No.

2 Q. How about, of the county?

3 A. No.

4 Q. So is it safe to say that your vote for the

5 current adopted Galveston County Commissioners

6 Court map was not impacted by any partisan

7 (unintelligible)?

8 A. Correct.

9 Q. (Unintelligible).

10 THE REPORTER: I'm sorry. You're  
11 going to have to repeat that.

12 Q. (BY MS. REYES) You were asked about your  
13 constituency and the demographic breakdown --  
14 sorry.

15 Earlier today, you were asked about your  
16 constituency, and the racial and socioeconomic  
17 demographic breakdown. And you stated you did not  
18 know it.

19 Is that correct?

20 A. That's correct.

21 Q. Okay. Great. And you said that it -- those  
22 things don't really matter to you.

23 Could you explain why it doesn't matter to  
24 you?

25 A. Because my job is to represent all the

1 people, regardless of the color of their skin or  
2 their socioeconomic status. And my job is to  
3 convince the people to elect me because I will be a  
4 voice, and I will be their eyes and their ears,  
5 and...

6 Q. So, do you believe, then, that certain  
7 ethnic or racial minority groups face issues  
8 distinct from Anglo residents?

9 MR. RUSSO: Objection; calls for  
10 speculation.

11 A. I don't know that. But if they do, I can  
12 certainly represent them just like a person that's  
13 a different color of mine can.

14 Q. (BY MS. REYES) How about residents of  
15 certain socioeconomic classes? Do you think they  
16 face issues or have concerns distinct from -- from  
17 other (unintelligible)...

18 MR. RUSSO: Counsel, can you  
19 restate?

20 THE WITNESS: It's frozen.

21 Q. (BY MS. REYES) Socioeconomic -- sorry, you  
22 froze on my end. Okay. Sorry, yeah, you froze on  
23 my end, too. I apologize.

24 I was asking about socioeconomic groups.

25 Do you think members of a certain

1 | socioeconomic class face issues or have concerns

2 | distinct from other socioeconomic groups?

3 | MR. RUSSO: Objection; calls for

4 | speculation, incomplete hypothetical.

5 | A. Can't think of any.

6 | Q. (BY MS. REYES) And I wanted to ask, in

7 | terms of your constituents, do you know how many of

8 | them have Internet access?

9 | A. No.

10 | Q. So you're unaware of how many had access to

11 | the public comment portal?

12 | A. Yes, I'm unaware.

13 | Q. Now, I wanted to go back to the discussion  
14 | of Commissioner Holmes, and his precinct.

15 | Earlier, I believe you said it was  
16 | impossible to draw a map preserving Commissioner --  
17 | the demographics of Commissioner Holmes' district,  
18 | as is, based on the population changes.

19 | Is that correct?

20 | A. Yes.

21 | Q. Why do you think that?

22 | A. Because our county has gone so red with  
23 | people that the only -- when you equally divide the  
24 | population, you end up with a Republican majority.

25 | Q. And --

1 MR. RUSSO: Counsel, did you ask  
2 about demographics or partisanship?

3 MS. REYES: Just general  
4 demographics.

5 THE WITNESS: Oh. Well, I  
6 apologize.

7 MR. RUSSO: That's a different  
8 question.

9 MS. REYES: That's fine.

10 Q. (BY MS. REYES) So you mentioned the  
11 Republican -- the number of Republicans.

12 Where did you get that information from?

13 A. It's just common knowledge. It's -- I  
14 don't -- I -- I just know that in order to --

15 Q. Your -- go ahead.

16 A. It's -- we are majority Republican, the  
17 whole county.

18 Q. Did any of the other commissioners or  
19 Judge Henry tell you that it would be impossible to  
20 preserve Commissioner Holmes' district?

21 A. No. That's -- that's my belief, only.

22 Q. So no one -- no one else told you that it  
23 would be impossible?

24 A. They may think it, but you -- they didn't  
25 tell me.

1 Q. Now, you mentioned earlier that you recall  
2 that Commissioner Holmes had brought some maps  
3 during the November 12, 2021, special hearing.

4 Is that correct?

5 A. Correct.

6 Q. Did you, by chance, get a chance to look at  
7 those maps?

8 A. Yeah. I had forgotten about them until she  
9 reminded me. And so, yes. But I -- I still have a  
10 vague recollection, but I -- if he presented them,  
11 I looked at them and made a decision based on all  
12 of the maps that were presented.

13 Q. So, in looking at those maps, did you -- can  
14 you recall if Commissioner Holmes --  
15 Commissioner Holmes' district was preserved, in  
16 terms of demographics?

17 A. No.

18 Q. Do you have any reason to believe that  
19 Commissioner Holmes would present maps that would  
20 not preserve his district?

21 A. I -- I don't remember if they were  
22 gerrymandered like before or not.

23 Q. How do you define gerrymandered?

24 A. Lines drawn for -- up -- crazy, to circle a  
25 certain population.



1 Q. Are you -- are you saying that the maps then  
2 had, I guess, what you call crazy lines drawn?

3 A. Which maps?

4 Q. Commissioner Holmes'.

5 A. I -- that's -- no. I said unless. I  
6 don't -- I don't remember. You asked me did I  
7 know -- yeah.

8 Q. Okay. So you -- you can (unintelligible)?

9 THE REPORTER: I couldn't hear that.

10 Q. (BY MS. REYES) You cannot recall.

11 Is that correct?

12 A. His maps, no.

13 Q. What -- when you mentioned gerrymandered  
14 like before, what do you -- what are you referring  
15 to?

16 A. Like -- like I just said, drawing lines and  
17 making districts that just encompass and circle a  
18 certain type of people.

19 Q. What do you mean, certain type of people?

20 A. Well, you're the one referring to, for  
21 example, people of color, or minorities.

22 Q. Oh, so that's -- that's what you meant?

23 A. Yeah.

24 Q. So when you said gerrymandered like before,  
25 were you not -- were you referring to any prior

1 maps?

2 A. Yeah. I think the map that Stephen Holmes  
3 was under, the previous map, was a gerrymandered  
4 map.

5 Q. And what makes you think that?

6 A. Have you seen it? The people he represented  
7 lived down south and he lived up north. And it was  
8 this long skinny, to go up and catch his house --  
9 he didn't even live among the people. I don't have  
10 a current -- the current photo of the old map.

11 Q. Okay. Now, I am going to move on.

12 Do you know -- I'm sorry. Going back to  
13 that, do you know why his -- his district was drawn  
14 that way?

15 A. I do not.

16 Q. Now, I am going to go to an exhibit. I may  
17 have accidentally lost.

18 (Voices en sotto.)

19 Q. (BY MS. REYES) I think it should be showing  
20 up as Exhibit 31.

21 (Exhibit 31 is marked.)

22 Q. (BY MS. REYES) So are you familiar with  
23 this document?

24 A. No.

25 Q. Earlier in the -- in the -- in the

1 deposition, you mentioned that you were a Justice  
2 of the Peace, commissioner, correct?

3 A. Correct.

4 Q. And how many precincts were there?

5 A. The eight precincts, one with two places.

6 Q. So, would that be nine precincts total?

7 A. Eight precincts; one, two places.

8 Q. Okay. Okay. And can you --

9 A. It was -- yeah, best I can recall.

10 Q. To your -- to your recollection, was -- were  
11 there always -- prior to 2011, were there always  
12 eight precincts?

13 A. To my -- to my knowledge, yes.

14 Q. Are you familiar with why there were eight  
15 precincts?

16 THE VIDEOGRAPHER: Let me see if I  
17 can turn this up.

18 A. Am I familiar with why? No.

19 Q. (BY MS. VALL-LLOBERA) Can you take a look  
20 at Exhibit 31. And can you read the title for me?

21 A. Consent Judgment and Election Order.

22 Q. Great. And can you read the first sentence  
23 after introduction for me?

24 A. This voting rights case was filed on  
25 January 10th, allege -- '92, alleging that the

1 implementation of elections for the unprecleared  
2 voting changes for Justice of the Peace and  
3 constable precincts was in violation of Section 5  
4 of the Voting Rights Act.

5 Q. Thank you.

6 A. So we've been -- y'all have been doing this  
7 forever. We all been...

8 Q. And can you read the first sentence of the  
9 following paragraph for me, please?

10 A. The Plaintiffs in this action are  
11 African-American residents and registered voters of  
12 Galveston County, Texas, the county.

13 Q. Great. And I apologize. I'm going to have  
14 you read more of this document.

15 If you can go down to, purpose. And under  
16 No. 1, can you read that section?

17 A. The purpose of this order is to provide  
18 minority voters equal access to the political  
19 processes for electing Justices of the Peace and  
20 constables in Galveston County, and to enhance the  
21 political participation and awareness of all  
22 citizens.

23 Q. That's great. Now, if you go on to No. 2,  
24 can you read the first sentence -- the first few  
25 sentences for me?

1           A. It's ordered that it's created on Galveston  
2           Island a Justice of the Peace and constable in  
3           Precinct No. 2 for the election of one Justice of  
4           the Peace and one constable. Precinct 2 has a  
5           majority African-American population, and then  
6           shall consist of those voting precincts adopted by  
7           the Galveston County Commissioners Court on  
8           September 30th, '91.

9           Q. Okay. And then, if you can go to No. 3, and  
10          read the first two sentences for me as well.

11          A. It's further ordered that there's created on  
12          the Mainland Justice of the Peace and constable  
13          Precinct No. 3 for the election of one Justice of  
14          the Peace and one constable. Precinct 3 has a  
15          majority minority population, combined  
16          African-American and Hispanic, and shall consist of  
17          those voting precincts adopted by the Galveston  
18          County Commissioners Court on June 19, 1992,  
19          numbered as follows.

20          Q. Great. And can you read the last sentence  
21          of paragraph 5 for me?

22          A. Voting Precinct No. 369, as created by this  
23          Court on this date, and the form is set forth in  
24          Appendix A attached hereto, is ordered made a part  
25          of Justice of the Peace and constable in

1 Precinct 5.

2 Q. Okay. And then the last line, if you could  
3 just read the first sentence of No. 6, for me.

4 A. The creation of JP constable Precinct 2 and  
5 JP constable Precinct 3 will create the opportunity  
6 for minority voters to participate in the political  
7 processes, leading to the nomination and election  
8 of Justices of the Peace and constables in  
9 Galveston County.

10 Q. Okay. Thank you.

11 So, based on your reading of this document,  
12 is it fair to say that now your understanding of  
13 why there are eight precincts, is to allow for  
14 racial minorities to have a -- to be able to  
15 participate more fully in the Justice of the Peace  
16 elections?

17 MR. RUSSO: Objection --

18 A. There's not any more --

19 MR. RUSSO: Objection, the document  
20 speaks for itself, calls for speculation, and is an  
21 incomplete hypothetical.

22 You can answer.

23 A. There are not --

24 Q. (BY MS. REYES) You may answer. Sorry, go  
25 ahead.

1 A. There are not eight precincts.

2 Q. There are not eight -- what do you mean? I  
3 know. I'm just asking, at the time, 2011, and  
4 prior.

5 A. Yeah, it was clear that someone -- that some  
6 court or some -- however that worked, they created  
7 two precincts.

8 Q. Were you aware of this, when the 2011  
9 redistricting was happening to consolidate the  
10 Justice of the Peace precincts?

11 A. No, I don't think I was -- no. I'm not that  
12 much on history.

13 Q. Was that -- sorry?

14 A. I'm not much on history.

15 Q. Would that have impacted your opinion on  
16 the -- the consolidation of the maps -- of the  
17 precincts? I'm sorry.

18 A. One more time.

19 Q. Would that have impacted your opinion on the  
20 consolidation of the precincts?

21 A. No. I was against it then. Remember.

22 Q. So your position is that you were against  
23 the consolidation of the precincts, the Justice of  
24 the Peace, encompasses both precincts --

25 A. Yes.

1 Q. -- (unintelligible).

2 THE REPORTER: I'm sorry, you'll  
3 have to repeat that.

4 Q. (BY MS. REYES) Your position is that you  
5 were against the consolidation of the Justice of  
6 the Peace and constable precincts in 2011.

7 Is that correct?

8 A. Correct.

9 Q. And could -- can you elaborate on -- a  
10 little as to why you were against it?

11 A. Gosh, we took an hour in the deposition --

12 MR. RUSSO: Objection. Counsel,  
13 it's been asked and answered.

14 A. -- this morning.

15 Q. (BY MS. REYES) You may answer.

16 A. I refer to my first hour and 20 minutes of  
17 testimony.

18 Q. Okay. So, I'm going to ask you a little bit  
19 about the time after the November 12th hearing.

20 Did you -- did you speak to any of the other  
21 commissioners after the meeting, about the vote?

22 A. No.

23 Q. So you did not speak to Stephen Holmes about  
24 your vote?

25 A. Huh. I don't remember if I spoke to him



1 before or after. I don't -- I don't remember. I  
2 feel --

3 Q. Did you have -- (unintelligible).

4 A. I believe I feel like I did, but I don't  
5 remember.

6 THE WITNESS: Bless you.

7 MR. RUSSO: Bless you.

8 MS. VALL-LLOBERA: Thank you.

9 Q. (BY MS. REYES) So you think you might have  
10 spoken to him before or after, but you cannot  
11 recall?

12 A. Correct.

13 Q. Do you recall the (unintelligible) --

14 THE REPORTER: I'm sorry, you'll  
15 have to repeat that.

16 Q. (BY MS. REYES) Do you have a sense of your  
17 conversation?

18 THE REPORTER: The court reporter:  
19 Do you have a sense of the conversation?

20 Q. (BY MS. REYES) Do you recall the substance  
21 of your conversation?

22 A. No. But I've always tried to be direct and  
23 straight with Commissioner Holmes.

24 Q. Did you talk to any of your constituents,  
25 your...

1 A. One more time.

2 Q. Did you talk to any of your constituents  
3 about your involvement in the redistricting plan?

4 A. Other than all those that we talked about to  
5 this point, not that I recall.

6 Q. After (unintelligible) --

7 THE REPORTER: Can you repeat that?

8 Q. (BY MS. REYES) After the meeting, did you  
9 speak to Penny Pope?

10 A. No.

11 Q. After the meeting, did you speak to Terry  
12 Petteway?

13 A. I still speak to Terry Petteway, yes.

14 Q. Did you speak to him after the meeting about  
15 the redistricting vote?

16 MR. RUSSO: What's the question?

17 Can you repeat --

18 A. Did I speak --

19 MR. RUSSO: What do you have on the  
20 record?

21 THE REPORTER: Just a moment.

22 MR. RUSSO: Okay.

23 (The requested portion of the record  
24 was read by the court reporter.)

25 MR. RUSSO: Okay.

1 A. I don't recall specifically doing that.

2 Q. (BY MS. REYES) Did you speak to Michael  
3 Montez after the redistricting, specifically about  
4 the redistricting vote?

5 A. You talking about 2020, 2021?

6 Q. 2021, yes.

7 A. 2021.

8 Q. I'm sorry. The -- after the November 12th  
9 meeting, in 2021.

10 A. Yeah. I haven't seen Michael Montez since  
11 2016.

12 Q. What about Derrick Rose? I'm sorry if I  
13 asked you that. Did you speak to him after the  
14 November 12, 2021, meeting?

15 A. I -- I speak to him all the time, too. But  
16 I don't --

17 Q. Did you speak to him about the redistricting  
18 vote?

19 A. I don't recall if I did.

20 Q. And Sonny James, did you speak him?

21 A. I haven't --

22 Q. Sonny James? Sorry.

23 A. Yes, I have not see Judge James since 2013.

24 Q. Now moving on, I'm going to introduce  
25 another exhibit. Hopefully more quickly this time.

1 (Voices en sotto.)

2 THE WITNESS: Right there?

3 MR. RUSSO: Uh-huh.

4 Q. (BY MS. REYES) Okay. Did that work? Can  
5 you see the exhibit?

6 MR. RUSSO: Hold on one second,  
7 Counsel.

8 A. Okay.

9 (Exhibit 32 is marked.)

10 Q. (BY MS. REYES) Now, can you read the -- is  
11 that -- I'm sorry. This is Plaintiffs' Exhibit  
12 No. 32.

13 Does this document look familiar to you?

14 A. I mean, it looks like a -- a Zoom invite.

15 Q. And can you read the name of the organizer?

16 A. Organizer, Nathan Sigler.

17 Q. And the name of the attendee?

18 A. Me.

19 Q. And the date of the meeting?

20 A. November 18, 2021.

21 Q. Do you -- did you attend -- sorry. Did you  
22 attend the meeting with Nathan Sigler, on  
23 November 18, 2021?

24 A. I don't recall having this meeting. But  
25 possibly.

1 Q. I'm going to look further down. And if you  
2 could look at the to panel, can you read the names  
3 off of there?

4 A. Off of -- look at the what?

5 MR. RUSSO: The to.

6 A. Oh, Nathan Sigler, Ken Clark.

7 Q. (BY MS. REYES) At the bottom -- excuse me,  
8 yes?

9 A. Dloesq, and PGordon. I think I remember  
10 this meeting.

11 Q. Can you tell me who was present at the  
12 meeting?

13 A. No. But Commissioner Clark and -- so this  
14 was a follow-up, because -- I'm looking at  
15 Exhibit 7. They were trying to get -- after the  
16 map was adopted, they were still trying to fix the  
17 voting precincts, as they went through people's  
18 houses.

19 If you look at Exhibit 7, Cheryl Johnson  
20 said: We currently have residential properties  
21 split between two precincts. You can stand on any  
22 given corner in Galveston and have multiple --  
23 same, as well, multiple different voting precincts,  
24 for -- for one home.

25 So I think it had to do with cleaning up

1 the -- that, is what I recall. And so --

2 Q. So -- so it was about precincts.

3 Is that correct?

4 A. Whatever -- yeah, if that's -- yes.

5 Q. Do you recognize the e-mail in the to line?

6 A. I don't understand.

7 Q. I'm sorry. In the to line, there -- it says

8 Nathan Sigler, Ken Clark, and there are two

9 e-mails.

10 Do you recognize those e-mails?

11 A. I'm not sure I understand the question.

12 Q. Do you know who those e-mails belong to?

13 A. Oh, the other two, that D-L-O-E-S-Q at AOL

14 and --

15 Q. Yes.

16 A. I don't know who that is. I assume PGordon

17 was with the law firm. I don't recognize Jason

18 Torchinsky. And then the other two, I do.

19 Q. Who -- who are the other two?

20 A. Paul Ready is our general counsel. And Jed

21 Webb was in the judge's office at the time.

22 Q. So to -- to your recollection, all that was

23 discussed at this meeting was the changing of the

24 precincts?

25 MR. RUSSO: Objection; calls for

1 speculation, misstates prior testimony.

2 But go ahead.

3 A. Yes.

4 Q. (BY MS. REYES) And how often did you meet  
5 with Nathan Sigler?

6 A. This -- never.

7 Q. How often did you communicate with him?

8 A. Once.

9 Q. Once. Was -- was this meeting the only time  
10 you communicated with him?

11 A. If -- I don't recall communicating with him,  
12 in this meeting. I recall asking him to print --  
13 he -- printout the maps, for me to look at, one  
14 time. And that's it.

15 Q. Do you know why he would invite you to this  
16 meeting?

17 A. No.

18 Q. Do you know why the other commissioners were  
19 not invited to this meeting?

20 A. Because Ken Clark was the one in charge of  
21 cleaning up those lines. He had a working  
22 knowledge and understanding of the problem, with  
23 Nathan, and -- and that's why.

24 Q. Okay. Moving on. You mentioned, when we  
25 were discussing Dale Oldham, that you were aware

1 that he had assisted in the prior redistricting  
2 cycle.

3 Is that correct?

4 A. I became aware.

5 Q. You became aware. When did you become  
6 aware?

7 A. I think I said at or about the time we were  
8 looking to approve his employment contract.

9 Q. So you -- and were you aware of the -- the  
10 prior maps that he was involved with not being  
11 precleared by the Department of Justice?

12 A. Generally.

13 Q. And were you aware of an ongoing lawsuit  
14 regarding the Justice of the Peace and constable  
15 precincts --

16 A. Well, you say --

17 Q. -- concerning violation --

18 A. When you say was I aware of his maps, I --  
19 no, I wasn't -- I was aware that preclearance was  
20 rejected, or whatever you want to call it, way back  
21 in 2011.

22 But I didn't know that Dale Oldham was part  
23 of drawing those maps, et cetera.

24 Q. So what was your understanding of his  
25 involvement, in the 2011 redistricting cycle?



1 A. Well, yeah, I mean, after. I was aware  
2 of -- of the preclearance issue long -- years ago,  
3 at -- when the lawsuit was filed. But I had no  
4 idea that Dale Oldham was the guy that drew the  
5 maps, until much -- ten years later.

6 Q. Okay. So -- but you became aware -- I'm  
7 sorry. I'm just trying to understand.

8 So you became aware of this around the time  
9 you were considering hiring him for the 2021  
10 redistricting cycle.

11 Is that correct?

12 A. Yes. That's correct.

13 Q. And what's your understanding of the -- the  
14 prior 2011 preclearance denial by the Department of  
15 Justice?

16 A. I don't -- I don't -- my understanding is  
17 that was -- that was required then, and it's not  
18 required now.

19 Q. And what was your understanding of the 2011  
20 Justice of the Peace and constable precinct  
21 lawsuit?

22 A. That it went absolutely nowhere, and the  
23 judge and the Court ultimately ruled in favor of  
24 the county.

25 Q. Did you -- when you learned about

1 Mr. Oldham's involvement in the prior redistricting  
2 cycle, were you at all concerned about hiring him  
3 for this cycle?

4 A. No.

5 Q. Why not?

6 A. I -- I didn't have a concern.

7 Q. Okay.

8 A. My differences were not with the drawing of  
9 the maps. My differences were with the  
10 consolidation, as I've stated in my first hour of  
11 testimony.

12 MS. REYES: Okay. Let me just make  
13 sure -- okay. No further questions.

14 I -- I do -- I would like to note,  
15 actually, the same as my counsel before me, we do  
16 reserve the right to reopen the deposition, based  
17 on the prior privilege objections regarding Dale  
18 Oldham.

19 Thank you. Thank you, Mr. Apffel.

20 THE WITNESS: Thank you.

21 MS. REYES: I will pass it on to the  
22 department -- the United States.

23 EXAMINATION

24 BY MR. NEWKIRK:

25 Q. Good afternoon, Mr. Apffel. My name is

1 Zachary Newkirk. I'm one of the attorneys  
2 representing the United States. Can you hear me  
3 okay, or should I speak up as much as I can?

4 THE WITNESS: We can hear -- we can  
5 hear you better, actually.

6 Q. (BY MR. NEWKIRK) Excellent. Are you good  
7 on time, or would you like to take a brief break,  
8 or power on?

9 A. No, let's -- let's keep moving.

10 Q. All right. I know we've been going for a  
11 long time and I'll do my best to not repeat any  
12 ground my co-counsel has covered. So please bear  
13 with me as I jump from topic to topic.

14 First, would it be possible to pull up  
15 Exhibit 30, that the first Plaintiff group  
16 introduced?

17 A. Okay.

18 Q. Commissioner, when you were reviewing this a  
19 few minutes ago, you had mentioned that -- that  
20 this was not a, quote, black/white issue, because,  
21 quote, I'm not that sort of person.

22 Do you recall saying this?

23 A. Absolutely.

24 Q. And what did you mean by black/white issue?

25 A. I feel like y'all were trying to -- because

1 y'all keep speaking of African-American minorities,  
2 and -- as if they can't be adequately represented  
3 by me, or someone else.

4 And so, what I meant by that is my  
5 children's -- he was not family, but his name was  
6 Robert McGaskey. They called him uncle Robert.  
7 They grew up with a African-American surrogate  
8 uncle, named Robert McGaskey.

9 My clerk, during the -- at the JP office was  
10 Kevin Sandles, an African-American, who is one of  
11 my best friends today.

12 My constituents, Angela and Norman Bell, are  
13 African-American, and personal friends of me and  
14 our family, and hunt with us, and fish with us,  
15 and -- the black coalition of black -- the  
16 Coalition of Black Ministers are all personal  
17 friends of mine, in -- in the La Marque/Texas City  
18 area, and I believe would vouch for the kind of  
19 person I am.

20 So I feel like when I say I'm not that kind  
21 of person, or that kind, we do not see color in my  
22 family.

23 Q. As a long-time Galvestonian, is it accurate  
24 to say, though, that you possess some knowledge  
25 about the county's racial and ethnic demographics?

1 A. Old and new, yes.

2 Q. What do you mean by, old and new?

3 A. They've changed.

4 Q. And so, you have a rough idea of where

5 certain ethnic groups and racial groups live on the

6 county -- or in the county currently?

7 A. Yes.

8 Q. Okay. Okay. With regard to staffing, how  
9 many staff members do you have, as a commissioner?

10 A. Currently, none.

11 Q. Did you -- you previously had referenced an  
12 advisor.

13 A. Yes, I did.

14 Q. Was -- was that your only staff member, as a  
15 commissioner?

16 A. Yes.

17 Q. Okay. And do you have a chief of staff, or  
18 have you ever had a chief of staff?

19 A. No. My -- we only get one position, and we  
20 call them a policy and constituent advisor. The  
21 only chief of staff is for the judge.

22 Q. Okay. Does the judge have any additional  
23 staff members?

24 A. He has a communications director, and a  
25 governmental affairs position. So, yes, those two.

1 Q. Okay. Are you currently the only  
2 commissioner with the staff of just you?

3 A. Yes.

4 Q. Do you know if these other staff members'  
5 e-mails and records were searched for -- for  
6 documents responsive to the Plaintiffs' discovery  
7 requests?

8 A. Absolutely. I mean, mine -- I know mine  
9 were.

10 Q. And what does a -- a policy constituent  
11 advisor do or did?

12 A. It was real important for mine, because I --  
13 as I had previously indicated, I have 70 --  
14 70 percent unincorporated. So we get more  
15 constituent calls and complaints and concerns, than  
16 others, because others are calling their cities, or  
17 their mun -- their mayors, their councilmen.

18 They're not calling their county  
19 representative because they live in a city.  
20 Because mine didn't live a city, they would  
21 typically call our office.

22 So what a policy and constituent advisor  
23 does is, it's a glorified name to answering the  
24 phone and -- it's more constituent than it is  
25 policy.

1 Q. Going back to this morning, when we were  
2 discussing for a few minutes your time as JP and  
3 your opposition to the 2011 maps and your  
4 opposition to them, to that consolidation.

5 Besides Commissioner Dennard, who you  
6 identified, did you speak about your opposition  
7 with anybody else?

8 A. No.

9 Q. Did you --

10 A. I mean, on the Commissioners Court, no. I  
11 mean, among -- Petteway and Montez, and those other  
12 Plaintiffs, yes. Penny Pope, others, yes.

13 Q. Okay. Any other individuals that you can  
14 think of that you spoke about your opposition with?

15 A. I -- I can't think of anybody else.

16 Q. Did you ever speak to the U.S. Department of  
17 Justice about your opposition to the JP constable  
18 maps?

19 A. I don't -- if they reached out to me, I  
20 don't -- I didn't, like, reach out to them. But  
21 possibly they may have called. I don't recall.  
22 So, I don't know. It's a good question.

23 Q. In 2011, same -- when you were a JP, did you  
24 oppose the Commissioners Court's redistricting plan  
25 that the DOJ eventually did not preclear?

1 A. No, I'm not aware of that. So, no.

2 Q. Okay. So you -- you don't recall ever  
3 discussing your views on the 2011 Commissioners  
4 Court map with anybody?

5 A. No.

6 Q. Do you recall ever discussing your views on  
7 the 2011 Commissioners Court map with the U.S.  
8 Department of Justice?

9 A. No.

10 Q. Okay. Approximately how many races have you  
11 run for public office?

12 A. You mean, how many times have I been  
13 reelected? So --

14 Q. Or elected for the first time.

15 A. Yeah. So -- hold on. Five, three -- one  
16 election, and two reelections as JP, and one  
17 election and reelection as commissioner.

18 Q. Gotcha. And does that include uncontested  
19 elections?

20 A. Yes.

21 Q. And do you typically run your own campaign?

22 A. Yes, when -- yes. I didn't --

23 Q. Okay. Sorry.

24 A. Yeah. Yes.

25 Q. Going back to the five number, does that



1 include any races that you ran for and were  
2 unsuccessful in?

3 A. Oh, no, I forgot about that one. That's  
4 six.

5 Q. And which -- sorry to bring up bad memories,  
6 but which -- which race was this?

7 A. That was the -- after the JP precincts were  
8 consolidated, I ran against the one that I was  
9 consolidated with, Penny Pope.

10 Q. Right. When it comes to campaigning, do you  
11 ever hire a campaign manager or any staff members,  
12 or even unpaid interns?

13 A. I have not.

14 Q. Did you ever consider doing anything of the  
15 sort?

16 A. No. They said -- I've paid a consultant.  
17 I've paid a campaign consultant before, but not  
18 high --

19 Q. In what race?

20 A. The commissioner. I didn't --

21 Q. So --

22 A. Yes, go ahead.

23 Q. So 2016 and 2020?

24 A. 2016, I had a very good friend and -- and  
25 an associate lawyer assist me with that campaign.

1 2020, I hired a campaign consultant, and didn't  
2 have to use him.

3 Q. And who was that campaign consultant --

4 A. Tyler.

5 Q. -- in 2020?

6 A. Tyler Drummond.

7 Q. This is the same individual who is  
8 Judge Henry's chief of staff?

9 A. Yes.

10 Q. Going back to the 2016, if you did not have  
11 any staff members, is it fair to say that you ran  
12 your own Twitter account?

13 A. I didn't know that I had a Twitter account,  
14 unfortunately. But yes, it's fair to say that if  
15 that account was mine, and -- it's my account.

16 Q. Can you describe your campaign strategy when  
17 you ran for Justice of the Peace, in other words,  
18 as a Democrat?

19 A. To be a good listener of the people, and to  
20 follow the law.

21 Q. In terms of campaign tactics, did you --

22 A. There was none.

23 Q. -- (unintelligible).

24 Did you engage in any voter outreach in the  
25 Anglo community?

1 A. I really didn't have to.

2 Q. Why not?

3 A. I don't even know if Facebook was around in  
4 2004, when I started. But I was a dad. I was a  
5 coach, little league coach. I was a church member.  
6 I was a lawyer.

7 And so, I lived, worked, and played, in --  
8 in the precinct in which I ran. And so, I was  
9 appointed to fill the unexpired term, and then to  
10 run in -- in an election -- special election. And  
11 no one ran against me. And so -- but everyone knew  
12 me as that -- those descriptions.

13 Q. Did you engage in any voter outreach to the  
14 Hispanic community?

15 A. Living in Texas City, Texas, there was more  
16 Hispanics and African-Americans than there were  
17 white people.

18 Q. Yeah. My next question was whether you  
19 engaged in any voter outreach to the black  
20 community. And if so, what would that look like?  
21 What did that look like?

22 A. The black communities would come to me and  
23 ask for me to support their NAACP convention or  
24 dinner. And I would sponsor and attend and have a  
25 table.

1           The -- the LULAC and -- and -- I believe it  
2 was in Galveston, although that wasn't my  
3 precinct -- and that's what's confusing to me, when  
4 I mentioned it earlier -- asked that I come and  
5 visit with them, and talk with them.

6           Am I answering your question?

7           Q. Yes. Thank you. If you have more to say,  
8 please continue.

9           A. I -- no.

10          Q. Did -- you had mentioned the NAACP and  
11 LULAC.

12           Were there any other organizations in the  
13 black and Hispanic communities that reached out to  
14 you, or you reached out to, as a Justice of the  
15 Peace?

16          A. I won't say -- I'm going to say many, but  
17 that's probably an incorrect statement. Five or  
18 so.

19           But -- but I don't know the names of the  
20 organizations. But you can contact all those  
21 people in West Texas City and La Marque, and they  
22 will tell you what a great friend, supporter,  
23 judge, and commissioner I have been to them.

24          Q. Did you reach out to individual voters in  
25 the black and Hispanic community at any sort of

1 voter outreach event, or rally, or something to  
2 that effect?

3 A. No, I didn't -- I didn't do any of that.

4 Q. Did your campaign strategy change when you  
5 campaigned in these different communities?

6 A. Never.

7 Q. Shifting gears to your time as a  
8 commissioner, running for election and reelection,  
9 can you describe your campaign strategy, as a  
10 commissioner, on the Commissioners Court?

11 A. The very same. And as I told you,  
12 Texas City, a city of minority -- more -- more  
13 minorities, brought me to become a commissioner.

14 Q. And based on your experience living in  
15 Texas City, and your interactions with the black  
16 and Hispanic communities in Texas City, have you  
17 become -- or did you become familiar with the  
18 issues most pressing to those communities?

19 A. That's -- that's been asked. I don't --  
20 I -- I never was able -- I didn't identify any --  
21 any wants, needs, or desires, that those folks had.  
22 They would come to me. Then I would have handled  
23 them and addressed them. But I --

24 Q. Did you --

25 A. -- can't sit here and think of any.

1 Q. I was going to ask you if you can recall any  
2 specific examples of -- of those community members  
3 reaching out to you for an issue to address?

4 A. There were many, but I just can't think of  
5 one right now. But you can ask them.

6 Q. In your experience, as a long-time elected  
7 official, do you think that black voters tend to  
8 support the same candidates?

9 A. I don't understand the question.

10 MR. RUSSO: Objection; vague and  
11 ambiguous.

12 Q. (BY MR. NEWKIRK) Do you think that black  
13 voters tend to vote for the same candidates?

14 MR. RUSSO: Objection; calls for  
15 speculation.

16 A. I don't know. What's, the same candidate,  
17 mean?

18 Q. (BY MR. NEWKIRK) In your experience, I  
19 guess, as -- as a long-time elected official, do  
20 you believe that black voters tend to vote as a  
21 block -- as a -- as a block?

22 MR. RUSSO: Objection; calls for  
23 speculation.

24 A. I -- I don't -- I don't know what that  
25 means, either.

1 Q. (BY MR. NEWKIRK) In your view, what is the  
2 racial makeup of supporters of the Democratic party  
3 in Galveston County?

4 A. I would say primarily African-American and  
5 Latinos.

6 Q. Do you believe that African-Americans and  
7 Latinos usually vote together?

8 A. No. That was clear in the Trump race.

9 Q. Can you elaborate a little bit?

10 A. No. I don't know. I just know that the  
11 Latino vote, across the country, was for the  
12 Republican Trump.

13 Q. Is the Republican party in Galveston County  
14 predominantly white?

15 A. I don't know that. Not my party. Not the  
16 people that I -- vote for me.

17 Q. How do you know that?

18 A. Because I won.

19 Q. Have you done a post-election analysis to  
20 figure out the demographic?

21 A. I don't get into all that. I just know --  
22 the people know me and I know the people and I  
23 know -- I know my precinct.

24 Q. You know the demographics of your precinct?

25 A. No, I didn't say the demographics. I just

1 know the people, and the people know me. And  
2 anybody can win on any given day.

3 Q. All right. I'm just asking another way, how  
4 would you characterize the racial makeup of  
5 supporters for the Republican party in Galveston  
6 County?

7 A. I don't have -- I don't know.

8 Q. As the commissioner, do you believe it's  
9 important to be familiar with the pressing issues  
10 for particular communities?

11 MR. RUSSO: Objection; vague and  
12 ambiguous.

13 A. I mean, you've asked me that already. And  
14 I -- I -- I don't know -- I don't understand  
15 that -- y'all -- like, give me an example of a  
16 pressing issue that you would identify that --  
17 that -- I don't -- I don't understand that.

18 Q. (BY MR. NEWKIRK) Well, for example, earlier  
19 today, we discussed some of the issues related to  
20 the Bolivar Peninsula, such as the dunes, the  
21 coast, the raking of seaweed. You're very familiar  
22 with that.

23 Do you agree that it's important to be  
24 familiar with parallel issues in other communities?

25 MR. RUSSO: Objection; vague and



1 | ambiguous.

2 | A. I am -- yes, but that -- there's -- they're  
3 | all the same, after that, unfortunately, in  
4 | Galveston County.

5 | They're all roads, drainage, parks, law  
6 | enforcement, taxes. They're all the same. Black  
7 | people want to keep their taxes down just like  
8 | white people. Latinos want to keep their taxes  
9 | down just like white people.

10 | They both like parks. They like beautiful  
11 | parks that they can take their families and picnic  
12 | and enjoy.

13 | Q. (BY MR. NEWKIRK) How about the issue of  
14 | policing? Do you see any differences among the  
15 | communities on the issue of policing?

16 | A. None.

17 | Q. As a commissioner, do you believe it's  
18 | important to know specific demographic and  
19 | socioeconomic -- socioeconomic information about  
20 | constituents, like unemployment or poverty?

21 | A. It shouldn't matter, as a commissioner,  
22 | whether they're unemployed or -- or low  
23 | socioeconomic. So it -- it's not important to me.  
24 | But by golly, I got them.

25 | Q. What do you mean when you say, I got them?

1 A. I'm saying my precinct is so diverse, always  
2 has been, that -- and I previously described that  
3 for you.

4 Q. Based on what you just said, you're aware  
5 that your precinct is diverse and contains areas  
6 where unemployment and poverty differs.

7 Is that correct?

8 A. Yes.

9 Q. Okay. And so, you -- you're familiar with  
10 the various cities and neighborhoods are -- where  
11 areas might be poorer or contain more -- or higher  
12 levels of unemployment, correct?

13 MR. RUSSO: Objection; asked and  
14 answered.

15 A. Okay.

16 Q. (BY MR. NEWKIRK) Is there any correlation  
17 between those areas and whether they have a  
18 majority black or Hispanic population  
19 (unintelligible)?

20 MR. RUSSO: Just don't say anything.

21 Counsel, can you restate the  
22 question. It just didn't come through.

23 THE WITNESS: He's frozen.

24 Q. (BY MR. NEWKIRK) Sorry, am I frozen?

25 (Unintelligible)?

1 THE REPORTER: Sorry. This is the  
2 reporter. I didn't get any of that.

3 MR. NEWKIRK: Madam Court Reporter,  
4 can you hear me at this point?

5 MR. RUSSO: Yeah -- yeah, we can --

6 THE REPORTER: I can right now.

7 MR. NEWKIRK: Okay. Would you mind  
8 reading the last thing that I -- the last thing you  
9 caught for me -- from me.

10 THE REPORTER: Just a moment.

11 (The requested portion of the record  
12 was read by the court reporter.)

13 Q. (BY MR. NEWKIRK) Mr. Apffel?

14 MR. RUSSO: Objection; calls for  
15 speculation.

16 A. Correlation to what? I don't -- I guess I'm  
17 lost. I forgot the question before that.

18 Q. (BY MR. NEWKIRK) Discussing -- saying, I  
19 don't think -- in your precinct -- I'll start over.

20 In your precinct, is there a correlation  
21 between areas where there are higher concentrations  
22 of poverty and unemployment, and whether the  
23 population has a -- a large percentage or a  
24 majority black or Hispanic makeup?

25 A. No.

1 MR. RUSSO: Objection; calls for  
2 speculation.

3 Q. (BY MR. NEWKIRK) All right. Do you recall  
4 Hurricane Ike?

5 A. I do.

6 Q. Did it have an effect on Galveston County?

7 A. It did.

8 Q. Can you describe that impact?

9 MR. RUSSO: Objection; vague and  
10 ambiguous.

11 Q. (BY MR. NEWKIRK) Did it cause damage?

12 A. Much.

13 Q. Did it affect communities in Galveston  
14 city -- the City of Galveston?

15 A. Yes.

16 Q. How so?

17 A. The -- the people -- people all over the  
18 island had to relocate, to have a place to live.

19 Q. Did it affect communities on the Bolivar  
20 Peninsula?

21 A. It wiped it out.

22 Q. How about in Texas City, where I believe you  
23 were living at the time?

24 A. Yeah, I don't believe it did. There was a  
25 levy around the city, and no flooding occurred.

1 Q. (Unintelligible).

2 THE REPORTER: I didn't get that.

3 Q. (BY MR. NEWKIRK) Do you believe Hurricane  
4 Ike affected minority communities more so than  
5 other communities?

6 A. No.

7 Q. Okay. Based on your long-time residence in  
8 the county, and based on your experience as a  
9 commissioner, are there any economic differences  
10 between Bolivar Peninsula and the rest of the  
11 county?

12 A. I would say there's no -- or very little  
13 socioeconomic folks that live there.

14 Q. Apologies. I -- I didn't quite catch that.  
15 You said there was very little --

16 A. There's -- I would say there's very few, you  
17 know, poverty -- poverty or low income people that  
18 live there.

19 Q. What are some economic differences between  
20 Bolivar Peninsula and the rest of the county,  
21 besides the affluent -- relative affluency you just  
22 identified?

23 MR. RUSSO: This is nuts.

24 THE REPORTER: Can I read that back  
25 to you, please?

1 MR. NEWKIRK: Sure.

2 THE REPORTER: Just a moment.

3 (The requested portion of the record  
4 was read by the court reporter.)

5 MR. NEWKIRK: That's accurate.

6 A. Well, I don't -- I don't --

7 MR. RUSSO: Object, it's vague and  
8 ambiguous.

9 A. What's the question again?

10 THE REPORTER: Just a moment.

11 (The requested portion of the record  
12 was read by the court reporter.)

13 A. I can't think of anything else.

14 Q. (BY MR. NEWKIRK) Do the residents of  
15 Bolivar Peninsula have any issues or concerns that  
16 are unique to the peninsula?

17 A. Coastal issues.

18 Q. Besides proximity to the coast, what  
19 similarities does the Bolivar Peninsula have with  
20 the -- Galveston Island?

21 A. I don't -- I mean, sand. I don't -- you  
22 know, I mean, like I say, the taxes. They all  
23 complain about their taxes and want lower taxes.  
24 They all want beautiful parks. They all want  
25 drainage. They all want nice roads. They all want

1 | good law enforcement.

2 | And all of those things are the same

3 | everywhere else.

4 | Q. I'll ask a different way.

5 | Do any industries exist on Galveston Island?

6 | A. If you -- if you call UTMB industry, then,

7 | yes. That's what I -- and the port, the cruise

8 | ships.

9 | Q. Do any similar industries exist on Bolivar

10 | Peninsula?

11 | A. Pure tourism.

12 | Q. Following the release of the 2020 census

13 | data, as we discussed earlier, did the

14 | Commissioners Court hold any public hearings to

15 | address the population of a single coastal

16 | district?

17 | A. Define public hearings.

18 | Q. Any hearing in which any set or individual

19 | commissioner discussed this issue with members of

20 | the public.

21 | A. The placement of the maps on the Galveston

22 | County Web page and the comment period thereafter,

23 | to me, was a public -- was a public meeting.

24 | Q. Can you think of any others?

25 | A. The meeting when we adopted the -- the map.

1 Q. Okay. Are you aware of any commissioners  
2 creating surveys or polls to determine the public's  
3 interest in establishing a coastal district,  
4 following the release of the 2020 census data?

5 A. No.

6 Q. Are you aware of any county entity  
7 commissioning surveys or polls to gauge the  
8 public's interest in establishing a coastal  
9 district?

10 A. No.

11 Q. Based on your experience, what are some  
12 drawbacks of having a single coastal precinct on  
13 the Commissioners Court?

14 A. I can't think of any.

15 Q. Let me see one second.

16 Has anyone -- Commissioner Apffel?

17 A. Yes, I'm listening.

18 Q. Has anyone communicated any drawbacks of a  
19 single coastal district to you?

20 A. No.

21 Q. Shifting gears a little bit, what factors  
22 contribute to whether a Commissioners Court meeting  
23 is held at the county courthouse versus the Calder  
24 Road annex?

25 A. What I have observed is the unwritten rule,



1 | was the regular scheduled meetings were at the  
2 | Galveston County courthouse, at 722 Moody, and all  
3 | special meetings were always -- from the five years  
4 | I've been doing it, were always at Calder.

5 | That's changed a little bit now. Now, every  
6 | other meeting, even though it's a regular meeting,  
7 | is termed a special, because it's held at Calder.

8 | So, once a month, we're in Galveston, at a  
9 | regular. Once a month, we're in League City, at a  
10 | special.

11 | But at the time these maps were approved, we  
12 | had not gone to that. All regulars were in  
13 | Galveston. So twice a month we were in Galveston.  
14 | And any specials were held at Calder.

15 | Q. Prior -- when did this change occur, that  
16 | you're just describing?

17 | A. About October/November.

18 | Q. Of 2022?

19 | A. Yes, sir.

20 | Q. And before that, what change -- how many  
21 | special sessions did you experience, as -- as a  
22 | commissioner, since -- since your time on the  
23 | commissioner -- Commissioners Court?

24 | A. It's hard to gauge, but five to ten a year.

25 | Q. Based on your estimation, has that number

1 increased over the years that you've been on the  
2 Court, or has it remained relatively constant?

3 A. I would say it's about the same. Other than  
4 from what I'm now telling you, it's increased. But  
5 before, under the regular.

6 Q. In 2021, were there any public meetings of  
7 the Commissioners Court that were cancelled due to  
8 the COVID-19 pandemic?

9 A. I don't think we -- we cancelled one.

10 Q. Just real quick, remind me, you were  
11 appointed to the justice -- to be Justice of the  
12 Peace, correct?

13 A. Yes, sir.

14 Q. And do you recall what month and year?

15 A. October of '03.

16 Q. And earlier this morning, when you were  
17 describing your appointment, you had said that you  
18 had to file for reelection immediately.

19 Do you remember saying that?

20 A. Yes.

21 Q. Why did you have to file for reelection  
22 immediately?

23 A. Because -- I can't really tell you, other  
24 than the election cycle for the JP that resigned  
25 was up in '04. And so, it just was coincidental

1 his filing period was coming up for December of

2 '03, for the March of '04 primary.

3 He stepped down, to run for commissioner.

4 And so I was appointed for his unexpired term,

5 which gave me all -- the rest -- the two months of

6 '03 and the whole year of '04. But I was filing

7 for reelection immediately, because it was December

8 for the March primary for -- for '05.

9 Q. And that candidate qualifying period is set

10 by Texas law, correct?

11 A. Yes, sir.

12 Q. Going back to the most recent redistricting

13 cycle in 2021, did you ever personally reach out to

14 members of the black community to determine their

15 positions on proposed Maps 1 and 2?

16 A. Personally reach out, no.

17 Q. Any particular reason why not?

18 A. But speak with, yes.

19 Q. With whom did you speak?

20 A. The one I -- Reverend Daniels, I think --

21 that's the one that comes to mind. He -- just an

22 old friend. Lives in that precinct and, you know,

23 calls -- calls me, on occasion, to bend my ear.

24 Q. When you say, that precinct, which one are

25 you referring to?

1 A. The -- the -- my old precinct. He's now in

2 my new precinct.

3 Q. And what's his first name?

4 A. James Daniels, Reverend James Daniels.

5 Q. Did he support or oppose either of the maps?

6 A. I think he opposed.

7 Q. How did this meeting with Reverend Daniels

8 come about?

9 A. He called me.

10 Q. Do you know roughly when this meeting was?

11 A. No.

12 Q. Before the maps were passed, correct?

13 A. Yes.

14 Q. But after they were made public, correct?

15 A. Yes.

16 Q. How long did you meet?

17 A. We talked on the phone.

18 Q. But how long did you talk on the phone?

19 A. Five minutes, ten minutes.

20 Q. What were some of his concerns about the

21 maps?

22 A. That he just didn't like the way they were

23 redrawn.

24 Q. Did you find his concerns persuasive?

25 A. No. I tried to tell him that it -- the way

1 the population was, that they were going to have  
2 to -- in order to equalize that, it was going to  
3 take four quadrants, and his ability to elect  
4 Commissioner Holmes should not change.

5 Q. Did you ever personally reach out to the  
6 members of the Hispanic community to determine  
7 their positions on proposed Maps 1 and 2?

8 A. Not that I specifically recall, no.

9 Q. Did you consider reaching out to the  
10 Hispanic community, to determine their positions?

11 A. No, no.

12 Q. Are you aware of any other commissioners  
13 discussing outreach to the minority community  
14 during their redistricting process?

15 A. I'm not aware.

16 Q. Earlier, you were discussing your visit with  
17 the Bolivar Chamber of Commerce for the special  
18 session at Jose's Cantina.

19 Do you remember that?

20 A. Yes.

21 Q. Do you remember -- do you remember  
22 discussing that?

23 A. Yeah.

24 Q. Did you attend any meetings at any of the  
25 other chambers of commerce in Galveston County to

1 discuss the proposed plans?

2 A. The -- the League City chamber, the Texas  
3 City/La Marque chamber. And that's it, for me.

4 Q. Did they invite you to speak at their  
5 organizations?

6 A. No, no, I didn't speak like I did at the  
7 Bolivar chamber. I didn't speak like I did there.

8 Q. But did you discuss the proposed maps at  
9 these -- at these meetings --

10 A. I don't --

11 Q. -- with anybody?

12 A. I don't know. I mean, just -- again, that's  
13 just out and about. If people ask, I would  
14 discuss. But I don't have any independent  
15 recollection of specific discussions with them.

16 Q. I understand. So the only chamber that you  
17 spoke with about the redistricting plans, for that  
18 topic only, was the one on Bolivar Peninsula, at  
19 Jose's Cantina?

20 A. Yes, sir.

21 Q. Did you attend any other chambers of  
22 commerce meeting to discuss more broadly the idea  
23 of a coastal precinct?

24 A. No.

25 Q. Did you reach out to any of the local

1 | elected officials in Galveston city to discuss

2 | either of the proposed maps?

3 | A. No.

4 | Q. How about to discuss the idea of a coastal

5 | precinct?

6 | A. No.

7 | Q. Moving forward to the special session, do  
8 | you recall that a number of individuals made public  
9 | comments at that meeting?

10 | A. Are you talking about the public meeting  
11 | where the map was ultimately approved?

12 | Q. Yes, sir.

13 | A. Many.

14 | Q. And do you recall that the majority of  
15 | individuals who spoke testified against the  
16 | proposed plans?

17 | A. I would say that's correct.

18 | Q. Were you compelled by any of their  
19 | testimony, or concerns?

20 | A. Compelled? What -- what -- compelled --

21 | Q. (Unintelligible).

22 | A. No, I -- I found their comments and concerns  
23 | unfounded.

24 | Q. Why is that?

25 | A. Because I believe that Commissioner Holmes

1 could run for office under the new map, like I did,  
2 and win, by switching parties.

3 THE WITNESS: It froze.

4 Q. (BY MR. NEWKIRK) Sir, I think --

5 MR. RUSSO: Hey, Mr. Newkirk, did  
6 you pose a question?

7 MR. NEWKIRK: I think we were having  
8 some -- some freezing. The joy of depositions by  
9 Zoom.

10 MR. RUSSO: Right.

11 Q. (BY MR. NEWKIRK) I believe,  
12 Commissioner Apffel, you're still (unintelligible).

13 THE REPORTER: Can you repeat that?

14 MR. NEWKIRK: I -- I was asking if I  
15 was frozen on your end.

16 THE REPORTER: Yes, you were.

17 MR. NEWKIRK: But I'm unfrozen now?

18 THE REPORTER: Yes.

19 MR. NEWKIRK: Okay. Nearly done,  
20 sir.

21 Q. (BY MR. NEWKIRK) Should black and Hispanic  
22 residents in Galveston County have the opportunity  
23 to elect a candidate of their choice for the  
24 Commissioners Court?

25 A. Different from the rest of the county? No.



1 Q. You're saying that black and Hispanic  
2 residents in Galveston County should not have an  
3 opportunity to elect a candidate of their choice,  
4 for Commissioners Court?

5 MR. RUSSO: I -- I'm going to object  
6 to that question as harassing. That's not what he  
7 said. It misstates his testimony.

8 MR. NEWKIRK: I just couldn't hear.

9 A. I say, different from the rest of the  
10 county, I don't think so.

11 Q. (BY MR. NEWKIRK) If a redistricting plan  
12 eliminates that choice, would you support it?

13 A. I don't think it does.

14 MR. NEWKIRK: All right. At this  
15 point, I have no further questions. But similar to  
16 my co-counsel, we'll reserve the right to keep this  
17 deposition open, pending the resolution of the  
18 privileged issue.

19 Thank you so much for your time,  
20 sir.

21 THE WITNESS: How much time is left?

22 THE VIDEOGRAPHER: We're at 6:55.

23 MR. RUSSO: Okay. We'll reserve  
24 questions for trial.

25 So, we want to read and sign, also.

1 You can send us the deposition, and we'll get it  
2 back to you.

3 THE VIDEOGRAPHER: Is that -- does  
4 that conclude today's deposition?

5 MR. RUSSO: It concludes it from our  
6 perspective.

7 THE VIDEOGRAPHER: That concludes  
8 today's deposition. Off the record at 1801.

9 (The deposition concluded at  
10 P.M.)

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12 -- SIGNATURE REQUIRED --

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COUNTY OF HARRIS

STATE OF TEXAS

REPORTER'S CERTIFICATE

I, AMY PRIGMORE, Certified Shorthand Reporter in and for the State of Texas, hereby certify that this transcript is a true record of the testimony given by the witness named herein, after said witness was duly sworn by me.

I further certify that the deposition transcript was submitted on \_\_\_\_\_, \_\_\_\_\_ to the witness or to the attorney for the witness for examination, signature, and return to me by \_\_\_\_\_.

I further certify the amount of time used by each party at the deposition is as follows:

- Diana C. Vall-llobera - (05h37m)
- Bernadette Reyes - (00h32m)
- Zachary Newkirk - (00h46m)
- Joseph R. Russo - (00h00m)

I further certify that I am neither attorney nor counsel for, related to, nor employed by any of the parties to the action in which this testimony was taken. Further, I am not a relative or employee of any attorney of record in this

1 cause, nor do I have a financial interest in the  
2 action.

3 SUBSCRIBED AND SWORN TO by the undersigned  
4 on this the 6th day of January, 2023.

5

6

<%20328,Signature%>  
AMY PRIGMORE, Texas, CSR, RPR  
Expiration Date: 4/30/2023  
Firm Registration: 571

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1 Joseph R. Russo, Esq.,

2 jrusso@greerherz.com

3 January 6, 2023

4 RE: Honorable Terry Petteway Et Al v. Galveston County, Texas

5 1/5/2023, Darrell Apffel (#5628971)

6 The above-referenced transcript is available for  
7 review.

8 Within the applicable timeframe, the witness should  
9 read the testimony to verify its accuracy. If there are  
10 any changes, the witness should note those with the  
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of  
13 Deponent and Errata and return to the deposing attorney.  
14 Copies should be sent to all counsel, and to Veritext at  
15 cs-ny@veritext.com

16  
17 Return completed errata within 30 days from  
18 receipt of testimony.

19 If the witness fails to do so within the time  
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

1 Honorable Terry Petteway Et Al v. Galveston County, Texas

2 Darrell Apffel (#5628971)

3 E R R A T A S H E E T

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21 REASON \_\_\_\_\_

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24 Darrell Apffel

Date

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1 Honorable Terry Petteway Et Al v. Galveston County, Texas

2 Darrell Apffel (#5628971)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Darrell Apffel, do hereby declare that I  
5 have read the foregoing transcript, I have made any  
6 corrections, additions, or changes I deemed necessary as  
7 noted above to be appended hereto, and that the same is  
8 a true, correct and complete transcript of the testimony  
9 given by me.

10

11

\_\_\_\_\_

12 Darrell Apffel

Date

13 \*If notary is required

14

SUBSCRIBED AND SWORN TO BEFORE ME THIS

15

\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

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NOTARY PUBLIC

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# **Exhibit 3**



IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

3	HONORABLE TERRY PETTEWAY,	)
4	et al.,	)
4	Plaintiffs	)
5	VS.	)Case No. 3:22-CV-00057
6	GALVESTON COUNTY, et al.,	)
7	Defendants	)

\*\*\*\*\*

ORAL AND VIDEO DEPOSITION OF

DR. ROBIN ARMSTRONG

January 10, 2023

\*\*\*\*\*

ORAL AND VIDEO DEPOSITION OF DR. ROBIN ARMSTRONG,  
produced as a witness at the instance of the Plaintiffs,  
and duly sworn, was taken in the above-styled and  
numbered cause on the January 10, 2023, from 9:07 a.m.  
to 3:59 p.m., before Bonnie L. Rodriguez, CSR in and for  
the State of Texas, reported by machine shorthand, at  
Greer, Herz & Adams, L.L.P., One Moody Plaza, 18th  
Floor, Galveston, Texas 77550 pursuant to the Federal  
Rules of Civil Procedure.

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R E M O T E A P P E A R A N C E S

FOR THE PLAINTIFF, UNITED STATES DEPARTMENT OF JUSTICE:

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SARAH CHEN

JOAQUIN GONZALEZ

ZACHARY NEWKIRK

HILARY KLEIN

MATEO FORERO

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1 THE VIDEOGRAPHER: We are now on the record. Today's

2 date is January 10, 2023. The time is 9:07 a.m.

3 Counsel, will you please introduce

4 yourselves for the record?

5 MS. LEEPER: Yes. My name is Simone

6 Leeper and I'm representing the Petteway Plaintiffs in

7 this matter.

8 MR. RUSSO: This is Joseph Russo, Jr.

9 here on behalf of the Defendants.

10 MS. LEEPER: All right. I think maybe

11 the folks are going to be asking questions later. We'll

12 speak up when it's their turn if that's all right.

13 Okay. So as I just said, Dr. Armstrong,

14 my name --

15 THE REPORTER: I've got to swear him in.

16 MS. LEEPER: Pardon?

17 THE REPORTER: I've got to swear him in.

18 MS. LEEPER: Oh, yes, of course.

19 DR. ROBIN ARMSTRONG,

20 having been duly sworn, testified to the following:

21 EXAMINATION

22 QUESTIONS BY MS. LEEPER:

23 Q Okay. Now that that's taken care of, as I

24 just said, my name is Simone Leeper and I am counsel for

25 the Petteway Plaintiffs in this matter.

1                   There are some attorneys, as we've noted,  
2                   that are going to be on zoom potentially asking  
3                   questions later and then obviously we have your counsel  
4                   in the room as well, Mr. Russo.

5                   I'm going to just go over a couple of  
6                   ground rules about depositions and sort of best  
7                   practices. That way, we can get a clear transcript but  
8                   before I do that, I just want to ask you if you've been  
9                   deposed before.

10                  A     Yes.

11                  Q     You have, okay. We'll talk more about that in  
12                  a little bit but, hopefully, that means you've got a  
13                  little bit of a starter for what I'm about to tell you.

14                         Best practice is that we don't talk over  
15                         each other. The court reporter here is taking down a  
16                         transcript. To get that as clean as possible, we'll  
17                         have to ignore some of the normal ways that we talk as  
18                         human where we run over each other a little bit and just  
19                         take a second after I ask my question and then go ahead  
20                         and answer yours and I'll do my best not to run over you  
21                         as well.

22                         Something else that we tend to do when  
23                         speaking normally is give nonverbal responses. You  
24                         might nod or shake your head to a question or say  
25                         something like nah-uh or uh-huh to an answer. And just



1 for a clear transcript, if can you make all your  
2 responses verbal and say yeses and nos so that it's  
3 clear what your answer is.

4 At some point, you might not understand a  
5 question that I ask you. That's totally okay. You can  
6 ask me for clarification if you don't understand what  
7 I'm asking, but if I ask you a question and you answer  
8 the question, I'm going to assume that you did  
9 understand the question. Does that make sense?

10 A Yes.

11 Q Okay. Hopefully we won't be taking too much  
12 of your time today but it's obviously going to be a bit  
13 of a lengthy conversation and so you might find yourself  
14 in need of a break. That makes total sense. I'll try  
15 to take regular breaks on the hour-ish but if you find  
16 yourself in need of a break, you need to get some water  
17 or something, just go ahead and let me know that. We  
18 can take a break.

19 My only request is that we not take a  
20 break while a question is pending. And if we're in the  
21 middle of a line of questioning, I'd love it if you gave  
22 the opportunity for us to just finish those and wrap it  
23 up before we go to break. Does that work for you?

24 A Yes.

25 Q Okay. Your attorney or some of the attorneys

1 present might object to a question that I ask. If they  
2 do that, that objection is noted for the record, but you  
3 still have to answer the question that I ask you unless  
4 you've been specifically instructed not to answer the  
5 question. Does that make sense?

6 A Yes.

7 Q Could you please state and spell your full  
8 name for the record?

9 A Robin Lynn Armstrong. R-o-b-i-n, L-y-n-n and  
10 Armstrong, A-r-m-s-t-r-o-n-g.

11 Q Okay. And is there something you prefer I  
12 call you today? Obviously it's Dr. Armstrong,  
13 Commissioner Armstrong. What's your preference?

14 A Whatever you want.

15 Q Okay.

16 A Robin's fine.

17 Q All right. Thank you.

18 A If you want.

19 Q I'll do my best. I tend to be a little bit  
20 formal so -- but you should feel free to call me Simone.  
21 Also for the record, what is your race?

22 A I am African American.

23 Q Are you Hispanic or Latino?

24 A No.

25 Q In today's deposition, I'm going to be using

1 the terms Hispanic and Latino interchangeably. And when  
2 I refer to White residents, I'm referring to White  
3 residents who do not identify as Hispanic or Latino. Do  
4 you understand that?

5 A Yes.

6 Q Do you understand that you are under oath  
7 today?

8 A Yes.

9 Q Is there any reason why you can't give me  
10 truthful answers to my questions?

11 A No.

12 Q Are you taking any medications that impair  
13 your memory?

14 A No.

15 Q And do you have any conditions that might  
16 impair your memory?

17 A No.

18 Q Part of the oath that you took today was to  
19 tell the whole truth, which means providing full and  
20 complete answers to the questions that I might ask you.  
21 Do you understand that?

22 A Yes.

23 Q Sometimes it might happen that later on in the  
24 deposition you remember a little bit more information  
25 about a question that I asked you earlier, and so I'd

1 ask at that time that you can clarify or tell me more  
2 about a previous answer if something pops into your head  
3 later on. Does that work for you?

4 A Yes.

5 Q All right. So is there any reason why you  
6 cannot give full, complete and accurate testimony  
7 today?

8 A No.

9 Q You mentioned earlier that you had been  
10 deposed before. How many times have you been deposed?

11 A Once.

12 Q And when was that?

13 A It's been a few years ago in a -- yes. It's  
14 been a few years ago.

15 Q Okay. And what was that case about?

16 A It was a med mal case.

17 Q All right. So it did not involve voting  
18 rights?

19 A No.

20 Q Did it involve racial discrimination in any  
21 way?

22 A No.

23 Q Did you testify at trial for that case?

24 A I did.

25 Q Okay. Have you ever been a party to a lawsuit

1 in your personal or official capacity?

2 A Yes.

3 Q How many times?

4 A Twice.

5 Q All right. Let's talk about the first

6 instance. What was that?

7 A That was a med mal case as well.

8 Q All right. We'll go past that one. How about

9 the second time?

10 A It was med mal also.

11 Q Okay. Have you ever been a party to a lawsuit

12 involving voting rights?

13 A No.

14 Q How about racial discrimination?

15 A No.

16 Q All right. I'm going to ask you some

17 questions about your preparation for this deposition and

18 I want to preface it by saying that at no point today am

19 I going to be asking you questions about the content of

20 the conversations that you've had with your attorney.

21 That's privileged information and I'm not trying to get

22 that from you. So just to sort of throw that out there

23 to start.

24 Did you meet in person by phone, by zoom

25 or otherwise with anyone to prepare for this deposition?

1 A Yes.

2 Q Who did you meet with?

3 A The defense attorneys.

4 Q Okay. Was anyone else on that call?

5 A No.

6 Q How many times did you meet with your

7 attorneys?

8 A Twice.

9 Q When was the first meeting?

10 A First meeting was probably -- I can't remember

11 the exact date. Maybe -- it was last Friday, I think,

12 whatever -- whatever date that was.

13 Q And the second meeting?

14 A Yesterday.

15 Q And how was each of those meetings held?

16 A How? In person. Is that what you mean?

17 Q Yes. In person?

18 A Yes.

19 Q Okay. How long did the first meeting last?

20 A About two, three hours. I'm not a watch time

21 person, so I'm -- timing is maybe off some.

22 Q Round about three hours?

23 A Round about three years, yeah.

24 Q Okay. And about how long was the meeting

25 yesterday?

1           A     Probably about the same.  Maybe a little less  
2     than that.

3           Q     Did you review any documents at the meetings  
4     with your attorneys?

5           A     Yes.

6           Q     Did you take any notes at the meetings with  
7     your attorneys?

8           A     No.

9           Q     Other than the meetings with your attorneys,  
10    did you discuss this deposition with anyone else?

11          A     No.  Well, my wife but. . .

12          Q     Did you discuss the deposition with any other  
13    members of the Galveston County commissioner's court?

14          A     No.

15          Q     Did you have any discussions with other  
16    members of the Galveston County commissioner's court  
17    about their depositions?

18          A     No.

19          Q     Have you had any written communications with  
20    anyone other than your attorneys to prepare for this  
21    deposition?

22          A     No.

23          Q     Besides during any of the meetings with your  
24    attorney, did you review any documents in preparation  
25    for this deposition?

1 A No.

2 Q Even if not in preparation for this  
3 deposition, have you reviewed any documents filed in  
4 this case?

5 A No.

6 Q So you haven't looked at the complaint?

7 A No.

8 Q Or the motion for preliminary injunction?

9 A I have not.

10 Q How about the Motion to Dismiss that was filed  
11 by your attorneys, have you read that?

12 A No.

13 Q Okay. Have you seen any discovery requests  
14 related to this case?

15 A No.

16 Q You hesitated there. What were you thinking?

17 A Well, I was thinking it was another instance,  
18 separate issue with the county.

19 Q Okay.

20 A Not to do with this one. So I was trying to  
21 make sure it was the right one. So no, I've not  
22 received any discovery request or anything for this  
23 case.

24 Q Okay. Have you been asked to conduct any  
25 severance as it relates to this case?



1 A No.

2 Q Besides any of the meetings that we've already  
3 discussed, what else did you do to prepare for this  
4 deposition?

5 A Nothing.

6 Q And so how long in total do you think you  
7 spent preparing for this deposition?

8 A I would say the addition of those.

9 Q Okay.

10 A That time I spent with the attorneys.

11 Q Roughly six hours?

12 A Roughly.

13 Q All right. Have you discussed this lawsuit  
14 with anyone apart from your attorneys?

15 A No.

16 Q Did you discuss this lawsuit with anyone prior  
17 to your appointment to the Galveston County  
18 commissioner's court?

19 A No.

20 Q When did you first become aware of this  
21 lawsuit?

22 A The first time I became aware was after I was  
23 appointed during an executive session of the  
24 commissioner's court. That's the first time I knew  
25 about this lawsuit.

1 Q And since then, other than meeting with your  
2 attorneys, what instances have you had to learn about or  
3 discuss the lawsuit?

4 A I really haven't discussed it at all with  
5 anyone.

6 Q Okay. What is your understanding of what this  
7 lawsuit is about?

8 A It's redistricting. It's about redistricting.

9 Q Anything else?

10 A I think that word sums it up pretty good, I  
11 think. Redistrict -- it's a redistricting lawsuit.

12 Q And what about redistricting?

13 A Redistricting those districts in Galveston  
14 County and whether they were done fairly. I suppose  
15 that's what the lawsuit's about.

16 Q And what do you mean when you say "fairly"?

17 A Well, it's a subjective term and that's  
18 just -- that's just my -- the word that came to mind.  
19 That's how I would describe the lawsuit -- what the  
20 lawsuit is about.

21 Q Fair to whom?

22 A Fairly. Fairly. Generally fair to everyone.

23 Q Do you have any other impressions of what this  
24 lawsuit is about?

25 A Impressions of what the lawsuit's about.

1 There's a disagreement on the districts, I know that.  
2 Disagreement on the precincts rather, the commissioner's  
3 precincts. That sums it up.

4 Q What do you understand that disagreement to  
5 be?

6 MR. RUSSO: And let me just remind the  
7 witness that do not disclose conversations or things  
8 that you learned from counsel or discussed with  
9 counsel.

10 THE WITNESS: Okay.

11 MR. RUSSO: Other than that --

12 THE WITNESS: Okay.

13 MR. RUSSO: -- you can continue.

14 Q (BY MS. LEEPER) Yeah. And like I said  
15 earlier, I don't want to know anything about  
16 conversations you've had with counsel. Here, I'm just  
17 asking about your understanding of what that  
18 disagreement is.

19 A Right. Well, it's -- it's really difficult  
20 for me to separate all the -- all the conversations I've  
21 had, so I'll try very hard not to, but the question one  
22 more time. What is the disagreement.

23 Q Yeah. What is the disagreement?

24 MR. RUSSO: Same --

25 A It's --

1 MR. RUSSO: Same objection with the  
2 privileged.

3 THE WITNESS: Sure.

4 A It's about the outline of the districts of the  
5 precincts.

6 Q (BY MS. LEEPER) What about that outline?

7 A One side wants them drawn one way, the other  
8 side wants them drawn another way, and there's a  
9 disagreement about how those districts were drawn.

10 Q All right. I'm going to go back to basics  
11 here. In which part of Galveston County do you  
12 correctly live?

13 A I live in Friendswood, Texas.

14 Q How long have you lived there?

15 A About six years. Six, seven years.

16 Q And where are you from?

17 A I'm from La Marque, Texas.

18 Q Is that where you grew up?

19 A I grew up in Texas City and La Marque, yes.

20 Q Have you ever lived outside of Galveston  
21 County?

22 A Yes.

23 Q When was that?

24 A That was from '87 to '91 and I was in -- do  
25 you want to know where?

1 Q Yeah.

2 A College Station.

3 Q And then in '91, where did you go to?

4 A After '91?

5 Q Yes.

6 A Oh, I came back home.

7 Q Where were you --

8 A In Galveston County.

9 Q I'm sorry. Could you repeat that? I  
10 apologize I talked over you.

11 A I came back home in Galveston County.

12 Q Got it. And so you said that you've been in  
13 Friendswood for six or seven years. Where were you in  
14 Galveston County between '92 and six or seven years ago?

15 A So -- so I was in -- I did take two trips to  
16 Africa on missionary trips. So I was out of the country  
17 for a few weeks twice during that time and, otherwise, I  
18 lived in Texas City -- do you want to go through all of  
19 them.

20 Q Yes, please.

21 A 'Cause I moved a lot -- I moved around a lot  
22 in the county. So I've been living in Texas City. I  
23 did medical school in Galveston and -- and communicated  
24 back and forth.

25 And then we moved to Galveston for a

1 brief time when I -- after I got married and -- and then  
2 we moved in -- moved to Dickinson, and -- and there  
3 probably was -- my wife started a residency in Houston.

4 So there was a brief time, actually, for  
5 probably half a year that we did live in Houston. So we  
6 were out of county for that brief time as well. So I  
7 forgot about that time, but we were in south Houston.  
8 So pretty close still. That's it.

9 Q Okay. And you just mentioned you went to  
10 medical school in Galveston.

11 A Correct.

12 Q Could you just give me an overview of your  
13 educational background?

14 A Sure. So I graduated from La Marque High  
15 School and then after that, I went off to college at  
16 Texas A&M in College Station and then I took a few years  
17 off. I actually worked in Galveston for a while and did  
18 research, went on two missionary trips, sorted out what  
19 I wanted to do with my life and then started medical  
20 school in Galveston and did residency in Galveston as  
21 well.

22 Q And what did you study at Texas A&M?

23 A Microbiology.

24 Q And now you've just mentioned some of it and  
25 so I'm just parsing it out. Could you give me a little

1 bit about your employment history and overview there?

2 A Okay. So I worked briefly, did research  
3 during the three years that I was off from -- from  
4 undergraduate. And after I finished medical school and  
5 residency, I've worked as a hospitalist, internal  
6 medicine, trained and so I did hospital -- inpatient  
7 hospital care.

8 And -- and I did that for, like, 15 years  
9 or so and then we broke off and started our own company.  
10 And so now I am the owner of Armstrong Medical Group and  
11 so it's a hospitalist company. We have hospitals --  
12 physicians and hospital, nurse practitioners, PAs and  
13 then we also have a large nursing home practice as well.

14 Q And you said, "We broke off." Was that you  
15 and --

16 A Myself and three other physicians.

17 Q Okay. And what is your current employment?

18 A Armstrong Medical Group, owner and a  
19 physician.

20 Q And so you've just said it a bit but what does  
21 that job involve?

22 A My job is -- is, in large part, administrative  
23 now but I see patients as well. I kind of fill myself  
24 in the schedule where that's needed. In the medical  
25 field, it's always needed so -- so that keeps me pretty

1 busy. So I see patients in hospitals, I see patients in  
2 nursing homes and then I manage the practice as well.

3 Q Okay. And is that a full-time job?

4 A It is. Less so now than it was before 'cause  
5 I'm not seeing patients as much.

6 Q Okay.

7 A But -- but yeah, I spent a lot of time in it.

8 Q Okay. Are you a member of any community or  
9 civic engagement groups?

10 A Community or civic engagement groups. Church.  
11 Is that part of -- is that part of what you're talking  
12 about?

13 Q That counts.

14 A Yeah, okay. So -- so yeah, I'm a member at my  
15 local church and my -- we do ministry stuff as well, my  
16 wife and I do. We -- we go to a foster care home every  
17 week with our kids. We take them there and I do lots of  
18 stuff with my medical practice as well just in the  
19 community also.

20 So yeah, we stay pretty -- I mean, we're  
21 very involved. You know, we've worked a food truck at  
22 our church and everything. So we stay pretty engaged  
23 with the community. I grew up there and then I  
24 obviously take care of a lot of people as well in the  
25 community.



1                   You know, I was -- our main practice  
2 started in the hospital where I was born. So I mean,  
3 I'm well known in the area.

4                   Q     Okay. So when you talk about doing stuff in  
5 the community with your medical practice, could you  
6 explain more about what you do through that?

7                   A     What we have done in the past is we've done  
8 medical talks at churches and the pastors would give us  
9 time to speak in the morning and so we would do that.  
10 That's been a long time ago. But we've done that and  
11 done medical screenings in the community as well.

12                  Q     Okay. And when is about the last time you  
13 talked -- you said you were doing those medical talks at  
14 churches. You said that was a long time ago. When  
15 about?

16                  A     It's been a while. Gosh, I don't know.  
17 That's probably been -- that's probably been ten years  
18 plus ago.

19                  Q     And you also mentioned house -- health  
20 screenings for the community. When do you think --

21                  A     Right.

22                  Q     -- you last did those?

23                  A     Okay. Usually those are in conjunction  
24 with -- with hospital screenings and stuff with the  
25 hospital where we are. I mean, it's -- so they're just

1 done randomly. I can't -- it's probably been years ago  
2 as well that we've done one of those hospital  
3 screenings.

4 Q And you'll have to forgive me. I know nothing  
5 about medicine. What do you mean by health  
6 screenings?

7 A Well, you take blood pressures, vital signs  
8 and stuff like that. That's a major problem in our --  
9 in -- in every community now is -- is hypertension.  
10 It's a risk factor for coronary disease, for heart  
11 disease.

12 So -- so we do blood pressure screenings  
13 and you know -- and then if the blood pressure's high,  
14 we have them follow-up with their physicians and so --  
15 or we -- or we establish them with a physician in the  
16 community.

17 Q Okay. And then you said also you take care of  
18 people in the community. Are you just -- are you  
19 referring to sort of your patients and the people that  
20 see you?

21 A Yes.

22 Q Okay.

23 A In the hospital and nursing homes.

24 Q Okay. All right. So that's all sort of  
25 through your health care capacity and business and you

1 talked about a bit about your church involvement and  
2 things do you with that.

3 Are there any other community or civic  
4 engagement groups that you're a part of?

5 A Probably but I'm probably not thinking of  
6 them. You know, I just, you know. . .

7 Q Yeah. Just none that you can recall at the  
8 moment?

9 A It may -- some may pop in my mind but none  
10 that I can recall right now.

11 Q Have you ever been involved with a chapter of  
12 the NAACP?

13 A I have. Now, it was when I was -- when I was  
14 in high school actually. I did a -- I went to a  
15 conference in -- in New York City actually where I  
16 submitted a poem and it was a big competition for that.  
17 So I was involved with that but that's when I was a kid,  
18 so it's been a hundred years ago.

19 Q Well, you'll have to forgive me. As lawyers,  
20 we ask rude questions. About what year was that?

21 A Let me see here. Let me see when I was born.  
22 I'm guessing probably around '85, '86. That's probably  
23 a pretty good guess actually.

24 Q Okay. And that's the last time that you did  
25 sort of an activity with the NAACP; is that --

1 A Correct.

2 Q -- right?

3 A Correct.

4 Q How long LULAC, have you ever been involved  
5 with that organization?

6 A No.

7 Q Are you aware of a annual backyard barbeque  
8 hosted by Commissioner Holmes, which benefits the  
9 nonprofit Galveston County Senior Citizens Activities,  
10 Inc.?

11 A I became aware of it this year.

12 Q Okay. Have you ever been attended?

13 A I have not.

14 Q Are you aware that it takes place in Precinct  
15 3?

16 A No.

17 Q And do you know who primarily attends that  
18 event?

19 MR. RUSSO: Objection, calls for  
20 speculation.

21 A Yeah. I'm -- it's an event, I think, as  
22 you -- the title states for seniors. So that would be  
23 my assumption.

24 Q (BY MS. LEEPER) Yeah. And I'll just --

25 A But I don't know for sure. I don't know that

1 for sure.

2 Q Yeah. And I'll throw in here, whenever I ask  
3 do you know something, you can say no, that you don't  
4 know something. I don't want you to be speculating.

5 A Sure.

6 Q And so hopefully that will clear up any  
7 confusion about those questions.

8 A So that would be no then to that answer.

9 Q Okay. Have you hosted any events of a similar  
10 nature to that before?

11 A No.

12 Q Do you have any plans to host any events for  
13 the community in that way?

14 A For sure, yes.

15 Q Any concrete plans?

16 A Well, I just got sworn in nine days ago. So  
17 nothing concrete yet. I've been in the position since  
18 May but I haven't done anything as of yet but -- but we  
19 certainly will do lots of things.

20 I -- that would be my pattern of  
21 activity. I mean, it's kind of been my MO in the  
22 community before I was elected official. It certainly  
23 will be my MO afterwards as well.

24 Q And when you say that's been your pattern in  
25 the community, what do you mean by that?

1 A I've been active in the community.

2 Q Okay. Have you previously attended sort of  
3 community events for the -- largely attended by the  
4 Black and Hispanic community in Galveston before?

5 A Yes.

6 Q What are some of those events that you've  
7 attended?

8 A I've gone to the Juneteenth events on many a  
9 different occasions, including this past year. I've  
10 gone to MLK, Martin Luther King, Jr. events as well,  
11 and -- and -- and my wife is Mexican. So whenever I  
12 have a large family gathering, it is one of those  
13 events, so -- I just did that over Christmas, so -- so  
14 yeah, I have, yes.

15 Q Okay. Have you ever campaigned for anyone in  
16 Galveston County?

17 A I have.

18 Q I imagine this might be a list but for whom  
19 have you campaigned in Galveston County?

20 A So --

21 MR. RUSSO: Let me -- can I just impose  
22 an objection, vague. Do you mean campaign for candidate  
23 running in Galveston County?

24 MS. LEEPER: Yes.

25 MR. RUSSO: Just if you could clarify, it

1 would be great.

2 MS. LEEPER: Yeah. I'm happy to  
3 clarify.

4 Q (BY MS. LEEPER) Campaigning, I generally  
5 understand to refer to as -- for elected officials or  
6 people that are running for office.

7 So now understanding that definition,  
8 have you ever campaigned for a candidate for office in  
9 Galveston County?

10 A I have. It's -- it's been a long time because  
11 a long -- it happened a long time ago but yes, I have.

12 Q And for whom do you remember campaigning?

13 A I remember campaigning when -- when the county  
14 was predominantly Democrat. I remember campaigning for  
15 Cheryl Johnson. I remember campaigning for Kim Clark.  
16 I remember campaigning -- those were the two main  
17 candidates. They were the only ones that were running  
18 back when I was involved politically on the local level.

19 Q And when was that?

20 A Probably during like medical school time.

21 Q I'm sorry. I couldn't hear that.

22 A Probably medical school. Probably I would  
23 say -- that would be '94 to '98.

24 Q And so that '94 to '98 is the last time you  
25 recall actively campaigning for candidates in Galveston

1 County?

2 A Yes. Yes.

3 Q Did you more recently campaign for Kim  
4 Clark?

5 A Not recently. I did -- I did endorse him for  
6 his primary race but I didn't campaign for him  
7 necessarily.

8 And kind of -- so define campaign for me,  
9 you know, 'cause it's a -- there's a fine line. Talk to  
10 people -- define campaign for me.

11 Q Yeah, I'd be happy to. Let's break it down.  
12 So let's start with endorsements.

13 A Okay.

14 Q So who do you recall endorsing for office in  
15 Galveston County?

16 A So I endorsed Kim Clark recently.

17 Q Okay.

18 A And in a -- that was the only race I really  
19 endorsed in -- in this past election cycle. I -- and  
20 then I -- do you want to go back in the past as well?

21 Q Yes, please.

22 A I've helped campaign for other people as well.  
23 I don't -- I don't have a lot of endorsements. There --  
24 there's a reason for that but I've been involved more on  
25 the national and state level than I have on the local



1 level. So I haven't done a lot of endorsements locally.

2 Q Okay. I want to get back to that in a little  
3 bit but let's go back to this idea of campaigning or  
4 supporting candidates.

5 What candidates -- Galveston County  
6 candidates do you recall door knocking for or making  
7 phone calls for?

8 A So that would be back in that '91 range, you  
9 know. That would probably be Lonnie Cox and Cheryl  
10 Johnson. That was back in the early days when the  
11 county was completely Democrat.

12 Q Okay. And you talked about how more recently  
13 you did endorse Kim Clark in the primary and that was in  
14 2022; is that correct?

15 A Correct.

16 Q And so what did you do as a part of that  
17 endorsement?

18 A Nothing. Just list my name. He could list my  
19 name on his material.

20 Q Okay. How did you come to be involved with  
21 Kim Clark's campaign in 2022?

22 A Well, I had -- well, I've known Kim for a  
23 long, long time. Like 25 years, you know, 20 plus  
24 years. So I've known Kim for a very long time. I  
25 became involved with that campaign when -- when he asked

1 if I would endorse him.

2 Q So he reached out to you to ask for an  
3 endorsement?

4 A Uh-huh. Correct.

5 Q And do you recall what method of  
6 communication? Was that in person, a phone call, a text  
7 message?

8 A I can't recall that.

9 Q Why did you decide to endorse Kim Clark?

10 A In the -- it was a primary. Because he had a  
11 really bad candidate running against him. Really bad,  
12 Republican candidate running against him.

13 Q And what made that person really bad in your  
14 book?

15 A I just knew him personally and he was not  
16 very -- not a very honest guy.

17 Q And what do you mean by that?

18 A He didn't tell the truth.

19 Q About anything in particular?

20 A About -- about, you know -- anything in  
21 particular, I mean, I -- he just wasn't an honest  
22 person.

23 Q Okay. And you had exchanges with him  
24 previously where you felt he was dishonest?

25 A The guy -- the guy that was running against

1 Kim, yes.

2 Q Yeah.

3 A Yes.

4 Q And what did you feel he was being dishonest  
5 about?

6 A Well, he's a physician so I've interacted with  
7 him on that level.

8 Q Okay. So you endorsed Kim Clark in the  
9 Republican primary. One reason was because you really  
10 didn't like his opponent. Were there any other reasons  
11 you chose to endorse Kim?

12 A 'Cause I'm good friends with Kim. I've known  
13 him for a long time.

14 Q What policies, if any, of Commissioner Clark  
15 align with your values?

16 A I think the main thing is he's a Christian.  
17 He's guided by his faith, his family is, and the fact  
18 that he is a -- he's a conservative minded individual,  
19 family values and those things were important to him and  
20 so -- and policies that promote that.

21 Q All right. I'm going to break that down.  
22 When you say "conservative minded," what does that mean  
23 to you?

24 A It means that -- it means that the most  
25 important thing is -- is life, the life issue. He's

1 pro-life is one thing. Another thing is -- is  
2 pro-nuclear family. Just not opposed to anybody but  
3 certainly promoting values, promoting policies that  
4 will, you know, help encourage the strength of a nuclear  
5 family. And those are -- those are two, probably the  
6 most, predominant things that I believe in and had in --  
7 in --

8 Q And what policies do you feel would help  
9 encourage the strength of a nuclear family?

10 A I think recognize -- encourage -- policies  
11 that would encourage a man to stay at home and take care  
12 of his -- his baby and her mother. I think policies  
13 that would promote that. I think policies that -- that  
14 promote -- promote marriage.

15 You know, I think that we should have  
16 public policy that -- that promote marriage between a  
17 man and a woman. I think society is stronger if we do  
18 that. I believe that -- that if we have policies that  
19 promote the -- the love and promotion of life, I think  
20 that's an important policy as well.

21 And so I think that -- that -- that if we  
22 denigrate life at any level, we denigrate life for  
23 everyone and so I believe in that as well. So I think  
24 those are -- those are policies that you can put into  
25 place that would -- would promote those things.

1 Q And so what policies that the Galveston County  
2 commission has in purview do you see? And I'm looking  
3 for sort of concrete things. Obviously, the things  
4 you're talking about don't have to do with roads and  
5 bridges.

6 A Right.

7 Q So what sort of policies would be put in place  
8 by Kim Clark on the county commission that would support  
9 those sorts of things?

10 A None of those.

11 Q Okay.

12 A Nothing. You know, so commissioner's court  
13 really is -- is -- doesn't -- you know, that's not their  
14 purview at all and so they're not going to really, you  
15 know -- but obviously, we do know that -- that these --  
16 you know, these are -- they're elected positions and how  
17 people carry themselves and how they believes affects,  
18 you know, their entire belief certainly. But the  
19 commissioner's court's not going to push any of those  
20 issues at all.

21 Q Okay. All right. So I'm going to go ahead  
22 and pull up our first exhibit. We practiced this  
23 earlier so hopefully it works. I'm going to be sharing  
24 a video with you.

25 A Okay.

1 Q And so let's hope that this functions. Do you  
2 see my screen here?

3 A I -- it -- my -- half of my head is cut off  
4 but I can see it.

5 Q That's -- that's how it is on mine too. So  
6 don't worry. I'm going to scroll down for you. All  
7 right. Do you see that this says kimclark.org; is that  
8 right?

9 THE VIDEOGRAPHER: In the top right, if  
10 you click stop speaker view, it'll screen it out.

11 THE WITNESS: You don't want me to touch  
12 the computer, do you? I'll crash it, I promise. I  
13 won't do the right thing.

14 MR. RUSSO: I think she's referring to  
15 here.

16 THE WITNESS: Okay.

17 Q (BY MS. LEEPER) All right. So do you see  
18 these website is kimclark.org?

19 A Yes.

20 Q Okay. And this particular page is entitled,  
21 "Dr. Robin Armstrong-Where Were They Then?"

22 A Uh-huh.

23 Q And this appears to be Kim Clark's re-election  
24 page; is that right?

25 A Yes.

1 Q All right. So I'm going to go ahead and show  
2 this video.

3 A Okay.

4 Q And --

5 A So when did I do this video?

6 Q I think I might be asking you some questions  
7 about that. Let's open up on YouTube so we can go full  
8 screen.

9 (Video displayed.)

10 Q (BY MS. LEEPER) All right. Does that at all  
11 reflect -- refresh your recollection about work you  
12 might have done on behalf of Kim Clark in the last  
13 election?

14 A I don't know. I mean, is the video -- is  
15 it -- is it -- so I've like made lots of videos for Kim  
16 Clark in the past. Lots of videos for a lot of people.  
17 So what is the date on the video.

18 If the date on the video says it was  
19 during the last campaign, then, yes. I would answer  
20 that yes.

21 Q Yeah.

22 A I have no way of knowing that, though.

23 Q Okay. So you say you've done lots of videos  
24 for Kim Clark. Do you --

25 A Not to -- well, probably not for Kim Clark but

1 I've done lots of videos just in general.

2 Q Okay.

3 A Yeah, for a lot of people.

4 Q Okay.

5 A So what was the date on that?

6 Q So I'll check and I'll look. I see that on  
7 YouTube, it appears this was posted four years ago.

8 So does that seem like it would square  
9 with your recollection about the Republican primary in  
10 2018?

11 A That was definitely me. So I guess I made  
12 that video and if you tell me the date was 2018, then I  
13 will take your word for it.

14 Q Okay. So you talked about how you've made  
15 videos of this sort to endorse other candidates; is that  
16 right?

17 MR. RUSSO: Can you read that back?

18 THE WITNESS: I'm sorry?

19 MR. RUSSO: I'm asking her to read that  
20 back.

21 (Page 40, Lines 15 - 17 read.)

22 A Yes. I have done that for other candidates  
23 but it's been a 25-year involvement in politics, so I  
24 would have to say yes.

25 Q (BY MS. LEEPER) Okay. So you said you --



1 A But. . .

2 Q Please, go ahead.

3 A I would say I didn't remember that video,  
4 so -- you know what I mean? So. . .

5 Q Okay. Do you recall making any videos like  
6 this endorsing or advertising a campaign for any other  
7 Galveston County races?

8 A I cannot remember making other videos but it  
9 doesn't mean I didn't. I don't know.

10 Q So the other ones that you recall, were those  
11 on the national and state level?

12 A Yes.

13 Q Zooming out from Galveston County, let's say  
14 in the last ten years, what candidates for public office  
15 do you recall endorsing or campaigning for?

16 A So I -- I traveled to Ohio for the Romney  
17 campaign way back when, whenever that was. I also --  
18 I've been on the Republican National Committee. So I've  
19 done things in the -- on the state and local level as  
20 well and I supported Greg Abbott.

21 I've done some -- I was in a couple of  
22 commercials for him this last cycle and so yeah. So  
23 I've been supporting candidates and -- I wouldn't say  
24 necessarily block walking for all of them but just  
25 supporting them on a more -- from an endorsement level

1 in all of that. Just to kind of -- supporting the  
2 workings of the party infrastructure more than anything.

3 Q When you say the "party infrastructure,"  
4 you're referring to the Republican party; is that  
5 correct?

6 A Correct. Correct. Yes.

7 Q Have you ever run for public office?

8 A I have not. Actually no, that's not true.  
9 I -- I ran for state senate recently in that primary but  
10 before that, no, I have not run for public office.

11 Q And that was the 2022 state senate primary?

12 A Correct.

13 Q And what district did you run for?

14 A 11.

15 Q And then you also were recently elected to the  
16 Galveston County commission as well; is that right?

17 A Correct.

18 Q But would you consider that -- did you not  
19 include that because you were unopposed?

20 A No. I -- I didn't include it because I -- I  
21 thought it was self evident.

22 Q Yes.

23 A So I --

24 Q Yeah. We have to ask a lot of those self  
25 evident kind of questions here.

1 A Right.

2 Q It's a little bit contrary to our --

3 A Right. So yes. So I guess technically state  
4 senate and then Galveston County commissioner.

5 Q Okay. Let's talk about your state senate  
6 race --

7 A Sure.

8 Q -- in 2022, the primary. Did you have a  
9 platform for that campaign?

10 A The things that I ran on, yeah.

11 Q What did you run on?

12 A I ran on -- one big thing that I ran on is  
13 that -- I ran on the fact that I stood up against, you  
14 know, what I believe to be the large medical industrial  
15 complex in COVID treatments. I certainly stood -- I  
16 certainly ran on that.

17 And I felt like we were -- I felt like  
18 there -- the whole establishment, including big pharma,  
19 large pharmaceuticals were -- were not completely honest  
20 with -- with a lot of what was happening. One -- that  
21 was one thing. I ran on that.

22 I ran on the fact that I've been involved  
23 with Republican party politics for many, many years,  
24 including my time on the Republican National Committee  
25 and time as vice chair of the Republican Party of Texas

1 and then worked locally in the district as well.

2 I ran on the fact that I was -- one, I  
3 lived in the district and the other guy did not. So I  
4 ran on those -- those things probably were the main  
5 things that I ran on, standing up for freedom and  
6 liberty and such during COVID.

7 Q Okay.

8 A Those are the things that I listed.

9 Q And the outcome of that race was that you did  
10 not emerge from the primary; is that correct?

11 A I lost.

12 Q I was trying to be delicate.

13 A Yeah, I know. I could tell.

14 Q Did you receive any endorsements from  
15 Galveston County elected officials for your state senate  
16 bid?

17 A I did -- I did get some precinct chair  
18 endorsements. I got some party official endorsements.  
19 A lot of the elected officials in Galveston County sort  
20 of stayed neutral in that race because of what I was  
21 running against.

22 Q And when you say "precinct chair," is that  
23 Republican precinct chair?

24 A Correct.

25 Q A role in the party?

1 A Correct.

2 Q Okay.

3 A Yeah. They were on -- they were on the  
4 primary ballot as well.

5 Q Okay. And you said that some of the Galveston  
6 County officials remained neutral in the primary because  
7 of who you were running against. Who was your opponent  
8 in that race?

9 A Mayes Middleton.

10 Q And why would Mayes Middleton's presence lead  
11 people to be neutral to your understanding?

12 A 'Cause he has a lot of money and he's -- he's  
13 well known in the county as well. I think it was a race  
14 where people were -- had heartburn over it 'cause I  
15 think people wanted to support both of us sort of  
16 deal.

17 Q And do you recall what your numbers were in  
18 that election?

19 A I don't recall. I think I came in -- it was  
20 four people running in that race. I think the guy that  
21 was in second got about like a hundred votes more than  
22 me is what I recall.

23 There was a big mistake made at first but  
24 the Secretary of State corrected that. So it was  
25 sort -- but me and the -- me and the second and third

1 place were kind of tied and then Mayes kind of won  
2 without runoff.

3 Q When you say a big mistake was made and the  
4 Secretary of State corrected it --

5 A Not a big mistake.

6 Q -- what are you referring to?

7 A Not a big mistake. But I think that the  
8 numbers weren't accurate at first and they corrected the  
9 numbers, I think.

10 Q Okay. And do you know what led to the numbers  
11 being wrong at first?

12 A No. It wasn't anything in Galveston County.

13 Q Okay.

14 A But I have no way of knowing that. It was --  
15 the numbers were reported wrong early on but I think it  
16 was maybe a computation -- not a computation error but  
17 more -- more of a -- someone filled in the wrong thing  
18 with one of the other counties. Some district levels  
19 has multiple counties. Part of Harris, part of -- lots  
20 of mistakes in Harris County. There was something  
21 computed wrong in Brazoria County as well.

22 Q Okay. What led you to run for state senate  
23 District 11?

24 A So Senator Larry Taylor had been a long-term  
25 senator there and had decided not to run.

1 Q Did anyone approach you and suggest that you  
2 should run or would be a good candidate?

3 A No. No. I generally don't -- politicians do  
4 that a lot but I don't think it's very genuine to do  
5 that. Run on your own. So no. No. No. I mean,  
6 people stated it that later but they didn't.

7 Q Okay. And what -- why did you feel qualified  
8 to fill that position?

9 A 'Cause I've lived in the district. I've  
10 served the people of the district for a long period of  
11 time and I, you know, had a -- you know, I have the  
12 right -- I have values that are in line with Senate  
13 District 11.

14 And so I think that -- and -- and so I  
15 think that I probably would be a -- would have  
16 represented that senate district well, I think, at  
17 the -- at the state level.

18 Q What values do you have that you feel are in  
19 line with Senate District 11?

20 A The -- I think the district as a whole is a --  
21 is a -- it's a fairly conservative district. It's one  
22 that I -- you know, obviously anyone can run but -- and  
23 it's -- it's all -- but I thought it was -- I thought  
24 it'd be -- I thought I'd be a good representative for  
25 that district just for that main reason.

1 Q Now, you talked about how the Senate District  
2 11 does span multiple counties and different areas.

3 A Correct.

4 Q Are there any areas in particular that you  
5 feel your values are particularly in line with?

6 A I think just with -- in the district as a  
7 whole. I mean, it's kind of -- you know, I think that  
8 certainly I was -- yeah, I think in the district as a  
9 whole.

10 Q Okay.

11 A I know there was -- you know, one thing that  
12 was -- that was -- would be different about me is there  
13 were certainly a lot of African American who know me who  
14 were very excited about me running as well, even on  
15 Republican side of the aisle.

16 So that was kind of a unique thing that I  
17 thought would certainly be helpful in the general  
18 election.

19 Q Did you receive any endorsements from African  
20 American community leaders for that race?

21 A No.

22 Q Did you seek any endorsement from African  
23 American community leaders?

24 A I did not in that race. I did have some  
25 support but it -- it -- it's -- it's difficult --



1 | it's -- it would put them in a bad spot to have them  
2 | endorsing in a Republican primary, Number 1. You know,  
3 | that would put them in a bad spot they don't want to be  
4 | in.

5 |                   It would actually put just -- and then it  
6 | wouldn't be necessarily helpful in the Republican  
7 | primary either to have their endorsement. So I think  
8 | there was -- there was some talk, actually, from some  
9 | local leaders, you know, of trying to maybe get African  
10 | Americans to vote in the Republican primary, you know,  
11 | but I thought that that would -- you know, I thought  
12 | that that would be unfair, you know, if -- I think -- I  
13 | didn't think that that would be fair to ask them to do  
14 | that. So I did not proceed down that.

15 |                   But I did have some meetings with  
16 | prominent African American leaders who were wanting to  
17 | help in some way.

18 |           Q     Okay. Let's break that down.

19 |           A     And that was not a -- that was -- you know,  
20 | that was not precipitated by me at all. That was  
21 | actually brought forth by -- by -- by them.

22 |           Q     Why did you think that it would be unfair to  
23 | ask African Americans to vote in the Republican  
24 | primary?

25 |           A     Well, 'cause it would probably put them in

1 a -- you know, because I think, generally, those guys  
2 are involved in the Democrat primary and they're --  
3 they're involved with Democrat party politics generally.  
4 Not all of them but certainly generally they are.

5 So I just felt like that was -- you know,  
6 I appreciated their making that gesture but -- but. . .

7 Q And when you say generally those guys are  
8 involved in Democratic party and Democratic party  
9 politics, those guys, are you referring to  
10 the African --

11 A African American.

12 Q -- American community leaders?

13 A Leadership, yeah.

14 Q Okay.

15 A Yeah. Well, my dad was one of them. You  
16 know, my dad was involved with them.

17 Q And so you said that it might put them in a  
18 bad spot to endorse in the Republican primary. What did  
19 you mean by that?

20 A Well, it would be uncomfortable. It'd be  
21 uncomfortable for them.

22 Q And why is that?

23 A Well, because they're Democrats getting  
24 involved in the Republican primary 'cause we have an  
25 open primary in Texas. So they could do that if they

1 chose.

2 Q And so you said you had some of these meetings  
3 with prominent African American leaders in the  
4 community. Could you give me some of those names?

5 A No.

6 Q I know it's a bit uncomfortable and I don't  
7 like to be put in this spot. Unfortunately, those  
8 conversations are not privileged. They don't fall under  
9 any sort of legal privilege and so I do have to ask you  
10 if -- if -- I know that you don't want to put anyone in  
11 an uncomfortable position.

12 A Yeah. It --

13 Q But I do have to ask for the names of those  
14 individuals.

15 A So yeah. I mean --

16 MR. RUSSO: Well, it -- to the extent  
17 you're, you know, concerned about the individual's sort  
18 of -- I don't know -- reputation or --

19 A Well, yeah. I mean, that's all it is. I  
20 don't -- I don't have a -- I don't have a -- personally  
21 have a problem with giving you the name.

22 Q (BY MS. LEEPER) Yeah.

23 A I just feel -- I don't want to put him in bad  
24 spot.

25 Q Yeah. Unfortunately, there's just no sort of

1 reputational privilege legally and so I'll just ask  
2 again. Sort of, what are the names of the African  
3 American leaders that you met with connection with your  
4 Senate District 11 campaign?

5 MR. RUSSO: Yeah. I don't -- do we have  
6 a protective order in place here?

7 MS. LEEPER: I don't believe that we do.  
8 We can talk about it after the fact. I don't want to  
9 make any sort of guarantees I can't follow-up on. I'm  
10 not going to be running out into the streets with a bull  
11 horn saying these people's names.

12 MR. RUSSO: Sure.

13 MS. LEEPER: It's just information I  
14 need.

15 MR. RUSSO: Okay.

16 MS. LEEPER: If you could provide me the  
17 names.

18 MR. RUSSO: Did -- so are you guys  
19 willing to agree -- and really, I'm going to have to get  
20 from most folks -- to use this only for purposes of  
21 this litigation?

22 MS. LEEPER: Yeah. I mean, I can't -- I  
23 can make promises on my behalf. I'm only going to use  
24 this for purposes of this litigation. You know,  
25 anything that goes into the public record, I can't

1 control. So I just don't want to make any -- I don't  
2 want to --

3 MR. RUSSO: Public record being?

4 MS. LEEPER: If for some reason this was  
5 filed with the court. You know, I don't -- I just  
6 don't --

7 MR. RUSSO: That's a different --

8 MS. LEEPER: -- want to make any promises  
9 that I can't --

10 MR. RUSSO: That's a totally different  
11 issue.

12 MS. LEEPER: Yeah. So I certainly won't  
13 be providing this information for any political  
14 purposes. I can tell you that personally.

15 MR. RUSSO: Maybe we can get the  
16 commitment from each of the -- counsel from each of  
17 these party groups --

18 MS. LEEPER: Yeah.

19 MR. RUSSO: -- that this -- this testimony  
20 is, again, only to be used for purposes of this  
21 litigation.

22 MS. LEEPER: So I obviously can't make  
23 any sort of guarantees on behalf of the other groups and  
24 I'd even have to consult my own counsel team to be sure.

25 Again, I'm -- I'm not going to use this

1 for any purposes outside of the purposes of this  
2 litigation. Unfortunately, just because it's not  
3 protected -- you know, we can definitely talk and we're  
4 not trying to get anyone in trouble.

5 That's certainly not my agenda or  
6 anyone's agenda on this call. It's just information.  
7 That's the purpose of the deposition. We've just got to  
8 do our information gathering and so --

9 MR. RUSSO: We all understand that.

10 MS. LEEPER: Yeah.

11 MR. RUSSO: The question is, are  
12 the other -- is there counsel on the zoom call that's  
13 willing to put on the record that they're willing to  
14 keep this part of his testimony, again, for -- protected  
15 for uses only in this litigation. I just need that -- I  
16 think I got it from you.

17 MS. LEEPER: Yeah. Let's -- let's hop  
18 off the record real quick.

19 MR. RUSSO: Well, we can put it on the  
20 record. I'm asking -- asking about the DOJ and someone  
21 from the organization.

22 MS. LEEPER: Yeah. I'm just saying let's  
23 just hop off so we're not burning time and we can figure  
24 it out. I also just frankly have to use the restroom.

25 THE VIDEOGRAPHER: Going off the record.

1 It's 10:05 a.m.

2 (Recess.)

3 THE VIDEOGRAPHER: We're back on the  
4 record. It's 10:24 a.m.

5 Q (BY MR. LEEPER) Okay. Just for the flow of  
6 conversation, we're going to put a pin in the previous  
7 question and circle back to it later.

8 A Okay.

9 Q So we were talking about your senate primary  
10 bid for District 11 in 2022; is that right?

11 A Yes.

12 Q Okay. Did you receive any endorsements from  
13 the NAACP?

14 A No.

15 Q Did you seek an endorsement from the NAACP?

16 A No.

17 Q Why not?

18 A Because it would not be helpful in the  
19 Republican primary.

20 Q Okay. And why would an endorsement from the  
21 NAACP not be helpful in the Republican primary?

22 A Because it's -- because they -- it's a  
23 Democrat organization. It's run by -- so that's. . .

24 Q And what -- what's the basis for your belief  
25 that the NAACP is a Democrat organization?

1           A     Based on the -- the leadership and who they  
2 endorse typically.

3           Q     And when you say "the leadership," are you  
4 referring to the national NAACP or Texas branch or a  
5 local branch? What do you mean by that?

6           A     I would say the leadership in all of the  
7 above.

8           Q     Okay. Did you seek an endorsement from  
9 LULAC?

10          A     No.

11          Q     Why not?

12          A     Because they would not give it. For the same  
13 reasons. Same reasons. I mean, they -- they tend to  
14 participate more in the Democratic process -- Democrat  
15 party process.

16          Q     And why do you believe that is?

17          A     I believe the leadership is engaged there for  
18 the same reasons as the NAACP leaderships engages in the  
19 Democrat party. I think there are lots of opportunities  
20 for the leadership of those organizations in the  
21 Democrat party.

22          Q     And what do you mean by that?

23          A     Opportunities for leadership -- for those  
24 leadership positions. Opportunities to grow in -- in --  
25 in -- or to be more involved with the Democrat party at



1 | higher and higher levels if you're involved with those  
2 | organizations.

3 | Q And are there less of those opportunities for  
4 | members of those organizations in the Republican party?

5 | A For the NAACP leadership and for the LULAC  
6 | leadership, there are probably no opportunities to -- to  
7 | rise to leadership in the Republican party.

8 | Q And why is that?

9 | A Because of those organization stance on many  
10 | issues.

11 | Q Which issues come to mind for you right now?

12 | A Pro-life is one.

13 | Q Any others?

14 | A Pro-family issues.

15 | Q And what are those?

16 | A Like marriage being defined as one man and one  
17 | woman. Those are two big issues that come to mind.

18 | Q Anything else?

19 | A I think those cultural issues are the two main  
20 | ones.

21 | Q Did you seek an endorsement from any other  
22 | minority community groups?

23 | A Minority community groups, no.

24 | Q Did you receive any endorsement from community  
25 | groups?

1 A No.

2 Q Did you seek endorsements from community  
3 groups?

4 A No.

5 Q Why not?

6 A Like I said previously, they generally are not  
7 involved in Republican primary.

8 Q And is that -- are you referring specifically  
9 to minority groups not being involved in the Republican  
10 primary? Is that what you're saying?

11 A No.

12 Q Just any community groups?

13 A I'm saying the community groups, the -- the  
14 organizations. I'm not talking about the minority  
15 community.

16 Q Yeah.

17 A I'm not talking about people. I'm talking  
18 about the organizations.

19 Q Got it. And so when I -- I was sort of  
20 broadening it out from minority community groups. I'm  
21 just asking about the general community groups like the  
22 Sierra Club or Rotary Club.

23 Did you seek any endorsements from groups  
24 like that?

25 A Oh, no.

1 Q Okay.

2 A Those either.

3 Q Okay. So I'd like to pull up another exhibit.

4 Before I do this actually, let me ask you a few more

5 sort of general questions.

6 What did you do as a part of your

7 campaign for Senate District 11?

8 A I spent way too much money for one. I -- my

9 wife would agree with that as well. I block walked. We

10 did television ads. We did YouTube ads. We did mail

11 pieces to residents. We did political forums.

12 I got endorsements from, you know, sort

13 of local community leaders in the -- that are

14 participating in the Republican primaries, so -- and

15 that's it. I raised money. I had to raise a lot of

16 money as well. Not enough but I raised some.

17 Q I know it can be expensive to run the

18 campaign.

19 A It can.

20 Q You said you spent lots of money. What would

21 you say are the top things that you spent money on?

22 A Probably advertising, TV advertising.

23 Q You mentioned block walking. Where did you do

24 that in the district?

25 A So I will knowledge I did not do a lot of

1 block walking, but mostly in -- in my neighborhood and  
2 in my community.

3 Q And that's Friendswood, you said?

4 A Correct. I didn't do a lot from time.

5 Q Did you choose to focus your block walking on  
6 any neighborhoods in particular?

7 A No.

8 Q How did you make the --

9 A As I said, I didn't do much.

10 Q How did you make the choices about where to do  
11 your block walking?

12 A You know, close to my house is what -- is what  
13 ended up happening, near as close to me physically.

14 Q You mentioned you sent out mailers; is that  
15 right?

16 A Correct.

17 Q How did you determine where to send those  
18 mailers?

19 A So what we do is -- we have a history of  
20 Republican primary voters and so what we do is we will  
21 mail to that universe with the assumption that they're  
22 going to vote in another Republican primary again.

23 Q And were -- did you look at those lists of the  
24 Republican primary voters at all?

25 A I didn't look at the list, no.

1 Q Okay. Were you told about them, I imagine, by  
2 your campaign staff?

3 A Yeah. So typically -- yes.

4 Q And did you have a campaign staff?

5 A No. I had a political consultant and that was  
6 it.

7 Q Do you know in which areas of the district the  
8 mailers were primarily going out to based on the  
9 location of those Republican primary voters?

10 A I do not.

11 Q You mentioned attending political forums; is  
12 that right?

13 A Correct.

14 Q Where were those forums being held?

15 A They were held all over the district by  
16 Republican groups, Republican organizations.

17 Q And what are some of those Republican groups  
18 and organizations that hosted political forums you  
19 attended?

20 A I went to one in Brazoria County. I can't  
21 remember the name of the group but the -- one was in  
22 Pearland. We did one in Texas City with the -- with the  
23 Republican club there. We did one in Lake Jackson,  
24 which we're going to have a lot of people at that event.

25 But Lake Jackson's actually not in the

1 district but it's going to be a lot of people in the  
2 district to attend that event. We did one in League  
3 City as well. And those are the ones that I can  
4 remember we were.

5 Q And do you have a recollection of the racial  
6 makeup of the crowd of these different forums?

7 A Who I saw there?

8 Q Yeah.

9 A Yes.

10 Q What's your recollection?

11 A What do you mean?

12 Q Of the racial makeup of the crowds?

13 A Predominantly Anglo, predominantly white with  
14 some -- some African Americans there, some Hispanic  
15 Americans there but predominantly white for sure.

16 Q And why do you think that is?

17 A I think tradition -- traditionally that group  
18 in certain times, the minority groups tended to sort of  
19 attend these events, attend -- attend events for the  
20 Democrat party.

21 Q And why do you think that was?

22 A Gosh, historically?

23 Q Yes, historically --

24 A What are you looking for exactly?

25 Q -- to the best of your knowledge.

1 | A It's hard to say. I mean, it's hard to say  
2 | why, you know, large groups of people vote a certain  
3 | way. I -- I think a lot of it has to do with  
4 | leadership. You know, A lot of the -- a lot of the  
5 | leadership that is in -- if the leadership's guiding a  
6 | certain direction, then I think a lot of people tend to  
7 | flow in that direction.

8 | Q And when you say "leadership," are you talking  
9 | about --

10 | A Leadership of organizations like NAACP or  
11 | LULAC or organizations you've talked about.

12 | Q Okay. And so you're saying that you think  
13 | it's tradition that's driving --

14 | A Yes.

15 | Q -- minorities to continue involvement more  
16 | with the Democratic party than the Republican party; is  
17 | that right?

18 | A Yes.

19 | Q And the tradition carrying over to today; is  
20 | that right?

21 | A That's not necessarily true in the Hispanic,  
22 | amongst -- amongst Latinos. It's certainly true amongst  
23 | African Americans.

24 | Q And when you say that's not true among  
25 | Latinos, what's your basis of that understanding?

1           A     Certainly the numbers of Latino voters in  
2 south Texas and in the State of Texas, they -- as many  
3 as 50 percent of Latinos are voting Republican now. So  
4 that's a change -- that's a significant change from  
5 previous.

6           Q     And what's your source for that statistic?

7           A     I've seen those numbers in different political  
8 meetings that I've been to and certainly our engagements  
9 of those groups has increased as well.

10          Q     And when you say "political means," you're  
11 referring the means of the Republican party?

12          A     Correct.

13          Q     And when you say "Our engagement of those  
14 groups," you're referring to the Republican party's  
15 engagement?

16          A     Correct. Correct.

17          Q     Have you seen any specific voting results  
18 broken down by race for Galveston County in particular?

19          A     I have not.

20          Q     Okay. I'd like to take look now at this  
21 exhibit. Let's see if the sound plays for you.

22                         (Exhibit 2 video displayed.)

23          Q     (BY MS. LEEPER) Okay. I'd like -- do you  
24 recognize that?

25          A     Yes.



1 Q What is it?

2 A It's an ad for my senate campaign.

3 Q And that was your primary campaign in 2022; is  
4 that right?

5 A Correct.

6 Q Okay.

7 MS. LEEPER: So I'd like to mark that as  
8 Deposition Exhibit 2. I realize that I actually failed  
9 to mark the previous video as Deposition Exhibit 1, so  
10 I'd like to retroactively do that now. My apologies.

11 MR. RUSSO: I was going to ask you about  
12 that.

13 MS. LEEPER: Yeah. All right. Thank  
14 you.

15 (Exhibit 1 and 2.)

16 Q (BY MS. LEEPER) Okay. So I'd like to ask you  
17 some questions about that video and breaking down sort  
18 of the policies that you mentioned in it.

19 You talk about fighting crime. How do  
20 you define fighting crime?

21 A Supporting policies that, you know, capture  
22 people who are committing crimes and -- and -- and then  
23 giving them a fair trial and putting them in jail if  
24 they're guilty. Preventing them from victimizing  
25 vulnerable communities.

1 Q And so what policies in particular do you  
2 support that you would see under the umbrella of  
3 fighting crime?

4 A Well, I think just -- I think elect --  
5 electing Republicans as district attorneys. You know,  
6 it's not -- that's not so much of a policy issue as it  
7 is a -- you know, a philosophical issue.

8 Q What do you mean by that?

9 A I think in large part, progressive district  
10 attorneys have allowed many criminals out of jail and  
11 they've victimized the communities even further.

12 And I believe that that's -- I think  
13 that's one way to fight crime is by having people in  
14 office who are about protecting the public as opposed to  
15 having a political philosophy.

16 Q And are there any other policies in particular  
17 you can think of that you would see under the umbrella  
18 of fighting crime that you would have pursued had you  
19 been elected to state senate District 11?

20 A Making sure that we support our police  
21 department and make sure that they're well financed and  
22 not defunded. Make sure that those police are well  
23 trained and make sure that they are -- helping support,  
24 keep communities safe -- vulnerable communities safe as  
25 opposed to, you know, demoralized and not. . .

1 Q Okay. So moving on. I'd like to ask, how do  
2 you define critical race theory?

3 A The way I define critical race theory is -- is  
4 teaching history in such a way that it -- it -- it sort  
5 of causes -- it sort of stirs up the offenses of the  
6 past.

7 You know, I think that certainly no one  
8 denies the past races in this country but I think  
9 that -- that -- that we've come a long way. I think  
10 critical race theory makes racial relations worse and  
11 that's why we're opposed to it.

12 Q Why did you highlight fighting critical race  
13 theory as one of your main platform points?

14 A 'Cause I think it's an issue that is extremely  
15 important to -- to many, many, many, many people today.  
16 I think it's an issue that adversely affects all  
17 communities.

18 Q Who were you trying to appeal to with your  
19 platform point of fighting critical race theory?

20 A I was -- Republican primary voters.

21 Q Did you consider how minorities might react to  
22 your platform point of fighting critical race theory?

23 A Did I consider it?

24 Q Yes.

25 A Yes.

1 Q What did you consider about it?

2 A I considered it would require explanation.

3 Q Why is that?

4 A Because the leadership's position is different  
5 than that. Leadership of NAACP, leadership of LULAC is  
6 opposed to that.

7 Q What is your understanding -- or why do you  
8 believe that the minority leadership of those groups is  
9 opposed to the idea of fighting critical race theory?

10 A Why do I think the leaders are opposed to the  
11 idea of fighting of political race theory. 'Cause  
12 there's a -- there's opportunities, you know, financial  
13 and otherwise in promoting an offense, past offense.

14 Q What kinds of opportunities are you referring  
15 to?

16 A Financial, political.

17 Q What do you mean by financial opportunities?

18 A Well, there's -- I think a lot of people have  
19 gotten very wealthy exploiting racial issues.

20 Q How so?

21 A Television programs, you know, television  
22 spots, political positions.

23 Q You said that -- and correct me if I'm wrong  
24 or misstating what you said earlier.

25 A Sure.

1 Q I think you said no one would deny history of  
2 racism in this country; is that right?

3 A Correct.

4 Q Do you think there's also a history of racism  
5 in Galveston County?

6 MR. RUSSO: Objection, vague and  
7 ambiguous.

8 A You're asking me that?

9 Q (BY MS. LEEPER) Yes.

10 A So what's -- ask me the question again,  
11 please.

12 Q Yeah. Do you believe there's a history of  
13 racism in Galveston County?

14 MR. RUSSO: Objection, vague and  
15 ambiguous.

16 A I haven't experienced it personally. I would  
17 have to make an assumption to say that.

18 Q (BY MS. LEEPER) Are you aware of a history of  
19 segregation in Galveston County?

20 A Yes.

21 Q What do you know about that history?

22 A My dad went to Lincoln High School.

23 Q And what does that mean for a judge who  
24 doesn't who doesn't know Lincoln High School is or what  
25 that is?

1 | A It was a segregated high school when he was a  
2 | boy.

3 | Q Did you ever have conversations with your  
4 | father about his experience going to a segregated high  
5 | school?

6 | A Yes.

7 | Q Did you ever have any conversations about how  
8 | that might have impacted him?

9 | A Yes.

10 | Q What's sort of the summary of -- of your  
11 | conversations there?

12 | A The summary of it was, certainly, they were  
13 | separate. They were not equal. He felt like he was  
14 | more disciplined and better educated there. That was  
15 | his opinion. Not that it was fair but. . .

16 | Q Are there any other instances of segregation  
17 | that you're aware of that took place in the past in  
18 | Galveston County?

19 | A No, that's it. That's a big one.

20 | Q It's a very big one, yeah.

21 | A That's it.

22 | Q All right. So headed back to this video that  
23 | we watched earlier. You also talked about securing our  
24 | border.

25 | What policies do you support that you

1 would see under the umbrella of securing our border?

2 A Clearly walls, barriers work. That would be  
3 one.

4 Q Anything else?

5 A Having a organized system by which we allow  
6 people into the country is another. You know, making  
7 sure that -- I think those are the main things, securing  
8 the border, making sure people don't come here  
9 illegally, but having a door by which they can get here.

10 Q Why did you highlight securing our border as  
11 one of your main platform points?

12 A I think that's a big national issue now. It  
13 certainly was during the primary.

14 Q Do you view that as a big issue specifically  
15 for Senate District 11?

16 A Yes.

17 Q Why is that?

18 A I think it's a big issue for all Americans and  
19 Senate District 11 is not any different way. We're in  
20 Texas. We're in a border state. So I think it affects  
21 everyone really. So Senate District 11 is a part of  
22 that.

23 Q So you talked about sort of what proactive  
24 things you want to do to secure the border, what  
25 policies would be included under that.

1                   What are you securing the border against?

2                   Like, what's the underlying purpose or reason that  
3                   that's a priority?

4                   MR. RUSSO:   Objection, asked and  
5                   answered.   You can answer again.

6                   Q       (BY MS. LEEPER)   You do have to answer the  
7                   question.

8                   MR. RUSSO:   He does if he has a different  
9                   answer than before.

10                  A       Well, I think it's stopping people from coming  
11                  here illegally.

12                  Q       (BY MS. LEEPER)   And what's the harm of people  
13                  coming here illegally, I guess, is what I'm asking?

14                  MR. RUSSO:   Objection, calls for  
15                  speculation.

16                  Q       (BY MS. LEEPER)   To your understanding, what  
17                  do you believe the harm of people coming here illegally  
18                  is?

19                  A       I think it's -- it's -- well, it's unfair to  
20                  the people who are here legally.   It's a big harm.   You  
21                  know, there -- there are lots of -- lots of government  
22                  services that we provide for people who are here  
23                  legally.

24                               If we have lots of people coming  
25                               illegally, then we are less able to provide those



1 services to people who are here legally.

2 Q Who are you trying to appeal to with your  
3 platform point of securing our border?

4 A Well, that appeals to a lot of people. That  
5 appeals to a lot of Latinos. That appeals to a lot of  
6 African Americans. That appeals to a lot of Republican  
7 primary voters as well. Certainly that ad is geared  
8 towards Republican voters.

9 Q Did you consider how minorities might react to  
10 your platform point of securing our border?

11 A No. I thought most of them would react  
12 positively.

13 MR. RUSSO: What did you say? Keep your  
14 voice up.

15 THE WITNESS: Sure.

16 Q (BY MS. LEEPER) But you said you didn't  
17 consider it at the time?

18 A No.

19 Q Okay. So I'd like to now jump to discussing  
20 your appointment to the Galveston County commission.

21 You were originally appointed to the  
22 Galveston County commissioner's court; is that correct?

23 A Correct.

24 Q And when was that?

25 A It was in May.

1 Q Of 2022?

2 A 2022.

3 Q How did you come to be appointed to the  
4 commissioner's court?

5 A Judge Mark Henry appointed me.

6 Q Do you know how Judge Henry came to consider  
7 you for the appointment?

8 A No.

9 Q Did you proactively reach out to Judge Henry  
10 to express your interest in the appointment?

11 A No.

12 Q So did he reach out to you to let you know  
13 that he was interested in appointing you?

14 A Yes.

15 Q Did he tell you that someone had recommended  
16 you or threw your hat in the ring?

17 A No.

18 Q Did he tell you why he wanted to appoint you?

19 A He said I was more than qualified to do it.

20 Q And what did he say your qualifications were?

21 A He didn't say that.

22 Q When did that conversation where Judge Henry  
23 reached out to you occur?

24 A I don't know exactly but it was a few days  
25 before the appointment.

1 Q Okay. So sometime in that --

2 A May.

3 Q May, okay.

4 A Yeah. It was May.

5 Q How did you respond in that conversation with  
6 Judge Henry?

7 A I said I would have to think about it, pray  
8 about it, talk to my family and I'll let you know.

9 Q And when did you let him know?

10 A Probably days later.

11 Q How long about did that conversation with  
12 Judge Henry last to your recollection?

13 A It was very short.

14 Q Okay.

15 A It was a very brief conversation.

16 Q Is there anything in that conversation that  
17 you recall that you haven't mentioned?

18 A I recalled how short it was. That -- that's  
19 it but nothing else.

20 Q Okay.

21 A Yeah.

22 Q Had you had any conversations with Judge Henry  
23 prior to your appointment?

24 A Like, did I know him?

25 Q Yeah.

1 A Yeah. So I did know him. We were not close.

2 Q Okay.

3 A Like close friends or anything.

4 Q When did you first become acquainted with  
5 Judge Henry?

6 A Probably when he ran for county judge and I --  
7 that must have been 2010, I think. I think that's  
8 right.

9 Q And how did you become acquainted?

10 A Just 'cause he ran for the office.

11 Q Did you have any conversations with him  
12 regarding that race?

13 A No, I did not.

14 Q And had you had occasion to speak with Judge  
15 Henry from 2010 until he called you up in 2022?

16 A Other than "Hello, you know, how are you?" We  
17 knew of each other. Like I say, we didn't talk a lot  
18 and so we just met and knew through the political  
19 process. So no, really had not had a conversation with  
20 him prior to that.

21 Q And you're not aware then of what led Judge  
22 Henry to consider you for the position; is that right?

23 A Correct.

24 Q Okay. What do you believe qualifies you for  
25 the role of county commissioner?

1           A     I think what qualifies me is -- is, I've been  
2 active in the district and I've been politically active  
3 in the district.

4                     And so I've served the public from a  
5 ministerial -- from ministry perspective, medical  
6 perspective and politically and so -- and I just have  
7 lots of relationships within the community. I think  
8 those are the most important things that qualify me for  
9 it.

10           Q     So earlier we spoke about some endorsements  
11 and campaigning you did on behalf of Kim Clark --

12           A     Okay.

13           Q     -- more recently in 2018 and 2022, and we  
14 also spoke about some campaigning for different  
15 Republican candidates for county commission in the  
16 1990s. Apart from --

17           A     So those weren't county commissioners, I'm  
18 sorry.

19           Q     Oh, excuse me. What roles were those?

20           A     One was Lonnie Cox as a district court  
21 judge.

22           Q     Okay.

23           A     And then one was Cheryl Johnson. She's --  
24 she's the tax assessor and collector.

25           Q     Okay. Thank you for that clarification.

1 A Sure.

2 Q So apart from those instances that we've  
3 already discussed, had you otherwise previously been  
4 involved in Galveston County government or elections?

5 A So I did chair one of the senate districts  
6 conventions that they had of the party.

7 Q So that was a senate district convention for  
8 District 11 --

9 A Correct.

10 Q -- the Republican party; is that right?

11 A Correct. Correct.

12 Q Anything else as it relates to Galveston  
13 County government?

14 A I don't think so, no.

15 Q Prior to your appointment, had you ever  
16 attended meetings of the Galveston County court of  
17 commissioners?

18 A Not very many, no.

19 Q Do you recall any particular instances of  
20 attending those meetings?

21 A I don't. I don't. It's been a while.

22 Q Do you recall ever submitting public comment  
23 to the county commission?

24 A No, not done that.

25 Q All right. So I'm going to introduce an

1 exhibit. This should be quick.

2 MS. LEEPER: And I'll drop it into the  
3 chat of the zoom so everyone has it, and I'll also open  
4 it up in screen share.

5 Q (BY MS. LEEPER) Do you see that document?

6 A I do.

7 Q Do you recognize it?

8 MR. RUSSO: Can you scroll it?

9 Q (BY MR. LEEPER) Yeah. I'm happy to scroll it  
10 and --

11 A Can you scroll down?

12 Q -- take as much time as -- yeah, there's  
13 nothing at the bottom except for the fax number.

14 A Okay.

15 Q And I'll scroll back up to the top so you can  
16 see from the top.

17 A So I haven't -- I haven't seen that, no.

18 Q Okay.

19 A But I mean, I -- I understand it. I haven't  
20 seen it.

21 Q Okay. And what do you understand it to be?

22 A "In the event of a vacancy in the office of  
23 Commissioner's -- have sole jurisdiction."

24 It says, "Whereas, I, County Judge Mark  
25 Henry, appoint Dr. Robin Armstrong as Galveston County

1 Commissioner, Precinct 4, to fulfill the remaining  
2 current term due to the untimely passing of Commissioner  
3 Ken Clark" dated May 17th -- May 4th. I mean, May 17th,  
4 I'm sorry. May 17th of 2022.

5 Q Okay.

6 MS. LEEPER: So I'll go ahead and mark  
7 this as Exhibit 3 to the deposition.

8 (Exhibit 3.)

9 Q (BY MS. LEEPER) I'm going to share one more  
10 exhibit now. Once again, feel free to take sort of as  
11 much time as you need and let me know when you want me  
12 to scroll down.

13 A (Witness examined document.) You can scroll  
14 down. All right. There we go. Okay. Got it.

15 Q Okay. Have you seen this document previously?

16 A I know that information. I can't say that  
17 I've seen this exact document. You know, I -- I -- this  
18 is press release here. So I, you know, approved the  
19 contents of it, but I've not seen this exact document.

20 Q And when you say you approved the contents of  
21 this document, did you provide this bio or information  
22 to the county for them to release?

23 A Yes.

24 Q And so did you draft this language and then  
25 provide it to the county?



1 A No. I didn't draft the language.

2 Q Okay. You just provided the information  
3 within it?

4 A Well, I gave them the cite to go to.

5 Q Okay. What's that cite?

6 A It was my senate district site.

7 Q Okay.

8 A It all had the information there. So I just  
9 kind of -- I just sent people there.

10 Q Okay.

11 A And they can cut and paste as they see fit.

12 Q Got it.

13 MS. LEEPER: I'm going to mark that as  
14 Deposition Exhibit 4 and I will also it drop in the chat  
15 so people can reference that in the future.

16 (Exhibit 4.)

17 MR. RUSSO: Counsel, just -- can you  
18 drop -- drop the exhibits down before you ask  
19 questions.

20 MS. LEEPER: Yes, I can. I apologize. I  
21 forgot to do it that time. That was just a mistake.

22 Q (BY MS. LEEPER) Okay. So you subsequently --  
23 you were originally appointed in May of 2022, correct?

24 A Yes.

25 Q And then you subsequently were elected in

1 November of 2022; is that right?

2 A Yes.

3 Q To represent Precinct 4?

4 A Yes.

5 Q Okay. What activities, if any, did you do for  
6 the campaign for your election to Precinct 4 in November  
7 of 2022?

8 A I did not do a lot for that campaign.

9 Q And why is that?

10 A 'Cause I didn't have an opponent.

11 Q You said you didn't do a lot. What did you  
12 do?

13 A I introduced myself to the leaders in the  
14 community. I went and met the mayor of La Marque and  
15 the mayor of Texas City and the mayor of Hitchcock and  
16 met with all of them and the mayor of Friendswood and  
17 the mayor of Santa Fe.

18 So I met with all the mayors. I also --  
19 just introducing myself. I, you know, just started  
20 doing the job as a -- as a -- as a county commissioner  
21 as well. So going to the different meetings, going to  
22 the different chamber meetings as well and so I started  
23 doing the job since I did not have an opponent in  
24 November.

25 Q You mentioned sort of introducing yourself to

1 leaders in the community. You mentioned the mayors.

2 Were there any other community leaders you introduced  
3 yourself to?

4 A Some of -- some of the local superintendents,  
5 school district folks as well and some city council  
6 members and such. Yeah. There was a -- there was a lot  
7 of people I met over the last few months and then  
8 leading up to November as well.

9 Q And were those primarily elected officials in  
10 the district, in the precinct?

11 A Predominantly, I think. Just introducing  
12 myself to them, how I might of service to them in their  
13 communities.

14 Q In those meetings with the different elected  
15 officials, did they make any particular request of you  
16 or state their policy priorities, things like that?

17 A No. I -- I certainly had some concerns, you  
18 know, that I brought up with them. I mean, my -- my  
19 goal as a commissioner is to, you know, make sure that I  
20 properly serve the people of La Marque and Texas City  
21 and Friendswood and Dickinson and League City.

22 So those persons in leadership there are  
23 the ones I met. You know, they -- I can't remember any  
24 particular concerns that they had but I certainly, you  
25 know, told them some things, I think, that certainly

1 could be -- you know, things that were coming on the  
2 horizontal that would be helpful to them.

3 Q And so what were some of those things that you  
4 brought up to them?

5 A Economic opportunity issues and -- and in  
6 particular Texas City with their port and so that --  
7 that mayor there, I was talking to him about some things  
8 and protecting his port 'cause that's a very important  
9 port for the City of Texas City.

10 And -- and then in -- in La Marque, just  
11 one of the big issues is crime, criminal -- criminal  
12 activity. So I wanted to be able to support him  
13 certainly since I grew up in that community. Support  
14 him in that. No particular policies, though. It was  
15 mostly introduction.

16 Q And you mentioned that you just started doing  
17 the job of commissioner and you mentioned going to  
18 meetings of the Galveston County commissioner's court --

19 A Correct.

20 Q -- and also chamber meetings. What else do  
21 you consider to be the job of a commissioner?

22 A Learning -- learning what the constituents of  
23 what those communities need and that was one of my  
24 reasons for going to -- talking to the different mayors.  
25 I think that -- that -- and speaking with the different

1 city council folks and going to different churches  
2 and met with some pastors as well.

3 So learning the needs of the community is  
4 just, you know, all encompassing. The more people you  
5 meet, the more people you're engaged with, I think  
6 you're going to be able to more effectively serve that  
7 community. I mean, that's my goal is to serve the  
8 community, so. . .

9 Q In your election campaign in 2022, I know you  
10 said you didn't do much. Did you seek any endorsements  
11 for that race?

12 A No.

13 Q Did you receive any endorsements for that  
14 race?

15 A No. But I did get 100 percent of the vote.

16 Q All right. What areas comprise the precinct  
17 that you represent?

18 A I'm sorry?

19 Q I apologize. I'll speak up. What areas  
20 comprise the precinct which you represent?

21 MR. RUSSO: Object as vague.

22 Q (BY MS. LEEPER) Which areas --

23 A Cities?

24 Q Cities, counties, neighbors, whatever --

25 A Okay.

1 Q -- you want to describe that comprise  
2 district -- Precinct 4.

3 A So I think it comprises part of Friendswood.  
4 It's where I live. Part of League City, part of  
5 Hitchcock, part of Santa Fe. There's some  
6 unincorporated areas in Algoa and around that area  
7 around Santa Fe and then part of La Marque and Texas  
8 City, so -- and Dickinson as well. Part of Dickinson's  
9 in it as well. So it touches almost every city in  
10 Galveston County other than Galveston. And I've lived  
11 in most of those cities as well.

12 Q You mentioned that those places -- it  
13 obviously touches on almost every city in Galveston  
14 County. Do those different cities have distinct  
15 priorities and concerns that would affect them?

16 A Yes.

17 Q What would you say some of the primary  
18 concerns for Friendswood are?

19 A Growth, drainage. Those are going to be  
20 two of the -- two of the biggest issues.

21 Q How long about League City?

22 A Growth, drainage, yeah. I think those are --  
23 those are probably two of the biggest issues there.

24 Q How about Hitchcock?

25 A Probably growth in Hitchcock as well and --

1 and with their schools and kind of -- that's one of the  
2 things that the mayor brought up and --

3 Q Okay. I'm going to keep going but I'm going  
4 to ask you to speak up for the people on the phone.

5 A Sure. Sure.

6 Q How about Santa Fe, what are the primary  
7 concerns of that community?

8 A Probably growth, drainage. Big issues there  
9 as well. School safety is a big issue. Had the  
10 incident there, so. . .

11 Q What about La Marque?

12 A La Marque, crime, big issue there and growth  
13 and drainage.

14 Q And how about Texas City?

15 A Growth, drainage, crime and schools. I  
16 would -- I would put schools in La Marque as well.

17 Q Are there any communities that I failed to  
18 mention?

19 A I think -- did you mention Dickinson?

20 Q I did not. How about Dickinson?

21 A Same. Drainage is a big issue for them,  
22 growth.

23 Q Do you know the demographics of Precinct 4?

24 A Not -- not definitively. I've not looked at  
25 demographics for Precinct 4 in detail. So no, I don't

1 know them fully.

2 Q Do you have a sense of them?

3 A General sense.

4 Q And what is that based on?

5 A Observation.

6 Q And what is your general sense of the

7 demographics of Precinct 4?

8 A Probably in the more southern part of my

9 district, there's more African Americans.

10 Q Do you have any other understandings of the

11 demographics of your precinct?

12 A There is a growing Hispanic, Latino

13 population.

14 Q And what do you base that information on?

15 A Just observation, conversation, observation.

16 I really don't know. That's a -- that could be wrong

17 but -- but I just -- just my observations.

18 Q Yeah. Since you've been in office in May,

19 have constituents reached out to you?

20 A Yes.

21 Q About how often?

22 A Not very often.

23 Q What have constituents reached out to you

24 about?

25 A Drainage and -- issues and then also just the



1 expense and the issues dealing with the bureaucracy in  
2 folks trying to build a home. Those are the main things  
3 that folks have engaged me about.

4 Q What do you mean by the expense and  
5 bureaucracy?

6 A Well, just dealing with -- dealing with the  
7 government getting permits, permitting and stuff like  
8 that. That's the main thing that people have reached  
9 out to me about.

10 Q And what have you done to be responsive to  
11 your constituents request about drainage?

12 A You know, I've told them the work that the  
13 county has done, which is we have a master drainage  
14 plan, and assure them that, you know, from federal and  
15 state organizations, we're trying to get, you know,  
16 funding to -- to -- to improve the drainage situation of  
17 the county. Retention ponds and all that, build that,  
18 so that's -- that's --

19 Q And what have you done to be responsive to  
20 your constituent's concerns or requests about expense  
21 and bureaucracy and getting permitting for building  
22 houses?

23 A Just try to personally help, have my assistant  
24 help them with that process.

25 Q How so?

1           A     Just kind of guide them to where they need to  
2 go, guide them in the process and usually -- usually  
3 they've made a mistake of some kind and so help them do  
4 that.

5           Q     Did you -- scratch that.

6                     Do you know what racially polarized  
7 voting is?

8           A     Racially polarized voting, no. How -- can you  
9 define it for me?

10          Q     No. I just wanted to know if you knew what it  
11 was. That was truly my question.

12          A     Okay.

13          Q     So answer is no. Have you reviewed election  
14 results for this region broken down by race?

15          A     No.

16          Q     Do you have any basis to believe that you were  
17 the minority candidate of choice to represent Precinct  
18 4?

19          A     Minority meaning race?

20          Q     Yes.

21          A     So repeat that question again. It's an odd  
22 question and kind of -- I don't understand it fully.

23          Q     Yeah. I can repeat it again and then if you  
24 don't understand it, I'm happy to rephrase.

25          A     Sure. Go ahead.

1 Q So the way that I said it before was: Do you  
2 have any basis to believe that you were the minority  
3 candidate of choice to represent Precinct 4?

4 A No.

5 Q Okay. I'm at a bit of break in questions and  
6 so I think it might be a good time to hop off the record  
7 for a ten-minute breather. Does that work for you?

8 A Sure.

9 MS. LEEPER: All right. Let's get off  
10 the record.

11 THE VIDEOGRAPHER: Going off the record.  
12 It's 11:19 a.m.

13 (Recess.)

14 THE VIDEOGRAPHER: Back on the record.  
15 It's 11:42 a.m.

16 Q (BY MS. LEEPER) Commissioner Armstrong, did  
17 you speak with anyone during the break apart from your  
18 attorney?

19 A Yes.

20 Q And who was that?

21 A One of the administrators of the hospital.

22 Q Okay. Did you speak about anything related to  
23 this deposition and apart from your attorneys?

24 A No, I did not.

25 Q Okay. Great. Just got to ask. Were you at

1 | all involved in the Galveston County commissioner

2 | court's redistricting process in 2021?

3 | A No.

4 | Q Why not?

5 | MR. RUSSO: Objection, calls for

6 | speculation.

7 | Q (BY MS. LEEPER) I don't want you to

8 | speculate. I'm asking why you personally did not become

9 | involved in the redistricting in Galveston County in

10 | 2021.

11 | A No particular -- I didn't know about it would

12 | be a -- I mean, I didn't know about it at the time.

13 | Q Were you aware of a November meeting that took

14 | place to hear public comments regarding proposed

15 | redistricting plans?

16 | A No.

17 | Q Do you have an opinion regarding the map that

18 | was adopted by the Galveston County county

19 | commissioner's court that is being challenged in this

20 | case?

21 | A No.

22 | Q Do you have an opinion regarding the prior map

23 | that was replaced in the 2021 redistricting?

24 | A No.

25 | MR. RUSSO: Objection, vague.

1 Q (BY MS. LEEPER) Do you have an opinion about  
2 the fact that under the new plan, Precinct 3 is no  
3 longer a majority minority district?

4 MR. RUSSO: Objection, calls for  
5 speculation, vague and ambiguous, misstate's the record  
6 but --

7 Q (BY MS. LEEPER) All right. So I'm going to  
8 state my question again.

9 Do you have an opinion about the fact  
10 that under the new plan, Precinct 3 is no longer a  
11 majority minority district?

12 MR. RUSSO: Objection, vague and  
13 ambiguous, assumes facts that are not evidence. To the  
14 extent you can answer the question, you can.

15 Q (BY MS. LEEPER) You can answer.

16 MR. RUSSO: To the extent you can answer.

17 A So I mean, I really -- an opinion, I don't  
18 think much about it, so I don't think I really have a --  
19 you have forced me to think about it by -- by calling me  
20 here but I -- I really had nothing to do with -- with  
21 any of that. I wasn't involved with it at all. So I  
22 don't have an opinion as to that.

23 Q (BY MS. LEEPER) Do you know Commissioner  
24 Holmes?

25 A I do.

1 Q Did you know him prior to joining the  
2 commissioner's court?

3 A I did.

4 Q Prior to joining the commissioner's court,  
5 what was your impression of Commissioner Holmes?

6 A I thought he was a nice guy, smart guy.

7 Q How about now, what's your impression of  
8 Commissioner Holmes?

9 A It hasn't changed.

10 Q Do you know what precinct you were in under  
11 the previous redistricting plan?

12 A I'm --

13 MR. RUSSO: Let me object as ambiguous.  
14 Are you saying the previous precinct?

15 MS. LEEPER: Yes. In the previous plan,  
16 where did he live. Like, in which precinct did he  
17 live.

18 MR. RUSSO: Okay. You just confused me  
19 with plan.

20 MS. LEEPER: Yeah. Yeah, of course.

21 Q (BY MS. LEEPER) So I'll rephrase. Under the  
22 previous districts or precincts, which precinct did you  
23 live in?

24 A I think I was in Precinct 4.

25 Q But you're not sure?

1 A I am pretty sure I was in Precinct 4.

2 Q Do you recall casting ballots for the  
3 Galveston County commissioner's court?

4 A Yeah. Yeah. That's what I'm thinking about  
5 and yes. I -- I -- I have -- we used to have -- you  
6 just fill in one letter, R, and it covers the ballot.  
7 So I voted full Republican. So there are time I didn't  
8 go all the way down the ballot.

9 Q And that's sort of the straight down the  
10 ticket --

11 A Correct.

12 Q -- voting?

13 A Correct.

14 Q Were you at all involved in the Galveston  
15 County commissioner's court redistricting process in  
16 2011?

17 A No.

18 Q And why did you not get involved in that  
19 process?

20 A Just -- I wasn't asked and I really didn't --  
21 wasn't involved at all in Galveston County.

22 Q Are you aware that Galveston County has been  
23 accused of violating the Voting Rights Act in the  
24 past?

25 A No.

1 Q This may go without saying but I'm just going  
2 to go through some questions specifically just to  
3 make --

4 A Sure.

5 Q -- sure you don't remember --

6 A Sure.

7 Q -- or aware of it. Are you aware of a  
8 lawsuit regarding the Galveston County commissioner's  
9 court 2011 redistricting?

10 A No.

11 Q Are you aware of a lawsuit regarding the 2013  
12 justice's the peace reduction?

13 A No.

14 Q Are you aware of a consent decree that  
15 Galveston County entered into with the Department of  
16 Justice in 1992 which created a majority minority  
17 district for the Galveston County justices of the  
18 peace?

19 A No.

20 Q Were you at all involved in any prior  
21 redistricting cycles in Galveston County?

22 A No.

23 Q Commissioner Armstrong, what makes you support  
24 a candidate for office?

25 MR. RUSSO: Object as vague and



1       ambiguous.

2           A       A person of integrity, conservative values as  
3       I outlined earlier. Those are the main things.

4           Q       (BY MS. LEEPER) Do you support candidates  
5       merely because their race is the same as yours?

6           A       No.

7           Q       Do you feel represented by an elected official  
8       just because their race is the same as yours?

9           A       No.

10          Q       Do you believe that you automatically  
11       represent your African American constituents just  
12       because you yourself are African American?

13          A       No.

14          Q       Switching gears a little bit. You were acting  
15       as a medical professional during the height of the  
16       COVID-19 pandemic, correct?

17          A       Yes.

18          Q       In your experience, how did COVID-19 impact  
19       the African American community?

20          A       It affected the African American community  
21       more because of risk factors such as diabetes and  
22       obesity and low Vitamin D levels. So we had a -- more  
23       of an impact in the African American community.

24          Q       And when you say more of an impact in the  
25       African American community, are you saying compared to

1 | the white community?

2 | A Compared to any community.

3 | Q Okay.

4 | A Also, it affected Latinos as well.

5 | Q And when you say it affected Latinos as well,

6 | are you saying it affected Latinos more than the

7 | white --

8 | A More so.

9 | Q -- community?

10 | A Generally, yes.

11 | Q Okay. You also were speaking about your

12 | previous experience working in Galveston County and

13 | doing health screenings and things of that nature.

14 | A Uh-huh.

15 | Q Are there any other health issues aside from

16 | COVID-19 that you, in your experience, have seen impact

17 | the African American community disproportionately?

18 | A Hypertension, diabetes, obesity.

19 | Q How about the Latino community?

20 | A Diabetes, probably obesity as well.

21 | Q Have you observed any differences in access to

22 | health care for the minority community?

23 | A Have I experienced it?

24 | Q Observed it.

25 | A Observed it?

1 Q Yes.

2 A Okay. I have observed it.

3 Q How so?

4 A I think that -- I think that the access is --  
5 is there. I think certainly if you lack, you know,  
6 health insurance coverage, you know, you may not have,  
7 you know, the -- sort of the level of care that you  
8 might want. I shouldn't say the level of care 'cause  
9 the level of care is there.

10 In my practice, we provide care for  
11 everyone irrespective of the insurance status but I  
12 think that, you know, maybe there's not as many clinics.  
13 There are -- there are health clinics that are there but  
14 I think certainly lack of insurance is a problem for  
15 everybody.

16 Q And have you observed that lack of insurance  
17 is a problem that impacts minorities at a greater  
18 rate?

19 A Generally.

20 Q You mentioned earlier that you had supported  
21 Lonnie Cox; is that correct?

22 A Yes.

23 Q And could you remind me what race that was  
24 in?

25 A He's a district court judge.

1 Q Are you aware of a lawsuit between Lonnie Cox  
2 and Galveston County?

3 A I am aware of it.

4 Q What do you know about that lawsuit?

5 A Well, it had to do with separation of powers  
6 between, I think, the judges and -- and the court,  
7 commissioner's court.

8 Q And what do you mean by that?

9 A I don't know the details.

10 Q Okay.

11 A I don't know the details. That's -- that's  
12 generally kind of what I know about it. I know it went  
13 to the supreme court but I don't -- I don't know the  
14 details of it.

15 Q If I told you it had to do with the  
16 termination of Boni Quiroga, would that ring any bells  
17 for you?

18 A That name is a -- Quiroga is a very common  
19 name in Galveston County for sure but I don't know. No,  
20 it doesn't.

21 Q Is there anything else about sort of that  
22 lawsuit or dispute that you know about that I haven't  
23 asked you yet?

24 A I know that it was -- you know, there's not  
25 anything in particular. It was a disagreement amongst

1       Republicans, I know that.

2           Q       And did you have a stance on sort of the  
3       separations of power dispute that was at issue there?

4           A       No. I didn't know it in that much detail.

5           Q       And do you have a stance on it now?

6           A       No, not really. It's -- I think it's over  
7       now. It's been settled, so. . .

8           Q       Okay. Okay. So I'm nearing the end of my  
9       questions now. So I'm going to go ahead and actually  
10      loop back to our discussion earlier.

11          A       Okay.

12          Q       And speaking about the individuals that you  
13      had spoken to in connection with your state senate  
14      District 11 bid and I -- I am just going to ask you if  
15      you could give me the names of those individuals.

16          A       It was -- it was an individual.

17          Q       Okay.

18          A       He was speaking with others as well. His name  
19      is Sam Collins.

20          Q       And what is his role?

21          A       His role?

22          Q       Does he have any particular role as a leader  
23      of a community group or pastor. What's his --

24          A       Yeah. He kind of -- he leads the -- he's --  
25      he leads the -- kind of the -- there's a mural in

1 Galveston, an African American mural, and he's like the  
2 head of the African American museum there in Galveston  
3 on the Strand and he's very active. Sam is a really  
4 good guy but he's -- he does very engage with the  
5 community.

6 Q And you said you had met with him. Was that  
7 on one occasion or more than one occasion?

8 A Just one occasion.

9 Q Okay. What was the substance of your  
10 discussion?

11 MR. RUSSO: Objection, asked and  
12 answered.

13 A Yeah. That -- that was -- that was it and  
14 then -- and then that was a brief part of the discussion  
15 and then we just talked about general things going on in  
16 the community.

17 Q (BY MS. LEEPER) Okay. And I just -- I'm not  
18 trying to make you answer again. I just want to make  
19 sure that we got the earlier. Your discussion was  
20 regarding potentially an endorsement in the Republican  
21 primary.

22 A Not an endorsement.

23 Q Not an endorsement, okay. Can you clarify.  
24 Sorry. I just don't want to muddle it since we talked  
25 about it earlier.

1 MR. RUSSO: Objection, asked and  
2 answered.

3 A Yeah. These were just the potential for a  
4 coordinated effort to get people to cross party lines to  
5 vote Republican primary.

6 Q (BY MS. LEEPER) Okay. And you ultimately did  
7 not pursue that?

8 A That did not happen. That did not -- it did  
9 not happen.

10 Q Okay. And you said that Sam Collins was  
11 speaking with others. Did he --

12 A I don't --

13 Q -- tell you specifically of any others he was  
14 speaking with?

15 A No, he did not.

16 Q Okay.

17 A I -- someone brought it up to him, you know,  
18 and so -- that's what he said, someone brought it up to  
19 him. So I don't --

20 Q But he didn't say who?

21 A No.

22 Q Okay. Well, that is all the questions that I  
23 have for you today. There are the other plaintiffs'  
24 group but I think that they had thought about maybe  
25 taking lunch before they asked you questions.

1 MS. LEEPER: So if we can hop off the  
2 record.

3 THE VIDEOGRAPHER: Going off the  
4 record --

5 MR. RUSSO: No, wait. Do you want to  
6 take lunch right now or keep going?

7 THE WITNESS: I would just as well keep  
8 going if we -- if we could.

9 MS. LEEPER: All right. Well, let's at  
10 least grab a break.

11 THE WITNESS: Okay.

12 MR. RUSSO: How much time do you need?

13 MS. LEEPER: For the break?

14 THE VIDEOGRAPHER: Do you want me to go  
15 off the record?

16 MR. RUSSO: No.

17 MS. LEEPER: Well, it's -- I'm going to  
18 pass the witness. So I would ask -- I'm not going to  
19 decide how long need this break needs to be. I think it  
20 would be one of the additional questioners and so I  
21 think you want to start talking with them now.

22 MR. RUSSO: Whoever's on the -- on the  
23 line, how long a break do you need, if any?

24 THE WITNESS: There's like 20 people on  
25 there.



1 MS. SPOTO: I think -- I mean, are you --  
2 are you opposed to taking a lunch break now?

3 MR. RUSSO: Yeah. The witness would  
4 rather just kind of keep going.

5 MS. SPOTO: Okay. Okay. Could we take  
6 maybe -- maybe a 15-minute break?

7 MR. RUSSO: No. The witness is here. I  
8 mean, if you need -- need to take five to get ready,  
9 that's fine but 15 minutes is -- I would rather not do  
10 that. We've got him here.

11 MS. SPOTO: How about 10?

12 MR. RUSSO: Five minutes.

13 MS. SPOTO: I want make sure -- we want  
14 to make sure --

15 MR. RUSSO: Five minutes.

16 MS. SPOTO: We want to make sure that we  
17 reduce overlap in questioning. We just want to be able  
18 to make sure that we can keep the witness here for a  
19 short amount of total amount of time as possible.

20 MR. RUSSO: Counsel, can you not come  
21 back in five minutes?

22 MS. LEEPER: I think the 10 --

23 MS. SPOTO: We would -- we would -- we  
24 would strongly prefer 10.

25 MR. RUSSO: Okay. Just let me get this

1 on the record. What I don't want to have happen is  
2 continued conferences with the various groups to come  
3 back and talk to the witness because you're wasting the  
4 witness's time.

5 He's here -- he's here to be examined and  
6 he's ready to go. So I don't understand why it would  
7 take 15 minutes to get ready for your own examination.

8 MS. LEEPER: Yeah. I'm happy to also put  
9 on the record, I think that the plaintiffs' group are  
10 seeking to make things better for the witness because we  
11 prepared separate outlines and so we want to insure that  
12 we're not repeating questioning.

13 And so our goal was actually to be  
14 courteous to the witness and save time by allowing  
15 counsel to go through their lines and take the time to  
16 insure that they're not going to be duplicating  
17 questions and getting asked and answered objections and  
18 so I think 10 minutes is pretty reasonable.

19 MR. RUSSO: Well, the reasonable way to  
20 do it is counsel goes after each other. That's how  
21 depositions are done.

22 MS. LEEPER: Uh-huh. Yeah.

23 MR. RUSSO: And so, again, you're wasting  
24 the witness's time by taking continued breaks.

25 MS. LEEPER: Well, I think 10 minutes is

1 more than fair. I think we're just going to go ahead  
2 and -- I'll hopping off the record and stepping out for  
3 10 minutes and I imagine that --

4 MR. RUSSO: Well, the witness is going to  
5 remain here then if that's --

6 MS. LEEPER: Okay.

7 MR. RUSSO: -- the way it's going to be.  
8 And we're going to keep -- stay on the record. So you  
9 guys can do whatever you want. If you want to walk out  
10 of the room and conference, go ahead. He'll -- he's  
11 here.

12 MS. LEEPER: I'll go ahead and allow the  
13 other plaintiffs' counsel to decide how to proceed but a  
14 10-minute break seems imminently reasonable to me.

15 MS. SPOTO: We definitely want to be off  
16 the record for this just to make sure -- we just want to  
17 keep things moving as quickly as we can for the  
18 witnesses.

19 THE VIDEOGRAPHER: I can't go off the  
20 record unless everybody agrees.

21 MS. LEEPER: Yeah. I mean, I will note  
22 that earlier when I asked to take a 10-minute break,  
23 you-all were gone for more than 20 minutes and so in  
24 terms of wasting the witness's time, we've attempted to  
25 be courteous.

1 MR. RUSSO: I get it. He was on a  
2 personal phone call dealing with work.

3 MS. LEEPER: Yeah.

4 MR. RUSSO: Which, again, is why he would  
5 like to get him done.

6 MS. LEEPER: Yeah.

7 MR. MANCINO: Are you saying you're going  
8 to -- the witness is going to abandon the deposition?

9 MR. RUSSO: Nope. I'm saying that we'll  
10 sit here on the record while -- I'm saying we'll sit  
11 here on the record while you-all decide how you want to  
12 change your questioning, I guess, is what -- what -- you  
13 know, what the problem is.

14 MS. SPOTO: I mean, ultimately we -- we  
15 strongly -- we want us to be off. We want to go off the  
16 record. Like I said, it won't take up the whole seven  
17 hours unless you keep arguing about this.

18 MR. RUSSO: Yeah. Okay.

19 MR. MANCINO: I think -- I think we  
20 should go off the record, take the break, come back and  
21 finish Mr. Armstrong as quickly as possible.

22 MR. RUSSO: Counsel, you've got 10  
23 minutes and we're going back on the record.

24 THE VIDEOGRAPHER: So we're all in  
25 agreement to go off the record?

1 MS. LEEPER: Yes. Thank you, sir.

2 MR. RUSSO: For ten minutes.

3 THE VIDEOGRAPHER: We're off the record.

4 It's 12:02 p.m.

5 (Recess.)

6 THE VIDEOGRAPHER: Back on the record.

7 It's 12:17 p.m.

8 EXAMINATION

9 QUESTIONS BY MS. SPOTO:

10 Q Okay, Dr. Armstrong. So my name is Adrienne  
11 Spoto. I'm an attorney representing the NAACP  
12 Plaintiffs in this case. I'm just going to have a few  
13 more questions for you. I'll try not to repeat any  
14 topics that we've already fully covered. Are you ready  
15 to start?

16 A Yes.

17 Q Great. And if you have any trouble hearing me  
18 'cause of the audio over zoom or anything, please do let  
19 me know.

20 So first of all, have you always  
21 identified as Republican?

22 A No.

23 Q Could you tell me about when it was that you  
24 didn't?

25 A Prior to going away to college, my dad was

1 very active in the community of the Democrat.

2 Q Okay. So before college -- now, how about  
3 when you went to college?

4 A I think my philosophy in life began to change  
5 probably in -- probably my sophomore year in college.

6 Q Okay. And now shifting a little bit over to  
7 your 2022 senate campaign. How would you describe your  
8 supporters or your base?

9 A My base was probably more conservative, more  
10 party folks involved with the party as opposed to  
11 elected officials probably more 'cause I've been  
12 involved with the party.

13 MS. SPOTO: Just a second, I think  
14 someone is off mute. If you could mute, please.

15 MS. LEEPER: I believe that the court  
16 reporter just muted him, so it should be good.

17 MS. SPOTO: Perfect.

18 Q (BY MS. SPOTO) Okay. So how would you  
19 describe your opponent's base in comparison to yours?

20 A Probably -- we were probably drawing from the  
21 same base, I think. Probably a pretty conservative  
22 base. I had more of the party people on my side and he  
23 probably had a substantial number of party folks on his  
24 side too but he just had more money.

25 Q Okay. What did you do to sort of build your

1 base or set yourself apart?

2 A So there was -- I had -- I had a natural base.  
3 I really didn't need to build one. I kind of had a  
4 natural base.

5 Q Earlier in the questioning, you mentioned that  
6 you attended various political forums as part of your  
7 campaign.

8 A Correct.

9 Q Do you remember where those forums occurred  
10 and particularly in Galveston County?

11 A Yeah. I think I mentioned I did one in League  
12 City. This should be on the record already. I think I  
13 answered this one. I did one in Texas City and in  
14 Galveston.

15 Q All right. When you were campaigning, did you  
16 ever campaign in any majority minority neighbors?

17 MR. RUSSO: Objection, calls for  
18 speculation.

19 A Majority minority neighbors. So my campaign  
20 really didn't divide neighborhoods like that. I didn't  
21 do a lot of block walking like I had spoken of earlier.

22 I mainly did block walking in my -- in my  
23 own neighborhood, which is where I live. That's why it  
24 was close. Otherwise, I did not do a lot of campaigning  
25 door-to-door outside of my neighborhood.

1 Q During -- during the campaign and leading up  
2 to the election, did you or your campaign receive any  
3 questions about voting precincts?

4 A No. Any questions about voting precincts? I  
5 don't understand that question.

6 Q Questions about, like, say what -- how to find  
7 their voting precinct, where they should be voting,  
8 how they should -- like how they go about voting, things  
9 like that?

10 A Oh, so did I get any questions from people  
11 asking me where they should vote?

12 Q Yes.

13 A Oh, gosh. So yes, I did.

14 Q Could you -- could you say maybe about how  
15 many?

16 A It -- it's hard to say. Everyone knows that  
17 I'm involved with the party so they tend to ask me  
18 questions like that all the time. So it's hard to say  
19 how many. I could guess but that's all I would be  
20 doing. I'm not sure.

21 Q Would you say more than ten?

22 A Generally in the -- in an election cycle, most  
23 Americans, unfortunately, are not -- don't know so they  
24 tend to call. These are usually friends and family that  
25 call.



1 Q All right. And then shifting -- shifting to  
2 sort of your overall perspective on the race. Why do  
3 you think you lost the race?

4 A Because my opponent spent a lot of money.

5 Q All right. The top two vote getters in the  
6 race were both Anglo; is that right?

7 A Correct.

8 Q Do you believe race played any role in the  
9 election results?

10 A No.

11 Q And what leads you to draw that conclusion?  
12 What do you base your opinion on?

13 A The fact that I've been elected to the party  
14 positions multiple times and I've -- I've been this race  
15 all my life and I've been elected to party positions  
16 multiple times and it hasn't ever been an issue.

17 Q So earlier in the questioning, you also  
18 mentioned that you had not ever run for another  
19 political office.

20 A Elected office.

21 Q Did you ever --

22 A Elected office.

23 Q Elected. Elected political office. Elected  
24 political office.

25 A Correct.

1 Q Had you ever considered running for one?

2 A Yes.

3 Q Which one?

4 A I have been asked to run for a state house  
5 seat.

6 Q And what made you decide not to run?

7 A I prayed about it and it wasn't the right  
8 decision for my family at the time.

9 Q Okay. Did you ever consider running for a  
10 local elected office, like commissioner's court, city  
11 council, school board?

12 A I had not, no.

13 Q And why not to that?

14 A No particular reason. I just hadn't thought  
15 about it.

16 Q All right. So shifting gears a little bit to  
17 your involvement in the Republican party. Were you  
18 involved in preparing the Republican Party of Texas  
19 platform for the 2022 year?

20 A Yes.

21 Q What was your role?

22 A I was on the platform committee.

23 Q So what did the other platform committee  
24 entail?

25 A Lots of meetings prior to the convention and

1 meeting on certain committees and preparing the party's  
2 platform and voting on that platform.

3 Q What was the process for preparing the  
4 platform?

5 A We -- we break it into sections and so each  
6 committee member is -- is -- there's -- our platforms  
7 has like 14 different sections or so. We have -- we  
8 break out and -- and not 14, probably more like 7. But  
9 we break out into those different committees and then we  
10 kind of vet the old platform and then come up with a new  
11 one, change things here and there. Voting process, it's  
12 a very deliberative process.

13 Q After you've broken up into sections and  
14 looked through it, does the full committee then consider  
15 the full platform?

16 A Correct. And then the full convention votes  
17 on the entire platform.

18 Q Which sections -- or which section or sections  
19 were you involved in as a member of the committee?

20 A So I was on the State Affairs committee and I  
21 actually chaired that committee at our last convention  
22 as a -- and I was on health -- I was on health and human  
23 services as well but I did not chair that.

24 Q What sort of issues or positions were  
25 encompassed in State Affairs committee?

1           A     State Affairs, you had life issues regarding  
2     abortion versus pro-life. You had marriage issues and  
3     defining marriage between one man and one woman. And so  
4     we -- and then we had -- and there was a lot of other  
5     issues that are -- that are involved in that section of  
6     the platform.

7           Q     Did you also give some examples of things that  
8     were covered in health and human services?

9           A     Certainly the COVID stuff was a big topic in  
10    that area and then just typical health care issues.  
11    Sort of talking about the best way to provide health  
12    care for -- for -- for America.

13                     And our platforms are very involved and  
14    very -- very wordy and so -- so there's -- there's a --  
15    but yeah. So that -- that's kind of what we talk about,  
16    just health care issues affecting people.

17          Q     And when was the platform officially approved  
18    and released?

19          A     So our convention is in June and so it's  
20    probably sometime -- sometime late June, I would  
21    imagine.

22          Q     And what were -- what were your thoughts on  
23    the final platform?

24          A     I think it was -- I think it's a very  
25    conservative platform. You know, there's -- you know,

1 | no one agrees with everything in their party's platform

2 | but -- but I think that was the consensus of our

3 | convention and so that's what came out.

4 | Q Would you say you agree with a large portion

5 | of it?

6 | A I would say I'd -- I agree with a large

7 | portion of our platform, yes, but there's -- there's a

8 | lot in there.

9 MS. SPOTO: So Plaintiffs are going to  
10 introduce an exhibit. It'll be Tab 3. I think my  
11 co-counsel, Sarah, is going to put it in the chat. In  
12 the meantime, I will figure out how to screen share.  
13 Hold on just a second.

14 All right. Hold on. I think those are  
15 froze on my end. Are they frozen on yours?

16 MR. RUSSO: Nothing's pulled up yet.

17 MS. SPOTO: Okay. Yeah. I think it's  
18 just a little -- it's taking it's time.

19 Q (BY MS. SPOTO) Let's see. Is there still  
20 nothing showing up?

21 A No.

22 Q Okay.

23 MR. RUSSO: I think I can get a copy in  
24 front of the witness. Are you making this as Exhibit 3?

25 MS. SPOTO: I think we're on Exhibit 5 --

1 MR. RUSSO: Exhibit 5.

2 MS. SPOTO: -- if I have the numbering  
3 written down right. But can we go off the record for  
4 just a little bit while we sort out these tech issues?

5 MR. RUSSO: Sure.

6 THE VIDEOGRAPHER: Going off the record.  
7 It's 12:32 p.m.

8 (Recess.)

9 THE VIDEOGRAPHER: Back on the record.  
10 It's 12:38 p.m.

11 (Exhibit 5.)

12 Q (BY MS. SPOTO) So what I'm showing right  
13 now -- which will be Plaintiff's Exhibit 5.

14 A Okay.

15 Q Deposition Exhibit 5 says -- it says at the  
16 top, "Platform and Resolutions as amended and adopted by  
17 the 2022 state convention of the Republican Party of  
18 Texas;" is that right?

19 A Yes.

20 Q And is this the 2022 Republican Party of Texas  
21 platform?

22 A Yes.

23 Q All right. And looking under the heading for  
24 2022 platform committee members, that's your name,  
25 Dr. Robin Armstrong listed as SD 11, correct?

1 A Yes.

2 Q All right. Could you turn the exhibit to Page  
3 28?

4 A Okay. I'm there.

5 Q Okay. Now, Dr. Armstrong, if you could look  
6 with me at Paragraph 201, "Historical Monuments." It  
7 says -- the document says, "We believe that all  
8 historical war memorials, including Confederate  
9 monuments, in Texas shall be protected from future  
10 removal or defacement, and we believe that those  
11 monuments that have been removed should be restored to  
12 their historical locations. We support the continuing  
13 allocation of funds that are necessary to preserve the  
14 USS Texas as a permanent monument to the ship, her crew  
15 of two world wars, and the history of State of Texas."  
16 Did I read that correctly?

17 A Yes. I read it with you.

18 Q Great. Now, on the subject of monuments, are  
19 you aware of the Confederate monument in front of the  
20 Galveston County courthouse?

21 A I have been made aware with all of these  
22 proceedings. So I was --

23 Q But you were not aware before?

24 A I was not prior.

25 Q And so then were you aware of any efforts to

1 | have that monument removed?

2 | A I was not.

3 | Q Were you -- were you made aware of those  
4 | efforts over the course of this litigation?

5 | A Yes.

6 | MR. RUSSO: Let me -- let me make sure  
7 | the witness understands. That does not include -- I  
8 | assume, Counsel, conversations between he and his  
9 | attorney, which are protected by attorney/client and  
10 | work product privileges.

11 | Q (BY MS. SPOTO) Based on your -- your knowledge  
12 | of the facts, Dr. Armstrong.

13 | A Ask the question again, please.

14 | Q You've become aware of the efforts to remove  
15 | the monument?

16 | MR. RUSSO: If you've become aware other  
17 | than through counsel, you can answer the question.

18 | A No.

19 | MS. SPOTO: And we'll reserve any  
20 | potential attorney/client issues as it relates to our  
21 | previous discussions -- previous issues with Dale  
22 | Oldham.

23 | Q (BY MS. SPOTO) Now that you know the monument  
24 | is there, do you believe that monument should be left  
25 | where it is?



1 A Yes.

2 Q All right. And why is that?

3 A Because I don't think that there is anything  
4 positive that is gained from tearing down statues of any  
5 type.

6 Q All right.

7 MS. SPOTO: And just to make sure the  
8 record is clear, like I said we are reserving on the  
9 attorney/client issue. We're also reserving based on  
10 our argument made previously that facts aren't  
11 privileged solely because they've come through counsel.

12 Q (BY MS. SPOTO) Now, turning back to the  
13 platform. Was this historical monument's platform  
14 point, was that under the purview of the State Affairs  
15 subcommittee that you had mentioned before?

16 A No.

17 Q Which -- which committee would have been  
18 responsible for this?

19 A I don't know.

20 Q All right. If we could turn the exhibit to  
21 Page 35, Paragraph 245.

22 A Okay. Okay.

23 Q Okay. So I'll go ahead and read this. If you  
24 could read along with me, Dr. Armstrong.

25 A Okay.

1 Q "Voting Rights. We support equal suffrage for  
2 all United States citizen of voting age. We oppose any  
3 identification of citizens by race, origin, creed,  
4 sexuality, or lifestyle choices, and oppose use of any  
5 such identification for purposes of creating voting  
6 districts. We urge that the Voting Rights Act of 1965,  
7 codified and updated in 1973, be repealed and not  
8 reauthorized." Did I read that correctly?

9 A You did.

10 Q Was this is an issue under the State Affairs  
11 subcommittee that you mentioned you were on?

12 A No.

13 Q Do you know which subcommittee was responsible  
14 for it?

15 A We had an election -- an election's committee.  
16 So I would be certain that that's where that would fall  
17 under.

18 Q And do you support repealing the Voting Rights  
19 Act?

20 A So I can't speak to that because I'm not sure  
21 that I know everything that's on the Voting Rights Act.  
22 Certainly if -- so yeah, I can't really speak to that.  
23 I don't know everything that's in it.

24 Q All right. If we could bring the exhibit back  
25 to Page 19.

1 A Okay.

2 MS. SPOTO: Could you scroll up -- could  
3 you scroll up a smidge more. Okay. That's perfect.

4 Q (BY MS. SPOTO) If you could read along with  
5 me, Dr. Armstrong, on that Subparagraph B towards the  
6 top of Page 19.

7 A Okay.

8 Q "We oppose any state formula funding or  
9 graduation requirements for devisive curricula  
10 inconsistent with the above, including Marxist,  
11 anti-American, Critical Race Theory, multiculturalism,  
12 or diversity-equity-inclusion courses." Did I read that  
13 correctly?

14 A Yes.

15 Q And was this issue under the purview or  
16 responsibility of the State Affairs subcommittee you had  
17 mentioned before?

18 A This was not under State Affairs, no.

19 Q All right. So during the process of working  
20 on the platform, did you solicit feedback from anyone in  
21 Galveston County?

22 A Yes.

23 Q Who?

24 A Well, mostly folks who were at the convention,  
25 Republicans who were there. Republicans who were at the

1 convention mostly.

2 Q Can you name any -- any specific people?

3 A I could name some people who I -- who were  
4 particularly interested. Would you like their names?

5 Q Yes, please.

6 A Sandra Tetley was one person and Kathy Rogers  
7 was another person and Carol Dean was another person who  
8 asked. They're very, very engaged. So they ask lots of  
9 questions.

10 Q Do you remember -- did Mark Henry ever reach  
11 out about the platform?

12 A No.

13 Q Any of the other commissioners on the  
14 commissioner's court?

15 A No.

16 Q All right. Of the people you did speak to, do  
17 you know which commissioners precinct they live in?

18 A Let me think. One of them lives in Precinct  
19 3. One lives in Precinct 4 and one lives in Precinct 2.

20 Q And do you know what race they identify as?

21 A They're all Anglo.

22 Q Okay. Did you reach out to any organizations  
23 about the platform positions?

24 A No.

25 Q All right. So let's be clear then. You

1 | didn't reach out to LULAC, for example?

2 | A No.

3 | Q And you didn't reach out to the NAACP?

4 | A No.

5 | Q Did any organizations reach out to you?

6 | A No.

7 | Q Do you know if LULAC has opinions about what  
8 | was in the platform that we just talked about about  
9 | monuments?

10 | A I don't know. I don't know that answer.

11 | Q Do you know if they have opinions on what was  
12 | in the platform on voting rights that we discussed?

13 | MR. RUSSO: Object, asked and answered.

14 | A I don't know.

15 | Q (BY MS. SPOTO) And do you know if NAACP has  
16 | opinions on what was in the platform on monuments?

17 | A I don't know of an official NAACP stance, no.

18 | Q And do you know of an official NAACP stance on  
19 | the Voting Rights Act?

20 | A No.

21 | Q So earlier you mentioned some other stances of  
22 | LULAC and NAACP on family issues, on abortion. What  
23 | informs your understanding of their stances on those  
24 | issues?

25 | MR. RUSSO: Objection, vague and

1       ambiguous. I think it misstates prior testimony but you  
2       can answer if you can.

3             A       So repeat the question again. I'm sorry.

4             Q       (BY MS. SPOTO) Yeah. And I can rephrase.  
5       Earlier you mentioned other stances of LULAC and NAACP  
6       on some particular issue areas. You identified family  
7       issues, you identified abortion. Where do you get your  
8       understanding of --

9             A       Actually I don't think that's correct.

10                    MR. RUSSO: Let me -- let me object to  
11       vague and ambiguous. It misstates the record. The  
12       record is what it is.

13             Q       (BY MS. SPOTO) What -- what informs your  
14       understanding of what their stances are? How do you --  
15       how do you -- where does that information come from for  
16       you?

17             A       I don't have any information on what their  
18       stances are 'cause I -- I don't have any idea what their  
19       stances on these -- on these individual issues.

20             Q       I think you did say their stances on certain  
21       issues. Those issues are the reasons -- reasons that  
22       they wouldn't have opportunities in the Republican  
23       party, didn't you?

24                    MR. RUSSO: Objection to the  
25       mischaracterization of the testimony.

1 A I don't remember saying that.

2 Q (BY MS. SPOTO) Do you have a general sense of  
3 LULAC or the NAACP's standing's on particular issues?

4 MR. RUSSO: Objection, asked and  
5 answered.

6 If you have a different answer, you can  
7 provide it.

8 Q (BY MS. SPOTO) We can -- we can go ahead and  
9 move on.

10 So a separate question related to your  
11 Republican Party involvement. Were you involved in  
12 litigation brought by Republican Party and Republican  
13 Party members over the 2022 elections in Texas?

14 A No.

15 Q All right.

16 MS. SPOTO: Sarah, if you could pull up  
17 Tab 4. I believe this will be deposition -- we'll have  
18 this marked as Deposition Exhibit 6.

19 (Exhibit 6.)

20 Q (BY MS. SPOTO) All right. Are you seeing  
21 that Dr. Armstrong?

22 A I can see this, yes.

23 Q Great, okay. So do you see at the top? It  
24 says, "In the Supreme Court of Texas," correct?

25 A Correct.

1 Q And you'll see the caption reads "In Re Steven  
2 Hotze, M.D.," a number of names after that, correct?

3 A Correct.

4 Q And do you see down towards the end of the  
5 fifth line, "Honorable Robin Armstrong, M.D."?

6 A I do see that, yes.

7 Q And is that referring to you?

8 A Yes.

9 Q And then you'll also see -- if you scroll down  
10 to Page 2 --

11 A Okay.

12 Q -- in Footnote 8.

13 A I'm not -- I don't think -- are these pages  
14 numbered? I'm not seeing that they're numbered.

15 Q They aren't numbered on the PDF, I don't  
16 think.

17 A Okay.

18 Q So just the second page of the PDF.

19 A Okay. Okay.

20 Q So Footnote 8 also --

21 A Okay.

22 Q -- identifies your name in there.

23 A I believe.

24 Q "Honorable Robin Armstrong, M.D."

25 A Yes.



1 Q "Texas Republican National Committeeman,"  
2 right?

3 A Yes.

4 Q So does this help refresh your recollection?

5 A It does. It does, yes.

6 Q Okay.

7 A And so I'll have to see now what I --

8 MR. RUSSO: Let her ask the question.

9 THE WITNESS: Oh, sure. Sure.

10 MR. RUSSO: There's no question pending.

11 A Okay.

12 Q (BY MS. SPOTO) So do you remember -- do you  
13 remember what your involvement in this was?

14 A Yes.

15 Q Could you share that?

16 A It was about extending early voting by a week.

17 Q How did you come to be involved in this  
18 litigation?

19 A I was asked by the person organizing it.

20 Q All right.

21 MS. SPOTO: Now, if you could scroll up a  
22 little bit. Okay. Great.

23 Q I'm going to read from this if you could read  
24 along with me, Dr. Armstrong. So --

25 A Where are you?

1 Q At the very bottom -- the first page where it  
2 says, "Governor Abbott issued." So "Governor Abbott  
3 issued" --

4 A Okay.

5 Q -- "a proclamation on March 13, 2020,  
6 certifying under the Texas Disaster Act of 1975, the  
7 Act, that the novel of coronavirus COVID-19 poses an  
8 imminent threat of disaster in all Texas counties. On  
9 July 27th, the Governor issued another proclamation  
10 again citing the Act, suspending two provisions of the  
11 Texas Election Code as they relate to the general  
12 election on November 3. One provision states that early  
13 voting by personal appearance begins on the 17th day  
14 before election day--this year, October 19. The other  
15 provision requires that a voter deliver a marked ballot  
16 in person to the early voting clerk's office only while  
17 the polls are open on election day. Under the July 27  
18 proclamation, early voting by personal appearance begins  
19 six days earlier, on October 13, and early voting  
20 ballots may be delivered to the clerk's office prior to  
21 and including on election day." Did I read that  
22 correctly?

23 A Yes.

24 Q So Governor Abbott's order sets a start date  
25 for early voting for November 2020 elections on October

1 13th rather than October 19th, correct?

2 A Correct.

3 Q And it allowed voters to deliver those early  
4 voting ballots to the clerk's office before election day  
5 rather than solely on election day, correct?

6 MR. RUSSO: Objection, calls for  
7 speculation.

8 Q (BY MS. SPOTO) From your understanding of the  
9 lawsuit.

10 A I will not comment on that second thing 'cause  
11 I'm not really sure of that. It was the early voting  
12 part that I knew about.

13 Q Okay. So looking further down, if we could  
14 scroll down a bit more on to Page 2.

15 So reading along again. It says, "On  
16 September 23, relators, including the Republican Party  
17 of Texas, voters, candidates and current and former  
18 state officials, initiated an original proceeding in  
19 this Court, seeking a writ."

20 MS. SPOTO: If we could scroll down to  
21 the next page.

22 Q "Seeking a writ of mandamus directing the  
23 Texas Secretary of State to conduct the November 3  
24 general election according to the statutory provisions  
25 suspended by the Governor's July 27 proclamation." Did

1 I read that right?

2 A Yes.

3 Q Okay. So to recap, you and the other relators  
4 were asking the Texas Supreme Court to prevent state  
5 officials from allowing those six extra days for early  
6 voting?

7 A That is correct.

8 Q Okay. Did you speak about this lawsuit with  
9 anyone in Galveston County?

10 A I did not.

11 Q Did you speak about this lawsuit with NAACP?

12 A No.

13 Q Or LULAC?

14 A No.

15 Q And do you remember what the results of the  
16 litigation was?

17 A Well, I -- I know that early voting proceeded  
18 earlier. So I know that.

19 Q Okay.

20 MS. SPOTO: Sarah, if you could pull up  
21 Tab 5 for screen share. Plaintiff's will introduce to  
22 be marked Deposition Exhibit 7.

23 (Exhibit 7.)

24 A Okay.

25 Q Are you seeing it, Dr. Armstrong?

1 A Yes.

2 Q So you'll see this is an article written by  
3 John Wayne Ferguson posted on September 23rd, 2020 in  
4 the Galveston Daily News. Headline, "Political Buzz:  
5 Galveston County Judge Henry joins GOP lawsuit to block  
6 earlier voting start." Does that sound right to you?

7 A Yeah. That's what it says.

8 Q Have you seen this article before?

9 A I've not seen this article, no.

10 Q So it sounds like it's discussing the same  
11 litigation that we were just talking about over the  
12 start to early voting for the November 2020 election,  
13 right?

14 MR. RUSSO: Objection, calls for  
15 speculation.

16 Q Based on your -- what you're seeing of the  
17 article?

18 A I think that's what it says.

19 Q And it says Judge Henry joined the litigation;  
20 is that right?

21 A It does say that.

22 Q Did you ever discuss this litigation with  
23 Judge Henry?

24 A No.

25 Q Okay. And we can stop screen sharing.

1 Do you remember an incident in 2019  
2 involving GOP County chair person, Yolanda Waters, using  
3 a racial slur in a text message.

4 A I am aware of that.

5 Q All right. What do you remember happened?

6 A I can't remember the details of it. I believe  
7 she had used a racial slur against a common friend but I  
8 don't remember the details of that.

9 Q All right.

10 MS. SPOTO: Sarah, if you could pull up  
11 Tab 12.

12 Okay. Plaintiff's will be introducing  
13 this exhibit to be marked as Deposition Exhibit 8.

14 (Exhibit 8.)

15 Q So are you able to see it, Dr. Armstrong?

16 A Yes, I can see this.

17 Q You'll see it's an article by John Wayne  
18 Ferguson on December 7th, 2019. Headline, "County GOP  
19 chairwoman's racist text prompts calls for resignation;"  
20 is that right?

21 A That's what the headline says, yes.

22 Q All right. And you can take a -- take a  
23 little bit to look over what you see of the article.

24 A (Witness examined document.) Okay.

25 Q So does this refresh your recollection about

1 it more about what happened?

2 A Not really. I kind of had the general gist of  
3 what had gone on. I mean, I -- so yes, it -- I remember  
4 it now.

5 Q Okay.

6 MS. SPOTO: Sarah, if you could scroll up  
7 a little bit more, I think.

8 Q So do you see there that it says the chairman  
9 of the State Republican Party and over a dozen local  
10 precinct chairs called for Ms. Walters to step down?

11 A Yeah. I knew that that was the case. I don't  
12 see that on here yet, but I'm not sure where you are but  
13 yeah, I do -- I do --

14 Q If you look at the second paragraph.

15 A Yeah. There we go. I see that.

16 Q Did you also call for her to step down?

17 A I wasn't involved in this particular issue,  
18 no. I mean, I don't get involved with every issue going  
19 on here. I was vaguely aware of this but, no, I did  
20 not.

21 Q Do you remember, was the slur that she used  
22 directed at the former SD 11 committee person?

23 A Yes.

24 Q And that was JT Edwards, right?

25 A Correct.

1 Q What are your thoughts on the overall handling  
2 of the incident?

3 MR. RUSSO: Objection, calls for  
4 speculation.

5 A I can't remember the results of what happened.  
6 I don't know -- I can't -- I can't remember exactly what  
7 happened with that. She was not the chair for long  
8 after that, I remember that.

9 But I don't remember exactly what  
10 happened. She's a Latino lady. So I -- I didn't  
11 really -- I didn't really -- I don't think I got  
12 involved in that personally but as I.

13 Q So --

14 A Go ahead.

15 Q Oh, no, go ahead. Finish your answer.

16 A No, I'm done. I'm finished.

17 MS. SPOTO: Sarah, we can go ahead and  
18 stop screen sharing.

19 Q Okay. So before you were appointed to the  
20 commissioner's court, had you ever met Dale Oldham?

21 A I don't know who that is. What's the name  
22 again?

23 Q Dale Oldham.

24 A I don't know who that is.

25 Q Or Dalton Oldham.



1           A     I don't know who that is either.

2           Q     And before you were appointed to the  
3 commissioner's court, had you ever met Thomas Bryant?

4           A     I still do not know who that is.

5           Q     In your role in the Republican party, did you  
6 have any involvement in strategy around redistricting?

7           A     No.

8           Q     Did you ever receive or review any policy or  
9 guidance papers on redistricting in that role?

10          A     No.

11          Q     Did you ever try to become involved with the  
12 redistricting in that role?

13          A     No.

14          Q     All right. We're going to shift gears a  
15 little bit to talk a bit more about your time on the  
16 commissioner's court.

17                   Do you remember when you were appointed,  
18 was there a ceremony or event that was held for that?

19          A     Well, we -- we did the swearing in and so the  
20 press was there. That was it.

21          Q     Who attended the swearing in?

22          A     My wife and kids and Judge Henry was there.  
23 And there were a few people in the audience but not that  
24 many. The reporter was there.

25          Q     Do you know if any representatives from

1 community organizations attended?

2 A I don't know. I don't know that they were  
3 there or not.

4 Q Any representatives from political  
5 organizations?

6 A No. I don't -- I don't know.

7 Q Do you remember speaking with anyone at the  
8 event?

9 A Yes. I spoke with the judge during the  
10 swearing in and -- a little bit before and -- and my  
11 family pretty much and then other than congratulations  
12 was -- that was the rest of the conversation.

13 Q So when you were initially appointed by Judge  
14 Henry, how long was your term supposed to last?

15 A I was just supposed -- until the end of  
16 December. So it would be a few months.

17 Q Okay. So since you're here today and still a  
18 commissioner, how did your term come to be extended?

19 A So there's a statutory process in the election  
20 code that Commissioner Clark actually passed away after  
21 he had won the Republican primary.

22 So because he passed away, there was an  
23 empty space on the ballot and so the precinct chairs  
24 within that particular precinct or -- or voting location  
25 or another seed, they get to choose which Republican

1 | they put on the ballot, and that's the process that we  
2 | do.

3 | Q So did you reach out to them to express your  
4 | interest --

5 | A Them?

6 | Q -- in that?

7 | A So once I was appointed -- is that what you  
8 | mean? After the appointment, did I --

9 | Q Yes.

10 | A Yes, I did. I did.

11 | Q Was this a formal process or just more  
12 | informal reachout?

13 | A Well, I mean, my reachout -- it was like a  
14 | small campaign. So it was -- I had to reach out to each  
15 | of them and there were three other people that ran in  
16 | the race as well and one -- one dropped out. One other  
17 | person was considering running as well. So -- so there  
18 | were people -- other people in the race also that did  
19 | the same campaigning that I did.

20 | Q Could you share who those other people were?

21 | A So -- so Larry Taylor was considering running  
22 | in the race but he -- he dropped out the last day.  
23 | Chris Enochs ran and then there's another guy. There's  
24 | two other people actually. There's -- I can't remember  
25 | their names, I'm sorry.

1                   There's two other people. There was a  
2 lady and I don't remember her name and there's a --  
3 there's a gentleman, who I can't remember his name  
4 either, but there were -- there were multiple people in  
5 the race.

6           Q     Okay. And in addition to that initial  
7 outreach that you mentioned, did you speak further with  
8 or meet with anyone from the Galveston County Republican  
9 Party during this process?

10          A     I did, yes, 'cause that was -- the precinct  
11 chairs are part of the party and so yeah, those were the  
12 people that I spoke with. I spoke with them on --

13          Q     How many times?

14          A     Multiple times. I mean, that was the -- that  
15 was the -- sort of the well defined electorate. So I  
16 and the others spoke with them multiple times.

17          Q     What kinds of things did you discuss with  
18 them?

19          A     Why they should vote for me.

20          Q     What kind of reasons did you give them?

21          A     Just -- I'm going to represent them, I'm going  
22 to be a strong conservative, I'll be an independent  
23 voice on the commissioner's court and I will work to  
24 serve the district.

25          Q     Did they have any specific questions for you

1 on issues or policy points?

2 A Yes, they did. Excuse me.

3 Q Could you give some examples?

4 A Well, they -- you know, they were all wanting  
5 different things. Many folks wanted me to be more of an  
6 independent voice and a -- and a counter balance to --  
7 to -- on the court to -- many people wanted just to know  
8 how much I knew about, you know, roads and bridges and  
9 drainage and all that.

10 A couple of people just wanted to know if  
11 I was going to be a conservative voice on the court and  
12 that's it.

13 Q When you say independent voice, could you  
14 explain a little more about what you mean?

15 A That I would represent -- I would represent  
16 Precinct 4 and Galveston County and not any one  
17 individual on the court.

18 Q Do you know if Judge Henry reached out to any  
19 of the precinct chairs or folks in the party to support  
20 you?

21 A He did not. He did not.

22 Q Do you know if there were opportunities or a  
23 process for Galveston County residents to share their  
24 opinion about who they thought should be nominated?

25 A So yeah, there was. There was -- there was

1 a -- they actually put it in the paper, you know, and  
2 made -- so it had to be made public to the community to  
3 open it up for anyone else who -- who want to -- who  
4 would consider running for the position.

5 So yeah, it was a very -- it was made  
6 public and they, you know, took applications and --  
7 and -- and they reviewed the applications and they had  
8 an interview process. And so it was a pretty -- pretty  
9 formal operation that they went through.

10 Q Do you know if any Galveston County residents  
11 who reached out to support you specifically?

12 A I think there were -- I had a lot of support  
13 amongst Galveston County residents. You know, I --  
14 there was quite a few.

15 Q Do you know what race they identify as of the  
16 folks you can think of?

17 MR. RUSSO: Object to speculation.

18 A I think there was some -- actually, it was --  
19 it was all races that was supported me. I had,  
20 certainly, family members who are African American. I  
21 had many friends in the community who are African  
22 American who supported me. I had Anglo Americans in the  
23 Republican party process that supported me as well and  
24 then I had Hispanics supporting me, my wife.

25 Q Do you know if any other commissioners reached

1 out and supported you?

2 A Let me think. Not during -- you're talking  
3 about the race with the precinct chairs? Not during  
4 that time, I don't think. They didn't -- they didn't  
5 come out publicly for -- for anyone in that race. So  
6 no.

7 Q Okay. And when you mentioned that Judge Henry  
8 had not reached out, how do you know that he did not  
9 reach out?

10 A Well, he had asked if -- if I wanted him to  
11 reach out and -- and I think my answer was no. And I  
12 think they decided it was -- it was -- it was -- because  
13 of some local political stuff, it was probably my best  
14 interest to just do this on my own. So that's how I  
15 know he did not.

16 Q So he was -- so he had expressed that he was  
17 interested in supporting you?

18 A Well, he appointed me. So he -- so he  
19 certainly wanted me to -- to be on the ballot again  
20 if -- if that was my desire and I told him it was. But  
21 yeah, he did not actively do anything to reach out.

22 Q And could you share what the local political  
23 stuff was that you mentioned, made you answer no?

24 A Say that -- repeat the question again.

25 Q You mentioned some local political stuff.

1 A In regards to what? What's the question?

2 Q That -- in regards to Mark Henry potentially  
3 reaching out and you answered no, that you didn't want  
4 him to reach out. Could you share more about what that  
5 local political stuff is?

6 A No, I don't know. I mean, I don't know. I --  
7 I -- I don't -- I don't know. I'm not sure. I don't  
8 know. I don't -- I don't know of any things I would  
9 have had him do. Is that what you're asking?

10 Q Yeah.

11 A So yeah, I don't -- I don't know.

12 Q Okay. Okay. And do you know if any Galveston  
13 County organizations reached out to the -- to precinct  
14 chairs to support you?

15 A I know some of the women's groups expressed  
16 their support but other than that, no.

17 Q Okay. So you mentioned several other people  
18 having applied. Do you know who their supporters were?

19 A I don't. I don't.

20 MS. SPOTO: Sarah, if we could pull up  
21 Tab 6. So we'll have this marked as Deposition Exhibit  
22 9.

23 (Exhibit 9.)

24 Q Dr. Armstrong, can you see it?

25 A I can see it, yes.



1 Q So this is an article by Keri Heath, July 27,  
2 2022. Headline, "Armstrong elected as GOP pick for  
3 Precinct 4 Commissioner." Did I read that right?

4 A Correct.

5 Q Have you seen this article before?

6 A I have not seen this article. It's my first  
7 time seeing it.

8 Q Okay. I'll give you a minute or two to look  
9 it over.

10 A Yeah. I've looked it over while you were  
11 talking. Yeah, I can see it.

12 Q Okay.

13 MS. SPOTO: Sarah, could you scroll  
14 down?

15 A Okay.

16 Q All right. Now that you've had a chance to  
17 look it over --

18 A Okay.

19 Q -- do you think this article accurately  
20 describes the process by which you became the Republican  
21 nominee for Precinct 4?

22 A I think they described the process -- so  
23 actually, no, it's not accurate. It says, "Under state  
24 law the county Republican Party Executive Committee is  
25 charged with choosing Clark's replacement." That is not

1 true.

2 It's -- it's not the Executive Committee  
3 that chooses. It's the Precinct 4 Executive Committee  
4 members, so that's inaccurate.

5 MR. RUSSO: Surprise.

6 THE WITNESS: Huh?

7 MR. RUSSO: Surprise The Daily News got  
8 it wrong.

9 A That's not accurate and they're -- they're  
10 not -- they're choosing my replacement on the ballot,  
11 not his replacement for the position.

12 Do you see what I'm saying? So -- so  
13 Judge Henry chooses the person that he appoints and --  
14 and they're not choosing my replacement. They chose --  
15 I replaced him on the ballot. That's the only thing the  
16 precinct chairs were doing for November. So that part  
17 is not accurate.

18 "Because no Democrat is running in  
19 general election, Armstrong will be the new  
20 commissioner." That is true. I will be the new  
21 commissioner and then "Galveston County Mark Henry  
22 appointed Armstrong, a physician." That is true as  
23 well. "Through -- through the end of Clark's term."  
24 December 31st would be the end of the term and that's  
25 it.

1 Q Thank you. So to make sure the record is  
2 clear, one of the lines that you -- you identified as  
3 accurate was this one, "Because no Democrat is running  
4 in general election, Armstrong will be the new  
5 commissioner for Precinct 4." That's right?

6 A Correct.

7 Q Okay.

8 MS. SPOTO: And then where it said -- if  
9 you scroll up a little bit, Sarah.

10 Q Where it said that you were selected by 9-6  
11 vote, is that accurate?

12 A Correct.

13 Q So the article -- the article identifies the  
14 same person you identified as one of the other people  
15 seeking the position, right, Billy Enochs?

16 A Correct.

17 Q Do you know why -- the article -- sorry. The  
18 article identifies six people who voted for Billy Enochs  
19 instead of you, correct?

20 A Correct.

21 Q So to your understanding based on your  
22 knowledge, why would those precinct chairs have  
23 supported Billy Enochs over you?

24 A I mean, I would be speculating. I don't  
25 really know.

1 MR. RUSSO: Objection, calls for  
2 speculation.

3 A I don't know for sure.

4 Q Do you have any sense of how his policy  
5 positions compare to yours?

6 MR. RUSSO: Vague and -- objection, vague  
7 and ambiguous. Are you talking about Enochs?

8 Q Yes, Billy Enochs. Let me rephrase. Do you  
9 have a sense of how Billy Enochs' policy positions  
10 compare to yours?

11 A I have -- I have a sense, yes.

12 Q And what is that sense?

13 A Fairly similar in philosophy.

14 Q Are there any key differences?

15 A Not -- not really in philosophy, no.

16 Q All right.

17 MS. SPOTO: And so, Sarah, if you could  
18 scroll down again just a little bit.

19 Q Okay. So we talked about because no Democrat  
20 is running in general election, Armstrong will be the  
21 new commissioner for Precinct 4.

22 So, Dr. Armstrong, since you were  
23 uncontested in the general election and there was no  
24 Democrat running, you were automatically declared  
25 elected without having to receive any votes, right?

1 A No. No.

2 Q Can you explain how that worked?

3 A So -- so you have to -- I was elected on -- on  
4 November 8th but the way Texas does it now is -- is  
5 since I did not have an opponent, my name simply is on  
6 the ballot as -- as, you know -- I don't know exactly  
7 what it says. Maybe "Going to win" or something. You  
8 know, "This person's already won 'cause he didn't have  
9 an opponent."

10 And then once that November -- once  
11 that -- once all that caucusing -- or the canvassing  
12 takes place, then -- then I'd be sworn on January 1st,  
13 which is what happened. But at that point, I was still  
14 serving the unexpired term of Commissioner Clark's  
15 through December.

16 Q So just to make sure the record's clear, so  
17 you would not have been required to receive any votes in  
18 order to win that uncontested election, right?

19 MR. RUSSO: Objection, asked and  
20 answered.

21 Q You can answer.

22 MR. RUSSO: Calls for speculation.

23 A Since there was no one on the ballot, the last  
24 legislative session changed the law.

25 Q Now, shifting a bit. When will your current

1 term that you're now serving as a commissioner end?

2 A It will end in -- it's a long time -- 2026.

3 Q Now, going back to when you were first  
4 appointed to commissioner's court. Did you have to  
5 complete any trainings before you started?

6 A Yes, I did.

7 Q And what trainings were those?

8 A There was some training with -- from the  
9 Attorney General's office and then there was another  
10 kind of general training that I had to do. And I  
11 remember the one from the AG's office and -- and there  
12 were two different trainings I had to complete.

13 Q Okay.

14 MS. SPOTO: Sarah, if you could pull up  
15 Tab 9 on screen share. So this is going to be marked as  
16 Plaintiffs' Exhibit -- Deposition Exhibit 10. This was  
17 previously produced as DEFS00029870 through 29872.

18 (Exhibit 10.)

19 Q Now, Dr. Armstrong, can you see the exhibit?

20 A I can see them, yes.

21 Q Great. So this was an e-mail from you to  
22 Linda Liechty sent on Monday, May 16th, 2022; is that  
23 right?

24 A Correct.

25 Q And the subject line reads, "AG certificates

1 for completed training for Robin Armstrong," right?

2 A Yes.

3 Q Do you remember this e-mail?

4 A I mean, I don't remember this particular  
5 e-mail. I remember sending it. I mean, I don't  
6 remember sending it but I do -- it's clear here. I can  
7 see that it was sent.

8 MS. SPOTO: Sarah, if you could scroll  
9 down two pages.

10 Q So do you remember sending these two pages?

11 A I believe so.

12 Q And do you remember why you sent them?

13 A Trying to complete all of the -- all of the  
14 training. Because my understanding was I had to have  
15 them completed by a certain time, you know, before I  
16 became a commissioner officially.

17 And so -- and so they were -- you know,  
18 typically people have lots of time to get this stuff  
19 done. If they're elected in November and then they took  
20 office in January, they've got -- but I had like a few  
21 days that I had to get everything done, and I had to do  
22 this before I became commissioner.

23 MS. SPOTO: Sarah, could you scroll up  
24 one page.

25 Q All right. So, Dr. Armstrong, this one is

1 labeled "Certificate of Course Completion, Public  
2 Information Act," right?

3 A Yes.

4 Q So what was this course about?

5 A Public Information Act, just -- you know, it  
6 was just sort of general information that all public  
7 officials have to complete.

8 I can't remember the exact -- you know,  
9 what it all went through but -- but I know they had an  
10 open records -- they talked about, you know, open  
11 meetings and such and we can't have a -- we can't have a  
12 quorum -- the commissioner's court can't -- can't  
13 discuss business outside of -- outside of commissioner's  
14 court and such. It was just those routine, legal  
15 matters.

16 Q Do you remember about how long the training  
17 was?

18 A I think -- I think it was about an hour but I  
19 don't remember exactly.

20 Q Do you remember how it was formatted? Like,  
21 was it videos, readings, quiz questions?

22 A Yes. It was -- it was a video and they had  
23 questions.

24 Q And it looks like from the date that this  
25 certificate's showing, it looks like you completed this



1 course on May 11th. Does that sound right to you?

2 A It says it's issued effective May 11th.

3 That's what it says.

4 Q All right.

5 MS. SPOTO: Sarah, if you could scroll

6 down one more page.

7 Q And this certificate is labeled the "Open  
8 Meetings Act." So could you share a little more about  
9 what the Open Meetings Act training involved?

10 A Open Meetings Act is the same thing. It's  
11 just -- it's -- it's talking about, you know, we  
12 can't -- if we -- if we have more than three  
13 commissioners in the same room, we have to -- that would  
14 be a quorum and so we're not allowed talk business of  
15 the county at that time.

16 Q Okay. So when you said that the training was  
17 about an hour, that was for both of these, the Public  
18 Information Act and the Open Meetings Act?

19 A I think so. I mean, I don't have an exact  
20 time limit but I think they were two hours total, I  
21 believe.

22 Q And you mentioned that this is required for  
23 all commissioners, right?

24 A Correct.

25 Q How often are these trainings required?

1 MR. RUSSO: Objection, call for  
2 speculation.

3 A Yeah, I'm not sure.

4 Q Have you only had to take them once?

5 A I've only taken them once.

6 Q And have you received any -- any other  
7 training on Open Meetings Act, the Public Information  
8 Act during your time as a commissioner?

9 A No, I don't think so.

10 MS. SPOTO: Sarah, you can stop screen  
11 sharing.

12 A I need to run to the restroom.

13 Q Did you have any -- I'm sorry. What was  
14 that?

15 A Is it a good time for a restroom break?

16 Q Oh, that's totally fine.

17 THE VIDEOGRAPHER: Going off the record.  
18 It's 1:34 p.m.

19 (Recess.)

20 THE VIDEOGRAPHER: Back on the record.  
21 It's 1:53 p.m.

22 Q (BY MS. SPOTO) All right. Dr. Armstrong, did  
23 you have any continuing education requirements as  
24 commissioner?

25 A I do.

1 Q All right. Could you -- could you share what  
2 those requirements are?

3 A It's like 16 hours a year.

4 Q Are they on any particular topics?

5 A No. They have -- well, I mean, there are  
6 topics that they have. There is a -- a -- the  
7 county chair -- not the county chair but the -- the  
8 county of -- what is it called? TAC, Texas Association  
9 of Counties. Texas Association of Counties has meetings  
10 where they will offer those continuing education hours.  
11 So yes, we do have to get those.

12 Q All right. And did you complete your hours  
13 for the past year?

14 A I did.

15 Q For the ones that you got, did those education  
16 hours include anything on the Voting Rights Act?

17 A I don't think so.

18 Q Did they include anything on the 14th  
19 Amendment?

20 A No.

21 Q How about redistricting?

22 A No.

23 Q How about the U.S. census?

24 A No.

25 Q Did you complete your required hours alongside

1 any of your fellow commissioners?

2 A Define alongside. I'm not sure what --

3 Q Sure. Were you with any of the other  
4 commissioners? Like, did you -- did you attend the same  
5 education hours?

6 A So we actually can go to different breakout  
7 sessions and so we could choose where we go. So we  
8 could be at the same, you know, sort of convention where  
9 hours are being offered but decide to go to different --  
10 different sessions.

11 So we're at the same convention. Not  
12 everyone was there. I think -- I can't remember the  
13 different commissioner's that were there but. . .

14 Q All right. Do you -- do you remember if  
15 anyone attended any of the same breakout sessions that  
16 you did?

17 A I can't remember that.

18 Q All right.

19 MS. SPOTO: Sarah, if you could pull up  
20 Tab 14?

21 Q All right. Are you able to see that,  
22 Dr. Armstrong?

23 A It says, "United States District Court,  
24 Southern District of Texas, Galveston Division," yes.  
25 Is that what you're talking about?

1 Q Yes.

2 A Yes, I can see that.

3 Q So does this appear to be a court document?

4 A It appears to be.

5 Q And if you look at the party names listed on  
6 the case, does it appear to be a court filing from this  
7 case specifically?

8 MR. RUSSO: Objection, calls for  
9 speculation. You can answer if you know.

10 A It says that the plaintiffs are Galveston  
11 County -- I mean, the defendants. Plaintiffs Petteway  
12 versus Galveston County. So I'm not sure that's it's  
13 regarding -- regarding this case.

14 Q I'll go ahead and represent to you that this  
15 is a filing --

16 A Okay.

17 Q -- from this case.

18 A Okay.

19 Q And so turning to the title of the document,  
20 I'm going read. It says, "Defendants', Galveston  
21 County's, Honorable Judge Mark Henry's and Dwight D.  
22 Sullivan's Motion to Dismiss First Amended Complaint of  
23 Dickinson Bay Area Branch NAACP, Galveston Branch NAACP  
24 Mainland Branch NAACP, Galveston LULAC, Council 151,  
25 Edna Courville, Joe A. Compian, and Leon Phillips." Did

1 I read that right?

2 A Yes.

3 Q All right. And if you look just below that,  
4 you'll see it says, "Filed on June 8th, 2022," right?

5 A Okay. Yeah. You just highlighted it for me.  
6 I see that.

7 Q Yeah.

8 A Yes. Thank you.

9 Q So that indicates it was filed about four  
10 weeks after your appointment to commissioner's court; is  
11 that right?

12 A Sure. Yes.

13 Q All right.

14 MS. SPOTO: Sarah, if you could scroll  
15 down to Page 16.

16 Q All right. Dr. Armstrong, do you see the  
17 heading 2 in bold? It says, "This case is moot because  
18 there are now two African-Americans serving as  
19 commissioners."

20 A Okay.

21 Q Did I read that right?

22 A I don't see -- I see on your document here but  
23 I don't see it on my document.

24 THE WITNESS: Is it further up?

25 MR. RUSSO: It's Page 16.

1 A 16, okay.

2 Q Are you seeing that now?

3 A I can see it, yes.

4 Q Okay. So you're welcomed, if you want, you  
5 can read over that last paragraph on Page 16 underneath  
6 the heading that we just read. It's just some legal  
7 standards?

8 A Okay.

9 Q But once you're ready, just let me know and we  
10 can turn to the next page.

11 A (Witness examined document.) Okay.

12 Q All right.

13 MS. SPOTO: Before we go further,  
14 Plaintiffs would like to mark this as Deposition EXHIBIT  
15 11.

16 (Exhibit 11.)

17 Q All right. So now we're on Page 17.  
18 Dr. Armstrong, would you be able to read allowed that  
19 first paragraph of Page 17 beginning "Plaintiffs'  
20 allege"?

21 A So "Plaintiffs allege that Commissioner  
22 Holmes, who is African American, is the only  
23 commissioner to vote in line with the wishes of a  
24 majority of the African American and Latino communities.  
25 County Judge Henry appointed Dr. Robin Armstrong, who is

1 African American, to the Commission to serve as  
2 Commissioner for Precinct 4. Of the five members  
3 anybody on the Commission, two are African American. 40  
4 percent of the Commission members are African American.  
5 Black and Latino residents in Galveston County account  
6 for 37.6 percent of the total population. Thus African  
7 American representation on the Commission is greater  
8 than the proportion of Black and Latino residents in  
9 Galveston County." Keep going?

10 Q That's it. Thank you, Dr. Armstrong. So were  
11 you aware that the county's counsel on this case is  
12 using your race as a defense in this lawsuit?

13 MR. RUSSO: Let me object as it calls for  
14 a legal conclusion. It's an improper hypothetical,  
15 assumes facts not in evidence, and vague and  
16 ambiguous.

17 A Yeah. So when this happened, I was made aware  
18 that that -- that this was going to happen, yes.

19 Q Do you remember when you were made aware?

20 A I do not know when. I remember having a brief  
21 conversation with our counsel but I don't remember when.

22 Q Do you remember --

23 MR. RUSSO: Let me instruct the witness  
24 not --

25 Q -- if it was before --



1 MR. RUSSO: Hold on, Counsel. Counsel,  
2 hang on a second. Let me make sure that we get on the  
3 record the objection to attorney/client privilege.

4 THE WITNESS: Right.

5 MR. RUSSO: To the extent your answer  
6 would involve --

7 THE WITNESS: Sure.

8 MR. RUSSO: -- disclosure of communication  
9 between you and counsel --

10 THE WITNESS: Okay.

11 MR. RUSSO: -- that's off the record.

12 THE WITNESS: Okay.

13 MR. RUSSO: It's attorney/client, work  
14 product privileges.

15 THE WITNESS: Got it.

16 MR. RUSSO: Okay. Sorry. Go ahead,  
17 Counsel.

18 Q So without disclosing any privileged  
19 communications with counsel, can you describe when you  
20 were made aware of this?

21 A No.

22 Q Do you remember if it was before June 8th?

23 A I -- I just don't know.

24 Q Do you remember if it was before you were  
25 appointed to the commissioner's court?

1           A     Well, it was definitely not that time 'cause I  
2     didn't know anything about it.

3     Q     All right. Just to double check to make sure  
4     the record's clear. You said earlier that you didn't  
5     learn of this case until an executive session of the  
6     commissioner's court; is that right?

7     A     Correct.

8     Q     Do you recall when that session was?

9     A     I -- we have an executive session with just  
10    about every commissioner's court meeting, not about this  
11    issue in particular but in many different issues that  
12    come in executive session. So I don't remember which  
13    one it was.

14    Q     Would that executive session be marked as an  
15    item on the meeting agenda?

16                   MR. RUSSO: Object, calls -- calls for  
17    speculation.

18    Q     Based on your knowledge.

19                   MR. RUSSO: It's vague and ambiguous.

20                   Counsel, let me clarify the question.

21    Are you asking for the -- about a first executive  
22    session after he was appointed? Is that what you're  
23    asking about?

24                   MS. SPOTO: I'm asking sort of generally.

25    I can rephrase.

1 Q Like in general, would this sort of executive  
2 session be marked on a commissioner's court agenda,  
3 let's say, consulting --

4 A Yes.

5 Q -- with consult about a lawsuit. Sorry.  
6 What was that?

7 A Yes.

8 Q And going back specifically -- let me  
9 rephrase. Scratch that.

10 Were you made aware of this argument  
11 regarding your racial identity during an executive  
12 session?

13 MR. RUSSO: Let me object to that as --  
14 you're getting into the executive privileges --  
15 legislative privileges that relate to executive  
16 sessions.

17 Let me advise the witness. To the extent  
18 counsel was present during the executive session having  
19 those communications with you-all, those conversations  
20 are off limits.

21 THE WITNESS: Okay.

22 MR. RUSSO: And if you can't answer the  
23 question without divulging the conversations between  
24 counsel, just let her know.

25 A I don't -- I can't.

1 Q Okay. We can move on. What was -- what was  
2 your reaction to this argument regarding a racial  
3 identity? What are your thoughts on it?

4 A From -- from a -- from a pathological  
5 perspective, I understand it to get rid of it but I  
6 didn't think that it had anything to do with -- with the  
7 appointment.

8 In retrospect, I understand using it but  
9 I didn't think it had anything to do with the  
10 appointment or the votes to put me on the ballot as  
11 well.

12 Q Did Judge Henry discuss this lawsuit with you  
13 during your appointment process for commissioner?

14 A No. He did not.

15 Q Did he discuss your race during the  
16 appointment process?

17 A No. He did not.

18 Q Has he discussed your race with you after your  
19 appointment?

20 A No.

21 Q Did anyone on Judge Henry's staff discuss this  
22 lawsuit with you --

23 A No.

24 Q -- during your appointment?

25 A No.

1 Q Did anyone on Judge Henry's staff discuss your  
2 race with you during your appointment process?

3 A No.

4 Q And to your knowledge when the GOP precinct  
5 chairs were in the process of selecting the Republican  
6 candidate for the 2020 general for Precinct 4, did the  
7 fact that your racial identity was being used as a  
8 defense in this lawsuit come up in any conversations to  
9 your knowledge?

10 A No.

11 Q And to your knowledge, was your race brought  
12 up at all in conversations with GOP precinct chairs?

13 A Not to my knowledge, no.

14 Q Let's talk a little bit more about Precinct 4  
15 and your work representing them. Could you describe the  
16 socioeconomic makeup of Precinct 4?

17 A I'm speculating but it's very diverse.

18 Q And how about the partisan makeup of your  
19 precinct?

20 A I haven't looked at the numbers but it is a  
21 Republican district or precinct.

22 Q Okay. And looking more at socioeconomics,  
23 could you identify what some of the poorer areas of your  
24 precinct are?

25 MR. RUSSO: Object as to the extent

1 you're calling for speculation but you can answer if you  
2 know.

3 A I would think probably the south part of the  
4 precinct, generally speaking.

5 Q And what do you base that information on?

6 A Just observation.

7 Q All right. And what areas would you say,  
8 based on observation, are more affluent in your  
9 precinct?

10 A Probably the north part of my precinct.

11 Q All right. And we already discussed in  
12 previous questioning the racial makeup of the precinct.

13 Do you know -- do you have any sense of  
14 what the racial makeup of Precinct 4 was before the 2021  
15 redistricting cycle?

16 A I do not.

17 Q So what kind of issues does the commissioner's  
18 court mainly focus on or address?

19 A Well, so we -- we established a budget for  
20 the -- for the county and for the sheriff's department,  
21 which is a large department.

22 We also, you know, handle much of the  
23 business for the unincorporated areas or all of them.  
24 We are their government for the unincorporated areas  
25 within the county and then we, you know, deal with

1 different payroll. We've got about 1200 employees in  
2 the county.

3 So we deal with payroll issues and we've  
4 got the Parks Department and -- and we've got a District  
5 Attorney's office and Sheriff's office and all those  
6 different offices that we kind of balance. The County  
7 Courts at law that we kind of help.

8 So that's generally what we do on a  
9 weekly basis. There's all sorts of different issues  
10 that come up.

11 MS. SPOTO: Sarah, you can stop screen  
12 sharing.

13 Q All right. So, Dr. Armstrong, what are  
14 your -- what are your priorities as a commissioner?  
15 Like, what issues are most important to you?

16 A You know, my priorities are to just kind of  
17 serve the community, be a -- be a voice for them on  
18 commissioner's court. And that's all the different  
19 people of my district, give them a voice and -- and  
20 learn what their priorities are.

21 You know, my -- you know, my priorities  
22 should reflect what my constituent's priorities are and  
23 so that -- that's my goal and my desire.

24 Q All right. You mentioned earlier that you  
25 have an assistant. Who is that assistant?

1 A His name is Chris Lane.

2 Q Chris Lane. And what is Chris Lane's race?

3 A He's African American.

4 Q Is he a county employee or is he your personal  
5 assistant?

6 A No. He's a county employee. Yeah, he's a  
7 county employee, constituent services.

8 Q And how long has -- how long has Chris been  
9 your assistant?

10 A I hired him probably, I guess, two, three  
11 months after I was appointed.

12 Q All right. And, also, you previously  
13 mentioned that you had a political consultant in your  
14 Senate District 11 race. Who was that political  
15 consultant?

16 A Robert Flanagan.

17 Q Have you used any other political consultants?

18 A No.

19 Q And can you describe --

20 A I do have --

21 Q -- that Robert Flanagan --

22 A I have -- I have used a guy that does my mail  
23 pieces, Spencer Newman, but he's the only other one.

24 Q When you say he did your mail pieces, does  
25 that mean designing them --



1 A Correct.

2 Q -- or sending them out?

3 A Correct. Both.

4 Q Okay. And can you describe what Robert

5 Flanagan did for your campaign?

6 A So he's a general consultant and so he put  
7 together the television ads that I did and he also does  
8 some sort of general consulting and -- and looks at all  
9 the voting population and all that stuff, where we need  
10 to be engaging voters and such.

11 Q All right. Shifting back to your work as a  
12 commissioner. How much time do you spend in like the  
13 different areas of your precinct? You mentioned it  
14 covers a wide area.

15 A It does. I probably spend most of the time  
16 where I live in the north precinct, Precinct 4. I spend  
17 quite a large amount of time in -- really all over the  
18 precinct. I'm in Texas City and La Marque quite a bit  
19 as well 'cause I have nursing homes that we go to as  
20 well in to those areas.

21 So I'm pretty much traveling all  
22 throughout the district just with my medical practice as  
23 well, administering that, and then also just talking  
24 with folks. So my -- my job naturally sort of moves me  
25 about -- about the district as well.

1 Q All right. Have you attended any NAACP events  
2 or local branch NAACP events during your time as a  
3 commissioner?

4 A Not as a commissioner, no.

5 Q Have you attended any LULAC events as a  
6 commissioner?

7 A No. Not as a commissioner, no.

8 Q Have you met with representatives of the NAACP  
9 or any of the local NAACP branches as a commissioner?

10 A I have not as a commissioner, no.

11 Q How about representatives of LULAC?

12 A No.

13 Q How about members of the NAACP --

14 A Oh, gosh.

15 Q -- or the local branches?

16 A Well --

17 MR. RUSSO: Objection, calls for  
18 speculation.

19 Q To your knowledge.

20 A I'm sure I've met with many members of the  
21 NAACP. You know, I mean I -- I -- you know, I'm -- I'm  
22 black. I know a lot of black people. So I'm sure  
23 I've -- I'm sure I've met with people who -- maybe I  
24 don't know that they're a member or not but I'm sure I  
25 have.

1 Q All right. And similar situation for LULAC  
2 members?

3 A Probably not as many in LULAC, I would imagine  
4 but. . .

5 Q All right. Before you were appointed to the  
6 commissioner's court, we've talked that you had already  
7 met County Judge Mark Henry but had you met -- I think  
8 we also covered Stephen Holmes. But had you met any of  
9 the other commissioners before your appointment?

10 A So I did not know Commissioner Giusty. I had  
11 not met him. I had interacted -- I had kind of  
12 interacted with him loosely and hadn't met him.  
13 Commissioner Apffel, I had met him before.

14 Q In what context had you met him before?

15 A Well, he's a lawyer and he was involved with a  
16 case against me.

17 Q That's awkward.

18 A Yeah. I know it's awkward. It was very  
19 awkward but --

20 Q I would imagine your relationship with him has  
21 changed a little bit since then?

22 A It's -- it's better now.

23 Q So what's your relationship like with the  
24 other commissioners?

25 A Well, it's okay with Apffel too now but --

1 it's okay with him now. I don't hold grudges, so -- but  
2 I think our relationships are actually pretty good. I  
3 mean, I -- with Commissioner Holmes as well.

4 Q How often do you meet with your fellow  
5 commissioners?

6 A So we don't meet on a personal level, like,  
7 outside of commissioner's court anywhere. You know, we  
8 might be at the same event. Usually there's not three  
9 of us because we would violate that -- that rule and we  
10 don't talk any business during those times.

11 But we're not meeting outside of  
12 commissioner's court very often unless it's a political  
13 event that we're going to.

14 Q Okay. And in terms of your work as  
15 commissioner and your voting, would you say you're more  
16 aligned with one commissioner or another or with Judge  
17 Henry?

18 A That's an interesting question. I see myself  
19 now as being a -- kind of a swing vote now. I kind  
20 of -- I think that most of the things that we -- most of  
21 the things we do in commissioner's court, the vote is  
22 5-0, everybody's agreeing, the judge and all four  
23 commissioners.

24 Rarely do we have a 3-2 vote and -- and  
25 then there are times on particular issues where we have

1 a 4-1 vote, but I'm -- I don't -- I don't know. That's  
2 a hard question to answer which side -- who I'm voting  
3 with mostly. It varies a lot.

4 Q All right. Setting aside those unanimous  
5 votes, how often would you say you find yourself voting  
6 opposite Judge Henry?

7 A I would say -- granted there's not a lot of  
8 non-unanimous votes, I probably voted opposite him --  
9 you want a percentage?

10 Q Yes.

11 A I'm sorry. I didn't hear you.

12 Q Yes.

13 A Okay. Okay. Percentage. I bet you -- I  
14 would say 30 percent of the time I vote against him.

15 Q Can you cite a particular example or do you  
16 remember a particular vote where you had different  
17 positions?

18 A I do. I do remember a vote.

19 Q Could you share more about that?

20 A It was a vote where we were trying to pay a  
21 couple of employees more to keep them on with the county  
22 and you know -- because we were down sizing one of the  
23 departments. We were downsizing the treasury  
24 department, so we were -- the treasury's office. So we  
25 were going to pay them more and we voted on opposite

1 sides on that one.

2 Q Okay. Can you remember any times when you  
3 voted with Stephen Holmes against the others? So the  
4 other three versus you two.

5 A No. That's not happened.

6 Q All right. You mentioned sort of generally  
7 being interested in your constituent's thoughts and your  
8 constituent's priorities.

9 Are there ever any, like, times or issues  
10 or circumstances where you're especially interested  
11 in -- in your constituent's views?

12 MR. RUSSO: Object as vague and  
13 ambiguous.

14 A You know, I'll tell you, I am always  
15 especially interested in their views. I think that's  
16 just wise.

17 MS. SPOTO: Sarah, could you pull up Tab  
18 10. All right. This is going to be -- Plaintiffs are  
19 going to mark this as Deposition Exhibit 12.

20 (Exhibit 12.)

21 Q Dr. Armstrong, are you able to see it?

22 A Yes, I can.

23 Q All right.

24 MS. SPOTO: So this was previously  
25 produces as DEFS00017137.

1 Q You'll see, Dr. Armstrong, it was from Linda  
2 Liechty to Angel Hernandez -- to ITShelp copying Angel  
3 Hernandez and Katina Gee sent on May 19th, 2022 via  
4 e-mail. Is that all right?

5 A That's what it looks like, yeah.

6 Q Have you seen this e-mail before?

7 A No.

8 Q All right. I'll give you a chance to look.  
9 If you look at the body of the e-mail under Number 1,  
10 sort of towards the --

11 A Yeah. Yeah. I see.

12 Q -- lower half middle of the screen, it  
13 says --

14 A "Due to the reconstruction."

15 Q Uh-huh. Yes.

16 A Okay.

17 Q So it says, "Due to the reconstruction at the  
18 Calder Annex, the Commissioner does not have a dedicated  
19 office. The above equipment can be delivered to the  
20 County Judge's office at 131 Pecan Drive in League  
21 City." Did I read that right?

22 A Yes.

23 Q So according to this e-mail, at least as of  
24 May 19th, you didn't have an office, right?

25 A Right.

1 Q And is that accurate information?

2 A Correct.

3 Q Do you have an office now in your role as  
4 commissioner?

5 A I do have an office. It's -- it's in the --  
6 sort of the temporary buildings that are set up for  
7 the -- until the new the annex is finished.

8 Q Okay. Where is that office located?

9 A It is located in League City.

10 Q Do you know, is that office located in  
11 Precinct 4 under the current maps?

12 A It is not.

13 Q Do you know why it isn't?

14 A I do.

15 Q Could you share that?

16 A I am supposed to move to the Texas City  
17 building and -- and -- and that office is currently  
18 occupied.

19 Q Okay. So to be clear, the Texas City building  
20 is in your precinct?

21 A Correct.

22 Q So who's currently occupying that building?

23 A Commissioner Holmes.

24 Q And do you know where his office will move to  
25 when he's no longer there and you move in?



1 A It'll be in his -- in his precinct in the --  
2 the new Calder Annex once that's built.

3 Q Do you know when he's scheduled to move?

4 A I don't know that he's going to move. So no,  
5 I do not know that.

6 Q Can you elaborate on that a bit more?

7 A What do you mean?

8 Q You don't know if he's going to move?

9 A No. What do you -- what -- I just don't know.

10 Q So -- so you don't know then when you'll be  
11 able to get into your Texas City office -- the future  
12 Texas City office?

13 A That is correct.

14 Q Okay. Is there another location where your  
15 constituents can come speak to you in person if they  
16 want?

17 A Yes.

18 Q And where is that?

19 A In my office, the -- sort of the temporary  
20 buildings until the Calder building is finished or, you  
21 know, in my -- my personal office that I used in League  
22 City, so either -- either one.

23 Q Okay. Your personal office in League City, is  
24 that in your precinct?

25 A It is not.

1 Q Okay. And have you shared that location with  
2 your constituents?

3 A No.

4 Q And have you shared the location of the  
5 temporary office with your constituents?

6 A Yes.

7 Q All right. During earlier testimony, you  
8 mentioned someone had asked you to run for state house.  
9 Who was that?

10 A It was one of my -- one of my political  
11 consultants.

12 Q Okay. So was that -- was it Robert  
13 Flanagan?

14 A No. It was Spencer Newman.

15 Q Sorry. Could you repeat that?

16 A It was Spencer Newman.

17 Q Okay. Now, shifting gears a little bit again.

18 MS. SPOTO: Sarah, we can stop screen  
19 sharing.

20 Q Dr. Armstrong, have you ever been to Carver  
21 Park or the Carver Community Center in Texas City?

22 A Yes.

23 Q Have you been to any community events in  
24 Carver Park?

25 A Yes.

1 Q What were those events?

2 A It's been a while. It's been a while but I  
3 have been to -- so Lincoln -- Lincoln High School was  
4 actually on the -- you know, right down the road from  
5 Carver Park.

6 It's where the segregated high school was  
7 and so we were -- my dad and I actually worked on  
8 restoring the auditorium at Lincoln. And we've done,  
9 you know, picnics and community events out at Carver  
10 Park in the past but it's been a long time.

11 Q Can you give an estimate of how long ago that  
12 was?

13 A Gosh, it's probably been -- I don't know -- 20  
14 years, 25 years or so. It's been a while.

15 Q All right. So it sounds like you're familiar  
16 with the historical significance of Carver Park to the  
17 African American community, right?

18 A And I grew up around there too. I grew up in  
19 that area, so yeah.

20 MS. RUSSO: Object as vague and  
21 ambiguous.

22 Q Are you aware of the historical significance  
23 of Carver Park specifically connected to voting?

24 A Explain that more.

25 Q Sure.

1           A     I guess I'm -- I guess I'm not -- I know it's  
2 a voting precinct. I do know that. Is that what you  
3 mean?

4           Q     Yes. Yes.

5           A     Yes, I do. Yeah. Yeah. We had -- yeah. We  
6 had signs there for senate race.

7           Q     And then are you aware that Carver Park was  
8 taken out -- are you aware that Carver Park used to be  
9 in Precinct 3 before the 2021 redistricting?

10          A     Yes.

11          Q     And are you aware that it was taken out of  
12 Precinct 3 during that 2021 redistricting?

13          A     Yes.

14          Q     Do you -- sorry. Scratch that.

15                     How did you become aware of Carver Park  
16 being taken out of Precinct 3?

17          A     Well, 'cause I knew that it was a part of my  
18 current precinct now.

19          Q     Do you have any opinions about the choice to  
20 remove Carver Park from Precinct 3?

21          A     No.

22          Q     All right. Are you familiar with -- sorry.  
23 Scratch that.

24                     Have you -- has anyone expressed to you  
25 concerns about removing Carver Park from Precinct 3?

1 A No.

2 Q Have you returned to Carver Park at all since  
3 you became a commissioner?

4 A No. Not since I've been a commissioner, no.

5 Q So are you familiar with Constable Derreck  
6 Rose?

7 A I don't know him personally.

8 Q But you're aware of him generally?

9 A Right.

10 Q Okay. Are you aware that his constable  
11 precinct is located in your precinct, Precinct 4?

12 A I was actually not aware of that but that  
13 makes sense.

14 Q Okay. And you said you don't know him  
15 personally. Have you spoken to him at all since you've  
16 taken office as commissioner?

17 A I have not.

18 Q All right.

19 MS. SPOTO: Sarah, if you could pull up  
20 Tab 1. I believe Plaintiffs will be marking this as  
21 Deposition Exhibit 13, I believe, is what we're up to.

22 (Exhibit 13.)

23 Q Dr. Armstrong, are you able to see the  
24 exhibit?

25 A Yes.

1 Q This PDF is a copy of your campaign website  
2 page. The page is titled, "Dr. Armstrong in the News,"  
3 and the website is RobinArmstrongforTexas.com. I'll  
4 represent to you that this copy was made on January 6,  
5 2023. Does it look like an accurate copy of your web  
6 page?

7 A Yes.

8 Q All right.

9 MS. SPOTO: And, Sarah, if we could just  
10 generally scroll a little bit through that.

11 Q You'll see there's a number of links to news  
12 article largely dealing with Hydroxychloroquine and  
13 COVID-19. Does that sound right to you?

14 A Yes.

15 Q So did you personally post these entries to  
16 the web page?

17 A No.

18 Q Who was responsible for posting them?

19 A The web master.

20 Q Did you select which articles would be linked  
21 to the website?

22 A No. I just sent -- sent all of them to him.

23 Q Okay. So you would send them to him and he  
24 would post the ones you sent?

25 A Correct.

1 Q All right. And so looking at the topics you  
2 mentioned that -- well, we covered it was a lot dealing  
3 with Hydroxychloroquine and COVID-19. Would you say  
4 that was a major focus of your campaign?

5 MR. RUSSO: Objection, vague and  
6 ambiguous to -- what do you mean by that? What was the  
7 focus?

8 MS. LEEPER: I'll rephrase.

9 Q Would you say issues around COVID-19,  
10 including potentially Hydroxychloroquine, were a major  
11 focus of your campaign?

12 A It probably was. It was a -- it was a  
13 highlight, I think. I got lots of national exposure on  
14 both sides for that. So it certainly was a highlight.  
15 I wouldn't necessarily say it was a focus.

16 Q Is it accurate to say that all of these  
17 entries on your page, Dr. Armstrong, in the news were  
18 dealing with COVID-19 and/or Hydroxychloroquine? Feel  
19 free to scroll through if you need.

20 A Oh, yeah. I think that's accurate to say  
21 that. One of these pictures is not from that but -- but  
22 a lot of them are. I mean, that -- that's -- that's  
23 what the news media seemed particularly interested in.

24 Q All right.

25 MS. SPOTO: And, Sarah, if you could also

1 pull up Tab 2. But if you could keep Tab 1, like, open  
2 on your computer in case we need to switch back to it.

3 A Okay.

4 MS. SPOTO: Plaintiffs will mark this as  
5 Deposition Exhibit 14.

6 (Exhibit 14.)

7 Q Dr. Armstrong, are you able to see it?

8 A Yes.

9 Q Okay. So this is an article from MPR by the  
10 Vanessa Romo. Headline, "COVID-19 Patients Given  
11 Unproven Drug in Texas Nursing Home in Disconcerting  
12 Move published April 10th, 2020." Did I read all that  
13 right?

14 A You read it correctly.

15 Q Okay. And if we look back at the previous  
16 exhibit -- if we scroll to Pages 7 through 8 of the PDF,  
17 it looks like this article that's linked here.

18 "COVID-19 Patients Given Unproven Drug in Texas Nursing  
19 Home in Disconcerting move, April 10th, 2020," it looks  
20 like that's the same article?

21 A Okay.

22 Q Right?

23 A Okay.

24 Q Okay. Had you seen this article before?

25 A I have seen the headline. I have not read the



1 article.

2 Q Okay. So you saw the headline and e-mailed it  
3 to be posted on your web page?

4 A Well, no. I mean, I -- I -- it was easy to  
5 find these in a search. I wasn't e-mailed these  
6 articles. These articles were out there. So, you know,  
7 some of these pictures -- okay. So the picture with us  
8 and Trump, that I e-mailed to the web person.

9 MR. RUSSO: I think she was just asking  
10 you about the article on the bottom.

11 A The article on the bottom. No, I did  
12 not e-mail to them. That was found in the search.

13 Q Okay. Did the web person identify this  
14 article and post it?

15 A Correct.

16 Q Okay.

17 MS. SPOTO: Sarah, if we could switch  
18 back to the article.

19 Q Okay. If we scroll to Page 4 of the PDF?

20 A Okay.

21 Q We can read towards the bottom. It's  
22 actually -- we'll read a little bit of the next page  
23 too. But you'll see at the very bottom of Page 4 and  
24 start at Page 5, it says, "He" -- referring to you from  
25 the previous paragraph Armstrong -- "acknowledged that

1 some families were not aware their relatives were put on  
2 the drug, saying that 'for the most part,' he consulted  
3 with each nursing home resident prior to giving them on  
4 the tablets." Is that an accurate -- sorry. Do you  
5 remember saying that?

6 A I don't remember saying that, no.

7 Q Does it sound like an accurate description of  
8 what happened?

9 A This is an inaccurate description of what  
10 happened.

11 Q Can you elaborate further?

12 A The families knew they were being treated.

13 Q All of the families knew?

14 A Yes, all the families were made aware. The  
15 families who were not made aware, the residents were of  
16 sound mind and body and were told, so. . .

17 Q And all of the nursing home patients gave  
18 consent to be treated?

19 A All -- all of the ones who were able to. The  
20 ones who were not able to, the families were made aware.

21 Q So you obtained the Hydroxychloroquine doses  
22 through your Republican party connections, right?

23 MR. RUSSO: Object as to vague and  
24 ambiguous, mischaracterizes his testimony but you can  
25 answer.

1 A Through knowledge from them.

2 Q Okay.

3 MS. SPOTO: Sarah, if you could pull up  
4 to just fully into page 4 of -- I think we want to be in  
5 top 2, sorry. So Page 4 of this PDF. Yeah.

6 Q So towards the middle of the page, you'll see  
7 it starts -- there's a paragraph that starts,  
8 "Armstrong, who is a prominent GOP activist, called  
9 Republican Lieutenant Governor Dan Patrick." He says,  
10 "Patrick reached out to Texas state Senator Bryan  
11 Hughes, also a Republican, who knew someone on the board  
12 of the New Jersey-based company Amneal Pharmaceuticals.  
13 The company, which makes and distributes the drug, had  
14 donated more than a million tablets nationwide,  
15 including to the states of Texas and Louisiana." Did I  
16 read that right?

17 A Correct.

18 Q And would you say this paragraph is an  
19 accurate description of what happened?

20 A Yes.

21 Q So did you have access to Hydroxychloroquine  
22 doses to treat COVID-19 patients without those  
23 connections to Lieutenant Governor Dan Patrick?

24 A Yes.

25 Q Could you elaborate?

1 MR. RUSSO: Objection, asked and  
2 answered.

3 Q To the extent there's anything more you can  
4 share.

5 A You know, that -- that -- you know, the  
6 tablets we got were from the Texas State Board of  
7 Pharmacy, which is where they were -- where they came  
8 from. That's where the million doses went to.

9 Q So why did you reach out to Lieutenant  
10 Governor Patrick to obtain Hydroxychloroquine?

11 A Because we had 55 very high risk patients, who  
12 were by all accounts, were likely to die from COVID.  
13 They were elderly and ill in the nursing home and the  
14 date at that time said -- this of March of 2020 said we  
15 could loose 20 to 30 percent of residents and I was not  
16 going to let that happen. So I was going to treat them  
17 with the standard of care at that time.

18 Q Was there a reason you reached out to  
19 Lieutenant Governor Patrick in particular?

20 A 'Cause I had his number and I -- that was a --  
21 that was a source that I had, you know. That was --

22 Q Okay. What made you think -- what made you  
23 think he could -- he was a source?

24 A Well, he's Lieutenant Governor of the state  
25 and actually as it turns out, he was actually very

1 helpful because he directed me to state senator, who  
2 then directed me to stock pile that had already been  
3 sent to the state.

4 So for whatever reason -- maybe divine  
5 intervention -- it turned out to be correct. I mean, no  
6 reason -- no reason for Patrick in particular. I mean,  
7 I'd have called the governor had I had his phone number.  
8 I would have called anybody who -- who I thought  
9 could have helped to get the medications to treat these  
10 patients.

11 Q All right.

12 MS. SPOTO: And, Sarah, if you could  
13 scroll up to Page 2 of the PDF.

14 Q Okay. So on that third paragraph, you'll  
15 see -- the article mentions that then President Donald  
16 Trump was, as it says, enthusiastic champion of  
17 Hydroxychloroquine, calling it a game changer.

18 Did you know about Trump's interest in  
19 Hydroxychloroquine at this time?

20 A At that time, I can't tell you that I knew  
21 about or didn't know about it. It was a while back but  
22 I can tell you it's -- it's -- it's absolute foolishness  
23 to think that that had anything basis -- had anything to  
24 do with our decision to use the drug. That's just  
25 silly. That probably angers me more than anything else

1 but I'll stop there.

2 Q All right.

3 MS. SPOTO: Sarah, you can go ahead and  
4 stop screen sharing.

5 With that, I think we are getting close  
6 to the end of NAACP Plaintiffs' questioning. So I'd  
7 like to get off the record for a quick five, ten minutes  
8 to consult notes and then, also, this might be a good  
9 time for a lunch break.

10 THE VIDEOGRAPHER: Going off the record.  
11 It's 2:47 p.m.

12 (Recess.)

13 THE VIDEOGRAPHER: Back on the record.  
14 It's 3:07 p.m.

15 Q (BY MS. SPOTO) All right. Dr. Armstrong, I  
16 just have one more question before we close. So we  
17 talked a little bit about your senate primary campaign  
18 for Texas senate District 11 and we talked a little bit  
19 about endorsements. But were you endorsed by Ken  
20 Paxton?

21 A Yes.

22 Q All right. And Ken Paxton is the Texas  
23 attorney general, right?

24 A Yes.

25 Q All right. With that, thank you so much,

1 | Dr. Armstrong, for your time. That's all the questions  
2 | that I have for you.

3 | MS. SPOTO: NAACP Plaintiffs do reserve  
4 | the right to keep the deposition open pending  
5 | determination of the attorney/client privilege issues  
6 | but other than that, we are ready to pass the witness.

7 | EXAMINATION

8 | QUESTIONS BY MS. SMITH:

9 | Q Hello, Dr. Armstrong. My name is K'Shaani  
10 | Smith. I'm an attorney at the Department of Justice,  
11 | and I'll be representing the United States in this  
12 | deposition.

13 | Good afternoon and thank you for spending  
14 | some time with us today. I have a few questions for you  
15 | and I don't think I'll keep everyone too long, but I'll  
16 | also be jumping around through several topics just to  
17 | make sure that there's no overlap or duplicative  
18 | questions.

19 | Firstly, I'd like to start with your  
20 | membership with the Republican party. For how long do  
21 | you believe that you've been a member of the Republican  
22 | party?

23 | A I probably voted in my first primary in --  
24 | it's been a -- it's been a long time. You're requiring  
25 | me to do math. 20 -- 28 years, 30 years maybe,

1 | somewhere around there. It's been a long time.

2 | Q You previously mentioned that you were a  
3 | Democrat before college and that you changed parties  
4 | throughout your sophomore year of college. Does that  
5 | sound familiar?

6 | A Yes.

7 | Q Could you elaborate on why you decided to  
8 | change parties?

9 | A Well, I started engaging my faith more and  
10 | after that, I -- there was one issue in particular  
11 | that -- that -- that sort of required me to change  
12 | parties at that point.

13 | Q And could you tell me what issue that is?

14 | A It was the -- the life issue.

15 | Q You previously mentioned that Black voters  
16 | traditionally vote for Democrats because of the  
17 | leadership in organizations like the NAACP. Does that  
18 | sound accurate?

19 | MR. RUSSO: Let me object as it  
20 | mischaracterizes testimony.

21 | A It's -- it sounds like -- yeah, something  
22 | similar to that is what I said.

23 | Q (BY MS. SMITH) Could you correct my  
24 | recollection. I apologize.

25 | A Okay. So repeat what you said again. I'm



1 | sorry.

2 | MS. SMITH: Can the court reporter please  
3 | repeat my last question?

4 | (Page 178, Lines 14 - 17 read.)

5 | A That -- that's certainly one of the reasons.  
6 | So I stated that is one of the reasons why.

7 | Q (BY MS. SMITH) And what are the other reasons  
8 | in your view?

9 | A Because of tradition. 'Cause of tradition and  
10 | how -- how the community has traditionally voted for --  
11 | for a Democrat party. The same -- the same reason that  
12 | I grew up a Democrat, just because it was out of  
13 | tradition and out of -- and that's it.

14 | Q Do you believe that it's true of Black voters  
15 | in Galveston County specifically?

16 | A Generally, yes. I'm not -- you know, I --  
17 | I -- I haven't really asked so I'm kind of speculating  
18 | but I think that generally, yes, that's probably the  
19 | case.

20 | Q You've previously mentioned that you are  
21 | involved in the Republican party and have been elected  
22 | to several party positions; is that correct?

23 | A Yes.

24 | Q Have you taken any actions to attract Black  
25 | voters to the Republican party?

1 A Yes.

2 Q What are those actions?

3 A We have done events in -- in Houston at the --  
4 at the Buffalo Soldiers Museum in Houston. We've done  
5 Juneteenth events there. We have done MLK there as  
6 well.

7 We have -- I've actually gone out to --  
8 flew out to North Carolina to do an event with -- with  
9 Clarence -- I think his name is Clarence Johnson. He  
10 was one of the folks that was at the Greensboro, North  
11 Carolina sit in and so I've done events out there with  
12 him.

13 So -- so yeah, we've done -- I've done  
14 quite a few events. I mean, there's probably too  
15 numerous to count trying to engage African American  
16 voters.

17 Q Do you have an estimation of when you engaged  
18 in these actions of engaging Black voters to the  
19 Republican party?

20 A Oh, gosh, I would say probably frequently over  
21 the last ten years.

22 Q How would you define frequently?

23 A I would define frequently as having particular  
24 events that are formatted for African American  
25 engagement, maybe, you know, twice a quarter or so,

1 every other month having specific events.

2 And then just -- just engaging, you know,  
3 the community where I am here. I mean, I certainly live  
4 in the community as well.

5 Q Why have you decided to -- or why had you  
6 decided to engage in actions to attract Black voters to  
7 the Republican party?

8 A 'Cause I believe it really hasn't been done.  
9 It hasn't -- certainly hasn't been done effectively and  
10 so I think that, you know, we just need to do that more.

11 I believe that there's a lot more of a  
12 concerted effort now engaging Hispanic Americans but  
13 that's why I think we also need to do that more with  
14 Black Americans.

15 Q Have you engaged in any actions to attract  
16 Hispanic voters to the Republican party?

17 A Yes.

18 Q What are those actions?

19 A Not as much. Not as much personally. I know  
20 that the Republican National Committee has engaged  
21 Hispanic voters. We've -- we've opened up community  
22 centers in the Rio Grand Valley -- two or three  
23 community centers in the Rio Grand Valley of Texas,  
24 which is heavily Latino/Latina.

25 And so we have engaged -- there's been

1 more of a concerted effort to engage, I think, Hispanic  
2 Americans at the RNC level and at the Republic Party of  
3 Texas level as well.

4 Q Why do you believe there is more -- more of a  
5 concerted effort to do that?

6 A Not on my part but on the -- on the Republican  
7 party. I think it's numbers. I think that it's just  
8 the -- the numbers are much higher for the -- for the  
9 Hispanics than there are for the African Americans.

10 Q With regard to any of your personal actions  
11 that you have taken to attract Hispanic voters, round  
12 about when do you believe you took those actions?

13 A You know, I would say intermittently, I've  
14 probably taken part. I -- I actually went down to  
15 McAllen, Texas to open up one of the community centers.  
16 That was sometime in 20 -- that was probably sometime in  
17 2022 but -- but yeah, so just -- just intermittently. I  
18 mean, I can't give you an exact frequency.

19 Q And you said McAllen, Texas?

20 A Yes.

21 Q Is that located in Galveston County?

22 A No, it's not. It's on the border. It's on  
23 the -- it's in -- it's in Cameron County, I believe, or  
24 it may be Hidalgo County. It's way on the border. It's  
25 many hours south of here on the border -- Mexican

1 border.

2 Q All right. Thank you. In your view, do you  
3 believe that candidates who are elected office seek to  
4 gain the support of voters in Galveston County  
5 elections?

6 A So repeat the question again.

7 Q Sure. In your view, do you believe that  
8 candidates who are elected office seek to gain the  
9 support of Black voters in Galveston County?

10 A Yes.

11 Q How do they go about doing that?

12 MR. RUSSO: Object to speculation. You  
13 can answer if you know.

14 A Just engaging, you know, certainly folks that  
15 they know. Engaging folks that they know first and --  
16 and gaining the confidence of them and then spreading  
17 out, encouraging them to talk to others.

18 Q What about actions for -- sorry. Let me start  
19 over.

20 In your view, do candidates who are  
21 elected office seek to gain the support of White voters  
22 in Galveston County?

23 A Yes, I believe.

24 Q How do they go about doing that in your  
25 view?

1 A Probably I would imagine much the same way.

2 You know, it's in much the same way.

3 I think that -- my personal view point is  
4 that politics is socioeconomic now much more than race.  
5 I think we're trending in that direction. So I think  
6 that's what you -- where you're going to see big  
7 differences in how people are treated.

8 Q What do you mean by politics are trending more  
9 towards socioeconomics in race?

10 A I think it's going -- it's becoming a greater  
11 determinant and that's how, you know, political  
12 campaigns are starting to move. It's rural and urban in  
13 Texas as well and it's socioeconomics.

14 And I believe that -- I believe that  
15 every -- every racial group will vote for the individual  
16 who is promising their family that they're going to  
17 engage them economically and improve their economic  
18 life-style.

19 And I believe that -- that -- that I  
20 think you can get people to vote for you if you're going  
21 to improve their life-style, give them a good education,  
22 allow them to go to good schools and all that. So I  
23 think that people are starting to move more towards  
24 those issues and away from race.

25 Q And to make sure I understand what you mean by

1       socioeconomics, could you define that based on your  
2       understanding in using the word?

3           A       It's -- it's how much people earn and -- and  
4       kind of who they're -- who they interact with in their  
5       communities.

6           Q       Does that include their employment status?

7           A       It could. That's part of it. It could. It  
8       could.

9           Q       Their education level?

10          A       That certainly plays a role.

11          Q       In your view, do you believe that candidates  
12       who are elected office seek to gain the support of  
13       Hispanic voters in Galveston County?

14          A       Yes.

15          Q       How do they go about doing that in your view?

16          A       You know, I think -- like I say, much the same  
17       way as we engage African Americans or -- or White  
18       voters. I think it's much the same way, craft a message  
19       that is appealing to that group.

20          Q       Shifting gears to your prior senate campaign  
21       or state senate District 11 campaign. You mentioned  
22       that you spent a great deal of money while campaigning.  
23       Do you recall how much you spent?

24          A       I spent probably about 160,000. I mean, I  
25       spent more than that but that's what I -- my personal --

1 you talking about personal money or raised or altogether  
2 or what?

3 Q Altogether.

4 A Altogether, we probably spent about 250,000  
5 altogether but I raised some of that. Some of that was  
6 personal.

7 Q And you spent that money on TV ads, mailers  
8 and signs; is that right?

9 A Yes.

10 Q Did you spend that money on anything else  
11 related to your campaign?

12 A I think that probably was the overwhelming  
13 majority.

14 Q Did you spend more money on TV ads, mailers or  
15 signs in any one part of the senate -- or state senate  
16 district than any other portion of the district?

17 A No. It's -- it's hard to do that with  
18 television. I mean, that's the -- that's the most  
19 expensive medium and -- and so -- so no, I didn't  
20 really -- you know, for our mailers, they were mailed  
21 to, you know, two Rs and three Rs, people who have voted  
22 in Republican primaries in the past and -- because those  
23 are the people that generally will vote for the  
24 Republican primary -- in the Republican primary again.  
25 So we were certainly targeting republican voters 'cause



1 it was a primary.

2 Q And pardon my ignorance, you said two Rs and  
3 three Rs?

4 A Yeah. So --

5 Q Is that right?

6 A Yeah, whoever's voted in two Republican  
7 primaries or three Republican primaries or one  
8 Republican primary. So it's just kind of how we -- how  
9 you can divide them up. If you have -- and it's  
10 based on -- it's based on the amount of the money you  
11 have.

12 Q And I apologize if I'm duplicating any  
13 question that's been asked today, but I believe you  
14 stated that you -- during your campaign fro state senate  
15 District 11, you engaged Hispanic voters; is that right?

16 A I don't think I said that.

17 Q I apologize.

18 A I -- I certainly -- so when you say engaged  
19 them, I engaged, you know, all races of people, you  
20 know, during the campaign for sure, but you're talking  
21 about a specific outreach for Hispanics? Is that what  
22 you mean?

23 Q Yes.

24 A Okay. So yeah. So I did not do a specific  
25 outreach for Hispanics in that race.

1 Q Did you do any specific outreach towards Black  
2 voters in that race?

3 A I did not.

4 Q During that race, did you experience  
5 personally any racially charged rhetoric or incident?

6 A I did not, no.

7 Q Did your campaign consultant ever inform you  
8 of any racially charged epithets or rhetoric or  
9 incidents during that campaign?

10 A No.

11 Q Did you have a plan for -- after you -- well,  
12 strike that.

13 Did you have a plan for your campaign if  
14 you won the Republican primary?

15 A Did I have a plan?

16 Q Yes.

17 A For the campaign if I had won -- won the  
18 primary?

19 Q Yes.

20 A Okay. So a plan for the general election?

21 Q Yes.

22 A Okay. I did not.

23 Q Moving on to your appointment to the  
24 commissioner's court. You briefly spoke about your  
25 knowledge of Judge Mark Henry and stated that you met

1 him around 2010. Does that sound correct?

2 A Yes.

3 Q I'd like to show you an exhibit. I believe  
4 we're on Exhibit 14.

5 MS. SMITH: Ms. Court Reporter, please  
6 let me know if that's correct or not.

7 THE REPORTER: This should be 15.

8 Q (By MS. SMITH) And I'll try to show it to  
9 you. I've never done this before, so pardon me. Can  
10 you see this document?

11 A I can.

12 Q Okay.

13 MS. SMITH: And I'll -- so I'll mark this  
14 as Exhibit -- sorry, 15? 13?

15 THE REPORTER: 15.

16 MS. SMITH: 15. And I'll share it in the  
17 chat.

18 (Exhibit 15.)

19 Q (BY MS. SMITH) So this identifies that -- it  
20 states at the top, "Physician appointed to fill Precinct  
21 4 commission seat in Galveston County;" is that  
22 correct?

23 A Yes.

24 Q Sorry. Can you still see this? Okay.  
25 Scrolling down a bit. It says it's written by John

1 Wayne Ferguson. Does that sound right?

2 A Yes.

3 Q For The Daily News; is that correct?

4 A Yes.

5 Q Okay. I'm going to scroll down a bit into the  
6 article. On Page 3 of this PDF, it mentions Henry.

7 A Okay.

8 Q Do you understand that to be John -- or Mark  
9 Henry?

10 A Yes.

11 Q Judge Mark Henry?

12 A Yes.

13 Q Okay. If you look at the fourth paragraph, it  
14 says, "Henry said he has known Armstrong for 19 years  
15 and called him a really smart, likable guy." Do you see  
16 where it says that?

17 A Yes.

18 Q Have you known -- well, can you say whether or  
19 not that's accurate?

20 A I guess it's pretty close. Let me see here.  
21 I would have said -- I referenced 2010 because that's  
22 when he ran for the judge's seat. You know, I may have  
23 known him, you know, prior to that, you know. I mean,  
24 I'm estimating.

25 I remember when he ran for office. I

1 know that was the first time we had had any sort of  
2 interaction with one another, but really, like, not  
3 close interaction but just campaign interaction. So  
4 it's -- it's -- I guess I would say 12, 13 years as  
5 opposed to 19.

6 Q Okay. And have you ever worked with Judge  
7 Henry before --

8 A No.

9 Q -- becoming a commissioner -- before becoming  
10 a commissioner?

11 A No.

12 Q Okay. Scrolling down a bit. You can see it  
13 states, "Henry called Armstrong about the only voice of  
14 reason in advising him during the pandemic." Do you see  
15 where it says that?

16 A I see where it says that.

17 Q Would you say that's an accurate statement?

18 A I would say that I wasn't giving a lot of  
19 advice during the pandemic to him directly. Maybe --  
20 maybe it was taking advice. I was doing a lot of media  
21 stuff at the -- a lot of media stories at the time.

22 So I wouldn't say there was personal  
23 advice that I was giving during the pandemic. I think  
24 he was getting that from his local officials who are  
25 appointed in those positions.

1 Q So you did not act as an unofficial advisor  
2 for Judge Henry during the pandemic?

3 A I did not.

4 Q Thank you. Stop sharing. Moving on to your  
5 November 2022 election nomination. You've discussed  
6 receiving report -- sorry.

7 You discussed receiving support from  
8 Galveston County residents when you were seeking to be  
9 selected as the Republican party nominee. Does that  
10 sound accurate?

11 A I'm not sure. Are you talking about with the  
12 precinct chairs?

13 Q No. I'm talking about Galveston County  
14 residents other than the precinct chair.

15 A No. I mean -- I mean, you're talking about  
16 when I was seeking to get the nomination?

17 Q Yes.

18 A So I'm just wondering -- I'm wondering  
19 which -- are you talking about when I was seeking to get  
20 appointed or when I was seeking to get the approval of  
21 the precinct chairs? Is that what you mean? Which one  
22 do you mean?

23 Q Okay. I'll rephrase to be more clear. When  
24 you were seeking to get selected by the precinct --  
25 chairs --

1 A Okay.

2 Q -- of the Republican party --

3 A Okay.

4 Q -- to be included on the November 2022

5 election ballot --

6 A Got it.

7 Q -- did you receive any support from Galveston  
8 County residents who were not precinct chairs?

9 A Oh, I did. I did but it was -- you know, it  
10 was not -- I did, yes.

11 Q Did you know of any opposition to your  
12 selection from Galveston County residents?

13 A Yes.

14 Q Do you recall what that opposition was or the  
15 nature of it?

16 A Yes.

17 Q Could you tell me what that opposition was?

18 A It was from other Republicans who were  
19 concerned that I was appointed by Mark Henry.

20 Q Why were they concerned in your view?

21 A 'Cause they've had issues in the past with the  
22 judge.

23 Q And these are the issues that you were asked  
24 about previously that you didn't know the details of; is  
25 that right?

1 A Yeah. I did not know the details of all that.

2 Q Did anyone else oppose your selection during  
3 that process?

4 A Not that I know of. I think it was pretty  
5 much that group of Republicans.

6 Q Moving on to your experience on the  
7 commissioner's court. Since you've been appointed and  
8 elected to the commissioner's court, where do the  
9 commissioners typically conduct their meetings?

10 A We do them in one of two places; either at the  
11 Galveston County Courthouse -- the old courthouse or we  
12 do it at the League City location in one of the  
13 temporary buildings until the Calder Annex is complete.  
14 It's under construction now.

15 Q How does the court determine where to have the  
16 meeting?

17 A Typically -- unless it's a statutory meeting  
18 that we have to have in Galveston at the county seat,  
19 typically we alternate.

20 Q I'd like to talk to you a bit about  
21 Commissioner Holmes, and I apologize again if I'm  
22 duplicate any questions.

23 How long have you known Commissioner  
24 Holmes?

25 A I've known him for a very, very long time.



1 Long before -- probably longer than I know any -- anyone  
2 else on the commissioner's court for sure.

3 Q Do you have a guess as to when you met him?

4 A Probably when I was in junior high school. It  
5 was a long time ago. I can --

6 Q How -- how would you describe your  
7 relationship with Mr. Holmes?

8 A It was cordial. It was cordial. It's cordial  
9 now and it -- and it has been. I mean, he was -- he was  
10 actually pretty close to our family as --

11 Q How --

12 A As was his assistant.

13 Q Sorry.

14 A As was his assistant.

15 Q When you say "our," you're referring to you  
16 and your wife, correct?

17 A Our family?

18 Q Yes.

19 A No. No. No. I'm talking about my mom.

20 Q Oh, okay.

21 A And my sister and me.

22 Q Thank you. Have you worked closely with  
23 Commissioner Holmes since your appointment?

24 A I have not but it's -- I haven't worked  
25 closely with -- with -- real closely with any of the

1 commissioners. It's been sort of a -- it's a -- it's a  
2 unique body with all sorts of rules and quorum rules and  
3 everything, so it doesn't allow you to really -- it's  
4 not like the legislative process at all. It's -- it's a  
5 little more limited.

6 Q Do you have a sense of Commissioner Holmes's  
7 reputation in the county?

8 A I do.

9 Q Could you describe his reputation?

10 A I think he's got a good reputation in the  
11 county. I think Commissioner Holmes, ironically enough,  
12 is -- votes pretty conservative on commissioner's court  
13 actually on a lot of issues.

14 And so -- and so he has a -- he has a  
15 good reputation, I think, on -- on both sides of the  
16 political spectrum.

17 Q And when you say "ironically enough," what do  
18 you mean?

19 A Well, 'cause he's a Democrat and -- and I say  
20 he votes conservative on a lot of issues. Sometimes  
21 fiscally more conservative than the other Republicans.

22 Q Are there any other issues that you deem to be  
23 conservative that he votes on?

24 A He votes conservative on fiscal issues and not  
25 wanting to waste the tax payer's money. So he

1 actually -- he actually votes pretty conservative on  
2 those issues, what I found since I've been there.

3 Q Do you tend to vote similarly on those issues  
4 as Commissioner Holmes when they're presented?

5 A We vote -- you know, the core as a whole  
6 votes -- most of our votes are probably 5 to 0.  
7 Everyone votes the same way. So I would say yes, that's  
8 the overwhelming majority of the time.

9 Q As you're aware, this matter concerns  
10 redistricting the commissioner's court precinct. Has  
11 anyone discussed the justifications for the  
12 commissioner's court that was approved other than your  
13 attorneys and outside the presence of your attorneys?

14 A No.

15 Q Concerning your role as a member of the  
16 commissioner's court, you previously identified a number  
17 of issues that concerned residents of your precinct.  
18 Does that sound accurate?

19 A Yeah. Yes.

20 Q So for instance, you mentioned drainage as an  
21 issue.

22 A Yes.

23 Q Does that sound right?

24 A Yes.

25 Q You also mentioned crime as an issue in La

1       Marque, and I was wondering if you could elaborate on  
2       what you define as crime and, perhaps, the concerns that  
3       have been brought to you by those residents.

4                       MR. RUSSO: Object as vague and ambiguous  
5       but you can answer.

6               A       I think I got that perspective from -- from  
7       speaking to -- to the mayor of La Marque. He kind of  
8       gave me that perspective.

9               Q       (BY MS. SMITH) What did the mayor say to  
10       you?

11              A       Pretty much the same as what I said. I mean,  
12       I didn't -- we didn't go into details about what --  
13       exactly what criminal activity was taking place but he  
14       did mention that crime was an -- was an issue in his --  
15       in his area and his city.

16              Q       You also mentioned that the issue of schools  
17       is a area of concern in La Marque. Can you describe  
18       what that issue of concern is exactly?

19              A       Well, I think that the La Marque Independent  
20       School District was forced by the Texas Education Agency  
21       to -- to -- to dissolve and come under the Texas City  
22       Independent School District. And so I think there's a  
23       big concern about that those schools were failing those  
24       students and so it's a big issue.

25                       I mean, education is the -- is the big

1 civil rights issue of our day and -- and we've got to be  
2 able to get people properly educated. So I think that's  
3 a huge issue certainly in La Marque and now Texas City  
4 has issues, you know, as a result of that. So it's a  
5 big issue, a serious issue.

6 Q Do you find that the issues of crime or  
7 schools, as we've discussed, present any areas of  
8 concern for residents in other parts of your precinct?

9 A Yes, I do.

10 Q And what parts of your precinct have you heard  
11 about these concerns?

12 A I think --

13 MR. RUSSO: Objection, asked and  
14 answered.

15 A Yeah. I --

16 MR. RUSSO: You can answer.

17 A Those concerns are all over the precinct,  
18 overall the county, all over the state, all over the  
19 country for that matter. I think that's a big concern  
20 for everybody.

21 Q (BY MS. SMITH) So is that a concern in  
22 Friendswood specifically?

23 A Sure. It is. Now -- now, the school problem  
24 is not as significant as it is in La Marque but -- but  
25 it is a concern.

1 Q Previously you were asked about the history of  
2 discrimination or racism, rather, in Galveston County.  
3 Do you recall that question?

4 A Yes.

5 Q In your opinion, are there current issues of  
6 racial discrimination in Galveston County?

7 MR. RUSSO: Let me object as speculative,  
8 improper hypothetical, incomplete facts, but you can  
9 answer if you know.

10 A I've not experienced them personally.

11 Q (BY MS. SMITH) Have your constituents  
12 expressed any concerns about racism or racial  
13 discrimination --

14 A Not --

15 Q -- to you?

16 A Not to me directly, not as a county  
17 commissioner.

18 Q Lastly, I'll move on to the senate -- the  
19 state senate campaign ad that was shown to you regarding  
20 fighting crime, critical race theory and securing our  
21 border. Do -- do you recall that campaign ad?

22 A Yes.

23 Q Are you aware of any actions that the  
24 county -- or the county courts specifically has taken to  
25 assist in securing the border?

1 A Yes.

2 Q What are those actions?

3 A There is some monies from Operation Lone Star.  
4 It's supposed to be a government grant that has been --  
5 it's not any -- I'm sorry? Did you say something?

6 It's not -- it's not county money but  
7 it's money that's come from the State and -- and we have  
8 had officers in our sheriff's department, constable's  
9 office that -- that -- that volunteer to go down to the  
10 border and help -- help with law enforcement down there.

11 Q Do you know whether the court is still sending  
12 funds and supporting services to secure the border?

13 A So we're not sending funds. So we've not sent  
14 any -- any funding to secure the border but -- but we  
15 have some personnel who have gone down to the border to  
16 help -- help law enforcement with those efforts.

17 Q Have you been involved in the decision to send  
18 officers to the -- to the border?

19 A Yes. I have -- I have voted, yes, as a  
20 commissioner.

21 Q Do you know the amount of funds that were  
22 dedicated to securing the border from the county?

23 A Like I just said, none of those were county  
24 funds. Those were mostly funds from the State and I  
25 can't give you a number off the top of my head.

1 Q Other than the police force services that you  
2 discussed, are there any other types of services that  
3 the county has dedicated to securing the border?

4 A No.

5 Q Have you spoken to any commissioners about the  
6 counties dispensing of services towards securing the  
7 border?

8 A No.

9 Q Have you read about this issue of sending  
10 funds to secure the border prior to becoming the  
11 commissioner?

12 MR. RUSSO: Let me object as it misstates  
13 prior testimony.

14 A No. And we haven't sent any funds but I did  
15 not know about the sending of personnel either prior to  
16 becoming a commissioner.

17 Q (BY MS. SMITH) I'd like to show you an  
18 exhibit. I'll attempt to share my screen again. This  
19 will be exhibit --

20 MR. RUSSO: Counsel, can you -- can you  
21 upload that to the chat somehow? I'm not sure how that  
22 even works.

23 MS. SMITH: Yeah. I don't know either,  
24 so I'll try it.

25 THE VIDEOGRAPHER: There's three dots in



1 the chat that she can attach the file. See the little  
2 paper looking thing?

3 MR. RUSSO: The videographer's saying  
4 there's -- click on the three dots.

5 THE VIDEOGRAPHER: The paper.

6 MR. RUSSO: Or the paper at the bottom of  
7 the chat room -- the chat.

8 MS. SMITH: I got it.

9 MR. RUSSO: -- bar.

10 MS. SMITH: So would you prefer to do  
11 this than sharing the screen?

12 MR. RUSSO: Yeah. It's just -- it's  
13 easier for him to have the document in front of him.

14 MS. SMITH: Okay. No problem. So I've  
15 uploaded -- uploaded what will be marked as Exhibit 16.

16 THE REPORTER: 16, yes.

17 (Exhibit 16.)

18 Q (BY MS. SMITH) Okay. Do you see it,  
19 Mr. Armstrong?

20 A Yes, I do.

21 Q And at the -- I suppose in the middle of this  
22 first page, it says, "Investigates, Galveston County law  
23 enforcement continues sending resources to the border."  
24 Does that sound right?

25 A Yes. It looks like it says that on the

1 screen.

2 Q Okay. And it says that it was published  
3 February 9th, 2022. Does that look right?

4 A Yeah. Yes.

5 Q I'd like to direct your attention to Page 5 of  
6 the PDF.

7 A Okay.

8 Q I'm sorry, Page 6 of the PDF.

9 A Okay.

10 Q It starts -- the paragraph starts with "Last  
11 June." Do you see that?

12 A I do.

13 Q Would you mind reading that paragraph? You  
14 can read it out loud or to yourself.

15 A Where it says, "Last June"?

16 Q Yes.

17 A So "Last June, Galveston County Mark Henry  
18 gave the green light to use some of the county's  
19 American Rescue funds -- Rescue Plan funds to support  
20 sending resources to the border. Amongst Henry's  
21 stipulations are only those who volunteer can be sent to  
22 the border, and law enforcement could not leave any  
23 patrol areas uncovered. All those KPRC 2 spoke with  
24 said they're using reserve deputies to fill in the gaps  
25 by those working on the border. Trochesset said he

1 foresees continuing the effort through June. In  
2 addition to ARP funds, the county is also using \$2  
3 million state grant to pay for the effort."

4 Q Does this paragraph look accurate based on  
5 your knowledge of those facts?

6 A Based on my knowledge of the facts, I wasn't  
7 aware of the 2 million dollar state grant. I did  
8 mention that we're not using county funds so that  
9 certainly is accurate here.

10 And -- and I mentioned that they -- they  
11 volunteer to go down to the border and so this is all --  
12 I don't agree with the term "sending resources to the  
13 border." I would strike "resources" from that paragraph  
14 and write "people" because that's what's -- you know,  
15 they say resources but I -- these are people that are  
16 going down there and that's it. I would not --

17 Q Thank you. If you could scroll down a bit.

18 A Okay.

19 Q Between -- or at the end of Page 6 and start  
20 Page 7 of the article.

21 A Okay.

22 Q Do you see a table where it starts, "Below is  
23 the breakdown of the county expenditures of the border  
24 since mid-August"?

25 A Okay.

1 Q Do you see that?

2 A I do see that.

3 Q And you -- you discussed striking the word  
4 "resources" from the previous paragraph and replacing it  
5 with "people."

6 Do you believe that this table  
7 demonstrates that the large majority of the money spent  
8 is on personnel?

9 A 1.1 million is what I see, correct?

10 Q Yes.

11 A Uh-huh. Yes.

12 Q Does this table look accurate based on your  
13 knowledge of the facts?

14 A Based on my very limited knowledge, I would  
15 have to give that over to you, yes, and say that could  
16 be accurate.

17 Q Okay. Are you aware of any opposition to  
18 sending services or personnel to secure the border while  
19 on Galveston County?

20 A Yes.

21 Q What is that opposition?

22 A Commissioner Holmes.

23 Q Do you recall what Commissioner Holmes stated  
24 in opposition?

25 A No. He just -- he just voted no every time.

1 Q Okay. Do you know whether any of the  
2 residents of Galveston County opposed any funds or --  
3 sorry not funds but services and personnel to the  
4 border?

5 A No.

6 Q Do you have a position on the county's actions  
7 regarding sending services and personnel to secure the  
8 border?

9 A For the Lone Star Grant award, I voted yes.  
10 It was 4 to 1 vote.

11 Q Why did you support sending fund -- or not  
12 funds, sorry.

13 Why did you support sending services and  
14 personnel?

15 A The first reason why is that this is --  
16 finances, services personnel that the county would not  
17 otherwise get in this Lone Star Grant award. So we're  
18 not sending -- we're not spending county tax payer funds  
19 on any of this, which is very important -- a very  
20 important point to break -- to bring out.

21 Another very important point is that I  
22 think that it's a -- it's an issue that affects  
23 certainly us and -- and Southeast Texas, you know, the  
24 border and -- and there's a lot of services that are --  
25 that are being used by folks who end up in the Houston

1 area, end up in the Galveston area.

2 And I believe that it is -- that we all,  
3 you know, should take part of the effort of -- of  
4 securing our border as best we can.

5 Q Based on your knowledge, did Black or Hispanic  
6 party residents oppose sending these services or  
7 personnel to securing the border?

8 MR. RUSSO: Let me object as vague and  
9 ambiguous and also speculative.

10 A Yeah, I have no knowledge of that.

11 Q (BY MS. SMITH) Based on your knowledge, did  
12 Black and Hispanic county residents support sending  
13 services and personnel to secure the border?

14 A I have no knowledge --

15 MR. RUSSO: Let me object to speculation.

16 THE WITNESS: Okay.

17 MR. RUSSO: That's it.

18 Q (BY MS. SMITH) Did you answer?

19 A Oh, no. I said I have no knowledge of that,  
20 no.

21 Q Okay. That's all I have. Thank you for your  
22 time.

23 MR. RUSSO: You're passing the witness,  
24 Counsel?

25 MS. SMITH: Yes.

1 MR. RUSSO: Okay. We'll reserve our  
2 questions for trial and we can get -- we'd like to read  
3 and sign. Send the transcript to us and we'll get it  
4 back. That's it.

5 MS. LEEPER: And I'll just note on the  
6 record real quick that we're reserving the right to keep  
7 the deposition open to the extent that any of the  
8 answers were incomplete based on privilege being  
9 asserted over communications with Dale Oldham.

10 But other than that, thank you very much  
11 for your time today.

12 THE WITNESS: Sure.

13 MS. LEEPER: And I think that's it for  
14 us. We'll go ahead and order in -- request a rush copy,  
15 if possible. Thank you.

16 THE VIDEOGRAPHER: Is everyone all ready  
17 to go off the record?

18 MR. RUSSO: Yes.

19 MS. LEEPER: I think so.

20 THE VIDEOGRAPHER: Going off the record.

21 It's 3:59 p.m.

22 (The deposition concluded at 3:59 p.m.)

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CHANGES AND SIGNATURE

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PAGE	LINE	CHANGE	REASON

I, DR. ROBIN ARMSTRONG, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted.

\_\_\_\_\_  
DR. ROBIN ARMSTRONG

THE STATE OF TEXAS  
THE COUNTY OF

Before me, on this day personally appeared ROBIN ARMSTRONG, known to me (or proved to me under oath) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this day of \_\_\_\_\_, 2023.

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NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS



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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HONORABLE TERRY PETTEWAY, )  
et al., )  
Plaintiffs )  
VS. ) Case No. 3:22-CV-00057  
GALVESTON COUNTY, et al., )  
Defendants )

\*\*\*\*\*

REPORTER'S CERTIFICATE

ORAL AND VIDEO DEPOSITION OF DR. ROBIN ARMSTRONG

January 10, 2023

I, Bonnie L. Rodriguez, Certified Shorthand  
Reporter in and for the State of Texas, hereby certify  
to the following:

That the witness, DR. ROBIN ARMSTRONG, was duly  
sworn by the officer and that the transcript of the oral  
and video deposition is a true record of the testimony  
given by the witness;

I further certify that pursuant to the FRCP  
Rule 30(f)(1) that the signature of the deponent;

X  was requested by the deponent or a party  
before the completion of the deposition and returned  
within 30 days from date of receipt of the transcript.  
If returned, the attached Changes and Signature Page  
contains any changes and the reasons therefor;

1 \_\_\_\_\_ was not requested by the deponent or a  
2 party before the completion of the deposition.

3 I further certify that I am neither attorney  
4 nor counsel for, related to, nor employed by any of the  
5 parties to the action in which this testimony was taken.

6 Further, I am not a relative or employee of any  
7 attorney of record in this cause, nor do I have a  
8 financial interest in the action.

9 Subscribed and sworn to on this \_\_\_day of  
10 \_\_\_\_\_,2023.

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12  
13 \_\_\_\_\_  
14 Bonnie L. Rodriguez, CSR 5495  
15 Expiration Date: 4/31/2023  
16 Firm Registration No.  
17 US LEGAL SUPPORT  
18 16825 Northchase Drive  
19 Suite 800  
20 Houston, Texas 77060  
21 (713) 653-7100  
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# **Exhibit 4**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

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TERRY PETTEWAY, et al., : Civil Action No  
Plaintiff, : 3:22-CV-00057  
vs. :  
GALVESTON COUNTY, TEXAS, et al., : (Consolidated)  
Defendant. :

\_\_\_\_\_/  
UNITED STATES OF AMERICA, :  
Plaintiff, :  
vs. : 3:22-CV-00093  
GALVESTON COUNTY, TEXAS, et al., :  
Defendant. :

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DICKINSON BAY AREA BRANCH :  
NAACP, et al., :  
Plaintiff, :  
vs. : 3:22-CV-00117  
GALVESTON COUNTY, TEXAS, et al., :  
Defendant. :

Zoom Deposition of MATTHEW BARRETO, taken on behalf of  
defendant by Shawn Sheehy of Holtzman Vogel Baran, commencing at  
9:23 a.m., on Thursday, April 20, 2023, before Linda C. Marshall,  
CSR, RPR.

APPEARANCES:

FOR THE PLAINTIFF : BERNADETTE REYES, Esquire  
(PETTEWAY): : ALEXANDRA COPPER, Esquire  
: VALENCIA RICHARDSON, Esquire

FOR THE UNITED STATES: : THARANI JAYARMAN, Esquire  
: K'SHAANI SMITH, Esquire

FOR THE DEFENDANT: : SHAWN SHEEHY, Esquire  
: Holtzman, Vogel, Baran

I-N-D-E-X

Witness

Page

Matthew Barreto

Examination by Mr. Sheehy ..... 4

EXHIBITS

Marked:

Exhibit No. 1 - Notice of Deposition for Barreto ..... 8

Exhibit No. 2 - Declaration of Matthew Barreto ..... 21

Exhibit No. 3 - Rebuttal Declaration of Barreto ..... 33

Exhibit No. 4 - Cambridge University Press document ..... 45

Exhibit No. 5 - Disclosure Avoidance - 2020 Census ..... 54

Exhibit No. 6 - Trounstine Expert Reporter ..... 72

Exhibit No. 7 - CNN Document ..... 84

Exhibit No. 8 - "How Texas Voted 2022"..... 91

Exhibit No. 9 - Stanford Law Review, June 2016 ..... 98

Exhibit No. 10 - "Candidate Choice Without Party Labels" .... 102

Exhibit No. 11 - Cooper Declaration ..... 113

Exhibit No. 12 - Georgia Secretary of State document ..... 121

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P-R-O-C-E-E-D-I-N-G-S

THE DEPUTY CLERK: Please standby and wait for the signal.

Good morning. We're going on the record at 11:22 a.m., on April the 20th, 2023. Please note that this deposition is being conducted virtually. Quality of recording depending, depends on the quality of camera and Internet connection of the participants. What it seems -- excuse me.

What is seen from the witness and are heard on screen is what will be recorded. Audio and video recording will continue to take place unless all parties agree to go off the record.

This is media unit one of the video recorded deposition of Professor Matt Barreto in the matter of Terry Petteway, et al. plaintiff versus Galveston County, Texas, et al. defendants, filed in the United States District Court, Southern District of Texas, Galveston Division, Civil Action Number 3:22-CV-00057.

This, this deposition is being conducted remotely using virtual technology. My name is Shala Hollis representing Veritext Legal Solutions and I am the videographer. The court reporter is Ms. Linda Marshall from the firm of Veritext Legal Solutions.

Will the court reporter please swear in the witness and then, counsel may proceed.

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MATTHEW BARRETO,

having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. SHEEHY:

Q Good morning. Professor Barreto, my name is Shawn Sheehy. I'm an attorney at the law firm of Holtzman Vogel in Washington, D.C. and I represent the defendants in this action.

Would you please state your name and spell your name for the record?

A Yes, my name is Matthew Barreto, M-A-T-T-H-E-W, B-A-R-R-E-T-O.

Q And if we could go around and just have everyone announce themselves for the record, please.

MR. SHEEHY: Would counsel for the Petteway plaintiffs please announce themselves?

MS. REYES: Yes. Bernadette Reyes, here on behalf of the Petteway plaintiffs and also being joined by Alexandra Copper and Valencia Richardson.

MR. SHEEHY: Anybody else from the Petteway plaintiffs?

Mr. Rios, I believe I saw you on. Mr. Rios, are you still on?

MR. RIOS: Yes. Michael Rios, one of the experts from Petteway.

1 MR. RUSH: This is Tye Rush. I'm one of the experts  
2 for Petteway.

3 MR. SHEEHY: Anybody else from the Petteway  
4 plaintiffs?

5 Would counsel for the Department of Justice please  
6 announce themselves?

7 MS. JAYARMAN: Good morning. This is Tharani  
8 Jayaraman and I'm joined by my colleague, K'Shaani Smith, on  
9 behalf of the United States.

10 MR. SHEEHY: And would counsel for the NAACP  
11 plaintiffs please announce themselves?

12 Is no one from the NAACP?

13 EXAMINATION

14 BY MR. SHEEHY:

15 Q Okay. Well, Professor Barreto, as I said, good morning and  
16 thank you for joining us today.

17 Where do you reside?

18 A In Agoura Hills, California.

19 Q And where are you taking your deposition today?

20 A Agoura Hills, California.

21 Q Are you in an office in Agoura Hills, California?

22 A Yes.

23 Q And is that office at the campus of UCLA?

24 A No.

25 Q Is that office at the Voting Rights Project?



1 A No.

2 Q Okay. Is this a personal office for you?

3 A Yes.

4 Q All right. And what is the address of that office?

5 A At my home.

6 Q Oh, okay. So you're at your home, in your home office,  
7 okay. Correct?

8 A Right. Yes.

9 Q Is anybody else in your home office with you?

10 A No.

11 Q Okay. And counsel, Ms. Reyes, is appearing from a separate  
12 location?

13 A Yes.

14 MR. SHEEHY: So for everybody on Zoom, I know we have  
15 a court stenographer but is anybody else on this call reporting  
16 in any other way? Okay, hearing no one. I'm going to take that  
17 as a no.

18 BY MR. SHEEHY:

19 Q Professor Barreto, I know Zoom has a mute function but I'm  
20 going to ask you not to use mute, unless it's clear that we've  
21 gone on break or you've stated that you need to speak with  
22 counsel to preserve a privilege. Do you understand?

23 A Yes.

24 Q Okay. So, please don't use the, the mute function unless  
25 we've gone on break or you need to speak with counsel about a

1 privilege.

2 Do you have any applications open on your computer right  
3 now?

4 A I do have my email because we were instructed to wait for  
5 an email from exhibit share but it is minimized, so I cannot see  
6 it. So, I can close that but that's the only thing I have open.

7 Q I'm going to request that you close your email, professor.

8 A Okay.

9 Q And if we get confirmation from Mr. Acosta that the exhibit  
10 share email has been sent, we can go ahead and just open up your  
11 email then.

12 A I have closed it.

13 Q Thank you. Any other applications open on your computer  
14 right now?

15 A I have a PDF reader open with copies of my two reports.

16 Q And the two reports you're referring to are your  
17 January 13th, 2023 report and your April 14th, 2023 rebuttal  
18 report?

19 A Yes, in this specific case.

20 Q Okay. Nothing else?

21 A Nothing else, Zoom.

22 Q Okay. So other than Zoom and your two expert reports, do  
23 you have any other applications open on your computer right now?

24 A I do not.

25 Q Okay. Do you have a phone or a tablet or any other device

1 within eyesight that someone could use to communicate with you?

2 A No, nothing within eyesight. I have a phone, but it's far  
3 away and the screen is black.

4 Q Do you have the privacy setting on your phone turned on, so  
5 that you can't receive messages?

6 A I have it on mute and it's upside down, so I can't see it  
7 and it's out of arms reach.

8 Q Okay. So let's go ahead and put up our, our first exhibit.  
9 Now, Professor Barreto, we're going to be sharing the screen  
10 with you and this is being marked as Exhibit One, and this is  
11 the deposition notice.

12 (Exhibit No. 1, marked for identification.)

13 BY MR. SHEEHY:

14 Q Do you see that in front of you, the document marked  
15 Exhibit One?

16 A Yes, I do.

17 Q Okay. We'll go ahead and scroll down for you. This is the  
18 deposition notice for taking your deposition today. Have you  
19 seen this document before?

20 A I think so, yes.

21 Q So just so you're aware, I'm going to be asking you a  
22 series of questions today about the opinions you expressed in  
23 your report from January 13th, 2023, as well as the report you  
24 submitted on April 14th, 2023. Do you understand that?

25 A Yes, I do.

1 Q Okay. If at any time my questions to you are unclear,  
2 please let me know and I can explain or rephrase my question.  
3 That sound fair?

4 A That sounds great.

5 Q But if you answer the question, I'm going to assume that  
6 you understood my question. That sound fair?

7 A Yes.

8 Q While I'm asking my questions today, Ms. Reyes may object  
9 to my questions but those objections are preserved and we can  
10 have discussions later. However, for today, despite the  
11 objection, you will still need to answer my question,  
12 understood?

13 A Yes.

14 Q The only exception being is that, if Ms. Reyes instructs  
15 you not to answer on the basis of any particular privilege. Is  
16 that understood?

17 A Yes.

18 Q Okay. And, professor, this is not a marathon. If you need  
19 to take a break at any time, please let me know. My only caveat  
20 to that is, is if I have a question pending, I'll ask that you  
21 answer the question fully before we go on break. That sound  
22 fair?

23 A Okay.

24 Q And I know that we're, kind of, at, in odd time zones at  
25 the moment, where it's 12:30 p.m. on the East Coast, 9:30 a.m.

1 on the West Coast. So we'll try to break at a reasonable time,  
2 where we can both have lunch. So it might be 2:30 our time,  
3 11:30 your time but, you know, we'll try to sync up as much as  
4 we can. So we're all having lunch at the same time. Does that  
5 sound good?

6 A That sounds good.

7 Q Okay. You understand that you're under oath today?

8 A Yes.

9 Q Do you understand that the oath you took has the same  
10 effect as if you were testifying in court?

11 A Yes, I do.

12 Q Is there any reason that you can think of today where you  
13 would not be able to answer truthfully and fully, to the fullest  
14 extent of your abilities?

15 A No.

16 Q Have you been deposed before?

17 A Yes.

18 Q Approximately, how many times have you been deposed?

19 A Dozens.

20 Q Dozens as in, more than 40 times?

21 A Probably, somewhere in that range, plus or minus.

22 Q All right. And all of those cases in which you've been  
23 deposed, have they been concerning racial polarized voting?

24 A No.

25 Q Okay. So, approximately, 40 depositions, out of those 40

1 depositions, approximately, how many of those depositions  
2 concerned racially polarized voting?

3 A Probably, most of them, but not all.

4 Q When you say, most of them, again, for approximating about  
5 40 depositions, approximately how many have involved testimony  
6 concerning racially polarized voting?

7 A Thirty or 35.

8 Q And what about the other cases, what did those cases  
9 involve?

10 A Survey research, primarily.

11 Q Anything else?

12 A I believe any other cases I've presented evidence as an  
13 expert on surveys or different types of surveys. Also  
14 concerning race, ethnicity, but not concerning racially  
15 polarized voting.

16 MR. SHEEHY: God bless you Ms. Reyes.

17 BY MR. SHEEHY:

18 Q Okay. So in all 40 depositions, approximately, you have  
19 been deposed as an expert witness?

20 A I have also been deposed in my personal capacity.

21 Q Okay. And what did those cases involve?

22 A Just once, a business dispute.

23 Q And were you a plaintiff or a defendant?

24 A I was a defendant.

25 Q And what were the allegations in that dispute?

1 A Related to a contract.

2 Q What were the allegations about that contract dispute?

3 A Related to whether or not a contract was breached in a  
4 business relationship.

5 Q Okay. Do you recall the name of that case?

6 A I don't.

7 Q Was it against you, as Mr. Barreto, or was it against a  
8 company that is yours?

9 A I think both, but I don't remember exactly the names, but I  
10 think both.

11 Q And what was the name of, of your company?

12 A The name of my consulting firm is called BSP Research.

13 Q Okay. All right. So, it was a breach of contract lawsuit?

14 A That's my understanding.

15 Q And what year was this lawsuit?

16 A Think it was filed in 2020.

17 Q And when was your deposition?

18 A I think, sometime in 2021, but I don't recall exactly.

19 Q Okay. And was that in federal court or state court?

20 A I believe, state.

21 Q And would that be Los Angeles County State Court?

22 A No.

23 Q Okay. Which, which state court was that in?

24 A Washington State.

25 Q Do you recall the county?

1 A I believe it was King.

2 Q King, K-I-N-G?

3 A Yes.

4 Q King County. All right. How did you prepare for your  
5 deposition today?

6 A I re-read my reports and had a short meeting with counsel.

7 Q Approximately, how long was your meeting with counsel?

8 A Couple hours.

9 Q So about two to three hours?

10 A Probably.

11 Q More than three hours?

12 A No.

13 Q Okay. When you say, you met with counsel, who are you  
14 referring to?

15 A Bernadette Reyes.

16 Q Anybody else?

17 A I believe Chad Dunn was present for part of it.

18 Q Was Chad Dunn meeting with you in person?

19 A Yes.

20 Q And Ms. Reyes was with you, was with you in person?

21 A Correct.

22 Q Anybody else?

23 A No, not for the purposes of this deposition preparation.

24 Q So, there were other people in the room, but for purposes  
25 other than this deposition?



1 A There were other meetings that were also had but there, for  
2 the purposes of this deposition preparation, I spoke with  
3 Ms. Reyes and Mr. Dunn.

4 Q Okay. So my question to you then is, who else was in the  
5 room during your deposition prep?

6 A Just us.

7 Q Just us being you, Ms. Reyes and Mr. Dunn?

8 A Right.

9 Q And was this at your home office?

10 A No.

11 Q Where was this meeting held?

12 A At UCLA.

13 Q At your faculty office?

14 A At a meeting room on campus.

15 Q At the Voting Rights Project?

16 A Correct.

17 Q Was anybody participating in the meeting virtually?

18 A No.

19 Q There wasn't a Zoom component to your deposition prep?

20 A No.

21 Q There wasn't a telephone conference call?

22 A No.

23 Q Did you speak with anyone other than your attorneys in  
24 preparation for your deposition today?

25 A No.

1 Q Now, I deposed Professor Oskooii last week and Mr. Rios  
2 attended that deposition. Did you and Mr. Rios talk about  
3 Professor Oskooii's deposition?

4 A Not that I recall.

5 Q So maybe you and Mr. Rios spoke about Professor Oskooii's  
6 deposition?

7 A I don't think so but Mr. Rios and I speak almost every  
8 single day. So, there's a lot of conversation but we didn't  
9 have any physical meeting or discussion about any other  
10 depositions.

11 Q Do you recall Mr. Rios telling you anything about  
12 Professor Oskooii's deposition?

13 A No.

14 Q Have you spoken about this case with anyone other than your  
15 attorneys?

16 A This case, Mr. Rios.

17 Q Okay. And what were your discussions with Mr. Rios,  
18 concerning this case?

19 A He's my co-author on the report, so we discussed the  
20 report.

21 Q And you discussed your rebuttal report as well?

22 A Yes.

23 Q Okay. Anybody else?

24 A I don't think so.

25 Q Did you speak to anyone to obtain facts that you expressed

1 in your expert report?

2 A Perhaps the attorneys.

3 Q Okay. Anybody else?

4 A I don't think so.

5 Q What facts did you receive from the attorneys?

6 A I believe we might have received shape files at some point  
7 to do some analysis.

8 Q Anything else?

9 A I don't think so.

10 Q In preparation for your January 13th, 2023 report, did you  
11 speak with Professor Jessica Trounstine?

12 A No.

13 Q Do you know Professor Trounstine?

14 A I know of her.

15 Q Have you met with Professor Trounstine on occasion?

16 A Possibly.

17 Q How frequently do you and Professor Trounstine talk?

18 A I probably talked to her at an academic conference, maybe,  
19 five years ago, would be my guess.

20 Q Do you email with Professor Trounstine?

21 A I don't believe I ever have, but I might have in  
22 preparation for our conference, over five years ago, but I don't  
23 think so.

24 Q Okay. How about Professor Oskooii, in preparation for your  
25 January 13th, 2023 report, did you talk with Professor Oskooii?

1 A No.

2 Q Do you know Professor Oskooii?

3 A Yes, I do.

4 Q Okay. How do you know Professor Oskooii?

5 A He's a voting rights expert and a political scientist who I  
6 have worked with before.

7 Q Did he study with you?

8 A Yes.

9 Q Was he one of your -- or I guess, was he a Ph.D student  
10 with you?

11 A He was a Ph.D student at the University of Washington.

12 Q So, is that a yes or a no to my question?

13 A Well, he did not enroll with me. So, it's a no to your  
14 question but he was a Ph.D student at the University of  
15 Washington.

16 Q Okay. Were you an advisor to him in any way?

17 A Yes.

18 Q Please describe your role as Professor Oskooii's advisor?

19 A I believe I was one of four dissertation committee members.  
20 Most students have four, so I don't exactly remember how many  
21 Dr. Oskooii had, but I was one of his dissertation committee  
22 members and I believe I was the chair of his dissertation  
23 committee.

24 Q How frequently to you talk with Professor Oskooii?

25 A It depends on cases that he and I might be working on.

1 Q Okay. How about in this case, have you spoken with  
2 Professor Oskooii?

3 A Not about this case.

4 Q Have you emailed with Professor Oskooii about this case?

5 A No.

6 Q Other than your attorneys, did you speak to anyone to  
7 obtain facts or data that you used in your reports, both your  
8 January 13th and April 14th reports?

9 A I don't think so, no.

10 Q With Professor Trounstine, just to make sure I have this,  
11 did you talk to her in preparation for your April 14th, 2023  
12 report?

13 A No.

14 Q And Professor Oskooii, did you talk to him in preparation  
15 for your April 14th, 2023 report?

16 A No.

17 Q Okay. When were you retained?

18 A I don't recall the date. Whenever -- sometime around the  
19 start of the litigation, I presume.

20 Q So, approximately, March, April of 2022?

21 A Could be, I don't recall the date.

22 Q Okay. When did you start working on your  
23 January 13th, 2023 report?

24 A I don't recall the specific date that I started working on  
25 it. It would have been months before that.

1 Q So would you say, approximately, September of 2022, you  
2 started working on your report?

3 A It could be, but I don't recall the exact date that I  
4 started working on it.

5 Q Well, if you were retained in March, April, would you have  
6 started working right away for a January 13th, 2023 report?

7 A It just depends.

8 Q Okay. Depends on what?

9 A How much work there is to do, I guess.

10 Q Well, you've submitted a report in this case, so you know  
11 the work that you put into your report. So, if you were hired  
12 in March, April, 2022, would you have started working right away  
13 in March, April, 2022?

14 A I don't recall the date that I was retained in this case  
15 and I don't recall the date that I first started working. I  
16 would have to see the contract or other materials to refresh my  
17 memory on that.

18 Q Okay. How many hours did you spend drafting your  
19 January 13th, 2023 report?

20 A I don't recall, off the top of my head.

21 Q Approximately, 50 hours on your report?

22 A I don't recall.

23 Q You submitted expert reports in other Section Two Voting  
24 Rights Act cases, correct?

25 A Yes.

1 Q Okay. What, how much time do you generally spend drafting  
2 Section Two reports?

3 A Well, every jurisdiction is unique and it has a different  
4 amount of requirements, so it can vary.

5 Q Okay. And what is the range that you typically spend in  
6 drafting Section Two, Voting Rights Act case expert reports?

7 A I would have to look at every invoice I've done to answer  
8 that. I don't know, off the top of my head.

9 Q Okay. How many hours did you spend drafting your rebuttal  
10 report?

11 A I don't recall the specific number of hours.

12 Q What were you instructed to do in this case?

13 A Investigate whether or not there is racial polarized voting  
14 or vote delusion in Galveston County.

15 Q And how do you define racially polarized voting?

16 A I think I have this outlined in my, my report pretty  
17 specifically but generally, if racial and ethnic groups are  
18 voting in different or opposite directions.

19 Q That's, that's your definition?

20 A If we open the report and look at it, specifically.

21 Q I just wanted to get your take sitting here today, just how  
22 you define racially polarized voting?

23 A My take, sitting here today is, what I wrote in my report.  
24 So, I would be more than happy to open that up and look at it  
25 and read through the paragraph in which we outlined what

1 racially polarized voting is.

2 Q Okay. Let's go ahead and put up Exhibit Two.

3 (Exhibit No. 2, marked for identification.)

4 BY MR. SHEEHY:

5 Q So we're placing in front of you the document that's been  
6 marked Exhibit Two. We can scroll down. This is your  
7 January 13th, 2023 report. If we can go to page 16. Is that a  
8 copy of your signature, Professor?

9 A Yes.

10 Q Okay. We can scroll back, you know, go back through the  
11 pages for you and as we're scrolling, my question to you is,  
12 does this appear to be a true and accurate copy of your  
13 January 13th, 2023 report?

14 A It looks like it, but I'll just let you scroll back up to  
15 page one.

16 Q Okay.

17 A Yes, that looks right.

18 Q Okay. And we also have the appendix election information,  
19 as well. Do you see this is page two of 188. So does that  
20 sound like the correct total number of pages for your  
21 January 13th, 2023 report?

22 A Yeah. I think it was a 187 pages but you've got an extra  
23 page here marked Exhibit Two. So, that sounds exactly right.

24 Q Okay. I know you filed a rebuttal report but setting your  
25 rebuttal report aside, is there anything in this



1 January 13th, 2023 report that you would modify?

2 A I don't think so, no.

3 Q Is there anything in this report, your January 13th, 2023  
4 report, that you, that you feel is missing?

5 A Well, I noted at the end that there was some data we were  
6 waiting on, but we were able to get to that in the rebuttal. So  
7 it was, we had hoped to analyze some additional data in the  
8 January, 2023 report, but were not given a chance to.

9 Q Okay. So again, setting aside your rebuttal report, is  
10 there anything in this report that you would add, that is not  
11 contained in this report?

12 A I don't think so.

13 Q Is there anything in this January, 2023 report, that you  
14 would remove?

15 A I don't think so.

16 Q Okay. And you did review your January 13th, 2023 report in  
17 preparation for your deposition today?

18 A Yes.

19 Q And you stand by the opinions expressed in your report?

20 A I do.

21 Q And the report for January, 2023 and your April 14th, 2023  
22 report, it captures all the opinions that you wish to express in  
23 this case?

24 A They capture all the opinions I had expressed to that  
25 point. If there was new data or information or some important

1 relevant factor that came before the court, I would probably  
2 offer analysis if it was relevant.

3 Q Okay. So, close of discovery is actually tomorrow. So, if  
4 there's no new data, do these two reports capture all of the  
5 opinions you intend to express in this case?

6 MS. REYES: Objection, form.

7 THE WITNESS: All the opinions I intend to express at  
8 this time, yes. I was only referring to, if some new  
9 information came out from Dr. Alford or other experts, I might  
10 have an opinion on that, but I haven't seen that yet. So yes,  
11 at this point, these are my opinions.

12 BY MR. SHEEHY:

13 Q And if we get to trial and we have not received an  
14 additional report from you, safe to say that these two reports,  
15 your January, 2023 and April 14th, 2023 reports, capture all the  
16 opinions you intend to express in this case?

17 MS. REYES: Objection, form.

18 THE WITNESS: I think that's fair, with the caveat  
19 that I've given in both reports, unless some new information  
20 came to light or we would just have to see what happened in the  
21 world but yes, this is what I intend to stick to.

22 BY MR. SHEEHY:

23 Q Okay. So I'd like to just understand a little bit more  
24 about the, the Voting Rights Project at UCLA. You co-founded  
25 the UCLA Voting Rights Project, is that correct?

1 A Yes.

2 Q And is the UCLA Voting Rights Project, is that a separate  
3 entity from the university?

4 A I'd say a research center at the university.

5 Q Okay. So it's part of the university, it's part of UCLA,  
6 is that correct?

7 A I guess. I don't know the legal definitions of what is and  
8 what is not, quote, a part of, but it is a research project  
9 there at the Luskin School of Public Affairs.

10 Q Okay. Is the, does the Luskin School of Public Affairs  
11 fund the Voting Rights Project?

12 A They have --

13 MS. REYES: Objection, form.

14 THE WITNESS: -- a variety of different funding  
15 streams like most projects.

16 BY MR. SHEEHY:

17 Q Is the Luskin School of Public Affairs one of those funding  
18 streams?

19 A I think we get some support from the Luskin School.

20 Q All right. Does it get funding from the university?

21 A I don't know exactly how that works.

22 Q What is your current position at the Voting Rights Project?

23 A As you said, I was a co-founder of it and --

24 Q Yes, as a co-founder, but what is your current role at the  
25 Voting Rights Project?

1 A I don't have a, specifically, outlined role. It's a  
2 research project.

3 Q What is your title at the Voting Rights Project?

4 A I think, I probably list co-founder. I don't know what my  
5 CV says. It's probably at the back of this report.

6 Q Is the Voting Rights Project a, is the Voting Rights  
7 Project organized under 501(c)(3)?

8 A I don't think so.

9 Q Do you know which tax code it is organized under?

10 A I have no idea.

11 Q Okay. You said that you are -- there are multiple other  
12 funding streams, what are some of the other funding streams,  
13 other than the Luskin School of Public Affairs?

14 A We apply for different research grants and contracts and  
15 sometimes, we receive gifts. And so those, those various like,  
16 like most research projects on different campuses, there's  
17 various funding streams.

18 Q Where do the research grants come from?

19 A A variety of different state and national organizations.

20 Q Can you give me an example?

21 A I don't have any of that material in front of me. So I  
22 just, I don't know right now.

23 Q So you know that state and national organizations give  
24 research grants to the Voting Rights Project but you don't know  
25 the names of any of those grant grantors?

1           A     I would have to look and see what had been applied for and  
2           received, but I don't have that committed to memory,  
3           unfortunately.

4                     MR. SHEEHY:  God bless you.  Are you alright?

5                     THE COURT REPORTER:  Uh-huh, thank you.

6                     MR. SHEEHY:  Now what about the --

7                     Would you like to take a break?  We can take a break.

8                     THE COURT REPORTER:  It just went down the wrong way.

9                     MR. SHEEHY:  That's fine.  Why don't we, why don't we  
10            just take a five-minute break, quickly?  You're alright?

11                    THE COURT REPORTER:  I'm okay.

12                    MR. SHEEHY:  You're okay?

13                    THE COURT REPORTER:  Uh-huh.

14           BY MR. SHEEHY:

15           Q     What about the, you mentioned --

16                    THE VIDEOGRAPHER:  I'm sorry, counsel, are we still  
17           going off the record?

18                    MR. SHEEHY:  You okay?

19                    THE COURT REPORTER:  I can go off for a second.

20                    MR. SHEEHY:  Why don't we go off the record for a few  
21           minutes.

22                    THE VIDEOGRAPHER:  Okay.  The time is 12:05 a.m. and  
23           we are going off the record.

24                    (Brief recess.)

25                    THE VIDEOGRAPHER:  Okay.  The time is 9:00 p.m. and we

1 are back on the record.

2 BY MR. SHEEHY:

3 Q Professor Barreto, do you understand you're still under  
4 oath?

5 A Yes, I do.

6 Q Okay. You mentioned that the Voting Rights Project also  
7 receives money from contracts. Who does the Voting Rights  
8 Project contract with?

9 A The only one I'm aware of is the Secretary of State of  
10 California but there may have been others, but I am aware of  
11 that one. It's a project we're working on right now.

12 Q Okay. And does that involve research into racially  
13 polarized voting?

14 A I don't think so. It just involves research into voting,  
15 in general.

16 Q Okay. And then you mentioned that the Voting Rights  
17 Project receives gifts. Are those corporate gifts?

18 A I don't recall exactly who.

19 Q But I guess my question is, do those include corporate  
20 gifts, not identifying which corporation, but do those include  
21 corporate gifts?

22 A I don't know who the gifts are from. That's not really my  
23 department, so I don't know.

24 Q What is the Voting Rights Project's annual budget?

25 A I don't know.

1 Q Do you have a, you have knowledge of what the approximate  
2 annual budget is?

3 A No.

4 Q Does the Voting Rights Project file a 990 Tax Return?

5 A I don't know what that is.

6 Q Okay. Is the Voting Rights Project considered a non-profit  
7 entity?

8 A I think so, but as I said, it's a research project at the  
9 Luskin School of Public Affairs, so.

10 Q Okay. So, let's go with, I think we have Exhibit Two up.  
11 So, let's go to page six, paragraph 21. And, professor, do you  
12 see paragraph 21 in front of you?

13 A Yes.

14 Q Do you see towards the end of that paragraph it says, in  
15 particular, Galveston County Commissioner Holmes shared a report  
16 on racially polarized voting by Mr. Rios at the  
17 November 12, 2021 commission meeting, documenting that patterns  
18 of racially polarized voting were present in Galveston at the  
19 time they were tasked with the 2022 re-districting process. Did  
20 I read that correctly?

21 A Sounds correct to me.

22 Q And the Mr. Rios that's mentioned in this paragraph, is  
23 that the same Mr. Rios that you co-authored your report with?

24 A Yes.

25 Q Okay. Did Commissioner Holmes ask the UCLA Voting Rights

1 Project to draft the racially polarized voting analysis?

2 A I don't believe so, but I don't know.

3 Q What is your understanding of how that report came to be?

4 MS. REYES: Objection, form.

5 THE WITNESS: I don't know how it came to be.

6 BY MR. SHEEHY:

7 Q Would you have directed Mr. Rios to put together that  
8 report?

9 MS. REYES: Objection, form.

10 THE WITNESS: I don't know anything about the origins  
11 of this report. I was not involved in it.

12 BY MR. SHEEHY:

13 Q So you don't know if Commissioner Holmes asked Mr. Rios to  
14 put together this report?

15 MS. REYES: Same objection.

16 THE WITNESS: I don't know.

17 BY MR. SHEEHY:

18 Q Did Chad Dunn ask you to put together a racially polarized  
19 voting analysis for Galveston, ahead of the November 12, 2021  
20 meeting?

21 MS. REYES: Objection, form.

22 THE WITNESS: No.

23 MS. REYES: I believe this gets into privileged  
24 communication.

25 BY MR. SHEEHY:



1 Q And the answer to my question was, no, Professor Barreto?

2 A The answer is, no, I did not speak with Mr. Dunn about the  
3 report in 2021.

4 Q Do you recall having conversations with Mr. Rios in  
5 November of 2021, about drafting this racially polarized voting  
6 analysis?

7 A I, as I sit here today, I don't recall having any of those  
8 conversations, no.

9 Q When you were drafting this report, did you ask Mr. Rios  
10 why he put together a racially polarized voting analysis for  
11 Galveston?

12 A No.

13 Q Have you spoken with Commissioner Holmes since the Fall of  
14 2021?

15 A I don't think so, no.

16 Q Have you communicated with Commissioner Holmes since the  
17 Fall of 2021?

18 A No.

19 Q Have you had any telephone calls with Commissioner Holmes  
20 since the Fall of 2021?

21 A Nope.

22 Q Has Mr. Rios communicated to you whether or not he has had  
23 communications with Commissioner Holmes since the Fall of 2021?

24 A He has not communicated anything to me about that.

25 Q Has Mr. Rios said anything to you about emailing

1 Commissioner Holmes since the Fall of 2021?

2 A No.

3 Q Did any of the attorneys representing the Petteway  
4 plaintiffs ask you to put together a racially polarized voting  
5 analysis for Commissioner Holmes?

6 MS. REYES: Objection.

7 THE WITNESS: When?

8 MS. REYES: Form.

9 THE WITNESS: I don't understand your question because  
10 I'm doing a racially polarized voting analysis as an expert in  
11 this case but my understanding is not, it's not for or on behalf  
12 of Commissioner Holmes. So, maybe you could rephrase the  
13 question with a date. I was a bit confused, I'm sorry.

14 BY MR. SHEEHY:

15 Q That's fine. That's why I said at the beginning, if you  
16 don't understand, just ask. So, focusing on paragraph 21, my  
17 question to you is, prior to the November 12th, 2021 meeting, do  
18 you know if any of the lawyers for the Petteway plaintiffs asked  
19 Mr. Rios to put together a racially polarized voting analysis  
20 for Commissioner Holmes?

21 A I have no idea.

22 Q Have you ever spoken with Commissioner Holmes?

23 A I don't think so.

24 Q Have you ever emailed with Commissioner Holmes?

25 A I don't think so, no.

1 Q And have you ever met with Commissioner Holmes?

2 A I don't think so. As I say in here, I was an expert in a  
3 previous case, ten years ago or so, and I don't know if he was,  
4 I can't recall if he was specifically involved in that or not,  
5 so but I don't think so.

6 Q Okay. Let's go to page two of your report and I'm going to  
7 ask you to take a look at paragraph nine and this, again, is  
8 your January 13th, 2023 report. Do you have paragraph nine in  
9 front of you?

10 A Yes, I see that.

11 Q Okay. I'd like you to focus on the last census -- the, the  
12 last sentence where it says, race and population data were  
13 obtained from the U.S. Census 2020 PL-94 redistricting files,  
14 U.S. Census Emergency Data Sets, as well as Spanish surname  
15 registered voters and Spanish surname turnout, which was  
16 obtained from the legislative counsel repository. Did I read  
17 that correctly?

18 A Mostly, yes.

19 Q And the one thing I changed was, you have in that sentence,  
20 TLC. And I just, for, to make the record clear said, Texas  
21 Legislative Counsel?

22 A That's correct.

23 Q Okay. So other than the Texas Legislative Counsel for TLC,  
24 everything else I read there was correct?

25 A Sounds like it matched that last sentence, yes.

1 Q So let's go to Exhibit Three, if we could please.

2 (Exhibit No. 3, marked for identification.)

3 BY MR. SHEEHY:

4 Q Do you see Exhibit Three in front of you, professor?

5 A Yes.

6 Q We'll go ahead and scroll down, kind of do the same thing  
7 as we did before. You can go ahead and keep scrolling.

8 This question I'm going to have for you, does this appear  
9 to be a true and accurate copy of your April 14th, 2023 rebuttal  
10 report? Is that your signature on page 23? Is that your  
11 signature on page 25?

12 A Yes, it is.

13 Q And does this appear to be a true and accurate copy of your  
14 April 14th, 2023 report?

15 A Yes, it looks correct.

16 Q Okay. I think this one is 25 pages and your initial  
17 report, your signature was on page 16, is that right?

18 A I think so, I would have to go back and look at the other  
19 one but it sounds like that might be right.

20 Q Okay. So we're back up at the top. I guess, first thing I  
21 noticed, you're the Gingles two and three expert for the  
22 Petteway plaintiffs?

23 A I don't know if they designated me in some court documents,  
24 in some sort of way but as part of my report, I did look at  
25 racially polarized voting.

1 Q Correct, but you're here as an expert on behalf of the  
2 Petteway plaintiffs, correct?

3 A Yes.

4 Q Okay. Do you notice the spelling error in the case  
5 caption?

6 A I think there might be an E, where there's supposed to be  
7 an A.

8 Q Well, it's P-E-T-T-E and you have an A?

9 A Right, right.

10 Q Just keeping it clear.

11 A Thank you.

12 Q You're welcome. You let me know if my question doesn't  
13 make sense. If I see a spelling goof, I'll point that out as  
14 well.

15 Let's go to page eight of this report, specifically  
16 paragraph 28. Do you see paragraph 28, professor?

17 A Yes, sir.

18 Q Okay. Here it says, at the time of our original report, we  
19 had not been provided the Official Galveston County Election  
20 History Voter files in a timely manner, for use by  
21 January 13th, 2023, when our report was due. Since receiving  
22 them, we have been able to update our ecological inference  
23 analysis utilizing the Bayesian Improved Surname Geo-coding to  
24 report estimates on county voters race and ethnicity. Further,  
25 we analyzed 29 federal, statewide and local elections from 2014

1 to 2022, countywide and within each adopted county commissioners  
2 court precinct as well as in the Petteway plaintiff's  
3 demonstrative precincts. Did I read that correctly?

4 A Yes.

5 Q Okay. So, it says here, you did not have the election  
6 history voter file in time for your January 13th, report,  
7 correct?

8 A Correct.

9 Q Are you aware that plaintiff's counsel didn't ask for this  
10 report until, approximately, mid-December?

11 MS. REYES: Objection, form.

12 THE WITNESS: I don't believe that that statement is  
13 true.

14 BY MR. SHEEHY:

15 Q What about that statement is not true?

16 A My understanding is that the file was first requested in  
17 October or November.

18 Q Okay. Are you aware that a Request for Production of the  
19 voter file was not submitted until early to mid-December?

20 MS. REYES: Objection, form, misstates the record.

21 THE WITNESS: My understanding is that, the file was  
22 requested and that the defendants refused to turn it over and  
23 so, more formal matters had to proceed.

24 BY MR. SHEEHY:

25 Q Okay. Well, I will dispute that, but that's fine.

1        Let me ask you this, had you received the voter history  
2        file on or around January 1st, 2023? Would you have been able  
3        to include your Bayesian Improved Surname Geo-coding in your  
4        report for January 13th?

5        MS. REYES: Objection, form.

6        THE WITNESS: I believe we would have liked to  
7        received it, at least, a full month before the due date of our  
8        report.

9        BY MR. SHEEHY:

10       Q     Okay. Once you have the voter listing file, how long does  
11       it take you to run the analysis?

12       A     It depends on the size of the file.

13       Q     And how long did it take you to run Galveston County's  
14       Voter History File for your Bayesian Improved Surname  
15       Geo-coding?

16       A     I don't recall specifically but it might have been  
17       somewhere, around two weeks before we had data that we could  
18       work with.

19       Q     Can you explain to me how that process works? You receive  
20       the voter history file and then, you use that voter history file  
21       to run a Bayesian Improved Surname Geo-coding Analysis. How  
22       does that process work from when you receive the voter history  
23       file?

24       A     I would look in at the next few paragraphs. If you could  
25       just scroll down a bit, it might be easier to follow along.

1 Q Well, that's fine. That's paragraph 29, we'll get to  
2 paragraph 29 but I guess, I'm wanting to know what did you do  
3 from when you received Galveston County Voter History File to  
4 when you produced your rebuttal report?

5 A Well, the first step is, making sure that the file that you  
6 receive is readable, that it is formatted in the correct manner.  
7 I don't recall in this specific instance, because he were doing  
8 other BISG and we had many back and forth with the county to  
9 make sure that the file was readable. But that's always the  
10 first step, to make sure the file is readable and it can come in  
11 and name and address are properly formatted. So that would be  
12 step one.

13 Q Okay. About how long does it take to complete step one?

14 A It just depends on how many observations there are and if  
15 the file that you've received is, in fact, readable or if any  
16 transformations might need to take place.

17 Q Okay.

18 A I don't recall in this specific instance how long that step  
19 took.

20 Q Okay. And then, what is your next step in the process?

21 A Once the file is imported, there are two components, as I  
22 outlined here in paragraphs 29 through 30, something. One  
23 component is to match the surname to every single voter and the  
24 second component is to match the address of every single voter  
25 to census data.



1 Q And how long did that process take for Galveston County,  
2 for your rebuttal report?

3 A That process can be quite time intensive. It depends on  
4 the availability of service space, the processor that you're  
5 using, how many records you're able to process at once and if  
6 all the records are gleaned and properly formatted. So, that  
7 can be a quite time-intensive process. I don't recall  
8 specifically how long this ran for all of the elections that  
9 they ran it in, in Galveston.

10 Q I mean, are we talking a couple of hours or are we talking  
11 a couple of days? What would you estimate?

12 A Well, it just depends. It can often take multiple days to  
13 run some of the first level of matching for this process. It  
14 depends on a variety of factors.

15 Q Okay. And so, approximately, how much time did it take to  
16 run the Galveston County files?

17 A I don't recall, specifically, but Mr. Rios is the primary  
18 data scientist that leads the BISG and so, I don't recall the  
19 date. I do recall that it took a while for Galveston.

20 Q And how are you defining, a while?

21 A Multiple days.

22 Q Okay.

23 A There were a lot of data sets. It has to be run each year  
24 and I believe we were working with data from across eight years  
25 or so.

1 Q 2014 to 2022?

2 A That sounds right.

3 Q Okay. So, maybe it took three to five days to run the  
4 BISG, the Bayesian Improved Surname Geo-coding, for Galveston  
5 County?

6 A It might have taken longer than that. I don't recall  
7 specifically how long it took. I know it was quite time  
8 intensive.

9 Q But you think, sitting here today, had you received the  
10 Galveston County voter, election history voter file on or about  
11 December 13th, you could have included it in your  
12 January 13th, 2023 report?

13 MS. REYES: Objection, form.

14 THE WITNESS: Sorry. Now, I, I just don't recall all  
15 of the projects that were on my plate and Mr. Rios' plate at the  
16 time. Just like yourself, I assume you're working on lots of  
17 different projects, it's hard to devote 100 percent of your time  
18 to only one project. And so, these are quite time-intensive  
19 statistical processes and we might have other things happening  
20 at the same time. And so, that's why we like to receive the  
21 file at least a month before when the report might due.

22 Q And that's because you think you would need a month,  
23 roughly, to do the Bayesian Surname Geo-coding Analysis?

24 A Well, as I said, it depends on each jurisdiction. If  
25 you've received that file before and you're replicating or if

1       you're starting anew. So there a lot of different variables  
2       involved in how quickly or how much time it takes in fully  
3       running it.

4       Q     Well, you worked on this report, rebuttal report. So, I  
5       guess, I'm just asking, given what you know about the voter file  
6       and this process, how much time did it take for you to take that  
7       report, take the voter file, run the geo-coding analysis and  
8       produce a report?

9       A     I think I've already said a few minutes ago that I, my  
10      recollection is that it was about a couple weeks, but that was  
11      back at the beginning of the year and so, I don't have detailed  
12      time sheets on any of that, but I know it was an intensive  
13      process.

14      Q     Okay. What was lacking, I guess? Because in your original  
15      report you got Spanish surname registered voters and surname  
16      turnout data from the Texas Legislative Counsel. What was  
17      lacking in that data that required you to have the Galveston  
18      County voter file?

19      A     Well, the TLC data is just an aggregate output that someone  
20      else has run. It's not the actual voter file. And the TLC  
21      output only gives you an estimate of the number of voters that  
22      have a Spanish surname. It doesn't allow you to say anything  
23      about any lower Black voters in comparison. So it's not as  
24      precise and it's only based on one of the tools, surname  
25      matching.

1 Q But the voter file from Galveston County gives you both  
2 surname and address, correct?

3 A Yes, both of those fields are necessary for BISG.

4 Q Okay. The 29 federal statewide and local elections that  
5 you analyzed from 2014 to 2022, that's the same, the same 29  
6 elections that you analyzed in your January 13th report?

7 A I think so, that's right.

8 Q Okay. I just want to make sure that you didn't analyze any  
9 different elections in your rebuttal report from the ones you  
10 analyzed in your original report?

11 A Not in the BISG section, no.

12 Q How about in any section of your rebuttal report?

13 A I do refer to other elections in other sections of the  
14 rebuttal report.

15 Q Such as the republican primary elections?

16 A Yes.

17 Q Other than the rebuttal -- republican primary elections,  
18 did you analyze any other elections in your rebuttal report?

19 A Not that I recall, no.

20 MS. REYES: Counsel, I'm wondering if now would be a  
21 good time to take a break? I know we had a really short one  
22 before but I think, we could have, maybe, a minute break to  
23 allow us to use the restroom.

24 MR. SHEEHY: Professor, would you like to take a  
25 break?

1 THE WITNESS: Yeah, if I could stretch my legs a  
2 little bit, it would be nice. I'll be sitting in this chair for  
3 the next few hours. It will be a long day, so but just ten  
4 minutes is totally fine, no more than that.

5 MR. SHEEHY: All right. Well, it's 1:43 pm on the  
6 East Coast. We'll come back at 1:53 pm on the East Coast and  
7 we'll try to push it to 2:30, 3:00 for lunch, sound good?

8 MS. REYES: Okay. Thank you.

9 MR. SHEEHY: Thank you.

10 THE DEPUTY CLERK: This is the end of media number  
11 one. We are going off the record. The time is 12:43 p.m.

12 (Brief recess.)

13 THE DEPUTY CLERK: The time is 12:54 p.m. and this the  
14 beginning, beginning of media labeled number two. We are back  
15 on the record.

16 BY MR. SHEEHY:

17 Q Professor Barreto, do you understand you're still under  
18 oath?

19 A Yes, I do.

20 Q And during the break, did you have any substantive  
21 conversations with anyone about your testimony?

22 A No, I did not.

23 Q Did you have conversations with anyone regarding your  
24 testimony while on break?

25 A Yes. I spoke with Ms. Reyes and she asked me if case was

1 okay and if I was doing okay break-wise and that was it.

2 Q Okay, fair enough.

3 We were talking about the Bayesian Improved Surname  
4 Geo-coding analysis, correct, before we went on break?

5 A Yes. I believe we were on paragraph 29 of the rebuttal  
6 report.

7 Q Yes. And you testified that for your analysis in  
8 Galveston, you had the names of the Galveston County registered  
9 voters, is that correct?

10 A From the voter file, we had the names and addresses.

11 Q With the addresses, you're able to then obtain the census  
12 block where the voter lives, is that correct?

13 A Yes. That's part of the geo-locating process, that it  
14 attempts to fit each address inside a census block.

15 Q Okay. You did not have the voter's party, registered  
16 party, correct?

17 A I don't believe so. I don't believe that's available.

18 Q I don't, I don't think Texas registers by party, correct?

19 A That's my understanding.

20 Q So names and addresses and from the address you get the  
21 census block, correct?

22 A From the address you geocode the file, to try to find out  
23 the census block that the voter lives in.

24 Q Okay. And the BISG, so we don't have to say it every time,  
25 so the Bayesian Improved Surname Geo-coding, BISG, this is

1 | intended to predict the race of individuals by using their,  
2 | surname and address, correct?

3 | A It creates a probability estimate for every observation and  
4 | it assigns them a probability of different racial or ethnic  
5 | groups.

6 | Q So it assigns a probability estimate for whether or not a  
7 | voter belongs to a certain racial or ethnic group. Am I  
8 | understanding that correctly?

9 | A More or less.

10 | Q Okay. What else am I missing?

11 | A The signs of probability that a voter might be of each of  
12 | the four main racial groups that the census provides a wide  
13 | amount of data on. So, for each row, which is a voter, it might  
14 | have given them a probability of being White, non-Hispanic,  
15 | Black, Hispanic, Asian-American or something else. So each  
16 | individual observation has multiple probabilities after running  
17 | the BISG.

18 | Q Now this paragraph 29, you say in the middle of it, that  
19 | the method relies on a combination of census surname analysis  
20 | and census block-level racial demographics, to provide an  
21 | overall probability assessment of the voters race or ethnicity.  
22 | Did I read that correctly?

23 | A Yes, I believe you did.

24 | Q Okay. And then you have a footnote nine that cites to an  
25 | article by Kosuke Imai and Kabir Khanna, improving ecological

1 inference by predicting individual ethnicity from voter

2 registration records and that's in Political Analysis 24, number

3 two, 2016, pages 263 to 272, correct?

4 A Kosuke is his first name --

5 Q Oh.

6 A -- but the rest of it was correct.

7 Q Thank you very much, Kosuke. Thank you. Well, let's go to  
8 Exhibit Four.

9 (Exhibit No. 4, marked for identification.)

10 MR. SHEEHY: And while we're putting that up, for the  
11 benefit of the court reporter that's, K-O-S-U-K-E, and then the  
12 last name Imai, I-M-A-I.

13 THE COURT REPORTER: Thank you.

14 (Exhibit No. 4, marked for identification.)

15 BY MR. SHEEHY:

16 Q So we have a copy of Exhibit Four in front of you,  
17 professor, and we'll go ahead and scroll down to page two. And  
18 this is the article that you were referencing, correct?

19 A That's what it looks like.

20 Q Okay. Let's go to page six, just maybe one more. Yes.

21 So here, in this article that you cite, there is a table  
22 here. The title is, The Empirical Validation Of Individual Race  
23 Classification using Florida Registration Records and on the top  
24 it has the type of information that you have. So you have name,  
25 name precinct, name block, name precinct party, name block party



1 across the top. And then you have an overall error rate for  
2 White, Black, Latino, Asian and other and the percentages next  
3 to White, Black, Latino, Asian and other, I believe, is the, the  
4 number -- or the percentage of registered voters by, by race on  
5 this chart.

6 So, if we look here, professor, we have on the top, there  
7 is a White false positive rate of 20 -- excuse me. Sorry, there  
8 is a false negative rate for African-Americans of 23.7, under  
9 name block and party, correct?

10 A Which line are you referring to? I don't know if you can  
11 use your cursor.

12 Q So, on the top panel; name, block, party. You see that on  
13 the right?

14 A Yes.

15 Q And if you go down just three, that is a block -- Black  
16 false negative rate of 23.7, correct?

17 A That's not correct.

18 Q Then, how are you reading this?

19 A That's referring to the White false positive rate, row  
20 three.

21 Q Oh, you know, the overall error rate got me. That's,  
22 that's why I was counting down three, yes. Yes, you're correct.  
23 So the White false positive rate is 23.7 percent, correct?

24 A That's the number in this table.

25 Q Okay. And what that means is, as a false positive, is that

1 the Bayesian Improved Surname Geo-coding falsely predicted a  
2 non-White person as being White 23.7 percent of the time. Is  
3 that correct?

4 A I don't believe that's correct, no.

5 Q Okay. What do you disagree with?

6 A Well, first of all, you would have to ask Kosuke and Kabir  
7 the specific questions about this table, they created it.

8 Secondly, I would like to have some time to read the paper

9 again. I did not read that yesterday in preparation to

10 understand exactly what this table is. But my takeaway from

11 there analysis, that they validated against the self-reported

12 race on the Florida voter file, was that when BISG --

13 (Inaudible) -- very, very low error rate.

14 Q So, Professor Barreto, I'm -- my apologies, we lost you for  
15 a moment. I don't believe we were able to pick up what you  
16 said.

17 A Okay. Can you hear me okay?

18 Q Yes. We can hear you just fine. So, you were explaining  
19 to me that, first --

20 A Ask Kosuke and Kabir of their article, which they wrote and  
21 what they meant with this table of numbers, that I did not

22 review this article yesterday, in my preparation and that I

23 would need time to read the entire article if we're going to

24 start interpreting specific numbers that are in a given table.

25 And that my overall takeaway from this article is that, they

1 conclude that BISG, when summed and aggregated to precinct  
2 levels and matched to the self-reported race, is an extremely  
3 close match to self-reported race.

4 Q Okay. But here, you only had the name of the voter and the  
5 address of the voter for which you were able to also establish  
6 the census block of the voter, correct?

7 A In Galveston County, I believe we had access to the name  
8 and the address of the people who had officially voted for each  
9 of those years that we analyzed it.

10 Q Okay. So, you would, you had the name and the address.  
11 And then, you geo-coded the address and were able to guess the  
12 census block, correct?

13 A We located the address inside of the census block.

14 Q Okay. So, you had the name and the address and you were  
15 able to geo-locate the person's address within a census block,  
16 correct?

17 A That's correct.

18 Q So you had the name in the block, correct?

19 A We had the name and the address. And then, we geo-located  
20 through the geo-coding process, the block that that address  
21 belonged to.

22 Q Okay. So here, in this table one, the name block has a  
23 higher error rate, generally, than the name block party line,  
24 correct?

25 A Like I said, your questions are best addressed to Doctors

1 Imai and Khanna on exactly what they meant to present in this  
2 table. And if you want to give me an half and hour or so and  
3 send me the full PDF, I can re-read the full paper and I can  
4 attempt to tell you what I think they meant to present in each  
5 of these tables. But I did not review this yesterday and so, I  
6 don't recall, off the top of my head, exactly what this one  
7 table out of context is supposed to mean.

8 Q You cited this paper as a description for the method that  
9 you applied to your BISG analysis in Galveston County, correct?

10 A Yes.

11 Q Okay. And this paper shows an error rate for false  
12 positives, for White voters at 23.7 percent when you have name  
13 block and party, correct?

14 MS. REYES: Objection, form.

15 THE WITNESS: That is the number in the final column.

16 BY MR. SHEEHY:

17 Q Okay. And when you have just name and block, like you, the  
18 false positive rate goes up to 26.6 percent, correct?

19 A That is a number that they record in this table, but I  
20 don't believe that they make any conclusions about the  
21 application of one or the other, in this specific case of  
22 Galveston. So, I'm not prepared to say whether it, quote, makes  
23 error rate go up or not.

24 Q Did you report an error rate with your BISG analysis in  
25 Galveston?

1 A Well, it's included in there, as I mentioned, it assigns  
2 probabilities of each different racial and ethnic group and then,  
3 we sum those to precincts.

4 Q And is your error rate -- well, no you're assigning  
5 probabilities, correct?

6 A Correct.

7 Q Probabilities and error rate is the same thing?

8 A Contained within the BISG estimate is some amount of  
9 variance. That's why there's probabilities for each of the  
10 different racial or ethnic groups. And then, we take those and  
11 sum them to aggregate precincts, which is the recommendation of  
12 all of the literature and the conclusion is that when you do  
13 that, at the aggregate level, the estimates are extremely close  
14 matches to self-reported validated race.

15 Q In table one you have footnote ten at the bottom of the  
16 page. It says, we examined the self-reported race of voters.  
17 We incorrectly classified as Whites i.e. false positives. We  
18 find that voters misclassified as Whites are 50-percent Black,  
19 18-percent Latinos, 7-percent Asians and 25-percent others.  
20 Among Black voters who are misclassified i.e. false negatives,  
21 94-percent are misclassified as Whites. Did I read that  
22 correctly.

23 A I don't know. It wasn't on the screen in front of me.

24 Q Oh, sorry about that. If we just scroll down a little bit  
25 to footnote ten. There you go.

1 So, did I read that correctly?

2 A I'm going to assume you did. I didn't have it in front of  
3 me but it sounds like you got it right.

4 Q Okay. So here, on this table one, if we can put that up,  
5 for Latinos it has a 16.2-percent false negative rate for  
6 Latinos, when you have name, block and party. Is that correct?

7 A I think you have correctly read the number in the final  
8 column but as I said, without having access to this article and  
9 being able to read it, I can't tell you exactly what they are  
10 trying to conclude in one table, in their analysis about the  
11 State of Florida.

12 Q And what the false negative just means is that, the BISG  
13 incorrectly predicted a Latino person as not being Latino 16.2  
14 percent of the time. Is that what that means?

15 A I don't know exactly, without reading their full article  
16 and their methodology, if they've described all of those  
17 details. So, I would need to have some time to, to read this  
18 and then I could give you a report on it.

19 Q Well, you cited this in your, in your report, as part of  
20 your method for how you conducted BISG in Galveston County,  
21 correct?

22 A Yes. I am using the methodology that they have outlined in  
23 applying it to Galveston County. I did not cite it for purposes  
24 of memorizing some tables about the State of Florida, though.

25 Q Well, and this was footnote nine in your rebuttal report

1 from April 14th, 2023, correct?

2 A Can you pull up the rebuttal?

3 Q Yes. So that's Exhibit Three.

4 Okay. So footnote nine in your rebuttal report from  
5 April 14th, 2023?

6 A I see that.

7 Q Okay. Do you make it a habit of citing reports that you  
8 don't fully comprehend what they're saying in their reports and  
9 their --

10 MS. REYES: Objection, form. Counsel, objection,  
11 form.

12 THE WITNESS: Can you restate that question?

13 BY MR. SHEEHY:

14 Q Of course. Do you make it a habit of submitting expert  
15 reports that cite political science journals, that you fully  
16 don't understand what those reports or those articles are  
17 saying?

18 MS. REYES: And objection, form.

19 THE WITNESS: I don't believe I ever said I don't  
20 comprehend the article. I said I wasn't prepared without giving  
21 myself a chance to read their article and only being shown one  
22 table to reinterpret it on the fly. That would not be  
23 consistent with good social science practice.

24 BY MR. SHEEHY:

25 Q You submitted --

1 A So that's not normal practice.

2 Q You submitted your expert rebuttal report six days ago.

3 So, I just find it curious that you're not able to discuss this  
4 table in a report -- or discuss this table when you cited this  
5 article in a report you filed six days ago?

6 MS. REYES: Objection, form. I think, I don't believe  
7 there's a question, counsel.

8 BY MR. SHEEHY:

9 Q Can you explain?

10 A What do you want me to explain?

11 Q You submitted this report six days ago and you cited this  
12 article as describing your method for doing BISG analysis, but  
13 you're not able to discuss this article that has error rates for  
14 the method you used in Galveston Texas. Just asking you to  
15 explain.

16 MS. REYES: Objection to form.

17 BY MR. SHEEHY:

18 Q I'm just asking you to explain that.

19 A Okay. I believe I've already explained but I'm happy to do  
20 so again. I don't know that I've read this six days ago. I  
21 trust that you're correct, that it was submitted six days ago  
22 but as we discussed earlier, we were probably working on the  
23 BS -- BISG portion earlier in the year. And my answer to your  
24 question was that, I was not prepared here, in the moment, to  
25 interpret a table only being shown one table and not being shown



1 by you any other portion of the article, and to interpret what  
2 other scholars meant in their table.

3 So, I would be happy to sit down, read the article and  
4 then, we could go through and go through all the tables, which  
5 would be the proper way, a social scientist, that we would read  
6 literature.

7 Q Okay. Are you familiar with the U.S. Census Bureau's  
8 differential privacy practices for the 2020 census?

9 A Generally.

10 Q Okay. What are you generally familiar with?

11 MS. REYES: Objection, form.

12 THE WITNESS: That in some small units of aggregation,  
13 some data that could reveal the personal identity of households  
14 might be hidden.

15 BY MR. SHEEHY:

16 Q Okay. Let's put Exhibit Five up, if we could please.

17 (Exhibit No. 5, marked for identification.)

18 BY MR. SHEEHY:

19 Q Do you see Exhibit Five in front of you, professor?

20 A I do.

21 Q Okay. Go down to the first page.

22 It says, from the Census Bureau disclosure avoidance for  
23 the 2020 census.

24 And go to page 17, let's try that and maybe go up one. I'm  
25 sorry, 13, sorry, and the top is fine.

1 Do you see where it says: Adding noise into the data is a  
2 trade off, adding more noise increases confidentiality  
3 protection but it also makes the data less accurate. With  
4 differential privacy, we can now quantify that trade off.

5 A I see that.

6 Q Okay. If we go to page 17 now, if we scroll down we  
7 should --

8 Do you see the table 2.2 in front of you, professor,  
9 hypothetical?

10 A Yes, some table.

11 Q Yeah, a hypothetical example of noise infusion for a Census  
12 block group. So it has the enumerated count with 25 population  
13 under 18, 75 population age 18 and over, total population of 100  
14 and then, the noise is injected. So, it removes four people  
15 under the age of 18. So, you have 25 population under 18 and 71  
16 age 18 and over, with a total population of 102. Do you see  
17 that top line?

18 A I see that top line.

19 Q So, are you aware that at the Census block level, due to  
20 differential privacy, the data becomes less accurate because of  
21 this practice?

22 A I wouldn't describe it as less accurate.

23 Q How would you describe it?

24 A As protecting the privacy of small cell households.

25 Q By removing some people from a block and moving them

1 elsewhere, correct?

2 A I'm not sure if they're moving any counts or just  
3 introducing some random noise into the --

4 Q In, in table 2.2, block one, four people aged 18 and over  
5 were removed from block one, correct?

6 A They were not enumerated at the aggregate level.

7 Q How is what you just said different from what I said?

8 A You said they moved them, like they put them somewhere  
9 else. That's not what happened.

10 Q I said, removed. They removed four people from block one  
11 and --

12 A Excuse me, I heard the word, move.

13 Q No, that's fine. So, they removed four people from block  
14 one, correct?

15 A That is what it appears. They have hidden those counts in  
16 this case.

17 Q Okay. So in your BISG analysis for Galveston County, how  
18 did you account for the Census Bureaus' use of differential  
19 privacy?

20 A There's no need to account for it in BISG.

21 Q Well, you're trying to ascertain information about people  
22 at the block level, correct?

23 A I'm trying to ascertain what block an address is located  
24 in.

25 Q And you're trying to ascertain the race of an individual at

1 the block level, correct?

2 A No.

3 Q You're not trying to create a probability estimate of an  
4 individuals race at the block level?

5 A I'm trying to create a probability estimate for the  
6 individual over all, combining their surname and the block that  
7 they live in.

8 Q And if differential privacy is removing African-Americans  
9 from one block and another to, moving them to another, how does  
10 BISG account for such practice?

11 A I don't believe it's moving anyone around. I think it's  
12 just hiding some pieces of information.

13 Q Okay. So how does BISG account for the Census Bureau's  
14 hiding of certain information?

15 A Well, the first is that it's an extremely small amount of  
16 changes that are being done in these blocks and it's done  
17 randomly. And so, there's no pattern of error in  
18 over-accounting for African-Americans or under accounting for  
19 African-Americans in any particular block. It's done completely  
20 at random and it's an extremely small amount.

21 And so BISG relies on the larger correlations at an  
22 aggregate level. And so, if you had a precinct -- excuse me, a  
23 block in Galveston that was 88-percent Anglo White, even after  
24 introducing some amount of noise, you might think that that  
25 block is between 87 or 89-percent White. So, it's only

1 introducing a very small amount of noise into the estimate and  
2 the BISG estimate is still going to return very accurate  
3 probabilities that we can then sum of race and ethnicity.

4 Q Well, what about for areas in Galveston, like, Dickinson?  
5 Dickinson has 48-percent Latino population and African-American  
6 population and about 45-percent Anglo population. So, how would  
7 you account for the Census Bureau's practice of differential  
8 privacy when analyzing voters from Dickinson, Texas?

9 A Well, I don't have any data to suggest that there was more  
10 or less differential privacy concerns in Dickinson, Texas. As  
11 far as we know, there may have been almost no adjustments done  
12 at the block level. As I explained above, this is primarily  
13 done in areas where there is a need to obscure the potential  
14 identity.

15 The most common place would be something like, an area  
16 where there's only one Asian-American household in an entire  
17 neighborhood and reporting that information might reveal the  
18 identity of a household in a block. When you have areas that  
19 are more racially diverse and there's lots of different racial  
20 groups occurring, the amount of noise applied by the Census  
21 might be relatively small or none. And so, there is no  
22 information that suggest that there is a differential privacy  
23 issue in this location.

24 Q In this location, you mean, Galveston County or Dickinson?

25 A In Dickinson, the location you were talking about.

1 Q How about in Galveston County?

2 A What's the question?

3 Q In Galveston County, do you believe that there is a  
4 differential privacy concern with the accuracy of the data that  
5 you needed to use for BISG?

6 A No, I do not.

7 Q Let's talk about the geo-location portion of your BISG  
8 analysis. How does that work? How do you geo-locate a person's  
9 address to a Census block?

10 A By using the address that they have listed, the first step  
11 is to create coordinates for that address of latitude and  
12 longitude. And then, to place that spatially within a Census  
13 block.

14 Q Okay. And then, how does where a voter live factor into  
15 predicting the race of the voter?

16 A Using the race reported estimates from the Census, you know  
17 a lot about different neighborhoods at the block level. And so  
18 if a voter lives in a neighborhood that is 78-percent  
19 African-American, we would start out, all things being equal,  
20 with an estimate that any randomly selected voter from that  
21 block had a 78-percent probability of being African-American.

22 Q Does the probability decrease then in a place like  
23 Dickinson, where you have relatively 50/50 population between  
24 African-American, Latino and White voters?

25 A Does what probability increase?

1 Q The probability that BISG generates about a voters' race?

2 A Well, it is assigns a probability to every voter based on  
3 their surname and their Census block. So it takes both of those  
4 pieces of information into account and in an area that is more  
5 diverse, it would look at the, first look at the surname of the  
6 voter. If the voter had a highly occurring surname that was  
7 Spanish or Hispanic, it would get assigned a probability, first,  
8 based on surname and that would understand the probability of  
9 distribution of the neighborhood and take those into account  
10 into returning overall probability of what was that voters race  
11 or ethnicity.

12 Q Okay. Okay. A person with the last name like Smith and  
13 Smith lives in Dickinson, does that, does a name like Smith,  
14 living in a diverse area, decrease the probability of accurately  
15 predicting a voters race?

16 A No.

17 Q Okay. Why?

18 A The first point is that, we're not concerned at the  
19 individual voter level of getting the exact probability of voter  
20 Smith. We're concerned at the precinct level, which is an  
21 ecological unit in a particular precinct, among the people who  
22 showed up and voted, what percentage of them are Latino, Anglo  
23 or Black, to use this example in Galveston. And so, if a voter  
24 Smith lived in a diverse area, BISG would first assign them a  
25 probability of being Hispanic, Black, Anglo or Asian just based

1 on their surname, and they would get a score.

2 We would then further look to the demographics, not of the  
3 city, but of the very specific neighborhood block that they  
4 lived in to determine, among the residents, what percentage of  
5 the residents in your neighborhood are Hispanic, Black, Asian or  
6 Anglo. And so, it would take both of those pieces of  
7 information and it would assign an ultimate probability to voter  
8 Smith.

9 That probability for voter Smith would be aggregated and  
10 summed with all of the other voters in that precinct, which they  
11 call VTD's there. And so, voter Smith might get a probability  
12 of .48 being White and a different voter, Miller, might get a  
13 probability of being .42 White. Each of those individual  
14 probabilities are summed down to the precinct, to tell us the  
15 estimated number of Black, White and Hispanic voters in a  
16 precinct. So the point of BISG is not necessarily the  
17 individual voter but the estimated number of voters in a  
18 precinct.

19 Q You used the term, summed. What do you, what do you mean  
20 by, summed to the precinct level?

21 A Well, every voter will result in a probability of being  
22 Hispanic, African-American or Anglo. And we then add those  
23 together to result in a total number of estimated voters of each  
24 race and ethnicity in the precinct aggregate. So if one voter  
25 has a 75-percent probability of being Hispanic and a second



1 voter only has a 25-percent probability of being Hispanic, we're  
2 fairly certain there's at least one Hispanic voter in that  
3 precinct, 75 plus 25 equals one, in terms of percentages.

4 So all of the probabilities are summed and added together  
5 to give us the ultimate estimate. This is the exact, correct  
6 application of BISG. It's meant to sum and aggregate two  
7 ecological units.

8 Q If an African-American voter with the last name Smith lives  
9 in Friends Wood, is there a risk that BISG will mis-predict that  
10 voter as White?

11 A It all depends on the exact demographics of their  
12 neighborhood, and it gives them a resulting probability of being  
13 of different racial or ethnic groups. And so at the individual  
14 voter level, any potential over or under assignment on a  
15 probability is largely irrelevant because it is the summation of  
16 those probabilities down to an ecological unit.

17 Q Okay. And you said you reported your error rates in your  
18 rebuttal report for BISG?

19 MS. REYES: Objection, form.

20 THE WITNESS: I said, they are included as part of our  
21 probability estimates and taken into account.

22 BY MR. SHEEHY:

23 Q Now when you say included in your probability estimates, if  
24 your, if your estimate says, an individual voter is 60 percent,  
25 probably, white. Does that mean there's a 40 percent chance

1 that they are not White?

2 A Generally, yes.

3 Q Okay. And what am I missing?

4 MS. REYES: Objection, form.

5 THE WITNESS: Well, it would give them a probability  
6 of being White, Latino, Black, Asian or other and so those, all  
7 of those probabilities combined should sum to, roughly, one or  
8 100 percent.

9 Q Okay. Let's look at page one of Exhibit Three, the  
10 rebuttal report.

11 Professor, how are you doing? You think we can go another  
12 20 minutes to lunch?

13 A Yeah, that sounds fine to me.

14 MR. SHEEHY: Court reporter, does that work for you?

15 THE COURT REPORTER: Yeah, sure. That's fine. Thank  
16 you.

17 BY MR. SHEEHY:

18 Q We placed in front of you, professor, page one and  
19 paragraph six of your rebuttal report. Do you see that?

20 A I do.

21 Q And this is paragraph six, you take -- you disagree with  
22 Professor Alford in his 75-percent threshold, is that correct?

23 A Yes, I think that is what this section is referring to.

24 Q And you say that a bright-line threshold, like that  
25 advanced by Dr. Dr. Alford, would be inconsistent with social

1 science practice and standards that typically look for standards  
2 across data, not one single specific threshold. Is that  
3 correct?

4 A Yes.

5 Q So to be clear, for Gingles Two, it's your position there  
6 is no bright-line threshold for at which cohesion exist?

7 A I know much jurisdiction is unique and that we need to come  
8 to each jurisdiction and understand what the patterns are. My  
9 preference is to look at the overall patterns across multiple  
10 elections and then, tell the court what I've seen in those  
11 patterns.

12 Q So you would disagree, so you do disagree with a 75-percent  
13 threshold that Dr. Dr. Alford --

14 MS. REYES: Objection, form.

15 THE WITNESS: Yes. I disagree that that should be  
16 applied to any sort of cohesion bright line.

17 BY MR. SHEEHY:

18 Q And you would disagree with 65-percent as being a cohesion  
19 bright line?

20 A Yes, I would --

21 MS. REYES: Objection, form.

22 THE WITNESS: I would disagree with any requirement  
23 for a specific bright line. I think it's better to look at the  
24 data as a whole and see what it tells us about the degree of  
25 cohesion.

1 BY MR. SHEEHY:

2 Q If Latinos are voting for Candidate A, at 50-percent plus  
3 one across five elections, would that be sufficient in your  
4 opinion to establish cohesion?

5 A In which elections are you talking about?

6 Q Just a hypothetical election, Latinos vote for Candidate A  
7 50-percent plus one in five election cycles, is that sufficient  
8 for cohesion?

9 A You're not talking about Galveston, specifically. You're  
10 just saying, if such a hypothetical happened to exist, is that  
11 right?

12 Q Yes. I mean, you're, you just mentioned that you would  
13 look at overall patterns of election results across multiple  
14 elections. My question to you is, is, A, across multiple  
15 elections, Latinos vote 50 percent plus one for Candidate A, is  
16 that sufficient for cohesion?

17 A So, I would say --

18 MS. REYES: Objection.

19 THE WITNESS: Excuse me.

20 MS. REYES: Sorry. Objection, form, sorry.

21 Go ahead.

22 THE WITNESS: The first is that, I'm not familiar with  
23 any real elections in which five times in a row Latinos voted 50  
24 plus one. And so, it's not something I'm familiar with running  
25 across in my analysis and it seems farfetched. It doesn't seem

1 like that's what's happening in this specific case at all.

2 Secondly, I would say, what I'm looking for is a  
3 pattern that demonstrates a racial or ethnic group as a  
4 candidate of choice, that if only they voted, who would they  
5 elect.

6 Q And if only Latinos voted and Latinos voted across five  
7 elections, 50-percent plus one, would you say that in that  
8 election Latinos were cohesive?

9 A Again, I think this, sort of, hypothetical is, is not what  
10 I'm seeing in the Galveston data at all. And I would say,  
11 whoever the community votes for is their candidate of choice,  
12 that we would leave it to the voters to decide who they'd look  
13 for, galvanize around. And so, if the same candidate won five  
14 elections in a row by one vote, we could say that that was the  
15 candidate of choice because they won the election from that  
16 racial or ethnic group.

17 MR. SHEEHY: Well, professor, I think I'm at a good  
18 stopping point for us to just go ahead and take a lunch break,  
19 if that works for you.

20 THE WITNESS: Okay, that makes sense.

21 MR. SHEEHY: All right. So let's come back, it's 2:49  
22 p.m. on the East Coast, let's just come back at 3:50 p.m. on the  
23 East Coast, 12:50 p.m. on the West Coast.

24 THE VIDEOGRAPHER: All right. This is end of media  
25 number two. The time is 2:49 p.m. and we're off the record.

1 (Lunch recess.)

2 THE VIDEOGRAPHER: The time is 2:54 p.m. and this  
3 begins media number three. We are on the record.

4 BY MR. SHEEHY:

5 Q Good afternoon, Professor Barreto. Do you understand  
6 you're still under oath?

7 A Yes, I do.

8 Q Did you have any substantive conversations with anyone  
9 about your testimony while on break?

10 A No.

11 Q Professor Barreto, I'd like to return to your BISG  
12 analysis, if we could please. I'd like to bring up page 11 of  
13 Exhibit Three, your rebuttal report. And we can scroll down,  
14 you can see table three.

15 So, Professor Barreto, my question to you is, is this the  
16 results of your BISG analysis?

17 A I think you broke up a little bit. Can you --

18 Q Yes.

19 A -- repeat?

20 Q Is table three the results of your BISG analysis?

21 A Can the person controlling the screen scroll up? It's  
22 right in the middle of the table. This is part of it. I  
23 believe there are at least three tables maybe, even four in this  
24 rebuttal report that include BISG, but this is one of them.

25 Q Okay. So table four on page 14, is this another table

1 containing your BISG analysis?

2 A Yes, I believe so, yes.

3 Q And then on page 17, is this another example of your BISG  
4 analysis?

5 A Yes.

6 Q Okay. And then table six on page 20, and is this another  
7 example of your BISG analysis?

8 A I believe so, yes. I'm sure the text says very  
9 specifically what type of analysis we used.

10 Q Well, here it doesn't say anything about BISG. It just  
11 says, iterative ecological inference candidate choice estimates  
12 by Petteway plaintiffs proposed county commissioners court  
13 precincts?

14 A Yeah, I'd note the text of the, of the report, itself,  
15 probably -- sometimes the tables, you know, only contain a  
16 certain amount of words. And so, I'm sure if we look at the, at  
17 the report, we list which type of data we're using in the  
18 narrative.

19 Q Right. Well, in table five on page 17, you do say using  
20 BISG for Anglo, Black, Hispanic voters 2014 to 2022, correct?

21 A Did you have a question or are you just telling me  
22 something else? I was confused.

23 Q I did say correct. I wanted to make sure that --

24 A Oh sorry, I didn't hear that.

25 Q So that's correct, all right.

1 A Is has the word, BISG, in it.

2 Q Okay. So, earlier we were talking about your probability  
3 estimates for BISG. Can you tell me where in this chart I can  
4 find your estimates?

5 A So that's, as we explained above, that's contained within  
6 the BISG analysis. We did not print out, we do not stop the  
7 process and print out separate probabilities.

8 Q So looking at table five, how am I to know what your error  
9 rate is?

10 A Well, the first thing to do would be to replicate the  
11 analysis and then, you would have all the information you needed  
12 based on the footnotes we provided. That would probably be the  
13 easiest way.

14 Q Okay. So I would need to have Dr. Alford replicate this  
15 analysis in order to know what your error rate is, correct?

16 A Or someone else, he certainly has done that before in other  
17 cases when I used BISG.

18 Q Okay. But in this, in this case, Dr. Alford is the expert  
19 you were responding to. So, I would need to have Dr. Alford  
20 replicate this analysis to know what your error rate is,  
21 correct?

22 MS. REYES: Objection, form.

23 THE WITNESS: Tell me what you mean, error rate.

24 BY MR. SHEEHY:

25 Q Well, we looked at the Imai and Khanna article that



1 | referenced error rate for the BISG analysis run in Florida,  
2 | right?

3 | A I remember looking at that article.

4 | Q So, in that article you, you cited that article as a way  
5 | of, as authority, I should say, as authority for the method you  
6 | used here in Galveston County for your BISG analysis, correct?

7 | A Correct.

8 | Q Okay. So, I guess what I would like to know is, is either,  
9 | A, what the error rate is for these numbers that you have here  
10 | on table five, or --

11 | MS. REYES: I'm sorry. Mr. Sheehy, you're cutting  
12 | out.

13 | THE WITNESS: I agree. Get the microphone a little  
14 | closer, maybe.

15 | BY MR. SHEEHY:

16 | Q Here we go.

17 | A All right. Great.

18 | Q Excellent. So, table five, I guess, what I would like to  
19 | know is, what your error rate is for the numbers that you show  
20 | on table five?

21 | A And I believe I heard you before but before I answer, I  
22 | want to clarify your question. So, please correct me if I'm  
23 | wrong. You're referring to a comparison to the table in the  
24 | Imai and Khanna article that we were looking at, is that right?

25 | Q Not making a comparison, I'm simply saying, the, there were

1 error rates reported in the Imai and Khanna article and I would  
2 like to know similar information for the numbers that you  
3 reported here, on table five?

4 A But I believe you were referring to a comparison to a BISG  
5 probability as compared to a self-reported race on the voter  
6 file, is that right?

7 Q Well, the self-reported for -- Texas doesn't have  
8 registration by race, correct?

9 A Right. So I believe you just answered your own question.  
10 It's not possible to replicate that in Texas because they don't  
11 have race on the voter file.

12 Q Okay.

13 A Therefore, we would not have completed such a table.

14 Q So, I would like to be able to see the probability  
15 estimates for the numbers that you have reported on table five  
16 in your rebuttal report?

17 A The main probability estimates for each individual voter in  
18 Galveston County?

19 Q Yes.

20 A Okay. So that can easily be done if you replicate the code  
21 that we've included in our footnotes, something that Dr. Alford  
22 has done before. When you run the BISG, you can tell it to stop  
23 at a certain point and extract those probabilities, and you can  
24 look at them.

25 Q All right. So let's go to page four of the rebuttal report

1 and paragraph 17. You have paragraph 17 in front of you,  
2 professor?

3 A Yes, I see that. Thank you.

4 Q You're welcome. On the second factor, there has never been  
5 a minority republican who has won a primary election to be the  
6 parties nominee for Galveston County judge or county  
7 commissioner. I read that correctly?

8 A Yes.

9 Q Can we pull up Exhibit Six, please?

10 (Exhibit Six No. 6, marked for identification.)

11 BY MR. SHEEHY:

12 Q All right. Professor, we put in front of you Exhibit Six.  
13 If you scroll down, this will be Professor Trounstine's expert  
14 report in this case. And if we could go to page 41, please?

15 MS. REYES: I'm sorry. Mr. Sheehy, you're still  
16 cutting out for me.

17 BY MR. SHEEHY:

18 Q Okay. So we're going to go to page 41 of Exhibit Six. See  
19 if we can scroll down.

20 So here, professor --

21 I think we need to scroll down -- up, sorry, page 17, up.

22 So here, professor, we have the general elections for  
23 county commissioners and I want you to look at the  
24 November 2nd, 2004 election, between Stephen Holmes and  
25 Lewis Parker, Junior. Do you see that race?

1 A Yes.

2 Q Do you see that Mr. Parker is coded as African-American?

3 A He's coded as having, what?

4 MS. REYES: I'm sorry, Mr. Sheehy, but you keep on  
5 cutting in and out. I'm having a difficult time hearing you and  
6 I believe Professor Barreto is as well.

7 THE WITNESS: Yeah, it was perfectly fine this morning  
8 but now, it's pretty much been every other word.

9 BY MR. SHEEHY:

10 Q Let's see what we can do here.

11 Are we back? Professor, are you able to hear me?

12 A Yeah, it's a little, it just sounds a little garbled.

13 Q Okay. If we move it further from me, do you hear me  
14 better?

15 A Worse.

16 Q Okay.

17 A Sorry.

18 Q No, it's fine. We all want a clear record.

19 A Yeah.

20 Q And how about now?

21 A We can try that.

22 Q Is this better?

23 A Seems like it right now. Sometimes when there's a longer  
24 question it, kind of, trails off but I'll let you know if I  
25 don't understand you.

1 Q That's fine and please, please do.

2 So looking at the Lewis-Parker election, do you see that  
3 Mr. Parker is African-American?

4 A I don't believe I've ever seen this table before. If I  
5 did, I don't recall it. I, so I need to look and see where it  
6 says that.

7 Q Well, it says Lewis Parker, Junior ethnicity?

8 A Yep, I see that now. Ethnicity B, which we're assuming  
9 means Black.

10 Q Yes, it means Black and party is R for republican, correct?

11 A Okay.

12 Q So when you say, on the second factor, there has never been  
13 a minority republican who has won a primary election to be the  
14 parties nominee for Galveston County judge or commissioner.  
15 Mr. Parker was the republican nominee for commissioner precinct  
16 three in November of 2004, correct?

17 MS. REYES: I'm sorry, Mr. Sheehy. It's still coming  
18 out very hard to understand. I'm not sure if it might be your  
19 Internet connection.

20 MR. SHEEHY: I mean, I'm hearing you perfectly. So,  
21 I'm not sure what the, the issue is and I do hear  
22 Professor Barreto perfectly.

23 THE WITNESS: Yeah, I heard about half of what you  
24 said but I don't know if we want to try to reconnect or what. I  
25 didn't have a single problem this morning but I don't know if

1 it's others or if it's just Ms. Reyes and I.

2 ATTORNEY3: Shawn, this is Valencia. I'm also having  
3 problems hearing you.

4 MR. SHEEHY: Let's take a break and see if we can  
5 figure out what the problem is. All right. Let's take a, take  
6 a 10-minute break. So at 4:20 we'll be back.

7 MS. REYES: Thank you, Shawn.

8 MR. SHEEHY: I'll be right here.

9 THE VIDEOGRAPHER: Okay. The time is 3:10 p.m. and  
10 we're off the record.

11 (Brief recess.)

12 THE VIDEOGRAPHER: Standby. Recording in progress.

13 The time is 3:20 p.m. and we're back on the record.

14 BY MR. SHEEHY:

15 Q Okay. Professor, we had Exhibit Six up in front of you on  
16 page A-17. You see down here, B is for Black, African-American.

17 Oh, we haven't shared the screen, yet. Sorry.

18 So we see here in the footnote that all tables race  
19 ethnicity codes are; W for White, L for Latino Hispanic and B  
20 for Black African-American. Do you see that?

21 A Yes, I see that.

22 Q So, if we scroll back up, we have the November 2nd, 2004  
23 election. Mr. Lewis Parker is Black and a republican. Do you  
24 see that?

25 A I see that.

1 Q Okay. So, he was the republican nominee for commissioner  
2 court precinct three, correct?

3 A That appears to be correct for 2004.

4 Q Okay. So, your statement in paragraph 17 of your rebuttal  
5 report, that there has never been a minority republican who has  
6 won a primary election, to be the party's nominee for Galveston  
7 County judge or county commissioner?

8 MS. REYES: Mr. Sheehy, yeah, we're having the same  
9 issue hearing you; I am, at least. I'm not sure if anybody else  
10 is.

11 THE VIDEOGRAPHER: Yes. Counsel, you may have to dial  
12 in. I don't know what's going on with your connection but it's  
13 definitely gotten a lot worse since the morning session.

14 MR. SHEEHY: All right. Well, let's go off the  
15 record, please.

16 THE VIDEOGRAPHER: Okay. The time is 3:22 p.m. and  
17 we're off the record.

18 (Brief recess.)

19 THE VIDEOGRAPHER: The time is 4:35 p.m. and we're  
20 back on the record -- excuse me, 3:35 p.m. and we're back on the  
21 record.

22 MR. SHEEHY: Thank you very much and thank you to  
23 everyone for your patience with the technical difficulties, and  
24 thank you to Ms. Norwood for handling the technical  
25 difficulties.

1 BY MR. SHEEHY:

2 Q So, Professor Barreto, we were reviewing Ms. Trounstine's  
3 report, Professor Trounstine's report where Mr. Lewis Parker,  
4 Junior was the republican nominee for commissioners precinct  
5 three, November 2nd, 2004, correct?

6 A That's where we were when we left off, yes.

7 Q And Mr. Lewis Parker is African-American on this, on  
8 Professor Trounstine's report?

9 A That's what she has indicated, yeah.

10 Q So you would agree with me that, at the very least, one  
11 republican was nominated to Galveston County commissioners  
12 court?

13 MS. REYES: Objection, form.

14 THE WITNESS: Well, I don't know. This appears to be  
15 a general election. So I don't know if he ran in a contested  
16 primary and won or if he was hand-picked and appointed, but I do  
17 see him on the line in a general election as a republican.

18 BY MR. SHEEHY:

19 Q So, given this, you don't know that you could say there has  
20 never been a minority republican who has won a primary election,  
21 correct?

22 MS. REYES: Objection, form.

23 THE WITNESS: I would say, in the period that I was  
24 studying, which was, I believe the first election we referenced  
25 is 2012 to present, that that statement is accurate.



1 BY MR. SHEEHY:

2 Q Well, believe the elections that you analyzed were 2014 to  
3 2022 but you don't have that preface here, in paragraph 17,  
4 correct?

5 A That's correct.

6 Q You just say there has never been a minority republican who  
7 has won a primary election, correct?

8 A That's what it says, I think. I don't have it in front of  
9 me, but I believe that's what it says.

10 Q All right. And here, Mr. Lewis Parker is the  
11 African-American candidate running as a republican in the  
12 November 2nd, 2004 commissioners precinct three election,  
13 correct?

14 A Yes, he is.

15 Q Okay. Do you understand Texas primary election practices?

16 A That's a fairly vague question. Do you mean something  
17 specific or just, have I ever?

18 Q Do you know how Galveston County republicans nominate their  
19 candidates?

20 A Well, in most cases, if there's more than one candidate,  
21 they have a primary election and then, if no candidate receives  
22 a majority, there's a run off.

23 Q Okay. If we can go back to Exhibit Three.

24 So, professor, are you now at paragraph 17 in front of you?

25 Are you amending your statement on the second factor, there has

1 | never been a minority republican who has won a primary election,  
2 | are you amending that to say, within the elections that you  
3 | analyzed?

4 | MS. REYES: Objection, form.

5 | THE WITNESS: Well, I would say two things. One, I  
6 | haven't seen any evidence that Lewis won a primary. I believe  
7 | we were just looking at a general. So, I don't know that he ran  
8 | against somebody in the primary and won or not but as I said, my  
9 | report is almost entirely about the decade leading up to the  
10 | 2021, 2022 redistricting. So, when I wrote this I had not gone  
11 | back 18 years to that election and I would agree with you, that  
12 | my report is mostly about the modern elections, following the  
13 | prior redistricting.

14 | BY MR. SHEEHY:

15 | Q Okay. Again, on this sentence here, you do not have that  
16 | limitation of 2012 to 2022, correct?

17 | A That's correct.

18 | MS. REYES: Objection to form.

19 | THE WITNESS: That's correct.

20 | BY MR. SHEEHY:

21 | Q But what you're telling me now is, is that what you mean is  
22 | on the second factor between 2012 and 2022, there has not been a  
23 | minority republican who has won a primary, correct?

24 | MS. REYES: Objection, form, misstates prior  
25 | testimony.

1 THE WITNESS: Yes, that's basically what my report is  
2 pertaining to, is the previous decade under consideration and I  
3 think that this sentence was not quite as precise as you have  
4 just indicated.

5 BY MR. SHEEHY:

6 Q Okay. The follow-up sentence, not the immediate next one  
7 but following, while Black Republican, Robin Armstrong now  
8 serves on the commission, he was appointed after a White  
9 Republican, Clark won the 2022 primary for precinct four and  
10 passed away. As there was no democratic nominee in the precinct  
11 Armstrong was uncontested in the November election. Did I read  
12 that correctly?

13 A Yes.

14 Q Are you aware that there was a contested intra-republican  
15 primary in Galveston County?

16 A Which specific election are you talking about?

17 Q For Commissioner Armstrong?

18 A I believe I have a table down below of all of the elections  
19 and so, we could look at that and see. You might be right, I  
20 just don't have that in front of me right now.

21 Q So table two, you have Galveston County commissioners court  
22 primary and general election results from 2014 to 2022, on page  
23 seven. Is that what you're referring to?

24 A Yes, I think so.

25 Q Okay. So my question to you is, are you aware that the

1 Galveston County republican party had to renominate Commissioner  
2 Holmes for the election in 2022?

3 A Had to renominate Commissioner Holmes?

4 Q I'm sorry, forgive me. Commissioner Armstrong, I was  
5 looking at Holmes on your sheet, Commissioner Armstrong. Are  
6 you aware that the Galveston County republican party had to  
7 renominate Commissioner Armstrong to be it's nominee in the 2022  
8 election?

9 A My understanding is that, the voters did not participate in  
10 that and that he was not on the ballot. And so, I couldn't  
11 comment on whether or not the voters of the county preferred or  
12 blocked him, in that he got appointed to this position after  
13 another candidate had passed away.

14 Q Are you aware that the republican party of Galveston County  
15 received multiple applications to be the nominee for  
16 commissioner precinct four in 2022?

17 A You're talking about after the primary was over, right?

18 Q No, I'm talking about applications to run as the republican  
19 nominee for commissioner precinct four in 2022.

20 A But you're referring to the period after the primary was  
21 over and the voters had already voted for Mr. Clark, is that  
22 right?

23 Q Yes.

24 A I did not do an analysis of nominations, petitions or  
25 applications.

1 Q Are you aware --

2 A I focused my split on the voters.

3 Q Are you aware that Commissioner Armstrong defeated a man by  
4 the name of William Enochs for the republican nomination, for  
5 the election in 2022?

6 A I don't believe that there was an election for the  
7 candidate, Armstrong, who ultimately appeared on the ballot. I  
8 believe it was done through a private selection process, that  
9 was not open to the voters in Galveston County. Therefore, I  
10 did not include it in my analysis of voting preference.

11 Q But this was held within the rules of the republican party  
12 of Galveston County, correct?

13 MS. REYES: Objection, form.

14 THE WITNESS: It's possible. They didn't consult me  
15 on how to do it, so I don't know what they did.

16 BY MR. SHEEHY:

17 Q Okay. But obviously, Commissioner Armstrong prevailed in  
18 that intra-republican party vote as the 2022 nominee, correct?

19 MS. REYES: Objection, form.

20 THE WITNESS: I don't believe there was any vote that  
21 was held, at least nothing that I could find on the Galveston  
22 County's website. I believe there was a selection that was done  
23 in private but I don't believe there was a vote.

24 BY MR. SHEEHY:

25 Q Well, the republican party leaders of Galveston County

1 | voted to renominate Commissioner Armstrong, correct?

2 | MS. REYES: Object, form.

3 | THE WITNESS: I don't know that. I have not seen any  
4 | data on the website showing the results of that election  
5 | process.

6 | BY MR. SHEEHY:

7 | Q But the republican party of Galveston County selected  
8 | Commissioner Armstrong to be its nominee for commissioner  
9 | precinct four in 2022, correct?

10 | A I believe that's how he got on the ballot in November, yes.

11 | Q Let's go back to paragraph 18 on page four.

12 | You have paragraph 18 in front of you, professor?

13 | A I do.

14 | Q Do you have, here you state that you looked at election  
15 | results in republican primaries to see if voters cast their  
16 | ballots, or see how Galveston County White voters had cast their  
17 | ballots for White republicans versus minority republicans in  
18 | statewide elections, correct?

19 | A Yes, that's the summary of paragraph 18.

20 | Q Okay. Now, the first one you mentioned here in 2022,  
21 | Hispanic Republican, George P. Bush, lost to Anglo Republican,  
22 | Ken Paxton, winning only 28-percent of the vote among Galveston  
23 | County republicans, is that correct?

24 | A That's correct. That's what the sentence says.

25 | Q Okay. Let's pull up Exhibit Seven, please.

1 | While we're putting the exhibit up, professor, do you know  
2 | when Ken Paxton was first elected to the office of attorney  
3 | general?

4 | A A couple of cycles ago.

5 | Q So he was running for reelection for a third term to the  
6 | office of attorney general?

7 | A That sounds right.

8 | Q Do you know how many people ran in this election, for  
9 | republican nomination for attorney general in 2022?

10 | A I believe there was a couple more --

11 | Q If we can go ahead and --

12 | A -- or there was a run-off, maybe.

13 | Q So this is Exhibit Seven that we're sharing with you. Do  
14 | you see it?

15 | A Yes, I see the words, Exhibit Seven, at the top.

16 | (Exhibit Seven No. 7, marked for identification.)

17 | BY MR. SHEEHY:

18 | Q Okay. Go ahead and scroll down. This is information we  
19 | pulled off of CNN about the republican primary in Texas. We can  
20 | scroll down to attorney general, that's governor, lieutenant  
21 | governor and this is attorney general.

22 | So you see here, there were four people running for the  
23 | republican nomination for attorney general?

24 | A I see that.

25 | Q Okay. And George P. Bush was in second place, correct?

1 | A I think this is the March primary statewide, is that right?

2 | Q Yes.

3 | A Yes. It looks like for the March primary statewide

4 | George P. Bush was in second place.

5 | Q With 22.8-percent of the vote?

6 | A That's right.

7 | Q So he actually did better in Galveston County, winning

8 | 28-percent of the vote, correct?

9 | A I believe I was referring to the run-off election. I think

10 | that might have been in June. I don't recall exactly when the

11 | run-off was. I believe the results of that were 71 to 28,

12 | something like that.

13 | Q I don't see you referenced the run-off election.

14 | MS. REYES: Objection, form.

15 | THE WITNESS: I'm almost certain that's what it was.

16 | BY MR. SHEEHY:

17 | Q Okay. Do you know who Luis Gomert is, who got last place?

18 | A I'm generally familiar with him. He was a former

19 | congressman from East Texas, I believe.

20 | Q And Congressman Luis Gomert is Anglo, correct?

21 | A That's correct.

22 | Q And we said earlier that Ken Paxton was running for his

23 | third term for attorney general, correct?

24 | A I think that's right.

25 | Q So don't you think incumbency advantage explains



1 Ken Paxton's win here, in the republican primary?

2 A I did not do --

3 MS. REYES: Objection, form.

4 THE WITNESS: I did not do a separate analyses of

5 exactly what Mr. Paxton or Bush were -- how they differentiated

6 themselves to voters. Simply to point out in paragraph 18 that,

7 Galveston County republicans had multiple opportunities in a

8 very recent election, to support or vote for minority candidates

9 and they didn't.

10 BY MR. SHEEHY:

11 Q Okay. But at least in this one, in this election for

12 attorney general, Ken Paxton had been attorney general for eight

13 years at this, up to this point, correct?

14 A I believe so, that's correct. And your little map

15 underneath shows where the different candidates won. You can

16 see quite clearly that Mr. Paxton was in first place in

17 Galveston County, right under the little circle where Houston

18 is.

19 Q Uh-huh.

20 A And you can see Mr. Bush was in first place in the Rio

21 Grand Valley down South, that is a heavily Latino population.

22 Mr. Gomert, it looks like he did well in his neck of the woods.

23 So, it would seem, even with his incumbency, Mr. Paxton did

24 not win every single county of Texas. Some voters ranked him

25 second or third or fourth but in Galveston he won and in the

1 run-off, he won over 70-percent.

2 Q And won his third term for attorney general, correct?

3 A That sounds right.

4 Q Okay. So next we can go up to the gubernatorial election

5 at the top. So, here you mentioned that a Black republican

6 candidate for governor, Allen West, received only 14-percent of

7 the vote among Galveston County republicans in the 2022 primary

8 election. Do you see in front of you that looks like one, two,

9 three, four, five, six, seven, eight candidates ran for governor

10 republican nominee -- nomination for governor?

11 A I see that.

12 Q And do you see that Mr. West won the, won second place?

13 A Yes, I see that.

14 Q And you don't report this breakout of votes per candidate

15 for Galveston County, do you?

16 A I report the percentage of the vote that the minority

17 candidates received in Galveston County.

18 Q Do you know the race of any of these other eight candidates

19 running for republican nominee, for governor of Texas?

20 A I don't. Perry might be Rick Perry, who is an Anglo. I

21 don't know the others.

22 Q How about Abbott who won?

23 A Abbott is Anglo.

24 Q But you don't know the race of anybody else on this chart?

25 A Mr. West is African-American.

1 Q Okay. Anybody else?

2 A I don't know.

3 Q And Galveston County republicans actually gave Allen West  
4 two percentage points more than statewide, correct?

5 A I think it was 14-percent. I don't remember the decimal  
6 but I believe he won 14 percent in Galveston.

7 Q Okay. And statewide, 12.3, so about 1.7 percent for  
8 Galveston County, correct?

9 A That's what it looks like.

10 Q Okay. And Governor Abbott was running for his third term  
11 for governor, correct?

12 A That's right.

13 Q You aware that in 2019, polls showed Governor Abbott was  
14 one of the most popular governors in the United States?

15 A I have no idea what poll you're referring to.

16 Q I'm referring to U.S. News and World Report, I think is  
17 where I saw that?

18 A If you show me, I can take a look at it.

19 Q Okay. So, but I guess by question to you is -- well, I  
20 guess the answer to my question is, no, you're not aware of  
21 polls showing Governor Abbott to be one of the most popular  
22 governors in the country?

23 A I'd have to see a poll of all 50 states and then, we would  
24 assess how each governor ranks.

25 Q Okay. The same question that I asked for Paxton, don't you

1 think that incumbency advantage played more of a role in

2 Governor Abbott's victory in the republican primary?

3 A Well, incumbents, you know, still have to run on their

4 record and make their case to voters. They don't always win and

5 so, all I was attempting to show here was that, when a minority

6 republican ran in a recent election, they did quite poorly.

7 They only got 14 percent of the vote in Galveston County.

8 Q Against a governor who is running for their third term as  
9 governor of Texas, correct?

10 A Yes, he was running for his third term.

11 Q Okay. The next election you discussed is the primary for  
12 land office. You have two Hispanic republicans ran and each  
13 received less than 10 percent of the vote from Galveston County  
14 republicans, with Westin Martinez winning seven percent and  
15 Victor Avila winning five percent in the primary?

16 A I don't see the report. That sounds familiar.

17 Q Yep. Do we have that in front of you?

18 A Not yet, something is coming up.

19 Q There you go. In paragraph 18 --

20 A Thank you. Yep, I see it.

21 Q Okay. If we can go back to, I think, it was Exhibit Seven  
22 was the election results. And if we can go to the land office,  
23 which is going to be towards the bottom.

24 So here we are, we have land commissioner Texas primary.

25 So we have one, two, three, four, five, six, seven, eight

1 candidates running in this election, correct?

2 A That looks right.

3 Q And Dawn Buckingham won the election, is that correct?

4 A Well, if he went to a run-off.

5 Q Actually, I think, Dawn Buckingham is a woman. She was a

6 senator in Texas. Are you aware that she is the, the first

7 woman to win Texas land commissioner?

8 A I'm not.

9 Q Are you aware that Dawn Buckingham, prior to running for

10 Texas land commissioner, was a Texas state senator?

11 A No.

12 Q Do you know if Westin Martinez ever campaigned for

13 statewide office, prior to campaigning for Texas land office?

14 A I only know in this election that Martinez and Lopez were

15 running for statewide office and got less than 10 percent of the

16 vote in Galveston County.

17 Q Okay. Do you know if Mr. Avila ever campaigned for

18 statewide office, before campaigning for the Texas land office?

19 A I don't know.

20 Q Do you know the race of Mr. Armenta, at the bottom?

21 A I do not.

22 Q Other than Mr. Avila and Mr. Martinez, do you know of any

23 race of any of the other candidates that ran for a republican

24 nominee of Texas land commissioner?

25 A I believe that Ms. Buckingham is Anglo but I do not know

1 all of the candidates races or ethnicities.

2 Q Okay. Don't you think that Ms. Buckingham's experience as  
3 a state legislator contributed to her success here?

4 MS. REYES: Objection, form.

5 THE WITNESS: No, not necessarily.

6 BY MR. SHEEHY:

7 Q All right. Well, do you know what explains

8 Ms. Buckingham's success in her campaign for Texas land  
9 commissioner?

10 A All I know is that the Hispanic candidate that ran received  
11 very few votes in Galveston County among the republican primary  
12 voters and did very poorly, and were not selected even though  
13 they had a chance to select him.

14 Q But you don't know the reason why Galveston County voters  
15 didn't select Mr. Avila or Martinez?

16 A That's correct. We just know that they were Hispanic  
17 candidates in the republican primary, received very few votes.

18 Q Okay. And for the last election that you discussed,  
19 primary election for State Board of Education, District Seven,  
20 Black Republican Abiloge Ayobami [ph] won only three percent of  
21 the vote from Galveston County voters, is that correct?

22 A I believe that's what it says.

23 Q So we can pull up Exhibit Eight.

24 (Exhibit No. 8, marked for identification.)

25 BY MR. SHEEHY:

1 Q Do you see Exhibit Eight in front of you?

2 A I do.

3 Q Let's go ahead and scroll down. This is from the Texas  
4 Tribune election results, how Texas voted in the 2022 primary.  
5 And these are the four republican candidates for the nomination  
6 for state Board of Education, district seven. Do you see that  
7 in front of you?

8 A Yes. I believe this is the statewide results or is this  
9 only with Galveston County?

10 Q This is statewide results?

11 A Okay. Or district-wide, I guess, this is just one  
12 district.

13 Q Yes, district-wide, yes.

14 So there were four candidates competing for Republican  
15 nomination for State Board of Education, District Seven?

16 A Yes.

17 Q And Julian Pickren won that election, Julie Pickren?

18 A That's what the screen indicates, yes.

19 Q All right. Do you know that prior to serving on the state  
20 Board of Education, she served on the Alvin Independent School  
21 District?

22 A No.

23 Q You don't know why voters in Galveston County voted for  
24 Ms. Pickren?

25 A All I know, as I said before, this section is just simply

1 | looking for minorities who ran as republicans, to determine how  
2 | well they faired in Galveston County and Mr. Ayobami received  
3 | only around three percent of the vote.

4 | Q Do you know if Mr. Ayobami had any prior or held any  
5 | elected office, prior to running for State Board of Education?

6 | A I do not know.

7 | Q Do you know anything about Mr. Ayobami and the campaign  
8 | that he ran?

9 | A I did not study the campaign.

10 | Q So, let's go to paragraph 19 of Exhibit Three, the rebuttal  
11 | report. You have this, of the 29 elections examined in our  
12 | initial report, one involved a minority republican, the 2018  
13 | election for the U.S. Senate, in which Ted Cruz, a Hispanic man  
14 | was the republican nominee. Notably, Senator Cruz received the  
15 | lowest share of the Galveston County White vote among any of the  
16 | 29 republicans candidates assessed, across the five election  
17 | cycles. Did I read that correctly?

18 | A Yes.

19 | Q So, let's go to Exhibit Two, your initial report and we'll  
20 | go to table two, page 21. Well, actually, if we can go, first,  
21 | to the top, page 20.

22 | Now you see this is Galveston County EI rows by column,  
23 | candidate choice estimates?

24 | A Yes.

25 | Q So, if we scroll down to page 21. Do you see 2018? Do you



1 see the Cruz, O'Rourke election?

2 A Yep.

3 Q Do you see that Cruz got 85.2-percent?

4 A Yep.

5 Q Of the Anglo vote?

6 A I believe that there's multiple Anglo columns, depending on  
7 the type of data but I believe that first column, maybe the  
8 third and maybe, the third to the last, might be Anglo columns,  
9 but I can't see that now.

10 Q Well, if we scroll up to page 20, so the previous page. So  
11 we have Anglo, non-Anglo. So, in the Anglo, non-Anglo column,  
12 Cruz receives 85.2 percent of the Anglo vote, correct?

13 A That's right, in the first column.

14 Q And if we go up just a little bit, same year, attorney  
15 general, Paxton receives 85-percent of the Anglo vote, correct?

16 A That's correct.

17 Q Okay. So, is it Cruz receiving more of the vote share than  
18 Paxton from Anglo voters?

19 A In that column, he is; in the third column, he is receiving  
20 less. It's probably, we would probably say those two are about  
21 the same, statistically.

22 Q When you say, we would probably say that those two are the  
23 same statistically, are you saying that, we would say that  
24 Paxton and Cruz got, roughly, the same in 2018, same Anglo vote  
25 in 2018?

1 A That's what it looks like.

2 Q Because here Cruz, in the first column, 85.2 of the Anglo  
3 vote, Paxton 85 of the Anglo vote and in the third column,  
4 Paxton has 82 and Cruz has 81.8.

5 A Okay.

6 Q So, I mean, it's not really true that he received the  
7 lowest share of the Anglo vote when Paxton is, statistically  
8 speaking, receiving the same, correct?

9 A In that one, they probably received about the same, as I  
10 said. I believe in all the other instances, prudent numbers  
11 were below the Anglo republican numbers.

12 Q Okay. Well, sticking just with that column, the first  
13 Anglo column, it looks like 86.4 for Paxton in 2022.

14 Go to the first page.

15 A Okay, I see that now.

16 Q Yeah, 87.6 for Judge Henry; 86.2 for Governor Abbot; 86 for  
17 Lieutenant Governor, Patrick; 87.4 for Weber, U.S. House of  
18 Representatives; 87.4 for District 122, Judge Jones; 88.1,  
19 District Attorney, Roti; Tro Cheset, County Sheriff, 88.3; Trump  
20 86.1; Cornan, U.S. Senate, 87.4; Weber, again, 87.9; 87.8,  
21 Robinson, District 405 Judge.

22 I mean, I don't think, I don't think either of us really  
23 want to go through and read all of these but I think my point is  
24 that, if you look at all these elections in the first column,  
25 they're all going to be between 85 and 91.1, correct?

1 A Now, if you scroll down a little bit more, I can at least  
2 glance at the rest of the elections. That sounds about right.  
3 Let's see. Yeah.

4 Q Okay. So isn't it, isn't it accurate to say that Cruz's 85  
5 was part of a consistent trend of Anglo vote for republicans?

6 A Well, I think the point of this statement was that, he was  
7 either the lowest or the second lowest that was ever recorded.  
8 And yeah, that across the 29 elections, I guess if you look at  
9 the next column, which must have been the next one I was looking  
10 at when I wrote that specific sentence where he had 81.8, he  
11 received less. I agree it's in a, somewhat, similar range but  
12 he certainly was not the leading republican contender across  
13 these 29 elections. He was, if anything, the least in both.

14 Q Well, the average of the Anglo vote for republicans in this  
15 first column, across your 29 elections that you studied is about  
16 87.8, with the range being 85 to 91.1. It just strikes me,  
17 professor, as a more of a consistent trend for Anglo voters and  
18 not any sort of disapproval of Senator Cruz. Do you agree with  
19 that?

20 A I agree with what I wrote, that he got the least votes of  
21 any republican amongst Anglo. I also agree that Anglos are  
22 block voting for their candidate of choice.

23 Q And -- okay.

24 A I mean, the 2018 election was extremely close. He barely  
25 beat Mr. O'Rourke. Typically, republicans win by a little bit

1 | more in Texas. So, seems as though he did not do as well as the  
2 | typical republican.

3 | Q Well, I mean, at least based upon your estimates, Cruz did  
4 | maybe two, two and-a-half points less than the average. I mean,  
5 | it just seems more like a consistent trend to me, to be getting  
6 | between 85 and 91.1 across 29 elections but that's fine. I  
7 | definitely understand your point. We don't have to keep arguing  
8 | about it.

9 | So if we go to page 10 of your report, Exhibit Two. You  
10 | start out paragraph 34 with, in what comes close to a consensus  
11 | in published empirical political science studies, scholarly work  
12 | supports the finding that discriminatory attitudes and racial  
13 | prejudice play a central role in driving White party  
14 | identification and this is especially strong in states such as  
15 | Texas.

16 | So, by starting by saying, what comes close to a consensus,  
17 | I'm assuming that there is not a consensus in published  
18 | empirical political science studies. Is that correct?

19 | A I did not poll all scholars in this domain to answer that  
20 | but I would say it comes, what I said there was, it comes very  
21 | close to a consensus. Scholars are often debating the degree in  
22 | which racial attitudes influence partisanship but there's not a  
23 | lot of scholarship adjusting that racial attitude do not  
24 | influence partisanship.

25 | Q Are you familiar with the work of Stephanie Ansoloberay?

1 A Stephen Insolobrair.

2 Q If that's how he pronounces it, thank you very much. Are  
3 you familiar with his work?

4 A He's probably written over 100 published articles, but I'm  
5 familiar with a lot of his work.

6 Q All right. Are you familiar with the work of  
7 Bernard Fraga?

8 A Which work?

9 Q His scholarly work?

10 A Well, he's got two books and probably, about 30 articles.

11 Q Okay. So are you familiar with his work?

12 A I'm familiar with Dr. Fraga and I'd like to know which work  
13 we're talking about and I can make out whether or not I read it.

14 Q Okay. Let's go ahead and put Exhibit Nine up.

15 (Exhibit No. 9, marked for identification.)

16 BY MR. SHEEHY:

17 Q I put Exhibit Nine up in front you. I'll scroll on down.  
18 There is an article entitled, Do Americans Prefer Co-Ethnic  
19 Representation. The impact of race on house incumbent  
20 evaluations, from 2016. Are you familiar with this article?

21 A I think I've read this before. I believe it comes from  
22 Dr. Ansolabehere's large CCES study, if I remember.

23 Q His large, what was that?

24 A CCES.

25 Q What was that study?

1 A I believe it's the Cooperative Congressional Election  
2 Study, at least it used to go by that name at some point.

3 Q Okay. Can we scroll down? That's good, that's good. Just  
4 at the abstract.

5 Do you see where it says, that we find that individuals  
6 strongly prefer representatives who share their ethnic  
7 background, yet partisanship explains most of the preference for  
8 co-ethnic representation. Controlling for party, Whites express  
9 a slight preference for White representation but Blacks and  
10 Hispanics express equal support for minority and White  
11 incumbents. The differential preference for White  
12 representation among White democrats is explained by a bias  
13 associated with attitudes about race-related policy. These  
14 findings suggest that legal and political theories of race,  
15 especially regarding the Voting Rights Act, must be tied to  
16 voters policy and party preferences, not merely their racial  
17 identity.

18 Did you review this article, prior to submitting your  
19 January 13th, report here?

20 A I probably read this article at some point in my career.  
21 So, I don't want to factually say, I didn't read it before,  
22 which would be the previous 20 years of my life, but I did not  
23 review this article explicitly. I don't believe I cite this or  
24 reference this in my report.

25 Q It's fair to say then that you did not consider this

1 article prior to submitting your January 13th, 2023 report?

2 MS. REYES: Objection, form.

3 THE WITNESS: Only that I did not consider it to be  
4 relevant, probably, because of the research design and what they  
5 were trying to do in this argument.

6 BY MR. SHEEHY:

7 Q Okay. Why don't you find this article relevant?

8 A Well, they were trying to attempt to see if they could  
9 prove the inverse of what was the growing consensus in political  
10 science, that racial attitudes expressly predict partisanship.

11 They were trying to say, controlling for both race and  
12 party, are there differences in terms of preference for  
13 co-ethnic representatives. And on one hand, they found out  
14 there were for White, that there was additional preferences.  
15 But this is, essentially, an academic exercise, to try to say,  
16 not if partisanship explained by race, but can we put a  
17 statistical model together in which we control for both factors  
18 to see if there's some sort of leftover residual that explains  
19 the desire for the co-ethnic representation.

20 The literature that I cite and rely on all attempt to model  
21 or understand partisanship, and it ask the question, is  
22 partisanship today a function of racial attitude? So the  
23 research design that these two scholars employed was not  
24 consistent with the type of questions that I was trying to  
25 answer. And I'm sure if you called them, they would agree with

1 that previous sentence I had in my report, that they're as close  
2 to a consensus.

3 Q So, did you actively choose not to cite this report or --  
4 let me rephrase. Did you actively choose not to consider this  
5 report in your January 13th, 2023 report that you filed in this  
6 case?

7 A No, that's not correct. As I stated, the research design  
8 that they employed made it so that it was not consistent with  
9 the question I was addressing. They're addressing a separate  
10 question about if you include additional control variables of  
11 model, what do you find?

12 That's not the question that I was addressing. The  
13 question I was addressing in my report is one that puts  
14 partisanship as the center variable trying to understand what  
15 has political science that we try to understand partisanship and  
16 partisan voting.

17 Here, they are using partisanship as a control variable.  
18 As they state right there in the middle, quote, controlling for  
19 party.

20 Q Mm-hmm.

21 A So they have a different research design and I would not  
22 have chosen to rely on this article because of that.

23 Q Given the research design, as you described that was used  
24 in this article, do you agree with its conclusions?

25 A I would need to sit down and re-read the whole thing to



1 tell you whether I agree with its conclusions. I can tell you  
2 if you call Bernard Fraga right now and put him under oath, he  
3 would tell you the sentence I wrote is accurate and true. I  
4 know him quite well.

5 (Exhibit No. 10, marked for identification.)

6 BY MR. SHEEHY:

7 Q Okay. Well, let's go ahead and put up Exhibit Ten. Do you  
8 see Exhibit Ten in front of you, professor?

9 A Yes, I do.

10 Q And when we scroll down, there's an article, Candidate  
11 Choice Without Party Labels, New Insights From Conjoined Survey  
12 Experiments, Patricia Kirkland and Alexander Coppeck. Are you  
13 familiar with this article?

14 A I think this might be one that I cited.

15 Q Okay. If we go to page 12 of this report. The effects of  
16 partisan election on candidate choice. If you -- I think it's  
17 right there, yeah, right in the first paragraph. It says,  
18 "Relative to a candidate with no political experience,  
19 respondents prefer candidates who are city council members,  
20 state legislators, mayors or representatives in Congress by a  
21 margin of 25 to 30 percentage points. Candidates who previously  
22 held a mayoral office were rewarded most for their political  
23 experience. By contrast, we observe relatively muted effects  
24 for the job experience, race, age and gender attributes,  
25 although our respondents do express a mild preference for

1 candidates who are female and non-white."

2 "In partisan elections, we observe a similar pattern,  
3 though the effects for the political experience variables are  
4 more muted. On average, our sample prefers independents to  
5 partisan candidates with either stripe, though this average  
6 masks some heterogeneity by respondent party identification, as  
7 we will explore in the next section."

8 Did you consider this study when preparing your  
9 January 13th, 2023 report?

10 A I don't recall off the top of my head, but you can either  
11 tell me or if I can have a moment to look at my January 13th  
12 report, I could answer you truthfully.

13 Q Okay.

14 A Do you know if this is one I considered or do you want me  
15 to spend some time reviewing my report?

16 Q Let me ask it this way. If you didn't cite it in your  
17 report, did you not consider this article for your January 13th,  
18 2023 report?

19 A I don't know the answer to that. I would need to be able  
20 to look at my January 13th report and re-read the section on  
21 partisanship and race to refresh my memory on which papers and  
22 published articles I was including, and which papers and  
23 published articles I might not have considered relevant. I'm  
24 familiar with the scholars' names and so that's why I'm not  
25 certain if this one is included or not. But I would be happy to

1 spend a little time re-reading that section and then we can have  
2 a more engaged discussion. But it's your time, not mine, so.

3 Q So, I guess -- I mean, really, all my question is, is if  
4 you didn't cite this article or just assuming that you didn't  
5 cite this article in your report, does that mean then you did  
6 not consider it?

7 A It would mean I wouldn't have found it relevant. I did not  
8 attempt to cite all the articles that have ever been written on  
9 the role of race and partisanship. There is probably 150. And  
10 what I attempted to do was to bring together what I considered  
11 to be the most relevant or the articles that are given the most  
12 weight by other political scientist because they have a lot of  
13 citations or they're often relied upon. And then use those to  
14 advance the point that partisanship and race are intertwined, if  
15 not racial attitudes predicted partisanship. That's what that  
16 section is about.

17 So, there's lots of articles written in political science  
18 and I can't sit here today and tell you, if you want to do a pop  
19 quiz why I included or didn't include one. I'd like to have  
20 time to read that section and then I can give you a more  
21 informed response.

22 Q Well, that's the only question that I have and, you know,  
23 as you've testified earlier, you reviewed your report in  
24 preparation for your deposition today. So, I mean, it's the  
25 only one question that I had about this article and I'm willing

1 to just keep going with the deposition, and I'll take your  
2 answer as is.

3 A Terrific.

4 MS. REYES: Counsel, I'm wondering if now is a good  
5 time for, like, a five or ten minutes break. We've been going  
6 about a hour.

7 MR. SHEEHY: Yes, that's fine. We can take a break  
8 for ten minutes. It's 5:37 on the east coast, so let's come  
9 back at 5:47 on the east coast.

10 THE VIDEOGRAPHER: The time is 4:37 p.m. and we're off  
11 the record.

12 (Brief recess.)

13 THE VIDEOGRAPHER: This begins media number four. The  
14 time is 4:50 p.m. and we're back on the record.

15 BY MR. SHEEHY:

16 Q Professor Barreto, you understand you're still under oath?

17 A Yes.

18 Q Do I understand your position correctly that primary  
19 elections in Galveston County are not particularly probative, is  
20 that correct?

21 A Generally, yes, I believe that's my position.

22 Q Not that primary elections in Galveston County have no  
23 probative value at all, correct?

24 A Depends on the question that we're trying to answer. And  
25 in this particular case, the question in my opinion before the

1 court is not one over contested primaries, but rather general  
2 elections. And so, that's the argument I have made, that  
3 general elections are the elections we should be focusing on.

4 Q Actually, my apologies. I will kind of go back to our  
5 discussion before we went off the record.

6 You mentioned that there were approximately 150 political  
7 science journals discussing the correlation between race and  
8 politics. Did I understand that correctly?

9 A Well, it was just a number I was stating off the top of my  
10 head. It could be more than that. I would be surprised if it's  
11 less, but there's a healthy amount of literature on this topic.

12 Q And is it your position that there is not a consensus  
13 within the political science community about causation, race,  
14 causation and politics?

15 A I don't understand your question.

16 Q It's your position that there is no consensus or that there  
17 is not a consensus within the political science community about  
18 the causal relationship between race and politics?

19 A I didn't make any statements about that in my report.

20 Q So, you don't know one way or the other that -- whether  
21 there is a political science consensus about the causal  
22 relationship between race and politics?

23 A I think if we were doing a literature review on causal  
24 analysis and causal models that we would look at a specific  
25 subset of the literature and we could go review that.

1 Q So, is that a, you don't know if there's a consensus or  
2 not?

3 A I'm stating that for this report, the question before me  
4 was not, what is the causal relationship, but rather is there an  
5 association. And some of the literature that I cite does use  
6 what we refer to as causal models. Some of the literature I  
7 cite relies on observational and associational analysis. So,  
8 it's a mix of both of those. And my conclusion is that the  
9 political science literature comes very close to a consensus  
10 that racial attitudes explain partisanship.

11 Q Okay. Now -- okay.

12 Now, does that include ideas that people espouse on issues  
13 concerning race, such as, for example, immigration?

14 A Some of the research articles that I cite refer to  
15 immigration attitudes. That might be one variable.

16 Q And how about other variables?

17 A Well, if we look at the list of papers, I can probably go  
18 through in detail. Generally, I describe them as racial  
19 attitudes. And so attitudes about race relations or racial  
20 resentment, some of these classic variables from the social  
21 sciences that we have been using to understand how Americans  
22 pick their party identification.

23 Q Okay. So, can you define for me what you mean by, racial  
24 resentment?

25 A Well, it's a social science concept that was developed

1 | decades ago by a scholar named David Sears and others have  
2 | advanced and replicated that work. And to ask Americans a  
3 | couple specific questions about views toward African-Americans  
4 | and then they can categorize people on a scale of racial  
5 | resentment.

6 | Q Okay. So, I guess I'm trying to understand what is meant  
7 | by racial resentment. And what I'm understanding from you is,  
8 | is that there was a study done by David Sears when?

9 | A I don't know off top of my head the first year that it was  
10 | published, but decades ago and attempting to understand  
11 | Americans attitudes toward African-Americans and whether or not  
12 | these racial attitudes played any sort of independent effect in  
13 | the way that Americans associated the rest of their politics.

14 | And so, the scale, ultimately, is more commonly today used  
15 | as a four question scale and it's probably in many of the papers  
16 | that I cited as one of the variables in understanding white  
17 | Americans' attitudes towards their affinity of the Republican or  
18 | Democratic party.

19 | Q And what are those four questions?

20 | A I don't have them in front of me. When we're off the  
21 | record, I could probably find them in about 30 seconds online,  
22 | but they are questions asking your views towards whether  
23 | African-Americans have faced discrimination, whether they are  
24 | just not trying hard enough to get ahead in America, whether  
25 | there have been things holding them back and topics like that.

1 And then the respondent will say whether they strongly  
2 agree, somewhat agree or all the way down to strongly disagree  
3 with the statement. And after understanding your answers to  
4 those four questions, it's been found that that item among  
5 others -- there's ones on immigration and lots of other things,  
6 this is just one example but your attitude on racial resentment  
7 are highly predictive of partisan attachment in vote choice.

8 I would say, probably, almost nobody disagrees with that in  
9 political science. It would be very hard to find someone who  
10 disagrees with the findings on racial resentment.

11 Q Okay. Now, did you cite any studies like the Sears study  
12 for voters in Galveston County?

13 A Now, voters in Galveston County are undoubtedly included in  
14 many of the studies. Some of the studies have over samples in  
15 Texas. Most are national studies in which all Americans in  
16 every county in the U.S. are randomly sampled to be included.  
17 Some of the studies do specifically have Texas over samples and  
18 sometimes they talk about that.

19 Q But do any of them mention samples taken from Galveston  
20 County?

21 A I would have to go back and look. Usually, they just  
22 describe them as national random samples, which would mean that  
23 everyone everywhere has an opportunity and is included. But  
24 most of the studies are either national in scope or tend to  
25 focus on southern states or states that used to be section five



1 | states.

2 | Q What is the response rate on those studies?

3 | A It varies. I mean, these are studies done over time and  
4 | with different methodology. They are all published in political  
5 | science journals and regularly relied upon by other social  
6 | scientists.

7 | Q If we can go to Exhibit Three, the rebuttal report.  
8 | So on page six of your rebuttal report, paragraph 26 and  
9 | table one, do you see that?

10 | A I see that.

11 | Q You say in paragraph 26, "Therefore, the local primary  
12 | elections would be less probative since voter turn out is  
13 | comparatively lower with few contests being contested and no  
14 | significant local elections are being decided."

15 | And then table one shows your turnout rates for both  
16 | general and primary elections, correct?

17 | A That looks right.

18 | Q So, in 2014, you had 12.7 percent for turnout in the  
19 | primary?

20 | A That's correct.

21 | Q And 27 percent in 2016 and 23.4 percent for 2020, correct?

22 | A Yes.

23 | Q It's your position that turnout rates between a low of  
24 | 12.7 percent and a high of 27 percent is too low to be  
25 | probative? Am I understanding your position correctly?

1 A No.

2 Q Okay, what am I missing?

3 A I'm not establishing or creating any sort of threshold.  
4 Nothing in the paragraph says that.

5 Q Okay.

6 A What I'm stating is that primary elections in Galveston  
7 County are, A, not regularly contested, so there's not a lot of  
8 action whether turnout is 100 percent or 0 percent. We can't  
9 learn a lot when they're not contested.

10 B, there is relatively low turnout, because there's not a  
11 lot of action and so these elections are not that informative to  
12 us. The voters who show up are not showing up to decide  
13 Galveston County politics. And the table demonstrates that in  
14 fact far less voters are showing up.

15 Q You could have analyzed Galveston County primary elections  
16 for statewide office, correct?

17 A There are statewide primary elections, that's true. We did  
18 not report the results of those because as I said before, the  
19 central question here is not whether or not this is a contested  
20 primary district, but whether rather or not it is a performing  
21 general election district.

22 Q But don't you need primary elections to analyze cohesion  
23 between Latino voters and African-American voters?

24 A No.

25 Q And why not?

1 A Because we can see that they are very cohesive in the  
2 general election when they are deciding which candidate they  
3 want to represent their community. And so we know by looking at  
4 those general elections that when these communities are making a  
5 decision on which candidate to either send to Austin or to the  
6 Galveston County Commissioners Court or other elections, that  
7 they are quite cohesive. They are voting together. They are  
8 quite unified.

9 And because that's the question here, whether or not this  
10 key district that Mr. Holmes has, the question is whether or not  
11 it will perform in November, not whether or not he can survive a  
12 primary. That is not the question at all. So, therefore, the  
13 November elections are the most relevant in proving  
14 cohesiveness.

15 Q Any other reasons why the primary elections in Galveston  
16 County would not be probative?

17 A All the ones I've laid out in my two reports.

18 Q Any other reasons?

19 A I think I'll stick to the ones that I've laid out and  
20 arguments I've made in these two reports.

21 Q Okay. If we can go to page four of your rebuttal report.  
22 You have that in front of you?

23 A Yes, I believe that's up. Paragraph 17, is that right?

24 Q Yes, if we can go to paragraph 22, though, please.

25 Here in paragraph 22 you say, "Returning to the

1 expectations for political. Science experts laid out in  
2 Gingles, expert analysis to assess the Gingles conditions is  
3 meant to focus on minority preferred candidate. It does not say  
4 to focus on a candidate who is a racial minority. While  
5 minority voters may prefer co-ethnic minority candidates in some  
6 instances, they are not required to only for, vote for other  
7 black or Latino candidates in order to prove a Section Two  
8 claim. Minority voters are allowed to vote for whichever  
9 candidate that prefer to represent their community. The  
10 properly analysis is meant to focus on how different racial  
11 group of voters cast their ballots, not to only focus on the  
12 race of the candidate." Did I read that correctly?

13 A Yes, you did.

14 Q Now, going back to the top it says, the expectations laid  
15 out in Gingles, expert analysis to assess the Gingles conditions  
16 is meant to focus on minority preferred candidates. It does not  
17 say to focus on a candidate who is a racial minority. Is the  
18 "it" in that sentence referring to Gingles?

19 A I believe so. That's my intention, I think, reading that  
20 here.

21 Q Okay. Let's put Exhibit 11 up please.

22 (Exhibit No. 11, marked for identification.)

23 BY MR. SHEEHY:

24 Q Okay. If we could go to page 125 please?

25 A What is this?

1 Q When we get to 125, you'll be able to see.

2 You may want to scroll a lot faster. There's a way to just  
3 write it in. Keep going, keep going. Now we can scroll up.

4 What I'm putting in front of you, professor, is a -- as  
5 Exhibit 11 is your report that you filed in a case in Baltimore  
6 Federal Court regarding elections in Baltimore County.

7 Scroll up to the top of his report.

8 A I see that.

9 Q Do you remember filing this report?

10 A Yeah.

11 Q Do you remember writing this report?

12 A Mostly. Not all the details of the -- of the report to go,  
13 but I remember this page.

14 Q Scroll to the next page. "In this matter, I was retained  
15 by plaintiffs' attorneys to assess voting patterns in Baltimore  
16 County, Maryland. I examined whether elections in Baltimore  
17 County that featured a minority candidate of choice were  
18 characterized by racially polarized voting."

19 Does that accurately reflect what you were tasked to do in  
20 this case?

21 A That looks right.

22 Q Go to paragraph ten, a little further down. It says here,  
23 "It's important to acknowledge that not every election contest  
24 contains a minority preferred candidate. In some elections  
25 voters are more or less agnostic about the candidates, while in

1 others elections voters have deep preferences for their  
2 candidates of choice. For African-American voters in Baltimore  
3 County, I focus on elections in which black candidates ran  
4 competitive elections against white candidates."

5 Did I read that correctly?

6 A Yes.

7 Q So, in Baltimore, in this case, you're focusing on the race  
8 of the candidate. But in Galveston, you're saying Gingles  
9 itself says not to focus on the race of the candidate. So, can  
10 you explain the discrepancy here, professor?

11 A Sure, these are extremely different cases. The Baltimore  
12 case was specifically about primary elections in Baltimore  
13 County and the contested elections for primary in Baltimore  
14 County featured black candidates against white candidates in  
15 this region of Baltimore. It was just one region of Baltimore  
16 County. And so, those were the elections that we had to focus  
17 on.

18 And the question in the Baltimore County lawsuit was  
19 whether or not an existing democratic district that voted  
20 democrat in the general election was able to be influenced by  
21 African-Americans or white. And the allegation that they feel  
22 you made was that Baltimore County had drawn a democratically  
23 performing district to reduce the number of black voters in it  
24 so that they could not constitute a majority in the primary  
25 election and their candidate of choice could not get elected.

1           And so, in reviewing the facts in this case in Baltimore,  
2           all of the elections in question featured black candidates in  
3           competitive elections against white candidates in democratic  
4           primary elections. And so, those were the ones that we were  
5           specifically asked to analyze because it was directly germane to  
6           the facts in that case.

7           Q     Okay. But in your rebuttal report you were saying that  
8           Gingles doesn't ask you to focus on the race of the candidate,  
9           correct, which I believe --

10          A     You're correct, the line that you have is that Gingles does  
11          not say to focus on a candidate who is a racial minority,  
12          correct?

13          A     That's correct.

14          Q     But here you are focusing on candidates who are the racial  
15          minority?

16          A     In the Baltimore instance, those were the elections that we  
17          had competitive primary elections in. So, we focused on them  
18          because they were the elections that existed. And based on the  
19          facts in this case, these were the candidates who represented  
20          and were candidates' choice in the black community. It's a very  
21          different case. It had to do just with the democratic primary  
22          in a democratic performing district.

23                 And so, the analysis that we did was entirely different in  
24                 order to answer the proper question. And these were the  
25                 elections that we had access to in Baltimore.

1 Q But this was also a Section Two Voting Rights Act  
2 challenge, correct?

3 A Yes, it was. It was a voting rights challenge to the  
4 composition of the primary electorate in a democratic performing  
5 district.

6 Q And the Supreme Court decision in Gingles controls the  
7 analysis here as well in Baltimore?

8 A Yes, my analysis here was consistent. I focused on the  
9 race of the voters in Baltimore. The candidates happened to be  
10 black candidates who were candidates of choice in the black  
11 community, but all of our analysis, if you go and look at the  
12 analyses in the tables is exactly the same. It focuses on the  
13 race of the voters in the precincts and who they preferred.

14 Q But it says in paragraph ten that I focused on elections  
15 where the race of the candidate was African-American in an  
16 election against a white candidate, correct?

17 A Those were the characteristics of the elections, that is  
18 correct.

19 Q So here you are focusing on candidates who are racial  
20 minorities, correct?

21 A In Baltimore County, the competitive elections in the  
22 democratic primary in which candidates of choice emerged were --  
23 happened to be elections where there were black candidates  
24 against white candidates. So we focused on those elections  
25 because they were the elections available in that case.



1           Our analysis is exactly the same. We focused on the race  
2 of the voters and did ecological inference analysis to determine  
3 who black voters and white voters preferred.

4           Q     Okay. So, sometimes under Gingles analysis, it's  
5 appropriate to analyze or to focus on elections involving  
6 minority candidates against white candidates, correct?

7           A     That's not what I stated.

8           Q     Okay. Here you are saying, though, that you focus on  
9 elections in which black candidates ran competitive elections  
10 against white candidates?

11          A     In the Baltimore primary case, those were the elections  
12 that we had access to, that black candidates had challenged  
13 white candidates and they had competitive contests. And so,  
14 those were the elections in which we could assess if any  
15 candidate of preference emerged.

16          Final analysis is exactly the same. Do African-American  
17 voters, in this case in Baltimore, support candidates of choice  
18 or not. If they didn't support any of these candidate, the  
19 analysis would show that.

20          Q     Let's scroll down to the tables if we could, please.

21                 So here -- if we could go up a little bit more.

22                 So, I mean, I think you're analyzing general elections too,  
23 correct?

24          A     In the second part of the report, we go on to analyze  
25 general elections and demonstrate that white democrats

1 oftentimes defect from the party to vote for a white republican  
2 if the opposition is a black democrat.

3 Q So, again, sometimes it's helpful to analyze how voters  
4 vote when one candidate is a minority and the other candidate is  
5 Anglo, correct?

6 A I would say my position is that the most important thing is  
7 who voters are telling us is their candidate of choice.  
8 Sometimes that is a racial or ethnic minority candidate and  
9 sometimes it is useful and helpful to understand those patterns.  
10 But it's not, especially in the case of Galveston which concerns  
11 general elections, a controlling or primary factor.

12 The most important thing is, what does the data tell us  
13 about the racial voters and who they prefer and who they want  
14 representing them.

15 Q Now, in this report, I did not see you report what the  
16 turnout numbers were in the primary election. Do you recall  
17 reporting the turnout numbers for the primary election in  
18 Baltimore County for United States Senate?

19 A I might have. There were, I think, five expert reports  
20 that we co-authored in this, but I don't recall exactly. As I  
21 said, this case was about primary elections as the centerpiece,  
22 which is why we focused on primary elections.

23 The question was, is the black population large enough in  
24 order to influence the outcome of this district, yes or no? So  
25 we had to look at primary elections to see whether or not blacks

1 and whites were cohesive or polarized in primary elections.

2 Baltimore did not change the general election outcome of a  
3 district. They left it as a democratically performing district,  
4 unlike Galveston. So, in this case we had to look specifically  
5 at the primaries, because those were the elections that we were  
6 interested in.

7 Q Okay. So, would turnout percentages matter to you in  
8 completing your report for this case in Baltimore County?

9 A The first question I have is, which elections are relevant.  
10 In this case, in Baltimore, it was about primary elections and  
11 so the primary election needed to be assessed to see whether or  
12 not there was polarization or cohesion between blacks and white  
13 in democratic primaries. So we had to take the available  
14 democratic primaries in which there were competitive contests.  
15 We had to analyze the voting patterns in them.

16 If there were not competitive primaries, a person ran  
17 virtually unopposed, then that would not have been probative and  
18 we would not have analyzed it. In fact, there were some  
19 elections we didn't include because data wasn't relevant.

20 So, the primary decision is not what is the turnout rate.  
21 That's a symptom. The primary question is, are there  
22 competitive elections where the voters are faced with meaningful  
23 decisions in which the votes they cast in this election are  
24 meaningfully impacting who will represent them.

25 In Baltimore, that's the central question in the case. As

1 I said, it was about primary elections. In Galveston, we don't  
2 have evidence of that. We don't have contested primary  
3 elections for County office.

4 Q But we do have competitive elections in Galveston County  
5 for statewide or congressional elections, correct?

6 A I don't believe there were many, not that we're meaningful  
7 to voters' decisions about who would represent them, no.

8 MR. SHEEHY: Let's go ahead and put Exhibit 12 up,  
9 please.

10 (Exhibit No. 12, marked for identification.)

11 BY MR. SHEEHY:

12 Q Did you analyze, Professor Barreto, whether split ticket  
13 voting was occurring in Galveston County?

14 A We did not. We analyzed each candidate independently.

15 Q We're putting up Exhibit 12 and we scroll down on Exhibit  
16 12. This is from the Georgia Secretary of State's office.  
17 These are just elections for United States Senate and for  
18 governor. I guess my question to you is and we'll go through  
19 these numbers here, but I'm just wondering how your politics  
20 correlates with race argument that you advance in your reports.  
21 How does it view split ticket voting.

22 So here, we have in the United States Senate -- I'm sorry.  
23 We have in the governor election from 2022, Brian Kemp,  
24 republican candidate for governor received 53.41 percent of the  
25 vote, but then Hershel Walker, the republican candidate for

1 senate received only 48.9 percent of the vote.

2 And from the democrats, Stacey Abrams, the democrat  
3 candidate for governor received 45.8 percent, 88 percent and  
4 Rafael Warnock, the democratic candidate for senate received  
5 49.44 percent.

6 So, looking at this, there are people who voted for Kemp  
7 who did not vote for Hershel Walker, and people who did not vote  
8 for Stacey Abrams voted for Raphael Warnock. And so, I'm just  
9 wanting to know how does your, politics correlates with race,  
10 argument respond to voters who split their votes along party  
11 lines?

12 MS. REYES: Objection, form.

13 THE WITNESS: I don't know what this has to do with  
14 Galveston County at all. I'm having a very hard time following  
15 this. In Galveston County there was not an election like this  
16 from what I can recall in my report. And so, I'm not sure what  
17 part of my analysis or which part of my report you want me to  
18 rely on to tell you why Hershel Walker did so poorly.

19 BY MR. SHEEHY:

20 Q Well, no, I'm not asking you, why did Hershel Walker do so  
21 poorly. I'm asking you how does your argument in your report  
22 that race and politics correlate, how does that respond to  
23 instances of split ticket voting. And I'm just providing an  
24 example from the 2022 elections. How does your, race correlates  
25 with politics, respond to voters who split their ticket?

1 A I guess --

2 MS. REYES: Objection to form.

3 Sorry -- objection, form. Go ahead.

4 THE WITNESS: I guess I would need to have some sort  
5 of application here to Galveston to understand where you're  
6 going with this, because you have identified a four-point  
7 difference or so, five-point difference. My recollection was  
8 that racial attitudes were extremely relevant in both of these  
9 elections and that for a variety of reasons, Mr. Walker  
10 underperformed Mr. Kemp. And they were not huge differences in  
11 the amount of support they got. These were both fairly close  
12 elections.

13 BY MR. SHEEHY:

14 Q So, we can put Georgia aside. You're familiar with the  
15 term, split ticket voting, correct?

16 A Yes.

17 Q How does your, race correlates with politics, argument  
18 respond to voters who split their ticket voting republican in  
19 some elections and democrat in other elections?

20 A I guess it would depend on what issues and statements the  
21 candidates were making. And then we could understand if we knew  
22 the voters degree of racial attitudes and policy attitudes why  
23 they might have supported one candidate or another. So we would  
24 need to know what the candidates were stating and how they were  
25 campaigning to the minority and white communities. And then we

1 could determine what subsection of the electorate that they're  
2 picking.

3 Q Okay. So, what about Republican voters who voted for their  
4 local Republican congressional candidate in, say, 2016, but cast  
5 their ballot for Hillary Clinton for President?

6 MS. REYES: Objection, form.

7 THE WITNESS: What's your question about them?

8 BY MR. SHEEHY:

9 Q My question is, how would your, race correlates with  
10 politics, respond to a scenario that I just gave you?

11 A Well, would depend on how the candidates position  
12 themselves on the issues. If it was a voter who had moderate  
13 views on race issues, they might listen to what the candidates  
14 are saying about those issues and see which candidate matched up  
15 with them better.

16 Usually, in these instances, you're talking about maybe  
17 5 percent of voters who split their ticket. So it's not a huge  
18 subset of either the Democratic or Republican voting electorate,  
19 but it would depend on what the candidates were saying, and we  
20 would want to know how the voters analyze those.

21 So, without knowing those specific candidates in the race,  
22 we're talking about two voters who voted Republican Congress and  
23 crossed over to vote for Hillary Clinton, were they  
24 independents? There's a lot of unknowns in the hypothetical.

25 Q Okay. Before you would be able to determine the, race

1 correlates with politics, effect on an individual voter's  
2 choices, you would need to know the candidate's position on  
3 certain issues. Am I understanding you correctly?

4 MS. REYES: Objection, form.

5 THE WITNESS: No.

6 BY MR. SHEEHY:

7 Q Help me understand your, race correlates with politics,  
8 argument as it applies to an individual voter?

9 A The hypothetical example you had been giving me was asking  
10 me to try to explain split ticket voters. It's an extremely  
11 small subset of voters. Now you appear to be asking me in  
12 general. And in general, as I reviewed in my report, mostly the  
13 January 15th report, voters form attitudes about racial and  
14 ethnic minorities and white over their lives. They then  
15 evaluate how the parties have positioned themselves. And the  
16 political science literature suggest that these racial  
17 attitudes, as well as attitudes toward immigrants, Latinos  
18 specifically, are highly predictive of their partisan choices  
19 and of their vote choice. They know what the parties are  
20 standing for and how the parties represent themselves on these  
21 issues and they align themselves on these racial attitudes with  
22 the parties.

23 Q All right. Now, you say, how the parties have positioned  
24 themselves on issues. Are you saying how the parties have  
25 positioned themselves on issues such as immigration, for



1 example?

2 A That might be one of the issues.

3 Q And what would other issues be?

4 A Issues specifically about treatment of racial, ethnic  
5 minorities, views on affirmative action or equity or equality  
6 policies; views on seriousness of beliefs, abuse issues in black  
7 communities; views on distribution of government services, who  
8 is eligible and under what criteria in minority communities.

9 The voters form racial attitudes independently and then  
10 they use those racial attitudes to inform their vote choice and  
11 partisanship, and partisan attachment or partisan strength in  
12 many instances.

13 Q Okay. So, voters identify with political parties,  
14 Republican or Democrat on the basis of their policy positions on  
15 issues such as immigration, affirmative action, policing,  
16 equity. I believe you've said a few more, but am I  
17 understanding your position correctly?

18 A That's part of it. That's part of the position that  
19 parties over time have signaled the voters their general  
20 positions on these and so voters draw inferences. But then  
21 voters also have attitudes toward other racial, ethnic  
22 minorities, such as the concept we discussed earlier of racial  
23 resentment.

24 This having very conservative and discriminatory, what  
25 people might say, bigoted views towards different groups.

1 People form these views in America. What the academic research  
2 has said and shown conclusively is that those racial views are  
3 highly correlated, if not predictive, of partisan attachment and  
4 strength of partisan attachment.

5 Q So, the Republican party, for example, has members such as  
6 Jeb Bush who has one view on immigration policy and Donald Trump  
7 who has very different view on immigration policy. How do you  
8 analyze someone who supports the Republican party, but may be  
9 more of the Jeb Bush wing on immigration and may have more  
10 libertarian economic views libertarian.

11 A Are talking about in a specific data set or are you just  
12 sort of, like, interested in my general --

13 Q Well, I'm trying --

14 A -- on republicans.

15 Q No, I'm trying to understand this politics correlates with  
16 race argument. You know, I'm trying to understand that. I mean  
17 Republican party has different views on immigration within it.  
18 Everything from, as I mentioned, Jeb Bush to Donald Trump. So,  
19 I'm just trying to understand how that, sort of, varied position  
20 on immigration is viewed by you in your politics correlates with  
21 race argument?

22 MS. REYES: Objection, form.

23 THE WITNESS: I would say, you know, just sort of  
24 speaking generally. This is not something that was in my report  
25 or is even in Galveston County, but just, sort of, speaking

1 generally as a political scientist who has studied these issues,  
2 we did see a number of Republicans move away from the Republican  
3 party during the Trump years and identify themselves as  
4 Independents or withhold their support for candidates.

5 To me, that's primary evidence that these racial  
6 attitudes are, in fact, impacting the way they are evaluating  
7 candidates. People like Jeb Bush and his brother, former  
8 governor of Texas eventually came out and said they weren't  
9 supporting the incumbent president in his reelection because  
10 they had disagreements over a long list of policies, but  
11 immigration might have been one that both of the Bush brothers  
12 were more moderate on.

13 And there is countless others, including high profile  
14 people, former candidate Haines, Faust and others that came out  
15 and said these things, that the racial and immigration politics  
16 pushed them away, so they were no longer associating themselves  
17 with the party. Others absolutely loved what Mr. Trump said and  
18 became stronger supporters.

19 Q Okay. Let's go back to Exhibit Two in your report. We'll  
20 go to table six, which is on page 32. Do you have page 32,  
21 table six in front of you, professor?

22 A Yes, I see that.

23 Q Okay. so, here you're reporting your EI rows by columns;  
24 candidate choice, confidence intervals, correct?

25 A That's what it looks like, yes.

1 Q And were you using a 95 percent confidence interval?

2 A I think so. It might say in the text, but it could be 90  
3 percent, but --

4 Q Okay.

5 A -- but it's probably 95.

6 Q Is it standard practice in the political science community  
7 to report confidence intervals for racially polarized voting  
8 analysis?

9 A Not necessarily.

10 Q Is it your standard practice to report confidence intervals  
11 when you're doing racially polarized voting analysis?

12 A Well, depends on the type of question we're attempting to  
13 answer, I would guess.

14 Q When wouldn't you report confidence intervals in racially  
15 polarized voting analysis?

16 A I have long stated that the most important piece of  
17 information that I can provide to the court is the point  
18 estimate and the patterns and consistency around the point  
19 estimate. So, that's where I tend to put most of my focus is in  
20 explaining the center of the distribution, the point estimate.

21 In some instances, if there is going to be questions around  
22 it, we report it. In other instances, it may not be reported  
23 just because it takes a considerable amount of extra work to  
24 create these tables. So there is no hard and fast rule, but as  
25 I said, I tend to put most of my emphasis and belief in the

1 point estimate and center of distribution.

2 Q Okay. Here for attorney general top race Paxton/Garza, you  
3 have the lower Anglo CVAP at 82.7 and the upper at 88.7,  
4 correct?

5 A I see that?

6 Q And that's for Paxton.

7 At the far right end of the table, you have the RxC black  
8 CVAP at 3.1 for Paxton in the upper end at 13.7, correct?

9 A Yes.

10 Q And then for Hispanic, you have 19.3 at the lower end and  
11 47.1 at the higher end, correct?

12 A That's right.

13 Q That's a 27 plus point difference, correct?

14 A That's right.

15 Q So, what explains the sizeable gap in the confidence  
16 interval for Hispanics in the Paxton election?

17 A The confidence interval is mostly a function of standard  
18 error. And the standard error is often a function of the amount  
19 of data available. And in this case, we don't have, using CVAP  
20 data, as much variation in the percentage Hispanic variable and  
21 we have a small sample size. The number of majority Hispanic  
22 precincts is relatively small in Galveston.

23 I believe it's a combination of those pieces of  
24 information. In places where you might have more variation, you  
25 tend to see lower or tighter distributions.

1 Q And does the 95 percent confidence interval mean that you  
2 are 95 percent confident that the number is somewhere between  
3 19.3 and 47.1?

4 A Generally speaking, that's what it means.

5 Q Okay. What else? What else does it mean?

6 A Well, it's giving us a -- it's really assigning probability  
7 around any independent point estimate. And so, we can, you  
8 know, in this case, the point estimate was probably 34,  
9 something like that, 33.

10 And so, the confidence interval is telling us probabilities  
11 that other point estimates might be occurring, and so in this  
12 case the lower bound -- assuming these are 95 percent confidence  
13 intervals and not 90. They look like they might be 95. It's  
14 telling us that that's one tail of the distribution, that 19.3,  
15 two and-a half-percent of the distribution falls lower than  
16 that.

17 And the upper is telling us a similar thing. It's saying  
18 at that point, the probability that it was as high as 47.1 is  
19 really only two and-a-half percent, because it's at the very  
20 tail of the distribution.

21 So, the confidence intervals are really to tell us about  
22 the probability or the likelihood that any specific estimate  
23 might emerge. And the highest likelihood is at the center of  
24 distribution, which is why I said before, I tend to focus on the  
25 point estimate, as we call it.

1 Q Okay. Do you see that the confidence intervals remained 20  
2 plus points difference between each other, the lower and higher  
3 end for the rest of this page?

4 A For Hispanic CVAP, you mean?

5 Q Yes, I do.

6 A Yeah, I see that.

7 Q And if we go to the next page, page 33, is that -- does  
8 that trend continue on to the next page?

9 A That's what it looks like, somewhere around a 20-point  
10 difference.

11 Q If we go to the next page, page 34, does that trend  
12 continues?

13 A For Hispanic feedback, yes.

14 Q Actually, you have one where the confidence interval for  
15 Commissioner Precinct Four Election, Clark versus Hutchins. You  
16 have 15.3 on the low end and 75.8 at the high end for Clark,  
17 correct?

18 A Yeah, I see that. That could be a typo or it could be in  
19 that case that it was a very wide range. I would have to go  
20 back and check. It appears to be an outlier.

21 Q And that difference, though, is also in the Hutchins  
22 confidence interval, correct, 24.2 to 84.7?

23 A Yes. I believe this is in just a very specific district  
24 within Galveston, which has a very small Hispanic and black  
25 population, which if that's the case it would make it more

1 | difficult to ascertain precise estimates. And looks like it's  
2 | referring to County Commissioner of Precinct Four, which I  
3 | believe is just one quarter of the county.

4 | Q And then, actually, it does look like the African-American  
5 | CVAP is also -- has a wide spread, correct, 22.3 to 88 and 12 to  
6 | 77.7?

7 | A Correct. My recollection is that there is a very small  
8 | number of racial minorities in the CVAP data in this particular  
9 | district.

10 | Q Okay.

11 | MS. REYES: Counsel, I'm wondering if now might be a  
12 | good time to take another break. We've been going for a little  
13 | bit over an hour.

14 | MR. SHEEHY: Professor, would you like to take another  
15 | break?

16 | THE WITNESS: We could finish with this table, if you  
17 | have more questions or --

18 | MR. SHEEHY: I think that would be my preference is  
19 | just to finish with this table. I don't think I'm going to take  
20 | much longer with it, but --

21 | MS. REYES: That's fine.

22 | MR. SHEEHY: Thank you.

23 | BY MR. SHEEHY:

24 | Q So, the reason why we're seeing such difference in the  
25 | confidence intervals for Hispanics with the exception of the



1 Commissioner Precinct Four election, which is both Hispanic and  
2 African-American, is because there is not a lot of concentration  
3 of Latinos in -- there's not a lot of concentrated voter  
4 tabulation districts with Latinos in Galveston County, is that  
5 -- am I understanding your explanation for why there's such a  
6 wide difference between the lower and upper confidence interval  
7 for Latinos?

8 A Not quite, but let me explain and see we might be talking  
9 about a similar concept.

10 In this case, because we're dealing with CVAP data, we  
11 don't have data on voters. And so, the voter data would be the  
12 most accurate, which is the BISG data that we provided.

13 In this case, we don't have as much variation. There are  
14 certainly concentrations of Latinos in Galveston County. They  
15 in some cases tend to live very adjacent to African-Americans.  
16 And so, in this case, we don't have as much variation, perhaps,  
17 between 0 percent Hispanic precinct all the way up to 90 percent  
18 Hispanic precinct.

19 And so, when you don't have as much variation and having  
20 more of those highly concentrated majority Latino voting  
21 precincts, the model will sometimes put a wider confidence band  
22 around the estimate, because it just hasn't seen as much data on  
23 the high end of the estimate as compared to the low end.

24 And so, my recollection of looking at demographics is that,  
25 while there certainly is a part of the, sort of, central parts

1 of Galveston that do have large Hispanic population, there's not  
2 as much variation in the high concentration as there is with the  
3 African-American population, which is a bit even more  
4 residentially segregated and fairly large in voting population.  
5 So, I think that's what we're seeing here on the CVAP  
6 confidence intervals, at least.

7 Q Okay. I think I'm done with this table. So, if you want  
8 to take a ten-minute break, it's 6:59. So why don't we come  
9 back at 7:10 p.m. on the east coast.

10 THE WITNESS: Okay.

11 MS. REYES: Thanks.

12 THE VIDEOGRAPHER: Okay. The time is 6:00 p.m. This  
13 completes media number four and we are off the record.

14 (Brief recess.)

15 THE VIDEOGRAPHER: The time is 6:11 p.m. and this  
16 begins media label number five. We are now on the record.

17 EXAMINATION (Continuing)

18 BY MR. SHEEHY:

19 Q Professor Barreto, do you understand you're still under  
20 oath?

21 A Yes.

22 Q Professor Barreto, I thank you very much for your time  
23 today. I don't have any additional questions for you at this  
24 time. I will, however, keep your deposition open so that  
25 Professor Alford can do that replication analysis on your BISG.

1 And, perhaps, I might have some additional questions to ask you  
2 once he's completed that replication analysis, but otherwise at  
3 this time --

4 MS. REYES: Mr. Sheehy --

5 MR. SHEEHY: -- otherwise, at this time I do not have  
6 any additional questions.

7 MS. REYES: Mr. Sheehy, we would object to keeping the  
8 deposition open. Given that discovery ends tomorrow, Professor  
9 Alford has had the files since, at least, when defendants  
10 provided plaintiffs with it. We would object to subjecting  
11 Dr. Barreto to yet another deposition.

12 MR. SHEEHY: Well, Professor Alford has had the BISG  
13 analysis that Professor Barreto included in his report for less  
14 than a week. So, I'm going to allow Professor Alford a few more  
15 days to run his replication analysis so that I can assess  
16 whether or not I have additional questions on the new analysis  
17 that was given to us less than a week ago.

18 So, that's my position. We can argue about that off  
19 line, but I am going to keep the deposition open for that  
20 purpose. And if we need to get a Court Order to have Professor  
21 Barreto sit for a second deposition, we will pursue that avenue  
22 if we need to, okay.

23 MS. REYES: And please note my objection to that for  
24 the record.

25 And we will reserve for trial and read and sign.

1 MR. SHEEHY: Okay. Thank you very much.

2 (Pause in proceedings.)

3 THE VIDEOGRAPHER. Okay. Let me just stop the video  
4 record.

5 Total number of media used was five tapes or five  
6 medias, and we'll be retained by Veritext. Thank you.

7 (The deposition concluded at 7:15 p.m.)

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CERTIFICATE OF COURT REPORTER

I, Linda C. Marshall, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

<%28729,Signature%>  
Linda C. Marshall, RPR  
Official Court Reporter

1 Bernadette Samson Reyes, Esq.

2 bernadette@uclavrp.org

3 April 23, 2023

4 RE:Honorable Terry Petteway Et Al. v. Galveston County Et Al.

5 4/20/2023, Matthew Barreto (#5835146)

6 The above-referenced transcript is available for  
7 review.

8 Within the applicable timeframe, the witness should  
9 read the testimony to verify its accuracy. If there are  
10 any changes, the witness should note those with the  
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of  
13 Deponent and Errata and return to the deposing attorney.  
14 Copies should be sent to all counsel, and to Veritext at  
15 cs-midatlantic@veritext.com

16  
17 Return completed errata within 30 days from  
18 receipt of testimony.

19 If the witness fails to do so within the time  
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

1 Honorable Terry Petteway Et Al. v. Galveston County Et Al.

2 Matthew Barreto (#5835146)

3 E R R A T A S H E E T

4 PAGE \_\_\_\_\_ LINE \_\_\_\_\_ CHANGE \_\_\_\_\_

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21 REASON \_\_\_\_\_

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24 Matthew Barreto

Date

25

1 Honorable Terry Petteway Et Al. v. Galveston County Et Al.

2 Matthew Barreto (#5835146)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Matthew Barreto, do hereby declare that I  
5 have read the foregoing transcript, I have made any  
6 corrections, additions, or changes I deemed necessary as  
7 noted above to be appended hereto, and that the same is  
8 a true, correct and complete transcript of the testimony  
9 given by me.

10

11

\_\_\_\_\_

12

Matthew Barreto

Date

13

\*If notary is required

14

SUBSCRIBED AND SWORN TO BEFORE ME THIS

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\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

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### Errata Sheet

<b>Page</b>	<b>Line</b>	<b>Original</b>	<b>Correction</b>	<b>Reason</b>
20	14	Delusion	Dilution	To correct stenographic error
32	16	Counsel	Council	To correct stenographic error.
32	21	Counsel	Council	To correct stenographic error.
32	23	Counsel	Council	To correct stenographic error.
34	21	Geo-coding	Geocoding	To correct stenographic error
36	15,21	Geo-coding	Geocoding	To correct stenographic error
37	7	He	We	To correct stenographic error.
39	4, 23	Geo-coding	Geocoding	To correct stenographic error
40	7	Geo-coding	Geocoding	To correct stenographic error
40	16	Texas Legislative Counsel	Texas Legislative Council	To correct stenographic error
42	25	Case	The pace	To correct stenographic error
43	4, 25	Geo-coding	Geocoding	To correct stenographic error
47	1	Geo-coding	Geocoding	To correct stenographic error
47	11	There	Their	To correct stenographic error.

48	11	geo-coded	geocoded	To correct stenographic error
48	20	geo-coding	geocoding	To correct stenographic error
64	7	much	each	To correct stenographic error
88	19	by	my	To correct stenographic error
98	1	Stephen Insolobair	Stephen Ansolabehere	Correct spelling of academic reference
109	13	Now	No	To correct stenographic error
109	14	Over samples	oversamples	To correct stenographic error.

# **Exhibit 5**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HONORABLE TERRY PETTEWAY, et al. \*

Plaintiffs \*

v. \* CASE NO. 322CV00057

GALVESTON COUNTY, et al. \*

Defendants \*

\* \* \* \* \*

The virtual deposition of THOMAS BRYAN was held via Remote Counsel/Zoom connection on Tuesday, June 20, 2023, commencing at 9:39 a.m., before Ahuva Goldberger, Notary Public.

REPORTED BY: Ahuva Goldberger

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18 ALSO PRESENT:

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20 TALIA RAY, PARALEGAL

21 SARAH CHEN

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2 PROCEEDINGS

3 THE VIDEOGRAPHER: Good morning. We are  
4 going on the record at 9:39 a.m. on June 20, 2023.  
5 Please note that this deposition is being conducted  
6 virtually. Quality of recording depends on the quality  
7 of the camera and internet connection of participants.  
8 What is seen from the witness and what is heard on the  
9 screen is what will be recorded. Audio and video  
10 recording will continue to take place unless all  
11 parties agree to go off the record.

12 This is media unit 1 of the video recorded  
13 deposition of Mr. Thomas Bryan taken by counsel for  
14 plaintiff in the matter of Honorable Terry Petteway, et  
15 al. versus Galveston County, et al., filed in the  
16 United States District Court for the Southern District  
17 of Texas, Galveston division, case number  
18 3:22-CV-00057.

19 My name is Shala Hollis, representing  
20 Veritext Legal Solutions, and I'm the videographer.  
21 The court reporter is Ms. Ahuva Goldberger, from the

1 firm Veritext Legal Solutions. I am not authorized to  
2 administer an oath, I am not related to any party in  
3 this action, nor am I financially interested in the  
4 outcome. If there are any objections to proceeding,  
5 please state them at the time of your appearance.

6 Counsel and all present, including remotely,  
7 will now state their appearances and affiliations for  
8 the record, beginning with the noticing attorney.

9 MR. GABER: Good morning. This is Mark  
10 Gaber, on behalf of the Petteway plaintiffs. I am  
11 joined by my colleagues, Simone Leeper, Alexandra  
12 Copper, and Neil Baron.

13 MS. KLEIN: Good morning. This is Hilary  
14 Klein, from Southern Coalition for Social Justice, on  
15 behalf of the NAACP plaintiffs. I am joined in the  
16 room by my colleague, Diana Vall-llobera, and on Zoom  
17 by my colleagues, Richard Mancino and Adrienne Spoto.  
18 And our paralegal, Talia Ray, is also on the line, as  
19 well as Sarah Chen.

20 MS. MEZA: Good morning, Catherine Meza, on  
21 behalf of the United States. I am joined by my

1 colleague, Holly Berlin.

2 MR. SHEEHY: Good morning. My name is Shawn  
3 Sheehy, at the law firm of Holtzman Vogel, and I am  
4 here on behalf of the defendants.

5 THE VIDEOGRAPHER: Will the court reporter  
6 please swear in the witness, and then counsel may  
7 proceed.

8 Whereupon,

9 THOMAS BRYAN,  
10 called as a witness, having been first duly sworn to  
11 tell the truth, the whole truth, and nothing but the  
12 truth, was examined and testified as follows:

13 EXAMINATION BY MR. GABER:

14 Q. Good morning, Mr. Bryan. My name is Mark  
15 Gaber. As I mentioned, I'm an attorney with the  
16 Petteway Plaintiffs in this case, and I will be the  
17 first person taking your deposition today. I guess  
18 you've heard, there are three separate plaintiff  
19 groups, so after I conclude, there may be questions  
20 from my colleagues. But could you please state your  
21 name for the record?

1           A.    Thomas, T-H-O-M-A-S, Mark, M-A-R-K, Bryan,  
2    B-R-Y-A-N.

3           Q.    And Mr. Bryan, have you been deposed before?

4           A.    I have.

5           Q.    How many times, would you say?

6           A.    Four.

7           Q.    So I assume you know some of the ground  
8    rules for a deposition. But in a nutshell, important  
9    ones are that we not speak over each other, so if you  
10   could let me finish my question before you answer, I  
11   will endeavor to do the same for you.

12                    If your lawyer makes an objection, please go  
13   ahead and answer the question after the objection has  
14   been made, unless you are told not to answer. If you  
15   don't say otherwise, I will assume that you understand  
16   the question. Does that work for you?

17           A.    Yes.

18           Q.    If at some point you need a break, please  
19   let me know. I only ask that if there's a pending  
20   question, that you go ahead and answer that question  
21   before proceeding to the break. Otherwise, I'll plan

1 to take breaks every hour or so, you know, and let me  
2 know if I have missed that mark and you need a break.  
3 Okay?

4 The other important thing is that we have  
5 verbal answers, so a yes or a no. The court reporter,  
6 particularly in this quasi virtual, quasi in-person  
7 environment can't take down nonverbal answers, so  
8 please do say yes or no.

9 Is there any reason that you cannot -- that  
10 you can think of that you cannot fully and truthfully  
11 answer my questions today?

12 A. No.

13 Q. How are you employed, Mr. Bryan?

14 A. I am the president and owner of an expert  
15 witness company called Bryan GeoDemographics, which is  
16 otherwise known as BGD.

17 Q. And how long have you had that company?

18 A. More than 20 years.

19 Q. And during that time, have you been  
20 exclusively the expert witness or an owner and operator  
21 of this company, or have you held other jobs as well?

1 A. I held other positions.

2 Q. And what are those?

3 A. From 1998 to 2001, I worked for the US  
4 Census Bureau. 2001 to 2003, I worked for a software  
5 geographic information system company known as Esri,  
6 E-S-R-I. I worked for a marketing science company from  
7 2003 to 2005 named Third Way Research. I worked for  
8 Altria and Philip Morris International as a data  
9 scientist from 2005 to 2011. 2011 to 2012, I worked as  
10 a data scientist and analytic expert for Microsoft,  
11 focussed on Microsoft Office. 2012 to 2019, I was  
12 rehired by Altria to be the director of consumer  
13 research. After 2019, I've been working, leading BGD  
14 full-time.

15 Q. In this past redistricting cycles after the  
16 2020 census, we'll talk about Galveston obviously for  
17 the rest of the day, but how do you -- did you do math  
18 drawing for other jurisdictions in addition to  
19 Galveston?

20 MR. SHEEHY: Objection to form, but go  
21 ahead. I said go ahead. Go ahead. I just --

1 objection to form.

2 BY MR. GABER:

3 A. I did.

4 Q. And which jurisdictions did you draw maps  
5 for?

6 MR. SHEEHY: Objection to form.

7 BY MR. GABER:

8 A. I drew maps for the Texas legislature, and I  
9 drew draft maps and plans for the State of Virginia.

10 And I performed analysis of plans for other states,  
11 both in the process of drawing plans, as well as  
12 litigating plans for Kansas, for democratic counsel in  
13 Illinois, Michigan, Kansas, Arkansas, North Carolina,  
14 Florida, Mississippi and Louisiana.

15 Q. For the Texas legislature, was that an  
16 engagement by the legislature or by a house of the  
17 legislature? How did that come to be?

18 MR. SHEEHY: Objection to form.

19 BY MR. GABER:

20 A. I worked for counsel for the leadership of  
21 the Texas legislature. Counsel was Butler Snow, on

1 | [redacted] behalf of Todd Hunter and Speaker of the House

2 | [redacted] [indecipherable].

3 | [redacted] Q. And was that the state house plan that you

4 | [redacted] drew?

5 | [redacted] A. Yes.

6 | [redacted] Q. Did you work on either the Senate or the

7 | [redacted] congressional plan for Texas?

8 | [redacted] MR. SHEEHY: Objection to form. Relevance.

9 | [redacted] You may answer.

10 | [redacted] BY MR. GABER:

11 | [redacted] A. I performed analysis and assessments of the

12 | [redacted] Senate plan, as well as the congressional plan that was

13 | [redacted] drafted by the Texas Senate separately. I did no work

14 | [redacted] directly for the Texas Senate, and I did no work

15 | [redacted] directly on the development of their congressional

16 | [redacted] plan. Our work was completely separated, except for my

17 | [redacted] independent analysis of those plans for the Texas

18 | [redacted] legislature.

19 | [redacted] Q. And then you mentioned Virginia. Was that

20 | [redacted] on behalf of the commission or of body of the

21 | [redacted] legislature?



1 MR. SHEEHY: Objection to form, but go  
2 ahead.

3 THE DEPONENT: I'm sorry.

4 MR. SHEEHY: Objection. Form. Go ahead and  
5 answer.

6 BY MR. GABER:

7 A. So that work was on behalf of republican  
8 leadership of the State of Virginia.

9 Q. And then there's a list of other states. I  
10 wrote down Florida, Mississippi, Louisiana, Arkansas,  
11 North Carolina, Kansas, Illinois, and Michigan. Of  
12 those, which if any of them were you retained to draw a  
13 map, as opposed to analyzing a map?

14 MR. SHEEHY: Objection. Form. Vague.

15 BY MR. GABER:

16 A. I drew draft plans for the state of  
17 Virginia. And the other cases were making assessments  
18 of plans that were drawn previously for the state or by  
19 plaintiff's plans as part of litigation.

20 Q. And you mentioned Illinois. I think you  
21 said you were hired by the democratic -- by some sort

1 of democratic caucus. Is that right?

2 A. That's correct.

3 Q. Was that the Senate or the House or both?

4 MR. SHEEHY: Objection. Form. Go ahead.

5 BY MR. GABER:

6 A. That involved a review of all of their  
7 plans, but was primarily focussed on the US house draw.

8 Q. And who retained you?

9 MR. SHEEHY: Objection. Form.

10 BY MR. GABER:

11 A. It was counsel. Democratic counsel.

12 Q. And more specifically?

13 MR. SHEEHY: Objection. Form.

14 BY MR. GABER:

15 A. I don't recall his name.

16 Q. Now, in any of those states -- or I guess  
17 let me ask it this way. Are you currently surveying --  
18 or I'll take that back. In the 20 -- in this most  
19 recent redistricting cycle, which -- which if any  
20 states are you serving as an expert witness in  
21 litigation?

1 MR. SHEEHY: Objection. Form.

2 BY MR. GABER:

3 A. Are you asking which states I am serving as  
4 an expert in?

5 Q. Yeah. So just since the last census, and  
6 since this most recent redistricting cycle began, how  
7 many litigation matters have you served as an expert  
8 witness in, either writing a report or giving  
9 testimony?

10 A. You said the list of states that I gave you  
11 earlier are cases that I'm serving or have served as an  
12 expert in.

13 Q. Okay. So that's Florida, Mississippi,  
14 Louisiana, Arkansas, North Carolina, and Kansas,  
15 Illinois, and Michigan?

16 A. You may have said Indiana. I did not serve  
17 for the State of Indiana.

18 Q. Okay. I think I meant to say Illinois.

19 A. It would be for -- I did provide expert  
20 support for the State of -- democratic counsel for the  
21 State of Illinois.

1 Q. Do you intend to offer any expert testimony  
2 in this case, which is the case regarding the Galveston  
3 County Commission?

4 A. Yes.

5 Q. And I guess just to clarify, I understand  
6 that you were the map drawer for the Galveston County  
7 Commission. But separate and apart from that role,  
8 have you been retained as an expert witness in this  
9 case, aside from having drawn the map?

10 MR. SHEEHY: Objection. Form. Go ahead.

11 BY MR. GABER:

12 A. I've been retained in the case as a fact  
13 witness, not as a testifying expert.

14 Q. Okay. How did you become involved with  
15 being retained by Galveston County?

16 A. As is often the case, I got a phone call  
17 asking for my interest availability in participating in  
18 the case on or around October 14 of 2021.

19 Q. And who called you?

20 A. There were phone calls that day for -- to  
21 the best of my recollection, between Dale Oldham and

1 Phil Gordon.

2 Q. And had you worked with Dale Oldham before?

3 A. I had not.

4 Q. What about Phil Gordon?

5 A. I had, yes.

6 Q. And aside from the Galveston County matter,

7 are there other cases on this redistricting cycle in

8 which you were retained or worked with the Holtzman

9 Vogel law firm?

10 MR. SHEEHY: Objection. Relevance. You may

11 answer the question.

12 BY MR. GABER:

13 A. Yes, I can give two examples. I did work

14 for Holtzman Vogel in a matter of differential privacy

15 lawsuit in the State of Alabama. I did work for

16 Holtzman Vogel in drafting and analyzing plans for the

17 State of Virginia. And I did work for Holtzman Vogel

18 producing statistics for plans that were being drawn in

19 Florida. My work in Florida was limited exclusively to

20 producing statistics, and I had no role in the drawing

21 of plans in that state.

1 Q. Any other work with Holtzman Vogel that come  
2 to mind?

3 MR. SHEEHY: You can answer the question,  
4 Mr. Bryan, but I'm just going to caution you not to  
5 reveal any substantive communications with attorneys at  
6 Holtzman Vogel.

7 BY MR. GABER:

8 A. There may have been other work. I don't  
9 recall any other cases of it.

10 Q. Now, did you -- in your work for the  
11 Galveston County matter, did you have assistance or  
12 employees that helped you in completing your work for  
13 the map?

14 A. Yes.

15 Q. And who were they?

16 A. I am not going to name the people on my  
17 staff who assisted. I will tell you that I have  
18 employees who are analysts and experts in redistricting  
19 who support me in the development of analysis  
20 statistics and maps in support of my work directly  
21 under my leadership and supervision.

1 Q. Okay. How many employees do you have?

2 A. There were two employees who supported me in  
3 Galveston. I have approximately 20 experts who worked  
4 for me in total.

5 Q. And are these employees in the traditional  
6 sense? Or is this like an independent contractor  
7 arrangement?

8 A. They're all independent contractors.

9 Q. Okay. Now, you said that you weren't going  
10 to name the people. What is the reason for that?

11 A. It's their privacy. They're independent  
12 contractors, and their names don't have relevance to  
13 this case.

14 Q. So what about the two that worked with you  
15 on Galveston? What are their names?

16 A. I'm not divulging the names of the employees  
17 who worked on this case with me.

18 MR. SHEEHY: Mr. Gaber, yeah, I have to  
19 agree with Mr. Bryan. I don't see the relevance of  
20 people who provided assistance to Mr. Bryan in his work  
21 in Galveston County. He's here today to testify about

1 | what he did at Galveston County. We've produced  
2 | thousands of documents to you that you can put in front  
3 | of him, and he'll be able to testify to them truthfully  
4 | and accurately, without any assistance from other  
5 | individuals.

6 | MR. GABER: So I'm going to disagree. We're  
7 | entitled to know who worked on the map. Obviously we  
8 | have Mr. Bryan, but if he has two individuals that  
9 | aided him in producing the plan, then we're entitled to  
10 | know who that is. There's no privilege or protection  
11 | that I can think of that would shield that information  
12 | from discovery.

13 | MR. SHEEHY: I disagree with you, Mr. Gaber.  
14 | We can move on, and perhaps on break, we can discuss  
15 | further and return to it.

16 | BY MR. GABER:

17 | Q. Okay. There's one employee that you  
18 | mentioned that I saw a person by the name of Eric. Is  
19 | that someone who worked on the Galveston County matter?

20 | A. I'm not going to confirm or deny that.

21 | Q. All right.



1 MR. GABER: Well Mr. -- it's Mr. Sheehy,  
2 right? Is that who I --

3 MR. SHEEHY: Mr. Gaber -- Mr. Gaber, yes,  
4 it's Mr. Sheehy. Perhaps if you have a document that  
5 you want to put up in front of Mr. Bryan with the  
6 individual that you're referring to, maybe that's an  
7 easier way to get to this information and move on.

8 MS. KLEIN: Counsel, this is Hilary Klein  
9 for the NAACP Plaintiffs. I just want to join in the  
10 objection to withholding this information. I don't  
11 believe any privilege or other protection has been  
12 asserted by defendants that would prevent the witness  
13 from testifying to who was involved in drawing the  
14 Galveston map.

15 MR. SHEEHY: Thank you. And I don't know  
16 that Mr. Bryan has testified that other individuals  
17 were involved in drawing the map. But again, if  
18 Mr. Gaber would like to put a document up in front of  
19 Mr. Bryan to confirm some information, we can do that,  
20 and we can move on.

21 BY MR. GABER:

1 A. If you want to be precise about this, no one  
2 else worked in drawing the map but me.

3 Q. So I will put a document up, but whoever is  
4 the host is of the Zoom is going to need to give me  
5 screen sharing. Will be important throughout. I don't  
6 know if that's the reporter maybe or videographer.

7 THE VIDEOGRAPHER: Counsel, I think you  
8 should be able to screen share automatically.

9 MR. GABER: The screen share button is  
10 telling me that the host has disabled participant  
11 screen sharing.

12 THE VIDEOGRAPHER: All right. Give me one  
13 second. I'll look into it.

14 MR. GABER: Thank you. While --

15 THE VIDEOGRAPHER: Go ahead. Give it a shot  
16 now.

17 BY MR. GABER:

18 Q. Okay, Mr. Bryan. Can you see the screen?

19 A. Yes.

20 Q. And do you see an e-mail dated Friday  
21 December 17, 2021 from you to Phil Gordon and Jason

1 Torchinsky?

2 A. Yes.

3 Q. And Phillip Gordon and Jason Torchinsky,

4 those are two attorneys that you worked with at

5 Holtzman Vogel. Is that right?

6 A. Yes.

7 Q. And do you see the mention here to having

8 absorbed some costs on the Galveston matter with Eric's

9 time and geocoding?

10 A. Yes.

11 Q. Is Eric one of your contractors that worked

12 on the Galveston matter?

13 A. Eric performed geocoding work of registered

14 voters in support of the initiative.

15 Q. And do I have it right that you're not

16 willing to give me Eric's last name?

17 A. Per the agreement I have with my employees,

18 is their confidentiality. If I break that and I start

19 involving them with the cases, I'm not going to have a

20 company or any employees. My job is to protect my

21 employees. They help me. If they did something

1 material to help me develop a map, I'll bring up their  
2 names and talk about them in their role in drawing the  
3 maps.

4 No one did any work in support of me drawing  
5 these maps. My employees work in a capacity of  
6 analysts and expertise in helping to develop  
7 spreadsheets, or in this case, geocoding support. In  
8 that regard, their work is a commodity. It does not  
9 influence my analysis or my [indecipherable] from my  
10 draw of a map in any way.

11 Q. So I'm going to mark the e-mail that we just  
12 saw as Exhibit 1.

13 (Deposition Exhibit 1 was marked for  
14 purposes of identification.)

15 MR. GABER: Shawn, do you have a preference  
16 for how I transmit these? I can put them in the chat.  
17 I don't know if that works for you, if you have a  
18 computer there with you. Or I --

19 MR. SHEEHY: Mr. Gaber, thank you for  
20 asking. I don't have a computer with me. I think just  
21 go ahead and share them on the screen and just make

1           sure that Veritext has copies of these exhibits so that  
2           we have a record of what exhibits were shown to the  
3           witness today.

4                   MR. GABER: Okay. I'll go ahead and do  
5           that. I will keep a record as I go. And then, in  
6           addition to giving it to Veritext, I'll send, you know,  
7           all of them in one batch labeled at the end, if that  
8           works.

9                   MR. SHEEHY: Thank you. Yes.

10                   MR. GABER: Okay.

11           BY MR. GABER:

12           Q. Mr. Bryan, you said that Eric was one. You  
13           said there was another employee or contractor who  
14           helped you as well in Galveston?

15           A. Yes.

16           Q. What did that person do?

17           A. Helped me with developing spreadsheets that  
18           I used, which are work products that have been produced  
19           to you.

20           Q. And can you be a little bit more specific  
21           about developing the spreadsheet?

1 A. Building pivot tables to analyze the  
2 benchmark and draft lines.

3 Q. So for that work, did you have sort of a  
4 template spreadsheet that you provided to this person  
5 to work off of? Or did you give specific instructions  
6 for what to include over sort of -- take me through the  
7 steps of you communicating with this person to build  
8 the spreadsheets.

9 MR. SHEEHY: Objection to form, but go  
10 ahead.

11 BY MR. GABER:

12 A. Yeah. So your characterization of the  
13 workflow is inaccurate. I don't ever just completely  
14 turn over something to somebody and then they turn it  
15 back to me. We collaborate together and work closely  
16 together.

17 In this case, that process involves taking  
18 data that -- what we will refer to in the business as  
19 raw data, just tables with hundreds or thousands of  
20 numbers, and then using pivot tables to summarize and  
21 analyze those data in an organized way that enables us

1 | to look at individual variables. That's what's called  
2 | pivot tables. So, in the course of business for this  
3 | and all my other cases, we have a standard template  
4 | which we use to look at demographic data. And in the  
5 | course of building that analysis for the numerous plans  
6 | that we worked through, I know that my employee helped  
7 | in either updating or refreshing some of those pivot  
8 | tables for some of those plans. I could not tell you  
9 | which pivot table or which plan. I just know that  
10 | someone helped me at some point in updating and  
11 | refreshing the BGD standard template.

12 | Q. And did you say the BGD standard template?

13 | A. I will use the letters BGD to refer to my  
14 | company's template.

15 | Q. And just so I'm clear on the record, the  
16 | last letter is D, as in demographic. Is that right?

17 | A. Yeah, that's correct. G, as in geography or  
18 | geo. So Bryan Geo, G-E-O, Demo, D-E-M-O.

19 | Q. How many hours -- did the employee who  
20 | helped you on the spreadsheet, how many hours of work  
21 | was that roughly?

1 MR. SHEEHY: Objection to form. Foundation.

2 BY MR. GABER:

3 A. A handful. Not many. Less than ten.

4 Q. And -- go ahead.

5 A. Probably less than five. I don't recall  
6 exactly, but it was few.

7 Q. Did that person provide you any analysis or  
8 synthesis of the actual data in the spreadsheets or  
9 just create the changes to the pivot tables?

10 MR. SHEEHY: Objection. Form. Go ahead.

11 BY MR. GABER:

12 A. There was no -- for this analyst and many of  
13 the analysts on my teams, their role is just to provide  
14 technical support, update tables, or help in the  
15 publication of printed maps that reviewed my work  
16 product. This person did nothing to synthesize data,  
17 analyze data, or provide [indecipherable] of it to me.  
18 That's my role exclusively.

19 Q. So after you were first contacted by  
20 Mr. Gordon, and I believe you said Mr. Oldham, what did  
21 you do at that point to, you know, familiarize yourself



1 with the task?

2 MR. SHEEHY: Objection. Form.

3 BY MR. GABER:

4 A. When I was contacted, I was with my family  
5 on vacation 6,000 miles away from my office. So using  
6 the laptop that I have when I travel remotely, I looked  
7 at demographic data and some of the -- what we would  
8 call shape files that we use in our geographic  
9 information systems to familiarize myself with the  
10 population and the geographic landscape of Galveston.

11 Q. And so when you got the phone call, you were  
12 on vacation. Is that right?

13 A. Yes.

14 Q. And did you -- how did you get the first  
15 sort of map of -- like what did you do to obtain the  
16 map and the county, you know, lines, and the  
17 demographic information?

18 A. So as, you know, part of my company's  
19 infrastructure, we have demographic data for all of the  
20 states in the United States. We have all of the data  
21 that came out of what we call PL94171, the data that

1 | was published in September by the Census Bureau. So we  
2 | have that data. We have had that data in house as part  
3 | of our infrastructure. We also have a rigorous  
4 | geographic information system that also has virtually  
5 | all of the census shape files for different layers of  
6 | geography, what you would call summary levels, for most  
7 | of the states in the United States, and we have that  
8 | data available on our system for the State of Texas.

9 | Q. Is that through Esri or GIS? Is that right?

10 | A. The data that we use in our geographic  
11 | information system leverages the Esri ArcGIS software.  
12 | The source of the shape files that are used for these  
13 | cases is the US Census Bureau. US Census Bureau has a  
14 | name for the shape files that they produce that relate  
15 | to the data that they produced, and those are called  
16 | TIGER -- topologically integrated geography files.

17 | Q. And to familiarize yourself with -- so have  
18 | you done any work in Galveston before?

19 | A. Not specifically in Galveston, no.

20 | Q. And so do I have it right that you logged  
21 | into your Esri system and pulled up Galveston to

1 familiarize yourself before you started the line

2 drawing?

3 MR. SHEEHY: Objection. Form. Go ahead.

4 BY MR. GABER:

5 A. Yes, that's correct.

6 Q. And what sort of data did you look at to

7 familiarize yourself with the last case of Galveston

8 County?

9 A. The, you know, criteria for apportionment

10 and for redistricting, first and foremost, is

11 population balance. You know, you have plus or minus

12 five percent of the population in what we would call a

13 benchmark district. That is the district as they

14 existed as of the previous drop.

15 So our first assessment, and this is our

16 standard operating procedure, that we would use for any

17 county or place that asked us to help with

18 redistricting, would be to do an assessment of the

19 number of people in each district, here they're called

20 commissioner precincts in Galveston, to say, you know,

21 if or how much population needed to be moved in order

1 for those districts to be within plus or minus five  
2 percent of an exact 25 percent share of the total  
3 population reported by the 2020 census for Galveston.

4 Q. And what other demographic data did you look  
5 at to familiarize yourself with Galveston?

6 MR. SHEEHY: Objection. Form. Go ahead.

7 BY MR. GABER:

8 A. I did not look at any other demographic data  
9 to make an assessment of if or how the plan would need  
10 to be redrawn.

11 Q. So am I correct that this assessment is  
12 happening after you have loaded into the system the  
13 benchmark plan?

14 A. Yes.

15 Q. And how did you obtain the benchmark plan?

16 A. It was provided to me by counsel.

17 Q. In an electronic file or did you recreate it  
18 yourself?

19 A. I don't recall. We get those plans  
20 represented to us both in physical maps, as well as  
21 electronic shape files. I don't recall which one we

1 got for this because we received both all the time in  
2 different cases. I'm sorry.

3 Q. I will mark as Exhibit 2 a document that has  
4 Bates number Defendant's 00036191 --

5 (Deposition Exhibit 2 was marked for  
6 purposes of identification.)

7 BY MR. GABER:

8 Q. -- and show that to you on the screen. Now,  
9 this is a series of e-mails, Mr. Bryan, but do you see  
10 the top e-mail is dated as October 15, 2021, 1:28 p.m.  
11 from Phil Gordon to you and copies Jason Torchinsky?

12 A. Yes, I see that.

13 Q. And is that large enough on the screen or do  
14 you need me to zoom in?

15 A. I can see it fine. Thank you.

16 Q. And I'm going to scroll to the second page.  
17 And I'm just curious if this helps us to nail down  
18 [indecipherable] do you see an e-mail sort of in the  
19 middle of the page from Mr. Gordon to you with a link  
20 to the Galveston County website, and noting that he  
21 didn't think it was available as a shape file, but that

1           you could recreate it?

2                       MR. SHEEHY: And I'll just say, Mr. Bryan,  
3           if you need to review the whole document to assist you,  
4           just go ahead and ask Mr. Gaber to show it to you.

5           BY MR. GABER:

6                       Q. This is the first one, actually.

7                       A. So that's familiar. It is not uncommon for  
8           us to bill plans or to recreate benchmark plans based  
9           on precincts knowing under the condition that precincts  
10          are the building blocks of those plans. And as long as  
11          whole precincts are -- agree to be the building block  
12          of our plan, and we can see the boundaries of those  
13          precincts, and we know the boundaries of the  
14          commissioner precincts in a plan, then yes, that's what  
15          I would be referring to as creating the benchmark off  
16          of the precincts.

17                      Q. And does that business sound familiar to the  
18          process that you used here, based on this e-mail?

19                      MR. SHEEHY: Objection. Form.

20           BY MR. GABER:

21                      A. Yes.

1 Q. In addition to loading the benchmark plan  
2 into your Esri software, did you do any other research  
3 about Galveston County or the Galveston County  
4 Commission to learn about, you know, the job that you  
5 would be doing?

6 MR. SHEEHY: Objection. Form. Go ahead.

7 BY MR. GABER:

8 A. I did not. My family was plenty unhappy  
9 that I was working at all on our vacation.

10 Q. When did you get back from the vacation?

11 MR. SHEEHY: Objection. Form. Go ahead.

12 BY MR. GABER:

13 A. Approximately two days later. It's a  
14 20-hour flight. So probably back working on around the  
15 17th.

16 Q. And how long was your conversation with  
17 Mr. Gordon the first time you had to ask if you could  
18 work on this?

19 MR. SHEEHY: Objection to foundation.

20 Speculation.

21 BY MR. GABER:

1           A. I don't recall the length of that phone  
2 call.

3           Q. On the call, did you talk at all about  
4 Galveston County, or the commission, or any details  
5 beyond just asking if you could work on the map?

6           MR. SHEEHY: Same objection.

7           BY MR. GABER:

8           A. I recall the phone call was relatively  
9 brief. He was trying to be respectful of my time. And  
10 what he outlined for me is that there was a need to  
11 draw two plans. They needed to be drawn extremely  
12 fast. And he provided me the criteria that were  
13 necessary to get going and start drawing these two  
14 plans. And that was the best that I can remember.  
15 That was the extent of that engagement phone call.

16          Q. And what were the criteria that he provided?

17          MR. SHEEHY: Objection. Form. Go ahead.

18          BY MR. GABER:

19          A. So he asked if I could draw a draft  
20 preliminary plan that would be, you know, what we  
21 commonly refer to as a least change plan. Least change



1 has many different definitions and interpretations, but

2 he left that to me.

3 And then, secondly, he asked if I would be

4 able to draw a plan that was not a least change plan

5 but would use information on the political performance

6 in different parts of the county and use the political

7 performance data by precinct to rebalance the

8 commissioner precincts in such a way that it would make

9 the republican performance in each district more

10 equitable.

11 Q. And what do you mean by more equitable?

12 A. When we used the data that we had on the

13 precincts from the State of Texas, that state data

14 system provides the performance data for different

15 elections and candidates going back in time. So we

16 used some of the more recent voting data and political

17 performance by precinct to measure the percent

18 republican performance by district for the benchmark,

19 and there was a noticeable deviation. There were some

20 commissioner precincts that were performing very

21 strongly, and other commissioner precincts were

1 performing less strongly. So that's what I want to go  
2 on the record as saying. There was a difference  
3 between the best performing and the worst performing  
4 commissioner precincts. So the goal in drawing that  
5 second plan was to determine whether or not different  
6 precincts could be moved in or out of different  
7 commissioner precincts to make a republican performance  
8 in each commissioner precinct more equal, rather than  
9 having very high performance in one district and very  
10 low performance in another district.

11 Q. Did you -- at what point did you become  
12 familiar with the identity of the commissioners? Is it  
13 looking at the incumbent part of the process for you  
14 and where they live, for example?

15 MR. SHEEHY: Objection. Form.

16 BY MR. GABER:

17 A. In this particular case, the issue of  
18 incumbency was not brought before me or prioritized.  
19 Honestly, we were working very fast and remotely. My  
20 goal was just to try and draw two draft plans as  
21 quickly as I could. The identity and the political

1 background, any information about the incumbents, I was  
2 not aware of, and it didn't have any influence on how I  
3 started drafting my preliminary plans.

4 Q. So we're talking now about the preliminary  
5 plans. I gather that was sort of in the first --  
6 October 15th to 17th time frame. Is that right?

7 A. That's correct. But I can say, you know,  
8 throughout the map drawing process, I did not invest  
9 time in learning about the commissioners, or who they  
10 were, or what their political backgrounds were. I was  
11 -- my analysis strictly focussed on drawing the  
12 specifications that Phil and Dale had given me.

13 Q. And the locations of the homes, residencies  
14 of the four commissioners, was not among that  
15 information?

16 A. No, not that I remember.

17 Q. You met with the commissioners eventually.  
18 Right?

19 MR. SHEEHY: Objection. Form.

20 BY MR. GABER:

21 A. Yeah, there was a Zoom call, I think, about

1 five or six days into the exercise.

2 Q. And was that one Zoom call or did you have  
3 separate calls with different commissioners?

4 A. I know there was at least one. I do not  
5 recall if one stretched into a second call or not.  
6 There were a lot of moving pieces that day. We worked  
7 on the plan and talked to the commissioners most of the  
8 day that day.

9 Q. Okay. I'll come back to that topic later.  
10 And I am going to mark as Exhibit 3 a document that's  
11 Bates labeled defendant 00036816, and show that to you  
12 on the screen.

13 (Deposition Exhibit 3 was marked for  
14 purposes of identification.)

15 BY MR. GABER:

16 Q. Do you see a map labeled Galveston Texas  
17 Benchmark Plan?

18 A. Yes, we do. Thank you.

19 Q. And is this familiar to you as the map that  
20 you generated with the lines for the benchmark plan?

21 A. Yes, this looks familiar.

1 MR. SHEEHY: Looks like it says page 2 of 2.

2 Is there a top page, Mr. Gaber, that we could also look  
3 at?

4 MR. GABER: Not on my screen. Where do you  
5 see the 2 of 2?

6 MR. SHEEHY: Just at the top, above  
7 Galveston Texas Benchmark Plan. Looks like it says --

8 MR. GABER: Oh, is it a PDF?

9 MR. SHEEHY: Yes.

10 MR. GABER: All right. I don't know why  
11 it's doing that. There's only one page here.

12 MR. SHEEHY: Okay. That's fine. I just  
13 wanted to make sure if there's another page -- it's his  
14 testimony.

15 MR. GABER: No, I only see one.

16 MR. SHEEHY: Can you -- you're on 1. Can  
17 you go to 2, just to see if the numbers change at the  
18 bottom? Yes, they do change.

19 MR. GABER: Oh, they do. 815, 816. So  
20 perhaps there's two of the same thing. That's very  
21 strange. I don't know why that's happened.

1 MR. SHEEHY: That's new.

2 MR. GABER: But 815, 816 are both apparently  
3 the same thing, and it's not showing you -- it's not  
4 showing you the transition to the second page, so I  
5 don't know what that is about.

6 BY MR. GABER:

7 Q. When did you first -- sorry. Did you have a  
8 call -- was Dale Oldham on the phone with Mr. Gordon  
9 when you spoke the first time or did you meet with him  
10 separately to begin with?

11 MR. SHEEHY: Objection. Form.

12 BY MR. GABER:

13 A. Again, there were several phone calls, brief  
14 as I recall. And I don't recall the order of who was  
15 first, or who was on which call in which particular  
16 order. In fact, I know that I talked to both of them  
17 relatively early in the process. Whether that was  
18 individually or together, I'm sorry, I don't remember.

19 Q. Who did you view as your client in the case?

20 Was it Holtzman Vogel? Galveston County? Mr. Oldham?

21 Some other entity?

1 MR. SHEEHY: Objection. Form.

2 BY MR. GABER:

3 A. So the work that I was doing, the  
4 deliverables, were going to Dale Oldham. And Dale is  
5 who was primarily providing the direction of the types  
6 of maps that he wanted to see. And what Dale did with  
7 those maps, or who his client -- the extent of who his  
8 clients were, or what he did with them after I  
9 delivered to him, I don't know the extent of everyone  
10 he worked with or what he did after he got my maps.

11 Q. Did you have a written engagement letter or  
12 retainer for this matter?

13 A. No.

14 Q. Who paid you?

15 MR. SHEEHY: Objection. Form.

16 BY MR. GABER:

17 A. I submitted my invoices through Holtzman  
18 Vogel. I don't know who cut the check. And it's an  
19 important difference. I hope you understand. You  
20 know, who I send a bill to, and where the money comes  
21 from are almost always two different things, and I

1 don't always know where the source of the money comes  
2 from. I just know who I sent the invoice to. Does  
3 that help?

4 Q. Yes. In terms of the instructions that you  
5 received, were those coming exclusively from Dale  
6 Oldham, or in addition from Holtzman Vogel, or in  
7 addition from someone else?

8 A. The -- it was very clear the direction was  
9 coming from Dale Oldham, and that I would characterize  
10 the -- in the conversations that I've had with Phil  
11 Gordon is that that direction I was getting from Dale  
12 was reenforced by Phil. I don't recall there being  
13 extra or different input into my map drawing from Phil  
14 that I did not already receive from Dale.

15 Q. I'll put Exhibit 2 back up for you. Do you  
16 see the Bates stamp 36191 in the lower right there?

17 A. Yeah, I see that part, thank you.

18 Q. And then I want you to take a look, if you  
19 would, at the October 15th e-mail from you to  
20 Mr. Torchinsky and Mr. Gordon at 125. Can you just  
21 read that to yourself, and I'll have a couple questions



1 on it?

2 A. Yes, I'm familiar.

3 MR. SHEEHY: And, again, Mr. Gaber, if you  
4 can give Mr. Bryan an opportunity just to maybe read  
5 the top and bottom e-mails just to give him the full  
6 context.

7 MR. GABER: Sure.

8 BY MR. GABER:

9 Q. Do you see the top one there?

10 A. Yes.

11 Q. And the bottom ones, as we discussed  
12 earlier, where the hyperlink was sent to you, and to  
13 draw the benchmark plan.

14 In this e-mail, the October 15th e-mail at  
15 1:25, you discuss the -- you ask a question about the  
16 population deviation limits or instructions, and then  
17 you mention that the precincts are the lowest level of  
18 geography that you have voting data for. And then you  
19 made a comment that you never got disaggregated blocks  
20 from FairLines. Is that referring to the organization  
21 FairLines of America?

1 MR. SHEEHY: Objection. Form.

2 BY MR. GABER:

3 A. Yes.

4 Q. And tell me about that organization. What  
5 do you understand it to be?

6 MR. SHEEHY: Objection. Form.

7 BY MR. GABER:

8 A. They're an organization who collect, and  
9 manage, and analyze, and report political performance  
10 data for different states.

11 Q. And the executive director is Adam Kincaid.  
12 Is that your understanding?

13 MR. SHEEHY: Objection. Form.

14 BY MR. GABER:

15 A. I know that Adam Kincaid was the executive  
16 director. I have not done business with FairLines  
17 recently, and I do not know their current leadership  
18 team.

19 Q. And do you understand Mr. Kincaid, at least  
20 at the time, was also the head of the national  
21 republican redistricting trust?

1           A.    That's my understanding.

2                   MR. SHEEHY:  Objection.  Form.  Go ahead.

3  BY MR. GABER:

4           Q.    Do you know Mr. Kincaid?

5           A.    Not personally, no.

6           Q.    During this last redistricting cycle, were  
7 there matters in which you obtained this type of data  
8 from FairLines?

9                   MR. SHEEHY:  Objection.  Form.  Mr. Gaber,  
10 my only hesitation, I'm just working through the  
11 analysis in my head.  Your question is broad, and I'm  
12 concerned that if he answers the question, he might be  
13 revealing his work as an expert in other cases.  That's  
14 my only -- my only issue.

15                   So I guess, you know, I can't instruct you  
16 not to answer about other cases, Mr. Bryan.  But I'll  
17 just caution you not to reveal any sort of substantive  
18 work that you've done as an expert witness in other  
19 cases.

20  BY MR. GABER:

21           A.    I have access to FairLines data in some of

1 the work that I did for the state of Virginia.

2 Q. And what -- so I guess to back up here. So  
3 the reason for needing or mentioning disaggregated  
4 blocks, is that because the political data is only  
5 available at the precinct level in the official form?

6 A. Yes.

7 Q. And what is the -- in your work in Virginia,  
8 what is the methodology that was used to disaggregate  
9 the political data down to the block level?

10 MR. SHEEHY: Objection. And Mr. Gaber, I'm  
11 going to start drawing the line here at his work in  
12 other states. A, I don't see how it's relevant to what  
13 he did in Galveston. And I also would object on the  
14 grounds that he may have been doing expert work or  
15 otherwise protected work in Virginia. I don't know the  
16 extent of his work in Virginia, but I just don't see  
17 how it's relevant, and I caution Mr. Bryan to not  
18 reveal any confidences regarding his work in Virginia.

19 BY MR. GABER:

20 A. Disaggregation is a statistical technique.  
21 Each company has a proprietary way of doing it. I do.

1 It's my company's intellectual property as a  
2 disaggregation or the analytic techniques of FairLines  
3 would be. I don't know what methods they used to  
4 disaggregate, and they would not tell me or anybody  
5 else because that is their intellectual property, so I  
6 don't know.

7 Q. And in the Galveston matter, did you end up  
8 using any of FairLines's data or work from it?

9 A. No.

10 Q. Did you conduct your own disaggregation of  
11 the political data for Galveston County from the  
12 precinct level to the block level?

13 A. Yes, I did.

14 Q. And what was the methodology that you used  
15 to do that?

16 A. It was a proportionate allocation of the  
17 Cornyn race. And below that level, I'm going to site  
18 intellectual property or exactly what it was below  
19 that.

20 Q. And I'm sorry. The internet may have cut  
21 out for a second. You said proportionate allocation.

1 I missed what came after that.

2 A. The Cornyn. C-O-R-N-Y-N. The 2020 Cornyn  
3 race was the precinct data that I disaggregated to  
4 individual lots for analysis.

5 Q. Okay. And then I guess my question was what  
6 was the methodology or the formula or the outputs or  
7 the inputs to obtain that disaggregated political  
8 performance at the block level?

9 A. So our disaggregation technique is  
10 proprietary. It's part intellectual property, and I am  
11 not in a position to describe the exact mathematics  
12 that we used to get to that number. The outcome of  
13 that work, though, is an estimate of republican voters  
14 for Cornyn at a census block level.

15 Q. What input data is used to determine the  
16 output?

17 A. The precinct level low performance data for  
18 Cornyn, and then the demographic profile of each  
19 individual block.

20 Q. And what information is contained within the  
21 demographic profile?

1           A.    The total population, and the voting age  
2    population.

3           Q.    What about voting age population by race?

4           A.    That did not play a role in the  
5    disaggregation.

6           Q.    And when you say proportionate, what do you  
7    mean by that?

8                   MR. SHEEHY:  Object to form.  Go ahead.

9           BY MR. GABER:

10           A.    In a statistical context, proportion would  
11    be relative to the size of the population or the voting  
12    age population in a particular block.

13           Q.    And so is this assuming sort of an equal  
14    distribution across all of the census blocks or is it  
15    tied to the population of each census block?  What is  
16    the proportionate measure?

17                   MR. SHEEHY:  Objection.  Form.  Go ahead.

18           BY MR. GABER:

19           A.    Yeah.  I'm sorry.  That's getting into the  
20    details of our intellectual property and our  
21    proprietary method of block disaggregation and

1 allocation. So the exactly disaggregation methodology  
2 is I need to set that one aside. But I used the total  
3 population, voting age population, and I used the  
4 Cornyn precinct level performance to estimate block  
5 level Cornyn republican voters.

6 Q. And when you say voting age of population,  
7 are you just referring to the total number of people  
8 who are over the age of 18?

9 A. Yes, I am.

10 Q. Now, they would -- are there any other  
11 inputs into this analysis?

12 A. No.

13 Q. And I just want the record to be clear,  
14 you're not willing to say what the actual formula was  
15 to determine the analysis you did for this matter?

16 A. Yes, that's correct.

17 MR. SHEEHY: And I guess I'll also just put  
18 it in the record that the information is protected as  
19 proprietary, so --

20 MR. GABER: And I, you know, again, will  
21 object to withholding discoverable information on the



1 basis of no assertive privilege.

2 MR. SHEEHY: Information is protected by  
3 trade secret privilege. And I don't see how anything  
4 beyond what he has already testified to is relevant to  
5 your case. He's not here as an expert witness. He's  
6 here as a fact witness. He's told you what inputs and  
7 outputs he put in. I don't see why anything beyond  
8 that is going to be relevant to your case, Mr. Gaber.

9 BY MR. GABER:

10 Q. Mr. Bryan, I'm going to put back up on the  
11 screen Exhibit 3, which is the benchmark plan. Do you  
12 see that there?

13 A. Yes, I do. Thank you.

14 Q. Now, when you recreated this in Esri, can  
15 you describe for me what is on the screen? The tools,  
16 the information, the data that's available in the Esri  
17 program?

18 MR. SHEEHY: Objection. Form.

19 BY MR. GABER:

20 A. So there are several what we would refer to  
21 as layers in this map. This map is a PDF document that

1 would be an output of my software. The layers that you  
2 see in this map, you think about them from the bottom  
3 and surface of the earth working up, is that we have  
4 what is called a base map layer or a street map layer.  
5 And what that is is like a conventional paper map, it  
6 tells us, you know, the general landscape, the water  
7 features, major streets, thoroughfares, railroads,  
8 parks, major features that we would need to orient the  
9 reader of the map with Galveston's administrative  
10 geography.

11 So what you are looking at here are two  
12 layers in Esri's Arc map software representing the  
13 benchmark plan that are layered on top of the base map.  
14 So those two layers here are 1, which we would call a  
15 semitransparent thematic shape, are the colors which  
16 you can see through to the base map layer underneath  
17 it.

18 There is also another layer on top of this,  
19 which is a separate shape file, that I will refer to as  
20 an outline shape file. These layers reflect an  
21 aggregation of Texas precincts to each individual

1 commissioner's precinct. So this file was built as an  
2 aggregation of the 93 voting precincts that we had  
3 available that aligned with the boundaries of the  
4 benchmark plan that we were provided.

5 Q. And I guess perhaps I didn't say this  
6 clearly enough. I mean, the use of the exhibit here,  
7 it's sort of an illustration, as if you were drawing  
8 the plan in Esri, and not so much that this is an  
9 output PDF. But as you're actually drawing, say, the  
10 benchmark plan, that was the first thing you did,  
11 right, is you pretreated the benchmark plan?

12 MR. SHEEHY: Objection. Form.

13 BY MR. GABER:

14 A. That's the first step, yes.

15 Q. And so when you recreated the benchmark plan  
16 in Esri, what data is shown in Esri as you select each  
17 block? Is there a section of the website, or do you  
18 use the desktop version or the online version?

19 MR. SHEEHY: Objection form.

20 BY MR. GABER:

21 A. Yeah. So I'd like to be clear. But I do

1 not use Esri redistricting software at all. I never  
2 have, not even once.

3 Q. Okay.

4 A. I have my own code, my own analytic  
5 techniques that I have built based on my experience  
6 working for Esri and my experience working for the  
7 Census Bureau. So in building this plan, I didn't use  
8 demographic data at all. All I used was a map that  
9 said here is about what the outline of the existing  
10 commissioner precincts are. I looked at the 93  
11 precincts in Galveston County. And I said it looks  
12 like these precincts line up pretty good with the  
13 outline of the commissioner precincts.

14 So I assign each one of the precincts to the  
15 commissioner district that it belonged to. That's a  
16 manual process inside of my software.

17 Q. Does your software -- so you created a  
18 mapping software. Is that what I understand to be the  
19 case?

20 A. I have customized our own use and customized  
21 a technique within an Esri Arc map that does not

1 involve Esri redistricting software.

2 Q. Okay. Does your -- the software that you  
3 use, what data if any does it display on the screen as  
4 you're selecting which precincts to sign in to  
5 whichever districts?

6 MR. GABER: The witness is frozen on my  
7 screen. Does anyone else hear me?

8 MS. KLEIN: I can hear you, and he is frozen  
9 on my screen as well.

10 MR. GABER: So, for the record, we've had a  
11 bit of a minor technical malfunction. Is the reporter  
12 able to read back the question that I asked?

13 (The record was read as requested.)

14 MR. SHEEHY: Objection. Form. And sorry,  
15 Mr. Gaber, are we talking about when he recreated the  
16 benchmark plan just to get the time frame right that  
17 we're talking about here?

18 MR. GABER: Yeah. Let's start with the  
19 recreation of the benchmark plan.

20 BY MR. GABER:

21 A. There is no data on my screen while I'm

1 recreating the plans and creating the geographic  
2 representation that was my best estimate of the  
3 benchmark plan using 93 Texas voting precincts besides  
4 that.

5 Q. And so is it the case that the screen is  
6 just the base layer map of Galveston County, and then  
7 did you put your mouse to select the precincts on your  
8 software? Or how do you assign the precincts to a  
9 district?

10 MR. SHEEHY: Objection. Form. Just so the  
11 record is clear, because it's confusing, when you say  
12 precincts, Mr. Gaber, you're referring to voting  
13 precincts, and when you say district, you're referring  
14 to the commissioner court precincts. Correct?

15 MR. GABER: I am. I know it's confusing. I  
16 apologize.

17 BY MR. GABER:

18 Q. So I will try and say voting precincts. If  
19 I say districts, will you understand that to mean the  
20 commissioner precincts?

21 A. I'll try not to make the same mistake this

1 time.

2 Q. So I'll try to be more precise. On your  
3 screen, how do you assign voting precincts to  
4 commissioner precincts?

5 A. So I would do that by doing what's called  
6 activating the layer that has the 93 voting precincts.  
7 Every shape file has what is called an attribute file  
8 with either geographic characteristics or demographic  
9 characters of that particular shape file.

10 So what I would have done was create a  
11 variable in that precinct shape file, and that variable  
12 would have been something like benchmark, and I would  
13 have gone and populated that spreadsheet with an  
14 assignment of each one of those 93 precincts to the  
15 commissioner precincts that I believed that they belong  
16 to.

17 Q. And does this -- is this a manual process  
18 for inputting the data into the spreadsheet to assign  
19 the voting precincts to the commissioner precincts? Or  
20 can you interactively select them on your mapping  
21 software?

1 MR. SHEEHY: Object to the form.

2 BY MR. GABER:

3 A. It is possible to do it interactively. In  
4 this case, we would have done it manually because there  
5 were not that many pieces that needed to be assigned.

6 Q. So did your base layer have the voting  
7 precinct numbers shown on the map?

8 MR. SHEEHY: Objection to form.

9 BY MR. GABER:

10 A. I know there's going to be questions about  
11 the maps and the software, so I'm going to be very  
12 precise and deliberate when I talk about maps, versus  
13 shape files, versus what I see on my screen, because I  
14 want to make sure that everybody who may not be  
15 familiar with the software to know what I was seeing  
16 when I was doing my work. Fair?

17 Q. Yeah. And actually, this would be easier.  
18 So I think you probably understand what I'm trying to  
19 get at. I'm trying to understand what you were seeing,  
20 what the information on the screen was, and then how  
21 you translated that into either the block assignment



1 file, or the shape file that ultimately generated what  
2 we see as a PDF, or whatever output of a picture of a  
3 map.

4 So if you could just -- this is a broad  
5 question, but if you could just walk me through what  
6 all of that process is and what it looks like, I think  
7 that will be easier than me trying to guess what your  
8 software is and ask you questions about it.

9 A. So we'll do this one step at a time?

10 Q. Please.

11 A. So you asked me if I saw -- I think the  
12 precinct number on my screen, the precinct shape file  
13 has numerous variables, 20 or 30, so one of those  
14 variables would have been what the number of the  
15 precinct is for each row, combined with numerous other  
16 characters such as how big the precinct is, or what the  
17 latitude and longitude of its sense rate is.

18 So what I saw on the screen were all these  
19 characters of the precincts. I added a variable at the  
20 end of all those other variables that were already  
21 there, and then I would have populated that then empty

1 variable with an assignment of which precinct, which  
2 commissioner's precinct each one of the voting  
3 precincts then belonged to, and that was the end of  
4 that step of the exercise.

5 Q. And for the benchmark plan, you were  
6 recreating it from an image, right? Because you didn't  
7 have any sort of geographic file to upload for the  
8 benchmark plan. Is that right?

9 A. Yes, that's correct. So it was an estimate  
10 that we would need to validate and verify was correct  
11 later with the population data that we arrived at,  
12 which we did.

13 Q. And so, do you have the spreadsheet that  
14 will become the block assignment file? Is that term  
15 something that you use?

16 MR. SHEEHY: Objection. Form.

17 BY MR. GABER:

18 A. Not at that time, we didn't.

19 Q. So I guess how did you get from the screen  
20 that has the map to the spreadsheet that has the  
21 commissioner precinct assignments for each voting

1 precinct?

2 A. Can you repeat the question, please?

3 Q. Sure. How did you populate the spreadsheet  
4 with the commissioner precinct assignments for each  
5 voting precinct?

6 MR. SHEEHY: Objection. Form.

7 BY MR. GABER:

8 A. I'm not sure. It sounds like you're asking  
9 the question you asked previously, which is -- the  
10 answer to which is we manually assign each voting  
11 precinct to the commissioner precinct that it belonged  
12 to based on the visual image that I had separately of  
13 the benchmark plan.

14 Q. Okay.

15 A. Does that answer your question.

16 Q. It does. And so is it the case that your --  
17 the map you see on the screen in your software, it  
18 doesn't have any sort of demographic or population data  
19 shown at all, that that step happens in the spreadsheet  
20 to determine what that information is. Is that  
21 correct?

1           A. I want to be cautious with the word  
2 determine what that information is. It's a two-part  
3 question, so let me answer.

4           Q. Mr. Bryan, sorry. You froze. You wanted to  
5 be cautious, and then so let me answer. So if you  
6 don't mind repeating after so let me answer.

7           A. Sure. So what you asked was a two-part  
8 question. The first part is, you know, what numbers  
9 was I looking at, and then separately, you know, data  
10 that was determined. I want to be very precise and  
11 clear about the process.

12                   There is no demographic data on the screen  
13 when I'm working within my Esri environment. We do our  
14 mapmaking in Esri Arc map, and our process is then the  
15 data that is inside of those shape files, in this case  
16 the precinct assignments, that is connected to an Excel  
17 spreadsheet, and so the summary statistics about the  
18 plan are generated completely outside of the Esri  
19 operating environment in Excel. So it's a two-step  
20 process of editing a map, of building a map, and then  
21 separately assessing the characteristics of the map in

1 the Excel environment after we're done with a series of  
2 drafts is this.

3 MR. SHEEHY: Mr. Gaber, we've been going for  
4 about an hour and 20 minutes or so. Can we ask Mr.  
5 Bryan if he'd like to have a break at this point,  
6 stretch his legs?

7 MR. GABER: Yeah. Let's take a break if  
8 that works. How long do you think you need, Mr. Bryan?

9 THE DEPONENT: A few minutes. If you have a  
10 thread you're trying to wrap up, I'm happy to do that,  
11 but a short break would be nice.

12 MR. GABER: Let's take a short break, and we  
13 can come back in ten minutes, if that works. That  
14 would be 11:12 if that looks right. Let's say 11:15 to  
15 be even.

16 MR. SHEEHY: 11:15 it is. Thank you,  
17 Mr. Gaber.

18 THE VIDEOGRAPHER: The time is 11:02 a.m.,  
19 and we are off the record.

20 (A short break was taken.)

21 THE VIDEOGRAPHER: The time is 11:20 a.m.,

1 and we are back on the record.

2 BY MR. GABER:

3 Q. Mr. Bryan, before the break, we were talking  
4 about the information that is or is not on the screen,  
5 versus what's in the spreadsheet that you look at. Do  
6 you recall that?

7 A. Yes.

8 Q. And I wanted to ask whether your answers  
9 about the population information, is that the same with  
10 respect to the political performance data? Is that  
11 also not on the screen of the map as you're doing the  
12 mapping part of the process?

13 A. That's correct. It is not.

14 Q. And aside from the information that allows  
15 you to identify the voting precincts on the map, is  
16 there any other type of information that you would use  
17 for analysis of the plan that's available to you on the  
18 screen in your software?

19 MR. SHEEHY: Objection to form. Go ahead.

20 BY MR. GABER:

21 A. So in each one of these shape files, as I

1 | described earlier, there are data behind each one of  
2 | the shapes that are in the shape files. Every census  
3 | block, every census block group, every precinct, and  
4 | indeed for the whole county of Galveston. In a shape  
5 | file, a piece of it is a data set behind it that tells  
6 | you what the characteristics of each one of those in  
7 | this case what we would call polygon, that file tells  
8 | you what the characteristics of that particular piece  
9 | of geography is.

10 |           And in the case of this analysis, the shape  
11 | files that we use had all of the demographic data and  
12 | all of the political data in the background of those  
13 | shape files. So those data were available in the  
14 | software, but they were not reported to me or presented  
15 | to me as part of the software such as they would be in  
16 | Esri redistricting so that I can see as I do my draws  
17 | what the impact of the political performance of a  
18 | district would be.

19 |           Q.    And if you hover your mouse over a precinct,  
20 | a voting precinct, for example, does a dialogue box pop  
21 | up and give you some of that background information?

1 Or is there just no visibility to that information at  
2 all?

3 A. There is no visibility into that at all.  
4 You would have to go through a process and go look for  
5 that data that would be behind -- characters behind a  
6 particular polygon.

7 Q. Okay. And you did not do anything to see  
8 those characteristics as you were drawing the map?

9 MR. SHEEHY: Objection. Form. Go ahead.

10 BY MR. GABER:

11 A. That's a big question.

12 Q. What about it?

13 A. Can you clarify?

14 Q. I guess help me -- what causes you to say  
15 that's that's a big question? Like what --

16 A. That's the entire process.

17 Q. Okay. So what I mean is when you were  
18 drawing either the benchmark map or really any of the  
19 iterations of the plan, did you take any steps when you  
20 were in the mapping software to learn either the  
21 demographic or the political performance data that's



1 | loaded in the background of the shape files as you were  
2 | physically drawing the map in the program?

3 | MR. SHEEHY: Objection. Form.

4 | BY MR. GABER:

5 | A. In your earlier questioning, you missed a  
6 | step. I described to you how you join individual  
7 | voting precincts to the commissioner races. What I did  
8 | not tell you, you did not ask was how do you get block  
9 | level data. So there's a process to get precinct level  
10 | data associated with individual blocks.

11 | So in the creation of our block file, we had  
12 | to create political data at the block level. And the  
13 | way that you have to do that is by using a process  
14 | called a data join. So we use a data join to connect  
15 | the precincts in the block file to the precinct data  
16 | that we had in that shape file.

17 | So we knew for every block what precinct  
18 | that it belonged to and the political performance of  
19 | that voting precinct.

20 | Q. And when you say precinct there, you're  
21 | referring to the voting precincts. Right?

1 A. That's correct.

2 Q. And in addition to the political data  
3 disaggregated to the census block level within each  
4 voting precinct, you would have also had the  
5 demographic data for that census block in that same  
6 join. Is that right?

7 MR. SHEEHY: Objection. Form. And can we  
8 just have clarification, Mr. Gaber, on what exactly you  
9 mean by demographic information?

10 MR. GABER: Well, I'm going to ask  
11 Mr. Bryan.

12 BY MR. GABER:

13 A. We have the total population and population  
14 by race and ethnicity and the voting age population by  
15 race and ethnicity. That file is generated as part of  
16 a standard template that we create with custom  
17 statistical software and is a format and content that  
18 is identical for virtually every single case that we  
19 participate in, with very limited exceptions.

20 Q. Some mapping programs have, you know,  
21 shading on the screen, where you can shade by race, or

1 you can shade by political performance. I gather that  
2 your software doesn't have any of that for either of  
3 those categories?

4 A. The software is capable of generating  
5 thematic shading, what you would call it. I described  
6 it earlier as semi-transparent thematic shading, and I  
7 am confident that in the process of drawing what I  
8 would call the Four-R plan, I think we later referred  
9 to as map 2, that it is likely that I thematically  
10 shaded the Galveston map to identify where there were  
11 relatively higher or lower levels of republican  
12 performance around the county.

13 Q. And when you say it's likely, you just don't  
14 have a specific memory of doing that. Is that right?

15 A. I do not. You know, if the exercise is to  
16 rebalance republican performance around the county,  
17 then that is a technique that I would have used to  
18 identify where republican performance was relatively  
19 higher in some places, or lower in some places, to help  
20 me identify which voting precincts might be better for  
21 moving, and in between some different commissioner

1           precincts, and which might be better to be left alone  
2           and retained where they were.

3           Q.    Did you draw the -- I think on October 15th,  
4           sort of late that evening and into the early morning of  
5           the 16th is when you generated the first two maps.  
6           Does that sound right to you, the Four-R and the least  
7           change maps?

8           A.    That sounds right.

9           Q.    Which of the two of those did you draw  
10          first?

11          A.    I drew both of them more or less  
12          concurrently.

13          Q.    And the data join that you were just talking  
14          about to get the census blocks attributed to the voting  
15          precinct, was that the first step in the process before  
16          you started assigning census blocks to commissioner  
17          precincts?

18          A.    No.  That would have been later.  The first  
19          step we would have taken for the least change plan is  
20          just to identify populous geography that can be moved  
21          to create a least change plan as quickly as possible.

1 | And then prior to that data join that I explained to  
2 | you, we just looked at which precincts were more or  
3 | less republican, and just manually moved those  
4 | geographies around.

5 | That was the first step and the easy step  
6 | just to see what we could do as quickly as possible  
7 | prior to that join, which we executed shortly  
8 | thereafter.

9 | Q. And just for clarity, when you said which  
10 | precincts to move around based on republican  
11 | performance, that's voting precincts?

12 | A. Yes, that's correct, thank you.

13 | Q. At any point were you instructed with the  
14 | least change map which -- did that sort of ultimately  
15 | turn into map 1? Is that your understanding?

16 | A. That's correct.

17 | Q. Were you ever instructed to make that a  
18 | majority minority -- to have a majority minority  
19 | commissioner precinct, precinct number 3 in that map?

20 | MR. SHEEHY: Objection. Form. Go ahead.

21 | BY MR. GABER:

1 A. There were no instructions on race and  
2 ethnicity. The instructions were to minimize what we  
3 would call precinct splits. And what I mean by  
4 precinct splits are voting precinct splits.

5 And I later received direction that the  
6 conventional guardrails that we use for drawing a least  
7 change map are plus or minus five percent. I was asked  
8 to limit that deviation if possible to plus or minus  
9 two and a half percent. So those were the only two  
10 criteria that I considered in the drawing of map 1.

11 Q. So if there were a statement that the reason  
12 why the boundaries for map 1 were drawn was to create a  
13 majority and minority district, you're saying that  
14 would be an incorrect statement?

15 MR. SHEEHY: Objection form.

16 BY MR. GABER:

17 A. It's incorrect. The objective was minimize  
18 splits and minimize the deviation, the plus or minus  
19 two and a half percent.

20 Q. Okay. I'm going to mark as Exhibit 4 --

21 (Deposition Exhibit 4 was marked for

1 purposes of identification.)

2 BY MR. GABER:

3 Q. -- a spreadsheet that is Bates stamped  
4 Defendant's 00031696. And I'm going to screen share  
5 that.

6 MR. SHEEHY: This is Exhibit 4, Mr. Gaber?

7 MR. GABER: That's right.

8 BY MR. GABER:

9 Q. Okay. Mr. Bryan, do you see an Excel  
10 spreadsheet on your screen?

11 A. Is it possible for you to maybe move it or  
12 expand it? I'd like to see the name of the  
13 spreadsheet, and I'd like to see the tabs that are at  
14 the bottom of the spreadsheet. So if you can just  
15 change the height of it a little bit, please.

16 Q. Yeah. Let me try. Did that change anything  
17 for you?

18 A. It helps. I'm sorry. I'm not trying to be  
19 difficult. I just wanted to -- the screen doesn't fit  
20 our screen, so I'm just trying to see what you're  
21 seeing. So I apologize.

1 Q. No, that's fine. Has that changed anything?

2 A. It's back to where it started. So if you  
3 could make the top come down, the bottom come down,  
4 adjust the screen to shrink the top and bottom a little  
5 bit, please.

6 MR. SHEEHY: What you're wanting to see are  
7 the tabs at the bottom?

8 THE DEPONENT: Yes. There you go. Perfect.

9 MR. GABER: I was just moving around my  
10 desktop.

11 THE DEPONENT: You accidentally did it, so  
12 thank you, Mark.

13 BY MR. GABER:

14 Q. We'll leave it here. Okay. So the name of  
15 the file, whatever it was, has been replaced with the  
16 Bates number produced in litigation, but I can tell you  
17 that this is the spreadsheet that corresponds with the  
18 first two maps that you worked on, the 15th and the  
19 16th. Does that look right to you?

20 A. Yes.

21 Q. And so the first tab we have is 10\_15



1 blocks. And I gather that refers to the date, October  
2 15th, and the block assignments. Is that right?

3 A. This is the block assignment. That's  
4 correct.

5 Q. And assigned the -- the GEO ID column in  
6 Column A, those are the census block ID numbers. Is  
7 that correct?

8 A. It's the 2020 census blocks and the GEO ID  
9 name is a Census Bureau standard term.

10 Q. And then columns B, C, and D; B is the, I  
11 gather, is the benchmark commissioner precinct number  
12 assigned to each census block. Is that correct?

13 A. It is. And there's no significance to the  
14 name. As we started the project, we needed something  
15 convenient to call. It could have easily been named  
16 benchmark, but that was the benchmark assignment.

17 Q. And then C, I gather, is the least change  
18 proposal or draft, along with its corresponding  
19 commissioner precinct assignment for each census block?

20 A. Yes, that is correct.

21 Q. And then D is the Four-R draft map, and

1 again, with the commissioner precinct block  
2 assignments. Right?

3 A. Yes, that's correct. There should be  
4 approximately 7,000 rows or so. Maybe 7500 rows of  
5 block assignments in this particular tab.

6 Q. So one question that I have then is how do  
7 you get from -- is there a separate spreadsheet that  
8 has the voting precinct assignments for each  
9 commissioner precinct when you first drew the benchmark  
10 plan? Or how did it get to the census blocks?

11 A. So I apologize if I wasn't clear earlier.  
12 The block level assignment of voting data did not have  
13 it until later, probably three or four days into the  
14 exercise. At the early stage of our analysis, again,  
15 because we were going quickly, we were working with  
16 whole precincts, and so the whole precinct voting data  
17 at this stage of the analysis would have been  
18 completely captured in the orange tab of the VTDs, and  
19 VTD, if you look at the Galveston block tab in blue, I  
20 don't believe there was any political data  
21 disaggregated or joined to the blocks at this stage.

1 And if you go all the way to the right, please.

2 Q. Of the Galveston block table -- tab?

3 A. Go all the way to the right. Right. So we  
4 have the demographic characteristics, [indecipherable]  
5 characteristics, and then the block assignments from  
6 the earlier tab are -- should be identical to columns  
7 AH, AI, and AJ.

8 Q. And what was the word you said after  
9 demographic characters? It sounded like tunsing  
10 [phonetic], but I don't think that's right.

11 A. I'm sorry. I don't remember. It might have  
12 been another geographic assignment, but the important  
13 variables here are the block assignments in AH, AI, and  
14 AJ.

15 Q. And so earlier, when you described for the  
16 manual process of assigning a voting precincts to  
17 commissioner precincts, when you were drawing the map,  
18 where does that happen? Does that happen in this  
19 spreadsheet or is there a different spreadsheet?

20 A. So the assignment would have taken place in  
21 Esri Arc map, and then the data behind that is exported

1 into Excel, and then the analysis of those voting data  
2 would have started taking place here. So similar to  
3 how you have the Galveston blocks highlighted, and then  
4 there's a pop pivot tab, similarly the voting precinct  
5 political performance data would be in the orange VTD  
6 tab. That data doesn't really mean anything in that  
7 format, just acres of numbers. And so then we would  
8 take that and then create a VTD for the tab, which  
9 would summarize and organize this information for each  
10 one of the commissioner precincts. In this case, it  
11 was for the original, or what I'll refer to as the  
12 benchmark plan. There is also a summary here of my  
13 first attempt at a least change plan, and then third, a  
14 summary of the map, the Four-R plan.

15 So these are whole precincts. Some  
16 precincts are split, so this would, at this stage is an  
17 estimate, and is not 100 percent accurate.

18 Q. And so I guess I'm a little confused about  
19 one thing, which I maybe just didn't understand you  
20 earlier. When you say that the voting precincts were  
21 assigned to the commissioner precincts and Esri Arc

1 map. Is that what it's called?

2 A. Yes, that's correct.

3 Q. I had understood you to be sort of looking  
4 at the map, and then separately assigning the voting  
5 precincts to the commissioner precincts in Excel. Is  
6 there some automated which that happens in Esri Arc  
7 map?

8 A. I'm really sorry I didn't explain that  
9 clearly, Mark. The assignments took place in Esri. So  
10 we populated which commissioner precinct each voting  
11 precinct belonged to in Esri, and then exported that  
12 after we had done the voting precinct assignments out  
13 to Excel.

14 So if you click on the VTD tab, please, so  
15 please scroll all the way to the left, column B or C or  
16 D, for example, so the only information we had from the  
17 precincts without the data join would be whatever the  
18 VTD ID number is in column A.

19 All of these other data about the -- that  
20 are political performance statistics, those would have  
21 been joined in the Esri environment to those individual

1 VTDs, and then exported out into this Excel environment  
2 for our analysis.

3 Q. And how mechanically do you do the  
4 assignment in Esri Arc map? Are you clicking on the  
5 selector button for, like, commissioner precinct 1, 2,  
6 3, 4, then do you click the regions of the map that you  
7 want to assign to that? Or is it some other assignment  
8 process?

9 A. Yeah, fair question. It's very  
10 straightforward. We would select the pieces of  
11 geography that belong to, in this case, pieces of  
12 geography being voting precincts. We would select  
13 those precincts. They would show up as highlighted on  
14 my screen. And then you can select on a column in the  
15 Esri environment, and there's a button that says  
16 calculate. So you click on that button, and you  
17 calculate, and then you would enter the value that you  
18 want to assign for those selected pieces of geography.  
19 You would just iterate that for each one of the  
20 different commissioner precincts. Select the voting  
21 precincts. Calculate, select, calculate, until all of

1 the precincts were assigned.

2 Q. Okay.

3 A. Only after you had a complete assignment  
4 would we export this into the Excel environment for our  
5 political performance analysis there.

6 Q. So the -- what would be generated in the  
7 Excel, if you hadn't done any sort of data join, would  
8 just be a traditional block assignment file, let's say  
9 the census blocks, or -- would it be in the census  
10 block level or would it still be at the VTD?

11 A. We keep them separate. So in this case, all  
12 it would have been would be a VTD assignment. So  
13 without the political data, we have the VTD, and then  
14 this GalvDist least change for, you know, that --  
15 joining in the political data after we have what  
16 commissioner precincts each voter precinct has been  
17 assigned to.

18 Q. And does that join, the data join, for both  
19 the political data and the demographic and racial  
20 demographic data, does that happen in Esri itself? Or  
21 is that something you do separately in Excel?

1 MR. SHEEHY: Objection to form. Go ahead.

2 BY MR. GABER:

3 A. So those joins take place in the Esri  
4 environment. To the best of my knowledge, there's no  
5 way to do a geographic join in Excel. Maybe someone  
6 smarter than me has come up with a way, but I don't  
7 know. Way above my head. So that join of the  
8 geography join and the data join, all of that, you  
9 know, data development work takes place in the Esri  
10 environment, and then is exported after all these  
11 different kinds of joins are made into this environment  
12 that we're looking at to enable the analysis that we  
13 do.

14 Q. Okay. There's a note tab here. This one  
15 says there were 36 48039 blocks, and 748071 blocks in  
16 this originally.

17 A. That's correct.

18 Q. Do you know what that means?

19 A. I do. Unfortunately -- I laugh because it's  
20 painful. In the process of selecting blocks for  
21 Galveston, we selected the blocks using what is called



1 a spatial selection. And what that process did is  
2 inadvertently grabbed some irregularly shaped blocks  
3 around the border, the edge of Galveston County from  
4 count 48039 and 48071 and included them in our analysis  
5 as we got started.

6 It had, you know, about 40 blocks or so that  
7 should not have been there. So we subsequently reduced  
8 the blocks, only blocks that were in Galveston County.  
9 So it's just a minor GIS that we had to do to get the  
10 block file correct.

11 Q. The next tab is titled Galveston blocks, and  
12 this looks to me like it has all of the census block  
13 GEO IDs in column A, and then a host of columns with  
14 demographic data from the Census Bureau. Is that  
15 right?

16 A. Yeah. There are two different sets of  
17 demographic data in this file.

18 Q. Is that some from the American Community  
19 Survey and some from the census?

20 A. That's correct. Columns C through H are  
21 disaggregated American Community Survey data. I

1 | believe it was from the 2016 to 2020 vintage. Maybe  
2 | one year earlier, whatever the most recent was.  
3 | Started with column I. Those would be the beginning of  
4 | the PL 94171 block data. Those are not estimates.  
5 | Those are the actual data published by the bureau from  
6 | the 2020 census.

7 | Q. And for the ACS, if my memory serves, this  
8 | would have been the 2015 through 2019 data available in  
9 | the fall of 2021. Does that sound right to you?

10 | A. It's very possible, Mark. You know, we try  
11 | to update these as soon as they come out. And the  
12 | timing of the delivery of these files was impacted by  
13 | COVID. Since we processed all of them, it's very  
14 | possible that this was a 2015 to '19 vintage.

15 | Q. Then maybe you can help me with some of  
16 | these columns. So column C, it says ACS\_PP. What  
17 | would that be?

18 | A. That would be the population. So the total  
19 | population variable.

20 | Q. And then we have column D, ACS\_CV.

21 | A. So that would be the total citizen voting

1 population, or the CVAP variable.

2 Q. And then column E, we have AC\_WNH.

3 A. That would be the white non-Hispanic CVAP  
4 estimate.

5 Q. And then column F is AC\_BNH.

6 A. That's correct. That's the black not  
7 Hispanic CVAP estimate.

8 Q. Column G, I see AC\_ONH.

9 A. So that would be the other non-Hispanic  
10 variable. It is effectively a remainder or balance,  
11 which could include populations such as multi-race,  
12 some other race, or perhaps Asian. When you include  
13 that with the Hispanic estimate, which is in column H,  
14 the program is designed to ensure that the sum of each  
15 population by race and ethnicity equals the total CVAP  
16 estimate provided in column D.

17 Q. And when you say the program, what program  
18 are you referring to?

19 A. I have a statistical program that I've  
20 written that does the disaggregation. And part of the  
21 quality control of that software is to ensure that the

1 individual CVAP pieces by block sum to the total CVAP  
2 estimate by block. Our software guarantees that. Not  
3 all disaggregation estimates I have seen published by  
4 other experts ensure that level of accuracy.

5 Q. And so, as an example, the first census  
6 block that's listed has a total CVAP of 15, of zone 12,  
7 are white non-Hispanic, and column E and 3 are Hispanic  
8 from column FH. And that adds up to 15. And then so  
9 column -- starting with column I, all the way through  
10 is it column X, are the census data? Is that right?  
11 Or is this Y as well?

12 A. I'm sorry for interrupting. Go ahead, Mark.

13 Q. So I guess I just want to get clear. So we  
14 start with the census data in column I with the PL  
15 total. Is that right?

16 A. That is correct.

17 Q. And that's the total population in each  
18 census block?

19 A. That is.

20 Q. And I see that we go on for quite a few  
21 columns until we get to the block and size portion for

1 the precinct -- commissioner precincts, and it goes  
2 through A -- LAF column. What is F2020 POP?

3 MR. SHEEHY: Objection to form. Go ahead.

4 BY MR. GABER:

5 A. There is -- as you read from left to right,  
6 there are total population statistics through column M,  
7 and there are voting age population statistics, which  
8 you see starting in column O. Column O through T are  
9 replicates of the earlier columns. That is, column by  
10 column, all it is is the same definition, except for  
11 the voting age population, not the total population.

12 After that, you will see some housing unit  
13 statistics. And again, this is our standard template.  
14 We use the same variables, and the same data, and, you  
15 know, because there's cases where sometimes housing or  
16 households become important, so no matter what the case  
17 is, we always bring along all the housing unit, group  
18 quarters, household data just because that's what our  
19 template provides.

20 So if you scroll to the right from there,  
21 you'll see group porters. Group porters were a part of

1 the analysis, but it's more work to get rid of, you  
2 know, the housing data in GQ because it's part of our  
3 template. So just we bring all that data along.

4 Similarly, you know, we have statistics on  
5 percent of CVAP. So those statistics, again, are part  
6 of something we regularly produce in our template. The  
7 P80STNUM in column AD, I think that's a state  
8 legislative district assignment.

9 I think, if you scroll to the right, I'm  
10 sorry your picture is covering just the right part of  
11 the screen. So just scroll to the right, please.

12 The F -- to get to your question, column AF,  
13 the F 2020 population, that's a replicate of the total  
14 population variable. I will commonly put those out in  
15 the middle of a data set because we're now 50 columns  
16 to the right of where total population was originally,  
17 so it just helps me keep track of what the total  
18 population is.

19 And since the total population is what drove  
20 the definition of these commissioner precincts, it was  
21 important that I have that close to me while I was

1 doing the assignments, which you see is just to the  
2 right of those numbers.

3 Q. Column Z and column AA, those are the  
4 percent block CVAP and percent systemic CVAP for that  
5 census block. Is that right?

6 A. Yes, that's correct.

7 Q. And that -- I assume that's like a formula  
8 field? Does that link to the totals that were in  
9 earlier columns?

10 MR. SHEEHY: Objection to form. Go ahead.

11 BY MR. GABER:

12 A. Yes. And similarly CVAP and percent HVAP as  
13 well. There's -- in some places there's similarities  
14 or inconsistencies between these, so we will commonly  
15 look at these variables side by side if -- you know, if  
16 there's a need for it, we can determine whether they're  
17 consistent or inconsistent.

18 In this case we didn't need those statistics  
19 but, you know, because it's more work to get rid of  
20 data from our template than to bring it along, we just  
21 left that in there, just like the housing unit

1 household and GQ data.

2 Q. So the template that has like drop-down  
3 boxes at the top of each column, what is that? What's  
4 the purpose of that? What does it allow you to do?

5 A. It just enables us, for example, to -- it's  
6 an analytic feature of Excel. It's standard. It's  
7 nothing custom that I built. And what that would  
8 enable us to do, for example, would be create a subset  
9 of this field to examine more closely.

10 So in this case if we wanted to, you know,  
11 look at, for example, blocks, you know, what were the  
12 total population of blocks for the least change plan  
13 commissioner district 1, this would enable us to filter  
14 down to commissioner district one and do a visual  
15 examination of the total population of each one of the  
16 blocks in that district. That also enables us to do  
17 air checking and quality control work to make sure the  
18 data that we created is valid and reliable.

19 Q. I'm going to ask you about that mapping for  
20 a minute. When you got to the point -- so in the  
21 beginning you were just assigning full voting precinct



1 to each commissioner precinct in this first --

2 MR. SHEEHY: Objection. Objection. Form.

3 BY MR. GABER:

4 Q. Is that right?

5 MR. SHEEHY: Objection. Form.

6 BY MR. GABER:

7 A. Can you please restate, Mark?

8 Q. Sure. When you drew the least change and  
9 the Four-R map that are in this spreadsheet we're  
10 looking at, and I guess also the benchmark plan, you  
11 were at that point assigning full voting precincts to  
12 each commissioner precinct. Is that right?

13 MR. SHEEHY: Objection. Form. Go ahead.

14 BY MR. GABER:

15 A. There were two separate, you know,  
16 assignment exercises. You know, as I described  
17 earlier, there's a precinct assignment exercise, you  
18 know, where we have the 93 precincts, and we were able  
19 to assign each one of those voting precincts to a  
20 commissioner precinct. Separately, from that, you  
21 know, we needed to make a block assignment. So we had

1 a detailed block assignment file. This is more time  
2 consuming because there's 7500 pieces of geography we  
3 need to assign.

4 So the first step with this block file  
5 concurrent with the precinct work would be to create  
6 this individual block assignment file in each block and  
7 using a variety of techniques, assigning it to the  
8 commissioner district from the benchmark plan as a  
9 starting point, and then later as we began analyzing  
10 and developing our plans, we would start making block  
11 assignments for the least change and for the Four-R  
12 plans.

13 Q. And how do you make those block assignments?

14 Or how did you make those block assignments? Like I  
15 mean physically, how did that happen?

16 MR. SHEEHY: Objection form. And Mr. Gaber,  
17 your prior question referred to multiple maps, I think,  
18 the benchmark, least changes, and Four-R, so can we  
19 break those out or --

20 BY MR. GABER:

21 Q. So I guess I would ask Mr. Bryan is the

1 process different for the different maps such that we  
2 need to break them out individually or is it the same?

3 A. The process for blocks in general is  
4 similar, but I'm going to differentiate that from the  
5 precinct assignments, and here is why. Like I just  
6 showed you earlier in the note section, sometimes there  
7 can be irregularly shaped polygons, and so you can  
8 select a polygon based on where its centroid is, or  
9 where the center of the polygon is.

10 So sometimes it is the case unfortunately in  
11 a geographic information system that the majority of a  
12 polygon can be in one district, but the center of it  
13 could be in a different district, such as if it was  
14 following the contour of a river.

15 And when you are dealing with small pieces  
16 of geography such as blocks, as is the case in  
17 Galveston, this necessitates a two-step process to do a  
18 block assignment. The first step is you can just  
19 select blocks by where their centroid is, which is a  
20 standard functionality in Esri's software.

21 Subsequent to that, an analyst, myself,

1 someone would need to go look at those blocks along the  
2 edge just to make sure that that, in a broad strategy  
3 of assigning centroids, had done it correctly. And  
4 inevitably, there are always some blocks on the edge of  
5 a district, on the edge of a commissioner precinct that  
6 need to be manually reassigned.

7 So, in that regard, because there are many  
8 more pieces of geography, and they are smaller and more  
9 irregular than a precinct, it necessitates that longer,  
10 more laborious block assignment exercise, and it's just  
11 more time consuming and difficult, but it is critically  
12 important that it be accurate, because these block  
13 assignments are the record of what geography is in  
14 which commissioner precinct. Does that help?

15 Q. A little bit. I guess what I'm getting at  
16 or trying to get at is was this a manual process of  
17 assigning these blocks to the commissioner precincts  
18 for each of the dropped maps, or was it automatically  
19 generated?

20 MR. SHEEHY: Objection. Form. Go ahead.

21 BY MR. GABER:

1           A.    Again, I just described the process in  
2           detail.  It's a two-step process.  You can assign  
3           blocks by centroid, which is a standard Esri  
4           functionality.  And then there's a manual process  
5           involved after that to ensure quality control, and then  
6           all the blocks are assigned correctly.

7           Q.    And in terms of the quality control to  
8           ensure they're assigned correctly, what are you looking  
9           at to see that they are correctly assigned in this  
10          spreadsheet?

11          A.    So we would zoom in to the borders and look  
12          very, very carefully at these polygons, and see where  
13          exactly they are relative to the boundary of the  
14          commissioner precinct.

15                Unfortunately, in many cases with the census  
16          bureau TIGER shape files, there can be extremely small  
17          pieces of geography.  We refer to them as slivers,  
18          which could be a section of a highway, for example, and  
19          it's very difficult to determine, you know, if a  
20          polygon that's ten feet by 20 feet is on one side or  
21          another.  That's why the manual exercise is difficult.

1 But, again, it is critically important because this  
2 becomes the document of record of which geography  
3 belongs at which commissioner precinct.

4 Q. And so, if I understand then, and tell me if  
5 I have this right, first it's automatically generated  
6 using the centroid assignment feature. And then after  
7 that, you do the quality control by Zooming in in Esri  
8 to the map that's seeing the census block ID numbers,  
9 and then checking to ensure that in the spreadsheet  
10 they're correctly assigned to the right commissioner  
11 precinct in this Excel spreadsheet. Is that roughly  
12 correct?

13 MR. SHEEHY: Object to form.

14 BY MR. GABER:

15 A. It's roughly correct. I am cautious about  
16 using the word automatic. It's only automatic insofar  
17 as I would need to have gone in and told it what to go  
18 assign to what, and then the software would have done  
19 what I had told it to do. But you're -- conceptually,  
20 -- your construct is correct.

21 Q. And then in terms of locating the census

1 block within this spreadsheet that you're focussed on,  
2 to check to see that it's in the right place, are you  
3 using like control F and searching for the census block  
4 ID number?

5 MR. SHEEHY: Objection. Form.

6 BY MR. GABER:

7 A. Mark, are you asking about the second step,  
8 the manual assignment quality control?

9 Q. Yes.

10 A. Mark, all that work would have taken place  
11 inside of the Esri environment. Because there's no way  
12 to look at the spreadsheet and be able to tell, you  
13 know, where one block is relative to a boundary. So we  
14 would do that examination and quality control inside of  
15 the Esri software. And once we are sure or reasonably  
16 confident that we've got all the blocks correctly  
17 assigned to the right commissioner districts, we would  
18 then export the data behind that shape file into this  
19 environment to begin our analysis.

20 We try very to hard to make sure those  
21 assignments are correct, because if they're not

1 correct, any analysis we do downstream in this Excel  
2 environment will also not be correct.

3 Q. So the quality control, then, if I'm  
4 understanding, involves Zooming in on the map in Esri  
5 and ensuring that all of the census blocks are colored  
6 correctly from which commissioner precinct that they're  
7 assigned to?

8 MR. SHEEHY: Objection. Form.

9 BY MR. GABER:

10 A. Yes.

11 Q. Okay. Now I understand. So if there's a --  
12 there's a VTE tab in the spreadsheet, which we  
13 discussed, which has the voting precinct numbers, some  
14 political data, as well as, again, the block  
15 assignment. I guess in this case it's the VTD  
16 assignment to the commissioner precinct. Is that  
17 right?

18 A. Yes, that's correct.

19 Q. And then there's a POP pivot tab. And can  
20 you describe what this is?

21 A. So the pivot table functionality is one of



1 the most powerful analytic tools offered by Microsoft  
2 in Excel. What it enables us to do is summarize  
3 statistics and to create statistics by providing a  
4 variable, one or more variables, on an X axis, and one  
5 or more variables on a Y axis.

6 So what this pivot table is, is on the Y  
7 axis, it is an identification of each of the four  
8 commissioner districts. You'll see there's 1, 2, 3, 4,  
9 and then the total.

10 On the Y axis -- I'm sorry. On the X axis  
11 across the top, Y axis on the left, the Y axis is just  
12 a summary of every different demographic variable that  
13 we have. Everything that's possible. And as you can  
14 see, you know, we highlighted the total because that's  
15 the only variable, you know, for the purpose of this  
16 first round of drawing that we were concerned with.

17 You can see in rows 10, 11, and 12 that I  
18 created a two and a half percent what we will call  
19 guardrail above and below the population total for  
20 Galveston, which is 351,000 people. So the goal here  
21 is to create districts whose PL total population in

1 column G is within that 97.5 to 102.5 range.

2 Q. Okay. And then so this, I gather, has the  
3 number of columns, in addition to the total, that are  
4 not highlighted, that include voting age population  
5 data by race and ethnicity. Is that right?

6 MR. SHEEHY: Objection. Form. Go ahead.

7 BY MR. GABER:

8 A. I can't confirm one hundred percent accuracy  
9 of replication because, again, we were working very  
10 quickly, and the only number that mattered to us here  
11 was the total population. But as we work in this  
12 environment, you know, our template just kind of  
13 populates everything that we have, and then we zoom in  
14 and focus on the variables that are important to us.

15 So I believe that every one of these  
16 variables will align with the variables in the  
17 Galveston block table, but I cannot say with certainty  
18 that maybe one is missing.

19 Q. Do you -- on your screen, do you see the  
20 pivot table box on the right-hand side?

21 A. Which column?

1 Q. So it's not one of the columns. It's open  
2 in my Excel. I can move it to the left.

3 MR. SHEEHY: Your picture, Mark, covers  
4 about the right quarter of our screen, so anything off  
5 to the right that you can see, we cannot.

6 BY MR. GABER:

7 Q. How is that?

8 A. Better. Yes.

9 Q. Do you see pivot table fields where my mouse  
10 is?

11 A. Yes.

12 Q. Okay. And then, so selected here are ACS  
13 total CVAP, ACS white not Hispanic, ACS black not  
14 Hispanic, ACS other not Hispanic, and then ACS  
15 Hispanic. And then -- do you see all those?

16 A. Yeah. Pretty much just grabbed everything  
17 here.

18 Q. And then for the similar tab, it has the  
19 total from the census. Does that look right, for each  
20 of those categories?

21 A. Yes.

1 Q. And then again, same thing for the voting

2 age population by race. Those are all selected as

3 well. Do you see those?

4 A. That is correct.

5 Q. And then there's also a VTD pivot tab. Do

6 you see that?

7 A. That's correct.

8 Q. And then here we have again the original or

9 the benchmark plan, the least change in Four-R, with --

10 is this data from the Cornyn senate race?

11 A. Yes.

12 Q. Is this format of this particular

13 spreadsheet we're looking at, is this your standard

14 template spreadsheet for this type of analysis?

15 MR. SHEEHY: Objection. Form.

16 BY MR. GABER:

17 A. Mark, conventionally we would take

18 individual races and the contestants in those races and

19 sum up the votes, and then we would create a sum of the

20 total of the votes were cast. Often times it's

21 different than the number of actual registered voters,

1 I'm sure you know, and then we would create a percent  
2 republican estimate. In this case, by taking the count  
3 of the votes for Cornyn, divided by the sum of all  
4 votes that were cast within that district. And that's  
5 what is represented in column G. And this would be  
6 standard for any type of political analysis that we  
7 would do.

8 Q. And I meant to make my question a little bit  
9 more broadly, which is not specifically about that  
10 particular tab in the spreadsheet, but rather the  
11 spreadsheet as a whole. All of these tabs, and the  
12 political demographic data we've been looking at, and  
13 the block assignments, is this what represents your  
14 standard template for when you're doing analysis?

15 A. I would be more conservative and say that  
16 the population data, a block assignment file, and the  
17 population pivot, that's really what is standard here.  
18 The VTDs and the political data, those are something we  
19 would add on frequently because there's no standard in  
20 the census data for that. So, in a case like this,  
21 where political performance is important, we would add

1           that on. The foundation or the core of our standard  
2           template is really the demographic data. Anything else  
3           besides that kind of gets added to that template,  
4           depending on the case.

5           Q. Okay. Did Holtzman Vogel ask for an  
6           analytical spreadsheet like this or did you just  
7           produce that as part of your standard practice?

8           A. This is the standard template that I use.  
9           My client, Dale, did not ask for a specific format,  
10          like a report style, or specific content. He and Phil  
11          were interested in the outcome and the results, not in  
12          the format of the file that I produced for them.

13          And the template that we have here, and that  
14          I have in my other analytic spreadsheets, being our  
15          standard template, was sufficient for the analytic  
16          purposes of this exercise.

17          Q. Okay. I think I am going to take the  
18          spreadsheet, which was Exhibit 4, off the screen, and I  
19          am going to mark in a moment another exhibit, but I  
20          want to ask first, when you spoke with Mr. Gordon, when  
21          you were initially called, did he ask that you produce

1 the map -- the draft maps, as well as an analytical, in  
2 whatever form, you know, he wanted at the time, but  
3 some sort of analysis of those maps as well?

4 MR. SHEEHY: Objection. Form. Go ahead.

5 BY MR. GABER:

6 A. Mark, can you please restate that question?  
7 I want to make sure I'm really clear on what you're  
8 asking here.

9 Q. Sure. When you first spoke with Mr. Gordon  
10 about doing this work for Galveston, did he ask for  
11 both draft maps, as well as analysis of the  
12 characteristics of those maps?

13 MR. SHEEHY: Objection. Form. Go ahead.

14 BY MR. GABER:

15 A. I want to make sure that we're clear for the  
16 record that when I began the exercise, that, you know,  
17 I was -- my understanding is that I was primarily  
18 serving Dale, and that Phil was part of the team. So I  
19 don't want my answer to reflect an interpretation that  
20 I was doing this in response to Phil.

21 My response is I was doing this at the

1 request of Dale and Phil. And so in response to the  
2 needs of my client, yes, the interest was in create a  
3 work product that included both a map, you know, a  
4 picture of what the benchmark plan was, a map, a  
5 picture of what my maps would look like, as well as the  
6 statistics about the population deviation as was the  
7 case for a map point, and then the -- and I'll add to  
8 that, the -- later, the split precinct analysis. And  
9 then for map 2, the statistics that we needed again  
10 were to make sure that population deviation was within  
11 the two and a half percent. But in this case, in  
12 addition to the split precincts, we needed to know what  
13 the political performance was going to be of each one  
14 of those four districts under different scenarios. So  
15 those are the statistics that they told me that they  
16 needed in order to inform a decision about the  
17 development of those maps.

18 Q. And you didn't -- I think maybe I asked this  
19 already. You didn't know Mr. Oldham prior to this  
20 engagement. Right?

21 A. Had not met him. Did not know who he was.



1 Q. I am going to mark Exhibit 5.

2 (Deposition Exhibit 5 was marked for  
3 purposes of identification.)

4 BY MR. GABER:

5 Q. And this one does not have a Bates number  
6 because we generated it off of the least change block  
7 assignment file that was in the spreadsheet we were  
8 just looking at of Exhibit 4. Does this look familiar  
9 to you as the map that corresponds with the original  
10 least change block assignments?

11 A. Mark, it does. And the reason I can  
12 identify it as that is that this is an incomplete draft  
13 map with obvious discontinuous pieces of geography.

14 Q. Yeah. I noticed that as well. In the  
15 middle of -- for example, commissioner precinct 3,  
16 there's obviously a portion that was, you know,  
17 assigned to a different precinct. Is that right?

18 A. So the map, this least changed map and  
19 Four-R map that were the first drafts were never  
20 completed.

21 Q. So I have -- we added to this from -- ever

1 used Maptitude before?

2 A. I have not, but I'm very familiar with it.

3 Q. Okay. So this is the Maptitude population  
4 summary report that corresponds to that least change  
5 figure that's appended to the end of the map here. But  
6 this, I would -- assuming Maptitude and you have the  
7 same census data, that the percent has been 18 plus POP  
8 and the percent 18 plus block, that does correspond  
9 with what's in your Excel spreadsheet. Right?

10 MR. SHEEHY: Objection. Form. Go ahead.

11 BY MR. GABER:

12 Q. I missed the answer. Sorry?

13 A. Yeah, it's -- yes, they should. Since we  
14 have done so many cases where map issues have been  
15 involved, we very frequently will just check and  
16 reconcile and make sure our statistics are the same as  
17 other people for participating in the case, and they're  
18 always the same. I did not have the Maptitude data for  
19 this case, so I can't confirm that that quality control  
20 exercise would yield the same results.

21 Q. And then I'm going to mark -- give me one

1 moment so I can keep a record here -- as Exhibit 6 --

2 (Deposition Exhibit 6 was marked for

3 purposes of identification.)

4 BY MR. GABER:

5 Q. This will be the same concept, but this is

6 the map that was generated from the Four-R block

7 assignment field. Does that look familiar to you as

8 the Four-R map from the spreadsheet that we looked at

9 in Exhibit 4?

10 A. I believe it is. I can't say without

11 certainly, without looking at my work next to it.

12 Q. Do you see it still has the discontiguous

13 pieces as well?

14 A. Yes. Also, incomplete just like the least

15 change map preceding it.

16 Q. And like the last one, this contains the

17 Maptitude data that would correspond to the census data

18 in your spreadsheet. You said you didn't check

19 Maptitude for this project?

20 A. I have never seen the Maptitude report for

21 the project, so I don't know. But we invariably have

1 identical statistics, sometimes more statistics than  
2 what are published by Maptitude, so they should be  
3 consistent.

4 Q. When you were working on both the least  
5 change and the Four-R, is that the case that you  
6 started with the benchmark plan and then made changes  
7 from there?

8 A. Obviously for the least change map, by  
9 definition, sure, yes, we started with the benchmark  
10 plan. Also, with the Four-R plan, similarly, but the  
11 strategy, instead of working to, you know, how small of  
12 a change can you make in order to reduce deviation, the  
13 goal was instead to say, well, it may introduce more  
14 change, but is the output of the incremental change a  
15 different rebalancing of the republican performance of  
16 each district.

17 Q. Did you share the initial least change map  
18 and this Four-R map with anyone?

19 MR. SHEEHY: Objection. Form. Go ahead.

20 BY MR. GABER:

21 A. So I believe that on a Zoom call within a

1 | day or so of me making my first attempt at these two  
2 | maps, I shared these maps over with my clients.

3 | Q. Who was participating in that Zoom call?

4 | A. I am sure that Dale was on that call. I do  
5 | not remember if Phil was on that call or not. There  
6 | were -- obviously with a compressed time frame, many  
7 | calls. I just don't remember the inventory of who was  
8 | on or off each one, but Dale would have been.

9 | Q. And what was the feedback or response that  
10 | you got from Dale?

11 | MR. SHEEHY: And what date are we talking  
12 | about? Sorry, Mark. Just to have a clear record.

13 | MR. GABER: I don't know. But Mr. Bryan,  
14 | maybe you do.

15 | MR. SHEEHY: Well, I guess we're talking  
16 | about this map in front of us, October 15, Four-R,  
17 | so --

18 | BY MR. GABER:

19 | Q. Right. So my questions are about the Four-R  
20 | map, as well as the October 15th least change map. And  
21 | so a Zoom call about those first two draft maps.

1 A. It would have taken place pretty quickly.

2 Again, I was involved with some long distance travel at

3 the time, so I'm not sure right -- during before or

4 after that travel when that call took place, but it

5 would have been within a day or so of my work on this

6 on October 15th, I would have presented this

7 preliminary draft to Dale, and perhaps Dale and to

8 Phil.

9 Q. And then -- so I think the original question

10 was what was the feedback or comments that you received

11 from Dale about these two initial draft for our map and

12 least change map?

13 A. I did these maps on my own without any other

14 information or specific knowledge of Galveston. So

15 their reaction was that it was a good draft effort, and

16 they had some ideas how they wanted to adapt my work

17 and evolve this towards some ideas that they had about

18 what those two plans would look like, what their vision

19 was. It was an evolutionary process.

20 Q. And on that Zoom call, what were the ideas

21 that they, being Dale and possibly Mr. Gordon, that

1 | they shared?

2 | A. So, at this point, with Dale's knowledge of  
3 | the geography of Galveston, I would have received  
4 | direction to move certain polygons representing VTDs,  
5 | or maybe not move some of the VTDs that I had chosen.  
6 | So it was fairly precise direction, not just with the  
7 | high level direction I got for how to draw each plan,  
8 | but rather they had some ideas of specific parts of  
9 | Galveston that they thought were good for the moves  
10 | that they wanted to make, and they would have shared  
11 | that direction with me.

12 | Q. Do you recall any of the specifics of their  
13 | instructions?

14 | A. No, I really don't. But it would be  
15 | reflected in the next versions of these maps that we  
16 | see in the days following.

17 | Q. In providing the specific feedback about the  
18 | polygons to the move around the manhunt, were there any  
19 | thematic justifications or reasons given or was it just  
20 | like giving specific instructions about what to move  
21 | without explaining why?

1 MR. SHEEHY: Objection. Form. Go ahead.

2 BY MR. GABER:

3 A. Yeah, so it was very specific direction  
4 without justification. We were trying to move  
5 extremely fast. This was not one of those cases where  
6 you take a lot of time to talk about each neighborhood,  
7 or each move, or why we were doing things. It was a --  
8 we were given three or four days from starting the  
9 project to having complete plans.

10 MR. GABER: It is 12:30, I think. Do you  
11 want to stop now for lunch?

12 MR. SHEEHY: I think that sounds like a good  
13 idea.

14 MR. GABER: Okay. How long do you all want?

15 MR. SHEEHY: Do you want to say come back at  
16 1:15? 45 minutes.

17 MR. GABER: That works.

18 MR. SHEEHY: Okay. Excellent. We can go  
19 off the record.

20 THE VIDEOGRAPHER: All right. The time is  
21 12:30 p.m., and we are off the record.



1 (A lunch break was taken.)

2 THE VIDEOGRAPHER: The time is 1:20 p.m.,  
3 and we are back on the record.

4 BY MR. GABER:

5 Q. Good afternoon, Mr. Bryan. Before the  
6 break, we were talking about the Four-R and the least  
7 change map for October 15th. I'd like to move to the  
8 next set of maps that you produced, and I'm going to  
9 start showing you what I'll mark as Exhibit 7, and this  
10 is an e-mail with the Bates labeled Defendant'S  
11 00036194.

12 (Deposition Exhibit 7 was marked for  
13 purposes of identification.)

14 BY MR. GABER:

15 Q. And give me one moment. Okay. Do you -- on  
16 your screen, do you see an e-mail dated October 17,  
17 2021, 5:05 p.m. Central, from you to Jason Torchinsky,  
18 Phil Gordon, and Dale Oldham, with the subject line  
19 Galveston?

20 A. Yes.

21 Q. And I can scroll down a bit. Maybe I'll

1 start at the bottom so you can see where this  
2 conversation begins. You see it starts on October 16  
3 at 1:55 a.m.?

4 A. It was a long day.

5 Q. And that first e-mail, I gather, is about  
6 you discussing the Four-R map and the least change map  
7 that you did on the 15th. Right?

8 A. Yes.

9 Q. And then you had some discussions on  
10 scheduling coordination for setting up a meeting. Do  
11 you see that on the second page of this e-mail  
12 exchange?

13 A. I do.

14 Q. On October 16th, it looks like you're asking  
15 for Dale's name and contact info to roll. Does that  
16 refresh your recollection about whether -- that he  
17 wasn't on your first phone call you had with  
18 Mr. Gordon?

19 MR. SHEEHY: Objection. Form.

20 BY MR. GABER:

21 A. I don't know who was on the first phone

1 call. And if he was, I was just making sure I had  
2 clarity in who he was and what his role was in the  
3 project.

4 Q. Okay. So I gather at some point here, there  
5 was the Zoom conversation that we talked about earlier.  
6 Correct?

7 MR. SHEEHY: Objection. Vague.

8 BY MR. GABER:

9 A. I believe so.

10 Q. And then it looks to me at the top here that  
11 you're attaching some files and analysis spreadsheet  
12 dated October 17, and then a midline change plan for  
13 Galveston. Let's title it Galveston optimal deed plan  
14 and Galveston original plan. Do you see that?

15 A. Yes.

16 Q. And I'm going to -- so I'm going to mark  
17 this is Exhibit 7, 36194. I'm going -- attachments to  
18 this. So I'll mark as Exhibit 8 Defendant's 00036199  
19 and show you that.

20 (Deposition Exhibit 8 was marked for  
21 purposes of identification.)

1 BY MR. GABER:

2 Q. Do you see on your screen on the top titled  
3 Galveston Texas Draft Optimal D Plan?

4 A. I do.

5 Q. What does Optimal D stand for?

6 A. I don't know what the letter D was for. I  
7 think it may have represented just that it was a D for  
8 draft of the optimal plan. There wasn't any other  
9 special significance to the name.

10 Q. So you think it might have been draft?  
11 Optimal draft plan?

12 A. Could have been, yeah. There wasn't any  
13 other special meaning to it. Again, we were working  
14 very fast, and as fast as any name would come in my  
15 head, I would put it in as a name of a plan, and that's  
16 what it was.

17 Q. We talked a little bit earlier before the  
18 break about this. If we were to compare this next map,  
19 the optimal D plan, from the Four-R plan that we looked  
20 at earlier, the changes, the specific precinct, voting  
21 precinct changes, that direction came from Dale Oldham.

1 Is that correct?

2 A. Yeah, that's correct. And on these days,  
3 there was, I think, two or three different intermediate  
4 draft plans, and I don't think that any of these plans  
5 went any further than a preliminary or draft change.

6 Q. Did you title the maps or were those titles  
7 given by someone else?

8 A. I think I named these.

9 Q. I'm going to take the map down and mark as  
10 Exhibit 9 a spreadsheet which is Bates labeled  
11 Defendant's 00036197. And that's the spreadsheet that  
12 was attached to the e-mail we looked at that is Exhibit  
13 8.

14 (Deposition Exhibit 9 was marked for  
15 purposes of identification.)

16 BY MR. GABER:

17 Q. Do you see a spreadsheet on your screen?

18 A. Yes, I do.

19 Q. And can you see the whole thing or do I need  
20 to move it for you?

21 A. I mean, I can see it pretty well, but I

1 don't recognize the title of the file.

2 Q. Right. And that's -- that, of course, is  
3 the -- that's the Bates stamp that is given in the  
4 litigation to identify this document. So that way the  
5 title of the file would have been changed for that  
6 reason.

7 A. What was my name for the file?

8 Q. Say that again.

9 A. What was my name of this file?

10 Q. That would be from the e-mail, which let me  
11 look it up quickly for you.

12 A. 1017.

13 Q. I think so. Let me see.

14 MR. SHEEHY: It should also be in the  
15 metadata from the spreadsheet.

16 MR. GABER: Okay.

17 BY MR. GABER:

18 Q. The title on the e-mail is Galveston  
19 Analysis 101721. And you know the -- well, one thing I  
20 want to ask you, the creation date for all of the  
21 spreadsheets, I believe, that we received in discovery,

1 the analysis spreadsheets for all the plans all have an  
2 October 15, 2021 creation date. Is that related to  
3 when the original one was produced, and then the others  
4 were just iterations of that? Do you know why that  
5 would be --

6 MR. SHEEHY: Objection. Form. Go ahead.

7 BY MR. GABER:

8 A. I am sure that I just took the original  
9 file, loaded new data into it, loaded new analysis into  
10 it, and modified it.

11 Q. Okay.

12 A. I mean, like I said, we have a standard  
13 template. We just use it, and reuse it, and reuse it,  
14 rather than starting from scratch every time.

15 Q. Sure. Okay. So I have that up on the page,  
16 which is the spreadsheet you were just talking about.  
17 Between the first spreadsheet on the 15th and the  
18 second spreadsheet on the 17th, there appear to be some  
19 changes to the number of tabs, or the data contained  
20 within the tabs. Was a request made to change the type  
21 of data that was presented in the spreadsheet?

1 MR. SHEEHY: Objection. Form. And go

2 ahead.

3 BY MR. GABER:

4 A. I'm not sure the type of data changed.

5 There's demographic data, and there's -- by block. And

6 there's political data by VTD. There's not a repeat ab

7 on this tab because we resolved the block

8 mis-assignment by county problem.

9 Q. So still, in the block, the first tab, the

10 Galveston block data, we still have the BCS CVAP by

11 race and the census voting age follow population by

12 race. Is that right?

13 A. Yup.

14 Q. And then at the end of that, those columns,

15 is the block assignment for the precinct --

16 commissioner precinct block assignment. Do you see

17 that?

18 A. Mark, I can't see it. It's again kind of

19 behind your picture, off to the right-hand side. Can

20 you move the file a little to the left for me, please?

21 Q. Yes. Can you see it now?



1 A. Still not quite.

2 MR. SHEEHY: A little bit more.

3 THE DEPONENT: Shifted three columns to the  
4 left if we can.

5 MR. SHEEHY: There we go. Is that better?

6 BY MR. GABER:

7 A. Can you please expand those columns so I can  
8 see the name underneath it?

9 Q. Yes.

10 A. That's helpful, although you just moved  
11 under your picture.

12 Q. I'll move it again. It's all right. Okay.

13 Can you see the block assignments to the commissioner  
14 precinct to the draft plans?

15 A. Yes.

16 Q. And then there's a VTD data tab. Do you see  
17 that on your screen?

18 A. We do not. Not on this current  
19 presentation.

20 Q. Okay. Let me try this.

21 A. Now I can see it.

1 Q. It looks to me like there were some changes  
2 to the pop pivot tab in this iteration. Do you see the  
3 pop pivot tab on your screen?

4 A. Yes.

5 Q. And in this iteration, it looks like it's  
6 just the total population from the census, as well as  
7 the total population from the ACS citizen voting age.  
8 Do you see that?

9 A. Yes.

10 Q. And so absent -- and this iteration of the  
11 spreadsheet from the 17th of October is the population  
12 by race data. Do you see that?

13 A. Yeah. In this particular version, there was  
14 a population by race. You know, since we were moving  
15 quickly in this version, because we were kind of  
16 starting from every single thing that's out there  
17 that's possible, in this particular case all we wanted  
18 to do was narrow it down to check the deviation. So  
19 that's why I lost some of the data off of this one.

20 Q. And whose decision was that to remove that  
21 data?

1 A. It was mine. And it was a random spur of  
2 the moment decision just to really try and focus in on  
3 what the deviations were.

4 Q. Okay. So that wasn't a request that came to  
5 you from Dale or someone else?

6 A. No.

7 Q. All right. There was another map name in  
8 the discovery called optimal GEO. Do you know what  
9 that stood for?

10 A. It was just another name for an alternate  
11 optimal plan. And again, I was just kind of randomly  
12 naming these different versions of what a, quote,  
13 optimal plan could have been. There's no significance  
14 to the term geo no more than the letter D after the  
15 optimal D plan.

16 Q. Okay. Who -- eventually these became the  
17 least change and the optimal plan became maps 1 and 2.  
18 Is that right?

19 A. No, that's not correct.

20 Q. Okay. Tell me what I got wrong there.

21 A. Yeah. So there's a -- the least change map,

1 that was kind of one set of maps. There wasn't  
2 alternate versions, like optimal D or optimal GEO,  
3 things like that. So if you put the optimal map  
4 scheme, what we call the Four-R maps, there was kind of  
5 a little bit more variety of those in the beginning  
6 just exploring. You know, because we're trying to meet  
7 three different criteria instead of just two. So we  
8 kind of explored some different ways you could have  
9 potentially created that map.

10 So I think on or around the 17th, probably  
11 there was numerous different versions of these that we  
12 were working with. And then I think the optimal D and  
13 optimal GEO versions were dropped, and we focussed in  
14 on another plan that may have just been called optimal.

15 Q. Okay.

16 A. I think there were maybe at least three  
17 different, quote, optimal maps on the 17th, but only  
18 one of those progressed to become map 2.

19 Q. Okay. And map 1, was -- the idea was that  
20 was the least change?

21 A. Right.

1 MR. SHEEHY: Objection. Form. But go  
2 ahead.

3 BY MR. GABER:

4 Q. I'm going to mark as Exhibit 10 Bates  
5 stamped Defendant's 00036811. Show that to you on the  
6 screen.

7 (Deposition Exhibit 10 was marked for  
8 purposes of identification.)

9 BY MR. GABER:

10 Q. Do you see on that, the title Galveston  
11 Texas draft minimum change plan?

12 A. Yes. Can you again tell me what the  
13 original name of this file was?

14 Q. I'm sure there is a way I can do that. But  
15 I may need to ask someone else to help me perhaps --

16 A. In looking at this, you wanted seven  
17 different maps I drew that week because they were all  
18 minimum change plans.

19 Q. Well, I guess -- I think my question is  
20 perhaps a little broader that doesn't require us to  
21 nail down exactly which iteration it is. And the

1 question is. From the least change plan that you drew  
2 on the 15th, to this or, you know, even ultimately that  
3 one, one notable change is that the Bolivar Peninsula  
4 is added to precinct 3, and my question is who made the  
5 decision to add the Bolivar Peninsula to the minimum  
6 change plan?

7 A. My clients, the same people, were  
8 responsible for all of the decisions. Whoever was the  
9 leadership that they were representing, and whatever  
10 their decisions were about what to unify or what to  
11 exclude from different districts. I don't know who  
12 those people were, and I don't know how those decisions  
13 were made. I would have just received direction to  
14 unify the Bolivar Peninsula.

15 Q. And that would have come from Mr. Oldham or  
16 the Holtzman Vogel lawyers or who?

17 A. From, again, there were many calls. It  
18 would have been from Dale, or Dale and Phil together.  
19 Certainly Dale.

20 Q. Of the Holtzman Vogel lawyers, was it  
21 primarily Phil who you were having those Zoom meetings

1 or instructions were coming from, or were there others  
2 at Holtzman Vogel?

3 MR. SHEEHY: Objection. Form. Misstates  
4 some testimony. Go ahead.

5 BY MR. GABER:

6 A. Primarily Phil.

7 Q. Okay. I am going to mark as Exhibit 11  
8 Bates stamped Defendant's 00031181.

9 (Deposition Exhibit 11 was marked for  
10 purposes of identification.)

11 BY MR. GABER:

12 Q. And pull that up for you. Okay. You should  
13 have on your screen a calendar invite from you to  
14 Mr. Oldham dated October 22, 2021, sent at 8:42  
15 Central. Do you see that?

16 A. I do.

17 Q. And it's titled updated spreadsheet and  
18 attaches Galveston analysis 102121.XLXS.

19 Do you see that?

20 A. I do.

21 Q. Do you recall the purpose of this meeting?

1           A.    The purpose was the same as every one of our  
2           other daily updates during the week of developing this,  
3           which was to provide maps and analytics of the plan as  
4           it stood with the changes or developments.  And those  
5           changes and developments could be things that I had  
6           added to add information and clarity to the project as  
7           it evolved, as well as direction that I would have  
8           received directly from Dale and/or Phil.

9           Q.    I'm going to pull up the spreadsheet that  
10           was attached to this e-mail.  We'll mark that as  
11           Exhibit 12.

12           (Deposition Exhibit 12 was marked for  
13           purposes of identification.)

14           BY MR. GABER:

15           Q.    And that's Defendant's 00031182.  Let me  
16           close the other one so these don't get confused.  Okay.  
17           Do you see an Excel spreadsheet on your screen?

18           A.    I do.

19           Q.    And can you actually see the outline of the  
20           program?

21           A.    Yeah, Mark, I appreciate you asking that.



1 It's just funny how it fits sometimes. Yeah, I can see  
2 it all. Thank you.

3 Q. Okay. So this was attached to the meeting  
4 invite that was entitled updated spreadsheet. It looks  
5 to me as though there are a number of additional tabs  
6 on this spreadsheet, compared to the last one we looked  
7 at. Are these additional tabs the types of information  
8 that you were asked to -- I guess let me ask it this  
9 way.

10 What -- to you what are the differences, and  
11 which were ones that you came up with, and which were  
12 the ones that were requested of you?

13 MR. SHEEHY: Objection. Form. Go ahead.

14 BY MR. GABER:

15 A. Why don't we start in the leftmost tab, we  
16 can work across them left to right, and I can help you  
17 understand.

18 Q. Sure. So are we on Galveston block data or  
19 no?

20 A. So can you scroll all the way to the left,  
21 to column B?

1 Q. Yes.

2 A. So if you read from left to right, you know,  
3 some of the, you know, questions we would have gotten  
4 is, you know, someone looked at the data just to help  
5 understand what groups of these data were different,  
6 one from the next.

7 So, you know, so added some color coding  
8 just to help understand, you know, what was the ACS  
9 data, or what was the total, and what was the fact  
10 data. So just a couple of little visual cues to help  
11 understand this ocean of numbers. Can you scroll to  
12 the right?

13 Q. Sure. For the record, the ACS CVAP data in  
14 columns C through H. Is that right?

15 A. Yup.

16 Q. So those are in white.

17 A. Yes.

18 Q. Now we have the census data, the census  
19 noting -- sorry the census total population data by  
20 race is in columns I through N, and that's in sort of a  
21 tan color. Is that right?

1 A. Yes.

2 Q. And then we have the census voting age  
3 population by race has been put into a gray color. Is  
4 that right?

5 A. Yes.

6 Q. And that's columns O through T.

7 A. Yes.

8 MR. SHEEHY: Thank you. Yes.

9 BY MR. GABER:

10 Q. And then I gather the yellow ZAA and AB  
11 columns are the block assignments for the benchmark  
12 plan in column B, map one, and column AA in map two in  
13 column AB?

14 A. Mark, can you scroll a little to the right  
15 please?

16 Q. Yes. Does that work?

17 A. Yes, thank you.

18 Q. And so the yellow section that's the block  
19 assignment for the two draft plans and the benchmark  
20 plan?

21 A. Yes.

1 Q. And then you have a column in AC, is that  
2 the voting precinct ID number that corresponds to each  
3 census block?

4 A. Yes, it is. To be precise, that is the  
5 census VTE assignment, not the Texas precinct  
6 assignment. There's a subtle difference.

7 Q. Okay. And then column AD, there's a percent  
8 Cornyn. Is that the Cornyn estimated vote percentage  
9 for that census block?

10 A. Yes.

11 Q. And that was achieved through your  
12 disaggregation from the voting precinct?

13 A. Yes.

14 Q. And then there's an estimated R. What does  
15 that mean?

16 MR. SHEEHY: Can you scroll a little to the  
17 left, please?

18 BY MR. GABER:

19 Q. This is column AE. Do you see that?

20 A. Yes. You select cell like 83 for me,  
21 please? I got to remember what this was. So just

1 click on the cell. Like AE, for example. I can't see  
2 the formula here.

3 Q. I have clicked on one that says equals AD  
4 7466 times 0 7466. So AD times 0.

5 A. Right.

6 Q. Cornyn times population or [indecipherable].

7 A. So that would be the estimated republican  
8 VAP then, out of the percent Cornyn estimate.

9 Q. So I guess -- so in terms of the  
10 disaggregation to the block level, in column AD for  
11 this one, it's showing the 82 percent Cornyn, but  
12 obviously there's zero voting age population.

13 A. Yeah.

14 Q. How does that happen?

15 A. So there would be, in any given VTD, you  
16 could have numerous blocks that don't have any people  
17 in them. You know, Galveston is next to the water.  
18 There is, you know, there is water blocks, or there's  
19 beach block, and there's highway blocks next to the  
20 water. So, you know, the census bureau creates blocks  
21 even though many, many, many of them don't have any

1 population in them.

2 So in this case, you know, I would have had  
3 like a percent Cornyn estimate for that part of the  
4 county, but because there's no voting age population  
5 there, that wouldn't have resulted in an estimate of  
6 how many potential disaggregated republican voters  
7 there would be there. If there were that there, it  
8 would have generated an estimated R number.

9 Q. Is it your recollection that someone,  
10 Mr. Oldham or Mr. Gordon, asked for the color coding of  
11 the columns to help visually see the different sections  
12 in this first tab?

13 MR. SHEEHY: Objection. Form.

14 BY MR. GABER:

15 A. I would have added these colors on my own  
16 because we were at some point talking, you know, having  
17 a phone conversation and, you know, looking at some of  
18 the numbers, you know, maybe in one or two calls prior,  
19 and they were getting lost in all these columns, just  
20 for the sake of getting better customer service, I  
21 would have color coded them to help them just kind of

1 orient themselves to where they were in the  
2 spreadsheet. They didn't tell me I had to color code  
3 these.

4 Q. So the next tab, so the changes in the first  
5 tab look to be -- making it easier to see with the  
6 color coding. Right?

7 A. For sure.

8 Q. The next tab is the pop pivot tab. Do you  
9 see that on your screen?

10 A. Yes.

11 Q. And so the pop pivot tab in the last  
12 spreadsheet we looked at from 17 had been reduced down  
13 to the total population data. Do you recall that?

14 A. Yes, I do.

15 Q. And now, in this next version that we're  
16 looking at now, which is Exhibit 12, the VAP by race  
17 data is back in here. Do you see that?

18 A. You have to expand columns B through F,  
19 please, for me to be able to see those names.

20 Q. I will do that right now.

21 A. That looks good. Better. Team. That's

1 correct. Yeah.

2 Q. Okay. So we've got the total population,  
3 the total citizen voting age population, the total  
4 voting age population, and then in columns E and F, we  
5 have the total voting age population of black  
6 non-Hispanic, and the total voting age population of  
7 Hispanic. Is that right?

8 A. That's right.

9 Q. But did someone ask you to add these columns  
10 back in from your October 17th spreadsheet?

11 A. No. You know, the way that this process  
12 evolves, you know, with Galveston, as well as all of  
13 our clients, is that, you know, as -- in this  
14 particular case, you know, race didn't factor into the  
15 drawing of any of the plans. Bringing along all the  
16 data through the development of the plans just got in  
17 the way of what we were trying to focus on, which was  
18 deviation, as well as precinct splits.

19 By this point of the exercise, we were  
20 looking at the 21st now -- 21st to 22nd. You know, the  
21 draws were done. They were complete. And race hadn't



1 had any role in how we had drawn the plans or thought  
2 about the plans. So, you know, as we were getting  
3 close to being done, and blocking these plans, it would  
4 be standard practice for me, we started thinking about  
5 what are all the statistics, you know, what are all the  
6 characters of these districts as we're finalizing them,  
7 just so that clients are -- that I can understand, you  
8 know, what all the features and characteristics are of  
9 these districts now that we were done drawing them.

10 So that was my decision to implement a  
11 standard practice that we have for all of our analytics  
12 and all of our cases.

13 Q. And so it's your practice at the end of the  
14 drawing to add in -- well, I guess at the beginning of  
15 the drawing, this data was -- some of this data was in  
16 the first spreadsheet, but --

17 MR. SHEEHY: Go ahead and answer.

18 BY MR. GABER:

19 A. Yeah, all the raw data was, but there were  
20 no analytics of, you know, percentages, and like is  
21 there a majority in this district or not. And you

1 know, since the goal that we had was to assess the  
2 deviation, that's why if you look at spreadsheets from  
3 the 16th, and 17th, and 18th, and 19th, we just kind  
4 of, you know, got rid of the race data so we can really  
5 focus on the data that matters, which is the total.  
6 Once the drawing is done, you know, then, you can say,  
7 ah, you know, did these shake out in terms of race or  
8 ethnicity.

9 In other cases, you know, if race and  
10 ethnicity were important to the drawing of the plan,  
11 and I received that direction from the beginning, then,  
12 you know, these types of numbers, and this type of  
13 color coding would have been there through the entire  
14 exercise, rather than just at the end.

15 Q. And so I think my question, I think at some  
16 point I asked, did someone ask you to add, say, columns  
17 G, H, and I in here? The percentage black non-Hispanic  
18 voting age population, percent Hispanic voting age  
19 population, and the percent minority voting age  
20 population? Was that a request or was that something  
21 that you just did to provide the data?

1 MR. SHEEHY: Objection. Form. Go ahead.

2 BY MR. GABER:

3 A. Yeah, sure. I don't remember anyone ever  
4 asking me to do that. You know, it's my practice as a  
5 tomographer when I generate these plans that when I get  
6 to the conclusion of them, I provide a set of summary  
7 statistics, telling the client what the features of the  
8 plan were. So regardless if I had gotten direction or  
9 not direction to have done this, I would have done  
10 this, and I always do this for every plan and every  
11 district that I generate for a client.

12 Q. So in the columns G, H, and I, for the  
13 percentage black non-Hispanic VAP, Hispanic VAP, and  
14 minority VAP, there's color coding on a scale of green  
15 to red. Is that right?

16 A. Yes, that's correct.

17 Q. And I am not an expert at Excel, but my  
18 understanding is this comes from the conditional  
19 formatting function that I'm pointing at. Is that  
20 right?

21 A. You're more than expert than most people.

1 Q. And then if we go to the manage rules  
2 section, and then click on edit role, we can see that  
3 red is the lowest value and green is the highest value.

4 Is that right?

5 A. Right. Although that's not the process that  
6 I used to shade those cells, but conceptually you're on  
7 the right track.

8 Q. What was your process to shade them?

9 A. Yeah, so close that. Click on conditional  
10 formatting.

11 Q. Okay.

12 A. Okay. And then you go down to color scales.

13 Q. Okay.

14 A. This is really cool. If you just go over,  
15 if you just select a block of data, and you just click  
16 on one of those color scales, yeah, go ahead, select  
17 those numbers. For example, on conditional formatting,  
18 color scales, go pick one of those options. It just  
19 does it automatically. So what this enables you to do  
20 is see what some numbers are with different color  
21 schemes that some are higher, some are lower. I don't

1 | ever go to the effort of calculating the distribution  
2 | and standard deviations of these numbers so that I can  
3 | pick out red, or white, or green.

4 | The individual numbers don't have any  
5 | particular meaning. And let me show you what I mean by  
6 | that. Go to cell G8. You see where -- go over one.  
7 | H8. I'm sorry. You see how that's green?

8 | Q. Mm-hmm.

9 | A. And it's 22 percent. Right?

10 | Q. Right.

11 | A. Go over one cell and up one cell. You see  
12 | how that's red?

13 | Q. Yes.

14 | A. Green and red don't have AB, except within  
15 | this group that you're looking at, so 22 percent, for  
16 | Hispanic, math might be a little higher than average.  
17 | I just let Excel decide whatever the right coding is  
18 | for this.

19 | When you're looking at 23 percent, which is  
20 | a bigger number, Excel would say that's a red number,  
21 | that's a relatively small number. So those colors on

1 | their own don't have any particular meaning, except to  
2 | say relatively that some values might be higher, and  
3 | some values might be lower. There is no threshold or  
4 | special coding or programming that I do to decide what  
5 | those colors are or what the breaks are.

6 | Q. And they're in relation to each other in a  
7 | column. Right? So, for example, I4 through I7 or I8,  
8 | that's a total -- that's -- those are the ones that are  
9 | being scaled off each other in terms of green to red.

10 | Right?

11 | A. Yes, because they're different values. They  
12 | have a different scale range than either the blacks or  
13 | the Hispanics would, for example.

14 | Q. And so in column I here, this is the  
15 | benchmark plan, and it's the percentage minority VAP,  
16 | this is, by the way, this column, that's not -- that's  
17 | not from the census, right? That's a category  
18 | percentage minority VAP that you would have created by  
19 | having the sum of Hispanic plus black?

20 | A. Yes. So it's just a simple summary  
21 | statistic. In section 2, you know, it would be unusual

1 to combine multiple different minorities together, but  
2 this number kind of enabled me to see, like, all of --  
3 if you combine the two major minority groups in the  
4 county, in totality, like relatively how big or how  
5 small are they in different commissioner precincts.

6 Q. And when you say section 2, you're referring  
7 to section 2 the billing rights act?

8 A. Right.

9 Q. So in this column I, then, in precinct 3,  
10 the 61 percent, that's in green, and the others are in  
11 either red or white, and that's because there's a gulf  
12 between 61 and the 23, 28, 29 we see in the other  
13 precincts. Is that the reason behind the color  
14 differential?

15 MR. SHEEHY: Objection. Form.

16 BY MR. GABER:

17 A. So, you know, Excel decides what the brakes  
18 are. I'm a statistician. I would have the ability to  
19 go in and do this manually if I decided to take a lot  
20 of time. So I don't know how exactly Excel decided,  
21 like, one is green or lighter green. It just is a

1 relative number. But you're correct that the color  
2 coding indicates some amount of difference from high  
3 ranges to low ranges in this distribution.

4 Q. And if we look in particular at map 1 versus  
5 map 2 percent in the tab, we see, for example, column  
6 G, which is the percent black not Hispanic, and map 1,  
7 precinct 3 is in green, and the other precincts are in  
8 red, whereas in map 2, there's no precincts that are in  
9 green in the black not Hispanic percentage. Right?

10 MR. SHEEHY: Objection. Form.

11 BY MR. GABER:

12 A. Yes.

13 Q. And visually, what that would reflect is  
14 that in map 2, there isn't a commissioner's precinct  
15 that's terribly far away and it's black not Hispanic  
16 percentage from one of the other precincts in that same  
17 plan. Right? That's the idea behind this color coded  
18 formatting?

19 MR. SHEEHY: Objection. Form.

20 BY MR. GABER:

21 A. I mean, there's not -- I don't want to over



1 represent the thought process that went into the color  
2 coding or its interpretation. All it is is a sale  
3 that's between the column G and column H, how are some  
4 of those numbers, you know, relatively higher or  
5 relatively lower.

6 You know, when you look at the statistics  
7 for the black non-Hispanics on the left, you correctly  
8 state that they're either red or white. Similarly, if  
9 you look at the Hispanic population in column H, it's  
10 different than the Hispanic colors in the original and  
11 map 1. There's more bright green colors in the  
12 Hispanic population in map 2. So those numbers are  
13 really relative to each other, rather than having any  
14 specific individual significance.

15 Q. And they're relative in terms of the  
16 columns, right, that they're comparing in a column  
17 direction, not in a row direction?

18 A. I mean, in this particular case, it's my  
19 recollection that the black not Hispanic and the  
20 Hispanic map, I believe those were color coded  
21 together, and the total minority map was coded

1 | separately.

2 | Q. Okay.

3 | A. That, again, is why you can have a  
4 | redistricting plan where, you know, one race might turn  
5 | red, but the other one might turn much more  
6 | predominantly green. You rebalance the number of  
7 | blacks and Hispanics in different districts. Some are  
8 | naturally going to turn higher and more green, and  
9 | others are going to, you know, perhaps turn lower.

10 | Q. Was part of your engagement to do an  
11 | analysis of section 2 of the voting rights act for  
12 | Galveston?

13 | A. No.

14 | Q. Did you talk at all about section 2 with  
15 | Mr. Oldham or Mr. Gordon or anyone else?

16 | A. No.

17 | Q. Did you do any sort of racially  
18 | [indecipherable] voting analysis?

19 | A. No. I'm not a [indecipherable] two or three  
20 | expert. And I don't do that type of analysis.

21 | Q. In your conversations with Mr. Oldham or Mr.

1     Gordon, did you talk about the data we see here in  
2     columns G, H, and I, reporting the minority voting age  
3     population by black Hispanic and total minority?

4     MR. SHEEHY: Objection. Form.

5     BY MR. GABER:

6     A. I don't believe that we did.

7             Q. This spreadsheet also adds the TD splits and  
8     counts, tabs for map 1 and map 2. Do you see that?

9     A. Yes, I do.

10            Q. And what was the purpose of these tabs?

11            A. Mark, at this point in the analysis, what we  
12     needed to start doing is understanding the impact of  
13     each one of these two plans on the existing VTDs, to  
14     see if we accomplished our goal of minimizing those  
15     splits, and if we did have a split, how many pieces of  
16     geography were in each piece.

17            Q. In the last tab of the spreadsheet, which is  
18     the VTD political pivot, do you see that on your  
19     screen?

20     A. I do.

21            Q. VTD stands for voter tabulation district or

1 voting tabulation district. Is that right?

2 A. Yes, that's correct.

3 Q. And this has some political data. And then  
4 if you see on map 2, column N, do you see column N?

5 A. Yeah, there's a couple of notes there.

6 Q. So for commissioner precinct 1 in map 2, it  
7 notes that the republican performance, I'm assuming is  
8 probably lower. And then for precinct 4, it says  
9 probably higher. What is the basis for that note?

10 A. You know, what was interesting about that  
11 election is that there were some differences in  
12 republican voting up and down the ticket. And there  
13 were differences that I had seen overall in Texas  
14 between the results for the presidential election and  
15 then for Cornyn -- for Senate election. And it was my  
16 understanding that the Cornyn election, the Senate  
17 election, was more representative of republican voting  
18 in general in the State of Texas than the presidential  
19 election was.

20 And I think that was a phenomenon unique to  
21 Texas. So those notes show that for, you know,

1 districts, district 1, if you look at the percentage,  
2 republican for the Trump data, you see 65 percent,  
3 yeah, so then if you go to like G29, you see how the  
4 Cornyn percent number is lower? So what that note  
5 means is that even though we're looking at those  
6 presidential election results, that 65 percent, based  
7 on my analysis of the Cornyn race, the 65 percent is  
8 probably a little bit high. It was probably a little  
9 bit lower, more like 64 percent, which we show over in  
10 column G. You'll see that in row 30 and 31, the  
11 percent republican numbers between districts 2 and 3  
12 are basically identical. And then I think a fraction,  
13 when we look at district 4, the Cornyn number, if we  
14 push it out a couple of digits, I think it would be  
15 just a little bit higher than the Trump performance was  
16 in district 4.

17 So all those notes indicated that there was  
18 a little bit of difference between the presidential and  
19 the Senate republican turn out in Galveston in those  
20 districts.

21 Q. Okay. And the kind of split precincts,

1 those would already be accounted for by the  
2 disaggregation that you had done. Is that right?

3 MR. SHEEHY: Objection. Form. Go ahead.

4 BY MR. GABER:

5 A. These data are for the VTDs, not based on  
6 the disaggregated data. There is -- one of these many  
7 versions of this spreadsheet. There is a version that  
8 compares the VTD analysis with the disaggregated data  
9 analysis. I don't remember which one of these  
10 spreadsheets it was, but this is a VTD analysis.

11 Q. Okay. After -- we talked a little earlier  
12 about this, but at some point you met with at least  
13 some of the commissioners. Is that right?

14 MR. SHEEHY: Objection to form.

15 BY MR. GABER:

16 A. There was one day that there was a Zoom call  
17 with the commissioners.

18 Q. And do you recall meeting with commissioner  
19 Stephen Holmes?

20 A. I don't recall any individual commissioner  
21 from that day. I remember that it was a commissioner

1 meeting. Dale was on the Zoom, and I was on the Zoom.

2 Q. And you don't recall which other

3 commissioners you met with?

4 A. I honestly do not remember, no. I just

5 remember that it was a quorum.

6 Q. And so there's four commissioners, and one

7 county judge. Do you understand that?

8 A. Yes, I do remember that.

9 Q. Did you meet with Mark Henry, who is the

10 county judge about the matter?

11 A. Are you asking in the context of that call

12 or at any time?

13 Q. At any time.

14 MR. SHEEHY: Objection. Form. Go ahead.

15 BY MR. GABER:

16 A. I don't remember having a one off call with

17 Mr. Henry. I can't confirm or deny whether that call

18 or any call with anyone else besides Dale happened.

19 Q. Have you ever spoken to Mark Henry before?

20 A. I don't remember.

21 Q. Okay. But you do remember that there was a

1 Zoom call on which there was a quorum of the commission  
2 present?

3 MR. SHEEHY: Objection. Form.

4 BY MR. GABER:

5 A. Yes.

6 Q. And that would be -- is that three  
7 commissioners?

8 A. I believe --

9 MR. SHEEHY: Objection. Form.

10 BY MR. GABER:

11 A. I don't remember every one who was on the  
12 call that day.

13 Q. Did you get any requests or feedback from  
14 the commissioners you did meet with to -- about the  
15 map, the draft map, or potential changes to the draft  
16 map?

17 MR. SHEEHY: Objection. Form. Go ahead.

18 BY MR. GABER:

19 A. I remember that there was a general  
20 discussion about the features of each one of the maps,  
21 and since, you know, I was there in a supporting role,



1 just to be able to answer questions about the maps, if  
2 there were any. But Dale would have led that  
3 conversation and took the participants of that call  
4 through the maps and through their features. So the  
5 direction that I got, feedback I got was really what  
6 the commissioners thought about the maps that they  
7 channelled through Dale. And my recollection is there  
8 was very little direct feedback or, you know,  
9 discussion of adjusting things on the fly on those  
10 maps, it was kind of a reveal of what they were and  
11 what the futures of them were.

12 Q. And were you controlling the screen share or  
13 was Mr. Oldham doing that?

14 A. I am sure there was some point in that  
15 conversation when I shared my screen.

16 Q. In addition to the maps, is it the case that  
17 you also shared the analytic spreadsheet on the screen  
18 with the commissioners?

19 A. I am sure there were some numbers about the  
20 plans from those analytic spreadsheets that were shared  
21 with the audience.

1 Q. Do you recall any specific questions from  
2 any of the commissioners?

3 A. I do not.

4 Q. What about generally?

5 MR. SHEEHY: Objection. Form.

6 BY MR. GABER:

7 A. Questions that, you know, I remember  
8 getting, and that I was responsive to were questions  
9 about the guidelines that we used for the maps. You  
10 know, for map 1 was changed, you know, what's the  
11 deviation, what's the deviation relative to the  
12 original map, what are the splits, you know, those were  
13 the criteria for map 1, and those are the types of  
14 questions that I feel that are responsive to. For map  
15 2, there was questions about, again, aviation the  
16 number of splits, and then the political performance in  
17 particular, I'm sure that there was questions and  
18 interest in the political performance of map plan 2.

19 Q. And do you recall who asked questions about  
20 the political performance?

21 MR. SHEEHY: Objection. Form.

1 BY MR. GABER:

2 A. No. I'm sorry it was a fluid conversation.

3 Q. And were you asked questions about the  
4 racial demographic makeup of map 2?

5 A. I don't recall that I was, because those  
6 weren't any part of the criteria that we drew the maps  
7 to. We had them, if there was a question, or they were  
8 necessary, I don't recall that they were.

9 Q. So you don't recall any conversation with  
10 Commissioner Holmes about the demographic makeup, the  
11 racial demographic makeup of map 2?

12 MR. SHEEHY: Objection. Form.

13 BY MR. GABER:

14 A. I don't remember. There could have been. I  
15 just don't remember. I'm sorry.

16 Q. Do you have a specific memory of questions  
17 about the political performance and not a specific  
18 memory about the racial demographics? Or you offered  
19 the political performance. I'm just -- is that an  
20 actual specific memory you have of a political  
21 performance coming up?

1           A. I don't have a particular memory about it,  
2 but since that was the criteria we drew to for map 2,  
3 that's why there was interest in it. We didn't draw to  
4 any particular racial standards in map 1 or in map 2,  
5 so that's why I don't have a recollection of that being  
6 a point of the conversation. It wasn't what was  
7 relevant for drawing the maps that we drew.

8           Q. And the conversation with the commissioners  
9 about map 2, were the commissioners made aware of what  
10 the criteria were?

11           A. I don't know how to answer that question.  
12 The commissioners are in control of the process, and  
13 whatever conversations that they had with Dale,  
14 whatever was negotiated as the criteria for the plan  
15 happened before me, and outside of conversations that I  
16 was privy to, so I can't speak for them.

17           Q. So you don't know whether they were aware or  
18 told that political data was part of a consideration in  
19 drawing the second map. Is that fair?

20           MR. SHEEHY: Objection. Form. Go ahead.

21           BY MR. GABER:

1 A. My client, Dale, told me that that was the  
2 criteria for the second map draw. I didn't talk to the  
3 commissioners directly, not with Dale there. But if  
4 those were the criteria, then I don't know how they  
5 could not have known that that was the criteria that I  
6 was drawing their maps to.

7 Q. Okay. So when you were testifying a little  
8 bit ago about how there were questions about the  
9 deviation, and the splits, and the political  
10 performance, that is an assumption based on the fact  
11 that political performance was from Dale to you, one of  
12 the criteria that you were using to draw that plan. Is  
13 that correct?

14 A. Yes.

15 Q. And that's not based on a specific memory of  
16 an actual question from a commissioner about the  
17 political performance?

18 A. There was no specific questions from a  
19 specific commissioner that I remember. And I never  
20 interviewed any of the commissioners about what they  
21 thought that the rules were for me drawing my maps.

1 Q. Okay. How long would you say the meetings,  
2 the Zoom meeting -- was it one meeting or more than one  
3 meeting with commissioners?

4 A. I recall there were two Zoom meetings that  
5 were sent out. I only remember one. But it could have  
6 been one because it was a very long and engaging day  
7 with Dale, and I know there were conversations ongoing  
8 throughout that day. So I don't remember if the second  
9 Zoom call was a run-on, or how separate it was from the  
10 first conversation. And in my mind, it was all just  
11 one great big Zoom call. But it could have been  
12 separated into separate ones. I don't remember.

13 Q. I am going to mark as Exhibit 13 --

14 (Deposition Exhibit 13 was marked for  
15 purposes of identification.)

16 BY MR. GABER:

17 Q. Give me one moment. Mark as Exhibit 13 a  
18 document which is Bates labeled Defendant's 00036214.  
19 And Mr. Bryan, do you see on screen an e-mail dated  
20 October 22, 2021 from you to Mr. Gordon?

21 A. Yes.

1 Q. Do you recall this e-mail?

2 A. I do.

3 Q. Now, I don't know the details behind this,

4 but it appears to be some sort of issue between

5 Galveston County, and you and the attorneys. Can you

6 tell me more about whatever issues were being discussed

7 here?

8 MR. SHEEHY: Objection. Form. And also, I

9 don't know if you, Mr. Bryan, want to look further down

10 the message.

11 BY MR. GABER:

12 A. Yeah. Can you show me the whole?

13 Q. Sure. We'll start at the bottom. The first

14 one is an August 24, 2021 e-mail from Cheryl Johnson,

15 the Galveston County tax assessor collector. Do you

16 see those?

17 A. Scroll up. Yeah. Okay. Go ahead and move

18 up.

19 Q. And that's the top?

20 A. So --

21 MR. SHEEHY: I'll just -- objection to --

1 objection to form and foundation.

2 BY MR. GABER:

3 A. So, Mark, at this point of the exercise, the  
4 draw was done. When I say draw, you know, the two  
5 plans that may have turned out to be a couple of blocks  
6 of adjustment at the very end, the basic structure of  
7 these plans was done. And at this point in the  
8 exercise, the plan was pivoting towards doing in depth  
9 analysis basically of two things. One was the size of  
10 the population in the butter tabulation district. And  
11 again, that was part of the geocoding exercise we  
12 talked about earlier this morning.

13 And the other part was generating an  
14 analytic product that is conventionally at the end of a  
15 redistricting exercise known as a metes and bounds. A  
16 metes and bounds. And that's a really clinical  
17 forensic document that just basically says every turn  
18 and straightaway and intersection of a district, of a  
19 commissioner precinct district.

20 And, you know, we have -- my company has  
21 significant experience with the geocoding. We're very



1 |       capable of doing the VTD analysis and the butter  
2 |       analysis that were being asked of us, but there started  
3 |       at this stage to be a lot of questions about metes and  
4 |       bounds and other work products that were outside the  
5 |       scope of our expertise, and we were trying very hard  
6 |       with what we did have to meet the need of the client  
7 |       and to meet it as quickly as we possibly could.

8 |               And because we weren't familiar -- not  
9 |       expertly familiar with this type of analysis, we were  
10 |       struggling to meet their needs, so we were seeking at  
11 |       this point additional direction so we could best meet  
12 |       the needs of our client.

13 |              Q.   And I gather from this e-mail that, at least  
14 |       in your view, your primary clients were Mr. Gordon,  
15 |       Jason Torchinsky, and Jill -- is it Holtzman or Vogel?

16 |              A.   I'll explain it to you this way. I have  
17 |       worked for Senator Holtzman Vogel and Jason Torchinsky  
18 |       for many years on many projects and many cases. We  
19 |       have a close working relationship. And I expect that I  
20 |       will work on many more cases with them in the future.

21 |              In that sense, holistically, for my company

1 and my career, Jill, and Jason, and Shawn, and Phil are  
2 going to be globally my clients, and I hope will be for  
3 a very long time.

4 In this particular case, Dale was the client  
5 representing the commissioners. I didn't know who Dale  
6 was before this conversation. I didn't know what his  
7 role was. I didn't know his background. I didn't know  
8 anything, except he was leading the project.

9 So in a situation where I was struggling to  
10 fulfill the needs and the expectations of a client that  
11 I had been directed to by Holtzman Vogel, in the spirit  
12 and interest of providing the best possible service to  
13 those clients, I reached out to the people who I have a  
14 longstanding relationship with, and who know me and my  
15 company, and who know Dale and his relationship with  
16 the commissioners, to give me advice how to best do my  
17 job.

18 MR. SHEEHY: Mr. Gaber, we've been going  
19 about an hour, plus. I think we're about an hour and  
20 ten minutes. Is now a good time for us to stretch our  
21 legs and use the restroom?

1 MR. GABER: Yeah. If you don't mind, can we  
2 bring up one more exhibit and then we can take a break?

3 MR. SHEEHY: Works for me. Is that okay,  
4 Mr. Bryan?

5 THE DEPONENT: Yeah. I'm fine. Sure. Go  
6 ahead.

7 BY MR. GABER:

8 Q. Okay. So we'll mark as Exhibit 14 a  
9 document with the Bates labeled Defendant's 00031806.  
10 And we will put it up on the screen for you.

11 (Deposition Exhibit 14 was marked for  
12 purposes of identification.)

13 BY MR. GABER:

14 Q. You should see on your screen a print out of  
15 some text messages. Do you see that?

16 A. This is an export of my text messages with  
17 Phil Gordon.

18 Q. And then, if you see on the bottom of page  
19 1, you're in the blue. Right?

20 A. I am in the blue, yes.

21 Q. And then Phil Gordon is in the gray. And

1 you have a note that he works with Jason Torchinsky.

2 Is that right? I gather when Phil calls on your phone,

3 it pops up and says Phil works with Jason Torchinsky.

4 Is that right?

5 A. Yes.

6 Q. Okay. So it appears you're having

7 conversation on the 26th of October 2021 about some of

8 these issues with that sign, the Galveston County

9 Commission clients. Is that fair?

10 A. Not the commission. Just with Dale Oldham.

11 Q. Okay. Is Dale who you're referencing here,

12 for example, in this message at 6:27 p.m. on the 26th?

13 A. Yes, it is.

14 Q. And what were some of the difficulties that

15 you were experiencing with Dale?

16 A. It was the same technical difficulties with

17 expectations for things like metes and bounds analysis

18 that we didn't have the experience or background to

19 perform, let alone perform in the -- with the expertise

20 and the timing that we were being asked.

21 Q. Okay. Let's -- we can go ahead and take our

1 break now. Is 10 minutes good or 15? What would you  
2 guys like?

3 MR. SHEEHY: I think we just need 10. We're  
4 at, you know, an hour ten minutes here, so let's just  
5 take a ten-minute break, stretch our legs, and come on  
6 back.

7 MR. GABER: Okay. Let's come back at 2:40  
8 then.

9 MR. SHEEHY: Works for me.

10 THE VIDEOGRAPHER: The time is 2:29 p.m.,  
11 and we are off the record.

12 (A short break was taken.)

13 THE VIDEOGRAPHER: The time is 2:45 p.m.,  
14 and we are back on the record.

15 BY MR. GABER:

16 Q. Thank you. Welcome back, Mr. Bryan. I just  
17 wanted to note for the record I think I neglected to  
18 give the Bates number for the first exhibit. If that's  
19 the case, it was Defendant's 00031121. And I just want  
20 to make sure that that number was on the record.

21 MR. SHEEHY: 31121? Sorry.

1 MR. GABER: Yes. Yes. And that was Exhibit  
2 1, but otherwise I have no additional questions right  
3 now. I am going to turn it over, I believe, to  
4 Ms. Klein from the Southern Coalition For Social  
5 Justice. I think that's the order, unless DOJ is going  
6 next.

7 THE DEPONENT: Thanks, Mark.

8 MR. GABER: Thank you. It was nice to meet  
9 you.

10 THE DEPONENT: It was nice to meet you, too.

11 EXAMINATION BY MS. KLEIN:

12 Q. Thank you, Mr. Bryan. My name is Hilary  
13 Klein. I am one of the lawyers for the NAACP  
14 Plaintiffs. Thank you for being here today?

15 A. Thank you.

16 Q. Would it be possible for the court reporter  
17 to tell us just how much time is on the record?

18 THE COURT REPORTER: I would need the  
19 videographer to do that for you. My software doesn't  
20 compute it automatically.

21 MS. KLEIN: That's fine. Is the

1 videographer able to say how much time we've been on  
2 the record?

3 THE VIDEOGRAPHER: Give me one second.

4 MS. KLEIN: And we are back on the record.

5 Is that right?

6 THE VIDEOGRAPHER: Yes, we are. Counsel,  
7 we've been on the record for 3 hours and 42 minutes.

8 MS. KLEIN: Thank you.

9 BY MS. KLEIN:

10 Q. So, Mr. Bryan, I am going to ask you a bit  
11 of follow-up questions from discussion you've had with  
12 Mr. Gaber. I'll ask you about a few new topics. I  
13 might ask counsel to take a break just so I can maybe  
14 work on eliminating any duplication of questions you've  
15 already been asked. But we'll all try to go a little  
16 bit at least before we have to do that. So, Mr. Bryan,  
17 can you tell me, did you prepare for today's  
18 deposition?

19 A. I did.

20 Q. Can you tell me how you did that?

21 A. So I carefully reviewed the documents that

1 we had prepared and submitted as part of discovery,  
2 original work product that was sent out.

3 Q. And without telling me the content of those  
4 discussions, did you meet with counsel before the  
5 deposition to prepare for it?

6 A. I did.

7 Q. Can you tell me who you met with?

8 A. I met with Shawn Sheehy, who is sitting here  
9 with me.

10 Q. Anyone else?

11 A. No.

12 Q. About how many times did you meet with  
13 Mr. Sheehy?

14 A. We met yesterday morning, spent most of the  
15 day together, met briefly today before we got going.

16 Q. Other than documents produced I heard you  
17 say you reviewed, did you review any other documents  
18 that weren't produced in this matter as part of your  
19 preparation?

20 A. I had briefly reviewed the original  
21 complaint, and there was an expert report by someone.



1 I think her name was Dr. Traci Burch. And there were a  
2 number of other legal proceeding documents as part of  
3 the case that I briefly reviewed as well. I can't cite  
4 the individual documents that they were, but I just  
5 reviewed the legal course that the case has followed so  
6 far.

7 Q. Do you recall if those documents were filed  
8 with the court?

9 A. Yeah. Yes, they were. I don't know -- I  
10 don't know the status of Traci Burch's expert report.  
11 I know I saw the report, but the complaint and the  
12 other legal documents I saw were part of the history of  
13 the case.

14 Q. Other than Dr. Burch's report, do you recall  
15 reviewing any other expert reports in preparation for  
16 today's deposition?

17 A. I do not.

18 MR. SHEEHY: Objection to form. You're  
19 fine. You're fine. Just objection to form.

20 BY MS. KLEIN:

21 A. I do not.

1 Q. And outside of preparation, have you  
2 reviewed any other expert reports before sitting here  
3 in this deposition?

4 A. No, I have not.

5 Q. Have you viewed any of the plaintiff's  
6 demonstrative plans?

7 A. No, I have not. I'm sorry. Can I take that  
8 back? I reviewed a -- long after our exercise was  
9 done, I received a DOJ demonstrative plan in the spring  
10 of 2022, and was asked by counsel to look at that. I  
11 didn't look at any other plans besides the DOJ  
12 demonstrative file that I received.

13 Q. I'd like to ask you about a production that  
14 was made yesterday of three documents, and I'll  
15 represent all this to you. The Defendant's counsel  
16 produced three documents, one labeled Galveston blocks  
17 101521, one was labeled Galveston Four-R 101521  
18 outline, and one was labeled Galveston least change  
19 101521 outline.

20 So I'm going to ask you just a few questions  
21 down the line for each of these. But before I do that,

1 do you know which documents I'm referring to?

2 A. Yes, I do.

3 Q. Let's start with the Galveston blocks 101521  
4 final.

5 A. Okay.

6 Q. Can you tell me when this document was  
7 created?

8 A. Each one of those documents was Bates  
9 stamped with the date that it was created, so the 1015  
10 file is all the data and analytics we would have had  
11 done and created at the end of the business day on  
12 October 15 of 2021.

13 Q. And so is that the same for the other two  
14 files that I named?

15 A. No. Those two files are created separately  
16 on April 12 of 2023, just a few months ago.

17 Q. Why were they created in April of 2023?

18 A. So when I was working on developing the  
19 plans originally, because of the speed with which this  
20 case was developing, I did not take the time to create  
21 every piece of analytic infrastructure and every map

1 that I ordinarily would have if I had time to do so.  
2 And I realized as I was preparing for this in the early  
3 part of this year, that unlike some of the other plans  
4 that I had, for example, the day after, the day after  
5 that, the day after that, I had taken the time to do  
6 what's called a GIS dissolve, that is to take all the  
7 blocks and dissolve them into what's called an outline,  
8 so you can just see what the boundaries of a district  
9 are. You can't really do that very well just with a  
10 color coded block shape file.

11 So for the purposes of just reminding myself  
12 and familiarizing myself with, gosh, what was that  
13 first plan that I drew back on October 15th? I just  
14 took the data that I had from the October 15th block  
15 shape file, which is in that other zip shape file that  
16 you have, and I just created an outline to say what was  
17 the outline? What did that kind of look like for the  
18 least change and for the Four-R plans. Since those  
19 plans never went anywhere, they were immediately  
20 stopped, and I started work on other versions of those  
21 plans. There wasn't a need at the time that I was

1 working on it to create those. There was no analytic  
2 need. There was no value to them, except for just  
3 reminding me what do those plans look like kind of  
4 relevant to some of the subsequent plans we created.

5 Q. I'd like to follow up ask you a little bit  
6 more about a statement you just said, about how those  
7 plans, quote, I think I heard you say didn't go  
8 anywhere. Can you tell me a lit more about why those  
9 October 15th drafts never went anywhere, so to speak?

10 A. Hilary, yeah, I can't, you know, I can't  
11 explain to you on behalf of, you know, my client, Dale,  
12 why, you know, what particular things he liked or did  
13 not like about my plan. You know, I had one chance to  
14 -- and a very, very, very narrow window chance to draw  
15 two different plans on my own, and I had very little  
16 direction, besides go draw a least change and go draw a  
17 Four-R plan.

18 So, you know, between 24 and 36 hours later,  
19 when I showed those plans to the client, I can't say  
20 that I was terribly surprised. They had some ideas  
21 since they know Galveston and I did not, about, you

1 know, some other places that they would want those  
2 plans changed besides what I came up with, just based  
3 on the naive approach of just knowing the statistics  
4 about different parts of the county.

5 Q. So is it fair to say then that the October  
6 15th least change plan was an approach you took based  
7 upon the deviations that you saw in the benchmark and  
8 what needed to be rectified?

9 MR. SHEEHY: Objection to form.

10 BY MR. GABER:

11 A. I mean, it was honestly something I spent  
12 maybe a couple hours on, just trying to figure out as  
13 fast as I could how to move the fewest pieces in  
14 geography to get the deviation as small as possible. I  
15 wasn't considering anything else, except for how fast  
16 can I move the least pieces of geography to get that  
17 deviation number down. And since I don't know anything  
18 about Galveston, my clients do, then obviously, you  
19 know, when I submitted these draft plans, given what  
20 they know about Galveston that I don't, again, not a  
21 surprise that they had some other ideas of where a how

1 they wanted the benchmark plan updated to reflect what  
2 they know about Galveston.

3 Q. You discussed with Mr. Gaber earlier that  
4 one of those things that Dale asked to change in the  
5 least plan was adding Bolivar Peninsula to precinct 3.  
6 Do you remember that?

7 MR. SHEEHY: Objection. Form. Go ahead.

8 BY MS. KLEIN:

9 A. I remember the conversation, but I want to  
10 be careful and precise that the direction that I got  
11 from Dale Oldham would have been to move 20 different  
12 precincts, move things all over the place. There  
13 wasn't as if there was like one version of the map  
14 where you said go do this, go unify Bolivar, and that's  
15 the change for today.

16 There were numerous changes all over the  
17 map, and multiple changes sometimes over the course of  
18 one day. The change to Bolivar was one of many and a  
19 very fluid situation.

20 Q. I just want to narrow down the timing a  
21 little bit. And here I'm going to try to screen share.

1 I will admit right now I am not as technically savvy as  
2 Mr. Gaber, so you might have to bear with me as I kind  
3 of get into the flow of doing this.

4 But I just want to narrow down the timeline  
5 of between when you showed the October 15th maps to  
6 Mr. Oldham and maybe Mr. Gordon, and then afterwards  
7 sending the new revisions after you scrapped those  
8 versions. So I am going to -- I guess we are up to  
9 exhibit number --

10 MR. GABER: 14.

11 MS. KLEIN: Exhibit number 14?

12 MR. GABER: That's by my count. Or no. 15.

13 Sorry. By my count.

14 (Deposition Exhibit 15 was marked for  
15 purposes of identification.)

16 BY MS. KLEIN:

17 Q. So I am going to screen share in just one  
18 moment, and you'll tell me if you can see the entire  
19 document here.

20 MR. SHEEHY: Not yet.

21 BY MS. KLEIN:



1 Q. Is that visible to you, Mr. Bryan?

2 A. It is, yes, thank you.

3 Q. So here, I'm seeing Saturday October 16 at  
4 6:11 p.m. central time, you sent to Mr. Torchinsky,  
5 Mr. Oldham, and Mr. Gordon, a Zoom invite for the 17th  
6 of 11:00 a.m.?

7 A. That looks right.

8 Q. Do you recall that that meeting took place  
9 as planned?

10 A. I cannot say with certainty whether it did  
11 or did not.

12 Q. Do you recall that a meeting took place on  
13 the 17th?

14 A. Unfortunately, Hilary, I cannot think back  
15 to any one of those individual days and whether  
16 meetings took place or didn't or what time. I don't  
17 know if you were on the earlier part of the call, where  
18 I was in a part of the world six times zones different  
19 than east coast, traveling with my family.

20 So I traveled back to my office during the  
21 development of the project while working full-time, so

1           it regrettably is hard for me to remember through the  
2           course of all that travel and these different meeting  
3           invites what actually happened and when during that  
4           time. I am sorry.

5           Q. I absolutely understand. And I also  
6           understand this was a couple years ago. Assuming we  
7           never received -- it was never produced to us a  
8           cancellation of this Zoom invite, is it fair to say  
9           that a Zoom conversation took place on the 17th?

10           MR. SHEEHY: Objection to form.

11           BY MS. KLEIN:

12           A. You're suggesting that I would have had the  
13           time or made the effort to cancel one of these things  
14           is giving me way too much credit. It is entirely  
15           possibly, and I don't understand the line of  
16           questioning, but if the question is whether one of  
17           these meetings happened or not, there were phone calls  
18           that were happening intermittently throughout this  
19           exercise as well. So if I received a phone call that  
20           resolved the issue that we were meaning to discuss on  
21           this call, we would have just taken that phone call and

1 skipped this Zoom meeting without having sent out a  
2 cancellation.

3 Q. Okay. I think --

4 A. I'm sorry. I can't be more precise than  
5 that on this one meeting.

6 Q. All right. We can work in generalities,  
7 then, if the, you know, precise dates are hard for you  
8 to remember. After sending the -- just to make sure I  
9 understand the exchange that happened earlier with  
10 Mr. Gaber, after you devised the initial October 15  
11 versions --

12 A. Yes.

13 Q. -- over the course of the next few days, is  
14 it correct that you showed those maps to Mr. Oldham?

15 MR. SHEEHY: Objection. Form. Go ahead.

16 BY MS. KLEIN:

17 A. Because there was an extremely fast moving  
18 project, my goal was to just try and make a version of  
19 the map, and a version of the analytic spreadsheet that  
20 was the best I could come up with on each day as this  
21 evolved. So the goal would have been to work with

1 Mr. Oldham, and check in, and show how my drawing  
2 aligned with his expectations each day. So there would  
3 have either been a Zoom call to show him, or there  
4 would have been an e-mail chain with a spreadsheet and  
5 the maps included in it to update him on the progress.  
6 And I'm confident that there was either a Zoom or an  
7 e-mail or both on each one of those six or seven days.  
8 We went from nothing to a plan.

9 Q. Okay. I think I understand. I'm going to  
10 try to pull up what has been marked as Exhibit 4  
11 already by Mr. Gaber.

12 A. Okay.

13 Q. And this is the spreadsheet DEFS 00031696.  
14 And I will -- it should show up right now. And I'm  
15 going to try to zoom in here. Are you able to see --  
16 are you having any issues seeing any part of this  
17 spreadsheet?

18 A. If you can just shrink it down a little bit.  
19 Just like with earlier -- okay. That's helpful. Thank  
20 you very much.

21 Q. Sure. All right. I'm going to go to the

1 Galveston blocks tab.

2 A. Okay.

3 Q. And I'm going to -- I wanted to ask you  
4 about a few more columns. I'm not going to make you go  
5 through all of them again like you did with Mr. Gaber  
6 already. But I wanted to ask you about the column AK  
7 and AL. It says -- AK says leased flag and AL says  
8 Four-R flag. Can you tell me what the purpose of these  
9 columns are?

10 A. Of course. Can you select AK first, please?  
11 So these variables are variables that I would use kind  
12 of on the fly as diagnostic tools to flag and tell me  
13 the difference of how many blocks have changed between  
14 a new iteration of a map, and then the base map.

15 And so, again, these are dynamic variables.  
16 They change as, you know, we might go through different  
17 versions of the map. So you look at AK, what I would  
18 have done as I was working on this map, is I would have  
19 gone through and flagged blocks that were different  
20 between the least changed map and between the Galveston  
21 map, right, basically what was difference between AI

1 and AH. I would either keep those flags as I was  
2 working on the project, or I might just zero them out  
3 when I'm done working on it.

4 And it looks like for the purpose of this  
5 variable, I just zeroed everything out when I was done  
6 because I was done working on it. If you click over  
7 one to the Four-R flag, it looks like I kept some of  
8 the flags in the Four-R variable. So if you filter  
9 that, for example, and looked for the number 1, that  
10 would be an indicator that I was looking at -- if I  
11 compare the Four-R plan with the Gal -- this plan, it  
12 enabled me a quick way to kind of filter down to the  
13 individual blocks that were getting changed by that  
14 version of the plan.

15 So they're really just kind of on the fly  
16 diagnostic tools to help me examine what the moves are,  
17 and to which blocks as I'm developing the plan. Once  
18 I'm done with the plan, they don't have any other  
19 significance or meaning.

20 Q. Thank you. And what about the AO?

21 A. So do you see the sum? If you click on the

1 AO at the top, do you see how the sum is 350,000?

2 Earlier, when I was talking to Mark, I was explaining  
3 that the total population is the variable that we  
4 needed to really closely scrutinize on both of these  
5 plans to minimize the deviation.

6 So, in this case, what I did, because the PL  
7 total variable is about 30 columns to the left, I just  
8 brought an instance, or I brought a copy of it over to  
9 this far side of the spreadsheet so I didn't have to  
10 keep scrolling all the way back over to column C or D,  
11 or whatever it is all the way over there, when I was  
12 doing my analysis on this side of the spreadsheet with  
13 block assignments, there's nothing different, no  
14 significant meaning to that, except it was convenient  
15 for me to see how many people were on this side of the  
16 spreadsheet.

17 Q. Okay. Thank you. That's helpful.

18 A. Thank you.

19 Q. Do you remember when map 1 was finalized, in  
20 terms of where populated regions had been assigned to a  
21 precinct?

1 MR. SHEEHY: Objection to form. Just  
2 commissioner core precinct or voting precinct? Just so  
3 Im clear.

4 MS. KLEIN: Commissioner precinct.

5 BY MS. KLEIN:

6 A. It's a great question. The basic structure  
7 of the plans were finalized within a couple of days of  
8 us beginning, maybe the 19th or so. By the 19th, we  
9 were 99 percent of the way there.

10 I think I got a little bit of feedback on a  
11 couple of changes that needed to take place after the  
12 commissioner meeting. My recollection is that on map  
13 1, the least change map, there were some  
14 inconsistencies between the different precinct layers  
15 that made some water blocks necessary, and my  
16 recollection of both water blocks were not populous  
17 water blocks. They were just pieces of geography that  
18 needed to get moved into one plan or another because of  
19 a BTD [indecipherable.]

20 With plan 2, we'll call it map 2, my  
21 recollection is that in that plan, in the late stages,



1           there were some blocks that I may not have gotten  
2           correctly assigned to the right VTDs. I may have  
3           erroneously, you know, cut three or four blocks off of  
4           a VTD, and as part of our late stage quality control,  
5           maybe some feedback that Dale gave me in the late  
6           stage, there were some blocks. I think there were the  
7           late stage, there was maybe nine populous blocks that  
8           were moved in the map 2 plan. There really wasn't any  
9           significant moves after that. So the answer to your  
10          question directly, the maps were largely done on the  
11          17th and 18th. 99 percent done by the 19th. And then  
12          a couple of loose cleanups in the days following.

13                 Q. During the process, did you ever hear the  
14          term coastal precinct?

15                         MR. SHEEHY: Objection. Form, but go ahead.

16                 BY MS. KLEIN:

17                 A. It sounds vaguely familiar. I would be  
18          speculating just because I remembered hearing that term  
19          before. I probably did hear it in the context of this  
20          case, but I'm reluctant to confirm that or say anything  
21          specific about it.

1 Q. Do you remember whether you were told to  
2 consider particular communities of interest?

3 A. No. I remember, and I was not asked. So a  
4 two part question. Yeah. I do remember communities of  
5 interest are something that we, when asked to, we work  
6 very hard on. And in this case, those weren't part of  
7 the criteria we were asked to focus on.

8 Q. Do you remember from the benchmark plan  
9 where the under population and over population was that  
10 required redistricting?

11 MR. SHEEHY: Objection. Form. Go ahead.

12 BY MS. KLEIN:

13 A. I'm sorry. I don't remember well enough  
14 just from memory. I would be happy to take a survey,  
15 if you want to bring up one of the spreadsheets.

16 Q. So I'll actually show you -- you know what,  
17 scratch that. We'll move on.

18 A. I'm not trying to be difficult, but I don't  
19 want to make a mistake.

20 Q. No, I absolutely understand. No worries.  
21 We can just move on.

1 A. Okay. Thank you.

2 Q. Other than -- so we have talked about --  
3 today in this deposition, you have talked about, I've  
4 heard, the optimal plan, including two iterations of  
5 that, the optimal D, and the optimal GO. And we have  
6 talked about a least changed plan, which I have also  
7 heard referred to as a minimal change plan. So are  
8 there any other configurations other than those two we  
9 have discussed that you were asked to explore?

10 MR. SHEEHY: Objection. Form. Go ahead.

11 BY MS. KLEIN:

12 A. No.

13 Q. I'm going to pull up -- I'm going to pull up  
14 a -- Dave's Districting App screen. I don't think I  
15 will have to admit this as an exhibit, but if counsel  
16 wants me to do that, I can find a way to do that by  
17 taking a screen shot. Are you familiar with Dave's  
18 Redistricting App?

19 A. I am.

20 Q. Do you know it to be a reliable  
21 redistricting tool?

1           A.    It is not.

2           Q.    Can you tell me why?

3                   MR. SHEEHY:  Objection to form and also  
4           relevance.

5           BY MS. KLEIN:

6                   A.    I encountered Dave's Redistricting multiple  
7           times in the last redistricting cycle, and I have found  
8           mistakes in it.  There's almost a complete absence of  
9           definitions or documentation of it.  And several of  
10          their extensions, such as their compactness measures  
11          are calculated in a way that is inconsistent with best  
12          practices, and they're also not well documented.

13                   For those reasons, and because the quality  
14          and accuracy of the files that we use that are directly  
15          off of US Census Bureau files, and my knowledge that  
16          our files are exactly consistent with Maptitude, which  
17          is another redistricting software service provider,  
18          which is a very high quality and very reliable, that my  
19          preference is to stick with our software and the  
20          results from Maptitude and to stay away from the  
21          results from Dave's Redistricting.  It can be close

1 enough, but I would never take it to trial.

2 Q. What about Dave's Redistricting showing 2020  
3 VTDs?

4 MR. SHEEHY: Objection. Form. Relevance.

5 BY MS. KLEIN:

6 A. Hilary, this is an example where Dave's lack  
7 of accuracy and documentation is particularly  
8 problematic. VTDs and voting precincts are complex  
9 files, and they are dynamic. They're not stable. So  
10 overtime, a VTD or a precinct, they are slightly  
11 different but conceptually similar, the number of them  
12 can change, the boundaries of them can change, and  
13 depending whether you're using a census bureau  
14 definition, or whether in this case using the State of  
15 Texas definition, you can have very different results.

16 That is part of the reason why my company's  
17 practice is that we use both official forms of voting  
18 precincts or VTDs in all of our analysis so that we can  
19 be as complete company as possible, and make  
20 comparisons showing where similarities and differences  
21 are between different precinct and VTD files. I don't

1 know what precincts or VTD layers that Dave's provides,  
2 and I don't know what documentation they have, what  
3 fidgets they have, or how accurate they are, but I know  
4 mine are right.

5 Q. All right. Thank you for that. Then we'll  
6 scratch that exercise. Can you tell me whether you  
7 ever provided public commentary as something you should  
8 consider when you were drafting any of the proposed  
9 maps in Galveston?

10 MR. SHEEHY: Objection to form. Vague,  
11 ambiguous on that.

12 BY MS. KLEIN:

13 A. No.

14 Q. Can you tell me if you ever performed a core  
15 retention analysis on any of the maps you were drafting  
16 in Galveston?

17 A. Unusually, no, not this time.

18 Q. Tell me why you say unusually.

19 A. Because we have found core retention, and  
20 particularly an advancement of that tool, called a  
21 differential core retention, to be a very powerful and

1 accurate tool in assessing the movements of population  
2 in total, as well as by race and ethnicity between  
3 different districts in different draft redistricting  
4 plans.

5 When those types of differences and that  
6 type of analysis has been necessary to compare numerous  
7 alternate plans, it's very effective in assessing  
8 similarities or differences.

9 In this particular case, we didn't have time  
10 to run one of those analyses, but separately it may not  
11 have been called for, because I was not provided with  
12 plaintiff plans or any other alternate plans that I  
13 could have used to make a differential core retention  
14 analysis to say how similar or different the least  
15 change or the map to the Four-R plan was compared to  
16 other plaintiff plans. If we had that, and we had  
17 time, it's something we potentially could have done.

18 Q. Could you have done it just compared to the  
19 benchmark plan to see how many people would be  
20 switching who the incumbent would be in the next  
21 election under a draft plan?

1 MR. SHEEHY: Objection. Form. But go  
2 ahead.

3 BY MS. KLEIN:

4 A. I mean, we were really fortunate that in the  
5 least change plan, map 1, that it was fairly easy to  
6 make a small number of adjustments to achieve what you  
7 would call very small deviation.

8 You didn't have to make big changes. The  
9 plan was not that far out of alignment that we couldn't  
10 get it within the guardrails. So for map 1, I would  
11 say I wouldn't have bothered to run it, because I can  
12 just tell you, off the top of my head, core retention  
13 would have been 95 percent or higher, just knowing the  
14 moves that we made. It would have been very high. It  
15 would not have added value.

16 It could have added some benefit and value  
17 on map 2, because you may have been able to see, you  
18 know, if there were any differences in different kinds  
19 of population that were being moved around. But,  
20 again, since race and ethnicity were not a criteria  
21 consideration that I was given in the drawing of those



1 plans, until and unless that was a criteria, then I  
2 probably would not have run a GCRA for those reasons.

3 Q. And just so the record is clear, GCRA stands  
4 for what?

5 A. I'm sorry. A differential core retention  
6 analysis.

7 Q. You said that you thought, based on how the  
8 least change plan looked, that it would do very well on  
9 core retention high score, I think I heard you say.

10 A. Yes.

11 Q. Would you agree that the enacted plan, map  
12 2, would score worse than the least changed plan?

13 A. Yes.

14 Q. How do you think that that plan would have  
15 scored on a core retention analysis?

16 MR. SHEEHY: Objection to the form.

17 BY MS. KLEIN:

18 A. Because that plan had more moves. I'm  
19 reluctant to say off the top of my head just based on  
20 expertise what the percentages would have been. A core  
21 retention analysis is a complex statistical analysis,

1 and it's, you know, once you get beyond, you know,  
2 there's virtually no change to -- if there's some  
3 changes in different parts of the county, it's really  
4 hard to say how much of a difference it would have  
5 made.

6 But I will absolutely agree that there would  
7 have been core or core retention. I can't say how  
8 much, and I can't say if the differential core  
9 retention would have shown more or less movement of  
10 minorities than the total population or a like  
11 population. It's very hard to say without running the  
12 exercise.

13 Q. Do you agree that core retention is a  
14 traditional redistricting criteria that jurisdictions  
15 do use as common practice?

16 MR. SHEEHY: Objection. Calls for a legal  
17 conclusion.

18 BY MS. KLEIN:

19 A. In my history and research, such as the NCSL  
20 website, and other state and local websites that  
21 mention minimizing change, sometimes that guidance,

1 state and local guidance, as well as the guidance by  
2 NCSL, core retention is mentioned as a redistricting  
3 principal.

4 Sometimes, as in the case, there's a case in  
5 San Juan County, New Mexico, where a lot of change  
6 needed to happen because the county changed a lot. And  
7 so in some cases, if there is a lot of change that  
8 needs to happen, then core retention is effective in  
9 telling you how much and where those changes needed to  
10 happen.

11 But they happen because of necessity,  
12 because the plan was significantly out of balance. You  
13 know, in Galveston, the plan was not wildly out of  
14 balance. So the differences that a DCRA would have  
15 found in a place like Galveston would be much smaller  
16 than you would find in a county that needed a  
17 significant amount of rebalance.

18 Q. If you had been asked to prioritize core  
19 retention and create a coastal precinct, would that be  
20 a principal and approach you could have followed?

21 MR. SHEEHY: Objection to form.

1       Speculation.

2       BY MS. KLEIN:

3               A.    I am adept at applying a wide variety of

4       redistricting principles in different areas for

5       different reasons. They differ almost all the time.

6       So if a different set of rules had been given to me as

7       I get in different cases almost every week, I'm

8       confident we can apply a different set of rules, and it

9       would have come up with a different answer if we had

10      prioritized different redistricting criteria.

11               Q.    All right. Do you think we can go on a

12      brief break? Because I think that I might have

13      concluded most of my questioning, but I just want to

14      make sure. I tried to eliminate a lot over overlap

15      with Mr. Gaber, just in the interest of respecting the

16      witness's time. Could we take maybe a five to ten

17      minute break?

18               A.    Sure.

19               MR. SHEEHY: Yes. That's fine. We'll just

20      come back at 3:35 Eastern time. How does that sound?

21               MS. KLEIN: That's fine with me. Thank you.

1 MR. SHEEHY: Meet you halfway.

2 MS. KLEIN: Thank you.

3 THE VIDEOGRAPHER: Off the record.

4 (A short break was taken.)

5 THE VIDEOGRAPHER: The time is 3:38 p.m.,

6 and we are back on the record.

7 BY MS. KLEIN:

8 Q. Mr. Bryan, we were talking earlier about  
9 your payment for the Galveston matter. Do you remember  
10 how much you were paid for your work in Galveston?

11 MR. SHEEHY: Objection. Form.

12 BY MS. KLEIN:

13 A. It was a long time ago I think that that one  
14 week of work, I did 30 or 40 hours of work  
15 approximately, so I think that invoice was between 10  
16 and \$15,000. There has been other intermittent work  
17 over time since then, but relatively small numbers of  
18 hours that were sent.

19 I don't think I sent an invoice again until  
20 maybe a couple of months ago that would reflect that  
21 small number of extra hours that I've worked on this.

1 The first invoice for that week was between 10 and 15,  
2 to the best of my memory.

3 Q. And you -- of the 30 to 40 hours you  
4 estimate you worked on this matter, how many of those  
5 hours were in October of 2021?

6 A. I think most of them were in that week of  
7 the 15th through the -- right about roughly two weeks  
8 -- the last two weeks of October. The additional work  
9 that was done in November and December was relatively  
10 few hours, just working on, for example, cleaning up  
11 VTDs and doing geocoding work that was discussed  
12 earlier.

13 Q. Earlier you talked about geocoding. Can you  
14 remind me what you were talking about earlier, what you  
15 were referring to when you say geocoding work?

16 A. Yes, I will. As part of exercise of  
17 redistricting, one of the last steps inevitably is that  
18 there needed to be voting precincts or voting  
19 tabulation districts need to be drawn. And the reason  
20 for that is that typically voting precincts or voting  
21 tabulation districts can't be more than about 5,000

1 people. Some places have laws or laws. Others just  
2 have guidance, not more than 5,000 people because for  
3 the registrar's perspective, if you're trying to set up  
4 polling places and infrastructure to facilitate an  
5 election, having a VTD or a precinct with 10,000 people  
6 in it can really be burdensome.

7 So what our work did is we got a list of the  
8 photos in Galveston. There were approximately 228,000  
9 of them, and there was a analytic technique and  
10 geographic information systems that can change that  
11 address of where those photos are, to an actual point  
12 on the map.

13 So the work that we did, is we did the  
14 geocoding exercise to assign a latitude and longitude  
15 point on the map where all of the voters in Galveston  
16 were located, and then we counted up how many voters  
17 there were within the existing precincts, and then we  
18 delivered that information to our client to help inform  
19 decisions about where and how to draw new precinct  
20 boundaries because of the changes in the populations in  
21 the county.

1 Q. Do you recall when that happened?

2 MR. SHEEHY: Objection. Form. Go ahead.

3 BY MS. KLEIN:

4 A. There were three different versions of  
5 precincts that were sent to us for analysis. One was I  
6 believe in November. It was called V3. There was  
7 another one again two years ago. There was another one  
8 roughly in December. It was called V4. And then there  
9 was a third file that was delivered to us maybe in  
10 January or February that was called V4\_12.

11 And it's my understanding that the V4\_12  
12 version of that file was the file that was finalized,  
13 what is the current voting precinct now for Galveston.

14 Q. And for all of that work in Galveston, how  
15 many checks did you receive as compensation?

16 MR. SHEEHY: Objection. Form. Relevance.

17 BY MS. KLEIN:

18 A. How many checks did I receive?

19 Q. Yes. Did you receive one check for the  
20 whole engagement?

21 MR. SHEEHY: Objection. Form. Relevance.



1 Go ahead.

2 BY MS. KLEIN:

3 A. I remember sending an invoice for the work  
4 in October. There was -- after that, the amount of  
5 work that I did really tailed off because it was just  
6 some of this loose ends type of work, you know,  
7 assisting with the VTDs, looking at some of the DOJ'S  
8 analysis. It's possible that I got a check last year  
9 in 2022, but I don't remember. I sent an invoice  
10 earlier this year, and I think that invoice included  
11 about 12 months of -- the last 12 months of work.

12 Work was so infrequent and episodic, it  
13 wasn't enough in any given month to send an invoice in  
14 for it. So, to answer your question, there's two or  
15 perhaps three checks in total that I received or am  
16 supposed to receive for this work.

17 Q. Do you remember whose name was listed as  
18 payee on those checks?

19 MR. SHEEHY: Objection. Form. Relevance.

20 BY MS. KLEIN:

21 Q. I'm sorry. Let me rephrase. Do you

1 remember who the payer was on those checks?

2 MR. SHEEHY: Objection. Form.

3 BY MS. KLEIN:

4 A. Yeah, so I submitted my invoices to Holtzman  
5 Vogel. And again, I try to draw this distinction  
6 earlier with Mr. Gaber but, you know, I don't know  
7 where the money came from, but my recollection is that  
8 the check that I got came from Holtzman Vogel.

9 Q. The check was sent by them?

10 A. To me, yes.

11 MR. SHEEHY: Objection. Form.

12 BY MS. KLEIN:

13 Q. And the check was made out by them?

14 MR. SHEEHY: Objection. Form.

15 BY MS. KLEIN:

16 A. I believe so. It's been years, so it's hard  
17 for me to remember, but I think that's how it worked.

18 Q. You were talking about work related VTDs,  
19 and I want to ask you a little bit more about that.  
20 I'm going to pull up an exhibit. I think we are now on  
21 16.

1 (Deposition Exhibit 16 was marked for  
2 purposes of identification.)

3 BY MS. KLEIN:

4 Q. So I'm going to share my screen. Exhibit  
5 16, which is DEFS 00036233, for the record. This is an  
6 e-mail dated October 28. I'm correct that it's sent  
7 from your e-mail address?

8 A. That's right, yes.

9 Q. And you say Phil and Dale, please see  
10 updated maps per our discussion today. Note that the  
11 precinct maps are slightly modified using census VTDs  
12 instead of the State of Texas precinct in order to show  
13 block conformance. In almost all cases, there is no  
14 difference. I have also attached an updated analytic  
15 spreadsheet. Please let me know any questions. Tom.

16 Can you tell me why you sent this e-mail  
17 with its attachments?

18 MR. SHEEHY: Objection. Form.

19 BY MS. KLEIN:

20 A. Sure. So, at this point in the project,  
21 when we were trying to understand how well the existing

1 precinct map would perform, it was important to me, as  
2 it would be important in all cases, to be able to  
3 familiarize the client with both what the census bureau  
4 says are VTDs, because the census geography informs  
5 exactly to their VTD file.

6 Very often it is true in Texas they, have  
7 their own precinct file, and that file does not exactly  
8 conform to census geography. They may split blocks,  
9 for example, and they did here. So the purpose of this  
10 analysis was to familiarize the clients with the  
11 different VTD and voting precinct shape files to show  
12 that there was some differences, but not many. And I  
13 am sure that I attached an analytic spreadsheet with  
14 this to illustrate whatever those few differences were,  
15 to this help inform where we went with drawing new  
16 precinct efforts.

17 Q. I'd like to show you one of the attachments,  
18 and we can mark this as Exhibit 17.

19 (Deposition Exhibit 17 was marked for  
20 purposes of identification.)

21 BY MS. KLEIN:

1 Q. This is, for the record, DEFS 00035515.

2 MR. SHEEHY: 35515?

3 MS. KLEIN: Correct.

4 BY MS. KLEIN:

5 A. Is it okay if I stand up to take a closer  
6 look at the map?

7 Q. That's fine with me. And I'm also going to  
8 zoom in here a little bit. But just to confirm that  
9 I'm understanding this and that it's clear on the  
10 record, these numbers and lines are the census VTDs.  
11 Correct?

12 A. You know, I would -- since it says map 1  
13 with precincts, I honestly can't be sure because  
14 they're so close to each other whether this is the  
15 precinct or the VTD file. I think it might be  
16 precinct, because of the title of the map.

17 Q. Okay.

18 A. But I'm not sure.

19 Q. How about this? I'm going to ask you about  
20 specific precincts, and if you think it makes a  
21 difference whether we're talking about Texas voting

1 precincts or the census VTDs, please speak up. Does  
2 that sound fair?

3 A. Yes.

4 Q. Okay. But it sounds like, what I'm  
5 understanding to you, is that in almost all instances,  
6 they overlap?

7 A. Yeah. Monthly they do. There are some  
8 differences. I have to look at a map of the overlap to  
9 be able to say this precinct is one that didn't align,  
10 or this one did. You know, many of our, you know, out  
11 in like 305, 311, 105, the areas out in Galveston Bay  
12 that are water precincts, those don't tend to line up  
13 very well, but there were a couple of land based  
14 precincts that had slight differences as well. So  
15 without comparing one on top of the other, I can't say  
16 for certain whether there's a big difference or not.

17 Q. Is it true that the numbers at least will  
18 correspond to the same general geographic area between  
19 VTD and Texas voting district?

20 A. Yeah, generally, that's right.

21 Q. Okay. So I'm going to ask you, this is

1 Texas map 1 with precincts. And I'm just going to ask  
2 you if you were ever -- I would like to ask you if for  
3 any of the precincts, voting precincts I am going to  
4 ask you about, if you were asked to make these changes  
5 specifically at any point when you were drafting a map  
6 for Galveston. So I'll start with --

7 MR. SHEEHY: Objection to form, but go  
8 ahead.

9 BY MS. KLEIN:

10 Q. So precinct 192, up here, do you recall ever  
11 being asked to move precinct 192 into a specific  
12 commissioner's precinct?

13 A. I -- Hilary, I need to apologize and maybe  
14 help with all these questions. I am not going to be  
15 able to remember individual precincts, or where or how  
16 they have been moved. I really have to refer to my --  
17 the series of maps to see what I did here /I would be  
18 guessing and speculating if you pick them out one at a  
19 time.

20 Q. Okay. So let me ask you this.

21 A. Sorry.

1 Q. If you had been asked to move specific  
2 precincts by Mr. Oldham or Mr. Gordon, is it reasonable  
3 to believe those would have been reflected in the maps  
4 you exchanged with them during your work in Galveston?

5 MR. SHEEHY: Objection. Form. Speculation.

6 BY MS. KLEIN:

7 A. I followed the directions.

8 Q. Okay. That's all.

9 A. Thank you.

10 Q. I'll look over my notes very, very briefly,  
11 but I think that I -- I think that I may be finished.  
12 Let me just -- if you'll bear with me or grant me a  
13 little bit of one minute just to look over. All right.  
14 I think I am ready to pass the witness. Mr. Bryan,  
15 thank you so much for bearing with me in my limited  
16 technical abilities. I appreciate you. I will pass  
17 the witness to the Department of Justice, if they have  
18 any questions.

19 A. I hope I was helpful.

20 EXAMINATION BY MS. MEZA:

21 Q. I respect the Department of Justice in this



1 matter are you okay for going for a little while or  
2 would you like to take another quick break before I get  
3 started?

4 A. I'm going.

5 MR. SHEEHY: This is on you if you'd like to  
6 take a break.

7 EXAMINATION BY MS. MEZA:

8 Q. Good afternoon, Mr. Bryan. I will do my  
9 best not to duplicate any questions you've already  
10 answered. I don't anticipate going for very long. A  
11 lot of what I have prepared has already been asked. So  
12 I just want to start with your process in a typical  
13 redistricting matter.

14 So typically when you start a project where  
15 you have been asked to draw a redistricting plan, what  
16 information do you require a jurisdiction to give you  
17 to start that project?

18 MR. SHEEHY: Objection. Form.

19 BY MS. MEZA:

20 A. Catherine, usually the types of things that  
21 we will look for are, you know, depending on how new

1 | the case is, we try to get our hands on information, if  
2 | the case is in litigation. If we're just starting a  
3 | brand new redistricting plan, it's not a plan that's in  
4 | litigation. The most important things that we start  
5 | with are what we call the boundary or the outline files  
6 | of the existing districts, as well as a block  
7 | assignment file for which blocks belong to which of  
8 | those districts. And then we'll study the  
9 | redistricting rules or the redistricting laws that are  
10 | applicable to the jurisdiction that we are being hired  
11 | to work in.

12 | The specific rules that are given to us, and  
13 | often times the order of those rules, will be the road  
14 | map that we will use for the entire process of  
15 | developing draft plans and assessing the compliance of  
16 | a final plan that we will land on at the end of the  
17 | process.

18 | Q. And did you receive any of those items from  
19 | Galveston County?

20 | A. In this case, my recollection is I heard  
21 | that there were five or six redistricting rules. I

1 don't remember getting an inventory of those rules or  
2 the hierarchy of their importance in this case. The  
3 direction that we got was very direct, to fill map 1 in  
4 the manner I described earlier, and fill an alternate  
5 map 2, again, with the rules that I described earlier.

6 Q. So just going back to your initial call with  
7 either Mr. Gordon or Mr. Oldham, so you indicated in  
8 your testimony earlier that you were asked to create  
9 least change map. You were asked to create a plan that  
10 rebalanced the republican performance, and you were  
11 also asked to minimize splitting voting precincts. Is  
12 that correct?

13 MR. SHEEHY: Objection. Form.

14 BY MS. MEZA:

15 A. The guidance for both plans was to try to  
16 minimize the deviation. The guidance for the first  
17 plan was to minimize change in splits. Guidance for  
18 the second plan was minimize deviation, just like the  
19 first map, but then incrementally minimize splits and  
20 rebalance republican performance. I just want to be  
21 really precise what we did with each one.

1 Q. I appreciate that. Did either Mr. Oldham or  
2 anyone else, Mr. Gordon, relate to you any community  
3 concerns or priority that you should consider when  
4 building these maps?

5 MR. SHEEHY: Objection to form.

6 BY MS. MEZA:

7 A. Catherine, they did not.

8 Q. Were you asked to consider the residents of  
9 any incumbent commissioners when doing these maps?

10 A. I was not.

11 Q. Are you familiar with the term compactness  
12 and what it means related to map drawing?

13 A. Very much so.

14 Q. Okay. Did you consider how compact the  
15 commissioner precincts were when you were drawing any  
16 iteration of the plans?

17 A. I was not asked to, nor did I independently  
18 intend to run the compactness of the plans.

19 Q. So you testified earlier that at some point  
20 you were instructed to unify Galveston ION and the  
21 Bolivar Peninsula. Is that correct?

1 MR. SHEEHY: Objection. Form. Go ahead.

2 BY MS. MEZA:

3 A. Catherine, again, I want to be really  
4 careful in what I was asked to do. The direction I  
5 received was not go unify the peninsula. The direction  
6 I got would be move this precinct here, move that  
7 precinct here, move this one over here, move this, move  
8 that. Move all these precincts and these blocks around  
9 and tell us what the statistics are for the political  
10 performance of that plan.

11 The direction did not come down citing the  
12 names of specific pieces of geography, unify Galveston  
13 Island or unify Bolivar Peninsula. The moves that I  
14 was asked to make may very well have accomplished those  
15 things, but the direction was not draw the map any way  
16 that accomplishes this. It was move these pieces of  
17 geography around in the following way. Does that help?

18 Q. That was actually my follow-up question.  
19 What specific instruction were you given -- strike  
20 that.

21 A. I got ahead of you. I apologize.

1 Q. No, no, no. And I appreciate your  
2 description. Do you recall who gave the specific  
3 instruction that accomplished a unified precinct that  
4 included Galveston Island and the Bolivar Peninsula?

5 A. All of that very specific instruction came  
6 from Dale Oldham.

7 Q. And if I am understanding your testimony  
8 correctly, he -- you were -- in viewing your draft map,  
9 he specifically indicated please move this geography  
10 into these precinct and that geography into that  
11 precinct. Those were the type of instructions he was  
12 providing?

13 MR. SHEEHY: Objection to form. Go ahead.

14 BY MS. MEZA:

15 A. Catherine, if you mean move this geography  
16 into this precinct, as move this geography into this  
17 particular commissioner precinct, again, I'm just  
18 trying to be careful with the language. And yeah, that  
19 is exactly the kind of direction that I received in the  
20 development of those maps.

21 Q. Thank you.

1           A.    Thank you.

2           Q.    I apologize. I did not turn off these  
3 alerts. Let's see. So you also testified earlier that  
4 you recall having at least two Zoom calls, at which  
5 commissioners were present. Is that correct?

6           A.    I want to clarify that, please. There were  
7 two Zoom calls scheduled, I believe, on the 19th. The  
8 19th was a very long workday on this project. I do  
9 remember being on a Zoom call with the commissioners.  
10 I cannot say the names of the commissioners that were  
11 there, or who else may have been on that Zoom.

12                    Because of the density, and the speed, and  
13 the length of the day, I don't honestly remember if  
14 there were two separate distinct Zoom calls, or if it  
15 was more like one very long Zoom call that ran for some  
16 extended period of time. So I apologize I can't  
17 clarify if there was one, or two, or one big long one.  
18 But there was a commissioner call with other  
19 participants on the 19th that I participated in.

20           Q.    Do you recall whether you were instructed to  
21 make any specific changes to the draft maps following

1 these calls?

2 MR. SHEEHY: Objection to form, but go  
3 ahead.

4 BY MS. MEZA:

5 A. So, again, in the versions of the maps as  
6 they evolve, they were largely solidified by the time  
7 that we had had that call with the commissioners. As  
8 an outcome of the map -- of the meeting on the 19th,  
9 there were a couple of small changes that happened in  
10 map 1 and map 2. I don't remember from the day that  
11 those took place, but I know from looking at the  
12 version control of these documents that in map 1, the  
13 types of changes that were made were not populous,  
14 water blocks in Galveston Bay. There were some other  
15 adjustments to some blocks, and I think they were  
16 related to alignment with voting precinct batteries in  
17 the map 2 plan. But there was not a significant redraw  
18 or adjustments of those plans coming out of that  
19 meeting.

20 Q. So earlier you testified regarding the  
21 release of the PL 94171 data. Do you recall when that



1 data was released by the census bureau?

2 MR. SHEEHY: Objection to form.

3 BY MS. MEZA:

4 A. I'm very aware of when those data were  
5 released. There was a preliminary data release without  
6 documentation or file support in August, middle of  
7 August. There was a secondary data release in the  
8 middle of September that had extensive file  
9 documentation associated with it. So depending on  
10 their abilities, different municipalities would have  
11 had data two different times.

12 Q. Can you explain that a little further? You  
13 said different municipalities would have had -- you  
14 said would have had the data at different times. Do  
15 you mean would have received the data at different  
16 times?

17 A. Would have been made public at different  
18 times. So whoever is responsible for redistricting,  
19 depending on their awareness of the census bureau's  
20 data release schedule, or who was working on our  
21 redistricting for them, would have been aware 1 or 2 of

1           these different times. There's press releases and  
2           extensive communication from the census bureau about  
3           what was being released and when.

4           Q.   And that first set of data released in  
5           August, you said, did not have all the components of  
6           the data that released in September. Is that correct?

7           MR. SHEEHY:  Objection to form.  Go ahead.

8           BY MS. MEZA:

9           A.   It had all of the data. It was a one  
10          hundred percent data release. It did not come with  
11          technical documentation or information that would have  
12          been necessary for most users to be able to access or  
13          begin using the data.

14          Q.   Based on your expertise and all the  
15          experience you had using census data, are you a user  
16          that would have been able to use the earlier release  
17          data that data released in August?

18          A.   I am.

19          Q.   So your drawing of the Galveston County  
20          commissioner's court map, did the county, or did  
21          Mr. Oldham, or Mr. Gordon provide you the census data?

1 A. They did not.

2 Q. Where did you get the census data to draw  
3 the commissioner's court plan?

4 A. My company, as part of our standard business  
5 practice, procures all of the decennial census data  
6 from the census bureau's website. We process those  
7 data into our usual format for the redistricting work  
8 that we've been hired to do, and we use that system for  
9 statistical software, as well as our geographic  
10 information system software. It is completely built in  
11 currently by my company. We do not rely on an external  
12 third party software to procure and analyze the census  
13 data.

14 Q. You testified earlier that you've been hired  
15 by [indecipherable] redistricting cycle to draw their  
16 redirecting plan. Is that correct?

17 A. Yes.

18 Q. And there was a distinction between  
19 jurisdictions where you were drawing the map, versus  
20 jurisdictions for which you were acting as an expert  
21 for litigation purposes. Is that correct?

1           A. I would clarify the second category is just  
2 in general I was hired as an expert. In some cases it  
3 was for litigation. In some other cases it was in a  
4 consulting role, just to advise the use of census data  
5 and restricting analytics.

6           But you are right, it's basically a  
7 distinction of two different categories of work we were  
8 asked to do.

9           Q. And can you please remind me what  
10 jurisdictions you were hired to draw their plan?

11           MR. SHEEHY: Objection. Asked and answered.  
12 Go ahead.

13 BY MS. MEZA:

14           A. So, I was retained by the republican  
15 leadership of the State of Texas. It would be the  
16 redistricting share [indecipherable], and the speaker,  
17 [indecipherable].

18           I was retained through the law offices of  
19 Butler Snow in Mississippi to draw a legislative plan.  
20 I did not draw the Texas Senate or the Texas  
21 congressional plan, although I analyzed that in the

1 course of my work.

2 I also did a significant amount of  
3 redistricting map drawing for the State of Virginia.  
4 Outside of that, all of the other states that I listed  
5 earlier were states when I was retained as an expert to  
6 support them, either in their map drawing or litigation  
7 and understanding the census data to use for them.

8 Q. And can you tell me -- sorry. Go ahead.

9 A. I'm sorry.

10 Q. Were you finished with your answer?

11 A. No, I'm good. Go ahead. Thank you.

12 Q. No, no worries. Could you tell me when you  
13 started your engagement -- well, strike that. When you  
14 began to draw the plan for your work in Virginia,  
15 approximately when?

16 MR. SHEEHY: Objection. Form and relevance  
17 to this case. I guess I'll issue the same instruction  
18 that I issued earlier. You can answer I guess the  
19 precise question, relevance of which I don't  
20 understand, but don't reveal any substantive  
21 communications you had with anyone, particularly

1 | counsel, in your work with Virginia, but go ahead.

2 | BY MS. MEZA:

3 | A. Thank you. There was a data set known as  
4 | the American Community Survey, which we all sort of  
5 | heard of as the ACS. In the absence of census data  
6 | which was not delivered on time, areas such as Virginia  
7 | would have asked me to look at the characteristics of a  
8 | population in different parts of the state just to  
9 | understand at a high level where have people moved to  
10 | and from around the state so we can get a broad idea of  
11 | what we might be looking at when the census data  
12 | actually arrives.

13 | So in the timeframe when the census data was  
14 | supposed to have been released, maybe beginning of --  
15 | started in the middle part of 2021, I started exploring  
16 | and analyzing plans, just trying to figure out where  
17 | basic population is around the state. Middle --  
18 | beginning to middle part of 2021.

19 | Q. Okay. And you don't recall a specific month  
20 | in 2021 when that started?

21 | MR. SHEEHY: Objection. Form. Go ahead.

1 BY MS. MEZA:

2 A. I don't recall a specific month. We spent a  
3 significant amount of time as a company investing our  
4 own time and resources into the American Community  
5 Survey, into the year before, during, and after the  
6 decennial census was conducted to help us understand  
7 the landscape of some of the states, we expected there  
8 to be litigation, where expected map drawing to be,  
9 just to help us be ready.

10 So -- and it was really kind of a continuous  
11 process for between two or three years that we really  
12 started to learn, you know, what the big moves were  
13 going to be in some of these states. There wasn't one  
14 particular month we flipped the switch on and said go.

15 Q. And that was also the case for your work in  
16 Mississippi? Was that the case for your work in  
17 Mississippi as well?

18 MR. SHEEHY: Objection to form, relevance,  
19 and same cautionary instruction not to reveal  
20 confidential communications about your work in these  
21 other states.

1 BY MS. MEZA:

2 A. Sure. Those type of questions were coming  
3 from state representatives, all the states that I had  
4 mentioned earlier. There was a general interest in the  
5 absence of census data what were their states going to  
6 look like and what were the major moves going to be.

7 MR. SHEEHY: And I'll also add an objection  
8 on misstated testimony. Ms. Meza, I believe you  
9 mentioned Mississippi. I'm not sure the witness  
10 testified to that.

11 MS. MEZA: I may have misheard. I thought  
12 he said one of the plans he worked on this cycle was  
13 Mississippi. Apologies.

14 BY MS. MEZA:

15 A. It is not political -- [indecipherable]  
16 Mississippi. I am not in a political redistricting  
17 case in Mississippi related to Senate legislative or US  
18 House of Representative district drawing.

19 Q. Okay. I just want to go back again to your  
20 initial call regarding the project. Did Mr. Oldham or  
21 Mr. Gordon let you know what the timeline for drawing



1 the commissioner's court map was or for the project

2 was?

3 A. He did.

4 Q. What timeline did they relate to you?

5 A. Three days.

6 Q. Three days?

7 A. Yes.

8 Q. So from the initial call on October 14, they

9 indicated they wanted a plan by -- completed by October

10 17?

11 MR. SHEEHY: Objection. Form.

12 BY MS. MEZA:

13 A. The clock started on the 15th, and the goal

14 was to work through the 18th and have it deliverable,

15 ready to go on the 19th.

16 Q. So when you say a deliverable, was it the

17 understanding that that deliverable would be a draft,

18 not the final plan?

19 MR. SHEEHY: Objection. Form. But go

20 ahead.

21 BY MS. MEZA:

1 A. There was -- because we were moving so fast,  
2 there was no way of knowing which day would change to  
3 those maps, whether the work product that we were going  
4 to have on the 19th was going to be sufficient, subject  
5 to my modification or significant modifications. But  
6 the expectation is we needed to have a plan in three  
7 Dave's.

8 Q. So by the 18th, were any additional  
9 deadlines articulated to you?

10 MR. SHEEHY: Objection. Form. Go ahead.

11 BY MS. MEZA:

12 A. Not that I remember.

13 Q. Well, by the -- excuse me. By the 18th, did  
14 you make additional modifications to the draft plans  
15 after the 18th?

16 A. Yeah, I think there was a version in the map  
17 on the 21st. Maybe another one was on the 28th that  
18 were very minor edits and modifications. Again, coming  
19 out of the commissioner call, a couple of blocks needed  
20 to be moved because of quality control and double  
21 checking at the very end of the project. But the plans

1 were significantly finished by the end of the 18th.

2 Q. After the subsequent modifications to the  
3 draft plans following the 18th, were you given any  
4 specific deadlines? Or what were you told about timing  
5 of finishing the project?

6 MR. SHEEHY: Objection. Form. Go ahead.

7 BY MS. MEZA:

8 A. Once the plans were delivered to the client  
9 and there were no other changes, my understanding is  
10 that they posted those plans publically on a website,  
11 and I didn't have communications with the client for a  
12 short period there while they were socializing the  
13 plan, until I was contacted again to talk about the  
14 need to look at changing the VTD and pricing  
15 [indecipherable].

16 Q. And you testified a number of times  
17 throughout the day that the process was very rushed.  
18 Is that correct?

19 MR. SHEEHY: Objection to form.

20 BY MS. MEZA:

21 A. Yes.

1 Q. And what was your understanding of why the  
2 process was so rushed?

3 A. We rarely are sat down and they take the  
4 time to explain to us why we need to go so fast. We  
5 assumed there was a good reason.

6 Q. Were you ever informed that there was a  
7 deadline that the county was trying to meet?

8 A. The only deadline that I had was the  
9 deadline that I was given. It wasn't any relevance to  
10 what the county's deadline was, or what they desired.  
11 The only thing that's important to me is what my  
12 clients say they want, and if they want or need  
13 something in three days, that's our goal. Whatever  
14 other targets or dates that are outside of that from  
15 their clients or anyone else, doesn't really have any  
16 practical importance to me.

17 Q. I'm going to conclude my questioning there.  
18 Thank you so very much, Mr. Bryan, for your time today.  
19 We appreciate it. I think I am the last one today.

20 MR. SHEEHY: This is Shawn Sheehy, on behalf  
21 of the defendants. If we could take a ten-minute

1 break, come back at 4:33, I'm going to see if I have  
2 any follow-up questions.

3 MS. MEZA: That sounds good. Okay.

4 MR. SHEEHY: Thank you.

5 THE VIDEOGRAPHER: Going off the record.

6 The time is 4:24 p.m., and we are off the record.

7 (A short break was taken.)

8 THE VIDEOGRAPHER: The time is 4:37 p.m.,  
9 and we are back on the record.

10 MR. SHEEHY: Good afternoon. My name is  
11 Shawn Sheehy on behalf of the defendants, and we do not  
12 have any further questions at this time. We will  
13 reserve for trial, and we will read and sign the  
14 transcript. Thank you very much. And that concludes  
15 the deposition.

16 THE VIDEOGRAPHER: The time is 4:37 p.m.,  
17 and we are off the record.

18 MR. SHEEHY: For the court reporter, this is  
19 Shawn Sheehy, if it's possible to get a 24-hour  
20 turnaround on the transcript, please.

21 (Deposition concluded at 4:38 p.m.)

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CERTIFICATE OF DEPONENT

I hereby certify that I have read and examined the foregoing transcript, and the same is a true and accurate record of the testimony given by me.

Any additions or corrections that I feel are necessary will be made on the Errata Sheet.

\_\_\_\_\_

THOMAS BRYAN

\_\_\_\_\_

DATE

(If needed, make additional copies of the Errata Sheet on the next page or use a blank piece of paper.)

ERRATA SHEET

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Case: Honorable Terry Petteway, et al. vs. Galveston  
County, et al.

Witness: Thomas Bryan Date: June 20, 2023

PAGE/LINE SHOULD READ REASON FOR CHANGE


5959793

1 State of Maryland

2 City of Baltimore, to wit:

3 I, Ahuva Goldberger, a Notary Public of the  
4 State of Maryland, City of Baltimore, do hereby certify  
5 that the within-named witness personally appeared  
6 before me at the time and place herein set out, and  
7 after having been duly sworn by me, according to law,  
8 was examined by counsel.

9 I further certify that the examination was  
10 recorded stenographically by me and this transcript is  
11 a true record of the proceedings.

12 I further certify that I am not of counsel  
13 to any of the parties, nor in any way interested in the  
14 outcome of this action.

15 As witness my hand and notarial seal this  
16 21st day of June, 2023.

17  
18 <%17404,Signature%>  
Ahuva Goldberger

19 Notary Public

20 My Commission Expires:

21 May 21, 2027



1 Ssheehy@holtzmanvogel.com

2 June 21, 2023

3 RE: Honorable Terry Petteway, Et Al. v. Galveston County, Et Al.

4 DEPOSITION OF: Thomas Bryan (# 5959793)

5 The above-referenced witness transcript is  
6 available for read and sign.

7 Within the applicable timeframe, the witness  
8 should read the testimony to verify its accuracy. If  
9 there are any changes, the witness should note those  
10 on the attached Errata Sheet.

11 The witness should sign and notarize the  
12 attached Errata pages and return to Veritext at  
13 errata-tx@veritext.com.

14 According to applicable rules or agreements, if  
15 the witness fails to do so within the time allotted,  
16 a certified copy of the transcript may be used as if  
17 signed.

18 Yours,

19 Veritext Legal Solutions

20

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# **Exhibit 6**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TERRY PETTEWAY, THE )  
HONORABLE DERRECK ROSE, )  
MICHAEL MONTEZ, SONNY )  
JAMES and PENNY POPE, )  
Plaintiffs, ) CIVIL ACTION

v. ) NO. 3:22-cv-57

GALVESTON COUNTY, TEXAS, )  
and HONORABLE MARK HENRY, )  
in his official capacity )  
as Galveston County Judge, )  
Defendants. )

UNITED STATES OF AMERICA, )  
Plaintiff, ) CIVIL ACTION

v. ) NO. 3:22-cv-93

GALVESTON COUNTY, TEXAS, )  
GALVESTON COUNTY )  
COMMISSIONERS COURT, and )  
HONORABLE MARK HENRY, in )  
his official capacity as )  
Galveston County Judge, )  
Defendants. )

DICKINSON BAY AREA BRANCH )  
NAACP, GALVESTON BRANCH )  
NAACP, MAINLAND BRANCH )  
NAACP, GALVESTON LULAC )  
COUNCIL 151, EDNA )  
COURVILLE, JOE A. COMPIAN, )  
and LEON PHILLIPS, )  
Plaintiffs, ) CIVIL ACTION

v. ) NO. 3:22-cv-117

1 )  
 GALVESTON COUNTY, TEXAS, )  
 2 HONORABLE MARK HENRY, in )  
 his official capacity as )  
 3 Galveston County Judge, )  
 and DWIGHT D. SULLIVAN, in )  
 4 his official capacity as )  
 Galveston County Clerk, )  
 5 )  
 Defendants. )

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ORAL AND VIDEOTAPED DEPOSITION OF

9

JOE COMPIAN

10

APPEARING IN HIS INDIVIDUAL CAPACITY

11

AND AS CORPORATE REPRESENTATIVE OF

12

PLAINTIFF GALVESTON LULAC COUNCIL 151

13

MARCH 31, 2023

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15

ORAL AND VIDEOTAPED DEPOSITION OF JOE COMPIAN,

16

produced as a witness at the instance of the DEFENDANTS,

17

and duly sworn, was taken in the above-styled and

18

numbered cause on the 31st of March, 2023, from 9:08

19

a.m. to 6:21 p.m., before Velma C. LaChausse, Shorthand

20

Reporter and Notary Public in and for the State of

21

Texas, reported by machine shorthand, at the law offices

22

of Greer Herz & Adams, L.L.P., One Moody Avenue,

23

Galveston, TX 77550, pursuant to the Federal Rules of

24

Civil Procedure and the provisions stated on the record

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A P P E A R A N C E S

FOR THE NAACP PLAINTIFFS:  
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Ms. Molly Zhu  
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Phone: (202)303-1157  
E-mail: dvall-llobera@willkie.com

FOR THE DEFENDANTS:  
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Ms. Jordan Rashke  
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One Moody Plaza, 18th Floor  
Galveston, TX 77550  
Phone: (409)797-3200  
E-mail: jrusso@greerherz.com

ALSO PRESENT:  
Mr. Bill Hartley, Videographer  
Ms. Alexandra Copper  
Ms. Angie Olalde  
Mr. Bruce B. Gear  
Ms. Joaquin Gonzalez  
Ms. Kathryn Garrett  
Mr. Mateo Forero  
Ms. Simone Leeper

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PROCEEDINGS

THE VIDEOGRAPHER: Today is March 31st, year 2023. We're going on the record, 9:08 a.m. We're here for the deposition of Joe Compian for a case filed in the United States District Court, the Southern District of Texas, Galveston Division.

Can the attorneys please introduce themselves and who they represent?

MR. RUSSO: Joseph Russo, Jr., and Jordan Rashke Elton here on behalf of the defendants, Galveston County and Judge Henry and other county-related individuals.

MS. VALL-LLOBERA: Diana Vall-Llobera and Molly Zhu on behalf of NAACP, plaintiffs.

JOE COMPIAN,  
having been first duly sworn, testified as follows:

EXAMINATION

BY MR. RUSSO:

Q. All right. Good morning, Mr. Compian.

A. Good morning.

Q. Thank you for being here. Just to sort of clarify, one of the things that the court reporter said is that you're here for your individual deposition, and that is true, but we're also here to cover the deposition on behalf of LULAC organization. Right?



1 A. Yes, sir.

2 Q. You're aware of that?

3 A. Yes, sir.

4 Q. Okay. So we'll do our best to cover both --  
5 both of those issues today -- both of those entities  
6 today because you're actually a plaintiff, individual  
7 plaintiff, in this case as well. Correct?

8 A. Yes, sir.

9 Q. All right. We talked a little bit off the  
10 record about how we'll try to handle it. I would like  
11 to try to get through the LULAC issues first.

12 Of course, we've got to go -- we'll go  
13 through some of your background first. I think it will  
14 be obvious that we're not talking about LULAC when we're  
15 speaking about your own personal background.

16 A. Okay.

17 Q. But -- and then we'll go into the background  
18 details of the organization itself. Does that work for  
19 you?

20 A. Yes, sir.

21 Q. Okay. Have you -- you understand I represent  
22 the County?

23 A. Yes, sir.

24 Q. Basically the defendants in the action. Yes?

25 A. (Nodding head.)

1 Q. Where -- where do you reside?

2 A. In -- are you asking for physical address?

3 Q. Yes, sir. What's your address?

4 A. 1020 Duroux Road in La Marque, Texas.

5 Q. How long have you lived at that address?

6 A. Approximately 60 years.

7 Q. 60 years?

8 A. Yes.

9 Q. Okay. That's a considerable amount of time.

10 A. Yeah.

11 Q. Seen a lot of changes in that time?

12 A. Amen. Yes.

13 Q. Okay. Have you ever had your deposition taken  
14 before?

15 A. Yes.

16 Q. How many times?

17 A. I don't recall.

18 Q. Okay. More than ten?

19 A. No. I don't think -- no.

20 Q. All right. Well, so we'll go through some of  
21 the deposition, you know, processes and procedures.

22 A. (Nodding head.)

23 Q. You've probably heard before, generally. We  
24 have to, you know, sort of -- although you've been  
25 through it before, I'll remind you that the court

1 reporter is writing down -- trying to write down  
2 everything we say, and she can't get both of us speaking  
3 at the same time. So if you could do your best to wait  
4 until I'm done with my question, and then I'll do my  
5 best to wait until you're done with your answer. That  
6 way we're not talking over each other and she's -- that  
7 makes her happy. Will that work?

8 A. Yes, sir.

9 Q. Okay. Now if we -- if you need a break, take a  
10 break at any time, just let me know.

11 A. Okay.

12 Q. The only thing I would ask is that if there's a  
13 question pending that we get the question taken care of  
14 and then absolutely take any breaks we need to. Will  
15 that work for you?

16 A. Yes. That will work.

17 Q. Okay. Perfect. The -- and I'm sure you've  
18 heard this before, but nods of the head and shakes of  
19 the head don't translate very well into the transcript,  
20 so do your best, if you can, to give verbal answers,  
21 yeses or nos.

22 A. Yes. I apologize if my Latin side...

23 Q. Oh, I'm Italian, man, so no problem.

24 A. Oh. I was going to say...

25 Q. Nevertheless, we'll work it out, again, it's

1 just a reminder --

2 A. Yes, sir.

3 Q. -- you know, the -- what processes work best  
4 for the deposition. If you -- there may come a  
5 situation where I ask you a question and if a document  
6 would provide a better answer than something from your  
7 memory, let me know that.

8 A. Okay.

9 Q. And then we can, you know, take a look at the  
10 document and hopefully make sure the record is clear.  
11 Will that work?

12 A. Yes, sir.

13 Q. Are you on any medications or anything today  
14 that might impact your ability to answer or understand  
15 my questions?

16 A. I don't believe so.

17 Q. Okay. And I'm not trying to pry.

18 A. Yeah.

19 Q. But I just want to make sure that, you know,  
20 later on when we get to trial and there's something I  
21 just didn't know about in terms of your ability to  
22 understand and answer my questions. You don't expect  
23 that to be the case?

24 A. Unless I go into diabetic coma. That's the  
25 only thing I say. I am diabetic.

1 Q. Okay. All right. Well, we'll do our best and  
2 certainly pray that none of that happens today.

3 A. Yeah.

4 Q. So -- but we'll do our best to sort of keep an  
5 eye out for that.

6 A. Thank you.

7 Q. Now you understand also that you've been sworn  
8 in by the court reporter which means that you're under  
9 oath, sworn to tell the truth, just as if you were in  
10 front of the court and jury?

11 A. Yes, sir.

12 Q. Right?

13 A. Yes, sir.

14 Q. Okay. So you talked about -- a little bit  
15 about having depositions taken in the past. What --  
16 when was the last time you were deposed that you recall?

17 A. That I can recall, to the best of my  
18 recollection, maybe more than 15 years ago.

19 Q. Okay.

20 A. Something like that. Maybe --

21 Q. A long time?

22 A. A long time.

23 Q. And what was the last case you were deposed  
24 about, do you remember?

25 A. To the best of my recollection, it was all part

1 of a real estate-related or franchise business.

2 Q. Was it a personal suit that you were involved  
3 in?

4 A. Quick answer, yes. I was named as an  
5 individual.

6 Q. Was the case filed in state court or federal  
7 court?

8 A. Best of my recollection, in the one -- the one  
9 I was deposed, state court.

10 Q. Okay. In Galveston?

11 A. No.

12 Q. Which county was it in, if you recall?

13 A. The county, I don't recall --

14 Q. Okay.

15 A. -- the county. What -- no, I don't recall.

16 Q. Was it in Texas?

17 A. Yes, sir.

18 Q. Give me just, if you could, two-second overview  
19 of what the case was about.

20 A. I was president of a real estate group called  
21 Re/Max, and we were the -- the statewide franchisor, and  
22 as a result of that position, we would have issues that  
23 arose either with the offices --

24 Q. Mm-hmm.

25 A. -- or transactions as a result of our agents.

1 Q. Okay. And that case had nothing to do with  
2 allegations of discrimination or redistricting. Is that  
3 accurate?

4 A. Oh. No, sir.

5 Q. Have you ever been involved in redistricting  
6 actions personally in the past?

7 A. Can -- I'm not too clear on the question.

8 Q. Okay. Yeah. And that's a great point, is if I  
9 ask you a question and you don't understand it,  
10 certainly ask me to rephrase it.

11 A. Yes.

12 Q. I appreciate that.

13 A. (Nodding head.)

14 Q. So this case relates to Galveston County's  
15 redistricting and redrawing of its precinct lines.  
16 Right?

17 A. Yes, sir.

18 Q. In 2021?

19 A. Yes, sir.

20 Q. So have you ever been involved in a similar  
21 case like that? Whether it be the city of Galveston,  
22 other cities, have you ever been involved in something  
23 related to redistricting efforts by a governmental  
24 entity?

25 A. And you're asking me personally, not --

1 Q. Yes.

2 A. -- LULAC?

3 Q. Yes. Yes. Yes.

4 A. No.

5 Q. Yeah.

6 A. No, sir.

7 Q. We're still -- this is background material.

8 A. Yes. No, sir.

9 Q. Okay. In the case that you talked about a  
10 second ago where you were deposed and you think it was  
11 15 years ago --

12 A. Or maybe longer but anyway.

13 Q. Was that the only lawsuit you've been involved  
14 in over the past 20 years?

15 A. Past 20 years? I guess I'm going to respond  
16 it's not the only lawsuit that I've been involved in,  
17 but I don't know if it's been in that time frame you're  
18 talking about.

19 Q. Understood. And let me ask you, are you -- it  
20 was an unclear question for me, I think.

21 Were you ever a party, plaintiff or  
22 defendant, to a lawsuit in the last 20 years other than  
23 this case you were talking about a minute ago with  
24 Re/Max?

25 A. I think, Mr. Russo, that 20-year time frame is



1 throwing me off. I don't -- I don't know. I don't  
2 know.

3 Q. Okay.

4 A. I have been involved, but I don't know that --

5 Q. I understand.

6 A. I can't --

7 Q. And this is simple stuff. I'm not trying to  
8 trip you up.

9 A. No.

10 Q. Let me see if I can clarify what you're telling  
11 me. It may have happened in the last 20 years that you  
12 were a party to a lawsuit, and you just don't know?

13 A. Yes, sir.

14 Q. Right? Okay. In the case that you're thinking  
15 about, what generally was that about?

16 A. I recall filing a lawsuit in Federal District  
17 Court with regard to the La Marque Independent School  
18 District.

19 Q. Okay.

20 A. But I don't know the time frame.

21 Q. Okay. Do you remember sort of the allegations  
22 made in the case?

23 A. No, sir.

24 Q. Did you see that case through?

25 A. It was ultimately -- we ultimately dropped the

1 lawsuit because -- we dropped the lawsuit.

2 Q. And do you not remember why?

3 A. I think the district was taken over or  
4 eliminated.

5 Q. Okay. All right. Well, we can touch back on  
6 that in a second.

7 All right. Continuing on, how did you --  
8 did you take steps to prepare for your deposition today?

9 A. Can you clarify the question?

10 Q. How did you prepare for your deposition today?  
11 Did you meet with counsel? Did you look at documents?

12 A. Yes, sir.

13 Q. Okay. So let's start with meetings with  
14 counsel.

15 A. Yes, sir.

16 Q. How many times did you meet with your lawyers  
17 in the case?

18 A. Best of my recollection, maybe three times.

19 Q. And were the meetings in Galveston County?

20 A. Yes, sir.

21 Q. Over Zoom?

22 A. Yes. That -- yes, sir.

23 Q. All right. Were there any meetings where your  
24 counsel was actually present with you or were they all  
25 where you were over the Zoom meeting?

1 A. The former, yes, sir.

2 Q. Okay. When was the last meeting you had?

3 A. Today is -- Wednesday.

4 Q. So the 28th -- Wednesday of this week?

5 A. Wednesday would have been --

6 Q. The 29th?

7 A. 29th. I think 29th.

8 Q. All right. And then how long was that meeting?

9 A. Best of my recollection, approximately two  
10 hours.

11 Q. Do you know who was in the meeting with you?

12 A. The two ladies here.

13 Q. Okay. The lawyers that are with --

14 A. Lawyers are -- yes.

15 Q. -- sitting here today were with you?

16 A. Yes, sir.

17 Q. Was there anyone else? Any nonlawyers?

18 A. No, sir.

19 Q. All right. And then the meeting prior to that,  
20 when do you think that occurred?

21 A. Perhaps the previous week, best of my  
22 recollection.

23 Q. All right. And then how long do you think that  
24 meeting was?

25 A. To the best of my recollection, approximately

1 two hours.

2 Q. All right. And then you had one more meeting,  
3 but it was before that one. Right?

4 A. As I said, three -- best of my recollection,  
5 three.

6 Q. Okay. And then is that another two hours, you  
7 think?

8 A. Best of my -- it may have been shorter, the  
9 first one.

10 Q. Okay. All right. And so this is kind of one  
11 of those two-part questions for -- it will be LULAC and  
12 you as well.

13 A. Okay.

14 Q. How did LULAC find its lawyers in this case, if  
15 you know? The people that are representing LULAC today.

16 A. How did they find? LULAC has traditionally  
17 taken a leading role as an organization, both a national  
18 and statewide organization, and then down to the local  
19 of -- of looking at redistricting plans.

20 Q. Mm-hmm.

21 A. And the -- there's different lawyers within the  
22 LULAC organization, and I'm not privy necessarily to  
23 their decisions, but I believe, to the best of my  
24 recollection, it was just a referral of -- as a result  
25 of conversations that occurred --

1 Q. Okay.

2 A. -- at the national level.

3 Q. Do you -- did you play a role in the retention  
4 of counsel?

5 A. No, sir.

6 Q. Do you know who did --

7 A. No.

8 Q. -- on behalf of LULAC?

9 A. No, sir.

10 Q. Okay. And do you know when approximately the  
11 retention occurred?

12 A. No, sir.

13 Q. All right. Now let's look at it from the  
14 individual side of things. You're also represented as  
15 an individual in this case. Correct?

16 A. Yes, sir.

17 Q. By the same counsel?

18 A. Yes, sir.

19 Q. Okay. And do you know who the firms are that  
20 represent you and -- LULAC and Joe Compian in this case?

21 A. There -- there are -- I call them the primary  
22 in my mind.

23 Q. Okay.

24 A. I'm sorry. I'm older now too. It helps. But  
25 the young lady here to my right is -- I consider my

1 primary counsel in this.

2 Q. Okay. Is that the same answer for LULAC as  
3 well?

4 A. Yes, sir.

5 Q. All right. And so part of your preparation  
6 should have related to the deposition notice sent to  
7 LULAC which was an organizational notice. Right?

8 A. Okay.

9 Q. Did you see that organizational notice before  
10 today?

11 A. Yes, sir.

12 Q. Okay. Let's go ahead --

13 A. And may I ask just to be clear, I think there  
14 are a couple of versions of that notice. Correct?

15 Q. Well --

16 A. Best of my recollection.

17 Q. We'll go with the latest one. I'll attach it  
18 here in a second if I can find it. Interesting. All  
19 right.

20 (Exhibit No. 1 was marked.)

21 A. Thank you.

22 MS. VALL-LLOBERA: Two copies?

23 THE WITNESS: I think so.

24 MR. RUSSO: We only need two. You can keep  
25 the other one or throw it away, whatever.

1 MS. VALL-LLOBERA: Do you need...

2 Q. (BY MR. RUSSO) All right. The court reporter  
3 has marked as Exhibit 1 -- can we refer to -- let's --  
4 can we refer to that as Compian 1? Will that work for  
5 you, Mr. Compian?

6 A. Yes, sir.

7 Q. We're going to refer to that exhibit as -- most  
8 of the exhibits are going to be Compian and then  
9 whatever the exhibit is. Okay?

10 A. Yes, sir.

11 Q. Have you seen that document before today?

12 A. Yes, sir.

13 Q. Okay. And that page, actual page, let me  
14 see -- Page 4?

15 A. Page 4 of this -- of this document?

16 Q. Yes.

17 A. There's no -- there's no Page 4.

18 Q. All right. Let me see that copy of what I gave  
19 you.

20 A. (Witness complies.)

21 Q. Oh, it's front/back.

22 A. Oh, front -- oh, okay. All right.

23 Q. All right? Fourth page of that document --

24 A. Oh, fourth page of this.

25 Q. -- contains a heading Topics for Examination.

1 A. Okay.

2 Q. Do you see that?

3 A. I see. Yes, sir.

4 Q. That's what I was trying to get to. We'll get  
5 there eventually.

6 So there's a list of topics that we've  
7 asked the LULAC entity to be prepared to discuss with us  
8 today, and you've seen that list before today?

9 A. Yes, sir.

10 Q. Okay. So -- and part of your preparation was  
11 to get familiar with those topics?

12 A. Yes, sir.

13 Q. Yes? And to the best of your knowledge, are  
14 you prepared to discuss those -- the topics listed there  
15 today?

16 A. To the best of my ability, yes, sir.

17 Q. Are there any topics there that you don't feel  
18 like you can cover, just don't have a handle on as we  
19 sit here?

20 A. I think I'm ready to respond to the best of my  
21 ability, yes, sir.

22 Q. Okay. And in preparation for your deposition,  
23 did you look at documents?

24 A. Some, yes, sir.

25 Q. Do you recall what you looked at?



1 A. Yes, sir.

2 Q. What specifically did you -- do you recall  
3 reviewing in preparation for your deposition?

4 MS. VALL-LLOBERA: And I'll just note for  
5 the record, I'll remind Mr. Compian that you can answer  
6 to the best of your ability as long as you don't reveal  
7 any attorney-client communications. You can answer  
8 other than that.

9 A. Okay. I do recall looking at our current  
10 membership roster for the LULAC Council 151.

11 Q. (BY MR. RUSSO) Okay.

12 A. And just some financial stuff affiliated with  
13 that, and that's about it.

14 Q. Okay. Did you look at the complaint filed in  
15 this case or the amended complaint?

16 A. The amended one, no, I haven't had.

17 Q. But you've seen the original complaint?

18 A. Original, yes, sir.

19 Q. Did you look at that as part of your review for  
20 deposition or did -- are you -- did you see it back  
21 before it was filed?

22 A. I saw that prior to it being filed.

23 Q. Okay. It wasn't one of the documents you  
24 looked at in preparation for today?

25 A. No, sir. No.

1 Q. Okay. And in looking at the membership roster,  
2 what was, if you recall, what was the purpose of looking  
3 at that?

4 A. I was curious as to our numbers after they were  
5 impacted by COVID.

6 Q. Understood.

7 A. Yeah.

8 Q. And so what do the numbers look like for today?

9 A. Approximately 100, a little over, members that  
10 have renewed for this year.

11 Q. When's the renewal period date, roughly?

12 A. It runs approximately end of December, and it  
13 goes through the first part of March.

14 Q. Okay. And the people who want to join, can  
15 they join outside of those dates?

16 A. Oh, yes, they certainly can join.

17 Q. Am I correct in saying that the time between  
18 December and March is the time when you're looking to  
19 renew?

20 A. To renew, yes, sir.

21 Q. Okay. Perfect. And so then for the 2023  
22 period, you think there were, what, a hundred renewals,  
23 roughly?

24 A. Yes, sir.

25 Q. And you said that you thought that was impacted

1 by COVID?

2 A. (Nodding head.)

3 Q. What gives you that idea?

4 A. We had a larger membership of over -- well, I  
5 personally can recall like 150 in terms of our  
6 membership roster --

7 Q. And you think that was --

8 A. -- pre-COVID.

9 Q. Okay. And that was prior to --

10 A. That and natural -- natural life events, i.e.  
11 deaths. We had some members that died.

12 Q. Okay. Okay. So then your feeling sitting here  
13 today is that, you know, prior to COVID impacting the  
14 organization, which probably would have been in 2020,  
15 you had more like 100 -- somewhere around 150 members?

16 A. To the best of my recollection, yes, sir.

17 Q. Okay. And do you have any of that feeling for  
18 what number of those members are, sort of, are of a  
19 Latino decent?

20 A. No, sir.

21 Q. Do y'all -- do you ask that of your membership?

22 A. No, sir.

23 Q. What about -- do you have any idea how many of  
24 those individuals are -- identify as African American or  
25 Black?

1 A. No, sir.

2 Q. What about White? Those that identify as  
3 White, any idea how many of those members you would  
4 have?

5 A. Clarity, I'm just --

6 Q. I appreciate it.

7 A. For clarity, I'm White, so that -- I don't --  
8 I'm just -- I don't have any idea but just -- just to  
9 know.

10 Q. Yeah. I appreciate that. So -- well, let me  
11 refer to it this way: How many -- do you have any clue  
12 how many of the -- your members you have that are not  
13 Latino and don't identify as Black, how many -- what  
14 percentage of the remainder of the membership would be?

15 A. I don't know.

16 Q. When did -- what's your position with LULAC  
17 today?

18 A. Today I chair the Equal Rights Committee -- or  
19 I'm cochair. I should say cochair.

20 Q. When did you start that position?

21 A. Mr. Russo, I -- once again, I don't recall the  
22 number of years I've -- I'm older now, but it's been a  
23 while. Probably -- honestly, I don't know. I don't  
24 know how long.

25 Q. Okay. Have you held other positions in LULAC

1 | over your time with the organization?

2 | A. Yes, sir.

3 | Q. Okay. So then prior to being chair of the  
4 | Equal Rights Committee, what -- what did you do?

5 | A. I served as parliamentarian for a period of  
6 | time.

7 | Q. All right. Did you have any other roles with  
8 | the organization?

9 | A. No.

10 | Q. So during your entire career with LULAC, you'd  
11 | been either a parliamentarian or chair of the Equal  
12 | Rights Committee. Is that correct?

13 | A. And they're not mutually exclusive; one can be  
14 | the cochair or chair -- at one time it was just the  
15 | chair --

16 | Q. Mm-hmm.

17 | A. -- and also the parliamentarian.

18 | Q. Okay. How long have you been a member of  
19 | LULAC?

20 | A. To the best of my recollection, Mr. Russo --  
21 | let me think -- since approximately 1986, and I don't  
22 | know how long that is.

23 | Q. All right. What is it about 1986 that makes  
24 | that date come -- or year come to mind in terms of your  
25 | joining the organization?

1 A. The -- what I recall was there was a lot of  
2 effort to build, rebuild, the local organization, and  
3 here in Galveston there were at one point three  
4 different LULAC Councils.

5 Q. Mm-hmm.

6 A. And I recall that it was a consolidation  
7 period. That's why I remember it, that time period.

8 Q. Okay. And so the LULAC organization that's in  
9 this suit is -- is it 151?

10 A. 151.

11 Q. Does that -- what area of the state of Texas or  
12 other states if it -- what's it -- what area does that  
13 encompass? Where do I have to live to be a member of  
14 LULAC 151?

15 A. Anywhere. Anywhere.

16 Q. In the United States?

17 A. Yes, sir.

18 Q. Do -- do you know where the majority of your  
19 memberships reside?

20 A. No, sir.

21 Q. Is there any -- within LULAC's organizational  
22 structure is there any sort of exclusivity areas for any  
23 different organization with its, you know, number?

24 A. No, sir.

25 Q. So if I wanted to join a LULAC organization, I

1 could join at any LULAC organization wherever it existed  
2 whenever I wanted to sign up. Is that what you're  
3 telling me?

4 A. Yes, sir.

5 Q. Okay. Are you only a member of No. 151?

6 A. Yes, sir.

7 Q. And why is that?

8 A. It's the one that I pay my dues to. That's  
9 historically the one that -- that I joined.

10 Q. Okay. Is -- do you know how the -- let me ask  
11 you this: Is there a LULAC national organization?

12 A. Yes, sir.

13 Q. And then it oversees all the lower  
14 organizations like 151?

15 A. I'm having difficulty with your question --

16 Q. Okay.

17 A. -- with the word "oversees."

18 Q. All right.

19 A. Can you clarify that, please, for me?

20 Q. What does the -- what is the --

21 A. What is your definition of that?

22 Q. Yeah. Well, let me ask you this: What does  
23 the national organization do for the -- for LULAC 151?

24 A. At the national level, they are first and  
25 foremost promoting civic -- our civic responsibilities.

1 Q. Mm-hmm.

2 A. Right? Because that was one of the foundations  
3 for LULAC, is when we were challenged and the  
4 unfortunate history of our country where, you know,  
5 "no" -- "no Ns and no dogs and no Mexicans" were on  
6 buildings, and people couldn't even be buried and they  
7 had fought for this country.

8 And so that was the bases for the  
9 beginning. So the national office continued that  
10 organized and became an advocacy group, you know -- and  
11 based in Washington D.C. -- for -- for these LULAC  
12 councils that began here in Texas and then in California  
13 as well.

14 Q. Okay. So if -- if -- does the LULAC 151  
15 Council report -- send any types of reports to the  
16 national organization on an annual basis or otherwise?

17 A. Yes, sir.

18 Q. What kind of reports do they -- do you forward  
19 to the national?

20 A. The membership roster and a portion of the  
21 dues.

22 Q. Okay. And if I wanted to start a LULAC  
23 Council, how would I go about doing that?

24 A. Just indicate you're interested in starting a  
25 LULAC Council.



1 Q. Do I need to draft up bylaws and start a  
2 corporation? How would that work?

3 A. You would seek guidance from the national  
4 office.

5 Q. Mm-hmm.

6 A. And inform them that you're interested, and  
7 they would assist you in that -- in that effort.

8 Q. Okay. And you mentioned that there at one time  
9 was three different LULAC Councils in Galveston?

10 A. Yes, sir. Yeah.

11 Q. Is that on Galveston Island?

12 A. Yes, sir, on Galveston Island.

13 Q. So why is there only one on Galveston Island  
14 now?

15 A. Because ultimately there were some individuals,  
16 and I among them, that said this is not working for us.  
17 Right? -- in terms of organizing. We need to put aside  
18 individual -- what is it? -- individual -- the word  
19 escapes me right now.

20 Q. Interests?

21 A. Interests. Right. That some interests that  
22 people have and work collaboratively, and so 151 being  
23 the oldest was the natural entity to bring us all  
24 together.

25 Q. Okay. Were you in favor of that?

1 A. Oh, yes, sir.

2 Q. Did you play a role in sort of facilitating it?

3 A. Encouraging it, yes, sir.

4 Q. Do you know what the differing interests were

5 of these three different LULAC organizations at the

6 time?

7 A. No, sir. I can't recall that right now.

8 Q. You don't remember the arguments made?

9 A. No. I don't remember, no.

10 MS. VALL-LLOBERA: Objection; misstates

11 prior testimony.

12 Q. (BY MR. RUSSO) You can answer.

13 A. I don't remember.

14 Q. Were they located in different sections of the

15 island?

16 A. Let me think. Let me think. Like, I mean, I

17 was born here, so what do you refer to sections? What's

18 your sections?

19 Q. Well, if you --

20 A. Define it. I don't know.

21 Q. To me there's a west end, an east end. I'm

22 just asking you what -- how did the -- how did the LULAC

23 three organizations differentiate themselves in terms of

24 locations?

25 A. There was no differentiation. There was none.

1 Q. All right. And -- but back then for an  
2 individual that wanted to join the organization of LULAC  
3 could join one or three or whatever he wanted -- he or  
4 she wanted to do. Is that true?

5 A. No. You could -- one.

6 Q. You could only join one?

7 A. Yes, sir.

8 Q. Okay. So that's -- is that true across th  
9 entire organization? That you only join one -- one  
10 branch or one council?

11 MS. VALL-LLOBERA: Objection; misstates  
12 prior testimony.

13 A. To my knowledge that's -- that is accurate.  
14 You can only join one.

15 Q. (BY MR. RUSSO) Okay. All right. What does it  
16 take to join LULAC today?

17 A. There is -- first and foremost pay your dues.

18 Q. What's the dues? How much are the dues?

19 A. \$40.

20 Q. A year?

21 A. A year, yes, sir.

22 Q. Okay. And then what else is it -- what other  
23 requirements are there?

24 A. There's a simple online form now as a result of  
25 COVID. Fill out information that you have, your

1 address.

2 Q. Mm-hmm.

3 A. I believe things of that nature. That's it.

4 Q. So is there -- when you apply to be a member of  
5 LULAC, is there -- do they -- is there a question that  
6 asks you what race you identify as?

7 A. No, sir.

8 Q. So is that's -- is there anybody at the LULAC  
9 Council 151 that would know the answer to the question  
10 of what percentage of your membership is Hispan- --  
11 Latin descent versus Black descent? Is there anybody  
12 that can answer that for me?

13 A. Mr. Russo, I'll be straightforward with you.  
14 Once again, historically, we were -- we, I'm speaking as  
15 a Mexi- -- as an American of Mexican descent --

16 Q. Mm-hmm.

17 A. -- we were categorized as White. Right? And  
18 that kind of -- at the inception that just -- everybody  
19 was White. Right? -- of -- of Mexican descent  
20 originally. Right? And that's kind of the history of  
21 it. It was -- that was our argument to get buried.  
22 Right? You know, we're not --

23 Q. Right.

24 A. That -- that was -- that's fundamentally what  
25 it was.

1 Q. Yeah. Well, is that the argument today?

2 A. Today it still goes on.

3 Q. Well, is the argument today that people who  
4 identify as Latino race are actually White?

5 A. No. That's -- that's how -- I didn't say  
6 that's the argument. It was how it evolved. Right?  
7 I'm just saying that's how we evolved here in Texas as  
8 we formed LULAC and the first club being formed in South  
9 Texas in Corpus Christi.

10 Q. Okay. So back to my -- the question, I guess,  
11 I'm trying to get an answer to is: Is there any -- is  
12 there anyone at the LULAC 151 organization that would be  
13 able to tell me, you know, give me a good estimate of  
14 the percentage of the different racial makeup of the  
15 membership?

16 A. I don't believe so, no, sir.

17 Q. Okay. Do you have any feel for that yourself?

18 A. No, sir.

19 Q. Why is that?

20 A. We can't go simply by Spanish surname because I  
21 could have a last name of Smith and consider myself  
22 Latino-Hispanic. See? So that's -- it's difficult.  
23 That's why we -- we don't -- if you wish to hold  
24 yourself out in some fashion, that's fine. Right? We  
25 come together for issues. Right? -- as all -- as all

1 Knights of Columbus, Catholic Church -- those issues.

2 Q. Okay. Well, let me ask it this way: When was  
3 the last LULAC meeting you attended?

4 A. We haven't had any because of COVID.

5 Q. When was the last one you attended?

6 A. The last one, pre-COVID.

7 Q. Okay. So it would have been prior to 2020?

8 And -- and --

9 A. During -- yes, prior to COVID.

10 Q. And let me clarify. Are you saying you've had  
11 no meetings at all? No online or anything?

12 A. There has not been a -- no -- there was an  
13 attempt to do online. It didn't work out very well.  
14 Some people don't have the Zoom and stuff, and mind you  
15 we have older members too like me. Right?

16 Q. So is it -- so then is it true that, since sort  
17 of the COVID pandemic shutdown, meetings in person that  
18 LULAC 151 has had no membership meetings since that  
19 time?

20 A. The executive committee continues to meet and  
21 then -- during this time period, and that was done on --  
22 via Zoom.

23 Q. Okay. So how often does the executive  
24 committee meet?

25 A. At least once a month, at least.

1 Q. All right. But you haven't gotten the entire  
2 membership together in I guess we're coming on about  
3 three years now?

4 A. Well, to be clear, I said official meetings,  
5 but everybody is free to join -- there's nothing -- the  
6 executive committee Zoom meetings. The invite goes out  
7 to everybody.

8 Q. Okay. So when was the last executive meeting  
9 roughly that you had with LULAC that you attended?

10 A. Perhaps at the end of -- at the end of -- at  
11 the end of last year.

12 Q. All right. And then what's your estimation --  
13 best estimate for when the last time y'all -- LULAC 151  
14 had an in-person meeting?

15 A. Best estimate -- well, with my knowledge -- is  
16 about midpoint of -- of last year in preparation for  
17 Cinco de Mayo, this past year, which was the first time  
18 it was held.

19 Q. Cinco de Mayo in 2022?

20 A. 2022, yes, sir.

21 Q. So you had an in-person meeting around May --  
22 before the May 5th --

23 A. Before. Yes, sir.

24 Q. -- function in 2022?

25 A. Yes, sir.

1 Q. Okay. I'm sorry. I was confused. I was  
2 thinking you said you hadn't had an in-person meeting  
3 since COVID started. That's not correct.

4 A. Well, that's correct in terms of calling a  
5 general meeting.

6 Q. Mm-hmm.

7 A. But I meant -- you're saying in person. There  
8 are in-person meetings going on with regard to the  
9 Cinco de Mayo committee effort, and that -- that  
10 involves everybody. We're not just blocked off.  
11 Anybody is welcome to join.

12 Q. Mm-hmm. All right. So you're saying you had  
13 sort of a sub-gathering for the Cinco de Mayo  
14 celebration. All members were invited, but it wasn't a  
15 general membership meeting.

16 A. Correct.

17 Q. Is that correct?

18 A. Correct.

19 Q. Well, so at this -- at this -- the pre-Cinco de  
20 Mayo meeting, can you tell me how many -- were there  
21 members there that were Black, that were Black citizens  
22 and members of LULAC that you know of?

23 MS. VALL-LLOBERA: Objection; calls for  
24 speculation.

25 A. I don't know.



1 Q. (BY MR. RUSSO) Okay. You don't -- do you  
2 recall seeing -- seeing people who you think you  
3 consider would probably identify as Black?

4 MS. VALL-LLOBERA: Objection; asked and  
5 answered.

6 A. I don't -- I don't know.

7 Q. (BY MR. RUSSO) No idea?

8 A. (Shaking head.) I don't -- at this point I  
9 have no idea.

10 Q. Okay. Is it -- is it --

11 A. I don't recall.

12 Q. Is it typical -- is it typical to see, at your  
13 membership meetings, individuals who identify as Black?

14 A. At what point?

15 Q. At any time.

16 A. Yes, sir. Yes.

17 Q. Okay. So --

18 A. Well, to clarify, I believe they're Black, but  
19 I don't know what they self-identify as. Let's put it  
20 that way. Okay?

21 Q. I understand. It's -- it's difficult these  
22 days. I get it. Things are changing as we speak.

23 A. Yes. That's all.

24 Q. Okay. But so, generally speaking, then, you do  
25 have people that are members -- that you believe are

1 members of LULAC 151 that, in your estimation, likely

2 identify as Black. Is that what you're telling me?

3 A. Yes, sir.

4 Q. Okay.

5 A. And let me interject. I just -- just to be  
6 clear, it's sometimes here now as you rightfully said  
7 it's a touchy subject because we have Afro-Latinos who  
8 do not consider themselves Black. I'm just being very  
9 straightforward with you there.

10 Q. I understand. Okay. Well, let me ask it this  
11 way: Based upon your attending the meetings, would you  
12 say the majority of members of LULAC 151 would identify  
13 as Latino?

14 A. I have no idea.

15 Q. None? You don't know whether it's half?

16 A. I have no idea.

17 Q. 20 percent? 10 percent? No clue?

18 A. I wouldn't even dare make a guess. I have no  
19 idea. I can honestly say to you I have no idea.

20 Q. Okay. Is there anybody at LULAC 151 who could  
21 provide me with that estimate?

22 MS. VALL-LLOBERA: Objection; asked and  
23 answered.

24 A. I don't know of anybody. I don't know of  
25 anybody.

1 Q. (BY MR. RUSSO) Okay. Now, I want to ask you a  
2 little bit about the organization itself and sort of the  
3 purpose. What is the -- what's the purpose of LULAC?  
4 What's its purpose? I mean, what's its goal?

5 A. The No. 1 goal, I said earlier, is promoting  
6 civic engagement. We are citizens of this country.  
7 Let's take a role and encourage anybody who has an  
8 interest in civic engagement to join with us in that  
9 effort.

10 It's -- then equal rights. It's to be a  
11 voice for equal rights as a mission.

12 It's also to be a voice for education.  
13 Let's encourage our youth. Let's encourage anyone that  
14 has a desire to -- to pursue their studies, to  
15 facilitate and encourage educational opportunity. Those  
16 are the three areas.

17 Q. Okay.

18 A. That we focus on.

19 Q. And I just want to make sure that -- that -- is  
20 it your understanding that LULAC's purpose whether it be  
21 civic engagement, equal rights, or education, it's  
22 geared towards this civil rights or equal rights or  
23 education of Latino Americans?

24 A. No, sir.

25 Q. That's not correct?

1           A. It's -- it's -- we -- I don't believe so. I  
2 don't believe so, no.

3           Q. Okay. Well, your complaint actually alleges  
4 that LULAC aims to advance the economic condition,  
5 educational attainment, political influence, housing,  
6 health, and civil rights of Latino Americans.

7           A. Yes, sir.

8           Q. Is that accurate?

9           A. I believe so as well, too. Latino, it's --  
10 it's a wide group.

11          Q. Well, the only group that was mentioned here  
12 was Latino Americans?

13          A. Who are, as we said earlier, who are White.

14          Q. I'm sorry. I don't understand what you're  
15 saying.

16          A. I -- I --

17          Q. Your complaint alleging that the LULAC  
18 organization --

19          A. Yes, sir.

20          Q. -- is -- it does these things.

21          A. Yes.

22          Q. But it qualifies it as you're looking at the  
23 rights of Latino Americans. Is that not accurate?

24          A. That's --

25                   MS. VALL-LLOBERA: Counsel, I don't want to

1 interrupt your questioning, but it may help clarify the  
2 record for you if you distinguish between ethnicity and  
3 race or -- Mr. Compian usually refers to  
4 Anglo-Americans, if that would help.

5 Q. (BY MR. RUSSO) Well, I guess what I'm asking  
6 about is what is alleged in your complaint by LULAC and  
7 Mr. Compian as well since he's an individual plaintiff.  
8 So I'm wondering what did that mean when you allege that  
9 you're involved with the civil rights of Latino  
10 Americans?

11 A. As an organization, regardless of your color,  
12 regardless of your ethnic background, you're free to  
13 join. You're free to join LULAC. All of us together  
14 focusing on the needs of Latino Americans. That's --  
15 that's simply.

16 Q. Understood. And I -- so maybe -- I guess maybe  
17 we're -- there's less confusion than I thought, in that,  
18 I get that -- we already discussed -- anybody that wants  
19 to be a member can be a member. True?

20 A. Oh, yes.

21 Q. Regardless of race, ethnicity. Correct?

22 A. Yes, sir. Yes, sir.

23 Q. But the goal of the organization is advancement  
24 of -- towards Latino Americans. Would you agree with  
25 me?

1 A. Yes, sir.

2 Q. Okay. That's all I was trying --

3 A. Mm-hmm.

4 Q. -- to discuss.

5 And the things that you mentioned, goals

6 that you mentioned, were promoting civil engagement.

7 Right?

8 A. Yes, sir.

9 Q. What does that mean? What do you mean by  
10 promoting civil engagement?

11 A. It is taking -- encouraging people of limited  
12 economic means who -- whose family originally immigrated  
13 from Mexico and to some from Spain at that time, too.

14 Right --

15 Q. Mm-hmm?

16 A. -- the -- the ones here in Texas. Remember  
17 LULAC started here in Texas. And take a role in  
18 government, take a role in local government, introduce  
19 people to how local government functions. That's  
20 what -- what's -- some of the things that are involved  
21 and, if necessary, file lawsuits.

22 Q. Okay. All right. And when you talk about --  
23 so civil engagement, is it -- am I accurate in saying  
24 that's engagement in sort of the governmental oversight  
25 type of situations, or is it something a bit broader

1 than that?

2 A. From my -- from my experience and my time, it's  
3 not just necessarily governmental because sometimes  
4 abuses occur within other structures such as churches.  
5 Okay? Such as private businesses. So it's -- it's not  
6 just focused on governmental.

7 Q. Okay. So is there -- is there a committee or  
8 let me -- strike that.

9 Is one of the goals, then, that the  
10 membership be sort of cognizant or work with religious  
11 organizations to make sure that they're, you know,  
12 working towards the benefit of Latino Americans as well?

13 MS. VALL-LLOBERA: Objection; misstates  
14 prior testimony.

15 A. I don't understand your question.

16 Q. (BY MR. RUSSO) Okay. Well, if you don't --

17 A. Yeah, I don't.

18 Q. -- ask me to rephrase it, and I will do my  
19 best.

20 You mentioned that -- you mentioned  
21 churches in particular when I asked you about civil  
22 engagement, and so I'm curious as to whether the LULAC  
23 organization sort of suggests or believes its membership  
24 should be involved in churches within the community.

25 A. I didn't -- your question was -- it was -- you

1 stated governmental, that something engagement in  
2 governmental. I said sometimes engagement, that's to  
3 say, being aware of items is not just a governmental  
4 entity, but it may be practices of a church. It may be  
5 practices of private businesses. That's all I would  
6 say.

7 Q. Okay. Yeah. I -- there's -- there's not a --  
8 there's no sort of religious, necessarily, connection  
9 between LULAC and the community. Is that true?

10 A. I would be dishonest with you to say as an  
11 American of -- Mexican American -- of Mexican descent to  
12 say that the church does not have a role because I went  
13 to Catholic schools. I went to Catholic undergraduate  
14 school and graduate school as well, too. So I would  
15 be -- I think I would be lying to you if I said that  
16 somehow or another faith was not involved in some way,  
17 but a sort of some -- officially? No. It's who -- it's  
18 just who we are.

19 Q. Okay.

20 A. But we don't -- but we don't discuss it. I  
21 mean, it's not -- it's not "Oh, we've got the church  
22 committee," you know. No, we don't have anything like  
23 that.

24 Q. Do you have any idea -- you personally have any  
25 idea or is the -- this is either or -- does the



1 organization have any idea of the number of members who  
2 identify as Catholic?

3 MS. VALL-LLOBERA: Objection; first  
4 amendment.

5 A. No, sir. No idea.

6 Q. (BY MR. RUSSO) No? And, again, I'm not asking  
7 for specific names of anybody.

8 A. Yeah. But --

9 Q. I'm just wondering if you have an idea of what  
10 the number would -- percentage would be.

11 A. No. No, sir. I have no idea.

12 Q. Yeah. Now you said you graduated from -- did  
13 you say from Catholic high school?

14 A. No. I went to a -- I started off here in  
15 Galveston as the only school that took people like  
16 myself, our Lady of Guadalupe School.

17 Q. I attended that school.

18 A. Oh. Did you go to -- oh, okay. Our Lady of  
19 Guadalupe. And -- but it was -- you're -- you're so  
20 young. I -- it was closed.

21 Q. No --

22 A. It closed when Reynaldo Lopez came; so...

23 Q. So I went -- I went through -- it was still  
24 there. I went through third -- third and fourth grade,  
25 and I think it was still there --

1 A. Okay.

2 Q. -- when I -- I could have stayed, but I ended  
3 up going to public school. Do you remember it closing  
4 earlier than that?

5 A. I kind of thought it -- because from there --  
6 was that about the time that -- Hurricane Carla came in  
7 in 60- -- '61.

8 Q. '61?

9 A. -- '61. And that's when we kind of  
10 transitioned over to Travis Elementary. I don't know  
11 the de- -- you know, I don't recall, being young. But I  
12 think it had to do something with Carla and maybe the  
13 condition of the school or something. I don't really  
14 remember.

15 Q. So how far did you -- what -- is there a grade  
16 level you made it through at Guadalupe?

17 A. Well, I started at pre-K at Our Lady of  
18 Guadalupe in Rosenberg, Texas.

19 Q. Okay.

20 A. Then my parents moved here and transferred to  
21 Our Lady of Guadalupe, and I did my first grade there  
22 and was starting second grade as well, too. And that --  
23 and then there was -- second grade, I know I remember  
24 finishing up at Travis --

25 Q. All right.

1 A. -- at that point.

2 Q. Is -- was it Travis High School?

3 A. No, Travis Elementary, which are now the Travis  
4 something apartments. Travis they're -- they're still  
5 called Travis, but that was a Travis Elementary School.

6 Q. Okay. So I'm trying to get to your high  
7 school. Where did you graduate high school from?

8 A. La Marque.

9 Q. La Marque?

10 A. Yeah. La Marque.

11 Q. How did you transition to La Marque from the  
12 island?

13 A. Carla hit in '61. The house got flooded. We  
14 were impacted by that event. Well, there were a lot of  
15 tornados really that --

16 Q. Yeah.

17 A. -- that -- and Dad decided that Galveston was  
18 not the best place to raise a family with those -- with  
19 those things going on.

20 Q. Mm-hmm.

21 A. It was great for being a young carpenter like  
22 him in terms of work, but... So he was able to find a  
23 property in La Marque in '63.

24 Q. Yeah.

25 A. -- and moved to La Marque.

1 Q. Okay. Did he tell you he wanted to get away  
2 from sort of the tidal issues that you see on the island  
3 like Carla and Ike?

4 A. Yeah. That was kind of the discussion that --  
5 it's not a good place to raise a young family.

6 Q. Because you don't see that in La Marque like  
7 you see it here on the island. True?

8 A. I -- if -- well, I -- I will tell you Harvey,  
9 my home flooded. So I was out of my home for one year.

10 Q. That's a different event, though. Right?

11 A. Yeah.

12 Q. Harvey, it was raining.

13 A. That was more of a rain; so but...

14 Q. Not tidal?

15 A. Not tidal.

16 Q. Those are two different things.

17 A. Yeah.

18 Q. All right. So then what year did you graduate  
19 roughly, do you know? Do you recall?

20 A. Yeah. Sure. I graduated in 1973 from  
21 La Marque High School.

22 Q. All right. And then where did you go after  
23 that?

24 A. Georgetown University -- no -- yeah,  
25 Georgetown. I tell you, it's terrible getting old.

1 Sorry.

2 Q. And then you graduated four or five years from  
3 Georgetown?

4 A. Yeah. I graduated from Georgetown in -- if you  
5 believe it, I used to be smart in those days. It's  
6 terrible, now I can't. I graduated from Georgetown in  
7 1977. Yes, sir.

8 Q. And then what did you do after that?

9 A. I --

10 Q. School-wise.

11 A. School-wise? I joined your co-counsel's father  
12 at first year at Texas Tech Law School.

13 Q. Okay. That's Fred Raschke?

14 A. Fred Raschke, yes, sir.

15 And I was there for one year.

16 Q. All right. And then where did you go after  
17 that?

18 A. Catholic University of Law school.

19 Q. Did you graduate?

20 A. Yes, sir.

21 Q. Okay. So you have a J.D. --

22 A. Yes, sir.

23 Q. -- license?

24 A. Yes, sir.

25 Q. Do you -- are you actually -- do you have your

1 law license?

2 A. No. No, sir.

3 Q. Did you ever have one?

4 A. No, sir.

5 Q. Why didn't you get a license to practice?

6 A. After -- at the time that I was graduating, I  
7 was working with a sole practitioner on the DuPont  
8 Circle area of D.C. who had a very -- let's call it I  
9 guess a boutique practice. He was originally here from  
10 South Texas and spoke Spanish. My godfather was an  
11 administrative judge for the -- I guess it was for  
12 NASA -- for NASA.

13 And he was up there. He introduced me to  
14 him while he was in law school, clerked with him. And  
15 the boutique business was -- he represented a lot of the  
16 embassies and the consulates on immigration matters --

17 Q. Mm-hmm.

18 A. -- and -- and business dealings. So once I  
19 graduated, there was a client -- and I also happen to  
20 speak French -- who had business dealings and had needed  
21 Switzerland. And I was asked to accompany the client to  
22 Switzerland, and I ended up staying there with --  
23 working with the classmate of mine over there.

24 Q. Okay. And did you ever have sort of -- when  
25 you were -- I guess after law school, did you have a

1 desire to practice law?

2 A. When I came back, I thought about it, but then  
3 I had another job offer here with the real estate group.

4 Q. Okay. That was the Re/Max group?

5 A. Yes, sir.

6 Q. And so how long did you work in the position  
7 you described to me after law school? How long did you  
8 stay in that position?

9 A. To the best of my recollection, about five  
10 years.

11 Q. All right. And that was over in Switzerland?

12 A. Yes, sir.

13 Q. And then you came back to the States after  
14 that?

15 A. Yes, sir.

16 Q. And that's when you started the Re/Max employ?

17 A. Yes, sir.

18 Q. So did you run -- were you sort of the  
19 operator -- manager at Re/Max, or were you employed as  
20 an agent?

21 A. No. I was on the management side.

22 Q. Okay. Did you have any ownership interest in  
23 that?

24 A. No, sir.

25 Q. All right. What did you do at Re/Max? What

1 were your responsibilities?

2 A. At that time the owner of the regional -- it's  
3 called regional franchise Texas rights -- was a fiery  
4 Italian American originally out of New York and -- Frank  
5 DeCicco. God bless him. And Mr. DeCicco was looking  
6 for someone that could write well, that could  
7 communicate well, and I don't even know how we were --  
8 how we came together honest -- that I don't remember at  
9 all. But I do remember then meeting him, and he made me  
10 an offer, and I joined that -- him originally as the  
11 corporate communications director basically and --  
12 writing. And at that time no one knew about Re/Max.

13 Q. Okay.

14 A. We -- it was a very unknown organization.

15 Q. Right. Did you stay in that position until you  
16 left Re/Max?

17 A. No, sir. In one year, then, I became -- he  
18 retired as president and became chairman of the board,  
19 and I became president of the organization.

20 Q. And how long were you president of the  
21 organization?

22 A. For 13 -- to the best of my recollection, about  
23 13 to 15 years, somewhere around there.

24 Q. Okay.

25 A. Yeah.



1 Q. Generally speaking, what were your  
2 responsibilities as president?

3 A. A franchise sales. I referenced those at some  
4 point -- those other lawsuits involvement -- selecting  
5 involvement -- outside counsel, you know, that, writing  
6 policies, involved at the time it was called RESPA --  
7 RESPA here in Texas, work that I was doing in Austin  
8 to -- basically I drafted that bill and the Real Estate  
9 Settlement Procedures Act.

10 Q. Mm-hmm.

11 A. And -- so it was, you know, management  
12 speaking, a lot of speaking.

13 Q. What year did you leave Re/Max?

14 A. That's where I -- best of my recollection, I  
15 was like 50 years old then. Perhaps the -- I want to  
16 say maybe in about '98, maybe, around that time frame --  
17 '98, '99.

18 Q. Mm-hmm.

19 A. Around that time frame.

20 Q. Okay. And then what did you do after that for  
21 employment?

22 A. Didn't -- I was fortunate that -- well, I  
23 really didn't have to work a lot at that time, and I  
24 would do occasional work with a legal temp agency, and I  
25 can't remember the name of the group but focused on real

1 estate transactions.

2 Q. Were they in the La Marque area?

3 A. No. In Downtown Houston.

4 Q. How did you find that position?

5 A. Once again, I was getting bored, but I didn't  
6 want to get involved in anything having to do with  
7 franchising or anything else.

8 Q. Mm-hmm.

9 A. And I reached out to some legal placement  
10 group. I don't even remember the name of it. And  
11 that's how -- they would send me to different jobs.

12 Q. Is -- how long did you do that?

13 A. Maybe another -- another year. About another  
14 year.

15 Q. One year?

16 A. I think so. Another year.

17 Q. Okay. And then any employment after that?

18 A. Then as a result of one of those placements, I  
19 was offered a job -- I was offered a job.

20 Q. Okay. Where?

21 A. With a group called MetroNational.

22 Q. And where are they located and what --

23 A. They're the owners of Memorial City Mall.

24 Q. So what did you do for them?

25 A. I was responsible for -- Memorial City Mall was

1 not the same mall that's there now.

2 Q. Mm-hmm.

3 A. It was under -- at that point involving --  
4 involved in a makeover, and what I had been originally  
5 asked to do was review all leases that the organization  
6 had that had not been updated in -- I guess since the  
7 owner -- it was a privately owned group -- had, and  
8 we're talking about doctor's offices, and there were  
9 various buildings that they had.

10 Q. Mm-hmm.

11 A. And -- and that's what I was doing. I was just  
12 providing lease summaries, reviewing their lease  
13 summaries.

14 Q. How long did you do that?

15 A. About another -- about another year. I think  
16 about another year.

17 Q. Okay. And then what did you do after that?

18 A. After that I said I don't want to work anymore.

19 Q. Did you retire?

20 A. Basically, yeah. And -- yes, sir.

21 Q. Okay.

22 A. I'm retired.

23 Q. Do you know -- so was that roughly 2001?

24 A. I want to say about 2000 -- 2000, yeah, that  
25 may -- that sounds about right.

1 Q. Okay. And have you remained retired since  
2 then?

3 A. Yes, sir. I -- I -- yes. I do now basically a  
4 lot of nonprofit work. That's how I got involved in  
5 nonprofit work.

6 Q. Great. What about, so can you -- can you --

7 A. And -- oh, sorry. Go ahead.

8 Q. Anything?

9 A. No. I'm fixing to have to take a restroom  
10 break here in a -- if it's all right.

11 Q. Okay. And I -- so here's what I want to do,  
12 and just let me know. I want to talk about just some of  
13 the organizations you're a part of.

14 A. Okay. Yeah. Sure.

15 Q. And then -- if we can sort of get through that  
16 list and then take a break if that works for you.

17 A. That's fine. That's fine.

18 Q. Okay. So, yeah, can you sort of give me an  
19 idea or list of organizations that you're -- have been a  
20 member in the past five years or so, let's say.

21 A. Past five years. So the Texas City ISD  
22 Foundation for the Future, which is the educational  
23 foundation.

24 Q. Mm-hmm.

25 A. I'm on the board there. I think I'm still on

1 | the board. I don't know.

2 | Q. Okay. Do they raise money for the school?

3 | A. For the schools.

4 | Q. All right. Got that one. Okay.

5 | A. Which is now La Marque as well. Right?

6 | Q. Right.

7 | A. That's where La Marque was consolidated.

8 | Q. Okay.

9 | A. I'm on the Catholic Charities advisory board  
10 | for Galveston County as well as the main Harris County  
11 | group.

12 | Q. Okay.

13 | A. I am a member of the Knights of Columbus in --  
14 | at the Queen of Peace Church. That's Knights Council --  
15 | I can't think of it right now, but I always call it the  
16 | Queen of Peace -- in La Marque.

17 | Q. Okay.

18 | A. Group. A member of LULAC, a member of NAACP,  
19 | the --

20 | Q. Which branch?

21 | A. It's the at large. I joined at large.

22 | Q. Okay.

23 | A. Keep going here. Let me stop and think. I  
24 | have to think of these.

25 | I'm a senior fellow with the American

1 | Leadership Forum. I'm a community leadership volunteer,  
2 | external relations governmental OPS supervisor for the  
3 | American Red Cross, and, slash, I also am a disaster  
4 | action team supervisor which we respond to fires and  
5 | natural weather events on properties.

6 | Q. Disasters?

7 | A. Disasters, yeah. Disasters.

8 | Q. Is that Red Cross also?

9 | A. Yes, sir.

10 | Q. Okay.

11 | A. Yeah. Most people don't realize that we  
12 | respond to more fires than we do disasters actually.  
13 | And between Wednesday -- I'm bragging about this --  
14 | there's only two of us here in Galveston County --  
15 | between Wednesday of last week as of last night, when I  
16 | was finishing this intake, we, between the both of us,  
17 | provided service to 16 families that were impacted by  
18 | home fire.

19 | Q. That's great.

20 | A. And let me see. Let me go on. LULAC. I'm a  
21 | parish social minister with the Archdiocese of  
22 | Galveston-Houston.

23 | Q. Okay. You said parish social?

24 | A. Yes, sir, parish social minister.

25 | Q. Does that mean that -- what does that --

1 | A. Parish social minister is an individual that  
2 | has gone through the training and -- to promote Catholic  
3 | social justice teachings.

4 | Q. Okay. All right.

5 | A. Let me think. What else? I'm a member of the  
6 | Georgetown University Alumni Association here -- club  
7 | here in Houston, and at one time, once again, up to  
8 | pre-COVID, I was a member of the Alumni Admissions  
9 | review group that did the interviews for individuals  
10 | locally --

11 | Q. All right.

12 | A. -- that had applied to Georgetown. And I kind  
13 | of think that's it right now. I'm sure I'm missing  
14 | something.

15 | Q. Okay.

16 | A. But --

17 | Q. I've seen some references --

18 | A. Oh. REACT. I'm a member of REACT which is  
19 | the -- that's a newer one. That's a emergency  
20 | communications group where I'm trying to learn how to  
21 | fly a drone and get my ham -- ham license.

22 | Q. OKAY.

23 | A. -- for emergency communications.

24 | Q. All right. I've seen some documentation in our  
25 | records --

1 | A. Oh, I'm sorry. I forgot. I'm also -- I  
2 | forget -- stupid me. I'm thinking I used to be smarter.  
3 | I'm sorry. I'm mayor pro tem and I'm a council member  
4 | of District B in the city of La Marque.

5 | Q. Okay.

6 | A. I forget about that. How could I forget?

7 | Q. All right.

8 | A. I'm embarrassed.

9 | Q. And you took that position -- were you elected  
10 | to that position?

11 | A. Yes, sir.

12 | Q. In '21?

13 | A. The election was in '20. That was that year --  
14 | I think the last year of the COVID. The term originally  
15 | was supposed to be May, but the elections were all  
16 | deferred to November.

17 | Q. Mm-hmm.

18 | A. So the election itself was in November, and I  
19 | started my term in December.

20 | Q. All right. And that -- how long are those  
21 | terms?

22 | A. Three years.

23 | Q. Three years?

24 | A. I'm up for reelection now.

25 | Q. Okay. Are you -- do you --



1 A. I'm sorry. I'm --

2 Q. Yeah. Go ahead.

3 A. I'm -- I'm -- it's coming back. It's all  
4 coming. I'm also the representative of -- of -- let me  
5 get this right -- one of three representatives of the  
6 home rule small city caucus, and that's cities with a  
7 population of less than 25,000 that have a home rule --  
8 city manager sort of government.

9 Q. Mm-hmm.

10 A. -- to -- to the Houston-Galveston Area Council  
11 of governments board.

12 Q. Is that a state entity -- organization?

13 A. It's -- it's -- it's -- it's one of --  
14 recognized as little area council of governments both by  
15 the feds and the state, like you've got one out in East  
16 Texas and South Texas, Dallas.

17 Q. Mm-hmm.

18 A. So they're council of governments, and they  
19 serve as -- well, more recently I was appointed by that  
20 same group, the Houston-Galveston Area Council board, to  
21 join one of -- one of -- let me get this right -- one of  
22 27 members to the transportation advisory committee  
23 which is basically the flow-through and approves and  
24 makes recommendations of all transportation projects in  
25 an eight-county area, including Galveston County.

1 Q. Okay.

2 A. May I take a break now? Did I do -- do you  
3 mind?

4 Q. Absolutely. Yeah, we can take a break.

5 A. I just need to take a quick restroom break.

6 Q. Something tells me we haven't gotten all the  
7 list, but we can --

8 A. Thank you.

9 THE VIDEOGRAPHER: Off the record, 10:23.

10 (Recess taken.)

11 THE VIDEOGRAPHER: Back on the record,  
12 10:45.

13 Q. (BY MR. RUSSO) All right. So when we broke we  
14 were talking about organizations that you are a member  
15 of in the past five years. There were quite a few.

16 A. Yeah.

17 Q. Are there -- are there any others that you can  
18 think of?

19 A. Yes, sir.

20 Q. Okay.

21 A. Give me a chance. There's a group called Gulf  
22 Coast Interfaith. It's a -- I'm a member of the board,  
23 and we'll call each other leaders -- leaders of that  
24 group. In the past five years. I'm sure I'm missing  
25 something, but -- there may be some ad hoc sort of

1 | committees that I've served on. I just don't recall  
2 | right now.

3 | Q. Okay.

4 | A. I know I was involved, come to think of it, at  
5 | various times the -- during COVID, the county health  
6 | authority would contact me to promote some of the  
7 | outreach with the Spanish-speaking community as well.

8 | Q. Okay. Makes sense.

9 | All right. So you mentioned that you are  
10 | mayor pro tem for La Marque. Did you have to campaign  
11 | for that position?

12 | A. As little as I could. Yes, sir.

13 | Q. But it is an elected position. Right?

14 | A. Yes, sir.

15 | Q. And the citizens of La Marque are the voters in  
16 | that instance?

17 | A. Yes, sir.

18 | Q. Did you have an opponent?

19 | A. Yes, sir.

20 | Q. Who was that?

21 | A. I had two. Laura Divine, and there was another  
22 | young lady, and her name escapes me at this time. I  
23 | can't think of her name right now.

24 | Q. Okay. Did you run as a Democrat or Republican,  
25 | or how did that work?

1 A. No, sir.

2 Q. Neither?

3 A. Neither. Non-partisan.

4 Q. Did either of your opponents have a party  
5 affiliation?

6 A. Not that I know of. I don't know.

7 Q. Okay. Do you have a party affiliation just in  
8 general? Do you consider yourself a Democrat or a  
9 Republican? How might you describe yourself on any  
10 given day?

11 MS. VALL-LLOBERA: And just to clarify for  
12 the record, this is in Mr. Compian's individual  
13 capacity. Right?

14 MR. RUSSO: It's going to have to be at the  
15 moment, yeah.

16 A. So could you clarify the question? Are you  
17 saying do I -- I don't -- just clarify the question. I  
18 don't understand.

19 Q. (BY MR. RUSSO) Do you typically vote in  
20 elections as -- on the Democrat -- let's start with  
21 primary. Do you typically vote in Democratic primaries  
22 or Republican primaries?

23 A. I typically vote in the Democratic primaries --

24 Q. And is that in --

25 A. -- technically.

1 Q. I'm sorry. Let you finish.

2 A. But I believe I voted in the Republican primary  
3 as well.

4 Q. Can you recall any specific primary that you  
5 voted in on the Republican primary ticket?

6 A. It may have possibly been -- yes, I think I can  
7 recall. When the son of an -- I consider him a family  
8 member -- was running for one of the judge's positions  
9 here. Donnie Quintanilla was running for one of the  
10 judge's positions.

11 Q. Mm-hmm. And he ran as a Republican as you  
12 recall?

13 A. Yes, sir.

14 Q. And did he win that election?

15 A. No.

16 Q. Do you know who his opponent was in the  
17 primary?

18 A. Wasn't it Jack Ewing?

19 Q. Might have been.

20 A. Isn't still Judge Ewing --

21 Q. Judge Ewing is on the --

22 A. The bench.

23 Q. County court, yes.

24 A. Yeah. That -- with the County -- with the  
25 County court. Because his father had held that

1 position, Roy.

2 Q. Roy. Yeah.

3 A. Yeah. And Roy is like a brother to me.

4 Q. So had you known -- you've known the Kenyas for  
5 a while, then?

6 A. Oh. That's -- like that's -- that's my --  
7 my -- the Kenyas and my parents were -- what they say  
8 compadres, like, you know, piasan in Italian. That's,  
9 you know, it's.

10 Q. Right.

11 A. Yeah, so, yeah.

12 Q. Okay. But -- so other than that race, we --  
13 you -- we typically -- you would typically vote in -- on  
14 the Democratic primaries. Would you agree with that?

15 A. Yes. I would agree, yes.

16 Q. Do you consider yourself a Democrat?

17 A. I vote by issues.

18 Q. Are you a member of the Democratic Party?

19 A. What does that mean? Can you clarify that?

20 What makes you a member?

21 Q. Well, do you -- are you a donor to the  
22 Democratic Party?

23 A. No.

24 Q. Have you ever donated to them?

25 A. Possibly. I don't recall. I don't recall.

1 Possibly. But I don't recall.

2 Q. All right. Are you generally aware that --  
3 the -- sort of the issues that separate the Republican,  
4 Democrat parties today?

5 A. I'd like to think so, yes.

6 Q. So would you consider yourself to be more in  
7 line with the Democratic line of thinking or -- the  
8 Democrat line of thinking or the Republican line of  
9 thinking?

10 A. That's -- fundamentally, I'm going to have to  
11 say I'm not -- I'm an independent in that regard. I  
12 look at issues. Right? Because there's some things  
13 that I find interesting on both parties.

14 Q. Mm-hmm.

15 A. So I'm an independent in that sense. I look at  
16 issues.

17 Q. Okay. So the issues are what drive your vote  
18 on any given election. Is that your testimony?

19 A. Yeah. Yes.

20 Q. All right. Did you have a -- back to your  
21 election for the La Marque position, did you have a sort  
22 of campaign stance, or, you know, how did you go about  
23 your campaign?

24 A. Yes, sir.

25 Q. What was it?

1           A. Let me recall that. One was maintain property  
2 taxes, not to increase them. A complete implementation  
3 of financial planning on the part of the City. Start  
4 first with a two-year plan, but ultimately come up with  
5 a five-year financial plan. We need to have -- we need  
6 to know where we're going as a city -- we're growing --  
7 that has not happened in La Marque.

8                       And then the other thing had to do with,  
9 since my district is the area with still a lot of  
10 available space on the west side, making sure that we  
11 had adequate work done on our ditches to clear them for  
12 other rain-type events so that water would run off.

13           Q. Drainage issues?

14           A. Drainage issues, correct.

15           Q. All right. Am I right that you're not -- you  
16 weren't elected at large -- in an at-large election in  
17 the entire city?

18           A. No, sir. No, sir.

19           Q. You had a specific set of people that voted for  
20 you?

21           A. Yes, sir.

22           Q. And they were generally located on the west  
23 side of La Marque?

24           A. Yes, sir.

25           Q. All right. Okay. You mentioned that you --



1 one of your platform items was no additional property  
2 taxes or keeping them steady?

3 A. Yes, sir.

4 Q. Do you consider that more of a conservative  
5 viewpoint?

6 A. For some.

7 Q. What do you think?

8 A. I consider it a common sense, especially as I  
9 become a senior. Right? It becomes -- it becomes -- it  
10 becomes important.

11 Q. Yeah. In terms of -- but would you think of  
12 that as more of a conservative politician type of  
13 concept, no new taxes type of thing?

14 A. It has been. Right? By something that people  
15 who self-identify as conservatives will talk about a  
16 lot.

17 Q. I understand. Okay. So you've got no -- the  
18 property tax issue, financial planning within the city,  
19 and then drainage improvement.

20 A. (Nodding head.) And then the other thing was  
21 my experience. It's -- let's -- let's -- let's do  
22 something different here in our city and elect someone  
23 that has some -- some experience.

24 Q. Were either of the people that you were running  
25 against an incumbent?

1 A. No.

2 Q. Who left the position you were looking to fill  
3 or that you actually did fill?

4 A. His name was Mr. Christopher Lane.

5 Q. What was your impression of him as a council  
6 member?

7 A. He's a dynamic young man, you know. He's a  
8 good friend as well, too, you know. He's family as  
9 well. So he -- he -- he decided to -- to not run.

10 Q. Mm-hmm.

11 A. Just like my own decision. If I should win  
12 reelection, this will be my last term if God permits me  
13 to serve it out. I'm not here for a long trip.

14 Q. I understand. And you mentioned that you voted  
15 for Donnie Quintanilla in his race. Do you know of  
16 other Latino individuals that also voted in that race  
17 because, you know, they wanted to vote for Donnie?

18 MS. VALL-LLOBERA: Objection; misstates  
19 prior testimony and calls for speculation.

20 A. I don't know.

21 Q. (BY MR. RUSSO) Do you -- you don't know of any  
22 other individuals who identify --

23 A. No. No. Not personally.

24 Q. Okay. Let me finish the question.

25 As you sit here today, you don't know of

1 any individuals in the Latino community that voted in  
2 the race, the primary race, that Donnie Quintanilla was  
3 in to have him elected as a county judge?

4 A. Well, certainly I -- this is an assumption. I  
5 don't -- his dad -- it was his dad.

6 Q. So you figured his dad voted for him?

7 A. I assume -- if you're asking me that question.

8 Q. We would hope so?

9 A. One would hope so.

10 Q. And do you have any idea how many of the sort  
11 of the Latino community turned out to vote in that --  
12 that particular election?

13 A. I have -- no, sir.

14 MS. VALL-LLOBERA: Objection; speculation.

15 A. I have no idea.

16 Q. (BY MR. RUSSO) None?

17 A. No, sir, none.

18 Q. Would you expect it to be a little higher --

19 MS. VALL-LLOBERA: Objection; calls for  
20 speculation.

21 Q. (BY MR. RUSSO) -- than normal?

22 A. I have no idea.

23 Q. (BY MR. RUSSO) No clue?

24 A. No clue.

25 Q. All right. So in your time and sort of

1 experience in voting and being in your community, you're  
2 not aware of any situation where Latino voters might  
3 vote for a Latino candidate at a higher percentage than  
4 they would if he were not in the race?

5 MS. VALL-LLOBERA: Objection; incomplete  
6 hypothetical.

7 A. Could you repeat the question?

8 Q. (BY MR. RUSSO) Well, let me simplify it.

9 Is it -- you know, based upon your  
10 experience with Latinos in the community, do you feel  
11 like they're more likely to vote in a race that has a  
12 Latino candidate in it?

13 MS. VALL-LLOBERA: Objection; calls for  
14 speculation.

15 A. I don't know for sure, but I would hope so.

16 Q. (BY MR. RUSSO) Yeah.

17 A. That's all I can say.

18 Q. Okay. Does your experience tell you that that  
19 is likely true?

20 MS. VALL-LLOBERA: Objection; asked and  
21 answered, Counsel.

22 Q. (BY MR. RUSSO) You can answer.

23 A. I -- I -- once again, I don't -- I don't know.  
24 I don't profess to know the answer to that.

25 Q. Well, let me ask you this: As sort of a

1 member -- or based on your knowledge of a Latino  
2 community -- well, strike that. We'll come back to that  
3 in a bit.

4 We talked a little bit earlier about the  
5 sort of allegations in the complaint in terms of LULAC's  
6 goals and the desire to sort of advance the civil rights  
7 of Latino Americans, and I'm curious if you can tell me  
8 how it is that LULAC would define a Latino?

9 A. Would define? Hmm. I don't know. Is there  
10 some particular document that you're looking at or  
11 something? I don't know what -- I don't have an answer  
12 for you. I don't know.

13 Q. Yeah. So the only -- I guess I'm referring to  
14 the allegation in the complaint, and, frankly, I don't  
15 think it's probably going to be a surprise that LULAC  
16 website also refers to Latino Americans.

17 A. Yeah.

18 Q. And I'm wondering how LULAC would define that.  
19 How do you -- how are we supposed to know whether, you  
20 know, we're dealing with a Latino voter or an African  
21 American voter, how do we know, in LULAC's view, that a  
22 voter is a Latino voter?

23 MS. VALL-LLOBERA: Objection; relevance.

24 Q. (By MR. RUSSO) You can answer.

25 A. A Latino voter? I'm just having difficulty

1 trying to --

2 Q. Sorry.

3 A. -- process your question. I think this goes  
4 back to part of our previous discussion in terms of my  
5 mind, is that we -- if you have an interest in making  
6 sure that individuals have access to the polls that  
7 happen to, at one point -- now at one point, back when  
8 -- LULAC was founded here in Texas -- that were then  
9 principally Spanish speaking. They were, in fact,  
10 Spanish speaking because we were the -- although we've  
11 been here. We've been here. Right? We've been here.

12 And if you have an interest in making sure  
13 that their policies permit access to these  
14 Spanish-speaking individuals at that time or giving them  
15 the respect that they had as serving in the military and  
16 being able to get buried and without denying them  
17 that -- that last -- those last rites, if -- if you are  
18 challenged or desire to see more individuals that are in  
19 my community to seek elected office, to engage  
20 themselves in -- somehow in activities that might be  
21 advocacy, then -- then a place for you is LULAC.

22 So, Mr. Russo, we welcome you. If you  
23 share those, then -- then we welcome you.

24 Q. And I appreciate that.

25 A. Yeah.

1 Q. I'm trying to, for purposes of our case,  
2 though, to determine --

3 A. Yes.

4 Q. -- how it is that LULAC determines what a  
5 Latino is, and maybe I can ask the other questions  
6 differently.

7 Does LULAC equate Hispanics -- people of  
8 Hispanic descent -- with Latino?

9 A. Well, it's -- I'm only speaking -- once again,  
10 I'm only speaking as Council 151 here. Right?

11 Q. Yes, sir.

12 A. But we have used the term "Hispanics" to refer  
13 as, you know, Joe is a Hispanic. Some have said that.  
14 Right? Others say Joe is a Mexican American. Right?  
15 So there's a variety of descriptive -- Joe is a son of a  
16 gun or bitch, whatever it is. But they've -- you know  
17 there's a variety of descriptions out there.

18 But we encourage anybody that has an  
19 interest in these areas to come together and run for  
20 office if that's for the case or...

21 Q. And generally speaking -- so you mentioned --  
22 so I guess Mexican Americans, would they be considered  
23 Latino, generally?

24 A. As an ethnic group, Latino.

25 Q. Right.

1 A. Yeah, as an ethnic group.

2 Q. They would be?

3 A. (Nodding head.)

4 Q. People that are sort of born in Mexico, would  
5 they be considered Latino under LULAC's definition?

6 A. I don't understand the question, Mr. Russo,  
7 really.

8 Q. Well, let's take Mexican Americans.

9 A. Right.

10 Q. You would agree with me that those are  
11 considered to be Latino individuals by virtue at LULAC?  
12 "Yes" or "no"?

13 A. Who's -- who's -- I just need some clarity if  
14 you could. Who are -- you're asking me is there someone  
15 making that determination?

16 Q. Well, someone is going to have to make the  
17 determination in the case because our -- the suit is  
18 over voting rights of Latino Americans.

19 A. Of Latinos.

20 Q. So I'm trying to figure out how do I determine  
21 who the set of Latino Americans is?

22 A. Well, I can perhaps help you out in this  
23 sense -- make it simple. In Galveston -- I can only  
24 talk about Galveston County. Right? Where we have  
25 memberships -- members who live all in Galveston County



1 in our LULAC Council.

2 But I can describe, of all things,  
3 interestingly enough, a Red Cross fire call that I was  
4 on last night at 8:30. And it was in the community in  
5 Dickinson, Texas off of California Street.

6 And if you were to get to know the  
7 community as I know it, you will immediately know that  
8 along California Street, there are various -- and I want  
9 to say probably more than 100 mobile homes in various  
10 parks.

11 And drive into those mobile homes, and you  
12 will see -- easy for you and I to both agree -- we found  
13 Latinos. Oh. Why? Because they're speaking in  
14 Spanish. They're speaking in Spanish.

15 Q. Okay.

16 A. That group is easy. Right? But then you have  
17 Latinos like me, and I hold myself out as -- I don't  
18 even use the term "Latino." My family origin is  
19 Mexican. Right?

20 Q. Okay.

21 A. But -- but -- and we are -- what we refer to in  
22 those pleadings is -- as Latino. Does that answer your  
23 question? I don't know.

24 Q. Well, you would also have situations where on  
25 California Street there are also non-Latinos on there as

1 well, correct?

2 MS. VALL-LLOBERA: Objection; calls for  
3 speculation.

4 A. I don't -- I don't know that for a fact. I  
5 don't know that. I don't know that.

6 Q. (BY MR. RUSSO) Okay. You didn't see any of  
7 them while you were there?

8 A. Not -- not that I --

9 MS. VALL-LLOBERA: Objection; asked and  
10 answered. He's already indicated LULAC doesn't track  
11 this information. You've asked in multiple times and  
12 multiple ways.

13 MR. RUSSO: That wasn't my -- that wasn't  
14 my question. My question was whether he saw any  
15 non-Latinos on California Street.

16 MS. VALL-LLOBERA: Objection; calls for  
17 speculation.

18 A. Yeah. I -- I don't -- oh.

19 Q. (BY MR. RUSSO) Yeah, you can answer that.

20 A. I don't know. I -- I -- the persons I saw were  
21 Latinos, speaking Spanish, were Spanish-speaking  
22 individuals. Let's put it that way.

23 Q. Mm-hmm.

24 A. The persons I saw were Spanish-speaking  
25 individuals. And mind you it's, you know, 8:30.

1 Q. What did you say?

2 A. 8:30.

3 Q. 8:30 --

4 A. In the evening.

5 Q. In the evening?

6 A. Yeah.

7 Q. Okay. Is there anywhere I can go to sort of  
8 find the definition of Latino Americans in LULAC  
9 literature?

10 A. I don't know.

11 Q. Okay. Do you identify as a Latino American?

12 A. Yes, sir.

13 Q. Do you yourself -- is there any way that you  
14 would define a Latino American?

15 A. I'm going to tell you -- I'll tell you a quick  
16 story. I think maybe this will help us both out. You  
17 know we were talking earlier -- and this is flipping to  
18 some -- I guess you were asking some questions about  
19 where I went to school.

20 When -- when we moved to La Marque and I  
21 went to Westlawn Elementary School, which no longer  
22 exists -- it's interesting; all these schools I went to  
23 no longer exist -- but went there, and the first day of  
24 school in Ms. Salvato's class -- God bless her,  
25 Ms. Salvato -- I get back, and my mother asked me, mijo,

1 how many Mexicans were in your class? And I thought  
2 about it just like I'm thinking about, you know, I'm  
3 truthfully answering your questions as best to my  
4 ability, and I thought about it, and I said, Mama, there  
5 were none.

6 And she looked at me, and she started  
7 laughing. She says you -- she says stupido, you are  
8 Mexican. You are Mexican. You are Mexican.

9 So I think it's a question of awareness.  
10 Right? That -- that -- that's what that told me because  
11 up to that point I was speaking Spanish, but I didn't  
12 know I was Mexican at that age. It's a question at some  
13 point we become aware.

14 Q. And you're aware today?

15 A. Today.

16 Q. And potentially since that conversation with  
17 your mother?

18 A. With my mother, yes.

19 Q. All right. Is it true, though, there's really  
20 not any way, sitting here today, for you to define what  
21 you would consider to be a Latino American?

22 MS. VALL-LLOBERA: Objection; misstates  
23 prior testimony.

24 A. Can you repeat that question?

25 Q. (BY MR. RUSSO) Is there any way for you to,

1 based -- to define what you consider to be a Latino  
2 American?

3 MS. VALL-LLOBERA: And to clarify, is this  
4 in his individual capacity or as representative of  
5 LULAC?

6 MR. RUSSO: I'm asking him as an  
7 individual.

8 A. Yeah. As -- and I think answered that,  
9 Mr. Russo, was there's just certain things that  
10 immediately pop up. Right? Speaking Spanish. It could  
11 be Portuguese as well, too.

12 Q. (BY MR. RUSSO) Mm-hmm.

13 A. Because I've dealt with Brazilian communities  
14 as well, too. We have some here. And they themselves  
15 call themselves Hispanic. So a lot of it, then, is just  
16 the language. How do you self-identify? It just comes  
17 down to that, how you self-identify.

18 Q. All right. All right. Bear with me for one  
19 second.

20 Okay. So are you -- has LULAC undertaken  
21 any sort of marketing efforts or membership drives in  
22 the past four years or so?

23 A. Is that during the COVID period? No.

24 Q. Okay.

25 A. Other than asking people to renew their

1 memberships.

2 Q. Is that just done through e-mail?

3 A. E-mail.

4 Q. Who sends out those e-mails?

5 A. The treasurer.

6 Q. And is there any -- so there's no specific  
7 marking effort to sort of drive new membership in that  
8 correspondence. Is that true?

9 A. That's true. You're right. Correct.

10 Q. Okay. When's the last time you can recall  
11 LULAC 151 undertaking any kind of sort of, you know,  
12 marketing to increase the membership rolls?

13 A. During the Cinco de Mayo events. Or the  
14 scholarship events.

15 Q. All right. And there was a -- we talked about  
16 a Cinco de Mayo event in 2022. Right?

17 A. Yes, sir.

18 Q. Okay. And so you consider part of that event  
19 is during the event there's sort of advocacy for -- to  
20 increase and become a LULAC member. That kind of thing?

21 A. Actually passing those forms out. Please join  
22 us.

23 Q. All right. Is there a flyer, or is it more  
24 just sort of an application that gets passed around,  
25 usually?

1           A. I -- I -- I'm not that -- I don't have an  
2 answer for either. I don't know the exact form that  
3 takes.

4           Q. Okay. Were there any -- any sort of marketing  
5 campaigns or increased -- or efforts to increase  
6 membership done as a result of the redistricting map  
7 that the County adopted in November of 2021?

8           A. I don't really understand the question and the  
9 context of -- was there an increased marketing? What  
10 does that mean? I mean, marketing?

11          Q. Well, as -- I mean you understand basically  
12 this case turns on the County's adoption of a map in  
13 November 2021. Right?

14          A. Right. Correct.

15          Q. So my question is: As a result of that, has  
16 LULAC done any additional marketing effort or outreach  
17 effort to increase membership?

18          A. No. Not that I'm aware of.

19          Q. Okay. You don't see any connection between the  
20 passing of the maps and, you know, additional efforts to  
21 drive membership to LULAC. Right?

22          A. I don't know.

23          Q. Okay. Who would I ask about that at LULAC?

24          A. I think -- I'll -- I don't know right now  
25 because I'm pretty informed. But understand during this

1 period of this, once again, it was COVID. So as I  
2 testified earlier, there was very limited -- we didn't  
3 want to endanger anybody's lives.

4 Q. Mm-hmm.

5 A. And that's always a priority there.

6 Q. Okay. But did y'all have a Cinco de Mayo  
7 celebration in 2021?

8 A. No.

9 Q. There was one in '22. Right?

10 A. '22.

11 Q. Do you recall any sort of material, marketing  
12 material, discussing the redistricting issues that are  
13 present in this case related to passing the county  
14 commissioner maps?

15 A. Are you referring at the Cinco de Mayo?

16 Q. Yes, sir.

17 A. No.

18 Q. All right. Any of those marketing efforts, as  
19 you sit here today, were part of the normal course of  
20 LULAC from your estimation. Is that true?

21 A. Our LULAC Council, and if you look at the  
22 records historically, has been at the forefront of  
23 litigation or complaints associated with redistricting.  
24 We began with the school district here on the island.  
25 We were the lead plaintiffs in that, when the school



1 district lines were challenged and we went to single  
2 member.

3 And we've constantly been involved -- prior  
4 to COVID then, we were involved in, collaboratively with  
5 other organizations, on the prior redistricting, prior  
6 to this last time. What is that? The 2000? 2001?

7 Q. Ten.

8 A. 2010. I'm sorry. 2010. Yeah.

9 Q. So do you know whether the -- you mentioned a  
10 challenge to the GISD, Galveston Independent School  
11 District lines. Was that from 2011 -- or 2011?

12 A. That was -- we were involved in challenging  
13 that, the redrawn lines then, and then -- but prior to  
14 that -- this is -- this is prior to that, when Galveston  
15 had an at-large system for their school district, we  
16 challenged that, and then the school district  
17 implemented single-member district.

18 Q. Do you remember when that was? When the  
19 challenge was?

20 A. That -- that would have been -- I -- something  
21 as significant as that, Mr. Russo, I should know like  
22 right on my brain, but I can't think of -- I can't give  
23 you -- I can't think of that right now.

24 Q. No problem. We may cover that.

25 A. But it was certainly prior to the 2010

1 | redistricting.

2 | Q. It was prior to 2010 redistricting?

3 | A. Yeah. This was -- Galveston ISD operated under  
4 | single -- under at large -- under at large, and we  
5 | challenged that.

6 | Q. All right.

7 | A. Successfully.

8 | Q. Okay. What -- what's your understanding of the  
9 | reason for bringing the lawsuit? What's this lawsuit  
10 | about from LULAC's perspective?

11 | A. Fundamentally, Mr. Russo, equity, fairness, and  
12 | keeping communities of interest together, and -- and  
13 | then there's another -- I want to call all these --  
14 | there's another subsection to this. It's a lack of  
15 | communication. Okay? There's been a lack of  
16 | communication.

17 | In the prior redistricting effort in the  
18 | 2010 census, our collaborating groups, collectively  
19 | called the Galveston County Collaborating Groups, were  
20 | involved in this redistricting effort. It was not  
21 | something that was hidden from us. In fact, I can think  
22 | of his name because it came up. I thought it was a  
23 | unique name. There was an attorney by the name of Nixon  
24 | involved, by last name, as I recall, if I'm correct.  
25 | Once again, I'm older now.

1 | But they were there in commissioners court  
2 | presenting the maps. It was a process. Please look at  
3 | them. We asked for the -- if they would share with us  
4 | the source documents. I was learning new language,  
5 | vernacular, associated with redistricting myself, didn't  
6 | even know what a source document was, but it was the  
7 | data that their demographer was using to draw. They  
8 | willingly shared the source documents with our  
9 | demographer, not to me but directly to the demographer.

10 | And we were able to come up with  
11 | suggestions of maps. Now -- and we were able to engage  
12 | in a dialogue, and I want to say a productive one. And  
13 | we tried our best. You know, we're not going to -- we  
14 | can still be friends at the end of the day, I hope.

15 | And so -- but that -- I want to say that  
16 | that's overall, that lack of communication, did not  
17 | happen here, and suddenly we wake up one day under the  
18 | new maps, and you see an article and oh, my God, this is  
19 | pending. And that was the first time that we really had  
20 | any idea of this. And that -- and there was no -- there  
21 | was no engagement like the previous time.

22 | And suddenly we see ourselves as a  
23 | community. The whole dynamics changed. And that's why  
24 | we're here today.

25 | Q. Okay. And the lack of communication, you feel,

1 | it's from the Galveston County Commissioners Court to  
2 | the community is what you're talking about?

3 | A. Well, Judge Henry, I think he's kind of driving  
4 | this -- what is it? Heading this railroad or driving  
5 | this railroad -- or driving this train, I should say.

6 | Q. So, basically, it sounds like you're telling me  
7 | that a lack of communication is a major issue for LULAC  
8 | in this situation in this case?

9 | A. Well, the lack of communication which resulted  
10 | in these caca maps, for lack of a better word.

11 | Q. Had the communication been better, do you think  
12 | we would be here today?

13 | MS. VALL-LLOBERA: Objection; incomplete  
14 | hypothetical and calls for speculation.

15 | A. I don't know. I don't know.

16 | Q. (BY MR. RUSSO) What's your best thought as an  
17 | individual?

18 | MS. VALL-LLOBERA: Objection; calls for  
19 | speculation and it's an incomplete hypothetical.

20 | Q. (BY MR. RUSSO) You can answer.

21 | A. You know, Mr. Russo, this is what's interesting  
22 | about my county here. I call Galveston County my  
23 | county. Right?

24 | Q. Fair.

25 | A. And you're part of my county, too. We all are.

1 | We all share that ownership. And I guess that's what it  
2 | fundamentally comes down to. We no longer feel, "we,"  
3 | "LULAC," "myself," that I feel I have any ownership.

4 | We're just as Precinct 3 as it existed  
5 | previously we had starting with Wayne Johnson, who was  
6 | my classmate at La Marque High School, we had this  
7 | opportunity to build leadership and Wayne was a dynamic.  
8 | You never met him. God bless him, too.

9 | But Wayne was dynamic. He convinced a  
10 | young Mexican kid to also think beyond his abilities.  
11 | "Joe, you're going to become the next student body  
12 | president here, and what you're going to do is go out  
13 | there and become the" -- he had a plan. He was -- I  
14 | learned a lot. It was a plan.

15 | And no one -- no one had really engaged me  
16 | in that -- in that fashion.

17 | Q. Mm-hmm.

18 | A. So it was building leadership and then that  
19 | continued on. Right? With Stephen Holmes and then  
20 | others stepping forth, other members as constables and  
21 | JPs. Right? And other city commission positions in  
22 | Texas City and La Marque, both in the African American  
23 | and Latino community. It was building -- building  
24 | leadership, where none existed, within those  
25 | communities.

1 | And what we have today here, which I  
2 | struggle with, is we have a map that has me with a  
3 | community that doesn't even look like me, that doesn't  
4 | even have my same income, that we have different values.  
5 | If we're going to talk about building affordable housing  
6 | for seniors, it -- I probably won't get a buy-in from  
7 | those commissioners that represent because of that  
8 | NIMBYism. Right? Not in my neighborhood.

9 | So those -- and we've seen that  
10 | historically. We've seen it. But we were -- in  
11 | La Marque we built using tax credits three -- two senior  
12 | housing, affordable housing developments, and one mixed  
13 | income development over there.

14 | There's been no further efforts of that.  
15 | Dickinson tried to do that. Suddenly that was not  
16 | successful on that side. So it's a different dynamic  
17 | under this -- the existing map.

18 | Q. So it sounds likes -- and with your mention of  
19 | Judge Henry, you put -- do you put more -- sort of  
20 | ascribe more blame to Mark Henry than the other  
21 | commissioners involved?

22 | MS. VALL-LLOBERA: Objection; misstates  
23 | prior testimony.

24 | A. I'm not privy to -- I don't know. I don't  
25 | know. Simple, I don't know. I don't know the dynamics

1 | there. All I know is that we work there to also

2 | participate in this process. That's all I know.

3 | Q. (BY MR. RUSSO) And that was a result of a lack

4 | of communication?

5 | A. Well --

6 | MS. VALL-LLOBERA: Objection; misstates

7 | prior testimony.

8 | A. I'm going to respond to -- actually I think

9 | it's important to say this, Mr. Russo. I referenced

10 | earlier, and this carries over to LULAC and myself

11 | individually, we're walking sometimes two lines here,

12 | but it's the same. When the county needed assistance in

13 | reaching out to the Latino community, they called me.

14 | When the county, after Hurricane Ike, and the work that

15 | was done there, the Ike and Harvey both, Gentilly

16 | (phonetic) was here at that time. Who did they call?

17 | They called me. "Joe, we need you." "Can you help us

18 | out?" "Can you help us out on that side?"

19 | It would have been nice to get that same

20 | phone call on something that's important as dividing us

21 | in this fashion.

22 | Q. (BY MR. RUSSO) Do you think they'll call you

23 | in the future?

24 | A. I have no idea. I don't know.

25 | Q. Can you think of any reason why they wouldn't?

1 A. I don't know. I don't -- I don't know.

2 Q. Have you spoken to any of the commissioners  
3 about your feelings on the map, you particularly?

4 A. I have not -- I've seen them. I have not  
5 spoken to them. As a matter of fact, I saw a majority  
6 of them on the legislative day for Galveston County. I  
7 saw Judge Henry. I saw his chief of staff, Tyler  
8 Drummond. I saw Joe Giusti, with the Knights of  
9 Columbus there in Hitchcock, and Commissioner Apfell.  
10 All three of them were -- all four of them were there  
11 for the -- as well as Cheryl Johnson was there on that  
12 legislative day. And we did not discuss anything about  
13 this.

14 Q. Was Commissioner Armstrong there as well?

15 A. No.

16 Q. So have you had any -- you personally, first,  
17 have you had any conversations with any -- with the  
18 county judge or commissioners since the vote in 2021?

19 A. No, sir. On this top- -- I've had  
20 conversations but not on this.

21 Q. Oh, okay.

22 A. Yeah.

23 Q. Well, what have your conversations with any  
24 those members been about? What have y'all talked about?

25 MS. VALL-LLOBERA: Objection; vague.



1           A. I don't -- in my role with the Red Cross, I'm  
2 governmental operations, external relations, so I  
3 maintain a relationship with the county judge office on  
4 questions of disaster response, needs. That's -- Tyler  
5 has reached out to us on -- actually, Joe Giusti and  
6 Tyler, there was an effort to reshape the Galveston  
7 County United Board of Health. They, I think, had it at  
8 one time at 11 members. I know because my cousin served  
9 on that, and they -- she's passed -- she's passed on.  
10 But they were reorganizing it to have 6 members. And  
11 per the bylaws that requires the approval of each of the  
12 jurisdictions here in Galveston County.

13                   They brought that to La Marque, and I was  
14 on counsel then, at that time. They brought that to La  
15 Marque as the last city to approve and thought it was  
16 going to be just a formality, and I asked how can you  
17 take a reduction and not have some representation of a  
18 community of color on this united board of health when,  
19 in fact, they're providing services to a significant  
20 portion of our members of our communities of color,  
21 because the initial applicants did not have any.

22                   And we -- we denied -- or we did not  
23 approve of the changes. There was a follow-up. That's  
24 where Commissioner Giusti came. That's where Tyler  
25 came, and another -- I can't think of his name. There

1 was another person that works with the County. I can  
2 see him, but I can't think of his name, and they came  
3 back and offered us -- and said we agree -- we agree  
4 that there will be -- there will be at least -- at least  
5 now -- at least one member of an impacted community,  
6 community of color on this 6-member board.

7 And there is, in fact -- they followed  
8 through on that. Ms. Jenkins is a member of the board.

9 Q. (BY MR. RUSSO) Okay. That was done at your  
10 request or La Marque's request?

11 A. That was my -- that was -- I led. I made the  
12 motion, and my fellow La Marque council members agreed  
13 with my perspective there.

14 Q. What year was this?

15 A. This is -- this is -- this would have been last  
16 year, '22.

17 Q. 2022?

18 A. When they reorganized.

19 Q. Did you speak particularly to any of the  
20 commissioners on this issue?

21 A. Right there when they -- when they came.  
22 Outside of that meeting, no. I expressed it in open  
23 session.

24 Q. Okay. There was no phone call to  
25 Commissioner Giusti or?

1 A. No, sir. No, sir.

2 Q. Have you personally had any phone calls with  
3 any of the commissioners court members since they voted  
4 on redistricting in November of '21?

5 A. I can't recall, Mr. Russo. I can't recall. I  
6 mean, I didn't -- calls to any of the commissioners.

7 Q. Okay. Do you recall a time when you first  
8 heard about potentially filing suit in this case?

9 MS. VALL-LLOBERA: To clarify, in his  
10 personal capacity or on behalf of LULAC?

11 MR. RUSSO: We'll start with LULAC.

12 A. Yes, sir.

13 Q. (BY MR. RUSSO) When was that?

14 A. About the time that the action was taken.

15 Q. In November of -- the November vote action?

16 A. The November vote action.

17 Q. How did you hear about that?

18 A. From --

19 Q. How did LULAC hear about that?

20 A. From my cochair at that time of the Equal  
21 Rights Committee, which I believe it was -- he was then  
22 also the president, Robert Quintero.

23 Q. And was it shortly after the vote, you began  
24 thinking about filing the lawsuit?

25 A. Yes, sir.

1 Q. And not before?

2 A. No. Not -- I was not aware of anything before.

3 Q. All right. And then what about you as an  
4 individual, Joe Compian? When did you hear about filing  
5 the lawsuit?

6 A. At the time of the vote as well. I mean after  
7 the vote as well. It got me mad.

8 Q. Do you recall how it was that you became sort  
9 of an individual plaintiff in this case?

10 MS. VALL-LLOBERA: I'll just remind  
11 Mr. Compian not to share any privileged attorney-client  
12 communications, but you can answer the question to the  
13 extent you can without revealing that.

14 A. All I -- at some point in the LULAC national --  
15 I'm talking about national, its involvement in a variety  
16 of redistricting, as well as at the state level. As a  
17 matter of fact, I think right now in Texas we're  
18 involved in challenging the Texas redistricting as well,  
19 too.

20 But they -- they provide summaries and  
21 things of this nature and -- and I think Robert made the  
22 point that, you know, a lot of times they're looking for  
23 individual plaintiffs, and I was asked would I be  
24 willing -- if -- if this is pursued, would I be willing  
25 to be an individual plaintiff. I said, yeah, sure,

1 certainly. That's how it came about.

2 Q. (BY MR. RUSSO) Was there any particular reason  
3 for you that you were willing to be an individual under  
4 it?

5 A. I live in the impacted precinct.

6 Q. That was the only -- was that the only reason?

7 A. For me, yeah. For me personally, yes.

8 Q. Okay. And so based on -- while we're on the  
9 subject, prior to adoption of the November 2021 maps,  
10 you voted in Precinct 3. Is that true?

11 A. Yes, sir.

12 Q. And then subsequent to adoption of the  
13 November 21 maps, you would be in Precinct 2. Is that  
14 true?

15 A. Would be in Mr. -- Dr. Armstrong's precinct.

16 Q. Okay.

17 A. Which is 2.

18 Q. Yeah, I think -- I think it's 4?

19 A. Oh. 4, 4, 4.

20 Q. Precinct 4.

21 A. Okay.

22 Q. So as you sit here today, you think where you  
23 live Dr. Armstrong is your representative commissioner  
24 at this point?

25 A. Yes, sir.

1 Q. And that's the district in which -- the  
2 precinct in which you would have to vote?

3 A. That's -- that's what it says on my card. But  
4 I will say it's a bit confusing because we have had both  
5 Commissioner Giusti as well as Commissioner Armstrong  
6 come to us at council which is a reflection of how La  
7 Marque in our community is divided. We're no longer a  
8 single community. Our voice has been diluted.

9 Q. Do you know why it was that -- wait. Let me  
10 strike that.

11 Your testimony is that Commissioner  
12 Armstrong has participated in events or made requests of  
13 La Marque City Council?

14 A. He's -- he's -- in terms of requests, I'm not  
15 aware of any requests, but he's come to city council.  
16 He's come to city council and introduced himself as the  
17 new commissioner.

18 Q. Do you know Commissioner Armstrong at all?

19 A. Yes.

20 Q. How do you know him?

21 A. I'm sorry to say I'm an old guy. But I first  
22 met Dr. Armstrong when he was a young resident working  
23 the emergency room -- well, I shouldn't say a  
24 resident -- yeah, he would have been -- no, not  
25 resident. What do you call him? I think he was a

1 resident then -- working the emergency room at Mainland  
2 Medical Hospital.

3 I know he -- and the reason I remember that  
4 because he was working for an independent agency and my  
5 dad ultimately had a heart attack -- a seizure, and he  
6 was transported to Mainland Medical. And Dr. Armstrong  
7 was the attending there at the ER, and that's how I  
8 first met Dr. Armstrong.

9 Q. What do you think of him as an individual?

10 A. He was a lifesaver at that point. Right? What  
11 could I think other than that. He was a lifesaver.

12 Q. Do you think he'll be a good commissioner,  
13 quality commissioner?

14 MS. VALL-LLOBERA: Objection; calls for  
15 speculation.

16 A. I have -- I have no idea.

17 Q. (BY MR. RUSSO) Do you think?

18 A. I'm serious, I have no idea. As a doctor -- I  
19 only know him as a doctor. I don't know him as a  
20 commissioner.

21 Q. Yeah. Would you -- would you vote for him if  
22 you're in Precinct 4?

23 MS. VALL-LLOBERA: Objection; it's an  
24 incomplete hypothetical.

25 A. I couldn't -- I don't know.

1 Q. (BY MR. RUSSO) Can you think of any reason,  
2 sitting here, why you wouldn't vote for Commissioner  
3 Armstrong?

4 A. The issue. The issues. Look at the issues.

5 Q. Have you looked at any of his stances on the  
6 issues?

7 A. Yeah. The ones I have -- no.

8 Q. You have not?

9 A. He's not running for anything right now. He  
10 was the only -- he was unopposed.

11 Q. So you haven't looked at any -- his stances on  
12 any issues at this point?

13 MS. VALL-LLOBERA: Objection; misleading.

14 A. I haven't seen any; he was unopposed. He was  
15 unopposed.

16 Q. (BY MR. RUSSO) Sir, are you aware of any of  
17 his political ideologies?

18 A. Yes.

19 Q. What are his ideologies?

20 A. I know he's a -- he has served on the executive  
21 committee of the Republican Party. I know that. I know  
22 that, as a doctor, he promoted, during COVID, the use  
23 of -- I may be mispronouncing the word but Invec- --  
24 Invectim (phonetic) -- Invectrim (phonetic). It was one  
25 of the COVID type of drugs that supposedly -- it was



1 utilizing and making news at the nursing home that he  
2 was the medical director there in Texas City. But  
3 that's what I know there. Other than that...

4 Q. Are those -- the things that you mentioned, are  
5 those positions that you agree with?

6 A. The latter, in terms of the drug, no. I wasn't  
7 concerned about that.

8 Q. You were concerned that he should not have used  
9 that drug in his medical practice?

10 A. Yeah. And with seniors. That was my view.

11 Q. Have you done --

12 A. But I'm not a medical doctor.

13 Q. Why do you think that?

14 A. It was just the news. Right? It was an  
15 experimental -- there were no studies done. That's all.  
16 And mind you as someone at my age, I was looking at  
17 everything. I'm vaxxed up to the max right now.

18 Q. So something in the news made you think that  
19 use of that drug wasn't appropriate for Dr. Armstrong?

20 A. Yeah. Yes. But, once again, I'm not a doctor,  
21 just my personal opinion.

22 Q. And you said that he was on a Republican  
23 committee. How does that make you feel about him?

24 A. Once again, I'm talking about my Galveston  
25 County. My Galveston County, we're all pretty good

1 people when we all sit down together. Our problems are  
2 when we let people outside of our area kind of take over  
3 our decision-making, and it concerns me. Whatever side  
4 you're on -- whatever side you're on, when you let  
5 parties be the decision makers and so when I -- that's  
6 all my observation there on that.

7 Q. Is it your feeling that the Republican Party is  
8 trying to take over Galveston County?

9 MS. VALL-LLOBERA: Objection; misstates  
10 prior testimony.

11 A. No, I didn't -- I didn't say anything like  
12 that.

13 Q. (BY MR. RUSSO) Well, who is it that is making  
14 decisions for Dr. Armstrong that are outside the county?

15 A. No. I just said when you're that high involved  
16 in party politics, then -- then, historically, you know,  
17 you're going to kind of toe the line. Whether you be on  
18 the Democratic side, if I go talk to the Democratic  
19 national committee person -- like he's a member I think  
20 of the Republican national committee -- they're going to  
21 each toe the line. And that concerns me on both sides.

22 Q. Okay. So -- and I don't know.

23 A. I'm not picking on Dr. Armstrong. It's just a  
24 general -- I'm saying, you know, that's -- that's a  
25 concern of mine.

1 Q. One of the concerns you have with Dr. Armstrong  
2 is his participation with -- and I guess level of  
3 participation with -- the Republican Party. Is that  
4 true?

5 A. No. It's issues. I go back to -- remember  
6 when we began? It's issues. What are the issues that a  
7 party is setting forth? And when you -- when you  
8 encourage the use of American rescue fund dollars and  
9 support that effort to send troopers, our own either --  
10 either monies to the state to send troopers to the  
11 border to undertake border surveillance, which is a  
12 federal responsibility, or you encourage Galveston  
13 County sheriffs who, quote, voluntarily are going down  
14 there and you cover expenses versus sending that money,  
15 as we asked -- as I asked, to commissioners court to  
16 social services here to help people pay their utility  
17 bills or to buy medicine, fill prescriptions, then  
18 that's -- those are the issues that I'm talking about.

19 Q. And the two -- the issues that you mentioned,  
20 would you consider those to be sort of Republican  
21 platform items?

22 A. No. I don't know. I really don't know if they  
23 are or not.

24 Q. From your understanding, do the Democrats --  
25 Democratic Party support sending funds to the border?

1 MS. VALL-LLOBERA: Objection; calls for  
2 speculation.

3 Q. (BY MR. RUSSO) For border relief?

4 A. I don't know.

5 Q. No understanding of that at all?

6 A. I don't know if they have or not. I'm not  
7 aware of.

8 Q. You're not aware of what?

9 A. Of articulating a position on that.

10 Q. You're saying that you're not aware of the  
11 Democratic Party articulating an issue on sending funds  
12 to the border for border relief? You're not aware of  
13 that?

14 A. For border -- I don't know -- I don't know what  
15 they're saying.

16 Q. Okay. Well, who was it that you believe sent  
17 funds to the border for border relief?

18 MS. VALL-LLOBERA: Objection; misrepresents  
19 prior testimony.

20 Q. (BY MR. RUSSO) In Galveston County?

21 MS. VALL-LLOBERA: Objection; misstates  
22 prior testimony.

23 Q. (BY MR. RUSSO) You can answer.

24 A. Galveston county commissioners.

25 Q. Okay. And is it your belief that that

1 | effort -- that decision was driven by the Republican  
2 | Party politics?

3 | MS. VALL-LLOBERA: Objection; calls for  
4 | speculation.

5 | A. Mr. Russo, I think that setting aside -- and  
6 | I'm focused on issues. Right? That's one of the  
7 | challenges of the existing map. When you have, under  
8 | these redrawn lines, a community that is -- the larger  
9 | one of League City of over 100,000 people there, the  
10 | interests of that community are probably not in line  
11 | with the interests of La Marque or Texas City or  
12 | Hitchcock and the priorities there.

13 | Q. (BY MR. RUSSO) Do you know that to be true?

14 | A. I believe -- I believe -- we've articulated  
15 | that at commissioners court.

16 | Q. That it's -- they're probably not aligned?

17 | A. They're -- they're not --

18 | Q. Or they're not aligned?

19 | A. They're not aligned. We believe -- we  
20 | believe -- it's our belief. We believe they're not  
21 | aligned.

22 | Q. And based on what?

23 | A. Our belief. We have the right to a belief.

24 | Q. Are there any facts you can tell me about that  
25 | sort of back up that belief?

1 A. Yeah. There's a need for -- to assist people  
2 to pay utility bills. There's a need to help people  
3 acquire medicine. We have still one of the highest  
4 uninsured rates in the county. We have issues  
5 associated with our homeless population and a lot of  
6 that -- cities can no longer -- we don't have any monies  
7 for that. We look for bigger brother or sister, in this  
8 case the county, for assistance.

9 Q. And all those issues you just mentioned relate  
10 to economic hardships, lower-income individuals. Would  
11 you agree?

12 A. Economic which, interestingly enough, are a lot  
13 of members in communities of color, our Latino  
14 communities, our African American communities.

15 Q. But it's not certainly -- I mean, you  
16 understand that issue is not solely, you know, connected  
17 to the minorities. Would you agree?

18 MS. VALL-LLOBERA: Objection; calls for  
19 speculation.

20 Q. (BY MR. RUSSO) The issue being having a low  
21 income.

22 A. Having a low income is not affiliated?

23 Q. Strike the question.

24 Socioeconomic issues, specifically having a  
25 low income, not being able to pay for healthcare, as you

1 mentioned earlier, those are not issues that are solely  
2 related to Latin Americans. Would you agree? Like,  
3 people who identify as White also experience having low  
4 income and may not be able to afford healthcare. Would  
5 you agree? In Galveston County.

6 MS. VALL-LLOBERA: Objection; calls for  
7 speculation. And objection; misstates prior testimony.

8 Q. (BY MR. RUSSO) You can answer.

9 A. I -- if -- if your question -- and I'm assuming  
10 this is what I heard. Now you tell me. If you're  
11 saying that there are poor persons of an Anglo  
12 background, I'll agree with that. They are.

13 Q. And --

14 A. If you're saying that I have -- I'm an  
15 undocumented individual who lives in Galveston County  
16 that has bought a house, that has family, kids, they're  
17 living here, and they have no place else to turn other  
18 than social charities or social services groups like the  
19 county, then that's a different situation. That is  
20 unique to that. And we have that in this county.

21 In La Marque, as a community -- you may not  
22 know -- look at the last census -- 25 percent of the  
23 individuals in La Marque said Spanish was their first  
24 language.

25 Q. Okay. Having Spanish as a first language

1 doesn't mean you're necessarily going to have problems  
2 with not being able to pay for healthcare, correct?

3 MS. VALL-LLOBERA: Objection; misstates  
4 prior testimony.

5 Q. (BY MR. RUSSO) The two aren't necessarily -- I  
6 mean, they're not equally correlated, are they?

7 MS. VALL-LLOBERA: Objection; calls for  
8 speculation.

9 A. I said -- I'm not suggesting that only because  
10 you speak Spanish. Right? That's what you're saying.

11 Q. (BY MR. RUSSO) That's exactly what I'm asking.  
12 My question --

13 A. And I -- and I agree.

14 Q. Wait. Wait. Wait.

15 A. Oh.

16 Q. Let me ask you a question.

17 A. Yeah.

18 Q. Is it your testimony that individuals who speak  
19 Spanish automatically have problems affording their  
20 health insurance?

21 A. No.

22 Q. Okay.

23 A. No.

24 Q. That was my question.

25 A. No.



1 Q. We talked earlier about identifying -- you said  
2 for it -- you deal with issues. One of the issues we  
3 were talking about at the time was border relief. Okay?  
4 My question to you is: Is this border -- sending funds  
5 to the border relief effort that the county  
6 commissioners approved of --

7 A. Yes, sir.

8 Q. Is that what you would consider an issue  
9 consistent with the Republican Party's platform?

10 A. It was an issue consistent with our own  
11 commissioners in Galveston County. That's all.

12 Q. That wasn't my question. My question is: Is  
13 sending border relief -- sending funds for border relief  
14 by Galveston County, is it consistent, under your  
15 understanding, with the Republican Party platform?

16 MS. VALL-LLOBERA: Objection to form.

17 A. I've not read the Republican Party. I don't  
18 know.

19 Q. (BY MR. RUSSO) You don't know?

20 A. I don't know.

21 Q. You never looked at the Republican Party  
22 platform?

23 A. I have not. I have not seen --

24 Q. And you have no understanding what the  
25 Republican Party's view is in dealing with issues at the

1 border. Is that what you're telling me?

2 A. Mr. Russo, you asked me if it was their  
3 platform. I don't know their platform.

4 Q. What I'm asking you -- well, let's strike that.

5 Let's ask it this way: Are you aware of  
6 the Republican Party's view of how to deal with whether  
7 there's a crisis at the border in Texas? Are you aware  
8 that there's an issue or not?

9 A. May I ask just a bit of clarity? What  
10 Republican Party are you referring to? Is there --  
11 because isn't -- that's just as diverse as --

12 Q. I'm referring to the Republican Party that you  
13 referred to earlier when you were saying that  
14 Commissioner Armstrong has a position in the national  
15 Republican Party. Do you recall that testimony?

16 A. Yes, I recall that.

17 Q. That's the Republican Party I'm talking about.  
18 Are you aware of that party's position in dealing --  
19 what they think should be done to deal with the border?

20 A. Number one, I'm not -- I haven't read the  
21 Republican Party's platform. Number two -- and perhaps  
22 this will be helpful and we can agree on this -- I have  
23 heard of national Republican leaders expressing that  
24 opinion.

25 Q. What's the opinion?

1           A. On -- of the need to send funding or troops to  
2 the border.

3           Q. Okay. So then my question to you is: On the  
4 issue of the Galveston County commissioners sending  
5 funding to the border for relief, is that consistent  
6 with your understanding of the Republican Party's  
7 position?

8                       MS. VALL-LLOBERA: Objection; asked and  
9 answered.

10          Q. (BY MR. RUSSO) You can answer.

11          A. I -- I -- I don't know the Republican Party's  
12 position. I know the position that's been expressed by  
13 leadership, leaders in D.C. of the Republican Party.

14          Q. And that -- and your understanding of those  
15 leaders' comments is consistent with the Galveston  
16 County's decision on sending funds to the border, is it  
17 not?

18          A. Well, I'll agree. I believe -- yeah -- yes.

19          Q. So is it -- do you have any belief as to  
20 whether you -- you know, do you think the Republican  
21 Party is playing a role in the decision-making that's  
22 going on in Galveston County on the commissioners court?

23                       MS. VALL-LLOBERA: Objection; calls for  
24 speculation.

25          Q. (BY MR. RUSSO) Just in general.

1 A. The -- the answer is yes.

2 Q. And why do you believe that?

3 A. Because they all are self-identified as  
4 Republicans.

5 Q. All right. So, I mean, as you sit here today,  
6 they're -- well, strike that.

7 Let me ask it this way.

8 A. Mm-hmm.

9 Q. I think we've covered it.

10 Turn back to you dealing with --

11 MR. RUSSO: Do you need a break?

12 MS. VALL-LLOBERA: Let me just check in if  
13 you're done with that line of questioning.

14 MR. RUSSO: Yeah. Yeah.

15 MS. VALL-LLOBERA: Mr. Compian, it's about  
16 noon now. Would you like a break? Would you like to  
17 press on? Do you want a short break, lunch break?

18 THE WITNESS: No.

19 Mr. Russo, if you want to go on a little  
20 bit more, I'm fine.

21 MR. RUSSO: Yeah. I'm good as well. And I  
22 can tell you we will need to take a lunch break. If we  
23 were going to finish in another hour, I wouldn't bother.

24 THE WITNESS: Oh, okay.

25 MR. RUSSO: But I don't think that's going

1 to happen, so we should plan on a lunch whenever y'all  
2 are ready.

3 MS. VALL-LLOBERA: Okay. So we can plan  
4 for that in a little bit?

5 THE WITNESS: That's okay.

6 MR. RUSSO: Okay. So we keep going for  
7 now?

8 MS. VALL-LLOBERA: Is there a specific time  
9 you have -- you know, 12:30?

10 THE WITNESS: No.

11 MS. VALL-LLOBERA: 12:45? Any favorite  
12 lunchtime or just...

13 THE WITNESS: No.

14 MS. VALL-LLOBERA: Okay.

15 THE WITNESS: I'm in intermittent fasting  
16 anyway; so...

17 MS. VALL-LLOBERA: As long as we're in that  
18 window, then.

19 THE WITNESS: Yeah.

20 Q. (BY MR. RUSSO) All right. Okay. So back to  
21 the -- related to -- we talked earlier about sort of  
22 filing of the complaint and participating in the  
23 complaint. It's probably 15 minutes ago now.

24 A. Yes.

25 Q. Do you recall any conversations with -- you

1 personally with the Department of Justice or individuals  
2 representing the Department of Justice --

3 MS. VALL-LLOBERA: Objection; vague.

4 MR. RUSSO: Let me finish.

5 Q. (BY MR. RUSSO) -- prior to filing the suit?

6 A. Prior to filing the suit? Hmm. Prior to  
7 filing the suit? I don't know if it was prior to filing  
8 the suit.

9 Q. Okay. Do you recall conversations with people  
10 who represented the Department of Justice related to the  
11 county's redistricting effort in November of 2021?

12 A. Yes, sir.

13 Q. Do you have any idea when about that happened?

14 A. Let's see. I don't really remember the time  
15 frame.

16 Q. Do you know who you spoke with?

17 A. Right now (Shaking head) no, sir.

18 Q. Okay. Was it attorneys? Investigators?

19 Nothing rings a bell with you?

20 A. I believe one person -- at least one was an  
21 attorney, I believe.

22 Q. Did they call you or you call them?

23 A. I think -- yeah, they called me. Yes.

24 Q. All right. And was your lawyer present during  
25 this conversation?

1 A. Yes. Yes, sir.

2 Q. All right. And best you can recall, this --  
3 well, I mean, you don't remember whether it was after or  
4 before the vote?

5 A. Yeah.

6 MS. VALL-LLOBERA: Objection; misstates  
7 prior testimony.

8 A. No. Yeah, that -- I didn't say about the vote.  
9 You said about filing the lawsuit.

10 Q. (BY MR. RUSSO) Oh. Okay.

11 A. Not the vote. You didn't say the vote.

12 Q. Okay. Well, so -- great. Let's clarify. Are  
13 you -- this conversation that occurred with the  
14 Department of Justice individuals, do you think it  
15 happened after the commissioners court approved the map  
16 in November of '21?

17 A. Best of my recollection, yes, sir.

18 Q. Okay. And do you have any idea how far away  
19 removed from that vote it was?

20 A. No, sir. I don't recall that now.

21 Q. Okay. On behalf of -- so the LULAC  
22 organization, do you know, did LULAC have conversations  
23 with the Department of Justice after the vote in  
24 November of '21?

25 A. I don't -- I don't know. That, I don't know.

1 Q. Okay. Well, then let's back up and go back to  
2 the beginning of -- between January of '21 leading up to  
3 the vote --

4 A. Mm-hmm.

5 Q. -- are you aware of any conversations that  
6 LULAC had with the department of justice leading up to  
7 the vote and taking census information and that kinds of  
8 thing?

9 A. Not our local group, no.

10 Q. Okay. What about you personally?

11 A. No, sir.

12 Q. Did you have any conversations prior to the  
13 vote in November of '21 with individuals who actually  
14 are other individual plaintiffs in your own case?

15 MS. VALL-LLOBERA: Objection; vague.

16 A. Not -- not that I can recall, Mr. Russo.

17 Q. (BY MR. RUSSO) Okay. And I guess there are  
18 three individuals in the actual lawsuit that you're a  
19 party?

20 A. Mm-hmm.

21 Q. That's Ms. Courville and Phillips?

22 A. Phillips. Yeah.

23 Q. Do you recall any conversations between the  
24 three of you related to the upcoming vote in November?

25 A. No, sir.



1 Q. What about after the vote in November of '21,  
2 did you speak to these two individuals related to filing  
3 suit?

4 A. No, sir. I can't recall any conversations with  
5 them.

6 Q. All right. Can you just, you know, describe  
7 for me the -- like what's your allegation in terms of  
8 how LULAC is injured? What injury did LULAC suffer by  
9 virtue of -- or what would you like rectified by the  
10 lawsuit?

11 MS. VALL-LLOBERA: Objection; lack of  
12 foundation.

13 A. I think that's set forth in the complaint. I'm  
14 going to kind of defer to my counsel there on the  
15 specifics.

16 Q. (BY MR. RUSSO) So if you were to answer that  
17 question, you'd -- I should refer to the complaint to  
18 find that answer?

19 A. I believe so, yes.

20 Q. Okay.

21 A. Yes, sir.

22 Q. There's not any sort of independent  
23 understanding you have related to the -- what injury  
24 LULAC suffered in this case?

25 MS. VALL-LLOBERA: Objection; misstates

1 prior testimony, and it's not clear whether you're  
2 asking on behalf of LULAC or his individual capacity.

3 MR. RUSSO: I'm asking on behalf of LULAC.

4 A. Is there something that you're specifically  
5 looking at that I can refresh my memory with?

6 Q. (BY MR. RUSSO) No, I'm trying to sort of get  
7 your understanding -- LULAC's understanding of what  
8 injury you'd like to have redressed by filing suit.

9 A. Well, I think I'm --

10 MS. VALL-LLOBERA: Objection; relevance.

11 A. I think it -- the pleadings.

12 Q. (BY MR. RUSSO) Okay. Refer to the petition is  
13 your response --

14 A. Refer to the petition, yes.

15 Q. -- or complaint, yeah. Okay. Fair enough.

16 Do you have any idea what you think -- I  
17 mean, what's the best sort of -- best case scenario for  
18 you in result? Like if you could pick your result in  
19 this case, what would you like to have happen?

20 MS. VALL-LLOBERA: Objection; incomplete  
21 hypothetical.

22 A. Mr. Russo, I'm not -- I'm not in a position to  
23 give you the remedy. I think that's -- I'm not in the  
24 position. If you want to make a settlement offer, I  
25 suggest you discuss it with counsel. I'm not...

1 Q. (BY MR. RUSSO) Yeah. What I was asking for is  
2 your understanding of, you know, what it is you'd like  
3 to see happen.

4 MS. VALL-LLOBERA: Objection; calls for  
5 speculation.

6 A. I would just, number one, like to see our  
7 communities of interest maintained.

8 Q. (BY MR. RUSSO) Anything else?

9 A. Well, I think that's -- that's a -- there are  
10 others that's set forth in the complaint.

11 Q. Okay. And what particular communities of  
12 interest are you referring to when you say you'd like  
13 them maintained?

14 A. Well, I'm -- I'm referring to, number one, of  
15 course, we have an interest in our -- as we said, the  
16 purpose of LULAC in our Latin American community, those  
17 who have interest in issues surrounding individuals  
18 that -- in that community, whether they speak Spanish,  
19 whether they don't, whether they -- however they  
20 self-identify themselves, but also then other -- as the  
21 fellow other plaintiffs in this litigation, you know,  
22 are African American communities as well.

23 Q. All right. And what makes them communities of  
24 interest? Is it just interest to LULAC or what -- you  
25 know, I'm curious as to what -- how you -- are you using

1 the term "community of interest"?

2 A. Let me see if I can -- I think perhaps part of  
3 this you can appreciate, Mr. Russo. When -- when  
4 Italian Americans -- Americans of Italian ancestry began  
5 their migration to the United States, they were met with  
6 a lot of the hate and the discrimination that we have  
7 right now in certain communities of Latin Americans, of  
8 Hispanics, however how you want to self -- and African  
9 Americans and others. It took a while because these --  
10 the Italians that immigrated started their little Italy,  
11 started their -- around churches. A lot of these  
12 communities developed around churches.

13 And gradually we had, as a result of that,  
14 as people learned how to speak English -- interestingly  
15 enough -- right? -- stepping forth and looking to  
16 create -- go after political offices. They started  
17 becoming part of the local boards, and kids were  
18 involved in schools, whether it be public schools or  
19 Catholic schools. But that was a community there.

20 And similarly here in our county, we began  
21 this effort here in Galveston and a lot of it -- some of  
22 it was around, as you and I discussed, was around  
23 schools, some of them church related. The Alamo school  
24 as well was largely Spanish speaking of Latin Americans  
25 as well, too, over on -- what is that? -- 50 -- 51st?

1 No, 55th is Alamo.

2 Q. You're talking about where Alamo is?

3 A. Alamo. Is it 55th? Where the McDonald's is at  
4 on Broadway? I think.

5 And -- and so similarly on the mainland in  
6 the Texas City, Hitchcock, and La Marque area, you see  
7 that. You see gradually a transition from all Anglo  
8 boards, all Anglo members of city council, all Anglo  
9 members of school boards, of the drainage districts.  
10 You had people now stepping forth and becoming involved  
11 as a community, that community, to assume its place as  
12 LULAC wants us to all do. Right? To become involved in  
13 the civic side of being a U.S. citizen.

14 And that's what I'm referring to as a  
15 community of interest. So now we have doctors, and we  
16 have lawyers, and we have other professionals, teachers,  
17 things that create -- and I can -- I can -- you know,  
18 share some similar cultural ideas or recipes and things.  
19 And that's how we create that.

20 Q. Well, does the community of interest relate to  
21 an area or a particular individual's circumstances or  
22 both?

23 A. It could be -- I think it could be both, but in  
24 our case it's -- we see a -- significant communities and  
25 that midcounty here in Galveston that we can say.

1                   And mind you we're talking about census.  
2           Those -- there's also information that the census was  
3           unreported which LULAC has certainly expressed an  
4           opinion in that there was not enough done on the census  
5           counting and there was underreporting that occurred in  
6           terms of our communities in the African American and  
7           especially in the Latino Spanish-speaking areas, people  
8           that were not willing to engage and understand the  
9           process.

10           Q.   What areas are you talking about specifically?

11           A.   Well, those --

12           Q.   Geographically?

13           A.   Geographically? Geographically, north side of  
14           Broadway, east end here, the -- when we drew the lines  
15           here in Galveston, the city, the midcity kind of like  
16           from about, what, about 55th, once again, this way, that  
17           area. Then Texas City, the Freddiesville area,  
18           Hitchcock. Hitchcock should be the east side of  
19           Highway 3 up to the La Marque line. La Marque --  
20           basically old La Marque, that's to say, the east -- the  
21           area that's east of the -- of Highway 45 --  
22           Interstate 45. Dickinson, that area that is -- that I  
23           referred to California Street and on, past the railroad  
24           tracks, in that area historically, and even part of that  
25           is still in Galveston County.

1 Q. And so --

2 A. But I can readily identify.

3 Q. And you refer to those areas as the community  
4 of interest?

5 A. Yes, sir.

6 Q. What makes those areas part of the community of  
7 interest?

8 A. Churches, stores. You can go in and buy  
9 tamales. You can go -- you know, you can buy fresh  
10 tortillas. You can -- it's just like -- it's just like  
11 what my cousin and his -- and her husband have done in  
12 Austin. They started the Italian market, David Mandola,  
13 and my cousin Trina, copied Mandola. They wanted to  
14 create the Italian community there in Austin, and so  
15 they started with over on 51st Street and Guadalupe.  
16 And that was his vision as well. So I speak to this as  
17 it's a community. Talk about, you know, his -- growing  
18 up in Houston and the Italian community.

19 So -- so it's no different with us. Give  
20 us that same opportunity. That's all.

21 Q. Is it -- I mean, is it true that that's  
22 where -- very generalized, is -- that's where Latino  
23 Americans are located, generally? Is -- that's what  
24 you're talking about as the community of interest?

25 MS. VALL-LLOBERA: Objection; misstates

1 prior testimony.

2 A. It's -- yeah. Yes.

3 Q. (BY MR. RUSSO) And isn't it true that there --  
4 I mean, there are Latino Americans that relocated all  
5 over the county. Wouldn't you agree?

6 A. Yes, sir.

7 Q. And they're not just in sort of the old -- what  
8 would be the old Precinct 3 area that was on the old  
9 map. Agreed?

10 A. Yes, sir.

11 Q. And Latino population has actually grown in the  
12 county since 2010. Agreed?

13 A. Well, yeah. Agreed.

14 Q. It's grown in other areas besides Precinct 3,  
15 what's the old Precinct 3. Right?

16 A. I'm not specifically aware of that. I just  
17 know -- and you make the statement the Latino population  
18 has increased, yes.

19 Q. Okay.

20 A. What area of where? I don't know.

21 Q. You're not aware of where they're moving to?

22 A. No.

23 Q. And haven't seen any demographics on that?

24 A. No.

25 Q. Is it your -- are you able to testify that --



1 of the growth of the Latino population in Galveston  
2 County between 2010 and 2020, are you able to tell me  
3 whether most of that growth occurred in the old  
4 Precinct 3 area?

5 MS. VALL-LLOBERA: To clarify, is this on  
6 behalf of LULAC or individually?

7 MR. RUSSO: LULAC.

8 A. I'm going to defer to our demographer involved  
9 in this. I don't have any unique skills that permit me  
10 to say this, this, this. No.

11 Q. (BY MR. RUSSO) Who's the demographer?

12 A. I'll leave that to counsel. I don't -- I don't  
13 know.

14 Q. Does LULAC have some independent demographer  
15 that looked at these issues other than what might be  
16 disclosed in this case as sort of an expert?

17 A. No, sir. Not that I'm aware.

18 Q. Okay. All right. So as far as you're aware,  
19 LULAC didn't do some study on the demographics prior --

20 A. (Shaking head.)

21 Q. -- let me finish -- prior to filing this  
22 lawsuit in 2022?

23 A. No, sir.

24 Q. All right. And just for clarity, for your own  
25 purposes -- we'll leave the LULAC side for a second.

1 A. Mm-hmm.

2 Q. For your purposes, do you have any independent  
3 understanding of the sort of demographic makeup as to  
4 where the growth of the Latino population occurred in  
5 Galveston County between 2010 and 2020?

6 A. I don't have any -- other than, once again, the  
7 census information, I don't have any specific knowledge.

8 Q. Okay. And you haven't reviewed the census  
9 information, or have you?

10 A. I just saw the numbers when they first came  
11 out.

12 Q. Okay. Did they tell you --

13 A. The growth.

14 Q. Sorry. Go ahead.

15 A. That's all right. Just the growth.

16 Q. All right. And they didn't tell you  
17 necessarily where?

18 A. No. No, sir.

19 Q. All right. Are you sticking sort of with this  
20 demographics and population, are you aware yourself of  
21 whether or not the population of Black individuals,  
22 citizens in Galveston County, grew or was reduced  
23 between 2010 and 2020?

24 A. Per the census, it went up a little bit.

25 Q. So it's your belief that the population of

1 Black residents in Galveston County increased between  
2 2010 and 2020?

3 A. From my recollection there was a bit of an  
4 increase.

5 Q. Okay. Do you have any idea of what the sort of  
6 percentage numbers looked like?

7 A. No, sir.

8 Q. And when I say percentage, I mean percentage of  
9 the Black population versus the other populations.

10 A. No, sir.

11 Q. What about as to the Latinos?

12 A. Same. I can't recall a specific number. No,  
13 sir.

14 Q. All right. And would the same be true for the  
15 LULAC testimony, that -- there's no independent person  
16 at LULAC who's running these numbers?

17 A. No, sir.

18 Q. All right. I want to talk about -- go back to  
19 discuss some of the communications with the  
20 commissioners and stick with LULAC for a bit. Has the  
21 organization -- can you tell me were there conversations  
22 with LULAC and any of the commissioners going up to the  
23 vote in November of 2021 related to redistricting?

24 A. See if I understood your question. Are you  
25 asking me if I'm aware of any one-on-one conversations

1 with commissioners?

2 Q. Yes.

3 A. No.

4 Q. All right. And I think I asked you this

5 already. Did you --

6 A. No.

7 Q. Did you have any conversations with them?

8 A. No, sir.

9 Q. When do you recall becoming aware -- well, let  
10 me -- strike that. Let me do this first.

11 A. Mm-hmm.

12 Q. Do you personally know Commissioner Giusti?

13 A. Personally? Yes.

14 Q. And you've known him for how long?

15 A. For a while back -- he and my uncles are -- my  
16 Uncle Marcy is involved in the Knights of Columbus, and  
17 my uncle was the -- I don't know the term, Mr. Russo,  
18 but the -- at one time the state knight -- statewide big  
19 knight.

20 Q. The head of the knights?

21 A. The head of knights, yes. I don't know the  
22 name. It's terrible.

23 Q. I understand.

24 A. I'm going to be excommunicated. And then -- so  
25 that -- that's where the knight became aware of it, when

1 he first ran for office actually.

2 Q. For county commissioner?

3 A. For county commissioner. Yeah, for county  
4 commissioner. He was a constable before. Right? As I  
5 recall or -- I forgot.

6 Q. Have you had any dealings with him since -- as  
7 you -- you know, as a resident of Galveston County?

8 MS. VALL-LLOBERA: Objection; vague.

9 A. I personally, other than -- no. Just -- no,  
10 sir.

11 Q. (BY MR. RUSSO) Have you heard -- what's your  
12 opinion of him?

13 MS. VALL-LLOBERA: Objection to form.

14 A. What can I say about a fellow knight, you know?  
15 We're all God's people, so that's all I can -- I have.  
16 That's all -- I can't -- I don't have a -- I really --  
17 what can I say? He's a -- he's a fellow Catholic and  
18 that's important, I think, you know.

19 Q. (BY MR. RUSSO) Yeah. And I think -- you know,  
20 is it -- do you believe that Commissioner Giusti  
21 acted and intended to discriminate against the minority  
22 communities when voting on the maps in November of 2021?

23 MS. VALL-LLOBERA: Objection.

24 Q. (BY MR. RUSSO) Do you think that was his  
25 intention?

1 MS. VALL-LLOBERA: Objection; calls for  
2 speculation.

3 A. I have no idea.

4 Q. (BY MR. RUSSO) Never thought about that before  
5 today?

6 MS. VALL-LLOBERA: Objection; misstates  
7 prior testimony.

8 A. What his thoughts were, I have no idea. I  
9 can't -- I can't -- I have no knowledge of his thoughts.

10 Q. (BY MR. RUSSO) Well, I'm asking you based upon  
11 what you know of the individual.

12 A. I have -- I have -- I can't even assume to, you  
13 know, put myself in his mind. Right? Just -- all I  
14 know is they didn't listen to what we were suggesting  
15 for that short period of time. That's all I know.

16 Q. Is it your belief that he intended to  
17 discriminate in adopting Map 2?

18 MS. VALL-LLOBERA: Objection; asked and  
19 answered.

20 A. I don't know his intention. I don't know his  
21 intention.

22 Q. (BY MR. RUSSO) What about Commissioner Apffel,  
23 do you know him?

24 A. Commissioner Apffel?

25 Q. Yes, sir.

1 A. I had the pleasure -- yes, sir.

2 Q. How did you meet him? Or when did you meet  
3 him?

4 A. I served as an intern Justice of the Peace in  
5 Precinct 3 and Commissioner Apffel was a JP at the time.  
6 I covered his docket one day or -- as I recall. That's  
7 how I became familiar with him.

8 Q. How did you get that role? How did you get  
9 that job? I don't know if it's a job. It sounds more  
10 like a burden.

11 A. Yeah.

12 Q. How did you become the, you know, the sort of  
13 an interim JP?

14 A. The then JP retired. I don't know. Because to  
15 draw his retirement, I guess. I don't know all the  
16 details, so I shouldn't even -- I just know he retired.  
17 Right? And there had to fill in for, as I recall, maybe  
18 from September to January a JP role.

19 And they were looking for applicants. I  
20 wasn't doing much, so I said sure I can fill in on  
21 there. The landlord, tenant issues and kind of -- and  
22 so I applied.

23 Q. Okay. Did you have any interactions with  
24 commissioner Apffel at the time when you were a JP?

25 A. Other than that one -- he had to just explain

1 that he had to disqualify himself because the -- it was  
2 a particular -- it had to do with a particular case  
3 where he had to disqualify himself because the person  
4 that was coming before him had allegedly robbed his  
5 home, so that's -- so he asked me if I could -- to sit  
6 in there.

7 Q. Is that your only interaction with Commissioner  
8 Apfell?

9 A. At that time and then -- it's here in Austin  
10 when I saw him again. Occasionally, we've seen each  
11 other at an elected officials' monthly group -- I  
12 shouldn't say monthly. There's a Galveston County  
13 elected officials' group that meets every quarter, I  
14 believe, and I've seen him a couple of times --

15 Q. Mm-hmm.

16 A. -- at those events, too.

17 Q. So did you say -- what -- do you have an  
18 opinion of Commissioner Apfell?

19 MS. VALL-LLOBERA: Objection; vague.

20 Q. (BY MR. RUSSO) I'm sorry. What was your  
21 answer?

22 A. I don't -- I don't have any particular opinion.

23 Q. Do you have any opinion as to -- or do you have  
24 any belief as to whether you think he intended to  
25 discriminate against the minority community in adopting



1 the map in November of 2021?

2 MS. VALL-LLOBERA: Objection; calls for  
3 speculation.

4 A. I have no idea as to his intentions.

5 Q. (BY MR. RUSSO) Okay. And then what about  
6 Judge Henry? Do you -- what are your interactions with  
7 him that you've had?

8 A. Working backwards, like I said, I saw him at  
9 the legislative day, and it's interesting. During  
10 weather events, like a hurricane or other situation --  
11 Harvey, the -- we find ourselves at times both being at  
12 the emergency management building basically staying  
13 there, and we're seated at a table like this. And he's  
14 at the head there, and I'm there representing the  
15 Red Cross, and so we're working collaboratively in that  
16 sense, but outside of that, he says very little to me.

17 Q. Have you -- how many times have the two of you  
18 sort of exchanged words?

19 A. Well, I'm going to tell you I don't even recall  
20 that we even exchanged words at the legislative day in  
21 Austin. He looked at me. I was going to say something.  
22 He just passed on by.

23 Q. And so is it true that the two of you really  
24 never had a conversation?

25 A. Oh, we -- in the room up there, yeah, on -- the

1 emergency management building. Yeah, we've had  
2 conversations there.

3 Q. Okay.

4 A. I'll call and check in on -- is there anything  
5 we can do on -- on Harvey they needed water. They had  
6 no water at the jail. We -- Red Cross provided the  
7 first water for the jailers. That was coordinated  
8 ultimately between Houston and Judge Henry, but a lot of  
9 the work is done through Tyler.

10 Q. That was going to be my next question, is that  
11 the conversations that you had, were they directly with  
12 Judge Henry or somebody else at his office related to  
13 Harvey?

14 A. At the emergency management building, directly  
15 with Judge Henry.

16 Q. Are those cordial conversations about, you  
17 know, just kind of your life, or are they more related  
18 to emergency management?

19 A. Just focused on emergency management.

20 Q. Okay. Do you have an opinion of Judge Henry as  
21 a county judge?

22 A. He is the county judge. I have -- I have -- I  
23 have no opinion.

24 Q. No idea? No thoughts on whether he does a good  
25 job or a bad job?

1 A. I have no opinion.

2 Q. Do you have any belief as to whether you think  
3 he intended to discriminate against the minority  
4 community in passing the map in November of '21?

5 MS. VALL-LLOBERA: Objection; calls for  
6 speculation.

7 A. Mr. Russo, once again, I have no idea of his  
8 intentions.

9 Q. (BY MR. RUSSO) What about Commissioner Holmes?  
10 I think you told me you met him pretty early.

11 A. Commissioner Holmes?

12 Q. Yes.

13 A. Yeah. Yes. Uh-huh. He's my commissioner,  
14 yeah.

15 Q. Yeah. So how did you meet -- how did you come  
16 to meet Commissioner Holmes?

17 A. Commissioner Holmes is a very outgoing  
18 commissioner. He goes to different community events.  
19 During the course of, at some point, many years ago, one  
20 of those community events, we became familiar with each  
21 other.

22 Q. Do you remember what the event was?

23 A. I have no idea, no.

24 Q. Or how long ago? What about how long ago?

25 A. Been long -- I'm sure many years.

1 Q. Was he a commissioner at the time?

2 A. Oh, yes, sir. Yeah.

3 Q. So it would have been within the last 20 years?

4 A. 20 -- yeah. And I've been around that long.

5 Yeah.

6 Q. How often do you speak to Commissioner Holmes?

7 A. Occasionally. We saw each other last time  
8 there in Austin at the legislative day. He was there.

9 Q. Did you speak to him then?

10 A. Yes, sir. Yeah.

11 Q. And what did y'all talk about?

12 A. Just said hello and his mom -- I knew his mom.  
13 "How's she doing?" I hadn't seen her. You know,  
14 catching up. There was a lot of talk about health, you  
15 know, and he knew my mom, and he's talking about my mom  
16 would have loved being up there, which is true, you  
17 know, and stuff like that. It was all just the same  
18 stuff that your colleague there talked about with her  
19 dad, you know, stuff like that, family.

20 Q. The -- I gather you more regularly would speak  
21 to Commissioner Holmes than the other commissioners or  
22 the county judge. Would that be true?

23 A. Well, he's my commissioner. If I had a  
24 concern, yeah.

25 Q. Have you ever called Commissioner Holmes about

1 | a concern that you had that was county related for him  
2 | to handle for you?

3 | A. Let me think. For me to pick up the phone and  
4 | call him? I can't recall any situation where I picked  
5 | up the phone and actually called him on a county issue.

6 | I -- to be clear, I want to say this: Over  
7 | the 20 years, we talked more, once again, after Harvey  
8 | because maybe perhaps that's the -- one of the times  
9 | that we did as part of our collaborating group. The  
10 | commissioners raised -- we were successful in getting  
11 | them to raise the -- unanimously, both Democrats and  
12 | Republicans -- to raise the -- what is it? -- the  
13 | qualifying level for the county's medically indigent  
14 | program from 30 percent -- I think was what we had it  
15 | at -- to 100 percent of the federal poverty level for  
16 | some maybe two years after, after Ike as I recall.

17 | That's probably a situation where I was  
18 | calling him -- right? -- encouraging him and...

19 | Q. And you said post Ike, so it was 2008 or -9?

20 | A. Yeah. It would have been 2000-something  
21 | probably 2000- -- you know, with the rebuild 2010,  
22 | maybe, around that time, 2010 -- there was a lot of  
23 | recovery stuff going on there.

24 | Q. Okay. Have you and -- are you and Commissioner  
25 | Holmes sort of friends? Do y'all do things socially?

1 A. No, sir.

2 Q. No?

3 A. (Shaking head.) He runs. I don't.

4 Q. You mean like run -- physically runs?

5 A. (Nodding head.) And obviously I don't.

6 Q. Has he -- is he your candidate of choice as a  
7 voter in Precinct 3?

8 MS. VALL-LLOBERA: Just clarifying that is  
9 this in Mr. Compian's individual capacity or on behalf  
10 of LULAC?

11 A. On my individual -- yeah.

12 Q. (BY MR. RUSSO) Individually.

13 A. Answer, yes. Simple yes.

14 Q. So you voted for him every time he's run?

15 A. Well, once again, he hasn't had an opponent.

16 Q. Do you typically vote in -- would you say you  
17 vote in every election?

18 A. I try to.

19 Q. Can you specifically recall instances in which  
20 you didn't vote in any particular elections?

21 A. I can't recall, Mr. Russo, but I don't want to  
22 be arrogant enough to say that, oh, yeah. I remember  
23 it. My memory is not crisp, you know; so...

24 I try to vote in every election.

25 Q. Yeah. Out of the -- out of all the

1 commissioners and county judge that serves on the court,  
2 do you think you have the best relationship with  
3 Commissioner Holmes?

4 A. I don't understand. Could you define best  
5 relationship? What does that mean?

6 Q. Well, do you think you know him better than you  
7 know the other commissioners?

8 A. Know better? No, I don't -- I know his mom.  
9 That's about the only thing I know better, but then I  
10 know Commissioner Giusti's family. I know Commissioner  
11 Apffel's wife. Right? And -- you know, things, so I  
12 don't know. I don't -- no. I'm going to say no. I  
13 have nothing -- it's about -- there's parity, I think.

14 Q. Okay.

15 A. Between everybody, I think.

16 Q. That's fair. In terms of LULAC, does LULAC  
17 support anybody for commissioners positions?

18 A. No, sir. We're nonpartisan.

19 Q. Okay. And have you ever sort of attended -- I  
20 understand Commissioner Holmes has a barbecue -- he used  
21 to be on an annual -- not an annual basis. He would  
22 throw it periodically in Texas City, I think. Are you  
23 aware of that?

24 A. Are you talking about the senior -- senior or  
25 something?

1 Q. I think seniors were invited, but I don't know  
2 that it's exclusively seniors that come to the barbecue.

3 A. I know there's some event that he does, but I  
4 thought it was seniors.

5 Q. Have you ever attended?

6 A. No, sir.

7 Q. Do you know if anyone from LULAC has ever  
8 attended?

9 A. No. I have no idea why.

10 Q. Has Commissioner Holmes ever asked the LULAC  
11 organization to extend the invitation to your  
12 membership?

13 A. I don't know. I don't think so. I don't know.  
14 No. I just want to say this. From my understanding,  
15 it's a ticket only. The commissioner hands out tickets.  
16 It's not an open invitation.

17 Q. Okay. So as far as you're aware, LULAC as an  
18 entity hasn't sort of been given a list of tickets or  
19 tickets to provide to its members?

20 A. No, sir. I'm not aware of anything like that.  
21 No, sir.

22 Q. All right. And you said you've never -- you  
23 haven't attended the event?

24 A. No, sir.

25 Q. Have you ever been invited?



1 A. No, sir. No, sir. I've never even gotten a  
2 ticket.

3 Q. Do you have any feeling as to whether -- well,  
4 you've seen the new map. Right? That was adopted in  
5 November of '21. Right?

6 A. I've seen it. Yeah, I've seen it.

7 Q. And, I mean, do you understand that Precinct 3  
8 is now sort of more the northern portion of the county?

9 A. It's that little block up -- yes. I'm -- yes.

10 Q. Do you have any feel for whether or not  
11 Commissioner Holmes can be reelected in his new  
12 precinct?

13 MS. VALL-LLOBERA: Objection; incomplete  
14 hypothetical.

15 A. I have no idea. I have no idea.

16 MR. RUSSO: All right. It's 12:40. Do you  
17 guys want to try to grab something to eat?

18 MS. VALL-LLOBERA: Yeah. Is this a good  
19 time for a break for you?

20 MR. RUSSO: Yeah. It's probably a good  
21 idea because if you guys were going to run upstairs, we  
22 need to do that.

23 THE VIDEOGRAPHER: Going off the record  
24 at 12:40.

25 (Recess taken.)

1 THE VIDEOGRAPHER: Going back on the  
2 record 1:48 p.m.

3 Q. (BY MR. RUSSO) All right. All right.  
4 Mr. Compian, you realize you're still under oath.  
5 Right?

6 A. Yes, sir. Yes, sir, Mr. Russo.

7 Q. All right. We talked a little bit about  
8 communications that LULAC had with the commissioners  
9 in 2021?

10 A. Okay.

11 Q. Do you recall that. Yeah?

12 A. Yes, sir.

13 Q. Do you know whether -- did the -- did LULAC  
14 attend any Zoom meetings with Commissioner Holmes prior  
15 to the vote scheduled for November of 2021?

16 A. I'm not aware of any.

17 Q. Are you aware that -- that actually Zoom  
18 meetings took place in November of 2021 with  
19 Commissioner Holmes?

20 A. No. I'm not aware.

21 Q. Is LULAC aware of that?

22 A. I'm not aware that anybody has ever mentioned  
23 it to me, no.

24 Q. Okay.

25 MR. RUSSO: Mark that.

1 (Exhibit No. 2 was marked.)

2 MR. RUSSO: 13.

3 THE WITNESS: Thank you.

4 Q. (BY MR. RUSSO) So the court reporter has  
5 marked Compian Exhibit 2. And you review as much of  
6 that as you would like to. Once you're done, let me  
7 know, and I'm going to ask you a couple of questions  
8 about it.

9 A. (Witness perusing document.) Okay. Go ahead.

10 Q. Okay. You ready? On Page 1 that's an e-mail  
11 from Roxy Williamson. Do you know Ms. Williamson?

12 A. At this point, no.

13 Q. Okay. So the e-mail is dated November 4th,  
14 2021. Do you see that?

15 A. I see that, yes.

16 Q. And do you see you're copied on that e-mail?

17 A. I do.

18 Q. All right. And that the subject is Galveston  
19 Redistricting Coalition?

20 A. Yes, sir.

21 Q. Were you -- was LULAC involved in a coalition  
22 with Ms. Williamson's organization, NAACP?

23 A. To the best of my recollection, Mr. Russo,  
24 there was never any formal affiliation with Ms. Roxy.  
25 She was providing information.

1 Q. To LULAC?

2 A. To all these recipients here.

3 Q. Okay. And you're a recipient there?

4 A. Yes, sir.

5 Q. Do you know, was she sending it for purposes of  
6 LULAC or to you as an individual? What's your knowledge  
7 of that?

8 MS. VALL-LLOBERA: Objection; speculation.

9 A. How she was sending it when I -- first comment,  
10 I don't read all my e-mails, Mr. Russo. If you were to  
11 ask me today how many unread e-mails I have, there are  
12 probably, you know, 55,000 or something like that, and  
13 that's just only one box. I -- so I got a lot of stuff  
14 like this that I don't even bother to read and...

15 Q. (BY MR. RUSSO) Okay. So do you remember  
16 seeing this e-mail at the time it was sent?

17 A. No.

18 Q. Do you remember seeing it as you sit here  
19 today?

20 A. No. Actually, no.

21 Q. All right. And generally speaking the  
22 middle -- the middle of the page and below, there's sort  
23 of a chain e-mail tied to the one she sent you. Down in  
24 the middle of the page, it says on Thursday,  
25 November 4, 2021. Do you see that?

1 A. On Thursday? Yes, sir.

2 Q. It's just below her title.

3 A. Uh-huh.

4 Q. And then it says there's an e-mail that was  
5 sent Thursday, November 4th, 2021, at 3:08 p.m. from  
6 Roxy Williams-- Williamson?

7 A. Yes, sir. I see that now, yes.

8 Q. All right. And then it says -- she wrote --  
9 and then there's, you know, some text there. Do you see  
10 that?

11 A. Yes, sir.

12 Q. And then it says -- the second full -- the  
13 second paragraph states that "Honorable County  
14 Commissioner Stephen Holmes will be speaking on  
15 redistricting this evening." Do you see that?

16 A. Yes, sir.

17 Q. All right. And then it goes on. "I'm hoping  
18 he can speak to the timelines of the hearing, especially  
19 opportunities for public comment during his  
20 presentation." Do you see that?

21 A. Yeah. Yes, sir.

22 Q. All right. It is still your testimony you  
23 don't recall seeing this e-mail back in November  
24 of 2021?

25 A. That is accurate.

1 Q. All right. Now is that because you don't check  
2 all your e-mails?

3 A. That's accurate.

4 Q. Had you received this e-mail, would you -- what  
5 would you have done with it?

6 MS. VALL-LLOBERA: Objection; incomplete  
7 hypothetical and calls for speculation.

8 Q. (BY MR. RUSSO) Let me strike the question and  
9 ask it again.

10 Had you seen the e-mail, what would you  
11 have done with it?

12 MS. VALL-LLOBERA: Objection; calls for  
13 speculation.

14 A. Probably not too much, just look at it because  
15 I really don't -- I wasn't that familiar with who this  
16 Roxy Hall Williamson was at that time. She was somebody  
17 new.

18 Q. (BY MR. RUSSO) All right. Did you  
19 subsequently come to know that she's with the NAACP  
20 Galveston branch?

21 A. I -- that's the first time I heard that. I  
22 have --

23 Q. No idea?

24 A. -- no idea.

25 Q. Well, what do you know of her today?

1 A. I haven't heard from her in a long time.

2 Q. But what do you know of her position, like  
3 involvement -- strike that question.

4 Have you learned since November of '21 that  
5 Ms. Williamson played a role in the redistricting  
6 challenge effort?

7 A. I had an --

8 MS. VALL-LLOBERA: Objection to form.

9 Q. (BY MR. RUSSO) You can answer.

10 A. I met Ms. Williamson one time, one time. And  
11 she introduced herself to say that she had been trying  
12 to reach me, reach out. And I said I'm sorry, and that  
13 was it. There was nothing much more.

14 Q. When was this?

15 A. I have no idea. I don't recall. That's -- it  
16 was -- I do recall it was at the Galvez Hotel. That's  
17 the only place I recall. I was there for something.

18 Q. Prior to the vote by the commissioners court on  
19 redistricting?

20 A. I don't recall. I don't recall.

21 Q. All right. Did she tell you what she did or  
22 why she was trying to reach you?

23 A. She -- she said she was working with a group, I  
24 guess, this Crowd fellow or some group. I wasn't -- I  
25 had never heard of the group. I didn't...

1 Q. Do you know who Crowd fellow is today?

2 A. No. I don't remember who that is.

3 Q. Okay. So -- let's see. I mean, it's clear,  
4 though, that Ms. Williamson in this e-mail stated that  
5 she's having a meeting -- there's a meeting with  
6 Commissioner Holmes on the 4th?

7 A. That's what the document says.

8 Q. All right. And she's hoping that he can talk  
9 to her about timelines, talk to the group about  
10 timelines and hearing on the map. True?

11 MS. VALL-LLOBERA: Objection to form.

12 Q. (BY MR. RUSSO) Yes?

13 A. That's what it says.

14 Q. So if you had opened this e-mail in November  
15 of 2021, would you have forwarded it to the LULAC  
16 members?

17 A. No.

18 MS. VALL-LLOBERA: Objection; incomplete  
19 hypothetical and calls for speculation.

20 And please give me a moment to lodge my  
21 objection.

22 THE WITNESS: Okay. Oh, yeah. Yes. I'm  
23 sorry.

24 Q. (BY MR. RUSSO) You do not believe you would  
25 have forwarded it to the LULAC membership?



1           A. I don't -- I don't -- I didn't know enough  
2 information about who was sending this.

3           Q. Okay.

4           A. I said I don't usually send something on like  
5 that.

6           Q. Sitting here today, do you think this would  
7 have been an important correspondence to you back in  
8 November of '21?

9           A. Not -- not necessarily. We're -- no. No.

10          Q. No? You expressed earlier that a lack of  
11 communication between the community and Galveston County  
12 was a concern for you. Right?

13          A. Yes, sir.

14          Q. And wouldn't you have liked to have known back  
15 on November 4th, 2021, there's a potential hearing to be  
16 set on the redistricting issue?

17          A. I already knew that.

18          Q. As of what date did you know that there was  
19 going to be a hearing on the redistricting map?

20          A. I don't recall the date the Galveston -- at  
21 that point it would have probably been consistent with  
22 the reporting of The Daily News. That's something I  
23 monitored on a daily basis.

24          Q. Do you know when The Daily News reported there  
25 would be a hearing?

1 A. I don't recall that right now.

2 Q. Do you know whether Commissioner Holmes  
3 discussed whether there would be a hearing in his  
4 comments on November 4th?

5 MS. VALL-LLOBERA: Objection; calls for  
6 speculation.

7 A. No, sir.

8 Q. (BY MR. RUSSO) You did not attend the call?

9 A. No, sir.

10 Q. And as far as you're aware, no one at LULAC did  
11 either?

12 A. I don't --

13 MS. VALL-LLOBERA: Objection; calls for  
14 speculation.

15 Q. (BY MR. RUSSO) As far as you're aware, no one  
16 forwarded this correspondence to the LULAC membership.  
17 Is that true?

18 MS. VALL-LLOBERA: Objection; calls for  
19 speculation.

20 A. I don't know.

21 Q. (BY MR. RUSSO) Looking at the talking points  
22 that she mentions here on the bottom of Page 1 and the  
23 back of Page 2, did you play any role in drafting those?

24 A. No, sir.

25 Q. Do you have any idea where they came from?

1 A. No, sir.

2 Q. Or who drafted them?

3 A. None at all.

4 Q. All right. Do you think this e-mail on  
5 November 4th would have provided you some knowledge of  
6 the potential hearing on the redistricting map?

7 MS. VALL-LLOBERA: Objection; calls for  
8 speculation. Objection; incomplete hypothetical.

9 A. I'm sorry. Repeat the question.

10 Q. (BY MR. RUSSO) Would this e-mail have provided  
11 you, had you read it, information on the hearing related  
12 to the redistricting maps?

13 MS. VALL-LLOBERA: Same objection.

14 Q. (BY MR. RUSSO) As to when they were going to  
15 occur, process that was in place, those kind of things?

16 MS. VALL-LLOBERA: Objection; calls for  
17 speculation and incomplete hypothetical.

18 A. No. It would provided me whatever information  
19 is listed here.

20 Q. (BY MR. RUSSO) Right. And that includes the  
21 potential hearing that is going to occur. Right?

22 A. Yes, sir.

23 Q. And she states that Commissioner Holmes was  
24 potentially going to provide opportunities for public  
25 comment during his presentation. Right?

1 A. That's what it says.

2 Q. Is there a reason why you don't open all of  
3 your e-mails?

4 A. Yes.

5 Q. And what is that?

6 A. It's -- they're overwhelming. They don't stop.

7 Q. There're a lot?

8 A. There're a lot, yeah.

9 Q. All right. So I take it that, since you didn't  
10 see this e-mail November 4th, at this point you didn't  
11 take any steps to prepare for any hearings in front of  
12 commissioners court. Is that true?

13 MS. VALL-LLOBERA: Objection; misleading.

14 Q. (BY MR. RUSSO) You can answer.

15 A. I didn't.

16 Q. What about LULAC?

17 A. I don't know.

18 Q. Who would I ask about that?

19 A. That I wouldn't even know either. Ultimately,  
20 I do know that Lillie Aleman attended the hearing. She  
21 was the president at that time.

22 Q. Of LULAC?

23 A. Of LULAC.

24 Q. Do you know was she copied on this e-mail?

25 A. I don't even know. Was she? No, I don't see

1 her e-mail address at all. In fact, it looks like I'm  
2 the only possible Latino listed here.

3 Q. You -- so the -- as far as you can tell, the  
4 other individuals listed on here, by their names,  
5 they're not Latinos, as far as you're aware?

6 MS. VALL-LLOBERA: Objection; calls for  
7 speculation.

8 A. Just from some of the names that I know, I know  
9 that they're not Latinos.

10 Q. (BY MR. RUSSO) Okay. And as far as you're  
11 concerned, this correspondence wasn't forwarded to  
12 LULAC, or at least you didn't forward it to LULAC?

13 A. I didn't forward it. Yes.

14 Q. Are you aware of whether or not  
15 Commissioner Holmes had any other conferences or  
16 discussions with any organizations in November of  
17 2021 --

18 MS. VALL-LLOBERA: Objection.

19 Q. (BY MR. RUSSO) -- related to redistricting?

20 MS. VALL-LLOBERA: Objection; calls for  
21 speculation.

22 A. No, sir, I don't.

23 Q. (BY MR. RUSSO) Do you know whether LULAC  
24 attended any other -- any Zoom hearings, meetings prior  
25 to the Galveston County's formal adoption hearing?

1 A. No, sir. No, sir, I don't.

2 Q. Do you know when it was -- I think I just asked  
3 you that. It's your belief that you would have become  
4 aware of the hearings through the paper?

5 A. Yes, sir.

6 MR. RUSSO: Mark that as 3.

7 (Exhibit No. 3 was marked.)

8 Q. (BY MR. RUSSO) That's a copy -- Exhibit 2 is a  
9 copy of interrogatory responses that have been provided  
10 by NAACP plaintiffs in this case.

11 THE REPORTER: Exhibit 3.

12 Q. (BY MR. RUSSO) Sorry. Exhibit 3 is a copy of  
13 those interrogatories. Have you seen those before  
14 today?

15 A. Yes, sir.

16 Q. All right. Do you recall in what context?

17 A. Just to review the answers. I believe I --

18 Q. If you look at the last pages, there's a  
19 certification signed.

20 A. I see -- now I -- yes, I recall that.

21 Q. That's your signature there. Right?

22 A. Yes, sir.

23 Q. December 19th, 2022?

24 A. Yes, sir.

25 Q. I am certifying the responses.

1                   If you will turn with me to page 24.

2           A.   Okay.

3           Q.   And I'm looking at -- let's see -- the fourth  
4 indented paragraph structure where it starts Edna  
5 Courville. Do you see that?

6           A.   I see that, yes.

7           Q.   And then the next -- second sentence there  
8 reads, "Joe A. Compian did not learn of the November  
9 12th, 2021 hearing until it was too late to prepare and  
10 attend."

11          A.   Yes, sir, I see that.

12          Q.   Do you see that?

13                   Do you maintain that's accurate today?

14          A.   I think that was accurate. That is accurate  
15 today.

16          Q.   All right. Do you know when it is you were  
17 notified of the hearing date?

18                   MS. VALL-LLOBERA: Objection; asked and  
19 answered.

20          A.   At this time I was dependent upon the  
21 newspaper. Am I saying that I read the newspaper every  
22 day? No. Just like those e-mails, no.

23          Q.   (BY MR. RUSSO) Okay. So it may have come to  
24 you in an e-mail before you read it in the paper, but  
25 you just don't know?

1 A. I don't know. I don't know.

2 Q. It could have come to you by e-mail, and you  
3 just didn't read it?

4 A. Didn't read it or hadn't read the newspaper  
5 that day either.

6 Q. Okay. So -- and you didn't attend the hearing.  
7 Correct? Right?

8 A. No, sir.

9 Q. Why didn't you attend the hearing on  
10 November 12th?

11 A. Because I really -- I didn't -- to the best of  
12 my recollection, I did not know what's happening.

13 Q. So it's your testimony you didn't know that the  
14 November 12th hearing was going on on the date that it  
15 occurred?

16 A. To the best of my recollection, I was now  
17 sitting on council as well --

18 Q. Of La Marque?

19 A. -- of La Marque --

20 Q. Okay.

21 A. -- in this time period.

22 Q. Mm-hmm.

23 A. Wasn't it the time period? Of '21. I joined  
24 council in '20, of the previous year.

25 And so I had some conflict. Usually with



1 regard to conflicts, I'm pretty good about trying to  
2 attend these things, as other events I've gone before  
3 commissioners will show historically, but for whatever  
4 reason this did not get -- I was not able to respond.

5 Q. Are you suggesting that it's potentially  
6 because you had a meeting at city council?

7 A. It could be. I have no idea. I don't recall.

8 Q. You don't remember?

9 A. I don't remember.

10 Q. All right. As you sit here today, do you  
11 recall knowing that the meeting was going to occur on  
12 November 12th, '21, before it happened?

13 A. I can't even -- I can't even say to you that  
14 I -- that I -- let me respond this way: I remember  
15 reading the newspaper article and saying, son of a gun,  
16 I missed the meeting. That's what I can recall.

17 Q. Okay. So the best of your recollection, you  
18 didn't realize the meeting was happening until it was  
19 already over. Correct?

20 A. That's -- that's -- that's the best of my  
21 recollection.

22 Q. Okay. Do you recall being -- were you in the  
23 country at the time?

24 A. Actually I don't know. I don't know.

25 Q. Is it possible you were in Costa Rica?

1 A. Could have been, actually.

2 Q. What was going on in Costa Rica in November  
3 of '21?

4 MS. VALL-LLOBERA: Objection; relevance.

5 A. I did go to Costa Rica. I go to Costa Rica  
6 pretty often, but I do know -- usually in November --  
7 November is my birthday, the 14th, and I try to get down  
8 there about my birthday. And sometimes, depending upon  
9 airfare and schedules and stuff, it could be a little  
10 before, a little after; so...

11 Q. (BY MR. RUSSO) Okay. Do you remember -- does  
12 this discussion refresh your recollection as to whether  
13 you were in the country at the time, November 12th,  
14 2021?

15 A. I don't recall right now. I don't recall.

16 Q. What do you think?

17 MS. VALL-LLOBERA: Objection; speculation.

18 Q. (BY MR. RUSSO) What do you believe?

19 A. There's a --

20 MS. VALL-LLOBERA: Objection; asked and  
21 answered. Objection; lack of foundation.

22 Q. (BY MR. RUSSO) You can answer.

23 A. Yeah. There's a possibility that I was out.

24 Q. A good possibility?

25 MS. VALL-LLOBERA: Objection to form.

1 A. I don't know.

2 Q. (BY MR. RUSSO) Okay. But as you sit here,  
3 it's possible that you were out of the country and  
4 that's why you missed the hearing. Correct?

5 A. It could be a possibility.

6 Q. We know, nothing else, we know you got an  
7 e-mail on November 4th of '21 offering a discussion with  
8 Commissioner Holmes on redistricting. Is that correct?

9 A. Yes, sir.

10 Q. Give me one second. It's always fun taking  
11 organization -- individual -- all right. I'll get it  
12 together in one second. All right.

13 MR. RUSSO: Is this 4?

14 THE REPORTER: Mm-hmm.

15 (Exhibit No. 4 was marked.)

16 Q. (BY MR. RUSSO) The court reporter is showing  
17 you Exhibit 4, Compian Exhibit 4.

18 A. Mr. Russo, are we finished with these? Pile  
19 them back there?

20 Q. We'll just leave them there so you can get them  
21 later.

22 A. All right. Exhibit 4?

23 Q. Yes, ma'am -- yes, sir. That's an e-mail dated  
24 Tuesday, November 9th, 2021. Do you see that?

25 A. November 9th. Okay.

1 Q. Again, from Ms. Williamson. Agreed?

2 A. Ms. Roxy D. Hall William [sic], yes.

3 Q. And also you see you're copied on that e-mail?

4 A. I do see my name on here, yes, sir.

5 Q. All right. The date on this is

6 November 9th, 2021. It says -- the e-mail states,

7 "Thank you so much for your response, support, and

8 advocacy. Please be advised the county commissioners

9 special meeting redistricting will be held Friday,

10 November 12th, 2021, 1:00 p.m. at the Galveston County

11 Annex." Do you see that?

12 A. Yes, sir.

13 Q. Okay. And it goes on to say, "Let's turn out

14 in record numbers." Right?

15 A. Yes, sir.

16 Q. Do you recall receiving this e-mail?

17 A. No.

18 Q. Did you forward the e-mail to -- as you recall,

19 to any LULAC members?

20 A. I don't recall doing that.

21 Q. What about the president?

22 A. I don't recall.

23 Q. It's Ms. Aleman?

24 A. Aleman.

25 Q. Do you see her e-mail on that list?

1 A. No, sir.

2 Q. Do you know what her e-mail is?

3 A. It is --

4 MS. VALL-LLOBERA: Objection; relevance --

5 Q. (BY MR. RUSSO) You can answer.

6 MS. VALL-LLOBERA: -- of this personal  
7 information.

8 Q. (BY MR. RUSSO) You can answer. If you know  
9 it.

10 A. I'm just trying to see if I recall it. I don't  
11 read the e-mails, and I honestly -- I'll use the pop-up  
12 when I'm sending e-mails.

13 Q. I do the same thing. I just didn't know if  
14 maybe you had an idea of what it was.

15 A. No. I'm not -- I'm not that brilliant.

16 Q. Okay. So, again, on -- in relation to this  
17 e-mail, had you read it in November of 2022, it would  
18 have let you know that the hearing was coming up in  
19 Galveston County Commissioners Court on the  
20 redistricting maps. Agreed?

21 MS. VALL-LLOBERA: Objection; calls for  
22 speculation. Objection; incomplete hypothetical.

23 Q. (BY MR. RUSSO) You can answer.

24 A. I would have had additional information, yes,  
25 sir.

1 Q. Had you read it, would you have prepared for  
2 the meeting?

3 MS. VALL-LLOBERA: Objection; incomplete  
4 hypothetical and calls for speculation.

5 Q. (BY MR. RUSSO) You can answer.

6 A. Probably. I -- probably.

7 Q. Do you believe, sitting here today, that you  
8 would have forwarded an e-mail to the LULAC membership  
9 or someone at the organization that could forward it to  
10 the membership?

11 MS. VALL-LLOBERA: Objection; incomplete  
12 hypothetical and calls for speculation.

13 But you can answer.

14 A. I probably would have done something like that,  
15 yeah.

16 Q. (BY MR. RUSSO) And would that have been the  
17 preferred way to handle the e-mail as opposed to just  
18 not reading it, do you think?

19 MS. VALL-LLOBERA: Objection; vague.

20 A. Preferably I would have known this Roxy person  
21 a long time before. Then I would have -- like if I got  
22 an e-mail from Joe Russo now, I'm going to probably open  
23 it. Right?

24 Q. (BY MR. RUSSO) Understood. But -- so I'm  
25 just -- I guess what my question is is -- I mean, part

1 of the reason why the LULAC Council didn't know about  
2 the hearing is they didn't receive notices which you  
3 could have provided. Do you agree?

4 MS. VALL-LLOBERA: Objection;  
5 mischaracterization and argumentative.

6 A. In which role, Mr. Russo?

7 Q. (BY MR. RUSSO) That's -- my question to you is  
8 you're a member of LULAC. Correct?

9 A. Yes, sir.

10 Q. And, I mean, perfectly reasonable for you to  
11 have forwarded the e-mail related to hearing  
12 information. Correct?

13 MS. VALL-LLOBERA: Objection to form.

14 A. Probably it's reasonable, yeah, probably  
15 reasonable.

16 Q. (BY MR. RUSSO) And that would have put the  
17 organization on notice of the hearing. Agreed?

18 MS. VALL-LLOBERA: Objection to form.

19 A. If they had opened the e-mail as well.

20 Q. (BY MR. RUSSO) And had they opened the e-mail,  
21 they would have known the hearing is coming up.  
22 Correct?

23 MS. VALL-LLOBERA: Objection to form.

24 A. I would assume so. If they read it, I would  
25 assume so.

1 Q. (BY MR. RUSSO) All right. So while we're on  
2 the topic of the hearing, have you -- well, let me --  
3 turn to page -- on the -- pull the interrogatories which  
4 is No. 3, I believe.

5 A. No. 3? Okay.

6 Q. And take a look at Page 15 if you would.

7 A. Okay.

8 Q. There's -- on Page 15 about the middle of  
9 the -- let's see. I'll give you the number in a second  
10 here, 1, 2, 3, 4 -- the fifth sentence in the full body  
11 paragraph, the fifth sentence, it's about midway through  
12 the paragraph. It starts approximately -- it says  
13 "approximately 150 to 200 people attended."

14 A. Oh, here it is, "approximately 150 to 200" --  
15 is that the one?

16 Q. Yes, sir.

17 A. In the middle. Okay.

18 Q. Yes, sir.

19 And it goes on to say that "150 to 250  
20 attended the November 12th, 2021 meeting." Do you see  
21 that?

22 A. Yes, sir.

23 Q. "Crowding into the meeting room which can only  
24 seat 70 people." Right?

25 A. Yes, sir.



1 Q. And may spill into the hallway?

2 A. Yes.

3 Q. Have you heard the complaint there were not  
4 enough seats at the county annex building where the  
5 meeting was held?

6 MS. VALL-LLOBERA: To clarify, in his  
7 individual capacity or as LULAC?

8 MR. RUSSO: Well, we can start with LULAC.

9 Q. (BY MR. RUSSO) you're aware of that allegation.  
10 Correct?

11 A. I have heard of it, yes. Yes, sir.

12 Q. Are you aware of anyone who did not have the  
13 opportunity to speak at the hearing that wanted to?

14 MS. VALL-LLOBERA: Objection; calls for  
15 speculation.

16 A. I don't know.

17 Q. (BY MR. RUSSO) Or "yes" or "no," are you aware  
18 of that? Have you ever talked to anyone who said I  
19 wanted to speak, but I couldn't show up?

20 A. No, sir.

21 Q. Or I wanted to speak, but I was in the hallway  
22 and couldn't get the microphone?

23 A. No, sir. I would have said I wanted to speak,  
24 but I didn't know about the meeting.

25 Q. What was that?

1           A. I wanted to speak, but I didn't know about the  
2 hearing.

3           Q. Okay.

4           A. None of those things happened, by the way.  
5 That's all I'm saying.

6           Q. Understood. Yeah. So you -- I mean, you  
7 haven't talked to anybody that said I wanted to be  
8 there, but I just didn't know about it. Correct?

9           A. No, sir.

10          Q. And -- so as far as you know, if an individual  
11 showed up at the meeting and wanted to speak, they had  
12 the opportunity to do so. Correct?

13                   MS. VALL-LLOBERA: Objection; speculation.

14          Q. (BY MR. RUSSO) As far as you're aware.

15          A. To the extent I'm aware, at previous times,  
16 people are -- who appear, even though there are a lot of  
17 them, get to speak.

18          Q. Right. And this is no different as far as you  
19 know?

20          A. I was not there, so I don't know.

21          Q. Again -- I just want to make sure we're clear.  
22 You haven't heard anybody complain otherwise. Correct?

23          A. Not to me.

24          Q. Well, have you heard somebody complain to  
25 someone else?

1           A. No. I'm just saying I can only speak to  
2 myself.

3           Q. Understood. Okay. I just wanted to make sure.

4           A. Yeah.

5           Q. Okay. And then you also are aware of the  
6 allegation that parking was insufficient or there was  
7 construction going on at the hearing at the meeting  
8 location?

9           A. It says -- yeah. It indicates here.

10          Q. As you sit here as the representative of LULAC,  
11 are you aware of any person that did not attend the  
12 meeting because they couldn't find a place to park?

13                   MS. VALL-LLOBERA: Objection; calls for  
14 speculation.

15          A. I know of no one myself personally.

16          Q. (BY MR. RUSSO) And are you qualifying that  
17 as -- I mean, you're here on behalf of LULAC. Can you  
18 not testify?

19          A. Well -- which -- which -- you're asking me on  
20 behalf of LULAC?

21          Q. Correct.

22          A. I did not receive any reports to that effect.

23          Q. All right.

24          A. No one brought that to my attention.

25          Q. All right.

1 A. That they did not -- let me -- just to be  
2 clear -- I'm getting tired right now. I'm sorry.

3 Q. I understand.

4 A. Oh, by the way, I know part of it. I haven't  
5 taken my -- excuse me -- my diabetes tablet. Just  
6 thought of that.

7 No one expressed to me that they could not  
8 park there. People have expressed complaints about the  
9 parking there. That's the distinction. Yes.

10 Q. Right. But my question was: Are you aware of  
11 any person who didn't find a place to park and left the  
12 meeting?

13 A. Like I said, no one has brought that to me.

14 Q. And you're comfortable testifying on behalf of  
15 LULAC on that point. Correct?

16 A. Yeah. Yes, sir.

17 Q. All right. Do you know what -- do you know  
18 what the phrase "racially polarized voting" means?

19 A. Where are you -- do you have a specific line?

20 Q. I'm sorry. Say that again?

21 A. Is that something in this document?

22 Q. Well, yeah. We can look at it. Look at  
23 Page 16.

24 A. I don't know what context you're...

25 Q. We can look at Page 16. It's used in your

1 interrogatory responses. If you look at page 16, second  
2 indention, the first sentence states, "There is legally  
3 significant racially polarized voting in Galveston."

4 A. Well, I concur with this. This is what I've  
5 spoken to earlier about communities now existing in  
6 sufficient numbers to become involved in government.

7 Q. Okay. So my specific question is: Do you know  
8 what racially polarized voting is?

9 A. Well, just by the -- do I have a dictionary  
10 definition? No.

11 Q. And if I were to say to you I want to discuss  
12 racially polarized voting, would you be able to do that?

13 MS. VALL-LLOBERA: Objection; incomplete  
14 hypothetical.

15 A. I believe you and I could have that  
16 conversation.

17 Q. (BY MR. RUSSO) Okay. What could you tell me  
18 about racially polarized voting and what the phrase  
19 means?

20 A. That there is a tendency for our -- for members  
21 of -- of our Black and Brown community to vote for  
22 people that look like them or share their interests on  
23 issues, to support issues that are of concern to them.

24 Q. Do you have any other understanding of what  
25 that phrase means?

1 A. No. That's all.

2 Q. All right. There's also the allegation in the  
3 same sentence -- I'm sorry -- the next sentence,  
4 specifically there's a geographically compact population  
5 of Black and Latino voters. Do you see that?

6 A. I do, yes.

7 Q. Do you know what the phrase "geographically  
8 compact population" is referring to?

9 A. I believe so.

10 Q. Okay. What's your understanding of that?

11 A. We have an area of community where there is a  
12 significant presence of members of communities of color.

13 Q. Is that it?

14 A. Yes, sir.

15 Q. All right. And then the sentence goes on to  
16 say "who constitute a majority of single-member  
17 commissioner -- a single-member commissioner precinct.  
18 These voters are politically cohesive." Do you see that  
19 phrase?

20 A. I do.

21 Q. Do you know what's meant by politically  
22 cohesive?

23 A. Once again, they vote based upon issues.  
24 Present me a candidate that has issues that I agree with  
25 and we have a shared interest in certain areas, the

1 Black and Brown voters, Latino voters.

2 Q. Do you have sort of an -- what's your  
3 understanding of what it takes to have a politically  
4 cohesive set of voters?

5 A. Once again, a shared interest in issues. We --  
6 we'll have a community that desires to build -- well,  
7 I'll go back even further.

8 We have a community with a long history  
9 where our infrastructure in our community is causing us  
10 to lose 60 percent of our water -- of our water. That  
11 community doesn't have the wherewithal financially to  
12 repair that infrastructure. If we have to compete  
13 against other wealthier parts of the county with a  
14 higher number of voters that are other than Brown and  
15 Black that live in this geographic area, then our  
16 concerns are ignored. We can't get any support to  
17 repair the infrastructure.

18 Q. Okay. Is that -- I mean, your testimony is  
19 that somehow relates to politically cohesive voting?

20 A. Yes. It's do we invest -- how we are going to  
21 invest in improving the safety of our water or the  
22 breaks -- the sewer breaks and where sewer is flowing  
23 into the -- into the ditches.

24 Q. Okay. So I'm trying to sum up here. Is it  
25 your testimony that politically cohesive voting deals

1 with how you deal, in this particular instance, with  
2 sewer problems?

3 A. It could be -- once again, there's a -- it  
4 could be that. It could be affordable housing. It's  
5 just a distinction between what we in a Black and Brown  
6 community think is important, such as this -- such as  
7 trying to elect people that look like us and --

8 Which, by the way, does not make it -- I  
9 don't know if you're assuming, Mr. Russo, or something  
10 that by electing people that look like us that we are  
11 less qualified in some fashion. I hope we're not saying  
12 that, are we?

13 Q. I'm not sure what you're saying. I'm just  
14 asking questions.

15 A. Okay. All right. I just -- the thought just  
16 occurred to me somehow that somehow the fact that Black  
17 and Brown seek to vote and support a person who also  
18 happens to be Black and Brown on these issues that --  
19 you know, as opposed to talking about -- I don't know --  
20 what do they -- what are they talking about in the north  
21 county? The library, how many library books to pull out  
22 of -- to pull out of the League City Library, which we  
23 share now a district.

24 Q. Did that relate to the League City Library  
25 somehow?



1           A. Yeah. That was the League City. It's going on  
2 now. They tried to bring it to our community; we said  
3 no way.

4           Q. So you said a couple of times that you would  
5 like to have, I guess, a representative that looked like  
6 you. Right?

7                       MS. VALL-LLOBERA: Objection; misstates  
8 prior testimony.

9           A. I'm going to be up front. Yeah, it would be  
10 helpful. Mm-hmm.

11           Q. (BY MR. RUSSO) Do you think that African  
12 American voters want the same thing?

13                       MS. VALL-LLOBERA: Objection; speculation.

14           A. I think they're comfortable and -- and I point  
15 to myself; I point to other members that previously  
16 served here in the old Precinct 3 as constables or --  
17 both Latino and African Americans. There's support of  
18 members of each community by others from the opposite  
19 community. Right? It's all -- we're focused on issues  
20 for our --

21           Q. (BY MR. RUSSO) So just so the testimony is  
22 clear, when you say you'd like a representative that  
23 looks like you, you're saying that's true if it's a  
24 Latino representative or an African American  
25 representative. Is that correct?

1 A. And they're -- they're articulating and  
2 advocating for issues that -- the color is not the  
3 primary concern. Right? I go back. I've said it over  
4 and over. It's the issues. Can we get behind someone  
5 with these issues? It's great if they happen to be  
6 Latino, African American member of communities of color  
7 in what we've built here locally.

8 Q. And do you believe voters generally vote for  
9 the issues in Galveston County or they overly worried  
10 about race here?

11 A. Some -- there's some that are overly worried  
12 about race.

13 Q. In your estimation, is that the majority of  
14 people in Galveston County --

15 A. Oh, I don't know.

16 Q. Or what do you think?

17 MS. VALL-LLOBERA: Objection; speculation.

18 Q. (BY MR. RUSSO) And I'm asking for your  
19 estimate.

20 A. Yeah. I don't know, Mr. Russo, except I can  
21 tell you this: There was a friend of mine running in  
22 the Republican primary who's very competent. Successful  
23 businessman. Successful medical doctor, who, as part of  
24 his campaigning effort, went knocking on doors and was  
25 told on more than one occasion that they would never

1 | vote for a Mexican. And he has a Spanish surname.

2 | Q. Where was this?

3 | A. League City.

4 | Q. The election was where?

5 | A. It was here in Galveston County. He was

6 | running for a position here, a house seat.

7 | Q. A Texas House?

8 | A. Texas House, yes.

9 | Q. The Congress?

10 | A. State.

11 | Q. State house?

12 | A. State house here.

13 | Q. And when did this conversation occur?

14 | A. The last primary.

15 | Q. So in '22?

16 | A. 20- -- 20- --

17 | Q. In 2022?

18 | A. Yeah, '22. Yeah. '22.

19 | Q. Do you know this, individual?

20 | A. Oh, yeah.

21 | Q. Or was this heard secondhand?

22 | A. No. Personal friend.

23 | Q. Did you hear the conversation personally?

24 | A. That -- they conveyed to me, he and his wife.

25 | They conveyed that personally to me.

1 Q. Right.

2 A. They -- I wasn't with them knocking on the  
3 door.

4 Q. Right. So you didn't actually hear the  
5 conversation between voter -- presumed voter or citizen  
6 of League City and your friend?

7 A. I'm just telling you what --

8 Q. They conveyed that to you secondhand?

9 A. Yes, sir.

10 Q. Have you ever heard that yourself? An  
11 individual say they would never vote for a Latino or a  
12 Mexican, in the past ten years?

13 A. Yes.

14 Q. You have?

15 A. Yes.

16 Q. Are you comfortable disclosing the  
17 circumstances of that?

18 A. Just in terms of knocking on doors for -- for  
19 candidates.

20 Q. Okay. Give me an example of when this  
21 happened.

22 A. When there was -- when there was a candidate  
23 for a city council race going door to door and we had  
24 teams and several of us were told by voters, I'll never  
25 vote for that -- well, some word, some other -- some

1 | used vulgar language or, I'm sorry, I'll never vote for  
2 | a Black person. But it's unfortunate. I'm not saying  
3 | it happened often, but it happened.

4 | Q. Would you call it rare?

5 | MS. VALL-LLOBERA: Objection;  
6 | mischaracterizes.

7 | A. I don't know -- I'm not saying it happened  
8 | often. It was during my knocking on doors.

9 | Q. (BY MR. RUSSO) I got it. Would you call that  
10 | experience rare, for you?

11 | MS. VALL-LLOBERA: Objection; vague.

12 | A. I don't know what your definition of rare is.

13 | Q. (BY MR. RUSSO) What's your definition of  
14 | often?

15 | A. If I hear it more than once, it's often. I  
16 | feel that we should be beyond that.

17 | Q. So then you're saying it hasn't happened often,  
18 | which means it didn't happen more than once?

19 | MS. VALL-LLOBERA: Objection;  
20 | mischaracterizes.

21 | A. I didn't say that. I said on more than one  
22 | occasion.

23 | Q. (BY MR. RUSSO) Right. But you said it hasn't  
24 | happened often. You told me that. You testified to  
25 | that, it hasn't happened often.

1 A. It hasn't?

2 Q. Correct.

3 A. I don't recall saying that. I'm sorry if I  
4 said that.

5 Q. Okay. So your testimony now is that it has  
6 happened often?

7 A. I said that. On more than one occasion, I  
8 heard that statement made.

9 Q. Okay. More than one occasion?

10 A. Mm-hmm.

11 Q. Do you consider that to be often?

12 A. Yes, sir.

13 Q. And do you think that is the -- that happens in  
14 the majority of doors you knocked on?

15 MS. VALL-LLOBERA: Objection; asked and  
16 answered.

17 A. No.

18 Q. (BY MR. RUSSO) Do you think it happened on 10  
19 percent of the doors you knocked on?

20 A. I can't answer that in terms of percentages  
21 because I don't know. I don't know.

22 Q. Okay. Best guess it happened, but we don't  
23 know how often?

24 A. Yeah. But I can't tell you percentage-wise.

25 MS. VALL-LLOBERA: Objection;

1 mischaracterizes.

2 Q. (BY MR. RUSSO) All right. I think we can come  
3 back to that.

4 MS. VALL-LLOBERA: It's been about an hour.  
5 Would you like to take a break?

6 THE WITNESS: No. I want to keep going.

7 MS. VALL-LLOBERA: Okay.

8 Q. (BY MR. RUSSO) Are you alleging in this case  
9 that White voters in Galveston County vote sufficiently  
10 as a block so as to defeat a candidate preferred by  
11 minorities?

12 MS. VALL-LLOBERA: Objection to form.

13 A. It's our belief that in this redrawn line  
14 that's exactly the case.

15 Q. (BY MR. RUSSO) In the what?

16 A. That's exactly the case. I'm sorry.

17 Q. The expectation is that the voters -- a White  
18 voter is going to outvote the minorities' candidate?

19 A. Yes, sir.

20 Q. What facts do you use to support that claim?

21 A. Voter turnout.

22 Q. So the -- by -- are you saying -- what do you  
23 mean voter turnout? Explain that to me.

24 A. There's a higher level of voter turnout in  
25 Anglo areas than there are in the Black and Latino

1 areas -- communities. And the lower income -- in the  
2 lower income communities as well.

3 Q. So then the fact that more of the -- you  
4 believe that more of the White voters show up to vote,  
5 that that contributes to minority candidates not winning  
6 those races?

7 MS. VALL-LLOBERA: Objection; misstates  
8 prior testimony.

9 A. I believe it is a factor, yes, sir.

10 Q. (BY MR. RUSSO) Just in general -- you bring up  
11 an interesting point.

12 Do you believe that, as a percentage of the  
13 voter -- percentage of the voting race -- okay? -- a  
14 percentage of Latino voters and Black voters and White  
15 voters, do you believe or understand that less Latino  
16 voters show up as a percentage of their population than,  
17 say, Black voters?

18 MS. VALL-LLOBERA: Objection; calls for  
19 speculation. And, Counsel, are you asking in his  
20 personal capacity --

21 MR. RUSSO: Yes.

22 MS. VALL-LLOBERA: -- or on behalf of  
23 LULAC?

24 Q. (BY MR. RUSSO) Yeah -- well, I'll ask LULAC in  
25 a minute, but, yeah, right now just you?



1 A. I'm bipolar today.

2 Could you -- I didn't quite comprehend all  
3 of that.

4 Q. Yeah. And, frankly, the question is pretty  
5 simple in form, but it's tough to articulate, so I'll  
6 try again.

7 Do you have any belief as to whether the  
8 Latino voters, as a population, go to the polls less  
9 percentage-wise than, say, of the Black population of  
10 voters? Is that true? Do you believe that to be true?

11 MS. VALL-LLOBERA: Objection; calls for  
12 speculation.

13 A. I don't know that -- no. I don't know that.

14 Q. (BY MR. RUSSO) Okay. I'm just wondering if  
15 you --

16 A. Yeah.

17 Q. -- if you thought about it?

18 A. No, I don't know that.

19 Q. Okay. Does that -- thinking about it now or  
20 hearing that question, does it make any sense to you  
21 that that might be true?

22 MS. VALL-LLOBERA: Objection; calls for  
23 speculation.

24 A. It's -- its not -- I think we look at numbers.  
25 In either myself or LULAC, we're looking at where's the

1 greatest turnout. Right? And we look at that. We look  
2 for that. So as the old Precinct 3, we could see that;  
3 we could see where our turnout -- highest turnout was.

4 And -- and then and under the new line, we  
5 can also see where the highest turnout is. It's in the  
6 north county of League City area.

7 Q. (BY MR. RUSSO) Okay. So do you know  
8 whether -- has LULAC done any kind of review or analysis  
9 of that that you're aware of in terms of who -- which of  
10 the White voter group, Latino voter group, Black voter  
11 group, which of them turns out more -- most as a percent  
12 of their population?

13 A. There's just past information, past the polling  
14 lines, but there's nothing new yet. Right? In terms  
15 of --

16 Q. Not unless you're clairvoyant.

17 A. Yeah, I guess so. Not yet anyway, under the  
18 new line.

19 Q. Okay. But you're aware of LULAC looking at  
20 historical figures?

21 A. Historically, we look at that. We can look at  
22 historical.

23 Q. And do -- as you sit here, do you know whether  
24 LULAC has a feel for which of the groups show up the  
25 most as a percentage of their population?

1 MS. VALL-LLOBERA: Objection; vague.

2 A. Anglos.

3 Q. (BY MR. RUSSO) Anglos show up the most?

4 A. (Nodding head.)

5 Q. And then is there -- can -- do you know of a  
6 difference between the Black voters and Latino voters?

7 MS. VALL-LLOBERA: Objection; calls for  
8 speculation.

9 A. Clarify -- supplement my answer, Anglo high  
10 income, those two. High-income voters in general turn  
11 out higher. And they happen to be predominantly Anglo  
12 in the high-income areas.

13 Q. (BY MR. RUSSO) And so -- and I asked about  
14 is -- is there any -- is LULAC aware of any difference  
15 in proportion -- proportional turnout between a Black  
16 voter and the Latino voter?

17 A. Not that I'm aware of, no.

18 Q. Have you done any -- any -- are you aware,  
19 LULAC speaking, are they aware of any sort of the  
20 political demographics within the specific areas of the  
21 county? And we'll start with, let's just say, La  
22 Marque. Is LULAC aware of sort of what the political  
23 makeup of La Marque looks like?

24 MS. VALL-LLOBERA: Objection; calls for  
25 speculation.

1 A. No, sir.

2 Q. (BY MR. RUSSO) What about Galveston? The city  
3 of Galveston?

4 MS. VALL-LLOBERA: Objection; calls for  
5 speculation. Also vague.

6 A. Yeah. I don't know what -- what do you mean by  
7 political?

8 Q. (BY MR. RUSSO) Well, are the residents of this  
9 particular city likely to vote Democrat or Republican?

10 MS. VALL-LLOBERA: Objection; calls for  
11 speculation.

12 Q. (BY MR. RUSSO) Or any other independent?

13 MS. VALL-LLOBERA: Objection; calls for  
14 speculation.

15 A. I don't -- I don't know. I don't know.

16 Q. (By MR. RUSSO) But I -- again, you know, I ask  
17 the questions. Is that true for any of the cities in  
18 Galveston County? Just no idea of what that political  
19 makeup would look like?

20 A. Don't know. We don't -- we look at turnout.  
21 We look at turnout, not the political makeup.

22 Q. But don't really have an idea whether the  
23 citizens of any particular city are voting for generally  
24 a Democratic candidate versus a Republican candidate?

25 A. No. We don't monitor that.

1 Q. All right. Okay. I think I asked -- did I --  
2 I think we talked about the racial makeup of various  
3 cities, but just to be sure, does LULAC maintain or  
4 analyze the data of the racial makeup of cities within  
5 Galveston County?

6 MS. VALL-LLOBERA: Objection; asked and  
7 answered.

8 Q. (BY MR. RUSSO) I think I did, but...

9 A. Yeah. No, sir.

10 Q. No?

11 A. No, sir.

12 Q. Is that true for all the cities in the county?

13 A. No, we don't.

14 Q. All right.

15 MR. RUSSO: Why don't we -- can we take a  
16 quick break? Is that all right with you?

17 THE WITNESS: Yeah. If you need to take a  
18 break, that's fine.

19 MR. RUSSO: I think I may have a document  
20 or two I need to grab, and it's probably a good time  
21 anyway.

22 THE WITNESS: That's good.

23 MR. RUSSO: Does that work for you?

24 THE WITNESS: That's good. I'm fine right  
25 now.

1 MS. VALL-LLOBERA: Yes.

2 THE VIDEOGRAPHER: Off the record at 2:52.

3 (Recess taken.)

4 THE VIDEOGRAPHER: Back on the record

5 at 3:15 p.m.

6 Q. (BY MR. RUSSO) All right. So, Mr. Compian --

7 A. Yes, sir.

8 Q. If you could take a look at -- Compian

9 Exhibit 3, which is the interrogatories again one more  
10 time.

11 A. All right.

12 Q. Specifically look at Page 14 for me if you  
13 could.

14 A. Okay.

15 Q. The very top sentence on that page, it reads,  
16 "The County did not include Commissioner Holmes in its  
17 redistricting plans."

18 A. Okay.

19 Q. Do you see that?

20 A. Yes, I see that.

21 Q. Is that the allegation that LULAC makes in this  
22 case?

23 A. That's what we -- yes.

24 Q. And my question is: What do you base that  
25 allegation on?

1 A. I think the statement by the commissioner  
2 himself.

3 Q. Okay. Is it that Commissioner Holmes stated he  
4 had no involvement in the process. Correct?

5 A. That's what I understand.

6 Q. Is there anything else, from your  
7 understanding?

8 A. No.

9 Q. Okay. All right. That was my question on  
10 that.

11 Are you doing okay?

12 A. Yeah. I'm fine. It's my nap time.

13 Q. Yeah. Mine as well. Do you believe that  
14 there's a history of official or governmental  
15 discrimination in Galveston County over the past ten  
16 years?

17 MS. VALL-LLOBERA: To clarify, LULAC or his  
18 personal capacity?

19 MR. RUSSO: Yeah, LULAC.

20 A. Official? Can you help me a bit?

21 Q. (BY MR. RUSSO) Yeah.

22 A. What do you define as official?

23 Q. Basically sort of a governmental type of  
24 entity, state entity, school organization, health  
25 district, I guess the entities in charge, generally

1 speaking. And based on your time in Galveston County,  
2 are you aware, sir, that --

3 A. Well, perhaps -- perhaps I can best answer that  
4 by focusing on issues and maybe that -- because you said  
5 if there was an official policy of discrimination?

6 Q. Yeah. Let me just phrase the question again  
7 for you and see if maybe we can get it answered that  
8 way.

9 Is it your belief that there's a history of  
10 official or governmental discrimination in Galveston  
11 County over the past ten years?

12 MS. VALL-LLOBERA: Objection; speculation.  
13 And clarifying again, this is LULAC?

14 MR. RUSSO: Absolutely it is.

15 A. I'm going to focus on the issues, and what we  
16 consider -- we, referring to LULAC -- knowing its  
17 advocacy, would be considered discriminatory; it's  
18 exceptional. The fact that you're willing to use tax  
19 dollars to, quote, enforce immigration laws that are the  
20 responsibility of the federal government, that's --  
21 that's -- that's picking -- that's -- on some -- on  
22 people that we shouldn't even be involved with.  
23 Notwithstanding the fact that LULAC is not in favor of  
24 open borders, mind you. We believe in border controls;  
25 we do believe in that. But we believe follow the law



1 | over there in terms of that's a federal responsibility  
2 | and now you've got this other individuals that are out,  
3 | you know, threatening people, at one time. And this is  
4 | within the past ten years, mind you. Shoot anybody that  
5 | comes across the borders.

6 | I actually went to commissioners court here  
7 | when there was -- there was a first effort, and I cannot  
8 | recall but on behalf of LULAC on behalf of Gulf Coast  
9 | Interfaith and there were some of us -- and this was at  
10 | a time where -- just words, how words can cause people  
11 | to take unreasonable actions that can result in people  
12 | hurting each other.

13 | And I said that -- that -- that rhetoric,  
14 | please understand that these words have ramifications.  
15 | Words of hate have negative outcomes, and we've seen  
16 | that. Yes.

17 | Q. (BY MR. RUSSO) So you mentioned the issue of  
18 | sending funds down to the border?

19 | A. Yes.

20 | Q. And we talked about that earlier?

21 | A. Yes.

22 | Q. It's your view that that's an example of  
23 | official discrimination by Galveston County?

24 | A. Yeah. It's discriminatory. That whole -- it's  
25 | picking on someone.

1 Q. And who are -- who is the County picking on in  
2 that instance?

3 A. On Latinos, in general. Latinos, in general.

4 Ah. I know the other area -- I just  
5 recalled now. Like I said, it's great I'm spending the  
6 time focusing on these things.

7 When -- and I don't really remember what --  
8 I think it was actually during the Obama administration  
9 truthfully, but I remember when the start of these  
10 immigration holds began.

11 And we went before commissioners -- I  
12 recall that -- and even encouraged the sheriff not to do  
13 that. Now, we believed that you should make sure that  
14 there's not some outstanding warrants on anyone that is  
15 undocumented, you know, some violence, some felony in  
16 some other jurisdiction. But a person who was simply  
17 stopped because they made a wrong -- made a left turn  
18 without signaling and arrested for that, who has a long  
19 work history here already, has family, has actually  
20 bought a house -- and these are instances where this had  
21 happened -- that's not deserving of being --

22 Q. Well, let me pause you right there. Are you  
23 talking about an actual incident, or are you talking  
24 about a hypothetical?

25 A. No. I'm talk -- no, this was an actual

1 incident.

2 Q. Where did this happen?

3 A. This happened here in Galveston County when the  
4 Galveston County Sheriff's Department implemented their  
5 participation. I want to think it's -- it's the 307  
6 hold or -- it's immigration hold; there's a number that  
7 goes with it. And sheriff's departments across -- and  
8 police departments across the country could either opt  
9 in or opt out.

10 Q. And then so your testimony is that Galveston  
11 County Sheriff's Department opted in at some point?

12 A. Yeah.

13 Q. Do you know when that occurred?

14 A. It was some discussion that occurred at  
15 commissioners court.

16 I don't recall, but I want to say maybe it  
17 was -- maybe about -- that's what I'm saying, back  
18 around the Obama administration, maybe ten years, ago  
19 something like that. It was during that time period.

20 Q. Did you -- you said you met -- went to  
21 council -- sorry -- not council --

22 A. I went to --

23 Q. -- but commissioners court meeting on that?

24 A. Yes, sir. I spoke out against it in the public  
25 comment section.

1 Q. Okay. And then that's in your view an example  
2 of discrimination against who?

3 A. Against -- against -- first of all, to stop a  
4 Brown person, it was just -- just people -- there was  
5 this -- this anti-immigrant, anti- -- I would call it  
6 anti-immigrant attitude that if you were Brown, you're  
7 considered undocumented. You know, I will tell you  
8 after -- after one of the elections --

9 Q. Wait, wait, wait. Let me stop you there.

10 A. Okay.

11 Q. Are you suggesting that there is a policy in  
12 place with the Galveston County to stop and pull over  
13 individuals that looked -- I don't know -- Brown or?

14 A. Oh, yeah.

15 Q. Latino?

16 A. (Nodding head.)

17 Q. Just because they look Brown or Latino?

18 MS. VALL-LLOBERA: Objection; misstates  
19 prior testimony.

20 Q. (BY MR. RUSSO) You can answer.

21 A. Yeah. We believe so, yes.

22 Q. You believe so?

23 A. We thought so. We said you shouldn't do this.

24 Q. But despite -- but you believe there is a  
25 policy implemented just like that?

1 A. Yeah. It was part of this anti-immigrant  
2 rhetoric at the time.

3 Q. And specifically it was stop and detain  
4 individuals who looked Latino?

5 A. (Nodding head.)

6 Q. Yes?

7 A. Looked Brown, yes.

8 Q. Okay. Is there anything else that you can  
9 think of that constitutes what you believe is official  
10 discrimination in Galveston County?

11 A. Well, those instances come to my mind, the  
12 immigration holds and those things. Give me time. I'll  
13 probably think of something else.

14 Q. Time we have, I guess.

15 A. Yes, sir.

16 Q. Has -- is LULAC, as an organization, aware or  
17 have they done studies of the socioeconomic condition of  
18 Galveston County residents, the disparities between  
19 different groups in Galveston County?

20 MS. VALL-LLOBERA: Objection; compound and  
21 vague.

22 A. Socioeconomic differences? No.

23 Q. (BY MR. RUSSO) You're not aware of any?

24 A. I'm not aware of any, no.

25 Q. Have there been any studies -- let me break it

1 down a little bit further -- related to sort of health  
2 or educational distinctions between what's provided for  
3 Latino citizens and others?

4 MS. VALL-LLOBERA: Objection; vague.

5 A. I -- well, only -- I -- the only thing that  
6 comes to my mind right now is that during COVID we were  
7 seeing and I received a call, once again, from the  
8 health authority that we need to encourage individuals  
9 who primarily spoke Spanish to come in and get  
10 vaccinated or to -- first of all, to get tested, COVID  
11 tested. Right?

12 Q. (BY MR. RUSSO) Right.

13 A. That began -- that was the first, to come in  
14 and have that terrible swab up your nose and -- you  
15 know, it was terrible.

16 Q. I'm laughing because of my kids' reaction to  
17 that. It was hilarious.

18 A. Oh. Oh. I can imagine.

19 Q. Go on. Sorry.

20 A. And -- and that they were seeing -- and you  
21 follow the dashboard that the County created for COVID  
22 and you could see -- and you go back -- I think they  
23 still have the information listed -- the greatest number  
24 of COVID-positive cases --

25 Q. Mm-hmm.

1 A. -- were Latino females. And that -- and so the  
2 ask was please help us reach out to this community. No  
3 one is going to -- no one is going to arrest them.  
4 Right? That's what the fear is, that "I'm going to get  
5 arrested" or "I'm going to be" -- no. Just come in  
6 and -- so...

7 Q. Yeah. In that instance the -- the, I guess,  
8 the problem, you're brought in to deal with the language  
9 barrier, I guess, that was -- that occurs between the  
10 Latino community and those who are trying to provide  
11 COVID relief?

12 A. No. It's not just a language barrier. It's  
13 the credibility, Mr. Russo. Right? Don't be fearful  
14 of -- there may be a policeman, a sheriff's deputy over  
15 there, but they're not there to arrest you. Right?  
16 "They're going to ask for my papers or this or that."  
17 No. It didn't happen.

18 Q. Right.

19 MR. RUSSO: I need that marked.

20 (Exhibit No. 5 was marked.)

21 THE WITNESS: Okay. Thanks. Ah. Here it  
22 is, COVID -- Pastor -- Pastor Gomez here. See there?

23 Q. (BY MR. RUSSO) Now, I've provided you a copy  
24 of what's been marked as Compian Exhibit 5. It's an  
25 article in the Galveston Daily News dated

1 June 29th, 2020.

2 A. Yes.

3 Q. And this article, generally speaking, reflects  
4 what you were just describing. Right?

5 A. Yes.

6 Q. COVID issues that the community needs some help  
7 with. Right?

8 A. Yes, sir.

9 Q. All right. I want to look at the page -- let's  
10 see -- 4 of the article. Again, read as much as you'd  
11 like to, but my main question is on Page 4.

12 A. Page 4, 4 of 6? Yes, I see that.

13 Q. And then under the heading it's language  
14 resource -- resource -- language, comma, resources  
15 barrier. Do you see that?

16 A. Yes. I saw that, yes.

17 Q. And there's a -- it's not a quote from you, but  
18 it looks like they have some information on you.

19 A. Right.

20 Q. Right? And it states that Joe Compian, cochair  
21 of the Civil Rights Committee for the Galveston's  
22 chapter of the League of United Latin American Citizens,  
23 said he has noticed an apparent lack of knowledge or  
24 caution at some events when he was interacting with  
25 immigrants or people who don't speak English.



1 A. Yes, sir.

2 Q. Do you see that?

3 A. Yes, sir.

4 Q. Yeah. And -- so dealing with this issue is a  
5 particular issue that Latinos faced in the community.

6 Correct?

7 A. Yes, sir.

8 Q. I mean, those are the barriers up against the  
9 individuals that we're talking about in the article on  
10 COVID, is those individuals needed to overcome the  
11 language differences, and what you also mentioned is the  
12 barrier being their willingness, I guess, to trust?

13 MS. VALL-LLOBERA: Objection; compound  
14 question. Objection; mischaracterizes.

15 Q. (BY MR. RUSSO) You can answer.

16 A. Yeah, the language issue, and I'll speak to  
17 the -- very generally that caution. They're fearful.  
18 There's this -- they're very cautious about coming in --  
19 right? -- and accessing these services.

20 Q. Okay. Are you aware whether or not problems,  
21 well, strike that question.

22 The problems we're talking about in terms  
23 of COVID and the Latinos we're dealing with is -- it  
24 doesn't necessarily include sort of the Black  
25 citizens -- citizens who are Black in the community.

1 | This is a Latino issue described in this article. Would  
2 | you agree?

3 | MS. VALL-LLOBERA: Objection; misleading.

4 | A. At -- I don't know if I would describe it as a  
5 | Latino issue. It was something that impacted a  
6 | significant amount of Latinos, but to call it a Latino  
7 | issue, I don't know that I'd go that far.

8 | Q. (BY MR. RUSSO) Well, would you --

9 | A. I don't know what --

10 | Q. Well, let me ask you this, just in a general  
11 | sense: You mentioned that, you know, the language  
12 | speaking -- individuals who speak Spanish was one of the  
13 | defining characteristics of a Latino individual.  
14 | Correct?

15 | A. That was one.

16 | MS. VALL-LLOBERA: Objection.

17 | THE WITNESS: I'm sorry.

18 | MS. VALL-LLOBERA: Misstates prior  
19 | testimony.

20 | Q. (BY MR. RUSSO) And that's -- the language  
21 | barrier is not something, generally, that the Black  
22 | residents of the county have to deal with. Would you  
23 | agree?

24 | A. If they speak English. Not all Black residents  
25 | speak English.

1 Q. Do you know of a considerable amount of  
2 residents or friends of yours -- Black residents of the  
3 community that have a language barrier due to speaking  
4 Spanish?

5 A. Yeah. Our Central American friends that are  
6 Afro-Latinos.

7 Q. Okay. And they had the same issues with --  
8 that you dealt with in COVID?

9 A. Yes.

10 Q. Are those individuals that you're thinking of,  
11 do you know whether they identify as Latin American or  
12 Black voters for purposes of this case?

13 MS. VALL-LLOBERA: Objection; speculation.

14 A. I don't know how they identified themselves.

15 Q. (BY MR. RUSSO) Okay. But you would agree that  
16 earlier we discussed how you would define Latinos and  
17 one of the issues was they spoke Spanish, generally.  
18 Correct?

19 MS. VALL-LLOBERA: Objection; misstates  
20 prior testimony.

21 Q. (BY MR. RUSSO) Is that true?

22 A. I said that was one factor, yes.

23 Q. Is it your belief -- and let me ask you this  
24 from the LULAC point of view first. Is it your belief  
25 that White Galveston County voters vote generally for

1 the same candidates?

2 MS. VALL-LLOBERA: Objection; calls for  
3 speculation.

4 A. That's the power of the incumbency. You see  
5 the same people in office so, yes.

6 Q. (BY MR. RUSSO) And is your -- I mean, I guess  
7 your personal view is the same as individual plaintiff?  
8 You would agree that you believe White Galveston County  
9 voters vote for the same -- same candidates?

10 MS. VALL-LLOBERA: Objection; calls for  
11 speculation.

12 A. Once again, they support the incumbent who  
13 happens to be Anglo.

14 Q. (BY MR. RUSSO) Okay. So you're -- does my  
15 question necessarily assume that there was an incumbent  
16 in place that was also White or Anglo decent? Or is  
17 your answer assuming that?

18 MS. VALL-LLOBERA: Objection to form.

19 A. Yeah, I'm saying -- do they support? I said  
20 they support the incumbents, which are Anglo.

21 Q. (BY MR. RUSSO) An incumbent, you mean somebody  
22 who has already had the seat over time?

23 A. Yes.

24 Q. And your view is -- to make sure that you're  
25 answering the question I think you're answering -- is --

1 A. Mm-hmm.

2 Q. -- that White voters tend to vote for  
3 incumbents?

4 MS. VALL-LLOBERA: Objection; misstates  
5 prior testimony.

6 A. I believe so. The records show -- yeah, I  
7 believe so. Yes.

8 Q. (BY MR. RUSSO) Okay. What about in situations  
9 where -- I don't know. Let's take your situation where  
10 you had a seat open, in that instance, is it your view  
11 that White voters generally vote for the same candidates  
12 amongst the voting population?

13 MS. VALL-LLOBERA: Objection; calls for  
14 speculation.

15 A. My race was a very interesting race. The west  
16 side of La Marque and then part of, at that time, old La  
17 Marque -- I call it old La Marque. Let's call it La  
18 Marque classic versus modern La Marque. And the -- the  
19 dynamics of the race were such that myself and  
20 Ms. Divine were, in fact, old family friends.

21 Ms. Divine and my younger brother, who has  
22 since died, were dear friends. And as a matter of fact,  
23 I think they were both trainers with -- somehow -- with  
24 the football team, as I was told the story. And then  
25 she's also good friends with another cousin of mine.

1                   So when -- unbeknownst to me -- I didn't  
2 know she was running. She's classic La Marque; I'm more  
3 west side La Marque.

4                   And after we both -- and, once again, there  
5 were three candidates -- right? -- in it. There was an  
6 African American, myself and -- half the time they don't  
7 know what I am -- I don't have a, quote, Spanish  
8 surname -- and then Ms. Divine.

9                   Ms. Divine and I -- Ms. Divine on the first  
10 time had the most votes; I came in second. Mind you  
11 this was a November race. Okay? November, greater  
12 number of people voting, not like a May race -- greater  
13 number of people voting.

14                   Ultimately, Ms. Divine and I met and said  
15 we did not want this -- our race to -- to divide our  
16 community any further in any way -- in any way. Right?  
17 In any way. We're -- we know each other; we know each  
18 other's families and stuff.

19                   And Ms. Divine decided to withdraw from the  
20 race and so I became the -- the --

21                   Q. You won by default?

22                   A. I won by default, exactly.

23                   MS. VALL-LLOBERA: Objection;  
24 mischaracterizes.

25                   Q. (BY MR. RUSSO) Was Ms. Divine, did she

1 identify as Anglo?

2 A. Yes.

3 Q. She's a White candidate?

4 A. Yes.

5 Q. And then there was a Black candidate also?

6 A. Yes.

7 Q. And we talked earlier, you know -- and you  
8 don't remember his name at this point, do you?

9 A. I don't -- it was a her. It was a she.

10 Q. She.

11 A. I don't -- I can't think of her name right now.  
12 Sorry.

13 Q. Okay. And so the initial election between the  
14 three of you, as you recall, Ms. Divine got the most  
15 votes in La Marque?

16 A. Right.

17 Q. And then were you second?

18 A. Yes, sir.

19 Q. And then the third candidate got the third  
20 place, and I guess he was, by virtue of that vote, was  
21 out of the race at that point?

22 A. Correct.

23 Q. And the two of you met together. For the sake  
24 of the community, she withdrew her candidacy, and you  
25 became mayor. True?

1 A. Yes, sir.

2 Q. Interesting. Did -- do you believe that the  
3 district in which you ran in for your seat -- and I'm  
4 calling it a district. It may not be a district.

5 A. Yeah, it's a district. Yes, sir.

6 Q. What's the demographics of that district? Do  
7 you have any idea?

8 MS. VALL-LLOBERA: Objection; calls for  
9 speculation.

10 Q. (BY MR. RUSSO) If you know?

11 A. Yes, sir. At that time it was the single  
12 district in the city -- and we had four -- that had the  
13 highest number of Anglos and then followed by Latinos  
14 and then African Americans.

15 Q. Did it have the highest percentage were  
16 Latino -- were Anglo citizens the highest percentage of  
17 residents in that district?

18 MS. VALL-LLOBERA: Objection; calls for  
19 speculation.

20 Q. (BY MR. RUSSO) To your knowledge.

21 A. Of -- yes, sir.

22 Q. And then next is --

23 A. Latinos.

24 Q. -- Latinos, and then third is the Black  
25 population?



1 A. That's right.

2 Q. All right. Has that changed now?

3 A. Yes.

4 Q. Why did it change?

5 A. Well, we undertook redistricting. And

6 District B was the largest district in the city and --

7 by almost -- well, most of our growth occurred in my

8 district, like, I want to say 5,000 because 3,000 people

9 participated in the November race -- voters. But in

10 terms of population, I think we're about 5,000 over, so

11 we had to split that.

12 So, ultimately, what happened with the new

13 line is District B is predominantly just the west side

14 of La Marque now. It's no more the -- I call it the La

15 Marque classic side or the original settlement of La

16 Marque.

17 Q. Well, just to clarify, District B was your

18 district?

19 A. Yes, sir.

20 Q. And it -- was it District B at the time you

21 ran? Same name?

22 A. District B, correct. Same name.

23 Q. All right.

24 A. But different geographic area.

25 Q. Understood. And did the population growth

1 require the change in the precinct -- or the district?

2 A. Yes, sir.

3 MS. VALL-LLOBERA: Objection; calls for  
4 speculation.

5 Q. (BY MR. RUSSO) Yes?

6 A. Yes, sir. We were off.

7 Q. Do you know, what -- was there -- do you  
8 have -- do you know what group, racial group, created  
9 the most growth in that district, District B?

10 MS. VALL-LLOBERA: Objection; calls for  
11 speculation.

12 Q. (BY MR. RUSSO) If you know.

13 A. It was both Anglos and Latinos in that area.

14 Q. Okay. Did you get any pushback for  
15 redistricting and that effort from the citizens of La  
16 Marque?

17 A. Yeah. People were pissed that they were losing  
18 me as their -- I'm sorry, pissed.

19 Q. That's okay.

20 A. They were perturbed -- perturbed. I should  
21 remember my foreign service. They were perturbed that  
22 they were losing me as their council person.

23 Q. And they liked you and the job you were doing,  
24 presumably?

25 A. At least that's what they were telling me in my

1 face. God knows what they...

2 Q. Okay.

3 A. I guess I'll find out this time around.

4 Q. Well, let's talk about the Latino voters. Do  
5 you think that they typically vote for the same  
6 candidate?

7 MS. VALL-LLOBERA: Objection; calls for  
8 speculation.

9 Q. (BY MR. RUSSO) In Galveston County.

10 MS. VALL-LLOBERA: Is this LULAC or his  
11 individual?

12 Q. (BY MR. RUSSO) As a LULAC representative, is  
13 it your view that Latino voters typically vote for the  
14 same candidate?

15 A. Once again, we tend to coalesce around a  
16 candidate that's supportive of our issues -- you know,  
17 of our issues, period.

18 Q. And just in general terms, are those issues  
19 that you mentioned -- is there any -- anything we could  
20 glean -- well, let me ask it this way: Do you know --  
21 or do you feel that -- that the Latino population votes  
22 more for Democrats or Republicans?

23 MS. VALL-LLOBERA: Objection; calls for  
24 speculation. Objection; asked and answered.

25 A. Yeah. Didn't we have this conversation?

1 Q. (BY MR. RUSSO) We might have.

2 A. Yeah, earlier. I don't -- I don't -- I don't  
3 know. I don't ask people the way -- ask them the way to  
4 vote.

5 Q. All right. The view is -- what type of  
6 candidate do you believe the Latino population voters  
7 would prefer?

8 MS. VALL-LLOBERA: To clarify, is this in  
9 his individual capacity or as LULAC?

10 MR. RUSSO: As LULAC.

11 MS. VALL-LLOBERA: Objection; calls for  
12 speculation.

13 A. We don't get involved in endorsements at all,  
14 so I couldn't -- I couldn't speak to that.

15 Q. (BY MR. RUSSO) Okay. As an individual, do you  
16 have a view then -- who do you believe -- what kind --  
17 type of candidate do you think the Latino population  
18 prefers?

19 MS. VALL-LLOBERA: Objection; calls for  
20 speculation.

21 A. I really have -- I can't believe -- I can't  
22 begin to describe what I -- I don't know. I don't know.

23 Q. (BY MR. RUSSO) Would that --

24 A. It's relations. Right? It's relations.

25 Q. Do you think that would be -- sorry. Go ahead.

1 Finish.

2 A. That's why I'm saying it's relational. How do  
3 you feel about? What are they saying? You know, I --  
4 that's all I...

5 Q. Do you think they'd be in favor of a candidate  
6 that would send funds down to the border --

7 MS. VALL-LLOBERA: Objection.

8 Q. (BY MR. RUSSO) -- for border relief?

9 MS. VALL-LLOBERA: Objection; calls for  
10 speculation.

11 Q. (BY MR. RUSSO) -- in Galveston County?

12 MS. VALL-LLOBERA: Excuse me.

13 Objection; calls for speculation, and it's  
14 an incomplete hypothetical.

15 A. Officially, as LULAC, that's not -- that's not  
16 part of, you know, our position. And we let people know  
17 that this person is not supportive of our issues.

18 Q. (BY MR. RUSSO) So LULAC's position is that you  
19 wouldn't be in favor of a candidate that favored that?

20 A. We don't say that. It's not a question of --  
21 we don't tell anybody to be in favor or against any  
22 candidate. We're just making them aware that the  
23 candidate does not support or is supportive of a  
24 particular LULAC position.

25 Q. What is LULAC's -- so does LULAC have a

1 position statement on particular issues that I can find  
2 on the web someplace?

3 A. If you go to the national LULAC site, you'll  
4 probably find some information there.

5 Q. And is it --

6 A. Resources, things of that nature.

7 Q. And is it your view that Latino voters in  
8 Galveston County are, you know, are generally going to  
9 go along with the issues that LULAC thinks are important  
10 to them?

11 MS. VALL-LLOBERA: Objection; speculation.

12 A. I think we start -- you know, we start talking.  
13 You know, just assuming that you were a candidate of  
14 Mr. Russo, and you were supportive of X, Y, and Z that  
15 happen to be something that was consistent with our --  
16 with our -- with our -- friendly to the issues of  
17 concern to us, then, you know, at my next, whatever,  
18 cafe -- coffee Sunday or coffee club meeting, whatever,  
19 hey, you know -- I'd say to someone at the Taco House --  
20 it used to be the Taco House -- I don't know what it is  
21 now, but at the Abuela's -- Abuelita's, say, hey, Joe  
22 Russo is a good guy. You know, he's got our back.  
23 That's kind of -- so we just go from there.

24 Q. (BY MR. RUSSO) But would you --

25 A. But it's not -- there's nothing formal.

1 Q. Yeah. Would you expect, though, that, as it  
2 would be your testimony, that Latino Americans in  
3 Galveston County would vote consistent with the sort of  
4 positions that LULAC takes and its position statement?

5 MS. VALL-LLOBERA: Objection; calls for  
6 speculation.

7 A. Like I said, I repeat, we let people know these  
8 are our issues, and it's almost a report card. Here's  
9 where people stand on these issues. You make up your  
10 own mind.

11 Q. (BY MR. RUSSO) Is it your belief that African  
12 American and Latino voters have the same concerns that  
13 should be -- that can be voiced or should be voiced to  
14 the Galveston County Commissioners Court?

15 MS. VALL-LLOBERA: Objection; calls for  
16 speculation.

17 A. Are you asking me individually or?

18 Q. (BY MR. RUSSO) As LULAC representative.

19 A. LULAC. Yeah. We share -- we've shared -- we  
20 share concerns and issues.

21 Q. Are there any -- any -- is there any sense of  
22 divergence where the issues part, where the two groups  
23 have different concerns?

24 MS. VALL-LLOBERA: Objection; vague.

25 A. I'm not aware of any. I'm not aware of any

1 right now, no.

2 Q. (BY MR. RUSSO) All right. What types of  
3 issues faced by both Blacks and Latinos exist which  
4 should be -- what you feel should be addressed with the  
5 commissioners court?

6 A. Well, we continue to push for collectively in  
7 terms of our different collaborations to once again  
8 return the -- the qualifying level for the medically  
9 indigent program here in the county to 100 percent of  
10 the federal poverty level. That's one area. We both  
11 collectively push for increased funding for the social  
12 services department of Galveston County.

13 We have -- I think this one we've been  
14 successful -- I think it's because of the director of  
15 the health authority here who's a professor at UTMB --  
16 been very successful in asking for additional outreach  
17 in different events by the county health authority, and  
18 that's been successful.

19 What else? I think all of us, too -- I say  
20 all of us, maybe that includes even -- even -- even  
21 Anglos, but we appreciate the fact that the County has  
22 attempted to -- to toe the line in terms of property tax  
23 increases and -- and so those are the ones that come to  
24 mind right now.

25 Q. And you're saying that the County has not



1 raised taxes is a good thing?

2 A. Yes. Is a good thing, yes.

3 Q. And that's -- you think the view is consistent  
4 amongst the Latino and African American community?

5 MS. VALL-LLOBERA: Objection; calls for  
6 speculation.

7 A. I believe we're on the same page on that.

8 Q. (BY MR. RUSSO) What -- what needs that the  
9 Latino community has that you believe are different than  
10 the Anglo community for purposes of, you know,  
11 county/government -- county -- that the county can help  
12 with?

13 MS. VALL-LLOBERA: Objection; calls for  
14 speculation.

15 A. Well, first and foremost, it comes to mind now  
16 that we've kind of eliminated an ability to perhaps  
17 impact electing individuals of similar background as  
18 ourselves in this new precinct -- but what immediately  
19 comes to mind is take a look at all the appointed  
20 positions by commissioners court, and you'll see very,  
21 very few Latinos on those appointed.

22 There is no Latino on the new United Board  
23 of Health, just because we were successful in saying and  
24 articulating a position that -- that at least one person  
25 would be, does not mean that we can't have more than

1 | one. Right?

2 | And then there are other appointments by  
3 | the commissioners court and the county judge to some of  
4 | the subject committees of the Houston-Galveston Area  
5 | Council of governments, such as those that deal with  
6 | senior services and the disabled, that -- that area --  
7 | those areas have traditionally not been appointments to  
8 | either Latinos or African Americans.

9 | So I think that that's an urgent need, that  
10 | we would all love to see that dynamic change.

11 | Q. (BY MR. RUSSO) And are you aware of any  
12 | situations where the, you know, elected Galveston County  
13 | officials have been unresponsive to the needs of  
14 | Latin -- of Latino Americans in Galveston County?

15 | MS. VALL-LLOBERA: To clarify, his  
16 | individual capacity or LULAC?

17 | MR. RUSSO: As LULAC.

18 | A. Try to get the -- say, within -- say, from  
19 | Hurricane Ike or from what point on?

20 | Q. (BY MR. RUSSO) 2010 forward.

21 | A. 2010. When was Harvey? 2011. Right?

22 | Q. '17?

23 | A. '17. Harvey was '17? '-8 was -- was Ike.

24 | Yeah.

25 | There was, I want to say, more with Harvey

1 | than -- on some of the -- Harvey was a federally  
2 | declared disaster, and there was an issue with regard to  
3 | where was the recovery focus going to occur. And the  
4 | feds sent down to the council of governments, HGAC, the  
5 | Harvey disaster mitigation dollars and that -- that --  
6 | that plan to divvy up those dollars was opposed by both  
7 | LULAC and, to some extent, NAACP, but Houston's our  
8 | 300-pound gorilla in the area, and so sometimes those  
9 | lines get a little fuzzy there.

10 | But the division plan ultimately did not  
11 | favor smaller communities like La Marque, like  
12 | Hitchcock, like Santa Fe. It was -- the majority of the  
13 | money went to Friendswood, League City, Dickinson.

14 | Why? For what reason? They used damage  
15 | estimates from those areas, and our value -- home values  
16 | are very different. Average home price in League City,  
17 | \$350,000. Average home price in La Marque, \$128,000.

18 | So La Marque, which has a -- we feel a  
19 | greater need, greater damage amount, certainly  
20 | property -- number of properties.

21 | Q. Mm-hmm.

22 | A. -- we only -- we ended up with a lesser amount  
23 | of dollars. So that was an issue that we found -- we  
24 | didn't find any support from the County.

25 | Q. So it was a feeling that the County was

1 unresponsive to the needs of La Marque in particular?

2 A. Well, to smaller communities with not as high  
3 as the value of property.

4 Q. Included in that, I think, you mentioned Santa  
5 Fe as well?

6 A. Yes, sir.

7 Q. Do you think that that situation was based on  
8 race or racial analysis by the County?

9 A. It -- I don't -- honestly, I don't know how to  
10 answer that question. Whether they recognized it or  
11 not, when you did the calculations and when all is said  
12 and done, hey, folks, by the way, this adversely impacts  
13 our Black and Brown communities, no one said, wow,  
14 that's interesting.

15 Q. Yeah. But my question was: Do you have a  
16 reason to believe that the decision was made based upon  
17 the racial makeup of the particular area being served?

18 A. I don't know. I don't --

19 MS. VALL-LLOBERA: Objection; speculation.

20 THE WITNESS: Sorry.

21 Q. (BY MR. RUSSO) Yeah. Based on your own  
22 knowledge.

23 A. I don't know.

24 Q. Do you have any reason to believe that?

25 A. I don't know.

1 Q. You don't know if you have a reason to believe  
2 it?

3 A. I have no bases for forming any -- you know,  
4 giving you any comment there.

5 Q. Okay. Let me go back in time a little bit. Do  
6 you recall dealing with the Jack Johnson statute -- or  
7 actually the wood carving that was in Galveston. It's  
8 still there actually but down at the Oaks?

9 A. It was originally -- it was originally at the  
10 Old Central, and it was moved ultimately to the Oaks, as  
11 I recall.

12 Q. Do you remember dealing with that --

13 A. On -- on the --

14 Q. -- situation with individuals at the Oaks --

15 MS. VALL-LLOBERA: To clarify --

16 Q. (BY MR. RUSSO) -- that they wanted to get rid  
17 of the statute or move it or?

18 MS. VALL-LLOBERA: To clarify, are you  
19 asking on behalf of LULAC or his individual capacity?

20 MR. RUSSO: I guess -- I guess it's  
21 individual capacity. I don't know if LULAC would have  
22 any knowledge of it but...

23 A. On the periphery it's part of the Galveston  
24 County collaborating organizations, Gulf Coast  
25 Interfaith and then -- I also -- oh, I forgot -- like I

1 said, I'm a joiner. I was also part of the Galveston  
2 Leon Phillips group. The -- that was the social.  
3 Galveston County -- I forgot their name -- it's  
4 terrible -- Coalition for Social Justice.

5 Q. (BY MR. RUSSO) Do you recall a situation where  
6 Galveston housing authority was considering getting --  
7 moving the statute -- statue?

8 A. I recall -- I don't recall all the details,  
9 Mr. Russo. I have to be up front with you. I don't  
10 recall.

11 Q. All right.

12 MR. RUSSO: Mark that.

13 (Exhibit Nos. 6 and 7 were marked.)

14 THE WITNESS: Thank you.

15 MR. RUSSO: Mm-hmm.

16 Q. (BY MR. RUSSO) So Exhibit 6 --

17 Sorry. Ready?

18 THE REPORTER: Mm-hmm.

19 Q. (BY MR. RUSSO) Exhibit 6 was -- is a copy of a  
20 Gulf Coast Interfaith weekend review from July of 2011?

21 A. Yes, sir.

22 Q. Do you recall seeing it before today?

23 A. Yes.

24 Q. And Exhibit 7 is an e-mail from you to several  
25 individuals, and maybe you can tell me who those people

1 are in terms of a group? Is that a Gulf Coast group, or  
2 is that a coalition, do you know?

3 A. These are members of our -- both Gulf Coast  
4 Interfaith and different collaborating groups,  
5 leadership of those groups, and some of them were  
6 nonprofit groups.

7 Q. Okay. And looking through the e-mail -- again,  
8 look over it as much as you want. I'm going to ask  
9 you -- to read through the second to last paragraph on  
10 the first page that starts "I think everyone needs to  
11 know."

12 A. (Witness perusing document.) Okay.

13 Q. And that -- the last sentence in that paragraph  
14 states, "I believe that unwittingly the association has  
15 become part of Mr. Stankowski's [sic] campaign against  
16 poor people"?

17 A. Mm-hmm.

18 Q. "And people of different racial and ethnic  
19 backgrounds." Do you see that?

20 A. Yes, sir.

21 I'm just going to stand up.

22 Q. We can wait.

23 A. No, no. I'm fine. We need to keep going. I'm  
24 just going to stand up a little bit.

25 Q. All right. But we can wait.

1 A. I think I'm still in your camera there.

2 MS. VALL-LLOBERA: I can adjust it.

3 THE WITNESS: Go ahead.

4 MS. VALL-LLOBERA: So you can stand up  
5 straight, Mr. Compian.

6 THE WITNESS: Oh, okay. Great. Thank you.

7 MS. VALL-LLOBERA: If you want, I can  
8 adjust the camera.

9 THE VIDEOGRAPHER: You're fine.

10 A. All right, Mr. Russo.

11 Q. (BY MR. RUSSO) Who is Mr. Stankowski?

12 A. Oh, Lord.

13 Q. Good friend of yours?

14 A. At times I thought we were friends. First of  
15 all, I don't know where he's at, if he still lives on  
16 the island or anything; so...

17 Q. Okay.

18 A. I don't know. But Mr. Stanowski, I think is  
19 how he is -- how he pronounced it.

20 Q. Stanowski.

21 A. Mr. Stanowski was an adamant opponent of any  
22 public housing being built/rebuilt here on Galveston  
23 Island after Hurricane Ike.

24 Q. Okay.

25 A. And opposed all efforts --



1 Q. All right.

2 A. -- in that regard.

3 Q. And based upon your correspondence here, it's  
4 your belief that he launched or had a campaign against  
5 poor people and people of different racial and ethnic  
6 backgrounds. Agreed?

7 A. He didn't believe it, but -- but, you know, if  
8 it quacks like a duck and looks like a duck, it is a  
9 duck.

10 Q. That was the conclusion you reached. Right?

11 A. That's -- unfortunately.

12 Q. And then the next sentence down, it says, "I  
13 have to wonder if that statue" -- statute, but I think  
14 you referred to statue --

15 A. Yes, sir.

16 Q. -- "was of Jesus Christ, would the association  
17 want it removed." Do you see that?

18 A. Yes, sir.

19 Q. And so the crux of the e-mail is letting the  
20 Interfaith group know -- or the coalition group know  
21 this guy may be making a push to remove the Jack Johnson  
22 statue. Correct?

23 MS. VALL-LLOBERA: Objection to form.

24 Q. (BY MR. RUSSO) Is that right?

25 A. Yes, sir.

1 Q. And the question you were asking is do we want  
2 to get ready for the meeting so you can then show up at  
3 GHA, Galveston Housing Authority, and let them know our  
4 feelings on it?

5 A. Yes, sir.

6 Q. And particularly the -- you had a belief that  
7 Mr. Stanowski, his view was that he wanted to remove the  
8 statue because of racial issues?

9 MS. VALL-LLOBERA: Objection to form.

10 A. Yes, sir.

11 Q. (BY MR. RUSSO) And I think the point in the  
12 last sentence you were making is if the statue was  
13 Jesus, we wouldn't be having this conversation. Right?

14 A. Yes, sir.

15 Q. All right. And if we go back -- do you know  
16 what happened as a result of this? Did y'all show up at  
17 the meeting?

18 A. I was just trying to think of that as you're  
19 asking me. I don't recall, Mr. Russo. I do recall that  
20 statue is there, at the Oaks still.

21 Q. All right. And so by virtue of it still being  
22 there, I think the GHA did not remove the statue. Is  
23 that correct?

24 A. Well, yes, sir. It's still there.

25 Q. I'm looking back at the copy on Exhibit 6.

1 A. Oh, 6. Okay.

2 Q. That's the Interfaith weekend review from  
3 July --

4 A. Yes, sir.

5 Q. -- of 2011. And I want to just refer you to  
6 the page that has a Bates number and here's -- the Bates  
7 number is down here on this little section.

8 A. Okay.

9 Q. That's Bates number -- the last three digits  
10 are 877.

11 A. Okay.

12 Q. Are you there?

13 A. Yes.

14 Q. All right. And so in the second paragraph in  
15 that -- on that page, it starts after an informal  
16 door-to-door survey. Do you see that?

17 A. Yes, sir.

18 Q. And the Galveston Housing Authority, Paul  
19 Neff --

20 A. Neff, yeah.

21 Q. -- and James Dennis found that only 2 of 16  
22 people they talked to opposed the placement of the  
23 statue?

24 A. Yes, sir.

25 Q. Right? And then the next sentence is, "While

1 this may not be a racially motivated action, it could be  
2 perceived that way by communities of interest." Do you  
3 see that?

4 A. Yes, sir.

5 Q. "And so in order to avoid" -- it goes on, "In  
6 order to avoid this perception of racism when no urgent  
7 or compelling reason exists to remove the Jack Johnson  
8 statue, GCI joined with other community groups in  
9 opposing the removal."

10 A. Yes, sir.

11 Q. Yes? Now -- so is it true then that the view  
12 of your original e-mail was that the removal of the  
13 statue was racially motivated?

14 MS. VALL-LLOBERA: Objection;  
15 mischaracterizes.

16 A. My view was Mr. Stanowski was trying to make it  
17 appear to be, you know, a racial...

18 Q. (BY MR. RUSSO) You thought that his  
19 involvement, and because you knew the man, it was a  
20 racially motivated move on his part?

21 A. Yeah. Looking for -- yes.

22 Q. Correct? Then in the statement under the Gulf  
23 Coast Interfaith printout is that while it may not be a  
24 racially motivated action, it could be perceived that  
25 way by communities of interest. Do you see that?

1 A. Yes, sir.

2 Q. And so is it -- is it -- is that a common  
3 occurrence, that individual -- situations that may not  
4 be racially motivated might appear that way to the  
5 communities of interest?

6 MS. VALL-LLOBERA: Objection; calls for  
7 speculation.

8 Q. (BY MR. RUSSO) You can answer.

9 A. Yes, sir.

10 Q. That happens. Correct?

11 A. It can, yes.

12 Q. Yeah. And that is one that Gulf Coast  
13 Interfaith pointed out can happen in this particular  
14 instance in July of 2011. Right?

15 MS. VALL-LLOBERA: Objection;  
16 mischaracterizes.

17 Q. (BY MR. RUSSO) True?

18 A. Yes, sir.

19 Q. Okay. I want to ask you one more thing about  
20 this printout if -- the Bates number page is 873.

21 There's a picture.

22 A. Okay.

23 Q. See it?

24 A. Yes.

25 Q. And it states -- what I'm interested in, the

1 second sentence in that paragraph, it states, "GCI now  
2 has available a redistricting software that has reduced  
3 costs and enables GCI to analyze redistricting."

4 A. Yes, sir.

5 Q. Do you see that?

6 A. Yes, sir.

7 Q. So where did y'all get the software, if you  
8 recall?

9 A. At this time one of our members, and mind you  
10 we're all volunteers -- correct? -- was a former state  
11 demographer who was a professor at the University of  
12 Texas Medical Branch here -- and my mind just went  
13 blank. Once again, I'm tired. I need to take that  
14 brain stuff. What was -- it was a state demographer.  
15 Was it Steve? No, not Steve McIntyre. It will come to  
16 me here in a moment, Mr. Russo, if you just proceed  
17 forward. But he's the one that had the software. He's  
18 the one that had the software.

19 Q. Okay. Was he the one that had it in his  
20 possession and used it at his computer?

21 A. It took a lot of memory and all this other  
22 stuff.

23 Q. Do you-all still have access to that today?

24 A. No. He -- he's no longer -- I don't even think  
25 he's still alive but, no.

1 Q. All right. Are you aware whether or not  
2 you-all used this software back in 2011 to analyze the  
3 County's efforts back in 2011?

4 A. Yeah. We did that.

5 Q. You did?

6 A. Or he did. He did. And the City of Galveston.

7 Q. All right.

8 A. And the school district.

9 MS. VALL-LLOBERA: And we've been going on  
10 for a while if there's a logical place in your  
11 questioning to take a break.

12 MR. RUSSO: Yeah. That's fine. We can  
13 take a break.

14 THE VIDEOGRAPHER: Going off the  
15 record, 4:13.

16 (Recess taken.)

17 THE VIDEOGRAPHER: Back on the  
18 record, 4:21.

19 (Exhibit Nos. 8 and 9 were marked.)

20 MR. RUSSO: Okay. The court reporter has  
21 marked what I -- is Exhibit 7.

22 THE REPORTER: 8 and 9.

23 MR. RUSSO: 8 and 9.

24 Q. (BY MR. RUSSO) All right. Exhibit 8 is an  
25 article in Galveston Daily News dated March 22nd, 2011.

1 Do you see that?

2 A. Yes, sir.

3 Q. And it relates to the prior Commissioners Court  
4 challenge in 2011 and 2012 by the Department of Justice.  
5 Is that correct?

6 A. Yes, sir.

7 Q. Do you recall that challenge to the  
8 Commissioners Court action related to the County  
9 redrawing of precincts back then?

10 A. Yes, sir.

11 Q. And you were involved in that?

12 A. Yes, sir.

13 Q. Were you a plaintiff in that case?

14 MS. VALL-LLOBERA: To clarify, in his  
15 individual capacity or as LULAC?

16 MR. RUSSO: That's a good point.

17 Q. (BY MR. RUSSO) As an individual, were you  
18 involved in it?

19 MS. VALL-LLOBERA: Objection; vague.

20 Q. (BY MR. RUSSO) As a plaintiff -- as a  
21 particular plaintiff?

22 A. Not as an individual plaintiff, no.

23 Q. Okay. All right. Are you aware whether LULAC  
24 was involved in that prior action?

25 A. I'm not aware that we were.



1 Q. Okay. Are you aware whether a lawsuit was  
2 actually filed in that case?

3 A. That's -- I'm thinking -- I don't recall a  
4 lawsuit.

5 Q. All right. Nevertheless, the article is  
6 discussing a -- what I think -- and I don't want to  
7 misstate anything -- a potentially -- a potential map  
8 revision to resolve differences between the Galveston  
9 County Commissioners Court and the Department of Justice  
10 in or about March of 2011 -- '12. Do you remember that?

11 A. Yes, sir, I do.

12 Q. Okay. And on Page 2 of the article, there is a  
13 quote from you. It states, "We are disappointed that  
14 the proposed settlement map information posted on the  
15 County's website is not citizen friendly." Do you see  
16 that?

17 A. Yes, sir.

18 Q. What did you mean by that?

19 A. Citizen friendly in the context of the clean  
20 lines. That's what we're following, roadways, and  
21 that's primarily -- making it easy, not splitting voting  
22 precincts, following major thoroughfares.

23 Q. And you go on to say, "The map boundaries are  
24 difficult to determine, and the demographic chart almost  
25 requires a mapping degree to understand the significance

1 of the numbers." Do you still stand by that statement  
2 today?

3 A. Yes, sir.

4 Q. To review, the clean lines plan that you  
5 submitted to the Department of Justice was a better plan  
6 for the County to implement. Would you agree?

7 A. We believe so, yes, sir.

8 Q. And, again, clean lines being that -- to help  
9 citizens understand what precinct they're in. Agreed?

10 MS. VALL-LLOBERA: Objection;  
11 mischaracterizes.

12 A. That's one factor.

13 Q. (BY MR. RUSSO) Would you agree that the way  
14 that -- that the citizens of Galveston, the city of  
15 Galveston --

16 A. Mm-hmm.

17 Q. -- now that the map is drawn the way that it's  
18 drawn and adopted the way that it's adopted, have a  
19 better awareness of what precinct they're in?

20 MS. VALL-LLOBERA: Objection; calls for  
21 speculation.

22 A. I wouldn't know what -- I don't -- I don't  
23 know.

24 Q. (BY MR. RUSSO) Well, it's -- do you agree with  
25 me that if you live on Galveston Island at this point

1 you know you're in Precinct 2. Correct?

2 MS. VALL-LLOBERA: Objection; calls for  
3 speculation.

4 A. Based upon going to look at the map, yeah.

5 Q. (BY MR. RUSSO) No doubt about it?

6 A. Right. Mm-hmm.

7 Q. Whereas the prior map, you'd have to examine it  
8 to know if you're in Precinct 3, or even 1. Correct?

9 A. There were several precincts, yes, sir.

10 Q. So in that respect, at least in terms of  
11 Galveston Island, the current map that was adopted by  
12 the Commissioners Court in November of '21 is actually  
13 cleaner than the old map for citizens of Galveston. Do  
14 you agree?

15 A. I didn't quite -- I'm sorry. I didn't get your  
16 question.

17 Q. Well, from the perspective that individuals who  
18 live on Galveston Island they don't have to ask  
19 questions about what precinct they're in anymore. They  
20 know. Right?

21 MS. VALL-LLOBERA: Objection; calls for  
22 speculation.

23 A. Yeah. They know they're -- yes.

24 Q. (BY MR. RUSSO) And once you cross the causeway  
25 or come over on the ferry, you're in Precinct 2.

1 Correct?

2 A. Once you cross the ferry. Okay.

3 Q. From that perspective, it's easier for a  
4 citizen of Galveston, city of Galveston to know what  
5 precinct they're in based on the new map?

6 A. Okay.

7 Q. True?

8 MS. VALL-LLOBERA: Objection; calls for  
9 speculation. Objection; asked and answered.

10 A. Yeah. Just look at lines; here it is.

11 Q. (BY MR. RUSSO) But there's not -- you don't  
12 have to look at lines in Galveston anymore, do you?

13 MS. VALL-LLOBERA: Objection; calls for  
14 speculation.

15 A. I'd have to look at the map in front of me  
16 to...

17 Q. (BY MR. RUSSO) Okay. But is it your -- what's  
18 your understanding of what precinct covers Galveston  
19 Island?

20 A. Right now I'm kind of -- it's a single  
21 precinct. I couldn't tell the number right now,  
22 Mr. Russo. I'm -- I'm just --

23 Q. Yeah. I'm not interested in which precinct it,  
24 although I'll tell you it's Precinct 2.

25 A. Okay.

1 Q. But are you -- is it your understanding that  
2 there's one precinct for the entire island?

3 A. I believe that's correct.

4 Q. Okay. Again, so in terms of which is cleaner,  
5 which is a cleaner plan for the citizens of Galveston,  
6 the current adopted map is cleaner for them, wouldn't  
7 you agree?

8 MS. VALL-LLOBERA: Objection; vague.

9 A. I would disagree. Not from the perspective of,  
10 once again, representation.

11 Q. (BY MR. RUSSO) Well, in terms of your  
12 discussion with the Department of Justice and comparing  
13 what you were telling the Department of Justice was  
14 important in terms of a clean-lines plan back in 2012,  
15 which was geographically drawn lines based upon certain  
16 land marks. Agreed?

17 MS. VALL-LLOBERA: Objection; misstates  
18 prior testimony.

19 A. I'm focusing on this statement here: The  
20 clean-lines plan was not only the simple boundaries, but  
21 they were also -- it was also developed recognizing the  
22 demographics so that we maintained and we did not dilute  
23 voting rights of our Black and Brown population.

24 Q. (BY MR. RUSSO) Right. And then the quote that  
25 is in the paper from you, what you stated was the map

1 boundaries are difficult to determine, and the  
2 demographic chart almost requires a mapping degree.  
3 Right?

4 A. Yeah. And -- yes, sir.

5 Q. Does that relate to a geographic issue,  
6 citizens understanding where -- what precinct they're in  
7 by virtue of geography?

8 MS. VALL-LLOBERA: Objection;  
9 mischaracterizes. And objection; asked and answered.

10 A. I want to say to the best of my recollection,  
11 the issue was more challenging on the mainland, on the  
12 lines that were there, still splitting precincts in half  
13 and those issues. But more importantly, once again,  
14 the -- diluting the -- the voting power of our -- of our  
15 Black and Brown population.

16 Q. (BY MR. RUSSO) And you are advocating, in this  
17 article, that the settlement map that was being  
18 considered by the Department of Justice -- and actually  
19 was adopted or allowed by the Department of Justice --  
20 wasn't fair. Would you agree?

21 MS. VALL-LLOBERA: Objection;  
22 mischaracterizes.

23 A. Which one are you referring to? This one  
24 that's -- our clean-lines plan or?

25 Q. (BY MR. RUSSO) Right now -- yeah. I'm just

1 looking at the article.

2 Was it your belief that the -- that the  
3 plan that was being submitted to the Department of  
4 Justice and was being considered for resolution between  
5 the Department of Justice and the Galveston County, was  
6 it your position that it was unfair to minorities?

7 MS. VALL-LLOBERA: Objection;  
8 mischaracterizes.

9 A. That was a factor.

10 Q. (BY MR. RUSSO) Your view was that that map was  
11 not fair to the minority community. Correct?

12 MS. VALL-LLOBERA: Objection; misstates  
13 prior testimony.

14 Q. (BY MR. RUSSO) Is that true?

15 A. I believe so.

16 Q. An, ultimately the Department of Justice in  
17 Galveston County resolved the case based upon that map.  
18 Correct?

19 A. That's where I'm not following you. Which map  
20 are you referring to?

21 Q. The map --

22 A. Our map? No.

23 Q. Ultimate --

24 A. That's where it says the alternative -- as it  
25 could have quite simply taken -- and amended consistent

1 with on an issue -- we are to avoid and adopt our clean  
2 lines map (reading to self).

3 So the alternative map was ultimately  
4 accepted by the Department of Justice. That's the map  
5 you're referring to?

6 Q. Correct.

7 A. Okay.

8 Q. And that's true. Right?

9 A. Yeah. That's --

10 MS. VALL-LLOBERA: Objection to form.  
11 Objection; confusing.

12 A. Yes, sir. That -- -

13 Q. (BY MR. RUSSO) Yes?

14 A. Yes.

15 Q. And that was the map, that map you thought, and  
16 you were telling the Department of Justice you thought  
17 that it did not reflect accurate representation of the  
18 minority community?

19 A. Correct.

20 Q. So look at Exhibit 9.

21 A. Okay.

22 Q. This is an e-mail from you to an individual  
23 named Lisa Berkower.

24 A. Lisa Berkower. Okay.

25 Q. And the subject line is Re: 2011-4317, and it



1 says, "Objection to proposed settlement of DOJ  
2 litigation section." Do you see that?

3 A. Mm-hmm. Yes, sir.

4 Q. Do you recall sending this -- preparing this  
5 e-mail?

6 A. Yes, sir.

7 Q. Okay. And what is it you're trying to convey  
8 to the Department of Justice in this e-mail?

9 A. Let me refresh my memory.

10 MS. VALL-LLOBERA: Counsel, do you have a  
11 clearer copy of this exhibit?

12 MR. RUSSO: You're talking about behind  
13 there?

14 MS. VALL-LLOBERA: Yeah, there's -- it's a  
15 long exhibit that he's going through with several images  
16 of maps and illegible charts.

17 MR. RUSSO: If there's something you  
18 need -- I don't think I have any backups -- that's  
19 produced by NAACP. But this came from USA.

20 MS. VALL-LLOBERA: This was not produced by  
21 NAACP.

22 MR. RUSSO: There's a copy from the NAACP.  
23 This is from US.

24 So if there's something in particular you  
25 want, I probably have a copy.

1 MS. VALL-LLOBERA: Just depends on what  
2 your questions are.

3 MR. RUSSO: That's exactly right.

4 A. (Witness perusing document.) Okay, Mr. Russo,  
5 once again, I think I kind of refreshed my memory here  
6 with this.

7 Q. (BY MR. RUSSO) Okay. Isn't this e-mail your  
8 objection to the Department of Justice and the Galveston  
9 County's potential settlement or resolution of the prior  
10 litigation?

11 A. Yes, sir.

12 Q. Okay. And your objection is -- well, let me  
13 just read from the e-mail. The second sentence here  
14 reads, "Based upon the remarks of the Galveston County  
15 attorneys" -- "the Galveston County's attorney  
16 attributed to the Department of Justice lawyers that the  
17 DOJ only asks about African American percentages, our  
18 Latino congregation and organizations are beginning to  
19 believe that the DOJ places a greater value on the  
20 voting rights of African Americans." Do you see that?

21 A. Yes, sir.

22 Q. So was it your concern that, based upon the  
23 settlement and the hearing related to the prior  
24 litigation, is it your brief that the Department of  
25 Justice had elevated the concerns and interests of the

1 African American community over those of the Latino  
2 community in Galveston County?

3 MS. VALL-LLOBERA: Objection;  
4 mischaracterization.

5 A. It was our belief that the considerations of  
6 the Department of Justice were inconsistent with the  
7 difference between the decade from 2000 to 2010 where  
8 our county added more than 41,000 individuals of  
9 whom 49 percent were Latino, 36 percent were  
10 non-Hispanic White, and the remainder 15 percent were  
11 African Americans or other minorities.

12 So the issue was the dilution -- the  
13 recognition -- the nonrecognition actually of the  
14 increased numbers of Latinos and their ability to impact  
15 and elect candidates of their choice.

16 Q. (BY MR. RUSSO) Yeah. And so your position was  
17 it appears from the settlement that the Department of  
18 Justice was, again, elevating the concerns or interests  
19 of the Black voters over those of Latinos voters. Would  
20 you agree?

21 A. No.

22 MS. VALL-LLOBERA: Objection; misstates  
23 prior testimony.

24 A. Yeah. I really don't know what the Department  
25 of Justice's ultimate reasoning was.

1 Q. (BY MR. RUSSO) I'm not asking what their  
2 reasoning was.

3 A. Mm-hmm.

4 Q. I'm asking what your -- what you're trying to  
5 convey here and what your belief was.

6 A. Well, I think it's self-explanatory. Yeah, you  
7 didn't take into consideration the greater the impact of  
8 the largest number of residents, new residents, in this  
9 county were Latinos.

10 Q. And instead the Department of Justice was only  
11 asking about the African American voters. Correct?

12 MS. VALL-LLOBERA: Objection;  
13 mischaracterizations.

14 Q. (BY MR. RUSSO) You can answer.

15 MS. VALL-LLOBERA: And misstates prior  
16 testimony.

17 Q. (BY MR. RUSSO) You can answer.

18 MS. VALL-LLOBERA: You can answer to the  
19 extent you understand the question.

20 A. Yeah, I mean -- once again, I don't -- I'm  
21 going by this document that I produced, and it stands on  
22 its -- it stands on its own, that their statement was  
23 that they appear to be placing a greater value on the  
24 African American vote.

25 Q. (BY MR. RUSSO) Right. And your concern at

1 that time was that the -- actually, the Latino American  
2 voters needed more consideration by the Department of  
3 Justice at this time. Would you agree?

4 MS. VALL-LLOBERA: Objection;  
5 mischaracterization. Objection; misstates prior  
6 testimony.

7 Q. (BY MR. RUSSO) You can answer.

8 MS. VALL-LLOBERA: You can answer to the  
9 extent you understand the question.

10 MR. RUSSO: Counsel, please.

11 A. And, once again, what was the question?

12 Q. (BY MR. RUSSO) The question was your concern  
13 was that the Department of Justice had not given Latino  
14 American voters enough consideration in Galveston County  
15 related to their resolution of this case.

16 MS. VALL-LLOBERA: Is that a question?

17 MR. RUSSO: Yes.

18 MS. VALL-LLOBERA: Objection;  
19 mischaracterization.

20 A. I think that's accurate.

21 Q. (BY MR. RUSSO) Did you ever hear back from the  
22 Department of Justice on those questions you were posing  
23 or concerns you raised?

24 A. Not that I'm aware of.

25 Q. Do you recall why it was that you -- strike

1 that.

2 I think -- I think the -- was the concern  
3 about a different -- over different treatment between  
4 the Latin American voters and Black voters, was it -- is  
5 it something attributable to a difference in interest  
6 between the two parties?

7 MS. VALL-LLOBERA: Objection;  
8 mischaracterization.

9 A. I don't -- I don't -- no.

10 MR. RUSSO: Mark that as an exhibit.

11 (Exhibit No. 10 was marked.)

12 Q. (BY MR. RUSSO) The court reporter has handed  
13 you Exhibit 10, and that's a Galveston Daily News  
14 article dated March 23rd, 2012. Do you see that?

15 A. 2012. Yes, sir.

16 Q. '12. And generally speaking, the article is  
17 reporting on the commissioners' approval redistricting  
18 map?

19 A. Okay.

20 Q. True?

21 MS. VALL-LLOBERA: Give him a moment to read  
22 it, Mr. Russo.

23 MR. RUSSO: Yeah. Absolutely.

24 Q. (BY MR. RUSSO) Take all the time you need to.  
25 My question was -- the article essentially is a report

1 on the Galveston Commissioners Court's approval of the  
2 new redistricting map?

3 MS. VALL-LLOBERA: And, Counsel, I'll note  
4 part of the article is cut off on the first page.

5 MR. RUSSO: Yeah. But if he needs to see  
6 it, we can print out another copy.

7 A. (Witness perusing document.)

8 MS. VALL-LLOBERA: I think if you're going  
9 to ask questions about the map, it would make sense to  
10 have the quotations that seem to be directly about the  
11 maps.

12 MR. RUSSO: Well, let me see if we can get  
13 through this, and if you want to lodge your objections,  
14 feel free.

15 A. Okay. All right.

16 Q. (BY MR. RUSSO) And so, again, the question  
17 being is this the article generally conveying a  
18 Galveston County Commissioners Court adoption of the new  
19 redistricting map in 2012?

20 A. It's a report from The Daily News.

21 Q. And -- right. And they're reporting on  
22 Commissioners Court?

23 A. It is a report from TJ Aulds.

24 Q. All right. And it basically -- it starts, "A  
25 split Commissioners Court approved a new redistricting

1 map Thursday that appears to have garnered the favor of  
2 federal officials." Do you see that?

3 A. Yes, sir.

4 Q. A settlement map which was approved on party  
5 lines did not find favor with minority groups, some of  
6 which called it unfair.

7 A. Okay.

8 Q. Are you one of the individuals who thought the  
9 settlement agreement was unfair?

10 A. One of them, yes.

11 Q. Okay. And then this article appears one day  
12 after the e-mail we just saw that you sent --

13 A. Mm-hmm.

14 Q. -- to the Department of Justice. Correct?

15 A. Mm-hmm.

16 Q. Yes?

17 A. Yes, sir.

18 Q. All right. And what I'm interested in is the  
19 last page of the article, Page 3. There's some  
20 quotations from you.

21 A. Okay.

22 Q. It starts, "The group" --

23 A. Excuse me.

24 Q. -- "the group, including the local chapters of  
25 NAACP, LULAC, and the Galveston County Coalition for



1 Justice sent a letter to the department -- the justice  
2 department during the meeting Thursday complaining that  
3 the map had a significant detrimental impact on minority  
4 voters."

5 Based upon the reading of that article,  
6 does that appear to be referencing your letter to the  
7 Department of Justice on March 22nd?

8 MS. VALL-LLOBERA: Objection;  
9 mischaracterizes prior testimony.

10 Q. (BY MR. RUSSO) You can answer.

11 A. The group in question?

12 MS. VALL-LLOBERA: Are you asking him  
13 about -- are you asking him as an individual or in his  
14 role as to LULAC? The prior questions were about him as  
15 an individual.

16 MR. RUSSO: This is about him as an  
17 individual.

18 A. Me as an individual, I didn't represent myself  
19 at any time as an individual.

20 Q. (BY MR. RUSSO) Okay. And you were sending all  
21 this correspondence on behalf of who?

22 MS. VALL-LLOBERA: Objection; misstates  
23 prior testimony.

24 A. This is part of the coalition.

25 Q. (BY MR. RUSSO) Okay.

1           A. Gulf Coast Interfaith and the other groups. We  
2 collectively viewed this as a problem.

3           Q. So it was sent on behalf of LULAC as one of the  
4 entities involved in the coalition?

5           A. LULAC, NAACP. It says it right there, first  
6 paragraph.

7           Q. Right. So, yeah, does the article seem to be  
8 referring to the letter --

9           A. Yes, sir.

10          Q. -- you sent to the --

11          A. Appears to, yes.

12          Q. -- DOJ? Okay.

13                        Now the second -- the second sentence on  
14 Page 3 states -- it's a quote from you -- "I thought I  
15 would never see the day where the value of the vote of  
16 one particular minority group has more value over  
17 another minority group." Do you see that?

18          A. Okay.

19          Q. And so --

20          A. Yes, sir.

21          Q. Clearly, at this point -- did you make that  
22 quotation to the paper, do you recall?

23          A. I don't recall at this point. I don't recall.

24          Q. Does it appear consistent with your view at the  
25 time?

1           A. I can't even recall that, Mr. Russo, at this  
2 point.

3           Q. Is there any reason to think that the paper  
4 misquoted you here?

5           A. I don't -- I don't even know.

6           Q. Okay.

7           A. I haven't -- I don't know.

8           Q. So can you testify whether you thought, at the  
9 time that this article was written, that the one  
10 particular minority group had been valued over another  
11 minority group?

12          A. Once again, as a group, that's how we -- that's  
13 what we felt.

14          Q. All right. And even though the Department of  
15 Justice approved the map, settlement map, between the  
16 parties, that group still complained that the map had a  
17 significant detrimental impact on minority voters.  
18 Agreed?

19          A. That's right. We have First Amendment rights  
20 to express our opinions, yes, sir.

21          Q. All right. And then the sentence after the one  
22 we just read states, "He complained the justice  
23 department and the County's redistricting law firm were  
24 focused on the Black populations within the precincts  
25 and paid little attention to the growing Hispanic

1 population." Do you see that?

2 A. Yes, sir.

3 Q. And you believe that to be true?

4 A. Yes, sir.

5 Q. You think the Department of Justice focused too  
6 much on the Black population in its resolution?

7 A. I think it's self-explanatory. Yes. That was  
8 the purpose of the letter -- of the collective group.

9 Q. All right. And was the concern at the time  
10 that the interests of Black voters were being -- well,  
11 strike that.

12 | Let me phrase it this way: Your concern  
13 | was the interests of the Latino voters were relegated to  
14 | the interests of Black voters. Agreed?

15 | MS. VALL-LLOBERA: Objection; asked and  
16 | answered and misstates prior testimony.

17 | Q. (BY MR. RUSSO) You can answer.

18 | A. The letter stands on its own. As a group, we  
19 | were concerned that there was not a recognition of the  
20 | increased growing Hispanic population in the final map,  
21 | settlement map.

22 | Q. And the Department of Justice had, in fact, not  
23 | considered the growing population?

24 | MS. VALL-LLOBERA: Objection; misstates  
25 | prior testimony and asked and answered, Counsel.

1 A. I think I answered that.

2 Q. (BY MR. RUSSO) Sitting here today, do you  
3 still have the feeling that the Department of Justice  
4 was -- erred when it allowed the Galveston County  
5 Commissioners Court to approve the 2012 map?

6 MS. VALL-LLOBERA: Objection; misstates  
7 prior testimony.

8 A. I think it was not only my -- our view, but as  
9 then Commissioner Doyle says, the plan -- the new  
10 precinct, which diluted minority representation in his  
11 precincts, was basically putting lipstick on a pig.

12 Q. (BY MR. RUSSO) Right. But my question was a  
13 little bit different than that.

14 Do you still have that view today?

15 A. Yes, sir.

16 Q. The view that the Department of Justice put  
17 Black voters' interests --

18 A. Department of Justice erred, and we,  
19 collectively, both Black and Brown groups, said you made  
20 an error, period. I can't say it any more, any other  
21 ways.

22 Q. Yeah. One more document here.

23 MR. RUSSO: And, Counsel, I don't have a  
24 copy of this, but I think she can pull it up on the --  
25 can you see it on the computer or not?

1 MS. VALL-LLOBERA: No.

2 Let her mark it, and then she'll give you a  
3 copy.

4 (Exhibit No. 11 was marked.)

5 MR. RUSSO: We're on 11. Right?

6 THE REPORTER: Yes.

7 Q. (BY MR. RUSSO) So, Mr. Compian --

8 A. Mm-hmm?

9 Q. The court reporter has handed you Exhibit  
10 Compian 11.

11 A. Yes, sir.

12 Q. It's an e-mail from you to Lillie Ann Aleman.

13 A. Yes, sir.

14 Q. She's -- is she the president of LULAC?

15 A. She was then, yes, sir.

16 Q. Okay. And there's an individual here cc'd  
17 named Bruce Gear. Do you know Bruce Gear?

18 A. Don't know him.

19 Q. No? His e-mail address is @usdoj.gov. Does  
20 that tell you anything?

21 A. (Shaking head.) Department of Justice, I  
22 assume. But I don't know who it is.

23 Q. Yeah. I just wondered if that jogged your  
24 memory?

25 A. No.

1 Q. Have you ever met Mr. Gear, do you think?

2 A. No. Not that I know of.

3 Q. All right. Well, so my -- my --

4 MS. VALL-LLOBERA: Excuse me, Counsel.

5 We're not able to pull up the exhibit. We seem to be  
6 having issues with the Zoom.

7 MS. ZHU: Yeah. I don't know why, I can't  
8 pull up a PDF, unfortunately.

9 MS. ELTON: I just opened it from the chat  
10 so -- if you want to...

11 MS. VALL-LLOBERA: If you'll just give us a  
12 moment to...

13 MR. RUSSO: Yeah. Absolutely. Take your  
14 time.

15 MS. ZHU: Yeah. I don't --

16 MS. VALL-LLOBERA: All righty. We can  
17 proceed. Thank you.

18 MR. RUSSO: You got it up?

19 MS. VALL-LLOBERA: No. But I've reviewed  
20 his version.

21 Q. (BY MR. RUSSO) Do you recall seeing this -- or  
22 writing this e-mail?

23 A. No.

24 Q. All right. It's dated April 26, 2022?

25 A. (Shaking head.)

1 Q. No?

2 A. (Shaking head.)

3 Q. There's an attachment here. It says  
4 "Los Angeles-2022Profile-VA4 [sic] final." Do you see  
5 that?

6 A. Where do you see that?

7 Q. It's under the attachments indication right  
8 here.

9 A. Attachments. Los Angeles. Oh, yes, I see  
10 that.

11 Q. Do you have any clue what's in that attachment?  
12 What was that?

13 A. Actually that I do recall. It was -- I was  
14 impressed by some work that was done by -- and I can't  
15 tell you who -- if it was LULAC it was -- or a Latina  
16 foundation out in that area -- on voting profile of the  
17 Latino voters.

18 Q. What kind of profile of Latino voters?

19 A. I don't recall. I just remember I was  
20 impressed with it. It was so -- it just impressed me.  
21 That's all. When I saw Los Angeles.

22 Q. Do you have a copy of that?

23 A. I don't think so. I would have sent it to her,  
24 I think. She --

25 Q. Because I don't think we have a copy of the PDF



1 attachment, so I'm wondering if you still have a copy in  
2 your possession.

3 A. I don't know. I don't --

4 MS. VALL-LLOBERA: This document was  
5 produced by the DOJ, wasn't it?

6 MR. RUSSO: Yeah. It's got a US tag on it,  
7 and I don't know if you-all had a copy or what, but this  
8 is the only one we have.

9 Q. (BY MR. RUSSO) Given the date on the e-mail,  
10 would you still have this? Would it have been subject  
11 to destruction based upon your typical manner of keeping  
12 retention?

13 A. I do go through them like at the end of the  
14 year just because, so I'll be more than happy to try to  
15 see if I can find it for you, Mr. Russo.

16 Q. I appreciate that.

17 A. I don't have any problem. I'll give it to my  
18 counsel and...

19 Q. Right. Yeah, I appreciate that. I just  
20 haven't seen it. I don't know what it is.

21 But then it goes on to state -- well, let  
22 me just clarify before you move on.

23 A. Mm-hmm.

24 Q. So your recollection of this -- this -- some  
25 kind of, rather, report is some report related to

1 profiles of Latino voters in Los Angeles?

2 A. To the best of my recollection, it was. It was  
3 organized -- I'll try to find it.

4 Q. Okay.

5 A. I just was impressed, I know. That's all.

6 Q. All right. And was the report of some expert,  
7 or was it by Los Angeles County?

8 A. No. It was a group, but I can't tell you what  
9 group. It was LULAC. It may have been LULAC because --

10 Q. Why did you think it was a good report or worth  
11 forwarding?

12 A. It's just kind of rare to see for me, and I do  
13 a prolific amount of reading. It's just rare to see  
14 information that's targeted on the Latino voter in  
15 general, you know, trends or things of that nature.

16 Q. Mm-hmm.

17 A. So I think that's what...

18 Q. Was it broken down by who -- candidates they  
19 vote for?

20 A. (Shaking head.)

21 Q. And by, what, the ethnic or racial vote --  
22 people that they voted for? I'm just...

23 A. I have no recollection.

24 MS. VALL-LLOBERA: Objection; calls for  
25 speculation.

1 Q. (BY MR. RUSSO) So the last sentence in this  
2 e-mail states, "I'm going to try and do a similar one  
3 for Galveston County." Do you see that?

4 A. Yeah. I was so excited, I thought I could.

5 Q. How were you going to pull that off?

6 MS. VALL-LLOBERA: Objection; vague.

7 A. I don't know. God's put me -- we've done  
8 things that others -- so --

9 Q. (BY MR. RUSSO) Did you undertake any effort  
10 to --

11 A. No.

12 Q. -- actually fulfill this statement?

13 A. No. No. No. Other than I was going to visit  
14 on this, and I recall this because somehow or other I  
15 got this being affiliated with the National Association  
16 of Latino Elected and Appointed Officials. That's kind  
17 of, I think, the way I received this or something.  
18 Actually, it may have been NALEO that produced the  
19 report.

20 So I was going to -- when I say I was  
21 trying to do something similar to reach out to NALEO to  
22 try and, perhaps, figure out how we can do something  
23 similar here.

24 Q. Okay.

25 A. That's -- that's kind of -- to the best of my

1 recollection, that's why NALEO is in there.

2 Q. All right. And you don't ever remember  
3 reaching out to them on the report?

4 A. I didn't because I went to the convention and  
5 get COVID. So I did not. It was left on the table  
6 there.

7 Q. So this is sometime after '22, you mean, after  
8 April?

9 A. Yeah. Yeah.

10 Q. All right. All right.

11 A. Actually, this is the 4th, and the NALEO  
12 conference was in June.

13 Q. Okay.

14 A. I managed to avoid COVID all that time other  
15 than going to this.

16 (Exhibit No. 12 was marked.)

17 MR. RUSSO: Yeah. So we're going to have  
18 the same issue with, like, three more documents -- four  
19 more documents.

20 MS. VALL-LLOBERA: That's okay.

21 MR. RUSSO: But, I mean, you know, we have  
22 no problem waiting until you look at it and just pull it  
23 up.

24 THE WITNESS: Just set this here, too?

25 MR. RUSSO: Yeah. It's just one page.

1 MS. VALL-LLOBERA: And could we get how  
2 much time has transpired on the record?

3 THE WITNESS: Do you see this?

4 MS. VALL-LLOBERA: It's been e-mailed to my  
5 e-mail --

6 And maybe we should go off the record for a  
7 few minutes so we can see if we can find a new efficient  
8 way to do this.

9 MR. RUSSO: That's fine.

10 THE VIDEOGRAPHER: Off the record, 5:02.

11 (Recess taken.)

12 THE VIDEOGRAPHER: Going back on the  
13 record, 5:08.

14 Q. (BY MR. RUSSO) So the court reporter has  
15 placed before you Compian Exhibit 12.

16 A. Yes, sir.

17 Q. It's an e-mail from you to Bruce Gear, and I'll  
18 represent to you that Bruce Gear is a Department of  
19 Justice attorney, and he's actually representing the  
20 Department of Justice in this case.

21 A. And as I read this, I recalled him. Now I have  
22 recollection of him.

23 Q. Okay. So you remember Mr. Gear?

24 A. An African American gentleman?

25 Q. He is.

1 A. Yes. Okay.

2 Q. Yes, sir.

3 A. Okay. Now I remember him, yes.

4 Q. Yeah. Do you recall meeting with him?

5 A. Yes.

6 Q. Was it before suit was filed in this case or  
7 after, or do you have any recollection?

8 MS. VALL-LLOBERA: And I'll interject to  
9 remind you not to reveal any privileged attorney-client  
10 communications.

11 THE WITNESS: Yes, ma'am.

12 MS. VALL-LLOBERA: Including with the other  
13 plaintiffs. You can answer otherwise.

14 A. I don't know when I met with him, you know,  
15 what the time frame was.

16 Q. (BY MR. RUSSO) Do you know the number of  
17 times?

18 A. I can only recall one time.

19 Q. Once? Okay. All right. So as of -- this  
20 e-mail is dated April 25th, 2022. Do you see that?

21 A. I'm sorry.

22 Q. That's all right.

23 A. I have so many out there. I'm sorry.

24 Q. No problem. The e-mail is dated April 25th?

25 A. April 25th, yes, sir.

1 Q. 2022. Yes?

2 A. Yes, sir.

3 Q. All right. And you start out stating, "Bruce,  
4 we are most grateful for the time you and your  
5 colleagues spent in our Galveston County community." Do  
6 you see that?

7 A. Yes, I see that.

8 Q. Do you know how long before this e-mail you had  
9 met Mr. Gear?

10 A. No, sir. I don't recall.

11 Q. Okay. And then you go on to say, "My role is  
12 to provide you as much local resource information to  
13 persuade the judge that these maps are wrong"?

14 A. Okay.

15 Q. Right? Yes?

16 A. Yes.

17 Q. Okay.

18 A. Yes.

19 Q. All right. And the next sentence says, "I went  
20 to bed Friday asking myself how would my Anglo community  
21 react if Galveston County commissioners were all Black  
22 and Brown except for one Anglo member and the  
23 commissioner precincts were drawn with overwhelmingly  
24 Black and Brown voters." Do you see that?

25 A. Yes, sir.

1 Q. How do you think your Anglo community members  
2 would react?

3 MS. VALL-LLOBERA: Objection; incomplete  
4 hypothetical, and it calls for speculation.

5 A. Just as I stated there. I know they would also  
6 be fighting for fairness and a voice in local county  
7 government.

8 Q. (BY MR. RUSSO) You think they would?

9 A. I think so, yeah.

10 Q. Based upon what?

11 A. By knowledge of them -- right? -- of  
12 communities, of how involved Anglo communities are;  
13 so...

14 Q. Right. So based upon -- is there anything  
15 specific factually that you are referring to or thinking  
16 about in making that statement?

17 A. No. Just voter turnout. We talked about these  
18 things. Right? Higher voter turnout, the principle  
19 we're going off.

20 Q. The fact that the higher voter -- the Anglos  
21 turn out at a higher rate than others leads you to  
22 believe that they would be fighting for fairness?

23 A. And --

24 MS. VALL-LLOBERA: Objection; misstates  
25 prior testimony.



1 Q. (BY MR. RUSSO) Correct?

2 A. I believe so, and, furthermore, let me  
3 interject this: They've had the benefit of  
4 understanding how to engage with government. That's  
5 also a very key right. We've come along slowly, and I'm  
6 appreciative. Right? And -- so I'm appreciative of the  
7 education I've received, and we're learning -- we're  
8 learning. We want to be at the table.

9 Q. And just -- you state "my Anglo community."  
10 Are you referencing any particular Anglo community?

11 A. Galveston County, I think, when I say that.

12 Q. Okay.

13 A. Who knows in my mind. Right? When I'm  
14 writing.

15 Q. I certainly don't. That's why I was asking.

16 A. Okay.

17 Q. But you think the reference is to the Anglo  
18 community in Galveston County?

19 A. In Galveston County, yes, sir.

20 Q. All right. Correct me if I'm wrong --

21 A. My Anglo community?

22 Q. Sorry. Go ahead and read -- do whatever you  
23 need.

24 A. How would my Anglo -- okay. Yes. Yes.

25 Mm-hmm.

1 Q. And so what -- can you tell me what message you  
2 were trying to convey to Mr. Gear with this e-mail?

3 MS. VALL-LLOBERA: Objection; vague.

4 A. Just -- we're all seeking equity, equality,  
5 fairness, whatever side of the table we're on.

6 Q. (BY MR. RUSSO) And is the important point,  
7 again, that, I think, that communities want to see a  
8 representative that looks like them?

9 MS. VALL-LLOBERA: Objection; misstates  
10 prior testimony.

11 A. I think that's a factor, yes, sir.

12 Q. (BY MR. RUSSO) And that's something you were  
13 thinking about when you posed your hypothetical to  
14 Mr. Gear?

15 A. Yes. But beyond that, is that the new maps  
16 take away what we have as -- as -- I noticed this in a  
17 previous exhibit here, on one of the -- I want to quote  
18 from -- he's no longer with us but...

19 Q. Tell me what -- just for the record -- which  
20 exhibit you're --

21 A. This is Exhibit 10.

22 Q. Okay.

23 A. The Galveston County Daily News article. I'm  
24 going to quote from deceased Commissioner Ken Clark, and  
25 he said it right and yet -- I don't know if he was there

1 or not -- well, he was actually. But, "From the very  
2 beginning, I think this court's intention was to comply  
3 with federal civil rights law," in parentheses, "to make  
4 sure we maintained the minority/majority status in  
5 Precinct 3 and build all the other districts around  
6 that." What happened here?

7 Q. I'm sorry. What was your point?

8 A. My point is that was -- that was our goal.  
9 That is our goal. Right? Maintain at least that. We  
10 no longer have that.

11 Q. All right. And at the time, again, that this  
12 article was written, the coalition, which you  
13 represented, didn't agree with the map as drawn and  
14 accepted by the Department of Justice?

15 MS. VALL-LLOBERA: Objection;  
16 mischaracterizes.

17 A. I don't understand your question -- or is that  
18 a question? What is that?

19 Q. (BY MR. RUSSO) The question was -- the  
20 question is: At the time that this article was written  
21 back in 2012, the groups that you represented, the  
22 NAACP, the LULAC, the Galveston County Coalition for  
23 Justice, those groups didn't agree with the map that was  
24 ultimately approved by the Department of Justice?

25 A. Okay. We expressed that was our opinion. But

1 that has nothing to do with maintaining what we had  
2 already, totally different.

3 And that's what Commissioner Clark is  
4 speaking to in his quote here. He is, as a  
5 commissioner, recognizes, you know, make sure we  
6 maintain the minority/majority status in Precinct 3. We  
7 no longer have a minority/majority status, period.

8 Q. Right. And in terms of your correspondence to  
9 Mr. Gear, what is it that -- it states -- your last  
10 sentence in the e-mail states, "Is it fair to deny a  
11 voice to the fastest-growing ethnic group for the next  
12 ten years by accepting these county maps?" Do you see  
13 that?

14 A. Yes, sir.

15 Q. Which group are you referring to?

16 A. In this particular one, I'm referring to -- he  
17 was interviewing me as -- as a Latino. Right? As Gear.  
18 I'm referring to Latinos there.

19 Q. Right. And the sentence is -- or your question  
20 to him was -- is that shouldn't the Latino group have a  
21 -- be given a voice since they're the largest-growing  
22 group in the county. Isn't that what you told him?

23 MS. VALL-LLOBERA: Objection;  
24 mischaracterizes. Also, I'll remind the witness that  
25 you can answer about facts but not to reveal any

1 privileged attorney-client communications and those  
2 include conversations with DOJ attorneys.

3 THE WITNESS: All right.

4 MS. VALL-LLOBERA: Or fellow plaintiffs.

5 MR. RUSSO: Well, you're claiming a  
6 privilege for the DOJ? They don't represent him.

7 MS. VALL-LLOBERA: We have a common  
8 interest agreement in this case.

9 MR. RUSSO: Where is it?

10 MS. VALL-LLOBERA: If you would like us to  
11 produce it, we can.

12 MR. RUSSO: It might be a good idea. When  
13 did the common interest document -- when was it agreed  
14 to?

15 MS. VALL-LLOBERA: It predates this e-mail.

16 MR. RUSSO: Are you suggesting that this  
17 needs to be -- this is a privileged document? The one  
18 that's marked Exhibit 12.

19 MS. VALL-LLOBERA: I am stating that he  
20 can't answer any questions about any legal advice or  
21 communications that he may have had with Mr. Gear.

22 MR. RUSSO: Okay.

23 Q. (BY MR. RUSSO) Just so we're clear on the  
24 record, this statement you're making to Mr. Gear is that  
25 from your expectations -- your expectations are that the

1 fastest-growing minority group, which is Latino, need to  
2 have -- let's see -- what was the language used? "Is it  
3 fair to deny a voice to the fastest-growing ethnic group  
4 for the next ten years by accepting these county maps,"  
5 and specifically you're referring to the Latino group.

6 Correct?

7 A. Yes, sir.

8 Q. It wasn't -- not a reference to African  
9 American minority groups in that sentence. Would you  
10 agree?

11 A. Stands on its own. It doesn't.

12 (Exhibit No. 13 was marked.)

13 THE WITNESS: Thank you.

14 Q. (BY MR. RUSSO) The court reporter has marked a  
15 one-pager.

16 A. Yes, sir.

17 Q. It's an e-mail from you to, again, Mr. Gear.  
18 Do you see that?

19 MS. VALL-LLOBERA: Yes. I have a copy.

20 Q. (BY MR. RUSSO) Sorry. Do you have it in front  
21 of you?

22 A. Oh. Yeah. I didn't know.

23 Q. I thought you had given it to your counsel.

24 A. Oh, no, no. I have it here, Mr. Russo.

25 Q. Okay. So Exhibit 13 is a short e-mail dated

1 April 20th, 2022, from you to Mr. Gear. Correct?

2 A. Mm-hmm.

3 MS. VALL-LLOBERA: Excuse me, Counsel, can  
4 we take a short break? And it's on privilege.

5 MR. RUSSO: Yeah. Sure.

6 MS. VALL-LLOBERA: Can we have ten minutes?

7 MR. RUSSO: Sure. Take whatever time you  
8 need.

9 THE VIDEOGRAPHER: Off the record, 5:22.

10 (Recess taken.)

11 THE VIDEOGRAPHER: Going back on the  
12 record, 5:48 p.m.

13 MR. RUSSO: Are we on 13?

14 THE REPORTER: Yes.

15 THE WITNESS: 13.

16 Q. (BY MR. RUSSO) Okay. So the court reporter  
17 has marked Exhibit 13. It's an e-mail dated April 20th,  
18 2022. Is that the one you have in front of you?

19 A. Yes, sir.

20 Q. Okay. So there's an attachment to that e-mail,  
21 and do you know what is in the attachment?

22 MS. VALL-LLOBERA: Objection; calls for  
23 speculation.

24 A. Not just -- I don't know. Just based upon what  
25 I see here, I don't know.

1 Q. (BY MR. RUSSO) Okay. Do you know whether it  
2 was data included in it or no idea?

3 MS. VALL-LLOBERA: Objection; asked and  
4 answered.

5 A. I think PPTX means PowerPoint.

6 Q. (BY MR. RUSSO) I think you're right.

7 A. I think.

8 Q. That's my understanding, too.

9 A. Yeah.

10 Q. So does that help your --

11 A. No.

12 Q. -- understanding of what was in the document?

13 A. No. No.

14 Q. Do you know why you sent this to Mr. Gear?

15 A. I just -- I guess -- no, I don't know why. The  
16 answer to why, no, I don't know why.

17 Q. Okay. Do you recall whether there was a --  
18 whether -- well, strike that.

19 We talked earlier about the clean-lines  
20 map?

21 A. Yes, sir.

22 Q. Right?

23 A. Yes, sir.

24 Q. And do you know whether the data or the actual  
25 product, the clean-lines map, was what is contained in



1 the PowerPoint?

2 MS. VALL-LLOBERA: Objection; calls for  
3 speculation and asked and answered.

4 A. I don't know.

5 Q. (BY MR. RUSSO) No idea?

6 A. No, I don't know.

7 Q. Okay. All right. Do you know, based upon your  
8 document retention period, would you still have a copy  
9 of this e-mail?

10 A. I don't know. I don't know.

11 Q. All right. Let's see. This is --

12 MS. VALL-LLOBERA: Thank you.

13 THE WITNESS: Okay. 14.

14 (Exhibit No. 14 was marked.)

15 Q. (BY MR. RUSSO) Okay. Compian Exhibit 14 is  
16 another e-mail from you to Mr. Gear?

17 MS. VALL-LLOBERA: Objection; lack of  
18 foundation.

19 Q. (BY MR. RUSSO) Strike that.

20 It doesn't have your name actually on it,  
21 but it's an e-mail to Mr. Gear. We don't know who it's  
22 from. Would you agree?

23 A. Yes, sir.

24 Q. All right. Dated April 20th of '22. Do you  
25 see that?

1 A. Okay.

2 Q. 9:40 p.m.?

3 A. Okay.

4 Q. Do you recall sending the -- well, strike that.

5 Let's start here. Look at the attachment  
6 and the name of the attachment on -- connected to the  
7 e-mail. Do you see it?

8 A. Yes, sir.

9 Q. It says county commissioner district,  
10 underscore, GCI.jpg?

11 A. Yes, sir.

12 Q. Do you recall sending anything like that or  
13 sending that document to Mr. Gear in about April of  
14 2022?

15 A. I probably did.

16 Q. Do you have any clue what was in the -- well,  
17 actually, you know what, I think this one we have the  
18 JPEG connected to it. It's on Page 2. Right?

19 A. I think that's what I did. Right?

20 Q. Yes. Does --

21 A. Looks like it's a clean lines, I think.

22 Q. Looks like the clean-lines map?

23 A. I don't know without the color.

24 MS. VALL-LLOBERA: Mr. Russo, since I have  
25 one in color, can I show that to him?

1 MR. RUSSO: Absolutely. Yeah. And I may  
2 have another copy of that.

3 By the way, are you -- can we supplement  
4 it -- or substitute?

5 MS. VALL-LLOBERA: Yes. That's fine.

6 MR. RUSSO: If that works for you.

7 A. It looks like our clean-lines map, I believe  
8 so.

9 Q. (BY MR. RUSSO) All right. So based upon a  
10 review of the colored map, it looks like that that's the  
11 clean-lines map that GCI created back in 2011?

12 A. To the best of my recollection, the clean-lines  
13 map was -- I believe there was a preferred map, but we  
14 had other, maybe, versions as well. I can't recall  
15 that, but maybe it's in here someplace, one of these.

16 Q. Well, do you know who -- who -- who prepared  
17 the clean-lines map? Was it the guy at UTMB?

18 A. Karl Eschbach; that's his name.

19 Q. How do you spell his last name?

20 A. Karl is K-A-R-L, but Eschbach, I believe, was  
21 with an E -- with an E, E-S -- Eschbach,  
22 E-S-C-H-B-A-C-H. As I remember, he was our former state  
23 demographer.

24 Q. Okay. And was it GCI that asked him to make  
25 this -- the clean-lines map, to your recollection?

1           A. Well, we requested, as I indicated previously,  
2           at that time with counsel for Galveston County. Yeah,  
3           it looks like the clean-lines map, yeah. The --  
4           Mr. Nixon -- Mr. Nixon was sharing the source documents  
5           with us from their demographer and shared with Karl, and  
6           Karl is the one that studied the numbers and developed  
7           this map.

8           Q. Okay. And from your recollection, it was  
9           from -- it was provided by Galveston County's counsel,  
10          basically?

11          A. Yes, sir.

12          Q. Prior to forwarding this to Mr. Gear, was any  
13          changes made to it?

14          A. No.

15                   MS. VALL-LLOBERA: Objection; calls for  
16          speculation.

17          A. I'm not aware of too many changes, no.

18          Q. (BY MR. RUSSO) Are you -- do you recall,  
19          sitting here today, of what was sort of the purpose of  
20          sending the clean-lines map to Mr. Gear in 2022? I  
21          guess would be more direct.

22          A. I can't recall what the purpose was, just  
23          sharing information -- I really don't know. I don't  
24          recall at this time.

25          Q. All right.

1 THE REPORTER: 15.

2 (Exhibit No. 15 was marked.)

3 THE WITNESS: Okay.

4 Q. (BY MR. RUSSO) The court reporter has marked  
5 Exhibit 15 to your deposition. Just in general terms, I  
6 want to ask you about -- well, we'll start here, the top  
7 of the document is an e-mail from Mr. Gear to you.  
8 Right?

9 A. Okay.

10 Q. Dated April 15th, 2022?

11 A. Yes, sir.

12 Q. The part I'm interested in is just the second  
13 of the string which is dated April 15th, 2022,  
14 at 4:41 p.m. Do you see that?

15 A. Okay.

16 Q. It looks like it's from Joe Compian. You wrote  
17 Mr. Gear an e-mail?

18 A. Yes, sir.

19 Q. And then it says, "Good afternoon,  
20 Bruce, 10:00 a.m. Friday at this address." And I think  
21 it refers to -- I think it's referring to a meeting. Is  
22 that -- is that right?

23 MS. VALL-LLOBERA: Objection; calls for  
24 speculation.

25 Q. (BY MR. RUSSO) If you know.

1 A. Yes, sir.

2 Q. All right.

3 A. That one face-to-face meeting.

4 Q. Yeah. And then if you go another -- streamline  
5 down on the same date, April 15th, 2022, Mr. Gear  
6 writes, "Joe, good morning. This is a reminder to send  
7 me the location for our meeting for Friday, April 22nd."  
8 Do you see that?

9 A. Yes, sir. Yes, sir.

10 Q. So it appears from this document that you-all  
11 had a meeting with Mr. Gear on April 22nd in Galveston  
12 presumably. Right?

13 A. We had the meeting, yes, sir, with Mr. Gear.

14 Q. Okay. You did have a meeting with him?

15 A. Yes, sir.

16 Q. I think you told me that earlier, but this  
17 document actually reflects a date of --

18 A. Okay.

19 Q. -- April 22nd. Is that consistent with sort of  
20 your memory?

21 A. I'll --

22 MS. VALL-LLOBERA: Objection; misstates the  
23 date.

24 Q. (BY MR. RUSSO) You can answer.

25 A. Friday, April 22nd.

1 Q. Yeah. And do you recall using that document --  
2 putting it to --

3 A. I recall this exchange, let's put it that way,  
4 yes.

5 Q. You do recall the exchange?

6 A. Yes, sir.

7 Q. Do you recall the meeting on or about  
8 April 22nd of 2022?

9 A. I recall the meeting, yes, sir.

10 Q. Okay. Did y'all meet face-to-face?

11 A. Yes, sir.

12 Q. Who was in attendance, if you recall?

13 A. I think Mr. Gear had another person with him.  
14 I don't know what role they have. I don't know. I  
15 think there was another person with Mr. Gear. And there  
16 was counsel on my side, Ms. Sarah Chen.

17 Q. Okay. So that's three, I think, Ms. Chen,  
18 Mr. Gear, and you?

19 A. I believe so.

20 Q. And then one other person from -- with  
21 Mr. Gear?

22 A. Yes. With Mr. Gear, yes.

23 Q. So four people?

24 A. Four people.

25 Q. From your recollection?

1 A. (Nodding head.)

2 Q. Do you know where it was?

3 A. Yes, sir.

4 Q. Was it at a public place?

5 A. It was in -- it was in Texas City, not a public  
6 place. It was...

7 Q. Okay. Was there anybody else involved in the  
8 meeting that wasn't an attorney or somebody who  
9 eventually became a plaintiff in this case?

10 MS. VALL-LLOBERA: Objection; vague.

11 A. I remember I was there. I can't recall anybody  
12 else other than people at the building that were there.

13 Q. (BY MR. RUSSO) Okay. But the people at the  
14 building weren't involved in the meeting -- or were  
15 they?

16 A. Let me think real quick. There was one of my  
17 friends there, yes. Involved in the meeting, best of my  
18 recollection. Yes.

19 Q. Who was that?

20 A. Think of her name. Alvarado -- Ms. Alvarado.  
21 I can't think of her first name, last name Alvarado.

22 Q. Was she -- was she there -- is she represented  
23 in this lawsuit?

24 A. No. That's whose office we were at. It was  
25 her office.



1 Q. Is she a lawyer?

2 A. No.

3 Q. Why did you meet in her office?

4 A. Because she's a friend of mine. It was a --  
5 she offered a meeting area. She had a meeting room to  
6 use.

7 Q. You just needed a location?

8 A. Yeah.

9 Q. All right. Okay, well, did she -- was she  
10 involved in any conversation?

11 MS. VALL-LLOBERA: Objection; vague.

12 A. She was there, I mean, I know she met -- she  
13 welcomed everybody.

14 Q. (BY MR. RUSSO) Did she participate in the  
15 conversation in terms of, you know, the meeting you were  
16 in?

17 A. Other than welcoming -- and Ms. Alvarado's  
18 first language is Spanish, so I may have translated just  
19 some things for her, but her first language is Spanish.

20 Q. What do you mean -- what would you have  
21 translated for her? Introductions, that kind of thing?

22 A. Introductions, what we were doing -- you know,  
23 Ms. Alvarado is a friend.

24 Q. Right. I understand that. But did she  
25 participate -- was she an active participant in the

1 conversation you were having with the meeting?

2 A. The majority of the meeting was myself and  
3 Mr. Greer -- Gear, Bruce. And Ms. Alvarado was there.

4 Q. Okay. All right. Okay. You can put that  
5 aside if it's in your way.

6 A. I'll put that right here.

7 Q. All right. Do you have -- on behalf of the  
8 LULAC organization, do you have a document retention  
9 schedule that would explain how long materials are held  
10 by the organization?

11 A. No, sir.

12 Q. Have they ever had something like that?

13 A. I'm not aware of one.

14 Q. Do you know how long -- well, how long are just  
15 general documents of the organization maintained? And  
16 I'm talking about 151.

17 A. Yes. Well, I know after Ike, we lost all the  
18 documents with the water --

19 Q. Mm-hmm.

20 A. -- in one of the houses.

21 Q. Yeah. And I'm more asking about a schedule  
22 that says after one year we got rid of these materials.

23 A. I think we leave it -- best answer that I can  
24 give you, we leave it up to our treasurer at the time;  
25 they decide what to keep, what we need.

1 Q. Do you know what -- how long she keeps things?

2 A. I don't. I don't know that.

3 Q. Does anyone that is either a member or an  
4 officer, president, do they have a LULAC e-mail address?

5 A. No, sir.

6 Q. So everybody uses their own personal e-mail?

7 A. Yes. Pretty -- yes, sir, best of my  
8 recollection. I've never seen an LULAC e-mail address.

9 Q. Okay. And is there any correspondence or  
10 request, requirement from the national LULAC  
11 organization that tells or suggests to the LULAC 151 how  
12 long you should keep documents?

13 A. I'm not aware of that.

14 Q. Do you know how long documents are generally  
15 kept?

16 A. No, sir.

17 Q. Who would know that?

18 A. The -- once again, our treasurer. And we  
19 generally try to comply with whatever the IRS rules are  
20 in terms of document retention. It's usually, to the  
21 best of my recollection, seven years. We try to do.

22 Q. Do you know where the materials would be  
23 stored?

24 A. Depending upon the officer. Right? Kind of  
25 follow the officer. Here are the records.

1 Q. I understand. Do you know what effort was  
2 undertaken to search and review LULAC files from  
3 materials relevant to this case?

4 A. E-mail searches were pretty well done for this  
5 case.

6 Q. Okay. Were they done by the individuals  
7 themselves, for example, you -- you're a member of  
8 LULAC --

9 A. (Nodding head.)

10 Q. -- were you -- did you run your own searches  
11 for documents on e-mails that were relevant?

12 A. Yes, sir.

13 Q. Okay. And as far as you're aware, the same  
14 process was followed by other LULAC -- officers or  
15 members?

16 A. Yes.

17 MS. VALL-LLOBERA: Objection; calls for  
18 speculation.

19 A. I believe they did. I don't know for sure.

20 Q. (BY MR. RUSSO) Okay. Did -- what about -- do  
21 you know whether the review was conducted on social  
22 media sites, Facebook -- for LULAC's Facebook -- I don't  
23 know -- their Twitter page?

24 A. I'm not aware of us having a Twitter page. We  
25 have limited social media pages except for activities,

1 like for events, Cinco de Mayo.

2 Q. Did you say a limited what? Web presence?

3 A. Limited presence.

4 Q. On the web?

5 A. On the web.

6 Q. All right. And what about text messaging? Did  
7 you search your phone for text messages to council  
8 members or other parties, people in the community, that  
9 might be relevant to this case?

10 A. Did I search text messages? I -- you know,  
11 Mr. Russo, I can't -- I can't recall if I did. I just  
12 did a search of everything, is what I did with my  
13 computer, with phones.

14 Q. So you're saying you think you did, but you  
15 don't specifically recall doing it?

16 A. I don't recall the moment that I did it on the  
17 phone because I'm constantly on this thing. Right?

18 Q. Okay.

19 A. So...

20 Q. Is it your belief, sitting here today, that any  
21 text messages you had on your phone that were related to  
22 the redistricting effort, or they were asked for, I  
23 guess, by us in this case, you've provided them to your  
24 counsel?

25 A. I did provide them. Understanding that my

1 messages -- text messages only last for 60 days.

2 Q. Is that a setting you have on your phone?

3 A. It's on my phone. Correct.

4 Q. Okay. Did you ever get a retention letter --

5 A. (Shaking head.)

6 Q. -- suggesting you should hold texts longer than  
7 that?

8 A. No, sir.

9 Q. Are your text messages right now are still  
10 rolling off your phone after 60 days?

11 A. They disappear. If I need them, I have to kind  
12 of take a photograph or something of them.

13 Q. Okay. So 60 days after the lawsuit was filed,  
14 all text messages that existed, as of the date the  
15 lawsuit was filed, are gone. Would you agree?

16 A. Probably. But I don't -- yeah.

17 Q. We talked about the documents. Is there  
18 anything else that you can think of in your possession  
19 that might be relevant to the case that's in your  
20 possession?

21 MS. VALL-LLOBERA: Objection; vague.

22 A. No, sir.

23 Q. (BY MR. RUSSO) Do you know what the -- do you  
24 have an agreement with the lawyers representing you in  
25 the case related to your representation?

1 MS. VALL-LLOBERA: Excuse me, Counsel. I  
2 think somebody is speaking on this Zoom, but I don't  
3 know if the sound should be coming out of here or out of  
4 there.

5 MR. RUSSO: Not on here.

6 MS. VALL-LLOBERA: If one of the remote  
7 participants is trying to say something --

8 THE VIDEOGRAPHER: Check the volume on  
9 there.

10 THE WITNESS: The volume is up.

11 MS. VALL-LLOBERA: Let's see. Okay.

12 MS. ZHU: Yeah, there might be an issue  
13 with --

14 MS. VALL-LLOBERA: There's a message  
15 from --

16 MR. GEAR: Can you hear me now?

17 MS. ZHU: Yes.

18 MS. VALL-LLOBERA: Yes.

19 MR. GEAR: Sorry. I -- for whatever  
20 reason, I could not get through during the deposition.

21 And I'm sorry to interrupt, Attorney Russo.

22 There are a number of documents that have  
23 been testified to that the United States intends to  
24 clawback, and we'll provide you with a clawback letter,  
25 specifically U.S. -- and I'll give the last four digits

1 of the documents -- 1300, 1422, 1322, and 1408. We  
2 believe that these documents are privileged and will set  
3 forth our position in a letter that we intend to send  
4 you.

5 MR. RUSSO: Okay. Thank you, Mr. Gear.

6 All right. Are we good? You good?

7 THE VIDEOGRAPHER: Yes, sir.

8 Q. (BY MR. RUSSO) Okay. Do you know is there an  
9 agreement between LULAC and its lawyers related to the  
10 representation in this case?

11 A. Yes, sir.

12 Q. Do you -- have you seen a copy of it?

13 A. Yes, sir.

14 Q. Do you know what rates the lawyers are charging  
15 LULAC for prosecution of this action?

16 A. I'm not aware of any rates.

17 Q. Have you seen any bills for work done to date?

18 A. No, sir.

19 Q. Received any -- do you know whether LULAC has  
20 received any expense -- invoices for expenses in this  
21 case as of today?

22 A. No, sir.

23 Q. You don't know?

24 A. We've not received any.

25 Q. Oh. You haven't -- y'all haven't received any?



1 A. (Shaking head.)

2 Q. All right. But you have seen a copy of an  
3 engagement letter?

4 A. Yes, sir.

5 Q. Do you know when about that was signed?

6 A. I can't tell you the date right now. I don't  
7 recall the exact date.

8 Q. All right. All right. Is it your intention to  
9 provide testimony about -- expert testimony in this  
10 case? You personally, not LULAC.

11 A. Expert? An expert in what sense? As a  
12 community member or what? I don't understand your  
13 question.

14 Q. Well, so one issue is that you have a J.D.  
15 degree?

16 A. Yes, sir.

17 Q. Right? And so one question I have for you is  
18 are you intending at this point to provide any opinions  
19 or expert advice to the court?

20 A. No.

21 Q. Or other fact finder as to the law in this  
22 case?

23 A. No, sir.

24 Q. All right. Are you aware of whether -- or have  
25 you been asked to provide opinion testimony as an expert

1 in this case as a nonlegal expert?

2 A. No, sir.

3 Q. Okay. So as of now, you don't have any  
4 intention to appear as an expert. Correct?

5 A. I --

6 Q. Legal or otherwise?

7 A. Legal or otherwise. (Shaking head.)

8 Q. Okay.

9 MR. RUSSO: Well, I appreciate your time,  
10 been a long day.

11 I pass the witness at this point.

12 THE WITNESS: Thank you.

13 MS. VALL-LLOBERA: Can we go off the record  
14 to take a short break? Just to make sure I...

15 THE VIDEOGRAPHER: Off the record, 6:15.

16 (Recess taken.)

17 THE VIDEOGRAPHER: Back on the  
18 record, 6:20 p.m.

19 EXAMINATION

20 BY MS. VALL-LLOBERA:

21 Q. Hi, Mr. Compian.

22 A. Yes, ma'am.

23 Q. Thank you for sitting with us today.

24 A. (Nodding head.)

25 Q. I'm just going to ask you a couple of questions

1 here, and then hopefully you'll be on your way.

2 A. Okay.

3 Q. So earlier in your testimony, you identified  
4 some issues that affect Latinos and African Americans,  
5 specifically you talked about raising the qualified  
6 indigent levels and asking for additional outreach at  
7 different events by the county health authority and not  
8 raising property taxes. Do you -- do you recall -- do  
9 you recall that testimony?

10 A. Yes, ma'am.

11 Q. Would it be fair to say that those issues  
12 disproportionately affect Latinos and African Americans?

13 A. Yes.

14 Q. Okay. Earlier in your testimony, you also  
15 testified that you searched your e-mail for documents as  
16 part of this case?

17 A. Yes.

18 Q. Do you recall that testimony?

19 A. Yes, ma'am.

20 Q. And to clarify, a vendor ran searches on your  
21 inbox to collect e-mails. Right?

22 A. Correct.

23 MS. VALL-LLOBERA: We'll reserve our  
24 remaining questions.

25 I would like to read and sign, and order a

1 copy of the transcript.

2 MR. RUSSO: I have another hour's worth of  
3 questions.

4 THE WITNESS: Did you see my eyes go?

5 THE VIDEOGRAPHER: Off the record, 6:21.

6 (Proceedings concluded.)

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CHANGES AND SIGNATURE

WITNESS NAME: JOE COMPIAN

DATE OF DEPOSITION: MARCH 31, 2023

PAGE LINE	CHANGE	REASON

1 I, JOE COMPIAN, have read the foregoing  
2 deposition and hereby affix my signature that same is  
3 true and correct, except as noted above.  
4

5  
6

\_\_\_\_\_  
JOE COMPIAN

7  
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9

THE STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

10 Before me, \_\_\_\_\_, on  
11 this day personally appeared JOE COMPIAN, known to me  
12 (or proved to me under oath or through  
13 \_\_\_\_\_) (description of identity  
14 card or other document) to be the person whose name is  
15 subscribed to the foregoing instrument and acknowledged  
16 to me that they executed the same for the purposes and  
17 consideration therein expressed.

18 Given under my hand and seal of office this  
19 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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NOTARY PUBLIC IN AND FOR  
THE STATE OF \_\_\_\_\_  
COMMISSION EXPIRES: \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

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TERRY PETTEWAY, THE )  
HONORABLE DERRECK ROSE, )  
MICHAEL MONTEZ, SONNY )  
JAMES and PENNY POPE, )  
)  
Plaintiffs, ) CIVIL ACTION

v. ) NO. 3:22-cv-57

)  
GALVESTON COUNTY, TEXAS, )  
and HONORABLE MARK HENRY, )  
in his official capacity )  
as Galveston County Judge, )  
)  
Defendants. )

\_\_\_\_\_)  
)  
UNITED STATES OF AMERICA, )  
)  
Plaintiff, ) CIVIL ACTION

v. ) NO. 3:22-cv-93

)  
GALVESTON COUNTY, TEXAS, )  
GALVESTON COUNTY )  
COMMISSIONERS COURT, and )  
HONORABLE MARK HENRY, in )  
his official capacity as )  
Galveston County Judge, )  
)  
Defendants. )

\_\_\_\_\_)  
)  
DICKINSON BAY AREA BRANCH )  
NAACP, GALVESTON BRANCH )  
NAACP, MAINLAND BRANCH )  
NAACP, GALVESTON LULAC )  
COUNCIL 151, EDNA )  
COURVILLE, JOE A. COMPIAN, )  
and LEON PHILLIPS, )  
)  
Plaintiffs, ) CIVIL ACTION

v. ) NO. 3:22-cv-117

1 )  
 2 GALVESTON COUNTY, TEXAS, )  
 3 HONORABLE MARK HENRY, in )  
 4 his official capacity as )  
 5 Galveston County Judge, )  
 6 and DWIGHT D. SULLIVAN, in )  
 7 his official capacity as )  
 8 Galveston County Clerk, )  
 9 )  
 10 Defendants. )

-----

11 REPORTER'S CERTIFICATION  
 12 ORAL AND VIDEOTAPED DEPOSITION OF  
 13 JOE COMPIAN  
 14 APPEARING IN HIS INDIVIDUAL CAPACITY  
 15 AND AS CORPORATE REPRESENTATIVE OF  
 16 PLAINTIFF GALVESTON LULAC COUNCIL 151

MARCH 31, 2023

-----

17 I, Velma C. LaChausse, Shorthand Reporter and  
 18 Notary Public in and for the State of Texas, hereby  
 19 certify to the following:

20 That the witness, JOE COMPIAN, was duly sworn by  
 21 the officer and that the transcript of the oral  
 22 deposition is a true record of the testimony given by  
 23 the witness;

24 That the deposition transcript was submitted on  
 25 \_\_\_\_\_ to the witness or to the attorney  
 for the witness for examination, signature and return to



1 me by \_\_\_\_\_;

2 That pursuant to information given to the  
3 deposition officer at the time said testimony was taken,  
4 the following includes counsel for all parties of  
5 record:

6 Ms. Diana C. Vall-llobera, Counsel for NAACP Plaintiffs;

7 Mr. Joseph R. Russo, Jr., Counsel for Defendants;

8 That \$\_\_\_\_\_ is the deposition officer's  
9 charges to the Defendant for preparing the original  
10 deposition transcript and any copies of exhibits;

11 I further certify that I am neither counsel for,  
12 related to, nor employed by any of the parties or  
13 attorneys in the action in which this proceeding was  
14 taken, and further that I am not financially or  
15 otherwise interested in the outcome of the action.

16 Certified to by me this 15th of April, 2023.

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\_\_\_\_\_  
Velma C. LaChausse  
Notary Public in and for  
The State of Texas  
Commission Expires: 03/22/2026  
U.S. Legal Support, Inc.  
Firm Registration # 122  
16825 Northchase Drive  
Suite 800  
Houston, Texas 77060  
(713) 653-7100  
(713) 653-7143 Fax

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

TERRY PETTEWAY, THE  
HONORABLE DERRECK ROSE,  
MICHAEL MONTEZ, SONNY  
JAMES and PENNY POPE,

*Plaintiffs,*

v.

GALVESTON COUNTY, TEXAS,  
and HONORABLE MARK HENRY,  
in his official capacity as Galveston  
County Judge,

*Defendants.*

Civil Action No. 3:22-cv-57

---

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

GALVESTON COUNTY, TEXAS,  
GALVESTON COUNTY  
COMMISSIONERS COURT, and  
HONORABLE MARK HENRY, in  
his official capacity as Galveston  
County Judge,

*Defendants.*

Civil Action No. 3:22-cv-93

---

DICKINSON BAY AREA BRANCH  
NAACP, GALVESTON BRANCH  
NAACP, MAINLAND BRANCH  
NAACP, GALVESTON LULAC  
COUNCIL 151, EDNA COURVILLE,  
JOE A. COMPIAN, and LEON  
PHILLIPS,

Civil Action No. 3:22-cv-117

*Plaintiffs,*

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v.

GALVESTON COUNTY, TEXAS,  
HONORABLE MARK HENRY, in  
his official capacity as Galveston  
County Judge, and DWIGHT D.  
SULLIVAN, in his official capacity as  
Galveston County Clerk

*Defendants.*

**CERTIFICATE OF DEPONENT**

May 19, 2023

Joe Compián

March 31, 2023

1 CHANGES AND SIGNATURE

2 WITNESS NAME: JOE COMPIAN

3 DATE OF DEPOSITION: MARCH 31, 2023

4 PAGE LINE CHANGE REASON

5 Please see attached Errata sheet.

6 \_\_\_\_\_

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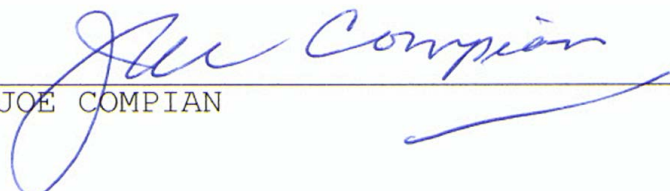
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Joe Compián  
March 31, 2023

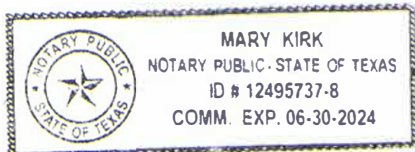
1 I, JOE COMPIAN, have read the foregoing  
2 deposition and hereby affix my signature that same is  
3 true and correct, except as noted above.

4  
5   
6 JOE COMPIAN

7 THE STATE OF Texas  
8 COUNTY OF Cherokee

9  
10 Before me, MAY 19, 2023, on  
11 this day personally appeared JOE COMPIAN, known to me  
12 (or proved to me under oath or through  
13 TXDL) (description of identity  
14 card or other document) to be the person whose name is  
15 subscribed to the foregoing instrument and acknowledged  
16 to me that they executed the same for the purposes and  
17 consideration therein expressed.

18 Given under my hand and seal of office this  
19 19 day of May, 2023.



22   
23 NOTARY PUBLIC IN AND FOR  
24 THE STATE OF Texas  
25 COMMISSION EXPIRES: 06/30/2024

**DEPOSITION ERRATA SHEET FOR JOE COMPIAN/LULAC (MARCH 31, 2023)**

<b>Page</b>	<b>Line</b>	<b>Change</b>	<b>Reason</b>
6	14	“NAACP, Plaintiffs” to “NAACP Plaintiffs”	Typographic Error
30	8	“that was the bases for the” to “that was the basis for the”	Typographic Error
33	8	“across th” to “across the”	Typographic Error
61	19	“That’s a emergency” to “That’s an emergency”	Typographic Error
61	21	“ham -- ham license” to “REACT – drone” license	Transcription Error
67	20	“Isn’t still Judge Ewing” to “Isn’t it still Judge Ewing”	Typographic Error
68	4	“Kenyas” to “Quintanillas”	Transcription Error
68	7	“Kenyas” to “Quintanillas”	Transcription Error
82	7	“stupido” to “estupido”	Typographic Error
84	7	“marking” to “marketing”	Typographic Error
89	1	“commissioners court” to “Commissioners Court”	Typographic Error
94	9	“Apfell” to “Apffel”	Typographic Error
95	14	“counsel” to “council”	Typographic Error
97	3	“commissioners court” to “Commissioners Court”	Typographic Error
105	15	“commissioners court” to “Commissioners Court”	Typographic Error
107	15	“commissioners court” to “Commissioners Court”	Typographic Error
109	12	“They are” to “there are”	Typographic Error
113	22	“commissioners court” to “Commissioners Court”	Typographic Error
117	15	“commissioners court” to “Commissioners Court”	Typographic Error
118	6	“department of justice” to “Department of Justice”	Typographic Error
124	16	“Freddiesville area” to “Friendsville area”	Typographic Error
133	17	“And there had to fill in for” to “And they had to fill in for”	Typographic Error
133	24	“commissioner Apffel” to “Commissioner Apffel”	Typographic Error
149	18	“commissioners court” to “Commissioners Court”	Typographic Error
154	12	“commissioners court” to “Commissioners Court”	Typographic Error

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214	5	"commissioners court" to "Commissioners Court"	Typographic Error
215	20	"commissioners court" to "Commissioners Court"	Typographic Error
216	3	"commissioners court" to "Commissioners Court"	Typographic Error
219	6	"statute" to "statue"	Typographic Error
219	17	"statute" to "statue"	Typographic Error
234	23-24	"in which precinct it, although" to "in which precinct it is, although"	Typographic Error
237	16	"An" to "And"	Typographic Error
244	21	"moment to rad" to "moment to read"	Typographic Error
253	16	"All righty." To "All right."	To clarify record
256	1	"NALEO" to "NALEAO"	Typographic Error
256	5	"get COVID" to "got COVID"	Typographic Error
256	11	"NALEO" to "NALEAO"	Typographic Error
257	18	"NALEO" to "NALEAO"	Typographic Error
263	4	"also a very" to "also very"	

Subject to the above changes, on behalf of myself as an individual and a representative of LULAC 151, I certify that my deposition transcript is true and accurate.

By:



Joe Compian

Dated:

MAY 17, 2023

# **Exhibit 7**



1 UNITED STATES DISTRICT COURT

2 SOUTHER DISTRICT OF TEXAS

3 GALVESTON DIVISION

4 - - -

5 TERRY PETTEWAY, et al., : CIVIL ACTION NO.  
6 : 3:22-CV-00057  
7 PLAINTIFFS, : (Consolidated)

7 vs. :

8 GALVESTON COUNTY, TEXAS, :  
9 et al., :  
10 DEFENDANTS. :

11 UNITED STATES OF AMERICA, : CIVIL ACTION NO.  
12 : 3:22-CV-00093

12 PLAINTIFFS, :

13 vs. :

14 GALVESTON COUNTY, TEXAS, :  
15 et al., :  
16 DEFENDANTS. :

17 DICKINSON BAY AREA BRANCH NAACP, et al., : CIVIL ACTION NO.  
18 : 3:22-CV-00117

18 PLAINTIFFS, :

19 vs. :

20 GALVESTON COUNTY, TEXAS, :  
21 et al., :  
22 DEFENDANTS. :

22 DEFENDANTS. :

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Friday, April 21, 2023

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Video recorded deposition taken  
remotely, via Zoom, of William Cooper,  
beginning at 11:14 a.m., before Beau Dillard,  
RPR, a Notary Public in and for the  
Commonwealth of Pennsylvania and Certified  
Registered Professional Reporter.

- - -

VERITEXT NATIONAL COURT REPORTING COMPANY  
MID-ATLANTIC REGION  
1801 Market Street - Suite 1800  
Philadelphia, Pennsylvania 19103

1 A P P E A R A N C E S :

2 THE SOUTHERN COALITION FOR  
3 SOCIAL JUSTICE  
4 BY: HILARY HARRIS KLEIN, ESQ.  
5 1415 West NC Highway 54  
6 Suite 101  
7 Durham, North Carolina 27707  
8 Hilaryhklein@scsj.org  
9 Representing the Plaintiff

10 HOLTZMAN VOGEL BARAN TORCHINSKY  
11 & JOSEFIK, PLLC  
12 BY: SHAWN SHEEHY, ESQ.  
13 2300 N Street, N.W. Suite 643A  
14 Washington DC 20037  
15 202-737-8808  
16 Ssheehy@holtzmanvogel.com  
17 Representing the Defendants

18 WILLKIE FARR & GALLAGHER, LLP  
19 BY: KATHRYN GARRETT, ESQ.  
20 BY: DIANA C. VALL-LLOBERA, ESQ.  
21 787 Seventh Avenue  
22 New York, New York 10019  
23 212-728-3924  
24 Kgarrett@willkie.com  
25 Dvall-llobera@willkie.com

- - -

A L S O P R E S E N T : James Budkins, Tech

Larry Moskowitz,  
Videographer

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EXAMINATION	PAGE
WILLIAM COOPER	
BY MR. SHEEHY	10
BY MS. KLEIN	96

- - -

E X H I B I T S

- - -

NUMBER	DESCRIPTION	PAGE
Exhibit 1	Exhibit 1 - Defendants', Galveston County's Amended Notice Of Oral And Videotaped Deposition of William S. Cooper, 7-Pg Document	22
Exhibit 2	Exhibit 2, Expert Declaration and Report of William S. Cooper, 01/12/23, 189-Pg Document	23
Exhibit 3	Exhibit 3, Expert Declaration and Rebuttal Report of William S. Cooper, 03/27/23, 41-Pg Document	29

1 Exhibit 4 Exhibit 4, Selected  
2 Socio-Economic Data,  
3 Galveston County, Texas,  
4 67-Pg Document 34

5  
6 Exhibit 5 Exhibit 5,  
7 Index of /ACS\_2015\_19/Galveston,  
8 2-Pg Document 43

9  
10 Exhibit 6 Exhibit 6, Expert Report of  
11 Dr. Mark Owens, 03/31/2023,  
12 32-Pg Document 63

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DEPOSITION SUPPORT INDEX

DIRECTION TO WITNESS NOT TO ANSWER

Page	Line
None	

REQUEST FOR PRODUCTION OF DOCUMENTS

Page	Line	Description
None		

STIPULATIONS

Page	Line
7	1

QUESTIONS MARKED

Page	Line
None	

1 - - -

2 The attorneys participating in  
3 this deposition acknowledge that the  
4 court stenographer is not physically  
5 present in the deposition room and that  
6 he will be reporting this deposition  
7 remotely.

8 They further acknowledge that,  
9 in lieu of an oath administered in  
10 person, the oath will be administered  
11 remotely. The parties and their counsel  
12 consent to this arrangement and waive any  
13 objections to this manner of reporting.

14 The attorneys have indicated  
15 their agreement to the above stipulation  
16 off the stenographic record.

17 It is stipulated and agreed to  
18 by and between counsel for the respective  
19 parties that all objections, except as to  
20 form of the question, are reserved to the  
21 time of trial.

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THE VIDEOGRAPHER: Good morning.  
We are going on the record at 11:14 a.m.,  
on April 21st, 2023.

Please note that this deposition  
is being conducted virtually. Quality of  
recording depends on the quality of  
camera and internet connection of  
participants.

What is seen from the Witness  
and heard on screen is what will be  
recorded. Audio and video recording will  
continue to take place until all parties  
agree to go off the record.

This is Media Unit Number 1 of  
the video recorded deposition of  
William Cooper, taken by counsel for  
Defendant in the matter of  
Honorable Terry Petteway, et al., versus  
Galveston County, et al., filed in the  
United States District Court Southern  
District of Texas. Case Number  
3:22-CV-00057.

This deposition is being  
conducted remotely using virtual



1 technology.

2 My name is Larry Moskowitz,  
3 representing Veritext and I am the  
4 videographer. The court reporter is  
5 Beau Dillard, also from Veritext.

6 I am not authorized to  
7 administer an oath. I am not related to  
8 any party in this action, nor am I  
9 financially interested in the outcome.

10 If there are any objections to  
11 proceeding, please state them at the time  
12 of your appearance.

13 Counsel and all present,  
14 including remotely, will now state their  
15 appearances and affiliations for the  
16 record beginning with the noticing  
17 attorney.

18 MR. SHEEHY: Good morning. This  
19 is Shawn Sheehy on behalf of the  
20 Defendants.

21 MS. KLEIN: Good morning. This  
22 is Hillary Klein on behalf of the NAACP,  
23 Plaintiffs.

24 THE VIDEOGRAPHER: Will the  
25 Court Reporter please swear in the

1           Witness and then Counsel may proceed.

2                                 - - -

3                         WILLIAM COOPER, after having  
4           been first duly sworn, was examined and  
5           testified as follows:

6                                 - - -

7                                 EXAMINATION

8                                 - - -

9         BY MR. SHEEHY:

10                 Q.           Good morning, Mr. Cooper. My  
11           name is Shawn Sheehy and I'm one of the  
12           attorneys in this case, and I'm an attorney at  
13           the law firm of Holtzman and Vogel in  
14           Washington, D.C. and I represent the Defendants  
15           in this action.

16                                 How are you this morning?

17                 A.           I'm fine. Thank you.

18                 Q.           Mr. Cooper, would you please say  
19           and spell your name for the record?

20                 A.           Yes. My name is William Sexton  
21           Cooper. W-i-l-l-i-a-m. Sexton, s-e-x-t-o-n.  
22           Cooper, C-o-o-p-e-r.

23                 Q.           And, Mr. Cooper, where do you  
24           reside?

25                 A.           I reside in Bristol, Virginia,

1 right down Interstate 81 from where you are,  
2 but on the Tennessee line.

3 Q. Very well. Have you ever lived  
4 in Texas?

5 A. I have not.

6 Q. Have you ever visited  
7 Galveston County, Texas?

8 A. That is a very good question,  
9 I've wondered about that. Once I took a family  
10 trip with my parents when I was a kid and we --  
11 we visited relatives in Houston and we visited  
12 the Space Center and later that day my  
13 recollection is we were going to head to  
14 Galveston Beach, but it was getting late in the  
15 afternoon and we only went a little tiny ways,  
16 but we might have gotten into Galveston,  
17 because I do remember seeing the ship -- and on  
18 another occasion, I've been -- South Houston,  
19 this would be 1990, heading to -- in Mexico  
20 with some friends of mine.

21 And we stayed in South Houston  
22 for a couple days in an Mexican-American  
23 household and then went -- went to Brownsville  
24 via a state highway, so I've might have been to  
25 Galveston or very close to it on that trip as

1 well.

2 Q. Well, for you, Mr. Cooper, and  
3 for everybody else on Zoom, I know we have a  
4 Stenographer taking the record, but is anyone  
5 else on this call recording in any other way?

6 A. No. Or at least not from my  
7 end.

8 MS. KLEIN: This is  
9 Hillary Klein for NAACP Plaintiffs, we  
10 are not recording in any other way.

11 THE VIDEOGRAPHER: The  
12 Videographer is making a secondary  
13 recording via special software.

14 MR. SHEEHY: Counsel for the  
15 United States and how about Counsel for  
16 the Petteway Plaintiffs? Hearing none,  
17 nobody else is recording.

18 BY MR. SHEEHY:

19 Q. Mr. Cooper, I know that Zoom has  
20 a mute function, but I'm going to ask that you  
21 not use the mute function unless it is clear  
22 that we've gone on a break.

23 Is that understood?

24 A. That is understood.

25 Q. And the other exception I'll say

1 is if you need to go on mute to talk to your  
2 counsel to preserve a privilege.

3 Does that sound fair?

4 A. Sounds fair.

5 Q. Okay. Where are you taking the  
6 deposition right now?

7 A. At home.

8 Q. In Bristol, Virginia?

9 A. Yes.

10 Q. Is anyone else in the room with  
11 you that's not on camera?

12 A. No.

13 Q. Do you have any applications  
14 open on your computer right now?

15 A. Just Zoom.

16 Q. Do you have Internet Explorer  
17 open?

18 A. No. Well, maybe I do on the  
19 other computer, just to see the email when it  
20 comes in, but not on my laptop. Not -- not --  
21 I just have my email account open, that's all.

22 Q. Okay. I'm going to ask if you  
23 can turn off your email function while we're  
24 doing the deposition. We're going to be doing  
25 the Exhibit Share so you don't have to worry

1 about someone emailing you a link for the  
2 Exhibit Share.

3 A. Okay. We're good there. I just  
4 turned it off.

5 Q. Thank you very much. Do you  
6 have a phone or a tablet or any other device  
7 within eyesight that someone could use to  
8 communicate to you?

9 A. My phone is off. There's no  
10 other device that anyone could communicate with  
11 me.

12 Q. Okay. You don't have an iPad  
13 with an eyesight?

14 A. No. I don't use iPad.

15 Q. Okay. Do you have any other  
16 tablet within eyesight that someone could use  
17 to communicate with you?

18 A. Well, there's a Kindle, but  
19 nobody can communicate with me because it's  
20 just used for reading a book or something.

21 Q. Very well. I will be asking you  
22 a series of questions today about the opinions  
23 you expressed in your report dated  
24 January 13th, 2023. Does that sound fair?

25 A. Fair enough.

1 Q. And I'll also be asking you  
2 questions about your March 27th, 2023, rebuttal  
3 report today. Does that sound fair?

4 A. Very well.

5 Q. Okay. If at any time today my  
6 questions are unclear, Mr. Cooper, please let  
7 me know and I can explain or rephrase those  
8 questions. Does that sound fair?

9 A. That's fine.

10 Q. But if you answer the question,  
11 I'm going to assume that you understood my  
12 question. Does that sound fair?

13 A. Fair enough.

14 Q. Okay. While I'm asking  
15 questions today, your attorney may object to  
16 those questions but I'm still going to need an  
17 answer to my questions. Does that sound fair?

18 A. That's okay.

19 Q. The objections are preserved for  
20 later. We're not going to be dealing with  
21 those objections today. The only exception,  
22 Mr. Cooper, is if your attorney objects on the  
23 basis of privilege and instructs you not to  
24 answer. Does that sound fair?

25 A. Yes.

1 Q. Unless your attorney instructs  
2 you not to answer a question, I'll still need  
3 an answer to my questions.

4 Does that sound fair?

5 A. Fair.

6 Q. This is not a marathon,  
7 Mr. Cooper. If you need a break at any point  
8 today, please let me know, I'm happy to go on  
9 break. My only caveat to that is if I have a  
10 question pending, I'll ask that you answer my  
11 question before we take a break.

12 Does that sound fair?

13 A. Fair enough. That's fine.

14 Q. Okay. And I think we're all on  
15 the East Coast today, so, you know, we might be  
16 able to have a normal lunch hour today. So we  
17 had a couple depositions with folks in  
18 California and so we tried to go 'til about  
19 2:30, 3 o'clock on the East Coast to  
20 accommodate them, but don't think we'll have  
21 that issue today. Does that sound fair?

22 A. I had breakfast so I could go  
23 for a good while.

24 Q. Good. Very well. You  
25 understand that you're under oath today,



1 Mr. Cooper?

2 A. Yes.

3 Q. You understand that the oath you  
4 took today has the same effect as if you were  
5 testifying in court?

6 A. Yes.

7 Q. Is there any reason that you can  
8 think of today where you would not be able to  
9 answer truthfully and fully to the fullest  
10 extents of your abilities?

11 A. No.

12 Q. Have you had your deposition  
13 taken before?

14 A. Yes.

15 Q. Approximately, how many times  
16 have you had your deposition taken?

17 A. I think it's in the neighborhood  
18 of probably 75 times, at least.

19 Q. And approximately how many of  
20 those 75 depositions were you testifying as an  
21 expert witness?

22 A. I think it would have been all  
23 of them.

24 Q. You've never been deposed in a  
25 case where you were a non-expert witness?

1           A.           Not to my knowledge. I think  
2 the only times I've been deposed have been  
3 relating to cases involving voting or school  
4 desegregation cases.

5           Q.           Okay. How did you prepare for  
6 your deposition today?

7           A.           I reread my declaration and  
8 looked at Dr. Owens' report and reread the  
9 rebuttal declaration, talked a little bit with  
10 counsel, that was it.

11          Q.           How long did you speak with  
12 counsel in preparation for your deposition  
13 today?

14          A.           I think about an hour, maybe,  
15 45 minutes, I don't really specifically recall.  
16 It was yesterday. I wasn't really watching the  
17 clock.

18          Q.           And when you say counsel, who  
19 are you referring to?

20          A.           Ms. Klein.

21          Q.           Was anybody else on the call  
22 with you and Ms. Klein?

23          A.           No.

24          Q.           Was the call by telephone or was  
25 it on Zoom?

1 A. It was by Zoom.

2 Q. Have you spoken with anyone  
3 other than your attorneys in preparation for  
4 your deposition today?

5 A. No.

6 Q. Have you spoken about this case  
7 with anyone other than your attorneys?

8 A. No.

9 Q. Have you discussed the opinions  
10 expressed in your expert report with anyone  
11 other than your attorneys?

12 A. No.

13 Q. Other than your attorney, did  
14 you speak to anyone to obtain facts or data  
15 that you expressed in your expert report?

16 A. No.

17 Q. In the drafting of your expert  
18 report, your January 13th report and your  
19 March 27th report, did you speak to anyone to  
20 obtain facts for those reports?

21 A. No.

22 Q. In preparation of your  
23 January 13th, 2023, report and your  
24 March 27th, 2023, report, did you obtain facts  
25 from counsel?

1           A.           Well, yes, I think I provided  
2 footnotes in the reports regarding some  
3 documents and electronic shake files that I  
4 received from the attorneys for the Plaintiffs.

5           Q.           Did you receive any other facts  
6 from counsel for the Plaintiffs other than  
7 those that you identified in the footnotes of  
8 your January 13th, 2023, report?

9           A.           I don't think so. I think  
10 that's fairly comprehensive.

11          Q.           Mr. Cooper, when were you  
12 retained in this case?

13          A.           I believe it was in late  
14 September of 2022.

15          Q.           And when did you start working  
16 on your report?

17          A.           Well, I did some preliminary  
18 work there in the early part of October, but I  
19 didn't really start writing the report until  
20 mid December of 2022. I didn't do much between  
21 early October and December due to other  
22 priorities.

23          Q.           Approximately, how many hours  
24 did you spend drafting your January 13th, 2023,  
25 report?

1           A.           You know, I don't know right  
2 offhand. I did submit an invoice. I'm  
3 guessing -- you know, I mean, if you include  
4 things like preliminary work, developing draft  
5 plans and that sort of thing, I guess it's in  
6 the range of 80 hours. I don't recall  
7 specifically.

8           Q.           And approximately -- excuse me.  
9 Approximately, how much time did you spend  
10 preparing your March 27th, 2023, rebuttal  
11 report?

12          A.           Again, off the top of my head, I  
13 don't know. I think it was probably maybe  
14 20 hours. Again, I don't have -- I don't have  
15 that figure in my head. I guess you could get  
16 it from the invoices eventually.

17          Q.           Okay.

18                       MR. SHEEHY: Ms. Klein, have  
19 those invoices been produced to us, the  
20 Defendants?

21                       MS. KLEIN: I don't think so. I  
22 don't know that they have been requested.

23                       MR. SHEEHY: Well, I'll go ahead  
24 and make that request now and I can put  
25 it in writing later, if you'd like.

1 MS. KLEIN: Yeah. Please put it  
2 in writing. We can talk about that after  
3 this.

4 MR. SHEEHY: Very well. I will  
5 do that.

6 BY MR. SHEEHY:

7 Q. Mr. Cooper, we're going to try  
8 out the Exhibit Share here, we're sharing the  
9 screen. If you could put up Exhibit 1, please.

10 - - -

11 (Whereupon the document was  
12 marked, for identification purposes, as  
13 Exhibit Number 1.)

14 - - -

15 BY MR. SHEEHY:

16 Q. This will be a real easy one for  
17 us, just to practice with the technology.

18 A. I see Exhibit 1.

19 Q. Excellent. Mr. Cooper, we've  
20 placed in front of you, Exhibit 1. We'll go  
21 ahead and scroll down for you. This is a copy  
22 of your amended notice of oral and videotaped  
23 deposition for today.

24 I'll go ahead and scroll down  
25 for you just so you can see it. This is the

1 subpoena for your deposition today.

2 A. Okay. I'm here.

3 Q. Yes. Excellent. So,  
4 Mr. Cooper, I'd like to now put a copy of your  
5 January 13th, 2023, report in front of you.  
6 This will be Exhibit 2.

7 - - -

8 (Whereupon the document was  
9 marked, for identification purposes, as  
10 Exhibit Number 2.)

11 - - -

12 BY MR. SHEEHY:

13 Q. And we've placed Exhibit 2 in  
14 front of you and we'll go ahead and scroll down  
15 so you can see what it is.

16 This is your expert declaration  
17 and report of William S Cooper dated  
18 January 13th, 2023. And we can go ahead to  
19 Page 37. And is that a copy of your signature  
20 on Page 37?

21 A. Yes.

22 Q. We'll go ahead and we'll scroll  
23 up a little on the slow side for you just so  
24 you can take a look and my question is just  
25 going to be, is this a good and accurate

1 report -- or I'm sorry, does this appear to be  
2 a true and accurate copy of your  
3 January 13th, 2023, report?

4 A. It does appear to be, yeah, an  
5 accurate copy.

6 Q. Okay. And you said you reviewed  
7 your January 13th, 2023, report in preparation  
8 for your deposition today, correct?

9 A. Correct.

10 Q. Setting aside your rebuttal  
11 report for the moment, does this report provide  
12 all the opinions that you intend to express in  
13 this case?

14 A. All of the opinions to date.  
15 May be called upon to make some other opinion,  
16 but as of now, I have no further opinions to  
17 add beyond what I stated in my rebuttal report.

18 Q. Okay. If this case goes to  
19 trial and I haven't received an additional  
20 report from you, safe to say that this report  
21 and your rebuttal report express all the  
22 opinions you intend to express in this case?

23 A. I think that's safe to say. I  
24 reserve the right to express another one if  
25 I -- if for some reason in response to a



1 question you may have, I feel the need to make  
2 a statement regarding that opinion.

3 Q. And when you say in response to  
4 a question, I assume you mean in response to a  
5 question that I ask?

6 A. Yes.

7 Q. Or counsel for Defendants ask?

8 A. Or my counsel or the Judge.

9 Q. Okay. So absent a question from  
10 counsel -- counsel for defense or a question  
11 from the Judge at trial, these two reports,  
12 your expert report of January 13th and your  
13 March 27th report express all the opinions that  
14 you intend to express in this case?

15 A. At this point, yes.

16 Q. And, again, if I don't receive  
17 an additional written report prior to trial,  
18 safe to say that these two reports, your  
19 January 13th, 2023, report and your  
20 March 27th, 2023, report, express all the  
21 opinions you intend to express in this case?

22 A. I think that's safe to say.

23 Q. With your expert report, the  
24 NAACP Plaintiffs have proffered you as an  
25 expert to opine on whether it's possible to

1 satisfy the first Gingles precondition.

2 Is that correct?

3 A. Correct.

4 Q. And -- I'm sorry. What was  
5 that?

6 A. I said if there's no question,  
7 then it's possible to satisfy Gingle's --  
8 cases, it's clear and obvious.

9 Q. Well, we'll talk about that as  
10 we go forward, but my only question right now  
11 is, that's -- that's what you are being put  
12 forward to do, is to opine on whether it's  
13 possible to satisfy the first Gingles  
14 precondition in Galveston County, correct?

15 A. That is one facet. The other is  
16 I'm testifying as an expert on demographics,  
17 which I typically do in any -- case involved.

18 Q. Okay. What is your  
19 understanding of what the first Gingles  
20 precondition requires?

21 A. It's necessary to demonstrate  
22 that the minority population at issue can  
23 comprise a single member district in a plan  
24 that is at issue in this case, we were looking  
25 at Galveston County and the 4 district plan.

1 Q. Okay. And I -- I would say, I  
2 did have a little difficulty hearing you  
3 towards the end.

4 A. Maybe I can move the laptop up a  
5 little closer, be careful about that, though.

6 Q. Thank you, Mr. Cooper.

7 A. Would that help?

8 Q. I heard you very well there.

9 A. Okay.

10 Q. Thank you. Forgive me, just to  
11 make sure I obtained your complete answer, what  
12 is your understanding of what the first Gingles  
13 requirement is?

14 A. Well, my understanding is that  
15 Gingles requires a demonstration, Gingles 1, of  
16 the possibility of drafting and creating a  
17 majority, minority district, in this case, in  
18 Galveston County, where there are four  
19 districts we are showing that it's possible  
20 to -- to develop a vetting plan with one single  
21 member, majority Black plus Latinos, citizen  
22 voting age, population, just -- in any -- in  
23 any number of ways.

24 Q. And does Gingles 1 require  
25 anything else to your understanding?

1 A. What do you mean anything else?

2 Q. I'm just trying -- I just want  
3 to make sure that I've captured your complete  
4 understanding of the Gingles 1 requirement.

5 A. Well, it has -- if you do a  
6 plan, it needs to comply with -- for additional  
7 redistricting principles, one of which is the  
8 non-dilution of minority voting space.

9 Q. Anything else?

10 A. Well, that suffices for now. I  
11 think I made that clear in my report, so I  
12 stand by it in my report.

13 Q. Okay. So -- and you were tasked  
14 in this report to draw -- to see if it was  
15 possible, consistent with traditional  
16 redistricting principles to draw a commission  
17 report precinct that contained a Latino and  
18 African-American seeded out population that was  
19 greater than 50 percent, correct?

20 A. Yes.

21 Q. And to achieve that goal, you  
22 needed to use racial demographic data when  
23 drawing your -- plans, correct?

24 A. I used the data one normally  
25 uses in drawing a revision plan. The PL94171

1 file produced by the Census Bureau from the  
2 2020 census.

3 Q. And when you were drawing your  
4 illustrative plans to see if it was possible to  
5 draw a commissioner court precinct with  
6 50 percent plus 1 African-American Latino CVAP,  
7 you were using the racial data contained in the  
8 PL94 census report, correct?

9 A. Right. And the population data,  
10 voting age as well.

11 Q. Go ahead and introduce  
12 Exhibit 3, please.

13 - - -

14 (Whereupon the document was  
15 marked, for identification purposes, as  
16 Exhibit Number 3.)

17 - - -

18 BY MR. SHEEHY:

19 Q. Do you see Exhibit 3 in front of  
20 you, Mr. Cooper?

21 A. Yes. I see the word Exhibit 3.

22 Q. Okay. We'll go ahead and scroll  
23 down, kind of do the same thing we did before.

24 This is a copy of your rebuttal report from  
25 March 27th, 2023. We'll go ahead and scroll

1 down to Page 14.

2 As we're scrolling down, I'll  
3 just ask the same question, does this appear to  
4 be a true and accurate copy of your rebuttal  
5 report?

6 A. Yes.

7 Q. And is that a copy of your  
8 signature, Mr. Cooper?

9 A. Yes. It is.

10 Q. Okay. So let's go to Page 9 of  
11 this report. And specifically, we're looking  
12 at Paragraph 25, it says, I did not examine  
13 CVAP data at the block level.

14 Do you see that paragraph there?

15 A. Yes.

16 Q. At the end, it says, presumably,  
17 Dr. Owens is working with block level CVAP  
18 estimates disaggregated from block group ACS  
19 estimates, which in and of themselves have very  
20 high margins of error.

21 Do you see that there?

22 A. Yes.

23 Q. What is the margin of error of  
24 the CVAP estimates disaggregated from block  
25 group ACS estimates?

1           A.           Well, the -- the block group  
2 data that is produced by the Census Bureau and  
3 published on the Census Bureau's website has  
4 information about the margin of error for each  
5 individual block group depending upon  
6 population size, so that -- that actual margin  
7 of error, in terms of a count of -- of  
8 citizens, an estimate, it can be quite large  
9 for block groups.

10                       There is no data source for  
11 estimating CVAP at the block level, but when  
12 preparing a voting plan, because you are able  
13 to disaggregate through the block level and  
14 reaggregate back up to the district level, then  
15 most of the margin of error that would be  
16 present in a block group, provided it is a  
17 fairly large jurisdiction or district, would be  
18 washed out.

19           Q.           So did you check to see what the  
20 margins of error were for the block levels in  
21 Galveston County?

22           A.           I did not, because as I've  
23 indicated, there's a whole other another  
24 issue in -- what Dr. Owens is doing here and  
25 that is because block groups are split by -- by

1 VTD boundaries, no matter what he does, he can  
2 not come up with a number that is really  
3 reliable because he just -- it's just kind of a  
4 random calculation that may or may not have any  
5 real direct correlation with the actual number  
6 of citizens who are in that voting district.

7 Q. But did you --

8 A. Deeply flawed analysis of -- you  
9 can't -- the numbers he's produced just are not  
10 reliable.

11 Q. But you did not check what the  
12 error rate was that the Census Bureau reported  
13 at the block level for Galveston County?

14 A. The Census Bureau does not  
15 report block level data. It reports block  
16 group level data. I have looked at -- at the  
17 margin of error for block groups in other  
18 cases, generally it's quite high because block  
19 groups often have maybe only a couple hundred  
20 people in them, but -- but it's not a major  
21 factor when you aggregate all those block  
22 groups, then the margin of error is reduced and  
23 it becomes much less of an issue.

24 But at the block group level and  
25 especially -- especially at the block level, we



1 just don't know so his entire analysis is -- is  
2 just -- you cannot rely on -- on his citizen  
3 counts that he has in his declaration, they're  
4 just not -- they don't mean anything.

5 Q. Could you verify the error rate  
6 was lower for block levels aggregated up to a  
7 commissioner court precinct?

8 A. I did not, but it would be more  
9 because you're -- I think -- I think I have a  
10 number of block groups that are in the -- in  
11 the county somewhere in my declaration and so  
12 by aggregating all those block groups, you get  
13 a much more accurate CVAP figure.

14 Here we're talking about  
15 districts of, what is it, 87,000 or so for the  
16 four commissioner district, I don't have the  
17 numbers in front of me, versus maybe a few  
18 hundred people in some of the VTDS.

19 And some of those VTDS are split  
20 by three or four different block groups, so his  
21 numbers have no significance to me at all,  
22 they're just not reliable and you can't use  
23 them for anything.

24 Q. In Paragraph 26, you say that  
25 VTDS that are split by block groups containing

1 a high number of non-citizens of voting age can  
2 be a sign that disproportionate share of CVAP  
3 from a neighboring VTD and conversely, I see  
4 that VTDs to be a sign the disproportionate  
5 share of noncitizens.

6 A. Correct.

7 Q. All right. Is that the concern  
8 that you've been expressing about CVAP data at  
9 the block level?

10 A. Yeah. Yes. Yes, but at the VTD  
11 level, that's what -- that's what Dr. Owens is  
12 using, he's reaggregated the block back up to a  
13 VTD level, but VTDs and -- in Galveston County  
14 are -- are 92, some had very few voters, very  
15 -- very low populations, others have 3 or  
16 4,000, but you're still going to run into that  
17 issue of not really having an accurate account.  
18 It's -- it's a problem which can't be resolved.

19 Q. So let's put up Exhibit 4,  
20 please.

21 - - -

22 (Whereupon the document was  
23 marked, for identification purposes, as  
24 Exhibit Number 4.)

25 - - -

1 BY MR. SHEEHY:

2 Q. I've placed Exhibit 4, I'm  
3 placing Exhibit 4 in front of you, Mr. Cooper.  
4 Go ahead and scroll down. This is from your  
5 Exhibit D in your January 13th, 2023, report.  
6 And this is the socioeconomic data for  
7 Galveston County.

8 And if we go to Page 11, please,  
9 so here I'm putting in front of you  
10 Galveston County and it has African-American,  
11 Latino and White non-Hispanic citizen  
12 information.

13 And here, for the 18 year and  
14 over, African-Americans are -- 1.4 percent of  
15 African-Americans in Galveston County are not  
16 U.S. citizens and it looks like 1 percent of  
17 White, not Hispanics in Galveston, County, are  
18 not U.S. citizens.

19 So my question to you is, the  
20 concern that you express about the  
21 disproportionate share of noncitizens being  
22 placed in VTDs, is your concern therefore  
23 minimized when considering White CVAP and Black  
24 CVAP?

25 A. It is less of an issue, but it

1 can still be an issue. This particular source  
2 you're using, the 2015, 2019 ACS is not what I  
3 used for calculating CVAP in my report. I used  
4 it for the socioeconomic data and it is  
5 reporting not non-Hispanic Black, but also  
6 Hispanic Black as anybody who was single race  
7 Black regardless of ethnicity.

8 Q. Okay. So in Dr. Owens' report,  
9 when he's looking at block level data and  
10 reporting on African-American CVAP and White  
11 CVAP, you're not as concerned that there could  
12 be a high number of noncitizens being  
13 reassigned to different block groups, correct?

14 A. It would not be as big a factor  
15 for -- for non-Hispanic Whites and non-Hispanic  
16 African-Americans.

17 However, you still have  
18 something of an issue just due to the potential  
19 margin of error once you split block groups and  
20 assign voting age population. So I'm just  
21 saying that the numbers are just not reliable  
22 at that level of detail.

23 Q. Let's go to -- back to  
24 Exhibit 2, if we could, please. So if we go to  
25 Page 8 of your January 13th, 2023, report, this

1 is Figure 1 from your report. And this is the  
2 population data for Galveston County from 1990  
3 to 2020, correct?

4 A. Correct.

5 Q. Now, according to the numbers  
6 that you're displaying here in Figure 1, the  
7 2010 population, total population was 291,309,  
8 correct?

9 A. I believe so.

10 Q. And then the 2020 total  
11 population was 350,682, correct?

12 A. Correct.

13 Q. So -- you know, rough math,  
14 that's about, what, 59,000 population growth,  
15 total population growth between 2010 and 2020?

16 A. I think that's about right.  
17 Yes.

18 Q. Do you know where in the County  
19 that population growth occurred?

20 A. Yes. I think I have tables in  
21 there that -- that show that, perhaps --  
22 perhaps not, but, yes, there was growth in  
23 League City for sure.

24 Q. All right.

25 A. But I don't have that

1 information in front of me, so I can't help you

2 on that. I do know that League City did grow  
3 quite a bit from 2010 to 2020.

4 Q. Dr. Owens, in his report says  
5 that League City added 30,000 -- 30,802 new  
6 residents. Do you have any reason to dispute  
7 that number?

8 A. I haven't seen what part of his  
9 report you're discussing, because he's made  
10 another fatal error and analyzed League City  
11 and Texas City in the same -- as a single  
12 entity that is worthy of analysis, so could you  
13 show me that part of Dr. Owens' report?

14 Q. Sure. Actually, I think you  
15 said you have a copy of Owens's report?

16 A. Yeah. I do. Let me find it.

17 What page are you on?

18 Q. 4.

19 A. Is it a paragraph or a table?

20 Q. I think it was in a paragraph.

21 A. Well, I -- I don't seem to see  
22 any sign there that indicates that in Figure 4.

23 Q. That's fine. We can -- I mean,  
24 we can put up Professor Owens's report after  
25 the break, we can take a look at it there.

1           A.           Yeah. That's fine. I was just  
2 going to say, I mean -- League City grew in  
3 population. It has no impact on my opinion in  
4 this case. There is no question that there's  
5 sufficient Black and Latino citizen voting age  
6 population to create a single member majority,  
7 Black Latino -- it's just -- it's a done deal,  
8 you might as well not spend anymore time on the  
9 issue but proceed if you wish.

10           Q.           Thank you for your permission  
11 for me to proceed. Thank you.

12           A.           You're welcome.

13           Q.           So we'll come back to that then  
14 after the break. Page 12 of your January 13th  
15 report, looking at Figure 3, do you see that in  
16 front of you?

17           A.           Yes.

18           Q.           And this is the -- you're  
19 shading kind of the -- where population of  
20 African-American and Latino -- Latinos live.

21                        Is that correct?

22           A.           Yes.

23           Q.           So I guess -- I guess I want to  
24 make sure that I understand this chart. What  
25 this chart is showing is where the total

1 population of African-American and Latinos are  
2 concentrated in Galveston County.

3 Is that correct?

4 A. Well, it's not a chart, it's a  
5 map and it's --

6 Q. Or a map?

7 A. A thematic map that shows the  
8 percentages by municipality of the combined  
9 non-Hispanic -- Black population and the Latino  
10 population.

11 So you can see that the area  
12 there that is in -- what ultimately is my  
13 rebuttal report and basically refer to is  
14 Region B is shaded pink because that population  
15 is between 50 and 61 percent Black plus Latino,  
16 all ages.

17 Q. Okay. And that's what I wanted  
18 to clarify. It's all ages population, correct?

19 A. Well, of course. You draw  
20 district -- based on total population, not  
21 voting age population, certainly not citizen  
22 age population.

23 Q. Okay. No. I just -- just  
24 wanted to make sure I understood this chart,  
25 that this was showing all age population and



1 not limited to voting age population or citizen  
2 voting age population.

3 A. Okay. Well, I mean, I made that  
4 clear in Paragraph 37.

5 Q. Okay.

6 A. I'm sorry. Not -- not -- not  
7 Paragraph 37. Probably the -- the -- I have --  
8 you have to scroll up another page, but I think  
9 I made that clear. There is a table, Figure 4,  
10 that actually breaks things out by  
11 municipality, you get the -- the details.

12 Q. Correct. In Figure 4, you are  
13 reporting total population and not 18 and over  
14 voting age population or citizen voting age  
15 population, correct?

16 A. That's right, because one  
17 person -- meaning, that you have to look at the  
18 total population, not -- not voting age or  
19 citizen voting age.

20 Q. Now, if we look at pages --  
21 starts at 13, your Subsection D, Galveston  
22 County Socioeconomic Characteristics, and then  
23 it goes to 14 and 15, you have the  
24 socioeconomic statistics for Galveston County,  
25 correct?

1 A. Correct.

2 Q. And you're reporting income,  
3 education, employment and housing, correct?

4 A. Well, that just highlights, the  
5 document itself in Exhibit D has a wider range  
6 of variables available to analyze and I've  
7 not -- I've done that not only for Galveston  
8 County, but I also provided a link to  
9 breakouts, the exact same data set, but based  
10 on a municipalities that average at least 2500  
11 people, so -- seven or eight different sets of  
12 charts from those municipalities.

13 Q. Okay. Just so I understand,  
14 what you have here, Pages 13 through 15 is  
15 socioeconomic data for Galveston County,  
16 correct?

17 A. Correct.

18 Q. And then Exhibit D, you have the  
19 socioeconomic data for the municipalities,  
20 correct?

21 A. Yes. But -- but only for  
22 municipalities which have more than 2500  
23 people, so it is possible -- I have to go back  
24 to look at the population, there may be a  
25 couple of very small municipalities that would

1 not be included in it.

2 Q. Okay. Now, if we go back to  
3 Exhibit 3, your rebuttal report, Paragraph 12.  
4 So here in your rebuttal report, Paragraph 12,  
5 Page 5, do you have that in front of you?

6 The tables -- the tables and  
7 charts that I prepared in Exhibit D of my  
8 January 13th report analyze ACS data at the  
9 more granular municipality level.

10 Is that correct?

11 A. Right.

12 Q. Okay. All right. I understand  
13 what you're saying then. We can go ahead and  
14 put Exhibit D up, Exhibit 5.

15 - - -

16 (Whereupon the document was  
17 marked, for identification purposes, as  
18 Exhibit Number 5.)

19 - - -

20 A. You still there?

21 BY MR. SHEEHY:

22 Q. Yeah. We're putting up  
23 Exhibit 5 for you.

24 A. Oh, okay.

25 Q. We've put Exhibit 5 up. We'll

1 go ahead and scroll down. This was just taken  
2 from the website link that you had in your  
3 report. Is this the index to Exhibit D of your  
4 January 13th, 2023, report?

5 A. Yes.

6 Q. And Exhibit D contains the  
7 socioeconomic data for Bacliff, Bolivar,  
8 Dickinson, Friendswood, Galveston County,  
9 Galveston City, Hitchcock City, La Marque City,  
10 League City, San Leon, Santa Fe and Texas City,  
11 correct?

12 A. Right.

13 Q. Did you analyze the  
14 socioeconomic factors of the populations  
15 contained in your Illustrative Commissioner  
16 Precinct 3 maps?

17 A. I did not. That would require  
18 aggregating the block group level data to  
19 arrive at an estimate and I did not do that, I  
20 just worked with the -- the chart you see here.

21 In some cases, I think I  
22 included, you know, a whole -- virtually a  
23 whole municipality so we would know that  
24 component by looking at these charts.

25 Q. Let's go back to Exhibit 2, if

1 we could, please. We'll go to Page 178. We're  
2 putting up what is marked as Exhibit 2 for your  
3 deposition, but this is Cooper Exhibit K-3B to  
4 your report.

5                   And this is for your  
6 Illustrative Plan 3 that you submitted in your  
7 January 13 report. And if we scroll down,  
8 you'll see on the left you have you have  
9 district numbers, you have 1, 2, 3 and 4. And  
10 am I correct in saying that these district  
11 numbers are the commission report precinct  
12 numbers?

13           A.           For illustrative Plan 3. Right.

14           Q.           So if I'm looking at  
15 Commissioner Precinct 3, you have Dickinson,  
16 you have 72.06 percent of Dickinson, 15,023,  
17 correct?

18           A.           Correct.

19           Q.           And that's place --

20           A.           That's the population of  
21 Dickinson that is in Precinct 3.

22           Q.           Right. And then you have  
23 Hitchcock, so the population of Hitchcock that  
24 is in Commissioner Precinct 3 is 2,094 persons  
25 or 35.53 percent of Hitchcock, correct?

1 A. Right.

2 Q. And you didn't report the  
3 socioeconomic factors of this population in  
4 Hitchcock?

5 A. I did not, although, we can get  
6 the overall figures from the exhibits that we  
7 just reviewed in Exhibit D.

8 Q. Okay. League City, you included  
9 4,378 people from League City in illustrative  
10 Plan 3 or 3.98 percent of League City. You did  
11 not report the socioeconomic factors of this  
12 population included in you're illustrative  
13 Plan 3, correct?

14 A. I did not. I've never seen a  
15 report that did that in my years of doing  
16 redistricting work out. One of them could  
17 calculate that. I did, if you recall in my  
18 initial report, are we looking at my -- report?

19 You can see that I did overlay  
20 some socioeconomic data onto a map of the  
21 County showing block group level data, so you  
22 can see that almost all of Precinct 3 is in an  
23 area that has high levels of -- if not child  
24 poverty, near child poverty because all the  
25 block groups qualify for -- or almost all of

1       them qualify for special subsidies from USDA  
2       for some meal programs.

3               Q.           Okay. So that's Figure 5 in  
4       your January 13th, 2013, report on Page 16. We  
5       can go ahead and put that up.

6                       So you have that in front of  
7       you, so I'm looking back right now, again, at  
8       Illustrative Plan 3, we talked about and there  
9       are 2,594 people in Commissioner Precinct 3  
10      from Hitchcock.

11                      Looking at Figure 5 as you are,  
12      I can't -- you're not recording how many of  
13      these persons are on food stamps, correct?

14               A.           This is not food stamp, this is  
15      the summer meal program. Any household that  
16      has been -- well, any block group where --  
17      where 50 percent or more of the households with  
18      children between birth and age 19 who are under  
19      185 percent of poverty, when you aggregate that  
20      it's more than 50 percent in that block group,  
21      then they qualify for summer meal subsidies.

22                      They, being the school system or  
23      a nonprofit or some other organization going on  
24      summer meal program. It's also used for  
25      something called the Child Adult Care Food

1 Program for out care facilities year-round.

2 Q. But of the --

3 A. Precinct 3 is basically -- area,  
4 there are some areas that even extend up into  
5 League City that are qualifying block groups as  
6 well as some on Galveston Island and the  
7 Bolivar Pensacola, even.

8 Elsewhere, it's all agreeing  
9 that desert areas, that we have relatively  
10 lower poverty rates.

11 Q. So the 2,594 people from  
12 Hitchcock that you included in Commissioner  
13 Precinct 3, you did not report how many of  
14 these people are eligible for the USDA summer  
15 meal subsidiaries, did you?

16 A. No. I did not.

17 Q. If we go to Illustrative Plan 2,  
18 which is on Page 170. Do you see that in front  
19 of you, Mr. Cooper?

20 A. I do.

21 Q. Okay. And this is  
22 Cooper Exhibit J-3B, Illustrative Plan 2. And  
23 if we look down here we have the breakout of  
24 population for Commissioner Precinct 3.

25 We see Dickinson is listed first



1 with 8,286 persons, 39.75 percent of Dickinson  
2 is included in Commissioner Precinct 3.

3 You didn't report the  
4 socioeconomic factors of this population, did  
5 you?

6 A. Well, no. And I don't think it  
7 would be possible to really do so because,  
8 again, you're running into the issue of split  
9 block groups.

10 Q. We go down to see Hitchcock,  
11 again, is included in Commission Precinct 3,  
12 2,594 person, and you didn't report the  
13 socioeconomic factors of this population?

14 A. No. And I really couldn't have,  
15 to be clear, because there are split block  
16 groups that would be involved due to VTDs  
17 splitting block groups, so how would you  
18 allocate that to the block level? That's even  
19 more problematic, really, than CVAP  
20 calculations.

21 Q. Well, we were just talking about  
22 your Illustrative Map 3. And Illustrative Map  
23 3 only had three populated resorts, am I  
24 correct?

25 A. I think that's correct.

1 Q. Okay.

2 A. But this issue goes beyond VTD  
3 splits, because there are -- there are VTDS  
4 that are split by block groups.

5 So what I'm trying to tell you  
6 is that I don't think you can really come up  
7 with a reliable estimate of the number of  
8 households that are below poverty for a given  
9 component of any of these cities that are  
10 split.

11 And that's nothing unusual.  
12 I've never seen anyone attempt to do that, but  
13 it would be problematic if they did present the  
14 information.

15 Q. Go to Page 154 on the  
16 January 13th report. This is Cooper  
17 Exhibit H-3B, I've put in front of you.

18 Do you see that, Professor?

19 A. I do.

20 Q. I've been deposing a lot of  
21 professors recently so my apologies.

22 A. That's fine. I'm not a  
23 professor, that's for sure.

24 Q. My apologies. So I've put this  
25 in front of you. So here we have a clean

1 breakout of the population. Again, Hitchcock  
2 about 2,594 people. And you didn't report the  
3 socioeconomic data of this population, correct?

4 A. So reiterate, one cannot arrive  
5 at a reliable estimate by using the block group  
6 level data as it relates to socioeconomic  
7 factors.

8 Q. But when you sum up from the  
9 level to the commissioner report precinct  
10 level, the accurate -- the accuracy of the data  
11 increases, correct?

12 A. It -- it would potentially.  
13 Yes. However, these data sets are sliced and  
14 diced in a lot of different ways so you're  
15 looking at, you know, high margins of error at  
16 the block group level.

17 Q. But summed up to the  
18 commissioner report precinct level, those  
19 errors decrease, correct?

20 A. The margin of error would drop,  
21 yes.

22 Q. Let's go to the rebuttal report.  
23 Exhibit 3, Page 32. I'm putting up in front of  
24 you your Illustrative Plan 3A, this is  
25 Cooper Rebuttal Exhibit E-3B.

1                   Again, looking at the  
2                   composition of Commissioner Precinct 3, we see  
3                   League City, 4,378 persons, 3.91 percent of the  
4                   population. You didn't report the  
5                   socioeconomic data of this population, correct?

6                   A.           I did not. If by chance that  
7                   area is encompassed by a single block group,  
8                   one could then provide a -- a figure that would  
9                   have a high margin of error, probably, but it  
10                  was still be something that would be  
11                  recordable, but because VTDs are split by block  
12                  groups in so many instances in Galveston County  
13                  and it's not just a Galveston County problem,  
14                  it will be a problem in just about any  
15                  jurisdiction anywhere in the country.

16                  I don't think you can really  
17                  rely on a reliable estimate of socioeconomic  
18                  data at that granular level.

19                  Q.           But in this Illustrative Plan 3,  
20                  you only split three populated VTDs, correct?

21                  A.           Yes. But it's not just the  
22                  split of the VTD, it's the fact that oftentimes  
23                  VTDs are split by block groups, so even if  
24                  you're using an entire VTD, you're still  
25                  splitting block groups in most instances.

1 Q. And when you sum up to the  
2 commissioner precinct level, those errors  
3 decrease, correct?

4 A. They would.

5 Q. You said that you didn't talk to  
6 anyone to obtain facts for your expert report  
7 dated January 13th, 2023?

8 A. I did not.

9 Q. Did you conduct any analysis  
10 about the various municipalities within  
11 Galveston County beyond the socioeconomic  
12 factors we've discussed?

13 A. No. In my declaration, I just  
14 reported the basic population data, citizen  
15 voting age population and the socioeconomic  
16 statistics.

17 Q. Let's go to Page 18,  
18 Paragraph 48 of this January report, Exhibit 2.  
19 Do you have -- oh, sorry, Paragraph 48. Thank  
20 you.

21 Do you have your report in front  
22 of you, Mr. Cooper?

23 A. You mean on my desktop or just  
24 on the screen share?

25 Q. On the screen share. Yes.

1 A. Yes.

2 Q. Okay. So here you say,  
3 Precincts 1 and 4 were within the plus or minus  
4 five percent margin which is sufficient to meet  
5 one person, one vote requirements.

6 Did I read that correctly at the  
7 end of Paragraph 48?

8 A. Yes.

9 Q. What is the basis for that  
10 opinion?

11 A. It's my understanding after many  
12 years of working on redistricting plans in 40  
13 different states and -- or more, that plus or  
14 minus five percent is fairly considered to be  
15 the outer boundary of what would be acceptable  
16 while still complying with one person, one  
17 vote.

18 I have seen exceptions to that  
19 where for one reason or another the percentage  
20 would be higher, but normally plus or minus  
21 five percent is used and in some cases,  
22 jurisdictions have tighter requirements as part  
23 of the policy making during the redistricting  
24 process.

25 Q. If we can go to Paragraph 18? I

1 think it's on Page 7. Here you say the enacted  
2 map unambiguously violates a key tenant of  
3 traditional redistricting principles, the  
4 non-dilution of minority voting strength.

5 Do you see that there?

6 A. Yes. That's it in a nutshell.

7 Q. I'm sorry. You cut out at the  
8 end. What did you say? Sorry.

9 A. That's it in a nutshell. That  
10 was one of the requirements that the  
11 commissioners laid out in their document that  
12 was given to us in December to follow when  
13 drawing the voting plan and yet they ignored it  
14 entirely. Explain that.

15 Q. Now, I want to focus on the  
16 non-dilution of the minority voting strength.  
17 In your report, you don't provide any analysis  
18 of the African-American voting preferences in  
19 Galveston County, correct?

20 A. I'm not a political scientist  
21 and I don't do Gingles 2 and Gingles 3, so no,  
22 I have not. I've made the assumption that  
23 because a minority commissioner, in this case  
24 African-American, has been consistently elected  
25 from Precinct 3 going back to at least 1992, if

1 not before, minority voters in that part of the  
2 County can elect a commissioner of choice.

3 Q. But you're making the  
4 assumption?

5 A. This is history. This isn't  
6 even statistical analysis. We just know that  
7 as an observable fact.

8 Q. So based upon one official  
9 election, you conclude that the plan  
10 unambiguously violates traditional  
11 redistricting principles including the  
12 non-dilution of minority voting share. Am I  
13 understanding you correctly?

14 A. Oh, absolutely. It's just been  
15 plain as day that the commissioners decided to  
16 divide and fragment the Black and Latino  
17 population across four districts with, as they  
18 say so often these days, surgical precision.

19 Q. All right. You didn't analyze  
20 in your January 13th, 2023, report the voting  
21 preferences of Anglo voters in Galveston  
22 County, correct?

23 A. I did not. And, again, I was  
24 not asked to opine on that topic. I am here as  
25 an expert in redistricting and demographics and



1 I will leave the official opinions in that  
2 regard to other experts appearing on behalf of  
3 the Plaintiffs in this lawsuit.

4 Q. On Paragraph 17, if we go up a  
5 little further, you say the 2021 enacted plan  
6 is a textbook example of a racial, ethnic  
7 gerrymandering. How do you define a  
8 racial/ethnic gerrymandering?

9 A. Well, it's glaringly obvious in  
10 this case. There was already an existing  
11 majority Black plus Latino CVAP Precinct 3 that  
12 -- to bring it into compliance with one person,  
13 one vote really required shifting two VTDS.

14 Now, if someone has an issue  
15 with the compactness of that district, there  
16 are a multitude of possible districts that  
17 could be drawn that by any definition of the  
18 term compactness would be clearly compact.

19 And I offer as an example,  
20 Illustrative Plan 3 or the slight modification  
21 of Illustrative Plan 3A. There is no way on  
22 God's green earth that anyone would possibly  
23 argue that that district is not compact and  
24 reasonably --

25 Q. So I guess my question was -- is

1 maybe a little more simple, so I'll try it a  
2 different way.

3 How do you define -- how do you  
4 define a racial and ethnic gerrymandering?

5 A. Well, in this case it was real  
6 simple, scroll down to the enacted plan and  
7 let's look at the population percentages by  
8 CVAP. Do we have that in the table here? I  
9 think we do.

10 Q. We do. I guess --

11 A. Now, let's just look at those  
12 numbers and I'll call them out and then we'll  
13 go back and look at, say, the 2011 and then  
14 we'll look at the various plans that I've  
15 developed and obviously the other experts and  
16 you can see this is just egregious.

17 I don't think I've ever seen  
18 anything quite as egregious as this in any case  
19 I've ever been involved in, because you've  
20 taken a district -- you've taken a precinct  
21 that has been historically Black plus Latinos  
22 for more than 35 years, roughly 35 years and  
23 eliminated it all together, even though there  
24 were a multitude of other ways one could have  
25 drawn it while maintaining a Black plus Latino

1 CVAP district.

2 It is perplexing to me as I do  
3 not understand the rationale here.

4 Q. So --

5 A. I mean, if you can explain why  
6 that was done, please tell me.

7 Q. If -- if I'm understanding your  
8 statements here, your understanding of a racial  
9 ethnic gerrymander is whenever there is a  
10 longstanding majority, minority precinct in  
11 Galveston County Commissioner Court Precinct,  
12 any -- regardless of population shifts, the  
13 dismantling of the commissioner majority  
14 minority precinct would be a racial and ethnic  
15 gerrymandering. Am I understanding you  
16 correctly?

17 A. Well, I don't know what you mean  
18 by regardless of population shifts. There have  
19 been changes in the population in Galveston  
20 County over time, namely the population in  
21 Galveston County has become smaller for the  
22 Anglo population and larger for the Black and  
23 Latino population.

24 So it's even more -- there's an  
25 even more compelling case now than there would

1 have been in 1990 to draw a majority minority  
2 precincts.

3 Q. All right. What if the  
4 commissioner's -- what if the commissioners  
5 drew the map, the inactive map without racial  
6 data? Would you still say that this was a  
7 racial and ethnic gerrymander?

8 A. Yes. Because they know where  
9 the population lives, so they don't need to  
10 look at the numbers, they just have to look at  
11 the county that they know all so well because  
12 they live there and easily gerrymander it as  
13 they have done.

14 MS. KLEIN: Hey, Shawn, I want  
15 to object here because we haven't asked  
16 Mr. Cooper to opine on any intent in this  
17 matter and he's not an intent expert for  
18 Plaintiffs.

19 MR. SHEEHY: Okay. But I mean,  
20 he does opine in his report that this is  
21 a textbook racial and ethnic gerrymander,  
22 so if you're saying he's not proffered as  
23 an intent expert, then it would seem like  
24 that opinion is outside the scope of his  
25 expertise.

1 MS. KLEIN: I don't think that's  
2 the case, Shawn, and that's because on  
3 the one hand, there's, like, an  
4 intentional discrimination claims are one  
5 thing.

6 Racial and ethnic gerrymanders  
7 require just that race was a  
8 predominating factor and that's not  
9 necessarily an intent factor, it's just  
10 the factual determination of whether  
11 racial was a predominating factor.

12 And, Mr. Cooper, as I understand  
13 it, opines that given the metrics that  
14 he's analyzed with respect to that map,  
15 it's his opinion that it was, you know, a  
16 gerrymander along those lines.

17 I know that this might be a  
18 legal point that's in dispute between the  
19 parties, but I just want to make the  
20 record clear that we have not asked him  
21 to get in the heads of any of the map  
22 drawers on the other side.

23 We have asked, NAACP Plaintiffs  
24 have asked him whether using -- to  
25 analyze the enacted map as part of his

1 analysis, to understand, you know, which  
2 criteria might have been actually  
3 considered when it was drawn.

4 So I just want to make that  
5 record clear for the purposes of the  
6 deposition and any basis of any  
7 objections that questions are outside of  
8 the scope going forward.

9 MR. SHEEHY: Okay. Well, no,  
10 that is -- that is helpful for me then.  
11 And that honestly was actually my only  
12 question that would go to direct intent.

13 Okay.

14 MS. KLEIN: I'll also just add  
15 an objection to that question that it's  
16 an incomplete hypothetical as stated,  
17 just to preserve the objection.

18 MR. SHEEHY: That's fine. Why  
19 don't we go ahead and take a ten-minute  
20 break. Does that work for you,  
21 Mr. Cooper?

22 A. I'm fine.

23 MR. SHEEHY: Okay. So can we go  
24 off the record and take about a  
25 ten-minute break.

1 THE VIDEOGRAPHER: We are going  
2 off the record. The time is 12:38 p.m.

3 - - -

4 (Whereupon, a recess took place  
5 from 12:38 p.m. to 12:50 p.m.)

6 - - -

7 THE VIDEOGRAPHER: We are back  
8 on the record. The time is 12:50 p.m.

9 BY MR. SHEEHY:

10 Q. Mr. Cooper, you understand you  
11 are still under oath?

12 A. Yes. I do.

13 Q. Thank you, Mr. Cooper. I think  
14 earlier we were talking about Dr. Owens' report  
15 and the numbers he reported from League City,  
16 so we can go ahead and put that up, please.

17 We're putting in front of you  
18 Dr. Owens' March 31st report. This is his  
19 amended report from March 17th. And if we  
20 could go to Page 5, please?

21 - - -

22 (Whereupon the document was  
23 marked, for identification purposes, as  
24 Exhibit Number 6.)

25 - - -

1 BY MR. SHEEHY:

2 Q. So we have here Figure 1 on the  
3 next page, illustrates that League City  
4 predominantly contributed to Galveston County's  
5 growth with more than 30,802 new residents.

6 This area is shaded in red and  
7 you can scroll down to reflect that the  
8 population growth exceeded 20,000 individuals.  
9 Under the prior map, portions of League City  
10 were split between all four districts, but only  
11 one of League City's voting districts was in  
12 Commissioner Court Precinct 3.

13 Precinct 3 is under the  
14 benchmark map, was comprised of cities of lower  
15 population growths over the past decade, like  
16 Dickinson, 2,167 new residences and La Marque,  
17 3,521 new residences. Did I read that  
18 correctly, Mr. Cooper?

19 A. Well, you did. So what.

20 Q. My question to you is, do you  
21 have any reason to dispute these numbers?

22 A. Well, I've not reviewed the  
23 actual population change in those three  
24 jurisdictions so I can't sign off on it.

25 It's possible he made a mistake,



1 but he could be right, but it doesn't -- it  
2 wouldn't change my opinion in any way in this  
3 case.

4 Q. Thank you for that. We can go  
5 back to Exhibit 2. We've mentioned the term  
6 traditional redistricting principles a few  
7 times, correct, Mr. Cooper?

8 A. Yes.

9 Q. And I guess so that we're on the  
10 same page, you would agree with me that  
11 traditional redistricting principles would  
12 include intactness, respect for political  
13 subdivisions, continuity, communities defined  
14 by shared interests, incumbency protection and  
15 political affiliation.

16 Do you have the same  
17 understanding of traditional redistricting  
18 principles?

19 A. No. I do not. Another key  
20 tenant of redistricting principles is the  
21 non-dilution of minority voting strength and I  
22 would also add that protection of incumbents is  
23 kind of a background issue, it's always there,  
24 but it's not exactly -- traditional  
25 redistricting principle, in my opinion, but

1 normally one would try to avoid parent  
2 incumbents which is what I've done in these  
3 plans.

4 Had I not made that effort, all  
5 four of the -- well, all four of the plans that  
6 I've produced and given to you folks would have  
7 been more compact because it would have been  
8 easier to -- to draw more compact districts if  
9 I were not trying to -- codes.

10 (Whereupon the Court Reporter  
11 had a discussion with the Witness.)

12 A. Okay. I simply said in short  
13 that he reeled off a number of things that are  
14 understood to be traditional redistricting  
15 principles, but for whatever reason, failed to  
16 include one of the most important ones is that  
17 it was even identified by the Board of  
18 Commissioners, the non-dilution of minority  
19 voting strength and -- and -- and following the  
20 Voting Rights Act.

21 I don't have the actual text.  
22 It was given to me from the attorneys in front  
23 of me, but it was very clear that that was one  
24 of the six key points that the Board outlined  
25 as they entered into the redistricting process.

1                   And I also noted that protection  
2 of incumbent is not necessarily a conditional  
3 redistricting principle, but it's always in the  
4 background and I try to protect incumbents  
5 whenever possible.

6                   And I also noted in my previous  
7 statement that had I not made that effort, it  
8 would have been possible to have a much higher  
9 compactness score overall for the four plans  
10 I've drawn, because the new commissioner for  
11 Precinct 4 lives in -- and he's kind of way out  
12 of the way and it would be much easier to lock  
13 off that extension into Friendswood in the  
14 plans I've drawn and pair that incumbent with  
15 the incumbent in District 2, but I certainly  
16 didn't want to do that, but that does have an  
17 impact on compactness scores.

18               Q.           Okay. So let me add your  
19 addition, because I think we generally agreed,  
20 except for the one thing, so let me try this  
21 again.

22               A.           Yeah. Well, that's -- that's --  
23 if you break one of them, then you've got a  
24 problem and you folks have broken one of them,  
25 the non-dilution of minority voters.

1 Q. So your understanding of  
2 traditional redistricting principles would be  
3 compactness, respect for political  
4 subdivisions, continuity, communities defined  
5 by actual shared interest, incumbency  
6 protection, political affiliation and the  
7 non-dilution of minority vote.

8 Is that what you mean when you  
9 say traditional redistricting principles?

10 MS. KLEIN: Objection.

11 A. Almost. Almost. Go ahead.  
12 Ms. Klein, go ahead.

13 MS. KLEIN: Objection. Vague.

14 A. I think what you just repeated  
15 maybe were the principles annunciated by the  
16 Board or by the attorneys for the Board in the  
17 materials that were provided to the Plaintiffs'  
18 attorneys in December listing, I think, six  
19 different items that they had to take into  
20 consideration in the redistricting process.

21 One of them was partisan data,  
22 partisanship, that's not necessarily  
23 traditionally -- of principles, so I would not  
24 include that.

25 And I think you may have once

1 again have left out one of the six items that  
2 they -- they noted -- -- that you left out,  
3 which was to follow the Voting Rights Act. Let  
4 me -- if I may, can I just go back and look at  
5 my report and point out exactly what they said  
6 about that? Let me --

7 BY MR. SHEEHY:

8 Q. What I said, Mr. Cooper, was the  
9 non-dilution of minority vote, which I thought  
10 was the term you were using --

11 A. I'm sorry. -- but let me go to  
12 Exhibit I and just read exactly what they said,  
13 because it's just amazing that they ignore it  
14 and I want to make sure that's on the record.  
15 Hang on here. I think it's Exhibit I. I'll  
16 get to it.

17 Q. I think it's actually Exhibit L.

18 A. Exhibit L. Okay. Let's look at  
19 Exhibit L, if that's what it is then. Hang on.  
20 Okay. The first factor considered, I'm reading  
21 Page 5 in Exhibit L, the first factor  
22 considered was compliance and requirements  
23 under the 14th Amendment to the U.S.  
24 Constitution and the Voting Rights Act, in  
25 particular, the most important factor in

1 crafting the redistricting lines for the  
2 commissioner court precincts was the  
3 equalization of population and to make the  
4 fourth commissioner courts precincts  
5 geographically sound.

6 So then it goes on and indicates  
7 that the commissioners wanted to keep all of  
8 the Bolivar Peninsula and Galveston Island in a  
9 single district and so I respected that. I  
10 understood back in September that that was one  
11 thing that they wanted to do and that is why I  
12 developed Illustrative Plan 2.

13 I wouldn't have done  
14 illustrative plan, otherwise, because it splits  
15 some precincts, but because they indicated they  
16 wanted the district that was a coastal  
17 district, I went ahead and produced  
18 Illustrative Plan 2.

19 Q. Mr. Cooper, I think you mean  
20 Illustrative Plan 3, correct?

21 A. No. I mean, Illustrative Plan  
22 2. I created a coastal district that preserved  
23 Precinct 3 in -- in roughly the same area as  
24 the -- plan, but I also ensured that  
25 Galveston Island and the Bolivar Peninsula

1 would be combined into Precinct 2 except for  
2 the small part of the City of Galveston, which  
3 would remain in Precinct 3.

4 So it created a coastal district  
5 that would be entirely controlled by the  
6 commissioner in Precinct 2. Now, in  
7 precinct -- Election Plan 3, I united all the  
8 Bolivar Peninsula and all of Galveston County,  
9 including the City of Galveston in Precinct 1.

10 Q. So I'm looking at illustrative  
11 Plan 2, Cooper Exhibit J1, I'm not really sure  
12 what page this would be. We put up Exhibit 2,  
13 we can all take a look.

14 A. What are we looking at?

15 Q. We're going to look at  
16 Illustrative Plan 2, the map, and Illustrative  
17 plan 3. And that is going to be way down here.

18 A. Just a reminder, don't gloss  
19 over what I just said about the very first  
20 thing they mentioned was compliance of the  
21 Voting Rights Act. They -- the Board Of the  
22 Commissioners in their statement that was  
23 provided to us in December.

24 Q. All right. So we have  
25 Illustrative Plan 2 up. I mean, you're

1 splitting Galveston Island between two  
2 commissioner precincts, correct?

3 You have Commissioner Precinct 3  
4 and Commissioner Precinct 2 on Galveston  
5 Island, right?

6 A. That's right. The coast goes,  
7 all over the coast including Pelican Island,  
8 goes to Precinct 2 as well as the Bolivar  
9 Peninsula.

10 Galveston City itself, for the  
11 most part, is in Precinct 3 as it was under the  
12 2011 plan and presumably in the 2000 plan, the  
13 1990 plan as well, but I -- but the only reason  
14 for producing this plan was to give all of the  
15 coast to the commissioner in Precinct 2 as was  
16 accomplished in the enacted plan.

17 Q. Well, I mean, no, the enacted  
18 plan just had one commissioner for the entire  
19 Bolivar Peninsula and Galveston Island, it  
20 wasn't split like you have here in  
21 Illustrative Plan 2.

22 A. Right. So I did  
23 Illustrative Plan 3 to show that you could have  
24 made change of the minority, majority CVAP  
25 Precinct 3 while putting all of



1 Bolivar Peninsula and all of the Galveston  
2 Island and Pelican Island in Precinct 1.

3 So there was absolutely no  
4 reason to eliminate the majority, minority  
5 Precinct 3 as done in the enacted plan and  
6 that's why I call it a racial gerrymander of  
7 the highest order.

8 Q. Okay. Now, I want to take a  
9 step back.

10 A. Please do.

11 Q. And -- maps. Your maps, all of  
12 your illustrative plans ensured that none of  
13 the incumbent commissioners were paired  
14 together in any one commissioner's court  
15 precinct, correct?

16 A. I believe that's the case. If  
17 it's not the case, I'm sure another plan could  
18 be drafted that would correct that.

19 Q. And under the enacted plan,  
20 there were no two commissioners who were placed  
21 in the same commissioner court precinct,  
22 correct?

23 A. Correct.

24 Q. And all of your illustrative  
25 plans are contiguous, correct?

1           A.           I believe so. They're  
2 contiguous by -- by land, unquestionably by  
3 land and water. Precinct 3 -- sorry -- the  
4 Illustrative Plan 3, I must be need a new pair  
5 of glasses because I did not realize that --  
6 that one little area there around -- instead of  
7 a road going through, so that's why I produced  
8 Plan 3A, which is really is a better plan,  
9 Illustrative Plan 3, -- because it allowed  
10 to -- me to reduce a -- a split at Dickinson  
11 that wasn't necessary.

12                       So I'm now putting forth Plan 3A  
13 as an alternative Plan 3. Although Plan 3  
14 would work, it's not -- it's not -- it's not  
15 like it's an impossible hurdle to drive through  
16 one precinct on the same street to make a -- to  
17 go from one part of the precinct to the other.

18           Q.           And the enacted plan --

19           A.           I think -- it's not horrible to  
20 drive through about a mile through one election  
21 precinct or VTD, was what I probably should  
22 have said. I live in Virginia where we call  
23 VTDs precincts and as you know, you probably  
24 get confused on this too.

25                       When I say precinct, normally I

1 don't mean district as in Virginia, but it is  
2 actually a district, not a VTD.

3 Q. And the enacted plan -- the  
4 enacted plan is also contiguous, correct?

5 A. It's starts as being contiguous  
6 using -- check, all of these plans including  
7 Plan 3 checks out to be contiguous, but in fact  
8 it is, it' contiguous because you could walk  
9 across a slip bridge at Moses Lake.

10 Q. And you didn't conduct any sort  
11 of political performance analysis on the  
12 enacted plan commissioner court precincts?

13 A. No. I'm not a Generalist 2 or  
14 Generalist 3 expert and I'm not a political  
15 scientist, so no.

16 Q. And you didn't conduct  
17 preliminary performance studies on the  
18 illustrative plan commissioner court precincts?

19 A. I did not. I never did. I  
20 always rely on other experts for that form of  
21 analysis.

22 Q. Let's go to Exhibit 3, Page 8,  
23 Paragraph 22. Paragraph 22 in your rebuttal  
24 report, you state, the compactness scores for  
25 all three illustrative plans that I have

1 prepared are clearly within the form by Texas  
2 standards and about the same as the scores for  
3 the enacted plan.

4 Under illustrative Plan 3A,  
5 Precinct 3 scores even higher on the  
6 Polsby-Popper test and .36 on the Reock test.

7 Did I read that correctly?

8 A. Yes.

9 Q. If we go to Page 24 in your  
10 January 13th report, you state, I'll get that  
11 up for you. Sorry. Exhibit 2. Do you have  
12 Page 24 in front of you, Mr. Cooper? We're  
13 looking at Paragraph 65.

14 A. Paragraph 65? Yes. Okay.

15 Q. Okay. And there you say  
16 regarding the third factor listed the  
17 compactness of the commissioner court  
18 precincts, notes that the compactness scores  
19 are not particularly meaningful given that  
20 Galveston County's boundaries extend beyond the  
21 coast into the Gulf in Galveston Bay, thereby  
22 artificially skewing compactness calculations  
23 due to the inclusion of unpopulated water  
24 within coastal areas.

25 Did I read that correctly?

1 A. Yes.

2 Q. Okay. So by and large, it seems  
3 that your opinion is, is that compactness in  
4 Galveston County is somewhat difficult to  
5 measure just given the difficulty of the  
6 geography of Galveston County.

7 Do I understand Paragraph 65  
8 correctly?

9 A. Well, yeah, as it relates to the  
10 islands. I -- I -- I think maybe in the case  
11 of the island, the -- the census tracks extend  
12 beyond the shorelines so it does sort of smooth  
13 out the compactness scores, which is okay.

14 I don't really have any problem  
15 with compactness scores in the enacted plan,  
16 that's not the issue here, it's the failure to  
17 follow the Voting Rights Act as they laid out  
18 in their initial explanation of the factors  
19 that were under consideration for the -- plans.

20 Q. Let's go to Page 129 in  
21 Exhibit 2.

22 A. So we haven't lost the --

23 Q. Yeah. We're putting it back up  
24 for you.

25 A. Oh, okay.

1 Q. So this is Cooper Exhibit F3C  
2 for your January 13th, 2023, report, Exhibit 2  
3 to this deposition. This is the political  
4 subdivision split between districts for the  
5 2021 enacted plan in Galveston.

6 Here, you have the split counts  
7 and looks like you're saying here that there  
8 are seven voting district splits, three of  
9 those splits involve no population --

10 A. -- a factor four splits, four  
11 populated splits.

12 Q. I think if we go up one page,  
13 scroll up. There it is. Yeah. Right there.  
14 And then this has -- keeps whole towns and  
15 cities, keeps nine whole towns and cities  
16 whole. Is that correct?

17 A. That's -- that's correct.

18 Q. And then the town city splits  
19 are 17, 16, if you count with population.

20 Is that right?

21 A. That's correct.

22 Q. Okay. If we go to 154, this is  
23 the proposed Plan 1 or Map 1, and this plan  
24 keeps ten full towns and cities or keeps ten  
25 towns and cities whole and has what appears to

1 be 19 town and city splits. Is that correct?

2 A. Right. With three -- zero  
3 population. So --

4 Q. 16? Okay. So that's the same  
5 number of populated town/city splits as the  
6 enacted plan?

7 A. Yes.

8 Q. And then splits eight voter  
9 districts. If we go to the next page, splits  
10 eight voter districts and five of those splits  
11 have no population, so three populated VTD  
12 splits. Is that correct?

13 A. Right. Right.

14 Q. So compared to the enacted plan,  
15 Map Proposal of 1 has one more VTD split  
16 overall, but one less populated VTD split,  
17 correct?

18 A. Correct.

19 Q. And when it comes to the town  
20 and city splits, both the enacted plan in Map 1  
21 have 16 populated town/city splits, correct?

22 A. I think that's correct. Yes.

23 Q. Okay. Let's go to 162, please.

24 So this is Illustrative Map 1. It says that it  
25 keeps 11 whole -- keeps 11 towns and cities

1 whole. Is that correct?

2 A. Yes.

3 Q. So that would be two more than  
4 the enacted, correct?

5 A. Correct.

6 Q. And splits 17 cities and towns  
7 with two zero population splits, so 15  
8 populated city/town splits, correct?

9 A. -- right.

10 Q. One less, yes, than the enacted  
11 plan. But then it splits 12 or 13 voting  
12 districts on the next page?

13 A. But 12 of them are unpopulated,  
14 so the actual split is one.

15 Q. Okay.

16 A. So --

17 Q. So -- I think the VTD splits for  
18 the enacted plan was four?

19 A. Three. I believe it was three,  
20 so this is one better.

21 Q. Yeah. So four VTD splits in the  
22 enacted plan?

23 A. Four -- okay. Four -- four  
24 populated VTD splits and this is one populated  
25 VTD split.



1 Q. Okay. And then in the -- in the  
2 Illustrative Map 2, you have, at 170 --  
3 actually, let's go back to 162, if we could,  
4 please, and if we could scroll up? Up.

5 I think the total deviation on  
6 this one is 1.85. Is that correct?

7 A. For Illustrative Plan 1? Yes.  
8 That's fine.

9 Q. Yeah. So let's go to 170. And  
10 so here in Illustrative Map 2, there are nine  
11 voter tabulation district splits and they're  
12 all populated splits, correct?

13 A. Yes. And I want to be crystal  
14 clear about Illustrative Plan 2. Illustrative  
15 Plan 2 was to adhere to what appears to be the  
16 preference of the Board to give the coast to  
17 the incumbent in Precinct 2.

18 Mr. -- Dr. Owens accuses me of  
19 splitting precincts by race and CVAP and that  
20 is not what I was doing in -- in the -- with  
21 respect to those precincts. I was simply  
22 trying to make sure that the incumbent could  
23 drive from his home in Santa Fe or wherever it  
24 is, across the bridge and get to the  
25 Bolivar Peninsula and Galveston Island without

1 ever going outside of his district.

2 Q. And illustrative map --

3 A. -- that necessitated splitting a  
4 few precincts, a few VTDs. Please correct me  
5 when I start saying precincts, I'm in Virginia  
6 and I routinely say precinct, what I really  
7 mean is VTD in this case, because it confuses  
8 that with what I would call the districts in  
9 Virginia and I refer to as precincts in Texas.

10 I may have to -- I may have to  
11 change a few times I said precinct in my  
12 deposition when I read it just to correct that  
13 confusion.

14 Q. Well, as a fellow Virginian, I  
15 will -- I will keep that in mind.

16 A. That's right. Are you from  
17 Warrington?

18 Q. No. No. I'm not. I grew up in  
19 Fairfax.

20 A. You know -- you know we're the  
21 first voting plan I ever drew was? And I think  
22 it -- may have been the very plan I drew. It  
23 was in 1987, do you know what town?

24 Q. Nope.

25 A. Warrington.

1 Q. How about that.

2 A. First one, done with a paper map  
3 and a Lotus 123 spreadsheet.

4 Q. So if we go to Illustrative Map  
5 3 on Page 178. So here we have your  
6 Illustrative Plan 3 and you keep nine towns and  
7 cities whole, correct?

8 A. Yes.

9 Q. And that's the same as the  
10 enacted plan, correct?

11 A. Yes.

12 Q. And this has 19, yeah, 19  
13 town/city splits, correct?

14 A. Well, but 17 are populated, so  
15 it's -- it does split one more town or city  
16 than the enacted plan, but importantly it gives  
17 the commissioner in Precinct 2 control of the  
18 entire -- entire coast.

19 And, of course, most importantly  
20 it's preserves the minority, majority  
21 districts -- precincts, excuse me.

22 Q. And you mentioned that you don't  
23 really have a problem with the compactness of  
24 the enacted plan, correct?

25 A. The compactness scores are

1 reasonable given -- given that in the  
2 background, one tries to ensure the components  
3 are not fair.

4 And the complex geography and  
5 the fact that you have to use a very narrow  
6 corridor to get on the Bolivar Peninsula if  
7 you're splitting the Bolivar Peninsula two ways  
8 instead of -- instead of just one.

9 Q. We just went through split  
10 counts in your report. Do you really have a  
11 problem with the enacted plan's voter  
12 tabulation -- do you really -- do you have a  
13 problem with the enacted plan's split counts?

14 A. No. I think both the plans I  
15 developed excluding Illustrative Plan 2, have  
16 similar numbers of split VTDs. Although, I  
17 think -- didn't just look at one, what was  
18 that, Illustrative Plan 3. One of them just  
19 had one VTD split, populate VTD split.

20 But in general, I don't have a  
21 problem with that. It's -- it's -- the problem  
22 I have is the blatant, brazen destruction of an  
23 existing majority, minority district when it  
24 was entirely unnecessary to eliminate it.

25 I mean, I could see how under

1 certain circumstances with major demographic  
2 change, they would have no choice, but here, it  
3 was just plain as day obvious that it was not  
4 necessary to eliminate that precinct. I do not  
5 understand that rational. Maybe you do.

6 Q. Well, let's see.

7 A. Let the record note that he did  
8 not respond to that question.

9 Q. Well, let me tell you,  
10 Mr. Cooper, this is my examination and I'm  
11 examining you today and not the other way  
12 around.

13 A. I understand. I'm being half  
14 facetious because you really have no answer.

15 Q. Well, we'll find our answers  
16 before then.

17 A. I shouldn't be so combative. I  
18 apologize. You have to represent the interests  
19 of your Defendant.

20 Q. And as an Virginian to  
21 Virginian, no need to apologize.

22 A. That's okay.

23 Q. I want to start a new section,  
24 Mr. Cooper, but quite frankly I'm starting to  
25 get pretty hungry, so do you mind if we take a

1 break for an hour and grab some lunch and come  
2 back?

3 A. That's fine. Take all the time  
4 you want. I'm not under any time  
5 constraints at all, if you want to take a  
6 two-hour lunch and have a beer, go ahead.

7 MS. KLEIN: I'm just going to  
8 chime in here and say I would prefer not  
9 to take two hours. But I also am curious  
10 about how much longer you have, Shawn?

11 MR. SHEEHY: Well, let me take  
12 the hour for lunch and I can sort of  
13 assess that issue. Sound fair?

14 A. That's fine. You can always  
15 break it out and do more and more.

16 MS. KLEIN: That works for me,  
17 if it works for Bill.

18 A. That's fine. I apologize, I'm  
19 not thinking about you and the kid, that  
20 doesn't make a difference to me.

21 MS. KLEIN: And the Court  
22 Reporter, of course, if that works for  
23 the Court Reporter and the Videographer.

24 THE VIDEOGRAPHER: Can we go off  
25 the record?

1 MR. SHEEHY: Yes. We can go off  
2 the record.

3 THE VIDEOGRAPHER: We are going  
4 off the record. The time is 1:27 p.m.

5 - - -

6 (Whereupon, a recess took place  
7 from 1:27 p.m. to 2:38 p.m.)

8 - - -

9 THE VIDEOGRAPHER: We are back  
10 on the record. The time is 2:38 p.m.

11 BY MR. SHEEHY:

12 Q. Mr. Cooper, do you understand  
13 you're still under oath?

14 A. I do.

15 Q. And did you have any substantive  
16 conversations about your testimony with anyone  
17 during break?

18 A. I did not. I received a call  
19 from Hillary and just told her that I would get  
20 back to you that she was in the waiting room.

21 Q. Okay. We've placed in front of  
22 you, Mr. Cooper, Cooper Exhibit 11. And this  
23 is a PDF map of your Illustrative Plan 1.

24 Do you see that in front of you?

25 A. Yes.

1 Q. Okay. I'd like to draw your  
2 attention to Galveston Island, where we have  
3 Galveston Island and Bolivar Peninsula split  
4 between three commissioner court precincts,  
5 Commissioner Precinct 2,  
6 Commissioner Precinct 3 and  
7 Commission Precinct 1, correct?

8 A. Right. This is simply a plan, a  
9 restated plan that this requires shaping up,  
10 two VTDs and everything else in the whole  
11 County is held constant. So it's like -- plan  
12 it's like the benchmark plan except for the --  
13 I'm sorry two -- two voting districts, VTDs.  
14 I'll get that right eventually.

15 Q. Now, you've shaded Commissioner  
16 Precinct 1 in yellow, correct?

17 A. Yes.

18 Q. Okay. If we look down, do you  
19 see on Galveston Island, the number 168? Is it  
20 possible for us to zoom in on 168?

21 A. I don't see that. I'm not sure.

22 Q. He'll zoom in for you.

23 A. Oh, you mean, like, a highway  
24 number?

25 Q. Yes. I think that's



1 Highway 168.

2 A. Yes. It goes over that area.

3 Q. Yes. Now, do you see the sort  
4 of red line to the left of 168, it kind of goes  
5 up and down and there's bits of yellow and  
6 orange. Do you see that?

7 A. Yes.

8 Q. What was the rationale for  
9 splitting Commissioner Precinct 1 from  
10 Commissioner Precinct 3 in that area to the  
11 left of the 168 sign?

12 A. I do not know. This is a lease  
13 change plan and that's the way it was drawn, as  
14 I understand it, in the 2011 plan, benchmark  
15 plan. The red check lines are the old enacted  
16 plan.

17 Q. Yes. Correct. I understood  
18 that. Okay. Now, do you see up in around the  
19 Dickinson sign, if we zoom in on Dickinson, go  
20 a little bit further.

21 A. Yes.

22 Q. So do you see you have the old  
23 benchmark line just beneath Dickinson and it  
24 looks like there's a little bit of  
25 Commissioner Precinct 4 in between those lines,

1 and it's the orange of Commissioner Precinct 3.

2 Do you see that?

3 A. Not -- not exactly. That area  
4 is drawn exactly the way it was drawn in the  
5 enacted -- in the benchmark plan from 2011. I  
6 made no changes to it.

7 Q. Okay.

8 A. It's contiguous according to the  
9 map or two and if you zoom in, you can see that  
10 -- basically following an existing VTD, if I'm  
11 not mistaken.

12 Q. Let's go to Illustrative Plan 2.  
13 This is on 167. This is the PDF map for  
14 Illustrative Plan 2. And the same thing, if we  
15 zoom in on 168, Galveston Island, what was your  
16 rationale there for splitting Commissioner  
17 Precinct 2 from where you have Commissioner  
18 Precinct 3 to the left of highway sign 168?

19 A. To allow the commissioner  
20 representing Precinct 2, to drive uninterrupted  
21 through his district over Pelican Island.  
22 Previously under the old enacted plan, you can  
23 see how the boundary kind of goes up to -- up  
24 to Pelican Island, so I had to make a pathway  
25 there for the commissioner so that he would be

1 able to drive through without crossing into  
2 Precinct 3.

3           Of course, it wouldn't be that  
4 big of a deal had I just left it as is, but I  
5 wanted to ensure that he had complete access to  
6 the entire coast. So that's -- that's why that  
7 area is shaded green and it created another  
8 precinct split, I think, but that's the only  
9 reason I did that was just to provide a clear  
10 pathway.

11           The same thing on the beach  
12 side, you can see how I split a handful of  
13 precincts to allow for direct access in  
14 Precinct 2 from the south -- the south end of  
15 the Galveston Island, all the way up to the end  
16 of the Bolivar Peninsula there at High Bridge,  
17 I think it's called. So he doesn't have to  
18 drive out of his district. It's a complete  
19 coastal district.

20           Q.           Okay. If the commissioner for  
21 Precinct 2 were coming down I-45 through  
22 Boyou Vista and past Tiki Island onto the  
23 Galveston Island, if he wanted to go to the  
24 Bolivar Peninsula, wouldn't he need to go  
25 through Commissioner Precinct 3 to get there?

1           A.           I don't think so. I have it so  
2           that the area there would be still in  
3           Precinct 2. You can see that there's green  
4           there and in effect he's going to be able to  
5           get there by -- by road following, I guess,  
6           Highway 342. So he's still in the green.

7           Q.           Okay.

8           A.           I was going to so -- this was  
9           drawn, prioritizing the commissioner of  
10          Precinct 2, because apparently it is his  
11          preference or the Board's preference they have  
12          Galveston Island, Bolivar Peninsula, Pelican  
13          and, of course, on equal footing, I left as  
14          much of the city of Galveston in Precinct 3 as  
15          I could because that was in the majority,  
16          minority district originally.

17                        And there's a clear community of  
18          interest, I think, with the City of Galveston  
19          and the rest are of Precinct 3. For one thing,  
20          it's a historical site. It's the place where  
21          Juneteenth -- Juneteenth was first observed, so  
22          there's a lot of cultural importance to that  
23          particular area insofar as the African-American  
24          community is concerned in Galveston County.

25          Q.           I'm looking at Illustrative Plan

1 3 on 175, you have Commissioner Precinct 1 in  
2 control for Bolivar Peninsula and Galveston  
3 Island, correct?

4 A. Right. Everything -- the entire  
5 kit and caboodle is in Precinct 1. So this is  
6 to demonstrate that there was absolutely no  
7 need to split Galveston Island at all, but for  
8 the historical and cultural importance of the  
9 City of Galveston as it pertains to -- well,  
10 really the -- community, but particularly the  
11 Black community given it's importance in terms  
12 of the observation, initial celebration of  
13 Juneteenth.

14 But if all of -- if it's  
15 important for the Commission for all of  
16 Galveston Island and all of Pelican Island, all  
17 of the Bolivar Peninsula to be in a single  
18 district, then Illustrative Plan 3 is the one  
19 to consider.

20 Although, I would now suggest  
21 that they should consider Illustrative Plan 3A  
22 because it has one less split of municipality  
23 and there would be no issue at all about  
24 driving around that particular precinct without  
25 entering into another precinct.

1           In other words, that one VTD  
2           there in Texas City, that one would have to  
3           drive through although you can walk across the  
4           foot bridge, it's also -- it's contiguous by  
5           land, for sure, and there would just be that  
6           minor inconvenience of driving about a mile on  
7           the road there in that single precinct in Texas  
8           City, but Illustrative Plan 3 -- so really  
9           Illustrative Plan 3 is the operative plan.

10           Q.           Did you analyze the drive time  
11           from, say, Bacliff in Commissioner Precinct 1  
12           to High Island and Bolivar Peninsula?

13           A.           I did not, although, I think  
14           that does get analyzed in -- by Maptitude's  
15           methodology, right? I have the exhibit, I  
16           believe, it shows the drive time. Not from the  
17           -- it shows the drive time, the maximum drive  
18           time from one point to another.

19                       Now, the commissioner lives  
20           in -- in League City, so in order to put him  
21           into -- to ensure that he was in -- in this  
22           particular configuration, I did have to split a  
23           precinct up there by -- city, but he's -- that  
24           related to one person, one vote issue, not so  
25           much anything that -- necessitated a precinct

1 split, I believe, necessarily the populated  
2 area.

3 THE VIDEOGRAPHER: Can the  
4 Witness try to center himself in the  
5 shot?

6 A. I'm looking at the map, but yes.

7 MS. KLEIN: Sorry, Shawn. Bill,  
8 unless Defense Counsel is opposed to  
9 this, you should be comfortable however  
10 you're situated.

11 So you can move your laptop  
12 camera to accommodate however you want to  
13 sit, I don't think that's objectionable,  
14 but I want to make sure you're  
15 comfortable while you're providing  
16 testimony, so if there's a posture where  
17 you're more comfortable --

18 A. Yeah. That's bad posture. I'll  
19 try to sit up straight. I get too relax. I'm  
20 sorry. I am looking on a larger -- screen --

21 MS. KLEIN: I just want to make  
22 sure you're comfortable so we can  
23 concentrate on your testimony and you're  
24 not worrying about how you're sitting,  
25 you can always move your camera to

1           however you want to sit.

2           A.           Well, I will -- sit like this.

3 I was slouching and I shouldn't do that.

4                       MR. SHEEHY: I was just going to

5 say, I don't have any additional

6 questions for you at this time. Thank

7 you very much for your time today.

8           A.           Well thank you. I appreciate

9 your patience.

10                      MS. KLEIN: Shawn, I'd like to

11 ask him a few very few clarifying

12 questions about a few topics you touched

13 on.

14                      MR. SHEEHY: All right. Go

15 ahead.

16                      MS. KLEIN: And, Shawn, if you

17 don't mind, can you keep that exhibit up?

18                      MR. SHEEHY: That's fine.

19                               - - -

20                               EXAMINATION

21                               - - -

22 BY MS. KLEIN:

23           Q.           Just so the record is clear, I'm

24 Hilary Klein on behalf of the NAACP Plaintiffs.

25 Mr. Cooper, I just want to ask you a few



1 questions about some of the topics my colleague  
2 asked you about earlier.

3 You were asked earlier about  
4 Exhibit D to your January 13th report, which  
5 provides analysis of socioeconomic data by a  
6 municipality in CDP over 2,500 people. Do you  
7 recall that line of questioning?

8 A. Yes.

9 Q. Can you just explain why you  
10 chose to include that exhibit of breakdown by  
11 municipality in CDP over 2,500?

12 A. Well, initially, I -- I provided  
13 it with my report filed in January just for  
14 background information on socioeconomic  
15 characteristics in -- in the County, because  
16 they do vary widely.

17 And you have some of the  
18 municipalities that have fairly high poverty  
19 rates, lower median income, lower education  
20 levels, in some cases, language issues. And  
21 then in other areas like further in the  
22 northwest, it is more prosperous, the reverse  
23 is true.

24 I mean, for example, Friendswood  
25 is, like, 97 percent white and the median

1 income is about 150,000 or more and so, you  
2 know, all that gets kind of glossed over if you  
3 just look at the County metrics.

4 I was just trying to show  
5 socioeconomic differences by municipality,  
6 which is a better view of the County than you  
7 get from the County subdivision report that  
8 Dr. Owens presented, which is based on the way  
9 things were in the 1950s when Friendswood  
10 had -- Friendswood may not have been there, but  
11 League City only had a population of 11,000 and  
12 of course, now it's more than ten times larger.

13 So the map changes in the County  
14 over the past 70 years since those divisions  
15 were first established by the Census Bureau, so  
16 that's just an inappropriate way to compare  
17 socioeconomic characteristics, as far as I'm  
18 concerned, in Galveston County.

19 You really need a more granular  
20 approach or you could even go all the way down,  
21 all the way down to the block group level as I  
22 did in my report showing how most of the lower  
23 income neighbors are in the areas more  
24 generally -- by Precinct 1 and Precinct 3 in my  
25 Illustrative Plan 3.

1 Q. You talked about some variants  
2 just now in the socioeconomics. How does that  
3 match up to your illustrative plan, if at all?

4 A. Well --

5 MR. SHEEHY: Objection.

6 Objection to form. Go ahead, Mr. Cooper.

7 A. Well, it's just -- it's just  
8 that the areas that I included in Precinct 3  
9 into a certain extent, the central and southern  
10 part of Precinct 1 have higher levels of --  
11 of -- of folks who were not affluent, we might  
12 say, and you can see that from the map I  
13 prepared showing USDA eligibility for summer  
14 meal program, but you can also get the same  
15 picture by looking at the charts and tables in  
16 the dozen or so municipal exhibits I prepared  
17 based on the 2015/2019 ACS.

18 And to clarify, I'm presenting  
19 2015/2019 ACS data because it's untainted by  
20 whatever kinds of impact COVID-19 may have had  
21 on income levels and other factors. So this is  
22 the last true picture of -- of Galveston County  
23 before the Pandemic hit and that would  
24 obviously have some impact on income and  
25 socioeconomic issues, employment issues for

1 2020 even for part of 2021.

2 BY MS. KLEIN:

3 Q. I want to ask you one more line  
4 of questioning. You talked about with my  
5 colleague earlier and that was you were asked  
6 about your use of U.S. Census Data in drawing  
7 your illustrative plans. I'd just like to  
8 clarify that testimony a bit because there  
9 wasn't a lot of follow-up on it.

10 When using census data, did you  
11 need to subordinate any traditional  
12 redistricting criteria in drawing your  
13 illustrative plans in order to create a  
14 district or districts in your illustrative  
15 plans that were majority, minority Black and  
16 Latino CVAP?

17 MR. SHEEHY: Objection to form.

18 Objection to form.

19 A. Should I answer?

20 MR. SHEEHY: Yes.

21 MS. KLEIN: Yes.

22 A. No. I did not have to  
23 subordinate any traditional redistricting  
24 principles. It is incredibly easy to draw  
25 majority, minority citizen voting age

1 population district or precinct in -- in  
2 Galveston County and any consultant who would  
3 have been working for the County back in 2021  
4 or 2022, would have been aware of that.

5 In fact, Illustrative Plan 1 --  
6 not illustrative plan, but the County proposed  
7 Map 1 and that was just that. So the Board was  
8 aware that a district could be created, a  
9 precinct could be created that was majority,  
10 minority CVAP and failed to adopt it.

11 Q. Did you use anything like racial  
12 shading on the screen when you were drawing  
13 those illustrative plans?

14 A. No. I don't use -- I don't use  
15 shading like that. No.

16 Q. And my last question, does your  
17 expert report accurately describe the  
18 traditional redistricting criteria you applied  
19 in creating each of those illustrative plans?

20 MR. SHEEHY: Objection to form.

21 A. That's -- that's -- that would  
22 be my explanation for any Section 2 lawsuit.  
23 Normally, I'm trying to demonstrate that a new  
24 district can be created where one has never  
25 existed. This is unique in that it's a place

1 where a district exists and existed and yet for  
2 whatever reason, the County chose to just  
3 eliminate it.

4 MS. KLEIN: I have no further  
5 questions. Thank you, Mr. Cooper.

6 A. Thank you.

7 MR. SHEEHY: Thank you,  
8 Mr. Cooper. I don't have any follow-up  
9 questions for you.

10 A. Okay. Thank you very much. See  
11 you in Galveston County, I guess, unless we  
12 went on summary judgment.

13 MS. KLEIN: Bye, Bill. Thank  
14 you.

15 A. Thank you.

16 THE VIDEOGRAPHER: We are going  
17 off the record, the time is 3:00 p.m.

18 MS. KLEIN: Yeah. We'll order  
19 just a regular copy.

20 MR. SHEEHY: Yes. That's  
21 correct.

22 - - -

23 (WILLIAM COOPER was excused.)

24 - - -

25 (Deposition concluded at

3:00 p.m.)

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C E R T I F I C A T E .

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF PHILADELPHIA:

I, Beau Dillard, RPR, a Notary Public within and for the County and State aforesaid, do hereby certify that the foregoing deposition of WILLIAM COOPER was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.

WITNESS my hand and official seal this 24th day of April, 2023.

<%21851,Signature%>

\_\_\_\_\_  
Beau Dillard, RPR  
Notary Public



1 INSTRUCTIONS TO WITNESS

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Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

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ACKNOWLEDGMENT OF DEPONENT

I, \_\_\_\_\_, do hereby  
certify that I have read the foregoing pages \_\_\_  
to \_\_\_ and that the same is a correct  
transcription of the answers given by me to the  
questions therein propounded, except for the  
corrections or changes in form or substance, if  
any, noted in the attached Errata Sheet.

\_\_\_\_\_  
\_\_\_\_\_

DATE SIGNATURE

Subscribed and sworn to before  
me this \_\_\_\_\_ day of \_\_\_\_\_,  
2023.

My commission expires:

\_\_\_\_\_

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Notary Public

WILLIAM COOPER

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PAGE LINE CHANGE  
\_\_ 20 \_\_ 3 change "shake filees" to "shape files" \_ \_ \_ \_ \_

Reason for  
Change : Transcription error  
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\_\_ 27 \_\_ 20 change "vetting plan" to "voting plan" \_ \_ \_ \_ \_

Reason for  
Change : Transcription error  
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\_\_ 28 \_\_ 6 change "additional" to "traditional" \_ \_ \_ \_ \_

Reason for  
Change : Transcription error  
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\_\_ 28 \_\_ 8 change "voting space" to "voting strength" \_ \_ \_ \_ \_

Reason for Change :  
Transcription error  
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\_\_ 28 \_\_ 25 change "revision plan" to "redistricting plan" \_ \_ \_ \_ \_

Reason for Change :  
Transcription error  
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\_\_ 66 \_\_ 1 change "parent" to "pairing" \_ \_ \_ \_ \_

Reason for Change :  
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WILLIAM COOPER

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PAGE	LINE	CHANGE
68	23	change "traditionally -- of principles" to "traditionally one of the principles"
Reason for Change : Possible transcription error / clarity		
72	24	change "made change of the minority, majority" to "maintained the minority-majority"
Reason for Change : Transcription error		
75	9	change "slip bridge" to "foot bridge"
Reason for Change : Transcription error		
75	13-14	change "Generalist 2 or Generalist 3" to "Gingles 2 or Gingles 3"
Reason for Change : Transcription error		
76	1	change "within the form" to "within the norm"
Reason for Change : Transcription error		
82	17	change "Warrington" to "Warenton"
Reason for Change : Transcription error		
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WILLIAM COOPER

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PAGE LINE CHANGE  
\_ \_ 84 \_ \_ 2-3 change "components are not fair" to "incumbents are not paired"

Reason for  
Change : Transcription error

\_ \_ 88 \_ \_ 9 change "restated plan" to "least-change plan" \_ \_ \_ \_ \_

Reason for  
Change : Transcription error

\_ \_ 89 \_ \_ 12-13 change "lease change plan" to "least-change plan" \_ \_ \_ \_ \_

Reason for  
Change : Transcription error

\_ \_ 94 \_ \_ 23 change "-- city" to "League City" \_ \_ \_ \_ \_

Reason for Change :  
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WILLIAM COOPER

Page 107

ACKNOWLEDGMENT OF DEPONENT

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transcription of the answers given by me to the  
questions therein propounded, except for the  
corrections or changes in form or substance, if  
any, noted in the attached Errata Sheet.

May 16, 2023 William L. Cooper  
DATE SIGNATURE

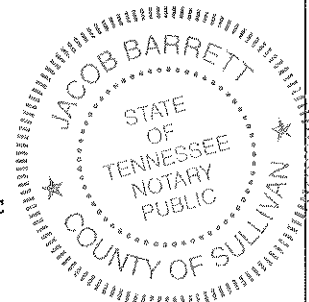
Subscribed and sworn to before  
me this 18<sup>th</sup> day of May,  
2023.

My commission expires:

08/31/2025

[Signature]

Notary Public



# **Exhibit 8**



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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TERRY PETTEWAY, THE §  
HONORABLE DERRECK ROSE, §  
MICHAEL MONTEZ, SONNY JAMES §  
and PENNY POPE, §

Plaintiffs, §

v. §

Civil Action No.  
3:22-cv-57

GALVESTON COUNTY, TEXAS, and §  
HONORABLE MARK HENRY, §  
in his official capacity as Galveston §  
County Judge, §

Defendants. §

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UNITED STATES OF AMERICA, §  
Plaintiff, §

v. §

Civil Action No.  
3:22-cv-93

GALVESTON COUNTY, TEXAS, §  
GALVESTON COUNTY §  
COMMISSIONERS COURT, and §  
HONORABLE MARK HENRY, in §  
his official capacity as Galveston §  
County Judge, §

Defendants. §

---

DICKINSON BAY AREA BRANCH §  
NAACP, GALVESTON BRANCH §  
NAACP, MAINLAND BRANCH §  
NAACP, GALVESTON LULAC §  
COUNCIL 151, EDNA COURVILLE, §  
JOE A. COMPIAN, and LEON §  
PHILLIPS, §

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Plaintiffs,	§	
	§	
v.	§	Civil Action No.
	§	3:22-cv-117
GALVESTON COUNTY, TEXAS,	§	
HONORABLE MARK HENRY, in	§	
his official capacity as Galveston	§	
County Judge, and DWIGHT D. SULLIVAN,	§	
in his official capacity as	§	
Galveston County Clerk	§	
	§	
Defendants.	§	

---

VIDEOTAPED ORAL DEPOSITION  
OF EDNA COURVILLE  
TAKEN ON MARCH 8, 2023

---

ORAL DEPOSITION of EDNA CORVINE, produced as a witness at the instance of the Defendants, was duly sworn, was taken in the above-styled and numbered cause on the 8th of March, 2023, from 09:28 o'clock a.m. to 02:51 o'clock p.m., before Angela Steel, Shorthand Reporter, Notary, in and for the State of Texas, reported by machine shorthand at, Greek Hertz & Adams, LLP, 1 Moody Plaza, 18th Floor, Galveston, Texas 77550, pursuant to the Federal Rules and the provisions states on the record or attached hereto.

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A P P E A R A N C E S :

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Also present: Barrett Parker, Videographer  
via Zoom : Tharuni Jayaraman - DOJ United States  
Diana C. Vall-llobera - NAACP  
Valencia Richards -- Petteway  
Hilary Klein  
Simone Leeper  
Jaoquin Gonzalez -- Texas Civil Rights  
Bernadette Reyes  
Alexander Cooper  
Kathryn Garrett

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PROCEEDINGS  
\*\*\*\*\*

THE VIDEOGRAPHER: Good morning, we're on the record. Today's date is Wednesday, March 8th, 2023, and the current time is 9:28 a.m. This is videotaped deposition of Edna Courville.

Counsel, will you please introduce yourselves and the witness will be sworn.

MS. OLALDE: Good morning, Angela Olalde and Jordan Raschke Elton for Defendants.

MS. CHEN: Sarah Chen for NAACP Plaintiffs and Ms. Courville.

THE VIDEOGRAPHER: Anybody else on -- no other counsel?

THE COURT REPORTER: Raise your right hand, please. Do you solemnly swear or affirm that the testimony you are about to give in this action will be the truth, the whole truth, and nothing but the truth under the penalties of perjury?

THE WITNESS: I do.

THE COURT REPORTER: Thank you.

EXAMINATION

BY MS. OLALDE:

Q. Good morning, Ms. Courville. We met just a little bit ago, but my name is Angela Olalde and I represent the defendants in this case with the law firm of

1 Greer, Herz & Adams. And I just wanted to run through a  
2 few background questions before we get started with your  
3 deposition. First, would you please state your name for  
4 the record.

5 A. My name is Edna Courville.

6 Q. Okay. And Ms. Courville, have you been deposed  
7 before?

8 A. Yes, I have.

9 Q. And how many times have you been deposed?

10 A. I think once before.

11 Q. Okay. What kind of a case was that?

12 A. It was a civil case.

13 Q. And when -- when did that occur?

14 A. That had to have been in 2015. 2015.

15 Q. Okay. And what was the subject matter of that  
16 case?

17 A. The subject matter was the closing of the school  
18 district, La Marque Independent School District.

19 Q. Okay.

20 A. Yes.

21 Q. And have you testified in other venues before or  
22 was it just that deposition?

23 A. I have testified in other venues before, not just  
24 that deposition, and there was a case in Texas City in  
25 which I served on a juror, as a matter of fact, but it was

1 a -- it was, like, a fender bender.

2 Q. Okay.

3 A. And traffic case, yes.

4 Q. Okay. Did you give testimony or were you there  
5 as part of the jury?

6 A. I was just there as part of the jury.

7 Q. Okay. Okay, great. But you haven't testified in  
8 court before?

9 A. Not to my knowledge.

10 Q. Okay.

11 A. Yes.

12 Q. Okay. Well, I'm just going to go through -- I  
13 know it's been a few years since the last time you were  
14 deposed, I'm just going to go through a few of the ground  
15 rules. You've probably talked about them with your  
16 counsel. But today we have the court reporter taking down  
17 both of our statements and your counsel's statements, and  
18 so we just need to be very careful not to talk other each  
19 other.

20 A. Sure.

21 Q. If I ask a question and you can't hear me because  
22 I -- sometimes I talk too soft, please just ask me to  
23 speak up or to repeat my question if you don't understand  
24 it. And then if you need a break, we can take a break  
25 anytime. I only ask that if I have asked you a question



1 that you answer it before we take a break.

2 A. Sure, no problem.

3 Q. Okay. Where do you live, Ms. Courville?

4 A. I live in Texas City, Texas.

5 Q. And what is your address?

6 A. 7401 Oriole Street, Texas City --

7 Q. How long --

8 A. -- 77591.

9 Q. I'm sorry, I didn't mean to interrupt.

10 A. That's okay.

11 Q. How long have you lived at that address?

12 A. I've lived at that address since 1970, so that  
13 will be 53 years in December of this year.

14 Q. And where did you live prior to moving into the  
15 Oriole Street home?

16 A. Before then I lived here in Galveston on 2728  
17 Avenue L.

18 Q. Okay. And how long did you live at that address?

19 A. I only lived there for 18 months trying to get  
20 off this island the whole while I was there.

21 Q. Why did you want to get off the island?

22 A. I didn't -- I did not like it. I just had never  
23 lived in a place that did not have hills and trees and  
24 hedges in the yard. That's just me being old fashioned,  
25 but that's why I didn't like it.

1 Q. Okay. Did you live in Texas before you had your  
2 address in Galveston?

3 A. I did, yeah. Larry and I -- Larry is my husband  
4 who's now deceased, he passed away --

5 Q. I'm sorry.

6 A. -- in 2015 I believe or 2014. The years are  
7 passing so fast but, yes, we lived in -- in fact, I  
8 attended school in Marshall.

9 Q. Okay.

10 A. Wiley College. I was there for four years, and  
11 then we moved to Daingerfield, Texas. Anybody ever heard  
12 of Daingerfield, Texas? Daingerfield, Texas is where I  
13 had my first job teaching school.

14 Q. Okay.

15 A. Yeah, elementary school.

16 Q. So let's back up just a little bit. Where were  
17 you -- I hate to ask this question, I am so sorry. Were  
18 you born in Texas?

19 A. I was born in Louisiana.

20 Q. Okay. Alright. And where in Louisiana were you  
21 born?

22 A. Minden, Louisiana. That's Minden.

23 Q. Is that central? Is it north?

24 A. It's extreme north.

25 Q. Okay.

1 A. And it's on the border of Louisiana --

2 Q. Okay.

3 A. -- Arkansas and Texas, that's where it is.

4 Q. And when did you first move to Texas?

5 A. In 1961 that was my first year at Wiley College,  
6 and that's when I moved to Texas then. And that's when I  
7 knew that I had to leave Louisiana. I wanted to live in  
8 Texas, yes.

9 Q. Okay. So you graduated high school in Louisiana,  
10 correct?

11 A. 1961, yes.

12 Q. And what was the name of the high school?

13 A. Webster High School.

14 Q. Okay. And you started at Wiley College right  
15 after?

16 A. Yes, in 1961.

17 Q. Okay. And did you complete your four years  
18 continuously, and when did you begin and end your college  
19 career?

20 A. 1961 to 1965 I graduated in '65 and it was  
21 continuously.

22 Q. Okay. And what was your degree in?

23 A. Sociology.

24 Q. And did you continue on with your education after  
25 college?

1 A. Yes.

2 Q. And what did you do?

3 A. After college I went into teaching because in  
4 that area, that part of Texas, that part of Louisiana,  
5 that part of the world, there was no such things as social  
6 workers.

7 Q. Okay.

8 A. And so, yes, I moved to Galveston in '68, 1968,  
9 and then I went to work at UTMB as a social worker -- a  
10 social worker's assistant, and in 1973, I believe, I went  
11 to U of H Graduate School of Social Work because I  
12 realized that I would not do anything with just that  
13 sociology degree working always as a social worker's  
14 assistance, I needed to get my degree.

15 And, in fact, my supervisor encouraged me to  
16 do that, so I did that. At U of H I drove into school  
17 every day from Galveston, that lasted for three years at  
18 that time. That's was a master's degree was, that's where  
19 I earned my master's degree.

20 Q. Okay. I'm going to stop you just one second.

21 A. Sure.

22 Q. Because there are a couple of -- couple of things  
23 I just wanted to follow up on.

24 A. Sure.

25 Q. So from your graduation in 1965 --

1 A. Um-hmm.

2 Q. -- until 1968, what were you -- you were just  
3 teaching or what --

4 A. I did, I taught -- yeah, I taught elementary  
5 school, yeah. That's about the same time when the Title  
6 9 programs came up for the social activities in school for  
7 -- and they made me the person to actually write the Title  
8 9 program for that particular little school. That school  
9 had kindergarten through 12th graders in one school.

10 Yeah, and so I did that and loved every  
11 minute of it. Had I been -- had I known anything at all  
12 about patenting things that you do --

13 Q. Um-hmm.

14 A. -- I taught physical education to the little kids  
15 and the big kids with music. Never heard of in -- in that  
16 part of the woods. You know, Daingerfield, Texas is a  
17 rural place. So I wrote the manual, taught physical  
18 education until Larry, my husband, who was a big-time  
19 coach wanted to get to Galveston so that he could really  
20 get a big-time job coaching in Galveston. And so that's  
21 exactly what happened.

22 And so in 1968 I followed him here, yeah. So  
23 that's how that all started. And UTMB was the only place  
24 where I could get a job working as social worker's  
25 assistant because in -- at that time, there were no social

1 workers working in school districts. So I'm kind of a  
2 pioneer there, too, but I did it.

3 Q. Okay. Did you teacher any other subject other  
4 than physical education?

5 A. In that little elementary school?

6 Q. Yes, ma'am.

7 A. No, I did not, some science. You know --

8 Q. Okay.

9 A. -- how they throw science with PE back then.  
10 There are a lot of walking through the woods on certain  
11 days. The weather was always gorgeous -- I mean the trees  
12 were always gorgeous. We would take little trips through  
13 the woods and find how many -- what student can pick up  
14 the most pine cones and those pecans. We made -- we made  
15 studying a game, and that's how -- that's how I did that,  
16 yeah, and I loved it every minute of that.

17 Q. Okay. And then flashing forward you came to  
18 Galveston to be with -- was he your husband at the time?

19 A. Yes. Yes.

20 Q. And so you came to Galveston to be with your  
21 husband. And how long before you decided that you needed  
22 to work at UTMB because the schools wouldn't employ a  
23 social worker?

24 A. That was only -- I was here for about -- oh, my  
25 God, when did I go to work at UTMB as a social worker's

1 | assistant specifically? I went to work right away. I  
2 | mean, I came down, like, in the summer and I was working  
3 | at -- in the summer. I don't know exactly what year, long  
4 | time.

5 | Q. Sure. How long -- and I apology just so that I  
6 | can recall. How long were you at UTMB as a social  
7 | worker's assistant?

8 | A. Ten years.

9 | Q. Oh, wow, okay. And what were the kind of things  
10 | that you did as a social worker's assistant?

11 | A. I worked with -- they called it the Children and  
12 | Youth Department. What I did as a social worker's  
13 | assistant in that particular job was make home visits to  
14 | the children who lives on this island who had parents who  
15 | either were not aware of programs to help them get the  
16 | kind of immunizations they needed so that they could be  
17 | protected from all kinds of diseases. I mean, and some  
18 | unheard of, some very simple, like measles, mumps,  
19 | chickenpox.

20 | There are actually people who were living --  
21 | and I'm sure they're still here today -- living on this  
22 | island at that time who had babies who did not know they  
23 | needed to be immunized to be safe and to be healthy. And  
24 | so that was my job. I was a teacher for those parents, I  
25 | would go out and do the little history, you know, they

1 always ask questions, and hook them up with UTMB, make  
2 appointments for them, and if I needed to carry them in to  
3 get those babies what they needed, their immunizations,  
4 that's exactly what I did and so to keep them healthy and  
5 to have it so that they could actually get in school.

6 Some of the little day care -- day cares they  
7 had to have those shots and things and some parents -- you  
8 know, and that's hard to believe, but there are parents  
9 who don't know that that's necessary.

10 Q. Yeah. They're -- when they were coming in for  
11 vaccinations, was it just to UTMB Hospital or were there  
12 surrounding clinics or where would they go?

13 A. It's basically UTMB. UTMB had a clinic and, of  
14 course, like -- like all areas, all -- most all areas they  
15 got satellite clinics later when they understood what the  
16 population look like. And when they understood where the  
17 children lived and when they understood how long it took  
18 some of the parents to get to the clinic, the main clinic  
19 at UTMB, which is where I was housed, I was in the main --  
20 main clinic there. And then they got satellite clinics.

21 Q. Right. Then for that entire ten-year period your  
22 focus was on Galveston Island, correct?

23 A. Basically, yes.

24 Q. Okay. And so since you lived on Galveston Island  
25 for about 18 months --



1 A. Um-hmm.

2 Q. -- a lot -- a lot of that time that you spent at  
3 UTMB you were traveling back and forth between your home  
4 at Oriole and the island. Is that correct?

5 A. I'm sorry?

6 Q. Oh, you were commuting from your home in  
7 Oriole --

8 A. Um-hmm.

9 Q. -- to the island for about eight years. Is that  
10 correct?

11 A. Oh, I commuted for 30 something odd years because  
12 I'm not done with the island working; yeah, but for UTMB,  
13 yes.

14 Q. Okay.

15 A. But the time was spent -- you know, the normal  
16 working hours here at that time and then I would go home  
17 every day, yeah.

18 Q. Okay. And when did you begin your master's  
19 program at U of H, what year?

20 A. That had to have been 1975-ish, I believe. I  
21 think I graduated with that degree in 1975 with my  
22 master's degree. So I had -- probably went to U of H in  
23 19 -- probably '70 -- no, probably '73. It was before '75  
24 because I sent my sister after I got out to the program --  
25 after I got out, I sent her to get her master's after she

1 | graduated.

2 | Q. Does she live in the area as well?

3 | A. She now lives in Friendswood, yes. She at that  
4 | time -- well, actually she was living with me at the time.

5 | Q. Okay.

6 | A. But, yeah. And she went in '75 and I had just  
7 | gotten out, so and it was a three-year program. So '73,  
8 | something like that.

9 | Q. Okay. And just so that I understand. For about  
10 | the last five years of your time at UTMB you would be  
11 | working a full day at Galveston and maybe going to U of H  
12 | at night to complete your master's?

13 | A. No.

14 | Q. Okay.

15 | A. What happened there --

16 | Q. Uh-huh.

17 | A -- I mean, I was -- the program at that time was  
18 | not as flexible as it is now. When I attended U of H to  
19 | get my master's degree I literally had to stop my job. I  
20 | had to quit work at UTMB because the hours would not allow  
21 | for that.

22 | The school, as a matter of fact, fixed your  
23 | first year schedule for you. You didn't have a choice,  
24 | and so by the time you got to the second year, you were  
25 | flexible, you could work in the daytime, have some

1 classes at night, but not a whole bunch. That came to be  
2 for U of H in about the '80s when you could do that. And  
3 so that's -- that's how I had to work it.

4 I did work in the evenings but not for UTMB.  
5 I worked for several children shelter programs here.  
6 Children would run away from home, children -- you may not  
7 believe this but I actually drove a big -- what do you  
8 call it? The big vans that would sleep -- we would sleep  
9 six kids, go down to the beach. That was job my job, go  
10 to beach in the evenings.

11 These would be kids who were running away  
12 from home most of them from like New York, they ran away  
13 from every where and they would be found on the beach.  
14 And we would be called from that program and I would just  
15 get in that big camper trailer thing, drive it down there,  
16 pick them up, and bring them in, get them clean clothes,  
17 get them cleaned up, and then we would refer them to some  
18 of the programs that U of H -- I mean, UTMB were running.  
19 I did that -- I did that program for about three years.

20 Q. What was the name of that program?

21 A. I just know it was a shelter program and it was  
22 housed on 29th Street, a big -- that house is still there.

23 Q. Okay.

24 A. Big house. And it was a shelter and Jim Busey,  
25 B-u-c-y, was the person who hired me to -- to run that

1 program, yeah.

2 Q. And you were there for three years?

3 A. About, um-hmm.

4 Q. Okay.

5 A. Yeah.

6 Q. Did you pursue any education after you received  
7 your master's degree in social work?

8 A. After I got my master's degree in social work I  
9 came back to UTMB and by then Bonnie who had been my  
10 supervisor was gone, and I took her position as the  
11 director of that program, as social worker director. And  
12 what I found out about myself, about Edna, was that I did  
13 not care at all at that time about working in a place  
14 where all I was doing was telling other people to go and  
15 do what I had gone to school for three years to learn how  
16 to do better, work with parents and work with kids.

17 So what happened was I looked around in 1975  
18 or '6, I believe, I went to school for the school  
19 district. At that time the State of Texas had decided  
20 that, yeah, hey, we can use social workers in the school  
21 system. And so I became one of the pioneers there for  
22 Galveston Independent School District. And I worked there  
23 for a long time.

24 In fact, I retired from there, and between  
25 that time I decided ten years after I'd been at the school

1 district I decided I needed to get a doctorate degree. So  
2 looked around, talked to Larry, said I needed this  
3 doctorate degree; and of course, he was the big-time coach  
4 then track, the whole thing. In fact, that's the stadium  
5 that they're tearing down now at Galveston ISD named after  
6 Larry's brother. You know, they were big-time coaches  
7 here and everybody knows -- well, if you were from here,  
8 you probably were taught by either Larry or Herman.  
9 Herman is the one, the older brother that the stadium was  
10 named for.

11 Long story short, I decided I needed a  
12 doctorate degree. I checked into doctoral programs that I  
13 could access, because the one thing I did know was that  
14 Larry was not going to leave GISD at all, nor did I want  
15 him to leave, that would have been so selfish of me. And  
16 as a social worker the one thing we don't want to be is  
17 selfish.

18 So I was not going to ask my husband to quit  
19 his job to follow me -- the closest program was in Austin,  
20 UT Austin was the only place around near here that had a  
21 doctoral program at that time in social work. So I  
22 couldn't do that. I just did not have it in me to ask him  
23 to move to Austin or to allow me to move to Austin just to  
24 get that degree so I didn't.

25 I thought, okay, there have to be another way

1 to get this doctorate degree so that's where law school  
2 came in. And they had programs that I could attend in the  
3 daytime, and I could attend at night at that time.

4 Q. So which law school did you attend?

5 A. I went to Thurgood Marshall.

6 Q. Okay.

7 A. At TSU. And again, ran into that whole thing  
8 there the first year, the administration chose your course  
9 of study. So I didn't have a choice. I had to do that,  
10 so I did it for the first -- for the first semester. I  
11 literally did not work for the school district. I  
12 attended law school every day.

13 When I found out in about the middle of that  
14 semester I didn't like it all, I didn't like -- I didn't  
15 like lawyering, I could not stand it, I did not like my  
16 instructors, I don't know if I chose the right place. I  
17 didn't like it.

18 So I said to Larry, I said, Larry, I don't  
19 like this lawyering thing, and so he said to me and he  
20 meant it, he said, You've never quit anything in your  
21 life, so you're not going to be able to tell me you're  
22 going to quit law school. So I thought about it, I didn't  
23 quit, so -- but I came back to work. I went back to work  
24 in January.

25 So I found a way where I could take some

1 classes at night and do my work in the daytime. So I  
2 continued to work and I went to law school, earned a  
3 degree in 1986, I believe, I got my law degree.

4 Q. Just one second. When did you begin at  
5 Thurgood --

6 A. Thurgood Marshall. 19 -- it had to have been --  
7 if I got the degree in 1986 it had to have been 1983, '82,  
8 '83 or that. Yeah, somewhere. I'm horrible with dates.

9 Q. That's okay.

10 A. I just do stuff and then I think about when I've  
11 done it after it's over.

12 Q. I get it.

13 A. So, yeah, but that's -- that's about the time,  
14 yeah.

15 Q. Okay. Do you have any other -- did you go to any  
16 other degree programs after you received your JD from  
17 Thurgood Marshall --

18 A. No.

19 Q. -- in approximately 1983?

20 A. No, I was so tired by the time I got out of law  
21 school. You won't believe this, I took all of those law  
22 books -- we have a pool table in our game room --

23 Q. Um-hmm.

24 A. -- I threw them under the pool table. I didn't  
25 look at them again for about, I know, four or five years.

1 Because, you know, life happens. Larry was ill by then,  
2 he got sick with diabetes and all the stuff that happens  
3 with diabetes.

4 Then I had a daughter who going to college.  
5 In fact, she graduated from Texas Southern and she's a  
6 school teacher, and then my other daughter -- we had two  
7 children, Larry and I did. The other daughter was at that  
8 time about to graduate -- was she about to graduate? No,  
9 they're ten years difference in ages of my two children.  
10 So all of that was going on all at one time, so I thought,  
11 auh, no, uh-huh, no, lawyering for me.

12 I honestly -- lawyers I have a lot of respect  
13 for all of them because I mean you-all just have to work  
14 really, really hard. It's hard work to do what you do.  
15 You know, I appreciate Sarah, I do. And I -- I was -- it  
16 was interesting when I was -- I loved it though, I loved  
17 being in school, that part of it, but I hated lawyering.  
18 I don't know what I could have gotten a degree in or  
19 better I would have liked. I have no idea.

20 Q. So I take it from your testimony that you didn't  
21 sit for the bar --

22 A. I did.

23 Q. -- to become licensed?

24 A. I sat for the bar and passed the first sitting.  
25 I passed the multiple choice going away. Flunk the other



1 parts of the -- SA part, just flunked it, and I thought,  
2 good Lord, this is -- this is just the opposite. I'm  
3 usually good at the writing, not good at multiple choice.

4           So I did that and studied with another  
5 friend, whom she lived in Austin to take the bar again.  
6 At that time you could only take it once a year, I believe  
7 or some kind of way, I can't remember. But we studied  
8 together. She and I were struggling, you know, together.  
9 Her life was totally different than mine, but still we  
10 were struggling to pass this bar thing. So it was just  
11 the opposite that time and I still didn't pass, and  
12 honestly after that I thought, uh-uh, God is trying to  
13 tell me something about this law stuff, give it up.

14           So -- and all at the same time I was still  
15 working the social worker, so -- and still enjoying that.  
16 So I just think that -- that's just my makeup.

17           Q. Okay.

18           A. Just doing good in whatever.

19           Q. And so no other licenses, certificates other than  
20 your J -- your law degree and your bar license -- or I'm  
21 sorry, your law degree?

22           A. Um-hmm. Um-hmm, that's it.

23           Q. Okay. I know that you had mentioned that you had  
24 worked with an organization for about three years where  
25 you would go and help children who were runaways.

1 A. Um-hmm.

2 Q. Where did you work after that?

3 A. I was still a social worker --

4 Q. You were still a social worker?

5 A. -- for the school district. Yeah, yeah --

6 Q. Okay, that's right.

7 A. -- I worked for the school district in different  
8 areas and, of course, worked my way up to be the director  
9 of that program when I retired. Yes.

10 Q. Okay. And that was located on Galveston Island?

11 A. Um-hmm. I worked for Galveston Independent  
12 School District.

13 Q. Do you remember what your title was originally  
14 when you first started working for GISD?

15 A. Social work -- school social worker.

16 Q. Did that title ever change over time a part from  
17 the director position?

18 A. No, not until I became that supervisor and that's  
19 when it -- that's when it changed.

20 Q. Okay.

21 A. Just the social worker.

22 Q. Okay. And what kind of -- can you describe some  
23 of the tasks that you would do on a day to day basis as a  
24 social worker for GISD?

25 A. Um-hmm, yeah. Walk in and usually there's a

1 stack of paper that I didn't complete the day before in  
2 terms of making home visits. A lot of my work dealt with  
3 working with the parents of students if students needed  
4 help that they were not getting. That was another thing  
5 to take a look at the paperwork for the -- that the school  
6 had prepared on these kids, making sure that they had all  
7 of the correct tests that they should have had, making  
8 sure for the sake of the school district that they were  
9 giving them what the state required them in the terms of  
10 extra help, resource help for kids who needed that.

11 Making sure that kids had medications if they  
12 needed that because they were on, what do they call them,  
13 spectrums now. You know, you have all of these autism,  
14 spectrums, different levels of that. I'm sure back then  
15 those kids had the same thing but they didn't call it  
16 that. They were all ADHD or whatever.

17 I -- long story short, what I did was worked  
18 with students, I worked with the teachers, all of these  
19 schools, ever last one of them had full time nurses in  
20 them. Work with the nurses, worked with the principals,  
21 the whole school administration. And then there would be  
22 days, hours, times within maybe perhaps a month where we  
23 would get together with the superintendent because they  
24 needed to be aware also of what we were doing. Especially  
25 with making home visits and that's what I did. I did that

1 a lot.

2 So that's primarily what it was, and I would  
3 have to collaborate with the teachers and the principals,  
4 parents, everybody to make sure that we all were on the  
5 same page with these kids.

6 Q. District-wide not just limited to one school,  
7 correct?

8 A. District-wide, yes.

9 Q. Did you work with other social workers at GISD or  
10 were you the sole social worker?

11 A. We had -- at the -- you wouldn't believe it, but  
12 at that time GISD had 12 social workers.

13 Q. Okay.

14 A. I worked with all 12 of them. And we all had  
15 spaces in schools where we were all housed in these  
16 schools and we would coordinate our efforts because what  
17 we found was that just because we were working with a  
18 third grader that, that third grade kid probably had a  
19 seventh grade sister or brother, a 12th grade sister or  
20 brother. So, yeah, we all worked -- we were working  
21 together in that way.

22 Q. When did you retire from that position?

23 A. From the school?

24 Q. Yes, ma'am.

25 A. I -- I retired in 2004, I believe. And I'll

1 double check that. You're going to have to double check

2 all my dates, but I think I retired in 2004.

3 Q. Okay.

4 A. Yes.

5 Q. Okay. And what did you do after you retired?

6 A. Well, when I retired I stayed home for a while  
7 making sure that Larry was okay because by then he had  
8 retired also. I thought, okay, so he's retired, I'm  
9 retired so maybe we can get some things done together.  
10 But his health didn't quite, you know, permit him to  
11 travel at all. I'm not a traveler, I don't like to travel  
12 and especially now, I don't. But back then I didn't like  
13 traveling because I didn't like to pack, I didn't like to  
14 unpack, I didn't like any of that.

15 So I stayed home with him and watched him  
16 with his golfing activities, he loved to golf, and after  
17 he retired, and -- even though he lost one leg and -- but  
18 he still -- he got a prosthetic leg, never stopped  
19 golfing.

20 And so did that for a while and then the  
21 walls in the house started closing in on me. I thought  
22 that I needed to get out of here. You know, you see how  
23 you're bowing your head, he was doing the same thing.  
24 Yes, you need to get out of here because he recognized  
25 that I was going nuts, too. So what I did I applied for a

1 job at Methodist, Houston Methodist in Baytown at San Jac.  
2 That's the name of the hospital, San Jac. I worked there  
3 as a social worker.

4 Q. How long were you with Methodist?

5 A. I was at Methodist for about -- I think seven  
6 years, seven or eight years before they tore the unit --  
7 they tore the building down. And everybody's been -- oh,  
8 my God, constructing since about that time. Constructing,  
9 destructing, and constructing. They tore that building  
10 down and so that job just kind of went away.

11 Q. Do you remember about what year you stopped  
12 working with Methodist?

13 A. I stopped working with Methodist -- I believe it  
14 was 20 -- 2011 when they tore that building down. I think  
15 20 -- so I worked there from about 2008, I think until,  
16 like, 2011 or longer. Yeah, I worked there for seven or  
17 eight years. I can't remember the actually -- the actual  
18 dates, but I was able to retire again, I retired from  
19 Methodist.

20 Q. Okay. And so your work as a social worker at  
21 Methodist, what typically would be your responsibilities?

22 A. Checking on the patients who were there. It was,  
23 like, in a rehab unit. I was on that unit, yeah. About a  
24 30 bed unit, 15 beds on either one of the hallways there.  
25 Those were my patients, and I did pretty much the same

1 thing with the patients at Methodist that I did at U of H  
2 in terms of just working with families helping them to get  
3 their needs prioritized, working as a resource person for  
4 them, seeing where their loves ones could go once they  
5 left the rehab center there, the skilled nursing unit they  
6 called it at San Jac, which is where I was and would help  
7 them find a place for their -- their loved ones.

8           And some people needed help with the  
9 application process, helped them fill out the paperwork  
10 for that, and did whatever came up in terms of helping  
11 these people get settled once -- once the patients left.  
12 Because they all had to leave, they had to go somewhere,  
13 so that was my job.

14           Q. Is it fair to say that when you were at Methodist  
15 that your work was pretty -- pretty close to the area of  
16 Baytown around the hospital when it came in terms of,  
17 like, placing people or helping people find other  
18 places --

19           A. That was --

20           Q. -- to go?

21           A. -- that was up to the family members.

22           Q. Okay.

23           A. Some wanted them close so that they could visit  
24 often, some wanted them far away because they didn't want  
25 to ever see them again, I guess. But at any rate, yes, I

1 just had to work with whatever -- whatever the situation  
2 dictated. You know, yeah, and I helped them with that.

3 Q. And so after your time, after your retirement  
4 from Methodist what -- did you have any other jobs?

5 A. Yeah, I've had several little jobs and they were  
6 all just like fun jobs for me. I worked at a center  
7 that's housed over on Texas Avenue in Texas City where  
8 that was, like, a grant program where I helped people --  
9 yeah, fill out the paperwork to get grants for housing.  
10 These were people who were being evicted from their houses  
11 and, of course, there were grant programs. And so I was a  
12 resource person there, too.

13 Q. Do you remember the name of that program?

14 A. Oh my God, no. I just know that it's in the big  
15 community center on the corner of 21st and Texas Avenue in  
16 Texas City.

17 Q. Do you know if it's still going on today or if  
18 it's still there today?

19 A. That program that I worked on kind of ended, but  
20 now because I was in a meeting just two days ago in which  
21 they're saying today they now have more money, the  
22 government has given them more money and so they're going  
23 to be helping people to gain with finding rent houses --  
24 places to rent.

25 Q. What was the meeting for? Who -- who held the



1 meeting?

2 A. Who held the meeting that, that came out? It was  
3 just a community meeting for information. Just -- just a  
4 meeting, though, a group of people. In -- in our  
5 community that's kind of how we work. And the information  
6 just came up, we discussed it; but I understand this  
7 program is back up and running again. And that just came  
8 from a person who was at the meeting.

9 Q. So the meeting that you were at a couple of days  
10 ago, where was it held?

11 A. It was on Zoom.

12 Q. It was on Zoom?

13 A. Um-hmm.

14 Q. Who organized it?

15 A. It was through the NAACP. It was part of the  
16 NAACP meeting.

17 Q. Was it Mainland Branch, or was it --

18 A. Mainland Branch, yeah.

19 Q. Alright. Alright.

20 A. That's the -- yeah, Mainland Branch meeting.

21 Q. Okay, gotcha.

22 A. On Zoom.

23 Q. After your time at this -- this center, this  
24 program, is that -- is -- let me back up. Did you go to  
25 work at this program when you retired from Methodist or

1 was there something in between?

2 A. I don't remember working in between. I did some  
3 volunteer stuff.

4 Q. Sure.

5 A. I don't remember actually having a job in  
6 between. I worked for that program for -- it was just  
7 some months because it went away, too, because it's a  
8 grant program. Maybe six months.

9 Q. Did you have any employment after that program  
10 ended?

11 A. Oh, yeah, as a matter of fact I'm sitting here  
12 now, I'm employed right now as a part-time social worker.

13 Q. And who's your employer?

14 A. La Marque Independent School District/Texas City  
15 ISD.

16 Q. Okay.

17 A. Um-hmm.

18 Q. So let's back up. So between today and the time  
19 the grant program ended -- let's just take it  
20 chronologically -- where did you go for employment after  
21 the grant program ended?

22 A. I didn't. I didn't work.

23 Q. Okay. How long --

24 A. You're talking about the grant program that's on  
25 21st --

1 Q. Yes, ma'am.

2 A. -- that was in that --

3 Q. Yeah. Yeah.

4 A. Yeah, I didn't -- I didn't work for a while.

5 Q. Okay. What was your next position after --

6 A. The one that I have now.

7 Q. Okay.

8 A. Yeah, because I didn't work. That was a space  
9 where I was not working. Yeah, and if I was working I was  
10 volunteering.

11 Q. When did you begin your current position?

12 A. Just this year -- well, no, October. It was in  
13 October 2022.

14 Q. Okay. And your title is a social worker,  
15 correct?

16 A. Yeah.

17 Q. And tell me a little bit about your daily tasks  
18 as a social worker.

19 A. My daily tasks there is pretty much my daily  
20 tasks at GISD. Employees will ask me to check on a  
21 family -- a student who belong to a family and with that I  
22 would have the child's profile where I would have names,  
23 addresses, phone numbers, teacher's name and so I would  
24 know -- I will know who the teachers are, what kind of  
25 **problems the children are having and then get with parents**

1 | and try to set up a conference, get the teachers to try to  
2 | see what it is we need to do to help this kid be  
3 | successful this school year. And that's primarily at La  
4 | Marque.

5 | Q. What where is your office?

6 | A. It's on the first floor in La Marque -- in the  
7 | building. I don't, have you ever?

8 | Q. I have not. Is it just in the administrative  
9 | building for the ISD?

10 | A. No, it's not in the administration building for  
11 | the ISD, the administration building is on Palmer Highway.

12 | Q. Um-hmm.

13 | A. No, this is in the building of La Marque school  
14 | where the kids are having school from nine through 12th  
15 | grade.

16 | Q. Okay, alright. And so I think that is a pretty  
17 | good picture of all of your employment and educational  
18 | experience --

19 | A. Um-hmm.

20 | Q. -- but I'd like to go back and talk about some of  
21 | the organizations that you're a member of.

22 | A. Um-hmm.

23 | Q. And so let's just start with today. You  
24 | mentioned the NAACP Mainland Branch, correct?

25 | A. Um-hmm. Um-hmm.

1 Q. What other organizations are you a member of?

2 A. Alpha Kappa Alpha Sorority. I belong to McKinney  
3 Memorial United Methodist Church and within the church I  
4 belong to the choir there. I've worked with senior  
5 citizens for Leah Perriman Group which is now struggling  
6 to get going again because with the virus a lot of the  
7 activities that we had going on under the umbrella of that  
8 particular organization had to -- we had to stop, stop it.

9 We couldn't meet face to face for senior  
10 citizens who were my age or older. A lot of them didn't  
11 know how to do Zoom, didn't know computers, didn't know any  
12 of that, so we didn't have it. So that has not stopped --  
13 that had not started up again.

14 And I also had a physical group, I mean  
15 exercising group with seniors in the mornings at that  
16 church. And we have not started that up again yet for the  
17 same reason so that's it. I probably belong to some other  
18 stuff but I can't remember what it is right now.

19 Q. That's okay. If you remember as we continue with  
20 the deposition would you just let me know?

21 A. Sure.

22 Q. Okay. What about political organizations? Are  
23 you involved in any political organizations?

24 A. I'm a -- no, I'm a democrat. If that's what  
25 you're asking.

1 Q. Are you involved in -- like, do you hold any  
2 offices? Do you go to any meetings for the democratic  
3 party locally or otherwise?

4 A. I'm invited to those meetings. They have them  
5 monthly, but I have a difficult time now driving at night,  
6 and so -- and they don't necessarily have them locally  
7 within the community like they used to. So I have not  
8 been to one of the meetings -- and also they were having  
9 theirs on Zoom and I did attend some of those when they  
10 were doing the Zooms, but now they're back face to face.  
11 So I have not attended a meeting in a while, it's been a  
12 while, a few months.

13 Q. Okay. And which organization is it because I  
14 know there's lots of different levels so which -- do you  
15 know?

16 A. That's the Galveston County, I want to call it,  
17 Coalition of Democrats. I want to say it's coalition in  
18 that title, but that is the one.

19 Q. Have you ever held any officer positions with  
20 that organization?

21 A. With that organization, no, I have not.

22 Q. Have you ever held any officer positions with any  
23 of the organizations that we've discussed so far?

24 A. With the Mainland chapter NAACP I have held -- I  
25 was the -- I am right now on one of the committees, I'm

1 trying to think of the name of it right now. Because,  
2 again, for, like, three years we didn't meet face to face,  
3 we were on Zoom or not meeting at all. Ask me that later  
4 on, it will come back to me exactly what my position is.  
5 It's a very small thing that I do there. It's no major  
6 position, I'm not, like, the president or vice president,  
7 not even a secretary.

8 Q. Okay.

9 A. Yeah.

10 Q. Okay. And what kind of things do you do with  
11 your sorority membership?

12 A. Well, I'll have a meeting Saturday, the first  
13 thing I have to do is -- I'm in charge of bringing the  
14 water. Saturday I'm on the committee for serving. The  
15 things we do there we'll -- we just have our eyes and ears  
16 open for what we can do to help our community either  
17 stabilize to get information when we get it out to people  
18 who we think can be helped. We do things like plant  
19 roses, flowers, whatever in the park, in -- in La Marque  
20 and Texas City.

21 I don't know, that's pretty much what we do.  
22 We just try to be visible, let people know that we are  
23 around and that we are -- we're there for them if they  
24 need us. Whatever that mean for the individuals who get  
25 the information, and that's pretty much what we do as a

1 sorority, we just support community people, groups, and  
2 whatever they are.

3 Q. Okay. Let me go, kind of switch gears a little  
4 bit. Just trying to kind of book-end everything. So,  
5 alright, so you a plaintiff in this lawsuit, right?

6 A. Yes.

7 Q. And can you tell me a little bit about what you  
8 believe this lawsuit is about?

9 A. I believe this lawsuit is about the -- the way  
10 that the maps have been constructed in terms of -- of our  
11 -- when I say "our and we," in this instance when I'm  
12 talking to you about that community, I am part of the  
13 community, and I'm telling you now if you were to ask  
14 anyone in the community who they would like to come and  
15 speak or any, I don't care what it is, any issue, any  
16 subject, my name will come up and one of the fellow's name  
17 will come.

18 That's been going on with me for years and  
19 for why I will never know, but -- and that's why when I  
20 say "we, us, our," I'm talking community because I am the  
21 community.

22 Q. Okay. And when you talk about the community,  
23 what area are you talking about?

24 A. I'm talking about the needs of the -- let me see,  
25 that's different levels, too. The needs of the people who



1 | actually live and who actually work in that community.

2 | You know, I'm an advocate, that's what I am. I'm an

3 | advocate. I'm an advocate for the young men of that

4 | community who may be struggling to find a job, don't know

5 | what to do. They can always ask me what do they need to

6 | do.

7 |                   And that's because the community -- the

8 | College of the Mainland. College of the Mainland is

9 | another organization, they have several. I was a meeting

10 | with a group of people of the College of the Mainland just

11 | a week or so ago because they're trying to pass a bond to

12 | build more buildings at that school, and they're all

13 | needed.

14 |                   So I would attend those meetings also, and if

15 | they send out communications today for anything, College

16 | of the Mainland, I'm going to get a copy of whatever

17 | they're sending out. And that's where a lot of my

18 | information comes from. So what was your original

19 | question?

20 |           Q. No problem. When you're talking about community,

21 | just so that it's clear in the deposition that we're all

22 | thinking about the same thing --

23 |           A. Um-hmm.

24 |           Q. -- what's the geographical area that you're

25 | talking about when you say "your community?"

1 | A. I'm talking about what they call the settlement  
2 | community. I'm talking about Texas City, the west end of  
3 | Texas City.

4 | Q. Okay.

5 | A. And that central area there and La Marque. The  
6 | reason for the La Marque and Texas City is because it's  
7 | hard to divide them. It's just one -- one street runs  
8 | there. On one side of the street you're in La Marque and  
9 | the other side of the street you're in Texas City. And so  
10 | with that -- with that being said that community --

11 | Q. Yeah.

12 | A. -- that's -- that's me. That's my community.

13 | Q. I'm going to hand you a map and see if this is  
14 | going to be big enough to kind of identify the community  
15 | that you were talking about.

16 | A. Okay.

17 | MS. OLALDE: I'm going to mark it  
18 | Exhibit 1.

19 | (Exhibit 1 was marked for  
20 | identification.)

21 | MS. OLALDE: And we've also sent it in  
22 | the chat. And we may need to use this document camera.

23 | Q. But Ms. Courville, I've handed you Exhibit No. 1.  
24 | Can -- is it possible with this document to kind of  
25 | outline what you mean when you say community?

1 A. Okay.

2 Q. We have highlighters if you prefer that or a  
3 Sharpie or a pen, it's up to you.

4 A. Ill just take this pen. I'm looking here at here  
5 -- you have it precincts, precincts. Okay, 336.

6 MS. CHEN: May I ask a clarification  
7 about this map? It looks like there are precinct numbers  
8 here.

9 MS. OLALDE: Um-hmm.

10 MS. CHEN: Are these current precinct  
11 numbers or precinct numbers from --

12 MS. OLALDE: So my understanding --

13 MS. CHEN: -- prior to 2021?

14 MS. OLALDE: -- yeah, I just put these  
15 together this morning. My understanding is this is prior  
16 and current.

17 MS. CHEN: So would the blue numbers be  
18 the prior and red numbers be current?

19 MS. OLALDE: That is my understanding,  
20 yes.

21 A. So the red -- so this 436 and 336 --

22 Q. Um-hmm.

23 A. -- those are precinct --

24 Q. Um-hmm.

25 A. Okay.

1 Q. They sure are. Yeah, but remember my question is  
2 really just for the community that we were talking about  
3 --

4 A. Um-hmm.

5 Q. -- where is that community just so that we -- I  
6 understand?

7 A. My community is -- it's the -- you know, I don't  
8 know if I told you how difficult it is for me to look at a  
9 map and understand exactly where I am, what map --

10 Q. No, I under --

11 A. -- but you have to write it out for me. But the  
12 336 precinct is -- they changed our precinct number to  
13 436, and I see both of them are here. So that would  
14 definitely be me and then the area --

15 MS. OLALDE: And, Sarah, do you mind  
16 turning on the document camera and that way we can all  
17 see?

18 MS. CHEN: Sure.

19 MS. OLALDE: Thank you.

20 A. This is La Marque and Vauthier. Yeah,  
21 Vauthier...

22 MS. CHEN: And can you give me just a  
23 second.

24 A. Yeah, Vauthier...

25 MS. CHEN: Turn on this document camera

1 | so that everybody can see. We can all take a look at what  
2 | you're looking at here. Would you mind putting it over  
3 | here --

4 | THE WITNESS: Oh.

5 | MS. CHEN: -- under this camera.

6 | A. Okay. So my community is that precinct 336, and  
7 | then, what's this, north? I can't make that out. Is that  
8 | Westward? That's my community, and over in La Marque that  
9 | Vauthier, Vauthier, that street runs right pass my  
10 | driveway, and that is exactly where the La Marque school  
11 | building in which I work, that is where that is.

12 | BY MS. OLALDE:

13 | Q. Will you put an X on the La Marque school  
14 | building where you work.

15 | A. Is the building on there?

16 | Q. Just approximately. Just approximately.

17 | A. And if this is Vauthier, golly, and you've passed  
18 | by the major highway there, Lake Road -- you know, this  
19 | whole area. La Marque is going to be on Vauthier before  
20 | Highway 3, so the building -- yeah, that building is going  
21 | to have to be about here. The school building.

22 | Q. Would you put a circle on approximately where  
23 | your house is.

24 | A. Oh, I moved this.

25 | Where my house is on Vauthier?

1 Q. Um-hmm.

2 MS. OLALDE: Sarah, if we put the map  
3 maybe right underneath and not on top of the computer that  
4 might help a little bit. And you can angle the top down  
5 to get closer if you need to. And zoom all those things.

6 A. My house is on Oriole, the actual address and  
7 Vauthier runs right passed my driveway.

8 Q. Sure.

9 A. When I either drive out because I'm facing the  
10 driveway --

11 Q. Um-hmm.

12 A. -- or back out, I'm on Vauthier. And so -- and  
13 that's -- this is Vauthier here going toward...

14 Q. And it doesn't have to be exact, maybe just an  
15 approximate.

16 A. I'm trying to figure it out --

17 Q. Sure, yeah.

18 A. -- where my house would be. Down from La Marque  
19 it's -- Vauthier runs passed La Marque also after you  
20 cross over -- is that 165? Yes, 165 -- Highway 165. Do I  
21 see 165 in here? Highway 3 -- I see Highway 3, I don't  
22 see Highway 165, but I am between.

23 Q. We can move on if you don't want --

24 A. Yeah, Monticello --

25 Q. Um-hmm.

1 A. -- and 165 and Vauthier, yeah, all of that, yeah.

2 Q. Yeah, if you don't know exactly where to put the  
3 circle --

4 A. Yeah.

5 Q. -- that's okay, we can move on.

6 A. Yeah.

7 Q. Is your church that you are a member of, is that  
8 close to your house?

9 A. It's exactly -- it takes me about six minutes to  
10 drive there so it's close.

11 Q. Okay.

12 A. Six minutes away. That's in La Marque.

13 Q. Okay.

14 A. That address of the church is in La Marque.

15 MS. OLALDE: And, Sarah, if you don't  
16 mind if we could look at the map that she's --

17 A. Texas Avenue --

18 MS. CHEN: Sorry, you wanted just --

19 MS. OLALDE: Um-hmm, I apologize.

20 A. That's the wrong way.

21 THE COURT REPORTER: Keep your voice up,  
22 ma'am.

23 THE WITNESS: Oh my voice, oh, I'm  
24 talking to myself. I'm just going, this is going the  
25 wrong way.

1           A. Trying to figure out where the church is. The  
2 church is right off of 165. Golly, four miles from my  
3 house maybe.

4 BY MS. OLALDE:

5           Q. Sure.

6           A. It takes me about five minutes to drive there.

7           Q. Do you mind if I look at -- do you mind -- may I  
8 see the map that you have marked up?

9                           MS. OLALDE: And, Sarah, if you want to  
10 give me the document just to make sure that everybody can  
11 see.

12           A. Okay, I just figured out what this is. This is  
13 Lake Road.

14                           MS. CHEN: Monticello over here.  
15 Monticello here, is that the one you were looking for?

16                           THE WITNESS: Do you see Monticello?

17                           MS. CHEN: Yes, I think that's this one  
18 here.

19                           THE WITNESS: Monticello would run.

20                           MS. CHEN: Likes it cross a ravine?

21                           THE WITNESS: Yeah, and it would cross  
22 Vauthier. Monticello crosses Vauthier. Um-hmm.  
23 Monticello cross Vauthier. Vauthier should be here. Down  
24 here, Monticello --

25                           MS. CHEN: But it isn't.



1 THE WITNESS: -- it crosses where that  
2 high -- where the middle school has been built. It  
3 crosses.

4 MS. CHEN: Yeah, it is difficult to see  
5 with so few streets --

6 THE WITNESS: Yeah.

7 MS. CHEN: -- marked and it's a small  
8 map.

9 MS. OLALDE: No problem. No problem.

10 BY MS. OLALDE:

11 Q. So Ms. Courville, what --

12 A. Yeah.

13 MS. CHEN: If we can move on.

14 Q. -- we're going to do, don't worry about marking  
15 up the map. May I see what you have? I believe that was  
16 Ms. Chen's map.

17 A. Yeah, that was --

18 Q. Sure. Sure. Sure.

19 A. She showed me where Monticello was on there --

20 Q. Um-hmm.

21 A. -- and I know that Monticello --

22 Q. No problem.

23 A. -- crosses Vauthier down where the middle school  
24 was built.

25 Q. Oh, you know what I'm seeing.

1 A. What?

2 Q. The map that you handed me is not the Exhibit 1,  
3 so would you do me a favor, I'll just mark this as Exhibit  
4 2 to make things go faster.

5 (Exhibit 2 was marked for  
6 identification.)

7 Q. And hold on just one second because I'll have a  
8 question for you in just a moment.

9 A. Okay.

10 Q. So Exhibit 1 is a map that has a blue Line that  
11 marks Monticello Street. Is that correct? And all I need  
12 is a yes or a no.

13 A. This blue line? This is not -- this wouldn't be  
14 Monticello here.

15 Q. Do you know what --

16 MS. CHEN: I believe she's referring to  
17 the pen marking.

18 A. Oh, you're talking about the pen marking down  
19 here, where I marked?

20 Q. Yes, ma'am.

21 A. Oh, yeah, that would be Monticello.

22 Q. Okay. So the only other question I have then is  
23 on Exhibit 2. The circle that you put on Exhibit 2, does  
24 that adequately reflect what you mean when you say "your  
25 community?" The geographical area?

1 A. We've got to include this Monticello here,  
2 though, because that's one of the schools have been built,  
3 yeah. And then the Delany Road -- the Delany Road area  
4 also -- work with a lot of those people who live on Delany  
5 Road, so that would be part of my -- see, I have a big  
6 neighborhood. Okay. A big community.

7 Q. Um-hmm.

8 A. And mostly I don't know if that's the north or  
9 south side of 146.

10 MS. OLALDE: Sarah, you can zoom out.  
11 There's a --

12 A. Oh, this -- oh, I'm sorry I didn't even know you  
13 were doing this.

14 Q. So, Ms. Courville, my --

15 A. Yes.

16 Q. -- my question is: Does the map in front of you,  
17 your marks on the map --

18 A. Um-hmm.

19 Q. -- does that adequately reflect the community  
20 that we were talking about?

21 A. I don't know about the word adequate but, yes.  
22 Yes, primarily, yeah.

23 Q. We'll use your word.

24 A. For the most part, yeah. Yeah, primarily that's  
25 my community, yes.

1 Q. Okay.

2 A. Um-hmm.

3 Q. Great, thank you.

4 A. Where meetings are held and all of that, that I  
5 go to periodically.

6 Q. Okay.

7 A. Yeah.

8 Q. Alright. So I think we can move on from the map.

9 A. This is 165. I just saw that 165, yeah, okay.

10 MS. CHEN: If you would like to add  
11 anything, you can return to this.

12 THE WITNESS: Okay.

13 MS. CHEN: When needed.

14 THE WITNESS: Yeah.

15 BY MS. OLALDE:

16 Q. Okay. So I am going --

17 MS. OLALDE: We can put the video off.

18 Q. Ms. Courville, what did you do to prepare for  
19 your deposition today?

20 A. I read newspaper art -- I had to go back.

21 Q. Sure.

22 A. And try -- I tired to find newspaper articles  
23 that dealt with leading up to the drawing of these maps  
24 and leading up to -- well, we didn't know about the  
25 meeting that they had in November -- but leading up to

1 those kind of social changes within the community. I read  
2 plenty newspaper articles. I read copies op-eds that I  
3 had written in the past because -- because I write, I  
4 write sometimes. And -- and I spoke with my attorney here  
5 once or twice and -- leading up to this.

6 Q. So I'm going to just time out for just one  
7 second, and just to let the deposition go a little bit  
8 faster --

9 A. Um-hmm.

10 Q. -- I'm just going to ask that we do a little bit  
11 more of a volleyball, so I'll ask a question, let's limit  
12 the answer to that question.

13 A. Oh, you bet.

14 Q. Yeah, it might just make things go a little bit  
15 faster.

16 A. Um-hmm.

17 Q. Alright. So how many times did you meet with  
18 Ms. Chen?

19 A. We've met totally about three times.

20 THE WITNESS: Is that right?

21 BY MS. OLALDE:

22 Q. She can't -- she's not allowed to answer for you.

23 A. Okay, about three times. About three times, yes.

24 Q. Okay. On the first meeting, about how long was  
25 that meeting?

1           A. The first meeting not very long, about twenty  
2 minutes.

3           Q. Sure.

4           A. About twenty minutes.

5           Q. And the second meeting about how long was that?

6           A. Sarah doesn't really keep me in meetings too  
7 long. About thirty minutes.

8           Q. Sure. And the final meeting, about how long was  
9 that?

10          A. Same time, about 30 minute.

11          Q. Sure. Did you review any documents with  
12 Ms. Chen?

13          A. Only, like, chatted with her about a couple of --  
14 of my op-eds. And the one document that we did go over  
15 were some talking points, but that was after I became a  
16 plaintiff in the case.

17          Q. Sure. So I don't want --

18                       MS. CHEN: And just -- yeah, quickly  
19 I'll caution you not to reveal anything --

20                       THE WITNESS: Sure, right.

21                       MS. CHEN: -- that we talked about, you  
22 know, regarding the lawsuit.

23                       THE WITNESS: Right.

24                       MS. CHEN: Attorney/client privilege.

25 BY MS. OLALDE:

1 Q. And just going forward, just if it's a  
2 conversation that you had with one of your attorneys, I  
3 don't want to -- I don't want to ask you about that, so  
4 we'll just limit it to maybe documents that you remember.

5 A. Right, that's it.

6 Q. Do you remember which op-eds you reviewed?

7 A. Just the one with -- oh, that I reviewed?

8 Q. Um-hmm.

9 A. Oh, op-eds that came from -- are you talking  
10 now -- I got to ask you.

11 Q. Sure.

12 A. Before or after I knew that I would be  
13 participating in a lawsuit?

14 Q. So I'm going to limit it to just getting ready  
15 for your testimony today.

16 A. Okay.

17 Q. Do you remember what op-eds you looked at in  
18 getting ready to testify for today?

19 A. The one I remember from -- I was quoted in a  
20 Mother Jones article, I was quoted in an online article  
21 for the Houston Chronicle, and I was quoted in another one  
22 and I can't think if -- I can't remember now the name of  
23 it.

24 Q. Do you remember any other documents that you  
25 looked at when you were getting ready for your testimony

1 today?

2 A. Just the newspaper articles and they were -- I  
3 was not a part of a lawsuit when that -- the ones that I  
4 was reading about, and then I also since the lawsuit I did  
5 read the one about Dr. Armstrong to refresh my memory,  
6 yeah.

7 Q. Okay. And do you know Dr. Armstrong?

8 A. I do know him.

9 Q. How do you know him?

10 A. I know him because he is a doctor in the  
11 community. Again, you know, his community is my  
12 community. I also know several of his family members. In  
13 fact, I was sitting right next to his niece in choir last  
14 Sunday. We belong to the same -- that's how close we  
15 are. The community when I say that. I can't -- I can't  
16 even go to the store without seeing some people that may  
17 be related to Dr. Armstrong.

18 Q. Do you -- what's your opinion of Dr. Armstrong?

19 A. Like him as a doctor. Like him. He's a nice  
20 person. He's a nice person and a very good physician.  
21 That's all I know about him, yeah.

22 Q. Is it fair to say that you would disagree with  
23 his politics?

24 A. I disagree with his politics because I don't know  
25 very much about his politics; but I know that he's very



1 | limited in doing politicking. But, you know, his  
2 | policies, we look at things differently, but as far as him  
3 | being a medical physician, no problem with him whatsoever.  
4 | Perfect.

5 | Q. This is a silly question but I have to ask it.  
6 | Have you ever used any GIS mapping software on the  
7 | computer?

8 | A. GIS mapping?

9 | Q. And if you don't know what it means then probably  
10 | the answer is no.

11 | A. It is no.

12 | Q. Okay.

13 | A. Because I don't know what you're talking about.

14 | Q. Okay. Do you ever look at the computer to look  
15 | at maps, like maybe on the Galveston website?

16 | A. Sometimes. I don't read maps very well, I just  
17 | never did. I think I said that earlier on. You know,  
18 | just write my directions, instructions write them out and  
19 | that -- yeah.

20 | Q. Okay. And you said very rarely you would look at  
21 | a map on the computer. When would you look at the map --  
22 | or when do you recall looking at a map on a computer?

23 | A. Oh, for sure we were on the computer with the  
24 | maps when all of the discussion about the maps, our voting  
25 | maps would be changed and how they would be changed, and

1 | there were several different ways to look at them.

2 | | Yeah, I did, I got on the computer for that,

3 | and also they publicized them in the newspaper and --

4 | well, I don't have to tell if they publicize in the

5 | newspaper, it was stretched from one page of the page to

6 | the other page of the paper -- paper. So, yeah, those

7 | maps, yeah.

8 | Q. Did you look at the proposed Map 1 and Map 2 on

9 | the Galveston County website?

10 | A. Um-hmm.

11 | Q. Okay. Have you looked at any maps on the website

12 | that you could make them bigger, smaller, or make

13 | different lines pop up?

14 | A. Yeah, we did that.

15 | Q. The interactive maps?

16 | A. Um-hmm.

17 | Q. And did you do that as a group with other people

18 | or individually?

19 | A. No, I have a friend that I do that with, but it's

20 | not as a group, yeah.

21 | Q. Is that friend also a member of an organization

22 | with you?

23 | A. Yeah, that friend is a member of several

24 | organizations. In fact, he's a minister of the church.

25 | Q. What is his name?

1 A. Reverend James E. Daniels.

2 Q. Okay.

3 A. Um-hmm.

4 Q. Okay. And is he a member of the NAACP Mainland  
5 branch as well?

6 A. He's a member of the NAACP Mainland branch.

7 Q. Okay. And do you remember about when you were  
8 looking at the maps with Dr. Daniels or Reverend Daniels?

9 A. We were really looking at those maps once we  
10 realized that these were going to be the maps and that.  
11 Especially that day that we had that meeting in November  
12 in League City and they voted -- when I said "they," I  
13 mean the commissioners voted, the judge and the  
14 commissioner of his group voted for that map to go into  
15 effect in terms of -- we call them the voting maps, the  
16 redistricting voting maps is -- that's my name for them.

17 Q. Okay. And I guess that's a really good point.  
18 When we talk about the maps we're talking about the  
19 commissioner precinct, the four precincts, right? Is that  
20 what you mean when you're --

21 A. Yeah.

22 Q. Okay. Because you're right there's so many  
23 different kinds of maps.

24 A. And at the same time that that map, those maps  
25 were going on, they were redistricting -- redistricting --

1 can't even say the word anymore -- things at the school  
2 board also. They were having to have to redo their lines  
3 because of the census. After the census they had to redo  
4 their lines also, and so I was in on those meetings with  
5 those maps and redrawing them and.

6 Q. Did you approve of the maps that the school board  
7 ended up adopting after the 2020 census?

8 A. Yeah, theirs made sense, yes.

9 Q. Okay.

10 A. Theirs made sense because they were able to --  
11 well, the school board members were there on the very last  
12 one that I've attended I believe, and they were able to  
13 say what could be done to make them fair, to make the maps  
14 fair as far as the school district and the population's  
15 concern, yeah. And they were in on it; so yeah, they  
16 included members of the community in that, and so it made  
17 perfect sense.

18 Q. Have you ever served as a director of a school  
19 board?

20 A. Not a director, I was vice president.

21 Q. Okay. And which school district was that?

22 A. La Marque Independent School District.

23 Q. Do you remember when you held a position with La  
24 Marque ISD, the years?

25 A. I believe it was 2012 to 2014. No, I was on that

1 school board when they closed the district, and so that  
2 was in 2015 and I had served for two years. So '13, 2013.  
3 So I was probably seated in 2012 and served in the 2013,  
4 2014. I think they closed the district in 2015. They  
5 closed it in 2015. I think they did in 2015.

6 Q. Okay.

7 A. Yeah, so I was there at that time.

8 Q. And after they closed the district, I guess, it  
9 was called annexation, they kind of made it into a big --  
10 a bigger district with Texas City. Is that correct?

11 A. That's kind of how -- that's the best way to look  
12 at it.

13 Q. And have you been involved with the district  
14 after that annexation happened?

15 A. Never stopped being involved.

16 Q. Okay. How are you -- or how did you maintain  
17 your involvement with the district?

18 A. I was involved in the district in the takeover  
19 part of that because they wanted people to be involved who  
20 were concerned with and who knew -- here we go again, the  
21 community -- who knew the community, was familiar with  
22 some of the parents and students, ministers, the whole  
23 bit.

24 And so I was invited to every last one of  
25 them. Right away when they decided that they were going

1 to have to do something with the facilities, I was on the  
2 facility's committees all of them and offering suggestions  
3 here there and everywhere about facilities what they  
4 needed to be, how many students were going to be excepted,  
5 the whole bit. That was -- that was me.

6 Q. Okay.

7 A. Um-hmm.

8 Q. Going backward in time when you served as vice --  
9 vice president?

10 A. Um-hmm.

11 Q. What did you do in your role as vice president  
12 for the La Marque ISD?

13 A. Oh, we were the stewards of that, of that  
14 district. We were the people who were responsible for  
15 hiring -- in fact, we had to hire a superintendent because  
16 when they -- yeah, when I was on the board the other  
17 superintendent, or superintendent that they had left. So  
18 we had to get a superintendent.

19 And we, of course, had to find somebody who  
20 could work with what was there as the faculty, as the  
21 parents, work with all -- yeah, the faculty and the kids  
22 and the instruction part of that what was needed, and we  
23 had a very good person. She was -- she was wonderful.

24 Q. What was her name?

25 A. Terri Watkins.

1 Q. How did you find Ms. Watkins?

2 A. Well, I had known Ms. Watkins since she was a  
3 principal here in Galveston. I worked with her.

4 Q. Okay.

5 A. She was a principal of more than one school, most  
6 principals are, you know, they move around. And I was a  
7 social worker, we met at that time, moving around. And so  
8 we -- we knew each other. We just knew each others -- the  
9 way we worked and we knew our philosophies, in -- in that,  
10 and what we had hopes for in terms of the district, yes.

11 And at the time she was -- when she was hired  
12 on as the superintendent for La Marque by the school board  
13 on which I -- I was involved, she was one of the  
14 principals -- or was she one of the superintendents  
15 because -- of Texas City. She came from Texas City to La  
16 Marque.

17 Q. Just one second. How long did she serve as the  
18 superintendent of La Marque?

19 A. I believe Terri was there two and a half to three  
20 years before they closed the district, yes.

21 Q. I'm going to hand you what's being marked as  
22 Exhibit 3.

23 (Exhibit 3 was marked for  
24 identification.)

25 MS. OLALDE: Try not to cover up any

1 text. It's in the chat for those on Zoom.

2 Q. Have you seen this article before.

3 A. I have not seen this particular article.

4 Q. Okay. And the date of it is October and 2015,  
5 correct?

6 A. The date of this article?

7 Q. Yes, ma'am.

8 A. Yes. Yes, it does say October 2015.

9 Q. Okay. From your perspective, what was the  
10 removal versus the resignation? What was that issue, what  
11 happened?

12 A. Well, the State of Texas, the commission of  
13 education had decided that they were going to close the  
14 school district, La Marque Independent School District.  
15 They claimed that it was because of the kids had been  
16 failing before academically, had academically unacceptable  
17 grades and all that.

18 Q. Did you agree with that?

19 A. They had, had in the past but actually when all  
20 this happened those kids had improved greatly under Terri.

21 Q. Um-hmm.

22 A. Terri really brought them back, yeah. So you  
23 asked me did I agree with them.

24 Q. Yeah.

25 A. They had been failing before but when she got



1 there, no, it changed. I didn't agree with then.

2 Q. Okay.

3 A. Um-hmm.

4 Q. And so what was this -- was she removed as  
5 superintendent? I was trying to figure out if that was  
6 true or what this article -- this article appears to  
7 contend that she was removed as opposed to resigning. And  
8 from your perspective what happened?

9 A. She resigned because the State of Texas was  
10 closing the school district down. When that happened,  
11 they removed the superintendent.

12 Q. Um-hmm.

13 A. And they also in that instance removed the board  
14 members. They put in what they call board managers; and  
15 according to me, the way they did that was not right.

16 Q. Why was it not right? What happened?

17 A. It was -- it was -- it was not right because even  
18 -- even as people who were going to be removed, we had  
19 been told by the commission, the commissioner of  
20 education, who at that time his name -- last name was  
21 Williams, I don't remember his first name -- that the  
22 people who would serve as managers, in other words, they  
23 would take our positions, the school board members, would  
24 be people from the community.

25 Q. Um-hmm.

1           A. They could not find enough people from the  
2 community who were willing to do that. So I kid you not,  
3 they had a lady serving who was from Houston. She was not  
4 from our community, we never met her before; and they  
5 brought in a fellow who was a -- and he still was there,  
6 and we talk, we're pretty good friends. But he came over  
7 and he was one of the planners for the City of Texas City.

8                       One of the people who plan to, I guess, build  
9 buildings or whatever and they put him on the board. He  
10 lived in Texas City but never should have served there.  
11 He never should have been on the board.

12           Q. Why should he never have served there?

13           A. Because he was working -- I think the city is one  
14 of the land planners. You know, La Marque had land. La  
15 Marque had plenty of land. Texas City was landlocked,  
16 they could not have built one more building anywhere. As  
17 it were at that time, they were landlocked, they didn't  
18 have any land, we had plenty. Yeah, so that's why he  
19 should not have been there.

20           Q. Do you think that his presence kind of -- strike  
21 that question.

22                       I'm going to give you just a second to review  
23 this article.

24           A. Um-hmm.

25           Q. And I just -- I really just want to know your

1 opinion of it and if you disagree with what it states.

2 A. Okay.

3 MS. CHEN: And for the record I'll  
4 object to this on relevance ground.

5 But you may answer, Ms. Courville.

6 THE WITNESS: Okay.

7 A. So what's the question?

8 BY MS. OLALDE:

9 Q. Do you agree with the statements in this article  
10 about her being removed as opposed to resigning?

11 A. She resigned.

12 Q. Okay.

13 A. We did not remove her. She resigned.

14 Q. Okay. The very last sentence on the second page  
15 seems to poke at what she's done or hasn't done for the  
16 community. In your opinion, she did a lot for the  
17 community --

18 A. She did.

19 Q. -- service, right?

20 A. She did a lot for that school district. Yes, she  
21 did.

22 Q. Okay. I'm going to hand you what's been marked  
23 as Exhibit 4.

24 MS. OLALDE: We'll drop it in the chat.

25 (Exhibit 4 was marked for

1 identification.)

2 A. Do you want this back?

3 Q. Oh, yes, please. And this is a couple of weeks  
4 after the Exhibit 3 article. Have you seen this article  
5 before?

6 A. Not to my knowledge I've not seen this one.

7 Q. Okay. And I know it's been a -- it's been a  
8 minute.

9 A. Um-hmm, yeah.

10 Q. Eight years. I wanted to ask because it looks  
11 like you're quoted on Page 2 of this article. And if you  
12 need --

13 A. This one?

14 Q. Yes, ma'am. If you need time to review it, take  
15 your time and just let me know when you're ready.

16 A. You're asking me if I agree with my statement or  
17 with my quote?

18 Q. Oh, no, I just wanted to know when you're ready  
19 to talk about the article. I just wanted to make sure you  
20 were comfortable with your time and being able to review  
21 it.

22 MS. CHEN: I'll just note the article it  
23 says it was updated on November 12th, 2015. It does seem  
24 to describe events that occurred before the previous  
25 exhibit.

1 Q. Ms. Courville.

2 A. Yeah.

3 Q. Are you ready to discuss or do you need a little  
4 bit more time?

5 A. You want to ask me something or was it something  
6 you need to know?

7 Q. Sure.

8 A. Okay.

9 Q. On the second page underneath this white block  
10 where it says advertisement you're quoted as saying that:  
11 Everyone is pleased with the fact that we did meet  
12 standards and they're pulling for us to do more and do  
13 better and be more stable. Did I read that correctly?

14 A. That's what it says, yes.

15 Q. And that was your true opinion at the time,  
16 correct?

17 A. Yes.

18 Q. Do you remember the time frame of when you would  
19 have given this statement?

20 A. Because they shut us down in 2015, it had to have  
21 been close to that time.

22 Q. Sure.

23 A. No, I don't know exactly when I said that.

24 Q. That's okay?

25 A. Yeah, I don't -- I don't know, yeah.

1 Q. But in your opinion prior to being shut down you  
2 believed that La Marque ISD had everything in order, they  
3 just needed a little bit more time, correct?

4 A. Yes.

5 Q. Okay. If you can flip to -- unfortunately these  
6 pages aren't numbered but the page that has this at the  
7 bottom. I think it's at Page 3 or 4. That third  
8 paragraph Ms. Corinthia Williams was quoted as saying:  
9 She feels the leadership we have right now is capable of  
10 bringing La Marque back but it's going to take time. Did  
11 I read that correctly?

12 A. I think so. There were a lot of people with that  
13 opinion.

14 Q. Do you know who else had that opinion?

15 A. Oh, I don't know the names.

16 Q. Sure.

17 A. But I just know in general.

18 Q. People from the community, right?

19 A. People from community in general really felt like  
20 -- as a matter of fact, let's me just say this about that  
21 shutting us down. When they sent the person who served as  
22 the interim superintendent -- I'm trying to remember his  
23 name now -- but he was on the phone with the commission of  
24 education every day as -- Maxey -- his name was Maxey,  
25 M-a-x-e-y.

1 He was on the phone every day calling them  
2 saying, this is not a school that you-all should be  
3 considering shutting down. This school is on, you know,  
4 on the incline. They are going very well. We had money  
5 in the bank, so we were solvent in every area. The kids  
6 were passing the scores.

7 I'm telling you, and I have always said this,  
8 Texas City wanted our land, Texas City needed, they didn't  
9 just want it, they needed our money and they got both.

10 Q. Hence the annexation?

11 A. In the annexation. And I know that because I was  
12 in a meeting, one of facilities meetings and one of the  
13 people who had served as a superintendent of the school  
14 said out loud -- and I don't know if she knew I heard her  
15 or not, but she said, We'll so happy that we were able to  
16 get La Marque because they had however 6. -- it was either  
17 5 or \$9 million in the bank and the newspaper had said  
18 that we didn't have any money.

19 And if we didn't have any money, not only  
20 that, we never would have been able to spend \$300,000  
21 suing the commissioner of education and the State of Texas  
22 for trying to shut us down. So none of that made sense.  
23 So I've always contended that they wanted -- Texas City  
24 ISD was the only district that said, yes, they would take  
25 us.

1                   Nobody else wanted us to shut down. They  
2 didn't want to take us. Hitchcock said no, Dickinson said  
3 no. Didn't even look at League City, and of course  
4 Galveston said no. So Texas City said, Oh, yeah, we want  
5 them. Sure they did. Yeah, because they wanted money and  
6 they wanted land. And there are really building now.

7                   MS. CHEN: Looks as if we've gone for  
8 like an hour and half or so --

9                   MS. OLALDE: Sure.

10                  MS. CHEN: -- I kind of need a break.  
11 Would that be alright?

12                  MS. OLALDE: Yeah, can I just ask one  
13 quick question and then -- and just, like very short.

14                  Q. In your time with Galveston ISD --

15                  A. Um-hmm.

16                  Q. -- what was your opinion of that school district?  
17 Was it -- did it have sufficient finances?

18                  A. Who Galveston?

19                  Q. Um-hmm.

20                  A. Oh, at the time, yeah, I thought so.

21                  Q. And did kids were making decent grades?

22                  A. At the time, yeah.

23                  Q. Okay. Alright. We can take a break.

24                  A. Yeah.

25                  THE VIDEOGRAPHER: Okay, we're off the



1 record. The time is 10:43.

2 (A short recess was taken.)

3 THE VIDEOGRAPHER: We're back on the  
4 record. The time is 10:53.

5 BY MS. OLALDE:

6 Q. Ms. Courville --

7 A. Yes.

8 Q. -- when did you first join the Mainland branch of  
9 the NAACP?

10 A. I -- in about 1970-ish when I first moved to the  
11 Mainland.

12 Q. Were there other divisions of the NAACP at that  
13 time for Galveston Island or other areas?

14 A. There still weren't -- no.

15 Q. And those organizations were -- or those  
16 chapters were in existence in the '70 whenever you joined  
17 the Mainland branch?

18 A. Probably, I don't know for sure.

19 Q. Okay. Have you ever held any positions with that  
20 organization?

21 A. No, just what I was trying to think of that  
22 I'm --

23 Q. Sure.

24 A. -- working now and I can't even remember what it  
25 is, but it's a minor position. Nothing major.

1 Q. How often -- and I'm just going to limit this to  
2 the past ten years.

3 A. Okay.

4 Q. How often would you say your organization the  
5 NAACP Mainland branch meets?

6 A. Once a month.

7 Q. Okay. And do you usually attend all of the  
8 meetings?

9 A. Yes.

10 Q. Are they live or by Zoom?

11 A. By Zoom now.

12 Q. Were they previously live before --

13 A. Yes.

14 Q. -- Covid?

15 A. Yes.

16 Q. Okay. And where did they take place?

17 A. In the Nessler Civic Center usually off of Palmer  
18 Highway in Texas City.

19 Q. The -- jumping around just a quick second. The  
20 annexed current school district, La Marque/Texas ISD --

21 A. Um-hmm.

22 Q. -- what's your opinion of its finances at this  
23 point or do you have one?

24 A. Oh, they're great.

25 Q. And student performance, do you have an opinion

1 of how the kids are doing?

2 A. They are average to above average. They're  
3 great.

4 Q. Okay. When was the last time you went to a  
5 meeting for the Mainland branch?

6 A. Monday.

7 Q. Okay. Did you have any speakers?

8 A. No.

9 Q. Do you usually have speakers for -- comment at  
10 the meetings or no?

11 A. Rarely.

12 Q. Okay. Who's the current president?

13 A. Barbara Anders.

14 Q. Okay, thank you. And you've never hold -- held  
15 any political offices? Is that true?

16 A. No, political offices, no. I've ran for one but  
17 I didn't win.

18 Q. Which office --

19 MS. RICHARD: I'm sorry to interrupt,  
20 but I think you've been on mute this hold time and we  
21 couldn't tell you.

22 THE COURT REPORTER: Who made that  
23 statement?

24 MS. OLALDE: Ms. --

25 THE COURT REPORTER: Russo?

1 MS. OLALDE: Valencia Richardson [sic].

2 THE COURT REPORTER: Okay.

3 MS. CHEN: I did not realize that you  
4 were muted so let me just --

5 Alright, should be unmuted now.

6 MS. RICHARD: Thanks so much, y'all.  
7 Sorry to interrupt again.

8 MS. OLALDE: No, I apologize. Thank  
9 you.

10 BY MS. OLALDE:

11 Q. Which office did you run for?

12 A. Commissioner At-large In Texas City.

13 Q. And when was that?

14 A. 1999. I think it was 1999.

15 Q. And who was your opponent?

16 A. It was at an At-large position, so there were  
17 about three of us I think running.

18 Q. Do you remember --

19 A. I don't remember -- I don't remember who they  
20 were.

21 Q. It was a partisan race, though, right?

22 A. Yes.

23 Q. And you were running as a democrat?

24 A. Yes.

25 Q. And -- so this was, for a lack of a better

1 explanation, like a primary, there were other democrats in  
2 the race as well?

3 A. Um-hmm.

4 Q. And were there any republicans in the race?

5 A. I believe so. Yeah, this was a general race in  
6 1999. I think so.

7 Q. Do you remember who was elected?

8 A. In my position?

9 Q. In the position that you ran for?

10 A. I believe it was -- the guy that became a mayor.  
11 Was it Garcia, Garza, or Garcia. I don't remember.

12 Q. Okay. Did you have, like, a campaign manager or  
13 staff?

14 A. Yes, my manager was Johnny Henderson.

15 Q. And who is Johnny Henderson?

16 A. He's deceased. He was -- he was one of the civic  
17 leaders at the time. And treasurer was Ed Ross. And who  
18 else did I have? That's pretty much it, I think.

19 Q. And who is Ed Ross?

20 A. He's also passed away. He was a tax person, did  
21 taxes --

22 Q. Sure.

23 A. -- in the community.

24 Q. And you knew both Mr. Henderson and Mr. Ross  
25 from --

1 A. Yes, I did.

2 Q. -- the community.

3 A. Um-hmm.

4 THE COURT REPORTER: Keep your voice up,  
5 please.

6 THE WITNESS: Oh, I'm sorry.

7 BY MS. OLALDE:

8 Q. Did you have a platform that you ran on?

9 A. I -- I did, don't ask me the name of it, I don't  
10 remember. But I do know it had to do with writing grants,  
11 getting grants written so that the City of Texas City  
12 could get grants and do some things for the community.

13 Q. Does the NAACP Mainland branch hold any, like,  
14 activities or events for the community?

15 A. We tried to before the virus, we have not been  
16 able to do that since.

17 Q. Okay. Are you guys thinking about maybe starting  
18 that up again or?

19 A. Talked about it.

20 Q. Okay. Prior to Covid what kind of events would  
21 you guys hold in the community?

22 A. Banquets.

23 Q. Okay.

24 A. Yeah, we did bring in speakers, notable speakers.  
25 And that -- usually that was the way we raised our money,

1 big banquets. So that was the primary focus, and it was  
2 for educating the community about whatever was going on.

3 Q. Can you give me a couple of examples of speakers  
4 who would have talked at some of the banquets?

5 A. I can't think of any of the names, but I do know  
6 we have a couple of state members of reps from the -- the  
7 state who would come and who would be the keynote speakers  
8 --

9 Q. Um-hmm.

10 A. -- for the banquets. That's how that -- that's  
11 how that works.

12 Q. Would there be anything like a -- maybe a topical  
13 area for a banquet? For example, did anyone ever come in  
14 and talk about redistricting?

15 A. No.

16 Q. Okay.

17 A. I don't remember.

18 Q. Okay. Is it fair to say that you regularly vote?

19 A. I regularly?

20 Q. Vote.

21 A. Oh, yes.

22 Q. Okay. And you've been continuously registered to  
23 vote in Galveston County since you arrived?

24 A. Yes.

25 Q. Okay. And has that -- and I apologize, but

1 that's always been with the democratic party?

2 A. Yes.

3 Q. Have you ever voted for a republican candidate?

4 A. He was not a republican candidate but -- I don't  
5 remember.

6 Q. Okay. Do you typically vote in primaries as well  
7 as general elections?

8 A. Yes.

9 Q. For the last time that you voted in Galveston  
10 County, do you remember what offices were open, just a  
11 couple of examples?

12 A. The major's office, we voted for major. There  
13 were a couple, I think, school board members, and all of  
14 this was on one ballot. Don't remember any of the others.

15 Q. Did your preferred candidates win?

16 A. One did and one didn't. One did, yes.

17 Q. Who was -- who was that?

18 A. His name was -- last name was -- oh my God, don't  
19 tell me I'm going to forget it now. He ran against the  
20 mayor. What's his name? Phillip. I don't remember, but  
21 he ran against the mayor, and I did not vote for the mayor  
22 who won, I voted for the other guy who lost.

23 Q. Okay. And the guy who lost --

24 A. Um-hmm.

25 Q. -- why did you prefer him over the current mayor?



1 A. His policies were close to mine. He was a person  
2 who had my trust and he had the trust of a lot of other  
3 community people. The mayor who we -- who we have and  
4 he's the active man now, we didn't know him that well.  
5 And I was concerned that he may not have been able to put  
6 in the time that was needed to bring Texas City forward  
7 because of his -- his work, his employment.

8 Q. Since he's held office, has your opinion changed  
9 of him?

10 A. In some areas, yes; some areas, no.

11 Q. How about the areas where your opinion has  
12 changed?

13 A. That would be gaining the trust of the community  
14 members, members of the community, yeah.

15 Q. Okay. And for the other candidate that you voted  
16 for who won, why was that candidate -- well, do you  
17 remember what office that was for?

18 A. That would have been school board.

19 Q. School board. And why -- and do you remember the  
20 name of the person who won?

21 A. That was Nickey Shapaul [sic].

22 Q. Okay. And why was Ms. Powell your preferred  
23 candidate?

24 A. Because she's just a good person for being a  
25 school board member and director, president, the whole

1 bit. Yeah, served with her in La Marque.

2 MS. CHEN: And let me just clarify.

3 That's Paul, P-a-u-l.

4 MS. OLALDE: P-a-u -- thank you.

5 THE WITNESS: Thank you.

6 BY MS. OLALDE:

7 Q. And we talked a little bit about -- going back to  
8 your educational background. You do hold a JD degree but  
9 you are not a licensed attorney in Texas, correct?

10 A. Got it.

11 Q. So just to make sure, you're not going to -- you  
12 don't intend to offer any legal opinions in this lawsuit,  
13 right?

14 A. Never do.

15 Q. Okay. Have to ask.

16 A. No, I never do that.

17 Q. I want to change gears and talk about what  
18 documents you might have that are relevant to this  
19 lawsuit. And so that's just the preference of the  
20 question. So the questions is, is: Did you, when this  
21 lawsuit was filed, did you have documents that were  
22 related to this subject matter in this lawsuit? Things  
23 like e-mails, meeting notes, calendar invites, things like  
24 that?

25 A. They were a few e-mails.

1 Q. Okay.

2 A. Yeah.

3 Q. And did you turn them over to counsel for  
4 production -- for a review?

5 A. Yes. When they -- I have turned over everything  
6 they asked me for, yes.

7 Q. Okay. You have an e-mail address, correct?

8 A. Yes.

9 Q. What is your e-mail address?

10 A. Ednacourville@yahoo.com.

11 Q. Okay. And do you have any other e-mail  
12 addresses?

13 A. No, that's the only one I have.

14 Q. Sure. When you were looking for e-mails that  
15 would be relevant to this case, how did you search for  
16 them?

17 A. Well, my attorney --

18 Q. Okay, if you didn't do it that's okay.

19 A. No, cause I couldn't do it, I didn't know --

20 Q. No worries.

21 A. -- my job.

22 Q. We can move on from that.

23 A. Yeah.

24 Q. What about a computer? Did you have a computer  
25 that may have had documents that were relevant to this

1 case?

2 A. And they were researched also.

3 Q. And that was by counsel?

4 A. Yes.

5 Q. Okay. Paper, did you have paper that was  
6 relevant?

7 A. Paper?

8 Q. Um-hmm.

9 A. Like newspapers?

10 Q. Oh, I apologize, let me rephrase. Did you have  
11 any printed documents that may have been relevant to the  
12 subject matter in this case?

13 A. No.

14 Q. Okay, nothing like --

15 A. Just e-mails.

16 Q. -- handwritten notes?

17 A. No.

18 Q. Okay. What about calendar, how do you keep your  
19 calendar?

20 A. The old fashion way. My calendar -- I have a  
21 calendar in my kitchen --

22 Q. Um-hmm.

23 A. -- you know, right as I open my pantry door  
24 that's where I mark all of my meetings. It's all marked  
25 up right now.

1 Q. Okay. Did you turn that over to your attorneys  
2 for review in this case?

3 A. Well, no, unless it was something in my phone or  
4 on the e-mail, no.

5 Q. Okay. Is it one of the calendars that's just the  
6 twelve months?

7 A. Um-hmm.

8 Q. Do you keep the older calendars?

9 A. Sometimes I do and sometimes I don't; and the  
10 reason I've been keeping them lately is because my  
11 daughter makes them and her family pictures on them.  
12 Those are the faces of my calendar.

13 Q. So is it -- do you have the 2021, 2021, and 2022  
14 calendars still?

15 A. The last two, yeah.

16 Q. The last two, okay.

17 A. Um-hmm.

18 MS. OLALDE: And, Counsel, do you mind  
19 if you could let me know if there's anything responsive in  
20 those documents would you --

21 MS. CHEN: Certainly.

22 MS. OLALDE: Okay. Thank you.

23 Q. What about your -- do you have a cell phone?

24 A. Yes.

25 Q. And do you text message?

1 A. Sometimes..

2 Q. Do you have a FaceBook account?

3 A. I do and I don't post anything. I just go in and  
4 read stuff. I never post.

5 Q. Do you ever do instant messenger?

6 A. No.

7 Q. Me either. Did you have any text messages that  
8 were about the subject of this case?

9 A. No.

10 Q. Okay. Do you text with members of the Mainland  
11 branch of the NAACP about matters?

12 A. No, just when is the next meeting.

13 Q. Okay. I want to turn to -- newspapers, right?

14 A. Um-hmm.

15 Q. What kind of -- which newspapers do you regularly  
16 read?

17 A. Galveston Daily.

18 Q. Okay. Anything else?

19 A. No. No.

20 Q. Do you read new online or is it in the paper  
21 format?

22 A. Mine is in the paper. The old fashion way.

23 Q. So you never look up, you know, CNN or any type  
24 of online news source?

25 A. I do, I watch both all the time, yeah. Yeah.

1 But I've watched them on TV, yeah; and I don't actually  
2 get on the computer to do any of those news things.

3 Q. Sure. What news sources do you look to whenever  
4 you're watching television?

5 A. CNN and MSNBC, Channel 13 basically.

6 Q. Like local news?

7 A. Yeah, that's where I get my local news. I heard  
8 about a three-car crash this morning.

9 Q. It's all the time.

10 A. Yeah, um-hmm.

11 Q. This might sound like a silly question but do you  
12 ever listen to any podcasts?

13 A. For me --

14 Q. Yeah.

15 A. -- no.

16 Q. Okay. You said for me what --

17 A. Because, you know, I know a lot of people who do  
18 podcasts, I don't.

19 Q. Okay. On your e-mail do you get -- and it might  
20 be from the NAACP Mainland branch or from other  
21 organizations -- do you get newsletters through your  
22 e-mail?

23 A. No.

24 Q. Okay. So for your e-mail with respect to the  
25 NAACP Mainland branch only, would -- is that how you would

1 get meeting information?

2 A. Um-hmm.

3 Q. Okay. Would there be an agenda?

4 A. They do have agendas, but our regular secretary  
5 has been so sick for years now and so, you know, there's  
6 been a break in that so, no.

7 Q. Okay. Do you follow the national political -- do  
8 you follow the national political elections?

9 A. I do until I get tired of them and that's MSNBC  
10 to me.

11 Q. Okay. Have you ever reviewed any statistics on  
12 voting in Galveston County or otherwise?

13 A. I'm sorry, I didn't understand the question.

14 Q. Sure. Like statistics about people who vote, and  
15 we'll just limit it to Galveston County.

16 A. Um-hmm.

17 Q. Have you reviewed any statistics about who's  
18 voting and for whom in this area?

19 A. Well, after the voting has been done.

20 Q. Sure. And so what information have you reviewed  
21 with respect to Galveston County?

22 MS. CHEN: Objection. Vague.

23 Q. Sure. What -- what voting statistic information  
24 have you seen with respect to Galveston County?

25 A. I'm trying to remember which -- what it was about



1 because there was a packet that I did receive. And you  
2 know what, it has -- it had to do with the bond issue.  
3 That's what it was. The bond issue for the school  
4 district, who voted for it, who didn't voted for, and who  
5 still needed to vote, yeah.

6 Q. And when -- when did that occur?

7 A. What is this? This is February. I think we  
8 voted on the bond issue last October -- last November.

9 Q. Okay.

10 A. Um-hmm.

11 Q. Were those statistics broken up by geography, by  
12 race, how were they --

13 A. All of the above.

14 Q. Okay. Did you notice any patterns?

15 A. No.

16 Q. Okay. Is it fair to say that you're pretty  
17 familiar with the racial demographics in your community?

18 A. Somewhat, it keeps changing.

19 Q. Okay. Tell me how it's changing.

20 A. It's changing because a lot of the senior  
21 citizens has passed way, kids are selling their homes, and  
22 I don't -- I'm not familiar with the people who are moving  
23 in, you know, on my street or any street in the  
24 neighborhood right now. There are a lot of people who are  
25 moving into vacant houses.

1 Q. Okay. So in 2020 did you feel like you were  
2 familiar with the racial demographics of your community or  
3 has the change been more recent?

4 A. The change has been more recent.

5 Q. And when I say -- or when you say "recent," can  
6 you tell me how --

7 A. This year.

8 Q. Just this year, okay.

9 A. Um-hmm.

10 Q. So in 2020 what was the racial -- what were the  
11 racial demographics of your community?

12 A. They may have been -- well, in 2020?

13 Q. Um-hmm, yes, ma'am.

14 A. You know, it could have been as equal as 33, 33,  
15 33 in terms of Hispanics, African Americans, and -- and  
16 whites.

17 Q. Okay.

18 A. It could have been that, I'm not sure if that's  
19 what it was.

20 Q. Sure.

21 A. Could have been, yeah.

22 Q. So in the Mainland branch of the NAACP, do you  
23 have any Hispanic or Latino members?

24 A. We may have but I don't know. I don't know.

25 Q. From your community would you know if anybody

1 from your community was a member of your organization who  
2 was not African Americans so White, Hispanic, Latino?

3 A. We probably have a few.

4 Q. Sure.

5 A. But because I don't necessarily pay attention to  
6 those records, I really can't speak to that.

7 Q. Okay, that's fair enough. Would you describe  
8 yourself as politically engaged?

9 A. Yes.

10 Q. Okay. Can you expound on that for me as to why  
11 you believe you're politically engaged?

12 A. I'm politically engaged because I've been a voter  
13 since I turned 18. Engaged because I try to find out  
14 who's running for what offices and what -- what their  
15 philosophies are in terms of education, in terms of  
16 housing, in terms of things that are going to help people.  
17 So, yeah, I'm engaged.

18 Q. Okay. And you also described yourself as an  
19 activist. Is that correct?

20 A. Yes, I am that.

21 Q. Can you describe some of things that you do as  
22 part of your activism?

23 A. Attend meetings --

24 Q. Okay.

25 A. -- advocate for people in -- in the community.

1 Try to see what the needs are. Let people who are in  
2 charge know what I see as needs, and then try to make  
3 think understand why I see it as a need for the people in  
4 the community.

5 Q. Okay. Anything else?

6 A. Not that I can think of right now.

7 Q. Can you give me a specific example of some of the  
8 work that you've done as an activist?

9 A. Yeah, I'm on the facilities committees, in  
10 schools, for my church, and building and stuff. Saying  
11 things like, You don't build a school for the number of  
12 children who are there right now, you're gonna build for  
13 growth. For advocating for safety things in the school,  
14 windows, doors, anything that's going to make the kids  
15 feel more secure I advocate for. Facial recognitions,  
16 everybody with a badge who's coming to the schools and  
17 that, yeah.

18 Q. Do you guys use door alarms in the La Marque  
19 Texas City district?

20 A. You know, I'm sure they would alarm, yeah, they  
21 have them because I have a badge that I have to use for  
22 access to the building.

23 Q. Have you ever worked or volunteered for a  
24 political campaign?

25 A. Yeah.

1 Q. Which campaign or campaigns?

2 A. I've worked for Billy Williams --

3 Q. Okay.

4 A. -- this last time. I've worked for a  
5 commissioner for the City of Texas City. Thelma Bowie  
6 I've worked for Thelma for the positions that she runs  
7 for. I'm trying to think of the names -- I forget the  
8 names but, yeah --

9 Q. Okay.

10 A. -- I have volunteered to help on campaigns.

11 Q. Has it been usually for local -- local people  
12 from the community or do you work with statewide elections  
13 ever?

14 A. I rarely but, yes, I do when I have time for  
15 that, yes.

16 Q. Okay. So for -- for example when you work with  
17 Billy Williams, what role did you help as a volunteer?

18 A. Oh, I was down in the community park where they  
19 were voting and stuff advocating for him. Away from --  
20 you know, you got to keep that 100 yard distance there. I  
21 did that and passing out literature for him, cards, push  
22 cards they call them and that kind of stuff.

23 Q. Were you ever involved in designing  
24 advertisements or anything?

25 A. I wish I could design but, no, design.

1 Q. Okay. When you volunteer to -- to assist in  
2 political campaigns, is that typically the work that you  
3 would do is boots on the ground, advocating?

4 A. Yes. Yes. Make phone calls.

5 Q. Sure. Anything else?

6 A. No.

7 Q. Were they all democratic can -- candidates?

8 A. That I worked for, yes.

9 Q. Okay. Do you feel like you have an understanding  
10 of how Black Galveston County voters vote in the whole of  
11 Galveston County?

12 MS. CHEN: Objection. Calls for  
13 Speculation.

14 MS. OLALDE: Sure.

15 Q. And I only want to know if you feel like you have  
16 an understanding, if not then you don't.

17 A. I understand.

18 Q. What is -- what is your understanding?

19 A. That for the most part they are -- well, there  
20 are some independence -- independent voters, and for the  
21 most part they're democrats.

22 Q. Okay. And is that -- that's true for your  
23 community, correct?

24 A. Yes.

25 Q. And that's based on -- can you tell me what

1 informs your understanding? Why -- why you have that  
2 understanding for people in your community?

3 A. I see them, I check with them, I call them, I  
4 talk with them. I remind them, you know, that the day for  
5 voting is coming up. I remind them if you're --  
6 especially for senior citizens -- if you're going to be  
7 the -- if you're going to vote from your home, have you  
8 called because you have to call now --

9 Q. Yeah.

10 A. -- to say that you want your ballot to be mailed  
11 to your home because if you don't do that, you don't get  
12 to vote. That's the kind of stuff I do.

13 Q. Okay. Do you do the same type of things for  
14 African American voters in Galveston County outside of  
15 your community?

16 A. Outside the community?

17 Q. Um-hmm.

18 A. Ask me that again. What are you saying?

19 Q. Sure. So the work that you just described, is  
20 that limited to the community that we identified on the  
21 map earlier today?

22 A. For the most part but not necessarily.

23 Q. Sure.

24 A. Because I will call people in Galveston to tell  
25 them that and I don't live here.

1 Q. Okay. Is there any other reason you would have  
2 that understanding about how African American voters vote  
3 in the entirety of Galveston County than what you just  
4 described?

5 MS. CHEN: Objection. Vague.

6 Q. If you don't understand I can rephrase.

7 A. I don't understand the question.

8 Q. Sure. No, no, I will -- it was a bad question,  
9 I'll rephrase. Why would you -- or you testified that you  
10 have an understanding of how Black voters in Galveston  
11 County vote generally, correct?

12 A. Democratically?

13 Q. Yes.

14 A. Yes.

15 Q. Yes. And we talked a little bit about what  
16 informs that decision for your community that we  
17 identified on the map, correct?

18 A. Yeah, I guess. Yeah.

19 Q. Right. Is there anything else that would -- that  
20 you would base that understanding on other than what we  
21 just talked about?

22 A. Not really, no.

23 Q. Sure. Okay. Do you have an understanding of how  
24 Hispanic or Latino voters in Galveston County vote?

25 A. An understanding of it?



1 Q. Um-hmm.

2 A. You mean which way they vote?

3 Q. Yeah.

4 A. Or you asking me if they democrats or  
5 independence or republican?

6 Q. Correct.

7 A. No, I accept that they're -- there are a mixture  
8 there.

9 Q. Okay.

10 A. Yeah. Yeah, I think it's a mixture.

11 Q. Okay. And when you say, "mixture," --

12 A. Of different cultures. I mean, you know, they're  
13 Hispanics but they still have different cultures within  
14 the Hispanic group.

15 Q. Absolutely.

16 A. Yeah.

17 Q. Do you have any understanding of whether or not  
18 the different cultures within a Hispanic or Latino group  
19 would vote similarly?

20 A. Yeah, they would, um-hmm.

21 Q. And what is the basis of that understanding?

22 A. Just watching them and then seeing the results.

23 That's all I can go on.

24 Q. Sure.

25 A. Um-hmm.

1 Q. After an election just here in Galveston County,  
2 do you look at statistics as to who was voting for which  
3 candidate?

4 A. Sometimes. Sometimes. Because it's in the paper  
5 usually.

6 Q. Okay, alright. And that's usually where you get  
7 your information from?

8 A. Um-hmm, primarily.

9 Q. Anything else?

10 A. Not that I can think of.

11 Q. Sure. Have you ever attended or do you regularly  
12 attend Galveston County Commissioner Court meetings?

13 A. No.

14 Q. Okay. I know that you attended the meeting on  
15 November 12th of 2021, correct?

16 A. Right.

17 Q. But apart from that meeting, can you recall any  
18 other meetings that you would have attended?

19 A. Not really because, you know, before then --  
20 yeah, before then with the virus and all, people weren't  
21 doing meetings so I don't know. And before then I really  
22 don't remember.

23 Q. Sure. Have you ever gone into -- have you gone  
24 to meetings after November 12th of 2021?

25 A. To the Galveston County commissioner's meetings,

1 no.

2 Q. Okay. So is fair to say that sitting here today  
3 that's the only time you remember going to a  
4 commissioner's court meetings?

5 A. That's not the only time that I've -- that I've  
6 been, but that's -- it's just the more recent one.

7 Q. Sure.

8 A. Yeah, um-hmm.

9 Q. Okay. When you've gone in the past, do you  
10 remember where you went?

11 A. In the courthouse.

12 Q. Okay.

13 A. In Galveston. Yeah, because they have a  
14 commissioner's room there. Yeah, a commissioner's meeting  
15 room there, yes.

16 Q. Do you -- can you estimate how many times you've  
17 been to a commissioner's court meeting in that location?

18 A. A couple.

19 Q. Just a couple?

20 A. Um-hmm.

21 Q. Do you remember when?

22 A. No.

23 Q. Do you every submit public information requests  
24 to, like, governmental bodies in Galveston County?

25 A. No, I did for the school district a lot at one

1 time; but, no, not recently.

2 Q. And that La Marque, correct?

3 A. No, I was --

4 Q. Oh.

5 A. -- requesting information from Texas City.

6 Q. Okay.

7 A. Yeah.

8 Q. Thank you. Do you have an understanding as to  
9 when commissioner court is -- let me strike that, that was  
10 a bad question.

11 Do you have an understanding as to where  
12 commissioner court meetings in Galveston County typically  
13 occurred?

14 A. They occurred in the -- in the courthouse on --  
15 what's that 21st? 21st Street. I think it's 21st.

16 Q. 722 Moody, something like that?

17 A. Yeah. I think that's 21st or 23rd.

18 Q. Okay.

19 A. 21st.

20 Q. Do you have any understanding as to any reasons  
21 why a commissioner's court meeting would occur in League  
22 City at the Calder Annex?

23 MS. CHEN: Objection. Speculative.

24 Q. Only if you know.

25 A. No, I don't know.

1 Q. Sure. Are you familiar with the Calder Annex  
2 location?

3 A. I know where it is.

4 Q. Had you been there before November 12th of '21?

5 A. I had been there, yeah.

6 Q. Did the --

7 A. I don't know what for, but I had been to that --  
8 yeah, to that place.

9 Q. Okay. Can you describe what it looked like on --  
10 from the outside on November 12th of 2021?

11 A. Torn up, the outside of it because they were  
12 redoing the parking lot or doing something. It was all  
13 torn up, more than half of it. The whole rear of the  
14 building was all torn up, the parking lot was. Is that  
15 what you're asking about that?

16 Q. Correct. Before --

17 A. A lot of construction was going on.

18 Q. Sure. Did you -- where did you park for the  
19 meeting?

20 A. I was able to get parking on the parking lot  
21 because I was early. I almost always am.

22 Q. Okay. And can you estimate maybe how many people  
23 that courtroom could hold?

24 A. Comfortably 40 maybe. 40.

25 Q. Okay. You said you'd been to the Calder Annex

1 | location before, were there any changes from the prior  
2 | visit to November 12th of 2021 that stood out to you?

3 | A. Yeah, overcrowdedness.

4 | Q. Okay. The number of people who were there for  
5 | the meeting?

6 | A. Yes.

7 | Q. Okay. Anything else?

8 | A. No.

9 | Q. Okay.

10 | A. They didn't make use of the teleprompters. They  
11 | didn't make use of any of that, that they had. It was  
12 | there and they didn't use it.

13 | Q. Okay. You said teleprompters but you mean --

14 | A. I mean, TVs whatever these things, the internet,  
15 | yeah.

16 | Q. Okay. Do you remember if there was a constable  
17 | present during the meeting?

18 | A. There was one gentleman who I'm assuming was a  
19 | constable. He was keeping order in terms when people  
20 | wanted to speak and stuff. He was the one saying, it's  
21 | your turn.

22 | Q. Okay. And you assume was it because of his  
23 | uniform or?

24 | A. I'm trying to remember if he had a badge or  
25 | something on, but he just had on khakis and a shirt that I

1 know of that I can remember.

2 Q. Okay. And you spoke at the meeting, correct?

3 A. Yes.

4 Q. Okay. Do you recall what you said at the  
5 meeting? Just generally.

6 A. I said it was disorganized, and I said that it  
7 was not done in a manner in which I would expect it to be  
8 done. It was a disrespectful meeting for the people who  
9 were in attendance. I do remember that, yeah.

10 Q. There were a lot of people who talked at that  
11 meeting, correct?

12 A. Yes, about 40.

13 Q. Do you know whether anybody was not allowed to  
14 speak?

15 A. I don't know.

16 Q. Sure. How long -- do you remember how long it  
17 went?

18 A. Good question. I think about an hour and a half,  
19 two hours maybe.

20 Q. Okay. And you were able to speak your -- your  
21 view at the meeting, correct?

22 A. Yes.

23 Q. Okay. How early did you arrive?

24 A. About 20 minutes before the meeting actually was  
25 scheduled to begin.

1 Q. Sure. Do you know who TJ Aulds?

2 A. Yes.

3 Q. Who is he?

4 A. He's a newspaper reporter. He used to work for  
5 the Galveston Daily News.

6 Q. Okay.

7 A. Now he owns his own paper.

8 Q. Okay. What paper does he --

9 A. Not paper, on online thing.

10 Q. -- what --

11 A. I45 North. I45 North I think is the name of it.  
12 The.

13 Q. Have you ever spoken with Mr. Aulds?

14 A. Years ago. I have not spoken with him.

15 Q. Recently?

16 A. No, not at all.

17 Q. Okay. Was it with respect to redistricting or  
18 what was it with respect to when you did talk to him?

19 A. We had some conversation about La Marque  
20 Independent District and how it was doing at that time,  
21 and I haven't -- haven't really spoken with him since I  
22 don't believe.

23 Q. Did he -- did he write an article based on after  
24 speaking to you?

25 A. Oh, I don't know.



1 Q. Okay.

2 A. If he wrote it, I didn't read it.

3 Q. Okay. Have you talked with anyone in the media  
4 about redistricting in Galveston County?

5 A. I was interviewed by Channel 13. They came to my  
6 house and we stood out in the front yard, you know. Other  
7 than that, I don't think anybody else interviewed me  
8 regarding it.

9 Q. Was that -- do you remember when that was?

10 A. Within days after the meeting, two or three days  
11 after.

12 Q. Okay. And how did you come to be involved in  
13 this particular lawsuit?

14 MS. CHEN: And I'll just caution you not  
15 to reveal any attorney/client privileged conversations.

16 Q. Is it -- okay, let me back up.

17 When did you first learn that there would be  
18 a lawsuit against the defendants in this case?

19 A. You know that's a good question. I -- I don't  
20 remember exactly when I learned that there would be and I  
21 joined. But -- because I wanted to be a part of making it  
22 right if I could. And I don't remember exactly when that  
23 was.

24 Q. Who asked you to join as a party to the lawsuit?

25 A. Who asked me? You know, I don't know. And I'm

1 not kidding. I don't remember who actually asked me to  
2 join the lawsuit.

3 Q. Would it have somebody maybe from the NAACP  
4 Mainland branch?

5 A. We probably talked about it. We didn't write it  
6 down, we just talked about it, would I join. Probably,  
7 yeah.

8 Q. Okay. And as an individual plaintiff in this  
9 lawsuit, what is your understanding of what you're -- what  
10 you bring to this lawsuit as a plaintiff?

11 MS. CHEN: Objection, vague and calls  
12 for a legal conclusion.

13 Q. You can answer if you understand.

14 A. Well, what was the question again?

15 Q. Sure. You know all of the plaintiffs in the --  
16 you know that the NAACP Mainland branch is one of the  
17 plaintiffs in lawsuit, correct?

18 A. Um-hmm. Um-hmm.

19 Q. But you've also joined individually, right?

20 A. Right, um-hmm.

21 Q. So do you have an understanding as to why it's  
22 important for you individually to be involved in this  
23 lawsuit as well as that organization?

24 A. I just want it to be known that we know -- when I  
25 say "we" in this case, I mean the community. When I tell

1 | you that I speak for the community, I mean that. That we  
2 | know that the purpose of that redrawing map thing that  
3 | I've seen two or three of them or whatever, the purpose of  
4 | it is to deny people their right to choose their  
5 | representatives, which is something that we deserve and we  
6 | have a right to do.

7 | That's -- that's been the law forever. We  
8 | should have that right. And the way these maps are drawn,  
9 | the only reason I see that the maps could be drawn is to  
10 | deprive us of that basic fundamental right, and I wanted  
11 | to be able to express that.

12 | Q. Okay. Person -- just you personally --

13 | A. Um-hmm.

14 | Q. -- did you ever have an idea as to how the lines  
15 | could be drawn that would be satisfactory to you in this  
16 | case?

17 | A. No, you know, I --

18 | Q. Sure. Okay.

19 | A. I don't understand maps.

20 | Q. I get it. I get it.

21 | A. But I understand my rights, yeah.

22 | Q. Do you know whether the NAACP Mainland branch has  
23 | -- had before this lawsuit was filed, had an understanding  
24 | of how the maps should have been drawn.

25 | MS. CHEN: Objection, calls for

1 speculation.

2 Q. If you know.

3 A. I don't know.

4 Q. That was a "no," correct?

5 A. Yes.

6 Q. Okay, thank you. Did you ever review the  
7 complaint in this lawsuit before it was filed? Did  
8 anybody give you a draft? And don't -- don't say what  
9 your attorney -- what you spoke with, but the physical  
10 document, did you ever see a draft of the complaint in  
11 this lawsuit?

12 A. A draft of the complaint?

13 Q. Um-hmm.

14 A. To my -- to my understanding. Yeah, I guess I've  
15 seen a draft of it.

16 Q. Okay. What facts did you provide to help in  
17 getting that document together, do you recall?

18 A. Just what I just said, if I said anything. If I  
19 had any input in getting it drawn up, that's -- that's how  
20 I felt about it.

21 Q. What we've discussed today?

22 A. Yes, just what I've just said. The intent of it,  
23 the lawsuit.

24 Q. Have you ever --

25 A. I mean the intent of the map being redrawn.

1 Q. I apologize. Have you reviewed the first amended  
2 complaint that was filed in this lawsuit? If you recall.

3 A. I reviewed it.

4 Q. Okay. And we can look at it in more detail in a  
5 little bit, but when you reviewed it, did you have any  
6 thoughts about, Hey, this is leaving something out?

7 MS. CHEN: Objection, vague.

8 A. And I don't remember.

9 Q. Okay. What was your impression of it? Did you  
10 think that it was -- it included most of the important  
11 facts?

12 MS. CHEN: Objection, calls for a legal  
13 conclusion.

14 Q. Just for your understanding or your opinion.

15 A. In leading -- leaning in that direction, yes.

16 Q. Sure.

17 A. Trying to get it together.

18 Q. Was there anything you felt that maybe could have  
19 been included?

20 A. No, I don't remember.

21 Q. Do you have any understanding as to what vote  
22 dilution means?

23 MS. CHEN: Objection, calls for a legal  
24 conclusion.

25 Q. Just if you have an understanding of what vote

1 dilution means and --

2 A. Vote delusioin? Are you saying d-e-l-u-s-i-o-n?

3 Q. No, d-i-l-u-t-i-o-n, dilution.

4 A. Oh, making it small, yeah, taking it away. You  
5 bet, yeah.

6 Q. Okay.

7 A. Diluting it, taking it away, yes.

8 Q. Anything else?

9 A. No.

10 Q. Sure. Do you think that -- do you think it was  
11 intentional the -- to take away peoples' vote when the  
12 commissioner's court voted on Map 2 in this case?

13 A. Yes.

14 Q. Can you tell me why?

15 MS. CHEN: Objection, calls for a legal  
16 conclusion.

17 Q. Can you -- from your understanding, I just want  
18 to know facts, I don't want to know legal conclusion  
19 anything. Can you tell me why you think it was  
20 intentional that the commissioner's court wanted to take  
21 away peoples' right to vote?

22 A. I think it's deliberate and intentional because  
23 this -- and I'm going to include the entire county and  
24 state want to remain red. That's their language.

25 Q. Okay.

1 A. They said that.

2 Q. Okay.

3 MS. OLALDE: And just for scheduling  
4 purposes we may need to take a lunch.

5 A. Um-hmm.

6 MS. OLALDE: So whenever you guys feel  
7 like you're ready to take one just we can work that out.

8 MS. CHEN: That will be up to you.

9 THE WITNESS: The lunch?

10 MS. OLALDE: Maybe around 12:00, another  
11 half hour if that's okay.

12 A. So we'll be going longer. Is that what you  
13 saying? I don't understand.

14 BY MS. OLALDE:

15 Q. Yeah -- that's okay, we'll move on. I'll ask you  
16 a question.

17 Have you ever talked with Commissioner Holmes  
18 about redistricting?

19 A. I didn't talk with him about redistricting. No,  
20 I have not talked with him about that.

21 Q. Okay. But you know Commissioner Holmes, right?

22 A. Yes.

23 Q. How long have you known him?

24 A. Long time. I can say 20 years, 30 years even.  
25 Long time.

1 Q. Okay. And he was your commissioner prior to the  
2 adoption of the new map, right?

3 A. Yes.

4 Q. And who is your commissioner now?

5 A. Robert Armstrong, Dr. Armstrong.

6 Q. Okay. Did you ever interact with Commissioner  
7 Holmes in his capacity as a commissioner for Galveston  
8 County before the maps were redrawn?

9 A. Yes.

10 Q. Okay.

11 A. Whenever we had concerns. When I say, "we," I  
12 mean the community. We had concerns that he -- we wanted  
13 him to bring to the commission so that they could maybe  
14 take a look at it, see what they could do to help us.  
15 Transportation for elderly, to help facilities, and that  
16 kind of stuff. Yes, that's what I talked with him about  
17 whenever we did talk, and senior citizen issues. Yeah.

18 Q. Okay. Apart from transportation to health  
19 facilities, can you give me more examples of what you  
20 talked with Commissioner Holmes about?

21 A. What could be done to assist in the area of  
22 education, and mostly my concerns in conversations with  
23 him dealt with issues centered around senior citizens,  
24 their needs, and what we could do to help them primarily.

25 Q. Okay. So breaking that down a little bit. With



1 | respect to education, what kind of questions would you  
2 | have for Commissioner Holmes about assisting the community  
3 | with education issues?

4 | A. What kind of questions would I have for him?

5 | Q. Right.

6 | A. I would ask him if he would -- if he knew whether  
7 | or not the commissioner's court had -- I'm just going to  
8 | say a pot of money, bucket of money that they could  
9 | probably use to help kids, for an example, who did not  
10 | have money to go to -- maybe to the zoo or whatever and if  
11 | he could look into that and see if we could not use it for  
12 | transportation for the kids to get to the zoo or for the  
13 | kids to go anywhere for educational purposes. And he  
14 | would at least listen.

15 | Q. Okay.

16 | A. Um-hmm.

17 | Q. Was he ever able to answer those types of  
18 | questions with an actual action and -- and providing funds  
19 | for the kids to get to the zoo?

20 | A. He would actually follow through that --

21 | Q. Sure.

22 | A. -- you know, trying to do that, yes. Yes.

23 | Q. Okay. Do you know if it actually happen? Like  
24 | if -- if the commissioner's court set aside funds to help  
25 | children take field trips?

1 A. I don't remember. Yeah, but I do know that he  
2 tried.

3 Q. Sure.

4 A. He would do that.

5 Q. Sure. That was with respect to education, but  
6 moving on to communications that you had with com --  
7 Commissioner Holmes about senior citizens needs.

8 A. Um-hmm. Um-hmm.

9 Q. You mentioned transportation for health care.

10 A. Um-hmm.

11 Q. What other types of needs would you talk to  
12 Commissioner Holmes about?

13 A. Getting that -- most recently getting the Wayne  
14 Johnson Senior Citizen Facility back up and running after  
15 it was so damaged by one of the hurricanes and one of the  
16 floods. And we felt like the court -- the commissioner's  
17 court or whoever had the money to get it fixed up and  
18 running again for senior citizens were dragging their  
19 feet. Discussions with him about that. And it's now  
20 operating.

21 Q. Okay.

22 A. So whether he did it, I don't know but it's  
23 operating.

24 Q. Okay. For the record where's the location of  
25 that center?

1           A. It's off of Highway 6 -- off of Main -- Main  
2 Street or Highway 6 in La Marque. It's in La Marque.

3           Q. Okay.

4           A. In a park, the Wayne Johnson Park I believe,  
5 yeah.

6           Q. So apart from the center and for transportation,  
7 is there anything else that you can think of that was a  
8 concern that you would have discussed with Commissioner  
9 Holmes?

10          A. No, not off hand I don't remember.

11          Q. Okay. Did you ever talk -- and I apologize if  
12 I've asked this, and it might draw an objection, but did  
13 you ever talk to Commissioner Holmes about redistricting?

14          A. No.

15          Q. Okay. Did you ever talk with any other  
16 commissioner about some of these concerns with education  
17 or the senior citizen apart from Commissioner Holmes?

18          A. No.

19          Q. Okay. Do you know any of the other  
20 commissioners, Joe Giusti, Darrell Apffel?

21          A. No.

22          Q. Okay. County Judge, do you know him? Like  
23 personally, have you spoken with him?

24          A. Mark Henry?

25          Q. Yes, ma'am.

1 A. Personally, no.

2 Q. Okay. Did Commissioner Holmes have a staff  
3 member that you would communicate with?

4 A. No.

5 Q. How would you get in touch with or -- or speak  
6 with Commissioner Holmes?

7 A. If I would of called the office, he would answer  
8 the phone.

9 Q. Sure.

10 A. Yeah. And I'm trying to remember her name and I  
11 can't right now.

12 Q. Were you involved at all in the prior  
13 redistricting in Galveston County that would have occurred  
14 in 2010, 2011?

15 MS. CHEN: Objection, vague as to which  
16 redistricting.

17 Q. If you can answer.

18 A. The question is was I involved with it? Not to a  
19 great extent, no. No.

20 Q. Okay. To what extent would you have -- do you  
21 recall being involved?

22 A. Well, probably just discussing it because he --  
23 in 2010 we had -- we had some protection with the Voters  
24 Rights Act. That was taken away in 2013. So didn't spend  
25 a whole lot of time on it because we knew that it probably

1 wouldn't happen. We thought it wouldn't happen.

2 Q. Okay.

3 A. So we didn't pay that much attention to it.

4 Q. Okay. So did you follow any votes on justice of  
5 the peace or county commissioner court redistricting line  
6 at the time in 2011?

7 A. In 2010?

8 Q. 2010, 2011.

9 A. No.

10 Q. Okay.

11 A. That's a long time ago.

12 Q. Yep. And you weren't involved with the prior  
13 lawsuit at all, right?

14 A. No.

15 MS. CHEN: Objection, vague.

16 Q. And when I say, "involved," mean did you speak  
17 with any of the parties who were involved in the prior  
18 lawsuit about the substance of the 2010, 2011 --

19 A. No, I don't remember any of that, no.

20 Q. Sure. Do you remember when you first saw Map 1  
21 and Map 2?

22 MS. CHEN: Objection, vague.

23 Q. I'll show you if that makes it easier.

24 MS. OLALDE: I think it's No. 25.

25 We're on Exhibit No. 5?

1 THE COURT REPORTER: Yes.

2 MS. OLALDE: I'm sorry.

3 THE COURT REPORTER: No, you're fine.

4 MS. OLALDE: I forget I'm tethered.

5 We'll drop it in the chat for those of you on  
6 Zoom.

7 (Exhibit 5 was marked for  
8 identification.)

9 BY MS. OLALDE:

10 Q. So when I say, "Map 1 and Map 2," this is what  
11 I'm referring to. Do you recall seeing these maps before?

12 A. If I saw these maps they were probably in the  
13 newspaper.

14 Q. Okay.

15 A. And they -- they didn't look this pretty.

16 Q. Would you have gone online to see these maps?

17 A. In one of our -- in one my discussions with -- I  
18 don't remember -- no -- probably not, no. No, not -- no.

19 Q. Okay. Did you have an opinion as to what Map 1  
20 would do to your community?

21 A. If I knew exactly who was all being cut through,  
22 yeah. What it does is it -- that's that diluting thing  
23 that you were discussing -- that you talked about. Taking  
24 away votes for sure. Yeah, taking away votes, making it  
25 difficult for people to vote. Well, not even having us

1 vote in our same precincts, changing the precincts. Yeah,  
2 that's it, um-hmm.

3 Q. Okay. When you saw these maps in the newspaper,  
4 did you ever look at it maybe a more blown up copy to  
5 see --

6 A. No.

7 Q. -- more detail?

8 A. No.

9 Q. Okay. If you'll flip to Page 2. Did you have  
10 the same opinion about Map 2 that you had about Map 1?

11 A. I'm trying to see what area this is actually. I  
12 need a magnifying glass over here. Is that Jamaica Beach  
13 here? I really...

14 Q. I have a magnifying glass if you need it. If it  
15 would help.

16 A. I'm trying to figure out what area this really  
17 is. Is this Precinct 3 or is this --

18 Q. Well, hold on, let's see.

19 MS. OLALDE: Sarah, if you want to try  
20 that if she needs to see it closer. See if that helps at  
21 all.

22 A. Is this actually Precinct 3, that's what I'm  
23 trying to --

24 Q. It has a little bar at the bottom to...

25 THE WITNESS: Can you understand the

1 words that you're looking at?

2 MS. CHEN: Yeah, this magnifying glass  
3 is still -- it's blurry and it might not be working. This  
4 here say La Marque.

5 THE WITNESS: Okay.

6 MS. CHEN: This says Texas City.

7 THE WITNESS: Um-hmm.

8 MS. CHEN: This says Santa Fe.

9 THE WITNESS: Yeah, I can't see any of  
10 that. Santa Fe?

11 MS. OLALDE: Okay.

12 MS. CHEN: This up here says League  
13 City.

14 MS. OLALDE: So hold on just one second.  
15 Did the Zoom thing it didn't help?

16 MS. CHEN: It's still quite blurry.

17 MS. OLALDE: Sorry about that.

18 BY MS. OLALDE:

19 Q. But you never looked at a Map 2 version that was  
20 blown up or had more details than this, correct?

21 A. No, not from my understanding of what it is --

22 Q. Sure.

23 A. -- I'm looking at, no.

24 Q. So did you have the same opinion about Map 2 that  
25 you had as about -- as your opinion of Map 1?



1 | A. Whichever one of these maps -- and I don't know  
2 | really looking at it which one it is that takes us to the  
3 | Santa Fe area, to the Friendswood area in that, that is  
4 | truly really diluting our votes. That's -- that's what I  
5 | can tell you.

6 | Now which one of these maps is doing that I  
7 | don't know because I can't read -- I just can't read that.

8 | Q. Is it your opinion that one map was better than  
9 | the other one then?

10 | A. The map that would not have Santa Fe on it, that  
11 | would not have Friendswood on it as part of my voting --  
12 | is that what this is, my voting district? Is that what  
13 | we're getting at?

14 | Q. These are commissioner -- I'll just represent to  
15 | you that these are commissioner court boundaries.

16 | A. Um-hmm, yeah. Yeah. Okay, it's the one that  
17 | would not include Santa Fe.

18 | Q. That one would have been better, right, in  
19 | your --

20 | A. Yeah.

21 | Q. -- just in your opinion?

22 | A. Yes, just in my opinion.

23 | Q. Okay. You never posted any comments online about  
24 | these maps, right?

25 | A. No, because I don't really understand them.

1 Q. Do you know anybody who might of or did?

2 A. Who did post?

3 Q. Post comments.

4 A. Uh-huh, nope.

5 Q. Okay. You provided your comments at the meeting,  
6 right?

7 A. Um-hmm.

8 Q. Do you believe Commissioner Holmes can be  
9 reelected today based on the current commissioner precinct  
10 boundaries?

11 A. He would never be, no.

12 Q. Can you tell me why you think that?

13 A. Because our vote would be diluted. As a matter  
14 of fact, he is not even in my district. If -- if it stays  
15 like it is, he -- I won't -- we wouldn't be able to vote  
16 for him.

17 Q. When you say "we," the community?

18 A. Yes, because he's not in our district.

19 Q. Do you have any understanding of whether the  
20 people in his current district would reelect him?

21 A. You mean in the district -- like, he's in  
22 Friendswood, you know, counted in Friendswood, no. No.

23 Q. No understanding of it?

24 A. No, I don't think that he would be reelected.

25 Q. Okay. And --

1 A. Not -- not with the new maps.

2 Q. -- and why do you think that?

3 A. Because the votes would be diluted because people  
4 don't really know him. Because I don't even know that  
5 they trust him. I don't know. I don't know what his  
6 relationship is to them.

7 Q. Okay. Part of -- my understanding of part of the  
8 complaint in this lawsuit -- and tell me if you disagree  
9 -- is that the plaintiffs do not like the process that was  
10 used to adopt these maps. Is that your understanding?

11 A. That is my understanding, and that is exactly  
12 what happened.

13 Q. Can you explain to me about what the dispute is  
14 over the process that was used to adopt the maps?

15 A. We had no --

16 MS. CHEN: Objection, legal conclusion.

17 Q. Just to your understanding.

18 A. We had no due process.

19 Q. Okay. And can you expound on that?

20 A. We had no real input, even though we were at the  
21 meetings and we spoke, nobody heard us. It was like we  
22 were not there. I spoke, I have not been heard not at  
23 all. Not at all. Minds were already made up. They had  
24 already done it, the maps were already done it [sic]. I  
25 don't even know if they bothered to signed it while we

1 | were there.

2 | And by the end of the meeting they were  
3 | sending it to Austin or Washington or wherever. That was  
4 | the word that we got. It had to be at its destination at  
5 | midnight that day.

6 | Q. Do you -- do you know why the meeting occurred on  
7 | November 12th and not some other day?

8 | MS. CHEN: Objection, speculation.

9 | Q. Just if you know.

10 | A. No.

11 | THE COURT REPORTER: I didn't get your  
12 | answer.

13 | THE WITNESS: I said, no.

14 | THE COURT REPORTER: Thank you.

15 | BY MS. OLALDE:

16 | Q. Did you attend any meetings in the 2010 or 2011  
17 | redistricting process that concerned redrawing map  
18 | boundaries in Galveston County?

19 | A. No, I did not.

20 | Q. Are you aware of whether there were other  
21 | jurisdictions in Texas that had redistricting issues  
22 | similar to Galveston County's?

23 | MS. CHEN: Objection, vague.

24 | A. No.

25 | Q. Okay. Do you know when the census data was

1 released for the -- the 2020 census data was released?

2 A. Do I know when it was released?

3 Q. Um-hmm.

4 A. No, I don't.

5 Q. Is it fair to say that you've never participated

6 politically with respect to redirecting issues in any

7 other jurisdiction in Texas?

8 A. It's fair to say that.

9 Q. Okay.

10 A. Because I haven't.

11 Q. What do you think is important when

12 redistricting? What factors do you think are important to

13 consider?

14 A. The voice of the people.

15 Q. Anything else?

16 A. No. The voice of the people, that's major.

17 Q. And I have to ask, but is there anything else

18 that you can think of?

19 A. That people have a right to choose their

20 representatives, that our legislators don't choose

21 representatives for us. That's backwards.

22 Q. It's fair to say that Texas is a largely

23 republican state?

24 A. Yeah, it is. I think we have one democratic

25 place in Texas in Dallas somewhere.

1 Q. And have living here for -- well, since the 60s,  
2 do you recall when Texas was controlled by democrats?

3 A. I do remember.

4 Q. Ann Richards was the governor?

5 A. Um-hmm.

6 Q. Did you agree with Texas policies generally at  
7 that time?

8 A. More than I --

9 MS. CHEN: Objection, vague. Ambiguous  
10 as to time.

11 A. I really don't know. And that's a long time ago.

12 Q. It is.

13 A. Yeah, because Ann Richards has been dead now for  
14 a long time.

15 Q. So do you recall when Galveston County was  
16 primarily democrat?

17 A. It was in the 60s, though, I believe.

18 Q. What about the 70s?

19 A. Maybe part of it. I can't remember.

20 Q. Sure.

21 A. I don't remember, let me just say that.

22 Q. No problem.

23 A. Yeah.

24 Q. I don't -- yeah, I don't want you to guess --

25 A. Yeah, I don't know.

1 Q. Okay. Is it fair to say you weren't politically  
2 active in the 80s?

3 MS. CHEN: Objection, misstates  
4 testimony.

5 A. Well, it also depends on what you mean when you  
6 -- politically active in terms of voting, yes, I was.

7 Q. Okay.

8 A. Politically active in terms of campaigning for  
9 people maybe not, I don't know.

10 Q. So in the 1980s in Galveston County how would you  
11 describe the break up of democrat versus republican?  
12 Which one was the majority in Galveston County?

13 MS. CHEN: Objection, speculation.

14 A. I don't know.

15 Q. You don't know?

16 A. I don't know.

17 Q. Okay. Do you have any understanding about --  
18 same question but for the 1990s?

19 MS. CHEN: Objection, speculation.

20 A. No.

21 Q. Okay. Same question but for the ops, the 2000 to  
22 2010 --

23 A. I really don't know because I hadn't --

24 MS. CHEN: Objection.

25 THE COURT REPORTER: Okay, we're talking

1 over each other.

2 THE WITNESS: I'm sorry.

3 THE COURT REPORTER: What was that  
4 objection, Counsel?

5 MS. CHEN: Speculation.

6 THE COURT REPORTER: Thank you.

7 And what was your answer?

8 A. I don't know.

9 BY MS. OLALDE:

10 Q. And from 2010 to 2020 do you think Galveston  
11 County was more democrat or more republican?

12 MS. CHEN: Objection, speculation.

13 A. Don't know.

14 Q. S. Have you ever -- are you familiar with any of  
15 the issues that the County would face with respect to  
16 beach maintenance?

17 A. I don't.

18 Q. Sure.

19 A. I don't know.

20 Q. Maybe just what you read in the paper or?

21 A. Yeah, um-hmm.

22 Q. Sure. Have you ever read any articles about  
23 beach re-nourishment in Galveston?

24 A. I'm sure I've read some article but I don't  
25 recall.



1 Q. Sure. Do you have an opinion about beach  
2 re-nourishment in Galveston?

3 A. No, but I know a lot of it is going on right now,  
4 but I hadn't thought about it.

5 Q. Okay. Is it fair to say that Commissioner Holmes  
6 was a really good commissioner for Precinct 3?

7 A. Yes.

8 Q. And the community liked him?

9 A. Yes.

10 Q. And felt that he listened to the community?

11 A. Yes.

12 Q. Do you believe that Dr. Robert Armstrong will  
13 listen as well?

14 A. No, I don't think he has the time, no.

15 Q. Okay.

16 A. The man's a doctor. That's what he does.

17 Q. Is there -- is there an example that you can give  
18 me about maybe to support that belief?

19 A. That he wouldn't have time to sit and listen to  
20 the community?

21 Q. Um-hmm.

22 A. No, I can -- no. No, except that I have a feel  
23 for his personality, and I have a feel for where his head  
24 is, and it's in the hospital working with patients, which  
25 he's very good at. And I think that that's where he needs

1 to be. When I think of Dr. Robert Armstrong trying to get  
2 into the political arena, I think of Ben Carson who jumped  
3 into the political arena as the HUD person.

4 And a good man, he just didn't know what he  
5 was doing. He should have been operating on brains  
6 because he was excellent. And that's Ben Carson.  
7 Excellent brain surgery, very poor politician.

8 Q. What --

9 A. From my -- my point of view.

10 Q. Okay. What office did Ben Carson hold?

11 A. He was over HUD for Trump.

12 Q. Okay. And do you remember when? Was it just  
13 during Trump's --

14 A. Just during his -- yeah, his era, his presidency  
15 when he was elevated to that -- in that position. Bless  
16 his heart, he didn't know what HUD meant.

17 Q. Going back to Dr. Armstrong. Do you have any  
18 specific complaints about his services to your current  
19 precinct?

20 A. I know that we don't know him.

21 Q. Okay. Have you attempted to reach out to  
22 Dr. Armstrong?

23 A. No, uh-uh. I -- I know him on a personal level,  
24 kind of; but, no, and I know he's a busy man. I know he's  
25 busy with the medical stuff.

1 Q. You never sent text messages or e-mails to  
2 Commissioner Holmes, right?

3 A. Not recently, no.

4 Q. Okay. When did you send text messages -- or when  
5 did you text with Commissioner Holmes?

6 A. I don't remember the dates. I don't remember the  
7 dates.

8 Q. Okay. Do you know what it would have been about?

9 A. No, if was not about the Wayne Johnson Senior  
10 Citizens place, no.

11 Q. Okay. How about e-mails? Do you remember when  
12 you would have been e-mailing Commissioner Holmes?

13 A. No.

14 Q. Okay. Or if you ever -- do you think you ever  
15 did?

16 A. I don't remember if I ever did, but I don't --  
17 and even if I did it, I don't know what it would have been  
18 for.

19 Q. Sure. Is it fair to say that your written  
20 communication with Commissioner Holmes would have been  
21 infrequent?

22 A. Very.

23 Q. Okay.

24 A. Very infrequent, yeah.

25 Q. Did the -- in your -- to your understanding, did

1 the NAACP Mainland branch support Commissioner Holmes with  
2 his campaigns?

3 MS. CHEN: Objection, speculation.

4 A. You know, and I can't answer that. I don't  
5 really know.

6 Q. Sure.

7 A. Because we don't -- the NAACP is not a partisan  
8 group. You know, we support fairness and equity, not  
9 politicians so to speak.

10 Q. Okay. You individually, did you ever work on any  
11 of his campaigns or support his campaigns?

12 A. No, because I don't think I was ever really  
13 asked, but he knows I support him -- I've supported him.

14 Q. Okay. Did you ever attend any events that  
15 Commissioner Holmes held?

16 A. Yeah, he have -- every year he does what is  
17 called Backyard Barbecue, and what that is a big event  
18 that he has at the Doyle Center or the -- whatever you  
19 call it that building, Nessler Center. And it's a senior  
20 citizen-type affair where he give prizes to seniors and  
21 they play bingo and he serve hot dogs and all of this is  
22 free and entertainment for senior citizens, and that's a  
23 yearly thing that he does.

24 Q. Do you remember what time of year that is?

25 A. Oh, God. It's usually in the spring.

1 Q. Okay.

2 A. I think, yeah.

3 Q. And during those events, the backyard barbecues,  
4 do you have a chance or an opportunity to have  
5 conversations with Commissioner Holmes?

6 A. If you wanted to, but I never did.

7 Q. Why not?

8 A. I didn't have to.

9 Q. Okay. And that's fair. That's fair.

10 A. Yeah.

11 Q. Did you ever see any other commissioners at those  
12 backyard barbecues?

13 A. If I saw them, you know, I didn't recognize them.  
14 Don't know them.

15 Q. Sure.

16 MS. OLALDE: This might be a spot for a  
17 good lunch break. You guys are ready we can take maybe 30  
18 minutes, 45 minute.

19 MS. CHEN: Do you have a sense of how  
20 much longer you'd want to go after lunch?

21 MS. OLALDE: I'm hoping that we can get  
22 it wrapped up in an hour or two.

23 MS. CHEN: Does that sound alright with  
24 you or would you like to push forward any longer? I don't  
25 want to --

1 THE WITNESS: If we could just go till  
2 we finish I'll be happy.

3 MS. CHEN: Would that be alright with  
4 y'all?

5 THE WITNESS: I could use a lunch break  
6 -- not a lunch break, a restroom break now.

7 MS. OLALDE: Sure, we can do that.

8 THE WITNESS: And get some water, and  
9 then we can just finish. Can we do that?

10 MS. OLALDE: Well, we can give it our --

11 THE WITNESS: And we don't have to --

12 MS. OLALDE: -- we can give it our best.

13 THE WITNESS: Okay.

14 MS. OLALDE: I can make no promises.

15 THE WITNESS: Okay.

16 MS. OLALDE: Let's go off the record.

17 THE VIDEOGRAPHER: We're off the record.

18 This time is 12:03.

19 (A short recess was taken.)

20 THE VIDEOGRAPHER: We're back on the

21 record. The time is 12:27.

22 BY MS. OLALDE:

23 Q. Okay. Ms. Courville, we just took a quick break.

24 You were able to get a little bit of food, right?

25 A. Right.

1 Q. Okay. Good.

2 A. I'm good.

3 Q. You said that your sister lives in Friendswood,  
4 right?

5 A. Right.

6 Q. Are you familiar with the Friendswood area at  
7 all?

8 A. Not a great -- not a -- not a whole lot, no.

9 Q. Okay.

10 A. I know where she lives.

11 Q. Okay, alright. And then you live in Texas City,  
12 right?

13 A. Um-hmm, yes.

14 Q. Can you identify any differences between Texas  
15 City and La Marque in terms of services that the community  
16 might need or anything else?

17 A. In La Marque and Texas City?

18 Q. Yes, ma'am.

19 A. Well, there are no -- well, there are some parks,  
20 I was about to say no.

21 Q. I'm so sorry, could you put your microphone on.

22 A. Oh, I'm sorry. I don't want to be heard.

23 THE WITNESS: Okay, I'm off mute. I  
24 mean, I'm on now? Okay.

25 A. So you're wanting to know the difference in?

1 MS. OLALDE: Would you read back,  
2 please.

3 THE COURT REPORTER: Sure.

4 (The requested portion was read by the  
5 court reporter.)

6 MS. OLALDE: I'll just re-ask the  
7 question.

8 THE COURT REPORTER: I'm sorry, okay.

9 BY MS. OLALDE:

10 Q. Okay. Can you identify any differences between  
11 Texas City and La Marque in terms of services that  
12 community members may need?

13 A. To my knowledge there are no communities centers  
14 in La Marque at all. You know, just the churches that are  
15 there, and that would be Hitchcock. I was thinking of the  
16 big Galilee Baptist Church, but that's not even in La  
17 Marque, that's in Hitchcock.

18 So that would be it, I think and -- because  
19 we do have the Carver Center and they don't have that, so  
20 the other kind of services that are there for people, I'm  
21 really not that familiar with --

22 Q. Sure.

23 A. -- in La Marque.

24 Q. What about other types of differences between  
25 Texas City and La Marque? Do you think that there are



1 differences in racial demographics between Texas City and  
2 La Marque?

3 A. I really wouldn't know.

4 Q. Okay.

5 A. I really would not know that.

6 Q. Okay. What about services that the communities  
7 may need? Would they need different types of services  
8 between Texas City and La Marque?

9 MS. CHEN: Objection, speculation.

10 A. And I don't know.

11 Q. Okay. Would you vote for Dr. Armstrong?

12 A. Would I vote for him?

13 Q. Um-hmm.

14 A. For what?

15 Q. For commissioner. If he ran again would you vote  
16 for him?

17 A. It depends on would he have an opponent. Like,  
18 would Holmes be an opponent?

19 Q. Taking that answer, is it fair to say that  
20 Commissioner Holmes is your candidate of choice?

21 A. Yes, he is my candidate of choice.

22 Q. You can't think of anybody else you'd prefer to  
23 have as your commissioner, right?

24 A. Not at the moment.

25 MS. CHEN: Objection, misstates

1 testimony. Calls for speculation.

2 Q. I'm sorry, your answer? No?

3 A. Not at the moment.

4 Q. Do you have any reason to believe that  
5 Friendswood voters would reject a candidate based on their  
6 race?

7 MS. CHEN: Objection, incomplete  
8 hypothetical.

9 A. I really don't know that.

10 Q. Okay. You don't have any reason to believe that  
11 they would?

12 A. I don't know.

13 Q. Okay. And if you had an idea or if you thought  
14 that Friendswood voters would reject a candidate based on  
15 their race, I mean, you would have a reason for it, right,  
16 that you could give me today?

17 MS. CHEN: Objection.

18 A. Well, you know, I don't know who they are. I  
19 don't know who the voters are in Friendswood.

20 Q. Sure. That's just an area that you're just not  
21 familiar with?

22 A. Right, yeah.

23 Q. Okay. Earlier we talked about Latino and  
24 Hispanic voters.

25 A. Um-hmm.

1 Q. And you made a distinction between -- just a very  
2 fair distinction that there are different cultures among  
3 Latinos in Galveston County, correct?

4 A. Um-hmm.

5 Q. And what -- what -- can you name some of the  
6 cultures that you were referring to or?

7 A. No, I just know that there are different  
8 cultures, and they all lump into that Latino category.

9 Q. Sure, okay. Are you aware of how different  
10 cultures would vote? The Galveston County voters who are  
11 Latino, do you know of any -- or cultural differences  
12 among their voting -- horrible question.

13 MS. CHEN: Objection --

14 MS. OLALDE: Horrible question.

15 MS. CHEN: -- speculation. Asked and  
16 answered.

17 A. And I don't know.

18 Q. Okay, fair enough. And I'll just -- for the  
19 record I'll just restated it because it was a bad  
20 question.

21 But you're not -- it's fair to say that  
22 you're not aware of any cultural differences in -- in  
23 voting preferences or candidate preferences?

24 MS. CHEN: Objection.

25 A. I...

1 Q. Wait, wait, wait, third times a charm. Third  
2 time's a charm.

3 It's fair to say you're not aware of any  
4 differences between Latino cultures and how they vote in  
5 Galveston County?

6 MS. CHEN: Objection, misstates  
7 testimony.

8 A. Yeah, no, I really don't -- I don't understand --  
9 I really don't understand the question.

10 Q. Sure. No, no, no. And let's try to dig down on  
11 Ms. Chen's misstates testimony because I want to make sure  
12 that the record is clear.

13 There are -- there are different cultures  
14 that comprise the Latino voting population in Galveston  
15 County. For example, you may have somebody from Columbia,  
16 you may have somebody from Venezuela, El Salvador, right?

17 A. Um-hmm.

18 Q. Are you familiar with those different  
19 communities?

20 A. No. No.

21 Q. Okay. And is it then fair to --

22 A. I just know that there are differences.

23 Q. Okay.

24 A. I don't know what they are.

25 Q. And so therefore it's fair to say that you

1 wouldn't know how they vote, right?

2 A. I don't.

3 MS. CHEN: Objection, speculation.

4 Q. You -- okay. Do you think it's more important to  
5 vote for a party or for somebody's racial background?

6 MS. CHEN: Objection, ambiguous.

7 A. I would never vote just because of a racial  
8 background. I don't know if that answers your question or  
9 not, but I would never vote that way.

10 Q. What about people in your community, do you have  
11 an impression as to what would be most important for them?

12 MS. CHEN: Objection, speculation.

13 A. No.

14 Q. Okay. Okay. It's fair to say that you believe  
15 that there is discrimination in Galveston County, correct?

16 A. Oh, yeah.

17 Q. Let's -- let's break that down a little bit. Do  
18 you think that there is a history of officials who  
19 discriminate in Galveston County based on race?

20 A. That's why we gotten where we are, yes.

21 Q. Okay. Can you give me some examples of -- of --  
22 to support that understanding?

23 A. Now the question is? I'm asking you, what is the  
24 question?

25 Q. Sure. Sure, I'll repeat it. Do you think that

1 there is a history in Galveston County of officials, let's  
2 just talk about elected officials, having or -- having  
3 discrimination among them -- and bad question.

4 Do you believe that history -- do you believe  
5 that there is history in Galveston County of officials  
6 discriminating against people based on race?

7 A. Based on race? You know, I really can't answer  
8 that --

9 Q. Sure.

10 A. -- because I don't know. I can't get into their  
11 head. I don't know.

12 Q. Okay. Now you can't think of any examples or  
13 anything like that?

14 A. That the officials in Galveston County voting  
15 based on race?

16 Q. Having -- discriminating against people based on  
17 race.

18 A. There is a history and, you know, that's  
19 documented. But I can't come up with -- you're asking me  
20 for an example of it or something. I can't come up with  
21 an example or something without going back into the -- you  
22 know, that school district thing. Because we were truly  
23 against the entire state.

24 It was not just Galveston County, it was not  
25 just Texas City, it was the entire State of Texas. So,

1 yes. Yeah, they have -- they have their ideas of who they  
2 want to let have power. I think that there's a big power  
3 hunger -- hunger thing here; and yeah, so they would vote  
4 against the person --

5 Q. Who's --

6 A. -- because they want power.

7 Q. -- who is they?

8 A. They -- they -- when I say "they want power," I  
9 mean the people who have the power. The legislators, the  
10 people who run the county, the county commissioners, yeah.

11 Q. Would that include Commissioner Holmes?

12 A. Well, Commissioner Holmes is not -- I don't  
13 believe power hunger, hungry. And if you will look at his  
14 voting record, you would see that a lot of times he did  
15 not vote with the other part of his commissioner's group.  
16 He was the lone naysay.

17 Q. Would that include Commissioner Giusti?

18 MS. CHEN: Vague, amb -- objection,  
19 ambiguous.

20 A. I don't -- he would be the only one that would  
21 say nay to the yays. Holmes would.

22 Q. Okay. Do you have an understanding as to whether  
23 Anglo voters in Galveston County vote for the same  
24 candidates?

25 MS. CHEN: Objection, speculation.

1 A. I don't know.

2 Q. Going back to racism in Galveston County. Is it  
3 fair to say that you believe that there's racism in  
4 Galveston County against Latino individuals in --  
5 regardless of culture?

6 A. Um-hmm.

7 MS. CHEN: Objection, speculation.

8 Q. Okay. And what's the basis for that opinion?

9 A. I think as I just said it, it's about the power.  
10 If they're -- if Latinos are not in power, then they would  
11 be left out, too. Now if they're powerful groups -- and  
12 when I say "power," I mean money and position, they'll be  
13 voted for.

14 Q. Do you have any examples?

15 A. No.

16 Q. Have you talked with anybody within the Latino  
17 community about this issue?

18 A. Have I talked with them, no.

19 Q. Okay. I'm turning to -- I believe we're on  
20 Exhibit 6.

21 THE COURT REPORTER: Yes.

22 MS. OLALDE: Thank you.

23 (Exhibit 6 was marked for  
24 identification.)

25 BY MS. OLALDE:



1 Q. Ms. Courville, have you seen this e-mail before?

2 A. I'm looking at it now.

3 Q. Sure. Just let me know when you're ready.

4 A. I remember it now.

5 Q. Okay. And you -- you sent this e-mail to

6 holness@ county web -- at a county e-mail address,

7 correct?

8 A. Yeah, looks like I did, yes.

9 Q. And it appears to be Commissioner Holmes' e-mail?

10 A. Right, yes.

11 Q. Sure. Why were you sending him an e-mail?

12 A. In 2010?

13 Q. Yeah.

14 A. It was because Sonny James was retiring or would

15 be out for a while, and I was sending this to him because

16 of I thought Joe Compian who is trusted by many people in

17 the community, my community, community of Texas City and

18 La Marque. And I know that he is a lawyer, and I knew

19 that he had time to do it then and he said he would. So I

20 asked Holmes would he -- would he support him, I think is

21 what I was asking. And that was it.

22 Q. Did you have a conversation with Commissioner

23 Holmes about Joe Compian?

24 A. No, this is it. This is my conversation with

25 him.

1 Q. Did he ever e-mail you back?

2 A. I don't believe he did. I don't believe he did.

3 No, I don't remember that he did.

4 Q. Do you know whether he ended up supporting Joe

5 Compian?

6 A. I'm sure he did, um-hmm.

7 Q. So how do you -- and is it -- it's Compian?

8 A. Compian, yes.

9 Q. Compian?

10 A. Yeah, um-hmm.

11 Q. Okay. How do you know Joe Compian?

12 A. Joe and I were -- we were in law school together,

13 actually. And Joe lives in La Marque, and he was always

14 involved with the school district. That's pretty much --

15 and Joe had a lot of experience in a lot of the areas, the

16 youth shelters, many of the churches, and other

17 organizations that I would dabble and dabble in. And so

18 his name was just kind of always out there.

19 Q. Okay. Is he also a member of the Mainland branch

20 of the NAACP?

21 A. I'm not sure he is, because I've not really

22 looked at the roster in terms of --

23 Q. Bless you.

24 A. -- all of the members.

25 Q. Um-hmm.

1 A. Yeah, but I know he -- he is politically active.

2 Q. And how long have you known him?

3 A. Ooh, 25 years maybe.

4 Q. Okay. And he -- like you said, he lives in Texas  
5 City, La Marque?

6 A. La Marque.

7 Q. Okay. Okay. Was there anybody else that you  
8 would have considered recommending to Commissioner Holmes?

9 A. No, if I didn't do it on here, no. This would  
10 have been the only one and the only e-mail, that I know  
11 of, that I've ever written to Holmes unless I wrote him  
12 for something about the senior citizens --

13 Q. Um-hmm.

14 A. -- center. This is it, yeah.

15 Q. And so when you refer to in this e-mail the GDN,  
16 are you referring to the Galveston Daily --

17 A. Galveston Daily News.

18 Q. Alright, I have to inter --

19 A. Yeah.

20 Q. -- I have to finish my question, otherwise we get  
21 yelled --

22 A. I'm sorry.

23 Q. Okay. Do you know whether Joe Compian ever  
24 served while Judge Sonny James was off of the bench?

25 A. I think he did. I think he did become the

1 interim person. I'm not sure.

2 Q. Okay.

3 A. I don't know.

4 Q. I'm going to mark this as Exhibit 7.

5 (Exhibit 7 was marked for

6 identification.)

7 Q. Did you ever speak with Mr. Compian about his

8 conversation with Stephen Holmes?

9 A. No.

10 MS. CHEN: Objection, vague.

11 Q. Okay.

12 A. Uh-huh.

13 Q. Did you ever speak with Joe Compian about filling  
14 in for the Honorable Sonny James?

15 A. That was the same -- yes, that was what that was  
16 about, yeah.

17 Q. Right. So you had -- would have had a  
18 conversation with him before reaching out to Commissioner  
19 Holmes, correct?

20 A. Yes, to see if he was willing --

21 THE COURT REPORTER: I'm sorry, if he  
22 was willing?

23 A. Willing to take the position if offered, yes.

24 THE COURT REPORTER: Thank you.

25 THE WITNESS: Um-hmm.

1 BY MS. OLALDE:

2 Q. And when we talked TJ Aulds previously in the  
3 deposition, was this the time that you would have been  
4 communicating with Mr. Aulds?

5 A. In about 2010?

6 Q. Um-hmm.

7 A. Yes, um-hmm.

8 Q. What was the Open Meetings Act violation that he  
9 was referencing in this e-mail?

10 A. Good question. I'm just looking at it --

11 Q. Sure.

12 A. -- trying to figure out what this was about. I  
13 don't know.

14 Q. Okay. You don't recall filing a lawsuit about  
15 an Open Meetings violation in May of 2010?

16 A. No.

17 Q. Do you currently serve as a volunteer or deputy  
18 registrar in Galveston County?

19 A. I am.

20 Q. Okay.

21 A. Well, I need to redo it. It's time to redo it  
22 for the upcoming elections, and I thought about it but I  
23 haven't done it.

24 Q. Do you intend to?

25 A. I don't -- I don't know because they're voting

1 pretty soon, right? I may not, yeah.

2 Q. Have you continuously served as a voter --  
3 volunteer deputy registrar since 2010?

4 A. Not continuously.

5 Q. Okay. Is there a time period in which you find  
6 that you were more active in -- in that position?

7 A. No.

8 Q. Okay. What were your duties as volunteer deputy  
9 registrar?

10 A. Getting people registered to vote.

11 Q. And what would --

12 A. Primarily.

13 Q. -- what would you do?

14 A. I would give them the little registration form  
15 that they have to fill out, and I would have to sign it, I  
16 believe, and make sure that it was turned in, the form  
17 itself within --

18 Q. Would --

19 A. -- within three days or however long it is that  
20 you have to turn them in.

21 Q. -- would you hold -- would you attend events or  
22 would you go door to door? How would you come in contact  
23 with people to help them register to vote?

24 A. Oh, usually I would put a table out at the church  
25 and when church was out if people wanted to register they

1 would stop by the table and just register. And that's  
2 pretty much what I did because the churches are always  
3 safe, so I did. Um-hmm.

4 Q. And would that be your church or --

5 A. My church.

6 Q. Okay. No other churches?

7 A. Not that I know of, no. I may have been there  
8 while others were doing it supporting them, but not  
9 actually registering people.

10 Q. Okay.

11 MS. OLALDE: We're on Exhibit No. 8.

12 THE COURT REPORTER: Uh-uh.

13 (Exhibit 8 was marked for  
14 identification.)

15 Q. Have you seen this document before?

16 A. I may have seen it, but I don't remember. When  
17 was it written?

18 Q. It doesn't have a date on the first page.

19 A. Yeah. Well, the second page has 2011. So it was  
20 probably 1010 [sic], 2011, also.

21 Q. And it appears -- if you look at the second  
22 page --

23 A. Um-hmm.

24 Q. -- down toward the bottom. It appears as though  
25 this was a petition that you signed, correct?

1 A. Um-hmm. I'm looking at it, yeah.

2 Q. Okay. Do you recall signing the petition?

3 A. I don't recall this information at all, and  
4 that's why I was looking for a date.

5 Q. I was just going to see if you knew -- knew who  
6 Mark was?

7 A. Mark?

8 Q. Um-hmm.

9 A. Where do you see Mark?

10 Q. Oh, on the first page he signs it.

11 A. Oh, Mark. No, I don't.

12 Q. Okay.

13 A. This is interesting.

14 Q. Yeah. Do you know who would have put this  
15 petition together?

16 A. I don't know that either.

17 Q. Do you recall having any conversations about it?

18 A. No, I don't know who Mark is.

19 Q. Do you know who the TXDMV board member was that  
20 was at issue in this petition?

21 A. Is it TX?

22 Q. TXDMV.

23 A. Oh, you know, that's probably Texas Department of  
24 Motor Vehicles.

25 Q. Do you know who he was referring to in this



1 petition?

2 A. No, I don't know what this was about.

3 Q. Okay. And you don't know why this petition was  
4 sent?

5 A. No, this is news to me.

6 Q. Okay.

7 A. It looks like people were just chosen based on  
8 just the city.

9 Q. That's okay, I'll ask another question. Just a  
10 second.

11 MS. OLALDE: We're up to 8?

12 THE COURT REPORTER: Yes.

13 MS. CHEN: This will be 9.

14 MS. OLALDE: 9. Thank you.

15 This is No. 8.

16 (Exhibit 9 was marked for  
17 identification.)

18 Q. My first question will just be if you recall  
19 seeing this e-mail before?

20 A. (Indecipherable.)

21 THE COURT REPORTER: I'm sorry?

22 THE WITNESS: Oh, I'm sorry. Thelma I  
23 just recognize who it was from.

24 BY MS. OLALDE:

25 Q. Okay. Do you recall seeing this e-mail before?

1 A. I don't.

2 Q. Okay. Do you know what the 1911 United Super Pac  
3 is?

4 A. No, I've never heard that before today.

5 Q. The Kappas and Omegas is -- those are  
6 fraternities, correct?

7 A. Yeah. I looked at that and I thought -- the  
8 first thing I did was underlined -- yeah, alright.

9 Q. The sorority that you are a member of, does it  
10 ever do any work with these fraternities?

11 A. I can't say never do work with them. We do --  
12 sometimes do things for kids for Christmas together as  
13 groups. You know, in order words, in putting money in to  
14 buy toys and that, then one of the organizations would  
15 have an affair and -- where they would give the little  
16 gifts and toys or whatever to the kids. End of story.  
17 But this -- I don't know what this political organization  
18 is at all.

19 Q. Sure. Sure. So you don't know who --

20 A. What this Super Pac is about, no.

21 Q. -- rjscmp@aol, you don't know who that is?

22 A. Yeah, I don't know, no. I just recognize Thelma.  
23 Thelma Bowie.

24 Q. Do you -- who is Thelma Bowie?

25 A. Thelma is a commissioner. Right now she serve as

1 the Commissioner At-large in Texas City, and she is the  
2 Major Pro-Tem I believe for Texas City.

3 Q. Okay. Do you know what position she would have  
4 held back in 2012?

5 A. She was probably on the commission then, I don't  
6 know.

7 Q. And it's a pretty long distribution list, but if  
8 you look about four lines down towards the middle.

9 A. Um-hmm.

10 Q. It indicates that you were one of the recipients  
11 of this e-mail, correct?

12 A. Um-hmm, yeah.

13 Q. You have no reason to believe you did not receive  
14 this e-mail, right?

15 A. I guess not. I didn't -- I don't remember  
16 reading it.

17 Q. Sure. Do you know who -- who this distribution  
18 list is, like if it's an organization?

19 MS. CHEN: Objection, speculation.

20 A. No, it's -- it's -- this a whole bunch of  
21 community folk --

22 Q. Okay.

23 A. -- whose names I recognize, but I don't  
24 necessarily know them.

25 Q. Is there anybody you do know?

1 A. On this list?

2 Q. Yes, ma'am.

3 A. Yeah, there's some, um-hmm.

4 Q. Who?

5 A. Well, I see Nakisha Paul's name on there.

6 Q. Okay. In 2012 Ms. Paul's what was her role? Do  
7 you know? Or did she have an elected position or --

8 A. I think she was -- yeah, she was a school  
9 board --

10 Q. Okay.

11 A. -- La Marque School Board.

12 Q. Okay.

13 A. President at that time, I think.

14 Q. Anybody else?

15 A. Whose name I recognize on here?

16 Q. Yes, ma'am.

17 A. Angela Dotson I just know her. She's a school  
18 teacher.

19 Q. Um-hmm.

20 A. That's how I know her.

21 Q. Um-hmm.

22 A. Annie Burton was a school board member?

23 THE COURT REPORTER: Who?

24 THE WITNESS: Annie Burton.

25 THE COURT REPORTER: Thank you.

1 A. I don't know where she is now.

2 MS. CHEN: I'd like to object to this  
3 line of questioning as irrelevant also.

4 BY MS. OLALDE:

5 Q. You can continue to answer.

6 A. But that's it. I know a few people, but to me  
7 they're not relevant to what I'm doing now at all.

8 Q. Right. No, I get that --

9 A. It's just community people, Bo Hunter is another  
10 one.

11 Q. Um-hmm. Um-hmm.

12 A. Chalon Mayes is a sorority member.

13 Q. Um-hmm. One of your sorority, correct?

14 A. Um-hmm. She's an AKA.

15 Q. Okay. Who else do you recognize on this list?

16 A. There's Dedrick Johnson, okay.

17 THE COURT REPORTER: What's the name?

18 THE WITNESS: Dedrick Johnson.

19 A. He's the major for Texas City right now. Gloria  
20 Britton, she's a church member. Harrilyn McMillan, school  
21 teacher. John Humphrey, he's always worked at funeral  
22 homes, that's how I know him. Joan Freeman [sic], retired  
23 school teacher and AKA. Jimmy Saldana, he's just a  
24 veteran that I know.

25 MS. CHEN: Do you need her to continue?

1 MS. OLALDE: I do.

2 A. Are you going to contact these people?

3 BY MS. OLALDE:

4 Q. I'm just asking if you know anybody on the list.

5 A. I'm looking. As I told you Nakisha Paul.

6 Q. Um-hmm.

7 A. I don't know who this Stephen Holmes is. I don't  
8 know if that's the commissioner or not. They have Holmes,  
9 Stephen on.

10 Q. Um-hmm. Are you aware of any other Stephen  
11 Holmeses?

12 A. No, I don't.

13 Q. Okay. Anybody else that you recognize?

14 A. I'm looking, I'm almost done. No, that's pretty  
15 much it.

16 Q. Okay. You don't recall if you donated to the  
17 Super PAC?

18 A. No.

19 THE WITNESS: Let me see, 2012, okay.

20 BY MS. OLALDE:

21 Q. Were you ever involved with the Galveston County  
22 Young Democrats?

23 A. No, I'm too old for that.

24 Q. I mean, in any capacity?

25 A. No.

1 Q. Right. Do you know Galveston Mayor Joe Jaworski,  
2 or former Galveston -- yeah, Joe Jaworski?

3 A. Not personally, I know the name.

4 Q. You ever talked with him?

5 A. No.

6 MS. OLALDE: Okay. I'll mark this as  
7 Exhibit 10.

8 This is No. 11.

9 (Exhibit 10 was marked for  
10 identification.)

11 Q. And just let me know when you're ready.

12 A. I'm done.

13 Q. Okay. Do you recall receiving this e-mail?

14 A. No, I really don't.

15 Q. The subject of it is: Pack The County  
16 Commissioner's Court on March 13 of 2012, correct?

17 A. That's what it is, yeah.

18 Q. Okay. Do you know in what capacity Thelma Bowie  
19 would have been sending these e-mails?

20 A. No --

21 MS. CHEN: Objection, speculation.

22 Q. Is she a member -- was she a member of the main  
23 branch of the NAACP, Mainland branch?

24 A. No, if she is I don't know. I've never seen her  
25 at a meeting.

1 Q. Okay. Did you go to this mediation?

2 A. It looks like it was going to be on the 13th. Do  
3 you know what day of the week that was on? And the other  
4 thing is, which makes me think I probably didn't show up  
5 because of that "if you are not working."

6 Q. From the e-mail it looks like it would have been  
7 on a Tuesday because it was the 13th --

8 A. I didn't go, I probably was working. I don't  
9 now. Yeah, at that time I was in -- was I still at  
10 Methodist? I can't remember. But I didn't go to this  
11 meeting.

12 Q. Okay. Did you hear about how it went?

13 A. No.

14 Q. Okay. Do you know if anybody went?

15 A. No.

16 Q. Who is Kimberley Yancy?

17 A. Kimberley is a counsel member in La Marque.

18 Q. Okay.

19 MS. OLALDE: I'm going to mark this as  
20 Exhibit 11.

21 This is No. 18.

22 (Exhibit 11 was marked for  
23 identification.)

24 Q. And just let me know when you're ready.

25 A. I'm ready. I'm done. I've read it.



1 Q. Sure. I am actually going to supplement this  
2 because it looks like -- and tell me if you disagree there  
3 was an info brochure that was attached to that e-mail.

4 A. That's what it says.

5 Q. Okay. As part of Exhibit 11, I'll hand you this  
6 is the -- does this appear to be the attachment you  
7 received with this a e-mail?

8 A. I don't remember this attachment, and I don't  
9 remember that e-mail. I don't remember this meeting. I'm  
10 trying to figure out what is this? This is the attachment  
11 that should have been here?

12 Q. Yes, ma'am. I'll represent to you that it was  
13 the next document that was produced by your attorneys in  
14 this case.

15 A. Let me see. When did... This has to be a  
16 meeting that I did not attend. I don't remember any of  
17 this.

18 Q. Let's turn back to the e-mail.

19 A. Not at all.

20 Q. Sure. That this with attached to.

21 A. Right.

22 Q. We don't have to go through everybody in the  
23 distribution list, but are the people in the distribution  
24 list members, to your knowledge, of the Mainland branch  
25 NAACP?

1 A. Some I recognize, some I don't. I don't.

2 MS. CHEN: And I also object on first  
3 amendment grounds on any disclosure of membership lists --

4 MS. OLALDE: Fair enough.

5 MS. CHEN: -- of the Mainland NAACP.

6 MS. OLALDE: Fair enough?

7 MS. CHEN: So if you receive a question  
8 again about the membership list --

9 THE WITNESS: Okay. I don't --

10 MS. CHEN: -- you can chose -- you can  
11 not answer.

12 BY MS. OLALDE:

13 Q. Okay. Without talking about who was a member of  
14 any organization, do you recognize these names as being  
15 people in your community?

16 A. These are community folks.

17 Q. All of them?

18 A. I don't know -- no, I can't say all of them  
19 because I don't know all of them.

20 Q. Sure. Can you tell me who -- just who you know  
21 from the community? Would you mind telling me that,  
22 please?

23 A. Nakisha Paul.

24 Q. Anybody else?

25 A. I see Joe Compian on here.

1 Q. Um-hmm.

2 A. Michael Lewis.

3 Q. Who's Michael Lewis?

4 A. He's a minister. I see Stephen Holmes name on  
5 here again. I see plenty of these people -- I'm asking  
6 myself.

7 Q. Sure.

8 S. I'm sorry, I forgot. I don't know who this was  
9 meant for, but these are not necessarily --

10 Q. Okay. Are they members of the community?

11 A. Yes, they are community members, the names that I  
12 called, but some of them I don't recognize or even that.

13 MS. CHEN: And may I ask a quick  
14 question? These past exhibits they have -- they don't  
15 have bates stamps --

16 MS. OLALDE: I got them from Disco, so  
17 whatever you guys would have produced because -- yeah.

18 MS. CHEN: Oh, you got them from Disco?

19 MS. OLALDE From our -- from the  
20 production --

21 MS. CHEN: Um-hmm.

22 MS. OLALDE: -- that you guys sent us.

23 MS. CHEN: They're -- they don't have  
24 any bates numbers, so it's hard to say who produced them  
25 or when. They don't have our production numbers on them,

1 so just kind of wanted to clarify exactly where they came  
2 from.

3 MS. OLALDE: I guess you have to look  
4 through the production to find the bate number that you're  
5 looking for.

6 MS. CHEN: Okay, thank you.

7 A. I really don't know what this is about.

8 BY MS. OLALDE:

9 Q. Do you know Terry Pettijohn?

10 A. Yes.

11 Q. Who's Terry Pettijohn?

12 A. Terry Pettijohn served on the board with me. He  
13 was one of the board members for La Marque Independent  
14 School District.

15 Q. Did you get along with him?

16 A. Oh, yeah.

17 MS. CHEN: And just to follow up to my  
18 question. Is it possible that in your Disco system these  
19 e-mails include -- includes e-mails from Commissioner  
20 Holmes' in-box that were not produced to us?

21 MS. OLALDE: You'd have to look at the  
22 -- you'd have to look them up. Right now we're just going  
23 to continue with the deposition.

24 MS. CHEN: We have no way of looking  
25 into your Disco system so.

1 MS. OLALDE: Well, here's the thing, I'm  
2 marking exhibits for the deposition, and if you want to  
3 power through -- I mean, if you want to take a break and  
4 try to find all of the exhibits with the -- the bates  
5 number that you want to find them with, you're more than  
6 welcome to.

7 MS. CHEN: We'll continue to search for  
8 them. I just wanted to seek clarification considering  
9 they currently don't have his information on them, which  
10 will be very useful. So you can continue right now.

11 MS. OLALDE: Marking Exhibit 12.

12 (Exhibit 12 was marked for  
13 identification.)

14 Q. My first question is if you recall this article  
15 that you wrote?

16 A. Voter suppression is alive and well, yeah.

17 Q. Yes, ma'am.

18 A. I do remember that.

19 Q. Did you read -- or I guess my first question is:  
20 You didn't produce this document to your attorneys, right,  
21 as it stands.

22 A. No, I don't -- I don't remember it, no.

23 Q. Okay.

24 A. Not like this. This looks like what's cut -- all  
25 of this came from the Galveston Daily News looks like.

1 Q. Um-hmm.

2 A. Yeah, and I know that would be a column that I  
3 wrote, an op-ed for the Galveston Daily News.

4 Q. Do you save your columns that you write?

5 A. Some I have, and some I don't.

6 Q. Okay.

7 A. Yeah.

8 Q. Did you provide any of those columns to counsel  
9 in this case?

10 A. If they were in my e-mails -- and I probably did  
11 e-mail this to the paper. Yeah, I did. That's op-eds --

12 Q. Okay. But --

13 A. -- for the Galveston Daily News. This was to the  
14 Galveston Daily News.

15 Q. -- but you wouldn't have submitted, like, paper  
16 clipping, newspaper clipping to --

17 A. Oh, no.

18 Q. -- to counsel? Okay.

19 A. No, I don't even know if I kept it. When I write  
20 stuff like this and it goes into the newspaper, okay, I'm  
21 done.

22 Q. Okay. Did you read the article about your  
23 comment?

24 A. Before or after?

25 Q. At the time that this was published.

1 A. No.

2 Q. Okay. Do you know who did the highlighting on  
3 this article?

4 A. No.

5 Q. There's some really faint underlining. Do you  
6 know who did the underlining on this article?

7 A. The article that's above my article? No. No, I  
8 have no idea, and I don't know Andy Mann.

9 Q. Okay. Going back to your voter suppression  
10 article, what prompted you to write this article?

11 A. Probably that very first sentence that I wrote on  
12 there is what I imagine how astonished I felt the morning  
13 of June 29th when I opened my paper and read the story  
14 about where to vote in Galveston County.

15 Auh, and they left off Carver Center. Now  
16 it's coming back. They left Carver Center off of the  
17 voting place, and that is -- I mean, that's the humbug for  
18 voting in -- in Texas City.

19 Q. Did you have any conversation --

20 A. For --

21 Q. Oh, I'm sorry.

22 A. -- for Precinct 336 at that time.

23 Q. Okay. Did you have any conversations with any  
24 elected officials about what you don't -- what you talk  
25 about in this comment?

1 A. Any conversation?

2 Q. Um-hmm.

3 A. I probably called Dwight Sullivan's office  
4 because that's what I would have done because Dwight  
5 Sullivan is the person who's over the voting in the area.

6 Q. Okay.

7 A. I probably called him.

8 Q. Do you recall having any conversations with  
9 Mr. Sullivan or his staff about this?

10 A. If I called that office they answered the phone  
11 and I did talk with somebody. I'm not sure who. I'm not  
12 sure if it was Sullivan himself or if I talked with one of  
13 the receptionists, but somebody answered the phone.

14 Q. Did you ever get an explanation as to why this  
15 voting location was not accessible at this time?

16 A. They didn't tell me.

17 Q. Okay. Were you --

18 A. They just opened it the last -- the next time we  
19 had -- there was voting it was opened again.

20 Q. Okay, good. For this cycle that you're referring  
21 in the 2020 comment, were you able to vote in that cycle?

22 A. Oh, yeah.

23 Q. Okay. Is there anybody in your community that  
24 was not able to vote?

25 MS. CHEN: Objection, speculation.



1 Q. That you're aware of?

2 A. That is speculation. No, I don't know.

3 Q. Okay. Who were you hoping would read this  
4 comment?

5 A. People who were getting the newspaper. People  
6 who vote. If they were voters, they voted every year.  
7 People who had a hard time trying to find where else they  
8 needed to go because I think they was sending the people  
9 to Texas City down on, like, I think they call it the  
10 Loop, on the loop. But in Texas City.  
11 Texas City where this place was so close to  
12 their homes. The other place they would have had to get a  
13 taxi, get a ride from somebody else and go to vote. So --  
14 and I don't know who was affected in that way.

15 MS. OLALDE: I'm going to mark Exhibit  
16 13.

17 (Exhibit 13 was marked for  
18 identification.)

19 Q. And my first question is just going to be whether  
20 or not you recall seeing this article before?

21 A. I did read this one. This was a comment based on  
22 my op-ed there I think, yeah.

23 Q. Do you know who Joseph Pelto is?

24 A. No, never spoke with him.

25 Q. Okay. When you read his comment, what was your

1 impression?

2 A. Let me refresh --

3 Q. Sure, absolutely.

4 A. -- my memory. This is his opinion. That's how I  
5 felt.

6 Q. Did you -- did you agree with it?

7 A. Agree with his opinion of why I wrote what I  
8 wrote?

9 Q. Did you agree with the opinions he expressed in  
10 his comment.

11 A. Well, see he was -- yeah, because that's -- those  
12 -- that was based on his experience. He had experienced  
13 that in Laredo, so I just read it as his opinion and I  
14 didn't think anything about it.

15 Q. What about did you have an opinion as to whether  
16 or not the same rational would apply in Galveston County?

17 A. Whose rational, his?

18 Q. The factors that he list in his article, his  
19 comment. For example, budget cuts.

20 A. No because that had not happened here at that  
21 time, no. I just said this is his opinion and, you know,  
22 when you write an op-ed for a newspaper, you can expect  
23 people to disagree with you. Anytime I write, I expect  
24 somebody to disagree with me; and if I don't, I'll wonder  
25 why.

1 Q. So going to Paragraph 4.

2 A. Um-hmm.

3 Q. Do you agree with his statement that voter  
4 suppression is used almost exclusively by the democratic  
5 party?

6 A. No, I don't agree with that.

7 Q. Okay.

8 A. But again, that's his opinion.

9 Q. Sure.

10 A. And he's also very opinionated when he said that  
11 voter suppression is used almost exclusively by the  
12 democratic party. I don't know what he's talking about.  
13 And I don't ever waste time trying to figure that out  
14 because everybody has an opinion. Yeah, and I respect his  
15 opinion.

16 MS. OLALDE: I'm going to mark Exhibit  
17 14.

18 (Exhibit 14 was marked for  
19 identification.)

20 Q. Do you recall writing this comment?

21 A. Oh, yes.

22 Q. Would you --

23 A. Yes.

24 Q. -- like time to review it?

25 A. Yeah, please.

1 Q. Sure.

2 A. Okay, I remember now.

3 Q. Okay. Do you recall what prompted your writing  
4 of this comment?

5 A. Yeah. Because there was a lot of talk -- well,  
6 I've said it right here that I resisted the urge to write  
7 at all about any of this until I read about something that  
8 the governor of Georgia, Brian Kemp, had done to voters  
9 probably in that state. And it just brought back all of  
10 those memories for me of the Jim Crow era because I was --  
11 I was a big girl when this was going on. I was born in  
12 '43.

13 And so bottom line is this -- I was just  
14 saying part of my experience in terms of my parents being  
15 able to vote in north Louisiana and their parent and then  
16 their -- my dad didn't have any sisters or brothers but my  
17 mother's sister and brothers, they would all gather at our  
18 house and the night before the voting took place they  
19 would have to literally remember the preamble to the  
20 Constitution in order to -- and they each would have to  
21 pay \$2 for poll tax. That was a lot of money back then  
22 for a family to come up with just to go and vote.

23 And they would study all night long the  
24 preamble -- not the Constitution, the preamble to it. And  
25 my mother would explain that, you know, it made her so

1 angry because she had to this. And she would say, "There  
2 will be -- and I'm just telling you what she would say --  
3 and this is specifically what my mother would say, "There  
4 would be" -- she said, "When I get down there, there will  
5 be a White man sitting down acting like he's reading with  
6 no teeth and he can't read a lick, and based on how he  
7 feels I recite the preamble to the Constitution I will  
8 either get the -- I will either be qualified to vote or  
9 not based on what he said."

10 And that's that. That's what made me write  
11 this because evidently Georgia's governor had done  
12 something similar to that, somebody had done something  
13 similar to this and it made me angry.

14 Q. Do you remember what the governor of Georgia did?

15 A. No, I don't remember. I don't remember any of it  
16 no more. I remember writing it, though. And, you know,  
17 the other side of that because of the way that I speak  
18 sometimes about my parents and grandparent experiencing --  
19 experiences with voting. What people don't know is that  
20 my -- my grandfather who loved us all, I'm the oldest of  
21 12 kids, he loved every last one of us.

22 He was White and he did not like himself at  
23 all. He lived his life as a Black guy because he didn't  
24 have a choice. He was too black -- no, I mean, too white  
25 to be Black; too black to be White. So if you ever heard

1 of a man with no -- no place in this world, he was one of  
2 them.

3 And my sisters and I we just all -- always  
4 said that he was a wonderful person, but he lived his life  
5 as a -- as a functionable alcoholic, he did, because he  
6 wanted to drown out who he was. He would never come into  
7 a room with any of us without long sleeves on. In the  
8 summertime he always wore long pants, and asked him time  
9 and time again, Why do you do that, Papa? And he always  
10 covered his neck with a -- with a kerchief. They called  
11 them kerchiefs, they were red and white and blue and  
12 white. The railroad men wore them. He said because I  
13 don't want you to see my blue veins because that's how  
14 white he was.

15 Q. Do you -- he lived in Louisiana?

16 A. Um-hmm. Yeah. And supported us all. I think he  
17 was the one who told me -- he got me started with all this  
18 advocacy, going to school. He told me one day, I was  
19 babysitting at his house all of my little sisters and  
20 brothers, they were running around playing. He said to me  
21 -- now this guy had a third grade education -- he looked  
22 at me and he said, "Edna Marie," you know, anybody called  
23 me Edna Marie that's some serious business following that.

24 I said, "Yes, sir." He said, "Do you see  
25 these youngings running around here?" I said, "Yes, sir."

1 He said, "For them, you are going to have to do the right  
2 thing." And I looked at him, I was 13, I never shall  
3 forget it. I looked at him and I said, "The right thing?"  
4 You know, all I was doing was babysitting, I didn't know  
5 what he was talking about.

6 He said, "You're going to have to do the  
7 right thing because whatever you do with your life from  
8 this day forward, they are going to follow you." So that  
9 said to me, you go to school to get all the education you  
10 can and you do what you can to help others. That's  
11 exactly what he meant. And he -- he was right there for  
12 me all -- all the times I ever went to school, ever needed  
13 anything, he was there him and my grandmother. Yes.

14 Q. Did any of your -- you have a sister who stayed  
15 with you for a while and who currently lives in  
16 Friendswood, right?

17 A. Um-hmm.

18 Q. Did anybody else from your family come to Texas  
19 after you did?

20 A. Oh, we're all in Texas.

21 Q. Okay.

22 A. I have one sister who still lives in Louisiana  
23 and two brothers --

24 Q. Okay.

25 A. -- who still live in Louisiana. Everybody else

1 is in Texas mostly in Dallas.

2 Q. Okay.

3 A. In the Dallas area. And every one of them went  
4 to college or military. We were afraid not to go. We  
5 thought we'd die. Somebody in our family would kill us if  
6 we didn't go to college. They just said, You're going to  
7 college, go. Where? Go. That was it.

8 Q. I'm going to hand you what's been marked as  
9 Exhibit 15.

10 (Exhibit 15 was marked for  
11 identification.)

12 Q. I'm just going to ask if you recall this  
13 document?

14 A. Oh, this is wonderful they -- that they  
15 attributed this to me, but this is not my letter.

16 Q. Do you know who wrote it?

17 A. Reverend Daniels.

18 Q. Do you know if you helped him get it to the  
19 people?

20 A. No, all I do for his letters is take them and I  
21 put them in the computer for him and send them because he  
22 doesn't do computers.

23 Q. Okay. And you --

24 A. That's what I do.

25 Q. -- you would have sent this to the newspaper?



1           A. To the newspaper. This was Galveston Daily News,  
2 but this is not my letter.

3           Q. Do you know whether or not they published it?

4           A. Yeah, they did. They publish most of his  
5 letters.

6           Q. Okay. And do you remember about what time they  
7 would have published this?

8           A. It was after the maps on Precinct 3. It had to  
9 have been after they voted for the map that they voted for  
10 and sent on, and he was not at that meeting because he was  
11 just getting out of the hospital.

12          Q. Is he the minister at your church?

13          A. No, he's the meeting -- I mean, he's the minister  
14 -- one of the associate ministers at the Rising Star  
15 Baptist Church.

16          Q. Okay. And it says he's the founder and chairman  
17 of The Eagle's Nest Community Organization.

18          A. Um-hmm.

19          Q. Is that one of the organizations you volunteer  
20 for?

21          A. No, I don't -- I don't -- you know, I kind of  
22 belong to the organization, but I don't do anything with  
23 it.

24          Q. What is -- what does the organization do?

25          A. That -- that deals with the community on the

1 other end -- on the other end. They call it the  
2 Settlement, and they call it the Settlement because slaves  
3 who were freed came to Texas City way back when. And this  
4 guy has all the history in his head and you can tell you  
5 all of that. That's where they -- they settled and  
6 started building homes and they all worked, according to  
7 him, at the plant, one of the plants.

8 Q. Was that west end of Texas City?

9 A. The Settlement is, yes, that area. That  
10 community, yes.

11 Q. And that's part of the community that --

12 A. Yes.

13 Q. -- we're discussing today?

14 A. Absolutely.

15 Q. Okay.

16 A. Um-hmm. Yeah, but I didn't write -- this is --  
17 these are not my words and I did not write this. I only  
18 sent it into the paper for Reverend Daniels.

19 Q. Did you read it before you sent it on?

20 A. Yeah, I read them, yeah.

21 Q. Okay. Did you provide any comments, feed backs,  
22 or edits to it?

23 A. No.

24 Q. Okay. Did you agree with what he wrote?

25 A. Yes.

1 Q. 100 percent?

2 A. 100 percent, I don't know.

3 Q. Okay.

4 A. I hadn't thought about it that strongly.

5 Q. Fair enough. Who's Mike Matranga?

6 A. Mike Matranga is a school board member right now  
7 at-large in Texas City.

8 Q. I'm going to mark what's been -- I'm going to  
9 hand you what's been marked as Exhibit 16.

10 MS. OLALDE: This is No. 27.

11 (Exhibit 16 was marked for  
12 identification.)

13 Q. And my first question will be: Do you recall  
14 reading this article?

15 A. No. I don't even remember seeing this, I didn't  
16 even know they put this in the paper. I don't know. I  
17 don't do FaceBook. I have -- I think I said that earlier.  
18 I have a FaceBook page, I've never posted anything.

19 Q. Do you recall the meeting?

20 A. I do.

21 Q. Okay.

22 A. The board meeting, yes.

23 Q. And you attended that meeting and you made  
24 comments, correct?

25 A. Yes.

1 Q. And he wasn't able to -- to respond to those  
2 comments --

3 A. No.

4 Q. -- right?

5 A. No.

6 Q. Just like on the November 12th meeting in 2021,  
7 the commissioners weren't allowed to respond to the  
8 comments, correct?

9 A. Auh --

10 MS. CHEN: Objection, speculation.

11 A. -- to each comment they didn't; but yeah, they  
12 did comment.

13 Q. Who commented?

14 A. Mark Henry did for sure.

15 Q. At the meeting as we were talking about?

16 A. Oh, yeah. Yeah, because he told us if we said  
17 anything else out loud after some of us said to him, We  
18 cannot hear you, can you speak up or use a mic? He made  
19 it clear he was not going to do either.

20 Q. Okay. But at this particular meeting were you  
21 able to have, like, a dialogue with Mr. Matranga?

22 A. No.

23 Q. Okay. So what was the substance of your comments  
24 at this meeting?

25 A. Oh, just letting him know all -- the word nigger,

1 you know, they were calling it the N word, the word nigger  
2 was being used by him and him family on this whatever.

3 Q. Tik-Tok?

4 A. Tik-Tok, YouTube, some kind of video, and I was  
5 just letting him know that, that was not an appropriate  
6 thing. And his kids are teenagers. And for him to assist  
7 them with using that word, I don't care what kind of song  
8 it was, I didn't know the author of the song. I've never  
9 even heard the song, but that just absolutely got -- it  
10 made my curly hair straight out and that says a lot.  
11 Yeah.

12 Q. Did you talk with other people in the community  
13 about this incident?

14 A. Oh, I didn't. I didn't have to talk with them  
15 about it, they were talking to me about it because they  
16 were the ones watching the Tik-Tok. I don't -- I don't do  
17 Tik-Tok, I don't do FaceBook, I don't do any of that  
18 social media stuff. Because some of it I can believe and  
19 some of it I can't. But this was just a little bit much.

20 Q. Did you -- did you ever see the video? Did  
21 anybody ever show it to you?

22 A. I did, yeah.

23 Q. Okay.

24 A. Um-hmm, I did see it. And I don't -- I don't  
25 ever -- I don't keep those things. When I get them, I

1 just look at them, and I don't even want them in my phone.

2 I delete them.

3 Q. Do you -- what was the video? What happened in  
4 the video?

5 A. It's a song. It's a song it just got with a  
6 person singing, whoever he was; and he was singing the  
7 song with his kids --

8 Q. Okay.

9 A. -- on the video.

10 Q. Okay.

11 A. And they were in, like, a community room, I can't  
12 remember if it was a school thing going on for those kids,  
13 his teenagers or what. But for him to be singing that  
14 song -- you know, and they keep saying using N words, and  
15 so my whole thing was, say the word. It's not the N word,  
16 the word's nigger. And that was my whole thing. And once  
17 I got that out of my system I was done with this whole  
18 thing.

19 Q. Do you know --

20 A. I never saw this.

21 Q. The article?

22 A. Uh-uh.

23 Q. Do you know whether the song had any other  
24 problems with it in terms -- or if anybody had any other  
25 problems with the song other than the use of that word?

1 MS. CHEN: Objection, speculation.

2 Vague.

3 A. I don't know.

4 Q. Okay. Do you know if the song was violent or  
5 promoted violence or anything like that?

6 A. I don't know.

7 MS. CHEN: Objection, vague.

8 Q. Okay. Is he still a --

9 A. He's a board member, um-hmm. I was not trying to  
10 get him off the board.

11 Q. No?

12 A. Uh-uh. In fact, I like Matranga.

13 Q. But do you have a -- an opinion of his work?

14 A. He's a good hard worker. Yeah, he got off that  
15 time. Yeah.

16 Q. Of the people who talked on November 12th, did  
17 you know most of them -- from the community?

18 A. Yeah, from the community, yeah, I knew them.  
19 But, no, I didn't know most of them, I knew a lot of them.

20 Q. Okay. You didn't drive in with anybody?

21 A. No, I drove myself.

22 Q. Okay. Did you ever see the Rachel Maddow show?

23 A. Oh, my God, I couldn't not see it because people  
24 were just calling me, Look at you, look -- well, look at  
25 me what? You know, I -- and that's what they were talking

1 about. The comments that were being made at the meeting  
2 and I was on there. And they were actually teasing me  
3 about just being all over the place all the time. I  
4 didn't know, I had no idea that, that video was going  
5 anywhere.

6 Q. So you -- you saw her show that talked about the  
7 November 12th meeting?

8 A. Yes.

9 Q. And your comments at the meeting?

10 A. Yes.

11 Q. Do you recall Rachel Maddow's characterization of  
12 what happened at the meeting before she played the video?

13 A. No, you know, it's like Rachel when she's comes  
14 on she's always telling a story that has happened before  
15 and she'll say wrap -- I think her words were, Wrap  
16 your -- wrap your mind around this.

17 Q. Um-hmm.

18 A. And she talked about Galveston County. And she  
19 talked about it in terms of being very racist in its  
20 attitude and its power struggles for those who have power  
21 basically. And so -- and the thing -- and I think the  
22 last thing she said on that was what's she's always saying  
23 is that is, Watch this space.

24 Q. Did anybody from her show call you for comment --

25 A. No.



1 Q. -- or talk to you about it?

2 A. No.

3 Q. Okay.

4 A. Absolutely not.

5 Q. Do you think that adoption of the current  
6 commission precinct map was racist?

7 A. Do I think it is? Yeah, and I think it was  
8 intentionally racist. Yeah --

9 Q. Okay.

10 A. -- to stop us from voting these people out of  
11 office or to make sure that this county along with this  
12 state remains red.

13 Q. Earlier you said that you were quoted in a Mother  
14 Jones article.

15 MS. OLALDE: And I'll mark Exhibit 17.

16 (Exhibit 17 was marked for  
17 identification.)

18 Q. Do you recall reading this article?

19 A. I do recall reading this article, yes.

20 Q. If you'd like to review it, just take your time  
21 and let me know when you're ready.

22 A. Well, I'm ready because I think it was just a  
23 snippet of what I said, and it was kind of in with other  
24 comments of other people. I didn't say very much, and I  
25 didn't know that Mother Jones had done anything with it.

1 Q. Had you read the Mother Jones publication before?

2 A. No.

3 Q. Okay. And have you ever had any conversations  
4 with Ari Berman?

5 A. No, and if I have I don't remember. No.

6 Q. Maybe just whenever he -- you said that you had  
7 been quoted in here, correct?

8 A. Yeah, I have a quote in here somewhere. I saw my  
9 name.

10 Q. Um-hmm.

11 A. It's under here under -- it's right here. It's  
12 just a statement.

13 Q. If you'll go to Page 3. I guess, it's the  
14 backside. It looks like this.

15 A. Yes.

16 Q. Okay. No sorry, this page, it is Page 5 or 6.  
17 Page 6 of the PDF. You didn't speak with the author of  
18 this article for this quote?

19 A. No.

20 Q. He was taking your words from the video of  
21 meeting, correct?

22 A. Probably.

23 Q. Okay. Do you agree with Pastor Jerry Lee's  
24 comment in the second paragraph on this article?

25 A. What is -- the only reason this is being done is

1 | because of his skin color. Is that -- whose skin color,

2 | Mark Henry's skin color?.

3 | Q. I believe that would have been Commissioner

4 | Holmes. I'll make that representation to you.

5 | A. What... I see what Reverend Jerry Lee said, and

6 | that's all he said. He said, "This will be because of his

7 | skin tone." And I wonder who's skin tone -- is he talking

8 | about --

9 | Q. Commissioner Holmes?

10 | A. -- Commissioner Holmes' skin tone? I'm confused.

11 | Q. Do you believe that the only reason the map for

12 | the commissioner presix [sic] -- precincts in 2021 was

13 | adopted was because of Commissioner Holmes's skin color?

14 | A. I believe it was because of his -- the fact that

15 | he's a democrat. And regardless of skin color, I think if

16 | he was white as a sheep because he was a democrat they

17 | would be getting rid of him. So, no, I don't believe it

18 | was because of his skin color.

19 | Q. You can put that one aside.

20 | A. We'll done with it? Okay.

21 | Q. Um-hmm.

22 | A. Thank you.

23 | Q. Okay. So do you recall having an issue with

24 | Galveston County or Galveston Independent School District

25 | making cost cuts back in 2017?

1 MS. CHEN: Objection, vague.

2 A. I really don't remember. I don't know what  
3 that's about.

4 Q. Okay. You weren't following up or keeping tabs  
5 on whether or not GISD was cutting costs?

6 A. No.

7 Q. Okay.

8 A. In 2017, no.

9 Q. Do you know who Tom Abrahams is?

10 A. Isn't he a reporter with the channel -- is it 13?

11 Q. I'll represent it's Channel 13.

12 A. Channel 13.

13 Q. And is that who you spoke with whenever he came  
14 to your house to interview you?

15 A. Yes.

16 Q. Do you know who Tierrishia Gibson is?

17 A. Tierrishia.

18 Q. Tierrishia, thank you.

19 A. I -- I do the same thing. She is the president,  
20 unless they've had another election, of the Galveston  
21 County democratic organization.

22 Q. Okay. And do you speak with Ms. Gibson or have  
23 any communication with her?

24 A. All I -- no.

25 Q. Okay. You attend any meetings that she presides

1 over?

2 A. I've attended one or two.

3 MS. OLALDE: I'm going to Mark 18.

4 (Exhibit 18 was marked for  
5 identification.)

6 Q. Do you recall reading this article?

7 A. I had to have seen it but, you know, I don't  
8 remember the details. Is there something in here -- I  
9 said something?

10 Q. Oh, just take your time.

11 MS. OLALDE: For those of you on Zoom  
12 we're trying to get it into the chat.

13 A. I'm done.

14 Q. We'll just wait for a second to get the exhibit  
15 to the people on Zoom.

16 A. Okay.

17 Q. While we're doing that just -- not a question  
18 about this exhibit but just in general. Do you agree that  
19 the party in power always seeks to strengthen that power.

20 MS. CHEN: Objection, incomplete  
21 hypothetical and speculative.

22 A. I don't know how to answer that. I really don't  
23 know how to answer that.

24 Q. Okay. When did you first -- apart from talking  
25 with anybody, you personally, when did you first think

1 that a lawsuit might happen over the commissioner precinct  
2 maps that were adopted?

3 A. The day that, that meeting happened I thought it  
4 would happen.

5 Q. What -- what made you think that a lawsuit would  
6 happen?

7 A. Now that's one time I -- maybe I forgot, but  
8 that's one time I really -- whenever Commissioner Holmes  
9 could settle down I asked him, Commissioner Holmes, are we  
10 going to sue? And so he just said, "I've spoken with  
11 lawyers" and that was it.

12 Q. Okay. And that was after the meeting?

13 A. That was -- yeah, we was still standing in that  
14 little room. I hadn't left yet.

15 Q. Did you have -- did you have any other  
16 conversation with him?

17 A. No.

18 Q. Okay.

19 MS. OLALDE: You should -- people on  
20 Zoom you should be getting an e-mail with the exhibit.

21 Q. But with respect to this exhibit, which is  
22 No. 18, you did read this -- this article, correct?

23 A. Um-hmm, I did.

24 Q. You talked with Tom Abrahams?

25 A. Yeah, he came when he interviewed me in my yard

1 that day.

2 Q. Okay. And what -- do you remember what questions  
3 he asked you?

4 A. Not really. He just wanted to know how I felt  
5 about the maps or why I thought they were offensive or I  
6 thought they would dilute our voting power. And I just  
7 told him exactly what I've said today.

8 Q. Sure. If you could turn the second page.

9 A. Okay.

10 Q. It references a related story about the  
11 Department of Justice suing Texas over redistricting. Do  
12 you see that? Toward the top of the second page.

13 A. Um-hmm. Where the republicans have sued?

14 Q. I'm sorry.

15 A. Is that what you're talking --

16 Q. I meant it's the back of the first page because  
17 it's two sides.

18 A. Oh, okay. When they're talking about?

19 Q. The related story.

20 A. Yeah. The DOJ sues -- okay.

21 Q. Do you remember the Department of Justice suing  
22 the State of Texas about redistricting?

23 A. No.

24 Q. Okay.

25 A. You know what, I did read articles on that, yes,

1 I did. That's when -- that was the map that they had to  
2 -- they threw it away because they couldn't use it. Is  
3 that the ones -- is that what I'm thinking about? No. If  
4 not, no. The answer is no.

5 Q. Okay. Okay. Towards the bottom of this page,  
6 the one that has the related story towards the second page  
7 of the article?

8 A. Okay.

9 Q. Is says that: The county's map is not entirely  
10 unlike what Harris County democrats, who hold the majority  
11 of seats on commissioner's court, did with its new map by  
12 limiting republican influence in future elections. Did I  
13 read that correctly?

14 A. That's what it says.

15 Q. Do you agree with that statement?

16 A. I -- I cannot really agree with this because  
17 they're comparing apples with oranges here. We cannot  
18 compare Galveston County with Harris County. There is no  
19 way. You're talking about apples and oranges. No way.

20 Q. Okay. And do you know what happened in Harris  
21 County?

22 A. No, I don't.

23 Q. Okay.

24 A. But I know that's never a comparison with Harris  
25 County and Galveston County just by the sheer population.



1 Q. Harris County is bigger, right?

2 A. Much bigger.

3 Q. Okay. Do you know whether -- do you -- did you  
4 follow whether there was a lawsuit by republicans against  
5 Harris County for their maps?

6 A. No, not in that instance.

7 Q. Okay. And Tierrishia -- Tierrishia Gibson --

8 A. Um-hmm.

9 Q. -- on the very last page of the article it states  
10 that: It's to the point where the politicians are picking  
11 the voters, not the voters picking the politicians. Did I  
12 read that correctly?

13 A. Yes.

14 Q. Do you agree with that statement?

15 A. That's where we're headed if we don't change  
16 things, yes.

17 Q. Okay.

18 MS. OLALDE: Let's take a quick break.

19 MS. CHEN: Okay.

20 Q. I'll review my notes and see if we can get you  
21 out of here pretty quickly.

22 A. Okay.

23 THE WITNESS: We're off the record. The  
24 time is 1:54.

25 (A short recess was taken.)

1 THE VIDEOGRAPHER: We're back on the  
2 record. The time is 2:17.

3 BY MS. OLALDE:

4 Q. Ms. Courville -- or Dr. Courville, have you ever  
5 worked with LULAC or any LULAC organization?

6 A. When you say "work with them," what -- what do  
7 you mean?

8 Q. Have you ever had any involvement in any capacity  
9 with LULAC?

10 A. Oh, with any capacity, yeah, I just call them  
11 for -- for a young woman to -- just to be a resource for  
12 her.

13 Q. Okay.

14 A. Who I felt like could use what they were  
15 offering.

16 Q. Okay.

17 A. And I did that -- not the last month, but it was  
18 -- it was -- it had nothing to do with the lawsuit, map,  
19 or none of this.

20 Q. Right.

21 A. It had everything to do with the fact that she  
22 needed some help.

23 Q. So apart from reaching out to LULAC to make a  
24 connection --

25 A. Right.

1 Q. -- have you had any work with them in terms of  
2 meetings, like going to -- attending --

3 A. I have not been to one of their meetings.

4 Q. Are you a member of any LULAC organization?

5 A. No.

6 Q. Have you ever supported any of their -- have you  
7 ever supported any of their programs?

8 A. I've seen -- what do you mean "support?" Yeah, I  
9 support them, yeah.

10 Q. Sure.

11 A. Yeah. They're a good group. They're a good  
12 resource group for people who need the help, yes. You  
13 know, and that's how I support them, I send them people.

14 Q. Um-hmm.

15 A. Um-hmm.

16 Q. Anything else?

17 A. No, not really.

18 Q. Okay. Has -- to your knowledge --

19 A. Um-hmm.

20 Q. -- has the Mainland NAACP branch ever paired with  
21 the LULAC, the local LULAC chapter, that's also a  
22 plaintiff in this case to work together for any kind of  
23 community interest?

24 A. I'm sure the officers have because that's what  
25 they do.

1 Q. Okay. But you don't know for sure?

2 A. No.

3 Q. Okay. Are you familiar with Bolivar? Like the

4 -- let's start with racial demographics. Are you

5 familiar with racial demographics in Bolivar?

6 A. No except that I think most of the folk who

7 live on -- on Bolivar are Anglo.

8 Q. Okay.

9 A. I don't think there are many minorities in

10 Bolivar at all.

11 Q. Okay. But on what -- what do you base that --

12 that opinion on?

13 A. When I was working for GISD and the kids who

14 lived in Bolivar basically they went to private schools.

15 They didn't even do public schools.

16 Q. Okay.

17 A. Even way back then, so I can imagine it's true

18 today. I don't know.

19 Q. Okay. What about the voting statistics from

20 Bolivar? Are you familiar with those? Do you have

21 personal knowledge of that?

22 A. No, I never paid any attention.

23 Q. Okay. Are you very familiar with the League City

24 area?

25 A. No.

1 Q. Okay. Are you very familiar with the Santa Fe  
2 area?

3 A. No. No, I'm not. That's one area -- yeah, no.

4 Q. Okay.

5 A. No. Not very nice to minorities in Santa Fe,  
6 especially when I first moved here.

7 Q. Okay.

8 A. They literally had signs on the road saying, you  
9 know, if you're Black don't go beyond this sign kind of  
10 thing for Santa Fe back then.

11 Q. That was in 1960s?

12 A. Um-hmm. Yeah, may be one over there now for all  
13 I know. I don't know.

14 Q. But you don't -- you haven't seen anything like  
15 that --

16 A. No.

17 Q. -- recently?

18 A. No, I have not.

19 Q. Thank goodness.

20 A. Yes.

21 Q. Okay. But is it fair to say that Santa Fe -- or  
22 let's do it a little bit broader. Is it fair to say that  
23 race relations have improved in Galveston County from the  
24 1960s to today?

25 MS. CHEN: Objection, speculation.

1 A. No, they're deteriorating. They're deteriorating  
2 now. I mean, they were beginning to be good maybe in the  
3 mid 70s, early 80s. Race relations are deteriorating,  
4 yeah, in this county, in this county period. There are so  
5 many mean people out there, kid you not.

6 Q. You said that they were better in -- race  
7 relations were better in the 70s, right?

8 A. 70s and 80s, um-hmm.

9 Q. 70s and 80s?

10 A. Um-hmm.

11 Q. And they started to deteriorate in the 90s?

12 A. I think so, yeah.

13 Q. Can you give me some examples of how things  
14 started to change or deteriorate?

15 A. Examples would be how -- how parents -- you know,  
16 most of my experiences have been with the school district,  
17 how parents respect or don't respect teachers anymore.  
18 How the kids pick up on their parents' behaviors and  
19 they're the same way. Right now I don't know that I could  
20 be a teacher because of the way that -- that children  
21 don't respect teachers anymore.

22 They don't respect authority, let me just put  
23 it that way. And according to me and with my experiences  
24 that kind of behavior comes from home. The first thing I  
25 would tell a parent, any parent, it doesn't matter the

1 color of their skin, when they get called in by me because  
2 their child has done something to a teacher, cursed a  
3 teacher and that parent sit before me and do like you're  
4 doing sort of nodding their head, they say -- the next  
5 thing come out of their mouth, I don't know where he or  
6 she heard that from.

7 My answer to them more often than not is that  
8 they heard it from your house, ma'am or sir. That's where  
9 they heard it, and so you need to get a grip. And we go  
10 from there. Because I mean, it's just that blatant. And  
11 now it's just out there, and it's been out there since I  
12 think Donald Trump stuff. I really do believe that. And  
13 nobody can make me not believe that. I mean, he turned --  
14 he turned the monsters loose. And now they want to bring  
15 it back in. It's too late.

16 Q. Can you give me just a few examples of what you  
17 perceived to be racism within Galveston County over the  
18 past five, ten years?

19 A. What I perceive to be racism?

20 Q. Racist, yes.

21 A. Racist. Just simply by the way that when I was  
22 working, you know, part time for organizations we were  
23 helping people with rental assistance or assistance for  
24 any kind of emergency, getting their lights and water and  
25 stuff like that on, and I knew where the pots of money was

1 | supposed to be coming, there are chunks of money that was  
2 | set aside by the federal government for those kinds of  
3 | programs.

4 |                   And I knew that Galveston County got some,  
5 | and they were using the money to send people to the border  
6 | or wherever they were building this fence, to build the  
7 | fence. They used the money. Mark Henry did that, and I  
8 | can't remember how many hundreds of thousands of dollars  
9 | he did that with.

10 |           Q. Do you know if any of that money actually left  
11 | the county and went to the boarder?

12 |           A. They went to the -- he paid the people to go  
13 | build the fence that's not built yet.

14 |           Q. But do you -- do you have any personal knowledge  
15 | of whether any of that actually occurred?

16 |           A. No personal knowledge.

17 |           Q. Okay. When we were talking about the -- I  
18 | believe it was the Carver Center that was closed as an  
19 | election site, voting site.

20 |           A. Um-hmm.

21 |           Q. Do you know why it was closed for that -- for  
22 | that term in 2020?

23 |           A. Oh, I don't --

24 |                           MS. CHEN: Objection, speculation.

25 |           Q. If you know.



1           A. Well, I really don't know, but I really thought  
2 it was to keep us from voting.

3           Q. Okay.

4           A. Make it more difficult for minorities to vote.

5           Q. Do you believe that minority residents in  
6 Galveston County have different needs than non-minority  
7 groups in Galveston County?

8           A. You know, that all -- that's -- that all -- see,  
9 that's a whole different argument there for people I  
10 believe in politics because, believe it or not, really  
11 poor Anglo people need the same thing that really poor  
12 Black people need, whether they know it themselves or not.  
13 The needs are there. They're human beings, period.

14           Q. And that -- the same thing is true in your  
15 opinion for anybody who is Latino regardless of their  
16 cultural makeup? The Latino minority --

17           A. If the human needs there.

18                           MS. CHEN: Objection, vague.

19                           THE COURT REPORTER: And what was that  
20 answer?

21           A. If the human needs are there.

22 BY MS. OLALDE:

23           Q. So you think it's more of socioeconomic issue?

24                           MS. CHEN: Objection, misstatements  
25 testimony.

1 A. Well not all -- not always.

2 Q. Right.

3 A. Not always, no.

4 Q. Are there other factors that could contribute  
5 apart from economics?

6 A. Well, you know, the other factors come in to that  
7 but, you know, that's like -- that's where education comes  
8 in. And it's across the board.

9 Q. When you say, "across the board," you mean?

10 A. With every group of people.

11 Q. Okay. Anything else?

12 A. Not that I can think of.

13 Q. Sure. You said you weren't familiar with League  
14 City area much, but just to circle back and clarify. Are  
15 you aware of the racial demographics in League City?

16 A. No, I'm not, no.

17 Q. You're aware of the voting trends or the voting  
18 demographics -- how people vote in League City?

19 A. No, but I believe primarily they -- I don't know  
20 but I think they're more republicans over there than  
21 democrats.

22 Q. Okay. And the base -- what's the basis for that  
23 belief?

24 A. The economic -- economy over there is different.

25 Q. Okay. I know that you had said that you had seen

1 horrible signs in peoples' yards in Santa Fe back in the  
2 60s. Are you aware of the demographics of Santa Fa --  
3 racial demographics in Santa Fe today?

4 A. No, but I do know they have more whites than  
5 blacks.

6 Q. Okay. And what's the basis for that knowledge?

7 A. That is the base -- well, for that knowledge?  
8 Oh, by just virtue of -- just drive through, you know.

9 Q. Okay. So you're driving through Santa Fe?

10 A. Um-hmm. Um-hmm.

11 Q. Okay. And is -- is it in your capacity of your  
12 -- with your job today that you'd be driving through Santa  
13 Fe?

14 A. No, usually I'm just going some place, you know,  
15 to a game or something.

16 Q. Okay.

17 A. Um-hmm.

18 Q. GI -- switching to Galveston Island. Are you  
19 aware of the racial demographics on Galveston Island  
20 today?

21 A. No, I'm not.

22 Q. Okay. And I have to ask the same set of  
23 questions, right. So are you aware of how people in  
24 Galveston Island are voting today?

25 A. No because I haven't paid those statistics any

1 attention.

2 Q. Okay. Alright, thank you, Ms. Courville. I  
3 appreciate all of your time today. That's the last of my  
4 questions for today.

5 A. Okay, but let me -- let me say something because  
6 I remember --

7 Q. Sure.

8 A. -- during the conversation when you asked me had  
9 I -- I believe it was a text, had I ever texted Stephen  
10 Holmes' office. And when I was reading one of those  
11 e-mails I thought, I remember when I did do a text with  
12 his secretary. I can't remember her name right now, but  
13 that was on the day that they were having the meeting  
14 trying to find out when the -- when -- where the meeting  
15 would be actually.

16 Because they kept changing the time of the  
17 meeting. That's what it was. And that's that, and I  
18 don't know if people discovered that or not -- discovered  
19 because you probably would have a copy of it, I guess, a  
20 text.

21 Q. But did you provide those text messages to  
22 counsel?

23 A. Well, all my text I did.

24 Q. Okay.

25 A. So if you don't have it I guess it wasn't there.

1 Q. Okay.

2 A. Because those kind of things I tend to delete.

3 Q. Gotcha. And you don't recall her name, but you  
4 initiated a text with Commissioner Holmes' --

5 A. That was his office, and she -- yeah, and she  
6 would be the one to answer a text, yes.

7 Q. Right. And so do you know if this was  
8 Commissioner Holmes' work cell phone or do you know what  
9 phone it was that you were texting?

10 A. It was -- it was the secretary.

11 Q. Okay.

12 A. It was the secretary.

13 Q. Okay.

14 A. It was his secretary -- Michelle. Her name is  
15 Michelle.

16 Q. Okay.

17 A. Michelle Watson. It finally came to me, yes.

18 Q. Sure. And so you would have had her cell phone  
19 number from prior contacts or?

20 A. Probably because she attend school board  
21 meetings.

22 Q. Okay.

23 A. She had kids attending school.

24 Q. And so you texted Ms. Watson to find out when the  
25 November 12th meeting would occur?

1 A. When -- what time it was going to be because they  
2 kept changing the time.

3 Q. Was there anything else that maybe you texted  
4 with her about?

5 A. No, I've been racking my brain about that and  
6 that's the only one I can think of.

7 Q. Okay. Alright. Well, thank you very much. I  
8 appreciate all your time today.

9 A. Oh, you're welcome.

10 MS. CHEN: And I'll just ask a few  
11 questions, it won't take very long.

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

13 BY MS. CHEN:

14 Q. But to start out, you had talked about being an  
15 advocate for a school bond that was passed last year --

16 A. Yes.

17 Q. -- is that right?

18 A. Um-hmm.

19 Q. What members of your community did you engage  
20 with to advocate for that school bond?

21 A. Oh, that -- they were -- there was just a  
22 conglomerate of -- of community members who were in  
23 churches. You know, we -- we would pass out little slips,  
24 you know, to them saying school bond -- school bond coming  
25 up and this will be the amount and this is what it's for.

1 | Getting ready to build at that time, I believe, the three  
2 | elementary schools. That's primarily what we did, uh-hmm.

3 | Q. And did that include Black members of your  
4 | community?

5 | A. Yes, everybody.

6 | Q. And that would include Hispanic and Latino --

7 | A. Yes.

8 | Q. -- that lives in the community as well?

9 | A. Yes. Whoever had kids, we thought, would be  
10 | going to the school, yes.

11 | Q. Would you say that a majority of the students in  
12 | those schools were racial minorities?

13 | A. Yes. Yeah.

14 | Q. And would you say that Black and Latino voters  
15 | have shared policy priorities regarding education?

16 | A. Yes. Yeah. And primarily what it is, is that we  
17 | all want the same thing for our children. We want them to  
18 | have a good, round -- rounded education. Yes. And to  
19 | be -- to be ready to face the real world once they get out  
20 | of school.

21 | Q. And so you saw people coming together to support  
22 | the school bond --

23 | A. Absolutely. And they did in a big way. They've  
24 | done that twice.

25 | Q. When was the other time?

1 A. You know, we just did the other one about two  
2 months ago now, I think.

3 Q. Um-hmm.

4 A. That we voted to -- did we vote in November?  
5 What is this? This is March.

6 Q. Um-hmm.

7 A. And we had to vote -- we voted in November again  
8 I think.

9 Q. Um-hmm.

10 A. For another school bond to build a brand new La  
11 Marque high school, and it passed for the same reason and  
12 we did it the same way. We just appealed to the parents  
13 of the kids who we thought would be going to the schools  
14 or who were already in the schools. And the majority of  
15 them are minorities.

16 Q. Okay.

17 A. Um-hmm, but they voted for it.

18 Q. And you also testified earlier or that -- sorry  
19 rewind.

20 How would you describe Commissioner Holmes'  
21 basic support in your community?

22 A. How would I describe it? Personal, approachable,  
23 visible, and he's a listener. And -- is that what you're  
24 talking about?

25 Q. Right. Do you find he makes efforts to reach out



1 | to Black and African American voters?

2 | A. And everybody else. Oh, you should see I -- it's  
3 | amazing. If he were to walk in a room with a group of  
4 | White women and men, they're all over him, they're all  
5 | over him. They appreciate him --

6 | Q. Um-hmm.

7 | A. -- they appreciate him and his efforts. And  
8 | these are not -- those are not majorities.

9 | Q. Um-hmm.

10 | A. I mean, those are majority folks. He just has  
11 | that kind of a -- he has that kind of a personality, and  
12 | he's been around for a while and he shows up. He shows  
13 | up.

14 | Q. You had mentioned that Dr. Armstrong was not as  
15 | available to the community?

16 | A. Not -- he cant be.

17 | Q. Have you ever been a part of a community  
18 | organization or board with Dr. Armstrong?

19 | A. You know I forgot when we were talking about  
20 | Dr. Armstrong early that, yes, I was the -- I still am  
21 | the president of the foundation that's called right now,  
22 | the Reverend Robert Felder, Robert E. Jones Felder  
23 | Foundation. Before now, before two years ago, the name of  
24 | the foundation was the McKinney Memorial United Methodist  
25 | Church Foundation.

1 We changed the name but we never changed the  
2 focus of it. The focus of it was to provide scholarships  
3 for young people once they graduated from high school and  
4 in the area, primarily in La Marque and Texas City to the  
5 school of their choice. It was only \$500 per scholarship,  
6 but we did that.

7 Dr. Robert -- Robin Armstrong was invited to  
8 serve as one of our trustees, and he agreed to do that;  
9 and we believed that he really wanted, you know, to be a  
10 member of that organization because, actually, his family  
11 grew up in that church. And so and we all like him, he's  
12 a nice person, and so he said, Yes, I'll serve. But he  
13 couldn't, he didn't have the time. We kept him on -- on  
14 as a trustee for two and a half years or so and then on  
15 the third year we said, Well, he can't make meetings. And  
16 by then they had put him on as some commissioner or some  
17 something that had to do with medicine on the state level,  
18 the state level.

19 So we knew then that Dr. Robin Armstrong was  
20 never going to be able to come to one of our meetings so  
21 we had to kick him out the door. Dear, Dr. Armstrong,  
22 yeah, we're relieving you as one of our commissioners.  
23 But we thought he would be a good one, but he just didn't  
24 have the time.

25 So what was your question, that he wouldn't

1 | have time to attend some of these community functions?

2 | No, he doesn't. He doesn't have the time.

3 | Q. Um-hmm.

4 | A. If you're in charge of three or four nursing  
5 | homes, they're your nursing homes -- and he's also the  
6 | director, I believe, of the hospital in the Mainland --  
7 | used to be Mainland Hospital, which is now part of the  
8 | HCA, Houston something -- what is HCA? Houston something  
9 | Health -- HCA that -- well, anyway, he's over that now, so  
10 | no, he didn't have time. He won't have time to be a  
11 | commissioner. He won't. He won't have time to listen to  
12 | people, answer -- answer phone calls, e-mails, or nothing.

13 | Q. And he's lived in the county for some time,  
14 | right?

15 | A. He's in Friendswood, I believe; so that -- you  
16 | know, that part of it's Galveston County --

17 | Q. Um-hmm.

18 | A. -- and part of it is Harris County. Friendswood.

19 | Q. But in all that time you have not seen him be as  
20 | engaged with the community?

21 | A. No. No, I have not.

22 | Q. You also mentioned earlier that you felt the  
23 | commissioner's court was intentionally denying folks the  
24 | right to vote.

25 | A. Yes.

1 Q. That it was intentionally racist.

2 A. Yes.

3 Q. And that was part of a discussion of keeping  
4 Galveston red.

5 A. Yes.

6 Q. Do you recall?

7 A. Yes.

8 Q. Can you explain how you think keeping Galveston  
9 red relates to intentional racism and denying people the  
10 right to vote?

11 A. Keeping Galveston red, the county is keeping in  
12 lockstep with the State of Texas who is big on being red,  
13 one of the red states. As -- as Georgia or any of the  
14 other southern states that are red. That's -- that's --  
15 that's what they do. And if you are a red county in a red  
16 state, that probably gives you a little bit of an edge in  
17 terms of being able to get certain amenities from the  
18 state that some of the other counties would not get, the  
19 democratic counties, or, well, they don't call them  
20 democratic, they call them blue. The blue counties --

21 Q. Um-hmm.

22 A. -- so keeping it red -- yeah, so keeping it red  
23 and what -- I don't know if that -- is that answering your  
24 question? Am I getting to it?

25 Q. Well, I wanted to know how that related to what

1 | you said about intentional racism. Because you also said  
2 | that, that was related to be intentionally racist.

3 | A. Well, when you think of the term red, that's what  
4 | it is. It's the confederacy of -- that's how I see it.  
5 | That's what I relate it to, and that is racist. I mean,  
6 | that whole idea of we're the confederate, you know, we  
7 | beat the other people or whatever, it's just crazy; and in  
8 | my head it's crazy.

9 | I can't even wrap my head around the  
10 | connotations of things like that anymore, but a red state  
11 | is a racist state. It's like the red stands for racist.

12 | Q. Are you saying that you associate the republican  
13 | party, the red party with the confederacy from the U.S.  
14 | Civil War?

15 | A. You bet. I do. And -- yeah, no doubt about it.  
16 | No doubt about it. And it really got to be -- you know,  
17 | it's always been like a small murmur of things, but  
18 | since -- since Donald Trump, I mean, it's out there,  
19 | that's what it is. I mean, look, if that guy could turn  
20 | this whole nation into one -- one race of people, it would  
21 | be white Anglo Christians or however they put it.

22 | And I don't understand how any Christian, no  
23 | matter the color of the skin could think like they think.  
24 | A Christian is a Christian, never mind what color you are,  
25 | the color of your skin. That's a philosophy, that's an

1 | idea. But you got to be -- to get along with him and his  
2 | folk, you got to be White, some kind of Christian, and I'm  
3 | going, Why are they using that word Christian? It's  
4 | nothing Christian about that. There's nothing Christian  
5 | about killing women just because they're woman. Yeah, but  
6 | that's what they do.

7 | Q. So the confederacy also came up in an earlier  
8 | exhibit, do you know of any issues involving things like  
9 | showing somebody the confederacy, confederate monuments in  
10 | Galveston County?

11 | A. There have been -- there have been issues, yes,  
12 | with monuments here on the island wanting to move them or  
13 | wanting to remove flags or -- and I really didn't get  
14 | into, you know, all of it; but, yes, there have been some  
15 | real issues with the confederacy right here on this  
16 | island. It's absolutely unbelievable.

17 | Q. Do you know if any commissioners or the county  
18 | judge supported removal of these statues or was against  
19 | the confederate monuments?

20 | A. What I could read in the paper they were against  
21 | having them removed --

22 | Q. Um-hmm.

23 | A. -- to be sure they didn't want them to be  
24 | removed. So I guess the answer to that would be, you  
25 | know, yeah. Well, you said were they against them, no,

1 | they were for them.

2 | Q. Do you recall Commissioner Holmes' position?

3 | A. He was -- he was wanting to do the right thing

4 | with that. He was listening to his constituents. The

5 | other folks had constituents, too, on both sides. I mean,

6 | on both sides of the -- of the issue. They had Black

7 | folks saying, you know, the confederate flag is not okay.

8 | They had some White folks saying confederate flags are not

9 | okay, that kind of thing, that, that war ended, you know,

10 | and yada, yada, yada.

11 | So and Commissioner Holmes would have come --

12 | come down on the -- on the side of what's right, what's

13 | fair, and what's right.

14 | Q. Thank you.

15 | A. That's it?

16 | Q. Can you give me just a second to --

17 | A. Okay.

18 | Q. -- to take a look at my notes.

19 | Alright, I think that, that concludes my  
20 | questions.

21 | A. Okay.

22 | Q. Thank you so much, Ms. Courville.

23 | A. You're more than welcome.

24 | E X A M I N A T I O N

25 | BY MS. OLALDE:

1 Q. Couple of follow ups.

2 A. Sure.

3 Q. On the school bonds that was to build three new  
4 elementary schools in La Marque, correct?

5 A. Only one of the school's sitting on La Marque's  
6 land actually, on the land that's in the La Marque -- La  
7 Marque area, the La Marque City.

8 Q. Um-hmm.

9 A. The other three are in Texas City. But the whole  
10 school system, all of the schools belong to Texas City,  
11 but they all have names for La Marque. Because it's  
12 really -- it's strange, it's like La Marque is still, even  
13 as I speak, an ISD but within Texas City controlling the  
14 money. That's what it comes out to.

15 Texas City controls our bank account, but the  
16 buildings and all that, they control the money; and they  
17 control the land in term -- well, the land -- if they have  
18 to get land it has to be in La Marque. That was the whole  
19 issue, remember, before when I said it was about our land  
20 and it was about our money? I was not kidding nor was I  
21 lying.

22 The new La Marque building will be built  
23 where the old La Marque is sitting right now, and they're  
24 building a stadium and a sports complex also. And it's  
25 plenty land for that to happen on, but it's on the La



1 Marque side. But I would be TC's school district or  
2 however. You're looking confused and we are confused  
3 every day and I work over there.

4 Q. So then just really fast. The new stadium that  
5 they're building would be open to both La Marque students  
6 and Texas City students?

7 A. It's going to be -- it's going to be the  
8 competition track and so if they have track meets or  
9 competition anything, because the stadium that Texas City  
10 has cannot have that happen, it's not big enough or it's  
11 not regulated. Don't get me started with all of the  
12 regulation track and the regulations this and all of that.  
13 Yes.

14 Q. Okay.

15 A. But everybody will be using it. So they will  
16 have two stadiums. They will have the La Marque stadium  
17 and the Stingray Stadium. Well, this is a Stingaree La  
18 Marque Stadium where they're having now are for Palmer  
19 Highway, yeah.

20 Q. Okay. And you -- who did you work with to  
21 support these bonds?

22 A. The general community.

23 Q. Okay.

24 A. Yeah, the general community and, of course, it's  
25 -- it's always a school board who will ask people to

1 support, you know, because it had to be -- you know, the  
2 taxpayers. So it's the whole -- we had I don't know how  
3 many meetings for all of these school bonds informing  
4 people of what was going to happen.

5 Q. Okay. But when it comes to working to get these  
6 school bonds, it was meant just to service anyone in the  
7 area regardless of race, right?

8 A. You bet.

9 Q. Okay.

10 A. Um-hmm.

11 Q. And you didn't care who you worked with to  
12 support the bonds if they --

13 A. Oh, no.

14 Q. -- were White, Black, Latino?

15 A. No.

16 Q. Okay.

17 A. Uh-uh.

18 Q. I don't believe we had previously talked about  
19 the foundation for Robert E. -- the Robert E. Jones  
20 Foundation.

21 A. Um-hmm.

22 Q. That was previously had the name of -- it was  
23 McKinney?

24 A. McKinney Memorial United Methodist, yes --

25 Q. Okay.

1 A. -- um-hmm.

2 Q. Okay. And is that a church?

3 A. It's a church.

4 Q. Okay.

5 A. It's -- it's a Methodist church in La Marque.

6 Q. And how long have you been involved with it?

7 A. Since 1986.

8 Q. Okay. And you're -- what is your -- have you  
9 ever held, like, an officer position or anything like  
10 that?

11 A. Several, you know, in the church. Yeah, in the  
12 church organizations, several of them. The United  
13 Methodist Women, and right now I'm the president of that  
14 foundation.

15 Q. Okay.

16 A. I could be several other things but I chose not  
17 to be because y'all need to training some of these young  
18 people to do what I've been doing. We need some young  
19 blood here. And so what happens there I found, though, is  
20 that they die and that, you know, that grieves me that  
21 people won't -- they won't take up the mantle and make it  
22 work, they'll just let it die. Whatever it is, it doesn't  
23 matter.

24 Q. But the foundation --

25 A. I've taught some Sunday school there.

1 Q. Yeah.

2 A. And I've taught -- yeah, and I've done a lot of  
3 things for that church over the years.

4 Q. With respect to the scholarships, those were  
5 awarded to students in the area?

6 A. Yeah, they graduated. We started out trying to  
7 give a scholarship to La Marque students, Texas City  
8 students, Hitchcock, Dickinson, but then our money got  
9 little. So now we just concentrate on the ones who are at  
10 the Texas City/La Marque school district. Yeah.

11 Q. And the scholarships are given out regardless of  
12 race, correct?

13 A. Oh, yeah. Yeah, they -- we have this  
14 application, you fill out the application, and if they get  
15 all of the requirements done, like sending in transcripts  
16 and -- and writing a little essay that they have to write,  
17 and getting three letters of references to us in that,  
18 yes, we don't care who they are.

19 Q. Okay. And do you happen to remember the dates  
20 that Dr. Robin Armstrong was a trustee of the foundation?

21 A. I don't. I really -- I'm having a hard time with  
22 that one. I don't remember exactly. I can look at my  
23 notes for you and get it for you. My notes at home.

24 Q. Just to the best that you can recall sitting here  
25 today.

1           A. This is 2023 and I tell you how we could track  
2 it. Whenever he got put on that something that has to do  
3 with the Medical Society for the State of Texas, for the  
4 state that was when -- about the time that we said he has  
5 to go, and he had been on for three years at that time.  
6 And that -- I don't know when that was.

7           Q. Do you --

8           A. That -- that was not -- it hasn't been that long  
9 ago.

10          Q. It's okay if you don't remember.

11          A. I'm going to say five years. Five years maybe.

12          Q. Do you know who filled his role when he was let  
13 go?

14          A. Let go of -- of our -- our organization?

15          Q. Who -- who became a trustee to replace him when  
16 he was let go.

17          A. Because we had so many at that time, there were  
18 three of them when we let go --

19          Q. Okay.

20          A. -- we didn't replace any of them. We still have  
21 seven.

22          Q. Okay.

23          A. Um-hmm.

24          Q. You had -- you had testified recently about what  
25 red means and it definitely brings up the connotation of

1 the confederacy --

2 A. Um-hmm.

3 Q. -- correct?

4 A. Yes.

5 Q. But would you agree with me that not all  
6 republicans are racist?

7 A. Oh, oh for sure not all republicans are racist.

8 Q. Okay.

9 A. I do agree with that.

10 Q. And not all Republicans practice Christian faith?

11 A. No, that's just what -- what's his name? Donald  
12 Trump says.

13 Q. Right.

14 A. That's what he wants.

15 Q. Right. But do you -- you don't believe that Joe  
16 Giusti is racist, do you?

17 A. I don't even know him. I know his name.

18 Q. Okay.

19 A. But I don't know Joe that well.

20 Q. But you don't have any reason to believe that he  
21 is?

22 A. That he is racist?

23 Q. Yeah.

24 A. I don't know.

25 Q. Okay. What about Commissioner Apffel? Do you

1 believe he's racist?

2 A. That's the lawyer. Probably do.

3 Q. Okay. But do you --

4 A. But I don't know. I'm just saying that.

5 Q. Okay. Dr. Armstrong -- Dr. Armstrong, do you  
6 believe he's racist?

7 A. Dr. Armstrong -- Dr. Armstrong is probably not  
8 racist, but he doesn't practice the same policy ideas and  
9 things that I do, but that doesn't mean that he's racist.

10 Q. Sure.

11 A. That means that the man doesn't have time to deal  
12 with it. And there are a lot of White folk like that,  
13 they just don't have the time and we're not high on their  
14 priority list --

15 Q. R.

16 A. -- at all. Um-hmm. So there -- I'm telling you,  
17 my grandfather was White, so -- look, and he loved us all.  
18 And most of us kind of look like me, some of them look  
19 like him, but most of us look like me. All twelve of us.  
20 So I'm not saying all White folk are racist, that is not  
21 what I'm saying at all.

22 There are some White folk -- oh God, I had --  
23 my best friend at Methodist was -- was a White young  
24 woman. She's a nurse and a beautiful person inside and  
25 out, just beautiful. Yeah, and I miss her a lot. I've

1 had some real good White friends, yeah. And, no, they not  
2 all racist. And not all Galveston County White folk are  
3 racist.

4 Q. Okay. Thank you. That's all of my questions for  
5 today. Thank you.

6 A. I don't think y'all are racist.

7 Q. We appreciate --

8 A. I don't think you're racist.

9 THE COURT REPORTER: We're off the  
10 record. The time is 2:51.

11 (Proceeding ended at 2:51 p.m.)

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I, EDNA COURVILLE, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

\_\_\_\_\_  
EDNA COURVILLE

THE STATE OF TEXAS\*

COUNTY OF \_\_\_\_\_\*

Before me, \_\_\_\_\_, on this day personally appeared EDNA COURVILLE, proved to me under oath or through \_\_\_\_\_) (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

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TERRY PETTEWAY, THE §  
HONORABLE DERRECK ROSE, §  
MICHAEL MONTEZ, SONNY JAMES §  
and PENNY POPE, §

Plaintiffs, §

v. §

Civil Action No. §  
3:22-cv-57 §

GALVESTON COUNTY, TEXAS, and §  
HONORABLE MARK HENRY, §  
in his official capacity as Galveston §  
County Judge, §

Defendants. §

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UNITED STATES OF AMERICA, §  
Plaintiff, §

v. §

Civil Action No. §  
3:22-cv-93 §

GALVESTON COUNTY, TEXAS, §  
GALVESTON COUNTY §  
COMMISSIONERS COURT, and §  
HONORABLE MARK HENRY, in §  
his official capacity as Galveston §  
County Judge, §

Defendants. §

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DICKINSON BAY AREA BRANCH §  
NAACP, GALVESTON BRANCH §  
NAACP, MAINLAND BRANCH §  
NAACP, GALVESTON LULAC §  
COUNCIL 151, EDNA COURVILLE, §  
JOE A. COMPIAN, and LEON §  
PHILLIPS, §

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Plaintiffs,	§	
	§	
v.	§	Civil Action No.
	§	3:22-cv-117
GALVESTON COUNTY, TEXAS,	§	
HONORABLE MARK HENRY, in	§	
his official capacity as Galveston	§	
County Judge, and DWIGHT D. SULLIVAN,	§	
in his official capacity as	§	
Galveston County Clerk	§	
	§	
Defendants.	§	

---

REPORTER'S CERTIFICATION  
OF EDNA COURVILLE  
TAKEN ON MARCH 8, 2023

---

I, Angela Steele, Shorthand Reporter, Notary in and for the State of Texas, do hereby certify that the facts as stated by me in the caption hereto are true; that the above and foregoing answers of the witness, EDNA COURVILLE, to the interrogatories as indicated were made before me by the said witness after being first duly sworn to testify the truth, and same were reduced to typewriting under my direction; that the above foregoing deposition as set forth in typewriting is a full, true and correct transcript of the proceeding has at the time of taking of said deposition.

1 I further certify that I am not in any  
2 capacity, a regular employee of the party in whose  
3 behalf this deposition is taken, nor in the regular  
4 employ of this attorney; and I certify that I am not  
5 interested in the cause, nor of kin or counsel to either  
6 of the parties.

7 Certified to by me on this, the 8th day  
8 of March, 2023.

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Angela S. Steele,  
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Expiration: 10/17/23  
Firm Registration No. 122  
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(713) 653-7100

Edna Courville  
March 08, 2023

EC

CHANGES AND SIGNATURE

EDNA COURVILLE

MARCH 8, 2023

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PAGE	LINE	CHANGE	REASON FOR CHANGE
page 19	line 5:	"children shelter" should be "children's shelter"	
page 19	line 24:	"Busey" to "Bucy"	
page 20	line 18:	"went to school" should be "went to work"	
page 24	line 25:	"going away" should be "anyway"	
page 25	line 1:	"SA part" should be "essay part"	
page 25	line 15:	"working the social worker" should be "working as a social worker"	
page 31	line 4:	"loves ones" should be "loved ones"	
page 36	line 7:	"I don't, have you ever?" should be "I don't know, have you ever been?"	
page 37	line 5:	is "Leah Perriman Group" right?	
page 37	line 11:	"now computers" should be "own or know computers"?	
page 39	line 17:	"stabilize" should be "mobilize"?	
page 40	lines 16-17:	"one of the fellow's names will come" -- do you know what you meant by this?	
page 41	line 9:	"was a meeting" should be "was in a meeting"	
page 45	line 9:	"pass" should be "past"	page 46 line 7: "passed" should be "past"
page 46	line 19:	"passed" should be "past"	page 52 line 22: "tired" should be "tried"
page 53	line 2:	"plenty of newspapers" and "copies of op-eds"	
page 50	lines 14-15:	"population's concern" should be "population is concerned"	
page 62	line 2:	"facility's" should be "facilities"	
page 71	line 11:	"In" should be "Hence"	
page 72	line 6:	"there" should be "they"	
page 80	line 12:	"major" should be "mayor" both times in that sentence	
page 81	line 21:	"Nickey Shapaul" should be "Nakisha Paul"	
page 97	line 5:	"independence" should be "independents"	
page 112	line 4:	"Robert" should be "Robin"	
page 116	line 7:	"would of" should be "would have"	
page 123	line 25:	"signed" should be "sign"	
page 136	line 13:	"communities" should be "community"	
page 151	line 20:	"1010" should be "2010"	
page 160	line 17:	"counsel" should be "council"	
page 167	line 17:	"humbug" should be "hub"	
page 170	line 17:	"rational" should be "rationale"	
page 173	line 1:	"to this" should be "to do this"	
page 175	line 5:	"functionable" should be "functional"	
page 207	line 11:	"saw" should be "say"	
page 208	line 21:	"basic" should be "base of"	
page 217	line 17:	is it Stingray Stadium or Stingaree Stadium?	

Edna Courville  
March 08, 2023

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I, EDNA COURVILLE, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

*Edna Courville*  
EDNA COURVILLE

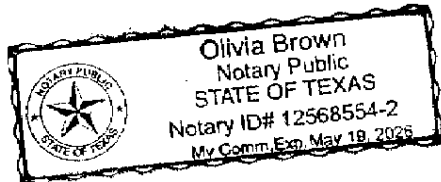
THE STATE OF TEXAS\*

COUNTY OF Galveston

Before me, Olivia Brown, on this day personally appeared EDNA COURVILLE, proved to me under oath or through Texas DL (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of this 14 day of April, 2023.

*Olivia Brown*  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS



# Exhibit 9



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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HONORABLE TERRY  
PETTEWAY, et al.,

Plaintiffs,

V.

GALVESTON COUNTY, et  
al.,

Defendants.

CASE NO. 3:22-cv-00057

\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION OF

TYLER DRUMMOND

JANUARY 18, 2023

\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION of TYLER  
DRUMMOND, produced as a witness at the instance of the  
Plaintiffs, and duly sworn, was taken in the  
above-styled and numbered cause on January 18, 2023,  
from 9:12 a.m. to 5:13 p.m., before Mendy A.  
Schneider, CSR, RPR, in and for the State of Texas,  
recorded by machine shorthand, at the offices of  
GREER, HERZ & ADAMS, 2525 South Shore Boulevard,  
Suite 203, League City, Texas, pursuant to the Texas  
Rules of Civil Procedure and the provisions stated on  
the record or attached hereto; that the deposition  
shall be read and signed.

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ALSO PRESENT:  
DANIEL ALPIZAR, Videographer  
BRITTANY WAKE  
DAWUAN NORWOOD

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(REPORTER'S NOTE: All quotations from exhibits are reflected in the manner in which they were read into the record and do not necessarily denote an exact quote from the document.)

1 THE VIDEOGRAPHER: We're going on the  
2 record at 9:12 on January 18th, 2023. This is Media  
3 Unit No. 1 in the video-recorded deposition of Tyler  
4 Drummond taken by counsel for the plaintiff in the  
5 matter of the Honorable Terry Petteway, et al. versus  
6 Galveston County, et al., filed in the United States  
7 District Court for the Southern District of Texas  
8 3:22-cv-00057.

9 This deposition is being taken at Greer  
10 Herz & Adams. My name is Daniel Alpizar, representing  
11 Veritext. I'm the videographer. The court reporter  
12 is Mendy Schneider from the firm Veritext.

13 The court reporter may now swear in the  
14 witness.

15 TYLER DRUMMOND,  
16 having been first duly sworn, testified as follows:

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

18 BY MR. MANCINO:

19 Q. Good morning, Mr. Drummond.

20 A. Good morning.

21 Q. What do you do for a living?

22 A. I'm the chief of staff to the Galveston  
23 County Judge.

24 Q. And how long have you been in that position?

25 A. Since July of 2013.

1 Q. Where were you born?

2 A. Littleton, New Hampshire.

3 Q. And when were you born?

4 A. August 21st, 1985.

5 Q. Did you go to college?

6 A. I went, yes.

7 Q. Where?

8 A. Southern New Hampshire University in  
9 Manchester, New Hampshire.

10 Q. Did you receive a degree?

11 A. Yes.

12 Q. What type of degree?

13 A. A bachelors of arts.

14 Q. Uh-huh.

15 What did you do next by way of  
16 education, if anything?

17 A. Graduated from Vermont Law School in May of  
18 2012.

19 Q. Are you admitted to any state bar as an  
20 attorney?

21 A. No, sir.

22 Q. Have you ever practiced law with your legal  
23 education?

24 A. No, sir.

25 Q. Okay. And I take it you're currently not



1 practicing law in any capacity?

2 A. Correct.

3 Q. Okay. Now, can you summarize for me your  
4 work history after college?

5 A. I worked for State Farm Insurance right after  
6 college and was a property and casualty producer and  
7 worked for them for a short time period during law  
8 school. And -- and after law school, I went to work  
9 for the New Hampshire Republican State Committee.

10 Q. Was there a -- a -- a gap between college and  
11 law school during which you worked at State Farm?

12 A. There was a gap between college and law  
13 school. Yeah, I think -- I -- I can't specifically  
14 recall the gap, but, yes, there was.

15 Q. Okay. So when did you graduate from law  
16 school?

17 A. May of 2012.

18 Q. Okay. I think I asked you that. Thank you.

19 And so during law school you worked some  
20 part time as a State Farm producer?

21 A. Yeah. For -- I think my -- maybe in 2009.

22 Q. Okay.

23 A. Yeah.

24 Q. And that's property casualty lines?

25 A. Yes.

1 Q. What sort of training did you undergo to  
2 become a producer for State Farm?

3 A. I was licensed. I took the exam in 2009,  
4 2008.

5 Q. And when you say "the exam," what do you  
6 mean?

7 A. The New Hampshire property and casualty exam,  
8 the insurance producer's exam. I don't specifically  
9 know the exact name or can't recall the exact name.

10 Q. Okay.

11 A. Yeah.

12 Q. So they -- they quiz you on topics relating  
13 to insurance including the law regulating the  
14 insurance industry?

15 A. Correct.

16 Q. Got it.

17 And when did you start working with the  
18 New Hampshire Republican State Committee?

19 A. Summer of 2013 -- I'm -- I'm sorry -- summer  
20 2012.

21 Q. 2012?

22 A. Yeah. I apologize.

23 Q. So a few months after you graduated law  
24 school?

25 A. Correct.

1 Q. Okay. How did you get that job?

2 A. I was involved in New Hampshire Republican  
3 Party politics.

4 Q. Leading up to taking that position?

5 A. Correct.

6 Q. What was your involvement in New Hampshire  
7 Republican Party politics?

8 A. I was the vice chairman of the Grafton County  
9 Republican Committee and the chairman of the Northern  
10 Grafton County Republican Committee.

11 Q. And how did you fall into those positions  
12 of -- as -- what was it -- vice chairman of the  
13 Grafton Republican Committee and chairman of the  
14 Northern Grafton Republican Committee?

15 A. Elected by the membership.

16 Q. Okay. So have you been active in Republican  
17 politics your entire adult life?

18 A. Yes.

19 Q. Okay. And what did you do as the vice  
20 chairman of the Grafton Republican committee?

21 A. Assisted with the monthly meetings of the  
22 committee and the work of the party.

23 Q. Okay. I mean, I take it that was a part-time  
24 position?

25 A. Yeah. It was a volunteer position.

1 Q. Okay. You weren't paid?

2 A. No.

3 Q. Okay.

4 A. No.

5 Q. And same question as with respect to your  
6 role as chairman of the Northern Grafton Republican  
7 Committee.

8 A. Volunteer position.

9 Q. Okay. And so what sort of Republican  
10 political issues did you deal with when you had that  
11 vice chairman and chairman position.

12 Do you remember?

13 A. Campaigns.

14 Q. Supporting Republican candidates who are  
15 running for office?

16 A. Correct.

17 Q. Okay. What -- what was your title when you  
18 were working with the New Hampshire Republican State  
19 Committee?

20 A. I can't specifically recall. It was one of  
21 two things. It was either regional field  
22 representative or regional field director.

23 Q. Uh-huh.

24 A. I can't specifically recall, though.

25 Q. Was that a paid position?

1 A. Yes.

2 Q. Okay. What sort of -- I assume in -- in that  
3 role, whatever your title was with the New Hampshire  
4 Republican State Committee, you encountered political  
5 issues, correct?

6 A. That was in lead-up to the 2012 presidential  
7 campaign in November 2012.

8 Q. Okay.

9 A. So it was working with the party apparatus  
10 for the -- for that campaign.

11 Q. Okay. So you were -- you were working with  
12 the New Hampshire Republican State Committee to assist  
13 the Republican candidate who was running for  
14 president?

15 A. Yeah. I think on the Republican side --  
16 sorry -- this -- I had to admit someone --

17 Q. Okay.

18 A. -- on the Republican, they call it the  
19 "Victory Program." That's what the RNC calls that, I  
20 believe.

21 Q. Okay. And was -- was your work in that  
22 capacity limited to New Hampshire?

23 A. Yes.

24 Q. Okay. So you weren't traveling to other  
25 states --

1 A. No.

2 Q. -- to assist?

3 A. No.

4 Q. Okay. So in point of time, which was your  
5 last position? Was it chairman of the Northern  
6 Grafton Republican Committee?

7 A. No, those are volunteer -- those weren't  
8 employment positions.

9 Q. Okay. Both volunteer, okay.

10 And when did -- how long did that  
11 volunteer position or positions last?

12 A. I did not serve in those capacities when I  
13 was working for the state Republican party, so it  
14 would have been around the time I got hired for --

15 Q. Got it, okay.

16 (Speaking simultaneously.)

17 Q. (BY MR. MANCINO) All right. And so how long  
18 were you working for the New Hampshire Republican  
19 State Committee? You joined there in summer 2012?

20 A. Yes, so it would be the winter of 2012 after  
21 the general election, is when I ended employment in  
22 that role.

23 Q. Okay. Got it.

24 And why -- why did you end your  
25 employment?

1 A. The campaign was over.

2 Q. What did you do next?

3 A. I joined back on with the State Republican  
4 Committee in the capacity of a test system of the  
5 special election for state representative in early  
6 2013, a few months after I left.

7 Q. Okay.

8 A. Came back on in a different role.

9 Q. And you stayed in that position until you  
10 moved to Texas?

11 A. There may have been a month gap in between  
12 that and the move to Texas, because that was, again,  
13 for a special election that was held that spring. I  
14 can't remember the specific days or months that that  
15 ended.

16 Q. Yeah.

17 A. Yeah.

18 Q. Yeah. That's all --

19 (Speaking simultaneously.)

20 A. But that was my last position paid that I had  
21 before I moved to Texas, correct.

22 Q. (BY MR. MANCINO) Got it.

23 In -- in any of these positions, paid or  
24 volunteer, with the Republican committees in New  
25 Hampshire, did you get involved in redistricting?

1 A. No, sir.

2 Q. Okay. You know what redistricting is, don't  
3 you?

4 A. Yes.

5 Q. What's your understanding of that term?

6 A. It's a process that happens every 10 years.

7 Q. What kind of process?

8 A. Of aligning districts to contour to the  
9 populations, the growing population that the census  
10 gets every decade.

11 Q. Okay. So it's a process that typically will  
12 happen every ten years in your experience?

13 A. From my understanding.

14 Q. Okay. So do you have -- before going to  
15 Texas, did you have -- have any other positions or  
16 jobs that we haven't discussed?

17 A. I may -- I may have had a position, but it  
18 was -- it would have been a family -- like my father,  
19 a connected business with my dad.

20 Q. Uh-huh.

21 A. You know, nothing related to any of the  
22 insurance or political stuff.

23 Q. Okay.

24 A. Yeah.

25 Q. Were you born in New Hampshire?



1 A. I was.

2 Q. Okay. Did you live at any -- well, you went  
3 to school in Vermont, right?

4 A. (Nodding head.)

5 Q. While you were in law school, did you do any  
6 political work in Vermont?

7 A. In Vermont, no.

8 Q. Okay. Did you run for any political office?

9 A. I did.

10 Q. What -- what did you run for?

11 A. In 2012 -- I was on the ballot in  
12 November 2012 for the Grafton County Register-Deeds.

13 Q. Uh-huh. Did you win?

14 A. No, I did not.

15 Q. Oh, that's too bad.

16 Any other political work or -- or  
17 elective office?

18 A. Yes. I later ran for -- I don't recall if it  
19 was late 2012 or early 2013, I ran for Littleton  
20 School Board. I can't remember the SAU. They call  
21 them SAUs, school administrative units, up there.

22 Q. Okay.

23 A. I can't remember the number, but it was the  
24 Littleton School Board -- and won. I didn't have an  
25 opponent.

1 Q. Yeah?

2 A. Yeah.

3 Q. Better to be lucky than good sometimes.

4 Now, I have here that you've worked as a  
5 small claims court mediator?

6 A. That was in law school. That was an  
7 externship --

8 Q. Uh-huh.

9 A. -- people call it.

10 Q. And, again, volunteer basis?

11 A. Volunteer, yeah. That was part of my  
12 schooling, so it wasn't employment.

13 Q. Got it.

14 So you're a native New Englander?

15 A. Yes, sir.

16 Q. All right. And so you're not a native Texan?

17 A. No.

18 Q. What attracted you to Texas?

19 A. Shortly after the campaign I just started  
20 applying for work, and this is a position I found and  
21 applied for.

22 Q. How did you find out about the position? And  
23 the position we're talking about is chief of staff to  
24 the Judge?

25 A. I was originally hired as deputy chief of

1 staff --

2 Q. Okay.

3 A. -- for policy and communications.

4 Q. And how did you hear about that opening?

5 A. I don't recall. I don't recall specifically  
6 how I stumbled upon that.

7 Q. Okay. But in any event, you applied for the  
8 position?

9 A. Uh-huh.

10 Q. And you got hired?

11 A. Correct.

12 Q. Who hired you?

13 A. The position was with Commissioner Ken Clark  
14 and Commissioner Ryan Dennard, two county  
15 commissioners on the Commissioners Court at the time.

16 Q. So -- well, who was the chief of staff to --  
17 to whom you were a deputy?

18 A. He didn't -- Judge Henry did not have a chief  
19 of staff --

20 Q. Okay.

21 A. -- at that time.

22 Q. But in that role as deputy chief of staff for  
23 policy and communications, you reported to  
24 Commissioners Clark and Dennard?

25 A. Correct.

1 Q. Not to Judge Henry?

2 A. Correct.

3 Q. I see. Okay.

4 And can you tell us what you did in that  
5 capacity as deputy chief of staff for policy and  
6 communications?

7 A. I assisted them with assignments that they  
8 would assign to me at the time and press releases.

9 Q. Okay. What sort of assignments? Give us --  
10 give us a couple of examples.

11 A. Since I had an insurance background, they had  
12 me assist them looking at the County's property and  
13 casualty insurance coverages.

14 Q. Very important topic down here in Galveston.

15 A. Absolutely, yeah.

16 Q. Anything else that comes to mind?

17 A. Not that I can specifically recall.

18 Q. Okay. Then you moved over to become chief of  
19 staff to Judge Henry?

20 A. Yes.

21 Q. Was that the next position --

22 A. Correct.

23 Q. -- in Galveston?

24 A. Yes.

25 Q. When was that?

1           A.    I don't specifically recall the date.  Less  
2 than a year.

3           Q.    Okay.  We'll come back to that --

4           A.    Okay.

5           Q.    -- in -- in a minute.

6           A.    Sure.

7           Q.    Well, a few minutes.

8                        So do you do any other -- do you have  
9 any other form of employment or do any other work  
10 outside of your role as chief of staff to Judge Henry?

11          A.    Yes.

12          Q.    And what sort of work is that?

13          A.    Political consulting.

14          Q.    Okay.  And how do you -- how do you -- how do  
15 you perform your political consulting work?

16                        Do you have a -- do you have a LLC?  A  
17 corporation?  Is it a sole proprietorship?  I'm just  
18 looking for the form of the business.

19          A.    It's an LLC.

20          Q.    Okay.  Does it have a name?

21                        MS. OLALDE:  At this point I'm going to  
22 object, and I'm going to instruct the witness not to  
23 answer to any questions that probe into his political  
24 work, including the name of the business.

25                        MR. MANCINO:  On what basis may I ask?

1 MS. OLALDE: First Amendment privilege.

2 MR. MANCINO: All right.

3 Q. (BY MR. MANCINO) From what location do you do  
4 your political consulting work?

5 MS. OLALDE: Objection; vague.

6 A. Out of my home.

7 Q. (BY MR. MANCINO) Is that full-time, part-time  
8 work?

9 A. Part time.

10 Q. About how many hours a week do you devote to  
11 it?

12 A. Varies.

13 Q. Varies from what to what?

14 MS. OLALDE: Objection; calls for  
15 speculation.

16 MR. MANCINO: I just -- I -- I think the  
17 appropriate approach is just to either say "objection"  
18 or "objection to form."

19 You don't need to, you know, give the  
20 reasons for it unless I inquire because that could be  
21 suggestive to the witness.

22 MS. OLALDE: No, no, no. And I  
23 certainly don't want to make any suggestions to the  
24 witness, but I also don't want to have any confusion  
25 later on as to what my objection is on the record.

1                   So we can have an agreement to disagree  
2                   on that, but I am going to pose my objections as I see  
3                   fit.

4                   MR. MANCINO: Your record -- your  
5                   objections are preserved pursuant to the Federal Rules  
6                   of Civil Procedure, which also require that they be  
7                   succinct and nonsuggestive.

8                   MS. OLALDE: That was a one-word  
9                   objection, sir.

10                  MR. MANCINO: So, you know, objecting  
11                  and saying it's speculative or -- or --

12                                 (Speaking simultaneously.)

13                  MS. OLALDE: Well, you certainly  
14                  wouldn't want the witness to -- to speculate on the  
15                  record, right?

16                  MR. MANCINO: He'll let me know if he  
17                  is. He doesn't need to be coached to do so.

18                  MS. OLALDE: And I'm certainly not  
19                  coaching him, sir, and I will preserve my objections  
20                  as I see fit.

21                  Q.     (BY MR. MANCINO) Mr. Drummond, what kinds of  
22                  services do you provide as a political consultant by  
23                  category, if you can?

24                  A.     Digital advertising and consulting.

25                  Q.     And anything else -- you know, what -- what

1 is included within consulting?

2 Do you advise on press releases, for  
3 example?

4 A. Yes.

5 Q. Do you work on speeches for clients?

6 A. Yes.

7 Q. Do you help clients post on social media?

8 A. Yes.

9 Q. Do you organize events for clients?

10 A. Yes.

11 Q. Over -- you know, do you organize  
12 advertising? I guess that would be the digital  
13 advertising aspect?

14 A. Digital advertising, yes.

15 Q. Okay. Do you conduct any statistical work on  
16 behalf of clients?

17 A. What do you mean by "statistical"?

18 Q. Well, say, analyzing voting data.

19 A. Analyzing voting -- what do you mean by that?

20 Q. Well, because -- do you know what voting data  
21 is?

22 A. Yes.

23 Q. Like voting results?

24 A. Voting results?

25 Q. Yeah.



1 A. Yes.

2 Q. Okay. Do you, as part of your work as a  
3 consultant, analyze voting result data?

4 A. For clients?

5 Q. Yes.

6 A. No.

7 Q. Okay. Do you analyze demographics for  
8 clients?

9 A. No.

10 Q. Okay. Do you give advice on topics like how  
11 to appeal to certain communities within an area?

12 A. No.

13 Q. Okay. Do you do opposition research?

14 A. I have.

15 Q. Okay. And just generally, how do you -- how  
16 do you do opposition research?

17 MS. OLALDE: At this point I'm going to  
18 object. I think this delves a little bit too much  
19 into his process in political -- his political  
20 functions. And object on the basis of First Amendment  
21 privilege and instruct the witness not to answer.

22 MR. MANCINO: Okay.

23 Q. (BY MR. MANCINO) Do you have any training in  
24 the areas in which you get engaged as a political  
25 consultant?

1 A. Experience.

2 Q. Okay. Okay.

3 So, for example, we talked about  
4 statistical analysis.

5 Are you a statistician in any -- in any  
6 sense?

7 A. No.

8 Q. Okay. Have you ever studied statistics?

9 A. I may have had a class in college on it. I  
10 don't recall.

11 Q. Yeah. Well, we all had classes like that we  
12 don't remember.

13 A. Correct.

14 Q. Now, with -- without delving into what you  
15 may have done for them, have you done political  
16 consulting work for any of the commissioners on the  
17 Commissioners Court for Galveston County?

18 MS. OLALDE: Again, I'm going to object  
19 on the basis of First Amendment privilege, that it  
20 delves too far into political actions within the  
21 County and within Mr. Drummond's experience.

22 MR. MANCINO: Okay.

23 Q. (BY MR. MANCINO) Are you a member of any  
24 community organizations?

25 A. I can't specifically recall. I may be a

1 member of like the Clear Creek Republican Women's Club  
2 or something, but I -- I don't know the -- off the top  
3 of my head. I can't remember all of them.

4 Q. But you've -- you've gone to meetings of the  
5 Clear Creek Republican Women's Club?

6 A. Yeah.

7 Q. Okay. Are you a member of any lodges like a  
8 Masonic lodge?

9 A. No.

10 Q. Are you a member of a church?

11 A. No.

12 Q. Are you a member of the -- any branch of the  
13 NAACP operating in Texas?

14 A. No.

15 Q. Have you heard of an organization called  
16 "LULAC"?

17 A. Yes.

18 Q. Are you a -- a member of LULAC?

19 A. No.

20 Q. Okay. Have you ever been a member of LULAC  
21 or any branch of the NAACP?

22 A. No.

23 Q. Okay. So, Mr. Drummond, if -- if -- if you  
24 were to answer any of the questions about your  
25 political consulting work to which your counsel has

1 directed you not to answer, would that affect your  
2 ability to conduct your political consulting work?

3 A. Yes.

4 Q. In what way?

5 A. It would show my speech.

6 Q. How so?

7 A. Loss of clients, both political and  
8 nonpolitical.

9 Q. What nonpolitical clients -- when you say  
10 "nonpolitical clients," what are you referring to?

11 Is that --

12 A. Prospective client --

13 Q. Is that different from --

14 A. Prospective clients.

15 Q. I'm sorry, let me --

16 A. Sorry.

17 Q. I'll try not to --

18 A. I apologize. I'm sorry.

19 Q. -- intrude on you, because I've been doing it.

20 So let's do the same so Mendy has a clear record for  
21 us.

22 So when you say "nonpolitical clients,"  
23 you -- what do you mean?

24 A. The prospective clients that aren't purely  
25 political.

1 Q. Okay.

2 A. Like digital advertising to a small business.

3 Q. Oh, okay.

4 A. Yeah.

5 Q. Okay. So if -- if -- if it was on the record  
6 of this deposition for purposes of educating the judge  
7 in our case about the background of the-- of  
8 witnesses, for you to -- to tell us who your  
9 Republican clients were, if any, on the Commissioners  
10 Court, you think that would have a adverse consequence  
11 to your business?

12 A. Yes.

13 Q. Okay.

14 A. It would have a chilling effect on my speech.

15 Q. Okay. And why -- and why do you think that?

16 MS. OLALDE: Objection; asked and  
17 answered.

18 A. Because I do.

19 Q. (BY MR. MANCINO) Okay. Are you compensated  
20 for your political consulting work?

21 A. Yes.

22 Q. Okay. How do you charge?

23 A. I don't have a specific formula for -- for  
24 that. Varies.

25 Q. Okay. Varies on the assignment?

1 A. (Nodding head.)

2 Q. Okay. But is it typically an hourly rate or  
3 sometimes it's a fixed fee?

4 A. It's never an hourly rate.

5 Q. Okay. And if a person holding a political  
6 office or a candidate hires you for a political  
7 consulting, doesn't that officeholder or candidate  
8 have to file expenditure reports that would list you  
9 as a payee?

10 A. Yes.

11 Q. Okay. And those are publicly filed  
12 documents, to your knowledge?

13 A. To my knowledge.

14 Q. Okay. So somebody could look that up and  
15 find out who your clients have been?

16 Well, could look it up and see if you  
17 are one of the political consultants that a  
18 officeholder or a candidate hired, correct?

19 A. Correct.

20 Q. Okay. Do you have any employees, other than  
21 yourself, in your political consulting work?

22 A. No.

23 Q. Okay. Are you a member of organizations like  
24 Proud Boys?

25 A. No.

1 Q. Oath Keepers?

2 A. No.

3 Q. Okay. And beyond being chief of staff to  
4 Judge Henry, are you active in Republic -- Texas  
5 Republican politics?

6 A. No.

7 Q. Okay. So how did you come to work for Judge  
8 Henry as his chief of staff?

9 A. Between the deputy chief of staff, the chief  
10 of staff transition?

11 Q. I -- I assume that would be the case, but if  
12 it's not, let me know.

13 A. I worked -- like we stated earlier, I had two  
14 commissioners that I kind of worked for. And Judge  
15 Henry -- there was another chief of staff, who I can't  
16 think, it was technology and something, he was a  
17 deputy chief of staff --

18 Q. Uh-huh.

19 A. -- who worked -- and Judge Henry was his  
20 direct supervisor.

21 He had left the County. And I wanted  
22 just one boss rather than more than one. So I asked,  
23 hey, can -- can we maybe create this chief of staff  
24 role and I'll just come work for you? And that's what  
25 happened.

1 Q. Okay. And -- and did you work with Judge  
2 Henry to create the chief of staff role?

3 A. At the time, yeah.

4 Q. And -- and what -- what did you do to create  
5 that role?

6 I mean, basically you were starting from  
7 scratch, because it was -- it wasn't -- you -- you  
8 were replacing somebody who was a deputy chief with  
9 specific duties and you were taking on --

10 A. It was a new role.

11 Q. -- the chief of staff -- a new role, yeah.

12 So how did you -- how did you shape what  
13 you would be doing as chief of staff?

14 A. It was so long ago, I don't specifically  
15 recall.

16 Q. Okay. What -- -- what -- as you sit here  
17 today, what are your duties and responsibilities as  
18 chief of staff to Judge Henry?

19 A. Main responsibility, to assist Judge Henry in  
20 his duties.

21 Q. Whatever those duties may entail?

22 A. Yeah.

23 Q. And can you tell -- tell us, you know, what  
24 sorts of things you've done for Judge Henry in your  
25 role as chief of staff?



1           A.    Assisted in the management of the County  
2 departments, assist with the budget process.

3           Q.    Anything else?

4           A.    It's -- you know, changes every day.

5           Q.    How would you describe your working  
6 relationship with Judge Henry?

7                   MS. OLALDE:  Objection; vague.

8           A.    It's good.

9           Q.    (BY MR. MANCINO)  Okay.

10                   MR. MANCINO:  And it was a good  
11 objection.  It was a vague question.

12                   MS. OLALDE:  That's part of the process,  
13 right?  If it is vague, you can fix it.

14                   MR. MANCINO:  No, I would have -- I  
15 would have defined that.

16                   MS. OLALDE:  I'm sure, yeah, eventually.

17                   MR. MANCINO:  But in any event, let me  
18 put a finer point on it.

19           Q.    (BY MR. MANCINO)  Is yours a collaborative  
20 relationship with Judge Henry, in your opinion?

21                   MS. OLALDE:  Objection; vague.

22                   THE WITNESS:  Do I answer when you  
23 object or --

24                   MS. OLALDE:  If I object, you can still  
25 answer to the extent you understand his question.

1 THE WITNESS: Okay.

2 MS. OLALDE: If you don't understand his  
3 question, just ask him to clarify.

4 A. Collaborative in the sense of what?

5 Q. (BY MR. MANCINO) Well, does -- is -- is he  
6 the kind of boss who says, okay, Tyler, today I want  
7 you to do this, that and this other thing; as opposed  
8 to some -- let's discuss what we're going to be doing  
9 over the next week or so on this project?

10 A. He and I routinely communicate about ongoing  
11 projects and different things going on.

12 Q. Okay.

13 A. And I get direction from that input.

14 Q. Got it. Okay.

15 And in your role as chief of staff to  
16 Judge Henry, do you think it's your obligation to pass  
17 along information to Judge Henry that you think might  
18 be relevant to his duties as county judge?

19 A. Yes.

20 Q. Okay. And he has the expectation that you  
21 would pass along such information too, doesn't he?

22 MS. OLALDE: Objection; calls for  
23 speculation.

24 A. I would assume so.

25 Q. (BY MR. MANCINO) Well, in your experience,

1 | has he -- has he exhibited a recognition that he

2 | want -- that you should be providing him

3 | information --

4 | A. Yes.

5 | Q. -- if you think it would be --

6 | A. Yes.

7 | Q. -- relevant to his duties? Okay.

8 | (Discussion off the record.)

9 | Q. (BY MR. MANCINO) So coming back to your  
10 | duties, apart from management of county -- helping  
11 | assisting in the management of County departments and  
12 | assisting in the budget process and things that might  
13 | change every day, can you tell us what, if any, other  
14 | duties you have as chief of staff?

15 | A. The projects vary day-to-day. So I -- I  
16 | assist in things that might come up that need  
17 | assistance on.

18 | Q. Give us a couple examples of projects that  
19 | have come up recently.

20 | A. For example, working to move projects within  
21 | the timeline as specified with the American Rescue  
22 | Plan working with the CFO, county engineer; you know,  
23 | another project to show the varying degree is, you  
24 | know, trying to move the process forward to upgrade  
25 | County facilities and renovations.

1                   So that's what I mean by the varying  
2 responsibilities that -- depends what the issue is and  
3 what needs attention given to it at the time, and it  
4 changes every day.

5           Q.    Okay. Thank you.

6           Looking backwards a few years in time,  
7 was one project that you worked on for Judge Henry the  
8 redistricting process in 2021?

9           A.    Yes.

10          Q.    Okay. And in connection with the -- let's  
11 call it the 2021 -- 2021 redistricting process. Is  
12 that okay?

13          A.    Yes.

14          Q.    Okay. In connection with the 2021  
15 redistricting process, how did you assist Judge Henry?

16          A.    By getting the initial consultation put  
17 together with legal counsel for -- to facilitate the  
18 meeting with him and legal counsel, to start the  
19 process, or initial discussion you'd call it.

20          Q.    And once that happened, did you, then, have  
21 other duties in connection with the 2021 redistricting  
22 process?

23          A.    Other duties?

24          Q.    Yeah.

25          A.    Yes.

1 Q. What were they?

2 A. Coordinate the process to meet the deadlines  
3 that were given to us by the Texas Secretary of  
4 State's office.

5 Q. And -- and how did you execute your duties to  
6 coordinate the process per those deadlines?

7 A. I -- I don't understand the question. Can  
8 you be more specific.

9 Q. Yeah. Well, I'm just taking what you've told  
10 us.

11 A. Okay.

12 Q. You said you were -- one of your duties was  
13 to coordinate the process, and by "process" you were  
14 referring to the 2021 redistricting process pursuant  
15 to the deadlines that the Texas Secretary of State  
16 gave you, right?

17 A. Yeah.

18 Q. Okay. So what did you do in that respect?

19 A. We received a notification from the Texas  
20 Secretary of State of redistricting having to happen  
21 by a certain date, and that's what I meant by the  
22 processes to make sure that we can meet that deadline.  
23 Because it -- from my recollection, it was a very  
24 tight turnaround from where we were.

25 Q. And around when did you receive that notice?

1 A. I don't specifically recall the date.

2 Q. Would it be around sometime in November of  
3 2021?

4 MS. OLALDE: Objection; asked and  
5 answered.

6 A. Yeah. I don't specifically -- I know it was  
7 a tight deadline and it was around that time period,  
8 but I don't specifically recall the date.

9 Q. (BY MR. MANCINO) Okay. Well, in relation to  
10 that aspect of the work you did helping to coordinate,  
11 when did the -- your work getting the initial  
12 consultation done? Let me back up.

13 When -- when were you helping to  
14 initiate communications with potential consultants?

15 A. To the extent that the direction I received  
16 was to have -- to give direction to our general  
17 counsel to reach out to redistricting counsel to start  
18 talking about the potential process of redistricting  
19 in 2021.

20 Q. Okay.

21 A. So coordination from my -- was that  
22 directive.

23 Q. Okay. And so once you got counsel in place,  
24 did your role end?

25 A. That's why we hired counsel, to manage the

1 process.

2 Q. Okay. So you had no involvement from that  
3 point -- from the point in which counsel was hired  
4 until the point that you got the directive from the  
5 Texas Secretary of State in this 2021 redistricting  
6 process?

7 A. I don't recall. If I -- it was very limited,  
8 the role that I played in -- in that time period.

9 Q. Okay. Anybody on -- any employee of  
10 Galveston County report to you?

11 A. Directly?

12 Q. Let's start with that, yes.

13 A. Okay. The employees in my office that report  
14 directly to me is our executive assistant and our  
15 office coordinator.

16 Q. And who are they? What are their names?

17 A. Dianna Martinez is our office coordinator,  
18 and Linda Liechty is our executive assistant.

19 Q. Okay. And they ultimately work for Judge  
20 Henry but they report through you?

21 A. Correct.

22 Q. Okay. And do you have any indirect reports?

23 A. In my capacity as Judge Henry's chief of  
24 staff, the County department heads/directors would  
25 indirectly report to me.

1 Q. Okay. Does anyone report directly to Judge  
2 Henry and does not report through you? I guess the --  
3 the budget heads?

4 A. I think -- I know this for a fact, the  
5 veterans treatment court coordinator reports directly  
6 to him. I don't have any involvement in that.

7 Q. Okay. As chief of -- as Judge Henry's chief  
8 of staff, is it part of your duties to communicate  
9 with the commissioners?

10 A. Yes.

11 Q. And on what sort of topics do you communicate  
12 with the commissioners on?

13 A. All sorts of topics.

14 Q. I'm sorry?

15 A. All sorts of topics.

16 Q. Give us some examples.

17 A. Budget. Other issues that might come up.

18 Q. Is it fair to say that from time to time,  
19 you're a liaison between Judge Henry and the  
20 commissioners?

21 A. At times, yes.

22 Q. Okay. And when you act in that liaison role,  
23 do you do so at the express direction of Judge Henry?

24 A. Sometimes.

25 Q. And sometimes not?



1 A. Correct.

2 Q. And -- and when you're not doing it at the  
3 express direction of Judge Henry, why are you doing  
4 it?

5 MS. OLALDE: Objection; vague. Calls  
6 for speculation.

7 MR. MANCINO: Again, I'd ask you not to  
8 coach the witness.

9 MS. OLALDE: I'm not trying to coach the  
10 witness. What I'm trying to do is make sure that we  
11 have a clear record. And if you ask for something  
12 that involves, you know, a time period after he said  
13 various things, I don't know what it is you're asking  
14 about.

15 MR. MANCINO: Can you, Mendy, please  
16 read the question back to the witness.

17 (The requested portion was read.)

18 MS. OLALDE: Same objection.

19 A. Yeah, I don't know.

20 Q. (BY MR. MANCINO) Okay. Do you -- do you  
21 speak with some commissioners more than others?

22 A. Yes.

23 Q. Okay. With -- with which others do you  
24 communicate more? With which commissioners do you  
25 communicate more?

1 A. Darrell Apffel.

2 Q. And who does that leave out?

3 A. The rest of them.

4 Q. Armstrong?

5 A. (Nodding head.)

6 Q. Holmes?

7 And who is the fourth?

8 A. Joe Giusti. But you asked who I speak more  
9 to verse the others. I speak to the others as well  
10 routinely.

11 Q. Got it.

12 A. Uh-huh.

13 Q. Okay. With respect to Commissioner Holmes,  
14 what topics do you routinely talk to him on?

15 A. Commissioner Holmes and I have a great  
16 working relationship. I routinely, almost on a weekly  
17 basis, call him and update him on different projects  
18 going on in the County to keep him updated on the  
19 varying things that are going on.

20 Q. And every time you update him on something,  
21 do you do a e-mail to yourself recounting what you and  
22 he discussed?

23 A. No.

24 Q. Have you ever done that?

25 A. Once.

1 Q. And when was that?

2 A. It wasn't done immediately after our

3 conversation.

4 Q. And what did the e-mail reflect?

5 A. I'd have to have it in front of me.

6 Q. Who asked you to prepare that e-mail?

7 A. I don't recall.

8 Q. But somebody did?

9 A. I don't recall.

10 Q. You don't recall?

11 A. I don't recall specifically --

12 MS. OLALDE: Objection, asked and

13 answered -- hold on.

14 Q. (BY MR. MANCINO) Okay. Generally who do you

15 recall --

16 MS. OLALDE: Hold on, hold on -- I need

17 to get my record -- my objection on the record. That

18 was asked and answered --

19 (Speaking simultaneously.)

20 MR. MANCINO: Not while a question was

21 pending.

22 MS. OLALDE: No, no, no, no, no. I was

23 interrupted. I've asked the witness to wait until

24 I've stated my objection, and we all have to take

25 turns. That's the only way this is going to work.

1 Q. (BY MR. MANCINO) So you -- you had a -- you  
2 had -- was it one conversation or multiple  
3 conversations that you wrote about in that e-mail?

4 A. I don't recall. I'd have to see the e-mail.

5 Q. Okay. And as you sit here today, you don't  
6 recall who asked you to prepare that e-mail?

7 MS. OLALDE: Objection; asked and  
8 answered.

9 A. Correct.

10 Q. (BY MR. MANCINO) Was it one of the attorneys?

11 A. I don't recall.

12 Q. And you prepared that e-mail in connection  
13 with the 2021 redistricting process.

14 Isn't that the case?

15 A. I'm sorry, what was the question again?

16 Q. You -- you -- the e-mail that you prepared  
17 concerning a conversation or conversations with  
18 Commissioner Holmes had to do with the 2021  
19 redistricting process, correct?

20 A. Possibly. Do you have a copy of the e-mail  
21 for me to review?

22 Q. So you don't -- you don't remember what that  
23 e-mail concerned.

24 Is that your testimony?

25 MS. OLALDE: Objection; misstates

1 testimony. Asked and answered.

2 I think he's asked to look at the e-mail  
3 like five times. If you want to quiz him about it  
4 without showing it to him, well, I guess it's your  
5 depo.

6 Q. (BY MR. MANCINO) Okay. Do you attend  
7 commissioner court meetings?

8 A. Yes.

9 Q. Regularly?

10 A. Yes.

11 Q. Okay. Are there any that you do not attend?

12 A. If I have a scheduling conflict.

13 Q. Okay. And when do the commissioner court  
14 meetings take place?

15 Is there a special day of the month that  
16 they tend to occur?

17 A. Are you asking about regular meetings or  
18 special meetings?

19 Q. Both.

20 A. Regular meetings are occurring every other  
21 Monday morning at, I believe, 9:30 a.m., varying  
22 between the Galveston County courthouse in Galveston  
23 Island and the North County Annex in League City. It  
24 alternates. Special meetings are held routinely in  
25 the North County Annex in League City.

1 Q. Okay. And why -- why are special meetings  
2 routinely held in the North County Annex in League  
3 City?

4 A. I don't know.

5 Q. Okay. That was the way it was done when you  
6 joined the team?

7 A. No. It -- there was a change, but I don't  
8 remember when it was made.

9 Q. Okay. And what was the nature of the change?

10 A. I don't know.

11 Q. Well, was it that the -- even the special  
12 meetings took place in Galveston city and then that  
13 was changed to hold them up in League City?

14 A. From as far as I can recall, the special  
15 meetings were always held up in the north part of the  
16 county at the North County Annex.

17 Q. Okay. Do you have any responsibilities  
18 regarding outreach to constituents?

19 A. No.

20 Q. Okay. Who on Judge Henry's staff does?

21 A. The communications director.

22 Q. And remind me of that person's name?

23 A. Today?

24 Q. Yeah.

25 A. Spencer Lewis.

1 Q. And who was Mr. Lewis's predecessor?

2 A. Zachary Davidson.

3 Q. Okay. Where is Zachary Davidson today?

4 A. I don't know. Today? I don't know where  
5 he's at right now.

6 Q. Okay. But he left his job with the -- with  
7 Judge Henry, correct?

8 A. We promoted him.

9 Q. To what?

10 A. The Commissioners Court promoted him.

11 Q. Oh. To what?

12 A. The government relations director.

13 Q. For the County?

14 A. Uh-huh.

15 Q. So is he still in that position?

16 A. Yes, sir.

17 Q. Oh, okay. So he's in Galveston County?

18 A. Yes.

19 Q. Okay. Do you travel around the county on  
20 business for Judge Henry?

21 A. At times.

22 Q. And where have you traveled on -- on business  
23 for Judge Henry? What parts?

24 A. All -- all over the county.

25 Q. Okay. So you've been to Bolivar --

1 A. Yes.

2 Q. -- Peninsula?

3 I'm not sure I'm pronouncing that right,

4 but --

5 A. It is, yeah, Bolivar.

6 Q. Oh, it is?

7 A. Yeah.

8 Q. Okay.

9 A. Yeah.

10 Q. And La Marque?

11 A. Yes.

12 Q. Texas City?

13 A. Yes.

14 Q. Dickinson?

15 A. Yes.

16 Q. Galveston city?

17 A. Yes.

18 Q. Okay. Have you been to the Carver Park area

19 of La Marque?

20 A. Possibly. I don't recall.

21 Q. Okay. What is Carver Park?

22 A. It's a park.

23 Q. Ever heard of Commissioner Holmes -- Holmes's

24 annual senior barbecue?

25 A. I have.



1 Q. Have you attended?

2 A. Never been invited.

3 Q. You never crashed it?

4 A. No.

5 Q. Okay. So is it fair to say that you've made  
6 it your business as chief of staff to learn about the  
7 various neighborhoods and communities within the  
8 county?

9 A. To an extent.

10 Q. And when you say "to an extent," what -- what  
11 do you mean?

12 A. Just as I'm the liaison to Judge Henry with  
13 the Commissioners Court, I assist in working with the  
14 municipal governments and other entities with issues  
15 that they have going on that they need assistance  
16 with.

17 Q. Okay. Working with, as you are the chief of  
18 staff with Judge Henry, have you become familiar with  
19 what constitutes his base of support within the  
20 county?

21 A. Yes.

22 Q. Okay. And how would you describe his base of  
23 support within Galveston County?

24 A. It's changed over the years.

25 Q. How has it changed?

1           A.    It's varying.  I mean, politically speaking,  
2 primary-wise, it's changed since I first came on to  
3 today, where in 2014 and 2018 he had very close  
4 primary elections and didn't have an opponent in 2020.

5           Q.    Okay.

6           A.    So I'd say his base has grown in his  
7 Republican primary voters' support in that respect.

8           Q.    Okay.  So Republican primary voters are part  
9 of Judge Henry's base today, you'd say?

10          A.    Republicans.

11          Q.    Republicans?

12          A.    Uh-huh.

13          Q.    Okay.  Anyone else who you identify as part  
14 of Judge Henry's base?

15          A.    Well, I haven't identified.  I just have the  
16 knowledge that he's got a Republican base.

17          Q.    Okay.  Okay.  Would you -- would you -- do  
18 you consider Galveston's -- Galveston County's African  
19 American voting population to be part of Judge Henry's  
20 base?

21          A.    Maybe.

22          Q.    How -- how is it a maybe?

23          A.    He had the second highest vote total in the  
24 November 2022 election out of any other state or  
25 federal official.  So I don't know how to explain

1 that.

2 Q. What percentage of that vote was made up by  
3 African American voters?

4 A. I don't know.

5 Q. Okay. So you're speculating as to whether or  
6 not the African American community is part of his  
7 base?

8 A. I -- yeah, I think it's more -- I don't know  
9 what -- how that breakdown is.

10 Q. Okay.

11 A. Uh-huh.

12 Q. What about the -- the Latino community? Same  
13 question. Are they part of Judge Henry's base?

14 A. I don't know.

15 Q. Okay. As part of your -- your job,  
16 Mr. Drummond, as chief of staff to Judge Henry, do you  
17 keep track of analytical data that exists?

18 A. No.

19 Q. Okay. Does anyone on his staff do that?

20 A. I don't know.

21 Q. Okay. For example, in your travels around  
22 Galveston County, have you observed that there are  
23 certain areas that are more affluent than others from  
24 a socioeconomic perspective?

25 A. I don't know.

1 Q. You've not noticed that?

2 A. I --

3 Q. Okay.

4 A. I don't know.

5 Q. Have you noticed any communities within  
6 Galveston County that seem to have a concentration of  
7 African American people?

8 A. I don't know.

9 Q. You can't pick out one area for me?

10 A. I'd be speculating.

11 Q. Okay. Any information that you track about  
12 the relative access to healthcare among the population  
13 of Galveston County?

14 A. No.

15 Q. Okay. Now, do you track at any -- let --  
16 let's go back to the 2021 redistricting process.

17 In connection with that process, were  
18 you seeing any types of voting data?

19 A. No.

20 Q. Not at all?

21 A. Not that I can recall.

22 Q. Okay. Did you see any kinds of census data?

23 A. I did not see any type of census data, no.

24 Q. Okay. Did you, on behalf of Judge Henry,  
25 reach out to anyone within the County government in

1 search of voting data, census data?

2 A. I don't recall.

3 Q. Okay. Why don't we look at Tab 72.

4 MS. OLALDE: Counsel, will this be  
5 digital --

6 (Discussion off the record.)

7 (Marked Drummond Exhibit No. 1.)

8 Q. (BY MR. MANCINO) I can give you a hard copy,  
9 too, if you'd like.

10 A. Yeah, whatever -- whatever is easiest.

11 MR. MANCINO: One for you. One for the  
12 witness.

13 MS. OLALDE: Thank you.

14 Here you go.

15 Q. (BY MR. MANCINO) Okay. So you've been handed  
16 what's being marked as Exhibit 1 on your deposition,  
17 Mr. Drummond.

18 And just for the record, it's an e-mail  
19 from Tyler Drummond to Dwight Sullivan dated March 11,  
20 2022, and it's Bates No. DEFS 00011925 to 926.

21 Take a moment and read this,  
22 Mr. Drummond.

23 Do you recognize this e-mail?

24 A. Yeah, I mean, I don't specifically recall it,  
25 but reading it has helped.

1 Q. Okay. And having read it and refreshed  
2 yourself a little bit, what does this e-mail reflect?

3 A. The canvas report from the March 2022  
4 primary --

5 Q. Okay. So you --

6 (Speaking simultaneously.)

7 Q. (BY MR. MANCINO) I'm sorry.

8 A. -- broken down by each candidate race,  
9 "candidate" meaning -- "race" meaning campaign  
10 candidates.

11 Q. Okay. And you were looking for that data?

12 A. Typically it is posted on galvestonvotes.org  
13 and I made the request because it was not uploaded  
14 online for public view at that time.

15 Q. Okay.

16 A. Yeah.

17 Q. And you made the request of Dwight Sullivan?

18 A. He's the County clerk.

19 Q. Okay. And why were you looking for that  
20 information?

21 A. That's a good question. I can't specifically  
22 remember.

23 Q. Okay. Would it be more likely than not that  
24 Judge Henry was looking for that data and asked you to  
25 get it for him?

1 MS. OLALDE: Objection, calls for  
2 speculation.

3 A. Maybe. I don't know.

4 Q. (BY MR. MANCINO) Okay. Let's look at Tab 62.  
5 You can put that to one side.

6 A. Okay.

7 MS. OLALDE: Hold on.

8 Q. (BY MR. MANCINO) Take it home as a souvenir  
9 if you want.

10 (Discussion off the record.)

11 Q. (BY MR. MANCINO) Okay. This one we're doing  
12 online because it's very voluminous.

13 A. They just pulled it up in front of me.

14 Q. Okay. And it's a -- for the record, a Nathan  
15 Sigler e-mail to Tyler Drummond dated December 10,  
16 2021?

17 (Marked Drummond Exhibit No. 2.)

18 Q. (BY MR. MANCINO) And it's -- it starts at  
19 Bates number DEFS 000323 and continues on for a  
20 substantial number of pages.

21 MS. OLALDE: Counsel, is he going to be  
22 able to scroll and look at it, or how does that work?

23 MR. MANCINO: I have no clue. I assume.

24 MS. OLALDE: Table, how do we -- how do  
25 we get it to where he can look at the document?

1 (Discussion off the record.)

2 Q. (BY MR. MANCINO) Are you able to control it?

3 A. Yeah. It's slow.

4 Q. Okay.

5 Do you have any idea what that data is  
6 that's attached to this e-mail?

7 A. No. It's just -- is that what all 300 pages  
8 are, is just the Excel?

9 Q. Okay. Okay. Well, let's go back to your  
10 e-mail because that's really what I wanted to --

11 A. Okay.

12 Q. -- talk to you about.

13 Do you recognize this e-mail? Well, let  
14 me put it differently.

15 Did you receive this e-mail from

16 Mr. Sigler?

17 A. It shows that I did.

18 Q. Okay. And am I correct when I say that he  
19 was sending you data you had requested sorted by, one,  
20 census tract; two, block groups; three, blocks; four,  
21 commissioner precincts?

22 A. Yes.

23 Q. Okay. Why were you requesting that data?

24 A. I don't recall. It was December 10, 2021.

25 Q. Okay. And it includes some census data, does



1 | it not?

2 | A. I don't know.

3 | Q. Well, it says census tract. What does --

4 | what does that mean to you?

5 | A. It says it, but I don't know what that means,

6 | and I don't know what the attachments -- that would be

7 | that or not.

8 | Q. Okay. So as you sit here today, you don't

9 | know why you were asking for this?

10 | A. I can't recall.

11 | Q. Okay. But you agree with me that this is an

12 | instance in which you were trying to access data

13 | relating to Galveston County?

14 | A. After the redistricting vote, which is

15 | December 10, 2021.

16 | Q. So the answer is "yes"?

17 | A. Yeah.

18 | Q. Okay. And then let's look at Tab 64, which

19 | is an e-mail again from Nathan Sigler to -- well, at

20 | the top it's an e-mail from Mr. Sigler to Dwight

21 | Sullivan dated August 2, 2022. And below that is an

22 | e-mail from Wendi Fragoso to Mr. Drummond here dated

23 | July 29, 2022.

24 | And that's marked as Exhibit 3 on your

25 | deposition.

1 (Marked Drummond Exhibit No. 3.)

2 Q. (BY MR. MANCINO) Did you receive the e-mail?

3 A. I -- do I still have remote access to view  
4 the whole document?

5 (Discussion off the record.)

6 Q. (BY MR. MANCINO) So, Mr. Drummond, why was  
7 Ms. Fragoso sending you a master list of the confirmed  
8 polling locations for November via Exhibit 3?

9 A. I don't recall.

10 Q. Do you recall whether around that time, there  
11 were some changes underway concerning polling  
12 locations?

13 A. I don't recall.

14 Q. Okay. Are you aware of any changes in  
15 polling locations, specifically the reduction of  
16 locations having taken place within the last year or  
17 two?

18 A. I don't.

19 Q. Okay. What did you do to prepare for your  
20 deposition today, Mr. Drummond?

21 A. Met with my counsel, legal counsel.

22 Q. And who was that?

23 A. They're sitting in the room today.

24 Q. Okay. And who are they?

25 A. Joe Russo --

1 MS. OLALDE: Angie.

2 A. Angie and --

3 MS. RASCHKE ELTON: Jordan.

4 A. Jordan.

5 Q. (BY MR. MANCINO) For how long did you meet  
6 with them?

7 A. A few hours, maybe.

8 Q. Okay. And when -- when was that, yesterday?

9 A. No. Last week.

10 Q. Okay. Was it just the -- the one time?

11 A. We had met one time prior, but that was only  
12 for, I think, 30 minutes.

13 Q. Okay. So you -- you know that we're here  
14 because of a lawsuit that's been filed against Judge  
15 Henry and the County and others perhaps, right?

16 A. Yes.

17 Q. All right. Do you have a general  
18 understanding of what the litigation is about?

19 A. Yes.

20 Q. What is that understanding?

21 A. A challenge to the redistricting maps adopted  
22 by the Commissioners Court.

23 Q. In November 2021 as -- that was when they  
24 were adopted?

25 A. Yes.

1 Q. Okay. And do you -- do you have a general  
2 understanding of the basis on which those maps are  
3 being challenged in the -- in this litigation?

4 A. No.

5 Q. Okay. Have you looked at the complaint?

6 A. No.

7 Q. Okay. Now, we -- in connection with your --  
8 your preparation, did you review any documents, or  
9 were you shown any documents?

10 A. Yes.

11 Q. Okay. And did any of those -- did you read  
12 any of those documents?

13 A. Yes.

14 Q. All right. Did any of those documents  
15 refresh your memory in some fashion?

16 A. Yes.

17 Q. Okay. Which ones?

18 A. I know the one specifically was about the  
19 e-mail about Commissioner Holmes I sent to myself.

20 Q. Okay. So like within the past week, you have  
21 had occasion to look at that e-mail you wrote to  
22 yourself concerning conversations with Commissioner  
23 Holmes, correct?

24 A. No. It was just that one occasion last week  
25 that I looked at it.

1 Q. Well, that's what I'm talking about.

2 A. Uh-huh.

3 Q. And you read that e-mail?

4 A. Yes.

5 Q. And it refreshed your memory?

6 A. Helped refresh it, yes.

7 Q. Okay. So who asked you to write that e-mail?

8 A. That was not refreshed.

9 Q. But was it refreshed that you, all by your  
10 lonesome, didn't decide to write that e-mail?

11 MS. OLALDE: Objection; argumentative.

12 Asked and answered.

13 A. Yeah. I -- I can't recall the individual who  
14 asked me to -- to write that e-mail.

15 Q. (BY MR. MANCINO) Okay.

16 A. Yeah.

17 Q. Any other documents that you looked at  
18 refresh your memory?

19 A. Not off the top of my head. I'd have to  
20 re-look at them again.

21 Q. Okay. I'm going to move on to another topic,  
22 and if you'd like to take a short break, happy to  
23 accommodate you.

24 A. I'm good.

25 Q. Great.

1                   So --

2                   (Discussion off the record.)

3                   MR. MANCINO: Okay. Let's take a short  
4 break for -- and then we'll come back on the record in  
5 a few minutes.

6                   MS. OLALDE: Okay. No problem with  
7 that, the only thing is when are we going to get back,  
8 because we do want to make sure that this keeps moving  
9 during the day. That's the only concern that we have,  
10 is that it gets drawn out like some of the other  
11 depositions have.

12                   So how much time do we need?

13                   MS. CHEN: Would ten minutes be all  
14 right?

15                   MS. OLALDE: Ten minutes. All right.  
16 10:32? Okay.

17                   THE VIDEOGRAPHER: Time is 10:24.

18                   Off the record.

19                   (Break from 10:22 a.m. to 10:37 a.m.)

20                   THE VIDEOGRAPHER: The time is 10:37.

21 Back on the record.

22                   Q. (BY MR. MANCINO) Mr. Drummond, you appreciate  
23 that notwithstanding our short break, you're still  
24 under oath?

25                   A. Yes, sir.

1 Q. Okay. And do you understand that having been  
2 sworn in and giving the oath, that you've obligated  
3 yourself to give true and accurate testimony?

4 A. Yes.

5 Q. Okay. It's as if you were sitting in front  
6 of the judge, right?

7 A. Yes, sir.

8 Q. Okay. So I'd like to come back, briefly, to  
9 the political consultancy point.

10 MS. OLALDE: Uh-huh.

11 MR. MANCINO: And two things: One is  
12 just preserving on the record our disagreement on the  
13 assertion of First Amendment privilege with respect to  
14 line -- that line of questions.

15 Q. (BY MR. MANCINO) But then just to follow up,  
16 make a record, and so, Mr. Drummond, is it the case  
17 that you have provided political consulting work on  
18 behalf of Commissioners Apffel, Giusti, Clark, and  
19 Henry?

20 MS. OLALDE: We're objecting on the  
21 basis of First Amendment privilege, also asked and  
22 answered, and instructing the witness not to answer.

23 Q. (BY MR. MANCINO) Are you aware that  
24 Commissioner Apffel told us that you did political  
25 consulting work for him?

1 A. No.

2 Q. Okay. So you're still not going to just  
3 answer yes or no as to whether you provided political  
4 consulting work to those three -- those four  
5 commissioners -- the three commissioners and Judge  
6 Henry?

7 MS. OLALDE: Same objection.

8 THE VIDEOGRAPHER: Go off the record  
9 real quick. 10:38, off the record.

10 (Break from 10:38 a.m. to 10:39 a.m.)

11 THE VIDEOGRAPHER: The time is 10:39.  
12 Back on the record.

13 MS. RICHARDSON: And Petteway  
14 plaintiffs -- Valencia Richardson for Petteway  
15 plaintiffs. We are going to join in NAACP plaintiffs'  
16 reservation.

17 MS. MEZA: And the United States as  
18 well.

19 Q. (BY MR. MANCINO) Mr. Drummond, earlier we  
20 confirmed that you are -- had some involvement in the  
21 2021 redistricting process, right?

22 A. Correct.

23 Q. Okay. So let's come back to that -- that  
24 line.

25 Around when did you first realize that



1 the commissioner precinct boundaries within Galveston  
2 County would need to be re -- readjusted in 2021?

3 A. I don't recall.

4 Q. Okay. Do you recall having been informed  
5 that was -- that was the case in sometime in 2020,  
6 that this -- that there would have to be a  
7 redistricting process undertaken in 2021?

8 A. I do recall that. I do recall that  
9 redistricting needed to happen after the census was  
10 completed.

11 Q. Okay. And the census was underway in 2020,  
12 correct?

13 MS. OLALDE: Objection; calls for  
14 speculation.

15 A. Yeah. I believe so. I mean, I don't know  
16 that process, the -- the start and end date of it,  
17 but --

18 Q. (BY MR. MANCINO) Okay.

19 A. -- yes.

20 Q. But your best recollection is, is that that  
21 census was going on in 2020?

22 A. It happens every ten years.

23 Q. Okay. So you -- I know you were not around  
24 in 2011, but are you, as you sit here today, aware  
25 that Galveston County had undergone a redistricting

1 process regarding commissioner precincts' boundaries  
2 in 2011?

3 A. I'm not familiar with the commissioner  
4 precinct redistricting in 2011.

5 Q. What are you familiar with?

6 A. I do know that they had -- during that  
7 process, there was a redistricting of, I think,  
8 justice of the peace and constable precincts.

9 Q. Could that have been in 2013?

10 A. Possibly.

11 Q. Okay. So let's -- I'm -- let's focus on  
12 2011.

13 A. Okay.

14 Q. And, you know, as you, you know, coming in in  
15 2013 as Judge Henry's chief of staff, I imagine you  
16 probably under -- undertook some steps to educate  
17 yourself about the political history, recent political  
18 history in Galveston County?

19 A. I was not Judge Henry's chief of staff when I  
20 got hired in 2013.

21 Q. But you became his chief of staff in 2013?

22 A. Yeah, towards the end of 2013, maybe.

23 Q. Okay.

24 A. I was originally hired as the deputy chief of  
25 staff and I worked for Commissioner Dennard and

1 Commissioner Clark.

2 Q. Okay. So in either of those two roles or as  
3 chief of staff to Judge Henry, did you undertake to  
4 become at least somewhat familiar with the recent  
5 political history within Galveston County as it  
6 related to redistricting?

7 A. No.

8 Q. Not at all?

9 A. No.

10 Q. Okay. So are you -- as you sit here today,  
11 are you totally unaware that the Department of  
12 Justice, on behalf of the United States Government,  
13 refused to give preclearance to Galveston County's  
14 redistricting map in 2011?

15 A. I'm aware of that today.

16 Q. Okay. So you know that happened, right?

17 A. Today, yes.

18 Q. Okay. Do you have an understanding of why  
19 preclearance was denied by the Department of Justice?

20 A. No.

21 Q. Okay. Have you ever seen the Department of  
22 Justice's letter expressing their reasons why they  
23 were not going to preclear the 2011 redistricting  
24 maps?

25 A. No.

1 Q. Okay. Let's look at Tab 8.

2 (Marked Drummond Exhibit No. 4.)

3 Q. (BY MR. MANCINO) Now, one of the things you  
4 told me and the rest of us is that your role in the  
5 2021 redistricting process started with your  
6 facilitating the process to locate counsel, correct?

7 A. Excuse me one moment.

8 Can I exit out of this white list of --

9 (Discussion off the record.)

10 MR. MANCINO: Mendy, can you read the  
11 question?

12 (The requested portion was read.)

13 A. To the best of my recollection.

14 Q. (BY MR. MANCINO) That's accurate?

15 A. To the best of my recollection.

16 Q. Okay. So you have in front of you Tab 8,  
17 which is Exhibit 4 on your deposition.

18 And take a moment, not to -- you know,  
19 you don't have to read every line, but just look at it  
20 to see if you can familiarize yourself with what's  
21 here.

22 MR. MANCINO: And while Mr. Drummond is  
23 doing that, I'll just note that the cover e-mail at  
24 the top is from Mr. Drummond to Bob Boemer dated  
25 July 23rd, 2018, and it starts with Bates

1 No. DEFS 00029122 and extends to 2912 -- 136.

2 Do you recognize Exhibit 4,

3 Mr. Drummond?

4 A. It's over four years ago. I don't...

5 Q. (BY MR. MANCINO) Did you finish your answer?

6 A. Yeah. It's so long ago I don't specifically

7 recall this.

8 Q. Generally recall it?

9 A. No.

10 Q. Okay. So -- but you see that there -- you're

11 sending an e-mail to Bob Boemer, right?

12 A. That's what it shows.

13 Q. Okay. And your counsel produced this

14 document to us as a record from the archives of -- of

15 Galveston County.

16 You don't have any reason to believe

17 that this does -- is not an accurate and authentic

18 e-mail with an attached letter?

19 A. No.

20 Q. Okay. So who is Bob Boemer at this time?

21 A. At the time, I believe his title was the

22 director of the county legal.

23 Q. Okay. So if you look at the attachment, it's

24 a -- a letter dated July 16, 2018, from a law firm

25 called Allison, Bass & Magee, LLP, and has a stamp

1 showing it was received by the Galveston County judge  
2 on July 20, 2018.

3 And I'll represent to you that this is a  
4 letter that is promoting this law firm to be counsel  
5 to the County for an upcoming redistricting.

6 Have you ever heard of the firm Allison,  
7 Bass & Magee?

8 A. Yes.

9 Q. Who are they?

10 A. They're a local government specialty or  
11 boutique law firm, whatever the term would be, in  
12 Austin, Texas.

13 Q. Okay. And this firm is representing Judge  
14 Henry today in a -- some type of matter, isn't it?

15 A. Possibly.

16 Q. Okay. But you don't know about that?

17 A. I may. I don't know off the top of my head  
18 what matters they're still representing us on, and  
19 so...

20 Q. Okay.

21 A. Yeah.

22 Q. All right. So looking at this, this letter  
23 clearly got its way to you and then you passed it on  
24 to Mr. Boemer.

25 Is that a fair statement?

1           A.    I was copied on the e-mail from Dianna  
2           Martinez, our office coordinator, who had received  
3           this in the mail.

4           Q.    Uh-huh.

5           A.    And she sent it to us, and I forwarded it to  
6           Bob Boemer, our director of the legal department.

7           Q.    Do you know whatever happened to this effort  
8           by the Allison, Bass & Magee firm to get hired as  
9           redistricting counsel?

10          A.    I do not.

11          Q.    Okay.  Were they -- did the County end up  
12          using them in any capacity in connection with the 2021  
13          redistricting?

14          A.    I don't believe so.

15          Q.    Okay.  Did you discuss this proposal with  
16          anybody?

17          A.    Not that I can recall.

18          Q.    Okay.  So -- so by the time 2020 rolled  
19          around, you knew that the census was underway,  
20          correct?

21          A.    Yes, I believe so.

22          Q.    Okay.  And you figured that once the census  
23          was done, Galveston County would have to go through  
24          another redistricting process, correct?

25                   MS. OLALDE:  Objection; asked and

1 answered.

2 A. Yes.

3 Q. (BY MR. MANCINO) Okay. Because the -- the  
4 census would reveal that there were population changes  
5 and that would trigger an obligation to redraw  
6 precincts?

7 A. I don't know.

8 Q. Is that your understanding of how the process  
9 starts?

10 A. The -- my understanding, the process is --  
11 it's done by the census and then there's a  
12 redistricting process that happens. I've never been  
13 involved in a redistricting process before, so...

14 Q. What about in 2013, do you recall being  
15 involved in some fashion in a redistricting involving  
16 justice of the peace and constable precinct lines?

17 A. From my understanding at the time, when I --  
18 it was towards the back end. And I believe there was  
19 litigation already happening, so I was not engaged in  
20 that process at all.

21 Q. Okay. Now, who is Cheryl Johnson?

22 A. She's the Galveston County tax assessor  
23 collector.

24 Q. Okay. In this time frame in -- in late  
25 twenty-- I want to focus on the time frame of late



1 2020, early 2021. Okay?

2 A. Okay.

3 Q. Did you have any communications with  
4 Ms. Johnson concerning either the census or  
5 redistricting?

6 A. I recall there was an e-mail.

7 Q. An e-mail? From who?

8 A. There was an e-mail exchange from Cheryl.

9 Q. Stating what, in general?

10 A. I can't recall it off the top of my head  
11 without reviewing it.

12 Q. You didn't look at it during your prep  
13 session?

14 A. I may have, but I don't remember the specific  
15 details as we sit here today.

16 Q. Okay.

17 A. I'd have to look at it.

18 Q. So as you sit here today, you don't -- that  
19 e-mail came to mind in response to my question, right?

20 MS. OLALDE: Objection; asked and  
21 answered.

22 A. Yes, sir.

23 Q. (BY MR. MANCINO) Okay.

24 A. Yeah, I recall looking at it last week.

25 Q. Okay.

1 A. Yeah.

2 Q. But you don't know whether it involved the  
3 census or redistricting.

4 Is that your testimony?

5 A. I don't know which one it involved or if it  
6 involved both.

7 Q. Okay.

8 A. Yeah.

9 Q. Let's pull Tab 17, which will be marked as  
10 Exhibit 5.

11 (Marked Drummond Exhibit No. 5.)

12 MR. MANCINO: And for the record,  
13 it's an e-mail from Cheryl Johnson to Judge Henry,  
14 Messrs. Apffel, Giusti, Holmes, Clark, and copying  
15 Mr. Drummond and several others. And it's got Bates  
16 No. DEFS 00003805 and has attachments as well.

17 Q. (BY MR. MANCINO) Mr. Drummond, you've been  
18 handed Exhibit 5 on your deposition.

19 Do you recognize this e-mail?

20 Let us know when you're done.

21 A. Okay.

22 Q. Did you receive this copy of the e-mail from  
23 Ms. Johnson dated January 14, 2021?

24 A. I was copied on it.

25 Q. Did you read it when -- when it came to you?

1 | A. I don't recall.

2 | Q. Okay. She says with -- "With redistricting  
3 | around the corner, I thought it may be helpful for  
4 | each of you to have the lists of registered voters  
5 | across the county (by precinct) which automatically  
6 | provides county commissioner lists and the  
7 | JP/constable listings."

8 | Did I read that correctly?

9 | A. Where are you reading that from?

10 | Q. First paragraph.

11 | A. Yes, you did.

12 | Q. Okay. So she says with -- redistricting is  
13 | around the corner.

14 | Was that what you thought at the -- at  
15 | the time in January 2021?

16 | A. I don't -- I don't know what I thought at  
17 | that time.

18 | Q. Okay. Do you know what, if anything, was  
19 | done with the list of registered voters that she  
20 | attached to her e-mail?

21 | A. No.

22 | Q. Did you do anything with it?

23 | A. I don't believe so.

24 | Q. Okay. Why was she copying you if you weren't  
25 | going to do anything with this e-mail and the

1 attachment? Do you know?

2 MS. OLALDE: Objection; calls for  
3 speculation.

4 A. The other individuals copied here Seth  
5 Collins, Yesenia Jaurez, Michelle Annye Watson are all  
6 the single member staff members for each commissioner.  
7 So it wasn't just me; it was all the Commissioners  
8 Court staff members that were copied on this e-mail.

9 Q. (BY MR. MANCINO) Okay. But you don't  
10 remember doing anything with this e-mail or the data  
11 attached?

12 A. Yeah, I don't recall.

13 Q. Okay. Do you know what, if anything, any --  
14 any of the other recipients may have done with it?

15 A. I don't.

16 Q. Okay. Do you know whether Ms. Johnson's  
17 e-mail kick-started any activity within the County  
18 government to prepare for redistricting?

19 A. I don't recall.

20 Q. Okay. Now, am I correct that in your role as  
21 his chief of staff, you saw that one of the first  
22 things that Judge Henry did in respect of the prospect  
23 of having to go through a redistricting --  
24 redistricting process in 2021 was to get Dale Oldham  
25 involved?

1 MS. OLALDE: Objection; compound.

2 Vague.

3 A. Yeah, can you rephrase the question?

4 Q. (BY MR. MANCINO) What -- what about it don't  
5 you understand?

6 A. I guess repeat the question, then.

7 Q. Okay.

8 A. Okay.

9 MR. MANCINO: Mendy, can you kindly...

10 (The requested portion read.)

11 MS. OLALDE: Same objection.

12 A. Yeah, I don't know.

13 Q. (BY MR. MANCINO) Okay. Do you know who Dale  
14 Oldham is?

15 A. Yes.

16 Q. Who is he?

17 A. He's a redistricting attorney.

18 Q. What does he do?

19 A. Redistricting.

20 Q. And, well, what does that -- what does that  
21 mean to you? Did he ever explain to you how he -- he  
22 performs his job as a redistricting attorney?

23 A. No.

24 Q. Okay. Did you do any investigation into him?

25 A. No.

1 Q. Did you ask anyone about him?

2 A. I don't recall. Maybe.

3 Q. Okay. You had conversations with Mr. Oldham,  
4 didn't you?

5 A. Yes.

6 Q. Okay. We'll get into those.

7 A. Okay.

8 Q. But were all those by phone or -- or were  
9 some by Zoom?

10 A. I don't specifically recall, could have been  
11 a mix of both.

12 Q. Okay. Let's pull Tab 11.

13 (Marked Drummond Exhibit No. 6.)

14 A. Are we done with this e-mail?

15 Q. (BY MR. MANCINO) Yeah.

16 A. Okay.

17 MR. MANCINO: And this will be Exhibit 6  
18 on Mr. Drummond's deposition. And it starts with an  
19 e-mail from Paul Ready to Dale Oldham dated  
20 November 25, 2020, and has Bates No. DEFS 00028158 and  
21 attaches --

22 THE WITNESS: Thank you.

23 MR. MANCINO: -- a contract for legal  
24 services.

25 Q. (BY MR. MANCINO) I'm focusing your attention

1 in the first instance, Mr. Drummond, on the e-mail.

2 So if you can look at that.

3 A. Okay.

4 Q. Okay. Now, earlier you said that you had  
5 facilitated reaching out to potential counsel,  
6 correct?

7 A. Yes.

8 Q. Okay. And so you got involved, didn't you,  
9 in the reach-out to Mr. Oldham?

10 A. I was given directive from Judge Henry to  
11 have Paul Ready reach out to Dale Oldham.

12 Q. Okay. What did Judge Henry tell you to do?

13 A. To have Paul Ready reach out to Dale Oldham.

14 Q. Did he tell you who Dale Oldham was?

15 A. Yeah, I don't recall. Maybe.

16 Q. Okay.

17 A. It was a few years ago so -- I'm trying to  
18 remember. He could have.

19 Q. Well, how else did you find out how to get  
20 ahold of Dale Oldham if Judge Henry didn't tell you  
21 who he was?

22 A. My directive was to request Paul Ready, our  
23 general counsel for the County, to reach out to him.

24 Q. Okay. So Mr. Ready notes in the -- toward  
25 the end of the first paragraph of his e-mail that "you

1 already have a great baseline from the 2010-cycle."

2 What did you understand that to be a  
3 reference to?

4 A. I don't know.

5 Q. You didn't understand that to mean a  
6 reference to the redistricting process that started in  
7 2010 and continued into 2011?

8 MS. OLALDE: Objection; asked and  
9 answered. Calls for speculation.

10 A. Yeah, I didn't know what that was. I don't  
11 know.

12 Q. (BY MR. MANCINO) Did you ever come to  
13 understand what Mr. Oldham's involvement had been in  
14 the 2010, 2011 redistricting process?

15 A. No.

16 Q. No?

17 A. He was the attorney but beyond that, no.

18 Q. So you did have an understanding that he had  
19 a role in that redistricting process?

20 MS. OLALDE: Objection; asked and  
21 answered; and argumentative.

22 A. To rephrase my answer, what I'm getting at is  
23 I don't know to the extent of what his involvement was  
24 other than being an attorney for them.

25 Q. (BY MR. MANCINO) Okay. Do you know if he had



1 a role in drawing the maps in 2011 which were rejected

2 by the Department of Justice?

3 MS. OLALDE: Objection; asked and

4 answered.

5 A. Yeah. I don't know.

6 Q. (BY MR. MANCINO) I'm sorry?

7 A. I don't know what the -- what role he had.

8 Q. Okay.

9 A. Yeah.

10 Q. Okay. That's -- did Mr. Ready -- well,

11 obviously Mr. Ready was able to find Mr. Oldham,

12 correct?

13 A. From e-mail, yes.

14 Q. Okay. So after this e-mail went out between

15 Mr. Ready and Mr. Oldham on November 25th, 2020,

16 copying you, what happened next with respect to the

17 involvement of Mr. Oldham in the 2021 redistricting

18 process?

19 A. I know with respect to my involvement, I

20 think after this, there was further down the line a

21 phone call that occurred, but I don't know the

22 specific dates off the top of my head.

23 Q. Okay. And that was a phone call in which you

24 participated?

25 A. I was one of the participants, yes.

1 Q. Who were the other participants?

2 A. Judge Henry, I believe Darrell Apffel, if I'm  
3 recollecting the correct phone call, Paul Ready, our  
4 general counsel, and Mr. Oldham.

5 Q. Okay. And were you there just to observe,  
6 that is, listen?

7 A. Generally, when Judge Henry has conference  
8 calls and different things, he likes to have me sit  
9 in.

10 Q. Why?

11 A. In case he needs to assign stuff to me to  
12 help assist him with after the fact.

13 Q. Okay. Does he from time to time ask you to  
14 sit in on things so that he can have a -- a second  
15 person who might remember what happened in that phone  
16 call?

17 MS. OLALDE: Objection; calls for  
18 speculation.

19 A. Possibly.

20 Q. (BY MR. MANCINO) All right. So did you make  
21 any notes on this -- on the occasion of this phone  
22 call with Mr. Oldham, Judge Henry, Mr. Apffel, and  
23 others?

24 A. I don't believe so. Not to my recollection.

25 Q. Okay. Were you given any assignments flowing

1 from that conversation?

2 A. No, not to my knowledge.

3 Q. After that conversation, what happened next  
4 as it relates to Mr. Oldham's possible involvement in  
5 the Galveston County 2021 redistricting process?

6 A. From my recollection at that time, we had our  
7 general counsel working with him with the process.  
8 Since I'm not licensed to practice law, I generally,  
9 once it comes to the legal issues, I really have our  
10 general counsel handle those for us, when it comes to  
11 the management of stuff like anything regarding legal  
12 work.

13 Q. Okay. So you -- in your position, you're not  
14 providing legal advice to Judge Henry?

15 A. No, sir.

16 Q. Okay. And so your general counsel at the  
17 time was Mr. Ready?

18 A. Yes, sir.

19 Q. Now, is -- is he a -- a -- an employee of the  
20 County?

21 A. No.

22 Q. He's got his own law practice?

23 A. Yes.

24 Q. And as part of that law practice, he performs  
25 general counsel duties for the County?

1 A. Yes.

2 Q. Okay. And you -- you've worked with him from  
3 time to time?

4 A. Yes.

5 Q. Okay. So what's your memory as to what  
6 happened once the baton was passed to Mr. Ready to  
7 deal with Mr. Oldham?

8 MS. OLALDE: And, again, I know that we  
9 have an ongoing dispute of -- over privilege. I  
10 understand that the question asks for procedural  
11 stuff, but to the extent any conversations were had  
12 that could be attorney-client privilege, which would  
13 have involved Dale Oldham, I would just ask the  
14 witness not to answer. With that respect, otherwise  
15 you can answer.

16 MR. MANCINO: I -- I don't understand  
17 the relevance of your objection to this question that  
18 says --

19 MS. OLALDE: I want to make sure --

20 MR. MANCINO: -- what happened once the  
21 baton was passed.

22 MS. OLALDE: I just want --

23 MR. MANCINO: What did Mr. Ready do --

24 MS. OLALDE: You said that you didn't  
25 understand --

1 MR. MANCINO: -- in the e-mail --

2 MS. OLALDE: -- and the basis for it is

3 I just want to make sure that privileged

4 communications don't accidentally come out, because

5 sometimes -- you know, sometimes that happens.

6 So I do want to make sure that we're on

7 top of the ball on that. And that was the basis for

8 my objection.

9 MR. MANCINO: Thank you.

10 MS. OLALDE: You're welcome.

11 A. Mr. Ready was working with Mr. Oldham on the

12 redistricting project.

13 Q. (BY MR. MANCINO) Okay. And was Mr. Oldham

14 brought into the team to work on the 2021

15 redistricting process?

16 A. From my recollection, I believe, yes, the

17 County ended up retaining his services.

18 Q. Okay. Let's look at Tab 14, which will be

19 Exhibit 7.

20 (Marked Drummond Exhibit No. 7.)

21 Q. (BY MR. MANCINO) Is -- is it on your screen?

22 A. Yes, it is. Yes.

23 Q. Okay. It's just a one-pager?

24 A. Yeah. It's all on the screen.

25 Q. Okay. So what is this? What is Exhibit 7?

1 THE WITNESS: I have it right here.

2 MS. OLALDE: It's a two-page.

3 A. This looks like a calendar scheduling on the  
4 County's Outlook e-mail system for a meeting.

5 Q. (BY MR. MANCINO) And from this e-mail -- or  
6 from this calendar scheduling document, can you tell  
7 what the subject of the meeting was and the date on  
8 which it was to take place?

9 A. The date, December 16th, 2020. The subject  
10 line up top, "Invitation: Galveston County  
11 redistricting." Organizer, Paul Ready, general  
12 counsel. And then Judge Henry, myself.

13 And that e-mail -- that's probably Dale  
14 Oldham's e-mail, if I'm -- I don't want to make  
15 assumptions. I know I'm not supposed to, but I  
16 believe that's Dale Oldham.

17 Q. Okay.

18 A. Yeah.

19 Q. And does this reflect that phone conversation  
20 that you told us about just a few minutes ago?

21 A. From the best of my recollection, yes.

22 Q. Okay.

23 A. Yes.

24 Q. So it would have been in this time frame of  
25 mid-December 2020?

1 | A. Correct.

2 | Q. Okay. Now, I don't want to get into -- well,  
3 | was this a -- a -- a -- a phone call to discuss  
4 | whether Mr. Oldham should be retained or could be  
5 | retained in connection with the redistricting process?

6 | A. I can't recall the -- if this happened after  
7 | that e-mail with Paul Ready that he copied me on or  
8 | not.

9 | Q. Yeah.

10 | A. Did it?

11 | Q. I believe so, yes.

12 | A. Yes. This would have been in follow-up to  
13 | discuss whatever Paul Ready and Dale Oldham had been  
14 | working out from this e-mail that you showed me  
15 | previously.

16 | Q. Okay. Was there a discussion on that phone  
17 | call of what services Mr. Oldham would provide?

18 | A. I believe so.

19 | Q. Okay. Do you recall what services Mr. Oldham  
20 | said he could provide?

21 | A. Not specifically, outside of retaining him  
22 | for the redistricting. Like specific services I can't  
23 | recall.

24 | Q. Okay.

25 | A. Yeah.

1 Q. Was there a discussion of price?

2 A. Possibly. I can't recall the specifics. It  
3 was two year -- two years ago, over two years ago, so  
4 it could have.

5 Q. Okay. Did Judge Henry have anything to say  
6 on this call?

7 For example, did he -- did he explain to  
8 Mr. Oldham what he was looking for through having  
9 Oldham work on the redistricting process?

10 A. Possibly. I don't recall the specifics in  
11 the conversation.

12 Q. Okay. Do you recall a discussion on this  
13 call of Precinct 3?

14 MS. OLALDE: Objection to the extent  
15 that this request would reveal attorney-client  
16 privileged data or information, communications with  
17 Mr. Oldham, and instruct the witness not to answer to  
18 that extent. Otherwise, you can answer.

19 Q. (BY MR. MANCINO) Can you figure that out?  
20 Can you answer?

21 A. You asked if I recall if Precinct 3 was  
22 brought up?

23 Q. Yeah.

24 A. Was that your question?

25 Q. Yeah.



1 A. No, I can't recall.

2 Q. Okay. Was the Bolivar Peninsula a topic that  
3 came up?

4 MS. OLALDE: Object --

5 Q. (BY MR. MANCINO) And I don't know what, you  
6 know, may have been said about it.

7 A. Yeah.

8 Q. Just the topic.

9 A. Sure.

10 MS. OLALDE: And, again, I'm going to  
11 object to the specifics of conversations with  
12 Mr. Oldham on the basis of attorney-client privilege  
13 and instruct the witness not to answer to the extent  
14 that your answer would contain any communications that  
15 occurred. Otherwise, you can answer.

16 MS. VALL-LLOBERA: Petteway plaintiffs  
17 would like to preserve our prior objections to any  
18 communications related to Dale Oldham as those issues  
19 before the court, we would just like to --

20 (Discussion off the record.)

21 MS. VALL-LLOBERA: Petteway plaintiffs  
22 would like to preserve our prior objection to this  
23 privilege claim just based on prior decisions  
24 currently before the court regarding Dale Oldham's  
25 attorney-client privilege status, so...

1 MS. MEZA: And the United States joins  
2 in that preservation of objection.

3 MR. MANCINO: Okay. Let's look at  
4 Tab 12.

5 (Marked Drummond Exhibit No. 8.)

6 (Discussion off the record.)

7 Q. (BY MR. MANCINO) Okay. Tab 12 is now going  
8 to be Exhibit 8.

9 (Discussion off the record.)

10 Q. (BY MR. MANCINO) And it's an e-mail from Paul  
11 Ready to an e-mail address dloesq, I believe, at  
12 aol.com. And from other information, we've learned  
13 that that's Dale -- I'll represent that that's Dale  
14 Oldham's e-mail address.

15 And it's a chain of e-mails, is it not,  
16 Mr. Drummond?

17 A. It appears, yes.

18 Q. Okay. And you're on these e-mails at  
19 least --

20 A. Some.

21 Q. -- at some point in the chain?

22 A. Yes. I'm copied on some of the e-mails in  
23 this chain.

24 Q. Okay. What was -- what was -- what was this  
25 e-mail chain concerning itself with as it relates to

1 the retention of Mr. Oldham?

2 A. From reading Paul's e-mail on January 14th,  
3 it was to get in place an engagement agreement.

4 Q. Okay. And then at the top, it says: "The  
5 County Judge is eager to get your engagement in  
6 place."

7 Do you see that?

8 A. Yes, sir.

9 Q. Was that your understanding as of January 14,  
10 2021, concerning Judge Henry?

11 A. I don't recall, but that could have been a  
12 communication placed between Judge Henry and the  
13 general counsel.

14 Q. Okay. And then in the lower e-mail,  
15 Mr. Ready -- Ready -- I'm sorry -- says: "Yes, sir.  
16 If you don't mind I would like to have Judge Henry  
17 and/or his chief of staff on the line as well in case  
18 it might make things more efficient."

19 So is that -- did you participate on a  
20 phone call around this time that included Judge Henry,  
21 Mr. Ready, and Mr. Oldham?

22 A. Is this a reference to the phone call that we  
23 just -- you just showed me an exhibit on? Paul Ready  
24 sent that e-mail on December 15th. This phone call  
25 happened on December 16th.

1 Q. Right.

2 So that would be the -- the phone  
3 conversation that ensued following this e-mail dated  
4 December 15, 2020, from Mr. Ready to Dale Oldham,  
5 copying you and Judge Henry, right?

6 A. That would be my assumption from the record.

7 Q. Okay. Do you -- okay. Well, I already asked  
8 you about what you remembered on that call, so we can  
9 move on.

10 Let me ask you -- just going to go --  
11 depart from the line of questioning for a minute,  
12 Mr. Drummond.

13 At any point did you have discussions  
14 with Judge Henry about what his objectives were  
15 concerning the 2021 redistricting process?

16 A. I recall a conversation, but the topic wasn't  
17 specifically to go over his objectives. I believe it  
18 was brought up in a conversation.

19 Q. Okay. And what do you remember about that  
20 conversation?

21 A. That he wanted the precincts --

22 THE WITNESS: Sorry, I have to admit  
23 somebody. Okay.

24 A. -- wanted the precincts, the populations, to  
25 be as equal and then wanted a -- this idea of a

1 coastal precinct merging Bolivar Peninsula with  
2 Galveston Island.

3 Q. (BY MR. MANCINO) Anything else?

4 A. And that if it achieved a partisan  
5 all-Republican Commissioners Court, then that would be  
6 acceptable.

7 Q. Okay. And did you understand that last point  
8 to mean that in order to ensure a full Republican  
9 Commissioners Court pop -- the then existing  
10 Precinct 3 would have to be dramatically changed?

11 A. I didn't know how to take that because he --  
12 we hadn't looked and he didn't know what any census  
13 that of -- was at that time. So I didn't know how the  
14 impact would be on the different precincts.

15 Q. Okay. But at some later point in time you  
16 came to understand that there would be a dramatic  
17 change to Precinct 3?

18 A. From my recollection, that happened once the  
19 maps were drawn and discussed.

20 Q. And such a dramatic change did, in fact,  
21 occur to Precinct 3?

22 A. In the approved -- the map that was adopted,  
23 correct.

24 Q. Okay. Do you know what neighborhoods or  
25 communities that had been in the preexisting

1 Precinct 3, which after the adoption of the 2021 map,  
2 were no longer within Precinct 3?

3 A. No, I did not.

4 Q. Okay. You never looked at, compared the maps  
5 between the -- the 2021 approved map and the benchmark  
6 map?

7 MS. OLALDE: Objection just to the --  
8 are you talking about for a particular purpose or -- I  
9 just want to make sure the record is clear, I'm sorry.

10 MR. MANCINO: Yeah, yeah.

11 Q. (BY MR. MANCINO) Comparing them to see what  
12 the changes -- how Precinct 3 was changed from the  
13 benchmark map that existed from at least 2011 as  
14 compared to the approved map in 2021?

15 MS. OLALDE: Objection; vague.

16 But you can answer.

17 A. I did not analyze the maps to see which  
18 communities were moved and placed out of it, but it's  
19 apparent based off of the -- right on the shift in  
20 where the lines were in regards to the new boundaries.  
21 But I never did an analysis to look specifically into  
22 neighborhoods or -- going back to your first question.

23 Q. (BY MR. MANCINO) Okay. Did anybody --

24 MS. OLALDE: Objection --

25 Q. (BY MR. MANCINO) -- do such an analysis?

1 MS. OLALDE: Objection; calls for

2 speculation.

3 A. Yeah, I don't know.

4 Q. (BY MR. MANCINO) Was Mr. Oldham ultimately  
5 retained --

6 MS. OLALDE: Objection; asked and  
7 answered.

8 Q. (BY MR. MANCINO) -- to represent the County?

9 MS. OLALDE: I'm sorry.

10 Objection; asked and answered.

11 Apologize.

12 A. Yes.

13 Q. (BY MR. MANCINO) And when -- when was that  
14 retention made official?

15 A. I don't know the specific date or time.

16 (Speaking simultaneously.)

17 A. It would have been --

18 Q. I'm sorry. It looks like you stopped because  
19 I distracted you, sorry.

20 It would have been?

21 A. On Commissioners Court agenda.

22 Q. Okay. In or around April of 2021 ring a  
23 bell?

24 A. I don't -- I don't remember the specific time  
25 frame.

1 Q. Okay. Who is John Ferguson?

2 A. He is a reporter.

3 Q. In 2021, for whom did he report?

4 A. I believe he worked as a reporter of the  
5 Galveston Daily News. I don't know if it was with any  
6 other publications.

7 Q. Okay. He's now with another news outlet,  
8 right?

9 A. He's now with the Houston Chronicle, from  
10 what I believe.

11 Q. Okay. You keep in touch with him at all?

12 A. I think I may have talked to him once or  
13 twice maybe, less than a handful of times since he's  
14 made the move. He's the night reporter for the  
15 Houston Chronicle so...

16 Q. That's got to be an interesting beat.

17 So -- but coming back to 2021, you  
18 communicated with him about what was going on in  
19 connection with the 2021 redistricting process, right?

20 A. Maybe. I may have. I don't specifically  
21 recall the -- when the communications were and to what  
22 effect.

23 Q. Okay. But you at least remember the fact  
24 that there was some communication at some point in  
25 time with him?



1           A.    There may have, John and I talked frequently.  
2           He was the local reporter that covered County  
3           government in Galveston County.

4           Q.    Okay.  So when he called to -- to chat, you  
5           were responsive to him?

6           A.    Sometimes.

7           Q.    Okay.  Well, depending on what the questions  
8           are, right?

9           A.    Yes.

10          Q.    Okay.  So let's look at --

11                   MR. MANCINO:  Is this Tab 20?  Is it  
12           Tab 20?  I think it's -- yeah.  All right.  Yeah, it's  
13           got to be.

14                   Tab 20, which will become Exhibit 9 on  
15           Mr. Drummond's deposition.

16                   (Marked Drummond Exhibit No. 9.)

17                   MR. MANCINO:  And the cover e-mail at  
18           the top is an e-mail from Mr. Drummond -- I mean, I'm  
19           sorry -- from Mr. Davidson to Mr. Drummond dated  
20           April 7th, 2021, and there's other e-mails in this  
21           chain as well.

22                   THE WITNESS:  Okay.

23                   Q.    (BY MR. MANCINO)  Have you -- what is  
24           Exhibit 9?

25                   A.    Is that what this is, Exhibit 9?

1 Q. Yes.

2 A. A chain of e-mails between John Wayne  
3 Ferguson and our general counsel and our communication  
4 director.

5 Q. Okay.

6 (Discussion off the record.)

7 Q. (BY MR. MANCINO) So Mr. Ferguson, having been  
8 sent a document by Mr. Ready in response to  
9 Mr. Ferguson's request for a copy of the letter  
10 commissioners approved retaining Dale Oldham and  
11 Holtzman Vogel Josefiak Torchinsky for redistricting,  
12 says first, "That was amazingly fast. Thank you."

13 You see that?

14 A. Uh-huh.

15 Q. And then in the e-mail just above it, he  
16 says -- he asks, "Is this the Dale Oldham that worked  
17 with the late Thomas Hofeller?"

18 Do you see that?

19 A. I do.

20 Q. Okay. And then Mr. Davidson then brought you  
21 into the loop, correct?

22 A. He forwarded me the e-mail.

23 Q. Okay. Did you understand what Mr. Ferguson  
24 was asking as it relates to the late Thomas Hofeller?

25 A. I do not believe so.

1 Q. Okay. Have you ever heard of Thomas  
2 Hofeller?

3 A. I may have.

4 Q. Okay. What -- what do you remember having  
5 heard about him?

6 A. I think it may have been involving in  
7 redistricting that he may have been involved in  
8 different parts of the country possibly, a news  
9 article. I can't specifically recall how.

10 Q. Did you have an understanding that Mr. Oldham  
11 worked with Mr. Hofeller before Mr. Hofeller's death?

12 MS. OLALDE: Objection; vague as to  
13 time.

14 A. Yeah, I don't specifically recall.

15 (Discussion off the record.)

16 Q. (BY MR. MANCINO) Do you know whether anybody  
17 got back to Mr. Ferguson concerning his question about  
18 Mr. Hofeller?

19 A. I do not.

20 Sometimes we would -- let me add to  
21 that. Sometimes we would call Mr. Ferguson. Instead  
22 of an e-mail communication back, we'd pick up the  
23 phone and call him.

24 Q. Okay. And then you would look for his  
25 articles in the Daily News, see if -- if you're -- if

1 | you got -- if your name gets mentioned?

2 | A. Yeah. We'd read all the -- we'd read the --  
3 | I read the Galveston Daily News almost on a daily  
4 | basis.

5 | Q. Kind of part of your job, isn't it?

6 | A. Stay on top of what's going on in the  
7 | community.

8 | Q. Yeah.

9 | (Discussion off the record.)

10 | Q. (BY MR. MANCINO) Okay. Let's look at Tab 24.

11 | (Marked Drummond Exhibit No. 10.)

12 | MR. MANCINO: Which is Exhibit 10, and  
13 | it's a -- a news article by Mr. Ferguson dated  
14 | April 7, 2021.

15 | MS. OLALDE: I'm sorry, he doesn't have  
16 | it up yet. I apologize.

17 | THE WITNESS: Yeah, it's not on my  
18 | screen.

19 | MR. MANCINO: I was just reading it into  
20 | the record.

21 | MS. OLALDE: Oh, okay, got you.

22 | MR. MANCINO: Entitled "Galveston County  
23 | turns to GOP consultant for redistricting help."

24 | (Discussion off the record.)

25 | Q. (BY MR. MANCINO) Did you read this article by

1 Mr. Ferguson on or around the date that it was  
2 published?

3 Do you see the reference,  
4 Mr. Ferguson -- I mean Mr. Drummond to -- on the third  
5 page of the exhibit to the effect that Hofeller has  
6 been accused of creating gerrymandered maps in favor  
7 of Republican candidates?

8 A. I do see that.

9 Q. Were you aware of that accusation?

10 A. Prior to reading this?

11 Q. Yes.

12 A. I don't recall.

13 Q. Okay. And then he writes: "Hofeller and  
14 Oldham also were connected to former President Donald  
15 Trump's efforts to exclude non-citizens from the 2020  
16 Census."

17 Do you see that?

18 A. Yes, I do see that.

19 Q. Did you -- had you heard about that before  
20 reading it in this article?

21 A. I don't believe so. I don't recall.

22 Q. Okay. So in the April e-mail exchanges  
23 between -- that occurred with Mr. Ferguson, it  
24 mentioned the commissioner meeting in April regarding  
25 the retention of Mr. Oldham and -- and a law firm.

1 | Does that help center you on when that  
2 | firm was officially engaged?

3 | A. The e-mail from John Wayne Ferguson was  
4 | April 7th asking for a copy of the letter that was  
5 | approved. I still don't know the specific date when  
6 | that was approved.

7 | Q. Okay.

8 | A. I don't know if it was that day or what day  
9 | prior to.

10 | Q. Okay. But fair to say your recollection is  
11 | it was around that time frame?

12 | A. My assumption would be based on this e-mail  
13 | exchange that would have occurred prior to this e-mail  
14 | around that time.

15 | Q. Okay. Did you have any role in -- in  
16 | finalizing an engagement letter with Mr. Oldham?

17 | A. I don't believe so.

18 | Q. Okay. Did you have any role in helping to  
19 | get the engagement of Mr. Oldham and his colleagues  
20 | approved by the Commissioners Court?

21 | A. I don't recall.

22 | Q. Okay. So after that, the engagement of  
23 | Mr. Oldham and his colleagues, what, if anything, were  
24 | you involved in concerning the 2021 redistricting  
25 | process, that you can recall? Like, what was the next

1 thing?

2 A. From my recollection, I -- I feel the  
3 recollection of that there was a big gap or time  
4 period of inactivity based on the -- there were some  
5 kind of fight or some issue with the Census Bureau  
6 releasing data.

7 I don't know what specifics were  
8 involved around that, but I do know there was a delay,  
9 and I know that based off of common knowledge in  
10 reading news articles and -- and whatnot, so I believe  
11 there was a gap.

12 Q. Okay. And then what happened, as far as you  
13 were involved, after that gap period?

14 A. When the -- meaning when the data was finally  
15 released?

16 Q. Yes.

17 A. To get the process -- to get the  
18 redistricting counsel involved in starting the  
19 process.

20 Q. Let's look at Tab 25, Exhibit 11.

21 (Marked Drummond Exhibit No. 11.)

22 MR. MANCINO: Sorry.

23 Q. (BY MR. MANCINO) And you should be seeing an  
24 e-mail to you from Cheryl Johnson dated May 20th,  
25 2021.

1 Did you --

2 A. Can -- is that the total page?

3 MS. OLALDE: You're going to get paper.

4 It's just -- thank you.

5 A. What's below? Okay, I -- I couldn't see the  
6 whole document.

7 Q. (BY MR. MANCINO) Yeah. I'm glad that your  
8 counsel handed you the hard copy.

9 A. Thank you.

10 Q. Did you receive this e-mail from Ms. Johnson  
11 on or about May 20th, 2021?

12 A. That's what the document shows.

13 Q. Okay. And in the third paragraph, she asks  
14 you, Mr. Drummond: "Do you have any timeline  
15 expectations yet?"

16 When you received that, did you  
17 understand that she was referencing redistricting  
18 timeline expectations?

19 A. Possibly.

20 Q. Okay.

21 A. Yeah.

22 Q. And did you respond to her?

23 A. I don't recall. I don't know if there was a  
24 e-mail reply exchanged or a phone call that may have  
25 occurred.



1 Q. Okay. Now, was there any timeline  
2 established, hard or soft, by the County in connection  
3 with the 2021 redistricting process?

4 A. I don't recall.

5 Q. Let's look at Tab 26, Exhibit 12.

6 (Marked Drummond Exhibit No. 12.)

7 MR. MANCINO: And it starts at -- with  
8 an e-mail at the top -- well, it doesn't start, but  
9 there's -- the top e-mail is from Cheryl Johnson to  
10 Robin Eldridge dated May 20th, 2021. And it's Bates  
11 range is DEFS 00004178 through 4180.

12 Q. (BY MR. MANCINO) Do you see what Ms. Johnson  
13 says to Robin Eldridge on the top e-mail of  
14 Exhibit 12, she writes: "No problem. Tyler wrote to  
15 the attorney to obtain a timeline for the County.  
16 Once I have that, I will send to you."

17 Did you, Mr. Drummond, in or around May  
18 of 2021 write to the County's attorney to obtain a  
19 timeline for the completion of the redistricting  
20 process in 2021?

21 A. I don't recall. If I did, it would be in the  
22 records.

23 Q. What records?

24 A. The County e-mail system.

25 Q. Okay. You don't -- you remember seeing

1 any -- any e-mail that shows that you did reach out to  
2 the attorneys to request a timeline?

3 A. Not that I can recall.

4 Q. Okay. Let's look at Tab 67, then. And this  
5 is a privilege log. And I'm focused on the entry 67.  
6 It's at the top of the first page, and I'll represent  
7 to you that this is what -- well, you're an attorney,  
8 so you --

9 A. I'm not an attorney.

10 Q. Well, you studied law, so I -- forget it.  
11 Sorry. Let me start again.

12 This is a page out of a privilege log  
13 that the attorneys who work for the County shared with  
14 us. And Item 67 --

15 A. When you say "Item 67," is that document ID  
16 number 67?

17 Q. Yeah. Yeah. Exactly.

18 MS. OLALDE: It's Page 13.

19 Q. (BY MR. MANCINO) You know, and it's  
20 identifying an e-mail that's being withheld from  
21 production. So we don't have this e-mail.

22 But the privilege note says -- excuse  
23 me -- "Communication from Judge Henry's Chief of Staff  
24 to Galveston County General Counsel, with a copy to  
25 Galveston County Tax Assessor re: requesting update on

1     redistricting counsel's progress."

2                     Do you see that?

3             A.     I do see that.

4                     (Marked Drummond Exhibit No. 13.)

5             Q.     (BY MR. MANCINO) Okay. Does that refresh  
6     your recollection that you were on an e-mail among the  
7     general -- County general counsel and the County tax  
8     assessor regarding an effort to obtain from  
9     redistricting counsel an update on their progress?

10             A.     Refreshes my memory that an e-mail was sent.

11             Q.     Okay.

12             A.     But as to --

13             Q.     Did you ever get any update on what the  
14     progress was in -- toward the end of May 2021 --

15             A.     I don't --

16             Q.     -- in the work of the attorneys preparing the  
17     2021 redistricting maps?

18                     MS. OLALDE: Objection; vague. I assume  
19     you're asking as to time.

20                     MR. MANCINO: I'm sorry?

21                     MS. OLALDE: Objection; vague. And I  
22     just want to make sure you're asking as to time only,  
23     correct, not communications?

24                     MR. MANCINO: Yeah. For now, yeah.

25             A.     The log shows that there was an exchange of

1 e-mails back and forth from the same subject line,  
2 so...

3 Q. (BY MR. MANCINO) Uh-huh.

4 And do you see that same subject line  
5 coming up in other log entries here?

6 A. Yes.

7 Q. Okay. So in this time frame of late  
8 May 2020, having looked at these --

9 A. 2021.

10 Q. -- communications -- 2021. Let me start  
11 again.

12 So, Mr. Drummond, having in mind these  
13 communications we've just looked at, including the log  
14 entry, can you tell me whether there existed a  
15 timeline around this late May 2021 period for the  
16 completion of the 2021 redistricting maps by the  
17 County's consultants?

18 A. You're asking me looking at this log if I can  
19 tell you if there was a timeline developed?

20 Q. Yeah.

21 A. I can't tell you based on looking at this  
22 log. I can't recall.

23 Q. Okay. But -- so as you sit here today, you  
24 still don't recall whether there was a timeline?

25 MS. OLALDE: Objection; vague as to

1 | time.

2 | A. Yeah. I don't know.

3 | Q. (BY MR. MANCINO) Okay. Now, do you know when  
4 | the candidate filing deadline was for the March 2022  
5 | primary elections?

6 | A. I know the time period.

7 | Q. Okay. What's your understanding?

8 | A. From my understanding, it's generally from  
9 | mid-November to mid-December. It's about a 30-day  
10 | period.

11 | Q. Okay. And -- and -- and that's the -- a --  
12 | around a 30-day period in which candidates need to  
13 | file if they're going to run for an office?

14 | A. From my understanding, yes.

15 | Q. Okay. And was it your understanding that in  
16 | order to be ready for that filing candidate time  
17 | frame, November to December, the maps had to be in  
18 | place before then?

19 | A. No. I didn't know specific timelines that if  
20 | they had to be done at the beginning or if it could be  
21 | done in the middle or towards the end, I didn't -- I  
22 | didn't know.

23 | Q. Okay. So is it fair to say it wasn't your  
24 | job to be worrying about how quickly or how slowly the  
25 | redistricting map drawing process was going?

1 A. This project was assigned to counsel at this  
2 time and there was no data from the Census Bureau, so  
3 there --

4 Q. Okay. So you -- you -- it wasn't your job to  
5 worry about a timeline, then.

6 Is that what you're telling me?

7 MS. OLALDE: Objection; asked and  
8 answered. And objection; vague as to time.

9 A. At this time we didn't know if we were even  
10 going to get census data or if redistricting could be  
11 taking place that year.

12 Q. (BY MR. MANCINO) Okay. Did there come a time  
13 that you got census data?

14 A. Yeah. We received it at some point or it got  
15 released at some point.

16 Q. Okay. When was the date -- census data  
17 released?

18 A. I don't recall the specific dates. I do  
19 recall the time frame. Maybe late summer, early fall.

20 Q. Of 2021?

21 A. Yes, sir.

22 Q. Okay. Let's go to Tab 29.

23 (Marked Drummond Exhibit No. 14.)

24 MR. MANCINO: And this will be

25 Exhibit 14.

1 Q. (BY MR. MANCINO) What is Exhibit 14,

2 Mr. Drummond?

3 A. An e-mail to myself from a link to the -- to

4 a website, census.gov.

5 Q. And what was in that link?

6 A. Based on towards the end of the e-mail, it

7 would have been redistricting file Texas.

8 Q. Okay. And why were you accessing and copying

9 that -- that link in your August 13, 2021, e-mail to

10 yourself, which is Exhibit 14?

11 A. I don't recall.

12 Q. You don't -- did you -- did you access the

13 data through that link?

14 A. I do recall opening it and not knowing how to

15 navigate through the system. It's pretty complicated,

16 what they publish.

17 Q. So why -- why did you e-mail it to yourself?

18 A. I -- I don't recall why.

19 Q. Okay. You weren't going to do anything with

20 it, were you?

21 A. No.

22 Q. Okay. Did you -- once you saw that link and

23 that data was released, did you reach out to anyone to

24 talk about how this will affect the redistricting

25 process timeline?

1 A. Possibly. I don't recall.

2 Q. Did you have conversations with anyone on  
3 that subject?

4 A. About the release of the data?

5 Q. Yeah.

6 A. Possibly with counsel.

7 Q. Which counsel?

8 A. Redistricting counsel.

9 Q. And remind me who that is?

10 A. Dale Oldham.

11 Q. Okay. And who -- and was he working with  
12 other attorneys?

13 A. I do know we retained a law firm in addition  
14 to his legal services.

15 Q. Okay. Do you remember the name?

16 A. I don't remember their full name. I just  
17 know they're referred to Holtzman Vogel.

18 Q. Okay.

19 A. I think there's more names that go with it.

20 Q. Well, that's good enough that you remembered  
21 two.

22 A. Yeah.

23 Q. So -- now, did you discuss the census data --  
24 census data with Commissioner Apffel in or around  
25 August of 2021?



1           A.    Well, I didn't -- I couldn't access it.  I  
2    didn't know what I was looking at.

3           Q.    Did you send him the link?  Do you know?

4           A.    I don't recall.

5           Q.    Did you share the link with anyone else, any  
6    other commissioner, that is?

7           A.    I don't recall.

8           Q.    Okay.  Let's go to Tab 31.

9                               (Marked Drummond Exhibit No. 15.)

10          Q.    (BY MR. MANCINO)  Exhibit 15.

11                               Exhibit 15, Mr. Drummond, is an e-mail  
12    from Cheryl Johnson to the commissioners attaching  
13    voter counts in their precincts districts.

14                               Now, I'm not sure that you're on this  
15    e-mail, Mr. Drummond.

16                               But let me ask you:  Did you in or  
17    around late August 2021 see any current voter counts  
18    in the commissioners precincts/districts?

19          A.    I don't recall receiving this or seeing that  
20    data.

21          Q.    Okay.  And you see the attachment, what -- is  
22    that the data you're referring to?

23          A.    Yes, sir.

24          Q.    Okay.  Is -- so Ms. Johnson sent this to an  
25    address that's commissioners.

1                   Is there an e-mail address within the  
2 County that goes to all the commissioners  
3 automatically?

4           A.    Maybe.  IT would -- information technology is  
5 the one that manages e-mail addresses and LISTSERVs.

6           Q.    Okay.  Now, she says in this e-mail, "I hope  
7 this helps you moving forward" -- strike that.

8                   As the census data was released in  
9 August of 2021 -- we've established that, correct?

10          A.    From what you've shown me, yes.

11          Q.    Okay.  Once that came out, what's the next  
12 thing that you were involved in as it relates to the  
13 2021 redistricting process?

14          A.    From my recollection there was -- I don't  
15 know if this was corrected in the release in August or  
16 not, but there was still issues with data that was  
17 released.  So I don't know if that's within the same  
18 time period that this data was released in August or  
19 if that was maybe a different release that happened  
20 earlier in the year.

21          Q.    Uh-huh.

22          A.    I don't know if you know what I'm referring  
23 to, about regards to the detailed data of release from  
24 the census.

25          Q.    Okay.

1 A. I think there's disputes going on in the  
2 federal court system over it.

3 Q. Now, how did you come to get an understanding  
4 about those issues relating to the census data?

5 A. Reading politico.com and different websites  
6 that I kind of routinely just read for my own kind of  
7 news gathering.

8 Q. Okay. Now, did there come a time that that  
9 issue sorted itself out, that issue with the data that  
10 you just referenced?

11 A. It did. I just don't know when --

12 Q. Okay.

13 A. -- if it was in August or later. Yeah.

14 Q. Okay. So let's assume it was after the --  
15 the date on which the census data was first released  
16 in August, so that gets -- that issue gets resolved  
17 somehow, right?

18 A. I -- from my understanding, yes.

19 Q. Okay. And what did you do next in -- as it  
20 relates to your involvement in the 2021 redistricting  
21 process?

22 A. From my recollection, reached out to our  
23 general counsel and asked them to get moving on  
24 redistricting.

25 Q. And did you do that?

1 MS. OLALDE: Objection; asked and  
2 answered.

3 A. I -- I believe I did, but, you know, I can't  
4 specifically recall. I'm under the belief that I did  
5 do that.

6 Q. (BY MR. MANCINO) Okay. Let's look at Tab 32.  
7 (Marked Drummond Exhibit No. 16.)

8 Q. (BY MR. MANCINO) Exhibit 16. And this is  
9 a -- a document accepting a conference call re  
10 redistricting with attendees Judge Henry, Commissioner  
11 Apffel, Paul Ready, and Dale Oldham, and I'm showing  
12 as the organizer Seth Collins and attendees Dianna  
13 Martinez and Tyler Drummond dated September 8th, 2021.

14 Did you participate on this conference  
15 call?

16 A. I believe so, yes.

17 Q. What was the subject matter of the call  
18 beyond redistricting?

19 A. Redistricting.

20 Q. I'm sorry?

21 A. The subject would have been redistricting.

22 Q. Okay. Do you recall whether any specific  
23 topic concerning redistricting was discussed on this  
24 call?

25 A. No, I do not.

1 MS. OLALDE: Objection --

2 THE WITNESS: Sorry.

3 MS. OLALDE: He answered.

4 A. No, I don't recall.

5 Q. (BY MR. MANCINO) Okay. Did anyone -- did you  
6 make any notes concerning this call?

7 A. No.

8 Q. Did you write any e-mails to yourself as an  
9 aide-memoire concerning what was discussed on the  
10 call?

11 A. I don't recall.

12 Q. Okay. Does anyone keep minutes of calls like  
13 this?

14 A. No.

15 Q. Okay. Is there a reason why nobody keep --  
16 takes notes or keeps minutes, in your experience, when  
17 there's discussions among the commissioners and staff?

18 A. I don't know.

19 Q. Have you ever been instructed that you should  
20 not make notes and keep notes?

21 A. No.

22 Q. Okay. So this shows a call on September 8th,  
23 correct, 2021?

24 A. Yes, sir.

25 Q. All right. Let's go to the next tab,

1 Exhibit 17.

2 (Marked Drummond Exhibit No. 17.)

3 Q. (BY MR. MANCINO) This is Tab 33, and this  
4 reflects a conference call with Paul Ready and Dale  
5 Oldham re redistricting. It says it's tentative,  
6 September 13th, 2021.

7 You're not listed as an attendee,  
8 Mr. Drummond. Any reason to -- why you wouldn't have  
9 been invited to a call about redistricting with  
10 Mr. Oldham?

11 (Discussion off the record.)

12 MR. MANCINO: Oh, 32-A, I'm sorry.

13 Thank you.

14 A. I'm sorry, can you repeat the question?

15 Q. (BY MR. MANCINO) I was just wondering why --  
16 if you know, why you were not included as an attendee  
17 on this call.

18 A. Because I wasn't responsible for  
19 redistricting. I'm not an attorney.

20 Q. Let's take a few-minute break, because I want  
21 to pare down my exhibits, if I can.

22 MS. OLALDE: Okay.

23 THE VIDEOGRAPHER: The time is 12:03.

24 Off the record.

25 (Break from 12:03 p.m. to 12:16 p.m.)

1 THE VIDEOGRAPHER: The time is 12:16.

2 Back on the record.

3 Q. (BY MR. MANCINO) Okay. So, Mr. Drummond,  
4 before we broke, we -- we looked at two exhibits, 16  
5 and 17, showing that phone calls were set up with  
6 certain individuals in attendance.

7 And Exhibit 16 is one, I think dated  
8 September 8, 2021, in which you were an attendee, and  
9 we talked about that.

10 And then Exhibit 17 is a call that was  
11 scheduled for September 13, 2021, to which you were  
12 not invited, and your explanation as to why you  
13 weren't invited to that second call reflected in  
14 Exhibit 17 is that -- is because you're not an  
15 attorney, right?

16 A. No. Going back to what I said on the record  
17 was that I'm -- I -- this wasn't a project I was in  
18 charge of and that I'm not an attorney.

19 Q. Okay.

20 A. Both;

21 Q. But on other occasions, they -- somebody saw  
22 fit to invite you and draw you into a conversation  
23 concerning the redistricting process. Why would that  
24 be?

25 MS. OLALDE: Objection; calls for

1 speculation.

2 A. I don't know.

3 Q. (BY MR. MANCINO) Okay. But you did

4 participate in more than one conversation with

5 Mr. Ready, with Mr. Oldham, with Judge Henry and

6 perhaps other commissioners about the redistricting

7 process, correct?

8 A. Yes.

9 Q. Okay. And -- and in those in which you --

10 those conversations in which you participated, you

11 took no notes, drafted no memos, sent no e-mails to

12 yourself concerning what was discussed, correct?

13 A. I believe so, yes.

14 Q. Okay.

15 A. Correct.

16 Q. So looking at September 17th, which is the

17 record of -- of a conference call to which you were

18 not invited, would you have seen --

19 A. I don't have that.

20 MS. OLALDE: Which exhibit was that?

21 MR. MANCINO: Exhibit 17.

22 MS. OLALDE: 17. So I had it at the

23 bottom. There you go.

24 THE WITNESS: I'm sorry, I thought you

25 said exhibit -- September 17th.



1 MS. OLALDE: He may have.

2 MR. MANCINO: Yeah. No, Exhibit 17.

3 THE WITNESS: I apologize.

4 MR. MANCINO: Okay. No, that's quite  
5 all right.

6 Q. (BY MR. MANCINO) So this is a conference  
7 call with Paul Ready and Dale Old -- Oldham. Would  
8 you have seen this on the County's calendar, that this  
9 conference call had been scheduled, even -- even  
10 though you were not invited?

11 A. No.

12 Q. Okay. So there were conferences with  
13 Mr. Oldham involving Judge Henry to which you were not  
14 invited, correct?

15 MS. OLALDE: Objection; asked and  
16 answered.

17 A. I don't know. Maybe.

18 Q. (BY MR. MANCINO) Okay. Did Judge Henry  
19 report to you following a conference call like that to  
20 tell you what had been discussed?

21 A. I don't recall.

22 Q. Okay. All right. So we're into mid to late  
23 September 2021, at least in the flow of the exhibits,  
24 so what I want to get -- get you to focus on briefly  
25 again is this question of a timeline for completing

1 the redistricting process.

2 | And if we could pull up Exhibit 13  
3 | again?

4 | (Discussion off the record.)

5 | Q. (BY MR. MANCINO) And it's the privilege log  
6 | exhibit, and it's -- and your copy, Mr. Drummond,  
7 | would be Page 15, so I'm look -- Item 73 is the  
8 | document ID.

9 | Are you there yet?

10 | A. Yes, sir.

11 | Q. Okay. In the -- so this is -- the date given  
12 | is September 18th, 2021, 6:55 p.m. It's an e-mail  
13 | from you, Tyler Drummond, to Paul Ready. And then you  
14 | see the file name, author, redistricting.mag.

15 | Does that mean anything to you?

16 | A. No.

17 | Q. Okay. Now, look at the privilege note. It  
18 | says: "Communication from Judge Henry's chief of  
19 | staff" -- that's you -- "to Galveston County general  
20 | counsel re concerns about redistricting legal strategy  
21 | in relation to census data and legal questions about  
22 | redistricting's interplay with County public hearing  
23 | requirements."

24 | What was the -- what did you understand  
25 | the interplay between redistricting with County --

1 County public hearing requirements, independent of  
2 your communication with Mr. Ready?

3 A. I don't know. I didn't write that note.

4 Q. Okay. Were you getting worried in mid to  
5 late September 2021 that the redistricting process was  
6 dragging on and that you might run out of time?

7 A. I don't recall.

8 Q. Okay. I mean, I -- I know you said -- you  
9 say you weren't involved in the redistricting process  
10 because you're not an attorney, but you were the  
11 chief -- the -- Judge Henry's chief of staff.

12 So would that be the sort of thing you  
13 would worry about --

14 MS. OLALDE: Objection --

15 Q. (BY MR. MANCINO) -- and, you know, and talk  
16 to Judge Henry about if you thought that, you know,  
17 the timeline is -- is -- is -- is not being realized?

18 MS. OLALDE: Objection; vague, compound,  
19 and misstates prior testimony.

20 A. If I had the concern, I would have raised it.

21 Q. (BY MR. MANCINO) Okay. And at any point, you  
22 know, starting from mid-2021 until the end of 2021,  
23 did you harbor concerns about whether or not a  
24 timeline to complete the redistricting process could  
25 be met?

1 A. I don't recall.

2 Q. Okay.

3 MR. MANCINO: Why don't we break at that  
4 point --

5 MS. OLALDE: Okay.

6 MR. MANCINO: -- and, you know, go have  
7 lunch and then come back refreshed.

8 THE VIDEOGRAPHER: The time is 12:24.  
9 Off the record.

10 (Break from 12:24 p.m. to 1:17 p.m.)

11 THE VIDEOGRAPHER: The time is 1:17.  
12 Back on the record.

13 Q. (BY MR. MANCINO) Good afternoon,  
14 Mr. Drummond.

15 A. Good afternoon.

16 Q. Now, I know you're not a practice --  
17 practicing attorney, but I'm going to ask these  
18 questions in your capacity as an employee of the  
19 County and the judge's chief of staff. Okay?

20 In connection with the 2021  
21 redistricting process, was Galveston County under a  
22 legal obligation to hold a public hearing to -- for  
23 the purpose of allowing the public to comment on  
24 proposed maps?

25 MS. OLALDE: Objection to the extent it

1 calls for a legal conclusion.

2 A. I don't know.

3 Q. (BY MR. MANCINO) Speak up, please.

4 A. I don't know.

5 Q. You don't know. Okay.

6 Well, was it the County's practice to  
7 hold a public hearing on matters of significance such  
8 as the consideration of adopting redistricting maps?

9 A. Not to my knowledge.

10 Q. Okay. If a special hearing -- or is it  
11 called a special meeting?

12 A. Meeting.

13 Q. Okay. In -- in the case of a special  
14 meeting, does public notice need to be accomplished in  
15 advance of the meeting?

16 A. Yes.

17 Q. Okay. What are -- what are the guidelines  
18 relating to that notice, as far as you understand  
19 them?

20 A. 72-hour public notice requirement.

21 Q. Okay. And do you have a role within the  
22 County in connection with those public notices?

23 A. No.

24 Q. You don't review them?

25 A. The notification?

1 Q. Yes.

2 A. I do not post them or publicize them.

3 Q. Okay. And where are they posted?

4 A. At the courthouse -- county courthouse, the  
5 front steps, there's a bulletin board where public  
6 notices are posted. And then it is sent out and  
7 distributed through a LISTSERV on -- that's managed  
8 through Dianna Martinez in our office.

9 Q. Okay. And the County courthouse is in  
10 Galveston city?

11 A. The County courthouse is in Galveston,  
12 correct.

13 Q. Okay. Okay. Now, in connection with -- is  
14 it the case that a public meeting was held to consider  
15 the two maps proposed by the County in connection with  
16 the 2021 redistricting process?

17 A. There was a Commissioners Court meeting,  
18 correct.

19 Q. Okay. Were you involved in setting up that  
20 meeting in any way?

21 A. What do you mean by "setting up"?

22 Q. Arranging for a place to hold the meeting,  
23 for example.

24 A. No. I -- the special meeting's designated  
25 where it always takes place.

1 Q. And that is where?

2 A. In League City.

3 Q. And where specifically in League City?

4 A. Some would call it the North County Annex  
5 some call it the Calder Annex. It's the same thing.

6 Q. Okay.

7 A. Uh-huh.

8 Q. Now, in connection with the public meeting  
9 connected with the 2021 redistricting process that you  
10 just mentioned, did you have any involvement in  
11 drafting the meeting notice or agenda?

12 A. Drafting, no.

13 Q. Yes.

14 Did you have any role in reviewing,  
15 commenting on, editing that notice and agenda?

16 A. In reviewing, yes.

17 Q. Okay. And so you did review it?

18 A. I review -- yes, in connection to my job.

19 Q. Okay. Who prepared the initial draft?

20 A. That would be our office coordinator, Dianna  
21 Martinez.

22 Q. Okay. Who besides yourself reviewed it?

23 A. That, I do not specifically know or remember  
24 who else would have reviewed it.

25 Q. With respect to that specific notice and

1 agenda, did you have any comments?

2 A. Not that I can recall.

3 Q. Okay. Let's go to Tab 40, which will be, I  
4 believe, Exhibit 18.

5 (Marked Drummond Exhibit No. 18.)

6 (Discussion off the record.)

7 Q. (BY MR. MANCINO) Mr. Drummond, you're going  
8 to have handed to you Exhibit 18 on your deposition.  
9 And it's a -- it's a multipage document, the first  
10 page of which is an e-mail from Veronica Van Horn to  
11 Paul Ready, copying you, dated October 26, 2021.

12 And the subject says "RE: 2010 census  
13 redistricting order." And then in the body of the  
14 e-mail, it lists a number of documents, a copy of  
15 which is attached to this e-mail.

16 And, you know, just glance through just  
17 to get a feel for what's attached, because I don't  
18 have many questions on the attachments, if any.

19 Have you seen this e-mail before,  
20 Exhibit 18?

21 A. I don't specifically recall it, but it says  
22 here I was copied on it.

23 Q. Okay. What's this about? Why -- why -- why  
24 was this information compiled in this e-mail?

25 A. I don't recall.



1 Q. Who -- did you have conversations with  
2 Mr. Ready about whether somebody was requesting  
3 documentation concerning the 2010 map drawing process?

4 MS. OLALDE: I'm going to object to the  
5 extent your answer would include privileged  
6 attorney-client communications, and instruct you not  
7 to answer to that extent.

8 A. I don't know why I was copied on that e-mail  
9 from Veronica.

10 Q. (BY MR. MANCINO) Okay. And as you told us  
11 earlier, you had really no knowledge about what  
12 happened in 2010 and 2011 with respect to the  
13 redistricting process that took place in that time  
14 frame?

15 A. It's something I never dove into or got  
16 briefed on in my capacity.

17 Q. Okay. Let's go to Tab 41, Exhibit 19.

18 A. Are you done with this?

19 Q. Yeah.

20 A. Okay.

21 (Marked Drummond Exhibit No. 19.)

22 Q. (BY MR. MANCINO) Exhibit 19 is an e-mail  
23 dated October 29, 2021, from Zach Davidson to Tyler  
24 Drummond, CC'ing Jed Webb. And the subject is:  
25 "Public Comment Webpage," Bates No. DEFS 00003891.

1 Do you recognize this e-mail,  
2 Mr. Drummond?

3 A. I do.

4 Q. What is it?

5 A. It's an outline of information to be listed  
6 on creating a public comment page on the County's  
7 website.

8 Q. Were you involved in setting up that portal?

9 A. I was involved --

10 Q. For -- for public comment web page.

11 A. I was involved in directing staff to get it  
12 set up.

13 Q. Okay. And what did that entail?

14 A. Directing them to get with IT and put the  
15 information as outlined here on the website.

16 Q. Okay. And what was the purpose of  
17 establishing that public comment web page?

18 A. To give a medium for the public to see the  
19 proposed maps and to provide public comment.

20 Q. Okay. Did that web page get up and running  
21 at any point in time?

22 A. From my recollection, yes.

23 Q. Do you know when?

24 A. I do not remember.

25 Q. Okay. Was anyone tasked with tracking

1 | comments as they came in onto the web page?

2 | A. Tracking? I don't know if it was -- is the  
3 | term I would define it as in the task.

4 | Q. What term would you use?

5 | A. Manage, receive, and just compile the  
6 | comments as they were coming in.

7 | Q. Okay. And then who was responsible for --  
8 | for doing that compilation?

9 | A. That would be the individual who e-mailed me  
10 | here, Zachary Davidson.

11 | Q. Okay. And do you know in what manner Zachary  
12 | Davidson compiled comments?

13 | MS. OLALDE: Objection; calls for  
14 | speculation.

15 | A. Yeah, I don't.

16 | Q. (BY MR. MANCINO) I'm sorry?

17 | A. I don't know. I don't recall.

18 | Q. Okay. Did you ever see a collection of all  
19 | of the comments that were submitted to the web page?

20 | A. I believe I did see a -- the stack of them, a  
21 | physical copy of them.

22 | Q. Okay. And -- and who prepared the stack for  
23 | you to look at?

24 | A. Would have been Zach Davidson.

25 | Q. Okay. At -- at your request?

1 A. I don't recall.

2 Q. Well, why did -- why did he get you a stack  
3 of the -- of some of the comments submitted through  
4 the web page?

5 MS. OLALDE: Objection; misstates  
6 testimony.

7 A. Yeah, I didn't say he said some. I said he  
8 compiled the printout of all the comments.

9 Q. (BY MR. MANCINO) Uh-huh.

10 A. And I'm saying I don't recall because I could  
11 have requested it, or he could have done it on his  
12 own.

13 Q. Okay. What did you do with the compilation?

14 A. I believe I reviewed some of them.

15 Q. And anything else?

16 A. Not that I can recall.

17 Q. Did -- did you or anyone, to your knowledge,  
18 review the comments that were coming in on the web  
19 page and, in turn, tallying up which comment was in  
20 favor of the proposed plan -- or, a proposed plan and  
21 which comment was in opposition?

22 A. No. No, I didn't do that.

23 Q. Okay. Did you ever see anything like that?

24 A. Maybe. Not that I can recall, though.

25 Q. Okay. When -- when did you get the

1 compilation of comments which you reviewed?

2 A. I don't recall when I would have received  
3 them.

4 Q. Okay. Was it after the meeting was held?

5 A. I don't specifically recall the timeline.

6 Q. Okay. Did you brief -- excuse me -- brief  
7 Judge Henry on the content of any of the comments?

8 A. I don't recall. Maybe. I could have.

9 Q. But you don't know one way or the other if  
10 you did so?

11 A. Correct. I'm not saying no, because I may  
12 have. I don't remember.

13 Q. Okay. Let's go to Tab 42, Exhibit 20.

14 (Marked Drummond Exhibit No. 20.)

15 (Discussion off the record.)

16 MR. MANCINO: Exhibit 20.

17 MS. OLALDE: Actually, I'm sorry, let me  
18 write -- so we don't get them mixed up.

19 Q. (BY MR. MANCINO) Let's focus on the cover  
20 e-mails first. And at the top, it's an e-mail from  
21 Paul Ready to you, Mr. Drummond, copying Ms. Van Horn.  
22 Subject is: "Forwarding: modified inventory."

23 I've written over it. And it looks like  
24 there's attachments to it referencing precinct maps.

25 Do you recognize these -- the e-mails

1 that are on the first page of Exhibit 20?

2 A. Yeah.

3 Q. What is it?

4 A. Information required -- from my  
5 understanding, it's information required for Nathan to  
6 post the maps through his GIS system on the County's  
7 website.

8 Q. Okay. And what -- what's the GIS system?

9 A. It's a -- it's a mapping system, from my  
10 understanding.

11 Q. Okay. And what -- so Nathan Sigler was  
12 involved in the mapping process?

13 A. Nathan Sigler is the County's GIS technician,  
14 and to the extent of this e-mail, he was from my  
15 recollection getting the Map 1 and Map 2 published on  
16 the County's website through the GIS system.

17 Q. Okay. And if you turn the page, you'll see  
18 some maps here. You may have to page through a little  
19 bit.

20 A. There's no maps.

21 Q. Here, hand it to me. I'll help you out.

22 (Discussion off the record.)

23 MS. RICHARDSON: It's on the second page  
24 of the electronic version.

25 MR. MANCINO: Oh, is the electronic

1 version up?

2 MS. OLALDE: It is.

3 Q. (BY MR. MANCINO) Oh, okay. Take a look at  
4 that. That's the official Exhibit 20.

5 Do you recognize these -- the maps there?

6 A. I only see one map on my screen.

7 Q. Yeah, scroll down.

8 A. Yes.

9 Q. Did you look at these maps at or around the  
10 time you received the e-mail from Mr. Ready?

11 A. Possibly.

12 Q. Okay. Did you discuss the -- these maps with  
13 anybody?

14 A. Not to my recollection.

15 Q. Okay.

16 A. I'm trying to recall if this was the first  
17 time I saw the maps.

18 Q. Okay.

19 A. I can't seem to remember if this was the  
20 first time or not.

21 Q. Okay. This is October 29, 2021.

22 So with that date in mind, do you think  
23 that the maps attached to Exhibit 20 are the maps that  
24 ended up being posted on the County's website --

25 MS. OLALDE: Objection --

1 Q. (BY MR. MANCINO) -- or web page?

2 MS. OLALDE: Objection; calls for  
3 speculation.

4 A. It's the information I provided to Nathan to  
5 put on the website.

6 Q. (BY MR. MANCINO) Okay.

7 A. Yeah.

8 Q. For purposes of depicting the -- the two  
9 proposed maps on the web page?

10 A. Correct.

11 Q. Got it.

12 A. I didn't have any other thing to give him  
13 other than what was provided here.

14 Q. Okay. Let's go to Tab 43, Exhibit 21.

15 (Marked Drummond Exhibit No. 21.)

16 Q. (BY MR. MANCINO) Which at the top is an  
17 e-mail from Paul Ready to you and Ms. Van Horn  
18 forwarding Map 1 and Map 2 boundary files, also dated  
19 October 29, 2021; this one at 12:10 p.m.

20 Were you a recipient of the -- of this e-mail?

21 THE WITNESS: It's a different one.

22 MS. OLALDE: Yeah. I'm waiting for this  
23 one.

24 A. Yes. This was sent to me and Veronica  
25 Van Horn.



1 Q. (BY MR. MANCINO) And in -- in the version of  
2 this e-mail that you received, it had attachments,  
3 correct? Data concerning Map 1 and Map 2?

4 A. Yes. There's two ZIP files -- ZIP files  
5 attached.

6 Q. All right. And did you follow Mr. Ready's  
7 request and forward that material in the e-mail to  
8 Nathan?

9 A. I don't recall. I believe so.

10 MR. MANCINO: Let's go to Tab 44,

11 Exhibit 22.

12 Q. (BY MR. MANCINO) At the top it has a e-mail  
13 from -- well, it's from Mr. Oldham's e-mail address  
14 dated October 29, 2021, 2:48 p.m., copying Tom Bryan,  
15 geodemo.com or Tom at bryangeodemo.com and forward  
16 missing files from Map 1 and attachments Map 2 files  
17 JPG Map 1 files JPG.

18 And then below that is an e-mail in which  
19 you're copied, Mr. Drummond. Do you see that?

20 (Marked Drummond Exhibit No. 22.)

21 A. Yes, I'm copied on the e-mail on  
22 October 29th.

23 Q. Okay. And what was -- what's your  
24 understanding of what Mr. Sigler was communicating in  
25 his e-mail to Dale Oldham?

1 A. Says "We're missing the cpg. and dbf. file."

2 Q. Yeah. Did those end up getting delivered?

3 A. I don't recall.

4 Q. Okay. And in Nathan's e-mail to Dale, he

5 says, "It was a pleasure speaking with you."

6 Were you -- were you on that call?

7 A. I don't recall.

8 Q. Okay. And you see the -- the CC to that, Tom

9 at bryangeodemo.com. I believe that's a reference to

10 Tom Bryan. Have you heard that name before?

11 A. I don't recall. Possibly.

12 Q. But nothing -- it doesn't ring a bell?

13 A. The name rings a bell, but I don't know

14 definitively why or how.

15 Q. Why or how? I'm not --

16 A. Like, I don't know -- so the name, I may

17 have -- the name may be familiar. I'm just trying to

18 remember what -- what his capacity was --

19 Q. Okay.

20 (Speaking simultaneously.)

21 A. -- process.

22 Q. (BY MR. MANCINO) So nothing is coming to

23 mind?

24 A. I'd have to speculate to do that.

25 Q. Okay. Tab 45, which is going to be

1 Exhibit 23, is another series of e-mails, the second  
2 one of which you're copied on.

3 The top one is from Mr. Sigler to  
4 Mr. Davidson, subject, FW Modified Inventory, Bates  
5 DEFS 00028192.

6 (Marked Drummond Exhibit No. 23.)

7 Q. (BY MR. MANCINO) Again, my question to you,  
8 Mr. Drummond, is do you recognize Exhibit 23 and the  
9 attachments?

10 A. I don't know if I was on the e-mail with the  
11 attachments. You see Nathan sent this e-mail  
12 October 29th at 1:22 p.m. to Zachary Davidson --  
13 actually to Zachary Smith, copied me on it, modified  
14 inventory.

15 I don't see where attachments are had  
16 there. And at the top the e-mail that you're  
17 referencing is dated shortly thereafter, 2 minutes  
18 later, where he just sends it to Zach with the  
19 attachments and I'm not copied this time.

20 Q. Okay.

21 A. So I don't recall if I remember seeing these  
22 attachments or not.

23 Q. Yeah. Well, on the e-mail you're referencing  
24 on which you're a copy recipient and the one below it  
25 on which you're a copy recipient --

1 (Speaking simultaneously.)

2 A. Is that the one we just looked at?

3 Q. (BY MR. MANCINO) It says, "Note, please see  
4 attached." And then -- so, I mean, does that refresh  
5 your memory that you had probably received an e-mail  
6 with attachments?

7 A. It's a possibility, yes.

8 Q. All right. Let's go to Tab 46, Exhibit 24.

9 (Marked Drummond Exhibit No. 24.)

10 Q. (BY MR. MANCINO) At the top an e-mail from  
11 Tom at bryangeodemo.com to Dale Oldham and several  
12 other people.

13 (Discussion off the record.)

14 Q. (BY MR. MANCINO) Now, you're on in -- in the  
15 first e-mail of this chain, you're a copy recipient?

16 A. I don't -- I'm just on the first page. Okay.

17 Q. Well, on -- look at the Bates No. 11260. So  
18 it would be like the third page.

19 A. You're referencing the e-mail from Jed Webb?

20 Q. Yes.

21 A. Yes, I'm copied on that.

22 Q. Okay. Two questions, really. First, why --  
23 why are you still being copied on these e-mails when  
24 you weren't involved in the redistricting process?

25 MS. OLALDE: Objection; calls for

1 speculation.

2 A. I don't know why Jed attached me to that  
3 e-mail.

4 Q. (BY MR. MANCINO) And the second question is,  
5 there's another reference to Tom Bryan. Does that  
6 help in any way to refresh your memory as to who he  
7 was?

8 A. Only speculation of who -- who he was.

9 Q. Okay. Well, in this case, we'll take it for  
10 what it's worth. What's your speculation?

11 A. They had some involvement with redistricting  
12 with Dale.

13 Q. Okay. But you don't know for sure?

14 A. A hundred percent, no.

15 Q. All right. So when you received this e-mail  
16 and any attachments did you, you know, spend any  
17 significant time reviewing it?

18 A. No. I was out of town during this time  
19 period.

20 Q. Where were you?

21 A. New Hampshire.

22 Q. Oh. On vacation?

23 A. My father and brother are -- their birthdays  
24 are October 23rd and 24th, and so I was home visiting  
25 my family and celebrating their birthdays.

1 Q. Oh, nice. Oh -- oh, how many days were you  
2 away?

3 A. Maybe a week.

4 Q. Okay. Let's look at Tab 46-A and I guess  
5 that will be Exhibit 25.

6 (Marked Drummond Exhibit No. 25.)

7 Q. (BY MR. MANCINO) Have you seen Exhibit 25  
8 before, either in this form or in a virtual form?

9 A. Yeah, I've seen the post.

10 Q. Okay. What is it?

11 A. It's a Facebook post from Judge Henry's  
12 campaign page.

13 Q. And what -- what's the -- the post  
14 concerning?

15 A. Redistricting.

16 Q. And what's depicted on the first page of  
17 Exhibit 25?

18 A. Maps 1 and 2.

19 Q. And are these the two maps that were  
20 submitted to the Commissioners Court for review and  
21 approval as part of the 2021 redistricting process?

22 A. I believe so.

23 Q. Okay. Did you have any role in helping Judge  
24 Henry prepare this post?

25 MS. OLALDE: I'm going to object that

1 this is a campaign issue and instruct the witness not  
2 to answer on the basis of First Amendment privilege.

3 MR. MANCINO: It's a campaign issue? In  
4 the sense that Judge Henry was campaigning for these  
5 maps?

6 MS. OLALDE: He testified that this is  
7 his campaign page, and that's why I made the  
8 objection.

9 MR. MANCINO: Okay. Well, we don't  
10 accept that objection. And particularly with --

11 MS. OLALDE: Well, the objection is not  
12 for you. It's for the record --

13 (Speaking simultaneously.)

14 MR. MANCINO: -- Commissioner Apffel's  
15 testimony, I think any such objections have been  
16 waived.

17 So let me just ask a couple questions,  
18 you know, subject to you shutting me down.

19 Q. (BY MR. MANCINO) As part of your work as a  
20 political consultant, did you help Judge Henry prepare  
21 this posting that's reflected in Exhibit 25?

22 MS. OLALDE: Again, I'm going to object  
23 on the basis of First Amendment privilege and ask the  
24 witness not to answer.

25 Q. (BY MR. MANCINO) So this -- this web page

1 that has Judge Henry's post on it, isn't that used for  
2 official County notices?

3 A. The -- the link?

4 Q. No, not the link. Whatever -- well, whatever  
5 link this -- Judge Henry's post was posted to.

6 A. That's the public comment link, correct?

7 Q. No, I'm not referring to that -- to the -- to  
8 that link that's in blue.

9 A. Uh-huh.

10 Q. No.

11 This, Exhibit 25, was posted somewhere,  
12 was it not?

13 A. Yeah. This was posted on his campaign  
14 Facebook page.

15 Q. Oh, okay.

16 And this concerns a matter of County  
17 business, doesn't it, that is, the consideration and  
18 approval of redistricting maps?

19 A. Yes.

20 Q. Okay. So that's County business, wouldn't  
21 you think?

22 A. I don't know.

23 Q. What do you mean you don't know?

24 MS. OLALDE: Why don't you just give me  
25 a minute, one minute, and we can confer.



1 MR. MANCINO: Okay.

2 MS. OLALDE: And kind of clear this up  
3 for you, because I don't want to make an issue out of  
4 something that's not an issue.

5 MR. MANCINO: Okay.

6 MS. OLALDE: Is that okay?

7 Go off the record.

8 THE VIDEOGRAPHER: The time is 1:50.  
9 Off the record.

10 (Break from 1:50 p.m. to 1:54 p.m.)

11 THE VIDEOGRAPHER: The time is 1:54.  
12 Back on the record.

13 Q. (BY MR. MANCINO) Okay. My last -- the  
14 pending question was: "What do you mean you don't  
15 know?"

16 So -- so let me -- let me put a question to  
17 you.

18 Concerning Exhibit 25, this post by Judge Mark  
19 Henry that contains the two maps and -- and then  
20 comments as well, where was that posted?

21 A. On Facebook.

22 Q. And whose Facebook page?

23 A. Judge Mark Henry's campaign Facebook page or  
24 personal Facebook page.

25 MS. OLALDE: And just for the record, we

1 are withdrawing our objection that was previously  
2 raised to this exhibit.

3 MR. MANCINO: To this exhibit?

4 MS. OLALDE: To this exhibit. The --  
5 the last objection prior to our most recent break that  
6 discussed First Amendment privilege, that is the one  
7 that we are withdrawing.

8 MR. MANCINO: Yeah. Okay.

9 Q. (BY MR. MANCINO) So, Mr. Drummond, did you  
10 help Judge Henry prepare this Facebook page post?

11 A. Possibly, yes.

12 Q. Okay. But you --

13 A. It was --

14 Q. What --

15 A. -- October --

16 Q. -- did your help entail?

17 A. Posting it for him.

18 Q. Oh, okay.

19 Did you review the content and give him  
20 comments?

21 A. That's a possibility.

22 Q. Okay. What comments, looking at it now, did  
23 you provide Judge Henry?

24 A. I don't -- I don't recall what comments, if  
25 any, I've given to him on that post.

1 Q. Okay. Can you tell when -- when this was  
2 posted?

3 A. October 29th, 2021.

4 Q. Okay. So in the first sentence, Judge Henry  
5 writes: "Galveston County Commissioners Court will be  
6 voting on new commissioner precincts in the coming  
7 weeks."

8 What was your understanding of what  
9 the -- what the timing of the public meeting would be  
10 in relation to the posting on Facebook of this message  
11 on October 29th?

12 A. I don't know.

13 Q. Had there -- had a date been selected by  
14 then, do you know, a target date?

15 A. I don't know specifically if this occurred  
16 before or after the correspondence from the Texas  
17 Secretary of State's office.

18 Q. I'll represent this was before.

19 A. Okay.

20 So, no, I don't know the timeline.

21 Q. Okay. Just a couple follow-up questions on  
22 your political consulting business.

23 And are -- do you have the permission  
24 from Galveston County to conduct your public  
25 consulting business on County time?

1 A. I have permission with Judge Henry on my  
2 outside employment activities, and we have a record  
3 understanding of me having flex-time hours.

4 Q. Okay. Do you -- do you conduct any of your  
5 political consulting business on County property in  
6 your office?

7 A. No, sir.

8 Q. How do you -- how do you conduct that  
9 business?

10 A. At home.

11 Q. Okay. And mostly over the computer or phone?

12 A. Yes.

13 Q. Okay. And are those devices your own  
14 personal devices?

15 A. Yes.

16 Q. Okay. Did you apply for a PPP loan?

17 A. Yes.

18 Q. In the amount of roughly 20,000?

19 A. I don't specifically recall the amount.

20 Q. Okay. But you did apply for a loan in some  
21 amount?

22 A. Yes.

23 Q. Okay. And did you -- did you -- was that  
24 loan granted?

25 A. Yes.

1 Q. Okay. Has that been -- has that loan been  
2 forgiven?

3 A. Yes.

4 Q. Okay. And was the purpose of the loan to  
5 allow your political consulting firm to keep on an  
6 employee, to retain an employee?

7 A. I don't recall --

8 Q. Okay.

9 A. -- the purpose.

10 Q. Well, is there any other reason that you  
11 could have applied for a PPP loan other than for  
12 employee retention purposes?

13 A. Possibly. I don't --

14 Q. Okay. And the only employee of your  
15 political consulting firm is you, right?

16 A. Yes, sir.

17 Q. Okay. So to the extent that I'm right that  
18 the rationale provided for the PPP loan was to retain  
19 an employee, that employee was you. Is that fair?

20 MS. OLALDE: Objection.

21 MR. MANCINO: I don't think I got an  
22 answer.

23 A. To the extent you provided, yes.

24 Q. (BY MR. MANCINO) Okay. Let's turn to Tab 47,  
25 Exhibit 26.

1 (Marked Drummond Exhibit No. 26.)

2 Q. (BY MR. MANCINO) Do you have it in front of  
3 you?

4 MS. OLALDE: It is on the screen, just  
5 we're holding out for the -- I think she's going to  
6 pass the paper.

7 Q. (BY MR. MANCINO) Exhibit 26 has at the top an  
8 e-mail. It's a e-mail from Mark Henry to Tyler  
9 Drummond dated November 2, 2021.

10 Have you seen this before?

11 A. Yes.

12 Q. What is it?

13 A. An advisory from the Texas Secretary of  
14 State's office.

15 Q. Concerning what?

16 A. Redistricting.

17 Q. Okay. And Judge Henry is e-mailing this to  
18 you, forwarding it to you.

19 What, if anything, did you do in  
20 response?

21 A. I don't recall specifically what I did in  
22 response to this.

23 Q. What, in general, did you do?

24 A. Would have read it.

25 Q. Okay. And was this a -- a significant

1 | advisory from your perspective?

2 | A. Yes.

3 | Q. Why?

4 | A. Because it created deadlines in regards to  
5 | the redistricting process.

6 | Q. Okay. And what were the deadlines that it  
7 | created?

8 | A. I can't specifically recall the dates.

9 | Q. Uh-huh.

10 | A. But I believe it put the timeline within a  
11 | very short time period of when receiving this e-mail.

12 | Q. Okay. And the timeline to do what?

13 | A. Do redistricting.

14 | Q. Okay. To -- to hold the public meeting with  
15 | proper notice and have the maps considered and  
16 | approved?

17 | MS. OLALDE: Objection; form.

18 | A. I don't know the specifics of the  
19 | requirements. I just know that the deadline was  
20 | significantly moved up.

21 | Q. (BY MR. MANCINO) Okay. Did the receipt of  
22 | this e-- of this advisory from the Texas Secretary of  
23 | State create some panic within the County in terms of  
24 | having to accelerate work on the redistricting  
25 | process?

1 A. I can't speak to the panic on behalf of the  
2 County.

3 Q. How about yours?

4 A. It definitely concerned the -- the quick  
5 turnaround with the deadline that was given.

6 Q. Yeah.

7 So let's look at Tab 48, Exhibit 27.

8 (Marked Drummond Exhibit No. 27.)

9 (Discussion off the record.)

10 Q. (BY MR. MANCINO) And it's an e-mail from you  
11 to Mr. Sigler, to Mr. Oldham dated November 2, 2021.  
12 And I know I've been inconsistent on giving Bates  
13 numbers, so forgive me. But the Bates number at the  
14 first page is DEFS 00030150.

15 Have you seen Exhibit 27 before?

16 A. I believe so, yes.

17 Q. What is it?

18 A. It's an e-mail from myself to Nathan Sigler  
19 and Dale Oldham, informing them to get with Veronica  
20 Van Horn, which is our legal services coordinator, and  
21 informing them that the redistricting deadline has  
22 been moved to November 13th.

23 Q. And your directive "Get with Veronica," what  
24 did you mean to convey with those words?

25 A. I don't know because I don't have the context



1 of the e-mail below that I was forwarding to them.

2 Q. Mr. Drummond, we heard yesterday from Judge  
3 Henry that he preferred to complete the redistricting  
4 before the candidate filing period.

5 Did he discuss that preference with you?

6 A. Not that I can recall.

7 Q. Okay. This advisory from the Texas Secretary  
8 of State, did it create a deadline?

9 MS. OLALDE: Objection; asked and  
10 answered.

11 A. It gave a deadline of November 13th.

12 Q. (BY MR. MANCINO) And that was expressed in  
13 the advisory, that specific date?

14 A. From my recollection of the advisory.

15 Q. Okay. Wasn't just a -- a reminder to  
16 redistrict before the candidate filing opened?

17 A. I don't know.

18 Q. I'm sorry?

19 A. I -- I don't know.

20 Q. Okay. And you had told us earlier that you  
21 knew that the candidate filing period was from around  
22 mid-November to mid-December, right?

23 A. In that time period, correct.

24 Q. Okay. So the filing period extended over  
25 about 30 days?

1 A. Yes.

2 Q. Okay. And was the -- that filing period  
3 commencing on November 13th, to your knowledge?

4 A. I don't recall.

5 Q. Okay. All right. Just so we have it in the  
6 record, let's go to Exhibit 28, which is Tab 46b.

7 (Marked Drummond Exhibit No. 28.)

8 (Discussion off the record.)

9 Q. (BY MR. MANCINO) Have you seen Exhibit 28  
10 before?

11 A. Yes.

12 Q. Okay. And, I'm sorry, what -- what is this?  
13 Is this the Texas Secretary of State advisory that you  
14 testified about before?

15 A. That's what it appears to be, yes.

16 Q. Okay. And when it came in, did you read it?

17 A. Yes.

18 Q. Okay. And it -- was it on the basis of this  
19 advisory that -- in the e-mail you wrote on November  
20 2nd, 2021, and said that redistricting has to be done  
21 before 11/13?

22 A. Yes.

23 Q. Okay. Now, let's go to Exhibit 29, which is  
24 Tab 49.

25 (Marked Drummond Exhibit No. 29.)

1 Q. (BY MR. MANCINO) And it's an e-mail at the  
2 top from you to Dale Oldham, Nathan Sigler, dated  
3 November 2, 2021, at 3:23 p.m.

4 Is this an e-mail by which you forwarded  
5 it -- forwarded to Mr. Oldham and Mr. Sigler an e-mail  
6 regarding the Texas Secretary of State advisory?

7 A. Yes.

8 Q. Okay. And you say in your e-mail to those two  
9 gentlemen, "We need to get these maps done this week."

10 And I note that your e-mail was sent on a  
11 Tuesday, so you were telling them that the maps had to  
12 be done that -- that week in order to meet what you  
13 believed was a November 13th deadline?

14 A. Yes.

15 Q. Okay. In the event -- were the maps  
16 completed within the time frame you demanded?

17 A. I don't recall.

18 Q. Okay. So while this is going on, were there  
19 things happening elsewhere around trying to schedule a  
20 public meeting?

21 A. I believe we had a -- I believe we had a date  
22 of 11/9 for a meeting, originally.

23 Q. Can you explain what you mean by that?

24 A. I believe there was direction giving the  
25 setup of a special meeting, and I believe that date

1 was eventually set for 11/9.

2 Q. Okay. And do you recall who wanted 11/9 as  
3 the date?

4 A. I don't -- I don't recall who wanted that.

5 Q. And was somebody also looking for a venue to  
6 host a -- a meeting on the 9th of November?

7 A. A venue to host?

8 Q. The public meeting on the maps.

9 A. No.

10 Q. Okay. I have -- do you recall anyone  
11 suggesting that Judge McCumber's courtroom could be a  
12 venue for the special meeting?

13 A. That was the core -- the normal process of  
14 the venue for special meetings, was that courtroom.

15 Q. Oh, so Judge McCumber's courtroom was the --  
16 the normal venue for special meetings?

17 A. Yes, sir.

18 Q. Okay.

19 A. In the North County Annex, that's the room  
20 that it was located in, was her courtroom.

21 Q. Okay. Got it.

22 And what happened? Was -- was that  
23 courtroom available?

24 A. I don't recall.

25 Q. Okay. Why was -- why was November 9th being

1 targeted --

2 MS. OLALDE: Objection.

3 Q. (BY MR. MANCINO) -- as a date for the special  
4 meeting?

5 MS. OLALDE: Objection; asked and  
6 answered.

7 A. I don't recall why that date was picked.

8 Q. (BY MR. MANCINO) Did it have to do with  
9 availability of any commissioners?

10 A. It could have. Commissioner Clark was sick  
11 at the time, going through cancer treatment and had  
12 treatments, so...

13 Q. So when did the special meeting take place?

14 A. My recollection it happened on November 12th,  
15 if I'm not mistaken.

16 Q. Okay. And where was the meeting held? In  
17 what room?

18 MS. OLALDE: Objection; asked and  
19 answered.

20 A. The North County Annex in Judge McCumber's  
21 courtroom.

22 Q. (BY MR. MANCINO) It -- okay. So it actually  
23 was held in Judge McCumber's courtroom?

24 A. Yes.

25 Q. Okay. And why -- why was the meeting

1 postponed from November 9th to November 12th?

2 A. I can't specifically recall why it was  
3 postponed.

4 Q. Any general memory?

5 A. The orders may have not been ready.

6 Q. Okay. Did Commissioner Clark make it to the  
7 meeting on November 12th?

8 A. Wow, I really can't remember that one.

9 Q. Okay.

10 A. So I don't recall.

11 MR. MANCINO: What are we on? What  
12 exhibit?

13 MS. GARRETT: 30.

14 MR. MANCINO: 30. Let's go to Tab 56,  
15 which is Exhibit 30.

16 (Marked Drummond Exhibit No. 30.)

17 THE WITNESS: Thank you.

18 Q. (BY MR. MANCINO) Do you know what Exhibit 30  
19 is?

20 A. An e-mail from my assistant, Dianna Martinez.

21 Q. Concerning what?

22 A. Special meeting draft agenda for  
23 November 9th, 2021.

24 Q. Did you have a hand in drafting this notice?

25 MS. OLALDE: Objection; asked and

1 answered.

2 MR. MANCINO: Well, he has it in front  
3 of him now.

4 A. I reviewed it.

5 Q. (BY MR. MANCINO) I'm sorry?

6 A. I reviewed it.

7 Q. Okay. Make any changes?

8 A. Not to my recollection.

9 Q. Okay. Did you attend this special meeting on  
10 November --

11 MR. MANCINO: What was the date?

12 Q. (BY MR. MANCINO) -- 12th?

13 A. Yes.

14 Q. Okay. How many people attended the meeting,  
15 roughly, by your estimation?

16 A. It was busier than usual. I -- off the top  
17 of my head, I don't know if that number would be 100  
18 or 150.

19 Q. Where -- where were you located during the  
20 meeting?

21 A. I was up on the side of the room at one  
22 point, and I also assisted by walking through the  
23 hallways at another point and going into a -- the  
24 breakroom that had some folks sitting in there.

25 Q. Okay. So there was an overflow of people --

1 A. Yes.

2 Q. -- into the hallway and this other room?

3 A. Yes.

4 Q. Okay. And I take it, you know, all of the  
5 spaces within the courtroom were occupied by people?

6 A. Yes.

7 Q. Okay. What was the atmosphere like?

8 A. People had -- you know, unpleasant, I guess.  
9 People were pretty upset.

10 Q. Yeah. And why were people pretty upset?

11 A. I don't know specifically why each person was  
12 upset.

13 Q. Well, what -- what comments led you to  
14 believe people were upset?

15 A. On the chain -- the proposed changes to the  
16 Commissioners Court precincts.

17 Q. Okay. What -- what complaints were made  
18 about any of the changes that you can remember?

19 A. Complaints that were made publicly in the  
20 meeting?

21 Q. Yes.

22 A. People stating that the -- there was a  
23 dilution of their vote, of their voice. Some  
24 complaints about just unhappy with having the precinct  
25 number change, some unhappy with the community that



1 | used to have one commissioner and now having two  
2 | commissioners, some unhappy with going from maybe two  
3 | commissioners in the city to one. It was a mix.

4 | Q. On the point about dilution of vote, who made  
5 | that comment? Do you recall?

6 | A. I don't recall who made that comment.

7 | Q. Do you recall individuals stating that both  
8 | maps would result in the dilution of the voting  
9 | powder -- power of African Americans?

10 | A. I don't recall that specific argument from  
11 | that day.

12 | Q. How about the dilution of the voting power of  
13 | Latinos?

14 | A. I do not recall.

15 | Q. Well, when you heard that comment about the  
16 | dilution of votes in -- what are we, maybe I can find  
17 | the precise language -- a dilution of their vote, of  
18 | their voice, okay. Let me -- let me restart it.

19 | So you -- you came away with the view  
20 | that there were people who were upset about the maps  
21 | because it would result -- the changes would result in  
22 | a -- in a dilution of their vote, their voice,  
23 | correct?

24 | MS. OLALDE: Objection; incomplete  
25 | statement of testimony.

1 A. There was multiple objections raised that day  
2 to the maps, and there was multiple testimony in  
3 support as well. So I can't remember the specifics of  
4 each.

5 Q. (BY MR. MANCINO) Okay. And the -- the  
6 hearing, the comments, the discussion was -- was --  
7 was that taped?

8 A. I believe so.

9 Q. Okay.

10 A. It's a practice that we do every  
11 Commissioners Court.

12 Q. Okay. Does the Commissioner Court have a  
13 transcript of that special meeting?

14 A. I don't know.

15 Q. Okay. So how -- how -- what was your  
16 understanding of how voters' voice and the -- and  
17 their vote would be diluted by a map change?

18 A. I don't know.

19 Q. Okay. Now, before that -- that special  
20 meeting commenced -- well, strike that.

21 Do you -- do you have an understanding  
22 as to why the Commissioners Court was holding a public  
23 meeting on the topic of which of the two maps should  
24 be adopted?

25 A. Yes.

1 Q. And what -- what's that understanding?

2 A. Is that a public meeting would need to take  
3 place for them to be able to adopt the maps.

4 Q. Well, does the special meeting serve any  
5 function other than that, such as -- such as allowing  
6 the commissioners to hear comments and arguments and  
7 decide which way based on that they're going to vote?

8 A. Yes.

9 Q. Okay. Now, did Judge Henry come into the  
10 special meeting with an open mind?

11 A. I don't know.

12 MS. OLALDE: Objection; calls for  
13 speculation.

14 Q. (BY MR. MANCINO) And, in fact, he had already  
15 thrown his significant weight behind Map Proposal 2,  
16 hadn't he?

17 A. Yes.

18 Q. Okay. So he was committed to Map Proposal 2  
19 well in advance of the special meeting on  
20 November 12th?

21 MS. OLALDE: Objection; calls for  
22 speculation.

23 A. I don't know.

24 Q. (BY MR. MANCINO) Well, you knew, you saw his  
25 web post, right?

1 A. Yes.

2 Q. Pretty -- pretty unequivocal commitment to  
3 wanting Map Proposal 2 enacted, wasn't it?

4 A. You're asking me if his mind could have been  
5 changed, and I'm saying I don't know. It could have  
6 from that meeting.

7 Q. Okay. Let's go to Tab 61.

8 MR. MANCINO: And what exhibit?

9 MS. GARRETT: 31.

10 MR. MANCINO: 31.

11 (Marked Drummond Exhibit No. 31.)

12 Q. (BY MR. MANCINO) And before we look at that  
13 exhibit, do you -- do you know whether Judge Henry  
14 told other commissioners before the meeting, special  
15 meeting on November 12th, that his preferred map was  
16 Map 2?

17 A. I don't recall.

18 Q. Okay. Did you talk to any of the other  
19 commissioners about which map they might favor?

20 A. I don't recall.

21 Q. Okay. Okay. Exhibit 31.

22 Do you recognize Exhibit 31?

23 A. Yes.

24 Q. What is it?

25 A. It's an e-mail I sent to myself on

1 November 30th, 2021.

2 Q. On what subject?

3 A. Commissioner Holmes.

4 Q. What about Commissioner Holmes were you

5 recording in this e-mail?

6 A. Some of my communications with him.

7 Q. What communications specifically?

8 A. Communications regarding redistricting.

9 Q. Okay. Anything else?

10 A. It's all involving redistricting.

11 Q. And your communications with Commissioner

12 Holmes?

13 A. Yes.

14 Q. Okay. Did you draft a similar e-mail

15 concerning your discussions with Judge Henry

16 concerning redistricting?

17 A. No.

18 Q. Did you draft a similar e-mail concerning

19 your discussions with Commissioner Giusti concerning

20 redistricting?

21 A. No.

22 Q. And you had conversations with Commissioner

23 Giusti concerning redistricting, didn't you?

24 A. Possibly. I don't recall.

25 Q. Really?

1 | You had communications with Judge Henry

2 | concerning redistricting, didn't you?

3 | A. Yes.

4 | Q. And you had communications with Commissioner

5 | Clark concerning redistricting, correct?

6 | A. Yes, I believe so.

7 | Q. Did you prepare an e-mail concerning those

8 | communications?

9 | A. No, I don't believe so.

10 | Q. And you had -- and you had discussions with

11 | Commissioner Apffel concerning the redistricting

12 | process, too, didn't you?

13 | A. Yes.

14 | Q. Did you write a similar e-mail about your

15 | conversations with Commissioner Apffel?

16 | A. No, I don't believe so.

17 | Q. Okay. Now, you -- when -- over what period

18 | of time did you draft this e-mail?

19 | A. Sorry, what -- what period of time did I

20 | draft it?

21 | Q. Yeah, yeah.

22 | It's dated November 30, 2021, correct?

23 | A. Yes, sir.

24 | Q. Okay. Did you write this entire e-mail on

25 | that date in one sitting?

1 A. I don't recall.

2 Q. Okay. So you may have started the e-mail on  
3 November 30th, 2021, worked on it for a bit, saved the  
4 draft, and then came back to it to add to it?

5 A. Well, the e-mail was sent on November 30th,  
6 so it would have been -- that would have been the  
7 final product on November 30th.

8 Q. At this time, at 1:37, but what about earlier  
9 before you actually sent it?

10 A. Yeah, I don't know.

11 MS. OLALDE: Objection; asked and  
12 answered.

13 Q. (BY MR. MANCINO) Okay. So who's seen this  
14 e-mail besides you?

15 And that is -- let me -- let me focus  
16 on, you know, apart from the 15 lawyers that are in  
17 this room, focusing on the time period before this  
18 e-mail got produced by the defendants to us. You  
19 know, let's say three months ago or whenever the time  
20 period was.

21 With whom did you share this e-mail?

22 A. I don't know.

23 Q. Did you -- did you show it to anybody?

24 A. I don't know.

25 Q. Did you show this to your attorneys?

1 MS. OLALDE: You're asking about prior  
2 to production? Is that what you're asking about?

3 MR. MANCINO: Yeah.

4 A. I don't believe so.

5 Q. (BY MR. MANCINO) Did you -- did you give a  
6 copy of this e-mail to your attorneys in connection  
7 with their effort to search for and then produce  
8 documents in this litigation?

9 A. This would have come from my -- from the  
10 discovery, yes.

11 Q. Okay. And to -- to what e-mail account did  
12 you send this e-mail?

13 A. My County e-mail.

14 Q. Okay.

15 A. I believe.

16 Q. Okay. And did you have -- after  
17 November 30th, 2021, and the time at which this was  
18 pulled in the discovery process, did you have any  
19 occasion to revisit this e-mail, to come back to it,  
20 to look at it, to remind yourself what you wrote about  
21 Commissioner Holmes?

22 A. No, I don't believe so.

23 Q. Okay. And now having looked at it, who told  
24 you to write this e-mail? And I'm looking for the  
25 name of the person.



1 | A. Yeah, I don't recall who asked me to write  
2 | it.

3 | Q. Okay. Did that make you a little  
4 | uncomfortable being asked to write a e-mail about  
5 | Commissioner Holmes in this manner?

6 | A. No.

7 | Q. No.

8 | Why is that?

9 | Why would you single out Commissioner  
10 | Holmes to, behind his back, write an e-mail about your  
11 | communications with him?

12 | MS. OLALDE: Objection; argumentative.  
13 | Also misstates evidence and testimony.

14 | A. I believe there was an accusation that he was  
15 | not involved in this process whatsoever, he was  
16 | excluded. And that was very inaccurate from my  
17 | interactions with him.

18 | Q. (BY MR. MANCINO) And from whom did you hear  
19 | that accusation?

20 | A. That, I can't specifically recall, if it was  
21 | one of the groups represented here today in a filing  
22 | or if it was Commissioner Holmes himself. I can't  
23 | recall.

24 | Q. Okay. But somehow this accusation came to  
25 | your attention?

1 A. Yes.

2 Q. And you decide, I'm going to show him, making  
3 accusations like that, I'm going to set the record  
4 straight?

5 MS. OLALDE: Objection; argumentative.

6 A. Yeah, no.

7 Q. (BY MR. MANCINO) That wasn't your motive?

8 A. My motive was --

9 MS. OLALDE: Objection -- hold on.

10 Objection to the -- vague,  
11 argumentative.

12 You can answer.

13 A. I wanted to retain my knowledge at the time  
14 of what had gone on.

15 Q. (BY MR. MANCINO) Why?

16 A. So that false narrative wouldn't be  
17 perpetuated.

18 Q. So you were going to stand up and wave your  
19 e-mail around and say to everyone, that's a false  
20 narrative, I kept Commissioner Holmes in the loop  
21 every minute of every day?

22 A. No.

23 MS. OLALDE: Objection -- hold on.

24 THE WITNESS: I'm sorry.

25 MS. OLALDE: Just give me a second

1 because with that type of question, I am going to be  
2 objecting. I am objecting; it's argumentative.

3 Q. (BY MR. MANCINO) On the first paragraph,  
4 Mr. Drummond, you say: "During the redistricting  
5 process when Dale Oldham was visiting with the  
6 Commissioners on Maps 1 & 2, I contacted Commissioner  
7 Holmes throughout the process to inquire whether he  
8 was getting all the information he wanted/needed in  
9 the process."

10 When -- around when was it during the  
11 redistricting process that Dale -- Dale Oldham was  
12 visiting with the commissioners?

13 A. I don't recall the specific time.

14 Q. Matter of days? Was he there a week? Was he  
15 there in person?

16 A. I don't know. I wasn't there.

17 Q. Okay. How do you know Mr. Oldham visited  
18 with Commissioner Holmes?

19 A. My e-mail says when Dale Oldham was visiting  
20 with the commissioners.

21 Q. So are you implying that he also met with  
22 Commissioner Holmes, but you don't know for sure?

23 MS. OLALDE: Objection. What time  
24 period are you asking about? At the time that the  
25 e-mail was sent or today?

1 MR. MANCINO: No, at the time he wrote  
2 the e-mail.

3 MS. OLALDE: Okay.

4 A. At the time I was under that impression.

5 Q. (BY MR. MANCINO) Okay. And was it during  
6 that time frame, however limited it was that  
7 Mr. Oldham was visiting the commissioners, that you  
8 contacted Commissioner Holmes to inquire about whether  
9 he was getting all the information he wanted/needed in  
10 the process?

11 A. Yeah, I don't recall the time --

12 Q. How many times did you contact Commissioner  
13 Holmes throughout the process?

14 A. Commissioner Holmes and I routinely speak  
15 almost on a weekly basis, sometimes more than once.

16 Q. Okay. So if Mr. Oldham was visiting the  
17 commissioners over the course of one week, you  
18 probably had one communication, two at most, with  
19 Commissioner Holmes?

20 MS. OLALDE: Objection; calls for  
21 speculation --

22 MR. MANCINO: I want his memory.

23 MS. OLALDE: -- and also misstates prior  
24 testimony.

25 A. I don't -- I don't recall how many times we

1 | communicated --

2 | Q. (BY MR. MANCINO) Okay.

3 | A. -- during that time.

4 | Q. Where is his office?

5 | A. Whose?

6 | Q. Holmes.

7 | A. At the Mid County Annex in Texas City.

8 | Q. Okay. So did you meet with him during this  
9 | time frame that you're talking about in this first  
10 | paragraph of Exhibit 31 in his office?

11 | A. No.

12 | Q. Did you meet him outside his office?

13 | A. I don't believe so.

14 | Q. How did you communicate with him?

15 | A. Telephone.

16 | Q. Did you initiate the call or did he?

17 | A. I can't recall.

18 | Q. Okay. Now, what you don't say in this  
19 | paragraph is what Commissioner Holmes' response was  
20 | when you made this inquiry about whether he was  
21 | getting all the information he wanted or needed in the  
22 | process, correct?

23 | A. Yes.

24 | Q. Okay. So that wasn't important enough for  
25 | you to include in the e-mail, correct?

1 MS. OLALDE: Objection; argumentative.

2 A. I -- I don't know how to -- saying  
3 Commissioner Holmes's response was not important? Is  
4 that what you want me to --

5 Q. (BY MR. MANCINO) Well, you didn't --

6 A. What's your question?

7 Q. -- you didn't record when your memory was  
8 fresh about any contacts you had with Commissioner  
9 Holmes, how he responded to your inquiries; isn't that  
10 right?

11 A. Correct.

12 Q. Okay. And then in the second paragraph, you  
13 say, yeah, you contacted -- this is prior to posting  
14 Maps 1 and 2, and I'm paraphrasing just to speed  
15 things up.

16 You asked him -- you asked  
17 commissioner -- you contacted Commissioner Holmes to  
18 ask if he had any objections and to inform him that  
19 "we had created the page on the website to allow for  
20 public comment to be submitted directly online."

21 And then you say, "He said he had no  
22 objections and thanked me for keeping him informed."

23 When was that communication that you're  
24 referencing in the second paragraph of Exhibit 31?

25 A. I don't recall the specific date.

1 Q. Okay. Do you recall anything about that  
2 communication other than what you've written here in  
3 the second paragraph of Exhibit 31?

4 A. Other than communicating with him about  
5 putting a public comment page on the County website.

6 Q. Okay. So when you write -- and this is the  
7 last sentence. You -- you write, "He said he had no  
8 objection and thanked me for keeping him formed --  
9 informed."

10 What -- what -- he had no objections to  
11 what? Is it to the posting of the maps?

12 A. To the posting of the maps for public comment  
13 on the website.

14 Q. Oh. Okay. Okay. Okay.

15 Did you think he'd have an objection to  
16 that since he had to hold a special meeting anyway and  
17 publicize it?

18 A. No.

19 Q. Okay. Now, let's -- this -- the third  
20 paragraph, little more extensive. Let me see if I can  
21 tease something out that's worth asking about.

22 Okay. So you -- this -- and, again, I'm  
23 paraphrasing, and -- and I'm not meaning to put words  
24 in your mouth, but this paragraph concerns events  
25 happening after the Texas Secretary of State advisory

1 | came down and then setting a deadline as you state  
2 | here for the Court to adopt redistricting within  
3 | 11 days of the issuance of their guidance, right? Did  
4 | I capture the substance of that first paragraph?

5 | A. That's --

6 | Q. First sentence, I'm sorry.

7 | A. That's what the paragraph suggests.

8 | Q. Okay. And then you contact the Commissioner  
9 | Holmes to inform him of that which we just went over,  
10 | and you told him that "we were planning to hold a  
11 | special meeting to discuss and consider adopting a  
12 | map."

13 | And then he asks if the location of the  
14 | meeting was going to be at the same location we always  
15 | hold special meetings, the North County Annex in  
16 | League City. Did -- is that what he asked?

17 | A. Yeah, he may think -- from my recollection  
18 | and those notes, he had made that ask, where is it  
19 | going to be located.

20 | Q. Okay. So he asked where is it going to be  
21 | located?

22 | A. Yes, sir.

23 | Q. Now, did he have the power to direct at which  
24 | County facility the meeting would be held?

25 | A. No, but he could have made a different



1 request.

2 Q. Okay. So is that what you mean when you say  
3 he never voiced an opposition or countered with a  
4 request to host the meeting down in Galveston at the  
5 County courthouse?

6 A. Correct.

7 Q. Okay. Now, what you -- what you don't say  
8 here is that in response to your telling him that  
9 the -- the meeting is going to be held in the North  
10 County Annex in League City, he said, hey, that's  
11 great that's the ideal location.

12 You didn't write that, did you?

13 A. Because he didn't communicate that.

14 Q. Okay. Fair enough.

15 So you don't know whether or not he  
16 agreed that the North County Annex was an appropriate  
17 venue for this special meeting, do you?

18 A. No.

19 Q. Okay. Look -- I'm reading to myself  
20 Paragraph 4, so bear with me.

21 Okay. So this -- you say, you know,  
22 after the redistricting meeting where Map 2 was  
23 adopted, I followed up with Commissioner Holmes the  
24 following week and informed him that we were beginning  
25 the process of cleaning up the voting precincts with

1 | the boundaries of the adopted map.

2 | What -- can you explain what the process  
3 | of cleaning up the voting precincts entailed?

4 | A. Commissioner Clark was working with Nathan  
5 | Sigler on I guess, making changes to the voting --  
6 | voter precincts. I don't know what their specific  
7 | term is.

8 | Q. Okay.

9 | A. So my inquiry to Commissioner Holmes was,  
10 | hey, Commissioner Clark's going to introduce Nathan,  
11 | would you like to have input and be part of that  
12 | process.

13 | Q. Okay. Did somebody ask you to ask him that?

14 | A. No. Actually, again, it goes into my routine  
15 | conversations that I had with him over different  
16 | topics.

17 | Q. And you write that he said he did not have  
18 | any interest in participating, correct?

19 | A. Yeah, he said that.

20 | Q. Okay. And in writing this -- this -- this  
21 | fourth paragraph, did -- are you intending to impute  
22 | something to Commissioner Holmes for -- for declining  
23 | this invitation to participate in this cleaning up  
24 | process?

25 | MS. OLALDE: Objection; vague.

1 Confusing.

2 You can answer.

3 A. No.

4 Q. (BY MR. MANCINO) Okay. So, I mean, was there  
5 anything insidious in his refusing or -- or declining  
6 the opportunity to participate in this process, in  
7 your mind?

8 A. No.

9 Q. Okay. And when did that meeting or  
10 conversation take place, the one that -- that you  
11 talked about in the fourth paragraph here?

12 A. I don't specifically recall the dates, but it  
13 says after the adoption.

14 Q. Okay. And -- and I take it -- and correct me  
15 if I'm wrong, Mr. Drummond, that you didn't intend  
16 this e-mail to be a verbatim transcript of everything  
17 that Commissioner Holmes said to you?

18 A. Correct.

19 Q. Okay. He, I would imagine, said a lot more  
20 than what you captured in Exhibit 31; is that correct?

21 A. I don't know.

22 Q. I'm sorry?

23 A. Yeah, I don't recall.

24 Q. Oh, you don't recall. Okay.

25 A. Could have.

1 Q. So in these -- in these communications that  
2 you were having with Commissioner Holmes, did  
3 Commissioner Holmes ever say anything to you about  
4 whether he thought a lot of people would be attending  
5 the special meeting on November 12th?

6 A. I don't recall.

7 Q. You don't recall whether he gave you a  
8 heads-up, saying, we're going to have a lot of folks  
9 here tonight, anything like that?

10 A. No. And I think that's why I went to the  
11 third paragraph here addressing where the location was  
12 going to be held, because we had a discussion about  
13 that.

14 Q. About what? About how many people were  
15 attending?

16 A. Yeah, and the location.

17 Q. Okay. Now, you didn't say that in  
18 Exhibit 31, that you discussed with him something  
19 about how many people were attending?

20 A. I didn't, because we didn't discuss it.

21 Q. Okay.

22 A. That's what I'm referring to.

23 Q. Oh, okay. Now, in the event on -- on  
24 November 12th, the courtroom wasn't big enough to  
25 accommodate everyone, was it?

1 A. Correct.

2 Q. Okay. Did some people have difficulty  
3 hearing what was going on? I mean, could you see that  
4 or hear complaints from the crowd to that effect?

5 A. I don't know, no.

6 Q. Okay. Have you -- have you been in a special  
7 meeting where more people were in attendance than  
8 attended the November 12th special meeting?

9 A. Not that I can recall.

10 Q. Okay. This was kind of an unprecedented  
11 crowd, at least from your perspective?

12 A. Yes.

13 Q. Okay. Okay.

14 MR. MANCINO: Let's take a short break  
15 so I can decide that I'm done and be able to pass the  
16 witness.

17 THE VIDEOGRAPHER: The time --

18 MR. MANCINO: Yeah, five should be  
19 enough.

20 THE VIDEOGRAPHER: The time is 2:31.

21 We're off the record.

22 (Break from 2:52 p.m. to 3:09 p.m.)

23 THE VIDEOGRAPHER: The time is 3:09.

24 Back on the record.

25 Q. (BY MR. MANCINO) Mr. Drummond, I want to

1 bring you back to Exhibit 20, which we talked briefly  
2 about.

3 And we've asked Alexa to scroll down to  
4 what is one -- Page 187 of the PDF.

5 MS. OLALDE: I think you're going to  
6 have to look at it on the screen --

7 MR. MANCINO: Yes.

8 MS. OLALDE: -- because I don't think  
9 the paper has numbers.

10 THE WITNESS: I see movement.

11 Q. (BY MR. MANCINO) Do you have the spreadsheet  
12 in front of you? Does it look like this?

13 MS. OLALDE: No.

14 A. No.

15 MS. OLALDE: It doesn't have the --  
16 (Discussion off the record.)

17 MR. MANCINO: Are we there?

18 MS. OLALDE: I think so. Can you --  
19 just --

20 MR. MANCINO: Yeah.

21 MS. OLALDE: Is there a Bates number at  
22 the bottom or something that we can --

23 MR. MANCINO: You know, on these Excel  
24 spreadsheets, apparently it doesn't do that.

25 MS. OLALDE: Sorry.

1 Q. (BY MR. MANCINO) Anyway, so, Mr. Drummond,  
2 taking you back to Exhibit 20, we've pointed you to  
3 a -- a page in the attached spreadsheets. It's  
4 called -- has -- to the extent it has a title, it's up  
5 in the -- toward the top on the left-hand side, and  
6 it's called "pop pivot."

7 Now, we've talked about this exhibit  
8 earlier, and it looks like these -- this data  
9 originated from Mr. Oldham and went to Paul Ready, and  
10 then you got copied on it too at some point. And  
11 you've already told us what you remember about this  
12 and what you did with it.

13 But focusing on the page we're on --

14 MR. MANCINO: And, again, is it 187 of  
15 the PDF?

16 MS. GARRETT: Uh-huh.

17 Q. (BY MR. MANCINO) Did you look at this --

18 A. I don't recall --

19 Q. -- spreadsheet, this chart?

20 A. I don't recall reviewing that.

21 Q. Okay. Let me -- let me ask you about a few  
22 elements in it to see if it refreshes -- if -- if you  
23 know what I'm talking about and if it refreshes your  
24 recollection.

25 Now, if you go right under the words

1 "pop pivot," do you see that? There is the word  
2 "original" and then next to that is -- are the  
3 initials "CVAP."

4 Do you know what "CVAP" means?

5 A. No.

6 Q. All right. And do you see that -- that the  
7 rows -- at the top the row is titled "Original" and  
8 below it the row is titled "Map 1" and below that the  
9 row is entitled "Map 2."

10 Do you -- do you see that?

11 A. Yes.

12 Q. Okay. Do you understand that to be a  
13 reference to the two maps that were being worked on by  
14 Mr. Oldham for purposes of the 2021 redistricting  
15 process?

16 A. I would have to assume so.

17 Q. Okay. And then going across, does -- if I  
18 told you that CVAP in Column B stands for Citizen  
19 Voting Age Population, would that refresh your memory?

20 A. No.

21 Q. Okay. And then going off to the right and  
22 looking at -- let's look at the Map 1. There's the  
23 columns toward the right, which are shaded red and  
24 green.

25 Do you see that?



1 A. I'm sorry, which -- which column are you on,  
2 the original first or Map 1?

3 Q. On Map 1.

4 A. Okay.

5 Q. And the third column from the right and it  
6 says "percentage BN" --

7 MR. MANCINO: Is that BNV?

8 MS. CHEN: H.

9 MR. MANCINO: H. B --

10 Q. (BY MR. MANCINO) Do you know what BNHVAP  
11 stands for?

12 A. I don't know.

13 Q. If I told you that it stands for the percent  
14 of "Black NonHispanic Voting Age Population," would  
15 that refresh your memory?

16 A. No.

17 Q. Okay. Okay. Do you have any idea what the  
18 shading represents, the red and green shading that  
19 I've pointed you to?

20 A. I do not know.

21 Q. Okay. Thank you.

22 MR. MANCINO: Okay. Here. All right.  
23 Let me...

24 Q. (BY MR. MANCINO) Let's go --

25 MR. MANCINO: I'm sorry, what's my next

1 exhibit?

2 (Discussion off the record.)

3 Q. (BY MR. MANCINO) I'm going to direct you to  
4 Exhibit 32, which is behind Tab 53.

5 (Marked Drummond Exhibit No. 32.)

6 Q. (BY MR. MANCINO) Do you recognize Exhibit 32?

7 A. An e-mail from myself to John Wayne Ferguson.

8 Q. Now, what is it that you were e-mailing to  
9 Mr. Ferguson?

10 A. The Excel spreadsheet that we just looked at  
11 in the prior exhibit.

12 Q. The Excel spreadsheet from Exhibit --

13 MR. MANCINO: What was it 30? 20?

14 MS. GARRETT: 20.

15 Q. (BY MR. MANCINO) -- from Exhibit 20 that we  
16 were just looking at?

17 A. Yes.

18 Q. Okay.

19 A. That's what it appears to be.

20 Q. And -- and just for the record, Mr. Ferguson  
21 at this time was a reporter for the Daily News?

22 A. Yes.

23 Q. Okay. And why were you sending him this  
24 spreadsheet data?

25 A. I don't recall. He requested it, most

1 likely.

2 Q. How would he have known that this spreadsheet  
3 data was in your hands?

4 Remember this came originally from Dale  
5 Oldham and then got e-mailed up to Paul Ready and to  
6 you.

7 A. I don't know the context surrounding leading  
8 up to him getting this data or how the request would  
9 have come. I can't recall how that went about.

10 Q. Okay. But you, in fact, e-mailed this to  
11 Mr. Ferguson, this data?

12 A. That's what it shows, yes.

13 Q. Okay. And did you request that he keep it  
14 confidential in any way?

15 A. I don't recall. And I doubt it. He's a  
16 reporter, so nothing is really confidential --

17 Q. Such a promise might not be worth the paper  
18 it's written on?

19 A. Yeah.

20 Q. Okay. Good.

21 So do you know whether you were acting  
22 at anyone's request in sending this -- this data to  
23 Mr. Ferguson?

24 A. That's the part I don't recall.

25 Q. Okay. Now, before -- before you sent this

1 data to Mr. Ferguson, did you make an effort to find  
2 out what these initials stood for?

3 A. I don't --

4 Q. Did -- did you make an effort to find out  
5 what the import of this chart was?

6 A. I don't -- I don't recall at that time.

7 Q. Okay. Do you know what, if anything,  
8 Mr. Ferguson did with this information?

9 A. I do not recall.

10 Q. Okay. Do you know whether this data that we  
11 found -- that was contained in Exhibit 30 that we  
12 looked at and which in Exhibit 32 you sent to  
13 Mr. Ferguson was ever public -- made public on the  
14 County's website?

15 A. I don't recall.

16 Q. Okay. All right. This information, though,  
17 was developed in connection with the work that the  
18 County's consultants were doing on redistricting,  
19 correct?

20 MS. OLALDE: Objection; calls for  
21 speculation.

22 A. I received this from the County's  
23 redistricting counsel.

24 Q. (BY MR. MANCINO) Uh-huh. Okay.

25 But you don't recall whether it was

1 counsel who said, send this to Ferguson?

2 MS. OLALDE: Objection; asked and  
3 answered.

4 A. Yeah, no.

5 Q. (BY MR. MANCINO) All right. Let's go to  
6 Exhibit 33, Tab 21.

7 (Marked Drummond Exhibit No. 33.)

8 Q. (BY MR. MANCINO) Bear with me.

9 (Discussion off the record.)

10 MR. MANCINO: Oh, Page 21. I'm sorry.

11 (Discussion off the record.)

12 Q. (BY MR. MANCINO) So I want to go back in time  
13 to the 2013 time frame. And I believe earlier in the  
14 deposition you had a memory that there had been some  
15 redistricting going on.

16 Do you recall that testimony?

17 A. Yes.

18 Q. Okay. Now, was it under consideration to  
19 change up the justice of the peace and constable  
20 positions in 2013 by reducing them?

21 A. Yeah. Yeah. Again, just brand new in the  
22 process starting at the end of July 2013.

23 Q. Okay.

24 A. So I --

25 Q. Did you -- were you -- did you hear about a

1 Supreme Court case called "Shelby County versus  
2 Holder"?

3 A. I don't.

4 Q. Yeah. And this is a case, when it was  
5 ultimately decided, in which the Supreme Court found  
6 Section 5 of the Voting Rights Act to be  
7 unconstitutional.

8 Does that help refresh your memory at  
9 all?

10 A. I may have recalled it, but I --

11 Q. Okay.

12 A. Not specifically.

13 Q. All right. And -- and another impact of that  
14 Shelby versus Holder decision was to eliminate the  
15 preclearing -- preclearance process under which  
16 certain communities had to get the Justice Department  
17 to preclear changes in their -- in their districting  
18 maps.

19 That ring a bell?

20 A. No, I don't --

21 Q. Okay.

22 A. -- recall.

23 Q. Did you -- did Joe Nixon -- you know who Joe  
24 Nixon was at that time?

25 A. Yes, sir.

1 Q. He was outside counsel to the County?

2 A. At the time in 2013?

3 Q. Yes.

4 A. Yes.

5 Q. Okay. Did Joe Nixon inform you and Judge  
6 Henry not to move on redistricting constables and  
7 justices of the peace until after the Shelby County  
8 decision?

9 MS. OLALDE: Objection. And, again,  
10 this is -- I don't know if you're reading from a  
11 document or -- or what. But to the extent that there  
12 is attorney-client privileged communications that  
13 would be involved in your answer, please, I instruct  
14 you not to answer to that extent.

15 MR. MANCINO: Yeah. I'm -- I'll just,  
16 you know, tell you what I'm reading --

17 MS. OLALDE: Yeah, just to help out a  
18 little bit for that.

19 MR. MANCINO: -- which is that  
20 apparently Judge Henry testified to that effect at the  
21 Petteway 1 trial.

22 A. I'm sorry, can you clarify? Judge Henry  
23 testified that Joe Nixon told him and I?

24 Q. (BY MR. MANCINO) Him and you, yeah, to hold  
25 off on redistricting JP and constables until after the

1 Supreme Court decided Shelby versus Holder?

2 MS. OLALDE: Is there something you can  
3 show him to -- or -- or is he supposed to take your  
4 representation about that?

5 How do you want to handle that? Again,  
6 just for the scope of the privilege issue so I can  
7 properly assess that --

8 MR. MANCINO: I don't have the testimony  
9 with me.

10 MS. OLALDE: Sure.

11 MR. MANCINO: I've just been -- you  
12 know, it's been represented to me that that was what  
13 Judge Henry testified in the Petteway 1 trial.

14 A. I don't know what you're referring to.

15 Q. (BY MR. MANCINO) Okay.

16 A. I don't remember.

17 Q. All right. Exhibit --

18 MS. GARRETT: 33.

19 MR. MANCINO: 33?

20 MS. GARRETT: Uh-huh.

21 Q. (BY MR. MANCINO) Let's go to Tab 7.

22 Exhibit 33 is an article by Harry [verbatim] Rice  
23 entitled "Galveston County may run afoul of Voting  
24 Rights Act."

25 And the article is being forwarded by



1 | Mr. Drummond to Ryan Dennard, copying Mark Henry and  
2 | it is dated August 21, 2013.

3 | A. It's actually not true. It was sent by Ryan  
4 | Dennard to me --

5 | Q. (BY MR. MANCINO) Oh, I'm sorry.

6 | A. -- not from me to him, and it was done by  
7 | Harvey Rice.

8 | Q. Didn't I say Harvey Rice?

9 | A. And you said -- and you said the e-mail was  
10 | sent by me to --

11 | Q. Oh, yeah. No, we can correct that.

12 | So this is an e-mail that was sent to  
13 | you by Ryan Dennard --

14 | A. Uh-huh.

15 | Q. -- attaching this article by Mr. Rice?

16 | A. Yes.

17 | Q. Did you read this article?

18 | A. Most likely. Commissioner Dennard was my  
19 | direct boss at that time, so --

20 | Q. Uh-huh.

21 | A. -- I probably did read it.

22 | Q. Okay. And he writes that: "The action makes  
23 | Galveston County the first local government in the  
24 | Houston region and possibly in Texas to make a change  
25 | that would have been unlawful before a recent U.S.

1 Supreme Court decision that weakened the Voting Rights  
2 Act."

3 Did you have that understanding of the  
4 effect of the redistricting action being taken in  
5 Galveston County would have?

6 MS. OLALDE: Objection; vague and  
7 confusing.

8 A. I -- I don't know.

9 Q. (BY MR. MANCINO) Okay. All right. Do you  
10 know -- have you ever heard of the -- hold on, bear  
11 with me. I'm just looking for the name.

12 Has anyone -- someone by the name of  
13 Adam Kincaid?

14 A. What -- what was the question?

15 Q. Do you -- do you know anyone by the name of  
16 Adam Kincaid?

17 A. I don't know.

18 Q. Have you heard of an organization called the  
19 Republican -- National Republican Redistricting Trust?

20 A. Not that I can recollect.

21 Q. Okay.

22 MR. MANCINO: Thanks.

23 Have I covered everything?

24 (Discussion off the record.)

25 MR. MANCINO: Tab 23, okay.

1 Let's go to Exhibit 34, Tab 23.

2 (Marked Drummond Exhibit No. 34.)

3 Q. (BY MR. MANCINO) Do you recognize Exhibit 34?

4 MS. OLALDE: Counsel, the exhibit you  
5 handed me has two e-mails attached to it. Was that  
6 intentional?

7 MR. MANCINO: I don't know.

8 MS. OLALDE: Okay. I just wanted to  
9 make sure for --

10 MR. MANCINO: Are they consecutive?

11 MS. OLALDE: They are not.

12 (Discussion off the record.)

13 A. So it's an e-mail from me to our general  
14 counsel.

15 Q. (BY MR. MANCINO) Yeah. And what -- what is  
16 it you were sending to him?

17 A. I don't know. The subject is PIA.

18 Q. Any idea what that means?

19 A. Public Information Act.

20 Q. Oh. Well, knowing that the subject is  
21 Private Information Act [verbatim], does that suggest  
22 to you why you were sending this material to Mr. Ready  
23 [verbatim]?

24 Had there been a public information  
25 request made?

1 A. You just -- you referred to it as Private  
2 Information Act. It's Public Information Act.

3 Q. Well, however you described it.

4 A. Okay. Yeah, I would -- I don't recall the  
5 context of the request that was made here that created  
6 this communication in --

7 Q. Okay. If you look at -- go into the Bates  
8 number at the bottom, 29190, yeah, about four or five  
9 pages in, there's an e-mail from Paul Ready to Dianna  
10 Martinez, copying you, among others, April 1, 2021.

11 And Paul writes: "Dianna, the attached  
12 document is the backup for the redistricting counsel  
13 agenda item. I have reviewed it and approved."

14 And it contains the Holtzman Vogel  
15 engagement letter and additional information.

16 Do you see that?

17 A. Yes.

18 Q. So was this the backup documentation for the  
19 County Commissioner Courts meeting to consider the  
20 retention of the Holtzman Vogel offer?

21 A. I don't know, other than the statement from  
22 Paul that this is the backup.

23 Q. Okay. And did it come to your attention that  
24 for some reason, this backup documentation for that  
25 agenda item for the meeting that in which the

1 | retention of the Holtzman firm would be considered

2 | didn't make into the public record?

3 | A. I'm sorry, rephrase the question.

4 | Q. Yes.

5 | Did you ever hear or learn that the --

6 | the Holtzman's engagement letter and this other

7 | documentation, which was backup for the agenda item

8 | for the Commissioner Court to consider retaining this

9 | firm didn't make it into the public record?

10 | A. I don't -- I don't recall.

11 | Q. Okay. Do you -- do you recall forwarding

12 | this same documentation to Mr. Ferguson who made a

13 | request for it?

14 | A. I don't recall off the top of my head that I

15 | did.

16 | Q. Okay. All right. Let me just -- we touched

17 | on this before, and by "this," I mean your

18 | communications with Dale Oldham. And I just want to

19 | make a record of -- ask you some questions about

20 | topics that you may have discussed with Mr. Oldham --

21 | Oldham, okay.

22 | So Mr. Oldham was retained by the County

23 | to assist with the redistricting process?

24 | A. Yes.

25 | Q. And you had communications with him from time

1 to time?

2 A. Yes.

3 Q. Including telephone conversations?

4 A. Yes.

5 Q. Okay. In -- in any of your discussions with  
6 Mr. Oldham, did you discuss a topic like the  
7 redistricting criteria to be applied in drawing new  
8 maps for Galveston County?

9 MS. OLALDE: I'm going to object to any  
10 communications that would have occurred with  
11 Mr. Oldham that contain, you know, privileged  
12 information.

13 So to the extent you had a conversation  
14 with Mr. Oldham that delved into substantive issues  
15 like counsel has asked about, I'm going to instruct  
16 you not to answer. Otherwise, you can answer.

17 MS. RICHARDSON: Petteway plaintiffs are  
18 going to reserve, again, their objection to that --  
19 the substance of that privilege claim.

20 MS. MEZA: And the United States joins  
21 in that reservation.

22 MR. MANCINO: And me too.

23 A. Can you restate that question --

24 Q. (BY MR. MANCINO) Sure.

25 A. -- before the objection?

1 Q. In -- in -- in any of your communications  
2 with Mr. Oldham, concerning the redistricting work  
3 that he was performing, did you discuss what  
4 redistricting criteria, if any, he was using?

5 MS. OLALDE: Same objection.

6 A. Not that I can recall.

7 Q. (BY MR. MANCINO) Okay. Did you discuss with  
8 Mr. Oldham any population analyses he might have run?

9 MS. OLALDE: I'm going to object. It's  
10 the same basis for the objection, counsel. Would you  
11 like to repeat everything out, or can we just say  
12 same? Is that cool with you?

13 MR. MANCINO: Yeah, that's fine.

14 MS. OLALDE: Same instruction as well.

15 MS. RICHARDSON: Same reservation.

16 A. Again, not that I can recall.

17 Q. (BY MR. MANCINO) In any of these  
18 communications -- strike that.

19 When you were talking with Mr. Oldham, there  
20 were occasions when other -- others were present on  
21 the call?

22 A. Yes.

23 Q. Okay. In any of those conversations, was  
24 there a discussion about whether and how Mr. Oldham  
25 would pull population out of benchmark Precinct 3 and

1 split it up among Precincts 1, 2 and 4?

2 MS. OLALDE: Same First Amendment --

3 sorry, same attorney-client privileged objection.

4 And same instruction.

5 A. Yeah, not that I can recall.

6 Q. (BY MR. MANCINO) Did you discuss with

7 Mr. Oldham, or overhear discussions between Mr. Oldham

8 and somebody else, about whether he did an analysis of

9 black voting age population and Latin voting age

10 population in Precinct 3?

11 MS. OLALDE: Same objection based on

12 attorney-client privilege; also work product.

13 And same instruction.

14 MR. MANCINO: Okay.

15 A. Not that I can recall.

16 Q. (BY MR. MANCINO) Okay. Now, thinking back to

17 what we've covered today, including your interaction

18 with Commissioner Holmes at a time when he was

19 commissioner -- well, strike that.

20 Having in mind our prior discussion about

21 Precinct 3, the benchmark Precinct 3, were you aware

22 that Precinct 3, again before the adoption of this new

23 map, had a substantial black and Latino population?

24 A. Yes.

25 Q. And were you aware that the voters, including



1 | black and Latino voters in Precinct 3, had voted for

2 | Commissioner Holmes for many years prior to 2021?

3 | A. Aware in the extent that he's been elected

4 | since I believe 1998.

5 | Q. Okay. So does this refresh your memory --

6 | strike that, because I can't remember if I already

7 | asked this so I'll just ask it straight out.

8 | Do you know what the term

9 | "majority-minority district" means in the voting

10 | context?

11 | A. Yes.

12 | Q. Okay. What does it mean to you?

13 | A. The majority of voters are minority citizens.

14 | Q. Okay. And as a result, have the electoral

15 | power to vote for a candidate of their choice and

16 | elect that candidate?

17 | A. I don't know.

18 | Q. Okay. Was one of the objectives in the 2021

19 | redistricting in Galveston -- Galveston County to

20 | eliminate a majority-minority district in Precinct 3?

21 | A. No.

22 | Q. How do you know that?

23 | A. From my prior testimony on the objectives

24 | that you asked me at the beginning of today.

25 | Q. What was in Mr. Oldham's mind?

1 A. I don't know.

2 Q. Okay. Was the effect of this change to  
3 Precinct 3 to eliminate a majority-minority voting  
4 district?

5 A. I'm sorry, the effect?

6 Q. Yes.

7 A. Meaning the end result?

8 Q. Yes. That, as now constituted, Precinct 3  
9 will no longer have a majority-minority -- will no  
10 longer be a majority-minority voting precinct.

11 A. Yeah, I don't know.

12 Q. Okay.

13 MR. MANCINO: That's all from me. Thank  
14 you.

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

16 BY MS. MEZA:

17 Q. Before we start, are you okay going for a  
18 little while, or would you like to take a break?

19 A. I'm -- I'm good to keep going.

20 Q. Okay. Great.

21 Good afternoon, Mr. Drummond. I'm going  
22 to ask you a few questions and do my best not to  
23 overlap with anything that you have already answered.

24 So I would like to start with the  
25 appointment made when the Precinct 4 seat became

1 vacant.

2 So Commissioners Court Precinct 4 seat  
3 became vacant in May 2022 following Commissioner  
4 Clark's death; is that correct?

5 A. Following his passing.

6 Q. His passing, yes.

7 What rules or procedures does the County  
8 have in place to fill an unexpected vacancy on the  
9 Commissioners Court?

10 A. I don't know of any.

11 Q. Okay. Who is responsible for filling a  
12 vacancy on the Commissioners Court?

13 A. The County judge.

14 Q. And how soon after the seat became vacant did  
15 the process of filling the vacancy begin?

16 A. I can't recall to that timeline.

17 Q. Did that process begin before the vacancy --  
18 before the vacancy?

19 A. I can't recall if it happened before the  
20 vacancy or at the time of the vacancy.

21 Q. Do you recall whether Judge Henry was  
22 considering any individuals for a potential vacancy of  
23 the Precinct 4 Commissioners Court seat?

24 A. Do I recall him considering individuals?

25 Q. Yes.

1 A. Yes.

2 Q. And before the seat became vacant?

3 A. Before it became vacant. I can't recall to  
4 that.

5 Q. Okay.

6 A. Maybe, but I can't recall if it happened when  
7 it happened or if it was before or right before.

8 Q. Okay. And what specific role did you play in  
9 filling the vacancy of the Precinct 4 seat?

10 A. I think the role I played was talking to  
11 Judge Henry about it.

12 Q. And what specifically did you discuss with  
13 Judge Henry regarding the vacancy?

14 A. Elected officials that may live in the  
15 precinct.

16 Q. For what purpose did you discuss elected  
17 officials that may live in the district?

18 A. I don't -- I think the purpose of that was  
19 for him to be thinking about what he was going to do  
20 in that appointment process.

21 Q. Okay. So to identify potent -- prospective  
22 individuals to fill the vacancy?

23 A. Yeah. People who live in Precinct 4.

24 Q. Okay. And what factors, other than whether  
25 or not they lived in Precinct 4, were considered in

1 identifying a candidate was -- I'm sorry, strike that.

2 What factors was Judge Henry considering  
3 in filling -- in finding a candidate to fill the  
4 vacancy in Precinct 4?

5 MS. OLALDE: Objection; calls for  
6 speculation but to the extent you know you can answer.

7 A. Yeah, I don't know what factors he was taking  
8 into consideration.

9 Q. (BY MS. MEZA) So the only communications you  
10 had with him regarding the vacancy in Precinct 4  
11 included identifying individuals who lived in -- in  
12 the precinct?

13 A. Yes.

14 Q. Okay. And to your knowledge, were multiple  
15 individuals considered for the vacancy?

16 A. I gave multiple names.

17 Q. How many did you -- how many individuals did  
18 you identify?

19 A. I don't know. I can't remember specifically  
20 how many.

21 Q. Was it more than 20?

22 A. No.

23 Q. Was it more than ten?

24 A. No.

25 Q. Was it more than five?

1 A. Maybe.

2 Q. Maybe.

3 A. Yeah.

4 Q. So somewhere between five and ten  
5 individuals?

6 A. Correct.

7 Q. Okay. Do you remember anyone specifically  
8 that you identified?

9 A. Robert Griffon, Friendswood city councilman.

10 Q. Okay. Anyone else?

11 A. Billy Enochs, who is a former Friendswood  
12 city councilman and ran in the primary for county  
13 commissioner Precinct 4 in 2018.

14 Q. Okay.

15 A. If I got that timeline correct.

16 Q. So do you know whether -- and we'll go back  
17 to the additional names --

18 A. Yeah.

19 Q. -- you identified.

20 But do you know whether Commissioner  
21 Clark identified the initial individual you -- you  
22 identified, Robert from -- Robert --

23 A. Griffon.

24 Q. -- Griffon from Friendswood city?

25 A. Friendswood city council.

1 Q. Yeah.

2 Did Commissioner Clark do anything with  
3 that name in terms of did he reach out to Mr. Griffon  
4 or consider him?

5 A. Commissioner Clark?

6 MS. OLALDE: Hold on. Objection; calls  
7 for speculation. But are you going to rephrase?

8 MS. MEZA: I am going to rephrase.

9 MS. OLALDE: Okay.

10 Q. (BY MS. MEZA) Did commissioner -- did Judge  
11 Henry -- did Judge Henry reach out to Mr. Griffon  
12 related to the vacancy in Precinct 4?

13 A. I don't know.

14 Q. Okay. Did Judge Henry reach out to Billy  
15 Enochs regarding the vacancy in Precinct 4?

16 A. I don't know.

17 Q. Okay. And what additional names did you  
18 identify and give to Judge Henry regarding of  
19 individuals who lived in -- in Precinct 4?

20 A. I can't remember specifically additional  
21 names, but I did have additional names that I gave to  
22 him.

23 Q. Okay.

24 A. And I -- yeah.

25 Q. Did you discuss these prospective

1 individuals' race when you were identifying them for  
2 the vacancy?

3 A. No.

4 Q. Did Judge Henry keep you updated on his  
5 communications with any potential candidates to fill  
6 the Precinct 4 vacancy?

7 A. Outside of discussion of names, he really  
8 didn't fill me in on many details after that.

9 Q. Okay. And when you provided him that list of  
10 five to ten names, was that all at once or did you  
11 identify these people over a period of time?

12 A. I recall it to be over a short period of  
13 time.

14 Q. What was the period of time?

15 A. Short -- short period of time.

16 Q. Several days or several weeks?

17 A. A few days.

18 Q. A few days.

19 In addition to those names you  
20 identified for Judge Henry, do you know if any  
21 specific individuals contacted Judge Henry about the  
22 vacancy or their interest in the vacancy?

23 A. Who contacted Judge Henry?

24 Q. Yes.

25 A. Yeah. Congressman Randy Weber's wife,



1 Brenda Weber, contacted Judge Henry a year before  
2 Commissioner Clark died.

3 Q. Okay.

4 A. Which was -- which we found very off-putting.

5 Q. And other than that contact, was there any  
6 other individual who reached out to Judge Henry  
7 regarding the vacancy?

8 A. I'm not aware of specifically any that I can  
9 recall that reached out to him.

10 Q. Okay.

11 A. I had two reach out to me; and that was the  
12 two names I gave you, Robert Griffon and Billy Enochs.

13 Q. Okay. So -- so they reached out to you and  
14 they were also among the names that you provided to  
15 Judge Henry?

16 A. I believe, yeah.

17 Q. Yes?

18 A. Yes.

19 Q. Okay. Was Robin Armstrong among the names  
20 you identified for Judge Henry?

21 A. Yeah, he could have been one of the names.

22 Q. You're not certain whether or not he was on  
23 the list of names you provided to Judge Henry?

24 A. Correct. I can't remember if I'm the one who  
25 offered his name as someone who lives in the district

1 | or if it came from Judge Henry or from somebody else.

2 | Q. Okay. Did Judge Henry let you know that he  
3 | was going to contact Robin -- Robin Armstrong  
4 | regarding the vacancy or his interest in filling the  
5 | vacancy?

6 | A. That he was going to contact him?

7 | Q. Yes.

8 | A. I don't recall that.

9 | Q. When did you first learn that Robin -- Robin  
10 | Armstrong was being considered by Judge Henry to fill  
11 | the vacancy?

12 | A. I do recall Judge Henry telling me that they  
13 | had spoken. So I don't recall him saying, I'm going  
14 | to reach out him. I recall him saying, I spoke to  
15 | Robin.

16 | Q. Okay. Did he tell you what they spoke about?

17 | A. No.

18 | Q. Did he indicate to you that Dr. Armstrong had  
19 | expressed interest in the vacancy during that  
20 | conversation?

21 | A. I don't recall.

22 | Q. When did you learn that Judge Henry had  
23 | decided on filling the vacancy with Dr. Armstrong?

24 | A. I don't recall the timeline when he made that  
25 | decision.

1 Q. Was Commissioner Apffel involved in any of  
2 the communications regarding filling the vacancy in  
3 Precinct 4?

4 A. Not from my recollection.

5 Q. Was Commissioner Giusti involved in any of  
6 the -- in any of the communications regarding filling  
7 the vacancy in Precinct 4?

8 A. Not from my recollection.

9 Q. Okay. Was Commissioner Holmes involved in  
10 any of the communications regarding filling the  
11 vacancy in Precinct 4?

12 A. Not from my recollection.

13 Q. When you were identifying prospective  
14 candidates that lived in Precinct 4, were you doing  
15 this in your capacity as Judge Henry's chief of  
16 staff --

17 A. Yes.

18 Q. -- or as a political consultant?

19 A. As his chief of staff.

20 Q. Other than the fact that they lived in  
21 Precinct 4, what other factors were you considering  
22 when you were identifying prospective candidates to  
23 fill the vacancy?

24 MS. OLALDE: Objection; asked and  
25 answered.

1                   You can answer.

2           A.    Yeah, I think I already answered that  
3 question. I just said -- said I was identifying  
4 elected officials who lived in the precinct.

5           Q.    (BY MS. MEZA) Okay. Are you aware of any  
6 county level minority candidates who ran successfully  
7 in a primary election in Galveston County?

8                   MS. OLALDE: Objection; vague as to  
9 time.

10          A.    In a contested primary?

11          Q.    (BY MS. MEZA) Yes.

12          A.    A Republican primary?

13          Q.    Yes.

14          A.    Patricia Grady.

15          Q.    And what office did she run for?

16          A.    District judge.

17          Q.    District judge.

18                   Do you recall what primary or what  
19 election that was, what year?

20          A.    I don't recall specifically. I want to say  
21 2014 or '16, but I don't recall which one.

22          Q.    And what is Ms. Grady's race?

23          A.    Hispanic.

24          Q.    Hispanic.

25                   Mr. Drummond, when did you first learn

1 about this lawsuit challenging the 2021 Commissioners  
2 Court redistricting plan?

3 A. I don't recall the specific day or time when  
4 that happened.

5 Q. How did you first learn about the lawsuit?

6 A. From our general counsel.

7 Q. Were you provided any specific instructions  
8 related to preserving records or documents?

9 A. Yes.

10 Q. What instructions were you provided?

11 A. We were provided a copy of the -- I don't  
12 know what you would call it, a discovery or  
13 prelitigation filing that says, you may be getting  
14 sued and so preserve documents.

15 Q. Okay. And what did you do after receiving  
16 those instructions?

17 A. We preserved -- preserved documents.

18 Q. And who provided you those instructions?

19 A. Our general counsel.

20 Q. Paul Ready?

21 A. Yes.

22 Q. And you're aware that some of your records  
23 were searched and produced to plaintiffs in this  
24 litigation, correct?

25 A. Yes.

1 Q. Did you personally take any actions to search  
2 your documents or records that were produced in this  
3 litigation?

4 A. Yes.

5 Q. What did you do personally?

6 A. I searched -- I'm sorry. I didn't mean to  
7 interrupt you.

8 Q. No, please go ahead.

9 A. I searched my personal phone records, my  
10 personal computer and personal e-mail records, and  
11 also searched the County cell phone that I have.

12 Q. Okay. What about your official County e-mail  
13 account?

14 A. Those records are retained in the information  
15 technology department, and they have a system where  
16 they're able to take your -- the terms of art being  
17 requested and pull them into what you received.

18 Q. Okay. So you didn't take any specific  
19 task -- you didn't undertake any specific tasks  
20 related to the search of your official County e-mail?

21 A. I did search, but then I also, same with  
22 everybody else, had County IT come in on the County  
23 system, the computer and the e-mail, and search  
24 everything.

25 Q. Okay.

1 A. And capture everything.

2 Q. What did you do to search your County e-mail  
3 address?

4 A. Entered the terms -- the search terms in.

5 Q. You entered the search terms and then yielded  
6 a number of e-mail -- e-mails; is that correct?

7 A. From my recollection.

8 Q. And what did you do with the product of your  
9 searches?

10 A. I believe I started to retain copies of them  
11 to give to Ms. Van Horn, but then they informed us  
12 that they're just going to go in and pull it all out  
13 automatically.

14 Q. Okay. What about records other than e-mail  
15 on your office computer?

16 A. Same. They have access and they pulled  
17 everything.

18 Q. So they ran the search terms and pulled? You  
19 didn't identify them on your own?

20 A. All documents in the drives on the computer,  
21 on the desktop, everything got pulled.

22 Q. Okay. Do you use any cloud-based storage  
23 related to your work for the County?

24 A. No.

25 Q. Do you use any storage -- file storage, like

1 DropBox or Google Drive, related with your work for  
2 the County?

3 A. No.

4 Q. Okay. With respect to your personal e-mail,  
5 did the same process happen where there was a search  
6 conducted and e-mails were pulled?

7 MS. OLALDE: Objection; asked and  
8 answered.

9 A. A search was conducted, and any discoverable  
10 documents were handed over.

11 Q. (BY MS. MEZA) Who conducted the search of  
12 your personal e-mail?

13 MS. OLALDE: Objection; asked and  
14 answered.

15 A. I did.

16 Q. (BY MS. MEZA) How did you conduct that  
17 search?

18 MS. OLALDE: Objection; asked and  
19 answered.

20 A. Per the instructions of the search terms that  
21 were being asked.

22 Q. (BY MS. MEZA) Did you identify any responsive  
23 e-mails in your personal e-mail?

24 A. I did not.

25 Q. And did you search one personal e-mail



1 account or more?

2 A. I searched them all.

3 Q. How many e-mail -- personal e-mail accounts  
4 did you search?

5 A. Two.

6 Q. Two.

7 And what are those personal e-mail  
8 accounts?

9 A. Drummond.Tyler@Gmail, and a  
10 Tyler.Drummond@Outlook or MSN. I don't use it.

11 Q. And what about your -- your personal e-mail,  
12 did you -- I'm sorry. Excuse me. Strike that.

13 Your personal computer, did you run a  
14 similar search on the records in your personal  
15 computer?

16 MS. OLALDE: Objection; asked and  
17 answered.

18 A. Yes.

19 Q. (BY MS. MEZA) Did you identify any responsive  
20 documents on your personal computer?

21 A. I did not have any.

22 Q. In going back to your personal e-mail, did  
23 you delete any e-mails from your personal e-mail  
24 account regarding redistricting?

25 A. No.

1 Q. And as far as your personal computer, did you  
2 delete any records or documents on your personal  
3 computer related to redistricting?

4 A. No.

5 Q. Do you have -- how many phones do you have  
6 for use in your role as chief of staff for Judge  
7 Henry?

8 A. Three.

9 Q. Can you identify what those phone lines are?

10 A. I have my County landline, I have a County  
11 cell phone, and I have my personal cell phone.

12 Q. And you use your personal cell phone for  
13 County business?

14 A. I will get phone calls to my County cell  
15 phone because I don't bring my County cell phone with  
16 me everywhere. Otherwise, I would get phone calls  
17 at -- all days.

18 Q. Okay. Did you search your County's -- excuse  
19 me.

20 Did you search your County cell phone  
21 for any relevant text messages?

22 A. Yes.

23 Q. Did you identify any relevant text messages?

24 A. No.

25 Q. Did you delete any texts from your County

1 cell phone?

2 MS. OLALDE: Objection; vague.

3 Q. (BY MS. MEZA) Did you delete any responsive  
4 texts from your County cell phone?

5 A. No.

6 Q. Did you search your personal cell phone for  
7 any responsive text messages?

8 A. Yes.

9 Q. Did you identify any responsive text  
10 messages?

11 A. No.

12 Q. Did you delete any responsive text messages  
13 on your personal phone?

14 A. No.

15 Q. Do you ever use messaging apps like WhatsApp,  
16 Signal, or Slack for County business?

17 A. No.

18 Q. Do you know whether Judge Henry has a County  
19 cell phone?

20 A. He does not.

21 Q. So I just wanted to go back to the 2021  
22 redistricting cycle. I know you weren't with the  
23 County at the time of the 2011 redistricting cycle.

24 But over the course of the 2021  
25 redistricting cycle, was the previous cycle, the

1 | 2011-2012 cycle discussed?

2 | A. Not that I can recall.

3 | Q. Do you recall whether the number of public  
4 | hearings that were held in 2011-2012 redistricting  
5 | cycle, whether the number of public hearings were  
6 | discussed?

7 | A. No.

8 | Q. Do you recall whether the timeline during the  
9 | 2011-2012 redistricting cycle was discussed?

10 | A. No.

11 | Q. Were the maps that had been proposed during  
12 | the 2011-2012 redistricting cycle discussed?

13 | A. Not that I recall.

14 | Q. So we looked at a document, Exhibit 11, where  
15 | Ms. Johnson e-mailed you -- well, we can refer back to  
16 | it in case you'd like to do that. It's Exhibit 11.

17 | So here Ms. Johnson relays to you that  
18 | she's been in contact with the Census Bureau about the  
19 | status of the 2020 census data.

20 | Did you independently inquire at any  
21 | time with the Census Bureau or anyone else about when  
22 | the 2020 census data would be released?

23 | A. No.

24 | Q. Did, at any point, Mr. Oldham or your counsel  
25 | inform you that the 2020 census had been released?

1 A. Possibly. I don't recall, though.

2 Q. Do you recall whether you made Judge Henry  
3 aware that the census -- that the 2020 census data had  
4 been released?

5 MS. OLALDE: Objection to the extent it  
6 calls for speculation.

7 But you can answer.

8 A. Yeah. Maybe, but I don't recall.

9 Q. (BY MS. MEZA) So we looked at Exhibit 14 --  
10 what was marked a little -- Exhibit 14, that e-mail  
11 you sent to yourself with the census link.

12 A. Uh-huh.

13 Q. You said you went to the website and tried to  
14 look at the data; is that correct?

15 A. From my recollection, I believe I did, yes.

16 Q. Okay. Did you forward this link or apprise  
17 Judge Henry that the data had been released?

18 MS. OLALDE: Objection; asked and  
19 answered.

20 A. If I forwarded the link, there would be a  
21 record of it, so I don't believe I did, from my  
22 recollection. And we most likely did have a  
23 conversation that the data was released, but I don't  
24 recall.

25 Q. (BY MS. MEZA) So did at any point prior to

1 the November 12th, 2021, special session, did you and  
2 Judge Henry discuss scheduling more than one public  
3 hearing to get input on the redrawing of the  
4 Commissioners Court precincts?

5 A. I -- I don't recall that.

6 Q. Did you and Judge Henry ever discuss  
7 gathering public input regarding the Commissioners  
8 Court redistricting?

9 A. Yes.

10 Q. What did you discuss regarding public input  
11 on the redistricting plans?

12 A. The -- the public input link on the website.

13 Q. Whose idea was the -- the public input link  
14 on the website?

15 A. I -- I don't remember who came up with that.

16 Q. It wasn't -- was it you?

17 A. It could have been --

18 MS. OLALDE: Objection; asked and  
19 answered.

20 A. It could have been. That's why -- I don't  
21 know if it was me or Zach Davidson, our communications  
22 director, or Judge Henry. I couldn't tell you.

23 Q. (BY MS. MEZA) Okay. Did you have discussions  
24 with anyone about posting -- in addition to posting  
25 the maps, about posting a breakdown of racial

1 | demographics on the web page?

2 | A. Not that I can recall.

3 | Q. Was there any notice given to the public that  
4 | this portal for public input was going to be available  
5 | on the County website?

6 | A. I can't specifically recall what was done to  
7 | announce that.

8 | Q. Was there any discussion that there should be  
9 | public notice regarding the portal for public comment  
10 | on the web page?

11 | A. Discussion with who?

12 | Q. With you and Judge Henry or anyone else that  
13 | was involved in creating and posting the public  
14 | portal.

15 | A. Yeah, I believe I just testified that I -- we  
16 | discussed it.

17 | Q. That you discussed?

18 | A. Putting public comment on the website.

19 | Q. What about giving the public notice that that  
20 | portal would be available?

21 | A. I can't -- I can't specifically recall how it  
22 | was -- how the public was notified, if it was done by  
23 | press release or on the County's social media sites.  
24 | I -- I don't know.

25 | Q. So going back to the time when Judge Henry

1 instructed you to reach out to Paul Ready and ask him  
2 to contact Dale Oldham, were any of the other  
3 commissioners informed that Dale Oldham was being  
4 considered as redistricting counsel?

5 MS. OLALDE: Objection; calls for  
6 speculation.

7 You can answer to the extent you know.

8 A. I don't -- I don't recall.

9 Q. (BY MS. MEZA) Those are all my questions,  
10 Mr. Drummond. Thank you.

11 MS. RICHARDSON: We can take a break or  
12 we can power through. It's up to you.

13 THE WITNESS: Just power through, if  
14 you're --

15 MS. RICHARDSON: I'm good, yeah. Unless  
16 anyone else needs a break as well.

17 The court reporter, are you okay?

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

19 BY MS. RICHARDSON:

20 Q. Okay. So, Mr. Drummond, my name is Valencia  
21 Richardson. I represent the Petteway plaintiffs in  
22 the Petteway lawsuit in this case.

23 And I'm going to be mostly asking you  
24 follow-up questions and I'll have -- from our prior  
25 conversation today.



1                   And so I'm going to start by pulling up,  
2           Alexa, in the Campaign Legal Center private folder,  
3           Petteway 1 trial transcript.

4                   And that's -- let's mark that as  
5           exhibit -- I'm not sure where we are.

6                   MS. OLALDE: 35.

7                   MS. RICHARDSON: 35. Thank you.

8                   It's a large document, so it might take  
9           a sec for them to pull it up.

10                   (Marked Drummond Exhibit No. 35.)

11           Q.    (BY MS. RICHARDSON) Okay. I'll represent to  
12           you that this is the trial transcript that we  
13           discussed earlier in the 2013 Petteway case against  
14           the JP/constables' districts. And that is Day 3 trial  
15           transcript, and we're going to be looking at Mark  
16           Henry's testimony in that case.

17                   MS. RICHARDSON: So, Alexa, if you will  
18           go down to Page 277.

19           Q.    (BY MS. RICHARDSON) Okay. And so read here,  
20           before --

21           A.    Can I pull this closer to me a little bit?

22           Q.    Absolutely. I'm blind --

23           A.    Okay.

24           Q.    -- and I can barely see this, so --

25           A.    Oh, thank you. They maximized it.

1 Q. Absolutely.

2 Before I ask you questions about this,  
3 just to recall your earlier testimony, you -- you  
4 testified you started in about mid-2013?

5 A. End of July 2013.

6 Q. Okay. And then I can represent to you the  
7 Petteway lawsuit was around that time as well as the  
8 JP/constables lawsuit.

9 And you recalled that redistricting  
10 process in earlier testimony; is that correct?

11 A. I recall there was litigation going on.

12 Q. Yeah. Okay.

13 And so here starting at Line 3, you can  
14 see the question that was asked to him about Shelby  
15 County coming out in June of 2013.

16 Do you see that?

17 A. On Line 3?

18 Q. Yeah. Line -- starting Line 3.

19 A. Uh-huh.

20 Q. And then you go down to Judge Henry's answer.  
21 And can you just read that starting at Line 7?

22 A. Read his entire answer?

23 Q. Uh-huh. It's shorter than it looks.

24 A. Sure. [As read]: "Well, in 2011 I was. In  
25 2013, we didn't get that far down the road. Somewhere

1 March or April time frame, when I would start pushing  
2 the issue with Mr. Nixon about maps, he started  
3 saying: Well, hang on, you know, Shelby's going to  
4 come out, and anything we do may have to be changed  
5 after that. So let's just wait until Shelby County  
6 comes out."

7 Q. Okay. And so based on the question, he's  
8 referring to wait until the JP -- until Shelby County  
9 comes out to redistrict the JP precincts; is that  
10 correct?

11 MS. OLALDE: Hold on. We started in the  
12 middle of a conversation, so if you can just let him  
13 maybe read a little bit so he understands the --

14 MS. RICHARDSON: I'm happy to let him  
15 read, uh-huh, the context, yeah.

16 MS. OLALDE: I don't know if, Alexa, if  
17 you have to give him control over the document.

18 (Discussion off the record.)

19 A. You're saying go to the page prior?

20 Q. (BY MS. RICHARDSON) Yeah.

21 A. Okay.

22 Q. And then where we left off.

23 Okay. So now I'll ask you that question  
24 again.

25 So Judge Henry in this conversation, was

1 referring to waiting until 2013 to re -- after Shelby  
2 County to redistrict the JP/constables precincts; is  
3 that correct?

4 A. I mean, I don't have any personal knowledge  
5 on what he's testifying to. He's talking about a time  
6 frame of March and April 2013, before I ever started.  
7 I mean, other than what I read...

8 Q. It says JP precincts up there, though, on  
9 Line 6?

10 A. It says "JP redistricting."

11 Q. Okay.

12 A. Yeah.

13 Q. Yeah.

14 And so do you recall that Joe Nixon told  
15 Judge Henry and the County to wait until after Shelby  
16 County came out to redistrict the JP/constables  
17 precincts?

18 A. I don't, because, again, from his answer,  
19 this was done in March or April 2013, which was prior  
20 to the time of me starting my employment with the  
21 County.

22 Q. Okay. Thank you.

23 Do you recall that occurring after your  
24 employment with the County?

25 A. No. I -- I was so new, I -- they didn't put

1 me into --

2 Q. Any -- yeah.

3 A. -- the contentious issues going on at the  
4 time.

5 Q. Got you.

6 A. Yeah.

7 Q. I'd like to turn back to Exhibit 28.

8 MS. RICHARDSON: It's going to be that  
9 advisory, so you can see -- you can quickly look.

10 MS. OLALDE: Okay. Do you want paper or  
11 do you want to read it on the screen?

12 THE WITNESS: Paper might be faster.

13 MS. OLALDE: Sure. There you go.

14 THE WITNESS: Okay.

15 Q. (BY MS. RICHARDSON) And then if we could turn  
16 to Page 2.

17 A. Sure.

18 Q. Okay. And let me know when you're ready.

19 A. Okay.

20 Q. Okay. Do you see that section that says  
21 "County Commissioners Precincts"?

22 A. I do.

23 Q. And it discusses, you know, Article V,  
24 Section 18(b) of the Texas Constitution requires each  
25 county to be divided into four commissioner precincts.

1                   You see that paragraph?

2           A.    Yes.

3           Q.    And then at the end, it says, therefore the  
4   Commissioners Court must be redistricted by  
5   November 13th, 2021, the first day of the  
6   candidate-filing period for the primary election.

7                   Do you understand that -- do you  
8   understand that deadline to refer to redistricting in  
9   time for the candidacy filing period for the -- for  
10   the March 2022 primary?

11          A.    Yes.  I understood that to infer them putting  
12   a deadline on county commissioner precinct  
13   redistricting based on the first page, third  
14   paragraph --

15          Q.    Uh-huh.

16          A.    -- last sentence where they say in regards to  
17   the Legislature allowing the Secretary of State to  
18   adopt different timelines for redistricting.

19          Q.    But you see there on the section we just read  
20   it refers to the -- the Texas Constitution that  
21   sets -- that sets the -- the requirements for  
22   Commissioner Court redistricting?

23          A.    Yes.  I understand that to put the  
24   requirement of the redistricting needing to happen.

25          Q.    Okay.  So the deadline isn't -- the deadline

1 is set by State law, not just the Secretary of State;

2 is that correct?

3 MS. OLALDE: Objection; calls for a  
4 legal conclusion. Also, asked and answered.

5 Q. (BY MS. RICHARDSON) I'm going -- I'm  
6 asking -- I'm never going to ask based on -- you for a  
7 legal conclusion because you're not a lawyer. I'm  
8 going to always ask based on your personal opinion and  
9 understanding.

10 A. Thank you.

11 Q. Uh-huh. So if you -- you can answer the  
12 question.

13 A. With regards that deadline set by State law?

14 Q. Yes.

15 A. I -- I don't know.

16 Q. Okay. But it says there that the Texas  
17 Constitution regards the Commissioners Court  
18 precincts.

19 MS. OLALDE: I'm sorry, are you finished  
20 with the question?

21 MS. RICHARDSON: I am.

22 MS. OLALDE: Okay. So objection; asked  
23 and answered.

24 A. I understand the reference to the  
25 Constitution that require that each County be divided

1 into four commissioner precincts. I didn't take -- I  
2 didn't read that article or section of the  
3 Constitution.

4 Q. (BY MS. RICHARDSON) You -- the March 2022  
5 primary was always going to happen, as you understand  
6 it, correct?

7 A. No.

8 Q. You didn't think the -- there was going to be  
9 a primary for the -- the 2022 elections?

10 A. From -- from my understanding, is there --  
11 there's been -- maybe back in 2012 there was a delay  
12 in the primary --

13 Q. Uh-huh.

14 A. -- based on redistricting at that time in the  
15 state.

16 Q. Uh-huh.

17 A. So we didn't know if that was going to happen  
18 this time around based on the delay of the census  
19 data.

20 Q. But there was going to be a primary?

21 A. There was eventually going to be a primary --

22 Q. You didn't know if it was going to be in  
23 March?

24 A. Correct.

25 Q. But you knew there was going to be a primary



1 in 2022 because there was going to be elections in  
2 2022?

3 A. Yes.

4 Q. And candidates had to know what districts  
5 they lived in, correct?

6 A. Yes.

7 Q. Ahead of the primary so that they can know  
8 which district they're going to run in?

9 A. Yes.

10 Q. Okay. So is -- wasn't it foreseeable that  
11 there would be a filing period approximately around  
12 that time because of the election year pending?

13 MS. OLALDE: Objection; calls for  
14 speculation.

15 A. I think that was the -- that was the time --  
16 that was the set timeline, right? December 13th is  
17 the end of the filing period.

18 Q. (BY MS. RICHARDSON) Uh-huh.

19 A. We didn't know if it was going to change or  
20 not.

21 Q. But it would always be November at the  
22 earliest, right?

23 MS. OLALDE: Objection; asked and  
24 answered.

25 A. From my understanding, is last time

1     redistricting was done in the state of Texas, there  
2     was a change in the filing deadline dates and the  
3     actual primaries.

4           Q.     (BY MS. RICHARDSON) But that would have been  
5     a later change to move the deadline down. Am I  
6     correct?

7           A.     Correct. It would have moved the deadline  
8     beyond November to December. It would have pushed it  
9     past to a later date.

10     Q.     And so I'll rephrase my earlier question just  
11     to make it clear.

12                     Then the November filing period, it  
13     was -- the filing period for the primary in 2022 was  
14     always going to be at least in November?

15                     MS. OLALDE: Objection; asked and  
16     answered.

17           A.     Yes.

18           Q.     (BY MS. RICHARDSON) Thank you.

19                     MS. RICHARDSON: We can take that  
20     exhibit down.

21     Q.     (BY MS. RICHARDSON) I'd also like to revisit  
22     Exhibit 7.

23                     MS. RICHARDSON: I'm sorry about that  
24     stack.

25                     MS. OLALDE: It's a very heavy stack.

1 [REDACTED] Here you go.

2 [REDACTED] This one?

3 [REDACTED] MS. RICHARDSON: Uh-huh.

4 [REDACTED] Q. (BY MS. RICHARDSON) Mr. Drummond, so we  
5 talked about this earlier. You talked about this with  
6 Mr. Mancino, that this was a meeting you had regarding  
7 redistricting in December 2020 with Paul Ready, it  
8 appears Dale Oldham and Judge Henry; is that -- is  
9 that right?

10 [REDACTED] A. Yes.

11 [REDACTED] Q. And the topic was redistricting for the  
12 twenty -- the 2021 year redistricting cycle?

13 [REDACTED] A. Yes.

14 [REDACTED] Q. That was the first meeting you had with Dale  
15 Oldham and Judge Henry regarding redistricting?

16 [REDACTED] MS. OLALDE: Objection; asked and  
17 answered.

18 [REDACTED] A. From my recollection, yes.

19 [REDACTED] Q. (BY MS. RICHARDSON) Do you recall having  
20 meetings with other commissioners and Dale Oldham  
21 regarding the 2021 redistricting cycle?

22 [REDACTED] MS. OLALDE: Objection; asked and  
23 answered.

24 [REDACTED] A. I don't specifically recall.

25 [REDACTED] Q. (BY MS. RICHARDSON) In this meeting, were you

1 | provided instructions by Mark Henry about discussions  
2 | with other commissioners regarding the 2021  
3 | redistricting cycle?

4 | A. I don't specifically recall.

5 | Q. In this meeting, did Mark Henry express to  
6 | you your -- his preferences regarding redistricting  
7 | during the 2021 redistricting cycle?

8 | A. At this meeting, I don't specifically recall.

9 | Q. In any subsequent meetings did Mark Henry  
10 | express to you his preferences about how the map  
11 | should look regarding -- in the 2021 redistricting  
12 | cycle?

13 | MS. OLALDE: Objection; vague.

14 | Q. (BY MS. RICHARDSON) And I can give you  
15 | examples.

16 | Did he give you -- for example, did he  
17 | communicate to you any examples about the redrawing --  
18 | drawing the coastal precinct, for example?

19 | A. You mean giving me examples of what it would  
20 | look like --

21 | Q. Oh --

22 | A. -- or just saying he wanted a coastal  
23 | precinct?

24 | Q. I apologize. I'm giving you examples of what  
25 | I'm asking.

1 A. Okay.

2 Q. So did he communicate to you any preferences  
3 with respect to drawing a coastal precinct for the  
4 new -- the new map?

5 A. Yeah. I -- and I believe I may have  
6 testified earlier under his questioning that Judge  
7 Henry gave me some objectives, which that was the  
8 first one, having a coastal precinct; and the second  
9 was, is to make the district -- or commissioners'  
10 precincts aligned close to population.

11 Q. Uh-huh, yes, that's exactly --

12 A. Okay.

13 Q. -- what I'm asking about, thank you.

14 A. Okay.

15 Q. So did you communicate those preferences to  
16 any of the other commissioners?

17 MS. OLALDE: Objection; asked and  
18 answered, I believe.

19 MS. RICHARDSON: I don't believe it's  
20 been asked but we can --

21 MS. OLALDE: Well --

22 Q. (BY MS. RICHARDSON) But if you don't mind  
23 answering.

24 A. I don't recall. I know Darrell -- Darrell  
25 Apffel and I had a conversation --

1 Q. With respect to --

2 A. -- I believe.

3 Q. -- those objectives?

4 A. Yes.

5 Q. What about you and Commissioner Giusti?

6 A. I don't recall.

7 Q. What about you and Commissioner Holmes?

8 A. Again, I don't recall that.

9 Q. Okay. And I just have to tick off the list.

10 A. Sure.

11 Q. What about you and Commissioner Clark?

12 A. I -- again, I don't recall. The only  
13 conversation is one specific I recall is Darrell  
14 Apffel.

15 Q. Okay. And your conversation with Darrell  
16 Apffel, would that have occurred subsequent to your  
17 conversation with Mark Henry?

18 A. From my recollection, I think it happened in  
19 the same meeting that Darrell attended with us.

20 Q. Okay. Did Judge Henry ever instruct you  
21 during the redistricting -- the 2021 redistricting  
22 process to communicate his preferences to the other  
23 commissioners with respect to redistricting criteria  
24 and any -- and his objectives about redistricting?

25 MS. OLALDE: Objection; compound.

1 Vague.

2 You can answer.

3 A. Yeah, I don't recall that directive.

4 Q. (BY MS. RICHARDSON) Okay. Did Mark Henry  
5 give you any other instructions with respect to  
6 communicating with the commissioners during the  
7 redistricting cycle?

8 A. Not that I can recall.

9 Q. Okay. Okay.

10 Let's see. Then I would like to recall  
11 Exhibit 25.

12 MS. RICHARDSON: And, Alexa, while we're  
13 talking about this exhibit, we can go ahead and mark  
14 as Exhibits 30 -- I guess we're on 36 and 37, and  
15 the -- Maps 1 -- Map 1 and Map 2, respectively, and  
16 then I'll pull those up in a second.

17 Q. (BY MS. RICHARDSON) But in the meantime, we  
18 can look -- take a look at Exhibit 25.

19 So that is -- I don't -- it's not on the  
20 screen, but if you --

21 A. I have it right here.

22 Q. You have it in front of you?

23 A. Uh-huh.

24 Q. The Facebook post -- post we discussed,  
25 correct --

1 A. Yes.

2 Q. -- earlier? And those have the two map  
3 proposals?

4 A. It appears they have Map 1 and 2 attached to  
5 it.

6 Q. Okay. Yeah, and was -- and that wasn't your  
7 first time reviewing the maps before they were  
8 published on Facebook, correct?

9 A. I don't believe it was the first time we'd  
10 seen the maps, correct.

11 Q. Okay. Thank you.

12 Then let's pull up Exhibit 36.

13 (Marked Drummond Exhibit No. 36.)

14 A. Are we done with this one?

15 Q. (BY MS. RICHARDSON) We are done with this  
16 one.

17 A. Okay.

18 Q. It was just a quick little refresher.

19 A. Okay.

20 Q. So that's Map 1. We're looking at  
21 Exhibit 36. That's Map 1 that you saw on the Facebook  
22 post, correct?

23 A. I believe so, yes.

24 Q. The proposed map? And I'll represent to you  
25 I pulled this off of --



1 A. You pulled it off --

2 Q. -- the County agenda meeting minutes from the  
3 November 12th hearing.

4 A. It appears to look like the same map that was  
5 posted on the Facebook post.

6 Q. Okay. So I'll just start with this map,  
7 then, get into a little discussion about it.

8 What was your opinion on Map 1?

9 A. Yeah, I don't know.

10 Q. What is your opinion on Map 1 currently?

11 A. I don't know.

12 Q. Do you understand it to retain Precinct 3 as  
13 a majority-minority district?

14 A. I don't know.

15 Q. Okay. Can you explain more, why don't you  
16 know?

17 A. You're asking me about my opinion of it at  
18 the time. I don't remember it, and it's been so far  
19 along since redistricting, I don't -- I haven't  
20 reconsidered Map 1.

21 Q. At the time, did you consider map -- the  
22 Map 1 as a viable option for adoption?

23 A. I'm not a -- I don't have a vote in  
24 Commissioners Court.

25 Q. But as a voter in Galveston County, you have

1 an opinion on how maps are drawn, correct?

2 A. Yes.

3 Q. And so I'm just asking what is your opinion,  
4 you know, as a voter in Galveston County, subject to  
5 these precinct lines shown on Map 1?

6 A. I supported Map 2.

7 Q. Okay. Okay. Then we can pull up Map 2.

8 MS. RICHARDSON: Alexa, can you go to  
9 Exhibit 37?

10 (Marked Drummond Exhibit No. 37.)

11 Q. (BY MS. RICHARDSON) Okay. Is this Map 2?  
12 I'll represent to you again I pulled this from the  
13 twenty -- the November 12th agenda.

14 A. Yes.

15 Q. Okay. So you said you supported Map 2. Can  
16 you explain why?

17 A. It creates a coastal precinct.

18 Q. Referring specifically to Precinct 2?

19 A. Yes.

20 Q. Why did you want to create a coastal  
21 precinct?

22 A. There's a lot of alignment with coastal  
23 issues in those communities.

24 Q. Can you explain some of that alignment?

25 A. The County's functions is to work closely

1 with the General Land Office on coastal issues, beach  
2 access, beach maintenance, dune maintenance, and  
3 having a commissioner represent all those interests I  
4 think was a good public policy decision.

5 Q. Do you know if voters ever expressed a  
6 preference for a coastal precinct? And, sorry, I'll  
7 clarify. Voters other than you.

8 A. Yes.

9 Q. Who -- what -- what do you know about voters  
10 who expressed a preference about a coastal precinct?

11 A. From some of the review I did with the public  
12 comment, when I testified earlier about the public  
13 comments.

14 Q. Uh-huh.

15 Do you know if any minority residents in  
16 Galveston County expressed a view about a coastal  
17 precinct?

18 A. I don't recall.

19 Q. Do you know if any minority voters expressed  
20 a view about Map 2?

21 A. From being in the public meeting, there was  
22 testimony and opinions about Map 1 and 2 from  
23 residents.

24 Q. What do you recall the opinions -- about the  
25 opinions? Sorry.

1 A. There was some folks in attendance that were  
2 not in favor of Map 1 or 2.

3 Q. Uh-huh. Do you understand why they weren't  
4 in favor of either map?

5 A. They gave their own reasonings in their  
6 public comment testimony at the meeting.

7 Q. What do you -- what did you understand the  
8 reasoning to be?

9 A. I think I testified to that earlier about  
10 their representation on Commissioners Court.

11 Q. So we talked -- and you did talk earlier --  
12 we talked earlier about the -- about Precinct 3.

13 Do you understand Map 2 -- now we can  
14 call it Map 2 or the adopted map synonymously -- to  
15 maintain Precinct 3 as a -- as a majority-minority  
16 precinct, looking at this map?

17 A. I'm sorry, what -- what was the question  
18 specifically?

19 Q. I can repeat it.

20 Do you understand --

21 A. Thank you.

22 Q. -- Precinct 3 to be maintained as a  
23 majority-minority precinct under Map 2?

24 A. I don't know.

25 Q. Okay. Do you understand any precinct to be

1 viable as a majority-minority precinct under Map 2?

2 A. I don't know.

3 Q. I'll represent to you that in 2011 -- we  
4 talked earlier the Department of Justice objected to  
5 the map that was passed in 2011. And one of the  
6 reasons I'll represent -- and we can look at the  
7 document if you would like -- was because the --  
8 because Bolivar Island was drawn into Precinct 3.

9 Is it correct that both of these maps  
10 draw Bolivar Island into a different precinct?

11 MS. OLALDE: I'm sorry, I couldn't  
12 understand your question.

13 What was it?

14 MS. RICHARDSON: I asked him --

15 MS. OLALDE: Right. And I'm just  
16 asking --

17 MS. RICHARDSON: -- his opinion about  
18 the maps that Bolivar Island being drawn into a new --  
19 into Galveston Island.

20 MS. OLALDE: Object as to period of  
21 time.

22 MS. RICHARDSON: In 2021.

23 A. Okay. Map 1 and 2 do have -- make changes to  
24 Bolivar Peninsula's commissioner district.

25 Q. (BY MS. RICHARDSON) Uh-huh.

1                   And were you aware that that was a  
2 primary objection by the Department of Justice as a  
3 reason why they objected to the map in 2011?

4                   MS. OLALDE: Objection; asked and  
5 answered.

6           A.     Yeah, I don't.

7           Q.     (BY MS. RICHARDSON) Okay.

8                   MS. RICHARDSON: If we can zoom into  
9 Map 2 just a little bit, if we can zoom in at the  
10 intersection of 3, 4, and 1. And actually just a  
11 little further south. I'm sorry, like show us more  
12 green where it says "La Marque."

13           Q.     (BY MS. RICHARDSON) So zooming in, I'm going  
14 to ask you a little bit of questions about geography.  
15 You know the area a lot better than I do.

16                   So do you see where it -- where  
17 La Marque is?

18           A.     Yes.

19           Q.     Okay. Do you see Texas City?

20           A.     Yes.

21           Q.     Which precincts are they located in now?

22           A.     La Marque is in Precinct 2. I don't know if  
23 that's all of Texas City in Precinct 1 or not.

24           Q.     Yeah. So in the -- the map is a little  
25 blurry, but I can represent to you that La Marque is

1 actually split three ways into -- into these three  
2 precincts, 4, 2, and 1.

3 A. Okay.

4 Q. Do you understand that La Marque has -- are  
5 you aware that La Marque has a substantial minor --  
6 minority population?

7 MS. OLALDE: Objection; asked and  
8 answered.

9 MS. RICHARDSON: I don't believe we  
10 asked specifically about La Marque.

11 MS. OLALDE: We did talk about  
12 La Marque's population earlier today.

13 Q. (BY MS. RICHARDSON) You can still answer.

14 A. I don't know the specific demographic makeup  
15 of the city other than what may have been claimed in  
16 this litigation.

17 Q. Uh-huh. Right.

18 Your general understanding. I'm not  
19 asking for a number.

20 MS. OLALDE: Objection; asked and  
21 answered.

22 A. Yeah. I don't know --

23 Q. (BY MS. RICHARDSON) Okay.

24 A. -- if it's majority minority or not, if  
25 that's what you're trying to ask.

1 Q. That is what I'm asking you.

2 A. I don't know for a fact if that's true or  
3 not.

4 Q. Okay. Do you know if maintaining minority  
5 communities in the same Commissioners Court precinct  
6 was a goal of the County?

7 MS. OLALDE: Are you asking about 2011?

8 MS. RICHARDSON: In 2021.

9 MS. OLALDE: Objection; asked and  
10 answered.

11 A. I don't know.

12 Q. (BY MS. RICHARDSON) Okay. Was it a goal of  
13 yours?

14 A. I didn't have any goals for redistricting.

15 Q. Okay. I'll rephrase.

16 Was it a preference of yours?

17 A. I didn't have a preference.

18 Q. Okay. Other than the coastal precinct?

19 A. Correct.

20 Q. Okay. I'm just making sure I don't repeat  
21 any questions.

22 Okay. In your opinion, did the  
23 commissioners take into consideration public comment  
24 about the maps?

25 A. I don't know.



1 Q. Okay. Do you think that certain public  
2 comments were more important than others?

3 MS. OLALDE: Objection; calls for  
4 speculation.

5 A. Yeah, no.

6 Q. (BY MS. RICHARDSON) Did anyone express  
7 concern about the public input process?

8 A. I don't recall.

9 Q. Okay. Did anyone express concern, for  
10 example, that the -- the public needed to be involved  
11 more in the redistricting process?

12 A. I don't recall.

13 Q. Okay. I'm going to make Exhibit 38. And  
14 it's going to be --

15 MS. RICHARDSON: Alexa, it's the exhibit  
16 marked Defendant DFES Bates No. 16268.

17 (Marked Drummond Exhibit No. 38.)

18 Okay. And let's zoom in, because I'm as  
19 nearsighted as possible so I know I need to see.

20 Q. (BY MS. RICHARDSON) Let me -- I can -- I'll  
21 let you review this. But while you're reviewing it,  
22 I'll represent to you this is an e-mail -- it's an  
23 e-mail chain, actually, the first one at the bottom  
24 from Stephanie Swanson, League of -- League of Women  
25 Voters of Texas dot org -- LWV stands for League of

1 | Women Votes -- to the commissioners plus Judge Henry.

2 | Do you see that there?

3 | A. Yes.

4 | Q. And then attach -- it's -- describes a letter

5 | attached from the League of Women Voters of the Bay

6 | Area and the Texas Civil Rights Project regarding

7 | public input in the redistricting process; is that

8 | right?

9 | A. I don't see the attached letter.

10 | Q. I'm about to show you the attached letter.

11 | Don't worry.

12 | A. Okay.

13 | Q. But do you see that it says that a letter is

14 | attached to that e-mail?

15 | A. Yes.

16 | Q. And then you see the next part of the chain,

17 | it's you forwarding this or replying to this, to

18 | Stephen Holmes?

19 | A. Forwarding it to Commissioner Holmes.

20 | Q. Okay. So that's right?

21 | MS. RICHARDSON: Alexa, for the next

22 | exhibit, is that 40? It will be the document

23 | marked -- labeled Bates stamp 11908.

24 | Is it 39?

25 | THE REPORTER: I think so.

1 MS. RICHARDSON: Thank you.

2 (Marked Drummond Exhibit No. 39.)

3 Q. (BY MS. RICHARDSON) All right. And then I'll  
4 represent to you that's the attached letter, if you  
5 want to take a second to review it and let us know...

6 Do you recall this letter?

7 A. Yes, I do now.

8 Q. Okay.

9 A. Can I get access to scroll down?

10 Q. Absolutely.

11 MS. RICHARDSON: Alexa, would you mind?

12 DOCUMENT TECH: Sure, you have it now,

13 Mr. Drummond.

14 THE WITNESS: Thank you.

15 A. Okay.

16 Q. (BY MS. RICHARDSON) Okay. So do you  
17 recall -- you -- you recall receiving this letter?

18 A. I do recall, yes.

19 Q. How did you receive it if it wasn't addressed  
20 to you directly?

21 A. It was sent to Judge Henry.

22 Q. Oh, and you received it because it was sent  
23 to Judge Henry?

24 A. Yes.

25 Q. Do you get some of his e-mails or...

1 A. On occasion I monitor his e-mails.

2 Q. Uh-huh.

3 And this came -- this jumped out at you?

4 A. Yes.

5 Q. Why?

6 A. It was involving redistricting.

7 Q. Okay. Did you read the letter when you saw  
8 it?

9 A. I can't recall, but I would assume yes.

10 Q. Okay. And you -- and we can go -- we don't  
11 have to go back to 38, but you remember we just saw  
12 that e-mail where you forwarded it to Commissioner  
13 Holmes; is that right?

14 A. Yes.

15 Q. Why did you forward it to Commissioner  
16 Holmes?

17 A. This refreshed my memory he and I -- it was  
18 probably during one of our conversations that we  
19 typically have in communicating about County business.  
20 And I brought this up, have you seen this?

21 And he said, no, I didn't get a copy.

22 That's why I sent the email and said,  
23 hey, it looks like they copied you on this as well.

24 Q. Uh-huh. I see.

25 And that discussion -- did your

1 discussion involve any of the topics in this letter?

2 A. No. It involved did you receive the letter.  
3 He wanted me to forward it to him.

4 Q. Okay. And so looking at this letter, do --  
5 you see -- well, actually you stopped at the perfect  
6 page. It says here --

7 MS. RICHARDSON: Can you scroll down  
8 just so I can put the page number on the record,  
9 Alexa? On page -- I think that's, yeah,  
10 Defendants 11909.

11 Q. (BY MS. RICHARDSON) It says provide a genuine  
12 and meaningful opportunities for public comment.

13 Did you -- do you recall seeing these  
14 concerns stated in this letter?

15 MS. OLALDE: Objection; vague as to  
16 time, and asked and answered.

17 MS. RICHARDSON: I mean, the letter  
18 could have only been sent at a certain time period,  
19 so --

20 MS. OLALDE: No, I mean, because you've  
21 talked about him seeing it at different time periods.  
22 So I just wanted to make sure your question was at the  
23 time.

24 Q. (BY MS. RICHARDSON) At any time that you  
25 saw -- do you recall seeing the -- the concerns listed

1 in this letter about meaningful opportunities for  
2 public comment?

3 A. I recall receiving the letter.

4 Q. Uh-huh.

5 And you -- do -- and -- but not the  
6 specific concerns addressed to them -- in them,  
7 rather?

8 A. No. That's why my prior testimony just a few  
9 moments ago, I couldn't specifically recall the  
10 concerns that were raised about public comment or  
11 the --

12 Q. Uh-huh.

13 A. -- you know, the involvement of public  
14 comment.

15 So I get this letter, forward to  
16 Commissioner Holmes, and I -- I don't know where it  
17 got forwarded after that.

18 Q. Okay. Did you rate -- so you wouldn't have  
19 addressed this letter at all?

20 A. I would have forwarded it to counsel.

21 Q. Uh-huh.

22 A. Based on the -- the e-mail said --  
23 October 29th is when this came in?

24 Q. We can go back and --

25 MS. RICHARDSON: Alexa, you can go back

1 | to 39 -- or, I'm sorry, 38, just to get the date  
2 | right.

3 | A. So I -- I can't recall if I had forwarded to  
4 | counsel or Judge Henry had forwarded it to counsel.

5 | Q. (BY MS. RICHARDSON) Okay. And by "counsel"  
6 | that would have included whom?

7 | A. Would have been either Paul Ready --

8 | Q. Uh-huh.

9 | A. -- or Paul Ready and Dale Oldham.

10 | Q. Okay. So they would have received this  
11 | letter, though, in any event, you believe?

12 | A. If it got forwarded, yes.

13 | Q. Okay. To your knowledge, were any of the  
14 | recommendations in the letter implemented?

15 | A. I don't know.

16 | Q. Okay. Do you recall -- to your knowledge did  
17 | the commissioners respond to any of the concerns  
18 | outlined in the letter?

19 | A. I don't recall.

20 | Q. And other than Commissioner Holmes, do you  
21 | recall discussing this letter with any other  
22 | commissioner?

23 | A. I don't recall.

24 | Q. And now that I've sort of jogged your memory,  
25 | do you recall now any other concerns relayed to you

1 regarding the public input process?

2 A. No, I still don't recall.

3 Q. If you had received any complaints about the  
4 public input process, would you have responded to  
5 them?

6 MS. OLALDE: Objection; calls for  
7 speculation.

8 A. I would have responded or forwarded them to  
9 counsel.

10 Q. Would you have raised any of the concerns to  
11 any of the commissioners?

12 MS. OLALDE: Objection; calls for  
13 speculation.

14 Q. (BY MS. RICHARDSON) Or Judge Henry, I should  
15 add, just so we can be complete.

16 A. I would have given it to Judge Henry.

17 Q. Okay. Okay. I think I'm actually very close  
18 to done.

19 MS. RICHARDSON: Okay. I actually think  
20 I am done, but if you don't mind giving me five  
21 minutes just to look over and we can run to --

22 THE WITNESS: Okay.

23 MS. RICHARDSON: -- since we powered  
24 through it, but can we go off the record?

25 THE VIDEOGRAPHER: The time is 4:55.



1 Off the record.

2 (Break from 4:56 p.m. to 5:08 p.m.)

3 THE VIDEOGRAPHER: The time is 5:08 --  
4 sorry -- 5:07. Back on the record.

5 Q. (BY MS. RICHARDSON) Okay, Mr. Drummond. I  
6 just have like less than a handful of questions left  
7 to ask you, and then we are getting out of here.

8 I'd like to pull up Exhibit 37 again,  
9 Map 2.

10 MS. RICHARDSON: Okay. And we'll do a  
11 little bit of zooming in. I'd like to just like zoom  
12 in, and this is mostly for my blind eye's sake  
13 mostly -- exactly right.

14 Q. (BY MS. RICHARDSON) So, Mr. Drummond, I have  
15 a few more questions about just the geography a little  
16 bit.

17 So we were talking earlier about the  
18 need for a coastal precinct. You recall that  
19 testimony?

20 A. Yes.

21 Q. Do you see, you know -- Texas City is on the  
22 coast, correct?

23 A. No.

24 Q. Are -- can you explain what that coastline is  
25 then?

1 A. They're in Galveston Bay.

2 Q. Okay. So they're -- but they are on --  
3 they're on the bay side of the --

4 A. They're in the bay. They're not on the  
5 coast.

6 Q. Yes, so but they're on the bay?

7 A. Yep.

8 Q. Okay. Thank you. I'll -- yeah, then I'll  
9 stick to that more technical term, they're on the bay.

10 A. Okay.

11 Q. I was using coastal more colloquially.

12 And, also, there are other parts of  
13 Precinct 1 that are in the bay, Galveston Bay, as  
14 well, right?

15 A. Yes.

16 Q. Okay. Precinct 1 has a shoreline, then, that  
17 leads into a bay, correct?

18 A. Precinct 1 is in Galveston Bay.

19 Q. So in that -- and so it has a shoreline on  
20 Galveston that leads into the Galveston Bay, correct?

21 A. Yes.

22 Q. Okay. And so precinct -- or Galveston Bay  
23 and the surrounding communities, they also are subject  
24 to storm surges, correct?

25 A. To my understanding, yes.

1 Q. And they also have issues with dune

2 maintenance, for example?

3 A. No.

4 Q. Okay. Do they have beach access issues?

5 A. No.

6 Q. Do they have other issues related to being on

7 a bay leading into the ocean?

8 MS. OLALDE: Objection; confusing.

9 Vague.

10 A. Yeah, I mean -- they have other issues of

11 being in a bay?

12 Q. (BY MS. RICHARDSON) Uh-huh.

13 What are some of the issues related to living

14 on the shore of Galveston -- Galveston Bay?

15 A. I think you just identified the main issue.

16 MS. OLALDE: Yeah. Sorry, I was

17 objecting --

18 (Speaking simultaneously.)

19 THE WITNESS: Sorry.

20 MS. OLALDE: Hold on, I was going to

21 object as to vague and confusing again, but go ahead.

22 MS. RICHARDSON: Yeah, I mean, if he's

23 confused, he can ask me to clarify.

24 MS. OLALDE: Yeah, no, no, no. I'm

25 making my objections for the record --

1 (Speaking simultaneously.)

2 A. I'm very confused by your question.

3 Q. (BY MS. RICHARDSON) You're confused by my  
4 question?

5 A. Yeah.

6 Q. Just asking just so that we're not, again,  
7 coaching like earlier --

8 A. Sure --

9 (Speaking simultaneously.)

10 (Reporter clarification.)

11 MS. OLALDE: Right, I do want to make  
12 sure my objections are preserved for the record. And  
13 if you're asking what are the issues on -- I don't  
14 even know what that means. And so -- it's actually a  
15 great conversation time, for you to clarify your  
16 question so that we can get a clear record.

17 MS. RICHARDSON: Yeah, I understand, and  
18 I -- and with all due respect, it's what he  
19 understands the question to be, so I just want to make  
20 sure.

21 Q. (BY MS. RICHARDSON) And if you do, then  
22 you -- you can ask for clarification -- if you don't,  
23 I'm sorry, you can ask for clarification.

24 A. I'm confused because you're interchanging  
25 coastal issues with --

1 MS. OLALDE: Let's wait and --

2 THE WITNESS: Okay.

3 MS. OLALDE: -- let's have a question  
4 pending.

5 Q. (BY MS. RICHARDSON) Okay. What are issues  
6 related -- what are some issues that concern the  
7 communities that are on the coast -- on the shore of  
8 Galveston Bay?

9 A. Coastal would be tidal storm surge within the  
10 bay, windstorm.

11 Q. Okay.

12 A. Yeah.

13 Q. Does Galveston Bay get hurricanes?

14 A. Hurricanes come from the Gulf Coast.

15 Q. Do they reach the bay?

16 A. Yes.

17 Q. Thank you.

18 MS. RICHARDSON: I have no further  
19 questions.

20 MS. OLALDE: We will preserve  
21 [verbatim].

22 THE WITNESS: It's done?

23 MS. OLALDE: Yeah.

24 THE VIDEOGRAPHER: The time is 5:12.

25 Off the record.

(The deposition concluded at 5:13 p.m.)

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1 WITNESS CORRECTIONS AND SIGNATURE.

2 Please indicate changes on this sheet of paper,  
3 giving the change, page number, line number and reason  
4 for the change. Please sign each page of changes.

4 PAGE/LINE CORRECTION REASON FOR CHANGE

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24 TYLER DRUMMOND

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I, TYLER DRUMMOND, solemnly swear or affirm under the pains and penalties of perjury that the foregoing pages contain a true and correct transcript of the testimony given by me at the time and place stated with the corrections, if any, and the reasons therefor noted on the foregoing correction page(s), and that I am signing this before a Notary Public.

\_\_\_\_\_  
TYLER DRUMMOND

STATE OF T E X A S       \*  
COUNTY OF \_\_\_\_\_ \*

SUBSCRIBED AND SWORN TO BEFORE ME BY  
TYLER DRUMMOND on this, the \_\_\_\_ day of \_\_\_\_\_,  
2023.

\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_  
Job 5628965



IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HONORABLE TERRY  
PETTEWAY, et al.,

CASE NO. 3:22-cv-00057

Plaintiffs,

V.

GALVESTON COUNTY, et  
al.,

Defendants.

---

THE STATE OF TEXAS :  
COUNTY OF HARRIS :

I, MENDY A. SCHNEIDER, a Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the facts as stated by me in the caption hereto are true; that the above and foregoing answers of the witness, TYLER DRUMMOND, to the interrogatories as indicated were made before me by the said witness after being first duly sworn to testify the truth, and same were reduced to typewriting under my direction; that the above and foregoing deposition as set forth in typewriting is a full, true, and correct transcript of the proceedings had at the time of taking of said deposition.

I further certify that I am not, in any capacity, a regular employee of the party in whose

1       behalf this deposition is taken, nor in the regular  
2       employ of this attorney; and I certify that I am not  
3       interested in the cause, nor of kin or counsel to  
4       either of the parties.

5               That the amount of time used by each party at  
6       the deposition is as follows:

7               MR. MANCINO - 04:45:34

8               MS. MEZA - 00:34:42

9               MS. RICHARDSON - 00:45:03

10

11               GIVEN UNDER MY HAND AND SEAL OF OFFICE, on  
12       this, the 19th of January, 2023.

12

13

14               <%16989,Signature%>  
15               MENDY A. SCHNEIDER, CSR, RPR  
16               Certification No.: 7761  
17               Expiration Date: 1-31-2025

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# **Exhibit 10**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HONORABLE TERRY PETTEWAY, \*  
et al., \*  
  
Plaintiffs, \*  
  
VS. \*  
  
GALVESTON COUNTY, et al., \*  
  
Defendants. \*

Case No. 3:22-cv-00057

\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION OF  
  
JOSEPH GIUSTI  
  
JANUARY 6, 2023  
  
(Reported Remotely)

\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION OF JOSEPH  
GIUSTI, produced as a witness at the instance of the  
United States and duly sworn, was taken via  
videoconference in the above-styled and numbered cause  
on the 6th day of January, 2023, from 9:23 a.m. to  
6:01 p.m., before Marsha Yarberry, Certified Shorthand  
Reporter in and for the State of Texas, reported by  
machine shorthand, in Galveston, Texas, pursuant to the  
Federal Rules of Civil Procedure.

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ALSO PRESENT:

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Mr. Clint Thomas, Concierge (Via Zoom)  
Mr. Josh Stivers, Videographer (Via Zoom)

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NO.	DESCRIPTION	PAGE/LINE REFERENCED
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1 THE VIDEOGRAPHER: Good morning. We're  
2 going on the record at 9:23 on January 6, 2023. This  
3 is Media Unit 1 of the video-recorded deposition of  
4 Commissioner Joseph Giusti in the matter of the  
5 Honorable Terry Petteway, et al., versus Galveston  
6 County, et al., filed in the District Court for the  
7 Southern District of Texas, Case No. 3:22-cv-00057.

8 This deposition is being conducted  
9 remotely using virtual technology. My name is Josh  
10 Stivers, representing Legal Video of Texas, the  
11 videographer. Court reporter is Marsha Yarberry from  
12 the firm Veritext.

13 Counsel and all present including  
14 everyone attending remotely will now state their  
15 appearances and affiliations for the record, beginning  
16 with the noticing attorney.

17 MR. GEAR: Bruce Gear on behalf of the  
18 United States.

19 MR. SILBERSTEIN: Andrew Silberstein on  
20 behalf of the NAACP.

21 MS. VALL-ILOBERA: Diana Vall-Ilobera on  
22 behalf of the NAACP.

23 MS. CHEN: Sarah Chen on behalf of the  
24 NAACP.

25 MS. OLALDE: Angie Olalde on behalf of

1 Defendants, Greer Herz & Adams.

2 MR. GEAR: And are we ready to administer  
3 the oath?

4 THE VIDEOGRAPHER: Will the court  
5 reporter please swear in the witness, and then counsel  
6 may proceed.

7 (Witness sworn)

8 JOSEPH GIUSTI,  
9 having been first duly sworn, testified as follows:

10 EXAMINATION

11 QUESTIONS BY MR. GEAR:

12 Q. Good morning, Mr. Giusti. So before we get  
13 started I wanted to kind of talk about some of the  
14 guidelines for the deposition. Have you ever been  
15 deposed before?

16 A. Yes, sir.

17 Q. And when were you deposed?

18 A. Several -- several years ago.

19 Q. And was that a civil or criminal matter?

20 A. Civil.

21 Q. And what was that matter concerning?

22 A. Automobile accidents when I was a police  
23 officer working accidents.

24 Q. So were you a witness or were you one of the  
25 main parties?

1 A. As a witness.

2 Q. Okay. So during the deposition I'll be asking  
3 questions and you'll be providing answers. The court  
4 reporter will be taking down questions and your  
5 answers, so we will need to provide verbal responses.  
6 Is that clear?

7 A. Yes, sir.

8 Q. Okay. And give me a chance to ask the  
9 complete question, and I'll give you a chance to answer  
10 completely. That way we won't be talking over each  
11 other. Is that understood?

12 A. Yes, sir.

13 Q. You may hear your attorney make an objection,  
14 and unless you are directed not to answer my question,  
15 you will be expected to provide a complete and accurate  
16 answer. Is that fair?

17 A. Yes.

18 Q. If you don't hear a question, let me know, and  
19 I'll be happy to repeat it.

20 A. Yes, sir.

21 Q. Is that okay?

22 A. Yep.

23 Q. All right. And if at any time you want to  
24 correct an answer or give a more complete answer, just  
25 let me know, and I'll stop the deposition, you know,

1 my -- my questions, and give you an opportunity to  
2 correct or complete your answer. Is that clear?

3 A. Yes.

4 Q. Is there anything today that would prevent you  
5 from answering the questions honestly?

6 A. No, sir.

7 Q. Is there any type of medication that you're on  
8 that would prevent you from answering the questions  
9 honestly and completely today?

10 A. Nope.

11 Q. Do you have any type of illness that would  
12 prevent you from answering questions completely and  
13 honestly today?

14 A. No.

15 Q. So if you need to take a break at any time  
16 during the deposition, just let me know, and the only  
17 thing that I would ask is that you complete the answer  
18 that is before you, and then I'll make time to give you  
19 a break, okay?

20 A. Yes, sir.

21 Q. All right. So just some simple background  
22 questions to start off. Were you born and raised in  
23 Galveston County?

24 A. I was.

25 Q. And where were you born?

1 A. Galveston Island. St. Mary's Hospital.

2 Q. And where do you currently live?

3 A. Santa Fe, Texas.

4 Q. And did you attend college?

5 A. Briefly.

6 Q. Where did you attend college?

7 A. Galveston College and College of the Mainland.

8 Q. Okay. And so from your answer I take it you  
9 didn't complete --

10 A. No, sir, I did not.

11 Q. -- your college education. So at what time  
12 period were you attending college?

13 A. 1977 to '80, roughly.

14 Q. And when you -- when you left college, did you  
15 begin working?

16 A. I actually began working while still in  
17 college.

18 Q. Okay. Can you give me a description of the  
19 type of work that you performed leading up to your  
20 position as county commissioner?

21 A. Yes, sir. I started off, of course, jobs as a  
22 kid, and then out of high school I worked as a security  
23 officer at University of Texas Medical Branch for a  
24 very short period of time until I was hired by  
25 Galveston Police Department, which I did for 25 years.

1 Q. And when were you hired by the Galveston  
2 Police Department?

3 A. March of 1978.

4 Q. Okay. And how long did you serve as a police  
5 officer?

6 A. Twenty -- well, 25 years full-time there, and  
7 then I was in their reserves for another six years. I  
8 then did private security during that time frame, and  
9 then I went into the -- one of the Galveston County  
10 constable's office for six years as a chief deputy.

11 Q. Okay. So let's break that out a little bit.  
12 It's my understanding that you served as a motorcycle  
13 police officer.

14 A. Yes, sir.

15 Q. And how long did you serve as a motorcycle  
16 police officer?

17 A. 12 years full-time, 18 probably off and on  
18 with escorts and other things.

19 Q. And was that in Galveston Island?

20 A. Yes, sir.

21 Q. Okay. And then my understanding also is that  
22 you served as a Galveston SWAT --

23 A. Yes, sir.

24 Q. -- officer?

25 A. Correct.



1 Q. How long did you serve in --

2 A. 12 -- 12 years.

3 Q. Okay. And just briefly regarding the  
4 motorcycle officer that you served for 12 years in  
5 Galveston, can you tell me what that involved and where  
6 your patrol would take you to on a daily basis?

7 A. Pretty much the entire island. Mostly east  
8 of -- where it's covered by the seawall, east of 103rd  
9 Street if you would. Most of the duties were traffic  
10 related, monitoring traffic, working the traffic  
11 accidents when we were on duty. That was the biggest  
12 part of it.

13 Q. So is it fair to say that during your course  
14 of employment as a motorcycle police officer that you  
15 learned the island and the populations and where they  
16 were?

17 A. Yes, sir.

18 Q. Okay. And as a SWAT officer, were your  
19 functions the same or were they different?

20 A. No. SWAT was a part-time job that utilized us  
21 when they needed us. We trained once a month, roughly,  
22 and then we'd come in whenever they needed us. They'd  
23 activate us. So it was really a lot different. And  
24 what that entailed was hostage-type situations,  
25 barricaded suspects, things along that nature.

1 Q. Okay. And so when you said that you served as  
2 a police officer -- a motorcycle police officer, I  
3 believe you said pretty much the entire county, or was  
4 it the entire --

5 A. City.

6 Q. City.

7 A. City of Galveston.

8 Q. Okay. Did your patrol take you to areas like  
9 La Marque, Texas City, or other areas outside of the  
10 city of Galveston?

11 A. No, sir. Not on a regular basis.

12 Q. Okay. So during your time as a motorcycle  
13 police officer, were you involved in any type of  
14 community policing?

15 A. Not as a motorcycle officer, but when I left  
16 motorcycles.

17 Q. Okay. Were you involved in community policing  
18 while you were in the SWAT position?

19 A. Same answer. Those are -- those ran along  
20 pretty much the same time frame.

21 Q. Uh-huh.

22 A. The SWAT and the motorcycle.

23 Q. Okay.

24 A. Probably from 1980 to '92, '93, that time  
25 frame.

1 Q. So you indicated that you were a -- you were  
2 in the position of deputy chief constable.

3 A. Yes.

4 Q. Is that an elected position?

5 A. No. Not as -- not as the chief deputy, no.

6 Q. Okay. And when did that career begin?

7 A. 2009.

8 Q. And how long did you serve?

9 A. Six years.

10 Q. And so same question for deputy chief counsel.  
11 Constable. Sorry. Were you involved in any community  
12 policing related to that position?

13 A. We did some with the community as far as just  
14 going to events and touching base, and, you know, we'd  
15 go to the schools and do some things. We'd work school  
16 zones from time to time, just off and on. As far as  
17 community policing, when I was with Galveston PD after  
18 the motorcycle I spent ten years in the community  
19 service division.

20 Q. Oh, okay. And so what did that involve?

21 A. Everything meeting with the public, some  
22 public information with the public, reaching out to the  
23 public, D.A.R.E. program. I taught the D.A.R.E.  
24 program, taught the G.R.E.A.T. program for several  
25 years, which was a drug program and the gang program

1 | that we taught here. Did that for six, seven years I  
2 | guess of that time, also while doing my other duties as  
3 | community service officer which entailed, you know,  
4 | just community policing in general, going out in the  
5 | neighborhoods, going to groups, talking to groups, and  
6 | just building a relationship between the PD and the  
7 | community.

8 | Q. And did that take you outside of Galveston  
9 | Island for the community policing?

10 | A. No, sir, not really, other than just going to  
11 | trainings occasionally. No.

12 | Q. Okay. And you mentioned two programs, and  
13 | just I wanted to be clear for the record. The D.A.R.E  
14 | program, what exactly is that?

15 | A. Drug resistant -- it's a drug resistance  
16 | program.

17 | Q. Okay. You mentioned gangs.

18 | A. Yeah. G.R.E.A.T. is Gang Resistance Education  
19 | and Training.

20 | Q. Okay. And as the deputy chief constable what  
21 | were your responsibilities?

22 | A. Basically to kind of oversee the office, make  
23 | sure everybody was on the schedule and doing what they  
24 | were supposed to be doing, and also I did different  
25 | writs and things that would come through the office

1 just like the deputies would.

2 Q. And was there any attempts to conduct public  
3 outreach as a deputy chief constable?

4 A. We'd go to meetings and stuff in the evenings  
5 as may would request us, but as far as us actually  
6 being a part of any kind of formal outreach, not  
7 really.

8 Q. Okay. And so just moving backwards, when you  
9 were in the community service -- did you say community  
10 service division?

11 A. Yes.

12 Q. Was there any public attempts to reach out to  
13 the minority black and Hispanic communities on  
14 Galveston Island?

15 A. Yes, sir.

16 Q. And what did that involve?

17 A. Normally what we'd do is we'd be -- we'd work  
18 through the churches, through the African-American  
19 churches, through the Hispanic churches, and we'd go  
20 talk to them and just basically tell them what we do as  
21 a police department. We'd answer their concerns if  
22 something was going on. We -- normally I wouldn't be  
23 by myself.

24 It was -- if it was something big going  
25 on, like something had happened involving an officer

1 | that negatively impacted the police department and hurt  
2 | the community in some way, we would go out to the  
3 | community. Not just me. I would usually be with a  
4 | captain or a chief, and we would go and talk to the  
5 | community and just let them know the information that  
6 | we had that we could release based on investigations  
7 | and things like that.

8 | Q. And so all of your positions as a police  
9 | officer, deputy chief counsel -- or constable,  
10 | motorcycle officer, and in the SWAT position, is it  
11 | fair to say that you learned where the various racial  
12 | demographic populations were in -- on Galveston Island  
13 | during your career?

14 | A. Yes, sir.

15 | Q. So let's talk about organizations, if any,  
16 | that you are a member of. Are you a member currently  
17 | of any organization?

18 | A. Yes, sir.

19 | Q. And can you tell me what those organizations  
20 | are?

21 | A. I'm a member of the Tucker Lodge here in  
22 | Galveston, Serenity Lodge in Santa Fe, both of which  
23 | are Masonic lodges.

24 | Q. Any other organization?

25 | A. I don't think so right now.

1 Q. Okay. And so the Tucker Lodge, what is that?

2 A. It's a Masonic lodge.

3 Q. All right. And which makes you a Mason.

4 A. Yes, sir.

5 Q. All right. How long have you been a Mason?

6 A. Since 1987.

7 Q. And the Serenity Lodge?

8 A. Serenity Lodge, yes, sir.

9 Q. Is that also a Masonic lodge?

10 A. It is.

11 Q. Okay. So have you left or disassociated from  
12 any organizations over the past ten years?

13 MS. OLALDE: Objection; form.

14 THE REPORTER: I heard, "Objection;  
15 form," but didn't hear after that.

16 MS. OLALDE: Overbroad.

17 THE WITNESS: Yes.

18 Q. (By Mr. Gear) And what organizations would  
19 those be?

20 A. I had joined Oath Keepers for a very short  
21 period of time and left.

22 Q. And so when did you join the Oath Keepers?

23 A. In 2014.

24 Q. What is the Oath Keepers?

25 A. Well, my understanding of it at the time was

1 | just what it says. You promise -- you swear to keep an  
2 | oath that you took, which to me was an honorable thing.  
3 | You know, when you take an oath -- every one of us in  
4 | this room has had an oath and basically swore to uphold  
5 | that oath. My understanding was it's exactly what it  
6 | was.

7 | Q. And so when you say promise to keep an oath  
8 | that you took, do they have a specific oath that you  
9 | are required to give when joining the Oath Keepers?

10 | A. I don't recall.

11 | Q. But in any event you gave an oath?

12 | A. I gave an oath to the Constitution of the  
13 | United States, the State of Texas on several occasions  
14 | as a police officer, as -- as a commissioner, as a  
15 | constable, given oath several times.

16 | Q. And so focusing on the Oath Keepers, how long  
17 | were you a member of the Oath Keepers?

18 | A. Probably three to four months. Well, let me  
19 | rephrase that. Three to four months that I will claim.  
20 | I probably had a membership that lasted a year that I  
21 | paid for.

22 | Q. Okay. So let's talk about that for a second.  
23 | So there's a membership --

24 | A. Yes.

25 | Q. -- requirement. And do you have to fill out



1 forms to become an Oath Keeper?

2 A. I'm sure I did.

3 Q. And do you have to pay a fee?

4 A. I think it was 10 to 15 bucks for the year.

5 Could be wrong.

6 Q. And how many times while a member of the Oath

7 Keepers did you pay that fee to renew your membership?

8 A. Never.

9 Q. And that membership is for one year, the fee?

10 A. Yes, sir.

11 Q. Do you get a membership card?

12 A. Yeah. I'm sure.

13 Q. So it's my understanding that the Oath Keepers

14 was an organization that actively recruited its

15 members. Were you recruited?

16 A. I was somewhat recruited, but it was more from

17 a friend just mentioning them.

18 Q. So when you say "somewhat recruited," what do

19 you mean?

20 A. Well, once he mentioned it, I kind of, I

21 guess, inquired about it and then got some stuff from

22 them.

23 Q. Okay. And who was this friend?

24 A. I don't recall. I had a couple of friends, I

25 think, that were probably members at one time as police

1 | officers.

2 | Q. Okay. So based on your knowledge you're aware  
3 | that there were friends who were police officers that  
4 | were also members of the Oath Keepers?

5 | A. Yes.

6 | Q. How many friends are we talking about?

7 | A. Two or three.

8 | Q. Are they still active members of the Oath  
9 | Keepers, if you know?

10 | A. I doubt it.

11 | Q. And --

12 | A. Because by now they'd be all retired by many  
13 | years.

14 | Q. Do you recall the names of any of these  
15 | friends?

16 | A. I don't. I mean, it was -- one was a fairly  
17 | close friend. I'm trying to think who it was. And  
18 | then there were a couple others that I just knew that  
19 | were part of it somehow.

20 | Q. Okay. And during your one-year membership  
21 | with the Oath Keepers, did you attend any events?

22 | A. No.

23 | Q. Did you sign on to any Zoom calls? Did you --  
24 | were there any events that -- other than physically  
25 | being there that you attended?

1 A. No.

2 Q. So why did you join the Oath Keepers?

3 A. Well, like I said, it just -- it sounded good  
4 at the time, you know, an organization that says  
5 let's live up to our -- our oath that we took.

6 Q. So let me just clarify that a little bit more.  
7 So what about the Oath Keepers sounded good?

8 A. Just the idea of here's an organization that  
9 says that we all believe in the same thing, the same  
10 oath that we all took, and what we're doing is  
11 promising to live up to the oath that we took.

12 Q. And what is it that you believed in when you  
13 took the oath?

14 MS. OLALDE: Objection; vague.

15 THE WITNESS: Can you restate that or --

16 Q. (By Mr. Gear) Let me restate that. When you  
17 took the oath to become an Oath Keeper, you testified  
18 that "We all believed in the same thing." What is it  
19 that you believed in?

20 MS. OLALDE: Objection; asked and  
21 answered.

22 THE WITNESS: We believed basically that  
23 we had an oath to live up to and we were going to do  
24 it, our oath that we took for the PD, the constable's  
25 office, all the different oaths we've taken over the

1 years.

2 Q. (By Mr. Gear) So you identified two or three  
3 friends that were police officers at the time that were  
4 members of the Oath Keepers. What, if any, other  
5 Galveston County elected officials are you aware of  
6 that are Oath Keepers?

7 A. None.

8 Q. What, if any, Galveston County elected  
9 officials are you aware of that used to be Oath  
10 Keepers?

11 A. None.

12 Q. And so -- and I'm sorry if you've said this  
13 already. What year did you leave the Oath Keepers?

14 A. It was two or three months probably after I  
15 joined, which I joined probably near the end of '14.  
16 It had been a few months after that that I just -- and  
17 when I say resigned or quit or whatever, the membership  
18 ran for the year I'm assuming, but I got online, read a  
19 few blogs or posts or whatever they were at the time,  
20 and started seeing stuff I didn't like.

21 Q. What did you see?

22 A. Just anti-government things, and then anti-law  
23 enforcement things as well, and it was supposed to be a  
24 group of law enforcement and military, and it just  
25 seemed to be just going the wrong darn direction, and

1 | so I just quit following it.

2 | Q. So did you -- at any time did you publicly  
3 | disclose that you were an Oath Keeper?

4 | A. I did.

5 | Q. When was that?

6 | A. In my campaign of 2015, I guess. '14, '15.

7 | Q. And how did you go about doing that?

8 | A. It was on some campaign literature.

9 | Q. That you published?

10 | A. Yes.

11 | Q. And what did that campaign literature say?

12 | A. It's -- under memberships and things it just  
13 | said Oath Keepers, as well as a bunch of other things.

14 | Q. So in 2015 you were still identifying as an  
15 | Oath Keeper.

16 | A. Early 2015.

17 | Q. So let me change the subject, focusing on your  
18 | election as county commissioner.

19 | A. Okay.

20 | Q. So what date were you first elected to the  
21 | county commission?

22 | A. The actual election day?

23 | Q. Date.

24 | A. November 6 of 2015, I guess.

25 | Q. Okay. And have you held that position since

1 2015?

2 A. Yes, sir.

3 Q. And which commission precinct were you elected  
4 to?

5 A. Precinct 2.

6 Q. And how many times have you run for reelection  
7 for that position?

8 A. Just my third time recently.

9 Q. And so you were elected in 2015. When would  
10 the reelection campaigns have been?

11 A. It's a four-year term.

12 Q. Four-year term. Okay. So the most recent  
13 period would have been, what, 2022?

14 A. November.

15 Q. November.

16 A. Yeah.

17 Q. And so in 2014, based on your experience, your  
18 understanding, what was the racial demographic makeup  
19 of Precinct 2?

20 A. Honestly I don't know the exact makeup. I've  
21 always felt the precinct was pretty well split,  
22 probably more Caucasian, maybe 45 -- 40, 45 percent  
23 Caucasian. And then -- well, maybe more than that,  
24 actually, in the old precinct. 50 percent, maybe even  
25 60 percent Caucasian.

1 MS. OLALDE: I'm just going to object at  
2 this point and ask the witness not to speculate.

3 THE WITNESS: Okay. That's what I'm  
4 doing.

5 Q. (By Mr. Gear) And so was there black and  
6 Hispanic community in Precinct 2 when you ran for --

7 A. Yes.

8 Q. -- county commissioner?

9 A. Yes.

10 Q. And can you tell me the areas that the black  
11 and Hispanic community predominantly lived in?

12 A. Hitchcock, Texas, and Freddiesville, which  
13 Freddiesville is kind of a -- it's not really a town.  
14 It's just an area, mainly. And then on Galveston  
15 Island itself, the areas between 45th and 103rd I would  
16 guess.

17 Q. So you identified Hitchcock and Freddiesville.  
18 Can you tell me in 2014 what other cities or towns made  
19 up Precinct 2 generally?

20 A. La Marque, Texas City, Santa Fe, Bayou Vista,  
21 Tiki Island, and of course Galveston and some of League  
22 City.

23 Q. So --

24 A. And Dickinson.

25 Q. Go ahead.

1 A. And Dickinson and League City also.

2 Q. All right. So out of those cities and towns,  
3 could you tell me what you believed made up the core of  
4 Precinct 2, your support?

5 MS. OLALDE: Objection; form, vague.

6 Q. (By Mr. Gear) Let me -- let me restate that.  
7 So out of the cities and towns that you identified,  
8 what do you believe made up the core of your voter  
9 support?

10 MS. OLALDE: Objection; form.

11 THE WITNESS: Caucasians. Is that what  
12 you mean? As far as the racial makeup?

13 Q. (By Mr. Gear) So you believe that Caucasians  
14 made up the core of your voter support in Precinct 2.

15 A. Yes.

16 MS. OLALDE: Wait. I think he was asking  
17 you to clarify if that was what your question was, and  
18 so I think that was what the conversation was. So if  
19 you can just make it clear as to what you mean by  
20 "core," I think it will help the interrogation.

21 (Reporter clarification)

22 MS. CHEN: And this is Sarah Chen. I'd  
23 just like to ask that you not be testifying today.

24 MS. OLALDE: No, no, no. Absolutely not.  
25 I'm not testifying at all, but I think it's very



1 important that the record is clear, and I think that's  
2 everybody's goal here. So if the record becomes  
3 unclear, I think it's everybody here are all of our  
4 goals to make sure that it's not vague, not  
5 speculative, and not unclear. So let's get -- let's  
6 get going.

7 Q. (By Mr. Gear) So let me just start over. Do  
8 you believe that the core of your voter support in  
9 Precinct 2 was Caucasian voters?

10 A. Yes.

11 Q. So when you campaigned for county commissioner  
12 in 2014, how did you go about campaigning?

13 A. Attending community events, literature that  
14 was sent out, you know, mailers, things like that.

15 Q. And what events -- if you can recall, what  
16 events did you attend?

17 A. Gosh, I don't recall.

18 Q. So let's move forward to the 2022 election  
19 campaign. What events did you attend then?

20 A. Very few. I was unopposed.

21 Q. So also in 2022 would you have considered the  
22 core of your voter support in Precinct 2 Caucasian  
23 voters?

24 A. Yes.

25 Q. And when you said very few events, did you say

1 you didn't recall the events that you attended?

2 A. On the very few events?

3 Q. Yes, in 2022.

4 A. It would have been -- of course, there were no  
5 debates because I was unopposed, so there were none of  
6 that. The events I attended pretty much would have  
7 been Chamber of Commerce-type events.

8 Q. And are you a member of any of the Chamber of  
9 Commerce?

10 A. Yes.

11 Q. And can you tell me which Chambers of Commerce  
12 you are a member of?

13 A. Galveston, Santa Fe, and Hitchcock.

14 Q. And are you a board member on the Chamber of  
15 Commerce or --

16 A. I was.

17 Q. Okay. And so in Santa Fe, when were you a  
18 board member?

19 A. I don't recall the exact dates or anything.  
20 It would have been probably 2010 --

21 Q. Okay.

22 A. -- to '15 or so.

23 Q. And you said Hitchcock as well?

24 A. Yes.

25 Q. Can you tell me the dates that you were a

1 board member for Chamber of Commerce in Hitchcock?

2 A. 2015 to '19 maybe.

3 Q. And I think you also said Galveston.

4 A. I'm not on the board of Galveston. Just a  
5 member.

6 Q. Okay. And when did you join as a member for  
7 the Galveston Chamber of Commerce?

8 A. Probably five years ago.

9 Q. And you're currently a member now?

10 A. Yes.

11 Q. You indicated materials that you distributed  
12 during your election campaign.

13 A. Yes.

14 Q. Were those materials in any other language  
15 other than English?

16 A. No.

17 Q. Did you have an election campaign staff to  
18 assist you during your campaign in 2022?

19 A. Yes.

20 Q. And can you identify by name the staff that  
21 you had assisting you?

22 A. Jeff Yates, Sarah Lauer, L-a-u-e-r I believe,  
23 Barry Kaplan.

24 Q. Anyone else?

25 A. Tyler Drummond.

1 Q. Can you identify the racial/ethnic background  
2 of -- of Jeff Yates?

3 A. Caucasian.

4 Q. Of Ms. Lauer?

5 A. Same.

6 Q. Barry Kaplan?

7 A. Same.

8 Q. And Tyler Drummond?

9 A. Same.

10 Q. And Tyler Drummond, just to be clear, I  
11 believe is staff for Judge Henry?

12 A. Correct.

13 Q. Do you have an office location as county  
14 commissioner?

15 A. I do.

16 Q. And where is that office location?

17 A. I have two main offices. Well, one main  
18 office and then a couple other smaller offices. The  
19 main office is in Santa Fe on Highway 6.

20 Q. So the main office is in Santa Fe on  
21 Highway 6. Where are the two other locations?

22 A. One is here at the old courthouse, 722 Moody.

23 Q. And that's the Galveston courthouse?

24 A. The old -- the old courthouse, yeah, the main  
25 courthouse.

1 Q. And where is the other location?

2 A. In Bolivar. It's kind of just a -- really  
3 more of a shared closet than anything.

4 Q. So for the main office do you have a staff?

5 A. I do.

6 Q. And can you identify the names of your staff  
7 in the main office?

8 A. It's one person. Yesenia Bracamontes Juarez.

9 Q. You said Bracamontes?

10 A. Uh-huh.

11 Q. Juarez?

12 A. Juarez.

13 Q. Okay. And the ethnic or racial background of  
14 Yesenia is?

15 A. Latina.

16 Q. Latina. Okay. And then you identified one  
17 office in Bolivar. Do you have staff there?

18 A. No. It's a broom closet.

19 Q. And you also identified one office in the old  
20 courthouse.

21 A. Yes.

22 Q. Do you have staff there?

23 A. Just Yesenia when she comes down to it.

24 Q. Okay. So does she travel with you when you  
25 go --

1 A. For meetings and such, yes.

2 Q. And I just want to remind you that when I'm  
3 asking questions -- and sometimes I pause, and I  
4 apologize for that. Give me a chance to complete my  
5 question, and then I'll give you a complete opportunity  
6 to respond.

7 A. Yes, sir.

8 Q. All right. And how long has Yesenia been your  
9 staff member?

10 A. Since probably May of 2015. '16.

11 Q. Okay. So she was your staff during the 2021  
12 redistricting process?

13 A. Yes.

14 Q. So let's start with the main office at the old  
15 courthouse. Do you have a personal computer that you  
16 bring to the main office when you are conducting work?

17 A. The main office is not the old courthouse.  
18 It's the one on Highway 6, the main office.

19 Q. Okay. Thank you for that clarification. So  
20 when you go to the main office, do you have a personal  
21 computer that you take to the main office to conduct  
22 work?

23 A. Not to conduct work, but I do have a personal  
24 computer.

25 Q. Okay. Do you ever take that personal computer

1 to the main office when you go?

2 A. It's -- it stays there.

3 Q. Okay. And do you conduct work on the personal  
4 computer that is in your main office?

5 A. No.

6 Q. Do you have a work computer that's set up in  
7 the main office?

8 A. Yes.

9 Q. And do you have a landline that's set up in  
10 the main office?

11 A. Yes.

12 Q. And so let's focus on the -- on the work  
13 computer first. During the course of this litigation,  
14 have you had an opportunity to look at the requests for  
15 production of documents that have been submitted by the  
16 United States?

17 A. Yes.

18 Q. And during the course of this litigation, in  
19 the main office did you have an opportunity to look --  
20 to search your work computer to determine if there were  
21 any documents that were responsive to this litigation  
22 matter?

23 A. What I did when I received the information to  
24 keep everything was touch base with our attorney and  
25 advise him that I had it and that it needed to be done,

1 and I'm supposing what he did was get with IT with --  
2 for all of us and do exactly that.

3 Q. And so they went to your main office and  
4 conducted the search?

5 A. Wherever IT does it from.

6 Q. And just so I'm clear, do you have an IT  
7 department, or are you saying that your attorney, you  
8 know, conducted the search through their IT department?

9 A. Galveston County IT department.

10 Q. Okay.

11 A. My assumption is that our attorney did it  
12 through IT.

13 Q. Okay. And so it's your understanding that  
14 your attorney conducted a search of your work computer  
15 through the Galveston County IT department.

16 A. Yes.

17 Q. And did you -- were you able to see the  
18 results of that search?

19 A. No.

20 Q. Do you know if the results of that search were  
21 turned over to your attorney?

22 A. I don't know.

23 Q. Yesenia -- does she have a personal work  
24 computer?

25 A. Yes.



1 Q. At the main office?

2 A. Yes.

3 Q. And is that different from the work computer  
4 that you have?

5 A. It's a different computer.

6 Q. Okay. And did the IT department also conduct  
7 a search of her work computer?

8 A. I don't know.

9 Q. Did you ask them to conduct a search of her  
10 work computer?

11 A. I did not.

12 Q. Did the IT department also conduct a search of  
13 your landline work phone?

14 A. I don't know.

15 Q. Did you ask them to conduct a search of your  
16 landline work phone?

17 A. No, sir. Like I said, I turned it over to our  
18 attorney, and that's where it went.

19 Q. So is it your testimony that you're unclear  
20 exactly what search was conducted in your main office  
21 for documents that may be responsive to this  
22 litigation?

23 A. That's correct.

24 Q. Do you have a personal computer at home?

25 A. I do.

1 Q. Do you ever conduct work on that personal  
2 computer at home?

3 A. On occasion.

4 Q. Did you identify that for your attorneys to  
5 conduct a search of your personal computer to determine  
6 if there were documents that may be responsive to this  
7 litigation?

8 A. No, sir.

9 Q. Are they aware that you have a personal  
10 computer at home that may have documentation that is  
11 responsive to -- that may be responsive to this  
12 litigation?

13 MS. OLALDE: Objection; form, misstates  
14 testimony.

15 MR. GEAR: Let me see if I can restate  
16 it.

17 MS. OLALDE: Sure.

18 Q. (By Mr. Gear) Did you identify your home  
19 personal computer to your attorneys and indicate to  
20 them that it may have documentation that -- that may be  
21 responsive to this litigation?

22 A. No, because I know there wasn't anything about  
23 this on there.

24 Q. And how do you know that?

25 A. I never received any information regarding any

1 of this on my home computer.

2 Q. So during the 2021 redistricting process, did  
3 you receive emails or text messages related to -- in  
4 any capacity related to redistricting on your home  
5 computer?

6 A. No.

7 Q. Did you send emails or text messages related  
8 to the 2021 redistricting process from your home  
9 computer?

10 A. No.

11 Q. Did you conduct Zoom calls or Teams calls from  
12 your home computer related to the 2021 redistricting  
13 process?

14 A. No, sir.

15 Q. And I believe you testified that you had a  
16 personal cell phone?

17 A. Yes.

18 Q. And do you ever conduct work on your personal  
19 cell phone?

20 A. Yes.

21 Q. And do you send emails or text messages  
22 related to work from your personal cell phone?

23 A. Text messages, yes.

24 Q. Okay. And did you provide access to your  
25 personal cell phone to your attorneys so that they can

1 search the text messages to determine if there may be  
2 documents or texts that are responsive to this  
3 litigation matter?

4 A. No. But with that said, I didn't receive any.

5 Q. So during the 2021 redistricting process did  
6 you send any texts related to redistricting to anyone?

7 A. No.

8 Q. Do you have any social media accounts?

9 A. I do.

10 Q. And can you -- can you identify each and every  
11 social media account that you currently have?

12 A. I have a personal Facebook, and then there is  
13 a campaign Facebook.

14 Q. Anything else?

15 A. No.

16 Q. So regarding the campaign Facebook, during the  
17 2021 redistricting process did you post any comments on  
18 your campaign Facebook related to the 2021  
19 redistricting?

20 A. Not that I recall.

21 Q. Did you check your campaign Facebook to  
22 determine if you had posted anything related to  
23 redistricting?

24 A. I did not check the campaign Web page. I  
25 don't -- I don't run it. I don't pay attention to it.

1 Q. Did you identify the campaign Web page to your  
2 attorneys and provide them with access so that they  
3 could check to see if there was any responsive  
4 documents?

5 A. No, sir.

6 Q. And you also indicated that you had a Facebook  
7 page.

8 A. Yes.

9 Q. Separate from the campaign --

10 A. Correct.

11 Q. -- Facebook page. During the 2021  
12 redistricting process did you post any -- did you post  
13 any comments related to the 2021 redistricting process?

14 A. Yes.

15 Q. And did you receive comments related to your  
16 posts during the 2021 redistricting process? And I'm  
17 talking about the Facebook page.

18 A. Probably.

19 MS. OLALDE: And, Counsel, just for the  
20 record, we did have a search as a public page. There  
21 were three hits that will be produced today. But if  
22 you would like we can take a break and we can show you  
23 as well.

24 MR. GEAR: Why don't we take a break --

25 MS. OLALDE: Sure.

1 MR. GEAR: -- so we can do that.

2 Can we go off the record, please?

3 THE VIDEOGRAPHER: Going off record. The  
4 time is 10:06.

5 (Recess from 10:06 to 10:11)

6 THE VIDEOGRAPHER: We're back on the  
7 record. Time is 10:11.

8 MR. GEAR: Thank you.

9 Q. (By Mr. Gear) So while we were off the record  
10 your counsel showed me a Facebook post where you posted  
11 Map 1 and Map 2 on your Facebook.

12 A. Yes, sir.

13 Q. Do you recall receiving any responses related  
14 to that Facebook post?

15 A. One of the -- one of them was a shared post  
16 that I shared from Judge Henry. There was a comment on  
17 there asking a question about were constables and JPs  
18 going to be affected by this, and I think I answered at  
19 the time, "Not yet, if it happens," you know. There  
20 was -- then I reposted, and I believe I did get a  
21 couple of comments back, but I do not recall what they  
22 said.

23 Q. And did you provide those comments on your  
24 Facebook page to your attorney?

25 A. Yes.

1 Q. And that's something that they're --

2 MS. OLALDE: It's in the process, yes.

3 Q. (By Mr. Gear) So let's change subjects and  
4 talk about the 2021 redistricting process and what, if  
5 any, type of training you received. So let me start  
6 off by asking you what, if any, experience do you have  
7 with redistricting prior to the 2021 redistricting  
8 process.

9 A. None.

10 Q. So take me through the steps you took to  
11 prepare for the 2021 commissioners court redistricting  
12 cycle.

13 A. Basically in the hiring of the firm to do our  
14 redistricting I just, of course, voted for that, and  
15 that -- that was the majority of it, honestly, to allow  
16 them to do their job.

17 Q. So was any individual or group training  
18 provided to the commissioners court?

19 A. Not that I recall, no.

20 Q. Such as training on map software?

21 A. No.

22 Q. Were you provided with map software?

23 A. No.

24 Q. Did you have an occasion to review any  
25 materials related to the prior redistricting cycle,

1 | such as the 2011-2012 cycle?

2 | A. No, sir.

3 | Q. Did you take time or did you have an occasion  
4 | to review any materials related to previously adopted  
5 | redistricting criteria?

6 | A. No, sir.

7 | Q. Were you aware that redistricting criteria had  
8 | been previously adopted during prior commissioner court  
9 | redistricting cycles?

10 | A. Not -- no, not aware of it, I guess.

11 | Q. And when you say you guess, what do you mean?

12 | A. I don't know.

13 | MR. GEAR: Zach, can we pull up  
14 | Exhibit 1?

15 | MS. OLALDE: Is that two copies, or is  
16 | that one?

17 | MR. GEAR: It's one copy. I'm sorry.

18 | MS. OLALDE: No worries.

19 | MR. GEAR: I only made three copies. Let  
20 | me know when it pops up on your computer.

21 | MS. OLALDE: Do you want me to change his  
22 | view so that he sees it on his computer, or did you  
23 | want -- because he's got the paper in front of him.

24 | MR. GEAR: Sure. Whatever works best for  
25 | you.



1 MS. OLALDE: Yeah. We figured we would  
2 use the digital exhibits when we had somebody who  
3 didn't have paper.

4 MR. GEAR: Okay.

5 Q. (By Mr. Gear) So let's identify this document  
6 for the record. Do you see the -- at the very top what  
7 the date of this document is?

8 A. Yes, sir.

9 Q. And can you read that for the record?

10 A. 7th day of May, 2011.

11 Q. And it's the -- it's from the commissioners  
12 court of Galveston County, Texas, and it was when it  
13 convened at a regularly scheduled meeting with the  
14 following members present: Mark Henry, Patrick Doyle,  
15 Kevin O'Brien, Stephen Holmes, Kenneth Clark, and  
16 Dwight Sullivan. Do you see that?

17 A. Yes, sir.

18 Q. And do you see how this document is titled?

19 A. Yes, sir.

20 Q. And how is it titled?

21 A. Galveston County Resolution Adopting Criteria  
22 For Use in Redistricting 2011 process.

23 Q. So I want to direct your attention to  
24 paragraph 3 in this document, which is defendant's --  
25 which has Defendants Bates stamp 00015167. Can you

1 read paragraph 3 for the record?

2 A. Make sure I'm on the right paragraph here.

3 "Whereas, it is the intent of the county to comply with  
4 the Voting Rights Act and with all other relevant law,  
5 including Shaw versus Reno jurisprudence and the  
6 consent judgment and election orders in Hoskin versus  
7 Hannah, et al."

8 Q. What do you personally know about the Voting  
9 Rights Act as it applies to redistricting for Galveston  
10 County?

11 A. Very little. Nothing, actually.

12 Q. What do you know about other relevant laws as  
13 they apply to the redistricting process for Galveston  
14 County?

15 MS. OLALDE: Objection to the form to the  
16 extent you're asking for any kind of a legal opinion.

17 Go ahead. You can answer.

18 (Reporter clarification)

19 Q. (By Mr. Gear) And I'm asking for your  
20 understanding of what laws you were -- you were  
21 attempting to comply with when going through the 2021  
22 redistricting process.

23 A. The Voting Rights Act, which I know nothing  
24 about, really, other than it's supposed to be fair and  
25 impartial I guess is the way I would answer that.

1 Q. And directing your attention to the next  
2 paragraph, can you read that for the record, please?

3 A. "Whereas, a set of established redistricting  
4 criteria will serve as a framework to guide the county  
5 in the consideration of redistricting plans; and."

6 Q. And so during the 2021 redistricting process,  
7 was there -- did you have an occasion to discuss a set  
8 of redistricting criteria with the other commissioners  
9 in the commissioner court?

10 A. What do you mean by the "criteria"?

11 Q. Do you understand what redistricting criteria  
12 is?

13 A. Yes, to some degree.

14 Q. So based on your understanding, what is  
15 redistricting criteria?

16 A. That the population parameters be met, that  
17 it's done without bias or anything else. Just you  
18 divvy up the county into four equal portions based on  
19 population.

20 Q. Would you agree that it's a framework to guide  
21 the county in the consideration of its redistricting  
22 plans?

23 MS. OLALDE: Objection; vague.

24 THE WITNESS: Yes.

25 Q. (By Mr. Gear) And turning the page to page 2,

1 | which is Defendants 00015168, I would like you to take  
2 | a look at No. 2 where it indicates "Communities of  
3 | interest should be maintained in a single district,  
4 | where possible, and attempts should be made to avoid  
5 | splitting neighborhoods." During the 2021  
6 | redistricting process, was that something that the  
7 | commissioners court and you took into consideration?

8 | A. May I read it?

9 | Q. You can. I apologize.

10 | A. Okay, sir. Can you reask?

11 | Q. Sure. During the 2021 redistricting process,  
12 | was communities -- maintaining communities of interest  
13 | something that you and the commissioners court took  
14 | into consideration during the process?

15 | MS. OLALDE: Objection; compound.

16 | Go ahead.

17 | THE WITNESS: The -- no. And the reason  
18 | I say no is that we hired a firm basically to do -- to  
19 | keep things legal and aboveboard and the way they  
20 | should be done. My main concern was just that, that it  
21 | be done legally.

22 | Q. (By Mr. Gear) Are you aware of any  
23 | criteria -- redistricting criteria, excuse me, that was  
24 | developed by the commissioners court for the 2021  
25 | redistricting process?

1 A. Not that I recall.

2 Q. Did you discuss redistricting criteria with  
3 any of the other commissioners during the 2021  
4 redistricting process?

5 A. Yes, to some degree, I guess, during the  
6 meetings we had.

7 Q. And what meetings are you referring to?

8 A. We had a meeting I guess in September.

9 Q. And who was present during that meeting?

10 A. The first meeting would have been myself, Paul  
11 Ready, Mr. Oldham. I don't remember if he was in  
12 person or on Zoom. I think he was there in person. I  
13 don't remember. And that's all I recall.

14 Q. Yourself, Paul Ready, who is the county  
15 attorney?

16 A. Yes.

17 Q. And Mr. Oldham, who is the redistricting  
18 consultant?

19 A. Correct.

20 Q. And that was September. Do you remember the  
21 day?

22 A. I don't.

23 Q. And did you receive any materials during that  
24 meeting related to redistricting criteria?

25 MS. OLALDE: I'm going to object to any

1 | request for attorney-client privileged communications  
2 | or attorney-client privileged work product. To the  
3 | extent you're asking about facts, the witness can  
4 | answer.

5 | But otherwise I will instruct you not to  
6 | answer.

7 | THE WITNESS: Okay.

8 | MR. GEAR: And we will reserve our  
9 | arguments that we do not believe that attorney-client  
10 | privilege applies to Dale Oldham as the redistricting  
11 | consultant.

12 | MS. OLALDE: He's an attorney, but yes.

13 | MS. CHEN: And if you'd like to see -- we  
14 | sent a letter yesterday to Joseph Russo --

15 | THE REPORTER: I can't hear whoever is  
16 | talking right now.

17 | MS. CHEN: Sarah Chen. And I'm just  
18 | noting that we sent a letter with piecemeal on this  
19 | privilege point to Joseph Russo yesterday. If you  
20 | would like to see it, we're happy to send it to you as  
21 | well.

22 | MS. OLALDE: Thank you, Sarah. I think  
23 | this is probably something that the court needs to  
24 | resolve at this point, though. I do understand that  
25 | you sent a letter.

1 Q. (By Mr. Gear) So did you receive any written  
2 materials related to criteria during the September  
3 meeting?

4 MS. OLALDE: Objection to any  
5 attorney-client privileged communications or  
6 attorney-client -- attorney work product that may have  
7 been addressed or discussed during this meeting.

8 If you're looking only at facts, you may  
9 answer only to the extent you have particular facts to  
10 share but not communications.

11 Q. (By Mr. Gear) So the question is did you  
12 receive any materials.

13 A. I -- probably. I don't recall what.

14 Q. Do you recall what was discussed related to  
15 redistricting criteria?

16 MS. OLALDE: Objection, same instruction  
17 to the witness not to reveal any attorney-client  
18 privileged communications or work product.

19 MR. GEAR: And, again, we reserve the --  
20 our argument that attorney-client privilege is not --  
21 does not apply to Dale Oldham.

22 Q. (By Mr. Gear) So following the September  
23 meeting with yourself, Mr. Ready, and Mr. Oldham, did  
24 you have any discussions with commissioners related to  
25 redistricting criteria?

1 A. I don't recall, sir.

2 Q. Based on your understanding, was there a  
3 decision made to establish redistricting criteria?

4 A. I don't recall that either.

5 Q. So, again, was there redistricting criteria  
6 that was established, adopted, during the 2021  
7 redistricting process?

8 MS. OLALDE: Objection; asked and  
9 answered.

10 THE WITNESS: I don't recall.

11 Q. (By Mr. Gear) Is there any redistricting  
12 criteria that you would have considered important  
13 during the 2021 redistricting process?

14 A. Yes, sir. I think the important things would  
15 have been leveling out the populations, also trying to  
16 draw lines that the public understood as far as knowing  
17 who their commissioners are. The old lines were kind  
18 of confusing at times as to where precincts started and  
19 where they ended.

20 Q. Anything else?

21 A. That's the majority. That's it.

22 Q. And so you mentioned Mr. Oldham, the  
23 redistricting consultant. Did the county's post-2020  
24 census redistricting processes begin at the April 5th,  
25 2021, commissioners court?



1 MS. OLALDE: Objection; speculation.

2 You can answer. You can answer.

3 MR. GEAR: Well, let me rephrase that.

4 MS. OLALDE: Sure.

5 Q. (By Mr. Gear) When did the 2021 redistricting  
6 process begin for the commissioners court?

7 A. It would have been about the time frame you  
8 mentioned. The exact -- sounds about right.

9 Q. And so what was the name of the redistricting  
10 firm that you and the commissioners ultimately decided?

11 A. I don't recall the name of the firm. I just  
12 remember Mr. Oldham.

13 Q. And what was your understanding of the  
14 services that Mr. Oldham would provide to the county  
15 commissioners?

16 A. That he would take the census that we were  
17 getting in, and he would take that -- the numbers from  
18 that and basically lay it out and give us a couple of  
19 options to choose from on what he determined was the  
20 best and legal maps that he could come up with.

21 Q. And other than Mr. Oldham, was there any other  
22 consultant that you personally dealt with during the  
23 2021 redistricting process?

24 A. He had a -- he had a demographer, I guess,  
25 that did the map -- the actual map drawing, but I never

1 | really dealt with him.

2 | Q. Did you meet with that demographer at all in  
3 | any capacity?

4 | A. Not that I recall, other than on the Zoom  
5 | meeting, I believe.

6 | Q. Is that the same September Zoom meeting that  
7 | you referred to?

8 | A. No. That would have been later.

9 | Q. Do you recall the time period in which he was  
10 | involved?

11 | A. October I want to say.

12 | Q. I'm sorry. Did you say you don't recall his  
13 | name?

14 | A. I do not.

15 | Q. Did that demographer provide you with any  
16 | written information or maps of any kind?

17 | A. We did look at a couple of maps on Zoom.

18 | MS. OLALDE: And, again, I'm going to ask  
19 | that the witness not reveal any attorney-client  
20 | privileged communications or work product and instruct  
21 | him not to answer to that extent.

22 | MR. GEAR: And, again, we reserve our  
23 | rights that to -- against the claim that  
24 | attorney-client privilege applies to Dale Oldham.

25 | Q. (By Mr. Gear) So did you have an opportunity

1 | to communicate with Dale Oldham prior to the April 5th,  
2 | 2021, commissioners court meeting where he was hired?

3 | A. Not that I recall.

4 | Q. When did you -- when were you informed that  
5 | the firm of Dale Oldham would be hired to handle the  
6 | 2021 redistricting process?

7 | MS. OLALDE: Objection; form.

8 | THE WITNESS: I don't recall. About  
9 | April time frame, I guess.

10 | Q. (By Mr. Gear) So prior to the hiring of  
11 | Mr. Oldham, did you have an opportunity to review any  
12 | materials related to his redistricting firm?

13 | A. I don't recall. I think we did, but I don't  
14 | recall.

15 | Q. Were there any other redistricting firms that  
16 | were considered during that time period in April?

17 | A. I believe so.

18 | Q. Do you recall the names of those redistricting  
19 | firms?

20 | A. I do not.

21 | Q. Do you know why the decision was made to go  
22 | with the firm of Dale Oldham?

23 | A. One thing that was mentioned was that he had  
24 | previously been involved with the county and that he  
25 | was familiar with Galveston County.

1 Q. Who was involved in that -- I'm sorry. Go  
2 ahead.

3 A. I remembered something.

4 Q. Sure.

5 A. No, I remember that.

6 Q. Who was involved in that discussion?

7 A. The court, commissioners court.

8 Q. And when did that discussion take place?

9 A. I don't recall.

10 Q. Was it during a public meeting or --

11 A. It would have been during an executive  
12 session.

13 Q. And other than --

14 THE WITNESS: Which I guess at this point  
15 I can talk about things that occur in executive  
16 session?

17 MS. OLALDE: Let's -- let's not talk  
18 about things that occurred in executive session. We  
19 can take a break and we can consult with other counsel  
20 about those, but please don't reveal them on the  
21 record.

22 THE WITNESS: Okay.

23 Q. (By Mr. Gear) And I just want to be clear  
24 when this executive session took place. Can you -- can  
25 you tell me generally the dates?

1 A. April. Maybe before.

2 Q. And other than the -- were all the  
3 commissioners present during this executive session?

4 A. I don't recall. Probably.

5 Q. Was anyone else present during this executive  
6 session?

7 A. I would assume. I can't say that for sure,  
8 no.

9 Q. Was your staff member, Yesenia, present during  
10 this executive session?

11 A. No.

12 MS. OLALDE: Yesenia.

13 THE WITNESS: Yesenia.

14 Q. (By Mr. Gear) Yesenia. Thank you. I'm  
15 terrible with names.

16 A. Me too.

17 Q. So other than the commissioners in executive  
18 session, did you discuss the hiring of Dale Oldham with  
19 anyone else?

20 MS. OLALDE: Objection to the extent your  
21 response would contain any attorney-client privileged  
22 information, attorney-client work product, or any  
23 conversations held in executive session. Otherwise you  
24 can answer.

25 Q. (By Mr. Gear) And let me just be clear.

1 Avoiding any discussions you may have had with your  
2 attorneys, did you discuss the hiring of Dale Oldham  
3 with anyone else?

4 A. No.

5 Q. So following the hiring of Dale Oldham -- and  
6 I believe we pinned down the date around April 5th of  
7 2021 -- were you involved in any communications  
8 regarding establishing guidelines for the commissioners  
9 court redistricting process?

10 MS. OLALDE: Objection; asked and  
11 answered.

12 Go ahead.

13 THE WITNESS: Not that I recall.

14 Q. (By Mr. Gear) I believe we talked about  
15 criteria.

16 A. Yes.

17 Q. And I'm asking you about guidelines related to  
18 timing now. Does that change your answer at all?

19 A. It would have been just when asked probably by  
20 Mr. Oldham.

21 Q. And the -- that discussion took place during  
22 the meetings that you've identified?

23 A. Yes.

24 Q. And were there any discussions related to  
25 guidelines for redistricting -- the 2021 redistricting

1 process that were discussed in public, in a public  
2 commissioners court meeting?

3 A. Not that I recall.

4 Q. Were there any guidelines related to the  
5 timing of the commissioners court redistricting process  
6 that were formally adopted as a resolution by the  
7 commissioners court?

8 MS. OLALDE: Objection; form.

9 Go ahead.

10 THE WITNESS: Not that I recall.

11 Q. (By Mr. Gear) Were there any guidelines that  
12 were reduced to writing by the commissioners court?

13 A. Not that I recall.

14 Q. Can you explain what, if any, guidelines for  
15 the 2021 redistricting process were discussed amongst  
16 the commissioners?

17 MS. OLALDE: Objection to the extent your  
18 question calls for any response that would reveal  
19 discussions with Mr. Oldham or in executive session.  
20 Otherwise you can answer.

21 MR. GEAR: Again, we reserve the -- our  
22 right to raise the argument that attorney-client  
23 privilege does not apply to Mr. Oldham.

24 Q. (By Mr. Gear) But if you can answer --

25 A. That I don't recall.

1 Q. So just to be clear, your answer has been you  
2 don't recall if any guidelines were reduced to writing.  
3 Does that mean they weren't reduced to writing?

4 MS. OLALDE: Objection; asked and  
5 answered.

6 THE WITNESS: It means I don't recall.

7 Q. (By Mr. Gear) So in 2021 were you or your  
8 staff involved in a nonpublic communication with the  
9 commissioners court staff related to the adoption of  
10 redistricting criteria?

11 A. Not that I recall.

12 Q. In 2021 was there any public discussion by the  
13 commissioners court related to adopting redistricting  
14 criteria?

15 A. The really only public discussions I remember  
16 is when the approval occurred, that -- the day of that  
17 meeting, the special meeting. That's --

18 Q. So you're talking about the November 12th --

19 A. November, yes, sir.

20 Q. -- 2021 special session?

21 A. Yes, sir.

22 Q. Where the commissioners court plan was  
23 adopted?

24 A. Yes, sir.

25 Q. And what redistricting criteria was discussed



1 | during the special session?

2 | MS. OLALDE: I'm sorry. Special -- not  
3 | executive session. You're talking about the special  
4 | meeting?

5 | MR. GEAR: The November 12th, 2021,  
6 | special session.

7 | THE WITNESS: It's -- I don't remember us  
8 | discussing criteria at that point either. It was more  
9 | of a public comment at that point and approval of the  
10 | maps.

11 | Q. (By Mr. Gear) So did I misunderstand you to  
12 | say that there was some discussion of redistricting  
13 | criteria during the 2021 special session, the  
14 | November 12th?

15 | A. I probably just said it wrong because there  
16 | wasn't. Not that I recall. I think it was more just  
17 | public comment.

18 | Q. What, if any, reasons are you aware of related  
19 | to why redistricting criteria was not adopted during  
20 | the 2021 redistricting process?

21 | MS. OLALDE: Objection. Sorry.  
22 | Objection; form.

23 | THE WITNESS: I think the biggest -- I  
24 | think the biggest issue of the entire process was  
25 | timing because the census coming out so late and us

1 | being under the gun basically to get it done. I think  
2 | that was probably the largest aspect of any of it, was  
3 | just the timing that we had to get -- get things done.

4 | Q. (By Mr. Gear) So are you testifying that it  
5 | was the timing that prevented you from establishing  
6 | redistricting criteria?

7 | MS. OLALDE: Objection; form.

8 | THE WITNESS: That's my understanding of  
9 | it.

10 | Q. (By Mr. Gear) So during the prior  
11 | redistricting process -- and I'm talking about 2011,  
12 | 2012 -- were you aware that criteria was formally  
13 | adopted as a resolution by the commissioners court?

14 | A. No, sir, I was not.

15 | Q. And I think I misstated. That it was -- that  
16 | it was discussed, but it was not formally adopted in  
17 | 2011, 2012.

18 | A. I had no idea.

19 | Q. And we looked at Exhibit 1, which was that --

20 | A. Yes, sir.

21 | Q. -- redistricting criteria.

22 | A. Correct.

23 | Q. And had you ever seen that document before?

24 | A. No, sir.

25 | Q. So going back to the dates and times for the

1 | 2021 redistricting process, so during the 2011  
2 | redistricting cycle were you aware that the  
3 | commissioners court set forth dates and times for  
4 | public meetings across the county to give residents a  
5 | clear timeline for consideration of the proposed plans?

6 | MS. OLALDE: Objection; form.

7 | THE WITNESS: In the 2011 you said?

8 | Q. (By Mr. Gear) 2011.

9 | A. No, sir, I was not aware of that.

10 | Q. Was there any effort by the commissioners  
11 | court during the 2021 redistricting process to set  
12 | forth dates and times for public hearings across the  
13 | county to give residents a clear timeline for  
14 | consideration of the proposed plans?

15 | A. Not to my knowledge.

16 | Q. Do you know why there was no effort to create  
17 | a clear timeline so that the public could participate  
18 | in the consideration of the plans?

19 | MS. OLALDE: Objection; misstates  
20 | testimony.

21 | THE WITNESS: I -- I think it was the  
22 | timeline. By the time we received the maps and then  
23 | when we got notification that they had to be approved,  
24 | there just didn't seem to be time to -- I mean, it was  
25 | already a special meeting we were having to call to do

1 approval on the maps, and I think it was just really a  
2 timing issue more than anything.

3 MR. GEAR: Could we take a one-minute  
4 break?

5 MS. OLALDE: Sure.

6 MR. GEAR: Can we go off the record,  
7 please?

8 (Recess from 10:42 to 10:54)

9 THE VIDEOGRAPHER: We're back on the  
10 record, marks the beginning of Media Unit No. 2. The  
11 time is 10:54.

12 Q. (By Mr. Gear) So I think where we left off,  
13 Commissioner Giusti, was we were talking about  
14 timelines. Based on your knowledge, was there any  
15 redistricting timelines that were posted to the county  
16 website?

17 A. Not to my knowledge.

18 Q. And so who on the commissioners court would be  
19 responsible for establishing redistricting timelines  
20 during the 2021 redistricting process?

21 A. I would think Judge Henry.

22 Q. And based on your knowledge, Judge Henry did  
23 or did not establish the timeline?

24 A. I don't know.

25 Q. And so without a timeline, who was in charge

1 of making sure that the map would be adopted in a  
2 timely manner?

3 MS. OLALDE: Objection; form.

4 Q. (By Mr. Gear) You can answer.

5 A. I guess without the timeline adopting in a  
6 timely manner, there again, like I mentioned earlier,  
7 the timing on it, the way we got the maps, we received  
8 the maps, and then we received notification it had to  
9 be adopted by, I guess, November the 13th. I think  
10 that was the date that it had to be adopted by. And so  
11 that really put us up against -- really pressured us  
12 into getting the maps adopted.

13 Q. So you said you received notification that it  
14 had to be adopted by November 13th. What form was that  
15 notification in?

16 A. I believe it was an email from the secretary.  
17 I didn't receive it personally. I think from the  
18 Secretary of State is where it came from, but I would  
19 be lying if I told you for sure.

20 Q. So prior to receiving the email were you aware  
21 of the timelines necessary to adopt the 2021  
22 redistricting plan?

23 A. No.

24 Q. And so I believe you testified that you ran  
25 for reelection in 2022.

1 | A. Yes, sir.

2 | Q. Correct? And you were a candidate in the 2022  
3 | primary, correct?

4 | A. Yes, sir.

5 | Q. And as a candidate for the 2022 primary, were  
6 | you aware of the Texas law that specifies that the  
7 | dates that candidates must apply for the office they  
8 | are running for -- were you aware of the dates that the  
9 | candidates must apply by when they're running for  
10 | office?

11 | A. Yes, sir.

12 | Q. And do you know approximately what those dates  
13 | were?

14 | A. For commissioner it was sometime I want to say  
15 | December 11th maybe of that year.

16 | Q. And so you were aware of those candidate  
17 | qualifying dates, correct?

18 | A. Yes, roughly.

19 | Q. And did you discuss the candidate qualifying  
20 | period with any of the other commissioners prior to  
21 | receiving the email from the Secretary of State I  
22 | believe you testified to?

23 | A. No, sir.

24 | Q. Would you agree that the redistricting plan  
25 | would have had to have been completed prior to the

1 candidate qualifying period?

2 MS. OLALDE: Objection; form.

3 THE WITNESS: Yes.

4 Q. (By Mr. Gear) And so the existence of a  
5 deadline to pass a redistricting plan was not a  
6 surprise to you?

7 MS. OLALDE: Objection; asked and  
8 answered.

9 THE WITNESS: The deadline that we  
10 received -- I'm sorry. Ask again.

11 Q. (By Mr. Gear) So you were -- you were aware  
12 of the candidate qualifying period.

13 A. Yes, sir.

14 Q. And were you aware that the redistricting plan  
15 had to be completed prior to that candidate qualifying  
16 period?

17 MS. OLALDE: Same objection.

18 THE WITNESS: I would assume that it  
19 would have to be unless they moved the election.

20 Q. (By Mr. Gear) Okay. And I'm sorry if I asked  
21 this, but we are kind of running back through this. Do  
22 you know what that candidate -- candidate qualifying  
23 period was when you were running for commissioner in  
24 2022?

25 MS. OLALDE: Same objection.

1                   Go ahead.

2                   THE WITNESS: December -- I want to say  
3 around the 11th or so that year.

4           Q.     (By Mr. Gear) And --

5           A.     Let me -- can I clarify?

6           Q.     Sure. Please.

7           A.     When you say the period -- qualifying period,  
8 are you talking about the filing deadline or are you  
9 talking about the months leading -- or weeks or months  
10 leading up to that that you have to live in that  
11 precinct?

12          Q.     Talking about the filing deadline.

13          A.     Yeah. December 11th roughly.

14          Q.     And so, again, you were aware that there was a  
15 deadline where the redistricting plan had to be  
16 completed when you were running for commissioner in  
17 2022.

18          A.     Yes.

19                   MS. OLALDE: Objection; asked and  
20 answered.

21                   Just let me get my objection out.

22                   THE WITNESS: I'm sorry.

23                   MS. OLALDE: Let him finish his --

24          Q.     (By Mr. Gear) And the answer to that was yes?

25          A.     Yes.



1 THE WITNESS: Sorry.

2 Q. (By Mr. Gear) So let me change the subject  
3 and talk about COVID during the 2021 redistricting  
4 process. So as I understand it, from May 28, 2021, to  
5 December 31st, 2021, the commissioners court conducted  
6 21 biweekly public meetings. Does that sound right?

7 A. Yes.

8 Q. Were these meetings open to the public?

9 A. Give me a second to think on that. The --  
10 give me your time frame again.

11 Q. May 28th, 2021, to December 31st, 2021.

12 A. Yes.

13 Q. And the public was allowed to attend these  
14 meetings without face masks during that time period?

15 A. I don't recall, but I would guess yes.

16 Q. And between May 28th, 2021, to December 31st,  
17 2021, were there any public meetings canceled due to  
18 COVID concerns?

19 A. Not that I recall.

20 Q. So between April 5th, the regular meeting  
21 where the redistricting consultant was hired, to  
22 November 12th, 2021, which was the date of the special  
23 session where the maps -- map was -- redistricting plan  
24 was adopted, did you participate in any private  
25 discussions with other members of the commissioners

1 court or their staff about changes to commissioners  
2 court procedures due to COVID?

3 MS. OLALDE: Objection; long and  
4 confusing date. I'm sorry.

5 Q. (By Mr. Gear) Did you participate in any  
6 discussions with other commissioners about changing the  
7 redistricting process due to COVID concerns?

8 A. No, sir.

9 Q. Were there any policies or procedures that  
10 were adopted during the redistricting process -- and  
11 I'm talking about the 2021 redistricting process --  
12 specifically to address COVID concerns?

13 A. No, sir.

14 Q. Were there any written communications  
15 regarding changes to the commissioners court meetings  
16 or procedures due to concerns related to COVID?

17 A. No, sir.

18 Q. Were there any changes to the commissioners  
19 court's approach to the 2021 redistricting cycle due to  
20 concerns related to COVID?

21 A. No, sir.

22 Q. So did you participate in any communications  
23 regarding conducting public workshops prior to the  
24 release of the census data? And I'm talking about the  
25 2020 census data.

1 A. I don't recall.

2 Q. Were there any public workshops where the  
3 community was allowed to participate prior to the  
4 release of the 2020 census data related to the  
5 redistricting?

6 A. I don't think so, no. I don't recall, but no.

7 Q. So would you agree that providing public  
8 hearings before the release of the census would have  
9 provided an opportunity for citizens to present  
10 relevant testimony concerning their local preferences  
11 for redistricting changes?

12 MS. OLALDE: Objection; form.

13 THE WITNESS: Before the release of the  
14 census I don't -- I don't think we could have really  
15 known much at that point as far as what was going to  
16 change.

17 Q. (By Mr. Gear) So would you agree that  
18 providing public hearings before the release of the  
19 census would have provided an opportunity for citizens  
20 to present relevant testimony concerning their  
21 communities of interest?

22 A. Yes.

23 Q. Would you agree that providing public hearings  
24 before the release of the census data would have  
25 promoted public awareness of the commissioners court

1 | redistricting process?

2 | A. Yes.

3 | Q. And so did you participate in any  
4 | communications with anyone regarding the decision to  
5 | conduct only one special session during the  
6 | redistricting process?

7 | A. No.

8 | Q. How was that decision made to conduct one  
9 | special session? And I'm talking about the  
10 | November 12th, 2021.

11 | A. Based on --

12 | MS. OLALDE: Objection. Objection; form.

13 | You can answer.

14 | THE WITNESS: Based on, like I said,  
15 | timing to when we received maps and when we were told  
16 | it had to be done.

17 | Q. (By Mr. Gear) And who would have made that  
18 | ultimate decision?

19 | A. Judge Henry.

20 | Q. And did you participate in any discussions  
21 | related to when the special session would take place?

22 | A. Other than maybe receiving a phone call to ask  
23 | my availability, no.

24 | Q. And who else was on that phone call?

25 | A. It would have just been myself and maybe one

1 of the judge's assistants.

2 Q. And do you know the name of the judge's  
3 assistant?

4 A. Probably Linda --

5 Q. Linda?

6 A. -- Liechty. Liechty.

7 Q. Liechty. Okay. And do you recall the date  
8 around when this phone call occurred?

9 A. No, sir. It would have been between the time  
10 period of the maps and the deadline when we did -- when  
11 we did the meeting.

12 Q. And was there any reasons provided to you  
13 regarding scheduling the November 12th, 2021 -- strike  
14 that.

15 | Were there any reasons provided to you as  
16 | to why only one special session would be conducted for  
17 | the redistricting process? Was there any reasons  
18 | provided to you?

19 | MS. OLALDE: Objection; form.

20 | THE WITNESS: No, sir.

21 | Q. (By Mr. Gear) Did you ask if there would be  
22 | any additional redistricting public hearings conducted  
23 | other than the November 12th, 2021, special session?

24 | A. No, sir.

25 | Q. Did you have any concerns about there only

1 | being one special session for the 2021 redistricting  
2 | process?

3 | A. It was posted. We did, of course, hit social  
4 | media and things with it, get it out there. Were there  
5 | concerns? I wouldn't call it concerns. Would I have  
6 | liked to have seen more? Yes.

7 | Q. And did you raise those -- that -- did you  
8 | raise that issue with other commissioners that you  
9 | would have liked to have seen more public hearings  
10 | related to the 2021 redistricting process?

11 | A. No, sir.

12 | Q. And why not?

13 | A. There again, we were bumping the timeline. I  
14 | don't think we could have done it at any other time  
15 | because of the timeline and I think availability of  
16 | commissioners to be there.

17 | Q. And when you say "availability," just so the  
18 | record is clear, what do you mean?

19 | A. Possibly being out of town or other things.  
20 | It takes, you know, of course, 72 hour minimum to set  
21 | up a meeting. Of course, we had longer than that,  
22 | which, you know, as they were calling around asking --  
23 | Ms. Linda was calling asking for availability. I'm  
24 | always available. And so when it came out as being the  
25 | 12th for the meeting, I just assumed that was due to

1 the fact that maybe a couple guys were out of town.

2 Q. Was there any attempts to schedule an earlier  
3 date for the redistricting special session where the  
4 commissioners would vote to adopt the plan?

5 A. I don't know.

6 Q. And who would be responsible for setting the  
7 date of the special session meeting?

8 A. Judge Henry.

9 Q. So following the April 5th, 2021,  
10 commissioners court meeting, can you identify each and  
11 every date you met with other commissioners to discuss  
12 redistricting?

13 MS. OLALDE: Objection; form.

14 Q. (By Mr. Gear) Do you understand my question?

15 A. No, sir. Please repeat.

16 Q. So I'm trying to determine how many times and  
17 on what dates you met with other commissioners to  
18 discuss the 2021 redistricting process. Can you  
19 identify those dates for me?

20 A. The only time I can really think of is the  
21 October date when we had the meeting with the maps. I  
22 was with Commissioner Holmes and Mr. Oldham.

23 Q. And that's October 2021?

24 A. Yes, sir.

25 Q. And I'm sorry. Who was present? You said

1 Commissioner Holmes?

2 A. Commissioner Holmes, myself, I believe Tyler  
3 Drummond, and possibly Jed Webb.

4 Q. Who is Jed Webb?

5 A. Jed was -- at the time Jed -- Jed is gone now  
6 from the county, but at the time Jed was the -- kind of  
7 a communication guy but more governmental relations.

8 Q. And I believe you indicated that there was  
9 a -- that you had met with the demographer, the  
10 redistricting demographer?

11 A. He was on Zoom.

12 Q. And so the October 2021 meeting, was that a  
13 Zoom meeting or was that an in-person meeting?

14 A. Mostly in person, but the demographer, I  
15 believe, was Zoom with maps.

16 Q. And was that during that same October '21  
17 meeting where the demographer was on Zoom?

18 A. Yes.

19 Q. Was there anyone else present such as staff,  
20 your staff, for example?

21 A. No, sir.

22 Q. So can you tell me what was discussed during  
23 the October 2021 meeting?

24 MS. OLALDE: Objection, and instruct the  
25 witness not to answer with respect to any



1 attorney-client privileged information or work product  
2 data that was shared during the meeting.

3 MR. GEAR: And, again, we'll reserve the  
4 claim that the attorney-client privilege does not apply  
5 to Dale Oldham. And you're directing him not to  
6 answer?

7 MS. OLALDE: I am.

8 Q. (By Mr. Gear) Can you tell me during that  
9 October 2021 meeting with the individuals you  
10 identified whether or not there were any text messages  
11 or emails that were exchanged prior to that meeting?

12 A. Not that I recall.

13 Q. Can you tell me following that meeting was any  
14 of the information that you discussed during that  
15 meeting reduced to a written form of any kind?

16 A. Not that I'm aware of other than the maps.

17 Q. So maps were shared with the commissioners  
18 that were present?

19 A. Yes.

20 Q. And would this -- would the October 2021  
21 meeting have occurred prior to the posting of the plans  
22 on the county website?

23 A. I believe so.

24 Q. Did you personally prepare anything in writing  
25 to memorialize your communication during this meeting?

1 A. No, sir.

2 Q. Are you aware of anyone reducing the  
3 discussions during the October 2021 meeting to written  
4 form?

5 A. No, sir.

6 MR. GEAR: Zach, could we put up  
7 Exhibit 2?

8 Q. (By Mr. Gear) I'll give you a chance to look  
9 at that. Have you ever seen this document before, sir?

10 A. Yes.

11 Q. And the sent date is Tuesday, October 19th,  
12 2021. Do you see that?

13 A. Yes.

14 Q. And it's from Darrell Apffel. Do you see  
15 that?

16 A. Correct.

17 Q. And do you see who it's to?

18 A. Yes.

19 Q. And do you see your name in that line of  
20 emails?

21 A. Yes, sir.

22 Q. And can you read the first part of this for  
23 me?

24 A. "Joe and I are in a redistricting meeting  
25 today. Seth will attend on our behalf. Where is the

1 meeting going to be? The below email does not state a  
2 place. Thanks. Darrell Apffel, county commissioner."

3 Q. Did you respond to this email at all?

4 A. I don't believe so, no, sir.

5 Q. And just to be clear, underneath that there's  
6 also an email chain. Do you see that --

7 A. Yes, sir.

8 Q. -- on October 14th?

9 A. I do.

10 Q. And that's October 14th, 2021. And do you see  
11 that you're also on that email chain?

12 A. Yes, sir.

13 Q. Did you respond to the October 14th, 2021,  
14 email chain?

15 A. Not that I recall.

16 Q. And so the October 19th dates -- you were --  
17 you were previously testifying about an October 2021  
18 meeting. Does that refresh your memory as to when the  
19 date of the meeting actually took place?

20 A. Give me just a second here.

21 Q. Sure.

22 A. I do -- to go back on what you asked earlier  
23 about the bottom half of that, I'm pretty sure I did  
24 respond to that on October the 14th just saying, "Yes,  
25 I would like to participate in the forming of the

1 courthouse security committee."

2 Q. And did you participate in that meeting on  
3 October 19?

4 A. No.

5 Q. And why didn't you participate in that meeting  
6 on October 19th?

7 A. That was the date, I believe, of the meeting  
8 up in West County that we were just discussing.

9 Q. The meeting that involved Mr. Holmes,  
10 yourself, Mr. Webb, Tyler Drummond?

11 A. Yes.

12 MS. OLALDE: Objection to form, misstates  
13 testimony.

14 You left out Dale Oldham.

15 MR. GEAR: And Mr. Oldham. I didn't mean  
16 to do that.

17 THE WITNESS: Yes.

18 Q. (By Mr. Gear) So do you recall any other  
19 meetings that may have taken place or communications  
20 that may have taken place by phone or by Zoom with any  
21 of the other commissioners regarding the 2021  
22 redistricting process?

23 A. No, sir.

24 Q. Do you recall communicating with Commissioner  
25 Holmes specifically regarding the 2021 redistricting

1 process?

2 A. Just while we were sitting in that meeting.

3 Q. And did you -- did you speak with him either  
4 by phone or by Zoom or in person other than the meeting  
5 you identified?

6 A. Not that I recall, no, sir.

7 MR. GEAR: Zach, can we put up Exhibit 3,  
8 please?

9 Q. (By Mr. Gear) I'll give you a chance to look  
10 at that. So for the record this is Defendants Bates  
11 Stamp No. 00017099 to 17100. Have you had a chance to  
12 look at that document, sir?

13 A. Yes, sir.

14 Q. And looking at the very top on the first page,  
15 can you tell me who this is from?

16 A. Linda Liechty.

17 Q. And can you tell me who it was sent to?

18 A. Paul Ready.

19 Q. And regarding the subject matter, can you tell  
20 me what that states, please?

21 A. Conference call with Commissioner Joe Giusti.

22 Q. And it says "Paul, FYI: 10:00 a.m. on  
23 September 13th has been confirmed with Commissioner  
24 Giusti and Mr. Oldham." Do you see that?

25 A. Yes.

1 Q. And did you meet with Mr. Oldham on

2 September 13th, do you recall?

3 A. Yes.

4 Q. And who else was present during that meeting

5 if you recall?

6 A. Mr. Ready, and that's all I remember.

7 Q. And where did that meeting take place?

8 A. I believe it was on Pecan, the address on

9 Pecan, which is Judge Henry's conference room.

10 Q. And the previous meeting that you talked

11 about, the October 19th meeting, was that also in Judge

12 Henry's conference room?

13 A. Yes.

14 Q. Okay. And what was the purpose of the meeting

15 on September 10th?

16 MS. OLALDE: Again, I understand your

17 question. I just want to instruct the witness not to

18 reveal any substance of any conversations.

19 Otherwise, please answer.

20 MR. GEAR: Let me make that question --

21 MS. OLALDE: Yeah.

22 MR. GEAR: -- a little bit clearer.

23 MS. OLALDE: Yeah. Just being careful.

24 Q. (By Mr. Gear) So on September 10th did you

25 meet with --

1 A. 13th.

2 Q. September 13th. Thank you. Did you meet with  
3 Attorney Ready and Mr. Oldham?

4 A. I don't remember if Mr. Oldham was in person  
5 or Zoom, but yes.

6 Q. But he did attend the meeting and --

7 A. Yes.

8 Q. And was that meeting related to the 2021  
9 redistricting process?

10 A. Yes.

11 Q. And did you receive any materials related to  
12 the redistricting process prior to the September 13th  
13 meeting?

14 A. Not that I recall.

15 Q. Did you receive any materials while you were  
16 present during the September 13th meeting that relate  
17 to the 2021 redistricting process?

18 MS. OLALDE: Objection; form.

19 THE WITNESS: Not that I recall.

20 Q. (By Mr. Gear) So what did you discuss during  
21 that September 13th meeting?

22 MS. OLALDE: Objection. And I'm going to  
23 instruct the witness not to answer about any  
24 attorney-client privileged communications or contain  
25 work product that was discussed in the meeting.

1 MR. GEAR: We reserve our right to raise  
2 the argument that attorney-client privilege is not --  
3 does not apply to Mr. Oldham.

4 Q. (By Mr. Gear) So other than the  
5 September 13th meeting and the October 19th meeting  
6 which you've identified, did you meet at any other  
7 times with Mr. Oldham?

8 A. I think initially when we hired him he was at  
9 that meeting.

10 Q. And did you have any discussions with  
11 Mr. Oldham prior to hiring him?

12 A. No, sir.

13 Q. So other than the fact that he was present at  
14 the commissioners court meeting, you didn't have any  
15 independent conversation with him.

16 A. Correct.

17 MR. GEAR: Can we put up Exhibit 4,  
18 please, Zach?

19 Q. (By Mr. Gear) Can you identify this document  
20 for me, please? Have you seen it before I guess I  
21 should ask.

22 A. I don't recall seeing it before.

23 Q. And for the record this is Defendants Bates  
24 Stamp No. 00015162. Can you tell me -- can you read  
25 the subject line for me, please?



1 A. "Conference call with Paul Ready and Dale  
2 Oldham re redistricting."

3 Q. And the start date?

4 A. September -- Monday, September 13th, 2021, at  
5 10 a.m.

6 Q. And this is the meeting that you were  
7 referring to when you --

8 A. Yes, sir.

9 Q. So following the April 5th, 2021,  
10 commissioners court meeting where the redistricting  
11 consultant was hired, can you identify for me the  
12 dates, if any, where you met with other commissioners  
13 court staff to discuss the 2021 redistricting process?

14 MS. OLALDE: Objection; form.

15 THE WITNESS: I don't recall any other  
16 times that I met with commissioners or staff.

17 Q. (By Mr. Gear) Do you recall any times that  
18 you met with commissioner staff related to the 2021  
19 redistricting process?

20 A. No, sir.

21 Q. And Yesenia is your staff.

22 A. Yesenia. Yes.

23 Q. Yesenia. I'll get it right before the end of  
24 this deposition.

25 Was she involved at all in the 2021

1 redistricting process assisting you?

2 A. No, sir. I mean, she's on this memo as an  
3 attendee, but I don't remember if she was or not, to be  
4 honest. I don't think she was.

5 Q. Do you have any recollection if Yesenia  
6 reduced the discussions that took place during this  
7 meeting into any written form?

8 A. No.

9 Q. Just so I'm clear on the record, so  
10 September 13th and October 19th, 2021, were the only  
11 dates that you met with Dale Oldham? Is that correct?

12 A. Yes, sir, other than the initial hiring.

13 Q. Where you did not have any independent  
14 discussion --

15 A. Correct.

16 Q. So during the time -- strike that. So did you  
17 have an opportunity to present your preferences  
18 regarding the changes you wanted to see for Precinct 2  
19 during the 2021 redistricting process?

20 MS. OLALDE: Objection. I'm going to  
21 instruct the witness not to answer with respect to  
22 conversations that were had with Mr. Oldham.

23 Otherwise, you can answer. Based on  
24 attorney-client privileged work product.

25 THE WITNESS: That would have been our

1 | conversations.

2 | Q. (By Mr. Gear) Let me -- let me change the  
3 | frame of that question.

4 | What preferences did you want to see --  
5 | what changes did you want to see to Precinct 2 during  
6 | the 2021 redistricting process?

7 | A. Me personally, there were a couple of things.  
8 | One was to level out the population amongst the  
9 | precincts. Two was probably to, as I mentioned  
10 | earlier, clarify the lines as to who was where to make  
11 | it easier for the public to understand who their  
12 | commissioners were, to keep my house in my precinct and  
13 | to keep my mom and dad's house in my precinct.

14 | Q. Anything else?

15 | A. Nope.

16 | Q. I believe you testified to this previously  
17 | about confusion as to where the commissioners' lines  
18 | fell in the previous redistricting plan. What are you  
19 | basing that concern upon?

20 | A. I guess we -- just personal experience. We  
21 | would get phone calls from constituents requesting  
22 | help, and it would be things that weren't -- that were  
23 | on the edge of my precinct but not in my precinct, or  
24 | vice versa, they were in my precinct and they were  
25 | calling someone else because the lines at times were --

1 I'm not going to say fuzzy, but just they were kind of  
2 squiggly, and so, you know, it may take part of a  
3 street and not the whole street or part of a  
4 neighborhood and not the whole neighborhood.

5 Q. So -- and you're talking about the  
6 commissioner court precinct lines, correct?

7 A. Yes, sir.

8 Q. And would you agree that those commissioner  
9 court precinct lines had been in place from 2012 to  
10 2021 until the newest plan was adopted?

11 A. Yes, sir.

12 Q. And you indicated that you at times received  
13 calls from constituents who were confused about which  
14 commissioner they needed to call.

15 A. Correct.

16 Q. Did you -- did you record those calls in any  
17 manner?

18 A. No, sir.

19 Q. Did you reduce the -- those concerns by  
20 constituents in a written form in any manner?

21 A. No, sir.

22 Q. How many times between 2014 to 2021 would you  
23 say you got a call related to concerns about -- from  
24 constituents related to concerns about which  
25 commissioner they needed to speak to?

1 MS. OLALDE: Objection; form.

2 Go ahead.

3 THE WITNESS: The concerns weren't about  
4 which commissioner. The concerns were drainage or  
5 whatever the case may be.

6 Q. (By Mr. Gear) Okay.

7 A. But they didn't know which commissioner to  
8 call, and so I would field a lot of calls, which was  
9 fine. And if I could help them I would. But normally  
10 what would happen is I would help them and then I would  
11 pass that on to their commissioner that they were  
12 calling so they could follow up on it.

13 Q. Did you see that as problematic in some way?

14 A. Not for me, but for the constituents I could  
15 see where it could be an issue not knowing what  
16 precinct you were in. But it wasn't a problem for us.  
17 I mean, we just took care of it and moved along.

18 Q. So following the April 5th commissioners court  
19 meeting again where the consultant was hired, can you  
20 identify each and every date where you personally met  
21 with the county engineer -- I believe his title is  
22 engineer tech/GIS specialist -- Nathan Sigler?

23 MS. OLALDE: Objection; form.

24 Q. (By Mr. Gear) And let me. Let me correct  
25 that question.

1 | Did you meet with Nathan -- Nathan Sigler  
2 | during the 2021 redistricting process?

3 | A. Probably. And I know I -- as far as the  
4 | number of times you asked me about, I have no idea how  
5 | many number of times because I would go to Nathan for  
6 | different things other than redistricting. As far as  
7 | for redistricting, I know -- and I don't know if I met  
8 | with him or called him, but I asked him for a hard copy  
9 | of the map.

10 | Q. So let's start with the number of times that  
11 | you spoke with Mr. Sigler regarding the 2021  
12 | redistricting process. Can you give me an idea?

13 | A. Once, I believe.

14 | Q. And do you recall whether that was an  
15 | in-person meeting or a meeting that took place by  
16 | phone?

17 | A. Probably in person as I was leaving the area,  
18 | just stopping in and saying, "Give me a copy of the  
19 | map."

20 | Q. And do you have an idea as to when that  
21 | person -- in-person meeting would have occurred during  
22 | the 2021 redistricting process?

23 | A. Sometime pretty soon after we received the  
24 | maps. So between the end of October and first of  
25 | November.

1 Q. And why did you go to Mr. Sigler to get a copy  
2 of the maps?

3 A. He's the map guy.

4 Q. But is he the same demographer or map guy as  
5 you testified that -- that attended the meetings by  
6 Zoom with Mr. Oldham?

7 A. No, sir.

8 Q. And so he's the map guy for the county.

9 A. Yes, sir.

10 Q. Okay. And did you also receive maps from the  
11 demographer that works with Mr. Oldham?

12 A. I don't recall other than seeing it on Zoom.  
13 I don't remember if I got a physical copy from them or  
14 not.

15 Q. And what maps do you recall receiving from  
16 Mr. Sigler?

17 A. Map 1 and Map 2.

18 Q. And do you have any personal knowledge whether  
19 other commissioners contacted Mr. Sigler to receive  
20 Map 1 and Map 2?

21 A. I don't, no.

22 Q. Did you express any of your redistricting  
23 preferences to Mr. Sigler during the 2021 redistricting  
24 process?

25 A. No, sir.

1 Q. Was there anyone else present during the  
2 personal meeting that you had with Mr. Sigler during  
3 the 2021 redistricting process?

4 A. I don't recall.

5 Q. Can you tell me what was discussed between you  
6 and Mr. Sigler during the 2021 redistricting process?

7 A. I would have just asked him for a copy of  
8 Map 1 and 2 with something more clarifying than the  
9 stuff I saw on Zoom, as far as being able to -- a  
10 larger map to where I could identify streets and what  
11 have you.

12 Q. When you say something you saw on Zoom,  
13 you're talking -- you are referencing during the  
14 meeting you had with Mr. Oldham?

15 A. Yes.

16 Q. Or -- that's a yes?

17 A. Yes.

18 Q. Did Mr. Sigler assist you in any other way  
19 other than to provide you with maps during the 2021  
20 redistricting process?

21 A. No, sir.

22 Q. Did you exchange any emails or texts with  
23 Mr. Sigler related to the 2021 redistricting process?

24 A. No, sir, not that I recall.

25 Q. So following the April 5th, 2021,



1 commissioners court meeting, can you identify each and  
2 every date that you personally met with the county  
3 engineer? And I believe his name was Michael Shanahan.

4 MS. OLALDE: Objection; form.

5 THE WITNESS: Can you ask that again?

6 Q. (By Mr. Gear) What's the name of the county  
7 engineer?

8 A. Michael Shannon.

9 Q. And did you meet with Michael Shannon during  
10 the 2021 redistricting process in any capacity to  
11 receive assistance? Strike that. Terrible question.

12 During the 2021 redistricting process did  
13 you meet with Michael Shanahan [sic] to discuss  
14 redistricting?

15 A. No.

16 Q. Did you call Mr. Shanahan during the 2021  
17 redistricting process to discuss redistricting in any  
18 capacity?

19 A. No.

20 Q. Did you exchange emails or text messages with  
21 Mr. Shanahan during the 2021 redistricting process  
22 related to redistricting?

23 A. No.

24 Q. Did you participate in any Zoom calls or Teams  
25 calls with Mr. Shanahan related to the 2021

1 | redistricting process?

2 | A. No, sir.

3 | Q. During the 2021 redistricting process are you  
4 | personally aware of any other commissioners that met  
5 | with Michael Shanahan regarding the 2021 redistricting  
6 | process?

7 | A. No, sir.

8 | Q. I believe I asked you this before. During the  
9 | 2021 redistricting process were you provided with any  
10 | type of redistricting software?

11 | A. No, sir.

12 | Q. Was redistricting software available to you if  
13 | you chose to draw plans for the 2021 redistricting  
14 | process?

15 | A. Not to my knowledge.

16 | Q. Did you draw or did you attempt to draw any  
17 | redistricting plans during the 2021 redistricting  
18 | process?

19 | A. No, sir.

20 | Q. Other than Map 1 and Map 2, how many  
21 | redistricting plans did you review during the  
22 | redistricting process? I'm talking about 2021.

23 | MS. OLALDE: I'm going to object and  
24 | instruct the witness not to answer as to the  
25 | attorney-client privilege or work product discussions

1 with Mr. Oldham, but if it comes down to just a number,  
2 which I believe is what the question is asking, the  
3 witness can answer as to number.

4 Q. (By Mr. Gear) And that was the question, how  
5 many plans did you review during the 2021 redistricting  
6 process.

7 A. I want to say at some point I saw four.

8 Q. And can you tell me -- did you see all those  
9 plans at one time, or did you see them over a course or  
10 period?

11 A. I think at one time.

12 Q. Can you tell me where you saw the four  
13 plans -- the four 2021 redistricting plans, when did  
14 you review those plans?

15 MS. OLALDE: And I'm going to object as  
16 to attorney-client privilege and work product and ask  
17 the witness not to reveal any attorney-client  
18 privileged communications or any attorney-client work  
19 product and instruct him not to answer.

20 MR. GEAR: So to be clear, the question  
21 was when did he review the plans. I didn't ask him  
22 about details or discussions related --

23 MS. OLALDE: As to date -- as to date you  
24 can answer.

25 THE WITNESS: I believe it was in one of

1 the -- the two meetings we discussed.

2 Q. (By Mr. Gear) Do you recall which meeting it  
3 was?

4 A. I don't, sir.

5 Q. So I believe previously you testified that you  
6 saw plans during the October 2021 meeting.

7 A. Yes, sir. That's what I recall.

8 Q. Does that refresh your recollection as to when  
9 you saw those plans?

10 A. I'm guessing that's when, but just a guess.

11 Q. And your attorney will tell you she doesn't  
12 want you to guess.

13 A. Right.

14 Q. Did you see any plans during the September  
15 meeting?

16 A. I don't recall.

17 Q. Are you familiar with the Red Apple, Texas  
18 Legislative Council redistricting software?

19 A. No, sir.

20 Q. Did you have any personal knowledge as to  
21 whether or not Commissioner Clark was drawing plans  
22 during the 2021 redistricting process?

23 A. No, sir.

24 Q. Did you see any plans that were drawn by  
25 Commissioner Clark during the 2021 redistricting

1 process?

2 MS. OLALDE: Objection; form.

3 Go ahead.

4 THE WITNESS: Not that I recall.

5 Q. (By Mr. Gear) Did you see any plans --  
6 redistricting plans related to the 2021 redistricting  
7 process that were drawn by any other commissioners  
8 prior to the adoption of the commissioners court plan?

9 A. Not that I recall.

10 Q. At any time during the redistricting  
11 process -- and I'm talking about the 2021 redistricting  
12 process just to be clear -- were you asked by anyone to  
13 draw your own plans?

14 A. No, sir.

15 Q. So I want to change the subject now and talk  
16 about the public outreach during the 2021 redistricting  
17 process. Did the commissioners court conduct any  
18 public meetings related to redistricting between  
19 April 5th, 2021, which is when the consultant was  
20 hired, to the date of the special session, which was  
21 November 12th, 2021?

22 A. No, sir.

23 Q. So based on your personal knowledge, did any  
24 of the commissioners ask you to attend any public  
25 meetings to discuss redistricting outside of the

1 regularly scheduled commissioners court hearings?

2 A. No, sir.

3 Q. Did you personally make any attempts to reach  
4 out to members of the black and Hispanic community in  
5 Galveston County to determine their position on Maps 1  
6 and 2?

7 A. No, sir.

8 Q. Did you make any attempts to obtain the view  
9 of your constituents related to Map 1 and Map 2?

10 A. Just with the Facebook post.

11 Q. And you're talking about your Facebook post.

12 A. Yes, sir. And sharing Judge Henry's Facebook  
13 post.

14 Q. Do you recall what groups or individuals  
15 responded to your Facebook post?

16 A. I don't recall.

17 Q. Do you recall how many responses you received  
18 related to your Facebook post?

19 A. One or two. It wasn't many.

20 Q. Do you recall what response you received, what  
21 was the content of that response?

22 A. I do not.

23 Q. Do you recall if they supported or opposed the  
24 plan?

25 A. I do not.

1 Q. During the redistricting process, did the  
2 commissioners court as a whole attempt any public  
3 outreach to the black and Hispanic communities in  
4 Galveston County?

5 A. Not that I'm aware of, no, sir.

6 Q. So at some point you received public comment  
7 related to Map 1 and 2, correct?

8 A. Yes.

9 Q. Can you tell me what, if any, concerns the  
10 public expressed related to Maps 1 and 2?

11 A. Through emails I received, I guess the main  
12 concerns were lack of representation based on the new  
13 maps.

14 Q. What do you mean by "lack of representation  
15 based on the new maps"?

16 A. People not feeling that they would be properly  
17 represented by someone of a different race.

18 Q. So are you referring to concerns about the way  
19 the precinct lines were drawn?

20 A. Yes, sir.

21 Q. And the -- when you say "represented by  
22 someone of a different race," are you referring to  
23 Commissioner Holmes?

24 A. No. Referring to myself and other  
25 commissioners.

1 Q. So do you recall the content of those  
2 comments?

3 A. Basically just, "We want things to stay the  
4 way they are. We don't want any change. Commissioner  
5 Holmes is doing a great job for us. He sees our  
6 problems because he is also African-American."

7 Q. And did you respond to any of those comments?

8 A. I did not.

9 Q. Why not?

10 A. Most of them were cut and paste, the same  
11 comment just cut and pasted several times, and my  
12 opinion of a cut-and-paste email is if you're not going  
13 to take it to even change it a little bit, how big a  
14 concern it really is to you.

15 Q. So based on your personal knowledge, what was  
16 your understanding of black community support in  
17 Galveston County for Map 1?

18 A. For Map 1 I don't --

19 Q. Yes.

20 A. I never heard anybody that I recall saying,  
21 "Oh, I like Map 1 over Map 2." There may have been a  
22 couple, but it wasn't many.

23 Q. So based on your personal knowledge, what was  
24 your understanding of Hispanic community support for  
25 Map 1?



1 A. There again, I'm not -- don't know. I didn't

2 really see any support for Map 1 or Map 2.

3 Q. Based on your personal knowledge, what was

4 your understanding of black community support for

5 Map 2?

6 A. Not -- didn't support it, didn't want change.

7 Q. Based on your personal knowledge, what was

8 your understanding of Hispanic community support for

9 Map 2?

10 A. Same.

11 Q. They didn't support it, didn't want change?

12 A. From -- from what little Hispanic response I

13 got. It didn't seem like as many Hispanics responding

14 as African-Americans.

15 Q. And so when you indicated that you received

16 email responses, was that in relation to the posting of

17 Map 1 and 2 to the county website, or did you receive

18 them on some other personal or work emails?

19 A. No. It was on county website.

20 Q. Do you know generally how many comments you

21 received in total?

22 A. I want to say in the neighborhood of 40.

23 Q. So based on those 40 responses that you are

24 aware of, how many of those actually supported Map 1?

25 A. I don't recall.

1 Q. Based on your awareness of the 40 emails that  
2 were received, how many of those actually supported  
3 Map 2?

4 A. I don't recall.

5 Q. Did you have any communications with any of  
6 the other commissioners related to the comments that  
7 were received on the county website?

8 A. No, sir.

9 Q. Did anyone from the public submit proposed  
10 plans to the commissioners court during the 2021  
11 redistricting process?

12 A. I don't recall.

13 Q. Who would that have been submitted to if -- if  
14 that were to occur?

15 A. It could have been submitted to any one of us  
16 just sent in with an email.

17 Q. Would it have been the procedure if a  
18 commissioner received -- well, strike that.

19 So if a community member submits a  
20 redistricting plan, what is the procedure if it goes to  
21 an individual commissioner?

22 A. There is really no written procedure, but I  
23 think what would normally happen is that would be  
24 distributed to the judge's office.

25 Q. And would the judge then be responsible to

1 distribute it to the rest of the commissioners?

2 A. I would assume.

3 Q. And based on your -- go ahead.

4 A. But at some point, you know, the question  
5 would come in are we discussing this and now do we have  
6 more than three people involved in the discussion where  
7 we're violating the law.

8 Q. And you're talking about the quorum?

9 A. Yes, sir. As it not being in an open meeting.

10 Q. So was there an effort to avoid creating a  
11 quorum during -- at any time during the 2021  
12 redistricting process?

13 A. No, sir.

14 Q. So when you talk about the law related to  
15 quorums, during the process, for example, I believe the  
16 October 2021 meeting where you met with Dale Oldham and  
17 you were present and Tyler Drummond and Jed Webb was  
18 also present, was that set up in a manner to avoid  
19 violating the -- the law that applies to quorums?

20 MS. OLALDE: Objection; form.

21 THE WITNESS: Yes, I would assume it is.  
22 That's the reason that on lots of different occasions  
23 we'll only have two commissioners together for  
24 different things. So if we're hiring -- for instance,  
25 if we're hiring our engineer, when we hired him, when

1 we're interviewing people that we're hiring, we'll only  
2 have two of us in the room.

3 Q. (By Mr. Gear) And so when those individual  
4 meetings take place, is there an effort to inform  
5 commissioners who weren't present about what was  
6 discussed in those meetings?

7 A. No.

8 Q. Why not?

9 A. Because then that would be violating the  
10 letter of it, I believe.

11 Q. So during the 2021 redistricting process, you  
12 met twice with Dale Oldham and others. Are you aware  
13 of the dates or were you made aware of the dates where  
14 other commissioners met with Mr. Oldham?

15 A. I want to say they were the same time, same  
16 basic dates. Exact times I'm not positive about.

17 Q. So changing the subject matter, I wanted to  
18 talk a bit about the concept of coastal precincts.  
19 From 2014 to 2021, 2014 being the date that you were  
20 elected, what, if any, public communications were you  
21 aware of related to supporting the creation of a  
22 coastal precinct?

23 MS. OLALDE: Objection; form.

24 THE WITNESS: Not aware of any.

25 Q. (By Mr. Gear) Was the commissioners court

1 | involved in any communications from 2014 to 2021

2 | related to the creation of a coastal precinct?

3 | A. Not that I'm aware of.

4 | Q. Were you involved with any of the

5 | commissioners in private communications regarding the

6 | creation of a coastal precinct between 2014 and 2021?

7 | A. Are we talking prior to the maps coming out?

8 | Q. Let me restate my question just so we're

9 | clear.

10 | So I'm asking you for a date range, 2014,

11 | when you were elected, to 2021, when the maps were

12 | ultimately adopted. Were you involved in any private

13 | discussions with any of the other commissioners on the

14 | court related to the creation of a coastal precinct?

15 | MS. OLALDE: I'm going to object and ask

16 | the witness not to answer with respect to any

17 | attorney-client privilege or to any work product,

18 | shared communications.

19 | And otherwise you can answer.

20 | THE WITNESS: Not that I recall.

21 | Q. (By Mr. Gear) Was there any records of any

22 | kind distributed by any of the county commissioners

23 | related to the creation of a coastal precinct between

24 | 2014 to 2021?

25 | A. Not that I recall.

1 Q. Were there any written proposals or analysis  
2 developed by the commissioners court as a result of --  
3 related to the concept of the creation of a coastal  
4 precinct?

5 MS. OLALDE: Objection; form.

6 Q. (By Mr. Gear) Do you understand my question?

7 A. Not that I recall.

8 Q. So was any type of analysis ever done by the  
9 commissioners court regarding the development of a  
10 coastal precinct?

11 MS. OLALDE: Objection; form.

12 And to the extent your answer would  
13 contain any attorney-client privilege or attorney work  
14 product information or communication, I would instruct  
15 you not to answer, but otherwise you may answer.

16 THE WITNESS: Not that I recall.

17 Q. (By Mr. Gear) So based on your knowledge,  
18 have there been any surveys or public polls conducted  
19 by the commissioners court to determine the interest in  
20 establishing a coastal precinct?

21 A. Not that I recall.

22 Q. So during the 2021 redistricting process, did  
23 you engage in any communications with elected officials  
24 in the City of Galveston related to the creation of a  
25 coastal precinct?

1 A. No, sir.

2 Q. Did you engage in any communications with  
3 elected officials from the Bolivar Peninsula related to  
4 the creation of a coastal precinct?

5 A. No, sir.

6 Q. Did you engage in any communications with the  
7 Galveston Chamber of Commerce related to the creation  
8 of a coastal precinct? And again I'm talking about  
9 this 2021.

10 A. Right. No, sir.

11 Q. Did you engage in any communications with the  
12 Bolivar Peninsula related to the creation of a coastal  
13 precinct?

14 MS. OLALDE: Objection; asked and  
15 answered.

16 THE WITNESS: No, sir.

17 Q. (By Mr. Gear) And I may repeat questions from  
18 time to time, and that's not intentional. It's not an  
19 attempt to throw you off. And feel free to tell me if  
20 you believe you've answered the question before.

21 So during the 2021 redistricting process,  
22 did the commissioners court as a whole engage in any  
23 communications with elected officials from any of the  
24 cities in the City of Galveston related to the creation  
25 of a coastal precinct?

1 A. No, sir.

2 Q. Do you have any personal knowledge of any  
3 commissioner or staff -- or their staff engaging in  
4 communications with elected officials in any of the  
5 cities in Galveston related to the creation of a  
6 coastal precinct?

7 A. No, sir.

8 Q. Do you have any personal knowledge of any  
9 commissioner or their staff engaging in communications  
10 with any Chambers of Commerce from the various cities  
11 in Galveston County related to the creation of a  
12 coastal precinct?

13 A. No, sir.

14 MR. GEAR: Could we put up Exhibit 5,  
15 please, Zach?

16 Q. (By Mr. Gear) I'll give you a chance to look  
17 at this document. For the record, this is a news  
18 article, Political Buzz, that's titled Does the Coast  
19 Want a Single, and then it's from Daily News, the  
20 Galveston -- Galveston County, Texas. And do you see  
21 the date on that document?

22 A. November 10th.

23 Q. November 10th, 2021. So in the first  
24 paragraph of this document it talks about the creation  
25 of a coastal precinct perhaps for the first time in



1 history. Do you see that?

2 A. I do.

3 Q. So based on your knowledge, has there ever  
4 been a single coastal precinct in Galveston County?

5 A. Based on my knowledge, I don't know.

6 Q. So drawing your attention to paragraph 4.

7 A. Yes, sir.

8 Q. Can you read the beginning of that paragraph  
9 where it starts "But do the communities"?

10 A. "But do the communities that would be mashed  
11 into a single precinct want to be lumped in with their  
12 coastal neighbors?"

13 Q. Did you receive any comments from constituents  
14 for -- during the comments that were posted to the  
15 county website regarding concerns about being lumped  
16 into a coastal precinct?

17 A. I don't recall.

18 Q. Can you read the very next -- very next  
19 sentence, please?

20 A. "The verdict is still out, even with just two  
21 days before commissioners are scheduled to vote on the  
22 new maps."

23 Q. And, again, this article is dated  
24 November 10th, 2021. Were you aware prior to the  
25 adoption of the commissioners court plan on

1 November 12th, 2021, that there were concerns about  
2 Map 1 and Map 2?

3 MS. OLALDE: Objection; form.

4 THE WITNESS: Can you ask that again,  
5 please?

6 Q. (By Mr. Gear) Sure. Were you aware that  
7 there were concerns from the Bolivar Peninsula about  
8 the potential adoption of Map 2?

9 MS. OLALDE: Objection; form.

10 THE WITNESS: No, sir. Can I have a  
11 couple minutes to finish reading this?

12 Q. (By Mr. Gear) Sure.

13 A. Thanks.

14 Q. Just let me know when you're done.

15 MS. OLALDE: I'm just --

16 THE REPORTER: I'm sorry. I can't hear  
17 you.

18 MS. OLALDE: Sorry. I was just letting  
19 counsel know that our upstairs cafeteria closes at  
20 1 p.m.

21 (Discussion off the record)

22 Q. (By Mr. Gear) Have you seen this article  
23 before?

24 A. I don't recall it. I might have. I just  
25 don't recall it.

1 Q. Were you aware of any public comments from the  
2 Bolivar Peninsula that the majority of the people would  
3 like to keep Darrell Apffel as their commissioner?

4 A. No, sir.

5 Q. Do you know who Brenda Flanagan is?

6 A. I do.

7 Q. And who is Brenda Flanagan?

8 A. Brenda is a citizen of Bolivar, and I believe  
9 she's involved with the Chamber of Commerce over there.

10 Q. And she was the president of the Chamber of  
11 Commerce for a time?

12 A. I think she was the president and maybe at  
13 this time she was the president.

14 Q. And were you aware that the Chamber of  
15 Commerce in Bolivar was conducting a meeting on  
16 Thursday night where the members were attempting to  
17 come to some resolution on the -- on their position on  
18 the 2021 redistricting plan?

19 MS. OLALDE: Objection; form.

20 THE WITNESS: Just from reading this  
21 letter.

22 Q. (By Mr. Gear) Did you have any discussions  
23 with any other commissioners related to this meeting  
24 that was going to take place on Thursday? And again  
25 this article is dated November 10th, so that would have

1 | been November 11th, 2021?

2 | A. No, sir.

3 | Q. And again to be clear, the commissioners voted  
4 | on -- to adopt the plan on November 12th, 2021,  
5 | correct?

6 | A. Yes, sir.

7 | Q. Okay. Were you invited to attend the meeting  
8 | that took place on Thursday, November 11, 2021?

9 | A. I don't recall.

10 | Q. Did you discuss the pending meeting with any  
11 | other commissioners or their staff? And I'm talking  
12 | about the November 11th, 2021, meeting in Bolivar.

13 | A. I don't recall.

14 | Q. Were you aware prior to the adoption of the  
15 | November 2021 commissioners court plan that there were  
16 | concerns about competing -- strike that.

17 | Were you aware prior to the adoption of  
18 | the November 12th, 2021, commissioners court plan that  
19 | citizens on Bolivar were -- were concerned about being  
20 | lumped into a single coastal precinct?

21 | MS. OLALDE: Objection; form and asked  
22 | and answered.

23 | Go ahead.

24 | THE WITNESS: No, sir.

25 | Q. (By Mr. Gear) And I asked you were you aware

1 | prior to the adoption of the plan. At any point after  
2 | the adoption of the plan were you -- did you become  
3 | aware that there were concerns by the citizens of  
4 | Bolivar Peninsula about being joined into a coastal  
5 | precinct?

6 | A. After the fact, yes, sir.

7 | Q. And what were those concerns?

8 | A. Just what -- just what it kind of states  
9 | there, that, you know, they're the little guy on the  
10 | block and they don't think they get the attention they  
11 | deserve.

12 | Q. And how did you learn about these concerns?

13 | A. I heard from a couple of residents. Just they  
14 | called me. And then also I went over to a meeting in  
15 | Bolivar. I don't remember when that was, but I went  
16 | with Commissioner Apffel and something the chamber set  
17 | up, and I went and met with them.

18 | Q. And I believe you just said you don't recall  
19 | the date of that meeting.

20 | A. No idea.

21 | Q. Do you recall what was discussed during that  
22 | meeting?

23 | A. Basically just what we talked about, you know,  
24 | them -- them being the little guy on the block and not  
25 | getting much attention when they think -- when they

1 feel they need more of our representation.

2 Q. Was there any concern expressed that it might  
3 be better for them to have two commissioners  
4 representing them as opposed to one?

5 A. No. I don't think they wanted two  
6 commissioners. I think they wanted their own  
7 commissioner just for Bolivar.

8 Q. Well, under the prior plan did they have more  
9 than one commissioner representing them?

10 A. No.

11 Q. And the commissioner under the prior plan  
12 would have been Commissioner Apffel?

13 A. Correct.

14 Q. Okay. And under the adopted plan you are now  
15 the commissioner that represents the interests of the  
16 Bolivar Peninsula, correct?

17 A. Yes, sir.

18 Q. And the meeting that you attended would have  
19 been after the adopted plan and when you were the  
20 commissioner representing the Bolivar Peninsula,  
21 correct?

22 A. Yes, sir.

23 MR. GEAR: So, Zach, could you put up  
24 Exhibit 6, please?

25 Q. (By Mr. Gear) I'll give you a chance to take

1 a look at that. So Exhibit 6 is a Crystal Beach Local  
2 News article. Have you ever seen this article before?

3 A. Yes, sir, I believe I have.

4 Q. And do you see the picture on the first page?

5 A. Yes, sir.

6 Q. And just to be clear, this is a three-page  
7 document, and the first page contains a picture. Would  
8 you agree that that's Commissioner Apffel on the first  
9 page?

10 A. Yes, sir.

11 Q. And can you read the caption below the  
12 picture, please?

13 A. "Commissioner Apffel reviewed the two  
14 redistricting proposals."

15 Q. It also indicates that "Commissioner Apffel  
16 reviewed the two redistricting proposals to be voted on  
17 by the commissioners court the following day. In  
18 either case, Mr. Apffel would no longer represent the  
19 Bolivar Peninsula; however, he vowed to work closely  
20 with the commissioners -- with the new commissioner to  
21 help him understand the issues unique to this area."

22 Were you aware that Commissioner Apffel  
23 was going to meet with the Bolivar Chamber of Commerce  
24 prior to the adoption of the 2021 commissioners court  
25 redistricting plan?

1 A. I really don't recall it.

2 Q. Did you discuss the pending meeting with  
3 Commissioner Apffel prior to his meeting with the  
4 Bolivar Peninsula Chamber of Commerce?

5 MS. OLALDE: Objection; form.

6 The pending meeting?

7 MR. GEAR: I can --

8 MS. OLALDE: Thank you.

9 MR. GEAR: -- rephrase that.

10 Q. (By Mr. Gear) Did you discuss the  
11 November 11th, 2021, meeting that Commissioner Apffel  
12 was planning on attending with Commissioner Apffel?

13 A. I don't recall.

14 Q. Do you know why Commissioner Apffel would  
15 present the two plans to the Bolivar Peninsula prior to  
16 the plans being adopted?

17 MS. OLALDE: Objection; form.

18 THE WITNESS: I'm assuming they asked  
19 him.

20 Q. (By Mr. Gear) Do you know for a fact that he  
21 was requested to attend the meeting?

22 A. I do not.

23 Q. Did you personally reach out to any of the  
24 Chamber of Commerce in any of the cities in Galveston  
25 prior to the 2021 redistricting plan being adopted?



1 A. No, sir.

2 Q. Did you attend any public meetings similar to  
3 this related to presenting the two plans that had been  
4 posted to the county website?

5 A. Not that I recall. Nothing I would have  
6 hosted myself.

7 Q. Do you know if any commissioner attended and  
8 presented the proposed plans to the Chamber of Commerce  
9 on Galveston Island?

10 A. Not that I'm aware of.

11 MR. GEAR: Zach, could you put up  
12 Exhibit 7, please?

13 Q. (By Mr. Gear) I think we referred to your  
14 Facebook post several times during the course of this  
15 deposition, and I've handed you what's been marked as  
16 Exhibit 7. Can you identify this for the record,  
17 please?

18 A. This is a post that I commented on or shared  
19 from Judge Henry.

20 Q. And is this from your Facebook post?

21 A. Yes, sir, it would be, I believe.

22 Q. And can you tell me the date that this was  
23 posted?

24 A. Looks like October 31st.

25 Q. At 5:28 p.m.?

1 A. Yes, sir. Originally from -- Judge Henry's  
2 was October 29th.

3 MR. GEAR: And I believe -- again, I  
4 believe we've discussed this on and perhaps off the  
5 record that you will be providing us with the Facebook  
6 posts and the comments that go along with it.

7 MS. OLALDE: I -- we did email that. In  
8 fact, I emailed that just during the deposition. I  
9 know you probably haven't had a chance to see it, yeah,  
10 but it's the same thing that you just handed  
11 Mr. Giusti.

12 Q. (By Mr. Gear) So did you post anything else  
13 on social media related to redistricting other than  
14 what we're looking at here?

15 A. Not that I recall, no, sir.

16 Q. And other than the two or three comments that  
17 you received on social media posts, your Facebook post,  
18 do you recall receiving any other comments related to  
19 the 2021 redistricting process that would have come on  
20 your social media posts?

21 A. No, sir.

22 Q. So did you ever have -- during the course of  
23 the 2021 redistricting process, did you have an  
24 occasion to speak with Commissioner Holmes regarding  
25 the creation of a coastal precinct?

1 MS. OLALDE: I'm sorry. What was the  
2 time frame? I apologize.

3 MR. GEAR: During the 2021 redistricting  
4 process.

5 MS. OLALDE: Okay. And I'm going to  
6 object to the extent you're -- the substance of your  
7 question would contain the attorney-client privileged  
8 communications or work product information.

9 Otherwise you may answer.

10 Q. (By Mr. Gear) And I want to be clear that --  
11 being careful to avoid any discussions that may have  
12 taken place with attorneys, did you have an occasion to  
13 speak with Mr. Holmes regarding the creation of a  
14 coastal precinct during the 2021 redistricting process?

15 MS. OLALDE: And the same objection.

16 MR. GEAR: And again we will -- I'll  
17 reserve our claim that the 2021 redistricting process  
18 and attorney-client privilege does not apply to Dale  
19 Oldham.

20 Q. (By Mr. Gear) But you can answer.

21 A. Not that I recall. It would -- had we  
22 discussed that, it would have been during that --

23 MS. OLALDE: Okay. I'm going to just --

24 THE WITNESS: So there you go.

25 MS. OLALDE: -- ask you not to testify

1 | about anything that would have been discussed during  
2 | those meetings. Thank you.

3 | Q. (By Mr. Gear) So changing the subject now,  
4 | you're saying that you've commented on the posted plan.  
5 | So the posted plan -- when was it actually posted to  
6 | the county website?

7 | A. I'm not positive. Based on Judge Henry's post  
8 | on the 29th, I'm assuming that's about the same time it  
9 | went live because his post basically is telling people,  
10 | "Here's the plan. Comments, please."

11 | Q. So focusing on the October 29th date, is it  
12 | correct that the commissioners court posted Maps 1 and  
13 | 2 to the county website?

14 | A. Yes.

15 | Q. Were you involved in those discussions to post  
16 | Map 1 and 2 to the county website?

17 | A. Not that I recall.

18 | Q. Were you involved in the decision-making  
19 | process in any capacity to post Maps 1 and 2 to the  
20 | county website?

21 | A. Not that I recall.

22 | Q. When did you -- when were you made aware that  
23 | Maps 1 and 2 would be posted to the county website?

24 | A. I want to say the day they were posted or even  
25 | the day after.

1 Q. And who is responsible for posting Maps 1 and  
2 to the county website?

3 A. I would guess it came through Judge Henry's  
4 office. I know I'm not supposed to guess.

5 Q. It would be Judge Henry's responsibility and  
6 decision to post Maps 1 and 2 to the county website?

7 MS. OLALDE: Objection; form.

8 Q. (By Mr. Gear) Let me rephrase that. Would it  
9 be Judge Henry's decision to post Maps 1 and 2 to the  
10 county website?

11 MS. OLALDE: Objection; form.

12 THE WITNESS: Not positive, but I  
13 would -- I would think that it is.

14 Q. (By Mr. Gear) Were you surprised when Maps 1  
15 and 2 were posted to the county website on  
16 October 29th?

17 A. No.

18 MS. OLALDE: Objection.

19 THE WITNESS: Sorry.

20 MS. OLALDE: It's okay.

21 Objection; form and misstates prior  
22 testimony.

23 But go ahead.

24 Q. (By Mr. Gear) Well, I asked you were you  
25 surprised.

1 A. No.

2 Q. But you had no advance notice that the maps  
3 were going to be posted, Maps 1 and 2, to the county  
4 website on October 29th?

5 A. Not --

6 MS. OLALDE: Objection; form.

7 Hold on.

8 THE WITNESS: Not that I recall.

9 Q. (By Mr. Gear) Did you have any discussions  
10 with any of the commissioners on the court regarding  
11 the date as to when the Maps 1 and 2 would be posted on  
12 the county website?

13 MS. OLALDE: Objection; form.

14 THE WITNESS: Not that I recall.

15 Q. (By Mr. Gear) Did you have any discussions  
16 with any of the commissioners on the court regarding  
17 why Map 1 and 2 were being posted to the county  
18 website?

19 A. Not that I recall.

20 Q. Did you have any discussion with any of the  
21 county commissioners related to the four commissioner  
22 court plans that you saw as to which of those plans  
23 would be posted to the county website on October 29th?

24 MS. OLALDE: Objection; form, compound.

25 And to the extent your answer would

1 contain any conversations that occurred during meetings  
2 with Dale Oldham, I'll instruct the witness not to  
3 answer based on privilege, attorney-client and also  
4 work product.

5 Q. (By Mr. Gear) Let me rephrase that just so  
6 it's not compound.

7 Did you have any decision-making -- were  
8 you involved in the decision-making process regarding  
9 which of the four plans that you saw would be placed --  
10 posted to the county website on October 29th?

11 A. No, sir.

12 Q. Did you have a preference as to which of the  
13 plans that you had reviewed should be posted on the  
14 county website on October 29th?

15 MS. OLALDE: Objection; form.

16 But go ahead.

17 THE WITNESS: I don't recall the other  
18 plans to know which ones I would prefer, to be honest.  
19 I don't recall what they were.

20 Q. (By Mr. Gear) Okay. Fair enough. When you  
21 first saw the posting of Maps 1 and 2, did they include  
22 complete precinct data for each of the commissioners  
23 court precincts?

24 MS. OLALDE: Objection; form.

25 THE WITNESS: I don't believe so. As far

1 as -- please clarify that for me, would you?

2 Q. (By Mr. Gear) So you have the plans  
3 themselves, and then you have the demographic data.  
4 Did the posted plans include the demographic data for  
5 each of the commissioners courts when it was first  
6 posted on October 29th?

7 MS. OLALDE: Objection; form.

8 THE WITNESS: No, sir, I don't believe  
9 so.

10 Q. (By Mr. Gear) Do you know when or if the  
11 demographic data was ever posted to the county website  
12 along with the plans?

13 A. I don't believe it was.

14 Q. When you first saw the posted Maps 1 and 2 on  
15 the county website, was it a still image, or was it an  
16 image that you could manipulate in any way?

17 A. It was an image that could be manipulated, not  
18 necessarily moved lines around, but as far as zooming  
19 in and zooming out.

20 Q. Okay. So other than being able to zoom in and  
21 zoom out, was there any other features that were  
22 associated with the posted plans when they were first  
23 posted?

24 A. Not that I recall.

25 Q. Did you receive any calls or comments from



1 | constituents regarding their lack of ability to review

2 | the plan data associated with posted plans 1 and 2?

3 | A. No, sir. I don't remember any of those.

4 | Q. Did you receive any comments posted to your

5 | Facebook page, your personal Facebook page, after

6 | Maps 1 and 2 were posted?

7 | A. There were a couple --

8 | MS. OLALDE: Objection; asked and

9 | answered.

10 | But go ahead.

11 | THE WITNESS: Yeah. Asked and answered.

12 | There were a couple. What they said I don't recall.

13 | Q. (By Mr. Gear) And those were the two or three

14 | comments that you --

15 | A. Yes.

16 | MS. OLALDE: Objection; misstates prior

17 | testimony.

18 | Go ahead.

19 | Q. (By Mr. Gear) And your answer was yes? You

20 | can answer. I'd ask that you give a verbal answer.

21 | A. Yes. As stated before, the two or three

22 | comments that I said were there.

23 | Q. Thank you.

24 | MS. OLALDE: You just have to say yes or

25 | no on the record --

1 THE WITNESS: I know.

2 MS. OLALDE: -- because the court  
3 reporter can't take a head nod.

4 Q. (By Mr. Gear) So was it Nathan Sigler that  
5 provided you with copies of Maps 1 and 2?

6 A. Nathan did provide copies after they were  
7 posted because, like I said, I wanted better maps to  
8 see what was where.

9 Q. And if I remember correctly, you don't recall  
10 the dates that he provided you with those, but it would  
11 have been after the maps were posted?

12 A. Yes, sir. Fairly soon after.

13 Q. Did he provide you with the demographic data  
14 for each precinct as well?

15 A. No, sir, not that I recall.

16 Q. Did you ever receive a full set of the  
17 demographic data for each of the commissioners court  
18 precincts after the maps were posted?

19 A. No, sir. I don't recall that.

20 Q. Were you concerned in any way that you weren't  
21 seeing how the demographic data broke down in the  
22 individual commissioner court precincts after the Map 1  
23 and 2 were posted?

24 A. No, sir.

25 Q. Did you request the demographic data for each

1 of the commissioners court precincts after the maps  
2 were posted?

3 A. No, sir.

4 Q. So you testified that you received  
5 approximately 40 comments related to the posted plans  
6 Map 1 and 2. Do you recall that testimony?

7 A. Yes, sir.

8 Q. Did the commissioners court ever discuss the  
9 public comments that were being received from  
10 constituents?

11 MS. OLALDE: Objection; form.

12 Q. (By Mr. Gear) And I'm talking about during  
13 the 2021 redistricting process.

14 MS. OLALDE: Are you talking about in a  
15 public, like the entire court, or...

16 MR. GEAR: Let's start off with public.

17 Q. (By Mr. Gear) Did they ever publicly discuss  
18 the comments that were being received by constituents  
19 relating to the posting of Maps 1 and 2?

20 A. No, sir, not that I recall.

21 Q. Did they ever privately discuss the comments  
22 related to the posting of Map 1 and 2 by the  
23 constituents? That was a terrible question.

24 Did they -- did the commissioners court  
25 ever privately discuss the comments that were received

1 | from constituents related to the posting of Maps 1 and

2 | 2?

3 | A. No, sir, not that I recall.

4 | Q. So what, if any, changes that you're aware of

5 | were made as a result of the comments that were

6 | received from constituents related to the posting of

7 | Maps 1 and 2?

8 | A. Changes to the maps?

9 | Q. To either Map 1 or 2.

10 | A. No, sir.

11 | Q. Is that no, no changes were made?

12 | A. Not that I recall, no, sir.

13 | MR. GEAR: Can you pull up Exhibit 8 for

14 | me, Zach, please?

15 | Q. (By Mr. Gear) We discussed the special  
16 | session, the November 12th, 2021, date. I'll give you  
17 | a chance to look at this first before we identify it  
18 | for the record.

19 | And maybe after this it will be a good  
20 | time to take a break.

21 | MS. OLALDE: Yeah, I think so.

22 | Q. (By Mr. Gear) Can you tell me what this  
23 | document is?

24 | A. Yes, sir. It's a special meeting agenda  
25 | posted November 9th, 2021.

1 Q. Based on your knowledge, was the special  
2 session for the commissioners court meeting ever  
3 scheduled for an earlier date other than November 12th,  
4 2021?

5 A. Based on what I'm looking at, yes, sir.

6 Q. Do you know why the special session wasn't  
7 conducted on November 9th, 2021? And I'm talking about  
8 this -- the plan to discuss the Maps 1 and 2.

9 A. Correct. I do not recall why.

10 Q. Do you recall if there was any discussion  
11 amongst commissioners about conducting the special  
12 session on November 9th, 2021?

13 A. I don't recall it, sir.

14 Q. Do you recall if there was any discussion  
15 amongst commissioners regarding changing the  
16 November 9th, 2021, date to discuss Maps 1 and 2?

17 A. No, sir.

18 Q. Are you aware of any reasons why the special  
19 session was not conducted on November 9th, 2021 --

20 A. I don't --

21 Q. -- to discuss --

22 A. Sorry. I don't recall, sir.

23 Q. Forgive me if I asked you this question  
24 before. Were you involved in any discussions with  
25 other commissioners related to setting the special

1 session to discuss and adopt either Map 1 or 2 for the  
2 November 12th, 2021, special session?

3 MS. OLALDE: Objection; form.

4 Q. (By Mr. Gear) Do you understand my question?

5 A. No, sir. Yes, sir, I understood.

6 Q. Okay. And the answer was you were not?

7 A. No, sir, I was not.

8 Q. Were you involved in any discussions regarding  
9 where the November 12th, 2021, special session would be  
10 conducted?

11 A. No, sir.

12 Q. Do you know if your staff was involved in any  
13 discussions regarding where the November 12th, 2021,  
14 special session would be conducted?

15 A. No, sir.

16 Q. Did you receive any written materials  
17 regarding reasons for conducting the special session --  
18 and I'm talking about the November 12th, 2021, special  
19 session -- at the annex building?

20 A. No, sir. Normally when we do special meetings  
21 that's where it's at. But did I receive anything  
22 stating a reason? No, sir.

23 Q. Do you know when the decision was made to  
24 conduct the November 12th, 2021, special session was  
25 made? Do you know when that decision was made?

1 A. I do not.

2 Q. Is there a procedure on the commissioners  
3 court that helps to inform commissioners about the  
4 dates scheduled for special sessions?

5 A. I don't believe there is a real procedure for  
6 it. As I mentioned earlier, Ms. Linda Liechty will  
7 call around and ask availability of us commissioners.

8 Q. Did anyone call you to ask you for your  
9 availability for the November 12th, 2021, special  
10 session?

11 A. I'm sure.

12 Q. And that would have been --

13 A. Ms. Linda.

14 Q. And did you reduce that phone call to written  
15 form of any kind?

16 A. No, sir. She will normally follow that up by  
17 the meeting notice.

18 MR. GEAR: Why don't we take the time and  
19 go off the record and take a break.

20 THE VIDEOGRAPHER: Going off. The time  
21 is 12:31.

22 (Lunch recess from 12:31 to 1:20)

23 THE VIDEOGRAPHER: We're back on the  
24 record, marks beginning of Media Unit No. 3. Time is  
25 1:20.

1 Q. (By Mr. Gear) I hope you had a good lunch.

2 We're back on the record.

3 I wanted to go back to one of your  
4 previous discussions about comments that you received  
5 by email related to the posted plans. Do you recall  
6 that testimony generally?

7 A. Yes, sir.

8 Q. So -- and just so we can clarify for the  
9 record, when the Map 1 and 2 was posted to the county  
10 website, was that posted to a portal of some type?

11 A. Yes, it was.

12 Q. And the comments that were received, did they  
13 come into that portal?

14 A. I believe they did.

15 Q. And who was responsible for reviewing the  
16 comments that came into the portal, if you know?

17 A. IT, I think, would be the logical person to do  
18 that. I know there were others, you know. We had  
19 access to that.

20 Q. And did you access the portal during the  
21 period of 2021 redistricting process to see the 40  
22 comments that you previously testified about?

23 A. The 40 comments I received were emails that I  
24 received in my office.

25 Q. Okay. So those came in on your work computer.



1 A. Those came in, yes, sir.

2 Q. Okay. So -- and you turned those 40 comments  
3 over to your attorney during the course of this  
4 litigation?

5 A. Yes, sir. They were there, and he was aware  
6 that they were there.

7 Q. Okay. The comments that came into the  
8 county's portal --

9 A. Yes.

10 Q. -- can you tell me approximately how many of  
11 the -- how many comments were received to that portal?

12 A. I really don't know. I wish I could tell you.  
13 I can't.

14 Q. Okay. But I believe you said you had access  
15 to that portal.

16 A. Yes.

17 Q. And did you access that portal during the  
18 redistricting process to review those comments?

19 A. I did at one point and looked at a few. They  
20 were not necessarily in support of one map or the  
21 other, but there were a lot of supportive on changing.  
22 And I guess, you know, in retrospect several were for  
23 Map 2, I guess it was. There were some for Map 1, some  
24 for Map 2, several against, of course. So it was a  
25 pretty good mix, I think, if I remember right. And I

1 checked -- I looked at it early on before there were  
2 many comments there.

3 Q. Do you have an idea of how many comments  
4 ultimately were received by that portal?

5 A. I do not know.

6 Q. When you said you reviewed a few, do you have  
7 a general idea how many of the comments you actually  
8 reviewed?

9 A. Probably 15.

10 Q. So of those 15 comments, can you tell me how  
11 many expressed support for Map 1?

12 A. Out of 15, just in my head, no, because I  
13 would be guessing.

14 Q. Okay. Out of those 15 comments, can you  
15 testify how many opposed Map 2?

16 A. I want to say they were pretty evenly split  
17 as, you know, in favor of and against as a total.

18 Q. So at some point you -- you said there were  
19 many comments, so at some point you stopped looking at  
20 the portal?

21 A. Yes, sir.

22 Q. And why did you stop looking at the portal?

23 A. They were repetitive of what was being said.  
24 Like I said, it seemed to be going pretty evenly split.

25 Q. So I believe -- and correct me if I'm wrong,

1 | please. I believe you indicated that the emails that  
2 | you received, the 40 comments, there were no changes  
3 | made to Maps 1 or 2 as a result of those comments. Do  
4 | you recall that testimony?

5 | A. Yes, sir.

6 | Q. So for the comments that went into the county  
7 | portal, based on your knowledge, were there any changes  
8 | made to Map 1 or Map 2 as a result of reviewing those  
9 | comments? And I'm talking about the commissioner court  
10 | reviewing those comments.

11 | A. No, sir.

12 | Q. We also talked prior to the break about a  
13 | coastal precinct. Do you know, based on your personal  
14 | knowledge, where the idea of the creation of a coastal  
15 | precinct came from?

16 | A. I am not positive of that, where it came from.

17 | Q. Of the four maps that you reviewed, do you  
18 | recall which of those you thought were the best maps  
19 | for the commissioners court plan?

20 | A. The only thing I remember is the two that we  
21 | ultimately decided between. I don't remember what the  
22 | other two really were, didn't look at them long enough  
23 | or hard enough, I guess.

24 | Q. And did you favor either Map 1 or Map 2 over  
25 | the other?

1 A. Initially, no. I liked the idea of a coastal  
2 precinct.

3 Q. You said initially no. Was there a point  
4 during the redistricting process where you favored one  
5 map over the other?

6 A. As it moved along after the first day or two  
7 and it was, I guess -- I don't remember by whom --  
8 brought to my attention about it being a coastal  
9 precinct and the benefits -- some of the benefits  
10 instead of having one commissioner that is responsible  
11 for the coast.

12 Q. Did you ever hear any concerns during the 2021  
13 redistricting process that Commissioner Apffel was not  
14 doing a sufficient job representing the Bolivar  
15 Peninsula?

16 A. No, sir, not at all.

17 MS. OLALDE: Objection.

18 THE WITNESS: Sorry.

19 MR. GEAR: Objection as to vagueness and  
20 concerns from whom.

21 Q. (By Mr. Gear) Let me clarify. Did you ever  
22 hear any -- any concerns expressed by your constituents  
23 that Commissioner Apffel was not adequately  
24 representing the interests of the Bolivar Peninsula?

25 A. No, sir.

1 Q. Did you ever hear any concerns expressed by  
2 your constituents that the residents of Galveston  
3 Island were not being adequately represented by their  
4 commissioner?

5 A. No, sir.

6 Q. And so prior to the break you talked about the  
7 goals for redistricting as you saw them, and I believe  
8 you indicated that keeping your parents in your  
9 district, keeping yourself in your district in part was  
10 part of those goals. Do you recall that testimony?

11 A. Yes, sir.

12 Q. And I just want to be clear for the record,  
13 and forgive me if I left anything out. I'm not  
14 intending to do that. Can you completely state what  
15 your goals were during the 2021 redistricting process?

16 MS. OLALDE: Objection; asked and  
17 answered.

18 Go ahead.

19 THE WITNESS: Basically as I stated, to  
20 level the populations amongst the precincts, to have  
21 lines that were easier -- precinct lines, commissioner  
22 precinct lines that were easier for the public to know  
23 which precincts they were in. One goal was for me to  
24 still live in my precinct, and another was I wanted to  
25 keep my mom and dad in my precinct.

1 Q. (By Mr. Gear) Did you speak with any other  
2 commissioners during the 2021 redistricting process  
3 regarding continuing to live in their precinct under  
4 the adopted plan?

5 A. No, sir.

6 Q. Do you have any personal knowledge if other  
7 commissioners shared the same concern about being able  
8 to continue to live in their precinct under the adopted  
9 plan?

10 A. No, sir.

11 Q. Have you ever talked to Commissioner Holmes  
12 about the needs of his constituents in Precinct 3?

13 MS. OLALDE: Objection; form, overbroad,  
14 just wondering about period of time.

15 Q. (By Mr. Gear) Let me -- let me narrow the  
16 time down. During the 2021 redistricting process.

17 A. No, sir.

18 Q. And then let me expand that time. From any  
19 time period that you were elected as a commissioner to  
20 the adoption of the commissioners court plan in 2021,  
21 did you ever discuss with Commissioner Holmes the --  
22 any issues related to the needs of his constituents in  
23 Precinct 3, Commissioners Court Precinct 3?

24 A. No, sir, not that I recall.

25 Q. Are you familiar with the socioeconomic

1 conditions of his constituents in Precinct 3?

2 A. Not totally but somewhat, yes.

3 Q. And what is it that you're familiar with?

4 A. I know there is some lower income people in  
5 the precinct, but I think that's pretty well scattered  
6 about because I know in Precinct 2 I have quite a few  
7 lower income folks as well.

8 Q. Would you agree that the needs of the lower  
9 income constituents differ from the more wealthy  
10 constituents in your precinct?

11 A. Yes.

12 Q. And would you also agree that that would be  
13 true for Precinct 3?

14 A. Yes.

15 Q. Does Galveston County, for instance, have food  
16 deserts? Have you ever heard of the term "food  
17 deserts"?

18 A. Yes, sir, I have.

19 Q. Do you have food deserts in Precinct 3?  
20 Precinct 2? I'm sorry.

21 A. Yes. It's a shared area, if you would, with 2  
22 and 3.

23 Q. And are those food deserts generally in the  
24 lower income areas?

25 A. It is.

1 Q. And that would be a prime example of a  
2 difference in the needs of constituents within  
3 Precinct 2 and Precinct 3, correct?

4 A. Yes.

5 Q. Do you have public housing in Precinct 2?

6 A. Yes.

7 Q. I mean, the prior plan Precinct 2, just to be  
8 clear.

9 A. By "public housing," are we talking just  
10 Section 8 in general or --

11 Q. Subsidized housing.

12 A. Subsidized.

13 Q. Section 8.

14 A. Yes.

15 Q. And I'm not sure how they do it in Galveston  
16 County.

17 A. Yes. Well, there are, if you would, block  
18 housing or apartment complexes in some instances that  
19 are all subsidized, and then there's individual  
20 households that are actually subsidized. And so, yes,  
21 to answer your question.

22 Q. And subsidized housing would be another issue  
23 that distinguishes the needs of lower income residents  
24 as opposed to the more wealthier residents in  
25 Precinct 2 and 3, correct?



1 A. Yes, sir.

2 Q. And have you ever talked to Commissioner  
3 Holmes about the need for subsidized housing in either  
4 Precinct 2 or 3, Commissioner Court Precinct 2 or 3?

5 A. No, sir. I don't recall any conversations  
6 about that.

7 Q. Have you ever discussed with any of the county  
8 commissioners during your time as an elected  
9 official -- elected county commissioner the issues of  
10 food deserts in either Precinct 3 or Precinct 2?

11 A. No, sir.

12 Q. Prior to the break we talked for a bit about  
13 the special session, the November 12th, 2021, special  
14 session, so I would like to talk about that a little  
15 bit. Did you know prior to November 12th, 2021, that  
16 the annex building -- is it the Calder annex building  
17 just so I'm clear for the record?

18 A. The North County annex, Calder?

19 Q. Yes.

20 A. Yeah.

21 Q. And that's where the special session was  
22 conducted, correct?

23 A. Yes.

24 Q. And did you know that the Calder annex was  
25 under construction prior to November 12th, 2021?

1 A. Yes.

2 Q. Did you know what type of construction was  
3 taking place at the Calder annex prior to  
4 November 12th, 2021?

5 A. Not totally.

6 Q. What was your understanding?

7 A. I knew we were in the process of redoing the  
8 buildings, but as far as what phase of that it was in I  
9 wasn't sure. That was kind of an ever moving target,  
10 if you would.

11 Q. How long had the construction been going on  
12 prior to November 12th?

13 A. A few months maybe.

14 Q. Did that involve construction both inside and  
15 outside the building?

16 A. I don't recall anything inside the building at  
17 that time.

18 Q. Do you recall construction taking place to the  
19 parking lot outside of the annex building?

20 A. I believe so.

21 Q. And do you recall on November 12th, 2021,  
22 whether that construction was still ongoing?

23 A. I believe it was.

24 Q. Do you recall what parking -- parking was  
25 available outside of the Calder annex building on

1 November 12th, 2021?

2 A. I'm sorry. I don't remember.

3 Q. But you do recall that there was construction  
4 going on?

5 A. Yes. Yes.

6 Q. Based on that construction overall, were there  
7 any accommodations made by the commissioners court to  
8 accommodate the individuals that would attend the  
9 November 12th, 2021, special session?

10 A. Not to my knowledge.

11 Q. Is it fair to say that on the date of the  
12 special session that there was little or no parking  
13 available at the annex parking lot or in the annex  
14 parking lot?

15 A. I couldn't speak to that because I came in  
16 through a back entrance, through the constable's  
17 office, and so I never really saw the front parking  
18 lot.

19 Q. Commissioners have access to a different  
20 parking lot?

21 A. It's not really a different parking lot. It's  
22 kind of parked against the curb and just a different  
23 door.

24 Q. Okay. Do you recall if any of the doors to  
25 the Calder annex were closed as a result of

1 construction during the November 12th, 2021, special  
2 session?

3 A. I don't know, sir.

4 Q. Did you receive any complaints from any of the  
5 constituents that attended the November 12th, 2021,  
6 special session regarding the unavailability of parking  
7 at the Calder annex?

8 A. No, sir. I don't recall it. Nobody came to  
9 me personally with a complaint. I don't remember if  
10 anybody in the crowd mentioned it or not.

11 Q. So let's -- strike that. So prior to the 2021  
12 special session, November 12th, 2021, special session,  
13 was there any discussion with any commissioners or  
14 their staff related to the anticipated turnout for the  
15 special session where the map would ultimately be  
16 adopted?

17 A. No, sir, not that I'm aware of.

18 Q. Did you have any anticipation as to what type  
19 of turnout you would see for the November 12th, 2021,  
20 special session?

21 A. I think I felt it would be a fairly heavy  
22 turnout.

23 Q. And were you wrong on that?

24 A. No, sir.

25 Q. Were you aware of the African-American

1 | community's significant interest in attending the 2021  
2 | special session prior to the special session?

3 | A. I can't say I guess. So, yes, I was aware.

4 | Q. And how did you become aware of their interest  
5 | in attending this special session?

6 | A. I don't recall that.

7 | Q. Did you become aware of that by any written  
8 | documentation?

9 | A. No, sir.

10 | Q. Did you receive phone calls related to the  
11 | interest of the African-American community attending  
12 | the special session? And again I'm talking about the  
13 | November 12th, 2021, special session.

14 | A. No, sir, not that I recall.

15 | Q. Prior to the November 12, 2021, special  
16 | session, were you aware of the significant interest of  
17 | the Hispanic community's interest to attend the special  
18 | session?

19 | A. Along the same lines, yes.

20 | Q. Do you recall where you learned that there was  
21 | interest in the Hispanic community to attend the  
22 | special session?

23 | A. No, sir.

24 | Q. Were you involved in any of the discussions to  
25 | set the November 12th, 2021, special session at

1 1:30 p.m. on a Friday?

2 A. No, sir.

3 Q. Did you have any concerns that setting it at

4 1:30 p.m. on a Friday would make it difficult for

5 middle and lower class citizens who work during the day

6 to actually attend the special session?

7 A. No, sir.

8 Q. So based on your anticipation that there would

9 be a significant turnout during the special session,

10 what, if any, accommodations -- additional

11 accommodations did the commissioners court make to

12 accommodate the potential crowd?

13 A. I think one thing that was done was Ms. Linda

14 Liechty again was -- there was a separate room open

15 because the room where we do the meetings isn't that

16 large. It was a separate room that was opened up that

17 had video set up in that room, as well as Ms. Linda

18 going up and down the halls signing people up that

19 wanted to speak.

20 Q. So let's talk about the -- and it's a

21 courtroom where the special session was conducted?

22 A. Yes.

23 Q. Let's talk about the courtroom itself. What

24 is the capacity -- the, lack of better word, people

25 capacity of the courtroom at the Calder annex?

1 A. Not knowing exactly, I'd say it's probably 60  
2 people or so.

3 Q. And in the courtroom itself, was there a sound  
4 system that was set up?

5 A. I know we have our sound system, but I don't  
6 recall if there was another sound system that was set  
7 up for the public or not.

8 Q. Do you recall any of the constituents that  
9 were in attendance complaining about not being able to  
10 hear the commissioners during the special session?

11 A. I remember there were people in the room at  
12 the time that were, you know, doing the motion with  
13 their hand that were in the back of the room like  
14 trying to hear.

15 Q. Does that help refresh your recollection as to  
16 whether or not there was a sound system that was set up  
17 during the special session?

18 A. I don't remember. Usually there is I want to  
19 say. I just don't recall.

20 Q. And you indicated that there was an additional  
21 room that was opened up.

22 A. Yes.

23 Q. What's the seating capacity in the additional  
24 room?

25 A. That I do not know. I don't know how the room

1 was set.

2 Q. And I believe you testified that there was a  
3 sound system set up in the --

4 A. There was audiovisual in there to where, you  
5 know, they can watch what the proceedings were.

6 Q. Do you recall if there was -- the crowd that  
7 was in attendance was so large that it flowed out into  
8 the hallway?

9 A. It did.

10 Q. And was there any accommodations made for  
11 individuals that were seated out in the hallway or  
12 standing?

13 A. Seated, because I know there were some chairs  
14 brought up from wherever they brought them from. I  
15 think another court or somewhere, not the courtroom,  
16 but the court office or -- there were some chairs  
17 brought into that area because there were several  
18 elderly folks that needed to sit down.

19 Q. So other than bringing out chairs for the  
20 elderly, were there any other accommodations made for  
21 the elderly and/or the handicapped?

22 A. Not that I'm aware of.

23 Q. Does -- the Calder annex, is that located in  
24 League City?

25 A. Yes.



1 Q. And is there any public transportation that  
2 runs to and from the area of the Calder annex?

3 MS. OLALDE: Objection; vague.

4 MR. GEAR: Well, let me see if I can  
5 clarify that.

6 MS. OLALDE: Thank you.

7 Q. (By Mr. Gear) Does League City offer any  
8 public transportation?

9 A. I don't think League City does. There is a --  
10 what's the name of it? Connect Transit. I'm not sure  
11 of their routes or anything else, though.

12 Q. So just to clarify, are you saying there may  
13 be a train or subway that runs --

14 A. No, no, no. Not a train. It's a bus.

15 Q. A bus. Okay.

16 A. It is a bus.

17 Q. Got it.

18 A. Wrong neck of the woods for a subway or train.

19 Q. I'm used to being in DC.

20 A. Right.

21 Q. But you don't know the routes of the --

22 A. No, sir, I do not.

23 Q. So what is the distance from the Calder annex  
24 to the Galveston courthouse, the distance, travel?

25 A. From the annex to the courthouse in Galveston?

1 Q. Yes, sir.

2 A. Give me a second here. Probably, just a rough  
3 guess, 26 miles.

4 Q. So generally during the special session do you  
5 recall how many people spoke in favor of proposed Map 1  
6 or 2?

7 A. During the special meeting I believe it was  
8 one person speaking in favor.

9 Q. And do you recall generally -- because I know  
10 you didn't go through and count every person that was  
11 in the -- in the building at the time. Do you recall  
12 generally how many constituents -- Galveston citizens  
13 were -- attended the special session?

14 MS. OLALDE: Objection; calls for  
15 speculation.

16 But you can answer.

17 THE WITNESS: It would be speculation  
18 because I do not recall.

19 Q. (By Mr. Gear) More than a hundred?

20 A. Less than a hundred, more than 50.

21 Q. So the courtroom itself I believe you  
22 testified holds about 60 people.

23 A. Yes.

24 Q. Was that filled to capacity?

25 A. Roughly, yes.

1 Q. The hallways, I believe you testified that  
2 there was overflow into the hallways.

3 A. Yes.

4 Q. Was it crowded in those hallways during the  
5 special session?

6 A. As far as I know it looked crowded from where  
7 I was sitting.

8 Q. Did you have an occasion to go into the  
9 overflow room that you described to see what the  
10 attendance was like in the overflow room?

11 A. No, sir.

12 Q. Do you know if the overflow room was filled to  
13 capacity?

14 A. I do not know.

15 Q. So during the special session, the  
16 November 12th, 2021, special session, what, if any,  
17 justification or rationale did the commissioners  
18 provide the attendees of the hearing related to  
19 adopting proposed Map 2?

20 A. I'm sorry. Repeat that.

21 Q. During the special session -- and right now  
22 all I'm talking about is the 2021 special session.

23 A. Yes, sir.

24 Q. During that special session, what, if any,  
25 justification or reason did the commissioners provide

1 to the attendees for adopting proposed Map 2?

2 A. Honestly I don't remember if there was any  
3 reason given.

4 Q. Did you speak? I'm sorry. Did I cut you off?  
5 I'm sorry.

6 A. No, not really. No, sir, I don't believe I  
7 did. I mean, I might have said a couple words, but I  
8 don't remember what that would have been. And I don't  
9 know if it would have been about this is a reason I'm  
10 choosing this map over this map. I just don't recall  
11 it.

12 Q. Do you recall if Judge Henry spoke regarding  
13 the rationale for adopting Map 2 during the special  
14 session?

15 A. I don't recall it.

16 Q. Do you recall if Commissioner Clark spoke  
17 regarding the reasons for adopting Map 2 during the  
18 special session?

19 A. I do not recall.

20 Q. Do you recall if Commissioner Apffel spoke  
21 during the special session regarding the reasons for  
22 adopting Map 2?

23 A. I don't recall.

24 Q. What position on proposed Maps 1 and 2 did  
25 Commissioner Holmes take, if you recall?

1 A. If I remember correctly, I don't think he  
2 wanted either map.

3 Q. Did he express those concerns to you?

4 A. He expressed them in that meeting.

5 Q. Do you recall what he -- what he said during  
6 that meeting?

7 A. Not -- not verbatim, not word for word. I  
8 took it that there again less change was better. I  
9 don't think he wanted his precinct to change at all.  
10 It was just a perception that I got from it.

11 Q. Based on your understanding of the  
12 redistricting process, was there a way to adopt a  
13 proposed plan without making large-scale changes to  
14 Commissioner Holmes' precinct?

15 MS. OLALDE: Objection; vague.

16 Q. (By Mr. Gear) Based on your knowledge.

17 A. I think Map 1 -- looking at the face value of  
18 Map 1, although it added real estate, I don't think it  
19 significantly changed a lot of his precincts other than  
20 picking up the Bolivar Peninsula.

21 Q. And you voted for Map 2, correct?

22 A. I did.

23 Q. Why did you ultimately choose Map 2 over  
24 Map 1?

25 A. The idea of the coastal precinct was the

1 | selling point for me.

2 | Q. Did Map 1 also provide an option for a coastal  
3 | precinct?

4 | A. Not Map 1 by itself. Had Map 1 been tweaked  
5 | to where all of Galveston Island would have been part  
6 | of it, but then that would have totally changed the  
7 | map.

8 | Q. Was there any discussion about tweaking Map 1  
9 | to include all of Galveston Island?

10 | A. No, sir.

11 | MS. OLALDE: Object.

12 | THE WITNESS: Sorry.

13 | MS. OLALDE: Objection to the extent that  
14 | you're going to be asking about any communications with  
15 | Mr. Oldham. But if you want --

16 | THE REPORTER: I'm sorry. I couldn't  
17 | hear you.

18 | MS. OLALDE: I said I objected with  
19 | respect to any requests for privileged communications  
20 | or communications with Mr. Oldham, and I asked counsel  
21 | to clarify the timing of his question.

22 | Q. (By Mr. Gear) And, again, we're talking about  
23 | the 2021 special session. But for this question let's  
24 | expand that during the 2021 redistricting process. Was  
25 | there any discussions, excluding Dale Oldham or

1 Mr. Ready, related to tweaking Map 1 to accommodate the  
2 concerns of Commissioner Holmes?

3 MS. OLALDE: Objection; vague as to  
4 participants.

5 But you can answer.

6 THE WITNESS: Not that I'm aware of.

7 Q. (By Mr. Gear) So I believe you testified that  
8 the -- that only one individual spoke in support of  
9 either Map 1 or Map 2. Which one was it, if you  
10 recall? Which -- which plan was it?

11 A. Which plan? I think it was 2, and I think  
12 there were two people that spoke in favor, but not  
13 totally sure of that, and I think it was Map 2 that  
14 they were in favor of.

15 Q. So the constituents that spoke in opposition  
16 to Map 2, do you recall why they opposed it generally?

17 MS. OLALDE: Objection. Objection; form.  
18 Go ahead.

19 Q. (By Mr. Gear) I want to make sure you  
20 understand my question, so if only one person spoke in  
21 support of -- of Map 2 did you say?

22 A. I believe it was 2, yes, sir.

23 Q. Then that leaves all of the other constituents  
24 who spoke. And do you recall approximately how many  
25 constituents or residents spoke during the special

1 session?

2 A. No, sir. As I mentioned before, it was 50 to  
3 a hundred, you know, quite a few that spoke.

4 Q. And I believe you indicated that it was  
5 Ms. Liechty that -- am I pronouncing her name  
6 correctly?

7 A. Oh, Linda Liechty.

8 Q. Linda Liechty that went out and gathered names  
9 of people that were interested in speaking?

10 A. Yes, sir.

11 Q. Did you ever see that list of people that were  
12 interested in speaking?

13 A. I did not.

14 Q. Okay. But certainly you were a commissioner  
15 I'll say podium -- on the podium, for lack of better  
16 words, that listened to the input from constituents  
17 during the special session, correct?

18 A. Yes.

19 Q. Do you recall any of the comments that were  
20 made regarding the opposition to the plan? And just to  
21 clarify that, Map 1 and Map 2.

22 A. Between the two maps I don't believe there was  
23 really people for 1 or people for 2, or opposed to 1  
24 but not opposed to 2. I think the people that spoke  
25 were opposed to 1 and 2.



1 Q. Okay.

2 A. At least that was the gist that I got from it.

3 Q. And at any time during the special session did  
4 commissioners gather to discuss the opposition that was  
5 being presented to Map 1 and Map 2?

6 A. No, sir.

7 Q. Was there any consideration made by the  
8 commissioners either during or following the special  
9 session to tweak the plan in response to the opposition  
10 to Map 1 or Map 2?

11 A. No, sir.

12 Q. Can you tell me why -- why not?

13 MS. OLALDE: Objection; calls for  
14 speculation.

15 But you can answer as to your own  
16 personal knowledge.

17 THE WITNESS: Well, at that point it was  
18 time for the vote. Because of the timeline it was due.

19 Q. (By Mr. Gear) And previously you said that  
20 there were -- you received both comments on your work  
21 computer and you received comments in the county  
22 website portal. And just so I'm clear and the record  
23 is clear, were any changes made to either Map 1 or  
24 Map 2 as a result of those comments?

25 A. No, sir.

1 MS. OLALDE: Objection; asked and  
2 answered.

3 Q. (By Mr. Gear) Do you know if the Galveston  
4 County courthouse was available on November 12th, 2021?

5 A. I do not know.

6 Q. Who would be -- who would know that, whether  
7 it was available on November 12th, 2021?

8 A. The judge's office, and I would think the  
9 sheriff's office that works the door there would know  
10 if it was occupied or not after the fact.

11 Q. Did you make any inquiries with any of the  
12 other commissioners or the -- or Judge Henry regarding  
13 the availability of the -- of the county courthouse in  
14 Galveston for the special session on November 12th,  
15 2021?

16 A. I did not.

17 Q. Based on your knowledge, was the Galveston  
18 County Courthouse under construction on November 12th,  
19 2021?

20 A. No, sir, it was not.

21 Q. Based on your knowledge, does the Galveston  
22 County Courthouse normally have a sound system set up  
23 during your meetings?

24 A. Yes, sir.

25 Q. And in addition to the sound system is there

1 also a video system that's set up?

2 A. Yes, sir.

3 Q. Okay. And I understand your answer, but are  
4 there TVs set up so that people in the back can see the  
5 commissioner court's discussion during special sessions  
6 or regular meetings?

7 A. Yes, sir. Not out of that room, but --

8 Q. Okay.

9 MS. OLALDE: Go ahead. Just got to give  
10 me a minute.

11 THE WITNESS: I'm sorry.

12 Q. (By Mr. Gear) Does the Galveston County  
13 Courthouse have the ability to handle overflow? Does  
14 it have overflow rooms?

15 A. It's -- it has a large hallway in front of the  
16 court. Not necessarily an overflow room, but -- and  
17 not a hallway, but more of a lobby.

18 Q. Okay. Does that lobby at the Galveston County  
19 Courthouse have a higher capacity -- a greater capacity  
20 to handle larger crowds than the Calder annex building?

21 A. It can hold more, but when it -- when we've  
22 had anything before there that has a decent size crowd,  
23 it can interfere with the operation of the tax office,  
24 which is right across the lobby, and so we try not to  
25 do that very often with that area.

1 Q. And you said it would interfere with the  
2 operations of the tax office?

3 A. Yes, sir, which is directly across the hallway  
4 from commissioners court.

5 Q. Does the City of Galveston have public  
6 transportation?

7 A. Yes.

8 Q. Do you know if there are buses that run near  
9 or in front of the Galveston County Courthouse?

10 A. Yes.

11 Q. So based on your knowledge, did Commissioner  
12 Holmes have any concerns about setting the  
13 November 12th special session at the Calder annex  
14 building?

15 A. Not that I'm aware of.

16 Q. Based on your knowledge, did Commissioner  
17 Holmes request that that be -- special session be  
18 delayed for any time period?

19 A. Not that I recall.

20 Q. If he would make that request, do you know who  
21 he -- who would be -- who he would have to make that  
22 request to?

23 A. I'm sure it would go to Judge Henry's office.

24 MR. GEAR: Zach, can you pull up the  
25 Exhibit 9, please?

1 Q. (By Mr. Gear) So I'm showing you what's been  
2 previously marked as Apffel Exhibit No. 28, and it has  
3 a date of January 5th, 2023, on it. Do you see the  
4 language down in the bottom right-hand corner Previous  
5 Galveston Commissioners Court Precincts?

6 A. Yes, sir.

7 Q. And Precincts is cut off.

8 A. Right.

9 Q. Do you have any -- any doubt that this was the  
10 previous plan that existed between 2012 and 2021 when  
11 the plan was adopted?

12 A. No, sir. It looks correct.

13 Q. Okay. So I believe I asked you previously did  
14 you -- at any point did you review the demographic data  
15 of the previous redistricting plan?

16 A. No, sir.

17 Q. And did you review the data -- strike that.  
18 So looking at Exhibit 9, can you tell me what cities  
19 made up the core of Precinct 2?

20 A. Yes, sir. Galveston, Tiki Island, Bayou  
21 Vista, Hitchcock, Santa Fe, Dickinson, Texas City, La  
22 Marque, League City.

23 Q. And can you do the same for Precinct 3, which  
24 cities made up the core of Precinct 3?

25 A. Galveston, La Marque, Texas City, Hitchcock,

1 Dickinson, and I don't remember if he went all the way  
2 into League City or not. I think he might have had a  
3 piece of League City.

4 Q. So during the -- strike that. At any point  
5 during the 2021 redistricting process did you have any  
6 communications with any of the other commissioners or  
7 their staff regarding maintaining your core cities in  
8 Precinct 2?

9 MS. OLALDE: Objection. I would ask the  
10 witness not to answer to reveal any privileged  
11 communications, attorney-client privileged  
12 communications, or attorney work product and any  
13 conversations where Mr. Oldham was involved.

14 But other than that you may answer.

15 Q. (By Mr. Gear) So let's start with did you  
16 have any discussions.

17 A. Not that I recall.

18 Q. During the 2021 redistricting process did you  
19 have any discussions with Commissioner Holmes regarding  
20 maintaining the core of Precinct 3?

21 A. Not that I recall.

22 Q. So are you familiar with the Carver Park area  
23 in Precinct 3?

24 (Reporter clarification)

25 Q. (By Mr. Gear) Are you familiar with the

1 Carver Park area in Precinct 3?

2 A. Vaguely, yes.

3 Q. And what do you know about Carver Park?

4 A. Not a lot, to be honest.

5 Q. Did your work as a police officer take you

6 through that area at all?

7 A. No, sir.

8 Q. Was that any -- was that one of the areas that

9 you were involved at all in community outreach when you

10 were a police officer?

11 A. No, sir.

12 Q. Would it be fair that Carver Park is a heavily

13 populated African-American area?

14 A. I believe it is.

15 Q. Do you know the socioeconomic status of the

16 residents that generally live in Carver Park?

17 A. I think it's lower income.

18 Q. Are you familiar with Voting Precinct 336 that

19 under the prior plan was in Precinct 3?

20 A. I'm not familiar with it.

21 Q. Do you know does Carver Park have a -- did it

22 have a voting precinct under the prior plan?

23 A. I'm not positive what it had.

24 Q. Okay.

25 A. Do you mean a polling location?

1 Q. Did it have a polling location?

2 A. I think Carver Park was a polling location.

3 Q. Okay. And is -- with the polling location is  
4 there a voting precinct that's associated with that  
5 polling location?

6 A. Can you --

7 Q. Am I saying that correctly?

8 A. No, I don't think so. Can you clarify?

9 Q. So the polling locations generally have voting  
10 precincts in them, correct?

11 A. Well, they -- one polling location usually  
12 handles several precincts.

13 Q. Okay. And do you know what precincts the  
14 Carver Park polling place handled?

15 A. I do not, because since we changed our system  
16 several years ago anyone anywhere in the county can  
17 vote anywhere. So if you're at work on the north side  
18 of the county you can go vote there. It doesn't make a  
19 difference where you are.

20 Q. So under the prior plan, Exhibit 9, were you  
21 aware that Precinct 3 had a majority-minority black and  
22 Hispanic voting age population?

23 A. Yes.

24 Q. And under the prior plan were you aware that  
25 that majority-minority black Hispanic voting age



1 population was in place since Commissioner Holmes was  
2 appointed to the commissioner's position?

3 A. No, sir, I guess I never knew really when.

4 Q. Were you aware that the black and Hispanic  
5 voting age population also had a majority black and  
6 Hispanic registered voter population in Precinct 3  
7 under the prior plan?

8 A. Yes.

9 Q. Did you discuss the fact that precinct --  
10 strike that.

11 During the 2021 redistricting process,  
12 did you have any discussions with any of the  
13 commissioners regarding Precinct 3 being a majority  
14 black and Hispanic voting age population?

15 MS. OLALDE: I am going to object. And I  
16 understand that the question is "did you," and I just  
17 want to make sure that the witness understands not to  
18 reveal any privileged communications or work product  
19 that was discussed in any meetings.

20 MR. GEAR: And I will first say that I  
21 asked you, "Did you have discussion with  
22 commissioners?"

23 And I will renew our objection and  
24 preserve our right to challenge any -- any  
25 communication that took place with Dale Oldham because

1 | it's our position that attorney-client privilege with

2 | Dale Oldham does not apply here. So --

3 | THE WITNESS: Can you repeat the question

4 | after all that?

5 | MR. GEAR: I was afraid you were going to

6 | say that.

7 | Can you read that question back, please?

8 | THE REPORTER: "During the 2021

9 | redistricting process, did you have any discussions

10 | with any of the commissioners regarding Precinct 3

11 | being a majority black and Hispanic voting age

12 | population?"

13 | THE WITNESS: No.

14 | Q. (By Mr. Gear) During the 2021 redistricting

15 | process, did you have any discussions with any of the

16 | commissioners or their staff regarding Precinct 3

17 | having a majority-minority black and Hispanic

18 | registered voter population?

19 | A. No.

20 | Q. During the 2021 redistricting process, did you

21 | have any discussions with Commissioner Holmes regarding

22 | maintaining the majority-minority black and Hispanic

23 | voting age population in his precinct?

24 | MS. OLALDE: And again I am going to

25 | instruct the witness not to answer only with respect to

1 attorney-client privileged communications or work  
2 product that might have been discussed during any  
3 meetings with Mr. Oldham.

4 MR. GEAR: And we'll continue to preserve  
5 our right to challenge that attorney-client privilege  
6 applies to Dale Oldham in that situation.

7 Q. (By Mr. Gear) Can you answer that question?

8 A. No, I don't recall talking to Commissioner  
9 Holmes.

10 Q. Do you recall Commissioner Holmes raising any  
11 concerns about maintaining the black and Hispanic  
12 voting age -- voting strength in Precinct 3 with the  
13 commissioners court as a whole?

14 MS. OLALDE: Same instruction.

15 Please do not answer with respect to any  
16 attorney-client privileged communications, any work  
17 product shared during any meetings with Mr. Oldham.

18 THE WITNESS: At our special meeting  
19 November the 12th, Commissioner Holmes raised quite a  
20 few concerns about a lot of different aspects of that.

21 Q. (By Mr. Gear) What type of concerns did he  
22 raise?

23 A. Just that it was watering down the vote of the  
24 black and Hispanic community, African-American and  
25 Hispanic community, the maps were, and, you know,

1 | vehemently opposed to every one of them, from my  
2 | recollection of it.

3 | Q. Did you personally have an opinion as to  
4 | whether or not proposed map was, as you testified,  
5 | watering down the black and Hispanic population in  
6 | Precinct 3?

7 | A. As I testified to what I took from his words  
8 | basically, did I have an opinion on that? No, I don't  
9 | think that's the case.

10 | Q. Did you respond in any -- any way to  
11 | Commissioner Holmes' concerns during the special  
12 | session?

13 | A. No.

14 | Q. Did you respond in any way to Commissioner  
15 | Holmes' concerns following the special session?

16 | A. No.

17 | Q. So -- and I believe you also indicated that  
18 | Commissioner Holmes was opposed to both maps and he  
19 | expressed concerns also about Map 2.

20 | A. (Moving head up and down.)

21 | Q. Do you recall what concerns he expressed about  
22 | Map 2 as it relates to the majority-minority black and  
23 | Hispanic voting age population in his precinct?

24 | A. I really don't recall exactly what was said on  
25 | it.

1 Q. Do you recall if -- I'm sorry.

2 A. No, go ahead. Go ahead.

3 Q. Do you recall if any of the commissioners  
4 commented or made a -- gave him a response to either of  
5 his concerns for Map 1 and Map 2 during the special  
6 session?

7 A. I do not recall.

8 Q. Do you recall if any commissioners spoke to  
9 you following the special session regarding  
10 Commissioner Holmes' concerns for either Map 1 or  
11 Map 2?

12 A. No, sir, I don't believe so.

13 Q. Do you have an opinion as to Commissioner  
14 Holmes' position regarding the watering down of the  
15 black and Hispanic voting age population for Map 2?

16 MS. OLALDE: Objection; asked and  
17 answered.

18 MR. GEAR: I believe I asked him for  
19 Map 1.

20 Q. (By Mr. Gear) But if I didn't, can you answer  
21 that question?

22 A. Can you repeat that, please?

23 Q. Do you have an opinion as to Commissioner  
24 Holmes' position regarding Map 2 watering down the  
25 black and Hispanic majority-minority voting age

1 population in Precinct 3? And I'm talking about Map 2.

2 MS. OLALDE: Same objection.

3 Go ahead.

4 THE WITNESS: I think the minority  
5 precincts in that area will still be represented well  
6 by our current commissioners regardless of who is  
7 actually representing them. You brought up food  
8 deserts a while ago and other issues. And, you know,  
9 as I stated then, we both have those issues right now  
10 or before the previous map. And so we share those  
11 issues anyway. Were we both working on them? Yeah.  
12 We're both trying to do things about it trying to help.  
13 Does a minority see things different than I do? I  
14 would dare say yes. But can I take a problem and  
15 analyze that problem and try to help with it to the  
16 best of my ability? Absolutely.

17 Q. (By Mr. Gear) Do you have an opinion as to  
18 whether or not the minority black and Hispanic  
19 population in Precinct 3 should have an ability to  
20 elect the candidate of their choice?

21 MS. OLALDE: Objection; vague as to  
22 timeline.

23 Q. (By Mr. Gear) Under the adopted plan.

24 A. Under the adopted plan, yes. And I think  
25 that's just a matter of finding the right candidates to

1 run in those precincts.

2 Q. Would you agree that under the prior plan that  
3 the candidate of choice that was elected by the  
4 constituents in Precinct 3 was Commissioner Holmes?

5 A. Yes.

6 Q. And that Commissioner Holmes was the  
7 commissioner in Precinct 3 from 1999 to the present?

8 A. Yes.

9 Q. Did you ever -- strike that. Was there --  
10 during the 2021 redistricting process, were you aware  
11 of any criticism of Commissioner Holmes' ability to  
12 represent his constituents in Precinct 3?

13 A. No, sir.

14 Q. In fact, I believe you testified that you  
15 heard some very -- you heard some positive things about  
16 Commissioner Holmes in Precinct 3.

17 A. Absolutely.

18 Q. Can you tell me what those were?

19 A. The positive things that I heard?

20 Q. Yeah.

21 A. He -- he's been a friend since I've been on  
22 the court, and he and I vote quite a bit the same on a  
23 lot of situations from the time I got there, and  
24 knowing that his constituents love him, they do,  
25 because he's done a good job for them.

1 Q. Not only does his constituents love him, they  
2 elected him consistently for the position in Precinct  
3 3; is that correct?

4 MS. OLALDE: Objection; asked and  
5 answered.

6 Go ahead.

7 THE WITNESS: Yes.

8 Q. (By Mr. Gear) Do you have an opinion under  
9 the adopted plan whether or not the constituents in  
10 Precinct 3 should continue to have the ability to elect  
11 the candidate of their choice?

12 A. Under the adopted plan Precinct 3?

13 Q. Yes.

14 A. Yes.

15 Q. Do you have an opinion as to whether or not  
16 Commissioner Holmes has the ability to win in the  
17 adopted Precinct 3?

18 A. I believe he can, and I believe that because  
19 he is probably the most fiscal conservative candidate  
20 on the court, and he is well-known because he's been  
21 there so many years, and I think he'll have a lot of  
22 support in the Precinct 3 with the new lines. I really  
23 believe that. And with Texas having done away with  
24 straight ticket voting, more people look at individuals  
25 as opposed to just pulling a straight ticket like they



1 used to be able to do.

2 Q. Would you agree under the adopted plan that  
3 Precinct 3 is no longer a majority-minority black and  
4 Hispanic -- no longer has a majority-minority black and  
5 Hispanic voting age population?

6 A. Yes, I would agree.

7 Q. Do you have an opinion whether or not it was  
8 necessary to reduce Precinct 3 under the adopted plan  
9 to eliminate the majority-minority black and Hispanic  
10 voting age population?

11 MS. OLALDE: Objection; argumentative.

12 You may answer.

13 THE WITNESS: Based on going back to  
14 sheer numbers of population, I don't know. I just  
15 don't know how else it could have been done, to be  
16 honest. And from a layman's perspective, not knowing  
17 where all the numbers are and looking at the maps that  
18 were presented to us, I don't know how that could have  
19 changed much.

20 Q. (By Mr. Gear) So just so the record is  
21 clear -- and I don't mean to be argumentative. You're  
22 not necessarily a layman. You are one of the  
23 commissioners responsible for the 2021 redistricting  
24 process, correct?

25 A. Correct.

1 Q. Did you have an ability during the 2021  
2 redistricting process to determine what the numbers  
3 looked like for the prior and the adopted plan?

4 MS. OLALDE: Objection; vague as to what  
5 the numbers is.

6 Q. (By Mr. Gear) Well, we talked about you don't  
7 know what the numbers are, correct?

8 A. Correct.

9 Q. What -- what did you mean by that?

10 A. I don't -- as far as where the minority  
11 population is, I know on bulk -- I know the old  
12 Precinct 3, right in the middle of it, there was a  
13 large minority precinct in La Marque and Texas City.  
14 Other than that, to level out the population, I don't  
15 know where you would go to pick up the population and  
16 still keep a minority-majority. And when I say  
17 "layman," I'm not a demographer.

18 Q. Sure. Did you have any discussions during the  
19 2021 redistricting process with any of the  
20 commissioners regarding maintaining Precinct 3 as a  
21 majority-minority precinct? And I'm talking about  
22 black and Hispanic.

23 A. No, sir, not that I recall.

24 Q. Are you aware of any efforts to maintain, by  
25 any of the commissioners or anyone responsible for

1 drawing the 2021 redistricting plans, efforts to  
2 maintain Precinct 3 as a majority-minority black and  
3 Hispanic precinct?

4 A. Not that I'm aware of.

5 Q. Did you have any concerns about Precinct 3  
6 losing its majority-minority black and Hispanic voting  
7 age population?

8 A. No, sir, I don't think I had any concerns  
9 about it.

10 MR. GEAR: Zach, could you pull up  
11 Exhibit 10, please?

12 Q. (By Mr. Gear) I'll give you a chance to look  
13 at this before I start asking questions.

14 A. Yes, sir.

15 Q. When you're ready, have you seen this document  
16 before? And just to be clear for the record, it's --  
17 has Defendants Bates Stamp No. 00011471 to 00011473.  
18 It's a three-page document. Have you seen this  
19 document before?

20 A. I don't believe I've seen this particular  
21 document.

22 Q. Okay. So let's just identify it for the  
23 record what it is. Do you know what this is?

24 A. Yes, sir.

25 Q. And what is it?

1           A.    It's an order approving a redistricting plan  
2 for Galveston County Commissioners Court.

3           Q.    And it's dated the 12th day of November, 2021?

4           A.    Yes, sir.

5           Q.    Which would have been the date of the special  
6 session?

7           A.    Yes, sir.

8           Q.    And you see who signed it on the first page at  
9 the bottom?

10          A.    Yes, sir.

11          Q.    Judge Henry and judge -- and Commissioner  
12 Apffel.

13          A.    Yes, sir.

14          Q.    And so the third page, which is identified  
15 with Defendants Bates stamp 0011473, can you tell me  
16 what this is?

17          A.    It's marked Galveston County -- or Galveston,  
18 Texas, Map 2.

19          Q.    And based on the -- based on the order  
20 establishing new commissioner precinct boundaries, are  
21 you confident that this is the adopted plan?

22          A.    Yes, sir.

23          Q.    So under the adopted plan -- and you can  
24 certainly look at Exhibit 9 as a comparison. Can you  
25 tell me what cities now make up the core of Precinct 3

1 under the adopted plan?

2 A. Not a great map, but looking at it, a small  
3 section of Friendswood, League City, and Dickinson it  
4 looks like.

5 MS. OLALDE: I'm sorry. Just for the  
6 record, do you need a clearer copy? You said it's not  
7 a great copy.

8 MR. GEAR: It's a copy that was up on the  
9 computer.

10 MS. OLALDE: Let's take a look.

11 MR. GEAR: I don't actually see the  
12 screen, so --

13 MS. OLALDE: He sees himself here, but  
14 just one second. I apologize. So I see Exhibit Share.  
15 And we are on No. 10? Is it 10?

16 MR. GEAR: Yes. Is that a better version  
17 of it?

18 MS. OLALDE: Let's see. Oh, it's still  
19 black and white.

20 THE WITNESS: I think we're good.

21 MS. OLALDE: Okay.

22 Q. (By Mr. Gear) So were you done answering that  
23 question at this point?

24 A. Yes.

25 Q. So under the adopted plan, did the adopted

1 plan shift Precinct 3 north and inland to an area of  
2 the county where the population is predominantly white?

3 A. Yes.

4 Q. Were most of the cities of La Marque, Santa  
5 Fe, Hitchcock shifted to your commissioners court  
6 Precinct 2 under the adopted plan? Do you need me to  
7 read those again?

8 A. Well, yes, if you would.

9 Q. Was the -- was most of the city of La Marque  
10 shifted to Precinct 2 under the adopted plan?

11 A. No. Now I wish we had a better map.

12 Q. Is La Marque in Precinct 2 under the adopted  
13 plan?

14 A. Part of it.

15 Q. And when you say "no," what do you mean by  
16 that?

17 A. It -- I think more of it was probably shifted  
18 to Precinct 1.

19 Q. So in any event, La Marque is no longer in  
20 Precinct 3?

21 A. Correct.

22 Q. Under the adopted plan? Was the city of Santa  
23 Fe shifted to Precinct 2 under the adopted plan?

24 A. It was already in 2.

25 Q. All of the -- the entire city of Santa Fe was

1 in Precinct 2 under -- under the prior plan? And,  
2 again, here's Exhibit 9 if you need a comparison.

3 A. It was -- it previously was all in 2. Now  
4 part of it is in 4 now.

5 Q. So the city was -- and we're talking about  
6 Santa Fe was split between Precincts 2 and 4?

7 A. Yes.

8 Q. The city of Hitchcock -- was the city of  
9 Hitchcock -- most of the city of Hitchcock moved into  
10 Precinct 2 under the adopted plan?

11 A. Still about the same amount of Hitchcock as it  
12 was before. Some is now Precinct 4.

13 Q. So under the previous plan the city of  
14 Hitchcock was in Precinct 3?

15 A. Two and 3.

16 Q. And now under the adopted plan the city of  
17 Hitchcock is no longer in Precinct 3?

18 A. Correct.

19 Q. So under the adopted plan was Precinct 3's  
20 eastern part of League City moved into Precinct 1,  
21 eastern portion of League City?

22 A. Of 3? I'm sorry. Ask that again.

23 Q. Under the adopted plan was Precinct 3's  
24 eastern portion of League City moved into Precinct 4?  
25 And, again, Exhibit 9 has --

1           A.    Refer back to it a little bit.  But it was --  
2           that eastern portion was Precinct 4 previously.  Well,  
3           I'm sorry.  The eastern portion was always Precinct 1,  
4           but then it butted up to Precinct 4.  Now it butts up  
5           to 3.

6           Q.    Under the previous plan was the city of  
7           Hitchcock -- any portion of the city of Hitchcock in  
8           Precinct 3, Commissioners Court Precinct 3?

9           A.    Yes.

10          Q.    And under the adopted plan are any portions of  
11          the city of Hitchcock in Precinct 3?

12          A.    No.

13          Q.    And the city of Dickinson -- under the  
14          previous plan was the city of Dickinson in Precinct 3?

15          A.    Yes.

16          Q.    And under the adopted plan is the city of  
17          Dickinson now -- does the city of Dickinson continue to  
18          be in Precinct 3?

19          A.    Part of it, I believe, yes.

20          Q.    And are you aware of the racial makeup of the  
21          city of La Marque?

22          A.    Actual numbers I'm not positive.

23          Q.    Is it primarily --

24          A.    I would think --

25          Q.    -- African-American and Hispanic?



1 A. -- primarily African-American and Hispanic.

2 Q. And what about the city of Santa Fe? Are you  
3 aware of the racial makeup of the city of Santa Fe?

4 A. Mostly white.

5 Q. And does it have a significant Hispanic  
6 population as well?

7 A. Quite a few. Couldn't break down numbers for  
8 you, though.

9 Q. Okay. What about the city of Hitchcock? Are  
10 you aware of the racial makeup of the city of  
11 Hitchcock?

12 A. African-American. It's pretty mixed actually.  
13 African-American, white, and Hispanic mostly.

14 Q. Do you have an idea of how many voting  
15 precincts were in Precinct 3 under the previous plan?

16 A. I do not.

17 Q. Do you -- were you involved in any discussions  
18 with any other commissioners related to removing any of  
19 the voting precincts from Precinct 3 during the  
20 adoption of the adopted plan? Let me ask that question  
21 again. Sorry.

22 Are you aware if any voting precincts  
23 were shifted out of Precinct 3 under the adopted plan?

24 A. I'm not sure. No, sir. Not that I'm aware  
25 of.

1 Q. Based on your knowledge, was it necessary to  
2 draw a plan that shifted out the cities that we just  
3 finished discussing?

4 A. Based on my knowledge, I don't know.

5 Q. Do you have an opinion as to whether or not  
6 the cities that we just discussed could have remained  
7 in Precinct 3 and met the goals that you described  
8 about equalizing the population?

9 A. I think under Map 1 that would have gotten  
10 closer to what you're asking.

11 Q. And you voted for Map 2, correct?

12 A. I did.

13 Q. So -- and I understand that you testified that  
14 you received comments from your constituents. Did any  
15 of your constituents provide you with any comments,  
16 including phone calls, emails, text messages, regarding  
17 what changes they would like to see made to the  
18 commissioners court precinct lines during the 2021  
19 redistricting process?

20 A. Not that I recall.

21 MR. GEAR: Can you pull up Exhibit 11,  
22 Zach?

23 Q. (By Mr. Gear) I'll give you a chance to look  
24 at this. For the record as you're looking at it, this  
25 is marked with Defendants Bates Stamp No. 00011042 to

1 00011047. It's a six-page document. Have you seen  
2 this? Well, first let's describe this for the record.  
3 Looking at page with the Bates stamp 011042, this is an  
4 email, correct?

5 A. Yes, sir.

6 Q. Have you seen this email before?

7 A. Yes, sir, I want to say I have.

8 Q. Do you know who Leslie Clift is?

9 A. I do not.

10 Q. And that's who sent this email, correct?

11 A. Correct.

12 Q. And can you tell me what date this email was  
13 sent on?

14 A. November 10th.

15 Q. And who was this email sent to?

16 A. It was sent to Judge Henry, Commissioner  
17 Apffel, myself, Commissioner Holmes, and Commissioner  
18 Clark.

19 Q. And the subject matter was the redistricting  
20 maps, correct?

21 A. Correct.

22 Q. So in this email it indicates that Leslie  
23 Clift is a Galveston County resident. Or Galveston  
24 Island resident. Do you see that?

25 A. Yes.

1 Q. This email attaches a letter, which is also  
2 attached to this exhibit. In the email Leslie Clift  
3 indicates that "I am concerned current efforts have not  
4 done enough to preserve communities of interest." Did  
5 you respond to this email?

6 A. I did not.

7 Q. Do you know if any of the commissioners  
8 responded to this email?

9 A. I do not.

10 Q. Why didn't you respond to this email?

11 A. I don't recall.

12 Q. What, if any, steps did you take to address  
13 the concerns from constituents about not doing enough  
14 to preserve communities of interest?

15 A. I'm sorry. I was still reading. Can you --

16 Q. What, if any, steps did you take to address  
17 concerns by constituents about not doing enough to  
18 preserve communities -- communities of interest?

19 Excuse me.

20 A. I didn't really do anything.

21 Q. Okay. Looking at paragraph 3, it indicates "I  
22 do not want the Bolivar Peninsula included in  
23 Precinct 3." Do you see that?

24 A. I do.

25 Q. What, if any, steps did you take to address

1 | concerns from constituents about not including Bolivar

2 | Peninsula into Precinct 3?

3 | A. I did not.

4 | Q. You didn't take any steps?

5 | A. No.

6 | Q. And turning to page 2, what's marked as  
7 | Defendants Bates Stamp No. 11043, have you seen this  
8 | attached letter before?

9 | A. I don't remember this one. I may have, but I  
10 | just don't recall it.

11 | Q. What, if any, steps did you take as a  
12 | commissioner to ensure that there would be meaningful  
13 | opportunities for public comments?

14 | A. Well, at the point of where we hit -- you  
15 | know, the deadlines came running up on us, there  
16 | weren't many opportunities for the public comment at  
17 | that point.

18 | Q. So other than what you've testified to, the  
19 | posting of Map 1 and 2, were there any other efforts  
20 | made by the commissioners court as a whole to provide  
21 | meaningful input from the Galveston County community?

22 | A. No, sir.

23 | Q. What, if any, steps did you take to ensure  
24 | transparency throughout the redistricting process? And  
25 | I'm talking about the 2021 redistricting process.

1 A. Other than the posting of the maps and such,  
2 that was about it.

3 MR. GEAR: Can we go off the record for  
4 one minute?

5 How much time have I expended?

6 THE VIDEOGRAPHER: Going off the record,  
7 2:39.

8 (Recess from 2:39 to 2:45)

9 THE VIDEOGRAPHER: We're back on the  
10 record, marks the beginning of Media No. 4. The time  
11 is 2:45.

12 Q. (By Mr. Gear) I wanted to backtrack a little  
13 bit and ask you -- and I don't think I asked you for  
14 the record. During your campaigns for county  
15 commissioner, have you always run as a republican?

16 A. Yes, sir.

17 Q. At any point during your political life have  
18 you been a democrat?

19 A. No, sir.

20 Q. Independent?

21 A. I like to think of myself pretty much as an  
22 independent. As I mentioned earlier, some of my early  
23 votes along with Commissioner Holmes, it was just he  
24 and I against everybody else it seemed like, and I  
25 thought those were fairly independent votes actually.

1 Exactly what it was, I don't remember.

2 Q. Okay. I was going to ask you what issues.  
3 You don't recall.

4 A. I don't recall.

5 Q. All right. So I wanted to talk a little bit  
6 about the differences between Galveston Island and the  
7 Bolivar Peninsula. So based on your experience as a  
8 commissioner and a lifelong resident of Galveston, what  
9 types of businesses and industries are operated on  
10 Galveston Island?

11 A. Well, of course, as far as the largest  
12 businesses you have University of Texas Medical Branch  
13 with the medical facilities. The Port of Galveston  
14 used to be the largest employer at one point, but  
15 that's many, many years ago. And, of course, still the  
16 maritime industry is pretty big over on this side. The  
17 similarities I guess would be the tourism and the  
18 beaches and just a lot of rentals and things like that.

19 Q. There are rental properties on Galveston  
20 Island?

21 A. Yes, as well as Bolivar.

22 Q. Is there a certain area on Galveston Island  
23 where rentals occur, or is it dispersed?

24 A. It's really -- now it's really dispersed.  
25 It's -- that's one of Galveston's problems now

1 | actually, is middle income housing, because there's so  
2 | many rentals that it's gotten pretty cost prohibitive  
3 | for the normal person just to buy a home.

4 | Q. And when you talked about the Port of  
5 | Galveston, is that where the cruise ships are?

6 | A. The cruise ships along with the other trade  
7 | and things that are hauled in and out of the port.

8 | Q. And when you referenced the maritime industry,  
9 | what does that involve?

10 | A. That -- the port. Basically the port, Texas  
11 | A&M on Pelican Island, which is a maritime university,  
12 | the things that are going on on Pelican Island, as well  
13 | as the port side, which is dry docks, things like that.

14 | Q. And I couldn't help but notice that it looks  
15 | like there's an oil industry here as well.

16 | A. There is. Not so much Galveston Island, but  
17 | the county itself, Texas City. The petrochemical  
18 | industry is huge in Texas City.

19 | Q. Is there any connection to the oil industry to  
20 | Galveston Island? If that makes sense.

21 | A. It does. Not so much. It's mostly on the  
22 | mainland. We do have freight that comes through here,  
23 | you know, pipes, piping and things like that. But it's  
24 | mostly in Texas City as far as the petrochemical  
25 | industry through the Port of Texas City.



1 Q. Let's talk a little bit about Bolivar island.

2 Or the peninsula.

3 A. Peninsula.

4 Q. Is Bolivar incorporated or unincorporated?

5 A. All unincorporated.

6 Q. And what are the major industries or  
7 businesses that are operated on the Bolivar Peninsula?

8 A. Probably the biggest industry is tourism, you  
9 know, with the beaches and the rentals there, and then  
10 I would say the fishing industry is pretty large.

11 Q. Anything else?

12 A. That's the majority of it really.

13 Q. Rental properties?

14 A. Yes.

15 Q. So tourism and --

16 A. Yeah. Those go kind of hand in hand really.

17 Q. Now that you are the commissioner for  
18 Bolivar -- for the Bolivar Peninsula, do you know what  
19 the racial demographics are for Bolivar -- the Bolivar  
20 Peninsula?

21 A. I can't give you an actual breakdown, but it's  
22 a pretty high white percentage I would say along with  
23 Hispanic. I'm sorry.

24 Q. No.

25 A. I don't -- I don't really know of much

1 African-American population on the peninsula.

2 Q. Is it fair to say that the Bolivar Peninsula  
3 is predominantly Anglo?

4 A. Yes.

5 Q. So I believe we started this out a few hours  
6 ago when you testified that you were born in Galveston.

7 A. Yes, sir.

8 Q. What would the racial demographics for  
9 Galveston Island -- or what do the racial demographics  
10 for Galveston Island look like based on your knowledge?

11 MS. OLALDE: Objection; vague as to time.

12 Q. (By Mr. Gear) Let's talk about 2021.

13 A. I think now predominantly Latino.

14 Q. Does it have a significant African-American  
15 population as well?

16 A. I think African-American and white, Caucasian,  
17 are about even.

18 Q. Would you -- would it be fair to say that  
19 Galveston Island is majority black and Hispanic?

20 A. I think so.

21 Q. So does the Galveston County website have a  
22 posting about the Bolivar Peninsula regarding what  
23 activities are available on the peninsula that you're  
24 aware of?

25 A. The Galveston County website? I don't --

1 Q. Well, I guess I should -- I should reask that  
2 in a way -- is there a posting in Galveston County  
3 including on the Bolivar Peninsula about what type of  
4 activities are available on the Bolivar Peninsula?

5 A. The Chamber of Commerce there does have a  
6 website that talks about what there is to do basically  
7 and, you know, the rental properties available and  
8 different -- a lot of RV parks, that sort of stuff.

9 Q. And in addition to the RV parks, is there any  
10 other -- and what you've testified to already, are  
11 there any other businesses or industries that are  
12 described by the chamber of county -- Chamber of  
13 Commerce website?

14 A. Some restaurants, several restaurants,  
15 seafood-type restaurants mostly, a couple of Mexican  
16 restaurants that are pretty good if you make it that  
17 way, and just a big store, if you would. That's the  
18 name of it, The Big Store. Of course, they carry  
19 pretty much everything.

20 Q. So let's talk about some of the similarities  
21 between Galveston Island and the Bolivar Peninsula.  
22 Are you aware of any similarities between the two?

23 A. Quite a few. The tourism aspect of it, the  
24 beaches, of course, the fishing that's, you know --  
25 that's advertised and it's done in both locations, the

1 rental properties as mentioned, the -- just quite a  
2 few. I mean, a lot of the people are even the same  
3 hardiness, if you would, you know, on the coast,  
4 weathering storms, things like that, what I mean by  
5 that.

6 Q. So when we talk about storms, weathering  
7 storms, what are the major concerns on the Bolivar  
8 Peninsula?

9 A. Other than storms? Beach erosion, which comes  
10 with the storms, which is the same here on Galveston  
11 Island. A couple of their larger issues right now are  
12 sanitary sewer and --

13 Q. That's on the peninsula, correct?

14 A. On the peninsula. And water delivery.

15 Q. And based on your knowledge, what are the --  
16 other than storms, what are the concerns for Galveston  
17 Island as you would describe it?

18 A. I think probably -- I'm not going to guess,  
19 but probably I would say law enforcement concerns  
20 because of the influx of tourism, which we have the  
21 same issue over there on the peninsula. I didn't  
22 mention that. But there's different times of the year,  
23 of course some busier than others. Galveston is more  
24 of a year-round tourist spot I want to say to where the  
25 heavy influx is -- in Galveston is more often than

1 Bolivar because of different festivals that are hosted  
2 over here that they don't have on the peninsula.

3 Q. So is Bolivar -- is the Bolivar Peninsula a  
4 more seasonal tourist attraction?

5 A. I believe it is. There's -- as far as the  
6 beaches go, yes, Galveston is not as seasonal. It's  
7 heavy -- heavier in the summertime, of course, but it's  
8 more of a year-round, whereas Bolivar's year-round is  
9 the families that will rent the house that will come  
10 in, whereas Galveston has a lot more hotels and a lot  
11 more options for people to stay and a lot more  
12 festivals, the Mardi Gras and all sorts of other  
13 things.

14 Q. So as the new commissioner for the Bolivar  
15 Peninsula, have you met with elected officials to  
16 discuss concerns specific to the Bolivar Peninsula?

17 A. Yes. And really the only elected officials  
18 over there that are elected just in Bolivar is -- I  
19 don't know if they're elected, to be honest. Yeah,  
20 they're elected. Is their -- their board for their  
21 fire department. Other than that, there's no elected  
22 officials really to speak of.

23 Q. Okay.

24 A. It's -- because it's all unincorporated.

25 Q. So how does their government operate if --

1 A. Their government is the county.

2 Q. Their government is the county?

3 A. Yes.

4 Q. Okay. And so going back to my original  
5 question, did you -- as the new commissioner for the  
6 Bolivar Peninsula, have you met with officials over  
7 there to discuss their concerns specific to the Bolivar  
8 Peninsula?

9 A. Yes.

10 Q. And if I understood you correctly, that would  
11 have been the fire department?

12 A. Partly fire department, but through the  
13 chamber we've met with a lot of business owners over  
14 there as well, a couple of meet and greet type  
15 situations where we'd go in and Commissioner Apffel is  
16 still involved, kind of holding my hand while I meet  
17 the people and learn more about it.

18 Q. So the fact that the government on the Bolivar  
19 Peninsula is the county, that's actually a difference  
20 between Bolivar and Galveston Island as well, correct?

21 A. Yes.

22 Q. Can you tell me a little bit about or discuss  
23 what the Galveston Island government consists of?

24 A. Mayor/city council form of government, city  
25 manager form of government. They have a city manager

1 | that runs the city basically for the mayor and council.  
2 | They have a park board that runs -- that takes care of  
3 | the beaches. And not only do they take care of the  
4 | beaches, they control HOT taxes and things like that  
5 | right now, HOT taxes being hotel occupancy tax. They  
6 | do pretty much any service the city provides, the City  
7 | of Galveston does, including transportation as was  
8 | talked about earlier. They do water and sewer, trash  
9 | pickup.

10 | Q. For the peninsula?

11 | A. No. For the city of Galveston.

12 | Q. For the city of Galveston. Okay.

13 | A. Only.

14 | Q. So the county itself, and being the government  
15 | for the Bolivar Peninsula, you talked about issues  
16 | related to beach erosion. Does the Galveston County  
17 | government deal with those issues on the Bolivar  
18 | Peninsula?

19 | A. We do with the assistance from the general  
20 | land office as far as the erosion and things like that  
21 | go. The cleaning of the beaches we do, you know, we  
22 | being the county.

23 | Q. And the general land office, is that -- that's  
24 | a county office?

25 | A. No. The general land office is a state

1 office.

2 Q. State office. Okay.

3 A. The beaches in Texas belong to the State of  
4 Texas.

5 Q. Okay.

6 A. For the most part. And so we have to clean  
7 them and maintain them and do things like that, but  
8 overall anything we do pretty much has to go through  
9 the general land office for approvals. When beach  
10 re-nourishment happens, a lot of times the monies and  
11 stuff, grants, will come through the general land  
12 office.

13 Q. So when it comes to beach maintenance or beach  
14 erosion, what, if any, responsibilities does the  
15 Bolivar Peninsula specifically have to those issues?

16 A. The peninsula as in the government for the  
17 peninsula?

18 Q. Yes.

19 A. Basically we clean -- like I said, we clean  
20 the beaches. We do the maintenance on the beaches. If  
21 an erosion issue occurs, we work with the different  
22 state agencies to help address those. Right now we're  
23 in the process of -- the one main highway that runs  
24 through there, Highway 87, we're in the process of  
25 working with TxDOT on redoing that highway again



1 | because it tends to wash out in a couple of places.

2 | And so that's --

3 | Q. And that's the Galveston County government.

4 | A. That's the county working with the state, with  
5 | the Texas Department of Transportation.

6 | Q. The land commission I believe.

7 | A. Kind of, sort of. TxDOT is different from the  
8 | land commission, but --

9 | Q. Okay.

10 | A. -- general land office is separate from the  
11 | land commission. So it's crazy. And you have the  
12 | railroad commission that has nothing to do with  
13 | railroads.

14 | Q. So just so I'm clear and the record is clear,  
15 | TxDOT you said?

16 | A. TxDOT, Texas Department of Transportation.  
17 | They do the highways.

18 | Q. Okay.

19 | MR. GEAR: Zach, can you pull up  
20 | Exhibit 12, please?

21 | Q. (By Mr. Gear) I will give you a chance to  
22 | take a look at it. Have you seen this article before?

23 | A. I believe I have, yes, sir.

24 | Q. And for the record can you tell me what this  
25 | is?

1 A. It is again from the Crystal Beach Local News.

2 It's Apffel introduces Joe Giusti as new commissioner.

3 Q. And do you recall when that meeting occurred?

4 A. I'm looking for a date on it. I want to say  
5 sometime in December.

6 Q. I see a date of December 7th, 2021.

7 A. That sounds right.

8 Q. That refreshes your recollection?

9 A. That sounds about right, yes, sir.

10 Q. Okay. Specifically for this article I wanted  
11 you to take a look at the Bolivar Peninsula Townhall.  
12 You see where it says that on the first page? Right  
13 next to the picture.

14 A. Yes, yes, yes.

15 Q. Okay. And I wanted to kind of go through some  
16 of the issues that are identified here. During the  
17 meeting where you were introduced, did -- was issues  
18 related to Bolivar Peninsula discussed during that  
19 meeting?

20 A. Yes, sir.

21 Q. Okay. And one of those issues was the Bolivar  
22 Beach sticker fund?

23 A. Yes, sir.

24 Q. And is that an issue that's specific to the  
25 Bolivar Peninsula?

1 A. It is.

2 Q. So that would have nothing to do with  
3 Galveston Island, correct?

4 A. That's correct.

5 Q. Mobile restroom trailers, is that an issue  
6 that's specific to the Bolivar Peninsula?

7 A. It is.

8 Q. And, again, would that have anything to do  
9 with Galveston Island?

10 A. No, sir. Not that particular one, no.

11 Q. And to finish that sentence, it says "Four new  
12 mobile restroom trailers will be installed in the three  
13 previous locations, one with additional trailer in  
14 the" --

15 A. Gilchrist.

16 Q. -- "Gilchrist area." And, again, that is  
17 specific to Bolivar Peninsula.

18 A. That's correct.

19 Q. The next issue that was discussed during that  
20 meeting was "New beach porta-potty provider, United  
21 States Service for Beaumont, to provide better service.  
22 Elevated water tank almost complete." And if I didn't  
23 read that correctly it says "Elevated water tank almost  
24 complete."

25 A. Yeah. That's two different subjects.

1 Q. Okay.

2 A. Porta-potties and water tank.

3 Q. Okay.

4 A. It kind of reads as one.

5 Q. It kind of did. The porta-potty issue, is  
6 that unique to the Bolivar Peninsula?

7 A. Yes, sir.

8 Q. And the elevated water tank, is that also  
9 unique to the Bolivar Peninsula?

10 A. Yes, sir.

11 Q. And the next one is GLO. What is GLO?

12 A. General land office.

13 Q. Okay. Which is what you were --

14 A. Yes, sir.

15 Q. -- talking about. Okay. "Still waiting for  
16 permit to build fishing pier at Rollover, probably a  
17 year out. Concrete driveways, beach access points,  
18 crowd control." Is that an issue that's unique to the  
19 Bolivar Peninsula?

20 A. I wouldn't say it's unique to the peninsula,  
21 but it's specific to the peninsula.

22 Q. So in this specific incident or in this  
23 specific situation are they talking about Bolivar  
24 Peninsula, or are they talking about --

25 A. Yes. Yes, sir.

1 Q. Okay. And the next issue that was discussed  
2 was beach raking permit from Corps --

3 A. Corps of Engineers.

4 Q. -- Corps of Engineers. And then to finish  
5 that it says "Expected by March/April 2022. TxDOT,"  
6 which you also identified, "Hwy 87 embarkment: awaiting  
7 approval from GLO." Is that an issue that is unique to  
8 the Bolivar Peninsula?

9 A. Yes, sir.

10 Q. And is it fair to say that those were the  
11 issues that were discussed with the Bolivar Chamber of  
12 Commerce during the first meeting you had with them on  
13 the Bolivar Peninsula?

14 A. Yes, sir, that would be the majority of it.

15 Q. When you say "the majority," was there any  
16 other issues that were --

17 A. There were other things that did come up,  
18 minor things, nuisance abatement-type issues on certain  
19 properties and things like that, you know.

20 Q. Again, those issues would be unique to the  
21 Bolivar Peninsula?

22 A. Yes. Well, yes.

23 Q. So I'm almost done with my questions. I want  
24 to just switch the subject here and talk about  
25 Commissioner Robin Armstrong. Were you involved in the

1 | appointment process for Commissioner Robin Armstrong?

2 | A. In the initial appointment, no.

3 | Q. Explain to me what you mean by that, please.

4 | A. If I remember correctly, it was Judge Henry's  
5 | appointment, but then we approved it at some point as  
6 | the court.

7 | Q. So what you're describing -- and correct me if  
8 | I'm wrong -- is that you voted on whether or not to  
9 | appoint Commissioner Armstrong?

10 | A. Yes.

11 | Q. And that was done in a public meeting?

12 | A. Yes.

13 | Q. And do you recall the date of that public  
14 | meeting?

15 | A. I do not.

16 | Q. Do you recall which commissioners were present  
17 | during that vote?

18 | A. No, sir, I don't.

19 | Q. Do you recall how the vote went amongst the  
20 | commissioners and the judge?

21 | A. I do not.

22 | Q. What the results of the vote was?

23 | A. I don't.

24 | Q. Do you recall if Commissioner Holmes voted for  
25 | or against?

1 A. I don't.

2 Q. Do you -- you suggested it, but I just want to  
3 make sure I'm clear. Can you describe the appointment  
4 process, how that actually works?

5 A. The initial -- this was new to all of us. The  
6 initial appointment was Judge Henry appointing  
7 Commissioner Armstrong, and then it was affirmed, I  
8 guess. If I'm remembering correctly, it was affirmed  
9 by the court once that occurred. After that occurred,  
10 is that -- is that what you're wanting to know, or is  
11 there more to it?

12 Q. I'm just trying to understand what the process  
13 is. So as you explain it it helps me to understand.

14 A. Okay.

15 Q. And so the appointment process, you said Judge  
16 Henry appoints Commissioner Armstrong. Is there a pool  
17 of applicants? Are you participating in deciding which  
18 applicant would be appointed?

19 A. No, sir.

20 Q. So the initial process is -- falls on Judge  
21 Henry to make the appointment.

22 A. Correct.

23 Q. And your involvement basically was the ability  
24 to vote --

25 A. The affirmation --

1 Q. -- up or down.

2 A. -- of his appointment.

3 Q. Of his appointment. Do you know during the  
4 appointment process whether or not there's any attempt  
5 to reach out to the Galveston County community to  
6 understand their position on whether or not  
7 Commissioner Armstrong should or should not be  
8 appointed?

9 A. Not that I'm aware of.

10 Q. Based on your personal knowledge, do you know  
11 whether or not there was any outreach to the minority  
12 black and Hispanic community regarding the appointment  
13 process for Commissioner Armstrong?

14 A. Not that I'm aware of.

15 Q. Did you have any discussions with Commissioner  
16 Holmes leading up to the appointment of Robin  
17 Armstrong?

18 A. No, sir.

19 Q. Did you have any discussion with any of the  
20 commissioners leading up to the appointment of  
21 Commissioner Armstrong?

22 A. No, sir. I -- no.

23 Q. Was Commissioner Armstrong involved in any  
24 aspect of the 2021 redistricting plan?

25 A. No, sir.



1 Q. Is it fair to say that Commissioner Armstrong  
2 is solely selected and then voted -- well, strike that.

3 Is it fair to say that Commissioner  
4 Armstrong as an applicant is solely selected by Judge  
5 Henry?

6 A. Yes, initially.

7 Q. Does the community in Galveston County have  
8 any input into the appointment process of, in this  
9 case, Commissioner Armstrong?

10 A. I'm sure they can send emails or make phone  
11 calls to Judge Henry and make recommendations.

12 Q. And let's -- let's focus on that for a second.  
13 Was there any advertisements or community outreach to  
14 let the Galveston County community know that Judge  
15 Henry was considering the appointment of  
16 commissioner -- of Robin Armstrong?

17 A. Not that I'm aware of.

18 Q. So if you could clarify for me, how during the  
19 process could a resident of Galveston County provide  
20 input if there was -- strike that.

21 What I'm trying to understand is was  
22 there any process during the appointment process which  
23 would have allowed the Galveston County community to  
24 provide input that you're aware of.

25 A. I wasn't part of that process, so I'm not

1 | aware of it.

2 | Q. And you certainly didn't see any public  
3 | outreach related to the appointment of commissioner --  
4 | of Robin Armstrong; is that correct?

5 | A. That is correct.

6 | Q. Do you know if -- based on your personal  
7 | knowledge, do you know if Judge Henry made any attempts  
8 | to reach out to the black and Hispanic community in  
9 | Galveston County to receive input regarding Robin  
10 | Armstrong and the potential appointment?

11 | A. I do not know.

12 | Q. Do you -- based on your personal knowledge, do  
13 | you know if commissioner -- sorry -- Judge Henry  
14 | reached out to any constituents in Galveston County to  
15 | solicit their input on the potential appointment of  
16 | Robin Armstrong?

17 | A. I do not know that.

18 | Q. And were there any public hearings that you  
19 | are personally aware of related to the potential  
20 | appointment of Robin Armstrong?

21 | A. No, sir, not that I'm aware of.

22 | Q. And you said there was a vote taken by the  
23 | commissioners during a public hearing related to the  
24 | appointment of Commissioner Armstrong, correct?

25 | A. I believe there was.

1 Q. And that -- I'm sorry.

2 A. Don't know if it was a public hearing or just  
3 a vote on commissioners court, to be honest. I don't  
4 know.

5 Q. Do you recall if it was during a special  
6 session or regular scheduled?

7 A. I would think it would be a regular scheduled  
8 meeting, but I do not know.

9 Q. And all of the regular scheduled meetings are  
10 open to the public?

11 A. Correct.

12 Q. How did you vote regarding the appointment of  
13 Robin Armstrong?

14 A. I believe I voted to approve. And the reason  
15 I say I believe is I think we voted on it. And if we  
16 did, I voted for it.

17 Q. And can you tell me the reasons, based on your  
18 personal knowledge, why you voted in favor of Robin  
19 Armstrong to be appointed to the commissioners court?

20 A. I know Dr. Armstrong. I haven't known him  
21 that well for long, but I have known him. I know that  
22 he was active politically before and that he was active  
23 in the community, and he has a very good reputation in  
24 the community as being a very fine doctor as well as a  
25 good family guy and everything that goes along with

1 being a good quality human being.

2 Q. So other than being a good doctor, what is  
3 your personal knowledge regarding other activities that  
4 he participated in in the Galveston County community?

5 A. It mainly is being a doctor. That was the  
6 majority of it. And then also with his involvement, I  
7 guess, politically.

8 Q. And when you say political involvement, can  
9 you clarify what you mean by it?

10 A. He ran for state senate not too terribly long  
11 ago.

12 Q. Do you know when, approximately?

13 A. The last election. The last primary I should  
14 say.

15 Q. And I don't know what the date of that --

16 A. That would have been March of '21.

17 Q. March of '21.

18 A. '21? March of '22. Yeah, March of '22.

19 Q. Were you involved -- March of 2022. Were you  
20 involved in his political campaign at all?

21 A. No, sir.

22 Q. Do you recall how long his appointment as  
23 commissioner lasts?

24 A. It was until the end of term.

25 Q. And do you recall what the end of term is?

1 A. It would have been December 31st, this past.

2 Q. December 31st. So is he still a county  
3 commissioner to this day?

4 A. He is.

5 Q. But the term has expired?

6 A. He's in a new term now.

7 Q. Okay. Did he run?

8 A. Yes, sir. He was elected.

9 Q. And can you tell me which commissioners court  
10 precinct he was appointed and then elected to?

11 A. Precinct 4.

12 Q. And can you tell me what the racial  
13 demographic makeup is of Precinct 4?

14 A. I'm not positive. I think it's a pretty mixed  
15 precinct.

16 Q. Mixed as in?

17 A. Mixed as in African-American to white to  
18 Hispanic, Latino, probably heavier on the white side.

19 Q. Did you have an opportunity to look at his  
20 election results?

21 A. Did not.

22 Q. Did you conduct any analysis -- independent  
23 analysis as to who his core supporters were in  
24 Precinct 4?

25 A. No, sir.

1 Q. Did you have any discussions with Commissioner  
2 Armstrong about how he went about campaigning in  
3 Precinct 4?

4 A. I don't recall having any discussions on that.

5 Q. Do you know if he had a campaign staff? Did  
6 you have an opportunity to speak with anyone on his  
7 campaign staff?

8 A. I don't know whether he did.

9 MR. GEAR: If we can take a five-minute  
10 break, ten-minute break, I might be in a position where  
11 I'm ready to pass to other counsel. So can we go off  
12 the record?

13 THE VIDEOGRAPHER: Going off the record.  
14 The time is 3:20.

15 (Recess from 3:20 to 3:31)

16 THE VIDEOGRAPHER: We're back on the  
17 record. Time is 3:31.

18 MR. GEAR: I'm prepared to pass to other  
19 counsel, but for the record the United States reserves  
20 its rights to reopen this deposition based on the  
21 objections -- the privilege objections and the fact  
22 that we reserved our right to dispute that the claim of  
23 privilege does not apply to Dale Oldham in this  
24 situation. I understand that there's -- that this is  
25 now before the court, but the United States reserves

1 | its right to reopen this deposition based on whatever  
2 | ultimate decision there is to that. And I pass to  
3 | other counsel.

4 | MS. RICHARDSON: Good afternoon. Can  
5 | y'all hear me or see me? Do we need to go off the  
6 | record to start, or are we good? Are we good to go?

7 | MS. OLALDE: Yes, ma'am.

8 | MS. RICHARDSON: Okay. Fantastic.

9 | EXAMINATION

10 | QUESTIONS BY MS. RICHARDSON:

11 | Q. Commissioner, my name is Valencia Richardson,  
12 | and I represent the Petteway plaintiffs in this case,  
13 | so that includes Terry Petteway, Constable Derreck  
14 | Rose, Penny Pope, Sonny James, and Michael Montez. So  
15 | I'll just be asking you -- don't worry. I'm not going  
16 | to take another five hours. I'm going to ask you a few  
17 | more questions and then a few follow-up questions from  
18 | the conversation today.

19 | And I would like to get started by  
20 | marking an exhibit, our first exhibit. Give me one  
21 | moment.

22 | MS. OLALDE: I'm showing you that on my  
23 | computer.

24 | THE WITNESS: Okay.

25 | MS. RICHARDSON: Okay. So exhibit I

1 believe -- is that 13? Should be available to you now.

2 MS. OLALDE: Valencia, this is Angie.

3 I'm just trying to get it pulled up so he can see it.

4 MS. RICHARDSON: No worries. Just let me  
5 know when you're ready. And I'm also going to set up  
6 the next exhibit for you as well so you can look at  
7 them at the same time, Exhibit 14.

8 MS. OLALDE: I don't know how to do that.

9 MS. RICHARDSON: Oh, not -- I mean just  
10 one after the other. Look at the first one. Then look  
11 at the second one.

12 MS. OLALDE: And it is pulled up.

13 Q. (By Ms. Richardson) All right. Fantastic.  
14 I'm going to start with what's now marked as Exhibit 13  
15 to this deposition. Do you see that, Commissioner  
16 Giusti?

17 A. I do.

18 Q. Okay. Do you recognize this email?

19 A. I do.

20 Q. Okay. Do you see the date on it? Could you  
21 tell us the date?

22 A. October 29th, 2021.

23 Q. And were you one of the folks to whom it was  
24 sent?

25 A. Yes and no.



1 Q. Can you explain what that means?

2 A. It's -- my email address on it is wrong.

3 Q. Oh, okay. But it was intended to be sent to  
4 you?

5 A. Yes.

6 Q. Okay. And you recognize the email?

7 A. Yes.

8 Q. Okay. Can you tell us what this email is?

9 A. I'm sorry. Repeat?

10 Q. Could you tell us what this -- what this email  
11 is?

12 A. It is an email to Judge Henry and all the  
13 commissioners with a letter attached from the League of  
14 Women Voters of the Bay Area and Texas Civil Rights  
15 Project.

16 Q. Okay. And then can you go to Exhibit 14?

17 MS. OLALDE: I apologize. We are --  
18 we're learning this.

19 MS. RICHARDSON: As all of us are. Trust  
20 me. I'm very new to Veritext as well. You can take  
21 some time to review it if you need to.

22 MS. OLALDE: You can scroll up and down.

23 THE WITNESS: Right. Got you.

24 (Discussion off the record)

25 Q. (By Ms. Richardson) And just let me know when

1 you've reviewed it.

2 A. Okay. Okay.

3 Q. Okay. Do you recognize the document marked as  
4 Exhibit 14?

5 A. I do.

6 Q. Okay. Can you tell us what it is?

7 A. It is an email sent to Judge Henry and the  
8 commissioners court.

9 Q. Is it the attachment to that email marked as  
10 Exhibit 13, the letter that was attached?

11 A. It is.

12 Q. Thank you. Did you read this -- did you read  
13 this letter at the time it was sent to you?

14 MS. OLALDE: Objection; misstates the  
15 record. He didn't receive it because it was not his  
16 email address.

17 Q. (By Ms. Richardson) Did you receive this  
18 letter eventually?

19 A. Eventually as in recently.

20 Q. How recently?

21 A. A couple days.

22 Q. You didn't receive it at the time you -- at  
23 the time it was sent?

24 A. Not that I recall, no.

25 Q. Okay. We'll move on. I'm going to introduce

1 Exhibit 15.

2 Before I do that, Commissioner, do you  
3 recall speaking to anyone after the hearing on  
4 November 12th?

5 A. I don't recall.

6 Q. Did you speak to -- did anyone reach out to  
7 you after the November 12th hearing?

8 A. Reach out as in what time frame?

9 Q. After the November 12th hearing between --  
10 immediately after. We'll start with that.

11 A. Not that I recall.

12 Q. In the weeks after?

13 A. Not that I recall really.

14 Q. Okay. I'll introduce Exhibit 15.

15 MS. OLALDE: We have it pulled up.

16 THE WITNESS: Okay.

17 Q. (By Ms. Richardson) Okay. Do you recognize  
18 this email?

19 A. I do.

20 Q. This was sent to you, correct?

21 A. Yes.

22 Q. Correct. And this was sent to you from Kenny  
23 Wiley, correct?

24 A. Yes.

25 Q. The reporter for the Houston Chronicle?

1 A. Correct.

2 Q. He -- and it says here he's working on a piece  
3 about the -- Galveston County's recent battle over  
4 redistricting. Did I get that right?

5 A. Yes.

6 Q. Okay. Did you -- and it seems he's asking you  
7 to meet with him to discuss the redistricting in  
8 Galveston County; is that correct?

9 A. Correct.

10 Q. Did you ever speak to Mr. Wiley?

11 A. I don't believe I did.

12 Q. Did you ever speak to any other reporters  
13 about the redistricting process?

14 A. No.

15 Q. Okay.

16 A. Not that I recall. I mean, everything at this  
17 point was being referred between legal and  
18 communications director.

19 Q. At what point was everything being referred to  
20 legal?

21 A. I don't recall. Sometime after the vote, but  
22 exactly when I'm not positive.

23 Q. At what point were all inquiries being  
24 referred to the communications team?

25 A. I'm sorry. Repeat it again.

1 Q. Sure. You stated, I believe, that at some  
2 point after the November 12th hearing inquiries were  
3 being referred to the communications department; is  
4 that correct?

5 A. Communications and legal, yes.

6 Q. And legal. And I asked you at what point did  
7 the commission start referring inquiries to the  
8 communications department.

9 A. And I don't recall.

10 Q. Okay. Thank you. Did you speak with any  
11 members of the community after the redistricting  
12 hearing?

13 A. I don't recall it.

14 Q. Did you speak with any members or  
15 representatives of the NAACP?

16 A. Not that I recall.

17 Q. Did you speak to any members or  
18 representatives of LULAC?

19 A. No, not that I recall.

20 Q. Did you speak to Terry Petteway?

21 A. I don't remember talking to Terry. He -- I'm  
22 pretty sure he was at the room that day too, the day we  
23 voted.

24 Q. Did you speak with Michael Montez after the  
25 hearing?

1 A. No.

2 Q. Did you speak with Sonny James after the  
3 hearing?

4 A. No.

5 Q. Did you speak with Penny Pope after the  
6 hearing?

7 A. No.

8 Q. Did you speak with Derreck Rose after the  
9 hearing?

10 A. No.

11 Q. Okay. I'm going to mark Exhibit 16. I will  
12 let you know when it's available. Okay. It's  
13 available. And let me know when you have it pulled up  
14 because it's a larger document and there's only --  
15 there's specific points I want to point you to.

16 MS. OLALDE: It is pulled up.

17 Q. (By Ms. Richardson) All righty. So just take  
18 a look at the front page, and then we can go down to  
19 page 9. And let me know when you get to page 9.

20 MS. OLALDE: He might want to look at  
21 what it is --

22 MS. RICHARDSON: Sure.

23 MS. OLALDE: -- first, on the first page,  
24 the title of the document.

25 THE WITNESS: Good point.

1 Q. (By Ms. Richardson) And I'll -- while you're  
2 looking, I'll represent to you that it is Petteway  
3 plaintiffs' responses to defendants' discovery  
4 requests. And, Commissioner, when you're ready if you  
5 don't mind looking at Point B on page 9.

6 A. Point B you said?

7 Q. Yes. Where it begins, "The Honorable Derreck  
8 Rose," and you can just read that first sentence into  
9 the record for us.

10 A. Okay.

11 Q. Do you see it says here "The Honorable Derreck  
12 Rose recalls that, shortly after the November 12, 2021,  
13 hearing, he made phone calls to Commissioners Apffel  
14 and Giusti to express his disappointment"? Does  
15 that -- does that statement refresh your memory about a  
16 conversation you had with Constable Rose?

17 A. It -- vaguely, yes. I think I did speak with  
18 Derreck.

19 Q. Do you remember what -- when you spoke with  
20 Constable Rose?

21 A. I really don't, no.

22 Q. Okay. It says here shortly after the hearing.  
23 Does that sound correct to you?

24 A. It does.

25 Q. Do you remember what you talked about with

1 Constable Rose?

2 A. I think he just expressed his disappointment  
3 in I think the way the room was set up and the fact  
4 that it was done in the small room -- a smaller room at  
5 Calder annex.

6 Q. Okay. Do you recall if he -- what your  
7 response to that conversation was?

8 A. I don't recall.

9 Q. Did you express agreement with his complaints  
10 or sympathy with his complaints, for example?

11 A. I think I just more listened to him and heard  
12 his complaints, and I did sympathize with it because  
13 the room was small.

14 Q. Do you recall hearing other complaints about  
15 the room setup on November 12th after the hearing?

16 A. I don't really recall after the hearing, but  
17 during the hearing itself there was rumblings in the --  
18 in the audience there about the room itself and the  
19 size and all that.

20 Q. Okay. Do you remember now hearing from other  
21 constituents about the complaints about the  
22 November 12th hearing?

23 A. I'm sorry. Please ask that again.

24 Q. Sorry. Can you hear me better?

25 A. Yes.



1 Q. Do you recall hearing from other Galveston  
2 residents, aside from your conversation with Constable  
3 Rose, about the November 12th hearing, any complaints  
4 about that hearing -- the hearing?

5 A. No, not so much after the hearing really.  
6 That's, you know -- I guess it was -- I guess a lot of  
7 people didn't figure why complain at that point because  
8 it was already done, so I don't remember hearing from  
9 anyone about it.

10 Q. Okay. I would like to move back in time a  
11 little bit, if you'll indulge me, to your first  
12 campaign for county commission. Is that -- am I  
13 correct you first ran in 2010? Is that --

14 A. Yes.

15 Q. That's correct? Who did you run again in --  
16 against in 2010?

17 A. It was the primary election that I ran against  
18 Kevin O'Brien.

19 Q. And did Kevin O'Brien win that primary or you?

20 A. He did.

21 Q. Okay. And then you -- you ran for reelection  
22 in 2014; is that correct? Or not reelection. You  
23 reran, rather, in 2014, correct?

24 A. Correct.

25 Q. Why did you decide to run again?

1 A. I guess just because I thought that I could do  
2 the job and I could do it well.

3 Q. Did you win that 2014 --

4 A. I did.

5 Q. -- primary?

6 A. I did.

7 Q. Okay. Did you have the support of any of the  
8 commissioners during your 2014 campaign?

9 A. No.

10 Q. Did you have the support of Judge Henry?

11 A. No.

12 Q. Okay. I'm going to mark another exhibit,  
13 Exhibit 17, and I'll let you know when it's ready.  
14 Okay. You should -- you can -- you should be able to  
15 look at it now. And if you don't mind letting me know  
16 when it's pulled up since I can't see anything from  
17 here.

18 MS. OLALDE: Sure. It is pulled up.

19 THE WITNESS: Yep.

20 Q. (By Ms. Richardson) Okay. This is an article  
21 from the Galveston Daily News titled Giusti Accused of  
22 Earning County Pay on Private Job. Do you -- do you  
23 recognize this article?

24 A. I do.

25 Q. Do you recognize it from May 2014?

1 A. I do.

2 Q. Okay. I'm going to ask you to scroll down to  
3 the fourth page. And before I ask you about the --  
4 I'll back up for a second.

5 Can you describe the issue raised in this  
6 article?

7 A. The -- basically the article was about me  
8 campaigning while on duty, I guess.

9 Q. During your time as a deputy constable?

10 A. Yes.

11 Q. Okay. And this was during the campaign in  
12 2014 for your election to the county commissioners  
13 court?

14 A. Correct.

15 Q. Okay. And on page 4 it says -- this is a  
16 quote from your attorney at the time? Is that correct?  
17 Criss?

18 A. Correct.

19 Q. And it says "'This is Ken Clark's method of  
20 operation,' Criss said." Susan Criss, for the record,  
21 correct? Did you believe at the time that this was a  
22 story planted by Ken Clark during your campaign?

23 A. Between him and Commissioner O'Brien, yes.

24 Q. Okay. What made you believe that?

25 A. His, as was said by Susan Criss, kind of

1 method of operation.

2 Q. Can you describe what method of operation  
3 means or your understanding of method of operation?

4 A. Kind of the way he does business.

5 Q. You're referring -- "he" refers to Ken Clark?

6 A. Yes.

7 Q. Could you describe what you mean by "the way  
8 he does business" or -- yeah, did business?

9 A. Plays a lot of politics. Played a lot of  
10 politics. I'm sorry. He is deceased, unfortunately.

11 Q. Uh-huh.

12 A. He had the reputation of doing what it takes  
13 to win, and him supporting my opponent went along with  
14 this.

15 Q. Thank you for that clarification. And so you  
16 ran for reelection in 2018; is that correct?

17 A. Correct.

18 Q. Okay. Did you have a primary opponent in 2018  
19 as well?

20 A. Yes.

21 Q. That was also Kevin O'Brien. Am I correct?

22 A. Kevin O'Brien, yes.

23 Q. Okay. I'm sorry. Were you saying something?

24 A. I said Kevin O'Brien came back again.

25 Q. Okay. Okay. I actually think I might have

1 accidentally reintroduced the same, so we'll skip  
2 Exhibit 18, but I am going to introduce now Exhibit 19.  
3 Exhibit 18 is the same article from Exhibit 17. My  
4 apologies for that confusion. So just go to  
5 Exhibit 19, and let me know when it's pulled up.

6 MS. OLALDE: It's pulled up.

7 THE WITNESS: It is.

8 Q. (By Ms. Richardson) Thanks so much. It  
9 says -- this is another Galveston Daily News article  
10 titled With History of Close Races, Giusti, O'Brien  
11 Square Off Again. Do you recognize this article?

12 A. I do.

13 Q. It says from January 29th of 2018, correct?

14 A. Yes.

15 Q. This article occurred during your 2018 primary  
16 campaign?

17 A. Yes.

18 Q. Okay. Did you have the support of the  
19 commissioners during the 2018 campaign?

20 A. Not really.

21 Q. Including Judge Henry?

22 A. I didn't really have any support.

23 Q. Okay. Can you go to page 3?

24 A. Okay.

25 Q. On page 3 there is a discussion here about

1       them -- you, Commissioner Apffel, and Commissioner  
2       Holmes voting against a resolution to demand a  
3       \$1.2 million -- \$1.2 million in attorneys' fees from  
4       former District Court Judge Lonnie Cox. Does that  
5       sound right to you?

6           A.     Yes.

7           Q.     Can you explain the resolution and why Judge  
8       Henry was seeking attorneys' fees from District Judge  
9       Lonnie Cox?

10          A.     Well, the suit was basically -- the original  
11       suit was between Judge Cox and Judge Henry, and Judge  
12       Henry wanted the county to be reimbursed for legal fees  
13       on it, and that's what the resolution was about, and  
14       voted against it.

15          Q.     Why did you vote against it?

16          A.     I guess partly the main reason I voted against  
17       it was I never believed the suit should have -- it was  
18       never necessary to begin with. If they both would have  
19       sat down early on and just discussed their differences  
20       on the issue that caused it, they could have resolved  
21       it.

22          Q.     Did Mark Henry support your 2018 campaign for  
23       commissioners court?

24          A.     No.

25          Q.     Did your vote against Mark Henry on this issue

1 affect his support for your campaign in 2018?

2 MS. OLALDE: Objection; calls for  
3 speculation.

4 Q. (By Ms. Richardson) You can speak to your  
5 personal knowledge or belief.

6 A. I don't think so.

7 Q. Why didn't Mark Henry, in your opinion,  
8 support your campaign in 2018?

9 A. I don't know.

10 Q. We'll change the subject, and I'm going to  
11 take you a little bit back in time again.

12 Commissioner, are you aware of the  
13 county's -- are you generally aware of the county's  
14 history of Voting Rights Act lawsuits in the last two  
15 redistricting cycles?

16 A. Not really.

17 Q. Okay. Are you -- are you aware of the 2011  
18 lawsuit against the county regarding the commissioners  
19 court precincts?

20 A. Yes.

21 Q. What do you know about that suit?

22 A. I know the county redistrict. When they  
23 redistrict, they cut from eight down to four and  
24 totally changed that map around quite a bit, and that's  
25 about the extent of my knowledge on it.

1 Q. You're referring to the JP and constables  
2 precincts?

3 A. That's correct.

4 Q. Okay. And you said you are generally aware of  
5 the JP constable precincts lawsuit?

6 A. Say again.

7 Q. Are you aware -- generally aware of the JP and  
8 constables precinct lawsuit?

9 A. Yes.

10 Q. And you -- am I correct you were a deputy  
11 constable at the time of that lawsuit? Am I correct?

12 A. That's correct.

13 Q. What were your thoughts about the lawsuit at  
14 the time it was filed?

15 A. I didn't really give it a whole lot of thought  
16 because I knew the direction -- or at least I felt I  
17 knew the direction that the county was trying to go by  
18 reducing numbers. I never actually agreed with that,  
19 about reducing the numbers, but I knew why they were  
20 doing it, to save money.

21 Q. Why -- why didn't you agree with reducing the  
22 number of JP and constable precincts?

23 A. Well, my law enforcement background, I don't  
24 think you should ever reduce law enforcement.

25 Q. I'm going to introduce Exhibit 20, and it's



1 already up, so just let me know when you pull it up,  
2 and then we can go through it together.

3 A. Okay. It's pulled up.

4 Q. Okay. I'll represent to you this is a 1992  
5 consent decree between the Department of Justice and  
6 Galveston County. Can you -- can you read that first  
7 sentence under the introduction, just the first  
8 sentence?

9 A. "This voting rights case was filed on  
10 January 10, 1992, alleging that the implementation of  
11 elections for the unprecleared voting changes for  
12 justice of the peace and constable, JP/constable,  
13 precincts was in violation of Section 5 of the Voting  
14 Rights Act, amendments to the United States  
15 Constitution and Section 2 of the Voting Rights Act."

16 Q. Okay. Are you aware that in 1992 the county  
17 entered into a consent decree with the Department of  
18 Justice to establish JP and constable districts that  
19 complied with the Voting Rights Act?

20 A. I'm not aware of it.

21 Q. Okay. Are you aware about -- of the court  
22 order that established the precincts for the county  
23 commissioners' districts after the 2011 redistricting  
24 process?

25 A. I wasn't aware of it.

1 Q. Okay. Were you aware -- so it's safe to say  
2 you were not aware of the prior court orders with  
3 respect to the Voting Rights Act against the county  
4 during the 2021 redistricting cycle?

5 A. I wasn't aware of it.

6 Q. Is it also safe to say that those prior court  
7 orders were not considered when redistricting in 2021?

8 MS. OLALDE: Objection; calls for  
9 speculation.

10 Q. (By Ms. Richardson) You can answer.

11 A. I don't know.

12 Q. And just a couple more questions. We can take  
13 down that exhibit.

14 Do you know who Wayne Johnson was?

15 A. I do.

16 Q. Who was Wayne Johnson?

17 A. Wayne Johnson was the commissioner before  
18 Commissioner Holmes, and he was also a assistant  
19 district attorney in Galveston County.

20 Q. What district did Wayne Johnson represent?

21 A. Precinct 3.

22 Q. Okay. Are you aware that Wayne Johnson  
23 represented -- has represented -- represented Precinct  
24 3 when it first became a majority-minority precinct?

25 A. I wasn't aware that he was the first

1 representative of that precinct, not aware of when the  
2 changes occurred.

3 Q. Okay. Are you aware that since Wayne Johnson  
4 has -- since from Wayne Johnson -- strike that. I'll  
5 rephrase. It's been a long day.

6 Were you aware that from Wayne Johnson's  
7 first election until the redistricting -- until Steve  
8 Holmes' election there have only been African-American  
9 representatives of that precinct?

10 A. Yes. Just the two of them.

11 MS. RICHARDSON: I think I have no more  
12 further questions, but if you don't mind if we can go  
13 off the record and take a quick five-minute break.

14 THE VIDEOGRAPHER: Off the record, 4:06.

15 (Recess from 4:06 to 4:20)

16 THE VIDEOGRAPHER: Back on the record.

17 Time is 4:20.

18 Q. (By Ms. Richardson) Commissioner Giusti, just  
19 a little while ago we discussed the history of Wayne  
20 Johnson and Stephen Holmes representing Precinct 3. Do  
21 you recall that conversation?

22 A. I do.

23 Q. Okay. Under the new map Precinct 3 no  
24 longer -- is no longer drawn the way it was drawn when  
25 Wayne Johnson and Stephen -- and now Stephen Holmes as

1 they have represented it; is that correct?

2 A. That is correct.

3 Q. Are you concerned at all about losing  
4 Precinct 3 as a district that has historically been  
5 represented by black commissioners?

6 A. No, I'm not really that concerned about it,  
7 and the reason I'm not is because I really feel I know  
8 anything that I picked up personally I will represent  
9 them to the best of my ability and do, I think, a great  
10 job for them. I've always gotten along well with  
11 people and I continue -- want to continue to do that.  
12 Now, do people feel differently? Will they need to get  
13 to know me? Absolutely. Will they need to get to know  
14 Commissioner Apffel that picked up a lot and  
15 Commissioner Armstrong that picked up a lot in that  
16 area? Yes.

17 As far as Commissioner Holmes in the new  
18 precinct -- and I know this isn't part of your  
19 question, but I think he is very electable in the new  
20 precinct.

21 Q. What do you form that opinion on?

22 A. On -- on Commissioner Holmes himself, the fact  
23 that he's been around for a long time, the fact that he  
24 is a fiscal conservative, and without straight ticket  
25 voting in Texas anymore, I think he can attract a lot

1 of voters that will just vote for him.

2 Q. In your opinion, are there racial tensions in  
3 Galveston County?

4 A. I think there's racial tensions in the entire  
5 country.

6 Q. Including Galveston County?

7 A. Yes.

8 Q. Have you ever experienced racial tensions in  
9 Galveston County?

10 A. Can you give me an example, please?

11 Q. Absolutely. Have you ever witnessed or read  
12 about in the news or otherwise heard of a racial  
13 conflict --

14 MS. OLALDE: Objection.

15 Q. (By Ms. Richardson) -- that occurred in  
16 Galveston County?

17 MS. OLALDE: Sorry.

18 Objection; vague as to time and scope,  
19 overbroad.

20 Q. (By Ms. Richardson) And we can start time --  
21 with the time period we can start in the last five  
22 years.

23 A. I probably have heard of a few things, yes.

24 Q. Can you recall any incidents?

25 A. Not specifically, no.

1 Q. From your past work as a deputy constable, did  
2 you experience any racial incidents?

3 A. Not as a constable, no.

4 Q. During your work as a police officer?

5 A. During the years as a police officer, yes, I  
6 would say I probably did.

7 Q. Can you recall any examples?

8 A. There again, nothing real specific. Just kind  
9 of a -- it would have been way, way long ago because  
10 near the end of my career, for several years I was in  
11 community service, and things at that point -- when I  
12 experienced racial tensions at that point, it was  
13 trying to diffuse the racial tensions.

14 Q. Were there many instance where you were trying  
15 to diffuse racial tensions?

16 A. It wasn't many. It was a few. For the most  
17 part Galveston PD got along real well with the  
18 community, and Galveston has always been a very diverse  
19 community.

20 Q. Have any of your constituents ever expressed  
21 concerns about racism?

22 A. No.

23 Q. Have you ever asked your constituents about  
24 concerns they might have about racism?

25 A. No. I mean, let me clarify. Other than some

1 of the emails we were receiving on the redistricting,  
2 which was talking about racism and things. Other than  
3 that, no.

4 Q. All righty.

5 MS. RICHARDSON: I will pass the witness,  
6 but before I do I would also -- Petteway plaintiffs  
7 would also reserve the right to reopen this deposition  
8 based on the resolution of the issue with respect to  
9 Dale Oldham and reserve our objection to defendants'  
10 claim of attorney-client privilege as Dale Oldham was a  
11 map consultant and not an attorney on this case.

12 But at this point I have no further  
13 questions.

14 THE WITNESS: Thank you.

15 EXAMINATION

16 QUESTIONS BY MR. SILBERSTEIN:

17 Q. All right. Mr. Giusti, thanks so much for  
18 your time today. I'm Andrew Silberstein with NAACP. I  
19 just have some more questions for you. Hopefully this  
20 won't last too long. So just a couple intro questions  
21 we always cover.

22 Did you -- did you meet with anyone to  
23 prepare for this deposition?

24 A. Yes.

25 Q. Who did you meet with?

1 A. I met with Ms. Angie and Shawn.

2 Q. Is that Shawn Sheehy?

3 A. Yeah, Sheehy. Sheehy, Sheehy.

4 Q. And where did you all meet?

5 A. At the -- Greer's offices in League City.

6 Q. When, approximately, have you -- have you met  
7 with them?

8 A. Twice. Once yesterday and once December,  
9 early December.

10 Q. And how long were those meetings,  
11 approximately?

12 A. First meeting maybe an hour, yesterday maybe  
13 three.

14 Q. And what was your purpose in meeting with  
15 them? To prepare for the deposition?

16 A. Absolutely. Prepare for the deposition.

17 Q. Did you review any documents --

18 A. Yes.

19 Q. -- at those meetings? What kind of documents?

20 A. Some of the same -- a couple of the same  
21 things we went through today, emails, memos, things.

22 Q. Did you read the complaint in the matter?

23 A. Yes.

24 Q. And the interrogatories? Did you read those?

25 A. Yes, I believe so. Yes.



1 Q. And how did you review them?

2 A. Paper, read them.

3 Q. Did you take notes or anything on them?

4 A. No.

5 Q. Did any of them help to refresh your memory of  
6 events?

7 MS. OLALDE: Objection; vague as to  
8 "them."

9 Q. (By Mr. Silberstein) I'll rephrase. Did any  
10 of the documents you reviewed help to refresh your  
11 recollection of the events leading up to the 2021  
12 redistricting?

13 A. Yes.

14 Q. How else did you prepare for the deposition  
15 today?

16 A. That was it, really.

17 Q. Just the two meetings --

18 A. Yes.

19 Q. -- with your attorneys. Okay. Thank you. So  
20 I just want to move on to the 2021 maps that were  
21 enacted. You said earlier that you wanted a map with  
22 more detail than the one you saw in your October 19th  
23 Zoom meeting with the other commissioners --

24 A. Yes.

25 Q. -- so that you could see street names?

1 Remember that?

2 A. Correct.

3 Q. Why did you want to look at the map in more  
4 detail?

5 A. I guess to see where the lines actually were.

6 Q. What were you looking for in the specific  
7 street names? Just the boundary lines?

8 A. Yeah, the boundaries.

9 Q. Did you want to change something in particular  
10 about the lines?

11 A. No, sir.

12 Q. And did you only see a map on the Zoom, or did  
13 you receive any physical copies?

14 A. I received physical copies when I went to  
15 Nathan Sigler after the maps were out on online.

16 Q. And when was that?

17 A. October -- I don't know the exact day I went  
18 to him, but it was after October 29th or whenever it  
19 was.

20 Q. When you reviewed the maps via Zoom, did you  
21 save any screenshots, anything like that?

22 A. No.

23 Q. Didn't take any pictures?

24 A. No, sir.

25 Q. Did you have any notes from the meeting?

1 A. No.

2 Q. Did you ever share any ideas or opinions about  
3 the maps to Commissioner Holmes in 2021?

4 MS. OLALDE: Objection. And I will  
5 instruct the witness not to answer with respect to any  
6 kind of attorney-client privileged conversations or  
7 attorney work product that was discussed during a  
8 meeting with Mr. Oldham.

9 Otherwise you can answer.

10 THE WITNESS: With Commissioner Holmes,  
11 not that I recall.

12 Q. (By Mr. Silberstein) Earlier you said that  
13 when a community member submitted a redistricting plan,  
14 you said there's really not a written procedure if  
15 someone emailed the redistricting proposal to the  
16 judge's office. Is that true?

17 A. I think so, yes.

18 Q. But if you distributed -- if Holmes  
19 distributed the maps to the rest of the commissioners,  
20 at some point you knew the question would come in  
21 and -- sorry. Let me rephrase.

22 If Judge Henry distributed the maps to  
23 the rest of the commissioners -- and I'm just quoting  
24 him -- "At some point, you know, the questions would  
25 come in are we discussing this and now do we have more

1 than three people involved in the discussion where we  
2 are violating as it not being an open meeting." Did  
3 you mean when you said that that you were aware that if  
4 the judge circulates official documents to the  
5 commissioners for discussion that that could constitute  
6 an open meeting?

7 MS. OLALDE: Objection; vague and unclear  
8 and compound, and I'm not sure where that quote is  
9 from.

10 But to the extent you understand you can  
11 answer.

12 THE WITNESS: Yes, but I didn't really  
13 understand the question either.

14 Q. (By Ms. Richardson) Okay. I'll rephrase it.  
15 I'm just quoting what you said earlier today in the --  
16 in the deposition. Earlier in the deposition today --  
17 I'll read it again -- you said, about Judge Henry  
18 distributing the maps, "At some point, you know, the  
19 question would come in are we discussing this and now  
20 do we have more than three people involved in the  
21 discussion of where we're violating as it not being an  
22 open meeting." Do you remember that?

23 A. I vaguely remember it. Exact context of the  
24 original question of that I don't recall.

25 Q. And just to be clear, did you mean that you're

1 aware that if the judge circulates official documents  
2 to all the commissioners for discussion that that could  
3 constitute an open meeting?

4 A. If -- it wouldn't constitute an open meeting.  
5 It would constitute a violation of the open meeting if  
6 we're discussing it without a posted meeting.

7 Q. Did you -- so the commissioners court decided  
8 in 2020 not to remove the confederate monument in front  
9 of the Galveston County Courthouse. Do you remember  
10 that?

11 A. Yes.

12 Q. There were many attempts by black --  
13 African-American residents and Commissioner Holmes to  
14 have it removed, right?

15 A. Yes.

16 Q. Do you remember that as well?

17 A. Yes.

18 Q. Why didn't you support the removal?

19 A. Personally I don't believe in removing  
20 anything that represents history, and so I was -- I was  
21 against all the statues that were coming down across  
22 the country.

23 Q. Why do you -- could you elaborate on why you  
24 were -- why you opposed taking down statues?

25 A. I think we learn from our history.

1 Q. What kind of things do you think we have  
2 learned from the confederate statue?

3 A. I think we learned from the history of that  
4 that it's something we never want to repeat, and if you  
5 forget your history, you'll repeat it.

6 Q. Sitting here right now can you think of any  
7 reason that African-American constituents would want to  
8 remove the statue honoring confederate soldiers?

9 A. I can see where it would be offensive to some  
10 people. I think the most offensive thing about that  
11 statue, though, was the plaque that was on it, and I  
12 instructed our facilities director to remove that  
13 plaque, which he did.

14 Q. Could you describe the plaque?

15 A. It -- it was basically honoring the good  
16 fight, da, da, da, da, da. The most offensive thing  
17 about it to me was the fact that on the plaque it said  
18 fighting for a worthy cause.

19 Q. So are you solely responsible for the removal  
20 the plaque?

21 A. It was kind of mentioned by someone at some  
22 point. I don't remember who. But I'm the one that  
23 went to facilities and said, "Take it down."

24 Q. I'm just going to shift gears to the next  
25 topic. I just want to talk about your membership with

1 the Oath Keepers.

2 So you said you were a member of the Oath  
3 Keepers for how long?

4 A. A few months.

5 Q. And what are the Oath Keepers? How would you  
6 describe them?

7 A. I would describe them differently now than  
8 when I was joining. Now I would describe them as, I  
9 guess, kind of an insurgent organization of a bunch of  
10 crazy folk, if I can use that term.

11 Q. Well, what about -- what about them is crazy?

12 A. I think just their -- their views on wanting  
13 to overthrow the government and things it seems like is  
14 the way they've gone, and they've become racist and  
15 just -- you know, when you're attacking people, it's  
16 just not right, plain and simple.

17 MR. SILBERSTEIN: I want to introduce  
18 Tab 4, Exhibit 21. We don't have any paper copies.

19 THE WITNESS: Come on, now.

20 MR. SILBERSTEIN: Sorry about that.

21 THE WITNESS: Okay.

22 Q. (By Mr. Silberstein) Take a minute to review  
23 that.

24 A. Okay.

25 MS. OLALDE: Counsel, what's the date of

1 the article?

2 MR. SILBERSTEIN: July 14, 2022.

3 MS. OLALDE: Thank you. Do you want him  
4 to read the whole article or just --

5 MR. SILBERSTEIN: Yeah.

6 Q. (By Mr. Silberstein) Have you had a chance to  
7 review?

8 A. Not totally.

9 MS. OLALDE: It's several pages, so it  
10 would take some time, but it's whatever you guys want  
11 to do.

12 MR. SILBERSTEIN: I think if -- you know,  
13 if you let him have a chance.

14 Q. (By Mr. Silberstein) I just want to ask what  
15 would you say the Oath Keepers principles are  
16 generally.

17 A. Honestly I don't know at this point. Yeah, I  
18 don't know at this point.

19 Q. When you say "at this point," at -- at the  
20 point when you joined, what would you have said they  
21 were?

22 A. A group that was there to remind people to  
23 uphold the oath of office that they took, be it  
24 military, be it law enforcement, or whatever the case  
25 was.



1 Q. I would just like to introduce Tab 5,  
2 Exhibit 22.

3 A. Okay.

4 Q. Just take a moment to review.

5 MS. OLALDE: Counsel, is this --

6 Q. (By Mr. Silberstein) Could you scroll down to  
7 page 4?

8 MS. OLALDE: Counsel, what's the date of  
9 this article? Or is this an article or --

10 MR. SILBERSTEIN: This is the -- this is  
11 the -- on page 4 is the Oath Keepers' pledge.

12 Q. (By Mr. Silberstein) Do you -- do you  
13 recognize this?

14 A. I'm not there yet, still scrolling.

15 MR. SILBERSTEIN: And, Counsel, it's a  
16 report by the nonprofit organization the  
17 Anti-Defamation League.

18 MS. OLALDE: Do you know the date of it?

19 MR. SILBERSTEIN: 2015. I don't have the  
20 exact date.

21 MS. OLALDE: Thank you.

22 Q. (By Mr. Silberstein) Mr. Giusti --  
23 Mr. Giusti, earlier in your testimony you said that you  
24 were part of the Oath Keepers in 2015?

25 A. '14, '15, somewheres in there. I'm not sure

1 of exact dates, but early on.

2 Q. So did you take this -- this pledge --

3 A. No.

4 Q. -- when you joined?

5 A. No.

6 Q. Do you agree with these principles?

7 MS. OLALDE: Which principles? Just to  
8 be clear for the record.

9 MR. SILBERSTEIN: The principles laid out  
10 on page 4 of the Oath Keepers -- the orders the Oath  
11 Keepers refuse under the Oath Keepers' pledge.

12 MS. OLALDE: Numbers one through ten?

13 MR. SILBERSTEIN: One through ten.

14 THE WITNESS: No, but they sound pretty  
15 farfetched.

16 Q. (By Mr. Silberstein) So none of these  
17 scenarios seem very likely to you?

18 A. No.

19 Q. If not this pledge, what kind of pledge did  
20 you have to make when you joined the Oath Keepers?

21 MS. OLALDE: Objection; asked and  
22 answered.

23 THE WITNESS: I don't recall a specific  
24 pledge to the Oath Keepers. My pledge was to the  
25 constitution of the United States and the state -- you

1 know, the pledges we take as police officers and as  
2 commissioners, for that matter.

3 Q. (By Mr. Silberstein) As a member of the Oath  
4 Keepers, what sort of activities did you engage in, if  
5 any?

6 A. I read a few blogs or posts or whatever they  
7 were at the time, might have been before they invented  
8 the word "blog."

9 Q. And I would like to introduce Tab 6,  
10 Exhibit 23.

11 A. I have it up.

12 Q. This is an ABC13 article dated September 8,  
13 2022, addressing your participation in the Oath  
14 Keepers. Is that -- is that accurate?

15 A. Yes, sir.

16 Q. Here you explain that you joined the Oath  
17 Keepers because, quote, it made sense to uphold the  
18 constitution, end quote. Do you remember --

19 A. Yes, sir.

20 Q. -- this interview?

21 A. Uh-huh.

22 Q. Do you recall having said that?

23 A. I do.

24 Q. What does that mean to you, upholding the  
25 constitution?

1           A.    The constitution of the United States and the  
2    State of Texas, the laws that we live under.

3           Q.    Could you describe some kind of activities you  
4    might do to uphold the constitution or --

5           A.    Pretty much just doing my job that I swore to  
6    do.

7           Q.    Are you aware whether the constitution  
8    prohibits discrimination on the basis of race or  
9    national origin?

10          A.    Yes.

11                   MS. OLALDE:  Objection; argumentative.

12                   Give me a chance to object.

13          Q.    (By Mr. Silberstein)  Are you aware whether  
14    the constitution -- are you aware whether the  
15    constitution prohibits discrimination on the basis of  
16    race or national origin?

17                   MS. OLALDE:  Objection; argumentative.

18          Q.    (By Mr. Silberstein)  You may answer.

19          A.    Yes.

20          Q.    Do you know who Stewart Rhodes is?

21          A.    From the articles.

22          Q.    Are you equally determined to uphold all  
23    sections of the constitution?

24          A.    Yes.

25          Q.    Have you joined any other groups or made any

1 other oaths that focus on enforcing the constitution's  
2 prohibit -- prohibition against racial discrimination?

3 MS. OLALDE: Objection; vague, unclear.

4 You can answer to the extent you  
5 understand it.

6 THE WITNESS: Not that I recall.

7 Q. (By Mr. Silberstein) Are you aware whether  
8 Section 2 of the Voting Rights Act also prohibits  
9 discrimination on the basis of race?

10 MS. OLALDE: Objection; argumentative,  
11 calls for a legal conclusion.

12 You can answer.

13 THE WITNESS: Yes.

14 Q. (By Mr. Silberstein) Mr. Giusti, do you  
15 understand what racially polarized voting is?

16 A. Not really. I should say no. I mean no.

17 Q. Okay. So you don't understand it.

18 A. No.

19 Q. Did you ever see a racially polarized voting  
20 analysis?

21 A. No, sir.

22 Q. You've never seen one in your position as  
23 commissioner or of anything representing the county?

24 MS. OLALDE: Objection; unclear, vague,  
25 and he already testified that he doesn't understand

1 what that is.

2 But you can answer to the extent that you  
3 understand.

4 THE WITNESS: Not that I'm aware of.

5 Q. (By Mr. Silberstein) And has anyone ever  
6 discussed before me right now racially polarized voting  
7 with you?

8 A. No, sir.

9 Q. Do you understand that when there is racially  
10 polarized voting, the county may have an obligation to  
11 draw a district where racial minorities can elect a  
12 candidate of their choice?

13 MS. OLALDE: Objection; compound,  
14 unclear, asks for a legal conclusion, and he's already  
15 testified that he doesn't understand what racially  
16 polarized voting is.

17 But you can answer to the extent that you  
18 understand.

19 THE WITNESS: Yeah, don't know.

20 Q. (By Mr. Silberstein) Do you and your fellow  
21 commissioners usually discuss an issue or educate  
22 yourselves fully on an issue before making a decision?

23 MS. OLALDE: Objection; calls for  
24 speculation to the extent he's asking about anybody  
25 other than yourself.

1                   You can answer as to your own personal  
2 knowledge.

3                   THE WITNESS: To my knowledge, we do some  
4 research. We don't really discuss things because of  
5 the regulations, the laws that -- you know, we can  
6 discuss maybe to one other commissioner, but past that  
7 we really can't.

8           Q.    (By Mr. Silberstein) What kind of regulations  
9 and laws are you referring to?

10           A.   Basically to having three of us or more  
11 discussing an issue would be a quorum.

12           Q.   Do you find meeting with your fellow  
13 commissioners helpful in making decisions related to  
14 the commissioners court?

15           A.   Yes.

16           Q.   Do you find discussion and education amongst  
17 fellow commissioners generally leads to better results?

18           A.   Yes.

19           Q.   Do you find that input from your constituents  
20 helps -- helps you as a commissioner?

21           A.   Yes.

22           Q.   Do you find that input from the public leads  
23 to better results for the commissioners court?

24           A.   Yes.

25           Q.   Earlier you said you reviewed some of the

1 public comments submitted on the county website  
2 regarding 2021 redistricting; is that right?

3 A. That's correct.

4 Q. How did you review them? In what format?

5 A. Email. I'm sorry. On the county -- it was on  
6 the county website on my computer at work.

7 Q. And could you describe some of the comments --  
8 public comments you received?

9 A. Similar to the ones that were read in the  
10 exhibits earlier. They were pretty much similar to  
11 that as far as, "We don't want this to happen. We  
12 don't want change." Some of them that were on there  
13 were, "I prefer Map 1. I prefer Map 2." The gist of  
14 it.

15 Q. How did you select which ones to review?

16 A. Which emails to review?

17 Q. Yeah.

18 A. Like I mentioned earlier, I went in fairly  
19 early in the process and read a few because that's all  
20 that was there fairly early.

21 Q. Did you directly receive any of these public  
22 comments?

23 A. I received emails.

24 Q. So these are separate from the public comments  
25 on --



1 A. Separate, correct.

2 Q. -- the county website?

3 A. Correct.

4 Q. Commissioner Apffel mentioned that Judge  
5 Henry's office printed some copies of the public  
6 comments. Did you ever get any of those physical  
7 copies?

8 A. Gosh, I don't recall.

9 Q. And did each commissioner have access to go  
10 directly and view the public comments themselves?

11 A. I believe --

12 MS. OLALDE: Objection; calls for  
13 speculation.

14 Q. (By Mr. Silberstein) To the best of your  
15 knowledge, did each commissioner have that access?

16 A. I believe so.

17 Q. How many of the public comments would you say  
18 you reviewed?

19 MS. OLALDE: Objection; asked and  
20 answered.

21 THE WITNESS: I'd say 15 or so.

22 Q. (By Mr. Silberstein) Is there a reason you  
23 didn't review all of them?

24 MS. OLALDE: Objection; asked and  
25 answered.

1 THE WITNESS: Mainly what was there when

2 I was looking.

3 Q. (By Mr. Silberstein) Why -- why didn't you  
4 ever go back to the public comment page to look again  
5 and maybe see if there were more public comments  
6 posted?

7 A. I think it was probably a time issue, if you  
8 would, more than anything. I got the gist of what the  
9 comments were and what they were going to be, and that  
10 gave me a pretty good understanding of what the public  
11 was saying about it.

12 Q. Could you describe that gist a little bit in  
13 your own words?

14 A. Like I said earlier, some were for, some were  
15 against different maps. I wouldn't say the majority,  
16 but a good number were against either map.

17 Q. Did you respond to any of these comments?

18 A. Did not.

19 Q. Why did you never respond?

20 A. I didn't want to get into a match with anyone,  
21 if you would.

22 Q. To your knowledge, were any of the other  
23 commissioners responsive to public comments?

24 A. Not to my knowledge.

25 Q. Wasn't the idea kind of behind these public

1 | comments that they should be considered just as

2 | comments at a public hearing might be?

3 | A. I would think.

4 | Q. That is each commissioner would -- as in a

5 | public hearing, they would hear their comments, each

6 | commissioner would read the comments, and comment

7 | possibly on the comments?

8 | MS. OLALDE: Objection; calls for

9 | speculation.

10 | THE WITNESS: Normally in a public

11 | hearing we do not respond to comments that are coming

12 | in to us.

13 | Q. (By Mr. Silberstein) But you do hear all of

14 | those comments.

15 | A. We hear.

16 | Q. Who tracked these public comments? Who told

17 | you how many there were for or against a current map?

18 | A. I don't recall that.

19 | Q. And you said in a special meeting or other

20 | public meeting the public is able to make comments,

21 | correct?

22 | A. Yes.

23 | Q. And you would listen to all those public

24 | comments given during a commissioners court meeting.

25 | A. Yes.

1 Q. So it's a bit different to receive public  
2 comments via an online Web portal than, say, in a live  
3 public session in commissioners court?

4 A. Yes. I would say it was for me.

5 Q. Would you say that, you know, that's amplified  
6 by not -- not having read all of the comments in their  
7 entirety?

8 A. For me I would say that's because when you're  
9 reading something you're not getting the feeling, any  
10 emotion of the speaker.

11 Q. So feeling an emotion I think -- you know,  
12 there was probably a lot of feeling and emotion at the  
13 November special session?

14 A. Yes.

15 Q. Is that right? When you were gearing up to go  
16 to the meeting and when you got there and saw  
17 everybody, did you expect to see so many people at the  
18 meeting?

19 A. I expected -- I didn't know how many, of  
20 course, but I did expect a fairly large crowd.

21 Q. What was your initial reaction to seeing so  
22 many people at the meeting?

23 A. That it was a good thing that the public was  
24 involved in one of our meetings to that extent.

25 Q. How about when you saw that they were kind of

1 | trailing out into the hallway and couldn't quite fit  
2 | into the main room?

3 | A. I was at that point wishing we had a larger  
4 | room.

5 | Q. Do you recall any of the testimony that people  
6 | made during that time, any testimony by any of your  
7 | specific constituents, anyone you knew personally?

8 | A. Not really what was said. I don't really  
9 | recall exactly what was said. I do remember there were  
10 | a couple of people that were very animated, if you  
11 | would. There were some very good speakers that came to  
12 | the microphone and made their points, if you would. I  
13 | think I might have known one person in the crowd, maybe  
14 | two, that were actually speaking.

15 | Q. Could you speak to anything specifically that  
16 | was said?

17 | A. I don't recall.

18 | Q. And earlier I think you said that nearly every  
19 | single person -- I think you said everybody other than  
20 | one or two speakers supported -- did not support either  
21 | of the maps and that only one or two people supported  
22 | Map 2; is that correct?

23 | A. Correct.

24 | Q. Did any of the people testifying describe  
25 | their communities of interest and how Commissioner

1 Holmes had represented those communities?

2 A. I believe they did.

3 Q. Do you remember any specific things that

4 people said about Commissioner Holmes?

5 A. Like I mentioned earlier, they love the guy.

6 Q. Anything specific they said about their

7 communities, how they would be represented without him?

8 A. Yes. They did mention that they thought it

9 would not be as -- they would not be as well

10 represented with someone else.

11 Q. Do you remember any specific reasoning they

12 provided about why they wouldn't be as well

13 represented?

14 A. I don't recall.

15 Q. So I would like to introduce Tab 46,

16 Exhibit 24. It's a pretty big document. This is the

17 transcript of the hearing from November 12th.

18 A. Okay.

19 Q. If you could go to page 54.

20 A. I'm sorry. Page 54?

21 Q. Yes. Page 54. Sorry. Page 55. I'm going to

22 represent to you that this is a transcript of the

23 November 12th, 2021, special meeting in the Calder

24 annex on redistricting. Do you want to take a few

25 moments just to verify that this is an accurate

1 transcript to the best of your knowledge?

2 A. Give me a couple minutes.

3 Q. Take your time.

4 A. Okay.

5 Q. This looks -- looks good to you?

6 A. Yes, sir.

7 Q. Do you recognize -- recognize some of the  
8 things that were said?

9 A. Yes, sir.

10 Q. So could you start reading out loud from line  
11 14 on page 55 where Reverend Sykes begins to speak?

12 A. "I want to say good afternoon to all that are  
13 assembled. I left Galveston, Texas, almost 23 years  
14 ago. I know Joe really well. Me and him worked for  
15 the police department together in Galveston. Recently,  
16 come home about six months ago to only discover that  
17 the same thing was going on 23 years ago is the same  
18 thing that's going on today. Excuse me if I get  
19 emotional because it's personal to me. Not only  
20 personal, but it's personal to everybody that's  
21 present.

22 "This county has facilitated that -- has  
23 facilities that are large enough to hold a crowd that's  
24 in here and outside, and on Friday at 1:30 they want to  
25 have a meeting because they didn't think we were going

1 | to show up. But I'm here to tell you I'm back in town  
2 | as the pastor of Gethsemane Missionary Baptist Church  
3 | in Galveston. I reside in the city of Texas City, so  
4 | I'm a Galveston County boy because I graduated from  
5 | Texas City High School, born and raised in Galveston,  
6 | and I come by here today to tell you that we really  
7 | don't appreciate, but God is not slack or sleeping in  
8 | what is happening in this county. And if you don't  
9 | believe that we are God's children, keep doing what  
10 | you're doing."

11 | Q. Thank you. Is Reverend Sykes' reference to  
12 | knowing Joe, is that a reference to you?

13 | A. Yes.

14 | Q. Do you know what he's referring to when he  
15 | says the same thing that's happening now -- that that  
16 | same thing that was going on 23 years ago is the same  
17 | thing that's going on today?

18 | A. Not specifically, no.

19 | Q. Do you have any ideas what he might be  
20 | referring to as somebody you knew personally?

21 | A. No. I knew Reverend Sykes pretty well back  
22 | then. And as far as anything going on 23 years ago, I  
23 | really don't know what he would be referring to, any  
24 | specific incident or anything.

25 | Q. Would it make sense that it's the kind of



1 | redistricting lawsuits and problems that my colleague,

2 | Ms. Richardson, asked you about?

3 | MS. OLALDE: Objection; calls for

4 | speculation.

5 | THE WITNESS: It could be.

6 | Q. (By Mr. Silberstein) Now, how did you react

7 | to these comments?

8 | A. I listened intently. I understood what Timmy

9 | was saying, to the point of not really knowing what he

10 | was talking about 23 years ago, but just the fact that

11 | he's back in town and he's active, which is great, and,

12 | you know, he's a friend.

13 | Q. As your friend, how did his comments make you

14 | feel about the proceedings --

15 | A. I wish he would have called and talked to me

16 | sooner as a friend.

17 | Q. What do you think you could have told him?

18 | MS. OLALDE: Objection; calls for

19 | speculation.

20 | But you can answer to the extent you

21 | understand.

22 | THE WITNESS: My comments to him

23 | basically would have been, "Help me with a plan

24 | that" -- and I'm talking way sooner actually because at

25 | this point we're up against the timelines that we felt

1 | there was nothing we could do with.

2 | Q. (By Mr. Silberstein) What kind of plan could  
3 | he have helped you develop do you think?

4 | MS. OLALDE: Objection; calls for  
5 | speculation.

6 | THE WITNESS: Something that -- that  
7 | would have leveled our population and still possibly  
8 | kept the minority block more intact.

9 | Q. (By Mr. Silberstein) So do you think if you  
10 | had coordinated a bit more frequently with some of your  
11 | constituents it might have been possible to make that  
12 | happen?

13 | MS. OLALDE: Objection; calls for  
14 | speculation.

15 | THE WITNESS: Had we gotten more with the  
16 | public and with our demographer and everyone else,  
17 | maybe we could have talked more.

18 | Q. (By Mr. Silberstein) By talking more, what do  
19 | you think you might have accomplished?

20 | MS. OLALDE: Objection; calls for  
21 | speculation.

22 | THE WITNESS: I don't know, honestly,  
23 | because it -- when it boils down to breaking out the  
24 | population, I don't know, don't know if anything could  
25 | have really been done differently.

1 Q. (By Mr. Silberstein) You said you wished that  
2 he had reached out to you much sooner. Is that right?

3 A. Yes.

4 Q. And the special meeting, it was only announced  
5 72 hours before it happened?

6 A. That sounds about right.

7 Q. Do you recall anyone else specifically  
8 addressing you during the special meeting?

9 A. There was a lady that said she lived in my  
10 precinct, but I don't recall her name or anything else,  
11 that it kind of focused on me, I guess.

12 Q. Do you recall anything specifically that she  
13 said?

14 A. No, other than, "We're watching you and what  
15 you do," type of thing.

16 Q. Was she African-American?

17 A. I don't believe so.

18 Q. By watching you and watching what you do, what  
19 do you -- what do you mean exactly by that?

20 MS. OLALDE: Objection; calls for  
21 speculation.

22 THE WITNESS: Yeah, that -- that would be  
23 up to her what she meant by it, of course. I took it  
24 to mean like, "We're watching your vote and how you  
25 do."

1 Q. (By Mr. Silberstein) Could you go to page 64  
2 of this same exhibit? Let me know when you've gotten  
3 that.

4 A. Yeah. Give me a minute. I put some pages in  
5 backwards somehow, so -- I guess I did it. Back on  
6 track. 64.

7 Q. Are you there, page 64?

8 A. I am on 64.

9 Q. Great. So at the bottom of page 64, this  
10 is -- this is midway through a long quote from  
11 Commissioner Holmes beginning on page 62. Do you  
12 recall that -- him speaking at the -- at the special  
13 session?

14 A. I do.

15 Q. So I'm just going to read out a portion of  
16 this -- portion of this statement by Mr. Holmes. "But,  
17 you know -- and I don't know who chose the maps to go  
18 online. I don't know how they got designed. The  
19 people aren't honest with me. I did have an  
20 opportunity to meet with the lawyer. But I knew the  
21 fix was in when the lawyer already knew what the deal  
22 was, because he said, 'I want you to draw your own  
23 map.' That's the same thing he did to me ten years  
24 ago."

25 Do you recall that Commissioner Holmes

1 brought two map proposals with him to the meeting?

2 A. It could be the other two maps I was referring  
3 to when I said four.

4 Q. Just to clarify, you're referring to earlier  
5 in your testimony about having reviewed four maps?

6 A. That could be the other two.

7 Q. So you had an opportunity to review  
8 Mr. Holmes' two maps sometime in October on your Zoom  
9 meetings --

10 A. I don't --

11 Q. -- with the other commissioners?

12 A. I don't recall when it was, to be honest, if  
13 it was then or if it was at this meeting when he  
14 brought them. But I just knew I thought I had seen  
15 four maps.

16 Q. Do you recall any other specific instances of  
17 reviewing Mr. Holmes's two maps?

18 MS. OLALDE: Objection; misstates  
19 testimony about having reviewed the maps.

20 But go ahead.

21 THE WITNESS: No, sir.

22 Q. (By Mr. Silberstein) Did you consider  
23 Mr. Holmes' proposals at all?

24 A. Didn't have a lot of time to look at them, the  
25 maps he brought to the meeting, but I think -- just

1 from glancing I think one of them was our previous map.

2 Q. I would like to direct you to page 80. All  
3 the pages right now are more of Mr. Holmes' testimony.

4 So I would like to read you a portion near the end of  
5 it. "Commissioner Giusti, I saw you quoted in the  
6 paper yesterday saying that you'll still represent  
7 them. But it's not the fact that you'll represent  
8 them. It's the fact that they don't get to pick the  
9 candidate of their choice. That's what it's about.

10 It's not about that other stuff. This is their life."

11 How did you react to this statement?

12 A. I was -- I'm not going to say offended by it  
13 because it made sense what he was saying, but -- and  
14 the fact that he says it's not the fact that I'm not  
15 going to represent them, because he knew I would  
16 represent them, but I guess my thought in my head at  
17 the time was, "Well, what makes you think I won't be  
18 their choice?"

19 Q. So how did this statement make you feel?

20 MS. OLALDE: Objection; asked and  
21 answered and relevance.

22 THE WITNESS: Yeah. Just like I said, I  
23 wasn't really offended, but taken aback by it a little  
24 bit.

25 Q. (By Mr. Silberstein) You said you understood

1 what he meant. What did you mean by that? What did  
2 you think Commissioner Holmes meant by -- by this  
3 statement?

4 A. That I would represent the people, he didn't  
5 have a doubt that I would represent them. His  
6 questioning was would I be their choice, and, like I  
7 said, what makes you think I wouldn't be their choice?

8 Q. Do you understand what Commissioner Holmes  
9 meant specifically by "pick the candidate of their  
10 choice"?

11 MS. OLALDE: Objection; asked and  
12 answered.

13 THE WITNESS: I guess elect would be my  
14 guess what picked means, or choose who to run and then  
15 elect.

16 Q. (By Mr. Silberstein) I would like to take us  
17 back to earlier in the hearing, back to page 3. Have  
18 we all gotten there, Mr. Giusti?

19 A. Yes. Yes.

20 Q. So as you can see at the top of page 3 it  
21 shows a quote from County Judge Henry, and if you skip  
22 down to line 7, County Judge Henry says, "I'm going to  
23 speak at this tone. That's all I can do. I'm not  
24 going to scream. I don't have a microphone." And  
25 going down to line 12, he continues, "I will clear you

1 | out. If you make a noise, I will clear you out of  
2 | here. I've got constables here."

3 | Do you recall him making these  
4 | statements?

5 | A. I do.

6 | Q. What did you think at the time of Judge  
7 | Henry's statements?

8 | A. I did not think it was personally the thing to  
9 | do. I didn't think it was the way to treat people. I  
10 | mean, asking them to quiet down is one thing, but it to  
11 | me was a little aggressive.

12 | Q. Had you ever heard Judge Henry speak like this  
13 | before to his constituents?

14 | A. I've heard him in court before, not  
15 | necessarily those words, of course, but cutting people  
16 | off on the -- that are doing the public speaking when  
17 | they run out of time and that sort of stuff and being  
18 | kind of gruff about it.

19 | Q. Clearing people out of meetings, had you  
20 | experienced that before?

21 | MS. OLALDE: Objection.

22 | Do you mean the statement --

23 | MR. SILBERSTEIN: I'll rephrase.

24 | MS. OLALDE: Yeah.

25 | Q. (By Mr. Silberstein) Judge Henry clearing



1 | people out of meetings, has he ever done this before in  
2 | your experience as a commissioner or before?

3 | A. I don't recall.

4 | Q. Has he ever before, in your time as a  
5 | commissioner, threatened the use of constables on  
6 | people at public hearings?

7 | MS. OLALDE: Objection to the  
8 | characterization as a threat.

9 | But you can answer.

10 | THE WITNESS: Not necessarily a constable  
11 | because normally when our meetings are at 722 Woody,  
12 | the courthouse, it's sheriff deputies. But with that  
13 | said, there -- I do vaguely remember a time when he  
14 | would call the deputy into the room.

15 | Q. (By Mr. Silberstein) So in the past he's used  
16 | sheriff deputies at the regular meeting hall to --

17 | A. Yes.

18 | Q. And just for the record, in those instances  
19 | he's used the sheriff deputy to threaten to clear  
20 | people out of the -- out of the room.

21 | MS. OLALDE: Objection to the  
22 | characterization of threat.

23 | You can answer to the best of your  
24 | knowledge.

25 | THE WITNESS: It wouldn't have been like

1 a big group of people. It would have been individuals  
2 basically, I think, from my recollection.

3 Q. (By Mr. Silberstein) We're going to skip back  
4 down to page 54. Again, a little bit of technical  
5 difficulties. Page 55. So here again on line 10  
6 another quote from County Judge Henry I'll read aloud.  
7 "Just remind everyone that is out in the hallway and in  
8 line we won't be able to hear with you all talking over  
9 the speaker."

10 Do you remember a reason for why --

11 A. It was very loud in the room, and it did make  
12 it hard to hear the speakers when people were in the  
13 hallways talking, and there was just a buzz in the  
14 room, if you would.

15 Q. Why didn't anyone attempt in that moment to  
16 get microphones?

17 A. I don't know.

18 Q. Are you aware whether had redistricting  
19 meetings been scheduled earlier during a regularly  
20 scheduled meeting that it would have taken place at the  
21 Galveston County Courthouse?

22 MS. OLALDE: Objection; vague, confusing,  
23 calls for speculation.

24 But you can answer.

25 THE WITNESS: Had it been scheduled at

1 | the courthouse, of course we would have had microphones  
2 | and such there. There again, though, the timing of the  
3 | issue, I don't know why it fell the way it did.

4 | Q. (By Mr. Silberstein) By the timing of the  
5 | issue of why the --

6 | A. Us having to pass the maps from the time we  
7 | got it.

8 | Q. So the timing had something to do with having  
9 | it at Galveston County Courthouse -- or at the special  
10 | meeting place rather than Galveston County Courthouse.

11 | A. I cannot really speak to that because I didn't  
12 | schedule it.

13 | MS. OLALDE: May I ask the videographer  
14 | how long we've been on, please?

15 | THE VIDEOGRAPHER: Six hours, 17 minutes.

16 | MS. OLALDE: Thank you.

17 | Q. (By Mr. Silberstein) If the -- if the special  
18 | hearing had been held at the Galveston County  
19 | Courthouse, there would have been more space, correct?

20 | A. Yes.

21 | Q. And it wasn't the public's responsibility to  
22 | obtain microphones or adequate space for the hearing,  
23 | right?

24 | A. No.

25 | Q. So going back to County Judge Henry's

1 statements, do you think it was reasonable for Judge  
2 Henry to threaten the constituents that he would clear  
3 them out of the meeting hall?

4 MS. OLALDE: Objection to the  
5 characterization of threaten.

6 You can answer.

7 THE WITNESS: I guess he was a little  
8 gruff, and it's not the way I would have done it, but  
9 something did need to be said to quiet the crowd down  
10 because it was very hard to hear speakers at certain  
11 points because of the crowd noise.

12 Q. (By Mr. Silberstein) Do you think the tone of  
13 Judge Henry was -- let me rephrase.

14 Do you think the way Judge Henry  
15 addressed the crowd was an adequate way to lead to  
16 better public discussion and better public input for  
17 the maps?

18 MS. OLALDE: Objection; confusing.

19 THE WITNESS: I don't know. Like I said,  
20 I wouldn't have done it that way, but that's me.

21 Q. (By Mr. Silberstein) Do you think this  
22 meeting one day before the deadline to adopt new maps  
23 provided a meaningful opportunity to consider  
24 constituents' feedback?

25 A. Not totally, but then again, with the deadline

1 | we were placed under, I don't think we had a lot of  
2 | time to do much else.

3 | Q. Do you think this meeting one day before the  
4 | deadline to adopt new maps provided a meaningful  
5 | opportunity to incorporate changes to the maps based on  
6 | constituents' feedback?

7 | A. With the timeline we were against I don't  
8 | think so because we would not have had time to post  
9 | another meeting before the deadline.

10 | Q. Earlier in your testimony we spoke about the  
11 | majority-minority precinct, and you said it couldn't be  
12 | maintained, correct?

13 | A. Something to that effect, yes.

14 | Q. And you said that from your layman's  
15 | perspective you didn't -- you didn't understand where  
16 | you could add people to that precinct and still  
17 | maintain the district; is that correct?

18 | MS. OLALDE: Objection; states testimony  
19 | out of context.

20 | But to the extent he's asking if you  
21 | recall prior testimony you can answer.

22 | THE WITNESS: I do recall -- ask again,  
23 | please.

24 | Q. (By Mr. Silberstein) Earlier in your  
25 | testimony you said that from a layman's perspective you

1 didn't understand how you would be able to add people  
2 during this redistricting process to the precinct and  
3 still maintain the precinct; is that correct?

4 MS. OLALDE: Same objection.

5 THE WITNESS: Still maintain the  
6 minority-majority of that precinct.

7 Q. (By Mr. Silberstein) So just to be clear, you  
8 didn't think you could add people to the  
9 majority-minority precinct and still maintain that  
10 precinct; is that correct?

11 MS. OLALDE: Objection; confusing.

12 You can answer to the extent you  
13 understand.

14 THE WITNESS: The same answer. You know,  
15 add people and still maintain minority-majority I think  
16 would have been difficult.

17 Q. (By Mr. Silberstein) Did you ask anybody  
18 about how to preserve the majority-minority precinct?

19 A. I don't believe I did.

20 Q. I recognize that earlier in your testimony you  
21 stated that you aren't a demographer. But redrawing  
22 the commissioner precinct lines is one of your duties  
23 as a commissioner; is that correct?

24 A. Yes.

25 MS. OLALDE: Objection; calls for

1 speculation, and it also misstates prior testimony.

2 THE WITNESS: Yes, which we did through  
3 the hiring of a firm.

4 Q. (By Mr. Silberstein) Did you think it was  
5 sufficient to delegate the entirety of the process to a  
6 third-party constituent?

7 MS. OLALDE: Objection; calls --  
8 misstates prior testimony about the --

9 MR. SILBERSTEIN: Let me rephrase the  
10 question.

11 MS. OLALDE: Yeah, go for it.

12 Q. (By Mr. Silberstein) Did you think it was  
13 sufficient to delegate the redistricting process to a  
14 third-party consultant?

15 MS. OLALDE: Objection; misstates  
16 testimony.

17 You can answer.

18 THE WITNESS: With the census data coming  
19 in the way it did late, the -- I don't -- you know,  
20 there was -- I don't know -- I don't think we could  
21 have done much different than the way we did it by  
22 hiring a professional to come in and do it.

23 Q. (By Mr. Silberstein) Did you think once you  
24 all hired the consultant in April that then your  
25 responsibility for the way the maps were drawn was --

1 was done?

2 A. With the exception of when the maps were  
3 coming back, choosing between the maps basically.

4 Q. Did you think that once the consultants were  
5 hired your responsibility for the way the maps complied  
6 with the law, that that was also finished?

7 MS. OLALDE: Objection; form.

8 Go ahead.

9 THE WITNESS: Ask me again, please.

10 Q. (By Mr. Silberstein) Did you think that once  
11 you all hired a third-party consultant, that your  
12 responsibility for the way in which the maps complied  
13 with the law was now over, that you no longer had that  
14 responsibility?

15 A. I thought the reason we hired them was because  
16 they know the law, they know how to do redistricting,  
17 and so the responsibility ultimately falls on us when  
18 we do the approvals.

19 Q. Did you have any kind of checks or balances to  
20 ensure that the third-party consultants were, in fact,  
21 complying with the law?

22 A. No, sir.

23 Q. Particularly in light of the 2011 rejected  
24 submission by Mr. Oldham, did you have any kind of  
25 hesitancy with the fact that he -- you don't have any



1 checks or balances on -- on the maps?

2 MS. OLALDE: Objection. Objection;  
3 confusing and misstates prior testimony about his  
4 knowledge about the 2011 process.

5 But you can answer.

6 THE WITNESS: Yeah, I just -- I didn't  
7 really have a lot of knowledge of the 2011 process, or  
8 really any knowledge of the 2011 process. I didn't  
9 know that they had used Mr. Oldham. But as far as what  
10 the outcomes of all that was and any problems with it,  
11 I really wasn't aware of any.

12 Q. (By Mr. Silberstein) When did you find out  
13 that the court had used Mr. Oldham in 2011?

14 A. During the hiring process.

15 Q. Just sometime in April of 2021?

16 A. Yeah. Yes.

17 Q. When did you first find out that there had  
18 been lawsuits over the maps that Mr. Oldham proposed in  
19 2011?

20 A. In 2011 I knew of the constable and JP  
21 precinct contested there.

22 Q. When did you find out that those lawsuits had  
23 been over the fact that the maps were considered by the  
24 people suing as racially discriminatory?

25 MS. OLALDE: Objection; confusing, vague.

1 THE WITNESS: I guess it was mentioned at  
2 some point 2011, 2012, the reasons for the suit.

3 Q. (By Mr. Silberstein) One second. Did you  
4 know -- did you know that Oldham prepared the maps in  
5 2011 that were ultimately rejected by the Department of  
6 Justice?

7 MS. OLALDE: Objection; vague as to time.

8 THE WITNESS: I knew he had prepared  
9 them, but I did not know that they were rejected, I  
10 guess.

11 Q. (By Mr. Silberstein) When you found out that  
12 Oldham had been involved in the 2011 process when  
13 considering his proposal in 2021, did that give you  
14 pause?

15 A. No. Just the idea that he had history with  
16 the county, had knew our population would make me think  
17 that he'd do a good job.

18 Q. When you were discussing hiring Mr. Oldham in  
19 April 2021, did anybody indicate to you that the maps  
20 he had previously prepared in 2011 had been rejected?

21 A. Not that I recall. And we're also -- now that  
22 I'm thinking about it we're getting into executive  
23 session issues.

24 Q. Well, does that seem like it would be relevant  
25 information that maybe should have been conveyed to you

1 in your deliberation of hiring him?

2 A. I would think.

3 Q. Did you ever consider a proposal for  
4 redistricting services at the law firm Allison Bass  
5 Magee?

6 A. I think we did.

7 Q. Are you familiar with that law firm --

8 A. I am.

9 Q. -- Allison Bass Magee? Do they do work for  
10 the county?

11 A. They do.

12 Q. What -- what kind of work do they typically do  
13 for the county?

14 A. Different legal work. They defend a lot of  
15 suits against the county.

16 Q. Are you generally satisfied with their work?

17 A. Yes.

18 Q. What kind of suits have they defended in the  
19 past for you?

20 A. Going to test my memory here. Things  
21 involving the sheriff's office normally. We had  
22 some -- we were sued a while back over a death in the  
23 jail that was medical, and they were -- we were being  
24 sued, as well as our former medical jail -- jail  
25 medical provider, and they were in the defense of the

1 county in that suit. And actually suing the medical  
2 provider as well, I believe.

3 Q. To your knowledge, was their redistricting  
4 proposal considered seriously?

5 A. I don't recall.

6 Q. Do you remember why the court didn't offer  
7 them the contract to perform redistricting services in  
8 2021?

9 A. Don't recall, and that would have been in  
10 executive session.

11 Q. After 2021 -- after the 2021 redistricting map  
12 was adopted, Precinct 2 gained portions of Bayou Vista;  
13 is that right?

14 A. I already had Bayou Vista.

15 Q. Could you describe some of the portions of --  
16 portions of area that Precinct 2 gained?

17 A. East Galveston Island, all of Bolivar  
18 Peninsula, lower part of Texas City wrapping around to  
19 the east side of Texas City, the chemical plants going  
20 up 6th Street in Texas City near the Texas City dike.  
21 It's a pretty -- actually it's a pretty unpopulated  
22 area in Texas City. It's mostly industrial.

23 Q. And how do you know what matters to your new  
24 constituents?

25 A. What matters now, or what do you mean?

1 Q. What kind of issues are most important to your  
2 new constituents that you have now absorbed with the  
3 new maps?

4 A. The main issues in Bolivar, which is where  
5 most of the issues are because it is unincorporated,  
6 like I mentioned earlier, of course the erosion, the  
7 law enforcement on the beaches on the peninsula itself,  
8 sanitary sewer, and water delivery. That's the biggest  
9 issues there now.

10 Q. You mentioned Bolivar being very heavily  
11 unincorporated.

12 A. The whole thing is unincorporated.

13 Q. Is that not the same with Galveston Island?

14 A. No. Galveston is incorporated by a  
15 municipality of City of Galveston.

16 Q. So the issues are a little bit different?

17 A. The resolutions are a little bit different.  
18 But we work with the City of Galveston helping with  
19 their issues as well.

20 Q. How long have you lived in Santa Fe?

21 A. 36 years maybe, 35. 35.

22 Q. Could you describe the demographic makeup of  
23 your community there in Santa Fe?

24 A. Santa Fe is predominantly white, a good  
25 scattering of Latinos, a few blacks, not many. The

1 African-American's not a very big population.

2 Q. Do you know one of your constituent's named  
3 Bob Wright or his wife, Deanna Wright?

4 A. I do know Bob Wright. Deanna I don't know.

5 Q. Do you know him well?

6 A. No. I know him well enough to where he'll  
7 stop by the office from time to time with a problem or  
8 things like that.

9 Q. What kind of problems has he stopped by with?

10 A. Oh, gosh. I don't recall.

11 Q. And how do you know him?

12 A. I don't recall how I met him.

13 Q. What kind of issues do the people who live in  
14 Santa Fe and the residents of Bolivar share?

15 A. In certain portions of Santa Fe, not in the  
16 incorporated city limits, but in the unincorporated  
17 area they share a lot of the same problems as far as  
18 permits, nuisance abatement type issues. That's the  
19 majority of it. Road and drainage is probably the  
20 biggest parts of it.

21 Q. And when is your next election?

22 A. '26.

23 Q. Do you plan to run again?

24 A. I don't know.

25 Q. How --

1 A. I wasn't going to run this time.

2 Q. How was your -- how would you say your  
3 constituency has changed under the new map?

4 A. More rural, more unincorporated. I  
5 wouldn't -- I shouldn't say more rural because Bolivar  
6 is not really that rural anymore. It's really more of  
7 what used to be a sleepy fishing village that is now a  
8 pretty thriving beach community. So it's changed by  
9 adding more workload to what I've got with the added  
10 responsibility of more beaches, more roads, more -- I  
11 went from about a hundred miles -- a little over a  
12 hundred miles of unincorporated roadway to probably 200  
13 miles of unincorporated roadway.

14 Q. Would you say the -- how would you describe  
15 how the racial makeup has changed?

16 A. Honestly I don't think it's changed that much.  
17 I think I've -- and I'm not sure exactly where. I  
18 don't know if I could put my finger on it other than  
19 portions of Galveston where I picked up some minority.

20 Q. So would you say it's more or less republican?

21 A. Probably less republican.

22 Q. And how do you communicate with constituents  
23 about their needs? Do you host events?

24 A. On occasion we'll do some stuff, but not --  
25 not very often, to be honest. We'll do -- we just

1 | recently did a citizens appreciation where we hosted a  
2 | big party and sent it out to everybody on Facebook, on  
3 | different platforms, do up fliers around the county  
4 | saying, "Y'all come visit with us. Come ask questions.  
5 | Come sit down and visit with us."

6 | Q. Is that how you typically promote your events?

7 | A. Pretty much. It's the cheapest way.

8 | Q. And what organizations do you generally work  
9 | with when you host these events?

10 | A. Occasionally I'll work with Lighthouse Charity  
11 | Team as far as cooking skills and that sort of stuff,  
12 | but normally we just do them on our own.

13 | Q. Do you generally address constituent concerns  
14 | at events or office hours?

15 | A. Both.

16 | Q. Earlier in your testimony you noted that  
17 | Commissioner Apffel was holding your hand as you  
18 | transitioned to representing Bolivar Peninsula; is that  
19 | correct?

20 | A. Correct.

21 | Q. Can you provide examples of how he's  
22 | supporting you?

23 | A. Yes. The one article about -- that was in the  
24 | Crystal Beach bulletin, taking me over, hosting a  
25 | meeting with the Chamber of Commerce, introducing me to



1 | the players, if you would, in Bolivar, who is who that  
2 | can ask you the questions that's very involved in that  
3 | community.

4 | Q. Have you had any similar events with  
5 | Commissioner Holmes absorbing some of his constituents?

6 | A. No. I don't think I've absorbed really that  
7 | many of his constituents, though, with the way my lines  
8 | hit.

9 | Q. Have you reached out to Commissioner Holmes  
10 | about the transition of some of his constituents to  
11 | your precinct?

12 | A. I have not.

13 | Q. Why -- why haven't you reached out to him?

14 | A. I was kind of waiting for him to give me a  
15 | call.

16 | Q. Have you done any outreach specific to the new  
17 | areas within your precinct other than the one you  
18 | just --

19 | A. Other than Bolivar, no, which is the -- really  
20 | the lion's share of it other than Galveston Island,  
21 | which Galveston I'm in every day. I didn't go through  
22 | the precinct every day. I know a lot of people in  
23 | Galveston being from there, being born and raised  
24 | there, and so I do -- I have reached out to the city  
25 | council and just let them know, "I'm here if you need

1 anything."

2 Q. Have you reached out to Galveston NAACP?

3 A. I have not.

4 Q. How about LULAC?

5 A. I have not.

6 Q. So --

7 A. I do have the LULAC president, though, on my  
8 Facebook. And, in fact, she supported a Cinco de Mayo  
9 festival that they do every year. I don't know if that  
10 counts for nothing, but --

11 Q. Sounds fun.

12 A. It is.

13 Q. Earlier in your testimony you mentioned being  
14 a member of two Masonic lodges?

15 A. Masonic, yes, sir.

16 Q. What kind of activities do those organizations  
17 do?

18 A. The -- I haven't been real active in them, to  
19 be honest. I need to get active again. You've heard  
20 of the Shriners?

21 Q. I have not.

22 A. You haven't heard of the Shriners, the Shrine  
23 Temple, the Shriners Burns Hospital down the road here?  
24 Shriners are a part of that. You have to be a Mason  
25 before you can be a Shriner, before you can join the

1 Shrine. So it's mostly philanthropic-type stuff.  
2 It's -- basically the saying for the organization is we  
3 take a good man and make him better.

4 Q. Could you describe the demographics of the two  
5 lodges, the Serenity Lodge I think you mentioned and  
6 the Galveston Lodge?

7 A. I would say -- I haven't been in the Galveston  
8 Lodge in a long time, but I would say mostly white with  
9 a good amount of Hispanics/Latinos memberships  
10 scattered in. African-Americans traditionally have  
11 their own lodges.

12 Q. Are there any other elected officials that are  
13 also members of the Serenity Lodge?

14 A. Not commissioners, but elected officials, yes.

15 Q. Could you name any?

16 A. Two offhand I would say Constable Fullen and  
17 just recently out of office Judge Mike Nelson.

18 Q. Do you interact with Constable Fullen and  
19 Judge Mike Nelson a lot?

20 A. Well, not so much Judge Nelson anymore. He's  
21 having health issues. But Constable Fullen, yes.

22 Q. Sorry to hear that. Earlier we mentioned Bob  
23 Wright. Is he a member of either the Serenity or  
24 Galveston Lodge?

25 A. I don't know.

1 Q. Would you say you're on friendly terms with  
2 Mr. Wright?

3 A. I think so.

4 Q. To your knowledge, are there other members of  
5 the Oath Keepers who are also members of the Masonic  
6 lodge?

7 MS. OLALDE: Objection; misstates prior  
8 testimony, assumes facts not in evidence as to other  
9 members of the Oath Keepers.

10 But you can answer to the best of your  
11 knowledge.

12 Q. (By Mr. Silberstein) I will rephrase. To  
13 your knowledge, are there members of the Oath Keepers  
14 who are members of the Masonic lodge?

15 A. Not that I'm aware of.

16 Q. To your knowledge, are there members of -- are  
17 there members or former members of the Ku Klux Klan who  
18 are also members of the Masonic lodge?

19 A. Not that I'm aware of.

20 Q. To your knowledge, are there any  
21 African-American members in the Serenity Lodge?

22 MS. OLALDE: Objection; asked and  
23 answered.

24 THE WITNESS: Not that I'm aware of.

25 Q. (By Mr. Silberstein) A bit of a segue, are

1 | you aware of any other county -- I'll rephrase.

2 | Are you aware of any county-level

3 | minority candidates who have successfully run in a

4 | republican primary?

5 | A. In a primary. Trying to think. Just can't

6 | recall any.

7 | Q. How about in a general election? Any

8 | county-level minority candidates who have successfully

9 | run in a general election as a republican?

10 | A. I just can't think of any offhand.

11 | Q. Prior to November 2021, how familiar were you  
12 | with Bolivar Peninsula?

13 | A. Somewhat familiar. From many, many years ago  
14 | when I was with Galveston PD and teaching the D.A.R.E.  
15 | program, one of my assignments was the school in  
16 | Bolivar, which is part of Galveston ISD.

17 | Q. And previously Precinct 2 covered parts of  
18 | Galveston Island. Did you work at all with the Texas  
19 | General Land Office regarding projects on the coast?

20 | A. Yes.

21 | Q. What sort of projects?

22 | A. Just nourishment projects, things like that.

23 | Not so much on Galveston Island itself, but as a  
24 | commissioner with the other commissioners with the  
25 | peninsula somewhat on the island, but not so much on

1 the island. Mostly the peninsula.

2 Q. Would you say you had a pretty good working  
3 relationship with the general land office?

4 A. Yes.

5 Q. Stepping back to Santa Fe, prior to the most  
6 recent redistricting, was Santa Fe the largest  
7 incorporated community in Precinct 2 in terms of  
8 population?

9 A. No. I believe it would be the portion of  
10 Galveston Island.

11 Q. So just to clarify, though, you represented  
12 the majority of Santa Fe but not the majority of  
13 Galveston Island; is that correct?

14 A. That's correct.

15 Q. And what are the major industries in Santa Fe?

16 A. It's really -- it's more of a bedroom  
17 community for people who work at the plants. As far as  
18 industry itself, there really isn't much.

19 Q. Can you clarify what kind of plants you're --

20 A. I'm sorry. The chemical plants, Texas City,  
21 Chocolate Bayou.

22 Q. Is tourism a big industry in Santa Fe?

23 A. No.

24 Q. Is fishing a big industry?

25 A. Nope.

1 Q. Are there any universities located in Santa  
2 Fe?

3 A. Nope.

4 Q. Any ports?

5 A. Nope.

6 Q. What are the major issues facing the community  
7 of Santa Fe?

8 A. The city itself I would say growth, as far as  
9 unincorporated area I would say growth, and for both of  
10 them drainage. That's probably the biggest issues.

11 Q. Is any part of Santa Fe on the Galveston  
12 coastline?

13 A. On the -- the unincorporated areas on West  
14 County, not Santa Fe proper, is not on the coast as in  
15 the beach, but it does have coastal marsh in part of  
16 the bay.

17 Q. So is it accurate to say that beach erosion is  
18 not a major issue for Santa Fe?

19 A. True.

20 Q. Are windstorms a major issue for Santa Fe?

21 A. Yes.

22 Q. How about water delivery?

23 A. No. Well, let me -- let me take that back.

24 As far as development of new neighborhoods, water  
25 delivery is an issue because out of the area that's

1 covered by the water control district, it's pretty much  
2 well and septic. The subsidence district is getting  
3 more involved with wells because of subsidence.

4 Q. In the newly adopted map, is the city of  
5 Galveston the largest incorporated community in  
6 Precinct 2?

7 A. Yes.

8 Q. Is the city of Galveston significantly larger  
9 than the city of Santa Fe as a population?

10 A. Yes.

11 Q. If I were to represent to you that according  
12 to the 2020 census Galveston city had roughly 53,000  
13 people and the city of Santa Fe had about 13,000, do  
14 you have any reason to disagree?

15 A. No.

16 Q. Would you say that the population center of  
17 your commissioner precinct has shifted considerably as  
18 a result of the 2021 redistricting?

19 A. Yes.

20 MS. OLALDE: You have to give me a  
21 chance --

22 THE WITNESS: I'm sorry.

23 MS. OLALDE: Go ahead.

24 Q. (By Mr. Silberstein) And earlier we looked at  
25 the two proposed maps for 2021 redistricting, Maps 1



1 and Maps 2. Under Map 1, would the population center  
2 of your precinct have shifted as much?

3 A. I'm sorry. Under Map 1? I'm trying to  
4 envision it.

5 Q. The one that had all of Galveston Island --

6 A. No, it would not have shifted as much.

7 Q. So let's just turn back to the September phone  
8 call you said you had with Dale Oldham. Exhibit 4  
9 showed the calendar invitation. And this is my final  
10 line of question itself. We're almost there.

11 Did you review any -- any census data  
12 during that call?

13 MS. OLALDE: Objection. I'm going to ask  
14 the witness not to answer as it would reveal any  
15 attorney-client privileged communications and/or  
16 attorney work product communications that were shared  
17 in the meeting with Mr. Oldham.

18 MR. SILBERSTEIN: We're going to reserve  
19 our arguments on the attorney-client privilege issue  
20 that they're not privileged communications.

21 MS. OLALDE: Just one second.

22 Mister -- the videographer, how much time  
23 is left?

24 THE VIDEOGRAPHER: 11 minutes.

25 MS. OLALDE: Thank you.

1 Q. (By Mr. Silberstein) Did you review any  
2 census data during that call?

3 MR. SILBERSTEIN: I'm going to keep  
4 asking questions in order to clarify the record and  
5 reserve our rights to reopen the deposition on these  
6 and other questions.

7 MS. OLALDE: I understand. And I  
8 understand what you have to do, but if you could reask  
9 the question. Sorry.

10 Q. (By Mr. Silberstein) Did you review any  
11 census data during the call?

12 MS. OLALDE: I'm going to object on the  
13 basis of attorney-client privilege and attorney work  
14 product and instruct the witness not to answer.

15 Q. (By Mr. Silberstein) Did you discuss the  
16 meaning of any census data?

17 MS. OLALDE: Again, I'm going to object  
18 on the basis of attorney-client privilege and attorney  
19 work product and instruct the witness not to answer as  
20 to conversations that were had with the attorney who  
21 was retained to provide legal advice.

22 THE REPORTER: Could you speak up,  
23 please?

24 MS. OLALDE: Certainly. I apologize.  
25 It's late in the day. We've been going for a while.

1 MR. SILBERSTEIN: That it is.

2 MS. OLALDE: I apologize. I'm objecting  
3 on the basis of attorney-client privilege and attorney  
4 work product and instructing the witness not to answer.

5 Q. (By Mr. Silberstein) And I'm only asking  
6 about your understanding here. Did you understand the  
7 need to redistrict due to population imbalances?

8 MS. OLALDE: Objection.

9 Are you asking for understandings  
10 based -- what are you asking? Vague, confusing.

11 Q. (By Mr. Silberstein) In -- in the 2021  
12 redistricting process, did you understand that there  
13 was a need to redistrict due to population imbalances?

14 A. Yes.

15 Q. Did -- during your calls -- during your calls  
16 with the other commissioners, did you ever discuss  
17 traditional redistricting -- what traditional  
18 redistricting criteria were?

19 MS. OLALDE: Objection; asked and  
20 answered. I'm going to instruct the witness not to  
21 answer to the extent any conversations took place  
22 before -- or with Mr. Dale Oldham on the basis of  
23 attorney-client privilege and also attorney work  
24 product.

25 But to the extent your answer does not

1 incorporate those communications you may answer.

2 THE WITNESS: With the other  
3 commissioners, I do not recall that.

4 Q. (By Mr. Silberstein) As you sit right here  
5 today, can you name any traditional redistricting  
6 criteria?

7 MS. OLALDE: Objection; asked and  
8 answered.

9 You can answer.

10 THE WITNESS: The population, the idea of  
11 trying to make the precinct lines understandable by the  
12 public. That's the majority of it.

13 Q. (By Mr. Silberstein) In the September call  
14 with Mr. Oldham and other commissioners pending your  
15 October meeting with Mr. Holmes, did you ever discuss  
16 the U.S. constitution?

17 MS. OLALDE: Again, I'm going to object  
18 on the basis of attorney-client privilege and attorney  
19 work product and instruct the witness not to answer as  
20 to communications had in meetings with Mr. Oldham.

21 MR. SILBERSTEIN: We'll reserve our  
22 arguments. These are not privileged communications.

23 Q. (By Mr. Silberstein) In the September call  
24 with Mr. Oldham and the other commissioners and in your  
25 October meeting with Mr. Holmes, did you discuss policy

1 objectives? If so, what were those objectives?

2 MS. OLALDE: I'm objecting as to  
3 compound. I'm also objecting to a request for  
4 attorney-client privileged communications and attorney  
5 work product and instructing the witness not to answer  
6 with respect to communications in meetings with  
7 Mr. Oldham, privileged communications in meetings with  
8 Mr. Oldham.

9 MR. SILBERSTEIN: We will reserve our  
10 arguments. These are not privileged communications.

11 Q. (By Mr. Silberstein) In the -- in the two  
12 meetings we've been discussing did you discuss  
13 political objectives?

14 MS. OLALDE: I'm going to object on the  
15 basis of attorney-client privilege, attorney work  
16 product, and instruct the witness not to answer with  
17 respect to communications -- privileged communications  
18 that took place with Mr. Oldham about redistricting.

19 Q. (By Mr. Silberstein) Can you extend -- can  
20 you answer to the extent not privileged the objectives  
21 that you discussed with the other commissioners about  
22 the 2021 redistricting?

23 MS. OLALDE: Just to be clear for the  
24 record, you're asking about anything that did not take  
25 place in the meeting with Dale Oldham?

1 MR. SILBERSTEIN: Anything, whether in or  
2 out of the meeting, to the extent it is not privileged  
3 communications with Mr. Oldham.

4 MS. OLALDE: Instruct the witness not to  
5 answer to the extent it's attorney-client privilege or  
6 discussion of attorney work product in a conversation  
7 with Mr. Oldham about 2021 redistricting.

8 To the extent you had communications that  
9 were outside of these meetings with Mr. Oldham, you can  
10 answer.

11 THE WITNESS: Not that I recall.

12 Q. (By Mr. Silberstein) And in these two  
13 meetings we've been discussing again, did you discuss  
14 the need or desire for a coastal precinct?

15 MS. OLALDE: Again, same objection and  
16 instruction.

17 Can we -- is it okay if -- will you be  
18 arguing that we waived anything if I don't talk for --  
19 okay. Same objection.

20 MR. SILBERSTEIN: I am okay with that.  
21 Yes.

22 MS. OLALDE: Same objections. I see --  
23 for the record, I see nods from all counsel, right?  
24 Yes. All counsel. Same objection, same instruction.

25 MR. SILBERSTEIN: And we're reserving our

1 arguments, same arguments on our end.

2 MS. OLALDE: For the record I am nodding.

3 Q. (By Mr. Silberstein) Can you answer about the  
4 need or desire for a coastal precinct with -- to the  
5 extent non-privileged communications with the other  
6 commissioners?

7 MS. OLALDE: And just for the record, I  
8 am -- that would entail conversations that were not had  
9 with Dale Oldham, and same objection, same instruction  
10 for conversations that were had with Dale Oldham.

11 So if it was outside of a conversation  
12 with Dale Oldham, you can answer.

13 THE WITNESS: Can I get clarification?  
14 At what point?

15 Q. (By Mr. Silberstein) At any point during  
16 your -- during the 2021 redistricting process.

17 A. After the maps came out, there was a little  
18 bit of discussion -- I don't remember who with -- about  
19 the fact that, "Wow, a coastal precinct."

20 Q. So the first discussion about a coastal  
21 precinct came after the maps were enacted?

22 A. From my end, yes.

23 Q. Back to the two meetings we've been  
24 discussing, did you discuss the communities of interest  
25 during these meetings? Specifically did you discuss

1 | the impact of any proposed changes on communities of  
2 | interest?

3 | MS. OLALDE: I'm going to object on the  
4 | basis of attorney-client privilege and work product and  
5 | am instructing the witness not to answer. Same  
6 | objection, same instruction.

7 | MR. SILBERSTEIN: We are, again,  
8 | reserving our arguments that these are not privileged  
9 | communications.

10 | Q. (By Mr. Silberstein) But to the extent that  
11 | these -- to the extent that these are not privileged  
12 | and not -- and they are with your other commissioners,  
13 | did you discuss communities of interest, specifically  
14 | how the proposed changes affected the communities of  
15 | interest?

16 | MS. OLALDE: And again, for the record,  
17 | that would be communications that were not with -- that  
18 | did not include Mr. Oldham.

19 | THE WITNESS: Not that I recall.

20 | MS. OLALDE: Mr. Videographer, how much  
21 | time do we have left?

22 | THE VIDEOGRAPHER: Two minutes remain.

23 | MS. OLALDE: Two minutes. Can you give  
24 | us a 30-second countdown?

25 | MR. SILBERSTEIN: It's perfect.



1 Q. (By Mr. Silberstein) In the -- in the 2021  
2 redistricting process, did you receive racial  
3 demographic information from Mr. Oldham or any other  
4 redistricting counsel?

5 MS. OLALDE: Same objection and same  
6 instruction, which is attorney-client privilege,  
7 attorney work product, and instructing the witness not  
8 to answer.

9 Q. (By Mr. Silberstein) Did you receive racial  
10 demographic info from Paul Ready?

11 MS. OLALDE: I am going to instruct the  
12 witness not to answer as to communications with counsel  
13 for the county on the basis of attorney work product  
14 and also attorney-client privilege.

15 I instruct you not to answer.

16 Q. (By Mr. Silberstein) Did you receive any  
17 racial demographic information from Nathan Sigler?

18 A. Not that I recall. I mean, no. I mean, I  
19 don't think so.

20 Q. How about from another member of commissioners  
21 court or any of their staff?

22 A. No.

23 Q. You never received racial demographic  
24 information from anybody?

25 A. Not that I recall.

1 MS. OLALDE: Objection. Objection.

2 To the extent your answer would involve  
3 any kind of attorney-client privileged information,  
4 attorney work product, I instruct you not to answer.  
5 Otherwise you can answer.

6 THE WITNESS: Outside of that, not that I  
7 recall.

8 MR. SILBERSTEIN: Well, we won't need a  
9 countdown because the moment has come. But as you  
10 know, NAACP plaintiffs will reserve the right to keep  
11 the deposition open pending determination of the  
12 attorney-client privilege issues by the court. Do you  
13 have any questions?

14 MS. OLALDE: Defendants will reserve.

15 MR. SILBERSTEIN: That concludes the  
16 deposition.

17 THE VIDEOGRAPHER: Going off the video  
18 record. The time is 6:01.

19 (Deposition concluded at 6:01 p.m.)  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HONORABLE TERRY PETTEWAY, \*  
et al., \*  
  
Plaintiffs, \*  
  
VS. \*  
  
GALVESTON COUNTY, et al., \*  
  
Defendants. \*

Case No. 3:22-cv-00057

\*\*\*\*\*  
REPORTER'S CERTIFICATION  
DEPOSITION OF JOSEPH GIUSTI  
JANUARY 6, 2023  
\*\*\*\*\*

I, Marsha Yarberry, Certified Shorthand  
Reporter in and for the State of Texas, hereby certify  
to the following:

That the witness, JOSEPH GIUSTI, was duly  
sworn by the officer and that the transcript of the  
oral deposition is a true record of the testimony given  
by the witness.

I further certify that pursuant to FRCP  
Rule 30(f)(1) that the signature of the deponent:  
  
\_\_\_\_\_ was requested by the deponent or a  
party before the completion of the deposition and is to  
be returned within 30 days from date of receipt of the  
transcript. If returned, the attached Changes and

1 Signature pages contain any changes and the reasons  
2 therefor;

3           \_\_xx\_\_ was not requested by the deponent or a  
4 party before the completion of the deposition.

5           I further certify that the amount of time used  
6 by each party at the deposition is as follows:

7           Mr. Bruce Gear - 4 hours, 44 minutes

8           Ms. Valencia Richardson - 39 minutes

9           Mr. Andrew Silberstein - 1 hour, 35 minutes.

10           I further certify that I am neither counsel  
11 for, related to, nor employed by any of the parties or  
12 attorneys in the action in which this proceeding was  
13 taken. Further, I am not a relative or employee of any  
14 attorney of record, nor am I financially or otherwise  
15 interested in the outcome of the action.

16           Subscribed and sworn to on this the 26th day  
17 of January, 2023.

18

19

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<%12571,Signature%>  
MARSHA YARBERRY, TEXAS CSR  
Expiration Date: 07/31/24  
Veritext Legal Solutions  
Firm Registration No. 571  
300 Throckmorton, Suite 1600  
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800-336-4000

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# **Exhibit 11**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HONORABLE TERRY )  
PETTEWAY, et al. )  
 ) Case No. 3:22-cv-00057  
VS. )  
 )  
GALVESTON COUNTY, et )  
al. )

ORAL AND VIDEOTAPED DEPOSITION OF MARK A. HENRY  
JANUARY 17, 2023

ORAL AND VIDEOTAPED DEPOSITION OF MARK A. HENRY,  
produced as a witness at the instance of the Plaintiff and  
duly sworn, was taken in the above styled and numbered  
cause on Tuesday, January 17, 2023, from 9:08 a.m. to  
6:07 p.m., before Janalyn Elkins, CSR, in and for the  
State of Texas, reported by computerized stenotype  
machine, via Zoom, pursuant to the Federal Rules of Civil  
Procedure and any provisions stated on the record herein.

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Also Present:

DANIEL ALPIZAR (Videographer)  
ALEXA PASTOR (Concierge)

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1                   VIDEOGRAPHER: The time is 9:09 on  
2                   January 17, 2023. This is Media Unit 1, the  
3                   video-recorded deposition, County Judge Mark Henry,  
4                   taken by counsel for Plaintiff in the matter of The  
5                   Honorable Terry Petteway, et al. versus Galveston  
6                   County, et al., filed in the United States District  
7                   Court for the Southern District of Texas,  
8                   No. 3:22-CV-00057.

9                   The location of this deposition is at  
10                  Greer, Herz & Adams. My name is Daniel Alpizar  
11                  representing Veritext. I'm the videographer. The court  
12                  reporter is Janalyn Elkins from the firm Veritext.

13                  The court reporter may now swear in the  
14                  witness.

15                                 MARK ALLEN HENRY,  
16                  having been duly sworn, testified as follows:

17   EXAMINATION

18                  Q. (BY MS. KLEIN) Good morning, Judge Henry and  
19                  thank you for being with us today. Can you state your  
20                  full name for the record, please?

21                  A. Mark Allen Henry.

22                  Q. My name is Hilary Klein, and I represent the  
23                  NAACP Plaintiffs in this matter. I'm going to start  
24                  this morning by asking you a few questions. After I'm  
25                  done the other representatives from the other Plaintiffs

1 groups are going to ask you a few more. We are going to  
2 do our best to minimize any -- or eliminate any overlap  
3 in those questions so we don't have to keep you any  
4 longer than necessary.

5 Judge Henry, you've been deposed before,  
6 right?

7 A. Yes.

8 Q. How many times about?

9 A. Twenty.

10 Q. Okay. So I will briefly go over a few  
11 expectations of how the deposition should proceed. This  
12 should all sound pretty familiar.

13 First, the court reporter making the  
14 record, Ms. Elkins, is going to need verbal responses,  
15 so nods will not work. Second, to make a clear record,  
16 it's important we don't interrupt each other. I promise  
17 not to interrupt you if you promise to wait until I'm  
18 finished a question before answering it.

19 If I ask a question and you don't  
20 understand, please ask me to clarify or rephrase. If  
21 you answer the question, I will assume you understood  
22 it.

23 MS. KLEIN: Oh, I need to wear a mic. Does  
24 the court reporter need me to start over?

25 (Discussion off the record.)

Page 7

1 Q. (BY MS. KLEIN) And your lawyer may object to  
2 some of my questions. And unless he instructs you not  
3 to answer, you still have to answer the question.

4 Does all of that make sense?

5 A. Yes, it does.

6 Q. You've heard it 20 times before I'm sure.

7 Is there any reason that you might not be  
8 able to give full and truthful testimony today?

9 A. No.

10 Q. Have you had any alcohol?

11 A. Not today, no.

12 Q. Not today.

13 Any medications that might interfere with  
14 your memory?

15 A. No.

16 Q. Okay. Do you understand that you can't  
17 communicate with anybody while this deposition is going  
18 on except for your attorney about privilege issues?

19 A. Yes.

20 Q. Okay. And you understand that's by email,  
21 text, like any kind of communication about the subject  
22 of the deposition?

23 A. Yes.

24 Q. Okay. And if you need a break at any point  
25 during the deposition, please let us know. We will, of  
Page 8

1 course, accommodate that. If a question is pending,  
2 I'll ask you just to answer the question and then we can  
3 go on break.

4 Judge Henry, when did you first learn about  
5 this litigation?

6 A. I -- well, I assumed it was coming because of  
7 comments made by Commissioner Holmes. But the first I  
8 heard of it, I guess, was when we got notice of it or  
9 possibly -- that's all I can think of is when we got  
10 notice of the litigation.

11 Q. In the spring of 2022?

12 A. That would be about right.

13 Q. When you say, "assumed it was coming," when did  
14 you assume it was coming?

15 A. You mean when did I make an assumption that it  
16 was coming or when did I believe it to be coming?

17 Q. When did you make an assumption it was coming?

18 A. After Commissioner Holmes' comments in the  
19 court.

20 Q. And that -- and you're -- when you say in  
21 court, which court meeting was that?

22 A. Commissioner's Court in November of '21.

23 Q. Did you prepare for this deposition today?

24 A. I did.

25 Q. How?

Page 9

1 A. With counsel.

2 Q. Okay. Did you meet with anybody besides  
3 counsel in preparing for this?

4 A. No. No.

5 Q. Okay. About how many times -- I don't want to  
6 know what you talked about.

7 A. Sure.

8 Q. But about how many times did you meet?

9 A. Twice.

10 Q. For about how long each time?

11 A. The first time was probably an hour and a half.  
12 The second time was probably three hours.

13 Q. Did you review any documents to prepare for  
14 today?

15 A. Yes.

16 Q. Did you bring in any of those today with you?

17 A. I did not.

18 Q. Which documents did you look over?

19 A. They were documents that they actually showed  
20 me. There's nothing that I brought with me or had in my  
21 possession.

22 Q. Are you aware that other individuals have  
23 already been deposed in this matter?

24 A. Yes.

25 Q. Have you talked with them about their  
Page 10

1 testimony?

2 A. No, I have not.

3 Q. Any other ways other than meeting with your  
4 attorney, other than reviewing documents that you  
5 prepared for today?

6 A. No.

7 Q. Did you review documents other than with your  
8 attorney?

9 A. No.

10 Q. You were born in Houston, Texas, correct?

11 A. That's correct.

12 Q. When did you first move to Galveston?

13 A. I have never lived in Galveston.

14 Q. Galveston County?

15 A. When I left active duty in 1995.

16 Q. Where do you live specifically right now?

17 A. League City.

18 Q. And what's your current employment?

19 A. County judge, Galveston County.

20 Q. Do you have any other source of income other  
21 than the county judge salary?

22 A. I own an aviation company. It doesn't really  
23 pay me anything, but I own the company. My wife runs  
24 it.

25 Q. And you identify as White; is that correct?  
Page 11



1 A. I do.

2 Q. I would like to talk a little bit about your  
3 duties as county judge. The county judge is the  
4 presiding officer of the Commissioner's Court, right?

5 A. That is correct.

6 Q. What does that mean? For example, what are  
7 your responsibilities in that role?

8 A. That would really be everything from preparing  
9 the agenda, not me specifically, but my office would  
10 notice the public meeting in accordance with state law,  
11 make sure that, you know, in some cases that we have a  
12 quorum there. We have a commissioners who take  
13 vacations in or out. So without a quorum, we wouldn't  
14 be able to conduct any business.

15 And then your question was specific to  
16 Commissioner's Court, right?

17 Q. Correct.

18 A. And then the actually running the meeting of  
19 the Commissioner's Court.

20 Q. What about outside of Commissioner's Court, do  
21 you have duties as a county judge outside of that?

22 A. Lots of them.

23 Q. Can you give me an idea?

24 A. Sure. I'm the chief elected official. I am  
25 responsible for preparing and presenting a budget every

1 year. I have judicial functions. I have executive  
2 functions. I can order evacuations during hurricanes,  
3 for example. I run veterans court for the County. I do  
4 all facilities. We are either directly responsible for  
5 or in partnership with the state do all road  
6 improvements.

7 Q. Okay.

8 A. So anyway. The list goes on and on.

9 Q. Big job.

10 A. It is a big job.

11 Q. Okay. Then going back to the meetings, are you  
12 responsible for scheduling those regular meetings?

13 A. Yes.

14 Q. How often do those occur?

15 A. We have them every other week. I have tried  
16 unsuccessfully to meet once a week, but I have not  
17 gotten three votes for that so far.

18 Q. What about special meetings, are you  
19 responsible for calling those?

20 A. Yes, I am. But to be clear, any --  
21 Commissioner's Court is required to meet once a month.  
22 So anything in addition to that is considered a special  
23 meeting.

24 Q. And what factors go into deciding whether a  
25 special meeting is needed?

1 | A. Anything that cannot wait -- a county of our  
2 | size really can't operate on one meeting a month. So we  
3 | have to have what would be technically a special meeting  
4 | every other week, if nothing else, to approve payroll.

5 | Q. And how often do you have regular meetings  
6 | usually?

7 | A. Once a month by constitution.

8 | Q. Do you ever have more than one regular meeting  
9 | per month?

10 | A. No.

11 | Q. Who decides the date for the special meetings?

12 | A. I guess that would be my office. But they're  
13 | consistently on Monday mornings.

14 | Q. And the specific time of day that it will  
15 | happen, who decides that?

16 | A. My office, myself.

17 | Q. Is there any kind of vote by the Commissioner's  
18 | Court on when these special meetings are going to  
19 | happen?

20 | A. No.

21 | Q. Who decides where a special meeting will be  
22 | held?

23 | A. That would be me or my office.

24 | Q. And what factors go into deciding where to hold  
25 | a special meeting?

1 A. Any meeting that's not the regular meeting is  
2 held in League City.

3 Q. Who decided that?

4 A. Me.

5 Q. Doesn't have to happen in League City; is that  
6 correct?

7 A. No. It can happen anywhere that we have  
8 adequate facilities and audio visual.

9 Q. Before you became county judge in 2010, do you  
10 know where the County Commissioner's Court held special  
11 meetings regularly?

12 A. No.

13 Q. So among your responsibilities, redrawing the  
14 Commissioner's Court precinct boundaries is also among  
15 your responsibilities as part of the Commissioner's  
16 Court?

17 A. Yes.

18 Q. All right. Turning back to meetings, how is it  
19 decided which topics will be covered in a particular  
20 meeting?

21 A. We put out a request to all departments and,  
22 really, elected officials if they have anything that  
23 needs to go on the agenda or any commissioner can put  
24 anything on the agenda at any time.

25 Q. And when you say, "the agenda," is that the  
Page 15

1 same thing as the notice for the meeting?

2 A. No. Not in my terminology, no.

3 Q. Okay. Talk to me about how meetings are  
4 noticed.

5 A. They must be posted publicly and we do it  
6 online as well at least 72 hours prior to the meeting.

7 Q. And what is posted?

8 A. The notice of the meeting and then we should  
9 also have an agenda attached to the notice.

10 Q. Does the agenda ever change after the notice is  
11 posted?

12 A. It can't.

13 Q. Okay. Why not?

14 A. Okay. It could if we re-noticed for a new time  
15 and place.

16 Q. All right. So you mentioned that you post them  
17 physically, I understood it, and then online as well?

18 A. At the courthouse, correct.

19 Q. Where is the physical posting?

20 A. At the county courthouse.

21 Q. On an outside -- on a bulletin board or  
22 something?

23 A. Yes, it's visible both outside and inside.

24 Q. Okay. For the online notice, do you know if  
25 all residents in Galveston are able to access the online  
Page 16

1 notice?

2 A. No, I do not know that.

3 Q. Do you think all -- would you feel confident  
4 saying, yes, every single Galveston resident can access  
5 an online notice?

6 A. Anyone with a computer would be able to on --  
7 access online, yes.

8 Q. Do you feel confident that everyone in  
9 Galveston has access to a computer with internet?

10 A. I have no way of knowing.

11 Q. Are you confident that all of them or is it  
12 fair to say maybe some people don't?

13 MR. RUSSO: Objection, asked and answered.

14 Q. (BY MS. KLEIN) Okay. Do you know what  
15 percentage of Galveston County residents might have  
16 access to the internet at home beyond access through a  
17 smart phone?

18 A. No, I have no way of knowing.

19 Q. Are you aware of any research or studies  
20 regarding the extent of internet access in the county?

21 A. No.

22 Q. Okay. Do you recall recently a few months ago  
23 that a federal grant was awarded to one of the local  
24 libraries in Galveston?

25 A. No.  
Page 17

1 Q. Are you aware of that?

2 Back to your role as county judge, are you  
3 required to undergo training as county judge?

4 A. Yes.

5 Q. What does that training entail?

6 A. Six -- a minimum of 16 hours per year.

7 Q. And what are the topics of that training?

8 A. They vary. The Texas Association of Counties  
9 puts together the training program and then, therefore,  
10 they are generally the one who selects the topics.

11 They have to be approved by the Court of  
12 Criminal Appeals, I believe. So they are -- they put  
13 together the agenda, they have it approved by the Court  
14 of Criminal Appeals, and then they present the training.

15 Q. Has this training included training on the  
16 requirements of Texas's open meeting laws?

17 A. That is a separate training that you take once  
18 you're elected before you take office.

19 Q. Are you familiar with the Secretary of State's  
20 guidance on Texas's open meeting laws?

21 A. I assume that's the training that I took in  
22 2010, yes.

23 Q. Have you had any training on open meeting law  
24 since 2010?

25 A. Not that I recall.  
Page 18

1 Q. Do the open meeting laws ever change?

2 A. I do not know.

3 Q. So you don't receive any updated training on  
4 open meeting laws?

5 A. I'll make an assumption that if they change the  
6 open meeting law, we would get trained on that in  
7 training, but that's an assumption. It's not happened,  
8 to my knowledge.

9 Q. Okay. I would like to show you a document now.

10 A. Yes.

11 Q. I'll ask -- Alexa is going to help us with the  
12 document today. So pull up Tab No. 96. And this will  
13 be marked Exhibit 1.

14 (Exhibit No. 1 was marked.)

15 Q. (BY MS. KLEIN) And it will show up -- it  
16 should show up on your screen in a minute. We're going  
17 to do screen share so that you don't have to worry about  
18 moving things around yourself.

19 But while we do that, if you want to see  
20 another part of a document, please instruct the -- Alexa  
21 to scroll to that part as if you had it in your hand.

22 A. Okay.

23 Q. So do you recognize -- have you ever seen this  
24 document before?

25 A. Not with -- again, this looks similar to the  
Page 19



1 training I had received in 2010.

2 Q. You might have seen a prior version of this?

3 A. That would be my assumption, yes.

4 Q. Okay. And just for the record, this document

5 says, (Reading:) Ken Paxton, the Attorney General of

6 Texas Open Meetings Act Handbook 2023 -- 2022.

7 So you might have seen the 2010 version of

8 this when you had that training?

9 A. Correct.

10 Q. Okay. We can take that document down.

11 Is it correct that each Commissioner's

12 Court meeting has to have time for public comment?

13 A. Yes.

14 Q. Is it your experience that individuals

15 regularly come to Commissioner's Court meetings to

16 provide that public comment?

17 A. It's rare.

18 Q. How often do people come?

19 A. Ten percent of the time, 20 percent of the time

20 maybe.

21 Q. Do they come to speak on specific agenda items?

22 MR. RUSSO: Objection, calls for

23 speculation.

24 THE WITNESS: They --

25 Q. (BY MS. KLEIN) I'll rephrase.

Page 20

1 A. Okay.

2 Q. When they come, in your experience, when you  
3 hear them comment, are the comments related to agenda  
4 items that have been included on the agenda?

5 A. Probably half the time.

6 Q. Okay. The other half, what kind of things do  
7 they comment on when they're not commenting on agenda  
8 items?

9 A. It's really all over the place. Everything  
10 from my husband is having an affair to we want more  
11 water parks. I mean, there's -- there's nothing on the  
12 agenda and they get three minutes to speak about  
13 anything they wish.

14 Q. How far in advance must those notices we talked  
15 to that append the agenda, how far in advance must those  
16 notices be publicly released for regular meetings?

17 A. Seventy-two hours.

18 Q. And is it the same for special meetings as  
19 well?

20 A. It is.

21 Q. This is a minimum time, right?

22 A. This is a minimum time.

23 Q. Has your office ever released notice with more  
24 advance time than the minimum requirement?

25 MR. RUSSO: Objection, calls for  
Page 21

1 speculation.

2 You can answer, if you know.

3 THE WITNESS: It would be unusual because  
4 we're waiting for department heads to get their  
5 information to us. So we're trying to give them all the  
6 time we can to get their items on the agenda.

7 Q. (BY MS. KLEIN) Would your office release  
8 notice without you knowing that they have released the  
9 notice without you approving it, for example?

10 A. I would not think so.

11 Q. So do you think your answer to that was  
12 speculating as to whether the timing of notices were --

13 A. Let me ask -- to clarify the question, are you  
14 saying do they notice meetings without me knowing about  
15 it?

16 Q. Yeah.

17 A. No, they don't do that.

18 Q. Do you see any -- would you see any benefit to  
19 giving more notice for meetings than the 72 hours?

20 MR. RUSSO: Object as vague and ambiguous.

21 You can answer.

22 THE WITNESS: I wouldn't see any benefit to  
23 that.

24 Q. (BY MS. KLEIN) So you wouldn't see any benefit

25 to giving more people time to review the agenda? Page 22

1 A. It's going to come at the expense of department  
2 heads having less time to get things on the agenda.

3 Q. Let's assume there's a time when your  
4 department heads have their acts together, they're  
5 getting you things four or five days ahead of time. The  
6 agenda is set. Would you see a benefit to releasing the  
7 agenda earlier than that 72 hours?

8 A. No.

9 Q. So you don't think that the public would have  
10 more time to, for example, research items on the agenda?

11 A. Three days is a fair amount of time.

12 Q. What about if somebody wants to come to a  
13 meeting, they would have more time to rearrange their  
14 schedules with more notice? You don't agree with that?

15 A. Which is why we have them consistently every  
16 other Monday morning.

17 Q. But special meetings?

18 A. I think you're using special meetings in a  
19 terms that is not really what you mean. Anything other  
20 than the first Commissioner's Court of the month held in  
21 the county seat is a special meeting. We have -- every  
22 two weeks we have court. So every other court is a  
23 special meeting.

24 Q. But you still don't think -- just to clarify,  
25 you still don't think having more time to research an  
Page 23

1 agenda topic, rearrange a schedule if there's something  
2 on the agenda a person wants to come give public comment  
3 on, you don't think more time for notice would give a  
4 benefit to someone wanting to do that?

5 A. It's every other week into perpetuity. I don't  
6 know how much more notice they would need.

7 Q. But they don't know what is actually going to  
8 be discussed until you post that notice; is that right?

9 MR. RUSSO: Object, calls for speculation.

10 THE WITNESS: Probably since, you know, we  
11 don't know.

12 Q. (BY MS. KLEIN) So if somebody doesn't come to  
13 a public meeting every Monday, but they monitor what the  
14 agendas are saying, you don't think there's any benefit  
15 to them seeing what's going to be discussed on a  
16 particular Monday so that they can, for example,  
17 research, rearrange their schedule to go if they have a  
18 job and they want to get off from work, you don't see  
19 any benefit to them having more than 72-hours notice for  
20 that kind of thing?

21 MR. RUSSO: Objection, vague and ambiguous.

22 THE WITNESS: Again, it would come at the  
23 expense of not being able to get other county business  
24 conducted. And three days is what the state says  
25 we're -- we have to give.

1 Q. (BY MS. KLEIN) How would it come at the  
2 expense of getting other county business conducted?

3 MR. RUSSO: Objection, calls for  
4 speculation. It's vague and ambiguous.

5 You can answer.

6 THE WITNESS: We're waiting for the  
7 department heads to get their agenda items on.

8 Q. (BY MS. KLEIN) Assume that all the department  
9 heads have their agendas to you four or five days ahead  
10 of time -- actually, strike that.

11 Assume there's one agenda item and it is  
12 known five days in advance, everything I said before,  
13 somebody wants to see and research the agenda item,  
14 somebody wants to rearrange their schedule to go, you do  
15 not see any benefit in issuing earlier notice for  
16 Galveston residents to be able to prepare and come  
17 provide public notice on an agenda item? You see no  
18 benefit?

19 MR. RUSSO: Object as vague and ambiguous,  
20 Incomplete hypothetical.

21 You can answer.

22 THE WITNESS: I don't see any benefit.

23 Q. (BY MS. KLEIN) Do you ever informally  
24 publicize a meeting before 72 hours?

25 A. I don't know how you would informally notice a  
Page 25

1 meeting.

2 Q. For example, Facebook?

3 A. I don't run a Facebook page, so -- but I don't  
4 think so.

5 Q. Do you have a Facebook page for your official  
6 profile?

7 A. Yes.

8 Q. Who runs that?

9 A. Probably Zach Davidson.

10 Q. Do you decide what's posted on that?

11 A. It would be -- he would just get permission to  
12 make sure that I'm -- but it's going to be such things  
13 as Merry Christmas and have a great Veteran's Day and  
14 those kinds of things.

15 Q. When you say, "get permission," what does that  
16 entail?

17 A. He would say, "Are you going to do a Veteran's  
18 Day post?" And so, of course, I would say yes.

19 Q. Does he show you the post before he makes them?

20 A. Sometimes. Not always.

21 Q. Let's talk a little bit more about your staff.  
22 Who is Zach Davidson?

23 A. He has been the communications manager,  
24 director, whatever, and he is now transitioning into  
25 being the government affairs person.

1 Q. Does he report to you?

2 A. Yes.

3 Q. About how many people report to you?

4 A. Are you talking about directly in my office or  
5 county-wide?

6 Q. Let's start with your office. How many people  
7 report to you directly in your office?

8 A. Approximately seven.

9 Q. Does anybody work in your office that doesn't  
10 report directly to you?

11 A. Yes. Oh, wait a minute. Does anybody work in  
12 my office --

13 Q. Your office that does not directly report to  
14 you?

15 A. The economic director would report to all  
16 Commissioner's Court, not just to me, and he works in my  
17 office.

18 Q. Who are the seven that report directly to you?

19 A. Dianna Martinez, Linda Liechty, Tyler Drummond,  
20 Zach Davidson, Spencer is brand new and I'm forgetting  
21 his last name, Scott Deferry, Chris James, and Richard  
22 Astro, so it'd be eight.

23 Q. What about Jed Webb, the director of government  
24 relations?

25 A. He knows no longer with the county.  
Page 27



1 Q. When he was with the county, did he report to  
2 you?

3 A. Yes.

4 Q. So for those that report to you, do you  
5 directly supervise all of them?

6 A. To the extent they need supervision, yes.

7 Q. Do they act on your behalf ever?

8 A. Probably.

9 Q. So, for example, do they ask for information  
10 from other county departments on your behalf?

11 A. Oh, sure.

12 Q. And what are the circumstances they would do  
13 something on your behalf?

14 A. I don't know. I mean, Tyler is certainly  
15 involved in assisting with the budget, which is a very  
16 complex and time-consuming task.

17 Q. So we talked about your office. Other than  
18 those eight individuals, are there other individuals  
19 that work in your office that don't report directly to  
20 you?

21 A. No.

22 Q. So outside of your office, what were you  
23 referring to when you mentioned there might be people  
24 outside of your office who would report to you?

25 A. Well, we've got approximately 600 employees  
Page 28

1 that report to Commissioner's Court. So as the  
2 presiding officer of the Commissioner's Court, they  
3 would in some capacity report to me.

4 Q. What about the general counsel, Paul Ready,  
5 does he report to you?

6 A. He reports to Commissioner's Court.

7 Q. When somebody reports to Commissioner's Court,  
8 how in your mind is that different from them reporting  
9 directly to you?

10 A. Because I cannot by myself tell Paul to go do  
11 something or anyone who's a Commissioner's Court report.  
12 I need to have that direction from the entire court or  
13 at least the majority of the court.

14 Q. So if you're going to ask Paul to get some  
15 information about something for you, does that ever  
16 happen where you need Paul to get information?

17 A. Sure. But I think just getting information --  
18 any commissioner could ask anyone for information and  
19 they would get that. That's -- that's not giving  
20 direction to go start a project or continue a project.

21 Q. Okay. Are there any other things you could ask  
22 or any commissioner could ask Paul Ready that wouldn't  
23 require everybody to, for example, have a vote, take a  
24 vote on it?

25 MR. RUSSO: Let me just make sure that the  
Page 29

1 witness understands.

2 Don't disclose a specific conversations  
3 between you and Paul such as giving examples in this, so  
4 based on attorney-client privilege. But other than that  
5 you can answer.

6 Q. (BY MS. KLEIN) That's right. I don't want to  
7 know your private conversations with the general counsel  
8 I'm just talking in broad terms here. So broadly  
9 getting information for you is one category. Any  
10 commissioner can ask Paul I heard you say.

11 A. Yes.

12 Q. Is there any broad category that the general  
13 counsel can do for you that any commissioner can ask,  
14 but it doesn't require, you know, a vote, per se?

15 A. Short of just getting some kind of information,  
16 not really. Because if you're -- if you're going past  
17 getting information, it seems to me you're giving  
18 direction and direction would have to come from a  
19 majority of the court.

20 Q. What about sharing information with others?  
21 Can any commissioner ask Paul to share information with  
22 others?

23 A. If it wasn't privileged or in somehow  
24 detrimental to the county's best interest, I suppose.

25 Q. Have you ever done that, to your knowledge?  
Page 30

1 A. Have I ever done what?

2 Q. Asked Paul Ready to share information with  
3 someone?

4 A. I'm sure I have relating to probably various  
5 lawsuits.

6 Q. So is it fair to say in general -- going back  
7 to those eight people that report to you, is it fair to  
8 say those eight individuals work at your direction?

9 A. Yes.

10 Q. Is there any circumstance when they wouldn't be  
11 working at your explicit direction in their official  
12 capacities?

13 A. I guess I wouldn't know that. I mean, I would  
14 not know if they're doing something I didn't ask them to  
15 do.

16 Q. Yeah. Are you worried that that's happening or  
17 do you feel confident?

18 A. Not with my current staff, I wouldn't think I  
19 would have a problem.

20 Q. Are you -- do they keep you updated on their  
21 work on a regular basis?

22 A. To the extent that they have something that  
23 requires updating, yes. But, you know, administrative  
24 assistant is largely processing payments and vouchers  
25 and things like that.

1 Q. How do they keep you updated when they have to  
2 update you?

3 A. Usually, they see me in the office. We're all  
4 right there in a very small office.

5 Q. Do they ever do it by email?

6 A. I suppose they could. It's -- that's not  
7 common, but I suppose they could.

8 Q. Have they even a little bit?

9 A. Ever? I'm sure they have at some point.

10 Q. I know it's hard. We're talking in  
11 generalities. I just want to get a sense of how your  
12 office works.

13 What about text, do they ever text your  
14 private phone with updates?

15 A. They on occasion would text and say call me  
16 when you're free.

17 Q. So which of your staff, if any, assisted with  
18 the redistricting of Commissioner's Courts that occurred  
19 in 2021?

20 A. In the --

21 Q. Sorry, Commissioner Court precincts in 2021,  
22 excuse me.

23 A. You mean the specific process of the  
24 redistricting? I don't think any of them would have  
25 been assisting in that.

1 Q. Not drawing the lines but coordinating the  
2 entire process; setting up the meetings, you know,  
3 retaining counsel if you retain counsel, those  
4 administrative things I'm talking about.

5 A. Tyler Drummond would have been helpful in that.  
6 And I do not -- since Jed is gone, I don't recall what  
7 his role was, if he even had one, so I wouldn't be able  
8 to help with what Jed did or didn't do.

9 Q. What about your -- you mentioned Dianna  
10 Martinez, did she help with the administrative tasks  
11 relating to the 2021 redistricting of commissioner  
12 precincts?

13 A. She may have. It probably would have been more  
14 Linda just because she's in the exact same office as --  
15 Dianna -- oh, and I forget about Veronica. So I have  
16 another reportee, Veronica. They're on the island and  
17 the rest of us are on the mainland, so the rest of us,  
18 you know, see each other every day.

19 Q. Where is your office on the mainland?

20 A. In League City.

21 Q. So who is on the mainland? And I mean, -- I'm  
22 sorry, the island you mean Galveston, right?

23 A. Correct.

24 Q. But who's on Galveston?

25 A. Dianna and Veronica.

1 Q. Why are they in a different building?

2 A. That's the county seat. That's where we have  
3 the regular Commissioner's Court and that's where their  
4 offices are. They just always have been.

5 Q. And how did your offices come to be in League  
6 City, you said?

7 A. Yes. We've had an office in League City for  
8 eight years or more.

9 Q. How did you come to have an office in League  
10 City?

11 A. Because I could tell that request for meetings  
12 when given an option, it was overwhelming that North  
13 County was where people preferred to meet.

14 Q. How did you -- can you give me more detail as  
15 to how you came to that understanding?

16 A. Just by request. When someone -- you know, we  
17 meet with people all the time, engineers, architects,  
18 all kinds of people, and we would say what's most  
19 convenient for you and they would say something up  
20 north.

21 So we're going way back now. But in '11  
22 or '12 probably we had a vacant office in the Calder  
23 annex, which is a county building, and so we kind of  
24 took over that office, and it very quickly became the  
25 preferred location for meetings.

1 Q. And when you say, "the preferred location," are  
2 you speaking of vendors that work for the county?

3 A. Some would be vendors. Some would be  
4 department heads, some would be constituents. So, you  
5 know, we meet with virtually anybody that wants to meet.

6 Q. Talk to me about constituents and this meeting  
7 location. How did you come to understand whether  
8 constituents preferred the League City office?

9 A. We just asked where would you prefer to meet.

10 Q. How did you ask?

11 A. How? Where would you prefer to meet?

12 Q. So when somebody wanted to meet with you, you  
13 would ask them?

14 A. What's most convenient for you, yes.

15 Q. And you noticed over time more of the people  
16 that wanted to meet with you preferred the main land?

17 A. Not that much time, very quickly, yes.

18 Q. So going back to -- I guess it's nine now  
19 people that report to you? Do you recall if any of them  
20 were around for the redistricting of commissioners'  
21 precincts in 2011?

22 A. Veronica would have been with the county, but  
23 at that time she would have been in county legal. I  
24 think Dianna worked for me then, Zach didn't, and the  
25 rest of them would not have.



1 Q. I'm going to switch gears here and ask you a  
2 little bit about your political career.

3 You first ran for political office in 2003  
4 for Congress, right?

5 A. Correct.

6 Q. And you ran as a Republican?

7 A. I did.

8 Q. You were heavily involved in Galveston County  
9 Republican Party at that time; is that correct?

10 A. A little bit before and a lot after.

11 Q. How did -- how did -- what was your involvement  
12 after you ran for Congress?

13 A. In Galveston County? I became precinct chair.  
14 I volunteered for any candidate who wanted to volunteer  
15 and just did everything I could.

16 Q. And then a few years later in 2010 you ran for  
17 county judge the first time, correct?

18 A. Correct.

19 Q. And you ran as a Republican?

20 A. Correct.

21 Q. And you won?

22 A. I did.

23 Q. Do you remember if Commissioner's Court  
24 redistricting was part of your campaign platform in  
25 2010?

1           A. I would be surprised if I even knew that was a  
2 thing in 2010.

3           Q. Okay. I am going to jog your memory a little  
4 bit --

5           A. Okay.

6           Q. -- because this is not a memory test and I'm  
7 asking about stuff that happened a long time ago.

8                   MS. KLEIN: So Alexa, if we can could pull  
9 up Tab 12.

10                           (Exhibit No. 2 was marked.)

11           Q. (BY MS. KLEIN) This is one of the 20 depositions  
12 that you gave, the depositions you gave. It's the 2013  
13 deposition in the Petteway litigation, and we're going  
14 to take it to --

15                   MR. RUSSO: The first Petteway litigation.

16                   THE WITNESS: Yeah.

17           Q. (BY MS. KLEIN) The first Petteway litigation.

18                   MS. KLEIN: We're going to take it to  
19 Page 20 of that transcript, Alexa, when you have it up.

20                   THE WITNESS: Is Alexa a person or is that  
21 that program? I really don't know. Is that a program  
22 or a person?

23                   MS. KLEIN: It is a person --

24                   THE WITNESS: Okay.

25                   MS. KLEIN: -- and she just has a very nice

1 name --

2 THE WITNESS: Okay.

3 MS. KLEIN: -- for this purpose.

4 Q. (BY MS. KLEIN) So we'll go to Page 20 around  
5 line 11.

6 MR. RUSSO: How do I tell what page I'm on?  
7 Are we all seeing the same page?

8 MS. KLEIN: We're all seeing the same  
9 thing. And in the top corner you can see 20.

10 Q. (BY MS. KLEIN) So the -- actually start at  
11 Line 8. And I'll just read it out for you.

12 The question: Did you advocate during your  
13 campaign any specific ideas on you would want to  
14 redirect Commissioner's Court?

15 And the answer: Only to make it more  
16 fairly representative. Had been told and was -- and  
17 later confirmed that in 2001 they had packed Precinct 4  
18 with so many -- which it's largely Republican in  
19 Precinct 4, -- but they were out of balance within  
20 months after passing the plan.

21 Do you remember giving this deposition?

22 A. Specifically, no. But that sounds like  
23 something I would say. So I can say yes.

24 Q. Okay. So this -- so this has jogged your  
25 memory a bit?

1 A. Yes.

2 Q. Okay. Great.

3 MS. KLEIN: You can take it down, Alexa.

4 Thank you.

5 Q. (BY MS. KLEIN) So I'll ask you that question  
6 now that your -- again, not a memory test.

7 So Commissioner's Court redistricting was  
8 part of your campaign platform when you ran in 2010,  
9 right?

10 A. I don't --

11 MR. RUSSO: Object. It misstates the  
12 record.

13 But you can answer.

14 THE WITNESS: Yeah, I don't -- my belief  
15 and guess at this point would be that this was told to  
16 me by Commissioner Clark and that -- again, I don't  
17 think I campaigned on that in 2010. But I may have. I  
18 just don't think I did. I don't think I knew enough to  
19 know that. But I did know that they redistricted  
20 Precinct 4 to be barely within limits and out of balance  
21 very quickly.

22 Q. (BY MS. KLEIN) If you had been asked at that  
23 time by -- do you remember being asked by any  
24 constituents at that time about the Commissioner's  
25 Court?

1 A. In 2010?

2 Q. Yeah.

3 A. No.

4 Q. So do you think your testimony that we just  
5 read was incorrect?

6 A. What was the date of that testimony?

7 MS. KLEIN: Alexa, can we pull that up  
8 again?

9 Q. (BY MS. KLEIN) It was in 2013, but I do not  
10 know specifically.

11 A. Oh, okay. That makes sense. I had had a lot  
12 of time to go over information from 2010 to 2013.

13 Q. Right. But the question --

14 A. This is 2013.

15 Q. Sorry, I don't mean to talk over you.

16 MS. KLEIN: Alexa, can you keep it up,  
17 please?

18 THE WITNESS: Can we go to the page before  
19 this one?

20 Q. (BY MS. KLEIN) Yeah, let's -- yeah,  
21 absolutely. Page 19. So this is taken in 2013. What's  
22 the last campaign before this deposition --

23 A. 2010.

24 Q. -- you would have ran?

25 A. 2010.

Page 40

1 Q. Okay. So we can keep scrolling up in the  
2 deposition transcript.

3 A. Justice of the peace here that I'm seeing here  
4 on that page.

5 Q. But I'm fairly confident the questioning was  
6 about that campaign. I mean, you talked about --

7 A. JP courts absolutely. I definitely campaigned  
8 on reducing the number of justice of the peace courts.

9 Q. Okay. Let's scroll back down to page 20,  
10 please.

11 So you agree this testimony is about the  
12 2010 campaign?

13 A. In 2010 I campaigned on reducing the number of  
14 justice of the peace courts.

15 Q. Okay. The question on Page 20, which is the  
16 one visible, Line 8, (Reading:) Did you advocate during  
17 your campaign any specific ideas on you would want to  
18 redistrict Commissioner's Court?

19 A. Apparently, at that time I thought so, but I  
20 don't recall that in 13 years ago.

21 Q. Do you think your memory would be better now or  
22 better in 2013 about your 2010 campaign?

23 MR. RUSSO: Object, calls for speculation.

24 THE WITNESS: Probably in 2013.

25 Q. (BY MS. KLEIN) So do you have any reason to  
Page 41

1 think your answer here was wrong other than the fact  
2 that right now you can't recall it?

3 A. No, I can't recall it. And this would have  
4 been probably input from Commissioner Clark.

5 Q. Okay.

6 MS. KLEIN: You can take it down.

7 Q. (BY MS. KLEIN) So you won again in 2014, 2018,  
8 and then, congratulations, this past 2022, right?

9 A. Correct.

10 Q. And it's correct, then, in all of these  
11 campaigns you identified as a Republican when you ran?

12 A. Right.

13 Q. So fair to say that you have identified as a  
14 Republican your entire political career?

15 A. Entire life, yes.

16 Q. Entire life. Okay.

17 Turning to your 2018 campaign, was  
18 Commissioner's Court redistricting part of your 2018  
19 campaign platform?

20 A. No.

21 Q. Do you recall if you mentioned it in any of  
22 your campaign events?

23 A. No.

24 Q. What about one-on-one conversations with  
25 constituents?

1 A. Not that I recall.

2 Q. Any -- in any campaign material sent to voters?

3 A. No.

4 Q. So by my count, you've run in four Galveston  
5 county-wide elections, right?

6 A. Yes, correct.

7 Q. Do you remember your margins of victory in  
8 these elections?

9 A. 2010 was 60/40. Now, these are numbers that  
10 may have been adjusted slightly after some mail-in  
11 ballots, but for the most part 60/40 in 2010, 66/34 in  
12 2022.

13 Q. 66, probably since COVID that kind of margin,  
14 right?

15 A. I agree.

16 Q. Okay. Do you think that 66 percent from the  
17 2022 election aligns with the partisan makeup of the  
18 county?

19 A. Probably.

20 Q. Why do you think probably?

21 A. People had a choice. So I mean, I had an  
22 opponent that ran as a Democrat so they had a choice and  
23 they selected me.

24 Q. Who do you consider to be your core supporters  
25 in the county when you run in county elections?



1 MR. RUSSO: Object, vague and ambiguous.

2 You mean today?

3 Q. (BY MS. KLEIN) Today.

4 A. Certainly, I would hope to have the votes of  
5 most Republicans, but I would also like to earn the  
6 votes of Democrats.

7 Q. But as far as the votes you actually get, who  
8 in general, are your core supporters that are -- how  
9 would you characterize the supporters that have  
10 consistently -- let's put it this way. Strike that.

11 How would you describe the Galveston County  
12 residents that have continued to vote for you from 2010  
13 all the way to 2022 in those four elections?

14 A. How do I characterize them?

15 Q. How would you describe them?

16 A. I don't know them all. I mean, 85,000 people  
17 voted. I may have met two or 3,000 of them.

18 Q. Of those two or 3,000?

19 A. I would say that they're fairly conservative,  
20 working, raising kids parents, wanting a good school,  
21 you know, good government.

22 Q. What -- what about -- you've met with those two  
23 or 3,000 in person, right?

24 A. Sure. I'm sure I've met at least that many  
25 people, yes.

1 Q. How would you characterize them in terms of  
2 demographics and specifically race?

3 A. All, I mean, really all.

4 Q. Any equal portions?

5 MR. RUSSO: Object to speculation.

6 THE WITNESS: I don't remember that.

7 Q. (BY MS. KLEIN) Would you agree they're  
8 predominantly White?

9 A. More than -- I wouldn't say predominantly.  
10 More than 50 percent, probably.

11 Q. More than 60 percent?

12 A. Don't know.

13 Q. What about their partisan affiliation, are you  
14 aware of generally whether they have a certain partisan  
15 affiliation?

16 A. They are generally Republican, but I know for a  
17 fact I had quite a few Democrats tell me they voted for  
18 me.

19 Q. In your experience have you received support  
20 from Galveston's Black community in your elections for  
21 county judge?

22 MR. RUSSO: Objection, vague and ambiguous.

23 THE WITNESS: Not without really knowing.

24 Q. (BY MS. KLEIN) You don't know who ends up  
25 supporting you in elections?

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1 A. No. How would you know?

2 Q. Do you receive endorsements?

3 A. From the Police Officers Associations.

4 Q. Have you ever received endorsements from any  
5 prominent Black leaders in Galveston?

6 A. Not that I'm aware of.

7 Q. Do you seek those endorsements?

8 A. I don't -- I don't generally seek any  
9 endorsements. I will take them if they have given  
10 unless they are objectionable. But we -- we did ask for  
11 League City POA's endorsement. I think we asked for  
12 Texas City POA.

13 Q. POA is Police --

14 A. Police Officers Association.

15 Q. Thank you. To your knowledge, have you ever  
16 received an endorsement from any leader from the Black  
17 community?

18 A. No, to my knowledge. No.

19 Q. What about the Latino community, in your  
20 recollection, have you ever received an endorsement from  
21 a leader from the Latino community?

22 A. I do not recall one.

23 Q. Okay. I'll ask you the same questions about  
24 the Latino community. In your recollection have you  
25 generally received support from Galveston's Latino

1 community in your elections for county judge?

2 A. Don't know.

3 MR. RUSSO: Object as to vague and  
4 ambiguous.

5 Q. (BY MS. KLEIN) Have you ever actively pursued  
6 support, whether it be financial, endorsements, or  
7 invitations to events from people in the Black or Latino  
8 community in Galveston?

9 A. I think I have an answer, but I need to hear  
10 the question again. What was the question?

11 Q. Sure. In your elections for county judge --

12 A. Yes.

13 Q. -- have you received support, for example, in  
14 the form of endorsements, financial support, invitation  
15 to speaking events from members of the Black or Latino  
16 community?

17 MR. RUSSO: Objection, calls for  
18 speculation.

19 THE WITNESS: The only thing I can recall  
20 at the moment is that I was pretty active in what's  
21 called Senior Share, which is a largely Black event in  
22 Texas City. I donated quite a few televisions to be  
23 raffled off or given away, actually, just by a drawing.

24 I was probably involved in that six times.

25 As I recall, they held it twice a year, summertime and  
Page 47

1 Christmastime. They stopped for COVID and I don't -- to  
2 my knowledge, have not started back up again.

3 Q. (BY MS. KLEIN) What about from other  
4 organizations outside of the Black and Latino community,  
5 are there any organizations in your runs for county  
6 judge that have consistently supported you in the form  
7 of, for example, financial donations, invitations to  
8 speaking events, endorsements?

9 A. The Republican --

10 MR. RUSSO: Object to speculation.

11 Go ahead.

12 THE WITNESS: The Republican's women's  
13 group is all I can think of.

14 Q. (BY MS. KLEIN) What about the chamber of  
15 commerce?

16 MR. RUSSO: Object as vague and ambiguous.

17 THE WITNESS: Not to get too far afield  
18 here, the chambers of commerce have come and gone so  
19 quickly, it's hard to keep up with them. So the  
20 chambers that I was a member of in 2010 are all  
21 different now.

22 So I think the chambers would say they're  
23 not a political organization, but, again, they're --  
24 they come and go so quickly it's hard to keep up with  
25 them.

1 Q. (BY MS. KLEIN) Any other organizations where  
2 you remember going to a speaking event during an  
3 election campaign season?

4 A. Organizations? In 2010 I think there was a Tea  
5 Party rally at the dog track maybe. That's about all I  
6 can think of.

7 Q. So as a lifelong member of the Republican  
8 Party, are you familiar with the 2022 Texas statewide  
9 Republican platform?

10 THE REPORTER: Can you repeat that? I  
11 couldn't hear. There was coughing.

12 MS. KLEIN: Sure. Happy to.

13 Q. (BY MS. KLEIN) So as a lifelong member of the  
14 Republican party, are you familiar with the 2022 Texas  
15 statewide Republican platform?

16 A. No. I know it exist. I'm not -- I couldn't  
17 cite it.

18 Q. So can you tell me whether that platform  
19 accurately reflects your political positions?

20 MR. RUSSO: Objection, calls for  
21 speculation.

22 THE WITNESS: Since I don't know what it  
23 is.

24 Q. (BY MS. KLEIN) Let's turn back to talking  
25 about Galveston County. How do you generally engage  
Page 49

1 with your constituents?

2 A. We -- we're accessible. We -- certainly easily  
3 to find us. We engage generally when someone asks to  
4 engage with us.

5 Q. When you say, "we," are you talking about the  
6 Commissioner's Court generally?

7 A. Everyone, sure. Certainly my office is  
8 available.

9 Q. Other than folks coming out to speak with you,  
10 asking to speak with you, is there any way you  
11 affirmatively try to engage constituents?

12 A. We have tried a couple of -- this goes back  
13 many years ago, a couple of Facebook posts of which we  
14 got trolled and which I said, well, I don't think that's  
15 really worth the -- the pain it's causing us.

16 Q. What about in person, do you ever hold events  
17 other than your regular and special meetings where  
18 constituents can come and talk with you?

19 A. Yes, I have a Fall Festival every fall which is  
20 open to the public and totally free.

21 Q. Any other events?

22 A. No, that's it. As far as an ongoing event.

23 Q. Where does the Fall Festival happen?

24 A. Walter Hall Park.

25 Q. Where is Walter Hall Park?

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1 A. On Highway 3 in League City.

2 Q. Do you have any other events in Galveston City?

3 A. City of Galveston, no.

4 Q. Bolivar Peninsula?

5 A. No.

6 Q. To your knowledge, do you have -- are you

7 familiar with -- are you familiar with Galveston City?

8 A. Sure.

9 Q. How are you familiar with?

10 A. It's the county seat.

11 Q. Are you familiar with it geographically?

12 A. Yes.

13 Q. What about the kinds of people that are living

14 there?

15 A. The kinds of people that are living in the city

16 of Galveston?

17 Q. Income level, for example?

18 A. Depends on where on the island you're talking.

19 On the west end it's going to be high. On parts of the

20 east end, it's going to be more modest.

21 Q. What about Bolivar Peninsula, are you familiar

22 with Bolivar Peninsula?

23 A. I am.

24 Q. Can you tell me about the kinds of people

25 living there?



1 MR. RUSSO: Objection, vague and ambiguous.

2 THE WITNESS: People who don't want to pay  
3 city taxes but want city services.

4 Q. (BY MS. KLEIN) Okay. What about income levels  
5 on Bolivar Peninsula?

6 A. I would think they're -- I don't know. I would  
7 think they're pretty respectable based on what it  
8 probably costs to live there.

9 Q. So respectable you would mean on the high end?

10 A. On middle to upper, yes.

11 Q. What about Freddiesville?

12 MR. RUSSO: I'm sorry. What did you say?

13 THE WITNESS: Freddiesville, it's an  
14 unincorporated part of Santa Fe.

15 I do not know much about the income level  
16 of Freddiesville.

17 Q. What about Santa Fe?

18 A. Yes, very familiar with Santa Fe.

19 Q. What's the income level of that area?

20 MR. RUSSO: Objection, calls for  
21 speculation.

22 THE WITNESS: I have no way of knowing.  
23 But, I mean, based on the size of the lots there, again,  
24 I'm going to assume that it's middle to upper.

25 Q. (BY MS. KLEIN) La Marque?  
Page 52

1 A. Yes.

2 Q. What's the income level of folks, to your  
3 knowledge?

4 A. No idea.

5 Q. Texas City?

6 A. Same as somewhere else -- same as Galveston.  
7 Parts of Texas City are probably economically depressed.  
8 Parts of Texas City are very affluent.

9 Q. League City?

10 A. League City is a bedroom community, it's going  
11 to generally be on the middle to upper end.

12 Q. And what about Dickinson?

13 A. Dickinson, same as Texas City, parts are going  
14 to be somewhat more modest and somewhat -- some other  
15 parts are going to be better off.

16 Q. What about the democratic -- demographic,  
17 excuse me, makeup of these neighborhoods? Are you  
18 familiar with the race or ethnicity that's predominant  
19 in these different neighborhoods?

20 A. I mean, not specifically, no.

21 Q. What about generally?

22 A. Generally speaking, Santa Fe is probably going  
23 to be mostly Caucasian, similar in League City. There's  
24 going to be a higher African American population in  
25 Hitchcock, La Marque, parts of Galveston, parts of Texas

1 City. Is that all you asked about? Does that cover  
2 every place you asked about?

3 Q. Bolivar Peninsula?

4 A. Bolivar is going to be mostly White.

5 Q. Freddiesville?

6 A. Freddiesville -- Freddiesville is a place I  
7 don't get too very often, so I don't know much about  
8 Freddiesville.

9 Q. La Marque?

10 A. La Marque is probably more African American.

11 Q. And Dickinson?

12 A. Dickinson -- Dickinson is probably somewhat  
13 half and a half. It's probably one of the more diverse  
14 cities.

15 Q. I mean, you see demographic data as part of  
16 your role as county judge, the presiding officer of the  
17 county, right?

18 A. Honestly, I see it when we're doing  
19 redistricting as it's presented to me and that's about  
20 it.

21 Q. Okay. I would like to just pull up a document.  
22 This is Tab 108. We're going to mark this as Exhibit 2,  
23 I guess? 3. 2 was the deposition transcript.

24 (Exhibit No. 3 was marked.)

25 Q. (BY MS. KLEIN) So Judge, do you recognize this  
Page 54

1 document?

2 A. Well, I know. I mean, I don't remember if  
3 that's what you you're asking. But it's an email  
4 from -- let's see, from Commissioner Holmes to me.

5 Q. And the lower chain?

6 A. And the lower chain would be from me to  
7 Commissioner Holmes.

8 Q. And it's Friday, February 1, 2013?

9 A. That's what it says, yes.

10 Q. And I'll just represent to you this is a  
11 document produced by your counsel in this matter, and  
12 you can tell that if you scroll to the bottom.

13 MS. KLEIN: Alexa, if you could scroll to  
14 the bottom.

15 Q. (BY MS. KLEIN) And you'll see there's this  
16 number DFS --

17 A. Yes.

18 Q. Yeah, okay. So I'll represent to you this was  
19 produced. Any reason you don't think this is an email  
20 that you actually exchanged with Commissioner Holmes?

21 A. No, it doesn't. No.

22 Q. Okay. The lower chain says, you're saying,  
23 (Reading:) This should be the demographic data. Please  
24 let me know if you have enough time to review or need us  
25 to defer.

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1 Do you remember the context of you sending  
2 this email to Commissioner Holmes?

3 A. Definitely not.

4 Q. Okay. This is an example, though, of when you  
5 might have seen demographic data, right?

6 A. It would -- it would appear so, yes.

7 Q. Okay. Do you know why this lower chain does  
8 not -- might not have been produced by your counsel in  
9 this matter?

10 MR. RUSSO: Objection, calls for  
11 speculation.

12 THE WITNESS: No way of knowing.

13 Q. (BY MS. KLEIN) So going back to the  
14 neighborhoods, you know, we talked about the income  
15 level by neighborhood. We talked about the demographic  
16 makeups of different neighborhoods in Galveston.

17 Is it fair to say that in general the Black  
18 and Latino communities in Galveston live in the poorer  
19 areas than the White communities which live in the  
20 wealthier areas like Santa Fe, for example?

21 MR. RUSSO: Objection, calls for  
22 speculation.

23 THE WITNESS: I don't know.

24 Q. (BY MS. KLEIN) You haven't noticed any  
25 patterns matching up the income levels that we talked  
Page 56

1 about before with the --

2 A. If I have, I don't remember seeing them.

3 Q. So going back to the county events, you  
4 discussed your Fall Festival. Does the county in  
5 general hold other events that you also attend?

6 A. Does the county in general hold events? The  
7 county generally doesn't sponsor events of any kind.

8 Q. So going back to the official Facebook profile  
9 we talked about before, that is still active, correct?

10 A. My official Facebook, I assume it is.

11 Q. What is it used for, to your knowledge?

12 A. To post information. It's -- it is far more  
13 used during a hurricane event or some kind of disaster,  
14 natural disaster, something like that.

15 Q. And unfortunately, that's not too rare around  
16 here.

17 A. Unfortunately, it's not too rare.

18 Q. Do you view the comments on those?

19 A. I don't.

20 Q. You mentioned posting about holidays. What  
21 kind of holidays does your staff post?

22 A. Everything. We just posted an MLK Day  
23 greeting. So we post for any recognized holiday for a  
24 couple of reasons. First, to hope everyone has a good  
25 holiday. But secondly, to let them know that county

1 offices would be closed on a county holiday.

2 Q. So 4th of July, for example?

3 A. Yes.

4 Q. And then the Texas Independence Day, San  
5 Jacinto Day?

6 A. Yes.

7 Q. What about Juneteenth?

8 A. Yes. But we only adopted that -- was that last  
9 year, '21 or '22.

10 Q. Are you certain about that?

11 A. I'm certain that we just recently adopted that  
12 as a county holiday. No, I'm not certain exactly which  
13 year it was.

14 Q. Are you certain that you post on your Facebook  
15 about it?

16 A. Yeah -- well, it would be a new one. So I  
17 don't -- no, I'm not certain. I do not maintain the  
18 page.

19 Q. Okay. Would you -- let's actually just bring  
20 up the page.

21 MS. KLEIN: I'm going to call up  
22 Document 87, Alexa. Easier to talk when you have a  
23 document in front of you, I think.

24 Q. (BY MS. KLEIN) So this is going to be a  
25 capture -- I'll represent this is going to be a capture  
Page 58

1 made recently for June to July of 2022. Are you aware  
2 of what day Juneteenth holiday happens?

3 A. No. And I don't see anything on the screen.

4 Q. I think it's coming. It might take a little  
5 time to load because it has a lot of graphics.

6 Does Juneteenth happening on or around  
7 June 19th, 18th?

8 A. Oh, I'm sorry. Yeah, I thought you meant what  
9 the county holiday -- what the day of the county holiday  
10 was.

11 Q. Yeah. Happens mid June, correct?

12 A. Right.

13 Q. And do you recall that President Biden in 2021  
14 made it a national holiday?

15 A. No.

16 Q. But you are aware that it got added recently?

17 A. Yes.

18 Q. Okay. So this is this last year 2022 --

19 MS. KLEIN: And Alexa, if you could zoom in  
20 just a little bit. So -- great.

21 Q. (BY MS. KLEIN) So this one starts if you  
22 scroll down to -- and we'll mark this as Exhibit 4.

23 (Exhibit No. 4 was marked.)

24 MS. KLEIN: There's July 26th. Keep  
25 scrolling down, please, Alexa.



1 Q. (BY MS. KLEIN) There's -- you see that's the  
2 4th of July post?

3 A. Where am I looking?

4 Q. The middle of the screen.

5 A. I see a picture of a flag. Is that the 4th of  
6 July post?

7 Q. Yeah. Can you see the writing above it?

8 A. Yes.

9 Q. (Reading:) Today we celebrate the ideals of  
10 life, liberty and the pursuit of happiness.

11 And it's made on July 4th, right?

12 A. Yes.

13 Q. Okay. So this is something your staff says,  
14 hey, can I post July 4th and you say sure?

15 A. Yes.

16 MS. KLEIN: Scroll down. And then we see  
17 June 30th. Keep scrolling. Keep scrolling, please.  
18 Now we're on page -- looks like we're on -- and you can  
19 keep scrolling. A lot of weather posts here. We were  
20 talking about that earlier. Keep scrolling until we get  
21 to June 7th.

22 Q. (BY MS. KLEIN) Did you see any Juneteenth post  
23 in that time?

24 A. No.

25 Q. Okay.  
Page 60

1 MS. KLEIN: Keep scrolling, Alexa, please.

2 Q. (BY MS. KLEIN) But then we go all the way to  
3 May 29th. Do you see that post?

4 A. I see May 30th.

5 Q. And what is the post on May 30th about?

6 A. Memorial Day.

7 Q. Okay. So fair to say you did not see a  
8 Juneteenth post last year?

9 A. That is correct.

10 Q. What about other holidays like Cinco de Mayo?

11 A. I don't know. I mean, with respect to  
12 Juneteenth, it's just -- it's not very often we add a  
13 new holiday. So I can see that as just an oversight on  
14 my staff's part.

15 Q. But you never specifically asked them to post a  
16 celebratory message about Juneteenth?

17 A. Or prohibit it either, no.

18 Q. So in late -- strike that.

19 Okay. We talked a little bit about the  
20 partisan overall makeup of the county. Are you -- do  
21 you ever receive election precinct results for general  
22 elections as part of your role as county judge?

23 A. Do I receive them as my role of county judge,  
24 no. Would we -- would we probably look at them as an  
25 elected official, I mean, you know, as having just run a

1 campaign, probably.

2 Q. Okay. So it wouldn't surprise you if you were  
3 sent to your email the election precinct results for  
4 general and primary elections?

5 A. It would surprise me because that would not be  
6 normal.

7 Q. Really?

8 A. For the -- you're talking about the precinct  
9 breakdown after the general election?

10 Q. Yes.

11 A. It would be -- I don't -- it would be unusual  
12 for me to have those e-mailed to me. I would not have  
13 any need for them.

14 Q. Okay. So you don't remember viewing them?

15 A. I have not viewed them. Are you talking about  
16 2022's election? I have not viewed them.

17 Q. Okay. What about November 2020?

18 A. November of 2020, I doubt it. What was that?  
19 Was that a presidential year? No, that was -- 2020?  
20 Yeah, that was a presidential year. So no, I wouldn't  
21 have reviewed them.

22 MS. KLEIN: Okay. We can take down this.  
23 Let's just call up Tab 20, Alexa, please.

24 (Exhibit No. 5 was marked.)

25 Q. (BY MS. KLEIN) Do you recognize this document?  
Page 62

1 A. Yes.

2 Q. What is it?

3 A. The county clerk has emailed me the election  
4 night results. I don't know why.

5 Q. Do you recall if you clicked on the link?

6 A. I would be surprised if I did. I wasn't on the  
7 ballot.

8 Q. Okay.

9 MS. KLEIN: All right. You can take it  
10 down.

11 Q. (BY MS. KLEIN) So I just want to briefly talk  
12 about a few policy decisions you've made during your  
13 tenure as county judge.

14 A. Yeah.

15 Q. The first one I would like to ask you about is  
16 issues at the border wall. Do you remember voting to  
17 send 1.8 million of Galveston's COVID relief money to  
18 the border wall in 2021?

19 A. I did.

20 Q. Does Galveston have a border -- a land border  
21 with Texas -- with Mexico? Pardon me.

22 A. Galveston County does not, no.

23 Q. Okay. Do you remember how many of the  
24 commissioners on the Commissioner's Court voted in favor  
25 of that allocation?

1 A. Off the top of my head, no. It was either --  
2 including me, it was either three or four.

3 Q. Okay. If it was only three, who would have  
4 voted against it?

5 A. Commissioner Holmes.

6 Q. I mean, budgets are often unanimously passed in  
7 Galveston, correct?

8 A. Budgets are unanimously passed, yes.

9 Q. It wouldn't surprise you if this vote for that  
10 1.8 million was 3-1 with Commissioner Holmes against?

11 A. No, I think that's correct.

12 Q. And do you know why he voted against it?

13 A. I do not.

14 Q. Is it reasonable -- would it be reasonable in  
15 your mind that he voted against it because his  
16 constituents in Precinct 3 did not favor that  
17 allocation?

18 A. I don't know.

19 Q. And that money came from the COVID relief  
20 package that Galveston received, correct?

21 A. Yes. Well, it didn't actually get spent, but  
22 that would have been the plan at that time.

23 Q. Okay. And did -- are you aware whether COVID,  
24 the COVID pandemic hit certain communities in Galveston  
25 harder than others?

1           A. I am not. Although, I know we were modelled  
2 for vaccines and for testing.

3           Q. That relief package was to pay for manpower to  
4 be sent to the border; is that right?

5           A. Expenses associated with adding protection at  
6 the border.

7           Q. Right. That 1.8 million is what I was  
8 referring to.

9           A. Okay.

10          Q. That was sent -- that was for expenses to be  
11 sent for manpower to go to the border?

12          A. It wasn't spent, but, again, yes.

13          Q. Okay, allocated. Thank you for clarifying.

14                        Do you remember who went down to the  
15 border?

16          A. It's ongoing even today. The deputy constables  
17 and deputy sheriffs, and we've had a few municipal  
18 police officers go, not many but some.

19          Q. Do the constables and sheriffs from every  
20 precinct participate in that?

21          A. I do not know. No, I don't think Constable  
22 Precinct 1 participated and I don't think Constable  
23 Precinct 3 participated.

24          Q. Do you remember if anyone representing  
25 Galveston's Latino community came before you to oppose  
Page 65

1 that 1.8 million allocation?

2 A. I don't remember.

3 Q. Turning to another decision, in 2020 you  
4 opposed the removal of a Confederate statue called the  
5 Dignified Resignation that is in front of the Galveston  
6 County Courthouse, correct?

7 A. The removal of the statue, probably, yes.

8 Q. Okay. You actually had previously voted to  
9 renovate and rededicate that statue, correct?

10 A. Was that from 2011 or 2012?

11 Q. It was before 2020.

12 A. Okay. Then that would -- most likely, yes.

13 Q. And in 2020 Stephen Holmes, Commissioner  
14 Holmes, proposed a vote to remove that Dignified  
15 Resignation statue, correct?

16 A. I believe that's correct.

17 Q. Are you aware of whether any Galveston  
18 residents were calling for its removal?

19 A. I do not remember.

20 Q. And do you remember whether that came up -- his  
21 proposal for a vote was ever seconded?

22 A. I don't -- I don't think it was, but I don't  
23 remember for sure.

24 Q. But there was never a vote on that issue,  
25 right?

1 A. I don't remember. If it didn't get seconded,  
2 there was no vote.

3 Q. Okay. Did anyone from the African American  
4 community come before you to oppose or to advocate for  
5 its removal, to your knowledge?

6 A. I don't remember.

7 Q. Do you think it should be removed?

8 A. The statute itself, no.

9 Q. Why not?

10 A. It's part of history. I mean, the plaque was  
11 removed and placed in a museum, as I recall. But let me  
12 go back to Commissioner Holmes for a minute.

13 Very unusual for this guy who's very smart  
14 to not have a plan on what to do with the statue. He  
15 just wanted it removed. No idea how to pay for it. No  
16 idea where it is going. So that was kind of unusual for  
17 Commissioner Holmes.

18 Q. Do you know why he wanted it removed?

19 A. No. I mean, you have to ask him.

20 Q. All right. Turning to language access, fair to  
21 say there are folks that speak Spanish as a primary  
22 language in Galveston?

23 A. Probably.

24 Q. Have you made any efforts to expand Spanish  
25 language access to county information?



1           A. I do not know. We -- I mean, the state  
2 dictates what we're required to provide in Spanish and  
3 we comply with that.

4           Q. All right. I have a little bit more  
5 questioning and then if you want, we can take a break if  
6 you feel or we can power through.

7                       But --

8           MR. RUSSO: Up to the witness.

9           THE WITNESS: I'm fine for now.

10           Q. (BY MS. KLEIN) Do you recognize this slogan  
11 "Keep Galveston County Red"?

12           A. That would be something the Republican Party,  
13 I'm sure, put out there.

14           Q. Do you use that slogan when you campaign?

15           A. No.

16           Q. All right. I'd like to call up a document --

17           A. I don't see how it would benefit me so if I  
18 should have, I don't.

19                       MS. KLEIN: Alexa, can you call up Tab 91?  
20 This will be Exhibit 6 for the record.

21                       (Exhibit No. 6 was marked.)

22           Q. (BY MS. KLEIN) This is another one of the  
23 Facebook posts for your Judge Mark Henry Facebook  
24 account. So do you recall encouraging voters to vote in  
25 order to, quote, Keep Galveston County Red?

1           A. I would certainly encourage voters to vote  
2 Republican, which is essentially the same as voting red,  
3 yes.

4           Q. So Keep Galveston County Red to you means keep  
5 Galveston County run by Republicans, correct?

6           A. Yes.

7           Q. Do you know where that slogan came from?

8           A. No.

9           Q. All right. If we scroll down here to the  
10 November 8th post -- first of all, this is your -- this  
11 is your Facebook account, right? We've talked about --

12          A. It's my official -- but yeah.

13          Q. Okay. Any other posts that I've shown you also  
14 look like your official account as well?

15          A. Yes.

16          Q. So that November 8th post says (Reading:) Have  
17 you voted yet? Today is election day. Your last day to  
18 vote. Polls are open until 7:00 p.m. tonight. Get out  
19 and vote Republican all the way down the ballot and keep  
20 Galveston County red.

21          A. Okay.

22          Q. This was posted at your direction?

23          A. No, but I probably would have approved it if  
24 they asked me.

25          Q. You don't remember specifically approving this  
Page 69

1 one?

2 A. No.

3 Q. Or any election posts?

4 A. No.

5 Q. But you do approve of that message?

6 A. Sure.

7 Q. When did that slogan first -- when were --

8 strike that.

9 When were you first aware of that slogan,

10 "Keep Galveston County Red"?

11 A. I have no idea. I guess it would be after

12 2010, but I have no specific idea.

13 Q. Why after 2010?

14 A. Because that that's when we turned the county

15 red.

16 Q. And that's -- just to clarify, that's when

17 Commissioner's Court flipped from majority Democrat to

18 majority Republican, correct?

19 A. Correct. And every county-wide Republican that

20 ran got elected even though that some of them shouldn't

21 have.

22 Q. Okay. So would you consider it a professional

23 goal of yours to keep Galveston County red?

24 A. I consider it a professional goal to keep my

25 job.

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1 Q. But also to keep Galveston County red?

2 A. I truly do what I can for all of the  
3 candidates. So -- so Republican candidates, of course.

4 Q. And what about personally, is it a personal  
5 goal of yours to keep Galveston County red?

6 A. I believe that we have demonstrated good  
7 governance and would like to keep it that way, yes.

8 Q. Why in your mind -- well, let me ask you this.

9 Is Galveston at any risk of not staying  
10 red?

11 A. I don't know. I wouldn't think so, but I don't  
12 know.

13 MS. KLEIN: All right. This is where we  
14 could take a break, but I'm happy to just keep on going  
15 on.

16 THE WITNESS: Keep going.

17 MS. KLEIN: Okay. Is that okay with the  
18 other parties?

19 Q. (BY MS. KLEIN) All right. We're going to  
20 switch gears a little bit. We're going to talk about --  
21 I'm going to ask you about redistricting in 2011.

22 A. Okay.

23 Q. So you served as county judge during the  
24 redrawing of Commissioner's Court precincts in 2011,  
25 right?

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1 A. Correct.

2 Q. So I'm going to talk about this and I'm going  
3 to say the 2011 redistricting process to talk about  
4 that --

5 A. Okay.

6 Q. -- and I will be talking about Commissioner's  
7 Court unless I specify otherwise.

8 A. Okay.

9 Q. Does that make sense?

10 A. So we're not -- unless you say otherwise, we're  
11 not talking about JP precincts?

12 Q. Correct.

13 A. All right. Got it.

14 Q. Do you remember signing an engagement letter  
15 with attorneys to help you with 2011 redistricting  
16 process?

17 A. Do I remember exactly doing it, no. But I  
18 remember it happening, yes.

19 MS. KLEIN: Okay. Can we please put up  
20 Tab 116? And this will be marked as Exhibit 7.

21 (Exhibit No. 7 was marked.)

22 Q. (BY MS. KLEIN) That first page says  
23 Addendum -- Agenda Item 12. Do you recognize what that  
24 might mean?

25 A. That's generally what would come before the  
Page 72

1 | backup. So the agenda item would have been No. 12 and  
2 | this would have been probably the backup for that item  
3 | for any commissioner to look at or any public member as  
4 | well.

5 | Q. When you say, "backup," do you mean the meeting  
6 | package?

7 | A. That would be a term for it, yes.

8 | Q. Okay. And is that publicly posted?

9 | A. Yes.

10 | Q. Is it publicly posted at the same time as the  
11 | agenda?

12 | A. As far as I know, yes.

13 | Q. In general, not this specific time, but in  
14 | general it's posted?

15 | A. Yes.

16 | Q. Okay. So if we scroll down to the second page,  
17 | this document is dated May 16, 2011. It's addressed to  
18 | you, right?

19 | A. Uh-huh. Yes.

20 | Q. And it says -- the subject is 2011  
21 | Redistricting of Galveston County Commissioner's  
22 | Precincts and it also says Justice of the Peace  
23 | Precincts, Constable Precincts, Election Precincts, and  
24 | Preclearance Submission Project Engagement Letter. That  
25 | is a big title.

1 A. Right.

2 Q. What is meant by preclearance there?

3 A. Not being a lawyer, I'm going to assume that  
4 this is part of the Voting Rights Act preclearance that  
5 would have been required in 2011.

6 MS. KLEIN: Okay. So let's scroll through  
7 slowly all the way to the end, Alexa.

8 Q. (BY MS. KLEIN) And this isn't a signed  
9 version. But is there any reason you would think that  
10 this is not the version that was ultimately executed?

11 A. No, that's probably it.

12 Q. Okay. Going back to the first page, and  
13 there -- that one, two, three, third paragraph says, Joe  
14 Nixon, Trey Trainor, and Dale Oldham, attorneys at law,  
15 365 per hour.

16 Do you see that?

17 A. Yes. It's just bouncing around. I see it now.

18 Q. Those were the lawyers that worked on the  
19 Galveston County commissioner's precincts for  
20 redistricting in 2011?

21 A. That is correct.

22 Q. Okay. We can take that down.

23 Do you remember what timeline restricting  
24 of commissioner's precincts had to be completed by in  
25 the 2011 redistricting process?

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1 A. It would have to have been done before the  
2 filing deadline, really the filing opening for that next  
3 election, which would have opened about November the  
4 20th maybe.

5 Q. Mid November?

6 A. Yes, in that ballpark.

7 Q. Did you also have to account for that  
8 preclearance process we talked about?

9 MR. RUSSO: Objection, calls for  
10 speculation.

11 THE WITNESS: I would assume so.

12 Q. (BY MS. KLEIN) Do you remember getting  
13 questions about why Galveston's submission was late in  
14 2011?

15 A. No.

16 Q. Okay. Let's pull up a document. This is Tab 8  
17 and it will be Exhibit 8.

18 (Exhibit No. 8 was marked.)

19 Q. (BY MS. KLEIN) Do you remember the county  
20 having to ask for expedited consideration from the DOJ  
21 during the preclearance process in 2011?

22 MR. RUSSO: Objection, asked and answered.

23 THE WITNESS: Yeah, I mean -- I can't see  
24 the --

25 Q. (BY MS. KLEIN) If you can answer the question  
Page 75



1 and we'll go to the document.

2 A. What was the question?

3 Q. Do you remember the county having asked for  
4 expedited consideration?

5 A. No.

6 Q. All right. Turning to the document Exhibit 8,  
7 let's scroll -- I want you to start reading -- this is  
8 an email chain with TJ Aulds. Do you know TJ?

9 A. I do.

10 Q. Who is he?

11 A. At that time he was with the newspaper.

12 Q. And his email on October 21st, 9:34 a.m. says,  
13 (Reading:) Judge, I texted with the DOJ yesterday.  
14 Galveston County's plan has yet to be filed. Have you  
15 heard anything from the firm as to when it's expected to  
16 be filed with filing periods set to start in less than a  
17 few weeks. It's unlikely any plan would be approved in  
18 time for the filing period. Didn't the time line --

19 A. I'm not following this. Where are you reading?

20 Q. It's the below email, Friday, October 21, 2011.

21 A. Okay. I've got it.

22 Q. Yeah. Didn't the timeline call for submission  
23 to be done in September, he asks.

24 A. Okay.

25 Q. And then if you go up, you reply, (Reading:) I  
Page 76

1 believe let me check. I was told it had been filed  
2 already.

3 And then he says, (Reading:) Judge, I went  
4 back and checked. This is the last activity by the DOJ,  
5 which was the 17th. Galveston County had not submitted  
6 its plans.

7 Do you recall this exchange?

8 A. No.

9 Q. Does this jog your memory about whether the  
10 county had submitted its 2011?

11 A. Not really. I mean, this makes it look like  
12 that they had -- but this was the October 21st. We  
13 still had six weeks.

14 Q. You still had six weeks until what?

15 A. Until what I think the deadline would have been  
16 to finish the process.

17 Q. Because of the candidate filing deadline you  
18 mentioned earlier?

19 A. Yes.

20 Q. All right. We can take that down.

21 Do you remember what, if any, public  
22 hearings took place in 2011?

23 A. We had a few. And I don't recall the exact  
24 number but at least three, maybe four. And so we would  
25 have had some public hearings various places.

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1 Q. Okay. I'm going jog your memory.

2 A. Okay.

3 Q. I know I'm asking you questions about things  
4 that happened a long time ago.

5 A. Twelve years ago, yes.

6 Q. So let's bring up Document 6. And this will be

7 Exhibit 9.

8 (Exhibit No. 9 was marked.)

9 MS. KLEIN: Thanks, Alexa.

10 Q. (BY MS. KLEIN) Have you ever seen this  
11 document before?

12 A. Probably.

13 Q. Do you recognize it sitting here?

14 A. No.

15 MS. KLEIN: Can you scroll a little bit up,  
16 Alexa?

17 Q. (BY MS. KLEIN) So the heading at the top,  
18 Beirne, Maynard & Parsons, those were your lawyers in  
19 the 2011 (inaudible)?

20 A. That's correct.

21 Q. And the address is to the Chief Voting Rights  
22 Section of the Civil Rights Division of the US  
23 Department of Justice?

24 A. Yes.

25 Q. You see that. And the subject line, Submission  
Page 78

1 Under Section 5 Voting Rights Act of 2011 Redistricting  
2 Commissioner Precincts For Galveston County Texas and  
3 Request Expedited Consideration.

4 A. Okay.

5 Q. So any reason you don't think this is the  
6 county's preclearance submission from --

7 A. No.

8 Q. And the date is October 14, 2011?

9 A. Right. But on the 21st they're saying I hadn't  
10 gotten it yet. So that's interesting dates.

11 Q. Yeah. So we're going to go to PDF page 9 of  
12 this document. And that -- so if you could scroll to  
13 PDF page 9. And F, you see F, Publicity and  
14 Participation?

15 A. Yes.

16 Q. The second paragraph starts, (Reading:) At a  
17 Commissioner's Court meeting held on August 2, 2011, the  
18 county's redistricting consultants presented a  
19 preliminary demographic report showing the results of  
20 the 2010 Census as they related to the existing  
21 commissioner's precincts.

22 Did I read that correctly?

23 A. Yes.

24 Q. And do you remember that?

25 A. Do I remember this letter or what exactly are  
Page 79

1 | you asking do I remember?

2 | Q. Do you remember that August 2, 2011 meeting?

3 | A. Not really. I'm sure it happened, but I don't  
4 | really remember it.

5 | Q. And then this second -- next paragraph

6 | (Reading:) The Commissioner's Court conducted five  
7 | public hearings.

8 | A. Okay.

9 | Q. And then you see a chart with the five public  
10 | hearings?

11 | A. Yes.

12 | Q. And then after the paragraph --

13 | MS. KLEIN: If you scroll down a little  
14 | bit, Alexa.

15 | Q. (BY MS. KLEIN) The next paragraph says,

16 | (Reading:) The Commissioner's Court met again on  
17 | August 30, 2011 and received comment from the county's  
18 | redistricting consultants and were presented with a new  
19 | proposal that incorporated changes based upon public  
20 | comment.

21 | And then if you scroll further down at the  
22 | end of that paragraph, (Reading:) This proposal was  
23 | adopted by the Commissioner Court by a vote of 3 to 2.

24 | A. Uh-huh.

25 | Q. Everything I just talked about, the August 2nd  
Page 80

1 meeting, the five public hearings, and the August 30th

2 hearing, does that comport with your memory?

3 A. To the extent I have a memory, yes.

4 Q. Is there any reason you think that was not

5 accurate?

6 A. No.

7 Q. Okay. Do you recall if you reviewed this  
8 letter and its exhibits before it was submitted to the  
9 Department of Justice?

10 A. I do not remember.

11 Q. Okay. Would you have reviewed this letter  
12 before it was submitted on the county's behalf?

13 A. I would probably have gotten a copy of it. But  
14 if we we're -- if they're saying that -- that they're  
15 under -- if they're racing against the clock, I may not  
16 have. I just don't remember.

17 Q. Okay. But you have seen -- do you recall just  
18 seeing this letter in general?

19 A. No, not in general. I mean, again, I'm going  
20 to say I probably saw it, but I sure don't remember it.

21 Q. Okay.

22 MS. KLEIN: Can we go to Page 3, please?

23 Q. (BY MS. KLEIN) What about these tables on  
24 page 3, do those look familiar to you?

25 A. No. I mean, I know what they are by looking at  
Page 81

1 them, but they don't -- they're not familiar to me.

2 Q. What are they?

3 A. They are demographic makeup of -- the first one  
4 says existing districts total population. The second  
5 one says 2011 adopted districts total population.

6 Q. So you would have reviewed this letter at some  
7 point. That was your testimony before?

8 MR. RUSSO: Objection, misstates prior  
9 testimony. Asked and answered.

10 THE WITNESS: Yeah, not necessarily. I  
11 mean, this is, you know, why we pay the lawyers to make  
12 sure it's legally compliant.

13 Q. (BY MS. KLEIN) Would you have let your lawyers  
14 submit something without you reviewing it first for  
15 accuracy?

16 MR. RUSSO: Objection, calls for  
17 speculation.

18 THE WITNESS: I certainly wouldn't prefer  
19 that. But if they were getting close to the deadline as  
20 it looks like they might have been, they might have done  
21 it without my being able to review it first.

22 Q. (BY MS. KLEIN) Would you have reviewed it  
23 afterwards to make sure it was accurate?

24 A. Probably. Probably.

25 Q. All right. Turning to the map that was passed  
Page 82

1 | in 2011, do you remember the configuration of that map  
2 | in general terms?

3 | A. No.

4 | Q. Do you remember that it added Bolivar Peninsula  
5 | to Precinct 3?

6 | A. It did? I thought Precinct 1 had Bolivar  
7 | Peninsula.

8 | Q. I'm talking about the 2011 map, not the later  
9 | map passed in --

10 | A. Oh, I'm sorry. Okay. No, I don't recall that  
11 | map.

12 | Q. Okay. Do you recall leading the effort in 2011  
13 | to add Bolivar Peninsula to Precinct 3?

14 | A. No, I don't recall that. I can sit here and  
15 | speculate as to why I think I might have done that. And  
16 | that would have -- but that would have been a JP issue  
17 | and not a commissioner issue.

18 | Q. Okay. Let's go to -- in this document let's go  
19 | to PDF page 38. These are -- we're in the exhibits of  
20 | this letter now, and some of the exhibits are news  
21 | articles.

22 | MS. KLEIN: Can you please scroll in,  
23 | Alexa?

24 | Q. (BY MS. KLEIN) So this is a Galveston Daily  
25 | News article. And we're going to -- I'm going to direct  
Page 83



1 | your attention to the first paragraph, one, two, three,  
2 | four, five. It says, (Reading:) At County Judge Mark  
3 | Henry's request, the firm revised the lines to make sure  
4 | that the Peninsula would remain in the same  
5 | commissioner's precinct as Galveston.

6 | A. Okay.

7 | Q. Is there any reason you think that that  
8 | reporting might be inaccurate?

9 | A. No.

10 | Q. And the next -- and the stated reason for that,  
11 | adding Bolivar with the population growth in the  
12 | northern part of the county around Precinct 3, do you  
13 | remember that?

14 | A. Sorry. What was the question? I was reading  
15 | the article.

16 | Q. Oh, sorry. You can -- you can stop reading it.

17 | So the stated reason for adding Bolivar to  
18 | Precinct 3 was that there had been population growth in  
19 | the northern part of the county around Precinct 3. Do  
20 | you remember that?

21 | A. Do I remember that happening or me saying it or  
22 | either? Not really to either, I guess.

23 | Q. So I mean, do you remember that being the  
24 | reason that the Bolivar Peninsula was added to  
25 | Precinct 3?

1 A. No.

2 Q. Okay. Let's go to PDF page 6 in this document.  
3 We're going to go back to that main part of the letter.

4 Here I'm going to direct your attention to  
5 this part, it's going to say subpart (n).

6 MS. KLEIN: And you can zoom in a little  
7 bit, Alexa. Thank you.

8 Q. (BY MS. KLEIN) The third paragraph -- sorry.  
9 The second -- strike that.

10 The second paragraph and it said,  
11 (Reading:) As noted in the above chart for total  
12 population for the existing districts, the majority of  
13 the population growth in Galveston County, according to  
14 the 2010 Census, occurred in current commissioner  
15 precinct four. In fact, that precinct is 17,112 people  
16 over the ideal district population causing the overall  
17 deviation to be 39.53 percent. Moreover, commissioner  
18 precincts four and two will continue to be predominant  
19 growth areas for Galveston County because of the  
20 spillover of population from Harris County.

21 Do you recall that to be the case?

22 A. That's still the case.

23 Q. Do you recall that to be one of the reasons  
24 that Bolivar Peninsula was a stated reason for adding  
25 Bolivar to Precinct 3?

1 MR. RUSSO: Objection, asked and answered.

2 THE WITNESS: No.

3 Q. (BY MS. KLEIN) Do you have any reason to think  
4 any representations made in this letter to DOJ would be  
5 inaccurate?

6 MR. RUSSO: Object to speculation.

7 You can review the entire letter if you'd  
8 like to.

9 Q. (BY MS. KLEIN) Just do you have any reason to  
10 believe that the representations --

11 A. Without having read the entire letter, if ever  
12 recently, no, I would have no way of knowing.

13 Q. Going to the -- going to the fourth dis -- the  
14 fourth paragraph, it starts, (Reading:) Similarly, in  
15 order to maintain the continuity of districts and limit  
16 the amount of voter confusion, the court attempted to  
17 maintain the core of the current districts and minimize  
18 the changes to the districts to the extent necessary to  
19 rectify the population deviations.

20 Does that statement comport with your  
21 recollection of how this 2011 map for commissioner's  
22 districts was drawn?

23 MR. RUSSO: Objection, calls for  
24 speculation.

25 THE WITNESS: That -- they wrote that, but

1 I can tell you that the -- that the changes were pretty  
2 big because of the population growth. There's no way  
3 they could have overcome that.

4 Q. (BY MS. KLEIN) What about specifically to  
5 maintain the core of current districts --

6 A. Okay.

7 Q. -- as it relates to reducing voter confusion,  
8 does that comport with your recollection? Does that  
9 make sense to you sitting here today that maintaining  
10 core districts would reduce voter confusion?

11 A. I don't know.

12 MR. RUSSO: Objection, calls for  
13 speculation.

14 THE WITNESS: I don't know how.

15 Q. (BY MS. KLEIN) So if somebody is in  
16 Commissioner Precinct 1 and you keep the core districts,  
17 they're going to probably stay in Commissioner's  
18 District 1, right?

19 MR. RUSSO: Objection, calls for  
20 speculation. It's an incomplete hypothetical.

21 THE WITNESS: Yes, but you can't. I mean,  
22 that's the whole purpose for directing. You've got to  
23 rebalance the population. So you're not going to have  
24 large numbers of people staying in their same precinct.

25 Q. (BY MS. KLEIN) So you -- but there are degrees  
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1 of that, correct?

2 A. There are degrees of what?

3 Q. Of completely -- for example, you could  
4 completely renumber the commissioner's precincts so that  
5 everybody in, you know, precinct --

6 A. Sure, you could.

7 Q. Or you could choose to do a minimal, let's say,  
8 a least change of the preexisting districts to make just  
9 minimum changes needed to equalize population, right?

10 MR. RUSSO: Objection, calls for  
11 speculation and is incomplete hypothetical.

12 You can answer, if you can.

13 THE WITNESS: You can't. I mean, the whole  
14 purpose of this is to redistribute population. You  
15 can't do that and make minimal changes.

16 Q. (BY MS. KLEIN) Why not?

17 A. Because there's too many people --

18 MR. RUSSO: Object, calls for speculation  
19 and incomplete hypothetical.

20 THE WITNESS: Too many people moving in to  
21 North County. You can't do it without having big  
22 changes.

23 Q. (BY MS. KLEIN) But it -- from this sentence,  
24 your lawyers and the county represented through its  
25 lawyers that -- and I'm reading from the fourth

1 paragraph again, (Reading:) In order to maintain the  
2 continuity of districts and limit the amount of voter  
3 confusion, the court attempted to maintain the core of  
4 the current districts and minimize the changes to the  
5 districts to the extent necessary to rectify the  
6 population deviations.

7 A. Didn't say we were successful. Just says we  
8 attempted.

9 Q. Okay. So you agree that that statement is  
10 accurate?

11 A. I agree that statement is in there.

12 Q. Is there a reason your lawyers would have put  
13 something inaccurate to a statement to the US Department  
14 of Justice?

15 MR. RUSSO: Objection, calls for  
16 speculation.

17 THE WITNESS: I don't know. I mean, I  
18 wouldn't think so.

19 Q. (BY MS. KLEIN) You were around for the 2011  
20 process, correct?

21 A. Sure.

22 Q. So you're saying today you just don't remember  
23 whether that statement was correct?

24 MR. RUSSO: Objection, asked and answered.

25 THE WITNESS: I definitely don't remember.

1 Q. (BY MS. KLEIN) But you don't believe your  
2 lawyers would have put something in here that was  
3 inaccurate and represented it on behalf of the county to  
4 the US Department of Justice, do you?

5 A. No, I wouldn't think so. But it says attempted  
6 to maintain.

7 Q. Do you remember saying that you felt the  
8 previous map from 2011 was good enough and you didn't  
9 want your counsel to start from scratch when redrawing  
10 lines?

11 A. We don't have a counsel. I do not recall that.  
12 But I may have said it. I don't know.

13 Q. Sorry. Your redistricting counsel?

14 A. Oh. Can you re-ask that question?

15 Q. Do you remember saying that the previous map  
16 from 2001 was good enough and you didn't want your  
17 redistricting counsel to start from scratch?

18 A. That the 2001 redistricting was good enough, I  
19 don't think I would have said that.

20 Q. All right. Well, let's go to page -- PDF page  
21 No. 33 in this exhibit. And that's -- look at the sixth  
22 paragraph. And this is an article dated -- of the  
23 Galveston County News dated August 1, 2011.

24 A. Yeah. I said it to start with existing is a  
25 baseline.

1 MR. RUSSO: Let her ask her question.

2 Q. (BY MS. KLEIN) (Reading:) Henry said he asked  
3 those creating the maps to start with the existing  
4 precinct lines as a baseline and make adjustments from  
5 there. Those lines were -- quote, those lines were good  
6 enough in 2001 so I am hoping they should be okay this  
7 time around, Henry said. I am hoping the firm didn't  
8 start from scratch.

9 A. Okay. Apparently, I said that in 2011.

10 Q. Do you have any reason to think that statement  
11 was reported inaccurately?

12 A. From the Daily News, yes, very well could have  
13 been.

14 Q. Would you have stopped to correct that if it  
15 had been reported inaccurately?

16 MR. RUSSO: Objection, calls for  
17 speculation.

18 THE WITNESS: Yes, we spend a lot of time  
19 asking for corrections.

20 Q. (BY MS. KLEIN) Would your counsel have  
21 appended an article with an inaccurate statement to your  
22 preclearance submission to the US Department of Justice?

23 MR. RUSSO: Objection, calls for  
24 speculation.

25 THE WITNESS: I don't know. And I don't



1 know what I meant by that statement.

2 Q. (BY MS. KLEIN) Do you dispute that you made  
3 this statement?

4 A. I can't say for sure I did or not. But the  
5 Daily News misquotes people on a regular basis.

6 Q. Do you know specifically if you're misquoted  
7 here?

8 A. No, I do not know one way or another.

9 Q. Does it sound like something you would say?

10 A. No.

11 MR. RUSSO: Objection, asked and answered.

12 Q. (BY MS. KLEIN) Do you remember if Commissioner  
13 Clark was involved at all in drawing the 2011 map?

14 A. I'm sure he was.

15 Q. Why do you say that?

16 A. That was what he liked to do.

17 Q. How was -- what was his involvement, to your  
18 knowledge?

19 A. He would have liked to have gotten down to the  
20 individual street and street address.

21 Q. What do you mean by "gotten down"?

22 A. This is what he liked to do. He liked drawing  
23 maps. He liked moving precinct lines around. I did my  
24 best to limit that as much as I could. But he would  
25 certainly have tried if he could.

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1 Q. Do you remember him providing guide maps to the  
2 redistricting counsel in the 2011 cycle?

3 A. I don't recall that. It wouldn't surprise me,  
4 but I don't recall that.

5 Q. You did not consult with any representatives of  
6 the Black or Latino community in Galveston about the  
7 2011 commissioner's map during that redistricting  
8 process, correct?

9 A. I did not specifically reach out to them. But  
10 we certainly took all input that showed up.

11 Q. And you didn't have any meetings with your two  
12 Democratic colleagues at the time on the court other  
13 than in the public hearings, right?

14 A. Not allowed to.

15 Q. Commissioner Holmes proposed a plan in 2011; is  
16 that right?

17 A. I do not remember that. He may have.

18 Q. Do you remember that plan mostly kept  
19 Precinct 3 intact without adding Bolivar Peninsula?

20 MR. RUSSO: Objection, asked and answered.

21 THE WITNESS: I don't remember maps, so I  
22 don't remember that.

23 Q. (BY MS. KLEIN) Do you remember whether you  
24 voted for his map?

25 MR. RUSSO: Objection, asked and answered.

1 Calls for speculation.

2 THE WITNESS: I don't think there was a  
3 vote on the map. Not that I remember.

4 Q. (BY MS. KLEIN) Would it surprise you if there  
5 was a vote, you voted against it?

6 A. I'd need more details as to -- was it run  
7 through the demographer? Do we know it was legally  
8 compliant? Did it meet all the criteria we had set  
9 forth? So I would want to know the answers to that  
10 first.

11 Q. I'm hoping you can provide some of that  
12 information.

13 A. Cannot.

14 Q. But you don't remember?

15 A. I do not.

16 Q. Okay. Let's talk a little bit about the  
17 process. You just mentioned criteria. Did the  
18 Commissioner's Court vote on criteria in the 2011 cycle?

19 A. I can't -- I think we did. I don't remember.

20 Q. The Commissioner's Court had voted on criteria  
21 in previous cycles, to your knowledge?

22 A. I believe that to be correct, yes.

23 Q. And -- but you don't remember whether you voted  
24 for criteria in a public meeting in the 2011 process?

25 A. I did everything that our legal counsel told us  
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1 to do. And so if they told us to adopt criteria, we  
2 did. If they didn't, I didn't.

3 Q. Okay. And it sounds like from your previous  
4 statement there were criteria used to evaluate the maps,  
5 though, correct?

6 A. Legally compliant and that encompasses a lot of  
7 things, certainly the DRA in 2011. But also the  
8 population redistribution and, like I said, legal, has  
9 to be legally compliant and legally defense able.

10 Q. Let me ask you a little bit about that. What  
11 was your understanding back in 2011 of what the Voting  
12 Rights Act would require?

13 A. I have no way of knowing. That's why I hire  
14 lawyers.

15 Q. All right. Let's go to -- let's pull up Tab 4.  
16 I'm going to show you a document that hopefully will jog  
17 your memory. This will be Exhibit 10.

18 (Exhibit No. 10 was marked.)

19 Q. (BY MS. KLEIN) All right. So this is an email  
20 from Patricia Grady to you, correct?

21 A. Correct.

22 Q. And that's August 2011?

23 A. Yes.

24 Q. That's during the process we talked about  
25 earlier?

1 A. Looks like it, yes.

2 Q. And it says, "Suggestions For Redistricting  
3 Proposal Submission," correct?

4 A. That's what she titled it, yes.

5 Q. Do you remember the context of her sending this  
6 email to you?

7 A. I do not.

8 Q. Bullet No. 2 says, (Reading:) Any plans should  
9 show the total population and voting population for  
10 Blacks, Hispanics, Asians and Anglo/other for each  
11 proposed commissioner or justice of the peace/constable  
12 precinct. If a plan is submitted without a population  
13 breakdown, the court may not have sufficient information  
14 to give it full consideration.

15 Do you know what was meant by needing that  
16 racial population breakdowns for the court to have  
17 sufficient information to give it full consideration?

18 THE WITNESS: Can I ask my attorney a  
19 question real quick.

20 MS. KLEIN: We can go off the record --  
21 answer it as best you can.

22 THE WITNESS: Well, if it relates to  
23 attorney-client privileges --

24 MS. KLEIN: We can go off the record and  
25 you can talk with him.

1 MR. RUSSO: You want to go off the record?

2 THE WITNESS: Either way. I just, you  
3 know, she's an attorney that's giving me legal advice.  
4 How did this get produced?

5 VIDEOGRAPHER: The time is 10:49. Off the  
6 record.

7 (Discussion off the record.)

8 VIDEOGRAPHER: The time is 11:06. Back on  
9 the record.

10 MR. RUSSO: So counsel, we just had  
11 discussion off the record and, of course, the issue came  
12 up prior to the break related to the document, which is  
13 marked Henry Exhibit 10 bearing Bates number  
14 DEFS00009697.

15 After consulting with the witness, it's  
16 clear this document is subject to an attorney-client  
17 privilege and we're asserting that and will seek to snap  
18 the document back.

19 MS. KLEIN: And this is Hilary Klein.  
20 Plaintiffs are reserving the right to contest that  
21 assertion of privilege made and they reserve the right  
22 to recall the witness for questions about this document  
23 upon any court determination that the privilege asserted  
24 does not apply to this document.

25 Sorry. I'll continue unless counsel has  
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1 anything else.

2 MR. RUSSO: Yeah, I'll just want to -- you  
3 know, all parties that have seen a copy of this document  
4 need to make sure to destroy it and that the intention I  
5 think is for counsel, for you, to provide a slip sheet  
6 for -- to become Exhibit 10 on this deposition.

7 MS. KLEIN: Of course. We will provide a  
8 slip sheet to the court reporter, thank you, with the  
9 document production Bates number DFS -- DEFS00009697 to  
10 the court reporter that will be substituted for the  
11 record in this case. And can I ask the defense counsel  
12 please send the claw back notice via email for our  
13 records as well?

14 MR. RUSSO: That will happen.

15 MS. KLEIN: Just because all counsel is not  
16 in this deposition right now.

17 MR. RUSSO: Understood.

18 MS. KLEIN: Thank you. One second.

19 MS. JAYARAMAN: This is Tharuni Jayaraman  
20 for United States. I join in preserving in -- I join in  
21 Ms. Klein's reservation.

22 MS. RICHARDSON: Valenica Richardson for  
23 Petteway Plaintiffs joining the NAACP Plaintiffs'  
24 reservation.

25 MR. RUSSO: Thanks, counsel.

1 MS. KLEIN: We'll send that to the court  
2 reporter. We'll copy defense counsel, obviously, on  
3 that email to the court reporter and defense counsel can  
4 let us know if the slip sheet is not acceptable.

5 MR. RUSSO: I appreciate that. Thank you.

6 MS. KLEIN: I guess it will go in the Zoom  
7 chat.

8 Q. (BY MS. KLEIN) All right. Moving on.

9 What was your understanding at the time of  
10 the 2011 redistricting processing, so specifically  
11 August 2011, of what the Voting Rights Acts would  
12 require?

13 A. I don't know if I had an understanding. And  
14 again, that's why we hired attorneys who knew it inside  
15 and out and knew to keep us compliant.

16 Q. So it's your duty to -- we talked about this  
17 earlier. It's your responsibility to preside over the  
18 proceedings of redistricting the county commissioners'  
19 districts, correct?

20 A. Correct.

21 Q. And so you -- in order to exercise that  
22 legislative function of new commissioners' precincts,  
23 you had to have an understanding of what maps would be  
24 legally compliant and what weren't, correct?

25 A. No. That's why I hired these lawyers. I mean,  
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1 there's -- that -- my understanding that is a area of  
2 practice all unto itself, that people specialize in just  
3 that area. And that's why we hired lawyers who knew  
4 that area very well.

5 Q. You at least had an understanding that the  
6 Voting Rights Act in 2011 would require maintaining at  
7 least one majority/minority precinct, Precinct 3, right?

8 A. I think that I knew that, yes, because they  
9 told me that.

10 Q. 2011 enacted --

11 MR. RUSSO: Be careful not to disclose  
12 communications --

13 THE WITNESS: Oh, yeah. Right.

14 MR. RUSSO: -- between counsel and the  
15 county in terms of legal services being provided.

16 THE WITNESS: Okay.

17 Q. (BY MS. KLEIN) That 2011 active map, was it  
18 ever used in an election?

19 A. We had -- we had adopted another map in 2013,  
20 right?

21 Q. Do you remember why you did that?

22 A. Because of a settlement with DOJ.

23 Q. Correct.

24 A. Okay.

25 Q. Do you remember that the DOJ -- well, I guess  
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1 I'm not the witness, so pardon me. But I'll represent  
2 to you that that's my understanding as well as the  
3 fact --

4 A. Okay.

5 Q. Do you remember that the DOJ objected or  
6 responded to that submission that we were looking at  
7 earlier by objecting to the 2011 enacted commissioners'  
8 plan?

9 A. That seems to be what I recall, yes.

10 Q. Were you made aware of the reasons the  
11 Department of Justice rejected that 2011 commissioner's  
12 precinct map?

13 A. If I was, at that time I don't remember what it  
14 was.

15 Q. And -- sorry. I'm just going to look at my  
16 notes for one quick thing.

17 I would like to pull up a document and this  
18 is Document Tab 11 and we'll mark it as Exhibit 11 as  
19 well.

20 (Exhibit No. 11 was marked.)

21 Q. (BY MS. KLEIN) Do you recognize this document?

22 A. Appears to be a letter from DOJ to Trey  
23 Trainor.

24 Q. Trey Trainor is one of your attorneys --

25 A. James Trainor in this letter, yes.

1 Q. Trey is his nickname?

2 A. It what he goes by. I forgot his name was  
3 James.

4 Q. Sorry. Try not to talk over each other.

5 He was one of your lawyers in that 2011  
6 redistricting process?

7 A. Correct.

8 Q. Have you seen this letter before, to your  
9 knowledge?

10 A. Maybe in 2012.

11 Q. When do you think you would have seen it?

12 A. I would assume sometime after March 5, 2012.

13 Q. I would like to go to specific -- I'm not going  
14 to have you read the whole letter but just to specific  
15 portions of it. And at the top it's from the Department  
16 of Justice. Let's go to page 2.

17 I'll represent to you that this is the  
18 letter in which DOJ conveyed to the county that they  
19 were rejecting the plan enacted in 2011.

20 A. Okay.

21 Q. So Paragraph 3, the second sentence, it starts  
22 with, (Reading:) We start with the county's failure.

23 So actually let's start at the beginning.

24 So Paragraph 3 starts, (Reading:) Based on our  
25 analysis.

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1 A. Okay.

2 Q. So (Reading:) Based on our analysis of the  
3 evidence, we have concluded that the county has not met  
4 its burden of showing that the proposed plan was adopted  
5 with no discriminatory purpose. We start with the  
6 county's failure to adopt, as it had in previous  
7 redistricting cycles, a set of criteria by which the  
8 county would be guided in the redistricting process.

9 Were you made aware that the county -- the  
10 county's 2011 map was rejected in part because the  
11 county commissioners failed to adopt redistricting  
12 criteria?

13 A. Probably at that time.

14 Q. When would you have become aware of this?

15 A. I assume after they were notified.

16 Q. And it goes on to say, (Reading:) The evidence  
17 establishes that this was a deliberate decision by the  
18 county to avoid being held to a procedural or  
19 substantive standard of conduct with regard to the  
20 manner in which it complied with the constitutional and  
21 statutory requirements of redistricting.

22 Do you agree with that statement?

23 MR. RUSSO: Objection, calls for a legal  
24 conclusion.

25 But you can answer.

1                   And speculation.

2                   Go ahead.

3                   THE WITNESS: No. I mean, I would say what  
4 I said before. The attorneys gave us direction. We  
5 followed the attorneys' direction. We did not deviate  
6 from what they told us to do or not do.

7                   Q. (BY MS. KLEIN) Do you agree that criteria  
8 would provide a, quote, procedural or substantive  
9 standard of conduct with regard to the manner in  
10 which -- and I'll paraphrase the rest, the  
11 Commissioner's Court complied with its requirements and  
12 redistricting?

13                   A. I'm sorry. What was that? Start again.

14                   Q. Do you agree that redirecting criteria would  
15 provide a procedural or substantive standard of conduct  
16 with respect to redistricting?

17                   MR. RUSSO: Objection, calls for legal  
18 conclusion and is an incomplete hypothetical.

19                   THE WITNESS: I don't know.

20                   Q. (BY MS. KLEIN) I remember reading you said  
21 once you're a process-oriented person. Does that sound  
22 like you?

23                   A. Sounds like me.

24                   Q. So do you think having a set list of criteria  
25 voted upon would provide a set procedure and substantive  
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1 standard for how redistricting should happen?

2 A. Possibly. But if the attorneys said we didn't  
3 have to do it, we didn't do it.

4 Q. Apart from what your attorney -- I don't want  
5 to know really what your attorneys were telling you.

6 You, as a process-oriented person, teaching  
7 processes as I understand it in the Air Force for 21  
8 years, you, do you think a set criteria that the court  
9 had voted on would provide a procedural or substantive  
10 standard of conduct for redistricting?

11 A. It may or may not. It depends on the criteria  
12 and if it's -- if it's -- adds value to the process or  
13 not. There are lots of things that are good but add no  
14 value.

15 Q. Do you think you, if you had created a  
16 criteria, would have added value?

17 MR. RUSSO: Objection, calls for  
18 speculation, it's an incomplete hypothetical.

19 THE WITNESS: We never did the criteria, so  
20 I don't even know what the criteria would be, so I can't  
21 really speak to something that we never did.

22 Q. (BY MS. KLEIN) You actually had considered  
23 publicly releasing criteria in the 2011 redistricting  
24 process. Do you remember that?

25 A. No.  
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1 Q. Let's go to Tab 2.

2 (Exhibit No. 12 was marked.)

3 Q. (BY MS. KLEIN) This is an email from Roxann  
4 Lewis to you on May 24, 2011, correct?

5 A. Yes. It appears so.

6 Q. And who is Roxann Lewis?

7 A. She would have worked for me at that time.

8 Q. And let's scroll to the second page. And the  
9 title of this -- so what does this look like to you?

10 A. Resolution, a non-binding resolution.

11 Q. And what is the resolution titled?

12 A. "Galveston County Resolution Adopting Criteria  
13 For Use in Redistricting 2011 Process."

14 Q. And if we scroll towards the end, I'm going to  
15 ask you to look at a few of the "whereas" clauses.

16 The fourth from the top, (Reading:)  
17 Whereas, a set of established redistricting criteria  
18 will serve as a framework to guide the County in the  
19 consideration of redistricting plans.

20 Do you agree with that?

21 A. Again, it would depend on what the criteria  
22 are. I don't know. And I -- I don't know.

23 Q. You don't think criteria would serve as a  
24 framework?

25 MR. RUSSO: Objection, asked and answered.

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1 THE WITNESS: Only if it was helpful.

2 Q. (BY MS. KLEIN) (Reading:) Whereas,  
3 established criteria will provide the County a means by  
4 which to evaluate and measure proposed plans.

5 Do you agree with that statement?

6 A. It could be true.

7 Q. Do you think as the presiding officer at the  
8 time of Commissioner's Court, you would have proposed  
9 redistricting criteria that didn't provide a framework  
10 or didn't provide a means by which to evaluate and  
11 measure plans?

12 MR. RUSSO: Objection, calls for  
13 speculation.

14 THE WITNESS: I don't know. I'm trying to  
15 figure out how the hold button works on the telephone  
16 and we're here now talking about redistricting.

17 Q. (BY MS. KLEIN) Whereas, redistricting  
18 criteria will -- the third paragraph, (Reading:)  
19 Whereas, redistricting criteria will assist the County  
20 in its efforts to comply with all federal and state  
21 laws.

22 Do you agree with that statement?

23 MR. RUSSO: Objection, asked and answered.

24 THE WITNESS: No. Without criteria, I  
25 would not know if it would assist or not.



1 Q. (BY MS. KLEIN) And then the fourth statement,  
2 (Reading:) Whereas, although it is establishing the  
3 following guidelines, the County may consider other  
4 information, factors and guidelines in making its final  
5 determination.

6 We can go to the next -- I'm not going to  
7 ask you a question about that. Let's go to the next  
8 page of this. This is PDF page 3. (Reading:) Now,  
9 therefore, be it resolved the County and its adoption of  
10 a redistricting plan for commissioner and justice of the  
11 peace/constable precincts will adhere to the following  
12 criteria.

13 So this is a list of criteria, correct?

14 MR. RUSSO: Objection, calls for  
15 speculation.

16 THE WITNESS: Looks like it.

17 Q. (BY MS. KLEIN) You were sent this email by  
18 one --

19 A. No. This is a resolution.

20 Q. You were sent this resolution in an email from  
21 your assistant, correct?

22 A. It looks like it.

23 Q. Do you remember the context in which it was  
24 sent to you?

25 A. No.  
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1 Q. Do you remember reviewing these criteria?

2 A. No.

3 Q. Do you think she would have sent these without  
4 you requesting it?

5 MR. RUSSO: Objection, calls for  
6 speculation.

7 THE WITNESS: Possibly. I don't know.

8 Q. (BY MS. KLEIN) Is it common that somebody  
9 would draft up a full resolution on your staff without  
10 you asking for them to do that?

11 A. Absolutely. Happens every week.

12 Q. In what context do they do that?

13 A. All kinds of resolutions. Again, they're  
14 nonbinding. These don't mean anything. They're for  
15 retirements, for 50th wedding anniversaries, for  
16 business of the week.

17 I mean, resolutions are -- there are  
18 multiple resolutions on every Commissioner's Court  
19 agenda, almost none of which have I ever seen before.

20 Q. And are they sent to you via email beforehand?

21 A. It would be in the backup, yes. So it would be  
22 in the backup for the agenda.

23 Q. Is -- is this being sent to you to put in the  
24 agenda?

25 MR. RUSSO: Objection, calls for  
Page 109

1 speculation.

2 THE WITNESS: I don't know why it was sent  
3 to me. Was this adopted in court? I don't even know  
4 that answer.

5 MR. RUSSO: Just let her ask her question.

6 THE WITNESS: Okay.

7 Q. (BY MS. KLEIN) So the DOJ letter said -- that  
8 we talked about before, do you remember that, talking  
9 about how no criteria was passed?

10 A. Right.

11 Q. So do you think they got that wrong or do you  
12 think they got that right?

13 A. I do not remember.

14 Q. So you're -- you're saying your staff would  
15 spend time drafting this for you when you didn't request  
16 it?

17 A. Any commissioner that wants to ask for a  
18 resolution can do that. They don't need my permission.  
19 I don't get a say in that.

20 MS. KLEIN: Let's scroll up back to the top  
21 to the cover email. All the way to the first page,  
22 Alexa, please.

23 Q. (BY MS. KLEIN) Does she -- does Roxann say  
24 this was proposed by another commissioner?

25 A. She doesn't say.  
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1 Q. She just says, (Reading:) Attached, the  
2 resolution for rules for redistricting.

3 A. Right.

4 Q. And the subject line, what does that say?

5 A. "Resolution You Need Typed."

6 Q. So is it reasonable to say that she did this at  
7 your direction?

8 A. My assumption now thinking about this is this  
9 is probably from previous redistricting cycles. We  
10 would have had it in the archives.

11 Q. And she -- why would she want that typed?

12 MR. RUSSO: Objection, calls for  
13 speculation.

14 THE WITNESS: No idea.

15 Q. (BY MS. KLEIN) Why would you want that typed  
16 rather?

17 A. I don't know that I did. But I don't know.

18 Q. Why would you want a resolution from a past  
19 redistricting cycle sent to you?

20 MR. RUSSO: Objection, calls for  
21 speculation.

22 THE WITNESS: I don't know. It has to be a  
23 starting point if we were going to do that.

24 Q. (BY MS. KLEIN) Okay. Next -- let's go to PDF  
25 page 3 of this document. And this is -- I would like to  
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1 direct your attention to --

2 MS. KLEIN: Keep on going down, Alexa.  
3 Keep on going down. Let's go to PDF page 4. That --  
4 No. 9. Thanks, Alexa.

5 Q. (BY MS. KLEIN) The redistricting plan should  
6 not -- I'm quoting here. (Reading:) The redistricting  
7 plan should not fragment a geographically compact  
8 minority community or pack minority voters in the  
9 presence of polarized voting so as to create liability  
10 under section 2 of the Voting Rights Act.

11 Does that statement comport with your  
12 understanding of what the Voting Rights Act required in  
13 2011?

14 A. Again, my understanding would be what the  
15 attorneys told us to do to be legally compliant. And I  
16 can tell you that now looking at this, we didn't pass  
17 this. This is not the format for resolutions.

18 Q. And the signature line that's blank says Mark  
19 Henry, County Judge, correct?

20 A. Which is not how they look, that's correct.

21 Q. And you were not the county judge in 2001,  
22 correct?

23 A. Correct.

24 Q. And it says, Dwight Sullivan, County Clerk,  
25 under the attest line, correct?

1 A. Right.

2 Q. Was he the county clerk in 2001?

3 A. No.

4 Q. So does this look like just a copy of a  
5 resolution that was passed in 2001?

6 A. Yes. That's my guess, yes.

7 Q. But if you weren't the county judge, why would  
8 this be a -- do you mean that the text of the resolution  
9 was copied from 2001?

10 A. Correct. Correct.

11 Q. But does it -- and it says above your signature  
12 line, (Reading:) Upon motion duly made and seconded,  
13 the above resolution was unanimously passed this blank  
14 day of blank 2011.

15 A. Right.

16 Q. So does it look like this is a draft resolution  
17 on criteria that was at one point potentially to be used  
18 in the 2011 redistricting?

19 MR. RUSSO: Objection, calls for  
20 speculation, incomplete hypothetical.

21 You can answer.

22 THE WITNESS: It appears that they took a  
23 resolution from 2001 and updated it to 2011 names. But  
24 again, this is not the format of our resolutions and  
25 that's how I know that this didn't pass or probably even  
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1 go on the agenda.

2 MS. KLEIN: All right. You can take that  
3 down. Let's pull up another document, Tab 99. And this  
4 will be Exhibit 13.

5 (Exhibit No. 13 was marked.)

6 Q. (BY MS. KLEIN) And I'll represent to you that  
7 this document is going to be a privilege log that was  
8 produced by your counsel in this matter. And I'll  
9 represent to you a privilege log is a list of documents  
10 that they have not produced to us that we requested  
11 because they are asserting a privilege.

12 So I'm going to be very careful asking you  
13 questions about this. I am not going to ask you  
14 questions about specifics that you talked about with  
15 your attorneys, specific communications.

16 I'm just going to be jogging your memory  
17 using this -- using this document. But I'm not going to  
18 ask you about any information that's not on the  
19 document, if that makes sense.

20 A. Okay.

21 Q. It's probably taking a little bit of time.

22 MS. PASTOR: Hi, Hilary, that was Tab 99?

23 MS. KLEIN: Tab 99.

24 MS. PASTOR: Okay.

25 MS. KLEIN: Okay. And we're going to go to

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1 entry 1, the first right up there, it says the family  
2 date is June 2, 2011. And -- oh, if you could --  
3 You're -- the screen -- if you could zoom out a little  
4 bit because a little bit of the screen is covered by --  
5 there we go.

6 Q. (BY MS. KLEIN) It says, (Reading:)  
7 Communication from Judge Henry to redistricting counsel  
8 requesting legal review of draft redistricting criteria.

9 Correct?

10 MR. RUSSO: Do you see that?

11 THE WITNESS: Uh-huh. Yes.

12 Q. (BY MS. KLEIN) Is it -- would it make sense  
13 that the document, Exhibit 12 that we just went over,  
14 was the criteria you sent for your counsel to review?

15 MR. RUSSO: Objection, calls for  
16 speculation.

17 THE WITNESS: I -- I don't know.

18 Q. (BY MS. KLEIN) Do you remember -- well, strike  
19 that. We can take this down.

20 So we've talked about how the DOJ objected  
21 to that and you mentioned something about a settlement,  
22 I think, earlier. Do you remember that the  
23 Commissioner's Court precinct map was redrawn in 2012?

24 A. I remember it was redrawn. I thought it  
25 was '13, but it could have been '12.

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1 Q. In 2012 or 2013?

2 A. Yes.

3 Q. Were you involved in that redrawing process?

4 A. No.

5 Q. Who was?

6 A. The lawyers, Dale Oldham, Joe Nixon.

7 Q. Did you provide input on it?

8 A. I doubt it.

9 Q. Okay. Did you approve it before it was

10 submitted for --

11 A. I'm sure they would have said this is -- this

12 will be accepted by Justice. So that's what I need to

13 hear.

14 Q. Are you aware of the 2013 Supreme Court opinion

15 called Shelby County v. Holder?

16 A. I hear them talking about it. I do not pretend

17 to know what it deals with.

18 Q. Did that decision change in any way your

19 expectations for what would be required in county

20 commissioner redistricting?

21 MR. RUSSO: Objection, calls for

22 speculation. Calls for a legal conclusion.

23 THE WITNESS: Yeah, I -- I know it's a

24 landmark case. That's about all I know about it. So

25 no, it could not have changed my idea of what we're

1 | going to do.

2 | Q. (BY MS. KLEIN) Do you remember saying that  
3 | that opinion made it easier to redistrict?

4 | MR. RUSSO: Objection, asked and answered,  
5 | calls for speculation, asks for a legal conclusion.

6 | THE WITNESS: I said it would make it  
7 | easier?

8 | Q. (BY MS. KLEIN) Yeah, do you remember saying  
9 | that?

10 | A. Only if the lawyer said it would make it  
11 | easier.

12 | Q. And just to be clear, I'm not asking you for a  
13 | legal conclusion.

14 | A. Okay.

15 | Q. Just your personal understanding.

16 | A. Okay.

17 | Q. I don't want to know whether you agree with  
18 | what your lawyers told you or you don't. I don't want  
19 | to know any of that stuff, just your understanding of  
20 | what was going on.

21 | A. I'm guessing they conveyed to me that this  
22 | would make it somewhat easier.

23 | Q. I mean, do you remember being told at the time  
24 | to hold off on new precincts -- after Shelby to hold off  
25 | on new precincts for the justice of the peace because

1 the Shelby County decision might change the  
2 requirements?

3 MR. RUSSO: Need to make sure that the  
4 witness understands don't disclose attorney-client  
5 communications that are related to providing legal  
6 services to the county.

7 THE WITNESS: Right.

8 MR. RUSSO: Other than that, you can  
9 answer.

10 THE WITNESS: Okay. Ask the question  
11 again.

12 Q. (BY MS. KLEIN) Do you remember being -- you  
13 know what, strike this. We can just move on.

14 MS. KLEIN: All right. This would be a  
15 good time if anybody needs another break or I can just  
16 keep powering through and we can break for lunch in  
17 another hour or so.

18 MR. RUSSO: I'm -- I'm okay with that.

19 THE WITNESS: I'm fine.

20 Q. (BY MS. KLEIN) We're going to move forward in  
21 time, so hopefully, things will get a little bit easier.  
22 I'm done asking you about ten years ago.

23 A. Okay.

24 Q. Let's talk about this redistricting cycle.

25 A. Okay.

1 Q. Okay. When did you become aware that Galveston  
2 County would have to redraw its commissioners' districts  
3 in 2021?

4 A. I would have known that all along.

5 Q. I'm going to refer to that process as the 2021  
6 redistricting process.

7 A. Okay.

8 Q. So do you understand that redistricting is  
9 required because the populations become --

10 A. (Inaudible).

11 MR. RUSSO: Object. Again, calls for a  
12 legal conclusion.

13 THE WITNESS: Okay.

14 MR. RUSSO: Let her finish the question  
15 first.

16 THE WITNESS: Yeah, right.

17 Q. (BY MS. KLEIN) Were you planning to redraw the  
18 commissioners' precincts even if there wasn't unequal  
19 populations that required it?

20 A. I knew there would be.

21 Q. So going back, you know, you're a  
22 process-oriented person. We talked about that earlier.  
23 I happen to be one as well.

24 So you must have thought a lot about the  
25 process for redistricting in 2021. Is that fair to say?

1 A. That's not fair to say.

2 Q. No?

3 A. I knew we had to do it. I was hoping that our  
4 lawyers would be available again and that's about the  
5 extent of it.

6 Q. So you were hoping the same lawyers would be  
7 available again?

8 A. Yes.

9 Q. Tell me why.

10 A. I had a level of trust with them that I thought  
11 they could do the job if they were interested.

12 Q. You weren't concerned that the submission had  
13 been late last time?

14 A. No.

15 Q. And that the map last time had been rejected  
16 and it had to go to litigation, you weren't concerned  
17 about that?

18 A. No.

19 Q. That didn't give you pause?

20 MR. RUSSO: Objection, asked and answered.

21 THE WITNESS: No.

22 Q. (BY MS. KLEIN) So how did you start your  
23 planning for the 2021 redistricting process?

24 A. I -- at some point in 20 -- late 2020 or early  
25 2021 I'm sure I would have asked Paul and/or Tyler to  
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1 | get ahold of Dale. I knew that Trey Trainor had become  
2 | a FEC commissioner and that Joe was his general counsel  
3 | or something. They weren't available, which concerned  
4 | me because I thought that they were pretty significant  
5 | in the process but we tracked down Dale and I was  
6 | pleased to hear that he was interested in doing the job  
7 | for us.

8 | Q. And that was late 2020, early 2021 you said --  
9 | I heard you say?

10 | A. Yes, I'm sure it was that time frame.

11 | Q. Do you remember being contacted by Galveston's  
12 | tax assessor, Cheryl E. Johnson, in late 2020 asking you  
13 | about redistricting?

14 | A. Because of a document they showed me in  
15 | preparation for this, yes, I remember now.

16 | Q. Okay. Maybe I'll show you that documentation.

17 | MS. KLEIN: Can we pull up Tab 24, Alexa?  
18 | And we'll title this Exhibit 14.

19 | (Exhibit No. 14 was marked.)

20 | Q. (BY MS. KLEIN) So this is an email from Linda  
21 | Liechty, I think is how you pronounced her name?

22 | A. Liechty.

23 | Q. Liechty, thank you. To you and Tyler Drummond  
24 | and Jed Webb and she attaches a letter. Am I getting  
25 | that right?

1 A. Yes.

2 Q. December 30, 2020?

3 A. Yes.

4 Q. And let's scroll to the next page, PDF Page 2  
5 of this exhibit. And this is a letter dated  
6 December 22nd from Cheryl E. Johnson to you and I'll  
7 just direct -- I don't want you to read the whole  
8 letter, but I'd like to just go right to the end, the  
9 last paragraph at the bottom. Do you remember getting  
10 this letter?

11 A. No, but I'm sure I did.

12 Q. The last -- the last paragraph said, (Reading:)  
13 To ensure we have the most current existing boundaries,  
14 please provide either a digital file or paper copy of  
15 current plans as soon as possible. Although the real  
16 work may not begin until the spring, it is never too  
17 early to get started on a plan of action so that  
18 implementation of 2020 redistricting plans in Galveston  
19 County is a seamless and successful effort. We look  
20 forward to working with you in 2020 redistricting.

21 MR. RUSSO: Counsel, what's the date of  
22 this letter? I'm sorry.

23 MS. KLEIN: We can scroll up.

24 THE WITNESS: I think it's December of  
25 2020.

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1 MR. RUSSO: Okay.

2 THE WITNESS: Yeah.

3 MR. RUSSO: Thank you.

4 Q. (BY MS. KLEIN) Did you take any actions after  
5 receiving this letter from Ms. Johnson?

6 A. There would be no action to take.

7 Q. Why is that?

8 A. She's asking -- I know what she's asking.  
9 She's asking for files that don't exist yet and she's  
10 also correctly asking that we don't split up apartment  
11 complexes and things like that into multiple precincts.

12 She also has to deal with city elections.  
13 So she also had a concern that is less for the county  
14 but as the voter registrar, she's got to get the  
15 districts in a -- within a city correct.

16 Q. So why was she so concerned about splitting up  
17 apartment buildings?

18 A. It's just confusing. You've got the same  
19 street address with two different voting precincts.

20 Q. And you also mentioned, you know, city  
21 districts and other things. Was she asking to  
22 coordinate on something related to other districts  
23 besides --

24 A. That's not how I read it. I read it as her  
25 asking us to get her the files as soon as we can get  
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1 them to her because then she's the voter registrar, she  
2 has to implement those addresses into the -- I can't  
3 remember the name of the system that then creates the  
4 voter card that tells you where -- what precincts you're  
5 in.

6 Q. Do you remember her asking -- all right. We  
7 can take this one down.

8 Do you remember her following up in January  
9 of the new year of 2021 about the same issue?

10 A. I don't remember that, but she may well have.

11 Q. Okay. We'll pull that up.

12 MS. KLEIN: This is Tab 26, Alexa, and it  
13 will be Exhibit 15.

14 (Exhibit No. 15 was marked.)

15 Q. (BY MS. KLEIN) So this is an email dated  
16 January 14, 2021 from Cheryl Johnson to you, correct?

17 A. Correct.

18 Q. And it also copies the other commissioners,  
19 correct?

20 A. Yes, it does.

21 Q. Do you remember receiving this email?

22 A. I don't remember it, but I don't doubt that I  
23 got it.

24 Q. And she says, (Reading:) With redistricting  
25 around the corner, I thought it may be helpful for each  
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1 of you to have the list of registered voters across the  
2 county (by precinct) which automatically provides county  
3 commissioner lists and the JP/Constable listings.

4 Do you know why she would have sent that to  
5 you?

6 A. Not really.

7 Q. Did you take any steps after receiving this  
8 email from her?

9 A. There's nothing -- again, there's nothing at  
10 this point that can be done. We don't have census data.  
11 We don't have anything.

12 Q. Could you have started making a timeline for  
13 how the redistricting process should go?

14 MR. RUSSO: Objection, calls for  
15 speculation.

16 THE WITNESS: It would strictly be an  
17 exercise because we don't have census data. So there's  
18 nothing you can do until you get census data.

19 Q. (BY MS. KLEIN) Can you -- well, what about the  
20 criteria that we just looked at a few exhibits ago? Do  
21 you need census data to pass a resolution of criteria?

22 A. We didn't pass a resolution of criteria.

23 Q. But hypothetically, would you need census data  
24 to pass a resolution of criteria?

25 MR. RUSSO: Objection, calls for  
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1 speculation and it's an incomplete hypothetical.

2 THE WITNESS: If our lawyers told us to  
3 pass a resolution for criteria, we would have done that.

4 Q. (BY MS. KLEIN) Apart from what your lawyers  
5 were telling you to do or not, your understanding, did  
6 criteria require knowing anything about census data at  
7 all?

8 MR. RUSSO: Calls for speculation and a  
9 legal conclusion.

10 THE WITNESS: You lost me. The -- the  
11 census data -- if we are going to adopt criteria, I  
12 don't guess we'd have to wait for census data.

13 Q. (BY MS. KLEIN) You don't guess. You don't  
14 think you would have had to wait?

15 MR. RUSSO: Objection, calls for  
16 speculation.

17 THE WITNESS: I don't know that it would  
18 have been passed by Commissioner's Court. So I can only  
19 speak for myself as one of five members.

20 Q. (BY MS. KLEIN) What I'm asking is did -- if  
21 you were to pass redistricting criteria as they had in  
22 the past, would you need to know census numbers in order  
23 to draft those criteria, those standards for  
24 redistricting and pass them?

25 A. Probably not.  
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1 MR. RUSSO: Objection, calls for  
2 speculation.

3 MS. KLEIN: If you could just let him --  
4 not speak over each other somehow.

5 MR. RUSSO: She's telling you to wait for  
6 me.

7 THE WITNESS: Okay.

8 Q. (BY MS. KLEIN) So you say you sought out Dale.  
9 Do you remember receiving -- Dale Oldham, rather, do you  
10 remember receiving communications from other perspective  
11 counsel for redistricting?

12 A. I do not remember getting anything else.

13 Q. Okay. Let's pull one of those documents up.  
14 This is Doc 15 and it will be Exhibit 16.

15 (Exhibit No. 16 was marked.)

16 MS. KLEIN: So Alexa, that's Tab 15.

17 Q. (BY MS. KLEIN) Just one more question on the  
18 criteria issue. I'm sorry to go back and poke around.

19 A. That's okay.

20 Q. You said, "probably." I heard you say,  
21 "probably." Is there any reason you can think of that  
22 you would need census numbers first before drafting up a  
23 set of criteria to guide the redistricting process?

24 MR. RUSSO: Object. Calls for speculation.

25 Misstates the record. It's vague and ambiguous.

1 THE WITNESS: No. I think -- you're saying  
2 do I need census data if we are going to adopt criteria,  
3 do we need to wait for census data, the answer to that,  
4 I guess, would be no.

5 Q. (BY MS. KLEIN) All right. So we have this  
6 document, Exhibit 16, pulled up. And this is an email  
7 from Dianna Martinez to you dated February 18, 2020,  
8 correct?

9 A. Correct.

10 Q. And Dianna Garza-Martinez is your office  
11 coordinator, correct?

12 A. That is correct.

13 Q. Let's scroll to the second page. And this is a  
14 letter attached, it says -- stamped with received  
15 February 14, 2020. The heading is Allison, Bass &  
16 Magee, LLP. The letter itself is dated February 6, 2020  
17 and it is addressed to you, correct?

18 A. It is.

19 Q. Did I get any of that wrong?

20 A. You got it correct.

21 Q. And the subject line is, Commissioner's Court  
22 Precinct Redistricting, right?

23 A. Correct.

24 Q. Do you remember getting this letter?

25 A. I specifically don't remember, but I'm sure I  
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1 | got it.

2 | Q. Had you discussed the need for counsel for the  
3 | 2021 redistricting process with Ms. Martinez?

4 | A. No, I doubt it.

5 | Q. Had you discussed the need for counsel with  
6 | anyone else in your office?

7 | A. At any time or on February 6th or when -- when  
8 | exactly?

9 | Q. Before you retained counsel for the 2021  
10 | process, had you talked with anybody?

11 | A. Oh, I'm sure I talked with Paul.

12 | Q. Paul?

13 | A. Ready, general counsel.

14 | Q. Do you remember reading this letter?

15 | A. I suspect I would have thrown this letter in  
16 | the trash can.

17 | Q. Why?

18 | A. Because I do not like this law firm.

19 | Q. Well, tell me why.

20 | A. Because they're bad. They're -- first of all,  
21 | let me put this in context. These guys are general  
22 | counsel for Texas Association of Counties. This is a  
23 | solicitation letter which probably violates the  
24 | professional ethics in the State of Texas. And I love  
25 | the first line of the second paragraph, "We have not

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1 | 1 received your retainer yet." Yeah, you're not going to.

2 | 2 Q. Did you share this solicitation with any of the  
3 | 3 other commissioners?

3 | 4 A. I think they sent it to all of them

4 | 5 individually.

5 | 6 Q. Did you ever discuss this -- retaining or not

6 | 7 retaining Allison, Bass & Magee for redistricting with

7 | 8 the other commissioners?

8 | 9 A. No.

9 | 10 Q. And why specifically don't -- did you not want

10 | 11 to retain this specific law firm?

11 | 12 MR. RUSSO: Objection, asked and answered.

12 | 13 THE WITNESS: He's probably my lawyer on

13 | 14 another case and so I'm trying to be careful not to

14 | 15 discuss that. So can I just leave it at I don't think

15 | 16 he does a good job?

16 | 17 Q. (BY MS. KLEIN) Sure. So the county ended up

17 | 18 retaining the firm Holtzman, Vogel, Josefiak, Torchinsky

18 | 19 to assist with the 2021 redistricting in April of 2021;

19 | 20 is that correct?

20 | 21 A. That's sounds right, yes.

21 | 22 Q. Holtzman Vogel, I'm going to refer to them just

22 | 23 with those two first names, if that makes sense.

23 | 24 A. Absolutely.

24 | 25 Q. Holtzman Vogel are the same counsel

25 | Page 130

1 | representing you in this litigation, correct?

2 | A. Correct.

3 | Q. I'm going to refer to them as redistricting  
4 | counsel going forward. Make sense?

5 | A. Yes.

6 | Q. And they were also working with Dale Oldham at  
7 | your request, correct?

8 | A. Basically, yes. I can't recall if Dale and  
9 | them worked together already or if when we retained  
10 | Dale, they agreed to work. I can't remember exactly how  
11 | it happened. But essentially, yes.

12 | Q. And so what was your -- how would you  
13 | characterize your role in coordinating the retention of  
14 | Holtzman Vogel and Dale Oldham for the 2021  
15 | redistricting process?

16 | A. I would have -- I know that we had discussions  
17 | with Dale and then -- again, I can't recall exactly how  
18 | it all worked together. But then there would have been  
19 | a retention with redistricting counsel to include Dale.  
20 | Is that your -- is that your question?

21 | Q. My question is a little bit different. What  
22 | was your role specifically distinguishing among other  
23 | commissioners?

24 | A. Re-coordinating the effort.

25 | Q. Do you remember that retaining counsel was put  
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1 | on the Commissioner's Court meeting agenda in  
2 | January 2021?

3 | A. I don't remember that, but it sounds right.

4 | Q. Okay. I can -- I can pull it up if you -- if  
5 | you need -- if you want me to. I can pull it up. I'm  
6 | willing to represent it --

7 | A. Okay.

8 | Q. -- for the record. Do you remember that that  
9 | item was deferred at that time?

10 | A. I don't remember that.

11 | Q. Okay. Do you remember why it might have been  
12 | deferred?

13 | A. Since I don't remember it being deferred, I  
14 | don't remember why.

15 | Q. All right. They were eventually -- Holtzman  
16 | Vogel, redistricting counsel, and Dale Oldham were  
17 | eventually approved and retained by the Commissioner's  
18 | Court in April of 2021. Does that timing sound right to  
19 | you?

20 | A. Sounds about right.

21 | MS. KLEIN: Let's go to Tab 31, please,  
22 | Alexa. This will be Exhibit 17.

23 | (Exhibit No. 17 was marked.)

24 | Q. (BY MS. KLEIN) Do you recognize this document?

25 | A. It appears to be one of our agendas for  
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1 April 5th in this case.

2 Q. And scroll down -- if we could scroll down to  
3 Item 11, please. And can you read Item 11?

4 A. (Reading:) Consideration of approval of an  
5 engagement of counsel based on 2020 census submitted by  
6 county judge.

7 Q. Do you recall if there's a meeting package for  
8 this meeting?

9 A. What do you mean a meeting package?

10 Q. What we talked about before, the materials  
11 associated --

12 A. Oh, the backup.

13 Q. The backup, you call it the backup. I'll call  
14 it the backup now, too.

15 Do you recall if there's a backup for this  
16 meeting?

17 A. There's a backup for every meeting, not every  
18 single item has got a backup document to go with it.

19 Q. Do you remember if this item had a backup  
20 document?

21 A. No, I don't remember.

22 Q. Okay. I'm going to actually take the time to  
23 take you to that.

24 A. Okay.

25 MS. KLEIN: Or you know, I can save the  
Page 133

1 | time if counsel is willing to represent that we don't  
2 | need to authenticate the backup that we got from the  
3 | county website.

4 | MR. RUSSO: In terms of, like, authenticate  
5 | it and ask him if it's a county --

6 | MS. KLEIN: If it's accurate, the version  
7 | that was posted on the county website is accurate.

8 | MR. RUSSO: I can't tell you that I've seen  
9 | it, frankly. So it's hard for me to make the  
10 | representation.

11 | Q. (BY MS. KLEIN) All right. That's fair. We'll  
12 | do it -- Doc 32. Just trying to save --

13 | MR. RUSSO: I understand.

14 | Q. (BY MS. KLEIN) Let's pull up Doc 32, so it  
15 | will be Exhibit 18.

16 | (Exhibit No. 18 was marked.)

17 | Q. (BY MS. KLEIN) And this -- this is a large  
18 | document so it is going to take a little bit of time.  
19 | But while we're waiting for it -- for to load, who  
20 | decides what will be in the backup?

21 | A. Dianna, although we -- you know, to the extent  
22 | possible, we like everything to have backup if we can.  
23 | Just that all things -- we don't get some things in on  
24 | time. Some things you can't really put a backup to,  
25 | appointments, for example. So some things just don't

1 | have a backup or can't -- doesn't get there quick  
2 | enough.

3 | Q. So we saw that it was Item Agenda 11. Do you  
4 | remember that?

5 | A. Yes.

6 | Q. So when this loads, it's a big file, but when  
7 | it loads, I'm going to take you to PDF pages 239, if you  
8 | could scroll to that. And it says Agenda Item 10. Do  
9 | you see that?

10 | A. Yes.

11 | Q. And if we keep scrolling please and keep  
12 | scrolling to the next page, please. And then it says  
13 | Agenda Item 12, right?

14 | A. Yes.

15 | Q. So it appears there's no backup materials for  
16 | Agenda Item 11, correct?

17 | A. Correct.

18 | Q. Do you remember why no backup materials?

19 | A. No, I have no idea.

20 | Q. So the -- for example, the -- you know, the  
21 | proposed retainer agreement was not included in this  
22 | agenda packet, correct?

23 | A. It doesn't appear that way, correct.

24 | Q. And if we go back to Exhibit 17, the agenda  
25 | itself, and you just read that. Do you remember it  
Page 135

1 | saying who the attorneys that were proposed counsel  
2 | would be?

3 | A. No, I don't remember.

4 | Q. So let's scroll to -- again, back to Agenda  
5 | Item 11. Does it say anywhere on this?

6 | A. No.

7 | Q. So would a member of the public from these  
8 | public materials know who the proposed redistricting  
9 | counsel would be?

10 | A. I wouldn't think so.

11 | Q. Is there any other way they might know who  
12 | redistricting counsel would be?

13 | MR. RUSSO: Objection, calls for  
14 | speculation.

15 | THE WITNESS: I don't know.

16 | Q. (BY MS. KLEIN) I mean, you know what  
17 | information is posted about the commissioner court  
18 | meeting you preside over before?

19 | A. Right. And we're required to publish the item  
20 | to be considered, not the details of every transaction.

21 | Q. But didn't you just say that you try to include  
22 | things whenever you can for the backup?

23 | A. Yes.

24 | Q. So do you know why you chose not to include the  
25 | draft?

1 MR. RUSSO: Objection, asked and answered.

2 THE WITNESS: It becomes a public document.

3 We're not trying to hide anything.

4 Q. (BY MS. KLEIN) But you agree you didn't --

5 it's not included in the notice material?

6 A. I agree it did not get into the backup at the

7 time of the posting.

8 Q. So someone would have to actually go to the

9 meeting to understand who the proposed counsel were

10 going to be, right?

11 A. Or what's online.

12 Q. So if somebody, say, objected to using the same

13 counsel as last redistricting cycle, they wouldn't have

14 known that unless they had chosen to show up to the

15 meeting to find out, correct?

16 MR. RUSSO: Objection, calls for

17 speculation.

18 THE WITNESS: I assume so.

19 Q. (BY MS. KLEIN) Do you think -- strike that.

20 Does it surprise you that the January 25th

21 meeting where we talked about how the item was deferred

22 that it was not in that meeting packet either?

23 MR. RUSSO: Objection, calls for

24 speculation.

25 THE WITNESS: No.

1 Q. (BY MS. KLEIN) Other than Dale Oldham, do you  
2 know of any other counsel who worked -- who represented  
3 you in the 2021 process that also specifically had  
4 worked with you in 2011 on the redistricting process?

5 A. No, I -- no.

6 Q. Do you remember what discussion, if any, there  
7 was in the April 2021 meeting where you decided to  
8 retain counsel what discussion there was at that meeting  
9 about retaining counsel?

10 A. There was no discussion. It's on consent.

11 Q. Which means it just goes to a vote?

12 A. Right.

13 Q. Do you remember the vote on this item?

14 A. I do not. Unless someone pulled it off, it was  
15 everyone present, but I don't know who was present at  
16 that meeting.

17 Q. Let's go to the meeting minutes for this.

18 That's Tab 33. And this will be Exhibit 19.

19 (Exhibit No. 19 was marked.)

20 Q. (BY MS. KLEIN) Do you want to guess who voted  
21 for and who voted against?

22 A. Was it --

23 MR. RUSSO: Objection, calls for  
24 speculation.

25 THE WITNESS: Was it removed from consent

1 agenda?

2 Q. (BY MS. KLEIN) Let's scroll to -- let's scroll  
3 to 11, Item 11 here, it says, (Reading:) Consideration  
4 of approval of an engagement of counsel based on 2020  
5 census submitted by county judge. Motion to approve  
6 consent agenda Item 11 only by County Judge Henry,  
7 seconded by Commissioner Giusti and it says passed 4-1.

8 A. Okay. So it was pulled off consent agenda and  
9 Commissioner Holmes voted against it.

10 Q. Do you know why he voted against it?

11 A. Do not.

12 Q. Was there -- if it was pulled off consent  
13 agenda, was there discussion about it?

14 A. There could have been. If it's pulled off  
15 consensual, you're allowed to discuss it now. That  
16 doesn't mean there has to be. And I'll just tell you  
17 many, many times Commissioner Holmes will say just pull  
18 it off because I'm going to vote against it.

19 Q. Okay. Do you remember if there was discussion  
20 about it in this meeting?

21 A. No, I don't remember.

22 Q. All right. So you eventually retained the  
23 counsel. I'd like to show you that engagement letter.

24 A. Okay.

25 Q. That's -- and we can pull this down. And let's  
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1 pull up Document 34. This is going to be Exhibit 20.

2 (Exhibit No. 20 was marked.)

3 Q. (BY MS. KLEIN) While we're waiting for it to  
4 load, let me ask you, what was your expectation for the  
5 scope of work your redistricting counsel would provide  
6 for you in the 2021 redistricting process?

7 A. What was my expectation about the scope of his  
8 work?

9 Q. What did you think Holtzman Vogel was going to  
10 do for you with respect to the 2021 redistricting  
11 process?

12 A. I -- well, I want to be clear that my belief  
13 was that Dale was really the person that I was hiring.  
14 Holtzman Vogel comes with him. I understand that. But  
15 that Dale would get us a legally compliant map that gets  
16 us in balance for the -- with the census data we have  
17 available.

18 Q. So your understanding was that Dale would draft  
19 the map for you?

20 A. Yes.

21 Q. Did you have the understanding he would draft  
22 several maps for you?

23 A. I don't know that I gave him an upper and lower  
24 limit. The more maps he drafts, the more he charges us.  
25 But, you know, it could be more than one.

1 Q. Did you give him any concept maps or  
2 description before he started drafting?

3 A. Concept maps, no, I don't know how to do that.  
4 Drafts -- I'm sorry. Direction --

5 MR. RUSSO: Before you complete, facts  
6 related to the representation, legal -- the legal  
7 services are okay, but don't provide or disclose  
8 communications between you and Mr. Oldham specifically  
9 related for legal services.

10 THE WITNESS: Well, I think that's what I  
11 would be answering.

12 MR. RUSSO: Well, the difference being the  
13 facts as to -- again, you talked about what he was  
14 supposed to do for you.

15 THE WITNESS: Okay.

16 MR. RUSSO: That's fine. But how he's  
17 going to do it is a different question. Do you  
18 understand?

19 THE WITNESS: Yes, I think.

20 Q. (BY MS. KLEIN) Let me separate this out. I'm  
21 not going to ask you about what Dale thought about the  
22 legal requirements. I'm not going to ask you what  
23 Mr. Oldham thought, you know, about what was legally  
24 required or advice he gave you specifically.

25 But I do want to know about, you know, the  
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1 | drafting process, just the maps and the ideas you had,  
2 | not about whether they were legal or not or anything,  
3 | but just if you had an idea geographically -- putting  
4 | all the legal stuff aside if you had an idea  
5 | geographically that you shared with Mr. Oldham when you  
6 | retained him about what the maps or proposed maps should  
7 | look like?

8 | THE WITNESS: Is that okay?

9 | MR. RUSSO: There's no question pending.  
10 | She's just making a statement so...

11 | Q. (BY MS. KLEIN) So I'll ask the question. Did  
12 | you share with him any geographic concept ideas about  
13 | what one or more proposed maps should look like?

14 | MR. RUSSO: Again, you can answer in hiring  
15 | and what the general retainage was about and for. But  
16 | specifics as to him providing legal services or  
17 | financial matters or what the facts could be related to  
18 | specific advice he was providing are off the table.

19 | THE WITNESS: Well, then I guess I can't  
20 | answer that.

21 | MS. KLEIN: Okay. I'm going to interpose,  
22 | just for the record preserve the right -- because I  
23 | understand this is related to an issue that's pending  
24 | before the Court. So -- so I'm going to just preserve  
25 | the right to ask that question again if we get a

1 | different determination from the Court in the future on  
2 | this issue. But I'm going to keep asking this line of  
3 | questions and just to preserve our rights.

4 | MR. RUSSO: I understand.

5 | MS. JAYARAMAN: Hi, this is Tharuni  
6 | Jayaraman for the United States. The United States also  
7 | joins in preserving.

8 | MS. RICHARDSON: Petteway plaintiff joins  
9 | in the reservation as well.

10 | Q. (BY MS. KLEIN) Apart from wanting a legal map,  
11 | did you have any other goals or objectives for how the  
12 | county commissioners' new precincts should look?

13 | MR. RUSSO: Same reservation in terms of  
14 | the attorney-client privilege. To the extent that you  
15 | can describe the general retainage, that's okay. I  
16 | would waive --

17 | THE WITNESS: Can I step out and ask him a  
18 | question? Because I don't know -- I just don't know if  
19 | this is privileged or not.

20 | MS. KLEIN: We can go off the record if you  
21 | want.

22 | THE WITNESS: Yes.

23 | MS. KLEIN: But before that, let me just  
24 | clarify. That question, I didn't ask anything about an  
25 | attorney anywhere. I'm just asking about Judge Henry's

1 | personal desires at the beginning of the redistricting  
2 | process putting aside all legalese. So I'll ask the  
3 | question again and see if the witness understands, you  
4 | know, he still has a confusion about privilege.

5 | MR. RUSSO: The only issue is conveying the  
6 | question I think tied up is what conveyance he's making  
7 | to Dale in that respect. If he -- if we're talking  
8 | about what he comes to the table with, all day you can  
9 | ask him that.

10 | MS. KLEIN: Okay.

11 | MR. RUSSO: Okay. That's a different  
12 | question. It doesn't involve the attorney.

13 | MS. KLEIN: Yeah, so --

14 | MR. RUSSO: I get that, so...

15 | THE WITNESS: Well, but it does. That's  
16 | who I'm conveying information to.

17 | MR. RUSSO: She's asking you a different  
18 | question, I think. What were your -- what were your  
19 | goals, I think is what she's getting at. What did you  
20 | want to do?

21 | THE WITNESS: But my goal conveyed to Dale  
22 | is okay not --

23 | MR. RUSSO: That's a different question --  
24 | separate question. What you conveyed to Dale is a  
25 | different question. What -- what was your -- your goal

1 as -- as the county judge?

2 THE WITNESS: Okay. Just me speaking for  
3 myself what I would like --

4 MR. RUSSO: Let her ask it.

5 MS. KLEIN: And so I appreciate you're  
6 trying to help and facilitate this and instruct him.

7 But if you could just let me clarify with the witness if  
8 he has confusion and then you can instruct him on  
9 privilege. I think that makes sense going forward.

10 Q. (BY MS. KLEIN) So putting aside Mr. Oldham, at  
11 the -- when you -- at the beginning of this process,  
12 right, in April when you were retaining counsel, what  
13 were your own desires -- other than just a legal map,  
14 your own desires for how the commissioners' precinct map  
15 would look?

16 A. The thing that I had -- it wasn't just in  
17 April. It was for many years before that I thought the  
18 county would benefit greatly from having one coastal  
19 precinct.

20 MS. KLEIN: All right. So can we publish  
21 that Exhibit 20, please, Alexa?

22 Q. (BY MS. KLEIN) This is an email chain between  
23 Paul Ready and Mr. Oldham and you are copied, correct?

24 A. Yes.

25 Q. It's dated April 6, 2021, correct?  
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1 A. Yes.

2 Q. And it says, (Reading:) The executed  
3 engagement letter is attached. You may be hearing from  
4 either myself or Judge Henry or his Chief of Staff,  
5 Tyler. Otherwise, let us know when it's time to start  
6 the work.

7 Correct?

8 A. Yes.

9 Q. So you were depending on counsel to advise you  
10 when to start the work?

11 A. Yes.

12 Q. And let's scroll to the next page. And let's  
13 scroll to the attachment, actually.

14 And this is a document dated January 20,  
15 2021, and the subject line is Holtzman Vogel Josefiak  
16 Torchinsky PLLC Engagement Letter. Did I get that  
17 right?

18 A. Yes.

19 Q. And if we scroll all the way to the end,  
20 please, that's your signature, correct?

21 A. Yes.

22 Q. Do you remember executing this?

23 A. Oh, goodness, no.

24 Q. So do you remember when -- and I don't want to  
25 know the specifics of your communications with counsel.

1 But do you know when you started discussing the 2021  
2 redistricting process and planning after this letter was  
3 executed?

4 A. It would have been at some point after this,  
5 but exactly when I do not remember.

6 Q. Scrolling back up to the first page of the  
7 engagement letter, which I think is, like, PDF page 3 of  
8 this document. Yeah, that's correct.

9 The second paragraph says, (Reading:)  
10 Specifically, the firm has been engaged to provide legal  
11 representation and advice regarding redistricting in  
12 Galveston County, Texas, including provision of a  
13 technical expert to draw the map. The firm will be  
14 associated with Dale Oldham, PC and representation on  
15 this matter.

16 Who's the technical expert referred to in  
17 this? Do you know?

18 MR. RUSSO: Calls for speculation.

19 THE WITNESS: I don't know.

20 Q. (BY MS. KLEIN) Does Tom Bryan ring a bell?

21 A. I heard that name in preparation for this only.  
22 That's the first time I've heard it.

23 Q. And then if we -- if we go down to the fourth  
24 paragraph, it says -- the fourth paragraph, it says,

25 (Reading:) At this time our Texas bar attorney,  
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1 Phil Gordon, assisted by Dale Oldham and Jason  
2 Torchinsky will be primarily responsible for overseeing  
3 representation.

4 Was that your understanding that those  
5 three attorneys would be overseeing the representation?

6 A. That's what's in the letter. Although, I don't  
7 recall if I've ever met Phil Gordon, so I don't -- I  
8 didn't have much to do with him, if anything.

9 Q. But you wanted -- you wanted Dale Oldham to  
10 draw your map, right?

11 A. Yes.

12 MR. RUSSO: Objection, calls for  
13 speculation.

14 Q. (BY MS. KLEIN) When you retained them, did you  
15 have an expectation that your redistricting counsel was  
16 or would be communicating with other third parties  
17 beyond you or the other commissioners about Galveston's  
18 2020 redistricting of commissioner districts?

19 A. Did I have -- what was the first part? Did I  
20 have an understanding or an expectation? What was  
21 the --

22 Q. Let's start with the first. Did you have an  
23 understanding that they would be communicating with  
24 third parties not part of the Galveston Commissioner's  
25 Court, not part of their firm but other third parties

1 about Galveston's redistricting?

2 A. I wouldn't know that I don't think.

3 Q. Did you have an expectation regarding whether  
4 they were having communications?

5 A. I assume if they needed something from  
6 somebody, they would know where to get it, but I don't  
7 know who that would be.

8 Q. Did you have an expectation that they would not  
9 be discussing redistricting -- Galveston's redistricting  
10 process with third parties?

11 A. I don't -- I don't know who the third parties  
12 are so I don't know how to answer that.

13 Q. I'll show you an example. Make it a little  
14 easier. Let's pull up Tab 56. This will be Exhibit 21.

15 (Exhibit No. 21 was marked.)

16 Q. (BY MS. KLEIN) So you're not on this email, so  
17 I'm going to represent to you that this was produced by  
18 your counsel in this litigation.

19 A. Okay.

20 Q. But it looks like it's from Adam -- a man  
21 called Adam Kincaid to -- do you recognize the  
22 dloesq@aol.com?

23 A. No.

24 Q. Okay. I will represent to you that that is  
25 Dale Oldham's email address and I'll represent that to  
Page 149

1 you because it's on other correspondence --

2 A. Okay.

3 Q. -- that you're on, and then dated September 14,  
4 2021. So this is after you retained Mr. Oldham,  
5 correct?

6 A. Yes.

7 Q. And then in the signature line it says Adam  
8 Kincaid is President and Executive Director of the  
9 National Republican Redistricting Trust, right?

10 A. That's what it says, yes.

11 Q. Do you know -- have you ever heard of the  
12 National Republican Redistricting Trust before?

13 A. No.

14 Q. And the subject says, "Galveston Report,"  
15 right?

16 A. Yes.

17 Q. And let's scroll to the next page and keep on  
18 scrolling. Zoom in a little bit. And you see on the  
19 left-hand side it says "District," the left-hand  
20 column 1, 2, 3, 4?

21 A. Okay.

22 Q. And the top says, "Galveston County  
23 Commission," correct?

24 A. Yes.

25 Q. And then it has a year 2010, 2020 in the  
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1 change, correct? That's the second column from the  
2 left.

3 A. Oh, 20 -- okay, yes.

4 Q. And then across the top it has different racial  
5 groups, right?

6 A. Yes.

7 Q. So this looks like a demographic profile of the  
8 commissioner precincts, correct?

9 A. I guess, yes.

10 Q. And the top right says, "Texas Demographic  
11 Changes"?

12 A. Yes.

13 Q. Were you aware that Mr. Oldham was receiving  
14 information from the National Republican Redistricting  
15 Trust about Galveston?

16 A. No.

17 Q. Does it surprise you?

18 A. I don't know who they are or what their role  
19 is. So I mean, I guess I don't know. I just don't know  
20 who they are.

21 Q. But considering they're a third party, right,  
22 they're not part of Galveston Commissioner's Court and  
23 they're an entity separate from your counsel, does it  
24 surprise you that he was getting Galveston specific  
25 information from a third party?

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1 A. I --

2 MR. RUSSO: Objection, asked and answered.

3 THE WITNESS: I don't know how to answer  
4 that. I don't know. It's not something that I believe  
5 we paid. So if -- if he's not charging us for it, my  
6 interest level goes down.

7 Q. (BY MS. KLEIN) How do you feel about the fact  
8 that he was getting information from the National  
9 Republican Redistricting Trust?

10 A. Again, I don't know who they are or what their  
11 role is so I don't know that I have a feeling.

12 Q. How would you feel if he was getting  
13 information from the National Democrat -- if there were  
14 a National Democratic Redistricting?

15 A. Same answer.

16 MR. RUSSO: Same objection, speculation.  
17 It's an incomplete hypothetical.

18 MS. KLEIN: So you can take this exhibit  
19 down. Thanks, Alexa.

20 Q. (BY MS. KLEIN) At the time you retained  
21 counsel in April of 2021, what was your vision, and I  
22 don't want to know what your attorneys wanted or  
23 anything, but your personal vision for the timeline for  
24 how redistricting would proceed?

25 A. It would have been, I guess, the same as the  
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1 | previous redistricting. We needed to have everything  
2 | completed by the opening of the candidate filing period.

3 | Q. And as we discussed before, that's about mid  
4 | November?

5 | A. Yes.

6 | Q. Without telling me what was discussed, you  
7 | spoke with Mr. Oldham and your general counsel,  
8 | Paul Ready, about redistricting shortly after you  
9 | executed that engagement agreement with redistricting  
10 | counsel on April, right?

11 | A. That sounds right, yes.

12 | Q. And without telling me what specifically was  
13 | discussed, but the meeting in general concerned the  
14 | timing of the process, correct?

15 | A. Yes. I'm sorry. Yes.

16 | Q. And we're going to go a little bit  
17 | chronologically here. Then in May of 2021, do you  
18 | remember Ms. Johnson from the tax assessor office  
19 | reaching out to your office again about redistricting?

20 | A. I don't doubt it happened. I don't remember  
21 | it.

22 | Q. Okay. We'll pull up that document.

23 | MS. KLEIN: Alexa, if you could pull up  
24 | Tab 38. This is going to be Exhibit 22.

25 | (Exhibit No. 22 was marked.)

1 MR. RUSSO: Another comment on questioning  
2 I'm sure.

3 MS. KLEIN: I should say, you know, it's --  
4 it's past noon. We can take a break if you want lunch  
5 or get hungry or anything.

6 THE WITNESS: Okay. Whenever is fine.

7 Q. (BY MS. KLEIN) All right. So this appears to  
8 be a May 20, 2021 email from Cheryl Johnson to Tyler  
9 Drummond, correct?

10 A. Correct.

11 Q. And Tyler Drummond is your chief of staff,  
12 correct?

13 A. Correct.

14 Q. And the third paragraph she asks Tyler,  
15 (Reading:) Do you have any timeline expectations yet?

16 A. Correct.

17 Q. Were you -- were you notified that she had made  
18 this inquiry to Tyler?

19 A. Probably.

20 Q. Do you remember if he shared any kind of  
21 timeline with her?

22 A. My assumption would be that he wouldn't be able  
23 to. Not that he wouldn't, he just couldn't.

24 Q. Why is that?

25 A. We didn't have census data yet.  
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1 Q. Did you -- were you aware of when the census  
2 data would be released at this time?

3 A. No.

4 Q. Okay. Let's pull up another document. This is  
5 Doc 30. It will be Exhibit 23.

6 (Exhibit No. 23 was marked.)

7 Q. (BY MS. KLEIN) So I'll represent to you this  
8 is a press release from the US Census Bureau. It's  
9 dated March 15, 2021. You see that?

10 A. Yes.

11 Q. And if we look at the very first paragraph,  
12 scroll down.

13 MS. KLEIN: If you could zoom in a little  
14 bit, Alexa. Thank you.

15 Q. (BY MS. KLEIN) March 15, 2021, I'm quoting  
16 here, (Reading:) In declarations recently filed in the  
17 case Ohio v. Raimondo, the US Census Bureau made clear  
18 that we can provide a legacy format summary  
19 redistricting data file to all states by mid to late  
20 August 2021.

21 Were you aware of this announcement?

22 A. I doubt it was -- I doubt I was on March 15th,  
23 but at some point I became aware of it, yes.

24 Q. Do you remember when you became aware of it?

25 A. No. Somewhere -- I mean, it would have been in  
Page 155



1 the spring or summer.

2 Q. So we just talked about -- you can take this  
3 down.

4 So in the previous exhibit, Exhibit 22,  
5 that -- that email from Cheryl Johnson to Tyler  
6 Drummond, that was from May 20, 2021. Do you think  
7 around that time you knew that the census data was being  
8 released?

9 A. Well, that census data is not the data that we  
10 can use.

11 Q. What do you mean by that?

12 A. It said that the data that we can use wouldn't  
13 be available until August of 2021.

14 Q. So the census data would become available in  
15 August 2021, correct?

16 A. That's how I read that release from the Census  
17 Bureau.

18 MS. KLEIN: Let's go back to Exhibit 22, if  
19 you don't mind, Alexa.

20 Q. (BY MS. KLEIN) And actually looking at the  
21 email below, the one between Cheryl Johnson and Tyler  
22 Drummond, you can see she has forwarded in the chain  
23 update on 2020 census data products. And if we scroll  
24 down she had asked -- it looks like she had asked the  
25 census when the 2020 census data would be released,

1 right?

2 A. Correct. Correct.

3 Q. So scrolling up, and they said August,  
4 September release date.

5 So is it fair to say that Tyler Drummond  
6 knew at least on or even maybe before May 20, 2021 that  
7 the census data would be released in August or  
8 September?

9 MR. RUSSO: Object, calls for speculation.

10 THE WITNESS: I would think so, yes.

11 Q. (BY MS. KLEIN) And he would have shared that  
12 with you?

13 A. Yes.

14 Q. Do you remember that your office followed up  
15 with your general counsel, Paul Ready, to get  
16 Ms. Johnson answers about the timeline?

17 A. I don't recall that specifically. I'm sure we  
18 did.

19 Q. Okay. And do you know what kind of timeline  
20 you would have shared with her?

21 A. My assumption would be that we would have said  
22 there's nothing we can do until we have the precinct  
23 level data.

24 Q. So tell me more about nothing you can do.

25 Could you have set a timeline based on knowing it  
Page 157

1 would -- the data was going to come out in August?

2 MR. RUSSO: Objection, calls for -- I'm  
3 sorry. Improper hypothetical or incomplete  
4 hypothetical.

5 THE WITNESS: Yeah. I don't know how you  
6 can set a timeline when you don't know for sure when  
7 you're going to have information to work with.

8 Q. (BY MS. KLEIN) But they had announced August,  
9 correct?

10 A. And they often get things wrong.

11 Q. But you could have, for example, planned to put  
12 redistricting on, you know, regular meeting agendas, for  
13 example, at that time, right?

14 A. For what purpose? No. I don't know what you  
15 would do. Once we have accurate precinct data, then  
16 it -- you know, we're not his only client,  
17 unfortunately. He's going to have to work us in with  
18 everyone else and we'll get drafts back at some point.

19 But putting it on the agenda just because  
20 the Census Bureau provides the corrected information,  
21 what would the agenda item even be? There's nothing  
22 there to do.

23 Q. You remember earlier we talked about what had  
24 happened in the 2011 process and there was that  
25 August 2, 2011 presentation about the census data in one  
Page 158

1 of the regular meetings. Do you remember that?

2 A. Not really, but, okay, I'm sure it happened.

3 Q. You know, did you plan on having a similar  
4 presentation about the census data, you know, maybe the  
5 next September meeting, for example? At this time did  
6 you make any plans like that saying, okay, the data is  
7 going to be released in August so the first regular  
8 meeting in September we'll have our presentation like we  
9 did last cycle of census demographics for the county?

10 A. No, because we wouldn't have -- we wouldn't  
11 have known for sure when to plan that. And we don't --  
12 we don't put things on the agenda six months for now.  
13 We put things on the agenda for next Monday.

14 Q. Okay. Well, let me ask you this. When the  
15 data did come out in August, did you put that on the  
16 agenda?

17 A. For what purpose? No. But I don't know what  
18 purpose we would put it on the agenda for.

19 Q. To have a meeting to describe the census data  
20 as you had, you know, last cycle in 2011, did you put  
21 that on the agenda ever?

22 A. No.

23 Q. Do you remember why not?

24 A. No one asked me -- no attorney told me we  
25 should do this.

1 Q. Did you make any announcement publicly -- not  
2 in just a meeting, but did you make any public  
3 announcement to Galveston residents about what the  
4 census data had to say about Galveston?

5 A. I don't think so.

6 Q. Did you see any analysis of that census data  
7 yourself?

8 A. When it first came out? No.

9 Q. What about later?

10 A. I suspect I would only have seen any  
11 information relating to a proposed map is my guess.

12 Q. So other than counsel, did you see any summary  
13 of the census data for Galveston?

14 A. No. Other than I did see the general  
15 population, the total population.

16 Q. When did you see that?

17 A. Whenever that came out I saw it. I'm assuming  
18 August or September.

19 Q. So turning back to Ms. Johnson, do you remember  
20 her following up again with your office after the census  
21 data was released?

22 A. I remember that she was asking for at least a  
23 part-time personnel for input data. Other than that, I  
24 don't recall anything else.

25 Q. All right. Let's pull up that document. It's  
Page 160

1 Tab 51. This will be Exhibit 24.

2 (Exhibit No. 24 was marked.)

3 Q. (BY MS. KLEIN) So this is a August 24, 2021  
4 email from Cheryl Johnson to commissioners. Do you  
5 receive emails to that email address commissioners?

6 A. I don't think so.

7 Q. And she's -- do you remember receiving this  
8 email?

9 A. I don't think I did. She's specifically  
10 talking about the individual precincts to the  
11 commissioners. I'm county-wide so I would not have been  
12 included on this.

13 Q. Okay. We can take that down. Let's -- let's  
14 put up a Document 118 and this will -- this is Tab 118.  
15 This will be Exhibit 25.

16 (Exhibit No. 25 was marked.)

17 Q. (BY MS. KLEIN) And let's scroll all the way to  
18 first one in the chain. And this is dated August 27,  
19 2021, and it's an email from Paul Ready to Mr. Oldham.  
20 And you see that email address dloesq@aol.com?

21 A. Yes. Yes.

22 Q. So it says, (Reading:) Dale, I spoke to Judge  
23 Henry about our preliminary game plan for the  
24 redistricting in Galveston County. He agrees with me  
25 that the county does not have a good data set to compare  
Page 161

1 the census data to so he wants to skip that step.

2 So you agree that you had at that time a  
3 preliminary game plan for redistricting in late August,  
4 correct?

5 A. Other than to get it done, I mean, that's about  
6 the extent of our game plan, get accurate information  
7 and get the redistricting accomplished.

8 Q. What were your plans at the time for involving  
9 the public, if any?

10 A. To the extent that I was told to involve the  
11 public, we would have done that. To the extent I was  
12 not directed to do that, I wouldn't have.

13 Q. I mean, don't you care whether your  
14 constituents are informed of policy decisions like  
15 redistricting?

16 A. They are informed. We provided maps. We  
17 provided opportunity for feedback.

18 Q. I mean, and was that done just because counsel  
19 said to or did you -- strike that.

20 Did you as the presiding officer of  
21 Commissioner's Court, as the highest elected official in  
22 Galveston County have -- apart from what your lawyers  
23 said might be legally required, did you have any concern  
24 about informing your constituents about how  
25 redistricting would proceed?

1 A. I'm sorry. Did I have any -- what was the  
2 question?

3 Q. Concerns about how -- informing the public  
4 about how redistricting would proceed?

5 A. We -- we informed the public. I mean, that's  
6 all we can do.

7 Q. Well, did you inform them about what the census  
8 had said about Galveston?

9 A. I don't think so.

10 Q. Did you inform them that maps were being  
11 drafted by counsel?

12 A. Sure, they would have known that. I mean, you  
13 have to understand that very few people show up to  
14 Commissioner's Court. So when you say the constituents,  
15 I'm not really sure who you're talking about. The  
16 people who live here or the people who show up or all of  
17 them?

18 Q. I'm talking about the people in -- who live in  
19 Galveston County when I say constituents.

20 A. Okay.

21 Q. So the people you represent in government.

22 A. Right.

23 Q. Did you -- how would they have known that maps  
24 were being drafted?

25 MR. RUSSO: Object. Calls for speculation.  
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1 THE WITNESS: Other than to access our  
2 agendas and they can also get put on a list to always  
3 get our agendas, that would have been it.

4 Q. (BY MS. KLEIN) Which agenda would that have  
5 been on?

6 A. Engagement letter back in whenever that was.

7 Q. The engagement letter -- I mean, as we talked  
8 about before, the engagement letter wasn't included in  
9 the backup, right?

10 A. It did not say who the firm was. I did say  
11 that we engaged -- that we engaged a firm, through, for  
12 redistricting.

13 Q. But did it have any information about when  
14 draft maps would start being drafted?

15 A. No.

16 Q. Did it have any information about how many maps  
17 would be drafted for proposal?

18 A. I don't think so.

19 Q. What about any information about a timeline for  
20 drafting?

21 A. We wouldn't have been able to provide a  
22 timeline at that time.

23 Q. Did it disclose to them that it would have to  
24 be done by mid November?

25 A. I don't think so.  
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1 Q. Did you ever tell them that you expected the  
2 census data to be released in August?

3 A. I couldn't have known that the census data was  
4 going to be corrected.

5 Q. So when you say they would have known that  
6 maps -- maps are being drafted, you mean that they would  
7 have had to make the assumption that because you had  
8 retained counsel at some point, that at some point by a  
9 time indeterminant, a new map would have been drafted.

10 Is that what you're saying?

11 MR. RUSSO: Objection, assumes facts.  
12 Misstates the record.

13 Go ahead.

14 THE WITNESS: I guess.

15 Q. (BY MS. KLEIN) So are you saying you did the  
16 absolute minimum your -- you thought would be required  
17 regarding involving the public?

18 A. I did at least the minimum -- you know, I can't  
19 overstate how we have no way of knowing what issues  
20 people are going to actually show up for.

21 Q. Well, let's talk about that because you are  
22 around for 2011 and there were five different public  
23 hearings and we looked at that schedule before.

24 A. Correct.

25 Q. And you were there for those, right?  
Page 165

1 A. Yes.

2 Q. So do you recall if people showed up to those?

3 A. Some showed up to the Texas City event and  
4 maybe League City. The others were lightly attended.

5 Q. But they were attended?

6 A. By more than a few people. I mean, yes.

7 Q. Is it common to have five public hearings about  
8 a single issue scheduled like there were for  
9 redistricting in 2011?

10 A. No.

11 Q. So at least with the understanding in 2011 that  
12 there would be high public interest in redistricting,  
13 correct?

14 MR. RUSSO: Objection, calls for  
15 speculation.

16 THE WITNESS: I wouldn't characterize it as  
17 high public interest.

18 Q. (BY MS. KLEIN) Well, there was an expectation  
19 there would be high public interest, correct?

20 A. There was no expectation on my part.

21 Q. Going back to the Exhibit 25, that last  
22 sentence, (Reading:) He agrees with me that the county  
23 does not have a good data set to compare the census data  
24 that to so he wants to skip that step.

25 Do you remember what that's referring to?

1 A. No.

2 Q. Okay.

3 MS. KLEIN: Just a few more questions and  
4 then we can break for lunch if people want.

5 THE WITNESS: Okay.

6 Q. (BY MS. KLEIN) Do you remember getting asked  
7 in August of 2021 by Judge Williams and Constable Rose  
8 about the plan for redistricting?

9 A. No.

10 Q. Okay. Let's pull up that document. That's  
11 Tab 41 and this will be Exhibit 26.

12 (Exhibit No. 26 was marked.)

13 Q. (BY MS. KLEIN) And this is an email from  
14 you --

15 A. Yes.

16 Q. -- to Billy Williams and Derreck Rose, correct?

17 A. Correct.

18 Q. Dated August 4, 2021? And it says, (Reading:)  
19 Good afternoon, I have been -- I'm paraphrasing here.  
20 Well, why don't you read the email actually and it will  
21 just speak for itself.

22 A. (Reading:) Good afternoon, Judge Williams and  
23 Constable Rose. I have been informed that Commissioner  
24 Clark has reached out to you to discuss redistricting.

25 I wanted to inform the both of you that the  
Page 167

1 Commissioners Court has not discussed this topic and has  
2 been waiting on the Census data before we take up these  
3 conversations. I also wanted to inform you that  
4 Commissioner Clark does not speak for Commissioners  
5 Court on redistricting.

6 Q. Do you remember why you sent this email?

7 A. Specifically, no, but I'm sure it has to do  
8 with Commissioner Clark wanting to move precinct lines.

9 Q. And you said -- why would he be talking to  
10 Judge Williams and Constable Rose about that?

11 A. I have no idea.

12 MR. RUSSO: Objection, calls for  
13 speculation.

14 THE WITNESS: Yeah, I have no idea.

15 Q. (BY MS. KLEIN) Did he -- did -- how did you  
16 hear about -- it said "I have been informed." Do you  
17 remember how you were informed?

18 A. No, I do not remember.

19 Q. Did Commissioner Clark tell you?

20 A. I doubt it.

21 Q. Why do you doubt it?

22 A. Because he tried to do things without me  
23 knowing about it.

24 Q. And you say, (Reading:) Commissioners court  
25 has not discussed this topic and has been waiting on the  
Page 168

1 census data before we take up these conversations.

2 A. Correct.

3 Q. Why had you not discussed the topic yet?

4 A. We still haven't to this day.

5 Q. What do you mean?

6 A. We still haven't discussed this topic to this  
7 day.

8 Q. Tell me more about that. What do you mean?

9 A. Even to this day we have not discussed the  
10 redistricting of JP and constables.

11 Q. But what about -- so this is specifically just  
12 talking about JP and constables?

13 A. Yes.

14 Q. Okay. All right. What about Commissioner's  
15 Court redistricting, by August 2021 had you talked with  
16 the other commissioners about the Commissioner's Court  
17 redistricting?

18 A. I don't -- it would depend and I don't recall  
19 when we got the census -- the corrected census data. So  
20 after that point, no, I would not have talked to them.  
21 I would have asked either Paul and/or Dale to contact  
22 them.

23 Q. And why would you have asked Paul and/or Dale  
24 to contact the other commissioners?

25 A. So that I don't commit an open meetings  
Page 169

1 | violation.

2 | Q. So what kind of things would you want to be  
3 | conveyed to the other commissioners without committing  
4 | an open meetings violation?

5 | A. I'm sure I would have just asked them to  
6 | provide input as to what they would like to happen --  
7 | see happen in the redistricting process.

8 | Q. All right. I want to switch gears a little  
9 | bit. Just -- I'm going to ask you a few questions about  
10 | your conversations with counsel but not the substance of  
11 | them.

12 | A. Okay.

13 | Q. I'm just going to ask you about timing, so I  
14 | don't want to know what you talked about.

15 | Between when you -- when you retained your  
16 | counsel in April 2021 and when the census was released  
17 | in August 2021, how often, if at all, did you  
18 | communicate with your redistricting counsel?

19 | A. Probably not at all. I suspect that Paul would  
20 | have just been once a month maybe saying we still have  
21 | nothing work with.

22 | Q. And what about after the census was released in  
23 | August, how -- until -- let's say until October 29th, so  
24 | between mid August and October 29th, how often would you  
25 | have met -- communicated? And by "communicated," I mean

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1 meeting, telephone, Zoom, any of that.

2 A. I would guess twice.

3 Q. Does that include email communication?

4 A. I don't think -- I don't recall emailing  
5 because I wasn't even sure of Dale's email address. I  
6 don't think I emailed Dale. So I would have just -- I  
7 would have talked to Paul because I see him generally  
8 every other week and he would have probably handled the  
9 communication to and from Dale.

10 Q. And how often would you talk to Paul about the  
11 2021 redistricting?

12 A. Often if there's something to talk about.

13 Q. And what about Tyler during that time? Again,  
14 I'm talking about August 2021 to October 29th.

15 A. It would be -- I'm guessing be the same answer.  
16 If there's something that needed to be conveyed or  
17 discussed, you know, we can speak on the phone. But I  
18 think there was large periods of time there was nothing  
19 going on.

20 Q. Did you ever meet one on one with other  
21 commissioners to discuss redistricting?

22 A. I met -- I was in a meeting with Commissioner  
23 Apfel.

24 Q. Do you remember when that was?

25 A. No. I'm thinking September because I -- may  
Page 171



1 | have actually been October because I think that we had  
2 | a -- potentially a draft map or at least he was giving  
3 | us an idea of his concept maybe.

4 | Q. Commissioner Apfel was giving an idea of his  
5 | concept?

6 | A. Dale was giving us an idea.

7 | Q. And how did you decide that Commissioner Apfel  
8 | should be in that meeting as opposed to another  
9 | commissioner?

10 | A. Probably availability.

11 | Q. What about Commissioner Stephen Holmes, was he  
12 | ever included in any meetings with you and redistricting  
13 | counsel?

14 | A. No one else was except Commissioner Apfel. I  
15 | couldn't. That would be a quorum election.

16 | Q. You mean, if there were three, it would be a  
17 | quorum?

18 | A. To even discuss it with him. If I have  
19 | discussed it with Commissioner Apfel, for me to go  
20 | discussing it with any other commissioners is an open  
21 | meetings violation.

22 | Q. So instead you had Tyler and Paul check in with  
23 | the other commissioners; is that right?

24 | A. To my understanding, the -- and was it Tyler or  
25 | was it Jed at the time -- just made sure that they were  
Page 172

1 | connected to Dale. But they all got meetings set up.

2 | And as far as I know, they all met with Dale at least --

3 | Q. So you wanted Dale to speak with every

4 | commissioner --

5 | A. Yes.

6 | Q. -- about redistricting?

7 | Was it ever shared with you what other

8 | commissioners had -- the preferences of other

9 | commissioners for redistricting?

10 | A. Other than -- because I was in there with him,

11 | Commissioner Apfel had asked that we move one line like

12 | half of a block because he was either buying a house or

13 | owned a house. Other than that, no.

14 | Q. So in that September 8th meeting, and I don't

15 | want to know the specifics of what was discussed, but

16 | you had -- you viewed maps in some manner on

17 | September 8th?

18 | A. I think so.

19 | Q. And Dale -- Commissioner Apfel was giving his

20 | preferences for where the line should be drawn?

21 | A. I believe that to be correct, yes.

22 | Q. Did you share preferences for how you wanted

23 | the lines to be drawn?

24 | A. No. I'm county lines. I honestly don't care

25 | where the lines are.

1 Q. Well, is that true because didn't -- didn't we  
2 talk about -- see statements from you in 2011 about how  
3 you wanted, you know, Bolivar connected to Precinct 3?

4 A. Well, in 2011 it may have been different.  
5 Generally -- but trying to differentiate. Precinct  
6 commissioners can get extremely protective of graveyards  
7 and schools and all the stuff.

8 I don't have that level of detailed  
9 interest. I mean, I want to make sure the lines are  
10 compliant and that everything is, you know, balanced  
11 appropriately. But since I'm county-wide, I don't --  
12 I'm not trying to make sure my grandmother's house is  
13 still in my precinct. I'm not trying to make sure all  
14 these little things they care deeply about, they don't  
15 impact me like that.

16 Q. I understand. You also said you felt strongly  
17 about this coastal precinct, right?

18 A. That's something that had been coming for  
19 years, yes.

20 Q. So is it fair to say like in general terms you  
21 carried about the configuration of the precincts?

22 A. In general terms I thought it would be far more  
23 efficient for our county to have one commissioner  
24 responsible for all coastal issues.

25 Q. And then -- the specific lines you're saying  
Page 174

1 | you didn't?

2 | A. After -- as long as -- to me, as long as we  
3 | joined Bolivar, Galveston, and that's really it, then  
4 | the rest of the lines are not that important.

5 | Q. And we'll get into this more later. But that  
6 | concept of having a coastal precinct, did you share any  
7 | other -- strike that.

8 | Did you have at the beginning of this  
9 | redistricting process in August any other conceptual  
10 | preferences other than this coastal precinct?

11 | A. Not really.

12 | MS. KLEIN: Okay. This is a good time for  
13 | us to stop if folks want to get lunch.

14 | MR. RUSSO: No worries.

15 | VIDEOGRAPHER: The time is 12:35. Off the  
16 | record.

17 | (Brief recess.)

18 | VIDEOGRAPHER: The time is 1:36. Back on  
19 | the record.

20 | Q. (BY MS. KLEIN) Judge Henry, other than the  
21 | issue of the privilege with your -- with your counsel,  
22 | did you discuss your testimony here today with anybody  
23 | else?

24 | A. No.

25 | Q. Did you talk about issues unrelated to Page 175

1 privilege regarding this testimony with your attorney  
2 during the break?

3 A. What was that question again?

4 Q. Did you talk with your attorney about your  
5 testimony ex -- but for issues other than issues of  
6 privilege?

7 A. I don't think I follow that question.

8 Q. Did you talk with your attorney about your  
9 testimony today during the break?

10 A. Briefly, very -- very minimally.

11 Q. Were those only about issues of privilege?

12 A. Yes.

13 Q. Or -- so you didn't have any discussions that  
14 were not about privilege?

15 A. Oh, yes, we talked about airplanes and a bunch  
16 of other stuff. The Dallas Cowboys.

17 Q. I'd like to revisit to one set of questions  
18 that I asked you about before and then we'll move on,  
19 but I'm going to show you a document.

20 MS. KLEIN: This is Document 119, Alexa.  
21 If you could and we'll mark it as Exhibit -- I guess  
22 it's Exhibit 27.

23 (Exhibit No. 27 was marked.)

24 Q. (BY MS. KLEIN) That should come up on your  
25 screen.

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1 A. I've got some kind of other box going on here.

2 Q. So the zoom should be on.

3 MR. RUSSO: It's some breakout request  
4 here.

5 MS. KLEIN: Okay. Do you want me to help?

6 MR. RUSSO: I think we're good.

7 THE WITNESS: Okay.

8 Q. (BY MS. KLEIN) Okay. So I'm going to present  
9 to you that this Exhibit 27 is a document or part of a  
10 document that was produced by the United States  
11 Department of Justice in this matter. But this -- I'm  
12 going to ask you about this first email exchange.

13 MS. KLEIN: And Alexa, if you could just  
14 scroll down to where this specific email chain starts.

15 THE WITNESS: Begins with Patricia Grady.

16 MS. KLEIN: Correct.

17 Q. (BY MS. KLEIN) So the first email is Patricia  
18 Grady to Roxann Lewis and looks like Patricia is asking,  
19 (Reading:) Can you please forward me the information  
20 for redistricting item? Thanks.

21 This is on June 2, 2011. And then  
22 Roxann -- the one above it, Roxann Lewis replies to  
23 Patricia saying, (Reading:) Patricia, I am attaching  
24 the document. However, I don't believe the Judge has  
25 finally approved -- officially approved this document.

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1 Let me ask him as soon as he gets in. If we are good to  
2 go, I will let you know.

3 And it's fair to say the Judge is you?

4 A. I would assume so.

5 Q. And if we scroll to the next chain, Patricia  
6 said, (Reading:) I can at least start drafting the  
7 agenda language.

8 And then the next chain up Roxann -- at  
9 9:50 a.m. Roxann says, (Reading:) Patricia, the Judge  
10 said we are good to go with the resolution I sent you  
11 for redistricting rules.

12 And then if we go further up, Patricia  
13 says, "Great."

14 So is it fair to say assume they're talking  
15 about adding this to the June 7th agenda from the  
16 subject line?

17 MR. RUSSO: Let me ask you a clarifying  
18 question. Who is Roxann Lewis?

19 THE WITNESS: She was an administrative  
20 assistant at that time.

21 MR. RUSSO: Okay. Do we need to discuss  
22 privilege on this?

23 THE WITNESS: I don't know. I mean, I  
24 don't guess I see anything in here that -- but then do  
25 we have a waiver otherwise?

1 MR. RUSSO: Well, I just -- I don't --

2 MS. KLEIN: Do you want us to go off the  
3 record so you can look at this?

4 MR. RUSSO: I think we probably should for  
5 a second.

6 MS. KLEIN: Okay. Let's go off the record.

7 VIDEOGRAPHER: The time is 1:42.

8 (Discussion off the record.)

9 VIDEOGRAPHER: The time is 1:45. Back on  
10 the record.

11 MR. RUSSO: Yeah, so right before we broke,  
12 we were talking about Exhibit 27. Based upon the  
13 representation from the Department of Justice, the  
14 document was submitted as part of this Section 5  
15 analysis and produced by the DOJ in this case. We're  
16 not -- we're not claiming privilege on this document at  
17 this time. What was the other question?

18 MS. KLEIN: Alexa, can you share the  
19 document again?

20 Q. (BY MS. KLEIN) So Judge, just to recap, we  
21 reviewed the first -- we reviewed this first chain here  
22 between Patricia Grady and Roxann Lewis. Okay. And the  
23 subject line of that is June 7th agenda. Fair to say  
24 that the redistricting criterias [sic] were at some  
25 point planned to be on the June 7th agenda; is that

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1 right?

2 MR. RUSSO: Objection, calls for  
3 speculation.

4 THE WITNESS: No, I can't say it for  
5 certain. I mean, apparently, they got that from  
6 somewhere and looked at it and I must have looked at it  
7 as well.

8 Q. (BY MS. KLEIN) And we reviewed -- we reviewed  
9 draft criteria before the lunch break, right, you  
10 remember that?

11 A. Correct.

12 Q. So you said you can't be certain. What about  
13 this makes you not certain that at some point it was  
14 planned that criteria would be discussed on the June 7th  
15 agenda?

16 A. Because I don't think it happened.

17 Q. It didn't happen. But is it fair to say it was  
18 at some point proposed?

19 A. It appears that a staff member --

20 MR. RUSSO: Object as speculation.

21 But go ahead.

22 THE WITNESS: -- probably tried to -- had  
23 that plan, yes.

24 Q. (BY MS. KLEIN) Now, Roxann says in that  
25 9:50 a.m., (Reading:) The Judge said we are good to go  
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1 with the resolution I sent you for redistricting rules.

2 Right?

3 A. Yes.

4 Q. And she's referring to you, right?

5 A. That's what she says, yes.

6 Q. Do you have any reason to think she would lie  
7 to Patricia Grady about what you had told her about  
8 being good to go with the resolution?

9 A. No, I have no reason to think that.

10 Q. Okay. Let's go PDF page 3. So that exchange,  
11 that last exchange happened at 9:50 a.m. And this is an  
12 email from you to J. Nixon at bmplip.com. Do you know  
13 who J. Nixon is?

14 A. Joe Nixon, yes.

15 Q. And it's at June 2, 2011, same day at  
16 9:59 a.m.; is that right?

17 A. Yes.

18 Q. And the subject is Galveston County Resolution,  
19 correct?

20 A. Yes.

21 Q. And you say, (Reading:) Joe, in 2011 Galveston  
22 County Commissioners Court adopted a resolution  
23 establishing the court's criteria for redistricting.

24 Attached is a copy of the proposed resolution for 2011.

25 Do you see any issues? I would like to have it on the  
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1 agenda for Tuesday.

2 Is that right?

3 A. Yes, that's what it says.

4 Q. And you sent this email, correct?

5 A. Yes, it appears so.

6 Q. And let's scroll to the next page, PDF page 4.

7 And does this document look familiar to you? And maybe

8 Alexa can slowly scroll through this on the next page.

9 A. It appears to be the same thing we looked at  
10 previously.

11 Q. Right. So I want to start with the next page,  
12 PDF page 5 of the document. And we went over this a  
13 little bit before but it says, (Reading:) Now,  
14 therefore, be it resolved that the County in its  
15 adoption of the redistricting plan for commissioner and  
16 justice of peace/constable precincts will adhere to the  
17 following criteria.

18 I would like you to take a few minutes and  
19 read the criteria 1 through --

20 MS. KLEIN: Alexa, if you could scroll  
21 down.

22 Q. (BY MS. KLEIN) -- all the way to 9 on the next  
23 page. And I encourage you to -- if you need to zoom in,  
24 ask Alexa to zoom in for you, whatever you need to do to  
25 read this. But take a few minutes and let me know when  
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1 you're done reading through that.

2 A. You just want me to read through the criteria  
3 that we didn't adopt?

4 Q. Exactly.

5 A. Okay.

6 MS. KLEIN: Alexa, can you scroll down?

7 Q. (BY MS. KLEIN) You can ask Alexa to scroll  
8 down directly.

9 A. Okay.

10 Q. So let's go back up to -- thank you for reading  
11 that. Let's go back up to the following page that has  
12 all the "whereas" clauses. This is the first page of  
13 the criteria. Keep it right there.

14 And we went over these before, but I'm  
15 going to ask you again. When I asked you before, I  
16 understood you to say you didn't know about whether you  
17 agreed with these statements because it would depend on  
18 the criteria. So now you've read a set of potential  
19 criteria for the 2011 process, so I'm going to ask you  
20 the same questions again having read those.

21 So the fourth one from the top, (Reading:)  
22 Whereas, a set of established redistricting criteria  
23 will serve as a framework to guide the County in the  
24 consideration of redistricting plans.

25 Do you agree with that statement when it  
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1 comes to the redistricting criteria you just read?

2 MR. RUSSO: Object. Incomplete  
3 hypothetical. Calls for speculation, and asked and  
4 answered.

5 THE WITNESS: We didn't adopt this. So I  
6 don't know how -- what was the question?

7 Q. (BY MS. KLEIN) Would those criteria serve as a  
8 framework?

9 A. Had we adopted them, possibly.

10 Q. What about the next one, (Reading:) Whereas,  
11 establish criteria will provide the County a means by  
12 which to evaluate and a measure proposed plan.

13 Do you agree that those criteria you just  
14 read would provide a means to evaluate and measure  
15 proposed plans?

16 A. I have no way of knowing.

17 Q. How -- why not?

18 A. We didn't adopt them. So we didn't get -- this  
19 this was copy and pasted from 2001. I mean, I did not  
20 write this. It's simply a review of what they did in  
21 2001.

22 Q. Do you think -- I mean, do you disagree with  
23 that statement that criteria would help evaluate and  
24 measure proposed plans?

25 A. It's possible it will help.  
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1 MR. RUSSO: Objection, calls for impartial

2 and incomplete hypothetical.

3 You can answer.

4 And asked and answered.

5 Q. (BY MS. KLEIN) It's possible is your answer?

6 A. Possible.

7 Q. And what about the third one -- the second one  
8 from the top, (Reading:) Whereas, redistricting  
9 criteria will assist the County in its efforts to comply  
10 with all applicable federal and state laws.

11 Do you agree with that statement in light  
12 of the criteria you just read?

13 MR. RUSSO: Object, incomplete hypothetical  
14 and assumes -- I'm sorry, asked and answered.

15 THE WITNESS: I don't see how that criteria  
16 would assist the county in its efforts to comply with  
17 the federal law.

18 Q. (BY MS. KLEIN) Why not?

19 A. Because I don't know the federal law well  
20 enough to know -- again, that's why we hire lawyers.

21 Q. Okay. Let's scroll down to .9 of the criteria.  
22 .9 says, (Reading:) The redistricting plan should not  
23 fragment a geographically compact minority community or  
24 pack minority voters in a presence of a -- of polarized  
25 voters so as to create liability under Section 2 of the  
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1 Voting Rights Act.

2 Do you know what's meant by, "should not  
3 fragment a geographically compact minority community"?

4 MR. RUSSO: Objection, calls for a legal  
5 conclusion.

6 Q. (BY MS. KLEIN) I'm not asking for a legal  
7 conclusion. I'm --

8 THE REPORTER: Hold on.

9 MS. KLEIN: Sorry, Ms. Elkins.

10 Q. (BY MS. KLEIN) I'm not going to ask you for a  
11 legal conclusion about the Voting Rights Act. I'm going  
12 to ask you for your understanding of these words as they  
13 are commonly used in the English language.

14 Do you understand the meaning of fragment a  
15 geographically compact minority computer -- community?

16 A. Yes.

17 Q. What does that mean to you?

18 A. I don't know that it needs further explanation.

19 It means don't fragment a geographically compact  
20 minority community.

21 Q. Would -- so fragment means like break apart,  
22 right?

23 A. Right.

24 Q. Okay. So let's -- and that common meaning is  
25 related to compliance under this criteria to Section 2  
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1 of the Voting Rights Act, correct?

2 MR. RUSSO: Objection, calls for  
3 speculation and calls for a legal conclusion.

4 THE WITNESS: I guess.

5 Q. (BY MS. KLEIN) Because they're in the same  
6 bullet, right?

7 A. They are.

8 Q. Okay. So let's go back up to that second from  
9 the top "whereas."

10 MS. KLEIN: Alexa, if you could scroll back  
11 up.

12 Q. (BY MS. KLEIN) So that second, you know,  
13 (Reading:) Criteria will assist the County in its  
14 efforts to comply with all applicable federal and state  
15 laws.

16 Why don't you think that criteria 9, which  
17 you have a common understanding of, would not help you  
18 to comply with federal law?

19 MR. RUSSO: Objection, asked and answered.

20 THE WITNESS: Number 9 would stand by  
21 itself. You wouldn't need this whereas of a non-binding  
22 resolution.

23 Q. (BY MS. KLEIN) Well, what is a whereas? No.  
24 I mean, you're -- you know, you've done a lot of these,  
25 right? What is a whereas?



1           A. No, I haven't done any of these. These are  
2 done by county legal or somebody else.

3           Q. What does whereas mean to you?

4           A. I think it's saying -- I don't know what  
5 whereas means. It means here.

6           Q. You know in these clauses they're setting --  
7 they're setting forth the reason to have the resolution  
8 in the first place, right?

9           A. I guess.

10          Q. So I'll ask you one more time. Do the  
11 redistricting criteria I just read, including that No.  
12 9, do you think they would assist the county in its  
13 efforts to comply with federal law?

14                   MR. RUSSO: Objection, calls for  
15 speculation, asked and answered, and calls for a legal  
16 conclusion.

17                   THE WITNESS: I don't know how putting a  
18 non-binding resolution does anything to help follow  
19 federal law.

20          Q. (BY MS. KLEIN) Is it your practice to  
21 disregard non-binding resolutions?

22          A. They're non-binding. I mean, we didn't even  
23 adopt this one.

24          Q. Is it your practice to disregard non-binding  
25 resolutions?

1 MR. RUSSO: Objection, calls for  
2 speculation. Incomplete hypothetical.

3 THE WITNESS: I don't know how you  
4 disregard something that has no legal effect.

5 Q. (BY MS. KLEIN) I'm not talking about this.  
6 I'm talking about in general. When there are  
7 non-binding resolutions, do you disregard them as --

8 A. As long as there are retirements and their 50th  
9 wedding anniversary.

10 Q. And if this had been passed, would you have  
11 seen it fit to disregard it when it suited you?

12 MR. RUSSO: Object, calls for speculation,  
13 misstates the testimony.

14 THE WITNESS: It didn't pass. It didn't  
15 get on the agenda and I'm sure that the lawyers would  
16 have done what they needed to do to comply with every  
17 federal and state law.

18 Q. (BY MS. KLEIN) So you're saying even if this  
19 resolution had been passed, are you saying if you felt  
20 the need to disregard it, you would have?

21 MR. RUSSO: Objection, calls for  
22 speculation and misstates prior testimony.

23 THE WITNESS: I don't -- this is not  
24 something I do. This is what the lawyers do.

25 Q. (BY MS. KLEIN) But this was going -- at one  
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1 point proposed to be a non-binding resolution for the  
2 Commissioner's Court to vote on, correct?

3 A. But we don't execute on this. That would be  
4 the lawyer's job.

5 Q. But the lawyers aren't the ones that were going  
6 to decide whether to pass these criteria, right?

7 A. I doubt it.

8 Q. The commissioners are the only ones that get to  
9 vote on stuff like this, right?

10 A. Sure.

11 Q. And the lawyers are working at your direction,  
12 right?

13 A. Yes.

14 Q. So if you had passed this, wouldn't you have  
15 the expectation that the lawyers you retained to do  
16 redistricting would adhere by this even if it's a  
17 non-binding resolution?

18 MR. RUSSO: Objection, calls for  
19 speculation, incomplete hypothetical.

20 THE WITNESS: I assume they would have  
21 considered it.

22 Q. (BY MS. KLEIN) If they felt that they had to  
23 disagree with this, don't you think they would have told  
24 you to amend it?

25 MR. RUSSO: Let me caution the witness,  
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1 don't provide evidence of attorney-client communication  
2 with counsel. Other than that, you can answer the  
3 question.

4 THE WITNESS: Okay. What was the question?

5 Q. (BY MS. KLEIN) If you had passed this and your  
6 attorneys thought they would have to violate these  
7 criteria, you don't think they would have told you  
8 you've got to amend this resolution because we can't  
9 follow it in executing what the county has told us to  
10 do?

11 MR. RUSSO: Objection, calls for  
12 speculation.

13 THE WITNESS: I would assume they would  
14 have just ignored it since it's non-binding.

15 Q. (BY MS. KLEIN) So your testimony today is that  
16 if this criteria had been passed, you expect your  
17 attorneys would have ignored it?

18 MR. RUSSO: Calls for speculation,  
19 misstates prior testimony.

20 THE WITNESS: You said if the attorneys  
21 were going to follow this, but it would not comply with  
22 federal and state law. In that case, yes.

23 Q. (BY MS. KLEIN) Well, let's -- okay. Let's  
24 continue to the next -- so you send these criteria --  
25 we've talked about this earlier. You actually send  
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1 these criteria to your attorney to talk about it, right?

2 A. It appears that way, yes.

3 MS. KLEIN: And let's scroll down, if you  
4 don't mind, Alexa, to that correspondence. Next page,  
5 please, and then the next page.

6 Q. (BY MS. KLEIN) So this is PDF page -- I can't  
7 tell -- 6 of 11 on Exhibit 27. So this is an email from  
8 you to J. Nixon at 9:59 a.m., correct?

9 A. Yes.

10 Q. And J. Nixon was your lawyer at the time for  
11 redistricting, correct?

12 A. Correct.

13 Q. What's his full name again?

14 A. Joe.

15 Q. Joe, thank you. And you say, (Reading:) Joe,  
16 in 2001 Galveston County Commissioners Court adopted a  
17 resolution establishing the Court's criteria for  
18 redistricting. Attached is a copy of the proposed  
19 resolution for 2011. Do you see any issues? I'd like  
20 to have it on the agenda for Tuesday.

21 And then if we scroll down, we keep  
22 scrolling down, it's the same criteria, right?

23 MS. KLEIN: Keep scrolling, Alexa. Keep  
24 going and keep going.

25 Q. (BY MS. KLEIN) And Joe Nixon replies at  
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1 11:53 a.m., (Reading:) Judge Henry, I would like to  
2 discuss the resolution with you before the  
3 Commissioner's Court adopts it. Please call my cell at  
4 your convenience including evenings and weekends. Thank  
5 you.

6 After -- so you spoke with Joe about this,  
7 correct?

8 A. I would think so.

9 Q. And after that, you decided not to put the  
10 criteria on the agenda for the June 7th meeting,  
11 correct?

12 A. It appears that way.

13 Q. And it never got on any agenda for any meeting  
14 before the 2011 map was passed, correct?

15 A. Correct.

16 Q. Okay. Do you recall if Joe Nixon ever sent you  
17 back, you know, an edited version of the criteria that  
18 you should put on the agenda?

19 A. I do not remember.

20 Q. Is it fair to say assume he didn't because  
21 nothing ever was passed?

22 MR. RUSSO: Objection, calls for  
23 speculation.

24 THE WITNESS: Had he, I'm sure we would  
25 have produced so I'm guessing he didn't.

1 Q. (BY MS. KLEIN) But, you know, had he sent a  
2 markup, that would be the version you would pass in the  
3 end, right --

4 A. Probably.

5 Q. -- because you would have wanted to?

6 MR. RUSSO: Objection, calls for  
7 speculation.

8 MS. KLEIN: Sorry, Ms. Elkins.

9 Q. (BY MS. KLEIN) So -- because you had wanted to  
10 put something on the agenda?

11 A. No, that is not accurate. I am -- I was merely  
12 saying this is what they did in 2001. Is that what we  
13 do again this time? That does not mean I wanted to do  
14 that.

15 Q. Where do you say -- where do you say that in  
16 this email chain?

17 A. Where do I -- I don't say that I want this  
18 done. I say this is what they did in 2001.

19 Q. You said, (Reading:) I would like to have it  
20 on the agenda for Tuesday.

21 Right?

22 A. If it was required.

23 Q. But that's not in this email, right?

24 A. No.

25 Q. You're saying, I'd like to have it on the  
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1 agenda. Do you see any issues with that? Right?

2 A. Correct.

3 Q. All right. I don't have any further questions  
4 on that. Thank you. We can switch gears a little bit.

5 And we'll go -- zoom back forward to 2021.

6 And we got into this a little before the map drawing

7 process. But the county posted two proposals on its

8 county website on October 29, 2021; is that right?

9 A. That seems correct, yes.

10 Q. And this website posting was done at your

11 direction, correct?

12 A. Yes.

13 Q. How -- so you decided what specifically would  
14 be included on the website; is that right?

15 A. It's typically what would be included as far as  
16 the draft maps.

17 Q. As far as the content of the website?

18 A. I don't recall if we had a separate website or  
19 if this was just part of our county website.

20 Q. Okay. Let's pull it up. This is Tab 60. It  
21 will be Exhibit 28.

22 (Exhibit No. 28 was marked.)

23 Q. (BY MS. KLEIN) Does this look familiar to you?

24 A. Yes. I just don't -- I think this was on our

25 county website. I don't think we had a dedicated



1 website just for this.

2 Q. Let's scroll down to the bottom. That URL you  
3 see at the bottom Galveston County, is that the county  
4 website?

5 A. Yes, that's the county website.

6 Q. And then it says, county-judge/redistricting.  
7 So does this mean it was kind of within your part of the  
8 county website?

9 A. It would more likely mean that my office was  
10 just the one who -- who asked that it be published.

11 Q. Okay. So fair to say you decided what content  
12 would be on this website that you had requested to be  
13 published?

14 A. Is the content just the two maps?

15 Q. Well, let's look at all the content. So  
16 there's the two maps.

17 MS. KLEIN: And then, Alexa, can you scroll  
18 down?

19 Q. (BY MS. KLEIN) And then there's this area  
20 (indicating). And then I think that's the end of it.  
21 So it's just these three pages.

22 MS. KLEIN: And Alexa, scroll back up.

23 Q. (BY MS. KLEIN) So was it your office that  
24 decided what would be included on this website?

25 A. Yes. The maps that we had available, yes.  
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1 Q. Is it typical to have a separate, you know, web  
2 page for a specific agenda item for Commissioner's  
3 Court?

4 A. No.

5 Q. Why was it done for redistricting?

6 A. Trying to get as much public comment and input  
7 as we could get.

8 Q. So I'm going to ask you about these two maps  
9 that are on here. I'm going to refer to the first one.  
10 It's titled, Galveston Texas Map on the exhibit as Map  
11 Proposal 1 and then Galveston Texas Map 2 as Map  
12 Proposal 2 or the enacted map.

13 A. Okay.

14 Q. Because I -- and let's -- does that make sense  
15 to you?

16 A. Yes.

17 Q. Okay. When did you first view a draft of any  
18 commissioner precinct plan for the 2021 process?

19 A. That would have been in October, I think.

20 Q. What about that September 8th meeting, did you  
21 see any kind of geography or concepts at that September  
22 8th meeting?

23 A. He may have had conceptual maps up there.

24 Q. Those first maps you saw in mid October -- or  
25 let's start with the concept maps in September. Were

1 | those ever made public?

2 | A. Unless they became these maps, I don't think  
3 | so. But I wouldn't know for sure. I wouldn't think so.

4 | Q. In the version that they were -- whatever they  
5 | looked like in September, were they made public?

6 | A. If they became these, obviously, yes.

7 | Q. But how they looked in September? Oh, I see  
8 | what you're saying. Okay.

9 | What about -- but they weren't actually  
10 | shown until this website was posted, right?

11 | MR. RUSSO: Objection, ambiguous.

12 | THE WITNESS: We -- we would have -- I  
13 | would have seen them a day or two beforehand before we  
14 | got them posted to the public.

15 | Q. (BY MS. KLEIN) Do you remember when this  
16 | website went up?

17 | A. Well, that's the county website. It's been  
18 | there for as long as I've been here.

19 | Q. Do you -- when I say website, I'm just going to  
20 | be talking about this specific web page. So I'll use  
21 | web page. Do you remember when this web page went up?

22 | A. Specifically, no.

23 | Q. Okay. Let's -- so you said mid October you saw  
24 | drafts of the maps. Do you remember the purpose of  
25 | those meetings?

1 A. Other -- other than for Dale to say that he  
2 felt like he was complete or close to completion, that  
3 would be about it.

4 Q. Did you give comments -- I don't want to know  
5 the specifics. But did you give comments on the maps  
6 that you expected Mr. Oldham to act upon in adjusting  
7 the lines?

8 MR. RUSSO: Just to clarify, you're talking  
9 about in October?

10 MS. KLEIN: In October, yes.

11 THE WITNESS: Probably not, only because,  
12 again, I'm not a precinct commissioner, so I don't care  
13 where my grandmother's house is. So other -- that's the  
14 kind of thing that he would have gotten. But he would  
15 not have gotten that from me.

16 Q. (BY MS. KLEIN) Would you have said -- told him  
17 whether or not you agreed with the maps during the  
18 October meeting?

19 A. Whether I agree with them?

20 Q. Yeah. Whether you liked them?

21 A. Well, I certainly liked the one that I made the  
22 motion to adopt.

23 Q. So you would have told him in that October  
24 meeting whether you liked the draft that you were  
25 seeing?

1 MR. RUSSO: Objection, calls for

2 speculation.

3 THE WITNESS: I don't know if I did or not.

4 I mean, that's what I had sort of asked for.

5 Q. (BY MS. KLEIN) If the maps didn't change  
6 between when you saw them in mid October and when they  
7 were put on this website, is it fair to say that means  
8 you probably agreed with how they looked in mid October?

9 MR. RUSSO: Objection, incomplete  
10 hypothetical.

11 THE WITNESS: Me, probably. Commissioners,  
12 maybe not.

13 Q. (BY MS. KLEIN) What do you mean,  
14 "commissioners maybe not"?

15 A. Again, you know, the commissioner cares about  
16 where the lines are drawn and I don't. So for me it was  
17 strictly I've got the coastal precinct that I thought  
18 would be advantageous to the county. And beyond that,  
19 the actual lines are for the commissioners to be okay  
20 with.

21 Q. So you were aware that, you know, Mr. Oldham  
22 was having meetings with the other commissioners  
23 separately where they were telling him whether they like  
24 those maps the way they were or not, right?

25 A. Yes.  
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1 Q. And again, you had those separately because you  
2 didn't want to have a quorum, right?

3 A. I wasn't involved in any of those individual  
4 commissioner meetings.

5 Q. Were you told about what the commissioners  
6 thought in any way about the maps?

7 A. I don't think so. My -- the only thing I can  
8 recall is precinct and we're going go to adopted maps so  
9 Galveston Texas Map 2. I wanted to make sure that  
10 Commissioner Giusti was okay with an entirely coastal  
11 precinct.

12 Q. Okay. How would -- did you talk to him  
13 directly about that?

14 A. Probably. If I didn't, it would have been  
15 through Tyler. But, you know, I don't want to make  
16 somebody take something that they don't really want.  
17 But he was fine with it.

18 Q. Okay. So you wanted to make sure -- because  
19 you -- you wanted to make sure the other -- at least  
20 Commissioner Giusti was okay with Map 2, right?

21 A. With having the entire coast line specifically,  
22 yes.

23 Q. And what about Commissioner Apfel, did you  
24 check in somehow with him to make sure he was okay with  
25 the Map 2?

1           A. Other than that one meeting we would have had  
2 with -- I think it was on Zoom, I don't recall. Other  
3 than that, I would not have had any conversations with  
4 Commissioner Apfel.

5           Q. So you probably knew from that September 8th  
6 meeting, though, that, you know, what Commissioner  
7 Apfel's preferences were, right?

8                       MR. RUSSO: Objection, misstates prior  
9 testimony.

10                      THE WITNESS: Yeah, only to the extent he  
11 might have voiced it right there.

12           Q. (BY MS. KLEIN) And so if he didn't like a  
13 coastal precinct, you would have known about from that  
14 September 8th meeting when you said, "I want this  
15 coastal precinct," right?

16                      MR. RUSSO: Speculation

17                      THE WITNESS: I would think so.

18           Q. (BY MS. KLEIN) Do you remember if that  
19 happened in that meeting?

20           A. It -- not to my recollection, no, it did not  
21 happen.

22           Q. Do you have any reason to think it didn't  
23 happen?

24           A. Do I have any reason to think what didn't  
25 happen, that --

1 Q. That when you shared the coastal precinct idea  
2 in the September 8th meeting that Commissioner Apfel,  
3 you know, didn't say whether he agreed with it or not.  
4 I mean, he would have spoken up about it if he didn't  
5 like it, right?

6 A. Absolutely. Just for clarification, either he  
7 had no preference or he was okay with it.

8 Q. Okay. And you would have known that from the  
9 September 8th meeting?

10 A. Yes.

11 Q. Okay. Thanks. Don't mean to belabor the  
12 point, but, you know, we're working with memories and  
13 everything like that.

14 I'd like to go back to the -- I'd like to  
15 show you -- go back to Exhibit -- I think it's already  
16 marked, Exhibit 13.

17 MS. KLEIN: Alexa, can we pull that up?

18 Q. (BY MS. KLEIN) This is -- and we're going to  
19 go to privilege log entry 74. This is the privilege  
20 log, again, that I'll represent to you was produced by  
21 your counsel in this matter. And again, I'm not going  
22 to ask you about the content of discussions in it. So  
23 we're going to go to log entry 74, and it's mid October,  
24 so it's October 15, 2021. Do you see that?

25 A. Yes.  
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1 Q. And it says -- and on the far right is a  
2 privilege note, (Reading:) Communication from  
3 map-drawer to redistricting counsel, re: preparation of  
4 first draft map for legal review and posing questions  
5 re: redistricting constitutional requirements and  
6 traditional redistricting criteria.

7 So this was sent from -- we can see in the  
8 columns from Tom Bryan to Jason Torchinsky. So -- and  
9 Tom Bryan, you said you -- earlier I remember you saying  
10 you heard about his name in prep.

11 A. Just recently, right.

12 Q. Okay. And he's -- and did you become aware  
13 that he was a technical expert for map drawing used  
14 during the process?

15 MR. RUSSO: Hold on a second. Do not  
16 reveal communications between yourself and attorneys in  
17 prep session. So other than that you can answer.

18 THE WITNESS: Okay.

19 MR. RUSSO: If you knew about him ahead of  
20 time, fine.

21 Q. (BY MS. KLEIN) Are you aware now standing here  
22 today that Tom Bryan was a map drawer that provided  
23 technical expertise?

24 MR. RUSSO: Same objection. On  
25 attorney-client privilege to the extent that you learned  
Page 204

1 | that during conversations with attorneys.

2 | MS. KLEIN: So an underlying fact is not  
3 | privileged just because counsel hears it.

4 | MR. RUSSO: You're asking him whether he  
5 | knows a person and --

6 | MS. KLEIN: I'm not asking --

7 | MR. RUSSO: -- he's already told you that  
8 | he learned about it in prep. You're continuing to ask  
9 | him about how he learned about it.

10 | MS. KLEIN: I want to know --

11 | MR. RUSSO: So you're out of bounds. Real  
12 | simple, you're asking about privileged communications.

13 | MS. KLEIN: I'm asking about a fact --  
14 | whether he's aware of a fact.

15 | MR. RUSSO: You can ask him other than his  
16 | communications with counsel whether he's aware of who  
17 | Tom Bryan is.

18 | MS. KLEIN: Well, we're just going to have  
19 | to agree to disagree on this point.

20 | MR. RUSSO: Well, I'm not creating a  
21 | privilege.

22 | Q. (BY MS. KLEIN) So this map that Tom Bryan sent  
23 | to Mr. Torchinsky, are you aware of whether you saw this  
24 | map before it was sent from Tom Bryan to Mr. Torchinsky?

25 | A. I doubt I did.  
Page 205

1 Q. Why do you doubt that?

2 A. Because the way I'm reading this, and I might  
3 be wrong, the way I'm reading this, this looks like the  
4 first version of a -- for a map drawer to redistricting  
5 counsel. So I would not -- I don't think I would have  
6 seen this before my attorney did.

7 Q. So when you saw a map in mid October and after  
8 this, how many times did you see draft maps before they  
9 were posted on the public website on October 29th?

10 A. Once or twice at the most.

11 Q. And are you aware, were any changes made  
12 pursuant to comments you gave in any of those meetings?

13 A. No.

14 Q. I'd like to show you Tab 64. If you could pull  
15 that up. This will be Exhibit 29.

16 (Exhibit No. 29 was marked.)

17 Q. (BY MS. KLEIN) And this email is dated  
18 October 29, 2021 at 12:09 p.m., And it's from Paul Ready  
19 to Tyler Drummond and it says, (Reading:) From Dale,  
20 please forward to Nathan in engineering and copy me. I  
21 don't have Nathan's email.

22 Did I get that right?

23 A. Yes.

24 Q. And if we look at the lower email, we see that  
25 dloesq@aol.com. That's Dale Oldham, right?

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1 A. Correct. I think so.

2 Q. And he says, (Reading:) Nathan, these are the  
3 statistics along with an Excel block assignment file.

4 I would like to look at the -- did I get  
5 that right?

6 A. Yes.

7 Q. And I'd like to look at the attachment here.  
8 And I think -- so let's scroll down and see what's  
9 attached in this here. So it has -- here's Galveston  
10 Texas Map 2 with precincts and those are voting  
11 precincts, right, the little ones, the little lines?

12 MR. RUSSO: Object to speculation.

13 THE WITNESS: I don't think so because  
14 that's not nearly enough voting precincts.

15 Q. (BY MS. KLEIN) Oh, okay. How many votes  
16 precincts are there?

17 A. I think there's 100. Well, I guess that might  
18 be 100.

19 Q. Okay. We can move on.

20 Let's go to the native file of an  
21 attachment to this.

22 MS. KLEIN: And that's doc 65, Alexa. If  
23 you could pull that up. This will be a separate  
24 Exhibit 30 because it's a native file.

25 (Exhibit No. 30 was marked.)

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1 Q. (BY MS. KLEIN) So I apologize for how small  
2 this is. But this is an Excel file that was attached to  
3 that. And you'll see below -- you see those tabs below  
4 there?

5 A. Tabs below where?

6 Q. On the bottom of the document.

7 A. Oh, yes. Yes.

8 Q. And let's look at -- do you remember seeing any  
9 data sheet like this?

10 A. No.

11 Q. Okay. Were you aware that data sheets like  
12 this were being run for the maps that were being  
13 proposed?

14 A. No.

15 Q. And can we -- are you surprised to learn that  
16 these types of statistics were being run for the maps  
17 being proposed?

18 A. No, I'm not surprised.

19 Q. Why aren't you surprised?

20 A. Why am I not -- I mean, I assume that this is  
21 kind of something that Dale might do. I don't know.

22 Q. So what kind of data analysis did you expect  
23 Dale to do?

24 A. Population.

25 Q. Anything else?

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1 | A. Voting age population. Again, that's why I  
2 | hired him. I don't -- I don't know what he does or how  
3 | to do it.

4 | Q. And what about -- let's go to the sixth tab  
5 | from the left called VTD political pivot. All the way,  
6 | the sixth from the left.

7 | A. Sixth from the left.

8 | Q. VTD political pivot. Actually, maybe -- maybe  
9 | let's go to pop pivot first. So this document -- the  
10 | columns G, H, and I, you can see BNH VAP. Do you know  
11 | what that means?

12 | MR. RUSSO: Objection, calls for  
13 | speculation.

14 | THE WITNESS: I think it's voting age  
15 | population.

16 | Q. (BY MS. KLEIN) Do you know what the BNH mean?

17 | A. I do not.

18 | Q. And what about HISP VAP in column H, do you  
19 | know what that means?

20 | A. I'm going to guess Hispanic, but I don't know  
21 | that for sure.

22 | Q. And then BNH, does black non-Hispanic, is that  
23 | a term you're familiar with?

24 | A. No.

25 | Q. But Hispanic VAP that's -- these are racial  
Page 209

1 | demographic breakdowns of the maps, correct?

2 | MR. RUSSO: Objection, calls for  
3 | speculation.

4 | THE WITNESS: Okay.

5 | Q. (BY MS. KLEIN) Have you seen anything like  
6 | this?

7 | A. I don't think I saw this in 2021.

8 | Q. You've seen this -- we talked about it with the  
9 | preclearance. You had seen it in 2011, though, right?

10 | A. Correct.

11 | Q. Let's go to the VTD political pivot. And here  
12 | do you know who Cornyn might be here?

13 | A. I'm assuming that's Senator John Cornyn.

14 | MR. RUSSO: Speculation.

15 | THE WITNESS: Oh, I'm sorry.

16 | MS. KLEIN: I'm asking him if he knows.

17 | Q. (BY MS. KLEIN) So can you say that again.

18 | A. I'm going to assume that's Senator John Cornyn.

19 | Q. And Trump, do you know who that is?

20 | A. Familiar with Trump.

21 | Q. It has -- this row G, is percent R?

22 | A. What -- what are you looking at?

23 | Q. Row -- sorry, column G, pardon me, has percent  
24 | R.

25 | A. Okay.  
Page 210

1 Q. And column M has percent R, correct?

2 A. Column N looks like it's got nothing in it.

3 Q. Column M?

4 A. Oh, Mike. Okay.

5 Q. So this looks like some sort of political data,  
6 correct?

7 MR. RUSSO: Objection, calls for  
8 speculation.

9 THE WITNESS: Yes.

10 Q. (BY MS. KLEIN) Are you surprised that Dale was  
11 running political stats on these?

12 A. And I'll say again, I -- I don't know what Dale  
13 does. This is -- this might be something he does for  
14 everybody. It wasn't because I specifically asked him  
15 to.

16 Q. Do you know why this kind of data wasn't posted  
17 with the proposed maps on the website?

18 A. I do not.

19 Q. And what about that -- what about the  
20 population data? Let's go to the first tab here.  
21 We're -- even just -- not even looking at this, but just  
22 basic population data about the proposed maps, was any  
23 of that put on the website?

24 A. What do you mean?

25 Q. For example, like, the percent deviation of  
Page 211



1 those maps, was that put on the website?

2 A. I don't remember.

3 Q. Well, let's -- you just looked at the website,  
4 right, the three pages? Did you see any of that on  
5 there?

6 A. No, but I wasn't looking for it either.

7 Q. Okay. Let me ask you, when did you decide you  
8 were going to vote for Map Proposal 2?

9 MS. KLEIN: We can take the exhibit down.

10 THE WITNESS: Well, my assumption was  
11 because it was the coastal precinct that assuming that  
12 at some point somebody had to tell me or it seems  
13 someone just told me that they were both -- both maps  
14 got the population into alignment and that they're both  
15 legally compliant, then the map with the coastal  
16 precinct would have been my preference because that was  
17 kind of the direction I had requested.

18 Q. (BY MS. KLEIN) So when did you identify that  
19 that was your preference, that map specifically?

20 A. Since I don't exactly know when I saw what got  
21 put on the website, I can't say for sure, but it would  
22 have been in the October-November time frame. Probably  
23 October.

24 Q. I would like to call up Tab 61 and this will be

25 Exhibit 31.  
Page 212

1 (Exhibit No. 31 was marked.)

2 Q. (BY MS. KLEIN) Are you aware of when  
3 Commissioner Giusti decided what map he would --

4 A. Giusti.

5 Q. Giusti, thank you. Are you aware of when  
6 Commissioner Giusti decided what map he would support?

7 A. No.

8 Q. What about Commissioner Apfel?

9 A. No.

10 Q. Do you know if they knew which one they would  
11 support before it was posted online?

12 A. I have way of knowing that.

13 Q. All right. So here this is a single Facebook  
14 post. Does this look like your profile? I'll  
15 represent that this was taken from your profile. But  
16 you recognize that that picture at the top of the post?

17 A. That sure looks like me.

18 Q. Okay. And the post says, (Reading:) Galveston  
19 County Commissioners Court will be voting on new  
20 commissioner precincts in the coming weeks. The public  
21 comment period on the proposed maps is now open and you  
22 can submit your comments by visiting.

23 And then fair to say that's the website  
24 that we were just looking at?

25 A. I would think so, yes.  
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1 Q. (Reading:) Please submit your support for  
2 proposed map 2. This map creates a much needed coastal  
3 precinct. Having a coastal precinct will ensure that  
4 those residents directly along the coast have a  
5 dedicated advocate on Commissioners Court.

6 So is it fair to say that by October 29th  
7 you had decided you're going to vote for Map 2?

8 A. Having had -- having no reason not to,  
9 probably.

10 Q. What do you mean, "no reason not to"?

11 A. In short of someone coming in and saying, hey,  
12 it turns out that Map 2 is out of population deviation,  
13 it's got a problem with something, some other problem,  
14 then, yes.

15 Q. Sorry. I'm just trying to eliminate questions  
16 we might have already covered. If you'll give me a  
17 moment.

18 A. Okay. That's fine.

19 Q. So is it true that the first time a quorum of  
20 commissioners met in the same room to discuss the draft  
21 maps was the November 12, 2021 hearing?

22 A. I believe that would be correct, yes.

23 Q. Is there any other possibility you can think of  
24 other than that hearing beforehand?

25 A. No, I don't think so.  
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1 Q. And you had taken great care to make sure that  
2 that was the first time everybody met to discuss the  
3 maps together, right?

4 A. Correct. We would not have been able to meet  
5 short of a posted meeting.

6 Q. Are you aware of whether any other commissioner  
7 prepared a proposed map that was not posted on this  
8 website?

9 A. At the November 12th meeting Commissioner  
10 Holmes introduced two maps that we saw -- all saw for  
11 the first time there.

12 Q. And when did you learn that Commissioner Holmes  
13 would have his own proposal?

14 A. When he stood up and introduced it.

15 Q. Are you -- do you know why that wasn't one of  
16 the drafts that Dale had put together in the beginning?

17 A. I do not know.

18 Q. Do you remember that Commissioner Holmes also  
19 passed out an RPV study at that November 12th hearing?

20 MR. RUSSO: Objection, calls for  
21 speculation. Vague and ambiguous.

22 MS. KLEIN: I will --

23 MR. RUSSO: At least ask him what that is.

24 Q. (BY MS. KLEIN) I'll clarify. Are you aware of  
25 what racially polaris voting study is?

1 A. No.

2 Q. All right. Let's go to the document. Can you  
3 pick up tab 79? This will be Exhibit 32.

4 (Exhibit No. 32 was marked.)

5 Q. (BY MS. KLEIN) I'm just going to scroll down  
6 to the second page of this exhibit. Does this look  
7 familiar to you?

8 A. No.

9 Q. Okay. Let's scroll back up to the first page,  
10 please. This is an email from Annye Michelle Watson to  
11 Brandy Chapman from November 12, 2021 at 4:59 p.m. And  
12 I'll represent that this is a document produced by your  
13 counsel in this matter.

14 A. Okay.

15 Q. It says, (Reading:) Good afternoon, Brandy.  
16 This is information commissioner passed out to the court  
17 today.

18 And scroll to the -- please scroll to the  
19 second page. And then -- so that doesn't ring a bell to  
20 you, this map?

21 A. I'm sure you've looked to the video. He put  
22 them up with their backs to me so I never saw these  
23 maps.

24 Q. You never saw these maps. Did he pass out any  
25 kind of hard copy to you at the meeting?

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1           A. I don't remember that. He may have, but I  
2 don't remember that.

3           Q. Scroll to the next page. This is a document  
4 titled November 8, 2021. And the third paragraph says,  
5 (Reading:) Voting patterns in Galveston County are  
6 definitely characterized by racially polarized voting.

7                       So you don't -- your testimony is that you  
8 don't know what that means?

9           A. I do not recall having heard RVP -- or RPV  
10 before today.

11          Q. What about racially polarized voting?

12          A. No, I don't think so.

13          Q. And did you ever view a racially polarized  
14 voting study? Do you ever recall reviewing a study at  
15 any point in the 2021 process?

16          A. No.

17          Q. Okay. Let's go to the conclusions. The third  
18 sentence starts, (Reading:) In recent elections which I  
19 analyzed -- sorry, back up. Do you know what, strike  
20 that.

21                       I'd like to talk a little bit more about  
22 your decision to choose Map 2. You were aware -- is it  
23 fair to say you were aware when you decided on Map 2  
24 that it would create a dramatic shift in the  
25 commissioner precinct boundary that existed at the time?

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1 | A. Yes. But that would be the nature of making  
2 | one precinct cover the coast.

3 | Q. And you were aware, right, when you chose Map 2  
4 | that it would take that then existing Precinct 3 and it  
5 | would split it into all of the four new precincts,  
6 | correct?

7 | A. I may have known that at the time. I don't  
8 | know.

9 | Q. Didn't you -- wouldn't you have looked -- let  
10 | me ask you this. Didn't you look at the existing  
11 | precinct lines during the process to see where -- where  
12 | you were starting from?

13 | A. Well, I would have known what the existing  
14 | precinct lines were. I mean, I know that Dale ensured  
15 | that everybody lived in the new precincts regardless of  
16 | which map it was. I think they all lived in the  
17 | precincts of either map.

18 | Q. So you can see that the existing Precinct 3 it  
19 | was in the middle of the county, right?

20 | A. Yes.

21 | Q. And then in the new Map 2 it got moved to the  
22 | north part of the county, right?

23 | A. Yes.

24 | Q. And all of the other precincts m1, 2, and 4 had  
25 | a chunk of that middle part of the county, right?

1 A. In the existing maps --

2 Q. In Map Proposal 2.

3 A. I'd have to go back and compare them again, but  
4 that -- that could be.

5 Q. So what's -- I mean, we can just take a look  
6 and let's go back to Exhibit 28, which is Doc 60, which  
7 is the website printout. So let's go to Map Proposal 2.  
8 You remember the old -- we don't have it up. But the  
9 old map Commissioner Precinct 3 was pretty much clean  
10 down the center of the county, right?

11 A. It was very --

12 MR. RUSSO: Objection, vague and ambiguous.

13 THE WITNESS: Sorry.

14 It was very gerrymandered, but it took up a  
15 lot of the center of the county.

16 Q. (BY MS. KLEIN) And it even extended into  
17 Galveston Island, right?

18 A. I believe that's correct, yes.

19 Q. And that's one of the things you didn't like  
20 about it; you didn't like that Galveston Island was in  
21 Precinct 3 because you wanted the single coastal  
22 precinct, right?

23 A. It wasn't just Precinct 3. It was Precinct 1,  
24 2, and 3.

25 Q. So you can see 1, 4, and 2 all have a portion  
Page 219



1 of that old Precinct 3 because all of them go into that,

2 you know, middle corridor of the county, right?

3 A. Looks like, yes.

4 Q. And you were aware of that when you were

5 considering whether to vote for Map Proposal 2, right?

6 A. Sure.

7 Q. Now, let's go to Map Proposal 1 real quick.

8 MS. KLEIN: If you could scroll up.

9 Thanks, Alexa.

10 Q. (BY MS. KLEIN) And this map proposal adds

11 Bolivar Peninsula to Precinct 3, right?

12 A. Looks like it, yes.

13 Q. And that's what the 2011 map did; it added

14 Bolivar to Precinct 3, right?

15 MR. RUSSO: Objection, calls for

16 speculation.

17 THE WITNESS: Isn't that the one that we

18 finally adopted?

19 Q. (BY MS. KLEIN) The one in 2011 that got

20 rejected.

21 A. I don't know what the map that got rejected

22 looked like.

23 Q. But you remember, we talked about it earlier,

24 how you had been the one to ask that Bolivar be added to

25 Precinct 3, right?

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1 MR. RUSSO: Misstates prior testimony.

2 THE WITNESS: I will say maybe. The map  
3 that got rejected, I don't recall it that well. So I  
4 mean, the one that gotten enacted I do.

5 Q. (BY MS. KLEIN) So are you saying that -- so  
6 what about during the process that happened in 2021?  
7 Did you go back to look at what had been rejected by the  
8 DOJ in --

9 A. No, I would have left that to the attorneys.

10 Q. You completely left that to attorneys?

11 A. Yes.

12 Q. You weren't worried that the only alternative  
13 to your Map Proposal 2 was a map that resembled the 2011  
14 rejected map?

15 MR. RUSSO: Objection, calls for  
16 speculation. Asked and answered. And misstates prior  
17 testimony.

18 THE WITNESS: I went off the attorneys that  
19 we hired to do a constitutionally compliant job.  
20 Whether that requires them to go back and review maps  
21 that were rejected or not, that's for them to do.

22 Q. (BY MS. KLEIN) But you didn't take it upon  
23 yourself to make sure the county didn't repeat the same  
24 mistake it made back in 2011?

25 A. I did not take it upon myself.  
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1 MR. RUSSO: Objection, mischaracterizes  
2 prior testimony.

3 You can answer.

4 Q. (BY MS. KLEIN) The 2011 process that -- that  
5 litigation cost the county money, right?

6 A. Correct.

7 Q. And the litigations that were filed -- the  
8 first Petteway cases, those also cost the county a  
9 pretty penny, right?

10 A. Cost money, yes.

11 Q. And one of your platforms, as I understand it,  
12 is to, you know, cut taxes for the county, right?

13 A. Which we've done 12 years in a row.

14 Q. But adding cost like litigation, that adds to  
15 the -- that adds to the county budget, right?

16 A. It's included in the budget already. And  
17 believe me, if I could get people to stop suing us, I  
18 would do it.

19 Q. So you're saying that in light of all that, you  
20 never went back to make sure you weren't repeating the  
21 same mistakes that you had made in 2011?

22 MR. RUSSO: Objection, misstates prior  
23 testimony.

24 THE WITNESS: We hire attorneys and we  
25 expect them to do their job.

1 Q. (BY MS. KLEIN) And you hired the same  
2 attorneys that you had hired in 2011?

3 A. Correct.

4 Q. And you expected to do the same job they had  
5 done in 2011, right?

6 MR. RUSSO: Objection.

7 Q. (BY MS. KLEIN) And that's why you hired Dale,  
8 you wanted him to do the same thing he did in 2011,  
9 right?

10 MR. RUSSO: Objection, misstates prior  
11 testimony.

12 THE WITNESS: I wanted him to comply with  
13 what we are required to comply with, yes.

14 Q. (BY MS. KLEIN) And did you feel that he  
15 satisfied that back in 2011 when the DOJ objected and  
16 you had to draw a new map to settle it?

17 A. Yes.

18 Q. You felt that he had complied with everything  
19 even though you had to draw a whole new map in the end?

20 A. I do not recall us drawing a whole new map. I  
21 think we made one change.

22 Q. Did you ever ask for any other options other  
23 than these two map proposals to be drafted?

24 A. If I was told that these -- that both of these  
25 were compliant with what we needed done, then no, I  
Page 223

1 would not have asked for any additional proposals.

2 Q. Did you ever ask for an option for Map Proposal  
3 2 -- please scroll down.

4 Did you ever ask for an option for Map  
5 Proposal 2 that had a coastal precinct that still kept  
6 Precinct 3 in that middle corridor we were talking about  
7 earlier?

8 A. I doubt it.

9 Q. Why do you doubt it?

10 A. I don't know why I would have done that. I  
11 mean, this creates a coastal precinct and if you're  
12 going to start moving things around, then you're going  
13 to affect the whole four precincts.

14 Q. Did you ever ask for a map that would not have  
15 split the old Precinct 3 among all four new precincts?

16 A. Every precinct had to change boundaries.  
17 Precinct 3 was underpopulated from the beginning. There  
18 was no way to keep it intact. So aside from this, this  
19 is saying that the coastal precinct was one of the  
20 things I want to get done.

21 Q. So you never asked whether there was a way to  
22 preserve -- to prevent Precinct 3 from being split  
23 amongst all four new precincts?

24 A. I do not know where the splits occurred. I did  
25 not ask for anything other than these two maps after  
Page 224

1 these were shown to me.

2 Q. What about a new -- did you ever ask -- so you  
3 never asked for a map other than this one?

4 A. The 2.

5 Q. For Map Proposal 2, you liked this when you saw  
6 it, right?

7 A. I liked the fact that it got us one coastal  
8 precinct.

9 Q. But you liked -- you didn't -- you didn't ask  
10 for the other lines to change. You must have been --  
11 you must have liked the other maps, right? Sorry. You  
12 didn't ask for the other precinct lines to change. You  
13 must have liked -- been satisfied at least with where  
14 the other precinct lines were, right?

15 A. Again, the precinct lines are far more  
16 important to the precinct commissioners than they are to  
17 me.

18 Q. But to answer my question, you must have at  
19 least been satisfied with them if you --

20 A. As long as they said that they complied with  
21 the population -- population adjustment and all the  
22 state and federal laws, that was fine.

23 Q. You were aware from the 2011 litigation,  
24 weren't you, that Precinct 3 was the only  
25 majority/minority district in the whole county, right?

1 A. Yes.

2 MR. RUSSO: Objection, speculation and  
3 calls for a legal conclusion.

4 Go ahead.

5 Q. (BY MS. KLEIN) And your answer is yes?

6 A. My answer is I was probably told that, yes.

7 Q. And you had even seen -- we talked about that  
8 preclearance letter, you know, with the preclearance  
9 letter had those tables. You had seen those, right?

10 A. Back in 2011?

11 Q. At some time before the 2021 process you had  
12 seen that preclearance letter with those --

13 A. Back in 2011, yeah.

14 Q. Okay. All right. Did you ever use an  
15 interactive version of this map?

16 A. No.

17 Q. Going onto this website, scroll again, I want  
18 you to tell me if you see any kind of data about the  
19 maps posted.

20 A. The boundaries and the precinct number.

21 Q. So the benchmark map, the preexisting map, that  
22 wasn't on here, right?

23 A. I don't know what a benchmark map is.

24 Q. When I say benchmark I mean the map that was in  
25 place in 2012 to 2021 until this map, the new one was  
Page 226

1 passed.

2 A. Oh, okay.

3 Q. So that old map from 2012 to 2021, that's not  
4 on this website, right?

5 A. It appears so.

6 Q. What would be somebody have to do if they  
7 wanted to see that during the redistricting process?

8 MR. RUSSO: Objection, calls for  
9 speculation.

10 THE WITNESS: The engineering website.

11 Q. (BY MS. KLEIN) What is the engineering  
12 website?

13 A. The county's main website. They have all the  
14 maps there. They have everything.

15 Q. Is there a link to that on this website?

16 A. Can you show me the URL?

17 Q. Then keep scrolling down maybe.

18 A. Yeah. You just remove the -- from the slash  
19 County judge redistricting on, that will get you to -- I  
20 think that gets you to the map section of engineering.

21 Q. Were there any instructions on this website  
22 about how to do that?

23 A. I don't see any.

24 Q. Okay. So what about an explanation of US  
25 Census data results for Galveston? Is there any  
Page 227



1 | explanation of census data results on this web page?

2 | A. I don't see any.

3 | Q. So if somebody wanted to see, you know, what  
4 | had changed since the 2010 census or even just what the  
5 | numbers were, what would they have to do?

6 | MR. RUSSO: Objection, calls for  
7 | speculation.

8 | THE WITNESS: I assume go to the Census  
9 | Bureau's website.

10 | Q. (BY MS. KLEIN) They couldn't get that from the  
11 | county, right?

12 | A. I do not know if ever we put that on our  
13 | website, but it was on the Census Bureau's website.

14 | Q. And there's no breakdown for each of these  
15 | maps of -- can you scroll back up. There's no breakdown  
16 | of the deviations or, you know, how many people are in  
17 | each of these precincts on these maps, right?

18 | A. I don't see that.

19 | Q. There's no racial demographic breakdown of  
20 | these maps?

21 | A. I don't see it.

22 | Q. And there's no partisan information?

23 | A. I think there's some.

24 | Q. Okay. Any other analytics on this website  
25 | about these maps other than the pictures?

Page 228

1 A. Doesn't look like it.

2 Q. So let's go back to the specific criteria that  
3 you were actually -- if any that you were using when you  
4 were deciding which map to -- which maps should be  
5 drawn.

6 So you mentioned this coastal precinct  
7 equalizing populations, I've understood, and then a  
8 general, like, legally compliant, right? Were there any  
9 other specific criteria that you were thinking about  
10 when you were giving input on what the proposed map  
11 should look like?

12 A. No.

13 Q. What about the other commissioners, do you know  
14 what criteria they might have had in mind when they were  
15 providing feedback about what the proposed map should  
16 look like?

17 A. No. Other than like I said, Commissioner Apfel  
18 had asked that a street he moved over for a house that  
19 either he owned or was buying or something like that.  
20 Other than that, I would not have known any other  
21 commissioners' requests, if they even had any.

22 Q. All right. I would like to go to another  
23 exhibit. But actually, if you would like to take a  
24 break, this is an okay time to stop.

25 A. I'm fine.  
Page 229

1 Q. Okay. You'll speak up, I guess, if you want a  
2 break.

3 A. I will.

4 Q. Okay. So this is Tab 93. And this will be  
5 Exhibit 33.

6 (Exhibit No. 33 was marked.)

7 THE REPORTER: Could I ask that the witness  
8 to keep his hands away from his face so I can hear.

9 THE WITNESS: Okay.

10 MS. KLEIN: Oh, I should have --  
11 Ms. Elkins, do you need a break? We've been going kind  
12 of a while.

13 THE REPORTER: I'm okay. I just need to  
14 make sure I can hear.

15 MS. KLEIN: Okay.

16 Q. (BY MS. KLEIN) All right. Do you recognize  
17 this document? And Alexa can zoom in if she needs to.

18 A. Since I can't see the date, is this the lawsuit  
19 from 2011 or is this the current one?

20 Q. I'll represent that this is something produced  
21 by your counsel in the current lawsuit.

22 A. Okay.

23 Q. Actually, let's just scroll to the title on the  
24 first page -- second page, I guess, is the title. The  
25 caption is rather long. Says, (Reading:) Defendants'  
Page 230

1 First Supplemental and Amended Response to the United  
2 States' First Set of Interrogatories.

3 Do you see that?

4 A. Yes.

5 Q. Does that ring a bell? Did you see this --  
6 have you seen this document before?

7 A. Yes. I would have reviewed it, yes.

8 Q. Okay. And then if we scroll all the way to the  
9 end of this document, the last page, scroll up a little  
10 bit. That's your signature on it?

11 A. Yes.

12 Q. And it says, (Reading:) I declare under  
13 penalty of perjury under the laws of the United States  
14 of America that the foregoing is true and correct and  
15 executed December 14, 2022.

16 A. Yes.

17 Q. Okay. So you signed this -- you reviewed it  
18 and signed it on December 14, 2022?

19 A. I did.

20 Q. Okay. I'm going to ask you questions about  
21 this, but I want to be clear. I don't want to know  
22 about any discussions you and your lawyers had before --  
23 before this was publicly filed. Okay. So I'm going to  
24 ask you questions about the document, but I don't want  
25 to know if you and your lawyers talked about it.

Page 231

1 A. You mean typically filed as part of -- as being  
2 responsive to the request?

3 Q. Yeah, provide --

4 A. Okay. I get it.

5 Q. Sorry, yes, providing it to us.

6 A. Okay.

7 Q. All right.

8 MS. KLEIN: So let's go to PDF page 4,  
9 please, Alexa.

10 Q. (BY MS. KLEIN) It says at the bottom there,  
11 "Responses to Interrogatories." Do you see that?

12 A. No.

13 Q. Can you scroll down a little bit?

14 A. Okay. Got it.

15 Q. And then Interrogatory No. 1 -- I'll represent  
16 interrogatory means question basically.

17 A. Okay.

18 Q. So it says, (Reading:) Identify all factors of  
19 the Galveston County Commissioners Court considered in  
20 adopting the 2021 redistricting plan.

21 You see that?

22 A. Yes.

23 Q. Okay. And then we're going to scroll down.

24 There's a lot of legalese that I'm not going to ask you  
25 about. So if we could scroll down until we get to that  
Page 232

1 first supplemental answer. Do you see that?

2 A. Yes.

3 Q. (Reading:) Without waiving any of the  
4 objections stated above, Defendants state that the  
5 Galveston County Commissioners Court considered the  
6 following factors in adopting the 2021 redistricting  
7 plan.

8 And it goes on, I'm just going to scroll  
9 through. I don't want you to read through it all. I'm  
10 going to ask you about these separately.

11 MS. KLEIN: But if -- Alexa, if you could  
12 scroll, there's one bullet point, there's 2, 3, 4, 5, 6.  
13 Do you see that six factors?

14 A. Yes.

15 Q. Okay. If you could scroll back up. Can you  
16 tell me these factors, how were these -- do you know how  
17 these factors came into being?

18 MR. RUSSO: Objection, vague and ambiguous.

19 THE WITNESS: Not really. I mean, the  
20 first one is what I've been saying all along, we have to  
21 be compliant with the law and get the population.

22 Q. (BY MS. KLEIN) Do you know when these factors  
23 in this document were, like, finalized as the factors  
24 that Defendants are representing were considered by the  
25 Commissioner's Court in adopting the 2021 plan? Do you  
Page 233

1 know when they were finalized?

2 A. No, I don't.

3 Q. Okay. Do you know if these criteria 1 to 6 are  
4 listed in order of priority?

5 A. Only -- I mean, I would say that No. 1 is the  
6 highest priority, make sure they don't do anything that  
7 they can't do. Other than that, I haven't -- I haven't  
8 seen the others to see if they are or not.

9 Q. Okay. We'll go through them and then I'll ask  
10 you the question at the end.

11 A. Okay.

12 Q. So the first factor that you said, (Reading:)  
13 Compliance with the requirements under the 14th  
14 Amendment to the US Constitution and Voting Rights Act,  
15 what was your understanding of the requirements of the  
16 Voting Rights Act in adopting the 2021 plan?

17 A. I wouldn't have one. That's, again, why we're  
18 going pay to lawyers to do their job.

19 Q. So you didn't have an understanding of what the  
20 Voting Rights Act would require when you were  
21 considering whether to adopt Map 2 or Map 1?

22 MR. RUSSO: Objection, misstates prior  
23 testimony.

24 THE WITNESS: My understanding is that the  
25 Voting Rights Act has changed some. So, no, this is not  
Page 234

1 something that I keep track of. And this is why we have  
2 a lawyer who are well versed in this area of the law.

3 Q. (BY MS. KLEIN) The second sentence says,  
4 (Reading:) In particular, the most important factor in  
5 crafting the redistricting lines for the Commissioners  
6 Court precincts was the equalization of population and  
7 to make the four Commissioners Court precincts  
8 geographically sound.

9 A. Okay.

10 Q. What does geographically sound mean?

11 A. As compact as you can get them is how I  
12 interpret this. Understanding this is a document from  
13 the court, not just from me.

14 Q. It's from your counsel.

15 A. Correct. But I think -- well, I believe on  
16 behalf of the court, not just me.

17 Q. Okay.

18 MR. RUSSO: Court meaning?

19 THE WITNESS: Commissioner's Court.

20 Q. (BY MS. KLEIN) Commissioner's Court, yeah.

21 Okay. The second factor is unified  
22 representation on Galveston Island and Bolivar  
23 Peninsula.

24 MS. KLEIN: If we scroll down, Alexa. Just  
25 make sure I got that right.



1 Q. (BY MS. KLEIN) Do you see that, the second  
2 factor?

3 A. Yes. And that was probably more important to  
4 me than the rest of the court.

5 Q. So that criteria was listed at your insistence;  
6 is that right?

7 A. It was a request. It wasn't an insistence.  
8 If -- if Dale had told me that we can't make it happen,  
9 then that's okay, then it can't happen.

10 Q. Were any other -- was uniting any other  
11 communities ever considered as a factor during the  
12 redistricting process, to your knowledge?

13 A. To my knowledge, no.

14 Q. Not by you?

15 A. Not by me anyway.

16 Q. So, like, for example, like, keeping Precinct 3  
17 together was not a factor that you felt was important?  
18 Like you had felt uniting Galveston Island and Bolivar  
19 Peninsula was important, right?

20 A. Correct.

21 Q. And you said before that you wanted one  
22 commissioner to unite all of the coast. Can you tell me  
23 why in your mind it's better for one commissioner rather  
24 than two to be attentive to these issues?

25 A. Yes. Because there are probably a dozen issues  
Page 236

1 that only affect the coastline. It is extremely  
2 difficult to even keep one commissioner really up to  
3 speed on CEPRA, GOMESA, seaweed, uncapped oil heads. I  
4 mean, there's just so many issues that only deal with  
5 the coastline that having one commissioner, and  
6 hopefully myself, able to keep our hands wrapped around  
7 it is difficult trying to get three commissioners plus  
8 myself, turned out to be impossible.

9 Q. What about just two commissioners and yourself?

10 A. The -- the fewer the better. We -- we went  
11 through this -- we go through this every day. GOMESA is  
12 a great example. It's a fund and I can't even recall  
13 now how it gets funded or what it's being used on, but  
14 every single time we have to reeducate ourselves on what  
15 it is and how to use it.

16 Q. But if you had three total, yourself and two  
17 commissioners, you'd have a majority, right?

18 A. It's not the -- it's not a majority thing.  
19 Most of our things, believe it or not, pass unanimously.  
20 It's a -- we -- you know, court hears what we have and  
21 here's what we can use it for. I'm proposing this.

22 When a county commissioner makes a  
23 recommendation I'm almost always nearly 100 percent  
24 supporting them and the rest of the court would  
25 generally say, well, it's not our precinct. If -- if  
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1 that commissioner and the Judge says that what we should  
2 do, that's what we're going to do.

3 Q. What about any studies on this issue of a  
4 single coastline precinct being better, did you ask for  
5 any studies or -- during the process on that issue?

6 A. Studies cost money and I don't need to pay  
7 somebody to tell me that having one person knowledgeable  
8 on these issues is better than two or three.

9 Q. Okay. We can scroll down. How is it that you  
10 determined that -- so the new -- strike that. Sorry.

11 So the new coastal precinct, which  
12 commissioner was going to represent that coastal  
13 precinct?

14 A. Commissioner Giusti.

15 Q. How did you decide it would be Commissioner  
16 Giusti?

17 A. I didn't. It's where his house fell. So upon  
18 Map -- Map No. 2, that's the one we adopted, Map No. 2,  
19 he lived in the coastal precinct. And that's -- at some  
20 point in that time frame I just went and said, "I want  
21 to make sure you're okay with this because I don't want  
22 to force you on it if you don't want to do it." And he  
23 said, "I'm fine with it. I like it."

24 Q. Didn't -- isn't it right that Commissioner  
25 Apfel actually represented a significant portion of the  
Page 238

1 coastline in the prior, the benchmark map?

2 A. He would have had Bolivar only. I think. Oh,  
3 now, see, I'm not even positive. He may have had part  
4 of Galveston as well. Commissioner Holmes had a part of  
5 Galveston. Commissioner Giusti had a part of Galveston.  
6 Commissioner Apfel may or may not have had part of  
7 Galveston. I don't remember. But he had Bolivar for  
8 sure.

9 Q. Did you look at any studies, for example, of  
10 what areas of the county were, like, impacted by  
11 flooding issues and try to unite them or something like  
12 that?

13 A. We get flood maps from FEMA. But I do not know  
14 how that would be helpful in our redistricting map.

15 Q. So you don't think the person that drew the map  
16 for you considered that type of thing when they decided  
17 to do a coastal precinct?

18 A. Flooding?

19 Q. Looking at, you know, that or similar studies  
20 to decide where the lines should be drawn.

21 A. I don't know.

22 Q. You never instructed anybody to do that when  
23 drawing the lines?

24 A. No.

25 Q. The third factor, let's go down to the third  
Page 239

1 factor, is -- the third factor considered was the  
2 compactness of the commissioner court precincts. What  
3 does "compactness" mean to you?

4 A. Trying to keep them as close to a square or  
5 rectangle as possible, which isn't possible but just as  
6 close as we can.

7 Q. Did you see any specific measurements of  
8 compactness when you were reviewing proposals?

9 A. Specific measurements? You mean -- I mean,  
10 population is what's going to have to drive it  
11 ultimately. But do you mean like metes and bounds or  
12 what exactly do you mean?

13 Q. So there's -- for example, there's compactness  
14 scores that are commonly used when this polls be popper  
15 (phonetic). Does that ring any bells?

16 A. No.

17 Q. Anything like that, you know, a compactness  
18 score, for example, that you can recall looking at?

19 A. No.

20 Q. This factor said -- the next sentence says,  
21 (Reading:) The commissioners wanted a map that was  
22 geographically compact. The goal was to have a map that  
23 made geographic sense, a geographically sound map.

24 So when this says the commissioners wanted  
25 a map that was geographically compact, do you know that  
Page 240

1 to have been true for the other commissioners?

2 A. Do not know.

3 Q. And then the goal was to have -- the last  
4 sentence says, (Reading:) There was a sense that the  
5 prior map looked gerrymandered.

6 Do you agree with that statement?

7 A. I do.

8 Q. What does "gerrymandered" mean to you?

9 A. Moving lines in a -- in not necessarily in a  
10 sensible manner in order to achieve a specific goal.

11 Q. And which part of the prior map looked  
12 gerrymandered?

13 A. Precinct 3. And I understand it had to be  
14 so...

15 Q. What do you mean it had to be?

16 A. My understanding from the 2011 redistricting is  
17 we had to make every effort to keep a majority/minority  
18 precinct. And the only way we could achieve that was to  
19 have the precinct look like it did.

20 Q. So you knew that by changing things the way you  
21 did in Map Proposal 2 you were getting rid of that  
22 majority/minority precinct, right?

23 MR. RUSSO: Objection, calls for  
24 speculation.

25 THE WITNESS: And what I know would have  
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1 | come to me through one of my lawyers.

2 | MR. RUSSO: Object on the basis of  
3 | attorney-client privilege. To the extent the  
4 | conversations she asked about happened with your  
5 | lawyers, do not disclose it.

6 | Q. (BY MS. KLEIN) Were you aware -- I'm not  
7 | asking you what your lawyers told you or whether you  
8 | agreed with it or whether you -- any of those  
9 | discussions.

10 | But when you chose Map Proposal 2, at that  
11 | moment in time you were aware, weren't you, that that  
12 | majority/minority Precinct 3 that you had to keep in  
13 | 2011 that you were breaking that up between all four  
14 | remaining precincts, right?

15 | MR. RUSSO: Objection to the extent it  
16 | calls for a legal conclusion. And same objection  
17 | related to attorney-client privilege.

18 | THE WITNESS: Yeah, the information would  
19 | have come from an attorney working on our behalf.

20 | MS. KLEIN: Okay. I'm going -- I'm just  
21 | going to preserve for the record that I dispute that  
22 | privilege objection and we're going to reserve the right  
23 | to call the commissioner back once we get a court  
24 | determination on it.

25 | MS. RICHARDSON: Petteway will join.

1 MS. JAYARAMAN: United States joins as  
2 well.

3 Q. (BY MS. KLEIN) Okay. The fourth factor, I'm  
4 reading from the page, considered -- was minimizing the  
5 splitting of voting precincts. Do you know what that  
6 one means?

7 A. I assume that what they are saying here is that  
8 we did not want to -- well, some voting precincts had to  
9 be split. They were overpopulated. But except for  
10 those voting precincts, trying not to split up voting  
11 precincts further.

12 Q. What -- isn't it true that the Commissioner's  
13 Court adopted voting precincts after this redistricting  
14 cycle?

15 A. I do not remember. No, I thought we did it --  
16 I thought we did it the same day.

17 Q. So you did it either the same day or after,  
18 right?

19 A. Probably.

20 Q. So if you were passing voting precincts either  
21 the same day or after, why did you have to -- that means  
22 that you were revising them, right?

23 A. We had to change some of them because we were  
24 overpopulated and you had another group threaten to sue  
25 us if we didn't get the population down to less than  
Page 243



1 5,000 per voting precinct.

2 Q. So if you were going to change them anyway, why  
3 was that a consideration when you were choosing which  
4 map to adopt to minimize splitting voting precincts that  
5 you have to change either the same day or after?

6 A. If -- I don't think I follow that. But  
7 we're not -- not we're trying to minimize the splitting  
8 of voting precincts. Some of them had to be split. So  
9 we're trying to minimize the number of voting precincts  
10 we're splitting.

11 Q. Okay. Let's scroll down. I just want to go  
12 to -- well, let's finish this and then I'm going to  
13 revisit -- I'm going to ask you a little bit more about  
14 that.

15 So it says the fifth factor considered was  
16 once Factors 1 through 4 were achieved, the  
17 commissioners wanted a precinct that included their  
18 residence, right?

19 A. Makes sense, yes.

20 Q. And the sixth factor considered by  
21 commissioners was the partisan composition of their  
22 districts.

23 A. Yes.

24 Q. What does that one mean?

25 A. If a commissioner is in a -- a leaning -- a  
Page 244

1 Republican, for example, leaning precinct, he would  
2 rather not get it changed be a Democrat leaning  
3 precinct.

4 Q. What about Commissioner Holmes? Are you aware  
5 of how his precinct, which we've already talked about,  
6 was split in the new map between four, how it would be  
7 impacted by as far as partisan composition?

8 A. This is going to come back to a conversation  
9 from my lawyer to me.

10 Q. So you were aware, but whatever you were aware  
11 of came from your attorney, right?

12 MR. RUSSO: Let me object and respond to  
13 that to the extent you have to disclose attorney-client  
14 privileged communications. And I'm going to instruct  
15 him not to answer.

16 Q. (BY MS. KLEIN) So without telling --

17 MS. KLEIN: So I'm going to reserve our  
18 prior right to recall him as we've already stated on the  
19 record several times.

20 MS. JAYARAMAN: The United States joins.

21 MS. RICHARDSON: Petteway joins.

22 Q. (BY MS. KLEIN) And so without disclosing the  
23 content of those conversations, you talked with your  
24 counsel about partisan composition?

25 A. I would more accurately describe it as he told  
Page 245

1 | me than me asking him.

2 | Q. And same thing -- you know, just to go back,  
3 | close the loop here, same thing with the racial  
4 | composition.

5 | Without disclosing the content of the  
6 | conversations you had with counsel, you had  
7 | conversations about racial composition?

8 | MR. RUSSO: Counsel, you -- I mean, I don't  
9 | know. Can you answer that question?

10 | THE WITNESS: I can simply say that the  
11 | information came from them to me.

12 | Q. (BY MS. KLEIN) Okay.

13 | A. There wasn't a request on my part.

14 | Q. Okay. We'll revisit that, I'm sure, in the  
15 | future.

16 | So how did you know all of the  
17 | commissioners' residences during the redistricting  
18 | process?

19 | A. I believe Dale asked them.

20 | Q. Were their addresses publicly disclosed  
21 | anywhere, to your knowledge, so that if somebody else,  
22 | for example, wanted to propose a map, they could make  
23 | sure to also be drawing commissioners in their precinct?

24 | A. I -- I do not know. Again, this is an issue  
25 | for the commissioners. I'm county-wide. It doesn't

1 | really affect me.

2 | Q. Was preserving the prior district lines  
3 | considered among potential criteria among this list at  
4 | any point?

5 | A. I didn't see it in there.

6 | Q. Do you know if it was ever considered?

7 | A. No, I do not.

8 | Q. Okay. So we see your signature at the end of  
9 | this. Do you know if the other commissioners reviewed  
10 | this before it was submitted?

11 | A. I do not know.

12 | Q. Did you talk to them about it to make sure this  
13 | was accurate to them before you signed it?

14 | A. Can't do that.

15 | Q. Even one on one?

16 | A. One on one but only one commissioner. The next  
17 | time I talk to another commissioner, I'm in violation of  
18 | the state law.

19 | Q. Did you have your staff confirm with them?

20 | A. No.

21 | Q. Okay. So just you signed this and you didn't  
22 | ever talk about it with another commissioner in any way?

23 | A. I did not.

24 | Q. So how do you know -- so going back up to the  
25 | top, the way -- if we could go back up to the top of  
Page 247

1 Interrogatory 1. It says -- sorry, the Interrogatory  
2 No. -- the Supplemental Response.

3 MS. KLEIN: Sorry, Alexa, just a little bit  
4 further down. Thank you.

5 Q. (BY MS. KLEIN) (Reading:) Defendants state  
6 that the Galveston County Commissioners Court considered  
7 the following factors in adopting the 2021 redistricting  
8 plan.

9 If you never talked about this with the  
10 other commissioners, how do you know that that statement  
11 is true and accurate?

12 A. That would be a question that I think that the  
13 lawyers would have posed to other commissioners.

14 Q. But you -- when you signed this document, you  
15 didn't know whether that was true, right?

16 A. Whether what is true, that if the lawyers  
17 talked to them?

18 Q. No. That the Galveston County Commissioner's  
19 Court considered these factors.

20 MR. RUSSO: Counsel, are you taking issue  
21 with the lawyers preparing the response on behalf of the  
22 County?

23 MS. KLEIN: No. I'm --

24 MR. RUSSO: -- because that's what  
25 happened.

1 MS. KLEIN: I'm asking how he knew it was  
2 true that the Commissioner's Court considered these  
3 criteria if he never was able to confirm that.

4 MR. RUSSO: You know that he's got to rely  
5 on counsel's discussions with other folks. There's  
6 one -- he's one person that's verifying the responses.  
7 This is a ridiculous line of questioning.

8 Q. (BY MS. KLEIN) I'm just -- I'm going to go  
9 through and X out things that we've already covered if  
10 you'll give me a little bit -- a moment.

11 A. Yeah, sure.

12 Q. So fair to say you never discussed these six  
13 listed criteria with the other commissioners directly?

14 A. I may have discussed them with one. But  
15 certainly not more than one.

16 Q. Did you apply these criteria when you were  
17 providing input on draft maps as they're stated here?

18 A. The first one, absolutely, and then after that  
19 the coastal precinct was the only other factor that I  
20 would have said.

21 Q. Let's -- I'm going to follow up on that voting  
22 precinct issue and then we'll move on.

23 MS. KLEIN: Alexa, could you -- can you  
24 scroll down to Interrogatory No. 2, please? Try to be  
25 quick about this.

1 Q. (BY MS. KLEIN) So Interrogatory 2, there it  
2 says, (Reading:) For each factor identified in response  
3 to Interrogatory No. 1 describe in detail how the 2021  
4 redistricting plan serves that factor.

5 Did I get that right?

6 A. I think so.

7 Q. And let's scroll down and I'd like to look at  
8 the -- I'd like to look at the answer to the first one  
9 actually. Supplemental answer, when you see  
10 supplemental answer. Scroll up. It looks like it's  
11 updated answer, rather.

12 (Reading:) So without waiving any  
13 objections stated above, the Defendants state that  
14 Galveston County's 2021 redistricting plan serves the  
15 above factors identified in response to Interrogatory  
16 No. 1 in the following ways.

17 And the first one says, (Reading:) When  
18 the Commissioners Court began redistricting the current  
19 map in effect from 2012 to 2021, it had a population  
20 deviation of 17.9 percent.

21 And then if we go all the way to the end,  
22 it says in the sentence starting, (Reading:) The  
23 current population deviation in the enacted map is  
24 1.1 percent.

25 Were you aware of that when you voted for  
Page 250

1 Map Proposal 2?

2 A. I thought it was less than that. But that's  
3 certainly within allowable tolerances.

4 Q. And then the next question -- the next sentence  
5 says, (Reading:) This map has a lower population  
6 deviation than Map Proposal 1, which is a population  
7 deviation of 2.5 percent.

8 Do you see that?

9 A. Yes.

10 Q. Were you aware of that fact when you voted for  
11 Map Proposal 2?

12 A. I doubt I was aware of the exact percentage.  
13 I'm sure I was aware that both of them complied with the  
14 population reallocation.

15 Q. Did you care that Map Proposal 2 had a smaller  
16 deviation than Map Proposal 1?

17 A. That's better, but 2.5 is also acceptable.

18 Q. Were you aware that maps with the same  
19 configuration roughly as Map Proposal 1 could have been  
20 drawn with smaller deviations?

21 MR. RUSSO: Objection, vague and ambiguous.

22 THE WITNESS: Yeah, I don't -- I don't know  
23 how I would have known that.

24 Q. (BY MS. KLEIN) You never asked anyone if that  
25 was possible?

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1 A. No.

2 Q. Let's go to the bottom -- let's go to the  
3 bottom of Page 8, please, of the interrogatory  
4 responses. I'm going to skip the discussion of the  
5 Bolivar Peninsula. I think we covered that. And I'm  
6 going to skip the question about compactness. But can  
7 you keep going to Page 9.

8 So it says, (Reading:) The enacted map  
9 successfully choose the fourth factor because it splits  
10 nine voting precincts out of a total 96 precincts.

11 Right?

12 A. Yes.

13 Q. Those 96 precincts we discussed before, those  
14 voting precincts were passed either on the same day or  
15 after the new map, correct?

16 A. That would make sense, yes.

17 Q. So do you recall that there were actually a  
18 different number of precincts before new voting  
19 precincts were enacted?

20 A. I don't follow that. What?

21 Q. There are 96 voting precincts now, but do you  
22 remember that there was a different number of voting  
23 precincts, you know, before 2021?

24 A. It should have been similar.

25 Q. Can you tell me why you were concerned about  
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1 splitting precincts if you -- if the court was just  
2 going to change the precincts anyway after the new map?

3 A. I don't think we did. I think we split the  
4 voting precincts that had overpopulation and had to be  
5 split --

6 Q. Okay.

7 A. -- in order to get below 5,000 -- I can't  
8 remember if it's people or voting age people per  
9 precinct.

10 Q. But you could change -- you could have changed  
11 the voting precinct lines any way that you wanted,  
12 right?

13 A. I suppose we could have.

14 Q. Why didn't you change them so there were no  
15 split precincts at all?

16 A. We had no choice but to split the overpopulated  
17 precincts.

18 Q. No. But why -- why couldn't you enact new  
19 voting precincts so that none of them were split between  
20 any of the county commissioner districts at all?

21 A. I'm not understanding this.

22 Q. So you can change the voting precincts to look  
23 however you want, right?

24 MR. RUSSO: Object, it calls for a legal  
25 conclusion.

1 THE WITNESS: Yeah, within reason maybe.

2 Q. (BY MS. KLEIN) They just have to comply with  
3 these --

4 A. Right.

5 Q. -- precinct number population requirements?

6 A. Right.

7 Q. You're going to get sued if you didn't do that,  
8 right?

9 So if you could have changed them, these  
10 voting precincts, to look however you wanted, if they  
11 complied the population, why didn't you enact -- you  
12 know, it says there are nine voting precincts split.  
13 Why aren't there zero voting precincts split amongst the  
14 commissioners' precincts?

15 A. Because we had to split the ones that were  
16 overpopulated. We had no choice.

17 Q. But the splits are between commissioner  
18 precincts, right, so it's one voting precinct split  
19 between two commissioner precincts?

20 A. Not necessarily, no.

21 Q. So what do you understand this to mean?

22 A. I understand this to mean we had nine -- I  
23 didn't think it was that many, but it was in the  
24 ballpark, voting precincts that had more than 5,000  
25 people in there. You can't have that. You got to split

1 it up below 5,000.

2 The best way to do that is to split it as  
3 close to middle as you can so that you're not putting  
4 4,998 to where it will just get overpopulated again in,  
5 you know, what, six months.

6 Q. What's your understanding of a split precinct?

7 MR. RUSSO: Objection, vague and ambiguous.

8 THE WITNESS: That's what I'm explaining is  
9 that it could be a precinct split between two new  
10 commissioners' precincts. But my belief here is that  
11 we're talking about overpopulated growing precincts.  
12 That's who's threatening to sue us. Then we've got to  
13 split them and bring them underneath the 5,000  
14 population.

15 Q. So your understanding of this criteria is not  
16 that a split precinct is split between two commissioner  
17 districts, but it's a split precinct from one that  
18 existed before that had to be cut in half?

19 A. Or -- correct, or cut in some manner to get it  
20 below 5,000.

21 Q. So how does that understanding relate to  
22 commissioners' precincts at all?

23 A. I do not know.

24 Q. So you actually don't quite know -- so how does  
25 this factor relate to commissioners' precincts? Page 255

1 MR. RUSSO: Objection, asked and answered.

2 THE WITNESS: Yeah, I don't know. I mean,  
3 if that's what they're talking about. I didn't write  
4 this so I'm kind of trying to answer as best I can.

5 Q. (BY MS. KLEIN) Okay. And then just scroll up.  
6 I have one more question and then we'll move on, and  
7 then I'm almost done with my questioning. But we can  
8 take a break before then if you want to.

9 Scroll down a little bit. Give me a second  
10 to get my -- you know what? Strike that. Let's go to  
11 page 9 and the "Finally." (Reading:) Finally, the  
12 enacted plan to some extent is a consequence of  
13 achieving these other factors reflects the partisan  
14 composition of Galveston County. It is, therefore, the  
15 more favorable option of the two.

16 Do you know what that sentence or that  
17 paragraph means?

18 A. Yes. They're saying that we accomplished the  
19 required objectives and in addition to that it reflects  
20 the partisan -- just what it says. Galveston County is  
21 a heavily Republican county.

22 Q. Is it completely Republican?

23 A. No, of course not.

24 Q. Of about how many -- what percentage of the  
25 voting population is not Republican?

1           A. Based on only the 2022 general election  
2 results, 34 percent.

3           Q. How many -- so did you view, you know, partisan  
4 breakdown by new Map 2 districts, commissioners'  
5 districts before you chose Map 2?

6           A. I'm sure the commissioners did, but I don't  
7 think I did.

8           Q. So you -- you didn't look at data related to  
9 this before you voted on the map?

10          A. If I did, I don't remember it. And again,  
11 that's a commissioner -- far more important to the  
12 commissioner than it is to me.

13          Q. And when you say that Map 2 reflects the  
14 partisan composition of Galveston County, you said that  
15 makes sense to you, and why does that make sense to you?

16          A. I don't think that I said Map -- well, I guess  
17 it does say Map 2. If you've got a 66 percent  
18 Republican county, it's going to be very hard to draw a  
19 map that doesn't have four Republican precinct  
20 commissioners.

21          Q. So you believe that Map Proposal 2 has all four  
22 Republican commissioner precincts, right?

23          A. Not at the moment but I suspect it will get  
24 there eventually.

25          Q. What do you mean by "eventually"?  
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1           A. Well, if it's -- if it -- if it stays the way  
2 it is, it would appear that would elect four Republican  
3 commissioners, yes.

4           Q. So if Map -- just so I understand you  
5 correctly. If the enacted map from 2021 stays in place,  
6 it will elect all four Republican commissioners, right?

7           A. I believe so, yes.

8           Q. And so that, you know, 30 percent of Democrats,  
9 they're not going to have a Democratic commissioner on  
10 the commission anymore, right?

11           A. Well, they would be dispersed county-wide.  
12 They would not be in any one location.

13           Q. So no?

14           A. No.

15           Q. Going back to your -- just thinking, going back  
16 to your slogan, you know, "Keep Galveston County Red," I  
17 mean, is that one of the reasons that you like this map,  
18 it would help keep Galveston County red?

19           A. No. I already had that with three  
20 commissioners.

21           Q. And you didn't think, you know, sealing the  
22 deal would further that objective of keep Galveston  
23 County red?

24           MR. RUSSO: Objection, vague and ambiguous.

25           THE WITNESS: It's not necessary. It's  
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1 probably helpful, but it's not necessary.

2 Q. (BY MS. KLEIN) Why would it be helpful?

3 A. Just five to zero instead of, you know, four to  
4 one.

5 Q. No more things is getting taken off the consent  
6 agenda?

7 A. Believe me, believe me, I have as many  
8 Republicans post off the consent as I do Commissioner  
9 Holmes.

10 Q. Why else would a 5-0 be helpful?

11 A. I -- from a purely political standpoint, it  
12 would be nice to have primary endorsements from all  
13 commissioners.

14 Q. Okay.

15 MS. KLEIN: This is a good time if you want  
16 to take a very brief break or we can just keep on going.

17 THE WITNESS: Anyway is fine you want to  
18 do. I'm fine. Keep going.

19 MS. KLEIN: Okay.

20 Oh, Ms. Elkins, how are you doing? Do you  
21 want to go off the record for a bit?

22 THE REPORTER: If it's going to be a lot  
23 longer.

24 MS. KLEIN: You know what? Can -- can we  
25 go off for five minutes because I actually think I might  
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1 cut things down a little bit if I can just confer with  
2 the other counsel.

3 VIDEOGRAPHER: The time is 3:16. Off the  
4 record.

5 (Brief recess.)

6 VIDEOGRAPHER: The time is 3:37. Back on  
7 the record.

8 Q. (BY MS. KLEIN) I'm just going to ask you a few  
9 follow-up questions to clarify a thing that we just went  
10 over.

11 A. Okay.

12 Q. First of all, you mentioned that you had  
13 discussed -- maybe discussed criteria with one of the  
14 commissioners but not more. Which -- which commissioner  
15 were you referring to?

16 A. I don't know if I said criteria. But as far as  
17 the process -- and maybe it was criteria. I don't  
18 recall. Commissioner Apfel.

19 Q. So we have this back and forth privilege  
20 objection and you were saying that -- when I asked you  
21 about racial data, about partisan data, you said  
22 whatever you knew you would have heard from your  
23 attorneys. Can you just specify which attorneys you're  
24 thinking of when you said your attorneys?

25 THE WITNESS: That's okay?

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1 MR. RUSSO: Yeah. I'm sorry. I'm just --

2 which conversation are you speaking about?

3 Q. (BY MS. KLEIN) Right before the break I was  
4 asking, you know, with respect to your awareness of, you  
5 know, racial breakdown by Map Proposal 2 district and  
6 your awareness of that.

7 And you said that you couldn't answer -- if  
8 I remember correctly, you said you couldn't answer  
9 because it was told to you, whatever you knew was told  
10 to you by your attorneys. Do you remember that?

11 A. Yes.

12 Q. So which is who, which attorneys is what I'm  
13 asking?

14 MR. RUSSO: You can answer that.

15 THE WITNESS: Dale Oldham primarily. To a  
16 lesser extent Joe Nixon in 2011-2012.

17 Q. (BY MS. KLEIN) Okay. And Just to clarify the  
18 privilege objection and whether or not you're going to  
19 answer, so you -- your position is you are not willing  
20 to confirm whether you were aware of any of these, you  
21 know, racial data or partisan data facts at a later date  
22 after learning them from an attorney, correct?

23 MR. RUSSO: Well, let me just tell you what  
24 my objection is. It's not to reveal conversations that  
25 he or information he got from the attorney. If he got

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1 | it later from someplace else, that's -- that's not what  
2 | we're objecting to. It's not a point in time, in other  
3 | words. It's who the conversation was with.

4 | Q. (BY MS. KLEIN) So you are not willing --  
5 | pursuant to your counsel's instruction, you are not  
6 | willing to tell me whether you were aware of a  
7 | particular fact if that fact was told to you by your  
8 | attorney?

9 | MR. RUSSO: That's like it's an  
10 | oversimplification of our objection but...

11 | THE WITNESS: And I will also say that  
12 | that's the only place I got the information from. So  
13 | there was not a point where someone else gave me  
14 | information that would not be privileged information.

15 | Q. (BY MS. KLEIN) So you are not willing to say  
16 | whether or not you were aware of a fact later if that  
17 | fact was told to you by counsel and only counsel?

18 | A. I guess, yes.

19 | MS. KLEIN: So is that attorney-client  
20 | privilege?

21 | MR. RUSSO: That's -- I think that's an  
22 | oversimplification. What we would need to get into this  
23 | is particular questions on the record or -- we've had  
24 | this conversation. You've asked questions and we've  
25 | objected. To be able to just sort of encapsulate the

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1 | argument here, I mean, you can look at the letter brief  
2 | and go into the witness with it is probably improper.  
3 | But the point is it's going to -- it dependent upon the  
4 | question that you're asking the way you're asking him.

5 | MS. KLEIN: I am going to be fully  
6 | forthright that I do not understand your privilege  
7 | objection and the basis for it. So I am trying to  
8 | understand that you are instructing your -- and you're  
9 | not the witness in this and that's why I'm talking to  
10 | him because he's following your advice.

11 | But -- and I want to make sure he  
12 | understands what he is not willing to provide. I want  
13 | to make sure the witness understands what testimony he  
14 | is not willing to provide in this deposition. So that's  
15 | why I'm going through him. I'm not trying to get  
16 | between you two.

17 | MR. RUSSO: Sure.

18 | MS. KLEIN: And I'm -- I'm just confirming  
19 | that if he was shown -- if he was shown partisan data  
20 | from his attorney, he is not willing to testify about  
21 | his awareness of that partisan data at a later date  
22 | because he says he only got it from his attorney. Am I  
23 | understanding it correctly?

24 | MR. RUSSO: No, again. That's over --  
25 | overly simplified. The point of the objection and the  
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1 | privilege is to prevent disclosure of communications  
2 | related to the provision of legal services. So to the  
3 | extent that the facts are provided with a specific  
4 | regard and primarily for the purpose of providing legal  
5 | services, those communications are not going to be  
6 | disclosed.

7 | MS. KLEIN: So if I don't -- I don't care  
8 | about the context of this. I don't care if he was --  
9 | why he was reviewing them. I don't care what questions  
10 | about legal advice he was -- I don't care about any of  
11 | that.

12 | All I want to know is if at a later date  
13 | and specifically when he was choosing Map Proposal 2, I  
14 | want to know what data he was aware of at the point he  
15 | was choosing Map Proposal 2, which I believe was, based  
16 | on our testimony, around October 29th when he made that  
17 | Facebook post.

18 | MR. RUSSO: Right. And here's the answer  
19 | to my response and this is what I've instructed the  
20 | witness. To the extent that provision of data or facts  
21 | is balled up with Mr. Oldham providing legal services,  
22 | he can't answer that question. If it's just here's some  
23 | facts, that's it. That's a different story. If it's  
24 | just here, look at the -- look at the data.

25 | MS. KLEIN: But I'm not asking for the  
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1 | context of them at all. I'm not going to follow up --

2 | MR. RUSSO: I get it. And the problem is  
3 | is that we've got to rely on the witness to say the  
4 | communication basically was part of providing legal  
5 | services, and I think he's established that.

6 | But -- so the idea or notion that, well,  
7 | you know, there are objections just based upon one thing  
8 | or another is -- again, it's oversimplifying.

9 | MS. KLEIN: All right. Maybe I'll just  
10 | probe a little bit.

11 | Q. (BY MS. KLEIN) How was the discussion of  
12 | partisan data part of the provision of legal advice? I  
13 | mean, was -- let me ask this first.

14 | Was any discussion you had with your  
15 | lawyers about partisan data part of the provision of  
16 | legal advice?

17 | A. What was that?

18 | Q. Was the -- was any -- you said that you  
19 | couldn't answer what -- you couldn't answer me what  
20 | exact partisan data you had seen when you voted for Map  
21 | Proposal 2 or before you had voted for Map Proposal 2  
22 | what you were aware of because you had learned that from  
23 | your attorney. So let me ask you this.

24 | When you learned that from your attorney,  
25 | was that part of you seeking or them providing specific  
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1 | legal advice?

2 | A. I'd say yes. It wasn't strictly -- that's it.

3 | MR. RUSSO: But that's where the privilege  
4 | applies.

5 | Q. (BY MS. KLEIN) You know -- so is your  
6 | understanding that compliance with state and federal law  
7 | relates to the partisan composition of the precincts  
8 | you'd be voting on?

9 | MR. RUSSO: Object as speculative and calls  
10 | for a legal conclusion.

11 | THE WITNESS: So I would ask again. Am  
12 | I --

13 | Q. (BY MS. KLEIN) Was -- is your understanding  
14 | based on that answer that the partisan composition of  
15 | the enacted precincts for commissioners you'd be voting  
16 | on was related to their legal compliance to whether they  
17 | were legally compliant?

18 | A. I can't say --

19 | MR. RUSSO: You responded that the  
20 | discussion that you're asking about factually relates to  
21 | the provision of legal services. That's all we can  
22 | provide you. I mean, that's where the privilege  
23 | applies. So I think we've established that.

24 | Q. (BY MS. KLEIN) So what would you say -- so if  
25 | you learned certain facts from an attorney, are you  
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1 | saying that you can never discuss that again with  
2 | anybody?

3 | A. I think that I'd be saying that I am allowed to  
4 | not discuss that with anybody.

5 | Q. So have you talked with anybody besides your  
6 | attorneys about the partisan composition of the enacted  
7 | 2021 commissioner's precinct map?

8 | A. I don't know who it would be. Honestly, most  
9 | people don't care.

10 | Q. If a constituent asked you, hey, when you voted  
11 | for Map Proposal 2, did you know that, you know, each  
12 | commissioner's precinct was going to be a Republican  
13 | precinct, how would you answer that question?

14 | A. My belief would be yes.

15 | Q. And why would your belief be yes to that  
16 | question?

17 | A. Because I simply don't think it's possible to  
18 | draw a precinct that would elect a Democrat without  
19 | making it look like a handprint as I described it.

20 | Q. And why do you believe that?

21 | A. Just based on the numbers that I see in the  
22 | general election. If 34 percent tend to vote Democrat  
23 | in a gubernatorial year and they're all spread all  
24 | across the county, you don't have 25 percent in any one  
25 | location.



1 Q. How do you know they're spread across the  
2 county? Have you seen a map -- like, a heat map of  
3 minority?

4 A. No. I'm making an assumption they're spread  
5 across the county. I know the Friendswood Democrat  
6 Party was opposing me, so there's at least some in  
7 Friendswood.

8 Q. But there's not in Santa Fe. We talked about  
9 this earlier with the different neighborhoods, right?

10 MR. RUSSO: Objection, it calls for  
11 speculation and compound. Which question do you want to  
12 ask him?

13 Q. (BY MS. KLEIN) So we talked about  
14 neighborhoods earlier. And I believe you had, you know,  
15 said that certain neighborhoods, Bolivar Peninsula,  
16 Santa Fe were predominantly White, correct?

17 A. Correct.

18 Q. And you knew that Dickinson was -- I believe  
19 you testified Dickinson was, you know, mixed White and  
20 minority and that, you know, Galveston city was  
21 predominantly minority; is that right?

22 A. On the east side. On the west side it's not,  
23 yes.

24 Q. You have an idea of where, you know, minority  
25 populations live, right?

1 A. To some extent, I suppose.

2 Q. And -- I mean, it's benchmark Precinct 3,  
3 right? Commissioner Holmes' prior district?

4 A. That would --

5 MR. RUSSO: I'm going to object, vague and  
6 ambiguous. But I don't understand the question.

7 But go ahead you can answer if you  
8 understand.

9 THE WITNESS: Are you saying -- obviously,  
10 the previous Precinct 3 elected a Democrat. Is that  
11 what you're asking?

12 Q. (BY MS. KLEIN) I'm asking whether your  
13 awareness was that -- you know, you've said that you  
14 were aware benchmark Precinct 3 was majority/minority,  
15 right?

16 A. Correct.

17 Q. So that means that a lot of the Galveston's  
18 minority, and specifically Black and Latino community,  
19 was in the old Precinct 3, right?

20 A. I do not --

21 MR. RUSSO: Object, calls for speculation.  
22 Misstates prior testimony.

23 THE WITNESS: Yeah, I don't know if it's  
24 true or not.

25 Q. (BY MS. KLEIN) It was majority. It was  
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1 majority Black/Latino before, right; you knew that from  
2 2011 redistricting?

3 A. That's not my understanding of it. My  
4 understanding of it is it's majority Democrat. I cannot  
5 say for a fact that that means only Black and Hispanic  
6 voters. There are lots of White Democrats who vote for  
7 the other guy.

8 Q. But you knew from 2011 that that benchmark  
9 Precinct 3 was majority/minority that you had to keep  
10 for -- during that redistricting cycle. We talked about  
11 this before. Do you remember?

12 A. Yes, uh-huh.

13 Q. Okay. All right. So -- and that  
14 majority/minority Precinct 3, that was electing  
15 Commissioner Holmes, correct?

16 A. It would have favored the Democratic candidate  
17 that happens to be Commissioner Holmes, yes.

18 Q. I mean, how long has Commissioner Holmes  
19 served, to your knowledge?

20 A. I think he was appointed in either '99 or 2000.

21 Q. So ten years before you got there?

22 A. Sounds right.

23 Q. So -- I mean, is it fair to say, like, this  
24 majority/minority community in the old Precinct 3, their  
25 candidate of choice was Commissioner Holmes, right?

1 MR. RUSSO: Objection, calls for

2 speculation.

3 Q. (BY MS. KLEIN) They kept on reelecting him?

4 A. I think -- yes.

5 MR. RUSSO: Speculation.

6 Q. (BY MS. KLEIN) And you said -- okay. Did you  
7 ever ask if it would be possible to create a district  
8 where a Democrat could be elected?

9 A. Did I ever ask if it was possible? I don't  
10 know that I would have done that.

11 Q. So how do you know it's impossible?

12 A. Again, I'm just going to say that if --

13 MR. RUSSO: I'm going to object, asked and  
14 answered.

15 THE WITNESS: 34 percent spread out  
16 throughout the county, you're not going to have  
17 25 percent in a single precinct area.

18 Q. (BY MS. KLEIN) But if you've never seen a heat  
19 map, how do you know that?

20 A. I am making an assumption.

21 Q. So you don't know that. You're assuming?

22 A. I do not know that.

23 Q. So you don't know that it's impossible. You  
24 just are assuming it's impossible, correct?

25 A. Yes.  
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1 MR. RUSSO: Object to speculation.

2 THE WITNESS: Correct.

3 Q. (BY MS. KLEIN) And you never asked if it would  
4 be possible, correct?

5 A. No.

6 Q. Thank you. I can move on now. I think I  
7 understand that.

8 So I'm going to go back to the website  
9 posting. And I think that this is Exhibit 28.

10 MS. KLEIN: So Alexa, do you think you  
11 could put that back up?

12 Q. (BY MS. KLEIN) And while she's posting that,  
13 maybe you could tell me, how would folks have known that  
14 this redistricting web page, I'll call this the web  
15 page, had been posted?

16 A. I do not know. We would probably -- I would  
17 assume that somebody did some kind of outreach and let  
18 people know, you know, we get pretty good traction off  
19 of Facebook. I'm fairly certain it was put there.

20 But this is a problem we have is trying to  
21 engage constituents, trying to get them interested in  
22 what's honestly kind of boring government most of the  
23 time.

24 Q. Do you remember directing anybody specifically  
25 about notifying the public about this website?

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1 A. Do I remember doing that specifically, no. But  
2 my belief is I probably would have done that. That's  
3 something I would have done.

4 Q. And where would you have done that? You  
5 mentioned Facebook and we saw that Facebook post  
6 earlier. Is there anywhere else?

7 A. We have a Twitter feed that I have never even  
8 seen before. Facebook, Twitter is probably going to be  
9 the primary possibilities.

10 Q. To your knowledge, was there any instruction to  
11 the public about when they had to post a public comment  
12 by for it to be read by the Commissioner's Court?

13 A. I don't remember. If it's not on here, I don't  
14 remember.

15 Q. And any public comments that came in, what  
16 happened to them after they were submitted?

17 A. They were collected, compiled, and sorted by  
18 probably Jed at that time.

19 Q. Did you review the comments that were  
20 submitted?

21 A. I reviewed a few. But they -- they were --  
22 they were significant. There were a lot of them. And  
23 then I got the final tally at the end.

24 Q. When you say "a few," can you estimate about  
25 how many?

1 A. Less than a dozen.

2 Q. How did you choose which ones you were going to  
3 review?

4 A. Honestly, it's when I sat down at that time,  
5 whatever the next ones to come flowing in, that's how.

6 Q. And they were sent to your email directly or  
7 somebody compiled them and sent them to you?

8 A. They would have been forwarded on.

9 Q. From -- by whom?

10 A. It may have been automatic. But if not, it  
11 would have been either Jed or Zach.

12 Q. Do you know how many comments your office had  
13 received by the time you had issued notice of the  
14 November 12, 2021 special meeting?

15 A. I knew at the time. It seems like it was 500  
16 or 515, in that ballpark.

17 Q. What about -- strike that.

18 You -- so you mentioned you received an  
19 overall breakdown. And do you recall that you shared  
20 that breakdown during the November 12, 2021 hearing?

21 A. I did.

22 Q. Do you remember the breakdown?

23 A. Exactly, no. As I recall, it was about two to  
24 one favoring Map 2.

25 Q. And you -- do you remember saying in a hearing  
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1 that there were people that did not choose a map  
2 preference; they just called you names? Do you remember  
3 that?

4 A. Yes, that happens.

5 Q. What were you referring to -- and I'm so sorry  
6 about that.

7 A. That's --

8 Q. What were you referring to when you said that?

9 A. There are people who don't really care which  
10 map it is. They just want to take shots. And that's  
11 what they do and that's fine. That's -- that's part of  
12 the job.

13 Q. How did you -- were those within, like, the  
14 dozen or so that you read?

15 A. Yeah.

16 Q. How did you know that they --

17 A. My staff would have told me. The ones that I  
18 have read were actually somewhat relevant.

19 Q. Well, tell me about the ones you read.

20 A. I just remember them saying we like the coastal  
21 county or we, you know, like Map 1 or you know -- but  
22 they were generally, you know, related to the maps.

23 Q. Did any of them -- the ones that you actually  
24 read, did they change any of your opinions on how you  
25 would vote on the map?



1 A. No. That's unlikely. It's such a small sample  
2 for such a large public policy issue.

3 Q. So did it ever occur to you that you'd want to  
4 review more than just a dozen?

5 A. Which is why I got the composition or the total  
6 at the end, yes.

7 Q. What -- what directions did you give your  
8 staff, if any, when you asked for the composition?

9 A. I assume that I would have just said, you know,  
10 I want to know the total because I think I read these  
11 out at the Commissioner's Court meeting, how many people  
12 responded, how many of them responded to a map  
13 preference and then with a -- with a map on the ratio.

14 Q. Okay. I'd like to pull up one of these. And  
15 this is Tab 80. And we are on Exhibit 34.

16 (Exhibit No. 34 was marked.)

17 Q. (BY MS. KLEIN) And this -- this is a public  
18 comment and I see its submission date is November 12,  
19 2021 at 9:24 in the morning. And the comment is from  
20 Richard Moore and it says, (Reading:) Don't go out of  
21 your way to break up the only majority minority precinct  
22 in the country. History dictates that you will get  
23 taken to court and end up wasting taxpayer money  
24 defending a totally unnecessary action. You should  
25 maintain this precinct as majority minority and make the  
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1 | minimum amount of changes necessary at existing precinct  
2 | boundaries.

3 | How was this comment categorized?

4 | A. I don't know how this one would have gotten --  
5 | because we were asking to -- did they have a preference  
6 | of Map 1 or Map 2. So I don't know how this would have  
7 | gotten categorized.

8 | Q. So you -- you said publicly 165 did not discuss  
9 | the particular map?

10 | A. So that may be one of these.

11 | Q. Did your staff tell you that -- I mean, how  
12 | would you characterize this comment as far as what this  
13 | person's preference is for commissioner's precincts?

14 | A. On November 12th that they were trying to  
15 | adopt, he's essentially saying go back and start all  
16 | over and come up with a different outcome.

17 | Q. And did your staff tell you that comments like  
18 | this had been submitted?

19 | A. Sure.

20 | Q. About how many of the -- and you didn't include  
21 | them in the breakdown, though, right?

22 | A. No, the breakdown was only if they showed a  
23 | preference for Map 1 or Map 2.

24 | Q. But if they didn't like both the maps, you  
25 | didn't give that breakdown?

1 A. I don't think I did.

2 Q. Did your staff prepare that breakdown for you?

3 A. I do not know.

4 Q. Are you aware of what proportion of the

5 comments didn't like both the maps?

6 A. No.

7 Q. Are you aware that it was a substantial number

8 of them?

9 A. If I'm not aware, I'm not aware.

10 Q. You didn't ask your staff how many didn't like

11 both of them?

12 A. No.

13 Q. If you had gotten this public comment, say,  
14 three weeks earlier, would you have been --  
15 hypothetically, would you have been able to do something  
16 about it and get another proposal in there?

17 MR. RUSSO: Objection. Incomplete  
18 hypothetical and calls for speculation.

19 THE WITNESS: Three weeks earlier I don't  
20 think we had draft maps of any kind.

21 Q. (BY MS. KLEIN) I'm saying if you -- sure. But  
22 hypothetically, if you'd gotten this comment three weeks  
23 earlier, if everything had been done three weeks  
24 earlier, would you -- and you had two maps and you got  
25 this comment and a bunch like it, would you have been

1 able to do something about it? Would that have been an  
2 option for you?

3 MR. RUSSO: Calls for speculation.  
4 Incomplete hypothetical.

5 THE WITNESS: And I don't know what "a  
6 bunch" is. What's a bunch?

7 Q. (BY MS. KLEIN) If you -- if -- let's say a  
8 significant number of comments had rejected both maps  
9 and you had gotten this with three weeks to your  
10 deadline, would you have been able to go back and ask  
11 the map drawers, hey, we need a third option because  
12 folks don't like the first two?

13 MR. RUSSO: Incomplete hypothetical, calls  
14 for speculation.

15 THE WITNESS: As I recall, and I can go  
16 back and do the math, all of the input written, in  
17 person, everything, equals less than one-half of 1  
18 percent of the county.

19 Q. (BY MS. KLEIN) But back to my question. Would  
20 you have been able to do that if you wanted?

21 A. In -- well, it's certainly a hypothetical.  
22 Three weeks prior to this if -- possibly.

23 Q. What about two weeks prior to this, would you  
24 have been able to go back and get your map drawers to  
25 draw one more option?

1 MR. RUSSO: Calls for speculation.

2 THE WITNESS: I don't know. We thought we  
3 had more time to work on this than we ended up having  
4 so...

5 Q. (BY MS. KLEIN) But we talked before the  
6 candidate deadline is mid November always, right?

7 A. No, not necessarily. But that doesn't change  
8 the fact the state changed their mind and said you have  
9 to have this on the 13th.

10 Q. The 13th is not mid November?

11 A. Exactly. Well, no. My -- the -- the candidate  
12 opening period was probably November 20th. So later  
13 November to about the 10th day of December.

14 Q. How was your understanding that it was  
15 November 20th?

16 A. There is no requirement for November 20th. My  
17 personal preference was that we have the maps adopted by  
18 the opening of the candidate filing period.

19 Q. And that's mid November, correct?

20 A. It's later November. It's -- it's going to be  
21 on the 20th to the 25th maybe, maybe after Thanksgiving.

22 Q. How would you have that understanding?

23 A. Published by the Secretary of State. The  
24 candidate filing period -- this is not -- that would not  
25 have been a hard deadline that I would have been

1 operating under up until May the -- I'm sorry, November  
2 the 9th or whenever we got the notice.

3 Q. So your understanding was that you had until  
4 November 20th?

5 A. No. Again, I wanted it done before the  
6 candidate filing period opened, which would have been  
7 November 20th or later, in that ballpark. At that time  
8 that was not a state mandate, to my knowledge.

9 Q. Okay. Let's -- let's pull up a document. I  
10 think this will help structure in a little bit more.  
11 This is Doc 57 and this will be Exhibit 35.

12 (Exhibit No. 35 was marked.)

13 Q. (BY MS. KLEIN) So this says, (Reading:) Dear  
14 County Judges, our office has released the following  
15 advisory, 2021-14.

16 This email was sent from -- it says  
17 Elections Internet on Tuesday, November 2, 2021. Do you  
18 remember receiving this email?

19 A. That's not an email I get.

20 Q. County Judges is not an email you get?

21 A. No.

22 Q. Who gets that email?

23 A. It's to Elections Internet. I have no idea who  
24 that is. That's not me.

25 Q. Do you know how -- I'll represent that this is  
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1 a document your counsel produced in this litigation.  
2 Are you saying that you don't -- you have never seen  
3 this document before?

4 A. I don't think I got it. And I don't doubt that  
5 it's a legitimate email. I'm just saying this is not --  
6 would have gone to the county clerk, Dwight Sullivan.

7 Q. Okay. Let's scroll down if we can on this  
8 email. What about this part of it? And I'll represent  
9 that this is the Election Advisory No. 2021-14 pulled  
10 from the internet. Do you remember seeing this?

11 A. No.

12 Q. Okay. We can take this down.

13 So how do you know that the deadline  
14 changed? You said that you didn't -- weren't expecting  
15 to have to do it by November 13.

16 A. I don't know what the original deadline ever  
17 was. I was just saying my preference was to have it  
18 completed by the opening of the candidate filing period.

19 Q. And you didn't know what that deadline was?

20 A. I would have known what the opening of the  
21 candidate filing period was at that time by going in and  
22 looking on the Secretary of State's website.

23 Q. Where on the Secretary of State's website?

24 A. Elections division but -- and they'll have a  
25 calendar there.

1 Q. So are you aware that the Secretary of State --  
2 are you -- are you testifying that the Secretary of  
3 State's deadline changed somewhere in the process?

4 A. It is not a deadline by the state. It was what  
5 I wanted to get accomplished.

6 Q. Okay. Are you saying that the Secretary of  
7 State deadline on the website where you have gone to  
8 look at it changed at some point?

9 A. You're losing me. I'm talking about -- you're  
10 talking about -- you're talking about a deadline imposed  
11 by the state. I'm talking about the calendar opening  
12 and closing periods for candidates to file for office.

13 Q. That's what I'm talking about too. Are -- are  
14 you of the understanding that the candidate filing  
15 deadline changed somewhere along the line in 2021?

16 A. No, I do not know if it changed or not. I  
17 don't think it did.

18 Q. So earlier you said that you thought you had  
19 more time. Why did you say that?

20 A. Because I thought we would have until the  
21 beginning of the filing period.

22 Q. When did the filing period start in 2021?

23 A. That's why you would have to look at the  
24 Secretary of State's website to see what their calendar  
25 shows.



1 Q. Okay. Let's -- so you don't -- sitting here,  
2 you don't know what date the Secretary of the State's  
3 filing deadline was. I'm sorry. The Secretary of  
4 State -- you do not -- strike that. Sorry.

5 Sitting here today, you cannot tell me what  
6 the candidate filing deadline was that the Secretary of  
7 State posted?

8 A. No. Consistently about the tenth to twelfth  
9 day of December, which means you can back that up two to  
10 three weeks before that. And I don't know the exact  
11 time frame they give.

12 Q. Okay. I'm -- we're going to come back to that.  
13 Let me just quickly ask you more about public comments,  
14 the written public comments.

15 Do you remember if any public comments had  
16 included the "Keep Galveston County Red" slogan?

17 A. Do not know.

18 Q. Can we pull up Doc 72, please. This will be  
19 Exhibit 36.

20 (Exhibit No. 36 was marked.)

21 Q. (BY MS. KLEIN) So just take a look at these  
22 comments one by one. I'll represent these are documents  
23 produced by your counsel in this litigation. The first  
24 one says, "Map 2 Keep Galveston County Red," right?

25 A. Yes.  
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1 Q. And the next one.

2 MS. KLEIN: Scroll down, Alexa, please.

3 Q. (BY MS. KLEIN) "I support Map No. 2, Keep  
4 Galveston County Red."

5 Were you informed that these types of  
6 comments have been coming in?

7 A. No. I would have been given the preference for  
8 Map 2 and that would be it.

9 Q. Do you agree that passing these maps would keep  
10 Galveston County red as these folks are saying?

11 A. It would not have required --

12 MR. RUSSO: Objection, calls for  
13 speculation.

14 THE WITNESS: It wouldn't have required  
15 passing these maps for that to happen.

16 Q. (BY MS. KLEIN) Are you aware that there were  
17 text messages sent out to folks saying, Keep -- pass  
18 Map 2, Keep Galveston County red?

19 A. I think the party did that.

20 Q. Were you told beforehand that the party was  
21 doing that?

22 A. No.

23 Q. Do you agree with them doing that?

24 A. They're a political party with the right to  
25 free speech. They can really do whatever they want.

1 Q. So they obviously thought passing Map 2 was  
2 important to keeping Galveston County red, right?

3 A. They must have.

4 MR. RUSSO: Objection, calls for  
5 speculation.

6 THE WITNESS: They must have.

7 Q. (BY MS. KLEIN) And -- I mean, are you saying  
8 you disagree with that?

9 A. No. I'm just saying I didn't have a part of  
10 it.

11 Q. But you agree that -- so you agree with it,  
12 that passing Map 2 would help keep Galveston County  
13 local government red?

14 MR. RUSSO: Objection, asked and answered.

15 THE WITNESS: Yeah, it -- it didn't hurt  
16 anything. It wasn't necessary.

17 Q. (BY MS. KLEIN) It was just helpful, I think,  
18 is what you said before?

19 A. It can be helpful, yes.

20 Q. Last cycle, do you remember saying that you  
21 discounted anything -- well, strike that.

22 Okay. Other than this website, were there  
23 any other avenues for public commentary?

24 A. For public feedback, I don't think so. But  
25 this is something that we did that we weren't able to do  
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1 in 2011. So we -- it had improved our process to  
2 this -- with this respect.

3 Q. I just want to ask you about one more document  
4 to public comments and then we can move on. Can we pull  
5 up Tab 62, please? This will be Exhibit 37.

6 (Exhibit No. 37 was marked.)

7 MS. KLEIN: So can you scroll -- zoom in so  
8 that we can just see the text on the first page of this  
9 exhibit, please, Alexa. Thanks.

10 Q. (BY MS. KLEIN) So this says from Mark Henry to  
11 Mark Henry and the subject line, Screenshot 2021-10-29,  
12 5.52.18 p.m., right?

13 A. Yes.

14 Q. So it looks like it's an email that you sent to  
15 yourself?

16 A. Yes.

17 Q. Can you -- can you scroll to the next page,  
18 please, and then just zoom in on the third page. Here  
19 zoom in on this.

20 Do you recognize this?

21 A. Not really.

22 Q. Do you know why you would have screenshot this?

23 A. No, not really. Other than -- this would be  
24 public comment. And I would have probably screenshot it  
25 and just sent it in to make sure it's part of our -- our  
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1 record.

2 Q. The top comment says, (Reading:) Something,  
3 something -- it's cut off -- split Santa Fe, my city,  
4 into at least two precincts. If so, can the map be made  
5 more clear with some of the roads to more clearly see  
6 the boundaries?

7 Do you see that?

8 A. Yes.

9 Q. Did you take any action pursuant to that  
10 comment?

11 A. I don't know what it would have been.

12 Q. Okay. We can take that one down.

13 So the -- tell me about how the hearing  
14 date of November 12th was chosen.

15 A. We were notified November the 9th, I think.  
16 And I may be wrong on the exact date, that we had to  
17 have them to the state by the 13th. So with the point  
18 that we got this unexpected short notice, we tried to  
19 get a meeting put together as quickly as we could. We  
20 still have to have it out there for 72 hours and we have  
21 to make sure we have a quorum.

22 Q. Okay. I'm going to pull up a document to kind  
23 of refresh your memory. This will be Doc 69. And if we  
24 could -- we're going to label that Exhibit 38.

25 (Exhibit No. 38 was marked.)

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1 Q. (BY MS. KLEIN) So the top email here is -- it  
2 looks -- you know, the from is a little convoluted here,  
3 but it says Liechty.

4 A. Linda Liechty.

5 Q. And then two, Dianna Martinez and Veronica Van  
6 Horn. This is your staff, right?

7 A. Correct.

8 Q. And it says, (Reading:) JH and Tyler talked  
9 this morning. Need to schedule a special meeting on  
10 Tuesday, November 9th. It's the only day Commissioner  
11 Clark is available. Judge McCumber's courtroom is  
12 available all day, but JH prefers we do it in the  
13 morning. It's about the meeting -- it's about meeting  
14 that 11/13 deadline.

15 JH, is that Judge Henry?

16 A. Yes, ma'am.

17 Q. And can you tell me about the context of this  
18 email being sent?

19 A. Okay. I was off by a few days. So apparently,  
20 it was on November 3rd they called and said you have to  
21 have it to us by the 13th. So on the 3rd we would have  
22 jumped on trying to get this wrapped up.

23 So apparently, we made an attempt to get it  
24 done on November 9th, and for reasons I'm guessing, you  
25 know, but I can't remember, we had to switch it to the

1 12th.

2 Q. I actually don't know. Do you remember why?

3 A. No, I don't. I don't know what day of the week  
4 the 9th was. Was that a -- if the 12th was a Friday.  
5 It would have been a Tuesday. It might be that we  
6 couldn't get a forum. There's nothing that tells me we  
7 couldn't do it on the 9th. We clearly wanted to and  
8 tried to get the 9th.

9 Q. What was the date you were planning on having  
10 the vote before you were informed that it had to be done  
11 by the 13th?

12 A. I don't think we had a specific date in mind  
13 yet. We were -- I mean, we still had it out for input.

14 Q. So in early November you didn't have a date for  
15 legislative action that you wanted to get done before  
16 mid to late November; is that correct?

17 A. By mid to late November, yes,

18 Q. You knew -- you know, going back to our  
19 conversation at the beginning of the day, because that  
20 regular session is usually the first Monday of the  
21 month, you knew all the time that it would have to be a  
22 special meeting, right, for this vote to happen?

23 A. Not necessarily. It could have happened during  
24 a regular session. But the regular session would have  
25 likely been the 1st, 2nd, 3rd, 4th, 5th, in that

1     ballpark. And if we didn't get this until the 3rd --  
2     again, I'll say we don't schedule Commissioner's Court  
3     months out.

4                     We generally -- if we have something  
5     that's -- like this that's got to be done, we try to  
6     round up at least three commissioners and make sure we  
7     have a quorum, make sure we have an approved meeting  
8     space and call a special meeting.

9             Q. Okay. Asking about -- asking about the Judge  
10     McCumber, who is Judge McCumber?

11             A. She's a justice of the peace in Precinct 4.

12             Q. Do you remember asking any other justices of  
13     the peace if their courtrooms might be available?

14             A. We would not do that.

15             Q. Why not?

16             A. Because it is something more than nothing to  
17     have a special meeting because of noticing requirements,  
18     audio/visual requirements. So we try to select one or  
19     two places and just use those places.

20             Q. What about the regular place at the county  
21     seat? Did you consider using that?

22             A. No.

23             Q. Why not?

24             A. It's not a -- it's not a regular session. It's  
25     a special. Every special we have is up in League City.



1 Q. Were you not allowed to have special meetings  
2 at the county seat courthouse?

3 A. No. We're allowed to have them.

4 Q. Is -- when -- where did you end up having -- so  
5 did Judge McCumber's courtroom, did that work out for  
6 you?

7 A. Yes. But apparently not on the 9th. And to  
8 this -- right now I do not know why the 9th didn't work,  
9 but it didn't, but we did use it on the 12th.

10 Q. And is that courtroom -- is that the Calder  
11 Annex, so it's the same place?

12 A. Yes, correct.

13 Q. And is that -- how big is that courtroom?

14 A. I think it seats 60 or -- it's been completely  
15 demolished now. But at the time it seated 60 to 70.

16 Q. What about the regular county seat courtroom,  
17 how many folks does that hold?

18 A. Probably 100.

19 Q. So it's bigger?

20 A. Slightly.

21 Q. What about microphones, did the -- I will call  
22 it the Calder Annex.

23 A. Okay.

24 Q. Did that have microphones?

25 A. Yes.  
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1 Q. Do you remember if they were used during that  
2 November 12th hearing?

3 A. I think they were.

4 Q. All right. I'm going to pull up the hearing  
5 transcript and that is Document 78. So we'll mark --  
6 we'll just go ahead and mark that as Exhibit 39.

7 (Exhibit No. 39 was marked.)

8 Q. (BY MS. KLEIN) Okay. Sorry. I'm just reading  
9 a moment here. So right at the beginning of that  
10 meeting, if you could scroll down pretty slowly, do you  
11 remember -- do you remember having to say that the  
12 constables were going to have to keep order during this  
13 meeting?

14 A. I don't recall saying it like that, but that is  
15 standard for every meeting.

16 Q. And do you remember if folks had trouble  
17 hearing during that meeting?

18 A. No, I don't remember.

19 Q. Do you remember how many people attended that  
20 hearing?

21 A. Probably 60. I know we kept a record. The  
22 county clerk has the record. I don't recall what it  
23 was.

24 Q. Do you remember if folks were waiting out in  
25 the hallway?

1 A. I think there were people in the hallway, yes.

2 Q. Do you know if the people in the hallway could  
3 hear you?

4 A. I do not know.

5 Q. Keep on scrolling down, please. Stop right  
6 there. On page --

7 MR. RUSSO: Sorry. Could you just give a  
8 page number?

9 Q. (BY MS. KLEIN) Page 3, Line 7 it says -- up  
10 above it says, (Reading:) Judge Henry, I'm going to  
11 speak at this tone. That's all I can do. I'm not going  
12 to scream. I don't have a microphone.

13 Do you remember saying that?

14 A. I don't think I had a microphone. But there  
15 was a microphone for public comment.

16 Q. But there was no microphone for the  
17 Commissioner's Court, right?

18 A. For the commissioners or for public comment?

19 Q. For the commissioners.

20 A. There would have been a microphone to pick up  
21 the transcript, but it would not have projected into a  
22 public address system, if that makes sense.

23 Q. What about in the regular meeting space, do the  
24 commissioners have microphones in that space?

25 A. Yes, but I think it's the same thing. I don't  
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1 think it projects to a speaker. I think it's just for  
2 recording for the audio file.

3 Q. So -- all right. Do you remember when the  
4 notice eventually went out for the November 12th  
5 hearing?

6 A. No. It would have been at least three days  
7 prior to that. But I don't remember exactly doing that.  
8 I wouldn't know.

9 Q. Okay. We can take this down. Let's put up  
10 Doc 73. And this will be Exhibit 40.

11 (Exhibit No. 40 was marked.)

12 Q. (BY MS. KLEIN) This will be Exhibit 40. And  
13 it says -- it's from Linda Liechty. She says,  
14 (Reading:) Good afternoon, all. Attached is a special  
15 meeting agenda for 11/12/21. Please note Calder Annex  
16 location in League City.

17 And the time stamp for that is 1:39 p.m.  
18 Do you see that?

19 A. Yes.

20 Q. So does this mean that the meeting notice  
21 actually went out after 1:30 p.m.?

22 A. No.

23 MR. RUSSO: Objection, calls for  
24 speculation.

25 Q. (BY MS. KLEIN) How do you know?  
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1 | A. Well, this email may have gone out after 1:30  
2 | p.m., but, again, the notification down on the island by  
3 | posting at the courthouse would have occurred before  
4 | that.

5 | Q. How do you know that?

6 | A. How do I know what?

7 | Q. How do you know that it occurred before  
8 | 1:30 p.m.?

9 | A. I trust my staff, I guess.

10 | Q. Why did it occur right at -- I mean, did it  
11 | occur right at 1:30 or earlier in the morning?

12 | A. I don't know.

13 | Q. When did you know that the special meeting was  
14 | going to be on November 12th?

15 | A. I don't know. Obviously, we had tried for the  
16 | 9th and for whatever reason that didn't work. So we  
17 | must have posted on the 9th for the 12th.

18 | Q. When did you learn that the 9th wasn't going to  
19 | work?

20 | A. I do not know. I assume it would be in these  
21 | notes somewhere, but I don't recall what the reasoning  
22 | was.

23 | Q. Are you aware of regular -- whether the regular  
24 | meeting room at the courthouse was available at any time  
25 | in the days leading up to the November 12th hearing?

1 A. I assume it would be. If it helps at all,  
2 every commissioner lives within five minutes of Calder  
3 Annex. They all prefer Calder.

4 Q. I understand that. But you never confirmed  
5 whether the larger space would have been available,  
6 right?

7 A. There was no need.

8 Q. You mentioned that people were waiting out in  
9 the hallway, though, in the Calder Annex, right?

10 A. Correct.

11 Q. And you had set up -- you had set up a specific  
12 website so that people could provide comment just for  
13 this issue, right?

14 A. Correct.

15 Q. And you testified earlier that's not typical?

16 A. That's correct.

17 Q. And in the last redistricting cycle, there were  
18 five sessions of public input in addition to the census  
19 meeting on August 2nd and then the vote meeting on  
20 August 30th where you also heard public comment; is that  
21 right?

22 A. Yes.

23 Q. And based on that, you had an understanding  
24 that redistricting is something that, you know, public  
25 input can happen at large volumes compared to other

1 agenda items, right?

2 A. And we never know what people are going to get  
3 interested in.

4 Q. But you were getting public comments posted to  
5 the website starting October 29th, right?

6 A. That seems correct.

7 Q. So you were getting a volume of comments at  
8 that time, right?

9 A. That doesn't translate into showing up.

10 Q. Doesn't it translate to how much interest there  
11 is?

12 A. We have no way of knowing. We have what I  
13 think it would be controversial agendas, no one shows up  
14 for. We have something that I think is benign, lots of  
15 people show up for.

16 Q. So -- and you had done your own Facebook  
17 posting on this and even screen shotted -- we saw a  
18 screenshot from Facebook about this, right?

19 A. Right.

20 Q. So you're telling me that you didn't prepare --  
21 for the high interest you were seeing in public comments  
22 you didn't prepare for that when thinking about getting  
23 the largest space you could for in-person public  
24 comments?

25 A. I'm telling you I had no way of knowing who is  
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1 going to show up.

2 Q. So do you consider it acceptable that people  
3 are waiting outside in the hallway during this  
4 redistricting meeting?

5 A. I didn't say it was acceptable. But that's  
6 the -- that's what we had to work with.

7 Q. Because you chose to have that to work with,  
8 right?

9 A. Because every special session we had is at the  
10 Calder Annex.

11 Q. Okay. I would like to pull up Doc 54. This is  
12 Exhibit 41.

13 (Exhibit No. 41 was marked.)

14 Q. (BY MS. KLEIN) Okay. This is -- do you  
15 recognize this document?

16 A. It's an agenda. It's an agenda item for  
17 September 7th.

18 Q. It's a special meeting, right?

19 A. That's what it's titled as. That may be a  
20 mistake if this is it at 722.

21 Q. But it looks like it's at 722. 722 Moody? And  
22 that's the county seat, right?

23 A. I'm not seeing -- I'm not seeing a location on  
24 here.

25 Q. If there's no location posted, it means it's at  
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1 the regular meeting?

2 A. Not necessarily.

3 Q. So how would somebody who wanted to go to this  
4 September 7th meeting know where to go?

5 A. I'm going to make an assumption, and that's all  
6 it is, is that this was probably held at the courthouse  
7 on the island, but I don't see that anywhere.

8 Q. Okay. So this is a special meeting that you're  
9 assuming was at the courthouse?

10 A. Yes.

11 Q. So it's --

12 A. I'm telling you this is mislabeled. It should  
13 not have been called a special meeting. There's no  
14 legal significance to calling it a regular meeting or a  
15 special meeting. So I would not get upset with my  
16 administrative people for getting the language wrong  
17 there.

18 Q. There's no legal significance, but there's a  
19 significance in where -- I mean, it sounds like there's  
20 a difference in where it will occur, right?

21 A. Regular sessions are always at the county seat  
22 at 722 Moody. All else are considered specials and  
23 occur in Calder -- at Calder.

24 Q. But that's not what this document shows, right?

25 A. If you want my opinion --  
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1 MR. RUSSO: Objection, asked and answered.

2 THE WITNESS: -- this document shows a  
3 mistake in the title.

4 Q. (BY MS. KLEIN) So you're -- you're aware that  
5 you're required under Texas law to hold special meetings  
6 in locations that can accommodate the number of persons  
7 expected to attend the meeting, right?

8 MR. RUSSO: Objection, calls for a legal  
9 conclusion.

10 THE WITNESS: Yes.

11 Q. (BY MS. KLEIN) So you're expected to  
12 develop -- I mean, is your understanding that you're not  
13 expected to make any assessment of how many people are  
14 going to be interested in a particular topic before  
15 deciding a meeting location?

16 A. There's no way --

17 MR. RUSSO: Hold on a second. Object,  
18 calls for legal conclusion and speculation and  
19 incomplete hypothetical.

20 Other than that, you can answer.

21 THE WITNESS: There's no way for us to know  
22 how many people are going to show up. Therefore, I  
23 cannot possibly make an appropriate determination of  
24 which location would be better suited.

25 Q. (BY MS. KLEIN) So wouldn't you choose the  
Page 301

1 bigger location if you just have no idea in the

2 abundance of caution?

3 A. No.

4 Q. You don't believe in the abundance of caution

5 on this?

6 A. I certainly do. I also have a practice of

7 every special meeting is at Calder because every

8 commissioner wants to drive five minutes, not 45

9 minutes.

10 Q. So you think it's more important to consider  
11 the driving time of the commissioners than having people  
12 in the hallway as they were for the November 12th  
13 meeting?

14 MR. RUSSO: Objection, misstates prior  
15 testimony.

16 THE WITNESS: No.

17 Q. (BY MS. KLEIN) Do the commissioners vote on  
18 where the meetings are going to be held?

19 A. No.

20 Q. And if you have them at the county seat, the  
21 commissioners would have to come, right?

22 A. Yes.

23 Q. So you did prioritize having it in League City  
24 over risking having individuals where you post a

25 separate website for public comment, you posted on your  
Page 302

1 Facebook and you got input on that. And that all of  
2 that is not typical for an agenda item.

3 And your testimony today is that you  
4 prioritize the driving time of commissioners over  
5 wanting to ensure an adequate amount of space for the  
6 public comment that was going to happen on these maps?

7 MR. RUSSO: Objection, misstates prior  
8 testimony.

9 THE WITNESS: The commissioners have  
10 demonstrated a preference for Calder, not just myself.  
11 All special sessions are held at Calder. I have no way  
12 of knowing how many people are going to show up.

13 Q. (BY MS. KLEIN) But you -- at that time you  
14 prioritized commissioners driving time over getting a  
15 bigger space; is that correct?

16 MR. RUSSO: Objection, asked and answered.

17 THE WITNESS: If I had had it at 722, you  
18 would be drilling about why I changed special meeting  
19 locations all of a sudden.

20 Q. (BY MS. KLEIN) And if it had happened at 722,  
21 would there have been people in the hallway waiting --

22 A. Potentially.

23 MR. RUSSO: Objection, calls for  
24 speculation.

25 THE WITNESS: Potentially.

1 Q. (BY MS. KLEIN) Would there have been as many  
2 people waiting in the hallway?

3 A. I don't know.

4 Q. Did you even see how many people were waiting  
5 in the hallway?

6 A. Could not see how many people were in the  
7 hallway from behind the blinds.

8 Q. And you also knew that last cycle they had  
9 seven meetings, but this cycle, this November -- this  
10 November 12th meeting was the only meeting where the  
11 public could in person discuss anything to do with  
12 Commissioner's Court redistricting maps. Is that it  
13 right?

14 A. Because of the short deadline given to us by  
15 the state.

16 Q. Without that deadline, had you planned already  
17 that you were going to have more than just one meeting?

18 A. I don't recall what our plan was because that  
19 jumped on us quickly. And, you know, as we've seen, we  
20 only had -- we didn't have ten days from the time we got  
21 drafts to notice to go and act.

22 Q. So you keep on saying this deadline jumped on  
23 you, and I'm just struggling to understand what changed  
24 from your understanding of the timing.

25 MR. RUSSO: Objection, asked and answered.  
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1 THE WITNESS: The notice from the state  
2 saying you must have your files to us by the 13th.

3 Q. (BY MS. KLEIN) What was your understanding of  
4 the deadline before that?

5 A. I don't know if I had an understanding of a  
6 deadline before that other than my preference that it be  
7 before candidate filing period opening.

8 Q. And what was -- and your preference for  
9 candidate filing, what preference -- what preferred date  
10 was that?

11 MR. RUSSO: Objection, asked and answered.

12 THE WITNESS: We -- whatever the date the  
13 opening of the filing period was. I don't recall what  
14 it was.

15 Q. (BY MS. KLEIN) So had you planned ahead you  
16 were going to have more than one meeting before that  
17 preferred deadline?

18 A. No way of knowing. If we could have gotten it  
19 done in one meeting, there's no reason to have  
20 additional meetings necessarily.

21 Q. So come November -- come October 29th, when you  
22 posted on that website the proposed maps, you had no  
23 plans for when you were going to hold the hearing or how  
24 many hearings there would be. Is that your testimony?

25 A. Say it again.  
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1 Q. When you posted the maps on October 29th on the  
2 website, you had no understanding of when you would have  
3 a hearing on it or whether there would be more than one  
4 hearing. Is that your testimony?

5 A. We had no idea that the deadline would get  
6 moved to the 13th. That is correct. So, therefore, we  
7 did not feel like we were in a time-sensitive situation  
8 at that time.

9 Q. Even though the candidate deadline filing  
10 starts mid to late -- your understanding was it started  
11 mid to late November?

12 A. Which is three weeks away.

13 Q. So at that time you had no plans for how many  
14 meetings you've had or when they -- those meetings would  
15 occur?

16 MR. RUSSO: Objection, asked and answered.

17 THE WITNESS: And again, if we schedule a  
18 meeting in three days, that's all it takes.

19 Q. (BY MS. KLEIN) Okay. Do you remember how many  
20 people commented during the November 12th hearing?

21 A. I do not.

22 Q. Do you remember the people who commented how  
23 many opposed Map 2?

24 A. I do not.

25 Q. Did anything -- any of the comments you heard  
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1 make you reassess your decision to vote for Map 2?

2 A. No.

3 Q. It was pretty apparent from the commentary that  
4 a lot of folks were upset that Precinct 3 was being  
5 split up, right?

6 A. I saw that, yes.

7 Q. Did that give you any pause about the maps that  
8 were being -- had been proposed?

9 A. There was no option other than Map 1 or Map 2  
10 for us to comply with the state deadline the next day.

11 Q. And that's because you had never asked -- you  
12 testified earlier you'd never asked about an option that  
13 wouldn't split up Precinct 3?

14 A. I don't believe I --

15 MR. RUSSO: Objection, calls for  
16 speculation.

17 THE WITNESS: I don't believe I said that,  
18 no.

19 Q. (BY MS. KLEIN) All right. I want to go  
20 back -- just the last thing I want to ask about. I want  
21 to go back to that Secretary of State -- actually,  
22 strike that. I want to go to Doc 111. And this is  
23 Exhibit 42.

24 (Exhibit No. 42 was marked.)

25 Q. (BY MS. KLEIN) And here, do -- this is Texas  
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1 Election Code 172-023. I know you're not a lawyer. I'm  
2 not going to be asking you for a lawyer -- lawyer's  
3 opinion or a legal opinion on this, but I do want to  
4 understand -- because you talked about the Texas  
5 Election Code earlier, I just want to understand what  
6 your understanding of this means.

7           So if we start with subsection A, an  
8 application for -- it says -- the title says, Regular  
9 Filing Period and A says, (Reading:) An application for  
10 a place on the general primary election ballot must be  
11 filed not later than 6:00 p.m. on the second Monday in  
12 December of an odd number year unless the filing  
13 deadline is extended under subchapter C.

14           Right?

15           A. Right.

16           Q. So second Monday in December, that's usually  
17 the 14th or earlier, right?

18           A. Correct.

19           Q. And then part B says, (Reading:) An  
20 application, other than an application for the office of  
21 precinct chair, may not be filed earlier than the 30th  
22 day before the date of the regular filing date.

23           Do you see that?

24           A. Yes.

25           Q. So the filing period is 30 days, right?  
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1 A. Apparently.

2 Q. And so 30 days before, you know, December 14th  
3 or earlier, that's November 14th thereabouts, right?

4 A. Yes.

5 Q. So you'd agree that under this, the candidate  
6 filing deadline starts mid November around the 14th  
7 usually?

8 MR. RUSSO: Objection, calls for legal  
9 conclusion.

10 THE WITNESS: That wasn't my recollection  
11 of when I had to file for office. But that -- that  
12 appears to be what the code says.

13 Q. (BY MS. KLEIN) And you didn't check on this  
14 when you were planning the redistricting cycle and  
15 planning with your lawyers?

16 A. I rely on staff and lawyers to tell me what I  
17 need to do and when I needed to do it.

18 Q. So you relied on -- but you said you would have  
19 a preferred deadline before the candidate filing, right?

20 A. Before the opening of the filing, which now  
21 turns out to be earlier than I realized.

22 Q. Do you think -- what about for planning for  
23 your own 2022 campaign, do you remember thinking when  
24 you had to file that paperwork?

25 A. That would have been the same -- I mean, I  
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1 worry about the deadline for me because I know I'll get  
2 it done just to make sure that I don't miss the  
3 deadline. But others I would like to have it available  
4 for the opening of the period.

5 Q. So do you think your understanding, you know,  
6 was mistaken because you hadn't been told the correct  
7 deadline by anybody?

8 A. Probably.

9 MR. RUSSO: Objection, vague and ambiguous.

10 THE WITNESS: Yeah, probably.

11 Q. (BY MS. KLEIN) Do you think when you were  
12 talking about -- go all the way back when you talked  
13 about that preliminary game plan back in August, do you  
14 think you expressed to anyone on your staff or anyone  
15 else that you have this preferred deadline of before the  
16 candidate filing period?

17 A. Probably not. We have a whole elections  
18 division that doesn't report to me and they get it  
19 wrong. So if they get it wrong, I'm certainly believing  
20 I'm going to get it wrong occasionally.

21 Q. But there was no, like, deadline in everybody's  
22 mind, like, we have to get this done by, you know,  
23 November 14th because that's when the -- or 13th because  
24 that's when the candidate deadline is.

25 A. Generally speaking, the sooner the better. But  
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1 | we didn't have any information to work with for the  
2 | longest time.

3 | Q. Why would sooner be better?

4 | A. Because it's one thing I can get done and  
5 | accomplished.

6 | Q. And you'd agree this time it was all the way to  
7 | the last minute, right?

8 | A. Yes.

9 | MS. KLEIN: I don't have any further  
10 | questions. I defer to counsel if they want to --

11 | Thank you, Judge Henry.

12 | I defer to the other counsel if they want  
13 | to go off the record to streamline questioning a little  
14 | bit.

15 | MS. JAYARAMAN: Do you mind if we go off  
16 | the record shortly?

17 | MR. RUSSO: How much time?

18 | MS. JAYARAMAN: Ten minutes?

19 | THE WITNESS: True ten or --

20 | MS. JAYARAMAN: True ten.

21 | THE WITNESS: -- or like the last five?

22 | MS. JAYARAMAN: No, no, no, true ten.

23 | MR. RUSSO: Take ten.

24 | VIDEOGRAPHER: The time is 4:37. Off the  
25 | record.

1 (Brief recess.)

2 VIDEOGRAPHER: The time is 4:49. Back on  
3 the record.

4 EXAMINATION

5 Q. (BY MS. JAYARAMAN) Good afternoon, Judge  
6 Henry.

7 A. Good afternoon.

8 Q. My name is Tharuni Jayaraman, and I'm one of  
9 the attorneys representing the United States. I have a  
10 few more questions to ask you today, and I'm going to do  
11 my best to not overlap with Ms. Klein's questions.

12 A. Okay.

13 Q. So Judge Henry, the late Commissioner Ken Clark  
14 passed away on May 8, 2022, correct?

15 A. That seems correct, yes.

16 Q. And then you appointed Robin Armstrong to fill  
17 the late Commissioner Ken Clark's seat, correct?

18 A. Correct.

19 Q. And you made that appointment on May 17, 2022;  
20 is that correct?

21 A. That sounds correct.

22 Q. If I were to represent to you that you made  
23 that appointment on May 17, 2022, do you have any  
24 doubt -- reason to doubt that?

25 A. No.  
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1 Q. And did you discuss filling the late  
2 Commissioner Ken Clark's seat with Commissioner Apfel?

3 A. No.

4 Q. Why not?

5 A. The constitution dictates that I shall fill the  
6 seat. It doesn't say that I shall consult with  
7 commissioners.

8 Q. And did you discuss filling the late  
9 Commissioner Ken Clark's seat with Commissioner Giusti?

10 A. No.

11 Q. Did you discuss with Commissioner Holmes?

12 A. No.

13 Q. And is the reason because of what you just said  
14 regarding Commissioner Apfel?

15 A. Yes.

16 Q. And did you discuss filling the late  
17 Commissioner Ken Clark's seat with any members of your  
18 staff?

19 A. I'm not clear. Are you saying did I discuss  
20 appointing them or discuss the vacancy with them?

21 Q. The vacancy.

22 A. Yes, I'm sure I did with Tyler Drummond.

23 Q. Can you describe those discussions with  
24 Mr. Drummond?

25 A. Yes. Just to put some context, the family  
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1 generally kept me out of the loop as to his actual  
2 condition, which is fair. That's -- that's their  
3 prerogative. But I did not know how good or bad  
4 Commissioner Clark was. I'm working in a complete  
5 absence of information.

6 I think the last court he appeared  
7 virtually was probably February and he looked really,  
8 really bad. So I had to make an assumption that  
9 something was going to happen, but I just had no idea of  
10 the timing.

11 So I -- I'm sure I had discussions with  
12 Tyler about, you know, who I -- who I might be  
13 considering, if that turns out to be the case.

14 Q. And those discussions with Tyler likely began  
15 in February of 2021?

16 A. Probably in the ballpark.

17 Q. And did you discuss the vacancy with any other  
18 members of your staff prior to Commissioner Clark  
19 passing?

20 A. No, I wouldn't think so.

21 Q. And after Commissioner Clark passed, did you  
22 discuss the vacancy with any members of your staff?

23 A. To some extent, yes. You know, I -- I would  
24 have wanted to know who lives in Precinct 4. I mean, I  
25 don't want to ask someone to move for what could be a

1 very short-term position.

2 Q. And so which members of your staff did you  
3 discuss?

4 A. Most likely be Tyler because he would have  
5 access to -- to voter data which would tell us where  
6 they live.

7 Q. Sorry. You said you have access to voter data?

8 A. Which gives you their address. So that's how  
9 you know where they live, what precinct they live in.

10 Q. And "they" being potential people to fill that  
11 seat?

12 A. Correct.

13 Q. Oh, okay. And did you discuss filling the  
14 vacancy with a member of the late Commissioner Clark's  
15 staff?

16 A. He didn't have a staff.

17 Q. Okay. And these discussions with Mr. Drummond  
18 that took place after Commissioner Clark passed, where  
19 did they take place?

20 A. I'm sure in our office.

21 Q. Okay. Do you have any record of those  
22 discussions?

23 A. No.

24 Q. Did you exchange any emails with any members of  
25 your staff regarding filling the vacancy?



1           A. I doubt it. I mean, we're all just right there  
2 in the same building. There's no need to email each  
3 other.

4           Q. And did you exchange any text messages with any  
5 members of your staff regarding filling the vacancy?

6           A. Same. There would be no need to do that.

7           Q. Did you discuss filling the seat of the late  
8 Commissioner Ken Clark with anyone else whom you have  
9 not yet discussed?

10          A. Yes.

11          Q. With whom?

12          A. Mayor Mike Foreman of Friendswood.

13          Q. And why did you discuss filling the vacancy  
14 with Mayor Foreman?

15          A. I wanted to see if he was interested.

16          Q. When did that discussion take place?

17          A. Somewhere -- again, I have no information to  
18 work with. I don't know what his prognosis is, so I'm  
19 kind of working in the dark. I'd say somewhere between  
20 December and February.

21          Q. So you spoke with Mr. Foreman before  
22 Commissioner Clark passed?

23          A. Yes.

24          Q. And can you describe the discussion?

25          A. I've told him the exact same thing, that I have  
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1 | no idea if and when I'm going to have to make a  
2 | decision. But if that time comes, do you have any  
3 | interest?

4 | Q. And what did he tell you?

5 | A. Absolutely not.

6 | Q. Did you discuss filling the seat of the late  
7 | Commissioner Ken Clark with anyone else?

8 | A. People called me. I did my best to avoid those  
9 | calls. This is really now after he's passed.

10 | Q. Okay.

11 | A. So -- and I just tried to avoid those phone  
12 | calls because they're not helpful.

13 | Q. What do you mean by, "they're not helpful"?

14 | A. Our congressman was trying to get his wife  
15 | appointed to the position.

16 | Q. Okay.

17 | A. And a former -- golly, I think he was the  
18 | mayor. He may have just been a city councilman of  
19 | Friendswood called saying he'd be interested and then a  
20 | former precinct commissioner also called and said he'd  
21 | be interested in it.

22 | Q. Okay. So let's start with the city councilman  
23 | of Friendswood. What is his name?

24 | A. I'm going to have to think about that one.

25 | It's been a while.

1 Q. No worries. And what was your reaction to when  
2 he approached you?

3 A. I was surprised. I mean, I like him. We have  
4 had casual interaction over the past five or six years.  
5 But I -- I guess I was surprised that I thought that he  
6 would be on the short list for an appointment because I  
7 don't know him that well honestly.

8 Q. What factors go into putting together a short  
9 list for the appointment?

10 A. For this situation, and I guess it would be for  
11 any situation, it's just the first time I've ever had to  
12 deal with it, the voters don't get a say, which is, you  
13 know, very unusual, and I have to make sure that I can  
14 look them in the eye and tell them that I did the best I  
15 could do.

16 So that would be for Commissioner  
17 Precinct 4 I need to have somebody who has got  
18 unquestionable Republican credentials.

19 Q. Any other factors?

20 A. Selfishly, I prefer someone who doesn't engage  
21 in a lot of drama.

22 Q. Okay. Anything else?

23 A. That would be -- that would be it. If I can  
24 get those two things, I've done well.

25 Q. And so the city councilman of Friendswood did  
Page 318

1 not meet those two criteria?

2 A. He may have. But that's my problem. I just  
3 did not know him that well. I don't -- I did not know  
4 anything about his voting history on city council. And  
5 again, I'm -- I'm trying to figure out when this is  
6 going to occur, if it's going to occur.

7 It would have taken a lot of the time for  
8 us to go back and look and see, you know, there are some  
9 councilmen who are quite controversial and that's not  
10 what I was looking for. I don't know if that was him or  
11 not. I just didn't know him that well.

12 Q. Did you think to research him to determine if  
13 he met your two criteria?

14 A. If he -- if I -- if I had known him better,  
15 then I think I would have known one way or the other. I  
16 just didn't know him that well.

17 Q. Did you take any steps to get to know him  
18 better?

19 A. Pretty short time frame, no. And I -- I don't  
20 know how you do that. I mean, we clearly -- he clearly  
21 hasn't asked and I don't have an answer.

22 Q. So you couldn't research his voting history on  
23 particular issues on the city council, for example?

24 A. We could have. But again, for all I know,  
25 Commissioner Clark is on the mend and he's coming back  
Page 319

1 in two weeks. So I don't -- I can't spend a lot of time  
2 on something that's a complete unknown.

3 Q. And then after Commissioner Clark passed, could  
4 you have researched the former city councilman of  
5 Friendswood?

6 A. Could have, sure.

7 Q. But you did not?

8 A. No.

9 Q. Okay. And then you also mentioned that a  
10 former precinct commissioner had approached you prior to  
11 Commissioner Clark's passing; is that correct?

12 A. Correct.

13 Q. And did that former precinct commissioner meet  
14 your two criteria?

15 A. He did not because I'm pretty sure he doesn't  
16 live in the precinct.

17 Q. Did you consider anyone -- or did anyone else  
18 approach you wanting to fill the seat of the late  
19 Commissioner Ken Clark?

20 A. Other than the congressman trying to get his  
21 wife appointed, I can't think of anybody else.

22 Q. And did you consider anyone else for filling  
23 the vacancy?

24 A. No.

25 Q. When did you decide that you were going to  
Page 320

1 appoint Commissioner Armstrong to the Commissioner's  
2 Court?

3 A. Again, before he passed and not knowing what I  
4 was going to be doing, I -- I probably sent him a text  
5 saying give me a call. You know, he's a practicing  
6 physician. The guy is busy. Give me a call when you  
7 have some time.

8 I'm sure he called back within -- probably  
9 that day if I had to guess. Said, again, "I have no  
10 idea what I'm asking and if I am, when I'm asking it to  
11 be, do you have any interest?" Because my thought was  
12 he was going to say, no, he had no interest. But he  
13 said, "Yes, I'm interested."

14 Q. And to clarify, you -- you texted him prior to  
15 Commissioner -- you texted Commissioner Armstrong prior  
16 to Commissioner Clark's passing?

17 A. Yes.

18 MS. JAYARAMAN: Counsel, has that text  
19 message been produced?

20 THE WITNESS: It was -- all it would have  
21 said was "call me."

22 MR. RUSSO: Yeah, to the extent we have it,  
23 it would have been produced. But, you know, we can  
24 look.

25 MS. JAYARAMAN: Okay. Please do. Page 321

1 Q. (BY MS. JAYARAMAN) And would you have sent

2 this text message in February of 2022?

3 A. Maybe. February, March maybe.

4 Q. And this text message was the first time you

5 approached anyone regarding filling the seat?

6 A. No. I asked Mayor Foreman first.

7 Q. Okay. And how many times did you speak with  
8 Commissioner Armstrong regarding filling the vacancy of  
9 the late Commissioner Ken Clark before you appointed  
10 him?

11 A. Probably -- well, for sure just once to say are  
12 you interested. And then after that there was no need  
13 until the commissioner passed.

14 Q. And then after the commissioner passed, how  
15 many times did you speak with Commissioner Armstrong?

16 A. Probably just once or twice.

17 Q. And when I say, "speak," I'm also including  
18 emails or text messages or communicate with.

19 A. We don't email at all. And, again, the text  
20 message, because he's a practicing physician, I would  
21 have said call me when you have some free time.

22 Q. And did Commissioner Armstrong meet the two  
23 criteria that you set forth?

24 A. Absolutely.

25 Q. Was Commissioner Armstrong's race a factor in  
Page 322

1 your decision to appoint him to the Commissioner's  
2 Court?

3 A. Not at all.

4 Q. You testified this morning that you first  
5 learned about this litigation in the spring of 2022; is  
6 that correct?

7 A. Yeah. I would assume that it was whenever we  
8 got noticed by the Plaintiffs. So if that's the spring  
9 of 2022, yes.

10 Q. Okay. And so when Commissioner Clark passed,  
11 you were aware of this litigation, right?

12 A. In the spring of 2022, possibly. So it could  
13 be.

14 Q. Okay. If I were to represent to you that the  
15 complaints in this action were filed before Commissioner  
16 Clark passed, do you have any reason to doubt that  
17 representation?

18 A. No.

19 Q. And you're a named defendant in this  
20 litigation, right?

21 A. Unless you let me off the hook.

22 Q. Do you have an understanding of what  
23 Plaintiffs' claims are in this litigation?

24 A. To the extent that the lawyers have told me  
25 what the claims are.



1 Q. Okay. And are you aware that your lawyers have  
2 argued that because you appointed someone who is Black  
3 to the Commissioner's Court, the Plaintiffs' claims are  
4 now moot?

5 A. Am I aware that they claim that?

6 Q. Yes. Are you aware that they argue that.

7 A. If it's in a filing, I'm sure I saw that.

8 Q. Okay. Judge Henry, earlier you testified that  
9 the Bolivar Peninsula is predominantly White and  
10 relatively affluent, right?

11 A. That would be my assumption, yes.

12 Q. Okay. How else would you describe the Bolivar  
13 Peninsula to someone who has no familiarity with it?

14 MR. RUSSO: Object to as vague and  
15 ambiguous as to scope.

16 THE WITNESS: It's an interesting place.  
17 There -- it seems to be where people go to escape, for  
18 lack of a better word. It is a -- an interesting place.

19 Q. (BY MS. KLEIN) So people go to escape so that  
20 there are vacation homes on the Peninsula?

21 A. There are some vacation homes on the Peninsula.  
22 There are also RVs that you don't know how they drove  
23 there and don't believe they could drive away if they  
24 had to.

25 Camping on the beach is a bit of a problem.

1 We have very limited ordinance power. So trying to keep  
2 people from just basically setting up a homestead on the  
3 beach is one of our challenges out there.

4 Q. Do you have a sense of what the major employers  
5 are on the Peninsula?

6 A. I don't know. I'm assuming the school district  
7 is the major employer. After that, fishing maybe.

8 Q. Okay. And you also testified earlier that the  
9 City of Galveston is more diverse; is that right?

10 A. Yes.

11 Q. Okay. And that there are parts that are more  
12 affluent and parts that are less affluent; is that  
13 right?

14 A. Correct.

15 Q. And do you know what the major employers in the  
16 city of Galveston are?

17 A. UT&B, I'm going to assume, is the biggest, the  
18 largest employer. The school district is probably among  
19 the major employers. The county is probably one of the  
20 larger employers, the city of Galveston. So those  
21 are for sure going to be major employers if not the top  
22 five.

23 Q. And does the city of Galveston have a shipping  
24 industry?

25 MR. RUSSO: Objection, vague and ambiguous.

1 THE WITNESS: City? I don't -- I don't  
2 think the city has much to do with the port. The port  
3 is a standalone entity. And I'm going to have to say  
4 since we have no involvement with the port, I don't  
5 really know what the structure of it is. But it's not  
6 the city.

7 Q. (BY MS. JAYARAMAN) Oh, sorry. I don't mean is  
8 it city controlled. But within the geographic  
9 boundaries of Galveston city, is there a major shipping  
10 industry?

11 A. Yes.

12 Q. Okay. And similar, within the boundaries of  
13 the city of Galveston are there oil refineries?

14 MR. RUSSO: Object as it calls for  
15 speculation.

16 THE WITNESS: I'm not aware of any oil  
17 refineries also in the city of Galveston.

18 Q. (BY MS. JAYARAMAN) Are you aware of any  
19 factories within the city limits of Galveston?

20 MR. RUSSO: Objection, vague and ambiguous.

21 THE WITNESS: There was a banana processing  
22 facility. So my best answer is not really.

23 MS. JAYARAMAN: Okay. Alexa, if we could  
24 look in the DOJ folder and if you wouldn't mind pulling  
25 up Tab 4, please.

1 Q. (BY MS. JAYARAMAN) And Judge Henry, I am  
2 showing you what has been marked as Henry Exhibit 43.

3 (Exhibit No. 43 was marked.)

4 Q. (BY MS. JAYARAMAN) And it's Bates stamped  
5 DEFS00011896.

6 A. Yeah.

7 MS. JAYARAMAN: And Alexa, if you could  
8 zoom in a little bit more on Exhibit 43.

9 Q. (BY MS. JAYARAMAN) And Judge Henry, Exhibit 43  
10 is the Commissioner's Court map that was adopted by the  
11 Commissioner's Court on November 12th. Would you agree?

12 A. I believe so, yes. That looks like it.

13 Q. Okay. And then on the right-hand side of  
14 Exhibit 43, there is a key or legend called Map 2. Do  
15 you see that?

16 MS. JAYARAMAN: Alexa, if you could scroll  
17 to the right, please, a little bit.

18 THE WITNESS: It's somewhat hard to  
19 distinguish the shades, but I do see it.

20 Q. (BY MS. JAYARAMAN) Okay. And then  
21 understanding that it's a little challenging to  
22 distinguish the shades, would you agree that  
23 Commissioner Precinct 4 is shaded in the darkest of the  
24 four colors that's there?

25 A. Yes. I would think -- yes, it appears that to  
Page 327

1 be the case.

2 Q. Okay. And then looking at that same key or  
3 legend, would you agree that Commissioner Precinct 1 is  
4 shaded in the lightest of the four colors at the top of  
5 that legend?

6 A. I think 1 and 2 look awfully similar. But I  
7 can see where Precinct 1 is so I mean...

8 Q. Okay. Let's stick with that.

9 MS. JAYARAMAN: So Alexa, if you could zoom  
10 in on this boundary line between Commissioner Precincts  
11 1 and 4, which is toward the top left of  
12 Henry Exhibit -- I'm sorry, of Exhibit 43.

13 Q. (BY MS. JAYARAMAN) And while we're -- we're  
14 doing that, during the November 12, 2021 special  
15 session, did anyone testify regarding voting  
16 Precinct 336?

17 A. I do not remember.

18 Q. Okay. And Judge Henry, I'd like to direct your  
19 attention to slightly left of where the cursor currently  
20 is. Do you see where it says 336?

21 A. Not yet.

22 Q. Okay.

23 A. Oh, down -- okay, down in Texas City?

24 Q. Yes.

25 A. Okay.  
Page 328

1 Q. So where it says -- yes.

2 A. Okay.

3 Q. And would you agree that the outline around 336  
4 is showing the boundaries of voting -- voting  
5 Precinct 336 before the Commissioner's Court map was  
6 adopted on November 12th of 2021?

7 A. I guess.

8 MR. RUSSO: Object as it calls for  
9 speculation.

10 Q. (BY MS. JAYARAMAN) Do you have a sense of the  
11 demographic makeup of voting Precinct 336?

12 A. I do not.

13 Q. Would you agree that voting Precinct 336 has  
14 the most Black residents of any voting precinct in the  
15 county?

16 MR. RUSSO: Objection, asked and answered.  
17 Calls for speculation.

18 THE WITNESS: I have no way of knowing.

19 Q. (BY MS. JAYARAMAN) Do you know what  
20 neighborhoods are in voting Precinct 336?

21 A. No.

22 Q. Would you say that parts of Texas City are in  
23 voting Precinct 336?

24 A. With this detail, I can't tell. It's possible.

25 Q. Okay. Do you know the demographic makeup of  
Page 329

1 Texas City?

2 A. No.

3 Q. Have you heard of Carver Park?

4 A. Yes.

5 Q. What is Carver Park?

6 A. Carver Park is a park. I think it's owned by  
7 the city of Texas City.

8 Q. Is Carver Park also the name of a neighborhood?

9 A. I do not know.

10 Q. Okay. Have you heard of the South Acres  
11 community?

12 A. If I have, I don't remember it.

13 MS. JAYARAMAN: Alexa, if we could take a  
14 look at Exhibit 9 again, please. And let's go ahead and  
15 go back to page 9, please.

16 Q. (BY MS. JAYARAMAN) and Judge Henry, this is  
17 going to be the table of the five public hearings that  
18 you discussed with Ms. Klein earlier today.

19 And so do you know why there were five  
20 public hearings conducted in addition to two regularly  
21 scheduled Commissioner's Court meetings during the 2011  
22 redistricting cycle?

23 A. My assumption would be that we were told to do  
24 that by our lawyers.

25 Q. Okay. So let's start with the first of the  
Page 330

1 | five public hearings that's listed on this table on  
2 | page 9 of Exhibit 9. And the first one of the five  
3 | public meetings occurred on August 15th of 2011. Do you  
4 | see that?

5 | A. Yes.

6 | Q. And why was it scheduled to start at 7:00 p.m.?

7 | A. I assume to give people --

8 | MR. RUSSO: Objection, calls for  
9 | speculation.

10 | THE WITNESS: People could come after work  
11 | if they wanted to come.

12 | Q. (BY MS. JAYARAMAN) I think you testified  
13 | earlier that your office was in charge of setting the  
14 | dates and times for these five public hearings; is that  
15 | right?

16 | A. Could have been, yes.

17 | Q. Okay. And so why was this first public --  
18 | first of the five public hearings scheduled to take  
19 | place at the Calder Road Annex?

20 | A. I don't know. I mean, we would be limited on  
21 | places we could have it again because we have to record  
22 | everything and there would be limits as to where we  
23 | could set up recording equipment and comply with, you  
24 | know, state law for the meetings.

25 | Q. And to your recollection, did everyone who  
Page 331



1 attended the first of these five public hearings speak?

2 A. No, I'm sure they didn't.

3 Q. Okay. Turn to the second which -- of the five  
4 public hearings which took place on August 16th. Why  
5 was that public hearing scheduled for 6:00 p.m.?

6 MR. RUSSO: Calls for speculation.

7 THE WITNESS: Again, I'll assume that it's  
8 so people can come after work maybe.

9 Q. (BY MS. JAYARAMAN) Turning to the third of the  
10 five public hearings scheduled for August 17th, why was  
11 that scheduled for 6:00 p.m.?

12 MR. RUSSO: Objection calls for  
13 speculation.

14 THE WITNESS: Maybe so people can come  
15 after work, same as the others.

16 Q. (BY MS. JAYARAMAN) And then turning to the  
17 fourth of the five public hearings, the one that took  
18 place on August 22nd, why was that scheduled for  
19 7:00 p.m.?

20 MR. RUSSO: Calls for speculation.

21 THE WITNESS: Same answer. So they can  
22 come to work -- after work if they go to work.

23 Q. (BY MS. JAYARAMAN) And then for the fifth of  
24 the five public hearings again scheduled for 7:00 p.m.,  
25 why was it scheduled for 7:00 p.m.?

1 MR. RUSSO: Objection, calls for  
2 speculation.

3 THE WITNESS: So people can show up after  
4 work, I guess.

5 Q. (BY MS. JAYARAMAN) And then for meetings two  
6 through five, to your recollection did everyone who  
7 attended each of those five meetings speak at those five  
8 meetings?

9 A. No.

10 MS. JAYARAMAN: Okay. Alexa, if we could  
11 scroll down to page 66 of Exhibit 9, please. One more  
12 page, please. So page 67.

13 Q. (BY MS. JAYARAMAN) Page 67 of Exhibit 9 is the  
14 list of individuals who spoke at the August 15, 2011  
15 public hearing; is that correct?

16 A. That's what it looks like.

17 MS. JAYARAMAN: And then if we could turn  
18 to the next page, please, Alexa.

19 Q. (BY MS. JAYARAMAN) And then this next page,  
20 page 68, is a list of the individuals who spoke at  
21 the -- at the August 16th, 2011 hearing; is that  
22 correct?

23 A. That's what it looks like.

24 Q. All right.

25 MS. JAYARAMAN: And then let's turn to the  
Page 333

1 | next page of Exhibit 9, please, Alexa.

2 | Q. (BY MS. JAYARAMAN) And then this next page,  
3 | page 69, is a list of the individuals who spoke at the  
4 | August 17th, 2011 public hearing; is that correct?

5 | A. That's what it looks like, yes.

6 | MS. JAYARAMAN: Okay. Alexa, if you could  
7 | somewhat slowly scroll through the next three pages of  
8 | Exhibit 9, please. So starting on the page that's  
9 | before you right now and then the next two pages after  
10 | that. That's great. Thanks, Alexa.

11 | Q. (BY MS. JAYARAMAN) So Judge Henry, you just  
12 | took a look at pages 70 through 73 of Exhibit 9. Would  
13 | you agree that this is a list of the individuals who  
14 | spoke at the August 22, 2021 public hearing?

15 | A. Appears --

16 | MR. RUSSO: Calls for speculation.

17 | THE WITNESS: Sorry. Appears that way.

18 | MS. JAYARAMAN: Okay. Alexa, if you could  
19 | same way scroll through the next four pages of  
20 | Exhibit 9, please. That's good. Thank you, Alexa.

21 | Q. (BY MS. JAYARAMAN) And Judge Henry, I believe  
22 | you testified earlier that you attended these five  
23 | public hearings; is that correct?

24 | A. I did.

25 | Q. Okay. And the four pages that we were just  
Page 334

1 | looking at, so pages 73 through 76 of Exhibit 9, are a  
2 | list of individuals who spoke at the August 23, 2011  
3 | public hearing; is that correct?

4 | MR. RUSSO: Objection, calls for  
5 | speculation.

6 | THE WITNESS: Looks like it is, yes.

7 | Q. (BY MS. JAYARAMAN) okay. During -- so I'm  
8 | going to switch to this redistricting cycle now. During  
9 | the November 12, 2021 special session at which Map 2 was  
10 | adopted, was there a sign-up sheet for folks who wanted  
11 | to speak similar to the sheets that we were just looking  
12 | at?

13 | A. Yes.

14 | MS. JAYARAMAN: And Counsel, was that  
15 | sign-up sheet produced?

16 | MR. RUSSO: I don't remember the answer to  
17 | that, but it should have been.

18 | MS. JAYARAMAN: Okay. If you could look  
19 | into that, please.

20 | MR. RUSSO: Yes.

21 | Q. (BY MS. JAYARAMAN) Judge Henry, you became  
22 | county judge in 2010, correct?

23 | A. Elected in 2010. Took office in 2011.

24 | Q. Got it. And earlier we were looking at  
25 | Exhibit 31, which was that August 29, 2021 Facebook  
Page 335

1 | post. Do you recall that?

2 | A. Yes.

3 | MS. JAYARAMAN: Okay. Alexa, why don't you  
4 | pull up Exhibit 31 as well?

5 | Q. (BY MS. JAYARAMAN) So between 2010 and  
6 | October 28, 2021, so the day before that Facebook post,  
7 | did the Commissioner's Court commission any surveys of  
8 | the public regarding the creation of a coastal precinct?

9 | A. Not to my knowledge.

10 | Q. Why not?

11 | A. Commissions -- or again, studies cost money and  
12 | I don't need to pay someone to tell me what I already  
13 | know to be true.

14 | Q. So aside from the Facebook post, Exhibit 31  
15 | that's in front of us right now, between 2010 and  
16 | October 28, 2021, which, again, is the day before this  
17 | Facebook post, did the Commissioner's Court do anything  
18 | else to determine public support for the creation of a  
19 | coastal precinct?

20 | A. Not that I'm aware of.

21 | Q. So Judge Henry, why did you select 1:30 p.m. as  
22 | a starting time for the November 12, 2021 special  
23 | session?

24 | A. I would assume that's when we could get all the  
25 | commissioners together.

1 Q. And on November 12, 2021 there was construction  
2 going around -- going on around the Calder Road Annex  
3 building, correct?

4 A. Construction on the road, I don't know. It  
5 wasn't our construction so I don't know if there was or  
6 not.

7 Q. In the complex in which the annex building is  
8 located, was there construction occurring?

9 A. Inside the annex, no, we hadn't started  
10 renovation yet.

11 Q. Okay. But some of the parking spaces around  
12 the Calder Road Annex building were fenced off on  
13 November 12, 2021; is that right?

14 A. I don't remember that.

15 Q. In November of 2020, you were aware that  
16 Galveston County was no longer required to submit its  
17 voting changes for preclearance, correct?

18 A. Probably, yes.

19 Q. Did the fact that the 2021 plan did not have to  
20 be pre-cleared factor in your decision to vote to hire  
21 Mr. Oldham?

22 A. No.

23 Q. Judge Henry, do you have a work cell phone that  
24 is separate from your personal cell phone?

25 A. I do not.  
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1 Q. To your knowledge, was your work -- was your  
2 cell phone searched for communications to be produced in  
3 this litigation?

4 A. Yes.

5 MS. JAYARAMAN: Alexa, if we could pull up  
6 Tab -- actually, one moment. Yes, if we could pull up  
7 Tab 23, please. And I believe we're going to be up to  
8 Exhibit 44.

9 (Exhibit No. 44 was marked.)

10 Q. (BY MS. JAYARAMAN) Okay. So Judge Henry, I'm  
11 showing you what has been marked as Exhibit 44, and it  
12 is Bates stamped DEFS00017099 through DEFS00017100. And  
13 the top email in Exhibit 44 is an email dated  
14 September 10, 2021 from Ms. Liechty to Mr. Ready on  
15 which Ms. Van Horn was copied. Is that correct?

16 A. Yeah. That appears correct, yes.

17 Q. Okay. And Ms. Liechty writes, (Reading:)  
18 Paul, FYI, 10:00 a.m. on Monday, 9/13, has been  
19 confirmed with Cobb Giusti and Mr. Oldham. I'll be  
20 sending out a calendar invite to all except Mr. Oldham.  
21 He requested the text with the info.

22 Do you see that?

23 A. Yes, I do.

24 MS. JAYARAMAN: Counsel, was the referenced  
25 text message collected and reviewed as part of  
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1 Defendants' document collection efforts in response to  
2 Plaintiffs' request for production?

3 MR. RUSSO: I'm sure it was, but we can  
4 check on it.

5 MS. JAYARAMAN: Okay.

6 Q. (BY MS. JAYARAMAN) Judge Henry, during the  
7 2021 redistricting process, did you communicate with  
8 Mr. Oldham through text message?

9 A. No, I don't think I have his number to this  
10 day.

11 Q. Okay. Were you aware that members of your  
12 staff were communicating with Mr. Oldham via text  
13 message during the 2021 redistricting process?

14 A. My staff was not communicating with him by text  
15 message.

16 Q. So if we go back to Exhibit 44 and that second  
17 sentence in Ms. Liechty's email, in that parenthesis she  
18 wrote, "except Mr. Oldham, he requested a text with  
19 that -- with the info." Do you see that?

20 A. Oh, she's saying that she is going to text him?

21 MR. RUSSO: Object to speculative.

22 THE WITNESS: The way I read that was that  
23 Commissioner Giusti was going to text him, but I guess  
24 I'm not clear on who's texting who here.

25 Q. (BY MS. JAYARAMAN) So she writes, (Reading:)  
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1 I'll be sending out a calendar invite to all --

2 A. Right.

3 Q. -- except Mr. Oldham. He requested a text with  
4 the info.

5 A. Okay.

6 Q. So to your knowledge, were members of your  
7 staff communicating with Mr. Oldham via text message?

8 A. Not to my knowledge.

9 Q. Did you direct members of your staff to  
10 communicate with Mr. Oldham via text message?

11 A. No, but I'm seeing this is just a calendar  
12 invite. I mean --

13 MR. RUSSO: You're not on this email.

14 THE WITNESS: Yeah, I'm not on this email,  
15 correct.

16 Q. (BY MS. JAYARAMAN) Just setting this email  
17 aside, did you direct members of your staff to  
18 communicate with Mr. Oldham via text message?

19 A. No.

20 MS. JAYARAMAN: Okay. Alexa, if we could  
21 pull up Tab 24. I believe we'll be up to Exhibit 45.

22 (Exhibit No. 45 was marked.)

23 Q. (BY MS. JAYARAMAN) And Judge Henry, I want to  
24 talk to you a bit more about the public comments that  
25 were received on that web page that you were discussing  
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1 with Ms. Klein earlier.

2 A. Okay.

3 Q. And so what I'm showing you is Exhibit 45,  
4 which is Bates stamped DEFS00003392. And Exhibit 45 is  
5 a public comment dated November 5, 2021 from someone  
6 named Debra Jones. Would you agree?

7 A. Yes.

8 Q. And Debra Jones writes, (Reading:) I do not  
9 agree with redistrict drawing. But most of all, I'm  
10 upset in the way the court is pushing the redistricting  
11 proposal through without input from the public. As of  
12 this email, there have been -- there have not been any  
13 public notice, typo in the first submission. I do not  
14 agree with No. 2 and maybe on No. 1. The public need to  
15 have input.

16 Do you see that?

17 A. I do.

18 Q. Have you -- had you seen this comment at  
19 Exhibit 45 before?

20 A. I don't recall it, no.

21 MS. JAYARAMAN: Okay. Alexa, if we could  
22 pull up 26, please. And that will be Exhibit 46.

23 (Exhibit No. 46 was marked.)

24 Q. (BY MS. JAYARAMAN) And Exhibit 46 is a -- is

25 Bate stamped DEFS00003385, and it's another public

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1 | comment. But this time it's a public comment from  
2 | someone named Judith Oppenheim also dated November 5,  
3 | 2021. Would you agree?

4 | A. Yes.

5 | Q. And Judith Oppenheim writes, (Reading:) The  
6 | interactive version does not provide any additional  
7 | detail. I'm waiting to evaluate the proposals and need  
8 | information on approximate boundaries, e.g., street  
9 | names, creeks, et cetera, or list of census districts in  
10 | order to obtain demographic data from the 2020 census  
11 | report.

12 | Do you see that?

13 | A. Yes.

14 | Q. Have you seen this comment before?

15 | A. No, not that I remember.

16 | Q. Were any changes made to the website based on  
17 | the comments that were submitted to the website?

18 | A. I don't think so, but I'm not positive.

19 | Q. Okay. Did you direct any changes to this web  
20 | page based on comments received through the web page?

21 | A. Changes to the web page?

22 | Q. Yeah, so the web page through which people  
23 | could submit their comments.

24 | A. Oh, I don't think so.

25 | Q. Okay. So just to be clear because my question  
Page 342

1 might have been a bit vague, I was asking whether based  
2 on comments you -- the comments that were received  
3 through this web page, whether the web page itself was  
4 updated?

5 A. I don't think so.

6 Q. Okay. And then I would like to take a look at  
7 one final public comment.

8 MS. JAYARAMAN: And Alexa, that's going to  
9 be at Tab 25 and will be Exhibit 47.

10 (Exhibit No. 47 was marked.)

11 Q. (BY MS. JAYARAMAN) And Exhibit 47 is going to  
12 be Bates stamped DEFS00003606, and I believe it's about  
13 to be in front of us. All right. Exhibit 47 is a  
14 public comment from someone named Risa Pippin dated  
15 November 11th of 2021; is that correct?

16 A. I think she's a Houston resident. Yes, that's  
17 correct.

18 Q. Okay. And Risa Pippin writes, (Reading:) It  
19 is grossly unfair to disenfranchise voters of color by  
20 redistricting the maps so they are not properly  
21 represented. This is completely against this country's  
22 principles of democracy.

23 Do you see that?

24 A. I do.

25 Q. Okay. And had you seen this comment before?  
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1 A. I don't think so.

2 Q. All right. Okay.

3 MS. JAYARAMAN: Alexa, if you could pull up  
4 Tab 16, please and I believe that will be Exhibit 48.

5 (Exhibit No. 48 was marked.)

6 Q. (BY MS. JAYARAMAN) Okay. And Exhibit 48 is an  
7 email -- or sorry, Exhibit 48 is Bates stamped  
8 DEFS000018653 through DEFS000018654. And the top email  
9 in Exhibit 48 is an email exchange between Paul Ready  
10 and Mr. Oldham dated April 21, 2021; is that correct?

11 A. It looks like it, yes.

12 MS. JAYARAMAN: Okay. Alexa, if we could  
13 scroll down just a little bit more so we can see the  
14 entirety of the bottom email on that page. Perfect.

15 Q. (BY MS. JAYARAMAN) So looking at the earliest  
16 email in Exhibit 48, which is at the bottom of  
17 DEFS00018653, page in front of you right now, that is an  
18 email from Paul Ready to Dale Oldham dated April 20,  
19 2021 on which you are copied. Is that correct?

20 A. Yes.

21 Q. Okay. And let's take a look next to  
22 Mr. Ready's email address in the "from" line. It says,  
23 (Reading:) Need to draw a majority minority district  
24 depending on.

25 Do you see that?

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1 A. No.

2 Q. Do you see the "from" line in that email?

3 A. Oh, from. Okay.

4 Q. Yes. And so right next to his email address,  
5 Alexa put an arrow there, it says (Reading:) Need to  
6 draw a majority minority district depending on.

7 Do you see that?

8 A. Yes.

9 Q. What did you understand the phrase, "need to  
10 draw a majority minority district depending on" to mean?

11 MR. RUSSO: Objection, calls for  
12 speculation.

13 THE WITNESS: I have no idea. This is Paul  
14 Ready writing. That's not me.

15 Q. (BY MS. JAYARAMAN) Okay. Without revealing  
16 the substance of anything that Mr. Ready told you, were  
17 there any discussions in April of 2021 regarding a need  
18 to draw a majority/minority district?

19 MR. RUSSO: Just object to make sure we're  
20 understanding that we're not revealing attorney-client  
21 communications related to such discussions.

22 THE WITNESS: Yeah, the communications with  
23 people other than -- no, it only would have been with  
24 our attorneys.

25 Q. (BY MS. JAYARAMAN) And in the last line of the  
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1 email, Mr. Ready writes, (Reading:) When can you have a  
2 quick call with the Judge and I about his questions?

3 Do you see that?

4 A. Yes.

5 Q. And then moving to Mr. Oldham's reply, he says,  
6 (Reading:) Let's talk today.

7 Do you see that?

8 A. Oh, at the bottom?

9 Q. Yes.

10 A. Let's talk today, yes, I see that.

11 Q. Okay. Did you speak with Mr. Oldham on April  
12 21, 2021?

13 A. Maybe. I have no -- no way to remember that.

14 MS. JAYARAMAN: Okay. Give me one minute.  
15 Thank you, Judge Henry. I have no further questions at  
16 this time. But consistent with prior depositions, the  
17 United States is reserving the right to keep this  
18 deposition open pending court resolution regarding the  
19 privilege issues. And I will now pass the witness on to  
20 counsel for the Petteway Plaintiffs.

21 MS. RICHARDSON: Thank you. And are you --  
22 do you -- are you okay for us to keep going or would you  
23 like to --

24 THE WITNESS: Yeah. Yes. We're good.

25 MS. RICHARDSON: Thank you.

1 MR. RUSSO: Madam Court Reporter, when you  
2 have a chance, can you tell us what the time is? I  
3 don't want to take much of your time with this but...

4 VIDEOGRAPHER: Six hours 21 minutes.

5 EXAMINATION

6 Q. (BY MS. RICHARDSON) All right. Judge Henry, I  
7 am Valencia Richardson, and I serve as counsel for the  
8 Petteway Plaintiff group.

9 A. Okay.

10 Q. And so I'll just be very brief, ask you a few  
11 questions that haven't already been asked today.

12 A. Okay.

13 Q. All righty? Thank you. So just based on our  
14 discussion, based on the whole conversation today, is it  
15 a safe to say that you were primarily responsible for  
16 redistricting the Commissioner's Court in 2021?

17 MR. RUSSO: Objection, vague and ambiguous.

18 THE WITNESS: In 2021 I would have been the  
19 person trying to make sure the process got started and  
20 finished, if that's consistent with what you're saying.

21 Q. (BY MS. RICHARDSON) You would have been the  
22 person responsible for retaining counsel, for example,  
23 for the -- to redraw the Commissioner's Court precinct?

24 A. Well, that would be Commissioner's Court  
25 approving the retention of the counsel. But I would  
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1 have been making sure that that process gets started and  
2 hope to complete it.

3 Q. You would have been responsible for hiring  
4 other redistricting advisors in order to redraw the  
5 Commissioner's Court precincts?

6 A. That would be the entire Commissioner's Court,  
7 not just me.

8 Q. Did any of the Commissioner's Court weigh in on  
9 the decision to retain counsel for the 2021  
10 redistricting cycle?

11 A. I believe we saw something earlier where  
12 Commissioner Holmes voted against it. But other than  
13 that, I'm not aware of any.

14 Q. Would any of the commissioners have any other  
15 role to play during the 2021 -- 2021 redistricting  
16 cycle?

17 A. They are all asked to give input. So I mean, I  
18 would hope that they all gave input as to what they  
19 would like to see in the maps.

20 Q. Did you determine that Holtzman Vogel, the law  
21 firm that retained -- that the county retained for the  
22 redistricting cycle would be retained on -- solely? Did  
23 you retain them on your own?

24 A. No, I can't.

25 Q. Who helped you?  
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1 MR. RUSSO: Object as asked and answered.

2 THE WITNESS: Without a vote of the  
3 Commissioner's Court I can't do anything on my own.

4 Q. (BY MS. RICHARDSON) Outside the vote on the  
5 Commissioners -- of the Commissioner's Court, did any of  
6 the commissioners weigh in on the decision?

7 MR. RUSSO: Objection, asked and answered.

8 THE WITNESS: Not that I remember, no.

9 Q. (BY MS. RICHARDSON) I am going to turn back to  
10 a previous exhibit. And I apologize, there's like an  
11 entire... apologies. I'm just searching for an old  
12 exhibit so that we don't have to reintroduce it.

13 A. Take your time.

14 Q. Can we revisit Exhibit 26 and let me know when  
15 it's up and it's screen shared.

16 So we -- we discussed this exhibit earlier.

17 A. Yes.

18 Q. Yeah. It says here, (Reading:) I also wanted  
19 to inform you that Commissioner Clark does not speak for  
20 Commissioner's Court on redistricting. Is that correct?

21 A. Yes.

22 Q. What did you mean by that?

23 A. That based on, I guess, someone told me, I  
24 don't recall who, Commissioner Clark had potentially or  
25 possibly started discussing justice of the peace

1       redistricting, which we had not as a court started.

2       Q. You discussed earlier that you never spoke with  
3       each commissioner separately; is that correct? Am I  
4       recalling that testimony correctly?

5       MR. RUSSO: Objection as vague and  
6       ambiguous.

7       THE WITNESS: I spoke with one, with  
8       Commissioner Apfel. And beyond that, I can't go in and  
9       discuss the specifics with other commissioners.

10      Q. (BY MS. RICHARDSON) But you testified earlier  
11      that Dale Oldham reached out to the individual  
12      commissioners?

13      A. Yes.

14      Q. And without disclosing the content of those  
15      discussions, did they pertain to redistricting the  
16      Commissioner's Court in 2021?

17      MR. RUSSO: Object, calls for speculation.

18      THE WITNESS: I would think so.

19      Q. (BY MS. RICHARDSON) Did he -- did Dale --  
20      before talking to the individual commissioners, did  
21      Dale Oldham speak to you first?

22      A. I would have -- I mean, I would have talked to  
23      Dale once or twice before we retained him and then I may  
24      have talked to him once after that, twice at the most.

25      Q. Was the expectation that Dale would have convey  
Page 350

1 | the information that the two of you discussed to the  
2 | other commissioners as well?

3 | A. My ask of Dale would be to get his input as to  
4 | what those individual commissioners wanted.

5 | Q. And he would have conveyed that ask to the  
6 | commissioners in prior meetings without -- with the  
7 | expectation that he convey that request to the other  
8 | commissioners in -- in their meetings with him?

9 | MR. RUSSO: Object as it calls for  
10 | speculation. Seems to me to the extent you know the  
11 | answer to that question, you may be a attorney-client  
12 | privilege issue but...

13 | Q. (BY MS. RICHARDSON) And I'll rephrase to make  
14 | it a little clearer.

15 | Was it your expectation personally that  
16 | Dale Oldham would convey the request for input to the  
17 | individual commissioners?

18 | A. Well, he's talking to them to get their input.  
19 | So he's not relaying a -- he's not conveying a request.  
20 | What he's saying, hey, what do you guys want?

21 | Q. And he would have asked that -- or he would  
22 | have conveyed that information after having spoken to  
23 | you?

24 | MR. RUSSO: Objection, calls for  
25 | speculation.

1 THE WITNESS: Yes, because as I've  
2 mentioned, commissioners have specific peculiar lines  
3 they want in certain places and I'm county-wide so I  
4 don't have those same concerns.

5 Q. (BY MS. RICHARDSON) You testified earlier that  
6 you already knew that you were voting for Map 2 before  
7 the November 12th meeting. Do I recall that testimony  
8 correctly?

9 A. I would have probably said something along the  
10 lines of since that got my coastal precinct that I had  
11 requested, all other things being equal and being  
12 compliant, that would be my preference, yes.

13 Q. Was there any consideration of Map 1 before  
14 the -- did you personally consider Map 1 as a viable  
15 option?

16 A. Sure, I looked at it. Absolutely.

17 Q. When did you decide that --

18 MR. RUSSO: Finish your question, counsel.

19 THE WITNESS: Sorry, counsel.

20 MS. RICHARDSON: That's fine. I basically  
21 finished. He answered it.

22 Q. (BY MS. RICHARDSON) When did you decide that  
23 you preferred Map 2 over Map 1?

24 A. Again, because of the coastal precinct and if I  
25 had seen that everything else was in balance and the  
Page 352

1 | lawyers told me that it's compliant, then -- then my  
2 | preference would have been for the coastal precinct map,  
3 | which I think was the No. 2.

4 | Q. How soon before the November 12th meeting  
5 | did -- did you decide? Do you recall?

6 | A. Well, again, what I am deciding is this is my  
7 | preference. But I'm open to there being a problem with  
8 | it or somebody having a compelling reason why that it's  
9 | not okay. So that didn't happen. So my belief that the  
10 | coastal precinct map was the -- served the county the  
11 | best did not change, but it could have.

12 | Q. Do you know if your preference was conveyed to  
13 | the other commissioners via Dale Oldham or any other --  
14 | or anyone else?

15 | A. I do not know.

16 | Q. You talked earlier about not wanting to  
17 | establish a quorum because of open use rules; is that  
18 | correct?

19 | A. That is correct, yes.

20 | Q. Are you referring to the Texas Open Meetings  
21 | Act?

22 | A. I am.

23 | Q. Can you describe your obligations under the  
24 | Texas Open Meetings Act?

25 | MR. RUSSO: Objection to the extent it  
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1 calls for a legal conclusion. It is vague and  
2 ambiguous.

3 MS. RICHARDSON: I'm not asking for a legal  
4 conclusion. I'm asking for his personal --

5 MR. RUSSO: Is there something you want to  
6 ask about or just the entire thing? I mean, it's a  
7 pretty big act.

8 Q. (BY MS. RICHARDSON) Can you -- okay. I can  
9 clarify.

10 Can you describe your obligations to --  
11 with respect to holding quorums under the Open Meetings  
12 Act --

13 MR. RUSSO: Objection.

14 Q. (BY MS. RICHARDSON) -- and what you believe  
15 those obligations to be? I'm not asking for his -- a  
16 legal conclusion.

17 A. Sure. We are -- anytime there's a quorum,  
18 which is three or more, we're required to notice that  
19 publicly, notice the public about what we're going to be  
20 discussing, give at least 72 hours, and have it  
21 recorded.

22 Q. Are you familiar with the term "walking  
23 quorum"?

24 A. I am.

25 Q. Can you describe your understanding of a  
Page 354

1 walking quorum?

2 A. I go to one commissioner and say, how would you  
3 vote on this, and I go to another commissioner and say,  
4 how would you vote on this, and I go to another  
5 commissioner and say, how would you vote on this.

6 Q. I would like to revisit Exhibit 1. Do you  
7 recall this exhibit?

8 A. I do.

9 Q. Okay. Can we go scroll down to Page 31? Alexa  
10 will tell us when she's ready.

11 MS. PASTOR: 31 on the PDF or 31 on  
12 document?

13 MS. RICHARDSON: 31 on the document. It's  
14 page 34 on the PDF. Thank you. Right here.

15 Q. (BY MS. RICHARDSON) Okay. So we're going  
16 to look at -- do you see this section? And I'll have  
17 her zoom in because we are looking at just the first  
18 three paragraphs.

19 A. Okay.

20 Q. Because I know my eyes are bad, so I need  
21 larger print than this.

22 MS. RICHARDSON: If you don't mind, Alexa,  
23 zooming in to just show the first three paragraphs.  
24 Okay.

25 Q. (BY MS. RICHARDSON) Do you see the second  
Page 355



1 paragraph and can you just read -- yeah, just read that  
2 second paragraph starting with Section 551.143.

3 A. (Reading:) Section 551.143 as originally  
4 written prohibited machinations to avoid complying with  
5 the act by criminalizing multiple meetings in a number  
6 less than a quorum to conspire to circumvent the Act.  
7 One example of such a so-called walking quorum was  
8 described by Esperanza Peace and Justice Center versus  
9 City of San Antonio.

10 Q. Do you understand that to be describing a  
11 walking quorum?

12 A. What it appears to be, yes.

13 Q. Okay. And then do you see the next paragraph?  
14 I'm not going to have you read this full thing but just  
15 the first sentence. It says, (Reading:) Amended  
16 Section 551.143 now prohibits discussion about an item  
17 of public business among quorum of a governmental body  
18 through a series of communications that --

19 Do you see that there?

20 A. Yes.

21 Q. Is that also describing just clarification  
22 regarding what a walking quorum is?

23 MR. RUSSO: Object. It calls for a legal  
24 conclusion and speculation.

25 Q. (BY MS. RICHARDSON) Based on your  
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1 understanding.

2 A. My understanding is yes.

3 Q. Did you knowingly engage in communications  
4 about the 2021 redistricting process with advisors in --  
5 on at least one instance and another member of a court  
6 in a way that would avoid a quorum?

7 A. Say it again.

8 Q. Did you knowingly engage in communications  
9 about the 2021 redistricting process with advisors and  
10 and on at least one instance with Commissioner Apfel in  
11 a way that would avoid a quorum?

12 A. Well, non-elected officials aren't subject to  
13 the Act. And the only communication I had was with  
14 Commissioner Apfel.

15 Q. Did you engage in your communications in a way  
16 to prevent disclosure of how the 2020 enacted map was  
17 drawn?

18 MR. RUSSO: Object as vague and ambiguous.

19 THE WITNESS: I didn't communicate with  
20 anybody. So I -- I can't have a motive for something I  
21 didn't do.

22 Q. (BY MS. RICHARDSON) Did you know that when you  
23 engaged in those communications that other members of  
24 the court were having the same conversations with the  
25 same advisors?

1           A. I am not at all clear on who we're talking  
2 about.

3           Q. I'll start with specifically Dale Oldham. Did  
4 you know that at the same time that they were -- that  
5 Dale Oldham was speaking with you, speaking with other  
6 members of the Commissioner's Court regarding the 2020  
7 redistricting cycle?

8                       MR. RUSSO: I'll object as vague and  
9 ambiguous, misstates testimony.

10                      THE WITNESS: And he would not have been  
11 deliberating that with them. He would have been seeking  
12 their input, which does not violate the Act.

13           Q. (BY MS. RICHARDSON) Why do you believe that  
14 doesn't violate the Act?

15           A. Because the deliberation is the key, as I  
16 recall it.

17           Q. But you do believe if you and two other  
18 commissioners were in the same conversation with  
19 Mr. Oldham that would have constituted a quorum?

20           A. It would --

21                      MR. RUSSO: Objection -- wait. Hold on a  
22 second. Object, calls for legal conclusion and has an  
23 incomplete hypothetical.

24           Q. (BY MS. RICHARDSON) You may answer.

25           A. If myself and two other commissioners are  
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1 together in a room, there's no question that's a quorum.  
2 It doesn't necessarily violate the Act, but it's a bad  
3 starting point.

4 Q. But -- and so that would have constituted a  
5 quorum knowing -- knowing the facts that you were  
6 discussing the 2020 redistricting cycle?

7 MR. RUSSO: Object. It misstates prior  
8 testimony.

9 THE WITNESS: That didn't happen. But I'm  
10 saying that just because there's three members present,  
11 you shouldn't do that, but that by itself is not a  
12 violation of the Act.

13 Q. (BY MS. RICHARDSON) Would it have been a  
14 violation of the Act if the three -- if you and two  
15 other commissioners were present and discussing the 2021  
16 redistricting cycle?

17 MR. RUSSO: Object, calls for a legal  
18 conclusion and also is an incomplete hypothetical.

19 Q. (BY MS. RICHARDSON) And I will restate that  
20 that in none of these questions am I asking for your  
21 legal opinion. I'm asking for your personal  
22 understanding.

23 A. My understanding is that you don't violate the  
24 Act until you deliberate a matter of county business.

25 Q. Was the 2021 redistricting cycle a matter of  
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1 county business?

2 A. Sure.

3 Q. In your opinion did you comply with Texas Open  
4 Meetings Act by holding separate meetings with each  
5 commissioner to discuss redistricting?

6 MR. RUSSO: Objection, misstates prior  
7 testimony and it's vague and ambiguous as to who is  
8 talking to who.

9 THE WITNESS: Yeah, I didn't have  
10 individual meetings with all the commissioners. Never  
11 said I did.

12 Q. (BY MS. RICHARDSON) I'll specify. Do you  
13 believe that you complied with the Texas Open Meetings  
14 Act by having Dale Oldham speak with each individual  
15 commissioner separately?

16 A. He was not deliberating the maps. He was  
17 seeking their input.

18 Q. Can you help me out here and just take us  
19 through the difference between deliberation and  
20 providing input in that -- in this context of the  
21 redistricting cycle?

22 MR. RUSSO: Objection, you're calling for a  
23 legal conclusion, incomplete hypothetical.

24 You can answer, if you know.

25 THE WITNESS: I mean, I was not on this  
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1 call so I don't know what exactly occurred. I mean, I  
2 know what I would have wanted to have occurred and that  
3 is, Dale, asked them, you know, are they okay with the  
4 lines? Do you want them moved?

5 Q. (BY MS. RICHARDSON) And was -- oh, I'm sorry.  
6 Were you finished?

7 A. No. The demographers, he's got to know what  
8 people want in order to change the lines.

9 Q. And I'm just speaking in generalities here,  
10 just the difference between what would constitute in  
11 your personal opinion deliberation that would require a  
12 public meeting versus providing input or commissioner  
13 providing input on this topic of redistricting.

14 A. A commissioner saying, "I would like my  
15 grandmother's house in my precinct" is input. Dale  
16 saying, "Hey, Commissioner Giusti said he will vote for  
17 this if you'll do this for him." That would be -- well,  
18 that's only two people, but that kind of thing would  
19 come close to -- it would be a deliberation of potential  
20 violation. It would be a violation for the  
21 commissioners, not for Dale Oldham. He's not subject to  
22 the Act.

23 Q. So based on your explanation here of  
24 deliberation and our discussion about forming a quorum,  
25 when are you required to form a public meeting under the  
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1 Texas Open Meetings Act based on your understanding?

2 A. Really any time county business has got to be  
3 conducted that requires a vote of commissioners.

4 Q. One moment. I'm just double checking because,  
5 again, I don't want to ask questions that have already  
6 been asked.

7 MS. RICHARDSON: Alexa, I would like to  
8 mark this next exhibit in the folder. The Campaign  
9 Legal Center folder is titled "Screen Capture." And  
10 that's going to now be Exhibit No. 49.

11 (Exhibit No. 49 was marked.)

12 Q. (BY MS. RICHARDSON) And while she's pulling  
13 that up, I can ask, am I recalling correctly that you  
14 said that the date of the November 12th meeting was in  
15 part caused by the November 9th notice from the state?  
16 So you scheduled the meeting after you received the  
17 November 9th notice, am I recalling that testimony  
18 correctly?

19 MR. RUSSO: Object as asked and answered  
20 and misstates prior testimony.

21 THE WITNESS: And I believe that we got the  
22 notice on the 3rd or 4th or 5th.

23 Q. (BY MS. RICHARDSON) I apologize.

24 A. But we tried to get a meeting scheduled for the  
25 9th.

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1 Q. (BY MS. RICHARDSON) And so, again, just to  
2 clarify your prior testimony, you were -- you received  
3 the notice from the state and then, thereafter --

4 A. Correct.

5 Q. -- held the public meeting on the 12th?

6 A. Tried to get it scheduled for the 9th. I don't  
7 recall the reasons we couldn't make that work. We sure  
8 tried and then did get it scheduled for the 12th.

9 Q. She's pulled up Exhibit 49 and I would like to  
10 zoom in a little bit. Again, I can't see this. So I'll  
11 just give you a moment to scroll while I represent to  
12 you what this is. This is -- and read. And so this is  
13 a capture of the web -- redistricting web page in Harris  
14 County from the 2021 redistricting process in Harris  
15 County.

16 A. Okay.

17 Q. And so I will just give you a moment to look at  
18 it. Let me know when you're ready.

19 A. I'm ready.

20 Q. Was it your understanding that all of the  
21 counties received that notice from the state at the same  
22 time?

23 A. I would assume so, but I don't know for a fact.

24 Q. There's no reason to believe that Galveston  
25 County would have received that notice later than Harris  
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1 County, for example?

2 A. I wouldn't think so.

3 Q. Okay. So I believe -- so this -- again, I'll  
4 represent to you this outlines the timeline for  
5 redistricting in Harris County for the Harris County  
6 Commissioner's Court. Do you see here the -- just the  
7 number of public meetings that were held before the  
8 November notice from the state?

9 A. Okay.

10 Q. I counted earlier nine hearings before that  
11 notice. Does that sound right to you? You can just do  
12 a little count if you want to or you can believe me.

13 A. Could be. Looks about right.

14 Q. Yeah. And then at the bottom here, can you  
15 scroll all the way to the bottom? All the way down.  
16 Okay. I think that's right. Oh, sorry, go up.

17 And the final meeting was October 28th  
18 before the -- the state notice? Do you see the final  
19 meeting on October 28th says, the following  
20 redistricting plan was adopted at this meeting?

21 A. Yes.

22 Q. Okay. Harris County held nine hearings before  
23 receiving the state notice. Why couldn't Galveston  
24 County?

25 MR. RUSSO: Objection, asked and answered.

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1 THE WITNESS: Don't know.

2 Q. (BY MS. RICHARDSON) Was it -- would it have  
3 been possible to hold more hearings in between the date  
4 of the release of the census data and at some point  
5 before November?

6 A. Meetings for what purpose? We had no maps to  
7 use to tell the public what was being considered.

8 Q. Would it have been possible to seek input from  
9 the public based on the August census data before the --  
10 before the notice in November?

11 MR. RUSSO: Objection, calls for  
12 speculation. Asked and answered.

13 THE WITNESS: Yeah, I don't know what I  
14 would do with that information.

15 Q. (BY MS. RICHARDSON) You don't know what you  
16 would do with the public input from the -- input from  
17 the public, rather, based on the August 2021 census data  
18 release?

19 A. Correct. I mean, the input specifically from  
20 2011 was mostly about the justice of the peace. It had  
21 very little to do with commissioners. So it's -- you  
22 know, you're taking input and trying to determine what  
23 you're supposed to do with it.

24 Q. The -- actually, can you describe what you mean  
25 by that? I just need -- just for clarification, what do  
Page 365

1 you mean by the label?

2 A. As she was scrolling through the sign-up list  
3 for the 2011 public hearings, I recognized the majority  
4 of those names. They were all there to complain about  
5 the reduction in the justice of peace precincts.

6 Q. Uh-huh. In Galveston County?

7 A. In Galveston County.

8 Q. And so I guess I'm asking you why we -- why  
9 Galveston County couldn't have started redistricting --  
10 the redistricting public input process after the  
11 October 2021 census data release?

12 MR. RUSSO: I'm going to object as asked  
13 and answered and calls for speculation.

14 THE WITNESS: I suppose we could have.

15 Q. (BY MS. RICHARDSON) And I am almost done. You  
16 are almost relieved. And we can close this exhibit.

17 We discussed preclearance earlier. And do  
18 you recall talking about establishing the JP and  
19 constable districts after the date of the court case,  
20 Shelby County versus Holder?

21 A. What -- what time frame are we on now?

22 Q. 2013, I apologize. So the 20 -- you spoke with  
23 Ms. Klein earlier about how the JP/constables precincts  
24 were adopted aft -- sometime after the Shelby County  
25 decision came down. Do you recall that testimony?

1           A. Again, maybe I'm confused and just don't  
2 remember. I thought we adopted JP/constable precincts  
3 in 2011. It was only the commissioners that had to be  
4 redone.

5           Q. I believe -- so maybe we'll get the timeline.  
6 The Commissioner's Court, the first redistricting cycle,  
7 well, for 2011 was the Commissioner's Court  
8 redistricting --

9           A. And JPs.

10          Q. And JPs.

11          A. Yes.

12          Q. And then Commissioner's Court was adopted, and  
13 then the -- Commissioner's Court was adopted and then  
14 there was litigation around the Commissioner's Court in  
15 2011. And then separately, though, is the JP/constables  
16 precincts that were established?

17          A. They were -- they were adopted at the same  
18 time. Effectively at the same time. I think they were  
19 within a week of each other.

20          Q. Okay. Let me -- let's go to -- we're going to  
21 return to a prior exhibit again, and it's going to go to  
22 Exhibit 2. Let me know when -- oh, it's up. Apologize.  
23 Let's turn to page 47 first.

24                   Do you see lines -- actually, let's start  
25 with line 10 just to read. This is -- again, this was a  
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1 long time ago like Ms. Klein said earlier, so it's  
2 helpful to get our dates right.

3 Do you see here the question that was asked  
4 of you when you testified earlier in some time 2012 when  
5 elected your attorneys to turn back to the justices of  
6 the peace and constable plan. Correct.

7 Does that sound right?

8 A. I forgot that it was that much later, but  
9 apparently it was.

10 Q. And then later he asks, okay -- on line 16 of  
11 page 47, (Reading:) Okay. Do you know why it was not  
12 until August of 2013 when such a plan was adopted?

13 A. Oh, okay, yeah. Yes.

14 Q. Yeah, okay. No -- no biggie. We just wanted  
15 to make sure about these -- there are a lot of lawsuits,  
16 get those all straight.

17 I'd also like to introduce our final  
18 exhibit.

19 MS. RICHARDSON: And it's, Alexa, in our  
20 folder -- actually, I might not have put it in the  
21 folder yet, so give me one moment.

22 Q. (BY MS. RICHARDSON) And while I do that, do  
23 you recall, Judge Henry, adopting a precinct map in  
24 February of 20 -- of -- for J -- and now we have  
25 multiple precincts up, JP/constable districts map in

1 February 2013?

2 A. I recall that we did it. I did not know it was  
3 that late. I thought we get it done earlier than that.  
4 But I do recall we did it.

5 Q. Do you recall that it pertained to redrawing  
6 the lines for the eight-court plan, JP court/constable  
7 plan?

8 A. The -- the map -- the map that we adopted only  
9 had four so I'm not sure the timeline of when that  
10 occurred.

11 MS. RICHARDSON: So -- Alexa, let's mark  
12 now Defendants' 29205.

13 MS. PASTOR: I see two documents ending in  
14 that Bates number. Is there one specific one?

15 MS. RICHARDSON: The one that was most  
16 recently you uploaded. Thank you. The large document.

17 Q. (BY MS. RICHARDSON) Okay. So this is now  
18 Exhibit 50, our last exhibit.

19 (Exhibit No. 50 was marked.)

20 Q. (BY MS. RICHARDSON) Do you see this email?  
21 I'll represent to you is an email produced by the  
22 Defendants' -- by defense counsel to us. And it's just  
23 a list of agenda meeting dates about redistricting in  
24 2013.

25 A. Okay.  
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1 Q. That look great to you? Okay. And then it  
2 says right here in the February 11, 2013 line, there's  
3 two lines for that, consider -- but I'll look at the  
4 second one. (Reading:) Consideration of the adoption  
5 of an order establishing boundaries of the  
6 justice/constable precincts in Galveston County --

7 A. Okay.

8 Q. -- in 2000 -- effective 2014.

9 And then can we jump all the way down to  
10 page 134. It's the attachment to this email. Okay.  
11 And do you see what this is?

12 A. Well, they're establishing boundaries of the  
13 JP/constable precincts effective January 1st of 2014.

14 Q. Okay. And can you see by the -- can you scroll  
15 down another page? Can you see on the top of this page  
16 that it was -- the -- it says that, (Reading:) It is,  
17 therefore, ordered by the Galveston County Court --  
18 Commissioner's Court of Galveston County, Texas, that  
19 effective on January 21, 2014, Galveston County shall be  
20 divided into eight justice/constable precincts.

21 A. We adopted this?

22 Q. You can scroll down to the last page of this.  
23 Oh, she's scrolling. I'm sorry. Alexa is scrolling  
24 through this. Yeah, is that your signature?

25 A. It is. So then I'm not sure when we reduced it  
Page 370

1 to four.

2 Q. If I represented to you that you reduced it to  
3 four in August of 2013, does that sound correct?

4 A. Oh, could be, yes.

5 Q. Okay. It was around that time.

6 And so Shelby County -- the Shelby County  
7 decision came down between this February order and  
8 August 2013. I can represent that to you. But does  
9 that sound correct to you?

10 A. I guess.

11 Q. Okay. If -- and before -- before this was  
12 adopted, the Department of Justice had already objected  
13 to reducing the JP/constables' precincts down to four;  
14 is that correct?

15 A. I do not recall. I don't -- I didn't think  
16 they got -- I don't think so, but I -- I might be wrong.

17 Q. Okay. And we can go back and look at the  
18 submission letter if that's helpful. It was introduced  
19 on one of these exhibits.

20 MR. RUSSO: Counsel, I think you're  
21 probably running up against the seven-hour time.

22 MS. JAYARAMAN: I have like no more than,  
23 like, five questions.

24 MR. RUSSO: Well, if I were you -- I mean,  
25 let's --



1 Q. (BY MS. RICHARDSON) I'll -- I'll just  
2 represent to you --

3 MR. RUSSO: It's getting to --

4 Q. (BY MS. RICHARDSON) -- it was in 20 -- 2011  
5 the DOJ objection. And so --

6 A. Okay.

7 Q. Okay. And so -- and afterwards you reduced --  
8 or you passed in February 2013 this map with eight  
9 constables' precincts. What would the -- what would the  
10 Commissioner's Court have done if Shelby County had a  
11 different outcome?

12 MR. RUSSO: Object, calls for speculation  
13 and asks for a legal conclusion.

14 THE WITNESS: I don't know I read any  
15 differently.

16 Q. (BY MS. RICHARDSON) And I'll clarify what I  
17 mean by different outcome. What would the  
18 Commissioner's Court have done with the JP/constable  
19 precincts if they -- if the Commissioner's Court in  
20 Galveston County was still subject to preclearance?

21 MR. RUSSO: Object, calls for speculation  
22 and asks for a legal conclusion.

23 THE WITNESS: I was trying to get JPs down  
24 to four regardless of any cases anywhere else in the  
25 country or anything else.

1 Q. (BY MS. RICHARDSON) And that was despite DOJ's  
2 prior objection to reducing it to four?

3 A. DOJ doesn't pick up the tab for eight  
4 constables that aren't needed. So, yes, regardless of  
5 their objections, I was trying to get it down to four.

6 MS. RICHARDSON: Thank you. I have no  
7 further questions. I told you I'd be brief.

8 MR. RUSSO: I appreciate that.

9 MS. RICHARDSON: And I'll -- and I  
10 apologize. I'm also going to reserve the right to hold  
11 this deposition open based on our prior conversations  
12 about Dale Oldham and the privilege issue which is  
13 currently before the Court.

14 MR. RUSSO: Okay. We'll reserve our  
15 questions for trial.

16 And Ms. Court Reporter, we would like to  
17 read and sign as well.

18 MS. JAYARAMAN: And for the record, NAACP  
19 Plaintiffs add the reservation of the Petteway  
20 Plaintiffs.

21 VIDEOGRAPHER: 6:09. Off the record.

22 (Proceedings concluded at 6:07 p.m.)

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REPORTER'S CERTIFICATION  
DEPOSITION OF MARK A. HENRY  
TAKEN JANUARY 17, 2023

I, Janalyn Elkins, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the witness, MARK A. HENRY, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

That the original deposition was delivered to HILARY HARRIS KLEIN;

That a copy of this certificate was served on all parties and/or the witness shown herein on \_\_\_\_\_.

I further certify that pursuant to FRCP No. 30(f)(i) that the signature of the deponent was requested by the deponent or a party before the completion of the deposition and that the signature is to be returned within 30 days from date of receipt of the transcript. If returned, the attached Changes and Signature Page contains any changes and the reasons therefor.

I further certify that I am neither counsel for, related to, nor employed by any of the parties in

the action in which this proceeding was taken, and

1 further that I am not financially or otherwise  
2 interested in the outcome of the action.

3 Certified to by me this 20th day of January  
4 2023.

5  
6 <%12798,Signature%>

7 JANALYN ELKINS

8 Texas CSR 3631

9 Expiration Date 1/31/2023  
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1 Joseph Russo, Esq.

2 jrusso@greerherz.com

3 January 20, 2023

4 Honorable Terry Petteway Et Al v. Galveston County, Texas Et Al

5 1/17/2023, Mark Henry (#5645595)

6 The above-referenced transcript is available for  
7 review.

8 Within the applicable timeframe, the witness should  
9 read the testimony to verify its accuracy. If there are  
10 any changes, the witness should note those with the  
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of  
13 Deponent and Errata and return to the deposing attorney.  
14 Copies should be sent to all counsel, and to Veritext at  
15 cs-ny@veritext.com.

16  
17 Return completed errata within 30 days from  
18 receipt of testimony.

19 If the witness fails to do so within the time  
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

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1 Honorable Terry Petteway Et Al v. Galveston County, Texas Et Al  
2 Mark Henry (#5645595)

3 E R R A T A S H E E T

4 PAGE \_\_\_\_\_ LINE \_\_\_\_\_ CHANGE \_\_\_\_\_

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24 Mark Henry Date

1 Honorable Terry Petteway Et Al v. Galveston County, Texas Et Al  
2 Mark Henry (#5645595)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Mark Henry, do hereby declare that I  
5 have read the foregoing transcript, I have made any  
6 corrections, additions, or changes I deemed necessary as  
7 noted above to be appended hereto, and that the same is  
8 a true, correct and complete transcript of the testimony  
9 given by me.

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\*If notary is required

SUBSCRIBED AND SWORN TO BEFORE ME THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

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# **Exhibit 12**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TERRY PETTEWAY, THE HONORABLE )  
DERRECK ROSE, MICHAEL MONTEZ, )  
SONNY JAMES and PENNY POPE, )  
Plaintiffs, ) Civil Action  
vs. ) No. 3:22-CV-57  
GALVESTON COUNTY, TEXAS, and )  
HONORABLE MARK HENRY, in his )  
official capacity as Galveston )  
County Judge, )  
Defendants. )

---

UNITED STATES OF AMERICA, )  
Plaintiff, )  
vs. ) Civil Action  
GALVESTON COUNTY, TEXAS, )  
GALVESTON COUNTY )  
COMMISSIONERS COURT, and )  
HONORABLE MARK HENRY, in his )  
official capacity as Galveston )  
County Judge, )  
Defendants. )

---

DICKINSON BAY AREA BRANCH )  
NAACP, GALVESTON BRANCH )  
NAACP, MAINLAND BRANCH )  
NAACP, GALVESTON LULAC )  
COUNCIL 151, EDNA COURVILLE, )  
JOE A. COMPIAN, and LEON )  
PHILLIPS, ) Civil Action

1 ) No. 3:22-CV-117  
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 2 Plaintiffs, )  
 )  
 3 vs. )  
 )  
 4 GALVESTON COUNTY, TEXAS, )  
 HONORABLE MARK HENRY, in his )  
 5 official capacity as Galveston )  
 County Judge, and DWIGHT D. )  
 6 SULLIVAN, in his official )  
 capacity as Galveston County )  
 7 Clerk, )  
 )  
 8 Defendants. )

9

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11

ORAL/VIDEOTAPED DEPOSITION OF

12

COMMISSIONER STEPHEN HOLMES

13

JUNE 1, 2023

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16

ORAL/VIDEOTAPED DEPOSITION OF COMMISSIONER

17

STEPHEN HOLMES, produced as a witness at the instance

18

of the Defendants, and duly sworn, was taken in the

19

above-styled and numbered cause on June 1, 2023, from

20

9:00 a.m. to 4:31 p.m., Nilda Codina, Notary in and for

21

the State of Texas, recorded by machine shorthand, from

22

Greer Herz & Adams, L.L.P. 2525 South Shore Boulevard,

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League City, Texas, 77573, County of Galveston,

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pursuant to the Federal Rules of Civil Procedure, and

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the provisions stated on the record or attached hereto.

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ALSO PRESENT: Pamela Longoria, Videographer  
REMOTELY: Alexandra Copper, Brittany Wake, Sarah Chen,  
Zachary Newkirk, David Segal, Sarah Chen, Bernadette  
Reyes, Kathryn Garrett, Molly Zhu, Michelle Polizzano,  
Adrienne Spoto.

Stephen Holmes

June 01, 2023

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E-X-H-I-B-I-T-S

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1 P-R-O-C-E-E-D-I-N-G-S

2 THE VIDEOGRAPHER: We are now on the  
3 record at 9:07 a.m.

4 COMMISSIONER STEPHEN HOLMES,  
5 Having been first duly sworn, was examined and  
6 testified as follows:

7 THE REPORTER: If all parties can  
8 please state their appearances for the record. I know  
9 we have the cards, but I don't have them from  
10 everybody, sorry.

11 MR. NIXON: Joe Nixon on behalf of the  
12 defendant.

13 MS. OLALDE: Angela Olalde and Jordan  
14 Raschke Elton on behalf of defendants.

15 MS. RIORDAN: Maureen Riordan Public  
16 Interest Legal on behalf of the defendants.

17 MR. ADAMS: Christian Adams Public  
18 Interest Legal and defendants.

19 MR. NIXON: That's Jordan. Neil?

20 MR. BARON: Neil Baron here for the  
21 Petteway plaintiffs.

22 MR. MANCINO: Richard Mancino with  
23 Willkie Farr & Gallagher for the NAACP plaintiffs.

24 MR. HOWRY: And Randy Howry counsel  
25 for Commissioner Stephen Holmes.

1 MR. GEAR: Bruce Gear, on behalf of  
2 the United states.

3 MS. RICHARDSON: Bruce you beat me.  
4 Valencia Richardson on behalf of the Petteway  
5 plaintiffs.

6 MR. GEAR: Sorry, about that Valencia.

7 DIRECT EXAMINATION

8 BY MR. NIXON:

9 Q. Tell us your name, please.

10 A. My names Stephen Holmes.

11 Q. You are commissioner in Galveston County,  
12 right?

13 A. Commissioner of Precinct 3.

14 Q. Yes, and you were appointed in 1999?

15 A. That is correct.

16 Q. And what caused you appointment?

17 A. The previous Commissioner Wayne Johnson had a  
18 heart attack in Hobby Airport and died in January of  
19 1999. By statute the county judge makes the  
20 appointment of the next County Commissioner. Jim  
21 Yarbrough was the county commissioner at that time. I  
22 was appointed by Jim Yarbrough in February of 1999?

23 Q. Okay. And then you ran immediately, right?

24 A. 2000 and 2000 at a primary, March of 2000 and  
25 a general election in November of 2000.

1 Q. And did you ever contest the primary in 2000?

2 A. I did have a contested primary and a  
3 contested general election.

4 Q. Who ran against you?

5 A. RC Williams, is the gentleman's name and the  
6 primary, and the gentleman's name in the general  
7 election escapes me at the moment.

8 Q. You had a republican opponent?

9 A. That's correct. That's correct.

10 Q. Just to be clear, today you are not a party  
11 to this lawsuit other than being on the commissioner's  
12 court?

13 A. Well, I mean I think Galveston County got  
14 sued so technically I represent Galveston County. So  
15 technically as a representative of Galveston County, I  
16 would say I probably am.

17 Q. Okay. You are, are you represented in this  
18 case by Texas Civil Rights Project?

19 A. No.

20 Q. Southern Coalition for Social Justice?

21 A. No.

22 Q. Willkie Farr & Gallagher?

23 A. No.

24 Q. Spencer and Associates?

25 A. No.

1 Q. The Department of Justice, United States  
2 Department of Justice?

3 A. No.

4 Q. The Southern District of Texas?

5 A. No.

6 Q. Okay. The Campaign Legal Center?

7 A. No.

8 Q. The UCLA Voting Rights Project?

9 A. No.

10 Q. Brazil and Dunn?

11 A. No.

12 Q. Neil Baron?

13 A. No.

14 Q. Any of the plaintiff's lawyer?

15 A. No.

16 Q. Okay. They don't represent you?

17 A. No.

18 Q. Now, you are a lawyer?

19 A. I am.

20 Q. And your bar license is currently active?

21 A. It is.

22 Q. Okay.

23 A. But I don't -- I don't practice any.

24 Q. Well, you did?

25 A. Yeah.

1 Q. You did practice law?

2 A. I did at one time in my life, yes. I was a  
3 prosecutor was mainly my practice before I became  
4 County Commissioner I practiced a little law after  
5 that, but very little.

6 Q. Have you taken a deposition?

7 A. May have taken one --

8 Q. You know the rules?

9 A. -- two.

10 Q. Right? You're obligated to tell the truth --

11 A. Well, I know that.

12 Q. And your testimony has the same weight and  
13 affect as if it does as if you were --

14 MR. HOWRY: Mr. Nixon, if we can just  
15 start this off the right way. Let him finish. If  
16 you're going to ask him questions let him finish before  
17 you interrupt him.

18 MR. NIXON: Thank you, I agree.

19 MR. HOWRY: Okay.

20 A. Yes, yes.

21 Q. You know the rules?

22 A. Generally, yes.

23 Q. Okay. You're under oath?

24 A. Yes.

25 Q. And your testimony has the same weight and

1 affect as if you were testifying live in front of the  
2 judge?

3 A. Okay.

4 Q. You understand?

5 A. Yes.

6 Q. Okay. You're obligations of a lawyer go a  
7 little bit further, don't they?

8 MR. MANCINO: Objection.

9 Q. (BY MR. NIXON) Do you have an obligation to  
10 be forthright with the Court?

11 A. What do you mean forthright, tell the truth?

12 Q. Yes. But if you know that somebody else is  
13 not telling the truth you have the obligation to bring  
14 those facts before the Court, don't you?

15 MR. HOWRY: Objection.

16 MR. MANCINO: Objection.

17 A. But I mean -- repeat the question.

18 Q. (BY MR. NIXON) As a lawyer you're an officer  
19 of the Court; is that right?

20 A. Yes.

21 Q. Okay. As an officer of the Court you have  
22 the duty to bring before the Court those facts that you  
23 know that someone else is misrepresenting; is that  
24 correct?

25 A. As it relates to this case?

1 MR. HOWRY: Objection.

2 MR. MANCINO: Objection.

3 Q. (BY MR. NIXON) As it relates to this case?

4 MR. HOWRY: Objection.

5 MR. MANCINO: Objection.

6 Q. (BY MR. NIXON) You may answer the question.

7 A. Yes.

8 Q. Now, have you read the petition of the United  
9 States of America in this case?

10 A. Is that the one filed by the Department of  
11 Justice?

12 Q. Yes.

13 A. Yeah, I think I read it way, a while back,  
14 yes.

15 Q. Okay. Now, is there anything in that  
16 petition that you found to be untrue?

17 A. I can't recall.

18 Q. Okay. Just so that we're clear, let's just  
19 start talking about your current district right. Okay.  
20 I'm going to ask you some questions about your current  
21 district. Is it what you call a minority opportunity  
22 district?

23 A. When you say current district are you talking  
24 about the maps that were passed or the district that I  
25 was actually elected when I --

1 Q. The district that you were elected in. That  
2 you currently serve in. Your --

3 MR. MANCINO: Objection to form.

4 Q. (BY MR. NIXON) Your term expires in 2024?

5 A. December 31, 2024.

6 Q. That you currently serve in a district?

7 A. That is correct.

8 Q. District 3.

9 A. Precinct.

10 Q. Precinct 3?

11 A. Yeah, uh-huh.

12 Q. I'm going to be -- I'm going to try to  
13 remember say constable Precinct 3 cause we're going to  
14 be talking about voting precincts too, so --

15 A. Yeah.

16 Q. I'll try to get --

17 A. You prefer to me don't say -- don't say  
18 constable say commissioner, please, yeah.

19 Q. Commissioner, what did I say?

20 (All parties responded constable.)

21 Q. (BY MR. NIXON) Oh, excuse me. Commissioner.  
22 Okay. Thank you.

23 All right. So the current district  
24 from which you were serving is it a minority  
25 opportunity?



1 A. I mean don't remember what your answer was  
2 when I asked you if you meant the district that the --  
3 of the maps that were adopted or district I was elected  
4 in --

5 Q. The one in which you were elected?

6 A. Yes.

7 Q. Yes. Is it a district with a majority  
8 population of African Americans?

9 A. No.

10 Q. Is it a district of a majority population of  
11 Hispanics?

12 A. When you say a majority you mean more than 50  
13 percent?

14 Q. Yes.

15 A. Yeah, no.

16 Q. Is it -- is it a district in which the  
17 majority of population is Hispanic?

18 A. More than 50 percent?

19 Q. Yes.

20 A. No.

21 Q. Is it a minority opportunity district because  
22 the African American and Hispanic population vote  
23 together?

24 MR. MANCINO: Objection to form.

25 Q. (BY MR. NIXON) You may answer.

1 A. When you say because they vote together, but  
2 you mean say majority, do you mean more than 50  
3 percent?

4 Q. Yes.

5 A. Yes.

6 Q. And that it takes a coalition of African  
7 Americans and Hispanics together in order to make it a  
8 minority opportunity district; is that right?

9 A. That's correct.

10 Q. All right. Let's go back to 2001. Until the  
11 redistricting processing then, were you involved in the  
12 redistricting processing then?

13 A. 2001?

14 Q. Yes.

15 A. Yeah.

16 Q. Okay. Did you contact the Department of  
17 Justice and ask them not to pre-clear the map proposed  
18 by the county?

19 A. No.

20 Q. Did you have any communication with anyone of  
21 the Department of Justice?

22 MR. MANCINO: Objection to form --

23 MR. HOWRY: Same objection.

24 MS. RICHARDSON: -- I'll join that  
25 objection as well.

1 Q. (BY MR. NIXON) Go ahead.

2 A. Yeah, prior to the maps being rejected by the  
3 Department of Justice, I mean --

4 Q. Yes.

5 A. -- ask your question again, please.

6 Q. Okay. Did you have any communication with  
7 the Department of Justice prior to the maps being  
8 passed by the Commissioners Court?

9 A. Well, there were a couple of maps passed,  
10 which -- which maps are you talking about --

11 Q. The first one.

12 A. -- the first set of maps?

13 Q. Yes.

14 A. I think I met with the Department of Justice  
15 at some point --

16 Q. Before?

17 A. -- after the first maps were voted on and  
18 passed.

19 Q. So let's just -- let's just make it clear,  
20 before the first maps were passed, did you have any  
21 communication at all --

22 A. No, no.

23 Q. -- with the Department of Justice?

24 A. -- I did not.

25 Q. Okay.

1 MR. HOWRY: Commissioner Holmes, let  
2 him finish as well before you start your answer.

3 THE WITNESS: Okay, Randy.

4 MR. HOWRY: All right.

5 MR. NIXON: We'll get through this.

6 Q. (BY MR. NIXON) Did anyone on your behalf have  
7 any communication with the Department of Justice prior  
8 to the first map being passed by the Commissioners  
9 Court?

10 A. Not to my recollection.

11 Q. Did you call the Department of Justice or  
12 communicate with the Department of Justice after the  
13 map was passed?

14 A. No, I don't think I had any direct  
15 communication with -- not that I can recall.

16 Q. Not afterwards?

17 A. Not that I can recall, not direct  
18 communication. I did meet with him afterwards, but --  
19 is that what you're asking?

20 Q. Yes.

21 A. Yeah, I did meet with them at some point  
22 after they were passed.

23 Q. Did you meet with them here or in DC?

24 A. Washington DC.

25 Q. You flew to Washington DC?

1 A. Yes.

2 Q. Okay. Did you charge the county for that  
3 trip?

4 A. No.

5 Q. Okay. You paid for it out of your personal  
6 funds?

7 A. I cannot recall, but I did not charge the  
8 county for it.

9 Q. Okay. Did you pay for it out of your  
10 campaign funds?

11 A. I don't think so.

12 Q. Okay.

13 A. I can't recall to be honest, to be honest  
14 with you.

15 Q. Did you come to DC at their invitation or was  
16 it your request?

17 A. I cannot recall.

18 Q. Okay. With whom did you meet?

19 A. I don't remember who all -- who all -- who  
20 everybody was that was in the room to be quite honest  
21 with you.

22 Q. The Department of Justice would have notes?

23 A. I don't know what they would have.

24 Q. Okay. Did you ask the Department of Justice  
25 not to preclear the map?

1 A. I don't know. I don't know. I can't recall  
2 if I used those words.

3 Q. What words might have you used?

4 MR. MANCINO: Objection to form.

5 MR. HOWRY: Same objection.

6 MS. RICHARDSON: Same objection.

7 A. Just the facts as it relates to the  
8 redistricting process.

9 Q. (BY MR. NIXON) You just told them about the  
10 facts?

11 A. That's what I can recall.

12 Q. Did you not like the map?

13 A. No.

14 Q. Did you think the map was unfair to you?

15 A. Yes.

16 Q. Why?

17 A. I can't recall.

18 Q. Did you request that the Department of  
19 Justice issue a letter of rejection under Section 5?

20 A. No.

21 Q. And when I say Section 5 you know what I'm  
22 talking about?

23 A. The section of the voting Rights Act.

24 Q. Right. Okay. Did you know -- you sued the  
25 county in 2011; is that correct?

1 A. Yeah, I think that was a lawsuit filed.

2 Q. All right --

3 A. If my memory serves me correctly.

4 Q. And you were a named plaintiff?

5 A. Yes.

6 Q. Okay. Who were you represented by in that  
7 case?

8 A. Jose Garza.

9 Q. Okay. Was Chad Dunn one of the lawyers in  
10 the case?

11 A. From our lawsuit, I think it was me and  
12 Patrick Doyle, I wouldn't no. No, not that I can  
13 recall, no.

14 Q. Okay. Was -- was LULAC a member of that  
15 case?

16 A. Not that I recall.

17 Q. Were there any Hispanics involved in that  
18 case --

19 MR. MANCINO: Objection to form.

20 Q. (BY MR. NIXON) -- as plaintiffs?

21 A. Not that I can recall.

22 Q. Were you concerned about -- excuse me, let me  
23 withdraw that.

24 Did you request your lawyer ask for a  
25 temporary restraining order against implementation of

1 that map?

2 A. I can't recall.

3 Q. Okay. Do you -- do you know whether or not  
4 -- do you remember whether or not the trial court  
5 issued a temporary restraining order?

6 A. To be honest with you, I can't recall.

7 Q. Okay. And do you know whether or not a three  
8 court panel was -- a three court -- three judge court  
9 was invoked?

10 A. No, I can't recall that.

11 Q. Do you know whether or not a three judge,  
12 three judge court dissolved the TRO?

13 A. I can't recall.

14 Q. Okay. Okay. Well, let me ask you this, what  
15 have you done to prepare for your deposition today?

16 A. Not really very much to be quite honest with  
17 you. I may have read over a couple of things, but --

18 Q. What were they?

19 A. -- a couple of documents and notes that I had  
20 in the redistricting process.

21 Q. What documents, identify them?

22 A. I had some handwritten notes, I read over  
23 those. That's pretty much it.

24 Q. Okay. Were they from this year or 2021 --

25 A. No -- yeah, they were from the -- yes, 2021.



1 Q. Okay.

2 A. Yeah, also did meet with counsel as well.

3 Q. Do you recall that as a result of the 2011  
4 process, the Commissioners Court adopted a second map?

5 A. Yes.

6 Q. They did that during a Commissioners Court  
7 meeting down in the Commissioners Court offices in, on  
8 the island, right?

9 A. Yes.

10 Q. During the day?

11 A. I think it was actually, if my recollection  
12 seems that it was in the evening, actually.

13 Q. Well, there would be notes that would  
14 remember (sic) that, right?

15 A. My notes?

16 Q. I mean, no, there would be -- the  
17 Commissioner Court keeps records of all those?

18 A. Yeah, yeah.

19 Q. So if it was during the day starting about  
20 10:00 o'clock there would be -- that would be reflected  
21 in the commissioners court and you would defer to  
22 whatever, whatever record they have?

23 MR. HOWRY: Objection.

24 MR. MANCINO: Join.

25 A. I don't know if I would defer to it because

1 my recollection is that when I left the meeting it was  
2 dark.

3 Q. (BY MR. NIXON) Okay. That's what you  
4 remember?

5 A. Uh-huh.

6 MR. HOWRY: Is that, yes?

7 Q. (BY MR. NIXON) You need to answer with a yes  
8 or no --

9 A. Yes, yes.

10 Q. -- thankfully it's being videoed so we get  
11 nods of the head --

12 A. Yes.

13 Q. -- but I'm going to need verbal responses.

14 A. Yes.

15 Q. -- okay. Thanks. Beasley was, you say it  
16 was in the evening?

17 A. The best of my recollection, yes -- well, it  
18 finished during the evening.

19 Q. Okay. May have started during the day?

20 A. May have.

21 Q. The records are, would be what we would refer  
22 to, right?

23 A. Yes.

24 Q. Okay. Did you vote for that map?

25 A. No.

1 Q. The second map?

2 A. No, I don't think so.

3 Q. Okay. And why not?

4 A. I can't recall.

5 Q. The Department of Justice approved that map;  
6 is that correct?

7 A. I can't recall if they were -- I can't recall  
8 at that date and that time, I can't recall if it was an  
9 approval of the Department of Justice at that date.

10 Q. Well, it had to reach approval or -- to be  
11 precleared --

12 MR. HOWRY: Objection, form.

13 MR. MANCINO: Objection.

14 MS. RICHARDSON: Same objection.

15 A. Same answer. I mean, I don't recall.

16 Q. (BY MR. NIXON) Okay. Did you further your  
17 lawsuit against the county on the basis of the second  
18 map?

19 A. Honestly, I don't recall what happened after  
20 that.

21 Q. Okay. You're aware that your attorney  
22 submitted a fee bill to Judge Hoyt, are you aware of  
23 that?

24 A. Jose Garza?

25 Q. Yeah.

1 A. I don't recall.

2 Q. Okay. Are you aware that Judge Hoyt awarded  
3 them attorney's fees?

4 A. I don't recall.

5 Q. Do you recall whether or not the award of  
6 attorneys' fees was appealed to the 5th Circuit?

7 A. No, I don't recall.

8 Q. Are you aware, do you have any recollection  
9 of what the 5th Circuit ruled?

10 A. I don't recall.

11 Q. Okay. Would it surprise you that the 5th  
12 Circuit said that you were not a prevailing party and  
13 that your attorney was not entitled to any attorneys'  
14 fees?

15 A. Would it surprise me?

16 Q. Yes.

17 A. Not necessarily.

18 Q. You were not informed of that?

19 A. I can't recall.

20 Q. Okay. All right. Now, were you involved in  
21 the effort to draw justice of the peace lines in 2013?

22 MS. RICHARDSON: Objection to  
23 relevance. You can answer.

24 A. Okay. Repeat the question, please.

25 (Whereupon the reporter reads back.)

1 A. Yeah, can you tell me what you mean by "the  
2 effort," to draw "2013 draw justice of the peace  
3 lines"?

4 Q. Well, in 2013, beginning 2013 is commissioner  
5 county had nine justice of the peace and eight  
6 constables. They redrew the lines in 2013 to eliminate  
7 five justice of the peace and four constable districts  
8 to make it four justice of the peace and four  
9 constables; do you remember that effort?

10 A. Yeah, with my map, are you asking me was I on  
11 the Commissioners Court when that happened or was I  
12 part of drawing the maps, is that; what is your  
13 question to me?

14 Q. So right now we understand what we're talking  
15 about with the Commissioners Court effort to reduce the  
16 number of JPs and redraw those lines?

17 MR. MANCINO: Objection to form.

18 Q. (BY MR. NIXON) Do you understand where --  
19 where we're talking about now?

20 A. I know what you're talking about, when it --  
21 when they got reduced, yeah.

22 Q. Yes. You were on the court at the time?

23 A. Yes.

24 Q. All right. Were you -- did you participate  
25 in any discussion pro or con about changing the JP and

1 constable lines?

2 A. Yeah, I think I probably would have been  
3 involved in the discussion against reducing the number  
4 of justices of peace and constables.

5 Q. Okay. And you opposed that?

6 A. That is correct. I opposed reducing the  
7 number, yes.

8 Q. Yes. Okay. Did you sue the county at that  
9 time?

10 A. Did I?

11 MS. RICHARDSON: Same objection to  
12 relevance.

13 A. I did not sue.

14 Q. (BY MR. NIXON) Okay. Did you participate in  
15 the meetings in which to discussions to reduce the JPs  
16 and constables taking place?

17 A. The public meetings?

18 Q. Yes.

19 A. Yes. I was there for public meetings, yes.

20 Q. Were you given the opportunity of the  
21 Commissioners Court to draw the lines yourself?

22 A. I don't recall.

23 Q. All right. Did Ryan Dennard, Commissioner  
24 Dennard at the time hand you a pen and a map and say  
25 draw four districts we don't care where they are, just

1 give us four?

2 MR. MANCINO: Objection to form.

3 MS. RICHARDSON: Same objection.

4 A. Yeah, I'm trying to -- was Ryan on the court  
5 then?

6 Q. (BY MR. NIXON) Yes.

7 A. I can't recall. Yeah, well, I can't recall  
8 if he did. I can't recall. I actually didn't -- was  
9 he on the court in 2013?

10 Q. Yes.

11 A. I can't recall, okay.

12 Q. Yes. You remember I cross examined you at  
13 trial on this issue?

14 A. In federal court, yes.

15 Q. Yes. Okay. Were you there for Ryan  
16 Dennard's testimony?

17 A. I think that I was excluded from being in the  
18 court, so I don't think --

19 Q. Somebody invoked the rules?

20 A. -- yeah, so I was not in allowed to see  
21 through -- I was not in when his testimony was --

22 Q. Well, let's go back to what, just you and  
23 Ryan Dennard. Were you given an opportunity to draw  
24 the lines?

25 A. I don't recall that.

1 Q. Okay. And if Mr -- if Mr. Dennard says that  
2 you were, are you in a position to deny that?

3 A. I can --

4 MR. MANCINO: Objection to form.

5 MS. RICHARDSON: Same objection.

6 A. I can say that I don't recall.

7 Q. (BY MR. NIXON) Okay. You just don't recall  
8 either way?

9 A. That's correct.

10 Q. Okay. Do you know whether or not the  
11 chairman of the democrat party at Galveston County was  
12 given an opportunity by Mr. Dennard to draw the lines?

13 MR. MANCINO: Objection to form.

14 MS. RICHARDSON: Same objection.

15 A. Okay. I don't know.

16 Q. (BY MR. NIXON) You weren't advised of that  
17 either by the chairman of the party or by Mr. Dennard?

18 A. I don't recall.

19 Q. Do you know whether or not Neil Baron who's  
20 here in the room was given an opportunity to draw those  
21 lines?

22 A. I don't recall that.

23 MR. MANCINO: -- objection.

24 MS. RICHARDSON: Objection to form.

25 A. I don't recall that.



1 Q. (BY MR. NIXON) Okay. You don't have any  
2 knowledge of that?

3 A. I don't even remember who the party chair  
4 was.

5 Q. Okay. Very good. Are you familiar with  
6 the -- have you seen the opinion and order of Judge  
7 Chris -- I mean, excuse me, of Judge Costa that has  
8 come out this year; this year or last year?

9 MS. RICHARDSON: It was last year.

10 Q. (BY MR. NIXON) Yeah, last year.

11 MS. RICHARDSON: Objection.

12 Q. (BY MR. NIXON) Have you see the opinion of  
13 Judge Costa?

14 MS. RICHARDSON: And then I'll -- same  
15 objection to relevance.

16 A. You ask me have I read it?

17 Q. (BY MR. NIXON) Yes.

18 A. Yeah, no. I have not.

19 Q. Have you discussed it with anyone?

20 A. Seems as if there may have been an executive  
21 session with the Commissioners Court where it was  
22 talked about.

23 Q. You're aware that Judge Costa found that  
24 there was no intent of the county of any racial --  
25 there was no racial intent of the county in redrawing

1 the JP and constable lines?

2 A. Yeah --

3 MR. MANCINO: Objection to form.

4 MS. RICHARDSON: Same objection.

5 A. -- I do not recall that.

6 Q. (BY MR. NIXON) Okay. Are you aware that the  
7 county won that lawsuit?

8 A. I was not aware, I do not recall I should  
9 say.

10 Q. Have you advised any of plaintiff's attorneys  
11 that the county won that lawsuit?

12 A. No.

13 Q. Have you advised the Court in this case that  
14 the county won that lawsuit --

15 MS. RICHARDSON: Objection to form.

16 A. You talking about --

17 Q. (BY MR. NIXON) Yes.

18 A. -- no.

19 Q. Are you aware --

20 A. -- where is the Court you talking about, the  
21 Commissioners Court?

22 Q. Yes, the county -- the county won the  
23 lawsuit?

24 A. Who did I advise, the Commissioners Court?

25 Q. No, did you advise Judge Brown?

1 MR. MANCINO: Objection to form.

2 MS. RICHARDSON: Same objection.

3 MR. HOWRY: Objection.

4 A. No.

5 Q. (BY MR. NIXON) Okay. Let's go back.

6 Let's -- let's -- let's move forward to January of  
7 2021, okay? Were you concerned about redistricting  
8 process?

9 MR. HOWRY: Objection, form.

10 MS. RICHARDSON: Same objection.

11 MR. MANCINO: I'll join.

12 A. When you say concerned, what do you mean  
13 concerned?

14 Q. (BY MR. NIXON) Were you thinking about it?

15 MR. HOWRY: Objection, form.

16 Q. (BY MR. NIXON) About how it would affect your  
17 district?

18 A. In January of 2021, I can't recall if I  
19 started being concerned at that particular time.

20 Q. Did you ask to see some census numbers or  
21 early census numbers?

22 A. No.

23 Q. Did you ask anyone at the county for -- for  
24 geographical data?

25 A. In January of 2021?

1 Q. Yes.

2 A. No.

3 Q. All right. So everybody understands the  
4 county has something called the GIF director; what is  
5 GIF?

6 A. I mean, I -- you're talking about a map  
7 drawer --

8 Q. Yes.

9 A. -- I mean, that's basically what it is.

10 Q. Yes.

11 A. If that's what talking about?

12 Q. Yes.

13 A. Yeah, if that's what you're talking about,  
14 yeah.

15 Q. County --

16 A. Yeah.

17 Q. Who's that person?

18 A. Nathan Ziegler.

19 Q. And how long have you known him?

20 A. I don't know exactly how long, but the -- the  
21 better part of 10 years.

22 Q. Anytime you've asked Nathan Ziegler for  
23 information, has he given it to you?

24 MR. MANCINO: Objection to form.

25 MS. RICHARDSON: Same objection.

1 A. I've generally not really asked him for  
2 anything, but very rarely, but, yes.

3 Q. (BY MR. NIXON) So it's always been in  
4 response of whatever you've asked?

5 A. A few times, yes. Other than one, but, yes.

6 Q. Other than one?

7 A. Yes.

8 Q. One time he was not responsive?

9 A. That is correct.

10 Q. When was that?

11 A. At some point during this process I had went  
12 to Nathan Ziegler -- well, I went to his boss really  
13 Michael Shannon about census data that was probably in  
14 September or October, late September, I think it was  
15 about census data, getting his census data for the  
16 precincts.

17 Q. What happened?

18 A. I never got it.

19 Q. Census data for your precinct?

20 A. Yeah.

21 MR. HOWRY: Make sure you're speaking  
22 up.

23 THE WITNESS: I'm sorry.

24 Q. (BY MR. NIXON) Census data for your precinct?

25 A. For the county.

1 Q. For the entire county?

2 A. Yes.

3 Q. And you never received any?

4 A. No.

5 Q. Okay. Did you go back to him a second time  
6 to say I didn't get what I asked for?

7 A. No, I went back to his -- I went back to his  
8 boss Michael Shannon and told Michael to stand down  
9 maybe a few days later and said, hey, that's okay.

10 Q. Now, you've produced to us Holmes Documents  
11 001288 through 1298?

12 MR. NIXON: Do you have a sticker?

13 THE REPORTER: Give me one second,  
14 sorry.

15 MR. HOWRY: Do you have extra copies  
16 of what you're going to show the witness?

17 MR. NIXON: Yes.

18 MS. OLALDE: We only have a couple of  
19 extra copies --

20 MR. HOWRY: Very good.

21 MR. MANCINO: Sorry. You have one  
22 that I can share with Valencia and Neil?

23 MR. NIXON: I only have three.

24 MS. RICHARDSON: I'm happy to pull it  
25 up on my computer, if you want to share that.

1 Q. (BY MR. NIXON) I just have a couple of quick  
2 questions. Ready? Commissioner, I'm going to hand you  
3 what's been marked as Holmes Exhibit 1 and ask you if  
4 you can identify that for me, please?

5 (Exhibit No. 1 marked.)

6 MS. RICHARDSON: Ms. Olalde are you  
7 going to share virtually?

8 MS. OLALDE: No, we --

9 MR. BARON: She's working on it right  
10 now. We're working on it right now, quickly.

11 MS. RICHARDSON: Okay.

12 A. Is this one of my documents?

13 Q. (BY MR. NIXON) Yes, sir.

14 A. Yes.

15 Q. What is it?

16 A. It is a census data for, looks like voting  
17 precincts of Galveston County.

18 Q. Is that county information you asked for from  
19 Mr. Shannon?

20 A. Generally, yes.

21 Q. Did you remember when you got this?

22 A. I did not get this. I did not get this from  
23 Michael Shannon.

24 Q. Who did you get it from?

25 A. If I can recall I got this off census dot

1 gov's (sic) website.

2 Q. Okay. All right. You didn't get it from

3 Mr. Shannon you got it from texas.gov?

4 A. Yes.

5 Q. Okay.

6 A. That's my recollection.

7 Q. Okay. Is that why you didn't go back to

8 Mr. Shannon you already had the information you needed?

9 A. No, I ended up getting this, I probably got  
10 this after I had that conversation with Mr. -- Mike  
11 Shannon.

12 Q. Do you remember when you got the information  
13 that's in Exhibit 1?

14 A. Yeah, it was some time in probably late  
15 September, early October. Somewhere thereabout, I  
16 don't remember exactly.

17 Q. So this is an only time Mr. Shannon failed to  
18 give you what you wanted on a timely basis?

19 A. Yeah, but, again I asked him to stand down a  
20 few days later, maybe a week later I asked him just to  
21 stand down.

22 Q. Because you already had it?

23 MS. RIORDAN: Nathan Ziegler.

24 Q. (BY MR. NIXON) Or Nathan Ziegler, did you ask  
25 Nathan Ziegler to stand down?



1 A. Yeah, I never talked to Nathan again about  
2 it.

3 Q. Okay. So you called Mr. Shannon --

4 A. No, I told him verbally when I saw him at the  
5 meeting.

6 Q. -- don't bother getting it, I got it already?

7 A. I didn't say I got it already, I said don't  
8 worry about it.

9 Q. Okay. All right. What was his response, if  
10 any?

11 A. I don't recall what his response was.

12 Q. Okay. I'm going to hand you what's been  
13 marked Holmes Exhibit 2 and ask you if you can identify  
14 that?

15 (Exhibit No. 2 marked.)

16 A. Yeah, looks like an email from Michael  
17 Shannon to me.

18 Q. (BY MR. NIXON) What's the date of that email?

19 A. February 1st.

20 Q. Of?

21 A. 2021.

22 Q. Did you ask Mr. Shannon for information?

23 A. Any additional information, or what I asked  
24 him --

25 Q. Why did he sent (sic) you that email?

1 MR. HOWRY: Objection form.

2 MS. RICHARDSON: Same objection.

3 A. -- I don't recall. It may have been related  
4 to the question I had asked before, but I don't recall.

5 Q. (BY MR. NIXON) What information did he  
6 provide to you?

7 A. Well, this looks like a map, a census map for  
8 the county, but again this is dated February 1st 2021,  
9 and the conversation I was telling you that I had with  
10 him was late September, early October --

11 Q. Right.

12 A. -- 2021, so it would have been afterwards.  
13 So if I asked him for something prior to that --

14 Q. Yes.

15 A. -- I don't recall.

16 Q. Okay. In any event Mr. Shannon sent you an  
17 email dated February 1st 2021?

18 A. Yes.

19 Q. And he says "Commissioner Holmes attached are  
20 two files showing the minority population by census  
21 block in the county, one map shows the African  
22 American/Black population and the other Hispanic  
23 population, Michael;" did you ask him for this  
24 information?

25 A. I don't recall what the -- what the reason

1 for that email was.

2 Q. Did you find this information helpful?

3 A. I don't recall the email.

4 Q. Okay. Regardless of whether or not you  
5 recall it, did you find when you -- did you consider  
6 this information in any of your thought processes  
7 regarding redistricting?

8 MS. RICHARDSON: Objection to form.

9 A. Yeah, what that may have been related to  
10 something totally different, the spending of American  
11 Rescue Plan Funds and where they can be spent, what  
12 part of the county they can be spent in.

13 Q. (BY MR. NIXON) Okay.

14 (Reporter clarification.)

15 A. They may be related to American Rescue Plan  
16 Funds or they can be spent in the county, but I don't  
17 recall.

18 MR. BARON: And it is a little  
19 difficult to hear back here --

20 THE REPORTER: It is.

21 MR. BARON: -- so you might want to  
22 try to, I know you're fully capable of projecting so.

23 THE WITNESS: You talking to me or  
24 Nixon?

25 MR. BARON: You.

1 THE REPORTER: You.

2 MR. BARON: Both of you.

3 MR. NIXON: Really you're having a  
4 hard time hearing me Neil?

5 MR. BARON: You're a little more loud  
6 than Stephen, yes. That's correct.

7 MR. NIXON: I've never been accused of  
8 anybody not being able to hear me. All right.

9 Q. (BY MR. NIXON) Is there any other information  
10 that you began to gather regarding census block  
11 information regarding black and Hispanics population in  
12 Galveston County?

13 A. Yeah, I didn't begin gathering any  
14 information about it.

15 Q. Well, you had some information in February  
16 1st?

17 A. Yeah, that was -- I don't even recall that.  
18 What the reason for that was.

19 Q. Okay. Did you begin collecting information  
20 at anytime?

21 MS. RICHARDSON: Objection to form.

22 MR. HOWRY: Join.

23 A. Yeah, I think as I said before when I asked  
24 Mr. Shannon for it and your initial Exhibit there, 1,  
25 yes. And I got that at some point off of census dot

1 gov in late September early October, somewhere

2 thereabouts.

3 Q. (BY MR. NIXON) And you're the longest serving

4 member of the Commissioners Court?

5 A. Yes, Galveston County Commissioners Court,

6 yes.

7 Q. Yes. You know that any, you may place  
8 anything on the agenda as a matter of statutory right?

9 A. Yeah, you can -- you can certainly request  
10 it, yes.

11 Q. Three days notice is all you need?

12 A. 72 hours.

13 Q. What's that, 72?

14 A. 72 hours, generally.

15 Q. 72 hours.

16 A. Generally, 72 hours, but generally the cutoff  
17 for, the statutory cutoff is 72 hours, but generally  
18 the in-house is a little bit longer.

19 Q. And you know that you've been on the  
20 Commissioners Court for 24 years --

21 A. I'm sorry.

22 MR. MANCINO: -- I'm sorry, I couldn't  
23 hear you.

24 A. Yeah, since February of 1999.

25 Q. (BY MR. NIXON) Okay.

1 (Reporter clarification.)

2 A. Yeah, I've been on Commissioners Court.

3 Q. (BY MR. NIXON) Has even one time anything you  
4 wanted, asked to be on the agenda not been on the  
5 agenda?

6 MS. RICHARDSON: Objection to form.

7 A. Yes, it has happened.

8 Q. (BY MR. NIXON) When?

9 A. Probably about a year ago.

10 Q. What did you ask to be put on the agenda?

11 A. I asked for an executive session as it  
12 relates to redistricting and it was not placed on  
13 there.

14 Q. Are you entitled to have executive sessions  
15 called?

16 A. I believe so, yes.

17 Q. You believe so?

18 A. Yes.

19 Q. Do you know that as a matter of statutory  
20 right?

21 A. No.

22 Q. Do you have any documented out ranks of your  
23 requesting a executive session?

24 A. I may have an email or so.

25 Q. You do, have you produced it in this case?

1 A. No.

2 MR. NIXON: Have you seen such an  
3 email?

4 MR. HOWRY: I don't know as I sit  
5 here.

6 MR. NIXON: Okay.

7 MR. HOWRY: You want to make a request  
8 for it, you can.

9 MR. NIXON: Yes, I do.

10 MR. HOWRY: Yeah, let's make sure  
11 that's all covered in some communication after the  
12 deposition.

13 MR. NIXON: Thank you.

14 MR. HOWRY: I'm not going to try to  
15 keep up with everything you might ask for.

16 MR. NIXON: Nor me.

17 MR. HOWRY: Okay.

18 MR. NIXON: Okay.

19 MR. HOWRY: But afterwards if we have  
20 it and it's relevant, we'll get it to you.

21 THE WITNESS: Yeah, yeah.

22 Q. (BY MR. NIXON) Okay. So --

23 A. It's also -- it's also recorded on the  
24 Commissioners Court meeting that, that same meeting.

25 Q. Oh, so you did it on a, at a meeting?

1 A. No, no, no, no, no, no, no. No, our county  
2 attorney spoke at the meeting and there was an exchange  
3 during that part of the process.

4 Q. Okay. So this is an open meeting in which  
5 you made the request for an executive session?

6 A. No, no, that's not what I said.

7 Q. Okay. Tell me. I'm not understanding,  
8 that's why I'm asking?

9 A. I said that the request was sent in prior to  
10 the meeting.

11 Q. Okay. By an email?

12 A. As I can recall, it was -- the initial  
13 request was email.

14 Q. To?

15 A. Dianna Martinez who sets up the agenda.

16 Q. Okay. And Ms. Martinez might have a copy of  
17 that email?

18 A. I don't know if she would have it or not.

19 Q. Okay. And that you believe occurred, when?

20 A. It was probably about, maybe a year or so  
21 ago.

22 Q. Did you do anything regarding follow up  
23 saying I asked for this meeting, I haven't had it.  
24 This, I'm entitled to it as my right?

25 A. Well, as I can recall it's, it's not, I



1 expect it to be on the agenda when I received the  
2 agenda that Friday, it was not on there?

3 Q. Did you object?

4 A. I think that at that point it was too late to  
5 object because it was within the 72 hours.

6 Q. All right. But you -- did you -- did you --  
7 you had -- you had public hearing, right?

8 A. Yeah, that's what I just told you that during  
9 the meeting I thought the county attorney said  
10 something that I can't recall what the exchange was,  
11 but it was in the public meeting.

12 Q. Okay. And did you object to the county  
13 attorney you're referring to names?

14 A. Paul Reading.

15 Q. Paul Reading. He's outside counsel?

16 A. Yes.

17 Q. Okay. Doesn't work for the county, he works  
18 outside the county?

19 MR. HOWRY: Objection, form.

20 Q. (BY MR. NIXON) Is that right?

21 MS. RICHARDSON: Same objection.

22 A. Yes.

23 Q. (BY MR. NIXON) Okay. So your objection was  
24 only to him, did you object to the -- anybody else on  
25 the Commissioners Court?

1 MR. MANCINO: Objection to form.

2 MS. RICHARDSON: Same objection.

3 A. It was in a public meeting.

4 Q. (BY MR. NIXON) Oh, it was in public. So  
5 everybody heard it?

6 A. Yeah, yeah.

7 Q. And it's recorded?

8 A. Yeah.

9 Q. And we can go online and look at it?

10 A. Yeah, yeah, he said something to the effect  
11 of I ask for a public meeting I said, no that's not  
12 what I asked for, something to that affect. I can't  
13 recall exactly.

14 Q. Did you ask for another one?

15 A. No.

16 Q. Why not?

17 A. Cause ultimately I got the answers I was  
18 looking for.

19 Q. What answer were you looking for?

20 A. I can't recall what it was, whatever it was I  
21 want, I got.

22 Q. Okay. So there wasn't any need for an  
23 executive sessions later?

24 A. No.

25 Q. Okay. All right. And that, and in the

1 entire time you've been on the Commissioners Court,  
2 that's the only time that you've asked for something to  
3 be put on the agenda that wasn't put on the agenda?

4 A. I would say that would probably be correct.

5 Q. Okay. Have you ever asked for districting  
6 criteria to be put on an agenda at anytime you've been  
7 a commissioner?

8 MS. RICHARDSON: Objection to form.

9 A. This cycle and the previous cycle, any cycle  
10 of the redistricting since I've been here.

11 Q. (BY MR. NIXON) Even in 2000?

12 A. I can't recall.

13 Q. Did you ask for districting criteria to be  
14 put on the agenda in the year 2000 for 2001?

15 A. I can't recall.

16 Q. Okay. Did you ask for districting criteria  
17 to be put on the agenda in the year 2011?

18 A. I can't recall.

19 Q. Did you ask for redistricting, districting  
20 criteria to be put on the agenda in the year 2021?

21 A. Can't recall.

22 Q. Okay. You know that the United States  
23 conducts a census every 10 years on the years ending in  
24 zero, right?

25 A. Yes.

1 Q. Okay. You knew that the United States was  
2 conducting a census in the year 2020?

3 A. Yes.

4 Q. You knew that the county had an obligation to  
5 redistrict the commissioners' precincts to comply with  
6 one man one vote?

7 (Reporter clarification.)

8 A. Yes.

9 Q. (BY MR. NIXON) Okay. And that you knew that  
10 the Commissioners Court received census data in the  
11 year 2021 and it had an obligation to provide new  
12 lines, comply with one man one vote in 2021?

13 A. If -- if the precincts were imbalanced, yes.

14 Q. Yes, yes. Did you look at any data early in  
15 2021 that would make you think that the precincts would  
16 be out of balance?

17 A. No. Early in 2021, no.

18 Q. At anytime in 2021?

19 A. No. The first I heard that they were not in  
20 balance was the first time I talked to Dale Odom which  
21 would have been in September 20 something, 22nd  
22 something of that nature --

23 Q. Okay.

24 A. -- of 2021 was the first I knew that they  
25 were out of balance.

1 Q. All right. First time you knew that they  
2 were out of balance was in September of 2021?

3 A. Yes.

4 Q. Okay. And you learned that information from  
5 talking to Dale Odom?

6 A. Yes.

7 Q. And Dale Odom is who in relation to county?

8 A. Dale Odom was working for the county on, in  
9 this redistricting process, was hired by the county in  
10 this redistricting process in 2021.

11 Q. And his -- was his job to advise the county  
12 as to how to redistrict in a lawful manner?

13 MR. MANCINO: Objection to form, lacks  
14 foundation.

15 A. Yeah, I don't -- sorry, repeat your question.

16 Q. (BY MR. NIXON) Was Dale Odom's  
17 responsibilities with the county, conflict with the  
18 county to advise the county how to redistrict in a  
19 lawful manner?

20 MR. MANCINO: Same objection.

21 MR. HOWRY: Objection, form.

22 A. Yeah, I believe we had a contract. As part  
23 of the contract he was part of that contract. What the  
24 contract said exactly, I don't know what it said  
25 exactly.

1 Q. (BY MR. NIXON) The county voted to hire Dale?

2 A. Majority of court, yes.

3 Q. Yeah, and Dale is a lawyer who's experienced  
4 in redistricting?

5 A. He's a lawyer.

6 Q. You don't know?

7 A. I don't know anything about his credentials.

8 Q. Okay. Was this the first conversation you  
9 ever had with Dale, was in September of 2021, I --  
10 Mr. Odom, excuse me.

11 A. As it relates to the 2021 redistricting, yes.

12 Q. You met Mr. Odom in 2011, too, didn't you?

13 A. As it relates to 2010 redistricting process?

14 Q. Yes.

15 A. You know, vaguely remember him, but...

16 Q. Right. You didn't vote for him, to hire him  
17 either time?

18 A. But I recall in 2011 was that we both hired  
19 you in straight trainer. I didn't remember necessarily  
20 hiring Dale Odom.

21 Q. Well, there was -- Mr. Odom was involved in  
22 the process in 2011?

23 A. Okay. Yeah, okay.

24 Q. You're aware of that, right?

25 A. I vaguely remember him somewhat.

1 Q. Okay.

2 A. But I don't know if I ever met him during  
3 that process.

4 Q. Okay. So the first time you were aware that  
5 the, I just want to make this really clear.

6 A. Yeah, yeah.

7 Q. And I apologize if I'm asking again?

8 A. Yeah.

9 Q. The first time you were ever made aware that  
10 the Commissioner Court Precinct lines were needed to be  
11 adjusted to comply with one man one vote, was in  
12 September of 2021?

13 A. Yeah, no. I knew that we had to comply with  
14 one man one vote. But the first time I found out about  
15 it was at the time I talked to Odom and he told me that  
16 there was imbalance and I asked for the data and he  
17 said he didn't have it.

18 MR. NIXON: Okay. Objection,  
19 nonresponsive.

20 Q. (BY MR. NIXON) At no time, prior to September  
21 '21, are you testifying under oath that you were  
22 unaware that the population in the precincts needed to  
23 be adjusted to comply with one man one vote?

24 MR. HOWRY: Hold on a second,  
25 objection, and I object to the form. I mean, that --

1 that question in and of itself had two negatives in it.  
2 I don't know how you answer the question, so I'm going  
3 to object to form.

4 MS. RICHARDSON: I'm going to join  
5 that objection.

6 Q. (BY MR. NIXON) Go ahead.

7 A. Yeah, I don't recall any prior to that time.

8 Q. No one told you beforehand?

9 A. I don't recall that, no.

10 Q. Okay. And when I mean no, I mean no person  
11 at all?

12 MR. HOWRY: Objection, form.

13 Q. (BY MR. NIXON) Not with the county or not  
14 anyone you hired on your own?

15 MR. HOWRY: Objection, form.

16 MR. MANCINO: Join.

17 MS. RICHARDSON: Same objection.

18 A. Yeah, again I don't recall prior to that  
19 time. My recollection is that the first time I heard  
20 about it and my recollection was when I talked to Dale  
21 Odom in September --

22 Q. (BY MR. NIXON) What did Dale tell you?

23 A. -- before that, I don't recall it, yeah.

24 Q. I'm sorry, I didn't mean to step on your?

25 A. Yeah, I'm done. I'm done.



1 Q. What did Dale, what did Mr. Odom tell you?

2 A. My recollection is that he said that the  
3 precincts were imbalanced and that my precinct needed  
4 to pick up 8,000 or so voters, people.

5 Q. How did you respond?

6 A. I asked, my recollection is that I asked him  
7 for the data.

8 Q. And what did he say in response to that?

9 A. I think he said, as my recollection is that  
10 he didn't have -- necessarily have it, and Paul Reading  
11 was on the call as well.

12 Q. This is a meeting or a phone call?

13 A. This is a phone call.

14 Q. Okay. Let me hand you what's been marked  
15 Holmes Exhibit 3, and ask you if you can identify that?

16 MR. HOWRY: This has two documents.

17 MS. OLALDE: Yeah, I apologize.

18 Q. (BY MR. NIXON) Can you identify Holmes  
19 Exhibit 3, please?

20 (Exhibit No. 3 marked.)

21 A. This appears to be an email from me to Linda  
22 Lichty who works in the County Judge's office  
23 scheduling a, trying to schedule a meeting with Dale  
24 Odom and Paula Reading.

25 Q. (BY MR. NIXON) Was the meeting scheduled?

1 A. Yeah, I think we -- I think we talked on  
2 September 20 or 21st.

3 Q. Okay.

4 A. Dale Odom, Paul Reading, and myself.

5 Q. Okay. And this is the -- this is the phone  
6 call which you asked for specific information?

7 A. You know, I don't remember if it was that  
8 particular phone call because we had another phone call  
9 two or three days later.

10 Q. Okay.

11 A. And it may have been that, but I don't  
12 remember which -- which call it was that I asked for  
13 that.

14 Q. Why did you have a second phone call?

15 A. Because this, the initial phone call,  
16 September 20, September 21 -- you want this back?

17 Q. No, it's part of the record.

18 A. Oh, September -- september 20, September 21,  
19 that meeting was where Odom, I -- I wasn't exactly sure  
20 what was going to transpire at the meeting. Odom asked  
21 me to draw the map how I wanted my precinct to look.  
22 And I asked, and I mean that's exactly -- I don't have  
23 any data, find anything. Can you send some data. Let  
24 me look at the data. And he may have said it at that  
25 meeting that my precinct was 8,000 short or it may have

1 been the next meeting, I can't remember, but at some  
2 point I said I don't have any data, I can't draw the  
3 maps. It may have been at that meeting I asked for the  
4 data cause I need some data to draw the map.

5 Q. Did you ask Mr. Shannon for any data at the  
6 anytime?

7 A. Yeah, I think the next day I asked Michael  
8 Shannon. Actually, I called Michael Shannon and I  
9 don't know if he was in the room with Nathan, or he  
10 brought Nathan into the room with him. And that's when  
11 I asked him I alluded to earlier and previous testimony  
12 that hey, can you guys get the data of, the precinct  
13 data of voting precinct by vote, voting precinct.

14 Q. And did they do that?

15 A. No, I never got that.

16 Q. I went online to the census bureau and got  
17 it?

18 A. What ended happen is at some point Paul  
19 Reading, Paul Reading said that Tyler, he thought Tyler  
20 had the census data, meaning Tyler Drummond, the  
21 Judge's chief of staff and that he could get it from  
22 Tyler, at some point he said that to me and he  
23 subsequently sent an email or, that had some precinct  
24 data with the Commissioners precinct data, as I can  
25 recall.

1 Q. Okay.

2 MR. HOWRY: Hey, Joe, you been going  
3 almost an hour, not quite -- and I don't like to  
4 interrupt you --

5 MR. NIXON: You'd like a break?

6 MR. HOWRY: -- but at some point in  
7 time, I like to take a break at least once an hour.

8 MR. NIXON: Let's take a break now.

9 MR. HOWRY: That's fine, thank you.

10 THE VIDEOGRAPHER: Off the record at  
11 9:59.

12 (Off the record.)

13 THE VIDEOGRAPHER: We are back on the  
14 record at 10:23.

15 Q. (BY MR. NIXON) Okay. I think where we left  
16 off you had had a conversation with Dale and -- excuse  
17 me, Mr. Odom and Mr. Reading on the phone and that  
18 there was a subsequent follow up conversation?

19 A. Yes.

20 Q. And in the first conversation you asked for  
21 certain census data?

22 A. Yes, Dale said he didn't have it.

23 Q. Okay.

24 A. Paul said he thought -- Paul Reading said he  
25 thought that Tyler Drummond had it, he would check with

1 Tyler Drummond to see if he had it. And subsequent to  
2 that I think Paul sent me an email with some type of  
3 precinct by precinct data, voting precinct by voting  
4 precinct data, but I think maybe with the, just the  
5 four commissioner precinct data.

6 Q. (BY MR. NIXON) Let me hand you what's been  
7 marked as Holmes Exhibit 4 which is an email from Paul  
8 Reading to you.

9 (Exhibit No. 4 marked.)

10 MS. OLALDE: It is two pages as the  
11 attachment.

12 Q. (BY MR. NIXON) oh, okay. Two pages. Do you  
13 remember receiving this email?

14 A. Yes.

15 Q. Okay. Is this the information that you  
16 wanted?

17 A. No.

18 Q. You wanted it broken down into voting  
19 district precincts?

20 A. That is correct.

21 Q. Okay. But what you got was the commissioner  
22 court precinct data?

23 A. Well, I also wanted.

24 MR. MANCINO: Off the record, it's not  
25 my stomach.

1 (Laughter.)

2 A. Let me read it real quick though.

3 Q. (BY MR. NIXON) Sure, take your time.

4 A. Yeah, this is what I got from Paul.

5 Q. Okay. If you had -- did you want to -- so

6 Mr. Odom asked you in this initial conversation to draw

7 a map?

8 A. Right. That's correct.

9 Q. Okay. Did you do so?

10 A. Not in the initial conversation, no.

11 Q. Subsequently?

12 A. Yes, the next -- the next -- I don't know if

13 we necessarily drew a map, but I think I outlined some

14 changes to the current map is what I did in the next

15 conversation.

16 Q. Did you send it to him?

17 A. We were actually on the phone, again we were

18 -- this is a conversation September 23, September 24

19 and we made -- and we talked about some changes to be

20 made to Precinct 3, maybe four changes.

21 Q. So in the subsequent conversation with

22 Mr. Odom was Mr. Reading on the phone?

23 A. Yes.

24 Q. And you outlined for Mr. Odom what voting

25 precincts you wanted to be moved into your district?

1 A. Yeah, yeah, but I think it was three or four  
2 changes and I don't think it was, a couple of the  
3 changes were not whole precincts they were maybe a  
4 highway split of precinct and I just cut it off at the  
5 highway, something to that affect and then I may have  
6 asked him to move maybe one full precinct.

7 Q. Okay.

8 A. It was three or four changes.

9 Q. So the changes that you -- some of the  
10 changes you included were precincts splits?

11 A. Yeah, I think maybe two. Maybe two of the  
12 changes, yes.

13 Q. No, I mean voting precincts?

14 A. Voting precinct changes, yes.

15 Q. Yeah.

16 A. Voting precincts, yeah.

17 MR. HOWRY: Commissioner Holmes, if  
18 you'll project a little bit. I know he's sitting right  
19 next to you.

20 THE WITNESS: Yeah, yeah. I got you.  
21 I got you.

22 MR. HOWRY: But I want to make sure  
23 everybody gets to hear it, thank you.

24 THE WITNESS: Yeah.

25 Q. (BY MR. NIXON:) So let me hand you what's

1 been marked as Holmes Exhibit 5 and ask you if you can  
2 identify that?

3 (Exhibit No. 5 marked.)

4 A. Yeah, this is Linda Lichty she's with -- she  
5 represents county Judges office this is an email from  
6 her to me, setting up -- setting up another meeting  
7 looks like September 23.

8 Q. (BY MR. NIXON) Okay. So the County Judges  
9 office reached out to you in, and requested another  
10 phone call with Mr. Odom and Mr. Reading in a day or  
11 two, from the first phone call?

12 A. Yes.

13 Q. Okay. Did you respond?

14 A. Yeah, I think in the email I said -- yeah,  
15 she asked me what, was September 23, at 4:00 p.m. okay  
16 with me and I said yes.

17 Q. Okay. Was that a regular phone call or Zoom  
18 call or was any kind of technical call?

19 A. Yeah, it was just a -- it was a  
20 teleconference.

21 Q. Okay. Hand you what's been marked as Holmes  
22 Exhibit No. 6, and ask you if you can identify that  
23 page?

24 (Exhibit No. 6 marked.)

25 A. Yeah, I don't think I've ever seen this one



1 before.

2 MR. MANCINO: I'm sorry?

3 Q. (BY MR. NIXON) You've not --

4 A. I don't think I've seen this document before.

5 Q. (BY MR. NIXON:) Okay. What is Holmes Exhibit  
6 No. 6?

7 MR. MANCINO: Objection to form.

8 A. What is it?

9 Q. (BY MR. NIXON) Yeah, what is -- I mean, have  
10 you seen anything like that?

11 A. It says Linda will initiate the call no later  
12 than 3:55 on Thursday.

13 Q. Did you have that call?

14 A. Yeah, yeah. Uh-huh.

15 Q. Okay. All right.

16 A. On September 23, yes.

17 Q. What was discussed?

18 A. Again, same question from Dale Odom, draw  
19 your precinct how you would like for your precinct to  
20 look.

21 Q. And is it in this call that you told him the  
22 changes, the four or five changes you wanted?

23 A. Yes, it is. Yeah, that is correct.

24 Q. Okay.

25 A. I asked him to, you know, move a precinct,

1 cut a couple precincts here and there was my request  
2 I -- yeah, maybe four -- three or four changes. It  
3 wasn't a whole bunches of changes, maybe three or four  
4 changes.

5 Q. Do you know whether or not you added enough  
6 population to your Commissioners Court district to  
7 comply with one man one vote?

8 A. At that time I did not know because I did not  
9 -- still did not have data on precincts to make that  
10 determination necessarily.

11 Q. Okay. Did you utilize the website that  
12 Mr. Reading sent you to try to obtain census data?

13 MS. RICHARDSON: Objection to form.

14 A. I don't think so. Yeah, I don't think so.

15 Q. (BY MR. NIXON:) Okay. Do you know whether  
16 the county had the census data at that time?

17 MR. MANCINO: Objection to form.

18 A. When you say the county, you mean anybody  
19 specific or just anybody in the county?

20 Q. (BY MR. NIXON) Yes.

21 MR. HOWRY: Objection to form.

22 Q. (BY MR. NIXON:) Go ahead and answer?

23 A. I don't know who would have had that.

24 Q. Did the GIF, Mr. Shannon have it?

25 A. I don't know.

1 Q. Okay. Did you ask him for it?

2 A. Yes, I looked as we restated previously when

3 we were talking, I did ask him, I did not necessarily

4 ask him I asked Nathan Ziegler.

5 Q. And then you told Nathan don't bother --

6 later you told don't bother, I got it?

7 MR. HOWRY: Objection, form.

8 MS. RICHARDSON: Objection to form.

9 A. No, I did not say that to Nathan, I said that

10 to Michael Shannon.

11 Q. Okay.

12 A. Don't worry about it.

13 Q. Don't worry about it?

14 A. Yeah.

15 Q. Okay. And you -- did you get the information

16 you got from some other source, you needed from some

17 other source?

18 A. What I wanted I did get it from census dot

19 gov.

20 Q. Okay. And that's the website that

21 Mr. Reading suggested that you go to?

22 MR. HOWRY: Objection to form.

23 A. No.

24 Q. (BY MR. NIXON) No?

25 A. No.

1 Q. You just went to census dot gov?

2 A. I just started looking for it, but I don't  
3 recall I think -- recall what Paul suggested, but  
4 whatever he suggested, what I was looking for as I can  
5 recall was not there.

6 Q. Okay. Did you ever say to Mr. Reading I need  
7 more information?

8 MR. HOWRY: Objection to form.

9 MS. RICHARDSON: Objection to form.

10 A. That -- that statement would have been made  
11 on the phone call with Dale Odom and Mr. Reading and  
12 that statement would have been, "Hey, again as I said  
13 before I missed your phone call, give me the data,  
14 precinct by precinct data," voting precinct by precinct  
15 data was my request.

16 Q. (BY MR. NIXON) Did you ever get it from  
17 Mr. Reading?

18 A. Did not get it from Dale Odom, did not get it  
19 from Mr. Reading.

20 Q. Did you get it from some source?

21 A. Got it from census dot gov.

22 Q. That's it?

23 A. Yes.

24 Q. Okay. Were you able then to draw  
25 Commissioner Court precinct maps that you preferred?

1 MR. MANCINO: Objection to form.

2 A. Did I draw?

3 Q. (BY MR. NIXON) -- were you able to with the  
4 information you received from Texas dot gov.

5 MR. MANCINO: Same objection.

6 A. No, I did not draw a map based on that  
7 because I was waiting on the map from Dale Odom that he  
8 requested that I give him details on how to draw.

9 Q. (BY MR. NIXON) Okay.

10 MR. NIXON: Objection to being  
11 nonresponsive.

12 Q. (BY MR. NIXON) Let me ask it again. Were you  
13 able to draw a map that you prefer with the information  
14 you received from census dot gov?

15 MR. MANCINO: Objection to form.

16 MS. RICHARDSON: Same objection.

17 A. Did not draw map with the information that I  
18 received from census dot gov.

19 Q. (BY MR. NIXON) Didn't ask you whether you  
20 did, we know that you did not?

21 MR. MANCINO: Objection to form.

22 MS. RICHARDSON: Objection to form.

23 Q. (BY MR. NIXON) -- I'm asking whether you were  
24 able to?

25 MR. MANCINO: Argumentative.

1 MR. HOWRY: Same. Objection, form.

2 MS. RICHARDSON: Same.

3 A. When you say able, what do you mean by able;  
4 do I have the capability to draw a map.

5 Q. (BY MR. NIXON) Yes.

6 A. No, I don't think I have that capability.

7 Q. Do you have -- did you have the information  
8 you needed from census dot gov to draw a map?

9 MR. MANCINO: Asked and answered.

10 MR. HOWRY: Objection form.

11 MS. RICHARDSON: Same objection.

12 A. Repeat your question.

13 Q. (BY MR. NIXON) Did you have the information  
14 you needed to draw a map from census dot gov?

15 MR. HOWRY: Objection, form.

16 MR. MANCINO: Same. Objection.

17 A. I could not. I don't think I have the  
18 capability to draw a map, but could I use that  
19 information to tell someone else how to draw it?

20 Q. (BY MR. NIXON:) Did you use that information  
21 to tell someone else how to draw the map?

22 A. No.

23 Q. And why not?

24 A. Because someone else draw a map for me.

25 Q. Who did?

1 A. Chad Dunn.

2 Q. When did you contact Mr. Dunn to look into  
3 drawing maps, first time?

4 A. November, 2021.

5 Q. Had you had a conversation with any of the  
6 lawyer (sic) at anytime during 2021 prior to November  
7 '21, when you hired Chad Dunn?

8 MS. RICHARDSON: Objection to form.

9 A. Yes.

10 Q. (BY MR. NIXON) Who?

11 A. Dale Odom.

12 Q. Good. Anybody else?

13 A. Paul Reading.

14 Q. Yes, anybody else?

15 A. No.

16 Q. You did not have a conversation with  
17 Ms. Chen?

18 A. About me drawing a map, no --

19 Q. About maps being drawn for your precinct?

20 A. -- no.

21 Q. Did you have a conversation with anyone at  
22 the Texas Civil Rights Project?

23 A. Yes.

24 MR. MANCINO: Objection to form.

25 Q. (BY MR. NIXON) Who?

1 MR. MANCINO: Overbroad.

2 MS. RICHARDSON: Same, objection.

3 A. Sarah Chen.

4 Q. (BY MR. NIXON) What time?

5 A. What time?

6 Q. Yeah, when?

7 A. It may have been October of 2021. I don't  
8 remember the exact date.

9 Q. What was the nature of that conversation?

10 A. As I could recall she asked me how -- I can't  
11 recall. I don't remember exactly what the conversation  
12 was.

13 Q. Did you call her or did she call you?

14 A. She reached out to me via email, initially.

15 Q. Why?

16 MR. MANCINO: Objection to form.

17 MR. HOWRY: Objection to form. Don't  
18 speculate.

19 A. It would have been in the email -- I don't  
20 know, it would have been an email.

21 MS. RICHARDSON: And before you get to  
22 the next question, maybe for the record we could get  
23 Sarah's name spelled correctly.

24 MR. NIXON: It's --

25 Q. (BY MR. NIXON) Do you know how to spell



1 Sarah's name?

2 A. Yeah, S-A-R-A-H.

3 Q. And what is her last name?

4 A. Last name is Chen, C-H-E-N.

5 Q. Okay. I'm going to hand you what's been  
6 marked as Holmes Exhibit No. 6 --

7 MR. HOWRY: We already have 6. We  
8 already have 6.

9 MR. NIXON: 7, thank you.

10 Q. (BY MR. NIXON) I'm going to hand you.

11 MR. HOWRY: Uh-huh.

12 (Exhibit No. 7 marked.)

13 Q. (BY MR. NIXON:) And ask you if you can  
14 identify that?

15 A. Yeah, these appear to be several emails back  
16 and forth between Sarah Chen and myself.

17 Q. Okay. So looks like the first email that you  
18 received was on Tuesday, September 28, 2021, where she  
19 introduces herself as an attorney with the Texas Civil  
20 Rights Project and asked you to call her; did you call  
21 her?

22 A. I can't recall.

23 Q. Did you respond to her email?

24 A. I don't think so.

25 Q. Why not?

1 A. I don't know.

2 Q. Did she email you back or email you again?

3 A. Yeah, there's an October 25, 2021, email in  
4 Exhibit 7, to me.

5 Q. She asked, "have you heard any updates on  
6 your county's redistricting plans," did you respond to  
7 her email?

8 A. I don't recall.

9 Q. Did you write an email to her on October 28,  
10 2021?

11 A. Yes, from your Exhibit 7, it appears that I  
12 did respond.

13 Q. Yes, and you wrote "I had a teleconference  
14 with redistricting counsel Dale Odom a couple weeks  
15 ago," was that true?

16 A. Did I have a teleconference with Dale Odom --

17 Q. Yes.

18 A. -- a few weeks prior to this?

19 Q. Yes.

20 A. Yes.

21 Q. Then you continued and you wrote "last week  
22 had an in person Monday and Zoom meeting, Friday with  
23 Odom;" is that true?

24 A. Yes.

25 Q. "Two maps displayed," did Mr. Odom show you

1 two maps?

2 A. Yes.

3 Q. In -- was it on the Monday in person meeting  
4 or a Zoom meeting on Friday; where he showed you those  
5 maps?

6 A. He showed me the maps at both meetings.

7 Q. "One that essentially obliterated my current  
8 precinct, another that is close to current  
9 configuration, but one area that is unacceptable and  
10 from what I know would be close to current racial  
11 percentages;" were those true statements?

12 A. As I believe them at the time, yes.

13 Q. Is it -- is a map 2, so he showed you map 1  
14 and map 2; is that right?

15 A. He showed me two maps, yes.

16 Q. Right. Map -- were those the maps that were  
17 put on the county's website?

18 A. I don't recall if they were the exact same  
19 maps.

20 Q. Were they close?

21 A. Similar, yes.

22 Q. And those were the maps that were presented  
23 at the meeting in November; is that correct?

24 A. Yes.

25 Q. Okay. So some time a couple of weeks before,

1 in October so some time in mid-October you were showed  
2 two maps one that essentially obliterated your current  
3 precinct, would that have been map 2?

4 MR. MANCINO: Objection to form.

5 MS. RICHARDSON: Same objection. I  
6 think he already testified that they weren't the same  
7 maps.

8 MR. NIXON: We don't have speaking  
9 objections here.

10 MR. MANCINO: You haven't been in  
11 deposition with counsel for the defendants.

12 (Laughter.)

13 A. Can you repeat the question, please.

14 Q. (BY MR. NIXON) Okay. On October 28 of 2021,  
15 you wrote "last week had an in person Monday and Zoom  
16 meeting Friday with Odom two maps were displayed," so  
17 your meeting would have been somewhere in mid-October  
18 of 2021; is that right?

19 A. We had an in person meeting and we had a Zoom  
20 meeting.

21 Q. Right. Those were somewhere in mid-October?

22 A. Yes.

23 Q. Okay. Two maps one that obliterated your  
24 current precinct, was that map number 2?

25 MR. MANCINO: I'll object to the form.

1 A. It was of the maps. I can't remember which  
2 one was one or which one was two to be quite honest  
3 with you, but it was one of the maps, yes.

4 Q. (BY MR. NIXON) Okay.

5 A. Yeah, it would have been the map that was --  
6 but similar to the map that was ultimately adopted by  
7 the Commissioners Court.

8 Q. Okay. I'm going to represent to you that  
9 that was map number two, map number one was the one  
10 closer to your precinct?

11 A. Okay.

12 Q. Okay. So the other map close, close to  
13 current configuration. So that was map number 1, but  
14 had one area that is unacceptable, was that the Bolivar  
15 Peninsula that was unacceptable to you.

16 MR. MANCINO: Objection to form.

17 MS. RICHARDSON: Same objection.

18 A. I don't recall.

19 Q. (BY MR. NIXON) Do you recall what area was  
20 unacceptable to you in one and one map that was close  
21 to the configuration?

22 A. I don't recall what I was referencing in the  
23 email.

24 Q. When you wrote "from what I know would be  
25 close to current racial percentages," would that have

1 been map number 1?

2 MS. RICHARDSON: Object to form.

3 MR. MANCINO: Join.

4 A. Yes.

5 Q. (BY MR. NIXON) Did you look at the racial  
6 percentages of the two maps that Mr. Odom presented to  
7 you?

8 A. I don't recall.

9 Q. Well, you wrote that one of the maps was  
10 close to the current racial percentage; is that right?

11 A. According to your Exhibit 7, yes, that is  
12 what I wrote.

13 Q. Did you look at the racial percentage?

14 A. I don't recall.

15 Q. Did anyone look at it for you?

16 A. I don't recall.

17 Q. Were you concerned about the racial make up  
18 of your precinct?

19 MR. MANCINO: Objection to form.

20 MS. RICHARDSON: Same objection.

21 A. I don't recall.

22 Q. (BY MR. NIXON) Why would you look at the  
23 racial percentages in your precinct?

24 A. Why would I look at the racial percentages of  
25 it?

1 Q. Yes.

2 MR. MANCINO: Objection to form.

3 MS. RICHARDSON: Same objection.

4 A. And the analysis of it all, I think you would  
5 want to have the, those ratios similar or the same than  
6 what they were before redistricting.

7 Q. (BY MR. NIXON) And did you represent to  
8 Ms. Chen that one of the maps was close to your current  
9 racial percentages?

10 A. That is what's written in the email.

11 Q. Okay. So you knew what the racial  
12 percentages was of your district was before  
13 redistricting and you were looking at what a possible  
14 racial percentages were after redistricting; is that  
15 correct?

16 A. I don't know what I was referencing in the  
17 email.

18 Q. Well, you use the term racial percentages,  
19 why would you use that term?

20 MR. MANCINO: Objection to form.

21 A. I don't recall.

22 Q. (BY MR. NIXON) On Friday, October 29,  
23 Ms. Chen writes to you, "Hi, Commissioner Holmes.  
24 Thank you so much for this update. Do you know if or  
25 when Commissioners Court will put redistricting on a

1 public meeting agenda so members of the public may  
2 weigh in? Please let me know if you can get any copies  
3 of maps even a screen shot or other image of a map can  
4 work I can recreate the map and get data separately;"  
5 did you read that email from her; it's right here?

6 A. I can't recall.

7 Q. Is there a reason why you can't recall?

8 A. I get lots of emails.

9 Q. Okay. Did you respond?

10 A. There's no response according to the Exhibit  
11 7?

12 Q. Okay. Do you know when the maps were put on  
13 the county's website?

14 A. End of October, October 29, 30th.

15 Q. Did the county invite responses?

16 A. I don't know.

17 Q. From the public?

18 A. I don't know.

19 Q. Did they receive responses from the public?

20 A. Yes.

21 Q. Was there a form to fill out on that website?

22 A. I don't know.

23 Q. Did you read any of the responses that the  
24 county received electronically?

25 A. I did not.



1 Q. Did you know how many responses the county  
2 received electronically?

3 A. I did not know a number, an exact number, no.

4 Q. Did anyone from your staff look it up?

5 A. No.

6 Q. How many people are on your staff?

7 A. One.

8 Q. Does she speak Spanish?

9 A. No.

10 Q. So let's go back to the next email on  
11 November 2, 2021, Ms. Chen writes "Hi, Commissioner  
12 Holmes I saw the maps are now posted on the county  
13 website. Do you have time to chat about the maps in  
14 the next couple of days? Copying Stephanie Swanson of  
15 the Legal Women Voters who has been closely monitoring  
16 Galveston County redistricting and spearheaded the  
17 letter encouraging adoption of redistricting criteria  
18 in a transparent process that we sent to you and other  
19 members of the Court last week;" did you receive that  
20 email?

21 A. According to your Exhibit 7, yes.

22 Q. Do you have any recollection of it?

23 A. I do not.

24 Q. Do -- she says that she sent redistricting  
25 criteria to your office and everyone else. Did you

1 receive her proposed redistricting criteria?

2 A. I don't recall.

3 Q. Did you -- did you receive what she describes  
4 as a transparent process that she sent to you and other  
5 members?

6 MR. MANCINO: Objection to form.

7 A. Yeah, I can't recall.

8 Q. (BY MR. NIXON) Did you ask to have  
9 districting criteria put on the county's agenda at  
10 anytime?

11 MS. RICHARDSON: Objection to form.

12 A. No.

13 Q. (BY MR. NIXON) And this, that exists from 20,  
14 January 1st 2021, through the entire redistricting  
15 process?

16 A. Yeah, I did not make the request nor agenda  
17 item, but I did speak with Tyler Drummond about items  
18 like that.

19 (Reporter clarification.)

20 Q. (BY MR. NIXON) Okay. My question was, did  
21 you ask to have it put on the agenda, did you?

22 MR. MANCINO: Asked and answered.

23 Q. (BY MR. NIXON) Did you draft any?

24 A. Did I personally draft any?

25 Q. Yes.

1 A. No.

2 Q. Did you even read the redistricting criteria  
3 that Ms. Chen may have sent to you?

4 A. I don't recall.

5 Q. Okay. So on Tuesday, November 2, you  
6 responded to Ms. Chen's email and said, "yes, I'm  
7 available I can chat this afternoon if you have time;"  
8 is that true?

9 A. From your Exhibit 7, that's what I...

10 Q. Did you have a call with Ms. Chen?

11 A. I don't recall.

12 Q. She wrote, she responded and said she was  
13 free from 4:00 to 5:00 and "feel free to call on my  
14 cell," right?

15 A. That's according to this document, yes.

16 Q. Okay. And you said "will do," looks like.  
17 Then she writes again, well, this is December 6. I'm  
18 going to stop -- I'm going to stop right there.

19 Do you recall -- if you don't recall having  
20 the conversation, do you recall anything you may have  
21 communicated to Ms. Chen?

22 MR. HOWRY: Objection, form.

23 MR. MANCINO: Join.

24 A. No.

25 Q. (BY MR. NIXON) Okay. Did you complain to her

1 about the process that was happening in Galveston  
2 County?

3 MR. HOWRY: Objection, form.

4 MS. RICHARDSON: Objection to form.

5 A. I don't recall.

6 Q. (BY MR. NIXON) Did she give you any  
7 information regarding the maps that were on the  
8 county's website?

9 A. I don't recall.

10 Q. Did you make any notes of this conversation?

11 A. No.

12 Q. We can look at some of your records, you're a  
13 pretty good notetaker, is there a reason why you didn't  
14 take notes of the conversation with Ms. Chen?

15 MR. MANCINO: Objection to form.

16 Lacks of foundation.

17 A. There's no reason I can't recall why I  
18 didn't.

19 Q. (BY MR. NIXON) She wrote to you again on  
20 December 6, and said, "Hi, Commissioner Holmes, I hope  
21 you've been well apologies for not checking in earlier,  
22 but do you have time for a quick call tonight or  
23 tomorrow?" Did you have a conversation with Ms. Chen  
24 on or about December 6 or December 7?

25 A. I can't recall.

1 Q. Okay. On March 21 she writes, "Hi,  
2 Commissioner Holmes. I hope you've been well and my  
3 apologies for not checking back in sooner after the  
4 vote on that terrible Commissioner Court now, the Texas  
5 Civil Rights Project and the Southern Coalition for  
6 Social Justice have been working with organizations in  
7 Galveston to investigate redistricting claims and we'd  
8 appreciate the chance to talk to you as one of the key  
9 players and stakeholders. Would any of the times next  
10 week work for you for a Zoom call with me, attorney Joe  
11 Kim Gonzales and CSCJ Senior counsel Hillary Klein;"  
12 did you have a Zoom call with those people?

13 A. I can't recall.

14 Q. (BY MR. NIXON) At all?

15 A. I can't recall.

16 MR. MANCINO: Objection to form.

17 Q. (BY MR. NIXON) You wrote back, "Hey Sarah,  
18 I'm available March 28 at 3:00, March 29th from 9:00 to  
19 12:00 and all day of the 31st, thank you." She  
20 responds by saying "let's plan on Tuesday March 29 at  
21 9:00 a.m.," did you receive a calendar invitation from  
22 her?

23 A. I can't recall.

24 Q. Did you have that phone call?

25 A. I can't recall.

1 Q. Did you provide her any information?

2 MR. MANCINO: Objection to form.

3 A. I can't recall.

4 Q. (BY MR. NIXON:) Did she represent some of the  
5 plaintiffs in the case, right, Ms. Chen?

6 A. I don't know.

7 Q. Did you sit down with her and help her draft  
8 a petition for anyone?

9 MR. MANCINO: Objection to form, lacks  
10 foundation.

11 A. No.

12 Q. (BY MR. NIXON) Did you give her facts that  
13 she included in the petition?

14 MR. MANCINO: Same objection.

15 A. I haven't read her petition.

16 Q. (BY MR. NIXON) "The United States of America  
17 alleges in paragraph 39 of their complaint that the  
18 same type of procedural and substantive deviations that  
19 lead to Department of Justice to object in 2012 to the  
20 2011 proposed commission, Commissioners Court  
21 redistricting plan were also present in the county's  
22 2021 redistricting process, including one a history of  
23 proposing discriminatory redistricting plans; two a  
24 failure to adopt redistricting criteria; three the  
25 delivered ongoing exclusion of the only minority

1 Commissioner from the process; and four the dismantling  
2 of the only minority opportunity to elect district; do  
3 you agree with those allegations.

4 MR. MANCINO: Objection to form.

5 A. Can you read it again?

6 Q. (BY MR. NIXON) Yes. The same type of  
7 procedural and substantive deviations that lead the  
8 Department of Justice to object in 2012 to the 2011  
9 proposed Commissioners Court redistricting plan were  
10 also present during the County's 2021 redistricting  
11 process, including one a history of proposing  
12 discriminatory redistricting plans; two, a failure to  
13 adopt redistricting criteria; three, the deliberate  
14 ongoing exclusion of the only minority Commissioner  
15 from the process; and four, the dismantling of the only  
16 minority opportunity to elect district; do you agree  
17 with those allegations?

18 MR. MANCINO: Objection to form.

19 A. I rather you ask me in one by one that way  
20 they're all clear in my mind when I answer the  
21 question.

22 Q. (BY MR. NIXON) Okay.

23 A. Yeah.

24 Q. A history of proposing discriminatory  
25 redistricting plans?

1 A. Yes.

2 Q. Do you agree with that?

3 A. Yes.

4 Q. Okay. What are the redistricting plans that  
5 you believe to be discriminatory?

6 A. Well, I think the last -- the last  
7 redistricting cycle we had a redistricting plan that  
8 was rejected by the Department of Justice.

9 Q. At your request?

10 MR. MANCINO: Objection form.

11 MR. HOWRY: Objection, form.

12 MR. MANCINO: And you interrupted the  
13 witness.

14 Q. (BY MR. NIXON) You objected to the Department  
15 of Justice and asked them to reject the plan, right?

16 MR. MANCINO: Objection to form, and  
17 asked and answered.

18 MS. RICHARDSON: Same objection.

19 A. I don't recall making an objection to the  
20 Department of Justice. What I recall is relating facts  
21 to the Department of Justice.

22 Q. (BY MR. NIXON) Okay. Well, let's just talk  
23 about that for a second. Did the Department of Justice  
24 state in it's Section 5 rejection letter that the plan  
25 was discriminatory?



1 A. In 2011?

2 Q. Yes.

3 MR. MANCINO: Objection to form.

4 A. I don't know.

5 Q. (BY MR. NIXON) In fact it didn't state the  
6 plan was discriminatory, did it --

7 MR. HOWRY: Objection form.

8 MR. MANCINO: Lacks foundation.

9 MS. RICHARDSON: Same objection.

10 A. I don't know.

11 Q. (BY MR. NIXON) The letter from the Justice  
12 Department that you referred to reject the plan because  
13 the county didn't prove a negative, a lack of  
14 discrimination --

15 MS. RICHARDSON: Objection.

16 MR. MANCINO: Objection.

17 MR. HOWRY: Objection.

18 Q. (BY MR. NIXON) And that the plan may have  
19 been retrogressive --

20 A. Okay.

21 Q. -- isn't that the reason?

22 MR. HOWRY: Is that a question? Are  
23 you asking him what the letter says?

24 Q. (BY MR. NIXON) Isn't that the reason?

25 MR. MANCINO: Objection to form, lacks

1 foundation.

2 MS. RICHARDSON: Same objection.

3 Q. (BY MR. NIXON) You can answer the question.

4 MR. HOWRY: I don't understand there's  
5 a question on the table. Are you asking him to agree  
6 that's what the letter says; if so, look at the letter  
7 and show it to him.

8 MR. MANCINO: Right.

9 Q. (BY MR. NIXON) Do you recall what the letter  
10 says?

11 A. I don't know. No, I don't.

12 Q. Okay. You're not in a position to provide  
13 any facts, demonstrate that the county had a history of  
14 proposing redistricting plans, are you?

15 MR. MANCINO: Objection, form. Lacks  
16 foundation, argumentative.

17 MR. HOWRY: Objection, form.

18 MS. RICHARDSON: Same objection.

19 A. Can you repeat the question.

20 Q. (BY MR. NIXON) Yeah. I'll ask it this way.

21 What facts do you have that the county has a history of  
22 proposing redistricting discriminatory redistricting  
23 plans?

24 A. There was a plan in 2011 that was rejected by  
25 the Department of Justice --

1 Q. That's it?

2 MR. HOWRY: -- counsel.

3 MR. MANCINO: -- counsel would you  
4 stop interrupting the witness.

5 Q. (BY MR. NIXON) I'm sorry, if I interrupted.

6 A. Yeah.

7 Q. Go ahead.

8 MR. HOWRY: You did interrupt.

9 MR. MANCINO: Yeah.

10 MR. HOWRY: Please let him finish  
11 answering his question before you try to ask your next  
12 question.

13 A. There was a plan that was rejected by the  
14 Department of Justice in 2011, county's redistricting  
15 plan in 2011. In the 90's there was a lawsuit, Hoskins  
16 and Hannah where there was a suit against the county  
17 based on the county not having districts that allowed  
18 for minorities to be elected in the justice of the  
19 peace and constable arena.

20 Q. (BY MR. NIXON) That's it?

21 A. Uh-huh.

22 MR. MANCINO: Objection to form.

23 Q. (BY MR. NIXON) You need to answer out loud?

24 A. Yes.

25 Q. Thank you. The second one is a failure to

1 adopt redistricting criteria. Did you propose any  
2 districting criteria?

3 A. I was not hired by the county to run the  
4 redistricting process, that was Hosman who was hired to  
5 do that not me. We did not adopt criteria, so I do  
6 agree that we did not adopt criteria.

7 MR. NIXON: I object to the  
8 nonresponsiveness of the answer.

9 Q. (BY MR. NIXON) I asked you if you did, if you  
10 offered to -- if you offered to the county an agenda  
11 item that included districting criteria?

12 A. Yeah.

13 MR. MANCINO: Objection to form, asked  
14 and answered.

15 MS. RICHARDSON: Objection, asked and  
16 answer.

17 A. I was not hired by the county to run the  
18 redistrict, of the next -- run the redistricting  
19 process. It was not my job or responsibility to do  
20 that.

21 Q. (BY MR. NIXON) Are you saying it wasn't your  
22 responsibility to offer districting criteria?

23 MS. RICHARDSON: Object to form.

24 A. It was redistricting counsel's  
25 responsibility.

1 Q. (BY MR. NIXON) Do you know whether there was  
2 a legal requirement to adopt districting criteria?

3 A. I don't know.

4 Q. Okay. The third one is deliberate an ongoing  
5 exclusion of the only minority commissioner from the  
6 process. Is the United States of America referring to  
7 you?

8 A. I don't know who they're referring to, you'd  
9 have to ask them.

10 Q. Is there another minority commissioner that's  
11 on the county?

12 A. What you're asking me if I'm the only  
13 minority commissioner on the Commissioners Court?

14 Q. Yes.

15 A. No, I'm not.

16 Q. Who were -- who were the other minorities on  
17 the Commissioners Court?

18 A. There's another minority on the Commissioners  
19 Court now.

20 Q. -- well, now.

21 A. Yeah.

22 Q. Okay. I'm talking about, so let me read that  
23 that again to be clear. The deliberate ongoing  
24 exclusion of the only minority commissioner from the  
25 process, or is the United States of America referring

1 to you?

2 MS. RICHARDSON: Object to form.

3 A. Yeah.

4 MR. MANCINO: Same objection.

5 A. Well, I don't know who they're referring to.

6 At that time, I was the only minority on the court.

7 Q. (BY MR. NIXON) Okay. Did you tell the United  
8 States of America that you were excluded from the  
9 redistricting process?

10 A. I don't recall.

11 Q. Were you excluded from the redistricting  
12 process?

13 MS. RICHARDSON: Object to form.

14 MR. MANCINO: Join.

15 A. Certain aspects, yes.

16 Q. (BY MR. NIXON) And certain aspects no?

17 MS. RICHARDSON: Object to form.

18 Q. (BY MR. NIXON) Is that right?

19 A. You'd have to point out which aspects you're  
20 talking about.

21 Q. Well, Mr. Odom and Mr. Reading called you on  
22 several occasions --

23 A. Yeah.

24 Q. -- and asked you to draw maps?

25 MR. MANCINO: Objection to form.

1 A. Mr. Odom never produced the map that I  
2 requested to be drawn.

3 MR. NIXON: Object to the  
4 nonresponsive to the answer.

5 Q. (BY MR. NIXON) Did you understand my  
6 question?

7 A. You can ask it again.

8 MR. HOWRY: He answered it, yeah.

9 Q. (BY MR. NIXON) We just spent the last 30, 45  
10 minutes going through your phone calls with Paul  
11 Reading, Mr. Odom, conversations with the people of the  
12 GIF department of county, your efforts to get data; you  
13 were included in the process, weren't you?

14 MR. HOWRY: Objection to form.

15 MS. RICHARDSON: Objection.

16 MR. MANCINO: Joined.

17 A. Was not included. I was not included.

18 Q. (BY MR. NIXON) Why do you feel like that?

19 MS. RICHARDSON: Objection to form.

20 A. I asked a map to be drawn a certain way,  
21 despite several requests that had that map drawn it was  
22 never produced by redistricting counsel for the county.

23 Q. (BY MR. NIXON) And that's why you feel you  
24 were excluded --

25 A. Can I finish?

1 Q. Yes, I'm sorry.

2 A. Yeah, there were maps that were placed on the  
3 county's website I was never involved in decision to  
4 place those maps on the county's website. The county  
5 decided to place maps on the website, I was never  
6 included in the decision to place, to use websites as a  
7 way to display maps, that never happened for me.

8 Q. Is that the only reason why you felt excluded  
9 because your map wasn't put up on the county's website?

10 A. I never got a map.

11 THE REPORTER: Did you --

12 Q. -- did you --

13 MR. HOWRY: Did you get the answer?

14 MS. RICHARDSON: I did object to form,  
15 sorry you probably didn't hear me.

16 MR. MANCINO: And I joined.

17 THE REPORTER: Okay.

18 Q. (BY MR. NIXON) That's why you feel excluded?

19 A. That's one of the reasons.

20 Q. Name the, any others?

21 A. I didn't give my map, I wasn't involved in  
22 the decision to place maps on the website, I wasn't  
23 involved in the system to use a website for that  
24 purpose; so, yeah, those are a couple of good reasons I  
25 think.



1 Q. Did the county use a website in 2011?

2 A. Not that I can recall. We had public  
3 hearings.

4 Q. All right. Would it have been your position  
5 to not have placed any maps on the website at all?

6 MS. RICHARDSON: Object to the form.

7 A. I think you can use websites, but in  
8 conjunction with that you have to have public hearings  
9 as well where you take your maps to the people in their  
10 communities because some people don't have access.

11 Q. (BY MR. NIXON) Well, I'm trying to understand  
12 your objection. Were you objecting that the maps were  
13 put on a website or that just your map wasn't on the  
14 website?

15 A. I never got a map so I can't say my map  
16 because I never got a map from the redistricting  
17 counsel. Mr. Odom never produced a map for me that I  
18 requested on several occasions, that never happened.

19 Q. Okay.

20 A. So to say I'm objecting because my map wasn't  
21 put up there, I never got a map. So I could not  
22 necessarily object to that because I didn't have a map.

23 Q. Now, fact is you did have a map it was drawn  
24 by Mr. Dunn, right?

25 MS. RICHARDSON: Object to the form.

1 MR. MANCINO: Join.

2 A. The county's maps were placed on the website  
3 October 29.

4 Q. (BY MR. NIXON) Did Mr. Dunn draw you a map?

5 MR. MANCINO: You, I think, you  
6 interrupted the witness again.

7 MR. HOWRY: I think you did too, did  
8 you finish your answer?

9 THE WITNESS: No, I was not finished.

10 A. The county placed the maps on the website  
11 October 29th, I did not speak to Mr. Dunn probably  
12 until, I don't know second week of November, 1st week  
13 in November?

14 Q. (BY MR. NIXON) Did Mr. Dunn draw you a map?

15 A. He did.

16 Q. Draw you a map of November 6?

17 A. I don't recall the exact date.

18 Q. Did you --

19 A. But it was after, well after the maps were  
20 placed on the website.

21 Q. -- was it the map that you wanted?

22 A. Not exactly the same -- not exactly the same  
23 map that I had asked Odom to draw for me, but similar.

24 Q. Did you hire Mr. Dunn or was he doing this as  
25 a volunteer?

1 A. No, I hired him.

2 Q. So the, so the attorney you hired and paid  
3 didn't even draw you the map that you wanted?

4 MS. RICHARDSON: Objection, form.

5 MR. HOWRY: Objection, form.

6 A. What?

7 Q. (BY MR. NIXON) You said he didn't -- Mr. Dunn  
8 didn't draw the map that you wanted?

9 A. I said it was -- that's not what I said.

10 Q. Well, tell me what you -- what you...

11 A. I said it was not exactly the same.

12 Q. As what you wanted?

13 MS. RICHARDSON: Object to form.

14 MR. MANCINO: Joined.

15 A. It was not the same map that I had wanted  
16 Mr. Odom to draw.

17 Q. (BY MR. NIXON) Did Mr. Draw -- Mr. Dunn draw  
18 a map for you that you liked better?

19 A. I didn't like one more than the other.

20 Q. Was the map Mr. Dunn drew for you acceptable?

21 A. To me?

22 Q. Yes.

23 A. Yes.

24 Q. Did he draw you more than one map?

25 A. Yes, two.

1 Q. Did you ask the county to place either of  
2 those maps on the website?

3 A. As I can recall, by the time I got the maps  
4 from him, it was only a day or so before we were  
5 actually having a meeting. The 11th, November 11 was a  
6 holiday, Veterans Day and I want to say that's maybe  
7 when I got the maps and the meeting was November 12.

8 (Reporter clarification.)

9 Q. (BY MR. NIXON) Okay. So let's go back over  
10 this timeline. You never received the map you wanted  
11 from Mr. Odom. Maps were placed on the county's  
12 website on the 29th, you waited a week and then you  
13 contacted Mr. Dunn and Mr. Dunn drew you a map that  
14 wasn't exactly what you had asked Mr. Odom to draw?

15 A. Yeah --

16 MR. MANCINO: Objection to form.

17 MS. RICHARDSON: Objection to form,  
18 compound.

19 Q. (BY MR. NIXON) Have I got all that right?

20 A. Part of it, but you don't have all the facts.

21 Q. Okay. Tell me -- tell me the facts I've left  
22 out?

23 A. Because on October 29th I found out the maps  
24 were going up and I thought they were already up.  
25 Tyler Drummond called me, the Judge's Chief of Staff

1 and in that conversation I asked Tyler Drummond, when  
2 were you going to lay a timeline out; he said he was  
3 working on a timeline and would get back to me with a  
4 timeline for all this stuff that happened.

5 Q. Did he get back with you with a timeline?

6 A. No.

7 Q. Did you call him back and say where's my  
8 timeline?

9 A. No, he called me back.

10 Q. Okay. When?

11 A. A few days later.

12 Q. Okay.

13 A. To let me know they were scheduling the  
14 meeting.

15 Q. And when did -- did he -- and did they have  
16 the meeting as scheduled on the 12th?

17 A. No, I think he initially told me that the  
18 meeting was going to be scheduled earlier than that, a  
19 couple days earlier than that.

20 Q. Do you remember this now?

21 A. Do I remember that?

22 Q. Yes.

23 A. Yes.

24 Q. Okay. Did you take notes of that?

25 A. I did.

1 Q. Okay. Why?

2 MS. RICHARDSON: Objection, form.

3 MR. MANCINO: Objection, form.

4 A. Why did I take notes of it?

5 Q. (BY MR. NIXON) Yeah.

6 A. I wanted to memorialize and remember the  
7 conversation.

8 Q. Because?

9 A. Because I wanted to remember the timeline of  
10 things that happened during this -- during -- from the  
11 time I met with Odom for -- to the time of adoption of  
12 maps.

13 Q. Because?

14 MR. MANCINO: He just told you.

15 MS. RICHARDSON: Objection, asked and  
16 answered --

17 MR. HOWRY: Asked and answered. You  
18 said your answer, he said it was the same.

19 A. Same.

20 Q. (BY MR. NIXON) Were you anticipating a  
21 lawsuit?

22 A. Uh, I knew that --

23 MR. MANCINO: Objection to form.

24 A. -- I knew that if the map, if the map -- the  
25 second map got adopted, I knew that there would be

1 probably a litigation, yes.

2 Q. (BY MR. NIXON) But not the first map?

3 MS. RICHARDSON: Object to form.

4 A. Possibly that one as well, but the second map  
5 sure.

6 Q. (BY MR. NIXON) Could you have been elected,  
7 let me ask you this. Do you believe that you could  
8 have -- you could be elected from map number 1?

9 MS. RICHARDSON: Object to form.

10 MR. MANCINO: Same objection.

11 A. Yeah, I'm -- I don't know -- I don't know if  
12 the question's really whether I could be elected or  
13 not. The question really goes to finding out if  
14 voters, whether they can still elect a candidate of  
15 their choice. So it doesn't necessarily goes to  
16 whether or not I can get elected, but it goes to the  
17 population of people of whether they can elect a  
18 candidate of their choice.

19 Q. (BY MR. NIXON) What was the African,  
20 American, and Hispanic citizen voting age percentage of  
21 voting map number 1?

22 A. I don't know.

23 Q. Was it 55 percent, right?

24 A. I don't know.

25 MS. RICHARDSON: Objection, to form.

1 Q. (BY MR. NIXON) Okay. You just don't recall  
2 that?

3 A. I don't recall.

4 Q. Okay. Well, assume with me that fact, United  
5 States of America represents that fact over 55 percent  
6 districting map number 1 to the Court, do you disagree  
7 with that?

8 (Reporter clarification.)

9 MR. NIXON: Okay.

10 MR. BARRING: The air conditioning  
11 just came on.

12 MS. RICHARDSON: While you were  
13 speaking.

14 MR. HOWRY: Mr. Nixon, if you don't  
15 mind I think our court reporter's shoulders are getting  
16 cold and she wants to put her jacket on --

17 MR. NIXON: We can take a break now --

18 MR. HOWRY: Whatever you want to do.  
19 I'm not trying to get that, I just want to give her a  
20 chance to put her jacket on if she wants to.

21 MR. NIXON: Whatever you want to do.  
22 I have no idea what time it is, if anybody needs a  
23 break.

24 (Off topic discussions about  
25 lunch/break.)



1 THE VIDEOGRAPHER: Off the record at  
2 11:16.

3 (Off the record.)

4 THE VIDEOGRAPHER: We are back on the  
5 record at 11:33.

6 Q. (BY MR. NIXON:) Okay. So the -- just to kind  
7 of go back set the stage, county put up two maps on the  
8 when site. Map one very similar to what you wanted  
9 plus Bolivar; is that right?

10 MS. RICHARDSON: Object to form.

11 MR. MANCINO: Object to form.

12 MR. HOWRY: Object to form.

13 A. I would have to compare.

14 Q. (BY MR. NIXON) You can't remember. You  
15 didn't look at any maps to prepare for your deposition  
16 today?

17 A. No.

18 Q. You didn't go back and look at map 1 and map  
19 2, what was -- what was adopted?

20 A. No, I did not.

21 Q. Did you want Bolivar in your district?

22 MS. RICHARDSON: Object to form.

23 MR. MANCINO: Same.

24 A. No.

25 Q. (BY MR. NIXON:) Why not?

1 A. I believe that communities of interest should  
2 be maintained and maintained in the same precinct.  
3 With my precinct the way it was drawn before there was  
4 no community of interest or common interest with  
5 Bolivar and the precinct that I represented prior to  
6 the redistricting.

7 (Reporter clarification.)

8 A. There was no community of interest with  
9 Bolivar and precinct that I represented prior to  
10 redistricting.

11 Q. (BY MR. NIXON) Any other reason?

12 A. It was generally it.

13 MR. HOWRY: Commissioner, a little bit  
14 louder.

15 THE WITNESS: Yes, sir.

16 MR. HOWRY: Thank you.

17 Q. (BY MR. NIXON:) Now -- thank you.

18 (Off record discussions about  
19 documents.)

20 Q. (BY MR. NIXON) Okay. The fourth allegation  
21 in the paragraph 39 of the Justice Department position  
22 is the dismantling of the only minority opportunity to  
23 elect district. Now, let's talk about that for a  
24 moment. Earlier I asked you if you thought you could  
25 be elected under map number 1 and your answer was, the

1 question to you rephrase the question the real question  
2 was whether or not the voters could a elect the  
3 candidate of their choice. So I'm going to ask you  
4 that, with regard to map number 1, could the minority  
5 voters elect a candidate of their choice?

6 MR. MANCINO: Objection, form.

7 MS. RICHARDSON: Object to form.

8 A. We'd have to go back and look at the data  
9 because I don't know.

10 Q. (BY MR. NIXON) Now, the Department of Justice  
11 says that that adds up being a 55 percent minority  
12 opportunity district, would you disagree with that?

13 MS. RICHARDSON: Object to form.

14 MR. MANCINO: Join.

15 A. I don't know the percentages so I would say I  
16 don't know.

17 Q. (BY MR. NIXON) Do you know the percentage of  
18 your district as it existed prior to redistricting?

19 A. Not exactly, no.

20 Q. You don't know?

21 A. Not exactly.

22 MS. RICHARDSON: Objection to form.

23 Q. (BY MR. NIXON) When you asked Mr. Odom to  
24 draw a map, did you know what the percentages were in  
25 the district that you drew in the map that you drew for

1 Mr. Odom?

2 A. No.

3 Q. Did you look?

4 MS. RICHARDSON: Object to form.

5 A. I didn't have any data.

6 MR. MANCINO: Commissioner Holmes,  
7 sorry. Could you please just raise your voice a little  
8 bit?

9 THE WITNESS: Sure, I'm sorry. It's  
10 like the fourth time.

11 MR. MANCINO: Like they mentioned we  
12 have the air-condition over our head.

13 THE WITNESS: Yeah, yeah.

14 MR. BARON: And Joe needs to speak up  
15 too I thought I heard something about a map that the  
16 commissioners wanted to approve.

17 MS. RICHARDSON: It was hard to hear  
18 over the air conditioning.

19 MR. MANCINO: Yeah, so I would  
20 interject an objection to form to that question.

21 MS. RICHARDSON: I'll join.

22 MR. NIXON: Oh, I see.

23 Q. (BY MR. NIXON:) I'm going to hand you what's  
24 been marked Exhibit No. 8, and ask you if you can  
25 identify that?

1 (Exhibit No. 8 marked.)

2 MR. MANCINO: Do you have another copy  
3 of the exhibit?

4 MR. NIXON: They were sending out for  
5 copies. It's Holmes 000319.

6 MS. OLALDE: I apologize we had to  
7 have that one reprinted today, we are going to share.

8 Q. (BY MR. NIXON) Through 346, can you identify  
9 what Holmes Exhibit 8 is?

10 A. Yeah, this appears to be an exchange of  
11 emails with myself and Chad Dunn and attached, the maps  
12 attached to it.

13 Q. I note that there's no date on these emails,  
14 do you know why that is?

15 MS. RICHARDSON: Object to form.

16 MR. HOWRY: Object to form.

17 MR. MANCINO: I can't hear the  
18 question, so I'll object to form.

19 Q. (BY MR. NIXON) There are no dates on these  
20 emails, do you know why that is?

21 MR. BARON: We have the AC right above  
22 us, Joe it's part of the problem.

23 MR. NIXON: I see.

24 MR. BARON: It just turned on a little  
25 while ago.

1 MR. NIXON: I'm trying not to raise my  
2 voice to Mr. Holmes so.

3 MR. BARON: It's okay. I'm just  
4 telling you the fan is literally right above our heads.

5 MR. NIXON: No one ever has ever told  
6 me that my voice was soft, before today.

7 MR. BARON: I am sorry, I didn't mean  
8 it in that way, Joe. I do apologize, there's always a  
9 first time.

10 A. Yeah.

11 Q. (BY MR. NIXON) Why's there no date on these  
12 emails?

13 MR. HOWRY: Objection, form.

14 MS. RICHARDSON: Objection to form.

15 A. It says November 11, 2021, on the first page.

16 Q. (BY MR. NIXON) That's a calendar invite.

17 A. No, it's right here.

18 Q. Okay. Did you go through -- that's the  
19 date -- that email "you've been invited to a following  
20 event 11:00 o'clock," but it says, it's sent -- there's  
21 no date on when any of these have been sent?

22 A. It's on the next page it says November 10,  
23 2021.

24 Q. Okay. I see that, but if you go to document  
25 000322, it looks like you were transmitted some maps?

1 A. Yeah.

2 Q. A demo map A and demo map E, when were you  
3 given these maps?

4 A. I don't know the exact date. I think  
5 November 11, maybe. I don't know the exact date.

6 Q. I don't want you to speculate?

7 A. Yeah, I don't know. The don't know the exact  
8 date.

9 Q. So you got a memo that was attached to that  
10 email that's dated November 6, did you receive that  
11 memo on or about November 6 from Mr. Dunn?

12 MS. RICHARDSON: Object to form.

13 A. No, I believe it would have been after that.

14 Q. (BY MR. NIXON) Why do you believe that?

15 A. Because I believe that when I got the maps it  
16 was only a day of two.

17 Q. Do you have -- these emails were from  
18 Mr. Dunn, but do you have these emails in your inbox?

19 MS. RICHARDSON: Objection, form.

20 A. No, I don't think everything in this packet  
21 is an email.

22 Q. (BY MR. NIXON) Well, this -- this on 332, it  
23 says "gmail Chad Dunn to me, attorney-client privilege  
24 information see attached." And then you got -- and you  
25 have here below, "thanks Chad, the meeting has been

1 pushed to this Friday, I'll review and touch base with  
2 you," do you see that; did you write that?

3 A. If it's in this, I would say yes.

4 Q. Do you have a date of your email?

5 MS. RICHARDSON: Objection, form.

6 Asked and answered.

7 A. If it's not contained on this document I  
8 don't know what the date was.

9 Q. (BY MR. NIXON) Do you have these emails in  
10 your files?

11 MS. RICHARDSON: Object to form, asked  
12 and answered.

13 A. This that I sent would have come from my  
14 emails.

15 Q. (BY MR. NIXON) Well, this looks like -- it  
16 looks like it came from Mr. Dunn's emails?

17 A. Okay. Well.

18 Q. But do you know why there's no date on  
19 your -- all your other emails have dates, do you know  
20 why these don't?

21 MS. RICHARDSON: Object to form, asked  
22 and answered.

23 MR. HOWRY: Object to form.

24 MR. MANCINO: I'll join that.

25 A. I do not.



1 Q. (BY MR. NIXON) Okay. Turn with me to pages  
2 323, which is a memo?

3 A. This page.

4 Q. Yes. This says "you will find attached map  
5 showing Galveston County's current and proposed County  
6 Commissioners Precinct boundaries. The packet includes  
7 maps of the existing and proposed plans overlay with  
8 racial shading for White, Black, Hispanic, Black plus,  
9 Hispanic and Asian and other voting population.

10 Also, included are the top line demographic  
11 information with citizen voting age break downs in  
12 recent past political performance in each precinct  
13 within each plan;" did you want all that information?

14 MS. RICHARDSON: Objection, form.

15 MR. HOWRY: Objection, form.

16 A. I can't recall.

17 Q. (BY MR. NIXON) Now, Mr. Dunn was your lawyer  
18 that you hired and he provided you specifically with  
19 racial data for districting in Galveston County; is  
20 that correct?

21 MS. RICHARDSON: Objection, form.

22 MR. HOWRY: Objection, form.

23 MR. MANCINO: Form.

24 A. Yes.

25 Q. (BY MR. NIXON) Did he provide any of the

1 other -- did you provide this information to any of the  
2 other Commissioners?

3 MS. RICHARDSON: Object to form.

4 A. I presented some things at the meeting that  
5 we had of Commissioners Court, what all got presented,  
6 I don't recall.

7 Q. (BY MR. NIXON) You don't recall. It would be  
8 -- there's a record of what you referred to?

9 A. Yeah, yeah.

10 Q. Okay. Mr. Dunn informs you that the  
11 population deviation within the current map is outside  
12 the allowed 10 percent range, with Precinct 2 at 9  
13 percent above ideal. Precinct 3 at 8.8 percent below  
14 for total deviation of 17.8. The other two precincts  
15 have deviations under 3 percent; do you see where he  
16 tells you that?

17 A. Yes.

18 Q. Why did he give you that information?

19 MS. RICHARDSON: Objection, form.

20 MR. HOWRY: Objection to form.

21 A. I don't know.

22 Q. (BY MR. NIXON) Were you trying to draw a map  
23 that complied with one man one vote?

24 MS. RICHARDSON: Objection, form.

25 MR. HOWRY: Objection form.

1 A. I wasn't drawing any maps.

2 Q. (BY MR. NIXON) Okay. Well, someone in your  
3 request was?

4 MS. RICHARDSON: Objection to form.

5 A. Yes.

6 Q. (BY MR. NIXON) Do you know what the allowed  
7 deviation is under one man one vote?

8 A. 10 percent.

9 Q. Does that mean 5 percent up and 5 percent  
10 down?

11 A. No deviation between the smallest and the  
12 largest.

13 MS. RICHARDSON: Objection to form, to  
14 that prior question as to that part.

15 Q. (BY MR. NIXON) Do you know what that means 10  
16 percent up -- 5 percent up and 5 percent down, that's  
17 the range as far as 10 percent goes?

18 A. I don't know what you're -- I don't know what  
19 you're referring to.

20 Q. Okay. One man one vote?

21 A. Yes, but I mean, I don't know the -- stop.

22 MR. MANCINO: Objection, form.

23 Q. (BY MR. NIXON) Okay. Was your District 3  
24 under populated by 8.8 percent?

25 MS. RICHARDSON: Objection to form.

1 A. According to this document, yes.

2 Q. (BY MR. NIXON) That's the same information  
3 Ms. Riordan gave you too, you were off about 9 percent?

4 A. No.

5 Q. Ms. Riordan didn't tell you that?

6 A. Mr. Odom --

7 MS. RICHARDSON: Form.

8 A. -- Mr. Odom talked in whole numbers not in  
9 percentages.

10 Q. (BY MR. NIXON) And he told you you were below  
11 ideal by how much?

12 A. 8,000 something, I don't remember the exact  
13 number.

14 Q. Okay.

15 A. But he didn't speak in percentages.

16 Q. Okay. In any event you knew you needed to  
17 add population to your District to comply with one man  
18 one vote?

19 MS. RICHARDSON: Objection to form.

20 And asked and answered.

21 A. I did become aware of that, yes.

22 Q. (BY MR. NIXON) Okay. So let's go down to the  
23 county proposed maps and let's see --

24 A. On the exact date --

25 Q. Yes.

1 A. -- same page.

2 Q. Yes, same page. County proposed map one  
3 makes only minor changes in the benchmark panel; what  
4 do you understand that to mean?

5 A. Well, if they're referring to the benchmark  
6 map as the existing map at that time, then exactly what  
7 it says, minor changes to the map that was existing at  
8 that time.

9 Q. So your Precinct 3 would have stayed pretty  
10 much the same?

11 MR. MANCINO: Objection to form --

12 MS. RICHARDSON: Objection form.

13 MR. MANCINO: -- lacks foundation.

14 A. That's not what it says. It says minor  
15 changes. It doesn't say it would stay the same.

16 Q. (BY MR. NIXON) Okay. The core neighborhoods  
17 within each precinct are maintained; what does that  
18 tell you?

19 MS. RICHARDSON: Objection to form.

20 MR. MANCINO: Join.

21 A. That they did not remove core precincts from  
22 the precinct, from the commissioner precinct.

23 Q. (BY MR. NIXON) So map one maintains your core  
24 portion?

25 MS. RICHARDSON: Objection to form.

1 MR. MANCINO: Join.

2 A. According to this document, yes.

3 Q. (BY MR. NIXON) Do you agree with that  
4 statement?

5 A. I don't disagree.

6 Q. The population deviation in majority minority  
7 Precinct 3 is resolved by adding heavily republican  
8 Bolivar Peninsula precincts to the west which reduces  
9 the black CVAP, CVAP in Precinct 3 to 32 percent and  
10 Black and Hispanics CVAP to 55 present.

11 I said Black and Hispanic; do you  
12 understand that the B&H means Black and Hispanic?

13 A. Yes, I do.

14 Q. Okay. So when I asked you earlier, does the  
15 map one have a Black and Hispanic CVAP in Precinct 3 at  
16 55 percent, would you agree that that's accurate?

17 MS. RICHARDSON: Objection to form.

18 MR. MANCINO: Join.

19 A. I have no reason not to believe it.

20 Q. (BY MR. NIXON) And it's your lawyer giving  
21 you this advice, right; you're going to believe him?

22 MR. HOWRY: Objection to form.

23 MS. RICHARDSON: Objection to form.

24 A. Is that a question?

25 Q. (BY MR. NIXON) Yes.

1 A. I probably would question some things, but I  
2 would not -- I don't think Chad actually prepared this,  
3 but, no, I wouldn't necessarily disagree with it.

4 Q. Okay. He sent it to you though?

5 A. Yes.

6 Q. It's his work product --

7 MS. RICHARDSON: Objection to form.

8 Q. (BY MR. NIXON) -- that you asked for?

9 A. Yes.

10 Q. It says "the district appears to continue to  
11 perform for Black and other minority voters;" do you  
12 agree with that statement?

13 MS. RICHARDSON: Objection to form.

14 A. I don't know.

15 Q. (BY MR. NIXON) Do you have any reason to  
16 disagree with it?

17 A. No.

18 Q. "County proposed map two makes dramatic  
19 changes in the map far beyond what is required to deal  
20 with population deviation?"

21 MS. RICHARDSON: Can you --

22 Q. (BY MR. NIXON) Do you agree with that  
23 statement?

24 MS. RICHARDSON: Can you, for the  
25 record just let us know where we're at on the document?

1 MR. NIXON: Oh, yeah, that's on the  
2 next page, 324.

3 A. I'm sorry, could you ask it again?

4 Q. (BY MR. NIXON) "County proposed map makes  
5 dramatic changes in the map beyond, far beyond what is  
6 required to deal with population deviation;" do you  
7 agree with that statement?

8 A. Yes.

9 Q. Okay. Let's go down to the demonstration  
10 map. "A review of Galveston County demographics and  
11 past political performance reveals that while  
12 configuring a reasonably compact precinct with over 50  
13 cent (sic) 50 percent Black CVAP is not possible;" do  
14 you agree with that statement?

15 MR. MANCINO: Objection to form.

16 MS. RICHARDSON: Objection to form.

17 MR. MANCINO: Incomplete question  
18 based on the document.

19 A. I won't disagree with it.

20 Q. (BY MR. NIXON) He continues retaining  
21 Precinct 3 as a majority minority district affective  
22 for minority voters is easily done, two demonstration  
23 maps are included;" did you receive these maps included  
24 with the emails?

25 A. Yes.



1 Q. And you received them on or about June?

2 A. I don't know --

3 Q. Excuse me, November 6?

4 A. -- no.

5 MR. MANCINO: Objection to form --

6 MS. RICHARDSON: Objection to form.

7 MR. MANCINO: -- asked and answered.

8 A. No, I recognize seeing that around November

9 11, to my recollection.

10 Q. (BY MR. NIXON) Is there anyway that you know  
11 of that we can confirm the date when you may have  
12 received these maps?

13 MS. RICHARDSON: Objection to form.

14 MR. MANCINO: Join.

15 A. I don't know how you're going to confirm,  
16 this came exactly -- this came directly, I don't know  
17 how you're going to confirm it.

18 Q. (BY MR. NIXON) Are you able to go back and  
19 look at your emails to see if there're dates on them?

20 A. Sure.

21 MS. RICHARDSON: Objection to form.

22 Q. (BY MR. NIXON) That's something we're going  
23 to ask for. Would Mr. Dunn have a copy of the email  
24 that he sent --

25 MS. RICHARDSON: Objection to form.

1 A. -- you will have to ask him that.

2 Q. (BY MR. NIXON) Did Mr. Dunn provide you with  
3 an invoice?

4 MS. RICHARDSON: Objection to form.  
5 Asked and answer.

6 A. Yes.

7 Q. (BY MR. NIXON) Would the invoice or did the  
8 invoice include the day in which he transferred --  
9 transferred these maps to you?

10 A. I don't recall.

11 Q. Do you have a copy of that invoice?

12 A. I'm not sure if I still have a copy of them.  
13 I'm not sure.

14 Q. Did you use your campaign funds to pay for  
15 his work?

16 MR. HOWRY: Objection to form.

17 MS. RICHARDSON: Objection to form.

18 MR. HOWRY: Asked and answered.

19 A. Yes.

20 Q. (BY MR. NIXON) Did you record the -- to  
21 disclose that as required under federal election  
22 campaign laws -- no, excuse me.

23 A. Yes. No, state.

24 Q. Texas --

25 A. Yeah.

1 Q. -- Election Campaign Laws?

2 MR. HOWRY: Objection.

3 MS. RICHARDSON: Objection to form.

4 A. Yes.

5 Q. (BY MR. NIXON) How, did you disclose it?

6 A. Campaign financial book.

7 Q. Did you file with the county?

8 A. Yes.

9 Q. Do you use a (c)(3), 501 (c)(3) in which to  
10 use for campaign purposes?

11 MS. RICHARDSON: Objection to form.

12 A. No.

13 Q. (BY MR. NIXON) Do you -- you don't -- do you  
14 use any kind 501(c)(4)?

15 MS. RICHARDSON: Objection to form.

16 And both of you all have gotten like a little lower on  
17 the volume. I can barely hear the two of you and I'm  
18 the closest.

19 Q. (BY MR. NIXON) Did you use a 501(c)(4)?

20 A. No.

21 Q. Do you use any kind of outside entity, a pact  
22 of any kind?

23 MS. RICHARDSON: Objection to form.

24 A. To raise campaign funds?

25 Q. (BY MR. NIXON) Yes, or raise or spend

1 campaign funds?

2 A. No, I do have a 501, a nonprofit though.

3 Q. Yes, and how do you use that?

4 A. That is Galveston County Senior Citizen's  
5 Activities, Incorporated. That's used for senior  
6 citizen benefits and Galveston County, but that's a  
7 whole --

8 Q. That's a different thing?

9 A. -- it's all a separate entity, yes.

10 Q. You have a fundraiser every year for the  
11 senior citizens?

12 A. That is correct.

13 Q. And members of the Commissioners Court have  
14 participated in helping raise funds for you?

15 MS. RICHARDSON: Objection to form --

16 A. No.

17 Q. (BY MR. NIXON) No?

18 A. No.

19 Q. Joe Giusti doesn't come?

20 A. You -- you're asking --

21 MS. RICHARDSON: Objection to form.

22 MR. MANCINO: Join.

23 A. -- you're asking in helping to raise funds  
24 for, is the question that you're asking.

25 Q. (BY MR. NIXON) Well, do they provide any

1 gifts of any kind to your 501(c)(3), for the senior  
2 citizens?

3 MS. RICHARDSON: Object to the form.

4 A. No.

5 Q. (BY MR. NIXON) Joe Giusti doesn't?

6 A. None that I can recall.

7 MS. RICHARDSON: Objection, form.

8 Q. (BY MR. NIXON) He hasn't bought a TV?

9 A. Not that I can recall.

10 Q. Did mark Henry provide you money at one time?

11 MS. RICHARDSON: Objection to form.

12 MR. MANCINO: Join.

13 A. Not that I can recall.

14 Q. (BY MR. NIXON) Because we can go back and  
15 look at those records and figure that out, right?

16 MS. RICHARDSON: Objection to form.

17 MR. MANCINO: Objection to form, lacks  
18 foundation.

19 A. Yes.

20 Q. (BY MR. NIXON) Thank you. Okay. So did you  
21 ask the county to include demonstration map A 4B in the  
22 county's meeting who we said adopted maps?

23 MS. RICHARDSON: Object form, asked  
24 and answered.

25 MR. MANCINO: Join.

1 A. I displayed two maps at the county

2 Commissioners Court meeting on November 12.

3 Q. (BY MR. NIXON) Yes, we're aware of that

4 because it's on the video?

5 A. Yeah, yeah.

6 Q. Were any of those maps actually put on the

7 agenda for formal consideration?

8 MS. RICHARDSON: Object to form, asked

9 and answered.

10 A. Could not put them on the general form of

11 consideration because it was within the 72 hours. It

12 was too late to get them on the agenda.

13 Q. (BY MR. NIXON) Had -- had you had these maps  
14 72 hours before the meeting, could you have put them on  
15 the agenda?

16 MS. RICHARDSON: Object to form.

17 A. What do you mean, put them on the agenda?

18 Q. (BY MR. NIXON) Well, you could have said I  
19 want my maps to be considered and will you place them  
20 on the agenda as maps three and four?

21 MS. RICHARDSON: Object to form.

22 Q. (BY MR. NIXON) You could have done that,  
23 right?

24 A. Yeah, but I don't think the wording, as I can  
25 recall on the agenda was not paid. Commissioners Court

1 decide map one, two, three or four, I don't recall the  
2 wording being on the agenda.

3 Q. That's not what I asked.

4 MR. NIXON: Objection to  
5 nonresponsiveness of the answer.

6 Q. (BY MR. NIXON) Do you have the maps within 72  
7 hours, could you -- I mean, do you have the legal  
8 authority to ask them to be put on the agenda for that  
9 meeting?

10 A. Yes.

11 MS. RICHARDSON: Objection to form.

12 MR. MANCINO: Objection to form.

13 Q. (BY MR. NIXON) I'm going to hand you what's  
14 been marked as Exhibit No. 9, and ask you if you can  
15 identify them.

16 (Exhibit No. 9 marked.)

17 MS. OLALDE: I apologize I'm not as  
18 fast at this as Jordan is so I'm going to drop it in  
19 the chat. Give me one quick second.

20 Q. (BY MR. NIXON) I think this is DEFS 00011474.  
21 Can you identify Exhibit No. 9, please?

22 (Exhibit No. 9 marked.)

23 A. This appears to be an email from my assistant  
24 Michelle Watson to Randy Chapman and it talks about  
25 information that I handed out at the Commissioners

1 Court meeting on November 12, in regards to maps.

2 Q. (BY MR. NIXON) Okay. So you sent your

3 information to who was, who was Randy Chapman?

4 A. I didn't send this.

5 Q. Oh, your staff did?

6 A. Yeah, my staff did. Brandy Chapman works in

7 the county clerks office. He keeps the records of

8 Commissioners Court.

9 Q. Okay. Did you want your maps to go on the

10 website?

11 MS. RICHARDSON: Object to the form.

12 MR. MANCINO: Same.

13 A. Yeah, this is November 12, at 4:59 after we

14 already had the meeting.

15 Q. (BY MR. NIXON) Right. So after the meeting

16 you said here, you gave the county the information

17 about your maps?

18 A. Gave it to her in the meeting, at the meeting

19 and my assistant followed up with an email for it so it

20 would be recorded in the records of the meeting from

21 that particular day.

22 Q. Okay. Thank you. United States of America

23 on, in paragraph 46 of their complaint, it says

24 "Commissioner Holmes the commission's only, the

25 commissioner court only minority member during the 2021



1 redistricting process has stated throughout that  
2 process he was excluded from discussions with defendant  
3 Henry and the other commissioners."

4                                   Were you excluded from discussions  
5 with defendant Henry and the other commissioners?

6                                   MS. RICHARDSON: Object to form, asked  
7 and answered.

8                   A. I never had a conversation with Judge Henry.  
9 The only conversation I had regarding redistricting was  
10 with Commissioner Apffel prior to the vote on  
11 redistricting.

12                   Q. (BY MR. NIXON) Did you have any conversation  
13 with Joe Giusti?

14                   A. Not prior to the vote of the redistricting I  
15 may have had a conversation after that, but not prior  
16 to it.

17                   Q. Now, you, all you commissioners have each  
18 other's phone numbers, right?

19                                   MS. RICHARDSON: Object to form.

20                   A. Yes.

21                   Q. (BY MR. NIXON) Emails, right?

22                                   MS. RICHARDSON: Same objection.

23                   A. Yes.

24                   Q. (BY MR. NIXON) You email and call each other  
25 regularly, correct?

1 A. No.

2 MR. MANCINO: Objection to form.

3 Q. (BY MR. NIXON) Have you ever called Mark  
4 Henry?

5 MS. RICHARDSON: Object to form.

6 A. Not that I can recall.

7 Q. (BY MR. NIXON) Not one time?

8 A. Not that I can recall.

9 MS. RICHARDSON: Same objection.

10 Q. Why not?

11 MS. RICHARDSON: Same objection.

12 MR. HOWRY: Objection, form.

13 A. My conversation's with the county judges  
14 office or with his Chief of staff, Donald Drummond.

15 Q. (BY MR. NIXON) You have his phone number?

16 A. Tyler Drummond?

17 Q. Yes.

18 A. Yes.

19 Q. Do you talk to him regularly?

20 MS. RICHARDSON: Objection to form.

21 MR. MANCINO: Objection to form.

22 A. I don't know if I would use the word  
23 regularly, but I do talk to him.

24 Q. (BY MR. NIXON) How often?

25 A. Depends on if there's an issue that is

1 pressing, it would be if that's so more often than not,  
2 if there's no pressing issue, not that often.

3 Q. Okay. You're comfortable calling him anytime  
4 you need?

5 A. Tyler Drummond?

6 Q. Yes.

7 MS. RICHARDSON: Objection to form,  
8 same objection.

9 A. Yes.

10 Q. (BY MR. NIXON) You're comfortable calling  
11 other commissioners too, right?

12 MS. RICHARDSON: Object to the form.

13 A. Yes.

14 Q. (BY MR. NIXON) Your staff works with the  
15 other commissioner's staff as well, right?

16 MR. MANCINO: Objection to form.

17 MS. RICHARDSON: Objection.

18 A. No.

19 Q. (BY MR. NIXON) No?

20 A. No.

21 Q. Your staff doesn't call the other  
22 commissioner's staff?

23 A. No.

24 MR. MANCINO: Objection to form.

25 Q. (BY MR. NIXON) Why not?

1 MS. RICHARDSON: Same objection.

2 A. If there's something that needs to be

3 discussed, I would make a call.

4 Q. (BY MR. NIXON) Okay. That goes without  
5 saying redistricting is -- is -- was at one time a  
6 pressing matter, right?

7 A. It certainly became pressing in the last week  
8 or two.

9 Q. Yes.

10 A. Prior to the vote.

11 Q. How many times have you called Tyler Drummond  
12 during that process?

13 MR. MANCINO: Objection to form.

14 A. I don't have a number, we spoke several times  
15 during the process.

16 Q. (BY MR. NIXON) Did he ever refuse to take  
17 your call?

18 A. What do you mean?

19 MR. MANCINO: Objection to form.

20 Q. (BY MR. NIXON) Like didn't answer your phone,  
21 said I'll call you back in a week?

22 A. Not --

23 MR. HOWRY: Objection to form.

24 MS. RICHARDSON: Objection, form.

25 A. -- not that I recall.

1 Q. (BY MR. NIXON) He was responsive to your  
2 request for communication, was he not?

3 MR. MANCINO: Objection to form.

4 MS. RICHARDSON: Same objection.

5 A. What do you mean responsive?

6 Q. (BY MR. NIXON) He answered your calls. He  
7 responded to your request for information?

8 A. Yeah.

9 Q. He talked to --

10 MS. RICHARDSON: Objection to form.

11 MR. MANCINO: Objection.

12 Q. (BY MR. NIXON) Right?

13 A. I don't know that I called him that often.  
14 So it was more him calling me.

15 Q. He called you?

16 A. Yes.

17 Q. And did you take his calls?

18 A. Yes.

19 MS. RICHARDSON: Objection to form.

20 Q. (BY MR. NIXON) Did you communicate about the  
21 redistricting process during those phone calls?

22 A. Yes.

23 Q. You know let's take a look at map number 1.

24 Okay. I'm going to hand you what's been marked as

25 Exhibit No. 10 and ask you if you can identify that?

1 (Exhibit No. 10 marked.)

2 A. This appears be proposed maps of one and 2.

3 Q. (BY MR. NIXON) It's from the county's  
4 website?

5 A. I don't know.

6 MS. RICHARDSON: Objection, form.  
7 Lacks foundation.

8 A. Yeah, I don't know.

9 Q. (BY MR. NIXON) All right. Do you know  
10 whether or not those maps are still available on the  
11 county's website?

12 A. I don't know.

13 Q. Okay. Does map number 1, Galveston Texas map  
14 1, this refers to the county's districting, proposed  
15 districting; was this available online on October 29,  
16 2021?

17 MS. RICHARDSON: Object to form.

18 A. Yes.

19 Q. (BY MR. NIXON) District 3, the one in the  
20 orange, the proposed district for you?

21 MS. RICHARDSON: Object to form.

22 A. Proposal Precinct 3.

23 MR. MANCINO: Objection to form.

24 Q. (BY MR. NIXON) Yes, do you live in Precinct  
25 3?

1 A. Yes.

2 MS. RICHARDSON: Object to form.

3 Q. (BY MR. NIXON) Where in map number 1 do you  
4 live?

5 A. I live in the northern part in Precinct 3.

6 Q. Is that that little area that's kind of  
7 surrounded by Precinct 4, in the purple?

8 MR. MANCINO: Objection to form.

9 MS. RICHARDSON: Objection to form.

10 A. I don't know if that's it or if it's, at the  
11 tip right there --

12 Q. (BY MR. NIXON) Okay. Your house was drawn  
13 into, your residence was drawn into map number 1,  
14 right?

15 MS. RICHARDSON: Object to form.

16 A. What do you mean drawn, what do you mean?

17 Q. (BY MR. NIXON) Your home --

18 A. Included.

19 Q. -- it was included in the Precinct?

20 A. Yes.

21 Q. 3, right?

22 A. Yes.

23 Q. Precinct 3 includes the Bolivar Peninsula; is  
24 that correct?

25 A. Yes.

1 Q. Okay.

2 A. On this map.

3 Q. On this map. If you take out the Bolivar  
4 Peninsula, is there any other objection you would have  
5 to Precinct 3?

6 MS. RICHARDSON: Object to the form.

7 MR. MANCINO: Join.

8 A. I don't know, I would have to study the map.

9 Q. (BY MR. NIXON) Okay. Did you study any maps  
10 in preparation for your deposition today?

11 MR. HOWRY: Objection form.

12 MS. RICHARDSON: Objection, form.

13 Asked and answered.

14 A. No.

15 Q. (BY MR. NIXON) What would you need to study  
16 about map number 1 in order for you to answer that  
17 question?

18 A. Yes.

19 MS. RICHARDSON: Objection to form.

20 MR. MANCINO: Join.

21 A. I would probably look at -- look at the  
22 population, look at the demographics and the population  
23 as well.

24 Q. (BY MR. NIXON) What demographics would you  
25 look at?



1 A. White, Black, Anglo, Hispanic.

2 Q. Anything else?

3 A. That would be generally it.

4 Q. Thank you.

5 A. Nothing I can think of at this time.

6 Q. Thank you. All right. I want to move and

7 talk to you about the hearing on November 12.

8 A. Yeah.

9 Q. Okay. Was that a special session?

10 A. Yes.

11 Q. Where are special sessions held?

12 MS. RICHARDSON: Objection, form.

13 Q. (BY MR. NIXON) Special sessions held, where

14 are they held?

15 A. In Commissioners Courtroom.

16 Q. Where?

17 A. Galveston. League City.

18 Q. League City?

19 A. Yeah.

20 Q. How often does the Commissioners Court have

21 their general meetings?

22 A. A regularly scheduled meetings?

23 Q. Your regularly scheduled meetings?

24 A. Every other Monday.

25 Q. Every other Monday?

1 A. Yes. We met last Friday because Monday was a  
2 holiday.

3 Q. Yes.

4 A. But generally every other Monday.

5 Q. So Monday, and now those meetings were held  
6 on Galveston Island in the Courtroom in Galveston  
7 Island; is that right?

8 MS. RICHARDSON: Objection, form.

9 A. Yes.

10 Q. (BY MR. NIXON) Are they always held, the  
11 regularly scheduled meetings in the courtroom on  
12 Galveston Island?

13 MS. RICHARDSON: Object to form.

14 A. Yes.

15 Q. (BY MR. NIXON) What time of day are the  
16 regularly scheduled meetings held?

17 A. 9:30 a.m.

18 Q. They're over when?

19 A. Depends on what's on the agenda. I mean, it  
20 could be really quick, 30 minutes, a little bit longer  
21 than an hour, but they're normally not very long  
22 meetings.

23 Q. Okay. The special sessions are always held  
24 at the annex on Calder Road; is that correct?

25 MS. RICHARDSON: Object to form.

1 A. No, not necessarily, not necessarily.

2 Q. (BY MR. NIXON) So that's where the annex is?

3 A. Calder Road, yes.

4 Q. Is the -- the greater percent of the  
5 population of Galveston County closer to the Calder  
6 Road courtroom or the Galveston Island courtroom?

7 MS. RICHARDSON: Object to form.

8 A. I'm not --

9 Q. (BY MR. NIXON) Well, you know the mostly  
10 population of the -- most of the county, right?

11 A. League City's our largest city, yes.

12 Q. And Galveston and -- the City of Galveston's  
13 the only city in Texas that's losing population that's  
14 over 50,000; is that right?

15 MS. RICHARDSON: Object to form.

16 MR. MANCINO: Join.

17 Q. (BY MR. NIXON) Did you know that?

18 A. No, I don't know.

19 Q. Did the population of Galveston city lose  
20 population between 2010 into 2020 sentence?

21 MS. RICHARDSON: Object to the form.

22 A. I can't recall.

23 Q. (BY MR. NIXON) it's on the, it would be on  
24 the website for me to get it?

25 A. Yeah.

1 Q. Okay. The special session on November 12 was  
2 held at what time of day?

3 A. It was in the afternoon, 2:00 o'clock, 1:30,  
4 2:00 o'clock.

5 Q. Did the democrat party of Galveston County  
6 send out a notice to people to come and attend?

7 A. I think so.

8 Q. You only have four commissioners at that  
9 meeting and that was because Ken, Commissioner Ken  
10 Clark had passed away?

11 A. No, he was still alive.

12 MS. RICHARDSON: Objection to form.

13 Q. (BY MR. NIXON) Oh, he was still alive?

14 A. Uh, huh.

15 Q. Was he too sick to attend?

16 MS. RICHARDSON: Objection to form.

17 A. I don't know what the reason was, why he  
18 wasn't there.

19 Q. (BY MR. NIXON) Okay. A quorum of the  
20 Commissioner's Court consists of how many?

21 A. Three.

22 Q. You had a quorum?

23 A. Yes.

24 Q. You don't have an issue with -- or let me ask  
25 it this way; do you have an issue with any of the, of

1 how the meeting was noticed and whether or not or  
2 complied with Texas Open Meetings Law?

3 MS. RICHARDSON: Objection form.

4 MR. MANCINO: Objection to form.

5 A. Yes, I do have knowledge of it.

6 Q. (BY MR. NIXON) Okay. Tell me what that is?

7 A. Yeah.

8 MS. RICHARDSON: Sorry, Mr. Holmes.

9 A. One of the things in the Texas statute is  
10 that you must hold a meeting in a place that can  
11 reasonably accommodate the crowd that is expected for  
12 that meeting. And my conversation with Tyler Drummond  
13 when he told me the meeting was scheduled in the early  
14 November, we talked about the meeting -- I asked where  
15 it would be held, he says, you know, my boss. You know  
16 where it's going to be held. I said Calder Road he  
17 said yes I said there's going to be I will be there and  
18 there will be a lot of people with me at that meeting,  
19 we'll have a large crowd. So knowing that you're going  
20 to have a large crowd the meeting should have been held  
21 in Galveston where we have a larger courtroom can  
22 accommodate several hundred people as opposed to the  
23 Calder Road annex which was under construction, much of  
24 much of the parking lot was blocked off and the room  
25 can only sit 35, 40 people. So many of the people that

1 were there that day were in the hallway standing up  
2 outside in different places. When the meeting should  
3 have been called and held in Galveston because it could  
4 easily accommodate the crowd that was expected.

5 Q. Did you attend the meeting?

6 A. I did.

7 Q. Did you state your objection and claim that  
8 this was an illegal meeting for that reason on the  
9 record?

10 MS. RICHARDSON: Object to form.

11 A. I don't know if I used the words "illegal  
12 meeting." -- yeah, yeah, --

13 Q. (BY MR. NIXON) I asked you to comply with the  
14 laws of the state, that's what I was asking?

15 A. Yeah.

16 Q. Not whether or not you liked it.

17 A. Yeah. No.

18 MR. MANCINO: Objection to form.

19 MS. RICHARDSON: Yeah, same objection.

20 A. Yeah.

21 Q. (BY MR. NIXON:) Did it comply with the laws  
22 of the state?

23 MS. RICHARDSON: Objection, form.

24 MR. MANCINO: Objection to form.

25 A. My answer to that is no.

1 Q. (BY MR. NIXON:) Okay. Did you state your  
2 objection to the meeting on the record?

3 A. That day?

4 MS. RICHARDSON: Object to form.

5 Q. (BY MR. NIXON:) Yes.

6 A. I can't recall.

7 Q. (BY MR. NIXON:) So as a commissioner you  
8 did -- you did not state to Judge Henry "I wish to be  
9 recognized, and I wish to make the objection, I wish to  
10 put my objection to the meeting on the record?"

11 MR. MANCINO: Objection.

12 Q. (BY MR. NIXON:) "And I think this is an  
13 illegal meeting for that reason?" Did you do that?

14 MS. RICHARDSON: Objection to form.

15 MR. MANCINO: Objection to form.

16 A. I did not use those words, no.

17 Q. (BY MR. NIXON:) Okay. Did you ask to be  
18 recognized for the purpose of objecting to the -- to  
19 the meeting being held at all?

20 MS. RICHARDSON: Objection, form.

21 MR. MANCINO: Same objection.

22 A. No.

23 Q. Did you ask at the meeting, that the meeting  
24 be delayed for the purpose of allowing you to put your  
25 maps on the agenda?

1 MS. RICHARDSON: Objection, form.

2 A. I mean, the communication that I had -- that  
3 I had received, well, that was the last day we could  
4 reasonably hold the meeting because everything had to  
5 be done on the 12th through the secretary of state's  
6 meeting.

7 MR. NIXON: Object to the  
8 non-responsiveness.

9 Q. (BY MR. NIXON:) Did you, on the record, ask  
10 that the meeting be delayed for three days?

11 MS. RICHARDSON: Object to form.

12 MR. MANCINO: Objection to form.

13 A. It could not have been delayed for three days  
14 because we did not -- we had to sign off --

15 Q. (BY MR. NIXON:) So let me ask you --

16 A. -- with the secretary -- with the Texas  
17 secretary of state.

18 Q. The answer to my question is no, you did not  
19 ask that the meeting be delayed?

20 A. No.

21 MS. RICHARDSON: Object to form.

22 MR. MANCINO: Objection to form.

23 Q. (BY MR. NIXON:) The United States of America  
24 alleges in paragraph 47 that during the September 23,  
25 2021 meeting with the county's redistricting counsel



1 Commissioner Holmes provided the county's redistricting  
2 counsel with his views as to those changes to precinct  
3 3 that he believed to be necessary and appropriate. Is  
4 that a true statement?

5 A. Yes.

6 MS. RICHARDSON: Objection, form.

7 MR. MANCINO: Objection to form.

8 A. Yes.

9 Q. (BY MR. NIXON:) Just quickly, is the new  
10 commissioner Dr. Armstrong?

11 A. Yeah.

12 Q. Friend of yours?

13 MS. RICHARDSON: Objection to form.

14 A. I wouldn't call him a friend, but I've known  
15 him a long time.

16 Q. (BY MR. NIXON:) Grew up together, right?

17 A. No. Uh-uh. I used to --

18 Q. You used to date his sister, right?

19 MS. RICHARDSON: Objection to form.

20 Q. (BY MR. NIXON:) And you're still good friends  
21 with his mom, right?

22 A. Yeah. We have the same birth date.

23 Q. You grew up in La Marque?

24 A. I grew up in Dickinson.

25 Q. Where did Dr. Armstrong grow up?

1 A. He grew up in West Texas City. He went to La  
2 Marque High School.

3 Q. Dr. Armstrong's father was active in the  
4 civil rights movement in Galveston County, wasn't he?

5 A. I know he was -- he was politically active.  
6 I don't know if he went back that far. I'm not sure.  
7 But he was -- I remember him being on the school board  
8 in La Marque.

9 MR. NIXON: I'm at a good spot.

10 MR. HOWRY: Yeah, let's take a lunch  
11 break.

12 THE VIDEOGRAPHER: Off the record at  
13 12:22.

14 (Off the record.)

15 THE VIDEOGRAPHER: We are back on  
16 record at 1:33.

17 Q. (BY MR. NIXON:) Commissioner, during the  
18 break your -- your lawyer asked me to make sure that I  
19 wasn't violating your space. And I -- you know, I know  
20 that there are, what, a dozen of us in this room. It's  
21 kind of a small room and we're all crowded around.

22 A. Yeah.

23 Q. I don't mean to -- to be too close to you at  
24 any time. So if -- and -- and if that happens, tell  
25 me.

1 A. Yeah.

2 Q. I -- I get it.

3 A. Yeah.

4 Q. I'm 6'4", and not small, right?

5 A. Yeah, yeah, so that's okay.

6 Q. So -- but, I mean, I only got so much space.

7 And there's enough of me to --

8 A. Yeah. But we do need to maintain a  
9 comfortable distance between the two of us.

10 Q. Tell me if you feel uncomfortable.

11 A. Yeah, absolutely.

12 Q. And then -- and then we'll do something about  
13 it, okay?

14 A. Uh-huh.

15 MR. HOWRY: And I -- I also offered on  
16 the record that if get to a place where we can't  
17 accomplish that, and also because of the noise  
18 situation, I've offered to switch spots with you so  
19 that there's a person between you it might also help  
20 with the audio, hearing both of you in this room.

21 So I'm going to be watching, too. And I've  
22 told you that I'll say something if I think you're  
23 getting in his space and I think you did a few times or  
24 two.

25 MR. NIXON: Well, I -- I really don't

1 want to do that.

2 MR. HOWRY: I understand.

3 MR. NIXON: If -- if I ever did I'm --

4 I want to tell you, I'm sorry. That is not my intent.

5 You know me, I've known you for a long time. I'm not

6 that kind of guy okay.

7 Q. (BY MR. NIXON:) Ready to go?

8 A. Yeah.

9 Q. Okay. Why are you not a plaintiff in this  
10 case?

11 MS. RICHARDSON: Objection to form.

12 MR. HOWRY: Objection, form.

13 MR. MANCINO: Objection.

14 A. Why am I not a plaintiff?

15 Q. (BY MR. NIXON:) Yes, sir.

16 MR. MANCINO: Objection.

17 MS. RICHARDSON: Same objection.

18 A. I mean, I don't -- I don't understand your  
19 question.

20 Q. (BY MR. NIXON:) Ten years ago you were a  
21 plaintiff?

22 MR. MANCINO: Objection to form.

23 A. Yes, that is correct.

24 Q. (BY MR. NIXON:) You're not a plaintiff at  
25 this time?

1 A. No, I'm not.

2 Q. Were you advised to not be a plaintiff?

3 MS. RICHARDSON: Objection, form.

4 MR. MANCINO: Objection.

5 MR. HOWRY: Objection, form. And

6 objection to the extent it calls for the

7 attorney-client privilege communications. You don't

8 have to talk about that.

9 Q. (BY MR. NIXON:) You can answer the question.

10 A. No.

11 Q. You were not advised? Is that what you're

12 saying, no, you're not going to answer the question or

13 no, no one gave you any advice?

14 A. No, I was not advised.

15 Q. Okay. Did any of the current lawyers who are

16 representing plaintiffs suggest to you that you not be

17 a plaintiff?

18 MS. RICHARDSON: Objection to form.

19 MR. MANCINO: Objection.

20 MR. HOWRY: Again, I object to the

21 extent it calls for attorney-client privileged

22 communications between any lawyer who's represented you

23 in the past. It -- it might impact that decision. If

24 it does, you don't have to talk about that

25 conversation.

1 A. I haven't since -- filed any lawsuits. I  
2 haven't -- I don't -- I don't believe I've talked to  
3 any of the lawyers in this case.

4 Q. (BY MR. NIXON:) I'm sorry, I didn't  
5 understand your answer. Who did you mean?

6 MR. MANCINO: Objection to form.

7 A. What was your question?

8 Q. (BY MR. NIXON) Did any of the lawyers who  
9 were representing plaintiffs in this case advise you  
10 not to be a plaintiff?

11 A. No.

12 MS. RICHARDSON: Objection to form.

13 A. No.

14 Q. (BY MR. NIXON:) Did you ever think about  
15 being a plaintiff in this case?

16 MR. HOWRY: Objection, form.

17 MS. RICHARDSON: Objection to form.

18 A. No, not necessarily.

19 Q. (BY MR. NIXON) Why not?

20 MS. RICHARDSON: Objection to form.

21 MR. MANCINO: Objection to form.

22 MR. HOWRY: It's -- objection. It's  
23 argumentative, as well.

24 A. I -- I don't have a reason.

25 Q. (BY MR. NIXON:) You did meet with the DOJ.

1 And you talked to them at least twice, right,  
2 immediately after the maps were passed; is that true?

3 MS. RICHARDSON: Objection, form.

4 MR. MANCINO: Join.

5 Q. (BY MR. NIXON:) Within the month?

6 MS. RICHARDSON: Same objection.

7 (Parties speaking simultaneously.)

8 MR. HOWRY: Is that a question -- is  
9 that a question or is that just a statement of fact?  
10 You don't have to answer. There's no question on the  
11 table right now, Commissioner.

12 MR. NIXON: I asked -- I ended it with  
13 "Is that true?"

14 (Reporter clarification.)

15 MS. RICHARDSON: Same objection.

16 Q. (BY MR. NIXON:) Is that true?

17 A. What -- what's the question?

18 Q. Did you meet with the DOJ in November of  
19 2021?

20 A. Did I have a conversation?

21 Q. Yes.

22 A. Yeah, I did. Yes.

23 Q. For what purpose?

24 A. They called me. I'm trying to remember the  
25 person's name. They called me to tell me they were

1 getting a lot of calls from Galveston County, and that  
2 they would be looking into it.

3 Q. Did they ask you for your opinion or  
4 thoughts?

5 A. No. I don't recall them asking me that at  
6 that time, no.

7 Q. Did they call subsequently to ask you for  
8 your opinion or facts?

9 MS. RICHARDSON: Objection to form.

10 MR. MANCINO: Objection to form.

11 A. I had a conversation with them later in the  
12 year or early in 2022. Late December, early January.

13 Q. (BY MR. NIXON:) Did you go back up to DC this  
14 -- this time around?

15 MS. RICHARDSON: Objection to form.

16 A. I did not.

17 Q. All your phone calls -- all your  
18 conversations with them were over the phone?

19 MR. MANCINO: Objection to form.

20 MS. RICHARDSON: Same objection.

21 A. Yes.

22 Q. (BY MR. NIXON:) Did anybody come down here to  
23 talk to you in person?

24 MS. RICHARDSON: Objection to form.

25 A. From the Department of Justice?



1 Q. (BY MR. NIXON:) Yes.

2 A. No.

3 Q. Any other governmental agency?

4 MS. RICHARDSON: Objection to form.

5 MR. HOWRY: Objection, form.

6 A. No.

7 Q. (BY MR. NIXON:) Did you speak to any of the  
8 lawyers who are currently representing plaintiffs about  
9 this case?

10 MS. RICHARDSON: Objection to form.

11 MR. HOWRY: Objection to form.

12 MR. MANCINO: Asked and answered.

13 A. Since the filing of this lawsuit or prior to  
14 filing of this lawsuit?

15 Q. (BY MR. NIXON:) Prior to filing the lawsuit?

16 MS. RICHARDSON: Same objection.

17 A. Well, I think at some -- at one point -- as  
18 you know already, we talked about Chad Dunn.

19 Q. (BY MR. NIXON:) Yes.

20 A. But at -- at that representation, at that  
21 time, no. I'm sorry -- I'm sorry. Sarah Chen, as  
22 well.

23 Q. Yes.

24 A. I forgot about that.

25 Q. Okay. Since the filing of the lawsuit, did

1 you talk to anyone?

2 A. No.

3 Q. You haven't talked to any of the lawyers  
4 since they filed the lawsuit?

5 MS. RICHARDSON: Objection to form.

6 A. No.

7 Q. (BY MR. NIXON:) You're aware -- aware that  
8 the lawsuit was filed almost a year ago, or a year --  
9 over a year ago, right?

10 A. Yeah, yes. Yeah, yeah.

11 Q. Okay.

12 A. Yeah.

13 Q. Did you retain all your documents, emails,  
14 notes, everything -- everything in your personal  
15 records and in your official capacity as the  
16 commissioner of records regarding anything to do with  
17 this lawsuit?

18 MS. RICHARDSON: Objection to form.

19 MR. MANCINO: Same.

20 A. Yeah. I would say so, yes.

21 Q. (BY MR. NIXON) How much --

22 A. But it was what I had.

23 Q. All right. So we just got it a few weeks  
24 ago?

25 A. Yeah.

1 Q. Why did it take so long?

2 MR. HOWRY: Objection, form.

3 MS. RICHARDSON: Objection, form.

4 A. What do you mean? What do you mean, why did  
5 it take so long?

6 MR. HOWRY: We complied with the  
7 subpoena, if that's what you're referring to.

8 Q. (BY MR. NIXON:) Do you think you have a  
9 conflict with the client -- with the county on this  
10 case?

11 MS. RICHARDSON: Objection to form.

12 A. What would that conflict be?

13 Q. (BY MR. NIXON:) Well, don't know. That's why  
14 I'm asking you. Do you agree that the county passed  
15 legal maps?

16 A. I don't agree that the county passed legal  
17 maps.

18 Q. So you have -- you have a disagreement with  
19 the county in this case? You think the plaintiffs are  
20 right?

21 MS. RICHARDSON: Objection to form.

22 MR. MANCINO: I'll join.

23 A. I think the defendants are wrong.

24 Q. (BY MR. NIXON:) The defendants are wrong.  
25 Does that mean the plaintiff are right, or no?

1           A.     The defendants are wrong.  I mean, I -- I  
2 mean, I haven't read all the pleadings in the case, to  
3 be honest with you.  So -- but what I know with the --  
4 I do know what the defendants did, and that is wrong.

5           Q.     In your opinion.  Is there anything -- well,  
6 let me ask you this.  Are you representing yourself to  
7 be a -- a redistricting expert in this case?

8           A.     Absolutely not.

9                         MS. RICHARDSON:  Objection to form.

10          Q.     (BY MR. NIXON) What?

11          A.     No.  A redistricting expert?

12          Q.     Yes, sir.

13          A.     No.  No.

14          Q.     Any other kind of expert?

15                         MS. RICHARDSON:  Same objection.

16                         MR. MANCINO:  Objection.

17                         MR. HOWRY:  Objection.  Objection,  
18 form.

19          A.     As it relates to this case?

20          Q.     (BY MR. NIXON:) Yes, sir.

21          A.     No.

22          Q.     Only as a fact witness; is that right?

23                         MR. HOWRY:  Objection, form.

24                         MS. RICHARDSON:  Objection, form.

25          A.     Well, I was subpoenaed to be here.  So

1 whoever subpoenaed me to be here would probably be  
2 better to answer that question.

3 MR. HOWRY: Volume, please.

4 THE WITNESS: Got you.

5 Q. (BY MR. NIXON:) So let me circle back to the  
6 other question I had. Do you think you have a conflict  
7 with the county over this case?

8 MS. RICHARDSON: Objection.

9 MR. HOWRY: Objection to form.

10 MS. RICHARDSON: Also asked and  
11 answered.

12 A. No.

13 Q. (BY MR. NIXON:) Why not?

14 MR. HOWRY: Objection, form. That's  
15 been asked and answered.

16 MS. RICHARDSON: Same objection.

17 MR. HOWRY: We're -- we're -- we're --  
18 we're going to really waste a lot of times when you're  
19 asking questions over and over -- over and over. So if  
20 you keep questions I'm going to start instructing him  
21 not to answer the question, this is one of those.

22 Q. (BY MR. NIXON:) Go ahead and answer it.

23 MR. HOWRY: Don't answer it. The  
24 question's already been asked and answered.

25 Q. (BY MR. NIXON:) Are you able to give us any

1 facts that Commissioner Giusti has done anything racial  
2 -- racially motivated as a commissioner?

3 MS. RICHARDSON: Object to form.

4 MR. MANCINO: Objection to form.

5 A. Has he done anything to me?

6 Q. (BY MR. NIXON:) Yes.

7 MS. RICHARDSON: Same objection.

8 MR. MANCINO: Join.

9 Q. (BY MR. NIXON:) Has he done -- has he done  
10 anything at all in relation to his official duties?

11 MS. RICHARDSON: Same objection.

12 MR. MANCINO: Objection to form.

13 A. That I don't know.

14 Q. (BY MR. NIXON:) Okay. Mark Henry, same  
15 question.

16 MR. MANCINO: Objection to form.

17 MR. HOWRY: Object to form of the  
18 question.

19 MS. RICHARDSON: Objection.

20 MR. MANCINO: Form of the question.

21 Q. (BY MR. NIXON:) Has Mark Henry done anything  
22 in his official duties with racial intent?

23 MS. RICHARDSON: Object to the form.

24 MR. MANCINO: Objection to form.

25 MS. RICHARDSON: Asked and answered.

1 A. Has he done anything to me racially, is that  
2 what you're asking me?

3 Q. (BY MR. NIXON:) Yeah. No, not personally to  
4 you. As it -- as it relates to his office of county  
5 judge?

6 A. Yeah, I don't know.

7 MR. MANCINO: Objection to form.

8 Q. (BY MR. NIXON:) You don't know?

9 A. No.

10 Q. What about any of the other commissioners?

11 MS. RICHARDSON: Same objection.

12 Q. (BY MR. NIXON:) Are you able to identify  
13 anything that they've done, racial intent, in their  
14 official duties? Any --

15 A. Any --

16 MR. MANCINO: Objection to form.

17 MS. RICHARDSON: Same objection.

18 Q. (BY MR. NIXON:) In their official duties.  
19 Not to you personally.

20 A. Yeah, I don't know.

21 Q. You don't know anything?

22 A. Yeah, I don't know whether they have or have  
23 not.

24 Q. Okay. I want to talk about the Dickinson  
25 voting location. Okay. There was an issue with --

1 with one -- one voting location in Dickinson. Do you  
2 remember what that was?

3 A. Who had an issue with it?

4 Q. Well, there was a -- it was pled that -- that  
5 one location was eliminated and then reinstated. Do  
6 you -- you recall what the issue was with that area in  
7 Dickinson?

8 MR. MANCINO: Objection to form.

9 MS. RICHARDSON: Same objection.

10 A. I think you'd have to give me a little  
11 more -- a little more information, what you're talking  
12 about.

13 Q. (BY MR. NIXON:) Okay. I will. I will.

14 Let's get back to just a couple of follow-up questions  
15 with regard to the September -- excuse me -- November  
16 12th meeting, special session.

17 A. All right.

18 Q. Okay.

19 A. Yeah.

20 Q. All right. There was an overflow room in  
21 which the meeting was live streamed in the other room;  
22 is that correct?

23 A. I -- I -- I don't recall that. I just recall  
24 a bunch of people in the hallways because I was -- I  
25 was there early so I could see people in the hallways.



1 Q. The -- with regard to that meeting, do you  
2 know whether or not that meeting was also live streamed  
3 on the internet?

4 A. It would be normal practice, but I do not  
5 know whether that one itself was live stream.

6 Q. Normal practice --

7 A. Yeah.

8 Q. -- to live stream?

9 A. Yeah.

10 Q. Do -- do -- you live stream all -- all your  
11 meetings, right?

12 A. It's normal practice, yeah.

13 Q. Okay. So not only -- not only were the  
14 people allowed to attend, but they were allowed to  
15 attend online, as well?

16 MR. MANCINO: Objection to form.

17 MS. RICHARDSON: Same objection.

18 A. Yeah. If it was live stream, yes.

19 Q. (BY MR. NIXON:) Okay. Good. There were  
20 constables at that meeting; is that correct?

21 A. Yes.

22 Q. There are constables at every single one of  
23 your meetings regardless of whoever it is, right?

24 A. No.

25 MS. RICHARDSON: Object to form.

1 A. No.

2 Q. (BY MR. NIXON:) There are not constables at  
3 your special sessions?

4 A. You asked me were there constables at every  
5 single meeting.

6 Q. Oh, maybe I should ask if -- there -- there  
7 are peace officers at every single one of your  
8 meetings, wherever they are; isn't that true?

9 A. No.

10 MS. RICHARDSON: Object to form.

11 A. No.

12 Q. (BY MR. NIXON:) Every time the Court meets  
13 there is at least one constable, deputy, constable,  
14 sheriff, deputy, sheriff. There is a peace officer at  
15 every single one of your meetings, where the five of  
16 you are gathered, right?

17 MS. RICHARDSON: Objection.

18 A. In the building or in the room where we're  
19 meeting?

20 Q. (BY MR. NIXON) Well, right outside the room,  
21 yes?

22 A. Yes, to what?

23 MR. MANCINO: Objection to form.

24 Q. (BY MR. NIXON:) Yeah.

25 MS. RICHARDSON: Join.

1 Q. (BY MR. NIXON:) In the building?

2 A. Yes, in the building. Yes.

3 Q. Or right -- or even right outside the --  
4 right outside the room? Always in the back, right?

5 MR. MANCINO: Objection to form.

6 MS. RICHARDSON: Same.

7 A. Most times, yes.

8 Q. (BY MR. NIXON:) Every time you go to a  
9 courtroom there's always a bailiff, peace officer of  
10 some kind in the courtroom, right?

11 MS. RICHARDSON: Objection, form.

12 MR. HOWRY: Objection, form,  
13 foundation.

14 MR. MANCINO: Objection.

15 A. In the commissioners' courtroom?

16 Q. (BY MR. NIXON:) I'm talking about a judicial  
17 courtroom at this point, any courtroom?

18 MS. RICHARDSON: Objection to form.

19 MR. MANCINO: Join.

20 A. Yeah, I would say most times. Yes.

21 Q. (BY MR. NIXON:) Okay. There's nothing out of  
22 the ordinary about that, is there, about having a peace  
23 officer at -- at a meeting where the Commissioners'  
24 Court has gathered?

25 MS. RICHARDSON: Objection, form.

1 A. Out of the ordinary -- ordinary?

2 Q. (BY MR. NIXON): Yes, sir.

3 A. In the -- again in the building, no, not out  
4 of the ordinary.

5 Q. Okay. How many email accounts do you have?

6 A. Email accounts?

7 Q. Yes.

8 A. I only use two mainly my county email and  
9 commissionerholmes@3 -- @gmail.com.

10 Q. Okay. How many telephone accounts do you  
11 have?

12 A. One.

13 Q. Cell phone?

14 A. Yes, and of course I have a county -- a  
15 county land line.

16 Q. Okay. Do you text?

17 A. Sometimes, yes.

18 Q. Have you texted -- have you produced all your  
19 texts regarding redistricting in this case?

20 A. Yes.

21 Q. You have. Okay. And you went back and  
22 looked, and searched all your texts?

23 A. Yes.

24 Q. Thank you. What is your internet service  
25 provider?

1 A. Internet service provider?

2 Q. Yes.

3 A. Xfinity.

4 Q. Do you have more than one?

5 A. Internet service provider?

6 Q. Yes, sir.

7 A. No.

8 Q. Have you been shown any of the Justice

9 Department's J memos?

10 MS. RICHARDSON: Objection to form.

11 A. I'm not familiar with the J memo.

12 Q. (BY MR. NIXON:) Have you been shown any of

13 the memos of the justice department, of their

14 internal -- of their investigation in this case?

15 MR. MANCINO: Objection to form.

16 MS. RICHARDSON: Objection to form.

17 A. No.

18 Q. (BY MR. NIXON:) Have you been shown any memos

19 at all from the justice department?

20 MS. RICHARDSON: Objection to form.

21 A. No.

22 Q. (BY MR. NIXON:) Documents at all from the

23 Justice Department?

24 A. No.

25 Q. Okay. Did you ever ask any of the other

1 commissioners to vote for your map?

2 MS. RICHARDSON: Object to form.

3 A. Outside of court?

4 Q. (BY MR. NIXON) No. Either -- either in or  
5 outside?

6 MS. RICHARDSON: Same objection.

7 A. I may have urged them that day that I voted.

8 Q. (BY MR. NIXON:) At the meeting?

9 A. Yeah, I may have urged them that day. But  
10 outside of that, no.

11 Q. So it would be perfectly clear, you did not  
12 ask any of the other commissioners to vote for your map  
13 at -- at any time prior to that meeting?

14 MS. RICHARDSON: Object to form, asked  
15 and answered.

16 A. Yeah, well, I think one thing that needs --  
17 needs to be clear with that question is I can only talk  
18 to one member of the commissioner's court outside --  
19 outside of that meeting concerning those maps.

20 Q. (BY MR. NIXON:) Right.

21 A. I talked to one commissioner. That was  
22 Commissioner Apffel, so if I was going to tell somebody  
23 I could only tell -- tell one person outside of that  
24 meeting.

25 Q. And that is, if you talk to more than one you

1 feel like you would be in violation of Texas Open Penal  
2 Laws?

3 A. That is correct.

4 Q. Okay. And did you ask Apffel for your map?

5 A. No, I don't think so.

6 Q. Why not?

7 A. Because he already told me how he was going  
8 to vote when we had that conversation.

9 MR. NIXON: We're at 11?

10 THE REPORTER: Yes.

11 (Exhibit No. 11 marked.)

12 Q. (BY MR. NIXON:) Okay. I'm going to hand you  
13 what's been marked as Holmes Exhibit No. 11, and ask  
14 you if you can identify that?

15 A. Yes, this appears to be an email from Roxie  
16 D. -- Roxie D. Hall Williamson to me and a host of  
17 other people.

18 Q. Who is Ms. Williamson?

19 A. She's a member of the community.

20 Q. Is she active in the NAACP?

21 A. I don't know.

22 Q. Do you know her?

23 A. Yeah.

24 Q. How long have you known her?

25 A. Probably the last -- the last few years.

1 Last couple of years. Three years, maybe.

2 Q. All right. So she sends, with this email,  
3 talking points on map proposals; is that correct?

4 A. Yes.

5 Q. And she sent these to -- are you familiar  
6 with the group at all or -- that she sent these to?

7 A. I mean, I don't know if it's a -- a formal  
8 group, but I know some of the names that are listed on  
9 there.

10 Q. Is Ms. Williamson African-American?

11 A. Yes.

12 Q. Does she live in your district?

13 A. I'm not sure where she lives.

14 Q. She might not -- but does -- does she live in  
15 Galveston County?

16 A. Yes. Well, to my knowledge, yes.

17 Q. You don't know whether or not she's your  
18 constituent?

19 A. I'm not sure.

20 Q. Okay. She -- she urges people to sign onto  
21 an advocacy letter. Do you agree this request of hers?

22 A. I don't know what the letter was.

23 Q. Okay. You didn't -- did you -- "Commissioner  
24 Holmes will be speaking on redistricting this evening."  
25 Where were you going to be speaking?



1 MR. MANCINO: Objection to form.

2 MS. RICHARDSON: Same objection.

3 A. I don't recall.

4 MR. MANCINO: And I'll note for the  
5 record that there are -- are insufficient copies of  
6 these exhibits. So some of counsel here are unable to  
7 follow the discussion.

8 MS. OLALDE: I apologize for that.  
9 Are you signed into the Zoom, are you able to see it on  
10 your screen because every exhibit's being shared on the  
11 screen.

12 MR. MANCINO: I am not, no.

13 MS. OLALDE: Okay. And so I -- I  
14 understand that -- I thought you guys had a process for  
15 sharing. And this is the first time there's been an  
16 objection to not having the exhibits to see them, but  
17 we could get a clean --

18 MR. HOWRY: But sometimes -- sometimes  
19 we'll get two copies of exhibits when it's presented,  
20 and -- and this is --

21 MS. OLALDE: It's not on -- it's not  
22 on purpose.

23 MR. HOWRY: I understand. I'm just  
24 telling you why this is different than it has been  
25 before.

1 MR. NIXON: Are you able -- you're not  
2 able to pull it up by document number?

3 MR. MANCINO: I -- I don't know that I  
4 have the capability. But I certainly don't have the  
5 facility to do it myself, so no.

6 MR. NIXON: I'm a bit of a light eye,  
7 too --

8 MR. MANCINO: Yeah.

9 MR. NIXON: -- which -- when it come to  
10 technology, so I understand. I understand. I'm sorry,  
11 if you want -- if you want I'll stop, and we'll make a  
12 copy.

13 MR. MANCINO: No, keep going.

14 MR. NIXON: Okay.

15 MR. MANCINO: Keep going.

16 MS. RICHARDSON: I'm good with this  
17 exhibit.

18 MR. MANCINO: All right.

19 MS. RICHARDSON: Thank you.

20 MS. OLALDE: Uh-huh.

21 Q. (BY MR. NIXON:) So it says that you were --  
22 it said "The Honorable County Commissioner Stephen  
23 Holmes will be speaking on redistricting this evening."  
24 This is dated November 4th -- Thursday, November 4,  
25 2021. Where were you speaking?

1 A. I don't know.

2 Q. Did you attend -- did you speak that day?

3 A. I don't recall.

4 Q. Okay. "I'm hoping he can speak to the  
5 timelines of hearings, especially opportunities for  
6 public comment during his presentation." Did you do  
7 that?

8 A. I don't recall.

9 Q. Okay. She attached an article from John  
10 Ferguson at the Galveston Daily News entitled County  
11 Redistricting might cut out one -- out -- cut out lone  
12 democrats." Excuse me.

13 "There are three maps. The current precinct  
14 map and two proposed maps are attached. Please see the  
15 talking points from -- from Stephanie Swanson. Do you  
16 know Stephanie Swanson?

17 A. That name does not ring a bell to me.

18 Q. The League of Women Voters?

19 A. I don't know that I know her personally.

20 Q. Okay. So how many times besides this did you  
21 speak to the community on redistricting?

22 A. I don't know.

23 Q. More than this one, or four or five times?

24 MR. MANCINO: Objection to form.

25 MS. RICHARDSON: Same objection.

1 A. I don't know.

2 Q. (BY MR. NIXON:) Ten times?

3 A. I don't know.

4 Q. A hundred times?

5 MR. MANCINO: Objection to form.

6 Q. (BY MR. NIXON:) Go ahead and answer.

7 A. Less than that.

8 Q. Less than that. Less than 50?

9 A. Yes.

10 Q. And you're capable of defining it any other  
11 way? Less than 50, less than 40?

12 A. Less.

13 Q. Less than 25?

14 A. I don't know.

15 Q. Okay. Fair enough. So more than once and  
16 maybe less than 40 you spoke to the community about  
17 redistricting; is that fair?

18 A. Fair.

19 MS. RICHARDSON: Object to form.

20 Q. (BY MR. NIXON:) Okay. All right. The  
21 talking points with the dial. "I support map proposal  
22 1." They were talking about the county's map proposal  
23 1 that we have earlier, which is Exhibit 10; is that  
24 correct?

25 A. I don't know.

1 Q. You don't know?

2 A. No, I don't know.

3 Q. Well, those are the two maps that the county  
4 has on the website.

5 A. But I don't know what she's talking about  
6 here, I don't know.

7 Q. Okay. She writes "This map keeps  
8 Commissioner Holmes' district somewhat intact." Do you  
9 agree with that, if she's talking about Exhibit 10?

10 A. Yes.

11 Q. Okay. "However, I do object to the Bolivar  
12 Peninsula being included in Precinct 3." Well, that  
13 was your objection, too, right?

14 A. Yes.

15 Q. Okay. She continues, "The Bolivar Peninsula  
16 is a drastically different community that is  
17 predominately White." Is that true?

18 MS. RICHARDSON: Object to form.

19 MR. MANCINO: Join.

20 A. Is the Bolivar Peninsula predominately White?  
21 Is that the question?

22 Q. (BY MR. NIXON:) Yes.

23 A. Yes, it is.

24 Q. And is that why -- is that -- is that why you  
25 objected to it being added to your district?

1 MR. MANCINO: Objection to form.

2 MS. RICHARDSON: Same objection.

3 A. No, I think my testimony has been that it  
4 lacks community of interest with the rest of the  
5 precinct.

6 Q. (BY MR. NIXON) She goes on to say, "The  
7 community has little in common with the residents that  
8 currently reside in Precinct 3, which has a large  
9 diverse population of Latinas and African-American  
10 residents." Would you agree with that statement?

11 A. Yes.

12 Q. Okay. You doing okay?

13 A. Yeah.

14 Q. Okay. Are you able to tell me a year in  
15 which it's been easier to vote than now?

16 MS. RICHARDSON: Object to form.

17 MR. MANCINO: Object. Yeah, object to  
18 form -- form, relevance.

19 A. A year which it's been easier to vote than  
20 now?

21 Q. (BY MR. NIXON:) Yes.

22 A. I don't -- I'm not sure if -- I mean, what do  
23 you mean? I don't know.

24 Q. Is it easier for people to vote now, than  
25 it's been at any other time?

1 MS. RICHARDSON: Objection, form.

2 MR. MANCINO: Objection.

3 A. In Galveston County.

4 Q. (BY MR. NIXON:) Yes, sir.

5 A. Well, there used to be many more voting  
6 locations. So I'd say there was a time when there were  
7 much -- much more voting locations and that may have  
8 been easier at that time.

9 Q. When -- when was that?

10 A. I can't give you an exact year.

11 Q. Galveston has what I call universal voting,  
12 any person can vote at any precinct, right?

13 MS. RICHARDSON: Object to form.

14 A. Yes.

15 Q. (BY MR. NIXON:) No matter where you live in  
16 Galveston County you can vote at any polling location,  
17 and that polling location can give you a ballot  
18 appropriate for your residence; is that correct?

19 A. A registered voter, yes.

20 Q. Yeah. Okay. When did they start doing that?

21 A. I don't -- don't recall.

22 MR. HOWRY: Mr. Nixon, respectfully,  
23 could I ask you to move to your left a little bit? I  
24 think you're mostly --

25 MR. NIXON: I haven't moved forward

1 since I started.

2 MR. HOWRY: You're -- you -- you lean  
3 into him when you're asking questions, when you're  
4 trying to make a point.

5 MR. NIXON: I'm sitting up straight.

6 MR. HOWRY: I'm asking you  
7 respectfully, to move to your left to create more space  
8 between yourself and my client. Thank you, sir.

9 MR. BARON: Get it on the record.

10 MR. NIXON: Okay. Can you read him  
11 back the question, please?

12 (Whereupon reporter complies.)

13 Q. (BY MR. NIXON:) Okay. So you don't recall  
14 when they started universal voting?

15 A. No.

16 Q. You voted for it, though, right?

17 A. Did I vote for it?

18 Q. Yes.

19 A. Yeah. To be able to vote at any location,  
20 yes.

21 Q. Unanimously passed at commissioners court?

22 A. Yes. Okay. I don't recall what the vote  
23 was.

24 Q. They've been having universal voting --  
25 voting for, like, more than 10 years?



1 A. I don't recall how long.

2 Q. Okay. Can you identify any year in which it  
3 has been easier to register to vote than now?

4 MS. RICHARDSON: Objection, form.

5 MR. MANCINO: Objection to form.

6 A. I'm not familiar with the laws and how they  
7 changed over the years with registering to vote, to be  
8 quite honest with you. So I couldn't give a -- a fair,  
9 accurate answer to that.

10 Q. (BY MR. NIXON) Okay. Are there any slates in  
11 Galveston County, voting slates, or recommendation  
12 slates?

13 MS. RICHARDSON: Object to form.

14 MR. MANCINO: Objection to form.

15 A. Can you be more -- can you tell me what you  
16 mean when you say that?

17 Q. (BY MR. NIXON:) Yeah. You know, I'm familiar  
18 with, like -- like, you know, in Harris County there's  
19 -- there's Stephen -- there's Steven Hotze group and  
20 there's other groups like that, or there -- I -- I  
21 mean, there's, you know, a wide variety of groups that  
22 -- that put together slates.

23 A. Yeah, I got you.

24 Q. Yeah. Are there any of those kind of slates  
25 down here --

1 MR. MANCINO: Objection to form.

2 MS. RICHARDSON: Objection to form.

3 A. Off the top of my head, I can't think of any.

4 Q. (BY MR. NIXON:) I can't, either.

5 A. Yeah.

6 Q. But I'm -- but I'm not as familiar.

7 A. Yes --

8 Q. (BY MR. NIXON:) Okay. Are the voters in  
9 Precinct 3, that is, exist now, that you currently  
10 represent, they have equal access to the polls as  
11 everybody else when it comes time to vote?

12 MS. RICHARDSON: Objection, form.

13 MR. MANCINO: Objection to form.

14 MS. RICHARDSON: Relevance.

15 A. You're talking about the precinct as it  
16 exists prior to this new map --

17 Q. (BY MR. NIXON:) Yes. Yes.

18 A. -- when you say "equal access" what do you  
19 mean?

20 Q. They can go vote any time, anywhere, the same  
21 as everybody else in the county.

22 MR. MANCINO: Objection to form.

23 MS. RICHARDSON: I'll join.

24 A. Yeah, they can vote, but I don't -- some  
25 areas, I think may need additional voting locations.

1 Q. (BY MR. NIXON:) Have you asked for that to be  
2 put on the agenda?

3 A. Yes.

4 MS. RICHARDSON: Object to form.

5 Q. (BY MR. NIXON) And has it been put on the  
6 agenda?

7 MS. RICHARDSON: Same objection.

8 A. It was objected to by the county judge and it  
9 was voted down.

10 Q. (BY MR. NIXON:) Oh, so it was put on the  
11 agenda?

12 A. Yes.

13 Q. Okay. And then the -- the additional places  
14 were not supported by the other members of -- of the  
15 Commissioners Court?

16 MS. RICHARDSON: Object to form.

17 A. Yes, that is correct.

18 Q. (BY MR. NIXON:) Why is that?

19 A. Well --

20 MR. MANCINO: Objection to form.

21 A. -- the county judge sent out an -- a email  
22 asking if any commissioners wanted any additional  
23 voting locations, I submitted two additional voting  
24 locations for it to be considered and they replied to  
25 the county judge's email.

1 Q. Okay.

2 A. That I would appreciate having these  
3 additional locations. One of the locations, the county  
4 clerk went out and said it did not comply with the --  
5 it needed some disability -- some handicap rail or  
6 something, I forget exactly what it was.

7 And the other -- the other location, when it  
8 came to a vote and -- well, when I asked the county  
9 clerk prior to the meeting he said that that location  
10 was going to be rejected because the county judge's  
11 assistant Tyler Drummond said no, we wouldn't add that  
12 location.

13 I asked that it be added when we had the  
14 meeting. The county judge was opposed to it and it was  
15 not added. That was 2020 before the presidential  
16 election.

17 Q. Okay. Did you propose any other locations?

18 A. No.

19 Q. Were there any other locations besides these  
20 two that were acceptable to you?

21 MS. RICHARDSON: Objection, form.

22 A. That were submitted that day?

23 Q. (BY MR. NIXON:) Yeah, or -- or -- or  
24 subsequent?

25 A. I'm sorry. Well, I'm sorry.

1 Q. Think about it this way.

2 A. Yeah.

3 Q. Look, I was a Baltics, too. So I understand  
4 how it goes. You know, look, if you don't like those  
5 two can I give you two others?

6 A. No, not --

7 Q. You didn't do that?

8 A. Nothing was proposed.

9 Q. By you?

10 A. Counter -- there was no counterproposal.

11 Q. Well, did you have a -- okay. No  
12 counterproposal. But did you then say, "Okay, well, if  
13 you won't accept these two, can I give you these other  
14 two?"

15 A. That wouldn't have helped the problem that I  
16 was trying to get to, which was that certain segments  
17 needed more -- another voting location.

18 Q. Okay. Are you able to identify any person  
19 who was unable to vote because those two precincts were  
20 not available?

21 MS. RICHARDSON: Object to form.

22 A. Anybody that reached out to me after that?

23 Q. (BY MR. NIXON:) Anybody that said, "I wasn't  
24 able to vote because I wasn't able to vote," where you  
25 recommended that the -- that there -- they have voting

1 locations?

2 A. Nobody said that to me, no.

3 Q. All right. Let's talk just a -- a -- a few  
4 little background questions. In Texas you get to vote  
5 on election day. And in -- in -- in Galveston County  
6 you can vote at any -- any precinct anywhere, right?

7 A. Yes.

8 MR. MANCINO: Objection, asked and  
9 answered.

10 Q. (BY MR. NIXON:) And there was an early voting  
11 period. That's about two weeks, maybe a couple days  
12 more, in which any voter can vote at any polling  
13 locations period, as well; is that correct?

14 A. Yes, I think it's 10 or 12 days.

15 Q. Yes.

16 A. Yeah, in October for 10 or 12 days.

17 Q. Okay.

18 A. Yeah.

19 Q. Right. So that's in Galveston, they can vote  
20 anywhere. Any -- any person can vote anywhere in the  
21 county during their early voting period?

22 A. Registered --

23 MS. RICHARDSON: Objection, asked and  
24 answered.

25 A. Yeah, registered voters.

1 Q. (BY MR. NIXON:) In addition, people over 65  
2 can request a mail in ballot?

3 A. Yes, and there's -- there are other reasons  
4 when you -- why you could request one, yes.

5 Q. A few -- yes. For other -- other -- other  
6 reasons that you --

7 A. But -- but 60 -- over 65, yes.

8 Q. And -- and any other way people can get  
9 ballots that you're aware of?

10 A. Other than mail and going -- and appearing at  
11 the polling place, not that I'm aware of.

12 Q. Okay. Did the minority communities in your  
13 Commissioners Court Precinct have equal access to the  
14 polling places and to mail in ballots?

15 MS. RICHARDSON: Objection to form.

16 MR. MANCINO: Objection to form.

17 A. What do you mean by equal access?

18 Q. (BY MR. NIXON:) They can go to -- they can go  
19 to the polling places the same as anyone else.

20 A. Yes.

21 MS. RICHARDSON: Same objection.

22 A. Yes, but I think there are certain challenges  
23 with some of them that may not exist in other  
24 communities.

25 Q. (BY MR. NIXON:) Which are?

1 A. Transportation, getting to the polling place,  
2 being able to get off work to go cast a vote. Things  
3 of that nature.

4 Q. Polls are open from 7:00 a.m. to 7:00 p.m.  
5 every day during early voting, right, including  
6 Saturday and Sunday?

7 A. No, that's not correct. Sundays is 8:00 to  
8 5:00.

9 Q. In Galveston County?

10 A. Yes.

11 Q. Which days were those?

12 A. I would have to look at the -- I would have  
13 to look at them, the last -- last early voting days and  
14 times to tell you that.

15 Q. Okay. And you think because some people just  
16 aren't able to -- to make it to the polls?

17 A. I think there's a possibility that there are  
18 some out there who can't, yes.

19 Q. No, no. I'm not asking about a possibility.  
20 I'm asking about an actuality.

21 A. Well --

22 MR. MANCINO: Form, objection to form.

23 MS. RICHARDSON: Objection to form.

24 Q. (BY MR. NIXON:) Is that something -- is that  
25 something -- and that you know to be true, that you



1 have constituents who are unable to go to the polls

2 because the polls aren't open long enough for them?

3 MS. RICHARDSON: Objection to form.

4 MR. MANCINO: Objection to form.

5 MR. HOWRY: Same objection.

6 A. Yes, there are some people who can't get off

7 work.

8 Q. (BY MR. NIXON:) Who?

9 A. Who can't get off work because they work past

10 8:00 to 5:00, and they can't get there. I don't have a

11 specific person.

12 Q. You don't know anybody's name?

13 A. No.

14 Q. And no one has told you that they can't vote?

15 A. Yes. That's a reasonable impediment, yes.

16 Q. Does some -- who -- who has told you that

17 they can't vote?

18 A. Yeah, I don't have the specific name, as I

19 said before.

20 Q. And you think that only applies to

21 African-Americans, that there might not be some other

22 people of other races that would have the same

23 impediment?

24 MS. RICHARDSON: Objection, form.

25 MR. MANCINO: Objection.

1 MR. HOWRY: Objection, form.

2 MR. MANCINO: Misstates testimony.

3 A. Did I say race?

4 Q. (BY MR. NIXON:) No. I asked -- yes. I asked

5 --

6 A. What race did I --

7 Q. I asked you, and you said in the

8 African-American community, in your district. That's

9 how I premised my -- prefaced my question.

10 A. There are more than African-Americans in my  
11 precinct.

12 Q. I asked about that group?

13 A. Okay. Repeat your question.

14 Q. Okay. Are there people in the  
15 African-American community, in your commissioners  
16 Precinct 3, that are unable to vote because of the  
17 early voting hours?

18 A. I believe there are some.

19 MS. RICHARDSON: Objection, form.

20 Q. (BY MR. NIXON:) Okay. "I believe there are."  
21 Do you know of any, specifically?

22 MR. MANCINO: Objection, asked and  
23 answered. Argumentative.

24 MS. RICHARDSON: Same objection.

25 A. I don't have a specific name.

1 Q. (BY MR. NIXON:) Okay. Do you know of anyone,  
2 regardless of race, who was unable to vote because of  
3 the hours?

4 A. I don't have a specific name.

5 Q. Okay. Let's talk about Sheryl Johnson's  
6 race.

7 A. Sheryl Johnson?

8 Q. Yes, she had an opponent who had an -- had an  
9 MS13 ad. This is Sheryl Johnson was doing something  
10 that would have allowed illegal aliens to vote in -- in  
11 the county. Do you recall that?

12 A. Vaguely.

13 Q. Did the voters reject the person who offered  
14 that ad against Sheryl Johnson?

15 MS. RICHARDSON: Object to form.

16 A. When you say rejected you mean did Sheryl  
17 Johnson win the election?

18 Q. (BY MR. NIXON:) Yes.

19 MR. MANCINO: Objection to form.

20 A. Sheryl Johnson won that election.

21 Q. (BY MR. NIXON) So to the extent that there  
22 was any race appeal in that race, that appeal was  
23 rejected, was it not?

24 MR. MANCINO: Objection to form.

25 A. Yeah. I wouldn't categorize it as that, no.

1 Q. (BY MR. NIXON:) Sheryl Johnson won?

2 A. That's a fact.

3 Q. And the person who made -- who made that  
4 racist -- or racial appeal lost; is that right?

5 MS. RICHARDSON: Object to form.

6 A. That's a fact.

7 Q. (BY MR. NIXON:) Okay.

8 MR. NIXON: What are we on, 12?

9 MR. HOWRY: Yeah, that's next.

10 Q. (BY MR. NIXON) Commissioner, I'm going to  
11 hand you what's been marked as Holmes Exhibit 12, some  
12 papers stapled together, and ask you if you can  
13 identify that. And these are Holmes documents 181  
14 through 191.

15 (Exhibit No. 12 marked.)

16 A. Yes, these appear to be handwritten notes of  
17 -- of various conversations and meetings in that  
18 process.

19 Q. (BY MR. NIXON) So the -- the first page, 21,  
20 is -- is entitled -- it looks like Conference Call,  
21 Dale Odom and Paul Reading and it looks like it's  
22 9/20/21; is that right?

23 A. Yes.

24 Q. Okay. This is your handwriting and your  
25 notes?

1 A. This is my handwriting, yes.

2 Q. Okay. The first little star or asterisk, or  
3 -- I don't know what -- what do you call those things,  
4 off to the left? Do you call them stars or asterisks?

5 A. I don't know I have a name for them. I just  
6 make them and I don't know if they have a name.

7 Q. I do the same thing. I just make dots.

8 A. Yeah.

9 Q. I just do a dot.

10 A. I think it's an asterisk.

11 Q. An asterisk, yeah. Okay. The first  
12 asterisk, it -- it says "Assess one plan on" -- I can't  
13 read that word, what is it?

14 A. I think it says address -- address.

15 Q. Address?

16 A. Yeah.

17 Q. That's not the -- you don't mean I address, I  
18 plan, that means what, probably plan one?

19 A. I don't -- no, I don't know.

20 Q. Do you know?

21 A. Honestly, I don't recall what that -- what  
22 that note was for.

23 Q. On what, something "from?"

24 A. "Running from." I don't know.

25 (Reading from document).

1 Q. (BY MR. NIXON:) Okay. Next asterisk, "Need  
2 to gain 8,000 people?"

3 A. Yes.

4 Q. Is that what Dale told you you needed?

5 A. Yes.

6 Q. Okay.

7 A. But then we talked about -- I kind of alluded  
8 to that earlier.

9 Q. And then the next asterisk is 87,670.5. What  
10 is that in reference to?

11 A. Ideal population.

12 Q. Well, hopefully you rounded up or down?

13 A. Yeah.

14 Q. You don't want a .5 person?

15 A. Right.

16 Q. So an ideal population, meaning if you take  
17 the population of the county and divide it by four,  
18 each district would have 87,670 people in it; is that  
19 right?

20 A. Yes.

21 Q. Okay. Deviation is still 10 percent, meaning  
22 it can be 10 percent from the highest to the lowest  
23 popular district; is that correct?

24 A. Yes.

25 Q. Okay. Is that what you understood?

1 A. Yes.

2 Q. And this is what -- who was telling you this,

3 Dale?

4 A. Dale Odom.

5 Q. It says fuzz and census numbers, what does  
6 that mean?

7 A. I don't know.

8 Q. Does that mean the census numbers were not --  
9 were fuzzy?

10 A. I don't know what it meant.

11 Q. I mean, this -- that's your verb?

12 A. Yeah, I don't know. I don't know if the -- I  
13 don't know.

14 MR. MANCINO: Note an objection to  
15 form, to that last question.

16 Q. (BY MR. NIXON) The next asterisk. "Keeps  
17 asking me what areas I would like to have." Does that  
18 -- those are your notes?

19 A. Yes.

20 Q. Who was -- who had kept asking what areas you  
21 would like to have?

22 A. Dale Odom.

23 Q. And how many times has he asked you that  
24 question?

25 A. I don't know how many.

1 Q. More than once?

2 A. I don't know.

3 Q. It's enough for you to say, "keep asking?"

4 A. That's what the note said.

5 Q. Okay. What is the next -- the next word is

6 "all." What does that mean?

7 A. I don't know.

8 Q. The next asterisk, "They have already spoken  
9 with every other member of the court." What does that  
10 mean?

11 A. That means he told me that they had already  
12 spoken to every other member of the court.

13 Q. Dale Odom told you -- and if -- I want to get  
14 this straight. When you had your phone call with Dale  
15 Odom on September 20, 2021, Dale Odom told you they  
16 have already spoken with every other member of the  
17 court?

18 A. Yes.

19 Q. Okay. And then you write an extra asterisk.  
20 "I believe every other member of the Court has seen  
21 maps with updated data." Did you write that?

22 A. Yes.

23 Q. Now, did anyone tell you that every other  
24 member of the Court has seen maps with updated data?

25 A. I don't recall.



1 Q. Do you recall that he did or --

2 A. I don't recall.

3 Q. All right. So you're not able to testify one  
4 way or another?

5 A. Yeah, I don't recall.

6 MR. MANCINO: Objection to form.

7 Q. (BY MR. NIXON:) This is your opinion?

8 A. I don't recall.

9 Q. You don't recall whether or not this is your  
10 opinion?

11 A. I don't recall.

12 Q. Okay. The next document. "Paul Reading says  
13 Tyler Drummond has the updated data, and he will call  
14 and ask him to send it to me." You wrote that?

15 A. Yes.

16 Q. What does that mean?

17 A. Exactly what it says.

18 Q. So Paul -- Paul Reading told you that Tyler  
19 Drummond has the updated data. This is on September  
20 20th of '21. And he -- and he will call Tyler and ask  
21 Tyler to send the updated data to you?

22 A. I don't have the word Tyler in there twice,  
23 but only once. But, yeah, he will -- he will call and  
24 ask him to send it -- send it to me.

25 Q. "Him" means Tyler?

1 A. Correct.

2 Q. Okay. Did Tyler do that?

3 A. Did Tyler do it?

4 Q. Yeah, send you the updated data?

5 A. No.

6 Q. Did Paul send you the updated data?

7 A. No. Paul did send a subsequent email with  
8 some data, but not the data I was requesting. And in  
9 that -- in that email I think Paul references that he  
10 had talked to Tyler in the email.

11 Q. Okay.

12 A. I think it was there earlier, actually.

13 Q. This is what we've talked about earlier this  
14 morning, right?

15 A. Yeah. Yeah. Uh-huh.

16 Q. Okay.

17 A. Uh-huh.

18 Q. Is that -- you need to say "yes" or "no."

19 A. Yes.

20 Q. Thank you.

21 A. Yeah. Yeah, yes.

22 Q. And then you have "Did not even talk about  
23 redistricting principles." Is that what you wrote?

24 A. That is what I wrote.

25 Q. So who didn't talk about it?

1 A. Neither Dale nor Paul, but I expected Dale to  
2 be the one to talk about it.

3 Q. What about you? Did you ask him, "Where are  
4 your districting principles?"

5 A. I don't recall.

6 Q. But you -- you didn't make a notation, that  
7 you actually asked them about it, though?

8 A. It is not on there, no.

9 Q. Are you -- are you able to tell us that you  
10 did or did not?

11 A. I don't recall.

12 Q. Okay. Not one way or the other?

13 A. Yes.

14 Q. Okay. The next is like 921. You just flip  
15 the page. You asked engineering if they can run  
16 precinct data?

17 A. Yes, that would have been a -- been the call  
18 that we spoke about earlier to Michael Shannon.

19 Q. Yes.

20 A. Where Nathan Ziegler ended up getting  
21 involved. That would have been that call we spoke  
22 about earlier.

23 Q. So you asked them. And then --

24 A. Uh-huh.

25 Q. -- they're -- yes.

1 A. End of September.

2 Q. They didn't get you the --

3 A. I think the -- I think the -- the day after  
4 yeah, previously.

5 Q. They didn't get you the information, either?

6 A. That's correct.

7 Q. Because you already got it from someplace  
8 else?

9 A. No.

10 Q. Well, you told them never mind?

11 A. I said, "never mind," but at that point I  
12 still didn't have it.

13 Q. Okay. I want to just make sure.

14 A. Yeah. Okay.

15 Q. All right. You're -- you're not faulting  
16 Shannon or Ziegler because they didn't get you the  
17 information, because you told them "never mind?"

18 MR. MANCINO: Objection to form.

19 MS. RICHARDSON: Objection to form,  
20 based on prior testimony.

21 A. Yeah, I'm not trying to point fingers at  
22 anybody. I'm trying to state the facts as to what  
23 happened.

24 Q. (BY MR. NIXON:) That's right. But I'm --  
25 just so you're not being critical of either of them for

1 failing to get you information?

2 A. I'm stating the facts.

3 Q. Right.

4 MS. RICHARDSON: Object to form.

5 Q. (BY MR. NIXON:) Because you told him don't

6 bother anymore?

7 A. No.

8 MS. RICHARDSON: Object to form.

9 MR. MANCINO: Objection to form.

10 Misstates the prior testimony.

11 A. Well, I don't remember -- recall the length

12 of time that had gone by, but once I didn't get it I

13 just said, "Don't worry about it."

14 Q. (BY MR. NIXON:) Did you get it from any other  
15 source, the data that you were looking for?

16 A. Yes.

17 Q. Where?

18 A. Census.gov.

19 Q. Okay. That's what I was going to -- and we  
20 talked about that earlier today?

21 A. Yes.

22 Q. Okay. Let's go to the note dated 9/23/21.

23 There's nothing I'm titling this. Well, do you know  
24 what this is?

25 A. This would have been a phone call with Dale

1 Odom and Paul Reading on September 23, 2021.

2 Q. Okay. So there were, like, four changes?

3 A. Yeah, and --

4 Q. And two alternatives?

5 A. Yeah, I think we talked about the changes  
6 earlier. I -- I -- I couldn't remember if it was three  
7 or four, but it could be four.

8 Q. Help me decipher your note.

9 A. Yeah.

10 Q. Precinct 192.

11 A. Yeah.

12 Q. What does that say?

13 A. "Boundary to south of precinct is 21st  
14 Street. Draw a line from Dickinson Avenue to Texas  
15 Avenue. Make it part of 341 or 3 -- 391, make it part  
16 of 341."

17 Q. So you wanted to split precinct 192 at  
18 Dickinson Avenue?

19 A. Yeah.

20 Q. And you wanted to make it part of precinct  
21 341?

22 A. Yes.

23 Q. Okay. Number 2, Precinct 144?

24 A. Yeah. Now, just a clarification for the  
25 record. Now, this -- I'm dictating this to Dale Odom

1 and Paul. We're not -- it's not like he's got a map  
2 and he's drawing an estimate, that I can see where he's  
3 drawing.

4 Q. Right.

5 A. Yeah.

6 Q. So --

7 A. So I'm dictating this.

8 Q. -- you had looked at a map, and you had four  
9 specific ideas, right?

10 A. Yes.

11 Q. And you were telling him "These are my  
12 ideas?"

13 A. Yes.

14 Q. The first idea is to split Precinct 192 --

15 A. Yeah.

16 Q. -- at Dickinson Avenue?

17 A. Yeah, but part of my challenge was I -- I was  
18 somewhat blind in --

19 Q. I'm just going to -- I'm sorry. I -- I -- I  
20 didn't ask that. I just simply was reaffirming what  
21 you said. I'll get to you -- the other things later.

22 MR. MANCINO: Objection to your  
23 cutting off the witness.

24 MR. HOWRY: Yeah. Yeah. Yeah.

25 MR. NIXON: I did on purpose.

1 Q. (BY MR. NIXON:) Now, let's talk about  
2 Precinct 144. "Boundary to south is FM517. Draw a  
3 line from California down 517 to Owens Drive, to" --

4 A. Melvin Huntley Drive.

5 Q. Melvin Huntley Drive. So on the -- on the --  
6 on the second change you wanted to change the  
7 boundaries of Precinct 144?

8 A. Yes.

9 Q. And you describe here what you wanted the  
10 boundaries to be?

11 A. Yes.

12 Q. Okay. And Precinct 142, you say "Boundary  
13 drawn, Palmer Highway from 21st North" -- is that  
14 North?

15 A. Yes.

16 Q. -- "to 29th Street North, make it part of  
17 Precinct 343."

18 A. Right.

19 Q. Did you want to have Precinct 142 split in  
20 the area that you describe be part of a -- precinct  
21 343?

22 A. Yeah.

23 MR. MANCINO: Objection to form.

24 MS. RICHARDSON: Object to form.

25 A. It's a major highway. It -- yeah, it runs



1 down Palmer Highway. And population on one side, and  
2 the other population on the other -- other precinct.

3 Q. (BY MR. NIXON) Okay. But the point is you  
4 wanted to split Precinct 142 as described?

5 MR. HOWRY: Objection to form.

6 A. Yes.

7 Q. (BY MR. NIXON:) Okay. And the fourth change  
8 is Precinct 232. "Either split Precinct at I-45 from  
9 Bayou to" -- what's that word?

10 A. Poche is how you pronounce it.

11 Q. -- "Poche" --

12 A. Yeah.

13 Q. -- "or move the entire precinct."

14 A. Yes, that's what it says.

15 Q. Move the entire precinct to where?

16 A. It's in Precinct 232 right now?

17 Q. Yes.

18 A. It would have been moved into Precinct 3,  
19 which would have made it Precinct 332.

20 Q. Oh, okay. So let me understand this.  
21 Galveston number of precincts is based upon who is  
22 commissioner of precinct --

23 A. Voting precincts. Yeah, voting precincts.

24 Q. Okay.

25 A. The first number is the commissioners

1 precinct.

2 Q. Okay. So with regard to the first three you  
3 wanted to split Precincts 192, 142 and 144, and add  
4 them to precinct -- Commissioner Precinct 3?

5 A. Yes.

6 Q. Okay. And you also wanted to take the  
7 entirety of Precinct 232 and add it to your precinct?

8 A. Yes.

9 Q. Either split it or add it entirely?

10 A. Yes.

11 Q. Okay. You had a couple of alternatives,  
12 Precinct 439. That was -- I guess would have been  
13 Commissioner Precinct 4?

14 A. You're catching on.

15 Q. Right. Right. I'm catching on?

16 A. Yeah, yeah.

17 MR. BARON: It's a very complicated  
18 system.

19 (Laughter.)

20 THE WITNESS: Yeah.

21 Q. (BY MR. NIXON:) So -- and it says "Extend  
22 Bayou from Sunset to Dietz Road, making it part of  
23 Precinct 389, and taking remainder of" -- I can't --

24 A. Saint Edmonds Green.

25 Q. Saint Edmonds Green, and make that part of

1 your district, as well?

2 A. Yeah, yeah.

3 Q. Those were your -- those were your changes,  
4 right?

5 A. Yeah, I don't think the -- the last two were  
6 suggested changes, just the first four.

7 Q. How -- how much of any of these changes ended  
8 up in map 1, which is Exhibit 10?

9 A. I don't know.

10 Q. Did you look to see if any of them were in  
11 map 1?

12 A. I don't think any of them are in it, but, no,  
13 I don't know.

14 Q. You don't know?

15 A. Uh-uh, I don't know.

16 Q. And we could actually take a look at map 1 in  
17 detail and figure out if --

18 A. I'm sorry.

19 Q. -- Mr. Odom did what you asked?

20 A. If you wanted to.

21 Q. Did Mr. Dunn do what you were asked with  
22 regard to these four changes?

23 A. It was a different conversation.

24 Q. That's not what I asked. You had these four  
25 changes you asked Mr. Odom to do, did Mr. Dunn do any

1 of these four changes?

2 A. Never asked.

3 MR. MANCINO: Objection to form.

4 Q. (BY MR. NIXON:) You never asked Mr. Dunn to  
5 do them?

6 A. Not these specific changes, no.

7 Q. Why not?

8 MS. RICHARDSON: Objection, form.

9 A. He had an expert and the expert was going to  
10 create the map.

11 Q. (BY MR. NIXON:) Okay. Did -- did you look to  
12 see whether or not any of what you proposed to be  
13 changed was in the Dunn map?

14 A. I think one of them -- one of the changes  
15 was, yes.

16 Q. Which one?

17 A. Moving precinct 232.

18 Q. That's it?

19 A. Yeah, I think that's it.

20 MR. HOWRY: Mr. Nixon, we've been  
21 going another hour. If we could take a short break.

22 MR. NIXON: Sure, thank you.

23 THE VIDEOGRAPHER: Off record at 2:34.

24 (Off the record.)

25 THE VIDEOGRAPHER: We're back on the

1 record at 2:55.

2 Q. (BY MR. NIXON:) Okay. Commissioner Holmes,  
3 let's go back to these four changes that you had on the  
4 conversation with Mr. Odom.

5 A. Yeah.

6 Q. All right. Were you aware of the  
7 demographics of each of the changes that you were  
8 proposing?

9 A. No.

10 Q. You were not?

11 A. No.

12 Q. Why not?

13 A. I didn't receive the data.

14 Q. Why did you draw the lines of Precinct 192  
15 and split it the way you wanted it to be done?

16 A. I can't recall.

17 Q. I mean, there were only four changes you  
18 wanted to be made. Why did you want to make these four  
19 changes?

20 A. I can't recall.

21 Q. And you were telling the court under oath  
22 that you had no idea what the demographics were of the  
23 four changes you wanted to be made?

24 A. That is correct.

25 Q. Do you know if it added 8,000 people to your

1 district?

2 A. I don't know. It was a shot in the dark.

3 Q. Let's turn the page. It looks like on

4 October 19th you had another meeting with Dale Odom and

5 Paul Reading?

6 A. Yeah, they came to my office in Texas City.

7 Q. Okay. You keep an office in Texas City?

8 A. Yes.

9 Q. Okay. You have two offices or just -- or

10 just --

11 A. Yeah, we have one in Texas City then every

12 commissioner has, like, a little --

13 Q. Cubby hole?

14 A. In Galveston.

15 Q. In Galveston?

16 A. Yeah, uh-huh.

17 Q. So you have a regular big office in Texas

18 City?

19 A. Yes, correct.

20 Q. Is -- is that where you staff works?

21 A. That's correct.

22 Q. Okay. So Mr. Odom and Mr. Reading came to

23 you; is that right?

24 A. Yes.

25 Q. Okay. You said Odom presented two maps on

1 his laptop. The first map had Precinct 3 picking up  
2 all of the island --

3 A. Currently in Precinct 1.

4 Q. -- currently in Precinct 1. Pelican Island  
5 and --

6 A. Bolivar.

7 Q. -- all of Bolivar?

8 A. Yes.

9 Q. Okay. So it would have created kind of a  
10 coastal precinct, right?

11 A. I wouldn't describe it that way, but that's  
12 what we picked up.

13 Q. Okay. Second map had Precinct 3 going no  
14 further south than Dickinson and major --

15 A. Majority.

16 Q. A majority of Precinct 3 was League City and  
17 appears part of Friendswood?

18 A. Yes.

19 Q. Okay. Did Ms. Riordan provide you any  
20 demographics for these two maps?

21 A. No.

22 Q. These two maps would kind of look like maps 1  
23 and 2 one with the final deal, final version?

24 A. Yeah. Yes, I couldn't be specific as to if  
25 -- if they were exactly the same, but they looked

1 similar. I --

2 Q. Odom --

3 A. I'm sorry.

4 Q. Go ahead.

5 A. I was going to -- I also asked him for the

6 map that I had, we just talked about, in the previous

7 notes.

8 Q. Did he provide that map to you?

9 A. No.

10 Q. Okay. Did I have the changes, map number 1,

11 have the changes that -- that you had in the previous

12 phone call, in it, in addition to Pelican Island and

13 all of Bolivar?

14 A. Did it note those precincts?

15 Q. Did -- yeah. Did it at least make --

16 A. No.

17 Q. It had -- no, it didn't?

18 A. No, no.

19 Q. Finally, you said, "Odom said he would send

20 copies of maps and data?"

21 A. Right.

22 Q. And he told you that?

23 A. Yes.

24 Q. And did he?

25 A. No.



1 Q. At no time?

2 A. No.

3 Q. Did he do it through Paul Reading?

4 A. Odom did not send me anything. I don't -- I  
5 don't recall receiving it from Paul Reading saying it  
6 was from Odom.

7 Q. Tyler Drummond, did you get anything about  
8 these maps?

9 A. No.

10 Q. Okay. And then it looks like a couple of  
11 days later, October 22, '21 --

12 A. Yeah.

13 Q. -- you had a Zoom meeting with --

14 A. Paul Reading, Zack Davidson, Dale Odom and a  
15 demographer.

16 Q. Well, you had Joe Giusti, and who's --

17 A. I'm sorry, Jeb Webb and Joe Giusti.

18 Q. Jeb Webb, Joe Giusti. Tell me who is Jeb  
19 Webb?

20 A. Jeb Webb worked for the county judge at one  
21 time.

22 Q. Which --

23 A. For the county.

24 Q. County, Judge Henry?

25 A. Yes.

1 Q. Joe Giusti, Paul Reading, Zack Davidson, who  
2 works for the county judge?

3 A. Yeah.

4 Q. David Odom, another guy and demographer?

5 A. Yeah, Jeb Webb, Joe Giusti and Zack Davidson  
6 were logging in for the Zoom meeting from the county  
7 judge's office, as I can recall.

8 Q. Okay. What was the meeting about?

9 A. It was about -- I'd have to read these notes  
10 to see. Let's see. So two maps same as I saw on 10/9  
11 from my office.

12 Q. Okay. And it says -- so the next little  
13 asterisk says --

14 A. Shows the population and racial data.

15 Q. Has population connected on the ferry?

16 A. No, no, no. No, no.

17 Q. This -- what is -- what is --

18 A. I was on the ferry when I made this call.

19 Q. Oh, you were on the ferry?

20 A. Yeah, I was on the ferry. Yeah, I was on the  
21 ferry.

22 Q. Okay. What were you doing on the --

23 A. Um.

24 Q. What were you doing on the ferry? You're  
25 going to or from Bolivar?

1 A. I was on my way from Bolivar. I had a  
2 constituent who was having an illness, and I had a need  
3 to -- to go and see about him. He lived on Bolivar. I  
4 hadn't heard from him. I'd been calling him. I needed  
5 to go see about him, to check on him.

6 Q. Okay. So let me kind of clarify that.

7 A. Yes, sir.

8 Q. Okay. Paul was not in your district?

9 A. No.

10 Q. But you say he was a -- he is or was --

11 A. No. Well, he -- he's --

12 Q. He was a constituent?

13 A. He -- he was not a constituent. He was a  
14 friend from when I was a prosecutor.

15 Q. Okay.

16 A. He was a victim in the case and I was the  
17 prosecutor, and since that time we've remained friends.

18 Q. Okay. And he was on Bolivar?

19 A. Yes.

20 Q. And you went to go --

21 A. But his -- his house was on Bolivar. But,  
22 no, he was not a constituent. He was a friend.

23 Q. Okay. So you're on the ferry. You had a  
24 Zoom meeting on the ferry?

25 A. Part of it was on the ferry. Part of it was

1 when I drove off the ferry.

2 Q. Was it with -- with your phone?

3 A. Yes.

4 Q. Okay. So you were -- okay. You had a Zoom  
5 meeting with your phone?

6 A. Yes.

7 Q. Okay. " Reading not sure where he or  
8 demographer were located?"

9 A. Yes, I was just kind of relaying the lay of  
10 the land. I'm not sure where Paul was when he -- when  
11 he Zoomed in and I'm not sure where the demographer was  
12 located.

13 Q. Okay. "I show two maps. Saying I saw on  
14 10/19, three days earlier, from my office?"

15 A. Uh-huh.

16 Q. Is that right?

17 A. Yes.

18 Q. Okay. "Showed population and racial data."  
19 That's what you're saying, that they -- they showed you  
20 the population and racial data on the maps?

21 A. Yeah, on the screen. That would have been  
22 the screen on the Zoom meeting.

23 Q. Did you write down any of the population or  
24 racial data data?

25 A. Truthfully, I -- I -- I can't recall seeing

1 it very well because I was on my phone. And I asked  
2 Paul -- my last note has I asked Paul to get the copies  
3 of the maps and the data.

4 Q. Do you know what you were looking at was  
5 population and racial data?

6 A. I'm fairly certain I wouldn't have made the  
7 note if it wasn't.

8 Q. Okay. Do you have a copy of the population  
9 and racial data that was described in those maps?

10 A. Do I have one now?

11 Q. At anytime?

12 A. Yeah.

13 Q. You do?

14 A. Yeah.

15 Q. Where is it?

16 A. Where is the --

17 Q. Population and racial data?

18 A. I received it at one time. I don't know  
19 where it is.

20 Q. Who did you get it from?

21 A. I don't recall. I don't recall if I  
22 downloaded it myself or if I got it from somebody.

23 Q. Okay.

24 A. They have further notes in here that may say  
25 I got it from somebody. I don't know.

1 Q. Well, we're going to go through all your  
2 notes.

3 A. Okay. Okay. Well, maybe we'll --

4 Q. Did -- have we gone through anything that you  
5 looked at in preparation for today yet?

6 A. Well, I looked at the -- I read these notes a  
7 little bit.

8 Q. These notes?

9 A. Yeah. A little bit, yeah.

10 Q. Okay. So this -- so what I've handed you in  
11 Exhibit -- whatever we call it, 12; Exhibit 12, this is  
12 what you reviewed in preparation for today?

13 A. Yeah, I looked at it some. I didn't read it  
14 in detail, but I looked it over.

15 Q. Anything else?

16 A. Not that I can recall specifically.

17 Q. Okay. If you -- you may have had the  
18 population and racial data on maps 1 and 2, but you  
19 don't know where they are now?

20 A. I mean, I don't -- I may have downloaded when  
21 they put it online. I mean, I don't know. But I did  
22 see it. If you're asking me did I see it, yes.

23 Q. Okay. And then did Reading -- how did he  
24 respond to your request to get copies of maps and data?

25 A. I don't recall.

1 Q. Did you get copies of maps and data from  
2 Paul?

3 A. I don't recall.

4 Q. Okay. Did you produce in this litigation  
5 whatever copies of maps and data you got?

6 A. Yes.

7 Q. From Paul as a result of this conversation?

8 A. Any email I would have had from Paul I  
9 produced in relation -- relation to this.

10 Q. Okay. All right. Let's turn the page, thank  
11 you, to 10/29/21, Tyler Drummond.

12 A. Yeah.

13 Q. "Spoke with Tyler. He called." In other  
14 words he called you, you didn't call him?

15 A. Yes.

16 Q. Okay. "He called me as he was driving to  
17 Dallas. Informed me that maps would be going up on the  
18 county website that day." Did they go up that day?

19 A. They were already up.

20 Q. All right, "said that there would be two maps  
21 displayed. The two maps that Dale Odom has shown me  
22 before. I asked about the timeline for this" --

23 A. Redistricting process.

24 Q. Yeah, "redistricting process and he said that  
25 one would be set."

1 A. One would be set.

2 Q. He said there a place for public comment on  
3 website. I asked was this" --

4 A. "Was this a contest to see which map would  
5 get the most -- more votes."

6 Q. And he said, "No." Okay. Did -- did you  
7 make these notes at the time of your conversation with  
8 Mr. --

9 A. Yeah, at or around the same time I had the  
10 conversation.

11 Q. Did you go online to look to see if the maps  
12 were up?

13 A. I think I did.

14 Q. Did the maps also contain whatever kind of  
15 data associated with them?

16 A. I can -- I can -- I'll have to look at that  
17 specific time.

18 Q. Okay. You don't -- you can't recall one way  
19 or the other, whether you looked at it or whether you  
20 looked for whether or not that information was there?

21 A. Not that -- not that particular day.

22 Q. Okay. It looks like a few days later, on  
23 November 2nd of '21, you said Tyler Drummond, I guess  
24 he called you again?

25 A. It doesn't say.



1 Q. You -- did you call him?

2 A. I don't recall.

3 Q. You don't know who initiated the  
4 conversation?

5 A. Yeah, I don't recall.

6 Q. Anyway, you had a conversation with  
7 Mr. Drummond. "Spoke with him, and he said that there  
8 was" -- I can't -- that they were --

9 A. That they were trying to --

10 Q. Trying --

11 A. -- set a special meeting for next Tuesday,  
12 11/9/21, to vote on the redistricting map.

13 Q. "He said call" --

14 A. No, "he said" --

15 Q. So "He said Clark" --

16 A. Yes.

17 Q. -- "would be out the rest of the week, and  
18 Giusti would be out next of the week and Thursday."

19 A. "Next Wednesday and Thursday."

20 Q. "Wednesday and Thursday. He said maybe I  
21 could" -- what is that?

22 A. -- "convince them at the next Tuesday meeting  
23 to not support map 2, and maybe get it to -- get the  
24 vote postponed until next Friday. Said the secretary  
25 of state" -- that's the last "secretary of state had

1 sent an email stating maps must be sent by 11/13/21.

2 Q. Okay. So you knew on November 2nd, that the

3 county had to have maps by November 13, '21?

4 A. That's what I found out, yes.

5 Q. Did Tyler suggest to you that you get  
6 Giusti -- he suggested that you get Clark and Giusti to  
7 not support map 2, and maybe get the vote postponed  
8 until next Friday?

9 A. That --

10 Q. Did you try to do either of those things?

11 A. That's not what --

12 MR. MANCINO: Objection to form.

13 Q. (BY MR. NIXON:) Oh, so what does this say?

14 "He said maybe" --

15 A. "He said Clark would be out the rest of the  
16 week, and Giusti would be out next Wednesday and  
17 Thursday."

18 Q. Okay.

19 A. "He said maybe I could convince them" --

20 Q. Who -- who are you -- who is "them?"

21 A. I don't know -- "them at the next Tuesday  
22 meeting" --

23 Q. Wait -- wait -- wait.

24 A. -- "to not support map 2."

25 Q. All right. Let's just stop. "Them." This

1 is significant. Tyler Drummond, who works for Paul  
2 Henry, county judge, has now told you -- "He said maybe  
3 I could convince them" --

4 A. "At the next Tuesday meeting" --

5 Q. -- "at the next Tuesday meeting to not  
6 support map 2."

7 A. Uh-huh.

8 Q. He's encouraging you to go get votes for your  
9 maps, or against map 2, right?

10 MR. MANCINO: Objection to form.

11 MS. RICHARDSON: Objection to form.

12 A. Yes, well, I didn't -- I didn't take it that  
13 way.

14 Q. (BY MR. NIXON:) "He said maybe I could  
15 convince them at the next Tuesday meeting to not  
16 support map 2?"

17 A. That's what I wrote down, yeah.

18 Q. That was a strategy he was giving you?

19 MR. MANCINO: Objection to form.

20 MS. RICHARDSON: Objection to form.

21 Q. (BY MR. NIXON:) Was that a strategy he was  
22 giving you?

23 MR. MANCINO: Objection to form.

24 MS. RICHARDSON: Objection to form.

25 A. I didn't take it that way.

1 Q. (BY MR. NIXON:) Well, how did you take it?

2 A. Just as it was written.

3 Q. Had you convinced them when you had won the  
4 day?

5 A. What do you mean, won the day?

6 Q. Well, you'd gotten your map, and not have map  
7 2?

8 MR. MANCINO: Objection to form.

9 MR. HOWRY: Objection to form.

10 A. On November 2, 2021, I didn't have a map.

11 Q. (BY MR. NIXON:) You also said "Maybe get  
12 it -- get the vote postponed." He gave you a strategy?

13 MR. HOWRY: Objection, form.

14 MR. MANCINO: Objection to form.

15 MS. RICHARDSON: Join.

16 Q. (BY MR. NIXON:) "Clark and Giusti might vote  
17 no on map 2, and my vote to postpone it three more  
18 days." What could you do with three more days?

19 MR. MANCINO: Objection to form.

20 MS. RICHARDSON: Join.

21 A. You would have to ask him that question.

22 Q. (BY MR. NIXON:) Well, in three days, isn't it  
23 true that you could put an agenda item with your own  
24 map up?

25 MR. MANCINO: Objection to form.

1 MS. RICHARDSON: Join.

2 A. I would have to get the county judge to call  
3 a meeting first. I can't call a meeting. Only the  
4 county judge can call the meeting. So I can't call the  
5 meeting just for a map. The county judge -- by statute  
6 sets the time and place for the meeting for  
7 commissioners court.

8 Q. (BY MR. NIXON:) So --

9 A. So only -- only the county judge could call a  
10 meeting.

11 Q. 72 hours equals three days, right?

12 A. But only --

13 MS. RICHARDSON: Objection to form,  
14 argumentative.

15 A. Only the county judge can call a meeting.

16 Q. (BY MR. NIXON:) Can three commissioners  
17 postpone a meeting?

18 A. In what way?

19 Q. And they can adjourn a meeting, too, can't  
20 they?

21 A. If you lose a quorum you can't have a  
22 meeting.

23 Q. Three commissioners have an absolute right  
24 under Robert's Rule of Order, and which the county  
25 follows to move to adjourn?

1 MS. RICHARDSON: Objection to form.

2 MR. HOWRY: Objection to form.

3 A. You can just walk out of the meeting. You  
4 can't have a meeting without a quorum. You can't take  
5 any action.

6 Q. (BY MR. NIXON:) Well, I mean, a motion to  
7 adjourn is a privileged motion; is it not?

8 A. I don't know.

9 Q. And a privileged motion comes before any  
10 other item. You have an absolute right as a member to  
11 make a motion to adjourn at any time, don't you?

12 MR. MANCINO: Object to form.

13 Q. (BY MR. NIXON:) A privileged motion?

14 A. I don't know.

15 Q. And -- and if it was supported by two other  
16 members that would be a three to two vote, you would  
17 adjourn?

18 MS. RICHARDSON: Objection to form.

19 It doesn't appear that was a question.

20 A. I don't know.

21 Q. (BY MR. NIXON:) Follow the strategy? If you,  
22 Clark and Giusti move to adjourn on the -- on the 9th  
23 you don't have a map; you haven't adopted a bad map in  
24 your mind, right?

25 MR. MANCINO: Objection to form?

1 MS. RICHARDSON: Join.

2 A. Clark wasn't going to be at the meeting.

3 Q. (BY MR. NIXON:) Okay.

4 (Reporter clarification.)

5 Q. (BY MR. NIXON:) Okay. So let's go down to  
6 next note. November 4, '21, Tyler called. So Tyler's  
7 reaching out to you; is that right?

8 A. Tyler called.

9 Q. Yes, "said they were still working on getting  
10 the meetings posted for next Tuesday." Am I reading  
11 that correctly?

12 A. Yes.

13 Q. "Said that Nathan from our engineering  
14 department was finalizing the maps and trying to get it  
15 ready."

16 A. Yeah, mapping.

17 Q. Mapping?

18 A. Mapping, yeah.

19 Q. Okay. "He said he was going to send Diana  
20 home and have her come back on" -- what is that,  
21 "Saturday" --

22 A. Uh-huh.

23 Q. -- "morning to get it posted." Why did he  
24 call to tell you all that?

25 MR. MANCINO: Objection, form.

1 MS. RICHARDSON: Objection, form.

2 MR. HOWRY: Join.

3 A. Yeah. I don't know.

4 Q. (BY MR. NIXON:) Was that information  
5 important to you?

6 A. I can't recall at the time.

7 Q. Would that have helped you develop a strategy  
8 to have caused the county to have enacted your maps?

9 MS. RICHARDSON: Objection, form.

10 Q. (BY MR. NIXON:) Or maps that you like?

11 A. I didn't have a map on the one before.

12 Q. Was that information helpful for you to  
13 develop a strategy to cause the county to adopt maps  
14 that your preferred?

15 A. I didn't have a map.

16 MR. MANCINO: Objection to form.

17 A. I didn't have a map at that time, and I  
18 didn't prefer any of the maps that had been presented.

19 Q. Is there anything that kept you from drawing  
20 a map that included the changes that you asked for?

21 MS. RICHARDSON: Objection to form.

22 MR. MANCINO: Join.

23 A. I tried to draw a map using the -- the -- the  
24 lawyer that the county had retained to do it for the  
25 Commissioners Court, it was never produced.



1 Q. Did you try to go through the county's GIS  
2 system?

3 A. No.

4 Q. Could they have drawn you a map?

5 MS. RICHARDSON: Objection to form.

6 MR. MANCINO: Join.

7 A. Possibly.

8 Q. (BY MR. NIXON:) But you never asked?

9 A. I never got the census data that I asked for  
10 at that time -- at that time. So I didn't -- no, I did  
11 not ask.

12 Q. Okay. Let's just talk about the changes  
13 you -- you -- you made with -- to Mr. Odom on the  
14 phone, who we talked about earlier, those four changes.  
15 You could call up the county engineering department and  
16 ask them to draw you a map, right?

17 A. Yeah. I could call them up and ask them,  
18 yes.

19 Q. So you could have called them up and said,  
20 "Hey, give me those four changes," right?

21 A. Yes.

22 Q. You -- you could have posted that and said,  
23 "I, as a commissioner, demand that this be put on the  
24 next agenda?"

25 A. Yeah.

1 Q. You could have done that at any time?

2 MS. RICHARDSON: Objection.

3 MR. MANCINO: Object to the form.

4 Q. (BY MR. NIXON:) Right?

5 MR. MANCINO: Compound.

6 A. I don't think I would have received it.

7 MR. NIXON: Objection, non-responsive.

8 Q. (BY MR. NIXON:) You had the -- you have the  
9 authority to ask the engineering department to draw a  
10 map for you, right?

11 A. I can ask.

12 MR. MANCINO: Objection to form.

13 Q. (BY MR. NIXON:) Okay. And the reason you  
14 didn't do it is because you didn't think you'd get it  
15 back, ever?

16 MS. RICHARDSON: Objection to form.

17 A. No, that's not why.

18 Q. (BY MR. NIXON:) Why didn't you do it?

19 A. Because when I asked for the census data, and  
20 I didn't get it, I sensed fear on behalf of the  
21 engineering department, of not helping me and -- and  
22 facing some rebuttal or retaliation from other members  
23 of the Commissioners Court for assisting me.

24 Q. (BY MR. NIXON:) You sensed fear?

25 A. Yes. So --

1 Q. Did anybody say, "I'm afraid to help you?"

2 A. No, nobody said that --

3 MS. RICHARDSON: Objection to form.

4 Q. (BY MR. NIXON:) Nobody said -- no one at --  
5 no one at the county said, "I don't want to help you  
6 because I'm afraid" --

7 MS. RICHARDSON: Object to form.

8 Q. (BY MR. NIXON:) -- "of -- of retribution from  
9 another commissioner?"

10 MS. RICHARDSON: Same objection.

11 Q. (BY MR. NIXON:) No one said that, did they?

12 MR. MANCINO: Objection to form.

13 A. No.

14 Q. (BY MR. NIXON:) No one implied it?

15 MS. RICHARDSON: Objection to form.

16 MR. MANCINO: Objection to form.

17 A. No.

18 Q. (BY MR. NIXON:) Okay. Let's turn to the --  
19 your notes on November 9th.

20 MR. HOWRY: You said November 9th?

21 MR. NIXON: Yeah.

22 MR. HOWRY: At the back?

23 MR. NIXON: November 9, '21.

24 MR. MANCINO: What -- what page?

25 MS. RICHARDSON: And that -- it might

1 be helpful --

2 MR. NIXON: 118.

3 MR. HOWRY: 188.

4 MR. NIXON: Oh, excuse me. Thank you.

5 MR. HOWRY: Okay.

6 Q. (BY MR. NIXON:) See it says -- it says "Got a

7 call from Commissioner Apffel about redistricting maps.

8 He wants to let me know that he would be voting to

9 support map 2."

10 "He said Judge Henry would jump out and make

11 a motion to approve map 2. He said he was inclined to

12 support that motion for political purposes. I informed

13 him that map 2 was discriminatory to the minority

14 voters currently in Precinct 3." Did you do that?

15 A. Did I do what?

16 Q. Inform him --

17 A. Yeah, like, I think this was part of the

18 conversation. Yes, I did tell him that.

19 Q. Okay.

20 A. Yes.

21 Q. "He stated that the minority population

22 currently in Precinct 3 was divided fairly evenly

23 amongst all" -- what is that, pets --

24 A. PCTS, precincts.

25 Q. -- "precincts" --

1 A. Yeah.

2 Q. -- "in map 2, and that Dale Odom told him  
3 this was a legal map. Also, informed me that Mike" --

4 A. Guarino.

5 Q. -- "Guarino called him and chastised him for  
6 supporting map 2. I told -- I told Commissioner Apffel  
7 that map 2 clearly runs afoul of section 2 of the I  
8 Voting Rights Act."

9 Now, let's stop right there. I'm going to  
10 finish reading the deal, but -- now, you said you  
11 weren't an expert on redistricting, right?

12 A. No. I'm not an expert, no.

13 Q. You're not an expert on what constitutes a  
14 legal map or not a legal map, are you?

15 A. Not an expert, no.

16 Q. Okay. So did anyone tell you that map 2  
17 clearly runs a file of section 2 of the Voting Rights  
18 Act?

19 A. Did anybody tell me that?

20 Q. Yes.

21 A. No, but I can read.

22 Q. But you believe --

23 A. Yes.

24 Q. -- that it did?

25 A. Yes.

1 Q. Okay. So you were giving him your opinion?

2 A. Yeah, a clear opinion.

3 Q. Okay. "And I did not want members of the  
4 Court to vote Friday?"

5 (Reporter clarification.)

6 A. Friday.

7 Q. (BY MR. NIXON) To vote Friday. And something  
8 like "Act like they" --

9 A. No, yeah, I denied members of the court to  
10 vote Friday, and act like they did not know the map is  
11 discriminatory."

12 Q. Okay. That's all one sentence. Okay. Did  
13 you ask Giusti -- I mean Apffel to join you in a motion  
14 to postpone consideration?

15 A. No.

16 Q. Did you tell them you wanted to put a hold on  
17 that item?

18 A. What do you mean, a hold?

19 Q. I mean, do you have the right from time to  
20 time to put hold on a particular item and have it moved  
21 to the next agenda?

22 MS. RICHARDSON: Table?

23 A. Yeah.

24 MR. MANCINO: Objection to form.

25 A. This conversation was November 9th.

1 Q. (BY MR. NIXON:) Yes.

2 A. Yes, the meeting was scheduled for November  
3 12th.

4 Q. Yes, three days later.

5 A. Had to have maps to the secretary of state by  
6 November 13th.

7 Q. Or what would happen?

8 A. There was no time to postpone it.

9 Q. Okay. What did you think would happen if you  
10 didn't have a map?

11 MS. RICHARDSON: Objection to form.

12 A. Yeah.

13 Q. (BY MR. NIXON:) Okay.

14 A. I don't know.

15 MR. MANCINO: Objection to form.

16 Q. (BY MR. NIXON:) "He talked," what is that,  
17 "after" --

18 A. -- "about" --

19 Q. Are we talking about what Harris County was  
20 doing to republican members, of their Commissioners  
21 Court by changing their precincts? How was Harris  
22 County doing?

23 A. I don't know.

24 Q. Well, he talked about it. Do you remember --

25 A. Yeah.

1 Q. -- what he talked to you about?

2 A. I don't recall. I don't recall. I can't  
3 recall.

4 Q. Just by the way, does Harris County have any  
5 republican members on their Commissioners Court now?

6 MS. RICHARDSON: Objection to form,  
7 relevance.

8 A. I don't know.

9 Q. (BY MR. NIXON) You have no idea what all  
10 occurred in Harris County?

11 MS. RICHARDSON: Objection to form.

12 A. I generally know some of the stuff that  
13 happened. I don't know what -- the context of what we  
14 were talking about here.

15 Q. (BY MR. NIXON) Tell me what you generally  
16 know, what happened in Harris County.

17 MR. MANCINO: Objection to form, not  
18 relevant, waste of time.

19 MS. RIORDAN: Oh, is that an objection  
20 now, waste of time?

21 MR. MANCINO: It's in the book.

22 MS. RIORDAN: Yeah, I'm sure. I  
23 remember that in federal rules.

24 A. A lawsuit regarding the redistricting  
25 process.



1 Q. (BY MR. NIXON) What about the lawsuit?

2 A. That's pretty much all I know. I haven't  
3 followed it.

4 Q. Harris County got rid of all of their  
5 republican commissioners, right?

6 A. I don't know.

7 Q. You don't know?

8 A. Uh-huh.

9 Q. Giusti told -- I mean, I told you about it,  
10 right?

11 A. No.

12 Q. Okay. "I told them this was not about  
13 republican or democrat, but about protected guarantees  
14 to minority groups in a VR rate."

15 A. "Protections guaranteed to minority groups,  
16 the Voter Rights Act, yes.

17 Q. Okay. So basically you said that the maps  
18 in -- in Galveston County was not about partisan  
19 politics, but was about protecting guaranteed minority  
20 groups a -- a commissioner on commissioners court?

21 A. No.

22 MR. MANCINO: Objection to form.

23 A. No.

24 MS. RICHARDSON: Objection to form.

25 A. Not me, but the community groups and the

1 community as guaranteed and protected by the Voter  
2 Rights Act.

3 Q. (BY MR. NIXON) Okay. So this was not about  
4 partisan politics, but it was about your position was  
5 to protect minority groups' right to elect the  
6 candidate of their choice?

7 A. Correct.

8 Q. Okay. "He said he was going to call Dale  
9 Odom and ask him if map 2 was in fact discriminatory."  
10 Is that what he told you?

11 A. Yes.

12 Q. Okay. Do you know whether or not he did?

13 A. I don't know.

14 Q. Okay. You did not have a subsequent  
15 conversation?

16 A. No.

17 Q. "Commissioner Apffel also asked if I sided the  
18 NAACP on him." Is it meaning on them, him, or --

19 A. Yeah, him.

20 Q. Him. Was the NAACP offering their public  
21 opinion with regard to the maps?

22 A. To Commissioner Apffel?

23 Q. Yes.

24 MR. MANCINO: Objection to form.

25 A. I don't know.

1 Q. (BY MR. NIXON:) Did he complain, that that  
2 was happening to him?

3 A. All I can recall if he said -- asked me did I  
4 sick the NAACP on him.

5 Q. Did you?

6 A. No.

7 Q. "Told him I've had no conversations with the  
8 NAACP."

9 A. Yeah.

10 Q. Is that true?

11 A. About him. Yeah, about him.

12 Q. About him?

13 A. Yeah.

14 Q. You did have a conversation with the NAACP?

15 A. I don't know if I had conversations. I -- I  
16 may have attended one of the meetings, but a  
17 conversation --

18 Q. Well, you had a conversation.

19 A. Yeah.

20 Q. You had emails, you had talking points, you  
21 had -- I mean, you're --

22 A. NAACP --

23 MR. MANCINO: Objection to form.

24 MS. RICHARDSON: Objection to form --

25 MR. MANCINO: Misstates the record.

1 MS. RICHARDSON: -- prior testimony.

2 Q. (BY MR. NIXON:) Ms. Williamson, I think, was  
3 her name?

4 A. Yeah, she wasn't from the NAACP.

5 Q. Oh, she had nothing to do with the NAACP?

6 A. I don't know if she has anything to do with  
7 it. But that email --

8 Q. Okay.

9 A. -- was not from the NAACP.

10 Q. All right.

11 A. He also said that the -- the -- for political  
12 purposes, that he -- he wanted to be county judge one  
13 day, and he had to vote for this map in order to be  
14 county judge.

15 Q. Now, you didn't write that down, though?

16 A. No, but I wrote political purposes. And I  
17 remember the fact that he said, well, he wanted --  
18 wanted to be county judge.

19 Q. Why do you remember that?

20 MS. RICHARDSON: Objection to form.

21 A. Because that's the second time that he said  
22 that to me on an issue with the county -- in the  
23 county.

24 Q. (BY MR. NIXON:) Okay.

25 A. The last issue was in regards to a

1 confederate statute, he told me the same thing.

2 Q. He wanted to be county judge?

3 A. So he did not want to -- he told me he would  
4 remove it. He wanted to remove the statute, but  
5 subsequently called me up and said, "If I want to -- I  
6 want to be county judge one day I cannot vote for the  
7 removal of the statute."

8 Q. Did you make a note of that anyplace?

9 A. That was probably three to four years ago. I  
10 don't recall.

11 Q. I want to you about that.

12 A. Yeah.

13 Q. I've asked you a lot of questions.

14 A. Yeah.

15 Q. A lot of answers have been "I don't recall."  
16 Why do you recall that one over anything else?

17 A. Because it's --

18 MR. MANCINO: Objection to form.

19 A. It's -- it's surprising to me that someone  
20 would choose to vote a certain way because they wanted  
21 to be county judge, or change that rule from one thing  
22 -- they're passionate about it one day, that "I want to  
23 remove this statute, I hate that thing, it's ugly," and  
24 then a few days later he you because he said he wanted  
25 to be county judge. That's -- that's not something I

1 would forget.

2 Q. (BY MR. NIXON:) Even though it happened four  
3 years ago?

4 A. Yeah, I wouldn't forget that.

5 Q. Okay. Then let's go to November 12, 2021. I  
6 -- I don't want to go through all of these, but it  
7 looks like this --

8 A. Yeah, see --

9 Q. -- is the names of people who spoke at the  
10 meeting?

11 A. Yes, yeah, this is generally the names of  
12 people who spoke and just --

13 Q. Maybe --

14 A. Brief synopsis of what they kind of said when  
15 they were there.

16 Q. You got to 37 people?

17 A. Yeah.

18 Q. Is that how many people spoke, or was there  
19 more?

20 A. I think I -- I think I made a note. I can't  
21 be positive, but I think I made a note on everybody, as  
22 well.

23 Q. Okay. Or maybe you just tired of writing  
24 stuff down?

25 A. No, no, no. I kept -- I kept going.

1 Q. Okay. All right. Did everybody who wanted  
2 to speak have a chance to speak?

3 A. I don't know.

4 Q. There wasn't somebody who said, "Hey, don't  
5 -- I'm in line, don't -- don't adjourn, I want to  
6 speak?"

7 A. Well, there wasn't necessarily a line. There  
8 was a sign up sheet that was inside of the room.

9 Q. Right.

10 A. Yeah. So I don't know that a sign up sheet  
11 was circulated to everybody that was outside of the  
12 room to say, "Hey, I want to get a chance to speak and  
13 say my peace."

14 Q. Well, you're not -- you're --

15 A. So I -- I don't -- you're asking me -- you  
16 have to get -- everybody get a chance to speak if they  
17 want to speak. So, no, I don't know because I don't  
18 know the --

19 Q. You -- and -- but you're not under -- you --  
20 you can't tell us that someone who wanted to speak  
21 didn't speak?

22 A. I can tell you that sign up sheet stayed  
23 inside of the room.

24 Q. Right. And then the -- Judge Henry called  
25 everybody who signed up?

1 A. That was in the room, that signed up on the  
2 sign up sheet inside the room, yes.

3 Q. Okay.

4 A. To my knowledge, yes.

5 Q. All right. So this was -- this was very --  
6 very important. I just want to make sure that I  
7 understand. Everybody that signed up got to speak.  
8 The sign up sheet was in the room?

9 A. It was.

10 Q. Right. Are you alleging that other people  
11 weren't allowed into the room to sign up?

12 MS. RICHARDSON: Objection, form.

13 MR. MANCINO: Join.

14 A. I don't know that everybody that was outside  
15 the room was aware of exactly what was going on and  
16 what they needed to do to have an opportunity to be  
17 heard.

18 Q. (BY MR. NIXON:) Okay. So it's a big  
19 difference about saying, "I don't know what was going  
20 on in the hallway." And saying "People in the hallway  
21 were not allowed to speak?"

22 A. I didn't say that.

23 Q. You didn't say that. And I want to make sure  
24 that that's not what you're going to testify to. I  
25 don't want you to -- I don't want to be surprised at



1 trial and have you say, "People in the hallway weren't  
2 allowed to sign up because they weren't allowed in the  
3 sign up room."

4 So I want to make clear -- was there anybody,  
5 to your knowledge, that wasn't allowed to speak who  
6 came to speak?

7 A. What I do know is the sign up sheet stayed in  
8 the room.

9 Q. How --

10 A. That -- that sign up sheet was not circulated  
11 to everybody that was outside of the room.

12 Q. Were people made aware of the fact that they  
13 needed to come sign up to speak?

14 A. Not to my knowledge.

15 Q. Were people -- was there an act of intent on  
16 behalf of anybody to not allow people to speak?

17 A. I don't know.

18 MS. RICHARDSON: Objection to form.

19 Q. (BY MR. NIXON:) You're not -- you're not  
20 telling this judge under oath that people were  
21 prevented -- were prevented from signing up?

22 MR. MANCINO: Object to form.

23 A. No, I didn't say that.

24 Q. (BY MR. NIXON:) How do you know the sheet  
25 never left the room?

1 A. Because the sheet was right by me. I was  
2 sitting on the table, they put the sheet right behind  
3 me on a little small desk. I was sitting at the table  
4 where the sign up sheet was. I was at the table, it  
5 was sitting by me.

6 Q. Did you ever get up out of your chair and  
7 walk out to the hallway and say, anybody else want to  
8 speak come sign up?

9 A. The meeting was happening while people were  
10 signing up. I needed to remain in the room to hear  
11 what was being said, make sure I knew exactly what was  
12 going on in the room.

13 Q. So what did you do ask Judge Henry, I need  
14 five seconds to go out in this hallway and ask people  
15 if they want to sign up?

16 A. No.

17 MS. RICHARDSON: Objection to form.

18 Q. (BY MR. NIXON) You didn't do that?

19 A. No.

20 Q. Do you know whether or not Tyler or anybody  
21 else at the meeting suggest to people to come sign up?

22 A. Tyler never left the room.

23 Q. You know -- are you testifying that no one  
24 walked around with a sign up sheet outside at all?

25 A. I'm testifying that the sign up sheet that

1 was inside the room remained by me the whole time.

2 Q. Okay. All right. If someone were to come in  
3 and tell you, well I walked around the hall I signed up  
4 everybody and it was a sign up sheet and I put it on  
5 the table, you -- are you in ability (sic) to say, no  
6 that absolutely did not happen?

7 Mr. MANCINO: Objection to form.

8 A. Who would that someone be?

9 Q. (BY MR. NIXON) I don't know?

10 A. Yeah, I don't know either.

11 Q. Okay. But if someone did?

12 A. Who would it be?

13 MR. MANCINO: Same objection.

14 MS. RICHARDSON: Same objection.

15 Q. (BY MR. NIXON) Someone who worked for the  
16 judge, or one of the Commissioners?

17 A. No, the Commissioners never left the room.

18 Q. Someone who worked for one of them. I don't  
19 want to give anybody a false impression that people who  
20 came to the meeting were not allowed to speak?

21 MR. HOWRY: Objection, form.

22 Q. (BY MR. NIXON) You were saying I don't want  
23 anybody to think that people who came to speak weren't  
24 allowed to speak because they didn't know to sign up;  
25 are you saying that that happened?

1 MS. RICHARDSON: Objection to form.

2 MR. MANCINO: Objection to form.

3 A. I'm saying that it was not communicated to  
4 them that they had an opportunity to speak if they want  
5 to come in and sign the sign up sheet is what I'm  
6 saying.

7 Q. (BY MR. NIXON) To your knowledge?

8 A. To my knowledge.

9 Q. Okay. You testified -- are you aware of  
10 anyone who did not have an opportunity to speak?

11 MS. RICHARDSON: Objection, asked and  
12 answered.

13 MR. MANCINO: Join.

14 MR. HOWRY: I join that as well.

15 A. No.

16 Q. (BY MR. NIXON) I'm going to hand you what's  
17 been marked as Holmes Exhibit 13 ask you if you can  
18 identify this. It is document DEFS 00029388.

19 (Exhibit No. 13 marked.)

20 A. No.

21 Q. (BY MR. NIXON) Okay. Have you ever seen  
22 Exhibit 13 before?

23 A. No.

24 Q. I just want to go to the final paragraph.

25 A. Yeah.

1 Q. "After the redistricting meeting where map  
2 two was adopted I followed up with Commissioner Holmes  
3 on the following week and informed him that we were  
4 beginning the process cleaning up the voting precincts  
5 with boundaries of the adopted map;" is that true, did  
6 he call you?

7 A. I don't recall.

8 Q. Do you have any notes of that conversation?

9 A. No.

10 Q. They're not in Exhibit 12?

11 A. Yeah, no.

12 Q. You don't have any notes of that  
13 conversation?

14 A. No.

15 Q. Okay. Are you able to testify that that did  
16 not happen?

17 A. I don't know.

18 Q. Okay. Tyler continues, "I asked him, I asked  
19 if he would like to be involved in the process and  
20 speak with our GIS tech and attorneys assisting the  
21 process and he said he did not have any interest in  
22 participating;" is that a true statement?

23 A. I don't recall that statement happening.

24 Q. You don't recall whether or not Tyler  
25 Drummond followed up with you and asked if you'd like

1 to participate in the clean up with regard to  
2 precincts?

3 A. Yeah, I don't recall, but if you ask me if  
4 that was a true statement there's a number of untrue  
5 statements that are in this document I'd be happy to  
6 talk about those.

7 MR. NIXON: Object to the answer being  
8 nonresponsive.

9 A. Yeah, yeah.

10 Q. (BY MR. NIXON) I'm just asking about this  
11 last paragraph?

12 A. Yeah, Yeah. I'm just asking if you want to  
13 talk about the rest of the document as well?

14 Q. Well, I get to be the one asking questions  
15 here, so your lawyers can ask whatever question they  
16 choose, but I was just asking about one thing?

17 A. I'm just trying to put it all in context,  
18 this whole document in context.

19 Q. It's not your privilege.

20 A. Yeah.

21 Q. I'm just asking one thing.

22 A. Yes.

23 Q. Did he call you to follow up with you and ask  
24 you if you wanted to participate in cleaning up the map  
25 with GIS and attorneys?

1 A. I don't recall answering the call.

2 Q. Are you able to testify that it didn't  
3 happen?

4 A. I don't recall any such call.

5 Q. Okay. Are you under oath saying, no, it  
6 didn't, absolutely did not happen?

7 MR. MANCINO: Objection to form.

8 MS. RICHARDSON: Objection to form.

9 A. I don't recall any such call.

10 Q. (BY MR. NIXON) Okay. Did you have interest  
11 in participating in any kind of cleaning up the maps?

12 A. After the vote?

13 Q. Yes.

14 A. No.

15 Q. Okay. I'm going to hand you what's been  
16 marked Exhibit 14 and ask you if you can identify this?

17 (Exhibit No. 14 marked.)

18 A. Yeah, it's like a forwarded email from Tyler  
19 Drummond.

20 Q. (BY MR. NIXON) Do you remember getting it?

21 A. No, I don't recall.

22 Q. Do you remember getting the email directly  
23 from Ms. Swanson?

24 A. I don't recall receiving it.

25 Q. At all?

1 A. No.

2 Q. Well, this is dated November 4, 2021, from  
3 Tyler Drummond, so he got it, right and then sent it to  
4 you?

5 MS. RICHARDSON: Objection to form.

6 A. Yeah, it looks like he forwarded it.

7 Q. (BY MR. NIXON) Right. So Ms. Swanson writes  
8 to Judge Henry, Darrell Apffel, Steven Holmes, Joe  
9 Giusti, Ken Clark, and attaches the letter, did you  
10 ever get this letter?

11 A. I don't recall receiving it.

12 Q. The letter head includes recommended  
13 districting criteria; are these the criteria that you  
14 wished the county had adopted?

15 A. Where you reading from --

16 Q. I'm just reading from the letter.

17 A. -- where's the criteria?

18 Q. From the letter?

19 A. -- where's the criteria?

20 Q. Recommended districting criteria follow  
21 advice in following order.

22 MS. RICHARDSON: Can you identify the  
23 page number.

24 Q. (BY MR. NIXON) 301. Holmes 301.

25 A. Bottom of 301?



1 Q. Yes.

2 A. -- redistricting project following order?

3 Q. Yes.

4 A. What was your question?

5 Q. Do you have any recollection at all of  
6 receiving this letter?

7 A. No.

8 MR. HOWRY: Objection, form.

9 Q. (BY MR. NIXON) Are these the type of  
10 redistricting criteria that you wish the county would  
11 have adopted?

12 MS. RICHARDSON: Objection, form.

13 A. I can't necessarily speak to the criteria, I  
14 wish we would have adopted some criteria that would  
15 conform and spell out that we were complying with the  
16 law and that certain things in regards to the integrity  
17 of the maps that were drawn was be in place.

18 Q. Are you denying that you ever got this  
19 letter?

20 A. No, no, I'm not denying that. You asked me  
21 if I remember.

22 Q. Yes. Right. Well, if you got this, I mean,  
23 you got it directly from Ms. Swanson appears and then  
24 Tyler sends it to you as well?

25 MS. RICHARDSON: Objection --

1 Q. (BY MR. NIXON:) Why didn't you just tell Mark  
2 Henry, I like these criteria put it on the agenda?

3 MS. RICHARDSON: Before you answer.  
4 Objection, form and argumentative.

5 MR. MANCINO: Join.

6 A. Yeah, I think if you look back to one of your  
7 previous exhibit -- if you could you'll see that  
8 there's a conversation between me and Tyler Drummond  
9 some time in late October where he says that he was  
10 working on putting together a timeline for the county  
11 and its redistricting process. I assume that during  
12 that timeline it would layout, one when public meetings  
13 were, when we adopt criteria and other things.

14 MR. NIXON: Object to the  
15 nonresponsive answer.

16 Q. (BY MR. NIXON:) I simply ask you why didn't  
17 you take this letter and say Mark put it on the agenda,  
18 this is what I want?

19 A. I answered your question.

20 MS. RICHARDSON: Objection, to form.

21 Q. (BY MR. NIXON) You assumed that Tyler  
22 Drummond was doing it for you?

23 MS. RICHARDSON: Same objection.

24 A. I assumed that he was good to his word.

25 MR. NIXON: Object to

1 nonresponsiveness.

2 Q. (BY MR. NIXON) Did you assume that Tyler

3 Drummond was drafting districting criteria?

4 A. That he was going to get back with me and

5 that those things would happen.

6 Q. His word, according to your note was

7 timeline, not criteria?

8 A. Yeah, that timeline would say when they would

9 lay all that stuff out, including the date and time for

10 hearing and public hearings as well --

11 Q. And you know -- so you just assumed that

12 someone else was going to do your work?

13 MS. RICHARDSON: Objection,

14 argumentative.

15 MR. HOWRY: Objection, form. That's

16 argumentative. You don't have to answer that question.

17 MR. RUSSO: Yes, he does.

18 MR. HOWRY: No, he doesn't. Who are

19 you, by the way?

20 MR. RUSSO: Counsel for defendants.

21 MR. HOWRY: Well, he's taking the

22 deposition. He answers my objections, you don't have

23 to.

24 MR. RUSSO: Counsel, we've got about

25 eight lawyers objecting in this deposition and there're

1 only three different parties.

2 MR. HOWRY: They're each party that's  
3 objecting today represents a single party, if you  
4 represent the same party he'll speak for you today  
5 unless you are taking the deposition.

6 MR. RUSSO: Your objection is noted.

7 MR. HOWRY: Okay. And so is yours.

8 MR. RUSSO: He can answer over  
9 objections just like every other witness in this case.

10 MR. HOWRY: Heard enough from you.

11 MR. RUSSO: We'll see.

12 MR. HOWRY: Yeah, we will.

13 (Laughter.)

14 MS. OLALDE: I'm going to open the  
15 door if that's okay with everybody.

16 Q. (BY MR. NIXON:) Okay. Can you read back my  
17 question, please?

18 (Whereupon reporter complies.)

19 A. My lawyers instructed me not to answer.

20 MR. HOWRY: Why don't you repeat the  
21 question, let's see if we could reset here.

22 Q. (BY MR. NIXON) Why were you expecting Tyler  
23 Drummond to do work that you could just do yourself?

24 MR. MANCINO: Objection to form.

25 MR. HOWRY: Same objection.

1 Q. As it related to redistricting criteria?

2 MS. RICHARDSON: Objection, form.

3 Argumentative.

4 A. What work are you referring to?

5 Q. (BY MR. NIXON) Redistricting criteria?

6 A. Yeah, that was the job of the attorney that  
7 we hired that carried the county through the  
8 redistricting process, not my job. The expert.

9 Q. And you paid no attention whatsoever to the  
10 letter that Ms. Swanson sent?

11 A. I did not say that.

12 Q. You don't have any recollection of it at all?

13 A. I don't recall, that's what I said.

14 Q. You didn't make a note of it in any of your  
15 notes?

16 MS. RICHARDSON: Objection, form.

17 Q. (BY MR. NIXON) Did you make a note of it in  
18 any of your notes?

19 A. That I read an email from Stephanie Swanson?

20 Q. Yes.

21 A. The notes that I have are notes related to  
22 conversations and phone calls.

23 Q. You didn't make a note Stephanie Swanson sent  
24 me some excellent districting criteria and a timeline  
25 that I am going to now ask the county judge to put on

1 the agenda?

2 MS. RICHARDSON: Objection, form.

3 Argumentative.

4 MR. MANCINO: Objection, form.

5 A. What's your question?

6 Q. (BY MR. NIXON) You didn't make a note that  
7 you had districting criteria and a timeline from  
8 Ms. Swanson that you could now just send to the county  
9 judge and say I want to put this on the agenda?

10 MS. RICHARDSON: Objection, form.

11 A. No such note.

12 Q. (BY MR. NIXON) I mean she did the work for  
13 you, why didn't you use her work?

14 MR. MANCINO: Objection to form.

15 MS. RICHARDSON: Objection to form.

16 Argumentative.

17 A. Stephanie Swanson was not retained by the  
18 county to create redistricting criteria for Galveston  
19 county.

20 Q. (BY MR. NIXON) Did you ever ask Chad Dunn to  
21 create districting criteria?

22 A. Chad Dunn?

23 Q. Yes.

24 A. By the time I talked to Chad Dunn there was  
25 no chance to create redistricting criteria, we were

1 voting on the maps in less than a week.

2 Q. Let me hand you what's been marked as Holmes  
3 Exhibit 15 and this is DEFS 00029586. Can you identify  
4 what Exhibit 15 is please?

5 (Exhibit No. 15 marked.)

6 A. Yes, looks like an email from Roxy Williamson  
7 and my reply to Roxy Williamson dated October 26, 2021.

8 (Phone ringing.)

9 Q. (BY MR. NIXON) That's mine, I don't know why  
10 it's doing that. Okay.

11 She said we're putting a letter together and  
12 then you write back, "hey, Roxy I don't have anyone in  
13 particular I want the letter sent to. Do you have a  
14 copy of the letter;" did she give you a copy of the  
15 letter?

16 A. I can't recall.

17 Q. Okay. Just is -- is Exhibit 14 the letter  
18 that she wanted to send out?

19 A. 14? The Stephanie Swanson email?

20 Q. Yes.

21 A. I don't know.

22 Q. Because 14 is a letter from Stephanie  
23 Swanson?

24 A. Yeah, this is it right here. 14, yeah.

25 Q. You were advised you were going to get a

1 letter from Stephanie Swanson and that you didn't have  
2 anybody you wanted it sent to, they asked you?

3 A. Yeah, I don't know that -- I don't know that  
4 Exhibit 14 is the same things that's, that's being  
5 referred to in Exhibit 15.

6 Q. Was there something else that you remember?

7 A. I don't know. But I don't know that they're  
8 to the same, they're referring to the same thing.

9 Q. Okay. Exhibit 14 is a letter from  
10 Ms. Swanson to the Commissioner Court?

11 A. Yes.

12 Q. Okay. I'm going to hand you what's been  
13 marked Holmes Exhibit 16, ask you if you can identify  
14 it?

15 (Exhibit No. 16 marked.)

16 MS. OLALDE: Can you hand me the  
17 folder please, thank you.

18 Q. (BY MR. NIXON:) It's Holmes 1347?

19 A. Okay.

20 Q. What is Exhibit 16?

21 A. Looks like an email from Leon Phillips  
22 referring to a bunch of, a number of people.

23 Q. Who's this group of people?

24 A. I don't know who they are.

25 Q. Well, one of them is Penny Pope?



1 A. Yeah.

2 Q. Steve McIntyre. You don't know, I mean this  
3 is --

4 A. Yeah, I know penny pope.

5 Q. -- did you forward it to all these people?

6 A. No.

7 Q. No?

8 A. Yeah, no.

9 Q. Okay. Got somebody else you don't know who  
10 this group is?

11 A. I don't know. I mean know some of the names  
12 on this group here, but I don't know if it's a, you  
13 know, club group. I guess that's my point.

14 Q. Okay. So it's -- it looks like it's from the  
15 Galveston NAACP to you and a bunch of other people; is  
16 that fair?

17 A. No, it appears to be forwarded by Leon  
18 Philips to a bunch of people which was a message from  
19 Mary Patrick.

20 Q. What is this forwarded message from Galveston  
21 NAACP?

22 A. I think -- I thought that was the sender  
23 there and this is the message that was forwarded, being  
24 forwarded.

25 Q. Is it your -- it says, "I have posted the

1 website to go to an expressed comments about the two  
2 maps that may be voted on next Tuesday. Dr. Scott,  
3 Roxy Hall Williamson, Mr. Hatter and I were on the call  
4 tonight with Commissioner Holmes and he provided great  
5 information;" were you on such a call?

6 A. I can't recall.

7 Q. What information did you provide?

8 A. I can't recall.

9 Q. Did you have notes of that conversation?

10 A. I do not.

11 Q. Did you look for notes of that conversation?

12 A. I didn't.

13 Q. Why did you not take notes of this call?

14 MS. RICHARDSON: Objection, form.

15 MR. MANCINO: Join.

16 A. No reason.

17 Q. (BY MR. NIXON:) So was Mary Patrick inviting  
18 all of these people to click on the link and provide  
19 their comments electronically?

20 MS. RICHARDSON: Objection to form.

21 Q. (BY MR. NIXON) To your knowledge?

22 A. I don't believe Mary Patrick sent this email  
23 out as I said before I think Leon Phillips sent this  
24 out. He forwarded an email that she sent.

25 Q. Okay. From Mary Patrick here it says, please

1 pass the word Dr. Scott please send out to the  
2 membership, thanks, Mary Patrick. There are two things  
3 I wanted people to say, remove Bolivar from map 1 --  
4 remove Bolivar from the map and map 2 eliminate the  
5 map? Did you support those positions?

6 A. I don't recall.

7 Q. Okay.

8 A. You talking about when I spoke with him on  
9 this?

10 Q. Yes.

11 A. Yes, I don't recall.

12 Q. Did you go back and look at any of their  
13 comments that they may have sent in electronically?

14 A. To the county's website?

15 Q. Yes, "please click on the link and provide  
16 comments?"

17 A. No.

18 Q. You didn't go back?

19 A. Yeah, I didn't provide -- I don't recall.

20 Q. Okay. I'm going to hand you what's been  
21 marked as Holmes Exhibit 17 and ask if you can identify  
22 those for me please?

23 (Exhibit No. 17 marked.)

24 A. Yeah, seems to be a response I made to an  
25 email that was sent to me by Elizabeth Dunn.

1 Q. (BY MR. NIXON) Who's Elizabeth Dunn?

2 A. Elizabeth Dunn I used to -- many, many, years  
3 ago I worked with her in the District Attorney's  
4 office.

5 Q. She reached out to you regarding the maps?

6 A. Let me see here. Yeah, she seems to be  
7 relaying to an article that was written in regards to  
8 the redistricting process.

9 Q. To which you write back, "hey, Elizabeth I'm  
10 fine and hope you're doing well thank you for reaching  
11 out and offering this assistance. We're going to fight  
12 this discriminatory plan in the Courts, I will  
13 definitely reach out if I need you."

14 Was it your intent to sue the county over  
15 this plan?

16 MS. RICHARDSON: Objection to form.

17 A. It was my intent to fight discriminatory,  
18 what I felt was a discriminatory plan.

19 Q. (BY MR. NIXON) Okay.

20 A. Any way, any legal way I could.

21 Q. Okay. All right. That did not provide a  
22 conflict between you and the county?

23 A. What didn't provide a conflict?

24 Q. This intent to fight the discriminatory plan  
25 in the Courts anyway you could?

1 MR. MANCINO: Objection to form.

2 A. What would the conflict be?

3 Q. (BY MR. NIXON) Well, let me ask you about a  
4 conflict, if you don't believe there's a conflict then  
5 that would be your answer, not me to tell you what it  
6 is?

7 A. Okay. Well --

8 MR. MANCINO: Same objection.

9 MS. RICHARDSON: Objection to form.

10 Q. (BY MR. NIXON) Do you believe that there to  
11 be a conflict?

12 A. What would the conflict be? Can you be more  
13 specific of what the conflict would be?

14 Q. (BY MR. NIXON) No, I'm asking you if you  
15 believe that there would be a conflict between you and  
16 the county over these maps?

17 A. Yes.

18 MS. RICHARDSON: Objection to form,  
19 asked and answered.

20 Q. (BY MR. NIXON) What's your answer?

21 A. Can I be -- can you be more specific about  
22 what the conflict would be?

23 Q. No.

24 A. Is my answer.

25 Q. No. No, I'm not going be more specific?

1 A. Okay.

2 Q. I just wanted to know whether you believe  
3 that it creates any kind of conflict between you and  
4 the county?

5 MS. RICHARDSON: Objection to form,

6 MR. MANCINO: Objection to form.

7 MS. RICHARDSON: Asked and answered.

8 A. I need you to be more specific about what you  
9 mean about conflict, how you define conflict.

10 Q. (BY MR. NIXON) Okay. I'm not going to be  
11 more specific, is your answer you don't think there's a  
12 conflict?

13 MS. RICHARDSON: Objection to form.

14 MR. MANCINO: Objection to form, it's  
15 unintelligible.

16 MS. RICHARDSON: And misstates prior  
17 testimony.

18 A. I didn't say that.

19 Q. (BY MR. NIXON) So there might be a conflict?

20 A. I didn't say the words that came out of your  
21 mouth.

22 Q. Well, you tell me, is or is there not a  
23 conflict between you and county regarding the  
24 redistricting?

25 MR. HOWRY: That question's been asked

1 and answered four times, he's given you the answer  
2 three times, move on counsel.

3 MR. MANCINO: Objection to form.

4 MS. RICHARDSON: Same objection.

5 Q. (BY MR. NIXON) You may answer the question.

6 A. Can you be more specific about what you mean  
7 by conflict, what that conflict would be?

8 Q. No, I just used the term conflict.

9 A. Okay.

10 Q. Are you at odds with the county over the  
11 redistricting plan?

12 A. Could you be more specific about what you  
13 mean "at odds"?

14 Q. That you intend to sue the county?

15 MR. MANCINO: Objection to form.

16 Q. (BY MR. NIXON) Do you believe a fight in  
17 court creates a conflict between you and the county?

18 MS. RICHARDSON: Objection to form.

19 A. Yeah, not necessarily. We might have  
20 difference in views, but it doesn't necessarily create  
21 a conflict.

22 MR. HOWRY: Commissioner, how you  
23 doing, you need a break?

24 THE WITNESS: No, I'm good. I'm good.

25 MR. HOWRY: You good, all right.

1 MR. NIXON: Let me talk about one  
2 document and we'll take a break.

3 MR. HOWRY: If he's good, I'm good.

4 Q. (BY MR. NIXON) Let me hand you what's been  
5 marked as Holmes Exhibit 18 and ask you to identify  
6 that?

7 (Exhibit No. 18 marked.)

8 MS. OLALDE: May I have the folder,  
9 please?

10 A. Yes, it appears to be an email from Roxy  
11 Williamson to me.

12 Q. (BY MR. NIXON) What's the date of that?

13 A. September 11, 2021.

14 Q. What is she asking you here?

15 A. Let me see here. She asked me, I'm not sure  
16 what she asked me. She says, "thank you for any  
17 information you can provide."

18 Q. It's a forwarded message from Roxy Williamson  
19 to city manager of Galveston. It says, "good afternoon  
20 could you please share the dates of city council  
21 discussions about redistricting. Open hearing dates  
22 and locations for redistricting;" why was she sending  
23 you redistricting information for the City of  
24 Galveston?

25 A. I don't know.



1 Q. Is she asking you for the same dates  
2 regarding commission?

3 A. No, all her email says to me is thank you for  
4 any information you can provide.

5 Q. Okay. Let me hand you what's been marked  
6 Holmes Exhibit 19?

7 (Exhibit No. 19 marked.)

8 A. Okay.

9 Q. (BY MR. NIXON) And ask you if you can  
10 identify it please?

11 (Exhibit No. 19 marked.)

12 A. Yes, says April 12, 2021, appears to be an  
13 email from Charles Hailey for the Galveston democrats  
14 talking about a coalition of Black democrats invites  
15 you to participate in a Zoom discussion over  
16 districting Neil Baron local democrat lawyer will be  
17 the guest speaker.

18 Q. (BY MR. NIXON) Okay. So was it sent to all  
19 democrats in Galveston County or just the African  
20 American democrats?

21 MR. MANCINO: Objection to form.

22 A. Yeah, I don't know who it went to.

23 Q. (BY MR. NIXON) Okay. Went to you though and  
24 Neil Baron who's with us here today is going to be the  
25 guest speaker to talk about redistricting and this was

1 going to be in April of 2021; is that right?

2 A. That's the date of it, yes.

3 Q. Now, is there part of this email that's  
4 redacted?

5 A. Not by me.

6 Q. Well, look right here after the quote by Andy  
7 Hailey, is that a redacted quote?

8 A. That hasn't been redacted by me.

9 Q. Okay. This looks like it went to the  
10 democrat of Galveston County group, are you a member of  
11 the democrats of Galveston county?

12 A. I am.

13 (Reporter clarification.)

14 Q. (BY MR. NIXON) Did you attend the Zoom  
15 meeting?

16 A. Honestly, I can't recall.

17 Q. Okay. I'm going to hand you what's been  
18 marked Holmes Exhibit 20 and ask you if you can  
19 identify that?

20 (Exhibit No. 20 marked.)

21 A. Yes, it's an email from Roxy D. Williamson to  
22 me October 11, 2021, appears to be inviting me to a  
23 scheduled Zoom meeting.

24 Q. (BY MR. NIXON) Did you attend the Zoom  
25 meeting?

1 A. I can't recall.

2 Q. It was on October 11, 2021?

3 A. Yeah, I don't recall.

4 Q. You don't know whether or not you spoke at  
5 the Zoom meeting?

6 A. I don't.

7 Q. Why don't we take a little break right now?

8 THE VIDEOGRAPHER: Off the record at  
9 4:08.

10 (Off the record.)

11 THE VIDEOGRAPHER: We're back on the  
12 record at 4:27.

13 Q. (BY MR. NIXON:) Okay. We're getting close  
14 Commissioner Holmes?

15 A. All right.

16 Q. I just got a few other documents to go  
17 through, but before I do that I just want to ask you  
18 obviously questions?

19 A. Yeah.

20 Q. Are you responsive to the Anglo constituents  
21 in your district as well?

22 MS. RICHARDSON: Objection to form.

23 A. Yeah, anybody in my district that needs help  
24 regardless of race.

25 Q. (BY MR. NIXON) You get calls about traffic

1 signals and potholes and beach erosion and all kinds of  
2 things from time to time, don't you?

3 A. I would say a mix of stuff like that, yes.

4 Q. And your assistant helps you and you go  
5 figure out what kind of services the county can  
6 provide, and do you provide services to other people,  
7 everybody in your district?

8 A. Yeah, or we direct them to get the help they  
9 need.

10 Q. Okay. Sometimes the City or the state?

11 A. Exactly, exactly.

12 Q. And then if need be you work with the city or  
13 state in order to help your constituent, right?

14 A. Yes, sure.

15 Q. Regardless of race?

16 A. Sure.

17 Q. Right. Rumor is that you may be the most  
18 conservative fiscal conservative member on the  
19 Commissioner's Court?

20 A. No, rumor.

21 (Laughter.)

22 Q. (BY MR. NIXON) Is that true?

23 A. No rumor.

24 Q. Is that true?

25 A. Ask the other members of the Commissioner's

1 Court, they'll tell you.

2 Q. Yeah, all right with regard to that are the  
3 other members of the Commissioner's Court responsive to  
4 their constituents regardless of race?

5 MR. MANCINO: Objection to form.

6 MS. RICHARDSON: Join.

7 A. I count answer that.

8 Q. (BY MR. NIXON) You don't know of any  
9 situation where anybody's not been helped because of  
10 the race, have you?

11 A. I do not.

12 Q. Okay. Regardless to anybody whether it's one  
13 of the commissioners or the county judge, you have not  
14 heard anything?

15 A. I have not, not based on their race, no.

16 Q. Okay.

17 MR. NIXON: Pass the witness.

18 MR. HOWRY: Thank you.

19 MR. MANCINO: I'll reserve my  
20 questions.

21 MS. RICHARDSON: I'll also reserve for  
22 trial.

23 MR. GEAR: Bruce Gear, G-E-A-R  
24 attorney with the Department of Justice, reserve  
25 questions.

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MR. HOWRY: I have no questions.

THE REPORTER: Was there anybody that  
wanted a copy?

MR. HOWRY: I want to get a review and  
sign.

(Proceedings concluded.)

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WITNESS CORRECTIONS AND SIGNATURE

Please indicate changes on this sheet of paper, giving the change, page number, line number and reason for the change. Please sign each page of changes.

PAGE/LINE	CORRECTION	REASON FOR CHANGE

Commissioner Stephen Holmes

Stephen Holmes

June 01, 2023

1 I, COMMISSIONER STEPHEN HOLMES, have read the  
2 foregoing deposition and hereby affix my signature that  
3 same is true and correct, except as noted above.

4 \_\_\_\_\_

5 COMMISSIONER STEPHEN HOLMES

6 STATE OF TEXAS )

7 COUNTY OF \_\_\_\_\_ )

8 Before me, \_\_\_\_\_, on this day  
9 personally appeared COMMISSIONER STEPHEN HOLMES, known  
10 to me (or proved to me under oath through \_\_\_\_\_)  
11 to be the person whose name is subscribed to the  
12 foregoing instrument and acknowledged to me that they  
13 executed the same for the purposes and consideration  
14 therein expressed.

15 GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this,  
16 \_\_\_\_\_ day of \_\_\_\_\_, 2023.

17

18 \_\_\_\_\_

19 Notary Public, State of Texas

20 My Commission Expires: \_\_\_\_\_

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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE SOUTHERN DISTRICT OF TEXAS  
3 GALVESTON DIVISION

4 TERRY PETTEWAY, THE HONORABLE )  
5 DERRECK ROSE, MICHAEL MONTEZ, )  
6 SONNY JAMES and PENNY POPE, )  
7 Plaintiffs, ) Civil Action  
8 vs. ) No. 3:22-CV-57  
9 )  
10 GALVESTON COUNTY, TEXAS, and )  
11 HONORABLE MARK HENRY, in his )  
12 official capacity as Galveston )  
13 County Judge, )  
14 Defendants. )

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15 UNITED STATES OF AMERICA, )  
16 Plaintiff, )  
17 vs. ) Civil Action  
18 ) No. 3:22-CV-93  
19 )  
20 GALVESTON COUNTY, TEXAS, )  
21 GALVESTON COUNTY )  
22 COMMISSIONERS COURT, and )  
23 HONORABLE MARK HENRY, in his )  
24 official capacity as Galveston )  
25 County Judge, )  
26 Defendants. )

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27 DICKINSON BAY AREA BRANCH )  
28 NAACP, GALVESTON BRANCH )  
29 NAACP, MAINLAND BRANCH )  
30 NAACP, GALVESTON LULAC )  
31 COUNCIL 151, EDNA COURVILLE, )  
32 JOE A. COMPIAN, and LEON )  
33 PHILLIPS, ) Civil Action  
34 ) No. 3:22-CV-117  
35 )



1 I further certify that I am neither attorney nor  
2 counsel for, related to, nor employed by any of the  
3 parties to the action in which this testimony was  
4 taken.

5 Further, I am not a relative or employee of any  
6 attorney of record in this cause, nor do I have a  
7 financial interest in the action.

8 Subscribed and sworn to on this 5th day of June,  
9 2023.

10 

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13 for the State of Texas  
14 My Commission No. 12878135-3  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HONORABLE TERRY PETTEWAY,	§	
et al.,	§	
Plaintiffs,	§	
	§	
	§	CIVIL ACTION
VS.	§	NO. 3:22-cv-00057
	§	
GALVESTON COUNTY, et al.	§	
Defendants.	§	

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ORAL AND VIDEOTAPED DEPOSITION OF  
CHERYL JOHNSON  
FEBRUARY 28, 2023

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ORAL AND VIDEOTAPED DEPOSITION of CHERYL JOHNSON,  
produced as a witness at the instance of the Plaintiff(s)  
and duly sworn, was taken in the above-styled and  
numbered cause on February 28, 2023, from 9:10 a.m. to  
5:28 p.m., before Molly Carter, Certified Shorthand  
Reporter in and for the State of Texas, reported by  
machine shorthand, with all attendees appearing remotely,  
pursuant to the Federal Rules of Civil Procedure.

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9 Mr. Thomas Munk, Concierge Tech  
10 Ms. Samantha Perlman, Legal Intern  
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1 THE VIDEOGRAPHER: We are going on the record  
2 at 9:10 a.m., February 28, 2023. This is Media Unit 1 of  
3 the video-recorded deposition of Cheryl Johnson, taken by  
4 counsel for Plaintiff in the matter of Honorable Terry  
5 Petteway, et al., versus Galveston County, Texas, et al.,  
6 filed in the United States District Court for the  
7 Southern District of Texas, Galveston Division, Case  
8 Number 3:22-CV-00057.

9 My name is Christopher Archie, representing  
10 Veritext, and I'm the videographer. The court reporter  
11 is Molly Carter for the firm Veritext.

12 Counsel and all present, including remotely,  
13 will now state their appearances and affiliations for the  
14 record, beginning with the noticing attorney.

15 MS. GARRETT: This is Kathryn Garrett, here on  
16 behalf of NAACP Plaintiffs.

17 MS. COPPER: This is Alexandra Copper, here on  
18 behalf of Petteway Plaintiffs.

19 MR. NEWKIRK: Hi. This is Zach Newkirk on  
20 behalf of the United States.

21 MS. OLALDE: Angie Olalde, Jordan Raschke Elton  
22 and Mateo Forero on behalf of Defendants.

23 THE VIDEOGRAPHER: Okay. If that's everyone,  
24 will the court reporter please swear in the witness, and  
25 counsel may proceed.

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CHERYL JOHNSON,

having been first duly sworn, testified as follows:

E X A M I N A T I O N

BY MS. GARRETT:

Q Good morning, Ms. Johnson. I appreciate your time today. My name is Kathryn Garrett and I'm one of the lawyers representing the NAACP Plaintiffs in this case.

Could you please state your name and full name -- or please state and spell your full name for the record?

A Cheryl Johnson, C-H-E-R-Y-L, Johnson, J-O-H-N-S-O-N.

Q Have you ever given testimony in a deposition before?

A Not that I recall.

Q Have you ever given testimony in court before?

A Yes.

Q So you have a bit of an understanding of what we're doing here today. You have been sworn in and are under oath to give accurate and truthful testimony today just as if you were in court.

Before we begin our conversation, I want to go over a few ground rules for how this deposition will proceed. If you have any questions, please let me know.

1           Today we have Molly Carter as our court  
2 reporter. She will be making a transcript of everything  
3 that occurs on the record today. To help make her job  
4 easier and to help ensure an accurate record, I ask that  
5 you give oral responses to all of my questions as opposed  
6 to non-oral responses such as nodding or shaking your  
7 head. Do you agree to do that?

8           A     Yes.

9           Q     First, if I ask you a question and you answer  
10 it, I will assume that you have understood the question.  
11 Fair enough?

12          A     Yes.

13          Q     If you aren't sure if you understand my  
14 question, please feel free to ask me and I will clarify  
15 or rephrase my question.

16                It's also important that we not interrupt or  
17 talk over each other. I'll do my best not to interrupt  
18 you when you are speaking, and in return, I ask that you  
19 wait until I finish my question before answering.

20                In addition, if your lawyer decides to object  
21 to any of my questions, they will want to do so before  
22 you answer.

23                Do you agree to do that?

24          A     Yes.

25          Q     I'm going to ask you some questions that take

1 us back in time. Other than the passage of time, is  
2 there any reason you can think of why you would not be  
3 able to accurately recall things that have happened in  
4 the past?

5 A No.

6 Q You are not on any medication that may affect  
7 your memory today; is that right?

8 A That's right, I'm not.

9 Q And you are not under the influence of anything  
10 that may affect your memory today?

11 A No, I am not.

12 Q As mentioned, your lawyer may object to some of  
13 my questions. Unless they instruct you not to answer,  
14 you still do have to answer the question. Does that make  
15 sense?

16 A Yes.

17 Q Other to -- other than to consult with your  
18 attorney about issues of privilege, you cannot  
19 communicate with anyone else about the questions I am  
20 asking or about your testimony. Do you understand that?

21 A Yes.

22 Q Is there anybody else in the room with you  
23 today?

24 A Yes.

25 Q Who is in the room with you today?



1 A Angie, Jordan and Zach.

2 Q Also, please make sure that your cell phone is  
3 turned off and that you're not able to see or view  
4 notifications during the deposition.

5 You are not allowed to consult any written,  
6 printed or electronic information unless that information  
7 is provided to you by me or others -- or other attorneys  
8 asking questions today during the deposition.

9 Do you agree to do that?

10 A Yes.

11 Q With that, do you have any documents in front  
12 of you today?

13 A No, I do not.

14 Q If you need a break at any point during the  
15 deposition, please let me know and we will accommodate  
16 that. Please note that if I have just asked you a  
17 question, I will ask you to respond before we take that  
18 break.

19 And as a final note, this case is consolidated  
20 with cases brought by Terry Petteway and other  
21 individuals, as well as the Department of Justice,  
22 against Galveston County in the Southern District of  
23 Texas. Both the Department of Justice and counsel for  
24 the Petteway Plaintiffs will have an opportunity to ask  
25 you questions later today as well.

1                   So our first question for you, how long have  
2 you lived in Galveston County?

3                   A     Since 1983.

4                   Q     Where did you grow up?

5                   A     Actually, I've been in Galveston County since  
6 1999.

7                   Q     Where did you grow up prior to moving to  
8 Galveston County?

9                   A     I grew -- I was born in New Jersey, and I grew  
10 up there and in Pennsylvania.

11                  Q     Are you affiliated with or a member of any  
12 local Galveston County organizations?

13                  A     Yes.

14                  Q     Which ones?

15                  A     The Santa Fe, Galveston, League City and  
16 Hitchcock Chambers of Commerce, the Galveston Republican  
17 Women and the Texas Gulf Coast Republican Women. I'm  
18 also associated with the Texas Assessor-Collectors  
19 Association.

20                  Q     For how long have you been a member of those  
21 organizations?

22                  A     Various amounts of time.

23                  Q     Which one have you been a member of for the  
24 longest period of time?

25                  A     The Chambers of Commerce.

1 Q Do you hold positions within these  
2 organizations?

3 A No, I do not.

4 Q How much time do you devote to these  
5 organizations generally?

6 A Typically an -- an hour a month.

7 Q For each or total?

8 A For each, depending on their meeting schedules.

9 Q Are you at all affiliated with the NAACP?

10 A No, I am not.

11 Q Are you affiliated with LULAC, the League of  
12 United Latin American Citizens?

13 A Would you repeat the question?

14 Q Yes. Are you affiliated with LULAC?

15 A No, I am not.

16 Q Can you describe your educational background?

17 A I am a professional certified collector and a  
18 certified tax office professional through the TACA, which  
19 is the Texas Association -- or Assessor-Collectors  
20 Association. I formally had a license with TDLR as a  
21 Texas assessor-collector. I am a previous real estate --  
22 licensed real estate agent in both Texas and  
23 South Carolina. I have an associate's degree from  
24 San Jacinto College.

25 Q What did you study or what was your associate's

1 degree in?

2 A Business administration.

3 Q Any education beyond the associate's degree,  
4 and the other licenses and certifications you mentioned?

5 A I've had over 300 hours in continuing education  
6 as a licensed real estate agent at various institutions,  
7 including University of North Carolina and Baylor  
8 College.

9 Q What was your first job after you earned your  
10 associate's degree?

11 A I was the director of information services at  
12 the Galveston Central Appraisal District.

13 Q What other jobs did you work after that?

14 A Tax assessor-collector.

15 Q And is that your current job in Galveston  
16 County that you're referring to?

17 A Yes, ma'am.

18 Q So to confirm, did you have any other jobs  
19 prior to your current job, other than the ones you've  
20 already mentioned?

21 A I've had prior jobs throughout my life.

22 Q What were some of those jobs?

23 A I was a real estate appraiser both in Texas and  
24 in South Carolina. I've had a small business doing  
25 demographic work for a short time period. And I've

1 worked in a variety of real estate-related fields,  
2 including architectural firms, real estate offices and  
3 real estate appraisal firms.

4 Q Can you tell me about -- a little bit more  
5 about the small business that you mentioned?

6 A It was called Demographic Profile Associates.  
7 It was strictly information that we would gather to  
8 assist governments with writing grants.

9 Q And for what years did you have that small  
10 business?

11 A I believe it was 2001 and '02.

12 Q And where was that business located?

13 A We worked from our homes.

14 Q And which -- you mentioned that you provided  
15 information to government entities; is that right?

16 A Yes, ma'am.

17 Q Which government entities did you provide that  
18 information to?

19 A The City of Bay City was our primary  
20 governmental entity that we assisted with -- with  
21 demographic work for grants.

22 Q And what kind of demographic information did  
23 you collect?

24 A Typically census data.

25 Q And then what would you do with that census

1 data when you -- how did you process it to give it to  
2 different various government entities?

3 A We would put it into charts and graphs, and  
4 sometimes summarize in paragraph form, depending on what  
5 their needs were.

6 Q What were some of those needs that they had?

7 A Obtaining grants from the federal government.

8 Q So today you work for Galveston County; is that  
9 right?

10 A I work for the voters of Galveston County.

11 Q Voters of Galveston County. And how long have  
12 you worked for the voters of Galveston County?

13 A 18 years.

14 Q And what is your job title?

15 A Galveston County tax assessor-collector.

16 Q Do you have any other titles?

17 A I'm also voter registrar.

18 Q How do those two roles or job titles overlap?

19 A By virtue of being the tax assessor-collector,  
20 I am the voter registrar.

21 Q And how did you get that job? Did you apply  
22 for it?

23 A No. I ran for public office.

24 Q When were you first elected?

25 A 2004.

1 Q And how many times have you been elected?

2 A I -- I don't remember. I guess eight times.  
3 I've served 18 years, so six times.

4 Q When were you last elected?

5 A 2020.

6 Q Did you run opposed in that election?

7 A In the primary, yes.

8 Q In the primary. And which primary was that?

9 A The Republican primary.

10 Q Have you always been a member of the Republican  
11 party?

12 A No.

13 Q When did you become a member of the Republican  
14 party?

15 A You become a member of a party by virtue of  
16 running for office in that primary or by voting in that  
17 primary in Texas.

18 Q Have you always run as a Republican in  
19 elections?

20 A No. When I was on the school board, it was a  
21 nonpartisan position.

22 Q To what extent were you involved in politics  
23 prior to your current job?

24 A I was on the school board in Clear Creek ISD  
25 for two terms -- three terms.

1 Q Do you hold any titles or positions within the  
2 Republican party?

3 A No.

4 Q How often do you attend GOP meetings as it  
5 relates to your -- or do you -- how often do you attend  
6 GOP meetings, if you attend?

7 A I've never necessarily attended a GOP meeting.

8 Q In general, can you describe your 2020 campaign  
9 process?

10 A The process? You sign up the December before  
11 to run in the primary, which I did, and you run in the  
12 primary. And I was unopposed in the November election.

13 Q Did you hold or conduct any events as part of  
14 that campaign?

15 A Yes, ma'am.

16 Q Which events did you hold?

17 A Probably too many to recall all. Campaign  
18 fundraisers predominantly. Town hall meetings. I  
19 attended candidate forums.

20 Q Did you campaign in any majority or minority  
21 neighborhoods?

22 A I don't recall.

23 Q Did you meet with any community groups?

24 A Not that I recall specifically. If a group had  
25 a forum, I certainly attended.



1 Q Did the 2011 redistricting cycle come up during  
2 your 2020 campaign at all?

3 A Not that I recall.

4 Q So as the Galveston County tax  
5 assessor-collector, what are your responsibilities  
6 generally?

7 A I assess, which is calculation, and collect  
8 taxes on properties in both Galveston and Harris  
9 counties. For 36 jurisdictions, I am the voter  
10 registrar. We also work on behalf of the -- the  
11 Secretary of State in that capacity. The Texas  
12 Department of Motor Vehicles performing registration and  
13 titling services. Texas Parks and Wildlife performing  
14 licensing of water vessels. Texas Alcoholic Beverage  
15 Commission processing liquor licenses. And that's  
16 basically all that I recall off the top of my head.

17 Q You mentioned that the voter registrar works  
18 with the Secretary of State, is that right --

19 A Yes.

20 Q -- in your role as voter registrar?

21 A Yes.

22 Q And does that -- is it -- what is your role  
23 with the redistricting process specifically for the  
24 commissioners precinct lines, either as voter registrar  
25 or tax assessor-collector?

1           A     Our primary function is to receive changes that  
2     are made to various -- various election precincts and  
3     implement those changes into the TEAM, Texas Election  
4     Administration Management system, that we are associated  
5     with through the Secretary of State. So predominantly  
6     and pretty much solely, it's updating boundaries as they  
7     are provided -- updating the entitlements associated with  
8     the boundaries that are adopted by the local governments.

9           Q     Have you used the TEAM system for the full  
10    duration of your time with Galveston County?

11          A     The Secretary of State performed an update into  
12    TEAM, I believe, in 2006 or '07. The prior system was  
13    TDRS. And before that the county had a private software  
14    company. I believe it was Netdata.

15          Q     Do you have a say or an opinion in how any of  
16    those boundaries are drawn?

17          A     No, ma'am.

18          Q     Does your office collect voter data with  
19    respect to any racial demographics of voters in Galveston  
20    County?

21          A     Only when required by the Secretary of State.

22          Q     Under what circumstances does the Secretary of  
23    State require that data to be collected?

24          A     It's actually extracted from the TEAM system.  
25    And I bel- -- I'm not certain how they identify what

1 is -- how -- how those are all specified.

2 Q Does your office collect voter data with  
3 respect to any socioeconomic demographics of voters in  
4 Galveston County?

5 A No.

6 Q Does your office collect voter data with  
7 respect to any political demographics of voters in  
8 Galveston County?

9 A The only process would be if we are requested  
10 through open records request to provide voters in the  
11 Democrat or Republican primary elections.

12 Q So of this -- of any voter data that you  
13 collect, who is this information shared with?

14 A Whoever the requester is in the open records  
15 request.

16 Q Have any of the Galveston County commissioners  
17 or county judge requested this voter data information  
18 from you?

19 MS. OLALDE: Objection, overbroad in regards to  
20 what time you're talking about.

21 MS. GARRETT: I can rephrase.

22 Q (By Ms. Garrett) During the 2021 redistricting  
23 cycle, did any of the commissioners or Judge Mark Henry  
24 request any voter data from your office?

25 A Not that I recall.

1 Q How do you communicate with localities in  
2 Galveston County on their redistricting?

3 A Typically through emails and only as a planning  
4 process, part of a planning process.

5 Q Can you describe that planning process a little  
6 bit more?

7 A In anticipation of -- since receipt of census  
8 data, we have multiple jurisdictions that have single  
9 member districts, and I will reach out to them to have --  
10 ask them to share their schedules, what their timelines  
11 might be, so that I can properly staff my office and  
12 obtain funding, if necessary, through commissioners to  
13 perform whatever changes we're going to have to make to  
14 the entitlements and the boundaries that they adopt.

15 Q So you mentioned hiring, or bringing in staff.  
16 Where do you pull in staff members from? Do you hire  
17 temporary staff? Do you bring them in from other parts  
18 of your office? What do you mean by bringing in staff or  
19 working on staff?

20 A In some instances it's bringing in current  
21 staff. We've had the same problem as everybody else in  
22 the country hiring temporary workers, but predominantly  
23 we advertise for temporary workers 24/7 on the county  
24 website.

25 Q And that's 24/7 just during redistricting or --

1 A Year-round.

2 Q -- as a general rule? Year-round?

3 A As a general rule.

4 Q And then you mentioned funding. What  
5 funding -- the fund -- what are the funding sources that  
6 your office seeks for redistricting?

7 A That would be through county commissioners and  
8 the budget process.

9 Q Who typically sets that budget?

10 A The county commissioners.

11 Q Do you get to express an opinion about what  
12 that budget should be?

13 A I submit a requested proposed budget to them.

14 Q And how often do you submit a requested budget  
15 proposal?

16 A Annually. Sometimes it has to be revised and  
17 we submit additional requests up until they actually  
18 adopt the budget, if necessary.

19 Q And is that around a similar time each year,  
20 the same month every year you submit that?

21 A Yeah. Typically begins in April.

22 Q And then what information do you typically need  
23 to put that budget together?

24 A 95 percent of my budget is staffing, and so we  
25 project -- we look at projections, look at history and

1 projections on the work that we anticipate through the  
2 next year and try to set that budget. Sometimes it's --  
3 at different times we have to hire vendors to assist us.  
4 For example, this year is mass mailout, so we will seek a  
5 vendor to help us fund the mass mailout of voter  
6 registration certificates that will occur later this  
7 year.

8 Q Can you describe the people that are in your  
9 office?

10 MS. OLALDE: Objection, vague.

11 Q (By Ms. Garrett) How many people work in your  
12 office?

13 A Counting myself, 53.

14 Q Of those 53, how many people do you directly  
15 supervise?

16 A I have direct contact with two chief deputies  
17 daily, but also a support services team.

18 Q And are they all full-time staff?

19 A Yes.

20 Q How often do you meet with those that you  
21 directly supervise?

22 A Daily.

23 Q Are those individuals involved in  
24 redistricting?

25 A I beg your pardon? Would you repeat the

1 question?

2 Q Sure. Are those individuals that you supervise  
3 involved in redistricting?

4 MS. OLALDE: Objection, vague.

5 You can answer.

6 THE WITNESS: I can answer?

7 MS. OLALDE: Uh-huh. Any time I make an  
8 objection, unless I'm instructing you not to answer, you  
9 can answer --

10 THE WITNESS: I can answer, okay.

11 MS. OLALDE: -- to the extent you understand  
12 her question.

13 A The chief deputy of business services oversees  
14 voter registration, and so her and I work together on  
15 performing the entitlement changes. The support services  
16 staff assist in the auditing once changes are made in the  
17 system, and that's three individuals.

18 Q (By Ms. Garrett) Does anyone supervise you?

19 A The voters of Galveston County.

20 Q How do you typically communicate with the other  
21 individuals in your office?

22 A In person, frequently through email. I have  
23 four different locations -- three different locations  
24 outside of Galveston and two satellite offices, so email  
25 is the primary source of communication with office staff.

1 Q How many emails do you have? Do you use your  
2 personal email for work at all?

3 A I do my very best not to use my personal email  
4 for work.

5 Q Do you ever text with members of your staff?

6 A Yes, we have county cell phones and we will  
7 text each other occasionally, predominantly during  
8 disasters when we cannot communicate effectively any  
9 other way.

10 Q And then you mentioned that you work with two  
11 chief officers daily; is that right?

12 A Would you repeat that? I'm sorry.

13 Q Is it -- am I accurate in saying that you work  
14 with two chief officers on a daily basis in your office?

15 A Chief deputies on a daily basis, if not in  
16 person, then via telephone or email.

17 Q And what are their names?

18 A LaTonya Dominic is the chief deputy of property  
19 tax and support services, and Kathleen Moreno is the  
20 chief deputy of business services.

21 Q So you mentioned that in your role as voter  
22 registrar, you work with the Texas Secretary of State.  
23 Could you describe a little bit more about that  
24 relationship?

25 A Predominantly, we receive directives from them.



1 We attend annual conferences. Some of us attend annual  
2 conferences, after -- typically at the end of summer  
3 after legislative session is when most of us attend  
4 those. Predominantly, directives we receive via email,  
5 and then they provide work to my staff, my voter  
6 registration department staff and what's called the task  
7 summary screen system of TEAM. We're an online county  
8 with the Secretary of State.

9 Q How often do you correspond with the Texas  
10 Secretary of State?

11 A As often as they correspond with me.

12 Q How often is that, typically, on an average  
13 basis?

14 A It depends on what's going on. During  
15 elections, it's frequently. Over the last several weeks,  
16 they've been holding webinars and sending out -- out  
17 schedules pretty regularly, a couple of times a week.

18 Q In 2021, did you keep track of the state  
19 legislature's actions in conducting statewide  
20 redistricting?

21 A Not really. It became too delayed. It was  
22 very hard to keep up with.

23 Q What were the reasons for that delay?

24 MS. OLALDE: Objection, calls for speculation.

25 To the extent you know, you can answer.

1           A     The census data was late this year -- or in  
2     2021. 2020 census data was not released until later than  
3     typical.

4           Q     (By Ms. Garrett) Have you ever used your  
5     personal email for work?

6           A     Occasionally to send files so that I can print  
7     them on the home printer if I'm working from home.

8           Q     So you would use it to email yourself but not  
9     others. Is that accurate?

10          A     I would say that that's accurate.

11          Q     When did you first learn about this litigation?

12          A     Which litigation? The 2011 redistricting? I  
13     think they all were rolled together.

14          Q     This current litigation that we are in this  
15     deposition for.

16          A     Whenever the newspaper put it in the --  
17     whenever it was published in the newspaper as a news  
18     article, and I do not recall when that was.

19          Q     Did you read that news article pretty shortly  
20     after it was published?

21          A     I do not recall. I would have -- I receive the  
22     paper daily.

23          Q     What news sources do you typically consult?

24          A     Do I consult? The Galveston Daily News is a  
25     local paper. The Post is another local newspaper. As

1 far as news sources that I consult, I watch the morning  
2 news. I watch sometimes the evening news. I  
3 occasionally receive smart news on my tablet.

4 Q Other than from the news, did you hear about  
5 this litigation from anyone else?

6 MS. OLALDE: Objection, overbroad.

7 You can answer.

8 THE WITNESS: I can answer?

9 MS. OLALDE: Sure.

10 A Not that I recall specifically.

11 Q (By Ms. Garrett) Are you familiar with the  
12 allegations in this litigation?

13 A Not specifically.

14 Q You mentioned that you've provided testimony in  
15 court before; is that right?

16 A Yes, ma'am.

17 Q Under what circumstances did you provide that  
18 testimony?

19 A It was a lawsuit, I believe, in 2012 in federal  
20 court in which I was named along with the Secretary of  
21 State. I believe the Plaintiff was Voting for America.

22 Q And what was that case about?

23 A The legislature had adopted rules and  
24 regula- -- or laws for volunteer deputy registrars, and I  
25 had worked with various legislators on passage of that

1 legislation.

2 Q And which legislation was at issue in that  
3 case?

4 A I don't remember specifically the chapters of  
5 the election code, but it would have been pertaining to  
6 volunteer deputy registrars.

7 Q Did you meet with anyone to prepare for this  
8 deposition?

9 A The attorneys that are present in this room,  
10 Angie and Jordan.

11 Q How many times did you meet with them?

12 A Twice.

13 Q And for how long did you meet with them?

14 A I think a couple of hours on one day and maybe  
15 four hours the next day.

16 Q And how long ago was that?

17 A Last week.

18 Q And was anybody else in the room when you met  
19 with your attorneys?

20 A Angie was in the room. Others attended via  
21 Zoom.

22 Q Who else was on Zoom when you met with Angie in  
23 preparation for this deposition?

24 A I'm not sure I know the names of everybody.

25 Jordan, Mytelka --

1 MS. OLALDE: Kathryn, I can represent to you  
2 that it was only attorneys speaking with Ms. Johnson, if  
3 that helps. She may not remember all the names.

4 A I don't remember all the names. I'm not  
5 sure who's -- I may have been introduced to everybody,  
6 but I don't recall.

7 Q (By Ms. Garrett) Are you aware that other  
8 individuals have been deposed in this matter?

9 A I have been told that, yes.

10 Q Did you speak with any of those individuals  
11 about their testimony?

12 A I did not speak with them about their  
13 testimony.

14 Q Did you review any documents in preparation for  
15 this deposition?

16 A Only those that were presented as exhibits by  
17 Angie.

18 Q What types of documents did you review?

19 A There were news articles. I think that was the  
20 predominant, I guess, column I had written. Some emails.

21 Q How did you review these documents? Did you  
22 see them on a screen? Were they on paper?

23 A They were on paper.

24 Q Did these documents refresh your memory of  
25 events and conversations?

1           A     Yes, they did.

2           Q     Which documents refreshed your recollection of  
3 the events and conversations?

4           A     Each of the documents that was presented  
5 refreshed my memory.

6           Q     So you mentioned news articles. Which -- what  
7 was -- or what were these news articles about that you  
8 reviewed?

9           A     A couple of them pertained to the primary  
10 election in 2020. Another pertained to a decision -- or  
11 actually, a vote taken by the Texas Department of Motor  
12 Vehicles board, of which I was a member. And another was  
13 a guest column that I had written.

14          Q     And what was that article that you wrote about?

15          A     We were receiving many phone calls from voters  
16 whose voter certificates had expired and they were  
17 concerned they would not be able to vote in the upcoming  
18 election. So I wrote a new information piece to inform  
19 them of what was underway, what was going on, and that  
20 was during the 2011 redistricting process.

21          Q     And then the emails that you reviewed, what  
22 were those emails related to?

23          A     Predominantly my communications with the  
24 various governments that have single member districts in  
25 Galveston County that I would be assisting with changing

1 their entitlements upon their decisions.

2 Q And what time period were these emails from?

3 A I believe the first one I wrote was in December  
4 2019.

5 Q Were the articles and emails that you reviewed  
6 in this -- it's probably best answered by your  
7 attorney -- were these produced to Plaintiffs?

8 MS. OLALDE: Yes, Ms. Garrett, they were. I'm  
9 sorry, rephrase your question and I'll do my best to  
10 answer for you.

11 MS. GARRETT: Rephrase? I can rephrase.

12 Q (By Ms. Garrett) Of the documents that  
13 Ms. Johnson reviewed, were these all produced to  
14 Plaintiffs?

15 MS. OLALDE: Everything she reviewed -- I don't  
16 know about the news articles, you'd have to speak with  
17 Sean. I think that's all publicly available anyway.

18 Q (By Ms. Garrett) How else did you prepare for  
19 this deposition?

20 A I tried to get a good night's sleep and not  
21 drink espresso.

22 Q What is your office's role in commissioners  
23 precinct redistricting in Galveston County?

24 MS. OLALDE: Objection, asked and answered.

25 But you can answer.

1 A I have no role in the decision-making process.  
2 My role is strictly in the implementation of making the  
3 changes, implementing the changes in -- in TEAM to ensure  
4 that the voting precincts were properly changed.

5 Q (By Ms. Garrett) Is that similar to statewide  
6 redistricting? Is your role similar for statewide  
7 redistricting?

8 A I'm not -- I'm not sure I understand the  
9 question.

10 Q I guess --

11 A Could you rephrase that?

12 Q Yes. Let me ask it this way. What is your  
13 office's role in statewide redistricting?

14 A We receive notification or we read in the  
15 newspaper sometimes that the legislature has acted to --  
16 and through the Secretary of State's emails as well, that  
17 the legislature has voted to approve congressional  
18 districts, House and Senate districts, and State Board of  
19 Education. And upon that notification, we have to go out  
20 and seek the maps.

21 Q What do you mean by you "have to go out and  
22 seek the maps"?

23 A Nothing was specifically provided to us, that I  
24 recall. We had to go to State of Texas websites to  
25 download the PDF files of changes.



1 Q So looking to specifically commissioners  
2 precinct redistricting, to your knowledge, who typically  
3 draws the commissioner precinct maps?

4 A The county commissioners and county judge.

5 Q And then to your knowledge, who selects the  
6 commissioners' precinct maps?

7 A The county commissioners and county judge.

8 Q You mentioned that you collect PDF files of the  
9 maps from the Secretary of State website; is that right?

10 A I'm not sure they were on the Secretary of  
11 State website. I do not recall where the link was taking  
12 us.

13 Q But you went out and you sought out the map and  
14 you received a PDF file; is that right?

15 A Yes. We would download the PDF files from  
16 links that would be provided.

17 Q And then what would you do with that PDF file?

18 A After saving it on my computer, trying to print  
19 a big enough copy that I could determine what changes  
20 would need to be made to our various voting precincts in  
21 order to implement those changes.

22 Q Was that something that you did -- you  
23 mentioned that you printed the file. So in evaluating  
24 the changes that need to be made, is that something you  
25 did by hand or did you use a computer software program?

1           A     I wish I had a computer software program. So  
2 we would take the 2011 maps and compare those manually to  
3 the adopted maps, and it was my job to identify the  
4 changes, the areas of change, so that we could begin  
5 implementation.

6           Q     How long did that typically take to make note  
7 of those changes?

8           A     This last time, not very much. Maybe  
9 overnight, a couple of days.

10          Q     What was your process for manually comparing  
11 the maps?

12          A     I'd look at the prior, at the time, existing  
13 maps and compared them to the approved maps, the adopted  
14 maps, and try to identify specific areas. We were  
15 fortunate in that the legislature moved entire election  
16 or voting precincts when they made changes, so it was a  
17 fairly simple process for us to identify what voting  
18 precincts needed to be changed for each one of the  
19 various positions.

20          Q     And again, you did this for every map that you  
21 helped implement?

22               MS. OLALDE: Objection, vague.

23          A     And I may answer that. I'm not certain I  
24 understand the question.

25               MS. OLALDE: So any time you don't understand a

1 question, you can ask her to --

2 THE WITNESS: Yes.

3 MS. OLALDE: -- clarify the --

4 A If you could clarify that.

5 Q (By Ms. Garrett) For which maps would you  
6 manually compare? Which maps did you manually compare?

7 A The -- the 2011 maps that had been adopted and  
8 that were in place at the time to the maps that were  
9 adopted for each one of the jurisdictions, for each one  
10 of the positions for the state.

11 Q How many jurisdictions did you have to compare  
12 for the state?

13 A For the state, we looked at U.S. congressional,  
14 and there were no changes in Galveston County that  
15 affected us. Texas Senate, there were no changes that  
16 affected -- well, I take that back. There could have  
17 been changes to Brandon Creighton's district, the Texas  
18 Senate position. But I looked at those only as they  
19 affected Galveston County. And Texas House, there were  
20 several changes for the Texas House, and there were  
21 multiple changes for the State Board of Education.

22 Q So is it the case that it's easier to manually  
23 compare these maps when the voting precincts are kept  
24 whole in the adopted map?

25 A Yes. Using the Texas Secretary of State's

1 | redistricting module, that was the easiest method of  
2 | making changes.

3 | Q So once you've manually compared the maps, what  
4 | is the next step?

5 | A For the state level, the next step would be to  
6 | provide a listing of changes to Ms. Moreno, and she would  
7 | provide that information to the voter registration  
8 | personnel at the time working on those changes.

9 | Q In 2021, when did you manually compare the maps  
10 | and share this information with Ms. Moreno?

11 | A To clarify, are you referring to the state and  
12 | federal changes?

13 | Q Yes.

14 | A It would have been in December 2021.

15 | Q Did you have a deadline, a strict deadline to  
16 | meet for getting those -- for finishing that manual  
17 | comparison and sharing that information with Ms. Moreno?  
18 | Was there a hard deadline?

19 | A There was a hard deadline established by the  
20 | Secretary of State for us to mail out voter registration  
21 | certificates. Those changes needed to be made in advance  
22 | of generating the file to send to the print vendor.

23 | Q Do you recall when that deadline was?

24 | A Without referring to that election advisory,  
25 | no. I believe it was mid-January.

1 Q To what extent is redistricting performed  
2 in-house?

3 THE REPORTER: In what? I'm sorry?

4 A We don't perform redistricting in-house. When  
5 I refer to redistricting, it is the process of receiving  
6 the changes, whether in the form of maps initially, maps  
7 and shapefiles, and turning those into usable --  
8 comparing those to our street range list to determine  
9 where the changes are that need to be made.

10 And I'm not sure I fully answered your  
11 question. If you want to repeat it, I can validate that.

12 MS. GARRETT: Real fast, are we all set up with  
13 Exhibit Share at this point? Do we all have access to  
14 Exhibit Share?

15 MS. OLALDE: Ms. Garrett, I do, thank you for  
16 asking.

17 Q (By Ms. Garrett) I would like to mark Tab 10 as  
18 an exhibit.

19 MS. OLALDE: I'll let you know when it pops up.

20 MS. GARRETT: Thank you.

21 THE REPORTER: May I ask who is speaking?

22 MS. OLALDE: This is Angie Olalde. I  
23 apologize. You won't see my box light up because I'm  
24 using Ms. Johnson's speaker.

25 MR. MUNK: Exhibit 1 has been introduced.

1 Q (By Ms. Garrett) Ms. Johnson, can you see  
2 Exhibit 1?

3 MS. OLALDE: Just one moment. Is there --  
4 okay. Let's see.

5 A Yes, I can see it.

6 Q (By Ms. Garrett) Do you recognize this  
7 document?

8 A It appears to be my campaign website.

9 Q I'm looking at the top of Page 2. There's a  
10 bullet point that reads "Established" -- or it mentions  
11 ways you reduce costs. In the last bullet point in that  
12 box, it reads "Established automated motor vehicle  
13 registration & tax payment processing, performed  
14 redistricting in-house." Did I read that correctly?

15 A Yes, ma'am.

16 Q In that -- as part of your campaign page, what  
17 does that mean to perform redistricting in-house?

18 A What that means to me as voter registrar is  
19 that we received maps and data, data files from the  
20 various governmental entities and updated the boundaries  
21 as appropriate to update the voter registration  
22 entitlements.

23 Q Why did you include this as part of your  
24 campaign page?

25 A Because it was an enormous task, and we saved

1 thousands of dollars, I believe, by virtue of not hiring  
2 outside vendors to make those changes.

3 Q Other than saving money, are there any other  
4 advantages to conducting redistricting in-house in this  
5 way that you were just discussing?

6 A In what I'm referencing, the advantage was, we  
7 were going to have to audit anything a vendor did anyway,  
8 so we were able to establish timelines, perform the work,  
9 and have teams put together to audit the work as the work  
10 was being performed. So it was a very efficient process.

11 Q Was redistricting completed in-house in this  
12 way both in 2011 and 2021?

13 A Yes. In 2011, it became necessary to hire a  
14 vendor to assist with Galveston Island changes because  
15 they were so complex. We did not have any vendors in  
16 this most recent update.

17 Q And your office was fully equipped to handle  
18 this redistricting process, especially with the budget  
19 and temporary staff that you were able to bring on?

20 A In 2011?

21 Q Or in 2021.

22 A We've made it work.

23 Q What were your goals for the 2021 redistricting  
24 process?

25 A To implement the changes properly.

1 Q Did you have any other goals?

2 A I think that that's a pretty sizeable goal in  
3 itself. It's a very short response, but it's a massive  
4 operation, massive task.

5 Q In 2021, how much of your time was spent on  
6 this redistricting process?

7 A From beginning to end?

8 Q Yes.

9 A Probably anywhere from 20 to 60 hours a week  
10 for several months. We only recently made changes for  
11 the City of La Marque and Texas City and College of the  
12 Mainland.

13 Q And at what point in 2021 did that 20 to 60  
14 hours a week begin? Was it January 2021? July 2021?  
15 What month, roughly, did that process begin for your  
16 office?

17 A We may have started some work in November, but  
18 predominantly, it was December.

19 Q To what extent was your office involved in  
20 redistricting prior to a map being adopted?

21 A We were not involved in the decision-making  
22 process. My only -- our only involvement or my only  
23 involvement was to determine a schedule so that I could  
24 assign staff or know when I needed staff available in  
25 order to make the changes.



1 Q How did you go about creating a schedule for  
2 redistricting?

3 A Once we identified the entities that were going  
4 to need changes, I tried to stay in touch with them --  
5 not very successfully, I will say -- to know when those  
6 changes would be expected and to plan my staffing  
7 accordingly -- accordingly. And I needed temporary  
8 workers to perform the normal duties of voter  
9 registration so that my full-time staff could make  
10 changes as necessary.

11 Q You mentioned reaching out to entities, did  
12 that include the Galveston County Commissioners Court?

13 A Yes, ma'am.

14 Q And who on the Galveston County Commissioners  
15 Court did you reach out to when you were putting together  
16 these schedules?

17 A All of the courts, the commissioners, county  
18 judge and commissioners and their chiefs of staff.

19 Q When -- do you recall when you first reached  
20 out to them for the 2021 redistricting cycle?

21 A I believe it was December 2019 when I first  
22 reached out to everybody. And then at various times as  
23 we would get notification or I would read that the  
24 government -- U.S. government was actually in the process  
25 of providing census data, I would try and reach out to

1 | them again.

2 | Q What information from these entities was most  
3 | helpful for you as you were putting together schedules?

4 | A Their timelines, what months. I believe the  
5 | very first entity that provided changes was the City of  
6 | Galveston.

7 | Q And by "timeline," do you mean timeline for  
8 | selecting the adopted map?

9 | A The timeline of implementing the maps that they  
10 | adopted.

11 | Q So did you want to know when they planned to  
12 | adopt the map?

13 | A Yes, ma'am.

14 | Q Did you want to know when they might be meeting  
15 | to discuss adoption of the map or selecting a map?

16 | A I asked for that information, and I can't say  
17 | that they were very responsive.

18 | Q Was the Galves- -- to what extent was the  
19 | Galveston County Commissioners Court responsive to your  
20 | requests in 2021?

21 | A I don't recall receiving any responses from  
22 | Galveston County Commissioners Court to my emails.

23 | MS. OLALDE: I'm sorry, we've been going about  
24 | an hour. Just whenever we get to a breaking point, could  
25 | we take a short break?

1 MS. GARRETT: We could take a break now, if  
2 that works for you.

3 MS. OLALDE: Sure.

4 MS. GARRETT: Could we go off the record?

5 THE VIDEOGRAPHER: Okay. Current time is  
6 10:16. We are now off the record.

7 (Recess.)

8 THE VIDEOGRAPHER: Current time is 10:41 a.m.,  
9 and we're now back on the record.

10 Q (By Ms. Garrett) Ms. Johnson, did you speak  
11 with anyone during the break?

12 A Yes.

13 Q With whom did you speak?

14 A To those present in the room, Jordan, Angie and  
15 Zach.

16 Q Is it still the case that only those  
17 individuals are in the room with you now?

18 A Yes, ma'am.

19 Q And is it still the case that you have no  
20 documents in front of you today?

21 A Yes, ma'am.

22 Q Do you know Nathan Sigler?

23 A Yes.

24 Q For how long have you known him?

25 A I've known him well -- well, more -- during

1 | redistricting, we developed a relationship as far as  
2 | working closer together when the redistricting for the  
3 | county began.

4 | Q And by "redistricting," you mean 2021  
5 | redistricting?

6 | A Yes. The only time that I really interact with  
7 | Nathan is when I need maps from the engineering  
8 | department, and he is -- he is my point of contact.

9 | Q Is he a point of contact when you're doing  
10 | those manual comparisons of the maps that you were  
11 | testifying about earlier?

12 | A To some extent, yes. He would provide lists of  
13 | precincts to me.

14 | Q How often during the 2021 redistricting did you  
15 | correspond with Nathan Sigler?

16 | A I would be guessing, but I would probably say  
17 | multiple times a day at times.

18 | Q And in general, how did you communicate with  
19 | him? Via email? Phone? In person?

20 | A Email would oftentimes result in an in-person  
21 | meeting receiving the maps or he would come up to our  
22 | office to answer questions and to help us use his GIS  
23 | system.

24 | Q What kinds of questions would you ask him?

25 | A Just what maps were available, what he could

1 give me, how to use the technology effectively, getting  
2 permissions for -- to use his maps. He gave me his  
3 administrative access.

4 Q And then you mentioned technology. What did  
5 the technology enable you to do with the maps?

6 A To zoom in, to oftentimes put in an address to  
7 determine what -- an area where a -- a particular voter  
8 may be located or to zoom in on a boundary.

9 Q And were you able to use that technology when  
10 you were doing the manual comparisons of the maps, or  
11 were you -- only had your eyesight for those comparisons?

12 A The comparisons were frequently performed  
13 comparing spreadsheets and then validating on the maps.

14 Q Are you aware of Nathan Sigler's communications  
15 or correspondence with any of the entities that you were  
16 looking to get in touch with during redistricting in  
17 2021?

18 A Would you repeat the beginning of that  
19 statement?

20 Q Yeah. Were you aware of Nathan Sigler  
21 corresponding with any of the entities that you were  
22 reaching out to during the 2021 redistricting process,  
23 such as the Galveston County Commissioners Court or any  
24 other entity?

25 A I'm not certain what his correspondence was

1 with the County Commissioners. We -- I would loop him  
2 into emails with the other entities when I was forwarding  
3 shapefiles to him for printed -- to obtain printed maps.

4 Q Do you know Michael Shannon?

5 A Yes, I do.

6 Q And for how long have you known Michael  
7 Shannon?

8 A For as long as he's been the county engineer.

9 Q And do you work directly with Michael Shannon?

10 A Rarely.

11 Q Rarely?

12 A Yes.

13 Q Does Michael Shannon work with any members of  
14 your staff?

15 A No.

16 Q Do you know Stephen Holmes?

17 A Yes, I do.

18 Q How long have you known Stephen Holmes for?

19 A Since I took office January 1st, 2005.

20 Q And how would you characterize your working  
21 relationship with Stephen Holmes?

22 A I'd say it's a good working relationship.

23 Q How often do you communicate with Stephen  
24 Holmes on a general basis?

25 A Six times a year, perhaps.

1 Q Did you communicate with him more during the  
2 2021 redistricting process?

3 A I do not recall talking with him at all during  
4 the redistricting process.

5 Q Do you know Darrell Apffel?

6 A Yes, ma'am, I do.

7 Q How long have you known Darrell Apffel for?

8 A I'm not certain. I probably met him about ten  
9 years ago.

10 Q How would you characterize -- or let me ask you  
11 this: How often do you communicate with Darrell Apffel  
12 for your work?

13 A For my work? Probably same amount of time as I  
14 do Stephen Holmes or any of the commissioners. Maybe a  
15 half a dozen times a year.

16 Q Would you say that's consistent for all of the  
17 county -- or Galveston County commissioners, about six  
18 times a year?

19 A As far as communicating with them directly,  
20 talking to them, likely, yes.

21 Q So there isn't one commissioner that you speak  
22 to more than the others or -- you speak to them all  
23 generally about the same amount?

24 A Yes, Mr. Giusti, Commissioner Giusti and I  
25 probably have the closest relationship.

1 Q How long have you known Commissioner Giusti  
2 for?

3 A I'm not certain. He began -- when he began  
4 working for Constable Fullen was when I first met him.

5 Q When around was that? When did he begin  
6 working for Constable Fullen?

7 A I believe Constable Fullen was elected in 2006,  
8 so it would have been probably 2007 or '08.

9 Q What sorts of topics do you communicate with  
10 Commissioner Giusti about?

11 A Community events in his particular area. He is  
12 the commissioner in the Santa Fe and West Galveston  
13 Island, and so we'd frequently bump into each other when  
14 we were at different community events.

15 Q Do you speak about community events with the  
16 other commissioners as well?

17 A If they happen to be attending an event, yes.

18 Q So you mentioned you correspond with or meet  
19 with or directly interact with the other commissioners or  
20 all the commissioners each around six times a year. What  
21 do you typically -- can you describe those interactions a  
22 little bit?

23 A There isn't really much to describe. I might  
24 see them in commissioners court. If I have an item on  
25 the agenda, then I would go to their meetings and answer



1 any questions they may have or present information to  
2 them so that they could make decisions on items that I  
3 would bring to them, such as contracts and business. Not  
4 typically budget. It was all typically in writing  
5 through the county judge's office.

6 Q So typically when you met with one commissioner  
7 or -- did you typically meet with them as a group, or did  
8 you meet with them one on one mostly?

9 A Typically I saw them in a group in a public  
10 setting like in commissioners court. It was only  
11 occasionally that I would see them outside of a  
12 professional setting.

13 Q Such as Commissioner Giusti at various social  
14 events and --

15 A Yes, ma'am.

16 Q Okay. And then -- so would you say that most  
17 of your interactions with them were in person versus over  
18 the phone or email or...

19 A I may have corresponded with them via email  
20 more than any other method of communication, but that was  
21 only for informational purposes, to share information  
22 with them.

23 Q What information did the -- or what kind of  
24 information would you share with the commissioners?

25 A Valuation information I received from the

1 Central Appraisal District. If there were legislative  
2 changes that affected decisions that they were going to  
3 make, I would try and just share whatever information I  
4 had on those items.

5 Q Did you typically expect a response when you  
6 shared this information with the commissioners?

7 A I came to never expect a response from county  
8 commissioners.

9 Q You mentioned that you would sometimes go to  
10 commissioners court to answer questions, speak about  
11 issues or topics. How -- did you attend the  
12 commissioners court meetings only when you were being  
13 asked to attend for various reasons or would you go  
14 sometimes on your own accord?

15 A I typically only attended when I had an item on  
16 the agenda.

17 Q And how would they -- how would you be invited  
18 to these meetings? Was it over email? Over the phone?  
19 Would they contact your staff? How did you know that you  
20 were requested at the meeting?

21 A I would receive an agenda and we would review  
22 it, and when I saw my item on the agenda, I would attend  
23 the meetings, if it was possible or necessary.

24 Q And what sort of items did you have -- did you  
25 see on the agenda that were for you? What sorts of

1 topics would you --

2 A Penalty and interest cases for property tax.  
3 Budget amendments at times.

4 Q Were you ever -- did you ever see an item on  
5 the agenda related to you about redistricting?

6 A I do not recall ever seeing an agenda item  
7 specific to me or my office on the agenda.

8 Q So never under the -- you didn't receive an  
9 agenda that kind of triggered for you, I should go to  
10 this meeting? Or let me rephrase.

11 You didn't see any redistricting item on the  
12 agenda that explicitly asked for you to attend the  
13 commissioners court meeting?

14 A Not that I recall.

15 Q So you mentioned that you would share all this  
16 helpful information with the commissioners, but you  
17 eventually stopped expecting a response. Did you stop  
18 expecting a response for all of your attempts to reach  
19 out to the commissioners or just some types of attempts  
20 to reach out to commissioners?

21 A I'm not sure I understand the question. When  
22 you're sharing information with people, if they had  
23 questions, then they would follow up. But I rarely  
24 received questions. I think that my emails were pretty  
25 full and informative.

1 Q Do you know Dwight Sullivan?

2 A Yes, I do.

3 Q How long have you known Dwight Sullivan for?

4 A I'm not certain when he began working for the  
5 county treasurer, but when he worked in the county  
6 treasurer's office as the chief deputy is when I first  
7 met him.

8 Q Do you ever work with him?

9 A Directly, no. We work with his office, his  
10 elections division, frequently during elections.

11 Q And what do you work with his office on related  
12 to those elections?

13 A For directly Dwight on the election board, he  
14 sets up those meetings to coordinate the elected  
15 officials and party chairs to attend those in planning  
16 for elections. And then with his staff, as part of those  
17 meetings, we establish schedules of when voter lists are  
18 needed for the different elections, and then my staff --  
19 I inform my staff of that information, and then it pretty  
20 much turns over to them. I'm only involved if a -- if an  
21 issue arises, if they need intervention or assistance.

22 Q During the 2021 redistricting process, how  
23 often would your office work with Dwight Sullivan's  
24 office? On a daily basis? Weekly basis?

25 A I did -- I rarely worked with Dwight Sullivan's

1 office directly. I can't tell -- I can't tell you how  
2 much my staff worked with them.

3 Q Do you know Mark Henry, County Judge Mark  
4 Henry?

5 A Yes, I do.

6 Q How long have you known Mark Henry for?

7 A I first met him in 2008 at a GOP dinner, I  
8 believe.

9 Q Do you interact with him about the same number  
10 of times a year that you interact with the county  
11 commissioners, about six times a year?

12 A I would say that would be a fairly accurate  
13 statement, yes.

14 Q And how would you characterize your working  
15 relationship with Mark Henry?

16 A Improved.

17 Q Can you tell me more about that?

18 A We didn't always like each other very much, and  
19 we've been both working to improve our relationship. And  
20 I'd say things have definitely improved.

21 Q And then do you know Tyler Drummond?

22 A Yes, I do.

23 Q And how long have you known Tyler Drummond for?

24 A Since he first began working for Mark Henry.

25 Q And do you ever work directly with Tyler

1 Drummond?

2 A I don't work directly with him. We will talk  
3 occasionally.

4 Q How often will you speak with him?

5 A I'm not sure specifically. Maybe once a month,  
6 depending on what's going on. During redistricting, it  
7 may have been more frequent. During budget, it may be  
8 more frequent. It just depends. We'll sometimes go  
9 weeks and weeks without talking to each other at all.

10 Q What sort of things would you talk to Tyler  
11 Drummond about?

12 A Planning, what the schedules are, what it looks  
13 like commissioners may be doing to determine what they  
14 might need from me at any given time.

15 Q Typically, were you initiating this  
16 correspondence with Tyler Drummond or would he reach out  
17 to you, or was it 50/50?

18 A I'd say it was probably 50/50.

19 Q And he -- was he generally responsive to your  
20 requests for information or correspondence?

21 A Yes. Yes. He was definitely a key point of  
22 contact to understand what was underway at the  
23 commissioners court.

24 Q Would you -- was Tyler Drummond usually your  
25 first point of contact for reaching out to the

1 | commissioners court?

2 | A Frequently, yes.

3 | Q And how did you typically communicate with  
4 | Tyler Drummond? Was it over the phone? Over email? In  
5 | person?

6 | A It was a combination of all. Probably 30  
7 | percent each type, whether it was email, telephone calls,  
8 | sometimes text messages.

9 | Q And when you met in person or spoke over the  
10 | phone, how long were your interactions with Tyler  
11 | Drummond, on average?

12 | A I would have no idea. Anywhere from 30 seconds  
13 | to 5 or 10 minutes.

14 | Q So you mentioned that he could be a good point  
15 | of contact for the commissioners court; is that right?

16 | A Yes.

17 | Q What sort of information would you request of  
18 | Tyler Drummond about the commissioners court?

19 | A Tyler was very helpful in communicating to me  
20 | what it looked like the timeline would be for the  
21 | commissioners to redraw their boundaries so that I could  
22 | make schedules, so I could schedule workers in my office.

23 | Q Do you recall what -- when he provided this  
24 | timeline to you?

25 | A Not specifically.

1 Q And what was included in that timeline that he  
2 provided to you?

3 A Perhaps the expected dates when commissioners  
4 may be making decisions or voting so that I would know  
5 that shortly thereafter I'd be receiving information.

6 Q Do you recall if he gave you an exact date  
7 during the 2021 redistricting process?

8 A I believe he let me -- he kept me informed  
9 fairly well of meeting dates, of adoption dates, so that  
10 we could plan. I can't tell you specifically when that  
11 was or what those dates were.

12 Q Do you recall what types of meetings he would  
13 provide updates on? Were these meetings with the  
14 commissioners? Were these meetings with the public? Can  
15 you just describe the meetings that he would apprise you  
16 of?

17 A Commissioners court meetings that would be  
18 agendaed. So it would be posted meetings.

19 Q And would these meetings be open to the public?

20 A Every commissioners court meeting is open to  
21 the public.

22 Q Do you recall how many commissioners court  
23 meetings there were related to the adoption of the maps  
24 in 2021?

25 MS. OLALDE: Objection, vague.



1     You can answer.

2     A     I have no idea.

3           Q     (By Ms. Garrett) So for the commissioners court  
4 meetings, you mentioned you received every single agenda  
5 for the commissioners court meeting; is that right?

6           A     As far as I know, yes.

7           Q     And then you would review every agenda that  
8 came through to you or that you received?

9           A     No. My staff would review them and highlight  
10 those items that pertained to our office and provide them  
11 to me.

12          Q     So the commissioners court did not -- other  
13 than sending you an agenda and having your staff review,  
14 did the commissioners court reach out to you about those  
15 agenda items that related to you prior to the meeting? I  
16 know that was a long question.

17          A     The commissioners did not. Occasionally Diana  
18 Martinez might reach out to me if we had requested an  
19 item on the agenda and it didn't make it in time or if it  
20 needed to be rescheduled.

21          Q     So you mentioned that Tyler Drummond would also  
22 update you on the timeline for redistricting and these  
23 meetings. How far in advance of the commissioners court  
24 meetings related to redistricting did Tyler Drummond  
25 provide you an updated timeline or updated information

1 | about these meetings?

2 | A As I recall, he would tell me that they perhaps  
3 | were going to adopt a map at a certain meeting and a  
4 | certain month. So in October, he may inform me of the  
5 | topic that was going to be coming up in November, or in  
6 | November he may inform me of a meeting that was coming up  
7 | in December. So about a month in advance, probably.

8 | Q So you learned from Tyler Drummond about  
9 | redistricting being discussed at a commissioners court  
10 | meeting prior to your staff receiving the commissioners  
11 | court meeting agenda; is that accurate?

12 | A Would you repeat that, just to make sure I  
13 | understand exactly?

14 | Q Yes. When your staff received the  
15 | commissioners court meeting agenda for November, had  
16 | Tyler Drummond already notified you that redistricting  
17 | would be discussed at that meeting?

18 | A He very likely provided a date in November that  
19 | he expected to be placed on the agenda, yes.

20 | Q And he provided that date sometime in October?

21 | A As I --

22 | MS. OLALDE: Object--

23 | THE WITNESS: I'm sorry.

24 | MS. OLALDE: Objection, asked and answered,  
25 | calls for speculation.

1        You can answer.

2        Q        (By Ms. Garrett) You can answer.

3        A        As far as I know, it was about -- he was fairly  
4        accurate in what he would inform me on those dates.

5        Q        And he told you about that meeting over the  
6        phone or in person? How did he inform you of that  
7        meeting?

8        A        I seem to recall most of that information being  
9        provided in email.

10               MS. GARRETT: I want to turn to an exhibit, now  
11        that we're all set up with Exhibit Share. Let me make  
12        sure I've got the right one here. Could we mark Tab 13  
13        as an exhibit?

14               THE REPORTER: I'm sorry, just for  
15        clarification, are we marking it as Exhibit 13?

16               MS. GARRETT: Oh, no. We'll mark it as  
17        Exhibit 2. We'll mark Tab 13 as Exhibit 2.

18        MR. MUNK: Exhibit 2 has been introduced.

19        MS. GARRETT: Thank you.

20        Q        (By Ms. Garrett) Ms. Johnson, can you let me  
21        know when you've reviewed the exhibit?

22        A        Yes, ma'am. (Reviewing document.) I sent this  
23        email and this very long set of attachments --

24        Q        Yeah.

25        A        -- with questions, yes.

1 Q So you just said you sent this email. What day  
2 did you send this email?

3 A According to the date on this, January 14th,  
4 2021.

5 Q I want to start just with the body of the email  
6 itself. You start the email with "With redistricting  
7 around the corner." What did you mean when you said  
8 redistricting was around the corner?

9 A Exactly that, that it would not be long before  
10 they were going to be faced with making decisions about  
11 their boundaries.

12 Q And when did you anticipate that process would  
13 start for the recipients in this email?

14 A Shortly after the census data was received.

15 Q I want to look at the third paragraph in the  
16 body of this email. You wrote, "Therefore, I reached out  
17 to all of the officials, including Judge Henry, not for  
18 the purpose of having any impact on your decisions,  
19 except for JP and constable, but to be included from the  
20 standpoint of providing input on whether certain proposed  
21 plans would be better planned differently."

22 Did I read that correctly?

23 A Yes, ma'am.

24 Q What did you mean when you wrote that  
25 paragraph?

1 A Precisely what it says. I wasn't trying to  
2 influence the decisions that they were going to make in  
3 the future except for their impact on the ease or  
4 difficulty of us making the changes to our various voting  
5 precincts and the entitlements. And when I refer to  
6 "entitlements," I'm talking about how each voter -- who  
7 they can vote for as far as positions and which -- let's  
8 say which -- which JP or constable, which school  
9 district, single member district, what city and so forth.

10 Q Can you say a bit more on how a proposed plan  
11 could be better planned differently?

12 MS. OLALDE: Objection, asked and answered.

13 You can answer.

14 A My only concern was that they would implement  
15 plans that were not so complicated that they would be  
16 difficult to implement, and you can -- as you can see  
17 from the next paragraph.

18 Q (By Ms. Garrett) So the next paragraph reads,  
19 "We currently have residential properties split between  
20 two precincts. You can stand on any given corner in  
21 Galveston and add multiple same as well as multiple  
22 different precincts for the city, ISD and county." Did I  
23 read that correctly?

24 A Yes, ma'am.

25 Q Would you say that this paragraph encompasses

1 possibly your main concern with having a difficult map to  
2 implement once the map is selected?

3 A It wasn't the map. It was more the boundaries  
4 that they were selecting.

5 Q You mentioned -- back to that third paragraph  
6 about providing input. What sort of input could your  
7 office provide to the recipients of this email and other  
8 entities going through redistricting?

9 A With regard to the county commissioners in this  
10 paragraph, it would be much simpler if commissioner  
11 Precinct 2 and JP Precinct 2 and constable were the same,  
12 and they are not necessarily the same.

13 Q So attached to this email -- actually, before I  
14 get to that, are these three boundaries typically the  
15 same?

16 A Not necessarily the same. If you're talking  
17 about -- JP and constable are the same, but the JP and  
18 constable numbers may or may not correspond to the county  
19 commissioner numbers.

20 Q But it's easiest for your office and your  
21 implementation of the maps if the commissioner precinct  
22 lines are the same as the JP and constable lines?

23 A Absolutely. And it's easier for the voters as  
24 well. If a voter called and was in County Commissioner  
25 Precinct 2, they could be in JP or Constable Precinct 1,

1 2, 3 or 4, and that's very confusing for voters. So from  
2 the standpoint of ease for the voters as well. And then  
3 when they were different, I'd have to make a decision on  
4 which entitlements we are putting on the voter  
5 registration certificate, because I had to communicate  
6 that information to the voters.

7 Q Would this cause confusion for voters when  
8 the -- the commissioner precinct lines were different  
9 than the JP and constable lines?

10 MS. OLALDE: Objection, asked and answered.

11 A Yes, I believe it would cause confusion.

12 Q (By Ms. Garrett) Do you know if counties often  
13 had different commissioner lines -- or if counties in  
14 Texas had JP and constable lines that were different than  
15 commissioner precinct lines? Do you know how common that  
16 was --

17 MS. OLALDE: Objection --

18 Q (By Ms. Garrett) -- or is?

19 MS. OLALDE: -- calls for speculation.

20 Q (By Ms. Garrett) To your knowledge.

21 A I have no knowledge of that at all.

22 Q And then you mentioned entitlements on voter  
23 registration certificates. Can you elaborate on what you  
24 mean by "entitlements" on those certificates?

25 MS. OLALDE: Objection. She's already answered

1 that.

2 You can answer again.

3 A So I'm a registered voter in Friendswood,  
4 Texas, and I have a certain school district entitlement,  
5 which it's not a single member district, so it's Fisd.  
6 So that code is on my voters certificate. The drainage  
7 district code is on my certificate. The county  
8 commissioner precinct, the voting precinct number is on  
9 that certificate.

10 So any -- the city precinct is on that  
11 certificate. So anybody that I'm entitled to cast any  
12 position or race, I'm entitled to cast a vote for, should  
13 be or we try and include all of those on the voter's  
14 certificate. There typically oftentimes are not enough  
15 boxes on those certificates for us to include every  
16 single position or jurisdiction that somebody can vote  
17 for.

18 Q (By Ms. Garrett) Turning to the last paragraph  
19 of this email that you wrote on January 14th, 2021, in  
20 the middle of that last paragraph you wrote, "I hope that  
21 you find this letter was both thoughtful and efficient  
22 and that working together is far better than being at  
23 odds and possibly creating difficulties that can be  
24 avoided."

25 My first question to you is, would you say that



1 | being thoughtful and efficient was a goal of yours for  
2 | the redistricting cycle?

3 | A Absolutely, yes, ma'am.

4 | Q And then what sorts of difficulties were you  
5 | hoping to avoid by communicating early with these  
6 | individuals and reaching out early?

7 | A It was my preference that county commissioners  
8 | adopted their voting precincts early on so that then that  
9 | information could be provided to the other entities and  
10 | that they would, as much as they could, align their  
11 | various single member districts with those boundaries.  
12 | It was a simpler plan to implement.

13 | Q So is it the case that the earlier a map is  
14 | adopted, the better, for not only your office but  
15 | numerous entities?

16 | MS. OLALDE: Objection, calls for speculation  
17 | and compound.

18 | You can answer to the extent you understand the  
19 | question.

20 | A If I understand your question correctly, it was  
21 | preferable that the county commissioner voting precincts  
22 | be identified early on so that other jurisdictions would  
23 | hopefully follow along with those. As I stated earlier,  
24 | we just recently changed three of our jurisdictions  
25 | single member districts. So this has been spaced out

1 over quite some time.

2 Q (By Ms. Garrett) Looking to the attachment to  
3 this email that should be on Page 2 of your exhibit, what  
4 is this document?

5 A This is the letter that I sent to all of the  
6 jurisdictions, as I recall, informing them of what was  
7 upcoming. I really thought I'd sent this in 2019, but  
8 apparently I sent it December 22nd, 2020.

9 Q And then the third paragraph of this letter,  
10 you mention, "To my knowledge, there has never been any  
11 attempt to coordinate boundaries to align with any  
12 standard such as county commissioner precinct lines or  
13 even primary roadways or natural boundaries. We have  
14 many instances of properties being split between two or  
15 more districts. This makes it extraordinarily difficult  
16 for us to accurately implement district changes."

17 Did I read that correctly?

18 A Yes, ma'am.

19 Q And what was your goal in including this  
20 paragraph in this letter to the recipients?

21 A Well, as voter registrar, my terminology is  
22 somewhat different from others, but when I view a county  
23 commissioner precinct line, that is an election -- a  
24 voting precinct, for example, Precinct 102, 304, 485 or  
25 whatever. And so my purpose in -- in including this was

1 to try and encourage everybody to be consistent and not  
2 split some of the properties. We have some properties  
3 that are split right down the middle of the property, and  
4 it creates a difficult situation for us to determine  
5 which precinct or entitlement we should be giving a  
6 specific voter if it -- if there's a split.

7 Q Did you -- so this email was sent to the  
8 Galveston County Commissioners Court; is that right?

9 A It was sent to, as I recall --

10 MS. OLALDE: Hold on. I just --

11 A -- as I state --

12 MS. OLALDE: I just want to make sure I'm  
13 understanding your question. The email, or are you  
14 talking about the attachment?

15 MS. GARRETT: The email.

16 Q (By Ms. Garrett) So looking at the exhibit, the  
17 email that was sent -- so the names in the "to" line on  
18 the first page of the exhibit.

19 A Yes, this particular email with that  
20 copy-and-paste that I had sent to the other jurisdictions  
21 was sent to county commissioners and their chiefs of  
22 staff and a couple of people that work in my office or  
23 did work in my office at the time.

24 Q And then did you receive -- or what responses  
25 did you receive to this email?

1 A I don't recall receiving any responses to this  
2 email.

3 Q At this time, did you expect or hope to receive  
4 a response?

5 A It wasn't necessary. I was sharing  
6 information. If they had additional questions, I  
7 expected them to reach out to me.

8 Q When -- when you shared information and the  
9 recipients had questions, how could they best contact you  
10 to get those questions answered?

11 MS. OLALDE: Objection, vague.

12 A They could call, they could email, they could  
13 stop by my office, so there was a variety of ways that  
14 they could reach out to me.

15 MS. GARRETT: I'd like to mark Tab 14 as an  
16 exhibit. This would be Exhibit 3.

17 MR. MUNK: Exhibit 3 has been introduced.

18 Q (By Ms. Garrett) Ms. Johnson, can you let me  
19 know when you've had a chance to review the exhibit?

20 A (Reviewing document.) I've reviewed the email.

21 Q Do you recognize this email?

22 A Yes, I do.

23 Q Can you describe what this email is? What is  
24 this email?

25 A This is an exchange of information. A reporter

1 with the Galveston Daily News was seeking copies of maps  
2 or any information that I might have on who he could  
3 obtain them from, and so I looped in people that might  
4 have that information.

5 Q Did you -- did you anticipate receiving  
6 requests like this in 2021 around the time of  
7 redistricting?

8 MS. OLALDE: Objection, calls for speculation.  
9 To the extent you know, you can answer.

10 A People ask me for all sorts of information.  
11 Most of it is not something that we even have anything to  
12 do with. It's just the most familiar with their tax  
13 assessor-collector because I've touched them so often.

14 Q (By Ms. Garrett) So your office fielded quite a  
15 few questions, it sounds like?

16 A On every topic. I'm sorry.

17 MS. OLALDE: Just give me a chance to object.

18 Q (By Ms. Garrett) You mentioned in your response  
19 to John Wayne Ferguson on April 8th, 2021, you say, "We  
20 just cleaned out all of the 2000 maps in preparation for  
21 2020 redistricting." Did I read that correctly?

22 A Yes, ma'am.

23 Q And why did you clean out the maps at this  
24 time?

25 A We no longer had need for the 2000 maps, to the

1 | decisions that were made then. We compare the 10-year  
2 | maps for each effort that we do with regard to  
3 | redistricting. So we looked at the 2000 maps in 2010,  
4 | the 2010 maps in 2020. So there was no longer a need for  
5 | the older maps.

6 | Q And what format were these 2000 maps in? Were  
7 | they electronic? On paper?

8 | A As I recall, they were predominantly paper.

9 | Q And it looks like you included Nathan Sigler,  
10 | Michael Shannon on this email; is that right?

11 | A Yes, ma'am.

12 | Q Why did you include them on this email?

13 | A Because they were the most likely individuals  
14 | to have the information that Mr. Ferguson was seeking.

15 | Q Is it typically your practice to include  
16 | individuals with more information or additional  
17 | information on emails to help respond to requests for  
18 | your office?

19 | A It is very common for me to include the proper  
20 | people that perhaps -- when Mr. Ferguson was asking for  
21 | information and I -- I responded by sharing that  
22 | information with him. This is very typical.

23 | Q We should have time for this line of  
24 | questioning before lunch. As part of your work for  
25 | Galveston County -- actually, let me ask you this: How

1 familiar are you with census data?

2 A In 2000, I was more aware of census data than I  
3 have been the most recent census data. I've just not had  
4 time to review the 2020 census data hardly at all.

5 Q When you review census data, what sorts of  
6 things do you look at when reviewing that data? Just  
7 generally, not any particular time frame.

8 A Typically total populations. I would want to  
9 know, for instance, how many additional people we have in  
10 Galveston County. That sometimes triggers legislation  
11 affecting us, and how those totals have changed from --  
12 from one census to another.

13 Q Do you know how the census data is used for  
14 redistricting at the county level?

15 A Not specifically.

16 Q Do you recall when the 2020 census data was  
17 released?

18 A As I recall, it would have been August or  
19 September. Could have been as late as October in 2021.  
20 Sometime late summer, early fall.

21 MS. GARRETT: Okay. I'd like to mark Tab 17 as  
22 exhibit -- it should be Exhibit 4.

23 MR. MUNK: Exhibit 4 has been introduced.

24 Q (By Ms. Garrett) Ms. Johnson, once you've had a  
25 chance to review, can you let me know if you recognize

1 | this document?

2 | A Yes, ma'am, I'll let you know. (Reviewing  
3 | document.) I'm familiar with this email.

4 | Q Does this email refresh your recollection about  
5 | when the census data -- or the 2020 census data was  
6 | released?

7 | A It appears it was around or about August 13th.

8 | Q I'd like to ask you, at the very top of this  
9 | email you write, "With census data now being released,  
10 | please run voter totals by district for each entity with  
11 | single member districts."

12 | First off, did I read that correctly?

13 | A Yes, ma'am.

14 | Q Okay. And then why did you take this step to  
15 | send this email and have this task be completed?

16 | A To provide more current voter totals, number of  
17 | voters in each of the precincts and districts as  
18 | appropriate, depending on the jurisdiction.

19 | Q And once -- let me ask you this: Who did you  
20 | ask to complete this task? Was it the recipients listed  
21 | in the "to" line of this email?

22 | A Yes. So Ms. Saludis was the senior voter  
23 | investigation specialist and Angela Bleyle was the  
24 | second -- the voter registration specialist. Ms. Moreno  
25 | was the chief deputy that they each reported to directly.



1 Q And once these voter totals were run, what  
2 would you do with that information?

3 A I would typically take multiple spreadsheets  
4 and combine them into totals as you see on the second  
5 page, so that others would not have to review multiple  
6 spreadsheets, but to consolidate the information in a  
7 concise manner so it'd be easy for people to understand.

8 Q Did the county commissioners request this  
9 information from your office?

10 A Not that I recall. Commissioner Clark was  
11 typically the only commissioner who was ever, for lack of  
12 a better term, down in the mud enough to want to see this  
13 information.

14 Q Did you receive a response from -- well, let me  
15 just confirm. Which information did you share with the  
16 county commissioners? The attachment to this email?

17 A I don't know that I shared this attachment. I  
18 used the attachment as an example of what I was going to  
19 do with the data I was asking my team to produce for me.

20 Q Okay. Do you recall, once you shared the voter  
21 totals with the county commissioners, what response they  
22 gave, if any?

23 A I don't recall any responses from any of them  
24 specifically. I -- I don't even know exactly when I  
25 provided this to them for a second or third time even.

1 Q But if somebody were to respond, you would have  
2 expected it to have been Ken Clark; is that right?

3 MS. OLALDE: Objection, calls for speculation.

4 A Typically, he was the one that was most  
5 interested. And who he shared that with, I -- I do not  
6 know.

7 Q Let's take a look at Tab 15.

8 MS. GARRETT: If we could mark Tab 15 as an  
9 exhibit. So Tab 15, this will be Exhibit 5.

10 MR. MUNK: Exhibit 5 has been introduced.

11 A (Reviewing document.)

12 Q (By Ms. Garrett) So Ms. Johnson, I'm looking at  
13 the bottommost email, the earliest email. Do you see  
14 it's -- well, the "from," "to" -- "from," "sent" and "to"  
15 lines are on the bottom of Page 1 and the substance of  
16 the email is on Page 2. Have you had a chance to review?

17 A Yes.

18 Q So this earliest -- or the email at the very  
19 bottom you sent on May 20th, 2021. Who did you send this  
20 email to?

21 A I sent it to the census bureau.

22 Q And why did you reach out to the -- or let me  
23 ask you this: What was your purpose for reaching out to  
24 the census bureau?

25 A Very likely, Ms. Eldridge, Robin Eldridge in

1 | the email, was the city secretary for the City of  
2 | La Marque, and she was likely asking me when they could  
3 | expect the data.

4 | Q Did Robin Eldridge give you more information  
5 | about why they were looking for this information?

6 | A Not specifically, but she could have been  
7 | responding to many of those emails that I had sent in  
8 | trying to develop a plan for her city of when they would  
9 | make their decisions. That would be logical.

10 | Q So was it part of your job to share census data  
11 | with Texas counties and municipalities?

12 | A I did not share census data with Texas  
13 | municipalities and the counties. I was sharing  
14 | projection of when the census bureau may have census data  
15 | available.

16 | Q And what was the census bureau's response to  
17 | your question?

18 | A They responded when the data products would be  
19 | available.

20 | Q Sounds like they estimated it'd be available in  
21 | August or September. Is that accurate?

22 | A Yes, ma'am, that's what she wrote, or that's  
23 | what they wrote, the public information office.

24 | Q So looking at the very top email that you sent  
25 | at 1:50 p.m. Central Time, it looks like, you forwarded

1 | this response to Tyler Drummond; is that right?

2 | A Yes, ma'am.

3 | Q Why did you forward this information to Tyler  
4 | Drummond?

5 | A The same reason that I had included Robin, to  
6 | let him know that it looks like we -- we have a date on  
7 | when we may receive the information.

8 | Q Did Tyler Drummond request this information  
9 | from you?

10 | A No.

11 | Q Did you at the time believe that this  
12 | information would be helpful to Tyler Drummond?

13 | A I assumed that this would be helpful for him to  
14 | inform the county commissioners when they could expect to  
15 | begin receiving information, so they could begin making  
16 | decisions.

17 | Q You also asked Tyler Drummond in this email,  
18 | "Do you have any timeline expectations yet?" Is that  
19 | accurate?

20 | A Yes, ma'am.

21 | Q I know we discussed a little bit earlier today  
22 | about how Mr. Drummond provided you information about the  
23 | commissioners court meeting. Do you recall what his  
24 | response was to your question here?

25 | A I'm not certain that he provided a direct

1 response to me.

2 Q Did you forward this information to anyone else  
3 at -- with the Galveston County Commissioners Court?

4 A Not that I recall. This specific email or the  
5 date that census had responded?

6 Q The information that the census bureau provided  
7 about when additional data products will be available.

8 So in other words, when you learned that, from the census  
9 bureau on May 20th that additional data products will be  
10 available and that the August/September release is the  
11 first sub-state data available, did you forward this  
12 information to anyone at the Galveston County  
13 Commissioners Court, other than Tyler Drummond?

14 A Not that I recall.

15 MS. GARRETT: Let's pull up Tab 9, and this  
16 will be Exhibit 6.

17 MR. MUNK: Exhibit 6 has been introduced.

18 Q (By Ms. Garrett) And Ms. Johnson, let me know  
19 when you've had a chance to fully review the document.

20 A (Reviewing document.) I've reviewed the email.

21 Q Do you recognize this email --

22 A Yes, I do.

23 Q -- or this email thread?

24 A Yes, I do.

25 Q Can you describe what this email thread is

1 about?

2 A So going from the beginning, it appears as  
3 though Ms. Eldridge and I had a conversation, because I  
4 state what we discussed, and I provided information to  
5 her apparently as previously discussed, the breakout of  
6 the number of voters in each of the La Marque's single  
7 member districts, and looped her into the people who  
8 would be able to assist her with other information. She  
9 thanked me for that. And then she asked when the census  
10 information was out, and I responded that I'd sent an  
11 open records request to the census bureau, and that was  
12 the previous exhibit that we -- that she was copied on.

13 At that point it was speculation because I had  
14 not yet received a response. I think there were news  
15 articles about census. It was very much in the news at  
16 the time. And that's pretty much it.

17 Also in this email thread --

18 MS. OLALDE: Hold on. Just wait for a  
19 question.

20 THE WITNESS: Okay. I'm sorry.

21 MS. OLALDE: That's okay.

22 Q (By Ms. Garrett) So on the first page, I'm  
23 looking at the second email listed.

24 A Second email. Let me get to the second email.

25 Q On the first page of the exhibit.

1           A     The last -- the second email would be on the  
2     last page of the exhibit.

3     Q     I'm looking at the email that you wrote on 2:21  
4     p.m. on Thursday, May 20th, to Robin Eldridge, where it  
5     reads, "No problem. Tyler wrote to the attorney to  
6     obtain a timeline for the county. Once I have that, I  
7     will send to you." Do you see where I'm at?

8     A     Yes, I see that.

9     Q     So here in this email, Tyler, are you referring  
10    to Tyler Drummond?

11    A     Yes, ma'am.

12    Q     And then you wrote -- you say, "Tyler wrote to  
13    the attorney." To your knowledge, who was the attorney  
14    that Tyler was -- that Tyler wrote to to obtain a  
15    timeline for the county?

16    A     I believe that was Paul Ready.

17    Q     Did you receive the timeline from Tyler  
18    Drummond?

19    A     As I recall, I received a response from Paul  
20    Ready.

21    Q     And what was Paul Ready's response?

22    A     I --

23           MS. OLALDE: I'm going to ask you not to reveal  
24    communications with counsel.

25    Q     (By Ms. Garrett) Did you have any further

1 follow-up with Tyler Drummond about this information or  
2 this timeline?

3 A Not that I recall.

4 Q When you received -- without disclosing the  
5 substance of any of your communications with Paul Ready,  
6 did you -- or what did you do with the information that  
7 you received? Did you create a timeline or a schedule?  
8 Did this inform the schedules that you were looking to  
9 create?

10 A I don't recall off the top of my head what the  
11 response was.

12 MS. OLALDE: Hold on. Hold on.

13 THE WITNESS: Yes.

14 MS. OLALDE: I need to be able to make my  
15 objections.

16 THE WITNESS: Yes, ma'am.

17 MS. OLALDE: And for that question, I was going  
18 to object as overbroad and vague.

19 So let's make sure we're giving me the time to  
20 do that, please.

21 MS. GARRETT: I think now -- I know we're a  
22 couple minutes earlier than we discussed, but now may be  
23 a good time to take a lunch break, if that works for you.

24 MS. OLALDE: Works for us, yeah.

25 MS. GARRETT: Okay. Could we go off the



1 record?

2 THE VIDEOGRAPHER: Yes. Current time is 11:50  
3 a.m. and we're now off the record.

4 (Recess.)

5 THE VIDEOGRAPHER: Current time is 12:49.  
6 We're now back on the record.

7 Q (By Ms. Garrett) Ms. Johnson, you mentioned  
8 that in response to your request for a timeline from  
9 Mr. Drummond, that you received a response from Paul  
10 Ready. What did you understand Paul Ready's role to be?

11 A He is the county's lawyer, attorney liaison,  
12 essentially. So with regard to redistricting, I don't  
13 know.

14 Q You also mentioned that Ken Clark was probably  
15 the most commissioner involved with redistricting. Is  
16 that accurate?

17 A From what I observed, yes.

18 Q And what sorts of things did you observe to  
19 lead you to draw that conclusion?

20 A He was working with the county engineering  
21 department, with specifically Nathan, on redrawing,  
22 looking at the census data and actually drawing  
23 boundaries, as I understand it.

24 Q It was your understanding that Ken Clark was  
25 drawing what kind of boundaries?

1 A Voting --

2 THE WITNESS: I'm sorry.

3 MS. OLALDE: Objection as to speculation.

4 THE WITNESS: Yes.

5 MS. OLALDE: And you can answer if you know.

6 A I know that he was involved with the actual  
7 election precincts. So after commissioners had adopted  
8 their commissioner precincts, then he was working with  
9 county engineering to actually define the specific voting  
10 precincts, the individual voting precincts.

11 Q (By Ms. Garrett) So post-redistricting, did you  
12 work directly with Ken Clark, Commissioner Clark --

13 MS. OLALDE: Objection --

14 Q (By Ms. Garrett) -- or post-adoption of the  
15 map, did you work directly with Ken Clark?

16 A Not directly. He would have phone calls -- he  
17 would call occasionally, but that was -- it was -- was  
18 rather rare. I knew that he was working with county  
19 engineering more than anybody else.

20 Q Did Commissioner Clark reach out to you with  
21 any questions in 2021 about the redistricting process?

22 A Not about the process, no.

23 Q Did he reach out with questions about anything  
24 else related to redistricting?

25 A I don't recall specifically. The only thing he

1 knew that I would have would be the number of voters in  
2 each voting precinct.

3 Q You mentioned that you stopped expecting  
4 responses to the information you were providing to  
5 various entities throughout redistricting. At what point  
6 did you stop expecting a response?

7 MS. OLALDE: Objection, misstates prior  
8 testimony.

9 A Okay. I'm not -- I'm not sure I have an answer  
10 to that. Just sometime during the process, during that  
11 year.

12 Q (By Ms. Garrett) Did you have the opportunity  
13 to provide -- or let me ask it this way: Did you or your  
14 office have the opportunity to provide input on any  
15 proposed plan during the redistricting process?

16 MS. OLALDE: Objection, asked and answered.

17 A No.

18 Q (By Ms. Garrett) To your knowledge, was anyone  
19 other than...

20 Let me ask this: So in August 2021, after the  
21 census data was released, what steps did your office take  
22 to prepare for redistricting?

23 MS. OLALDE: Objection, misstates facts.

24 And you can answer to the extent you know.

25 THE WITNESS: So I can answer that question or

1 not?

2 MS. OLALDE: You can answer, to the extent you  
3 know.

4 THE WITNESS: If you would repeat the question,  
5 yes.

6 Q (By Ms. Garrett) So it's -- the census data was  
7 released in 2021, is that right, the 2020 census data?

8 A As I recall, yes.

9 Q Did your office -- did you or your office take  
10 any actions to prepare for redistricting after that data  
11 was released?

12 A Not specifically actions. We began  
13 aggressively trying to hire temporary staff.

14 Q And what did you hire those temporary staff to  
15 do at your office?

16 A Enter applications and scan documents. The  
17 day-to-day tasks that the full-time staff would not be  
18 able to perform because they were changing street ranges.

19 Q And changing street ranges, that process began  
20 when?

21 A Once we began to receive changes from the  
22 different jurisdictions. So once the Texas legislature  
23 had adopted their boundaries, then -- and we were able to  
24 access that information, that's when we specifically  
25 began making changes in the -- in the system.

1 Q When did you receive the first change in  
2 boundaries to start making changes? Do you recall when  
3 that was?

4 MS. OLALDE: Objection, vague as to  
5 "boundaries."

6 Q (By Ms. Garrett) Let me ask it this way: When  
7 did you receive -- so after the census data was released  
8 in August 2021, when did your office receive its first  
9 newly adopted map from any jurisdiction?

10 MS. OLALDE: Objection, vague, overbroad.  
11 You can answer to the extent you're able.

12 A Once the legislature adopted their maps and we  
13 were notified by the Secretary of State. I don't  
14 remember precisely when that was without looking at the  
15 election advisory.

16 Q (By Ms. Garrett) In August 2021, did you  
17 receive any updates from the Galveston County  
18 Commissioners Court about their actions to select a new  
19 commissioners precinct map?

20 MS. OLALDE: Objection, asked and answered.  
21 You can answer.

22 A I don't think they'd made any decisions in  
23 August.

24 Q (By Ms. Garrett) Did you receive any updates  
25 about a decision-making process or any updates on the

1 timeline?

2 MS. OLALDE: Objection, asked and answered.

3 Q (By Ms. Garrett) You can answer, if you --

4 A I don't know when I received a response. I  
5 don't remember when they first approved their maps, so I  
6 can't really answer that question.

7 Q So you don't recall when the Galveston County  
8 Commissioners Court adopted their commissioner precinct  
9 map?

10 A I don't remember specifically. As I recall,  
11 Tyler communicated around October that they would adopt  
12 something around -- sometime during November or December.

13 MS. GARRETT: I'd like to mark Tab 19 as an  
14 exhibit. I believe this would be Exhibit 7.

15 MR. MUNK: Exhibit 7 has been introduced.

16 Q (By Ms. Garrett) Ms. Johnson, when you've had a  
17 chance to review, could you let me know if you recognize  
18 this document.

19 A (Reviewing document.) Yes, I recognize this  
20 document.

21 Q What is this document?

22 A This is an email which I'm sharing with the  
23 county commissioners the current voter count by election  
24 precinct as of August 13th, 2021.

25 Q Do you recall which individuals were included

1 as recipients to this email?

2 A I don't recall off the top of my head who the  
3 commissioners' distribution list included.

4 Q Did you expect any sort of response to this  
5 email?

6 A No.

7 Q Why did you send this email?

8 A To share information.

9 Q Did you receive any responses to this email?

10 A I do not recall receiving a response, no.

11 Q Did you speak with anyone about the information  
12 in this email after you sent it?

13 A I don't recall.

14 Q Do you recall if you shared the information in  
15 this email with anyone else other than the commissioners  
16 listed in the "to" line of this email?

17 A I have -- I do not recall.

18 Q After you sent this email, did you -- did you  
19 have any further -- let me ask this.

20 MS. GARRETT: I'd like to mark Tab 22 as an  
21 exhibit. I believe this would be Exhibit 8.

22 MR. MUNK: Exhibit 8 has been introduced.

23 Q (By Ms. Garrett) Ms. Johnson, when you've had a  
24 chance to review, can you let me know if you recognize  
25 this document?

1 A Okay. (Reviewing document.) I've reviewed the  
2 email.

3 Q Do you recognize this document or this email  
4 thread?

5 A Yes, I'm familiar with it.

6 Q Looking at Page 3 of this exhibit, this is an  
7 email from you to Dwight Sullivan dated September 23rd,  
8 2021; is that right?

9 A I was trying to track the -- see when I was  
10 added to this. I can't tell when -- oh, it's Thursday,  
11 September 20 -- are you talking about the Thursday,  
12 September 23rd at 2:00 o'clock p.m. email?

13 Q Yes.

14 A Yes, I sent that to Dwight Sullivan. Yes.

15 Q And in the second paragraph there in that  
16 email, you mention, "We will begin redistricting efforts  
17 for Galveston County around October 9th." Did I read  
18 that correctly? This is the first sentence in the second  
19 paragraph.

20 A Yes, you read that correctly.

21 Q What did you mean by "redistricting efforts"?

22 A As I've stated before, redistricting efforts  
23 for my office involves us identifying and then making  
24 changes to voter entitlements in the street range portion  
25 of our system.



1 Q What information did you need from Galveston  
2 County in order to start that process?

3 A We needed, number one, for them to adopt their  
4 precincts, their commissioner precincts, and then  
5 identify the election -- the voting precincts within  
6 those. That involved maps, shapefiles or access to the  
7 information in either the county's or the Central  
8 Appraisal District's GIS system.

9 Q At the time you wrote this email, did you  
10 anticipate that a commissioners' precinct map would be  
11 selected by October 9th, 2021?

12 A Based on this email string, I would have  
13 assumed -- I can only assume that we -- that I was of the  
14 impression that the county commissioners would adopt  
15 their precincts around October 9th or before October 9th.

16 Q Do you recall why you had that impression at  
17 the time?

18 A Not without looking at other documents. There  
19 could have been agenda items. I -- I can't answer that  
20 specifically.

21 Q What kinds of agenda items might be  
22 enlightening for refreshing your recollection about that?

23 A I -- if there were posted agendas, if there  
24 were news articles, if there would be something that  
25 would have caused me to believe that they would begin

1 acting in October.

2 Q If the commissioners court had adopted a  
3 precinct map by October 9th, would this have made work at  
4 your office easier in any way?

5 MS. OLALDE: Objection, overbroad and vague as  
6 to "precinct map."

7 A If you're asking me if they adopted their  
8 county commissioner precincts, we still could not have  
9 begun our work. The changes that we implemented from  
10 their maps required the adoption and establishment of  
11 actual voting precincts. And that -- without that  
12 occurring, we had nothing to do. There was nothing for  
13 us to do.

14 Q (By Ms. Garrett) Could the process to draw the  
15 voting precincts begin before the commissioners precinct  
16 map was adopted?

17 MS. OLALDE: Objection, calls for speculation,  
18 also asked and answered. She's already testified that  
19 she doesn't have anything to do with drawing precincts.

20 A I had nothing to do with that, so I wouldn't  
21 know.

22 Q (By Ms. Garrett) So you do not know whether  
23 voting precinct lines could've been drawn sooner had the  
24 commissioners court accepted -- or had the commissioners  
25 court adopted a commissioner precinct map in October as

1       opposed to November?

2               MS. OLALDE:  Objection, calls for speculation,  
3       asked and answered, also overbroad, also misstates prior  
4       testimony.

5               You can answer to the extent you know.

6               A     Answer is no.

7               MS. GARRETT:  I'd like to mark Tab 23 as an  
8       exhibit.  Looks like this will be Exhibit 9.

9               MR. MUNK:  Exhibit 9 has been introduced.

10       Q     (By Ms. Garrett) Ms. Johnson, when you've had a  
11       chance to review, do you recognize this document?

12       A     (Reviewing document.)  I do.

13       Q     And what is this document?

14       A     This is an email that I sent to Tyler Drummond  
15       providing, apparently per his request, the Galveston  
16       County voters -- number of voters by precinct.

17       Q     And do you remember why you sent this email?

18       A     No.  The only -- the -- it says, "Per your  
19       request," so that tells me that Tyler requested the  
20       information.

21       Q     Do you recall whether he told you what he would  
22       do with this information?

23       A     No.

24       Q     Do you recall if he asked you for any other  
25       information related to this request?

1 A No, not that I recall.

2 Q Did you -- were you under the impression at the  
3 time you sent this email that this information would be  
4 shared with the commissioners court?

5 MS. OLALDE: Objection, calls for speculation.

6 A I truly don't know.

7 MS. GARRETT: I'm going to mark Tab 27 as an  
8 exhibit. This will be Exhibit 10.

9 MR. MUNK: Exhibit 10 has been introduced.

10 Q (By Ms. Garrett) Ms. Johnson, when you've had a  
11 chance to review, do you recognize this document?

12 A (Reviewing document.) I'm familiar with this  
13 document.

14 Q Looking to Page 3 of the exhibit, the earliest  
15 email listed, I have a few questions for you about this  
16 one. This is an email from you dated October 28th, 2021;  
17 is that right? I guess it starts on Page 2 and goes into  
18 Page 3.

19 A Yes.

20 Q So at this point, in the first part of the  
21 second paragraph, you wrote, "Galveston County will vote  
22 next week to change county election precinct boundaries."  
23 Is that accurate?

24 A That's what it states, yes.

25 Q And then later on in that email, you write --

1 and this is at the very top of Page 3, you write, "We  
2 will begin making changes upon receipt of county  
3 commissioner maps through January 11. On that date, we  
4 must provide the midterm primary voting list to the  
5 county clerk election division. We cannot make any  
6 changes to any boundaries until we send the final list to  
7 them on February 11th, as it will adversely impact their  
8 ballot styles."

9 Did I read that correctly?

10 A Yes, ma'am.

11 Q When you say "we cannot make any changes to the  
12 boundaries," what kind of changes are you talking about  
13 here?

14 A To those particular governmental entities'  
15 boundaries.

16 Q And why did you have to -- or where did the  
17 January 11th deadline come from?

18 A From Dwight Sullivan, the county clerk. They  
19 needed us to produce the primary voting list by that  
20 date, and we could not -- we had to finish the changes to  
21 the voting precincts up to that point, and then we could  
22 begin making changes to local jurisdictions.

23 Q To your knowledge, do you -- or do you know how  
24 this deadline was selected?

25 A The January deadline? The January 11th

1 deadline?

2 Q Yes. Do you know why -- or how the  
3 January 11th deadline was selected?

4 A As I recall, that was the date that Dwight  
5 Sullivan identified he had to have the last list to  
6 create his ballot styles for the primary elections.

7 Q Do you recall if this January 11th deadline was  
8 also a deadline back in 2011 during the prior  
9 redistricting cycle?

10 A I have no idea. I believe the primary was  
11 moved in 2011 to April.

12 Q And then what -- what occurred between  
13 January 11th and February 11th such that you couldn't  
14 make changes during that time?

15 MS. OLALDE: Objection, calls for speculation.  
16 You can answer to the extent you know.

17 A After January 11th, we could begin making  
18 changes to any of those other jurisdictions that had  
19 provided changes to us. We could not make any changes  
20 specifically to any other boundaries until February 12th  
21 because there was a law, and that was during the time  
22 that the county clerk would have been testing -- doing  
23 their LMA testing and various testings that they do. I'm  
24 not that familiar with what they have to do.

25 Q (By Ms. Garrett) I want to look at the first

1 email in this exhibit now. First off -- so this is on  
2 Page 1 of the exhibit. Do you recognize the names listed  
3 in the "to" line?

4 A Are you talking about the November 3rd email?

5 Q Yes.

6 A The one at 9:20?

7 Q Yes. This is the first email listed in the  
8 exhibit dated November 3rd, 2021, at 9:20 a.m. Central  
9 Time.

10 A And what was your question again about this  
11 email?

12 Q Do you recognize the names of the recipients of  
13 this email?

14 A I recognize Paul McLarty and Nathan Sigler and  
15 Kathleen Moreno, yes.

16 Q And who was Paul McLarty?

17 A He was a decision-maker, I think the  
18 superintendent or assistant superintendent at CCISD,  
19 Clear Creek Independent School District.

20 Q Do you recognize this as an email that you  
21 wrote?

22 A I don't know that I wrote this. It doesn't  
23 have a "from." I'd be speculating, but the language, "I  
24 have included Nathan Sigler who is our mapping guru,"  
25 sounds like something I may say, but I can't say that

1 with certainty.

2 Q I will represent to you that you are listed as  
3 a custodian for this document, though the "from" line is  
4 empty. To confirm, are you unsure whether you wrote this  
5 email?

6 MS. OLALDE: Objection, asked and answered.

7 You can answer.

8 A It doesn't specifically say it's from me. And  
9 if I was the custodian of this record, I would think that  
10 it would say who it's from.

11 MS. OLALDE: She's just asking if you recall.

12 A I don't specifically recall this email.

13 MS. GARRETT: I'd like to mark Tab 21 as an  
14 exhibit.

15 MR. MUNK: Exhibit 11 has been introduced.

16 Q (By Ms. Garrett) Ms. Johnson, do you recognize  
17 this document?

18 A I'm still reviewing it. (Reviewing document.)  
19 I'm familiar with this document.

20 Q And what is this document?

21 A This is a series of emails between members of  
22 the elections division of the county clerk's office and  
23 my voter registration department, my office, as well as  
24 Ms. Hart with the Secretary of State's office.

25 Q And how long have you known Ms. Hart,



1 Ms. Kristi Hart?

2 A I don't know that I've ever actually met  
3 Ms. Hart, but I believe that she's been with Secretary of  
4 State's office at least a year and a half, maybe two  
5 years.

6 Q So in the March 5th, 2021, email from you sent  
7 at 10:53 a.m., the actual text of which I'll quote is on  
8 Page 3 of the exhibit, you wrote, "I did want you to know  
9 that I contacted the law firm as I fully expected it to  
10 have already completed entering the data." Which law  
11 firm are you referring to here?

12 A I'm trying to find that email. March 5th, so  
13 the very first email is what you're asking about?

14 Q The earliest email, yes.

15 A The law firm would have been associated with  
16 the emergency services district whose boundaries the  
17 Secretary of State assisted us with creating -- well, the  
18 entitlements that they assisted with us creating.

19 Q And then at a later email on August 26th, 2021,  
20 which starts on Page 1 of this exhibit and goes into  
21 Page 2, you followed up with the Secretary of State on  
22 this email. What was the purpose of following up in  
23 August 2021?

24 A The Secretary of State had gone into the system  
25 behind the scenes, so to speak, and added this ESD to

1 TEAM for us, which was a 24-hour action versus us  
2 manually entering every single street. And so the  
3 purpose of this was me -- for me to determine whether the  
4 Secretary of State could help us with redistricting  
5 similarly.

6 Q In the last paragraph you wrote, "Depending on  
7 the schedule (per SB 13) we may have a very short time  
8 frame if the Legislature completes its work by  
9 mid-November." Did I read that correctly?

10 A Yes, ma'am.

11 Q Can you confirm which schedule you were  
12 referring to here?

13 A Without reading SB 13, I'm not 100 percent sure  
14 what the schedule was. As I recall, the -- this was  
15 where the legislature was defining when the primary would  
16 be, when voter certificates could be mailed out and so  
17 forth. That's the best that I can recall.

18 Q And then -- and I'll ask you this: Which work  
19 by the legislature were you referring to, if you could  
20 confirm --

21 A Their effort to redistrict the congressional  
22 districts, the Texas Senate, Texas House, and State Board  
23 of Education.

24 Q And what concerns did you have, if any, about  
25 this short time frame that you mentioned?

1 A Predominantly workload related. There's a --  
2 there's a lot of work to do, particularly if we were  
3 having to change voting entitlement street by street,  
4 block by block, odd and even. It's going to take us an  
5 extraordinarily amount -- extraordinary amount of time to  
6 both make those changes and audit those to make sure that  
7 we had done everything correctly.

8 Q How much time -- is it possible to estimate how  
9 much time that takes?

10 MS. OLALDE: Objection, vague.

11 A I would -- you'd need to be more specific with  
12 your question.

13 Q (By Ms. Garrett) I can move on.

14 So when the Galveston County Commissioners  
15 Court voted on a redistrict map, what were the next steps  
16 for your office?

17 MS. OLALDE: Can you be more specific? I'm  
18 sorry. I don't want to just object. I just wanted to  
19 make sure that the record is clear as to what map you're  
20 talking about.

21 MS. GARRETT: The commissioners precinct map.

22 MS. OLALDE: Thank you.

23 A There was really nothing for us to do at that  
24 point in time until we received additional information,  
25 such as what voting precincts were to be located within

1 | each commissioner precinct. Once that list was provided,  
2 | then we needed to know -- the way that this -- the  
3 | election precincts are named, if -- if a precinct moved  
4 | from Commissioner Apffel to Commissioner Giusti, it would  
5 | go from a, say, 101 to a 201. And once we could see the  
6 | list of voting precincts that were within the county  
7 | commissioners boundaries, my next question or concern  
8 | would be, Will these names be traditionally changed as  
9 | they have in the past and renamed?

10 | We don't look at which Commissioner Precinct it  
11 | is. We look at the number. So Precinct 101 is County  
12 | Commissioner Precinct 1, 202 is Commissioner Precinct 2  
13 | and so forth. And so we would possibly, once we had that  
14 | list, be able to begin making those name changes to the  
15 | voting precincts.

16 | THE REPORTER: Excuse me. Who was the last  
17 | speaker that asked the question?

18 | MS. OLALDE: It was Angie Olalde.

19 | THE REPORTER: Thank you.

20 | Q (By Ms. Garrett) When did you have to complete  
21 | those name changes by?

22 | A In time to generate the list for the county  
23 | clerk, as well as to generate the list to mail out the  
24 | voter certificates.

25 | Q Was that the --

1           A     This was in January.

2           Q     The January 11th deadline?

3           A     Yes, ma'am.

4           Q     When you were making those name changes, did  
5 you have any contact with the commissioners court during  
6 that time period, the Galveston County Commissioners  
7 Court?

8           A     I don't recall specifically. I -- I don't  
9 recall specifically. I would've wanted them to vote to  
10 change those names. I was very uncomfortable proceeding  
11 on the assumption that we would simply change the first  
12 number. I don't remember specifically contacting them.

13          Q     What information would you have wanted from the  
14 commissioners court during that time?

15          A     The specific names of the precincts, to ensure  
16 that 101 would become 201, that 105 would become 205, if  
17 those were moved from one county commissioner's precinct  
18 to another. Without that -- although that was a logical  
19 assumption and typical change, my preference was that  
20 they took an official action.

21          Q     Did they ever provide that information to you  
22 or your office?

23          A     I believe they finally took a vote on that in  
24 December.

25          Q     So you used the phrase earlier that one of

1 your -- is it accurate to say that your office's role was  
2 to implement the maps selected by the Galveston County  
3 Commissioners Court, or I guess the map selected by the  
4 Galveston County Commissioner Court?

5 A We did not implement their map. We simply  
6 changed the voting precincts to correspond to the county  
7 commissioner numbers.

8 Q So when changing the names for the selected  
9 map, what changes -- your office needed to -- I guess,  
10 let me ask you this: How much time did it take to change  
11 the names for the adopted Galveston County commissioners  
12 precinct map?

13 MS. OLALDE: Objection, misstates testimony.

14 THE WITNESS: What was your objection? I'm  
15 sorry.

16 MS. OLALDE: You don't need to know my  
17 objection. Just answer the question.

18 THE WITNESS: Oh, yeah.

19 A So repeat your question then, please.

20 Q (By Ms. Garrett) You mentioned that your  
21 office's role -- let me back up.

22 You mentioned your office's role was to change  
23 the names --

24 A Yes.

25 Q -- of the precinct map; is that correct?

1 A Yes.

2 Q How much time did it take to implement the map  
3 that the Galveston County Commissioners Court adopted in  
4 2021, specifically the commissioner precinct map?

5 MS. OLALDE: Same objection.

6 A We did not specifically change the commissioner  
7 precincts. We changed the names of the voting precincts  
8 and in some instances split precincts according to how  
9 they were finally adopted. So we never looked at county  
10 commissioner precincts. We looked at individual voting  
11 precincts and we changed those numbers.

12 If it was a simple 101 to 201, it would take 15  
13 to 20 minutes, if the Secretary of State's redistricting  
14 module was working, which it frequently did not.

15 Q (By Ms. Garrett) How did the -- when did  
16 voters, after the -- these -- after these name changes  
17 occurred, when did voters receive updated voter  
18 registration certificates?

19 A We mailed them out in different batches. And  
20 so we would produce the list, and if we -- we started  
21 mailing them -- we weren't allowed to mail them until  
22 January. And so we would produce lists, and we worked  
23 with our vendor to release certain batches of them. So  
24 if we were certain that an entire precinct was simply  
25 renamed, we could mail those voter certificates.

1           In the instances where they were split to  
2 combines, or tweaking for census data lines to be exactly  
3 correct, those were set aside until that work could be  
4 completed. And we're still in some instances, due to  
5 redistricting of other entities, sending out voter  
6 certificates.

7           Q     Prior to the commissioners precinct map in  
8 Galveston County being adopted, did you see the two  
9 proposed maps?

10          A     I don't recall specifically. If I saw them,  
11 they were posted on a board outside the commissioners  
12 courtroom.

13          Q     But you don't recall whether you saw them?

14          A     I very likely saw them. I just don't  
15 specifically remember when I would've seen them. They  
16 would've been released to the public, and I could have  
17 seen them in the Galveston Daily News. I may have seen  
18 them on the county website. I'm not sure how else I  
19 would've seen them other than, like I said, posted  
20 outside the courtroom.

21          Q     Were you shown the maps prior to when they were  
22 shown to the public?

23          A     I do not believe so. I think I saw them at the  
24 same time.

25          Q     Would you have expected to have seen the maps



1 prior to them being shown to the public?

2 A Not necessarily. My opinion didn't -- and  
3 did -- was not going to influence their decisions.

4 Q And why do you say that? Why do you say that  
5 your opinion would not influence their decisions?

6 A I'm not sure it was as important to them what  
7 my opinion was as it was to the decisions that they were  
8 making for whatever reason, or the public's input would  
9 have had far more impact than my -- my own alone. I'm  
10 one voice.

11 Q Were you present the day that the commissioners  
12 court adopted the commissioners precinct map in 2021?

13 A No, I was not.

14 Q And why didn't you attend that meeting?

15 A We had just sent out over 220,000 tax  
16 statements, so we were kind of busy.

17 Q And you were not requested at the meeting, I  
18 take it?

19 A No.

20 MS. GARRETT: I'd like to mark Tab 29 as an  
21 exhibit.

22 MR. MUNK: Exhibit 12 has been introduced.

23 Q (By Ms. Garrett) Ms. Johnson, do you recognize  
24 this document?

25 MS. OLALDE: Just one second. It's blurry. Is

1 there -- can you read that?

2 THE WITNESS: Yes, it is a little blurry, but  
3 give me just a moment to look at this, please.

4 A (Reviewing document.) I'm familiar with this  
5 email. I wrote this email.

6 Q (By Ms. Garrett) What day did you send this  
7 email?

8 A November 9th.

9 Q I want to look at the last paragraph in this  
10 email. At the first part of that paragraph, you write,  
11 "Commissioners were supposed to meet today, Tuesday, to  
12 adopt county commissioner precincts and next week to  
13 adopt the actual county precincts." Did I read that  
14 correctly?

15 A Yes, ma'am.

16 Q Why, when you wrote this email -- or I guess  
17 prior to writing this email, why were you under the  
18 impression that the commissioners were going to meet on  
19 that Tuesday, November 9th?

20 A Without looking at a calendar, I'm not certain,  
21 but they -- they had a regularly scheduled meeting every  
22 other week, would be my assumption. But I don't know  
23 specifically. Apparently somebody or some communication  
24 or some news report had predicted that they were going to  
25 meet on Tuesday.

1 Q Do you know why they didn't meet on Tuesday,  
2 November 9th?

3 A No, I don't.

4 Q In that same paragraph, you wrote, "Nathan will  
5 be providing a listing he created for each map being  
6 considered so we will easily know which are full precinct  
7 changes and where we will be making splits. Also he will  
8 be providing maps to us."

9 Did I read that correctly?

10 A Yes, ma'am.

11 Q Can you describe what was included in those  
12 listings that Nathan provided?

13 A Nathan would provide a list showing the county  
14 commissioner precinct, the county commissioner as a  
15 heading, in which voting precincts or election precincts  
16 were included in each one, and this would be providing  
17 the specific names that they were going to be given.

18 Q And what format did you receive these listings  
19 in?

20 A He typically attached these as PDF files to  
21 emails.

22 Q Do you remember reviewing these listings for  
23 each of the proposed maps?

24 MS. OLALDE: Objection, misstates prior  
25 testimony.

1           A     And I'm not a hundred percent certain that  
2           there were lists provided for each of the maps. It says  
3           that he created a listing for each map. I don't recall  
4           seeing those lists specifically, or when I received those  
5           from him.

6           Q     (By Ms. Garrett) So you have been the county  
7           tax assessor-collector for Galveston County for quite  
8           a -- quite a while; is that right?

9           A     Yes, ma'am.

10          Q     How many redistricts -- redistricting cycles  
11          have you experienced during your time as county tax  
12          assessor-collector?

13          A     This is my second.

14          Q     So you were the tax assessor-collector and  
15          voter registrar in 2011 --

16          A     Yes, ma'am.

17          Q     -- is that right?

18          A     Yes, ma'am.

19          Q     Were your responsibilities and your office's  
20          responsibilities during the 2011 redistricting cycle  
21          similar to the responsibilities that you and your office  
22          had in 2021?

23          A     Yes, they were very similar.

24          Q     Were they at all different?

25          A     The changes were different. The JP and

1 constable precincts were combined in 2011, I believe,  
2 from eight to four precincts. And so that was a big  
3 change for the county.

4 Q Does your office -- did you or your office make  
5 any changes in light of what you -- of what you may have  
6 learned during the 2011 redistricting process?

7 A Yes. Technology had changed somewhat. The  
8 Secretary of State had come up with a redistricting  
9 module which was supposed to simplify things, which it  
10 did to some extent. We had -- I had developed a  
11 relationship with the CAD in which any time I received  
12 shape or data files, I would send it to them, and they  
13 could produce a street-by-street parcel list of all the  
14 addresses within whichever data was in the shapefile, so  
15 whether it was county voting precincts or -- call it,  
16 or -- or City of Galveston precincts.

17 So we changed the process from strictly looking  
18 at maps and physically identifying specific streets on  
19 blown-up maps to relying more on the spreadsheets of  
20 parcels from the CAD as compared to the street range  
21 lists that we were pulling out of TEAM. That's still a  
22 manual process, but a little bit more exacting, just very  
23 tedious and time-consuming. Very, very time-consuming.

24 Q In 2011, how much contact did you have with the  
25 Galveston County Commissioners Court about the timeline

1 for redistricting?

2 A I don't necessarily recall any communication  
3 about a timeline. That's an awful long time ago.

4 Q Did you share information in 2011 similar to  
5 how you shared information in 2021 with the commissioners  
6 court in Galveston County?

7 A I don't recall. I would have given them  
8 what -- any information that they requested that -- I was  
9 probably more proactive this year in this redistricting  
10 than then because I had no idea what to expect in 2011.

11 Q So in 2021, with your experience, you felt you  
12 could be more proactive about providing aid and services  
13 to various entities across various localities and  
14 municipalities?

15 A I --

16 MS. OLALDE: Objection.

17 A Yes.

18 MS. OLALDE: Compound and overbroad, but go  
19 ahead and answer if you can.

20 A I'm not sure how to answer your full question.

21 THE REPORTER: I'm sorry, I didn't hear the  
22 objection.

23 MS. OLALDE: I said compound and overbroad.

24 A So there were lessons learned from 2011, and so  
25 I tried to take the pitfalls that we had encountered then

1 and avoid them in 2021. And I believe that we were  
2 successful in that. I used the technology much more, and  
3 that was very beneficial.

4 Q (By Ms. Garrett) Can you clarify which pitfalls  
5 you were looking to avoid in 2021 and successfully did  
6 avoid in 2021?

7 A We weren't strictly using visual maps,  
8 comparing a 2000 map to a 2011 map. We were also -- had  
9 added the -- the additional benefit of the GIS system at  
10 the Central Appraisal District to actually get parcel and  
11 street addresses of every single property that was within  
12 each precinct, whatever that precinct may be. So that  
13 definitely enabled us to be more precise than just simply  
14 visually identifying a change.

15 Q What information could the Commis -- could the  
16 Galveston County Commissioners Court have provided you or  
17 your office to make your job easier during the 2021  
18 redistricting cycle?

19 MS. OLALDE: Objection, asked and answered.

20 A I think that they could have provided names of  
21 election precincts sooner, but I'm not sure, other than  
22 providing the budget so that I could hire staff. It was  
23 the -- the -- our part of the redistricting effort was  
24 spread out over a long time period, and there's limited  
25 funds available from the Secretary of State for me to be

1 reimbursed for temporary staff, so it would put a  
2 budgetary strain on my office. But they did provide the  
3 funding that I requested.

4 MS. OLALDE: Ms. Garrett, we've been going a  
5 little over an hour. When you get to a good stopping  
6 point, may we take a break, please?

7 MS. GARRETT: Yes. Let me just finish this  
8 line of questioning and then we can take a break.

9 Q (By Ms. Garrett) Were you aware in 2011 that  
10 the Department of Justice had to provide preclearance to  
11 all redistrict maps prior to them being implemented?

12 A I was aware of that, yes.

13 Q Do you recall whether -- or let me ask you  
14 this: Did that preclearance requirement impact your work  
15 at all in 2011?

16 A It -- not specifically our work. It would've  
17 perhaps changed the timelines for commissioners. They  
18 would've had to submit the maps, adopted them, submitted  
19 them, and we would've waited until that preclearance was  
20 approved, until the maps were cleared before we began  
21 anything, any work.

22 Q So it sounds like it may have delayed your  
23 process, but -- because you couldn't start your work  
24 until they had been precleared?

25 A Correct.



1 MS. GARRETT: Okay. We can -- now may be a  
2 good time to take a brief break.

3 MS. OLALDE: Thank you.

4 MS. GARRETT: Can we go off the record?

5 THE VIDEOGRAPHER: It's currently 1:59 p.m.  
6 We're off the record.

7 (Recess.)

8 THE VIDEOGRAPHER: Current time is 2:11 p.m.,  
9 and we're back on the record.

10 Q (By Ms. Garrett) Ms. Johnson, did you speak  
11 with anyone during the break?

12 A Yes.

13 Q With whom did you speak?

14 A The individuals in this room.

15 Q Was it in relation to today's deposition?

16 A No.

17 Q Is it still the case that Zach, Angie and  
18 Jordan are the only individuals in the room with you  
19 today?

20 A Yes.

21 Q And is it still the case that you have no  
22 documents in front of you for --

23 A Yes.

24 Q -- today's deposition? I just have a few more  
25 lines of questioning, and then as discussed, two other

1 groups will be asking questions as well.

2 So my first question for you in this line: As  
3 a voter registrar, is one of your duties to maintain  
4 voter rolls?

5 A Yes.

6 Q Can you describe generally how you do that?

7 A We -- we receive and I have teams of people who  
8 enter voter applications. Sometimes that means we have  
9 to add street ranges. We have a lot of development going  
10 on in Galveston County. We receive information from a  
11 variety of sources, including the TEAM system has a  
12 section called the "task summary," which a variety of  
13 tasks are listed that must be performed daily by my staff  
14 in the voter registrar department. We receive  
15 information from the district clerk, from the probate  
16 judge, from Bureau of Vital Statistics, and the  
17 appropriate work is done. Sometimes voters themselves  
18 will notify us if there's a deceased member of their  
19 family. And so it -- a variety of things are going on  
20 constantly.

21 Q How often do you process new voter  
22 registrations?

23 A We process applications every single day that  
24 they are received. And some of those do come across the  
25 task summary as DPS applications.

1 Q For what reasons may you remove a voter from  
2 the voter roll? I know you mentioned you might be  
3 notified somebody is deceased.

4 A Like if --

5 Q What other reasons?

6 A If another county or state notifies us that  
7 somebody is registered in their county or their state, we  
8 will remove them. When we receive notifications from the  
9 district clerk when people move out of county on -- as a  
10 result of a jury summons, we will send notices of  
11 confirmation to those voters to confirm they've actually  
12 moved. Sometimes those lists include people saying that  
13 they -- they cannot serve because they are noncitizens.  
14 That is very occasional, but when that -- that does  
15 happen, and so we respond. So they would be removed --  
16 they wouldn't be removed until we send a notice of  
17 examination to determine if the information we received  
18 is correct.

19 So just about everything is checked  
20 immediately, unless it's an immediate family member who  
21 informs us a family member has died.

22 Q So you mentioned a notice of examination.  
23 That's something that's sent by your office?

24 A Yes, ma'am.

25 Q And who is that sent to?

1           A     Anybody who we've received information that  
2     they've moved out of county or they're a noncitizen. I'd  
3     have to look at the actual form. I know the notice of  
4     examination is used for a potential noncitizen when we  
5     receive that information.

6           Q     But it would be sent to the voter who may be  
7     removed from the voter roll?

8           A     Yes, yes. And it could be that they are a  
9     felon, and so we try to confirm as much information as we  
10    can.

11          Q     How often do you -- let me ask you this: How  
12    many notices of examination would you estimate your  
13    office sends per day?

14          A     Per day? Less than one per day. I'd say there  
15    may be -- without looking at the statistics, I couldn't  
16    be certain, but I'd say no more than ten a month,  
17    perhaps.

18          Q     And then how often does your office typically  
19    remove voters from the voter roll?

20          A     Just when it's been confirmed or a voter fails  
21    to respond timely to a notice of examination. The only  
22    other time a voter is removed, unless they moved out of  
23    county or out of state, would be when the Secretary of  
24    State actually removes voters as a result of the mass  
25    purge being performed. I think that's every other year

1 after -- two years after you've been on the suspense list  
2 and have not voted in two federal election cycles.

3 Q So you just mentioned voters being put on a  
4 suspense list. Did I hear that right?

5 A Yes, ma'am.

6 Q What does it mean for a voter to be put on the  
7 suspense list?

8 A It simply means that we've received information  
9 that they have moved. Mail's typically been returned to  
10 our office, and so we take -- if the U.S. Postal Service  
11 provides forwarding information, we then generate a  
12 letter to confirm that they actually moved. And that  
13 places -- when you -- by virtue of mailing in that  
14 letter, that -- that places an S on their record, placing  
15 them in suspense status. It does not affect their right  
16 to vote. It simply means they need to confirm their  
17 address the next time they vote, or in response to the  
18 correspondence we send them.

19 Q So if a voter is placed in suspense, they have  
20 two avenues to remedy being placed on suspense?

21 A Yes, ma'am.

22 Q Okay. And so when a voter receives that  
23 notice -- notice of examination, how much time do they  
24 have to respond to that notification before being removed  
25 from the voter roll?

1           A     If it's in response to a change of address,  
2           they would stay in suspense up to four years before being  
3           removed by the secretary of State.  If it was they were a  
4           noncitizen, for example, we give them at least 30,  
5           typically 40 days.  They have 30 days to respond, but  
6           knowing that the U.S. Postal Service is a little bit  
7           delayed, we try and give the voter the benefit of the  
8           doubt and give them more time.

9           Q     So I want to talk to you about an advisory from  
10          the former Texas Secretary of State David Whitley back in  
11          January 2019, an advisory from Friday, January 25th.  Do  
12          you remember when David Whitley sent out that advisory  
13          concerning the citizenship status of 95,000 registered  
14          Texas voters?

15          A     I believe you just said January 25th.

16          Q     Yeah.  In January 2019, do you recall former  
17          Texas Secretary of State David Whitley sending out an  
18          advisory that questioned the citizenship status of  
19          roughly 95,000 registered Texas voters?

20          A     I don't specifically remember his advisory.  I  
21          remember it being in the press and on the news and those  
22          names showing up on our task summary list.

23          Q     How soon did those names show up on your task  
24          summary list?

25          A     They showed up the Monday after that somewhat

1 was out -- it was out in the news on a Saturday night,  
2 and the lists were received that Monday morning.

3 Q How did you respond to seeing those names on  
4 that list, or how did your office respond to that?

5 A I had already met with my staff after seeing  
6 that news report. I contacted my staff and we arranged a  
7 meeting first thing Monday morning, and we sat down and  
8 brainstormed, not knowing if we were going to receive one  
9 name, a thousand names, or how many. We put together a  
10 strategy of what we would need to do, and everybody was  
11 assigned specific tasks. That included researching those  
12 voters, confirming they were actually on our list of  
13 registered voters, and determining if we had any  
14 documents at all to validate whether they were or were  
15 not U.S. citizens.

16 Q How many Galveston County residents were  
17 included on that list?

18 A There were nearly 900 names on that list.

19 Q Do you recall generally -- or did you notice  
20 any patterns or similarities amongst the residents that  
21 were identified in that list?

22 MS. OLALDE: Objection, vague.

23 A No, but I wasn't necessarily looking at that  
24 list. My staff was. The task was to review the  
25 information and obtain documents. I'm not sure any of us

1 were looking at names. We were looking at voter unique  
2 identifiers.

3 Q (By Ms. Garrett) And what sort of documents  
4 were you -- were your staff looking into?

5 A We were seeing if we had any voter  
6 applications, if we had ever sent them any letters.  
7 Every single letter we send a voter, with rare exception,  
8 is scanned and maintained and held for a certain time  
9 period. And so we -- we searched each voter and do it a  
10 variety of ways to determine if we had any documents  
11 associated with that voter. And all of that information  
12 was gathered and clipped together and set aside for a  
13 decision to be made whether it was appropriate to send a  
14 notice of examination or not.

15 Q Did you send any notices of examination?

16 A Yes, I believe in total, we sent out 100 or 150  
17 over a two-day period. We had determined we could send  
18 out and investigate approximately 100 a day, and we  
19 pulled back the second set of the instruction. There  
20 was -- we were told to stop this middle of the second day  
21 and we were able to retrieve about half of the letters  
22 that we had prepared on the second day, from being  
23 mailed.

24 Q And who told you to stop sending letters?

25 A I don't recall whether it was a temporary



1       restraining order or we received that instruction from  
2       the Secretary of State. I don't recall specifically  
3       without going back and looking at those documents.

4       Q     Did you contact the Secretary of State at all  
5       between receiving these names and sending out the  
6       letters, or notices of examination?

7       A     I don't recall that I specifically did. I  
8       could have instructed my staff to, to validate was there  
9       anything else we needed to be looking at, but I really  
10      don't recall specifically.

11      Q     And the notices of examination that you sent  
12      with -- are these just a standard form that you sent or  
13      were they -- or were they at all edited in light of the  
14      advisory that was provided by the Secretary of State?

15      A     They were -- they were system generated, so  
16      they were form letters.

17      Q     Did you reach out to the Department of Public  
18      Safety before sending out these letters?

19      A     I do not recall that we did.

20      Q     Would you have expected to speak to the  
21      Department of Public Safety regarding these notices of  
22      examination at any point in the process of sending them?

23      A     The Secretary of State had worked with DPS in  
24      order to generate the list, so it would've been our  
25      assumption they had communicated with one another.

1 Q What was your reaction when you learned -- let  
2 me ask you this: What was your reaction when you were  
3 told to stop sending the letters?

4 A My reaction was to immediately contact my staff  
5 and cease mailing those letters and retrieve any that had  
6 not been put in the mail already.

7 Q Were you aware of other county elections  
8 officials sending letters in response to the Secretary of  
9 State's advisory?

10 A Not at that time. The lawsuit involved, I  
11 believe, a total of 17 counties, so there were other  
12 county officials that were doing the same thing that we  
13 were doing, apparently doing the research that we could,  
14 and acting according to what the election code required  
15 us to do in response to the information received.

16 Q Were you aware of any other county elections  
17 officials who did not send letters in response to the  
18 Secretary of State advisory?

19 A Not necessarily. I guess the other 254 outside  
20 of the 17 that I really -- I -- no, I was -- I had no  
21 personal knowledge of any ones that were refusing to do  
22 it, at that time.

23 Q Did you speak to anyone outside of your office  
24 prior to sending the notices of examination in response  
25 to the Secretary of State advisory in January of 2019?

1 A I believe I would have contacted -- it would  
2 have been appropriate for me to possibly reach out to the  
3 county judge or the commissioners and let them know what  
4 we were doing or what was going on. I would have  
5 possibly contacted the county sheriff to determine if  
6 they could assist us in any way with any information to  
7 determine citizenship status of the individuals on the  
8 list. But I'm guessing, based on what would've been, in  
9 my opinion today, an appropriate response at the time.

10 To try and find answers to that, I certainly reached out  
11 to my U.S. congressman to find out if they could guide --  
12 give us any guidance on how to make this determination.

13 Q So did you say that you may have reached out to  
14 the commissioners court in Galveston County, but you  
15 don't recall?

16 A I don't recall specifically doing so. It would  
17 have been appropriate for me to notify others in the  
18 county that could be affected or receive phone calls,  
19 that this is -- this is what we're doing based on the  
20 information we have received. There was a lot going on  
21 then. Whether I did that immediately or not, I just  
22 don't remember.

23 Q And when you say receiving phone calls, I -- do  
24 you mean phone calls from residents of Galveston County  
25 reaching out to their commissioners asking questions

1 | about this?

2 | A The media predominantly.

3 | Q Were you aware at the time -- were you aware in

4 | January 2019 that the Florida Secretary of State had

5 | inaccurately flagged 180,000 voters as noncitizens?

6 | A I was not aware of that at the time that we

7 | received the information. It was something I found

8 | out -- or I heard about subsequently, but I still really

9 | have no personal knowledge of what happened in Florida.

10 | Q When did you hear about what happened in

11 | Florida?

12 | A I don't recall specifically. Likely during the

13 | next 30 to 45 days.

14 | Q I want to go back to any potential

15 | communications you may have had with the commissioners

16 | court at this time. You mentioned that you anticipated

17 | the commissioners court may have received phone calls

18 | from the media; is that right? Does your office provide

19 | any guidance of what the commissioners court should say

20 | to the media typically in cases like this or...

21 | A I would never presume to instruct another

22 | elected official on what they should say to the media. I

23 | would simply -- had I sent that communication timely,

24 | then it would've been to communicate so they were at

25 | least aware and had knowledge. No elected official or

1 department head in any organization wants a surprise call  
2 and not to be aware of something of that magnitude that's  
3 going on in their -- in their county or jurisdiction.

4 It's a courtesy.

5 Q Were you aware that civil rights groups sent a  
6 letter to the Secretary of State shortly after this  
7 advisory was sent expressing alarm over this advisory?

8 A I wasn't sure that they had contacted the  
9 Secretary of State. I know that some of those groups had  
10 contacted my office and I think were trying to file  
11 temporary restraining orders to stop the action from  
12 proceeding. There was an individual from one  
13 organization, but I don't remember what that organization  
14 was that actually called me.

15 Q Do you remember when she called you, this  
16 individual?

17 A It was a gentleman, and it would have been  
18 within 24 hours of having received that list to inquire  
19 what -- what we were doing or -- everybody wanted a copy  
20 of the list. And I didn't think it was in those  
21 individuals' best interest for that list to be provided.  
22 And so basically, when everybody called me, I instructed  
23 them to file an open records request, and I would work  
24 with the -- the attorneys, the county attorneys, to  
25 determine the appropriate response.

1 Q So in 2019, in your capacity as Galveston  
2 County tax assessor-collector, you were sued regarding  
3 this advisory and response, along with the Texas  
4 Secretary of State, Texas Attorney General, and the  
5 governor of Texas; is that right?

6 A I believe that there were also at least 16, if  
7 not 17, other counties that were named in that suit.

8 Q But you were included as a Defendant in that  
9 case?

10 A Yes, I was.

11 Q And do you recall the complaints in that case?

12 A Not specifically without going back and reading  
13 that suit, but I believe the gist of it was that we had  
14 violated the constitutional rights of the individuals  
15 that we had sent those letters to.

16 Q Do you recall in that case the Plaintiffs had  
17 asserted that the actions taken by the Defendants in that  
18 case had a discriminatory effect on Hispanic Americans?

19 A I seem to recall that that was part of the  
20 complaint, yes.

21 Q What was your reaction when you saw that listed  
22 in the complaint?

23 A I went back and looked at the list, and they  
24 were not all Hispanic surnames.

25 Q And what ultimately happened with that lawsuit?

1 A The counties -- the Defendants agreed to send  
2 no more letters. That would have been the voter  
3 registrars and election administrators in the counties.  
4 So we stood down without being given permission by the  
5 court to proceed. And I believe that there was an  
6 agreement that was developed between the other parties.  
7 We were removed from the suit. And then at that point,  
8 the -- the other parties, the remaining Defendants and --  
9 worked out with the Plaintiffs an agreement on things  
10 that would change, such as the notice of examination  
11 letter was to be changed. And subsequently, it was  
12 changed later by the Secretary of State. I can't tell  
13 you specifically when.

14 Q Did you discuss this lawsuit with anyone at the  
15 commissioners court?

16 A I would have. If I did, it would have been in  
17 executive session to discuss whether legal counsel was  
18 needed.

19 Q And in that case, would you have -- would your  
20 staff have flagged for you that that was on the agenda or  
21 would you have reached out to the commissioners court  
22 about that?

23 A It would've shown up on an agenda and they  
24 likely would've notified me to appear in executive  
25 session. I would not have known they needed me in

1 executive session without being instructed that I needed  
2 to come -- to come in the room.

3 Q So you have been in your current role for about  
4 18 years now; is that right?

5 A Yes, ma'am. I'm in my 18th year right now.

6 Q Have you ever considered running for a  
7 commissioner's seat?

8 A No, ma'am.

9 Q Have you ever considered running for a  
10 different office?

11 A I've been asked, but I have not considered it,  
12 no.

13 Q Are you aware of any African American or Latino  
14 Republican county-wide elected officials?

15 A Would you repeat that again, please?

16 Q Are you aware of any African American or Latino  
17 Republican county-wide election officials?

18 A Yes, ma'am.

19 Q Who are they?

20 A Stephen Holmes is not county -- well,  
21 county-wide, right now we have Robin Armstrong. We have  
22 different JP or constables. And of course, Commissioner  
23 Holmes, but he's not county-wide. So the only -- I guess  
24 we don't have any county-wide African American or  
25 Hispanic -- well, we did have Michelle Slaughter. She



1 was a state district judge. And that's all to my  
2 knowledge.

3 I don't typically ask people whether they're  
4 Latino, Hispanic, or -- I -- I just really don't have  
5 personal knowledge of that, unless they volunteer the  
6 information.

7 Q You mentioned that you've been asked to run for  
8 other offices.

9 A Uh-huh.

10 Q Who's asked you to run for other offices?

11 A A variety of individuals. Many citizens.  
12 Also, our current County Commissioner Robin Armstrong has  
13 asked me to run for a congressional seat. Different --  
14 different people during different time periods have asked  
15 me to run for -- a lot of people have asked me to run for  
16 county judge, and I've been very happy to respond that  
17 I'm content where I'm at.

18 Q And why is it that you feel content where  
19 you're at?

20 A I believe I'm making a difference right now in  
21 the seat that I'm in and there's -- as long as -- as the  
22 work that I'm doing is making good changes and there's  
23 benefit and there's people that I can help, that this is  
24 really where I need to be.

25 Q And just a couple more questions for you,

1 Ms. Johnson, as I wrap up my questioning. Earlier today,  
2 it's my recollection that you testified that you have  
3 texted with Mr. Tyler Drummond; is that accurate?

4 A Yes, ma'am.

5 Q Did you use your personal cell phone when  
6 writing those text messages?

7 A Yes, ma'am.

8 Q Have you shared those messages with your  
9 attorney?

10 A Yes, ma'am.

11 Q Have you used your personal cell phone to text  
12 with others that we have discussed today?

13 A Different county commissioners, yes. The  
14 county judge occasionally, very rarely, but yes, I have.

15 Q Have you also shared those messages with your  
16 attorney?

17 A Yes, as they applied to this case. Yes, ma'am.

18 MS. GARRETT: Those are all of my questions for  
19 you today, Ms. Johnson. I am now going to hand the mic  
20 over to Alex Copper with the Petteway Plaintiffs, who  
21 will now have a chance to ask you some follow-up  
22 questions.

23 THE WITNESS: Thank you.

24 We cannot hear you.

25 MS. COPPER: How about now? Can you hear me

1 now, Ms. Johnson?

2 THE WITNESS: Yes. It's a little garbled.

3 MS. COPPER: Okay. Let me try changing this  
4 over -- (audio cutting out).

5 THE WITNESS: Can't hear you at all now.

6 MS. RICHARDSON: Hi. This is Valencia  
7 Richardson with the Petteway Plaintiffs. Can we go off  
8 the record while she fixes her sound so we're not burning  
9 up time?

10 MS. COPPER: Thank you, Valencia.

11 (Discussion off the record.)

12 THE VIDEOGRAPHER: Okay. Current time is 2:41.  
13 We're on the record.

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

15 BY MS. COPPER:

16 Q Hi, Ms. Johnson. My name is Alexandra Copper.  
17 I am legal counsel for the Campaign Legal Center, and I'm  
18 going to be asking you some questions today on behalf of  
19 the Petteway Plaintiffs in this case.

20 I wanted to start by actually going back to the  
21 very beginning of your deposition, a question that was  
22 asked of you when going through your basic background  
23 information, which was, when asked if you worked for  
24 Galveston County, you said that you worked for the voters  
25 of Galveston County. Do you remember saying that?

1 A Yes, ma'am.

2 Q Can you explain to me what the distinction is  
3 to you there?

4 A I don't work for county commissioners court. I  
5 do not work for the county government, so to speak,  
6 although my paychecks are actually provided through the  
7 county system, the county treasurer's office. I believe  
8 as an elected official that my responsibility and that my  
9 bosses are the 230,000 registered voters in Galveston  
10 County.

11 Q Thank you.

12 Can you tell me, have you, in your experience  
13 as voting registrar, ever seen any situations or felt  
14 like there have been times where the County itself is at  
15 odds with its voters?

16 MS. OLALDE: Objection, vague.

17 A Yes.

18 Q (By Ms. Copper) Can you tell me about those  
19 circumstances where you felt that way?

20 A Over 18 years, that's an awful big question.  
21 From my personal perspective as tax assessor-collector,  
22 they are most typically the -- the voters are very upset  
23 about the amount of taxes, and so they frequently  
24 complain about their taxes and their values that are  
25 determined by the appraisal district. And so any time

1 | there's a vote on budget or tax rates, then there's  
2 | usually some disagreement within the community on whether  
3 | they're doing all that they can to save the money that  
4 | they claim to be spending, or saving. That's probably  
5 | the biggest one.

6 | I do know that there -- through redistricting  
7 | and obviously these lawsuits, there's been some  
8 | dissatisfaction with different voters, different elected  
9 | officials that were affected by decisions in 2011, and  
10 | obviously by -- you know, by, I believe,  
11 | Commissioner Holmes and others in this most recent  
12 | redistricting.

13 | Q You mentioned dissatisfaction among voters in  
14 | both 2011 and potentially during the most recent  
15 | redistricting cycle. Can you tell me any specific  
16 | criticisms you have heard about either cycle and the maps  
17 | that were adopted as a result?

18 | A Not specifically with regard to the JP and  
19 | constables. I'm not sure that the constables that -- I  
20 | don't recall, without going back and looking at some  
21 | notes, how the determination was made of who would run  
22 | for each one of those receipt -- seats, but you went from  
23 | eight JPs and constables to four, so obviously, there  
24 | were going to be some people who would not be reelected  
25 | or would any longer represent those voters. And so there

1 was general dissatisfaction with -- by those two elected  
2 official groups on those maps and -- but specifically,  
3 people did not typically complain to me about that, so it  
4 was only what you would hear in commissioners court and  
5 testimony you read about in the newspaper.

6 Q And you mentioned Commissioner Holmes in  
7 particular in respect to the most recent redistricting  
8 process. Can you tell us any criticisms that you heard  
9 from him or about the redistricting with respect to him?

10 A I did not specifically talk to Stephen Holmes,  
11 but the general feeling and common knowledge in the  
12 community is, I think that he is of the opinion that he  
13 could not get elected in the current precinct as drawn.  
14 I didn't nec- -- and he voted against the maps, so that  
15 was an obvious position for him.

16 I didn't necessarily agree with his position.  
17 I think that he could win reelection in that precinct.

18 Q Why do you think that?

19 A Because he served the county well in the time  
20 that he's been in office.

21 Q And you think performance alone should be  
22 enough to get you reelected?

23 A In this county, yes, ma'am, I do.

24 Q Now, switching gears a little bit, if I  
25 remember correctly, you said earlier that you don't

1 recall having seen the proposed maps for this  
2 redistricting cycle before they were announced to the  
3 public. Is that accurate?

4 A Yes. I think we all somewhat saw them at the  
5 same time.

6 Q Okay. Do you remember just approximately  
7 might -- when that might have been?

8 MS. OLALDE: Objection, asked and answered.

9 A I believe that -- that it was stated that they  
10 adopted those maps in October or November.

11 Q (By Ms. Copper) Okay. And you had said that  
12 you were not present at the meeting at which they adopted  
13 those maps?

14 A No, ma'am, I was not.

15 Q And is that -- I know there was a public  
16 hearing regarding the redistricting process on  
17 November 12th, and I -- if I remember correctly, that is  
18 the meeting at which the commissioners adopted the maps.  
19 Does that sound correct to you?

20 A I -- without going back and looking at agenda,  
21 I would believe that to be true, yes.

22 Q And you were not at that November 12th meeting;  
23 is that correct?

24 MS. OLALDE: Objection, asked and answered.

25 A No, I was not at that meeting.

1 Q (By Ms. Copper) Okay. Now, again, I would like  
2 to revisit an exhibit that's already been introduced, if  
3 that's okay. If we could go ahead and pull up Exhibit  
4 Number 2. Luckily, I think you've read this all already  
5 and had a chance to talk about it a bit, so I will try to  
6 keep my questions much more tailored. But this is the  
7 January 14th email from yourself to -- looks like quite a  
8 number of people. The "to" line is to all of the county  
9 commissioners at that time; is that correct?

10 A Yes, and their chiefs of staff.

11 Q Okay. They -- the -- their chiefs of staff are  
12 the folks in addition to yourself that are CC'd; is that  
13 correct?

14 A Yes. And the blind CC would have been my chief  
15 deputy and the senior voter registration specialists who  
16 were going to be affected by this.

17 Q Okay. And now, in the first paragraph of your  
18 email, you said that redistricting is around the corner;  
19 is that correct?

20 A Yes. At that time, I assumed it would be  
21 April, as it had typically been.

22 Q And I -- from what we've discussed and you've  
23 said already, the commissioners didn't adopt their maps  
24 until October or November, as you remember; is that  
25 accurate?



1 MS. OLALDE: Objection, asked and answered.

2 A Yes, ma'am.

3 Q (By Ms. Copper) And the census data was  
4 released in August, though; is that correct?

5 MS. OLALDE: Objection, asked and answered.

6 Also vague as to "census data."

7 You can answer again.

8 A I believe that data was released in August,  
9 yes, ma'am.

10 Q (By Ms. Copper) In your experience, or from  
11 your side of things, what do you think would've taken so  
12 long then between August and November to warrant the kind  
13 of delay in coming out with the redistricting plan?

14 MS. OLALDE: Objection, calls for a lot of  
15 speculation.

16 You can answer if you can.

17 A There was a lot of data to be looked at and  
18 data that likely had to be entered into mapping, had to  
19 be coded and put into maps so decisions could be made in  
20 conformance with federal law, and I have no idea what  
21 those restrictions and laws are.

22 Q (By Ms. Copper) But it wasn't your office that  
23 was responsible for combing through and documenting all  
24 of that data.

25 A Yes.

1 Q Am I understanding that correctly?

2 Do you know who in particular was?

3 A I believe the County engineering department was  
4 predominantly responsible for entering the data into the  
5 county's system, the county's mapping system.

6 Q And would that be Mr. Sullivan and Mr. Sigler  
7 primarily?

8 A It would have been Mr. Shannon and Mr. Sigler  
9 primarily.

10 Q Apologies. Okay, Mr. Shannon and Mr. Sigler.

11 A Yes.

12 Q And was Mr. Sigler your primary point of  
13 contact in the engineering department?

14 MS. OLALDE: Objection, asked and answered.

15 A Yes, he was.

16 Q (By Ms. Copper) In your experience, what is  
17 Mr. Sigler's role with respect to redistricting,  
18 probably?

19 MS. OLALDE: Objection, calls for speculation.

20 A I don't know specifically. He has communicated  
21 to me that he had to geocode the census data into his  
22 system. I do not know specifically what that means.

23 Q (By Ms. Copper) Any data, though, that would  
24 come with respect to the redistricting maps that your  
25 office was then responsible for implementing, would those

1 maps and that data come from Mr. Sigler?

2 MS. OLALDE: Objection, vague.

3 A We didn't receive data. We received decisions.

4 Q (By Ms. Copper) Did you work with Mr. Sigler  
5 directly to implement the decisions that were made by the  
6 commissioners?

7 A No, ma'am, I did not. To imple- --

8 Q So --

9 A Well, repeat that question.

10 Q Did you work with Mr. Sigler to implement the  
11 changes that were made by the commissioners with respect  
12 to redistricting?

13 A To implement the changes that were made by  
14 commissioners, yes. But we -- neither one of us, to my  
15 knowledge, had any role in the decision-making process.

16 Q But the two of you together were then  
17 responsible, once that decision was made, for making the  
18 actual changes to the election precinct boundaries and  
19 the implementation of how that would look in terms of  
20 precinct splits, et cetera; is that correct?

21 MS. OLALDE: Objection, overbroad, vague, long,  
22 confusing.

23 You can answer if you can.

24 A It was my office's responsibility to take the  
25 changes that were provided and to enter them in the

1 system. Nathan had nothing to do with that other than  
2 providing maps and lists.

3 Q (By Ms. Copper) Okay. Now, looking at this  
4 email again, in the third paragraph of your email, I know  
5 we've discussed this language already, but you wrote that  
6 you would like to be "included from the standpoint of  
7 providing input on whether certain proposed plans would  
8 be better planned differently." Is that accurate?

9 A Yes, ma'am.

10 Q Now, you told me just a little while ago that  
11 you didn't see any of the proposed plans until they were  
12 made public; is that true?

13 A Yes, ma'am.

14 Q So even though you requested to have, as you  
15 said, input on proposed plans, did you find that you were  
16 allowed to have that kind of input during the 2021  
17 process?

18 MS. OLALDE: Objection, asked and answered  
19 multiple times.

20 A I was not con- --

21 MS. OLALDE: You can answer again.

22 A I was not consulted on any of the plans that  
23 were presented.

24 Q (By Ms. Copper) Even though, at least according  
25 to this email, you asked to be directly; is that correct?

1 MS. OLALDE: Counsel, listen, this line of  
2 questioning has been repeated over and over again. She's  
3 given you her testimony. Don't rephrase it five times  
4 and ask her to repeat it again. Move on.

5 MS. COPPER: Counsel, if you could limit your  
6 objections to the content of your objection. And again,  
7 Ms. Johnson is free to answer, even if they're  
8 duplicative and you object. So I'd like --

9 MS. OLALDE: You know what, again --

10 MS. COPPER: -- to continue with this course of  
11 action.

12 MS. OLALDE: No, no, no, no, no. If they are  
13 duplicative to the point of harassing and argumentative,  
14 I will shut it down.

15 MS. COPPER: We have not actually spoken about  
16 whether she directly -- I have not asked yet and I don't  
17 believe anyone has, whether she had specifically  
18 requested opportunities for input and that she was then  
19 denied.

20 MS. OLALDE: You -- no, no, no. You should  
21 have been listening to the first part of the deposition,  
22 because she was asked multiple times.

23 Q (By Ms. Copper) Ms. Johnson, I'm going to go  
24 ahead and ask my question one more time. Your counsel  
25 may go ahead and object, but unless she instructs you not

1 to answer, please go ahead and do so. Okay?

2 A My opinion was not considered --

3 MS. OLALDE: Wait, wait, wait. Wait for the  
4 question, please.

5 Q (By Ms. Copper) Ms. Johnson, even though in  
6 your email on January 21st you specifically requested to  
7 be allowed to provide input on those maps, you weren't  
8 able to do so during the 2021 redistricting process; is  
9 that correct?

10 MS. OLALDE: Objection, asked and answered. In  
11 fact, you have asked this question before, and it has  
12 been asked and answered.

13 Q (By Ms. Copper) You can go ahead and answer,  
14 Ms. Johnson.

15 A I asked to provide input, and I was not given  
16 an opportunity or did I provide input.

17 Q Thank you.

18 Now, looking at the letter that was attached to  
19 this email, which is -- if I remember correctly, you sent  
20 to Judge Henry on -- in December of 2020; is that  
21 accurate?

22 A I believe that this had been sent to multiple  
23 elected officials in December 2020.

24 Q To any jurisdiction in the county that was  
25 undergoing redistricting; is that right?

1 A Yes, ma'am.

2 Q Which obviously included the commissioners  
3 court?

4 A Yes, ma'am.

5 Q Now, in that letter, on the second page of  
6 it -- let's see here -- apologies. So it is the fourth  
7 paragraph down, second sentence. You wrote,  
8 "Communication will be key, thus I respectfully request  
9 that you keep us apprised of redistricting meetings. It  
10 may make our job easier to have a clearer understanding  
11 of your intentions as plans are developed." Is that  
12 accurate?

13 A That's what this states, yes, ma'am.

14 Q Do you feel, having completed the 2021  
15 redistricting process, that you had a clear understanding  
16 of the commissioners court's plans as they were  
17 developed?

18 MS. OLALDE: Objection, calls for speculation.

19 A I was aware of meetings that would be held, and  
20 that's what I asked to be apprised of.

21 Q (By Ms. Copper) Were you aware of any of the  
22 criteria that the commissioners were using to make their  
23 decisions with respect to redistricting?

24 A No, ma'am.

25 Q Even though your office is responsible for

1 maintaining all up-to-date election information; is that  
2 correct?

3 MS. OLALDE: Objection. I don't even know what  
4 that question is. She's already answered your question.

5 Q (By Ms. Copper) I'll be happy to rephrase.  
6 Ms. Johnson, even though your office is responsible for  
7 maintaining information about voting precinct boundaries  
8 as well as voter roll information; is that correct?

9 MS. OLALDE: Wait. Are you asking her to  
10 restate her last answer? You just asked her if she had  
11 any role, and then you asked her again if she had any  
12 role. I'm going to instruct the witness not to answer.  
13 Move on.

14 MS. COPPER: I'm asking her whether her office,  
15 irrespective of the redistricting process, was  
16 responsible for maintaining information and data related  
17 to election precinct splits and voter rolls, which is not  
18 the question I asked previously.

19 MS. OLALDE: If you're going to ask that  
20 question, great.

21 Go ahead and answer.

22 A We did not have access to the data that the  
23 commissioners were using to make their decisions. All I  
24 had was the lists of registered voters in each precinct.

25 Q (By Ms. Copper) Which, according to your



1 January 14th email, you sent to the commissioners; is  
2 that correct?

3 A I'm not sure I understand that question.

4 Q Looking at your email, I see an attachment to  
5 it that says "Galveston County Precinct List" with number  
6 of voters, looks like an Excel spreadsheet. And I  
7 believe in the first line of your email, you said, "I  
8 thought it may be helpful for each of you to have the  
9 list of registered voters across the county by precinct."  
10 Do you see that?

11 A Yes, ma'am. And I see the --

12 Q So your intention in sending this email was to  
13 provide data to the commissioners that could potentially  
14 be relevant for the redistricting process. Is that --

15 MS. OLALDE: Objection --

16 Q (By Ms. Copper) -- accurate?

17 MS. OLALDE: -- asked and answered. This  
18 question has been asked and answered.

19 Q (By Ms. Copper) You can go ahead and answer,  
20 Ms. Johnson.

21 A In hindsight, it was useless for me to provide  
22 this information because they were using geocoded census  
23 data, not the number of voters in each precinct. The  
24 only benefit to this was to see that there was an  
25 imbalance among the county commissioners of the total

1 number of voters in each voting precinct.

2 Q And is the balance of the number of voters in  
3 each precinct something that should be taken into  
4 consideration when redistricting?

5 MS. OLALDE: Objection, you're calling for a  
6 legal conclusion, you're calling for speculation, you're  
7 also asking a question that has already been answered.  
8 She does not know about the criteria, as she has already  
9 testified.

10 Q (By Ms. Copper) In your opinion and experience,  
11 Ms. Johnson, as the voter registrar responsible for  
12 implementing redistricting plans once adopted, what was  
13 the purpose in sending this information to them?

14 MS. OLALDE: Okay, objection, misstates prior  
15 testimony as to implement, and she's already answered  
16 this question.

17 MS. COPPER: Counsel, if you could --

18 MS. OLALDE: You just asked her -- wait. You  
19 just asked her what the purpose was. She answered your  
20 question.

21 MS. COPPER: Counsel, if you could please limit  
22 your objections to the appropriate form that is required,  
23 I would appreciate it moving forward.

24 MS. OLALDE: Ms. Cooper, I would appreciate  
25 it --

1 MS. COPPER: My last name's Copper.

2 MS. OLALDE: Okay. I apologize, because I  
3 don't have your face in front of me right now because the  
4 witness is using my computer to look at the exhibit. But  
5 Ms. Copper, if you could please refrain from asking the  
6 same questions that have already been answered, I would  
7 appreciate it.

8 Q (By Ms. Copper) Okay, Ms. Johnson, going back  
9 to this email --

10 MS. OLALDE: Her name is Ms. Johnson, not  
11 Ms. Jackson.

12 MS. COPPER: I said Ms. Johnson.

13 Q (By Ms. Copper) I know, Ms. Johnson, that you  
14 have already discussed the contents of the fourth  
15 paragraph of your email with Ms. Garrett, which is about  
16 the issue of residential property splits between voting  
17 precincts. Do you remember that?

18 A Yes, ma'am.

19 Q In your experience, did the plan the  
20 commissioners adopted in 2021 address the issue of  
21 residential precinct splits that you raised in this  
22 email?

23 MS. OLALDE: Objection, vague as to "plan."

24 A They requested at a much later date if I could  
25 identify any specific properties that had splits. The

1 issue became -- it was a moot point because these  
2 properties were not developed using census maps. They  
3 were developed using plot plans developed -- created by  
4 developers, and there was no regard for census data. And  
5 so there was really nothing that could be done about  
6 these issues, as I recall.

7 Q (By Ms. Copper) So despite raising them by  
8 virtue of being tied to the census data, it was something  
9 that you couldn't address more explicitly? Am I  
10 understanding that correctly?

11 A That they could not address more explicitly.

12 Q Okay. I'd like to pull up another exhibit that  
13 we've already discussed, which is Exhibit Number 10.  
14 Now, this is a lengthy discussion, email thread between  
15 you and Mr. Paul McLarty; is that correct?

16 A It started with others.

17 Q Okay. Looking just at the top email from --  
18 from -- I know the name is redacted, but we've  
19 established that you were the custodian identified for  
20 this email.

21 A Uh-huh.

22 Q So looking at that top email, it is addressed  
23 to Paul McLarty and Nathan Sigler; is that correct?

24 A Yes.

25 Q And in your email, you said that Mr. Sigler

1 | had -- was "currently loading geo information to perfect  
2 | the counts with regard to census data and voter rolls so  
3 | that the commissioners are able to make better decisions  
4 | on Friday, projected date to adopt." Do you see that  
5 | language?

6 | A Yes, ma'am.

7 | Q Now, this email was sent on November 3rd, which  
8 | is a -- as the subject line identifies, a Wednesday.  
9 | When you say that you expected the commissioners to make  
10 | a decision on Friday, do you remember if you meant  
11 | November 5th or 12th?

12 | A I don't recall. My projected date to adopt --  
13 | that's probably a good question. Because that was  
14 | Wednesday, I would assume it would've been November 5th.

15 | Q In the same email, I think you also said, "I  
16 | believe commissioners will adopt their maps Friday." Is  
17 | that correct?

18 | A Yes, ma'am.

19 | Q Now, to the best of your knowledge, when this  
20 | email was sent on November 3rd, there hadn't yet been a  
21 | public hearing about the proposed plans, had there?

22 | A I do not -- I could not tell you that. I -- I  
23 | do not have -- I -- I did not know that.

24 | Q You had not seen any public postings of  
25 | meetings specifically seeking public input over

1 | redistricting, though; is that correct?

2 | A Not that I recall.

3 | Q And to the best of your recollection, why did  
4 | you believe that the commissioners would adopt the  
5 | redistricting plans that Friday?

6 | A I can't tell you that, other than without  
7 | knowing what was being said in the community, what was  
8 | maybe in -- in the news -- and it could've been that they  
9 | were actually trying to move forward on that Friday. But  
10 | everything was subject to people -- certain people  
11 | getting their work done, and in this case, as this email  
12 | states, it would have been Nathan completing his  
13 | geocoding. They could not make decisions without that  
14 | occurring.

15 | Q I will represent to you that the public hearing  
16 | regarding redistricting which occurred on November 12th,  
17 | the following Friday, was not released publicly or  
18 | announced publicly until November 9th. So if you didn't  
19 | see information about this hearing in the news, where  
20 | else might you have learned it?

21 | MS. OLALDE: Objection, calls for speculation.

22 | A It would be logical that Nathan or  
23 | Commissioner Clark would've told me that.

24 | Q (By Ms. Copper) And if you knew or had the  
25 | impression by the 3rd of November that the commissioners

1 were going to meet that Friday, do you think they likely  
2 also knew that?

3 MS. OLALDE: Objection, calls for speculation.

4 A I have no idea.

5 Q (By Ms. Copper) Do you know if the  
6 commissioners or any of their staff knew at that time  
7 that they were going to address the redistricting  
8 proposal on that Friday?

9 MS. OLALDE: Again, calls for speculation,  
10 objection.

11 A I have no idea.

12 Q (By Ms. Copper) And did you know that the  
13 commissioners didn't announce the hearing that was  
14 eventually held on November 12th until November 9th, only  
15 three days before it happened?

16 A No, but that would be the 72 hours required in  
17 advance of a public meeting.

18 Q So there's a requirement to that effect?

19 A In Texas law, as I understand it, yes, ma'am.

20 Q Are there any circumstances, in your  
21 experience, where if the commissioners or county staff  
22 know that a meeting will be held more than 72 hours in  
23 advance, they give public notice sooner anyway?

24 A I don't -- everybody knows that they meet every  
25 other week right now. What's going to be an item on that

1 agenda's not known until that agenda's specifically  
2 published.

3 Q Now, looking at the very last sentence of your  
4 email, you wrote, "One thing I have asked is that the  
5 current lines remain the same as much as possible and  
6 that major thoroughfares or natural boundaries (creeks,  
7 drainage or utility easements, etc.) be used to split  
8 precincts." Did I read that accurately?

9 A Yes, ma'am.

10 Q Now, when you say that you asked that the  
11 current lines remain the same, who would you have asked?

12 A I believe it's in that other email or that  
13 letter. I asked all of the jurisdictions to consider  
14 those -- to con- -- to make those -- take those items  
15 into consideration.

16 Q So you would have asked this in -- by virtue of  
17 your December 2020 letter that was sent to all  
18 jurisdictions undergoing redistricting?

19 A Yes, ma'am.

20 Q Did you ever ask anyone in the county  
21 commissioners' staff or commissioners directly to have  
22 the current lines of the redistricting plan remain as  
23 close to the same as possible?

24 A Would you repeat that question? I did not have  
25 conversations with any of them about that.



1 Q Did you express -- other than your  
2 December 2020 letter, did you express your desire that  
3 the current lines remain the same as much as possible to  
4 anyone in the county?

5 A I would have to go back and look at that letter  
6 specifically. That's a very specific question. We --  
7 what I'm requesting there is that they didn't change the  
8 individual lines for each of the voting precincts. With  
9 100 precincts, I did not want every single line redrawn.  
10 And so that's what that means, that the current lines  
11 remain the same as much as possible, and that, as I've  
12 stated earlier, that entire precincts be moved, not that  
13 they all be totally redrawn. That would've been very  
14 difficult to implement. And they honored that request.

15 Q So there were -- there were criteria with  
16 respect to the implementation that the plan adopted that  
17 were, in your opinion, useful for commissioners or others  
18 doing redistricting to -- in the planning. Is that  
19 accurate?

20 MS. OLALDE: Objection, calls for speculation.  
21 Also calls for a legal conclusion.

22 A And I didn't understand a lot of that. It was  
23 very garbled.

24 Q (By Ms. Copper) I apologize. How is my volume  
25 now?

1 A It's not a problem with the volume. It's just  
2 your -- the voice is very garbled. It's not clear.

3 Q Okay. How -- any better?

4 A Just -- if you speak slowly, then I should be  
5 able to try and figure out what you're asking me. Thank  
6 you.

7 Q Okay. I'll do my best, and please do let me  
8 know if I'm cutting out.

9 Now, my previous question was: Did you  
10 communicate your desire that the current lines remain the  
11 same as much as possible to anyone in the county  
12 commissioner -- either a county commissioner themselves  
13 or to members of their staff with respect to the 2021  
14 redistricting process?

15 MS. OLALDE: Objection, asked and answered.

16 A If that was contained in that email, in that  
17 letter, then yes, I did. I know that I asked them to  
18 align by natural boundaries. I don't recall  
19 specifically, without going back and reading that  
20 exhibit, whether I mentioned the current lines remain the  
21 same as much as possible.

22 Q (By Ms. Copper) But there were considerations  
23 with respect to implementation of whatever map was  
24 adopted that you felt were useful for the people  
25 considering the (audio cutting out) redistricting to

1 think about during planning. Is that accurate?

2 THE REPORTER: I'm sorry, your audio is cutting  
3 out. It's a little garbled. Could you repeat that,  
4 please?

5 MS. COPPER: Sure. Could we actually -- is it  
6 okay, Ms. Johnson, would you mind if we take a  
7 five-minute break and I figure out my audio issues and we  
8 reconvene after that?

9 MS. OLALDE: We can take a break.

10 THE VIDEOGRAPHER: Okay. Current time is 3:13.  
11 We're now off the record.

12 (Recess.)

13 THE VIDEOGRAPHER: Current time is 3:21 p.m.  
14 We're now back on the record.

15 Q (By Ms. Copper) Okay, Ms. Johnson, I only have  
16 one last question for you about this exhibit and our  
17 conversation that we have been having about precinct --  
18 residential precinct splits. In your opinion, is the map  
19 that the commissioners adopted in 2021, did it maintain  
20 the current lines as much as possible?

21 MS. OLALDE: Objection, vague as to "map."

22 A As I recall, it did, if you're talking about  
23 election voting precincts.

24 Q (By Ms. Copper) Yes, ma'am.

25 Do you remember if the other proposed map also

1 maintained election precincts as much as possible?

2 A As I recall, I -- you know, I'm not 100 percent  
3 certain, because I'm not sure I ever saw any details on  
4 anything but the final plan, so I'm not 100 percent sure.  
5 I -- I didn't see any detail in those maps.

6 Q Okay. Well, I would like to switch gears a bit  
7 and show you a new exhibit.

8 MS. COPPER: Mr. Munk, in our folder, it will  
9 be marked as Docket Number DEFS00031247. Do you see that  
10 document?

11 MR. MUNK: Yes, I do.

12 MS. COPPER: Great.

13 MR. MUNK: Exhibit 13 has been introduced.

14 Q (By Ms. Copper) Do you have that exhibit in  
15 front of you, Ms. Johnson?

16 A Yes, I do.

17 Q This is a document that your attorneys produced  
18 to us yesterday, and if I'm looking at it correctly, it  
19 is a picture of a Facebook post from February 21st, 2020,  
20 from the user Cheryl E. Johnson at the handle  
21 "@VoteforCheryl2020." Is that all correct?

22 A It's a tweet, not a Facebook post.

23 Q Oh, apologies. Yes, a tweet. Other than that,  
24 is that all correct?

25 A Yes.

1 Q Now, is this handle, "@VoteForCheryl2020," your  
2 personal Twitter account or was this a campaign account?

3 A They're one and the same. It would have been a  
4 personal campaign account, Twitter account.

5 Q So you would've been the person writing this  
6 tweet, not someone on your behalf. Is that accurate?

7 A Yes, ma'am, it is.

8 Q And the tweet itself reads, "The Galveston  
9 County Tax Assessor race has reached a new low with the  
10 challenger mailing a racist flyer full of lies. Stay  
11 tuned for more!" Is that accurate?

12 A Yes, ma'am, that's what it states.

13 Q And as I mentioned, your attorneys produced  
14 this document to us yesterday. When did you first search  
15 your -- or remember that you had this document as  
16 relevant to this case?

17 A I never produced that document. I only became  
18 aware of it, was reminded of it myself, I believe,  
19 yesterday.

20 Q Okay. And were you reminded of it by your  
21 attorneys, I presume?

22 A Yes, ma'am.

23 Q I'd like to turn now to another new exhibit.

24 MS. COPPER: Mr. Munk, this is Document Number  
25 DEFS00031248.

1 MR. MUNK: Exhibit 14 has been introduced.

2 Q (By Ms. Copper) And Ms. Johnson, this is  
3 another document your attorneys produced yesterday to us,  
4 and it appears to be another tweet from your Twitter  
5 account from -- this time it's February 23rd, 2020, so  
6 two days after the first post. Is that accurate?

7 A Yes, ma'am.

8 Q And the post itself reads, "We have some nasty  
9 campaigning going down in Galveston County, Texas." Is  
10 that accurate?

11 A Yes, that's what it states.

12 Q And the post appears to link to an article from  
13 the Galveston County news titled, "Johnson: Peden ad  
14 'racist,' 'discriminatory' and 'a lie.'" Am I reading  
15 that correctly?

16 A Yes.

17 Q Okay. I'd like to turn now to another new  
18 exhibit.

19 MS. COPPER: Mr. Munk, this is in our folder  
20 titled "Johnson: Peden ad 'racist,' 'discriminatory' and  
21 'a lie'" -- or excuse me. I apologize. It's called  
22 Galveston County News 222 Article.

23 MR. MUNK: Exhibit 15 has been introduced.

24 Q (By Ms. Copper) And I know this is a lengthier  
25 article, Ms. Johnson, so please go ahead and take a

1 | moment to review. Just let me know when you're ready.

2 | A (Reviewing document.) I'm familiar with this  
3 | article.

4 | Q Is this the article from the Galveston County  
5 | News that was linked in your February 23rd tweet?

6 | A Yes, ma'am.

7 | Q Now, looking at the top of the second full  
8 | page, there's a political ad pictured; is that correct?

9 | A The campaign advertisement?

10 | Q Yes, ma'am.

11 | A That's not a PPA. It looks like a title  
12 | underneath the picture.

13 | Q I'm sorry, I don't know what you mean by that.

14 | A Well, you said is it a PPA, and it says "A  
15 | campaign advertisement paid for by Republican tax  
16 | assessor-collector candidate Jackie Peden shows an MS-13  
17 | gang member among messages about illegal immigrants  
18 | voting in Galveston County." So it's like a -- a  
19 | statement about what the picture is.

20 | Q Oh, I apologize. I mean the picture itself is  
21 | of an ad of a campaign advertisement; is that correct?

22 | A Yes. It was a flier that was mailed, yes,  
23 | ma'am.

24 | Q And this is a flier that was run against you by  
25 | your opponent in the 2020 Republican primary for tax

1 | assessor; is that correct?

2 | A Yes, ma'am.

3 | Q And looking at the ad itself, it states at the  
4 | top, "Texans can thank Cheryl Johnson for having illegal  
5 | immigrants vote in this November's election," with a  
6 | picture of a heavily tattooed Hispanic man; is that  
7 | correct?

8 | A I would assume he's Hispanic, yes, or Latino,  
9 | yes.

10 | Q Given that the focus of the ad is on illegal  
11 | immigrants, is the assumption that they are -- that it is  
12 | someone who is Hispanic?

13 | MS. OLALDE: Objection, calls for speculation.

14 | A I can only imagine that she was suggesting that  
15 | illegal immigrants or noncitizens are -- are gang members  
16 | heavily tattooed and are voting in Galveston County.

17 | Q (By Ms. Copper) Which I assume, in your  
18 | experience, is not the case; is that correct?

19 | A Not -- not the case at all in my experience.

20 | Q Now, if you scroll down to the third page of  
21 | the article, the paragraph under the large gap, it states  
22 | that the photograph used in the advertisement was not  
23 | actually of a Galveston County resident at all, but  
24 | instead, is a 2012 picture of an MS-13 gang member  
25 | incarcerated in El Salvador; is that accurate?



1 A That's what the ad -- that's what the article  
2 states, yes.

3 Q And the article also states in the paragraph  
4 right below that this image is one of the first pictures  
5 that shows up on a Google search for the gang MS-13. Is  
6 that accurate?

7 A Yes.

8 Q Now, looking at Page 4 of the article, the  
9 second paragraph, you are quoted as saying that the ad  
10 was "despicable, it is vile, and it's a lie," and that  
11 you were "offended by it." Is that accurate?

12 A Yes, ma'am.

13 Q Can you tell me, why were you offended by this  
14 ad?

15 A It suggests that noncitizens are heavily  
16 tattooed gang members and it makes it appear that every  
17 Hispanic male or somebody with tattoos is a noncitizen.  
18 I think that that's very -- I think that is despicable  
19 and vile and as well as being a lie. I know a lot of  
20 people with tattoos --

21 Q And --

22 A -- and they're not Hispanic males or gang  
23 members or noncitizens.

24 Q And in your -- and in your experience, not  
25 every Hispanic person is an illegal immigrant either; is

1 | that right?

2 | A That's right.

3 | Q And referring to your February 21st tweet, you  
4 | also described this ad as racist. Is that accurate?

5 | A As I recall, yes.

6 | Q Do you believe today that this ad is racist?

7 | A Yes, I do.

8 | Q So I know we've discussed the facts that the  
9 | man identified -- the man pictured is not identified as  
10 | Hispanic, but that appears to be what is implied; is that  
11 | correct?

12 | A Yes --

13 | MS. OLALDE: Objection, calls for speculation,  
14 | also asked and answered.

15 | A Yes. And according to the article -- actually,  
16 | he's from El Salvador.

17 | Q (By Ms. Copper) So not from Galveston County at  
18 | all?

19 | A Correct.

20 | Q Have you been the subject of other attacks  
21 | during any of your campaigns that have invoked fears of  
22 | illegal immigration or called on racial stereotypes?

23 | A I don't recall, although Ms. Peden could have  
24 | stated that I refused to remove noncitizens from the  
25 | voter roll. I don't recall any other advertisement that

1 was as -- as I would say, as despicable as this.

2 Q Was the critique that you had allowed  
3 noncitizens to remain on the voter roll a major part of  
4 the Republican primary in 2020?

5 A I don't believe it was a major part of -- of my  
6 specific campaign at all.

7 Q Were -- do you feel that you were the subject  
8 of attacks from either Ms. Peden or others during the  
9 Republican primary that focused particularly on your  
10 experience with respect to illegal immigrants and their  
11 place on the voter roll?

12 A I think definitely Ms. Peden expressed this,  
13 and I think that there were very many people who were  
14 highly offended by this.

15 Q Did you speak to others about being offended by  
16 this ad?

17 A Oh, yes, every voter that came to vote.

18 Q What did they tell you?

19 A That they didn't know they were going to vote  
20 for me until they saw this.

21 Q So the racism of this ad was something that  
22 pushed them towards voting for you and supporting you.  
23 Is that accurate?

24 A Yes, because people agreed with my opinion of  
25 this ad.

1 Q And your opinion being that it was racist and a  
2 lie?

3 A Yes.

4 Q Have you seen or heard about racial appeals in  
5 any other political campaigns in Galveston County?

6 MS. OLALDE: Objection, broad. You can answer.

7 A I don't recall specifically any other campaigns  
8 that went down this trail, no. Doesn't mean that they  
9 didn't happen, but I have no recollection of them.

10 Q (By Ms. Copper) And outside of political  
11 campaigns, have you ever witnessed or heard of any kind  
12 of instances of discrimination based on race or any --  
13 even any type of racial stereotyping in Galveston County?

14 MS. OLALDE: Objection, really broad.

15 You can answer to the extent you're able.

16 A And I might have to ask you to repeat that  
17 because it was a very broad, open-ended question, if you  
18 would, please.

19 Q (By Ms. Copper) Of course. Happy to.

20 Outside of political campaigns, have you ever  
21 witnessed or experienced or even heard about racial  
22 discrimination or stereotyping in Galveston County?

23 MS. OLALDE: Same question -- or same objection  
24 to that question.

25 A I have no personal knowledge of racial

1 stereotyping and being a major issue in Galveston County.

2 Q (By Ms. Copper) When you say you have no  
3 personal knowledge, does that mean you've never had  
4 anyone raise complaints about discrimination to you?

5 A There could've been people that have raised  
6 that issue, including the NAACP, but after a meeting with  
7 them, there was no belief on their part that that existed  
8 at all. So I -- as it pertained to me would've been my  
9 only concern. As it pertained to anybody in my office  
10 would've been my concern. I tried not to be -- play God  
11 for the rest of Galveston County.

12 Q Did you ever hear any criticisms about the 2021  
13 redistricting process as it relates to race?

14 A Not specifically. The suggestion that a  
15 minority district had been changed was all I heard, and  
16 that was the extent of it.

17 Q And what was the criticism made about the  
18 district being changed?

19 A That Commissioner Holmes' precinct had been  
20 moved sufficiently that he may not be able to be  
21 reelected.

22 Q Did you ever hear concerns that a candidate of  
23 color generally might not be able to be elected?

24 A I -- I don't think that color comes into a  
25 decision-making process for the people of Galveston

1 County, personally.

2 Q And do you think that racism is a problem in  
3 Galveston County?

4 A Very broad question. I do not believe it is a  
5 problem in Galveston County. It doesn't mean it doesn't  
6 exist. It doesn't mean it -- it isn't discussed or  
7 hasn't come up as different topics. But I don't believe  
8 it's a major issue for the residents of Galveston County.

9 Q Even if it's not a major problem, do you think  
10 that racism exists in the county?

11 A I think it would be unreasonable to assume it  
12 does not.

13 Q Okay. Thank you.

14 I'm actually going to turn now to what would be  
15 my last exhibit, which is another new exhibit.

16 MS. COPPER: It is labeled in our folder as  
17 "Big Jolly Politics - 1.8.2018 Post," Mr. Munk.

18 MR. MUNK: Exhibit 16 has been introduced.

19 Q (By Ms. Copper) Ms. Johnson, I know this is  
20 another long one, so if you wouldn't mind just taking a  
21 minute and reading this over and letting me know when  
22 you're done.

23 A (Reviewing document.) I remember authoring  
24 this. Whether it was reproduced by this online paper  
25 specifically as it was presented, I -- I can't affirm

1 without checking my files. But yes, I remember. I'm  
2 very familiar -- I'm familiar with this.

3 Q And can you tell me generally, are you familiar  
4 with the website that this is on, Big Jolly Politics?

5 A I'm vaguely familiar with it. They -- they  
6 sometimes carry articles that I write. I think they go  
7 out and they grab them and -- and publish them.

8 Q Okay. I will represent to you, just for  
9 fullness of information, that according to the website's  
10 "About" page, "Big Jolly Politics was started by David  
11 Jennings in 2009 after moving on from LoneStarTimes.com,"  
12 and "The goal was to create a website that covered local  
13 and state politics with an eye on truth first."

14 Is that your experience with this website, that  
15 it is focused on state and local politics with an eye on  
16 truth first?

17 A I don't see that printed here, but I -- from  
18 what little I know, that would be a fair summation.

19 Q And do you know David Jennings, the person  
20 that's responsible for this web page?

21 A Not personally.

22 Q So only through his publications?

23 A Yes. I don't recall if I've ever met him. I  
24 don't remember meeting him.

25 Q And am I right in understanding from this post,

1 again, with the caveat that whether your email is  
2 reproduced accurately is something you can't attest to at  
3 this moment, am I right in understanding that everything  
4 in quotes, starting with "Lov ya Bon," is quoting an  
5 email from you?

6 A As I recall, this was a guest column that I had  
7 written. And assuming that he reproduced it in its  
8 entirety, although it might have quotes, I think  
9 that that quote was -- the "Lov ya Bon," I don't see the  
10 end of that quote.

11 Q Nor do I. I assumed, based on -- that the  
12 entire rest of the article was the email from you, or it  
13 sounds like a guest column. Looking at it, can you tell  
14 me where you think your quoted language should end? My  
15 understanding was it was with the sentence "She laughed  
16 from the bottom of her gut and sings (loudly) out of  
17 tune."

18 A Yes, that would be -- as I recall, that's the  
19 way I wrapped up that article, that column, yes, ma'am.

20 Q Well, what a lovely description. She sounds  
21 like a wonderful woman.

22 A She really is.

23 Q And very briefly, can you tell me just a little  
24 bit about what is the subject of this post?

25 A Bonnie Quiroga worked for the county for many,



1 many years, including in the tax office, years before I  
2 was there. So as this says, for 32 years, she was a  
3 devoted public servant and employee of Galveston County.  
4 And she was not loyal to people as much as -- this says,  
5 "She was loyal to the people and the purpose of county  
6 government." She did not throw any punches, and I wanted  
7 people to know the person who was being assaulted in  
8 court, in -- and I don't mean physically assaulted, but  
9 was being attacked as a result of her termination by Mark  
10 Henry. It was, in my opinion, an unfair situation. She  
11 was a victim. And she dared stand up to individuals she  
12 didn't agree with, and she got fired for it. And I was  
13 trying to let people know that there was a human side to  
14 Bonnie Quiroga.

15 Q One who laughs loudly out of tune, it sounds  
16 like.

17 A Yes, ma'am.

18 Q You said that she was loyal to the people  
19 instead of the County. That is much how you envision  
20 yourself; is that accurate?

21 A Yes, yes. The people are part of the county,  
22 so, you know, I'm not loyal to county government as much  
23 as I am loyal to the people of the county. The  
24 purpose -- this is the purpose of county government. We  
25 all support the purpose of what we do.

1 Q And in your experience, have other people like  
2 Ms. Quiroga -- please tell me if I'm saying her name  
3 incorrectly. Are other people like Ms. Quiroga and  
4 yourself who are loyal to the people over the government,  
5 have they faced difficulties in county government as a  
6 result of that?

7 MS. OLALDE: Objection, calls for speculation.

8 A I -- I really don't know. There were many  
9 county employees that left, some of which were fired,  
10 after there were changes in commissioners court.

11 Q (By Ms. Copper) Speaking only from your  
12 personal experience, have you ever had difficulties,  
13 given that your loyalty is to the people instead of to  
14 the government structure of Galveston County?

15 A Yes, ma'am.

16 Q Can you tell me a little bit about that?

17 A I do not support taxpayer-funded lobbying. I  
18 do not believe government funds should be used against  
19 the people. I am a public servant first, a politician  
20 last, and that goes against the grain of most  
21 politicians, ones I consider self-serving. So I've just  
22 simply tried to be a good public servant and -- and  
23 fulfill the promises that I've made to the people from  
24 day one. That gets me into --

25 Q And --

1 A -- trouble sometimes.

2 Q -- you mentioned County Judge Henry in  
3 particular. Is he someone who in the past you felt like  
4 is maybe a politician more than a public servant?

5 MS. OLALDE: Objection, irrelevant,  
6 speculation.

7 A Judge Henry and I aren't currently at odds as  
8 we were at this time. I'd rather reserve my opinion.  
9 We're working well together right now, and I think at one  
10 point we didn't work well together at all and we were  
11 definitely in different factions of the Republican party.

12 Q (By Ms. Copper) And not to take you back to  
13 2018, but I see looking at Page 2 of the article, the  
14 third paragraph on the page, you wrote -- begin with,  
15 "You see, the county judge has a problem. He is a bully.  
16 Bullies don't want advice because they are never wrong."  
17 Is that accurate, what's written there?

18 A Yes, ma'am.

19 Q And when you refer to "the county judge,"  
20 you're talking about Judge Henry?

21 A Yes, ma'am.

22 Q Now, I understand your relationship has  
23 improved since then, but can you tell me, at the time,  
24 why did you write that he was a bully?

25 A Because he was. Bullies intimidate. They're

1 mean-spirited. I may fire somebody for nonperformance,  
2 but it's never personal, and everything with Judge Henry  
3 is very personal.

4 MS. OLALDE: I'm going to object --

5 Q (By Ms. Copper) Does that include policy  
6 work --

7 MS. OLALDE: Hold on.

8 Q (By Ms. Copper) -- or --

9 MS. OLALDE: Hold on. I'm going to place an  
10 objection to the extent that that calls for speculation.  
11 But go ahead.

12 A Was there a question?

13 Q (By Ms. Copper) Yes, ma'am. Are you aware of  
14 other instances besides the issues with Ms. Quiroga where  
15 you believe Judge Henry has ever been a bully?

16 MS. OLALDE: Again, I'm going to object to the  
17 extent the answer -- the question calls for speculation.

18 A There were a couple of IT employees and an IT  
19 director who were fired. I believe they might have  
20 disagreed based on what they've told me. Whether it was  
21 factual or not, I don't know. But they made decisions  
22 that were not -- did not conform to what the judge wanted  
23 them to do, and they no longer work for the county.

24 Q (By Ms. Copper) And you said that you've now  
25 gone through two redistricting cycles; is that correct?

1 A Yes, ma'am.

2 Q And both of those, you had to work with  
3 Judge Henry to some extent. Is that also correct?

4 A Not really. We did not -- there was no direct  
5 contact other than me requesting funding from  
6 commissioners court. When he did receive his accurate  
7 voter card, he took a picture of it and texted it to me  
8 and said, Job well done. That was very kind, but that's  
9 about the extent of it.

10 Q But you never had any direct contact with  
11 Judge Henry, he never emailed you, set up a phone call,  
12 came to meet with you about redistricting?

13 A Not that I recall.

14 Q Have you ever heard any comments from others  
15 about Judge Henry being a bully with respect to the  
16 redistricting process?

17 A I'm not sure that I've heard from anybody that  
18 he was a bully about redistricting. And so no, I -- the  
19 answer to that would be no.

20 Q You've mentioned, though, that there have been  
21 criticisms with respect to Stephen Holmes' continuing  
22 role on the commission after the new plans were adopted;  
23 is that correct?

24 MS. OLALDE: Objection, misstates prior  
25 testimony.

1 A Yes, I'd have to ask you to repeat that  
2 question. I'm not sure I really understood the question.

3 Q (By Ms. Copper) Of course. You had mentioned  
4 earlier that you had heard criticisms or complaints about  
5 the redistricting process with respect to its effect on  
6 Commissioner Holmes' district; is that correct?

7 A I've not heard complaints about it. That was a  
8 concern I think was communicated in the media and -- to  
9 the best of my recollection.

10 Q But any reports over that are things that  
11 you've heard from public reporting, not direct  
12 conversations you've had with anyone?

13 A Yeah, I've not had any direct conversations  
14 with anybody about that.

15 Q Okay. Now, Ms. Johnson, my colleague,  
16 Ms. Garrett, asked you about a couple emails, and I know  
17 we've spoken about the January 14th email where you had  
18 asked to have things like open dialogue, the ability to  
19 look at plans before -- or proposed plans. Is that  
20 accurate?

21 A Yes, I had asked for that in emails and in  
22 correspondence.

23 Q In your opinion only, if the county  
24 commissioners had involved you in the planning process  
25 with an eye towards implementation then, do you think

1 | there's a chance we might not be sitting here in  
2 | litigation over the county's map?

3 | MS. OLALDE: Objection, calls for a lot of  
4 | speculation, also for legal conclusions.

5 | You can answer to the extent it's possible.

6 | A I do not believe they could have done anything  
7 | differently to ease my implementation that regarded their  
8 | precincts. The difficulty for me was -- that would've  
9 | made it easier was had they not split voting precincts  
10 | within the county commissioner precincts. I understand  
11 | there was a need for them to do that due to population  
12 | totals, I would assume, but I don't believe that the  
13 | overall decision for county commissioner precincts in my  
14 | implementation would have been -- or Galveston County  
15 | commissioner precincts would've changed or my input  
16 | would've changed their overall big plan with regard to  
17 | the four precincts that they established.

18 | Q (By Ms. Copper) And how things shook out in  
19 | terms of precinct splits, do you think that if the  
20 | commissioners had adopted Map 1 in terms of Map 2, there  
21 | would have been any difference in the issue of precinct  
22 | splits?

23 | A As far as I know, no, because if I look at  
24 | those maps today, the areas where they split were  
25 | outside -- were in the center of the commissioner

1 |       precincts. They weren't along the boundaries that maybe  
2 |       had separated or changed Precinct 3. They were  
3 |       predominantly in the League City or South Shore Harbour,  
4 |       densely populated, new areas of development.

5 |               MS. COPPER: Okay. I believe that those are  
6 |       actually all of my questions for you, but if you don't  
7 |       mind if we take a quick five-minute break, just so I can  
8 |       confer. And then otherwise, if that's it, I will be  
9 |       happy to hand you over to my colleague, Mr. Newkirk.

10 |              THE WITNESS: Thank you.

11 |              MS. OLALDE: Thank you. We can take a break.

12 |              THE VIDEOGRAPHER: Time is 3:55. We are now  
13 |       off the record.

14 |              (Recess.)

15 |              THE VIDEOGRAPHER: Current time is 4:03 p.m.  
16 |       We're now back on the record.

17 |              MS. COPPER: Ms. Johnson, I just wanted to  
18 |       confirm that I have asked all of my questions of you and  
19 |       to thank you very much for taking the time to talk to me  
20 |       today. I'm going to pass you off to my colleague, Zach  
21 |       Newkirk for the government, who I believe is sitting in  
22 |       the same room with you.

23 |              THE WITNESS: Yes, he is. Thank you very much.

24 |                                   E X A M I N A T I O N

25 |       BY MR. NEWKIRK:



1 Q Hi. Good afternoon, Ms. Johnson. Zach Newkirk  
2 again --

3 A Good afternoon.

4 Q -- for the United -- on behalf of the United  
5 States -- also for the United States. Thanks so much for  
6 your time this afternoon. I don't anticipate --

7 THE REPORTER: Excuse me.

8 MR. NEWKIRK: Yes.

9 THE REPORTER: I am not hearing every word that  
10 you're saying. You're going to need to speak towards the  
11 microphone. I'm only hearing the loud words you're  
12 saying.

13 MR. NEWKIRK: Would it be okay to unmute  
14 myself?

15 MS. OLALDE: I have an external mic speaker.  
16 We could try that. Sometimes it works, sometimes it  
17 doesn't.

18 MR. NEWKIRK: I could try to enunciate really  
19 loudly, if that's okay. Is this all right, Ms. Carter?

20 THE REPORTER: Yes, I'm hearing you now. Thank  
21 you.

22 MR. NEWKIRK: All right. Sorry about that.  
23 Okay. I don't know what you caught, Ms. Carter, but  
24 essentially, I'm Zach Newkirk on behalf of the United  
25 States.

1 Q (By Mr. Newkirk) Ms. Johnson, thanks so much  
2 for your time. I know we've covered a lot of ground.  
3 I'll do my very best to not repeat any questions that  
4 have been asked already, so this might seem a little  
5 disjointed more so than the others. So I will just go  
6 ahead and dive in.

7 So earlier this morning you were describing a  
8 couple of the organizations that you're a part of.

9 A Uh-huh.

10 Q And just -- do you mind reminding me? There  
11 are two organizations, Republican Women -- do you mind  
12 just reminding me what they are?

13 A Galveston Republican Women and Texas Gulf Coast  
14 Republican Women.

15 Q Gotcha. And how long have you been a member of  
16 the Galveston Republican Women?

17 A Off and on since I first ran for office in  
18 2004.

19 Q Okay. And do you hold any positions in that  
20 organization?

21 A No, I do not.

22 Q And in that role as a member of Galveston  
23 Republican Women, do you ever interact with any member or  
24 past or former -- past, former or present member of the  
25 commissioners court?

1           A     There are frequently different ones that will  
2 attend the meetings occasionally, yes.

3           Q     Okay. And when you see them at these meetings,  
4 do you ever talk to them?

5           A     Yes, but typically not county business.  
6 There's too much activity going on and it just wouldn't  
7 be appropriate for us to talk shop there.

8           Q     Okay. So have you ever discussed redistricting  
9 at all?

10          A     Not at any of those meetings that I recall.

11          Q     Okay. How long have you been a member of the  
12 Gulf Coast Republican Women?

13          A     Texas Gulf -- it was created about a year and a  
14 half -- well, actually, it was created in late 2019, and  
15 so I joined at that time.

16          Q     Do you hold any positions in that organization?

17          A     No, I do not.

18          Q     In that role as a member of that organization,  
19 do you interact regularly or at all with any past, former  
20 or present members of the commissioners court?

21          A     No, and I don't actually specifically  
22 remember -- unless they were speakers, I don't ever  
23 recall them even attending the meetings.

24          Q     All right, thank you. I'll be shuffling a  
25 lot --

1 THE REPORTER: I'm sorry, I didn't hear that.

2 MR. NEWKIRK: Sorry, Ms. Carter. I just said  
3 I'll be shuffling my papers a lot, so you might hear some  
4 ambient noise, but apparently you didn't hear it.

5 Q (By Mr. Newkirk) So Ms. Johnson, you were first  
6 elected to county office in 2004, correct?

7 A Yes, sir.

8 Q And did you have a primary election that year?

9 A Well, I had a primary election, but I had no  
10 opponent.

11 Q And did you have a general election opponent?

12 A Yes, I did.

13 Q What made you first decide to run in 2004?

14 A I had been asked in 2002 to run by  
15 Commissioner Clark when the seated tax assessor-collector  
16 stepped down, and it was the different parties that were  
17 appointing the person that was going to run in November  
18 to fill an unexpired term. And so he first -- was the  
19 first person who ever asked me to run in the position,  
20 and I was not selected to run in that November election,  
21 but it stayed kind of in my mind. I watched the elected  
22 tax assessor-collector who did win that race, and made a  
23 judgment decision in 2004 that I could do a better job.

24 Q What was it like to run county-wide as a  
25 Republican in 2004?

1           A     Very difficult. At that point in time, there  
2           were no county-wide elected Republicans, and so Judge Cox  
3           and myself and a gentleman ran for sheriff, so there were  
4           three of us that were basically running together during  
5           that campaign. We were received very well, but we -- we  
6           just went to the people and ran very grass roots  
7           campaigns.

8           Q     I'm sorry, who is Judge Cox?

9           A     Judge Lonnie Cox. He's the judge of the 56th  
10          District Court. We were on the same ballot at the same  
11          time.

12          Q     So the office he was running for was for that  
13          office --

14          A     Yes.

15          Q     -- or for county judge?

16          A     For district judge, state district judge.

17          Q     When you were running in 2004, did you have a  
18          campaign staff?

19          A     Myself and my husband and my two children.

20          Q     Did you hire any outside consultants?

21          A     No, I did not.

22          Q     Did you have interns, unpaid interns?

23          A     I wish. No -- but no, I did not.

24          Q     Volunteers?

25          A     Yeah -- yes, many volunteers.

1 Q Roughly how many volunteers?

2 A Very active, probably about 25 in different  
3 parts of the county.

4 Q Was it a pretty wide geographic dispersal of  
5 your volunteer base?

6 A Yes.

7 Q Were there any areas you felt like they were  
8 not from or representing or bringing energy to your  
9 campaign?

10 A Probably Bolivar Peninsula, because it was just  
11 remote.

12 Q Moving forward to your first reelection  
13 campaign -- which would have been in 2008; is that  
14 correct?

15 A Yes.

16 Q Did you have a primary opponent that year?

17 A No, I did not.

18 Q Did you have a general election opponent?

19 A Yes, I did.

20 Q What was your general election campaign  
21 strategy in 2008?

22 A To continue the progress that we had made.  
23 I've always run on the exact same platform, even to this  
24 day; increase service, reduce costs, fight for tax --  
25 property tax relief. And so I ran on having fulfilled

1 those promises with more to be done.

2 Q And going back in time a little bit to 2004,  
3 did you hold campaign events?

4 A Oh, yes.

5 Q What sort of events?

6 A One of them that was a particular passion of  
7 mine and I continued for several years was Tax Freedom  
8 Day celebration. So the day in April or May, depending  
9 on when federal taxes were, you know, you finally reach  
10 the point you were working for yourself instead of the  
11 government, we always -- I used to do a soup and bread  
12 celebration. We were all broke. It was kind of fun.

13 Q Where -- where was that soup and bread  
14 celebration located?

15 A Wherever I could find inexpensive locations.  
16 We held it once at the Gulf Greyhound Park in their large  
17 banquet room. I think I also held it at a -- in a  
18 shopping center. I don't remember specifically which one  
19 of the stores that we were in, but the least expensive  
20 places that I could find.

21 Q And where geographically in the county?

22 A Mid-county. Those were very much mid-county,  
23 so La Marque, Texas City area.

24 Q Gotcha. And how many folks were present  
25 typically at these events, at the soup and bread

1 celebration?

2 A Yeah, anywhere from 25 to a hundred.

3 Q As part of your general election campaign, did  
4 you attend community events?

5 A Yes.

6 Q What sort of community events?

7 A Every single one that I could find.

8 Q Can you give a few examples?

9 A Every chamber luncheon, every chamber  
10 networking event. Those were typically in the morning.  
11 Mixer in the evening. I predominantly tried to attend  
12 community events. Kemah would have different events. I  
13 would go to Mardi Gras parades, 4th of July parades. I  
14 tried to spend as much time out and about in the  
15 community where the people were, so fall festivals in --  
16 like in Santa Fe. La Marque, I would go to Oktoberfest  
17 on the island. So really any place where there was  
18 something going on. The oyster cookoff in Crystal Beach  
19 was always -- or Port Bolivar was always a favorite. So  
20 really, any place where there was something going on.

21 Q You had said "Kemah." What is Kemah?

22 A Kemah is a community on the coast, on the  
23 water, not too far from where we're at right now.

24 Q Is that a...

25 A It's a city.



1 Q Oh, okay.

2 Did you engage with voters outside of these  
3 events through things like door-knocking or canvassing  
4 and passing out campaign literature, things like that?

5 A Yes, sir.

6 Q Did you target certain parts of Galveston  
7 County as areas where you could get the most votes?

8 A I went anywhere where there were people.

9 Q And any parts of the county where you didn't go  
10 to not get any -- let me rephrase.

11 Were there parts of the county that you ignored  
12 on the campaign trail for whatever reason?

13 A I can't say so. I -- there were 13 cities in  
14 Galveston County, and so I tried to make a point of  
15 attending events in each one of those cities, whatever  
16 events they were holding.

17 Q Since your first election in 2004 and your  
18 subsequent reelections in 2008, 2012, 2016, 2020, have  
19 you found your campaign strategy to remain consistent?

20 A Yes. During those time periods where I was not  
21 opposed, I would attend community events but far less,  
22 did not block walk or actually do any campaign  
23 activities, although we would still put up signs.

24 In 2020, it was the first time I had a primary  
25 opponent, so I targeted the Republican primary list of

1 voters. That was different for me. And really, I --  
2 so -- so that was -- that was very different for me,  
3 because I've never targeted Republican or Democrat. I've  
4 asked for everybody to support me.

5 Q Any other reasons why that was different for  
6 you?

7 A Other than the fact that I had a -- somebody  
8 that I had once considered a friend running against me,  
9 no, that was -- it was unusual to me to have a Republican  
10 running against a seated Republican incumbent who I felt  
11 was doing the job.

12 Q In 2012, did you have a general election  
13 opponent?

14 A No, I did not.

15 Q In 2016?

16 A I wasn't on the -- I think it was -- oh, wait a  
17 minute. So 2012, 2016, no, I had no opponent. So I went  
18 a couple of times without an opponent at all.

19 Q And in 2020, did you have a general election  
20 opponent?

21 A No, I did not.

22 Q What areas of Galveston County do you consider  
23 to be your basic support?

24 A Galveston Island for sure. Friendswood, when I  
25 look at the numbers, because that's where I live, about

1 82 percent of the voters there have always supported me.  
2 League City, there's a large number of people, but it has  
3 grown so much that I predominantly would stick to the  
4 older parts of League City rather than the newer parts of  
5 League City, because those people knew me because I'd  
6 been in office for a while, rather than new residents who  
7 did not. Kemah, Clear Lake Shores, Texas City,  
8 Dickinson. So really, a little bit of everywhere.

9 Q When you were talking about old versus new  
10 League City, can you talk a little bit more -- are you  
11 referring to length of residency or --

12 A No, it's more the way the development occurred.  
13 On the east side of I-45 is basically the older sections  
14 of League City, and that's part of where we are right  
15 now, although we're -- we're further out into the South  
16 Shore Harbour area. And then the west sections of League  
17 City are where most of the new development has occurred.

18 Q And you believe that your bases of support has  
19 remained pretty consistent over time or --

20 A I'd say it has, yes.

21 Q Can you pull up -- I actually have a hard copy  
22 if you prefer.

23 A Oh, I prefer a hard copy. Thank you.

24 Q This was previously marked as Exhibit 2, I  
25 believe, but I also have it here --

1 THE REPORTER: Sorry, I'm not hearing you. It  
2 was marked as Exhibit what?

3 THE WITNESS: 2.

4 MR. NEWKIRK: 2.

5 Q (By Mr. Newkirk) Ms. Johnson, I know we've  
6 looked at this email for quite a bit of time. I just  
7 have a couple quick follow-up questions.

8 Looking down at the second paragraph, there is  
9 a phrase in the second sentence -- I'll just go ahead and  
10 read the second sentence.

11 A Yes, please.

12 Q "Implementing these plans is a challenge,  
13 particularly since there is no coordinated effort." Did  
14 I read that correctly?

15 A Yes, sir.

16 Q What did you mean by "coordinated effort"?

17 A There was no single person -- and I think that  
18 I was hoping to be that person -- who was pooling all the  
19 different pieces together. So we had county  
20 commissioners doing their own thing, and we had the  
21 Dickinson ISD and Hitchcock ISD and the Texas City ISD  
22 school boards doing their own thing. And so we had --  
23 what I was hoping to do was pool all those various pieces  
24 together and there be a more organized effort and that  
25 would simplify our implementation.

1 Q And in your opinion, would this process of  
2 centralizing -- simplifying take a large degree of  
3 planning and time on your end?

4 A If there was not a coordinated effort, yes,  
5 there could be, and there -- there certainly was. There  
6 was not really any coordination that occurred.

7 Q Was this recommendation -- suggestion about  
8 coordinating efforts based on your experience in past  
9 redistricting cycles?

10 A Yes.

11 Q Was -- can you explain a little bit more what  
12 happened that caused you to make this suggestion?

13 A In 2011, I did not even know what single member  
14 districts we were going to have to implement. I was not  
15 that familiar with all the different governments and when  
16 their decisions may or may not be made or -- so in 2021,  
17 knowing everybody who was affected, all the different  
18 governments, as I said, I tried to pool those together so  
19 that we could have some common boundaries and so forth.

20 Q As far as you know, did the commissioners take  
21 this advice?

22 A To my knowledge, they did not take my advice.

23 Q Without speculating, do you know why not?

24 A No, I really don't.

25 Q In 2013, do you recall a redistricting process

1 that occurred at the JP and constable districts?

2 A I recall in 2011 that there was a combination  
3 that they were -- the eight were combined. Is that what  
4 you're referring to?

5 Q I'm referring to the process in 2013.

6 A There was a process in 2013?

7 Q I'll represent to you that there was a  
8 redistricting process for JP and constable districts in  
9 2013.

10 A Okay. I had assumed that that occurred in 2011  
11 when everything else was changed.

12 Q Okay. I was going to ask if you had any  
13 difficulties with that redistricting process in 2013.

14 A It would have been difficult because we were  
15 taking eight and taking it down to four, which meant  
16 combining, changing every single entitlement for all the  
17 affected voters. And we had no technology then that we  
18 could take large areas and move them at one time.

19 Q Is it fair to say that this particular  
20 recommendation that you flagged about coordinating, that  
21 is a separate issue that --

22 THE REPORTER: I'm sorry, could you speak up,  
23 please?

24 MR. NEWKIRK: I am so sorry, Ms. Carter.

25 Q (By Mr. Newkirk) So my question -- I'll just

1 rephrase it. Ms. Johnson, is it fair to say that the  
2 recommendation that I flagged here about not coordinating  
3 is a separate issue that -- from the JP constables going  
4 from eight to four?

5 A Yes.

6 Q Okay. Ms. Johnson, do you see in the second  
7 paragraph in -- in the second-to-last line, you reference  
8 in quotation marks "dot" precincts?

9 A Yes, sir.

10 Q What is a dot precinct?

11 A It would be an additional precinct that was  
12 created because you were not -- the redistricting does  
13 not allow, say, a state representative to -- or two state  
14 representatives to represent the same precinct. So dot  
15 precincts were created to break out to create separation,  
16 so that, for instance, House District 22 -- 23, we could  
17 run a complete list of whole precincts, and the dot  
18 precincts became an additional like subprecinct.

19 Q I see. So it would always be smaller than  
20 the --

21 A Much smaller, yes.

22 Q Okay. I understand.

23 Going down to the third paragraph here, we have

24 combed over this language a time today, but I just wanted

25 to ask a couple things. I'll just read this.

1 "Therefore, I reached out to all of the officials,  
2 including Judge Henry -- not for the purpose of having  
3 any impact on your decisions (except for JP and  
4 Constable) but to be included from the standpoint of  
5 providing input on whether certain proposed plans would  
6 be better planned differently." Did I read that  
7 correctly?

8 A Yes, sir.

9 Q When you say -- or when you say "provide  
10 input," can you describe to me what you mean by "input"?

11 A That they change entire precincts rather than  
12 split or combine. That if they're going to split, that  
13 they use the natural boundaries so it clearly -- so we  
14 could clearly identify different streets and entitlements  
15 for the individual voters living in those areas.

16 Q What are some other issues that arise when a  
17 voting precinct or election precinct is split?

18 A What we have to do is take the entire original  
19 precinct and define which streets go into what -- which  
20 new voting precinct. So we might -- so there could be  
21 anywhere from 200 to a thousand streets and entitlements  
22 within that precinct that we're having to separate. So  
23 it's just a very tedious, cumbersome process, and just  
24 takes a long time and leaves a lot of room for error.

25 Q Going down to the sixth paragraph of this



1 email, you write at the end of the first line, "It is  
2 relatively easy for me to know when you will meet to  
3 discuss redistricting -- not so much the other entities."

4 Did I read that correctly?

5 A Yes, sir, you did.

6 Q What is the basis of your belief that it would  
7 be relatively easy for you to know when the commissioners  
8 court is discussing redistricting?

9 A I'm on the distribution list for agendas, and  
10 so I receive that and my staff receives it.

11 Q Not so much of the other entities, though?

12 A Right.

13 Q Okay. At the end of this paragraph, you write,  
14 "I hope to avoid the use of costly contractors and  
15 implement the redistricting plans in-house." Did I read  
16 that sentence correctly?

17 A Yes, you did.

18 Q Earlier this morning we were discussing what it  
19 means to plan things in-house, and I think you had  
20 referenced Galveston Island in 2011 --

21 A Yes.

22 Q -- you had to use outside vendors. Is that  
23 what you were talking about here?

24 A Yes.

25 Q So you're not talking about the demographers or

1 the map drawers who actually draw --

2 A No. No.

3 Q Okay. Will you pull up -- this was already  
4 introduced as Exhibit 5, so there's a hard copy. I  
5 wanted to find that --

6 THE REPORTER: I'm sorry, I'm not hearing you.

7 MR. NEWKIRK: Sorry, Ms. Carter. I said we're  
8 going to pull up Exhibit 5, but I also have a hard copy  
9 that I'll distribute here. One moment.

10 A Thank you.

11 Q (By Mr. Newkirk) Again, this is a document,  
12 Ms. Johnson, that we've seen before. I just have a  
13 couple quick follow-up questions.

14 You see the email from May 20th, 2021, from you  
15 to Tyler Drummond, subject line "Asked and answered"?

16 A Yes, sir.

17 Q Looking at the second paragraph in this email,  
18 do you see where you note that the county -- I'm sorry,  
19 that "the county would have to take the lead"?

20 A Yes.

21 Q What did you mean by "county would have to take  
22 the lead"?

23 A So what my hope was is that they would identify  
24 their voting or election precincts so then that could be  
25 shared with the other jurisdictions and that any changes

1 | they would make, they would take entitle -- entire  
2 | precincts if they were going to make changes so that they  
3 | would consider those lines.

4 | Q At this point in May of 2021, did you believe  
5 | the county was going to take the lead or was that (audio  
6 | cutting out) at this point?

7 | A I was hoping -- of course, the legislature  
8 | needed to adopt the different federal and state  
9 | boundaries first, and then for them to follow that  
10 | after -- they would be the ones after that. So on a  
11 | local level, it would be my -- would've -- it was my  
12 | preference that they make their decisions first.

13 | Q As best as you can recall, did that end up  
14 | being the sequence of events?

15 | A I believe that the City of Galveston actually  
16 | adopted theirs before the county commissioners did.

17 | Q Looking at the timestamps of the email, this  
18 | one you sent to Tyler Drummond at 1:50 p.m. --

19 | A Uh-huh.

20 | Q -- you were forwarding an email received at  
21 | 1:48 p.m. Any reason in particular that it was so quick  
22 | that you forwarded --

23 | A I was so excited that the census bureau  
24 | actually responded to me.

25 | Q Had you been anticipating a response?

1 A I really didn't expect them to respond, so I  
2 was very pleased.

3 MR. NEWKIRK: That's all I have on that  
4 document.

5 Could we pull up Exhibit 9 that has already  
6 been introduced? And again, I have a hard copy that I'll  
7 distribute. One moment.

8 A Thank you.

9 Q (By Mr. Newkirk) Ms. Johnson, again, this is a  
10 document we've reviewed before. This is an email you  
11 sent Tyler Drummond on Friday, October 22nd, at -- 2021,  
12 at 3:45 p.m., subject line, "Voters in County by  
13 Precinct," with one attachment, "Galveston County Voters  
14 by Precinct August 2021." Is that accurate?

15 A Yes, sir.

16 Q Flipping to Page --

17 THE REPORTER: I'm sorry, flipping to Page  
18 what?

19 MR. NEWKIRK: I'm sorry, Ms. Carter, I had a  
20 piece of paper over my face.

21 Q (By Mr. Newkirk) Flipping the page to the  
22 attachment, do you see the date 8/13/21 at the top of  
23 these tables?

24 A Yes, I do.

25 Q Do you agree that Mr. Drummond requested this

1 information in October of 2021?

2 A Yes, based on my email.

3 Q Was this the most up-to-date data that you had  
4 that he was requesting from August?

5 A We could've run another list, but he apparently  
6 wanted the original list that I had sent to commissioners  
7 previously in August.

8 Q Do you recall if this was the first time  
9 Mr. Drummond requested the breakdown of registers voters  
10 from you or your office?

11 A I believe it may have been the only time that  
12 he requested it.

13 Q Did the timing of his request in October 2021  
14 surprise you, considering that you had previously thought  
15 redistricting was around the corner earlier that year?

16 A I didn't really consider that.

17 MR. NEWKIRK: Those are all the questions I  
18 have on that document.

19 Okay. I'll introduce an exhibit. Kathy, it's  
20 going to be saved in Exhibit Share as U.S. Tab 11. And I  
21 have a hard copy here.

22 MR. MUNK: Exhibit 17 has been introduced.

23 Q (By Mr. Newkirk) Ms. Johnson, if you want to  
24 just take a moment -- because we've not reviewed this  
25 document yet, just take a moment and tell me if you're

1 familiar with this email chain.

2 A Yes, I am.

3 Q Okay. Can you see the email -- well, actually,

4 I don't think we've talked about her yet, but who is

5 Kristi Saludis?

6 A She was the senior voter registration

7 specialist in my voter registration department.

8 Q When did she begin there?

9 A Oh, goodness. As I recall, six or seven years

10 ago.

11 Q And is she there still?

12 A No, she's not.

13 Q Do you see down in the email that she sent to

14 you dated 11/10/21, 8:45 a.m., where she writes, "There

15 is a" -- "There is a special Agenda for Friday,

16 11-12-2021"?

17 A Yes.

18 Q Was this the first time you learned about the

19 November 12th special session?

20 A I would say that that's very likely, although

21 the email that I sent on November 9th said, "I did not

22 see a posted meeting for today but they did post a

23 meeting for next week." I'm not sure that I saw that

24 specifically, but she did clarify that.

25 Q Do you see the most recent email in this chain

1 | when you asked Kristi Saludis, "Is that meeting in League  
2 | City?"

3 | A Yes.

4 | Q Why did you ask whether the meeting was in  
5 | League City?

6 | A The county commissioners meet typically in the  
7 | county courthouse on the island. They frequently hold  
8 | special called meetings in League City, the League City  
9 | Annex Building. And so without having seen that agenda,  
10 | I would not know -- have known where the meeting was to  
11 | be held.

12 | Q Did you think it might be held in Galveston in  
13 | the courthouse?

14 | A On Fridays, they rarely drive to Galveston  
15 | Island. They're frequently in League City if they have a  
16 | meeting outside of the regularly scheduled meetings.

17 | Q Are special meetings always held in League  
18 | City?

19 | A No, sir.

20 | Q Can they be held in other -- or can they be  
21 | held in Galveston, in the courthouse in Galveston?

22 | A Yes.

23 | Q In any other location that you're aware of?

24 | A I -- I don't know that they ever have, and I'm  
25 | not aware -- I don't know why they could not. They have

1 other buildings in different areas of the county.

2 Q How long have -- to the best of your memory,  
3 how long have special meetings been held in League City?

4 A Off and on, probably over the last four years,  
5 four or five years.

6 Q Do you know -- do you know, without  
7 speculating, what prompted the development of special  
8 meetings in League City?

9 MS. OLALDE: I'm going to object and ask the  
10 witness not to speculate.

11 Go ahead.

12 THE WITNESS: Oh, I can answer that?

13 MS. OLALDE: Uh-huh.

14 A I don't know specifically.

15 Q (By Mr. Newkirk) Have you ever attended a  
16 commissioners court meeting in League City?

17 A Yes, I have.

18 Q Could you describe the meeting space?

19 A It should -- the only one that I have -- well,  
20 no, there's two locations. They used to be in the old  
21 League City Annex, which is now being renovated. And the  
22 most recent one that I attended, those would be held in  
23 Judge McCumber's court, and there was seating for  
24 probably 35 people. And the space they're using now,  
25 Judge McCumber's court is in a temporary building while



1 the renovation's underway, a far less comfortable space.

2 Q In which of the locations that you just  
3 described is the one on Calder Road?

4 A They're both on Calder Road.

5 Q Oh, okay. Do you happen to know -- scratch  
6 that.

7 Have you ever attended a commissioners court  
8 meeting at the courthouse in Galveston?

9 A Yes, I have.

10 Q Can you describe that meeting space?

11 A They actually have a formal courtroom-type  
12 setting with a dais where they sit, speakers, seating.  
13 Since COVID, half the amount of seating. That they have  
14 a lot of audiovisual equipment there that makes it really  
15 comfortable for people, good sound equipment, so forth.

16 Q And that audiovisual equipment is not available  
17 in League City?

18 MS. OLALDE: Objection, calls for speculation,  
19 also overbroad.

20 Go ahead.

21 A I believe that IT brings that -- that equipment  
22 with them and sets it up.

23 Q (By Mr. Newkirk) Did you ever learn about the  
24 size of the attendance at the November 12th special  
25 session when the commissioners court maps -- map was

1 | adopted?

2 | A I saw minutes of that meeting last week that

3 | had a list of people who had spoken at that meeting.

4 | That was the first time I had seen that.

5 | Q Did the length of that list surprise you or

6 | not?

7 | A Not necessarily.

8 | Q I believe that's all I have on this.

9 | MR. NEWKIRK: I'd like to introduce another  
10 | exhibit. Kathy, it's saved as U.S. Tab 12. And again, I  
11 | have hard copies for folks here.

12 | A Thank you.

13 | Q (By Mr. Newkirk) Ms. Johnson, you see that this  
14 | is an email exchange between Nathan Sigler and you dated  
15 | Friday, November 12th, 2021, at 12:32 p.m., and there are  
16 | two attachments?

17 | A Yes, sir.

18 | Q Do you recognize this document?

19 | A I -- I do.

20 | Q And do you see where he writes, "Here are the  
21 | breakdown lists as requested"?

22 | A Yes, I see that. Yes.

23 | Q Do you recall when you requested those lists?

24 | A I'm not sure whether I requested them or if  
25 | Ms. Moreno requested them. Obviously, we had not had

1       them before this time. I don't remember specifically  
2       requesting them myself.

3           Q       Turning to the attachment -- or attachments,  
4       plural, can you go to the one with the number at the  
5       bottom right that says DEFS00020460?

6           A       Yes. Yes, sir.

7           THE REPORTER: Excuse me, while she's turning  
8       to that page, the page-flipping is right on the  
9       microphone and your voice is very far from the  
10      microphone, so I'm having a hard time picking up your  
11      voice, Mr. Newkirk.

12          MR. NEWKIRK: All right. I'll lean in some  
13      more.

14          Q       (By Mr. Newkirk) Ms. Johnson, at the very top  
15      of this page, do you see where it says 'Map 2'  
16      Commissioner Precinct By Current Voting Precincts &  
17      Splits"?

18          A       Yes, sir.

19          Q       Do you know what "Map 2" means?

20          A       It would've been one of the maps that they were  
21      considering.

22          Q       For commissioners court?

23          A       For commissioners court, yes. For commissioner  
24      precincts.

25          Q       And do you see where it says "If the Voting

1 Precinct has 'A' at the end it is a split Precinct"?

2 A Yes.

3 Q Can you describe what this chart shows us?

4 A From my perspective as the implementer of these  
5 plans, that would tell me, based on these plans, the  
6 difficulty of the task. So under Commissioner  
7 Precinct 1, it has 336, has two precincts with As,  
8 meaning two precincts would have to be split, or all the  
9 rest may require -- as in the 336, 343 and 347 would only  
10 require a name change. So from my perspective, it  
11 communicates the complexity of the task.

12 Q And stepping back a little bit, the numbers --  
13 the three-digit number, that's simply the name of the  
14 voting precinct?

15 A Yes.

16 Q Earlier today you talked about how the first  
17 digit refers to the commissioner's precinct --

18 A Yes.

19 Q -- correct? Do the other numbers, the other  
20 two digits, have any meaning to them?

21 A I do not believe they do. I'm not certain.

22 Q Okay. So it doesn't mean, for example, that  
23 they're close geographically together?

24 A No.

25 Q So 150 and 151 could be across, you know, the

1 street or --

2 A Yes.

3 Q -- (indiscernible).

4 A As far as I know I'm not aware of any  
5 particular -- it was just the order over time that  
6 they've evolved.

7 Q Looking, for example, at this first column,  
8 Commissioner's Precinct 1, about halfway down, you see  
9 165.1?

10 A Yes, sir.

11 Q What does that .1 mean? Is that one of those  
12 dot precincts?

13 A That's one of those dot precincts, yes, sir.

14 Q And can you describe, how is that different  
15 from one that has an "A" after it?

16 A It would be much smaller. So a 165-A would've  
17 originally been part of 165, but a portion, a sliver or  
18 whatever, was changed to accommodate the -- whatever  
19 elected official that that was set up for. Typically  
20 they're very small, where the other ones are entire  
21 precincts of anywhere from 500, I guess, to 5 or 6,000  
22 voters.

23 Q Looking at the column Commissioner Precinct 2,  
24 I see a couple of dot precincts. One of them says 232.1,  
25 and another says 232.3. Does the number coming after the

1 decimal place have any meaning?

2 A Not to my knowledge. My -- without looking at  
3 a map, it would probably mean they're on -- in different  
4 parts of the precinct. So the dot 1 might be on one side  
5 of it and dot 3 would be on the other side of the whole  
6 precinct, although I don't see a 232. Yes, I do,  
7 under 4.

8 Q Do you mind flipping the page to -- to what  
9 ends in 458?

10 A Okay.

11 Q And we see that this is titled "'Map 1'  
12 Commissioner Precinct By Current Voting Precincts &  
13 Splits," correct?

14 A Yes, sir.

15 Q Can you describe what this chart shows us and  
16 if it differs in any significant way from the one we were  
17 just looking at?

18 A Without putting them side by side, it's --  
19 there's -- I would guess that there's certain changes --  
20 there's certain precincts that are included in some of  
21 these lists that are in the other commissioner precincts  
22 on the other list. It looks like there's more in  
23 Precinct 3, more individual precincts in Precinct 3 than  
24 there were on the other map, and fewer for the other  
25 commissioner precincts.

1 Q Thank you. That's all I have for this  
2 document.

3 MR. NEWKIRK: I'd like to now introduce an  
4 additional document. I saved this on Exhibit Share as  
5 U.S. Tab 13.

6 THE WITNESS: Thank you.

7 THE REPORTER: While he's getting that pulled  
8 up, could we go off the record, please?

9 MR. NEWKIRK: Sure.

10 THE VIDEOGRAPHER: Okay. Current time is now  
11 4:49 p.m. We're now off the record.

12 (Recess.)

13 THE VIDEOGRAPHER: Current time is 4:57 p.m.  
14 We're now back on the record.

15 Q (By Mr. Newkirk) Okay. So we're looking at  
16 what was marked as U.S. Tab 13 -- it's now an exhibit --  
17 and you've had a chance, Ms. Johnson, to take a look at  
18 it. Do you recognize this document?

19 A Yes, I do.

20 Q And you agree that this is an email sent from  
21 you sent to Nathan Sigler on Monday, November 15th, 2021,  
22 with a subject line "Precinct List with Lots of Info"?

23 A Yes, sir.

24 Q We were also taking a look at the attachments.

25 A Yes, sir.

1 Q I also have a printed copy of the original.

2 It's not as easy to see, but I left that --

3 A (Indiscernible.)

4 Q Okay. So first looking at the body of the  
5 email, which is on the document titled -- or I'm sorry,  
6 with Bates stamp Number DEFS00016754, do you see the  
7 first sentence that you wrote, "Attempted to compile all  
8 of the various pieces based on our discussions in your  
9 previous Map 2 listing"?

10 A Yes, sir.

11 Q Do you mind taking me through the discussions  
12 that you're referring to here with Mr. Sigler, how many  
13 there were, when were they, to the best of your memory?

14 A Looking at the time of this email, I -- I  
15 really don't recall. I would imagine that those  
16 conversations took place throughout the day on that  
17 Monday.

18 Q Would any of them, to the best of your  
19 recollection, have occurred before November 12th, 2021?

20 A I -- I don't know. Nathan and I spoke to each  
21 other often, but based on the fact that the commissioner  
22 precincts were adopted on that Friday, it is very likely  
23 that this was the result of discussions to try and  
24 implement that which was voted on.

25 Q In the last paragraph where you write, "You had



1 mentioned 232.1 and 232.3 may merge into 225. Doing that  
2 would create a 5,400 voter precinct."

3 A Yes, sir, I see that.

4 Q By "5,400 voter precinct," do you mean a  
5 precinct with 5400 voters?

6 A Yes, sir.

7 Q What are some consequences to you and your team  
8 if a precinct has 5400 voters?

9 A It's common knowledge or knowledge that we  
10 just, I guess, acquired through the years that each  
11 precinct was supposed to be about the same size and that  
12 5,000 was the maximum number of voters that should be in  
13 a voting precinct. So that exceeded -- that if they  
14 combined those, that would exceed that number.

15 Q Do you know, is that 5,000 number custom or is  
16 that set by state law or something?

17 A I believe that's established in state law.

18 Q Moving towards the attachment, we have the  
19 sheet titled County Commissioner Precincts -- (audio cut  
20 out).

21 A Yes, sir.

22 Q Do you agree that two tables appear on this  
23 sheet?

24 A Yes, sir.

25 Q Looking at the table on the left, do you mind

1 going through each column and telling me what each column  
2 means?

3 A The former CC precinct would have been the  
4 former county commissioner precinct. The former precinct  
5 number then was the number of that former county  
6 commissioner precinct. The change to county commissioner  
7 precinct is specifying, based on those maps, which county  
8 commissioner precinct it would be changed to, that former  
9 precinct. Changed to precinct number, the assumption is  
10 made that we would change just the first digit, which  
11 would be, in this instance of Line 1, 103 from Precinct 1  
12 would move to Precinct 2 and become 203. And then the  
13 number of voters in Precinct 103 on November 15th was --  
14 that's the number of voters on that date when the list  
15 was generated. And then the current total voters in  
16 precinct to be split is just another information column  
17 where if there was a precinct that they were anticipating  
18 split, what the number of voters were in the original  
19 precinct.

20 Do you want me to -- you were just interested  
21 in the left-hand side?

22 Q Yeah, for now. Thank you.

23 A Okay.

24 Q That was incredibly helpful.

25 You anticipated my next question by running

1 through the first row --

2 A Uh-huh.

3 Q -- and identifying what each cell means. Going  
4 down a little bit, do you see that the number 205 and  
5 205.1 are highlighted?

6 A Yes, sir.

7 Q Do you know why they're highlighted?

8 A I don't recall why they're highlighted. I was  
9 looking to see if I can see that anywhere else. Not  
10 specifically, no. I don't give a key here to explain it.

11 Q Do you know why a full row, moving down a  
12 little bit, is fully highlighted?

13 A The next one that's highlighted is Precinct  
14 1-152 that they were discussing splitting. And so not  
15 knowing what that new named precinct would be, I had two  
16 lines there. So if they were discussing splitting  
17 Precinct 152, we would not know what the change in the  
18 number would be, if there would be one at all, or if it  
19 would be a new added precinct and to-be-decided name.

20 Q And could you tell me why underneath that 152  
21 there's a cell that's blank? Why is that blank?

22 A Because when they split, there was no former  
23 county commissioner precinct. It -- it would be assumed,  
24 if they were splitting 152, that those were former  
25 Precinct 152. But since the precinct didn't actually

1 exist with a new number, would be unspecified.

2 Q Going down a little bit further to the second  
3 highlighted row.

4 A Uh-huh.

5 Q You see underneath the 155, that's blank. But  
6 also underneath a column saying "No Change," the cell  
7 underneath that one is blank for that particular row. Do  
8 you see where I'm pointing?

9 A Yes, sir.

10 Q Do you know why that "No Change" -- the cell  
11 underneath where it says "No Change" is left blank?

12 A Probably because all of the second ones that --  
13 there are -- they are changing -- well, like they weren't  
14 necessarily changing. It would be creating likely a new  
15 number. So probably all of those should have been blank.  
16 So the one that says "No Change" above it should have  
17 been blank and the one below it that says "No Change"  
18 should've been blank, because we didn't -- we knew it was  
19 going to be something, but we didn't know what it was  
20 going to be.

21 Q Going down one row, you see a number zero in --  
22 it's no longer highlighted, but it's --

23 A Yes.

24 Q -- former Precinct Number 155.1 and then  
25 there's a number zero --

1 A Yes, sir.

2 Q -- in a couple of columns. Do you know why  
3 that -- or do you know what that zero signifies?

4 A That there were no registered voters in that --  
5 in that dot precinct on that date.

6 Q Gotcha. So to summarize, is it fair to say  
7 that the highlighted rows mean more or less that  
8 the (audio cutting out) --

9 A Split or combined.

10 Q (Audio cutting out) or combined.

11 THE REPORTER: I'm sorry. I'm sorry, your  
12 audio is cutting out and I -- could you please repeat the  
13 last question?

14 MR. NEWKIRK: I asked, is it fair to say that  
15 the highlighted rows mean that a precinct is going to be  
16 split. Then Ms. Johnson responded split or combined.

17 Q (By Mr. Newkirk) Ms. Johnson, if you could go  
18 to that other table titled "Old Precincts Available in  
19 TEAM."

20 A Yes.

21 Q Can you tell me what this table is all about?

22 A So these are all the precinct numbers that at  
23 some point in time in Galveston County's history have  
24 been used. And so this would present a list of possible  
25 precinct numbers that the commissioners could use when

1 they were splitting precincts and creating a new  
2 precinct. They could have used others, but these have  
3 actually existed in the system.

4 Q Is there a benefit to using a number that's  
5 been in the system before?

6 A Not necessarily, no, because then that -- you  
7 run out of numbers.

8 Q And some values have decimals. We've talked a  
9 bit about dot precincts, but some have values that end,  
10 for example, in .02. Does that have any significance?

11 A No. It was a naming convention, and I can't  
12 tell you why they were -- some of them were .1 and some  
13 of them were .01. It was just the way they were named at  
14 the time.

15 MR. NEWKIRK: That's all the questions I have  
16 on this document. I am nearly done.

17 I'd like to introduce, Kathy, U.S. Tab 14.

18 Q (By Mr. Newkirk) Ms. Johnson, do you recognize  
19 this email?

20 A Yes, I do.

21 Q And you agree that this is from you to a  
22 variety of people, Kristi Saludis, Stephanie Berry,  
23 George Ott and Kathleen Moreno, dated Friday, November  
24 19th, 2021, correct?

25 A Yes, sir.

1 Q We already identified Kristi Saludis. Who's  
2 Stephanie Berry?

3 A She was the -- one of the voter registration  
4 specialist.

5 Q George Ott?

6 A He was also a voter registration specialist.

7 Q Okay. And looking at the bottom of the email,  
8 you write, "Per Commissioner Clark, we are good to  
9 proceed with the following county precinct changes." Do  
10 you agree?

11 A Yes, sir.

12 Q And by "county precinct," you're referring to a  
13 voting precinct; is that --

14 A Yes, sir.

15 Q Were you in contact with Commissioner Clark  
16 before you sent this email?

17 A Yes.

18 Q Do you recall how soon before you sent this  
19 email you were in contact with him?

20 A Earlier in the day would be my guess. This is  
21 sent in the afternoon, and so likely he and I had a  
22 conversation sometime before that. It would've taken me  
23 a little bit of time to put this together.

24 Q Was his approval necessary to make changes to  
25 the voting precincts?

1 MS. OLALDE: (Indiscernible) -ation.

2 You can answer.

3 A Not specifically his approval, although he was  
4 the lead commissioner on all of the changes that were  
5 underway. I was trying to get some confirmation that we  
6 were good to proceed with the naming conventions that had  
7 been discussed. And I wanted that documented that he had  
8 given us permission to proceed with these changes.

9 Q (By Mr. Newkirk) If you were trying to look for  
10 confirmation, is there anyone -- anyone better than  
11 Commissioner Clark for that purpose?

12 A There was nobody better for that purpose, no.

13 Q You said he was the lead commissioner on these  
14 issues. Was that a official role that he had, or was it  
15 sort of an unofficial role?

16 A I believe it was a role that he happily  
17 assumed.

18 Q In this email, you also say, "I will send the  
19 spreadsheet to print and use when making changes in  
20 auditing. It will be our audit trail."

21 A Uh-huh.

22 Q Do you see that? Can you describe -- I guess  
23 rather, was there an auditing process?

24 A Yes, sir.

25 Q And how often did that process happen?



1           A     Continuously throughout the changes. Any time  
2 a change was made, we had an auditor or somebody standing  
3 by ready to confirm that everything changed properly.

4           Q     Besides voting precinct changes, what else, if  
5 anything, did the audit cover?

6           A     To some extent, that entitlements were  
7 appropriate and that they had all come over correctly.  
8 It was a list very similar to this that had an additional  
9 column that the -- two additional columns, likely, change  
10 made by who, and then audited by who.

11          Q     Who performed that audit?

12          A     Various people in the office. Sometimes it was  
13 members of -- that are -- people that are listed on this.  
14 Ms. Saludis was predominantly making the changes, with  
15 Ms. Berry and Mr. Ott doing a lot of the auditing, along  
16 with Ms. Moreno and other staff members.

17          Q     So it was an internal audit?

18          A     Yes, sir.

19          Q     Oh, okay.

20                    Looking at the table that you attach to this  
21 email, this looks similar to the exhibit that we are just  
22 looking at. Do you agree?

23          A     Yes, sir.

24          Q     Do they mean the same thing?

25          A     Yes, sir.

1 Q We've run through all the columns, or you did,  
2 rather.

3 A Yes.

4 Q Looking down on third page, DEFS0001708, column  
5 marked Former Precinct Number, it looks like Precinct 336  
6 is not in that column. This would be about a little past  
7 halfway down.

8 A Yes, sir.

9 Q Do you agree that you don't see Precinct 336  
10 there?

11 A I don't see Precinct 336 there.

12 Q Do you agree that Precinct 336 was split in the  
13 fashion of the commissioners court map?

14 A I would have to refer to the other documents.

15 Q Okay. Do you happen to know why Precinct 336  
16 does not appear on this list?

17 A Either it didn't exist or these were simple --  
18 these were county precinct changes that we could make  
19 without further action, former action -- formal action by  
20 anybody.

21 Q Thank you.

22 MR. NEWKIRK: That's all I have on this  
23 document. I have three more documents and then we'll be  
24 done.

25 Can I introduce what's marked on Exhibit Share

1 as U.S. Tab 15, Kathy?

2 Q (By Mr. Newkirk) Ms. Johnson, do you recognize  
3 this email?

4 A Yes, sir.

5 Q Do you agree that it is between you and Paul  
6 McLarty, among others, November 12th and November 15th,  
7 2021?

8 A Yes, sir.

9 Q Beginning at the sentence of the -- I think we  
10 identified him earlier, excuse me, but can you remind me  
11 who Paul McLarty is?

12 A He was an official and, I believe, an assistant  
13 superintendent at (audio cutting out) ISD.

14 Q Okay.

15 THE REPORTER: I'm sorry. I'm sorry. The  
16 paper movement is interfering with the audio, and if I  
17 just miss a little piece of a sentence, I don't get what  
18 you're saying.

19 THE WITNESS: Do you need me to repeat what I  
20 said?

21 THE REPORTER: I got -- I missed a couple of  
22 words at the beginning of the question too. It's -- we  
23 might need to go back to the other audio system. This  
24 one's not really working very good.

25 MR. NEWKIRK: Do you mind reading back just

1 what you have? My question was basically who -- who is  
2 Paul McLarty.

3 THE REPORTER: I got that, and she said he is,  
4 and then there was a little paper noise and so I heard  
5 pieces of words, but I didn't hear the answer.

6 THE WITNESS: He is an official or assistant  
7 superintendent, had some decision-making role at Clear  
8 Creek ISD.

9 MR. NEWKIRK: All right, Ms. Carter, I'm not  
10 going to touch this paper.

11 Q (By Mr. Newkirk) Ms. Johnson, reading the first  
12 sentence, you write, "You are likely sick of hearing from  
13 me but I have new information (it seems to have been  
14 changing hourly today but have something constant now)."  
15 Do you see that?

16 A Yes, sir.

17 Q What do you mean by "changing hourly"?

18 A Commissioner Clark -- I remember during that  
19 time period where Commissioner Clark would make a  
20 decision and then he would change that de- -- he'd get  
21 with Nathan, and they'd come back with different  
22 information. And eventually, I think I stopped even  
23 making notes of what they were doing until they finally  
24 reached final decision.

25 Q Final decisions about...

1 A Precinct names and so forth.

2 Q In your experience with redistricting, is it  
3 common to receive frequent updates to precinct names and  
4 conventions, or was this changing hourly unique to 2021?

5 A I had always been included at the very end of  
6 this, not in the middle. Because we had so little time,  
7 they were trying to give me as much information as they  
8 could so we could proceed, because there was going to be  
9 so much that we need to do in such a short time period.  
10 So they were trying to accommodate my request to let me  
11 change what I can so that then we can spend additional  
12 time doing more complicated work later. So I've never  
13 been included in this -- at this stage before and in the  
14 middle of -- of being provided information continuously.

15 Q I understand. And do you agree that this email  
16 exchange that we're looking at, but not touching, is only  
17 about CCISD?

18 A This was communicating to CCISD the areas that  
19 they needed to know what the precincts were going to be  
20 so that they could make decisions, the board.

21 Q But these are the voting precincts that are  
22 common to all --

23 A Yes, yes.

24 Q -- other entities?

25 A Well, they're -- as you recall, I was asking

1 these jurisdictions to try and change their boundaries in  
2 conformance with the county commissioner voting  
3 precincts, or the commiss- -- the voting precincts. And  
4 so Mr. McLarty was trying really hard to accommodate that  
5 request.

6 Q And down at your email, you write, second  
7 paragraph, "Precinct 152 will be split down South Shore  
8 Harbor Boulevard. One portion will remain 152 and the  
9 other will receive a new number by November 29th." Do  
10 you see that?

11 A Yes, sir, I do.

12 Q What's the significance of November 29th?

13 A At that point in time, that was the projected  
14 date that was being given to me where the final numbering  
15 conventions would be decided.

16 Q How -- when did you learn that November 29th  
17 was going to be that -- the day that that happened?

18 A At some point during the conversations with --  
19 with Commissioner Clark.

20 Q So would you agree that he sets the date --  
21 that date?

22 A Yes, that was the part --

23 MS. OLALDE: Objection.

24 THE WITNESS: Oh, I'm sorry.

25 MS. OLALDE: Objection, that calls for (audio

1 cutting out).

2 A It's -- and he could very well have been  
3 speculating as well that that was the target date that  
4 they were trying to make this change.

5 Q (By Mr. Newkirk) Okay.

6 THE REPORTER: Could we go off the record,  
7 please? I'm sorry, could we go off the record, please?

8 THE VIDEOGRAPHER: Current time is 5:19 p.m.  
9 We're off the record.

10 (Recess.)

11 THE VIDEOGRAPHER: Current time is 5:21 p.m.  
12 We are now back on the record.

13 MR. NEWKIRK: Kathy, I think the last thing I  
14 said is I wanted to introduce U.S. Tab 16, but we could  
15 actually scratch that and just introduce U.S. Tab 17.  
16 And this will be my last exhibit.

17 MS. GARRETT: So I just did 16.

18 MR. NEWKIRK: Oh, okay. I think you can delete  
19 it on Exhibit Share.

20 MS. GARRETT: Okay.

21 A Are you done with this one?

22 Q (By Mr. Newkirk) Yes.

23 MS. GARRETT: Sorry, I'm going to need  
24 assistance from the concierge. The option to delete is  
25 shaded out, so I can't delete it.

1 MR. MUNK: Certainly. I'll go ahead and delete  
2 that for you right now.

3 MS. GARRETT: And can you just go ahead and add  
4 17 as Exhibit 23?

5 Q (By Mr. Newkirk) Ms. Johnson, have you had a  
6 chance to review this email exchange?

7 A Yes.

8 Q And you recognize it?

9 A Yes, I do.

10 Q And you agree that this is an exchange you've  
11 had with Nathan Sigler on October 26th and 25th of 2021?

12 A Part of an exchange was between Kathleen Moreno  
13 and -- and Nathan, and then I -- I was included, and I  
14 did comment.

15 Q Okay. I'm looking at the first page. You  
16 write to Mr. Sigler that he is the best and that he's  
17 very helpful and had a professional and timely response  
18 which made him a keeper, correct?

19 A Yes, sir.

20 Q And can you describe why you were very  
21 complimentary of Mr. Sigler?

22 A Nathan was essential to this process. When he  
23 saw the few tools that we had, he went out of his way to  
24 accommodate us to give us anything that he had at his  
25 disposal in order to make our job easier.



1 Q And based on your interactions with him, do you  
2 consider him very knowledgeable about the specific steps  
3 needed to implement a redistricting plan?

4 MS. OLALDE: Objection, calls for speculation,  
5 and also a legal conclusion.

6 But you can answer to the extent you're able.

7 A I think Nathan was very knowledgeable on his  
8 part of the process, which was creating the maps and  
9 geocoding the data. And then he became very aware of  
10 what we needed in order to proceed with our part of it.

11 MR. NEWKIRK: Thank you. I just need a quick  
12 second to make sure I got everything.

13 MS. OLALDE: Do you want to go off the record?

14 MR. NEWKIRK: I think I can do it in record  
15 time on the record.

16 (Discussion off the record.)

17 MR. NEWKIRK: Just one quick question.

18 Q (By Mr. Newkirk) I -- earlier, you had said  
19 that you ran into Commissioner Giusti at community  
20 events.

21 A Yes, sir.

22 Q Do you remember saying that? What sort of  
23 community events?

24 A Many of the elected officials get together  
25 every December and have a big dinner we throw for anybody

1 who wants to come. And so we all chip in a little bit  
2 and feed typically 4 to 600 people. And so we'd also see  
3 each other at Chamber of Commerce events and -- and  
4 that -- that was predominantly the local events that  
5 would be held in -- in his particular precinct.

6 MR. NEWKIRK: Those are all the questions I  
7 have, Ms. Johnson. Thanks --

8 THE WITNESS: Okay.

9 MR. NEWKIRK: -- so much for your time.  
10 And apologies, Ms. Carter, for all the issues.

11 THE REPORTER: Thank you for working with me.

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

13 BY MS. OLALDE:

14 Q This is Angie Olalde. I just have one quick  
15 question for you, Ms. Johnson.

16 Are you aware of the scope of Nathan Sigler's  
17 work in the 2021 redistricting process? Do you know  
18 exactly what he was doing?

19 A I truly do not know exactly what he was doing.  
20 It was very technical, and I'm not a technical person.

21 Q Do you know what his instructions were in order  
22 to do work in the 2021 redistricting plan?

23 A No, I do not know what his specific  
24 instructions were.

25 MS. OLALDE: Okay. Defendants will reserve all

1 further questions.

2 THE VIDEOGRAPHER: Molly, do you need to get  
3 anything for the record or anything?

4 THE REPORTER: No, that's fine. Thank you.

5 THE VIDEOGRAPHER: Okay. Current time is 5:27  
6 p.m., and we're off the record.

7 (Discussion off the record.)

8 THE VIDEOGRAPHER: It's 5:28 p.m., and we're on  
9 the record.

10 MS. COPPER: And apologies, Ms. Johnson, I  
11 wanted to ask -- I know you had mentioned potential text  
12 message communications with Mr. Drummond about the  
13 timeline, and I wanted to ask your counsel -- we have not  
14 received any text message communications between them as  
15 part of your production, and so wanted to ask if you  
16 could send anything that was -- that you find over.

17 MS. OLALDE: Absolutely. It's my understanding  
18 that we've received any possible relevant text messages  
19 and that they've been reviewed and produced as they are  
20 requested in the lawsuit, so...

21 MS. COPPER: Thank you.

22 THE VIDEOGRAPHER: Time is 5:28 p.m., and we're  
23 off the record.

24 (Deposition concluded at 5:28 p.m.)

25

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

1			
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3			
4	HONORABLE TERRY PETTEWAY,	§	
5	et al.,	§	
6	Plaintiffs,	§	
7		§	
8		§	CIVIL ACTION
9	VS.	§	NO. 3:22-cv-00057
10		§	
11	GALVESTON COUNTY, et al.	§	
12	Defendants.	§	

REPORTER'S CERTIFICATION

ORAL DEPOSITION OF CHERYL JOHNSON

FEBRUARY 28, 2023

I, MOLLY CARTER, Certified Shorthand Reporter in and  
for The State of Texas, hereby certify to the following:

That the witness, CHERYL JOHNSON, was duly sworn by  
the officer and that the transcript of the oral  
deposition is a true record of the testimony given by the  
witness;

I further certify that pursuant to FRCP Rule  
30(e)(1), that the signature of the deponent:

XX was requested by the deponent or a party before  
the completion of the deposition and returned within 30  
days from date of receipt of the transcript. If  
returned, the attached Changes and Signature Page

1 contains any changes and the reasons therefor;

2 \_\_\_\_\_ was not requested by the deponent or a party  
3 before the completion of the deposition.

4 I further certify that I am neither attorney nor  
5 counsel for, related to, nor employed by any of the  
6 parties to the action in which this testimony was taken.  
7 Further, I am not a relative or employee of any attorney  
8 of record in this cause, nor do I have a financial  
9 interest in the action.

10 Certified to by me on this 1st day of March 2023.

11

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<%12752,Signature%>

15

MOLLY CARTER, CSR, RPR, CRR  
16 CSR NO. 2613, Expires 04/30/2024

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1 Angela Olalde, Esq.

2 aolalde@greerherz.com

3 March 1, 2023

4 Honorable Terry Petteway Et Al v. Galveston County, Texas Et Al

5 2/28/2023, Cheryl Johnson (#5759026)

6 The above-referenced transcript is available for  
7 review.

8 Within the applicable timeframe, the witness should  
9 read the testimony to verify its accuracy. If there are  
10 any changes, the witness should note those with the  
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of  
13 Deponent and Errata and return to the deposing attorney.  
14 Copies should be sent to all counsel, and to Veritext at  
15 cs-ny@veritext.com.

16  
17 Return completed errata within 30 days from  
18 receipt of testimony.

19 If the witness fails to do so within the time  
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

1 Honorable Terry Petteway Et Al v. Galveston County, Texas Et Al  
2 Cheryl Johnson (#5759026)

3 E R R A T A S H E E T

4 PAGE \_\_\_\_\_ LINE \_\_\_\_\_ CHANGE \_\_\_\_\_

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21 REASON \_\_\_\_\_

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24 Cheryl Johnson

Date

25

1 Honorable Terry Petteway Et Al v. Galveston County, Texas Et Al  
2 Cheryl Johnson (#5759026)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Cheryl Johnson, do hereby declare that I  
5 have read the foregoing transcript, I have made any  
6 corrections, additions, or changes I deemed necessary as  
7 noted above to be appended hereto, and that the same is  
8 a true, correct and complete transcript of the testimony  
9 given by me.

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Cheryl Johnson

\*If notary is required

SUBSCRIBED AND SWORN TO BEFORE ME THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

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# **Exhibit 14**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TERRY PETTEWAY, THE HONORABLE )  
DERRECK ROSE, MICHAEL MONTEZ, )  
SONNY JAMES and PENNY POPE, )  
Plaintiffs, )

V. ) Civil Action No.  
3:22-cv-57

GALVESTON COUNTY, TEXAS, and )  
HONORABLE MARK HENRY, in his )  
official capacity as Galveston )  
County Judge, )  
Defendants. )

---

UNITED STATES OF AMERICA, )  
Plaintiff, )

V. ) Civil Action No.  
3:22-cv-93

GALVESTON COUNTY, TEXAS, )  
GALVESTON COUNTY COMMISSIONERS )  
COURT, and HONORABLE MARK )  
HENRY, in his official )  
Capacity as Galveston County )  
Judge, )  
Defendants. )

---

DICKINSON BAY AREA BRANCH )  
NAACP, GALVESTON BRANCH NAACP, )  
MAINLAND BRANCH NAACP, )  
GALVESTON LULAC COUNCIL 151, )  
EDNA COURVILLE, JOE A. )  
COMPIAN, and LEON PHILLIPS, )  
Plaintiffs, )

V. ) Civil Action No.  
3:22-cv-117

GALVESTON COUNTY, TEXAS, )  
HONORABLE MARK HENRY, in his )  
Official capacity as Galveston )  
County Judge, and DWIGHT D. )  
SULLIVAN, in his official )  
Capacity as Galveston County )  
Judge, )  
Defendants. )

\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION OF  
LUCRETIA LOFTON INDIVIDUALLY AND AS  
CORPORATE REPRESENTATIVE OF  
DICKINSON BAY AREA BRANCH NAACP

APRIL 26, 2023

\*\*\*\*\*

ORAL AND VIDEOTAPED DEPOSITION OF LUCRETIA LOFTON,  
produced as a witness at the instance of DEFENDANTS,  
and duly sworn, was taken in the above-styled and  
numbered cause on Wednesday, APRIL 26, 2023, from 9:25  
a.m. to 5:39 p.m., before Kathleen Rossi Tyler, CSR in  
and for the State of Texas, recorded by machine  
shorthand, at the offices of GREER HERZ & ADAMS, LLP,  
2525 South Shore Boulevard, Suite 203, League City,  
Texas, pursuant to the Federal Rules of Civil Procedure  
and the provisions stated on the record or attached  
hereto; that the deposition shall be read and signed  
before any notary public.

JOB NO. 6363421-001

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A P P E A R A N C E S

FOR PLAINTIFFS:

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-and-

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e-mail: jrusso@greerherz.com

VIDEOGRAPHER:

MR. BILL HARTLEY

ALSO PRESENT:

MR. BRANDON GUERRERO

## 1 EXAMINATION INDEX

2 WITNESS: LUCRETIA LOFTON

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9 Amended notice of deposition	
10 LOFTON EXHIBIT NO. 2	85
11 E-mail chain, NAACP00001447-00001450	
12 LOFTON EXHIBIT NO. 3	93
13 E-mail chain, NAACP00001445-00001446	
14 LOFTON EXHIBIT NO. 4	98
15 E-mail chain, NAACP00001441-00001442	
16 LOFTON EXHIBIT NO. 5	115
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18 LOFTON EXHIBIT NO. 6	125
19 E-mail from Stephanie Swanson, 20 October 29, 2021, DEFS00011034-00011039	
21 LOFTON EXHIBIT NO. 7	139
22 E-mail chain, NAACP00001531-00001534	
23 LOFTON EXHIBIT NO. 8	151
24 E-mail from Lucretia Lofton, November 2, 2021, NAACP00000899	
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## 1                    E X H I B I T    I N D E X (continued)

2	LOFTON EXHIBIT NO. 11	202
3	E-mail chain, NAACP00000517-00000518	
4	LOFTON EXHIBIT NO. 12	204
5	E-mail from Lucretia Lofton, November 8, 2021, NAACP00000897	
6	LOFTON EXHIBIT NO. 13	208
7	Article entitled "County's proposed maps would break up voting power" NAACP00000018-00000023	
8	LOFTON EXHIBIT NO. 14	222
9	E-mail from Roxy Williamson, November 12, 2021, NAACP00001494- 00001495	
10	LOFTON EXHIBIT NO. 15	235
11	Article entitled "This Texas County Shows Exactly How Republicans Are Rolling Back the Clock on Voting Rights" NAACP00000001-00000009	
12	LOFTON EXHIBIT NO. 16	238
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15	E-mail chain, US0001584-0001585	
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17	The United States' responses and Objections to defendants' April 12, 2023 contention interrogatories to the United States of America	
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1 THE VIDEOGRAPHER: Today's April 26, year  
2 2023. We're going on the record, 9:25 a.m. We're here  
3 for the deposition of Ms. Lofton for a case filed in  
4 the United States District Court Southern District of  
5 Texas, Galveston Division. Could the counselors  
6 introduce themselves and who they represent?

7 MR. RUSSO: Yes. Joseph Russo, Jr. and  
8 Brandon Guerrero here on behalf of Galveston County and  
9 other defendants in the case.

10 MS. CHEN: Sarah Chen, Andrew Silberstein  
11 for NAACP plaintiffs and for witness.

12 LUCRETIA LOFTON,  
13 having been first duly sworn, testified as follows:

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

15 BY MR. RUSSO:

16 Q. Good morning, Ms. Lofton.

17 A. Good morning.

18 Q. It's -- I know your name is hyphenated. Is it  
19 okay if I call you Ms. Lofton, or is it  
20 Henderson-Lofton? What would -- what's -- what's --

21 A. Lofton is fine. It is Henderson-Lofton, but  
22 Lofton is fine.

23 Q. Okay. But is it okay with you?

24 A. Uh-huh. That's fine.

25 Q. All right. Have you ever been deposed before?

1 A. No. I have not.

2 Q. Okay. So we'll -- we'll talk about some of the  
3 -- sort of the deposition processes and, you know,  
4 hopefully we take care of any problems that -- that  
5 might arise procedurally.

6 So the -- the court reporter is here  
7 taking down everything that we say and frankly  
8 everything that's said in the room. The only way that  
9 she can do that is if -- really, we need one person  
10 speaking at a time. So sometimes I'll ask a question,  
11 and you might already know where I'm heading with it  
12 and want to intercede with an answer. And sometimes I  
13 may think you're done with an answer and may speak over  
14 you. But for purposes of the deposition and her  
15 getting the transcript right, we need to do our best to  
16 just, you know, try to let me finish a question, and  
17 I'll let you finish your answer and not speak over each  
18 other. Does that work for you?

19 A. Yes.

20 Q. Okay. If you -- you want to -- the other --  
21 verbal responses are necessary for the court reporter,  
22 so nods of the head and shakes of the head don't  
23 translate very well into the transcript. So if you can  
24 keep your responses verbal, yeses and noes, rather than  
25 shakes of the head or gestures, that's always best for



1 her. Does that work?

2 A. Yes.

3 Q. In terms of taking breaks, we'll -- we'll take  
4 breaks periodically throughout the day, and we  
5 typically maybe run an hour or so. But -- but if you  
6 need a break at any time, just let us know, and we'll  
7 do our best to take a break and get off the record and  
8 do whatever needs to be done.

9 The only -- the only thing that I would  
10 ask is if there's a question pending, as in you haven't  
11 answered the question or and -- that we wait to go off  
12 the record until -- and take a break after we get a  
13 response to -- the answer. Does that work for you?

14 A. Okay.

15 Q. Okay. The other thing -- another thing that --  
16 sometimes I ask questions that are not necessarily  
17 clear to the witness. It happens. So if you -- if I  
18 ask you a question and you don't understand it, would  
19 you do your best to just let me know? And I'll try to  
20 rephrase the question for you and hopefully it'll -- we  
21 can keep the record clear that way in understanding --  
22 all of our understandings will be clear as well. Does  
23 that work for you?

24 A. Yes.

25 Q. Okay. And I guess an important point is that

1 if you -- if we don't have that clarification, I'm, you  
2 know, going to assume that you understood what I was  
3 asking you and that we -- you know, we can move on and  
4 -- to the next question.

5 A. Okay.

6 Q. All right. Okay. If I'm asking you questions  
7 as well -- and I know that this -- we're here on behalf  
8 of NAACP Dickinson branch as well as you testifying  
9 individually on some topics.

10 But if I ask you a question and an answer  
11 can be best found in a document that you've seen or you  
12 know exists, just let me know that. And we can either  
13 refer to the document. Maybe I can find it. You know,  
14 but that way, you know, we can kind of keep -- again,  
15 keep the record clear as -- in terms of, you know,  
16 what's -- what's out there that you may be referring  
17 to. Does that work?

18 A. Okay.

19 Q. All right. So -- and I don't want to pry into  
20 sort of medication and health history, but I do need to  
21 know whether -- are you on any medications or do you  
22 have any health conditions that you feel might affect  
23 your ability to either understand my questions or  
24 provide sort of honest and truthful responses?

25 A. No.

1 Q. Okay. Good. Okay. And you understand the  
2 court reporter did swear you in, so you're under oath.  
3 And although there's no judge and jury here, the oath  
4 means the same thing as if you were testifying in front  
5 of a judge or a jury. You're just sworn to tell the  
6 truth. You understand that?

7 A. Yes.

8 Q. Okay. Perfect. Okay. Well, then so the court  
9 reporter's actually marked a -- Exhibit 1 to your  
10 deposition, Lofton Exhibit 1. And I'll represent to  
11 you that it's an amended notice of deposition for --  
12 for you and then also as a corporate representative for  
13 the Dickinson Bay Area Branch of NAACP. So my question  
14 for you is: Have you seen this document before today?

15 A. Yes.

16 Q. Okay. And I assume you saw it in preparation  
17 for your deposition?

18 A. Yes.

19 Q. Okay. And you un- -- did you understand that  
20 on page -- do you understand that you are here as a  
21 sort of representative to speak on behalf of the NAACP  
22 Dickinson Branch?

23 A. Dickinson Bay Area, yes.

24 Q. Bay Area Branch. Yes, ma'am. Okay. And do  
25 you understand -- what -- what's your understanding of

1 what that means?

2 A. That I, as the president, at the time, with the  
3 case going forward, that I represent the unit and our  
4 decision to move forward --

5 Q. Okay. That's good.

6 A. -- with joining the lawsuit.

7 Q. All right. And if you look at -- there's a --  
8 there's actually -- let's see -- one, two, three -- the  
9 fourth page in, on Exhibit 1 is a list of topics for  
10 examination. It starts there, and it runs through --

11 A. Page numbered 4 or --

12 Q. It's the fourth page. I think it actually has  
13 a 1 on the -- the page.

14 A. Under "topics for examination"? Okay.

15 Q. Yes, ma'am. I want to focus on that area. And  
16 -- and ask you if you've seen this list before today.

17 A. Yes.

18 Q. Yeah. And then did you go through the list and  
19 -- did you review the list before today?

20 A. Yes. I have.

21 Q. Okay. Do you feel like -- and, again, look  
22 through the list. It -- it continues on the fifth page  
23 and then goes on to the sixth page. There's 20 topics.  
24 Do you -- do you feel prepared to respond on the behalf  
25 of the NAACP Dickinson Bay Area Branch on these

1 topics --

2 A. Yes.

3 Q. -- reasonably? Were there any topics that you  
4 read through and you -- that you're not -- you don't  
5 feel like you're prepared to talk about?

6 A. No. There were not.

7 Q. Okay. All right. Well, then so what -- what  
8 did you do to do -- to prepare for your deposition  
9 today? What were the -- what were the -- steps did you  
10 take?

11 A. Well, I read over -- I read over this document,  
12 that I agreed to move forward with. I met with counsel  
13 -- my counsel to make sure I understood every item on  
14 here.

15 Q. Okay. Anything else?

16 A. I spoke with the unit executive committee. I  
17 spoke with the unit as a whole and --

18 Q. What -- sorry. Who was that you spoke with?  
19 You spoke with who?

20 A. The unit.

21 Q. Oh.

22 A. Executive committee and the unit as a whole.

23 Q. Got it.

24 A. I could not make a decision to move forward  
25 solely. It had to be an agreement to go forward.

1 Q. Okay. All right. When you -- and when you  
2 refer to the "unit as a whole," are you speaking about  
3 the NAACP Dickinson Bay Area Branch?

4 A. Yes.

5 Q. Okay. And it -- if you want to refer to them  
6 as "the unit" through the day, that's -- that's fine  
7 with me. I think we've got that clarification for the  
8 record now. That work?

9 A. Okay.

10 Q. Okay. And then the executive committee, how  
11 many members are on the executive committee?

12 A. There are about six.

13 Q. Is it made up of particular officers?

14 A. Yes. There are.

15 Q. And so what's the list of officers? It's a --  
16 is it -- is it president, secretary? Who -- who's on  
17 the executive committee?

18 A. So the executive committee consists of the  
19 president, the vice presidents, secretary, assistant  
20 secretary, the -- the -- what's the name -- why is it  
21 -- department chairs -- well, not department chairs.  
22 Correction. Committee chairs. And there's also the  
23 -- for some reason I'm drawing a blank -- the finance  
24 person as well.

25 Q. Okay. And is -- is that -- is the executive

1 committee set up -- is that consistent with the NAACP  
2 parent organization? Is -- do they drive that  
3 decision?

4 A. The national -- the national.

5 Q. They drive that decision as to who's the  
6 executive committee, not --

7 A. Do they drive the decision?

8 Q. As to what positions --

9 MS. CHEN: Objection, form.

10 Q. (BY MR. RUSSO) -- are on the executive  
11 committee. Let me -- let me rephrase that.

12 A. Please clarify.

13 Q. Yeah. Absolutely. And so what I'm asking is  
14 -- is -- you just had -- listed -- gave me a list of  
15 officer positions that are part of the executive  
16 committee. Could different branches have different  
17 positions that make up the executive committee, or is  
18 that driven by, you know, the parent organization?

19 A. So there's a national organization, and the  
20 units are to be set up and replicate the national.

21 Q. Yeah.

22 A. We have it -- a -- we have to do as the  
23 national level does. I can't say that each unit  
24 executive committee will consist of the same group  
25 because some have certain chair members and some don't.

1 Q. All right. Okay. Well, that makes sense.

2 A. And -- yeah. It makes the conv- -- the -- the  
3 need for that unit. Some may or may not focus on  
4 areas, certain areas.

5 Q. Okay. And I've -- I've learned through other  
6 depositions that there's certain committees set up  
7 within the organizations. What -- what committees do  
8 -- do you -- does the Dickinson Bay Area Branch have  
9 that you know of?

10 A. That I know of? There is a housing committee  
11 -- well, economic development, which includes housing.

12 Q. Okay. So that's kind of the -- it's one  
13 committee, economic development and housing?

14 A. Uh-huh. Yes. There's an education committee.

15 Q. Education. Can you think of any others?

16 A. Huh-uh. That's -- those are the two main ones  
17 for the unit.

18 Q. Okay. Is there any committee that focuses on  
19 the redistricting efforts within -- whether it be, you  
20 know, City of Galveston redistricting, Texas City, or  
21 in, like in this case, Galveston County redistricting?  
22 Is there a committee that deals with that?

23 A. No. There's not a committee that's specific  
24 for that.

25 Q. Okay.



1           A.    However, the committee -- the unit as a whole  
2           and the -- the basis of what redistricting is and how  
3           it affects different things --

4           Q.    Uh-huh.

5           A.    -- is something that education is provided.  So  
6           it kind of falls in the education department.  So we're  
7           educating on various levels.

8           Q.    Okay.  Do you know how many -- well, we'll get  
9           back to this -- that in a second.

10                                So you mentioned that you met with  
11           counsel to prep for your deposition.  How many times  
12           did you meet with counsel?

13           A.    Several.

14           Q.    You know how many?

15           A.    I know that it was at least five.

16           Q.    Okay.  And do you remember when the first time  
17           you met with counsel was approximately?

18           A.    Approximately, after deciding to go forward  
19           with the counsel, it was in 2022.

20           Q.    2022?

21           A.    Are you saying -- okay.  Let's clarify that  
22           then.

23           Q.    Yeah.  So --

24           A.    For the deposition or meeting with counsel,  
25           period?

1 Q. Yeah. Let me -- let me clarify that. So  
2 specifically what I'm talking about is meeting with  
3 counsel to prep for this deposition, for the NAA -- for  
4 the unit.

5 A. For the unit?

6 Q. Yes, ma'am.

7 A. Okay.

8 Q. How many times did you meet specifically to  
9 prep for the meeting -- for this deposition?

10 A. Yeah. It was about five times.

11 Q. Okay. And -- and so when approximately was the  
12 first time you met?

13 A. I'm not sure the exact date, but I'm sure that  
14 there is a record of it that Sarah may have.

15 Q. Okay. Do you have any record of that? Did you  
16 have it on like a meeting notes and Out- --

17 A. She --

18 Q. -- Outlook calendar? I don't --

19 A. The Out- -- the invitation that I was sent? So  
20 I'm sure it's in an e-mail somewhere.

21 Q. Okay. Was that pretty close to the -- today?  
22 30 days away, two months away? What do you think?

23 MS. CHEN: Objection, form.

24 A. Okay.

25 Q. (BY MR. RUSSO) And -- and so -- this is

1 another one of the things we should have talked about  
2 -- well, I'll rephrase the question in a second. But  
3 occasionally your counsel will lodge an objection for  
4 -- to preserve record and the judge can rule on those  
5 things later. Unless she tells you not to answer, you  
6 can still answer of the -- over the objection. It's  
7 just, you know, formality for the court.

8           So you may hear "objection, form" or  
9 something more specific throughout the examination --  
10 hopefully not -- but -- but, you know, we'll see. So  
11 that's what just happened.

12           But so -- so my question is: Relative to  
13 today, April 26th, how far back do you think you met  
14 for the -- the first time with counsel related to  
15 deposition prep?

16           A. I'm sure it is on the form. I don't want to  
17 misspeak a date.

18           Q. Okay. All right. And were all five meetings  
19 sort of close in time?

20           A. All five, no. "Close in time" -- could you  
21 specify? What do you mean by "close in time"?

22           Q. Were they within a month?

23           A. All five, no.

24           Q. All right. Well, let's talk about the first  
25 time you met with counsel. Was that in person, an

1 in-person meeting?

2 A. No.

3 Q. Okay. How did y'all meet?

4 A. Via Zoom.

5 Q. And who was on the Zoom conference?

6 A. Counsel, myself.

7 Q. Anyone else?

8 A. (Shaking head.)

9 Q. And who was -- was -- who were your lawyers  
10 that were available -- that were there?

11 A. Sarah Chen and her team.

12 Q. And you know any -- who the other team members  
13 were besides Ms. Chen?

14 A. I believe his name was David.

15 Q. David. Well, let's do it this way: Do -- how  
16 many -- how many -- many people were on the call,  
17 including you and Ms. Chen for --

18 A. Most of the call, it was two of us on the call.

19 Q. Okay. So the Zoom session, it was just you and  
20 Ms. Chen, the first Zoom session?

21 A. No. It was -- excuse me. It was myself and  
22 two other counsel.

23 Q. Okay. All right. And do you recall reviewing  
24 any -- any sort of documents in connection with  
25 preparation? Were there particular materials that you

1 reviewed that you remember today?

2 A. Reviewed documents that I signed, yes.

3 Q. Anything stick out in your mind?

4 MS. CHEN: Objection, form.

5 A. There aren't any things beyond that's what's  
6 already presented in front of me.

7 Q. (BY MR. RUSSO) Okay. All right. And then so  
8 what about the second meeting with counsel? Was that  
9 also by Zoom?

10 A. I believe so. Yeah. I'm going to say that,  
11 yes, it was -- well, even the in-person meeting to an  
12 extent was Zoom -- was Zoom as well because I had -- if  
13 Sarah was there in person, then her counterparts were  
14 on Zoom.

15 Q. Somebody else was available by Zoom?

16 A. Yes.

17 Q. Attended by Zoom. Okay. So in the second  
18 meeting, was anybody in the room with you, or -- or is  
19 it just a Zoom session and everybody talking on the  
20 computer?

21 A. It was a Zoom session.

22 Q. All right. All right. Anything about that  
23 meeting stand out in your mind in terms of reviewing  
24 documents or --

25 A. No.

1 MS. CHEN: And objection, form. And also  
2 to the extent that, you know, you can answer, you  
3 should just only say what isn't at- -- attorney-client  
4 privilege information.

5 THE WITNESS: Okay.

6 MS. CHEN: So please don't reveal any of  
7 the confidential communications that we've had.

8 THE WITNESS: Okay.

9 Q. (BY MR. RUSSO) Yeah. Okay. So then what  
10 about the -- the third meeting as far as you can  
11 recall? Was that also a Zoom session?

12 A. The third meeting was a Zoom session? May have  
13 been. I would have to clarify that looking at my --  
14 I've done a lot of meetings via Zoom --

15 Q. Understood. And so after --

16 A. -- with the --

17 Q. I understand.

18 A. Right. I've done a lot. So to be a hundred  
19 percent honest, I can't -- I would definitely have to  
20 look --

21 Q. Okay.

22 A. -- at my calendar and see which ones were --

23 Q. Right.

24 A. -- in person and which were on -- was via Zoom.

25 Q. Okay. When was the first time that you --

1 which of the -- we talked about five meetings. Again,  
2 I understand it may be five. It may be four. But when  
3 was the first time that you can recall meeting with one  
4 of your law- -- lawyers in person for prep -- for prep  
5 for the deposition?

6 A. For deposition, a week or two ago.

7 Q. Ago.

8 A. In person.

9 Q. Yes. And that was just -- was that Ms. Chen  
10 was there in person?

11 A. Yes.

12 Q. Any other people meet with you that -- in the  
13 in-person meeting?

14 A. In person, no.

15 Q. All right. So then not any other sort of  
16 membership or anything like --

17 A. No.

18 Q. -- like that, that you needed information from?

19 A. Clarify that.

20 Q. Other people like your -- for example, your  
21 secretary of the -- the unit. Was she in the meeting  
22 with you at any given time or he?

23 A. A part of the meeting?

24 Q. Yes, ma'am.

25 A. No.

1 Q. Okay. And then I think you mentioned that, in  
2 this meeting you're talking about, the first meeting  
3 with Ms. Chen in person, were there other people on  
4 Zoom session?

5 A. Her other counsel.

6 Q. Okay.

7 A. Counterparts -- well --

8 Q. Again, as far as you're aware, they all  
9 attorneys?

10 A. They're all attorneys.

11 Q. All right. Okay. And then was that the last  
12 time you met with counsel prior to your deposition?

13 A. Yes.

14 Q. About a week ago?

15 A. A week, as in last week, not -- not seven  
16 calendar days a week. Today is Wednesday, so may --  
17 well, it might be seven calendar days. I can't -- a  
18 lot has happened. Yeah. It may have been seven  
19 calendar days.

20 Q. Okay. As far as you can recall, you just had  
21 one -- one meeting in person with counsel prior to the  
22 deposition in prep for your deposition?

23 A. For deposition?

24 Q. Yes, ma'am.

25 A. Yes.



1 Q. Okay. All right. How long do those meetings  
2 usually last?

3 A. At least an hour.

4 Q. Okay. So -- now, you mentioned also in our  
5 conversation today -- sounds like you had meet -- some  
6 meetings with counsel prior to the deposition. And how  
7 many -- how many events can you think of, in your mind,  
8 where you met with lawyers in connection with this case  
9 prior to the deposition being noticed?

10 A. With the Texas Civil Rights lawyers or --

11 Q. Well, with -- with the lawyers that are  
12 representing you today.

13 A. Right. Okay. So there were several meetings.

14 Q. Okay. And it -- when would those have occur --  
15 when roughly did those occur?

16 A. After January 2022.

17 Q. Okay. And I think this -- I don't know exactly  
18 when the -- when the suit was filed. I'm thinking  
19 sometime in April of '22. Were your -- your meetings  
20 with counsel prior to that in preparation for filing  
21 suit or as a -- did you meet afterwards as well?

22 A. Can you --

23 MS. CHEN: And I'll object to the extent  
24 that you're asking for attorney-client privilege  
25 information, but you may answer.

1 Q. (BY MR. RUSSO) Yeah. I'm not asking about  
2 what y'all talked about. I'm just trying to get dates  
3 and meetings and that kind of thing.

4 A. Okay. So can you clearly ask me what you are  
5 -- are you -- I'm not quite clear on your question.

6 Q. Well, let me ask you this way: Did you meet  
7 with your counsel prior to the lawsuit being filed in  
8 this case? And, again, I -- I'm representing to you  
9 that it was -- I'm thinking it was April of 20 -- of  
10 2022.

11 A. Yes.

12 Q. Okay. And do you know how many times that  
13 occurred?

14 A. Not sure.

15 Q. Did you meet with any lawyers for other parties  
16 in the case, such as for the Department of Justice,  
17 prior to filing the suit in April of '22?

18 A. Are you asking me did I meet with the  
19 Department of Justice as -- prior to filing?

20 Q. Yes, ma'am.

21 A. At -- in the capacity as the president?

22 Q. Yes, ma'am.

23 A. No.

24 Q. All right. And I -- and we'll talk about -- I  
25 think you had conversations with the Department of

1 Justice prior to filing suit, right?

2 A. As in the individual?

3 Q. Yeah. And how do you know -- this brings up an  
4 interesting question. How do you know the difference  
5 between your capacity and just talking with the  
6 Department of Justice? Did they -- did -- in other  
7 words, did they say, "We're looking for Ms. Lofton  
8 versus someone who's a representative for the NAACP"?

9 A. I asked for clarity.

10 Q. Okay. And what'd they tell you?

11 A. They clarified.

12 Q. What'd they say?

13 A. In your individual -- this is what I'm able to  
14 -- to answer your question as that I talked to the DOJ  
15 in an individual capacity because I asked, "Are you  
16 asking me as an individual, a part of the county, or  
17 are you asking me as the NAACP president?"

18 Q. Okay. So you had some awareness back then as  
19 to the difference between the -- the two capacities  
20 that you might be in?

21 A. Yes.

22 Q. Yeah. Did -- I -- did the -- the Department of  
23 Justice ask you whether you were sort of a member of  
24 the NAACP, or what -- a role -- did they get -- clarify  
25 your role with the -- with the branch?

1 A. I don't recall.

2 Q. Okay. All right.

3 A. They were given my phone number by someone.

4 Q. Okay. All right. So what's your -- what's --

5 can you state -- what's your address?

6 A. My address?

7 Q. Current -- your address, personal?

8 A. Why is that needed?

9 Q. Well, so the -- the case revolves around where

10 people reside and where they vote, what precinct

11 they're in and that kind of thing. I don't see this

12 being sort of public record, but --

13 A. So is this for an individual capacity, or is

14 this for as a -- as a --

15 Q. Yeah. It's individual. Where -- where do you

16 reside?

17 A. In League City.

18 Q. And if you don't want anything specific --

19 A. I reside in League City.

20 Q. -- then let's do it this way. Okay. Yeah. I

21 was going to ask: What city do you live in?

22 A. League City.

23 Q. Do you -- do you -- did you ever vote in --

24 well, let me do it this way first: Did you grow up in

25 League City?

1 A. No.

2 Q. Where did you graduate from high school?

3 A. La Marque High School.

4 Q. So were you -- were you born in La Marque?

5 A. I was born in Galveston.

6 Q. On the -- one of the hospitals on the island?

7 A. There's only one.

8 Q. All right. And so attended high school through

9 La Marque. And then what'd you do after high school?

10 A. I attended College of the Mainland.

11 Q. Okay. And at the time, did you reside in La

12 Marque as well?

13 A. I resided in West Texas City. I never lived in

14 La Marque.

15 Q. Okay. You just attended -- okay. All right.

16 So then you attended College of the Mainland. Did you

17 graduate from College of the Mainland?

18 A. No. I did not.

19 Q. Did -- what'd you do after College of the

20 Mainland?

21 A. I transferred to Texas Southern University.

22 Q. Okay. Did you graduate from TS -- Texas

23 Southern?

24 A. No. I didn't.

25 Q. Did not?

1 A. Did not.

2 Q. Did you go to another institution after that?

3 A. I did.

4 Q. And where'd you go after that?

5 A. UT Arlington.

6 Q. Okay. Did you graduate from UT Arlington?

7 A. No. I did not.

8 Q. All right. All right. And then did -- what'd  
9 you do after that?

10 A. I've worked.

11 Q. Okay. So that -- after leaving UT Arlington,  
12 then you went and --

13 A. I was working the entire time.

14 Q. Okay. What -- what'd you -- does -- was it one  
15 job during the -- your time as a student or many?

16 A. No. It's one job.

17 Q. What --

18 A. I've been -- I worked in healthcare for 15  
19 years.

20 Q. Okay. And at any particular area of  
21 healthcare?

22 A. In the nursing area.

23 Q. And was your education at College of the  
24 Mainland, TSU Arlington sort of geared towards  
25 healthcare industry -- industry?

1 A. Yes.

2 Q. All right. Are you still in that -- in  
3 healthcare?

4 A. Yes.

5 Q. All right. Where do you work currently?

6 A. I work private duty.

7 Q. As a nurse?

8 A. In nursing.

9 Q. What -- what's your -- do you have a sort of  
10 title?

11 A. I am a patient care technician.

12 Q. A patient care technician?

13 A. Uh-huh.

14 Q. Do you work at any particular facility?

15 A. I'm private duty.

16 Q. Okay. How do people find you?

17 A. I'm referred.

18 Q. All right. And what is involved in that --  
19 that job?

20 A. I basically help people take care of their  
21 loved ones, assisting them with their daily care.  
22 Everything from grooming to showering, eating, several  
23 capacities.

24 Q. And -- and so this happen -- it's in someone's  
25 home and --

1 A. Typically.

2 Q. Yeah. Or what other -- how other -- how else  
3 might you treat or help with healthcare of an  
4 individual other than in their home?

5 A. Well, previously, I worked in hospitals.

6 Q. All right. Okay. And then so what's the last  
7 hospital you worked in?

8 A. Methodist.

9 Q. Was it in the Houston area?

10 A. Medical Center.

11 Q. Downtown --

12 A. Yes.

13 Q. -- Houston? And then what about prior to that?

14 A. I worked at UTMB.

15 Q. Okay. And -- and were you attending one of the  
16 colleges at the same time that you worked at UTMB?

17 A. No. Well, correction. I was.

18 Q. Okay. What was your job title at UTMB?

19 A. Emergency room tech.

20 Q. Tech. What was your -- what were your job  
21 responsibilities?

22 A. Well, when a helicopter came in, you got people  
23 off the helipad. When we had traumas, save people,  
24 CPR, help stitch, set up trauma rooms. It -- assisted  
25 with rape examination kits.



1 Q. So do you have any -- do you have like a  
2 nursing certification?

3 A. Yes, I do.

4 Q. Where'd you get that?

5 A. Texas department.

6 Q. Okay. How did you -- how long did that take  
7 you to get?

8 A. Few months.

9 Q. Two -- like two months?

10 A. A few months.

11 Q. Few.

12 A. I received that -- that's 2007.

13 Q. How does that work? You -- is it just it's a  
14 -- I just don't know much about it. Is it -- is it a  
15 -- you take a -- you study for a little while and then  
16 take a test or how does -- how does the  
17 certification --

18 A. Right. You study. You have to have classroom  
19 time. You have to have ac- -- actual practice time.

20 Q. Uh-huh.

21 A. And then you take a statement that -- course,  
22 and you have to abide by the state rules, and  
23 continuous education.

24 Q. Okay. At -- were you attending at one of the  
25 -- the education institutions, TSU Arlington, while you

1 were doing -- getting the certification?

2 A. No.

3 Q. What's -- what's the name of the certification  
4 you have?

5 A. Certified nursing assistant.

6 Q. Okay. Do you have any -- do you -- do you have  
7 any -- any degrees?

8 A. No. I do not.

9 Q. Okay. So a certified nursing assistant, is  
10 that the only certification you -- you have?

11 A. The only certification?

12 Q. Yes, ma'am.

13 A. I have a -- a certification for CPR. I have a  
14 certification for hazmat. I have a certification for  
15 -- there -- there's several certifications that I've  
16 earned along the way, yeah.

17 Q. Okay.

18 A. Been doing it for 15 years -- that are revolved  
19 around healthcare. I've attained certifications within  
20 NAACP for accomplishing things in that capacity. So  
21 certification-wise, I do a lot of continuous education,  
22 so --

23 Q. Yeah. And I know it's a -- it's a broad  
24 question.

25 A. It's very broad.

1 Q. I -- again, I -- you know, having a hard time  
2 figuring out how to ask it more directly. But just for  
3 an example, when you brought up the certification with  
4 NAACP, what types of certifications do you have through  
5 that organization?

6 A. Well, I've been trained as -- as the president,  
7 you do have to go through continuous training to make  
8 sure that you are up-to-date with the constitution of  
9 the NAACP.

10 Q. Uh-huh.

11 A. With the bylaws for the NAACP on the national  
12 level because we had to adhere to everything from the  
13 national level. And we are just working as community  
14 -- on a community level to represent that -- that -- to  
15 make sure we in alignment with the missions -- the  
16 mission and goals of the national organization.

17 So there's voting training. There is  
18 training about learning what's going on with the  
19 climate of the United States, how to be -- we are  
20 trained to be advocates.

21 Q. Okay. And -- and specifically you're -- are  
22 you trained to advocate for -- towards the goals and  
23 the missions of the NAACP?

24 A. That's -- exactly.

25 Q. And what is it -- your understanding of what

1 the goal and the mission of NAACP is, including the --  
2 I guess, the unit, right?

3 A. The unit mission is the same as the national  
4 mission.

5 Q. Right. And what is that?

6 A. Which can be found on the national Web site.

7 Q. Okay.

8 A. And that is to advocate against discriminatory  
9 practices.

10 Q. All right. Are there specific -- and in terms  
11 of becoming the president, are there specific things  
12 that they talk to you about in terms of how to advocate  
13 for --

14 A. Well --

15 Q. -- I guess, equality?

16 MS. CHEN: And I'll just object on the  
17 First Amendment internal deliberative privilege. You  
18 can answer to the extent you're not revealing anything  
19 that is, you know, strictly internal deliberations of  
20 the NAACP.

21 A. Okay. There are requirements. Each role has a  
22 capacity. And with each role, just like many other  
23 organizations, you have different obligations to  
24 fulfill.

25 Q. (BY MR. RUSSO) Uh-huh.

1 A. So I don't know how more direct to answer that  
2 question.

3 Q. Okay. Well, let -- that -- did you say they --  
4 they -- there are discussions or, I guess, one of the  
5 topics is how to deal with voting issues, yes?

6 A. Voting is a topic because there have been  
7 historically discriminatory practices.

8 Q. Okay. And it -- in terms of the mission, is it  
9 -- is it primarily geared towards equality for people  
10 of color?

11 A. Yes.

12 Q. Okay.

13 A. The minority people and people of color.

14 Q. All right. And that -- that -- from your  
15 perspective, you agree that that includes any sort of  
16 minority group. Agreed?

17 A. People of color.

18 Q. Which would be, I guess, African American?

19 A. Yes.

20 Q. And then Latinos as well?

21 A. Yes.

22 Q. And Asians?

23 A. Yes.

24 Q. Anyone who's -- is it all -- is it easier for  
25 me to say the non -- non-white citizens are included in

1 the list of people to advocate for?

2 MS. CHEN: Objection, form.

3 A. So the form -- this form does tell you exactly  
4 who we are advocating form.

5 Q. (BY MR. RUSSO) Uh-huh.

6 A. It does not say that we do not advocate for  
7 certain people.

8 Q. Okay.

9 A. So we advocate for people. Discriminatory  
10 practices have been done against people of color more  
11 persistent than others, so that's what the organization  
12 was established for.

13 Q. Is -- and is it your belief that the NAACP  
14 advocates for -- for white Americans?

15 A. Anyone discriminated against.

16 Q. Okay. And that would include discrimination as  
17 occurring against white Americans?

18 A. Anyone that's discriminated against.

19 Q. All right. Are you aware of any situations  
20 where the NAACP has advocated for white Americans who  
21 -- based upon discrimination?

22 MS. CHEN: Objection, form.

23 A. I am -- I cannot say for a fact spa- -- I can't  
24 state a fact on that.

25 Q. (BY MR. RUSSO) Okay. All right. All right.

1 So while you were at TSU, did you live in the Texas  
2 City area?

3 A. Yes.

4 Q. And then, I guess, when you attended UT  
5 Arlington, were you -- did you stay in the Texas City  
6 area, or did you move to the Dallas area?

7 A. No. I lived in Texas City.

8 Q. You did?

9 A. It was online.

10 Q. You attended remotely. Okay. Do -- when --  
11 what approximate year did you go to UT Arlington, if  
12 you recall?

13 A. 2017.

14 Q. Okay. And what year did you graduate from high  
15 school?

16 A. 2002.

17 Q. Get older every year. I do. Okay. And I  
18 think you told me you worked sort of in the healthcare  
19 industry for 15 years --

20 A. Yes.

21 Q -- is that right? When did -- so that --  
22 that's up to today?

23 A. I still currently have private duty cases, so,  
24 yes, that's up to today.

25 Q. Okay. All right. At what point in time did

1 you move to League City?

2 A. 2007 -- correction. 2015, '16. It was before  
3 that. I rented in League City before I purchased in  
4 League City, so I believe it was 2015, maybe '14.

5 Q. Okay.

6 A. Renting. Purchased in 2017.

7 Q. And did -- you remain in League City that --  
8 that whole time up until today?

9 A. What whole time?

10 Q. From the date that you rented in League City  
11 until today, April '23.

12 A. Yes.

13 Q. Okay. And during that time, did -- do you know  
14 -- did you have the opportunity to vote in the -- what  
15 I refer to as the old commissioner Precinct 3?

16 A. I voted there as often as I could.

17 Q. And I'm gathering that you -- when you were a  
18 resident in West Texas City, that your -- the resident  
19 -- your residence fell within old Precinct 3. Is that  
20 true?

21 A. Correct.

22 Q. But that's not the case in League City,  
23 correct?

24 A. Correct.

25 Q. And do you know who your commissioner was under



1 the old map in -- under the old map?

2 A. I believe the -- it was the commissioner -- I  
3 believe he passed away. I'm not sure.

4 Q. Commissioner Clark?

5 A. I believe that was his name.

6 Q. Do you recall voting for Commissioner Clark  
7 while you were in League City?

8 A. I am not sure.

9 Q. Have you ever met Commissioner Clark?

10 A. No.

11 Q. Or did you ever meet him -- now that he's  
12 deceased. No. Do you know anything about him, hear  
13 anything about him?

14 A. No.

15 Q. So in terms of if -- if he's running for office  
16 while you were in League City, you never sort of looked  
17 into what kind of person he was in terms of a  
18 representative?

19 MS. CHEN: Objection, form.

20 A. It is -- should be documented that I -- I am  
21 wri- -- I would like to clarify. Is -- what is this  
22 question specifically pertaining to? Could you make it  
23 a little more clear for me?

24 Q. (BY MR. RUSSO) Yeah. I'm just -- I guess I'm  
25 sort of trying to figure out if -- while you lived in

1 -- lived in League City and you had the opportunity to  
2 vote for a particular commissioner, who we think is  
3 Commissioner Clark, who's now deceased, that you never  
4 took the time to look into Commissioner Clark as a  
5 representative for you?

6 A. Did I research my -- the people that I was  
7 voting for?

8 Q. Yes, ma'am.

9 A. Is that what you're asking me?

10 Q. Yes, ma'am.

11 A. Yes, I did.

12 Q. Okay. Do you ever remember researching  
13 Commissioner Clark?

14 A. Whoever was on the ballot at the time that I  
15 was voting, I researched that person.

16 Q. Okay. Do you know -- sitting here, I assume  
17 you don't have any specific recollection of  
18 Commissioner Clark's --

19 A. I can't recall the exact --

20 Q. All right. How -- what's your voting history  
21 like? Are you -- do you feel like you typically vote  
22 on -- for Democrat candidates or Republican candidates,  
23 or how would you describe that?

24 A. I vote for people who align with my values.

25 Q. And are -- is there one party or the other

1 that's more in line with your values?

2 A. No.

3 Q. Okay. Have you ever voted, that you can  
4 recall, for an -- a Republican candidate?

5 A. I can't say that I have or have not.

6 Q. Okay.

7 A. I vote along with values first.

8 Q. Okay.

9 A. Don't look at parties first.

10 Q. Okay. Do you ever recall voting in a -- a  
11 Republican primary?

12 A. I don't recall that I have or I have not, so I  
13 won't give you a definite answer --

14 Q. Okay.

15 A. -- if that makes sense.

16 Q. All right. So -- and you're -- it's your  
17 belief, though, that there's really not any one party  
18 that necessarily aligns with your sort of beliefs or  
19 values?

20 MS. CHEN: Objection, form.

21 A. I believe that there's not a -- as I said, I  
22 vote for individuals who align with my values. I don't  
23 group.

24 Q. (BY MR. RUSSO) Okay. But do you believe that  
25 one of -- one of the -- traditionally -- the

1 traditional parties align more with your values than  
2 the other?

3 A. Tradition varies.

4 Q. Okay. I agree with that. But do they -- do  
5 they align with where you typically find yourself?

6 A. I can't speak on tradition because it varies.

7 Q. Yeah.

8 A. Each candidate has a different like -- and each  
9 party has shifted from one thing to the next. So, I  
10 mean, I can't give you a direct answer on that.

11 Q. Okay.

12 A. I literally look at the -- an individual and  
13 say, okay, I'm going to make my decision based on the  
14 values that align with me.

15 Q. Okay. And that's fair. I mean, walking into  
16 the -- the voting booth, I mean, it's your -- your  
17 belief that the democratic party is not going to  
18 represent you any more than the Republican party. Is  
19 that true?

20 MS. CHEN: Objection, form.

21 A. I cannot say that.

22 Q. (BY MR. RUSSO) What would you say?

23 A. I would say that I would research an individual  
24 and see who aligns with my values that is according to  
25 where I am voting at.

1 Q. Okay. Do you have any understanding of how --  
2 well, strike that.

3 Do -- all right. Looking back at  
4 Exhibit 1 --

5 A. Uh-huh.

6 Q. -- were there any areas and topics that you  
7 reviewed where you had to go and find information from  
8 other people in the organization?

9 A. Yes.

10 Q. Okay. What -- which were those, if you recall?

11 A. Anything that discuss anything prior to my  
12 position as a president.

13 Q. Okay. And -- and that's -- glad you brought  
14 that up. When did -- when were you installed as a  
15 president?

16 A. 2020.

17 Q. And when do those installations happen or  
18 elections happen? Is there a particular month, time  
19 period?

20 A. Prior to the installation, the fall prior to  
21 their -- the elections happening, you are installed the  
22 -- about January, February, the next -- the following.

23 Q. So your -- your belief is that you took over in  
24 January of 2020?

25 A. Yes.

1 Q. Or roughly, January?

2 A. Yes.

3 Q. And who was the president prior to that?

4 A. Kimberly Yancy.

5 Q. Okay. So you took over for her?

6 A. For her?

7 Q. Yes, ma'am.

8 A. I took over for the unit.

9 Q. As president, you took over her position, I  
10 guess?

11 A. Yes.

12 Q. Why'd you take over as -- run for president?

13 A. I was nominated.

14 Q. Okay. Was there any particular reason why you  
15 wanted to do it?

16 A. I was nominated.

17 Q. And the nomination was it. That's a --  
18 nominate you, and you were happy to oblige?

19 A. Well, I had completed a lot of training on the  
20 national level. I was nominated and had the support of  
21 the unit to move forward. Really encouraged, and I had  
22 the support of my family, so it is something that I  
23 take very seriously.

24 Q. Uh-huh.

25 A. So --

1 Q. Are there -- are there areas that the NAACP  
2 Dickinson Bay Area covers in terms of residences and  
3 working -- places of work?

4 A. Clarify.

5 Q. Yeah. I can -- it was a bad question. I --  
6 where do I have to live or work to be a member of the  
7 Dickinson Bay Area NAACP?

8 A. Dickinson Bay Area.

9 Q. Is there any sort of lines of what cities are  
10 included in that? How would I know?

11 A. The northern county area, so Dickinson --  
12 wherever the Mainland branch stops at, that's where the  
13 Dickinson Bay Area Branch picks up at.

14 Q. Okay. Does that include most of League City?

15 A. That is the entire League City.

16 Q. Okay. Friendswood?

17 A. Galveston County, Friendswood.

18 Q. Is there a separate branch for Harris County  
19 Friendswood?

20 A. There is a Houston branch that I would expect  
21 the Harris County to be a part of.

22 Q. Uh-huh. Okay. And then is it -- I guess it's  
23 -- is it all of Dickinson or just parts of Dickinson?

24 A. The entire Dickinson.

25 Q. Any part of Texas City?

1 A. Not to my knowledge.

2 Q. All right. And not -- not La Marque either?

3 A. That's Mainland.

4 Q. Okay. And what about Hitchcock?

5 A. Mainland.

6 Q. Santa Fe?

7 A. Mainland.

8 Q. Alvin, is that --

9 A. Not Galveston County.

10 Q. Right. It is Brazoria, but -- okay. And so  
11 that would be a separate branch?

12 A. Brazoria County.

13 Q. Okay. Do you know how many -- how many members  
14 the unit has currently?

15 A. At least 50.

16 Q. Is -- and during your time as a member and  
17 president, is that -- I mean, is number fair -- is that  
18 a number pretty consistent with -- during your time  
19 there?

20 A. It's minimum requirement to be --

21 Q. When --

22 A. -- a unit.

23 Q. When did you join the Dickinson branch?

24 A. 2017.

25 Q. Okay. Prior to joining the Dickinson branch,



1 were you a member of any other branch?

2 A. As a child, the Mainland branch.

3 Q. All right. So when would -- when did you  
4 become a member of the Mainland branch?

5 A. As a child.

6 Q. Okay. Do you have any idea how old you were?

7 A. Elementary school.

8 Q. Do you remember it?

9 A. I remember it.

10 Q. You do. What was -- what was the function  
11 like? How did you -- were you installed? I mean --

12 A. I wasn't a president at the -- as a child.

13 Q. Right. I get that. But just in terms of  
14 becoming a member, was there -- did they give you a  
15 certification? I just don't know what that was --

16 A. I was a lifetime member as a child. We did  
17 activities that educated us. I don't know how my  
18 parents signed me up, if that's what you're asking, but  
19 I was a child.

20 Q. Yeah. Okay. At -- were the -- I guess, your  
21 -- were your friends along with you or -- that were  
22 also members?

23 A. I would -- I guess the neighborhood. I don't  
24 -- have siblings, so siblings and cousins kind of --  
25 that's what my friends look like.

1 Q. Uh-huh. All right. Okay. And so you remained  
2 a member of Mainland until you moved to the League City  
3 roughly?

4 A. As an adult, I didn't have a paid membership  
5 with the Mainland branch.

6 Q. Okay. Do you know what the membership fee is  
7 each -- is it -- and is it yearly?

8 A. It's an annual fee.

9 Q. Do you know -- have any -- do you know -- what  
10 is the fee?

11 A. Are you asking me as a child or as an adult?

12 Q. Well, as a -- well, as an adult.

13 A. \$35.

14 Q. And I assume -- is it free as a child?

15 A. No.

16 Q. What is -- something less than that? What  
17 is --

18 A. \$10.

19 Q. 10 bucks. A year?

20 A. A year. Maybe 15. I'm not --

21 Q. It's been a while.

22 MS. CHEN: Inflation.

23 THE WITNESS: Right. I --

24 MR. RUSSO: Yeah. It affects everyone.

25 Q. (BY MR. RUSSO) All right. So in terms of

1 being prepared to talk about the topics, were there any  
2 documents that pe- -- that you received and reviewed?

3 A. Aside from this document?

4 Q. Yes.

5 A. For the deposition?

6 Q. Yes, ma'am.

7 A. As the president or as an individual?

8 Q. Yes, ma'am. And I -- let me -- let me ask it  
9 -- I guess try to ask it better. In -- in terms of  
10 trying to get prepared to talk about these topics, did  
11 you go -- go and gather any paperwork or review any  
12 documents in connection with any of them, that you can  
13 recall?

14 A. In terms of being prepared for this  
15 deposition --

16 Q. Yes, ma'am.

17 A. -- and the 20 items listed --

18 Q. Uh-huh.

19 A. -- did I review and gather any documents? Is  
20 that what you're asking me?

21 Q. Yes, ma'am.

22 A. Yes.

23 Q. Okay. What were they?

24 A. I -- often county records.

25 Q. Anything specific with county records?

1 A. Galveston County Health District.

2 Q. The health district records?

3 A. Yes.

4 Q. What specifically did you look at -- for the  
5 health district?

6 A. To see what areas had a greater need and where  
7 were the -- the -- where was the demographics.

8 Q. Okay. What'd you find out?

9 A. The old Precinct 3 had a greater need, and that  
10 reflected the Black and Hispanic population.

11 Q. A greater need than what?

12 A. Than other parts of the -- of the county. They  
13 utilized the resources of the county health district  
14 and the indigent -- indigency program.

15 Q. Uh-huh. So how'd you go about collecting that  
16 information?

17 A. It's online.

18 Q. What -- where specifically did you get the  
19 information?

20 A. From the Galveston County Health District.

21 Q. And what -- what data did you look at?

22 A. The demographics of what the -- the  
23 demographics of what the -- the clients that would --  
24 serves the -- I can't bel- -- I can't recall the name  
25 of the actual -- because they changed the name --

1 Coastal Wellness Center.

2 Q. Uh-huh.

3 A. I believe that's what it's called.

4 Q. Okay. Does -- is the Coastal Wellness Center  
5 one of the pieces of Galveston Health District?

6 A. Yes.

7 Q. All right. And Coastal Wellness Center, to  
8 your understanding, they do what?

9 A. Supply -- I mean, provide healthcare for  
10 indigenous people in the family.

11 Q. And is it only indigent?

12 A. To my knowledge.

13 Q. Okay. And so what specific information were  
14 you looking for from --

15 A. The demographics of the people that they serve.

16 Q. Was it demographics only?

17 A. Yes.

18 Q. So in other words, you were looking at the  
19 percentage of -- of sort of, I guess, African Americans  
20 that were serviced by the Coastal Wellness Center?

21 A. I would -- I looked at all races.

22 Q. Oh, I was just using that as an example --

23 A. Yes.

24 Q. -- when you say "demographics." Okay. So what  
25 did you -- what specifically did you look at to help

1 you conclude that Precinct 3 had a greater need?

2 A. I looked at the areas in which -- that were  
3 served, according to old Precinct 3, not the current  
4 Precinct 3 --

5 Q. Uh-huh.

6 A. -- and were the people who were there in that  
7 area utilized the facility according to the data.

8 Q. Okay. Did -- did -- and the data that you  
9 looked at, did it show specifically where people  
10 resided?

11 A. It -- it doesn't show you a -- no. It doesn't  
12 say an address, but it does say a location.

13 Q. What type of location?

14 A. City.

15 Q. Okay. So it tells you -- what you can tell  
16 from the data is the city that the person who's being  
17 provided services is from?

18 A. It tells you that the -- there is a -- it gives  
19 -- breaks down race. It breaks down age. It breaks  
20 down area in the county that is -- that the people are  
21 from and -- race, age, area of county. It may break  
22 down more than that, but that's specifically what I  
23 wanted to know.

24 Q. Uh-huh. Did you focus in on any one particular  
25 city in the data?

1 A. No. Not a city. But I did see -- notice that  
2 there were a larger population of people that utilized  
3 the resources.

4 Q. From where?

5 A. From the Dickinson and the West Texas City,  
6 Texas City area.

7 Q. So how did you know that someone was from West  
8 Texas City?

9 A. Because there's a different ZIP Code.

10 Q. So does the data break down by ZIP Code?

11 A. So it's -- it shows 77590 and 77591. So I  
12 guess that is -- yes, that's breaking down by ZIP Code.

13 Q. Okay. And so whatever data you were looking at  
14 told -- identified for you that a particular person  
15 being provided services by Coastal Wellness Center  
16 lived under this particular ZIP Code?

17 A. It showed Texas City and had 77590, 77591.

18 Q. Okay. So you could -- it -- it give you any  
19 greater detail as to where they lived geographically?

20 A. No.

21 Q. Okay. So the best you were able to do is get  
22 down to the ZIP Code area?

23 A. Right.

24 Q. Right. Do you know -- and -- and is it your  
25 testimony that you're aware of what ZIP Code is in old

1 Precinct 3?

2 A. Yes.

3 Q. Are there -- is -- to your knowledge, does old  
4 Precinct 3 break down cleanly into the various Zip  
5 Codes in Texas City?

6 MS. CHEN: Objection, form.

7 A. I can't speak a hundred percent that it breaks  
8 down -- are you asking me does the entire ZIP Code of  
9 Texas City cover Precinct 3 in old -- according to the  
10 old map?

11 Q. (BY MR. RUSSO) Well, yeah. Let me ask it this  
12 way: So you -- you've mentioned that there are more  
13 than one Zip Codes for Texas City --

14 A. Uh-huh.

15 Q. -- right? And is it true that one -- you don't  
16 have one ZIP Code in Texas City that fell at both  
17 inside and outside of Precinct 3?

18 A. Not to my knowledge.

19 Q. But you don't know?

20 A. I can't speak certain, but not to my knowledge.

21 Q. Okay. And what about -- so then, I mean, it's  
22 possible in looking at the data that some of the people  
23 you were considering to be inside Precinct 3 actually  
24 were not in Precinct 3. Would you agree?

25 A. It's possible.



1 MS. CHEN: Objection, form.

2 Q. (BY MR. RUSSO) Then -- and of course did --  
3 looking at Dickinson data, how helpful did you find  
4 that?

5 A. Very helpful. Dickinson is -- Dickinson is  
6 broken down into two sections, not on that data, but to  
7 my knowledge that I know of already.

8 Q. Okay. Is it your testimony that you could --  
9 looking at the -- you can look at the Coastal Wellness  
10 data and figure out who is inside and who is outside of  
11 Precinct 3 in Dickinson?

12 A. No. That's not my testimony.

13 Q. All right. So how did you use the Dickinson  
14 designation and ZIP Codes to be able to determine who  
15 lived inside Precinct 3 and who lived outside  
16 Precinct 3?

17 A. So there is a particular area where -- in -- in  
18 Dickinson that people utilize Coastal Wellness more  
19 than those that are outside of that area. That's an  
20 unincorporated area of Dickinson where they're not a  
21 pa- -- a part of the city but a part of the county.

22 Q. Is that shown from the data, or is that --

23 A. That's my --

24 Q. -- something you're aware of?

25 A. That's something that I'm aware of and

1 something that I've seen on other data, not  
2 specifically Coastal's data.

3 Q. Okay. So the -- part of your conclusion that  
4 people inside Precinct 3 used Coastal Health -- Coastal  
5 Wellness more is based upon your experience, perception  
6 of what's happening in the Dickinson area?

7 A. Correct.

8 Q. Okay. But, again, it's -- I mean -- and it's  
9 possible -- in fact, likely that some of the people in  
10 the Coastal Wellness data set that show a Dickinson  
11 address and a ZIP Code actually don't live in  
12 Precinct 3. Would you agree?

13 A. To the current map or the past map?

14 Q. The old -- old Precinct 3.

15 A. The old Precinct 3. It's possible.

16 Q. Okay. So would the same be true for the  
17 Galveston -- or data covering the city of Galveston?

18 A. Galveston has --

19 MS. CHEN: Objection, form.

20 A. Galveston has its own separate clinic. Well,  
21 the --

22 Q. (BY MR. RUSSO) Okay. So city of Galveston is  
23 not covered by Coastal Wellness as far as you're aware?

24 A. No. I'm not saying that. I'm saying that I  
25 know that there's a separate -- they have a -- it's a

1 facility in Galveston. There's a facility in West  
2 Texas City.

3 Q. Okay. And -- and you're aware that part of old  
4 Precinct 3 included a section of Galveston, right?

5 A. Yes.

6 Q. Are -- did you -- did you do any -- put any  
7 thought to or do any analysis of what the Coastal  
8 Wellness or division of Coastal Wellness was helping  
9 people in old Precinct 3 in Galveston?

10 A. Yes. I have -- I am aware of that.

11 Q. How did you become aware of that?

12 A. Looking at all of the data.

13 Q. And what did the data show you?

14 A. Clarify your question.

15 Q. What did you get from the data in terms of  
16 people in Galveston and use -- that lived in Precinct 3  
17 that use indigent care system?

18 A. It did not show me that the people in Galveston  
19 -- I -- I want to make sure that I'm understanding your  
20 que- -- your question correctly. Are you asking me did  
21 the data show me specific people in Galveston who  
22 utilized the Galveston County Coastal Wellness Center?

23 Q. Yes.

24 A. No. The data does not break that down in that  
25 capacity.

1 Q. Okay. All right. Why did you in prep --  
2 looking at -- at the topic areas, why did you look at  
3 the Coastal Wellness data?

4 A. That's something -- that is just knowledge that  
5 I have because I know that drawing maps and re-creating  
6 things affect people in different ways. And so one of  
7 those ways is wellness.

8 Q. Uh-huh. So -- so what was the particular  
9 reason for going to the Coastal Wellness data?

10 A. The -- the health --

11 MS. CHEN: Objection, form.

12 A. As is stated on these documents, I want to  
13 maintain -- let's see. Where we at? As a part of the  
14 unit and the capacity that we advocate, healthcare is  
15 covered. So therefore in order to be the most informed  
16 person --

17 Q. (BY MR. RUSSO) Uh-huh.

18 A. -- that I can be, I look into healthcare data  
19 as well --

20 Q. Okay.

21 A. -- and how that will affect people.

22 Q. And so were you trying to figure out, whether  
23 particularly with regard to indigent care, more people  
24 inside of Pre- -- old Precinct 3 had or accessed  
25 indigent care than those outside of Pre- -- old

1 Precinct 3? Was that the objective?

2 A. The objective was to see who were -- who were  
3 utilizing it in the Pre- -- in the old Precinct 3, yes.

4 Q. Okay. All right. And it's your belief,  
5 sitting here today, that more people inside of old  
6 Precinct 3 used Coastal Wellness services?

7 MS. CHEN: Objection, form.

8 A. To a degree.

9 Q. (BY MR. RUSSO) Sorry. What was that?

10 A. To a degree.

11 Q. To a degree?

12 A. Uh-huh.

13 Q. And so it -- you -- it's -- is it your  
14 testimony that people out -- in -- out or --  
15 sorry. Strike that.

16 Your test -- is it your testimony that  
17 more people in Precinct 3 use the Coastal Wellness  
18 indigent care services than those in old Precinct 2?

19 MS. CHEN: Objection, form.

20 A. I can't recall.

21 Q. (BY MR. RUSSO) Okay. Well, what about old  
22 Precinct 3 versus old Precinct 1?

23 MS. CHEN: Objection, form.

24 A. I can't recall.

25 Q. (BY MR. RUSSO) Okay. Do you think you've had

1 enough -- have enough -- have reviewed enough of the  
2 Coastal Wellness data to be able to draw that  
3 conclusion?

4 MS. CHEN: Objection, form.

5 A. I can't recall.

6 Q. (BY MR. RUSSO) All right. Have you prepared  
7 any -- did you prepare any report or any, you know,  
8 notes, summaries, journals of your review on this  
9 topic?

10 A. For deposition purposes?

11 Q. Yes, ma'am.

12 A. No.

13 Q. Well -- or just for your own purposes to -- in  
14 preparation for the deposition.

15 A. As the president or as an individual?

16 Q. Well, so as -- well, let me ask you this: In  
17 reviewing the Coastal Wellness material, you were  
18 looking to respond to a topic on behalf of NAACP,  
19 correct?

20 A. I was looking to stay the most informed on one  
21 of the pillars that we advocate for.

22 Q. Yeah. So my question then is: In -- in doing  
23 -- you know, looking at the Coastal Wellness materials,  
24 did you prepare any notes or journal ent- -- to --  
25 notes that -- summaries that, you know, that you used

1 to prepare you to be able to testify on the topic?

2 A. I reviewed and I made notes over what my  
3 observations were.

4 Q. Uh-huh.

5 A. Was that to -- are you asking me did I create a  
6 list of something to prepare directly for this  
7 deposition to utilize in this deposition?

8 Q. And to support what your testimony is going to  
9 be.

10 A. I made note.

11 Q. Okay. Have you provided those to your counsel?

12 A. I -- I have not provided a note -- a set of  
13 notes to my counsel, my observations.

14 Q. Okay. All right.

15 MR. RUSSO: All right. So, I mean,  
16 Sarah, can we -- if -- assuming that those are -- I  
17 think they're probably part of our request for  
18 production, but we would like to get those notes in  
19 connection with, specifically, this area of -- of her  
20 testimony, which relates to just a review of Gal- --  
21 Gulf Coast Health District and data related to who  
22 they're treating indigent care.

23 MS. CHEN: We can discuss during a break.

24 MR. RUSSO: Okay.

25 Q. (BY MR. RUSSO) Okay. So did you find anything

1 else out looking at the Gulf Coast district materials?

2 A. Can you give me a direct question?

3 Q. Well, we -- you mentioned that you were looking  
4 at to figure out indigent services provided to  
5 individuals in old Precinct 3 in reviewing the Coastal  
6 Wellness materials, right?

7 A. I was looking to see who they provided care for  
8 in the areas and, specifically, my observation, and I  
9 wanted to identify the race and the area.

10 Q. Which is, I guess, another good point. Is the  
11 -- does the Coastal Wellness data that you were look at  
12 provide the race of the person being treated?

13 A. It has a group -- it has a -- like the numbers  
14 grouped. There's data that can be broken down as  
15 indigent care people -- people who receive indigent  
16 care in there, and it does have the demographics of --

17 Q. Yeah.

18 A. -- race.

19 Q. It does provide sort of the race of the  
20 individual?

21 A. Yes.

22 Q. Okay. All right. So you -- you told me you  
23 went -- you looked at the Gulf -- the health district  
24 information for that purpose. Did you get anything  
25 else, glean anything else from the health district,



1 other than what we already talked about?

2 A. No.

3 Q. Okay. Now, did you do any other sort of  
4 research or review in connection with other topics on  
5 the Exhibit 1?

6 A. Clarify.

7 Q. Well, did you do anything similar to what you  
8 did for the Gulf Coast Health or Gulf Health --

9 A. Galveston County Healthcare.

10 Q. Galveston County. Yeah. Thank you very much.  
11 The Galveston County Health District. Did you do  
12 anything with any other Web sites or information  
13 gatherings to be able to support the deposition?

14 A. Well --

15 MS. CHEN: Objection, form.

16 A. So there's information throughout the county  
17 that's available for all different things.

18 Q. (BY MR. RUSSO) Okay. Any specific  
19 recollection of stuff that you looked at and used in  
20 preparation for your deposition?

21 A. That's a little difficult to say "yes" or "no"  
22 because this is a part of advocacy. And we are always  
23 constantly looking at these type of things as a unit  
24 and what we -- our mission and goals are. So it's -- I  
25 can't say that I -- I have singled out something for

1 deposition when this is a part of what we advocate for  
2 yearly, daily, on the regular.

3 Q. Okay. And I -- and I -- I respect that. And I  
4 am specifically trying to, you know, look at stuff that  
5 you did in preparation for your deposition, so --

6 A. So some of this knowledge is knowledge that I  
7 have prior to even going into the litigations for this.

8 MR. RUSSO: Okay. All right. We'll talk  
9 about some of that stuff later. We've been going for a  
10 little while if you're -- you want to take a short  
11 break and come back and --

12 THE WITNESS: That's fine.

13 MR. RUSSO: Is that good with you?

14 MS. CHEN: Yeah. Shall we? Just like a  
15 five-minute bathroom break?

16 MR. RUSSO: Five is fine. Yeah.  
17 Whatever.

18 THE VIDEOGRAPHER: Okay. Going off the  
19 record, 10:36.

20 (Break.)

21 THE VIDEOGRAPHER: Okay. Going back on  
22 the record, 10:46.

23 Q. (BY MR. RUSSO) Okay. Ms. Lofton, can you tell  
24 me whether -- do -- do you know what the percentage of  
25 the membership in the Dickinson Bay Area Branch are

1 Latino?

2 A. The percentage?

3 Q. Yes, ma'am.

4 A. No.

5 Q. Do you know that there are Latino members  
6 within the unit?

7 A. Yes.

8 Q. And -- and what about -- do you have white  
9 members as well?

10 A. Yes. The --

11 Q. Do you have any clue what percentage that is?

12 A. No.

13 Q. Would you -- is -- is it your belief that the  
14 majority of members in the Bay Area Dickinson branch  
15 are African American?

16 A. Is it my belief that they are?

17 Q. Yes.

18 A. I don't have access to membership, so I can't  
19 speak 100 percent to that.

20 Q. Okay. Oh, and based upon your sort of  
21 knowledge and interaction with the other members, are  
22 most of the members that you interact with, are they  
23 African American members?

24 A. It's mixed.

25 Q. It's a mix?

1 A. (Nodding head.)

2 Q. Would you say it's equal mix between African  
3 Americans and some other race?

4 A. I -- I can't -- so the people who are actively  
5 involved and the people who are membership that does  
6 not -- that's not a proper reflection of the membership  
7 as a whole -- as a whole.

8 Q. Okay. So you're saying the people that you  
9 interact with on an ongoing basis are -- may be  
10 different than the membership?

11 A. As a whole.

12 Q. Okay. All right. And as -- being a member for  
13 -- since, what, 2017, you don't have any idea or feel  
14 for, you know, what -- what would be the racial  
15 identity of the majority of the membership?

16 A. Of the majority?

17 MS. CHEN: Objection, form.

18 A. No. I can't.

19 Q. (BY MR. RUSSO) No idea?

20 A. I can't speak on the majority.

21 Q. Okay.

22 A. I don't have access to that.

23 Q. Do you know whether any of the Dickinson Bay  
24 Area Branch members vote -- voted in old Precinct 3 in  
25 the 2020 election?

1 A. Clarify your question.

2 Q. Sure. Can you tell me whether any -- any  
3 members of the NAACP Dickinson and Bay Area Branch were  
4 -- were eligible to vote in Precinct 3 -- old  
5 Precinct 3 in, let's say, 2019?

6 MS. CHEN: Objection, form.

7 A. Are you ask -- do I know how many were?

8 Q. (BY MR. RUSSO) I'm asking if you know if any  
9 were eligible to vote in Pre- -- old Precinct 3.

10 A. Yes.

11 Q. Okay. How do you know that?

12 A. Because of the service area that we cover.

13 Q. Okay. And I -- what is it that leads you to  
14 believe that specifically?

15 A. Just --

16 Q. Is it that -- is -- well, maybe I can help you.  
17 Is it because the Bay Area -- your unit covers the  
18 Dickinson area, and part of Dickinson is in Precinct 3,  
19 that you must have a member within that area?

20 A. We -- yes, yes.

21 Q. And are you -- are you aware, sitting here  
22 today, that you do have a member that lived in old  
23 Precinct 3, at least one?

24 A. Yes.

25 Q. Okay. And that's kind of what I was getting

1 at. Do you -- are there multiples that you're aware  
2 of?

3 A. To my knowledge.

4 Q. Okay. And specifically, members of your unit  
5 that would have been able to vote in old Precinct 3?

6 A. Yes.

7 Q. Okay. All right. So -- and I'm aware -- well,  
8 let me ask you this way: How closely would you say the  
9 -- you -- NAACP Dickinson Bay Area Branch works with  
10 the area LULAC organization?

11 A. Closely.

12 Q. Pretty close?

13 A. (Nodding head.)

14 Q. Are there any particular projects that you can  
15 recall since you've been a member of the unit where  
16 both those organizations work together?

17 A. Is there a particular event? Is that what  
18 you're asking?

19 Q. You can start, yes, with events. That's a --  
20 one good -- one way to look at it.

21 A. There are -- there -- we -- as nonpartisan  
22 organizations that advocate for people of color, we  
23 collectively get together in capacities to talk about  
24 how things are impacting our communities.

25 Q. How often does that happen?

1 | A. How often has it happened while I was president

2 | is what I can speak on.

3 | Q. Okay. Well, we can start -- yeah. We can

4 | start with that.

5 | A. It's been a few times.

6 | Q. there -- are there any that are unrelated to

7 | this lawsuit, to the redistricting effort that

8 | culminated in this suit?

9 | A. Unrelated to redistricting?

10 | Q. Yes.

11 | A. Yes.

12 | Q. And what were those?

13 | A. We formed a correlation [sic] to gather the

14 | -- the Hispanic and Black businesses in the area. Not

15 | specific to redistricting, though. But, I mean, just

16 | something to show that -- with the Black and brown

17 | businesses -- small businesses look like in the area.

18 | And that was compose -- composed of NAACP and LULAC.

19 | Q. Okay. And -- and when did that happen?

20 | A. Before -- before this. So I believe it was 20

21 | -- I'm not sure. I would have to look at my e-mails to

22 | really clarify the date.

23 | Q. Uh-huh.

24 | A. I don't want to misspeak a date, but, yeah, we

25 | did something that didn't have -- that -- those

1 meetings didn't have anything to do with redistricting  
2 or anything like that. It was all to support one  
3 another's communities and to show that we are united  
4 and we are in support of one another.

5 Q. Okay. Is it -- in your history with NAACP, u-  
6 -- the unit, is it -- do you remember any instances  
7 where the NAACP and LULAC's interests diverged, were  
8 different?

9 A. Not to my knowledge.

10 Q. Okay. Do you have any belief as to, you know,  
11 what -- what happens to the -- what would happen to the  
12 -- the -- in a situation where the two parties were  
13 working together on something but there wasn't  
14 divergent interest, a different interest?

15 MS. CHEN: Objection, form.

16 A. I can't speak to that. I have no knowledge  
17 of --

18 Q. (BY MR. RUSSO) You ever see that happen?

19 A. No.

20 Q. No. Does the NAACP have any marketing efforts  
21 that you're aware of that specifically target Latinos?

22 A. The NAACP marketing is inclusive. So it will  
23 not just target a specific group. It's inclusive.

24 Q. Okay. So -- but there's nothing that you can  
25 recall that is like -- that is the effort of let's --



1 let's specifically go see if we can drive up membership  
2 of Latino members?

3 A. No. The NAACP focuses with -- focuses on  
4 partnering with people with the values that align with  
5 the mission of the national organization, and they have  
6 to be nonpartisan.

7 Q. Okay. And non- -- nonpartisan, you mean  
8 they're not party related. They're not Democrat,  
9 Republican?

10 A. Right.

11 Q. Right. So -- yeah. My -- I was more asking  
12 about are -- can you -- are you aware of any efforts  
13 specifically geared towards driving up membership of  
14 Latino citizens?

15 MS. CHEN: Objection, form, asked and  
16 answered.

17 THE WITNESS: Answer?

18 Q. (BY MR. RUSSO) Yeah. You can answer.

19 A. Okay. No. I'm not aware.

20 Q. Okay. And -- and what about marketing efforts  
21 that are -- that are geared specifically towards white  
22 citizens?

23 A. Not aware.

24 Q. All right.

25 A. The marketing is not geared towards -- it's

1 inclusive marketing, so it's in- -- it's always geared  
2 towards community --

3 Q. Okay.

4 A. -- and being inclusive.

5 Q. All right. So have you ever seen any marketing  
6 materials that was in Spanish?

7 A. Yes.

8 Q. Okay. Is that something that the NAACP -- the  
9 unit in particular strives to do is create a --  
10 materials that were -- are translated into the Spanish?

11 A. The national level offers all information in  
12 several languages.

13 Q. So that would be English, right, and Spanish.  
14 Any others? What other languages?

15 A. I know that you can request. Have I seen that  
16 personally? No. But because we are in Texas and the  
17 larger two languages here is English and Spanish, then  
18 a lot of things are offered to the Texas units --

19 Q. Uh-huh.

20 A. -- in English and Spanish.

21 Q. Okay. Have you par- -- and in your time since  
22 president, have you particularly utilized any marketing  
23 materials that are in -- in Spanish?

24 A. Me directly?

25 Q. Yes, ma'am.

1           A.    I -- I don't market.  So me directly, that  
2 would be a no.

3           Q.    Okay.  Are you aware of any marketing efforts  
4 the unit's undertaken since you become president that  
5 -- that did utilize marketing material in Spanish?

6           A.    I am -- I can't speak for certain.  However, I  
7 know that the unit has marketed to -- in a capacity of  
8 Hispanic people because of what the executive committee  
9 reflects.

10          Q.    I don't really understand that.  What do you  
11 mean by that it's reflected -- or what the executive  
12 committee reflects?

13          A.    At the time, as president, there would -- I --  
14 there was a Hispanic person on the executive committee.

15          Q.    Oh.

16          A.    So I am quite sure that that person used the  
17 Spanish marketing to reach the demographic.

18          Q.    Okay.  Right.  That's what your -- that's your  
19 -- you believe that they did.  You just haven't seen  
20 it.  Would that be true?

21          A.    I'm not saying that they didn't.

22          Q.    Right.  But in terms of your belief, you  
23 believe that they would have done -- used -- marketed  
24 to -- marketing material in Spanish, but you just  
25 haven't seen it.  Agreed?

1           A.    I can't say that I haven't seen it.  It may  
2    have been something e-mailed to me in the past that I  
3    have seen.  Is it at the top of mind now -- right now?  
4    No, it's not.

5           Q.    Yeah.  So sitting here right now, you just  
6    don't recall seeing anything?

7           A.    I just don't recall.

8           Q.    Understood.  Okay.  So turning to the decision  
9    to file this suit, what is -- what -- what's your  
10   understanding or on behalf of NAACP of the -- this  
11   lawsuit?

12          A.    What's my understanding of the lawsuit?

13          Q.    Yes, ma'am.

14          A.    The lawsuit is the unit decided to join the  
15   lawsuit because of what has been shown as  
16   discriminatory practices based on race and is in  
17   alignment with our advocacy mission and goals.

18          Q.    And do you -- do you know when it was that the  
19   unit concluded that the, I guess, practices were  
20   discriminatory?

21          A.    When the unit decided -- so are you asking me  
22   did the -- when did the unit decide to move forward  
23   with the case or when did the unit decide to look at  
24   everything that was transpiring?

25          Q.    Yeah.  No.  It was more a question of when the

1 -- do you have any understanding of when the NAACP  
2 Dickinson Bay Area Branch just concluded, they reached  
3 a conclusion that the N -- there's discriminatory  
4 action that, you know, needs to be rectified in this  
5 case?

6 A. Yes.

7 Q. When -- when was that?

8 A. After the November meeting.

9 Q. After the vote?

10 A. Yes.

11 Q. Yeah. Okay. And the -- the vote, from my  
12 recollection and documentation is it was November 12th  
13 of 2021. Does that sound right to you?

14 A. Yes.

15 Q. All right. And, you know, how would you  
16 describe the injury that the -- your -- the unit is  
17 claiming in this case?

18 A. Clarify.

19 Q. How is it that the NAACP Dickinson and Bay Area  
20 Branch is injured by the -- I guess, in this case,  
21 adopting of the maps?

22 MS. CHEN: Objection to the extent it  
23 calls a legal conclusion, but you can answer.

24 A. So the unit is affected because Precinct 3 --  
25 what was Precinct 3 in the Dickinson Bay Area --

1 service area is no longer intact as it previously was,  
2 and those are the people who have historically voted,  
3 lived, and participated in the community.

4 Q. (BY MR. RUSSO) And do you have an  
5 understanding as to what it is or you believe should  
6 have been done in terms of -- let me strike that  
7 question.

8 I'm getting to, you know, what's your --  
9 what is the unit's belief in terms of what the relief  
10 should be in this case, like how -- how do we rectify  
11 this situation?

12 A. Well, I -- it is -- so as a unit, so you're  
13 asking me as a capacity as the president?

14 Q. Yes, ma'am.

15 A. So the unit's complaint is that there was not  
16 enough transparency through the process, and to rectify  
17 that, then there should be more transparency, and then  
18 there should be more options publicly given to  
19 contribute to the procedure on voting for the  
20 redistricting, the maps.

21 Q. Okay. Anything else?

22 A. There -- the unit, the community that we serve  
23 has spoken that there has not been a lot of inclusion.  
24 They don't feel heard. They don't feel seen,  
25 validated, and feel disregarded for. So as the unit

1 and what our mission is, we have to serve our community  
2 in that capacity.

3 Q. So had -- had the -- in your -- had -- in your  
4 view, had the county commissioners court provided more  
5 transparency in the process -- and is it your belief  
6 that we wouldn't be here today?

7 MS. CHEN: Objection, form.

8 A. I believe that if the community and which pays  
9 taxes was allowed to give more input about what their  
10 tax paying dollars were going to --

11 Q. (BY MR. RUSSO) Uh-huh.

12 A. -- then, no, we wouldn't be here today.

13 Q. Okay. And so if -- if the Galveston County  
14 commissioners court had listened to the citizens, we  
15 wouldn't be here today. Is that --

16 A. No.

17 MS. CHEN: Objection, form.

18 Q. (BY MR. RUSSO) No. If --

19 A. I believe that the community who was most  
20 impacted had been given an opportunity to be heard in  
21 an adequate time frame with a more transparent process  
22 and more inclusive process, then the results may have  
23 been different.

24 Q. Okay. But is that -- I mean, is that all  
25 you're asking for in terms of you just want a process

1 that's more open and more inclusive of the community?

2 Is that what you're looking for?

3 MS. CHEN: Objection, form.

4 A. As the form has stated, the -- the 20 topics, I  
5 think they answer the -- that question in a -- I mean,  
6 it's broken down in here what the complaints are, what  
7 could have been done better.

8 Q. (BY MR. RUSSO) Uh-huh.

9 A. I'm not sure if I answered your question.

10 Q. Well, I guess, the other -- other piece of this  
11 is -- is, you know, I'm wondering what -- in terms of  
12 what the commission -- commissioners court could have  
13 done -- would -- I mean, five meetings, six meetings?  
14 Would that have been more helpful to the process from  
15 your view?

16 MS. CHEN: Objection, form.

17 A. I can't put a number on there. I think that  
18 you would have to involve the community, listen to  
19 their response, give them an opportunity, and then move  
20 forward from there.

21 Q. (BY MR. RUSSO) All right. If -- do you know  
22 who it was that the -- that the unit spoke with to be  
23 -- become a party to the lawsuit?

24 A. The executive committee has to make a decision  
25 to move forward.



1 Q. And did -- to your understanding did the  
2 executive com- -- committee move to retain counsel, or  
3 did counsel talk to executive committee, or did someone  
4 else come to the executive committee and say, "Hey,  
5 this is going on; let's file suit"? Do you -- what was  
6 -- what's the process, if you know?

7 A. The process of retaining counsel, is that what  
8 you're asking me?

9 Q. (BY MR. RUSSO) That's a piece of it, yeah.  
10 But I'm trying to walk through how did you get in- --  
11 actually have the unit be part of the suit? Who talked  
12 about -- how did you -- how did those discussions come  
13 about?

14 A. The Galveston County unit, as a collective,  
15 executive committees agreed that the practices done  
16 were discriminatory based on race, and according to our  
17 missions, sought that it was in our best interest for  
18 our communities to move forward.

19 Q. So you -- and you mentioned a -- I think a  
20 Galveston County committee, or did I -- did I get that  
21 right? It was something -- Galveston County something?

22 A. The units as a collective.

23 Q. Okay.

24 A. So there's a Galveston NAACP unit. There's a  
25 Mainland, and then there's a Dickinson. So within

1 Galveston County, there are three units. So those  
2 three units' -- executive committees from each unit --  
3 because we have to talk and communicate with one  
4 another on what's going on throughout our county  
5 because the county's kind of -- it's too big to just  
6 leave for one unit to adequately and efficiently meet  
7 our mission goals and accomplish what we're supposed to  
8 accomplish on -- from a national level.

9 Q. So is there a specific way that you-all -- that  
10 you -- that NAACP -- different branches refer to the --  
11 a collection of the executive committees? Is it a  
12 Galveston County --

13 A. No.

14 Q. -- committee?

15 A. There's not a Galveston committee. There are  
16 just the each unit committees and the -- come together  
17 and talk.

18 Q. Okay. And so are -- so is it -- is it true  
19 that each -- each branch had its own committee --

20 A. Yes.

21 Q. -- executive committee meet and decide this is  
22 something we want to go forward with?

23 A. Yes.

24 Q. Yeah. And there -- and also it -- was there  
25 conversation that you're aware of that -- between the

1 three groups, that being the Galveston branch, the  
2 Dickinson Bay Area Branch, and the Mainland branch --  
3 there's a communication between the three -- three  
4 groups in agreement, "Let's go forward with this"?

5 A. Yes.

6 Q. Do you know when that happened? Was that --

7 A. November.

8 Q. -- right after the meeting?

9 A. Yes.

10 Q. Yeah. Was there any -- any formal meeting or  
11 discussion on that, or is it -- how did -- how did --  
12 how were the meetings -- how were the discussions held?

13 MS. CHEN: I'll just, yeah, object to the  
14 extent it calls for any First Amendment protected  
15 internal deliberative information, but you can answer  
16 to the extent you don't reveal those internal  
17 communications.

18 A. I don't recall exactly how the meeting was set  
19 up, but there was a meeting.

20 Q. There was a meeting. Okay.

21 A. A conversation.

22 Q. Did that involve counsel --

23 A. No.

24 Q. -- to your -- that you're aware of?

25 A. No.

1 Q. Had any of the branches, to your knowledge,  
2 obtained counsel or retain -- retained counsel at that  
3 point?

4 A. In November?

5 Q. Well, at the time that y'all had this meeting  
6 to discuss --

7 A. No.

8 Q. Do you remember how long it was after the  
9 November 12th meeting that you -- that this other  
10 meeting occurred, related to filing suit?

11 A. I don't recall.

12 Q. Okay. In terms of -- of re- -- obtaining  
13 counsel in this case, do you -- how'd that happen, if  
14 you remember, or if you're aware?

15 MS. CHEN: Objection, form. And, also,  
16 please respond only to the extent you don't reveal any  
17 confidential attorney-client communication.

18 A. I don't recall.

19 Q. (BY MR. RUSSO) Okay. All right. Okay. I'm  
20 going to jump back in time a little bit. When -- do  
21 you remember first becoming aware of the county's  
22 redistricting effort in 2021?

23 A. Clarify "aware."

24 Q. Be -- you know, gaining some sort of awareness  
25 as the -- did the -- the redistricting would be an

1 ongoing process in 2021 and something that we, you  
2 know, need to keep an eye on?

3 MS. CHEN: Objection, form.

4 A. Are you asking me when did I receive notice?

5 Q. (BY MR. RUSSO) When -- when -- when do you  
6 recall that happening? Do you -- is it early in the  
7 year, in the wintertime, January and February, or more  
8 towards the summertime? Do you remember at all?

9 A. I'm not clear on your question. I -- I'm clear  
10 on you're asking me a time frame of when did I receive  
11 -- are you asking me knowledge of the redistricting --

12 Q. Yeah.

13 A. -- or knowledge of the actual release of maps?

14 Q. No. The re- -- the knowledge of the  
15 redistricting effort and the needs of -- that, you  
16 know, redistricting would be going on?

17 A. Would start?

18 Q. Yes, ma'am.

19 A. The first thing that I recall is that there was  
20 something maybe in the newspaper that the previous  
21 attorney whose maps -- was the previous attorney was  
22 rehired whose maps were seen -- were deemed  
23 discriminatory was rehired again in -- during this same  
24 time period about redistricting.

25 Q. Okay. Let's see if I could shed some light

1 here.

2 MR. RUSSO: Go ahead and get these  
3 marked. Should be 34, 35, and 36.

4 MS. CHEN: Thank you.

5 MR. RUSSO: Uh-huh.

6 THE REPORTER: So am I marking this 2, 3,  
7 and 4 or --

8 MR. RUSSO: Yeah. That's fine. 2, 3,  
9 and 4 is perfect.

10 (Marked Lofton Exhibit Nos. 2, 3, and 4.)

11 Q. (BY MR. RUSSO) So looking at Exhibit 2 first,  
12 it's an e-mail dated April -- April 8th, 2021. Do you  
13 see that?

14 A. Yes.

15 Q. You have that in front of you. Okay. And that  
16 e-mail is from Kimberly Yancy?

17 A. Yes.

18 Q. Okay. And so at this time, Ms. -- Ms. Yancy  
19 would -- she was the -- if you look at the bottom of  
20 the -- of the back of the last page, it says she's a  
21 third vice president of the -- the unit. Is that true?

22 A. That's true.

23 Q. Okay. So do -- do you know whether -- was she  
24 sending this on behalf of the -- the unit or do -- on  
25 behalf of herself or do -- what do you -- what's your

1 knowledge there?

2 A. This came from her personal e-mail, so I would  
3 say that she's sending this on the knowledge of  
4 herself.

5 Q. Okay.

6 A. Information that came from her reviewing an  
7 article. We didn't have a meeting about it, so it was  
8 not presented as the unit.

9 Q. Yeah. And that was a question I had. Do you  
10 remember talking to Ms. Yancy about this topic prior to  
11 receiving this e-mail?

12 A. Prior to receiving the e-mail?

13 Q. Yeah.

14 A. Not to my knowledge.

15 Q. All right. Do --

16 A. I don't recall.

17 Q. Do you remember seeing the article in the  
18 Galveston Daily News prior to getting this e-mail?

19 A. Prior to the e-mail, no.

20 Q. Okay. And you are copied on that. I don't  
21 know if you found it yet, but --

22 A. I'm right up top.

23 Q. Yeah. So what -- did you have any reaction to  
24 the -- the e-mail that Ms. Yancy sent here?

25 A. I read the article and I had in good faith at

1 the -- of democracy and that things will be transparent  
2 and they will move forward accordingly and we would be  
3 known -- notified of what the process would clearly  
4 look like. Unfortunately, that didn't occur.

5 Q. So that was your belief at the time you read  
6 through this article?

7 A. Right. That we would get more notification  
8 about what the redistricting would be. It would be  
9 more inclusive. That was my hope.

10 Q. Yeah. Did you talk to anybody at -- about that  
11 specifically at the county?

12 A. At the county, no.

13 Q. What about your other or -- NAACP branches?  
14 Did they have a similar view that the belief was that  
15 transparency would hold true and --

16 A. I can't --

17 MS. CHEN: Objection, form.

18 A. I can't speak on their behalf.

19 Q. (BY MR. RUSSO) Okay. But in terms of the --  
20 of the Dickinson branch, you felt like maybe the  
21 process will be done right, acceptably to the branch?

22 MS. CHEN: Objection, form.

23 A. I felt like the process would be done  
24 transparent.

25 Q. (BY MR. RUSSO) Okay. And then Ms. Yancy seems



1 to be gearing up for a fight or they -- guess -- that's  
2 -- she says in her -- the re line, subject line, "This  
3 is all something we need -- we need to" -- in all caps  
4 -- "all fight if we can." You see that?

5 A. Yes.

6 Q. And did you agree with her that this is  
7 something we needed to fight at this time or that the  
8 unit needed to fight?

9 A. As I stated, I believed that there would be  
10 transparency through it and that there wouldn't be a --  
11 we were not -- we will be inclusive in the process.

12 Q. Okay. Then it also says at the end of her re  
13 line that this should be nonpartisan. Do you agree  
14 with that, the redistricting efforts should be  
15 nonpartisan?

16 A. Yes. Everything we do within the NAACP is  
17 focused around nonpartisan. It's advocacy.

18 Q. And I'm -- I'm wondering if you know. Did --  
19 was -- did -- was Ms. Yancy referring to the -- the  
20 effort by the NAACP as being nonpartisan, or was she  
21 talking about the redistricting effort by the county  
22 being nonpartisan? Do you know?

23 MS. CHEN: Objection, form.

24 A. I can't interpret her thoughts.

25 Q. (BY MR. RUSSO) Did -- does the -- the unit

1 have a view as to whether it believes redistricting  
2 efforts should be nonpartisan or not?

3 MS. CHEN: Objection, form.

4 A. The NAACP is nonpartisan and will only  
5 participate in things that are nonpartisan.

6 Q. (BY MR. RUSSO) Right. But do you have any  
7 feel for whether -- or any belief as to whether the  
8 redistricting effort needs to be re- -- nonpartisan?

9 MS. CHEN: Objection to form.

10 A. I'm not a redistricting expert. Does it need  
11 to be nonpartisan? Again, I'm not an expert on that,  
12 so I can't speak to that.

13 Q. (BY MR. RUSSO) Okay. All right. At the time  
14 that this was sent, that -- though you were -- now in  
15 20 -- April of '21, you were the president of Dickinson  
16 branch. True?

17 A. Correct.

18 Q. Dickinson Bay Area. All right. Do you recall  
19 speaking to Ms. -- Ms. Yancy about the -- the need to  
20 be sort of more upset about the fact of the -- the  
21 content of the article? Did y'all discuss it?

22 A. Upset or proactive?

23 Q. Well, she seems to -- she seems to be -- well,  
24 let's go with -- with your word. Did you have any  
25 talks with her about needing to be proactive at this

1 point?

2 A. I think her e-mail was very clear on where her  
3 viewpoint was. As a unit, we were being educated of  
4 what redistricting is and what it will look like. But  
5 as far as gearing up for a fight, as was stated, I  
6 can't say that the unit was not or was prepared.

7 Q. Would -- the unit was not what?

8 A. Was not prepared for a fight or was not -- was  
9 gearing up or was not gearing up. I can't speak to how  
10 she personally interpreted what we needed to do.

11 Q. Okay. Well, was the unit preparing for a -- a  
12 fight at this point?

13 A. The unit was preparing --

14 MS. CHEN: Objection, form.

15 A. -- to be educated.

16 Q. (BY MR. RUSSO) Okay. And how were you doing  
17 that?

18 A. How were we doing that?

19 Q. Yes, ma'am.

20 A. In -- by looking at how the unit needed to move  
21 going forward with educating our community on what  
22 redistricting is, how it affects us, and staying in  
23 contact with one another about, you know, what we can  
24 do, what are our options from a national level and  
25 state level.

1 Q. Uh-huh. Were there -- was there anything  
2 specific that was done in -- in April or thereafter --

3 A. In April?

4 Q. -- for the next few months? And I'm trying to  
5 sort of -- we'll get to later on with the -- the  
6 hearings. But I want to focus on the early time period  
7 after this --

8 A. After the --

9 Q. -- article came out. Was -- was there anything  
10 specifically done by the -- the unit in order to start  
11 educating members on redistricting?

12 A. Well, there was a statewide effort that was  
13 focusing on training for re- -- what redistricting is  
14 and what it will look like.

15 Q. When did that occur? Do you recall?

16 A. The statewide training?

17 Q. Yes, ma'am.

18 A. I don't know when it rolled out. I don't  
19 recall.

20 Q. How did you become aware of that statewide  
21 training?

22 A. State NAACP.

23 Q. And do you remember any specifics, materials or  
24 conferences, that occurred in connection with the  
25 statewide effort?

1 MS. CHEN: Just to the extent you can  
2 answer without revealing internal deliberations and the  
3 First Amendment piece, feel free.

4 A. The statewide effort was presented to us  
5 through the nonpartisan organizations that partnered  
6 with the NAACP to show that redistrict -- what was  
7 happening in redistricting across the state of Texas  
8 and telling us what -- you know, what it looks like and  
9 what we need to prepare for.

10 Q. (BY MR. RUSSO) Uh-huh. And I -- I've seen  
11 some material that, I think, existed in Oct- -- maybe  
12 October, and we'll talk about that later.

13 A. Uh-huh.

14 Q. But I'm curious as to -- to your recollection  
15 on behalf of the NAACP Dickinson Bay Area Branch. Do  
16 you recall anything that happened subsequent to this  
17 April e-mail but before October of 2021 related to  
18 education for -- on the redistricting effort?

19 A. There was --

20 MS. CHEN: Objection, form.

21 A. There was general information provided about  
22 redistricting to educate the unit.

23 Q. (BY MR. RUSSO) Between April and 2 -- and  
24 October, you think?

25 A. Possibly from national. I can't recall the

1 exact form.

2 Q. Okay. And I'll just -- I haven't -- I haven't  
3 seen any, so I don't --

4 A. I -- I'm not -- I can't say for certain. I  
5 don't -- I can't say "yes," and I can't say "no."  
6 There's a lot of e-mails.

7 Q. A lot of e-mails. Is that what you --

8 A. That national and state send.

9 Q. Okay. All right. But then at -- but just so  
10 I'm clear, though, at this time in April of '21, when  
11 Ms. Yancy sent this e-mail, it was the -- it wasn't  
12 belief of the unit that you were going to have a huge  
13 blowup fight at this point. Is that true?

14 A. No.

15 Q. And so just quickly, with Exhibits 3 and 4, the  
16 -- there's a couple responses to Ms. Yancy's e-mail.  
17 The first one, Exhibit 3, is a April 11th, 2021, e-mail  
18 from someone named VDRcaptain Galveston County. Do you  
19 know who that is?

20 A. Where's this?

21 Q. It's on -- on the front line on the top of the  
22 -- on Exhibit 3.

23 A. No.

24 Q. You don't know who VDRcaptain Galveston County  
25 is? No?

1 A. (Shaking head.)

2 Q. Do you remember receiving this e-mail?

3 A. Well, my name's here. I received it. Do I  
4 remember viewing it? No. I'm not -- I can't recall.  
5 But my name's here.

6 Q. Yeah. And specifically it's -- the -- the  
7 e-mail that VDRcaptain sends, it says, "Redistricting  
8 is serious business. What is the plan?" You see that?

9 A. Yes.

10 Q. Did y'all have any plan at that point, the unit  
11 have any plan?

12 MS. CHEN: Objection, form, asked and  
13 answered.

14 A. I don't recall.

15 Q. (BY MR. RUSSO) And it also says -- provides  
16 access to a TedX video. It's T-E-D, big X. Did you by  
17 chance review that?

18 A. I don't recall.

19 Q. All right. Do you -- do you remember speaking  
20 with anyone within the unit about reviewing this -- the  
21 video?

22 A. I don't recall.

23 Q. All right. In looking back at Exhibit 2 --  
24 well, strike that.

25 I'm sticking with Exhibit 3. Below the

1 -- the link to the TedX video, there's another e-mail  
2 string. It says on Thursday, April 8th, 2021. You see  
3 where I'm reading?

4 A. Uh-huh. Yes.

5 Q. And it -- at 2:25 p.m. Kimberly H. wrote --

6 A. Kimberly Yancy.

7 Q. Yancy. I'm sorry. Thank you for the  
8 correction. Yes. It's Kimberly Yancy, and it states,  
9 "This is something we should all fight." You see that?  
10 And it says, "This man helped to delete -- dilute" --  
11 in call caps -- "our vote 10 to 11 years ago." Do you  
12 see that?

13 A. Yes.

14 Q. Do you remember reading what she's writing here  
15 at the time?

16 A. I don't recall. I remember the -- receiving  
17 the first e-mail. The subsequent e-mails after that,  
18 I --

19 Q. Okay. And she goes on to write, "This demands  
20 a protest, at least in writing," and the "now" in all  
21 caps. Did -- did the unit agree that we needed to --  
22 you needed to protest at this point?

23 A. I don't recall any communication with the unit  
24 sending out something in agreement. I don't recall.

25



1 Q. Okay.

2 A. Yeah.

3 Q. All right. So it's as far -- what about you as  
4 -- you know, personally, as far as you're aware, you  
5 didn't have any -- did you have any reaction to  
6 Ms. Yancy's e-mails at this time?

7 A. As the president or as an individual?

8 Q. As an individual.

9 A. I didn't respond to it.

10 Q. I don't think you did. I haven't seen a  
11 response, but I'm just wondering if you -- if you-all  
12 talked about it, if you --

13 A. Talked, no.

14 Q. No. Did you personally agree one way or  
15 another with what Ms. Yancy was saying in terms of the  
16 need to protest?

17 A. I feel like she has some valid points.

18 Q. And what -- what points were those to -- that  
19 you thought were valid?

20 A. Well, the fact is that this same man was hired  
21 who previously drew maps in a discriminatory form that  
22 impacted the community and that our tax dollars hired  
23 this man, and so that is -- should be something  
24 alarming to where we should pay attention to what's  
25 going on.

1 Q. I didn't want to -- I don't want to cut you  
2 off.

3 A. That's it.

4 Q. Okay. Did -- did you -- do you agree, though,  
5 that a protest was in line at this point, you  
6 personally?

7 A. Me personally?

8 Q. Yes.

9 A. Protesting isn't my personal call to action.

10 Q. What -- what -- did you -- what did you feel  
11 that would be an appropriate call to action at this  
12 point in time in April?

13 A. Investigate, educate, and proceed accordingly.

14 Q. Okay. Is that -- so is that what you feel like  
15 you did, took that -- that method or mode of dealing  
16 with it?

17 A. Allowed democracy to be democ- -- an interest  
18 in democracy, yes.

19 Q. Okay. All right. And best you can recall,  
20 there were some e-mails related to sort of getting  
21 educated on the redistricting effort after the April  
22 2021 --

23 A. Yes.

24 Q. -- letter, right? Okay. I'm going to jump  
25 ahead to -- actually, well, since I marked it, let's

1 look at Exhibit 4, which is another response from -- to  
2 Ms. Yancy's e-mail from -- this one's from Lucille  
3 McGaskey. Do you know her?

4 A. No.

5 Q. All right.

6 A. Not by name.

7 Q. Okay. And she says -- her response says, "Good  
8 evening," exclamation. And it says, "Yes. You must  
9 include Comm Holmes and get info -- info from state  
10 democratic party organizations, open paren, elect,  
11 comma, NAACP, comma, et cetera, close parens." Goes on  
12 to say, "Educate yourselves on the current rules to be  
13 able to determine what the map should look like but  
14 without the current census." Does that seem somewhat  
15 in line with sort of your view of what needed to happen  
16 in terms of monitoring the redistrict -- redistricting  
17 process at this point?

18 A. With exception of the democratic party.

19 Q. With the exception of the what? The democratic  
20 party?

21 A. Makes it partisan.

22 Q. Okay. Okay. So then -- yeah. Okay. So then,  
23 I guess, make sure I understand what you're saying.  
24 Your view is gather as much information generally to  
25 educate yourself, but we're not going to go to the

1 Democratic party about that, right?

2 A. No. You should not -- it's nonpartisan.

3 Q. All right.

4 A. Should be nonpartisan efforts.

5 Q. Did you have any idea at this time -- her  
6 e-mail refers to the census -- in April of 2 -- 2021,  
7 did you have any idea of the -- what the -- she was  
8 talking about in terms of census data, when -- what was  
9 her -- she referring to? Do you know?

10 MS. CHEN: Objection, form.

11 A. Clarify.

12 Q. (BY MR. RUSSO) Yeah. Did you -- do you have  
13 any idea what she's referring to in -- when she uses  
14 the phrase "but without the current census"?

15 A. No. I can't interpret what someone else is --

16 Q. Yeah. I'm asking if you had any belief or  
17 understanding -- what's your understanding of what that  
18 meant?

19 A. To not include the census data?

20 Q. Yeah. Well, do you understand that she's --

21 A. Is --

22 Q. Your understanding, she's referring to census  
23 data?

24 A. But without the -- as it's worded, yes.

25 Q. Yes. And then she -- I mean, she -- this is

1 getting confusing, but she's referring to the fact that  
2 you can do all these efforts while not --

3 A. Without.

4 Q. -- having census -- census data, right?

5 A. Yes.

6 MS. CHEN: Objection, form.

7 Q. (BY MR. RUSSO) And specifically she's -- and  
8 from what you understand, she's saying they don't have  
9 the census data yet, so -- but we can do all these  
10 other things?

11 MS. CHEN: Objection, form.

12 A. As the form states.

13 Q. (BY MR. RUSSO) As the --

14 A. As the e-mail states?

15 Q. Yes.

16 A. Okay. So just to be clear, are you asking me  
17 am I interpreting her e-mail in the matter of saying  
18 "go look at this information without the census"?

19 Q. I -- yes. Is that -- is that what you  
20 understand she was saying to you?

21 A. To me or --

22 Q. Yeah. To -- to you as one of the reci- --  
23 recipients.

24 A. I guess I'm on the e-mail. I don't recall.

25 Q. Well, did you under -- was it your

1 understanding that the census data had not been  
2 provided and released yet in -- in April of 2021?

3 A. Yes.

4 MS. CHEN: Objection, form.

5 Q. (BY MR. RUSSO) Okay. And do you understand  
6 that -- the importance of the census data in terms of  
7 the redistricting process, right?

8 A. I understand it is a component.

9 Q. It's a, like, major component, right?

10 A. Correct.

11 MS. CHEN: Objection, form.

12 Q. (BY MR. RUSSO) Do you understand that the --  
13 that the figures, the numbers that come out by virtue  
14 of the census, are one of the primary reasons for  
15 having to do re- -- redistricting if, for no other  
16 reason, you may have to realign the populations --

17 A. Uh-huh.

18 Q. -- within the precincts, right?

19 MS. CHEN: Objection, form, calls for  
20 legal conclusion.

21 Q. (BY MR. RUSSO) If you know.

22 A. I can't make that conclusion.

23 Q. Okay. So do you have any understanding as to  
24 whether the -- the -- one of the ob- -- obligations of  
25 the county in this case in their redistricting effort

1 was to make sure that the number -- the populations in  
2 each of the precincts was relatively close?

3 MS. CHEN: Objection, form, legal  
4 conclusion.

5 A. I -- I can't make that conclusion.

6 Q. (BY MR. RUSSO) Okay. You don't know that  
7 that's one of the requirements or whether it is one of  
8 the requirements?

9 A. I can't make that -- I can't factually make  
10 that conclusion.

11 Q. Okay. Do you have a belief as to whether  
12 that's a requirement or driver of redistricting?

13 A. Do I have a belief?

14 Q. Yes, ma'am.

15 A. Maybe. It -- it can be. It can be.

16 Q. Okay. All right. Well, but it -- as you sit  
17 here, are you able to say sort of how important the --  
18 the census data and receiving that is?

19 A. Yes.

20 Q. It is important, right?

21 A. The census is very important for -- just  
22 generally. Are you asking just redistricting or --

23 Q. Yes, ma'am.

24 A. -- is -- do I understand how important that the  
25 census is?

1 Q. No. I'm more specifically talking about the --  
2 the cens- --

3 A. Redistricting?

4 Q. Yeah. And I'll -- I'll get to the question is  
5 -- maybe a better way to phrase it is: Are you aware  
6 that the census data information is really sort of the  
7 first step into figuring out whether redistricting  
8 needs to happen and how you redistrict?

9 MS. CHEN: Objection, form, legal  
10 conclusion.

11 A. I can't come to that conclusion.

12 Q. (BY MR. RUSSO) You don't know. Sitting here  
13 today, you don't know the answer to that?

14 A. I can't come to that conclusion solely based on  
15 -- on what you are presenting.

16 Q. Okay. And in April of 2021, did you have any  
17 understanding or gain any understanding as to when the  
18 county might start the redistricting process?

19 A. No.

20 Q. So, I mean, from your perspective, it could  
21 have been starting in -- in May or could have been  
22 starting later in the year? Is that true?

23 MS. CHEN: Objection, form.

24 A. I believe that the hiring of an attorney may  
25 have been telling that something was starting.



1 Q. (BY MR. RUSSO) Okay. All right. But then --  
2 but nevertheless in -- in or about this time, April,  
3 you really didn't have any idea as to where the county  
4 was in the process, right?

5 A. No.

6 Q. And whether they were waiting on census data to  
7 start their process is not something that was --  
8 crossed your mind at this time?

9 MS. CHEN: Objection, form.

10 A. I don't recall.

11 Q. (BY MR. RUSSO) Okay. All right. So let me  
12 jump ahead to October, and I saw a note that you  
13 actually spoke against the state redistricting bill in  
14 Austin in October of 2021. Do you remember that?

15 A. In Austin?

16 Q. Yes.

17 A. I was in Austin in October speaking?

18 Q. Well, let me -- I guess let me make the  
19 question broader than that, and maybe you weren't  
20 present in person. Did -- do you -- did you speak  
21 against the state redistricting bill in -- in October  
22 of 2021?

23 A. On a Zoom. Can you give me more detail?

24 Q. So the -- I think the specific hearing that I'm  
25 referencing happened on October 13th of 2021, and

1 various witnesses were there to testify as to their  
2 feelings on the redistricting bill, Senate Bill, I  
3 think, 6 at the time.

4 A. On a state level?

5 Q. Say it again.

6 A. On a state level?

7 Q. On a state level, yes, ma'am.

8 A. Oh, yes.

9 Q. Do you recall testifying at that hearing either  
10 in person or by Zoom or --

11 A. It had to be Zoom. I was not in Austin, so it  
12 had to be Zoom.

13 Q. Okay. Do you remember attending by Zoom?

14 A. Yes.

15 Q. You remember what your -- your comments --  
16 well, let me strike that.

17 How did you get involved in making -- or  
18 testifying before the -- the senate on the bill?

19 A. Well, we were aware that redistricting was  
20 happening. As I said, the state NAACP, national NAACP  
21 alerts and lets us know that redistricting is  
22 happening, and this is -- was going on across the  
23 state.

24 Q. Was -- is there any person in particular to  
25 talk to you about testifying?

1 MS. CHEN: Objection, First Amendment  
2 internal deliberations. To the extent you can answer,  
3 you can.

4 Q. (BY MR. RUSSO) Yeah. I don't --

5 A. I don't recall.

6 Q. Yeah. I'm not asking about the content of the  
7 conversation. I'm just wondering if --

8 A. I don't recall.

9 Q. Okay. Do -- were you -- were you there on  
10 behalf of the -- the unit?

11 A. I was there as an individual.

12 Q. Okay. So you weren't there --

13 A. I -- no. I redact that. I may have been there  
14 as the president. I honestly can't recall. I'm sure  
15 there's a transcript of it with my exact words.

16 Q. Well -- and do you have a copy of that  
17 transcript?

18 A. No.

19 Q. No. Do -- but for now, as you sit here today,  
20 you don't know who asked you to show up and attend the  
21 meet -- hearing or speak?

22 A. I don't believe anyone asked me. I believe  
23 that I seen that it was a availability that -- it was  
24 an opportunity to speak against or con- -- give my  
25 opinion on what I -- how I felt about the bill.

1 Q. So what -- what -- what research did you do  
2 into the bill that was pending that made you conclude  
3 that you needed to speak against it?

4 A. The general education we gain from  
5 redistricting on the state level.

6 Q. And so did all that come from the NAACP state  
7 branches -- branch? Is there more than one?

8 A. State branch?

9 Q. Yes, ma'am.

10 A. There's one state.

11 Q. One per state?

12 A. One state of Texas.

13 Q. Okay. So let me rephrase that with that  
14 understanding. Is -- the materials you looked at and  
15 examined and/or information that -- that made you  
16 believe you needed to testify come from the state level  
17 branch?

18 A. I can't say that it solely came from there. I  
19 may have received information from other nonpartisan  
20 voting organizations.

21 Q. Well, had you received that information, what  
22 organizations would that -- would that have been?

23 MS. CHEN: Objection, form.

24 Q. (BY MR. RUSSO) If you know?

25 A. I don't recall.

1 Q. And what was it specifically that you reviewed  
2 that made you conclude you needed to speak against the  
3 bill?

4 A. I don't recall.

5 Q. Did you reach any conclusions as to the -- any  
6 dilution that was occurring -- that you believed was  
7 occurring by virtue of the bill being passed?

8 A. I don't recall. I would need to look at the  
9 transcript of what I said. It's been some time.

10 Q. Okay. But said -- as you sit here today, you  
11 don't remember what your view was in terms of why you  
12 needed to speak against the bill?

13 A. Well, oh, okay.

14 MS. CHEN: Objection, form. Go ahead.

15 A. That's a more clear way of putting it.

16 Q. (BY MR. RUSSO) Okay.

17 A. Yes. The -- there was a -- the gerrymandering  
18 undertone against, which was my reasoning for speaking  
19 against the -- is that what you're asking?

20 Q. Uh-huh.

21 A. My reasoning for speaking against it?

22 Q. Yes, ma'am. Yes.

23 A. Yeah. So the -- the way that it was -- we  
24 adversely reflect -- affecting the communities in which  
25 I serve as an advocate, which -- which is our mission

1 and which is in alignment with the national and state  
2 mission. So those things stood out that that would  
3 affect the people of color, which is what the  
4 organization is based on.

5 Q. So did you -- did you -- was that conclusion  
6 reached with -- in relation to specifically areas  
7 covered by the Dickinson Bay Area Branch that were  
8 being gerrymandered?

9 MS. CHEN: Objection, form.

10 A. I don't recall.

11 Q. (BY MR. RUSSO) Okay. Do you remember having  
12 any -- any concerns or -- or beliefs that the areas in  
13 which are covered by the unit were affected by Senate  
14 Bill 6?

15 A. In October?

16 Q. Yes.

17 A. October the 13th is when it was. No. I -- we  
18 didn't learn of -- no.

19 Q. So how --

20 A. The Galveston County -- I'm sorry.

21 Q. Yeah, yeah, yeah.

22 A. The Galveston County information was -- we  
23 didn't get that information until after that, so I  
24 can't speak on that effect.

25 Q. Yeah. And that's -- so I'm trying to figure

1 out how you concluded that gerrymandering was  
2 occurring, first of all, that required you to speak out  
3 about against Senate Bill 6 as a representative of the  
4 unit?

5 MS. CHEN: Objection, form, misstates  
6 testimony.

7 Q. (BY MR. RUSSO) The -- you can answer, if you  
8 -- if you can understand the question.

9 A. What was going on across the state.

10 Q. Okay. So you were advocating for people in  
11 different areas of the state at the time?

12 MS. CHEN: Objection, form.

13 A. I can't recall.

14 Q. (BY MR. RUSSO) And do you remember how it is  
15 you became -- you were -- how you reached the  
16 conclusion that gerrymandering was occurring?

17 A. Statewide or local?

18 Q. Statewide. I'm specifically talking about the  
19 -- this -- this hearing.

20 A. The October 13th hearing?

21 Q. Yes, ma'am. Yes, ma'am.

22 A. I don't recall.

23 Q. And did you conclude that gerrymandering was  
24 occurring within the Dickinson Bay Area area?

25 MS. CHEN: Objection, form, asked and

1 answered.

2 Q. (BY MR. RUSSO) Specifically as relates to  
3 Senate Bill 6?

4 A. On October 13th?

5 Q. Yes, ma'am.

6 A. As previous stated, we were not privy to that  
7 information until after.

8 Q. Okay. So where was it you thought that  
9 gerrymandering was occurring at the time you testified  
10 in front of the senate --

11 MS. CHEN: Objection, form, asked and  
12 answered.

13 Q. (BY MR. RUSSO) -- or in relation to Senate  
14 Bill 6?

15 A. Across the state, as answered.

16 Q. Specifically, were there any areas that you  
17 recall that were needed to be challenged?

18 MS. CHEN: Objection, form, asked and  
19 answered.

20 A. As answered, I -- it was across the state,  
21 various areas.

22 Q. (BY MR. RUSSO) Okay. And -- but as you sit  
23 here today, you just don't remember which areas those  
24 were --

25 A. I just -- today I don't remember that.



1 Q. Was it throughout the state as far as you  
2 remember?

3 A. Different areas and regions of the state.

4 Q. Were there some in Houston? You recall?

5 A. I don't recall.

6 Q. So did -- did you prepare a written statement  
7 in connection with the testimony, whether that you were  
8 going to read into the record or did you have --

9 A. I probably spoke freely. I don't recall --

10 Q. All right.

11 A. -- re- -- preparing a statement.

12 Q. Did you speak to any -- any individuals other  
13 than members of the unit or the state organization  
14 NAACP --

15 A. I --

16 Q. -- about what that statement should look like?

17 A. I don't recall.

18 Q. Do you -- you have a copy of that -- if --  
19 would you have a coy of that, if it exists?

20 MS. CHEN: Objection, form.

21 A. I don't recall.

22 Q. (BY MR. RUSSO) Have you looked?

23 A. For the October 13th?

24 Q. Yes, ma'am. Materials relating to that  
25 testimony.

1           A.    No.  I can't specifically say that I have  
2 looked for October 13th.

3                   MR. RUSSO:  Okay.  All right.  Well,  
4 Sarah, that's another one of those areas we want to  
5 make sure we look at.  And, again, I think it's covered  
6 by a specific request related to redistricting.

7           Q.    (BY MR. RUSSO)  All right.  And it -- do you --  
8 as you sit here today, do you remember seeing any --  
9 having or possessing any materials related to the  
10 redistricting efforts, specifically in preparation for  
11 your testimony before the legislature -- Texas  
12 Legislature?  Is there any materials that you recall  
13 having?

14                   MS. CHEN:  Objection, form.

15           A.    I don't recall.

16           Q.    (BY MR. RUSSO)  Do you remember anybody being  
17 with you, personally, sitting on your side of the Zoom  
18 session while you were testifying with the -- the  
19 legislature?

20           A.    No one was with me.  I was in my home.

21           Q.    Okay.  And I think you told me you -- you don't  
22 have a copy of the transcript?

23           A.    No.  Do you?

24           Q.    I don't think I have a full transcript.  Do you  
25 remember what you said?

1 A. No.

2 Q. Okay. But at the time of the testimony, you  
3 believe that it was some kind of gerrymandering going  
4 on some place within the state of Texas?

5 MS. CHEN: Objection, form, misstates  
6 testimony.

7 A. I would -- I would -- I need the transcript in  
8 front of me to say -- I can't recall exactly what I  
9 said, so I can't give you a definite answer on that.

10 Q. (BY MR. RUSSO) Yeah. Best you can recall,  
11 though, that was the issue?

12 A. I can't recall exactly what I said, so I can't  
13 give you a definite answer.

14 Q. Okay. You think it was something other than  
15 gerrymandering that you talked about?

16 A. I can't recall exactly what I said, so I can't  
17 give you a definite answer.

18 MR. RUSSO: Okay. All right. Mark that.

19 MS. CHEN: Thank you.

20 (Marked Lofton Exhibit No. 5.)

21 THE WITNESS: Thank you.

22 THE REPORTER: Uh-huh.

23 MR. RUSSO: It's 22.

24 MR. GUERRERO: Uh-huh.

25 (Discussion off the record.)

1 (Marked Lofton Exhibit No. 6.)

2 Q. (BY MR. RUSSO) Okay. So Exhibit 5 is an  
3 e-mail dated Friday, October 29th, 2021. Do you see  
4 that?

5 A. Yes.

6 Q. And it -- also it has an attachment to it. It  
7 says a letter to Galveston County, dot, DOCX. Do you  
8 see that?

9 A. Yes.

10 THE WITNESS: Says the battery's low.

11 MR. RUSSO: I think he's got it over  
12 there. Think you're good now.

13 Q. (BY MR. RUSSO) All right. So Exhibit 22 --  
14 I'm sorry. Exhibit 5 has an attachment. It's a letter  
15 to Galveston County, dot, DOCX. Do you see that?

16 A. Yes.

17 Q. So do you remember see -- receiving this e-mail  
18 from Ms. Williamson back in October of '21?

19 A. Well, my e- -- my name is here, so I received  
20 it.

21 Q. You remember looking at it?

22 A. This is -- I'm reading over it now to --

23 Q. Okay.

24 A. -- refreshing my memory.

25 Q. Yeah. Feel -- again, feel free to read as much

1 of the document as you -- you need to.

2 A. Yes. I remember receiving it.

3 Q. Okay. And specifically the -- the e-mail that  
4 is in the middle of the page is from Roxy Williamson,  
5 and it's -- you're one of the recipients of that  
6 e-mail, right?

7 A. Yes.

8 Q. Okay. So you remember seeing this e-mail  
9 before today?

10 A. Before today?

11 Q. Yes, ma'am.

12 A. Yes.

13 Q. Did -- do you remember reading through it?

14 A. This e-mail?

15 Q. Yes, ma'am.

16 A. The initial one, yes. All of this, yes.

17 Q. Okay. Was -- and this letter was one of the --  
18 was part of the sort of advocacy effort that was  
19 undergoing -- ongoing behind the -- Galveston County's  
20 redistricting effort? Would you --

21 A. What's the question?

22 MS. CHEN: Objection, form.

23 Q. (BY MR. RUSSO) Was this letter part of the  
24 advocacy effort ongoing behind -- behind the scenes  
25 during the Galveston County redistricting efforts?

1 MS. CHEN: Objection, form.

2 A. I don't recall if this is the only -- I'm not  
3 -- I'm really not clear on your question. Is it -- are  
4 you asking: Is this the only component? Is this  
5 initiation? Could you --

6 Q. (BY MR. RUSSO) Well, what I'm -- I guess let  
7 me try to be more clear. Was Ms. Williamson providing  
8 you this e-mail in terms of drumming up advocacy?

9 A. For advocacy purposes?

10 Q. Yes, ma'am.

11 A. Yes. Education and advocacy, yes.

12 Q. Okay. And it also includes the -- as the  
13 e-mail goes on, there's a string of e-mails from an  
14 individual named Stephanie Swanson. Do you see  
15 those --

16 A. Yes.

17 Q. -- on Page 2 and goes on to Page 3?

18 A. Uh-huh.

19 Q. Did you know Ms. Swanson?

20 A. Do I know her?

21 Q. Yes, ma'am.

22 A. Personally, no.

23 Q. Had you met her before?

24 A. I don't recall -- the League of Women Voters.  
25 Oh, I don't recall personally meeting her. I know what

1 the organization -- familiar with what the organization  
2 is.

3 Q. Uh-huh.

4 A. Another nonpartisan organization for advocacy.

5 Q. You -- so you're aware that she's a part of a  
6 League of Women Voters organization?

7 A. Right. Correct.

8 Q. Okay. And Ms. -- Ms. Williamson's e-mail  
9 actually refers to Ms. Swanson's correspondence down  
10 below, does it not?

11 A. Yes.

12 Q. Do you remember re- -- reading through the --  
13 Ms. Swanson's correspondence?

14 A. Yes.

15 Q. All right. Okay. And I'm specifically  
16 interested in one of the comments made at the bottom.  
17 It starts on the bottom of Page 2, and she's -- where  
18 Ms. Swanson writes "given the current situation." You  
19 see that?

20 A. Yes.

21 Q. And it's -- she goes on to say, "And the fact  
22 that the commissioners court is not including the  
23 public at all in the redistricting process." Do you  
24 see that?

25 A. Yes.

1 Q. And she says, "We have opted to send them a  
2 letter requesting that they do so, open paren, linked  
3 below, close paren, and have provided them with  
4 recommendations for procedures, time lines, criteria,  
5 et cetera. " You see that?

6 A. Yes.

7 Q. And she goes on to say, "We realize that the  
8 county is unlikely to listen, but we need to provide  
9 our recommendation before the maps are drawn to help us  
10 create a record for litigation, if it comes to that."  
11 You see that?

12 A. Yes.

13 Q. So when -- was it your understanding that  
14 Ms. Swanson was preparing the letter to send to the  
15 county to create a litiga- -- for litigation?

16 MS. CHEN: Objection, form, misstates the  
17 evidence.

18 A. I -- I can't make that -- you're asking me to  
19 conclude to that?

20 Q. (BY MR. RUSSO) I'm asking if you concluded  
21 that.

22 A. No.

23 MS. CHEN: Objection, form.

24 Q. (BY MR. RUSSO) You thought that Ms. Swanson  
25 preparing the letter was from some -- for some purpose



1 other than creating a record for litigation?

2 MS. CHEN: Objection, form.

3 A. I don't recall.

4 Q. (BY MR. RUSSO) Do you remember talking to  
5 Ms. Swanson about that issue?

6 A. Frankly, no.

7 Q. Do you remember reviewing the letter that's  
8 attached to the e-mail?

9 A. Yes.

10 Q. Did you agree that it was created to, you know,  
11 provide recommendations and procedures and time lines  
12 and criteria to help create a record for litigation?

13 MS. CHEN: Objection, form.

14 A. I believe that it was created for advocacy  
15 purposes.

16 Q. (BY MR. RUSSO) And specifically would -- what  
17 was referenced, do you disagree that Ms. Swanson  
18 created the letter for purposes of litigation?

19 MS. CHEN: Objection, form, asked and  
20 answered.

21 A. I believe that it was created for advocacy  
22 purposes.

23 Q. (BY MR. RUSSO) But you disagree with her  
24 statement that this helps create a record for  
25 litigation, should it come to that?

1 MS. CHEN: Objection, form, asked and  
2 answered.

3 A. I believe that it was an attempt to be  
4 proactive for advocacy reasons.

5 Q. (BY MR. RUSSO) Were you in favor of providing  
6 the letter to Galveston County in order to, you know,  
7 provide recommendations and create a record?

8 A. Create a record?

9 Q. Yes, ma'am.

10 A. I'm in favor -- I was in favor of providing  
11 information to be inclusive and transparent. Provide a  
12 record? I can't say that I expected the outcome to be  
13 where we are today.

14 Q. Okay. So is it -- is it true that then at this  
15 time, you -- you thought that litigation was not  
16 something that was going to occur?

17 A. On October 29th?

18 MS. CHEN: Objection, form.

19 Q. (BY MR. RUSSO) Yes, ma'am.

20 A. No. I didn't think litigation was going to be  
21 -- I thought that the process would be more  
22 transparent.

23 Q. Okay. And, again, the transparency alone was  
24 something that you thought was important in terms of  
25 dealing with redistricting effort?

1 MS. CHEN: Objection, form, misstates the  
2 prior testimony.

3 A. Transparency is important dealing with  
4 community redistricting specifically because it will  
5 affect the community.

6 Q. (BY MR. RUSSO) Okay. Do you think that the  
7 -- the letter that was prepared by Ms. Swanson did  
8 create a record for litigation?

9 MS. CHEN: Objection, form.

10 A. We're here.

11 Q. (BY MR. RUSSO) Sorry?

12 A. We are here.

13 Q. Did it assist with the record-creating?

14 MS. CHEN: Objection, form calls for  
15 legal conclusion.

16 A. I can't say that it did or it didn't.

17 Q. (BY MR. RUSSO) Okay. But it -- it -- is it  
18 your understanding that one of the purposes of  
19 Ms. Swanson preparing that letter and sending it to  
20 Galveston County was to create a record for litigation?

21 MS. CHEN: Objection, form, asked and  
22 answered.

23 A. Advocacy and proactive reasons to move forward.  
24 I cannot determine her goals were primarily litigation.

25 Q. (BY MR. RUSSO) Okay. But you do agree that's

1 one of the things that she mentions in her e-mail?

2 MS. CHEN: Objection, form, asked and  
3 answered.

4 Q. (BY MR. RUSSO) True?

5 A. I believe that advocacy and proactive acts were  
6 attempted.

7 Q. But you do agree that Ms. Swanson notes in her  
8 e-mail that --

9 A. It's noted in the e-mail that that is her  
10 intent.

11 Q. Correct.

12 A. That that is her intent.

13 Q. Correct. But the -- are you telling me that --

14 A. But that is not the intent of all included.  
15 The --

16 Q. And including --

17 A. The intent of all included was for transparency  
18 and advocacy to be proactive throughout the process.

19 Q. Okay. So then it -- I mean, it's testimony --  
20 your testimony on behalf of the unit that the unit  
21 didn't agree to prepare this letter for purposes of  
22 creating a litigation record?

23 A. We didn't know we would even be in litigation.

24 Q. Right. But, again, her letter is record for  
25 litiga- --

1 A. It was proactive in an advocacy attempt.

2 Q. Right. Her letters -- her e-mail states "for  
3 creating a record for litigation if it comes to that."  
4 So she didn't know litigation was going to happen  
5 either, right?

6 A. No one did.

7 Q. But the point is -- I think what you're telling  
8 me is that the -- the unit's view of it was the letter  
9 was fine for purposes of advocacy, but not to create a  
10 record for litigation. Would you agree?

11 MS. CHEN: Objection, form.

12 A. I can't give a definite answer on that.

13 Q. (BY MR. RUSSO) You don't know?

14 A. It's not that I don't know. I cannot give a  
15 definite answer as the unit as a whole.

16 Q. So the unit may have had an objective of  
17 creating a record for litigation?

18 MS. CHEN: Objection, form.

19 A. The unit purposes are advocacy and proactive  
20 acts for transparency. It was not for litigation.

21 Q. (BY MR. RUSSO) Okay.

22 A. The unit had hope in democracy.

23 Q. All right. So at the time y'all didn't agree  
24 with Ms. Swanson's statement?

25 A. The unit goal was hope in democracy.

1 Q. Okay. Are you aware that Ms. Swanson actually  
2 sent a copy of the attached letter or similar copy of  
3 it to the county commissioners court?

4 A. If that's what's on this e-mail.

5 Q. Okay. Well, let's look quickly at Exhibit 6,  
6 which is an e-mail from Ms. Swanson to commissioners  
7 court. And it attaches the -- very similar copy of the  
8 letter that we looked at on Exhibit 22 -- I'm sorry --  
9 Exhibit 5.

10 A. Is the unit or myself cc'ed on this e-mail?

11 Q. None of you are cc'ed on this e-mail. This is  
12 just -- this is the e-mail that she sent directly to  
13 the commissioners court.

14 A. So, no, I wouldn't be aware of it.

15 Q. Okay. Yeah. And then -- so is this the first  
16 time you've seen this as far as you're aware?

17 A. That she sent this?

18 Q. Yes.

19 A. I don't recall seeing this. If I'm not cc'ed  
20 on it, then I don't recall seeing it.

21 Q. Okay. And the date here is Friday,  
22 October 29th, 2021, at 5:04 p.m. You see that?

23 A. Yes. I see that.

24 Q. And then just, you know, glancing through the  
25 attachment to the letter there, does it appear to be

1 the same letter that's attached to Exhibit 5?

2 A. I would need time to read over it.

3 Q. Okay. And, again, I'm not looking for a word  
4 to word -- word for word, but do the letters look  
5 generally close to the same?

6 A. I'm still reading.

7 MS. CHEN: Joe, while Ms. Lofton's  
8 reading, thoughts on taking a quick break soon to order  
9 lunch? And then we can do the lunch break whenever the  
10 food arrives.

11 MR. RUSSO: Yeah. Why don't we do that?  
12 You want to go off the record and have that  
13 conversation?

14 MS. CHEN: Right now?

15 MR. RUSSO: If that works. She can look  
16 at that, and we'll --

17 MS. CHEN: Okay. Thank you.

18 THE VIDEOGRAPHER: Going off the record,  
19 12:07.

20 (Break.)

21 THE VIDEOGRAPHER: Going back on the  
22 record, 12:25.

23 Q. (BY MR. RUSSO) Okay. Ms. Lofton, before we  
24 broke, you were sort of comparing exhibits -- the  
25 attachment to Exhibit 5 and the attachment to

1 Exhibit 6. Did you have a chance to look at both of  
2 those?

3 A. Yes, I did.

4 Q. Do they look relatively like similar -- like  
5 relatively similar documents?

6 A. Relatively the same, yes.

7 Q. Yeah. And as I recall, though, you said you  
8 hadn't seen Exhibit 6, you don't believe, before today.  
9 True?

10 A. No.

11 Q. Okay.

12 A. Yeah.

13 Q. All right. Okay. So then looking back at  
14 Exhibit 5, tell me if I'm -- if it's an accurate  
15 statement that one of the reasons Ms. Williams [sic]  
16 was sending the letter to you-all was to obtain support  
17 for the -- the letter attached?

18 A. Ms. Williams [sic] was sending out the letter  
19 because she was in the redistricting chair, and she was  
20 using it for education and advocacy reasons.

21 Q. Okay. And on the -- the e-mail it's -- the  
22 time of the e-mail --

23 A. Uh-huh.

24 Q. -- on Exhibit 5 says 6:10 p.m. You see that?

25 A. Yes.



1 Q. And you see -- and you recall that the time on  
2 Exhibit 6 is, what, 5:04?

3 A. Yes.

4 Q. Okay. So, I guess, reasonable then to conclude  
5 that the letter that Ms. Swanson sent to the Galveston  
6 County commissioners had already gone by the time  
7 Ms. Williamson was asking for advocacy on same or  
8 similar letter. True?

9 MS. CHEN: Objection, form. There are no  
10 time zones on Exhibit 5.

11 Q. (BY MR. RUSSO) Well, either way, if it's  
12 Central or Eastern, do you have any understanding as to  
13 whether Ms. Williamson's e-mail came before or after  
14 Ms. Swanson sent her e-mail to the commissioners court?

15 A. I know when Ms. Williamson's e-mail -- e-mail  
16 -- e-mail was sent. That's it.

17 Q. Right. And in this document reflects 6:10 --  
18 true -- 10 p.m.?

19 A. But no time zone.

20 Q. Right. Well -- and, again if it's Eastern time  
21 zone, that would have been 5:00 --

22 A. 5:00 o'clock.

23 Q. -- 10.

24 A. 10.

25 Q. Which is still after the date that -- or time

1 the e-mail was sent to the county commissioners.

2 Agreed?

3 A. Agree.

4 Q. I just want to note -- well, let me stick with  
5 this for now. So one of the sentences in her e-mail,  
6 Ms. Williamson's e-mail on Exhibit 5 -- let me see if I  
7 can find it. I'll say it's about the midpoint of the  
8 paragraph. And at the very -- if you look at the end  
9 on the right side, there's two words. It says "we  
10 are"?

11 A. Uh-huh.

12 Q. You see that?

13 A. Yes.

14 Q. And that's the sentence I want to focus on.  
15 That -- that sentence says, "We are asking that you  
16 review the letter, share with your networks, and sign  
17 on in advocacy." You see that?

18 A. Yes.

19 Q. Okay. So is it true that you reviewed the  
20 letter that was attached at the time?

21 A. Yes.

22 Q. Do you know whether you shared it with your  
23 networks?

24 A. I don't recall.

25 Q. Okay. And then it says "and sign on in

1 advocacy." Do you see that?

2 A. Yes.

3 Q. Do you agree -- do you remember whether you  
4 agreed to sign on to this letter in advocacy?

5 A. I don't re- -- I would imagine there would be a  
6 forwarded e-mail on here, attachment with that if that  
7 was the case. But I don't recall moving forward or  
8 objecting to it.

9 Q. Okay. Did -- do you remember meeting with the  
10 -- you know, I guess the executive committee or  
11 otherwise talking about wanting Ms. Williamson's  
12 request for advocacy on this letter?

13 A. Utilizing this specific template like --

14 Q. The letter specifically, yes, ma'am.

15 A. I don't recall. I -- I don't -- I can't speak  
16 for certain that -- I want to look at the recipients of  
17 the e-mail to see if they -- yeah. I don't recall.

18 Q. Okay. If you -- would it -- would that have  
19 been your practice, to meet with the committee to  
20 decide whether to sign on in advocacy of this letter?

21 A. Yes.

22 Q. And would it also have been your practice to  
23 have reviewed the letter and make sure you agree with  
24 its contents?

25 A. Yes.

1 Q. Do you know why Ms. Williamson was seeking to  
2 have groups sign on to this letter in advocacy when a  
3 copy had already been sent to the commissioners court?

4 MS. CHEN: Objection, form.

5 A. I can't speak to someone else's why.

6 Q. (BY MR. RUSSO) Yeah. I was just asking if you  
7 knew why.

8 A. Well, from the people that she has included on  
9 the form, specifically naming advocacy groups, it looks  
10 -- it appears to be an effort to show nonpartisan  
11 advocacy groups going forward in support of that.

12 Q. And is it -- is it your belief that having  
13 advocates sign on to this letter makes it look like it  
14 has more support?

15 A. It shows that the people in the community who's  
16 serving the community are in support of what is going  
17 on with the community.

18 Q. Uh-huh.

19 A. And are seeking the transparency.

20 Q. And in this case the -- they were --  
21 Ms. Williamson was seeking support after the letter had  
22 actually already been sent and drafted?

23 MS. CHEN: Objection, form.

24 Q. (BY MR. RUSSO) Agreed?

25 A. That the letter was sent on behalf of Stephanie

1 Swanson. That does not mean that other people could  
2 not send -- you cannot advocate. I mean, we're  
3 advocates.

4 Q. Yeah. Is it -- I mean, is it -- is it common  
5 to sort of have people sign on in advocacy to a letter  
6 that's already -- already been sent to, you know, the  
7 party that the complaint's about, in this case, the  
8 county?

9 MS. CHEN: Objection, form.

10 Q. (BY MR. RUSSO) Is that a common occurrence?

11 MS. CHEN: Objection, form.

12 A. Is that a common occurrence? I can't speak to  
13 that.

14 Q. (BY MR. RUSSO) Is it -- is it your  
15 understanding that by having a group sign on in  
16 advocacy, that, again, it makes the letter and the  
17 complaints within it look like it has more support than  
18 without those signatures?

19 MS. CHEN: Objection, form, asked and  
20 answered.

21 Q. (BY MR. RUSSO) I'm sorry. You can answer.

22 A. Oh, it appears, as I stated, that she was  
23 seeking more advocacy groups that are in the community  
24 to go and support things that affect the community.

25 Q. Yeah. And in this case, it meant signing on to

1 a letter that had already been drafted and submitted to  
2 the commissioners. True?

3 A. I didn't -- there does not appear to be a time  
4 line to where it had to be a date. So if an advocacy  
5 group joined after an individual sent it -- a letter,  
6 I'm not seeing where there would be an issue with that  
7 because once you get the community together of  
8 advocates that are being affected by something, then  
9 them submitting the document, there may be an agreement  
10 to something going forward that represents what they're  
11 advocating for.

12 Q. Uh-huh.

13 A. I didn't -- I'm not sure that there's a time  
14 period seeing as there aren't many time periods and  
15 transparency done throughout this process.

16 Q. All right.

17 A. It's -- can I ask you a question?

18 Q. Well, yeah. I can try to clarify for you  
19 anything.

20 A. Because I'm -- I'm -- I'm trying to get a  
21 better understanding of you asking me that question.  
22 Is that possible?

23 Q. Sure. If you don't -- yeah. If you don't  
24 understand the question, then I was asking it's  
25 effectively that is it -- is it your understanding that

1 by having advocacy groups sign on to the letter after  
2 it's already been drafted and approved by someone else  
3 and actually, in this case, sent to the county  
4 commissioners court -- the purpose of having other  
5 indivi- -- groups sign on in advocacy is to give the  
6 appearance that they're -- those advocate groups  
7 believe in legitimacy of the complaints in the letter?

8 MS. CHEN: Objection, form.

9 Q. (BY MR. RUSSO) Is that true?

10 A. I would like to clarify that you are asking me  
11 that collectively are these getting these groups  
12 together to submit a form after the fact is not -- to  
13 me this is what it sounds like you're asking me: Was  
14 it relevant to do after the fact that someone else has  
15 -- an individual has done it?

16 Q. (BY MR. RUSSO) Yeah. So -- and I'm -- I'm not  
17 really using the word "relevant" as much as just that  
18 the -- the -- why it's being done, which is -- part of  
19 my question is: The reason it's being done in this  
20 instance in particular is to -- to make it appear that  
21 there -- there's -- there is more support for the  
22 contents of the letter and the complaints in it. Would  
23 you agree?

24 A. The reason that it's being done is to show that  
25 the advocacy groups in the area that are affected by it

1 are in agreement or on board with it.

2 Q. Right.

3 A. And an individual who sent something separately  
4 is an individual sent -- sent separately.

5 Q. Right. And in this instance, as far as you're  
6 aware, the advocacy groups that signed on to the letter  
7 didn't really have anything to do with drafting it as  
8 far as you're aware?

9 A. Well, the --

10 MS. CHEN: Objection, form.

11 A. They would have to agree to sign on. You don't  
12 just sign on. And as a unit, you can't just sign on.  
13 It's not how it goes.

14 Q. (BY MR. RUSSO) Uh-huh. Is that -- you -- the  
15 typical method of dealing with this situation is to  
16 make sure you agree with the -- the content, correct?

17 A. The content, the executive committee, and then  
18 you move forward. Me, as a president, as an individual  
19 -- me, as a president, in that capacity cannot make a  
20 decision. Everything has to be collectively agreed  
21 upon.

22 Q. Okay.

23 A. Then you move forward.

24 Q. All right. And is -- I think you told me that  
25 you're not really sure what -- whether the group agreed



1 to sign on on this letter?

2 MS. CHEN: Objection, form.

3 Q. (BY MR. RUSSO) Is that your recollection right  
4 now?

5 A. I would like to see a document to show.

6 Q. Okay.

7 A. I don't have a document to speak on it, no.

8 Q. Sure. I get it. Okay. All right. Well,  
9 while we're looking at these two letters, had some  
10 other follow-up questions. Do you have -- do you know  
11 why it was that Ms. Swanson waited, I guess -- I don't  
12 know -- six months?

13 A. I can't speculate --

14 MS. CHEN: Objection, form.

15 A. -- another person's actions.

16 Q. (BY MR. RUSSO) Okay. And you're not aware of  
17 why Ms. -- Ms. Swanson sent the letter in Oc- --  
18 October?

19 A. I can't speculate another person's actions.

20 Q. Okay. Do you know -- did -- at what point --  
21 or strike that.

22 Was the e-mail from Ms. Williamson, did  
23 it have the effect of sort of raising your awareness  
24 and the need to, you know, protest or be more proactive  
25 in terms of the county's redistricting effort?

1 A. It raised my awareness that there may be some  
2 transparency issues going on, that we were not as  
3 informed as we thought we would be.

4 Q. All right. And do you -- is there anything  
5 that you can recall that happened prior to the  
6 October 29th time period where you were sort of alerted  
7 to that issue prior to October --

8 A. Prior to October 29th?

9 MS. CHEN: Objection, form.

10 Q. (BY MR. RUSSO) Yes, ma'am.

11 A. The public information -- the public newspaper  
12 article about the hiring of the -- the same person --

13 Q. Uh-huh.

14 A. -- who was in the previous case that was deemed  
15 discriminatory.

16 Q. Right. And that was back in April, right? Not  
17 a trick question. As far as you recall, it was April?

18 A. Right. Yeah. It was April, I mean.

19 Q. Yeah. But then --

20 A. From April to October there's been -- I don't  
21 recall any information that was inclusive or  
22 transparent about the redistricting process.

23 Q. All right. So was there anything about the  
24 correspondence from Ms. Williamson that -- that did  
25 alert you that we need to be more proactive in terms of

1 Galveston County's redistricting efforts?

2 MS. CHEN: Objection, form, asked and  
3 answered.

4 A. I already stated that.

5 Q. (BY MR. RUSSO) And what was it about the  
6 correspondence that made you believe we need to be more  
7 proactive?

8 A. The date. It was October 29th at that point,  
9 and we hadn't received any information or details on  
10 what -- what the redistricting would actually look  
11 like.

12 Q. Did you have some i- -- understanding as to  
13 when the redistricting efforts should end or begin?

14 A. It would occur within that year. That's all  
15 that I knew.

16 Q. Okay.

17 A. And so by then, we're in October the 29th.  
18 Voting is coming up pretty quickly. So with that time  
19 line, there should have been something disclosed to  
20 someone about the information.

21 Q. Okay. So then it's -- as you recall, your  
22 recollection is that the -- the unit's belief was that  
23 the redistricting effort had to be done before the end  
24 of the year and by that October you're getting close.  
25 Is that sort of what you're telling me?

1 MS. CHEN: Objection, form.

2 A. Yes.

3 Q. (BY MR. RUSSO) All right. So let me mark 82.

4 MS. CHEN: Thank you.

5 (Marked Lofton Exhibit No. 7.)

6 Q. (BY MR. RUSSO) So Exhibit 7 is a -- an e-mail

7 -- the top part -- an e-mail dated October 29th, 2021?

8 A. Uh-huh.

9 Q. Time is 6:32 p.m. And it's from Ms. Williamson  
10 to you, I think, right?

11 A. Correct.

12 Q. All right. She's actually responding to an  
13 earlier e-mail?

14 A. The e-mail from Exhibit 5.

15 Q. Right. And that e-mail in the middle of this  
16 first page is dated October 29th, 2 -- 2021, and it  
17 actually says 7:22 p.m. It's -- and then Lucretia  
18 Lofton wrote -- do you remember seeing this -- sending  
19 this e-mail?

20 A. Uh-huh. Yes.

21 Q. Okay. And the contents are when -- "thank you  
22 for keeping the county informed -- formed." See that?

23 A. Yes.

24 Q. All right. And it goes on to say, "We the  
25 Dickinson Bay Area NAACP unit is on board." Do you see

1 that?

2 A. Yes.

3 Q. All right. "We look forward to uniting with  
4 you and strengthening our county," right?

5 A. Yes.

6 Q. Okay. So this looks like you responded to  
7 Ms. Williamson's e-mail and agreed to sign on to the  
8 letter. Would you agree?

9 A. This is an agreement to advocacy and  
10 strengthening our knowledge and education about  
11 redistricting, yes.

12 Q. Right. Did -- well -- and specifically, I  
13 asked you is it -- were you -- were you stating that  
14 the unit was in agreement with signing on to the advo-  
15 -- the letter as an advocate?

16 A. That's not what the -- that's not what my  
17 statement says.

18 Q. Uh-huh.

19 A. It says that we -- "the unit is on board. We  
20 look forward to uniting with you and strengthening our  
21 commun- -- our county." Excuse me. So this is -- this  
22 letter is showing that we do agree with the advocacy  
23 work that she's doing --

24 Q. Uh-huh.

25 A. -- and the education work and doing whatever it

1 takes to make sure that this process is transparent and  
2 as dem- -- democracy has been written --

3 Q. Okay.

4 A. -- and executed as we hoped for.

5 Q. All right. And -- and what did you mean by  
6 saying that the -- the NAACP unit is on board? Were  
7 you not referring to signing on as an advocate to the  
8 letter?

9 A. I was referring to signing -- I was referring  
10 to agreeing to the efforts necessary to advocate for  
11 the communities affected --

12 Q. Did that -- sorry. I didn't want to cut you  
13 off.

14 A. I was agreeing to moving forward with  
15 advocating for the education of the redistricting and  
16 the transparency process and requesting that.

17 Q. Okay. But are -- is it your testimony that by  
18 saying you're on board you are not agreeing to sign on  
19 to the letter?

20 A. The letter is a part of the agree -- can you  
21 clarify what specifically -- are you asking me am I  
22 agreeing to the letter, or are you asking me am I  
23 agreeing to sign on as the unit to -- with the letter?

24 Q. Yeah. I -- well, the second part of the  
25 question is what I was asking you -- is at the time

1 that you sent the -- this e-mail to Ms. Williamson --

2 A. Uh-huh.

3 Q. -- were you agreeing to sign on as part of the  
4 letter that she attached to her prior e-mail?

5 A. In the letter that's drafted -- clarify -- yes.  
6 This is Exhibit 7 letter. That -- that is not the  
7 letter that is attached to Exhibit 6. Is that what  
8 you're speaking of? Not -- not what was -- not what  
9 Stephanie Swanson individually sent but the outline of  
10 what is happening?

11 Q. Yeah. Well, let's -- let me -- let me try to  
12 clarify this. So in Exhibit 5 that we looked at  
13 earlier --

14 A. Uh-huh.

15 Q. -- Ms. Williamson was -- sent the e-mail to  
16 various parties. You're -- one of which was you. And  
17 one of her requests was "We're asking you review this  
18 letter, share with your networks and sign on in  
19 advocacy"?

20 A. Uh-huh.

21 Q. Remember that?

22 A. Yes.

23 Q. And the attached letter was very similar to the  
24 one that's on Exhibit 6, which had previously been sent  
25 to the county, right?

1 A. Right.

2 Q. So my question is: Then you respond, and this  
3 e-mail says it's 7:22 p.m., but that can't be right --  
4 and we'll talk about it in a minute. But it says that  
5 you responded on October 29th at 7:22 p.m. Say --

6 A. Why can't it be right?

7 Q. -- "thank you" -- well, we'll talk about it.  
8 "Thank you for keeping the county informed." And then  
9 it says, "We the Dickinson Bay Area NAACP unit is on  
10 board." And so what I was trying to figure out is: If  
11 -- if that's your response to Ms. Williamson's e-mail,  
12 did being on board include you signing on to the letter  
13 that she attached to her e-mail in Exhibit 5?

14 MS. CHEN: Objection, form.

15 A. I don't recall. I -- I really would like more  
16 clarity on why the time period can't be right.

17 Q. (BY MR. RUSSO) Okay. Well, so -- so I will  
18 say that if you look at the -- the next e-mail and her  
19 responding to you up at the top --

20 A. Uh-huh.

21 Q. -- the time there is 6:32 p.m. You see that?

22 A. Uh-huh.

23 Q. She responds to you, "Ms. Lofton, thank you so  
24 much for your dedication to the community and  
25 encouraging support." You see that?



1 A. Yes. The time.

2 Q. Right.

3 A. First one is 5:10. Mine's 7:22, and that one  
4 goes back at 6:32.

5 Q. Right. And then the e-mail that you sent to  
6 her in response to her e-mail that's in Exhibit 5 says  
7 it was sent 7:22, which would have been before her  
8 response to your e-mail?

9 A. At 6:30.

10 Q. But, again, what all that means, we can talk  
11 about it. What I'm -- my -- what I'm trying to ask  
12 you, though, is: When you responded to  
13 Ms. Williamson's e-mail in Exhibit 5, was part of the  
14 -- your response that the unit is on board, did that  
15 include, as she requested, that the -- you sign on in  
16 advocacy?

17 A. Yes.

18 Q. Okay. And -- and so is it your testimony that  
19 at the time that you agreed to that, you'd already  
20 reviewed the letter?

21 A. The letter from --

22 Q. Exhibit 5.

23 A. -- Exhibit 5?

24 MS. CHEN: And I'd just like to note for  
25 the record that Exhibit 5 has this same e-mail coming

1 at 6:10 p.m. whereas Exhibit 7 says 5:10 p.m., so there

2 -- there is a time zone or other sort of --

3 THE WITNESS: This --

4 MS. CHEN: -- timing issue.

5 MR. RUSSO: Right.

6 A. So I would like to say that in order for me to

7 give the most accurate answer to that --

8 Q. (BY MR. RUSSO) Uh-huh.

9 A. -- I would need the most accurate time line.

10 Q. Well, this is what we have. These are the

11 papers. And what -- what I know -- what we've

12 established so far is that in response to

13 Ms. Williamson's e-mail you were willing to -- you told

14 her the unit is on board, right?

15 A. But the time line, as you pointed out --

16 Q. Okay. Is there -- is there some confusion or

17 some other event that happened in your mind on

18 October 29th related to signing off on that -- on a

19 letter that might be confused with this situation --

20 MS. CHEN: Objection, form.

21 Q. (BY MR. RUSSO) -- that you're aware of?

22 A. I don't recall.

23 Q. Okay. So as far as -- as you can recall, this

24 is the only situation where Ms. Williamson asks you to

25 sign on to an advocacy letter, would you agree, on Oct-

1 -- on October 29th?

2 A. I know that on October 29th, Ms. Williamson  
3 wanted to educate our unit on what redistricting is and  
4 what it looks like, and I did send her this e-mail  
5 saying that we are on board with her being able to get  
6 with the unit and educate us on the redistricting,  
7 which may be the difference in this time period.

8 Q. Right.

9 A. I'm not -- I'm not -- I'm not sure on -- I  
10 would have to look at the -- more e-mails to see  
11 exactly why -- why there's a difference in time and --  
12 is there any other e-mails between her and I that  
13 provide more conversation?

14 Q. Yeah. We'll -- we'll look -- I have other --  
15 other documents marked. Whether they're particular  
16 e-mail that explain the hour difference, I don't -- I  
17 don't know.

18 A. Because this could be -- this could easily be a  
19 response to the wrong e-mail. This could easily be a  
20 response to another e-mail that she may have sent.

21 Q. Yeah. Well --

22 A. Or it -- or it could not. So I don't want to  
23 say that it is or it isn't if I don't have the full  
24 scope of e-mails.

25 Q. Okay. Well, so all I can represent to you is

1 that this -- the e-mails we've been looking at --

2 A. Okay.

3 Q. -- including 5 and 7 were produced by your  
4 counsel --

5 A. Okay.

6 Q. -- in this case. And I -- the way I know that  
7 is it has a Bates number at the bottom.

8 A. Uh-huh.

9 Q. So this is the way I got the documents from and  
10 where they were collect -- presumably collected by  
11 y'all in terms of the effort. So, you know, somewhere  
12 out there is an e-mail that has this exact chain in it.

13 A. Okay. So then if there's no other e-mail that  
14 goes in there, then that has to be the unit being on  
15 board with whatever advocacy procedure's going forward.

16 Q. Yeah. And -- and, again, I'm not -- there's  
17 nothing tricky about this. I'm just -- what I'm trying  
18 to gather, though, is how much time you had to review  
19 the letter that Ms. Williamson sent you and then also  
20 get that before your executive committee before you  
21 agreed to sign on as an advocate to the letter. Do  
22 you --

23 A. We were already on a meeting probably.

24 Q. Okay. All right. So do you specifically  
25 remember talking to the executive committee about

1 signing on as an advocate to the letter?

2 A. October the 29th. Oh, yeah. We were already  
3 on the meeting.

4 Q. Okay. So do you remember again --

5 A. Yes.

6 Q. Okay. Getting --

7 A. Specifically this -- I do remember specifically  
8 getting the approval with the executive committee about  
9 signing on.

10 Q. Okay. All right. So then there should -- you  
11 should -- you had a meeting ongoing on Friday the 29th  
12 at roughly 6:00 or 7:00 o'clock and were able to obtain  
13 approval then, right?

14 A. There was an executive meeting that was already  
15 transpiring --

16 Q. Okay. Is that --

17 A. -- that had already transpired.

18 Q. On -- is that a Zoom session, if you recall?

19 A. Yes.

20 Q. All right. Was there any conversation that you  
21 recall about where you needed to change any of the  
22 language of the -- the letter?

23 A. I don't recall.

24 Q. Do you know whether you changed any of the  
25 language in the letter?

1 A. I don't recall.

2 Q. Okay. All right. So then when Ms. Williamson  
3 responded to you with her e-mail at the top of  
4 Exhibit 7, did you -- do you have any further response  
5 to her that you recall?

6 MS. CHEN: Objection, form.

7 A. I don't recall.

8 Q. (BY MR. RUSSO) Do you know if Ms. Williamson  
9 was in -- in contact with any of the other executive  
10 committee members for the unit at the same time dealing  
11 with this specific issue?

12 MS. CHEN: Objection, form.

13 A. This -- for Dickinson unit?

14 Q. (BY MR. RUSSO) Yes, ma'am.

15 A. Oh, I -- I can't say I know that for a fact.

16 Q. Okay.

17 A. I know that she was in communication with  
18 myself.

19 Q. All right. Looking back at Exhibit 5, are  
20 there -- on the list of people that the e-mail was sent  
21 to --

22 A. Uh-huh.

23 Q. -- are there any other people in here that are  
24 on the executive committee -- I don't want to know who  
25 they are or names and don't point to them because I

1 don't -- trying to avoid objection.

2 MS. CHEN: Appreciate it.

3 Q. (BY MR. RUSSO) But are there -- are there any  
4 other people on that list where you -- that are -- that  
5 would have been in -- involved in this conversation  
6 with you that are on sort of the executive -- the  
7 decision-making executive committee for the unit?

8 A. Outside of me?

9 Q. Yes.

10 A. On Exhibit 5? Yes.

11 Q. There are. Is there one or more?

12 A. Collectively there's more than one  
13 representative from the executive committee.

14 Q. Okay. And so -- and it -- do you remember --  
15 were you on -- on the -- in the meeting with the  
16 executive folks when you received this e-mail from  
17 Ms. Williamson, or was it some time later?

18 MS. CHEN: Objection, form.

19 A. I -- I don't recall. I'm sure the e-mail came  
20 after or something. I'm not sure.

21 MR. RUSSO: Okay. Going to go back.  
22 Tell you what. Let's -- probably a good time to check  
23 on the food's available.

24 MS. CHEN: Yeah. Sounds good.

25 MR. RUSSO: She may be back now, if that

1 works.

2 THE VIDEOGRAPHER: Off the record, 12:58.

3 (Break.)

4 (Marked Lofton Exhibit Nos. 8 and 9.)

5 THE VIDEOGRAPHER: Going back on the

6 record, 1:39 p.m.

7 Q. (BY MR. RUSSO) All right. Good afternoon.

8 A. Good afternoon.

9 Q. So the court reporter has marked Exhibits 8 and  
10 9. They actually relate to each other. Exhibit 8 is  
11 an e-mail, and Exhibit -- Exhibit 9, I believe, to be  
12 the attachment --

13 A. Okay.

14 Q. -- to that e-mail. And, again, review as much  
15 of those as you would like to, but --

16 A. I know what it is.

17 Q. You've seen those before today?

18 A. Uh-huh. I know what it is.

19 Q. Okay. Can you tell me -- the e-mail's dated  
20 March -- I'm sorry -- November 2nd of '21. And it is  
21 from you to Ms. Rice. Agreed?

22 A. Yes.

23 Q. You know Ms. -- Ms. Rice -- is that  
24 Rice-Anders?

25 A. Yes.



1 Q. Correct. So why was it you were forwarding  
2 this e-mail and PowerPoint to Ms. Rice in November of  
3 2021?

4 A. She could not access it directly. And so I  
5 forwarded to her an attempt so that she could have the  
6 PowerPoint.

7 Q. Okay. Specifically for the Mainland branch?

8 A. No. We were on a collective call about  
9 learning about -- this is the redistricting education  
10 that we were receiving as executive committees.

11 Q. Okay. So were there other -- what -- who --  
12 who were the participants in the education -- ongoing  
13 education on November 2nd?

14 A. No one participated on November 2nd. This is  
15 just when I e-mailed it. It didn't happen -- this is  
16 when I e-mailed it to her.

17 Q. Okay. So explain to me how the -- the  
18 education effort works along with your e-mail of  
19 November 2nd. Like when did the -- was there an  
20 education meeting? Was there --

21 A. Yeah. There was -- there was --

22 Q. Tell me about that.

23 A. We were -- we received an education meeting  
24 from who's noted on this, Roxy, the CROWD mapping  
25 fellow, to educate us on what the redistricting -- of

1 what it looks like, what has been occurring throughout  
2 the state, what she's been trained on, and how it would  
3 affect us and where we should be in the process and be  
4 as far as -- in the process as far as -- because  
5 already, by that time, close to voting time and we  
6 should -- close to the end of the year, and we should  
7 have had more communication and been brought up to  
8 speed on what -- about what the, presumed, presented  
9 maps would be because we did -- we were aware that  
10 redistricting would occur.

11 So this was an education piece from a  
12 nonpartisan organization to educate each unit about  
13 what redistricting is and what has been going on across  
14 the state. Yeah.

15 Q. Okay. And that's -- was that the CROWD  
16 organization?

17 A. Uh-huh. Yes.

18 Q. All right. And then --

19 A. "CROWD mapping fellow."

20 Q. Right. That's Ms. -- Ms. Williamson's na- -- I  
21 guess that's her title, right?

22 A. That was her title? Yeah. Yes.

23 Q. If you know.

24 A. That's the capacity that she was operating in,  
25 yes.

1 Q. Okay. Did she also, do -- to your knowledge,  
2 have a position with the Galveston NAACP branch at this  
3 time?

4 A. I don't know what their membership status --  
5 roster looks like.

6 Q. All right. Okay. So you forwarded this. You  
7 sent an e-mail to Ms. Rice-Anders containing this --  
8 with this PTX or a -- sorry -- PowerPoint, right?

9 A. (Nodding head.)

10 Q. Was that in preparation for an education  
11 meeting or it was af- --

12 A. It was after the meeting. She could not access  
13 the documents on her device, so she -- once I received  
14 -- I asked on the meeting, "Could you send me over a  
15 copy of this PowerPoint?" She sent it to me, and I  
16 forward it to Ms. Barbara a couple days later.

17 Q. All right. And so during the -- do you went --  
18 do you know when about -- about the meeting with  
19 Ms. Williamson occurred, the conference with her on  
20 education where she presented this material?

21 A. October 29th.

22 Q. Okay. What time was it approximately? Do you  
23 know?

24 A. I'm not sure the time.

25 Q. All right. And so what was the process in

1 connection with going through the materials that you  
2 just -- look at the PowerPoint, read through some of  
3 those items and say, you know, here's what's important  
4 to you? How did it work?

5 A. The process?

6 Q. Yes, ma'am.

7 A. No. Ms. -- as the CROWD mapping fellow she'd  
8 been training for that the entire year-plus that I know  
9 of.

10 Q. Uh-huh.

11 A. So she received very thorough education and  
12 training about that. So it wasn't just a presentation  
13 of this is what's important to you. She went through  
14 the history of redistricting, how it has affected the  
15 state historically, what -- how it has -- has affected  
16 -- what has occurred in Galveston County historically  
17 and where we were at that particular time.

18 Q. Uh-huh. Okay. So did you -- was there  
19 anything during the conversation with Ms. Williamson  
20 that, you know, you found new to you?

21 A. New to me?

22 Q. Yes.

23 MS. CHEN: Objection, form.

24 A. No. In the -- clarify. What do you -- what do  
25 you mean?

1 Q. (BY MR. RUSSO) Well, is there anything that  
2 you -- in listening to the education meeting, was there  
3 something that you'd been -- you'd heard for the first  
4 time in this one conference?

5 A. Yeah. She -- it -- a lot of it was -- it was  
6 an education piece. She had been focusing on this  
7 particular -- she was focusing on redistricting. So  
8 this was something that she was trained on and  
9 thorough. So that's not nothing that we take out  
10 specifically and work on.

11 Q. Uh-huh.

12 A. So whenever someone comes to us with the -- the  
13 education that's showing us that they've had training  
14 for an extensive amount of time and went throughout the  
15 state from different areas where redistricting has  
16 occurred and how it has affected them and how things  
17 have -- how different agencies have moved forward. And  
18 she came back with that information and educated us on  
19 where we are, where we've been, and potentially what  
20 could happen going forward.

21 Q. Yeah. And did you -- did you tell me that the  
22 -- that -- were all three branches of the NAACP that  
23 are involved in this case also involved in that me- --  
24 education meeting?

25 A. Yes.

1 Q. All right. Do you know who -- was  
2 Ms. Anders-Rice on for the Mainland branch?

3 A. Yes. She's president. It's executive -- it  
4 was the executive committees -- executive boards of  
5 each unit on this call.

6 Q. Okay. So that would have been the president,  
7 plus whatever members of the executive boards --

8 A. Whichever were would -- whichever were on  
9 boards -- members that they brought with them.

10 Q. Okay.

11 A. And that meeting was to educate the executive  
12 board and see that -- so that the executive board can  
13 see if it was of value to take back to the unit so that  
14 then Ms. Williams could come -- Ms. Williamson can come  
15 back and educate the unit individually.

16 Q. Okay. Was a member of the LULAC organization  
17 on the call to your recollection?

18 A. Strongly possible.

19 Q. Do you specifically remember them being  
20 avail- --

21 A. I don't know who was all on the e-mail.

22 Q. On the phone conference --

23 A. On the -- on the --

24 Q. -- meeting conference?

25 A. On the Zoom. Yes. I don't. I can't say yes

1 or no, but it's highly possible.

2 Q. All right. But sitting here right now, you  
3 don't -- you don't recall being on it?

4 A. I can't say that. I can't say that they were  
5 or they were not.

6 Q. Okay. Do you remember -- how -- how was the --  
7 how were you invited to attend the -- this meeting?

8 A. How was I invited? I'm pretty sure by e-mail.

9 Q. Okay. So you think you received an e-mail from  
10 Ms. Williamson likely that said we're going to have --  
11 have an education type of conference or something along  
12 those lines on this particular date, whatever day it  
13 is?

14 A. Possible. The e-mail could have went to my  
15 secretary, and the secretary could have said, "Hey,  
16 there's -- this is going to happen, so if you're  
17 available at this time." We could have all made a  
18 decision --

19 Q. Uh-huh.

20 A. -- to just get on and go forward with it  
21 because of what it was, the capacity at which she was  
22 discussing.

23 Q. Yeah. Do you know an individual by the name of  
24 Joe Compian? Have you ever met him?

25 A. Met him? He's been in proximity of different

1 events, yeah. He's been a part -- have I met him  
2 directly?

3 Q. Uh-huh.

4 A. Beyond saying names -- exchanging names and  
5 probably a handshake.

6 Q. Uh-huh.

7 A. That's it. Conversation, no.

8 Q. Do you know he's with the LULAC organization in  
9 Galveston County?

10 A. Yes.

11 Q. Was he on this meeting conference that you  
12 recall?

13 A. Not sure.

14 Q. Okay. Can't say one way or the other right  
15 now?

16 A. Can't say one way or the other.

17 Q. All right. So on the -- on -- I'm going to  
18 refer to a couple Bates number pages and, again, the  
19 Bates number pages are on the bottom just use.

20 A. Bates -- uh-huh.

21 Q. These are reference -- and I'm just going to  
22 refer to the last three --

23 A. Okay.

24 Q. -- numbers. So if you look at 903, there's a  
25 statement on top that states -- starts with the census



1 -- I'm sorry. It's actually, "How redistricting work"  
2 is on -- is on the top, and then it say -- start --  
3 starts with the sentences. See that?

4 A. Yes.

5 Q. So we talked earlier about whether you sort of  
6 -- what your understanding was in terms of the need for  
7 the census information. Did Ms. Williamson discuss  
8 that with you in this -- this meeting?

9 A. Yes.

10 Q. Okay. And what'd she tell you?

11 A. What'd she tell us?

12 MS. CHEN: Objection, form.

13 Q. (BY MR. RUSSO) Yes.

14 A. What the forms say.

15 Q. Did she just kind of read through the  
16 PowerPoint points?

17 A. And as questions as --

18 Q. Okay. And so -- do you -- is it your  
19 understanding that -- that redistricting effort does  
20 start with the census data?

21 MS. CHEN: Objection, form.

22 A. As this form states.

23 Q. (BY MR. RUSSO) As the form -- form says?

24 A. Yes.

25 Q. Okay. I mean, do you agree with that?

1 A. Yes.

2 Q. Okay. And do you know when -- when the census  
3 data was received by Galveston County in this case?

4 MS. CHEN: Objection, form.

5 A. The exact date, no.

6 Q. (BY MR. RUSSO) Do you know when it was  
7 released by the -- the government, United States?

8 MS. CHEN: Objection, form.

9 A. I'm sure Google could tell us, but I don't re-  
10 -- I can't give you the date, just rattle it off to  
11 you, no.

12 Q. (BY MR. RUSSO) Okay. All right. Well, so if  
13 I represent to you that the data was received in a --  
14 in or about August of 2021, does you -- would you sort  
15 of agree with that or does that just run counter to  
16 your expectations?

17 A. I would have to -- I mean, I -- I wouldn't be  
18 able to say "yes" or "no" without seeing it myself that  
19 this was the date that it was released.

20 Q. Okay. No understanding of that right now? No?

21 MS. CHEN: Objection, form.

22 Q. (BY MR. RUSSO) You don't have -- you have no  
23 understanding of when the data was received?

24 A. No. I don't know when the data was received.

25 Q. All right. Okay. Would you agree with me,

1       though, that if -- if the -- the redistricting effort  
2       really starts with the census data, that the earlier  
3       you receive that data, the more time you have to deal  
4       with redistricting?

5           A.    Yes.

6           Q.    I mean -- and all things being equal, you'd  
7       rather have that the data earlier than later.  Agreed?

8           A.    Yes.

9           Q.    Yeah.  And then if -- if the data is received  
10       later in the year in 2021 and the redistricting has to  
11       be done by 2021, that receipt of the information in  
12       August, you know, shortens the time line for the county  
13       to deal with redistricting.  Agreed?

14                   MS. CHEN:  Objection, form.

15           A.    Shortens the form?

16           Q.    (BY MR. RUSSO)  The time line?

17           A.    The time line?

18           Q.    Yes, ma'am.

19           A.    Yes.  However, the county has resources to mass  
20       produce things out and let people know and inform them  
21       in a timely fashion.

22           Q.    Uh-huh.

23           A.    As they did when they seeked a map drawing.

24           Q.    Yeah.  And I agree with you.  They can release  
25       the -- the maps once they're done, right?

1 MS. CHEN: Objection, form.

2 A. Again, be transparent throughout the process as  
3 well.

4 Q. (BY MR. RUSSO) Right. So -- and transparency,  
5 is it your -- when you speak of transparency, is it  
6 your view that you would have liked the county to have  
7 told you when they received the census data?

8 A. I would like to -- the county that was  
9 utilizing taxpayers' dollars to be inclusive with the  
10 community that it will be impacting as -- greatly, to  
11 include them along the process to get some type of  
12 input. So transparency, meaning in the -- the manner  
13 of making sure that the people who are going to be  
14 affected by something are well informed and are reached  
15 in methods and processes to where they are commonly  
16 utilizing.

17 Q. And is -- is one of your complaints that the  
18 county did not let you know or your group know that it  
19 had received the census data?

20 A. The complaint is that the community was not  
21 aware of what the transparency or the process looked  
22 like in the redistricting and what was going forth.  
23 That's what the complaint is.

24 Q. Okay. So it's -- it's not necessarily that the  
25 county didn't tell you they got -- when they received

1 the data?

2 A. The complaint is there's no transparency in the  
3 process or inclusiveness to the community that is  
4 greatly affected by the procedure going forward to  
5 redistricting.

6 Q. Uh-huh. And in that description of the  
7 complaint, does that include that -- that the county  
8 should or should not have let -- let you know when they  
9 received the data?

10 A. The county --

11 MS. CHEN: Objection, form.

12 A. The county should do what's best in the  
13 community's tax dollars' favor to the community that's  
14 being affected.

15 Q. (BY MR. RUSSO) So on Page 903, it also states  
16 under "Who's responsible for redistricting?" the second  
17 bullet point says "jurisdictions will usually contract  
18 with legal counsel to draw maps." See that?

19 A. Yes.

20 Q. And do you agree that that's acceptable to use  
21 legal counsel for redistricting purposes?

22 MS. CHEN: Objection, form.

23 A. Yes.

24 Q. (BY MR. RUSSO) Are you able to -- hang on one  
25 second. Do you -- do you know the difference between

1 partisan gerrymandering and racial gerrymandering?

2 MS. CHEN: Objection, form, calls for  
3 legal conclusion.

4 A. Explain your question a little more.

5 (BY MR. RUSSO) Uh-huh. Have you ever heard --  
6 heard those two terms, racial gerry- -- gerrymandering  
7 and partisan gerrymandering? Ever heard those before?

8 A. I've heard them and used them.

9 Q. Okay. And what is par- -- what does partisan  
10 gerrymandering mean to you?

11 A. Partisan is according to your political party.  
12 Gerrymandering, based on -- for an example, drawing  
13 lines based on political parties --

14 Q. Uh-huh.

15 A. -- versus -- because we're here talking about  
16 maps and drawing lines versus drawing lines -- lines  
17 based on race.

18 Q. Uh-huh. And in your -- your view, is it your  
19 position that the county engaged in racial  
20 gerrymandering or partisan gerrymandering or both? You  
21 have a position on that?

22 A. It's evident that there is racial  
23 gerrymandering.

24 Q. There is?

25 A. (Nodding head.)

1 Q. And what is it that makes you believe that?

2 A. The one minority-majority precinct split in  
3 several ways, and that one minority-majority precinct  
4 was minority majority of Black and Hispanic.

5 Q. Uh-huh.

6 A. And there was these -- the map that was used  
7 was very similar to the map that was used and proven  
8 before that was found discriminatory and also used the  
9 same person to draw the maps.

10 Q. Uh-huh.

11 A. Also, the people who were most affected by it  
12 were not communicated in a manner in which they are  
13 known for communication, which is a senior population  
14 that did not know a lot about what was going on.  
15 However, there were things on the Internet that were --  
16 a judge clearly states "Go vote for Map 2" in support  
17 of the redistricting.

18 Q. Uh-huh. Ye- --

19 A. However, the seniors in Precinct 3 -- the old  
20 Precinct 3 --

21 Q. Uh-huh.

22 A. -- typically did not have Internet access or  
23 even know how to utilize the Internet.

24 Q. Okay. And somehow the use of the Internet  
25 indicates to you that the -- the drawing of the lines

1 or redrawing of Precinct 3 is a racial gerrymandering  
2 versus partisan?

3 MS. CHEN: Objection, form.

4 A. There were a few other things that contribute  
5 to that. That's a component of it. The people in  
6 Precinct 3 -- the Black and brown people in Precinct 3,  
7 they were not given information in -- where they  
8 receive it to be aware of it. So that's why they  
9 showed up at a meeting in a mass amount in a small  
10 building --

11 Q. (BY MR. RUSSO) Uh-huh.

12 A. -- versus probably the counterpart to voting  
13 online.

14 Q. I'm trying to unpack that. I'm not sure I  
15 understand how it is that the use of the Internet leads  
16 you to conclude that -- that racial gerrymandering  
17 occurred in the county's drawing of maps.

18 A. It's a component. It's not a --

19 MS. CHEN: Objection, form.

20 Q. (BY MR. RUSSO) Sorry. It's a component? It's  
21 a component?

22 A. Yes.

23 Q. Well, would it have been better for the county  
24 not to use the Internet and --

25 MS. CHEN: Objection, form.



1           A.    It would have been better for the county to be  
2 more inclusive and more transparent about the process  
3 and reaching the community in -- which that will be  
4 impacted in a capacity in which they're able to be  
5 reached.

6           Q.    (BY MR. RUSSO) Okay. So then it's not --  
7 it's not the use of the Internet you're complaining  
8 about, I don't think. There -- your -- is it your --  
9 your issue that -- that the allegation that the county  
10 only used the Internet?

11          A.    There are 20 -- 20 reasons in this form to what  
12 the issue is.

13          Q.    I'm sorry. 20 reasons on --

14          A.    The -- the statement. The topics. It's not  
15 just that.

16          Q.    Okay. There's 20 reasons on the topic list on  
17 Exhibit 1?

18          A.    Different -- no, no, no. There's 20 different  
19 topics a part of this --

20          Q.    Uh-huh.

21          A.    -- Exhibit 1 --

22          Q.    Uh-huh.

23          A.    -- about the complaint.

24          Q.    Right.

25          A.    So it's not just to the Internet. It's the

1 different components and everything collaboratively put  
2 together, collectively put together that --

3 Q. Leads you to believe that there was racial  
4 gerrymandering?

5 A. It's the only minor-majority district --  
6 precinct that was disrupted --

7 Q. Yeah. And you're --

8 A. -- and dismantled.

9 Q. You're aware, are you not -- or maybe you're  
10 not. I don't know. What's your belief as to whether  
11 Precinct -- old Precinct 3 was -- you know, typically  
12 voted for the Democrat candidate?

13 MS. CHEN: Excuse me. Objection, form.

14 A. Clarify what your question is.

15 Q. (BY MR. RUSSO) Do you have any understanding  
16 as to whether in any particular election, precinct --  
17 in -- in Precinct 3, if Precinct 3 -- old Precinct 3  
18 voters, historically, did they elect a Republican  
19 candidate or a Democrat candidate?

20 A. I'm aware that old Precinct 3 was at -- elected  
21 a candidate that represented and reflected the  
22 community and someone who they had a relationship with  
23 and was in great community with -- they had a -- built  
24 a great rapport with the community.

25 Q. Okay. Was --

1 A. And represented the community, could understand  
2 their needs and wants for the community.

3 Q. And you don't have any understanding as to  
4 whether a particular party did well or poorly in  
5 Precinct -- old Precinct 3?

6 MS. CHEN: Objection, form.

7 A. Are you asking me that in capacity of a  
8 president or as an individual?

9 Q. (BY MR. RUSSO) Both. We'll start with the  
10 NAACP president role.

11 A. As the NAACP president role, we do not focus on  
12 party. We are nonpartisan. So my search would not be  
13 to look at who's democratic and who's Republican or  
14 liberal or other.

15 Q. Okay. So then what you're telling me is as  
16 their representative of the NAACP, you have no  
17 knowledge of whether old Precinct 3 would typically  
18 elect a Democrat candidate over a Republican candidate?

19 MS. CHEN: Objection, form.

20 Q. (BY MR. RUSSO) You have no knowledge of that?

21 A. I'm not saying that.

22 Q. Okay. Well, do you have knowledge or what's  
23 your -- what's the organization's belief as to whether  
24 old Precinct 3 typically elected Democrat versus a  
25 Republican?

1 A. Can you provide me with documentation of what  
2 the precinct has historically elected?

3 Q. Well, I could if I could run across it, but I'm  
4 wondering what you know.

5 A. I am not sure that the democratic or Republican  
6 party affected Precinct 3 in a manner that was swaying  
7 the vote. I know that in the community, from talking  
8 to people in the community, that they prefer to have a  
9 representative or someone who is relatable and looked  
10 like them and showed up in the community. That's what  
11 I know.

12 Q. Okay. And let's talk about what we know, and  
13 in old Precinct 3 -- I think you allege that  
14 Commissioner Holmes in particular has been elected in  
15 that precinct over quite a few years. Do you agree  
16 with that?

17 A. This is the first time Commissioner Holmes'  
18 name has been brought up.

19 Q. I don't know what that -- what -- why does that  
20 have anything to do with this?

21 A. You said that I alleged. I -- I haven't -- we  
22 haven't spoke Commissioner Holmes' name for --

23 Q. I'm sorry. Alleged in the -- alleged in the  
24 case. Alleged in the case. Alleged in the case.

25 A. We -- okay.

1 Q. Alleged in the -- it's alleged in the case.

2 A. Okay.

3 Q. And so if you don't know, that's okay. People  
4 -- I think -- I don't think it's -- anyone's going to  
5 dispute that there's a distinction allegation and  
6 belief that Commissioner Holmes has been elected in old  
7 Precinct 3 for many years, correct?

8 A. Correct.

9 Q. And he has consistently been a -- a -- run on  
10 the Democrat ticket. Would you agree?

11 A. I suppose.

12 Q. Do you not know?

13 A. No.

14 Q. You don't know whether Commissioner Holmes has  
15 run as a Republican or Democrat over the years?

16 A. Yes.

17 Q. Which is it?

18 A. And as an individual or as the president?

19 Q. Is your answer different? I mean, as a --

20 A. I mean, because my knowledge as the president,  
21 I don't speak on partisan. As a president, I'm not  
22 speaking on partisan. As an individual, I can tell  
23 you, yes, I've noticed that Commissioner Holmes is on  
24 the democratic side, yes.

25 Q. Yeah.

1 A. But --

2 Q. I mean, I don't -- it's -- I don't think it's  
3 going to be surprising to anyone that old Precinct 3  
4 typically elected democratic candidates. Do you agree  
5 or not?

6 MS. CHEN: Objection, form.

7 Q. (BY MR. RUSSO) I mean, that's not -- that's  
8 not highly disputed here. I mean, it really isn't.  
9 You --

10 A. It is not, so --

11 Q. I mean, you've been a -- you've been in the  
12 community for 30-plus years, right?

13 A. I have.

14 Q. So, you know, that's -- that's a known issue,  
15 right?

16 A. An issue?

17 Q. That's a known result that democratic  
18 candidates typ- -- typically get elected out of old  
19 Precinct 3.

20 A. Okay.

21 Q. Do you agree or not?

22 A. I agree that democratic candidates have been  
23 elected in Precinct 3.

24 Q. And why is it that you believe that the county  
25 commissioners redistricting maps were not changed, at

1 least in part, to allow for the county to remain  
2 Republican --

3 MS. CHEN: Objection.

4 Q. (BY MR. RUSSO) -- particularly for Pre- --  
5 Precinct 3 to elect a Republican?

6 MS. CHEN: Objection, form.

7 A. Can you rephrase that question?

8 Q. (BY MR. RUSSO) What is it that leads you to  
9 believe that -- that the commissioners court --

10 A. Uh-huh.

11 Q. -- their effort in redistricting wasn't related  
12 to trying to keep the county red, so to speak?

13 MS. CHEN: Objection, form.

14 A. It's the only district that's a minority  
15 majority.

16 Q. (BY MR. RUSSO) And it's the only --

17 A. Precinct that had the minority majority.

18 Q. And it's the only precinct that also elected a  
19 Democrat historically. Would you agree?

20 MS. CHEN: Objection, form.

21 A. It's fact.

22 Q. (BY MR. RUSSO) Yes, right? I mean, yes, we  
23 know that?

24 A. That's documented.

25 Q. Right. So -- but you've concluded that the --

1 | the efforts equate to a -- a racial -- an effort to  
2 | change votes based on race rather than party?

3 | MS. CHEN: Objection, form.

4 | A. It's the minority majority.

5 | Q. (BY MR. RUSSO) And I'm trying to figure out  
6 | why it is you believe this was -- the change in the  
7 | districting -- change in the districts -- precincts  
8 | -- sorry -- isn't related to a question of  
9 | partisanship?

10 | A. It's the only minority majority.

11 | Q. Again, that elected a democratic candidate  
12 | consistently?

13 | A. It's the only minority-majority precinct.

14 | Q. Is that it?

15 | A. It's the only minority majority and the  
16 | utilization of the same attorney that was found  
17 | discriminatory previously, along with there were not --  
18 | there was not a lot of transparency through the process  
19 | that allowed the community to be involved with the  
20 | decision that was going to affect it directly, however,  
21 | to paying their tax dollars to do so.

22 | Q. Uh-huh. So you mention that -- that -- well,  
23 | let me just show you here. Tab 93.

24 | (Discussion off the record.)

25 | (Marked Lofton Exhibit No. 10.)



1 Q. (BY MR. RUSSO) I think you mentioned earlier  
2 in one of your responses that you were aware of an  
3 Internet statement supporting Map 2 --

4 A. The Internet statement from the judge --

5 Q. Remember that?

6 A. -- encouraging people to vote for Map 2.

7 Q. Do you -- do you remember saying that?

8 A. Yes.

9 Q. Okay. And this is an e-mail -- it's marked as  
10 -- what are we on? 10.

11 THE REPORTER: 10.

12 MR. RUSSO: 10?

13 THE REPORTER: Yeah.

14 Q. (BY MR. RUSSO) -- dated November 11th, 2021.

15 A. Uh-huh.

16 Q. It's from Ms. Williamson.

17 A. Uh-huh.

18 Q. And you're copied on it, right?

19 A. Uh-huh. Yes.

20 Q. And it's forwarding an earlier e-mail from  
21 November 10th that was sent to Ms. Williamson. You see  
22 that?

23 A. I see it.

24 Q. Okay. And it states that the e-mail is  
25 noticing Galveston County to vote on redistricting this

1 Friday, November 12th, 2021. You see that?

2 A. Yes.

3 Q. And it says "calling all Galveston  
4 republicans." You see that?

5 A. Yes.

6 Q. It goes on on one -- Page 1, to say there are  
7 two maps being considered. And on Page 2, "Map 2 will  
8 add a much needed coastal district." Do you see that?

9 A. Yes.

10 Q. "And will reflect changing demographics of  
11 Galveston County." And it goes on to say, "Map 2 will  
12 also help to keep Galveston red." You see that?

13 A. Yes.

14 Q. What does that mean to you?

15 A. Red -- red --

16 MS. CHEN: Objection, form.

17 A. -- means what the form says it means.

18 Q. (BY MR. RUSSO) So --

19 A. Keep the county red. So it seems that that's  
20 what the goal is here, that -- is that what you're  
21 saying to me?

22 Q. I'm asking you what -- just more simply: What  
23 does it -- what does it mean to keep the county red  
24 from your -- your view?

25 A. In my view?

1 Q. Yes.

2 A. Keep the county red.

3 Q. And does that mean keep the county voting  
4 Republican, Democrat, vote independent? Does it have  
5 anything to do with parties?

6 MS. CHEN: Objection, form.

7 A. Red having to do with parties, and it says  
8 Republican -- "calling all republicans."

9 Q. (BY MR. RUSSO) Yeah. I know. That's in the  
10 -- that's in the content of the message?

11 A. Right. I think it's clear what the e-mail is  
12 stating.

13 Q. Which is what?

14 A. "Calling all Galveston County republicans."

15 Q. To do what?

16 A. To keep the party -- to keep the county red.

17 Q. And "red" meaning, what, Republican?

18 A. That's what represents republicans.

19 Q. Well, the -- are you aware of that reference?

20 A. Yes.

21 Q. "Yes"?

22 A. (Nodding head.)

23 Q. You know, seeing -- seeing this -- this  
24 message, you know, out on the Web, is it still your --  
25 is it your disagreement -- you just don't agree with

1 the notion that the county's effort related to keeping  
2 the county Republican?

3 A. No.

4 MS. CHEN: Objection, form.

5 Q. (BY MR. RUSSO) No. Do you know how new  
6 Precinct 3 -- is it likely to -- in your view -- you  
7 live in that precinct now, right?

8 A. No.

9 Q. You do not?

10 A. Do not.

11 Q. You live in Precinct 4?

12 A. I do.

13 Q. Okay. Do you know where new Precinct 3 is?

14 A. I do.

15 Q. Do you know whether it's likely to elect a  
16 Republican candidate over democratic candidate? Do you  
17 have any idea?

18 A. I -- I'm not sure what it would do.

19 Q. All right. What about in Precinct 4?

20 A. I'm not sure what it will do.

21 Q. Who's your candidate -- or who's the -- your  
22 commissioner in Precinct 4?

23 A. Armstrong.

24 Q. Do you know Dr. Armstrong?

25 A. Do not.

1 Q. Have you ever met -- tried to reach out to him  
2 and meet him?

3 A. I don't know him personally. I just know of  
4 his family.

5 Q. You do know his family?

6 A. (Nodding head.)

7 Q. And he's from the La Marque area, right?

8 A. (Nodding head.)

9 Q. "Yes"?

10 A. I -- yeah.

11 Q. If you don't know. I don't -- I don't -- how  
12 do you know his family?

13 A. I know a descendent of his and also that --  
14 well, yeah. A rel- -- a relative of his.

15 Q. Who is it? What -- and what relationship?

16 A. They have the same last name.

17 Q. Okay. What do you think of Dr. Armstrong as a  
18 politician?

19 A. I don't -- I don't know much about him as a  
20 politician other than he's a Republican and the  
21 disparity that I have heard from his family being  
22 detached from him. That's it.

23 Q. Okay. Who was it that discussed the disparity  
24 con -- context?

25 A. His -- I'm not at liberty to say that person's

1 name, but that I am in relationship with them and he is  
2 not connected with everyone.

3 Q. Everyone in his family?

4 A. With his same last name.

5 Q. Okay. And I'm just trying to make sure I  
6 understand you, that you're not -- are you referring to  
7 connected to the community or affected to his --  
8 connected to his family?

9 A. He's not connected to -- I mean, he might be  
10 connected to -- could -- Precinct 4, but he's not  
11 connected outside of business to La Marque. You  
12 brought up La Marque and him being from La Marque.

13 Q. Uh-huh.

14 A. But he's disconnected from his family in La  
15 Marque per se.

16 Q. Uh-huh. And that --

17 A. He might be connected to Precinct 4.

18 Q. And so you're -- and what you're -- you're  
19 basing your information, in terms of whether  
20 Dr. Armstrong is connected to La Marque, based upon  
21 some person that you have a relationship with?

22 A. Yes.

23 Q. Anything else?

24 A. Just things that I've seen. Outside of  
25 business, I haven't seen any of the relationship

1 connection --

2 Q. Uh-huh.

3 A. -- outside of business, the Armstrong Group. I  
4 believe that's what it's called.

5 Q. Okay. Outside of business, he's not connected  
6 to La Marque. Is that meaning -- are you meaning to  
7 say that through -- there's some business connection to  
8 La Marque?

9 A. He's a doctor.

10 Q. Right.

11 A. So outside of his practice and the things that  
12 he participate in business-wise, community, I am saying  
13 that from the people in the community that I have  
14 spoken with and the family members that I have spoken  
15 with, there is a disconnection.

16 Q. Between him and the family?

17 A. The community.

18 Q. His -- his family. Oh, okay.

19 A. And --

20 Q. Now you're expanding it to the community?

21 A. I said the community and the family. He's not  
22 connected to La Marque in the capacity of the previous  
23 -- well, that's not even his -- yeah. He's not --  
24 there's not a connection. Yeah. I'll leave it there.

25 Q. And you're saying, other than the fact that he

1 works there?

2 A. That he does business there.

3 Q. He -- he works there as a doctor, right?

4 A. It's business.

5 Q. What kind -- what kind of facility is it?

6 MS. CHEN: Objection, form.

7 A. He's a doctor.

8 Q. (BY MR. RUSSO) So -- and what kind of facility  
9 does he run?

10 MS. CHEN: Objection, form.

11 A. Whatever's in his capacity.

12 Q. (BY MR. RUSSO) Do you know?

13 A. I'm not sure how relevant it is.

14 Q. I -- I'm just asking if you know. Do you know  
15 what he does?

16 A. He's a doctor.

17 Q. And what specifically does he do as a doctor?

18 A. He's a medical doctor.

19 MS. CHEN: Objection, form.

20 Q. (BY MR. RUSSO) Does he have any particular  
21 practice or people that he cares for?

22 A. I don't have a document in front of me to say  
23 exactly, so I'm not sure.

24 Q. Okay. So you don't know?

25 MS. CHEN: Objection, form.



1 Q. (BY MR. RUSSO) Right?

2 A. He's a medical doctor. That's what I know.

3 Q. In order to know what specifically he does in  
4 the community, you'd have to see some paperwork?

5 A. Yes.

6 Q. And he's actually your -- the commissioner  
7 within the precinct that you vote in now, right?

8 A. Correct.

9 Q. And you haven't reached out to talk to him  
10 about any of his views on taking care of county  
11 matters, have you?

12 A. No. I have not.

13 Q. And you haven't reached out to him to talk  
14 about any of his political views either, have you?

15 A. No. I have not.

16 Q. Is there a reason why you've not done that?

17 A. Yes.

18 Q. Did you vote for commission -- Commissioner  
19 Armstrong when he ran in '22?

20 A. No.

21 Q. Why not?

22 A. Because I don't agree with the views that I  
23 already know of.

24 Q. You don't need to talk to him about what his  
25 views are. You already know them?

1 A. He's already put something out.

2 Q. What did he put out that concerns you?

3 A. So are you asking me this in an individual  
4 capacity or as the NAACP president?

5 Q. Yeah. I'm asking you what you know as an  
6 individual.

7 A. As an individual?

8 Q. Yes, ma'am.

9 A. I know that his values don't align with mine.

10 Q. In what way?

11 A. In my own personal way.

12 Q. Is there anything specific you can mention that  
13 -- where Dr. Armstrong's values differ from yours?

14 A. I don't feel the need to.

15 Q. And --

16 A. I know that his values don't align with mine.

17 Q. And -- but is there anything specific that  
18 comes to mind?

19 A. No.

20 Q. And the -- the way that you believe has --  
21 developed your belief that he has -- values don't align  
22 with yours is through what you've seen on the Internet?

23 MS. CHEN: Objection, form.

24 Q. (BY MR. RUSSO) And people you've talked to in  
25 the community?

1 A. It's through what I've heard him say out of his  
2 mouth on the Internet, yes.

3 Q. And -- and what was that specifically?

4 A. I -- I can't recall.

5 Q. Do you remember where you saw it?

6 A. On the Internet.

7 Q. You remember the topic?

8 A. (Shaking head.)

9 Q. "No"?

10 A. I can't recall.

11 Q. Do you know his -- is the fact that  
12 Commissioner Armstrong runs as a Republican one of the  
13 reasons you wouldn't vote for him?

14 A. No. Does not affect at all.

15 Q. That's not a factor?

16 A. Does not affect.

17 Q. Not a fact?

18 A. Does not affect or a factor --

19 Q. Factor?

20 A. -- for me, no.

21 Q. Okay. Just kind of a different question. In  
22 -- in connection with what you know about new  
23 Precinct 3, is it your belief that Commissioner Holmes  
24 could be reelected there?

25 A. I don't have a crystal ball. I have --

1 Q. I agree you don't have a crystal ball and --

2 A. I had hope in democracy that this process would  
3 be done transparent, so I can't -- my hope of what  
4 could happen versus the outcome of what will happen  
5 hasn't been in alignment, hence, why we are here.

6 Q. So do you believe that Commissioner Holmes  
7 could be elected in the new Precinct 3?

8 A. I'm not sure.

9 Q. Have you thought about it at all?

10 A. I'm not sure.

11 Q. You don't know if you've thought about it?

12 A. Oh, I know that I'm not sure. I've thought  
13 about it.

14 Q. You have thought about it?

15 A. And I am not sure what could happen.

16 Q. Okay. Okay. So it's possible that he can be  
17 elected in new Precinct 3 then?

18 MS. CHEN: Objection, form.

19 A. It's the land of opportunity.

20 Q. (BY MR. RUSSO) It's possible. It could  
21 happen?

22 MS. CHEN: Objection, form.

23 Q. (BY MR. RUSSO) Agreed?

24 A. I'm not sure.

25 Q. Do you have any expectation as to whether

1 Commissioner Holmes would be elect -- reelected in new  
2 Precinct 3?

3 MS. CHEN: Objection, form.

4 A. I don't have any expectation. I had an  
5 expectation for democracy to be carried out and hoped  
6 for a way for that this redistricting be transparent  
7 and includes a way that maps would include and reflect  
8 the communities that it affected.

9 Q. (BY MR. RUSSO) Yeah.

10 A. That didn't work out, so my expectations are  
11 really not valid at this point because of that, because  
12 what I expect of democracy in its truest form has not  
13 occurred.

14 Q. Is -- is your view that -- that democracy means  
15 what in this case? What has to happen?

16 A. That the community that will be impacted by it  
17 -- be inclusive and included in the procedure and that  
18 people have the opportunity to voice their rights,  
19 voice their opinions, especially tax-paying people,  
20 about what is done --

21 Q. Especially who?

22 A. The taxpayers who --

23 Q. Okay.

24 A. -- about what is done within the community that  
25 affects them.

1 Q. And which people are you talking about, race --

2 A. The people who are --

3 Q. -- race-wise? Which people are you talking  
4 about?

5 A. Those are -- according to the old Precinct 3,  
6 that impacted the -- the Black and Hispanic people.

7 Q. Okay. So, again, your view is in order for --  
8 to get this right, you have to take into account that  
9 racial -- the racial groups of African Americans and  
10 Latinos have to be put together to be able to elect  
11 their own candidate; is that right?

12 MS. CHEN: Objection, form.

13 A. That's not what I said.

14 Q. (BY MR. RUSSO) Okay. So what is it that  
15 -- how do you correct the problem? Do you go back to  
16 old Precinct 3 and that's it?

17 A. No. You --

18 MS. CHEN: Objection, form.

19 Q. (BY MR. RUSSO) You can -- you can answer.

20 A. You create an inclusive process that allows for  
21 the people in the community who will be affected by  
22 them redistricting to be a part of the process and that  
23 the maps be more inclusive and you don't use the same  
24 exact person whose maps have been deemed discriminatory  
25 in the past.

1 Q. Okay.

2 A. It's also an insult to the people --

3 Q. And that's something you knew back in April of  
4 2021, right?

5 MS. CHEN: Objection, form.

6 A. That's something that I learned.

7 Q. (BY MR. RUSSO) Well, you knew it back in April  
8 of '21, right?

9 MS. CHEN: Objection, form.

10 A. I learned it.

11 Q. (BY MR. RUSSO) In April of '21?

12 MS. CHEN: Objection, form.

13 A. I learned it.

14 Q. (BY MR. RUSSO) In April of '21?

15 MS. CHEN: Objection, form.

16 Q. (BY MR. RUSSO) True?

17 A. Yes.

18 Q. But at the time you weren't concerned about  
19 that?

20 A. That's not true.

21 Q. Well, at the time what you told me is --

22 A. At the time.

23 Q. Wait, wait, wait. Let me finish my question.

24 When you testified earlier about the article that was  
25 sent around in April of '21, you weren't concerned

1 about the process of hiring the particular counsel.

2 And you're going -- going to wait and see, you know,  
3 what happened.

4 MS. CHEN: Objection, form, misstates  
5 prior testimony.

6 Q. (BY MR. RUSSO) Is that -- is that correct?

7 MS. CHEN: Objection, form.

8 A. At -- at the time I said I had hoped that  
9 democracy would be as democracy should be, as I prior  
10 stated. My hope was that the -- it will be a process  
11 that will be inclusive and that it will not include  
12 discriminatory practices.

13 Q. (BY MR. RUSSO) But particularly -- with  
14 particular regard to who the county hired for counsel,  
15 you weren't concerned about it back in April of '21?

16 MS. CHEN: Objection, form, misstates  
17 prior testimony.

18 Q. (BY MR. RUSSO) Is that true?

19 A. There was a concern.

20 Q. There was what?

21 A. There was a concern.

22 Q. Oh, you were concerned at -- in April of '21,  
23 yes?

24 A. I stated, yes.

25 Q. Yes. Okay. But not -- the concern wasn't



1 great enough at that point to, you know, protest and  
2 have your voices heard. Agreed?

3 MS. CHEN: Objection, form.

4 A. I said I didn't protest. I said that I organi-  
5 -- I would prefer an advocacy strategy to organize and  
6 had hope in democracy, so I did clearly say that I did  
7 not protest.

8 Q. (BY MR. RUSSO) Yeah. Well, I think you told  
9 me you didn't -- you didn't think protest was a  
10 right --

11 MS. CHEN: Objection, form, misstates  
12 prior testimony.

13 Q. (BY MR. RUSSO) -- the right thing to do then?

14 A. You can refer to my prior testimony.

15 Q. Well, is that -- is that correct?

16 MS. CHEN: Objection, form.

17 A. We can refer --

18 MS. CHEN: Misstates prior testimony.

19 A. -- to my prior testimony.

20 Q. (BY MR. RUSSO) Is that -- is that a correct  
21 statement or not?

22 A. You can refer to my prior testimony.

23 Q. Okay. Was your prior testimony that you didn't  
24 believe that protesting was the right move in April?

25 MS. CHEN: Objection, form.

1 Q. (BY MR. RUSSO) As you recall?

2 A. I don't recall.

3 Q. Okay. Also on Exhibit 10 is a reference to a  
4 "much-needed coastal district." Do you see that?

5 A. Uh-huh.

6 Q. And you -- have you discounted that as a reason  
7 for redrawing Precinct 2 to be a coastal precinct?

8 MS. CHEN: Objection, form.

9 A. I'm not a map drawer. But I'm sure that there  
10 may have been other options or maybe they could have  
11 called in a collective option to people to present maps  
12 instead of one person to include a coastal  
13 precinct. Not against a coastal precinct. However,  
14 there probably is different ways to do it.

15 Q. (BY MR. RUSSO) It makes sense to get -- put  
16 the coast together, right, with one commissioner?

17 MS. CHEN: Objection, form.

18 A. I am not a map drawer. So whatever the best  
19 resolution for that would be done with a map drawer  
20 that has completely took into consideration of what the  
21 true county looks like, coastal-wise, who the -- who  
22 lives on the coast, what that community looks like,  
23 whether they are true citizens or stay -- vacationer  
24 homes, Airbnbs, all of that. Things -- it's a lot of  
25 other factors that actually go into play with that as

1 far as the coastal homes. I believe it shows like  
2 Santa Fe is a coastal district. It's not a coastal  
3 district, coastal part. One of those maps, it show  
4 that Santa Fe be part of the coastal. It's a bit  
5 inland to be coastal.

6 Q. (BY MR. RUSSO) Yeah. I think you -- yeah,  
7 Santa Fe is part of Precinct 2, which contains most of  
8 the coast of Galveston County. My question to you,  
9 though, is: Does it make sense to you that the county  
10 commissioners may want to have one commissioner dealing  
11 with areas affecting both the coast of Bolivar and the  
12 coast of Galveston?

13 MS. CHEN: Objection, form.

14 A. Why not?

15 Q. (BY MR. RUSSO) What -- you said "why not?"  
16 All right. Do you have any understanding as a -- I'm  
17 not going to ask you individually because you -- you  
18 told me that -- and your unit doesn't look at politics.  
19 So do you have any idea in terms of the voting folks  
20 -- the voting voters in Galveston County as to, you  
21 know, what percentage of -- of African American voters  
22 vote Democrat?

23 MS. CHEN: Objection, form.

24 A. Do you have a document to show me that? I  
25 don't have the numbers if you're asking me to -- do I

1 know the numbers offhand? I don't.

2 Q. Yeah. I'm not asking you for specific numbers.  
3 I'm just asking if you have a general awareness of it.

4 A. No. I don't because I don't vote all the time  
5 with a straight party or e- -- either way, so I can't  
6 say that everyone's voting -- all the African Americans  
7 I know are voting Democrat. I can't say that.

8 Q. You don't know that to be true?

9 A. I don't know that to be true.

10 Q. All right. And what about the numbers of white  
11 voters that vote Republican?

12 A. I don't have --

13 Q. Do you have any idea what that looks like in  
14 Galveston County?

15 A. In Galveston County?

16 Q. "No"?

17 A. No.

18 Q. Would the same answer be true for Latino  
19 voters?

20 A. I don't know that I know that. African  
21 Americans and Hispanic people tend to vote for people  
22 that can relate to their communities and their  
23 community needs.

24 Q. Is -- is it your view that they vote for the  
25 same person in any, you know, given races over time?

1 MS. CHEN: Objection, form.

2 Q. (BY MR. RUSSO) And I'm talking about that  
3 African American voter and the Latino voter. Do they  
4 vote for the same candidate?

5 MS. CHEN: Objection, form.

6 A. Oh, I don't -- I don't -- I'm not in the voting  
7 booth with them, so I can't tell you that -- I don't --  
8 I don't know that.

9 Q. (BY MR. RUSSO) Looking back at Exhibit 9,  
10 which was the PowerPoint, specifically on page -- the  
11 page marked 913, this is a -- this is a -- looks like a  
12 description of Slide -- says "Slide 8" on top. It say  
13 -- it also says -- the first line says "Most of the  
14 time you won't know the time line until the last  
15 minute." Do you see that?

16 A. Uh-huh.

17 Q. So do you agree with that statement, that in  
18 redistricting matters you -- the time lines that you're  
19 made aware of are typically last minute?

20 A. "Time line is September 1 through September  
21 30th. Communities will develop maps, issue public  
22 input into consideration. Texas legislation is  
23 responsible for redistricting, and maps are passed as a  
24 regular legislation. See the time line in 2020 and" --  
25 yeah. This slide says "last minute," but it also gives

1 a date of September 1 through September 30.

2 Q. Yeah. So -- but you -- do you agree in -- with  
3 Ms. -- Ms. -- with the statement here that -- that time  
4 lines are -- you're typically not going to know until  
5 the last minute what's going on with the redistricting?  
6 It's not uncommon.

7 MS. CHEN: Objection, form.

8 A. It's -- according to this slide with the time  
9 line of September 1 through September 30 --

10 Q. (BY MR. RUSSO) Uh-huh.

11 A. -- would have been the expectation. And since  
12 we were beyond that point at that time --

13 Q. Yeah. Do you agree with it, though?

14 MS. CHEN: Objection, form.

15 Q. (BY MR. RUSSO) Do you agree that most of the  
16 time you won't know of the time line until the last  
17 minute?

18 A. I agree that's what happened.

19 Q. What happened in this case?

20 A. Yes.

21 Q. All right. And this statement is "most of the  
22 time won't know." Is that true?

23 A. I've only participated once, so I can't speak  
24 on most. I've only participated --

25 Q. Okay.

1 A. -- and been aware of one time.

2 Q. All right. So then in order -- it -- you don't  
3 really have anything to compare the time line in this  
4 case to, right?

5 A. I don't.

6 Q. Okay.

7 A. This is my first time.

8 Q. Yeah. So you don't know whether it's truncated  
9 or overly quick or --

10 MS. CHEN: Objection, form.

11 Q. (BY MR. RUSSO) -- have any other way to know  
12 whether it's the usual way that redistricting's done?  
13 Is that true?

14 MS. CHEN: Objection, form.

15 A. This document gives an example.

16 Q. (BY MR. RUSSO) Yeah. The document says  
17 September 1 to 30. So what do you make of that?

18 A. We were beyond that date.

19 Q. We were what?

20 A. Beyond that date.

21 Q. Do you know why?

22 MS. CHEN: Objection, form.

23 A. Lack of transparency.

24 Q. (BY MR. RUSSO) Who told you that?

25 A. That's what we were.

1 Q. That's where we were what?

2 A. We didn't know anything. We were -- we were  
3 -- we were not informed of anything. Even on this  
4 meeting, they were like, "We've reached out. We don't  
5 know where the maps are."

6 Q. Isn't that assuming that there's actually  
7 something to share with you --

8 MS. CHEN: Objection, form.

9 Q. (BY MR. RUSSO) -- in September? Don't you  
10 have to assume that there was something that was to be  
11 shared with you in order to say that the county wasn't  
12 transparent in September?

13 A. Well, I would --

14 MS. CHEN: Objection, form.

15 A. -- think that if you hired someone in April,  
16 that by September there should be some type of results.

17 Q. (BY MR. RUSSO) Do you know whether there was a  
18 result or not?

19 A. Has no transparency.

20 Q. Do you know whether there was a result?

21 A. No transparency.

22 Q. Do you know whether there was information in  
23 September that could have been shared with you--

24 A. No. No transparency.

25 Q. That's not my question.



1 A. If there was transparency, then that would be  
2 more to know.

3 Q. That wasn't my question. As you sit here  
4 today, do you know whether there's information  
5 available to the county in September of 2021 that could  
6 have been shared with you related to redistricting?

7 MS. CHEN: Objection, form, asked and  
8 answered.

9 A. I already answered your question.

10 Q. (BY MR. RUSSO) Did you -- what -- you didn't  
11 answer my question. You answered your own question.

12 A. I presume that if you hire someone in April, by  
13 September and you -- and there be voting in November,  
14 then there should be something produced to be able to  
15 release to the public.

16 Q. And the only evidence you have of that is your  
17 presumption. True?

18 MS. CHEN: Objection, form.

19 Q. (BY MR. RUSSO) You can answer.

20 A. The evidence that I have of that is the time  
21 line, the -- the education that I received from the  
22 advocacy program and the time line I was given.

23 Q. But you don't have any evidence from the facts  
24 of this case that the county had maps drawn in  
25 September of 2021?

1 MS. CHEN: Objection, form.

2 Q. (BY MR. RUSSO) You haven't seen any, have you?

3 A. I don't recall.

4 Q. Okay. So then, again, the idea or notion that  
5 the county wasn't transparent with you in September of  
6 2021 is based on your presumption?

7 A. I don't recall.

8 MS. CHEN: Objection, form.

9 Q. (BY MR. RUSSO) You don't recall what?

10 A. I don't recall if the maps were presented to us  
11 prior to -- and if any information was presented to us  
12 prior to, so I can't give you an accurate statement on  
13 that. So to me in my personal capacity, if I don't  
14 have information and maps get rolled out, there's no  
15 transparency that has occurred.

16 Q. But you don't know that maps weren't rolled  
17 out, correct?

18 MS. CHEN: Objection, form.

19 Q. (BY MR. RUSSO) Do you know that, that maps  
20 existed that weren't rolled out?

21 MS. CHEN: Objection, form.

22 A. I am not -- could you rephrase that?

23 Q. (BY MR. RUSSO) Do you know whether or not maps  
24 existed in September of '21 that were not provided to  
25 you?

1 A. No. I'm not sure.

2 Q. You don't know?

3 A. I'm not sure. I can't say "yes" or "no"

4 because I am not sure.

5 Q. And do you think you might have seen something

6 in September of '21?

7 A. No. I don't recall.

8 Q. All right. Let me --

9 MR. RUSSO: 13 and 87.

10 MS. CHEN: Thank you.

11 (Marked Lofton Exhibit Nos. 11 and 12.)

12 Q. (BY MR. RUSSO) The document marked Exhibit 11

13 is an e-mail dated November 4th, 2021, from

14 Ms. Williamson to various recipients. You see that?

15 A. Yes.

16 Q. And in the -- the earlier string of the e-mail

17 is dated Thursday, October 4th, 2021, at 3:08 p.m., in

18 which case it's -- it's from Ms. Williamson as well.

19 Do you remember seeing this e-mail?

20 A. No. Is my name on it?

21 Q. No?

22 A. I'm not on this e-mail.

23 Q. Yeah. I don't -- I don't see you on this

24 particular e-mail, but the e-mail references that

25 "County Commissioner Stephen Holmes will be speaking on

1       redistricting this evening." Presumably that's  
2       November the 4th. So my question to you is: Do you  
3       remember attending any Zoom conferences with  
4       Commissioner Holmes related to redistricting?

5           A.    No.

6           Q.    Okay. And I -- and I -- sorry. Go ahead.

7           A.    A Zoom conference?

8           Q.    Okay.

9           A.    I'm really looking over this e-mail.

10          Q.    Yeah. Look at it.

11          A.    I don't recall this e-mail at all --

12          Q.    Okay.

13          A.    -- and any --

14          Q.    Yeah. Again, you're not on it.

15          A.    Yeah.

16          Q.    But I just wanted to know if you maybe somehow  
17       got copied on a -- and attended a Zoom conference on  
18       November 11 -- 4th.

19          A.    A Zoom conference? I don't -- who hosted this?  
20       Do you know? I don't recall the Zoom conference, and  
21       I'm looking over this e-mail to see. Yeah. I'm not on  
22       it at all.

23          Q.    Okay. You don't remember attending any Zoom  
24       conferences on or about that time?

25                   MS. CHEN: Objection, form.

1 A. I don't recall.

2 Q. (BY MR. RUSSO) All right. Okay. So then  
3 looking at Exhibit 12, it's a November -- the top part  
4 is a November 8th e-mail.

5 A. Uh-huh.

6 Q. Between you and Ms. Rice-Anders. Agreed?

7 A. Uh-huh.

8 Q. And it includes a link to Galveston County  
9 redistricting site?

10 A. Oh, okay. Yeah.

11 Q. You saw -- see that?

12 A. Uh-huh.

13 Q. Do you know what that link is to?

14 A. Yeah. She could not access the -- there should  
15 be the link to the maps.

16 Q. Yeah.

17 A. She had difficulty accessing it, so what  
18 happens is I oftentimes forward stuff to her so that  
19 she can access.

20 Q. Okay. And so then the below string on the  
21 e-mail is dated Thursday, November 4th, 2021. Again,  
22 the time is 6:41 p.m.?

23 A. Uh-huh.

24 Q. It says "Lucretia Lofton wrote." Is that your  
25 -- is that your e-mail address?

1 A. The -- where are you?

2 Q. Right below the link on the Exhibit 12.

3 A. 12. Okay. Here?

4 Q. Yeah. Below the -- below the link there's a --

5 A. I see return the -- the link to the  
6 redistricting.

7 Q. Right.

8 A. Okay.

9 Q. And there's a second string e-mail dated  
10 November 4th, 2021?

11 A. 2021.

12 Q. Uh-huh. You see that?

13 A. Wrote -- mobilize us --

14 Q. Yeah. There's a link there to -- and first of  
15 all, is that -- that your e-mail address?

16 A. Yes. That's my e-mail address.

17 Q. Okay. And so -- so you -- you wrote -- and  
18 then there's the link there. Do you know what that  
19 link is to?

20 A. The link should be to -- oh, this was going to  
21 the county. I don't recall what that link is to as --

22 Q. And I'll repre- -- represent to you that  
23 clicking on this link, it pulls up a Zoom mobilize. It  
24 doesn't pop to anything in particular.

25 A. Uh-huh.

1 Q. But I'm just wondering if -- if you were  
2 forwarding some -- a link to either Ms. Anders or  
3 someone else --

4 A. It's --

5 Q. -- during this time period related to a Zoom  
6 meeting or --

7 A. Well, Ms. Anders is on this e-mail that is  
8 talking about a Zoom meeting, so I don't know why I  
9 would -- and I'm not on this e-mail, correct?

10 Q. Right. Correct.

11 A. So, yeah, I -- there may have been a Zoom  
12 link. So this goes to a Zoom link?

13 Q. Yeah. The -- the -- if you click on the link,  
14 it actually will pull up a -- attempt to get to a Zoom  
15 area. And so, frankly, I was just trying to see if  
16 this would help you --

17 A. Yeah.

18 Q. -- remember that you attended a meeting on Zoom  
19 sometime around November 4th of 20 --

20 A. I don't.

21 Q. No?

22 A. I don't recall attending --

23 Q. Okay.

24 A. -- a meet --

25 Q. Did -- at any time between the time period

1 we're talking about, November 1st, 2nd, and the meeting  
2 at the county on November 12th --

3 A. 12th.

4 Q. -- do you remember attending any Zoom  
5 conferences where Commissioner Holmes was talking about  
6 redistricting?

7 MS. CHEN: Objection, form, asked and  
8 answered.

9 A. No.

10 Q. (BY MR. RUSSO) Okay. All right. Do you  
11 remember talking to anybody that had attended any of  
12 those types of conferences?

13 A. I don't recall.

14 Q. Do -- did you -- sitting here today, do you  
15 remember that those were -- that there were a couple of  
16 Zoom meetings with Commissioner Holmes?

17 MS. CHEN: Objection, form.

18 A. I don't recall.

19 Q. (BY MR. RUSSO) You don't remember?

20 A. I don't have any knowledge of that.

21 Q. All right.

22 A. This -- well, Exhibit 11, what you just gave to  
23 me, I --

24 Q. Yeah.

25 A. From what it says.



1 Q. But you're --

2 A. But I'm not on that e-mail, so I don't --

3 Q. Yeah. And you're -- again, I'm satisfied. I  
4 mean, it sounds like you -- you don't remember seeing  
5 the e-mail and --

6 A. I'm not on the e-mail to -- to see it.

7 Q. Right. And didn't attend the -- any  
8 conferences with -- with Commissioner Holmes, correct?

9 A. Correct.

10 Q. All right.

11 A. I don't recall any of this.

12 MS. CHEN: Joe, do you mind if we just --  
13 if we take five?

14 MR. RUSSO: Yeah. If you -- yeah.  
15 That's fine.

16 MS. CHEN: Thank you.

17 THE VIDEOGRAPHER: Off the record, 2:50.

18 (Break.)

19 (Marked Lofton Exhibit No. 13.)

20 THE VIDEOGRAPHER: Going back on the  
21 record, 3:03 p.m.

22 Q. (BY MR. RUSSO) Okay. The court reporter has  
23 marked as Exhibit 13 to your deposition a -- an article  
24 pulled from Galveston County -- or Galveston Daily  
25 News. Take a look at that. The date's kind of hard to

1 find, but it's sort of in the middle. I'll wait till  
2 you get in there. The date is right above the maps.  
3 You see that?

4 A. Uh-huh.

5 Q. It's written -- November the 9th, 2021. And  
6 it's -- the ar- -- title of the article is "County's  
7 proposed maps will break up voting power." You see  
8 that?

9 A. Yes.

10 Q. You remember seeing this article when it came  
11 out?

12 A. Yes.

13 Q. Okay. And you're actually quoted in this  
14 article, right?

15 A. Is this the -- uh-huh. Uh-huh. Yes. I am.

16 Q. Okay. And do you remember being interviewed  
17 for this article?

18 A. Yes.

19 Q. Who interviewed you?

20 A. Ferguson.

21 Q. So the person who wrote it?

22 A. The person who wrote the article.

23 Q. Yeah. I think that was John Wayne Ferguson.

24 A. Yeah. I just remember his last name.

25 Q. Okay. And it looks like most of your

1 statements appear on Page 5 --

2 A. Page 5.

3 Q. -- of 6, right?

4 A. Yes.

5 Q. Okay. So specifically, the article starts  
6 before you're quoted on Page 5. There's a sentence  
7 there that sort of sticks out. It says, "But other  
8 groups aren't sharing in that support." You see that?

9 A. Yes.

10 Q. All right. And then it goes on that "Galveston  
11 chapter of NAACP has encouraged its members -- members  
12 to submit public comments opposing the big change map."  
13 You see that?

14 A. Yes.

15 Q. To -- was that -- is that consistent with your  
16 recollection, that as of November the 9th the NAACP had  
17 encouraged members to submit comments opposing a map?

18 A. The Galveston chapter?

19 Q. Yes.

20 A. Yes. I mean, are you asking me what the  
21 Galveston chapter did to encourage their unit?

22 Q. If you know. If you know.

23 A. Oh, no. I don't. I don't know exact -- what  
24 their act orders of --

25 Q. Yeah. And -- well, and then --

1 A. -- execution were.

2 Q. We'll tie it back to the -- to your -- the  
3 unit. Your unit --

4 A. Uh-huh.

5 Q. -- that you -- had you undertaken an effort to  
6 get your membership to oppose the maps at this time?

7 A. At that time we discussed with our unit with  
8 the maps -- what the options were for the maps.

9 Q. Uh-huh.

10 A. And that we knew then to -- I believe this is  
11 after we found out about the meeting. Is this a couple  
12 days before the meeting?

13 Q. Yes. So this was November --

14 A. 9th, right.

15 Q. The article was November the 9th.

16 A. Right.

17 Q. And the meeting is coming up on the 12th.

18 A. On the 12th. So at that time we -- the  
19 executive committee encouraged the members to show up.

20 Q. Okay. And also to go -- put -- take -- if they  
21 had to, the inclination, to go ahead and put comments  
22 on the Web site as well?

23 A. No. I didn't personally encourage anyone to do  
24 that. Galveston may have, but I did not.

25 Q. Okay. Are -- are you aware sitting here do --

1 | that -- that there was an option and a place to -- to  
2 | make comments on the maps online?

3 | A. Am I aware of that now?

4 | Q. Yes, ma'am.

5 | A. Yes. Now, I am.

6 | Q. How did you become aware of that?

7 | A. I actually looked it up, and I found it. And  
8 | then I said, oh, huh, because you're probably going to  
9 | pull out my comment that I put after the fact of --

10 | Q. Uh-huh.

11 | A. -- the meeting, oh, this is what's supposed to  
12 | happen here. So me personally, after attending the  
13 | meeting, I went back and made the comment because I  
14 | realized then this is the place that you should be  
15 | making a comment and felt as an individual and as the  
16 | unit disregard -- our comment was disregarded because  
17 | the action was moved so fast.

18 | Q. Yeah. So I think -- to kind of break that  
19 | down, I think that -- and I -- the -- you actually made  
20 | a comment or posted a comment after the meeting had  
21 | occurred on November 12th, right?

22 | A. Right. After realizing that the -- I believe  
23 | that's when I seen it says "go make" -- where the judge  
24 | was saying "go make a comment, go say" -- he called --  
25 | he put a call of action to Map 2. And then I said,

1 "Oh, okay. So this is what this is supposed to be."

2 But people who already in alignment and follow him  
3 would see this and know this.

4 Q. Uh-huh.

5 A. But the people who are not wouldn't.

6 Q. Okay. All right. Let's --

7 A. Because --

8 Q. Sorry. I thought you were done.

9 A. Go ahead. Huh-uh. I'm done.

10 Q. So I was -- and I was just going to look at the  
11 actual -- the comment made at the next lines in  
12 Exhibit 13. Says "Lucretia Lofton" -- and am I saying  
13 that right, your first name?

14 A. Yeah.

15 Q. Lucretia?

16 A. Yes.

17 Q. Okay -- "Lofton, president of the Dickinson,  
18 slash, Bay Area chapter of the NAACP, said her main  
19 concern was ensuring the redistricting maps were  
20 completed legally and fairly." You see that?

21 A. Yes.

22 Q. All right. Is it -- so is it true that at the  
23 time your concerns were that the maps be legal and  
24 fair?

25 A. Yes.

1 Q. Right. And on -- how are you going to -- how  
2 were you to determine whether the maps were fair?

3 A. So as speaking in the capacity as the  
4 president --

5 Q. Uh-huh.

6 A. -- fair according to what we represent as the  
7 advocacy program that's against discriminatory  
8 practices.

9 Q. Uh-huh.

10 A. So fair in those aspects.

11 Q. All right. And was it -- was it fair as con-  
12 -- in connection with the -- the -- so the -- the goals  
13 or the membership of your unit? Is that -- is that a  
14 fair statement?

15 A. Was what fair?

16 Q. Your statement that you were concerned -- your  
17 main concern was --

18 A. Fair.

19 Q. -- ensuring the process was fair, was that it  
20 was fair to the membership and the advocacy groups that  
21 you represented?

22 A. Correct.

23 Q. All right.

24 A. Because I was speaking in capacity of the  
25 president, so it was in alignment with -- with the

1 capacity I was speaking of.

2 Q. Okay. Is there any way to -- that you had --  
3 do you have in your mind -- is there any sort of  
4 thought as to what fair would look like in terms of the  
5 population of old Precinct 3 and -- and I'll be more  
6 specific in that was -- does fair sort of mean keeping  
7 the minority voting population -- minority voting  
8 percentage at may -- maybe 60 percent?

9 MS. CHEN: Objection, form.

10 A. Can you clarify your -- your direction more  
11 direct in that?

12 Q. (BY MR. RUSSO) Yeah. I can try. I can try.  
13 So -- and I'm trying to get a quantity, a fair --

14 A. Okay.

15 Q. So -- in your -- your view. Is fair -- is --  
16 can you quantify it? Is it we want to see a 60 percent  
17 mi- -- ma- -- minority majority in precinct -- old  
18 Precinct 3? Would that be fair?

19 A. It would be fair to -- in old Precinct 3 to  
20 maintain a precinct that reflects the community.

21 Q. And is there any way to know what that would be  
22 in terms of voting strength and percentage of minority  
23 voters located there?

24 MS. CHEN: Objection, form, calls for  
25 expert testimony and legal conclusion.



1 A. Yeah. I have not --

2 Q. (BY MR. RUSSO) Yeah.

3 A. -- hid any documents or -- I'm not a voting  
4 expert of, hey, these are the numbers. This is what it  
5 looks like. That --

6 Q. Right. And I'll --

7 A. That's not my capacity.

8 Q. And to -- let me -- just so you know why I'm  
9 asking these questions -- I -- I realize you guys have  
10 experts in the case that deal with some of this. I  
11 just want to make sure I know what -- I'm not going to  
12 hear something different from a party representative in  
13 the case. So, you know, again --

14 A. Okay.

15 Q. -- I get -- I get you have experts. I just  
16 want to make sure you don't have something else to say  
17 about it.

18 A. Okay.

19 Q. Okay. So if we get to a point where our  
20 experts are dealing with stuff, just let me know that,  
21 and I'll -- I'll move on.

22 Okay. Now, the -- the next -- the next  
23 -- the last par- -- paragraph on Page 5 reads,  
24 "Commissioners plan to meet Friday to accept public  
25 comments and vote on the maps." So as -- if nothing

1 else, this article on November 9th lets the public know  
2 they're voting on the maps on Fri- -- the coming  
3 Friday, right?

4 MS. CHEN: Objection, form.

5 A. So you -- are you talking about the one that's  
6 -- after it says I'm concerned about the process --  
7 there could be more transparency in the process?

8 Q. (BY MR. RUSSO) No. I'm looking at -- I'm  
9 actually looking at this -- this next sentence where it  
10 says "Commissioners plan to meet Friday." Do you see  
11 that?

12 A. Right. I see that.

13 Q. And my question is: Does it -- this article on  
14 November 9th lets the public know -- anybody that reads  
15 it -- that reads that particular paragraph knows  
16 there's a meeting on Friday, right?

17 A. In three days, yes.

18 Q. Yeah. And then it -- it goes on to say, "The  
19 county is facing a state-imposed deadline to approve  
20 the maps by Saturday." Do you see that?

21 A. Uh-huh.

22 Q. Were you aware the county was under a  
23 state-imposed deadline that the maps had to be approved  
24 by Saturday, the 13th?

25 A. I --

1 MS. CHEN: Objection, form.

2 A. Okay. So the question is: Am I aware that the  
3 county got a deadline from the state?

4 Q. (BY MR. RUSSO) No. The question is: Were you  
5 aware at the time reading this article that the county  
6 is facing a state-imposed deadline to approve maps by  
7 Saturday, which is November the 13th? Were you aware  
8 of that at the time?

9 MS. CHEN: Objection, form.

10 A. After reading the article?

11 Q. (BY MR. RUSSO) Yes, ma'am.

12 A. The article is -- clearly says that.

13 Q. And so did you take note of that in term -- in  
14 terms of that being a -- a deadline the county had to  
15 meet?

16 A. Yes.

17 Q. All right. Okay. So then attending the  
18 meeting and prepare for the meeting and going to the  
19 meeting and speaking, you're aware the county had to  
20 get something done and to the state by the next day?

21 MS. CHEN: Objection, form.

22 Q. (BY MR. RUSSO) True?

23 A. The next day?

24 Q. Saturday.

25 A. That Saturday?

1 Q. Yeah.

2 A. Yes.

3 Q. You're -- you're aware of that?

4 A. (Nodding head.)

5 Q. Do you know -- was your -- did you-all -- did  
6 you, the unit that you represent, put out any  
7 statements related to the county's deadline being the  
8 next -- the next day after the hearing?

9 A. No. I am not aware of me personally putting  
10 out one.

11 Q. Uh-huh.

12 A. Whether my secretary or any other parties did,  
13 I can't recall.

14 Q. You don't know. Okay. All right. And are you  
15 aware of whether, you know -- strike that.

16 Did you take that into account when you  
17 attended the -- the meeting, the hearing in front of  
18 the commissioners court, that they had to vote on this  
19 and get it to the state the next -- tomorrow?

20 A. Did I take it into account with consideration  
21 of?

22 Q. Making your statements in meeting with the  
23 commissioners court.

24 A. When I was privy to the public information, I  
25 made sure I attended. It could have been the next day

1 I would have attended. Taking into account of when the  
2 state mandated it, it was unfortunate that it was such  
3 a short time period because most people who work were  
4 not able to attend that meeting on Friday in the middle  
5 of the daytime at a very small annex building in a  
6 construction site -- well, construction zone or  
7 starting of something.

8 Q. Well --

9 A. I don't know if I answered your question.

10 Q. No. It's okay. We'll talk about some of that  
11 related to the exact meeting, but I was -- my question  
12 is: You know, are -- are you aware that par- -- one of  
13 the reasons the county commissioners had to meet so  
14 quickly is that there was a state-imposed deadline on  
15 the 13th of November that they had to meet?

16 MS. CHEN: Objection, form.

17 Q. (BY MR. RUSSO) Are you aware of that?

18 A. I'm aware from the article. It would have been  
19 a great opportunity with -- in this article or if the  
20 county would have been transparent with whenever they  
21 received that deadline of not -- and letting us -- the  
22 public know that knowledge.

23 Q. Do you know when they received notice of --

24 A. I don't know because there hasn't been a lot of  
25 transparency --

1 Q. Did you --

2 A. -- which is the issue.

3 Q. Did you ask anyone at the county about when the  
4 deadline was -- became known?

5 A. The question was posed at this meeting in my  
6 -- to my knowledge.

7 Q. And what was the response?

8 A. I'm not sure. I don't recall it.

9 Q. And the question being: When do y'all -- when  
10 is the deadline? That question was asked at the  
11 meeting?

12 A. The question when -- when did we -- when was it  
13 found out that the deadline was so quick, so --

14 Q. Oh, okay. And then -- then as you sit here,  
15 you don't remember --

16 A. I don't remember what the answer was. But from  
17 what was told to me while there -- someone asked the  
18 question, "When -- when is the deadline?"

19 Q. Uh-huh.

20 A. And the people who attended were under the  
21 impression that their thoughts and words would be  
22 considered. Most people there felt really  
23 disregarded. There was a lot of eye rolling, not  
24 paying attention, no eye contact, no compassion, and no  
25 even true reception of what people said, acknowledgment

1 in any capacity.

2 Q. Uh-huh. We'll -- and we'll talk about the --

3 A. Okay.

4 Q. -- the meeting more specifically, but I -- I  
5 did want to know if you -- if you -- you -- do you  
6 recall either the county commissioners or the judge  
7 saying "We've got to get this done by tomorrow"  
8 sometime at the meeting?

9 A. I can't recall.

10 Q. Okay. All right. All right.

11 MR. RUSSO: Mark that thir- -- 14. 76.

12 THE WITNESS: Okay.

13 (Marked Lofton Exhibit No. 14.)

14 Q. (BY MR. RUSSO) So the -- the court reporter's  
15 marked Exhibit 14, which I think you have it in front  
16 of you. It's an e-mail dated Friday, November 12th,  
17 2021 --

18 A. Uh-huh.

19 Q. -- from Ms. Hall -- Williamson to, again,  
20 several recipients, and you're copied on it as  
21 well. You see that?

22 A. Yes.

23 Q. Okay. Again, you're -- review as much of the  
24 e-mail as you would like to. But this is the same day  
25 as the hearing was going to happen in Galveston County

1 Commissioners Court, from your recollection, right?

2 A. Yes.

3 Q. Now, Ms. Williamson is talking about --  
4 starting in the first line of her e-mail -- she's  
5 talking about the fact that she appreciates you -- and  
6 this is the second sentence in the -- in her ta- -- in  
7 her e-mail -- "I appreciate you taking the time to  
8 experience a bril- -- the brilliance of President Alisa  
9 Simmons." Do you -- do you see that?

10 A. Yes.

11 Q. Do you remember meeting with Ms. Simmons?

12 A. Meeting with Mrs. Simmons, president. Is she a  
13 part of the CROWD fellow?

14 Q. I -- I really don't know the answer to that.  
15 I'm sort of thinking that might be true, but I'm -- I'm  
16 wondering what you know about her.

17 A. She must be a part of the CROWD fellow to be --  
18 the content of this e-mail and what she's talking --  
19 the context of this e-mail, I would assume that this is  
20 someone that is a part of the redistricting training  
21 that Ms. Williamson was under and that has trained her.

22 Q. Yeah. Do you remember -- do you remember a  
23 meeting -- meet -- where you met or talked to  
24 Ms. Simmons?

25 MS. CHEN: Objection, form.



1 Q. (BY MR. RUSSO) Or -- or she talked to you?

2 A. I don't -- it may have been a group or  
3 meeting. I don't recall a direct -- and this mor- --  
4 this -- that morning I know I didn't see this e-mail.

5 Q. Okay. And it go -- goes on that -- it says  
6 "the brilliance of President Alisa Simmons and her  
7 stealth redistricting task force." You see that?

8 A. Yes.

9 Q. What is that?

10 A. I am going to presume that that is the people  
11 who have trained the CROWD fellow.

12 Q. Okay. Have you ever heard that -- of the task  
13 force --

14 A. No.

15 Q. -- before today? Heard of that reference?

16 A. I just know that the CROWD fellow worked with  
17 several nonpartisan advocacy programs to teach  
18 redistricting and educate her on ways to go back to the  
19 community and bring awareness and education. Does that  
20 mean that was compiled of a redistricting task force?  
21 May or may not be. I can't speak on -- on that because  
22 I don't know what in depth -- how that was for her.

23 Q. Yeah.

24 A. I'm not on that end of it.

25 Q. Okay.

1 A. I just received the information that she gave  
2 me.

3 Q. All right. Do you remember receiving  
4 information in connection with the -- a meeting around  
5 this same time?

6 A. A meeting on November the 12th?

7 Q. Around then. Obviously it wasn't --

8 A. No. I didn't have a meeting. The only meeting  
9 that we had with redistricting and the CROWD fellow was  
10 the one where the PowerPoint was provided, so which is  
11 why I am presuming that it is something associated with  
12 that.

13 Q. So you think it might have been related to the  
14 PowerPoint meeting maybe the same time?

15 A. The people who have trained her, the different  
16 organizations that puts it together and trained her.  
17 That's to the best of my knowledge.

18 Q. Okay. And she -- Ms. Williamson goes on to  
19 say, "My favorite part of the evening was strategic  
20 planning, independent nonpartisan progress." Do you  
21 see that?

22 A. Uh-huh.

23 Q. Does that refresh your recollection as to --

24 A. Doesn't.

25 Q. -- attending any meetings?

1 A. No. It doesn't.

2 Q. Okay. Skipping the next paragraph, full  
3 paragraph, and she also -- it starts, "For the  
4 pastors." You see that?

5 A. Yes.

6 Q. And it goes on, "Mr. Robert Williams  
7 coordinates the programming for Push Democracy Forward,  
8 which will offer, quote, unquote, next steps and,  
9 quote, unquote, the playbook training modules designed  
10 to assist the mobilizing efforts of the churches  
11 statewide." Do you see that?

12 A. Yes.

13 Q. So do you remember -- recall conversations  
14 relating to some -- a playbook to be active in  
15 mobilizing church efforts --

16 A. No.

17 Q. -- statewide?

18 A. No.

19 Q. No. Is -- do you know Pastor Robert Williams?

20 A. No. To me this looks like an e-mail that Roxy  
21 Williamson is collectively putting everyone that she's  
22 been working with together and sending out an e-mail  
23 and acknowledging people at different points.

24 Q. Okay. All right. Okay. So that -- that  
25 correspondence doesn't ring -- ring any bells for you?

1 No?

2 A. I mean, that morning I know I wasn't -- I  
3 didn't check that e-mail. I know that for sure. Not  
4 that morning.

5 Q. All right.

6 A. That wasn't my focus.

7 Q. Okay. So that brings us sort -- to the meeting  
8 on November the 12th. You did attend that meeting,  
9 right?

10 A. I did.

11 Q. All right. And I think you -- your -- you --  
12 correct me if I'm wrong -- maintain that it's -- the  
13 meeting room was small?

14 A. Yes.

15 Q. And you -- you believe that that limited  
16 attendance?

17 A. It was -- didn't have -- people with -- the  
18 elderly people that were on walkers and wheelchairs and  
19 stuff, it was hard for them to access and to be there,  
20 and they are -- those people are a huge part of the  
21 people who vote.

22 Q. Uh-huh. Do you -- do you know of -- have you  
23 spoken to anyone in particular who told you that they  
24 did -- weren't able to attend the meeting because they  
25 couldn't find a place to park?

1 | A. Yes.

2 | Q. Okay. Who were those people?

3 | A. My father.

4 | Q. And what did he tell you?

5 | A. He could not find anywhere to park.

6 | Q. So he left?

7 | A. No. He wasn't able to park his car anywhere.

8 | Q. So he left and --

9 | A. And he was not able to get in and --

10 | Q. So he didn't --

11 | A. No. He was -- he -- he did not leave.

12 | Q. Okay.

13 | A. He parked blocks away.

14 | Q. All right.

15 | A. But he was not able to give his comment because  
16 | of all of the overflow.

17 | Q. Okay. Well, we'll get to that. Your father --  
18 | just make sure I get this right. Your father said he  
19 | had a hard time parking, had to park a long way away,  
20 | but still attended the meeting. True?

21 | A. It was hard for him, yeah.

22 | Q. But he still attended?

23 | A. It was -- yeah.

24 | Q. Okay. So -- and my question is: Are -- have  
25 | you talked to anyone who actually said "I did -- I

1 | skipped the meeting because I didn't have a place to  
2 | park"?

3 | A. I talked to -- parking? No. An ability to get  
4 | off of work at a short notice? Yes.

5 | Q. All right. So --

6 | A. Correction.

7 | Q. Uh-huh.

8 | A. There was someone who was not able to because  
9 | they could not walk the distance.

10 | Q. Okay. Who was that?

11 | A. A community person.

12 | Q. And who was it specifically that told -- did  
13 | they -- let me -- let me try it this way: Did they  
14 | tell you that they could not park and left?

15 | A. They were not able to walk the distance to  
16 | where they would have to have parked at.

17 | Q. Okay. But that -- that's a different question.  
18 | What I'm asking you is: Are you aware of anyone who  
19 | went to the meeting --

20 | A. Uh-huh.

21 | Q. -- could not find a place to park close enough,  
22 | whether it's close enough or otherwise, and left?

23 | A. Yes.

24 | Q. Okay. And this is a person who you said was --  
25 | is -- is what -- they were -- have some kind of

1 | handicap?

2 | A. Yes.

3 | Q. Okay. Who was this person?

4 | A. Barbara Tryals.

5 | Q. Barbara?

6 | A. Tryals, T-R-Y-A-L-S.

7 | Q. Okay. So Ms. Tryals told you that she attended  
8 | a -- went to the meeting, couldn't find a place to park  
9 | and left?

10 | A. And could not walk. The problem was the  
11 | distance of walking.

12 | Q. Okay. I -- listen, I'm not disputing that she  
13 | may not be able to walk. Just if -- if we -- my  
14 | question to you is: What she told you is she showed up  
15 | at the meeting and then said "I couldn't make it" and  
16 | left?

17 | A. Correct.

18 | Q. Is that right? Yes?

19 | A. Correct.

20 | Q. Okay. Anyone else?

21 | A. Me directly, no.

22 | Q. All right. Okay. So then what -- did you get  
23 | to the meeting before it started or how far before  
24 | start -- when did you get there?

25 | A. No. Actually, the meeting was already in

1 progress. I had to park a couple blocks down and  
2 walk, so that definitely delayed me arriving to the  
3 meeting. But not a big delay, but --

4 Q. Okay. And I -- so did -- did -- did you get a  
5 seat in the room?

6 A. No. I allowed the elderly people that were  
7 there and needing to have a seat. I would not sit  
8 while they stood in agony.

9 Q. I understand. Good practice.

10 A. Absolutely not.

11 Q. So you -- you arrive at the meeting late.  
12 True?

13 A. Not late.

14 Q. It'd already started when you'd arrived, yes?

15 A. My -- the parking situation delayed me getting  
16 into the meeting on time.

17 Q. Okay. But by the time you walked in the  
18 doors --

19 A. The meeting was already started.

20 Q. -- the meeting started. And where did you  
21 stand or sort of --

22 A. In overflow.

23 Q. And that -- was that out in the hall?

24 A. Outside in the hall.

25 Q. All right. How did you -- how were you able to



1 get on the list of people to speak?

2 A. How was I able to get on the list? When I got  
3 there, I put my name on there.

4 Q. Okay. All right.

5 A. It was -- I was not "late," late, but the room  
6 was already filled --

7 Q. Right.

8 A. -- to capacity, and overflow had already  
9 occurred.

10 Q. Okay. And so after -- when you arrived, you  
11 found the list of pe- -- the list allowing for people  
12 to say their comments, right, and sign their name?

13 A. They say go for one side -- I arrived on one  
14 side. They say you had to go to the other side. Go to  
15 the other side. You go through the -- the doors, and  
16 so I went through that side. And I said -- said that I  
17 wanted to put my name on the list to speak.

18 Q. Uh-huh. And was the list inside the room?

19 A. I don't recall.

20 Q. So what did you -- do you recall having to pass  
21 up -- people up to go into the doors inside the  
22 meeting?

23 A. There was a lot of people.

24 Q. But do you recall in -- in an effort to go and  
25 sign up to speak, did you have to go inside the meeting

1 room and find someone who had the list?

2 A. I believe so. I don't really recall the -- the  
3 process of it. It was a lot going on at that time.  
4 There was a lot of people, a lot of passing out water,  
5 trying to aid people and do whatever --

6 Q. Uh-huh.

7 A. -- was best to get it done efficiently and to  
8 get in there and speak.

9 Q. Do you have any idea how many people were  
10 there? What's your estimate?

11 A. My estimate?

12 Q. Uh-huh.

13 A. Was beyond the capacity of the room. So I'm  
14 not sure what the capacity of that room is, but it was  
15 beyond the capacity of the room in both areas of  
16 overflow.

17 Q. Okay.

18 A. There was people to the front door.

19 Q. All right.

20 A. And that room is all the way in the back of the  
21 -- from the front doors all the way to the back.

22 Q. Right.

23 A. So there were people lined all the way around.

24 Q. Did -- now, so the -- do you -- did you speak  
25 to anyone who told you after the meeting that they

1 | wanted to speak at the meeting, attended the meeting,

2 | wanted to speak, but were unable to?

3 | A. There were people -- I didn't speak directly,

4 | but I did hear people say that.

5 | Q. Okay. Do you know who these people were?

6 | A. There was pe- -- it was a crowd of people.

7 | Q. Yeah.

8 | A. There's a lot of people there. I heard -- just

9 | could hear someone say, "I didn't get a chance to get

10 | up there. I wanted to say this." I could hear people

11 | saying that. Absolutely.

12 | Q. Uh-huh. And the reason why they couldn't get

13 | up there was what?

14 | MS. CHEN: Objection, form.

15 | Q. (BY MR. RUSSO) If you know?

16 | A. I don't know.

17 | Q. Okay. All right. So -- but -- but in essence,

18 | you don't know of any specific person name-wise --

19 | A. No.

20 | Q. -- who you would identify and say they were at

21 | the meeting, wanted to speak, but they didn't, they had

22 | the opportunity --

23 | A. No. I don't recall the name, no.

24 | Q. All right. Okay. So you were able -- you did

25 | get on the list to speak. True?

1 A. Yes.

2 Q. And then spoke at the meeting, right?

3 A. Yes.

4 Q. Have an exhibit for -- this is an article.

5 MS. CHEN: Thank you.

6 MR. RUSSO: 4.

7 (Marked Lofton Exhibit No. 15.)

8 Q. (BY MR. RUSSO) Exhibit 15 is an article in the

9 Mother Jones publication, dated November 18th, 2021.

10 You see that?

11 A. Yes.

12 Q. And you're actually quoted in that article on

13 pa- -- on Page 7 of 9.

14 A. Yes.

15 Q. You see that?

16 A. Yes.

17 Q. All right. And your quote states, the middle

18 of that page, "These proposed maps are a clear and

19 concise representation of gerrymandering." You

20 remember saying that?

21 A. Yes.

22 Q. And it goes on to say, "It is evident it is a

23 -- an attempt to dilute the -- the minority vote and

24 eradicate a lone representation of political

25 diversity." Do you see that?

1 A. Yes.

2 Q. And do you believe that to be true?

3 A. Yes.

4 Q. On -- is it -- is it your belief that the --

5 the maps themselves being adopted were designed to

6 eradicate political diversity in old Precinct 3?

7 A. Yes.

8 Q. So the next page -- well, I just want you to

9 just take note. Right below that it state -- there --

10 it says, "Perhaps the most affecting speaker was

11 91-year-old Reverend D.N. Benford." You see that?

12 A. Yes.

13 Q. Did you hear Reverend Benford speak?

14 A. Yes.

15 Q. So on the next page of the article, on Page 8

16 of 9, bottom of that paragraph, quotes the Reverend as

17 saying that's -- says "That's why they drew those

18 lines, Benford said, so Black folks could elect some

19 people." Do you see that?

20 A. Where -- where are we?

21 Q. Sorry. It's right at the last -- last sentence

22 on Page 9 -- 8 of 9, top paragraph?

23 A. "That's why they drew those lines, Benford

24 said, so Black folks could elect some people." Uh-huh.

25 Q. Do you agree with that -- that statement?

1 A. That's his independent thought.

2 Q. I'm just wondering. Do you -- did you hear him  
3 say that at the meeting?

4 A. I did hear him say it.

5 Q. Do you agree with what he's saying? Is it the  
6 -- the lines were drawn so that Black folks could elect  
7 some people?

8 MS. CHEN: Objection, form, asked and  
9 answered.

10 A. That is his belief.

11 Q. (BY MR. RUSSO) Okay. Did -- do you share that  
12 belief?

13 A. That is his independent belief. I don't have a  
14 belief on his belief.

15 Q. Okay. You haven't thought about it before  
16 today?

17 A. No.

18 Q. All right.

19 A. I believe he was there speaking on behalf of  
20 himself.

21 Q. Himself?

22 A. Or a minister, yeah. He didn't speak on behalf  
23 of -- I was there speaking on behalf of the NAACP.

24 Q. Uh-huh. Okay. All right. When you -- let's  
25 see. Let me give you the -- I'm trying to keep up --

1 this one.

2 (Marked Lofton Exhibit No. 16.)

3 Q. (BY MR. RUSSO) So that's a -- 80 -- Exhibit 16  
4 is a -- a carveout of the full hearing transcript but  
5 just related to your comments during the hearing.

6 A. Is this from the meeting on November 12th?

7 Q. Yes. I'll represent to you that I pulled it  
8 from the hearing transcript.

9 A. Okay. That's what I --

10 Q. Do you recall making those statements?

11 A. Uh-huh.

12 Q. Okay. And so one of your statements there is  
13 actually the second sentence, I think --

14 A. Which page are we on?

15 Q. Hold on one second.

16 A. The numbers start over.

17 Q. Yeah. I got to pull up my copy of that. It's  
18 actually on the first page of your statement.

19 A. Okay.

20 Q. It's U.S. 2857. The second indented paragraph  
21 starts, "According to the U.S. citizens bureau -- or  
22 Census Bureau." You see that?

23 A. Uh-huh.

24 Q. Okay. And so you state, "I will list the most  
25 populated citizens, Hispanic and Latino as 25.4

1 percent, African Americans are 13.2, and Asians are 3.5  
2 percent." You see that?

3 A. Yes.

4 Q. So what was the purpose of stating that in the  
5 hearing? Why did you think that that was important?

6 A. I thought that that was important because those  
7 are the -- the demographics of the -- of Precinct  
8 3. It re- -- although it was a overall angle what the  
9 minority looks like, but what the demographics of what  
10 Precinct 3 is, what is ma- -- minority majority. So it  
11 was important to know that.

12 Q. And the figures you're quoting, are they just  
13 Precinct 3, or are they across the entire county?

14 A. So this -- this was across the entire county,  
15 but to show that there is diversity in throughout the  
16 county and that the -- Precinct 3 has the most minority  
17 majority because of that.

18 Q. Yeah. Do you have any understanding as to  
19 whether old Precinct 3, when it was drawn years ago,  
20 was drawn specifically to include minority citizens  
21 within it?

22 MS. CHEN: Objection, form.

23 A. Do I have any knowing --

24 Q. (BY MR. RUSSO) You -- is there -- do you have  
25 any knowledge of that? I mean, do you -- anyone ever



1 told you that?

2 A. Anyone ever told me that?

3 Q. Yes, ma'am.

4 A. No.

5 Q. Do you know whether when old Precinct 3 was  
6 drawn that that was the objective was to, you know,  
7 include draw -- based upon the race of the individuals  
8 in -- inside of it?

9 MS. CHEN: Objection, form.

10 A. Can you rephrase your question?

11 Q. (BY MR. RUSSO) Uh-huh. Yeah. Do you know,  
12 sitting here today, whether when they -- when  
13 Precinct 3 was designed years ago, whether it was  
14 designed specifically to include specific minority  
15 groups within it?

16 A. 20 years ago?

17 MS. CHEN: Objection, form.

18 A. Do I know what the intent was 20 years ago?

19 Q. (BY MR. RUSSO) Yeah. If you --

20 A. 20-plus years ago?

21 Q. Have you heard anything about that?

22 A. No. I don't -- I can't speak to that.

23 Q. No idea?

24 A. I can't speak to that.

25 Q. All right. Okay. And you -- you state -- the

1 next sentence, you state, "These proposed maps are  
2 clear and concise representations of gerrymandering."  
3 You see that?

4 A. Yes.

5 Q. And so there were actually two maps presented  
6 at -- right?

7 A. Yes.

8 Q. Do you remember both of them, generally what  
9 they look like?

10 A. Yes.

11 Q. So why did -- why did you think Map 1 was a  
12 representation of gerrymandering?

13 A. Because -- are you asking me do I remember in  
14 detail right now what those maps look like?

15 Q. If you re- -- yeah. If you recall.

16 A. I don't recall, but I know that I can recall  
17 the summary, which is what I stated on this -- in this  
18 statement, that the only resolution feasible is to  
19 disregard both proposed map, evaluate the community,  
20 respect the true diversity within the county, and  
21 create adequate maps that truly reflect the county.

22 Q. Yeah. So -- and that's kind of where I'm  
23 heading is what is it about Map 1 that made you believe  
24 that wasn't happening?

25 A. I am not a map expert. But from the

1 information that I seen, it did not reflect -- and the  
2 lack of transparency through the process and the  
3 procedure of it, that it lacked inclusion.

4 Q. Yeah. Did -- had someone told you that the --  
5 Map 1 and the change in the design includes an  
6 inordinate amount of white voters in Precinct 3 now  
7 such that --

8 A. No one prompted me?

9 Q. -- diluted the vote?

10 A. Is that what you're asking me?

11 Q. Yes, ma'am.

12 A. No. No one prompted me on that information.

13 Q. Okay. How -- how did you figure that out?

14 A. Looking at it.

15 Q. Looking at the map?

16 A. To see, right. So being from Galveston  
17 County --

18 Q. Uh-huh.

19 A. -- and knowing that -- where the demographic of  
20 people and being here my entire life --

21 Q. Uh-huh.

22 A. -- knowing that where people reside and how  
23 things were being drawn, then I could see. And being a  
24 part of Precinct 3 most of my life, well into my adult  
25 life, I pretty much -- being in tune with my community

1 and the county knowing where people live and where --  
2 where they are.

3 Q. Uh-huh.

4 A. You can drive around and see what the -- the  
5 neighborhoods reflect, what the developments look like.

6 Q. Uh-huh.

7 A. You see when you go from one side to the other  
8 side where you are.

9 Q. Yeah. I think I probably share some of that.  
10 I actually graduated from Ball, but -- and grew up on  
11 the island. But Map 1, if you remember, I think really  
12 just sort of drew in and included Bolivar Peninsula in  
13 Pre- -- in Precinct 3.

14 A. Uh-huh.

15 Q. Do you remember that?

16 A. I can't recall. I -- I'm not going to say that  
17 I remember the maps to a T --

18 Q. Uh-huh.

19 A. -- or speak from an expert point of view.

20 Q. Okay. But is it safe to say that something in  
21 your review of the maps made you believe that -- that  
22 the way it was drawn was diluting the minority  
23 population's votes in old Precinct 3? Would that be  
24 true?

25 A. Again, the process, the lack of transparency,

1 the use of someone who's already been deemed  
2 discriminatory --

3 Q. Uh-huh.

4 A. -- and the resubmitting with a little tweak of  
5 a previous map seems to be -- me, in my capacity, would  
6 say how about let's throw everything out, in all  
7 fairness, to be more inclusive and to go about this  
8 procedure in a way to where the community, which is  
9 who's going to be most affected by it, can have a input  
10 in what it actually looks like.

11 Q. Uh-huh.

12 A. So the two -- out of the two, I don't think  
13 that the process allowed it to be a fair process to say  
14 one or the other. So as a whole, as I stated in my  
15 comment, that the most feasible thing to do would be to  
16 go back to the drawing board with it --

17 Q. Uh-huh.

18 A. -- and incorporate more experts and not utilize  
19 someone who has already been deemed discriminatory.

20 Q. Do you know if that was -- and that was what  
21 you expressed at the meeting on the 12th --

22 A. Uh-huh.

23 Q. -- of November?

24 A. Yes.

25 Q. Do you know if it's possible for the county to

1 scrap everything and start over with a deadline on the  
2 next day?

3 A. Well, if the county --

4 MS. CHEN: Objection, form. Sorry.

5 A. Yeah. Can you --

6 Q. (BY MR. RUSSO) Yeah. Do you know whether it  
7 was possible for the county to do that, given that they  
8 had a deadline to submit the maps to the state the next  
9 day?

10 A. They -- I'm not sure --

11 MS. CHEN: Objection, form.

12 A. -- if I can say what's possible with the county  
13 because I didn't -- I don't work for the county and I  
14 was not a part of that. However, the county did make a  
15 note of, in April, hiring someone who had already been  
16 deemed discriminatory and not give any other options to  
17 go forward to the people you put before the one option  
18 of a map by someone who's already -- the DOJ has  
19 already had to show that his maps did not work because  
20 of the way that they drew them the previous time.

21 Q. (BY MR. RUSSO) Uh-huh.

22 A. So I think that that selection in itself and  
23 then the lack of transparency throughout is enough to  
24 say that everything needs to be scrapped and brought  
25 back to the drawing board.

1 Q. Yeah. And my question was a little bit  
2 different, which is: Do you have any awareness,  
3 understanding, or belief as to whether the county  
4 actually could just go back to the drawing board when  
5 its --

6 A. Yes.

7 Q. -- when its maps were due to the state the next  
8 day?

9 A. Yes. Because I believe that the county should  
10 have enough knowledge to have more than just one person  
11 draw a map. With something that's so important, they  
12 should have more than one person, more than one option.  
13 So there if -- the county should have been prepared  
14 with more than one option.

15 Q. Well, there was more than one option, right?

16 A. More than one map drawing option, one person  
17 who prepared them.

18 Q. Oh, so you're saying they should have got --  
19 obtained multiple map drawers?

20 A. Yes.

21 MS. CHEN: Object --

22 Q. (BY MR. RUSSO) Are you aware of any -- any --  
23 any --

24 A. I am -- I'm not a map expert, so I'm not aware  
25 of any procedure of that. But I am aware that the

1 person that they did utilize was a discrimna- -- was  
2 already shown to be discriminatory, and he implemented  
3 a map that was pretty identical to the previous one.

4 Q. Yeah. And -- well, and based upon that comment  
5 alone, is there any map that there -- this person could  
6 have drawn that would have satisfied your unit?

7 MS. CHEN: Objection, form.

8 A. It's not my unit that needs to be satisfied.  
9 It's the community that needs to be satisfied, and  
10 there should have been --

11 Q. (BY MR. RUSSO) Well, except for -- except for  
12 this -- the unit's a party to the lawsuit, so --

13 A. In representation of the community.

14 Q. Yeah, yeah, yeah. But -- so my -- but --

15 MS. CHEN: Please let her finish her  
16 answers.

17 MR. RUSSO: Well -- well, she's kind of  
18 going off on a tangent.

19 Q. (BY MR. RUSSO) And I understand. You've --  
20 we've talked about a community, so I feel like you've  
21 had plenty of room on the record to tell me -- you  
22 know, I -- how the community feels.

23 A. Uh-huh.

24 Q. I get that.

25 A. Uh-huh.



1 Q. And I'm not trying to disrespect that in any  
2 way. But what I'm -- what I'm asking you, though, is:  
3 As a plaintiff in the lawsuit, is it your belief that  
4 -- that -- that map drawer that the county hired, given  
5 his history and known history, which you've identified  
6 as, you know, having been turned down by the Department  
7 of Justice in the past, is there anything he could have  
8 drawn that would have made you happy as a plaintiff?

9 A. You --

10 MS. CHEN: Objection, form.

11 Q. (BY MR. RUSSO) You, as a plaintiff?

12 A. I believe that there should have been more  
13 options from multiple sources and maps for expertise.

14 Q. From someone other than the map drawer that the  
15 county drew?

16 A. I believe that there should have been more  
17 options presented, more experts presented than one that  
18 was already deemed discriminatory.

19 Q. Yeah. Again -- and the options should have  
20 come from someone other than the person that the county  
21 actually hired to do the work, right, to make you  
22 happy?

23 MS. CHEN: Objection to form.

24 A. Than the person rehired after being deemed  
25 discriminatory.

1 Q. (BY MR. RUSSO) You -- you needed -- you needed  
2 someone else -- so the county needed someone else to do  
3 the work other than him --

4 A. They could have had more options. You could  
5 have had that person and another person and another  
6 person. Should have had options, especially since it  
7 was such a time-crunch and the community may not have  
8 been very receptive to what the options that may have  
9 been presented.

10 Q. Let me see.

11 MR. RUSSO: This is 41.

12 MS. CHEN: Uh-huh.

13 (Marked Lofton Exhibit No. 17.)

14 Q. (BY MR. RUSSO) So Exhibit 40 -- I'm sorry. I  
15 want to say 41, but it's Exhibit 17 -- is an e-mail  
16 from Ms. Williamson to an individual named Bruce Gear.  
17 Do you see that?

18 A. Yes.

19 Q. And it's dated December 10th, 2021?

20 A. Yes.

21 Q. Do you know who Mr. Gear is?

22 A. Department -- that's the man from the  
23 Department of Justice.

24 Q. And I'll represent to you he's -- he's actually  
25 a lawyer for the Department of Justice in this case.

1 A. Uh-huh.

2 Q. Are you aware of that before today?

3 A. Yes.

4 Q. Okay. And Ms. Williamson's e-mail lists you as  
5 a person to contact in reference to the history of  
6 redistricting in Galveston County. Do you see that?

7 A. Yes.

8 Q. So what is it you had to add to -- on the  
9 history of redistricting in Galveston County?

10 A. Ms. Williamson added me -- I don't have history  
11 because I was not a part of the Dickinson Bay Area unit  
12 with the -- in the history or at the -- in -- in the  
13 Mainland. So she just added me because she knew that I  
14 was the president and that I could possibly connect  
15 them to someone who had history.

16 Q. Okay. Did you -- did you -- were you able to  
17 do that? Did you ever connect them to someone who's --  
18 knows the history of redistricting?

19 A. I did.

20 Q. Who was that?

21 A. She passed away.

22 Q. She did?

23 A. She did.

24 Q. Oh, I'm sorry to hear that. What was her name?

25 A. Marie Jackson.

1 Q. Okay. How'd you know Ms. Jackson?

2 A. She was a part of the unit. She's a part of  
3 the executive committee.

4 Q. When'd she pass away?

5 A. Her funeral was March the 6th.

6 Q. Of this year?

7 A. Yes.

8 Q. Sorry to hear that. Do you know whether the  
9 Department of Justice spoke to Ms. Jackson?

10 A. I'm not sure.

11 Q. Okay. Did you speak --

12 A. And --

13 Q. I'm sorry.

14 A. He probably spoke with Ms. Yancy as well, as  
15 she was the president before me.

16 Q. The department probably spoke with Ms. Yancy?

17 A. Yes.

18 Q. Yeah.

19 A. I -- she's the president before me.

20 Q. Well, why would they have spoken to Ms. Yancy?

21 A. She would know history more than I would.

22 Q. Okay.

23 A. I was new to the position, fairly new to the  
24 unit.

25 Q. Yeah. Do you recall speaking to the Department

1 of Justice?

2 A. Yes.

3 Q. Do you know when that was?

4 A. No. I don't remember the date.

5 Q. All right. Give you a copy of this.

6 MS. CHEN: Thanks.

7 Q. (BY MR. RUSSO) And this is a --

8 MR. RUSSO: No. 94.

9 (Marked Lofton Exhibit No. 18.)

10 Q. (BY MR. RUSSO) This document is -- it's  
11 actually double-sided because it's so many pages.

12 A. Uh-huh.

13 MR. RUSSO: So when you're copying that,  
14 make sure that you know that.

15 Q. (BY MR. RUSSO) And I'll represent to you that  
16 Exhibit 18, what you're looking at, is a copy of  
17 responses that the Department of Justice provided to  
18 us --

19 A. Okay.

20 Q. -- in response to contention interrogatories  
21 that we sent to them. And specifically we can -- or  
22 we're asking what it was that was said by various  
23 individuals within the county that they told us they  
24 interviewed.

25 A. Uh-huh.

1 Q. So you're one of those individuals, and I  
2 wanted to get you to tell me about some of your  
3 comments. Do you remember speaking to the Department  
4 of Justice?

5 A. Yes.

6 Q. Okay. On -- look at -- we can look at Page 32  
7 is where your comments, I think, start. So at the  
8 beginning of the comments, it states, "The United  
9 States communicated with Lucretia Lofton on  
10 December 9th, 2021, and January 19th, 2022." You see  
11 that?

12 A. Uh-huh.

13 Q. All right. Does that sound right to you?

14 A. Yes.

15 Q. Okay. They go on to state you're the president  
16 of the unit of NAACP?

17 A. Yes.

18 Q. All right. It states that you were not asked  
19 for -- the NAACP was not asked for input on proposed  
20 commissioners. Do you remember telling them that?

21 A. That we're not asked for input? Okay.

22 Q. Right. You remember telling them that?

23 A. (Nodding head.)

24 Q. "Yes"?

25 A. Yes.

1 Q. And then the -- the next sentence is that you  
2 had no knowledge -- "Ms. Lofton had no knowledge of  
3 Commissioner Holmes' proposed plans"?

4 A. Correct.

5 Q. Do you see that? And do you know what plans  
6 that you're referring to?

7 A. He asked me did I have any knowledge of the  
8 plans, and I -- no.

9 Q. Okay. And you -- you have no understanding of  
10 what plans he was re- -- talking about?

11 A. I had -- I hadn't had any contact with  
12 Commissioner Holmes, so I know I didn't have any  
13 knowledge of it.

14 Q. Okay. So we don't know whether it was  
15 different maps he proposed and all that, no idea?

16 A. I had no knowledge -- whatever he proposed in  
17 the meeting, if he had any proposed maps, I -- I just  
18 knew I hadn't had any contact with Commissioner Holmes  
19 about any plans, so --

20 Q. Okay.

21 A. -- I don't have any knowledge of that.

22 Q. All right. So the next -- next statement from  
23 the department's states Ms. Lofton learned about the  
24 November 12th special session from a reporter. Do you  
25 see that?

1 A. Uh-huh.

2 Q. And you -- you believe that's true?

3 A. That is true.

4 Q. Okay. Was that Mr. Ferguson --

5 A. It was.

6 Q. -- when he interviewed you for the November 9th  
7 article, roughly, you think?

8 A. I believe so.

9 Q. All right. And it -- and the next sentence  
10 says, "She attended the special session but did not  
11 make it into the main room where the hearing was  
12 held." Do you see that?

13 A. Uh-huh.

14 Q. That's not accurate, is it?

15 A. It is not accurate.

16 Q. Because, in fact, you did make it into the  
17 room --

18 A. Make it into the room and am on recording  
19 video --

20 Q. Correct?

21 A. -- with --

22 Q. You actually spoke in the meeting room?

23 A. Right. So that is not accurate.

24 Q. Yeah. So, I mean, the -- the department's, you  
25 know, comments on whether you -- well, let me ask it



1 this way --

2 A. They maybe misunderstood --

3 Q. Yeah. Well, let me ask you this --

4 A. -- or misheard.

5 Q. Let me ask you a more direct question. Do you  
6 recall telling the Department of Justice this?

7 A. No. I do not.

8 Q. So to the extent that they recorded that, they  
9 -- it's just an inac- -- an inaccuracy. Do you agree?

10 A. I believe there may be an inaccuracy of --

11 Q. Okay.

12 A. -- recording.

13 Q. All right. It goes on, "The hearing was held  
14 in an inconvenient location and time." You testified  
15 to that earlier, right? You still agree that's true?

16 A. Yes.

17 Q. "And the meeting room was crowded." You see  
18 that?

19 A. Yes.

20 Q. All right. So looking through the -- the rest  
21 of the statement that they attribute to you -- the  
22 department does -- can you look through it and let me  
23 know if there's anything else in here that's  
24 inaccurate?

25 A. "League City is populated by a majority of

1 blacks and Hispanics" -- oh, the east side of -- okay.

2 No. I -- everything else I can recall saying.

3 Q. Okay. The only thing that you think the  
4 department got wrong on your statement was that they  
5 said you didn't make into the main room?

6 A. Yeah.

7 Q. All right.

8 A. It might have been mis- --

9 Q. Okay. Okay. So then on Page 33 at the top, it  
10 states -- you state, "The east side of Dickinson is  
11 more rural."

12 A. Yes.

13 Q. You believe that to be true?

14 A. It is. It's the county side.

15 Q. It's the what?

16 A. County side. It's not city incorporated.

17 Q. It's un- -- it's unincorporated?

18 A. With the City of Dickinson, but it's --

19 Q. Dickinson is what you're saying?

20 A. Yes.

21 Q. Okay. And is that east of I-45, or where are  
22 you talking?

23 A. East -- east of I-45.

24 Q. All right. And your belief is it's more rural  
25 because it's unincorporated?

1 A. Uh-huh.

2 Q. All right. Is that a reflection, though, of --  
3 does it include a reflection of what the properties  
4 actually look like on the east side of Dickinson, east  
5 side of I-45? Is it more rural -- strike that  
6 question.

7 Is -- is it rural because it sort of has  
8 bigger spaces based lots and less developed? Is  
9 that --

10 A. No.

11 Q. No?

12 A. It's -- it's not incorporated. The -- the east  
13 side, specifically beyond Highway 3, is unincorporated.

14 Q. East of Highway 3?

15 A. Yes. Towards 146, yes.

16 Q. Uh-huh. Okay. And do you know which specific  
17 area part of Dickinson was included in the old  
18 Precinct 3?

19 A. Which part of --

20 Q. Dickin- -- Dickinson was included in the old  
21 Precinct 3?

22 A. Well, all the part that went through Highway 3  
23 for sure. Can I speak -- can I draw you out a outline  
24 of it? No.

25 Q. Yeah. So I was trying to figure out -- well,

1 you -- you mentioned that the east side of Dickinson is  
2 more rural, less developed and populated by blacks and  
3 Hispanics?

4 A. Yes.

5 Q. Is it your understanding that that section  
6 you're referring to was included in old Precinct 3?

7 A. Yes.

8 Q. Okay. And you al- -- your belief sitting here  
9 is that League City is also on the east side populated  
10 by a majority of blacks and Hispanics?

11 A. The east side, I don't -- I think that's an  
12 overlap in what I said. I don't think that any part of  
13 League City is majority populated by Black and  
14 Hispanics.

15 Q. So you think that's another inaccuracy in this  
16 statement?

17 A. I am not sure of saying that the Dickinson --  
18 "the east side of League City is populated by a  
19 majority of blacks and Hispanics." Probably -- I -- I  
20 may have said that. Yeah.

21 Q. Okay. Do you believe that to be true sitting  
22 here today?

23 A. Yeah. I actually do.

24 Q. Okay.

25 A. Because people -- earlier you asked me was I in

1 the new Precinct 3, and people tend to presume that I  
2 am on that side of League City instead of where I am.

3 Q. Why do they presume that?

4 A. Kind of -- it's kind of consistent with my  
5 statement that the east side of League City is  
6 populated by -- it has more Black and Hispanics on that  
7 side.

8 Q. Okay.

9 A. People automatically think that that's the area  
10 of League City that I live in versus where I am.

11 Q. Uh-huh. Would you consider where we're sitting  
12 right now, South Shore Harbor, being part of the east  
13 side of League City?

14 A. Yes.

15 Q. You would. All right. Then you -- you also  
16 say that Carver Park was originally settled by  
17 Freedman. Is Carver -- was Carver Park a part of old  
18 Precinct 3?

19 A. Yes.

20 Q. And you state -- let's see. Where did I stop  
21 -- that Carver Park currently has -- currently the area  
22 is a well established middle class community made up of  
23 blacks and Hispanics?

24 A. Yes.

25 Q. You see that?

1 A. Yes.

2 Q. You believe Carver Park to include quite a few  
3 middle class?

4 A. The Armstrong area, yes. Well, that's the  
5 neighborhood area. Carver Park area, yes.

6 Q. Uh-huh. You think it's a middle class  
7 community?

8 A. At one time it was. That's the community I  
9 grew -- grew up in and at that time it was.

10 Q. Yeah. Is it still that?

11 A. Yes. Lot of seniors still there. A lot of  
12 people I grew up with still there.

13 Q. Okay. All right. So your belief is -- and as  
14 you described to the Department of Justice, that  
15 currently the Carver Park area is -- is a  
16 well-established middle class community made up of  
17 blacks and Hispanics?

18 A. Working class would probably be better than  
19 middle class.

20 Q. Well, what's the difference in your view?

21 A. In my view, middle class usually has a little  
22 more -- the -- the demographics look a little  
23 different. Working class as far as -- as is -- is a  
24 little different as far as the types of jobs, the --

25 Q. Okay. So then you -- you -- the -- the

1 Department of Justice has you saying middle class  
2 community?

3 A. Uh-huh.

4 Q. But is it your testimony now that you think  
5 it's more of a working class community?

6 A. It's a working -- it's a middle and working  
7 class commun- --

8 Q. Okay.

9 A. -- as well.

10 Q. Do you -- do you have any sort of estimation as  
11 to -- is -- I mean, I assume if you have a middle class  
12 community, then you have a -- I don't know -- upper and  
13 lower classes as well in your mind?

14 A. Uh-huh.

15 Q. Do you -- so what's the -- what differentiate  
16 -- differentiates a middle class community from a lower  
17 class community?

18 A. Economic status, I would say.

19 Q. Is there a point at which economic status, we  
20 can measure it?

21 A. Well, there's some numbers on -- available on  
22 Google --

23 Q. Uh-huh.

24 A. -- with middle class and working class, working  
25 -- and lower economic class that breaks down your

1 economics of people's income and stuff like that.

2 Q. Uh-huh. So your -- so are you -- when you say  
3 "middle class," are you talking about the income level  
4 and like house valuations or anything else?

5 A. Right.

6 Q. Okay. And so, again, you -- looking at the  
7 Carver Park area, you would say that the people who  
8 live there, their income level and, I guess, housing  
9 valuations are what you would call middle class?

10 A. Yeah.

11 Q. True?

12 A. Most of those are owners, some -- some renters  
13 but --

14 Q. Okay. How would that -- how does that -- what  
15 can you tell me about sort of the makeup of the La  
16 Marque area --

17 A. I can't.

18 Q. -- in terms of -- are they middle class, low  
19 class -- lower class? Where would you put them?

20 A. La Marque, I don't know. I never lived in La  
21 Marque. I lived in West Texas City.

22 Q. Right. I got -- got that.

23 A. Texas City and League City. I -- I can't -- La  
24 Marque is mixed.

25 Q. Mixed between lower class and middle class,



1 middle class and upper class?

2 A. You got a mix of everything. You can see  
3 mansions or you can see smaller houses.

4 Q. Yeah.

5 A. I mean, it's a mix.

6 Q. Well, most communities have something like  
7 that --

8 A. Uh-huh.

9 Q. -- in Galveston County. Wouldn't you agree?

10 A. Yes.

11 Q. And you have areas that have -- in terms of  
12 housing values, you know, values on the lower end of  
13 the spectrum, right?

14 A. Uh-huh.

15 Q. And you have houses on the higher end of the  
16 spectrum?

17 A. Correct.

18 Q. Would that be true throughout the entire  
19 county?

20 A. Yes.

21 Q. Yeah. I mean, that would include Friendswood?

22 A. Yes.

23 Q. That would include Santa Fe?

24 A. Yes.

25 Q. The Bay Area side of the county, right, same?

1 A. Yes. It --

2 Q. They got high income --

3 A. Uh-huh.

4 Q. -- income, housings, and -- and lower value  
5 housing out there as well, right?

6 A. Yeah. But the price point of lower value  
7 compared to that area and Texas City is a completely  
8 different price point.

9 Q. Okay. Well -- and let's talk about the Texas  
10 City area. You also have in Texas City, throughout the  
11 ci- -- city, you have housing values in Texas City that  
12 are on the high end of the spectrum?

13 A. Uh-huh.

14 Q. And --

15 A. On the very low.

16 Q. -- some that are on the low of it, right?

17 A. Right.

18 Q. La Marque is the same way. We talked about  
19 that, right? Would you say that Galveston's the same  
20 way?

21 A. Uh-huh. Yeah.

22 Q. Yeah. And then Hitchcock?

23 A. Yeah. I guess so.

24 Q. Yeah. Okay. Would you agree that -- that you  
25 -- in all those areas you also have people whose in --

1 incomes are on the high end of the spectrum and low end  
2 of the spectrum?

3 A. Yes.

4 Q. In all those areas?

5 A. Yes.

6 Q. You know, that -- that -- that issue is not  
7 different for -- any different for Friendswood than it  
8 is for La Marque. You got people on all sides of the  
9 spectrum. True?

10 MS. CHEN: Objection, form.

11 A. Can you directly communicate your question?

12 Q. (BY MR. RUSSO) I can try. I can try to do  
13 better. I guess what I'm asking you is: You have high  
14 income earners in every city in the county and low  
15 income earners in every -- every city in the county.  
16 Agreed?

17 A. Agreed.

18 Q. There's not one area that just has a collection  
19 of all low income earners and --

20 A. Agree.

21 Q. -- high income earners?

22 A. Agree.

23 Q. Okay. I think -- you stated, though, I think,  
24 in the Carver Park area that there's -- it's made up of  
25 blacks and Hispanics. Are there -- there -- I mean,

1 there are white residents there as well?

2 A. Yes.

3 Q. Yeah.

4 A. I can imagine so.

5 Q. Yeah. I don't know. Do you know? Have you  
6 been there lately?

7 A. Yeah. I'm there often.

8 Q. Yeah. You're there often?

9 A. Yes.

10 Q. Okay. Is that be- -- is -- was your -- is your  
11 house place -- your original residence located close to  
12 that?

13 A. Where I grew up?

14 Q. Yes, ma'am.

15 A. Yes.

16 Q. Okay. Is that the reason --

17 A. It's on Carver Street.

18 Q. Okay. So that's -- that's the reason why  
19 you're there pretty often -- you said often?

20 A. Yeah. Well, I still have family there. I  
21 still have a lot of relatives there. Yeah. So I'm  
22 still very in tuned with that community as well.

23 Q. All right. I understand. All right. What  
24 would you say if you -- you look at -- if -- just take  
25 your typical resident in the Carver Park area who's

1 also an African American and look at an African  
2 American in the La Marque area. Is there really  
3 anything that you could -- that you -- given those two  
4 locations, Carver Park and La Marque, is there anything  
5 that you can conclude that is absolutely similar --  
6 similar between those two individuals just by virtue of  
7 the fact that you know that they reside in La Marque  
8 and Carver Park?

9 MS. CHEN: Objection, form.

10 Q. (BY MR. RUSSO) Did --

11 A. Yeah. Can you please -- I -- I -- I don't  
12 understand your question.

13 Q. Yeah. It's -- it's kind of a convoluted  
14 question but really simple premise. If -- if you -- if  
15 I give you hypothetically -- and we just point to one  
16 individual who lives in the Carver Park area who's an  
17 African American --

18 A. Uh-huh.

19 Q. -- and another individual who lives in La  
20 Marque who's an African American, just by virtue of  
21 those facts, you're not going to know necessarily that  
22 those two individuals, you know, have similar  
23 interests, similar problems. You got to know more  
24 about them. Wouldn't you agree?

25 MS. CHEN: Objection, form.

1 A. We're comparing a neighborhood to a town. The  
2 Carver Park area is a neighborhood area.

3 Q. (BY MR. RUSSO) Uh-huh.

4 A. La Marque is an entire town.

5 Q. Okay. Is there a -- does that issue -- how  
6 does that --

7 A. Is that what you're asking me to do is what I'm  
8 trying to clarify?

9 Q. Yeah. I'm just saying that if you -- if you  
10 assume that you got this -- these two people.

11 A. Uh-huh.

12 Q. And the only thing similar between them is  
13 their race. They live in two different areas, which  
14 I've identified, La Marque, city of La Marque and  
15 Carver Park.

16 A. Uh-huh.

17 Q. There's no reason to assume that those two  
18 individuals have the same interests or problems, is  
19 there, just by virtue of their race?

20 MS. CHEN: Objection, form.

21 Q. (BY MR. RUSSO) Is that true?

22 A. I'm not sure what the directness of the -- the  
23 are you -- let me clarify. Are you asking me that if  
24 two individuals from -- one from West Texas City, one  
25 from La Marque, because they are Black, do they have

1 the same issues?

2 Q. Yes. Knowing nothing else about them.

3 A. Because they live in the -- knowing nothing  
4 else about them?

5 Q. Yeah.

6 A. They may have similar issues.

7 Q. May have. But there's no reason to necessarily  
8 conclude that they do?

9 MS. CHEN: Objection, form.

10 Q. (BY MR. RUSSO) True?

11 A. It's not a -- that's not farfetched. However,  
12 they --

13 Q. Wait. It's not -- I'm sorry. I didn't  
14 understand. "It's not farfetched," what do you mean by  
15 that?

16 A. To -- to -- you're asking me is it -- do --  
17 will they have similar issues?

18 Q. Should we assume they do?

19 A. Should we assume they do?

20 Q. Yes, ma'am.

21 A. You shouldn't assume anything.

22 Q. Oh, I agree with you, but I'm wondering, from  
23 your perspective --

24 A. Oh, no.

25 Q. -- would you be safe --

1 A. Oh, no. I'm not -- I'm not going to assume  
2 anything. The assumption that -- no. I'm not going to  
3 assume that.

4 Q. You'd want to know more, right?

5 A. I would want to know more.

6 Q. I -- I'm good with that. Race alone and  
7 location of residents doesn't tell you everything, does  
8 it?

9 MS. CHEN: Objection, form.

10 A. However, when you factor --

11 Q. (BY MR. RUSSO) Wait.

12 A. -- in -- when you start factoring -- factoring  
13 in different things that have affected an area, then  
14 that gives you more.

15 Q. Okay. And so -- but racial -- race alone and  
16 location of residence in Galveston County doesn't tell  
17 you everything about the similarities or differences  
18 between two people. Would you agree?

19 A. No. I wouldn't agree.

20 Q. You would not?

21 A. No.

22 Q. What does it tell you other than the -- they  
23 share race?

24 A. It gives you an informed -- the area gives you  
25 an informed decision about what the area may be



1 composed of.

2 Q. Okay. And are you making assumptions based  
3 upon what -- what -- based upon the area they come  
4 from?

5 MS. CHEN: Objection, form.

6 A. I would say so. I wouldn't think -- I think I  
7 probably would have maybe chosen a person -- a Black  
8 person from Friendswood versus a Black person from  
9 Carver Park and gave that analogy and then say do they  
10 have something in common.

11 Q. (BY MR. RUSSO) Why is that more helpful to  
12 you?

13 A. Because it's different.

14 Q. Why is it different?

15 A. Because the economic class and the -- the  
16 requirements to live in the property price point, the  
17 tax price point, all these other factors that go into  
18 place with someone who lived in Friendswood versus  
19 someone who lived in Texas City.

20 Q. Uh-huh. But you -- you agree with me that  
21 there -- again, there are low income earners in  
22 Friendswood. There are low housing values in  
23 Friendswood. True?

24 A. Right. A low income value in Friendswood may  
25 be 300,000 versus one in Texas City may be 75,000.

1 Q. But do you -- is it -- surely you're not  
2 telling me that everybody in Friendswood makes  
3 300,000-plus?

4 A. Well, you said --

5 MS. CHEN: Objection, form.

6 A. You said "property." We were talking about the  
7 values.

8 Q. (BY MR. RUSSO) Okay. Well, yeah. Then let's  
9 do it that way. Then -- okay. Let -- and I'm trying  
10 to stick with you. I thought you just changed to  
11 income.

12 A. No.

13 Q. Is it your testimony that every -- that there  
14 are no properties in Friendswood --

15 A. That is not my testimony.

16 Q. Okay.

17 A. That is not my testimony.

18 Q. I didn't think it was. I thought we'd been  
19 pretty clear that there are -- there are houses in  
20 Friendswood with low -- on a low spectrum of  
21 valuations. Agree?

22 A. Right.

23 Q. Right. So why would it -- the hypothetical of  
24 a resident in Carver -- Carver Park and comparing --  
25 who's African American who's all -- and then comparing

1       them to any individual who's African American in  
2 Friendswood, why would that be easier for you to an- --  
3 provide a response?

4       A.     Because the -- because there's -- be a typical  
5 -- there's typically a different demographic of persons  
6 that -- that person is not -- when looking at the  
7 census demographics and everything that I've looked at  
8 from that, that the Black person that lives in  
9 Friendswood versus the Black person that lives in Texas  
10 City is not -- the income is not the same. The house  
11 of -- the housing valuation is not the same. The needs  
12 are not the same as far as what their community needs  
13 are. The communities don't look alike either.

14       Q.     And are you -- are you talking -- are you  
15 talking about sort of the average individual in these  
16 two locations?

17       A.     I mean, that's all I can go off of, the  
18 average --

19       Q.     Right.

20       A.     -- of what I've seen from those numbers.

21       Q.     Right. And so -- and, again, my question was  
22 more specific than that.

23       A.     Okay.

24       Q.     Not based upon the averages that you find in  
25 any of these locations. I'm asking you that if I just

1 | give you -- if I pulled two names out of a hat, one I  
2 | tell you is in Carver -- lives in Carver Park and one I  
3 | tell you lives in La Marque --

4 | A. Uh-huh.

5 | Q. -- not telling you where, but that's -- other  
6 | than that -- they're both --

7 | A. Do I think they have similar needs?

8 | Q. Well, they're -- they're both African American.

9 | A. Do I think they have similar needs?

10 | Q. Well, here's my question.

11 | A. Okay.

12 | Q. If that's all you know, can you tell me whether  
13 | they have similar needs or are you -- or let me put it  
14 | this way: Are you comfortable testifying that they  
15 | have similar needs based upon that limited amount of  
16 | information?

17 | MS. CHEN: Objection, form, asked and  
18 | answered.

19 | A. I think I did answer that already.

20 | Q. (BY MR. RUSSO) Well, what was your response?

21 | A. Yes.

22 | Q. You're comfortable testifying that those two  
23 | people --

24 | A. May have sim- --

25 | Q. -- because of their race have similar needs?

1 A. Yes.

2 Q. Race alone defines the needs of the individual?

3 MS. CHEN: Objection, form, misstates

4 testimony.

5 A. I've answered that.

6 Q. (BY MR. RUSSO) But you agree with that?

7 A. I've answered it.

8 Q. But do you agree?

9 A. I've answered it.

10 Q. Well, this is a different question, that race

11 alone defines the needs of the individual?

12 A. Race --

13 MS. CHEN: Objection, form.

14 A. Can you reform your late -- your question?

15 Q. (BY MR. RUSSO) Yes. That race alone defines

16 the need of the individual --

17 MS. CHEN: Objection, form.

18 Q. (BY MR. RUSSO) -- under my hypothetical?

19 MS. CHEN: Objection, form, incomplete

20 hypothetical.

21 Q. (BY MR. RUSSO) It's absolutely incomplete.

22 A. Right.

23 Q. I've given you the limitations and --

24 A. It's -- it's not enough information to go off

25 of.

1 Q. Okay. So is -- is that your response, "not  
2 enough information," or are you comfortable saying  
3 "they have the same needs"?

4 A. I'm comfortable saying --

5 MS. CHEN: Objection, form.

6 A. -- that they have -- they may have similar  
7 needs, but there's not enough information to go off  
8 of --

9 Q. (BY MR. RUSSO) Okay.

10 A. -- to give you a definite answer.

11 Q. And I get that. They -- they may. We just  
12 don't know. We don't have enough information. Agreed?

13 A. Uh-huh.

14 MS. CHEN: Objection, form.

15 Q. (BY MR. RUSSO) Okay. Did you work -- are you  
16 -- did you work as a real estate agent at some point?

17 A. Yes.

18 Q. You -- do you do that now?

19 A. Yes.

20 Q. You do?

21 A. Uh-huh.

22 Q. Who's -- who do you work with?

23 A. Why does that matter?

24 Q. Well, I -- well, let's see. I could tell you  
25 why it might matter is you have an idea or inclination

1 as to values in different areas of the city -- of the  
2 county.

3 A. But when I went into this, I was not a real  
4 estate agent.

5 Q. Okay. But -- so how many years did you work as  
6 a real estate agent?

7 A. One.

8 Q. One year?

9 A. (Nodding head.)

10 Q. Does -- you think that gives you an i- -- that  
11 the work as a real estate agent over one year gives you  
12 a sort of better idea of -- better understanding of  
13 house valuations in different locations in Galveston  
14 County?

15 A. It gives me some understanding.

16 Q. Some. Better than the --

17 A. Average person --

18 Q. -- average person?

19 A. -- who's not -- who doesn't have access to  
20 information?

21 Q. Yeah.

22 A. Yeah.

23 Q. All right. So when you tell me that you've  
24 seen housing valuations of all spectrums and I --  
25 these dif- -- different cities, you're basing that on

1 your time as a real estate agent plus time in the  
2 community?

3 A. Yes.

4 Q. Would you agree? All right. Are you not  
5 currently selling any houses, though?

6 A. I am currently an agent.

7 Q. Oh, you are?

8 A. Yes.

9 Q. Oh, okay. So you've been doing it for a year?

10 A. Uh-huh.

11 Q. And you're still doing it?

12 A. And I'm still doing it.

13 Q. Okay. Do you do that as well as the sort of  
14 nursing and healthcare stuff both at the same time?

15 A. The nursing and healthcare stuff is part time.

16 Q. Okay. Okay. And so -- and where do you  
17 perform your healthcare services, not anything  
18 specific, but are there regions and areas you work in  
19 mostly?

20 A. The -- in the county.

21 Q. All over?

22 A. In Galveston County.

23 Q. All over Galveston County?

24 A. Yes.

25 Q. Okay. Is -- is it focused around the Carver



1 Park area where you grew up?

2 A. Actually don't have anyone in that area.

3 Q. No? Is there -- if you had to point to an area  
4 where you had most of your clients, where would that  
5 be?

6 A. I don't have a lot. It's part time.

7 Q. Okay. You have more than one? And I'm really  
8 not trying to pry, but --

9 A. Right now, no.

10 Q. If -- what -- what's your answer to the  
11 question of where do the majority of the people you  
12 assist in healthcare, where would -- what area of the  
13 county would they list?

14 A. West Texas City.

15 Q. West Texas City. All right. So looking back  
16 at Exhibit 18, there's some comments here that Kim  
17 Yancy made on Page 22. And specifically on Page 24,  
18 there's a couple I want to ask you about. And you can  
19 read as much as you want, but on Page 24, the -- the  
20 third paragraph down, it says Ms. Yancy was president  
21 of NAACP of Bay -- Dickinson Bay Area between 2016 and  
22 2021. Do you see that?

23 A. Yes.

24 Q. Is that correct?

25 A. No.

1 Q. No. She should -- it should say -- read --  
2 what should it say?

3 A. It should stop at 2020.

4 Q. So 2019 basically is when she stopped?

5 A. Yes.

6 Q. All right. All right. And at the bottom of  
7 Page 24, the last thing Ms. -- that this document says  
8 that Ms. Yancy says is she -- "she stated she thinks  
9 the new map was drawn to, quote, take our voice away,  
10 comma, end quote, i.e., to get the democratic, comma,  
11 Black, comma, and Latino voice out." You see that?

12 A. Yes.

13 Q. Do you agree with Ms. Yancy that part of the  
14 reason for the map change was to get the -- to  
15 eliminate the democratic voice?

16 A. That's her independent thought.

17 Q. Okay. Do you agree with it?

18 A. That's her independent thought.

19 Q. I -- I --

20 A. It's not mine.

21 Q. I totally agree that that's what Ms. Yancy told  
22 the DOJ, at least that's what they represent. What I'm  
23 asking you is: Do you agree with her?

24 A. That's not my opinion. I've stated my opinion.

25 Q. Okay. You don't agree that it had anything to

1 do with dealing with the change in the democratic vote?

2 A. I stated that my opinion was to dilute the  
3 minority-majority vote.

4 Q. Right. And had nothing to do with changing the  
5 democratic outcome?

6 A. My statement is to dilute the minority-majority  
7 vote.

8 Q. Right. And, again --

9 A. That's her comment. My comment is to reduce  
10 the -- dilute the minority-majority vote.

11 Q. Right. And it seems like she's taking it a  
12 little bit further, and the reason being is to get --  
13 to take out the Democrat voice?

14 A. That's her voice.

15 Q. Right.

16 A. That's her.

17 Q. Right.

18 A. My comment is to dilute the minority-majority  
19 vote.

20 Q. Right. But then the question is: For what  
21 purpose?

22 A. My --

23 Q. Is it to -- well, this is my question to you:  
24 You told me what you believe to be true, but what's the  
25 purpose? Is the purpose to turn Precinct 3 into a

1 Republican district or --

2 A. I'm not sure why it's --

3 MS. CHEN: Objection, form.

4 A. -- a need to --

5 Q. (BY MR. RUSSO) Right.

6 A. -- do so.

7 Q. Okay. Well, again, she says is to get -- the  
8 reason it was done is to -- to get the democratic vote  
9 out.

10 A. And Lucretia said it is to reduce the  
11 minority-majority precinct.

12 Q. Yeah. Do -- do you understand what I'm saying  
13 is a difference?

14 A. I'm completely -- I completely understand.

15 Q. Okay. All right. And I -- I think it has to  
16 do with the -- you know, sort of the reasoning behind  
17 what's happening. I don't -- again, I don't think  
18 there's a dispute that -- that there are less -- you  
19 know, there's a minority dilution in the old versus --  
20 there's a difference in old Precinct 3 and new  
21 Precinct 3, right. We can deal with that.

22 The question I have is -- and I think  
23 what Ms. Yancy is saying is that one of the things she  
24 thinks the reason that was done is to get rid of the  
25 Democrat voice?

1 A. Ms. Yancy is speaking as --

2 MS. CHEN: Objection, form.

3 A. -- an individual --

4 Q. (BY MR. RUSSO) I'm with you.

5 A. -- and not with the NAACP.

6 Q. I --

7 A. And she's going on a partisan.

8 Q. I totally understand.

9 A. And me as the representative, as the president  
10 at the time for the NAACP, was not -- was not based on  
11 partisan. It's --

12 Q. Yeah. You -- you -- you disagree with  
13 Ms. Yancy's position that this had anything to do with  
14 --

15 A. That's her individual position.

16 Q. I -- again, I agree with you. But your -- you  
17 disagree with her on that point?

18 A. That's her individual position.

19 Q. That's -- that's --

20 A. That's not the position that she -- as -- well,  
21 going forward, the Dickinson Bay Area unit that was --  
22 that's not our manner. Our manner is the  
23 minority-majority dilution of vote.

24 Q. Right. But you -- you disagree with the reason  
25 that that happened has -- has anything to do with the

1 -- to eliminate the Democrat vote?

2 A. In what capacity are you asking me that? As  
3 the president or as an individual?

4 Q. As an individual.

5 A. I'm not sure.

6 Q. You don't have a view on it?

7 A. I don't.

8 Q. Okay. I mean, it might have had something to  
9 do with the Democrat vote. You just don't know?

10 MS. CHEN: Objection, form, asked and  
11 answered.

12 A. Is that a question?

13 Q. (BY MR. RUSSO) You can answer.

14 A. Do -- was that a question?

15 Q. Yes. Yeah.

16 A. What's the -- could you state the question?

17 Q. It might have had something to do with  
18 eliminating the Democrat vote. You just don't know  
19 right now?

20 MS. CHEN: Objection, form, asked and  
21 answered.

22 A. You're asking me that -- if I know?

23 Q. (BY MR. RUSSO) What I'm asking -- well -- I'll  
24 just --

25 A. You sound like you're making a statement and

1 then putting a question mark --

2 Q. And I'm asking -- yeah. And that's -- that's  
3 -- that's, yeah, part of the process. And tell me if  
4 I'm wrong that -- that as the facts are, as you know  
5 them, the -- the change in the minority-majority might  
6 have had something to do with eliminating the Democrat  
7 vote power, but you're just not -- you don't -- you  
8 don't know whether that's true or not right now?

9 MS. CHEN: Objection, form, asked and  
10 answered.

11 Q. (BY MR. RUSSO) Do you agree with that? That's  
12 my question.

13 A. My answer is the minority-majority vote was  
14 being diluted, as a personal, as Lucretia  
15 Henderson-Lofton --

16 Q. Uh-huh. Uh-huh.

17 A. -- and as the president.

18 Q. Yeah. That wasn't my question.

19 A. I have the same viewpoint in the capacity of  
20 the president and the capacity of an individual.

21 Q. Yeah. But --

22 A. I have the same viewpoint. I'm not taking it  
23 and parsing --

24 Q. And I'm not -- I don't want you to -- I'm not  
25 asking you to change your viewpoint. I'm just -- what

1 I'm say is I'm asking you a different question than  
2 what you're answering. You've told me that you think  
3 there's a minority dilution. I get that. My question,  
4 though, to you is: Was that for the purpose -- based  
5 upon what you know, do you believe that was for the  
6 purpose of changing the partisanship of the old  
7 Precinct 3 or something else?

8 MS. CHEN: Objection, form, asked and  
9 answered.

10 Q. (BY MR. RUSSO) Do -- and do you know?

11 A. I am not basing anything based on partisan.

12 Q. What does that mean?

13 A. You asked me democratic, right?

14 Q. Right. Yes.

15 A. That's a party.

16 Q. Correct.

17 A. That's partisan.

18 Q. It is.

19 A. I am not speculating anything based on  
20 partisan. I am specu- -- my -- it's not a speculation.  
21 My -- my viewpoint is based off of minority-majority  
22 dilution. Her opinion is democratic. That is the --  
23 what was the word you used?

24 Q. Well, she said -- she was saying that "they're  
25 trying to take our voice away," and then it says,



1 "i.e., to get the democratic voice out."

2 A. I can't interpret --

3 Q. You don't know.

4 A. -- or agree with someone else's viewpoint that  
5 is not in alignment with mine.

6 Q. Okay. Do -- and is it -- is it in alignment  
7 with yours or not, with your viewpoint?

8 MS. CHEN: Objection, form, asked and  
9 answered.

10 A. I can't -- didn't I just answer that?

11 Q. (BY MR. RUSSO) Did --

12 A. I did. I said I can't.

13 Q. You can't answer it?

14 A. With someone whose viewpoint is not in  
15 alignment with mine is what I said.

16 Q. Oh, okay. So you do believe it has something  
17 to do other than -- it has something to do with  
18 something other than partisanship?

19 A. I'm not basing it on partisanship. That's  
20 my --

21 Q. You're not basing what on partisanship?

22 MS. CHEN: Objection, form.

23 A. On -- you're asking me if it has something to  
24 do with democratic based off of what Kim Yancy said.  
25 And I said my viewpoint is not based on partisanship.

1 Q. (BY MR. RUSSO) But, again, I'm sorry. I just  
2 don't understand what that means, that your viewpoint  
3 is not based on partisanship.

4 A. It's not.

5 Q. But is it -- are you trying to tell me that  
6 something else happened than partisanship? There's  
7 some other purpose than partisanship. Is that what  
8 you're trying to say?

9 A. To dilute the minority majority.

10 Q. It's -- there was some other reason than  
11 partisanship?

12 A. To dilute the minority majority.

13 Q. But why was the minority majority diluted?  
14 That's my question.

15 A. I would love to know.

16 Q. Well, are -- have you thought about whether it  
17 could have been because Precinct 3 typically voted for  
18 Democrats? That was my question.

19 MS. CHEN: Objection, form, asked and  
20 answered.

21 A. As I already stated, I -- can you re- --  
22 reframe it?

23 Q. (BY MR. RUSSO) Yeah.

24 A. Let's reframe it then.

25 Q. And I was asking --

1 A. Let's -- let's do that.

2 Q. Yeah. So I'm -- what I'm trying to understand  
3 is if -- if you've thought about the -- the reason for  
4 the change and the dilution of the minority vote has  
5 something to do with the partisanship of old  
6 Precinct 3?

7 A. I thought I --

8 MS. CHEN: Objection, form, asked and  
9 answered. I believe she stated the reason was to  
10 dilute the minor- -- the minority vote --

11 MR. RUSSO: That's again --

12 MS. CHEN: -- period.

13 MR. RUSSO: You're -- you're answering  
14 the question as bad as she is. It's not -- we've --  
15 we've -- we've established that you-all under --  
16 believe that there's a minority dissolution. I get  
17 that.

18 MS. CHEN: Dilution.

19 MR. RUSSO: Di- -- yeah. Dilution. Not  
20 dissolution. Dilution.

21 Q. (BY MR. RUSSO) My question is different than  
22 that. It's the reason for that dilution, which is --

23 A. You're asking me to assume a reason behind  
24 something I don't know.

25 Q. Yeah. I don't -- I don't want you to assume

1 anything. I'm asking if you've thought about -- if  
2 you've thought about why the minority vote was diluted  
3 by vote of the commissioners court. Is that -- have  
4 you thought about maybe it has something to do with  
5 partisanship?

6 MS. CHEN: Objection, form, asked and  
7 answered.

8 A. And I answered that I don't have a partisanship  
9 influence. I told you that my answer is that the  
10 dilution of the minority majority. The reason --

11 Q. (BY MR. RUSSO) Uh-huh.

12 A. -- behind it --

13 Q. That's what I'm asking.

14 A. -- would mean that I would have to be in the  
15 head space of those and interpret other people's  
16 thoughts. I cannot do that.

17 Q. All right. Okay. And I -- I mean, that's --  
18 that's all I was trying to figure out, if you -- if  
19 you --

20 A. And I also said I could not interpret hers as  
21 well.

22 Q. Understood. Okay. That's all I was trying to  
23 get to. On Page 25, Ms. Yancy, in the middle of her  
24 statement, the middle paragraph, she states that Ms.  
25 -- it says, "Ms. Yancy stated that Mr. Quiroga" --

1 Quiroga -- that's Q-U-I-R-O-G-A -- "is the first Latino  
2 to lead the Galveston County Community Action and that  
3 this is probably one of the first merging of the two  
4 cultures." Do you see that?

5 A. Yes.

6 Q. Do you know anything about the Galveston County  
7 Community Action?

8 A. No.

9 Q. So do you have any ability to say whether she's  
10 right about whether that's the first merging of the two  
11 cultures?

12 A. No. I don't know the history well enough to  
13 say that.

14 Q. Okay. And then Ms. -- she -- it states,  
15 "Ms. Yancy further stated that they need each other,  
16 comma, but there is not always trust." Do you agree  
17 with that?

18 A. No.

19 Q. You don't?

20 A. (Shaking head.)

21 Q. In your experience the -- the -- the Latino  
22 group and the NAACP group typically do trust each  
23 other?

24 A. That's been my experience as operating as  
25 president.

1 Q. Okay. And Ms. Yancy, has -- has she been --  
2 she was president longer than you, before you, right?

3 A. Before me.

4 Q. And then for a longer period?

5 A. And for a longer period of time. Uh-huh.

6 Q. Okay. Do you have any idea why she believes  
7 that there's not always trust between the -- the two  
8 organiza- -- the two minority groups?

9 A. That's a personal question that you have to ask  
10 her directly.

11 Q. Okay. You haven't ever talked to her about  
12 that?

13 A. I haven't had that conversation with her.

14 Q. Okay. All right. Would you agree that in  
15 terms of her affiliation for the organization -- with  
16 the organization before you and longer than you, that  
17 she might be a better judge of that situation?

18 MS. CHEN: Objection, form.

19 A. She may have different experience. That has  
20 not been my experience.

21 Q. (BY MR. RUSSO) All right.

22 A. In fact, I have had a great experience with  
23 LULAC and Hispanic people coming together, so, again,  
24 that hasn't been my experience.

25 Q. Uh-huh. Okay. All right. Let's see. Do you

1 know an individual named Keith Henry?

2 A. Oh, he's --

3 Q. Sorry. And I'm looking at -- so he's -- he's  
4 actually on this document as well on Page 17. And so,  
5 again, understanding -- and rep- -- I represent to you  
6 this is provided by the Department of Justice in  
7 connection with interviews of particular people. I'm  
8 wondering if you know who Keith Henry is.

9 A. Uh-huh.

10 Q. Yeah, yeah.

11 A. Yes. I know who Keith --

12 Q. He's a Texas City commissioner, right?

13 A. He was. I don't think --

14 Q. Okay. And at -- so the second line on Page 17  
15 and under Mr. Henry, it says, "Mr. Henry is a Texas  
16 City commissioner." He may have been -- he may have  
17 dropped that position since then. But as of the time  
18 this was -- he was -- he spoke to them, he says he was  
19 a commissioner; is that right?

20 A. Uh-huh. Yes.

21 Q. All right. Have you -- do -- have you spoken  
22 with Mr. Henry about the redistricting effort, in  
23 particular this case?

24 A. No.

25 Q. No. Have you -- was Mr. -- Mr. Henry, was he a

1 commissioner while you were a resident of -- in Texas  
2 City?

3 A. Mr. Henry is the same age as me.

4 Q. Okay.

5 A. Close in age.

6 Q. Well, so here's what I'm -- here's my question:

7 Did you have an opportunity to vote for him while you  
8 were a resident in Texas City?

9 A. No. He's the --

10 Q. No.

11 A. He was the same age as me.

12 Q. Okay.

13 A. He -- he just got a -- the commissioner of  
14 something. He hasn't been in politics --

15 Q. Not for long?

16 A. No.

17 Q. Did he graduate from La Marque High School?

18 A. He graduated from Ball.

19 Q. What year? Probably well after me.

20 A. '2.

21 Q. 2002?

22 A. Or '3.

23 Q. Yeah. Well af- --

24 A. Something like that.

25 Q. Well after me. I was long gone by then. Okay.



1 All right. So there was a couple comments that

2 Mr. Henry made and specifically on Page 20. Let me  
3 know when you're there.

4 A. I'm here.

5 Q. Okay. So let's see. One, two, three, four --  
6 seven. The seventh paragraph down in the description  
7 from the Department of Justice says --

8 A. Uh-huh.

9 Q. -- "Mr. Henry stated that Latino voters are  
10 swing voters, not reliably democratic." Do you see  
11 that?

12 A. Uh-huh.

13 Q. Do you agree with that?

14 A. His -- that had to come from somewhere.

15 Q. Okay. So you think that's based on data?

16 A. I don't know what it's based on. That's just  
17 his statement. I can't say --

18 Q. Yeah. Well, so --

19 A. -- where he got that from.

20 Q. Is that your experience as well?

21 MS. CHEN: Objection, form.

22 A. I don't go in the voting booths with people.

23 Q. (BY MR. RUSSO) No. I -- and I totally get  
24 that, and I -- I -- I presume that Mr. Henry doesn't  
25 either, but --

1           A.    Mr. Henry is a politician, so he has examined  
2           that in a little more thorough process than I have  
3           being nonpartisan.

4           Q.    Okay.  So it's -- it's -- your thought is -- I  
5           know you may not be right, but your thought is -- is  
6           that Mr. Henry may be looking at data for this?

7           A.    He may be looking at data.  Not me.

8           Q.    Okay.  You haven't?

9           A.    No.

10          Q.    All right.  And do you -- but as you sit here,  
11          do you have any belief as to whether Latino voters are  
12          swing voters and not reliably democratic, just you  
13          alone?

14          A.    No.

15          Q.    No.  And the next sentence says, "Mr. Henry  
16          stated the goal is to get 25 to 30 percent of the  
17          Latino vote."  You see that?

18          A.    Uh-huh.

19          Q.    "And 80 percent-plus of the Black vote."  Do  
20          you agree that that's sort of a goal of -- should be a  
21          goal of politicians in connection with Precinct 3 --

22          A.    That's his personal goal.

23                        MS. CHEN:  Objection, form.

24          Q.    (BY MR. RUSSO)  That's what?

25          A.    His personal goal.  I can't negate what someone

1 goals should be.

2 Q. Yeah. I just didn't know if you had any view  
3 of it yourself. All right. You haven't spoken to  
4 Mr. Henry about any of that, though?

5 A. Nope.

6 Q. Okay. I think -- turn to Page 7.

7 A. 7?

8 Q. 7. Yes, ma'am. And there's a reference there  
9 to an individual named Derek John -- Dedrick Johnson.  
10 Sorry?

11 A. Dedrick Johnson.

12 Q. You know Mayor -- Mayor Johnson?

13 A. Uh-huh.

14 Q. Is he -- he's the current mayor of Texas City,  
15 right?

16 A. Texas City, yes.

17 Q. Is he African American?

18 A. Yes.

19 Q. Do -- he's -- well, okay. Says he's also a  
20 member of the Mainland chapter of NAACP. True?

21 A. Really?

22 Q. Is that -- to your -- your knowledge; is that  
23 correct?

24 A. I'm not a Mainland member, so, I mean, who --  
25 someone disclosed his membership?

1 Q. Yeah. The Department of Justice did actually.

2 A. Wow.

3 Q. But, again, I understand the -- your -- talk to  
4 your counsel about the confidentiality issues.

5 Okay. So on Page 8 down at the bottom,  
6 the very last comment on here is on Mr. -- Mayor  
7 Johnson states -- "Mayor Johnson stated that, comma, in  
8 his opinion, comma, the adopted commissioners court  
9 plan was motivated by both partisanship and race." You  
10 see that?

11 A. No. Where are you?

12 Q. On Page 8.

13 A. Uh-huh.

14 Q. The very last -- the very last comment here.

15 A. May -- oh, I'm at a different Page 8. That's  
16 why --

17 Q. -- oh, you're on -- okay.

18 A. Where I'm at.

19 Q. I'm on Page 8 of the --

20 A. Got it.

21 Q. -- exhibit attachment. All right. So, yeah.  
22 Let me know when you're there.

23 A. Okay. I -- I'm here.

24 Q. Okay. So read that to yourself and let me know  
25 if that -- if I read it accurately.

1 A. That's what he -- I mean, that's what it reads.

2 Q. Yeah. And so do you agree with -- with Mayor  
3 Johnson's view that the -- the maps in his -- from his  
4 comments were motivated both by partisanship and race?

5 MS. CHEN: Objection, form.

6 Q. (BY MR. RUSSO) Do you think he's wrong or  
7 right on that?

8 MS. CHEN: Objection, form.

9 A. My viewpoint is there was a dilution of the  
10 minority-majority vote. Mayor Johnson has his own  
11 viewpoint just as Kim Yancy had her own viewpoint.

12 Q. (BY MR. RUSSO) Uh-huh.

13 A. Lucretia Lofton viewpoint is there's a dilution  
14 in the minority-majority vote.

15 Q. Right. And we don't -- we don't know enough to  
16 decide why. Agreed?

17 MS. CHEN: Objection, form.

18 Q. (BY MR. RUSSO) Is that true?

19 MS. CHEN: Objection, form.

20 A. Is what true?

21 Q. (BY MR. RUSSO) That we don't know enough as to  
22 why. We don't have enough information to determine  
23 why.

24 A. We are back here. Okay. My answer is --

25 Q. Well, let me ask you this way: Reading Mayor

1 Johnson's statement here, what's attributed to him --  
2 it doesn't change your view of anything; is that right?

3 A. No one -- no one's statement changes my view.

4 Q. Okay. And you --

5 A. Mayor Johnson.

6 Q. Yeah.

7 A. Anyone.

8 Q. No one --

9 A. My view is my view.

10 Q. Right. And is there anybody who could tell you  
11 that -- their view of it that would matter to you in  
12 terms of what the purpose was?

13 MS. CHEN: Objection, form.

14 A. No. I don't mean -- I don't mean that by that  
15 -- I don't mean that in that manner at all. I said  
16 that my view is my view. Now, if you can provide me  
17 with some data and some clear and concise transparent  
18 procedures that show that the intent was not to dilute  
19 the minority-majority vote, then I can be receptive.

20 Q. (BY MR. RUSSO) Yeah, yeah. That -- again, the  
21 question is different. Is there any -- is there  
22 anybody that could walk in this room and tell you that  
23 the purpose of changing from old Precinct 3 to new  
24 Precinct 3 had nothing to do with race? Is there any  
25 -- anybody that could tell you that that you would

1 believe?

2 A. Anybody?

3 Q. Any person.

4 A. Person?

5 MS. CHEN: Objection, form.

6 A. That would -- it would be great to have a  
7 commissioner court with transparency that would show  
8 and tell the public and display that to the community  
9 that would be affected by it that that's not the  
10 reason. It's not just a me thing. It's the community  
11 thing.

12 Q. (BY MR. RUSSO) Okay. So then my question is:  
13 Is there any -- I mean still stands. Is there anybody  
14 that could tell you otherwise that could say this has  
15 nothing to do with race and you would --

16 A. But that's not what they said.

17 MS. CHEN: Objection, form.

18 A. They both said race.

19 Q. (BY MR. RUSSO) Okay. Well, is there anybody  
20 that could tell you "we think it's a mixture of  
21 partisanship and race" and you'd believe it?

22 A. It's their own opinion.

23 Q. I -- I'm with you. I mean, but you've told me  
24 you've got your own opinion, and it's your opinion --

25 A. And it's my opinion.

1 Q. -- and it's not going to change. So my  
2 question is: Is there any -- is there any person on  
3 earth that you can think of that told -- if they told  
4 you, "Hey, this had nothing to do with it" --

5 A. Oh, boy.

6 MS. CHEN: Objection, form.

7 Q. (BY MR. RUSSO) -- that might change your  
8 opinion?

9 MS. CHEN: Objection.

10 Q. (BY MR. RUSSO) Are you at least open to  
11 hearing?

12 A. I'm opening to everything. That's why I was  
13 open to the democracy of the county being done in a way  
14 that would be --

15 Q. Right.

16 A. -- fair and inclusive to everyone. So I am  
17 very open, and I am very open that hopefully that this  
18 could be done in a way that shows that the community is  
19 truly able to have influence and involvement on things  
20 that affect the community, affect their voting, and  
21 affect where they live. So I'm definitely open to  
22 positive changes that it's very inclusive. I'm open  
23 for sure.

24 Q. Right. And -- but based upon all the facts as  
25 you know them, the -- you -- there's not really anybody



1 that you could identify that might change your mind  
2 on --

3 A. That's not what I said.

4 Q. -- the reason?

5 A. That's not what I said.

6 Q. You told me you were open to listening.

7 A. I'm open. Yeah. I am. That's absolutely  
8 right. I'm open. Solution based so that the community  
9 can move forward and be represented in a way to where  
10 they feel that they have been seen, heard, and not  
11 disregarded for.

12 Q. Yeah.

13 A. And their minority-majority vote has not been  
14 diluted.

15 Q. And is -- is that the key, that in this case  
16 that unless a map is drawn without change in the  
17 minority-majority view as it existed in old Precinct 3,  
18 unless that can be replicated --

19 A. No. That's not --

20 Q. -- we can't -- we can't --

21 A. That's not the case.

22 Q. Wait. Let me finish -- the -- your -- the unit  
23 is not going to be satisfied? Okay. Now you can  
24 answer.

25 A. That's not the case. The case is that a more

1 transparent procedure that is done -- could be done to  
2 be more inclusive to the community and allow the  
3 community to adequately give input and have options to  
4 -- to maps that actually vote on and given by several  
5 experts.

6 Q. And if all that happened but there was still  
7 minority dilution, would you be satisfied?

8 MS. CHEN: Objection, form.

9 A. If all that happened -- so you're saying are --  
10 can you clarify what -- what you --

11 Q. (BY MR. RUSSO) If -- if all the things you  
12 just mentioned happened -- when you've -- you've said  
13 that "there's no transparency. We weren't included in  
14 the process. You know, our voices weren't heard. They  
15 didn't consider us." If all those things happened but  
16 you still had a minority vote dilution result --

17 A. Okay.

18 Q. -- was that -- does that fix the problem?

19 A. You're asking me to speculate something that  
20 didn't occur.

21 Q. No. What I'm asking to you -- for -- from you  
22 is: Can we get away from -- well, let me ask it this  
23 way: Is there a -- is, at the end of the day, your  
24 unit going to be satisfied with any map that in any way  
25 reduces the minority-majority percentages in old

1 Precinct 3?

2 A. I can say that if there is adequate information  
3 given, maps as well, options given --

4 Q. Uh-huh.

5 A. -- then -- and will it -- no one expects it to  
6 remain exactly the same. The world does not remain  
7 exactly the same. There will have to be some  
8 adjustments. However, having a process that's more  
9 transparent with more options with community that is  
10 actually involved in the process would make the  
11 community -- if that's how it turned out, then that's  
12 what it is. But being backed into a corner and feeling  
13 like you didn't have that option, that's not -- that's  
14 directly what we advocate -- advocate against.

15 MR. RUSSO: All right. Okay. So why  
16 don't we -- can we just take five minutes? I might be  
17 done.

18 THE VIDEOGRAPHER: Okay. Going off the  
19 record, 4:54.

20 (Break.)

21 THE VIDEOGRAPHER: Going back on the  
22 record, 5:05 p.m.

23 Q. (BY MR. RUSSO) Okay. We're getting close. I  
24 promise. Just a few other questions. Do you -- based  
25 upon your knowledge of voters in Galveston County, is

1 it -- do you have any belief as to whether voters in  
2 Galveston County cast votes more based on party  
3 affiliation or is on -- or are there other reasons for  
4 why people vote?

5 MS. CHEN: Objection, form.

6 A. I would think people vote based on their --  
7 what's aligned with their belief.

8 Q. (BY MR. RUSSO) Values?

9 A. Uh-huh.

10 Q. Yeah. Do you -- do you have any belief based  
11 upon the -- you know, your understanding of the county  
12 as to whether there's, you know, people in the county  
13 are more apt -- in Galveston County to rely on party  
14 affiliation from a candidate?

15 A. I'm not sure.

16 Q. Okay. What about voter turnout? Do you have  
17 -- have you done any research as a -- on behalf of --  
18 as a representative of the unit, do y'all have any  
19 research in terms of voter turnout broken down by  
20 particular race of the voter?

21 A. Race of the voter?

22 Q. Yes, ma'am.

23 MS. CHEN: Objection, form.

24 Q. (BY MR. RUSSO) As in -- let me give you an  
25 example. There -- we would expect, you know, a 70

1 percent turnout for African American voter, 50 percent  
2 for white voter -- whatever it is. I'm just -- those  
3 are examples.

4 A. I'm su- -- I'm sure there's information maybe  
5 somewhere.

6 Q. To your knowledge has the -- your unit done any  
7 work on that, looked at it, reported on --

8 A. To my knowledge does the unit? No. Statewide?  
9 Probably so.

10 Q. Okay.

11 A. More than likely the state.

12 Q. All right. Do you have any -- yourself, have  
13 any particular belief or understanding as to what the  
14 percentage of voter turnout is by race?

15 A. No.

16 Q. All right. Do you have any understanding of  
17 whether Latino voters turn out on average less than  
18 other races?

19 A. No.

20 Q. Do you -- in terms of -- well, strike that.

21 Do you believe there's a history of  
22 official governmental discrimination in Galveston  
23 County?

24 A. Governmental discrimination?

25 Q. Yes. Official and governmental. They're kind

1 of same thing for purposes of the question.

2 A. Can you clarify governmental?

3 Q. It -- a governmental -- I'm talking about  
4 governmental entities, like a municipality in various  
5 locations in Galveston County. Galveston County  
6 itself, the entities that, you know, are in charge of  
7 governmental functions.

8 A. Would that mean like school districts and --

9 Q. We can -- we can include school districts if  
10 -- if you have examples of -- of sort of governmental  
11 or official -- official discrimination in school  
12 districts. Are you aware of that?

13 A. We get a lot of complaints of -- as the  
14 president of the NAACP, they -- they -- they get a lot  
15 of complaints about the school district --

16 Q. Any --

17 A. -- discriminatory practices.

18 Q. Any particular districts?

19 A. CCISD.

20 Q. Okay.

21 A. And Dickinson ISD. Those are my main two  
22 complaints.

23 Q. On -- do you only take the complaints from  
24 -- because -- well, strike that -- strike that.

25 We know CCISD is -- part of it's in

1 Harris County, right?

2 A. Uh-huh.

3 Q. So do you take those complaints also from  
4 residents who live in Harris County and attend CCISD  
5 schools in Harris County?

6 A. I take complaints from residents that live in  
7 League City that are in the dis- -- in the area in  
8 which we service. Now, whether the school lies in  
9 Harris -- I actually haven't -- to my recollection,  
10 there hasn't been any on the Harris side.

11 Q. Okay. So, for example -- and I don't want to  
12 know anything about a specific complaint because I just  
13 don't think it matters, but have you had complaints  
14 from people that attend Clear Brook High School?

15 A. No.

16 Q. Okay. And what about Lake, Clear Lake?

17 A. Nope. That's the Harris side.

18 Q. Yeah. That's -- those -- that's why I was  
19 asking.

20 A. Yeah. None on the Harris side. Galveston  
21 County? Absolutely.

22 Q. Okay. How often do you get those?

23 A. Quite often.

24 Q. What -- what types of complaints are they?

25 A. They are racial complaints.

1 Q. As in what specifically?

2 A. Racial bullying, children being called the N  
3 word, being -- report -- several reports being made,  
4 teachers being knowledgeable of the information and  
5 children -- students having to endure several incidents  
6 of it before something is done and not until someone  
7 reaches out to someone as a part of the NAACP. And now  
8 I'm requesting a meeting with the superintendent or  
9 assistant superintendent to get the issue resolved.

10 Q. When's the last time that happened, that you  
11 had a meeting with a superintendent in --

12 A. A assistant superintendent, it was in Dickinson  
13 ISD. That was last school year.

14 Q. Okay.

15 A. The end of the school year.

16 Q. The end of last year as in --

17 A. 20 -- what is this?

18 Q. This is '22.

19 A. '23.

20 Q. 2022 --

21 A. So --

22 Q. This is '22-'23.

23 A. I could check, but I -- I'm --

24 Q. So is your thinking that it was in the '21-'22  
25 school year?



1 A. '21-'22 because this is '22-'23, so this would  
2 be -- I believe it was the '21-'22 school year.

3 Q. Okay. Was this -- in that particular case, was  
4 it -- was it a racial issue?

5 A. It was racial -- every one of the issues have  
6 been racial issues.

7 Q. They're racial. And there's some form of  
8 discrimination taking place?

9 A. Uh-huh.

10 Q. Have you seen any increase in those, decreases  
11 in those?

12 A. Actually, I've seen an increase.

13 Q. You have?

14 A. Uh-huh. I --

15 Q. Well, is that -- did you deal with any of those  
16 complaints before you were president?

17 A. Yes. I did.

18 Q. So how -- for how long have you sort of dealt  
19 with the ISD complaints?

20 A. As knowledge -- well, dealing with them and  
21 having knowledge of them. So I had knowledge of  
22 them --

23 Q. Uh-huh.

24 A. -- before I was the president. I dealt with  
25 them directly as the president.

1 Q. And then -- but how bad -- how far back does  
2 that go year-wise?

3 A. From 2017. I became president in 2020.

4 Q. 2020. You're right.

5 A. So 2017 I was -- I had knowledge of them and  
6 was --

7 Q. Okay. And then it's your belief that you've  
8 seen an increase in complaints between 7 -- 2017 and  
9 2023?

10 A. To the present day?

11 Q. Yes, ma'am.

12 A. Yes.

13 Q. Do you have any idea why that is or why -- not  
14 any idea. That's an unfair question. What's -- do you  
15 have a belief as to why that is?

16 A. They're racial complaints, so the belief is  
17 that a race -- well, two different races are being  
18 discriminated against or --

19 Q. Are they com- -- are they complaints usually  
20 involving a -- a -- two minorities involved, or is it a  
21 -- sort of a -- for example, an African American  
22 complaint on a white teacher or student, or is it  
23 Latino student or teacher?

24 A. My most recent complaint is -- that I can think  
25 of that I did not have to attend because it was

1 resolved, which was at Clear Creek High School, a band  
2 student being called a monkey. And several times it  
3 happened till the child did not want to attend school,  
4 and then I had to got -- I -- the parent -- grandparent  
5 reached out, what should she do? I said have meetings,  
6 sit down. There's been ten meetings.

7 Q. There have been ten meetings?

8 A. "There still hasn't been no resolve. My  
9 daughter -- my granddaughter is at a point -- she's a  
10 very quiet honor roll student -- to where she doesn't  
11 want to go to school or participate in band."

12 Q. Uh-huh. Is this at the Clear Creek High School  
13 or one of --

14 A. Clear Creek High School.

15 Q. High School. Okay.

16 A. There -- I got plenty of examples.

17 Q. From ISD?

18 A. From ISD.

19 Q. So when -- what about at the municipality side  
20 of things, like the Texas City Police Department or  
21 Texas City, City of --

22 A. Texas City?

23 Q. Yes, ma'am.

24 A. I wouldn't deal with Texas City.

25 Q. Okay. And I -- let me just sort of broaden

1 this. Are you -- you aware of -- or is it your belief  
2 that there's a history of official or governmental  
3 discrimination in Galveston County based upon your  
4 personal belief?

5 A. Based upon my personal belief? I believe that  
6 there's an issue with police policing communities that  
7 they not a part of or from and they don't have any  
8 connection with. So for the most part in the county,  
9 there are -- in Texas City Police Department there are  
10 a lot of police officers who's been officers since I  
11 was a kid --

12 Q. Uh-huh.

13 A. -- that are still there that I've never really  
14 heard too many issues about that are Black and  
15 Hispanic.

16 Q. Uh-huh.

17 A. And I will say white as well. But I've never  
18 heard any issues about. I can identify more with Texas  
19 City because that's where I grew up at, and that's what  
20 I know. I know some of -- some of them retired now,  
21 but, yeah.

22 Q. Okay.

23 A. I don't know if I answered your question.

24 Q. Well, I -- you kind of did, I think. Are there  
25 -- are there any specific examples that come to mind

1 which you might consider to be governmental  
2 discrimination over the past ten years that you can  
3 think of?

4 A. Governmental discrimination? Can you give me  
5 an example?

6 Q. Well, so here's an easy example. Like this  
7 case might be considered a situation of  
8 discrimination --

9 A. Uh-huh.

10 Q. -- governmental. Put this case aside. That's  
11 what I'm talking about. That kind of thing.

12 A. Oh, so the case that was just like this one ten  
13 previous?

14 Q. In 2011?

15 A. Yeah.

16 Q. Yeah.

17 A. We can use that one.

18 Q. Okay. Anything else that comes to mind?

19 A. Outside of ISD -- my -- my biggest thing is  
20 ISD, the most -- the most knowledge that I have is ISD  
21 from the NAACP as the president and as a parent with my  
22 children being in CCISD and enduring their own racial  
23 discrimination.

24 Q. Uh-huh. Okay. Are you -- I -- I gather, I  
25 think, is it your belief that the Black and Latino

1 | minority groups in Galveston Cou- -- County bear the  
2 | effects of discrimination in, you know, various ways  
3 | like education, employment, housing, healthcare? You  
4 | believe that to be true?

5 | A. Yes.

6 | Q. Can you tell me how it is that those areas that  
7 | you believe that Black and Latino voters are  
8 | discriminated against, how does that affect or -- or  
9 | hinder their ability to be involved in the voting  
10 | process to vote?

11 | MS. CHEN: Objection, form.

12 | A. Can you --

13 | Q. (BY MR. RUSSO) Yeah. I'm specifically trying  
14 | to understand how it is that if you bel- -- if you  
15 | believe -- and I think you do -- that this -- Black and  
16 | Latino citizens in Galveston County have -- are  
17 | impacted --

18 | A. Similarly?

19 | Q. Sorry.

20 | A. Are impacted similarly?

21 | Q. Impact similar through -- through education,  
22 | employment, health, that kind of thing. But what I'm  
23 | trying to ask you is: How does -- how does that relate  
24 | to or hinder their ability to be involved in the voting  
25 | process?

1 A. It affects a lot.

2 Q. Are there any specific examples you can give  
3 me?

4 A. One -- the -- the things really overlap. You  
5 have to be educated enough to know what you're voting  
6 for to understand the process of voting to know the --  
7 the -- your options --

8 Q. Uh-huh.

9 A. -- of voting, if you can register to vote, if  
10 -- where can you go to vote, what is early voting, what  
11 does voting on election day means? If you're not in  
12 the best of health, can you have an option to do a  
13 mail-in vote? Do you -- so those type of -- of things,  
14 they overlap with one another because people don't have  
15 all of the resources all of the time.

16 Q. Uh-huh.

17 A. And then they are not as motivated to go and  
18 receive that type of information because they may not  
19 know, A, where to go, or may not be comfortable with  
20 asking people that don't resemble them and they have  
21 their same needs.

22 Q. Yeah. The -- are there any specific examples  
23 you can think of, people your -- in your answer that  
24 you're actually talking about, people that you know  
25 that have that issue, again, being -- the fact that

1 | they're, for example, have a -- aren't educated as

2 | well, the --

3 | A. Yeah.

4 | Q. -- they're hindered from being able to vote?

5 | A. Hindered from being able to vote?

6 | Q. Yes, ma'am.

7 | A. Yeah. So there are people who are felons who  
8 | think that they cannot absolute vote at all, that they  
9 | can't even register to vote.

10 | Q. You said people who have been convicted of a  
11 | felony?

12 | A. People been convicted of a felony in the past  
13 | and think that they just absolutely cannot vote.  
14 | There's people that think that because of their  
15 | different -- not having the knowledge of certain, as I  
16 | said before, locations, time periods, when to register,  
17 | how do I register? Do -- can I go to the DPS office  
18 | and register? Where can I get registered to vote at?

19 | Q. Uh-huh.

20 | A. Those -- all of those things hinder people from  
21 | voting.

22 | Q. And in those instances you just gave me, you  
23 | think that they're -- that they're -- their situation,  
24 | first of all, I guess, they're Black or Latino, but  
25 | they also have experienced some kind of discrimination



1 | that's put them in that position?

2 | A. Yes.

3 | Q. In terms of the felon that you referred to,  
4 | what was that discrimination that you're thinking  
5 | incurred?

6 | A. No. Someone told -- someone literally came to  
7 | me and said, "Well, I was told because I was a felon  
8 | I'd never be able to vote again."

9 | Q. Do you know who told them that?

10 | A. No. I didn't ask them who told them that, but  
11 | I know that they had misinformation.

12 | Q. They had what?

13 | A. Misinformation.

14 | Q. Oh, okay. But we don't know where the  
15 | information came from?

16 | A. We don't know where the information came from,  
17 | no.

18 | Q. All right.

19 | A. But I know that there is a lot of  
20 | misinformation, and they're not as comfortable coming  
21 | -- going to people who they don't see representation  
22 | with --

23 | Q. Uh-huh.

24 | A. -- to understand it, and sometimes it's even  
25 | difficult for them --

1 Q. Yeah.

2 A. -- to go forward.

3 Q. Okay. Do -- do you feel like the -- focusing  
4 in on the resid- -- Black residents of -- in Galveston  
5 County, do you think that that group of folks that have  
6 a -- different needs than other groups of people, ra-  
7 -- racial groups of people in Galveston County --

8 A. Black and -- blacks or blacks and Hispanics.

9 MS. CHEN: Objection, form.

10 Q. (BY MR. RUSSO) Well, yeah. We're talking  
11 about the -- the Black citizens of Galveston County.  
12 Do you think they have different needs than other races  
13 in Galveston County?

14 A. Yes.

15 Q. Do you also -- do they -- do you feel like they  
16 have different needs than -- well, strike that.

17 What are some of those needs?

18 A. Representation.

19 Q. And where?

20 A. Everywhere.

21 Q. Representation for -- and can you give me an  
22 example of what you mean by that? What do you mean?

23 A. So representation in areas to where they don't  
24 have knowledge in, that they can go and get to someone  
25 who is of their community --

1 Q. Uh-huh.

2 A. -- and they feel comfortable and relatable to  
3 as in, "Oh, I can go up to you and ask you a question  
4 about something and get a honest, truthful, heartfelt  
5 answer" --

6 Q. Uh-huh.

7 A. -- "because of what I have seen you do in this  
8 community."

9 Q. Yeah. So growing up in Galveston County, did  
10 you ever feel that way?

11 A. Growing up in Galveston County?

12 Q. Yes, ma'am.

13 A. Early on, sure I did. In -- in the -- in the  
14 beginning, when I became of age to realize some things  
15 that were going on, yeah. I had representation in --  
16 in -- in West Texas City. I did.

17 Q. Yeah. And you felt, I guess -- I don't know --  
18 I guess, confident enough to find the answers if you  
19 needed them?

20 A. Yes.

21 Q. Yeah.

22 A. Yeah.

23 Q. Okay. Do you think like when we're looking at  
24 the needs -- the differing needs of the Black citizens  
25 in Galveston County, do those vary by different areas

1 of the county, or are they generally, in your view, the  
2 same?

3 A. There may be variations, but they could  
4 generally be the same. I mean, the county -- well, we  
5 can start at the national level. It's just  
6 acknowledging Juneteenth on that point. So there's --  
7 there's a lot to be said with that with it being in  
8 this county particular and what Juneteenth means and  
9 people in the county not even knowing what's  
10 Juneteenth.

11 Q. Yeah. I don't know. If I didn't -- if I  
12 didn't grow up here, I imagine I wouldn't have known  
13 either. What -- what do you -- you think you would  
14 have known what Juneteenth was as -- not growing up in  
15 Texas City?

16 A. Not growing up in Texas City? Considering my  
17 family, I would have known.

18 Q. You think you would have. I -- I don't know if  
19 I would have or not. But in terms of -- so I think you  
20 sort of expanded my question to the -- to the national  
21 exposure. But do you see at different portions of Gav-  
22 -- of Black residents in different locations in  
23 Galveston County, do they have different needs that you  
24 are aware of, or are they generally the same?

25 A. They have a lot of the same needs. That --

1 | that's a -- you can't compact that to a "yes" or a  
2 | "no." I know with my family and the knowledge that I  
3 | have, based on my family, and I have educated a lot of  
4 | people throughout before that -- being in the NAACP --  
5 | be based on my family's history and helping people and  
6 | knowing that. So I can say that there could be a need  
7 | in that aspect because -- but my family is built on  
8 | history and --

9 | Q. Uh-huh.

10 | A. -- and making movement to advance --

11 | Q. Yeah.

12 | A. -- the community so it -- my outlook on that  
13 | could be a little different.

14 | Q. Yeah. And I -- I guess what -- you just  
15 | mentioned one experience for -- for your family in the  
16 | Texas City area. I guess, can you see how there --  
17 | there -- a Black resident of League City might have  
18 | different interests or needs? They might -- I guess  
19 | they might have the same interest or need. You could  
20 | -- can you see both of those situations?

21 | A. I'm a Black resident of League City, so, yes, I  
22 | can.

23 | Q. Yeah. I mean, you might -- there may be  
24 | instances where the needs are different between the two  
25 | individuals, and there may be instances where they're

1 the same?

2 A. I'm a Black resident of League City, so I could  
3 see how that -- in all honesty, being a Black resident  
4 in League City, I've experienced a lot more racial  
5 discriminatory things happening --

6 Q. Really?

7 A. -- than I ever did when I was a resident in  
8 West Texas City.

9 Q. Okay. I hate to hear that, but so can -- what  
10 -- can you give me an example of what you're talking  
11 about?

12 A. Oh, sure. Someone told my son that they should  
13 have -- that "if this was a little bit not too long  
14 ago, I would have owned you, boy."

15 Q. If this was several years back. I don't --

16 A. "I would have -- I would have owned you boy."  
17 And the principal sent him back to class. I was not  
18 made aware of this. Recently my son, who's in middle  
19 school, was searched for a gun because he made a  
20 conversation between him and his friend. They were  
21 talking about math work.

22 Q. Uh-huh.

23 A. Him and a Hispanic boy and their white  
24 counterpart student said, "They only did that to y'all  
25 because y'all were Black and Mexican." And so I went

1 | to the school. The principal searched my son with a  
2 | police officer present.

3 | Q. Uh-huh.

4 | A. I never got a phone call. All of this happened  
5 | before lunch. She called -- pulled him out of class  
6 | three times. It was not until my husband and myself  
7 | went up there the first thing the next morning, "Oh, we  
8 | were just about to call you," after my son has already  
9 | felt some type of way and he was never apologized to.  
10 | In fact, he was told if he had been forthcoming, then  
11 | none of this would have happened.

12 | Q. Did they say forthcoming about what, though?  
13 | What was he withholding?

14 | A. Forthcoming because when they asked him did he  
15 | have -- was he walking down the hallway talking about a  
16 | gun, he was like, "No. What are you talking about?"  
17 | He was completely obliv- -- oblivious --

18 | Q. Yeah.

19 | A. -- to what they were talking about.

20 | Q. Did they give you any i- -- why -- any  
21 | indication --

22 | A. And so --

23 | Q. -- as to why they believed he had a gun?

24 | A. And they said -- yeah. "And it was a .32, as a  
25 | matter of fact." And I was like, "What is a .32?"

1 Q. I don't know.

2 A. She said, "Well, I had to look that up. That  
3 is a pistol. That's why we searched him." And he was  
4 not forthcoming by saying that he was walking down the  
5 hallway talking to another student when you were  
6 accusing him of having a gun. So it wasn't him not  
7 being forthcoming about it. He didn't know what you  
8 were talking about.

9 Q. Uh-huh.

10 A. So -- and since then I have had to put both of  
11 my children in counseling, even though I have educated  
12 them on things like this that is possible to happen.

13 Q. Uh-huh.

14 A. So I also had another man chase my child down  
15 the sidewalk.

16 Q. As in on a foot race?

17 A. As in a foot race.

18 Q. And do you have any idea what that was -- why  
19 he was doing that?

20 A. A white man chased my son down and said that he  
21 -- he was -- he wasn't even in the neighborhood they  
22 were visiting -- that he was tired of them being  
23 disruptive. That was they first time there.

24 Q. He was -- I'm sorry?

25 A. Tired of them being dis- --



1 Q. Tired of them. Okay.

2 A. -- being disruptive every day. That was their  
3 first time there.

4 Q. Was this in a neighborhood someplace?

5 A. It was in a neighborhood.

6 Q. Did you ever speak to this individual that  
7 chased your son?

8 A. No.

9 Q. Do you know who it is?

10 A. Oh, yeah. I later learned that he committed  
11 suicide.

12 Q. Sounds like he had some emotional problems.

13 A. That's not easy to explain to a 6-year-old  
14 who's running down the street crying --

15 Q. Was he a --

16 A. -- because a grown man is chasing him.

17 Q. Was he a -- I assume he was a white guy?

18 A. He sure was.

19 Q. Yeah. Well, yeah. None of that sounds any  
20 good to me. Are there any other instances that you  
21 want to mention?

22 A. I -- I don't have to continue to expose the  
23 several incidents that have happened with my personal  
24 children.

25 Q. Uh-huh.

1 A. But there has been plenty.

2 Q. Is this -- do they all sort of relate to the  
3 League City area and -- and/or attending IS -- ISD?

4 A. Not all in ISD. Some in -- that -- they're all  
5 in the League City area. I never experienced that in  
6 West Texas City. I've never experienced it ever as a  
7 child, so I didn't even think of it even being an  
8 option --

9 Q. Uh-huh.

10 A. -- until we were there, so --

11 Q. Okay.

12 A. I've had someone remove their child from -- and  
13 that didn't go forward -- remove their child from  
14 Friendswood ISD because of the things that were being  
15 said to their child.

16 Q. So this was a minority student that were --

17 A. This was a Black student --

18 Q. Black student who left the --

19 A. -- who -- who left Friendswood ISD because of  
20 the way that their child was being treated -- with only  
21 being treated a certain way whenever it was track  
22 season. Then they were -- because they were winning  
23 races. They were treated in a much nicer way.

24 Q. I guess I'm not -- not clear on that. It --  
25 are you saying they -- they left during track season

1 | because --

2 | A. No. They left -- she did not re-enroll her

3 | child --

4 | Q. Uh-huh.

5 | A. -- into Friendswood ISD because of the

6 | treatment that they were receive -- that her child was

7 | receiving. She only got praise or acknowledgment when

8 | she was running track.

9 | Q. Okay. So this is a female?

10 | A. A female Black student.

11 | Q. And you're saying so after the track season was

12 | over --

13 | A. Before track season ever -- she was enduring  
14 | things. Then track season happened that they took  
15 | note, "Oh, there's a shift in environment whenever  
16 | she's benefiting to help you win races."

17 | Q. Uh-huh.

18 | A. But then when that stopped, then it was back  
19 | that -- so that next school year --

20 | Q. Was this at the high school level?

21 | A. This was high school.

22 | Q. Recent?

23 | A. That was very recent.

24 | Q. Okay.

25 | A. And a relative of Mr. Armstrong.

1 Q. Interesting.

2 A. Very much so.

3 Q. As -- okay. Speaking of the county -- the  
4 commissioners, do you believe that the elected county  
5 commissioners have been sort of unresponsive to the  
6 needs of minority communities, specifically Black and  
7 Latino residents?

8 A. What time period are you speaking of?

9 Q. Well, let's -- let's talk about the last ten  
10 years.

11 A. If you going to the community of the Black and  
12 Latino, specifically Precinct 3, they praise  
13 Commissioner Holmes.

14 Q. People within the Precinct 3?

15 A. The seniors, every -- I -- they speak of --  
16 speak highly of the things --

17 Q. Uh-huh.

18 A. My grandmother speaks highly of the things that  
19 he has done.

20 Q. Right. And he hasn't been unresponsive to the  
21 community. Would you agree?

22 A. I would agree.

23 Q. Okay. And then what about the other  
24 commissioners? Do you know whether they've been  
25 responsive to the community or not?

1 A. I don't know that.

2 Q. Okay. And then let's expand it beyond the  
3 county commission and talk about other elected  
4 officials that you are aware of. Generally speaking,  
5 do the -- the account -- the government officials that  
6 you know in Galveston County, they -- they typically  
7 -- are they typically fairly responsive --

8 A. From what I --

9 Q. -- to the needs of the minorities?

10 A. From -- from what I -- in the last ten years?

11 Q. Yes, ma'am.

12 A. Oh, okay. Ten years is beyond my scope as a  
13 NAACP president. That was -- now, as an individual --

14 Q. Well, again, from 2013 to -- to today is where  
15 the area we're focusing on, so --

16 A. From 2013 to today?

17 Q. And the -- I could restate it, if it would be  
18 helpful.

19 A. I think that from what I have been informed  
20 upon, minorities go to Commissioner Holmes for help  
21 whether they're in his precinct or not.

22 Q. Uh-huh. And that -- so do you have any -- any  
23 belief as to whether other elected officials, other  
24 than the county commissioners we already -- already  
25 asked you about, do they -- do you have any belief that

1 -- and just in general, elected officials in Galveston  
2 County have not been responsive to the needs of the  
3 minority community? Is there any examples you can  
4 provide, or do you believe --

5 A. That they're not -- that they haven't been  
6 responsive?

7 Q. Yes, ma'am.

8 A. No. I -- I can't provide you with any examples  
9 that they haven't been. I can just speak to the fact  
10 that I know that minorities go directly to Commissioner  
11 Holmes one way or another, even if they are not a part  
12 of his precinct to get some type of guidance or advice  
13 or whatever it is --

14 Q. Okay.

15 A. -- to get a solution.

16 Q. All right. So I just have -- there's one last  
17 area of question. There's -- the -- the -- the  
18 complaint filed in the case maintains that Commissioner  
19 Holmes was not included, involve -- or involved in the  
20 redistricting process in 2021.

21 A. Uh-huh.

22 Q. Do you -- do you believe that to be true?

23 A. That's what he stated.

24 Q. Okay. Yeah. That's what -- that was my next  
25 question. You -- what's the basis for -- for that

1 allegation?

2 A. That's what he stated.

3 Q. That's -- okay. And is there any place else  
4 that -- that -- any other person who's told you that,  
5 other evidence that you have of that?

6 A. That's what --

7 MS. CHEN: Object --

8 A. -- he stated. I think that if he would have  
9 been more informed, maybe he would have made a post  
10 like Judge Henry -- is that the judge name that made  
11 that post to motivate and have people out doing things,  
12 making comments on the Web site as well.

13 Q. (BY MR. RUSSO) Uh-huh.

14 A. Had he been more informed or more included --

15 Q. Okay.

16 A. -- I think he would have been more proactive.

17 MR. RUSSO: All right. Well, I  
18 appreciate your time.

19 THE WITNESS: Thank you.

20 MR. RUSSO: Thank you very much for being  
21 here today, and I'm going to pass the witness.

22 THE WITNESS: Okay.

23 MR. RUSSO: So --

24 MS. CHEN: And I will reserve questions  
25 for trial. Like to read and sign the transcript, and

1 with that, I think we can be done.

2 THE VIDEOGRAPHER: Going off the record,

3 5:39.

4 (The deposition concluded at 5:39 p.m.)

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WITNESS CORRECTIONS AND SIGNATURE

Please indicate changes on this sheet of paper, giving the change, page number, line number and reason for the change. Please sign each page of changes.

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LUCRETIA LOFTON

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S I G N A T U R E O F W I T N E S S

I, LUCRETIA LOFTON, solemnly swear or affirm under the pains and penalties of perjury that the foregoing pages contain a true and correct transcript of the testimony given by me at the time and place stated, with the corrections, if any, and the reasons therefor noted on the foregoing correction page(s), and that I am signing this before a Notary Public.

\_\_\_\_\_  
LUCRETIA LOFTON

STATE OF \_\_\_\_\_ \*

COUNTY OF \_\_\_\_\_ \*

Before me, \_\_\_\_\_,  
on this day personally appeared LUCRETIA LOFTON, known to me, or proved to me under oath, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE  
STATE OF \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

JOB NO. 6363421-001

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TERRY PETTEWAY, THE HONORABLE )  
DERRECK ROSE, MICHAEL MONTEZ, )  
SONNY JAMES and PENNY POPE, )  
Plaintiffs, )

V. ) Civil Action No.  
3:22-cv-57

GALVESTON COUNTY, TEXAS, and )  
HONORABLE MARK HENRY, in his )  
official capacity as Galveston )  
County Judge, )  
Defendants. )

---

UNITED STATES OF AMERICA, )  
Plaintiff, )

V. ) Civil Action No.  
3:22-cv-93

GALVESTON COUNTY, TEXAS, )  
GALVESTON COUNTY COMMISSIONERS )  
COURT, and HONORABLE MARK )  
HENRY, in his official )  
Capacity as Galveston County )  
Judge, )  
Defendants. )

---

DICKINSON BAY AREA BRANCH )  
NAACP, GALVESTON BRANCH NAACP, )  
MAINLAND BRANCH NAACP, )  
GALVESTON LULAC COUNCIL 151, )  
EDNA COURVILLE, JOE A. )  
COMPIAN, and LEON PHILLIPS, )  
Plaintiffs, )

V. ) Civil Action No.  
3:22-cv-117

GALVESTON COUNTY, TEXAS, )  
HONORABLE MARK HENRY, in his )  
Official capacity as Galveston )  
County Judge, and DWIGHT D. )  
SULLIVAN, in his official )  
Capacity as Galveston County )  
Judge, )  
Defendants. )

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REPORTER'S CERTIFICATION

THE STATE OF TEXAS:  
COUNTY OF GALVESTON:

I, KATHLEEN ROSSI TYLER, a Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the witness, LUCRETIA LOFTON, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

That the deposition transcript was submitted on \_\_\_\_\_, 20\_\_\_\_, to the witness, or to the attorney for the witness, for examination, signature, and return to U.S. Legal Support, Inc., by \_\_\_\_\_, 20\_\_\_\_;

That the amount of time used by each party at the deposition is as follows:

- MS. SARAH XIYI CHEN - NONE
- MR. ANDREW SILBERSTEIN - NONE
- MR. JOSEPH R. RUSSO, JR. - 6:41

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or

1 otherwise interested in the outcome of the action.

2 GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this,  
3 the 1st day of May, 2023.

4

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KATHLEEN ROSSI TYLER  
TEXAS CSR NO. 8874  
Expiration Date: 09/30/24

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U.S. Legal Support, Inc.  
Firm Registration No. 122  
16825 Northchase Drive, Suite 800  
Houston, Texas 77060  
(713) 653-7100

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JOB NO. 6363421-001

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# **Exhibit 15**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TERRY PETTEWAY, THE	'	
HONORABLE DERRICK ROSE,	'	
MICHAEL MONTEZ, PENNY	'	CASE NO. 3:22-CV-00057
POPE, AND SONNY JAMES,	'	
	'	
PLAINTIFFS,	'	
	'	
VS.	'	
	'	
GALVESTON TEXAS; AND	'	
THE HONORABLE MARK	'	
HENRY, IN HIS CAPACITY	'	
AS GALVESTON COUNTY	'	
JUDGE,	'	
	'	
DEFENDANTS.	'	

REMOTE AND VIDEOTAPED DEPOSITION OF  
DIANNA GARZA MARTINEZ  
FEBRUARY 24, 2023

REMOTE AND VIDEOTAPED DEPOSITION OF DIANNA GARZA  
MARTINEZ, produced as a witness at the instance of  
the Plaintiffs and duly sworn, was taken in the  
above styled and numbered cause on Friday,  
February 24, 2023, from 9:16 a.m. to 2:25 p.m.,

before TAMARA CHAPMAN, CSR, RPR-CRR in and for the  
State of Texas, reported remotely by computerized  
stenotype machine in Austin, Texas, pursuant to the  
Federal Rules of Civil Procedure and any provisions  
stated on the record herein.

Job No. CS 5763497

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A P P E A R A N C E S

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A P P E A R A N C E S (Continued):

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ALSO PRESENT:

Samantha Perlman  
  
Jason Hopkins, Videographer  
  
Michael Toth, Concierge Tech

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1 THE VIDEOGRAPHER: Good morning.  
2 We're going on the record at 9:16 a.m. Central time  
3 on February the 24th, 2023. Please note that this  
4 deposition is being conducted virtually. The  
5 quality of the recording depends on the quality of  
6 the camera and the internet connection of the  
7 participants. What is seen from the witness and  
8 heard on screen is what will be recorded. The audio  
9 and video recording will continue to take place  
10 unless all parties agree to go off the record.

11 This is the video-recorded deposition  
12 of Dianna Martinez, taken in the matter of the  
13 Honorable Terry Petteway, et al. versus Galveston  
14 County, et al., filed in the United States District  
15 Court for the Southern District of Texas, Civil  
16 Action No. 3:22-CV-00057.

17 My name is Jason Hopkins. I'm the  
18 videographer. Our court reporter is Tamara Chapman.  
19 Our concierge today is Michael Toth. We are all  
20 from the firm Veritext Corporate Services.

21 I'm not related to any party in this  
22 objection, nor am I financially interested in the  
23 outcome. If there are any objections to the  
24 proceedings, please state them at the time of your  
25 appearance.

1 Counsel, please state your  
2 appearances and affiliations for the record,  
3 beginning with the noticing attorney, after which  
4 our court reporter may swear in the witness and we  
5 may proceed.

6 MS. SMITH: Well, I'm K'Shaani Smith.  
7 I'm appearing on behalf of plaintiff, the United  
8 States, in this matter.

9 MS. JAYARAMAN: I'm Tharuni  
10 Jayaraman, also appearing on behalf of the United  
11 States.

12 MS. OLALDE: Angela Olalde appearing  
13 on behalf of the witness and the defendants in this  
14 case.

15 We also have Jordan Raschke Elton,  
16 who is also appearing on behalf of the defendants.

17 Are the other plaintiffs' present,  
18 plaintiffs' counsel?

19 MS. RICHARDSON: Yes. Sorry. I  
20 didn't know if we were presenting ourselves yet.  
21 Valencia Richardson on behalf of the Petteway  
22 plaintiffs today. Thank you.

23 MS. SPOTO: And Adrienne Spoto on  
24 behalf of NAACP plaintiffs.

25 MS. CHEN: Sarah Chen also for NAACP

1 plaintiffs.

2 MR. FORERO: Mateo Forero appearing  
3 on behalf of Ms. Martinez and the defendants.

4 DIANNA GARZA MARTINEZ,  
5 having been first duly sworn, testified as follows:

6 EXAMINATION

7 BY MS. SMITH:

8 Q. Good morning, Ms. Martinez. Thank you  
9 for joining us today. Can you state your full name  
10 for the record, please.

11 A. My name is Dianna Garza Martinez.

12 Q. My name is K'Shaani Smith. I represent  
13 the United States, the plaintiffs in this matter.  
14 I'm going to ask you questions this morning and then  
15 counsel for the other plaintiff groups may ask you  
16 some questions as well after I'm done.

17 We're going to do our best to reduce any  
18 overlap in our questions so that we don't keep you  
19 any longer than necessary.

20 First, have you ever been deposed before?

21 A. I have not.

22 Q. So I'll briefly go through a few  
23 expectations of how this deposition -- deposition  
24 should proceed.

25 First, the court reporter making the

1 record will need you to make verbal responses to all  
2 of my questions, as opposed to shaking your head or  
3 nodding your head. Can you do that?

4 A. Yes.

5 Q. To make a clear record it is important  
6 that we do not interrupt each other or talk over one  
7 another. I'll do my best not to interrupt you when  
8 you're responding. And I'll ask that you wait until  
9 I finish my question, and that you're -- when your  
10 counsel finishes their objection before giving your  
11 answer. Can you do that?

12 A. Yes.

13 Q. If I ask a question that you do not  
14 understand, please let me know and I will clarify or  
15 rephrase. If you do not ask for clarification, I  
16 will assume that you understood my question and that  
17 you are answering the question that I have asked.

18 Do you understand that?

19 A. I do.

20 Q. Your lawyer may object to some of my  
21 questions. Unless she instructs you not to answer,  
22 you must still answer the question.

23 Do you understand that?

24 A. I understand.

25 Q. As we're going through the question and



1 you -- you realize that you want to add something,  
2 additional information to a prior question, just let  
3 me know and we can go back and do that.

4 Does that make sense?

5 A. Yes.

6 Q. Likewise, if you realize that you want to  
7 clarify something in one of your answers that you  
8 gave previously, you can just let me know and we can  
9 go back to that. Does that make sense?

10 A. Yes.

11 Q. Okay. Is there any reason that you might  
12 not be able to give full and truthful testimony  
13 today?

14 A. No.

15 Q. Are you currently on any medication that  
16 might affect your testimony?

17 A. No.

18 Q. Have you consumed any alcohol today?

19 A. No.

20 Q. Do you understand that you can't  
21 communicate with anyone else about this deposition,  
22 whether in person, by email, text message, Zoom  
23 chat, or any other means about your testimony or the  
24 questions that I'm asking while your deposition is  
25 being taken today, other than consulting with your

1 attorney?

2 A. I understand.

3 Q. If you need a break at any point during  
4 the deposition, please let me know, and we will  
5 accommodate that. However, if there is a pending --  
6 a question pending, I will ask that you respond to  
7 that question before we take the break.

8 Does that make sense?

9 A. Yes.

10 Q. Did you do anything to prepare for this  
11 deposition today?

12 A. I met with counsel previously.

13 Q. And how long did you meet with counsel?

14 A. Maybe four to five hours perhaps.

15 Q. How many times did you meet with your  
16 counsel?

17 A. Once.

18 Q. When was that?

19 A. Wednesday, February 22nd, 2023.

20 Q. Was any --

21 THE STENOGRAPHER: Go ahead. After  
22 you finish this opening line of question, I would  
23 like to go off the record one second and make a  
24 minor adjustment to the witness's audio, if you  
25 wouldn't mind. But go ahead and finish your intro.

1 I didn't want to interrupt that. I was trying -- I  
2 didn't know when you would finish, but if you can  
3 just take a pause before you get into the  
4 deposition, the other part of the deposition. Okay?

5 THE VIDEOGRAPHER: Totally agree.

6 MS. SMITH: We can do that now.

7 THE STENOGRAPHER: Okay. Thank you.

8 THE VIDEOGRAPHER: All right. The  
9 time is 9:24 a.m. We're off the record.

10 (Break.)

11 THE VIDEOGRAPHER: We're back on the  
12 record. The time is 9:28 a.m.

13 MS. SMITH: Ms. Chapman, can you read  
14 me back the last question.

15 (The requested material was read.)

16 Q. Was anyone other than your attorney  
17 present during the meeting?

18 A. No.

19 Q. Did you review any documents in  
20 preparation for this deposition?

21 A. I did.

22 Q. What documents?

23 A. Email exhibits.

24 Q. Do you recall which ones?

25 A. I don't.

1 Q. Do you recall how many?

2 A. Perhaps less than five.

3 Q. Why did you review them?

4 MS. OLALDE: I'm just going to  
5 instruct the witness not to talk about any --

6 MS. SMITH: Oh.

7 MS. OLALDE: -- conversations that  
8 she had with her counsel during any deposition  
9 preparation.

10 Otherwise you can answer, if you  
11 know.

12 A. I will go with that --

13 Q. Okay.

14 A. -- recommendation.

15 Q. So you can't answer why you reviewed them  
16 without divulging privileged information?

17 A. It's deposition prep.

18 Q. Okay.

19 MS. SMITH: Counsel, I'd like to ask  
20 whether these documents that Ms. Martinez reviewed  
21 were produced.

22 MS. OLALDE: They all have been, yes.

23 Q. Do you know what this litigation is  
24 about?

25 A. I do.

1 Q. What is your understanding of the  
2 allegations in this case?

3 A. I understand that it's, I believe, Terry  
4 Petteway versus Galveston County in the  
5 redistricting matter.

6 Q. And are you familiar with the term  
7 "redistricting"?

8 A. Slightly.

9 Q. What is your understanding of  
10 "redistricting," without giving any sort of legal  
11 conclusion or analysis?

12 A. After -- it would be the mapping and  
13 precinct and voting precincts that are relative to  
14 Galveston County.

15 Q. Thank you. Are you aware that other  
16 individuals have been deposed in this matter?

17 A. I am.

18 Q. Did you speak with any of those  
19 deponents?

20 A. No.

21 Q. Are there any other ways that you  
22 prepared for this deposition?

23 A. No.

24 Q. Did you bring any documents with you  
25 today?

1 A. No.

2 Q. Now I'd like to ask some questions about  
3 your personal background. Where were you born?

4 A. Galveston, Texas.

5 Q. How long have you lived here?

6 A. I was born on (unintelligible).

7 Q. What year were you born, if you don't  
8 mind me asking?

9 A. 1981.

10 THE STENOGRAPHER: Just a second. I  
11 just want to know if anyone else -- you can't tell  
12 that we're having trouble hearing, but I just -- I  
13 didn't really hear -- I heard "I was born" and I  
14 didn't hear the rest of it. So -- you know, and the  
15 witness's voice is dropping quite a bit on some  
16 answers. Like when she says -- it sounds like "yes"  
17 (whispering) and that's how it sounds sometimes  
18 because her voice is dropping.

19 THE VIDEOGRAPHER: Ms. Chapman, let's  
20 go off the record again and see if Michael can help  
21 us out, if you guys don't mind.

22 The time is 9:32 a.m. We're off the  
23 record.

24 (Break.)

25 THE VIDEOGRAPHER: We're back on the

1 record. The time is 9:37 a.m.

2 MS. SMITH: Ms. Chapman, can you read  
3 the question back.

4 (The requested material was read.)

5 Q. If you don't mind answering the question,  
6 please?

7 A. I was born in 1981.

8 Q. Have you lived anywhere other than  
9 Galveston?

10 A. No.

11 Q. I'd like to talk a little bit about your  
12 educational background. What high school did you  
13 graduate from?

14 A. O'Connell Catholic High School.

15 Q. And what year did you graduate from high  
16 school?

17 A. 1999.

18 Q. Did you attend any other high schools?

19 A. I did not.

20 Q. Did you pursue any education after high  
21 school?

22 A. I did.

23 Q. Did you attend college?

24 A. I did.

25 Q. Where did you go to college?

1 A. Galveston College.

2 Q. Did you graduate?

3 A. I did not.

4 Q. How many years of college education did  
5 you obtain?

6 A. Approximately three.

7 Q. What was your major?

8 A. Business and teaching. I couldn't make  
9 up my mind.

10 Q. Okay. Did you have a minor?

11 A. I did not.

12 Q. Did you pursue any special  
13 certifications?

14 A. I did not.

15 Q. Okay. Have you pursued any training  
16 programs or --

17 A. No.

18 Q. Okay. Have you enrolled in any  
19 continuing education programs?

20 A. I have not.

21 Q. Now, I'd like to ask you a little bit  
22 about your employment history. What is your current  
23 employment?

24 A. I work for Galveston County.

25 Q. What is your position?



1 A. I am the senior policy and constituent  
2 advisor, title.

3 Q. Okay. Is that position within Judge Mark  
4 Henry's office?

5 A. Yes.

6 Q. When did you start working in Judge  
7 Henry's office?

8 A. October 2012.

9 Q. Before working for Judge Henry, where did  
10 you work previously?

11 A. I was a stay-at-home mom.

12 Q. Have you worked for any other elected  
13 official?

14 A. I have not.

15 Q. Have you ever worked in any other  
16 government entity?

17 A. I have not.

18 Q. And what is your race or ethnicity? Or  
19 how do you identify racially?

20 A. I identify as Hispanic.

21 Q. Now, I'm going to ask you some questions  
22 about your current employment in Judge Henry's  
23 office. You mentioned that your current role is  
24 senior policy advisor and cont- -- constituent  
25 advisor. What are your responsibilities in this

1 role?

2 A. My responsibilities in the office are the  
3 agenda coordination. I also provide administrative  
4 assistance. Budget reconciliation for our office's  
5 expenses that are pertaining to veteran's treatment  
6 court and commissioners court.

7 Q. Okay. Under your administrative  
8 responsibilities, what does that include?

9 A. Mail, gathering all of the documents that  
10 would be included in commissioners court, thwart  
11 emails and direct contact with our departments that  
12 are going to be requesting items to be removed and  
13 approved for commissioners court.

14 Handling the software that we utilize to  
15 compile our agendas as well as securing language and  
16 backup that eventually it is posted for public.

17 Q. And what software do you all use for the  
18 agenda?

19 A. SIRE Agenda Management.

20 Q. Would you mind spelling that?

21 A. S-I-R-E.

22 Q. Did your role change over time while  
23 still working as -- in Judge Henry's office?

24 A. It did.

25 Q. What was your previous title?

1 A. Agenda coordinator/receptionist in 2012.

2 Q. Uh-huh.

3 A. And then executive assistant/office  
4 coordinator.

5 Q. Okay. What were your responsibilities as  
6 executive assistant/office coordinator?

7 A. Scheduling, more of the meetings  
8 scheduling and coordination as far as outside of  
9 commissioners court.

10 Q. When you say meeting scheduling, what  
11 meetings are you referring to?

12 A. Those that would fall under Judge Henry's  
13 calendar and at the time also Commissioner Clark's  
14 calendar and Commissioner Billman's calendar.

15 Q. And you stated your previous role before  
16 then was -- what did you say -- I'm sorry?

17 A. Office coordinator.

18 Q. Before the office coordinator?

19 A. It was receptionist/agenda coordinator.

20 Q. Okay. And what were your  
21 responsibilities in that role?

22 A. The same. Well, minus the -- more of the  
23 administrative, executive administrative side. So,  
24 in 2012, it was receptionist/agenda coordinator and  
25 then upon the retirement of our executive assistant,

1 I assumed her responsibilities as well as agenda  
2 coordination. And then, in 2019, my title was  
3 upgraded after a compensation and salary study.

4 Q. And why did you decide to start working  
5 in Judge Henry's office?

6 A. I was a stay-at-home mom and I made the  
7 decision that it was time to go back to work, so I  
8 made the decision to apply for that open position.

9 Q. As senior policy advisor -- well, I want  
10 to get your title right. Is it senior policy and  
11 constituent advisor?

12 A. It's senior policy and constituent  
13 advisor.

14 Q. Okay. Great. Thank you.

15 As senior policy and constituent advisor,  
16 who is your direct supervisor?

17 A. Judge Henry.

18 Q. Do you report to Tyler Drummond in any  
19 way?

20 A. Yes.

21 Q. What is your understanding of Tyler  
22 Drummond's role?

23 A. He's our chief of staff.

24 Q. Do you know what his responsibilities  
25 are?

1           A.     I couldn't list them all, but he does  
2     assist Judge Henry in the office with, you know,  
3     matters relative under his duties as chief of staff,  
4     but I -- I don't -- I couldn't give you an  
5     affirmative list off the top of my head.

6           Q.     Do you supervise anyone?

7           A.     I do not.

8           Q.     So you're the senior advisor. Is there a  
9     junior advisor?

10          A.     There is not.

11          Q.     When you were the office coordinator and  
12     executive assistant, who was your director  
13     supervisor then?

14          A.     Judge Henry.

15          Q.     And at that time did you also report to  
16     Tyler Drummond?

17          A.     I transitioned into that role in 2014.  
18     Tyler came to the county in 2015. So I direct  
19     reported to Judge Henry, and just evolved to seeking  
20     direction from both.

21          Q.     Okay.

22          A.     Uh-huh.

23          Q.     So before Tyler Drummond began working  
24     for Judge Henry in 2015, was there another chief of  
25     staff that you reported to at that time?

1 A. No.

2 Q. And when you were the office coordinator,  
3 was there a senior policy and constituent advisor at  
4 that time?

5 A. No.

6 Q. Who else do you work with in Judge  
7 Henry's office?

8 A. I work with Linda Liechty, she's our  
9 senior executive assistant. I work with Tyler  
10 Drummond our chief of staff. I work with Veronica  
11 VanHorn, she's our legal services coordinator. And  
12 Zach Davidson, he was our communications director  
13 and is now currently our director of governmental  
14 relations.

15 Q. How often do you communicate with them?

16 A. With Veronica and Linda, daily. We kind  
17 of cover those administrative tasks. I work  
18 directly with Veronica for agenda coordination.

19 And Tyler and Zach, I would say maybe  
20 once a week. Zach maybe every two weeks.

21 Q. And how often do you communicate with  
22 Judge Henry?

23 A. Once every two weeks. Right before  
24 agenda postings.

25 Q. And how do you typically communicate with

1 the other employees in Judge Henry's office?

2 A. Veronica is located in our 722 building  
3 in Galveston, so I see here personally. Linda  
4 offices at 131 Pecan. So usually it's through email  
5 or through our work phone.

6 Q. And what about Zach Davidson?

7 A. Through usually email or work phone.

8 Q. How about Tyler Drummond?

9 A. The same, email and work phone.

10 Q. And lastly, how do you typically  
11 communicate with Judge Henry?

12 A. Email and work phone.

13 Q. And do you work in the office?

14 A. I do.

15 Q. Do all of Judge Henry's staff work in  
16 person in an office?

17 A. Yes.

18 Q. But there are different office locations?

19 A. Correct.

20 Q. And I'm sorry, which office location are  
21 you located?

22 A. I'm in Galveston. That's 722 Moody, 21st  
23 Street, Galveston, Texas.

24 Q. You're really close to me.

25 A. Uh-huh.

1 Q. Okay. Do you have any regularly  
2 recurring tasks --

3 A. Yes.

4 Q. I just want to finish the question --

5 A. I apologize.

6 Q. -- just for the record --

7 A. Yes.

8 Q. -- so it's clear.

9 Do you have any regularly recurring tasks  
10 that you complete for Judge Henry?

11 A. The regular occurring task that I  
12 complete would be the agenda posting which are  
13 regular meetings are scheduled every two weeks.

14 Q. Do you have any regularly occurring tasks  
15 for judge -- sorry --

16 Do you have any regularly reoccurring  
17 tasks for Tyler Drummond?

18 A. I do not.

19 Q. Do you have any long-term projects that  
20 you have to complete?

21 A. Currently just working on our new agenda  
22 software that we are implementing, configuration,  
23 and implementing for go live that I'm currently  
24 working on.

25 Q. Okay. How are your tasks communicated to



1 you?

2 A. Since the agenda is reoccurring, I know  
3 that those are, you know, reoccurring calendar and  
4 statutory guidelines that I meet. So I go in the  
5 beginning of the year and make those calendar  
6 invites to make sure that we meet the statutory  
7 deadlines for court. Second nature.

8 Q. So how do you stay organized to timely  
9 complete those tasks? Is that what you're referring  
10 to with the calendar invites?

11 A. Yes. So I would work directly with  
12 departments that submit their language and their  
13 requests for court, and so my duty is to go in and  
14 make sure that their backup documentation and our  
15 court processes, as far as items being on agenda,  
16 are complete and ready to be added to the draft  
17 before posting the final agenda in commissioners  
18 court. A lot of backed-up documentation so that's  
19 timely to go in and make sure everything is legible  
20 and ready to be posted.

21 Q. Okay. Other than calendar invites or  
22 reminders do you use anything else to keep  
23 organized?

24 A. No, just my email notification system,  
25 flagging systems that I save to make sure I organize

1 those folders or any email requests that I may have  
2 for an agenda if the person is out of office and  
3 they need assistance. And I make sure that those  
4 items are added for the draft electronically.

5 Q. Do you ever receive any assignments over  
6 the phone?

7 A. Yes.

8 Q. And what types of assignments do you  
9 receive over the phone?

10 A. An example would be we're having a  
11 veteran's treatment court, graduation, or veteran's  
12 treatment court meetings. I might have to set up,  
13 you know, the coordination of that at the building  
14 that that's going to take place at. If we have, you  
15 know, maybe we also coordinate the different  
16 locations, conference rooms and meetings in our  
17 buildings. So I would get those notifications via  
18 email.

19 Q. All right. Do you ever receive those  
20 communications over the phone?

21 A. Yes.

22 Q. And what about tasks (unintelligible)?

23 A. Rarely, no.

24 Q. And do you ever receive those sorts of  
25 tasks or assignments in person?

1           A.       Sometimes they may be. We have court  
2 every two weeks, and that's when I would see Judge  
3 Henry or Tyler in person. But they're usually  
4 relative to commissioners court which is really my  
5 primary function.

6           Q.       And when you receive those sort of  
7 in-person tasks from Tyler or Judge Henry, how do  
8 you remember what those tasks are?

9           A.       I would usually add any type of request  
10 to my calendar and have a tickler to remember.

11          Q.       Do you take notes of those conversations  
12 with Judge Henry or Tyler Drummond?

13          A.       Not really.

14          Q.       So you add -- I don't want to do an  
15 asked-and-answered situation here.

16                   I just want to clarify. So when you have  
17 in-person conversations with Judge Henry or Tyler  
18 Drummond that are related to assignments, you add  
19 them to your calendar for a tickler. Right?

20          A.       Yeah, That's correct. I would use my  
21 Outlook to note any type of deadline that I have to  
22 keep that task.

23          Q.       And how long do you keep those ticklers?

24          A.       I -- once the task is complete, I would  
25 usually then delete or save it if it was a

1 reoccurring task.

2 Q. Okay. It's my understanding that Judge  
3 Henry's office is responsible for scheduling regular  
4 commissioner court meetings. Is that correct?

5 A. That's correct.

6 Q. And are you involved in the process of  
7 scheduling commissioners court meetings?

8 A. I am.

9 Q. And what is your role?

10 A. We have reoccurring meetings every two  
11 weeks. Those are on my calendar, and I notate my  
12 own internal deadline for departments to adhere to,  
13 as well as any special meetings that may be  
14 requested in between those, and I also have internal  
15 deadlines that I organize for those meetings.

16 Q. Do you coordinate with anyone at the  
17 county courthouse when setting up regular  
18 commissioner court meetings?

19 A. Regular meetings are for example, IT, who  
20 records those meetings that they have those ticklers  
21 on their calendar, they are reoccurring monthly  
22 meetings -- week -- or biweekly meetings.

23 Q. Is there anyone else that you coordinate  
24 with?

25 A. For regular meetings that are scheduled?

1 Q. Yes.

2 A. No, not that I can think of.

3 Q. Okay. Are constables typically present  
4 at regular commissioners court meetings?

5 A. We have a deputy at regular commissioners  
6 court meetings that is present.

7 Q. And it's just him or that deputy is  
8 present?

9 A. At our building in 722 we have an on-duty  
10 deputy.

11 Q. It is also my understanding that Judge  
12 Henry's office is responsible for scheduling special  
13 commissioners court meetings. Is that correct?

14 A. Yes.

15 Q. Are you involved in the process of  
16 scheduling special meetings?

17 A. Yes.

18 Q. And what is your role?

19 A. Since it falls outside of the regular  
20 meeting, I would secure a quorum with the court and  
21 make sure that our IT and county clerk is aware.  
22 Our county clerk and IT know and have the regular  
23 meetings on their calendar, but if it would fall  
24 outside of that, I would communicate with them to --  
25 to add that to their calendar and make sure they're

1 present or have a member of their team there to  
2 conduct the meeting.

3 Q. And how do you go about securing a quorum  
4 during court?

5 A. I would reach out to the commissioners to  
6 confirm their availability for a special meeting.  
7 And if -- and work with their scheduling to secure  
8 three commissioners present.

9 Q. Do you have a sense of how often special  
10 meetings are held?

11 A. Can you clarify that?

12 Q. Sure. Say, in a given month, how many  
13 special meetings would be requested? No, let me  
14 strike that. There's a better way to phrase it.

15 In a given month, how many special  
16 meetings would be scheduled?

17 A. I'm trying to make sure that I answer the  
18 question --

19 Q. Sure.

20 A. -- efficiently.

21 Currently we have one regular meeting and  
22 one special meeting that occurs.

23 Q. Okay.

24 A. So we have one regular meeting, it  
25 usually happens at the beginning of the month, and

1 | one special meeting at the end of the month.

2 | Q. Okay. Okay. So when we were talking  
3 | about regular commissioners meetings, commissioners  
4 | court meetings previously, and you stated that they  
5 | sort of reoccur every two weeks.

6 | A. Uh-huh.

7 | Q. Just so I'm clear, one of those meeting  
8 | is a regular meeting, and the other meeting is  
9 | considered a special meeting.

10 | A. Uh-huh.

11 | Q. Is that right?

12 | A. That's correct.

13 | Q. Okay. So how often would you say a  
14 | special meeting is held?

15 | A. Once a month currently.

16 | Q. Okay. And who determines where a special  
17 | meeting is held?

18 | A. You -- the directive of where a special  
19 | meeting is, usually from Judge Henry.

20 | Q. Are there any factors that Judge Henry  
21 | considers when determining the location of the  
22 | special meeting?

23 | MS. OLALDE: Objection; calls for  
24 | speculation.

25 | You can answer.

1 A. Usually there is --

2 MS. OLALDE: You can answer. To the  
3 extent that you know, you can absolutely answer.

4 A. Okay. So location, as far as the special  
5 meeting or, you know, depending on what the  
6 commissioner's availability is. Also, the -- you  
7 know, if we're having a special meeting for payroll,  
8 if we have a holiday, for example, we would have  
9 that meeting in our -- we would -- I would add a  
10 special meeting for that item that might be one or  
11 two items versus our regular meeting docket. And so  
12 they would meet in League City if that would be more  
13 appropriate as far as the length, I guess, of the  
14 meeting.

15 Q. Why would -- if you know, why would the  
16 League City location be more appropriate --

17 A. Well --

18 Q. -- depending on the length of the  
19 meeting?

20 A. Appropriate probably isn't the right  
21 word, but just more feasible if there's maybe  
22 payroll only on a item if we have a holiday meeting.  
23 And that Friday before, we have to hold a special  
24 meeting to approve that payroll because payroll is a  
25 part of our agenda. Then they may not drive to



1 Galveston to have a five second meeting versus a  
2 full docket meeting.

3 Q. Okay. And when you say "they," you're  
4 referring to the commissioners and Judge Henry?

5 A. Correct.

6 Q. Okay. And you mentioned a holiday  
7 meeting. What is that?

8 A. So, for example, this Monday was  
9 President's Day. That would normally be a regular  
10 meeting for commissioners court. Our payroll has to  
11 be approved prior to Tuesday payroll date. So it  
12 would be moved to the Friday before. And that would  
13 be like a payroll only or a payroll and maybe less  
14 than a handful of items.

15 Q. Thank you. You may have answered this  
16 already. I apologize.

17 But do you coordinate with anyone at the  
18 location that Judge Henry chooses when setting up  
19 the special commissioners court meeting?

20 A. Yes.

21 Q. Okay. Who do you coordinate with?

22 A. The -- if the special meeting is in  
23 League City, I would coordinate with our county  
24 clerk to make sure she's available or her backup to  
25 take minutes. I would coordinate with our IT

1 department, to make sure that they would be present.

2 And I would coordinate with the -- Judge McCumber,  
3 who -- that's her courtroom. And we would utilize  
4 her courtroom. Her assistant.

5 Q. All right. Could you spell Ms. McCumber,  
6 please?

7 A. M-C-C-U-M-B-E-R.

8 Q. Thank you. Will you coordinate with  
9 anyone else?

10 A. Not that I can think of.

11 Q. Are constables typically present at  
12 special meetings, outside of the county courthouse?

13 A. In the special meeting location, yes.

14 Q. Okay.

15 A. There is not an on-duty deputy there, so  
16 they're housed in that building. So I do contact  
17 them as well.

18 Q. How many constables typically are present  
19 at a special meeting?

20 A. I believe one, typically. I believe.

21 Q. Are you required to attend commissioner  
22 court meetings?

23 A. I am not.

24 Q. Do you attend -- do you attend them?

25 A. If the meeting is in Galveston, which is

1 in the same building that I work in, I do attend.  
2 If the meeting is in League City, I don't usually  
3 attend. But I would usually watch them on stream,  
4 on live stream.

5 Q. When you attend commissioners court  
6 meetings, do you take notes?

7 A. I would take notes if an item was  
8 deferred or needed to be added back on, if an item  
9 needed to be deferred to a later date, perhaps if a  
10 department head wasn't there. So I would just make  
11 sure to put that in that electronic -- you know,  
12 make a note in my electronic folder.

13 Q. Do you also take notes when you watch the  
14 live feed of commissioner court meetings that are  
15 held in League City?

16 A. If I was sitting at my desk watching that  
17 live stream, I would use that agenda to just mark  
18 anything that might have been approved or deferred,  
19 the same as in person.

20 Q. And you mentioned that you add your notes  
21 to your calendar ticklers.

22 A. Uh-huh.

23 Q. Do you keep those ticklers when you take  
24 notes regarding commissioners court meetings?

25 A. I use the physical agenda that I've

1 noted, if something's been pulled and discussed or  
2 approved. I use that as just my reminder for the  
3 next meeting. I go in and make sure that if there  
4 is something that was deferred, perhaps a  
5 commissioner -- the judge asked a department head to  
6 defer that item, I would check my software to make  
7 sure that they did add that item on the agenda.

8 So I just compare and make sure that  
9 there's some type of placeholder, if it's  
10 applicable, unless -- it's up to the department. If  
11 the department had an item deferred and they need  
12 more information, then it's up to that department to  
13 make sure that they get it on.

14 But if it's directed towards me, because  
15 that does happen in court, "Dianna, make sure this  
16 comes back on the agenda," then I would make sure to  
17 read my notes and make sure I added that placeholder  
18 personally.

19 Q. Where do you keep those notes when you  
20 handwrite them?

21 A. Just the agenda itself I printed, and I  
22 keep a log of those at work.

23 Q. Okay. And how do you organize them?

24 A. They are sitting in a file folder, and I  
25 put the last one on top. So I just know to pull --

1       yeah, I usually like to keep maybe a month's worth,  
2       just to make sure. And then as I -- we get further,  
3       I can discard those because we're -- we moved on.  
4       (Sotto voce).

5               Q.       Thank you.

6                       MS. SMITH: Counsel, to the extent  
7       that those notes existed at the time of our  
8       discovery request, were those notes searched as part  
9       of the document collection?

10                      MS. OLALDE: I will confirm with  
11       counsel who did that initial request, because I  
12       wasn't involved with that.

13                      MS. SMITH: Okay. Thank you.

14               Q.       Have you ever seen minutes from  
15       commissioners court meetings?

16               A.       Minutes are on our public website. So I  
17       do access the public minutes, because once contracts  
18       are approved, we do need executed documents, which  
19       is -- you know, departments do contact us to provide  
20       executed documents. So I'm familiar with the  
21       minutes on the public website.

22               Q.       Do you attend any -- do you attend any  
23       other meetings with Judge Henry, outside of  
24       commissioners court meetings?

25               A.       I used to attend veteran's treatment

1 court meetings when they were in Galveston, but  
2 Linda Liechty kind of has taken over more of that  
3 admin role as far as setting up our veteran's  
4 treatment court meetings, and also like the  
5 graduations for participants and so forth.

6 So she handles that -- that kind of falls  
7 more under that executive assistant role now.

8 Q. When you were the office coordinator, you  
9 attended those veteran's court treatment meetings  
10 more regularly?

11 A. More reg- -- not so much the meetings,  
12 but coordinating the graduations. Those would occur  
13 maybe quarterly. And so we would set up  
14 refreshments and, you know, the IT facilities would  
15 set up trash cans and so forth, and -- just  
16 coordinating the logistics of the meetings.

17 Q. In your current role are you involved in  
18 scheduling meetings for Judge Henry outside of  
19 commissioners court meetings?

20 A. Not typically.

21 Q. Who does that now?

22 A. Our executive assistant, Linda Liechty.

23 Q. When you were the office coordinator,  
24 were you involved in scheduling meetings for Judge  
25 Henry outside of special -- or outside of

1 commissioners court meetings?

2 A. Yes.

3 Q. Okay. Did you send out calendar invites?

4 A. I did.

5 Q. Were you invited to those meetings?

6 A. Not necessarily, no.

7 Q. Were you required to attend the meetings  
8 that were scheduled for Judge Henry?

9 A. No.

10 Q. Currently in your role, and perhaps in  
11 your -- no. Strike that.

12 While working for Judge Henry as office  
13 coordinator, were you included on calendar invites  
14 for meetings?

15 A. Occasionally I would be. I know that  
16 there was still -- like when Linda transitioned over  
17 to that position, as a courtesy they would copy both  
18 of us on it, just to make sure that we didn't miss  
19 anything for him.

20 Q. Were you required to attend those  
21 meetings?

22 A. No.

23 Q. So why were you included as an invitee  
24 for those meetings?

25 A. Is -- can you be more specific --

1 Q. Sure.

2 A. -- because --

3 Q. Yeah.

4 A. -- like --

5 Q. Sure. I'll strike that.

6 A. Okay.

7 Q. You mentioned that one of your  
8 responsibilities is to draft the agenda for  
9 commissioners court meetings. Correct?

10 A. Correct.

11 Q. Does anyone else draft the agendas?

12 A. If I am out, Linda Liechty is my backup.  
13 She would assist with drafting that. Typically I am  
14 the one who drafts those, unless there's something  
15 that comes up or I'm in the middle of something.  
16 But it's just Linda and myself.

17 Q. How do you know what the agenda of a  
18 particular commissioners court meeting will be?

19 A. How do I know it will --

20 Q. What the agenda will be.

21 A. I don't. The departments have their  
22 user ID and login. So they go in -- if -- whatever  
23 pending business they may have, contracts, memos,  
24 retirement resolutions, whatever that may be, they  
25 would go in and add those items. And then I would



1 produce that draft.

2 So I don't know if there would be one  
3 item or ten items, just depending on what their  
4 needs are, their time needs. And then -- yeah, then  
5 I would draft that.

6 Q. Okay. Let me just make sure I  
7 understand.

8 Could you walk me through the -- the  
9 drafting of an agenda --

10 A. Sure.

11 Q. -- (unintelligible).

12 A. I would create a meeting date and the  
13 users that are requesting items on court, they also  
14 have the agenda court dates, and they are aware of  
15 their court deadline, so that -- our office has an  
16 internal deadline that would allow me to, you know,  
17 proofread and provide that to Judge Henry before and  
18 still allow for that 72-hour meeting notice. So I  
19 have my own internal deadline.

20 And those departments would add their  
21 language and backup. And then once they meet that  
22 deadline, we typically don't allow, you know, any  
23 additions and we can then pop -- you know,  
24 electronically compile that. I would provide that  
25 copy to Judge Henry and Tyler, and they would review

1 that, and once that was reviewed and approved, then  
2 I would move forward to compile a final meeting  
3 agenda and upload that, and then make a website  
4 announcement for the public. And then I would  
5 physically post those meeting notices at our  
6 building.

7 Q. Okay. And when you receive backup  
8 documents from other departments, are those also  
9 uploaded with the agenda, the finalized agenda?

10 A. Yes.

11 Q. When you're drafting an agenda for topics  
12 introduced by the commissioners court, who drafts  
13 those agenda items?

14 A. A commissioner would either pick up the  
15 phone and say please add a placeholder on the  
16 agenda, this is the item I would like to add. Or  
17 they might send me an email and say could you please  
18 add this placeholder to the agenda.

19 Q. And who determines what language is used  
20 to describe the agenda item?

21 A. They would provide a descriptive language  
22 piece that they would add, based on the request that  
23 they need.

24 Q. So individual commissioners do not log  
25 into that agenda software and write their own agenda

1 items. Correct?

2 A. Correct. They would provide that in an

3 email. Or if not, I would receive that by phone.

4 And usually when they call, I try to log in right

5 then and there so I don't forget, and add it, based

6 on what they've requested from me to add as their

7 placeholder.

8 Q. Okay. Does anyone review the draft

9 agendas?

10 A. Yes.

11 Q. And who is that?

12 A. Judge Henry and Tyler.

13 Q. Is -- are you required to receive

14 approval from Judge Henry or Tyler before uploading

15 or -- sorry -- yes, uploading the agenda to the

16 website?

17 A. Yes.

18 Q. Okay. So I would like to show you a

19 document that is labeled Tab 1.

20 MS. SMITH: Michael, if you wouldn't

21 mind uploading that to Exhibit Share.

22 MS. OLALDE: I'm sorry. It's small

23 on her screen. Is it -- can it be --

24 THE WITNESS: There we go. I closed

25 the --

1 MS. OLALDE: Okay.

2 Q. Can you see it in Exhibit Share?

3 A. I do.

4 Q. Okay. Great.

5 MS. OLALDE: We see it in the video  
6 but not in Exhibit Share.

7 MR. TOTH: It's now in the marked  
8 exhibits folder.

9 MS. OLALDE: Got it. Thank you.

10 Q. So I'd like this document to be marked as  
11 Exhibit 1.

12 (Exhibit 1 was marked.)

13 Q. Ms. Martinez, would you mind reading it,  
14 and kind of scrolling through the document, please?

15 MS. OLALDE: You can -- yeah, either  
16 way. You can do it here or there.

17 THE WITNESS: Okay.

18 MS. OLALDE: She has access to  
19 scroll?

20 MS. SMITH: Yes.

21 MS. OLALDE: Okay.

22 MS. SMITH: Okay. Do you have  
23 Exhibit Share up?

24 MS. OLALDE: I didn't put it on hers  
25 because it's too complicated.

1 MS. SMITH: Sure.

2 MS. OLALDE: So I've got it here if  
3 you'd like to scroll anywhere.

4 THE WITNESS: Okay.

5 Q. Okay. And when I ask you questions, I'll  
6 direct you to certain pages that will show up on the  
7 video.

8 A. Okay. And you would like me to read this  
9 first.

10 Q. Yeah just scroll through it, the  
11 documents there so you will see what I'm talking  
12 about.

13 A. (Pause.)

14 Okay.

15 Q. Okay. So on the first page there's an  
16 email. Do you see that?

17 A. I do.

18 Q. In that email it says: Kindly confirm if  
19 you have any changes and I will post.

20 A. Uh-huh, yes.

21 Q. What do you mean by "post" in that email?

22 A. I will post the final agenda to meet that  
23 72-hour statutory deadline for a meeting -- for a  
24 proper meeting notice.

25 Q. And where are agendas posted?

1 A. They are posted on the Galveston County  
2 main public website and they are also posted  
3 physically at 722 Moody public notice display.

4 Q. And when are agendas posted?

5 A. They're posted 72 hours prior. Which for  
6 a Monday meeting, for example, would be --  
7 statutorily would be Friday by 8:30 --

8 Q. Uh-huh.

9 A. -- but I like to post them Thursday  
10 evenings typically just to avoid -- our software is  
11 kind of old so we do have some issues, so just to be  
12 proactive and get those posted timely.

13 So to answer your question, Thursday  
14 at -- in the evening before I leave, I like to post.

15 Q. Do you ever post agendas earlier than the  
16 Thursday before a Monday meeting?

17 A. It's not really typical because ideally  
18 departments would have all of their items in on  
19 time, but that's not usual. So usually it -- it is  
20 that Thursday, I would say.

21 Q. Okay. And you also post additional  
22 backup materials for your agendas that call for it?

23 A. The backup is posted on our main website.  
24 We -- that goes hand in hand with our SIRE Agenda  
25 Management. We have a public page and that public

1 page will include a agenda as far as the actual  
2 agenda, for example, if it's a ten-page agenda, but  
3 there's also a pocket link that the public can click  
4 on and that's where they would be able to review the  
5 agenda and click on a specific item that they were  
6 looking for that -- that backup documentation,  
7 respectively.

8 Q. Okay. So if I were looking at an agenda,  
9 would the agenda item be hyperlinked?

10 A. So we have three -- currently, in our  
11 current system, we have three options. There is an  
12 agenda hyperlink and then there is an agenda packet.  
13 So the agenda hyperlink you would have to click on  
14 that item directly and it would take you hyperlinked  
15 to that specific item. But if you click on the  
16 packet, you could actually view the packet in its  
17 entirety. So if it's 800, a thousand pages, then it  
18 would be -- so you have access to the same, it's  
19 just one's HTML and one's, like, PDF packet.

20 Q. Thank you.

21 A. Uh-huh.

22 Q. So scrolling through Exhibit 1 with this  
23 email, did you also post the proposed voting  
24 precinct map on the second page?

25 A. I believe so.

1 Q. And how do you determine what additional  
2 material must be posted with an agenda?

3 A. If an -- how do I determine?

4 Q. What additional material must be posted  
5 with an agenda? So, for example, with this email --

6 A. Okay.

7 Q. -- that we're looking at in Exhibit 1 --

8 A. Uh-huh.

9 Q. -- how did you know that you had to also  
10 post the Proposed Voting Precincts that's attached  
11 to this email?

12 A. I was emailed by engineering with the map  
13 and I'm not sure what their directive was, but they  
14 were to contact me and provide that so that I could  
15 upload that to the language that was in this case  
16 requested by Commissioner Clark.

17 Q. And how is that communicated to you?

18 A. I don't recall specifically, but I know  
19 for this meeting Nathan and I had talked about  
20 making sure that he had it, you know, before that  
21 statutory deadline, which would be similar if we  
22 have a special meeting, for example, and, you know,  
23 let's say a commissioner or Judge Henry says we're  
24 going to have a special meeting, this is an item  
25 that's going to be added, you're going to get the



1 language and backup from this department, please,  
2 you know, communicate with them, that way you get  
3 your language and backup and make sure you let them  
4 know that we have to meet that deadline. And then I  
5 would be in communication with that department that  
6 would then provide that.

7           Once I would upload -- if they uploaded  
8 it or I added an item as far as language, then I  
9 would provide that draft to the judge and confirm  
10 that this is, in fact, the item that you've  
11 requested and the backup that goes respectively with  
12 that item.

13           Q.     Okay. And -- how do you know that  
14 another department would be emailing you,  
15 Ms. Martinez?

16           A.     Well, I don't -- our office doesn't  
17 handle engineering maps, so, yeah, I wouldn't be  
18 able to tell you, but I know that once I got the  
19 call from Commissioner Clark that he was requesting  
20 this item on the agenda, he explained to me that I  
21 would need to get in touch with Nathan. And Nathan  
22 works in engineering and their department handles  
23 the mapping so --

24           Q.     I see.

25           A.     Yeah.

1 Q. When you say "Nathan," you mean Nathan  
2 Sigler?

3 A. That's correct.

4 Q. Thank you.

5 Do agendas change after they've been  
6 posted online?

7 A. They can, but I typically don't like to  
8 do that which is why I try to do the Thursday just  
9 to make sure. There have been occasions where we've  
10 had to add an additional item or revise maybe the  
11 language, but that's not typical.

12 But I definitely prefer to post them and  
13 have them ready just because of the software issues  
14 we've had were end of life, I much rather prefer to  
15 confirm as in this email that -- or any agenda item  
16 that it's -- that it is the correct and final before  
17 I have to put it up and take it down.

18 Q. How does the process work for changing an  
19 agenda after it's been posted?

20 A. It can't be changed if past that 72-hour  
21 notice. So we have a tight window as well. If I  
22 post it on Thursday and I get a notification Friday  
23 that we have to take it down, you know, it would be,  
24 perhaps, a department head might contact me and say  
25 we need to, you know, tweak this language or

1 perhaps, you know, we didn't provide adequate  
2 backup, whatever the case may be specifically, but  
3 they would contact me, which is not good for the  
4 agenda coordinator because you've already posted it  
5 and you'd have to take it down. But it would just  
6 be a notification that we need to make a revision.

7 Q. Uh-huh.

8 A. If it's after 9:30 that Friday, I  
9 wouldn't be able to take it down, it would just be  
10 posted as-is so...

11 It would usually be a verbal call because  
12 it's pressing, so they would contact Linda Liechty.

13 Q. Are agenda items deferred?

14 A. They are.

15 Q. Under what circumstances are they  
16 deferred?

17 A. I -- if a commissioner would need  
18 additional information, if there's a question about  
19 a contract, if -- there may be a missing document or  
20 there's not specific -- that would be up to the  
21 commissioners court to decide so...

22 Q. Can any commissioner defer an item, to  
23 your knowledge?

24 A. Yes.

25 Q. And while you observe these commissioners

1 court meetings you notate that an item has been  
2 deferred?

3 A. Yes.

4 Q. Okay.

5 A. My -- my notes would be the same as the  
6 county clerk's. You know, she -- she then goes and  
7 adds those in the minutes, so I would just make sure  
8 to mirror what she's writing and I could go back  
9 and, you know, just confirm that we're all on the  
10 same page, so...

11 Q. So you can refer to the minutes to know  
12 what item has been deferred?

13 A. Uh-huh, yes.

14 Q. Okay. During your employment with  
15 judge -- with Judge Henry, do you recall drafting  
16 any ag- -- agenda items related to redistricting?

17 A. No, not other than the agenda itself, but  
18 drafting -- can you clarify?

19 Q. Sure.

20 Based on my understanding of what you  
21 said, please clarify or correct me if I'm wrong,  
22 when the commissioners court would like to add an  
23 item to an agenda, you draft that language based on  
24 what they tell you to write or based on your  
25 understanding of what would be discussed. Is that

1 correct?

2 A. I don't like to assume, that's why I  
3 always try to get them to give me that directive  
4 while I have them on the phone. I'll converse with  
5 them I'm adding this item to the agenda. They'll  
6 provide that language. I repeat that language.  
7 It's just second nature for me because I don't want  
8 to -- you know, I don't -- I don't want to post the  
9 agenda and take it down. So it's a lot of back --  
10 backend work.

11 So they know sometimes I may ask them  
12 more than once just to make sure that I'm  
13 understanding what their request is. I don't want  
14 to interpret, I want to make sure I understand their  
15 request as if -- as correct as possible --

16 Q. Okay.

17 A. -- so...

18 Q. Thank you.

19 Okay. So during your time working for  
20 Judge Henry, do you recall writing agenda items  
21 related to redistricting?

22 A. No.

23 Q. Okay.

24 MS. SMITH: I would like to pull up  
25 Tab 2. And it will be marked as Exhibit 2.

1 (Exhibit 2 was marked.)

2 Q. Okay. Could you look through this  
3 document just to familiarize yourself with what it  
4 is?

5 A. Sure. And I don't have my glasses --

6 Q. Okay.

7 A. -- if I'm squinting.

8 (Pause.)

9 Okay.

10 MS. OLALDE: (Unintelligible).

11 A. (Pause.)

12 Okay.

13 Q. Is this an agenda for a commissioners  
14 court meeting scheduled for January 25th, 2021?

15 A. That's correct.

16 Q. Did you draft this agenda?

17 A. I did.

18 Q. Could you please look at the last page of  
19 the agenda?

20 A. Okay. I'm on the last page.

21 Q. Okay. Do you see the letter E?

22 A. I do.

23 Q. It says: Consideration of approval of  
24 engagement of counsel for redistricting based on  
25 2020 census?

1 A. I do.

2 Q. Does that refresh your recollection of  
3 drafting an agenda item related to redistricting?

4 A. It does not.

5 Q. Okay.

6 A. Because departments add their items.

7 Q. Uh-huh.

8 A. This item is under general counsel.

9 Q. Uh-huh.

10 A. And that item would be added by our legal  
11 services coordinator. Those would all fall under  
12 general counsel. So I recall seeing this item on  
13 the agenda because I review the entire agenda.

14 Q. Uh-huh.

15 A. But all of those items that are on there  
16 are conversations with counsel and they are added on  
17 the item- -- not all of them, all of the time, but  
18 most of the time our legal services coordinator  
19 would add those items on the agenda.

20 Q. Okay.

21 A. But not all the time. There could be a  
22 request where a commissioner might add me -- ask me  
23 to add something.

24 Q. Uh-huh.

25 A. But these would fall under that

1       respective department.

2           Q.     Okay.  So here on Page 8, No. 64, it says  
3       General counsel.  So the items listed under the  
4       64 --

5           A.     Would typically be added or requested by  
6       general counsel.

7           Q.     Okay.

8           A.     Uh-huh.

9           Q.     And you stated that the legal services  
10       coordinator --

11          A.     Uh-huh.

12          Q.     -- would add them?

13          A.     Uh-huh.

14          Q.     And do you know who the legal services  
15       coordinator was at this time?  May have added --

16                       (Simultaneous speaking.)

17          A.     Yes.  Veronica VanHorn.  Now, I can't say  
18       specifically that she might have added it.  If she  
19       would have been out of the, you know, out of the  
20       court that day or out of work, you know, off that  
21       day, if I would have gotten the directive to add  
22       this from general counsel, then I would have added  
23       that item.  But doesn't -- I don't recall.  But,  
24       yes, it does fall under the general counsel.  And so  
25       action agendas, all of the departments have the



1 option to add their own under action.

2 Q. (Unintelligible) a lot about agendas?

3 A. Yes.

4 Q. I see. Oh, I see. Action agenda is at  
5 the bottom of Page 7?

6 A. Those -- yes. Those are under -- under  
7 the consent agenda.

8 Q. Thank you. Very clear, right. Okay.

9 Are you aware of when the commissioners court began  
10 their redistricting practice?

11 A. Can you be more specific?

12 Q. Sure. Are you aware of when Judge Henry  
13 and the other commissioners began considering  
14 redrawing the commissioners court maps and  
15 precincts? Are you aware of the time frame when  
16 that occurred?

17 A. When -- your first question was, am I  
18 aware when it began?

19 Q. Yes.

20 A. No.

21 Q. Are you aware of the general time frame  
22 when that was occurring?

23 A. Based on commissioners court agenda items  
24 requested, I -- to my knowledge, when it was brought  
25 to my attention, probably the fall of 2021.

1 Q. Okay.

2 MS. SMITH: Okay. I'd like to show  
3 Ms. Martinez Tab 3. That will be marked as  
4 Exhibit 3. And I believe that would be marked.  
5 (Unintelligible) and submit 3.

6 (Exhibit 3 was marked.)

7 Q. If you wouldn't mind, well, once it's  
8 been marked, if you wouldn't mind perusing it very  
9 briefly.

10 MR. TOTH: Okay. It's in the marked  
11 exhibits folder now. It's Exhibit 3.

12 A. (Pause.)

13 Okay. I've seen it.

14 Q. So these are minutes from the  
15 January 25th, 2021, commissioners court meeting.  
16 Right?

17 A. Yes.

18 Q. Could you please look at the  
19 second-to-last page, Agenda Item 61(e), I believe.

20 A. 61(e)?

21 Q. Oh, sorry. 64(e). It's at the bottom of  
22 Page 10 of this PDF.

23 A. I see it.

24 Q. Do you see where it says: Item deferred  
25 by County Judge Henry?

1 A. I do.

2 Q. Based on your own personal knowledge, do  
3 you know why this item was deferred?

4 A. I don't.

5 Q. Thank you.

6 MS. SMITH: You can take that down.

7 Q. Do you know who Paul Ready is?

8 A. I do.

9 Q. Who is he?

10 A. General counsel for Galveston County.

11 Q. Without telling me the substance of any  
12 of your conversations with him, how often are you in  
13 contact with him, if at all?

14 A. I couldn't routinely quantify that. But  
15 I would say I see him generally at court, maybe once  
16 a month, you know, when we have court in Galveston.  
17 It depends on if an item is requested, and he's  
18 providing that language and backup documentation.  
19 But I would say maybe once a month, I would say.

20 Q. Without telling me the substance of any  
21 of your conversations, were you in contact with  
22 Mr. Ready during this 2021 redistricting practice,  
23 when you became aware of it?

24 A. Yes.

25 Q. How often were you in contact with him,

1 without telling me the substance of your  
2 conversation?

3 A. During that time?

4 Q. Yes.

5 A. I would say maybe once a week, maybe.

6 Q. Now, was that amount of contact with him  
7 more often than usual?

8 A. It would depend on if he was working on  
9 something specifically and needed to, you know,  
10 request an item, as I mentioned earlier if  
11 Veronica's out, he needs to make sure that we add an  
12 item. It just depends. You know, if she's out of  
13 the office, he'll contact me to make sure that his  
14 items are, you know, requested on there. But it  
15 just depends. You know, currently I might see him  
16 once a month. Next week, there might be a contract  
17 that a department head is checking status on. And I  
18 might need to reach out to him and ask him if  
19 Veronica is not available.

20 MS. OLALDE: Just -- you would ask  
21 him and -- just wait for a question.

22 THE WITNESS: Okay.

23 A. Just typically once a week, if in that  
24 time.

25 THE WITNESS: Thank you.

1 MS. OLALDE: That's okay. You're  
2 okay.

3 Q. I would like to show you Tab 4. And I  
4 will mark it as Exhibit 4.

5 (Exhibit 4 was marked.)

6 Q. Would you mind scrolling through this  
7 email and the attachments --

8 A. Okay.

9 Q. -- to it?

10 A. (Pause.)

11 Okay.

12 Q. In the middle of the first page, there is  
13 an email from you to Mr. Ready, Tyler Drummond, Mark  
14 Henry, and Veronica VanHorn. Is that accurate?

15 A. Yes.

16 Q. The email from you states: Attached is a  
17 fully executed engagement letter after court  
18 approval.

19 Do you see that?

20 A. I do.

21 Q. And you looked through the pages attached  
22 to it. Correct?

23 A. I did.

24 Q. On Page 3 of this document, do you see a  
25 letter dated January 20th, 2021?

1 A. I do.

2 Q. Do you recall seeing this letter before?

3 A. As part of the commissioners court  
4 backup.

5 Q. When did you first see the letter?

6 A. I don't recall.

7 Q. As you review this letter, are you aware  
8 of what the letter is for?

9 A. I am not.

10 Q. Okay. We can stop showing that document.  
11 I would like to show you a document labeled Tab 14.  
12 I would like to mark it as Exhibit 5.

13 (Exhibit 5 was marked.)

14 Q. Let's see.

15 MS. OLALDE: Whichever one is easier  
16 for you.

17 THE WITNESS: If it's just a  
18 one-pager.

19 MS. OLALDE: Is one page?

20 MS. SMITH: No, it's several pages.

21 THE WITNESS: I'm sorry.

22 MS. OLALDE: No worries.

23 MS. SMITH: Sure.

24 A. (Pause.)

25 Okay.

1 Q. Okay. Do you see an email from Brandy  
2 Chapman to you dated April 5th, 2021?

3 A. Yes.

4 Q. And the subject line of the email is:  
5 Commissioners court 4/5/21. Is that right?

6 A. Yes.

7 Q. And the email states: Dianna, attached  
8 are fully executed copies of Agenda Items 11 and 13  
9 for your records.

10 Is that right?

11 A. Yes.

12 Q. Could you scroll through the attached  
13 documents very quickly? (Unintelligible) on --

14 A. Yes.

15 Q. Okay. And you'll see on the second page  
16 a letter dated January 20th, 2021?

17 A. Uh-huh.

18 Q. Does this look like the letter that we  
19 previously discussed in Exhibit 4?

20 A. Based on the letterhead it looks --  
21 appears to be.

22 Q. And you see that it says, in the  
23 regarding line: Holtzman Vogel --

24 I can't pronounce that name. But it says  
25 engagement letter?

1 A. Yes.

2 Q. Okay. Do you have an understanding of  
3 what the engagement is in this letter?

4 A. I do not.

5 Q. Okay. We can take that exhibit down.

6 I'd like to show you Tab 5. And we can  
7 mark that as Exhibit 6.

8 (Exhibit 6 was marked.)

9 A. All right.

10 Q. If you wouldn't mind just quickly  
11 scrolling through this document.

12 A. Sure.

13 (Pause.)

14 Okay.

15 Q. Okay. So this is an agenda for a  
16 commissioners court meeting scheduled for April 5th,  
17 2021. Is that right?

18 A. Correct.

19 Q. Did you draft this agenda or any items on  
20 it, rather?

21 A. I draft -- I compiled the document,  
22 but -- is that your question?

23 Q. No. When you say you "compiled the  
24 document," what do you mean?

25 A. Electronically gather all of the



1 requesting department's information to create the  
2 draft and final agenda.

3 Q. Okay. Okay. Could you look at Page 2 of  
4 this document, Agenda Item 11?

5 A. Okay.

6 Q. It says: Consideration of approval of an  
7 engagement of counsel based on 2020 census submitted  
8 by county judge.

9 Did you draft that agenda item?

10 A. Submitted by the county judge. That  
11 would have been the directive of the county judge or  
12 our chief of staff. I would -- it would come  
13 directly from our office.

14 Q. Right. So did you enter this language  
15 into the agenda system?

16 A. That's correct.

17 Q. Okay. And who told you what to write for  
18 this agenda item?

19 A. I don't recall specifically, but it would  
20 have been Judge Henry or Tyler Drummond.

21 Q. Do you recall why they asked you to  
22 include it, to the extent you have any personal  
23 knowledge about it?

24 A. No.

25 Q. Okay. I'd like to direct your attention

1 to the previous exhibit.

2 THE WITNESS: Excuse me.

3 MS. OLALDE: Do you want some water?

4 THE WITNESS: Yeah.

5 Q. Exhibit 5.

6 A. Uh-huh.

7 Q. As we discussed, this email includes

8 fully executed copies of Agenda Item 11.

9 Is this January 20th, 2021, letter,

10 included in Exhibit 5, related to Agenda Item 11 on

11 Exhibit 6?

12 MS. OLALDE: And, Counsel, for the

13 record, the January 5th, is that the Holtzman Vogel,

14 just so that we're clear?

15 MS. SMITH: I'll rephrase.

16 MS. OLALDE: Thank you.

17 MS. SMITH: Sure.

18 Q. So looking at the letter in Exhibit 5 --

19 A. Okay.

20 Q. -- dated January 20th, 2021.

21 A. Okay.

22 Q. Is this related to Agenda Item 11 on the

23 April 5th, 2021, agenda?

24 A. So is --

25 MS. OLALDE: Objection -- objection;

1 vague. Calls for speculation.

2 A. Okay. So you're asking does this letter,  
3 the January 20th, '21 letter, is that relative to --  
4 can we go back?

5 Q. Well, let me rephrase. Okay.

6 So as we discussed, when uploading agenda  
7 items, or rather -- no, strike that.

8 As we discussed when uploading the agenda  
9 onto the public website, you receive backup  
10 documents that must be posted along with the agenda.

11 Is that correct?

12 A. That's correct.

13 MS. OLALDE: Objection. Go ahead.  
14 Just give me a second to get an objection out there.  
15 But go ahead.

16 Q. Okay. In the email in Exhibit 5 on  
17 Page 1, Brandy Chapman writes to you: Attached are  
18 fully executed copies of Agenda Items 11 and 13 for  
19 your records.

20 Right?

21 A. That's what her email states.

22 Q. And the subject line of this email is:  
23 Commissioners Court 4/5/21.

24 Correct?

25 A. Yes.

1 Q. What is your understanding of this email  
2 to you?

3 A. When an item is added to the  
4 commissioners court agenda, if it falls under county  
5 judge or general counsel, those fully executed  
6 documents are scanned and provided to us for our  
7 records as a fully executed contract.

8 So she's going to provide those as  
9 final -- that will be uploaded to the minutes. This  
10 is your final copy. This is your minutes final  
11 document, your fully executed.

12 Q. Okay. And these fully executed agenda  
13 items, 11 and 13, what agenda are they for, to your  
14 knowledge?

15 A. Based on the subject, 4/5/21.

16 Q. You mean the 4/5/21 commissioners court  
17 meeting?

18 A. Correct.

19 Q. All right. And you see an attachment, it  
20 says: 11.pdf, 13.pdf?

21 A. Yes.

22 Q. Looking at the first document attached to  
23 this email, would this first document, the letter  
24 dated January 20th, 2021, be the PDF that is labeled  
25 "11.pdf"?

1 A. Yes.

2 Q. Okay. So the January 20th, 2021, letter  
3 is related to Agenda Item 11 for commissioners court  
4 meeting on April 5th, 2021?

5 MS. OLALDE: Objection.

6 Q. Is that correct?

7 MS. OLALDE: Calls for speculation.

8 You can answer to the extent you have  
9 personal knowledge.

10 A. Based on Brandy's email that she's  
11 providing to me, she -- her -- the context of her  
12 email says that: The executed copies for No. 11 and  
13 13 are provided for your records.

14 It appears that No. 11 is the letter,  
15 with the letterhead.

16 Q. The January 20th, '21 letter. Correct?

17 A. It appears so.

18 Q. Okay. Now, looking back at Exhibit 6 on  
19 Page 2, referring to Agenda Item 11, where it says  
20 "consideration of approval of an engagement of  
21 counsel based on 2020 census submitted by county  
22 judge," is the January 20th, 2021, letter that  
23 Brandy Chapman sent to you the document that was  
24 uploaded for this agenda item?

25 A. It appears to be.

1 Q. Okay. Now, you looked at this  
2 January 20th, 2021, letter. Correct?

3 You said it today.

4 A. Yes.

5 Q. Do you know who Dale Oldham is?

6 A. I do not.

7 Q. Okay. There's no question before you  
8 (phonetic).

9 MS. OLALDE: Whenever you get to a  
10 stopping point, if we could just take a quick  
11 break --

12 MS. SMITH: Sure.

13 MS. OLALDE: -- for the restroom.

14 MS. SMITH: We can stop now.

15 MS. OLALDE: Okay.

16 THE VIDEOGRAPHER: We can take a  
17 break now?

18 MS. SMITH: Yes.

19 THE VIDEOGRAPHER: Okay. The time is

20 11:06 20 a.m. We're off the record.

21 (Break.)

22 THE VIDEOGRAPHER: We're back on the  
23 record. The time is 11:19 a.m.

24 MS. SMITH: Ms. Chapman, could you  
25 read the last question I asked?

1 THE STENOGRAPHER: Yes. I'm sorry.

2 I just put food in my mouth.

3 (The requested material was read.)

4 Q. Okay. I'd like to show you a document  
5 that's labeled Tab 6, and will be marked as  
6 Exhibit 7.

7 (Exhibit 7 was marked.)

8 MS. OLALDE: That's just a one-page.  
9 Correct?

10 MS. SMITH: Yes.

11 MS. OLALDE: If you want to make it  
12 bigger, is that easier for you?

13 THE WITNESS: That's fine.

14 Q. In the subject line at the top of this  
15 page it states: Invitation: Galveston County  
16 redistricting @ Wednesday, December 16th --  
17 December 16, 2020, 10:00 a.m. to 11:00 a.m. CST.

18 Do you see that?

19 A. I do.

20 Q. A few lines down, attendees, it lists you  
21 and Tyler Drummond. Do you see that?

22 A. I do.

23 Q. Did you receive this calendar invite?

24 A. I don't recall.

25 Q. Do you have any reason to believe you did

1 not receive it?

2 A. It might not have been direct to my  
3 email. It might have come across my desk because I  
4 have access to Judge Henry's. We're on a -- like a  
5 group -- anything that's -- may come across his  
6 meetings -- or his calendar invites may come across  
7 mine, but I don't recall seeing this direct to mine.

8 Q. So what do you mean when you say invite  
9 to Judge Henry might come across your desk?

10 A. I have access to his calendar, so that  
11 might come across on his calendar. But I -- I'm on  
12 that list -- like IT has it set up to where I have  
13 access. So that's the only reason I would assume  
14 this would come across with my name on it.

15 Q. So does Tyler -- do you know whether  
16 Tyler Drummond also has access to Judge Henry's  
17 calendar?

18 A. I believe so.

19 Q. Do you know whether Linda Liechty has  
20 access to Judge Henry's calendar?

21 A. I believe so.

22 Q. Do you know whether Linda Liechty was  
23 working for Judge Henry on December 16th, 2020?

24 A. Yes.

25 Q. Do you have a sense of why Linda



1 Liechty's name is not listed as an attendee?

2 A. I don't.

3 Q. So where it says "attendees," is your  
4 understanding that your name is listed there because  
5 you have access to Judge Henry's calendar?

6 MS. OLALDE: Objection; asked and  
7 answered.

8 Q. You can answer the question.

9 A. It was asked and answered.

10 Q. No, you have to answer the question.

11 MS. OLALDE: Hold on. Hold on.

12 MS. SMITH: Okay.

13 MS. OLALDE: Don't, you know, push  
14 her. You can answer the question. I have to make  
15 my objections for the record, but you can answer the  
16 question.

17 A. I don't recall seeing this come across my  
18 email calendar. I can only assume that it did  
19 because I have access to Judge Henry's calendar. I  
20 did not -- I don't recall this. This doesn't look  
21 familiar to me.

22 Q. I'm not sure that was the question.

23 MS. SMITH: Ms. Chapman, could you  
24 read back my last question?

25 THE STENOGRAPHER: Just one second.

1 You keep catching me at a bad time, sorry, as far as  
2 food.

3 (The requested material was read.)

4 A. Yes.

5 Q. Because you are listed as an attendee,  
6 were you required to attend this meeting?

7 A. No.

8 Q. Did you attend this meeting?

9 A. No.

10 Q. Why not?

11 A. I wasn't aware of this meeting. But in  
12 my role, I wouldn't attend a redistricting meeting.

13 Q. Why not?

14 A. This is not part of my role, my current  
15 duties would not be communicating with general  
16 counsel regarding redistricting, that would not fall  
17 under my -- my role.

18 Q. Did it fall under your role as office  
19 coordinator?

20 A. It did not.

21 MS. OLALDE: Objection; asked and  
22 answered.

23 Q. Well, you stated your current role which  
24 is senior policy and constituent advisor. Your  
25 prior role is office coordinator?

1 MS. OLALDE: And she's already  
2 testified that she hasn't worked with redistricting  
3 and this is dated --

4 MS. SMITH: In her current role.

5 MS. OLALDE: -- and this is dated in  
6 2020.

7 MS. SMITH: Okay.

8 Q. So I'm going to take that down and show  
9 you a document labeled as Tab 7.

10 MS. SMITH: It's one page.

11 MS. OLALDE: Okay.

12 (Exhibit 8 was marked.)

13 Q. We can zoom in on the top of that page.  
14 Okay. In the subject line at the top it states:  
15 Accepted conference call re: Redistricting;  
16 attendees: Judge Henry, Commissioner Apffel, Paul  
17 Ready and Dale Oldham?

18 MS. OLALDE: Just a second. I'm  
19 going to download it.

20 THE WITNESS: Oh. I can --

21 MS. OLALDE: You want to see this  
22 one?

23 THE WITNESS: No, that's fine.

24 A. I do see that. That's correct.

25 MS. OLALDE: I just have this little

1 window.

2 A. I see that.

3 Q. It states that this meeting occurred on  
4 September 8th, 2021, does that sound accurate based  
5 on what you see?

6 A. Yes.

7 Q. And the location is -- oh, in the  
8 location line it states that: Linda will initiate  
9 the call in.

10 Right?

11 A. Correct.

12 Q. Do you have an idea of who Linda might  
13 be?

14 A. Linda Liechty is our executive office  
15 assistant.

16 Q. Okay.

17 A. Uh-huh.

18 Q. And a few lines down, it states  
19 "Attendees." And it lists you and Tyler Drummond.  
20 Do you see that?

21 A. I see it.

22 Q. Did you receive this calendar invite?

23 A. I don't recall.

24 Q. Do you know why you received this  
25 calendar invite? Sorry.

1 MS. SMITH: Sorry. (Unintelligible).

2 Q. Okay. Strike that.

3 Do you have an understanding of why you  
4 are listed as an attendee on this calendar invite?

5 A. I do not.

6 Q. Are you aware of any other meetings  
7 between Dale Oldham and Judge Henry regarding  
8 redistricting other than the two calendar invites  
9 that you've seen today?

10 A. I do not.

11 Q. Are you aware of any meetings between  
12 Dale Oldham and Tyler Drummond?

13 A. I do not.

14 Q. Are you aware of any meetings between  
15 Dale Oldham and any other commissioners?

16 A. Not to my knowledge.

17 Q. Do you work with any of the other  
18 commissioners in your role?

19 A. I do. Uh-huh.

20 Q. What work do you do with them?

21 A. Commissioners court agenda.

22 Q. Uh-huh.

23 A. So if they have any requests, they would  
24 go through me as I add all of their requests.

25 Q. And that's the extent of your work with

1 the commissioners?

2 A. Yes, ma'am.

3 Q. Do you know who Thomas Bryan is?

4 A. I do not.

5 Q. Now, I'd like to show you a document

6 labeled Tab 8 and we'll mark that as Exhibit 9.

7 (Exhibit 9 was marked.)

8 A. (Pause.)

9 Okay.

10 Q. This is an email from you to Mark Henry  
11 copying Tyler Drummond?

12 A. Yes.

13 Q. Your email to Judge Henry states: Kindly  
14 see draft for Friday's special meeting.

15 Do you see that?

16 A. Yes.

17 Q. Do you recall drafting the agenda that's  
18 attached to this email?

19 A. Yes.

20 Q. Who told you what to include in the draft  
21 agenda?

22 A. That would have been either Judge Henry  
23 or Tyler Drummond.

24 Q. And how did they communicate that to you,  
25 the requirement to draft this agenda?

1           A.     It would have most likely been, you know,  
2     verbally since this is a special meeting.

3           Q.     Verbally in person?

4           A.     Verbally over the phone.

5           Q.     Based on looking at this email, do you  
6     have a sense of when you were told to draft this  
7     agenda?

8           A.     I don't have an exact date in mind for  
9     2021, but definitely 72 hours prior to that meeting  
10    notice requirement.

11          Q.     Okay. I'm going to direct your attention  
12    to Page 3. Now, I'd like to direct your attention  
13    to Page 2. Do you see Agenda Item No. 3(a)?

14          A.     Yes.

15          Q.     The agenda item states: County Judge,  
16    consideration of an order establishing new  
17    commissioners precinct boundaries.

18                    Is that right?

19          A.     Correct.

20          Q.     Who told you this specific language to  
21    include in -- for this agenda?

22          A.     I would have -- I don't recall. It would  
23    have been Judge Henry, Tyler, or general counsel.

24          Q.     General counsel tells you an -- an agenda  
25    item for the county judge?

1 A. (Nods.)

2 Q. How often does that happen?

3 A. It would be often. General counsel is an  
4 action header on our agenda.

5 Q. Well, this agenda is listed under "County  
6 Judge."

7 A. Uh-huh.

8 Q. And in a prior agenda we looked at  
9 together today, the agenda item header was "General  
10 Counsel"?

11 A. Correct.

12 Q. How do you determine -- how is it  
13 determined whether an agenda -- an agenda item would  
14 be listed under general counsel rather than county  
15 judge?

16 MS. OLALDE: Objection; calls for  
17 speculation.

18 You can answer.

19 A. That would be by the directive of the  
20 county judge.

21 Q. So the county judge would tell you  
22 whether it should be listed under county judge or  
23 general counsel?

24 A. Upon his review of the draft agenda, he  
25 may make those changes.



1 Q. Okay. So are there ever instances, to  
2 your knowledge, that the general counsel enters  
3 agenda items under county judge rather than general  
4 counsel?

5 A. General counsel has requested items to go  
6 under the county judge.

7 Q. How often is that? I think you might  
8 have answered that before, but...

9 A. It's hard to quantify that.

10 Q. But it's not unusual?

11 A. It's not unusual. Uh-huh.

12 Q. And, in this case, you don't know whether  
13 it was Judge Henry or the general counsel who told  
14 you the language to include under 3(a). Right?

15 A. In this case, I don't recall which --  
16 whether it was County Judge Mark Henry or general  
17 counsel.

18 Q. To your knowledge, did Tyler Drummond  
19 review this draft agenda?

20 A. Yes.

21 Q. How do you know that?

22 A. I send all drafts to Tyler and Judge  
23 Henry.

24 Q. Okay. So --

25 A. Most of the time.

1 Q. So in this email you're -- it's directed  
2 to a judge and Tyler is copied. Right?

3 A. I don't have an email in front of me.

4 Q. Oh, sorry. We'll have to scroll up.

5 A. Yes.

6 Q. And even though the email is only copying  
7 Tyler, he would still review an agenda, to your  
8 knowledge?

9 A. To my knowledge.

10 Q. Okay. To your knowledge, did Judge Henry  
11 review this agenda?

12 A. Yes.

13 Q. To your knowledge, did Judge Henry  
14 approve it?

15 A. Yes.

16 Q. Okay. And where was this agenda posted  
17 once it was finalized?

18 A. On our public website and physically  
19 posted at our building for public display.

20 Q. And do you recall when the agenda was  
21 posted?

22 A. It would have been 72 hours prior to the  
23 November 12th, so on or about November 9th before  
24 1:30 p.m.

25 Q. Previously we discussed instances where

1 you post the agenda on Thursday nights before a  
2 Monday meeting. Are you able to post agendas prior  
3 to the 72-hour requirement for special meetings?

4 A. It's required that I post a special  
5 meeting or any meeting 72 hours prior.

6 Q. Right. My question is, are there  
7 instances where you post agendas prior to 72 hours,  
8 like more than 72 hours before the special meeting  
9 like you do with some regular meeting?

10 A. I always post agendas prior to 72 hours  
11 and would generally like to post them within a --  
12 it's custom that I would post them within that time  
13 and maybe the -- a time frame to where we have  
14 included everything that needs to be on there.

15 So I always post 72 hours prior perhaps,  
16 you know, less than 12 hours before. It's -- due to  
17 our process, it's usually the day before the 72-hour  
18 notice to cap- -- to make sure we capture everything  
19 and don't have to leave anything out.

20 Q. Thank you.

21 MS. OLALDE: Ms. Smith, I'm going to  
22 move her video -- her -- her video blocks are  
23 blocking some of the callouts, so I'm going to move  
24 that for her.

25 MS. SMITH: Uh-huh.

1 MS. OLALDE: If that's okay with you?

2 MS. SMITH: That's fine.

3 MS. OLALDE: Perfect. Sorry.

4 Q. Do you know whether you posted any  
5 additional materials with this agenda?

6 A. Can you rephrase the question for me?

7 Q. Do you know whether you posted any backup  
8 material with this agenda?

9 A. Yes.

10 Q. What material was that?

11 A. The backup documentation respective to  
12 each item.

13 Q. Can you be more specific?

14 A. Items 1, 2, and 3. Any relative backup  
15 documentation that would correlate with that item.

16 Q. Do you recall what the relevant backup  
17 documentation was for Item 3A?

18 A. I don't specifically, context, but I'm  
19 going to -- I don't recall, but I would say that it  
20 would be relative to that item. No. -- oh.

21 MS. OLALDE: You can scroll on this  
22 one.

23 THE WITNESS: Yeah.

24 Q. Have you completed your answer?

25 A. Uh-huh. Yes.

1 Q. Okay. Thanks. How did you determine  
2 what additional material must be posted with this  
3 particular agenda item?

4 A. With this particular item, the department  
5 that would be working with us as far as the mapping  
6 so I can -- if I recall correctly, it probably would  
7 have been engineering who would have provided us  
8 with the backup documentation that would go -- that  
9 could correlate with this item specifically.

10 Q. And earlier we discussed you receiving a  
11 call from Commissioner Clark about who you needed to  
12 communicate with in a different department regarding  
13 that. In this particular case with this agenda  
14 item, do you recall who communicated with you that  
15 you needed to coordinate with another department to  
16 upload maps?

17 A. Based on my recollection, I -- it was a  
18 verbal request from Tyler -- from Tyler Drummond on  
19 behalf of the county judge.

20 Q. And the verbal request was communicated  
21 over the phone?

22 A. Correct.

23 Q. Are you aware of any discussion regarding  
24 holding a special meeting regarding Agenda Item 3(a)  
25 prior to November 12th, 2021?

1 A. I am not.

2 Can you rephrase that for me? I'm sorry.

3 Q. Sure. Are you aware of any discussions  
4 about holding a special meeting regarding Agenda  
5 Item 3(a) earlier than November 12th, 2021?

6 A. Yes.

7 Q. Okay. Who discussed it with you?

8 A. It would have been Tyler Drummond on  
9 behalf of Judge Henry.

10 Q. What was the substance of those  
11 discussions?

12 A. Posting a special meeting for  
13 approximately a couple of days prior to this 12th  
14 meeting.

15 Q. What do you mean? I'm sorry. I didn't  
16 understand?

17 A. Posting a special meeting around the time  
18 frame of November 12th.

19 Q. By posting a special meeting, you mean  
20 scheduling it before 11 -- or November 12th --

21 A. Around this time frame. Posting a  
22 special meeting relative to this item around that  
23 time frame.

24 Q. Earlier than November 12th, 2021?

25 A. If my memory serves me right, it was

1 around this time frame.

2 Q. Okay. I'd like to show you a document  
3 marked as Tab 9. And we'll mark it as Exhibit 10.

4 (Exhibit 10 was marked.)

5 MS. OLALDE: Is it one page?

6 MS. SMITH: It's three pages.

7 MS. OLALDE: Okay.

8 A. (Pause.)

9 Okay.

10 Q. Okay. This is an email from you to Tyler  
11 Drummond dated November 5th, 2021. Is that right?

12 A. Correct.

13 Q. Okay. Your email to Tyler Drummond  
14 states: Please see attached draft and let me know  
15 if you have any changes.

16 Is that right?

17 A. Correct.

18 Q. Do you recall drafting the agenda for  
19 special commissioners court meeting scheduled for  
20 February 9, 2021, that's attached to this email?

21 A. Yes.

22 Q. Who told you what to include in this  
23 draft agenda?

24 A. I discussed it with legal counsel.

25 Q. All right.

1 A. Yes.

2 Q. Over the phone?

3 A. Yes. I believe so, over the phone.

4 Q. Okay. Did you have any discussion about  
5 it in person?

6 A. No.

7 Q. Okay. Did you have any discussion about  
8 it via email?

9 A. I believe so.

10 Q. Okay. Looking at the draft agenda, I  
11 believe on the next page, second page, Agenda  
12 Item 3(a). Do you see that?

13 A. I do.

14 Q. Okay. It says: Consideration of an  
15 order establishing new commissioners precinct  
16 boundaries.

17 Do you see that?

18 A. Correct.

19 Q. Is this the same agenda item that we  
20 discussed in the prior exhibit?

21 A. What exhibit number are you referring to?

22 Q. 9.

23 MS. OLALDE: Would you like to see  
24 that?

25 THE WITNESS: Uh-huh.



1 A. No.

2 Q. How do you know it's different?

3 A. There's a 3(a) on this draft and there's  
4 a 3(a) and (b) on the previous one.

5 Q. I'm referring only to 3(a). Is the 3(a)  
6 in Exhibit 9 the same as the 3(a) in Exhibit 10?

7 A. It appears to be.

8 Q. What is your understanding of what the  
9 court would be considering -- or discussing, rather,  
10 in Agenda Item 3(a)?

11 A. I didn't have or don't have -- I didn't  
12 have at the time, any knowledge of -- in-depth  
13 knowledge of what this request was. Other than the  
14 language itself establishing new commissioners  
15 precinct boundaries.

16 Q. And -- I might get an asked-and-answered  
17 objection, but was this agenda item in Exhibit 10,  
18 you received the language from general counsel.  
19 Correct?

20 MS. OLALDE: Objection; asked and  
21 answered.

22 You can answer.

23 A. General counsel provided language for --

24 MS. OLALDE: For the record, she's  
25 viewing Exhibit 9 on one screen because she --

1 because of a prior question, and I know that you  
2 have the call-out of Exhibit 10 on the screen. So  
3 just for the record, that's what's going on.

4 A. So which one are you asking me about?

5 Q. Exhibit 10. That should be on --

6 A. This screen.

7 Q. This screen in front of you, yes?

8 A. What's on my screen was provided to me by  
9 general counsel.

10 Q. Okay. Now, let's look at the other  
11 screen that has Exhibit 9. Who provided you the  
12 language for agenda item 3(a) there?

13 A. General counsel. The --

14 Q. You also told me that Tyler Drummond  
15 called you and told you what language to include  
16 right here (unintelligible).

17 A. I will clarify. I received a call from  
18 Tyler Drummond to advise that we would be needing to  
19 post a special meeting, and that I would receive  
20 information from general counsel.

21 Q. Okay. And general counsel -- well --

22 Did general counsel advise you as to  
23 which government -- or county entity that would need  
24 to provide you documents as backup for this agenda  
25 item?

1 MS. OLALDE: I'm going to object to  
2 the disclosure of any conversations with Paul Ready  
3 as general counsel for the county and instruct you  
4 not to answer as the substance of those  
5 conversations.

6 MS. SMITH: Okay.

7 Q. To your knowledge, did Tyler Drummond  
8 review the draft agenda in Exhibit 10?

9 MS. OLALDE: Objection; calls for  
10 speculation.

11 You can answer. It's all right.

12 A. You're talking about this one? Okay.

13 Q. (Unintelligible)?

14 A. Okay. It's okay. It's okay. I believe  
15 he did.

16 Q. Okay. To your knowledge, did Tyler  
17 Drummond edit the draft agenda?

18 A. I don't believe he did.

19 Q. Now, please read Agenda Item 3(b).

20 MS. OLALDE: This is Exhibit 10.

21 Correct?

22 MS. SMITH: Yes.

23 A. (Pause.)

24 Okay.

25 Q. Was this agenda item included in the

1 November 10th -- strike that.

2 Was this agenda item included in the  
3 November 10th -- strike that.

4 Was this agenda item included in the  
5 November 12th, 2021, agenda in Exhibit 9?

6 MS. OLALDE: This is Exhibit 10. And  
7 that is also Exhibit 10, correct, on the screen?

8 MS. SMITH: Probably, yeah.

9 MS. OLALDE: Okay. So we'll -- we'll  
10 go back to Exhibit 9 on the screen so that you can  
11 look.

12 MS. SMITH: I should have print them  
13 out for you.

14 MS. OLALDE: That's okay.

15 A. (Pause.)

16 They are not the same.

17 Q. That's not what I asked. I asked whether  
18 3(b) was included in the November 12th, '21 -- 2021  
19 agenda?

20 A. It was not.

21 Q. Okay. Do you know why it was not  
22 included?

23 A. I do not.

24 Q. Would someone have told you to remove it?

25 A. I don't recall.

1 Q. Do you see any other differences between  
2 the November 9 agenda and the November 12th agenda?  
3 So comparing Exhibits 9 and 10?

4 MS. OLALDE: Do you want her to read  
5 through both of the agendas and tell you what the  
6 differences are?

7 MS. SMITH: Can she see any  
8 differences?

9 Q. I mean, you noticed the differences  
10 between 3(a) and 3(b). 3(b) not being -- 3(b) not  
11 be included on November --

12 A. Okay. Now, that part was removed. So  
13 now I can see both.

14 MS. OLALDE: Can we have something  
15 specific to ask her? Don't ask her to compare  
16 documents, please. If you have a specific question,  
17 she can answer.

18 Q. Do you know why the special meeting did  
19 not occur on November 9th, 2021?

20 MS. OLALDE: Objection; asked and  
21 answered.

22 You can answer.

23 A. I believe it was my ability to secure a  
24 quorum.

25 Q. Why weren't you able to secure a quorum?

1 | A. I have to secure three commissioners or a  
2 | judge to be present. If I cannot secure that based  
3 | on their schedule, then we wouldn't be able to hold  
4 | the meeting.

5 | Q. So you weren't able to secure the quorum  
6 | because three were not available. Is that right?

7 | A. It would have been schedule related, to  
8 | my knowledge.

9 | Q. The schedules of the commissioners and  
10 | Judge Henry?

11 | A. Correct.

12 | Q. Returning back to Exhibit 10. The date  
13 | of the email to Tyler Drummond regarding the  
14 | November 9 special meeting agenda was November 5th,  
15 | 2021. Correct?

16 | A. Yes.

17 | Q. Referring back to Exhibit 9, your email  
18 | to Judge Henry regarding the November 12th special  
19 | meeting agenda is dated November 9th. Correct?

20 | MS. OLALDE: Objection; asked and  
21 | answered.

22 | A. Correct.

23 | Q. Why did you wait until November 9th to  
24 | object -- to update the November 12th special  
25 | meeting agenda?

1 A. That's 72 hours prior to the 12th. I  
2 would have sent that to Judge Henry and Tyler for  
3 review.

4 Q. Could the agenda have been updated  
5 sooner?

6 MS. OLALDE: Objection; calls for  
7 speculation.

8 You can answer.

9 A. I would post a meeting when it is  
10 complete, when I have received all of the  
11 information that's pertaining to that item. So I  
12 would have posted the meeting when the language and  
13 backup was complete.

14 Q. I'm not asking about posting. I'm asking  
15 about updating it. Why didn't you update the  
16 November 12th special meeting agenda sooner than  
17 November 9th?

18 A. We didn't hold the November 9th. That  
19 was a draft. That was not a meeting.

20 Q. I didn't say it was a meeting. Why  
21 didn't you update the November 12th special meeting  
22 draft agenda prior to November 9th?

23 A. I don't recall.

24 Q. If the agenda were updated sooner, could  
25 you have posted it more than three days before the

1 November 12th special meeting?

2 MS. OLALDE: Objection; calls for  
3 speculation.

4 A. If it were updated sooner, I could have  
5 posted it. I would update it at the direction of  
6 our office, so...

7 I wouldn't myself be the one updating any  
8 language or backup documentation. I would do that  
9 upon the completion of that. And that happened to  
10 be November 9th.

11 (Exhibit 11 was marked.)

12 Q. Okay. I'd like to show you a document  
13 marked as Tab 10. I'll mark it as Exhibit 11. I  
14 don't think we'll be going back and forth between  
15 the two (unintelligible). Life will be a bit  
16 easier.

17 Okay. This document is three pages. If  
18 you wouldn't mind scrolling through those three  
19 pages.

20 A. Okay.

21 Q. Do you see an email from Nathan Sigler to  
22 you dated November 9th, 2021, around the second half  
23 of the first page?

24 A. Yes.

25 Q. How often do you communicate with Nathan



1 Sigler?

2 A. Not often.

3 Q. And by what means do you communicate with  
4 him? By phone?

5 A. By phone, by email.

6 Q. In person?

7 A. Not usually.

8 Q. Via text message?

9 A. No.

10 Q. Via instant messenger, if you-all have  
11 that?

12 A. No.

13 Q. What is generally the substance of your  
14 communications with Mr. Sigler?

15 A. I don't generally communicate with  
16 Mr. Sigler. County businesswise I don't.

17 Q. To your knowledge, does Mr. Sigler  
18 communicate directly with Judge Henry?

19 MS. OLALDE: Objection; calls for  
20 speculation.

21 A. I couldn't confirm that.

22 Q. To your knowledge, does Mr. Sigler  
23 communicate directly with Tyler Drummond?

24 MS. OLALDE: Same objection.

25 A. I wouldn't be able to confirm that.

1 Q. Did you attend any meetings with Nathan  
2 Sigler and Judge Henry?

3 A. I did not.

4 Q. Did you schedule any meetings between  
5 Judge Henry and Mr. Sigler?

6 A. No.

7 Q. Did you attend any meetings with  
8 Mr. Sigler and Mr. Drummond?

9 A. I did not.

10 Q. Did you schedule any meetings with  
11 Mr. Sigler and Mr. Drummond?

12 A. No, ma'am.

13 Q. Okay. Looking back at this Exhibit 11,  
14 and scrolling down to the third page, where at the  
15 top it says: Map 1 Commissioner Precincts.

16 A. I see it.

17 Q. What is your understanding of the  
18 attachment to this email that you forwarded to Tyler  
19 Drummond?

20 MS. OLALDE: Objection; vague.

21 You can answer.

22 A. Yeah, can you be more specific?

23 Q. What is your understanding of the Map 1  
24 Commissioner Precinct document that you forwarded to  
25 Tyler Drummond?

1           A.     My understanding was that this item was  
2 relative to the language that I was directed to add  
3 to the agenda.

4           Q.     Which agenda?

5           A.     The November --

6                     MS. OLALDE:   You can scroll.

7           A.     The November 12th meeting.

8           Q.     Agenda Item 3A?

9                     MS. OLALDE:   Which agenda is the  
10 agenda for November 12th?

11                    MS. SMITH:    9.

12                    MS. OLALDE:   Exhibit 9?

13           A.     I believe so.

14           Q.     To your understanding, why did Mr. Sigler  
15 send the map to you?

16           A.     I don't know who his directive came from.  
17 I know he contacted me.   And I know Commissioner  
18 Clark asked me to put a placeholder on the agenda.  
19 But if my memory serves me correct, I don't believe  
20 it was this one.   I believe it was a later agenda.

21                    I can't say for certain, but he was  
22 directed to send me the backup documentation that --  
23 for the language that was provided to me.

24           Q.     And why did you forward the map to Tyler  
25 Drummond?

1 A. For his review.

2 Q. Why did he need to review it, to your  
3 knowledge?

4 MS. OLALDE: Objection; still calls  
5 for speculation.

6 But you can answer to the extent you  
7 know.

8 A. I send all backup -- I'm sorry -- I send  
9 all draft agendas to both Tyler and Judge Henry. So  
10 that would be routine.

11 Q. Was this map, Map 1 Commissioner  
12 Precinct, posted with the November 12th, 2021,  
13 special meeting agenda?

14 A. You said November 12th?

15 Q. Yes.

16 A. I believe so.

17 Q. Did you attend the November 12th, 2021,  
18 special meeting?

19 A. I did not.

20 Q. Why not?

21 A. That special meeting occurred at our  
22 League City office, and I generally attend meetings  
23 that are in the Galveston location.

24 Q. Did you observe it via live stream?

25 A. I did.

1 Q. Do you recall the discussion regarding  
2 Agenda Item 3A?

3 A. I do.

4 Q. What do you recall about the discussion  
5 regarding Agenda Item 3?

6 A. I recall members of the public signing up  
7 to speak on behalf of their -- to make a public  
8 comment regarding this item.

9 Q. Do you recall any of the comments that  
10 were made?

11 A. I do.

12 Q. Could you tell me any that you recall,  
13 sitting here today?

14 A. I recall constituents discussing their  
15 concerns, and I recall constituents making their  
16 public comment in favor, and also constituents  
17 making their comments opposing the proposed action.

18 Q. Did you have a sense of whether the  
19 majority -- strike that.

20 Were there constables present at the  
21 meeting?

22 A. I'm aware of one constable that was  
23 present, based on the video and my request for  
24 security.

25 Q. Why did you request their presence?

1 A. There's not a deputy on duty in that  
2 building, so I always reach out to them to advise of  
3 a special meeting that would fall outside of the  
4 regular meeting.

5 Q. Of the speakers of the members of the  
6 public, who opposed the maps discussed in Agenda  
7 Item 3? Do you recall why they opposed the maps?

8 A. Based on the recording on the live  
9 stream, I recall some constituents were concerned  
10 about their representation in the precinct.

11 Q. Do you recall why -- strike that.  
12 Of the speakers, the members of the  
13 public who spoke in favor of one or both of them, do  
14 you recall why they were in favor or the reason that  
15 they gave in favor?

16 A. I believe I recall that they were in  
17 favor of the representation of the mapping -- the  
18 concerns for their precinct, like they were -- they  
19 were in favor of it because -- I believe it was --  
20 yeah, I don't recall.

21 Q. Okay. Moving on. We can take this  
22 exhibit down.

23 Do you know Commissioner Robin Armstrong?

24 A. I do.

25 Q. When did he join the commissioners court,

1 if you know?

2 A. I don't know the specific date, but it  
3 was after Commissioner Clark had passed away.

4 Q. Do you know how he was -- strike that.  
5 Was he appointed to the court?

6 A. I believe so.

7 Q. Who appointed him?

8 A. The commissioners court.

9 Q. To your knowledge, when did Judge Henry  
10 start the process of looking for someone to fill  
11 Commissioner Clark's empty seat?

12 MS. OLALDE: Objection; calls for  
13 speculation.

14 A. I'm not certain. Commissioner Clark was  
15 ill. I'm not sure.

16 Q. Did Judge Henry ever discuss Commissioner  
17 Armstrong's appointment with you?

18 A. No.

19 Q. Do you know whether Judge Henry  
20 considered any other candidates before Armstrong's  
21 appointment?

22 A. I don't.

23 I'm sorry. I know I should speak up. I  
24 need to --

25 MS. OLALDE: It's the microphone.

1 A. Okay.

2 Q. We're nearing the end.

3 A. This noise is (demonstrating).

4 Q. It's very irritating, yes. I'm sorry.

5 A. No, no. It's like -- it's like -- it's  
6 rocking me here. I'm sorry.

7 Q. It's fine. And if you want to take a  
8 break, we can.

9 A. I'm good. Thank you.

10 Q. Before Commissioner Armstrong was  
11 appointed, had Judge Henry ever mentioned him to  
12 you?

13 A. No.

14 Q. Before Commissioner Armstrong was  
15 appointed, were you aware of any communications  
16 between him and Judge Henry?

17 A. I am not.

18 Q. Before Commissioner Armstrong was  
19 appointed did Tyler Drummond ever discuss his  
20 appointment with you?

21 A. No.

22 Q. Before Commissioner Armstrong's  
23 appointment were you aware of any communications  
24 between Mr. Drummond and Commissioner Armstrong?

25 A. No.



1 Q. During the process of filling -- during  
2 the process of filling the late Ken Clark's seat,  
3 did Judge Henry ever mention that Commissioner  
4 Armstrong was black?

5 MS. OLALDE: Objection; calls for  
6 speculation and vague.

7 Just to clarify, are you asking --  
8 mentioning to Ms. Martinez or --

9 MS. SMITH: Yes.

10 MS. OLALDE: Okay. Sorry.

11 MS. SMITH: I apologize. I will  
12 rephrase.

13 Q. During the process of Commissioner  
14 Armstrong's appointment and filling the late Ken  
15 Clark's seat on the court, did Judge Henry ever  
16 mention to you that Commissioner Armstrong was  
17 black?

18 A. No.

19 Q. During the process of appointing  
20 Commissioner Armstrong and filling the seat of the  
21 late Ken Clark's seat on the court, did Mr. Drummond  
22 ever mention to you that Commissioner Armstrong is  
23 black?

24 A. No.

25 Q. Do you know who Commissioner Stephen

1 Holmes is?

2 A. I do.

3 Q. Have you ever spoken to him?

4 A. Yes.

5 Q. Have you ever done any work for him?

6 A. Could you clarify?

7 Q. Sure.

8 Have you ever added an -- added an agenda  
9 item for him?

10 A. Yes.

11 Q. Do you recall what that agenda item was?

12 A. It's been ten years and, you know,  
13 sometimes I get -- I couldn't give you specifics.

14 Q. Okay.

15 A. There was a lot.

16 Q. Sure.

17 Have you had any other commissioners  
18 court-related interactions with Stephen Holmes  
19 besides adding agenda items?

20 A. In addition to commissioners court, can  
21 you just clarify that for me?

22 Q. Sure.

23 Have you had any other commissioners  
24 court-related interactions with Commissioner Holmes  
25 besides adding agenda items for him?

1 A. Yes.

2 Q. What were those interactions?

3 A. Off the top of my head, National Day of  
4 Prayer, we scheduled him as a speaker and present  
5 resolutions. I worked with his coordinator to set  
6 that up. Board-related items for our commissioners  
7 court agenda boards. Well, no, that's agenda  
8 related, but...

9 Q. Any other interaction work related?

10 A. Not off the top of my head.

11 Q. Okay. Has Judge Henry ever talked to you  
12 about Stephen Holmes?

13 A. Can you be more specific?

14 Q. Has Judge Henry ever spoken to you about  
15 Stephen Holmes as a commissioner and his performance  
16 as a commissioner?

17 A. No.

18 Q. Has Judge Henry ever spoke with you about  
19 Commissioner Holmes' requested agenda items?

20 A. I believe so.

21 Q. And what was the substance of those  
22 conversations?

23 A. There's numerous agenda items but if  
24 there's an item that might be on the consent agenda,  
25 for example that won't go under a specific

1 commissioner, he might ask who requested that item  
2 to go on the agenda and then I would clarify who.

3 Q. Do you have a sense of Judge Henry's  
4 relationship with Commissioner Holmes?

5 A. I would say professional.

6 Q. Are you aware of any communications  
7 between Judge Henry and Commissioner Holmes?

8 A. Could you be more specific?

9 Q. Are you aware of any communications  
10 between Judge Henry and Commissioner Holmes related  
11 to redistricting?

12 A. I am not aware.

13 Q. We're in the home stretch. At least with  
14 me.

15 A. Okay.

16 Q. I assume you know who Commissioner Apffel  
17 is?

18 A. I do.

19 Q. And have you ever spoken to him?

20 A. I have.

21 Q. Have you ever done any work for him like  
22 the work that you've done for Commissioner Holmes?

23 A. Yes.

24 Q. Could you tell me a bit about the work  
25 that you've done for him?

1           A.     Similarly, I have scheduled him to be  
2     present and present a resolution for National Day of  
3     Prayer or perhaps a retirement for a constituent  
4     that might be in his precinct. I might arrange the  
5     delivery of a resolution to him so that he can  
6     present it at such function.

7                     If there are county invoices for  
8     contracts that he may want to check the status on, I  
9     might do that for him if it's related to his  
10    precinct.

11           Q.     Do you have a sense of Judge Henry's  
12    relationship with Commissioner Apffel?

13           A.     I would say the same. Business  
14    professional.

15           Q.     Are you aware of any communications  
16    between Judge Henry and Commissioner Ap- -- Apffel  
17    related to redistricting?

18           A.     Not to my knowledge.

19           Q.     Moving on to Commissioner Giusti. I  
20    assume you know who he is as well?

21           A.     Correct.

22           Q.     And have you ever spoken to him?

23           A.     I have.

24           Q.     And have you ever done any work for him  
25    similar to the work that you've done for

1 Commissioners Apffel and Holmes?

2 A. Yes, ma'am.

3 Q. Is it similar to the type of work that  
4 we've discussed already?

5 A. Yes, ma'am.

6 Q. Is there any other work that you've done  
7 for him specifically that differs?

8 A. No.

9 Q. Are you aware of any communications  
10 between Judge Henry and Commissioner Giusti related  
11 to redistricting?

12 A. Not that I know of.

13 Q. We spoke about Commissioner Clark and you  
14 mentioned that he has called you regarding agenda  
15 items. Is that right?

16 A. Correct.

17 Q. Have you done any other work with him  
18 just prior to his passing?

19 A. Yes.

20 Q. Is that work similar to the work that  
21 we've discussed regarding the other commissioners?

22 A. Yes.

23 Q. Is there any other work that differs from  
24 what we discussed? Are there any other  
25 commissioners?

1           A.     Just calendaring. He would have -- he  
2 had an assistant off and on. So if he didn't, he  
3 would ask -- ask me to coordinate his calendar.

4           Q.     Did you have a sense of his -- or  
5 Commissioner Clark's relationship with Judge Henry?

6           A.     Business professional.

7           Q.     I notice you're smiling, I wonder what  
8 that smile is about?

9           A.     Just -- he's -- it's not relative to  
10 that, he's gone and so --

11          Q.     Sure.

12          A.     -- I just -- it's just -- you know, you  
13 work with someone for a long time so...

14          Q.     I hear you.

15          A.     Yeah.

16          Q.     Are you aware of any communications that  
17 Judge Henry had with Commissioner Clark related to  
18 redistricting?

19          A.     I'm sorry. You said conversations?

20          Q.     Communications.

21          A.     Oh. Communications. Not that I'm aware  
22 of.

23          Q.     I have one last question. In the  
24 beginning, hours ago, we discussed the amount of  
25 special meetings that typically occur.

1 A. Okay.

2 Q. And in that discussion that we had, you  
3 stated that there was one regular meeting per month  
4 and a special meeting (unintelligible)?

5 A. Correct.

6 Q. Is that a new development or --  
7 (unintelligible) is that a new development?

8 A. It's a newer development.

9 Q. When did that -- the scheduling of one  
10 regular, one special meeting per month occur? When  
11 did that start?

12 A. It really started around COVID.

13 Q. Uh-huh.

14 A. And then I would say it evolved a little  
15 more around like May of last year.

16 Q. And what about COVID required there to be  
17 one regular meeting and one special meeting per  
18 month?

19 A. It was just social distancing concerns  
20 and the ability for commissioners at that time to  
21 attend court via Zoom. But just specifically just  
22 social distancing concerns.

23 Q. And you said this policy developed a bit  
24 more in May?

25 A. I'd say around like May of last year.



1 THE WITNESS: Excuse me.

2 Q. And what was that development?

3 A. There was a -- there was a -- a

4 discussion about it in court around that time that

5 it might be a good idea to -- and that was 2022.

6 The public discussion that they had that it might be

7 good to hold a meeting in Galveston and hold some in

8 League City.

9 Q. Let me just check with my colleague very  
10 quickly.

11 Okay. Thank you for answering my  
12 questions today. I'd like to yield you to my  
13 co-plaintiffs, if they have any questions.

14 MS. SPOTO: Yes.

15 EXAMINATION

16 BY MS. SPOTO:

17 Q. So Adrienne Spoto for the NAACP  
18 plaintiffs. Hi, nice to meet you. Do you want to  
19 take a break?

20 A. I'm good right now.

21 Q. Okay.

22 THE STENOGRAPHER: Your audio  
23 sounds -- I can hear you, but it sounds a little bit  
24 funny. I don't know if it's worth anybody -- you  
25 can just keep on going. You just sound a little

1 robotic. I'm not sure how to describe it, but --

2 MS. SPOTO: So do we want to go off  
3 the record maybe real quick to sort of get that  
4 sorted out from the start?

5 THE STENOGRAPHER: Well, as long as  
6 you're okay with it, the witness can hear you,  
7 that's fine. I just want to let you know. What do  
8 you think, Jason?

9 THE VIDEOGRAPHER: I hear it too.  
10 But also, we're at an hour and 13 minutes and we  
11 probably need to take a break in at least 15. Do  
12 you want to just take it now?

13 MS. SPOTO: We can take it now.

14 THE VIDEOGRAPHER: Yep. The time is  
15 12:32 15 p.m. We're off the record.

16 (Break.)

17 THE VIDEOGRAPHER: We're back on the  
18 record. The time is 1:27 p.m.

19 Q. Hi again, Ms. Martinez, as I said, I'm  
20 Adrienne Spoto representing the NAACP plaintiffs.  
21 And I have a few more questions for you I'll try not  
22 to repeat any of the topics and answers you've  
23 already provided.

24 A. Okay.

25 Q. So to start off, you -- you mentioned

1 earlier that -- that you're involved in the process  
2 of creating the backup, the meeting packets --

3 A. Yes.

4 Q. -- for commissioner agendas?

5 A. Yes.

6 Q. Great. So I believe that you said the  
7 departments generally send you information to  
8 include and you include that information?

9 A. If it's a regular meeting, they have  
10 access to add that item. If it's a special meeting,  
11 those are closed and they would be sent directly to  
12 our office.

13 Q. All right. Generally are there ever any  
14 times with regular meetings where you would be the  
15 one to add that in the backup?

16 A. Yes.

17 Q. And what times are those?

18 A. If there's a, for example, a department,  
19 a user, it would be their point of contact to add  
20 their items if they are going to be out of the  
21 office on leave. They might contact me and say, Can  
22 you please add these items to the agenda for me. Or  
23 they'll -- they'll state that they've added all of  
24 the items that they've received so far, but if their  
25 department head has anything additional, can they

1 contact me directly and therefore I'd add them for  
2 them. Excuse me.

3 Q. Generally if you are asked to include an  
4 item in the backup, would you include that  
5 document -- or strike that.

6 Is there any reason you wouldn't include  
7 a document in the backup if you were asked to?

8 A. Can you -- I don't want to say rephrase,  
9 but can you elaborate?

10 Q. Sure. So let's say when someone in one  
11 of the departments sends you a document and asks can  
12 you include this as the backup for agenda item so  
13 and so, or as the backup -- in the backup for this  
14 meeting, would you generally then go add that  
15 document into the backup?

16 A. Generally, yes.

17 Q. And are there -- are there circumstances  
18 you wouldn't?

19 A. Yes.

20 Q. And could you elaborate on what those  
21 are?

22 A. If the -- so, for example, we have a  
23 C.A.R. form which is part of our agenda process,  
24 where reviewing departments sign off on that. So if  
25 that document is not complete, I might omit that, or

1 if it's not completed, but we know we have a  
2 deadline but we have to add it for the 72-hour  
3 notice, then we have to provide the court final  
4 document for review prior to court, but it's not  
5 included in that meeting. That would be an example  
6 of not including it.

7 Q. And does anyone review the meeting backup  
8 before it's posted, or -- or do they just review the  
9 agenda itself?

10 A. If there's a specific item that they're  
11 looking at and they would like the review -- they  
12 reviewed the draft, and they're requesting the  
13 backup before I post it to the public, then yes.  
14 But that's where our C.A.R. form comes into play  
15 because all of those respective departments -- so,  
16 for example, those sign-offs, the department heads  
17 themselves, purchasing, legal, budget, auditor, they  
18 all sign off on it, and that item is then placed on  
19 the agenda. So the court, that's their process to  
20 make sure that when they get down to court they can  
21 make review and approve it in good faith.

22 Q. Okay. Just to make sure we have the  
23 record clear, is C.A.R. form an abbreviation for  
24 something?

25 A. Contract approval requests. But it's --

1 Okay.

2 Q. Oh, go on.

3 A. On, that's right. That's correct.

4 (Exhibit 12 was marked.)

5 Q. I'd like to go ahead and pull up Tab 3  
6 and have it marked as Exhibit 12.

7 MS. OLALDE: Is this a different  
8 Tab 3 than --

9 MS. SMITH: Yes.

10 MS. OLALDE: Thank you.

11 MS. SPOTO: Sorry. Mine -- mine are  
12 numbered separately from DOJ's.

13 MS. OLALDE: Sorry. Thank you.

14 MS. SPOTO: Thank you for clarifying.

15 Q. So are you seeing the document?

16 A. Uh-huh. Is it one page?

17 Q. This one might -- this one I think also  
18 includes attachments.

19 A. Okay.

20 Q. So it will be several pages. But --

21 MS. OLALDE: Usually it takes a few  
22 sections --

23 MS. SPOTO: Sure.

24 MS. OLALDE: -- for it to pop in and  
25 I'm getting it in a scrollable format for her right

1 now.

2 MS. SPOTO: Wonderful.

3 Q. So while that's getting set up, if you  
4 look at this document, it looks like it's an email  
5 from Paul Ready to you sent April 1st, 2021, at  
6 7:20 p.m. Does that sound right?

7 A. The email -- yes, at 7:20 p.m.

8 Q. And the subject line is: FWD:  
9 Engagement letter.

10 Right?

11 A. Correct.

12 Q. Do you remember receiving this email?

13 A. I do.

14 Q. Great. And looking at the contents, Paul  
15 says: The attached document is the backup for the  
16 redistricting counsel agenda item. I have reviewed  
17 it and approve.

18 Did I read that right?

19 A. Yes.

20 Q. Okay. And if we scroll down, I think it  
21 should appear, on the next page will be the  
22 attachment, and this is the January 20th, 2021,  
23 engagement letter subject line: Holtzman Vogel --

24 I also cannot pronounce that third name.

25 -- "Torchinsky PLLC engagement letter."

1 Is that right?

2 A. Yes.

3 Q. All right. And do you remember -- do you  
4 remember receiving this attachment?

5 A. Yes.

6 Q. Okay.

7 A. Yeah.

8 Q. Got it. Now, if we could pull up Tab 4.  
9 That will be exhibit -- marked as Exhibit 12. And  
10 this one is more than -- more than one page.

11 MS. OLALDE: Exhibit 13. Right?

12 MS. SPOTO: Exhibit 13. Sorry. I  
13 had been keeping track, but didn't start writing for  
14 my own.

15 (Exhibit 13 was marked.)

16 Q. So Exhibit 13, Tab 4. All right. So  
17 looking at the first page, it indicates: Agenda  
18 April 5th 2021, 9:30 a.m.

19 Right?

20 A. Okay.

21 Q. And are you able to see the -- the full  
22 document yet?

23 MS. OLALDE: Not yet. Just one  
24 second.

25 MS. SPOTO: Okay. And I don't mean



1 to rush. If you would just let me know when you've  
2 got that pulled up.

3 MS. OLALDE: It says "generating file  
4 preview." It may take a while.

5 Q. We can start going through maybe the  
6 version on --

7 MS. OLALDE: Can you allow --

8 MS. SPOTO: -- that shared screen.

9 MS. OLALDE: -- allow Ms. Martinez to  
10 scroll?

11 MS. SPOTO: Will that work? I think  
12 that's a technical question. So I don't know how to  
13 do that.

14 MR. TOTH: Are you not seeing it in  
15 Exhibit Share yet?

16 MS. OLALDE: I clicked on it, and  
17 usually it will do a circle and a little black  
18 screen before it pops up. And now it just said  
19 "general file preview may take a while."

20 MS. SPOTO: It is a large file. So  
21 you might have to download it.

22 MR. TOTH: She -- if she --

23 MS. OLALDE: (Unintelligible)  
24 megabytes. Okay.

25 MR. TOTH: If you want me to scroll

1 through this for her, I can. She can just tell me  
2 next page, next page, next page and I can do it.

3 MS. OLALDE: Hold on a second, if you  
4 can.

5 MR. TOTH: Up at the top, there is a  
6 download button.

7 MS. SPOTO: Do we want to go off the  
8 record while we sort this out?

9 MS. OLALDE: If we could just get  
10 this thing to pop up, that would be great. I just  
11 didn't know you were going to have a 30-megabyte  
12 exhibit. Or if you can email it or...

13 MS. SPOTO: I could email it. It  
14 won't be the marked version if I email it, but I  
15 don't know that that'll be faster though.

16 THE VIDEOGRAPHER: Do you guys want  
17 to go off?

18 MS. SPOTO: Let's go off the record.

19 THE VIDEOGRAPHER: The time 1:38 p.m.  
20 let's go off the record.

21 (Break.)

22 THE VIDEOGRAPHER: We're back on the  
23 record. The time is 1:41 p.m.

24 Q. So you're now seeing the full document.  
25 Right?

1 A. Yes.

2 Q. Okay. And if you scroll to Page 7,  
3 you'll see a page labeled: Agenda Item No. 1(d)?

4 A. Okay.

5 Q. Okay. So does this look like the PDF  
6 version of the meeting backup?

7 A. Yes.

8 Q. Great. And I think we already touched on  
9 this before the break, but just to make sure this is  
10 the -- this looks like the meeting backup for the  
11 April 5th, 2021, commissioners court meeting.  
12 Right?

13 A. It appears to be, yes.

14 Q. All right. And then looking at Page 2 of  
15 that document?

16 A. Okay.

17 Q. No. 11. That's the language you were  
18 looking at earlier. Right? Consideration of  
19 approval of an engagement of counsel based on 2020  
20 census submitted by county judge?

21 A. Okay.

22 Q. So does that -- that -- strike that.  
23 So -- so that Agenda Item No. 11, it  
24 doesn't use the word "redistricting," does it?

25 A. No, it does not.

1 Q. And it doesn't identify who the potential  
2 counsel are to be engaged. Right?

3 A. Correct.

4 Q. Okay. So this one's going to be a bit of  
5 a jump in the document to Page 237. When you get  
6 there let me know. If you prefer to scroll or if  
7 you just want to type 237 on the option to jump to  
8 that page. So just let me know when you get there.

9 A. Okay. I'll let you know in a second.

10 You said 237?

11 Q. Yes. It should say "Agenda Item No. 9"?

12 A. Okay. I'm here.

13 Q. All right. So you look on this page, it  
14 says "Agenda Item No. 9," right?

15 A. Yes.

16 Q. Okay. If you scroll down two pages -- as  
17 you scroll down you'll see an item, and then you  
18 scroll down another page, and you'll see the label  
19 "Agenda Item No. 10"?

20 A. Yes.

21 Q. Okay. And then if you scroll down,  
22 you'll see another document. And then the next  
23 page, Page 241, it says "Agenda Item No. 12."  
24 Right?

25 A. Yes.

1 Q. All right. So we saw documents for  
2 Agenda Items 9, 10, and 12.

3 A. Uh-huh.

4 Q. Right? But we didn't see one for Item  
5 No. 11.

6 A. Okay.

7 Q. Correct?

8 A. On this screen I'm looking at --

9 Q. Uh-huh.

10 A. -- I do not see one for Item No. 11.

11 Q. All right. So there was no backup item  
12 for the agenda consideration of approval of  
13 engagement of counsel.

14 MS. OLALDE: Objection.

15 Q. Right?

16 MS. OLALDE: Objection; calls for  
17 speculation.

18 To the extent you know, you can  
19 answer.

20 A. It appears that way.

21 Q. Do you know why it wasn't included?

22 A. Not specifically. If an item is --  
23 generally if an item is not included in the backup,  
24 it's because it's not completed, the review isn't  
25 completed. But I -- I can't give you specifics for

1 this item.

2 Q. Okay. We can go ahead and close that  
3 exhibit. So you also mentioned before generally  
4 there will be one regular meeting a month held at  
5 that 722 Moody location in Galveston. Right?

6 MS. OLALDE: Objection; asked and  
7 answered.

8 Q. You can answer.

9 A. Yes.

10 Q. All right. And there would be one  
11 special meeting a month. Right?

12 MS. OLALDE: Objection; asked and  
13 answered.

14 A. Yes.

15 Q. And would that one special meeting a  
16 month always be at Calder Annex in League City?

17 A. Typically.

18 Q. Typically.

19 So when you started working for Judge  
20 Henry, what was the practice of when and where to  
21 hold regular meetings versus special meetings?

22 A. In 2012, biweekly regular meetings were  
23 in Galveston. And any special meeting that might  
24 fall outside of that biweekly would be -- it could  
25 be either Galveston or League City.

1 Q. Do you -- do you remember how often those  
2 special meetings would be in Galveston versus League  
3 City?

4 A. At that time I'd guesstimate we'd have a  
5 special meeting once every couple of months or so --  
6 I'd be guessing -- back in 2012.

7 Q. Okay. So jumping ahead to fall of 2021.

8 A. Okay.

9 Q. Were there still the two regular meetings  
10 per month at the 722 Moody location?

11 A. There was always one regular meeting at  
12 the 722 Moody location. And during the fall of  
13 2021, they were probably a mix. I know earlier I  
14 mentioned that during COVID that kind of was really  
15 affected by that.

16 So fall of 2021 it was more common to  
17 have special meetings, in addition to the regular  
18 meetings more common -- commonly occurring compared  
19 to 2012.

20 Q. And then around May 2022 is when you  
21 shifted fully to one meeting per month at 722 Moody  
22 and one meeting per month at Calder Annex?

23 MS. OLALDE: Objection --

24 Q. Is that --

25 MS. OLALDE: -- asked and answered.

1 Q. -- right?

2 A. That sounds right. Uh-huh.

3 Q. So are you aware that the Texas  
4 government code sets the default meeting locations  
5 for commissioners court's regular meetings at the  
6 county seat?

7 MS. OLALDE: Objection to the extent  
8 it calls for any legal conclusion.

9 A. I'm not aware.

10 Q. All right. Is the 722 Moody location the  
11 county seat of Galveston, do you know?

12 A. That's correct.

13 Q. And are you aware that the Texas  
14 government code requires special meetings to be --  
15 to be held in a building providing public access  
16 that can accommodate the number of persons expected  
17 to attend that meeting?

18 MS. OLALDE: Objection to the extent  
19 counsel's question calls for a legal conclusion.

20 Q. Are you aware, to your knowledge?

21 MS. OLALDE: Same objection.

22 Q. Are you aware of that?

23 MS. OLALDE: Same objection.

24 Q. You can answer.

25 A. To my knowledge.



1 Q. And how do you determine how many people  
2 are expected to attend a meeting?

3 A. I wouldn't be able to -- to quantify  
4 that. There's no way of telling if -- one item we  
5 may receive multiple people and ten items might  
6 receive, you know, less. There's no way that I  
7 would be able to quantify that.

8 Q. Do you ever ask Judge Henry how many  
9 people he might expect to attend a meeting?

10 A. No.

11 Q. Do you ever ask Tyler Drummond how many  
12 people he might expect to attend a meeting?

13 A. Maybe.

14 Q. Do you remember if you asked Tyler  
15 Drummond how many people he expected to attend the  
16 November 12th, 2021, meeting?

17 A. Not specific numbers, no. I've never --  
18 I'm not going to say I've never. I haven't -- I  
19 don't recall asking Tyler for a specific meeting how  
20 many people he anticipated to attend.

21 Q. All right. And then for that meeting did  
22 you have any expectation or sense of how many people  
23 might attend?

24 A. I did not.

25 Q. Were you aware, during the 2021

1 | redistricting, that the county had an online portal  
2 | where people could submit public comments about the  
3 | proposed maps?

4 | A. On the day of the meeting I did hear some  
5 | of the constituents mention that they had submitted  
6 | their comments on that November -- I believe that  
7 | November 12th meeting.

8 | Q. But do you think that -- did you have any  
9 | awareness of that before the November 12th meeting?

10 | A. I did not.

11 | Q. All right. Did you know that during the  
12 | 2011 redistricting process, hundreds of people  
13 | attended public hearings about redistricting?

14 | A. No.

15 | Q. So how did you decide to choose the  
16 | Calder Annex location for the November 12th  
17 | redistricting meeting?

18 | MS. OLALDE: Objection; asked and  
19 | answered.

20 | A. I don't choose the location of the  
21 | meeting.

22 | Q. Okay. I'll rephrase.

23 | Do you know how Judge Henry decided to  
24 | choose the Calder Annex?

25 | MS. OLALDE: Objection; asked and

1 answered.

2 A. I do not.

3 Q. Were you aware that the Calder Annex was  
4 under construction during November 2021?

5 A. I was not.

6 Q. All right. And did you take any steps to  
7 ensure that there was adequate space for attendees  
8 at that November 12th meeting?

9 A. Could you clarify?

10 Q. Sure. Did you -- did you take any steps,  
11 ahead of that November 12th, 2021, meeting, to  
12 ensure there would be adequate space for -- for  
13 members of the public to attend?

14 A. Not anything different than our usual  
15 meetings that take place at Calder, which would just  
16 be having facilities set up, table seating and  
17 tables for the commissioners because it's -- with  
18 social distancing they got used to sitting socially  
19 distant.

20 So I would communicate that with our  
21 facilities department and let them know that we  
22 would be having a meeting that would fall outside of  
23 the regular and if we could get that set up. But  
24 not outside of that.

25 Q. Sorry. Just give me a little bit to look

1 through my notes here.

2 (Pause.)

3 Okay. You talked a bit earlier about the  
4 process for posting meeting agendas. I believe you  
5 said they're posted on the county public web page  
6 and then physically at 722 Moody.

7 A. Yes.

8 Q. Right? And just to clarify, are you the  
9 one who does that physical posting as well or is  
10 that someone else?

11 A. It is I. Uh-huh. Yes.

12 Q. Okay. So are notices of meetings also  
13 sent out via email?

14 A. That's correct.

15 Q. And who's responsible for sending those  
16 emails?

17 A. I send them out.

18 Q. All right. So could you walk me through  
19 a little bit about the order of those three steps,  
20 the posting on the websites, the sending out email  
21 notices, and physical posting. Like do they happen  
22 in a particular order?

23 A. Yes.

24 Q. And what is that order?

25 A. Once the agenda is -- the final is

1 | approved, then I would publish that final copy to --  
2 | in our software that then publishes through our SIRE  
3 | public page that is linked on our Galveston County  
4 | website.

5 |           And then once I upload that, that's where  
6 | that HTML and packet is available. Then I would go  
7 | into our county website. I would add the meeting  
8 | date and time and the agenda. So that would be an  
9 | announcement that would be on our main page.

10 |           And then once that announcement is  
11 | completed, then I would go downstairs to our display  
12 | for public meeting notices and I would physically  
13 | post one at the back of our building and in the  
14 | front of our building as well.

15 |           Q.     And then at what point in that process  
16 | are the emails sent out?

17 |           A.     Oh, I'm sorry. I would -- so it would be  
18 | published. Then I would send out the -- or I would  
19 | upload the announcement, I would send the email out,  
20 | and then on my way out of the building I would  
21 | publish those notices physically before I left the  
22 | parking lot.

23 |           Q.     Okay. Could you estimate, like, about  
24 | how much time passes between publishing the agenda  
25 | through your software and sending out the emails?

1           A.     Typically it's within the hour. I would  
2     guess it would be within the hour.

3           Q.     Could we pull up Tab 8, which will be  
4     Exhibit 14.

5                     (Exhibit 14 was marked.)

6           MS. SPOTO: All right. And this one  
7     is also more than one page, but shorter than the  
8     last exhibit.

9           MS. OLALDE: Shorter than 600 pages?

10          Q.     All righty. Are you able to see the full  
11     document on your end yet?

12                     MS. OLALDE: Just one second.

13                     MS. SPOTO: Okay. Yeah.

14                     MS. OLALDE: Okay.

15          Q.     All right. So if you look at this, it's  
16     an email from Linda Liechty, sent out on Tuesday,  
17     November 9th, 2021, at 1:39 p.m. Is that right?

18          A.     That's right.

19          Q.     And the subject line is: Commissioners  
20     court special meeting agenda November 12th.

21                     Right?

22          A.     Correct.

23          Q.     And then there's a whole bunch of names  
24     in the bcc field. Right?

25          A.     Yes.

1 Q. So -- so is this one of those emails

2 sending out the -- the meeting agendas?

3 A. Yes.

4 Q. And is this about, like, typically how

5 they would look?

6 A. Yes.

7 Q. Do you remember why Linda was the one to

8 send out this email instead of you?

9 A. Yes. I was hosting -- I was holding a

10 class for our -- a coworker who was out of the

11 office and I was downstairs in our commissioners

12 court. It was a safety course so to meet deadline

13 she emailed this out. I'm a- -- I'm believing

14 because I know we had the November 9th, I think the

15 November 12th meeting was two, I believe, so she

16 would have sent that out to meet that -- to send out

17 the email within that 72-hour period. So she sent

18 it out to our distribution list. This is a notice.

19 This is a typical notice that would go out to

20 internally and external folks that require -- that

21 request to be on this distribution list.

22 Q. Okay. So -- so like who gets on the

23 list, like people request to be added to it?

24 A. Yes.

25 Q. Is there anyone automatically on the

1 list?

2 A. Elected officials, department heads,  
3 users who submit their items on the agenda.

4 Q. All right. Do you remember, was Linda  
5 also the one who -- who handled the publishing the  
6 agenda online and the web page or did she just sent  
7 out the email?

8 A. I believe she just sent out the email.

9 Q. Okay. So were you the one who still  
10 handled the website?

11 MS. OLALDE: Objection; asked and  
12 answered.

13 A. Typically, it would have been me. I  
14 believe it was my -- it was me.

15 Q. All right. And then could we scroll down  
16 to the attachment?

17 A. Okay.

18 Q. Okay. And so this is the special meeting  
19 agenda for that November 12th, 2021, meeting.

20 Right?

21 A. Uh-huh. I see it.

22 Q. All right. And so it says: Special  
23 meeting agenda November 12th, 2021, 1:30 p.m.

24 Right?

25 A. That's correct.



1 Q. All right. If you give me just a little  
2 bit here to look over.

3 All right. I think we can take down that  
4 exhibit and those are all the questions that I had  
5 for you. So thank you so much. And I will turn it  
6 over to Petteway counsel.

7 EXAMINATION

8 BY MS. RICHARDSON:

9 Q. Hi, Dianna, good afternoon. Valencia  
10 Richardson for Petteway plaintiffs. Before I get  
11 started, I don't have that many more questions as I  
12 think K'Shaani and Adrienne covered the vast  
13 majority of mine. But before we get started, do you  
14 want to take about a five-minute break since we've  
15 been -- it's been about an hour or do you want to  
16 just keep going? It's up to you.

17 A. Keeping going if you're okay.

18 Q. Okay. Great. Just a few follow-up  
19 questions. This won't take long. Mine won't take  
20 long, I promise.

21 What commissioners court precinct do you  
22 live in?

23 A. I believe it used to be 2, on my end 2.  
24 I think it's 2.

25 Q. Oh, and I can clarify, since, you know,

1 the different lines are the subject of this lawsuit.

2 Which were you in before it changed in 2021?

3 A. Two.

4 Q. And then, are you still in 2 after the  
5 change?

6 A. Yes.

7 Q. Okay. Thank you for that clarification.

8 MS. RICHARDSON: Does the concierge  
9 have access to my private folder on Exhibit Share?  
10 If not, I can mark it myself.

11 MR. TOTH: Which one is it?

12 MS. RICHARDSON: The Kingpin Legal  
13 Center folder?

14 MR. TOTH: Yes, I have access.

15 MS. RICHARDSON: Okay. Perfect.

16 Would you mind marking Tab F in my  
17 folder as, I guess this is Exhibit 15.

18 MR. TOTH: Yes, that's correct.

19 (Exhibit 15 was marked.)

20 MR. TOTH: Give me one second and  
21 I'll pull it up also.

22 MS. RICHARDSON: Thank you so much.

23 Q. Okay. I'll give you a chance to review  
24 this email, let me know when you're ready?

25 A. Is it a one-pager?

1 Q. Yes, I believe so.

2 A. Okay.

3 MS. OLALDE: Valencia, can you make  
4 it any bigger?

5 MS. RICHARDSON: I can -- yes. Oh,  
6 well, I don't have access to the screen share, so...

7 MS. OLALDE: Okay.

8 MS. RICHARDSON: I think it's  
9 Michael, the concierge, is doing it for us. All  
10 right. And then we can scroll. Totally understand.  
11 I can't see these screens either.

12 A. (Pause.)

13 Okay.

14 Q. Okay. Ms. Martinez, what is this email?

15 A. This is my notification to the  
16 constable's office since we don't have a full-duty  
17 deputy like we do at 722 and they are housed in that  
18 building, I always send them a notification if any  
19 special meeting is going to happen and if -- if the  
20 constable could be present there for security.

21 Q. Okay.

22 A. That's my typical routine.

23 Q. So is that why you invited Constable West  
24 in particular?

25 A. It's his office, he's the constable in

1 that building. So I --

2 Q. (Unintelligible).

3 A. -- if he isn't available, then he would  
4 delegate that, but I leave that -- that's his -- at  
5 his direction.

6 Q. Okay. Do you ever request assistance  
7 from any other constables?

8 A. No, because he's the only constable  
9 office in that building so it --

10 Q. (Unintelligible).

11 I'm sorry, I interrupted you. What were  
12 you saying?

13 A. Go ahead.

14 Q. Oh, you can finish your answer. I'm  
15 sorry.

16 A. I'm good.

17 Q. You just said he was the only -- he's the  
18 only what, I'm sorry?

19 A. Correct. His office is housed in that  
20 building and since we -- the sheriff's office  
21 doesn't have a full-time deputy on duty there like  
22 we do at 722, I would reach out to them routinely if  
23 we have a special meeting to make sure that we have  
24 a deputy present for the public meeting.

25 To answer your question, his -- he is the

1 | only -- his office is the only constable office in  
2 | that building for that precinct so that's why I  
3 | reach out to him specifically.

4 | Q. And by "precinct," do you mean  
5 | commissioners court precinct or constable precinct?

6 | A. Constable precinct.

7 | Q. Okay. Thank you.

8 | Were there any safety concerns requiring  
9 | constable assistance for the November 12th meeting?

10 | A. Not anything out of the ordinary. I -- I  
11 | always request a constable to be there at every  
12 | meeting.

13 | Q. Why do you request a constable to be  
14 | there at every meeting?

15 | A. Because that is standard at our 722  
16 | meeting lo- -- meeting location. We have one deputy  
17 | that's full -- that's his duty and he is just  
18 | outside of the court, that is standard practice.

19 | Q. Ms. Martinez, you -- you said that you've  
20 | been working with -- for the county since 2012. Is  
21 | that correct?

22 | A. Yes, ma'am.

23 | Q. Do you recall any of the prior  
24 | redistricting sessions?

25 | A. I don't. I came to work in October 2012

1 for the county. So I was employed basically more  
2 towards the end, so I don't recall.

3 Q. Do you recall the ongoing -- the lawsuit  
4 that was ongoing against -- challenging the  
5 commissioners court precincts at that time?

6 A. Vaguely. I do remember executive  
7 sessions that would -- may appear. I would think  
8 that's probably where I would recall that language.

9 Q. What -- what do you recall about it?

10 A. They would appear on the agenda book.

11 Q. Do you recall the content of any of  
12 those -- those meetings?

13 A. I wouldn't be privy to an executive  
14 session meeting behind closed doors.

15 Q. Okay. Do you recall the 2013 lawsuit  
16 that was filed against the justice of the peace and  
17 constable districts or precincts rather?

18 A. I do remember that vaguely. There were,  
19 I believe, if I'm not mistaken, workshops JPs did  
20 discuss their concerns.

21 Q. What concerns were discussed?

22 A. I remember vaguely pay -- pay --  
23 salaries. Salaries specifically.

24 Q. When do you recall those conversations  
25 occurring?

1           A.     At the very beginning of my tenure. So  
2 probably -- I couldn't be specific. Maybe  
3 October -- I'm sorry, maybe 2013 or '14 perhaps.

4           Q.     Okay. And thank you. Yeah, I'm not  
5 asking you to guess, to the best of your knowledge.  
6 This isn't a guessing game. So thank you for that.

7                     Do you recall anything else about the  
8 commissioners court lawsuit back then?

9           A.     I don't.

10          Q.     Can we mark Tab A as Exhibit 16?

11                     (Exhibit 16 was marked.)

12          Q.     Actually, sorry, you've seen this one.  
13 So let's just skip that one and mark Tab B, sorry,  
14 not A, I guess Exhibit 17. We'll just have two --  
15 two duplicate exhibits.

16                     Okay. And I'll let you scroll, this  
17 should be multiple pages. Just let me know when  
18 you're ready?

19          A.     (Pause.)

20                     Okay.

21          Q.     Actually, I made a mistake. You did not  
22 review that. I want to go back to Exhibit 16 and  
23 have you review those so we'll talk about both these  
24 exhibits at the same time.

25          A.     Okay.

1 MS. OLALDE: Give me one second. I  
2 will pull it up. Tab A, Exhibit 16?

3 MS. RICHARDSON: Tab A, Exhibit --  
4 yes, this one, the one that's on the screen. I  
5 couldn't --

6 MS. OLALDE: Yeah.

7 MR. TOTH: That's correct. That's  
8 16.

9 MS. OLALDE: Thank you.

10 A. (Pause.)

11 Okay.

12 Q. Do you -- we'll start with Exhibit 16  
13 just to keep the record clean. Do you -- can you  
14 tell me what this email is?

15 A. Monday, July 23rd, 2018, 3:46 p.m.

16 Q. Uh-huh?

17 A. Would have been a letter that was  
18 received in our office mailed to the 722 address  
19 that I would have scanned over to the judge and  
20 Tyler.

21 Q. And do you see in later pages the  
22 attachment to that email?

23 A. I do.

24 Q. Do you recognize that document?

25 A. I don't.



1 Q. And I'll represent to you it was attached  
2 to the email above. So you -- did you send this  
3 document to Tyler Drummond in the email above? We  
4 can go back to Page 1. Yeah, Tyler and Judge Henry,  
5 rather.

6 A. Yes.

7 Q. Okay. These -- do you review the letters  
8 before you send them out to the judge?

9 A. I don't.

10 Q. Okay. Would you -- you would have been  
11 one to have received that letter that was attached  
12 to the email?

13 A. It is mailed to our county seat location.  
14 So when those letters come in and it's addressed to  
15 Judge Henry, he's over at our 131 Pecan address. So  
16 I would scan that letter, based on who it was  
17 addressed to, and I would copy Tyler on the email  
18 for their review. But in my role, I wouldn't review  
19 the context of the letter in my role.

20 Q. Okay. Did you -- do you recall receiving  
21 other letters like this at the time?

22 A. I couldn't tell you for certain.

23 (Exhibit 17 was marked.)

24 Q. Okay. And now we'll skip to Exhibit 17.  
25 Okay. And do you recall this -- can you tell us

1 what this email is?

2 A. I think we need to go back.

3 (Unintelligible) what exhibit number is this?

4 Q. 17, the very last exhibit and the last  
5 exhibit of the day so...

6 A. Yea.

7 (Pause.)

8 This would have been a letter that I  
9 would have received -- Commissioner Clark didn't  
10 have an assistant for a long time. So a lot of  
11 times, all of the commissioner's mail comes to 722.  
12 So this would have been a letter that I would have  
13 received and scanned over to him. It was addressed  
14 not -- yeah, addressed to him.

15 Q. Okay. Can you go to the next page? The  
16 letter that's attached. Did you review this letter  
17 before you sent it to him?

18 A. I did not.

19 Q. Do you recall if Commissioner Clark got  
20 letter -- other letters regarding redistricting that  
21 you sent to him at the time?

22 A. I don't.

23 Q. Okay.

24 A. To touch on that again, if his -- if he  
25 did have an assistant, when I did get mail, I would

1 hand that off to the assistant. If he didn't have  
2 an assistant, I would open it and scan it. Because  
3 over the time, there -- I very well could have  
4 received it, but I wouldn't have opened it. I would  
5 have given it to his assistant. During this time, I  
6 received this for him and scanned it.

7 Q. Thank you for that clarification. Did  
8 you receive any redistricting correspondence from  
9 any -- or to -- on behalf of any commissioner,  
10 rather?

11 A. Not to my recollection. I would -- I  
12 think -- not for redistricting. I don't believe so.

13 Q. All right. Other than the -- other than  
14 Judge Henry and in this case Commissioner Clark?

15 A. (Nods.)

16 Q. Okay. Did you communicate with any other  
17 commissioners regarding the 2021 redistricting  
18 process at all?

19 A. No.

20 Q. Okay. Okay. So a couple more questions.  
21 We can take this exhibit down. Final exhibit of the  
22 day.

23 Ms. Martinez, do you believe there's a  
24 history of discrimination in Galveston County? And  
25 I'll clarify. Do you believe there's a history of

1 racial discrimination in Galveston County?

2 A. Galveston County, the -- the location?

3 Galveston County my employer?

4 Q. Actually, thank you. Let's -- let's say

5 start with Galveston County the location?

6 A. There could be.

7 Q. What do you understand the history of  
8 discrimination to be in the -- in Galveston County  
9 as a whole?

10 A. I'm not really qualified to explain that  
11 in -- what's the word I'm looking for -- in detail.  
12 Can you clarify more? Can you rephrase it?

13 Q. I absolutely can. Based on your personal  
14 experience in the county and knowledge of the county  
15 as someone who's lived there her whole life, do you  
16 think -- what do you think the history of racial  
17 discrimination in Galveston County as a whole is?

18 MS. OLALDE: Objection to the extent  
19 it calls for speculation.

20 But you can answer.

21 A. You're asking me personally? I don't  
22 really have a experience to the explain that, but  
23 I'm sure it's possible that it could exist, if  
24 that's what you're asking.

25 Q. Okay. Now, I'll go to county. Do you

1 believe there's a history of racial discrimination  
2 in county, the entity, your employer?

3 A. Are you asking me personally?

4 Q. Yes.

5 A. Personally, no.

6 Q. Okay. Do you believe that some minority  
7 residents of Galveston County may still be  
8 experiencing disadvantages from the effects of past  
9 discrimination?

10 MS. OLALDE: Objection; calls for  
11 speculation, broad.

12 Q. You can answer.

13 A. Can you clarify?

14 Q. Sure. Do you believe that minorities in  
15 Galveston County as a result of the -- we discussed  
16 the history of racial discrimination, suffer from  
17 disadvantages as a result?

18 MS. OLALDE: Same objections.

19 A. It could be possible.

20 Q. Okay.

21 MS. RICHARDSON: Okay. I have no  
22 further questions. I pass the witness to the  
23 defendants.

24 MS. OLALDE: And we will reserve our  
25 questions.

1 THE VIDEOGRAPHER: All right.

2 Nothing further the time is 2:50 -- 2:25 p.m. we're  
3 off the record.

4 (Deposition concluded at 2:25 p.m.)

5 THE STENOGRAPHER: I just have a  
6 quick question. Who gets a copy of the transcript?

7 MS. OLALDE: Defendants would like  
8 one, please.

9 MS. SMITH: DOJ would like one as  
10 well.

11 THE VIDEOGRAPHER: Does anybody need  
12 the video?

13 MS. OLALDE: Yes, please.

14 THE STENOGRAPHER: And does anybody  
15 need a rough draft? I know a couple people got  
16 realtime, but do you guys need a rough draft?

17 MS. SMITH: Yes, please, DOJ.

18 MS. OLALDE: Defendants do not need  
19 one, but we do ask to read and sign, please.

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CORRECTION PAGE

WITNESS NAME: DIANNA GARZA MARTINEZ

DATE: 02/24/2023

PAGE	LINE	CHANGE	REASON
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SIGNATURE PAGE

I, DIANNA GARZA MARTINEZ, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted on the correction page.

---

DIANNA GARZA MARTINEZ

Job No. CS5763497



IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

3	TERRY PETTEWAY, THE	'	
4	HONORABLE DERRICK ROSE,	'	
4	MICHAEL MONTEZ, PENNY	'	CASE NO. 3:22-CV-00057
5	POPE, AND SONNY JAMES,	'	
6	PLAINTIFFS,	'	
7	VS.	'	
8	GALVESTON TEXAS; AND	'	
9	THE HONORABLE MARK	'	
10	HENRY, IN HIS CAPACITY	'	
11	AS GALVESTON COUNTY	'	
12	JUDGE,	'	
13	DEFENDANTS.	'	

REPORTER'S CERTIFICATION

DEPOSITION OF DIANNA GARZA MARTINEZ

TAKEN FEBRUARY 24, 2023

I, TAMARA CHAPMAN, Certified Shorthand Reporter in  
and for the State of Texas, hereby certify to the  
following:

That the witness, DIANNA GARZA MARTINEZ, was duly  
sworn by the officer and that the transcript of the  
oral deposition is a true record of the testimony  
given by the witness;

That the original deposition was delivered to  
K'SHAANI SMITH;

That a copy of this certificate was served on all  
parties and/or the witness shown herein on

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I further certify that pursuant to FRCP No. 30(f)(i) that the signature of the deponent:

X was requested by the deponent or a party before the completion of the deposition and that the signature is to be returned within 30 days from date of receipt of the transcript. If returned, the attached Changes and Signature Page contains any changes and the reasons therefor;

was not requested by the deponent or a party before the completion of the deposition.

I further certify that I am neither counsel for, related to, nor employed by any of the parties in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Certified to by me this 17th day of March, 2023.

<%13288,Signature%>

Tamara Chapman, CSR, RPR-CRR

CSR NO. 7248; Expiration Date: 12-31-23

Veritext Legal Solutions

Firm Registration No. 571

300 Throckmorton Street, Suite 1600

Fort Worth, Texas 76102

800-336-4000

1 Angela Olalde, Esq.

2 aolalde@greerherz.com

3 March 20, 2023

4 RE: Honorable Terry Petteway Et Al. v. Galveston County Et Al.

5 2/24/2023, Dianna Martinez (#5763497)

6 The above-referenced transcript is available for  
7 review.

8 Within the applicable timeframe, the witness should  
9 read the testimony to verify its accuracy. If there are  
10 any changes, the witness should note those with the  
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of  
13 Deponent and Errata and return to the deposing attorney.  
14 Copies should be sent to all counsel, and to Veritext at  
15 erratas-cs@veritext.com

16  
17 Return completed errata within 30 days from  
18 receipt of testimony.

19 If the witness fails to do so within the time  
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

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# Exhibit 16

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

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DICKINSON BAY AREA BRANCH NAACP;  
GALVESTON BRANCH NAACP; MAINLAND  
BRANCH NAACP; and GALVESTON  
LULAC COUNCIL 151,

Plaintiffs,

v.

Civil Action No.

GALVESTON COUNTY; HONORABLE MARK  
HENRY, in his official capacity  
as Galveston County Judge;  
DWIGHT D. SULLIVAN, in his  
official capacity as  
Galveston County Clerk,  
Defendants.

3:22-cv-117-JVB

---

TERRY PETTEWAY, DERRICK  
ROSE and PENNY POPE

Plaintiffs,

v.

Civil Action No.

GALVESTON COUNTY, TEXAS, and  
HONORABLE MARK HENRY, in his  
official capacity as Galveston

3:22-cv-57-JVB

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County Judge,  
Defendants.

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UNITED STATES OF AMERICA,  
Plaintiff,

v. Civil Action No.

GALVESTON COUNTY, TEXAS; 3:22-cv-93-JVB

GALVESTON COUNTY COMMISSIONERS  
COURT; and MARK HENRY, in his  
capacity as Galveston County  
Judge

Defendants.

---

VIDEOTAPED DEPOSITION OF  
DALE OLDHAM

DATE: Friday, June 23, 2023  
TIME: 9:49 a.m.  
LOCATION: Remote Proceeding  
One Moody Plaza, 18th Floor  
Galveston, TX 77550  
REPORTED BY: Kyla Buchan, Notary Public  
JOB NO.: 5959807

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A P P E A R A N C E S

ON BEHALF OF PLAINTIFFS HONORABLE TERRY PETTEWAY,  
HONORABLE DERRICK ROSE, HONORABLE PENNY POPE, AND  
ROOSEVELT HENDERSON:

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ON BEHALF OF PLAINTIFFS DICKINSON BAY AREA BRANCH  
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ON BEHALF OF PLAINTIFFS HONORABLE TERRY PETTEWAY,  
HONORABLE DERRICK ROSE, AND HONORABLE PENNY POPE:

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A P P E A R A N C E S (Cont'd)

ON BEHALF OF DEFENDANTS GALVESTON COUNTY AND HONORABLE  
MARK HENRY:

JOSEPH R. RUSSO, ESQUIRE (by videoconference)

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A P P E A R A N C E S (Cont'd)

ON BEHALF OF DEFENDANTS GALVESTON COUNTY AND HONORABLE  
MARK HENRY:

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(202) 868-9709

ALSO PRESENT:

Patrick Salvant, Videographer (by  
videoconference)  
Brendan Nigro, Campaign Legal Center Intern (by  
videoconference)  
David Segal, Legal Intern for The Texas Civil  
Rights Project (by videoconference)  
Brittany Wake, Department of Justice Analyst (by  
videoconference)  
Talia Ray, Paralegal at Southern Coalition for  
Social Justice (by videoconference)  
Yeabsira Asrat, Summer Law Clerk for Willkie Farr  
& Gallagher (by videoconference)

A P P E A R A N C E S (Cont'd)

ALSO PRESENT (Cont'd):

Joanna Lamberta, Summer Law Clerk for Willkie

Farr & Gallagher (by videoconference)

Jason Brovich, Campaign Legal Center Intern (by

videoconference)

Erika Sanders, Campaign Legal Center Intern (by

videoconference)

Adam Markhoff, Campaign Legal Center Intern (by

videoconference)

Ben Menke, Campaign Legal Center Intern (by

videoconference)

Arianna Khan, Campaign Legal Center Intern (by

videoconference)

Kristen Roehrig, Campaign Legal Center Intern (by

videoconference)

Lauren McNerney, Summer Law Clerk for Willkie

Farr & Gallagher (by videoconference)

Patricia Lin, Summer Law Clerk for Willkie Farr &

Gallagher (by videoconference)

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I N D E X

EXAMINATION:	PAGE
By Mr. Gaber	14
By Ms. Chen	178
By Mr. Russo	220
By Mr. Gaber	231

E X H I B I T S

NO.	DESCRIPTION	PAGE
Oldham:		
Exhibit 1	Galveston, Texas Map 2 with Precincts	175
Exhibit 2	Dale Oldham's Declaration	176
Exhibit 3	5/16/11 letter to Mark Henry	183
Exhibit 4	Email confirming 12/16/20 Zoom Meeting	193
Exhibit 5	1/20/21 Letter to Paul Ready	195
Exhibit 6	9/14/21 email from Adam Kincaid	203

QUESTIONS INSTRUCTED NOT TO ANSWER

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P R O C E E D I N G S

THE REPORTER: Good morning. My name is Kyla Buchan; I am the reporter assigned by Veritext to take the record of this proceeding. We are now on the record at 9:49 a.m. central.

This is the deposition of Dale Oldham taken in the matter of Honorable Terry Petteway, et al. v. Galveston County, et al. on Friday, June 23, 2023.

I am a notary authorized to take acknowledgments and administer oaths in Texas. Parties agree that I will swear in the witness remotely.

The reporter is located in Austin, Texas, and the witness is located in Galveston, Texas.

Additionally, absent an objection on the record before the witness is sworn, all parties and the witness understand and agree that any certified transcript produced from the recordings of this proceeding:

- is intended for all uses permitted under applicable procedural and evidentiary rules and laws in the same manner as a deposition recorded by stenographic means; and



1 - shall constitute written stipulation  
2 of such.

3 This proceeding will be recorded via  
4 video technology by Patrick Salvant.

5 At this time will counsel in attendance  
6 please identify yourself for the record, beginning  
7 with the taking attorney.

8 MR. GABER: Good morning. Mark Gaber  
9 on behalf of the Petteway plaintiffs. I have with me  
10 my colleagues, Valencia Richardson, Alexandra Copper,  
11 Simone Leeper, and Neil Baron.

12 And we have, as well, one of our summer  
13 interns, Brendan Nigro, who will be observing. And we  
14 also have Bernadette Reyes.

15 MS. REYES: Good morning.

16 MR. GABER: I think that's it for us.

17 MS. CHEN: Good morning. For NAACP  
18 plaintiffs, Sarah Chen, joined by Joaquin Gonzalez,  
19 Hilary Haris Klein, Adrienne Spoto, Rich Mancino,  
20 Diana Vall-Llobera, Molly Zhu, and also summer law  
21 clerks David Segal and Lauren McNerney.

22 MS. SMITH: On behalf of the United  
23 States, I'm K'Shaani Smith. I'm joined with my  
24 colleague, Tharuni Jayaraman.

25 MR. RUSSO: On behalf of the

1 defendants, Joe Russo Jr. here. Looks like we have  
2 Angie Olalde, Jordan Raschke, Joe Nixon, I think Mateo  
3 Forero. And I think that's it.

4 THE REPORTER: Okay. Thank you.

5 Hearing no objection, I will now swear  
6 in the witness.

7 Mr. Oldham, please raise your right  
8 hand.

9 WHEREUPON,

10 DALE OLDHAM,  
11 called as a witness and having been first duly sworn  
12 to tell the truth, the whole truth, and nothing but  
13 the truth, was examined and testified as follows:

14 THE REPORTER: Thank you.

15 You may proceed.

16 EXAMINATION

17 BY MR. GABER:

18 Q Good morning, Mr. Oldham. My name is Mark  
19 Gaber. I'm an attorney at the Campaign Legal Center,  
20 and I represent the Petteway plaintiffs in this case.

21 And I'll be the first person taking your  
22 deposition today. There will be two others for the  
23 other plaintiff groups, as well. Could you please  
24 state your name for the record?

25 A Dalton L. Oldham, Jr., Esquire.

1 Q And Mr. Oldham, have you been deposed  
2 before?

3 A I have.

4 Q How many times?

5 A Three times previously.

6 Q And what were the nature of those cases?

7 A Well, the first one was my parents' divorce.

8 The second one was -- was the -- a redistricting  
9 matter in North Carolina. And then the most recent  
10 one was in the Alexander case in South Carolina.

11 Q And is the Alexander case from South  
12 Carolina, is that from this redistricting cycle?

13 A It is.

14 Q And the North Carolina case, when was that?

15 A No, that was from a previous cycle.

16 Q Now, you are an attorney; right?

17 A Correct.

18 Q I assume you've taken depositions before.

19 A I have.

20 Q Okay. So I don't need to spend a lot of  
21 time with the rules, I don't think with you, but I'll  
22 just remind you that most importantly we need to aim  
23 not to talk over one another, so our court reporter  
24 can transcribe all of our words accurately.

25 And if at some point during the deposition

1 you need a break, please let us know. I'd only ask  
2 that you answer the pending question, and then we can  
3 go on to take a break. Does that work for you?

4 A That'll be fine.

5 Q Are you represented by counsel today?

6 A Mr. Russo is here. He is representing the  
7 county. I do not have additional counsel here today.

8 Q Do you have an attorney-client relationship  
9 with Mr. Russo?

10 A I would consider that I have an  
11 attorney-client relationship with the county. I would  
12 hope Mr. Russo is looking after my best interest, but  
13 I -- I might question that.

14 Q But he's not -- Mr. Russo I gather is not  
15 formally your personal attorney.

16 A He is not my personal attorney.

17 Q Okay. What about any of the other attorneys  
18 on behalf of the county? Do any of them represent you  
19 personally?

20 A No, they do not.

21 Q Could you tell me a little bit about how  
22 you're employed or about your work?

23 A Well, I was originally contacted by Paul  
24 Ready, who was the county attorney here, because I had  
25 represented Galveston County when Beirne, Maynard,

1 Parsons associated me for this case back in 2010, and  
2 then again for the Justice of the Peace and Constable  
3 Districts in 2013, 2014.

4 He seemed reasonably pleased with my work.  
5 Beirne, Maynard, Parsons no longer exists, and the  
6 counsel from Beirne, Maynard, Parsons were no longer  
7 in the private practice of law at that time.

8 And they contacted me and see if I would be  
9 willing to take on the case again. I told them that I  
10 obviously wouldn't do it myself -- by myself, but I'd  
11 be happy to associate other firms that I work with.

12 And that's generally the way I work.

13 And at that time, one of the firms that I  
14 worked with was Holtzman, Vogel. And I suggested  
15 them, and called Holtzman, Vogel to see if they'd be  
16 interested. And they said they were. And then we  
17 worked out a representation agreement.

18 Q And I guess that's helpful specifically for  
19 this case. But more generally, what is the nature of  
20 your employment or the nature of your business?

21 A I generally -- I -- I do do some other  
22 cases. I, oddly enough, have a car wreck going on at  
23 the moment, but -- but typically I restrict my  
24 practice to election law.

25 Q And are you a solo practitioner? Do you

1 have an LLP or what's the --

2 A I am a solo practitioner. I have an LLC.

3 Q And where is that registered?

4 A South Carolina.

5 Q And what's the name of the LLC?

6 A Dalton L. Oldham, Esquire. It's located in  
7 Lexington County, South Carolina.

8 Q How long have you had that practice there?

9 A Probably -- well, under that name I've had  
10 it for probably since 2011.

11 Q And that's --

12 A I can go back and check to be sure. And I  
13 also practiced previously with some other people in  
14 2006. But -- but yeah. I think that's -- that's been  
15 since 2011.

16 Q And before you started your solo practice, I  
17 think you mentioned some folks in 2006. What was the  
18 nature of that?

19 A Well, that was a shared space arrangement  
20 with some guys in -- in Columbia, but I left that to  
21 become counsel to the chairman of the Federal Election  
22 Commission, and --

23 Q When was that?

24 A That was 2008, 2010, about that.

25 Q And how long, roughly did you have that

1 position?

2 A About two years.

3 Q Who was the chairman at the time?

4 A That was Don McGahn.

5 Q And then after that role -- again,

6 Mr. McGahn went on to the White -- does he work at the

7 White House? No. Not that --

8 A Yeah. Well, he -- he worked at the White

9 House well, after that.

10 Q Well, after that.

11 A Yeah. He was still on the commission when I

12 left.

13 Q Okay. And then after you left there, is

14 that when you went and started the solo practice?

15 A I started that practice and I started

16 representing various other entities. So yes.

17 Q Now in terms of your election law work, I

18 guess starting back in the 2011 timeline, did it

19 mostly focus on redistricting? Did you do other sorts

20 of election work? I see that you worked at the FEC.

21 Did you do some campaign finance advising?

22 A I do some campaign finance. Most of my work

23 has -- has been redistricting over the last few years.

24 I have a strong redistricting background. I've been

25 doing redistricting since 1989. But I'll --

1 Q Any other --

2 A -- do some campaign finance, yes.

3 Q Any other kind of election or campaign  
4 advisor?

5 A I'll do -- I do some recount work. I do  
6 some election administration work. It just kind of  
7 depends. And apparently -- I still do a car wreck  
8 every now and then too.

9 Q I was going to say, hopefully you weren't in  
10 a car wreck.

11 A No, I wasn't, but not real happy with  
12 Nationwide right now.

13 Q So it sounds like you have extensive  
14 experience in redistricting, you said going back to  
15 1989. What was the first redistricting thing that you  
16 worked on?

17 A Well, you want to talk about the first  
18 redistricting thing I worked on or do you want to talk  
19 about when I first got involved in it big time as an  
20 attorney? I mean, the first redistricting thing I got  
21 involved in, I wasn't even in law school yet.

22 Q Okay. What was that?

23 A That was when the South Carolina Senate was  
24 being litigated in 1984. But -- but in 1989, I became  
25 associate counsel at the Republican National



1 Committee, and that was -- one of my principal tasks  
2 there was redistricting.

3 Q And was that -- were you actually involved  
4 in litigating any cases in that role or was that sort  
5 of keeping an eye on them and reporting to the RNC?

6 A Both.

7 Q What are some cases that you've litigated  
8 for redistricting matters?

9 A Well, there's both litigation and written  
10 briefs on. I mean, I've written briefs in most of the  
11 major cases since the 1990s in one way, or shape, or  
12 another, whether they're amicus or whether they're one  
13 of the principal briefs or not.

14 But, you know, I was involved in South  
15 Carolina cases in the 1990s. I was back involved in  
16 Smith v. Beasley in those two cases in the middle  
17 '90s, Abrams v. Johnson in Georgia. They're actually  
18 way too numerous to mention.

19 Q Now during the 2011 redistricting cycle, I  
20 understand you worked on behalf of Galveston County  
21 and on the redistricting of the county maps. Is that  
22 right?

23 A Yes.

24 Q Did you have other similar engagements on  
25 behalf of other governmental entities anywhere in the

1 country?

2 A Yes.

3 Q What were some of those?

4 A I would prefer not to discuss what my other  
5 clients are. I don't think that's really relevant.

6 MR. RUSSO: Yeah. Let me just  
7 interpose the objection in relation to attorney-client  
8 privilege.

9 I'd caution the witness not to disclose  
10 the client representations that aren't matter of  
11 public record.

12 Obviously, specific conversations  
13 between you and those clients are off the table, as  
14 well.

15 But subject to that objection, you can  
16 move forward, Counsel.

17 BY MR. GABER:

18 Q And just so I understand, and this is my  
19 questions about the 2011 cycle right now. Are you  
20 willing to name the jurisdictions that you worked on  
21 redistricting as a either advisor or in some other  
22 capacity for the 2011 cycle?

23 MR. RUSSO: Well, again, to the extent  
24 that he's working as an advisor, as, you know, an  
25 attorney, specifically on those matters, it's not

1 public record. He's not going to discuss today.

2 And to the extent that, you know, he's  
3 part of a pleading, signed the pleading as counsel,  
4 that's a different matter. But, you know, in terms of  
5 representations of specific clients that are not part  
6 of the public record, we will not discuss those today.

7 BY MR. GABER:

8 Q And just for the record, Mr. Oldham, if you  
9 can give me an answer, are you saying that you're not  
10 willing to discuss --

11 A I think discussion of who clients are and  
12 aren't is a violation of attorney-client privilege.  
13 And I'm relying on Mr. Russo's statement.

14 Q And same question with respect to the 2021  
15 redistricting cycle. I know that obviously you're  
16 here because you represented Galveston County. Were  
17 there other governmental entities or cities, towns,  
18 states, legislatures that you conducted redistricting  
19 work for in the 2021 cycle?

20 MR. RUSSO: Yeah. Again, Counsel,  
21 we're going to object to the disclosure on the basis  
22 of attorney-client and potentially work product  
23 privileges.

24 To the extent that you have Mr. Oldham  
25 signing off on a pleading against a matter of public

1 record, but in terms of who he's been engaged to deal  
2 with redistricting matters on behind the scenes, we're  
3 not going to discuss that today.

4 BY MR. GABER:

5 Q So my question was just are there other  
6 governmental entities that you did redistricting work  
7 for?

8 MR. RUSSO: Counsel, you know that's  
9 answering the question.

10 MR. GABER: Well, I think that the  
11 question of whether there are any does not disclose  
12 any particular clients or any privilege.

13 In fact, that's the type of information  
14 that would be required to be produced on a privilege  
15 log if you had responsive documents about it. I don't  
16 know, Mr. Russo, if you have a --

17 MR. RUSSO: Yeah. We're interposing  
18 objection in terms of discussion of other clients, you  
19 know, unrelated to this case. So that's our  
20 objection.

21 BY MR. GABER:

22 Q All right. In the 2011 cycle, did you enter  
23 an appearance on behalf of any governmental entities  
24 in a redistricting matter?

25 A Well, certainly did here in Galveston

1 County.

2 Q Any others?

3 A You know, I would have to go back and look.

4 I don't honestly know the answer to that right away.

5 I -- I suspect there were a couple, but I'm not sure.

6 Well, I'll take that back. I'm fairly certain I did

7 in Virginia, but I'm not absolutely certain there.

8 Q And is that -- who would that have been on  
9 behalf in Virginia?

10 A House of Delegates.

11 Q And for the 2021 cycle, aside from  
12 Galveston, are there other governmental clients who  
13 you've entered an appearance on behalf of in court or  
14 otherwise publicly announced your representation?

15 A I don't think so.

16 Q And with respect to your retainer by other  
17 governmental entities to which Counsel has objected,  
18 are any of those retentions for governmental entities  
19 protected by some sort of confidentiality provision?  
20 Normally governmental hiring is a matter of public  
21 matter.

22 A Yeah. I don't -- I don't think I have a  
23 governmental entity contract at this time, other than  
24 this one.

25 Q I gather you're licensed in South Carolina.

1 Is that right?

2 A That's correct. And that's the only  
3 jurisdiction I'm licensed in.

4 Q Okay. And has your law practice always been  
5 in South Carolina or were you otherwise in other  
6 places at some point?

7 A It's always been in South Carolina. I have  
8 worked in Washington, DC extensively from time to  
9 time, but I have -- unlike most people, I have not  
10 caught Potomac fever. I really don't like the place,  
11 and my wife hates it even more than I do.

12 Q Well, many people feel that way, but I find  
13 it to be a lovely city.

14 A Yeah.

15 Q It's changed a lot over the years.

16 A It has.

17 Q All right. So I understand from the  
18 internet that you've also done work on behalf of the  
19 Republican National Committee. Is that right?

20 A That is correct.

21 Q Are you a member of the RNC?

22 A I'm not quite sure what you mean by member  
23 of the RNC. I mean, I'm certainly not a member of the  
24 committee. I would have to be elected to be a member  
25 of the committee, so I'm not -- I'm not sure how to

1 answer that question.

2 Q Okay. So you're not a committee member. Do  
3 you have any other roles, official or unofficial, with  
4 the RNC?

5 MR. RUSSO: Again, let me interpose the  
6 objection in terms of the potential there's an  
7 attorney-client relationship that's undisclosed and  
8 it's not on the public record.

9 Other than that, the witness can  
10 answer.

11 THE WITNESS: I -- I have from time to  
12 time had relationships with the RNC as attorney for  
13 the RNC.

14 BY MR. GABER:

15 Q Okay. What about during the 2021  
16 redistricting cycle? Any work for the RNC?

17 MR. RUSSO: Same objection in terms of  
18 the attorney-client privileged relationships.

19 But yes, if it's a matter of public  
20 record, you can answer.

21 THE WITNESS: I'm relying on my  
22 lawyer's statement.

23 BY MR. GABER:

24 Q Okay. So you're not going to answer with  
25 respect to the 2021 cycle for the RNC?

1 A No.

2 Q What about the National Republican  
3 Redistricting Trust? Is that an entity with which  
4 you're familiar?

5 A I know who they are. Yes, I do. And same  
6 response.

7 Q Okay. So with respect to the 2021  
8 redistricting cycle, you won't answer whether you've  
9 done any work with the National Republican  
10 Redistricting Trust?

11 MR. RUSSO: Same objection in terms of  
12 attorney-client privileges and relationships there.

13 BY MR. GABER:

14 Q And what about the organization Fair Lines  
15 America? Are you familiar with them?

16 A I am, but same response. I'm familiar with  
17 Campaign Legal Center too.

18 Q To my knowledge you've not done any legal  
19 work for the Campaign Legal Center, but I have not  
20 been here for the duration of the organization's life,  
21 so I could be wrong about that.

22 A Knew Trevor Potter very well.

23 Q Yes. What about -- so you do know Adam  
24 Kincaid?

25 A I do know Adam Kincaid. Yes.



1 Q And is that -- have you worked with  
2 Mr. Kincaid on redistricting matters?

3 A Well, I've -- I have worked with Mr. Kincaid  
4 before. I mean, that's actually in the Alexander  
5 transcripts. Yes, I've worked with with Adam before.

6 Q And what's the nature of your work with  
7 Mr. Kincaid?

8 MR. RUSSO: Let me interpose objection  
9 related to, again, attorney-client privilege and  
10 relationships that are undisclosed not as a matter of  
11 public record. And again, the additional privilege  
12 may be First Amendment depending on association with  
13 those individuals.

14 But other than that, the witness can  
15 answer.

16 THE WITNESS: I stand on my attorney's  
17 statement.

18 BY MR. GABER:

19 Q Do you have -- have you represented Adam  
20 Kincaid as an attorney?

21 MR. RUSSO: Same objection in terms of  
22 attorney-client privilege and undisclosed  
23 relationships.

24 MR. GABER: So I guess in order to  
25 understand the scope or the nature of the privilege

1       assertion, you know, you can't not answer whether  
2       you've represented someone.

3               MR. RUSSO:  Actually, you can not  
4       answer that question, particularly to the extent that  
5       the representation has not been disclosed publicly and  
6       the individual who asked to retain you has not  
7       provided counsel the ability to disclose that  
8       relationship.

9               And again, we're not talking about --  
10       understand, we're not talking about this case.  We're  
11       talking about representations of people, you know, who  
12       are unrelated to this specific situation.  So you got  
13       to be pretty careful about those conversations.

14              MR. GABER:  All right.  I'm going to  
15       disagree with you about the protection over the  
16       identity of clients and the existence of an  
17       attorney-client relationship.

18              That is information that is necessary  
19       in order to determine whether or not there is in fact  
20       a cognizable privilege claim.  And I think the case  
21       law is pretty clear on that.

22              But obviously if that's your  
23       instruction to the witness today, there's nothing I  
24       can do about that.

25       //

1 BY MR. GABER:

2 Q So, Mr. Oldham, are you not going to answer  
3 whether or not you have represented Mr. Kincaid?

4 A I will stand on Counsel's statement.

5 Q Do you -- I read about or saw that there was  
6 some sort of entity called Geographic Strategies that  
7 you may have worked with in the past. Is that right?

8 A I own Geographic Strategies.

9 Q Okay. And is Geographic Strategies an  
10 entity that exists today?

11 A On paper. It has done no work in four or  
12 five years.

13 Q And where is that entity registered?

14 A In the same place my law firm is.

15 Q Was it at any point registered in North  
16 Carolina?

17 A No.

18 Q Okay. And what was the nature of its  
19 business?

20 A Its business was a subsidiary, so that I  
21 could engage in a certain amount of profit sharing  
22 with Dr. Hofeller.

23 Q And a subsidiary of what?

24 A Of my law practice. It only worked for  
25 clients that I had out of my law practice. That was

1 the only purpose of it.

2 Q Was Mr. Hofeller -- did I pronounce that  
3 right? Is it Hofeller?

4 A Hofeller.

5 Q Hofeller. Was Mr. Hofeller a member? Was  
6 it an LLC?

7 A It was an LLC. He was principal in the LLC,  
8 but I always held a majority share, and I was the  
9 president of the LLC.

10 Q And what was Mr. Hofeller's role for that?

11 A Dr. Hofeller's role was to work as an expert  
12 in matters, which I had, that he could provide  
13 expertise to me in the representation of clients.

14 Q And was it primarily map drawing or did he  
15 do other roles, as well?

16 A He did other roles, as well.

17 Q What were those roles?

18 A Bivariate regression analysis, ecological  
19 inference, demographic study, host of demography type  
20 work that could help me better understand a case or a  
21 situation.

22 Q And the regression analysis and the  
23 ecological inference, was that to do racially  
24 polarized voting analysis?

25 A Do racially polarized voting analysis,

1 sometimes politically polarized voting analysis, but  
2 all the -- all the methods for -- all the questions  
3 for which you would use those -- those statistical  
4 methods.

5 He was -- he was very good in all of those.

6 He was also probably the best compactness expert I  
7 knew.

8 Q After Dr. Hofeller's passing, did you  
9 replace him with another demographer or someone?

10 A Geographic Strategies has done no work since  
11 Dr. Hofeller's passing. That's why it's a paper shell  
12 without Dr. Hofeller. And -- and I have -- I have  
13 created no such association with another expert like  
14 Dr. Hofeller. It's kind of -- I do it ad hoc these  
15 days.

16 Q What did you do to prepare for today's  
17 deposition?

18 A We've had a couple of days of prep with  
19 Mr. Russo and his colleagues here at Gerz [sic].  
20 Yeah. And -- and I've reviewed a variety of documents  
21 that they've shown me, emails, et cetera.

22 Q How many hours would you say you've met with  
23 folks at the firm there to prepare?

24 A Sixteen, twenty.

25 Q And who has been involved in -- aside from

1 Mr. Russo, who's been involved in those meetings?

2 A You know, I'm not sure of everyone. I know  
3 Jordan over here has been, Angie has been, I think  
4 Mateo's been in here, Sean Sheie [ph]. Whether  
5 there's been other people in here, I'm not sure.

6 Q And I guess that's question I should have  
7 asked you at the beginning. Since we're on Zoom for  
8 this deposition, who's physically in the room there  
9 with you?

10 A Jordan and Mr. Russo.

11 Q Okay. Anyone else?

12 A That's it.

13 Q And when did you arrive in Galveston?

14 A Late on Tuesday night.

15 Q Have you reviewed any deposition transcripts  
16 from this litigation?

17 A I don't think I have. That's -- I've seen a  
18 lot of stuff, so -- but I don't think I have.

19 Q All right. What about pleadings in the  
20 case? Have you read complaints, or answers, or  
21 amended complaints, or the like?

22 A I read the order on privilege. I've read  
23 the subpoena. I read a few pages out of a couple of  
24 the expert reports. I haven't seen the summary  
25 judgment motions. I -- I've -- you know, that's most

1 of what I've seen in terms of the pleadings.

2 Q Have you seen the -- or read the District  
3 Court's order denying the motions to dismiss in the  
4 case?

5 A I have not.

6 Q And which experts' reports have you taken a  
7 look at?

8 A A little bit of Dr. Barreto's. I'm not sure  
9 which expert that was that I was looking at that had  
10 used the AP numbers, and also had the -- the high --  
11 the 88 polarization for the non-Hispanic white for  
12 Trump. But I've seen a couple of those. I've seen  
13 some pages out of that.

14 Q When you say, "AP numbers," are you talking  
15 about the any part racial group?

16 A Yes -- yes.

17 Q Aside from Dr. Barreto and the two  
18 categories you just described, the any part, whichever  
19 expert used that and whichever expert had the 88  
20 percent white support for Trump, are there any other  
21 expert reports that you've reviewed?

22 A No, I don't think so at this point.

23 Q Now, you haven't been disclosed as an expert  
24 in this case. And am I correct that you don't intend  
25 to offer any expert opinion in this case?

1 A Other than law.

2 Q Well, the judge may not let you do that.

3 A I understand that. But to be quite honest  
4 with you, I don't really know that much about this  
5 case except for my legal analyses and recommendations.  
6 And if it were up to me, I wouldn't be offered as a  
7 witness.

8 Q And tell me a little bit more about that.

9 A About what?

10 Q About if it were up to you, you wouldn't be  
11 offered as a witness. Why is that?

12 A I think I am revealing client confidences,  
13 and -- and I'm very uncomfortable with it. And I feel  
14 like I'm revealing legal analysis that I gave in  
15 confidence to clients, and -- and I'm not comfortable  
16 with that either. Counsel is very much aware that I  
17 am very opposed to testifying.

18 Q Okay. Are you aware that we reached out to  
19 Counsel and --

20 A I am.

21 Q -- said that we would withdraw the subpoena  
22 for this deposition if you're --

23 A I'm not happy with Counsel. He knows that.

24 MR. RUSSO: Let him finish the  
25 question.



1 MR. GABER: Just so the record is  
2 clear, the statement from Plaintiffs was that if  
3 Mr. Oldham's declaration, which was filed with the  
4 court already, were to be admitted as an exhibit, and  
5 if Defendants were not to call Mr. Oldham as a  
6 witness, that the plaintiffs would withdraw the  
7 deposition subpoena.

8 BY MR. GABER:

9 Q Is that your understanding of what was  
10 offered?

11 A Yes.

12 Q Do you intend to testify at the trial in  
13 this case?

14 A Well --

15 MR. RUSSO: Let me just interpose an  
16 objection to the extent that there is discussion of  
17 trial strategy.

18 You know, other than that, you can  
19 respond. Your own intentions.

20 THE WITNESS: Well, my own intentions  
21 are -- I don't know that I necessarily have a choice,  
22 but that's -- that will be an ongoing topic.

23 BY MR. GABER:

24 Q Do you understand the trial is scheduled to  
25 begin on August 7th of this year?

1 A I do.

2 Q And where will you physically be a resident  
3 of at that time?

4 A Well, I'll be a resident of South Carolina.

5 Q And do you intend to be available to testify  
6 at the trial if you are asked or subpoenaed to do so?

7 A I won't necessarily avoid it. But this is  
8 a -- and -- and this is a touchy client --  
9 attorney-client situation at the moment, so I'm not  
10 going to go into details about it. But no. I'm a  
11 very reluctant witness.

12 Q Are you -- so I think it's the case that you  
13 are still listed on the docket as a counsel in this  
14 case.

15 A Absolutely.

16 MR. RUSSO: Let him finish the  
17 question.

18 Go ahead. Sorry about that, Mark.

19 MR. GABER: No, it's okay.

20 BY MR. GABER:

21 Q So you are a counsel of record in this case;  
22 right? And --

23 A Yes. And still get the emails. Well --

24 THE REPORTER: -- one person at a time;  
25 okay?

1 MR. RUSSO: Yeah. Hang on, Mark. Let  
2 me just interpose an objection to the extent that --  
3 because I don't believe that Mr. Oldham was added as  
4 part of a pleading.

5 I think -- my personal view of it is I  
6 believe that it was a carryover from the prior  
7 2012-2013 suit, in which Plaintiffs tried to  
8 reinvigorate that action and file this case.

9 And from my perspective, you know, the  
10 Court included all the people that were on the prior  
11 pleadings in this case. So I just want to clarify  
12 that point and make sure that the witness is aware of  
13 it.

14 MR. GABER: I think that that is  
15 correct.

16 BY MR. GABER:

17 Q And, I guess, my question then is, is that  
18 the case that this is -- that your appearance in the  
19 matter is a carryover from the 2011 matter? Or have  
20 you been -- I mean, obviously, you don't tell me what  
21 you've -- but have you been a litigation counsel for  
22 the county in this current litigation?

23 A Not at this point. No.

24 Q And I asked a compound question. So I  
25 gather that you're not, at this point, litigation

1 counsel in this case for the defendants. Is that  
2 right?

3 MR. RUSSO: Well, again, I think it's  
4 clear that he hasn't been retained for this specific  
5 matter. But, again, he's here because he was retained  
6 to get the county through the redistricting effort,  
7 and so that's sort of our response.

8 BY MR. GABER:

9 Q Do you intend to withdraw your appearance on  
10 the record as litigation counsel in the current  
11 matter?

12 A I don't know what my exact status is. And  
13 I'm not completely certain, without consulting a few  
14 people in South Carolina, what I would be ethically  
15 allowed to do in that situation. We are a little  
16 tighter on dropping clients than other states. It's  
17 hard to fire a client in South Carolina.

18 Q Were you actually litigation counsel in the  
19 prior case? Did you attend -- you attended the trial  
20 and whatnot?

21 A I actually conducted Dr. Barreto's  
22 cross-examination in his deposition.

23 Q Is that what led you to pick his report to  
24 be one to look at in this case?

25 A Yeah.

1 THE REPORTER: Sorry. Was that a yes?

2 THE WITNESS: That was a yes.

3 BY MR. GABER:

4 Q All right. So we talked a little bit about  
5 the expert reports, the privilege order, and the  
6 subpoena. And I think you mentioned that you looked  
7 at a host of documents in prep for this deposition.  
8 Can you describe for me what are the documents that  
9 you reviewed?

10 A Largely emails, some notes of other -- that  
11 have been produced in discovery, you know, some charts  
12 and spreadsheets. At this point they've all kind  
13 of -- kind of melded in there together a little bit.  
14 Ask me some specifics, I can probably tell you.

15 Q Did you look at any maps?

16 A I looked at a few maps. Yes. I've seen a  
17 few maps.

18 Q And which maps were those?

19 A I've seen the 2010 maps. I've -- or the  
20 2011 maps. I've seen the first maps that were  
21 produced for the county. I've seen the final maps  
22 that were produced for the county. I've seen a couple  
23 of the -- your experts' proposed remedial maps.

24 I've seen -- that's -- I think that's pretty  
25 much most of the maps I've seen.

1 Q And just so the record is clear, when I ask  
2 and when you answer about maps, I assume we're talking  
3 about the Galveston County redistricting maps.

4 A Right. Correct.

5 Q And you mentioned the first maps that were  
6 produced for the county. And my understanding is that  
7 there are a number of maps that were produced that  
8 were not shared with commissioners. Is that your  
9 understanding, as well?

10 A No.

11 Q Okay. Tell me how that's wrong.

12 A I mean, there may be some things that are in  
13 development. But the -- the maps that were shared  
14 with the commissioners were essentially the first  
15 drafts that were done by Tom Bryan, per the -- the  
16 criteria that are provided for him.

17 You know, there's -- did a little bit of  
18 cleanup in terms of cleaning up some water blocks and  
19 cleaning up some one-person, one-vote commodities,  
20 and, you know, non-contiguous blocks that got  
21 assigned.

22 But, you know, essentially, it's -- you  
23 know, they're not versions, they're, you know, getting  
24 the process through to that map. Do you understand  
25 what I'm saying?

1 Q Yeah.

2 A So I don't think there are a whole lot of,  
3 you know, versions, so to speak.

4 Q You also mentioned, I think, spreadsheets.

5 For preparation for today, did you review some of the  
6 spreadsheets that Mr. Bryan had produced during his  
7 map making process?

8 A Some of his and -- and, you know, the first  
9 stats that we had. Yes, I did review those.

10 Q And then emails, you said. Are these emails  
11 that counsel for the county asked you to look at or  
12 are they ones that --

13 A Yeah.

14 Q Yes?

15 A Yes. Emails counsel for the county asked me  
16 to look at.

17 Q Did you do any of your own searching through  
18 your own records to prepare for today?

19 A No. I had provided my computer to Holtzman  
20 Vogel, and they had downloaded all the files that I  
21 had, and did the search according to your terms.

22 Q Okay. And so that was in the -- when you  
23 received the first discovery request --

24 A Yeah -- yeah. So that would've been  
25 everything I had.

1 Q Okay. What about -- aside from meeting with  
2 Counsel, have you spoken -- since the engagement, you  
3 know, back in the fall of 2021, have you spoken with  
4 any people associated with Galveston County? So the  
5 commissioners, the county judge, Mr. Bryan, or anyone  
6 else?

7 MR. RUSSO: I'm going to object.  
8 Assumes facts not in evidence.

9 Go ahead.

10 THE WITNESS: Not very much.

11 BY MR. GABER:

12 Q Who have you spoken to in that period since  
13 the redistricting ended in the fall of 2021?

14 A Counsel for the county.

15 Q Aside from Counsel, have you spoken with  
16 Judge Mark Henry, for example?

17 A Other than a "Merry Christmas" text, no.

18 Q All right. How about any of the other  
19 commissioners, the four commissioners?

20 A No.

21 Q Did you -- are you friendly with Judge  
22 Henry?

23 A I know him. I wouldn't consider myself a  
24 close friend of Judge Henry's, but I know him. I like  
25 him. I think he's an excellent person, and I've



1 enjoyed working with him in the past.

2 Q How long have you known him?

3 A Since 2010.

4 Q Are you being paid for your time testifying  
5 today?

6 A I'm supposed to be.

7 Q And is that -- sort of under what  
8 contractor, or arrangement, or how is that --

9 A Contract originally between Holtzman Vogel  
10 and the county.

11 Q All right. And what is the payment  
12 arrangement of that, an hourly rate or what is that?

13 A Well, I think we may still have to figure  
14 that out, but I'm -- I'm hoping to get \$350 an hour.

15 Q All right. Well, then we'll try to go all  
16 seven hours for you.

17 A At least you'd be consistent, I guess.  
18 They've already racked up a pretty good bill.

19 Q So that's my next question. How did you get  
20 paid for your work in the map drawing --

21 A I haven't been paid yet.

22 MR. RUSSO: Again, let him finish the  
23 question.

24 THE WITNESS: Yeah.

25 //

1 BY MR. GABER:

2 Q All right. So you've not been paid yet. Do  
3 you know why that is?

4 A Well, I'm not completely certain, but we'll  
5 work on that.

6 Q Have you sent an invoice for your time?

7 A I -- the original first fee was a flat fee.  
8 It was not a -- it was not an hourly fee.

9 Q And what was the amount of that flat fee?

10 A I think it was \$90,000, but that wasn't  
11 supposed to all go to me.

12 Q Who else would that go to?

13 A It would go to some other people at Holtzman  
14 Vogel and to Tom Bryan.

15 Q What portion would go to you?

16 A I think we're still working on that.

17 Q Do you have a -- what is your request for  
18 the portion that would go to you?

19 A Well, I know it keeps going up every day.

20 Q Where are we at now?

21 A I think that's part of an ongoing  
22 negotiation. I don't think that's -- that's a subject  
23 for this deposition.

24 Q All right. Well, I'm happy to mediate it.

25 What about -- so has Mr. Bryan been paid, to your

1 | understanding?

2 | A I have no idea.

3 | Q And what about Holtzman Vogel? And I gather

4 | your -- is it the case that the 90,000 is to cover

5 | Holtzman Vogel's work not as litigation counsel, but

6 | during the sort of map -- process?

7 | A Correct -- correct.

8 | Q And is it your understanding that the county

9 | has not paid that 90,000 to any entity yet?

10 | A No, that is not my understanding.

11 | Q What is your understanding?

12 | A My understanding is incomplete, but I

13 | believe the county has made a payment on that.

14 | Q All right. And to whom did that payment go,

15 | to your understanding?

16 | A Holtzman Vogel.

17 | MR. RUSSO: Objection. Calls for

18 | speculation.

19 | BY MR. GABER:

20 | Q So you believe that the county paid Holtzman

21 | Vogel \$90,000? Is that --

22 | A They paid them something. I don't know what

23 | it is.

24 | Q All right. You have not seen any of that

25 | money yet?

1 A I have not.

2 Q Now, the original amount was a flat fee. Is  
3 there an additional arrangement beyond that flat fee  
4 for --

5 A Hourly, yes.

6 Q And what was the term of -- like, how much  
7 was to be covered by the flat fee for your work and  
8 when were the hourly payments supposed to kick in?

9 A Once we actually got the map through, and  
10 then finished the map, and gave them the map, that  
11 covered the -- the 90,000. Everything after that was  
12 going to be on an hourly basis.

13 Q And why was there -- do you know why there  
14 was an expectation that there would be additional work  
15 after the map was done?

16 MR. RUSSO: Objection. Calls for --  
17 assumes facts not in evidence.

18 THE WITNESS: He made the objection.  
19 I'm going to have to --

20 BY MR. GABER:

21 Q Well, that's not one you don't get to answer  
22 about. So unless he instructs you not to answer on a  
23 privileged ground.

24 MR. RUSSO: Yeah. It's not a privilege  
25 issue. It's -- I don't --

1 THE WITNESS: Do you want me to answer  
2 it?

3 MR. RUSSO: Assumes facts not in  
4 evidence. That's the objection.

5 To the extent you understand the  
6 question, you can answer.

7 THE WITNESS: Repeat your question.

8 BY MR. GABER:

9 Q Right. So the arrangement, as I understand  
10 it, was that there would be a 90,000 flat fee to get  
11 you through the actual map drawing process, and then  
12 after that, any additional payments would be on an  
13 hourly basis. Is that right?

14 A Correct.

15 Q And what was your understanding of why there  
16 was an expectation that there could be additional  
17 payments on an hourly basis after the map drawing  
18 process ended?

19 A Well, that's easy. You're here. Litigation  
20 was assumed. Litigation was ongoing. I mean, at that  
21 point, the Petteway case had not been completely  
22 resolved.

23 The section 2 part had been dismissed from  
24 the bench, but there was still the question on the  
25 14th Amendment that we had briefed in a post-trial

1 brief that Judge Costa didn't rule on until relatively  
2 recently.

3 Given the fact he didn't do anything, it  
4 kind of told us we had already won, but technically it  
5 was still out there.

6 Q And the hourly rate is 350. Is that  
7 correct?

8 A Yes.

9 Q Is that -- do you have a written agreement  
10 with the county in that regard?

11 A Well, our -- our -- the written agreement is  
12 through Holtzman Vogel. I was associated through  
13 Holtzman Vogel in this case. That goes back to my  
14 original comments that I couldn't do the case without  
15 a larger firm. And I had a couple of firms in mind,  
16 but my recommendation was Holtzman Vogel.

17 Q How many hours have you extended since the  
18 map drawing ended that you would seek an hourly rate  
19 for?

20 A I'd have to go back and check. I think  
21 probably at least 40.

22 Q And so I think you mentioned earlier that  
23 you'd done about 16 to 20 hours of preparation for  
24 this deposition. Is that included in the 40?

25 A Yes.

1 Q And then the balance would be?

2 A What we're going to do this afternoon and  
3 some other stuff I've done beforehand.

4 MR. GABER: All right. We, I think,  
5 now I've been going for an hour. I'm happy to keep  
6 going, or if you'd like a break, we can do that. Or  
7 the court reporter.

8 THE WITNESS: We can push forward for a  
9 little bit further.

10 MR. GABER: Okay.

11 THE WITNESS: Probably need one in  
12 about a half hour.

13 BY MR. GABER:

14 Q All right. That sounds good. I'll make a  
15 note for 11:15 your time. All right. So I want to go  
16 back to the 2011 process a little bit with Galveston  
17 County. How did you get involved -- you know,  
18 retained by Galveston to work on redistricting back in  
19 2011?

20 A Well, I had a prior existing relationship  
21 with Trey Trainor and Joe Nixon at Beirne, Maynard &  
22 Parsons. They wanted to do some election law issue  
23 stuff. Didn't really have the expertise in shop.

24 And I agreed to -- you know, if they could  
25 get election law clients, I would provide that

1 expertise for them. And they proceeded to get a  
2 number of clients in Texas, and I assisted them on  
3 those cases.

4 Q Now, I gather from our previous exchange  
5 that you're not going to tell me who those other  
6 clients were. Is that right?

7 A That would be correct. Yes.

8 Q Okay. But they were retained by Galveston  
9 County. Is that --

10 A They were retained by Galveston County, and  
11 I provided them with expertise on -- on the law in  
12 their dealings with Galveston County.

13 Q All right. And so can you explain a little  
14 bit more about the work that you did on the 2011 map  
15 or the process for Galveston?

16 A Well, Joe and Trey did most of the initial  
17 work with Galveston County. I provided them with some  
18 guidance on the law. I also provided them with what I  
19 thought was an appropriate strategy to deal with  
20 pre-clearance.

21 It was a standard practice at that time for  
22 my clients to seek both an administrative  
23 pre-clearance and a declaratory judgment in District  
24 Court for the District of Columbia.

25 That tended to work fairly well and stopped



1 the Department of Justice from their typical response  
2 of just doing an automatic 60-day extension on their  
3 pre-clearance submissions.

4 We ultimately -- they did deny  
5 pre-clearance, but we actually -- I conducted  
6 negotiations with DOJ that ultimately got that map  
7 pre-cleared. And that was really when I started to  
8 pay a lot of attention to Galveston County.

9 Q When you said, "Joe," earlier, is that Joe  
10 Nixon?

11 A It is.

12 Q And Trey is Trey Trainor?

13 A It is Trey Trainor. Yes.

14 Q Was there a declaratory action filed for --

15 A Yeah, there was, but we didn't need to  
16 proceed with it, 'cause DOJ withdrew their objection.

17 Q And was that after the map was modified?

18 A Yes, but not very much. It was -- it -- the  
19 modifications were very minor.

20 Q What were those modifications?

21 A We put a building in that Commissioner  
22 Holmes wanted that wasn't in there. We added -- we  
23 cut a few precincts that had not previously been cut  
24 in order to gain some more African-American  
25 population, the -- that were along the edges of his

1 district.

2 That bumped his African-American population  
3 up slightly, but really just slightly. But it was --  
4 they were clearly cuts that were solely designed to  
5 get African-American pop.

6 Q Any other changes that you recall?

7 A No. That was pretty much it. It was very  
8 minor.

9 Q And so I gather you're pretty familiar with  
10 the geographic map of Galveston County.

11 A Well, I'm roughly familiar with the map of  
12 Galveston County. I have a lot of maps in my head.  
13 But -- but yes. I'm -- I'm roughly familiar with it.

14 Q And precinct 3, that's Commissioner Holmes'  
15 precinct. Is that right?

16 A Yes. I prefer to refer to that as a  
17 district as opposed to a precinct, because I don't  
18 like the confusion that results between that and  
19 voting precincts. That's a Texas thing. It can be  
20 very confusing.

21 Q I will endeavor -- to the extent we spend  
22 time talking about it, I'll endeavor to either say  
23 district or commissioner precinct and specified voting  
24 precincts.

25 A Yeah -- yes.

1 Q And so you understood or you understood at  
2 the time, right, that Commissioner Holmes'  
3 commissioner precinct 3 was a majority minority  
4 district?

5 A No. I disagree with that. Commissioner  
6 Holmes' district is crossover seat. I mean, it's --  
7 the African-American percentage in it has always been  
8 in the low 30s. It is certainly a seat that  
9 Commissioner Holmes can win.

10 It's certainly a Democrat seat. I don't  
11 think there's sufficient proof of cohesive voting  
12 between Hispanics and African-Americans to call that a  
13 coalition seat. It is -- it is a crossover seat.

14 Q Now, we're talking about the seat that  
15 existed after the 2011 --

16 A That's even true of the one that existed in  
17 2011. Remember, we're drawing that to a section 5  
18 standard, we're not drawing that to a section 2  
19 standard. So the issue is retrogression.

20 I mean, you could make an argument that  
21 retrogression at that point should only be  
22 retrogression of majority minority districts, but that  
23 issue was specifically accepted out of the Bartlett  
24 case.

25 You know, so there wasn't a -- the holdings

1 in Bartlett didn't necessarily apply to section 5  
2 standards -- retrogression standards.

3 And that was something that was, you know,  
4 probably going to get decided in a later case, but of  
5 course, we never got to that because of what happened  
6 in Shelby County. So but that was an ongoing issue.

7 Actually, now we get into one of those  
8 things where I don't feel comfortable about what I was  
9 discussing with clients, but since we're going there,  
10 you know, I discussed it with client at the time.

11 And -- but my recommendation was it didn't  
12 make sense to go down that road and -- and fight that  
13 issue. You've got a retrogression case in front of  
14 you. DOJ is going to object.

15 They're going to draw a certain hard line on  
16 this. They may or may not be right. Do you really  
17 want to be the test case for that?

18 Then my recommendation to the client was  
19 "No, you do not want to be the test case for that.  
20 You want to go ahead and draw to the standard that DOJ  
21 is trying to get you to draw to, because it's no skin  
22 off your nose, and -- and get through this."

23 Q And the client there, that's Galveston  
24 County Commission?

25 A Yeah -- yeah

1 Q When you said it's, "No skin off your nose,"

2 what did you mean by that?

3 A You're going to get to draw the other seats.

4 Draw Holmes' seat, make DOJ happy, make Holmes happy,

5 you know, march on and don't run the risk of having a

6 court draw your map for you. It's good sense. It's

7 good advice.

8 Q There was -- aside from your advice to that

9 regard, was there -- there was an effort -- there was

10 a move, within the commissioners or within the county,

11 to have that be the test case to see whether the --

12 A I don't -- are you done?

13 Q No. To see whether the crossover or

14 coalition standards that applied to section 5, whether

15 those would -- or rather that Bartlett would apply to

16 section 5. Is that correct?

17 MR. RUSSO: And let me just object to

18 as vague and ambiguous.

19 Mark, are you talking about the 2011

20 map right now?

21 MR. GABER: Yeah. So the negotiations

22 that occurred about the 2011 map.

23 MR. RUSSO: Okay.

24 BY MR. GABER:

25 Q And maybe I may have not done a good job of

1 asking that question. So I gather from the fact that  
2 you were giving this advice that there was a press  
3 among someone to carry the case forward, not draw the  
4 district that Commissioner Holmes wanted back in 2011,  
5 and see whether Bartlett would apply to section 5.

6 A I don't think that was really the case. I  
7 mean, it was not a hard argument to make. You know,  
8 there was certainly public support at that time for  
9 keeping all the islands together in Galveston Island  
10 and Galveston City together.

11 But that was a completely different map than  
12 the one they had already put out there. They'd  
13 already tried to put a map that would obtain  
14 pre-clearance out there.

15 The DOJ made an objection that, to some  
16 degree to me, looked like they hadn't fully thought it  
17 out. They just made an objection, because they'd run  
18 out of time on 60 days, because when we made the  
19 changes, they were not terribly significant. That  
20 being said, every last one of them was highly racial.

21 Q Say that again. Every last one of --

22 A Every last one of the changes that DOJ  
23 sought was highly racial.

24 Q So aside from -- I think you said it was a  
25 crossover district, because you didn't think that

1 | there was cohesion between black and Hispanic voters.

2 | Is that --

3 | A Correct.

4 | Q So setting that aside for the moment, in  
5 | terms of the actual number of people, did you  
6 | understand that if you added together the black and  
7 | Hispanic voting age population or citizen voting age  
8 | population of the district at the time in 2011, that  
9 | it was in fact over 50 percent minority?

10 | A I think citizen voting age population is  
11 | impossible to know.

12 | The -- the voting age population, yes, but  
13 | of course we all know the voting age population is not  
14 | the actual voting strength there or the -- and -- and  
15 | it's not clear that when you actually do the actual  
16 | citizen population, when you do the actual voting  
17 | strength, whether that really is, even if you add them  
18 | together, that number.

19 | Q Now, I gather you've not done any analysis  
20 | of your own on ecological RPV, racially polarized  
21 | voting, analysis in Galveston County.

22 | A I have not conducted my own ecological  
23 | regression or ecological inference on that subject,  
24 | no --

25 | Q Okay. That's not a subject that you would

1 | intend to opine on at trial in this case?

2 | A Not a subject I intend to opine on. You  
3 | know, to the extent that I am looking at other  
4 | people's and making a legal judgment off of it,  
5 | certainly.

6 | Q That would -- but that sort of judgment,  
7 | that would just be based on what?

8 | A Well, it'd be based on my knowledge as an  
9 | attorney who has worked in this area, who has worked  
10 | extensively using those methods.

11 | And, you know, I'm quite familiar with how  
12 | experts do those calculations, how they make those  
13 | calculations, what proper methods are, what improper  
14 | methods are, and when they're fudging their numbers  
15 | and when they're not fudging their numbers, and when  
16 | they have good data, and when they don't have good  
17 | data.

18 | And -- and I know all of -- you know, I've  
19 | looked at that in a number of -- number of reports  
20 | through the years. That's one of the reasons people  
21 | hire me is that I can -- you know, unlike a lot of  
22 | people who read expert reports and they go, "Oh, well,  
23 | I guess he says that," I can read between the lines.

24 | Q All right. And so this is my only chance to  
25 | talk to you. So I'm trying to understand for purposes



1 of this case, you've not done any sort of -- you have  
2 not been disclosed as an expert by county; right?

3 A I don't think I'm going to be -- well, I'll  
4 leave that to Mr. Russo.

5 MR. RUSSO: He's not disclosed in this  
6 case as sort of the expert the same way Alford and  
7 Owens have been disclosed.

8 I mean, I think part of the problem  
9 you're going to have Mark, is he was obviously  
10 involved in the drawing of the maps, which is why he  
11 is here, back in '21. So to the extent there's expert  
12 analysis and it's legal analysis, I think that's where  
13 you're going to, you know, have an issue, so.

14 MR. GABER: Well --

15 THE WITNESS: -- go ahead.

16 BY MR. GABER:

17 Q So have you been asked to provide any sort  
18 of expert opinion in this case?

19 A I haven't been asked to provide an expert  
20 opinion. I mean, I have certain legal opinions and --  
21 and legal analyses. Those legal opinions and those  
22 legal analyses rely on my reading of other people's  
23 reports.

24 Q And so you have not done any sort of  
25 racially polarized voting analysis; correct?

1 A Not on my own, no.

2 Q And have you -- done any other sort of  
3 analysis of districts in terms of compactness measures  
4 or the like? Have you done any of that type of  
5 analysis?

6 A Not independently. No. I mean, that's --  
7 that's my point. I don't do those analyses. I do  
8 read other people's analyses and understand how to  
9 read them. And I can use my knowledge of the law and  
10 my knowledge of how they do that to reach an  
11 appropriate legal conclusion. That's what I do.

12 Q And that's in your role as a lawyer in  
13 cases; right?

14 A Yes.

15 Q All right. Did you do or have done -- or  
16 did you have done, a racially polarized voting  
17 analysis in the 2011 process when you were working for  
18 Galveston County?

19 A I certainly didn't do one. I'm trying to  
20 recall. I don't know if one was done prior to that or  
21 not. I'm -- I'm inclined to think no, but I don't  
22 know. So I'm not going to -- I'm not going to answer  
23 that with any level of certainty.

24 Q Tell me, what do you know about the sort of  
25 geographic makeup of the demography of Galveston

1 County?

2 A Well, it's one of the faster growing  
3 counties in the area. It's becoming more and more of  
4 a suburban Houston county than it has been in the  
5 past. You can see that by the high growth trends in  
6 the northern part of the county.

7 You -- you know, you also kind of see it  
8 from where all the commissioners are coming from at  
9 this point. They're all kind of coming from the  
10 northern end of the county, because that's where most  
11 the pop is.

12 It is moving further south. I think it will  
13 probably continue to move further south as the  
14 northern end builds out and Houston's exurbs --  
15 suburbs and exurbs move towards Galveston Island.  
16 That's going to be something that's going to continue  
17 to be there.

18 It's higher income than most -- than a lot  
19 of the counties you see in Texas. That's a reflection  
20 of the high suburban population.

21 You see a relatively normal mix of Hispanic  
22 white, non-Hispanic white, African-American, Asian in  
23 the county. I mean, the African-American is right at  
24 the national average. So -- and if you look at  
25 Hispanic white, non-Hispanic white, it's pretty

1 consistent for Texas.

2 You know, it is -- one of the more

3 interesting things about it in terms of its Hispanic

4 is it's the Hispanic white and the non-Hispanic white

5 is very thoroughly integrated.

6 There are no extreme case precincts that

7 I've been able to find for Hispanic white, and not

8 terribly much for non-Hispanic white for that matter.

9 The only extreme case precincts that seem to

10 exist in the county are African-American. You know,

11 that's one of the statistical problems with doing

12 analyses in this county.

13 Q And what is your understanding of where in

14 the county the African-American population is

15 centered?

16 A Well, then you get into an interesting

17 conundrum, because there's the issue of where is the

18 African-American population centered versus what are

19 the high percentages? And that can be a little bit

20 different, because even that has a certain level of

21 integration to it.

22 So, I mean, if you're looking at high

23 percentages, there's some pockets up in the -- up in

24 the north in the Dickinson area, and there's a couple

25 of pockets around Hitchcock. You know, some pockets

1 around Texas City and a couple of pockets down on the  
2 island.

3 But the pockets are not enough to do a  
4 district. You have to actually start pulling in a lot  
5 more African-American pop that exists in more  
6 integrated precincts than -- than where those pockets  
7 are. And that's the only way you can make numbers to  
8 actually produce a district.

9 Q And --

10 A You understand the distinction?

11 Q What did you do or what have you done to  
12 come to that conclusion? Sort of what work did you do  
13 to analyze that?

14 A Well, that's largely from my first look at  
15 it in 2010, and then a -- a glance at where we are in  
16 terms of how the numbers have progressed going into  
17 2020. I mean, the -- the African-American population  
18 in this county actually reduced from 2010 to 2020.

19 And -- which isn't a real shock, but, you  
20 know, is to some people. But it's not surprising,  
21 given the demographic growth of this county.

22 Q And do you mean reduced as a percentage of  
23 the total or as --

24 A As a percentage. Not in raw number, no.

25 Q And to take the look and, I guess, to learn

1 | where the concentrations in particular of the  
2 | African-American population were back in 2011, is that  
3 | from, like, you know, can see maps that have, like,  
4 | shading where they show where the populations are? Is  
5 | that the kind of resource?

6 | A Yeah. They did -- the raw numbers don't  
7 | tell you very much, but, you know, for the  
8 | African-American population there doesn't appear to  
9 | have been a whole lot of movement. I mean, you -- you  
10 | look at that population from 2010 and where it is  
11 | today, it's pretty much the same place.

12 | Q And did you -- so in looking after the 2020  
13 | census, I gather similarly you would've looked at some  
14 | sort of map that showed where the African-American  
15 | population was concentrated.

16 | A Not a whole lot, because as you looked --  
17 | when you saw the gross numbers for African-American  
18 | from this decade to the previous decade, you could  
19 | pretty much tell that there had not been very much  
20 | movement. It was -- it was static.

21 | Q And so it was your understanding that they  
22 | had -- that population was still in the same sort of  
23 | geographic location in Galveston County --

24 | A Yeah. Because you can -- you can look at  
25 | the percentages for each one of the districts, match

1 | them against their stats from 2010, and you can see  
2 | they're tracking each other. They're correlating.

3 | And that's an indication you ain't got a  
4 | whole lot of movement. You don't need to look at much  
5 | else once you've seen that. That's not normally the  
6 | case. It was the case here.

7 | Q And so that was a comparison you did of, I  
8 | guess, the demographic makeup of the plan, the 2011  
9 | plan, comparing its 2011 demographic numbers with what  
10 | you saw after the 2020 census?

11 | A Correct.

12 | Q And that showed you that the demography of  
13 | the four districts had largely stayed the same?

14 | A Well --

15 | MR. RUSSO: Objection. Vague and  
16 | ambiguous. Misstates testimony.

17 | But go ahead.

18 | THE WITNESS: Largely stayed the same  
19 | for African-American.

20 | BY MR. GABER:

21 | Q And what about for Hispanic residents?

22 | A Some growth there. There's some growth in  
23 | the Hispanic white. There's some growth in the -- you  
24 | know, the white generally got larger. And that didn't  
25 | appear to be nearly as static --

1 Q Describe for me what you mean by nearly as  
2 static.

3 A Well, there's movement. You see changes in  
4 those percentages from district to district, whereas  
5 you didn't see real changes in the African-American  
6 from district to district. Do you understand the  
7 difference?

8 Q I think, maybe. So is one thing you saw  
9 that the Hispanic population had increased across all  
10 four districts?

11 A It had increased to some degree across most  
12 of the districts. There actually haven't been that  
13 much change in district 3. District 3 was the most  
14 static of all the districts, which was also the reason  
15 why it was the underpopulated district.

16 Q So district 3's Hispanic population and its  
17 African-American population had generally stayed the  
18 same?

19 A It had grown some, but it had not really  
20 changed tremendously in terms of proportions. The --  
21 the -- and -- and it was clearly the slowest growth  
22 district in the county.

23 Q When did you have a chance to kind of do  
24 this first analysis of the demographic makeup?

25 A It took a while to get numbers. I don't



1 know. Probably early September.

2 Q And that's 2021; right?

3 A Yeah.

4 Q And where did you -- how did you -- like,  
5 what format did this take? Well, how did you get the  
6 data?

7 A I think the first time I got the data was in  
8 a spreadsheet.

9 Q And that was, like, a breakdown of each  
10 commissioner precinct and its demographic makeup?

11 A Yeah. How much over and under ideal  
12 district size it was, Hispanic white, non-Hispanic  
13 white, African-American, Asian, TPOP, and VAP. And  
14 that allowed for comparison against the previous  
15 numbers.

16 Q Did you -- what did you have in terms of a  
17 resource for the previous numbers?

18 A Well, had -- that was data that was actually  
19 relatively easy to get, because that was data that  
20 had -- you know, at that point -- Bureau has that. I  
21 mean, the numbers that are hard to get are the new  
22 ones.

23 Q Yeah. And that was -- the legacy data came  
24 out in late August, and the -- would it have been  
25 after the more user-friendly version came out in

1     September?

2             A     It's after the more user-friendly version  
3     comes out.

4             Q     You were --

5                     THE REPORTER: -- jump in really quick.  
6     I'm sorry.

7                     Mr. Oldham, I can't get your testimony  
8     if you talk at the same time.

9                     THE WITNESS: Oh, I'm sorry.

10                    THE REPORTER: Thank you.

11                    THE WITNESS: My fault. I apologize.

12     I -- I am always sympathetic to the task of court  
13     reporters. It is very difficult, and we don't pay you  
14     enough attention.

15     BY MR. GABER:

16             Q     Thank you pal. And I will try not to talk  
17     over you, as well. And was this the sort of, like,  
18     first look that you did after the -- in September?  
19     Was that before you started working with Mr. Bryan?

20             A     Yes.

21             Q     Had you worked with Mr. Bryan prior to this?

22             A     No. I had not. He's a new demographer map  
23     drawer for me, but I liked him a great deal.

24             Q     And I wanted to ask one clarifying question  
25     back on the 2011 pre-clearance process.

1 A Yes.

2 Q The work you did there, that was on the  
3 commissioner mount; right?

4 A In 2011. I worked later on the -- on the  
5 Justice of the Peace and Constable Districts.

6 Q And when would that have been?

7 A I want to say 2013. I think -- I think the  
8 map was drawn in 2013, and the -- the trial took place  
9 in 2014. But I'm -- I'm not going to swear to that.  
10 But it's in that -- it's in that range.

11 MR. GABER: All right. We're at our  
12 time that you had requested for a break. So let's go  
13 ahead and take that. Is ten minutes good for you?

14 THE WITNESS: Sure. I think that'll be  
15 fine. Unless Mr. Russo has a better --

16 THE VIDEOGRAPHER: Okay. We are off  
17 the record at 11:16 a.m. This is the end of file  
18 number 1.

19 (Off the record.)

20 THE VIDEOGRAPHER: We're back on the  
21 record at 11:37 a.m. This is the beginning of file  
22 number 2.

23 BY MR. GABER:

24 Q Mr. Bryan, during the -- or not Mr. Bryan.  
25 I'm sorry. That was earlier this week. Mr. Oldham,

1 during the 2021 map drawing process for Galveston  
2 County, did you have any contact with any of the  
3 attorneys from the Public Interest Law Foundation?

4 A Not that I recall. No.

5 Q I know Mr. Nixon had worked with you in the  
6 past on the 2011 process. Was he involved at all in  
7 the 2021 process?

8 A No, because during 2021 process he was still  
9 working for Commissioner Trainor at the Federal  
10 Election Commission.

11 Q All right. And just a little bit more on  
12 the fee arrangements. Had it been your expectation to  
13 have received payment by now?

14 A Yes.

15 Q And when did you expect to have received  
16 payment?

17 A Some time ago.

18 Q Like, in 2021?

19 A Closer to that. Yeah.

20 Q And just to this point today, as of your  
21 testimony today, you've not gotten paid?

22 A No. I have not.

23 Q Have you raised that issue?

24 A I hope -- I hope for that to be remedied  
25 very shortly.

1 Q Is that something you've discussed with the  
2 Holtzman Vogel folks during the deposition?

3 A I discussed with the number of folks  
4 including Holtzman Vogel. Yes.

5 Q And did that issue come up this week in your  
6 deposition prep conversations?

7 MR. RUSSO: I'm going to object to the  
8 extent you're mischaracterizing testimony.

9 You can answer if you can.

10 THE WITNESS: Only tertiarily, but  
11 it's -- but it came up. Yes.

12 BY MR. GABER:

13 Q And is that -- have you discussed the  
14 absence of payment with anyone who was actually, like,  
15 at the county?

16 A They've -- I've been assured that I will be  
17 paid.

18 Q And who made that assurance?

19 A That assurance has been made by Holtzman  
20 Vogel. And -- and I'm -- I'm assuming that it will be  
21 honored.

22 Q And what about, like, anyone from the county  
23 commission or the staff?

24 A County commission has not addressed me  
25 directly. No.

1 Q All right. And Judge Henry, has he talked  
2 about this with you?

3 A I have not talked with Judge Henry except  
4 for -- because it's been -- I've been told not to talk  
5 to Judge Henry. So I have not talked to Judge Henry  
6 except for the Christmas greeting since 2021.

7 Q Who told you not to talk to Judge Henry?

8 A Counsel in this case. Not Mr. Russo.

9 Q And -- say that again.

10 A Not Mr. Russo, but counsel in this case.

11 MR. RUSSO: Let me just object and make  
12 sure the witness is aware there are still  
13 attorney-client communications protected in this case,  
14 particularly those that, you know, come up after the  
15 passage of the mapping.

16 So, you know, again, watch the inquiry  
17 into attorney-client privileged communications.

18 BY MR. GABER:

19 Q Yeah. Who is the counsel who you are  
20 referencing just now?

21 MR. RUSSO: Let me object.

22 Don't answer that question again. He's  
23 asking about attorney-client privileged information.

24 MR. GABER: Well, just so I understand,  
25 I think Mr. Oldham has testified he doesn't have any

1 attorney-client relationship with any of the other  
2 lawyers in the case.

3 MR. RUSSO: Well, he's still under  
4 engagement with the Holtzman firm in connection with  
5 the work that was conducted back in '21. And he's  
6 testifying as to communications that have been between  
7 those lawyers. So again, that's the objection.

8 BY MR. GABER:

9 Q Are there any other witnesses, or  
10 commissioners, or county employees that you've been  
11 advised not to speak to?

12 MR. RUSSO: Same objection.

13 Don't answer that.

14 BY MR. GABER:

15 Q Is it your expectation that soon after your  
16 deposition is done today in the coming days or weeks  
17 that you'll finally get that payment?

18 A Yes.

19 Q All right. So I want to turn to the 2021  
20 process for Galveston redistricting. I think you said  
21 that -- was it Paul Ready who reached out to you  
22 initially?

23 A Yes. It was.

24 Q And when about was that?

25 A I don't know. Relatively early in the year.

1 I don't know the exact date. But he reached out to  
2 me. I think there's an email that actually outlines  
3 the date, but he reached out to me and -- and asked if  
4 I would be interested.

5 Q And I gather you told him yes?

6 A I did. With limitations. You know, it's --  
7 I explained to him the situation that BMP didn't exist  
8 anymore, and obviously couldn't do it through them,  
9 and I'd have to think of somebody else to do it  
10 through. I had to check with some people first to see  
11 if some other people would be interested.

12 Q Aside from Holtzman Vogel, who else had you  
13 considered as, you know, being potential partners?

14 A I think that's particular speculation.  
15 I'll -- I mean, I will say I called Holtzman Vogel  
16 first.

17 Q And who at Holtzman Vogel did you reach out  
18 to?

19 A Jason Torchinsky.

20 Q And maybe you said this earlier, but you'd  
21 worked with Mr. Torchinsky and the Holtzman Vogel firm  
22 before?

23 A Yes. Many times. Way, way, way back in the  
24 day Jason was my clerk.

25 Q And what were you retained to do for



1 Galveston County Redistricting?

2 A I was retained to provide legal advice  
3 regarding the -- the process and the drawing of the  
4 map, same thing the firm was retained for. And then  
5 to represent the -- the county in subsequent  
6 litigation, essentially just as I had been 2010 and  
7 2013. Different firm.

8 Q And what was the kind of client relationship  
9 like? I mean, who were you -- who did you report to  
10 on the client side?

11 A Typically Mr. Ready. I occasionally talked  
12 to commissioners, but more often than not it was Paul  
13 Ready.

14 Q Is he a employee of the county or does he  
15 have a private practice?

16 A You need -- to ask Mr. Russo.

17 Q All right. But at the time you didn't have  
18 any understanding of that difference?

19 A No.

20 Q And so your instructions primarily came from  
21 Mr. Ready. Is that right?

22 A Correct.

23 Q And after you were retained for the 2021  
24 process, like, what did you do? What was your first  
25 sort of steps to begin your work?

1 A Well, there wasn't much to do until we got  
2 some numbers we could actually work with. So prior to  
3 that, there's really not very much that you're able to  
4 do.

5 You're -- you're sitting there at that point  
6 wondering when the bureau is actually going to produce  
7 numbers. And that was a big problem in every  
8 jurisdiction in 2021.

9 Q And so those came out. There was the legacy  
10 ones in August we mentioned. There was the  
11 user-friendly in September.

12 It seems to me, from looking at some of the  
13 documents and talking to folks, that there's a sort of  
14 month-long period then between when the user-friendly  
15 data came out in mid-September and when Mr. Bryan was  
16 retained in mid-October. Does that sound about right  
17 to you?

18 A Yeah. Probably by the time we got to work  
19 with Bryan. But, you know, after the data comes out,  
20 there's still other things we have to do before you  
21 can actually get to a map.

22 Q And what were those things?

23 A Well, first off, I need to look at the  
24 initial data, and do a section 2 analysis, and -- and,  
25 you know, look at what at least that data tells me.

1 Then the other big thing we got to do once  
2 I -- once we kind of figure out where -- what the  
3 ground is, I've got to talk to commissioners and get  
4 their input on what they want to do.

5 That process -- the last commissioner to  
6 give us his input, and we were kind of waiting for,  
7 was Commissioner Holmes. That was towards the end of  
8 September. At that point, you're at a situation where  
9 you can start to draw.

10 Q All right. So I want to sort of walk  
11 through all three of those things. Or I think the  
12 last two are sort of one thing. But the first was to  
13 look at the initial data and do a section 2 analysis.  
14 What did you do for that?

15 A Well, I had a number of things. The -- the  
16 initial thing that you're trying to figure out is do  
17 you have a strong basis in evidence for drawing a  
18 section 2 remedial district?

19 The important thing to remember is we do not  
20 have section 5 as a -- as a legal basis at this point.  
21 So while Bartlett didn't apply in 2011, it does apply  
22 in 2021.

23 So you've also got -- Hill at that point.  
24 You've got Covington. You've got a whole bunch of  
25 cases that have -- have, if not changed the standard,

1 have certainly -- certainly modified it considerably,  
2 you know, going all the way back to Abrams v. Johnson.

3 But it's -- you've had some serious changes  
4 in -- in where the law is at that point, and you've  
5 got to take all of those into account.

6 Then you have to look at what evidence you  
7 have. The only -- the only evidence that you had of  
8 polarization and coalitional voting is that that you  
9 had during the -- the Petteway case.

10 That's Dr. Barreto's material, which I was  
11 intimately familiar with, and, you know, had been  
12 pretty thoroughly discredited during the trial.

13 So as you started to look at it and you  
14 looked at the comparison of the numbers between 2011  
15 and 2020, it's fairly obvious that under the Bartlett  
16 standard you're dealing with crossover district there.  
17 You're not dealing with coalition district.

18 And then you add in the fact that in 2011,  
19 the district 3 had been very specifically drawn on  
20 race. It wasn't just the predominant basis. It was  
21 the only basis, particularly after DOJ made its  
22 negotiations, so -- which is very much like the  
23 situation in Abrams v Johnson.

24 So at the end of the day, we had to come up  
25 with an analysis of what could be done. The obvious

1 question was could we do a least changes map? That  
2 would to a large degree depend on what the thoughts of  
3 the commissioners were.

4 And that was one of the reasons for going  
5 out and asking the commissioners "Okay. What's your  
6 wish list of what you want?"

7 And -- and each of the commissioners gave me  
8 a wish list. Had conversations with each one of them,  
9 myself and Paul Ready. I made a point of making sure  
10 Paul Ready was in on every one of these conversations.

11 And we got from each individual commissioner  
12 assuring them that without their discussion with it we  
13 weren't going to reveal it to the other commissioners,  
14 what they had asked for. And we got a -- a list of  
15 each one of them's wants and not wants. Some were  
16 very specific. Some were not.

17 Q I'll get to the commissioner meetings in a  
18 minute, but I do want to walk through a little bit  
19 more specifically some of the section 2 analysis. So  
20 it sounds to me like you reviewed Dr. Barreto's report  
21 from the prior Petteway case. Is that right?

22 A Yes.

23 Q And when did you take a look at that report?

24 A Oh, I had probably looked at that report  
25 before we actually got to September. I mean, I --

1 I -- that was -- that was kind of old hat stuff, and  
2 it was something I could actually look at before I  
3 actually got numbers.

4 I mean, viewed it again in light of the  
5 numbers, but -- but it was something I looked at  
6 before we got to that stage.

7 Q And what in particular in it were you  
8 looking at?

9 A Well, I was just reminding myself -- in  
10 Dr. Barreto's original report he had provided both  
11 bivariate regression analysis and ecological  
12 inference.

13 Almost all of his bivariate regression  
14 analyses were out of bounds. His confidence intervals  
15 were terrible. And as you began to look at it, his  
16 results were inconsistent, as came out at trial.

17 His results were inconsistent with the  
18 situation that you would see otherwise at the state,  
19 and came up with very high polarization rates, not  
20 only for Hispanics, but for non-Hispanic whites, as  
21 well as Hispanic whites.

22 And they were unrealistic. They didn't  
23 match what you would see in other parts of the state  
24 of Texas. That actually got asked by Judge Costa from  
25 a bench, who cast a great deal of doubt on the ideas

1 that Barreto was suggesting on -- on those votes.

2 I mean, you could see votes from the Rio

3 Grande Valley that didn't match the numbers that

4 Dr. Barreto was producing. You could see polling

5 data, et cetera.

6 Which would seem to indicate that -- you

7 know, it's hard to imagine that somehow Galveston

8 County is this odd outlier of where Hispanics and --

9 and non-Hispanic whites are just completely different

10 from the state of Texas.

11 So it's -- you're more inclined to view that

12 that is actually a statistical problem inside the data

13 that is -- largely results from the fact that there

14 are no extreme case precincts in Galveston County.

15 That is one of the things I looked for right

16 off the bat to see if that in fact changed, but it

17 doesn't appear to be that in fact has changed.

18 You're still dealing with county where the

19 Hispanic white and non-Hispanic white are very

20 thoroughly integrated in their housing patterns, and

21 therefore you can't get an extreme case precinct to

22 check your -- your bivariate or ecological regression

23 analysis.

24 The ecological regression analyses -- I

25 mean, the -- the ecological inference analyses give a

1 | report, but there's always a phenomenon with  
2 | Dr. King's analysis that he uses kind of an artificial  
3 | limit under a curve to -- to force results that are in  
4 | bounds.

5 | And that's one of the reasons I've always  
6 | liked bivariate better, is it really indicates when  
7 | you get an out of bounds result. You can see it in  
8 | confidence and it'll get reflected in confidence  
9 | intervals from time to time.

10 | But it's -- it's a sign that the reports as  
11 | the Court found in the Petteway case, were simply not  
12 | reliable.

13 | I also got reminded of the fact that  
14 | Dr. Barreto had, in his original deposition to me,  
15 | repeatedly stated that he had gotten political data  
16 | from the -- from the census reports. I gave him four  
17 | chances to correct that during the deposition. He  
18 | never did.

19 | We did an interrogatory. They never gave us  
20 | where that political data came from. And it was only  
21 | at trial that he corrected himself and -- and admitted  
22 | that it had not come from the Census Bureau, because  
23 | Census Bureau simply doesn't report political data.

24 | You always have to get it from a third-party vendor.

25 | So it was -- the report was thoroughly



1 |       discredited and was unusable in order to use it as a  
2 |       strong basis in evidence.

3 |       Q     Two questions about that. So once you came  
4 |       to that conclusion, was that roughly -- was that --  
5 |       you said it was maybe before the data came out in  
6 |       September. Is that right?

7 |       A     Yeah. I had looked at that kind of as a  
8 |       prelude.

9 |       Q     All right. Would that been, like --

10 |       A     And then -- then when I got the data, you  
11 |       know, one of the things I was looking for was to see  
12 |       if there's an extreme case precinct, and there wasn't.  
13 |       You know what -- by extreme case precinct.

14 |       Q     So after you came to that conclusion about  
15 |       Dr. Barreto's report, did you do anything to do your  
16 |       own analysis or retain someone to do an analysis?

17 |       A     We did not retain someone to do an analysis.  
18 |       I don't think at that point it was really incumbent  
19 |       upon us to try and prove Barreto was somehow right  
20 |       when we'd already seen the report and we already knew  
21 |       the errors in it.

22 |               And the systematic problems that you're  
23 |       going to have in doing any Hispanic -- Hispanic white,  
24 |       non-Hispanic white polarization report.

25 |               I mean, I -- I would suggest to you that

1 it's extremely difficult, if not impossible, given the  
2 data sets that are available today to actually get an  
3 accurate read on that number in Galveston County.

4 Q So there was no -- Dr. Barreto's report,  
5 though, was the only racially polarized voting study  
6 that you had to look at?

7 A It was the only one available at the time.

8 Q All right. And no additional one was  
9 conducted?

10 A No additional one was conducted. But any  
11 additional one, including the ones that have been  
12 conducted so far, are going to really be able to  
13 escape that problem.

14 Q And that's, in your view, because of the  
15 lack of the homogenous Hispanic precinct?

16 A Correct. Yes. Homogenous or extreme case.  
17 They're -- they're essentially referring to the same  
18 thing. It's a slight difference, but not much. You  
19 don't have to be homogenous, but you need to be somewhat  
20 close.

21 Q But is it the case that the question that  
22 you were looking at was whether there could be a  
23 district drawn that was majority black and Hispanic  
24 together --

25 A Well -- was something beyond that.

1 MR. RUSSO: -- mischaracterizes  
2 testimony.

3 Go ahead.

4 THE WITNESS: Yeah -- yeah.

5 What I'm looking for something  
6 different than that, because you've got to prove a lot  
7 more than that.

8 What I'm looking for is, is there an  
9 ability to prove that there's a cohesive voting  
10 pattern between non-Hispanic -- between Hispanic  
11 whites and African-Americans, that they are choosing  
12 the same candidate of choice?

13 That's a slightly different analysis  
14 from the way you're trying to frame it. And -- and I  
15 would suggest mine complies with the law.

16 MR. GABER: I actually had just hadn't  
17 finished my question.

18 THE WITNESS: Yeah.

19 BY MR. GABER:

20 Q I was going to get to the Gingles two part  
21 of it. But the framework you're operating under is, I  
22 gather, the Fifth Circuit. You know, are you aware or  
23 were you aware that the Fifth Circuit has held that  
24 coalition districts, you know, can --

25 A I'm aware of the Fifth Circuit precedent.

1 And it's not only the Fifth Circuit. There's  
2 obviously the -- the difference in the Sixth Circuit  
3 and, you know, there's a couple of differences in some  
4 of the other circuits.

5 But I think it's worth noting that in  
6 Bartlett, at least, while coalitional voting, whether  
7 a coalition district is definitely legal or not, was  
8 not -- was not raised, because it wasn't subject  
9 matter in the -- in the decision.

10 It was certainly left open that a coalition  
11 district could be a -- a section 2 district. So yeah.  
12 I'm looking at it.

13 Q And just for the court reporter's benefit,  
14 we do have to try to let each other finish the  
15 question or the answer before we start. But at the  
16 time, you know, I gather you understood that the Fifth  
17 Circuit's precedent is what controlled what Galveston  
18 County would be responsible for doing.

19 A I'm certainly looking at Fifth Circuit  
20 precedent as the -- the most important precedent.  
21 Absolutely. That -- that doesn't mean that the other  
22 is not informative, if you understand what I'm saying.  
23 I mean, we're trying to be good lawyers here.

24 Q Aside from Dr. Barreto's report then, am I  
25 correct that there was nothing else done to look at

1 the question of cohesive voting block between black  
2 and Hispanic voters in Galveston County?

3 A No. And -- and frankly, after examining  
4 Dr. Barreto's report, I didn't think there was a  
5 tremendous amount of value in doing that, simply  
6 because of the data problem that I discussed.

7 After I looked at the initial data outlay, I  
8 was very consciously looking for whether you want to  
9 call it a homogeneous precinct or a extreme case  
10 precinct.

11 I was looking for something that might could  
12 provide you a check and get you more reliable data  
13 than what Dr. Barreto had done. It doesn't exist.

14 And as a result of that, probably the  
15 ability to look at that and -- and obtain what you're  
16 asking for is probably impossible.

17 Q So, you know, we're talking now about the  
18 second Gingles prong; right?

19 A Yes, to some extent. You're also talking  
20 polarized voting, because even though it's also very  
21 difficult to show cohesion because of this problem,  
22 it's also very difficult to show polarized voting  
23 between -- between Hispanic whites and non-Hispanic  
24 whites.

25 Q Did you do any particular analysis of the

1 first Gingles prong after the data came out?

2 A I'm not quite sure what you're asking. Can  
3 you be --

4 Q Well, so it sounds like the analysis for the  
5 second Gingles prong was to look at Dr. Barreto's  
6 report. What, if anything, did you do to determine  
7 whether or not the first Gingles prong could be met in  
8 Galveston County --

9 A You're talking about in terms of the  
10 compactness of a -- of a potential remedial district?

11 Q Whether a majority minority district could  
12 be drawn, you know, with a -- that was reasonably  
13 configured.

14 A Well, the problem is, if you're going to  
15 draw such a district, the dispersion of the Hispanics  
16 makes drawing a Hispanic seat pretty much impossible.

17 The question then occurs, can you draw a  
18 African-American seat? If you can draw an  
19 African-American seat that -- you can't draw a  
20 majority minority African-American seat. It's  
21 simply -- there's simply not enough population.

22 In fact, there's a real problem if you were  
23 to go about trying to draw an African-American seat,  
24 because you've got a De Grandy issue.

25 I mean African-American population is about

1 13 percent in the county, roughly. Don't have it  
2 right off the top of my head, but I think that's  
3 pretty darn close.

4 And you're talking about 25 percent of  
5 seats. I mean, that's obviously about twice  
6 proportionality. That's going to ring all kinds of  
7 alarm bells under under De -- under De Grandy  
8 analysis.

9 You start to look at it from that  
10 perspective. So you have to -- you have to look at it  
11 from a Hispanic perspective. Hispanics are actually a  
12 larger minority group in Galveston County, and -- but  
13 you can't draw a Hispanic seat.

14 So you're going to always have to draw one  
15 that is really a crossover for African-Americans.  
16 That's really the only kind of minority seat you can  
17 draw, because you have to get the -- the  
18 African-Americans pooled together.

19 And of course the problem with that was  
20 illustrated in 2010. When you drew that map, you  
21 really -- and particularly after DOJ got involved, I  
22 mean, it turned race from, you know, probably  
23 predominant criteria to the only criteria. And so you  
24 got a real problem in the way you have to put those  
25 together.

1 Add in the fact when you're drawing the  
2 African-American population, you got to get those hard  
3 concentrations we talked about earlier.

4 But then you also have to get in a lot of  
5 precincts where -- and -- and blocks where -- you  
6 know, because you're having to cut precincts to get to  
7 a lot of this, particularly in 2010 you did.

8 You're going for a lot of blocks that are in  
9 a lot of territory where it's not majority minority.  
10 It's not majority black, but at least it's not all  
11 white. So you're sitting there trying to find 30, 40  
12 percent blocks that you can add in, so that you can  
13 make numbers.

14 And that becomes a problem in and of itself  
15 too. So, I mean, it becomes a serious compactness  
16 issue on drawing a majority minority district, because  
17 of one, your Hispanic dispersion, and two, the small  
18 number of African-Americans you have.

19 Three, the fact that you got to reach all  
20 over the county to get the African-Americans together,  
21 because you have to go all the way from Dickinson down  
22 to -- down really into Galveston Island.

23 I mean, I -- I -- one of the things I saw  
24 the other day was that -- that one proposed remedial  
25 district that they can go into Galveston Island that



1 used the AP, and probably once you pull the AP out  
2 isn't even going to be majority minority. You know,  
3 that's cute.

4 But you -- you go and it's just extremely  
5 hard to do that without running a district that looks  
6 like the one that we drew in 2011 -- that was drawn in  
7 2011 that ran from Dickinson through a narrow neck  
8 down a corridor, popped a couple of wings out to get  
9 some more, and then drove in and got the eastern end  
10 of -- of Galveston Island. About the best -- you can  
11 do.

12 Q Sorry. Can I ask just a clarifying  
13 question? When you say, "Crossover district" --

14 A Yeah.

15 Q -- who are the voters that you're saying are  
16 crossing over there? Is it Hispanic voters or white  
17 voters?

18 A Both. I think it's probably both.

19 Q All right. And when we talk about a  
20 coalition district, we're talking about a district  
21 where black and Hispanic voters would vote in  
22 coalition together and form a majority. Is that sort  
23 of the vernacular?

24 A Well, they vote -- coalition but they  
25 also --

1 MR. RUSSO: -- let him finish.

2 THE WITNESS: Okay -- okay. Go ahead.

3 BY MR. GABER:

4 Q Just so we are using the same words, I want  
5 to make sure that that's -- would that be your  
6 understanding in this context --

7 A Well, I'm -- I'm using -- go ahead. Finish.

8 Q Of a coalition district.

9 A Well, let me just -- the definition I'm  
10 using is the ones that come out of Bartlett and come  
11 out of some of the other cases. And the -- and the  
12 key to that is not merely that they vote for a similar  
13 candidate at the general election level. They have to  
14 have the same preferred candidate of choice.

15 And, you know, it's not clear at all, and I  
16 would say impossible to prove, that Hispanics have the  
17 same preferred candidate of choice as the  
18 African-Americans here.

19 But moreover, given the -- the nature of the  
20 data that you have and how you're trying to do the  
21 polarization analysis, it seems fairly clear that the  
22 way you get to a majority in this district is that a  
23 significant number of the non-Hispanic white, a  
24 significant number of the Hispanic, not necessarily  
25 majority on both sides, but certainly, you know,

1       there, comes over and votes for the African-American  
2       candidate of choice in these elections, and that  
3       allows that candidate to win.

4           Q     Did you have a conclusion when you were  
5       doing the section 2 analysis as to even roughly the  
6       percentage of Hispanic voters who cast their ballots  
7       in the same direction as black voters?

8           A     It's very difficult to tell with this data.  
9       If you use -- if you use data from elsewhere in the  
10      state, you could anticipate anywhere from 65 percent  
11      to 50 percent. But this is general election, mind  
12      you. Very different from primary. Very, very, very  
13      different from primary.

14                But in general election, you could  
15      anticipate somewhere between 35 to 50 percent of the  
16      Hispanics. But you can also generally expect about 25  
17      to 40 percent of the non-Hispanic white.

18                So at the end of the day, you're staring at  
19      a district that is relying on crossover vote for the  
20      African-American candidate to win in the general  
21      election. That's not that shocking.

22                That's a number that, you know, is not too  
23      out of line with the district that was in Bartlett.

24                I mean, you know, you're talking about a  
25      district Bartlett that was, like, 42 percent

1 African-American where you didn't even have a real  
2 Hispanic component, and it was still getting enough  
3 crossover vote for the African-American to win if he  
4 could win the Democrat primary.

5 Q And so the assumption that you're making,  
6 and I gathered this a little bit from the discussion  
7 of Dr. Barreto's report -- one of the criticisms you  
8 had of Dr. Barreto was that he was showing numbers for  
9 Hispanic support for the black-preferred candidate  
10 that varied from what you saw in other jurisdictions  
11 in the state of --

12 A Well, it is not only -- it's not only that,  
13 but there's the flip side of that. He's showing --  
14 which is one of the things that makes you think why he  
15 was getting out of bounds results, is he's got the  
16 opposite problem on the other side.

17 He's showing much higher polarization rates  
18 for the non-Hispanic white than are normal in the  
19 state of Texas.

20 Q And so, I guess, I got a little confused  
21 with some of the numbers that you just gave, because I  
22 think you might have transposed what -- so you said 35  
23 to 50 percent Hispanic. That is for -- that's  
24 Hispanic support for the white preferred candidate is  
25 what you would expect --

1           A     Yeah. That's -- the -- go ahead.

2           Q     And I'll just -- so 35 to 50 percent  
3 Hispanic support in favor of the white-preferred  
4 candidate. That's still the statewide number?

5           A     In -- in this situation, yes. And that  
6 would generally be the Republican candidate. But  
7 you -- and -- and it'll vary from location to  
8 location.

9                     But it does not -- the demographics of  
10 Galveston would tell you it's not going to be an  
11 outlier. If anything, it's going to be an outlier the  
12 other way.

13                    I mean, you're not -- you're not talking  
14 about -- you're talking about generally high income  
15 Hispanic here. You're talking about older Hispanic  
16 that has been in country a good long time. You're  
17 talking about Hispanic that is generally citizen.

18                    This is not looking at the neighborhoods on  
19 the south side of San Antonio. This is -- this is  
20 looking at the suburbs that are on the northwest side  
21 of San Antonio, and they got very different numbers.

22           Q     And so the range that you would expect  
23 for -- or that you expected when you were looking at  
24 Dr. Barreto's analysis in 2021 was that the Hispanic  
25 support for the black-preferred candidate would be in

1 the 50 to 65 percent range? That was sort of your  
2 assumption?

3 A It wasn't an assumption, but -- and -- and  
4 I'm not saying that it would be, but I'm saying that  
5 to report something like 88, 90 percent is pretty  
6 incredible. I mean, you don't see those kind of  
7 numbers hardly anywhere.

8 Q And the -- but your expectation was that the  
9 Hispanic voters -- the majority, at least, of the  
10 Hispanic voters were casting their ballots in the same  
11 direction as the black voters in Galveston?

12 MR. RUSSO: Objection. Calls for  
13 speculation.

14 Go ahead.

15 THE WITNESS: Yeah. May have been.  
16 You can't tell from this data. This data doesn't  
17 provide you that. And that's exactly the issue we  
18 brought before Judge Costa. And -- and, you know,  
19 that's why Judge Costa disregarded this evidence.

20 BY MR. GABER:

21 Q When you say that Judge Costa disregarded  
22 the evidence, what do you point to for that  
23 conclusion?

24 A Well, the fact that he dismissed the section  
25 2 claim from the bench. And the real issue of the

1 section 2 claim was the Hispanic constable over in the  
2 Texas City area. And if he had agreed with  
3 Dr. Baretto's analysis, we shouldn't have won the  
4 section 2 issue from the bench.

5 Q All right. Was it your conclusion that the  
6 white voters in Galveston County were voting in a  
7 polarized manner from the black voters?

8 A Well --

9 MR. RUSSO: Wait a minute.

10 Objection. It's vague and ambiguous.

11 What time period are you talking about?

12 MR. GABER: Sure.

13 And I mean to talk about, I think, the  
14 September time period when you were doing the section  
15 2 and analysis prior to the map drawing.

16 MR. RUSSO: Twenty-one?

17 MR. GABER: Twenty-one. Yeah.

18 THE WITNESS: That depends on how you  
19 want to define "Polarized." I mean, are most of the  
20 African-American voters, almost all of the  
21 African-American voters, voting for the Democrat  
22 candidate? Yes.

23 Are a majority of the non-Hispanic  
24 white voters voting against the Democratic candidate  
25 or for the Republican candidate? Yes.

1           There get to be a lot of questions as  
2           to what you're going to -- what you're going to call  
3           in terms polarized. And of course, the real question  
4           is whether it's legally significant or not.

5           If you're using a Brennan analysis,  
6           there -- there's certainly the suggestion that that  
7           is -- that is viable.

8           But we've had plenty of cases, even the  
9           cases that have found using general election data is  
10          okay to prove this, that have said the -- the  
11          probative-ness of general election data is  
12          substantially less than primary data, because you  
13          can't separate out the -- the political effect that's  
14          causing that.

15          Like I said, this is one of those  
16          issues that's a little fuzzy out there. But even  
17          looking at it from that perspective, you haven't got  
18          good data even using their general election data.

19          That having been said, it's clear  
20          African-Americans are voting in a particularly block  
21          voting way, cohesive, if you prefer that term. But  
22          they are definitely voting in that manner. Whether  
23          they face polarized voting within the Democratic  
24          primary or not, not a question.

25          Whether it's -- whether that -- but it



1 doesn't seem to matter in a district where they have  
2 30 percent of the -- of -- of the population, because  
3 they're going to probably make up the majority of the  
4 Democratic primary anyhow, given low participation  
5 rates from other groups in the Democratic primary in  
6 this state.

7 But if you look at -- but it's not  
8 possible, because you can change primaries here. It's  
9 an open primary.

10 But if you look at that for a -- in  
11 terms of polarization, you're making a deeper  
12 analysis, and it's difficult to make that from the  
13 general election data, and it's particularly difficult  
14 to make it from general election data here, because of  
15 the problems we've already discussed.

16 So yes. I think -- I think there's  
17 definitely block voting on the part of  
18 African-Americans. It would be the group you would  
19 look at first.

20 But you don't have to look at them very  
21 far, because it's only 13 percent of the county, and  
22 you can't get them more than, like, 32 percent in a --  
23 33 on a extremely good day in any given district. And  
24 that's probably drawing a district that really doesn't  
25 meet Gingle standards.

1 BY MR. GABER:

2 Q Now, I want to talk a little bit about the  
3 phone call -- or I don't know if they were -- were  
4 they phone calls that you had with commissioners or  
5 was that Zoom? What was that?

6 A Well, it depends on when you're talking. If  
7 you're talking about when I'm getting the information  
8 from the commissioners, those were phone calls, I  
9 think.

10 Q Yeah. So I want to start with those. So  
11 was that in -- was that September of 2021, as well?

12 A Yeah. That's in September after we've given  
13 them the overall county data, and -- and that's now  
14 general knowledge to everyone. And we're now asking  
15 them for what they want.

16 Q All right. And so I think you said that  
17 Mr. Ready was on each of those calls. Is that right?

18 A Yeah. That is correct.

19 Q Was anyone else aside from each individual  
20 commissioner a party to those calls?

21 A No. It was just myself, Mr. Ready, and the  
22 individual commissioner.

23 Q All right. And did you speak to all four of  
24 the commissioners at the time and Judge Henry?

25 A Correct.

1 Q I want to walk through each of those. For  
2 Judge Henry, what did you discuss with Judge Henry?

3 A Well, Judge Henry was the one person who  
4 from the very beginning wanted a geographically-based  
5 map. And -- and -- which, as we would discover later  
6 in the calls, put him a little bit at odds with the --  
7 odds with the rest of them.

8 But he was the one person who wanted  
9 geographically-based map.

10 He had this, to some degree, dated from 2010  
11 when people had raised it during the public hearings  
12 in 2010, when the newspaper requested it, that  
13 Galveston Island, and Pelican Island, and Bolivar be  
14 put together in a single district, and -- and to end  
15 the split of Galveston Island and Pelican Island.

16 The -- the -- and he was still of a mind to  
17 do something that was geographically based. That  
18 was -- that becomes the basis of map 2.

19 Q And is this something that Judge Henry  
20 offered to you in the first phone call you had with  
21 him in September of 2021?

22 A Well, it's something he -- that was his  
23 want.

24 Q What else did he ask about or suggest in  
25 that meeting?

1 A Well, he didn't want any commissioners  
2 paired, which is a legitimate thing. And -- and there  
3 are a lot of -- lot of good reasons not to pair  
4 commissioners, not least of which is it gets very  
5 messy as to how the elections are going to go.

6 And you've got to be careful not to pair --  
7 since they have staggered terms, you don't want to be  
8 comparing one commissioner from one stagger with the  
9 one from a different stagger. It's the easiest way to  
10 do it, is just not pair them.

11 And -- but he wanted that to follow a  
12 general kind of, you know, geographic -- draw the  
13 district with the -- he understood that there wasn't  
14 going to be enough population on the islands to carry  
15 the district, but just, you know, get it to where  
16 it -- take it in, and get it to where it could be.

17 And you are obviously going to have to find  
18 a commissioner. When we look at it a little bit  
19 later, it's kind of obvious who that commissioner has  
20 to be. And then draw one for the Bay, draw a -- a  
21 Houston suburbs district in the north, and then kind  
22 of west-central. And -- and that becomes the basis  
23 for map 2.

24 Q Any other requests from Judge Henry?

25 A That was pretty much it.

1 Q All right. What about Commissioner Giusti?

2 A He wanted -- the key thing he wanted -- that  
3 he asked for was not to remove his parents from the  
4 district.

5 So we got his parents' address, and later  
6 Tom would -- would geocode that on his map. So he --  
7 that was his key thing and "Don't change my district  
8 any more than you have to," which was going to become  
9 a theme.

10 Q Anything else from Commissioner Giusti?

11 A That was pretty much it. He was in some  
12 ways an easy one.

13 Q All right. So then what about Commissioner  
14 Clark?

15 A Also not that difficult. His principal  
16 response was the same as -- as Giusti's: "I -- I want  
17 to change as little as I can."

18 He suggested a precinct that was right below  
19 Commissioner Holmes' home that could be given to  
20 Commissioner Holmes. He would be -- he would be happy  
21 with that to help him with his population.

22 But he asked us basically not to take his --  
23 he knew he was going to have to lose population, but  
24 he didn't want to lose any more than he had to.

25 And he was okay with the cut that was going

1 to take place in a precinct we already had to cut,  
2 because of the 5,000 voter limitations.

3 So that was principally his request. So he  
4 did ask for a couple of precincts on the -- on the  
5 more eastern end of his district to stay in it. But  
6 that was -- that was his request.

7 Q Any other requests from Commissioner Clark?

8 A That was pretty much it. I mean, he was not  
9 what I would call unreasonable.

10 Q All right. And what about Commissioner  
11 Apffel?

12 A He had two things he wanted -- well, three  
13 things he wanted. He had two precincts he asked for  
14 very specifically in the northwest portion of his  
15 district that weren't in his district. They were in  
16 Commissioner Clark's district. He wanted those  
17 removed.

18 They actually somewhat conflicted with what  
19 Commissioner Clark wanted. But -- and he wanted  
20 Pelican and Bolivar out of his district. I think he  
21 had the idea that we give him enough pop to let him  
22 take those other two. And then he wanted to keep  
23 everything else. He was wrong on the pop, though.

24 Q Any other requests from Commissioner Apffel?

25 A That was -- that was his request.

1 Q On any of these calls we've talked about,  
2 were you mostly in listening mode or were you saying  
3 things in response?

4 A I was completely in listening mode.

5 Q All right. And what about Mr. Ready?

6 A Mr. Ready was also in listening mode,  
7 because I didn't want -- this was -- this was their  
8 opportunity to tell us what they wanted without their  
9 fellow commissioners knowing what they were asking  
10 for, because they get somewhat nervous about asking  
11 for things in front of the other ones.

12 They're politicians. They don't want to say  
13 they want specific things, and they want other people  
14 out of their district. You never want to say to  
15 someone you want someone out of your district.

16 Q Right. What about -- so we've talked  
17 through -- I think I asked you that. That was sort of  
18 everything that Commissioner Apffel asked about?

19 A Yeah. That was his list.

20 Q What about your meeting with Commissioner  
21 Holmes?

22 A Well, in our first meeting with Commissioner  
23 Holmes, Commissioner Holmes wouldn't give us his wish  
24 list. And -- and as a result, we were kind of waiting  
25 on Commissioner Holmes to actually provide us with --

1 with his results.

2 He would call -- he would set up a call

3 later, and -- and Paul and I would talk to him again.

4 At that point he had very specific requests,

5 individual block type requests.

6 He had it scoped out by streets. He wanted

7 to go down, he wanted to move the lines around in

8 his -- on the edges of his district with Commissioner

9 Apffel's district, and -- and have those very specific

10 changes put in.

11 Q And can you say something more specifically

12 about what the specific requests were?

13 A Not right offhand. I mean, they are all

14 incorporated into map 1. We took his specific

15 request, we gave them -- Bryan put all of them in.

16 And if they aren't all in, it's a mistake. But put

17 them all in.

18 So that's not to say that's exactly the

19 district he wanted to draw, because we also put

20 Pelican Island and Bolivar in there. But he got

21 everything he actually asked for in map 1, or at least

22 that was our intention.

23 Q Okay. So after you had met with all four of

24 the -- and was that everything that Commissioner

25 Holmes asked for?



1 A That's everything Commissioner Holmes asked  
2 for.

3 Like I said, he had the most specific list  
4 of the lot of them, which kind of told us -- and we  
5 would kind of think this again later when I  
6 actually -- when Tom actually put them in, and I got  
7 to see Tom's draw -- he had probably gone to someone  
8 and had a map drawn.

9 None of the rest of them had done that,  
10 because you can tell that some stuff was off with  
11 theirs.

12 Q And so then after this, is that kind of  
13 roughly when -- was there something else that happened  
14 between these calls and when Mr. Bryan was retained?

15 A Not really. At this point we're ready to  
16 draw.

17 Q All right. And who identified Mr. Bryan as  
18 the person to do this?

19 A That was hired -- he was hired by Holtzman  
20 Vogel.

21 I don't know who the specific counsel at  
22 Holtzman Vogel was, but from the very beginning of the  
23 contract I had told Jason that he was going to need to  
24 find a demographer, because I didn't really have one  
25 these days. And so, he is going to have to pick

1 somebody up.

2 I knew he was working with a variety of  
3 people, and I suggested some names. He -- Bryan  
4 actually wasn't one of the names I suggested, but he  
5 did a very good job, I thought.

6 Q And when was the first -- do you recall when  
7 the first conversation you had with Mr. Bryan was?

8 A Not exactly, but it was early in the month  
9 of October.

10 Q Was he on vacation when you first --

11 A Yeah. I think that was what held him up a  
12 little bit was he was on vacation when -- when they  
13 first got him.

14 But I -- I didn't talk to him other than say  
15 hello while he was on vacation. I mean, I didn't  
16 deliver him any of the information at all. The  
17 information was delivered once he got back.

18 Q And what is it that you told Mr. Bryan when  
19 you finally spoke to him more substantively? What did  
20 you tell him to do?

21 A Well -- well, first off, we put Giusti's  
22 parents in the -- in the map, and of course they ended  
23 up near the edge of the line. Of course. Which meant  
24 you weren't going to be moving anything on the line  
25 between Holmes and -- and his district on Galveston

1 Island at map 1.

2 The instructions were to basically take the  
3 requests from the commissioners and see if it was  
4 possible to do a least changes map that would  
5 incorporate, if not all, most of the commissioners'  
6 individual requests.

7 And what you're really seeing is most of the  
8 time this doesn't work, because the commissioners make  
9 requests that are -- or the electeds make requests  
10 that are contradictory to one another in a way that  
11 they can't really be melded together.

12 I was actually reasonably surprised that  
13 when you put these together, you could give almost  
14 everything to every commissioner. You obviously  
15 couldn't get them everything, but each commissioner  
16 could get pretty much what he had specifically asked  
17 for.

18 Q And that's in the least change?

19 A Yeah. In -- in map 1. Yeah. I mean, we  
20 gave most everybody -- you know, there's always one  
21 thing you didn't get. But we gave most of everything  
22 everybody had asked for. It was a good compromise,  
23 least changes map.

24 Q And was that your sense from the  
25 commissioners, as well, when they saw -- because you

1 presented this --

2 A When we presented it? Yeah.

3 MR. RUSSO: -- let him finish his  
4 question.

5 THE WITNESS: Yeah. Sorry. Go ahead.

6 Well, when we presented it, is that  
7 what you're asking?

8 MR. GABER: Yeah. exactly.

9 THE WITNESS: Each commissioner that  
10 saw the -- each one of the individual commissioners  
11 that had a district when they saw the least changes  
12 map was reasonably pleased with how that came out.  
13 Each had a little pick here and there, but each was  
14 pretty much reasonably pleased.

15 BY MR. GABER:

16 Q Now, what about map 2? What were the -- or,  
17 you know, it wasn't originally called that, I know,  
18 but the sort of -- the first instructions to Mr. Bryan  
19 about the second map that wasn't the least changes  
20 map, what were those instructions?

21 A Well, it's map 2, because literally that's  
22 the second one he did. But yeah. map 2, the  
23 instructions were fairly simple, following --  
24 following Judge Henry's kind of -- kind of request,  
25 put all of the islands together. Okay?

1           You're basically -- whereas before you're  
2           working from the existing map and you're making  
3           changes to everybody's district per their request,  
4           this time you just take the map off, and you leave the  
5           commissioners' houses on. That's just -- block it all  
6           off.

7           Then you put the islands together. Then,  
8           coming across at the transportation corridor at I-45,  
9           you come across the -- the causeway, and you try to  
10          get to a commissioner's house without it looking too  
11          ragged, without creating a little corridor down the  
12          west side of the county.

13          And try to get to a commissioner's -- see if  
14          you can get to a commissioner's house without the pop  
15          drag preventing you from being able to get there.

16          When you're looking at that, Giusti becomes  
17          almost the de facto guy that you've got to get to,  
18          because he's the only one that -- he's the one that  
19          lives the farthest south.

20          The others -- I mean, one of the -- one of  
21          the problems is all of the commissioners tend to live  
22          in the northern part of the county, and Giusti is the  
23          closest to the island. And the question obviously  
24          became whether he could get there or not.

25          But if you can get to Giusti, you get to

1 Giusti, and draw as good a looking district as you can

2 to get to Giusti in.

3 If you look at his first draft of map 2,

4 Giusti is in the last precinct. He's in the one

5 that's at the absolute top of it, trying to go as much

6 whole precincts as you can through there.

7 And then you draw your Bay district, which

8 is essentially taking the rest of Galveston Bay, and

9 start working your way inland from there, and -- until

10 you fill that up.

11 And then you do your -- your Houston

12 suburbs, Harris County Suburbs district along the

13 north. And then what's left is west and central, and

14 that goes in. And those are your four districts.

15 Q And is this sort of literally the type of

16 instruction that you gave to Mr. Bryan?

17 A Yeah. Pretty much what I told him.

18 Q Did you tell him anything else about --

19 A Well, the one key thing was "Don't pair any

20 incumbents." You've got to have an incumbent in each

21 district.

22 Q Any other instructions about what he should

23 do with map 2?

24 A No. That's pretty much it.

25 Q Did you give him any instructions as to what

1 the purpose of map 2 was?

2 A Draw a geographically-based map --  
3 geographically-sensible-based map that, you know,  
4 reflects the general geographic communities of the --  
5 of the county.

6 Q And was that sort of a summation of it? It  
7 was a geographically-based map, and there was no other  
8 kind of rationale for this?

9 MR. RUSSO: Objection. Vague and  
10 ambiguous as to time.

11 You can answer.

12 THE WITNESS: That was -- those were my  
13 instructions.

14 BY MR. GABER:

15 Q Did those instructions change at any point  
16 from when you first talked to him about map 2 --

17 A My instructions didn't change. No.

18 Q You didn't add any additional instructions  
19 at any point?

20 A No. I mean, the map he produced is pretty  
21 much the map we first submitted. I mean, this was  
22 true of both map 1 and map 2. There's some cleanup of  
23 water blocks that have to be done.

24 There's a few cleanup of, you know,  
25 unallocated geography that ends up in there that

1 happens in any draw. And -- and so he had to do a  
2 little bit of cleanup, but that's pretty much what he  
3 first drew.

4 Q And then throughout the -- so from when he  
5 first drew it, and then there was some, you know, as  
6 you said, cleanup, did you give him specific  
7 instructions along the way for how to do that cleanup?

8 A Well, only when it really comes to water  
9 blocks, because occasionally water blocks are really  
10 screwy. They can mess up your compactness for no good  
11 reason, and they shouldn't even be included in -- in  
12 how you look at that and particularly how it scores.

13 So just trying to get the blocks to -- you  
14 know, this goes to a dispute that jurisdictions always  
15 have with the bureau about.

16 "Could you please bother to give us some  
17 more reasonable water blocks than what you give us?  
18 Because, you know, we get fingers jutting into things  
19 simply because you were too lazy to cut another water  
20 block for us."

21 So yeah. I looked at a few of those, and  
22 was like "Yeah. Let's do it this way rather than  
23 that."

24 Q And did some of that come from feedback from  
25 the commissioners after you showed them the map?



1           A     No -- no. That's -- that's all trying to  
2     just make it look a little better.

3           Q     And there were a couple iterations before  
4     you showed it to the commissioners. Is that right?

5           A     On map 2?

6           Q     Yeah. On map 2.

7           A     I don't think so. I mean, may have been,  
8     but I don't think so. I mean, I think if you're  
9     looking at iterations, it's probably cleanup work.

10          Q     And then what -- at some point you then  
11     showed the maps to the commissioners. Is that right?

12          A     Correct. I -- I flew down, and we showed  
13     the -- the maps individually to all of the  
14     commissioners.

15          Q     So you were there in person for that?

16          A     There in person for that. And same routine,  
17     myself and Paul Ready.

18          Q     All right. And when did those meetings  
19     happen?

20          A     Oh, probably shortly after Tom had the maps  
21     in October.

22          Q     And did you meet with them individually with  
23     Mr. Ready, or were some of them together in a group,  
24     or how did that look?

25          A     I believe they were all individually with

1 Mr. Ready.

2 Q All right. And was there some data  
3 associated with the maps that you showed them, as  
4 well?

5 A Yes. We -- we showed them a spreadsheet  
6 on -- on all of the maps.

7 Q And that was the spreadsheet that Mr. Bryan  
8 had created?

9 A Yes.

10 Q All right. And so what did -- and those  
11 conversations -- did you talk with the county judge  
12 too at that time?

13 A Yes.

14 Q All right. So what did Judge Henry have to  
15 say about the draft maps?

16 A He liked map 2. You know, he -- he was --  
17 that was his favorite.

18 Q And did he say why?

19 A Well, did what he wanted to -- it to. But,  
20 you know, that was certainly his favorite, was map 2.

21 Q And was that -- was it the geography or  
22 what --

23 A Well, I think it was probably more the  
24 geography than anything else.

25 Q Anything else that he commented about map 2?

1           A     Not that I recall. I mean, he -- he was  
2     pretty enthusiastic, but yeah.

3     Q     Anything that you said to him additionally  
4     about map 2 that you recall?

5     A     I mean, I -- I told him that, you know, it's  
6     geographically-based criteria. We specifically did  
7     not use race in drawing it. We did not use race in  
8     drawing either map.

9           That was -- that was an adamant instruction  
10    that I made to -- to Tom Bryan, that I wanted no  
11    racial data up for him to look at while he was drawing  
12    either of these maps, because I was very conscious of  
13    trying -- one, I didn't want map 2 to be done on that.  
14    I wanted it to be done strictly on the geographic  
15    criteria, as instructed.

16           But more importantly, on map 1, I did not  
17    want any racial data used on map 1, because I had  
18    already come to the conclusion that the best way to  
19    legally defend map 1 was as a least changes map. And  
20    -- and I did not want to racialize that map and create  
21    the possibility of a Shaw type suit.

22           Q     And so that was an instruction to Mr. Bryan  
23    that you gave to him. Was that at the same time you  
24    told him all the other stuff from the commissioners?

25           A     Yes.

1 Q All right. And any other -- instructions?

2 MR. RUSSO: Wait. Let him finish.

3 Sorry.

4 MR. GABER: Yeah. What was your --

5 THE WITNESS: Yeah. Do not use any  
6 racial data in drawing that map. Do not put it on the  
7 screen. Look -- look at the -- look totally at the --  
8 at the one-person, one-vote.

9 BY MR. GABER:

10 Q All right. Were there any other  
11 instructions that you gave to Mr. Bryan beyond the  
12 racial data instruction and the instructions about  
13 what the commissioners had said they wanted?

14 A No. That's -- those were his instructions  
15 on what to do.

16 Q Okay. Did Judge Henry in his meeting say  
17 anything about map 1?

18 A Other than he much preferred map 2, and he  
19 wanted that one to be the one that would go through.  
20 He did suggest that map 1 was still a racial  
21 gerrymander.

22 I, you know, said, "We're trying to get away  
23 from that." But that was -- he did suggest that it  
24 was still a racial gerrymander.

25 Q Did he say why?

1 A Well, he had some reasonable basis for that.

2 I mean, from 2011 it was pretty obvious that if you  
3 didn't have a section 5 standard to protect it, it  
4 was -- it wasn't going to survive racial gerrymander.

5 It was going to be a real problem avoiding a racial  
6 gerrymander on that case.

7 And -- and I wouldn't disagree with him on  
8 that. The -- the question was could you actually  
9 legitimately unhook it and make it a politically-based  
10 map, as opposed to making it a race-based map? And --  
11 and, you know, that is something that can be defended  
12 if you can get the political support for it.

13 Q Now, what about your meeting with  
14 Commissioner Giusti? What did he say about the draft  
15 maps?

16 A Well, he liked map 1. He was unhappy about  
17 his political performance in map 2. I wasn't  
18 surprised by that.

19 Q What do you mean by political performance?

20 A Well, he went from the most Republican  
21 district in the county to the least Republican  
22 district in the county.

23 Q And what else did he say about map 1?

24 A Well, we'd given him pretty much everything  
25 he wanted, and he was reasonably happy with that.

1 Q All right. And anything more about map 2?

2 A That was his principal objection to map 2.

3 Otherwise, he didn't -- he didn't -- he wasn't that

4 upset with it, but -- because he didn't mind having

5 the -- having Galveston Island, but he didn't like the

6 political performance of the map.

7 Q Anything else from him?

8 A That's -- that's all I recall right now.

9 Q All right. What about -- did you meet again

10 with Commissioner Clark?

11 A Yes.

12 Q And what did he have to say?

13 A Well, he was adamant. He hated map 2.

14 Q And why was that?

15 A He liked map 1. He wasn't -- he wasn't

16 unhappy. We -- he wasn't completely happy we took the

17 precincts from him in the -- in the -- in the

18 Northwest, but he -- overall he was okay with that.

19 But he was extremely unhappy with map 2.

20 Well, he had a completely different

21 political objection from Commissioner Giusti, because

22 Commissioner Clark had a very good Republican district

23 in -- in map 2.

24 Turns out, though, since most of it had

25 previously been in Giusti's seat, not his, because he

1 had to pick up that territory he couldn't -- that Tom  
2 couldn't reach when he got -- when he had filled up  
3 Giusti's seat, all of that went over to Clark.

4 Well, Clark was absolutely convinced he was  
5 going to get primaried and he was going to lose. And  
6 he wanted significant changes made to the -- to the --  
7 to the district if 2 was going to go forward. But he  
8 was -- he was very upset with map 2.

9 He said that was going to take him off the  
10 commission. And -- and his objections were something  
11 you couldn't dispute, but you also couldn't see by  
12 looking at any data, because he's talking about  
13 individuals, and individual groups, potential  
14 opponents, that sort of thing.

15 His problem went with the Republican  
16 performance district. In some minds -- in some ways  
17 in his mind it was too Republican, because it had  
18 Republicans that were going to oppose him.

19 Q Any other complaints from Commissioner  
20 Clark?

21 A That's pretty much it. That was -- trust  
22 me, that was enough.

23 Q All right. What about Commissioner Apffel?

24 A Well, Commissioner Apffel wasn't completely  
25 happy with 2 either. And he then let us know why he

1 had wanted those two precincts in the Northwest,  
2 which -- that he hadn't completely told us why he had  
3 wanted them.

4 Turns out his wife had found a nice housing  
5 lot where they wanted to build a house in the second  
6 one of those. He needed the other one to get there.

7 And -- and he wanted -- he needed those two  
8 precincts in his district. And of course when we did  
9 the geographic criteria, Tom wasn't conscious of -- of  
10 the ask and not ask, and -- and so they weren't in  
11 there.

12 And -- and so he wanted the house in -- the  
13 new -- the new house in. If he told us that to begin  
14 with, we would've moved his house to that spot. So  
15 that was his objection. Otherwise, he was happy.

16 Q Otherwise, he was okay with map 2?

17 A Yeah.

18 Q What did he have to say about map 1?

19 A He liked map 1. I had to explain to him  
20 about the Texas City stuff. And I -- and I told him,  
21 you know, that -- I didn't tell him Holmes had  
22 actually requested it, because I didn't want to reveal  
23 that at that point.

24 But I did tell him, you know, we looked at  
25 the math and he really needed to lose that, the



1 territory he lost in the Dickinson, League City area,  
2 in order to get himself to where he could get those  
3 two precincts he wanted.

4 And -- and frankly, he also needed to lose  
5 Bolivar and Pelican Island, because that's the only  
6 way the math would work. And it was the only way the  
7 math would work.

8 Q Okay. Anything else from Commissioner  
9 Apffel about the maps?

10 A That's pretty much everything.

11 Q What about your meeting with Commissioner  
12 Holmes?

13 A Commissioner Holmes' immediate response when  
14 we showed up was "Only one of these maps do I like,"  
15 and that was map 1. I wasn't surprised by that  
16 response. But I think he recognized we had given him  
17 everything he had asked for.

18 We had given him something else he didn't  
19 want, Bolivar and Pelican, and he mentioned the fact  
20 that he didn't want them.

21 You know, I explained -- again, I didn't  
22 want to explain to him the issue with Apffel or that  
23 if we didn't give them to him, that would mean we were  
24 granting none of Apffel's requests.

25 And -- and I didn't want to put any

1 commissioner in the situation where we had asked them  
2 for their requests and then we just totally stiffed  
3 one of them.

4 So he pretty much had to get Bolivar and  
5 Pelican. It frankly made the cuts look -- in -- in --  
6 down there in that region look a little less racial  
7 too.

8 I -- you know, it didn't really affect his  
9 political performance, because the amount of people in  
10 there was so small, it wasn't going to change it, and  
11 I think he probably recognized that.

12 I did inform him at the time that if he  
13 could get support for it amongst the other  
14 commissioners, it's not real hard to reverse that one.

15 We can do it within numbers without a whole  
16 lot of grief, because it was -- it was obvious he had  
17 contacted somebody to draw him a map, and that was the  
18 basis of his changes.

19 And they'd gotten up over the minimum level  
20 they needed to change, and they just stopped. That  
21 was why he had room to take on those two pieces and  
22 still give him all -- all -- and he's in the slowest  
23 growth district in the county.

24 So if you're going to have one that's higher  
25 than the others, you want that one to be the high one,

1 not the low one, which was what he was going to be  
2 otherwise.

3 So there was a one-person, one-vote aspect  
4 to it. There was a Larios aspect to it, and it made  
5 the most sense, and it was more likely to get  
6 political support.

7 Q And what did Commissioner Holmes say about  
8 map 2, if anything?

9 A Well, he hated it. And, like I said, not  
10 surprising. But he -- he made it adamant that he  
11 didn't -- didn't like it.

12 I pointed out to him at the time that I  
13 thought I could defend both maps, but I could not  
14 defend -- because he made the suggestion that  
15 retrogression was still in play. And I corrected him  
16 on that.

17 And I did not think that retrogression --  
18 that Voting Rights Act could defend a map based on the  
19 Voting Rights Act. But I did think it could defend  
20 one based on these changes. And -- and he needed to  
21 find two commissioners that would support him on that.

22 Q And you told him that?

23 A I did. I didn't tell him that, from my  
24 previous conversations, I thought there were two  
25 commissioners possibly out there, because that's not

1 my -- that would've been me overstepping my bounds.

2 Q All right. And these conversations that  
3 we've just been talking about that happened after --  
4 where you're showing the draft, was there any  
5 discussion about what other commissioners had said or  
6 not said?

7 A I am specifically not sharing Commissioner  
8 confidences. I'm not sharing Holmes' confidences with  
9 the other commissioners. I'm not sharing the other  
10 commissioners' confidence with the other  
11 commissioners. I only do that if they relieve me and  
12 allow me to go do that.

13 Q All right. Aside from what we talked about  
14 with Commissioner Holmes, was there anything else that  
15 he said to you about the draft maps?

16 A That's pretty much it. I mean he -- he made  
17 it very clear he didn't -- didn't like map 2. And he  
18 made it -- you know, he was -- he -- I at least got  
19 the indication that while he didn't like having  
20 Bolivar and Pelican Island, he was okay with that.  
21 And that was the impression I left the meeting with.

22 But at that point, you know, I did -- I did  
23 tell him, you know, if he wants to draw more maps or  
24 if he wants to take Bolivar and Pelican Island out,  
25 particularly if he can get support from other

1 commissioners, we will do that and we won't tell the  
2 other commissioners what's going on.

3 That he can get access to Tom, and I will  
4 just, you know, I will always be looking to make sure  
5 we have a map that I feel like is defensible, because  
6 that's the key thing, is to have one that's  
7 defensible.

8 But he could have access to Tom Bryan and he  
9 could have access to my expertise. But he never took  
10 advantage of that afterwards.

11 Q What about the other commissioners? Was the  
12 same offer of access to Tom Bryan given to them?

13 A Yes -- yes.

14 Q Did any of them reach out separately to Tom  
15 Bryan?

16 A Nobody reached out separately to Tom Bryan.  
17 I wanted them to contact Tom through me, because I  
18 wanted to know what they were doing with Tom.

19 Q Right.

20 A But, you know, we weren't going to tell the  
21 other commissioners unless they said it's okay to tell  
22 the other commissioners.

23 Q And did anyone go through you to talk to Tom  
24 Bryan?

25 A Well, yes. And after that, phase 2 of this

1 operation starts, or I could say phase 3, but  
2 certainly phase 2 of the drawing operation starts.

3 MR. RUSSO: Hey, Mark, if we could take  
4 a short break, what I'd like to do is just go ahead  
5 and, like, order lunch because I'm going to have to  
6 get it brought in.

7 MR. GABER: Okay.

8 MR. RUSSO: Maybe five minutes,  
9 because, you know, I don't want to take a lunch break  
10 right now, but, you know, I'm not sure it'll happen in  
11 the near future and I'd rather the food be here.

12 MR. GABER: Yeah.

13 MR. RUSSO: Would you be okay to take  
14 five and then come right back?

15 MR. GABER: Yeah. That works for me.

16 THE VIDEOGRAPHER: Okay. We are off  
17 the record at 1:05 p.m. This is the end of file  
18 number 2.

19 (Off the record.)

20 THE VIDEOGRAPHER: We're back on the  
21 record at 1:29 p.m. This is the beginning of file  
22 number 3.

23 BY MR. GABER:

24 Q Mr. Oldham, you had mentioned a phase 2 or  
25 phase 3, and I want to get to -- move to that. I want

1 to ask a couple questions, some other loose ends  
2 first, though.

3 Who did you view as Mr. Bryan's client? Was  
4 that you? Was that Holtzman Vogel? Who was his  
5 client?

6 A Well, to a certain extent, it's the client  
7 of the attorneys. I mean, he's hired through the  
8 attorneys. He's there to help us help the -- help the  
9 commissioners' court -- so, I mean, the -- the client.  
10 He's -- he's reporting to the attorneys.

11 Q Okay. Now, you had said that there were --  
12 we had gotten -- after the meetings where you showed  
13 the commissioners the draft maps, you got the feedback  
14 from that. And then you said there was phase 2 or  
15 phase 3. What did you mean by that?

16 A Well, the question was whether -- what --  
17 but at least in terms of the map drawings itself, it's  
18 kind of phase 2. You know, you've had earlier phases  
19 prior to this, but we've gotten down to the  
20 nitty-gritty of drawing maps at this point.

21 And -- and we did still have some situations  
22 where we're trying to actually divide the precincts  
23 that we had to meet the 5,000 voter on that were  
24 internal to districts.

25 We -- we clicked the ones that were external

1 to districts already, but we didn't click the ones  
2 that were internal to districts. So we were still  
3 trying to work through some of that.

4 But at this stage what happens is now  
5 commissioners start to make changes to map 2.  
6 Essentially, Judge Henry is going and getting votes.

7 And -- and -- so the first one that comes  
8 is -- is Apffel. And he wants to get his new house  
9 site in the map from -- into map 2. And so Tom and I  
10 get together with him and Tom starts to do some work.

11 First thing we got to do is find out exactly  
12 where the house is or it's going to be, and then  
13 figure out how it can be done, and -- and make sure  
14 that the line is actually a -- a usable line.

15 That was all found. It was added in. The  
16 changes were made that got his house into his district  
17 in map 2. And at that point, I think he was on board  
18 with Judge Henry at that point.

19 Q Do you recall where specifically that house  
20 site is?

21 A Not right off the bat, but if you look -- if  
22 you look up there, there's a cut precinct on the  
23 Northwest edge. That's it.

24 Q And which district is that?

25 A In the district that Apffel represents now.



1 I think that's district 1. And -- and --

2 Q And so the precinct was split to get that  
3 house site?

4 A To get that house site.

5 Q All right. The --

6 A It's barely in.

7 Q And do you know if he's moved to that house?

8 A I do not.

9 Q All right. Now was this --

10 A If his wife is like mine, he has.

11 Q This process of getting Commissioner Apffel  
12 satisfied by getting his new house into his  
13 commissioner precinct, how did the communication about  
14 that happen? Was that -- did you go to him and say,  
15 "Hey, let's --

16 A No -- no. He -- Paul Ready contacted me  
17 and --

18 Q What did Paul say?

19 A Well, he just told me that Apffel wanted to  
20 make some changes. And I got Tom Bryan scheduled in,  
21 and got a Zoom together, and -- and Bryan shared the  
22 map and -- and made the changes to get the district in  
23 there -- I mean to get the house into the district.

24 Q Okay. Do you remember when about that  
25 meeting or that this happened with Commissioner

1 Apffel?

2 A Not exactly. It's not too long after we  
3 presented the maps, but it's after I got back home.

4 Q How long were you in Galveston for these  
5 meetings?

6 A Not very long.

7 Q Couple of days?

8 A Yeah. I mean, I came down, saw all the  
9 commissioners and went back.

10 Q So after Commissioner Apffel's house issue  
11 was addressed, what happened next?

12 A Well, then the question is to deal with  
13 Commissioners Giusti and -- and Clark. And I think it  
14 kind of -- kind of went to Clark first, but after that  
15 they kind of started a little bit of it together.

16 And the question -- Clark had very specific  
17 things he wanted. And they were not -- and it was not  
18 anything that you could tell from the data, because  
19 Clark knew individual people's names. He -- he, you  
20 know, talked about certain groups.

21 None of us knew what any of that meant, but  
22 I'm not disputing anything that he thought. I mean,  
23 he knew that ground better than anybody else knew that  
24 ground. And he knew who his potential primary  
25 opponents were better than anybody else would've known

1 what his primary opponents were.

2 So you weren't -- you couldn't dispute him  
3 on any of that. And he had very specific precincts,  
4 locations, et cetera, he wanted out and he wanted in.

5 He got some of it. Some of it was going to  
6 put him out of one-person, one-vote, and couldn't let  
7 him have that.

8 You know, some of it started to violate  
9 criteria too much. Couldn't let him have that. But  
10 at the end of the day, he was copacetic with the map  
11 that ultimately is the map, the version of map 2 that  
12 gets passed.

13 In the process, he manages to give Giusti  
14 back some of his -- the -- the Republican precincts he  
15 didn't want.

16 Q And so the Republican precincts that  
17 Commissioner Clark didn't want, I gather those were  
18 the voting precincts he had identified as where  
19 potential primary opponents lived?

20 A Yes.

21 MR. RUSSO: Speculation.

22 But to the extent --

23 THE WITNESS: Speculation, but he --  
24 yeah. I mean, it's clearly the ones he wanted out.

25 //

1 BY MR. GABER:

2 Q And to the extent he was talking to you  
3 about his reasons, it was because of who he had  
4 identified as potential primary opponents?

5 MR. RUSSO: It calls for speculation.  
6 And asked and answered.

7 A Yeah. There were -- yeah. It was that and  
8 people who would -- who could oppose him, you know, in  
9 terms of voters and candidates. Yeah.

10 Q And giving those voting precincts to  
11 Commissioner Giusti made Commissioner Giusti happy?

12 A Correct.

13 Q Any other comments from Commissioner Clark  
14 at this point on map 2?

15 A Once it gets -- I don't know that Clark was  
16 ever completely happy, but he certainly becomes  
17 copacetic and -- and is on board with map 2 at that  
18 point. At that point, Apffel, Giusti, and Clark are  
19 all on board with map 2.

20 Q Now, so for Commissioner Apffel, he is  
21 resolved with his concerns, because his new home site  
22 is in map 2.

23 A He was the easy one to make happy.

24 Q All right. He had been -- when you first  
25 met with Commissioner Apffel, he liked map 1?

1 A He liked map 1, because it had his house --

2 the new House site in it, and map 2 did not.

3 Q Did he give you any other reason for why he

4 was good with going with map 2 now?

5 A No. That was pretty much it.

6 Q All right. And for Commissioner Clark, he

7 became copacetic you said. He still preferred map 1.

8 Is that the case?

9 A Well, I think it is deep down in his heart,

10 but he didn't want to -- he didn't want to be, you

11 know, the guy still --

12 MR. RUSSO: I just object to

13 speculation.

14 THE WITNESS: Yeah -- yeah. It's

15 speculation.

16 He's right. It's speculation. It's

17 my -- it's my trying to read where he was.

18 BY MR. GABER:

19 Q I guess that's what I'm -- so I am

20 interested in that. What was your read on where he

21 was?

22 MR. RUSSO: Objection. Speculation.

23 A I think he was -- felt like he had gotten

24 enough, and -- and, you know, he was now ready to

25 vote for map 2.

1 Q Okay. So commissioners -- it seems all of  
2 the commissioners, Clark, Apffel, Holmes, and Giusti,  
3 that their starting preference was map 1, but then  
4 some changes were made to map 2 to get them okay with  
5 that version.

6 A That would appear to be correct.

7 Q And that was all driven by -- from your  
8 perspective, from Judge Henry?

9 A Again, that's speculation on my point -- my  
10 part, but --

11 MR. RUSSO: Object to speculation.

12 THE WITNESS: Yeah. It -- you know, it  
13 came from somewhere.

14 BY MR. GABER:

15 Q But from your meetings, Judge Henry was the  
16 only one who saw map 2 and said, "Hey, that's what I  
17 want."

18 A From the initial meetings.

19 Q Did you have any conversations with Judge  
20 Henry about Commissioner's Apffel's home site?

21 A Not that I'm completely recalling. At -- at  
22 the very first, when Apffel first -- I don't know if  
23 it was Judge Henry or Paul Ready who -- who told me,  
24 you know, Apffel -- and that was when we first learned  
25 that his reason for wanting those two precincts in map

1 1 was the house.

2 And -- and that may have come -- I can't  
3 really recall whether it came from Henry or whether it  
4 came from Ready. But then, you know, when we got  
5 Apffel in the room, Apffel was prepared to tell us  
6 exactly where it was.

7 Q What did Mr. Ready have to say? We've  
8 talked a little bit about, you know, what the  
9 commissioners asked for and Judge Henry. What was  
10 Mr. Ready's role in these conversations?

11 A Well, it was partly to guide me through the  
12 commissioners. It was partly to make sure I was not  
13 alone with any of the commissioners at the time. It's  
14 obviously, someone they already had a relationship  
15 with.

16 And -- but he very seldom offered specific  
17 comment or advice during -- during the meetings. And,  
18 you know, so there wasn't a whole lot in that sort of  
19 situation.

20 He would relay things to me when -- you  
21 know, for instance, like, when we were going to go  
22 have Commissioner Apffel there and -- and go ahead and  
23 have those redraws.

24 I do know Mr. Ready was very sensitive to  
25 the idea that we were never to have more than two

1 | commissioners in the room, which I understand. And we

2 | very seldom had two commissioners in a room.

3 | Q Yeah. What were those instances where there

4 | were two commissioners?

5 | A Well, most of them were with Giusti and

6 | Clark in the room when they were over there.

7 | Q Do you know why it was that pairing?

8 | A Well, because the changes were happening

9 | very much between their two seats, between their two

10 | districts.

11 | Q And do you have a rough sense of the timing

12 | in terms of this -- kind of where we've gone from

13 | talking individually to each commissioner to the

14 | effort to get votes for map 2. When is this effort

15 | happening?

16 | A This effort is happening not too terribly

17 | long after I go down and present the maps to all of

18 | the commissioners, because, you know, at that point

19 | that was kind of the starting gun for the politics.

20 | Q And is that, like, late October?

21 | A Yeah -- yeah. End of October. I'm not sure

22 | exactly on the time, but in -- in that neighborhood.

23 | Q Now there were also Zoom meetings -- or for

24 | the in-person meetings that we just talked a little

25 | bit about, was Mr. Bryan involved in any of those?



1 A For the in-persons at the -- when we  
2 presented the maps?

3 Q Right.

4 A That was just myself and Ready.

5 Q There came a time, though, when he was  
6 involved in some additional meetings. Is that right?

7 A Well, that's this process.

8 Q I see.

9 A He was involved in every one of these.

10 Q Okay. So he's on there on the Zoom with you  
11 and the commissioners?

12 A Yeah. He's the key guy in a lot of ways.

13 Q Yeah. All right. Was there anyone else on  
14 those Zoom meetings at the time?

15 A Usually myself, Paul Ready and the  
16 commissioner involved. Sometimes it may have been  
17 some of the commissioners' staff, but, you know, it  
18 was principally those guys.

19 Q All right. And what was Holtzman Vogel's  
20 role at this point?

21 A Well, Holtzman Vogel's role in this part of  
22 it is largely through myself and Tom Bryan.

23 Q Were any of the Holtzman Vogel attorneys on  
24 those Zoom meetings with the commissioners?

25 A We may occasionally have had Phil on, but I

1 don't think we had them on that many times.

2 Q Were there conversations with Commissioner  
3 Holmes while this sort of effort to get support for  
4 map 2 was ongoing?

5 A Holmes did not contact us again after the  
6 presentation on the 19th.

7 Q Did anyone -- did you reach out to  
8 Commissioner Holmes at all?

9 A I did not, but I didn't reach out to any of  
10 the others either.

11 Q All right. So that was all them coming to  
12 you?

13 A Yeah. It's them coming to me through Ready.

14 Q So they would first talk to Mr. Ready.  
15 Mr. Ready would contact you, and then a Zoom would be  
16 set up?

17 A Right.

18 Q Did you have more than one Zoom meeting with  
19 any of them in this phase?

20 A I think we probably had more than one  
21 with -- with Clark, not with Apffel. I mean, Apffel  
22 we solved in one -- one fell swoop. His was an easier  
23 one to do.

24 Q Was it actually, like, on the screen? Was  
25 the map on the screen while you were meeting with

1 Commissioner Apffel?

2 A Yes.

3 Q And did Mr. Bryan make the change to get his  
4 house site into the district at that time?

5 A He made the change while everybody watched.

6 Q All right. And Commissioner Apffel said,  
7 "That's great. I'm good with that now"?

8 A That's pretty much how that went. I  
9 wouldn't -- I wouldn't use those exact words, but  
10 that's the gist of it.

11 He -- you know, once -- once he was assured  
12 that -- he could see it, and he understood it, and  
13 understood that was his house site, he's like "I'm  
14 fine with this map now." Yeah. That was the gist of  
15 it.

16 Q At this point, did you have a position as to  
17 which map should be adopted?

18 A Not my place.

19 Q All right. And so you weren't suggesting  
20 that to anyone?

21 A No. At this point I'm just trying to make  
22 sure that whatever map they end up doing, they don't  
23 take it out of the place -- because when they're  
24 drawn, I think we can defend either map. But I'm  
25 trying to make sure they don't take it to a place

1 where that isn't going to be the case anymore.

2 Q Was anyone -- were any of the commissioners  
3 asking for additional changes to map 1 during these  
4 meetings?

5 A Not at this point.

6 Q Was it your sense that, at this point, that  
7 map 1 was not really in contention anymore?

8 A I wouldn't say that was truly the case until  
9 Giusti and Clark were on board. At that point, yes.  
10 At that point it was clear to me which way the  
11 commission would be going.

12 Q And roughly what was the timeframe when  
13 Giusti and Clark got on board with map 2?

14 A I'm not exactly sure, but it's in that --  
15 that late October period.

16 Q Okay. And any other -- aside from the  
17 moving of the precincts that Commissioner Clark had  
18 identified to move out the voting precincts and the  
19 splitting of the precinct to get commissioner Apffel's  
20 home site, were there any other changes along those  
21 lines to particular voting precincts that were  
22 occurring at this point?

23 A They -- yeah. You had to make some changes  
24 to make one-person, one-vote room for what Clark was  
25 trying to do and what Giusti was trying to do, but

1 more Clark.

2 And -- and so you had to -- that was one of  
3 the things Clark didn't seem to completely grasp was  
4 it's great to say you want this and you don't want  
5 that, but they're not equal pieces.

6 And -- and, you know, when you want this and  
7 you want that, then Bryan has got to find something  
8 that he can also shift to make the numbers come up to  
9 someplace that's going to make me happy with the  
10 numbers.

11 And -- and you can't just throw things out  
12 of one-person, one-vote that, because, "Well, I want  
13 that one and not that one." And that took a little  
14 doing.

15 And so there were other things that had to  
16 change in order to keep him with what he wanted, and  
17 what he didn't want, and get us to one-person,  
18 one-vote.

19 Q Was there a -- aside from the, like, plus or  
20 minus 5 percent that's allowed generally in cases, was  
21 there sort of a target population deviation?

22 A Well, I was trying to keep it a little  
23 closer. And I was trying to keep the high district --  
24 the -- the slow growth district higher -- districts  
25 higher than what I thought would be fast -- you know,

1 | what we -- we had seen previously as being fast growth  
2 | districts.

3 | There's a Larios concern in that, but there  
4 | was -- there was also the aspect that I was concerned  
5 | about differential privacy. I still have some  
6 | concerns about differential privacy and -- and the  
7 | possibility that there -- there will be a  
8 | non-differential privacy data set released eventually.

9 | And I wanted the -- I wanted at least a  
10 | decent chance of a differential privacy data set not  
11 | throwing one of the districts out of -- out of  
12 | one-person, one-vote.

13 | That's a difficult thing to actually gauge  
14 | exactly where it is. But I thought we did a  
15 | reasonably decent job of being able to accommodate the  
16 | risk of a -- of a differential privacy data set,  
17 | not -- not forcing you to have to redraw a plan in the  
18 | middle of decade.

19 | Q Was it -- did you land at a number as a goal  
20 | in terms of the plus or minus deviation?

21 | A Well, more of a -- more -- it's a little  
22 | more district-specific than that. Because if it's a  
23 | district that I thought was likely to be more affected  
24 | by differential privacy and was -- had a chance of  
25 | being lower, I try and run it a little higher.

1           And if it was a district that I thought  
2           might be a little high in the differential privacy  
3           data, I tend to run it a little -- little lower.

4           So -- but I wasn't -- I was trying not to  
5           get too close to the edges in certain -- certain  
6           cases. But I was trying -- you know, there were  
7           certain things that you could guess were going to be  
8           more affected by differential privacy than others.

9           Q     And what were those attributes?

10          A     Those -- well, obviously one of the things  
11          that -- that gets in there are both the Hispanics and  
12          to a certain degree African-Americans.

13          And because -- you know, it used to be it  
14          wasn't a big problem, because when they were doing  
15          data swapping, you're only changing the  
16          characteristics. You're not changing the numerosity.  
17          So it never changes the numbers.

18          And moreover, the characteristic isn't very  
19          far away. It's over -- you know, it's in an adjacent  
20          block or, you know, no more than a couple of blocks  
21          away from where they swapped the data from.

22          So the odds are pretty good that in most  
23          draws you're going to get that back in anyhow. It's  
24          not a problem. But the biggest thing was there's no  
25          numerosity issues.

1           The problem with differential privacy is you  
2           don't know where it got moved to. And it can be great  
3           distances away.

4           And -- and there's a tendency, frankly,  
5           to -- to flip pop in a way that's throwing in stuff to  
6           make certain -- to hide things in certain minorities'  
7           blocks. And, you know, they're not as worried about  
8           it in a -- in a -- in a very evenly-divided block.

9           And so you are worried about your  
10          homogeneous blocks being made less homogeneous.  
11          And -- and to use your language, or your extreme case  
12          blocks being made less extreme, because that's the  
13          ones the algorithm is going to spot.

14          And it's going to try and shove some pop in  
15          from somewhere else to -- to hide the fact that it's  
16          got homogeneous data in it, characteristic data.

17          And that, of course, meant that there could  
18          be some extra non-Hispanic white, even Hispanic white  
19          tossed in Holmes' -- in some of Holmes' spots. I was  
20          conscious of this fact.

21          Q       And so just help me through the -- because  
22          I'm not sure I totally understand yet how the math of  
23          that would work out. So the idea is that in  
24          Commissioner -- around where Commissioner Holmes lives  
25          or -- is it in the, like, concentrated



1 African-American precincts?

2 A It's going to be in the ones that are more  
3 concentrated. Commissioner Holmes doesn't live in one  
4 of those, but it's going to be in the ones that are  
5 more concentrated. It's the -- it's the idea that the  
6 bureau doesn't want revelation of characteristic data.

7 So what the bureau does under differential  
8 privacy is there is a scramble, a mathematical  
9 algorithmic scramble of numbers.

10 I think this is absolutely obnoxious and  
11 everybody that works in this area, regardless of which  
12 side you're on, should think that this is something  
13 that needs to be stopped. But it can have -- the more  
14 homogeneous the block is, the more likely it is to try  
15 and get disguised by the algorithm.

16 Q And does that happen by adding people who  
17 don't live there or reducing?

18 A Can happen either way, but what usually  
19 happens if you've got a very homogeneous block --  
20 let's say it's -- you got 100 African-Americans in  
21 there -- it's going to probably try to shove something  
22 in there, so that it's not obvious they're all  
23 African-American.

24 Q And so the response then to this -- when you  
25 were balancing the population would be to increase --

1 | what was the response? Was it to increase the size of  
2 | the districts with those precincts?

3 | A Yeah. When you look at Holmes' seat, you've  
4 | got two issues. One, you already know it's a slow  
5 | growth seat.

6 | The other is -- and, you know, go past the  
7 | Larios issues for a second. But you also know  
8 | differential privacies got a chance of making that  
9 | district a little higher than -- than it actually is.

10 | So if you get a non-differential privacy  
11 | dataset, that district may end up with a lower  
12 | population than it currently shows.

13 | So if he's down near the bottom of your  
14 | deviations, there's a greater chance it's going to  
15 | fall out. You see what I'm saying?

16 | Q Yeah. So I guess sort of the rubric then  
17 | that you were doing was to add additional people to  
18 | the districts that contained those larger extreme case  
19 | concentrated black voting precincts, make them larger  
20 | according to the 2020 census on the notion that  
21 | perhaps those people didn't actually exist, and so the  
22 | population was more equal?

23 | A Correct.

24 | Q And for --

25 | A Well, I wasn't getting crazy about it

1 either, because, you know, it's -- this is the  
2 ultimate guesswork.

3 Q Right. And the same assumption, I guess,  
4 doesn't apply to the more concentrated white  
5 precincts, because there's just more of them in the  
6 country?

7 A Well -- yeah. You can if it's more  
8 concentrated but your situation in those are if you've  
9 got a good mix, like, you've got a Hispanic,  
10 non-Hispanic white mix, it's less likely to get  
11 scrambled.

12 Q So around --

13 A They'll probably still get -- some extent,  
14 but.

15 Q Say it's, like, a 70 percent white  
16 non-Hispanic precinct, that's not part of the extreme  
17 case category; right?

18 A Yeah. That's not as nearly as -- the idea  
19 is to hide personal data.

20 Q And so this primarily would've been  
21 Galveston County -- this sort of consideration of  
22 population equality taking into account differential  
23 privacy, this primarily was about the primarily black  
24 voting precincts in the county.

25 A Yeah. Those are the only ones you really

1 | got that are extreme. Well, like I said, didn't get  
2 | carried away with it either.

3 | Q Okay. So we've had the meetings with  
4 | Commissioner Giusti, Clark, and Apffel. Did you meet  
5 | again with Judge Henry during this time period when  
6 | the kind of Apffel house fix was happening and the  
7 | Clark primary opponent fix was happening? Were there  
8 | other meetings with Judge Henry?

9 | A We may have had a couple of discussions with  
10 | Judge Henry, and -- and he might have popped his head  
11 | in a couple of times on -- on some of the individual  
12 | commissioner meetings that there were too.

13 | But the -- you know, he was -- we were  
14 | pretty much set at that point. He was prepared to  
15 | bring the -- the new map up to -- up to the commission  
16 | and get a vote.

17 | Q So Judge Henry, he knew that you were there  
18 | and that you were having -- not there. He knew that  
19 | you were having the Zoom calls with the commissioners  
20 | at this point?

21 | MR. RUSSO: Calls for speculation.

22 | A You know, I don't absolutely know that. I  
23 | think he probably was.

24 | Q And you said he popped in -- yeah. You said  
25 | he popped in -- these were Zoom meetings at this

1 point; right?

2 A Right. Yeah.

3 Q Did he come up on the Zoom screen do you  
4 mean or did he pop into the room where one of the  
5 commissioners was?

6 A He usually popped into the room.

7 Q So he is, like, physically there with  
8 whatever commissioner it is that you're on the Zoom  
9 with?

10 A Yeah. And then he'd pop out.

11 Q Okay. Did he have any commentary when he  
12 popped in?

13 A Not a whole lot. No. Because it was mainly  
14 for the commissioners and getting them happy.

15 Q But I think it's -- did you say that there  
16 wasn't another -- aside from those pop-ins, there  
17 wasn't any other, like, dedicated Zoom meeting with  
18 Judge Henry?

19 A Not that I recall. I'm not going to say  
20 that there wasn't, but not that I recall.

21 Q Okay. Now, and we're still in October at  
22 this point?

23 A Yeah. I mean, most of this got decided  
24 before the end of the month.

25 Q Okay. And I think you said you didn't --

1 | there were no more conversations with Commissioner

2 | Holmes that you had.

3 | A No.

4 | Q Have you had a conversation with

5 | Commissioner Holmes since then?

6 | A No. I don't believe I have.

7 | Q Did you talk with him much during the 2011

8 | process?

9 | A No. I did not talk with him very much

10 | during 2011 process. I actually didn't talk that much

11 | with the commissioners period during 2011 process.

12 | I did have one meeting with all the

13 | commissioners during the negotiation process that was

14 | held there in Galveston, because we were doing the

15 | negotiations in Galveston.

16 | But almost all of the contact with the

17 | commissioners up until we got to the negotiation

18 | process with DOJ was between Joe Nixon, and

19 | Mr. Trainor, and the commissioners.

20 | Q All right. So after these October meetings,

21 | what did you do next on the project?

22 | A Well, we started -- we, again, did a little

23 | bit of cleanup, but at that point it was -- Tom Bryan

24 | put together a final map, sent them the block

25 | assignment file, and it was time to post it on the --

1 on the internet for comment.

2 Q And there was -- I know that there was a --  
3 I've seen some documents that suggest that there was a  
4 period of time where there were some, like, issues or  
5 dissatisfaction from the county from Mr. Ready with  
6 some of the work product or the form of various  
7 documents. Can you tell me a little bit about that?

8 A Mr. Ready and I got into a dispute about  
9 what we had contracted to do and what we had not  
10 contracted to do.

11 Mr. Ready was under the false assumption  
12 that Beirne, Maynard & Parsons had done the metes and  
13 bounds in 2010, 2011. They had not.

14 But he was determined that that was  
15 something we were going to do, and that was something  
16 we should have done, and should do. And I told him  
17 that no, that was done by the county before and it is  
18 the county's responsibility.

19 And in fact, I double checked with Mr. Nixon  
20 and Mr. Trainor, and they not only told me that it  
21 was -- that they had not done it, it had not been done  
22 by Beirne, Maynard & Parsons, but had been done by  
23 Mr. Ready's predecessor, his county attorney, and the  
24 county's GIS office.

25 And that more or less solidified the

1 position that this is y'all's job, not ours.

2 Q And was Mr. Ready satisfied with that sort  
3 of investigation?

4 A No.

5 Q What did he have to say about it?

6 A Well, he sent a couple of nastygrams, and I  
7 basically backed out of the conversation at that time,  
8 and left it to Phil Gordon.

9 Q Okay. Do you know how that got resolved?

10 A I do not know the final -- well, I do know  
11 that the county ended up doing it. That much I do  
12 know.

13 Q Did you do anything to help with the  
14 preparation for the public meeting that the -- where  
15 the plan was sort of presented and where the votes  
16 happened?

17 A Not a great deal. I couldn't get down to  
18 Galveston for that. I gave some advice on how to  
19 conduct it. The -- the -- but most of that is done by  
20 Paul -- by Paul Ready.

21 Q What was your advice on how to conduct the  
22 meeting?

23 A Well, my advice, as it always is, is to try  
24 and garner as much comment as time will allow you to  
25 garner. And if you can't garner it through public



1 meetings, which they had a real timeframe problem in  
2 this case in terms of doing that, get as much as you  
3 can through the internet.

4 And -- and try and get as much comment as  
5 you can, and -- and go through it and try and see  
6 what's there, review it. At that time, I was not able  
7 to go through all of the -- all the comment, but Paul  
8 was filtering it for me.

9 And -- and I got -- I received a few of what  
10 they considered the more pertinent comments and  
11 some -- some feedback on what the general level of  
12 comments were.

13 Q And what was that assessment?

14 A Well, the first -- the first thing they told  
15 me was that most of the comment was favorable to the  
16 geographically-based plan, the map 2, which was -- you  
17 know, that's a good sign.

18 They passed a few things onto me that -- you  
19 know, concerns that had been expressed. They asked  
20 some questions about, you know, "How much more do we  
21 need to do meetings?"

22 And I said, "Well, it's one of those kind of  
23 moving targets. You want to do as many meetings as  
24 timeframes will allow." And -- and of course you've  
25 got a problem, because you have a very short

1 | timeframe.

2 | And it ended up, they had less time than was  
3 | originally anticipated, 'cause we had -- there had  
4 | been communications with Austin about when the state  
5 | would complete its process, because that was going to  
6 | be key as to when they needed to complete their  
7 | process.

8 | And really kind of up until November I kind  
9 | of thought we were going to have 'til the end of  
10 | December, and then suddenly discovered they didn't.  
11 | And --

12 | Q And when you said, "Have more meetings,"  
13 | that's the public meetings for the members of the  
14 | public to come?

15 | A Right. Yeah.

16 | Q Now, the public meeting that happened was  
17 | sometime in mid-November. Does that sound right?

18 | A Somewhere in there. It may have been  
19 | earlier than that, but I don't know when it was.

20 | Q By the time the meeting happened, the  
21 | majority of the commissioners and the judge were set  
22 | on voting for map 2; right?

23 | A Well --

24 | MR. RUSSO: Objection. Misstates prior  
25 | testimony.

1 THE WITNESS: Yeah. I mean, you don't  
2 know how they're ultimately going to vote, but  
3 certainly they had seen the -- the maps. And at least  
4 many of the initial objections to the map had been  
5 rectified in their minds.

6 BY MR. GABER:

7 Q It was your sense prior to this meeting that  
8 it was pretty clear that map 2 was going to get the  
9 vote?

10 MR. RUSSO: Objection. Calls for  
11 speculation.

12 A Yeah. That's -- that's requiring me to make  
13 a political call of what I think is going on. I mean,  
14 it is beyond what I'm supposed to be doing.

15 Q Well, this is a discovery deposition, so  
16 I'm -- allowed to ask you what you think.

17 A Yeah. Well, the problem is you don't know  
18 what might crop up and change their mind. I mean, you  
19 know, yeah, they've expressed they're okay with it,  
20 but, you know, not too long before that they'd  
21 expressed their sharp disagreement with it. So, you  
22 know, things change.

23 Q Did you -- go ahead.

24 A No -- no. That's -- that's it. Go ahead.

25 Q Did you give any other advice aside -- with

1 | respect to having of the public meeting, aside from  
2 | having as many meetings as possible and getting public  
3 | input over the internet?

4 | A Well, those are your two best ways of  
5 | getting -- getting input. You know, make sure you  
6 | publish the maps.

7 | But the key thing is -- is -- it's pretty  
8 | standard public meeting sort of stuff at that point.

9 | You know, make sure everybody has the  
10 | opportunity to produce written comments, you know,  
11 | keep the talk time down, so that everybody can  
12 | actually talk, but leave them the ability to  
13 | supplement anything they want to say in writing, so  
14 | that they can get everything in front of you.

15 | You know, have a good way to review it.

16 | And, you know, it's just -- it's typical -- you know,  
17 | get all the access to all the things you would do for  
18 | any other public meeting.

19 | Q Was there any discussion ever of having a  
20 | public meeting before the map drawing started?

21 | A Given the timeframes that we had and getting  
22 | the commissioners to exactly where they -- the  
23 | information they wanted before they wanted to make  
24 | decisions, that was really not a -- not a thing that  
25 | was going to be viable.

1 And there wasn't much purpose in a public  
2 meeting until you had data. I mean, the commissioners  
3 themselves exemplified that, because they didn't have  
4 any idea of what the data was actually going to look  
5 like.

6 So, you know, their attitudes as to what  
7 they wanted, needed, what was going to happen changed  
8 after the data showed up, surprise, surprise.

9 Q What about in the timeframe after, like,  
10 mid-September, once the data was out and we knew what  
11 the benchmark plans, population deviation was? Was  
12 there a consideration at that point of having a  
13 meeting to get public input into the process?

14 MR. RUSSO: Object to characterization  
15 of facts. Assume facts not in evidence.

16 A Well, I mean, part of it was you were -- you  
17 were pushing along at that point, so putting that  
18 together would've been a little tricky, frankly.

19 And -- and, you know, you really get your  
20 better public comment once there's a solid "Okay,  
21 these are proposals. Which do you like better? What  
22 changes would you make in one of them if you -- if you  
23 wanted changes?"

24 And gives you a much better, more realistic  
25 comment than "What do y'all want?" I mean, because

1 then people just start speculating all over the place.

2 Q Did you give any feedback or advice -- I  
3 guess advice, not feedback. Did you give any advice  
4 in terms of the physical sort of conduct of the  
5 meeting, where it should be, or what the setup should  
6 be or the like?

7 A Well, not a whole lot. I mean, Galveston  
8 County is relatively easy. It's not like you're doing  
9 state of Texas, where you got to go -- you really do  
10 have to do regional meetings if you're going to do  
11 meetings, because -- or you got to do them on the  
12 internet, because it's so big.

13 And Galveston is a county that's -- you  
14 know, while it's got a pretty sizable population --  
15 it's not huge, but it's got a sizable population -- it  
16 is not that big from end to end.

17 So, you know, if you hold it in the -- in  
18 county council -- excuse me. I -- I misspoke. I was  
19 going back to South Carolina for a second.

20 But if you hold it in the commissioner's  
21 court chamber, you're relatively close to everybody  
22 that's in the county. It's not like it's a huge  
23 burden.

24 Q Any advice in terms of the time to allow  
25 folks to talk or that sort of thing?

1 MR. RUSSO: Objection. Asked and  
2 answered.

3 A Yeah. Back to what I said before, you know,  
4 just set some time limits, so you don't have people  
5 just dominating the meeting, particularly if they're  
6 doing repetitive things.

7 But make sure they have the ability to  
8 supplement their comments, either through the internet  
9 or through written comments, so that they get  
10 everything in.

11 But, you know, you can't -- you can't allow  
12 somebody to get up there and filibuster your meeting.  
13 And that's really just a function of "How many people  
14 you got there that day? Can you let them talk long or  
15 can you -- or do you need to keep them to five  
16 minutes?"

17 Q And what about the timing of the conduct of  
18 the vote on the map? Did you give any advice about  
19 when that should occur in relation to the public  
20 meeting?

21 MR. RUSSO: Are you talking about time  
22 of day? Sorry, Mark.

23 MR. GABER: No. I mean, well, maybe.

24 BY MR. GABER:

25 Q But I more was referring to just generally

1 when should the public -- when should the vote happen  
2 on the map in relation to when should the public  
3 meeting or meetings happen?

4 A Well, that was really keyed by -- by what  
5 the state of Texas was going to make the timeline. So  
6 if you could go longer, you would go longer. If you  
7 couldn't go longer, you would -- you would do it in a  
8 way that you complied with the state of Texas  
9 timeline.

10 MR. GABER: Okay. Mr. Russo, I would  
11 like to take a lunch break. It's on the East Coast  
12 and it's 3:00 here now for me at least -- 3:20. Are  
13 y'all ready for a lunch break?

14 MR. RUSSO: Yeah. Perfect.

15 MR. GABER: Okay. How long would y'all  
16 like?

17 MR. RUSSO: Thirty minutes will be --

18 MR. GABER: Thirty minutes?

19 MR. RUSSO: Thirty minutes. Does that  
20 work for you?

21 MR. GABER: That sounds good to me. So  
22 that'd be 3:50 or 2:50 your time.

23 MR. RUSSO: Yeah. That's fine.

24 MR. GABER: All right.

25 Thank you, everyone.



1 THE VIDEOGRAPHER: We are off the  
2 record at 2:20 p.m. This is the end of file number 3.  
3 (Off the record.)

4 THE VIDEOGRAPHER: We're back on the  
5 record at 3:05 p.m. This is the beginning of file  
6 number 4.

7 BY MR. GABER:

8 Q Good afternoon, Mr. Oldham. Welcome back.  
9 Were you involved in any of the Texas statewide  
10 redistricting litigation from 2011 onward?

11 MR. RUSSO: Let me object to the extent  
12 that you're looking for information of -- again, not  
13 public record on terms of -- on the basis of  
14 attorney-client privilege.

15 Other than that you can answer.

16 THE WITNESS: Well, 2011 -- I don't  
17 know what -- you need to -- I -- I really don't know  
18 how to answer that particularly with involved. That's  
19 a -- that's a pretty broad topic.

20 BY MR. GABER:

21 Q Okay. Were you an attorney in  
22 any of those cases?

23 A No. I was not an attorney of record in any  
24 of those cases.

25 Q Have you read the decision? Did you read

1 Abbott v. Perez or --

2 A Oh yes. Absolutely. I read every Supreme  
3 Court case in this area. I read most court appeals  
4 cases in this area.

5 I'm not going to say I catch every one of  
6 them, but I catch -- I try to catch every one of them.  
7 I definitely catch all the Supreme Court cases,  
8 though. And I read a goodly portion of the district  
9 court cases.

10 Q There were a number of -- you know, you  
11 probably are aware, and tell me if you weren't, but  
12 the Texas 2011 redistricting generated quite a bit of  
13 litigation. Are you aware of that?

14 A Yes.

15 Q And so that was, you know, the Perez vs.  
16 Perry case was sort of the consolidated case. You're  
17 familiar with that?

18 A Yes. I'm not sure I -- I know exactly which  
19 phase you're referring to, but I -- I'm -- I'm  
20 familiar with the cases as they went through. Yes.

21 Q There was the initial phase when  
22 pre-clearance hadn't happened yet, and that went up to  
23 the Supreme Court from the section 5 enforcement  
24 remedial decision from the three-judge court in San  
25 Antonio. Do you recall that?

1 A Yes, I do. Then the three-judge court was  
2 overruled by the Supreme Court, and -- and they had to  
3 put in different remedial -- a interim map.

4 Q The interim map you recall was eventually  
5 adopted with some tweaks, I think, for the state house  
6 map, maybe by the legislature in 2013?

7 A Correct. I think that's generally correct.  
8 Yes.

9 Q And then there was litigation after that  
10 point about the 2011 plans. Do you recall that?

11 A I do recall that. I'm not quite sure where  
12 you're heading with this.

13 Q I don't know if I am either, but we'll find  
14 out. So then after that there was more litigation  
15 about the 2013 plans.

16 A There was an awful lot of litigation in  
17 Texas. There's an old joke that -- that Texas makes  
18 far more redistricting law than it should be allowed.

19 Q I think that's right. And that's the --  
20 ultimately, that gets up to the Supreme Court, and  
21 that's the Abbott vs. Perez case from, like, 2018. Do  
22 you recall that?

23 A Right. That's -- that's much later. Yes.

24 Q Okay. Do you --

25 A That's why I'm saying I'm not sure which

1 iteration you're referring to, because there's one  
2 pretty much every -- at least every two years, if not  
3 every year.

4 Q Along the way you've kept up with these  
5 decisions?

6 A Yeah. I've been following those. Yes. I  
7 was following them.

8 Q So one of the aspects of the final Supreme  
9 Court decision, the Abbott vs. Perez case, was about  
10 Congressional District 35. Are you familiar with that  
11 district?

12 A Not necessarily from the number. Where is  
13 it?

14 Q This is -- and I can -- I'll show it to you.  
15 Do you see on your screen there?

16 A No. I don't see a thing on my screen.

17 Q Oh, okay. Maybe --

18 A I've got a black screen.

19 Q My picture has frozen on my side, so it  
20 looks like it's loading. So maybe let's just give it  
21 a second here. Anything come up yet?

22 A No.

23 Q All right. Let me see. It may not even let  
24 me stop that sharing.

25 THE VIDEOGRAPHER: I can stop it for

1 you.

2 MR. GABER: Great.

3 THE WITNESS: Technology is wonderful.

4 MR. GABER: There's a spinning thing on  
5 my screen, so that may -- virtual connectivity  
6 interruption -- I'm still frozen on my side. I  
7 might -- who is the host of this meeting?

8 THE VIDEOGRAPHER: That would be the --  
9 me, the videographer, and the court reporter. I can  
10 stop it for you if you need me to.

11 MR. GABER: I'm thinking maybe I  
12 should -- if we could -- the record for a second.  
13 Maybe if I sign out and sign back in.

14 THE VIDEOGRAPHER: Sure -- sure.

15 MR. GABER: Because I'm frozen on this  
16 side.

17 THE VIDEOGRAPHER: Okay.

18 MR. GABER: Let me do that. Thanks.

19 THE VIDEOGRAPHER: We're off the record  
20 at 3:11 p.m.

21 (Off the record.)

22 THE VIDEOGRAPHER: We're back on the  
23 record at 3:12 p.m.

24 BY MR. GABER:

25 Q All right. So technology is not going to

1 work on my end, but C35 is the district that stretches  
2 sort of along the quarter of I-35 from San Antonio up  
3 into Austin.

4 And it's the district that the state  
5 defended itself against a Shaw challenge, saying that  
6 it had substantial basis of evidence to believe that  
7 section 2 required that drawing of a Hispanic majority  
8 district. Does that sound familiar to you?

9 A Sounds vaguely familiar to me, but I'm --  
10 I'm not -- I'm not sure where -- where you're headed  
11 with it, because I don't -- you know, I don't -- I  
12 don't have a picture of the district in my head.

13 Q It was represented by Congressman Lloyd  
14 Doggett until recently. He then ran in a adjacent  
15 district that was drawn following the 2021  
16 redistricting. Are you familiar with Congressman  
17 Doggett's district?

18 A I am familiar with Congressman Doggett and  
19 vaguely recall his -- his district. I recall the  
20 district that he had at one point that ran from Rio  
21 Grande Valley up to Travis County too. I don't know  
22 that I know exactly what the one you're talking about  
23 here looked like.

24 Q Sure. But I guess the point I'm trying to  
25 get at is from your familiarity with the court

1 | decisions about Texas redistricting, I gather that you  
2 | were familiar with the fact that the courts who have  
3 | assessed these plans have generally ruled in some part  
4 | of the state or another that there's been a  
5 | requirement under section 2 for Hispanic opportunity  
6 | districts. Are you familiar, just generally?

7 | A Well, I wouldn't -- I wouldn't phrase them  
8 | as opportunity districts. I'd phrase them as majority  
9 | minority -- majority minority remedial districts.

10 | And certainly that -- that has been the  
11 | case. We've also had several instances where those  
12 | districts have been found to be racial gerrymanders  
13 | and -- and to violate the first Gingles prong, so --  
14 | as in 25, for instance.

15 | So it's a little bit of a mixed bag, but  
16 | certainly there have been situations where you've had  
17 | single race-based districts that you've had that have  
18 | been found to be remedial districts.

19 | Q And the reference to District 25 that that's  
20 | the LULAC vs. Perry case from 2006; right?

21 | A Yes. Correct.

22 | Q And if I'm remembering correctly, the issue  
23 | there was that there were, I want to say, six or seven  
24 | Hispanic majority districts that the Supreme Court  
25 | found were required under section 2, but that CD 25,

1 because it stretched from McAllen up to Austin, that  
2 it was connecting to communities that had insufficient  
3 similarities.

4 A Well, the -- the last part is the more  
5 correct part, the -- the idea that the -- the McAllen  
6 Hispanics and the Travis County Hispanics lacked a  
7 community of interest.

8 And since they were running -- even though  
9 it was whole counties all the way up to Travis, that  
10 was -- that constituted a racial gerrymander and did  
11 not meet the compactness prong of -- of Gingles.

12 Q I could quibble with you a little bit. I  
13 don't think they found that it was a racial  
14 gerrymandered. I think they found that it was  
15 insufficient to replace another DRA-required district  
16 in the plan. Does that --

17 A Yes. The -- the other district -- you know,  
18 you can read the Roberts dissent. He points out that  
19 district is actually less compact than the one that  
20 they knocked down. So --

21 Q That was CD 23?

22 A Twenty-three, thirty-two. My dyslexia may  
23 prevent me from getting that right -- seat.

24 Q Yeah. So that's CD 23. And the other  
25 finding there was that was a violation of section 2,



1 right, that it had been drawn with too low of a  
2 Hispanic majority, such that there wasn't a real  
3 opportunity, even though the voting age population  
4 Hispanic was above 50 percent?

5 A Correct.

6 Q In all of these decisions where there's been  
7 a finding that a section 2 Hispanic majority district  
8 was required, the predicate finding is that there's  
9 racially polarized voting between Hispanic voters and  
10 non-Hispanic white voters in the district; right?

11 A Yes.

12 Q And that's been the case, you know, across  
13 the decades in terms of court decisions about  
14 redistricting in Texas. Is that --

15 A That's true of whatever minority you may be  
16 analyzing under section 2.

17 Q And that's -- you know, that fact of those  
18 findings of polarization between Hispanic and  
19 non-Hispanic white voters, that's a fact that you've  
20 generally been aware of for your career; right?

21 A Yes.

22 Q I am going to try something, but I hope it  
23 doesn't crash the computer again. But give me one  
24 moment. I'm going to try sending -- are you at a  
25 laptop there, Mr. Oldham?

1 A Well, I'm at Mr. --

2 MR. RUSSO: Yes. There's a laptop in  
3 front of him.

4 MR. GABER: Okay. So rather than doing  
5 this with screenshare, because that froze my computer,  
6 I'm going to try to have you open something through  
7 the chat, but just give me one moment, please. I have  
8 to save it first.

9 THE VIDEOGRAPHER: The chat function,  
10 it doesn't work. You'd have to email it to them.

11 MR. GABER: Oh, okay.

12 Mr. Russo, can I email you? Is it your  
13 laptop there? If I send you an email, can you open it  
14 there?

15 MR. RUSSO: It's not in my email. I'm  
16 not sure. How did we log onto that?

17 MR. RUSSO: You can try doing it  
18 through Jordan. Would be --

19 What's the problem with the chat  
20 function?

21 THE VIDEOGRAPHER: I -- I think it's  
22 disabled.

23 THE REPORTER: Yeah. It just doesn't  
24 let you, like, open documents or send documents  
25 through the chat.

1 MR. GABER: Okay. So I should email  
2 Jordan?

3 MR. RUSSO: Hey, Mark, send it to me,  
4 and we'll get it open on a sort of side computer if  
5 that works.

6 MR. GABER: All right. Yeah. That's  
7 perfect. I just sent it to Jordan, but I'll send it  
8 to you too. And I promise this is the only thing I'm  
9 going to -- I think -- all right. I just sent it,  
10 Mr. Russo. So you should get it here shortly.

11 THE REPORTER: Are you going to mark  
12 this as an exhibit?

13 MR. GABER: I will. Yes. This will be  
14 Oldham Exhibit 1. And I'll send it to you too.

15 (Oldham Exhibit 1 was marked for  
16 identification.)

17 THE WITNESS: Okay.

18 BY MR. GABER:

19 Q Do you see it there? This is a map of the  
20 enacted Galveston plan, map 2 --

21 A Yes -- yes.

22 Q -- with the precinct numbers.

23 A Yes.

24 Q Could I have you -- I would do this on the  
25 screen, but I cannot. So can you zoom into the area

1 where Commissioner Apffel's home site is located?

2 A Oh, I don't know if I can manage to do that  
3 right off here, but I -- I know roughly where it is.

4 Q It looks to me that it's precinct 000490.  
5 That's the split precinct between --

6 A I believe that to be correct, but I don't  
7 absolutely know that to be correct, but I'm blowing it  
8 up here, but that's -- I believe that would be  
9 correct, simply because it's split.

10 Q And that's the only one that's split in that  
11 region; right?

12 A Yeah. And I think that's their reason --  
13 that's the reason.

14 Q Okay. And one other thing I wanted to ask  
15 you about. I'm going to send Mr. Russo a copy of your  
16 declaration from this case. And just let me know when  
17 you got that on the screen there.

18 (Exhibit 2 was marked for  
19 identification.)

20 A I think we have it now. So they got to make  
21 it bigger. I do not have the best eyes in the world.

22 Q Nor do I.

23 A Yeah. Okay. What? I've got it here.

24 Q All right. Do you recognize this as your  
25 declaration --

1           A     It appears to be. I've got it fairly well  
2     blown up, but it appears to be it. Yes.

3           Q     Did you draft this or did someone else do  
4     the drafting for you?

5           A     It was originally drafted, and I reviewed  
6     it.

7           Q     Okay. I want to see if you could take a  
8     look at paragraphs 10 and 11, and then let me know  
9     when you've had a chance to take a look at those.

10          A     Yeah. I see those.

11          Q     In paragraph 11 you not that -- you say,  
12     "Importantly, these maps were never shown to  
13     commissioners, or county Judge Henry, or any of their  
14     respective staff members." I just wanted to ask you,  
15     what was the significance of that? Why does it say,  
16     "Importantly"?

17          A     Well, I looked at those maps basically to  
18     see what the -- what the lay of the land was in terms  
19     of where the districts were. That wasn't -- you know,  
20     "Baseline maps" was probably a poor choice of words.

21                   I mean, it's essentially the initial maps --  
22     the maps that we currently had existed, and -- and  
23     giving me the stats off of those maps.

24          Q     And then in paragraph 15, if you could take  
25     a look at that.

1 A Yeah.

2 Q So it was your conclusion after, I guess,  
3 October 21st that both map 1 and map 2 complied with  
4 the U.S. Constitution and the Voting Rights Act?

5 A Well, I didn't -- yes, 'cause I didn't think  
6 we -- we -- I'm not drawing -- I want to emphasize not  
7 drawing map 1 as a Voting Rights Act remedial map. I  
8 felt like the only way we could defend map 1 was as a  
9 least changes map.

10 But I emphasized to all of my clients, all  
11 the commissioners, that I felt like both maps were  
12 defensible. Slightly different bases, but I thought  
13 both maps were defensive. And if they decided to pass  
14 either one, we could defend it.

15 MR. GABER: All right. Mr. Oldham, I  
16 do not have any further questions for you.

17 I am going to -- hopefully I got you  
18 enough time for your billing for today, but I'm going  
19 to pass you off to my colleague, who represents the  
20 Texas NAACP, Ms. Chen, for questions from her. It was  
21 very nice to meet you, and thanks for the time.

22 THE WITNESS: Thank you. Same here.

23 EXAMINATION

24 BY MS. CHEN:

25 Q Good afternoon, Mr. Oldham.

1           A     Good afternoon, Ms. Chen. How are you  
2     doing?

3           Q     I am doing well. It's nice to meet you. I  
4     was wondering if you wanted a break of any kind before  
5     jumping into more questions or shall we keep going?  
6     We could do a --

7           A     I probably got about -- I probably got about  
8     30 more minutes of tea left.

9           Q     All right. I'll keep an eye on the clock  
10    and we'll aim for 30 minutes. I am trying, as I go,  
11    to eliminate questions that Mr. Gaber has already  
12    asked, and so bear with me if there are some pauses.  
13    But I'm really not trying to keep you here too much  
14    longer.

15          A     Well, I appreciate that fact.

16          Q     So just to, you know, start off, what modes  
17    of communication do you normally use in your  
18    redistricting work, phone, text, email?

19          A     I normally -- I normally use phone calls.  
20    I'm a very -- I'm an old person and getting older.  
21    And -- and I don't normally use a lot of the new  
22    technology. I'm getting better, but -- but it's not  
23    something that I generally do.

24          Q     All right. So not often texting?

25          A     Not -- well, particularly at that point,

1 I've gotten a new phone, and I text more with the new  
2 phone, because it has a gizmo on it that I kind of  
3 like. I can speak to it and it'll text.

4 But as long as it involved pressing little  
5 buttons with my arthritic thumbs, no. I did not like  
6 texting.

7 Q And then in terms of email, you primarily  
8 use the dloesq@aol.com email address. Is that right?

9 A Correct. Please don't spread that around.

10 Q Are there any others?

11 A There is DLOESQ1, but that's only because  
12 that's one I've set up to give grocery stores and  
13 other spamming operations, so that they don't clutter  
14 up DLOESQ.

15 Q There's not, like, an official RNC or  
16 Geographic Strategies, a Holtzman Vogel email address?

17 A No. I don't have a Holtzman Vogel email  
18 address. Geographic Strategies has never had an email  
19 address. I had an RNC address a while back, but I  
20 haven't had that in some time.

21 Q Okay. And then what about an Excite.com  
22 email address?

23 A No.

24 Q Yahoo.com?

25 A No.



1 Q SCbar.org?

2 A No. Yeah. I can just tell you right now,  
3 in case you missed the old part, AOL is all there is.

4 Q Great. And then generally speaking, in your  
5 work with the RNC, did you do any of that work also in  
6 association with Holtzman Vogel?

7 A No.

8 Q That was through your solo practice?

9 A That was through my solo practice. Yes.

10 Q Or as a staff member of the RNC?

11 A Or as a staff member.

12 Q All right. Great. Thank you. So just  
13 going back to the 2011 Galveston County Commissioner's  
14 Court redistricting process, do you recall that  
15 Beirne, Maynard, Parsons presented at a workshop for  
16 Galveston County in April 2011?

17 A Yeah. I think they may have. I don't -- I  
18 don't remember exactly, but yes. I think they may  
19 have.

20 Q Were you present at that workshop?

21 A I may been. I -- I don't know that it was a  
22 workshop for Galveston County, but I remember there  
23 was some little meet and greet sort of thing that Trey  
24 and Joe set up that was designed to solicit business.

25 Q So -- were there other counties there,

1 perhaps?

2 A I think so. I don't know exactly who was  
3 there.

4 Q But were there any other law firms there or  
5 was it, you know --

6 A No. It was -- it was the -- it was intended  
7 to get business for Beirne, Maynard, Parsons. It  
8 was -- it was -- it was a marketing opportunity on  
9 their part.

10 THE REPORTER: Ms. Chen, I didn't hear  
11 the end of your question.

12 MS. CHEN: I just wondered if it was  
13 any other firms were there or if it was just for BMP,  
14 Beirne, Maynard --

15 THE WITNESS: It was just for BMP.

16 BY MS. CHEN:

17 Q And you may have answered this already, but  
18 prior to being hired, did you know any of the members  
19 of Commissioner's Court?

20 A Well, do you mean this time or in 2010?

21 Q -- in 2010 and 2011.

22 A 2010, 2011, no. I didn't know anybody.

23 Q So I am going to try to share my screen now  
24 just to show you the retainer agreement. Hopefully  
25 this works. And if not, then I'll resort to email,

1 like Mark did. Can you see the document on your  
2 laptop or perhaps on somebody else's laptop?

3 (Exhibit 3 was marked for  
4 identification.)

5 A Yours is better, but --

6 Q I can zoom in if needed,

7 A Please. Okay. Yeah. I don't think I've  
8 ever seen this before, but yeah.

9 Q Does this look like the retainer agreement?  
10 So you've never seen the retainer agreement that was  
11 entered into by Joseph Nixon on behalf of BMP with  
12 Galveston County in 2011?

13 A No. I just knew Joe had done it.

14 Q Okay. Does this look like Joe's signature  
15 and like it might be an accurate --

16 A I -- yeah, I can't tell you for certain. I  
17 don't have any reason to doubt it, but, you know.

18 Q This was -- well, I'll present to you this  
19 was produced by the defendants, by the county in this  
20 case. So I think just to move along, we have the  
21 client representation terms here, but I really wanted  
22 to get to the exhibit here that talks about the scope  
23 of work of the firm.

24 A Yeah.

25 Q And, you know, the first line says that the

1 firm would produce an analysis of and presentation to  
2 the Commissioner's Court of the 2010 census data in  
3 preparation of initial consultation. Was that  
4 something that you worked on?

5 A No.

6 Q Do you know who did?

7 A It would've been Trey and Joe.

8 Q And then also a presentation to the  
9 Commissioner's Court regarding the necessary steps in  
10 the process.

11 A Again, Trey and Joe.

12 Q And to your knowledge, would this have been  
13 in public in open Commissioner's Court?

14 A I have no idea.

15 Q All right. The next line talks about  
16 obtaining input from County Commissioners on their  
17 precincts, and similarly for Justice of the Peace and  
18 Constable Precincts. Was that something that you were  
19 involved in?

20 A No.

21 Q How about number 4, providing timelines and  
22 tasks per timelines?

23 A Again, that was Trey and Joe.

24 Q Five is preparing the proposed plans, maps,  
25 drawings and data tables.

1           A     Also, again, Trey and Joe.

2           Q     Six, presentation at any notice  
3 commissioner's court meetings or public hearings of  
4 any preliminary plan maps, drawings, or data tables  
5 for approval.

6           A     That would've been Trey and Joe.

7           Q     Seven is preparation and submission of final  
8 submission documents, such as the final approved  
9 redistricting plan for commissioner's precincts, JP  
10 and Constable Precincts to the U.S. --

11          A     That I saw and reviewed.

12          Q     Okay. So was that -- would you say that was  
13 your primary involvement in Galveston County in 2011?

14          A     Well, there was also the question of the  
15 filing in federal court of the declaratory judgment,  
16 as well, and -- and then the subsequent negotiation  
17 with Department of Justice over the pre-clearance and  
18 the contacts with Department of Justice regarding  
19 pre-clearance.

20          Q     So then to point 8, making periodic  
21 presentations to Commissioner's Court and at public  
22 hearings throughout the terms of this agreement. Did  
23 you make those presentations?

24          A     No. That was largely Trey and Joe. There  
25 was one meeting near the end that I attended, but for

1 the most part that was Trey and Joe, because they were  
2 here. I was not.

3 Q Do you recall what that meeting at the end  
4 was about that you attended?

5 A The negotiations that we were -- that were  
6 ongoing with the Department of Justice.

7 Q And did those take place in DC or in  
8 Galveston?

9 A In Galveston.

10 Q And then the final point of the scope of  
11 work is "Represent Galveston County and members of the  
12 Commissioner's Court in event of litigation." I  
13 believe you said that you were involved there.

14 A Correct.

15 Q Great. Thank you. I'll stop sharing. So  
16 in 2011, did you speak with commissioners or the  
17 county judge about their preferences regarding the  
18 maps?

19 A No.

20 Q All of those preferences were conveyed to  
21 Trey and Joe?

22 A Those were conveyed to Trey and Joe.

23 Q And you are aware that they presented a  
24 preliminary demographic report about the result of the  
25 2010 census in Commissioner's Court?

1 A I am. Yeah.

2 Q Do you recall what criteria were used to  
3 draw the preliminary redistricting proposals in 2011?

4 A I don't.

5 Q But in terms of drafting the section 5  
6 pre-clearance submission, would you say you were the  
7 primary drafter?

8 A No. Primary drafter was Trey Trainor.

9 Q But did you review the submission before it  
10 was sent to the Department of Justice?

11 A I reviewed the submission. Yes.

12 Q Are you aware currently of any inaccuracies  
13 or mistakes in that letter for submission?

14 A No, but I hadn't seen the letter in 12  
15 years. So -- and I've seen a lot of DOJ section 5  
16 submissions. No, I don't know what's in it.

17 Q So you did not review it before entering the  
18 2021 engagement with Galveston County?

19 A No. I have not reviewed the section 5  
20 letter that was submitted. No. I did not review it.

21 Q Did you attend any of the five public  
22 hearings in the 2011 redistricting process?

23 A Like I said, the only one I attended, there  
24 was a public hearing near the end that I was at. That  
25 was the only one I was at.

1 Q Were you aware that at least one of those  
2 hearings had over 300 attendees?

3 MR. RUSSO: Objection. Calls for  
4 speculation.

5 A I don't know how many attendees they had.

6 Q So that was not something you discussed with  
7 the other attorneys or with the Commissioner's Court  
8 members, the number of attendees or comments made at  
9 the public hearings?

10 A I may have been aware of something at the  
11 time, but it was -- you know, I understand there  
12 were -- there were lots comments, but I don't --

13 Q And do you recall that there were no public  
14 redistricting criteria discussed or adopted in 2011?

15 MR. RUSSO: Misstates the testimony.  
16 Assumes facts not in evidence.

17 A Yeah. I -- I have no idea. Okay?

18 Q Okay. That's fine. Let me see. So based  
19 on your testimony that you weren't involved in  
20 drafting the maps considered first by the  
21 commissioner's court in 2011, you don't know that --  
22 you know, Judge Henry wasn't speaking to you when he  
23 said that the previous map was good enough and he  
24 didn't want you to start from scratch?

25 MR. RUSSO: -- objection. Calls for



1 for -- I'm sorry. Assumes facts not in evidence.

2 THE WITNESS: Yeah. I'm not even quite  
3 sure what you're asking.

4 BY MS. CHEN:

5 Q That's all right. It states in the  
6 pre-clearance letter, and we can pull it up if needed,  
7 that Judge Henry said that the map from 2011 was good  
8 enough and that he hoped that the map makers would not  
9 start from scratch. Was that something that you were  
10 aware of

11 A Good enough for what?

12 Q Good enough to be the maps that they voted  
13 on.

14 MR. RUSSO: Objection. Calls --  
15 assumes facts not in evidence.

16 A In --

17 MR. RUSSO: The record speaks for  
18 itself.

19 THE WITNESS: Yeah.

20 MS. CHEN: Sorry. Mr. Russo, I can't  
21 quite hear you. Do you mind speaking louder?

22 MR. RUSSO: Objection. Assumes facts  
23 not in evidence. The document speaks for itself.

24 Do you hear that?

25 MS. CHEN: Yes. Thank you.

1 BY MS. CHEN:

2 Q So you do not recall hearing that from Judge  
3 Henry?

4 A I'm still not even sure what timeframe  
5 you're talking about.

6 Q We are still talking about 2011, but I  
7 will -- let's see. You know, in the interest of time,  
8 I will move on. Did you consult with any  
9 representatives from the black or Hispanic communities  
10 in Galveston about the 2011 commissioners map during  
11 the redistricting process?

12 A No.

13 Q Did you review the DOJ's 2012 letter  
14 rejecting pre-clearance --

15 A I did.

16 Q -- over the Commissioner's Court precincts  
17 before beginning your engagement in 2021?

18 A Well, I was aware of it from twenty -- 2012.  
19 That was a letter I was intimately familiar with.  
20 Went and dealt with that negotiations with DOJ.

21 Q Did you review it again at any time after  
22 the 2020 census in relation to your 2021 engagement  
23 with Galveston County?

24 A I didn't -- I was aware enough of what was  
25 in there and how it applied. I mean, it's a -- it's a

1 section 5 letter. It's not a section 2 letter.

2 Q Okay. So now we'll just jump to 2021. When  
3 Paul Ready reached out to you in November 2020 about  
4 taking Galveston County on as a client again, what  
5 were some of the considerations you weighed in  
6 deciding whether to agree to that retention?

7 A Well, I'm not sure -- again, I'm not  
8 completely sure what that -- that means. I mean,  
9 obviously it's a question of whether I have time to do  
10 it.

11 There's also the question of, you know, am I  
12 going to -- what group am I going to be doing it with?  
13 I was a little bit sensitive to the fact that Trey was  
14 gone, Joe was gone, and they were people that I kind  
15 of liked. And I didn't want them kind of left in a  
16 lurch.

17 So I had to go see if I could find someone  
18 else that was interested in doing it with me.

19 Q To put a finer point on it, you know, you  
20 described state clients. You described a lot of  
21 redistrict matters and being very busy. And so I was  
22 just wondering if there were, you know, any good  
23 reasons for you not to take on Galveston or if  
24 Galveston was maybe small fry for you.

25 MR. RUSSO: Object. Vague and

1       ambiguous.

2             A     Vague and ambiguous in a way to cheaply  
3       insult the client.

4             Q     So you did not consider the size of the  
5       county or do you not consider the scope when taking on  
6       this representation?

7             A     I consider size and scope, and I consider  
8       the need of the client.

9             Q     And then do you recall in November 2020 when  
10      Ready first reached out to you that he sent a version  
11      of the Galveston County standard retainer agreement  
12      and also a copy of the 2010 BMP agreement we just  
13      looked at?

14            A     I did. I forwarded all of that over to  
15      Holtzman Vogel, because it was going to have to be a  
16      Holtzman Vogel decision in a Holtzman Vogel document.

17            Q     Did you have any input for Holtzman Vogel  
18      about what you wanted the retainer agreement to look  
19      like?

20            A     Some, but those were largely price issues.

21            Q     And then do you recall setting up a Zoom  
22      with Mr. Ready, Judge Henry and Judge Henry's chief of  
23      staff, Tyler Drummond, in December of 2020?

24            A     Well, be careful when you say -- use the  
25      words "Set up" and "Me." I never set up a Zoom.

1 Someone else sets up a Zoom and I attend it; okay?

2 Which did you miss the old part earlier?

3 Yeah. I think we had a Zoom at some point.

4 We had -- had a number of Zooms throughout this  
5 process. They kind of all zoomed together. But I  
6 wouldn't be surprised if we had a Zoom meeting at that  
7 point.

8 Q So right now, can you specifically recall

9 attending a December 2020 Zoom with Judge Henry?

10 A Not immediately, but -- but it's -- you

11 know, I thought my first contact with them was

12 probably early 2021, but, you know, it could have been

13 as early as December of 2020.

14 Q Okay. Just to make clear, I will show my  
15 screen and mark it as an exhibit what I'm referring to  
16 to find the December 16th date. And that is this  
17 email that was sent with the subject "Galveston County  
18 Redistricting" by Paul at Ready Law. That would be  
19 county counsel, Paul Ready.

20 And DLOESQ, that's your email address, with  
21 Paul initiating a call to occur --

22 (Exhibit 4 was marked for  
23 identification.)

24 A Surprise, surprise. I didn't initiate the  
25 call.

1 Q And thank you for clarifying. Do you  
2 remember if they asked you what services you would  
3 provide in that call?

4 A You know, I don't think we -- we got into  
5 that level of detail. I think the -- you know, the  
6 initial calls were largely would I be interested,  
7 could I still do it, what's the setup.

8 At that point, I hadn't, you know, confirmed  
9 that I had co-counsel. So I wouldn't have gotten very  
10 deep into anything, 'cause I wasn't going to -- my  
11 co-counsel was going to have to set up terms. I  
12 wasn't going to do terms and then have co-counsel say,  
13 "I'm not going to do it at that -- that base."

14 'Cause I can do things at different rates  
15 than other people can do, 'cause it's just me.

16 THE REPORTER: Ms. Chen, I'm so sorry.  
17 Can I just take one second? I'm having a technical  
18 issue with my software. Can you give me one minute?

19 MS. CHEN: Yeah. Of course.

20 THE REPORTER: Thanks. Okay. you can  
21 continue. Sorry.

22 MS. CHEN: Oh, thank you.

23 BY MS. CHEN:

24 Q So safe to say y'all did not discuss  
25 redistricting yet or any sorts of map preferences in

1 that early December call.

2 A No. That was just to kind of feel out what  
3 we could do, whether I could do it, that sort of thing  
4 sort of thing.

5 Q And then Holtzman Vogel then sent the county  
6 an engagement letter on January 20, 2021. Does that  
7 sound familiar?

8 MR. RUSSO: Objection. Assumes facts  
9 not evidence.

10 A Somewhere in 2021. I'm not sure exactly  
11 what the date is.

12 Q All right. I will share my screen again,  
13 and we can mark this also as an exhibit.

14 MS. CHEN: I believe this is 4 or is it  
15 3?

16 THE REPORTER: Should be 4 [sic].

17 MS. CHEN: Four. Thank you.

18 (Exhibit 5 was marked for  
19 identification.)

20 BY MS. CHEN:

21 Q The date is January 20, '21, sent to Paul  
22 Ready at Galveston County regarding Holtzman Vogel  
23 Josefiak Torchinsky PLLC Engagement Letter. Is this  
24 something you've seen before?

25 A I have -- believe I have seen this. They

1 got my firm name wrong, but that's okay.

2 Q Oh no. I see that. And to your  
3 knowledge -- I'm scrolling through now -- does this  
4 represent the entire retention agreement that you  
5 entered here that's signed by Mark Henry?

6 A I'm going to assume so, but I -- you know,  
7 you kind of scrolled through it. I really don't --  
8 you know.

9 Q I can leave it up for a little bit longer.

10 A What part do you want me to focus on?

11 Q No. I just wanted to address Mr. Russo's  
12 objection that the fact was not in evidence, the date  
13 that the retention letter was sent. So I have no more  
14 questions about this document.

15 A Okay.

16 Q I did want to know, though, if Holtzman  
17 Vogel sent any sort of proposal or brochure, to your  
18 knowledge, to the county that described its firm,  
19 services.

20 A I have no idea.

21 Q And do you know if anyone from the county  
22 spoke directly with any Holtzman Vogel attorneys or  
23 were those conversations mediated through you?

24 A I think at times they did talk to Holtzman  
25 Vogel attorneys. I think they talked to Jason and



1 they talked to probably Phil Gordon from time to time  
2 to time.

3 Q Was it -- and this was -- and did they do so  
4 before the retention agreement was signed or sent, or  
5 do you you know the timeline for that?

6 A I'm not sure of the timeline for that. I  
7 think it's possible they talked beforehand. I mean,  
8 I -- I called Jason not too long after that initial  
9 meeting with them and asked if they'd be interested.  
10 And he said they would be.

11 So then it was a question of figuring out  
12 price and everything. And that was more on Jason and  
13 Phil's end than mine.

14 Q Did you speak with Mark Henry again after  
15 the December 2020 Zoom and prior to Holtzman Vogel and  
16 you being retained?

17 A I don't think I talked to Henry. I may have  
18 talked to Paul. I let them know that Holtzman Vogel  
19 was in fact interested and -- and was willing --  
20 seemed to be willing to do it. And have -- they'd  
21 have to come to terms on a price.

22 Q Got it. So then later -- so when did you  
23 become aware that the 2020 census data would be  
24 released?

25 A Would -- or that it was going to get delayed

1 or what?

2 Q I guess working backwards from the August  
3 12, 2021, release date for the redistricting data that  
4 we now know it was released on, when did you become  
5 aware that the data would be released on August 12th?

6 A August. I'm not sure exactly, but it wasn't  
7 too long before that. We were -- we -- you got to  
8 understand, we had gone through a couple of these  
9 where we thought there was going to be a data release,  
10 and then there wasn't a data release, and the Bureau  
11 was having its problems.

12 There's lots of speculation on why that was.  
13 I won't go into it here. But when the data was going  
14 to be released, I mean, at least initially before the  
15 Biden Administration started, the -- the thinking was  
16 going to be that they were going to release by April.  
17 That was what the bureau was saying.

18 And then you got the delay right after the  
19 Biden Administration came in, because of the  
20 discussion about discrepancies occurring during the  
21 deduping process that changed the household resolution  
22 rate from the best it had been in 50 years to the  
23 worst it had been in 50 years.

24 And it's really hard to explain how a  
25 deduping could have caused that, but there it is.

1 And, you know, it's long been rumored they had a great  
2 deal of trouble instituting differential privacy,  
3 because the algorithm didn't work.

4 So we don't know exactly, but there's lots  
5 of speculation as to why and how it took that long.  
6 It was, in my mind, irresponsible.

7 MS. CHEN: Sorry. Mr. Oldham.

8 I'll have to object as nonresponsive.

9 BY MS. CHEN:

10 Q But I'll ask a different way. Since you  
11 brought up differential privacy, you were concerned  
12 about the lawsuit filed in the Middle District of  
13 Alabama delaying --

14 A I was -- yes. I was.

15 Q And were you following that lawsuit closely?

16 A Very.

17 Q And aware also that some of the Holtzman  
18 Vogel attorneys on this case were also the lead  
19 counsel in that matter for plaintiff?

20 A Very much so. Yes.

21 Q And so were you aware that on July 2nd a  
22 joint motion for stay was filed between the U.S.  
23 Government and Alabama in that case that notes that  
24 the Census Bureau planned to release redistricting  
25 data on August 1, 2021?

1           A     Yes. I am aware of that. And -- that was  
2           certainly something we thought might happen. We also  
3           weren't certain it was going to happen.

4           Q     Was that more of, like, a metaphysical  
5           uncertainty and that anything can happen or did you --  
6           or what --

7           A     Well, we had heard release dates -- or prior  
8           to this that didn't get hit. So there was -- there  
9           was not a tremendous level of confidence. Let's just  
10          put it that way.

11          Q     But then on July 8th, the Court did grant  
12          that motion to stay. And so that case was stayed.  
13          And the expectation was -- unless something delayed  
14          that release date, the planned release date was August  
15          12th.

16          A     That was what was hoped. Of course, you'll  
17          notice when they got there then the data was kind of  
18          difficult to use.

19          Q     Did you download that data, the PL94177  
20          redistricting --

21          A     I did not. I didn't have a system for  
22          downloading it. Other people did, though. But I  
23          didn't have a system for downloading it.

24          Q     Did you communicate with anyone at Galveston  
25          County that census data was available in some format

1 in mid-August?

2 A We talked about availability of census data.  
3 I was actually trying to find someone with the initial  
4 census data that had been able to translate it, and  
5 get it into a usable format. I was having a great  
6 deal of difficulty finding someone that was capable of  
7 doing that.

8 Q Can you say a little bit more about what  
9 kind of capability would be needed and what kind of  
10 person you were looking for?

11 A Well, you're looking for someone -- some  
12 degree like Tom Bryan. But you're looking for someone  
13 who has the software, has the -- has the knowledge of  
14 how to work the data files, particularly the so-called  
15 legacy data files, and -- and get those loaded up in a  
16 system that can then produce accurate reports.

17 Q So wasn't that data called legacy data,  
18 because it was in the same format as in the last  
19 decade?

20 A Well, you would think --

21 MR. RUSSO: Objection. Calls for  
22 speculation --

23 THE WITNESS: That's fine.

24 You would think that, but it wasn't  
25 true.

1 BY MS. CHEN:

2 Q And so you had difficulty finding somebody  
3 who was going to be able to process that data in  
4 sometime in August?

5 A Correct -- correct.

6 Q But you had already been searching for that  
7 person?

8 A I had been searching for someone who had  
9 been able to process the data.

10 Q And then when the data was released, as what  
11 the Bureau calls with a full toolkit on September 16,  
12 2021 --

13 A This so-called user-friendly data. Yeah.

14 Q Right. Did you access the data then?

15 A I didn't access it directly, but I was -- I  
16 was able to get data from other suppliers. Yes.

17 Q Yeah. You said earlier you received data  
18 about Galveston County for the first time in September  
19 in a spreadsheet format. Is that right?

20 A Yes. I'm not sure exact date, but yes.

21 Q And that spreadsheet had racial  
22 demographic -- total population and also racial  
23 demographic breakdowns; right?

24 A Yes.

25 Q Do you recall who sent you that spreadsheet?

1 A That came from Fair Lines.

2 Q Do you remember who from Fair Lines sent  
3 that spreadsheet?

4 A Well, it came from Fair Lines. That's Adam  
5 Kincaid's operation. I'm not sure who actually ended  
6 up doing it. But they were the first people that I  
7 knew of that had been able to make the data work.

8 Q Got it. Let me show my screen again to show  
9 you something we'll mark Exhibit 5 [sic]. Is this the  
10 email that you're talking about from Adam Kincaid sent  
11 on September 14, 2021, to your email address, subject  
12 "Galveston Report" --

13 (Exhibit 6 was marked for  
14 identification.)

15 A Correct. Yeah. That --

16 MR. RUSSO: Let her finish.

17 THE WITNESS: Yeah. I believe that's  
18 correct.

19 BY MS. CHEN:

20 Q And September 14th, this was sent to you  
21 before the kind of user-friendly census data was  
22 published on September 16th; right?

23 A Correct.

24 Q And did you -- and you said this came from  
25 Fair Lines. I see here the signature for Adam

1 Kincaid. It says, "National Republican Redistricting

2 Trust." Are those the same entity or?

3 A They're not the same entity. But my

4 mistake. I thought it actually came from Fair Lines.

5 Q No worries. Is there a chance there was

6 another set of data that you received from Fair Lines?

7 A I -- I don't think so. The two

8 organizations share data.

9 Q Got it. And so did you request Mr. Kincaid

10 to send you this data about Galveston?

11 A I asked Adam if he had been able to process

12 the census data, and -- and he said that he had. And

13 I said if he had, please send me this.

14 Q And let me try to change my screen a little

15 bit to show the whole attachment. But this is -- oh,

16 it's not cooperating. But this is the attachment with

17 the data that you referenced?

18 A Yes. Appears to be. Yes.

19 Q Great. And so to your knowledge, did Adam

20 have this data already prepared or did it have to be

21 specially prepared and packaged to send to you?

22 A Well, I'm not quite sure what you mean by

23 specially prepared. Adam had -- you know, my

24 understanding was Adam had -- had managed to figure

25 out how to crack the -- the code to produce the data.



1 And I'm sure this individual report had to be done  
2 individually.

3 But I don't know what -- how much broader  
4 data he had available, because I didn't ask him right  
5 then. I was interested in getting my hands on  
6 something for Galveston County.

7 Q Got it. Thank you. And then at this point,  
8 after receiving this data on September 14, 2021, you  
9 said you had also looked at some information from the  
10 2011 redistricting process and from the Petteway  
11 litigation, including Dr. Barreto's report.

12 A Yeah. In those cases, though, that's --  
13 that's more looking at reports. That's -- that's a  
14 little different beast.

15 This is actually -- this is really when you  
16 can begin to -- to look at what you're going to do  
17 with drawing this map, 'cause now you -- now you're  
18 beginning to understand how much each district is  
19 going to actually need in terms of population.

20 Now you understand what the total  
21 demographic is for the county. This is -- this is  
22 your starting point essentially in a lot of ways.

23 Q Did you look at any American Community  
24 Survey or other projected population change data?

25 A Not a big believer in projected population

1 data. You can look at American Community Survey for  
2 characteristics.  
3 But trying to get a number off of -- a -- an  
4 accurate number of what population's going to be in a  
5 given county or in -- particularly in a given district  
6 is kind of a fool's errand with the ACS, so no.

7 Q And so you had talked about meeting with the  
8 commissioners and Judge Henry in September to, you  
9 know, do some fact finding, hear their preferences for  
10 what they wanted to see on their maps. In those  
11 meetings, did you provide any demographic data or  
12 analysis?

13 A Well, we had already provided to them at  
14 that point how much everybody was up, how much  
15 everybody was down, because there've been lots of  
16 speculation on that prior to that. Most of it was  
17 wrong, which wasn't a shock.

18 And so they -- at that point, they all knew  
19 how much they were up and how much they were down.  
20 And -- and so that gave them all an idea of "You need  
21 to gain X or you need to lose X."

22 And -- and so now you got -- "Tell us what  
23 you want in light of that. Not what you want in light  
24 of your pie in the sky, in light of 'You need this  
25 amount of pop. You need to lose this amount of pop.'

1 What do you want to have happen to your seat?"

2 Q Did you make a plan to make a demographic  
3 presentation in an Open Commissioner's Court meeting,  
4 like Joe and Trey did in 2011?

5 MR. RUSSO: Objection. Assumes facts  
6 not in evidence.

7 You're talking about demographic data  
8 only?

9 MS. CHEN: Yes.

10 MR. RUSSO: I'm sorry, did you respond  
11 to that? Are you talking about demographic data only?

12 MS. CHEN: Yes.

13 THE WITNESS: We had an exigency of  
14 time that didn't exist in 2011, so we're trying to  
15 proceed a pace with this. We didn't know exactly how  
16 much time or how little time we had.

17 So we're trying to get this information  
18 to the commissioners as rapidly as possible and get  
19 their response as rapidly as possible.

20 BY MS. CHEN:

21 Q Right. You had said earlier that up until  
22 the end of November you thought that you had until the  
23 end of December to redistrict. Is that accurate?

24 A Yeah. It was about that timeframe. It  
25 was -- 'cause we didn't think Texas was going to

1 get -- the state was going to operate as fast as it  
2 ended up operating.

3 I'd been in contact with Paul and the guys  
4 in -- in Galveston, and the read had been that there  
5 would be additional time from Austin, but it was --

6 Q But isn't it right that the Texas special  
7 session on redistricting concluded in mid-October, and  
8 at that point you would've known in mid-October --

9 A I don't think it was actually -- the session  
10 may have ended in October, but I don't think we knew  
11 that the time limit was going to end up being what it  
12 was until a week or so after that.

13 Q So still by the end of October and not the  
14 end of November; correct?

15 A I didn't say at the end of November. I'm  
16 sorry if you misheard that. I didn't say at the end  
17 of November.

18 Q Okay. So you meant the end of October.

19 A Yeah.

20 Q At this point, besides speaking with members  
21 of the Commissioner's Court in September of 2021, what  
22 else did you do to familiarize yourself with Galveston  
23 County to prepare for map drawing?

24 A Well, the -- the map drawing, per se, was  
25 not going to be mine. Map drawing was going to be Tom

1 Bryan's. What I'm actually trying to do at that point  
2 is determine -- make an analysis under section 2 as to  
3 what requirements there are or there aren't -- there  
4 aren't at that point.

5 And also to examine, you know, how you can  
6 get to a defensible map. What's the position of  
7 the -- of the prior existing map? What's -- what is  
8 existing and the possible maps that we have.

9 And that's -- you know, as I described  
10 earlier, as I began to do that legal analysis, I  
11 reached the legal conclusions that I did.

12 Q Did you ever look at communities of interest  
13 in Galveston?

14 A To some degree, but the communities of  
15 interest, you know, aside from the racial aspects of  
16 it, are not that critical to the section 2 analysis.

17 MS. CHEN: I think you had said you  
18 wanted to take a break. I think we've gone a little  
19 bit over. Do you want to do that now? We can take  
20 ten.

21 THE WITNESS: Sure. My tea is starting  
22 to get low.

23 MS. CHEN: All right. Thank you.

24 THE WITNESS: Thank you.

25 THE VIDEOGRAPHER: We are off the

1 record at 4:12 p.m. This is the end of file number 4.

2 (Off the record.)

3 THE VIDEOGRAPHER: We're back on the  
4 record at 4:37 p.m. This is the beginning of file  
5 number 5.

6 MS. CHEN: Welcome back. I hope you  
7 didn't bring too much tea, because I don't have a ton  
8 left for you.

9 THE WITNESS: Good.

10 MR. RUSSO: He's running low.

11 THE WITNESS: I mean, yeah. I'm  
12 getting tired.

13 MS. CHEN: Aren't we all? It is  
14 Friday. So I don't have a ton left. I just want to  
15 clarify a few things about the map drawing phases of  
16 the 2021 redistricting process.

17 THE WITNESS: Sure.

18 BY MS. CHEN:

19 Q I think we discussed that Holtzman Vogel  
20 first reached out to Thomas Bryan on October 15th. Is  
21 that right?

22 A I think that's right. It's somewhere around  
23 in that -- that neighborhood. Yeah.

24 Q And then --

25 A Well, no. I think they reached out to him

1 earlier than that, but I think we -- we actually  
2 started the draw on around October 15th. But I -- I  
3 could be wrong on that, but I think that's correct.  
4 He was initially on vacation. Had wait for him to get  
5 back

6 Q And then you spoke with him or saw those  
7 initial maps on Zoom on October 17th. If -- you can't  
8 remember the exact date, that's fine --

9 A I can't remember exact date, but it's in  
10 that neighborhood somewhere. Yeah.

11 Q Okay. And then I have that you met with  
12 each commissioner in person on October 19th. That was  
13 the Galveston visit, October 19th.

14 A That's when -- that's when I flew down.

15 Q And just to clarify, you did speak with each  
16 commissioner about the changes that they had wanted to  
17 see, and clarified that map 1 pretty much had those  
18 changes incorporated in map 1?

19 A Yes. I mean, like I said, not everybody got  
20 absolutely everything, but everybody got, I think,  
21 most of everything they asked for.

22 Q Do you recall if Commissioner Holmes asked  
23 you to provide copies of the map proposals and  
24 underlying data or the demographic data?

25 A Well, I think we provided that to him.

1 Q Okay. So do you know when or in what format  
2 you provided that data --

3 A I can't tell you exactly when, but I -- I  
4 would feel pretty sure it was either in a PDF and a  
5 spreadsheet. But at some point, I'm -- I'm pretty  
6 sure he got that map. I mean, I had a PDF of it -- I  
7 had a map show him when we came down there, a PDF of  
8 it.

9 Q And was that -- would you have sent that to  
10 him or would you have sent that to somebody else to  
11 send to him?

12 A Well, I'd have to have Tom Bryan sending the  
13 stuff electronically. I could provide a print. If I  
14 had a printout from Tom, I could do it, but Tom would  
15 have to send it. Not me. I don't -- I don't have the  
16 software or the machinery for that.

17 Q Okay. And it's your recollection that  
18 somebody would've also sent demographic data that  
19 Commissioner Holmes requested?

20 A I think at some point somehow he -- we got  
21 it to him. Yeah.

22 Q And then to what you called the phase 2  
23 meetings to address additional concerns with map 1 and  
24 map 2 in particular, were those meetings all via Zoom,  
25 or via phone, or what medium?



1           A     Well, they would've had to have had a Zoom  
2     component, because, you know, some people were in  
3     rooms. But had to have a Zoom component, because the  
4     principal person that had to be in that meeting was  
5     Tom Bryan.

6           And Tom would've participated by -- by Zoom  
7     and would've been sharing a screen with his map, so  
8     that we could all see the map and see what the changes  
9     were that were being made.

10          Q     Right. So all of those changes and concerns  
11     were made in real time communicating via Zoom?

12          A     Yes.

13          Q     Okay. There were none that were relayed  
14     maybe through text or a call that then, you know --

15          A     Not that I remember. I mean, most -- those  
16     are pretty much the commissioner involved, Tom,  
17     myself, Paul Ready, sometimes maybe Phil Gordon, and,  
18     you know, occasionally some staff that I probably  
19     didn't know who the heck they were.

20                 And basically sitting there looking at the  
21     screen, and the commissioner is telling Tom what he  
22     wants to do, and Tom is looking at it and doing it,  
23     and then we see numbers.

24                 And if I feel it's falling out of  
25     one-person, one-vote too far, I may yip. But we're

1 basically continuing the process until they're happier  
2 with the map.

3 Q In those meetings or in any prior meetings,  
4 did anyone ever ask you to create a map that unified  
5 Galveston Island, Pelican Island, and the Bolivar  
6 Peninsula, and also keep Precinct 3 more similar in  
7 its core in the county?

8 A No.

9 Q That was not requested?

10 A That was not requested.

11 Q And did you ever consider offering  
12 additional options to Commissioner's Court besides the  
13 two that it sounds like were quite fully formed from  
14 the beginning, based off of the preferences that you  
15 had heard from the commissioners, and only required  
16 tweaks at the edges?

17 A Well, I don't know how fully formed they  
18 were. I don't think -- certainly as it turned to the  
19 map 1, I don't know that commissioners had any idea  
20 how their requests were actually going to fit  
21 together.

22 Frankly, I didn't have an idea of how their  
23 requests were going to fit together until Tom put them  
24 in. But then I had an idea of how they fit together.  
25 I was actually kind of delightfully surprised.

1 The -- the -- those concepts that come from  
2 the commissioners. You know, one of them  
3 individually, and actually being able to put together,  
4 and actually work.

5 The other one from a -- well, from the  
6 county judge, that was a different criteria. Had we  
7 had a request for another type of draw, we would've  
8 thrown that into the mix.

9 Q Do you mean just a request from another  
10 commissioner, or could that request have come from the  
11 public?

12 A Well, it -- we would've -- we would've  
13 needed it to come from a commissioner or a  
14 commissioner would've had to have asked that, you  
15 know, "I've got a request from the public to do this."  
16 We certainly would've done it at that point.

17 Q Did you convey to the commissioners or to  
18 Judge Henry that that was an option, that they could  
19 request a different map proposal from the ones you had  
20 already provided?

21 MR. RUSSO: Objection. Vague.

22 Are you talking about from the  
23 commissioners or from the public?

24 MS. CHEN: Either. It sounds like  
25 either was possible, as long as it was conveyed

1 through a commissioner; right?

2 BY MS. CHEN:

3 Q So did you convey that that was an option  
4 that the commissioners could request, like about  
5 proposal 3?

6 A We told commissioners, you know, "If you've  
7 got something you want, you can -- you can provide it  
8 to us."

9 I mean, I actually specifically told Holmes  
10 that if he wanted to try and do some adjustments where  
11 he had other maps, that we would do that, and we would  
12 not -- unless he told us he wanted it done that way,  
13 would not tell the other commissioners what he wanted  
14 and what he was wanting to work on. He chose not to  
15 take us up on that.

16 Q Did you -- when you looked at the online  
17 public comments about the map proposals, you said that  
18 Paul Ready was filtering those for you. Is that  
19 right?

20 A Yes.

21 Q How was he sending them to you?

22 A Well, he would occasionally either tell me  
23 about them or -- or he may have sent me one or two. I  
24 don't know. If they did, they came to the email. I  
25 can't rightly remember, but he did tell me about

1 certain proposals.

2 And he told me about overall aspects of  
3 them, 'cause he told me that map 2 was garnering the  
4 most public support.

5 And -- and he, you know, talked about a  
6 couple of things regarding additional hearings. And,  
7 you know, we discussed what I said earlier to -- was  
8 it to Mr. Mark? Was that -- was that -- or Gaber?  
9 What I said earlier about the issue on hearings.

10 Q So was that then over the phone? He was  
11 telling you this over the phone?

12 A That -- that would've been -- these would've  
13 all -- would've been over the phone --

14 Q Did Mr. Ready pass on any comments  
15 expressing concern that map 2 diluted the votes of  
16 racial minorities?

17 A Well, I'm -- I'm certain there was, but  
18 the -- the -- that goes back to the earlier assessment  
19 that I had made already at that point, that the Voting  
20 Rights Act -- there wasn't a Voting Rights Act  
21 district there. It was a crossover seat.

22 And that the real danger, if you were going  
23 to try and get a map that looked like the current --  
24 the -- the map -- the district 3 from 2011, that was  
25 going to need to be passed as a least changes map, so

1 that we could unhook it from the -- from the racial  
2 gerrymandering problem that had occurred in 2011.

3 Because it was clearly at that time drawn  
4 solely on the basis of race. It wasn't just  
5 predominant. It was pretty much solely. And -- and  
6 trying to be able to back away from that.

7 Commissioner Holmes was unable to get -- or  
8 didn't try -- I don't know -- unable to get two more  
9 votes.

10 Q I think that mostly covers what I wanted to  
11 ask you. Just a final few questions, you know, I have  
12 to ask. Sorry about this. Is there any reason you  
13 might not be able to give full and truthful testimony  
14 today?

15 A No.

16 Q Are you currently on any medication that may  
17 affect your testimony or have you consumed any  
18 alcohol?

19 A I have not consumed any alcohol. And the  
20 medication that I'm currently on is cream and  
21 ointments for my rather severe psoriatic condition.

22 MR. RUSSO: NT.

23 THE WITNESS: Yeah. NT.

24 BY MS. CHEN:

25 Q Thank you. And then did you speak with

1 Mr. Russo or any other counsel for the county during  
2 your breaks during the deposition today?

3 A Well, just a moment ago we had a discussion  
4 about getting my boarding pass for Southwest.

5 Q I hope you got a good boarding position.

6 A Not at the moment. I don't know.

7 Q Well, good luck with that. Did you at any  
8 point today in your breaks discuss the substance of  
9 your testimony with county counsel?

10 A No.

11 Q And then are you aware that other  
12 individuals have already been deposed in this matter?

13 A I am.

14 Q Did you speak with any of them about the  
15 testimony they gave?

16 A No.

17 Q And you had talked about reviewing some  
18 documents before this deposition. Did you look at  
19 handwritten notes by Commissioner Holmes?

20 A I did.

21 Q And besides reviewing these documents and  
22 the 16 or so hours of preparation with your counsel,  
23 are there any other ways that you prepared for this  
24 deposition?

25 A Isn't that enough?

1 MS. CHEN: All right. I have  
2 potentially tortured you enough. Thank you for your  
3 time.

4 THE WITNESS: Yes.

5 MS. CHEN: I have no further questions.

6 THE WITNESS: Thank you, Ms. Chen. I  
7 hope you have a blessed day.

8 MS. SMITH: The United States doesn't  
9 have any questions for this witness at this time.

10 THE WITNESS: Thank you.

11 MR. RUSSO: Y'all passing?

12 MS. SMITH: Yes.

13 MR. RUSSO: Okay. We have a couple  
14 questions on direct.

15 THE WITNESS: Cut me a break, Joe.

16 MR. RUSSO: Let's see if I can get  
17 video up here.

18 THE REPORTER: And, Mr. Russo, if you  
19 can make sure you speak up, so we can hear you.

20 MR. RUSSO: Yeah. I'll do my best,  
21 because, again, I'm using his microphone to ask  
22 questions. All right.

23 EXAMINATION

24 BY MR. RUSSO:

25 Q So, Mr. Oldham, you testified earlier about



1 receiving some data -- I think it came from

2 Mr. Kincaid in around September 14th of 2021?

3 A Yes. Somewhere in that neighborhood. Yes.

4 Q And I think that the data actually had some  
5 specific demographics data in it for Galveston County,  
6 if I'm correct. Is that --

7 A It did. It had -- it had county data, and  
8 it had a comparison of the districts from the 2010  
9 cycle with what they looked like after the 2020  
10 census.

11 Q Okay. And did you use that data for the  
12 purpose of doing or performing a section 2 analysis?

13 A That was part of my section 2 analysis. I  
14 mean, it was a -- it was a -- it's a big starting  
15 point, 'cause that immediately tells you the overall  
16 data for the county, what the overall minority  
17 percentages are for the county, what they are in each  
18 of the districts, and in many ways, the most the  
19 important aspect, how much each district had to gain  
20 or lose.

21 Q All right. And the last thing you stated,  
22 when you're talking about how much the county and the  
23 districts had to gain or lose, you're talking about  
24 the overall population or something?

25 A Yeah. TPOP. That's a -- some districts

1 were what you would call fat. Others were thin. It  
2 tells you where the fat ones are, the thin ones are,  
3 and what's got to kind of -- you know, how population  
4 has to move around the county to make up for that.

5 And -- and gives you a good idea of what the  
6 possibilities are and really the -- kind of the scope  
7 of the shifts that are going to have to happen between  
8 districts.

9 Q Okay. And do you look at that for the  
10 purposes of applying with the one-man, one-vote  
11 principle --

12 A Well, it applies to both. You've got to  
13 have that for the one-person, one-vote, but it also  
14 applies to -- to minority pop.

15 I mean, this is not to say this is what  
16 happened here, but let's say you have a majority  
17 minority district somewhere, and it's wildly  
18 underpopulated after the census, and you don't have  
19 adjoining minority pop to put into it.

20 That district is probably impossible to  
21 save. So it -- it plays both ways. It -- is part  
22 of all of the analyses.

23 Q Okay. Did you use the data from Mr. Kincaid  
24 to conclude that there's no strong basis in evidence  
25 that you needed to consider race?

1           A     Yes.  That was part -- this was part of that  
2     ultimate conclusion.  I mean, it -- it -- as I  
3     discussed earlier, when --

4                   THE REPORTER:  Am I saying your name  
5     right, Gaber?

6                   MR. GABER:  Gaber.  Yes.

7                   THE WITNESS:  Thank you.

8                   When I was answering his questions  
9     earlier, it goes into that analysis in determining  
10    that you -- you didn't have a section 2 district here.  
11    You didn't have the ability to draw a section 2  
12    remedial district.  And -- and that we would be far  
13    better off to go race blind.

14                   MR. MANCINO:  Note an objection.  
15    Leading question to that last question and answer  
16    BY MR. RUSSO:

17                  Q     Did you conclude as a result of your section  
18    2 analysis that there was no strong basis in evidence  
19    that you needed to consider race to comply with  
20    section 2?

21                  A     Yes.

22                  Q     Why is that important in connection with the  
23    redistricting effort?

24                  A     Well, it -- it changes totally how you're  
25    going to actually look at your draw.  It also changes

1 totally how you're going to deal with district 3.

2 I mean, immediately with district 3, if  
3 you -- you're going to have an immediate racial  
4 gerrymandering problem if you continue to try and draw  
5 that as -- as a race-based district, which was one of  
6 the reasons we tried to basically unhook it from its  
7 past and -- and do it as a least changes map.

8 I felt like it was defensible as a least  
9 changes map, and -- and made an effort to try and  
10 leave that as an option.

11 Q Okay. Let me see if I can sort of sum up  
12 with the analysis. The section 2 analysis was sort of  
13 your first step. Is that true?

14 A Yes. The first step in getting us really  
15 cranking at that point. Yes.

16 Q Okay. And after you performed the section 2  
17 analysis, you concluded that the county didn't need to  
18 consider race in redrawing the districts?

19 A I concluded that we -- that -- that it would  
20 be very dangerous that the map drawer actually used  
21 race in his -- in his draw. And I instructed him very  
22 specifically to never put racial distributions up on  
23 the -- on the map while he was drawing, and to draw  
24 only using non-race criteria.

25 Q Okay. And what impact did your conclusion

1 about the section -- on the section 2 analysis have on  
2 your view of what should happen with the old precinct  
3 3 configuration?

4 A Well, it goes back what I said. You're  
5 going to have to have on all the basis for defending a  
6 continuation of that district.

7 Having received all the results from the  
8 individual commissioners and having discovered that  
9 you could put them together in a way that would  
10 actually configure, I believe -- it was my opinion at  
11 that time that a least changes map that's based on  
12 incumbent preservation, preservation of courts,  
13 existing districts, these are maps that have been  
14 defended before -- those are considered non-racial  
15 criteria by the court -- that we could defend a map of  
16 that type.

17 There's obviously a potential that someone  
18 would come along and -- and attack it on a -- a racial  
19 gerrymander, but it was -- it was something I  
20 considered defensible.

21 Q So based upon your, I guess, past knowledge  
22 of the prior redistricting case and resolution of that  
23 case, and then the additional analysis you did in  
24 2021, was it your conclusion that old precinct 3 was a  
25 racial gerrymander?

1           A     Yes.

2                         MR. GABER:  Objection.  Leading.

3     BY MR. RUSSO:

4           Q     And did -- well, let me ask you this way.

5     Did --

6           A     Well, let's -- go ahead.

7           Q     -- next question.  To your recollection,  
8     was, you know, old precinct 3 at the time -- well,  
9     strike that question.  I think we covered that issue.

10                    Let me move to your sort of conversations  
11     with the commissioner or really with Commissioner  
12     Holmes.  Would you agree with the allegation that  
13     Commissioner Holmes was shut out of the redistricting  
14     process?

15           A     Absolutely not.  And first off, we sought  
16     the same level of input initially from him that we did  
17     from everyone else.  When we actually drew the map 1,  
18     just as we had for -- you know, if you look at his --  
19     his district in map 1, he probably gets as much and  
20     more than anybody does in map 1 of what he asked for.

21                    And we actually drew his first, partly  
22     because he gave us more specific criteria than the  
23     others, but, you know, he got everything he asked for,  
24     but we did add two things that he didn't want.  But  
25     that was kind of necessary.

1           We had taken things from Apffel because of  
2           his request that Apffel had asked for. So we had --  
3           you know, if we didn't -- if we didn't give Apffel  
4           something that he wanted, we were basically going to  
5           say he was going to be the one guy that was going to  
6           get nothing, and that -- we didn't want to do that  
7           either.

8           So -- so at the end of the day, he, you  
9           know, did fairly well with map 1. Map 2 was not a  
10          question of -- of -- that map was -- was done for  
11          Judge Henry. Wasn't done for any of the other  
12          commissioners.

13          The -- in terms of not shutting him out, I  
14          specifically offered and -- and offered Tom, you know,  
15          to continue to work on -- on the maps if he wanted to  
16          do that. He didn't -- didn't take advantage of that.

17          Q     Did Judge Henry or any of the commissioners  
18          ever instruct you to exclude Commissioner Holmes from  
19          the redistricting process?

20          A     No.

21          Q     Did anyone from the staff or anyone else  
22          with the county instruct you to exclude Commissioner  
23          Holmes?

24          A     No.

25          Q     Did you exclude Commissioner Holmes from the

1       redistricting --

2           A       I did not.  It's always a delicate process  
3 when you're representing a body, because you have a  
4 certain ethical responsibility to all the  
5 commissioners.

6                   And that's -- that's the primary thing that  
7 your -- your ethical duty is to.  But you also have a  
8 certain -- certain responsibility for individuals,  
9 which was one of the reasons I was trying to respect  
10 their confidentiality in the first part of that  
11 process.

12                   So no.  I would never have excluded  
13 Commissioner Holmes.  I wouldn't have felt that  
14 would've been appropriate.

15           Q       Okay.  Earlier when you were asked about the  
16 section 2 analysis, I think you referred to your  
17 answers -- and the records will speak for itself --  
18 but I think you referred to "We concluded" -- you used  
19 the term "We concluded" in the analysis.  Was there  
20 any "We" other than you doing it?

21           A       Yeah.  I -- my wife accuses me of using the  
22 royal "We" occasionally too.  She's probably right.

23           Q       But to what extent -- I mean, I guess just  
24 may ask you a question outright.  Were you the one  
25 conducting the section 2 analysis?



1           A     I was the one conducting section 2 analysis.  
2     That's correct.

3           Q     All right. To your recollection, did any of  
4     the, you know, commissioners ask you for racial  
5     demographic data in connection with the redistricting  
6     effort?

7           A     I believe Commissioner Holmes asked for that  
8     data.

9           Q     Did anyone else -- any of the other  
10    commissioners?

11          A     None of the other commissioners did

12          Q     Did Judge Henry ask you for racial data?

13          A     No. And I'm -- I'm fairly certain we  
14    provided it to the Commissioner Holmes

15          Q     Earlier Counsel asked you, as well, about  
16    the retainer of -- on this case and, I think, you  
17    know, outstanding, I guess, bills for past work. What  
18    I want to ask you is, I mean, has anyone promised you  
19    payment for past work based upon you showing up to  
20    testify today?

21          A     No.

22          Q     Okay. You're not here -- are you here  
23    testifying in the hopes of obtaining payment for --

24          A     No. On -- under the ethical constraints,  
25    the bar of South Carolina, I'm not sure I have any

1 choice.

2 THE REPORTER: Mr. Russo, I didn't hear  
3 the end of your question. You said payment for what?

4 MR. RUSSO: Past work.

5 THE WITNESS: Thank you.

6 BY MS. CHEN:

7 Q There's just one more thing to ask you  
8 about. There's been some discussion about your  
9 thoughts on the commissioners' views of the maps, and  
10 I guess, potentially where you thought they would be  
11 in terms of vote prior to voting in November of 2021.  
12 Do you recall that conversation?

13 A Yes, I do.

14 Q To your recollection, do you recall that --  
15 is that -- as you said here today, do you remember  
16 that the commissioners getting together, talking to  
17 each commissioner, and sort of knowing amongst the  
18 four voting members, plus Judge Henry, or any of those  
19 groups that they had discussed outside of the meeting  
20 which map they were going to vote for in any way?

21 A No.

22 MR. GABER: Object to form.

23 THE WITNESS: I didn't know any of  
24 that. I mean, I'm looking at commissioners  
25 individually as we're drawing the maps, and they're

1 saying they're happy with that -- how the map has been  
2 redrawn. Everything else is admittedly speculation on  
3 my part.

4 MR. RUSSO: All right. We'll reserve  
5 remainder for trial. Pass the witness back.

6 MR. GABER: I do have some questions  
7 based on that examination.

8 EXAMINATION

9 BY MR. GABER:

10 Q Did you prepare any sort of written  
11 memorandum with your section 2 analysis that you --

12 A I did not.

13 Q Why not?

14 A One was time. One was at that point I -- I  
15 didn't want to -- I didn't see a need for it at that  
16 point. I wanted Tom to draw it as race blind a way as  
17 is humanly possible.

18 Q And you talked a little bit about -- I think  
19 you said that you wanted to make sure that one guy  
20 didn't get -- that one guy nothing of his request from  
21 the map drawing.

22 A Right.

23 Q Is that right?

24 A Yeah. Apffel. Yes.

25 Q Once it became clear that that Apffel, and

1 Clark, and Giusti were being accommodated with their  
2 requests in map 2, was there any effort to go to  
3 Commissioner Holmes and see how map 2 could be  
4 modified to accommodate some of his requests?

5 A Well --

6 MR. RUSSO: Object. That's vague and  
7 ambiguous.

8 And speculation, unless you're just  
9 talking about what Mr. Oldham knows.

10 THE WITNESS: Well, I'm going to say I  
11 didn't go to any of those commissioners, nor did Tom.  
12 Those commissioners came to us, and -- and requested  
13 that the -- that the alterations be made.

14 BY MR. GABER:

15 Q I think you said earlier that Judge Henry  
16 started his effort to advocate among that set of  
17 commissioners, at least, to vote for map 2. Did you  
18 have any basis to know whether Commissioner Holmes was  
19 clued into that --

20 A I have -- yeah.

21 MR. RUSSO: Wait.

22 Let me object as it mischaracterizes  
23 the testimony and assume facts not in evidence.

24 But you can answer other than that.

25 THE WITNESS: I have no basis to know

1 that. It's -- Ready would contact us and we'd set up  
2 a meeting.

3 BY MR. GABER:

4 Q So we'd have to talk to Mr. Ready to know  
5 what was being communicated in terms of Judge Henry's  
6 advocacy for map 2 to the commissioners.

7 MR. RUSSO: I mean, again, object to  
8 speculation. Assumes facts not in evidence.

9 A Assuming he knows.

10 Q But you see the point I'm making; right?

11 A No. I see the point you're making. I mean,  
12 the point is my contact point is Ready.

13 Q Right. And if Commissioner Holmes was not  
14 clued in to the fact that other commissioners were  
15 having accommodations made for them in map 2 and he  
16 wasn't, that he may not have had no reason to request  
17 that meeting with you?

18 MR. RUSSO: Object. Assumes facts not  
19 in evidence. Calls for speculation.

20 Could just talk with Commissioner  
21 Holmes.

22 THE WITNESS: Yeah. I mean, I don't  
23 know the answers.

24 BY MR. GABER:

25 Q During any of the breaks, did Mr. Russo

1 discuss with you the questions that he planned on

2 asking in his examination?

3 A No. Not -- not what he just asked. I

4 actually suggested to Mr. Russo that he shouldn't ask

5 me any questions.

6 MR. RUSSO: Reminder -- not to disclose

7 attorney --

8 THE WITNESS: Hence my comment a moment

9 ago.

10 MR. GABER: All right. I have no

11 further questions. I'll pass the witness.

12 THE WITNESS: Yes.

13 MS. CHEN: -- NAACP Plaintiffs.

14 MS. SMITH: Nothing for the United

15 States.

16 THE WITNESS: Think the ball is in your

17 court, Joe.

18 MR. RUSSO: Nothing further from us.

19 Reserve for trial.

20 Thank y'all for showing up on a Friday

21 and staying a little late.

22 THE REPORTER: Just real quick. Before

23 we go off the record, Mr. Russo, did you want to order

24 a copy of the transcripts?

25 MR. RUSSO: Yes. We do. Oh, one other

1 thing I want to mention for folks -- it looks like  
2 there's some new folks on the -- that were on the  
3 deposition, this deposition.

4 Again, depositions are subject to, of course,  
5 a protective order for a period of time and  
6 disclosure.

7 I don't think it's going to happen, but  
8 just given that there are new folks on here and  
9 listening in, whether it be clerks or otherwise, we've  
10 got an obligation to keep the deposition in-house.

11 MR. MANCINO: I'm not quite sure I  
12 understand. Are you designating this transcript as  
13 confidential?

14 MR. RUSSO: No. What I'm saying is, is  
15 that the protective order automatically protects this  
16 transcript for at least ten days. And if we need to  
17 discuss anything that's confidential, we can approach  
18 the Court with it.

19 MR. MANCINO: Thank you.

20 THE WITNESS: And I don't normally feel  
21 the need to do this as a witness, but I'm not waiving  
22 my right to read and correct.

23 MR. RUSSO: Yeah. We would like to  
24 read and sign.

25 THE WITNESS: Since I hadn't heard it

1 yet.

2 THE REPORTER: Okay. Great. And then,  
3 Ms. Chen, did you want to order a copy of the  
4 transcript?

5 MS. CHEN: I don't think we'll need to  
6 at this time. Thank you.

7 THE REPORTER: Okay. And then does  
8 anyone else want to order a copy of the transcript?

9 MR. GABER: Oh, we -- the Petteway  
10 plaintiffs will.

11 THE REPORTER: Yes you have it.

12 Okay. Great. We can go off the  
13 record.

14 THE VIDEOGRAPHER: Okay. We are off  
15 the record at 5:12 p.m. This is the end of file  
16 number 5.

17 (Signature reserved.)

18 (Whereupon, at 5:12 p.m., the  
19 proceeding was concluded.)

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CERTIFICATE OF DEPOSITION OFFICER

I, KYLA BUCHAN, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

<%25763,Signature%>  
KYLA BUCHAN

Notary Public in and for the  
State of Texas

Review of the transcript was requested.

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CERTIFICATE OF TRANSCRIBER

I, CHRISTINE BROWN, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

<%28158,Signature%>  
CHRISTINE BROWN

1 Jodeph R. Russo, Esq.

2 jrusso@greerherz.com

3 June 30, 2023.

4 RE: Honorable Terry Petteway et al. v. Galveston County et al.

5 6/23/2023, Dale Oldham (#5959807)

6 The above-referenced transcript is available for  
7 review.

8 Within the applicable timeframe, the witness should  
9 read the testimony to verify its accuracy. If there are  
10 any changes, the witness should note those with the  
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of  
13 Deponent and Errata and return to the deposing attorney.  
14 Copies should be sent to all counsel, and to Veritext at  
15 cs-ny@veritext.com.

16  
17 Return completed errata within 30 days from  
18 receipt of testimony.

19 If the witness fails to do so within the time  
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

1 Honorable Terry Petteway et al. v. Galveston County Et Al.

2 Dale Oldham (#5959807)

3 E R R A T A S H E E T

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24 Dale Oldham

Date

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1 Honorable Terry Petteway et al. v. Galveston County et al.

2 Dale Oldham (#5959807)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Dale Oldham, do hereby declare that I  
5 have read the foregoing transcript, I have made any  
6 corrections, additions, or changes I deemed necessary as  
7 noted above to be appended hereto, and that the same is  
8 a true, correct and complete transcript of the testimony  
9 given by me.

10

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Dale Oldham

Date

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\*If notary is required

14

SUBSCRIBED AND SWORN TO BEFORE ME THIS

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\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

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NOTARY PUBLIC

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# **Exhibit 17**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

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TERRY PETTEWAY, et al., :  
Plaintiffs, :  
v. : Civil Action No.  
: 3:22-CV-00057  
GALVESTON COUNTY, TEXAS, : (Consolidated)  
Defendants. :

-----  
UNITED STATES OF AMERICA, :  
Plaintiffs, :  
v. : Civil Action No.  
: 3:22-CV-00093  
GALVESTON COUNTY, TEXAS, :  
et al., :  
Defendants. :

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DICKINSON BAY AREA BRANCH :  
NAACP, et al., :  
Plaintiffs, :  
v. : Civil Action No.  
: 3:22-CV-00117  
GALVESTON COUNTY, TEXAS, :  
et al., :  
Defendants. :

-----  
VIDEOCONFERENCE DEPOSITION OF KASSRA A.R. OSKOOII

DATE: April 11, 2023  
TIME: 10:00 a.m. to 5:01 p.m.  
LOCATION: Witness Location  
Wilmington, Delaware

REPORTED BY: Felicia A. Newland, CSR

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Mr. Mateo Forero, Esquire

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ssheehy@holtzmanvogel.com

mforero@holtzmanvogel.com

ALSO PRESENT:

Dan Reidy, Videographer

Amber Hulse, Law Clerk, Holtzman Vogel

Sharon Norwood, Holtzman Vogel

Michael Rios, Expert

Brittany Wake

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C O N T E N T S

EXAMINATION BY:	PAGE
Counsel for Defendants	10

OSKOOII DEPOSITION EXHIBITS

NO.	DESCRIPTION	PAGE
1	Subpoena	15
2	Expert Declaration and Report of Dr. Kassra A.R. Oskooii, January 13, 2023	36
3	Rebuttal Report of Dr. Kassra A.R. Oskooii, April 4, 2023	174

\*(Exhibits attached to transcript.)

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P R O C E E D I N G S

\* \* \* \* \*

VIDEOGRAPHER: Good morning. We are going on the record at 10:00 a.m. on April 11th, 2023. Please note that this deposition is being conducted virtually. The quality of the recording depends on the quality of the camera and internet connection of participants. What is seen from the witness and heard on the screen is what will be recorded.

Audio and video recording will continue to take place unless all the parties agree to go off the record.

This is Media Unit 1 of the video-recorded deposition of Kassra Oskooii, taken by Counsel for the Defendant in the matter of the Honorable Terry Petteway, et al. versus Galveston County, et al.

This case is filed in the United States District Court for the Southern District of Texas, the Galveston Division, Case Number 322-cv-00057.

1 My name is Dan Reidy from the firm  
2 Veritext Legal Solutions, and I'm the  
3 videographer. The court reporter is Felicia  
4 Newland from the firm Veritext Legal Solutions.

5 I'm not authorized to administer an  
6 oath, I'm not related to any party in this  
7 action, nor am I financially interested in the  
8 outcome. If there are any objections to  
9 proceeding, please state them at the time of your  
10 appearance.

11 Counsel and all present  
12 including -- will now state their appearances and  
13 affiliations for the record, beginning with the  
14 noticing attorney.

15 MR. SHEEHY: Yes. Good morning. My  
16 name is Shawn Sheehy, from the law firm of Holtzman  
17 Vogel, in Washington D.C. And I represent the  
18 Defendants in this matter, Galveston County, et al.

19 And with me today are my  
20 colleagues, Mr. Mateo Forero and Ms. Sharon  
21 Norwood.

22 Will Counsel for the Petteway

1 Plaintiffs please note their appearance if  
2 they're on?

3 Will Counsel for the NAACP  
4 Plaintiffs please note their appearance for the  
5 record?

6 MR. GONZALEZ: This is Joaquin  
7 Gonzalez for the NAACP Plaintiffs. And also with  
8 me is Molly Zhu.

9 MR. SHEEHY: Good morning.

10 And will Counsel for the Department  
11 of Justice please note their appearance for the  
12 record.

13 MS. JAYARAMAN: Good morning. This  
14 is Tharuni Jayaraman on behalf of the United  
15 States.

16 MR. SHEEHY: And will any other  
17 Counsel for the Defendants please note their  
18 appearance for the record?

19 Okay. So, Ms. Newland, will you  
20 please swear in the witness?

21 \* \* \* \* \*

22

1 Whereupon,

2 KASSRA A.R. OSKOOII

3 was called as a witness and, having been first duly  
4 sworn, was examined and testified as follows:

5 EXAMINATION BY COUNSEL FOR DEFENDANTS

6 BY MR. SHEEHY:

7 Q Professor, good morning. Would you  
8 please say and spell your name for the record?

9 A Yes. Kassra, K-A-S-S-R-A, A. R.  
10 Oskooii, O-S-K-O-O-I-I.

11 Q Thank you, Professor.

12 And where do you reside, Professor?

13 A I reside in the state of Delaware, in  
14 the city of Wilmington.

15 Q Have you ever lived in Texas,  
16 Professor?

17 A No, I have not lived in Texas.

18 Q Okay. We are taking the deposition  
19 today by Zoom. I know that we have a stenographer  
20 and we also have a videographer. Is anybody else  
21 on Zoom recording this deposition in any way?

22 A Not to my knowledge, no.



1 MR. SHEEHY: Counsel for NAACP,  
2 anybody recording this deposition in any other way?

3 MR. GONZALEZ: No.

4 MR. SHEEHY: Counsel for the  
5 Department of Justice, anybody recording this  
6 deposition in any other way?

7 MS. JAYARAMAN: No, we are not.

8 MR. SHEEHY: Okay. Thank you.

9 BY MR. SHEEHY:

10 Q Professor Oskooii, I know that the  
11 Zoom has a mute function. I'm going to ask you not  
12 to use mute unless it is clear that we have gone  
13 off the record. Understood?

14 A Yes.

15 Q And one of the ground rules I'll get  
16 to, but I'll -- I'll just throw this one out there.  
17 Today we have a stenographer taking a verbatim  
18 transcription of our deposition today. This will  
19 require audible yes or no answers to my questions.

20 Do you understand?

21 A Yes.

22 Q Okay. We can't -- you know, in

1 normal conversation, especially because we see each  
2 other, we can nod our head yes and shake our head  
3 no, but for the court reporter, we'll need audible  
4 responses.

5 Sound fair?

6 A Sounds fair. And understood.

7 Q Excellent. Thank you.

8 And where are you taking this  
9 deposition right now?

10 A In my room.

11 Q Okay. Is anybody else in the room  
12 with you who is not on camera?

13 A No.

14 Q Do you have any applications open on  
15 your computer right now?

16 A I have Zoom open on my computer right  
17 now.

18 Q Okay. Do you have any other windows  
19 opened on your computer right now?

20 A Not -- not open on my computer on the  
21 screen, no.

22 Q Okay. Do you have any windows

1 available to you that you can click on right now?

2 A I have my e-mail for Safari that --  
3 that is open always in the background.

4 Q Is there -- so here's what I'm  
5 getting at, Professor, I don't want anybody to be  
6 able to communicate with you during this  
7 deposition, so I don't want any e-mail open --

8 A Okay.

9 Q -- any texting functions open. I  
10 just -- I don't want anybody to be able to  
11 communicate with you during the deposition.

12 A Sure.

13 Q Okay.

14 A The only reason that I had the e-mail  
15 open was just in case I get disconnected, I could  
16 access the link to get back in, but I can close  
17 that, if that's what --

18 Q Yes.

19 A I can definitely do that. There's  
20 nothing else that's open anyway, so let me -- give  
21 me a second to --

22 Q That sounds --

1 A -- also close all Safari windows.

2 Q That's fine. Thank you very much,  
3 Professor.

4 A Yeah, of course. No problem at all.  
5 So I did close the e-mail and Safari windows.

6 Q Okay. And the other question that I  
7 have is do you have any other functions on your  
8 computer that are open that if I asked you a  
9 question, you could quickly look it up or search  
10 the answer?

11 Are any of those functions available  
12 to you right now?

13 A No.

14 Q Okay. That's fine.

15 Do you have a phone or a tablet or  
16 any other device within eyesight that someone could  
17 use to communicate with you?

18 A I have my phone nearby on do not  
19 disturb and silent.

20 Q Okay. Do you mind turning your phone  
21 off during this deposition?

22 I don't want anyone being able to

1 send you a text message to coach you on your  
2 testimony today.

3 A Yeah, I mean do not disturb  
4 essentially means off. Nobody can reach me --

5 Q Okay.

6 A -- except in cases of emergency, in  
7 case, you know, my wife would --

8 Q Okay.

9 A -- need to reach me. That's why I  
10 have the do not disturb, but I -- I have it  
11 completely put away on this side. I can't even  
12 see. Only SOS, they could potentially reach me.

13 Q Okay. That's -- I'm fine with that.  
14 All right.

15 MR. SHEEHY: Let's go ahead and put  
16 his subpoena up.

17 BY MR. SHEEHY:

18 Q So, Professor Oskooii, I'm going to  
19 put in front of you here momentarily a copy of the  
20 subpoena in this case. And we're going to mark  
21 this as Oskooii Exhibit 1.

22

1 (OskooiiDeposition Exhibit Number 1  
2 marked for identification.)

3 THE WITNESS: Okay.

4 BY MR. SHEEHY:

5 Q Thank you.

6 Professor Oskooii, while we're  
7 putting the -- or getting the subpoena ready, have  
8 you ever had your deposition taken before?

9 A No.

10 Q This is the first time you've been  
11 deposed?

12 A Yes.

13 Q Okay. Well, I will be asking you  
14 questions today about the opinions you expressed in  
15 your report from January 13th, 2023. If at any  
16 time today my questions are unclear, please let me  
17 know and I can explain or rephrase the question.  
18 Sound fair?

19 A Sounds good.

20 Q I will say my one caveat to that is  
21 if you answer the question that I asked, I'm going  
22 to assume that you understood my question. Sound

1 fair?

2 A Sounds fair.

3 Q Okay. While I'm asking questions  
4 today, your attorney, Mr. Gonzalez, might object to  
5 my question, but you will still need to give an  
6 audible answer to the question. Those objections  
7 are preserved for a later time. Understood?

8 A Yes.

9 Q Okay. The only exception to this  
10 would be if Mr. Gonzalez instructs you not to  
11 answer a question on the basis of a privilege of  
12 some sort. Okay. Understood?

13 A Yes.

14 Q Okay. I don't -- I don't anticipate  
15 that happening today, but you never know.

16 Professor, just so you know, this --  
17 this is not a marathon. I don't intend to keep you  
18 sitting in that chair for hours on end. This is a  
19 civil action, so we'll try to keep it civil. So  
20 look, let me know if at any time today you need to  
21 take a break, stretch your legs, use the restroom.  
22 It's 11:00 a.m. on the east coast, if you need to

1 take a break for lunch, let me know. You know, I'm  
2 happy to accommodate. Understood?

3 A Yes. And thank you.

4 Q Thank you.

5 My only caveat to that would be if I  
6 ask you a question or if I'm in the middle of sort  
7 of similar questions, I'm just going to ask that  
8 you give an audible response to those questions  
9 before we go on the break.

10 Sound fair?

11 A Yes.

12 Q Okay. Okay. Do you understand that  
13 you're under oath today?

14 A Yes.

15 Q And do you understand that the oath  
16 you took has the same effect as if you were  
17 testifying in court?

18 A Yes.

19 Q Okay. Is there any reason that you  
20 can think of today that you would not be able to  
21 provide truthful answers to my questions?

22 A No.



1 Q How did you prepare for your  
2 deposition today?

3 A I looked over my report, the January,  
4 I believe, 13th report, the first report. And I  
5 also looked over my rebuttal report. And reviewed  
6 those two to try to refresh my memory of the  
7 opinions that I provided in those two reports. And  
8 I also met with the plaintiff attorneys. And those  
9 are the two -- two ways I prepared for the  
10 deposition.

11 MR. GONZALEZ: I'll just remind you  
12 to not share the substance of any of our  
13 conversations.

14 THE WITNESS: Understood.

15 MR. SHEEHY: Thank you, Mr. Gonzalez.  
16 I appreciate that.

17 BY MR. SHEEHY:

18 Q So, Professor, do you mind if we take  
19 a -- just a quick break? We just want to figure  
20 out the Exhibit Share real quick. I think it's  
21 probably a good stopping point before we go any  
22 further.

1 A No problem.

2 Q All right. Thank you, Professor.  
3 We'll -- we'll come right back.

4 VIDEOGRAPHER: We're going off the  
5 record. The time on the video is 11:14 a.m.

6 (Recess from 11:14 a.m. to 11:20 a.m.)

7 VIDEOGRAPHER: We're back on the  
8 record. The time on the video is 10:20 a.m. (sic).

9 BY MR. SHEEHY:

10 Q Thank you very much. And thank you  
11 for your patience, Professor Oskooii.

12 MR. GONZALEZ: Sorry, Counsel. When  
13 I click on the link in the chat it's saying  
14 "permission denied."

15 MR. SHEEHY: So I think, again,  
16 Mr. Gonzalez, what we're going to do is we're just  
17 going to share the screen, so you should be able to  
18 see Exhibit 1 up on the screen right now.

19 MR. GONZALEZ: I think we'd like a  
20 copy though of the exhibit as well.

21 MR. SHEEHY: Okay. We can -- we can  
22 try and send that around.

1                   TECH SUPPORT: You can just drop a  
2 PDF in the chat.

3                   MR. GONZALEZ: Yeah, that works, if  
4 you all want to drop a PDF in the chat. The link  
5 that Sharon just shared in the chat is working.

6                   MR. SHEEHY: Okay. So everybody has  
7 a copy of the -- of Exhibit 1?

8                   MR. GONZALEZ: I believe so, yes.

9                   MR. SHEEHY: Okay. Mr. Gonzalez,  
10 you're able to open that link to Exhibit 1?

11                   MR. GONZALEZ: Yes.

12                   MR. SHEEHY: Okay. Before I ask  
13 Professor Oskooii questions about Exhibit 1, I  
14 noticed additional people had joined, particularly  
15 from the Petteway Plaintiffs. Could Counsel for  
16 the Petteway Plaintiffs please state their name for  
17 the record?

18                   MS. REYES: Yes. Hi. Bernadette  
19 Reyes on behalf of the Petteway Plaintiffs.

20                   MS. COPPER: This is Alexandra Copper  
21 on behalf of the Petteway Plaintiffs.

22                   MR. SHEEHY: And did I see Michael

1 Rios join as well?

2 MR. RIOS: Yes. This is Mike Rios on  
3 behalf of the Petteway Plaintiffs.

4 MR. SHEEHY: And are you -- Mr. Rios,  
5 forgive me, are you an -- are you an attorney for  
6 the Petteway Plaintiffs?

7 MR. RIOS: I'm an expert.

8 MR. SHEEHY: Oh, okay. So you're  
9 Professor Rios, one of the experts for the Petteway  
10 Plaintiffs?

11 MR. RIOS: Right. Mr. Rios. Thank  
12 you.

13 MR. SHEEHY: Okay. Has anybody else  
14 joined who has not announced themselves for the  
15 record?

16 MS. CHEN: This is Sarah Chen for the  
17 Petteway Plaintiffs.

18 MR. SHEEHY: Good morning, Ms. Chen.

19 Anybody else?

20 All right.

21 BY MR. SHEEHY:

22 Q So, Professor Oskooii, we have

1 Exhibit 1 placed up on the screen for you. We can  
2 go ahead and scroll through that. This is a copy  
3 of your deposition notice in this case.

4 Have you reviewed this notice?

5 A Yes, I glanced at it, if memory  
6 recalls.

7 Q Did you review this notice in  
8 preparation for your deposition today?

9 A Not in great detail, no. I think I  
10 just glanced at it.

11 Q Okay. No, that's fine. I just  
12 wanted to make sure you received it.

13 A Yes, it was forwarded.

14 Q Okay. Before we went on break we  
15 were discussing how you prepared for your  
16 deposition today, correct?

17 A Yes.

18 Q And you said you reviewed your  
19 reports, your January 13th report. Is that  
20 correct?

21 A Yes.

22 Q And you said you reviewed your

1 April 4th rebuttal report. Is that correct?

2 A Yes.

3 Q And you said you met with your  
4 attorneys?

5 A Yes.

6 Q And who -- specifically which  
7 attorneys did you meet with?

8 And to put everybody at ease, please  
9 don't disclose the communications you had with  
10 those attorneys, I'm just asking you to tell me  
11 who -- which of the attorneys you met with.

12 A Sure. Mr. Gonzalez and Ms. Chen.

13 Q Approximately how long did you meet  
14 with Mr. Gonzalez and Ms. Chen?

15 A I would say about three and a half  
16 hours or so.

17 Q Okay. Have you -- when were you  
18 first retained in this case?

19 A I believe sometime, if I'm not  
20 mistaken, October, but I don't recall the exact  
21 time.

22 Q And that would be October of 2022 or

1 2021?

2 A 2022.

3 Q October 2022.

4 Since you were retained in October of  
5 2022, have you discussed the opinions expressed in  
6 your January 13th, 2023 report with anyone other  
7 than your attorneys?

8 A No.

9 Q You didn't discuss the opinions  
10 expressed in your January 2023 report with  
11 Professor Barreto?

12 A No.

13 Q You didn't express -- or you didn't  
14 discuss your opinions expressed in your  
15 January 2023 report with Professor Trounstine?

16 A No.

17 Q In preparing your January 13th, 2023  
18 report, did you have discussions with Professor  
19 Barreto?

20 A Could you clarify what you mean by  
21 discussions?

22 Q Well, I prefaced the question with --

1 and by the way, thank you. That's exactly the type  
2 of clarification I'm looking for.

3 I prefaced the question with in  
4 preparation for your report -- your January 13th,  
5 2023 report. So let me say it this way: As you  
6 were considering the opinions expressed in your  
7 January 13th, 2023 report, did you have discussions  
8 with Professor Barreto about those considerations?

9 MR. GONZALEZ: Objection. Form.

10 BY MR. SHEEHY:

11 Q You can answer, Professor.

12 A Sure. So the answer will be no to  
13 that question.

14 Q Okay. Between October of 2022, when  
15 you were retained, to the present, today, have you  
16 had discussions with Professor Barreto about this  
17 case?

18 A No, not that I recall. I did not  
19 have any discussions about the specifics of this  
20 case.

21 Q Did you have any discussions with  
22 Professor Barreto about this case generally?



1           A       I wouldn't call it discussion. I  
2 think we became both aware that we're both expert  
3 witnesses in this case, and that is all.

4           Q       How did you two become aware that you  
5 were experts in this case?

6           A       Dr. Barreto and I have worked on  
7 previous cases. He was also my graduate advisor.  
8 And since we have worked on previous cases and  
9 we're currently working on another case, we shared  
10 that information to make sure that if we are both  
11 expert witnesses in a case, so that we don't even  
12 accidentally talk about the details of that case.

13          Q       What is the other case that you and  
14 Professor Barreto are currently working on?

15          A       There is a case in Florida that we're  
16 currently working on.

17          Q       And what is the case name?

18          A       I would have to look at the specific  
19 names, but I believe it's Common Cause against -- I  
20 forget the -- the name of the specific party, but  
21 it's about the Florida's enacted congressional map.

22          Q       Between October of 2022 to the

1 present, did any of your discussions with Professor  
2 Barreto impact your analysis in your January 13th,  
3 2023 report?

4 A No.

5 Q Have you reviewed Professor Barreto's  
6 January 13th, 2023 report in this case?

7 A No.

8 Q Same question for Professor  
9 Trounstine. Do you know Professor Trounstine?

10 A I knew of her, yes.

11 Q Have you spoken with her between  
12 October 2022 and the present?

13 A No.

14 Q Have you corresponded with Professor  
15 Trounstine between October -- October 2022 and the  
16 present?

17 A No.

18 Q Okay. Have you spoken about this  
19 case other than your attorneys -- forgive me.

20 Have you spoken about this case with  
21 anyone other than your attorneys?

22 A I have not spoken about any specific

1 details of this case, but in the process of working  
2 on the other cases, I've been asked what cases I  
3 have worked on. And that is the extent to which I  
4 have communicated anything about this case.

5 Q Okay. Did you speak to anyone to  
6 obtain facts that you expressed in your expert  
7 report?

8 A Could you clarify again?

9 Are you drawing a distinction between  
10 plaintiff attorneys and all others who are not part  
11 of this case?

12 Q No, I'm not. I would include your  
13 attorneys in that question.

14 A I see. Understood.

15 As I mentioned in my reports, I  
16 obtained shapefiles for the demonstrative  
17 commissioner precinct maps. And I believe the  
18 other shapefiles from the attorneys. So that will  
19 be what one could consider information or facts  
20 that I received from the attorneys of the  
21 Plaintiffs.

22 Q And did any of your discussions with

1 anyone, including your attorneys, impact your  
2 assumptions that are in your report?

3 MR. GONZALEZ: And I'm just going to  
4 caution the witness, you know, as you just did with  
5 facts that were provided or if you adopted an  
6 opinion from the attorneys, you can disclose that,  
7 but you -- don't disclose any other substance of  
8 the conversations.

9 MR. SHEEHY: Thank you, Mr. Gonzalez.

10 THE WITNESS: Okay. So sorry, could  
11 you repeat that question once more -- one more time  
12 for me?

13 BY MR. SHEEHY:

14 Q Oh, of course. Of course.

15 In -- from October of 2022 to the  
16 present, have any discussions that you have had  
17 with anyone, including counsel, impacted your  
18 analysis or the opinions expressed in your  
19 January 13th, 2023 report?

20 A No. If you're asking if anything  
21 that they have said influenced my opinions, I would  
22 say no.

1 Q Okay. So you were retained in  
2 October of 2022, correct?

3 A I -- I believe around that time. I  
4 would have to go back and look at the retainer  
5 agreement that I signed to, but yeah, I believe  
6 that's accurate, or about, yeah.

7 Q When did you start working on your  
8 January 13th, 2023 report?

9 A I started working on the report after  
10 I was retained.

11 Q Okay. Did you start working in  
12 November of 2022?

13 A I believe I worked on and off  
14 throughout the time that I was retained all the way  
15 through when I submitted the report.

16 Q How many hours did you spend drafting  
17 your January 13th, 2023 report?

18 A I would have to look to see, but if I  
19 had to give you an estimate, I would say --  
20 including all the data collection analysis, not  
21 just the report writing, I would have to say about  
22 90 or so hours, but, you know, that's just an

1 estimate.

2 Q And where did you collect the data  
3 from?

4 A So I collected data from two primary  
5 sources. One was the redistricting hub that  
6 provides demographic and election data, which I  
7 reported in my January 13 report, and also data  
8 from the Texas Legislative Council Capitol Data  
9 Portal. And then as I mentioned previously, I also  
10 retained map shapefiles from the attorneys of  
11 Plaintiffs.

12 Q Okay. And what were you instructed  
13 to do in this case?

14 A I'm not sure "instructed" is perhaps  
15 the right way of saying. I was asked to examine  
16 whether racially polarized voting patterns exist in  
17 Galveston County such that Black and  
18 Latino/Hispanic voters are politically cohesive.

19 Q Were you asked to do anything else?

20 A And write a report against post  
21 analysis.

22 Q All right. Now, you also submitted a

1 rebuttal report in this case, correct?

2 A Yes.

3 Q And that rebuttal report is dated  
4 April 4th, 2023?

5 A I believe so. I'll have to take your  
6 word for it. Yeah, I don't recall the exact date,  
7 but it sounds right.

8 Q Okay. And I believe you submitted a  
9 corrected version of that report this morning. Is  
10 that correct?

11 A Yes.

12 Q In preparing that report, did you  
13 have any discussions with Plaintiffs' counsel?

14 MR. GONZALEZ: And, again, I'll  
15 caution the witness not to reveal the substance of  
16 the conversations.

17 THE WITNESS: I will have to say yes,  
18 especially in terms of the correction.

19 BY MR. SHEEHY:

20 Q Okay. So let's -- we'll break that  
21 up.

22 You filed a report on April 4th, so

1 that's your first rebuttal report, so let's just  
2 talk -- let's focus on that one for the moment.

3 In preparing that report, did you  
4 have discussions with counsel for the Plaintiffs?

5 MR. GONZALEZ: Again same caution.

6 THE WITNESS: Yes.

7 BY MR. SHEEHY:

8 Q And did those conversations with  
9 Plaintiffs' counsel communicate facts or data to  
10 you?

11 A No.

12 Q Did those conversations impact the  
13 assumptions that you expressed in your April 4th,  
14 2023 rebuttal report?

15 MR. GONZALEZ: Objection. Form.

16 BY MR. SHEEHY:

17 Q You can answer.

18 A Could you clarify the difference  
19 between opinion assumptions so I don't get confused  
20 by the question?

21 Q Certainly. And I think I -- perhaps  
22 I can just rephrase.



1                   Did the conversations with counsel in  
2 preparation for your April 4th, 2023 rebuttal  
3 report have any bearing on the substance of your  
4 report?

5                   A       No.

6                   Q       Okay.

7                   MR. GONZALEZ: I would object to the  
8 form.

9 BY MR. SHEEHY:

10                  Q       The -- your corrected report, you  
11 said you had -- you said especially for your  
12 corrected report, you had communications with  
13 counsel, correct?

14                  A       Well, insofar as identifying the  
15 correction.

16                  Q       And you identified the correction?

17                  A       Yes.

18                  Q       Was that the extent of your  
19 conversations with counsel about the April 4th,  
20 2023 corrected report?

21                  MR. GONZALEZ: I would, again,  
22 caution you to not reveal --

1 THE WITNESS: Yes.

2 MR. GONZALEZ: -- the substance.

3 BY MR. SHEEHY:

4 Q All right. So let's go back to your  
5 January 13th, 2023 report.

6 MR. SHEEHY: If we could go ahead and  
7 introduce that as an exhibit. We are going to mark  
8 this as Oskooii Exhibit 2.

9 (Oskooii Deposition Exhibit Number 2  
10 marked for identification.)

11 MR. SHEEHY: And if we could go to  
12 page 30, please. Or maybe a little -- a little bit  
13 more. The next page actually. Perfect.

14 BY MR. SHEEHY:

15 Q Professor Oskooii, is this -- is this  
16 your signature on your January 13th, 2023 report?

17 A Yes.

18 Q And we can go back to page -- I guess  
19 page 2, if we could, please. And is this -- I  
20 mean, we can -- we can scroll through it, but does  
21 this look like a true and accurate copy of your  
22 January 13, 2023 report?

1           A       Yes, it looks that way.

2           Q       Okay. We'll be going through it  
3 more, so if you see something that, you know, maybe  
4 you submitted another corrected report and I missed  
5 it, just let me know. Not -- I'm not here to trip  
6 you up.

7                   MR. GONZALEZ: Sorry to interrupt,  
8 Counsel, but we are -- we can view the exhibits,  
9 but we're not able to download them. And I think  
10 we want to get our --

11                   MR. SHEEHY: Yeah, that's fine.

12                   MR. GONZALEZ: -- own copy.

13                   MR. SHEEHY: Sure. Sure,  
14 Mr. Gonzalez, we can go ahead and send that to you.

15                   MR. GONZALEZ: Okay. Thank you.  
16 And, hey, Steven, the chat works if that's the  
17 easiest way.

18 BY MR. SHEEHY:

19           Q       You said you reviewed your  
20 January 13th, 2023 report in preparation for your  
21 deposition today?

22           A       Yes.

1 Q Okay. In reviewing the report, is  
2 there anything that you would add to it?

3 A No.

4 Q Is there anything that you would  
5 delete from that report?

6 MR. GONZALEZ: Objection. Form.

7 THE WITNESS: Not that I can think  
8 of, no.

9 BY MR. SHEEHY:

10 Q Setting aside your April 4th, 2023  
11 rebuttal report, is it your testimony that the  
12 January 13th, 2023 report represents all of the  
13 opinions you intend to express in this case?

14 MR. GONZALEZ: Objection. Form.

15 THE WITNESS: So I can answer that,  
16 correct?

17 MR. SHEEHY: Yes. Yes.

18 MR. GONZALEZ: Yes, go ahead if you  
19 understood.

20 THE WITNESS: I would say all of the  
21 opinions based on the facts and information that  
22 were known to me when I submitted that report are

1 known to me currently. But should any additional  
2 information come to light that I was not aware of,  
3 I reserve the right to supplement the opinions  
4 provided in that January 13 report.

5 BY MR. SHEEHY:

6 Q Okay. So absent -- absent any  
7 additional facts that would impact your racial --  
8 racially polarized voting analysis, the  
9 January 13th, 2023 report contains all of the  
10 opinions you intend to express in this case?

11 MR. GONZALEZ: Objection to form.

12 You can answer.

13 THE WITNESS: Sure.

14 Absent any additional information  
15 or facts, yes, this -- these would be my  
16 opinions.

17 BY MR. SHEEHY:

18 Q And should any additional facts come  
19 to light, would you intend to submit an additional  
20 expert report?

21 MR. GONZALEZ: I'll object to form.

22 You can answer.

1 MR. SHEEHY: Yeah. And thank you,  
2 Mr. Gonzalez. I'll -- I'll just rephrase that  
3 question.

4 BY MR. SHEEHY:

5 Q Should additional facts come to light  
6 in this case that impacts your racially polarized  
7 voting analysis, would you submit an additional  
8 expert report to account for those facts?

9 A So you would -- you would like me to  
10 speculate on whether I would do something in the  
11 future?

12 Q Well, you're telling me that you  
13 reserve the right to express additional opinions  
14 should additional facts come to light, correct?

15 A Yes, I reserve the right. Yes.

16 Q And I guess I'm asking, will you put  
17 those -- should additional facts come to light,  
18 will you express any additional opinions in a  
19 subsequent report?

20 A I guess it depends on what sort of  
21 information come to -- comes to light. That would  
22 be my answer.

1 Q Well, if the information that comes  
2 to light impacts your racially polarized voting  
3 analysis --

4 A Uh-huh.

5 Q -- will you submit an additional  
6 report that contains your additional opinions to  
7 account for those new facts?

8 A I would say yes, I would be inclined  
9 to account for additional facts that may  
10 potentially impact the overall analysis or opinions  
11 that I provided.

12 Q In a written report?

13 A If that's allowed -- if I'm allowed  
14 to provide a written report, yes, that's -- that  
15 would be a preferable form.

16 Q If we don't receive a subsequent  
17 written report from you, are the opinions expressed  
18 in your January 13th, 2023 report all the opinions  
19 you intend to express in this case?

20 A If you could please clarify the  
21 April 4th rebuttal report is also included in this  
22 equation.

1 Q Yes. So I'll make it very clear.

2 If we do not receive an additional  
3 written report from you, are the opinions expressed  
4 in your January 13th, 2023 report and the opinions  
5 expressed in your April -- corrected April 4th,  
6 2023 report, all the opinions you intend to express  
7 in this case?

8 A Yes.

9 MR. GONZALEZ: Objection. Form.

10 BY MR. SHEEHY:

11 Q And your answer to the --

12 A Yes.

13 Q -- question is yes?

14 Okay. Thank you.

15 Going back to the January 13th, 2023  
16 report, is the CV contained in Exhibit A, your  
17 curriculum vitae, is that current still?

18 A That curriculum vitae, CV, is current  
19 at the -- as of the time that I submitted the  
20 January 13th report.

21 Q Since January 13th, 2023, have you  
22 been published?



1 Or let me rephrase.

2 Since January 13th, 2023, have you  
3 published any additional articles that are not  
4 reflected in your curriculum vitae?

5 A Could you please show me that  
6 curriculum vitae so I can compare and contrast in  
7 my mind since -- since that time? Sorry.

8 Q No, that's fine. We want a clear  
9 record, so we're happy -- happy to pull up your  
10 curriculum vitae. We'll just scroll on through  
11 here.

12 A Thank you.

13 Q There you go.

14 A So could you go to -- down lower to  
15 the list of publications --

16 Q Of course.

17 A -- peer review?

18 Okay. If you could go up, sorry, go  
19 up, yeah. I guess at this point I would say the  
20 latest version of my CV is on my website, if -- if  
21 you wish to download that. It's publicly  
22 available.

1                   Based on the peer review journal  
2                   publication, I don't recall any additions since  
3                   January 13th. However, if you go further lower,  
4                   please, if you can keep going to -- there should be  
5                   a section on book chapters or encyclopedic. Yeah.

6                   There was a -- there is an addition,  
7                   it's a forthcoming piece, so it's going through  
8                   production, an encyclopedic entry that I was  
9                   notified recently that is going to be published.  
10                  So that would be another addition. And I'm sure  
11                  there are other potential changes/additions that  
12                  are reflected on my current CV on my website.

13                  Q        Did you -- is -- okay.

14                                So the additional articles would be  
15                                reflected on the CV on your website?

16                  A        Yes.

17                  Q        Okay. That's fine.

18                                Since January 13th, 2023, have you  
19                                submitted any expert reports in any additional  
20                                litigation?

21                  A        Yes.

22                  Q        Okay. And what -- what is the case

1 name?

2 A Again, it's tough to -- tough to  
3 recall the case -- case names precisely, but one of  
4 them is the case I previously mentioned in Florida,  
5 in which I submitted -- submitted an expert report  
6 with Dr. Barreto as co-expert witnesses.

7 And then I believe I submitted, I  
8 believe, either a report and/or rebuttal and report  
9 in a Washington State case that I shared with you  
10 in my January 13th report. If you bring that up,  
11 that section, that -- that would be one.

12 And then I submitted an expert report  
13 in the state of Maryland in a case, I believe it's  
14 the NAACP Chapter of Maryland against the Town of  
15 Federalsburg.

16 But those are the things that I can  
17 recall off the top of my head. I would have to  
18 take a more detailed look to give you a  
19 comprehensive list. But I believe those are it,  
20 but I will have to check again.

21 Q The Common Cause case involving the  
22 Florida congressional map, do you recall

1 approximately when you submitted that report?

2 A Gosh, maybe two, three weeks ago. It  
3 was very recent, I would say.

4 Q Okay. In the case in Washington  
5 State, approximately when did you submit that  
6 report?

7 A On the top of my head, I can't recall  
8 the time frame given that there -- I work on these  
9 different cases. I don't want to mix up the time  
10 frames. But I don't recall when I submitted the  
11 main report, but the rebuttal report, I submitted  
12 sometime in March, I believe. Yeah.

13 Q And the NAACP v., did you say, Town  
14 of Federalsburg?

15 A Federalsburg.

16 Q Federalsburg.

17 Okay. When did you submit that  
18 report?

19 A I believe it was sometime in March,  
20 and possibly very early April.

21 Q And the NAACP v. Town of  
22 Federalsburg, is that -- is that a federal court

1 case?

2 A I -- I believe so, but I'll have to  
3 look at the details.

4 Q Okay. But would that be reflected in  
5 your current curriculum vitae on your website?

6 A If we can look at the curriculum  
7 vitae together, I could verify that.

8 Q On -- on your website?

9 A Yes. If we -- I will have to look at  
10 it to make sure to give you an accurate response.  
11 Would you be able to pull that up?

12 Q No, that's all right. I think -- you  
13 know, what I'll do is I'll go check your website,  
14 you know, maybe later today or tomorrow. If I  
15 don't -- if I don't see it, I'll -- I'll look into  
16 it. No -- no worries.

17 A Sounds good.

18 Q In these other cases, so the NAACP v.  
19 Town of Federalsburg, for example, have you  
20 testified -- well, have you given oral testimony in  
21 that case?

22 A No, I have not.

1 Q Okay. In the Washington State  
2 litigation, have you given oral testimony in that  
3 case?

4 A No, I have not.

5 Q And in the Common Cause litigation in  
6 Florida involving the congressional maps, have you  
7 given oral testimony in that case?

8 A No.

9 Q You testified earlier that you spent  
10 approximately 90 hours preparing your January 13th,  
11 2023 report, correct?

12 A Approximately, yes.

13 Q How much time did you spend drafting  
14 your April 4th, 2023 report?

15 A I would have to -- I would have to  
16 look at the time sheet to be able to give you an  
17 accurate response.

18 Q Would you say that it was more than  
19 ten hours you spent drafting the April 4th, 2023  
20 report?

21 A Again, I would -- I would like to  
22 give you an accurate response, so I guess if you

1 can take an estimate, I would say I think it was  
2 more than ten hours.

3 Q Okay. So I'm fine taking an  
4 estimate. I mean, we're saying approximately 90  
5 hours for your January 13th report. What would you  
6 estimate you spent on the April 4th, 2023 report?

7 MR. GONZALEZ: Objection. Form.

8 THE WITNESS: I'm -- I would say  
9 anywhere from 15 to 20-ish hours would be -- would  
10 be my estimate.

11 BY MR. SHEEHY:

12 Q Okay. And in preparation for your  
13 deposition today, you reviewed your April 4th, 2023  
14 report?

15 A Yes.

16 Q And we're referring to your corrected  
17 April 4th, 2023 report, just to be clear. You  
18 understand that?

19 MR. GONZALEZ: Objection. Form.

20 THE WITNESS: Well, I reviewed the  
21 original report and then obviously I'm aware of the  
22 correction.

1 BY MR. SHEEHY:

2 Q Okay. So just to be clear, you're  
3 estimating you spent 15 to 20 hours total in  
4 preparing the April 4th, 2023 rebuttal report and  
5 the correction?

6 A That's the estimate.

7 Q That's the estimate. Okay.

8 A Yes. Yes.

9 Q Okay. In reviewing your April 4th,  
10 2023 corrected report, is there anything else that  
11 you would like to correct?

12 MR. GONZALEZ: Objection. Form.

13 THE WITNESS: Not at this moment.  
14 Nothing comes to mind.

15 BY MR. SHEEHY:

16 Q Is there anything that you would like  
17 delete?

18 MR. GONZALEZ: Objection. Form.

19 THE WITNESS: No.

20 BY MR. SHEEHY:

21 Q Is there anything that you want to  
22 add to your April 4th, 2023 report?



1 MR. GONZALEZ: Objection. Form.

2 THE WITNESS: Besides the correction,  
3 no.

4 BY MR. SHEEHY:

5 Q We've spoken about a couple of cases  
6 that you're involved in. The congressional case in  
7 Florida, Common Cause, is that a Voting Rights Act  
8 challenge?

9 A It pertains to that --

10 Q The expert report --

11 A -- yes.

12 Q -- that you submitted in Common Cause  
13 regarding the Florida congressional districts, did  
14 you do a racially polarized voting analysis?

15 A (Moving head up and down.)

16 Q I need an --

17 A Yes.

18 Q -- audible --

19 A Yes.

20 Q Okay. The NAACP of Maryland v.  
21 Federalburg case, did you do a racial polarized  
22 voting analysis?

1 A Yes.

2 Q And in the Washington State  
3 litigation, did you do a racially polarized voting  
4 analysis?

5 A No.

6 Q What analysis did you do in the  
7 Washington State litigation?

8 A It was a survey -- a study that I  
9 conducted. And it was a survey data analysis.

10 Q Regarding -- what was the survey  
11 regarding?

12 A Generally it was regarding the  
13 acceptance or rejection of ballot signatures.

14 Q Okay. And was that a Section 2  
15 Voting Rights Act case?

16 A No, not that I recall, that it would  
17 fall under that precisely, but I'm not 100 percent  
18 sure.

19 Q You don't recall what the claims are  
20 in the Washington State litigation?

21 A I'm not -- I guess I'm not sure what  
22 all the claims necessarily are. I was just asked

1 to examine perhaps one portion of the claim.

2 Q Okay. And what was that claim?

3 MR. GONZALEZ: Objection. Form.

4 THE WITNESS: Whether certain  
5 signatures of certain demographic groups are being  
6 rejected at higher rates.

7 BY MR. SHEEHY:

8 Q Higher rates than?

9 A Other demographic groups.

10 Q Okay. Approximately how many times  
11 have you served as an expert witness in cases  
12 involving Voting Rights Act challenges?

13 A I would have to, again, look at my  
14 updated CV to be able to provide an accurate  
15 answer.

16 Q Well, again, we can do approximate.  
17 Approximately, how many cases have  
18 you served as an expert witness in cases involving  
19 Voting Rights Act challenges?

20 A Could you please clarify what you  
21 mean by "expert witness"?

22 Does that mean that I was a

1           testifying expert or that I wrote the report or  
2           wrote -- wrote -- wrote then report with another  
3           expert?

4                   Q       Let's go with written report.

5                            So how many times --

6                   A       Okay.

7                   Q       -- have you authored or co-authored  
8           an expert report in cases involving Voting Rights  
9           Act challenges?

10                   A       Again, it's difficult off memory, but  
11           if -- you know, if an estimate suffices, I would  
12           say between three to five.

13                   Q       Okay. Between three and five.

14                            And in those cases, the three to five  
15           cases, did you conduct racially polarized analysis  
16           in each case?

17                   A       Again, I would have to look at all  
18           those cases and review -- review. But to answer  
19           your question more -- more generally, it is not the  
20           case that in every single case that I worked on  
21           I've conducted racially polarized voting analysis.

22                   Q       Well, in the three to five cases

1 where you've offered expert reports in -- in Voting  
2 Rights Act challenges, did you conduct racially  
3 polarized voting analysis in those cases?

4 A If there was a Section 2 claim, then  
5 yes, I conducted racially polarized voting  
6 analysis.

7 Q And in those cases that you've  
8 conducted racially polarized voting analysis -- let  
9 me rephrase.

10 In any of those cases that you've  
11 conducted racially polarized voting analysis, did  
12 you conclude that racially polarized voting did not  
13 exist?

14 A Just to clarify. In the cases that a  
15 report was written, correct?

16 Q Yes.

17 A Not in any cases where I provided  
18 consulting expertise, but a report was not given?

19 Q Sorry. Were you just asking me a  
20 clarifying question or was that an answer?

21 A Yes.

22 Q You were asking me a clarifying

1 question?

2 A Yes.

3 Q Okay. So let me rephrase the  
4 question.

5 In the three to five cases where you  
6 authored or co-authored an expert report in a case  
7 challenging -- or in a case brought under the  
8 Voting Rights Act, have you concluded in any one of  
9 those case that racially polarized voting did not  
10 exist?

11 A Based on the data that I analyzed in  
12 those select few cases, no, I did find that  
13 racially polarized voting exists.

14 Q And in cases where you were  
15 consulting, approximately, how many cases were you  
16 serving as a consultant?

17 A Again, it would be an approximation.  
18 And some of them were not cases that were brought  
19 necessarily. But, you know, I have conducted  
20 racially polarized voting for a long time now,  
21 whether it's for, you know, research or, you know,  
22 various groups asking me to conduct and provide

1           them an answer of whether racially polarized voting  
2           exists or not in the jurisdiction that they're  
3           interested in.

4           Q       Okay.  When you say that you were  
5           serving as a consultant, were you a -- I guess,  
6           the -- are you familiar with the term  
7           "non-testifying expert"?

8           A       I think I've heard of it.

9           Q       Is that where you were hired as a  
10          consultant to serve as a non-testifying expert?

11          Is what you're referring -- when you  
12          say you were a consultant, would that be synonymous  
13          with non-testifying expert?

14          A       I'm not sure if -- if they  
15          specifically stated that or put that in writing.  
16          But basically what I mean by consultant, is, you  
17          know, someone pays you a fee to do a certain job or  
18          answer, in this particular case -- in this case  
19          that we're talking about, instances we're talking  
20          about, to provide racially polarized voting  
21          analysis in the jurisdiction that they're  
22          interested in.

1 Q And in your consulting experience,  
2 have you concluded for any consulting client that  
3 racially polarized voting did not exist?

4 A Yes, I have concluded that racially  
5 polarized voting did not exist.

6 Q And what -- could you give us an  
7 example of which jurisdiction you analyzed did not  
8 have racially polarized voting?

9 A I guess the trouble is I'm not sure I  
10 can disclose specific information in terms of  
11 confidentiality that I may have signed that I don't  
12 recall. But are you asking just very generally in  
13 certain states where I found a lack of racially  
14 polarized voting?

15 Q Yeah. If you analyzed the state as a  
16 whole, yes. You know, that's -- that's fine, but  
17 also if you analyzed a segment of the state, you  
18 know, locality, I would want that as well.

19 A I would say, for instance, I analyzed  
20 a county in the state of New York for which I  
21 concluded that there's not a -- there's no -- that  
22 there is racially polarized voting.



1 Q You analyzed a county in New York and  
2 concluded that there was not racially polarized  
3 voting?

4 A Correct.

5 Q Okay. Any other examples where you  
6 concluded that there was no racially polarized  
7 voting?

8 A I would say yes. There was also in  
9 Maryland that I -- there were certain areas in  
10 Maryland where I concluded there's no racially  
11 polarized voting.

12 Q What area in Maryland?

13 A I think it was a -- it was a  
14 county -- yeah, it was a county-level analysis of  
15 the eastern side of Maryland.

16 Q Is that St. Mary's County?

17 A I don't recall the specific county at  
18 this moment. It was a while back.

19 Q Any other examples?

20 A I mean, throughout my research, and I  
21 published two papers on racially polarized voting  
22 methods, there have been plenty of instances in

1 which I found no racially polarized voting.

2 Q But in your consulting experience,  
3 you have given me two examples. Are there any  
4 other examples?

5 A I would have to look back, because  
6 you asked me to estimate and so, you know, I'm  
7 focused on this particular case. So I didn't come  
8 into this deposition reviewing all of the other  
9 consulting cases that I've done over -- over an  
10 extended period of time, so I wouldn't be able to  
11 give you an accurate answer on this unless I review  
12 those activities.

13 Q Are your consulting clients, are they  
14 listed on your curriculum vitae?

15 A I don't recall. I don't think all of  
16 the consulting experience has specifically been  
17 listed.

18 Q Okay. We can -- we can look into  
19 that.

20 So let's talk about this case, the  
21 Galveston County Commissioners Court. The  
22 commissioners -- how many commissioners are there

1 on the Galveston County Commissioners Court?

2 A I'm sorry, what -- what is the -- the  
3 question is about this particular case?

4 Q Yes.

5 A We're talking about commissioner  
6 precincts?

7 Q How many commissioners sit on the  
8 Galveston County Commissioners Court?

9 A I did not analyze the commissioner  
10 court elections, if that's what you're asking.

11 Q That's not what I'm asking. I'm  
12 asking how many commissioners sit on the Galveston  
13 County Commissioners Court?

14 MR. GONZALEZ: Objection. Form.

15 THE WITNESS: I would have to look  
16 specifically since that was not something that I  
17 focused on, but there are four commissioner --  
18 commissioner precincts in Galveston County.

19 BY MR. SHEEHY:

20 Q And those commissioner precincts --

21 A Uh-huh.

22 Q -- the commissioners run in those

1 districts, correct?

2 They run for election in those four  
3 districts, correct?

4 A Yes. It's the -- yes, they run in  
5 each commissioner precinct.

6 Q They are not at-large elections?

7 A No, they're -- they're not at-large  
8 elections.

9 Q All right. So I want to talk about  
10 your conclusions in your report for today -- or in  
11 your January 13th, 2023 report.

12 You conclude that Latino voters and  
13 African-American voters in Galveston County vote  
14 cohesively, correct?

15 A Yes.

16 Q So I want to understand what -- at  
17 what level cohesiveness occurs. So let me ask you  
18 this: If Latino voters voted 50 percent for a  
19 republican and if Latino voters voted 50 percent  
20 for a democrat, you would agree with me that  
21 there's no cohesion among Latinos, correct?

22 MR. GONZALEZ: Objection. Form.

1 THE WITNESS: Are you asking a  
2 hypothetical question if there was a situation  
3 which there was 50/50 --

4 BY MR. SHEEHY:

5 Q Yes.

6 A -- tie?

7 Q Yes.

8 I'm -- as I said, I'm trying to  
9 understand what cohesion is.

10 A Would you like me to define what  
11 cohesion is or what --

12 Q Well, I'd like -- I'd you to just  
13 answer my question.

14 If Latino voters vote 50 percent for  
15 republicans and 50 percent for democrats, you would  
16 agree with me that that's not cohesion, correct?

17 MR. GONZALEZ: Objection. Form.

18 THE WITNESS: If you have a scenario  
19 in which 50 percent of Latinos vote for one  
20 Candidate A and 50 percent vote for Candidate B, we  
21 would note have a preferred candidate that could  
22 identify.

1 BY MR. SHEEHY:

2 Q Okay. And you would also agree that  
3 there would be no cohesion in that instance among  
4 Latino voters?

5 MR. GONZALEZ: Objection. Form.

6 THE WITNESS: Well, I guess maybe the  
7 way you're -- you're characterizing the question  
8 that is a little bit confusing to me. When you  
9 look at cohesion, you don't just look at one  
10 election, you look at a series of elections to  
11 determine if a group is cohesive or not. Maybe  
12 that's the misunderstanding here.

13 BY MR. SHEEHY:

14 Q Okay. So let's say a series of  
15 elections, series of elections show that 50 percent  
16 of Latinos vote republican and 50 percent of  
17 Latinos vote democrat, you would agree with me that  
18 that's not cohesive, correct?

19 MR. GONZALEZ: Objection. Form.

20 THE WITNESS: In a hypothetical  
21 scenario in which there would be a perfect 50/50  
22 tie across a series of elections, then one could

1 not determine which candidate, regardless of their  
2 partisan identity label, is the preferred candidate  
3 of Latinos.

4 BY MR. SHEEHY:

5 Q And so there would be no cohesion  
6 among Latino voters in this hypothetical?

7 A In this hypothetical, in which say we  
8 only analyze five elections or ten elections, and  
9 every single election was 50/50, then one could not  
10 necessarily conclude that there was a preferred  
11 candidate, yes.

12 Q Okay. So -- so same question --

13 A Uh-huh.

14 Q -- but we'll say in a series of  
15 elections, Latinos voted 55 percent for one  
16 candidate and 45 percent for another candidate.  
17 Would you conclude that there is cohesion there?

18 MR. GONZALEZ: Objection. Form.

19 BY MR. SHEEHY:

20 Q And, again, would you conclude that  
21 there's cohesion among Latino voters in a 55/45  
22 split?

1           A       In an analysis of racially polarized  
2           voting, you also have to look at the vote choice of  
3           the majority group population, and also conduct  
4           performance analysis to see which candidates emerge  
5           in the subject jurisdiction.

6                        In a case of, as you described, the  
7           majority of Latinos vote for, let's say, Candidate  
8           A and a minority vote for B, you would say that  
9           they have a preferred candidate.

10           Q        Even though 45 percent don't prefer  
11           that candidate in a series of elections?

12           A        Yeah, that -- again, the majority  
13           prefer -- have the preference, the majority of  
14           Latinos are voting for certain candidates.

15           Q        So let's go back to -- go a little  
16           lower then. So at -- if Latinos vote for one  
17           candidate at 51 percent and Latinos vote for  
18           another candidate at 49 percent, would you agree  
19           with me that there is no cohesion in those series  
20           of elections among Latinos?

21                       MR. GONZALEZ: Objection. Form.

22                       THE WITNESS: So in a hypothetical



1 scenario in which you analyze a number of elections  
2 and you would have across all those elections, the  
3 majority of Latinos vote for candidates starting  
4 with name A and minority vote for candidates that  
5 starts with, say, candidate named B, in that  
6 scenario, you would be able to say that Latinos  
7 have preferred candidates across all those series  
8 of elections.

9 BY MR. SHEEHY:

10 Q And so you would say that there is  
11 cohesion among Latino voters even at 51/49 across a  
12 series of elections?

13 MR. GONZALEZ: Objection. Form.

14 THE WITNESS: Again, when it comes to  
15 racially polarized analysis, there are other  
16 factors involved in such as the vote choice of  
17 minority -- a majority group and also the outcomes  
18 of elections. Just, generally speaking, in  
19 American elections, we have a polarity system in  
20 many elections in which if you get even one vote  
21 more than the other candidate, you win the  
22 election. It doesn't have to be majority. And in

1 some cases, if you get the majority of votes, which  
2 would be greater than 50 percent, that candidate  
3 wins.

4 So by wins and losses, whether  
5 people are getting elected or not, you will  
6 conclude, based off what you described, that  
7 Latinos have a preferred candidate consistently  
8 across a series of elections because, again, the  
9 majority are voting for a certain type of  
10 candidates.

11 BY MR. SHEEHY:

12 Q So I understand that there is  
13 racially polarized voting, there's kind of two  
14 steps of analysis. There's the are the minority  
15 voters cohesive in their voting choices, and then  
16 the next question is, are the majority voters  
17 voting consistently as a bloc to prevent the  
18 minority candidate of choice.

19 That's racially polarized voting  
20 analysis, correct?

21 A I would agree with that.

22 Q Okay. So I'm talking about just

1 simply the first prong of that, whether or not  
2 minority candidates -- I'm sorry, whether or not  
3 minority voters are voting cohesively. And I'm  
4 just -- I'm just looking at that.

5 So my question to you is, is if  
6 across a series of elections, Latino voters are  
7 voting 51 percent for Candidate A and Latino voters  
8 are voting 49 percent for Candidate B, is it your  
9 position that Latinos are voting cohesively?

10 MR. GONZALEZ: Objection. Form.

11 THE WITNESS: So far as political  
12 cohesion means that minorities prefer the same  
13 candidates across these elections, you would  
14 conclude, based on your own description, that  
15 Latinos prefer the same set of candidates, because  
16 the majority of them, in this particular instance  
17 51 percent, consistently voted for those same type  
18 of candidates.

19 BY MR. SHEEHY:

20 Q Is it your position that to define  
21 cohesion as minority voters voting consistently  
22 across elections at 60 percent for candidates, is

1 that too high to establish cohesion?

2 MR. GONZALEZ: Objection. Form.

3 THE WITNESS: If you can clarify what  
4 you mean by "too high."

5 BY MR. SHEEHY:

6 Q Well, you're saying that 51 percent  
7 is sufficient to establish cohesion. And I'm  
8 wondering is a 60 percent threshold too high in  
9 your opinion?

10 MR. GONZALEZ: Objection. Form.

11 THE WITNESS: To clarify, I just  
12 responded to your hypothetical questions of whether  
13 minorities, in this case Latinos, as you mentioned,  
14 would win across -- or would have a certain type of  
15 preferred candidate across a number of elections.  
16 And in that instance, I said that they do have a  
17 preference. But if you're asking me just about one  
18 single instance rather than a pattern, that's a  
19 different question.

20 BY MR. SHEEHY:

21 Q Okay. So in a single election, would  
22 you say that if Latino voters voted 51 percent for

1 one candidate and 49 percent for another candidate,  
2 would you say that in that election, Latinos were  
3 cohesive?

4 MR. GONZALEZ: Objection. Form.

5 THE WITNESS: Again, for RPV  
6 analysis, we don't just look at one election. You  
7 look at, as you're well aware, across a number of  
8 elections to determine if a minority group has a  
9 preferred candidates or votes in similar fashion.

10 BY MR. SHEEHY:

11 Q So I'm just asking in that one  
12 election, would you say that Latino voters are  
13 cohesive when they're split 51/49?

14 MR. GONZALEZ: Objection. Form.

15 THE WITNESS: I would say that they  
16 have -- they have shown that they preferred one  
17 candidate over another. The majority of them have  
18 shown that.

19 BY MR. SHEEHY:

20 Q And when you say "preferred one  
21 candidate over another," is that the same thing as  
22 saying they're cohesive in that election?

1           A       Again, cohesion in Section 2 claims  
2           is typically looking at a number of elections, not  
3           just that one -- one singular election to -- to  
4           examine patterns.

5           Q       Right. I understand that.

6                    I'm just asking though would you  
7           characterize that election at 51/49 as Latinos  
8           exhibiting cohesion?

9                    MR. GONZALEZ: Objection. Form.

10                   THE WITNESS: Generally speaking, you  
11           would say that Latinos have a preferred candidate  
12           in that singular election.

13           BY MR. SHEEHY:

14           Q       If there were three elections where  
15           Latino candidates voted 51 percent for one  
16           candidate and 49 percent for another candidate,  
17           would you say that Latinos are cohesive?

18                    MR. GONZALEZ: Again, objection.

19           Form.

20                    THE WITNESS: I'm -- I'm just not  
21           sure I'm understanding the question. There's not a  
22           bright-line rule of like -- like one or two or

1 three elections, or I -- I conducted 25 general  
2 election analyses in this particular case, since  
3 we're talking about Galveston. And in all 25  
4 elections, I found that Black and Latinos have --  
5 they favor a set of candidates that Anglo voters  
6 disfavor.

7 BY MR. SHEEHY:

8 Q And we'll -- we'll get to the  
9 analysis in your report. I'm just still trying to  
10 understand what the threshold is for determining  
11 cohesion in my example among Latino voters.

12 MR. GONZALEZ: Objection. Form.

13 THE WITNESS: If you're trying to  
14 determine which candidates are preferred in  
15 elections in which you have only two candidates  
16 where you're analyzing the two top candidates, you  
17 would look at one -- one way to look at is that  
18 simple majority or the majority, which is  
19 51 percent, to get an indication of whether any  
20 demographic group has a set of preferred  
21 candidates.  
22

1 BY MR. SHEEHY:

2 Q And so would you disagree with a  
3 threshold of cohesion at 60 percent, so across a  
4 series of elections if Latinos are voting  
5 59 percent for one candidate and they're voting  
6 41 percent for another candidate, and someone says,  
7 "Well, that's below a 60 percent threshold, there's  
8 no cohesion," would you agree or disagree with that  
9 assessment?

10 MR. GONZALEZ: Objection. Form.

11 THE WITNESS: I would disagree that  
12 there is a bright-line rule of establishing a  
13 specific percentage and saying you have to have  
14 that specific percentage for us to say that you --  
15 that a group has a preferred candidate.

16 BY MR. SHEEHY:

17 Q So for you, cohesion could be as low  
18 as 51 percent -- well, I guess it could be as low  
19 as 50.1 percent across a series of elections,  
20 correct?

21 MR. GONZALEZ: Objection. Form.

22 THE WITNESS: I don't think I've ever



1 encountered a scenario that I found across a  
2 comprehensive list of elections that every single  
3 time one group voted 50.1 percent. So you're  
4 describing a rare hypothetical scenario here.

5 BY MR. SHEEHY:

6 Q Well, I'm -- I'm providing a  
7 hypothetical because I want to understand what the  
8 threshold is for establishing cohesion in your  
9 opinion. And so if it's across a series of  
10 elections and Latinos vote 50.1 percent for  
11 Candidate A and 49.9 percent for Candidate B, you  
12 would say that Latinos are voting cohesively?

13 MR. GONZALEZ: Objection. Form.

14 THE WITNESS: My understanding is  
15 that there's no bright-line rule in determining  
16 cohesiveness. That's up to the courts to decide,  
17 if they want to establish a bright-line rule. My  
18 understanding is that such a bright-line rule does  
19 not exist. But for all intents and purposes,  
20 generally speaking, if the majority of a  
21 demographic group prefers a set of candidates and a  
22 minority of them do not, you would potentially,

1           depending on the circumstances, conclude that they  
2           are politically cohesive.

3           BY MR. SHEEHY:

4                       Q       Okay. So it -- it's your opinion  
5           that across a series of elections, Latinos who vote  
6           50.1 percent for Candidate A and Latinos vote  
7           49.9 percent for Candidate B, they are cohesive?

8                       MR. GONZALEZ: Objection. Form.

9                       THE WITNESS: This is a very  
10          hypothetical, in some ways a very unrealistic,  
11          outcome that you're describing. In this case, you  
12          would still say that the majority of Latinos have a  
13          preferred candidate.

14          BY MR. SHEEHY:

15                      Q       Is that a yes to my question, that  
16          there are -- Latinos are cohesive at 50.1 percent  
17          across a series of elections?

18                      A       Again, this is a hypothetical  
19          scenario. If you're asking if they have a -- if  
20          you could establish that they have a preferred  
21          candidate, you could look at the majority as a  
22          threshold potentially to determine if they have a

1 preferred candidate.

2 Again, there's not bright-line rule.  
3 There are many different circumstances and context.  
4 You have to look at the overall picture to be able  
5 to make conclusions about racially polarized  
6 voting.

7 Q So I understand that there's no -- I  
8 understand it's your testimony there's no  
9 bright-line rule, but I guess I'm asking you for  
10 your opinion in the hypothetical that I'm giving  
11 you, would you say that Latinos voting 50.1 percent  
12 for Candidate A and 49.9 percent for Candidate B  
13 are voting cohesively?

14 MR. GONZALEZ: Objection. Form.

15 THE WITNESS: In a singular election,  
16 it would be hard to conclude anything in a singular  
17 election.

18 BY MR. SHEEHY:

19 Q And so I'm asking you across a series  
20 of elections.

21 A In an extremely rare, totally  
22 hypothetical situation, across a series of

1 elections, depending on the circumstances, one  
2 could say that Latinos have a preferred set of  
3 candidates. Again, this is highly unlikely that  
4 you will find something like that. And this is not  
5 what I found in Galveston.

6 Q That's fine. As I say, we will  
7 get -- get to your analysis. I'm trying to just  
8 understand what your opinion of cohesion is. And  
9 so I want to make sure that I understand when you  
10 say across a series of elections, Latinos are  
11 voting 50.1 percent for certain candidates, you're  
12 saying that yes, they do have a preferred candidate  
13 of choice, or candidates of choice.

14 My question to you now is: Does --  
15 when you say "preferred candidates of choice," you  
16 agree that that means they are cohesive?

17 A I would look at a series of elections  
18 to determine which candidates are the preferred  
19 candidates of choice. And based on a series of  
20 elections that I've done in Galveston, I find that  
21 in 25 out of 25 elections, Latinos have a preferred  
22 candidate and, therefore, are politically cohesive.

1                   Q       And, again, we'll get to Galveston.  
2                   I'm asking you this just hypothetical. And you can  
3                   just answer this question and we can move on.

4                               In this hypothetical situation where  
5                   across a series of elections, 50.1 percent of  
6                   Latino voters vote for certain candidates across  
7                   these elections and 49.9 percent of Latinos vote  
8                   for a different candidate across a series of  
9                   elections. Would you say that Latinos are voting  
10                  cohesively?

11                  A       I would have to consider -- it really  
12                  depends. I mean, you have to consider various  
13                  other factors involved in this -- just -- this -- I  
14                  guess I'm just not -- this is highly unrealistic  
15                  type of -- if you're asking me if there's a  
16                  threshold by which you can determine cohesiveness.  
17                  As I mentioned to you, there is -- my understanding  
18                  is there is no bright-line rule that the court has  
19                  established to determine in singular elections or  
20                  in two or three, or the examples that you provided,  
21                  that would help us understand racially polarized  
22                  voting patterns.

1 Q And so I'm asking for, in your  
2 opinion, sitting here today, under my hypothetical,  
3 would you say Latino voters are voting cohesively?

4 MR. GONZALEZ: Objection. Form.  
5 Objection. Asked and answered.

6 MR. SHEEHY: I agree my question has  
7 been asked, Mr. Gonzalez.

8 THE WITNESS: And I believe I've  
9 answer your question, that if certain candidates  
10 consistently win, the majority of Latino votes,  
11 then those are the preferred candidates of Latinos.

12 BY MR. SHEEHY:

13 Q And you're saying that they're --  
14 Latinos are then voting cohesively, correct?

15 MR. GONZALEZ: Objection. Form.

16 THE WITNESS: Again, you would have  
17 to -- it depends. We would have to look at -- you  
18 know, across a series of elections. And it is  
19 often the case that we do have the scenario that  
20 you described in which in every single election a  
21 demographic group voted exactly 50.1 percent for a  
22 set of candidates.

1                   Usually, when you have those  
2                   scenarios, you will get, you know, flip-flops and  
3                   back and forth, where groups will vote for one  
4                   set of candidates and then in another instance,  
5                   you'll get a vote for another candidate. So it's  
6                   just not a realistic scenario or at least a  
7                   scenario that I have ever come across.

8                   BY MR. SHEEHY:

9                   Q       All I'm trying to do, Professor, is  
10                  understand what is cohesion. And I'm trying to  
11                  understand it and understand your opinion. So  
12                  that's why I'm asking this question. I -- to me it  
13                  doesn't matter if my hypothetical is highly  
14                  unrealistic, in your words, I'm just trying to  
15                  understand the definition of cohesion.

16                  So -- and my hypothetical has assumed  
17                  consistently across a series of elections.

18                  So across --

19                  A       I mean --

20                  Q       Go ahead, Professor.

21                  A       Sorry about that.

22                  Q       No, that's fine.

1           A       Well, I guess, again, you know, my  
2           understanding is that one way you could look at it  
3           is if a majority of the population consistently  
4           votes for a certain set of candidates, one would  
5           conclude -- could conclude that they are  
6           politically cohesive, they are consistent and a  
7           majority of that population is voting across a  
8           number of elections for a certain set of  
9           candidates.

10                        After all, that's how elections are  
11           won and lost. And, in fact, in many elections, you  
12           have polarity voting. You don't even have the  
13           50 percent threshold that you mentioned. As long  
14           as you get one vote more than the other candidates  
15           in the field, you win that election.

16           Q       So -- so as long as Latino voters are  
17           voting at least 50.1 percent consistently across a  
18           series of elections for certain candidates, that is  
19           sufficient for cohesion?

20                        MR. GONZALEZ: Objection. Form.

21                        THE WITNESS: Again, I wouldn't say  
22           that there's a specific number. I would just



1 generally say a majority of Latinos voting for a  
2 certain set of candidates.

3 BY MR. SHEEHY:

4 Q And 50.1 percent is a majority,  
5 correct?

6 A It's a very slim majority, yes.

7 Q But a majority nonetheless?

8 A Yes, mathematically speaking.

9 Q Okay. So let's talk about --

10 MR. GONZALEZ: Real quick, I think  
11 we've been going for a while now, do you need a  
12 break or anything, Professor?

13 THE WITNESS: Yeah, I think we're  
14 almost at 1:00 p.m. Eastern. I wouldn't mind a  
15 short, short break, just -- if I -- if that's  
16 possible.

17 MR. SHEEHY: Professor, as I said,  
18 it's not a -- not a marathon, so we can go ahead  
19 and take a break. That's fine by me.

20 THE WITNESS: I appreciate it.

21 VIDEOGRAPHER: We are going off the  
22 record. The time on the video is 12:46 p.m.

1 (Recess from 12:46 p.m. to 1:06 p.m.)

2 VIDEOGRAPHER: We're back on the  
3 record. The time on the video is 1:06 p.m.

4 BY MR. SHEEHY:

5 Q Thank you very much,  
6 Professor Oskooii.

7 Did you during the break discuss with  
8 anyone the substance of your testimony?

9 A Not the substance. I did call  
10 Mr. Gonzalez to ask about what the objections mean  
11 generally in terms of me having to always provide  
12 answers with objections. That's what I -- that's  
13 the only person I talked to.

14 Q Anything else with Mr. Gonzalez?

15 A No. That was mainly the discussion  
16 of proper -- or how depositions are conducted.

17 Q Well, I'm sure Mr. Gonzalez said it,  
18 I'll reiterate it. As I said at the outset,  
19 Mr. Gonzalez's, and anybody else's, objections are  
20 preserved and will be argued at a later date. So  
21 even when Mr. Gonzalez objects, we will still need  
22 an audible response -- an audible answer to the

1 question. Okay. Understood?

2 A Yeah. And that is what Mr. Gonzalez  
3 also stated.

4 Q Again, the only time you don't answer  
5 a question is if Mr. Gonzalez instructs you not to  
6 answer that question.

7 A Yes.

8 MR. SHEEHY: And just for the record,  
9 joining us right now in the room for the deposition  
10 is Ms. Amber Hulse. She is a law clerk here at  
11 Holtzman Vogel.

12 BY MR. SHEEHY:

13 Q So, Professor Oskooii, before the  
14 break we were discussing at what level would Latino  
15 voters casting their votes become cohesive. What  
16 I'd like to do now is transition to at what point  
17 would two minority groups voting together become  
18 cohesive?

19 And so here, in Galveston County,  
20 where the allegation is, is that African-Americans  
21 and Latino voters are voting cohesively together,  
22 correct?

1 A Yes.

2 Q And that is your conclusion that  
3 African-Americans and Latino voters are voting  
4 cohesively, correct?

5 A Yes.

6 Q Okay. So I guess what I want to ask  
7 is similar to the questioning before the break, I  
8 want to understand the, sort of, baseline level for  
9 cohesion when analyzing two minority groups. So  
10 if, for example, the hypothetical I'll give, is  
11 assume that African-Americans are voting for  
12 Candidate A at 90 percent and Latinos are voting  
13 for Candidate A at 51 percent. And this pattern  
14 remains the same across a series of elections.  
15 Would you say that African-Americans and Latinos  
16 are voting cohesively together?

17 MR. GONZALEZ: Objection. Form.

18 THE WITNESS: So are you asking if  
19 you look at these demographic groups in isolation  
20 rather than combining them together and estimating  
21 vote choice?

22

1 BY MR. SHEEHY:

2 Q I'm asking you if, as you've done in  
3 your reports, Figure 8 in your report, you've  
4 broken out the percent vote for African-Americans  
5 and a percent vote for Latinos. And I'm asking you  
6 if in a hypothetical, this is a hypothetical,  
7 African-Americans are voting for Candidate A at  
8 90 percent and Latinos are voting for Candidate A  
9 at 51 percent, and that pattern continues over a  
10 series of elections. In that hypothetical --

11 MR. GONZALEZ: Objection.

12 BY MR. SHEEHY:

13 Q -- are African-Americans and Latinos  
14 voting cohesively?

15 A Understood.

16 In that scenario, you will still  
17 conclude that -- you will conclude that both  
18 African-Americans and Latinos have preferred  
19 candidates and that the majority of them prefer the  
20 same set of candidates.

21 Q And I just -- I want to be clear,  
22 because I say cohesive, you say preferred

1 candidate.

2 A Uh-huh.

3 Q Are the two terms the same? Are they  
4 synonymous?

5 A My understanding is that cohesiveness  
6 means preferred candidates across a set of  
7 elections.

8 Q Okay. Thank you.

9 So my hypothetical was across a  
10 series of elections. You understood that, correct?

11 A Yes.

12 Q Okay. So let's say African-Americans  
13 vote for Candidate A 90 percent of the time and  
14 Latinos vote for Candidate A 49 percent of the  
15 time. Would you say that African-Americans and  
16 Latinos, and the pattern -- the pattern continues  
17 throughout a series of elections, would you say  
18 that African-Americans and Latinos in that  
19 hypothetical are voting cohesively?

20 MR. GONZALEZ: Objection. Form.

21 THE WITNESS: In that hypothetical,  
22 which a minority of Latinos vote for the same

1 candidates as the majority of African-Americans  
2 vote, you would not conclude that they are  
3 cohesive.

4 BY MR. SHEEHY:

5 Q And by "they," you mean  
6 African-Americans and Latinos cohesive together?

7 A Yes, in that hypothetical scenario,  
8 African-Americans and Latinos.

9 Q Okay. So let's pull up Exhibit 2,  
10 your January 13th, 2023 report. And let's go to  
11 paragraph 3, which is on page 2 of your report.  
12 Now, here you state in paragraph 3, that you relied  
13 on two well-established and rigorous statistical  
14 methods to estimate voting patterns by race. The  
15 Iterative Ecological Inference method and the EI  
16 Rows by Columns method.

17 Did I read that correctly?

18 A Yes, that is what it says.

19 Q Okay. And those were the two methods  
20 you used to determine -- or to arrive at your  
21 conclusion of racially polarized voting, correct?

22 A That, in addition to the electoral

1 performance analysis that I also conducted.

2 Q The electoral performance analysis,  
3 was that the -- the turnout -- I can't think of the  
4 term, but it's in Figure 8, turnout adjusted. When  
5 you say your performance analysis, is that the  
6 turnout-adjusted analysis?

7 A No.

8 Q Okay. What is the turnout-adjusted  
9 analysis?

10 A Turnout-adjusted analysis is still  
11 using the same methods, but you account for the  
12 proportion of the pool of eligible voters that did  
13 not cast a ballot or vote for -- in this case, vote  
14 for the top two candidates.

15 Q Okay. So let's talk about the rows  
16 by columns and the EI analysis that you -- that you  
17 did.

18 Would you agree that in Galveston  
19 County, you were analyzing the voting habits of  
20 African-Americans, Latino, and White voters?

21 A Yes, I analyzed the voting patterns  
22 of, as I write in my report, Anglo, Black, and



1 Latino voters, yeah.

2 Q Is there a -- is there a difference  
3 between the term White voters and Anglo voters?

4 A No. That's -- that's generally what  
5 you mean is non-Hispanic-White when you say Anglo.

6 Q Okay. Given that you're analyzing  
7 three races, White, African-American, Latino, would  
8 you agree that the Rows by Columns analysis is the  
9 optimal analysis to use?

10 A If could you clarify what you mean by  
11 "optimal."

12 Q Well, the Ecological Inference Model,  
13 EI, is more suitable to analyzing the vote choices  
14 of two candidates and two races, correct?

15 MR. GONZALEZ: Objection to form.

16 THE WITNESS: It was originally  
17 developed by Professor Gary King, the original  
18 Ecological Inference Method was developed with  
19 examples of two candidates in two demographic  
20 groups, however, the Iterative Approach, which I  
21 used here, can account for multiple candidates and  
22 multiple racial groups.

1 BY MR. SHEEHY:

2 Q The -- but is Rows by Columns the  
3 better method for analyzing elections among three  
4 or more races than the Ecological Inference Model?

5 MR. GONZALEZ: Objection. Form.

6 THE WITNESS: Just to clarify, when  
7 you say "ecological inference," just to be clear,  
8 we're talking about Iterative Ecological Inference,  
9 correct?

10 BY MR. GONZALEZ:

11 Q Yes, correct.

12 A Because there are differences.

13 Q No, I understand there are  
14 differences, but I guess I just want to make sure  
15 that I'm understanding the differences between  
16 these two forms of analysis.

17 A Okay. I can explain that. So the  
18 Iterative Approach basically looks at -- you know,  
19 for example, it combines Latinos and Whites to  
20 estimate Black voting behavior, then combines  
21 Blacks and Whites to estimate Latino -- Blacks and  
22 Whites with Latino voting behaviors is an iterative

1 approach, right, one by one, to get the estimates  
2 for each racial groups.

3 The RxC, Rows by Column, is a  
4 different method in the sense that it estimates  
5 vote choice simultaneously across the rows and  
6 columns rather than iteratively.

7 Now, in a paper that I've published  
8 in the sociological methods and research, I and my  
9 co-authors examined the two methods side by side.  
10 And the conclusion that we were able to draw from a  
11 series of elections in different jurisdictions that  
12 they substantially produced very similar results.  
13 So that is the conclusion.

14 Q Thank you for that, Professor.

15 A Sure.

16 Q So let's go to page 50 in Exhibit 2.

17 MR. SHEEHY: Yeah, it's page 50 in  
18 the PDF. Perfect. Thank you very much, Sharon.

19 BY MR. SHEEHY:

20 Q So here we have Figure 8, Galveston  
21 County Anglo, Black, Latino, RxC Estimates. And  
22 it's -- the small writing there is "RxC Estimates

1 for Candidates by Race."

2 Do you see that, Professor?

3 A Yeah, I see Figure 8. Yes.

4 Q Okay. So with Latinos here, we're  
5 just going to talk about the 2020 U.S. presidential  
6 race. Do you see that Latinos are at 31.2 percent  
7 for Trump?

8 Do you see that number?

9 A Yes, I do.

10 Q Okay.

11 MR. SHEEHY: Can we go to page -- the  
12 next page, please?

13 BY MR. SHEEHY:

14 Q So this is the EI estimates for  
15 candidates by race. And here we have 39.4 percent  
16 for Latinos for Trump. And then if we could go to  
17 the next page, page 52. Here, for the turnout  
18 adjusted, you have 30.2 percent, correct?

19 A Correct, I see that.

20 Q So there's like a -- there's a  
21 9.2 percent variation between the EI method at 39.4  
22 at the high and 30.2 in the turnout adjusted. Is

1           that correct?

2                   A       Yes. The turnout adjusted accounts  
3           for differential turnout between the groups. So  
4           it's a different -- slightly different estimation  
5           method.

6                   Q       Okay. But let's take a look at the  
7           African-American for Trump. So here, it's 97.5.  
8           So we can go back up. Here it's 97.2. If we can  
9           go back up. And there it's 90 -- is that 93.6?

10                  A       That's what I see, yes.

11                  Q       Okay. So, I mean, we've got a  
12           difference for Latinos of 9 -- 9.2 percentage  
13           points and for African-Americans, we have a  
14           difference of 4 percentage points. Can you explain  
15           why the Latino numbers are less stable across these  
16           three tests than African-Americans?

17                           MR. GONZALEZ: Objection. Form.

18                           THE WITNESS: Well, I would present  
19           to you that you can't compare -- it's not  
20           statistically sound to compare estimates from  
21           different models -- estimates across different  
22           models because there are different estimation

1 procedures. So that would be an incorrect or  
2 misleading way of comparing results in this  
3 particular instance.

4 BY MR. SHEEHY:

5 Q Well, but can you explain to me why  
6 the African-American vote for Trump remains  
7 relatively stable across the three, but the Latino  
8 vote for Trump, you know, there's -- there's  
9 fluctuation, almost 10 percentage points?

10 MR. GONZALEZ: Objection. Form.

11 THE WITNESS: Again, you -- it is  
12 statistically incorrect for you to extrapolate  
13 these percentage difference that are across models.  
14 We would have to have a -- another estimation  
15 strategy to come up with confidence bands to be  
16 able to see how, you know -- whether that  
17 difference of 9 percent that you're claiming is  
18 even statistically significant between across  
19 different models.

20 But I think I know what you're  
21 trying to get at, in the sense that you're saying  
22 there are some differences that may or may not be

1 | statistically different. And part of the reason  
2 | could be that the underlying data that for  
3 | Latinos, if there are -- you know, if there's  
4 | less variation at the precinct -- voting precinct  
5 | level in terms of the composition of the  
6 | precincts that are more or less heavy Latino, and  
7 | that's just the facts of the data, you would have  
8 | potentially wider confidence bands or some  
9 | differences across different models; whereas for  
10 | the Black population, it could be the case, which  
11 | appears be to the case here, that you would --  
12 | you have more variation across the election  
13 | precincts. For instance, you have more precincts  
14 | in which they are heavily composed of Black  
15 | Americans. In addition to having also precincts  
16 | that are not heavy Black American.  
17 | So that could explain the  
18 | precision. It's just the facts of the data or  
19 | underlying data that -- that could result in some  
20 | of the differences.  
21 | But I present to you that if you  
22 | look at substantively across all of these models,

1 they're all pointing in the same direction in  
2 terms of who are the preferred candidates. And  
3 the results are substantially pretty much  
4 similar.

5 Q Well, let's -- let's go to another  
6 race on these charts and maybe we can continue this  
7 discussion because it just jumps out at me.

8 A Sure.

9 Q Let's look at the 2020 county  
10 sheriff's race, which is -- I don't know if you're  
11 able to see the cursor but -- you just had it.

12 A Yeah, I can see it. I can see.

13 Q You're able to see the 2020 county  
14 sheriff's race?

15 A If you'd go further down, yeah. U.S.  
16 justice there.

17 Q Uh-huh.

18 So in that election you had  
19 28 percent for Latinos -- yeah, 28 percent for  
20 Latinos under the RxC. And then if you go to the  
21 next page in the EI, you have 34.2 percent for  
22 Latinos.



1           A       For county sheriff, that's what I  
2       see, yes.

3           Q       And then if we go to the turnout  
4       adjusted, you've got -- you've got 1.7 percent.

5           A       Yes, I see that.

6           Q       So, I mean, we have a difference  
7       among these three tests of 32.5 percent. Again,  
8       what -- what is driving such a variation for  
9       Latinos that is not present for African-Americans  
10      or White voters?

11                   MR. GONZALEZ: Objection. Form.

12                   THE WITNESS: So for this last -- if  
13                   you could go up so I can refer to the figure  
14                   name -- figure number. Thank you. For this Figure  
15                   10, which is "Turnout-Adjusted," we're adding an  
16                   additional factor into the model, which would be  
17                   turnout. And so in this particular case, Latinos,  
18                   if they turn out lower rates, then you don't  
19                   account for that in the previous model, which --  
20                   which is not accounted for, you could get  
21                   difference results. And that's why, for  
22                   transparency purposes, I present all the different

1 ways of estimating the three different ways of  
2 estimating vote choice. So that's a combination of  
3 lower turnout for Latinos.

4 And, again, going back to my  
5 original comment, there could be less variation  
6 in the composition of election precincts for  
7 Latinos in terms of how populous they are in each  
8 election precinct compared to Black Americans and  
9 Anglos. And that could explain sometimes the  
10 discrepancies slightly between the different  
11 estimates.

12 But, again, I present to you at no  
13 point do these methods produce completely  
14 different results identifying different  
15 candidates of choice.

16 BY MR. SHEEHY:

17 Q Is a possible explanation for the  
18 variation of Latino votes across these three  
19 methods, is a possible explanation that Latinos are  
20 not as cohesive as White or African-American  
21 voters?

22 MR. GONZALEZ: Objection. Form.

1 THE WITNESS: It's actually a great  
2 question. I'm glad that you asked that. No, that  
3 would not be the reason. The reason would be the  
4 underlying data and variation that exists. If you  
5 have, you know, less-informative data or like, you  
6 know, there's less variation, that could explain  
7 the -- the difference. It's not about cohesion in  
8 this particular case.

9 BY MR. SHEEHY:

10 Q And when you say "less-informative  
11 data," are you saying -- are you referring to low  
12 voter turnout among Latinos?

13 A No. That's not necessarily what I'm  
14 referring to. One -- one of the, you know, ways  
15 that you could think about data would be, you know,  
16 what is the overall population of a certain group  
17 in a certain jurisdiction. And then what is the  
18 variation of that group across the different voting  
19 tabulated districts or election precincts?

20 And if you don't have variation in  
21 precincts that are not heavily Latino and in  
22 precincts that are heavily Latino, then you would

1 get a little bit less precision. You would say  
2 that that data is a little bit less informative  
3 relative to for groups such as Anglos, where you  
4 have precincts that are not as populous with Anglos  
5 in a precinct that are populous with Anglos or  
6 Whites in this case.

7 Q Okay. So is -- so then the variation  
8 among these three forms of estimation could be  
9 explained that in the way that Latino voters are  
10 dispersed across Galveston County. Is that what  
11 you're saying?

12 MR. GONZALEZ: Objection. Form.

13 THE WITNESS: Not necessarily  
14 dispersed across Galveston County. There are areas  
15 in Galveston County where you have more than less  
16 election precincts that are more heavily Latino,  
17 such as the Commissioner Precinct 3 in the  
18 previous -- previous 2021 adopted map.

19 BY MR. SHEEHY:

20 Q Okay. I guess I'm trying to  
21 understand your explanation. So your explanation  
22 is, is that there's variation in the data across

1 | these three tests. And for Latino voters, because  
2 | unlike Anglo or African-American voters, there's  
3 | not -- there are not enough precincts of Latino  
4 | voters where there are substantial amount of Latino  
5 | voters in some precincts and few Latino voters in  
6 | other precincts. Is that -- am I understanding  
7 | your explanation?

8 | MR. GONZALEZ: Objection. Form.

9 | THE WITNESS: You know, that's one  
10 | factor. Relatively speaking, that could be --  
11 | that's one factor in which, you know, you don't get  
12 | as much variation, again, relative to, you know, if  
13 | you compare it to Black Americans, in which you  
14 | have certain precincts that are more heavily Black  
15 | and in certain precincts that are not. And also,  
16 | precincts that are in the middle, you know. So,  
17 | you know, that's -- that's definitely, you know,  
18 | one way of describing it.

19 | BY MR. SHEEHY:

20 | Q Okay. Are there any other -- go  
21 | ahead.

22 | A Sorry. That -- just to clarify. I

1 want to make sure I'm accurate. That doesn't mean  
2 the data was not sufficient enough to be able to  
3 still estimate vote choice. You know, if -- I  
4 would determine data is not sufficient if you got  
5 results like all over the place, jumping up and  
6 down, going between the different candidates in  
7 terms of, you know, one method says, you know,  
8 Latinos prefer Biden and another one says, no,  
9 70 percent prefers Trump. That's when you --  
10 that's one sure sign that the data is just all over  
11 the place. There's not a lot of data. You don't  
12 have a lot of variation of the precincts. And it's  
13 just data is not informative for you to be able to  
14 draw any sound conclusions.

15 But in this particular case, there is  
16 enough data for me to be able to still identify the  
17 candidates of choice of Latinos, same as you -- I  
18 was able to identify the candidates of choice of  
19 Black and Anglo voters.

20 Q Are there any other explanations that  
21 you can think of for the reason behind the  
22 variation in Latino vote across these three

1 | estimates?

2 | MR. GONZALEZ: Objection. Form.

3 | THE WITNESS: You know, another

4 | reason is just that they are slightly different

5 | estimation techniques. As I mentioned, one is an

6 | iterative technique, the other one is a

7 | simultaneous technique that uses a vision model.

8 | And then t his last one, you adjust

9 | for turnout disparities as the best that you can

10 | based on the eligible voter citizen voting-age

11 | population. So there are also slightly different

12 | techniques that are being used, different models,

13 | right. So you would expect some sort of

14 | variation. They're not all going to always

15 | precisely have the same point estimates or

16 | precision.

17 | BY MR. SHEEHY:

18 | Q All right. When you calculated

19 | turnout, did you calculate turnout based upon

20 | citizen voting age population as your denominator?

21 | A Yes.

22 | Q Okay. You did not use registered

1 voters?

2 A No. I did not have access to  
3 registered voters by race and ethnicity at the  
4 voting precinct level.

5 Q If -- well, that's fine.

6 So let's -- let's talk about your  
7 confidence intervals that you have. My  
8 understanding with your confidence intervals, that  
9 we were just looking at, Figure 10, but you have it  
10 throughout your report. In each of your bar  
11 graphs, you have what looks like kind of a black  
12 line that goes to what looks like a bracket or a  
13 black line in between two brackets.

14 Is that -- that's your --

15 A Yes.

16 Q -- confidence interval?

17 A Yes, that is accurate.

18 Q Okay. Now, confidence interval is  
19 the range of estimates for, in this case, you know,  
20 for a range of estimates in a given election. Is  
21 that what your confidence -- what you're reporting  
22 in your confidence interval?



1 MR. GONZALEZ: Objection. Form.

2 THE WITNESS: I'm not sure I

3 understand that characterization. A confidence  
4 interval is a statistical tool for expressing the  
5 degree of uncertainty around the point estimates.

6 BY MR. SHEEHY:

7 Q Okay. So my understanding of a

8 confidence interval is you're reporting the range

9 of where the vote support could be in a given

10 election for, in Figure 10's case, Anglo voters,

11 Black voters, and Latino voters.

12 MR. GONZALEZ: Objection.

13 BY MR. SHEEHY:

14 Q Am I understanding that correctly?

15 MR. GONZALEZ: Form.

16 THE WITNESS: I apologize. Sorry.

17 I'm not sure you're characterizing it quite

18 accurately here. So a confidence interval  
19 basically is a range of values that would be  
20 bounded above and below a point estimate, as I have  
21 the point estimates in these graphs, right, that  
22 likely would contain the true or known population

1 parameters that we don't know about, right, that's  
2 why we're estimating it.

3 In this particular case, the  
4 confidence level that is being used for this --  
5 is 95 percent confidence, that the -- that the  
6 population -- unknown population parameters would  
7 fall within that.

8 BY MR. SHEEHY:

9 Q Okay. So if we can go up one page to  
10 Figure 9. So we have here the, again, 2020 U.S.  
11 president election. And you have in Galveston  
12 County, this is your EI estimates. And just --  
13 just to be clear, I mean, you're using the term  
14 estimate, but you're not saying that, for example,  
15 85.2 percent of Anglo voters in Galveston County  
16 actually voted at that level for Trump, correct?

17 A What do you -- what do you mean by  
18 "actually"?

19 Are you asking what the true unknown  
20 parameter is?

21 Q No. I'm asking for -- if someone  
22 said, what did -- what was Trump's -- how many --

1           what percentage of the population voted for Trump  
2           in Galveston County. Okay. You're not saying that  
3           85 percent of Anglo voters casted their vote for  
4           Donald Trump, you're estimating that it's  
5           85.2 percent, correct?

6                   A        Again, I'm not sure about the  
7           differentiation that you're drawing, if I'm  
8           understanding. The estimate is what you're  
9           suggesting is, you know, the vote choice of Anglos  
10          in this particular election.

11                   Q        Right. But you're -- it's -- it's an  
12          estimated number, correct?

13                   A        Yeah. Yes.

14                   Q        Okay.

15                   A        We don't know -- we didn't go and --  
16          because we have a secret ballot, and we don't know  
17          how every single, you know, White American voted in  
18          this election because we are a secret ballot, so we  
19          have to estimate it based on the data that is  
20          available.

21                   Q        Okay. That's all I -- all I wanted  
22          to confirm.

1 A Sure.

2 Q Okay. So sticking with the Trump  
3 election, let's go to Latino voters on -- on the  
4 right hand. So you have 59.5 percent voting for  
5 Biden, correct?

6 MR. GONZALEZ: Objection. Form.

7 BY MR. SHEEHY:

8 Q 59.5 percent is the estimated Latino  
9 vote for Biden, correct?

10 A Based on Figure 1, EI estimate, that  
11 is what I see, yes.

12 Q And just to be clear, we're talking  
13 about Figure 9, correct?

14 A Yes, Figure 9, EI estimates for  
15 candidates by race.

16 Q Okay. Now, if I'm looking at your  
17 confidence interval line, the low end of your  
18 line -- and I'll be very honest, it's hard for me  
19 to tell, but very low end of your line seems to go  
20 below 40 percent. Am I correct in saying that?

21 A It's hard to see from this picture,  
22 but I would say generally yes, I would -- I would

1 agree.

2 Q Okay. So --

3 A Well, actually, it doesn't -- I'm not  
4 sure -- yeah. Maybe yeah. It's hard to see a  
5 little bit from this sharing of the screen, but  
6 yeah.

7 Q Okay. Well, I'll say I'm looking --  
8 I had to bring the paper out so I could look at it,  
9 and it's -- it's tough for me to tell, but, you  
10 know, it looks to be below 40.

11 So is this saying that your  
12 confidence interval suggests that Latinos voted for  
13 Biden between, let's just say, 38 percent and  
14 59.5 percent. Is that what this interval is  
15 suggesting?

16 MR. GONZALEZ: Objection. Form.

17 THE WITNESS: No, that is incorrect.

18 BY MR. SHEEHY:

19 Q Okay. So what is -- what is this  
20 lower end of your confidence interval that's below  
21 40 percent? What is that saying?

22 A It's the lowest possible balance

1 under the 95 percent confidence. That what -- it's  
2 the lowest balance. And the point estimate is 59.5  
3 for Biden.

4 Q So the lowest bound at your  
5 95 percent confidence level is approximately  
6 38 percent?

7 MR. GONZALEZ: Objection. Form.

8 THE WITNESS: Oh, I -- I don't see  
9 that as 38 percent. I think it's higher than that.

10 BY MR. SHEEHY:

11 Q Well, the lowest bound is definitely  
12 below 40.

13 A It's --

14 MR. GONZALEZ: Objection. Form.

15 THE WITNESS: It's around that. It's  
16 around that.

17 BY MR. SHEEHY:

18 Q Okay.

19 A Based on this, it is around that.

20 Q And so does that mean that you're  
21 95 percent confidence that Latinos voted for Biden  
22 somewhere between 40 and 59 percent?

1 MR. GONZALEZ: Objection. Form.

2 THE WITNESS: That would be

3 incorrect.

4 BY MR. SHEEHY:

5 Q Okay. So explain to me then, what  
6 does this lower band stand for at 40 percent?

7 A The lower band stands for, again, the  
8 lowest bound around the point estimate of 59.5  
9 percent.

10 Q And what does that mean, the lowest  
11 bound of the point estimate?

12 A As I described it, as the lowest  
13 bound given the confidence interval of 95 percent,  
14 that would be the lowest bound that is produced by  
15 the model.

16 Q Okay. And what -- how do you arrive  
17 at the lowest bound?

18 A It was based on the standard  
19 deviation that was produced by the model. And  
20 there is a way to calculate, for instance,  
21 95 percent confidence, 90 percent confidence, 67.  
22 There are different thresholds. In this particular

1 case, this is 95 percent confidence.

2 Q And the lowest bound being  
3 approximately 40 percent and the highest bound then  
4 looks like -- I mean, what would you say the  
5 highest bound of your confidence interval looks  
6 like? Maybe 70 percent?

7 A That is correct. Around there.

8 Q Okay. So the highest bound is  
9 approximately 70 percent and the lowest bound is  
10 approximately 40 percent, correct?

11 A Correct.

12 Q Okay. And your point estimate is  
13 59.5?

14 A Yes.

15 Q Okay. So is the point estimate -- so  
16 what -- I mean, having a -- having a confidence  
17 interval of between approximately 70 and 40, what  
18 does that range indicate to you?

19 MR. GONZALEZ: Objection. Form.

20 THE WITNESS: It indicates that this  
21 particular model for this particular election that  
22 we're looking at for Latinos provides a



1 less-precise estimate compared to especially if you  
2 go up to, I believe, Figure 8, then there are by CI  
3 model. It's -- again, CI is a -- confidence  
4 interval is a statistical tool for expressing the  
5 degree of uncertainty. It's not a point estimate  
6 itself.

7 BY MR. SHEEHY:

8 Q But the bands are between 40 and 70,  
9 correct?

10 A At the 95 --

11 MR. GONZALEZ: Objection. Form.

12 THE WITNESS: Oh, sorry.

13 At the 95 percent confidence, that  
14 is what the confidence -- that is the confidence  
15 interval that is reported.

16 BY MR. SHEEHY:

17 Q Okay. And if we compare to the  
18 African-American confidence interval, it is  
19 substantially smaller, correct?

20 MR. GONZALEZ: Objection. Form.

21 THE WITNESS: Yes, it is -- that  
22 appears so. That is smaller, yes.

1 BY MR. SHEEHY:

2 Q 97.2, and it looks like your low end  
3 is probably still in the 90s, correct?

4 A Yes, that's -- I would say that's  
5 accurate.

6 Q And that's substantially smaller than  
7 the 30 point bandwidth between, you know,  
8 approximately 40 and 70 for Latinos, correct?

9 MR. GONZALEZ: Objection. Form.

10 THE WITNESS: Yes. As I have  
11 described in this model for this population, the  
12 estimates for the confidence bands are wider. And  
13 this goes back to my previous statement when you  
14 asked me, does that mean that this population is  
15 less cohesive and I said, no.

16 Confidence intervals have to do, as  
17 I reported -- as I have written in my report,  
18 have to do with a variety of factors. And one of  
19 those factors would be sample size, it could be  
20 also, again going back to what I explained as how  
21 many precincts -- election precincts do you have  
22 that are composed of low-density Latino precincts

1 and high-density Latino precincts. And if  
2 they're -- in this given jurisdiction, if you  
3 don't have as much of those -- that variation  
4 relative to what you have with Black Americans  
5 and Anglo Americans, you will get a little more  
6 imprecise estimates. That doesn't mean that  
7 Latinos are not cohesive.

8 In fact, if you look at the RxC  
9 results, the confidence bands are much tighter  
10 even at 95 percent, which is a very high  
11 threshold, by the way, of confidence.

12 Q Well, let's look at the RxC  
13 estimates.

14 A Sure.

15 Q For 2020 U.S. president, you have  
16 68.8 percent is your point estimate for Latinos,  
17 correct?

18 A That is correct. That's what I see,  
19 yes.

20 Q Okay. And it looks like your range  
21 in the high end and low end of your confidence  
22 interval, the high end looks like it's maybe

1 78 percent, not quite to 80, but a little under 80,  
2 correct?

3 A Well --

4 MR. GONZALEZ: Objection.

5 THE WITNESS: -- it's hard to tell  
6 again, but yeah, I would say somewhere around that,  
7 if not higher, maybe lower. It's tough to say.

8 BY MR. SHEEHY:

9 Q Okay. And the lower end looks like  
10 it's below 60, correct?

11 MR. GONZALEZ: Objection. Form.

12 THE WITNESS: It's, again, very tough  
13 to tell from what I'm viewing here. I would say  
14 higher than 60, it looks like.

15 BY MR. SHEEHY:

16 Q Well, I'll say it's -- it's your  
17 report, I was hoping that you could tell me kind of  
18 where this line was following, because it's hard --  
19 hard for me as well, even with it printed out.

20 A Well --

21 Q But, I mean, to me it looks like, you  
22 know, right around 60, maybe a little less than 60.

1 Are you able to look at it? Can we blow up -- blow  
2 up the line a little bit?

3 A Well, if you could go a little bit  
4 lower, actually, I want to see if -- if you could  
5 please go lower, lower. No, not the zooming out,  
6 but going down the -- not down a page, but  
7 scrolling. Sorry.

8 Q To the bottom of the page.

9 A Yeah, the bottom. So do you see how  
10 I listed from 0 to 100 percent where the lines are?

11 Q Yes.

12 A So since you have that page in front  
13 of you, and I don't, right, I'm just -- I can't see  
14 it through this -- this kind of Zoom scenario.

15 Over all 60 on that bottom, like if  
16 you have a ruler, or something, like a piece of  
17 paper, and go up and see -- see where we fall. And  
18 that's how could determine a little bit more  
19 precisely where that is, the lower bound.

20 Q I mean, I'll -- I'll be honest and  
21 say I'm not the greatest drawer, but by my -- by my  
22 line, it's still below 60.

1           A       I can't confirm, nor deny that since  
2           I don't have the same thing. You just admitted  
3           that you may not be the best drawer.

4           Q       Yeah, but I'm still -- I mean, as I  
5           said, it's your report, I was hoping you would be  
6           able to, you know, tell me what the confidence  
7           interval was and what your bands are.

8           A       And I have reported that there is, I  
9           think, or differences that I'm looking at something  
10          digitally and I can't go down and draw -- you know,  
11          look at that the same way that you can with the  
12          paper in front of you. But, you know, if -- if you  
13          provide a paper -- if I had the paper in front of  
14          me, I could confirm or deny your -- what you're  
15          seeing.

16                    It's just that we're seeing different  
17          things. I'm -- I'm looking at a digital version of  
18          a report that I can't even go down and see where  
19          those lines fall. But if it's very important to  
20          you to make an argument about lower 60, 60. If  
21          this -- maybe you can try to get to your question.

22          Q       I guess what I'm -- what I'm saying

1 is, is that we are finding that the estimates at  
2 the lower bandwidth and higher bandwidth for  
3 Latinos are consistently about 10 percent  
4 difference. Well, I'll say the difference between  
5 the lower bandwidth and the point estimate is about  
6 10 percent. And --

7 A Can you clarify the estimate  
8 between -- because you just changed things a couple  
9 of times. Could you clarify --

10 Q No, that's fine. Good -- good  
11 clarification point on your part.

12 What I am seeing consistently in  
13 these figures is that the lower -- the lower  
14 band -- or the difference between the lower band  
15 and the point estimate is about 10 percentage  
16 points consistently for Latinos. And I'm not  
17 seeing that same difference for Anglo and  
18 African-Americans.

19 A Let me just make -- maybe make it  
20 simpler on you. You're suggesting that the  
21 confidence bands for Latinos is relative --  
22 relative to Black and Anglos, it's wider. And I

1 can agree to that.

2 Q Yes.

3 A Yes.

4 Q Okay. Let's go to -- let's go to  
5 Figure 6 on page 14. And do you -- do you see  
6 Figure 6 in front of you?

7 A On -- in Zoom, yes, I do.

8 Q Okay. So here we have the RxC  
9 estimates for candidates by race. And you have  
10 Black and Latino voters voting at 84.7 percent for  
11 Biden. Is that correct?

12 A Correct, that's what the estimate  
13 suggests.

14 Q Okay. How are you arriving at 84.7  
15 percent?

16 Are you -- are you averaging the  
17 African-American vote with the Latino vote for  
18 Biden?

19 A No. That's not how it works.

20 Q Okay. So explain to me how are you  
21 arriving at 84.7 percent Black and Latino vote for  
22 Biden.



1           A       I believe that I actually clearly  
2 explained that in the report, but I'm happy to  
3 clarify.

4                       So basically in this analysis you're  
5 grouping Black and Latinos for -- as a column for  
6 each row, which would be election precincts. And  
7 then comparing that combination to the White --  
8 White voters. And inputting that in the model.  
9 And then the model then outputs the estimate of  
10 that kind of analysis.

11                      And you have to keep in mind that --  
12 that the averaging, which is not an averaging in  
13 this case, the averaging would not be an accurate  
14 way of comparing things because you have different  
15 population sizes that impact potential estimates.

16                      So the -- the most accurate way is  
17 exactly what I did, you combine them. Great  
18 variable call -- in this case we can call it Black  
19 and Latino. You input that into the model. And  
20 then you have an Anglo variable. And then you  
21 obviously have variables for a percentage of votes  
22 received by each candidate for each election.

1 Right. You do that separately. And the model  
2 produces the estimates that I have reported here.

3 Q Okay. Thank you for that.

4 A No problem.

5 Q So let's go to page 24. Do you have  
6 Figure 15 in front of you, Professor?

7 A Yes. I can see it on Zoom. Yes.

8 Q So here I'm looking at the RxC  
9 estimates for candidates by race in the Galveston  
10 County primary elections, correct?

11 A In the democratic primary, correct.

12 Q Yes, yes the democratic primary.

13 So we take a look at the 2018  
14 Commissioner Land Office.

15 A Could you scroll down lower  
16 because --

17 Q Yeah. Sorry about that.

18 A Yeah, no worries.

19 That's the last one, yes,  
20 Commissioner Land Office. That is -- I can see it  
21 now, yes.

22 Q And we see here again the sizeable

1 bands for Latinos here for Suazo, we've got at the  
2 low end maybe 25 percent support and at the top end  
3 we've got 75 percent?

4 A Sorry. It goes 0, 10, 20, 30, 40.  
5 So that would -- where I see the line would be more  
6 like 30, but just --

7 Q So I don't see -- I don't see 10 in  
8 here and I don't see 30. What I see is 0, 20, 40,  
9 60, 80, and 100.

10 A Right. It goes by 20 percent points,  
11 so the midpoint would naturally be by ten, right?

12 Q I'm -- I mean, I'm fine with that. I  
13 mean, it looks like the Commissioner Land Office  
14 race is somewhere between, you know, 30 percent  
15 and, you know, 75 percent --

16 A Sure.

17 Q -- on your lower and higher bands.  
18 So we're talking about a 45-point difference there,  
19 correct?

20 MR. GONZALEZ: Objection form.

21 THE WITNESS: When -- when comparing  
22 the lower confidence interval bound with the higher

1 at 95 percent confidence.

2 BY MR. SHEEHY:

3 Q The difference between the lower and  
4 the higher is about -- it's about 40 points?

5 A At the 95 percent confidence, that is  
6 what the results suggest.

7 Q Okay. And the same thing that we  
8 discussed in Figure 8, same thing here, the bands  
9 between the lower and higher bands are going to be  
10 substantially greater for Latinos than they are for  
11 African-Americans?

12 MR. GONZALEZ: Objection. Form.

13 THE WITNESS: They are wider,  
14 generally speaking.

15 BY MR. SHEEHY:

16 Q Okay. And is your explanation for  
17 the sort of wide -- the wideness of the bands for  
18 Latinos in these elections on Figure 15, is it  
19 going to be the same reasoning as they were in  
20 Figure 8?

21 MR. GONZALEZ: Objection. Form.

22 THE WITNESS: One of the reasons that

1 I offer of possible reasons, that's generally  
2 consistent, yes.

3 BY MR. SHEEHY:

4 Q Okay. What other -- what other  
5 reasons do you have to explain the wide -- the  
6 wideness between the lower band and the higher band  
7 in these elections in Figure 15?

8 A So, generally speaking, as I noted in  
9 my report a number of factors that impact  
10 confidence interval. I think there's a footnote  
11 that I have, that maybe if you scroll up, we can go  
12 over that footnote, if that's helpful. I don't  
13 know what page it is, but there's a -- maybe it's  
14 one of the first footnotes when the figure appears  
15 where I describe what confidence bands are.

16 Q Yes, I remember seeing it.

17 A Yes. I think -- I think that would  
18 be very helpful in describing as accurately as  
19 possible in this type of setting what sorts of  
20 things could impact confidence intervals and why  
21 they're just one specific tool in the toolbox  
22 that's available to an analyst.

1 Q There you are.

2 A Yeah, 31. Yeah, 31.

3 Q Do you have anything to add to this  
4 footnote?

5 A I'm not sure add, but I can, you  
6 know, maybe provide more context if that's helpful.

7 Q Well, let me just ask you this: I  
8 mean -- well, okay, I'll -- I'll take the context.  
9 Go ahead.

10 A Sure.

11 So as I mentioned here, is that, you  
12 know, confidence intervals are sensitive to various  
13 factors to among which are sample size. So you can  
14 think about the number of rows in the dataset,  
15 which would be election precincts. And also the  
16 total votes in those election precincts and votes  
17 by candidates. And then also the standard  
18 deviation of the demographic groups and their  
19 concentration across different election precincts.

20 So those two general factors can  
21 impact whether you'll get a wider confidence  
22 interval, but also, you know, another factor will

1 be the model itself. And, therefore, that's why I  
2 mentioned that, you know, I was suggesting that  
3 this is just one tool, and there shouldn't be -- it  
4 would be not appropriate in this particular setting  
5 to apply the very rigid guidelines to all  
6 jurisdiction across the country. That is just one  
7 piece of information that provides some degree of  
8 certainty as a statistical tool, right.

9 So I think -- oh, yeah, and another  
10 thing that I -- you know, in confidence bands, you  
11 know, you could come up with confidence bands with  
12 95 percent, 90 percent. You know, there are other  
13 analysts who use lower bands.

14 So when you see in my report, they  
15 are 95 percent. So it's a very high degree, high  
16 threshold, that's -- that's there, that's why the  
17 confidence bands are wider.

18 Now, if he said 90 percent the  
19 confidence bands will get smaller. 60, 70 percent  
20 will get smaller. So that's -- that dictates that  
21 level -- the confidence level dictates also how  
22 wide or small the -- the intervals are.

1 Q Okay. Well, let's go to page 7 in  
2 your report.

3 MR. GONZALEZ: I know it's like  
4 2:10 p.m. on the east coast. I don't know if you  
5 wanted lunch or -- it's entirely up to you,  
6 Professor, but --

7 THE WITNESS: Yeah, I guess I would  
8 ask, is this going to be a new set of questions or  
9 is this still about confidence bands?

10 MR. SHEEHY: No, we can go ahead and  
11 take a break for lunch now. We'll move on.

12 THE WITNESS: Sure. Since we were  
13 back and forth, I thought if it was fresh and we  
14 could end the conversation to a point where it's  
15 clear. But yeah, I would appreciate a lunch break.

16 MR. SHEEHY: We can do that. It's  
17 2:10 p.m. on the east coast, so why don't we come  
18 back at 3:10 p.m. on the east coast, one hour.

19 VIDEOGRAPHER: We are going off the  
20 record. The time on the video record is 2:10 p.m.

21 (Recess from 2:10 p.m. to 3:13 p.m.)

22 VIDEOGRAPHER: We're back on the



1 record. The time on the video is 3:13 p.m.

2 BY MR. SHEEHY:

3 Q Good afternoon, Professor Oskooii.

4 Do you understand that you're still under oath?

5 A Good afternoon. Yes, I do.

6 Q And during the break did you discuss  
7 your deposition with anybody?

8 A I had a phone conversation with my  
9 spouse, and she just asked me to give her an  
10 estimated time when the deposition would end.  
11 That's all.

12 Q Did you have any discussions with  
13 anyone else about your deposition?

14 A No.

15 Q Okay. We put up on the screen Table  
16 1, which is from page 7 of your January 13, 2023  
17 report.

18 Do you see that in front of you?

19 A Yes, I see it.

20 Q Okay. I didn't see any state  
21 legislative district races. Is there a reason for  
22 not analyzing any state legislative races?

1           A       So the way I approached the selection  
2       of the different contests is that I went to  
3       redistricting data hub to see what data is  
4       available starting with 2020, and then work my way  
5       back as far as 2016. And then also I went to the  
6       Texas Legislative Council Capitol Portal and tried  
7       to identify as many elections that I could from  
8       2020 all the way to 2016. And then I analyzed  
9       those elections. And in the case of Galveston, the  
10      results are so crystal clear that there was  
11      racially polarized voting going on, that I stopped  
12      my analysis having seen enough at, you know, 25  
13      general elections.

14           Q       So are you saying that there are  
15      elections that you analyzed that are not listed  
16      here in Table 1?

17           A       No, that's not what I'm saying.

18           Q       Okay. So why didn't you analyze any  
19      state legislative elections?

20           A       I think I just answered -- I just  
21      answered that question.

22           Q       Okay. Well, let's try this: This is

1 a case alleging that Section 2 of the Voting Rights  
2 Act requires that Galveston County draw a  
3 majority/minority precinct in the Commissioner's  
4 Court precinct, correct?

5 A Correct.

6 Q Okay. So would you agree with me  
7 that analyzing Commissioner Court precinct  
8 elections would be the most probative of a  
9 section -- for a racially polarized voting  
10 analysis?

11 MR. GONZALEZ: Objection. Form.

12 THE WITNESS: No, I do not agree in  
13 this particular instance.

14 BY MR. SHEEHY:

15 Q Okay. And why don't you agree with  
16 that?

17 A Well, for starters, you know,  
18 Commissioner Precinct 1 under the old map does not  
19 cover Commissioner Precinct 1 under the new map.  
20 Basically, you know, those commissioner elections  
21 don't cover the entire county.

22 Q But you also didn't analyze the

1 county judge election, correct, Galveston County  
2 judge?

3 MR. GONZALEZ: Objection. Form.

4 THE WITNESS: I believe I have a  
5 County Court Judge 2 in 2018 that I haven't  
6 analyzed.

7 BY MR. SHEEHY:

8 Q Yes, I -- I see that. And that would  
9 be for a court of law. I'm referring to the  
10 Galveston County county judge election. So the  
11 county judge meaning the head of the Galveston  
12 County Government.

13 You did not analyze the county judge  
14 election, did you?

15 MR. GONZALEZ: Objection. Form.

16 THE WITNESS: These are the only  
17 elections -- general elections that I've analyzed.

18 BY MR. SHEEHY:

19 Q Okay. And the election for the  
20 Galveston County judge is not one of them, correct?

21 A That appears to be the case because I  
22 have County Court Judge 2.

1 Q Okay. You also didn't analyze  
2 elections in Galveston County Commissioner's Court  
3 Precinct 3, correct?

4 A Again --

5 MR. GONZALEZ: Objection. Form.

6 THE WITNESS: Again, these are the  
7 only general elections that I've analyzed.

8 BY MR. SHEEHY:

9 Q Okay. And Galveston County Precinct  
10 3 elections are not one of them, correct?

11 A Yes, that is correct.

12 Q Okay. Let's go to page 8, please.  
13 So here on page 8, if we could take a look at  
14 paragraph 24(a), you state that, "Primary elections  
15 are generally, quote, not very probative of voting  
16 patterns for larger demographic groups," correct?

17 A That is what I have written.

18 Q So I guess I want to parse that.  
19 "Generally not very probative." So are you saying  
20 that there is still probative value in analyzing  
21 primary elections?

22 A Yes, there could be some probative

1 value in analyzing primary questions -- elections  
2 depending on the question at hand.

3 Q Okay. So here, in Galveston County,  
4 are primary elections probative in analyzing  
5 racially polarized voting?

6 A As I mentioned in my report, they  
7 provide very marginal additional context for Black  
8 and Latino voting patterns in Galveston County.

9 Q Okay. Now, you have here I believe  
10 in paragraph (b), yeah, in paragraph 24(b), you  
11 state that, "Further, only voters with stronger  
12 partisan identification are likely to participate  
13 in partisan primaries in the first place, so they  
14 do not reflect the choice of all voters in a  
15 demographic group."

16 Did I read that correctly?

17 A Yes, that's -- that is what it says.

18 Q Are you basing that off of national  
19 studies?

20 I should say, are you basing that off  
21 of studies of national elections?

22 A What part of it are you asking me if

1 I'm basing it?

2 Q About the only voters with stronger  
3 partisan identification. I don't see a citation at  
4 the end of that particular sentence, so I'm asking  
5 you, what is the basis for that opinion?

6 A I see. Thanks for clarifying.

7 The basis for that, I mean, it's a  
8 generally common knowledge in political science  
9 research that people with stronger partisan  
10 identification, and other factors, are more likely  
11 to participate in partisan primaries.

12 Q Are you familiar with a study  
13 entitled, "On the Representativeness of Primary  
14 Electorates" by John Sides, Chris Tausanovitch,  
15 Lynn Vavreck, and Christopher Warshaw?

16 A On the top of my head, I don't recall  
17 the specifics, but if you show me the study, maybe  
18 that could refresh my memory.

19 Q So what they concluded was they  
20 studied elections from 2008 to 2015, and they  
21 concluded that, quote, primary voters are not  
22 demographically extinct or ideologically extreme

1 compared to those who identify with the party or  
2 who voted for its presidential candidate in the  
3 general election or then those who identify with  
4 the party and voted in the general election, but  
5 not the primary. The only substantial difference  
6 is that primary voters report more interest in  
7 politics.

8 Do you agree with that conclusion?

9 MR. GONZALEZ: Objection. Form.

10 THE WITNESS: I would have to read  
11 the full study to see how they reached their  
12 conclusions and what the context of what you just  
13 read and what the greater part of the study is.  
14 Without -- without looking at the study and  
15 reviewing it, which I'm happy to do, it would not  
16 be appropriate for me to agree or disagree with it.

17 BY MR. SHEEHY:

18 Q But -- and I guess going back to what  
19 you have written here, you did not cite a single  
20 journal article to support your assertion in  
21 paragraph 24(b).

22 A That appears to be the case, yes.



1 Q Okay. Is it possible that voters who  
2 are more interested in politics would better know  
3 which candidate represents the needs of their  
4 community?

5 MR. GONZALEZ: Objection. Form.

6 THE WITNESS: Are you asking me to  
7 speculate?

8 BY MR. SHEEHY:

9 Q I'm asking based upon your political  
10 science background, is it possible that voters are  
11 more interested in politics would know which  
12 candidate better represents the interest of their  
13 community?

14 MR. GONZALEZ: Objection. Form.

15 THE WITNESS: I mean, again, it would  
16 be speculation whether it's possible or not. A lot  
17 of things could be possible I suppose.

18 BY MR. SHEEHY:

19 Q And this would be one possibility,  
20 correct?

21 MR. GONZALEZ: Objection. Form.

22 THE WITNESS: Again, you have -- I

1 have to consider how it's political interest  
2 rather -- measured. Is that distinct from  
3 political knowledge, you know. I would have to  
4 see -- see those factors to be able to make a  
5 judgment about that.

6 BY MR. SHEEHY:

7 Q Well, someone who's more interested  
8 in politics, you know, follows the election,  
9 reviews the websites, listens to the speeches of  
10 the candidates, attends rallies for the candidates,  
11 would that person know which candidate better  
12 represents the interest of the community within  
13 which they live?

14 MR. GONZALEZ: Objection. Form.

15 THE WITNESS: In what jurisdiction?

16 BY MR. SHEEHY:

17 Q I'm just asking a hypothetical.

18 A Well, I -- I'm sorry, but your  
19 hypothetical is so vague that I'm not sure what  
20 you're asking. But are they more likely to know  
21 more about whether a presidential candidate  
22 represents their interest and identified who -- who

1 the presidential candidates are, or are you asking  
2 about local elections?

3 Q Your paragraph -- your statement in  
4 paragraph 24(b) is not making any distinction  
5 between presidential primaries or local primaries,  
6 correct?

7 A And my paragraph says nothing about  
8 local interest and its relationship, but candidate  
9 identification of choice.

10 Q Professor, my question was in  
11 paragraph 24(b), you are not making any distinction  
12 between national primary elections or local primary  
13 elections, correct?

14 A That appears to be correct, yes.

15 Q Okay. So I'm just asking you, in  
16 similar circumstances that you wrote paragraph  
17 24(b), is it possible that a person who is more  
18 politically interested, follows the candidates,  
19 reads their speeches, reads their platform, is it  
20 possible that that person has a better  
21 understanding of which candidate better represents  
22 the interest of their community?

1 MR. GONZALEZ: Objection. Form.

2 Objection. Asked and answered.

3 THE WITNESS: It depends how they  
4 interpret the information. It depends how they go  
5 about identifying the interest of their community,  
6 how they interpret the candidates' positions.

7 BY MR. SHEEHY:

8 Q Okay. Any other factors, Professor?

9 A That is what comes to mind at the  
10 moment.

11 Q In paragraph 24(a), you say that  
12 primary elections are not very probative because  
13 turnout is low, correct?

14 MR. GONZALEZ: I guess I'll object to  
15 the form.

16 You can answer.

17 THE WITNESS: Yes, relatively  
18 speaking, when compared to general elections, they  
19 are lower turnout.

20 BY MR. SHEEHY:

21 Q Okay. Now, the numbers that you're  
22 reporting here in paragraph 24(a), let's see, you

1 have -- there's a high of 19.8 percent and a low of  
2 10.4 percent, correct?

3 A Yeah, that's what appears to be the  
4 case. Yes.

5 Q Those are Texas statewide primary  
6 numbers?

7 MR. GONZALEZ: Actually, can I just  
8 object to the form there. Sorry.

9 BY MR. SHEEHY:

10 Q The numbers that you're reporting  
11 here, a low of 10.4 percent to a high of  
12 19.8 percent, those numbers --

13 MR. GONZALEZ: Objection.  
14 Mischaracterizing.

15 BY MR. SHEEHY:

16 Q Okay. "For example, voter turnout in  
17 Texas republican primaries between 2016 and 2020  
18 ranged from a low of 10.4 percent in 2018 to a high  
19 of 19.8 percent in 2016."

20 Did I read that correctly?

21 A That is what -- what it says.

22 Q Are those numbers Texas statewide

1 primary numbers?

2 A If you go -- scroll down a little  
3 bit, please. These are the sources of those  
4 estimates.

5 Q Okay. Is that a yes to my question,  
6 that they are Texas statewide numbers?

7 A Those are Texas republican -- I'm  
8 sorry. If you go up. Sorry, I need to see that  
9 section again.

10 Those are for Texas republican  
11 primaries, yes.

12 Q So statewide Texas republican  
13 primaries, correct, let me just make it clear?

14 A I believe so, if memory recalls, yes.  
15 That's how I voted, so it must be that, yes.

16 Q Okay. And then you say, "Turnout in  
17 the Texas Democratic primaries ranged from a low of  
18 7.2 percent in 2018 to a high of 13.1 percent in  
19 2020," correct?

20 A That is what is written, yes.

21 Q And that is for the statewide Texas  
22 democratic primaries?

1           A       If that's what I have written, then  
2           it must be the case, yes.

3           Q       Do you know what the turnout is for  
4           primary elections in Galveston County?

5           A       If it's not in my report, then I do  
6           not know.

7           Q       Do you know what the turnout rate is  
8           for Latino voters for general elections in  
9           Galveston County?

10          A       On top of my head, I cannot remember.

11          Q       Do you know what the turnout rate is  
12          for African-Americans in general elections for  
13          Galveston County?

14          A       Again, on top of my head, I'm not  
15          sure that turnout level data for African-Americans  
16          was available. I can't remember. But I -- I've  
17          written -- if it's my report, then, if you can show  
18          me, that would refresh my memory.

19          Q       I didn't see it in your report,  
20          that's why -- that's why I was asking.

21                    So let me ask you this: Turnout in  
22          primary elections in Texas is incredibly low. And

1 for incredibly low, you have a range of  
2 10.4 percent to 19.8 for republicans and  
3 7.2 percent to 13.1 percent for democrats, correct?

4 A Those are the numbers that I have  
5 written about.

6 Q So I guess at what point do -- does  
7 turnout become sufficiently high in a primary  
8 election to make it probative?

9 MR. GONZALEZ: Objection. Form.

10 THE WITNESS: I'm not sure I  
11 understand the question.

12 BY MR. SHEEHY:

13 Q Would you say that if turnout is  
14 25 percent in an election, is that sufficiently  
15 high to make the election probative?

16 MR. GONZALEZ: Objection. Form.

17 THE WITNESS: That's not the claim  
18 I -- I've made here.

19 BY MR. SHEEHY:

20 Q Your claim is, is that turnout in  
21 primary elections is incredibly low, and because  
22 it's low, the election results do not provide an



1 accurate or reliable picture. So I'm trying to  
2 find out at what point is turnout sufficiently high  
3 to make the election probative of racially  
4 polarized voting?

5 MR. GONZALEZ: Objection. Form.

6 THE WITNESS: On the same paragraph  
7 24(a), I have written that this means that the  
8 election results for any primary do not provide an  
9 accurate or reliable picture of the political  
10 choices of anything approaching a majority of any  
11 particular demographic group of voters.

12 BY MR. SHEEHY:

13 Q I see that. So I'm trying to find  
14 out at what point is turnout sufficiently high to  
15 make it probative to study for racially polarized  
16 voting analysis?

17 MR. GONZALEZ: Objection. Form.

18 THE WITNESS: The level of turnout is  
19 not the only thing that hinges on whether primary  
20 elections are not as probative as general  
21 elections.  
22

1 BY MR. SHEEHY:

2 Q Okay. So with -- just focusing on  
3 turnout for the moment, at what level does turnout  
4 become high enough to make an election potentially  
5 probative to study for racially polarized voting  
6 analysis?

7 MR. GONZALEZ: Objection. Form.

8 THE WITNESS: I guess implicit in  
9 your question is an assumption that that is the  
10 only factor that makes it probative. And I'm not  
11 sure that that is what I said in my report.

12 BY MR. SHEEHY:

13 Q As one factor, at what point do  
14 primary elections become probative for studying  
15 that election for racially polarized voting  
16 analysis?

17 MR. GONZALEZ: Objection.

18 THE WITNESS: As I mention in my  
19 report, there are multiple factors that go hand in  
20 hand and so you can't look at one factor in  
21 isolation.

22

1 BY MR. SHEEHY:

2 Q So what are the other factors,  
3 Professor?

4 Turnout. What else?

5 A What demographic groups participated  
6 in different primaries and to what extent they  
7 participated in different primaries.

8 Q Okay.

9 A And also what potential groups of  
10 voters might be more likely to participate in those  
11 primaries.

12 Q Okay. So let's say that 25 percent  
13 of Latinos and 25 percent of African-Americans and  
14 25 percent of White voters participate in a primary  
15 election, is that sufficiently high turnout to be  
16 probative for determining racially polarized  
17 voting?

18 MR. GONZALEZ: Objection. Form.

19 THE WITNESS: I believe you're asking  
20 the same question that I've answered, focusing  
21 again on one singular factor of assessing probative  
22 value of particular elections. As I mentioned,

1           there are a combination of factors that go hand in  
2           hand in determining the probative value of the  
3           types of elections that you're analyzing.

4           BY MR. SHEEHY:

5                   Q        So you've told me that, you know,  
6           turnout obviously is one of them, one factor.  
7           Who's voting in the primary election, correct, is  
8           another factor?

9                            What are the other factors, if any?

10                   A        I believe paragraph 24(a) and (b)  
11           lists those example factors that make it less  
12           probative compared to general elections.

13                   Q        Okay. So if we have 25 percent of  
14           Latinos, 25 percent of African-Americans, and  
15           25 percent of White voters voting in a primary, and  
16           the Warshaw report is accurate, that the  
17           ideological preferences of primary voters and  
18           general election voters are the same, does that  
19           make an election -- primary election probative for  
20           racially polarized voting analysis?

21                            MR. GONZALEZ: Objection. Form. And  
22           asked and answered.

1 THE WITNESS: I have not looked at  
2 that report or article that you are referring to  
3 to -- or you have not shared that with me for me to  
4 assess what the specific arguments of that are to  
5 be able to answer this question that you're asking.

6 BY MR. SHEEHY:

7 Q So it's a hypothetical question. So  
8 just assuming for purposes of the hypothetical  
9 question that the Warsaw paper is accurate;  
10 25 percent White voters, 25 percent Latino voters,  
11 25 percent African-American voters voting in a  
12 primary election and the electorate is no more  
13 ideologically partisan in a primary election than  
14 they are in the general election. Is that  
15 sufficiently probative for analysis for racially  
16 polarized voting?

17 MR. GONZALEZ: Objection to form.  
18 And asked and answered.

19 THE WITNESS: I'm sorry, but you're  
20 asking -- and I really do want to answer your  
21 question, it's just you're asking a lot of  
22 hypotheticals that may or may not be true, and you

1 want me to provide some sort of answer based on  
2 various factors that may absolutely not be true.  
3 And they're completely hypothetically made up.

4 I can answer questions of things  
5 that I have looked into and analyzed, but playing  
6 this hypothetical game is really -- I'm not  
7 comfortable making those statements of  
8 hypotheticals because that would just be  
9 conjecture on my part.

10 BY MR. SHEEHY:

11 Q In -- in the state of Maryland for  
12 your case with the NAACP, I believe, versus  
13 Baltimore County, did you analyze primary elections  
14 for that report?

15 A If you shared the report with me and  
16 I can read through it, I would be able to -- I just  
17 want to make sure I accurately answer the question.  
18 I would have to look at the report to see if I did  
19 or not.

20 Q Do you recall analyzing the Chris Van  
21 Hollen and Donna Edwards election -- primary  
22 election?

1           A       I have analyzed a lot of elections in  
2           the state of Maryland, so at some point I may have  
3           analyzed that. I'm not sure if it was for that  
4           specific case or not, but I -- I would presume that  
5           I've generally analyzed in the state of Maryland  
6           that particular election.

7           Q       So what would make the Chris Van  
8           Hollen and Donna Edwards primary election probative  
9           of racially polarized vote?

10          A       Are you asking me a hypothetical  
11          question again?

12          Q       No. That's -- it's a real election  
13          from 2014, African-American woman, Donna Edwards,  
14          White male, Chris Van Hollen, 2014 Democratic  
15          Primary for U.S. Senate in Maryland.

16          A       Well, it depends on the case and what  
17          the questions that you are trying to answer in that  
18          case, that would determine its probative value.

19          Q       Well, whether or not there was  
20          racially polarized voting in Maryland?

21          A       In -- in the entire state of  
22          Maryland?

1 Q In Baltimore County.

2 A I would have to look at the specifics  
3 of that report if I did analyze that election in  
4 that report to refresh my memory of -- of whether,  
5 first of all, I analyzed that election and what  
6 purpose that election served.

7 Q Okay. So based upon your work  
8 analyzing elections for racially polarized voting,  
9 what causes you to determine that a primary  
10 election is probative of racially polarized voting?

11 MR. GONZALEZ: Objection. Form.

12 THE WITNESS: I don't think it's  
13 discrete probative or not. As I mentioned in this  
14 report, primary elections in this particular  
15 context are generally not very probative. I never  
16 said it's not probative.

17 BY MR. SHEEHY:

18 Q Correct. So it is probative here in  
19 Texas. We made that -- we did make that point  
20 earlier. So I'm just asking you, at what point do  
21 primary election results become, let's say, very  
22 probative of racially polarized voting?



1 MR. GONZALEZ: Objection. Form.

2 THE WITNESS: I can only speak of the  
3 jurisdiction that I analyzed and have the full  
4 picture of. Now, if you present me the report that  
5 I can read through and I can refresh my memory, I  
6 may be able to provide a different answer that  
7 you're looking for.

8 In this particular case, I  
9 mentioned the reasons for which it is -- primary  
10 elections are not as probative or less probative  
11 as general elections given the differences that  
12 are highlighted here in this report.

13 BY MR. SHEEHY:

14 Q What about for general elections, is  
15 there a point where turnout is too low in a general  
16 election to be not probative?

17 A Again, you're hinging the probative  
18 value of elections solely on one factor. As I  
19 mentioned, it is a combination of factors that  
20 enable analysts, political scientist, and  
21 specifically in my case, to be able to make  
22 judgments about its probative value. And actually

1           you should know by the way that at the end of the  
2           day, the court decides the probative value of these  
3           elections.

4                   Q        So when you're selecting elections to  
5           analyze for racially polarized voting, do you ever  
6           look at the turnout and say, "Maybe I need to check  
7           other factors before I analyze this election"?

8                   A        Could you rephrase that question,  
9           please?

10                   Q        So in a general election, and as  
11           you're choosing elections to study for racially  
12           polarized voting, have you -- have you looked at an  
13           election and said, "The turnout is too low, I need  
14           to analyze other factors before I decide this  
15           election is probative"?

16                   A        Again, in your question you're  
17           assuming that's the first or number one factor of  
18           determining the probative value for elections.

19                   Q        I'm not assuming that at all. It's  
20           just one factor, and you're looking at the turnout  
21           and you're saying, "I think I need to look at other  
22           things before I decide to choose this election for

1 analysis."

2 A Relatively speaking, if I'm comparing  
3 potentially different general elections, and one  
4 election had incredibly oddly low turnout and  
5 another one more people participated in, I guess in  
6 that scenario, you would determine that perhaps --  
7 again, it's a combination of different factors,  
8 it's not just one factor, that perhaps the other  
9 election may provide higher probative value.

10 Q Is there a turnout level for you in  
11 general elections that you would say that is likely  
12 too low to analyze comparative to other factors?

13 A Not that I recall that I made that  
14 kind of one-shot analysis or one-shot comparison.

15 Q I mean --

16 A The difference between -- the  
17 difference between general elections and primary  
18 elections is that in general elections, presumably,  
19 all voters, eligible voters could participate in  
20 the general election; whereas, like in a primary  
21 election, especially if it's like, let's say, a  
22 partisan primary election, depending on the state

1 or depending on jurisdictions, you know, democrats  
2 don't participate in republican primaries and  
3 republicans don't participate in democrat  
4 primaries, but at least the vast, vast majority or,  
5 you know, or not at all.

6 Q So in paragraph 24(a), below in Texas  
7 republican primaries was 10.4 percent. What if the  
8 turnout for the general election was 10.4 percent,  
9 would you describe that turnout as low?

10 A Again, there's another factor and  
11 difference between these two elections. This is a  
12 republican primary, the other one would be a  
13 general election in which the same candidate pool  
14 would be available to voters.

15 Primary elections limit candidate --  
16 you know, limit voters to one party's candidate, as  
17 I have cited in paragraph 24(b).

18 Q Unless the state has an open primary,  
19 correct?

20 A Even if a state has open primary,  
21 that doesn't mean that -- that primary is, you  
22 know, other -- other party members or other

1 demographic groups would participate in that  
2 primary.

3 Q But it would be equally open to  
4 anyone who wanted to vote in either primary,  
5 correct?

6 A If it's an open primary --

7 MR. GONZALEZ: Objection. Form.

8 THE WITNESS: -- presumably, it would  
9 be open.

10 BY MR. SHEEHY:

11 Q So with a general election, my  
12 question is, do you have the same concern that  
13 turnout at 10.4 percent is too low in a general  
14 election?

15 MR. GONZALEZ: Objection. Form.

16 THE WITNESS: I think I answered that  
17 question.

18 BY MR. SHEEHY:

19 Q Well, I think you said there are  
20 differences between general elections and primary  
21 elections. I'm just wanting an answer, do you have  
22 the same concern that 10.4 percent is too low in a

1 general election?

2 A Well, there's --

3 MR. GONZALEZ: Objection. Form.

4 THE WITNESS: As I mentioned again,  
5 in answer to that question, there's yet another key  
6 factor that's different between the primary and  
7 general election, in that in a general election,  
8 the same candidate pool is available to the voters.  
9 But that's not necessarily the case in primary  
10 elections.

11 BY MR. SHEEHY:

12 Q So 10.4 percent turnout in a general  
13 election does not trouble you because the  
14 candidates in that election are open to everybody.  
15 Is that your testimony?

16 MR. GONZALEZ: Objection. Form.

17 THE WITNESS: No, that is not my  
18 testimony.

19 BY MR. SHEEHY:

20 Q Okay. So I'm just asking if you're  
21 looking at a general election and turnout is  
22 10.4 percent, are you concerned about the probative

1 value of that election?

2 A Could you clarify what you mean by  
3 "concern"?

4 Q What I'm wanting to know is do you  
5 think that a low turnout of 10.4 percent in a  
6 general election detracts from the probative value  
7 of an election?

8 A As I mentioned again, there are a  
9 variety of circumstances that you have to take into  
10 account in addition to turnout. So it depends on  
11 the jurisdiction and the different factors. I  
12 mean, you can't just make these deterministic  
13 statements and apply to every single jurisdiction.

14 Q So in Galveston County, if general  
15 elections have a turnout of 10.4 percent, would  
16 you, looking at that turnout for that election,  
17 think that the probative value of that election is  
18 not very much?

19 A I can only speak to the analysis that  
20 I conducted. Again, we're getting back to the  
21 realm of hypotheticals that I'm not comfortable to  
22 answer because it's simply a hypothetical, and, you

1 know, I don't have all the facts in front of me to  
2 be able to make those kind of judgments. It -- it  
3 wouldn't accurate or appropriate to make those  
4 judgments.

5 Q Well, you're testifying and giving an  
6 opinion about racially polarized voting in  
7 Galveston County, and you're saying that primary  
8 elections are not very probative because, in part,  
9 of low turnout. And I'm wanting to know -- and low  
10 turnout with Texas state numbers, but I'm wanting  
11 to know if in Galveston County -- well, let's ask  
12 it this way: Of the 25 elections that you  
13 analyzed, did you analyze what the turnout rate was  
14 for African-American voters?

15 A As I mentioned, I don't recall  
16 finding data or African-American-specific turnout.

17 Q Okay. You're saying the answer for  
18 Latinos in Galveston County?

19 A I'm pretty sure I mentioned something  
20 about Latinos and that there was a surname -- the  
21 Texas Legislative Council had a surname-based  
22 Latino/Hispanic estimate for turnouts. I'm pretty



1           sure I mentioned that. So I would have to review  
2           the report, or if you go to that section of the  
3           report, I would be able to more accurately answer  
4           that question.

5                   Q       We can certainly do that.

6                            But at no point -- we'll come back to  
7           this. But at no point did you find in the 25  
8           general elections that you studied, that turnout  
9           among Anglo voters, Latino voters or  
10          African-American voters was too low, correct?

11                   A       Are you asking if I made such  
12          statements in my report?

13                   Q       I'm just asking you in analyzing  
14          those elections, you made a determination that none  
15          of those elections had turnouts that was too low?

16                            MR. GONZALEZ: Objection. Form.

17                            THE WITNESS: I'm not sure I made  
18          such statements at all in -- in my report.

19          BY MR. SHEEHY:

20                   Q       In the 25 general elections that you  
21          studied, did you look at the turnout for those  
22          elections?

1           A       In the 25 general elections that I  
2       studied, whether I looked at the turnouts? I don't  
3       recall specifically.

4           Q       Okay.

5           A       But I did conduct a turnout analysis,  
6       so . . .

7           Q       You also state in paragraph 24(b)  
8       that the stakes in the primary election are lower  
9       and that it is the general election that ultimately  
10      decides which candidate will be the one actually  
11      elected to office. Is that correct?

12          A       In the American elections, you have  
13      to win the general election to be a representative  
14      of the jurisdiction.

15          Q       Yes. But are there jurisdictions  
16      that you have studied where one party has  
17      sufficient support that the primary election  
18      becomes -- or the stakes in the primary election  
19      are substantially higher?

20          A       I'm not sure I understand the  
21      question. Could you please rephrase?

22          Q       So I live in Washington, D.C., and

1 Washington, D.C. has had a mayor from the  
2 democratic party since approximately 1967. So  
3 would you agree with me that in a jurisdiction like  
4 Washington, D.C., the stakes are substantially  
5 higher in the democratic primary?

6 A Stakes, as it pertains to analysis of  
7 racially polarized voting patterns?

8 Q Well, you're saying that primary  
9 elections are -- or the stakes are not high in  
10 primary elections because it's the general election  
11 where the candidate is actually elected.

12 So my question to you is: Okay. But  
13 what about in jurisdictions where, like Washington,  
14 D.C., the democratic party has elected a mayor or  
15 the mayor has been from the democratic party  
16 consistently since 1967, doesn't that mean that the  
17 stakes are substantially higher in primary  
18 elections in jurisdictions like Washington, D.C.?

19 MR. GONZALEZ: Objection. Form.

20 THE WITNESS: Are you suggesting that  
21 because in the general election, in the Washington,  
22 D.C. example that you provided, a democrat has been

1 winning for a -- you know, a number of years, or  
2 decades in the case that you presented, whether  
3 primary elections play a more colorful role than  
4 general elections in determining who ends up  
5 winning?

6 BY MR. SHEEHY:

7 Q Well, I'm using your words from your  
8 report that the stakes are higher.

9 A In the context of Galveston County,  
10 but you asked me about Washington, D.C.

11 Q Yes.

12 So in a jurisdiction like Washington,  
13 D.C., aren't the stakes higher in the primary  
14 elections?

15 A I'm talking about stakes in terms of  
16 racially polarized voting. Are you asking about  
17 racially polarized voting analysis in Washington,  
18 D.C. and whether the stakes are higher or lower  
19 with respect to that sort of analysis?

20 Q No.

21 I'm asking exactly the same meaning,  
22 the stakes of an election are lower, you say that

1 in paragraph 24(b), that the stakes of the election  
2 are lower because it's the general election that  
3 ultimately decides which candidate will be actually  
4 elected.

5 My question to you is: Is that in a  
6 very similar way, primary elections, for example in  
7 Washington, D.C., aren't the stakes higher in  
8 primary elections in jurisdictions like Washington,  
9 D.C.?

10 MR. GONZALEZ: Objection. Form.

11 THE WITNESS: What I have written is  
12 very specific about a report and analysis of  
13 Galveston County. So I'm not sure without  
14 additional information and analysis of another  
15 jurisdiction, whether stakes are higher or lower  
16 with respect to racially polarized voting analysis.

17 Again, this report is about  
18 racially polarized voting analysis in Galveston  
19 County. And I provided additional context about  
20 who participates in primaries and who doesn't and  
21 all the other factors that I've listed.  
22

1 BY MR. SHEEHY:

2 Q Right, but the full sentence here is,  
3 "The ideological positions of candidates in primary  
4 elections are likely to be closer to each other and  
5 the stakes of the election are lower and that it's  
6 the general election that ultimately decides which  
7 candidate will be the one actually elected to  
8 office."

9 So you're not citing anything about  
10 Galveston County here, correct?

11 A This report is about Galveston  
12 County.

13 Q But you're using Texas state data in  
14 the prior paragraph. And then in subparagraph B, I  
15 mean, you're not providing any citation to where  
16 you're getting the ideological positions of the  
17 candidates in primary elections are likely to be  
18 closer to each other, correct?

19 I don't -- you're not providing a  
20 citation to anything for that statement, correct?

21 A Could you ask the question one by  
22 one, because I feel like there was multiple

1 questions in the one that you asked back to back?

2 Q The ideological positions of the  
3 candidates in primary elections are likely to be  
4 closer to each other. Okay. I don't see a  
5 citation for that assertion, correct?

6 A That is correct.

7 Q Okay. So you're making a general  
8 observation in that statement, correct?

9 A In the context of my report for  
10 Galveston County, correct.

11 Q But in the context of these two  
12 paragraphs, you're not citing anything from  
13 Galveston County, correct?

14 A Well, Galveston County is within the  
15 state of Texas.

16 Q Yes. But you're citing Texas state  
17 data in paragraph (a), and you're not citing any  
18 data about Texas or Galveston County in  
19 subparagraph (b), correct?

20 A My report is not just of paragraph  
21 24(a) and (b). There are other sections that I  
22 provide additional background about primary

1 elections that you're not showing. And I've asked  
2 you to go through those sections because there are  
3 other factors that I also considered in making  
4 these statements.

5 Q Did you study the ideological  
6 positions of Galveston County primary elections?

7 A Could you -- could you repeat that  
8 question again? I just want to make sure I  
9 understand it.

10 Q Did you study the ideological  
11 positions of the candidates in primary elections in  
12 Galveston County?

13 A In the primary elections that I  
14 analyzed?

15 Q Yes.

16 Did you analyze those candidates'  
17 ideological positions?

18 A Insofar as the partisan identity  
19 might suggest common ideological positions, one  
20 could say that I did consider that.

21 Q Well, you only considered democratic  
22 primary elections --



1 A Right.

2 Q -- correct?

3 A Correct.

4 Q And you would agree with me that the  
5 range of ideologies within the demographic party is  
6 quite broad, correct?

7 MR. GONZALEZ: Objection. Form.

8 THE WITNESS: That's incorrect. I  
9 don't agree.

10 BY MR. SHEEHY:

11 Q You think that -- well, you think  
12 that there are -- there's broad -- well, for the  
13 elections that you studied, the democratic primary  
14 elections, did you go to any of the candidates'  
15 websites to study their positions on various  
16 issues?

17 A No, not that I recall.

18 Q So you don't know if those democratic  
19 primary candidates agreed on any issue for that  
20 matter, particularly in Galveston County?

21 MR. GONZALEZ: Objection. Form.

22 THE WITNESS: I didn't claim that

1 they agreed or disagreed on any issues.

2 BY MR. SHEEHY:

3 Q Okay. So -- and you also in this  
4 first phrase in paragraph 24(b), hedge your  
5 conclusion here. You say, "The ideological  
6 positions of the candidates in primary elections  
7 are likely to be closer to each other."

8 Are you saying "likely" because you  
9 don't know?

10 MR. GONZALEZ: Objection. Form.

11 THE WITNESS: I'm sorry, what's the  
12 question?

13 BY MR. SHEEHY:

14 Q Are you saying the word "likely" in  
15 the first clause of paragraph 24(b) because you  
16 don't know if they are, in fact, closer to each  
17 other?

18 A Likely is a common term that is used  
19 even when you're estimating vote choice, because  
20 you don't know the true parameters of vote choice,  
21 for instance.

22 Q So --

1           A        If I could -- sorry. I guess another  
2           way to put it is when you're looking at -- within  
3           the democratic primary, you're looking at a set of  
4           democrats, their ideological position is likely to  
5           be closer to one another than republicans.

6           Q        Okay. So what you're saying is, is  
7           that the ideological position between democratic  
8           Candidate A and democratic Candidate B is likely to  
9           be closer than democratic Candidate A and  
10          republican Candidate A?

11          A        Looking at across a range of  
12          candidates, I think it's an accurate statement to  
13          say that the ideological position of democrats,  
14          them to be closer to one another than the range of  
15          republicans.

16          Q        Okay. But you didn't actually study  
17          the positions of the democratic primary candidates  
18          for the elections that you analyzed, correct?

19          A        As I mentioned, you can infer  
20          ideological positions to some degree based on  
21          partisan identity.

22          Q        Okay. But you're inferring, but you

1 don't know the candidate's position in the  
2 democratic primary elections that you analyzed?

3 A I believe I'm accurately representing  
4 what I said by saying the ideological position of  
5 candidates in primary elections are likely to be  
6 closer to each other.

7 Q Okay.

8 MR. SHEEHY: Okay. Let's pull up  
9 Exhibit 3, if we could, please. This is going to  
10 be your rebuttal report.

11 (Oskooii Deposition Exhibit Number 3  
12 marked for identification.)

13 BY MR. SHEEHY:

14 Q Your April 4, 2023 corrected rebuttal  
15 report.

16 A Okay.

17 Q So, Professor, do you see Exhibit 3  
18 in front of you?

19 A No, I don't.

20 Q Okay. Now do you see Exhibit 3 in  
21 front of you?

22 A I see a page that says Exhibit 3,

1 yes.

2 Q Okay. And we can scroll down for  
3 you. And just like we did with the first exhibit,  
4 just verify that is your signature?

5 A Yes, that is my signature.

6 Q Okay. And it's dated April 4th,  
7 2023?

8 A That is what I see.

9 Q Okay. And then we can kind of slowly  
10 scroll up. And this is a complete and accurate  
11 copy of your corrected April 4th, 2023 report?

12 MR. GONZALEZ: Objection. Form.

13 THE WITNESS: If you could scroll  
14 down please so I can see every page.

15 BY MR. SHEEHY:

16 Q Uh-huh.

17 A Yeah, one second please, right here.  
18 If could you just one second. Okay. That appears  
19 to be the corrected version, yes.

20 Q Okay. And the only correction you  
21 made was the line here, "Only 1 out of 18  
22 republican officials." Was that the correction you

1 made?

2 A And also the associate percentage.

3 Q And the associated percentage. Okay.

4 A In the parentheses, yeah.

5 Q Okay. All right. So let's go to  
6 paragraph 7. So here you say, "Although the race  
7 of candidates is not on its own relevant to  
8 determine who the minority and Anglo candidate of  
9 choice are strictly for Gingles 2/3 analysis."

10 I guess my question to you is: Do  
11 you agree that racially contested elections where  
12 one candidate is African-American and the other  
13 candidate is White are more probative of racially  
14 polarized voting analysis than where two candidates  
15 are of the same race.

16 MR. GONZALEZ: Objection. Form.

17 THE WITNESS: You just asked me about  
18 paragraph 7, and you stated that although the race  
19 of candidates is not on its own relevant to  
20 determine who the minority Anglo candidates of  
21 choice are. So this is about determining the  
22 candidates of choice, not the probative value of

1 particular elections. So I'm sorry, could you  
2 repeat what you're trying to ask?

3 BY MR. SHEEHY:

4 Q Yes.

5 I mean, it's just -- the question  
6 that I have on -- we can put paragraph 7 aside for  
7 the moment, but I guess my question to you is: Do  
8 you agree that racially contested elections, where  
9 one candidate is African-American and one candidate  
10 is White, for example, are more probative of  
11 racially polarized voting than those elections  
12 where two candidates are of the same race?

13 MR. GONZALEZ: Objection. Form.

14 THE WITNESS: It depends on the  
15 context.

16 BY MR. SHEEHY:

17 Q Okay. In Galveston County?

18 A It depends on the context.

19 Q Okay. What more context do you need?

20 A Well --

21 MR. GONZALEZ: Objection. Form.

22 THE WITNESS: -- you have to see

1           whether the -- the racially ethnic minority  
2           demographic groups prefer that African-American  
3           candidate or not and also observe the voting  
4           preference, in this case Anglo voters, to be able  
5           to assign it a probative value relatively speaking  
6           to the other example that you mentioned.

7           BY MR. SHEEHY:

8                     Q       So sometimes -- just to make sure I  
9           understand your testimony.

10                    Sometimes racially contested  
11           elections are more probative than elections between  
12           two candidates of the same race and sometimes  
13           they're not. Is that your testimony?

14                   MR. GONZALEZ: Objection. Form.

15                   THE WITNESS: That is not what I  
16           stated.

17           BY MR. SHEEHY:

18                     Q       Okay. You said it depends on the  
19           factors, correct?

20                    A       That is what I stated, yes.

21                     Q       Okay. So, I mean, sometimes the  
22           factors would come out to say it's more probative,



1 sometimes factors may come out that say it's not so  
2 probative. So am I understanding your testimony  
3 correctly?

4 A Sorry. What was the question?

5 Q Okay. We can go back to paragraph 7.  
6 So you continue saying, "The racial makeup of the  
7 candidates is telling in this instance as to the  
8 interconnectedness of race and partisanship in this  
9 jurisdiction and is consistent with what one might  
10 expect from a region where there is a high degree  
11 of racially polarized voting."

12 Did I read that correctly?

13 A Yes.

14 Q Okay. Now, you don't cite an  
15 academic journal to support this inference that  
16 you're making, correct?

17 A I provided the data and analysis that  
18 I conducted here to draw that inference.

19 Q But you don't have -- you don't cite  
20 an academic journal to support the inference that  
21 you're drawing, correct?

22 MR. GONZALEZ: Objection. Form.

1 THE WITNESS: Could you clarify  
2 please what specific inference here that you're  
3 asking about?

4 BY MR. SHEEHY:

5 Q You say that, "It is the  
6 interconnectedness of race and partisanship in this  
7 jurisdiction and is consistent with what one might  
8 expect from a region where there's a high degree of  
9 racially polarized voting."

10 So I guess I'll ask it this way: Is  
11 there consensus within the political science  
12 community that would support this inference that  
13 you are making?

14 A That there is an interconnectedness  
15 between race and partisanship?

16 Q Yes.

17 A I would say that there is  
18 literature -- great deal of literature and research  
19 such as saying that race and partisanship are  
20 interconnected, yes.

21 Q Okay. And is there scholarship in  
22 the political science community that analyzes -- or

1 not analyzes, but proposes how one can  
2 differentiate between racial reasons in voting as  
3 opposed to partisan reasons in voting?

4 MR. GONZALEZ: Objection. Form.

5 THE WITNESS: You're asking me if  
6 such research is out there?

7 BY MR. SHEEHY:

8 Q Yes.

9 A There is -- again, there is research  
10 on the relationship between race and partisanship,  
11 yes, there is.

12 Q And is there research distinguishing  
13 between when someone is casting a ballot for racial  
14 reasons as opposed to casting a ballot for partisan  
15 reasons?

16 MR. GONZALEZ: Objection. Form.

17 THE WITNESS: I can only answer  
18 questions about what I presented here. If you're  
19 asking me if such research potentially exists, then  
20 I would have to conduct a literature review of that  
21 specific topic to tell you more details.  
22

1 BY MR. SHEEHY:

2 Q Okay. You have in this same  
3 paragraph, this statement, "Ted Cruz, who may be  
4 readily externally identifiable by voters as a  
5 person of color (either by their physical  
6 appearance or by an ethnic surname)."

7 Did I read that correctly?

8 A Yes.

9 Q Are you aware that Senator Ted Cruz  
10 is the first Latino senator to represent Texas?

11 MR. GONZALEZ: Objection. Form.

12 THE WITNESS: Are you asking if  
13 Senator Cruz identifies himself saying that he's  
14 the first Latino senator to be elected from the  
15 state of Texas?

16 BY MR. SHEEHY:

17 Q I'm asking you, are you aware that he  
18 is the first Latino senator to be elected from the  
19 state of Texas?

20 MR. GONZALEZ: Objection. Form.

21 THE WITNESS: Well, to answer that  
22 question, I would have to know how Ted Cruz

1 identifies himself as. Does he identify himself as  
2 primarily Latino?

3 BY MR. SHEEHY:

4 Q He does identify himself as Latino,  
5 yes.

6 A Okay. So in that case, then, if he  
7 identifies himself as Latino, I think, you know, my  
8 statement in this report is a match with what you  
9 just said.

10 Q Okay. Well, I guess, let me ask you  
11 this: What is the purpose of the word "externally"  
12 here?

13 A In this particular --

14 Q And maybe --

15 A Sorry. Go ahead.

16 Q Just to be clear, "Who may be readily  
17 externally identifiable." So what do you mean by  
18 "externally"?

19 A Well, it means that by either  
20 physical appearance or by ethnic surname.

21 Q Okay. I mean, you're not -- you're  
22 not disputing that Senator Cruz is Latino, are you?

1           A       I did not write about whether or not  
2       Senator Cruz identifies himself as Latino or not.

3           Q       So if we compare further down, you  
4       say, "Only one 1 of 19 Republican officials is  
5       readily externally identifiable as a person of  
6       color, and that official, Commissioner Robin  
7       Armstrong."

8           A       I'm sorry?

9           Q       And so in the sentence about Ted  
10      Cruz, you have the word "may be readily externally  
11      identifiable." But that word "may" is not here  
12      referring to Commissioner Armstrong. So what was  
13      the purpose of putting the word "may" in the  
14      sentence about Ted Cruz?

15          A       Maybe it's just a writing -- writing  
16      style. I'm not sure I paid that much detail into  
17      that specific word here.

18          Q       I believe you testified earlier that  
19      you spent, you know, approximately ten hours  
20      drafting this report. You didn't pay particular  
21      attention to the word choices in your report?

22                   MR. GONZALEZ: Objection.

1 Mischaracterizing.

2 THE WITNESS: That -- yeah, that --  
3 that is not what I stated.

4 BY MR. SHEEHY:

5 Q So what did you state then?

6 A You asked me about that one  
7 particular word "may."

8 Q So are you saying that the word "may"  
9 is a mistake on your part?

10 A No.

11 MR. GONZALEZ: Objection.

12 BY MR. SHEEHY:

13 Q Okay. So what's the reason behind  
14 having the word "may be readily" for Ted Cruz and  
15 Commissioner Armstrong "is readily"?

16 A I suppose you could have both as  
17 "may" readily by name or physical appearance.

18 Q So Ted Cruz may be readily externally  
19 identifiable as a person of color and Commissioner  
20 Armstrong may be readily externally identifiable as  
21 a person of color. Is that what I'm understanding  
22 you to say, that the word "may" could be used in

1 both cases?

2 A Yes, based on physical appearance or  
3 a surname that voters may be able to identify those  
4 candidates as people of color.

5 Q You're not disputing though that  
6 Commissioner Armstrong is African-American?

7 A I don't -- I don't have any reason to  
8 dispute that necessarily.

9 Q Why do you say necessarily?

10 A Because I don't know if Commissioner  
11 Robin Armstrong identifies himself as  
12 African-American because he could identify himself  
13 as something different.

14 Q Have you seen -- well, I mean --  
15 okay.

16 In preparing your report, what  
17 research did you do into Commissioner Armstrong, if  
18 any?

19 A I looked up if Commissioner Robin  
20 Armstrong is representative -- is representing that  
21 subject jurisdiction, and, you know, how  
22 commissioner Robin Armstrong was elected. And then



1 as I mentioned in my report, I also looked up other  
2 identifying information about these candidates to  
3 make these determinations about their potential  
4 race or ethnic background.

5 Q Okay.

6 MR. SHEEHY: I think we've been going  
7 about an hour and change, why don't we take a  
8 few-minutes break and we can come back. And I  
9 think we can probably finish up here in the next 30  
10 minutes. Sound good?

11 A Sounds good to me. Thank you.

12 Q Okay. Thank you.

13 VIDEOGRAPHER: We are going off the  
14 record. The time on the video is 4:35 p.m.

15 (Recess from 4:35 p.m. to 4:46 p.m.)

16 VIDEOGRAPHER: We're back on the  
17 records. The time on the video is 4:46 p.m.

18 BY MR. SHEEHY:

19 Q Professor Oskooii, I'd like to look  
20 at paragraph 3 on page 2 of Exhibit 2, which is  
21 your January 13th, 2023 report. It says here that  
22 the RxC Ecological Inference Method in EI Rows by

1 Columns Method. It says that these statistical  
2 methods that you rely on estimate vote choice by  
3 race and are agnostic as to why voter support or  
4 oppose different candidates. The analysis simply  
5 shows which candidates different groups of voters  
6 prefer.

7 Did I read that correctly?

8 A Yes.

9 Q Okay. By "agnostic," do you mean  
10 that ecological inference and RxC cannot  
11 determine -- or sorry.

12 By "agnostic," do you mean that  
13 ecological inference and RxC do not know why a  
14 voter is voting for a particular candidate?

15 A Yes. Methods don't provide  
16 explanations. These are simply tools or  
17 statistical methods that estimate vote choice.  
18 They don't explain why.

19 Q Okay. And if we could go --

20 MR. SHEEHY: And I'm sorry to do  
21 this, Ms. Norwood, if we can go to Exhibit 3, which  
22 is the April 4th report. And if we could go to

1 page 2, paragraph 5 -- or I'm sorry, page 4,  
2 paragraph 8.

3 BY MR. SHEEHY:

4 Q So here you say, "Generally over  
5 85 percent of Anglos vote for Republican candidates  
6 in general -- in the general election, which  
7 happens to be their candidate of choice in  
8 Galveston County for a range of possible reasons  
9 not relevant to Gingles 2/3 inquires."

10 Now, is this kind of following on  
11 your statement in Exhibit 2, that the EI methods  
12 are agnostic as to the reasons why voters are  
13 voting for candidates?

14 MR. GONZALEZ: Objection. Form.

15 THE WITNESS: Any statistical tool or  
16 method on its own would not provide an explanation  
17 of the reasons for which relationships exists.

18 BY MR. SHEEHY:

19 Q And here you're saying that there's a  
20 range of possible reasons for why Anglo voters are  
21 voting republican in Galveston County?

22 A That is what I have written, yes.

1 Q And you're not offering an opinion in  
2 this case as to any particular reason for why Anglo  
3 voters are voting republican in Galveston County?

4 A As I mentioned, my analysis only  
5 reveals which candidates demographics prefer, not  
6 the reasons for their preference.

7 Q Okay. And so just to be clear, you  
8 are not offering an opinion in any way as to why  
9 Anglo voters are voting republican in Galveston  
10 County?

11 MR. GONZALEZ: Objection. Form.

12 THE WITNESS: Could you clarify what  
13 you mean by "any opinion"?

14 Are you asking if I provided  
15 specific reasons for their vote of choice for  
16 republicans?

17 BY MR. SHEEHY:

18 Q I'm just asking you, you're not  
19 offering an opinion in this case as to why Anglo  
20 voters are voting republican in Galveston County  
21 elections?

22 A Based on paragraph 8 of the April 4

1 corrected rebuttal report, I merely state that the  
2 range of possible reasons, but that's -- that's the  
3 opinion that I -- that I provide.

4 Q The range of possible reasons, but  
5 not -- you're not offering an opinion as to any  
6 particular reason as to why Galveston County Anglo  
7 voters are voting republican, correct?

8 A I would say that generally seems  
9 accurate, yes.

10 Q Okay. Do you know -- do you know  
11 that Texas permitted straight-ticket voting until  
12 September of 2020?

13 MR. GONZALEZ: Objection. Form.

14 THE WITNESS: I'm not aware of the  
15 specific timelines that you mentioned, no.

16 BY MR. SHEEHY:

17 Q Okay. Does the use of  
18 straight-ticket voting impact your analysis in any  
19 way?

20 A Just to be -- I just want to make  
21 sure I'm on the same page with you. How are you  
22 defining straight-ticket voting?

1 Q The ability to walk into a voting  
2 booth and just select republican party and all  
3 republican party candidates are selected and voted  
4 for. And same thing for democrats.

5 A Okay. Thank you for providing that  
6 clarification. So I understand what you mean by  
7 straight-ticket voting. Could you now ask your  
8 question again?

9 Q So does the use of straight-ticket  
10 voting in Texas until September of 2020, does that  
11 impact your analysis in the 2016 and 2018  
12 elections?

13 MR. GONZALEZ: Objection. Form.

14 THE WITNESS: I did not consider --  
15 or I should say, the data does not enable me to  
16 consider individual level straight-ticket voting to  
17 be able to provide an opinion on that.

18 BY MR. SHEEHY:

19 Q Okay. Does the practice of  
20 split-ticket voting impact your analysis at all in  
21 Galveston County?

22 MR. GONZALEZ: Objection. Form.

1 THE WITNESS: Once again, I did not  
2 conduct such an analysis to be able to assert to  
3 the extent to which that would impact my opinions.

4 BY MR. SHEEHY:

5 Q And you understand what I mean when I  
6 say "split-ticket voting"?

7 A I think I understand what you mean,  
8 but if -- if you want to clarify so we're on the  
9 same page.

10 Q Well, just you vote, you know, for a  
11 republican candidate in one election or, you know,  
12 for one office and you vote democrat in another --  
13 for another office, republican in one, democrat in  
14 another. Split your ticket.

15 A Yes. And that -- that -- that is  
16 also my understanding of split-ticket voting, to  
17 some degree.

18 Q Okay. And just to be clear, you  
19 didn't analyze the impact of split-ticket voting on  
20 your 25 general elections in Galveston County?

21 A That is correct, I don't have  
22 individual-level data that would enable me to

1           ascertain who voted in straight-ticket or  
2           split-tickets. We're looking here at  
3           aggregate-level data and drawing inferences using  
4           aggregate voting precinct-level data. Because it's  
5           a secret ballot, right?

6                   Q       What was that?

7                   A       It's a secret ballot, right?

8                   Q       Yes.

9                   A       And we don't have any  
10           individual-level data.

11                   Q       Yes, it is -- it is a secret ballot,  
12           you are correct about that.

13                            Okay. Professor Oskooii, I might be  
14           done, but I would like to have one more brief break  
15           just to confer with my colleague here before we --  
16           before we close. Is that fine with you?

17                   A       Sure. How much of a break would you  
18           like?

19                   Q       If I could just take five minutes,  
20           Professor, if that's fine with you.

21                   A       Yeah, absolutely.

22                   Q       All right. Thank you.



1 MR. SHEEHY: If we can go off the  
2 record.

3 VIDEOGRAPHER: We're going off the  
4 records. The time on the video is 4:57 p.m.

5 (Recess from 4:57 p.m. to 5:00 p.m.)

6 VIDEOGRAPHER: We're back on the  
7 record. The time on the video is 5:00 p.m.

8 BY MR. SHEEHY:

9 Q Okay. Professor Oskooii, I believe  
10 you testified this was your -- your first  
11 deposition. Is that correct?

12 A Yes.

13 Q Well, I congratulate you. The -- the  
14 deposition is concluded. I don't have any further  
15 questions.

16 MR. SHEEHY: Mr. Gonzalez, do you  
17 have any questions?

18 MR. GONZALEZ: We'll reserve any  
19 questions, but we would like to read and sign and  
20 order a copy of the transcript.

21 MR. SHEEHY: Okay. All right. Well,  
22 with that, we're -- we're closed for this

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deposition.

VIDEOGRAPHER: This concludes today's deposition. The time on the video is 5:01 p.m. We are off the record.

(Whereupon, at 5:01 p.m., the videotaped deposition of KASSRA A.R. OSKOOII was concluded; signature reserved.)

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CERTIFICATE OF NOTARY PUBLIC

I, FELICIA A. NEWLAND, CSR, the officer before whom the foregoing videotaped deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotype and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

<%14754,Signature%>

\_\_\_\_\_

FELICIA A. NEWLAND, CSR  
Notary Public

My commission expires:  
September 15, 2024

1       Joaquin Gonzalez, Esquire  
2       joaquin@texascivilrightsproject.org

3                               April 12, 2023

4       RE: Honorable Terry Petteway Et Al. v. Galveston County Et Al.

5               4/11/2023, Kassra Oskooii (#5820287)

6               The above-referenced transcript is available for  
7       review.

8               Within the applicable timeframe, the witness should  
9       read the testimony to verify its accuracy. If there are  
10      any changes, the witness should note those with the  
11      reason, on the attached Errata Sheet.

12              The witness should sign the Acknowledgment of  
13      Deponent and Errata and return to the deposing attorney.  
14      Copies should be sent to all counsel, and to Veritext at  
15      cs-midatlantic@veritext.com

16  
17              Return completed errata within 30 days from  
18      receipt of testimony.

19              If the witness fails to do so within the time  
20      allotted, the transcript may be used as if signed.

21  
22                              Yours,  
23                              Veritext Legal Solutions

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1 Honorable Terry Petteway Et Al. v. Galveston County Et Al.

2 Kassra Oskooii (#5820287)

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24 Kassra Oskooii

Date

25

1 Honorable Terry Petteway Et Al. v. Galveston County Et Al.

2 Kassra Oskooii (#5820287)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Kassra Oskooii, do hereby declare that I  
5 have read the foregoing transcript, I have made any  
6 corrections, additions, or changes I deemed necessary as  
7 noted above to be appended hereto, and that the same is  
8 a true, correct and complete transcript of the testimony  
9 given by me.

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Kassra Oskooii

Date

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\*If notary is required

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SUBSCRIBED AND SWORN TO BEFORE ME THIS

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\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

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NOTARY PUBLIC

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# **Exhibit 18**

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UNITED STATES DISTRICT COURT  
FOR THE  
SOUTHERN DISTRICT OF TEXAS

TERRY PETTEWAY, THE	§
HONORABLE DERRICK ROSE,	§
MICHAEL MONTEZ, PENNY	§ CASE NO. 3:22-CV-00057
POPE, AND SONNY JAMES,	§
	§
PLAINTIFFS,	§
	§
VS.	§
	§
GALVESTON TEXAS; AND	§
THE HONORABLE MARK	§
HENRY, IN HIS CAPACITY	§
AS GALVESTON COUNTY	§
JUDGE,	§
	§
DEFENDANTS.	§

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ORAL AND VIDEOTAPED DEPOSITION OF  
MARK E. OWENS, PH.D.  
APRIL 13, 2023  
(REPORTED REMOTELY)

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ORAL AND VIDEOTAPED DEPOSITION OF MARK E.  
OWENS, PH.D., produced as a witness at the instance of  
the NAACP Plaintiffs and duly sworn, was taken in the  
above-styled and numbered cause on Thursday,  
April 13, 2023, from 9:08 a.m., CST, to 5:37 p.m., CST,  
before Kari Behan, CSR, RPR, CRR, a Texas certified  
machine shorthand reporter, witness participating  
remotely from League City, Texas, pursuant to the  
Federal Rules of Civil Procedure and the provisions  
stated on the record herein.

Job No. 5854237



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PROCEEDINGS:

(Thursday, April 13, 2023, 9:08 a.m., CST)

THE VIDEOGRAPHER: We are now on the record for the video deposition of Dr. Mark Owens. The date is April 13th, 2023. The time is 9:08 a.m., Central Time. The witness is appearing remotely from League City, Texas.

This is the matter of Honorable Terry Petteway, et al, versus Galveston County, et al. This is filed in the United States District Court for The Southern District of Texas, Civil Action No. 3:22-cv-00057.

The court reporter is Kari Behan. The videographer is Will Rain. Both are representatives of Veritext.

And, now, will counsel please state your appearances for the record.

MS. KLEIN: This is Hilary Klein from The Southern Coalition for Social Justice on behalf of the NAACP Plaintiffs, and I am joined by other counsel for NAACP Plaintiffs, Adrienne Spoto, also of The Southern Coalition for Social Justice.

And now I will allow the Petteway Plaintiffs to introduce their counsel.

MR. GABER: Good morning. This is

1 Mark Gaber on behalf of the Petteway Plaintiffs. I'm  
2 joined today by Simone Leeper, Bernadette Reyes,  
3 Alexandra Copper and Valencia Richardson, also on behalf  
4 of Defendants.

5 MS. SMITH: My name's K'Shaani Smith. I'm  
6 appearing on behalf of the United States in this matter,  
7 representing -- or from the Department of Justice. Also  
8 appearing on behalf of the United States is Catherine  
9 Meza.

10 Thank you.

11 MS. OLALDE: Good morning. Angie Olalde,  
12 Jordan Raschke Elton, and Joseph Russo on behalf of  
13 Defendants.

14 THE COURT REPORTER: Dr. Owens, would you  
15 please raise your right hand.

16 Do you solemnly swear the testimony you're  
17 about to give will be the truth, the whole truth, and  
18 nothing but the truth, so help you God?

19 THE WITNESS: I swear.

20 MARK E. OWENS, Ph.D.,  
21 after having been first duly sworn by the  
22 above-mentioned Certified Court Reporter, was examined  
23 and testified as follows:

24 THE COURT REPORTER: Thank you. We may  
25 proceed.

1 MS. KLEIN: Thank you.

2 EXAMINATION

3 BY MS. KLEIN:

4 Q. Good morning, Dr. Owens. My name is  
5 Hilary Klein for The Southern Coalition for Social  
6 Justice. I represent one of the plaintiff groups, the  
7 NAACP plaintiff group, in this matter.

8 I'm going to ask you some questions this  
9 morning, and then it's possible that counsel from the  
10 other plaintiff groups are going to ask questions after  
11 that.

12 Have you ever been deposed before,  
13 Dr. Owens?

14 A. I have.

15 Q. How many times?

16 A. Once.

17 Q. And when was that?

18 A. In December.

19 Q. Okay. And that was in the Palmer v. Hobbs  
20 matter; is that correct?

21 A. Correct.

22 Q. Have you ever testified at trial?

23 A. I have not.

24 Q. And you understand that you're under oath  
25 today, correct?

1 A. Correct.

2 Q. So even though we're on Zoom, you understand  
3 that that oath would require the same obligations of you  
4 to answer accurately, as if you were in a courtroom  
5 before a judge. You understand that, right?

6 A. I will, yes.

7 Q. Is there anything that would prevent you from  
8 giving truthful and accurate testimony today?

9 A. No.

10 Q. Have you consumed any substances recently that  
11 would prevent you from testifying accurately today?

12 A. No.

13 Q. Since there is a court reporter, I ask that we  
14 each try not to talk over each other. So, for example,  
15 I will not interrupt you when you're answering a  
16 question, and I ask that you not interrupt me when I'm  
17 asking a question.

18 Does that sound fair?

19 A. Excellent.

20 Q. Also, please try to give audible answers, as  
21 you have been doing, instead of nodding your head, for  
22 example. I know this is being recorded, but we still  
23 need a -- a clear stenographic record just for the  
24 matter. So if you could use verbal answers, that would  
25 be helpful.



1 A. I understand.

2 Q. Thank you.

3 If you don't understand a question, please  
4 let me know. Otherwise, I will assume you have  
5 understood what I'm asking, okay?

6 A. Okay.

7 Q. Your attorney might make objections during this  
8 deposition, but unless she instructs you not to answer  
9 on grounds of privilege, you still answer the question.

10 Do you understand that?

11 A. Yes, I will.

12 Q. Finally, please do let me know if you take a  
13 break -- if you need to take a break. I will offer --  
14 at times, that makes sense in questioning to take  
15 breaks, but if you need additional breaks, please let me  
16 know. The only thing is, I will ask that you finish the  
17 last question I asked you before we go on break.

18 Does that make sense?

19 A. Yeah, that's fair.

20 Q. Dr. Owens, did you bring any notes with you to  
21 today's deposition?

22 A. No.

23 Q. Is there anyone, other than counsel, that's in  
24 the room with you?

25 A. No.

1 Q. And you understand that you're not to discuss  
2 the substance of answers you will be providing with  
3 anyone else, even during breaks, unless you're  
4 discussing, you know, issues of privilege with counsel?  
5 You understand that, right?

6 A. Yes.

7 Q. And that includes communicating by others by  
8 text or e-mail, in addition to talking with them?

9 A. Right. I don't even have my phone.

10 Q. Okay. Did you prepare for today's deposition?

11 A. Yes.

12 Q. How did you prepare?

13 A. I read my reports. I also met with the  
14 counsel.

15 Q. And by "read" your reports, which reports are  
16 you referring to?

17 A. I read the amended report I submitted on  
18 March 31st -- this is one in response to Dr. Krochmal --  
19 as well as an analysis of the compactness of Galveston  
20 County.

21 Q. Okay. Without telling me what you discussed  
22 with your attorneys, can you just tell me who you met  
23 with?

24 A. With Angie Olalde -- or -- well -- okay.  
25 Joe Russo and Jordan, right?

1 MS. OLALDE: It's okay.

2 THE WITNESS: Sorry. Jordan's last name,  
3 we've just been --

4 MS. OLALDE: Raschke Elton.

5 THE WITNESS: Oh, Raschke Elton.

6 BY MS. KLEIN:

7 Q. And about how long did you meet with them?

8 A. Yesterday, I think this would be seven hours.

9 Q. Did you discuss this deposition with anyone  
10 other than the attorneys you just mentioned?

11 A. No.

12 Q. Did you discuss this deposition with anybody  
13 from the Galveston County government, for example?

14 A. No.

15 Q. And so other than the reports that you  
16 mentioned, did you review any other documents to prepare  
17 for this deposition?

18 A. To prepare for this, I -- also, I looked at  
19 documents that were submitted by Mr. Anthony Fairfax and  
20 Mr. William Cooper.

21 Q. Did you review the complaint in this case?

22 A. Can you clarify? I guess I'm trying to -- what  
23 would be identified as the -- the complaint? Is this --

24 Q. Sort of.

25 A. I guess, is it the start of the process -- I'm

1 trying to think -- in this case?

2 Q. That's right.

3 Did you review any of the complaints that  
4 were submitted by Plaintiff that set forth the claims  
5 that Plaintiffs are making in this matter?

6 A. Not recently.

7 Q. But you have reviewed them before the  
8 deposition?

9 A. Yes.

10 Q. Okay. Have you reviewed any materials that  
11 were produced by the defendants in this matter?

12 A. No, I don't believe so.

13 Q. Okay. So, broadly speaking, what opinions were  
14 you engaged to offer in this matter?

15 A. I think the first is what -- to identify the  
16 distribution of Hispanic and Black residents in  
17 Galveston County; in this case, to determine where they  
18 live in a compact area and then to go through a process  
19 of evaluating a Gingles 1 factor.

20 And then, additionally, I looked to the  
21 recent political history of Galveston County to assess,  
22 essentially, the strength of the identified Hispanic  
23 or -- and Black coalition, right, that the plaintiffs'  
24 experts placed -- or identified in their research.

25 Q. So you mentioned the case Gingles. That's the

1 case Gingles v. Thornburg, correct?

2 A. I think so. I believe it's, yeah, Thornburg  
3 v. Gingles.

4 Q. Thornburg v. Gingles.

5 And what do you understand that case to be  
6 about?

7 A. A determination of how you can apply -- really,  
8 why wouldn't at-large districts have the potential to  
9 change the representations of a community; in this case,  
10 in Alabama.

11 So we set forth now a standard of three  
12 parts that we look to to determine whether there is a  
13 community of interest, and they, in particular, meet the  
14 criteria to have representation. So you might use this  
15 to determine whether or not we can use objective choices  
16 to find the idea of whether there is a reason to have a  
17 majority/minority district.

18 Q. So you were asked to perform an analysis of  
19 whether the first element of the Gingles test had been  
20 met in this matter; is that right?

21 A. That's right.

22 Q. And that's in your March 31st amended report?

23 A. It is.

24 Q. What in your experience -- and we'll talk more  
25 about your experience. But what more in your experience

1 do you think qualifies you to assess the first Gingles  
2 criteria?

3 A. First is -- a lot of it is the study of the  
4 history; in this case, why we would introduce this. The  
5 other part of having taught the question of Gingles  
6 factors to students, both in an election law class,  
7 southern politics class, a congress class, and our  
8 understanding here about, just collectively, my study of  
9 Texas and the fact that we have many different -- the  
10 importance of geography towards our understanding of the  
11 Texas electorate.

12 THE COURT REPORTER: Can I request the  
13 doctor slow down just a little bit?

14 THE WITNESS: Happy to.

15 THE COURT REPORTER: Thank you.

16 BY MS. KLEIN:

17 Q. Have you been asked to assess racially  
18 polarized voting in this matter?

19 A. No.

20 Q. So you have not provided an RPV analysis in  
21 this matter, correct?

22 A. I did not.

23 Q. I'd like to talk a little bit about the reports  
24 you've submitted that you mentioned earlier.

25 Why did you submit an amended version of

1 your March 17th report?

2 A. The important part was, this is -- when -- I  
3 think, in some ways, describing how populations fit  
4 within districts can be quite complicated. So I added a  
5 couple things to add clarity to the original report.

6 One is I included, now, Table 1. This  
7 points to the fact of identifying the Black citizen  
8 voting age population, the Hispanic citizen voting age  
9 population, and the White citizen voting age population,  
10 as it is in each commissioners precinct for these  
11 illustrated maps.

12 I also made some parts to, I think, clarify  
13 why those issues particularly mattered. And then  
14 towards the end, I identified the citizen voting age  
15 population, which is in the area of Dickinson that had  
16 previously been part of the Benchmark Plan and points in  
17 --

18 THE COURT REPORTER: I'm sorry. One  
19 second. You are speaking really fast. I did not -- I  
20 did not make that answer out at all.

21 THE WITNESS: Thank you. Because I  
22 realize you just -- just asked me. And so I will --

23 THE COURT REPORTER: Yeah, you're speaking  
24 really fast.

25 THE WITNESS: Start again. The reason

1 being --

2 BY MS. KLEIN:

3 Q. I -- I -- I can break it down, which might make  
4 it easier for the record.

5 A. Sure.

6 Q. Let's talk about the tables that you added, and  
7 then maybe later we'll go into more details.

8 But the tables -- the data that you used to  
9 make those tables, that was available to you before you  
10 submitted your original report on March 17th; is that  
11 correct?

12 A. It is. It was.

13 Q. And, similarly, all of the other changes, that  
14 was all based on information or data available to you  
15 before you submitted your March 17th report; is that  
16 correct?

17 A. It's correct. And then the information and  
18 changes that I made clarified, especially sentences,  
19 that were in the introductory part of the report and the  
20 conclusion part. So instead of having a number of  
21 numbers added into sentences, I did want to put them in  
22 a tabular form.

23 Q. When did you decide that that clarification was  
24 needed?

25 A. I think after the submission of the -- the



1 first report on -- on March 17th. I think, in this  
2 case, coming right in about the week after.

3 Q. What prompted you to believe that  
4 clarifications were needed?

5 A. One is to make sure that I -- I think how I  
6 would communicate this topic on -- on paper. I think  
7 through a process of revision, I -- I often can be  
8 clearer in my communication.

9 And so that's the -- the real reason.  
10 Realizing now, in this case, what I want to do is submit  
11 the best work to the Court.

12 Q. Were you prompted to make those amendments  
13 after receiving the rebuttal report by William Cooper?

14 A. No. I was prompted prior to, when I was told  
15 that it was possible.

16 Q. And you asked whether it was possible, or you  
17 were asked to amend it?

18 MS. OLALDE: I'm -- I'm going to instruct  
19 you not to -- you know, no conversations with attorneys,  
20 no testimony about conversations with attorneys.

21 BY MS. KLEIN:

22 Q. Did you decide yourself that the amendment was  
23 necessary, or was it suggested -- I'll -- I'll strike  
24 that.

25 Did you decide yourself that the amendment

1 was necessary independently?

2 A. Yes, that -- this was my choice to submit it.

3 Q. But to make the amendments in the first place,  
4 was that your idea?

5 MS. OLALDE: Objection, asked and answered.

6 BY MS. KLEIN:

7 Q. You can still answer.

8 Was it your idea to make an amendment?

9 A. It would have been the fact that we had a  
10 conver- -- an opportunity here to -- no. I mean,  
11 this -- I don't believe it -- it is my idea to make the  
12 amendment, because I -- as an idea of it being a  
13 teacher, the important part is to know the -- the  
14 process.

15 I typically thought that if I submitted a  
16 report, that -- that was to review. Now, knowing that  
17 there's an opportunity to improve that work in  
18 communication before it's to be read, I think, yes, when  
19 I had the oppor- -- idea here that we had until  
20 October -- or March 31st as a deadline for other  
21 communications. I see --

22 Q. Do you -- sorry. Go on.

23 MS. OLALDE: Why don't -- why don't you ask  
24 a question?

25 THE WITNESS: Okay.

1 BY MS. KLEIN:

2 Q. Do the reports -- the three reports that you've  
3 submitted contain all of the analysis you intend to  
4 offer at trial in this matter?

5 A. They represent the core of what I want to  
6 identify, but I think in this case, if requested to  
7 submit additional analysis, I -- I would do so.

8 Q. Have you been requested to -- are you  
9 planning -- strike that.

10 Are you planning to submit additional  
11 analysis in this matter?

12 A. I think as the way that my service to the Court  
13 often is -- is -- I think, right now, I have no plan at  
14 this time. I think I am -- in particular, I'm -- I'm  
15 not a driving force in this case.

16 Q. Going back to your reports, do you cite to all  
17 of the authorities and data you relied upon to reach  
18 your conclusions?

19 A. Yes, I believe so.

20 Q. Do you cite to all of the facts and assumptions  
21 you relied upon to reach your conclusions?

22 A. Yes, I expect so.

23 Q. What do you mean by you "expect so"?

24 A. I think, right now, without -- the conclusions  
25 that I built were based off of data; particularly, the

1 American Community Survey 5-year estimates.

2 I also cite details of -- in another report  
3 about news reports, conversations, and direct quotes.

4 So I think in this case I've made a great effort to  
5 cite, in this case, all of those conclusions.

6 Q. Do you expect that there might be facts or  
7 assumptions you relied upon to reach your conclusions  
8 that are not included in your reports?

9 A. I don't expect that.

10 Q. Did anybody assist you in preparing these  
11 reports, other than the review of counsel?

12 A. No, they did not.

13 Q. You didn't have an assistant or a research TA  
14 or somebody help you?

15 A. No.

16 Q. So your counsel provided -- or -- sorry --  
17 counsel for Defendants provided two folders of data on  
18 April 1st that they represented was underlying data  
19 related to your reports.

20 Are you aware that this disclosure was  
21 made?

22 A. Yes. I think that makes -- I provided, as  
23 well, two folders to them on -- on March 31st.

24 Q. Do you know why that information was not  
25 provided at the same time as your report was submitted

1 on March 17th?

2 A. Well, I -- I don't think I can directly -- I  
3 think it's because I did not provide it to them on  
4 March 17th, because we're continuing to collect the data  
5 and package it so it's easy to share afterwards.

6 Q. Did you make any changes to that data, between  
7 March 17th and when it was provided to Plaintiffs on  
8 April 1st, relating to your March 17th report?

9 A. No changes to the data.

10 Q. I'd just like to briefly go through each of  
11 those files just to get an understanding of what they  
12 are. I -- some of the files are rather large, as you  
13 know. So what have I -- what I've done is provide kind  
14 of a summary exhibit using screenshots of that data, and  
15 this is Tab 33.

16 CONCIERGE TECH: Shall that be Exhibit 1?

17 MS. KLEIN: Yes, please. If we can mark  
18 Tab 33 as Exhibit 1.

19 CONCIERGE TECH: Stand by.

20 MS. KLEIN: And if we could share that as  
21 well.

22 CONCIERGE TECH: Yes, Counsel. Marking the  
23 first exhibit is going to take about 30 seconds, and  
24 then I'll share it.

25 BY MS. KLEIN:

1 Q. Okay. While we're waiting for the exhibits to  
2 be marked, you remember the first folder was titled  
3 "Galveston Change Data." Do you recall that?

4 MS. OLALDE: Ms. Klein, since it's a lot of  
5 detailed information, I think it would be better just to  
6 let him review your exhibit.

7 And, also, Dr. Owens, would you prefer if I  
8 pull up the exhibit on my screen so that you can see it,  
9 or would you prefer to look at the change -- the share  
10 screen?

11 THE WITNESS: I think I'm happy to wait  
12 until it appears on the -- the screen --

13 MS. OLALDE: Right.

14 THE WITNESS: -- this time.

15 MS. OLALDE: Do you want to see the exhibit  
16 bigger on my screen, or do you want to look at the  
17 screen in front of you? Which works better?

18 CONCIERGE TECH: I just want to mention on  
19 the record that Exhibit 1 has been marked.

20 THE WITNESS: Yes, thanks.

21 MS. OLALDE: Here you go.

22 THE WITNESS: Oh, great. Yeah. I think  
23 I'm looking at --

24 MS. OLALDE: Hold on. It's not pulling up,  
25 though. Here we go. And you can scroll through that if

1 you need to.

2 THE WITNESS: Okay.

3 (Exhibit 1 was marked for identification.)

4 MS. KLEIN: Rob, just to get ahead of  
5 things, could you please mark as -- could you please  
6 mark Tab 1 as Exhibit 2?

7 Don't put it up, but just put that in the  
8 folder, please.

9 CONCIERGE TECH: That was the notice,  
10 right, Counsel?

11 MS. KLEIN: Sorry?

12 CONCIERGE TECH: That was the notice that  
13 we put in there, Tab 1, mark it as Exhibit 2?

14 MS. KLEIN: Oh, sorry, not Tab 1. Tab 2,  
15 Tab 2.

16 CONCIERGE TECH: Okay. Tab 2 is Exhibit 2?

17 MS. KLEIN: Yes, that's correct.

18 CONCIERGE TECH: Stand by.

19 MS. KLEIN: Just to get ahead of that  
20 timing.

21 BY MS. KLEIN:

22 Q. All right. So we should have screen shared on  
23 the screen --

24 CONCIERGE TECH: I just had to bring it  
25 down -- I'm sorry to interrupt you. I had to bring it

1 down for a second while I marked Tab 2.

2 MS. KLEIN: Okay.

3 CONCIERGE TECH: The next one I won't have  
4 to do that. I'm going to set up another window.

5 MS. KLEIN: All right. If you could put  
6 Exhibit 1 up on the screen.

7 CONCIERGE TECH: Exhibit 2 has also been  
8 marked.

9 (Exhibit 2 was marked for identification.)

10 MS. KLEIN: Thanks so much, Rob.

11 BY MS. KLEIN:

12 Q. So, Dr. Owens, you see right at the top  
13 "Galveston Change Data." Do you recognize that as one  
14 of the data folders that were provided from Defendants  
15 related to one of your reports?

16 A. Yes, these are the files.

17 Q. Of which -- sorry.

18 A. Yeah.

19 Q. Please go on.

20 A. I'll let you ask the question, please. I think  
21 we might about to be talking about the same point, so...

22 Q. Which report does this folder relate to?

23 A. A report for Dr. Krochmal.

24 Q. And that second file, "Gingles 1," that relates  
25 to your March 17th and March 31st amended reports,



1 correct?

2 A. Yes, that -- that was my intent to, I think,  
3 clarify them with those titles.

4 Q. If we look at the list of documents under the  
5 heading "Galveston Change Data Files," can you tell me  
6 what the Excel BlockGR is?

7 A. This is available from the Census data, so it's  
8 BlockGR citizen voting age population for each Census  
9 block.

10 Q. Which -- what date is that data?

11 A. It says March 31st, 2023.

12 Q. So the Census data was -- what date was the  
13 census data in this file collected?

14 A. The date in this Census file, I think, is  
15 available by the -- if it's for the 2016 to 2020 data,  
16 this would have been available, I think, in late 2020 by  
17 the Census.

18 Q. Are you aware that there's also 2017 to 2021  
19 American Community Survey CVAP data available?

20 A. I am aware, yes.

21 Q. Did you use that data in any way in your  
22 reports?

23 A. No.

24 Q. Why not?

25 A. One, because even to the extent, you know, the

1 2016 to 2020 data was not available to the map drawers  
2 at the time that they made their decision; also, the --  
3 in this case, the response that I was providing, because  
4 the first experts used the 2016 to 2020 American  
5 Community Survey data in their analysis.

6 Q. That second file, Excel file titled "Canvass  
7 Results 3-11-2022," can you tell me what that is?

8 A. Results of the March party primary in Galveston  
9 County by precinct.

10 Q. And where did you get that data?

11 A. Galveston County's website.

12 Q. In that last Excel, "Galveston\_straightticket,"  
13 what is that?

14 A. This is documentation of each election, so each  
15 general election, of how much straight-ticket ballots  
16 were cast in Galveston County. At which point, I -- I  
17 cite details towards the documents that those have been  
18 reported for years prior to this, so --

19 Q. And where did --

20 A. Go ahead.

21 Q. And where did you get that data?

22 A. I received it from the Texas Secretary of State  
23 website. Also, there are reports that would provide  
24 additional historical detail from the Austin Community  
25 College. So they've done policy breach, tracking this

1 for a number of years or multiple decades, and they have  
2 data that is a little bit more historical than the  
3 reports of straight-ticket voting provided by the --  
4 well, I think, in this case, Secretary of State or the  
5 Galveston County, which has the details available to us  
6 from 2012.

7 Q. Going down to the Gingles 1 files, can you tell  
8 me what's in the ACS comparisons folder?

9 A. Yeah. ACS comparisons shows to us an  
10 opportunity of data that is anything down- -- I  
11 downloaded from data.census.gov when running a report of  
12 the questions that the Census provides by its --  
13 essentially, when you can look at it by geography and  
14 race and ethnicity.

15 Q. What -- what years does this data set span?

16 A. 2016 to 2020. And then there is -- there are  
17 files which I downloaded but did not reference in my  
18 report. I see one in this case that indicates it does  
19 have the 2021 data. So since I downloaded it, I  
20 included it in this submission here. But it's not used  
21 as part of my analysis.

22 When you're doing the -- I guess, in  
23 particular to give you the instruction, if you're on the  
24 website and you click "Download This," you have the  
25 ability to click or choose multiple surveys. And so,

1 obviously -- we just talked about this, the relevance of  
2 your question, that new data was provided; yet, we've  
3 been working on this case with the 2020 data reflective  
4 of the comparison data of the 2020 Census.

5 Q. So the materials that are listed on this  
6 Exhibit 1, they encompass all the underlying data you  
7 used in your reports, correct?

8 A. And, in fact, more.

9 Q. More than what you've used in your reports?

10 A. Yes.

11 Q. Okay. I'd like to --

12 MS. KLEIN: We can take that exhibit down.

13 Thanks, Rob.

14 BY MS. KLEIN:

15 Q. I'd like to ask you a few questions about your  
16 engagement in this matter. Who contacted you about an  
17 engagement in this matter?

18 A. Attorney Shawn Sheehy.

19 Q. When were you contacted?

20 A. At the time -- our first conversation occurs in  
21 January of this year.

22 Q. Have you done any work in Galveston County  
23 prior to this?

24 A. No.

25 Q. Have you done any work related to Texas

1       redistricting prior to this?

2           A. No. In addition, I would say in relation to --  
3       as far as not being retained by a state or an entity of  
4       Texas. Sorry. I -- I only make that clarification; I'm  
5       a professor of Texas -- in Texas and tend to talk about  
6       Texas elections quite a bit.

7           Q. Other than your academic work, any work in  
8       Texas, even if not for a government entity?

9           A. No.

10                   MS. OLALDE: Objection, vague.

11       BY MS. KLEIN:

12           Q. Other than -- you can still answer it, if you  
13       understood the question.

14           A. I think, in particular, if I'd say, as specific  
15       as possible, if we're both talking about writing reports  
16       on behalf of someone, this would be -- I have not done  
17       that in Texas.

18           Q. What about any work outside of your academic  
19       work? So this would include private contractual work,  
20       like an expert engagement or even consulting work. Have  
21       you done any of that in Texas?

22           A. No, not -- not as a consultant. I just wanted  
23       to ask the question. Sometimes I'm asked to talk about  
24       redistricting in the news or write to -- to local  
25       groups.

1                   So -- sorry -- I think that's where  
2 probably my point is making sure what is work, and --  
3 and again, saying that, in this case, by writing  
4 reports, no, I've not been contractually taken on in the  
5 State of Texas by somebody privately or -- or publicly  
6 prior to this.

7           Q. So no paid work, right?

8           A. No.

9           Q. Have you ever spoken with any member of the  
10 Galveston County government about your work in this  
11 matter?

12          A. I have not.

13          Q. Have you spoken with any colleagues about your  
14 work in this matter?

15          A. Not about the reports to the case. Some are  
16 interested in why I had to come to Galveston and leave  
17 Tyler.

18          Q. Have you ever -- have you spoken with anyone  
19 who participated in the 2021 redistricting of the  
20 Galveston County Commissioner's Precinct Map about your  
21 work in this matter?

22          A. About -- I have not.

23          Q. Did you participate in any way in the 2021  
24 redistricting of the Galveston -- Galveston County  
25 Commissioner's Precincts?

1 A. No, I was not involved.

2 MS. KLEIN: I'd like to pull up Exhibit 2  
3 now, and if we could screen-share that.

4 CONCIERGE TECH: (Complied.)

5 MS. KLEIN: And if we could Zoom in.

6 CONCIERGE TECH: (Complied.)

7 BY MS. KLEIN:

8 Q. Dr. Owens, do you recognize this document?

9 A. I do. I -- I drafted it.

10 Q. What is it?

11 A. It's my, I guess, C.V. or curriculum vitae or  
12 resumé of professional activities.

13 Q. It lists all of the experience you believe is  
14 relevant to your qualifications to give expert opinions  
15 in this matter, right?

16 A. That's right.

17 Q. So you're currently an associate professor at  
18 University of Texas, Tyler, correct?

19 A. I am.

20 Q. And that's a tenured position?

21 A. It is. I have tenure.

22 Q. When did you receive tenure?

23 A. In the fall of 2020.

24 Q. If we skip down to Page 5 of this document,  
25 under a heading titled "Teaching Experience," this lists

1 the graduate and undergraduate coursework you've taught,  
2 correct?

3 A. That's correct.

4 Q. Have you ever taught a course on GIS?

5 A. No. We don't -- GIS is not part of the  
6 political science curriculum.

7 Q. And by GIS, you understand that to mean  
8 Geographic Information Systems, correct?

9 A. Yeah, that's accurate.

10 Q. What about the standards set forth in the  
11 Thornburg v. Gingles decision that we talked about  
12 earlier? Do any of the courses listed here talk about  
13 that standard?

14 A. Of course, we have opportunities to discuss  
15 this in a seminar of politics and in southern politics.

16 Q. How much of those courses involves teaching  
17 about Gingles?

18 A. How much? It would come into the fact when we  
19 discuss redistricting, so it would be a part of a  
20 lecture.

21 Q. How much of one lecture would it include?

22 A. In this case, probably -- I would estimate -- a  
23 quarter of that lecture.

24 Q. So about how many minutes is that?

25 A. Well, in a 50-minute class divided by four,



1       yeah. So we've got a little bit more than -- than 10  
2       minutes, 12 and a half.

3             Q. And that's for each of the two courses you  
4       mentioned?

5             A. Good point. So I -- I was answering that  
6       question a little bit more thinking about  
7       undergraduates. So if you do think about this with the  
8       graduate program of three hours, you'd probably get a  
9       longer discussion of this, with questions, towards  
10      30 minutes.

11            Q. Does -- in either of those classes you  
12      mentioned, does your teaching involve instruction on the  
13      technical aspects of drawing a voting plan?

14            A. No. I -- I introduce the topics to students.  
15      This would advance their understanding from the  
16      introductory courses.

17            Q. What do you mean by you introduce the topics?

18            A. So, I think, the idea of introducing  
19      examples -- so in this case, for example, most of the  
20      time we might identify in an introductory class  
21      redistricting happens when the -- especially in Texas,  
22      when the legislature chooses to do so. Students often  
23      learn that, you know, we can redistrict actually at any  
24      time in the decade, because there are some great  
25      examples of that from our own history.

1                   But we also have -- then, they are talking  
2 about the consequences of redistricting, like, the fact  
3 that incumbents have to run in new areas or district  
4 lines to meet population stand- -- standards.

5                   My mind is that, then, once you start  
6 taking a specialized class, we introduce new specialized  
7 topics that are going to help them. And so not only the  
8 Gingles factor is going to be one of the important ways  
9 that we talk about evaluating districts, and I think  
10 that's important for students to know.

11                  Q. You mentioned specialized classes. Do you  
12 teach any specialized classes on the Gingles standard?

13                  A. Not as a class in itself; it becomes part of  
14 the course.

15                  Q. Which course?

16                  A. Southern politics.

17                  Q. So in the southern politics class or the other  
18 undergraduate class you mentioned, do you instruct on  
19 what are considered to be traditional redistricting  
20 principles?

21                  A. Yeah. In lecture we'll discuss the --  
22 particularly, the importance of equal population, right,  
23 contiguity compactness, yes.

24                  Q. Any others?

25                  A. I think, in particular, about the importance of

1 minority protections, yes, and the fact of how we  
2 identify, right, municipalities. What are political  
3 boundaries? How do people think about roadways? So  
4 that we understand that it's not just always placement  
5 of only red voting districts; that there's more behind  
6 that. They can kind of define a community as people  
7 would experience in their everyday life.

8 So, yeah, there's a -- really in our  
9 classes, especially with undergraduates, making sure  
10 that they identify what they see on a daily basis and  
11 why it matters to the profession they're about to enter.

12 Q. So if I understood your answer correctly, you  
13 instruct your students that traditional redistricting  
14 principles include equal population, contiguity,  
15 compactness, protecting minority populations,  
16 identifying municipalities, and roadways.

17 Is there any other traditional  
18 redistricting criteria you instruct your students should  
19 be considered?

20 A. No. I think, in this case, as part of the --  
21 the introduction, that is largely where we -- we  
22 introduce. We can go beyond that.

23 And often when we have a student who is  
24 taking this case of research, they can focus more on  
25 what are the similarities that people have as far as --

1 again, they could look towards their lifestyles, right,  
2 their education, their incomes, right, what makes  
3 something -- communities in addition to race, right,  
4 more similar or different.

5 But I think, collectively, this is part of  
6 where, in teaching, we respond a lot to what -- students  
7 ask questions and kind of directedly respond to them.  
8 And so most importantly, right, yes, there's parts of  
9 things I want to teach them, but I don't always control  
10 the direction of that class. We can follow the students  
11 interest.

12 Q. What academic sources do you rely upon when  
13 you're teaching about traditional redistricting  
14 principles?

15 A. Most clearly, we have -- the response to this  
16 often is important. We can turn to websites from the  
17 Civil Rights Division of the Department of Justice. We  
18 can also use, right, Charles Bullock's book about  
19 redistricting in America. It's a textbook.

20 THE COURT REPORTER: I'm sorry. What was  
21 that book? You're still speaking super fast.

22 THE WITNESS: Thank you.

23 Charles Bullock wrote a book about  
24 redistricting in America.

25 BY MS. KLEIN:

1 Q. You mentioned compactness as one of the  
2 traditional redistricting principles you teach about.

3 What do you teach your students regarding  
4 compactness?

5 A. First, it's a little more general than what  
6 we're talking about here in regards to this case, but it  
7 is the fact about shapes and -- you know, the discussion  
8 here about that these shapes are actually reflective of  
9 the populations within them, and that that -- in this  
10 case, there's going to be two different levels to think  
11 about compactness.

12 Q. What are the two levels?

13 A. One is the -- the shape, and the other will be:  
14 Does that shape reflect, right, representative  
15 population?

16 Q. Do you teach about any principled analysis for  
17 assessing whether a district is reasonably compact?

18 A. The principled analysis -- in this case, I  
19 think it comes in parts, but often we will use cases,  
20 like examples in particular that we have about: How did  
21 we get to this spot?

22 We talk about Shaw versus Reno, right,  
23 Miller versus Georgia. And so the students get examples  
24 of: Where did someone in particular have an intent to  
25 do this, and then where has it changed?

1                   So this gives you a sense that students  
2 want to also know more about, yeah, LULAC v. Perry,  
3 other cases, that might reflect to them, but also that  
4 these are concerns that pop up across the country.

5           Q. Do you teach specific metrics of compactness?

6           A. No.

7           Q. Do you teach how to use Maptitude?

8           A. I do not. It's a -- that's not something that  
9 our course fees can -- can cover to give students access  
10 to that class. So for tuition reasons, we do -- don't  
11 even think about using Maptitude.

12           Q. Do you test your students on whether a voting  
13 plan would meet Gingles 1?

14           A. No, that's not part of a -- a test or a quiz.

15           Q. Do you test your students on whether a minority  
16 population in a certain configuration would be  
17 reasonably compact?

18           A. No, that would not -- is not a test question  
19 that I've asked.

20           Q. In any of your courses -- strike that.

21                   Let's go back to Page 1 of your CV. This  
22 is Exhibit 2. Under "Education," it lists a BA in  
23 Political Science from the University of Florida, an MA  
24 in Government from John Hopkins University, a Visiting  
25 Doctoral Student in the Department of Politics from the

1 University of Oxford, and a Ph.D. in Political Science  
2 from the University of Georgia.

3 Is anything missing from that list?

4 A. No. These are, I guess, everything since --  
5 since high school that would reflect the -- the degrees  
6 or substantial experience that I've had at a -- another  
7 university.

8 Q. Thanks.

9 Dr. Owens, I'm cognizant of time, and it  
10 might help for us not to have to keep you longer than we  
11 need if you answer "yes" or "no" for some of the more  
12 straightforward questions. I just don't want to have to  
13 keep you here longer than you'll -- you'll -- necessary.

14 What was the focus of your Ph.D.?

15 A. American Politics and -- and theologies. That  
16 was my -- my minor.

17 Q. American Politics at what levels?

18 A. I guess our degrees of political science are  
19 garnered in -- in international affairs. American  
20 Politics is our major fields.

21 So my dissertation focuses on congress, but  
22 I also took courses, as we think about this, in election  
23 administration, right, other topics you can see, sort  
24 of, throughout the preparation.

25 Q. Did you discuss county-level redistricting in

1 your Ph.D. dissertation?

2 A. I did not.

3 Q. Did you discuss redistricting in your  
4 dissertation?

5 A. No. It's about congressional appropriations.

6 Q. Did any of your course- -- coursework include  
7 training on GIS?

8 A. No.

9 Q. Did any of your coursework include training on  
10 the technical aspects of drawing a voting plan; for  
11 example, drawing a voting plan in Maptitude?

12 A. No.

13 Q. Did any of your coursework include definitions  
14 of what would be considered traditional redistricting  
15 principles?

16 A. Yes. I was a -- in this case, number one, a  
17 grader for Charles Bullock at the University of Georgia,  
18 and I believe it's also part of a class that I took on  
19 election administration.

20 Q. What about specific metrics for assessing  
21 compactness? Was any of that part of your coursework?

22 A. Certainly in the way that they were introduced  
23 to understand them as -- as scores generated with a  
24 meaning of their shapes.

25 Q. Which coursework did -- covered that?



1           A. I think this becomes the time that I'm first  
2 introduced to it, so I think that in reviewing plans as  
3 part of research, and I think election administration  
4 would primarily be the -- the place that I learned  
5 those.

6           Q. Election administration?

7           A. Yes.

8           Q. Did any of your coursework include instruction  
9 on how to evaluate whether a voting plan complies with  
10 the Voting Rights Act?

11           A. No. This isn't part of my courses, as much as  
12 it can be part of additional research that we do and  
13 reading as an academic.

14           Q. You listed two items under "Professional  
15 Experience." The first is as an APSA Congressional  
16 Fellow in the U.S. Senate from 2015 to 2016.

17                        At the time the Office of the President Pro  
18 Tempore, that was Orrin Hatch, a Republican of Utah,  
19 correct?

20           A. Yes. That was his position.

21           Q. How did you get your position in his office?

22           A. Two stages: One is that you apply in a, sort  
23 of, national search towards being selected as one of the  
24 political science faculty members to have a year-long  
25 fellowship.

1                   And then once you arrive in Washington,  
2 D.C., you interview with offices; in this case, to find  
3 where you might be placed. And through that process, I  
4 did an interview, met with staff that were in Senator  
5 Hatch's office, and they offered me a -- a position.

6           Q. Did that position involve any  
7 redistricting-related work?

8           A. No.

9           Q. Second, you list work as a legislative  
10 assistant for two U.S. representatives from 2000 to  
11 2009. Which representatives did you work for?

12           A. I think first, sort of, just easy, it's 2007,  
13 to identify, and then 2009. It was just, I guess, two  
14 years.

15                   But the two representatives that I worked  
16 for, they were former representatives at the time. So  
17 it'd be Representative Tom Davis and Representative  
18 Charlie Bass.

19           Q. They were former representatives at the time;  
20 am I understanding that correctly?

21           A. Yes. The -- at this time, they were the -- the  
22 chair leading the -- a nonpar- -- well, policy  
23 organization, which was called the Republican Main  
24 Street Partnership.

25           Q. So they were both former Republican

1 representatives, correct?

2 A. Yes.

3 Q. And do you identify as Republican as well?

4 A. I guess -- I think, yes. I've voted in  
5 primaries in Texas primarily in the Republican Party,  
6 but as you probably know, we don't register as partisan  
7 in this state.

8 Q. Moving on to the "Books" section of your CV,  
9 I'd like to ask you about the Game in Politics [sic]  
10 book from 2021 first.

11 Can you describe your involvement in  
12 drafting this book?

13 A. My involvement is that I wrote chapters that  
14 were, sort of, relative to my expertise of Congress,  
15 represented here, & Presidency, and I think in the  
16 campaigns.

17 The opportunity is, this is to introduce --  
18 it's an Open Source Textbook that we have for primarily  
19 freshmen who enter college and want an introduction to  
20 the United States Government and how it operates.

21 Q. So which specific chapters do you remember  
22 drafting for this book?

23 A. In this case, the Elections, Congress,  
24 Presidency.

25 Q. Did you review the entire book before it was

1 made public?

2 A. Yes. That was part of our review process, was  
3 we reviewed each other's chapters.

4 Q. Are you relying on any analysis you did in this  
5 book to form the opinions you're offering in this  
6 matter?

7 A. No. I'm relying on -- on data from the  
8 American Community Survey or research that's specific to  
9 Galveston, not this book.

10 Q. All right.

11 MS. KLEIN: I'd like to pull up -- I'd like  
12 to pull up this book. It'll be Tab 6, and we can mark  
13 it as Exhibit 3.

14 CONCIERGE TECH: (Complied.)

15 (Exhibit 3 was marked for identification.)

16 MS. OLALDE: Ms. Klein, just for download  
17 purposes, is it a large file?

18 MS. KLEIN: It may be.

19 CONCIERGE TECH: Tab 3 -- sorry --  
20 Exhibit 3 has been introduced. It is a little bit  
21 large.

22 MS. OLALDE: Okay. Thank you.

23 CONCIERGE TECH: You're welcome.

24 MS. KLEIN: Can we scroll to PDF -- or,  
25 actually, Page 61 of the book. I don't know what PDF

1 page that is, but I -- it should be marked as Page 61.

2 We can get there.

3 MS. OLALDE: Just one minute. It's taking  
4 a moment to download on our end.

5 CONCIERGE TECH: Yeah. Actually, each page  
6 takes a little bit longer than we would expect. One  
7 second.

8 MS. OLALDE: I'll let you know once we have  
9 it up.

10 CONCIERGE TECH: You said 61, Counsel?

11 MS. KLEIN: 61.

12 So, Angie, are you using the screen share?

13 MS. OLALDE: I am, but the screen share,  
14 especially for this book, is very small, so it's more  
15 difficult to read the text. So what I'm doing is, I'm  
16 pulling up the exhibits as they are dropped into the  
17 Chat and making that the full screen on my laptop so  
18 that Dr. Owens can see better and, also, scroll through  
19 the exhibit as he needs to.

20 MS. KLEIN: I just want to make sure -- I'm  
21 worried that the video record is not going to accurately  
22 reflect what the witness is looking at.

23 So I'd ask that -- could we, instead, have  
24 the witness or you ask to have the book scrolled in?  
25 And you can instruct Rob to move to specific pages, but

1 I just want there to be consistency between what's  
2 showing on the screen for the video record and what I  
3 believe the witness is looking at and what he actually  
4 is looking at.

5 MS. OLALDE: Well, Ms. Klein, I will  
6 represent to you, as an officer of the Court, that what  
7 I am showing the witness is a bigger version of the  
8 exhibit that is being shared on screen. I do have  
9 concerns about the witness's ability to be able to  
10 scroll through exhibits that you are showing and also  
11 his ability to be able to see the text clearly.

12 Since you are not in the room, you cannot  
13 see that in front of him is a smaller laptop which I've  
14 had to put up in order to help him go through this  
15 deposition.

16 And the text of the book in the exhibit  
17 that you are showing him is very small. So what I am  
18 trying to do is to help you show the witness the  
19 exhibits that you are trying to go through with him, and  
20 I will do that on my laptop so that he can see it, and  
21 he can scroll through it.

22 MS. KLEIN: Will you let me know if the  
23 witness scrolls through different pages that are not --

24 MS. OLALDE: Yeah. And I think that that  
25 can also happen -- sure. And I think that can also

1 happen with your questioning and conversation with him.

2 And right now I am trying to load the  
3 exhibit, and it's still taking some time. If you'd  
4 like, you can e-mail it to me, and I can also open it up  
5 that way if that might be faster.

6 MS. KLEIN: Okay.

7 Rob, could you zoom in on the page that you  
8 have up right now?

9 Zoom in further, further, further.

10 CONCIERGE TECH: This is max zoom right  
11 now.

12 MS. KLEIN: That's max zoom?

13 BY MS. KLEIN:

14 Q. Dr. Owens, can you see the text on that page?

15 A. Yeah, I see three paragraphs.

16 Q. Okay. Just while your counsel is pulling up  
17 the page, I'm going to try to ask you questions. And if  
18 the issue she identified might be issues actually come  
19 up, we'll work around them. I certainly want you to be  
20 able to see what I'm asking you about. That's  
21 definitely a clear objective. And I also want you to be  
22 able to have context around what I'm asking you about.

23 MS. OLALDE: Ms. Klein, could you -- could  
24 you possibly allow him to scroll? And that might also  
25 assist in the review of the document. Because I am

1 unable to download it through the Chat, so I still  
2 cannot see the exhibit through our "Marked Exhibits"  
3 folder.

4 CONCIERGE TECH: Is that okay with you,  
5 Counsel?

6 MS. KLEIN: Let's go off -- let's go off  
7 the record for a second, if we can, and sort out this  
8 technical issue. It might make the rest of the  
9 deposition go faster.

10 THE VIDEOGRAPHER: We are off the record at  
11 10:03 a.m.

12 (Brief recess taken.)

13 THE VIDEOGRAPHER: We are back on the  
14 record at 10:16 a.m.

15 MS. KLEIN: If we could please put up --  
16 and scroll to Page 60. This is Page 60 of Exhibit 4,  
17 The Battle -- sorry, Exhibit 3, Game of Politics.

18 If you could scroll up to Page 60.

19 CONCIERGE TECH: (Complied.)

20 BY MS. KLEIN:

21 Q. And you see that heading there, Dr. Owens,  
22 Establishing, Representation, and One Person, One Vote  
23 in the House? Is this one of the sections that you  
24 drafted?

25 A. It is.



1 Q. Okay. If we scroll down to the next page, 61,  
2 and I'd like you to look -- you write about a few cases  
3 here on the lower part of the page, Karcher v. Daggett;  
4 if we scroll down, South Carolina -- South Carolina  
5 v. Katzenbaum, and then if we go lower, that Miller  
6 v. Johnson case that you mentioned earlier and Alabama  
7 Legislative Black Caucus v. Alabama from 2015.

8 Did you apply the standards in any of these  
9 cases in your analysis in this matter?

10 A. The Thornburg v. Gingles cases will be the one  
11 referenced this case; the others that we've discussed  
12 here, in particular, not to my knowledge. I mean, a  
13 slight reference, I think, is made to the, in  
14 particular, Wesberry, or Reynolds versus Simms, and we  
15 talk about this, that the -- you know, equal population  
16 within, now, our counties. But these are, of course,  
17 federal and state.

18 Q. Well, they're not county-level cases, correct?

19 A. No.

20 Q. What about in assessing compactness? Did you  
21 use any of the analyses set forth in any of these cases  
22 to do an analysis of compactness in Galveston County?

23 A. I did not reference this -- my part of the  
24 textbook when doing this analysis.

25 Q. If we scroll to Page 62 and we go to the

1 heading titled "Cracking," you see that?

2 A. I do.

3 Q. And you can see that under "Cracking," it says:

4 Because districts must have equal populations, lines  
5 will divide neighborhoods. However, a city or  
6 neighborhood that is split to reduce its influence on  
7 electing their representative raises concerns.

8 Do you see that?

9 A. Yes.

10 Q. Cracking can also occur against a racial group;  
11 is that correct?

12 A. Yes, it can, in context.

13 Q. Would you agree that splitting a racial group  
14 to reduce its influence on electing their representative  
15 also raises concern?

16 A. I think in my idea, I think, yes, it -- it can  
17 raise a concern in the fact of why we would have a  
18 review and an assessment.

19 Q. Looking down to the next section, "Incumbency  
20 Protection," in this paragraph on the fourth line at the  
21 end, it says: Second, changes to the district's core  
22 constituency should be minimal, meaning most of the  
23 voters who elected the incumbent in 2020 should still be  
24 in the district in 2022.

25 Do you still agree with that statement

1 about maintaining core constituency?

2 A. I do. I agree with the statement in the fact  
3 of, in its application to congress, when we think about  
4 introducing the topic to students. I mean, there's a  
5 certain part here where I would say, in my mind, we  
6 obviously have to make, any time there's redistricting  
7 decisions, a reflection of population changes.

8 And where -- if -- this probably takes into  
9 assumption that there would be minimal population  
10 change. And where that has occurred, there would be a  
11 substantial part of that district. I mean, I think  
12 there's political history or there's political  
13 geography. All can be considered.

14 Q. But as a principled approach, do you believe  
15 core constituency and maintaining a core constituency is  
16 a principled approach that can be taken in  
17 redistricting, correct?

18 A. Yeah. I think it's direct. I will also say  
19 that that is a -- a principle and an opportunity to do  
20 this, because if you are emphasizing incumbency  
21 protection, like the subheading points to in this  
22 paragraph.

23 Q. So that would be something relevant if you were  
24 taking in consideration incumbency protection, correct?

25 A. And an -- yes. In an opportunity, you would

1 consider this of: How likely is that incumbent to  
2 continue to get their same vote share? Do they have the  
3 same voters? It's just -- it's -- it's one of the many  
4 factors that will be considered.

5 Q. You do not discuss county-level redistricting  
6 in this book, correct?

7 A. No. This book is -- in particular, this  
8 chapter is focused on -- titled "Congress." I don't  
9 discuss county-level redistricting in another chapter or  
10 in this chapter.

11 Q. You do not provide analysis of what minority  
12 population distributions might satisfy the Gingles 1  
13 factor either, right?

14 A. No. This is a -- a textbook written to the  
15 population of introductory college students.

16 Q. You do not conduct any analysis of Census data  
17 in this book, correct?

18 A. I think in this case I would expect, throughout  
19 the entire book, I've probably made mention to  
20 population sizes and things like that. So I think -- if  
21 we could clarify something about analysis to Census  
22 data, the work that was done in this case, right, I will  
23 admit in this case is not going to appear in a textbook.

24 Q. You did not draft any demonstrative voting maps  
25 for this book, correct?

1 A. No, I did not.

2 Q. You did not analyze any demonstrative voting  
3 maps for this book, correct?

4 A. Correct. It's a -- it's a textbook.

5 Q. You did not discuss the term "traditional  
6 redistricting criteria" in this book, correct?

7 A. No. That phrase is unlikely to be used.  
8 Although, we have in this case just reviewed, right,  
9 subheadings that point to some of these criteria.

10 Q. You did not discuss what makes a voting  
11 district or map reason- -- reasonably compact in this  
12 book, correct?

13 A. Correct.

14 Q. Okay. Thank you.

15 MS. KLEIN: We can take this down and mark  
16 the next Exhibit 4, which will be Tab 7, "Battle for the  
17 Heart of Texas."

18 (Exhibit 4 was marked for identification.)

19 BY MS. KLEIN:

20 Q. You recognize that title, right?

21 A. I do.

22 Q. We're going to pull that up, but while we're  
23 waiting, I'll ask you a few preliminary questions.

24 What was your involvement with the book  
25 "Battle for the Heart of Texas"?

1           A. I'm a co-author on this textbook with two  
2 colleagues at my university. We've also done quite a  
3 bit of the -- the survey work that went into the  
4 analysis of this. And then I've utilized, as well, a  
5 study of past voting trends in Texas and information  
6 about -- from the Census and the American Community  
7 Survey.

8           Q. Did you draft specific chapters of this book?

9           A. I did.

10          Q. Do you remember which ones?

11          A. Yeah. Let's see. For clarity -- right now, I  
12 can't scroll, but we can go to the Table of Contents.

13          Q. I should -- I should clarify also, this exhibit  
14 is a demonstrative, because I could not download the PDF  
15 of this book. And also had concerns I was going to make  
16 a free version of the whole book available, so -- and I  
17 didn't want to do that.

18          A. Oh, no.

19          Q. So this is just excerpts.

20          A. I think the publisher appreciates this.

21          Q. Yeah. This is a -- this is absolutely just  
22 excerpts. Let me see if I included a table -- I don't  
23 believe I included a Table of Contents, but I can pull  
24 one up.

25                   CONCIERGE TECH: I just passed control to

1 the witness -- I'm sorry to interrupt. I just passed  
2 control of my computer to the witness.

3 MS. KLEIN: Well, let me -- I don't think I  
4 have a Table of Contents in this.

5 BY MS. KLEIN:

6 Q. So let me just ask you: Did you review the  
7 entire book before it was published?

8 A. I did.

9 Q. Are you relying on any analysis from this book  
10 in forming the opinions you're offering in this matter?

11 A. No. This book is not cited. I think it's  
12 just -- will be part of my knowledge and what I'm  
13 creating, but I did not cite to this book for an  
14 opinion.

15 Q. You do not discuss county-level redistricting  
16 in this book, correct?

17 A. That's correct.

18 Q. You do not --

19 A. This is a book about elections in Texas.

20 Q. You do not provide analysis of what minority  
21 population distributions might satisfy Gingles 1 in this  
22 book either, correct?

23 A. Correct.

24 Q. You did not conduct -- strike that.

25 You did not draft any demonstrative voting

1 maps for this book, correct?

2 A. There are certainly maps in this book. So  
3 clarify: What do you mean by -- by the voting maps?

4 Q. Did you --

5 A. Because I have maps of elections and county  
6 election returns.

7 Q. Did you draft any demonstrative voting district  
8 maps for this book?

9 A. No. This is a book about, essentially, voting  
10 in statewide elections.

11 Q. Did you analyze whether any voting maps would  
12 satisfy the Gingles 1 criteria for this book?

13 A. No.

14 Q. You do not discuss the term "traditional  
15 redistricting principles" or "traditional redistricting  
16 criteria" in this book, correct?

17 A. Correct.

18 Q. And you do not discuss in this book what makes  
19 a voting district or a voting map reasonably compact,  
20 correct?

21 A. Correct.

22 Q. You do discuss in this book the increased  
23 racial polarization of Texas statewide politics during  
24 the 1990s. Do you remember that?

25 A. Yes. I think -- does this come under



1 Chapter 1?

2 Q. I think so. And we can go to -- we can scroll  
3 down. And then at the top, I've put the expert --  
4 excerpt page numbers just for clarity on the record.  
5 But if we scroll down to Page 26, "Nook for Web page,"  
6 Page 26 --

7 A. Okay.

8 Q. -- can you see the text? Is it big enough for  
9 you?

10 A. Yeah, I -- I mean, exactly. I can see part of  
11 the text. I think my issue is more making sure if I  
12 want to focus in on a particular sentence, but let's get  
13 started.

14 Q. Yeah. So if you scroll down all the way to the  
15 bottom of this page, and let me -- it says: But as  
16 Texas politics became more -- as polarized as national  
17 politics, with White voters increasingly opting to  
18 support the more economically and socially conservative  
19 Republican candidates in highly visible elections.

20 Do you see that?

21 A. Uh-huh. And then I'm coming into the fact that  
22 it was in the -- kind of, at the bottom of the screen,  
23 but which paragraph?

24 But as -- yeah, I -- I'm just trying to  
25 make sure when I see it, be ready for the next question.

1                   But, yes, let's -- please ask your  
2 question.

3           Q. You also mention in this book that the two  
4 major political parties in Texas remain divided by race.

5                   Do you remember that?

6           A. Yes.

7           Q. In this book you attribute race relations,  
8 Democratic support for civil rights and policies like  
9 the border wall and immigration as causing Black and  
10 Latino voters to more strongly prefer Democrats.

11                   Do you recall that?

12           A. I recall these very broad topics. Which page  
13 are we looking at in our excerpts?

14           Q. Sure. I'm happy to direct you to pages.

15                   But you do recall making those  
16 statements --

17           A. Yes --

18           Q. -- in this book?

19           A. -- I think we were also pointing to the fact  
20 that they are going to be at different levels, right?  
21 So part of this -- our intent of the book is also to  
22 understand Latino electorate and that they're going in  
23 possibly sometimes to support Republicans and then other  
24 times to support Democrats.

25                   THE COURT REPORTER: Dr. Owens, please slow

1 down.

2 THE WITNESS: Sure.

3 THE COURT REPORTER: Thank you.

4 BY MS. KLEIN:

5 Q. You -- you go so far as to say that Republicans  
6 have a race problem in Texas.

7 Do you recall writing that in this book?

8 A. I don't think that -- I'm an author on the  
9 book, but I think collectively that's not a chapter that  
10 I contributed to.

11 Q. I'll take you to the page; this is PDF Page 15.

12 A. Okay.

13 Q. And we will scroll down to that. And it's  
14 Chapter 7, Race and Social Justice in Texas Politics.

15 Do you recall whether you drafted this  
16 chapter of the book?

17 A. Sure. I'm not the primary author of this  
18 chapter.

19 Q. Who was the primary author?

20 A. Kenneth Bryant, Jr.

21 Q. Did you offer edits to this chapter?

22 A. Yes, I did.

23 Q. Did you disagree with the statements in this  
24 chapter before it was published?

25 A. No, I don't -- in this case, in particular, I'm

1 not going to make disagreements with my colleague, and  
2 we're just offering, in many ways, directions towards  
3 particular comments we got from reviewers, of other  
4 experts towards this book, and anything that we could  
5 add to for clarity.

6 But, yeah, I think collectively we opened  
7 this up for conversations. There's -- obviously, a lot  
8 of what's changing in Texas politics references to the  
9 part here of whether or not there is a race problem with  
10 the Republican Party.

11 Q. Do you think your colleague took a principled  
12 approach when he wrote this section of the book?

13 A. Yes. I think he is using the same part --  
14 history and -- and justifying parts of his -- the  
15 claims.

16 Q. So do you think the claims he makes in this  
17 section are the result of principled methods of analysis  
18 in political science?

19 A. In particular here, if I think about the  
20 methodology, this is often mostly descriptive evidence  
21 that's being used, and we will -- but, yes, the fact  
22 here is, there's going to be often a case of history,  
23 right, recent political history that's talking about  
24 this. And, you know, I think, given the time of our  
25 book coming out in 2022, a lot of attention here was

1 focused on events like summer of 2020.

2 Q. So this is a very up-to-date analysis of race  
3 relations in Texas, correct?

4 A. Yes.

5 Q. What about the other statements we talked about  
6 before that weren't part of Chapter 7? Do you disagree  
7 with any those statements you recall making in the book?

8 A. No. I think in this case I have a -- general  
9 statements of -- said in the book, I think, largely will  
10 fit with my -- my view.

11 Q. I mean, you wouldn't put your name on something  
12 that you disagreed with, right?

13 A. Right, yeah, absolutely.

14 Q. I wouldn't -- I wouldn't either, so I  
15 understand that.

16 Do you recall that your colleague also, in  
17 Chapter 7, talked about how Republicans have shifted  
18 from overt racial appeals in the past to what is termed  
19 "abstracting" racial issues to make them sound race  
20 neutral? Do you remember that discussion in this?

21 A. I do. This is -- this discussion was focused  
22 most often on congressional races in Dallas.

23 Q. Okay.

24 MS. KLEIN: We can take this down.

25 CONCIERGE TECH: (Complied.)

1 BY MS. KLEIN:

2 Q. I'd like to go back to your CV, which is  
3 Exhibit 2, and I'm going to move a little bit faster  
4 now, and we can move on to other topics.

5 But just to close out your experience,  
6 let's scroll down to the articles that you list under  
7 "Articles." So there's three on Page 1, and then if we  
8 scroll down, there are, looks like, eight more on --  
9 seven or eight more on Page 2, so ten articles total.

10 Are these all of the peer-reviewed articles  
11 that you've published?

12 A. Yes.

13 Q. Is it correct that none of these articles  
14 discuss in depth the Voting Rights Act?

15 A. Yeah. That's not the primary focus, in  
16 particular, with these. The -- we have -- the reference  
17 towards voting laws will come towards Article 7, or  
18 Numbered 7, changes in attitudes about opportunities  
19 here of absentee voting in Texas.

20 But, yes, a lot of these, even to the top,  
21 you're not going to -- but the Voting Rights Act is not  
22 the primary focus of these articles.

23 Q. And redistricting is not the primary focus of  
24 the articles either?

25 A. No, it's not.

1 Q. Traditional redistricting principles or  
2 criteria, that's not the focus either, correct?

3 A. No.

4 Q. How voting maps should be drawn is not the  
5 focus?

6 A. No. I don't offer many opinions about how they  
7 should be drawn.

8 Q. And the Gingles standard, that's not the focus  
9 of any of these articles, correct?

10 A. No.

11 Q. What constitutes a compact voting district is  
12 not the focus of any of these articles either, correct?

13 A. That's correct.

14 Q. And what constitutes a geographically compact  
15 racial group is also not the focus of any of these  
16 articles?

17 A. You're right.

18 Q. So none of these articles relate to the issues  
19 you opined on in this matter; is that right?

20 A. That's right. It just focuses on general  
21 knowledge and an ability to do social science for  
22 American Politics.

23 Q. And if we scroll down to "Book Chapters" on the  
24 next page of your CV, in all those questions I asked,  
25 none of these book chapters focuses on those issues

1 either, correct?

2 A. That's right. It's focused on congress and  
3 teaching.

4 Q. Moving on to "Awards," you list four awards.

5 None of those are related to the drawing of  
6 voting maps, correct?

7 A. No. I -- I'm curious. I'm trying to build my  
8 resumé. Is there an award for redistricting?

9 But, no, sorry.

10 Q. And under "Grant & Contract Support," do any of  
11 these projects relate to the opinions you've offered in  
12 this matter?

13 A. No, they do not.

14 Q. Is there any published material coming out of  
15 these projects that's not otherwise listed on your CV?

16 A. Not that's identified as forthcoming, no. We  
17 have papers in preparation or trying to work on them.

18 Q. So taking all that in sum, is it fair to say  
19 that your academic research has not focused on  
20 redistricting?

21 A. I would think, in this case, that redistricting  
22 is not the only thing that I cite. And so, primarily,  
23 we have other parts of research and work, in this case,  
24 of topics you can do to help counties or states.

25 And so my published work, it's focused



1 right now on understanding a lot of the population  
2 dynamics that exist in a geographic area. Those skills  
3 still --

4 Q. Which -- which of your published works are you  
5 referring to?

6 A. "Battle for the Heart of Texas" is primarily  
7 based off of survey research talking about different  
8 geographic areas within the State of Texas. So that  
9 gives you, essentially, not a countywide analysis but a  
10 statewide analysis that's relevant.

11 Also, leading the project of the survey  
12 research that was on vaccine hesitancy in Texas really  
13 focused in on the different public health regions that  
14 are here in the state. So that would be a sub-state  
15 study.

16 Q. In either of those things you just mentioned,  
17 did they focus on the configuration of voting maps  
18 specifically?

19 A. No. They focus on people who live in an area  
20 and what their beliefs are.

21 Q. So would you say that it's fair to say the  
22 configuration of voting maps has not been a focus of  
23 your academic research, correct?

24 A. I would say that's -- that's one of your  
25 evaluations. It's sort of a subjective point.

1                   But in the idea of, no, I don't have a  
2 published work saying what my standard is of a voting  
3 district. I think what shows here is a lot of research  
4 that is identified to understanding how you would apply  
5 research and data from the American Community Survey to  
6 political outcomes.

7           Q. Voting behaviors, correct?

8           A. It's voting behaviors, but here we're also  
9 talking about -- it could be to anything, right; I mean,  
10 attitudes towards receipt of -- or receiving the vaccine  
11 in Texas or reasons for hesitation.

12           Q. But the configuration of how districts in a  
13 voting map, that has not been a focus of your academic  
14 work, correct?

15           A. Correct. It's been -- I've been able to review  
16 other research, right, and take in those readings,  
17 but...

18           Q. You have not published any peer-reviewed  
19 articles on the configuration of voting maps, correct?

20           A. Correct.

21           Q. You have not published any peer-reviewed  
22 academic materials on what might constitute a compact  
23 district in a voting map, correct?

24           A. That's correct.

25           Q. And you have not published any peer-reviewed

1 articles or books about what would constitute a  
2 geographically compact minority population; is that  
3 correct?

4 A. No. But I think -- in this case, we certainly  
5 have research in this case that focuses on where you  
6 have higher concentrations of minority populations and  
7 what their perspectives are and how they also contrast  
8 to others.

9 Q. Taking out voting behaviors, just talking about  
10 geographic location, what article are you talking about  
11 that you've published that talks about geographic  
12 locations in minority populations?

13 A. Because we are focusing on -- on an article out  
14 of a textbook, the "Battle for the Heart of Texas."

15 Q. Okay. "Battle for the Heart of Texas," okay.

16 You have a bio of yourself on the  
17 university website.

18 MS. KLEIN: And let's pull it up. I think  
19 it'll load pretty quickly, Tab 9, and we'll mark it as  
20 Exhibit 5.

21 CONCIERGE TECH: (Complied.)

22 (Exhibit 5 was marked for identification.)

23 BY MS. KLEIN:

24 Q. And let's scroll right in -- if we can scroll  
25 in to this. Do you recognize this, Dr. Owens?

1 A. Uh-huh. I mean, I do, yeah.

2 Q. And scroll down. It's you -- it's a picture of  
3 you.

4 Did you have -- did you look at this before  
5 it was posted on the university website?

6 A. Yes. I mean, essentially, most often, we'll  
7 provide a paragraph that someone else uses to post on  
8 the website.

9 Q. So if we scroll down to "Biography" section, is  
10 this the paragraph that you provided?

11 A. Yes.

12 Q. And you -- it's up-to-date; it -- it accurately  
13 summarizes the current focus of your academic work?

14 A. I think in the role of -- as far as up-to-date,  
15 the last time this was updated would be more than a year  
16 ago. But I -- I still think that, yes, this describes  
17 much of the published work that I've had and -- but --

18 MS. KLEIN: We can take that down. Let's  
19 go to Tab 10, and we'll mark that as Exhibit 6.

20 (Exhibit 6 was marked for identification.)

21 BY MS. KLEIN:

22 Q. And this is just your bio from your website as  
23 well. And I'll ask you to tell me that you recognize it  
24 and it looks accurate.

25 A. Okay.

1 Q. And this is your -- so this is a PDF copy.

2 MS. KLEIN: We can zoom in.

3 CONCIERGE TECH: (Complied.)

4 BY MS. KLEIN:

5 Q. Do you recognize this as your website?

6 A. Yeah. I think with the fonts, I do, and --  
7 let's see -- then move down, we've got topics. Agreed.

8 MS. KLEIN: Let's scroll down.

9 CONCIERGE TECH: (Complied.)

10 BY MS. KLEIN:

11 Q. So you -- you're the one that decides what goes  
12 on this website, correct?

13 A. Yeah. Nobody else has control.

14 MS. KLEIN: Scroll down.

15 CONCIERGE TECH: (Complied.)

16 BY MS. KLEIN:

17 Q. And if we look -- and then it looks like the  
18 picture has cut off the text a little bit. But --

19 A. Okay. So I think -- zoom in. I can read it,  
20 though.

21 MS. OLALDE: Just make sure she can still  
22 see you on the --

23 THE WITNESS: Oh, sorry. Can you -- oh,  
24 sorry, yeah.

25 MS. OLALDE: Yeah. If you're going to look

1 at the exhibit, just --

2 THE WITNESS: Side-by-side --

3 MS. OLALDE: Right.

4 THE WITNESS: -- groups.

5 But, yeah, I think it's currently working  
6 with the center and my scholarship -- sorry -- explains  
7 how. And then we'll see here, the public response to  
8 institutions.

9 BY MS. KLEIN:

10 Q. So this is also up-to-date, correct?

11 A. Yes.

12 Q. Okay.

13 MS. KLEIN: We can take that down.

14 CONCIERGE TECH: (Complied.)

15 BY MS. KLEIN:

16 Q. Let's briefly go back to your CV; this is  
17 Exhibit 2. And, here, let's go to Page 4 of that  
18 Exhibit 2. I just want to close out your CV so we can  
19 move on to other topics.

20 MS. KLEIN: Can we zoom in -- max zoom in  
21 to Page 4, and look at the commentary.

22 CONCIERGE TECH: (Complied.)

23 BY MS. KLEIN:

24 Q. These are all news articles, correct?

25 A. Yes. That's --

1 Q. They're not peer-reviewed, correct?

2 A. No, it should be like an -- well, right, not  
3 peer-reviewed. Op-eds for the public to see.

4 Q. And none of them discuss voting maps or  
5 redistricting, correct?

6 A. No.

7 Q. None of them discuss voting patterns across  
8 racial groups either, correct?

9 A. No.

10 MS. KLEIN: We can take that -- oh, sorry.  
11 Keep the exhibit up. Let's go to invited talks very  
12 briefly.

13 BY MS. KLEIN:

14 Q. All of the redistricting-related talks that you  
15 list here were for the League of Women Voters; is that  
16 correct?

17 A. Yes. All those that have the titles, that's  
18 right.

19 Q. What -- are there any other non-League of Women  
20 Voters talks that talked about redistricting?

21 A. Yeah. At Bates College I gave a talk on Martin  
22 Luther King Day about the legacy of the Voting Rights  
23 Act in 1965.

24 Q. Did you talk about the --

25 A. I talked about the amendments to the Voting

1 Rights Act.

2 Q. What kind of talk was that at Bates? What did  
3 you cover? How long was it? What did you cover, for  
4 example?

5 A. Yeah. I was one of, what I think I remember is  
6 two presenters, as part of an hour-long panel. It's a  
7 celebration towards Martin Luther King and its focus  
8 there.

9 So I described a little bit of how -- what  
10 started with the 1965 Voting Rights Act. And, in  
11 particular, right now, it would be, like, introduction  
12 of preclearance, and talked about the expansion of  
13 preclearance.

14 Q. And for the League of Women Voters talks --

15 A. Uh-huh.

16 Q. -- how did you come to give these talks to the  
17 League of Women Voters?

18 A. Yeah. I was invited by their -- their board;  
19 in this case, sort of involvement with the community.  
20 We know them well, and I've been on their nominating  
21 committee. So some of the times as their university,  
22 right, as one of the experts, they tend to ask me to  
23 come and talk about recent topics or topics of general  
24 interest.

25 So we talked about redistricting in a large



1 forum, right, prior to the -- the Census, and that was  
2 to motivate people to know that the Census was about to  
3 be collected and that they should be participate.

4 Q. They're not an academic group, correct?

5 A. No. I think they're a civic organization.

6 Q. And for the Bates College, was redistricting  
7 the focus of your speaking at that event?

8 A. Yeah. It was one of the two focuses. I mean,  
9 I think I have anything related to other voting laws,  
10 but --

11 Q. How was it the focus?

12 A. The focus to talk about how it sets up the role  
13 of, right, courts and -- most often about congressional  
14 redistricting.

15 Q. Did you talk about a principled approach to  
16 assessing whether Gingles 1 was satisfied in a  
17 jurisdiction during that Bates College talk?

18 A. I guess, I can't -- I can't recall all the  
19 details of that.

20 Q. Okay. And then, lastly, if we look at  
21 "Conference Presentations," did any of these  
22 presentations relate to research that's not otherwise  
23 listed on your CV?

24 A. Yes. It would be parts of working papers and  
25 groups that we have in draft form, so...

1 Q. Things that have -- things that have not been  
2 published yet?

3 A. That's correct. So if they're still collecting  
4 data on them or working towards projects, yes.

5 Q. Is there any working paper that you've  
6 discussed here that relates specifically to the issues  
7 you opined on in this case?

8 A. No.

9 Q. And then if we scroll down to --

10 MS. KLEIN: Let's scroll down to External  
11 Service -- let's skip to External Service.

12 BY MS. KLEIN:

13 Q. On Page 5 you list experience providing  
14 racially polarized voting analyses in two court cases;  
15 is that correct?

16 A. Yes.

17 Q. Anything related to any litigation, other than  
18 this case, that is not listed here?

19 A. No. I haven't submitted reports to litigations  
20 other than these.

21 Q. Okay. The Palmer v. Hobbs case, I'd like to  
22 just talk about that briefly. That's a matter in the  
23 Western District of Washington, correct?

24 A. Yes.

25 Q. Who engaged you to work in that matter?

1           A. The contact that I received was from attorneys  
2 in the Holtzman Vogel firm.

3           Q. That's the same firm that's representing the  
4 party you were retained by in this case as well,  
5 correct?

6           A. Yes.

7           Q. And you are an expert for the intervening  
8 Defendants in that case, correct?

9           A. Yes.

10          Q. Are you aware of what Plaintiffs have claimed  
11 in that matter?

12          A. From the initial claim, yes.

13          Q. What are the claims in that matter?

14          A. The claim is that, you know, there's a  
15 five-district -- or five-county region of the Yakima  
16 Valley, which I think could constitute a community of  
17 interest.

18                    But, I think, collectively, the important  
19 part is that that's focused primarily on a Hispanic  
20 district and not relevant towards the -- I guess, my use  
21 of the data here, on a Black and Hispanic district.

22          Q. Palmer is about state legislative districts,  
23 right?

24          A. It is, yes.

25          Q. And the plaintiffs have brought Section 2

1 claims in that case, correct?

2 A. Yes.

3 Q. And you understand Section 2, I'm referring to  
4 Section 2 of the Voting Rights Act?

5 A. Yeah. I expected that that was what you were  
6 referring to.

7 Q. So the intervening defendants that you were an  
8 expert for, they're opposing those Section 2 claims,  
9 correct?

10 A. I think, perhaps -- I but I think --

11 Q. Were you --

12 A. I guess my role in that case was to determine  
13 whether there -- the Hispanic population was cohesive in  
14 the area.

15 Q. Did you provide a Gingles 1 analysis in that  
16 report?

17 A. No, I was not asked to do so.

18 Q. Were you asked to look at the geographic  
19 dispersion of the Latino population in that report?

20 A. No. I was primarily focused on their voting  
21 behaviors.

22 Q. So you did not discuss traditional  
23 redistricting principles in your report for that matter?

24 A. I would think, collectively, there's a  
25 possibility that I did when it described towards a

1 particular -- what I can refer to mostly would be  
2 population deviation and others, but when you think  
3 about the compactness of the district proposed, that's  
4 outside the scope of what -- the work I was doing.

5 Q. So you didn't discuss measures of compactness,  
6 for example, in that report?

7 A. Not that I recall.

8 Q. And you did not discuss map-drawing techniques  
9 in that report either, correct?

10 A. Well, I described a little bit about the -- the  
11 selection of voting precincts in a particular city.

12 Q. Did you draw -- did you discuss -- did you  
13 opine on racial gerrymandering in that report at all?

14 A. At the -- yes, there was a general claim in --  
15 in -- but I don't recall, no. I think I discussed that  
16 a little bit on the part of why two areas were  
17 connected.

18 But if anything, it would be a response to  
19 what the claim or what the experts provided in their  
20 report.

21 Q. You provided a supplemental report in that  
22 material as well, correct?

23 A. Yes.

24 Q. And that was to update your original racially  
25 polarized voting analysis in that matter?

1           A. Yes, I did. They -- this was sort of  
2 immediately after 2022 election. So now that the  
3 election had occurred and we had the new district in  
4 place, we updated the results which had been submitted  
5 before that election.

6           Q. Is it correct that the Court has not made any  
7 determination as to the admissibility of your opinions  
8 in that matter?

9           A. I'm not aware.

10          Q. Moving on to the second litigation that you  
11 list, BVM v. Lee, this is a matter in Florida state  
12 courts, correct?

13          A. Yes.

14          Q. Are you aware of what Plaintiffs' claims are in  
15 that matter?

16          A. Yes. This is focused in on -- let's see -- its  
17 progression, primarily the north Florida congressional  
18 district.

19          Q. Do you recall whether they have brought  
20 Section 2 Voting Rights Act claims in that matter?

21          A. I think it's -- yes, I believe that they did.

22          Q. Have -- were you asked to provide a Gingles 1  
23 analysis in that matter?

24          A. No. I focused primarily on the Gingles 2.

25          Q. That's racially polarized voting?

1 A. Exactly.

2 Q. And you were retained by the Florida Secretary  
3 of State in that matter?

4 A. No. I was retained by Holtzman Vogel, I think,  
5 who's working with -- I can't remember -- in the  
6 connection or chain with the Florida Secretary of  
7 State's office.

8 Q. So this matter's also with the same law firm  
9 that you're working with in this matter, Galveston,  
10 correct?

11 A. Yes.

12 Q. And they are counsel for the Florida Secretary  
13 of State, correct?

14 A. Yeah, my understanding.

15 Q. Have -- were you deposed in that matter?

16 A. No.

17 Q. Have you provided trial testimony in that  
18 matter?

19 A. No.

20 Q. Did -- all right. We can -- we can move on to  
21 the -- the last external service that you list here, and  
22 that is map consultant for People Not Politicians  
23 Oklahoma, independent U.S. house and state district  
24 plans in 2021.

25 What is People Not Politicians Oklahoma?

1           A. This is a nonpartisan, like, in this case,  
2 interest group. I understood them for voter education,  
3 and they are in Oklahoma. And so met with them, and the  
4 fact is they are looking for and working towards a  
5 redistricting amendment for the Oklahoma Constitution.

6           Q. How did you become engaged with that group?

7           A. It's because I was introduced to them -- man,  
8 was contacted by their executive director, as well, who  
9 knew faculty, I think in this case, at the University of  
10 Oklahoma.

11          Q. Do you remember when you were contacted?

12          A. Uh-huh. So this year would have been 2021. We  
13 started in 2020, expecting census data to be released  
14 right on time.

15          Q. And it wasn't released on time, right?

16          A. I agree, no.

17          Q. When was it released?

18          A. It was released later in 2020.

19          Q. And you were asked to draw the maps when they  
20 first reached out to you?

21          A. I was.

22          Q. Why were they asking you to draw maps?

23          A. So in my under- -- the State Legislature of  
24 Oklahoma had an open-map submission opportunity that  
25 they used. They even consulted with -- or -- sorry --



1       partnered with Dave's Redistricting App and allowed  
2       people to submit and upload proposals.

3               So in this case, the opportunity was to  
4       identify an expert and come up with the best map that  
5       they could when thinking about items that might be,  
6       right, compact and, in particular, reflect the political  
7       geography of Oklahoma at three different levels in state  
8       legislature as well as the U.S. House.

9               Q.   Can you tell me briefly what your approach was  
10       for drawing those maps?

11              A.   Uh-huh.  The first was to identify -- start  
12       with a district and how it could be created with where  
13       population centers primarily were.

14              So my attention first was towards an idea  
15       of the middle, and then going out.  So Oklahoma City is  
16       a large population center, and tried to create as many  
17       compact shapes that we could within looking at the  
18       political boundaries in Oklahoma.

19              Q.   Did you incorporate any public comment in your  
20       process?

21              A.   Yes.  There was public comments and testimonies  
22       which identified an interest of where a -- a U.S. Air --  
23       I believe, Air Force base would be put.  That's  
24       historically been part of one of the congressional maps,  
25       and it was stated of an interest, I think, by the public

1 there.

2 So the interest group identified that was  
3 something to -- to keep in mind.

4 Q. Do you recall how many public hearings there  
5 were?

6 A. I did not know that. So I was out of the  
7 state.

8 Q. Do you recall when those public hearings took  
9 place?

10 A. No, I think that they had moments where there  
11 may have been sort of public town halls in their direct  
12 part. And then if those stopped, I think in the timing  
13 of COVID, there was sort of a, I think, a particular  
14 disruption of how this process was going.

15 Q. Did you apply a certain set of criteria when  
16 you were drafting those maps, other than that first that  
17 you talked about starting with population centers?

18 A. No, I think -- I -- I largely -- I was applying  
19 the standards of what the ballot initiative would have  
20 included.

21 Q. What do you mean by the "the ballot initiative  
22 would have included"?

23 A. Yeah. So the draft legislation that they would  
24 have had to introduce as a ballot initiative identified  
25 factors that they believed might be the basis of the

1 fair redistricting in Oklahoma.

2 Q. Do you remember what those factors were?

3 A. I think -- really, offhand, I don't recall.

4 But I think the opportunity, in this case, I think that  
5 it'd be -- primarily the emphasis was on compactness,  
6 right, some consideration that there'd be -- alleviating  
7 some of the political competitiveness, and, right, to  
8 the idea of when there was a -- a compact group that --  
9 of voters that they have -- identifying if there was an  
10 opportunity to have a -- a district for them.

11 So that was, I think -- but collectively,  
12 if I recall, there may have been a total of five, about  
13 five principles that they have. And the leading ones  
14 that we were looking for were things that might be more  
15 compact, things that followed the political boundaries  
16 of the areas.

17 Q. Do you agree that having a set of criteria  
18 before drawing a voting map is helpful?

19 A. I think, in this case, it's outside or not  
20 really for me to determine as a political science  
21 professor. It's a certain thing that -- in that  
22 instance, I was given a set of criteria that even had  
23 been adopted by the State to show how that might have  
24 guided the process. So I think --

25 Q. Is that helpful to drawing a voting map?

1           A. I think, in particular, for someone -- it set a  
2 direction, which I could do, but then, again, there were  
3 other considerations which we had, which -- in thinking  
4 about where those population centers are.

5                       So, I think, one of the great parts about  
6 that criteria was, it still was reflective towards, you  
7 know, where were populations gained and also to the idea  
8 of, you know, how can we update their view of Oklahoma  
9 maps.

10           Q. I'd like to --

11           A. And so --

12           Q. -- take a closer look at one of the  
13 congressional plans -- the congressional plan you  
14 drafted.

15                       MS. KLEIN: And if we could mark Tab 36 as  
16 Exhibit 7.

17                       CONCIERGE TECH: (Complied.)

18                               (Exhibit 7 was marked for identification.)

19                       MS. KLEIN: Can we zoom in on that, please?

20                       CONCIERGE TECH: (Complied.)

21 BY MS. KLEIN:

22           Q. Do you recognize this as a Facebook post?

23           A. If you say it was posted on Facebook, I agree.

24 This is definitely a social media post with the -- the  
25 ledgers and everything.

1 Q. So I'll represent that this is a Facebook post  
2 from the account of People Not Politicians.

3 And if you scroll down, do you recognize  
4 that map that's shown in the post?

5 A. Yes. It's a --

6 Q. And scroll --

7 A. -- for the U.S. Congress in Oklahoma.

8 Q. Does that look like the map that you drew for  
9 them?

10 A. Yeah. I think it is, because I was just  
11 involved in, right, suggesting what that map might be.  
12 I -- yeah.

13 Q. Did you draw this map?

14 A. I think I drew something very close to it. In  
15 all honestly, I believe that this is a representation of  
16 what that submission was.

17 MS. KLEIN: And if we scroll back up, and  
18 we can here zoom the maximum amount and -- if possible,  
19 all the way to the top.

20 BY MS. KLEIN:

21 Q. Did you see this Facebook post before it was  
22 made on November 12th, 2021?

23 A. No, I did not.

24 Q. So I'm going to ask you about some of the  
25 things in this Facebook post to ask if you agree with

1 them, and I'll just read from -- starting from the top.

2 Have you seen the People's Map? We know  
3 that the legislature acts like their map is the only one  
4 available to be approved, but it's not. We submitted a  
5 map that is more fair and more representative than  
6 theirs in nearly every way. We call it the People's Map  
7 because we drew it based on the feedback of thousands of  
8 Oklahomans throughout the state.

9 Do you agree with that statement, that the  
10 People's Map is more fair than the ones that the  
11 Oklahoma legislature had proposed?

12 A. I think, in this case, I don't have a --  
13 without analyzing all of the maps together, I don't have  
14 a part of whether it's more fair or not. I think that  
15 the great opportunity that we have of when they  
16 published this was, it reflects back the criteria that  
17 they set forward, right, and used in the definition of  
18 being fair.

19 So I think that's right. And that's where  
20 the difference of opinions was.

21 Q. So it's helpful to have a published set of  
22 criteria that you can use to assess whether a map meets  
23 that criteria later after drafting, right?

24 A. I think, right now, that helps this Facebook  
25 post representation of having the checkmarks of knowing

1 what it does.

2 So to that, right, the criteria will give  
3 you a set to evaluate it, and I think that you also have  
4 opportunities here to use very general understandings,  
5 even just about people, where they live, to give our  
6 evaluation of a district to.

7 Q. The first checkmark that -- you know, you  
8 referenced the checkmarks.

9 The first checkmark says: Keeps 93 percent  
10 of Oklahomans in the same congressional district. The  
11 legislature's map is only 87 percent.

12 When it says "keeps them in their  
13 district," that means compared to the former map, the  
14 benchmark, correct?

15 A. Yes.

16 Q. Do you agree that that makes this map more  
17 advantageous than the legislature's, assuming that those  
18 statistics are true?

19 A. Oh, in this part, I would just think that  
20 that's a key fact. I don't know that that makes it more  
21 advantageous.

22 Q. Why not?

23 A. I think in any -- right, this being one of the  
24 examples that we know where Oklahoma, or any of its  
25 population would have changed. But to the idea, number

1 one, is if there is any reason, right, to make a map  
2 sometimes more, you know, compact or to this idea at  
3 first is -- and individuals may change. They're still  
4 going to get representation. So --

5 Q. Why does your client think that this is more  
6 advantageous?

7 MS. OLALDE: Ms. Klein, I don't think he  
8 was finished with his answer. I just want to make sure  
9 you're allowing him to finish his answers, please.

10 MS. KLEIN: Oh, sure. Yes.

11 BY MS. KLEIN:

12 Q. Please finish your answer, Dr. Owens.

13 A. So in this case, the historical district of  
14 Oklahoma's Congressional District 5 was itself, right, a  
15 square, because that county is a square. And so one of  
16 the things that's -- I think, we noticed the population  
17 changing, it has also grown. And that was this idea,  
18 number one, is that population shrank.

19 So I think any time we do redistricting  
20 populations -- I guess, I start from the idea  
21 populations will change. And whether these  
22 percentages -- I always think of it as a way to open up  
23 the conversation. But it's not something necessarily  
24 you'd say one is more advantageous than another.

25 Q. When you were drafting this map, did you start



1 from the Benchmark Plan, from the benchmark  
2 congressional plan?

3 A. I did, and the fact being -- but then there  
4 were also parts that were changed, I think in  
5 particular, the -- and we made the selections in  
6 particular how that -- you know, public feedback or  
7 other considerations, when you think about where the  
8 populations were. If you look right now, part of  
9 district 4 goes into district 5, right? We were --  
10 primarily focused on -- and that district changed quite  
11 a bit.

12 And our first idea, I would say, you know,  
13 it's the bench -- we started with the benchmark and the  
14 idea of how to keep as many counties whole in the state.  
15 So I had started with two, kind of, criteria in that  
16 case.

17 Q. So starting from a Benchmark Plan is a  
18 principled approach, correct?

19 A. Yes, I'd agree.

20 Q. The second to the last --

21 A. One thing is --

22 MS. KLEIN: Sorry.

23 BY MS. KLEIN:

24 Q. Sorry. Please continue.

25 A. It came with the assumption that the benchmark

1 map provided, right, a good representation of its  
2 community in each case. So to that mind, right, we're  
3 thinking that -- as many would describe, there's  
4 differences between what was enacted in this one. But  
5 the opportunity is that when you start with that  
6 benchmark, right, we carry a lot of the history of  
7 what's -- what's been taken in that case.

8 So, you know, the benchmark preserved parts  
9 of the Oklahoma panhandle, right? I think that was  
10 important to do in this case as well. Because that  
11 community is going to be a lot similar.

12 Q. So the history of the Benchmark Plan is also  
13 relevant when you're deciding how to change a plan,  
14 correct?

15 A. Correct. I think it should be considered and  
16 also evaluated.

17 Q. Does -- the second-to-last bullet says it's  
18 advantageous because it does not unnecessarily divide  
19 any racial or ethnic communities.

20 Do you agree with that statement?

21 A. Yes. I think this map did not do that.

22 Q. Did not do what?

23 A. Oh, in this case, divide racial and ethnic  
24 communities.

25 Q. And did you consider it important, while you

1 were drafting this map, to pay special attention to not  
2 dividing racial or ethnic communities?

3 A. No. It was a -- in this case, when we think  
4 about levels of priorities, it was a -- the first  
5 priority was county -- I think in this case, right,  
6 keeping the County whole in its district.

7 And then where decisions were going to be  
8 made was an important thing, in particular, at the U.S.  
9 congressional level, right? In Oklahoma there are not  
10 majority/minority districts. But at the same time, when  
11 we would come back after the lines were drawn, make an  
12 evaluation, and I think in this case, determine can that  
13 be improved?

14 Q. Did you -- so you did an evaluation for your  
15 client in this case --

16 A. Uh-huh.

17 Q. -- on the issue of whether any racial or ethnic  
18 communities were unnecessarily divided, correct?

19 A. Yeah. In this case, because of the public  
20 nature of this presentation, we were using the  
21 descriptive studies which often which included what  
22 dates redistricting map was going to create. Because  
23 then the public could see that.

24 But those do involve things like the  
25 compactness scores, the measurement of the minority

1 population in the district, right? Comparing it back to  
2 its -- especially to its benchmark and others. And then  
3 also any details, if need be, about the political  
4 competitiveness of that district.

5 Q. So it sounds like you took great care to be  
6 really transparent about the metrics of this plan and  
7 how it changed from the benchmark.

8 Is that fair to say?

9 A. Yes. That's the mission of the organization.

10 Q. Do you think that that attention to  
11 transparency is also important for governments to pay?

12 A. I think, at first, it's when we're -- it's  
13 important for me that the government follows the law  
14 that they have. And so I think that's the first part  
15 that we looked at, is there a direction for them to do  
16 that?

17 In this case, like we're -- I'm taking the  
18 direction from the -- the mission of the organization,  
19 and in particular, why we took the exercise, to use --

20 Q. Did --

21 MS. OLALDE: Wait. Ms. Klein, just make  
22 sure that you're allowing him to finish his answer,  
23 please.

24 And also, once you get to a stopping point,  
25 can we take a short break?

1 MS. KLEIN: Yeah, absolutely. I think in  
2 about three minutes, we'll able to take a break.

3 THE WITNESS: Cool. Thank you.

4 MS. KLEIN: I'm sorry to interrupt you.  
5 You're just getting paused. I'm jumping the gun. Too  
6 much caffeine.

7 Please continue.

8 THE WITNESS: I thought in this case it  
9 was, yeah, following their mission. And the same  
10 opportunity for me was to use something, again, the  
11 county's process. So the very simple part, my  
12 understanding is that the government sees this -- of  
13 Oklahoma -- the government sees this as a presentation  
14 of what an alternative could be.

15 But that was what we were, you know,  
16 advocated for. And, then, I think, collectively this  
17 organization is looking, right, to advocate for their  
18 opportunity to have that be considered.

19 BY MS. KLEIN:

20 Q. So as a political scientist, as an expert in  
21 American political institutions, do you think  
22 transparency should also be a concern, an objective, for  
23 American government institutions?

24 A. I would think, in particular, that that was  
25 the -- I mean, in this process one is to think about we

1 were creating this -- we created our map, and then we  
2 shared it. At the same time that was consistent with  
3 the process, I think, of the state legislature had asked  
4 for.

5 So transparency is something that, once the  
6 decision is created and then it's presented, that was a  
7 clear comparison of alternatives. But I would say in my  
8 mind, right, the fact that this was -- I was focused on  
9 this one. I did not yet know what the State was going  
10 to provide.

11 Q. I understand that.

12 I'm asking your opinion as a political  
13 scientist, whether you think that same attention to  
14 transparency is something that governments should also  
15 be paying attention to, as far as providing information  
16 about maps and how they -- might have changed from what  
17 was previously in place.

18 MS. OLALDE: And I just want to object to  
19 the scope of the questioning, because that is not the  
20 capacity that Dr. Owens has been designated to testify  
21 in this case.

22 You can answer to the extent you  
23 understand.

24 THE WITNESS: I think it's sort of similar  
25 to the question that I had done before. It's most

1 important to me that the government follows the -- the  
2 laws that it has. And very much similar to this  
3 exercise that we have and the conversation that's going  
4 to happen in Oklahoma, is whether voters, right, utilize  
5 an opportunity here where they can change that law.

6 And so where there's agreement, I think  
7 that's my idea of the institutions, that transparency  
8 needs to have its own sort of set stages, right,  
9 schedules. But at the same time, we're focused in on  
10 the public wants to understand what clear alternatives  
11 it has to make the comparison.

12 BY MS. KLEIN:

13 Q. I just want to make sure I'm understanding what  
14 you're saying.

15 You don't think that governments should be  
16 as transparent when they are drafting voting maps, as  
17 you were when you drafted this voting map for a  
18 nonprofit organization?

19 MS. OLALDE: Objection, misstates prior  
20 testimony.

21 You may answer.

22 THE WITNESS: I think in this case the  
23 opportunity was, yeah, we made an effort to do so. But  
24 I would say, in this case, what I'm trying to clarify  
25 is: We showed the final product, right? We reviewed

1 aspects of what their public testimony had been, right,  
2 as summarized by the groups. I think none of -- and  
3 that's part of the transparency.

4 But, you know, when you think about, in  
5 particular, meetings and other opportunities where, as  
6 anything, the maps may go through rounds of revision.  
7 And that is, you know, I think a direct part of knowing  
8 part of its -- you know, its history. But at the same  
9 time, it's something that what goes into effect in  
10 institutions are most often focused in on understanding  
11 the final offer. And in this case, district -- what  
12 district plan was created.

13 So that, I think, is the idea. You want to  
14 know what the proposal was. And being transparent about  
15 that is good. In this case we used a public platform to  
16 be transparent about, right, what the alternative was.

17 BY MS. KLEIN:

18 Q. I'm not sure I got an answer to the question.

19 Do you think it's important for governments  
20 to be as transparent as you were when you were working  
21 for this nonprofit?

22 A. Uh-huh.

23 MS. OLALDE: Objection, asked and answered,  
24 and also objection to the scope of the questioning as  
25 beyond Dr. Owens's designation in this case.



1                   You can answer to the extent you know.

2                   THE WITNESS: Uh-huh.

3                   And I think in my mind I was trying to  
4 emphasize through examples how we went beyond -- I think  
5 this legal standard of transparency that the State of  
6 Oklahoma had.

7                   So I think at the minimum, I want to make  
8 sure, as an institutionalist, that the -- a government  
9 is following the -- the laws that it has about a  
10 redistricting process, right, and the moments beyond  
11 that, right? I think, in particular, is what we can  
12 talk about.

13 BY MS. KLEIN:

14                  Q. What I'm -- uh-huh.

15                  MS. OLALDE: Hold on. Ms. Klein, please  
16 allow him to answer -- to complete his answer.

17                  THE WITNESS: The part I'm trying to say  
18 through examples is, you know, any opportunity where  
19 one -- you know, a process occurs and one process has  
20 more than another is just, in my mind, a reflection of  
21 how that occurred. So context matters a lot in this.

22                  And so what happened in Oklahoma, I see, is  
23 something different than what's happening in Galveston,  
24 by, number one, there was even a set process of the -- a  
25 full advertisement that was made and a use of an expert.

1 BY MS. KLEIN:

2 Q. What happened to this map after it was  
3 submitted?

4 A. I think the direct details I'm not all clear  
5 about, but I think I understand that this map is one  
6 that was submitted as part of the -- yeah, the  
7 legislative process, which says, you know: Hey, it was  
8 an alternative for the legislators to take process.

9 But I didn't have involvement in the -- the  
10 project after that submission.

11 Q. This was not adopted, correct?

12 A. No, it was not adopted.

13 Q. None of the maps you drew for Oklahoma were  
14 adopted, correct?

15 A. Correct.

16 Q. Other than those three maps, have you ever  
17 drafted any other voting map in any other capacity?

18 A. No.

19 Q. So you've never drafted a voting map that was  
20 actually used in an election, correct?

21 MS. OLALDE: Objection, asked and answered.

22 THE WITNESS: Right, I don't think so. I  
23 think, typically, you know, maps are things that I've  
24 always, as an institutionalist, continued to expect are  
25 sort of proposed by the -- by the governments. It's up

1 to the Government, right, whether I would be called on  
2 to do that, but I have not been.

3 BY MS. KLEIN:

4 Q. Did any court of law rule that the maps you  
5 drafted in Oklahoma were legally compliant?

6 A. Not that I'm aware. I don't think that this  
7 map was submitted to any court at all.

8 Q. And just to be clear, you've never drafted a  
9 county-level voting map, correct?

10 A. Correct. And I did not draft a map in relation  
11 to this project. I just evaluated maps and illustrated  
12 maps that were submitted.

13 Q. And you've never consulted on a county-level  
14 voting map, correct?

15 A. Correct. This is my first work on county-level  
16 analysis that's on behalf of a government.

17 Q. Okay. Thank you, Dr. Owens.

18 MS. KLEIN: This is a good stopping point,  
19 if you would like to take a break.

20 THE WITNESS: Great. Appreciate it,  
21 Hilary, thank you.

22 MS. OLALDE: Thank you.

23 THE VIDEOGRAPHER: We are off record at  
24 11:23 a.m.

25 (Brief recess taken.)

1 THE VIDEOGRAPHER: We are back on the  
2 record at 11:35 a.m.

3 MS. KLEIN: Thank you. Is the court  
4 reporter ready to go?

5 THE COURT REPORTER: Yes, I'm here. All  
6 set.

7 MS. KLEIN: Great. Thank you so much.

8 BY MS. KLEIN:

9 Q. So during the break, just to save time, I  
10 had -- I've asked to have two exhibits marked.  
11 Exhibit 8, which we will talk about, it's the March 17th  
12 report submitted by Dr. Owens, and then Exhibit 9, which  
13 will be the March 31st amendment to that report.

14 (Exhibit 8 was marked for identification.)

15 (Exhibit 9 was marked for identification.)

16 MS. KLEIN: So I just want to make clear  
17 for the record that by using the amended report as an  
18 exhibit in this matter -- it will be marked as  
19 Exhibit 9 -- I want to be clear for -- that the NAACP  
20 Plaintiffs are reserving their right to object to its  
21 admissibility as untimely under the Federal Rules and  
22 the Court's scheduling order.

23 If the NAACP Plaintiffs do make such an  
24 objection and it is sustained by the Court, we may ask  
25 for portions of that amended report to be excluded, and

1 then we will also reserve our right to ask for certain  
2 deposition testimony about that amendment to similarly  
3 be excluded.

4 So I just wanted to make that clear on the  
5 record for the defendants and the other parties.

6 MS. OLALDE: Thank you. I appreciate that,  
7 Ms. Klein.

8 And then I think, also, yesterday, that the  
9 Court made clear that, you know, typically expert  
10 reports aren't admitted as exhibits, but we can always  
11 discuss that with the Court at a later time.

12 BY MS. KLEIN:

13 Q. Okay. Dr. Owens, before you conducted any  
14 analysis in this case, had you seen any analysis about  
15 whether Galveston County satisfies the Gingles factors,  
16 other than those generated by experts in this matter?

17 A. No, not outside this case.

18 Q. I think you mentioned earlier reviewing the  
19 expert reports in this matter.

20 Do you remember reviewing a January report  
21 by expert William Cooper?

22 A. Yes.

23 Q. What about his more recent March rebuttal  
24 report, have you reviewed that?

25 A. Briefly.

1 Q. Are you familiar with Mr. Cooper?

2 A. No, not outside of these reports. I just know  
3 his -- yeah, essentially his resumé and the opportunity  
4 he has there, but I have not met him or anything like  
5 that.

6 Q. What about Mr. Anthony Fairfax, do you recall  
7 reading his January report in this matter?

8 A. Yes.

9 Q. And have you seen his more recent April  
10 rebuttal report?

11 A. I received that yesterday.

12 Q. Are you familiar with Mr. Fairfax?

13 A. Not personally.

14 Q. What about Mr. Ty Rush, do you recall reading  
15 his January expert report in this matter?

16 A. Yes.

17 Q. Are you familiar with Mr. Rush?

18 A. No, not -- again, not personally.

19 Q. And then, again, the report of Dr. Krochmal,  
20 you recall reviewing that expert report?

21 A. I do, yes, primarily wrote to it, and that was  
22 one of the central, sort of, objectives of my second  
23 report.

24 Q. I'll -- just for clarity, I'll refer to your  
25 second report, which I haven't marked as an exhibit yet,

1 as the Krochmal rebuttal, if that's okay, just for  
2 clarity of the record?

3 A. Thank you.

4 Q. Are you familiar with Dr. Krochmal?

5 A. No, not personally.

6 Q. Any other of the expert reports have you  
7 reviewed in this matter, the names, for example,  
8 Stephens Dougans, Professor Burch, any of those ring a  
9 bell as reports you may have reviewed?

10 A. Yes, they -- they ring a bell, and  
11 particularly, Stephens Dougans, I read that briefly;  
12 Burch as well. There's also -- I think, in addition,  
13 right, there's reports from Professors Matthew Barreto  
14 and Dr. Escue.

15 Q. Are you intending to opine on the contents of  
16 those reports?

17 A. No. I think the opportunity here was just my  
18 opinions are focused on the compactness of districts and  
19 the compactness of residents in the County, as well as  
20 the recent political history.

21 Q. Are you intending to provide any opinions  
22 rebutting those other expert reports, Stephens Dougans,  
23 Burch, Barreto, Escue, in this matter?

24 A. No, there are no plans to do so.

25 Q. Let's go back to the Cooper, Fairfax, and Rush

1 reports, which you said you did review as relevant to  
2 your own reports.

3 Did you review all of their accompanying  
4 exhibits?

5 A. Yes.

6 Q. Is it correct that you did not find any error  
7 with their census data calculations in their reports or  
8 exhibits?

9 A. No, I think they used the opportunities here,  
10 number one, of the actual census and then the American  
11 Community Survey. I would not identify an error with  
12 them.

13 Q. So when you say "no," you mean you have not  
14 identified any error, just to make it clear for the  
15 record?

16 A. That's right. I think -- the last statement I  
17 thought I said was: No, I have not identified an error.

18 Q. And you also did not find any error with their  
19 socioeconomic statistical calculations either; is that  
20 right?

21 A. No error. It's --

22 Q. Instead, you, among other things, contend that,  
23 these three experts, their illustrative plans violate  
24 traditional redistricting principles.

25 Is that a fair summary of the conclusion



1 you came to?

2 A. Yes, I think so. As I also pointed to  
3 redistricting principles and collected analysis of their  
4 districts, right, and relevant to the rest of the  
5 County, but can start there.

6 Q. As far as those illustrative maps from those  
7 three experts, other than the violation of  
8 traditional -- traditional redistricting principles you  
9 contend, do you have any other criticisms of their  
10 analyses related to those illustrative plans?

11 A. No, it's not a criticism there. Primarily,  
12 this has been -- my criticism focuses on the selection  
13 and also, right, what's the applicability still of the  
14 benchmark district.

15 So I know that's a heavy part of what they  
16 have done in their analysis, is trying to maintain a  
17 benchmark district. And I think, one, where we all  
18 start from, is that there was population change in the  
19 County, and this -- county commissioner precinct, which  
20 had been underpopulated, remains underpopulated.

21 Q. But going back to my question: Other than the  
22 violation of traditional -- traditional redistricting  
23 principles, you don't have criticisms of their other  
24 analysis of their reports; for example, their  
25 compactness score calculations, their calculations of

1 how many split municipalities there are.

2 You don't have specific criticisms related  
3 to those calculations, correct?

4 MS. OLALDE: Objection, overbroad. Just  
5 want to make sure that we're being clear as to what  
6 exactly he -- you're asking. And since this is such a  
7 broad question, I just want to make that objection for  
8 the record.

9 MS. KLEIN: Sure. And -- and, Angie, I  
10 appreciate your objection, but I think -- I think this  
11 came up in a deposition yesterday. Your colleague,  
12 Mr. Holt, mentioned that a form objection is sufficient.

13 So if you just want to say "objection,  
14 form," or "objection, vague," that -- that probably  
15 might save us some time.

16 MS. OLALDE: Thank you, Ms. Klein, but I  
17 will continue to make my objections as I see fit to make  
18 sure that we have an appropriately clear record for the  
19 Court and the jury.

20 Thank you.

21 MS. KLEIN: All right. I'm just going to  
22 continue to mention if you're going to be coaching the  
23 witness, I'll just have to chime in there.

24 MS. OLALDE: Actually, Ms. Klein, I'm going  
25 to be very clear: There is no coaching of the witness,

1 and I don't appreciate that kind of statement,  
2 especially on the record or at any other time.

3 And I will be continuing to pose my  
4 objections, again, as I see fit. And I just want to be  
5 very clear; I do not appreciate that statement from you.  
6 It is unprofessional and inappropriate.

7 MS. KLEIN: I didn't mean to offend you,  
8 certainly, but I do have concerns about that. And I  
9 just want to make sure that we are protecting the  
10 integrity of the deposition, especially by following the  
11 standard rules as far as how objections are made and  
12 form objections.

13 So hopefully we won't have any issues going  
14 forward.

15 BY MS. KLEIN:

16 Q. Moving forward, you included -- let's move --  
17 let's move on, Dr. Owens, to discussing your Gingles 1  
18 analysis of Galveston County. And here, let's --  
19 we'll -- I'll reference Exhibit 9, the amended report.

20 MS. KLEIN: And if we could pull that up  
21 and have it just ready to screen share, if needed.

22 CONCIERGE TECH: (Complied.)

23 BY MS. KLEIN:

24 Q. Can you tell me what principles you think  
25 should be applied to evaluate whether Gingles 1 is

1 satisfied in a geographic area?

2 A. First, I think, primarily, as I have also tried  
3 to present this through the -- the figures and tables,  
4 but we identify where is a population centered into the  
5 County, where is heavy points of concentration? How far  
6 are they from apart [sic]? Or are they close together?

7 So, first, I look at the Hispanic  
8 districts -- or Hispanic residences, based off of the  
9 American Community Survey, Five-year Estimates, that  
10 we've talked about and where are they, in particular,  
11 the census blocks and the concentration of those  
12 communities.

13 So we identify here that there are not only  
14 north, south, but also east and west opportunities here  
15 where the Hispanic community in Galveston County, right,  
16 is essentially on the periphery of the County in where  
17 they live. They live in concentrated areas, right, in  
18 the different cities that we have within the County.

19 So then take it to the fact of where are  
20 the voting districts and how those populations, again,  
21 meet up.

22 So every time we are doing this in an  
23 opportunity, we want to look at the granular geographic  
24 level and then move up the ladder to more aggregate  
25 levels of our, right, data and analysis, but continuing

1 to use the same data.

2 The idea here is to then also do the same  
3 step and process of the African American or Black  
4 residents in the community by looking at: Where is that  
5 citizen voting age population?

6 So that starts first without a look at what  
7 the benchmark map had been. And then, in particular,  
8 why I overlaid the benchmark map onto those figures is  
9 to show whether or not they were captured.

10 In this case, the benchmark map does not  
11 capture as many of the concentrations of Hispanic  
12 populations that exist. It does concentrate most of the  
13 areas that have African American populations. We come  
14 back to this though, the citizen voting age population  
15 of the whole county, this idea is number one, to make  
16 up, as the other experts have done: Is this population  
17 large enough to have its own district?

18 And I think, in particular, even as laid  
19 out in the complaint, this is not a question of whether  
20 it's an African American district, but whether that's an  
21 African American plus Hispanic district. And so that's  
22 why I'm evaluating those two groups separately to  
23 determine whether or not they are also the same in those  
24 groups and why they would be joined together.

25 So we continued to look at this, how

1 similar -- or how far apart are they? How distant? And  
2 then also how disparate are they in their lifestyles,  
3 which is based off of work or education status. And  
4 also at times mobility in this case, when do people  
5 arrive into Galveston.

6 BY MS. KLEIN:

7 Q. Let's isolate a few things you said in there.  
8 Thank you for that explanation.

9 I understand correctly you looked at the  
10 Latino -- you term it Hispanic population, so I'll use  
11 your term -- the Hispanic population and the Black  
12 population separately, correct?

13 A. Yes. Because that -- in particular, that will  
14 come out as different even columns in the Census  
15 reports.

16 Q. And you also assessed whether those populations  
17 themselves, the Hispanic individual population in  
18 Galveston County, is living in a compact area, correct?

19 A. Yes. I think you would want to determine that  
20 information before you -- yeah.

21 Q. You've never done a Gingles 1 analysis for a  
22 coalition of voters; is that correct?

23 A. Correct.

24 Q. I can skip a few questions, because you  
25 provided me a lot of answers when you were speaking

1 earlier, so forgive me for pausing a little bit. I'm  
2 just trying to move forward as much as we can.

3 Did you ever evaluate whether Black and  
4 Latino populations together could constitute a majority  
5 of a reasonably compact district?

6 A. Yes. I think that -- that's primarily the goal  
7 of my report, is to find out if they have the  
8 similarities to create the reasonable part. My --  
9 collectively I thought if you find similarities between  
10 the north and south part of the district within the  
11 race, and essentially within the geography, then, I  
12 think, in particular, there's an opportunity that would  
13 be made. I, when looking at these results, have not  
14 found that.

15 Q. I guess what I'm asking is: Did you, yourself,  
16 sit down and try to draw the Black and Latino  
17 populations into a reasonably compact district in  
18 Galveston?

19 A. I did not. The -- the scope of what I was  
20 asked to do was number one to evaluate, one, the  
21 population of the County and then to think about these  
22 illustrative plans as to whether or not they continue,  
23 right, to be able -- when the populations were selected,  
24 right, did they reflect a community of interest?

25 Q. So you looked at the compactness of the

1 communities of Latino -- Hispanic, and Black voters  
2 individually, correct?

3 A. Individually. And instead of the compactness,  
4 my important part was I included in my report the  
5 distance between those groups.

6 Q. But you didn't actually try to draw a  
7 reasonably compact voting district yourself that would  
8 be a majority Black and Latino, correct?

9 A. Correct. I was not asked to do that.

10 Q. Okay.

11 A. The thought here is -- in particular, I  
12 understand that's part of an idea of when you would  
13 bring a challenge, why you would show that. But in my  
14 response here, you have the benchmark map; you have an  
15 enacted map; and then you have a set of alternatives.

16 Q. So your analysis here was focused on the  
17 compactness of the racial group. I just want to make  
18 that clear for the record.

19 Is that a fair assessment of what you did  
20 here, the compactness of the racial group itself?

21 A. I did -- yeah, two parts: One was the  
22 compactness of the racial group. The other is the  
23 compactness of a comparison of the districts that were  
24 created.

25 And within that compactness of the racial



1 group, we did an analysis of -- of -- as it presents to  
2 you, right, how similar those groups are in their  
3 geographic, sort of, dispersion across the County.

4 Q. What about populations living in different  
5 cities? How did you account for the fact that  
6 populations might live in different cities?

7 A. First, I looked at the -- I can't control that,  
8 I guess. And honestly we're just given that from the  
9 data of where people reside. So I am reacting to the  
10 new Census data of where people have moved into the  
11 County. I, I think, in particular, can't identify  
12 the -- the boundaries of those municipalities and where  
13 people reside.

14 Q. Do you think that if some Latino voter --  
15 voting age population, individuals, live in one city and  
16 some Latino voters might live in another city, that  
17 automatically makes them not compact anymore?

18 A. That would not be the case. You know, that's  
19 going to be dependent on the size -- the population size  
20 of that city, the adjacency of those two cities. I also  
21 think it matters, right, as you would think, in creating  
22 these districts. They are all created at the same time,  
23 how some of those population dynamics have affected the  
24 creation of other precincts, right? And how they're  
25 balanced.

1                   So that's the -- I understand, when any of  
2 these experts, or, in particular, the map drawers,  
3 themselves, they balance a couple of dishes up in air of  
4 how to get to an actual plan that hopefully balances  
5 this out across the board.

6                   But my analysis first is the fact of,  
7 right: Is a group compact? And in particular, you  
8 know, attention needs to be placed at the population  
9 sizes in between them as to whether or not the County  
10 needs to, right, in this case, create a  
11 majority/minority district.

12                  Q. How many municipalities are in Galveston  
13 County?

14                  A. I believe when we've done this analysis there  
15 would be, approximately, eight.

16                  Q. And there's four commissioners' districts,  
17 correct?

18                  A. That's right.

19                  Q. So commissioners' districts will naturally have  
20 more than one municipality in them, correct?

21                  A. Absolutely. Because there are also -- some of  
22 these municipalities have less than the -- essentially  
23 approximately 87,000 residents. So like all of  
24 Galveston County has less of a population than that. So  
25 it could be in its own district plus more people on the

1 mainland.

2 Q. Okay.

3 MS. KLEIN: I'd like to pull up a  
4 deposition transcript from the deposition you had last  
5 December, and this will be Tab 28. We'll mark it as  
6 Exhibit 12, just because I have marked a few exhibits in  
7 the interim that Rob has already loaded up.

8 CONCIERGE TECH: Tab 28? Is that correct,  
9 counsel? I forgot the number you said.

10 MS. KLEIN: Yeah, Tab 28, that's correct.  
11 And that will be Exhibit 12.

12 (Exhibit 12 was marked for identification.)

13 BY MS. KLEIN:

14 Q. So Dr. Owens, I just want to be clear about one  
15 you said. You said you did two step analysis in this  
16 earlier. You said you looked at the compactness of the  
17 populations themselves. And then you evaluated the  
18 illustrative plans in the districts that were proposed  
19 by Plaintiffs' experts, correct?

20 A. Yes.

21 Q. All right. I'm confused as to why you did the  
22 first of those steps. And I'd like to show you just  
23 prior deposition testimony to kind of show you why I'm  
24 confused about that.

25 So if we go to Page 44 of this -- of this

1 deposition transcript. And I apologize for how small  
2 this is; this might be one where we have to e-mail it to  
3 your counsel, if you can't see it.

4 MS. KLEIN: But let's go to -- so sorry --  
5 Page 44, as in this -- we are on Page 173 now, so if we  
6 can go to Page 44 of the --

7 CONCIERGE TECH: (Complied.)

8 MS. KLEIN: Thank you. Scroll up. Page 44  
9 of the actual transcript.

10 MS. OLALDE: Ms. Klein, it's taking just a  
11 minute to load over here, so hopefully it will download  
12 pretty fast.

13 MS. KLEIN: Okay. I'll do my best to  
14 instruct the witness and you on the screen. And then if  
15 you need me to pause, Angie, just let me know.

16 BY MS. KLEIN:

17 Q. So Page 44, I'd just like you to look at --  
18 first of all, do you remember giving this deposition in  
19 December?

20 A. Yes.

21 Q. So if you start -- we're on Page 44, Line 5.  
22 "Q" means questioner. And says: Okay.

23 In the next sentence, it says: The broad  
24 question can be objectively measured in three parts to  
25 fit legal precedent.

1                   And then: To what legal precedent do you  
2 refer?

3                   And you answer: The case from Thornburg  
4 v. Gingles.

5                   I just want to point that out to give you  
6 context for the portion I'm going to ask about, which  
7 is, if we scroll down, Page 46, Line 11.

8                   And here, this question is -- it says: So  
9 you're not saying that the racial or ethnic population  
10 must be compact; you're saying that the district must be  
11 compact, right?

12                   And you answer: Yes.

13                   And so I guess what I'm asking is: This  
14 sounds like to me that, in December, you said that the  
15 racial or ethnic population does not necessarily be  
16 compact; it's the district's compactness that matters.

17                   And I'm wondering if you -- why, if you  
18 said that in December, did you do an analysis in this  
19 case that looked at the compactness measures of the  
20 racial groups, specifically?

21                   A. Well, one, was because, in this case, as you  
22 mentioned, this is now a question of whether there's a  
23 coalition district. And previously, this is talking  
24 about whether there would be a district that is  
25 primarily Hispanic.

1 Q. Why does that matter in the Gingles test?

2 A. I think here is because it matters on: Is the  
3 community, sort of, sufficiently large? So you're  
4 asking, right, a coalition to join them together, and I  
5 think that that comes at the reserve conditional or  
6 dependent on: How similar are they?

7 And, also -- and then opportunity, right?  
8 Is there a reasonable reason to have done this?

9 Q. So if I understand you correctly, you're saying  
10 that when there's just one racial group, you don't have  
11 to look at the compactness of that one racial group.  
12 But when there are two racial groups making a coalition,  
13 suddenly you have to look at the compactness of those  
14 individual racial groups?

15 A. I think at first you always have to look at --  
16 my caveat here is that you need to look at the  
17 consideration and similarities of what they have.

18 So in the Palmer case we're looking at, my  
19 group was originally polarized voting. And I'm thinking  
20 here about: What is their political preference and are  
21 they joined there? So in this case, they were a very --  
22 a large portion of the five-county region.

23 And as we moved towards that, I think here  
24 when you approach Galveston, the idea is to also  
25 determine: Right now, how do I -- how do we understand

1 those communities? How do we understand them to be  
2 today with the new information of census records that  
3 have shown a large growth of Hispanic population?

4 And again, all the time, I think the  
5 district, we are going to look at the compactness as  
6 more than a score. And in my mind, I think there's no  
7 problem of having two race -- racial or ethnic minority  
8 groups that are in different cities, because this is  
9 going to be dependent on what's the population in  
10 between.

11 And in each opportunity, we have -- you  
12 know, the local geography is going to give us the  
13 context that we need.

14 Q. So are you saying that the compactness of the  
15 individual group is only necessary in Galveston to  
16 compare with the other racial groups, so to compare  
17 where the Black population lives as compared to the  
18 Hispanic population? Is that what you are saying?

19 A. Yeah, in fairness, but we are getting to the  
20 point here that no group is compared to each other on  
21 the basis of race alone --

22 Q. Are any claims of --

23 A. -- race and other factors --

24 Q. Sorry. I thought you were done.

25 A. Well, I just meant -- I mean, it's -- I

1 appreciate that. Sorry. I just was -- I think my last  
2 comments I was making was it would be race and another  
3 factor, right? Hopefully numerous.

4 Q. So you agree with your statement from December  
5 that the compactness of a racial group in a case where  
6 there's only one racial group at issue, for the purposes  
7 of Gingles 1, is not important; is that correct?

8 A. Can you --

9 Q. I guess what I'm asking is: Do you still agree  
10 with your answer in December -- you know, the question  
11 was: So you're not saying that the racial or ethnic  
12 population must be compact; you're saying that the  
13 district must be compact, right?

14 And you answer: Yes.

15 Do you still agree with that statement here  
16 today, sitting here today?

17 A. Today, yeah. And as it relates to that case,  
18 my expertise and -- and scope of the questioning was  
19 based off of racially polarized voting.

20 And we also show that, in particular,  
21 Hispanic voters in that area tend to be swing voters and  
22 can vote sometimes for Republicans, right, and are not  
23 always cohesive for -- for Democrats.

24 The opportunity here is also to point to  
25 that I did not do a Gingles 1 analysis in the case for



1 Palmer versus Hobbs.

2 But I think that, collectively -- so if you  
3 can determine that one ethnic group -- I think in this  
4 case, if you can determine if there's two groups and  
5 they have much in common, I think that gives you the  
6 commonality.

7 So, I mean, the short answer would have --  
8 to that question also is: The local political context  
9 and the similarities they have, plus distance, gives you  
10 a reason not only to measure compactness, but the  
11 similarity of reason to have that coalition.

12 Q. Let's -- let's move to -- I just want to make  
13 sure I'm understanding exactly why your testimony in  
14 December is different from your testimony that you just  
15 gave. And so just isolate it down to make sure that I  
16 understand and that it's clear for the record.

17 You're saying that in the Palmer case,  
18 because it was just one racial group, it was not the  
19 compactness of that ethnic population that mattered.  
20 But here in Galveston, you did analyze it, because there  
21 are two -- it's a coalition district.

22 Is that a fair overall summary of what  
23 you're saying?

24 MS. OLALDE: Objection, asked and answered.  
25 And objection, misstates testimony.

1                   And also, Ms. Klein, our food is here, just  
2 whenever you have a stopping point.

3                   MS. KLEIN: Sure.

4                   THE WITNESS: And the part I was trying to  
5 clarify was, there's also a difference in what I was  
6 asked to do in those cases.

7                   MS. KLEIN: Okay. Can we scroll briefly up  
8 to Page 39 of this deposition?

9                   CONCIERGE TECH: (Complied.)

10                  THE WITNESS: I can see that.

11 BY MS. KLEIN:

12                  Q. And question starts at Line 5.

13                         Well, actually before we dig into it, I  
14 wanted to ask you: Generally, what are your opinions in  
15 this case?

16                         And you answer: So for this case, in my  
17 report, I focused on, sort of, a couple of specific  
18 issue areas. One was to identify whether or not there's  
19 a large enough population from the census numbers to  
20 identify a, sort of, a Hispanic majority district, and I  
21 found that that's the case.

22                         So you're saying that was not a Gingles 1  
23 analysis; that's your testimony today?

24                         A. This opportunity going to the racially  
25 polarized voting went to, first, is it large enough,

1 right, to have made that clarification? Is there --  
2 does a group exist in the County?

3 I did not challenge anything of Gingles 1  
4 in that case.

5 I think here, as we look at the citizen  
6 voting age population or the population of Galveston  
7 County, we can identify that there are two minority  
8 groups, that the Hispanic population in Galveston County  
9 is not large enough to have its, right, essentially  
10 create the whole district, and either African American  
11 community is not large enough on its own to do that --

12 Q. Has any plaintiff in this -- has any of -- have  
13 any of the experts, to your knowledge, in this matter  
14 tried to assert that Gingles 1 is satisfied by a single  
15 racial group?

16 A. No. I think, in agreement, they write that the  
17 single racial group does not, and that's why the  
18 coalition is explored.

19 Q. Okay. And one more thing before we move on,  
20 and then we can all get some food.

21 MS. KLEIN: If we could scroll down to  
22 Page 48 of this deposition.

23 BY MS. KLEIN:

24 Q. This is lines -- starting at Line 5 on Page 48,  
25 it asks: Would you still say that voters of a certain

1 group are still cohesive if above 70 percent?

2 And you answer: Yes, I think so.

3 Do you still agree with that testimony?

4 A. Yes. I think in this case you want to have an  
5 opportunity to -- in this -- the question was in  
6 determining what would levels of cohesiveness be.

7 And when we're going to compare this  
8 Democratic support of Hispanic voters to African  
9 American voters; African American voters giving often  
10 larger support to Democratic candidates.

11 So where I was -- let me give you a sense:  
12 The conversation here went to identifying that there's a  
13 range, in particular, of what our estimates can be. But  
14 70 percent would be cohesive.

15 Q. So when you were approached by counsel to be an  
16 expert in this matter, they ended up not asking you to  
17 do an RPV analysis in this matter, correct?

18 A. I think that's been done by another expert.

19 Q. Okay.

20 MS. KLEIN: We can stop there, if folks  
21 want to briefly get some lunch.

22 THE VIDEOGRAPHER: We are off the record at  
23 12:07 p.m.

24 (Lunch break taken.)

25 THE VIDEOGRAPHER: We are back on the

1 record at 12:41 p.m.

2 BY MS. KLEIN:

3 Q. Dr. Owens, did you talk about the substance of  
4 your testimony with anyone during the break?

5 A. No. I think we were talking about just  
6 Galveston and -- and, kind of, the beach and  
7 sandcastles.

8 MS. KLEIN: I'd like to pull up Exhibit 10.  
9 This is the report of Bill Cooper, and I'll ask that  
10 Page 3, Paragraph 6, be shared with the witness.

11 CONCIERGE TECH: (Complied.)

12 (Exhibit 10 was marked for identification.)

13 BY MS. KLEIN:

14 Q. Dr. Owens, can you see that Paragraph 6?

15 A. Yes, I can.

16 Q. Here Dr. Cooper says: The attorneys for  
17 Plaintiffs in this matter asked me to determine whether,  
18 while accounting for traditional race-neutral  
19 redistricting principles, the combined Black and Latino  
20 population in Galveston County is sufficiently large and  
21 geographically compact to allow for a  
22 majority-Black/Latino Commissioners Court precinct  
23 ("commissioners precinct"), according to the 2020  
24 Census; i.e., a single-member commissioner precinct in a  
25 four-precinct plan that meets the first Gingles

1 precondition ("Gingles 1").

2 Do you agree with Mr. Cooper's description  
3 of Gingles 1?

4 A. This is according to -- that he's trying to  
5 create the single member district within that group,  
6 yes. I think that what we get to is my condition is on  
7 the fact of when it says "sufficiently large," why did  
8 he join those two groups together?

9 Q. Do you think that the Gingles standard requires  
10 all of a racial minority's population to be fit into a  
11 single district in order for those populations to be  
12 considered compact?

13 A. No. I think in this case, by -- all minority  
14 members would not be defined that way if they are  
15 substantially different.

16 Q. I'm not sure I quite understood your answer, so  
17 I just want to make it clear for the record.

18 Do you think that for a minority population  
19 to be compact, all of its members in a jurisdiction, for  
20 example, here in Galveston County, need to be in a  
21 single district?

22 A. Sorry. Now I understand the "all."

23 No, all members of the minority community  
24 do not need to be in that district. Some can be  
25 outside.

1 Q. You discuss what are called Census voting  
2 tabulation districts in your report; is that correct?

3 A. Yes.

4 MS. KLEIN: We can take down the Cooper  
5 report for now.

6 CONCIERGE TECH: (Complied.)

7 BY MS. KLEIN:

8 Q. If I use the term "VTD," will you understand  
9 that to mean Census voting tabulation district?

10 A. Yes, I do. I know that in this case Texas also  
11 tries to use that terminology.

12 Q. Can you tell me which VTDs you used in the  
13 analysis of your report?

14 A. Again, the analysis of my report, there were  
15 many.

16 Q. Did -- I'll be more specific.

17 Did you use the VTDs that were in place in  
18 November 2021 when the maps in this case were being  
19 drawn, on did you use the VTDs that were passed by the  
20 commissioners in December of 2021?

21 A. In this case, those that -- well, number one,  
22 we have the ability to use both, but when making the  
23 consideration, you can look at VTDs that were in --  
24 available to the commissioners district in 2021.

25 Q. Is that what you used in your report?

1           A. My -- I'll describe it as, yes, I used both. I  
2 used, in particular, those that were prepared with  
3 Maptitude for redistricting 2022's data, which would be  
4 updated to those that were present and available in  
5 2020. And also, as the -- counsel had provided, I  
6 think, in this case, the VTD maps that are in 2022.

7           Q. So you used both in your report?

8           A. Yeah. Many are quite similar, but one of the  
9 core reports that you'll see is where a couple of the  
10 VTDs may be joined -- I think, in this case, it was 196  
11 through -- and I've made notations of those.

12          Q. How can I tell whether you were using  
13 November 2021 or the December 2021 VTDs?

14          A. I think, collectively, I would indicate those  
15 in the report when writing between an old voting  
16 tabulation district, how it was numbered, and then those  
17 that are new.

18          Q. Does the Gingles standard require that all VTDs  
19 in Galveston County with the same percentage of minority  
20 CVAP be in the same district?

21          A. No. That's not a requirement. The requirement  
22 is coming back to evaluate the entire district.

23          Q. You agree, don't you, that all the illustrative  
24 plans submitted by all plaintiffs in this matter include  
25 at least one commissioners precinct where the combined



1 Black and Latino populations constitute a majority by  
2 CVAP, correct?

3 A. I would say in that case, for all of the VTDs,  
4 my analysis did not identify those.

5 Q. Let me ask you the question --

6 A. If there is a VTD that has a majority African  
7 American population that happens to be in another part  
8 of the County, that's --

9 THE COURT REPORTER: Okay. Hold on one  
10 second. Reset. You started answering before she  
11 finished her question, so I did not get the beginning of  
12 your answer.

13 MS. KLEIN: I'll ask the question again  
14 because I think you might have misunderstood it.

15 BY MS. KLEIN:

16 Q. So putting aside VTDs, Dr. Owens, do you agree  
17 that all of the illustrative plans submitted by all  
18 Plaintiffs in this matter include at least one  
19 commissioners precinct where the combined Black and  
20 Latino populations constitute a majority by CVAP?

21 A. Yes, I'll agree with that.

22 Q. And CVAP you understand to mean citizen voting  
23 age population, right?

24 A. I do, yes.

25 Q. Do you remember in your original March 17

1 report you included in there an opinion that  
2 Mr. Cooper's third illustrative map failed to achieve  
3 that 50 percent Black and Latino C- -- CVAP?

4 A. That was included in the first report, yes.

5 Q. That was taken out of the amended report,  
6 correct?

7 A. It was, yes. I mean, one of the things, in  
8 particular, when -- the reason for doing so is: At  
9 50 percent, it could be rounded plus 1. But one of the  
10 important parts is how we define that group.

11 The definition here is non-Hispanic, right,  
12 Black, and he, in particular, has increased the size of  
13 that. So this is why in his report it shows it not to  
14 be more than 50 percent. But if you look at just  
15 non-Hispanic Black plus non-Hispanic CVAP, at the tenths  
16 place, this comes to the fact of 50 percent.

17 So I --I think, inevitably, the important  
18 key here is: While it could be his third map serves and  
19 crosses that threshold, it does so in a slim fashion.

20 Q. Why did that opinion end up in your original  
21 March 17th report?

22 A. As -- in particular, as part of my draft, it  
23 was one of the points that I was looking into for the  
24 district to understand if it was able to achieve that  
25 without utilizing part of Galveston Island. I think

1 that it was -- it was -- that he had done that.

2 Q. It was erroneous, though, wasn't it?

3 A. Agreed, yes. And because it was erroneous, it  
4 was removed.

5 Q. Is there anything else from your original 17th  
6 report you opined on that you realized later was  
7 erroneous?

8 A. Yes.

9 Q. What?

10 A. So in those -- the amended report identified  
11 voting tabulation districts, which, at times, I had used  
12 the numbers, which I think in this case identify they  
13 could have started with a 2 instead of a 3 because they  
14 previously were part of the second commissioners  
15 precinct. So I updated those or identified in this case  
16 that they be the old and the new numbering of those  
17 voting districts.

18 Q. Any other errors you can think of?

19 A. Yeah. And so I think those were replaced in  
20 the amended report. I think -- I think in particular  
21 for the rebuttal report, so I'm happy to identify right  
22 now those that Mr. Fairfax indicated were that there --  
23 I had transposed a number incorrectly into a table of  
24 what the benchmark map had on a compactness score.

25 Q. I'm sure you'll be asked about the Fairfax

1 rebuttal later.

2 A. You asked --

3 Q. We'll get -- we'll get to that --

4 A. I wanted to make sure I mentioned it.

5 Q. Yeah. We won't get to that now.

6 In your report you used the term  
7 "traditional redistricting principles," and I'm  
8 wondering: When you use that term, is that the same as  
9 traditional redistricting criteria?

10 A. I don't know. They -- they set forth the  
11 criteria, but I think when we look at these -- these  
12 principles, we would originally identify, right, or  
13 we're looking at compactness and how are the voters in  
14 those areas -- what do they have in common, and yeah,  
15 why are they being included in a precinct. So, in  
16 particular, we look at -- those are the ideas: How do I  
17 evaluate a plan that -- that I did not draw?

18 Q. So are criteria and principles different in  
19 your mind?

20 A. Yes. I think, in particular, criteria is  
21 something that's going to be written out as something  
22 that you would develop.

23 Q. Did you have --

24 A. A principle is something that I can look at  
25 more broadly and determine if that's a -- a common

1 course of action.

2 Q. Did you have a set of traditional redistricting  
3 criteria that you applied in this case?

4 A. Other criteria, no, I did not start with a list  
5 given to me or considered in that case. I looked to  
6 take the cases and look into the population with the  
7 data and make those evaluations about compactness.

8 Q. How did you know which redistricting criteria  
9 should be considered when you were looking at the  
10 plaintiffs' illustrative plans?

11 A. I think, first, was looking, number one, at the  
12 population. So I wanted to look at, first, population  
13 deviation that exists between each of the other  
14 precincts to their ideal -- ideal population. Also, the  
15 difference of compactness scores that are identified.  
16 And in this case, we might wonder how many of the  
17 population of interest is not in the district or in the  
18 voting commissioners precinct.

19 Q. But you did not have a set criteria that you  
20 were given in this case to use to assess the  
21 illustrative plans; that's correct?

22 A. Correct. I was not given one.

23 Q. Okay. And you didn't use one otherwise,  
24 correct?

25 A. Nope. My use is to follow where -- where is

1 the population in the County, and then I take the step  
2 to identify what were the scores and compare those plans  
3 together. So those would be the primary emphasis of my  
4 reports.

5 Q. Equalization and compactness, correct?

6 A. I think those are the -- sort of the first  
7 standards that we wanted to look at.

8 Q. And then the other standards -- just so I have  
9 a complete idea of what you did, what are the other  
10 standards that you used?

11 A. Yeah. How similar are those groups that we  
12 have? So I -- that's why we did a comparative analysis,  
13 one of Hispanics within geogr- -- geographic areas of  
14 the County and African Americans within geographic areas  
15 of the County.

16 Q. And anything else besides -- we have population  
17 equalization, compactness, the similarity of the groups.  
18 Anything else that you apply to the criteria?

19 A. Yeah. I -- I think in this case you could say,  
20 at least I assumed, that from some of these proposals,  
21 which were identified as lease change options, that is  
22 part of -- has to be analyzed, but is not something that  
23 I was looking for or expecting out of any of these  
24 proposals.

25 Q. I don't quite understand that. What do you

1 mean: Wasn't something you were expecting?

2 A. Yeah. I think, one, when I started the  
3 analysis, that's -- I don't think that you have to do a  
4 lease-change approach.

5 Q. Okay. So equalization, compactness, the  
6 similarity of the groups, and whether it was a  
7 lease-change approach. Any other criteria that you  
8 considered in evaluating Plaintiffs' illustrative plans?

9 A. No. I think this would be -- I mean, part of  
10 that difference of the communities includes the  
11 distance, but we can explain that more later.

12 Q. I'd like to ask you about specific figures in  
13 your report. So let's go to your -- we'll use your  
14 amended report. This is Exhibit 9.

15 And I'd like to look at Figure 2 in that  
16 report. So if we can pull that up in screen share.  
17 This is Page 7 of that report, I believe.

18 CONCIERGE TECH: (Complied.)

19 MS. KLEIN: And if we could zoom into the  
20 maximum amount, that would be great.

21 BY MS. KLEIN:

22 Q. So Figure 2 is titled Dispersion of Hispanic  
23 Citizen Voting Age Population by Census Block Overlay --  
24 Overlay, 2012 Benchmark Map.

25 Was this one of the figures that changed

1 when you amended your report?

2 A. It did change. Yes. I -- number one, the only  
3 thing that changed to this group is that the blue lines  
4 now are thinner than what was, so you're able to see  
5 more of the Hispanic population that's in the Dickinson  
6 area, as well as in the Galveston area.

7 Q. If I'm looking at the map layers key on the  
8 bottom right-hand portion, everything -- every Census  
9 block that's zero to 45 percent Hispanic CVAP is white,  
10 and everything that's 46 percent and above is green; is  
11 that correct?

12 A. Yes.

13 Q. How did you choose the threshold of 46 percent?

14 A. Uh-huh. What I was choosing, there would be a  
15 number here that was substantial and needs to be -- one,  
16 I don't have an expectation that there would be a  
17 majority in this case, but that, essentially, selecting  
18 a threshold that you can see a difference here where in  
19 a small Census block is a group having a large influence  
20 over what the politics might be of its area.

21 Q. How did you highlight blocks that had  
22 45 percent to 46 percent, if any? How would those have  
23 been highlighted?

24 A. Based off of the -- a division of Hispanic CVAP  
25 divided by total CVAP.



1 Q. No. I mean, literally, if it's zero to  
2 45 percent is white colors on the map and 46 percent and  
3 above is green colors, what if it's like 45.5 percent,  
4 which colors would that be on this map?

5 A. Oh, 45.5? I would think, in this case, that's  
6 going to be -- at 45.5 will be at 46 percent, would be  
7 green.

8 Q. What about 45.4?

9 A. White.

10 Q. Okay. That 46 percent threshold, you -- you  
11 just said that it was -- you thought it would show a  
12 substantial population.

13 Is that a term or a threshold that is based  
14 in any academic literature you're aware of?

15 A. Right. We often use this difference here if  
16 we're talking about what might, you know, elections be  
17 close in a proximity. So you have 45 percent to  
18 45 percent [sic] election. Now you're starting to move  
19 into something that would be more politically  
20 competitive, right? Not everything is -- is 50/50.

21 Q. So you chose this threshold based on election  
22 competitiveness thresholds that you've used in your  
23 research?

24 A. Yeah, typical breakpoints.

25 Q. Okay. Is -- are you aware of any academic

1 literature talking about minority populations for a  
2 Gingles analysis to use the threshold 46 percent?

3 A. I can't immediately recall.

4 Q. Are you aware of any cases that used the  
5 threshold of 46 percent?

6 A. No, I don't --

7 Q. Did you use the --

8 A. -- don't recall.

9 Q. Sorry.

10 Did you use the 46 percent threshold in  
11 your work in the Oklahoma matter?

12 A. No, I -- I didn't provide a choice or analysis  
13 for this. I -- well -- no.

14 Q. What about the --

15 A. Not transparently available.

16 Q. What about the Palmer matter?

17 A. No.

18 Q. What about the Black voters matter?

19 A. I didn't do a Gingles 1 analysis.

20 Q. Any other source for this 46 percent threshold  
21 other than the election competitiveness you referenced  
22 earlier?

23 A. Yeah. I also -- as a way to -- to show this,  
24 one of the things that I can address or we can point to  
25 is Figure 3 presents the same kind of data and shows

1 some of the differences. And it's a whole range, if you  
2 wanted to compare the differences be this less than  
3 10 percent, 10 to 25 percent. So this just shows some  
4 of the clearest points of where you're going to have the  
5 highest group, and it's not effective for there to be a  
6 majority.

7 Q. So --

8 A. That would be a difference for making that  
9 determination.

10 Q. In some of these blocks right next to the green  
11 areas, there could be as much as 45.4 percent Hispanic  
12 CVAP, and it would -- that would not be shown in this  
13 figure, correct?

14 A. Correct. And the intent of showing this is  
15 where -- they could be adjacent, and that's fine, but  
16 where is the highest levels of concentration in the fact  
17 that they are far apart.

18 Q. And for this map, you don't accompany this map  
19 with any sort of table that shows a breakdown of CVAP by  
20 Census block, do you?

21 A. No table.

22 Q. Okay. I'd like to go -- scroll to the top of  
23 Page 8.

24 CONCIERGE TECH: (Complied.)

25 BY MS. KLEIN:

1 Q. And this first paragraph: On Galveston Island,  
2 there are 7,637 Hispanic residents who are voting age  
3 citizens. Those citizens live 18 miles away from the  
4 concentration of 305 Hispanic voting age citizens in the  
5 Census blocks that are circled in Figure 2 to the north.

6 This sentence was added in your amended  
7 report; is that right?

8 A. Yes. To give more clarity and context, again,  
9 showing -- whereas before I don't say just north and  
10 south. Now not only did I make that more visible, I  
11 wanted to add the sentences that point to what those  
12 meant.

13 Q. Because there's no tables accompanying it, so  
14 you wanted to provide that clarity?

15 A. Yeah, absolutely.

16 Q. Let -- let's scroll back to the figure itself.

17 And so the portion I just read, that  
18 paragraph, talks about these two circled areas. And you  
19 said that in here in the north, that Figure 2 in the  
20 north has 305 Hispanic voting age citizens; is that  
21 correct?

22 A. That's what's written, yes.

23 Q. And that has the number, I think, 140 in that  
24 circle, just so we're clear for the record of where  
25 we're looking?

1           A. Oh, agree. Yeah, you're calling out the road  
2 number, yes.

3           Q. So that -- that portion has 305. The lower  
4 circle on the island has 7,637 Hispanic residents,  
5 correct?

6           A. I think we could describe even how that might  
7 be the entire island or groups. The important part here  
8 was that if there were these concentrations -- I'm  
9 speaking -- not only am I showing: Hey, they're  
10 concentrated in those Census blocks, but the -- the  
11 island is -- is distant from the other areas; in this  
12 case, in the northern part of the County.

13           Q. So if I divide 760 -- 7,637 in that south --  
14 southern area by the 305 in the northern area -- you're  
15 probably better at math than I am -- but if we did a  
16 back-of-the-envelope, that would be about -- there's  
17 about 25 times more Latino residents in that southern  
18 circled area than in the northern circled area, correct?

19           A. As far as just to the areas that I'm indicating  
20 by the circles to draw our attention to it.

21           Q. But you'd agree that the green highlighting in  
22 the southern area is much, much, much less than the  
23 green highlighting in the northern areas, right?

24           A. I do, yes.

25           Q. So if we were using this figure, as you said,

1 to assess the concentrations of, you know, Latino popu-  
2 -- Hispanic populations -- my apologies. I'm using  
3 Latino and Hispanic interchangeably, and I can alter  
4 that if you think it's inaccurate. So I'll start the  
5 question again.

6 If -- if we were using this Figure 2 to  
7 assess the concentrations of Hispanic populations in  
8 Galveston County, wouldn't you agree that this would  
9 give the impression that there are much more Hispanic  
10 residents of CVAP in that northern circle than in the  
11 southern circle?

12 A. Visually, I think that's the important reason  
13 to offer the textual description. I think collectively  
14 the size -- geographic size of the Census block is not  
15 determined by me.

16 Q. So you agree that you have to provide the  
17 textual information because, just looking at this, you  
18 would draw the wrong conclusion by saying: Oh, there's  
19 much more CVAP in that northern circle than in the  
20 southern circle, correct?

21 A. I don't think there's also anything in this map  
22 of Figure 2 that shows that there is much more. If --  
23 this is the share of the pop- -- Hispanic citizen voting  
24 age population divided by the total citizen age  
25 population. So it identifies to us that there is a

1 concentration of population as well on Galveston Island  
2 in that area compared to the concentration that we're  
3 seeing and talking about here.

4 Q. So I hear you use the word "concentration,"  
5 which makes sense to me. But when I look at Figure 2 in  
6 the heading, Dr. Owens, it says: Dispersion of Hispanic  
7 Citizen Voting Age Population.

8 Is it your testimony today that dispersion  
9 is the same thing as concentration?

10 A. Dispersion is going to be the distance between  
11 areas of concentration as well -- and it should consider  
12 distances about their size. All -- I think all three  
13 should be determined.

14 Q. So your testimony today is that this figure  
15 accurately shows the dispersion of where the Hispanic  
16 citizen voting age population is concentrated, but not  
17 the raw numbers of where Hispanic citizen voting age  
18 population lives? Does that sound like a fair  
19 characterization to you?

20 MS. OLALDE: Objection, confuse --  
21 confusing and misstates prior testimony.

22 THE WITNESS: I would say in this case not  
23 only the circles are pointing to areas which also could  
24 be of similar distance to what's shown in Dickinson, but  
25 the idea is that all of these areas here are primarily

1 shown to point to the fact that east and west, as well  
2 as north and south, there are concentrations that -- of  
3 the Hispanic community.

4 And, typically, they vary of size in  
5 relation to where those -- the size of the populations  
6 are with their cities. I think that's consistent with  
7 other work, which points to the fact of, you know,  
8 urbanization plays a role in this.

9 BY MS. KLEIN:

10 Q. So the northern part we discussed has just 305  
11 Latino residents in that northern circle. Where on this  
12 map will I know if there are areas of comparable  
13 geographic size that have more than 305 Latino  
14 residents?

15 A. In this case, I doubt we -- we can easily  
16 identify this by comparing a couple of the different  
17 maps. You not only have Figure 3 to help with this --  
18 that's going to show a wider group -- but there is a  
19 difference here of -- on Figure 1, we've seen where the  
20 population change exists and how there's been more  
21 concentrated population change in the north.

22 Q. Let's move on to Figure 3, then.

23 So Figure 3 actually shows that there are  
24 concentrations of Hispanic residents throughout  
25 Galveston County. Would you agree with that?



1           A. Yes. We have concentrations of Hispanic  
2 citizen voting age population in many parts of Galveston  
3 County.

4           Q. These -- you did similar figures to these for  
5 the Black CVAP population in Galveston County, correct?

6           A. I did, yes. You should find in this report  
7 there's symmetry of the analysis for both groups.

8           Q. Are there any maps that have these types of  
9 figures for combined Black and Hispanic CVAP?

10          A. No, but they could be -- the same part could be  
11 inferred from looking at them side by side.

12          Q. So if I wanted to, for example, see where in  
13 Galveston County are the areas that have, you know,  
14 46 percent and above Black and Latino CVAP combined,  
15 there's no single figure I could look at; is that  
16 correct?

17          A. That's correct. There's not one in this part,  
18 and part of it is because there are tables that assess  
19 why they have substantial differences across geography,  
20 especially in areas that commissioners precinct 3  
21 touches.

22          Q. I'm cutting a few questions, if you'll bear  
23 with me for a moment, that I think we've covered.

24                        So in your analysis how do you define a  
25 compact minority population?

1           A. Well, it's just to the -- the location of where  
2 they -- they live, and they should be using not only  
3 Figures 2 and 3; the second part is going to be whether  
4 or not the analysis that is provided in tables and if  
5 they have similar characteristics in the proc- -- of the  
6 same, say, population and across the geographic areas of  
7 the County. I'm looking for --

8           Q. Did you --

9           A. -- yeah, just the alignment of those two  
10 factors.

11           Q. And looking at the first factor, did you have  
12 any mathematical threshold you applied in assessing  
13 compactness of minority populations?

14           A. There has typically been the count of miles  
15 between those -- of the highlighted Census blocks that  
16 were presented in Figure 3 as well as --

17           Q. How many miles -- sorry.

18                         How many miles make a population not  
19 compact?

20           A. That would be a question that varies by  
21 context, depending on the size of the County, but -- so,  
22 here, I think that's -- one of those things of what we  
23 can do best as experts is provide an objective measure  
24 of what that distance is for it to be evaluated.

25           Q. And what is as the expert in this case being

1 offered by Defendants, is your objective measure?

2 A. I don't give an opinion about that.

3 Q. You don't give an opinion about?

4 A. What the acceptable threshold of distance would  
5 be. I think collectively here I'm pointing to the fact,  
6 in my analysis, that the areas of high concentration are  
7 not always adjacent to each other. In fact, they can be  
8 quite distant from one another in the Hispanic  
9 population. As shown right now, we are looking on the  
10 screen at Figure 3; we're seeing that there is also a  
11 stronger threshold -- or large population sizes between  
12 Voting District 315, Voting District 298, right, and  
13 Voting District 258.

14 They, themselves, are distant, and I  
15 describe to them that they would not be geographically  
16 compact. Sometimes we describe that this can be as much  
17 as 20 miles apart from north to south.

18 Q. What academic literature are you relying upon  
19 to come to these conclusions? You used the word  
20 distance. Is -- "distant." Is that -- for example, is  
21 that a term from an academic literature you can point me  
22 to?

23 A. The thing is one -- just -- I cannot point you  
24 to a direct term. I can also point you, though, to  
25 William Cooper's report. He talks about distance. And,

1 in this case, since that was being used in our  
2 discussion of the case, I wanted to be consistent with  
3 that analysis.

4 Q. So I -- I want to make sure it's clear for the  
5 record. I'm asking about your use of the term "distant"  
6 not "distance," "distant." You opined that minority  
7 populations are dis -- quote, distant, and I'm asking  
8 where you got that term from?

9 A. Yeah. It would be part of opinion that's in  
10 LULAC v. Perry in the State of Texas.

11 Q. And tell me, in LULAC v. Perry, what was the  
12 concept of, quote, distant that you applied to this case  
13 in Galveston?

14 A. That's a -- it's not a county case, but it  
15 would be the fact here off a legislative district case  
16 that identifies a northern and, in this case, southern,  
17 two different distant Hispanic populations, making the  
18 argument here they didn't have anything else in common  
19 other than their -- their race.

20 Q. You have not used that term in your own  
21 academic work, correct?

22 A. Correct. I do not -- the academic work that  
23 I've done is focused on the opinions and participation  
24 rates of people who live in these communities. And so  
25 now when we do the geographic analysis, we are taking

1 those characteristics into account.

2 Q. You didn't use that concept of "distant" in  
3 your work in Oklahoma either, did you?

4 A. That was -- I mean, primarily, we would be  
5 focusing in on the -- you know, keeping counties whole,  
6 so that -- that would describe it. We would be careful  
7 on any evaluation to make sure that you are not reaching  
8 for one community that is, sort of, too far from  
9 another.

10 Q. So you did use the concept of "distant" in  
11 Oklahoma?

12 A. I'd say informally, when you want to make  
13 sure -- yeah, because the idea is: Were those compact  
14 districts? They had, in particular, identified shapes,  
15 and they weren't extending, right, across geographic  
16 areas or splitting communities to get -- to combine  
17 joined groups.

18 Q. You also use the term "disparate" in your  
19 report. Is that also from the LULAC v. Perry case?

20 A. It is.

21 Q. And that term, you haven't used that in your  
22 academic research, correct?

23 A. No.

24 Q. In concluding that Galveston County's Hispanic  
25 population is, quote, distant and disparate, you used

1 citizen voting age population. Why did you use CVAP  
2 instead of VAP or just residents?

3 A. Mainly because we're focused in on the interest  
4 of the Thornburg v. Gingles case. We're understanding  
5 how does this affect the opportunity to elect someone to  
6 a particular precinct. So those individuals who are  
7 able to participate in elections or registered to vote  
8 in Texas would be citizens over the age of 18.

9 Q. Those citizens over the age 18 aren't the only  
10 members of the Hispanic community in Galveston; is that  
11 correct?

12 A. You're correct.

13 Q. So you're not considering, you know, future  
14 voters, even 16-, 17-year-olds that might vote in the  
15 next decade. You're not -- you haven't considered those  
16 in your analysis of whether Hispanic populations in  
17 Galveston are distant and disparate; is that right?

18 A. In fact, part of my American Community Survey  
19 research may include that when we talk about households,  
20 but also, that continues to go with that question, would  
21 have to prove of the logic that those individuals under  
22 the age of 18 are not citizens primarily lived in a  
23 concentrated way in areas that other Hispanics do not.

24 So in this case, I do make an assumption  
25 that our communities that are Hispanic tend -- might

1 live in the same areas or that the citizen population in  
2 Galveston is quite a bit larger than the noncitizen  
3 population.

4 Q. What does it mean for a population to be,  
5 quote, reliably placed in one commissioners precinct?

6 A. Where's the quote coming from?

7 Q. We'll go to Page 13, just after Heading E in  
8 this report. So now we're moving on to the analysis of  
9 Black CVAP.

10 And, here -- let me find it for you, the  
11 second sentence: The estimates of Galveston County's  
12 citizen voting age population show that Black  
13 populations are disparate and unable to reliably be  
14 placed into one commissioner precinct that would form a  
15 majority community of interest.

16 What do you mean by "reliably"?

17 A. Reliably, in this case, should be interpreted  
18 to say Black populations that have the same, sort of,  
19 cultural characteristics and socioeconomic factors.

20 Q. Where does that term come from?

21 A. Right now, that would be just my -- my  
22 vocabulary.

23 Q. Not academic literature?

24 (Simultaneously speaking.)

25 A. No, I -- I didn't use academic literature as a

1 thesaurus or group.

2 Q. All right. I'd like to ask you about turning  
3 to more of the socioeconomic analysis you did here.

4 You used some -- you compared socioeconomic  
5 factors across Census county divisions in Galveston; is  
6 that right?

7 A. Yes. That's what was used.

8 Q. Why did you -- and I'm going to call those  
9 CCDs, just to shorten the words. That's okay?

10 A. Excellent.

11 Q. Why did you pick CCDs?

12 A. Uh-huh. CCDs provide, sort of, a substantially  
13 large way to take the Census American Community Survey  
14 estimates and make comparisons within the County.

15 Q. What do you mean by -- like what is it  
16 advantage -- advantageous for them to be, quote,  
17 substantially large as you just said?

18 A. So there are some parts of the County in  
19 anywhere that we have a disparate population there may  
20 be times where there aren't enough, in particular,  
21 individuals who live in a Census block or Census block  
22 group within each, kind of, in this case, race or  
23 ethnicity definition. So the Census block does remove  
24 part of this to make sure that we can anonymize the  
25 responses that are given and also to make sure that when



1 they report these margins of error to that group, right,  
2 that we understand how confident the Census is with that  
3 estimate from the particular area.

4 But we also want to not just do a  
5 county-level analysis when we're looking at the  
6 differences of a growing northern population county,  
7 right, compared to a -- also a growing southern part of  
8 the population county.

9 Q. Have you used CCDs in this fashion for your  
10 academic work?

11 A. No, I haven't. They just were a good use to  
12 make this comparison inside the County.

13 Q. What about your work in Oklahoma? Did you use  
14 CCDs in this manner?

15 A. No.

16 Q. Are you aware of whether the court -- you know,  
17 any courts have used CCDs in this manner?

18 A. I'm not aware.

19 Q. Are you aware that the American Community  
20 Survey also includes socioeconomic data by Census block  
21 group?

22 A. They are provided by the Census block group,  
23 but in this case, not all questions are provided when  
24 you look at it by race. So if you wanted to know what  
25 the Hispanic population is within the Census block

1 group, that comparison might not be available.

2 Q. Census block groups are considerably smaller  
3 than CCDs, correct?

4 A. They are, yes. That's the lowest level that  
5 all of American Community Survey data is available, and  
6 they are lower than the CCD. The difference is how can  
7 we make the aggregation to compare groups within that  
8 geography.

9 Q. Do you recall that Dr. Cooper provided  
10 socioeconomic ACS data for Galveston County by  
11 municipality as well as Census-designated places?

12 A. I do.

13 Q. And as you said before, you reviewed Exhibit D,  
14 because you reviewed the exhibits from the other  
15 experts, correct?

16 A. Yes.

17 Q. So do you agree with his conclusion that  
18 disparities between Black and Latino residents as  
19 compared to their Anglo counterparts are consistent  
20 throughout all of Galveston County's municipalities?

21 A. That's right. As we sort of answer this  
22 question, can we look at the Exhibit D?

23 Q. We can look at, you know, Cooper's report. I  
24 guess what I'm asking is whether you agree that the  
25 dis- -- there are disparities between how Anglo

1 counterparts, their socioeconomic factors, compared to  
2 the Black and Latino resid- -- residents in Galveston  
3 County.

4 Do you have any reason to disagree with his  
5 conclusions on that point?

6 A. I don't. I think it goes outside sort of the  
7 scope of any opinions in focusing on this case to how  
8 similar are Hispanics in the northern part of the  
9 County, or any municipality, in this case CCD, to other  
10 CCDs, as well as how the African American population  
11 is -- is comparative relative to itself, and --

12 Q. So you didn't --

13 A. -- the argument of whether they can be a  
14 coalition is whether they are, themselves, having the  
15 same conditions, right, or soc- -- socioeconomic  
16 characteristics. I think that exists without comparison  
17 to the non-Hispanic White or Anglo population.

18 Q. Are you aware of when Galveston's CCDs were  
19 first put in place?

20 A. First place, I think there's been references by  
21 the other experts, but --

22 Q. Before you chose to use CCDs, did you consider  
23 how long those CCDs had been in the same configuration?

24 A. No. I considered the fact that the Census  
25 reported its 2020 Census -- or American Community Survey

1 results using that geographic distribution, because they  
2 represent, essentially, sections of the County. Just  
3 the same way the American Community Survey has been  
4 providing, sort of, individual level responses, but they  
5 are disguised and aggregated to the public use microdata  
6 of which there are only two divisions of Galveston  
7 County.

8 Q. Does it surprise you to learn that those CCDs  
9 have been in the some configuration for about seven  
10 years -- about 50 years, pardon me?

11 A. It does. And I think there's a history to  
12 Galveston in that Galveston has been a city and  
13 municipality for longer than that.

14 Q. But you would agree, however, that Galveston's  
15 political geography has been reshaped by its population  
16 growth, correct?

17 A. Uh-huh. And that population growth is still  
18 captured within these designations as some populations  
19 may, in this case, be getting larger, but there still  
20 are communities there. It would be the same thing as  
21 where populations change right now and some people moved  
22 out of Census block groups, we can still track those  
23 whether or not the Census block group boundary changed  
24 or did not change.

25 Q. One of the CCDs you used combines Texas City

1 | and League City, correct?

2 | A. It does.

3 | Q. Are you aware of how far apart those two  
4 | municipalities are from each other?

5 | A. Generally, yes; they are on other sides of the  
6 | City of Dickinson.

7 | Q. And you were aware of that when you used CCDs  
8 | in your report?

9 | A. Yes. But I think in this case it also means  
10 | that it includes that whole region. Just because they  
11 | name it that, doesn't mean it only includes those two  
12 | cities.

13 | Q. Did you compare the socioeconomic factors  
14 | between those two municipalities before you decided it  
15 | was appropriate to use a CCD that combined both of them?

16 | A. No. I used the CCD. When it makes those  
17 | comparisons, we -- especially because wanting to show  
18 | the difference between, in this case, the ethnicity of  
19 | Hispanic respondents to the ACS and to the non-Hispanic  
20 | African American respondents.

21 | Q. Just to close out your analysis of Black CVAP,  
22 | you used -- you used the same 46 percent threshold that  
23 | we discussed for Hispanic CVAP as Black CVAP, correct?

24 | A. Correct.

25 | Q. And so if I -- if we look at Figure 6 -- which

1 I think we can scroll up --

2 A. Okay. Scroll --

3 Q. Scroll up the other way.

4 CONCIERGE TECH: (Complied.)

5 BY MS. KLEIN:

6 Q. If we look for Figure 6 here, can I see where  
7 the greatest raw number of Black citizens are in  
8 Galveston County?

9 A. I think you can see, yes. It would be more  
10 towards, in this case, the center. So you can see, in  
11 this case, there's parts with La Marque or Hitchcock.  
12 These are shaded in green.

13 Q. You're talking about the lower portion, the  
14 southern portion of the map?

15 A. Yes. And then you would think, in this case,  
16 there's probably -- the concentration is higher in  
17 Hitchcock than it might be in -- as far as the areas, if  
18 it's just below the Bayou Vista.

19 Q. And again, this talks about concentrations not  
20 raw numbers, correct?

21 A. It does, yes. And then, similarly, Figure 7 is  
22 going to give an expansion, in this case, not just at  
23 Census blocks but of the voting distance.

24 Q. All right. You say in your report that there's  
25 a concentration of Black voters in the north -- quote,

1 northern part of the County. Can you tell me where that  
2 is shown on Figure 6?

3 A. Yeah. In this case, let's look to the area  
4 which, in Figure 6, those would be shaded green  
5 underneath the yellow line where Dickinson is. And so  
6 this is part of where you might see the district gets  
7 quite narrow and then opens back up to get a community.  
8 There's a concentration of African Americans at the very  
9 northern edge of that group, and there's also a  
10 concentration of African Americans on Galveston Island.

11 Q. Are you refer -- are those areas appearing in  
12 green shading on this map?

13 A. They appear -- it might be shaded. You can  
14 probably see them as being overlaid with the yellow.  
15 But consistently, they are there. And I think, most  
16 often, this is quite visible on Figure 7. You would  
17 see, actually, the Census block group appears more like  
18 the voting tabulation district, and there's one that is  
19 red showing that it has more than 50 percent citizen  
20 voting age population.

21 Q. Going back to my question -- we talked about  
22 this earlier -- but which version of the VTDs did you  
23 use in this map, the November 2021 or the December 2021?

24 A. November 2021.

25 Q. Just looking -- if we could go to Page 12 of

1 this, I think, scrolling up --

2 CONCIERGE TECH: (Complied.)

3 THE WITNESS: Okay.

4 BY MS. KLEIN:

5 Q. If we can scroll down a little bit. These --  
6 that last sentence on Page 12, you say: One concern is  
7 that citizens -- is that decisions to draw these  
8 communities into one commissioners precinct does not  
9 consider other differences Black citizens have in these  
10 different cities and areas of a county.

11 As we discussed earlier, you didn't do an  
12 analysis across specific municipalities, correct?

13 A. No. I used the word plural here because that's  
14 a group of cities, yes. And we can compare groups of  
15 cities or regions within a county to another set or  
16 region of that county.

17 Q. And you decided it was appropriate to use CCDs  
18 in grouping those cities together, correct?

19 A. Yes. I think the U.S. Census provides the data  
20 in that capacity. It lets us look within a reasonable  
21 set. I think here this is four groups that you look at  
22 within the County. We have four commissioners'  
23 precincts.

24 Q. Would you agree that Mr. Cooper's analysis that  
25 does this across municipalities is more granular than



1 your analysis?

2 A. I think one we want to go back to is the -- I  
3 asked to look at his report when we talk about those  
4 questions, but a couple of the things that he provides  
5 is that he does show the granular nature of Census block  
6 groups, but he's not showing the difference of these  
7 questions based off of race.

8 So whether or not someone is able to  
9 receive USDA food assistance is just whether they  
10 receive it and where do they live and looking at where  
11 they overlapped. My data in this case doesn't make an  
12 assumption about where you live and then where someone  
13 in that community may be receiving a service.

14 So his information is useful in this case.  
15 It does provide that granular part, but it's not able to  
16 essentially focus in on that Hispanic or Black  
17 difference and also show the geographic comparisons.

18 Q. And you're saying you looked at all of  
19 Mr. Cooper's exhibits that he submitted with his report,  
20 correct?

21 A. Yes, I believe --

22 Q. Okay.

23 A. I believe so. I just can't recall them  
24 immediately.

25 Q. Let's talk about your assessment of

1 socioeconomic figures. How did you decide which  
2 specific socioeconomic indicators you would look at for  
3 each population?

4 A. First, I looked at education and income. These  
5 are typically factors that are correlated with, not only  
6 voter preferences, but also voter turnout. And I also  
7 looked at parts of mobility. So sometimes the newer you  
8 are to an area, then the less participation you may be.  
9 But also, the newer you are to a community, the less  
10 tied you are to its -- its political history or  
11 differences. So I've included those.

12 Q. All right. Let's take a look at -- sorry. I  
13 keep on thinking you're done talking, and you're not  
14 done talking, and I apologize. Just try to --

15 A. We can move forward. I'm good.

16 MS. KLEIN: If we could scroll up to  
17 Section 1(c), Table 4 specifically -- actually, I  
18 might re- -- yeah. Let's scroll up.

19 CONCIERGE TECH: (Complied.)

20 BY MS. KLEIN:

21 Q. So in this section, you're talking about  
22 socioeconomic factors in the Hispanic population. Here,  
23 you're looking at median age and population working  
24 full-time, correct?

25 A. Yes.

1 Q. Did you look at any other employment-related  
2 factors for the Hispanic population?

3 A. As far as the -- no. This provides; in  
4 particular, the most granular part, you have other  
5 aspects where it may -- would have been interested to  
6 see if there were differences in which industry they  
7 worked in, but that opportunity is even -- that's going  
8 to vary as well regionally. So this is something that  
9 should not vary regionally, and that's why I would have  
10 made its choice.

11 Q. You observe in that paragraph above this table:  
12 Hispanic men in the northern part of Galveston County  
13 are 12 percent more likely to have a full-time job than  
14 Hispanics on Galveston Island.

15 Are you conceding that there is no  
16 appreciable difference between the Galveston and  
17 La Marque -- La Marque/Hitchcock CCDs?

18 A. Oh, between the median age of La Marque and --  
19 La Marque and Hitchcock are the same CCD. So if you  
20 could restate -- so what am I comparing them to?

21 Q. So if you look at Galveston, in that first  
22 column, and compare it with the La Marque/Hitchcock,  
23 second column --

24 A. Yeah.

25 Q. -- are you saying that those are not

1 significantly different?

2 A. Agreed, right. Without -- essentially, I would  
3 expect if there's a margin of error, that's going to  
4 overlap. So I -- where indications here are within that  
5 2 percent, I wouldn't think that that difference is --is  
6 substantial. I mean, I should expect there to be some  
7 variation and still say there could be similarity, yes.

8 Q. Okay. If we scroll down, what other tables of  
9 socioeconomic characteristics did you include for the  
10 Hispanic population?

11 A. For the Hispanic population, I not only include  
12 median age of their work, percentage working full-time,  
13 I included their income in their household.

14 Q. And what else did you include? We can scroll  
15 through it to refresh your memory, if we need to.

16 A. That is the -- the categories that -- that I  
17 used with Hispanics.

18 Q. Did you -- did you look at any of the other  
19 socioeconomic data that's not reflected in the charts  
20 that you've exhibited in your report?

21 A. Yes. I think I made considerations, in  
22 particular, of what -- not only geographic mobility; the  
23 other part was the nation of origin of a Hispanic  
24 respondent.

25 Q. Why didn't you provide those analyses --

1 similar tables for those in your report?

2 A. Yeah. I think, collectively, is that the  
3 nation of origin, where there are people coming from --  
4 are Mexican American or identify as Central American, we  
5 might not see as, sort of, substantial differences, but  
6 also, it's not going to be as meaningful, I think, to  
7 the comparison that we are making here on, you know: Is  
8 that a community of interest?

9 So I'm not looking to see whether or not  
10 there's a difference on, in particular, the -- the  
11 nation of their ancestry. So these, in particular, are  
12 opportunities equally to the symmetry of this; you don't  
13 see much variation on the nation of origin among the  
14 African American population.

15 And so if I'm not going to make the same  
16 comparison within those groups, I don't want to make --  
17 sort of selectively pick something that applies to a  
18 Hispanic population for them to be meaningful about  
19 determining them as a community of interest, that I'm  
20 not going to use or be able to use in the -- potentially  
21 African American population, which was 99 -- or over  
22 90 percent of Amer- -- sort of, born in the United  
23 States identify as an African American and not  
24 identifying as being born outside the country.

25 Q. What about geographic origin? Did you look at

1 that for the Hispanic population in Galveston?

2 A. Yeah, as far as where they moved to, and if  
3 they've moved recently, I think that was one I  
4 downloaded and then did not write an analysis about.

5 Q. Why not?

6 A. I think space and constraints. I -- I just  
7 wanted to focus the report so things would continue to  
8 be clear.

9 Q. So did you pick the figures that you thought  
10 would show the biggest differences among the Hispanic  
11 population CCDs?

12 A. No, I didn't. I picked things in particular  
13 that may not necessarily be influenced as much by region  
14 of where they live, as opposed to now; I think in this  
15 case we, upon reflection, you know, the -- the County  
16 has grown in different places; maybe the center of the  
17 County has grown less. And in this case, where they  
18 have moved from or moved to is -- sort of provides a --  
19 a -- a spurious relationship towards the question of  
20 where that population growth has occurred, because it's  
21 dependent on where people are moving from.

22 Q. So you just said that you wanted to pick things  
23 that might not vary by region because of the region. Is  
24 it your opinion that income does not vary by region in  
25 Galveston County?

1           A. In this case, I show that income does vary by  
2 region within the Hispanic and the African American  
3 communities, but I think, in this case, I don't have a  
4 reason to believe why it should.

5           Q. Do you think it might have something to do with  
6 whether, for example, an area like League City is a  
7 suburb of Houston?

8           A. Yeah. I think, in this case, that -- that can  
9 be part of it. I mean, in this -- you know, in this  
10 case, where they're traveling to work. But I think a  
11 lot of our parts here show that people are traveling, a  
12 lot of times, distances to go to their workplace, but  
13 they're not bound to work within these CCDs.

14          Q. Let me put this a -- more bluntly. Do you  
15 think Galveston County, it's fair to say, it has rich  
16 areas and poor areas?

17          A. In the -- both Figure 5, and if I come back  
18 scrolling down to Figure 8, I also make that point. The  
19 fact is that you end up with African Americans who live  
20 on Galveston -- in Galveston CCD make up -- have a  
21 higher, in this case, proportion who make up less in any  
22 time.

23                   I mean, the individuals who are African  
24 American make more than -- have a higher proportion of  
25 those who make \$75,000 as a household income, or greater

1 than -- than Galveston in these cases. So any time you  
2 see that light blue and darker blue end up being higher,  
3 that's showing sometimes the -- those differences.

4 I think what I'm showing in this case is  
5 that that is meaningful to the question about that their  
6 populations might actually be disparate.

7 Q. Did you look at the income, you know, qualities  
8 between Texas City and League City?

9 A. In this case, I did not, because they're part  
10 of the same CCD in that definition.

11 Q. So you just assumed it was appropriate to group  
12 League City and Texas City together relying on CCDs,  
13 correct?

14 A. I did not -- I mean, I think it's appropriate  
15 because I did not make that definition. In this case,  
16 you're making the comparison of Texas City and League  
17 City being further north than the Galveston CCD.

18 Q. Okay. You said you had to be consistent  
19 between the Hispanic and the Black populations, so --  
20 and I'd like to talk a little bit more about that. I  
21 think now we're in the section of your report that talks  
22 about the Black CVAP.

23 This Figure 8 is the same income comparison  
24 that you had for Hispanic. Can we scroll up just to see  
25 what other figures you've included for the Black



1 population?

2 MS. KLEIN: So scroll up a little bit more,  
3 please. We'll start at the beginning of this Section E,  
4 right there.

5 CONCIERGE TECH: (Complied.)

6 BY MS. KLEIN:

7 Q. And if we look -- go through the tables --

8 MS. KLEIN: So scroll down to Table --  
9 Page 14, Table 6 is Geographic Mobility.

10 CONCIERGE TECH: (Complied.)

11 BY MS. KLEIN:

12 Q. You did not provide this analysis for the  
13 Latino population, correct?

14 A. No, I did not.

15 Q. This next Table 7, Median Age and Population  
16 Working Full-Time, you did include that for the Hispanic  
17 population?

18 A. Correct.

19 Q. And then Table 8, Education Attainment, you did  
20 not include that for the Hispanic population, correct?

21 A. Correct, I did not.

22 Q. And then let's see what other figures -- we  
23 talked about Figure 8, which is the income. And then  
24 let's see if there's anything else. I think that's it  
25 for -- so you included a -- different socioeconomic

1 factors for Black CVAP as compared to Hispanic CVAP,  
2 correct?

3 A. Yes, because they're the addition of two more.

4 Q. All right. We can take this down for now.

5 Thank you, Dr. Owens.

6 If you want a brief break, this would be a  
7 good stopping time. I just have one more section to get  
8 through, and then I'll pass you to the other groups.

9 MS. KLEIN: Does anyone want to take a  
10 five-minute bio break.

11 THE WITNESS: Excellent. Yeah, I -- I'd  
12 like to, please.

13 THE VIDEOGRAPHER: We are off the record at  
14 1:46 p.m.

15 (Brief recess taken.)

16 THE VIDEOGRAPHER: We are back on the  
17 record at 1:55 p.m.

18 BY MS. KLEIN:

19 Q. Dr. Owens, did you talk to anybody about the  
20 substance of your testimony today during the break?

21 A. No.

22 Q. Okay. I'd like to ask you now about your  
23 analysis of Mr. Cooper's illustrative plans in his  
24 report.

25 So we've talked a little bit -- you

1 mentioned population equalization as something you  
2 considered. And I want to ask you: What level of  
3 populization -- population equalization is required for  
4 Galveston County's Commissioners Precincts?

5 A. Seems like they're plus or minus 5 percent.

6 Q. Do you agree that the population deviations of  
7 all of Plaintiffs' illustrative maps -- Mr. Cooper's,  
8 Mr. Rush's, and Mr. Fairfax -- that they're all within  
9 the legal requirements for equalizing populations?

10 A. I agree they are, in this case, statistically  
11 in that range. I think the part that I'm going to  
12 consider in this case is that you can always make an  
13 effort to reduce that population in this case. So when  
14 we're usually allowing that, you want to have a reason  
15 why you're continuing to use that population deviation.

16 Q. Do map drawers have to pick a map with the  
17 lowest average population deviation?

18 A. They don't have to. I think, in this case, if  
19 you think about a principle at which you're going to  
20 address something as being a -- a preferred map, map  
21 that is providing better representation, it will be  
22 closer to the one-person/one-vote standard.

23 Q. And we've also talked about compactness a  
24 little bit. You've provided scores for compactness in  
25 your report, I think three tables, Table 10, 11, 12. Do

1 you recall that?

2 A. Yes.

3 Q. Can you tell me, broadly speaking, where you  
4 got the numbers that you put in those tables?

5 A. Yeah. The numbers for Mr. Cooper, and I  
6 believe, in this case, the -- Mr. Fairfax, can come from  
7 their reports, as well, being verified with Maptitude.  
8 Ty Rush's reports I generated through Maptitude.

9 Q. What about the Enacted Plan?

10 A. The Enacted Plan was also reported by Anthony  
11 Fairfax.

12 Q. I want to look at Table 10 first.

13 MS. KLEIN: So could we please pull up --  
14 it's Exhibit -- I'm -- I have lost, of course, the  
15 exhibit number. Can we please pull up Exhibit 9 and  
16 scroll to Page 16?

17 CONCIERGE TECH: Okay. (Complied.)

18 BY MS. KLEIN:

19 Q. And you know what? I think that I might not  
20 have had taken the opportunity to just confirm -- we can  
21 go to the first page. This is your -- if we can go to  
22 the first page of this, this is your amended report,  
23 correct?

24 A. Thank you for confirming, but, yeah, I -- I saw  
25 that.

1 Q. And that's your signature on the front there?

2 A. It is.

3 Q. Okay, great.

4 So let's scroll to Page 16.

5 A. Okay.

6 Q. And let's scroll down to Table 10, please.

7 A. Very good, yeah, the Reock scores.

8 Q. So the Reock scores -- can you tell me, what is  
9 a Reock score?

10 A. This is a score at which identifies the  
11 compactness of a geographic shape. It will vary between  
12 0 and 1, but it gives you a sense of determining, right,  
13 without any knowledge of the political geography in the  
14 area, right: What is the shape especially relative to  
15 the shapes in that addition -- other plan?

16 Q. Okay. And let's scroll down to Table 10 --  
17 Table 11 on the next page, Page 17, of your report.

18 A. Yes.

19 Q. And this gives Polsby-Popper scores, correct?

20 A. Yes.

21 Q. What -- what is a Polsby-Popper score?

22 A. Polsby-Popper score is, again, something that  
23 will range from 0 to 1, set to determine a difference  
24 about the shape of its district.

25 Q. How is Polsby-Popper different than Reock?

1           A. Based on the -- anyways, the characteristics  
2 that they're going to consider and the ability of, like,  
3 one, to prioritize a -- a square and where --  
4 understanding -- each shape, right, might have some  
5 particular difference.

6                       So, I think, the reason why present them  
7 together is that they --

8                       THE COURT REPORTER: Hold on. Hold on.

9                       THE VIDEOGRAPHER: Someone's not muted.  
10 Please mute yourself. Thank you.

11                      THE COURT REPORTER: Sarah.

12                      And you're going to have to repeat that.

13 She was coughing.

14                      THE WITNESS: Okay. Happy to.

15                      These two scores, they capture different  
16 parts of compactness. So the important thing that we do  
17 is to com- -- to show multiple scores here, because  
18 they're going to determine some difference of geographic  
19 shape, and one is going to, sort of, count you harder  
20 against if you tend to be going away from a geographic  
21 shape than any other group.

22 BY MS. KLEIN:

23                      Q. Okay. Where did you first -- and then --  
24 sorry -- Table 12 is Convex-Hull scores. And can you  
25 explain what Convex-Hull means?

1           A. Convex-Hull is going to look a little bit more  
2 ranging from 0 to 1. It's going to take into  
3 perspective the perimeter, as well as the shape of a  
4 line that can fit within that perimeter.

5           Q. Where have you learned about these different --  
6 three different compactness tests?

7           A. In reviewing other redistricting plans and  
8 seeing that, in this case, these scores are commonly  
9 used, they represent -- again, something with a higher  
10 score achieves more compactness. We also have the  
11 ability, why we would have these scores, to determine if  
12 one commissioners precinct, or we can say congressional  
13 district, is more compact than its neighboring group.

14           Q. You mentioned reviewing other redistricting  
15 plans, and I don't think we've talked about that before.

16                       Can you tell me in what capacity you've  
17 reviewed other redistricting plans?

18           A. Yeah. One is, in this case, as an expert and  
19 in its testimony, and then most primarily as a academic  
20 who's studying and observing these -- these trends,  
21 especially to learn from past decades. The- -- these  
22 are often and -- and historically used measures of  
23 compactness.

24           Q. Have you -- about how many other plans have you  
25 reviewed where you've looked at their compactness?

1           A. Plans, yeah, less than -- than 10, even if I  
2 was to bring into the fact all of their groups and  
3 studies, but, two, professionally.

4           Q. If I look at Table 11, Cooper Illustrative,  
5 Line 2, you -- you translated those numbers over  
6 incorrectly from his plan; is that correct? Have you  
7 noticed that?

8           A. In that line of -- of which one, in the Map 2?

9           Q. In Table 11 for Cooper Illustrative Map 2.

10          A. Okay.

11          Q. Are there any other errors within these --  
12 sitting here today, within these tables that you know  
13 of?

14          A. I think one is to -- to reference them next to  
15 his report. But where you say there was, in Line 2, an  
16 error?

17          Q. Yeah. So you -- so you -- this is not one of  
18 the things that you had spotted as an error that we  
19 talked about earlier?

20          A. And I'm asking now: Are you discussing Cooper  
21 Illustrative 2 or Line 2 of Table 11?

22          Q. So Table 11, Cooper Illustrative Plan 2, are  
23 you aware of where those specific scores came from?

24          A. In this case, I would -- if you're identifying  
25 is there an error right now, I'm not aware of where that



1 error is.

2 Q. Okay. We can move on.

3 What does it mean to lack compactness in a  
4 map?

5 A. In compactness you want to think, first, is it  
6 -- the score itself is the shape maybe closer to 0, then  
7 that that is to be not compact, showing, in particular,  
8 if it had shapes. You also -- all these scores are  
9 taking into, in fact, the perimeter of the district, so  
10 you can think of it as, like, a shoreline, and  
11 understanding, in any part of our local geography, they  
12 can -- you know, those should be allowed to -- to exist,  
13 and -- and they will follow municipal boundaries as  
14 well. I think -- not all of these things are perfect  
15 shapes.

16 But one thing that we can determine is that  
17 it's the compactness of an entire map, and are all of  
18 these precincts achieving approximately the same scores  
19 across the board, or do you see wide deviation between  
20 those. And in this case, I'm seeing that, across  
21 illustrative maps, especially if we're to look here at  
22 Cooper 1, here's Precinct 3, is -- in particular, has a  
23 lower compactness, but any other precinct that was drawn  
24 in this case, I'd also -- right, is -- and it's a  
25 improvement from the benchmark, but the benchmark, in

1 particular, shows that anything that encouraged the  
2 least changes is going to have a low compactness score.  
3 It also means in this case: What about its political  
4 geography? Who is underneath this -- these district  
5 lines? And are they capturing a compact community that  
6 has similar interests?

7 Q. All right. There's a lot there, so I'm going  
8 to break it down a little bit.

9 First of all, I heard you say that the fact  
10 that Galveston has a water barrier impacts its  
11 compactness, correct?

12 A. Correct.

13 Q. Would you say that the enacted map is  
14 reasonably compact?

15 A. I would. I think in this case it -- it  
16 provides an opportunity here, which has a -- a higher  
17 average than the benchmark map, as far as all of the  
18 precincts together, and we also see, maybe as I just  
19 determined before, right, a lower standard deviation.  
20 So there's less difference between the compactness of  
21 each of these precinct boundaries that have been drawn.

22 Q. I heard you say before that you thought Cooper  
23 Illustrative Plan 1, Precinct 3, was less compact than  
24 all other Precinct 3s drawn in any plan.

25 Did I hear that correctly?

1           A. Uh-huh. I think it's -- it's less compact than  
2 the others that he drew, and in this case, I was  
3 identifying it was -- he did increase the compactness  
4 compared to that benchmark, which needed to be changed,  
5 and at the hundredths place, I thought -- his map is  
6 more -- his Precinct 3 is 1/100th more compact on the  
7 Polsby-Popper score than the Fairfax map.

8           Q. What about compared to the Enacted Plan? You  
9 said that you thought the Enacted Plan was reasonably  
10 compact, I heard.

11                       Do you think that the Cooper illustrative  
12 plans are also reasonably compact?

13           A. I think one of the things, in particular, is  
14 that they're not -- because they're not capturing the  
15 same, right -- and this is a population that has the  
16 same political interests, or in this case, right,  
17 substantial interests for their representation is shown  
18 by the differences in their own geography.

19                       Also, I paused and did not make comparisons  
20 between the enacted map and the benchmark map, because  
21 the -- in this case, Precinct 3, right, is now  
22 substantially different.

23           Q. Dr. Owens, taking -- I'm just going to ask you  
24 just about the compactness scores -- the three  
25 compactness scores that you have put in Tables 10, 11,

1 and 12 of your report.

2 Do you believe, under those scores, that  
3 the Enacted Plan is reasonably compact?

4 A. Yes. I think in this case it's -- they are  
5 similar across the board. I think they're bringing into  
6 account differences that you'll see just of counties'  
7 geography and their opportunities. But they have shown  
8 in this case, for Precinct 1, the enacted map has a  
9 higher score.

10 When we look to those, we see that occur as  
11 well in other precincts. It also has less deviation  
12 between those -- those groups on the account, if you see  
13 those, just, particular differences. But in large part,  
14 this is to say of -- not all of these -- the enacted map  
15 is -- is more compact than most of the illustrative maps  
16 that were presented.

17 Q. And just looking at the three compactness  
18 scores in Tables 10, 11, 12, is it your opinion that the  
19 Cooper illustrative plans, each districts in those plans  
20 are not reasonably compact? Is that your testimony  
21 today?

22 A. And I think the perspective of some of the  
23 analysis that I provided is that, at first, the  
24 compactness of these scores doesn't need -- necessarily  
25 need to be, right, compared because it doesn't

1 represent, right, the community of its similar and  
2 shared interest too, when you think about the Hispanic  
3 individuals who rest in the -- reside in the northern  
4 part of the district compared to those in the southern  
5 part of the district. But I also, right -- one of those  
6 things is that all three of Cooper's illustrative plans  
7 have, in particular, decisions and errors that change  
8 part of their compactness.

9           And I think, in particular, when we look at  
10 the Illustrative 3, not only when you think of  
11 compactness and those scores, you want to think about  
12 the contiguity issues that exists of how Precinct 1 is  
13 going another direction.

14           Q. Dr. Owens, I -- I'm going to interrupt you  
15 there just because you're being a little nonresponsive,  
16 and I'm actually short on time. And I appreciate  
17 everything you're saying, and we're going to get to  
18 that.

19           But I just want an answer right now: Is it  
20 your testimony today that under these three compactness  
21 scores that you have included in your report in  
22 Table 10, 11, and 12, is it your testimony today that  
23 the Cooper illustrative plans are not reasonably  
24 compact?

25           A. Yes. That -- my opportunities, when you

1 | consider all three case scores, and, in particular, not  
2 | only their average, when we look at it from multiple  
3 | factors, this is not a reasonably compact district.

4 | Q. Okay. So if we look at Table 12, Convex-Hull  
5 | Scores, the Enacted Plan Precinct 3 has a score of 47,  
6 | and the Cooper Illustrative Plan 1 has a score of 51,  
7 | Illustrative Plan 2 has a score of 60, and Illustrative  
8 | Plan 3 has a score of 60.

9 | Are you saying that the higher Cooper  
10 | illustrative plan Convex-Hull scores still render  
11 | District 3 to be less compact than the Enacted Plan?

12 | A. And -- and the scores in this case clearly are  
13 | higher. When you look at the enacted map, they're not  
14 | comparable, because one being a triangle, and we think  
15 | about the next ones being, right, largely a rectangle  
16 | with the -- the stretches at the center, so in this  
17 | case, almost like a -- an addition sign or a cross.

18 | I think, in this case, the Illustrative Map  
19 | 3 considers a -- a precinct score here at 60, but it  
20 | does so while you also have reduced the compactness of  
21 | other precincts.

22 | Q. Let's look to the averages then.

23 | A. Okay.

24 | Q. The Enacted Plan has an average Convex-Hull  
25 | score of 65; Cooper Illustrative Plan 2 has an average

1 compactness score of 65.

2 Is it your testimony today that the overall  
3 plan, Cooper Illustrative 2, is not reasonably compact,  
4 while the Enacted Plan is reasonably compact?

5 A. It would be. And one of these scores, they're  
6 -- in this case, they're going to be similar in their  
7 average, yet the -- the perimeters at which they are  
8 reaching are different.

9 Q. So your testimony is that --

10 A. Again, under multiple factors, they're -- I  
11 think, in particular, a score is part of that factor.  
12 But on my opinion and analysis, it continues to be that  
13 the Cooper Map 2 is -- would be not compact.

14 Q. Why did you take standard deviation?

15 A. I wanted to have one way to report how  
16 different each district was from the potential --  
17 essentially, the average. What were the deviations  
18 these groups had?

19 So ideally, when we think about  
20 compactness, we want to have -- if you want to have a  
21 similar shape, I think compactness is one of your goals.  
22 In redistricting that should apply to multiple parts of  
23 the entire plan.

24 Q. Was that based on any academic work you can  
25 point me to?

1           A. I think it's just -- not that I can recall of  
2 one to address you to; it's just going to be a principle  
3 that people will try to apply in redistricting cases,  
4 that, if you use one rule, continue to apply it all the  
5 way across.

6           Q. Okay. Moving on to your commentary about the  
7 illustrative plans beyond compactness.

8                        You -- just to summarize what you've opined  
9 on, you've claimed that Mr. Cooper prioritized race  
10 above traditional redistricting principles in all three  
11 of his illustrative maps; is that right?

12           A. Yes, I wrote that.

13           Q. And -- and we'll get to the specific  
14 observations. But I just want to confirm: You have not  
15 spoken with Mr. Cooper about what approach he took to  
16 draw those districts, correct?

17           A. Correct, I did not. My analysis was based off  
18 of looking at other factors and determining that they  
19 may not have been considered, and race alone is the  
20 consideration made.

21           Q. Are you saying that you have proof he used race  
22 as a predominating factor when he drew those lines?

23           A. I don't have proof. I have the ability to  
24 understand what the outcome was by using the data.

25           Q. Are you saying there's no other explanation for



1 how he drew his lines in his illustrative plans, other  
2 than he used race as a predominating factor?

3 A. I think, in particular, if he used other ones,  
4 it did not reduce the fact of how race comes out as the  
5 predominating factor. So any concern before was not  
6 necessarily alleviated. I know that he made efforts in  
7 this case, I'm sure, when we're looking at the parts, he  
8 is trying to improve compactness, right? His maps are  
9 showing to be on these scores more compact than the  
10 benchmark map.

11 Q. So at least as --

12 A. But --

13 Q. Go ahead.

14 MS. OLALDE: Let him finish his answer,  
15 please.

16 THE WITNESS: But sometimes it's -- as far  
17 as Illustration 1 and 2, right, there's a reliance on a  
18 benchmark map, which continues to carry it by history  
19 of, right, in this case, racial choice, and I think that  
20 that's a particular part where, when we see the  
21 political geography changing, that -- that's what I'm  
22 going to identify. It's not so much in this case that  
23 he may have been motivated or taken any particular  
24 action to do so. I want to be clear about, I guess, how  
25 that could be interpreted. It's not -- I'm not getting

1 in his head.

2 BY MS. KLEIN:

3 Q. Okay. What does it mean when you say he was  
4 trying to, quote, maximize the racial composition of a  
5 district?

6 A. I think in this case he's trying to maximize  
7 the number of Black citizen voting age population or  
8 Hispanic vote -- citizen voting age population within  
9 those communities. There's an expectation here by  
10 protecting a northern and southern connection, which  
11 is -- and determining that to be a -- a community of  
12 interest despite the population changes that have  
13 occurred over the last decade.

14 Q. So is it your testimony that Mr. Cooper  
15 includes the, quote, maximum racial composition for  
16 Black and Latino populations in each of his illustrative  
17 maps?

18 A. I don't, in this case, identify something as  
19 being maximum, just as far as that there is a -- a  
20 choice that was selectively made to make sure that  
21 voting districts were not included if they tended to  
22 have a larger, non-Hispanic White population. We show  
23 those alternatives.

24 So I understand he's working out ways to  
25 try and reduce the population deviation, and my

1 evaluations are trying to think of: Do you reduce the  
2 population evaluation? Are you increasing compactness?  
3 And are you including people who have characteristics in  
4 common?

5 Q. Let's talk about more specifics, and we'll  
6 discuss Cooper's Illustrative Map 1 here.

7 Do you agree -- and here we can pull up his  
8 report, which is -- should be marked as Exhibit 10. And  
9 that's Tab 19, and let's just bring that up briefly.

10 CONCIERGE TECH: (Complied.)

11 MS. KLEIN: And if we could go -- scroll --  
12 let's actually go to PDF Page 159. This is Exhibit I-1.  
13 So PDF Page 159 of this should be a -- a map.

14 CONCIERGE TECH: (Complied.)

15 MS. KLEIN: There we go.

16 BY MS. KLEIN:

17 Q. So -- just so we're all on the same page, this  
18 is Cooper Exhibit I-1, and it shows the benchmark in red  
19 lines for Precinct 3, and then it has a zoom-in of  
20 Mr. Cooper's Illustrative Map 1.

21 Do you remember looking at this in your --  
22 in performing your analysis?

23 A. I do.

24 Q. Do you agree that this map shifted two VTDs  
25 from Precinct 2 to Precinct 3 as compared to the

1 Benchmark Plan?

2 A. Yes. No, I -- I think, I see those in  
3 particular. I know there were small deviations of how  
4 those VTDS could have been there between some that  
5 were -- 232.1, other groups like that. But, yes, 232,  
6 and then there's the one in -- in La Marque.

7 Q. And I'm running a bit short on time; I want to  
8 make sure the other plaintiffs have enough time.

9 So if I ask you if you agree, yes or no,  
10 and then if I want more clarification, I'll -- I'll  
11 ask -- I'll ask for it.

12 Do you agree, as we spoke before, that the  
13 shift of those two VTTs -- VD- -- VTDS brought this  
14 illustrative map into compliance with  
15 one-person/one-vote requirements?

16 A. I think in this case it -- it's within a  
17 threshold. I think it shows less effort to minimize  
18 what that population deviation would have been.

19 Q. Do you agree that the shift of these two VTDS  
20 places La Marque in Pre- -- all of La Marque  
21 municipality in Precinct 3 and, therefore, eliminates a  
22 split in La Marque?

23 A. At one point I -- I agree with that mostly.  
24 The fact is, that there's a certain part of the VTD  
25 or -- that is in the City of La Marque; yet, most of

1 that VTD is in Santa Fe. So I --

2 Q. Is that --

3 A. -- I think that there's a full attempt here to  
4 use those and observe political boundaries and -- and  
5 gather La Marque; I just -- even today it's not quite  
6 substantially -- not 100 percent, but it -- it's there.

7 Q. And you agree that using political boundaries  
8 is a traditional redistricting criteria, correct?

9 A. I do, yes.

10 Q. And it is race neutral, correct?

11 A. Correct.

12 Q. So you contend in your report that Mr. Cooper  
13 ignored the concentrated Hispanic population in Voting  
14 District 225. Would having -- would incorporating  
15 District 225 have resulted in all of La Marque being in  
16 Precinct 3?

17 A. In its reference, I think -- where is the  
18 Voting District 225?

19 Q. Well, you actually didn't provide that  
20 information in your report; you just talk about District  
21 225. So I can't show you where that is.

22 But I'm asking you: Did you do an analysis  
23 of whether him switching District 225 instead of another  
24 would have still resulted in all of La Marque being in  
25 Precinct 3?

1           A. Yeah. So in this case, no. The opportunity  
2 that we do have when we look at this map is also to  
3 identify could compactness have been improved if other  
4 areas of the precinct were looked at. I mean, we  
5 have -- he made this selection, I agree, and the thought  
6 here is that -- but other selections are possible, and  
7 that's why I identify here Voting District 225.

8           Q. Did you do that analysis of whether your --  
9 what you say he should have done would have made  
10 La Marque all of -- encompassed all within Precinct 3?

11          A. No, I didn't provide that.

12          Q. Okay. You said he should have picked  
13 District 225 because it had a similar population. Did  
14 you mean a similar population by race?

15          A. I think maybe -- there's not -- an opportunity,  
16 when I'm providing these alternatives, I'm only showing  
17 that, again, there could have been other selections  
18 made, but each of these selections has a determining  
19 effect of what the population is going to be at that  
20 precinct, and we want to make sure that selections of  
21 one are not made where they are then different than  
22 selecting another, and so: Is that going to be  
23 race-motivated?

24                        But, I think, in many ways here, we can  
25 determine that it's the reliance of the benchmark map

1 continuing to keep those areas north of Dickinson  
2 together is another area here that was not addressed in  
3 this map.

4 Q. Yes or no; did you do an analysis of how Voting  
5 District 225 had a, quote, similar population to the  
6 rest of Precinct 3?

7 A. Is that what the analysis -- no. I just  
8 provided the population counts in those communities.

9 Q. Let's move on to Illustrative Map 2. I'm going  
10 to go through this as quickly as I can. This is PDF  
11 Page 167. It'll be Cooper Exhibit J-1.

12 So you state in criticism of this map that  
13 the contiguity of Precinct 2 becomes dependent on the  
14 weather conditions in high tide. Can you tell me what  
15 analysis you can point me to that substantiates your  
16 belief that this map has -- is noncontiguous when  
17 there's certain weather conditions?

18 A. Yeah. I think in this case we described to  
19 measure the distance between, essentially, the -- the  
20 precinct boundary that you see, which is in orange, to  
21 the areas that you would see of -- beyond the Seawall  
22 Boulevard where you have a part. And so I could not do  
23 a -- an estimate here of what possible weather  
24 conditions could be, but I think, in this case, we're  
25 talk -- he is presenting the ability to maintain a

1 coastal district with something that, at times, is -- is  
2 very small to go around a populated area of Galveston,  
3 which is, itself, part of an island; therefore, right,  
4 its coastal community, some of which is shared there on  
5 the Bay.

6 Q. Can you tell me during what storms in the past  
7 decade, for example, would have had levels of water that  
8 would have made this map noncontiguous?

9 A. That part -- that's not a central part of my  
10 analysis here, as much as to say that these voting  
11 districts within the County, right, are adjacent to one  
12 another, but they're either adjacent to Precinct 3 or  
13 they're adjacent to the water, to the beach -- to the  
14 beach -- the road that runs along that beach. For what  
15 other reason than they are -- they hold different, in  
16 this case, socioeconomic or racial and ethnic  
17 differences.

18 Q. So sitting here today, can you tell me of one  
19 storm, one incident, in all of history you can point to  
20 where there were conditions where this would have been  
21 noncontiguous?

22 A. No, I -- I do not have a rain gauge from the --  
23 the major hurricane early in the 20th century in  
24 Galveston.

25 Q. Okay.



1           A. But for me to be able to say that that couldn't  
2 come up to the future is still right beyond the scope of  
3 what analysis I can provide.

4           Q. Let's move on to Illustrative Map 3, and this  
5 is Exhibit K-1 for Cooper. It's at PDF Page 175.

6                       So you agree that all of the precincts in  
7 this map are contiguous, correct?

8           A. Yes, they are.

9           Q. You agree that the deviations here are within  
10 one-person/one-vote requirements, correct?

11           A. I think in this case, yeah, the -- by looking  
12 at the table, my memory recalls that this had, as well,  
13 some of the lowest deviations.

14           Q. Do you recall in your report you assert that  
15 the commun- -- communities in Dickinson should be joined  
16 with League City because the populations are more,  
17 quote, similar?

18           A. Yes.

19           Q. As we discussed before, you did not do any  
20 comparison between the municipalities of Galveston  
21 County, correct?

22           A. Within explicit municipalities, no. So in this  
23 case, they -- from the information that I provided,  
24 Dickinson and League City would have been represented in  
25 the same statistics, and they show themselves to have

1 been different than, at times, La Marque and Hitchcock,  
2 or especially Galveston.

3 Q. Are you aware that the 2020 Enacted Plan  
4 actually has portions of both League City and Dickinson  
5 in three different precincts?

6 A. Well, again, I guess by that number, that, in  
7 particular, is -- I believe I can recall that, at the  
8 same time that the Enacted Plan was not one that I  
9 analyzed.

10 Q. But you'd have to agree that the Enacted Plan  
11 should have -- if you think that this plan should have  
12 put those populations together, the Enacted Plan, in  
13 your opinion, should have put those populations together  
14 too, right?

15 A. Yes. And, in part, you said, in particular,  
16 that they had, but, also, League City, in its population  
17 size, does have to have multiple precincts. I would say  
18 that's just one of our other parts of the one-person,  
19 one-vote.

20 Q. Have you reviewed the Cooper Map 3A from his  
21 rebuttal report?

22 A. Yes. I mean, I --

23 Q. Do you intend to give any opinions at trial --  
24 sorry.

25 A. No, it's good. I mean, I -- I have seen as

1 much of it here as we did, but when I did this, I have  
2 not analyzed that map in particular, because I see that  
3 he made a substantial difference of removing -- or  
4 changing two -- at least two different voting precincts.  
5 He made Dickinson adding a precinct, which had not been  
6 added before, and then removed a precinct there from  
7 Texas City.

8 Q. Do you intend to provide any opinions on Map 3A  
9 at trial?

10 A. I -- I don't have plans at this time, and I  
11 think I would observe that if -- if it occurs.

12 Q. Last few questions, Dr. Owens. I really  
13 appreciate your time today.

14 In your criticisms of Mr. Cooper's maps,  
15 you talk a lot about CVAP at the block level, and I  
16 think you mentioned this earlier, that you had to get  
17 block-level CVAP by disaggregating the American  
18 Community Survey; is that correct? Do you remember  
19 that?

20 A. Yes.

21 Q. So you did a disaggregation, correct?

22 A. I did. So then it could come back and be  
23 aggregated back to the voting direct level. That's how  
24 we can get CVAP data that matches the voting district,  
25 the political boundary that we've been talking about and

1 not the Census block group boundary that we've been  
2 talking about. And this is very much consistent with  
3 the same part of the analysis he did.

4 Q. Are you aware that when block group CVAP data  
5 is disaggregated to the block level that VTDs split by  
6 block groups can be assigned disproportionate shares of  
7 CVAP?

8 A. That would occur if -- and this is the one  
9 qualification about, you know, the distribution of the  
10 population anyway. So the important control that  
11 Maptitude uses is to make sure that we don't  
12 disaggregate populations where individuals do not  
13 already reside in those Census blocks.

14 Q. How did you count -- account for that issue  
15 with disaggregation?

16 A. I selected in this case that the CVAP data be  
17 disaggregated using the population count of the Census  
18 for that Census block.

19 Q. Are you aware that several of the split VTDs  
20 you mention in your critiques of Mr. Cooper's  
21 illustrative plans are actually split amongst several  
22 block groups?

23 A. And this would be, the opportunity I'm  
24 primarily focussing on, how they were split. No, I  
25 think -- I mean, those, in part, make sense, but we are

1 trying to make our communication here on the Census  
2 block -- or the voting districts, and in each case that  
3 something happens where you're asking this, you -- I  
4 think I would have to know those Census block groups,  
5 which are -- in your mind here you just mentioned were  
6 adjacent to one another, would be substantially  
7 different from one another. Otherwise, the -- using the  
8 simplest standard, we're allowing the data to be applied  
9 equally across each community.

10 Q. The last thing I'll do, and then I'll pass --  
11 pass you on for the others to question, is just to bring  
12 up Exhibit 11, because I don't think we have -- we have  
13 talked about it, and this is Tab 20 of the Cooper  
14 rebuttal.

15 (Exhibit 11 was marked for identification.)

16 BY MS. KLEIN:

17 Q. And let's just briefly go to PDF Page 27 of  
18 that document, which is Rebuttal Exhibit D, and if we  
19 scroll down to the PDF Page 27 there.

20 Have you -- have you looked at -- had a  
21 chance to look at this Exhibit D?

22 A. No, not in great detail to offer opinions or  
23 analysis.

24 Q. Okay. All right. But you have no reason to  
25 dispute Mr. Cooper's breakdown of where different VTDS

1 are split amongst different block groups, correct?

2 A. No, I -- I would not. I mean, I think he has  
3 shown, consistently, the use of Maptitude and the  
4 geographic levels, right, where we're making counts and  
5 comparisons. I would not dispute this.

6 Q. And can you describe briefly how you've been  
7 trained in Maptitude.

8 A. In Maptitude, I've been trained by using it in  
9 parts of my research, particularly using the training  
10 manual, and then applying it. We've talked about this  
11 as kind of sitting down with other people who have used  
12 Maptitude and understanding the creation of those  
13 reports. They also have many training videos that --  
14 that you can use.

15 Q. No courses in Maptitude, correct?

16 A. Right. There aren't courses in graduate school  
17 that deal with Maptitude.

18 Q. All right.

19 MS. KLEIN: Thank you, Dr. Owens. I really  
20 appreciate your time and bearing with my questions  
21 today. That's all the questions that NAACP Plaintiffs  
22 have today. Thank you.

23 THE WITNESS: Good afternoon.

24 MR. GABER: High, everyone. So I think  
25 maybe we'll take a five-minute break and -- does that

1 work for you?

2 THE WITNESS: Yeah. Thank you. That can  
3 be good.

4 MR. GABER: And -- so let's go off the  
5 record. And could I have the court reporter -- are you  
6 able to tell me how much time we have used on the  
7 record?

8 THE VIDEOGRAPHER: 4 hours, 20 minutes.

9 MR. GABER: Okay.

10 THE VIDEOGRAPHER: We are off the record at  
11 2:35 p.m.

12 (Brief recess taken.)

13 THE VIDEOGRAPHER: We are back on the  
14 record at 2:44 p.m.

15 EXAMINATION

16 BY MR. GABER:

17 Q. Good afternoon, Dr. Owens. My name is  
18 Mark Gaber; I am counsel for the Petteway Plaintiffs in  
19 this case. It is nice to meet you, and I will not be  
20 taking as much of your time as Ms. Klein did, but -- and  
21 I will try not to duplicate, but I do have some  
22 clarifying questions from your discussion with her as  
23 well.

24 Did anyone assist you in preparing your  
25 report or collecting or analyzing data for it?

1 A. No. I did this on my own.

2 Q. You did not work with any, like, graduate  
3 students or the like?

4 A. No, I did not.

5 Q. Did you communicate with a guy named Thomas  
6 Brian at all during the course of your work?

7 A. No.

8 Q. Are you familiar with Thomas Brian?

9 A. No, I'm not.

10 Q. Now, I gather -- or, I guess, question: Does  
11 the -- the Texas City and League City CCD that you were  
12 discussing earlier, does that include Dickinson as well?

13 A. I guess -- my belief is that it does.

14 Q. So I gather that you would consider Texas City,  
15 League City, and Dickinson to be sort of a -- a shared  
16 unit of socioeconomic statuses; is that fair?

17 A. I think not as precise as that, other than  
18 that's kind of the level of geographic, I guess, sort  
19 of, specificity of the data that I used.

20 Q. So the data that you use at least treats that  
21 as one unit in terms of reporting information about  
22 socioeconomic statuses of the folks living there; is  
23 that fair?

24 A. That -- that would be -- yes, the data is  
25 delivered in -- in that level, agreed.



1 Q. Okay. And do you have any -- do you have any  
2 objection to that? Do you -- do you -- are you aware of  
3 any reason why that's kind of, like, the metric?

4 A. No. I think in this case I'm -- just to the  
5 fact that it's what's available to us at a sub-county  
6 region. The research that I did pointed to the fact  
7 that that's going to be available; it's used for these  
8 kinds of inter- -- or intracounty comparisons.

9 Q. Now, if you can look at Figure 5 in your  
10 report. Do you have your report there with you?

11 A. I do not. I can pull it up on the laptop next  
12 to us.

13 MS. OLALDE: Yeah. Mr. Gaber, I can pull  
14 it up, if you'd like.

15 MR. GABER: Okay. Yeah, if you could,  
16 that'd be great.

17 MS. OLALDE: And -- I'm sorry -- is it --  
18 this is his amended report, correct?

19 MR. GABER: Yeah, I guess. Just Figure 5  
20 of it; I don't -- it's -- I don't know exactly what page  
21 it is. I think it changes from --

22 MS. OLALDE: No problem. He's got it.

23 MR. GABER: Page 11, I think.

24 THE WITNESS: Great. Thank you.

25 BY MR. GABER:

1 Q. And so I -- I gather on the -- the Y axis --  
2 axis here, is that a range of 0 to 20 percent?

3 A. Yes. So this would, sort of -- if it could, it  
4 would go all the way up to 0 to 1, so 20 percent.

5 Q. And if it did, if it went up to 100 percent  
6 instead of stopping at 20 percent, the image would  
7 shrink; the differences would look a lot less different;  
8 is that fair?

9 A. That is fair. But one of the things we want to  
10 do is, I'm looking at this across 16 different measures  
11 of possible income, and so, I think, at that kind of  
12 characterization scheme, we should not believe that any  
13 one of these large sections of -- of Galveston County  
14 either has 100 percent of its population makes more than  
15 \$200,000.

16 So if we really -- yeah, I mean, dividing  
17 something by 16 gives you a good estimate of look at --  
18 you know, shouldn't be more than of a quarter of the  
19 population that's there. If it was exactly even, it'd  
20 be 1/16th. But you're correct; if I showed it to the 0  
21 to 1, I -- in particular, this visually would not be  
22 able to show any differences between their groups.

23 Q. How did you choose the dollar intervals in the  
24 16 different categories?

25 A. The American Community Survey offers those as

1 the 16 options to respondents.

2 Q. So the first -- I didn't count it up. But I'm  
3 just -- the first, like, two-thirds of them from low to  
4 high, up to, say, 59,900, those are all in -- well, some  
5 of them are in \$5,000 intervals. I see the 50 to 59,  
6 that's 10,000. It looks like -- and then there's a less  
7 than 10. So do you see that?

8 A. I do, yes. But in this case, each category is  
9 getting bigger and bigger when the assumption is a  
10 percent of the population is getting smaller to make  
11 that part of the -- I guess, their income, right. So  
12 economists understand that the jump of making  
13 something -- if you're making over a hundred thousand  
14 dollars, making a move up by \$5,000 is -- in this case,  
15 is proportionately not as -- as large, as you can see  
16 some of the differences between \$45,000, right, to  
17 creating over 50,000.

18 So this is just what they've used. And a  
19 lot of times we use this even in polling to determine  
20 the highest categories that we could do. If we need to  
21 lose information and categorize people into smaller  
22 subcategories, you can -- you know to use these  
23 definitions to capture something, like you just said, of  
24 less than 60,000. That could be accomplished as well.

25 Q. So the -- the main difference of the -- the

1 main gaps that the bar chart shows, would you agree  
2 those are on the right side of the -- of the -- of this  
3 bar chart, and that's where each individual category has  
4 a \$25,000 difference within it rather than a \$5,000  
5 difference?

6 A. Yeah, I -- I see that. I mean, the fact of  
7 Galveston CCD has sort of a -- in many ways, especially  
8 if we're looking here, Figure 5, Hispanic household  
9 income is essentially almost uniform in their  
10 probability to distributions until you got to 125,000;  
11 then it's slightly less. So that would be the -- the  
12 Black bar compared. The light-blue bar, which would be  
13 La Marque and Hitchcock, yeah, it gets its highest  
14 proportion at the 75,000 to \$100,000 category.

15 Q. And if we were going to break those larger  
16 sections -- so from 60 to 200,000, if we were going to  
17 break those all those down so that this was a consistent  
18 chart and showed \$5,000 increments, we'd have a lot more  
19 than 16 categories, but that would also reduce the  
20 number of people within each of those bars on the  
21 right-hand side; is that fair?

22 A. I think, hypothetically, if you did that, I  
23 think that would occur, but also, that's not reflective  
24 over the fact of, you know, what's the -- you know, the  
25 proportion of people that we have using this, we -- I

1 have no information to know where they fall within those  
2 categories. I think the U.S. Census doesn't collect any  
3 information that's that granular.

4 Q. So you see the largest one for La Marque and  
5 Hitchcock is the 75,000 to 199,900 category, and that  
6 that looks like it's about maybe 16 percent of the --

7 A. Yeah.

8 Q. -- population is in that category? Does that  
9 look right?

10 A. Yeah. It's higher than 15 and less than 20,  
11 agreed.

12 Q. So -- so if we were to break that down into 75  
13 to 80, 80 to 85, 85 to 90, 90 to 95, and then 95 to 99,  
14 it wouldn't be the 16 percent in each of those; it would  
15 be some fraction of that?

16 A. Yes. I don't know what fract- -- fraction that  
17 would be, but you would be, yeah, moving people into a  
18 new category.

19 Q. So visually, the -- the fact that there are  
20 \$25,000 increments on the right side of this graph and  
21 there's \$5,000 increments on the left side is causing a  
22 visible distortion that you wouldn't necessarily know  
23 until you drilled down to the fact that there are much  
24 larger increments on the right side of this graph; is  
25 that fair?

1           A. I understand what you're saying in particular,  
2 and that, yes, you can have a wider net to capture  
3 people. I also want to point out that that would be  
4 consistent -- this standard and categorization is  
5 applied consistently across the geographies at the  
6 County. So as much as that population is wide and could  
7 be catching a higher group, right, it could also be  
8 catching a higher group of Galveston CCD, which, in this  
9 case, it is, because there's more -- but even though  
10 there's another 25,000 group just behind it at the  
11 100,000 to 125,000, we continue -- we don't see the  
12 concern that you've mentioned, right? That population  
13 is continuing to go down.

14                 So where you might see that first jump, I  
15 think it's interesting, first, when we think about  
16 income distributions, right, the distortion that you  
17 just mentioned is not continuing when we look at the  
18 others, especially with the high cap of 200,000 or more  
19 for a household, and that's where the Galveston CCD is  
20 the lowest.

21           Q. Well, my question is -- is -- is that the  
22 visual presentation of this -- this chart would change  
23 quite a bit if you didn't use \$25,000 increments and  
24 stayed consistent with the \$5,000 increments?

25           A. And I agree with that point. I just have to

1 lobby the U.S. Census to change our survey.

2 Q. Did you look at the average household income  
3 for Hispanic households by CCD, or did you just look at  
4 the 16 different categories?

5 A. I looked at the 16 distributions, because one  
6 part is with -- that -- that tells us quite a bit of the  
7 distribution, right? We think about if there's  
8 disparate changes between those geographies, we want to  
9 see more than just a -- a median difference. So I  
10 think, for that, this provides us with more data points  
11 to consider when making that comparison.

12 Q. Do you know what the median household income is  
13 for each of the CCDs?

14 A. I can't recall that. I don't think I --

15 Q. Did you look it up?

16 A. No. And part of my report, I did not -- I did  
17 not include that and, in particular, right, I have not  
18 identified that. The -- the part here was to look both  
19 for Hispanic and African Americans, the voting age  
20 group -- or the -- the household income range.

21 Q. Which of the 16 categories do you think show --  
22 what's the right word -- amountable difference between  
23 the CCDs?

24 A. Okay. Collectively, I would say that I'm more  
25 interested in what the correlation is as far as the --

1 in this case, the density or the frequency that you see  
2 someone in that category across all of them. So we  
3 might see something here, is that are you seeing a  
4 positive relationship, which means this group is -- is  
5 far more wealthy, or it's a negative relationship and  
6 someone would be far more likely to have a lower income.

7 But if we want to go more in detail, I  
8 think you see a largest change of group at Galveston  
9 County, right, has a much more, in this case, almost  
10 twice as many residents who are making 50,000 to 59,000  
11 than the other two CCDs, and but -- at the same time,  
12 the 200,000 groups that parallels are almost equally as  
13 different in that Texas City and League City have that  
14 same difference for those who are making the 100,000 to  
15 125,000. Where La Marque and Hitchcock -- La Marque and  
16 Hitchcock are making -- essentially the same frequency  
17 of people are making that income range that are Hispanic  
18 in Galveston and in La Marque.

19 So I -- and every time I look at these  
20 three bars, I want to see: When are they similar and  
21 when are they different? And in most cases here, if  
22 they were similar, then we're seeing essentially more  
23 symmetry to say if there is a community of interest.  
24 When we see larger gaps with the groups, that continues  
25 to show that there are wide income differences



1 geographically within the Hispanic population.

2 Q. So what is the -- what is the -- the number --  
3 quantify for me what is similar and what is dissimilar.

4 A. Uh-huh.

5 Q. Is -- you would agree, I think, that in the  
6 15,000 to \$20,000 range, that's similar across all three  
7 CCDs?

8 A. Yes. Those --

9 Q. And -- and the 40 to \$45,000 range, do you  
10 agree that that's similar?

11 A. No. La Marque and Hitchcock is lower than  
12 Galveston and Texas City at the -- at the 45 to \$49,000  
13 range.

14 Q. No, I asked the 40 to 45,000.

15 A. Oh, okay. Thank you for correcting me.

16 So in this case, then, yes, they are --  
17 they are close, where La Marque and Hitchcock are,  
18 again, just slightly less, but the other two are -- are  
19 equal.

20 Q. Okay. So you just said that in the 45 to  
21 \$50,000 range you see a -- a dissimilarity there?

22 A. I do. It -- it's starting to emerge.

23 Q. And that was because --

24 (Simultaneous speaking.)

25 Q. Dr. Owens, the dissimilarity is because in

1 La Marque and Hitchcock, it looks like there is -- it's  
2 -- it's hard to put an exact number on this, but I'm  
3 going to guess the 2, 2 and a half percent are in that  
4 category, and in Texas City and League City, it's about  
5 4 percent? Would you agree with that?

6 A. Yes. In the -- in one part which we are  
7 continuing to see is that, even for La Marque and  
8 Hitchcock, right, its highest ranges continue to be  
9 above, you know, the 75,000.

10 Q. And -- and so a 1.5 percent difference in terms  
11 of how many people are a given CCD are in an income  
12 group is something that you count as a notable  
13 dissimilarity?

14 A. I don't specify that one. It's a place that  
15 you start to see it. So as I mentioned before, you  
16 start to see it emerge. But at the higher ranges of  
17 these incomes, the differences continue to grow, and  
18 that they are then almost 10 percent difference in the  
19 frequencies that you would see, right; 5 percent.

20 Q. Where do you see 5 percent?

21 A. I see it approaching 10 percent, if you look at  
22 125,000 to 150,000, so we can talk about the difference  
23 between Galveston and La Marque. Also, you see a  
24 difference of Galveston and La Marque at 200,000 or  
25 more.

1 Q. You said 125,000 to 150,000?

2 A. The difference of the black to the light blue,  
3 so light blue will go up to, what, difference of  
4 12 percent; whereas the other Galveston appreciates here  
5 at about 3 percent of its population, and the Hispanic  
6 population on Galveston Island is making that income  
7 range for their households.

8 Q. And when you give those percentages, I assume,  
9 like me, you're having to just sort of approximate  
10 because the chart doesn't actually give the -- the  
11 percentages. It just has 5 percent increments?

12 A. Agreed. All of their exact ability to -- and  
13 these are estimates, right, so we continue to think of  
14 these -- I don't -- but here, right, the -- that key,  
15 the Y axis is giving you everything from a 5 percent  
16 interval.

17 Q. So I take it, then, that you would agree that  
18 between \$10,000 of income and, say, 50 -- 50,000, you  
19 agree that the amount -- the people who are in that  
20 category across all three CCDs don't experience  
21 significant differences of the numbers who are in each  
22 category?

23 A. One of the important part -- I mean, I think  
24 you are getting to a part where all of those groups  
25 below 50,000 continued to show that that would be less

1 than 10 percent of their population of making those --  
2 each of -- in each one of the income brackets, except  
3 for Galveston County -- or Galveston County's -- sorry  
4 -- Census counting of a district. And, yeah,  
5 collectively, those differences are smaller than they  
6 are when they grow to be larger. And --

7 Q. So the -- I -- I gather, then, that your real  
8 point here then is that there are more people in the  
9 range of -- ranging from, say, 6 percent to 15,  
10 16 percent in the 75 to 100,000 versus, you know, up to  
11 200, there are more people in La Marque and Hitchcock  
12 who make those higher salaries than there are in  
13 Galveston or Texas City and League City. Is that -- is  
14 that your basic point?

15 A. Yeah, that point is making it -- so in this  
16 case, there is a Hispanic population which is in the  
17 northern part of Galveston County, and its income  
18 distribution is, in this case, substantially different  
19 from the income distribution of Hispanics that are on  
20 Galveston Island.

21 Q. How many people is that?

22 A. So we look in the Galveston County CCD, we'll  
23 end up with approximately somewhere of 700 -- or 70,000,  
24 you know, but La Marque and Texas City is going to have  
25 the higher numbers. It's going to be much more than

1 100,000.

2 Q. Let me clarify: How many Hispanic households  
3 are in La Marque and Hitchcock in the 75,000 to 100,000  
4 salary category?

5 A. I think that -- that case, that's not being  
6 reported in this -- in the figure when we're comparing  
7 this opportunity. So that would be a different question  
8 in the American Community Survey.

9 Q. Do you -- do you know how many His- -- do you  
10 know -- do you know what, like -- we have all these  
11 percentages here. Like, what's the -- what's the total  
12 number we're dealing with that we're -- so we can  
13 understand, like, how many actual households are  
14 affected by what you're saying here?

15 A. Yeah. I understand the comparison. I don't  
16 recall that number. The important part here is that,  
17 you know, I start with the assumption that, in this  
18 case, there might be -- we're looking at the  
19 distribution of Hispanic households; then we're  
20 capturing the variation they have of their income.

21 So determining, in this case -- I just mean  
22 in this case, the point of your question is, if there  
23 are fewer Hispanic households in the La Marque and  
24 Hitchcock community, then we're saying that Hispanic  
25 households did not reside within the central part of our

1 county.

2 So I think, in this case, we know where  
3 they are, and the CCDs give us sufficiently large  
4 portions, and I feel comfortable doing this, because we  
5 talk about there are Hispanic populations throughout  
6 Galveston County; they just happen to be in the separate  
7 cities across the County.

8 Q. So -- and just drilling down a little bit more  
9 on what your areas of -- of -- that you find notable, so  
10 I -- I gather it's the 75 to \$100,000 category, which we  
11 talked about that. That's one where you see a notable  
12 difference; is that right?

13 A. I do. And you have a moment when Galveston's  
14 Census county district continues to fall below the other  
15 two in each of the income distributions after 75,000.

16 Q. Well, not 100,00 to 125,000, right?

17 A. 100,000 to 125,000, it is equal, but it is  
18 still less than Texas City/League City. So it's not --  
19 it's not more than the other two in the higher  
20 categories --

21 Q. It's equal to Texas City and League City?

22 A. Yeah. No, agree. It's equal --

23 Q. Okay. And --

24 A. -- but it's -- sorry -- in the -- which one?

25 It is equal to -- we are talking about the 100,000 to

1 125,000?

2 Q. Right.

3 A. The Galveston CCD is equal to La Marque and  
4 Hitchcock.

5 Q. Oh, sorry. Yeah.

6 And the difference between the -- the two  
7 is between, say, 6 percent and 10 percent between  
8 Galveston and -- and La Marque and Hitchcock versus  
9 Texas City and League City?

10 A. Yes. The point, in this case, that would be  
11 the percentage of all Hispanic households in that Census  
12 district.

13 Q. But you don't know how many people that  
14 affects, how many people make up that delta in terms of  
15 His- -- Hispanic households?

16 A. Re- -- yeah, but it is still reflective of the  
17 division group here which we're having is: How many  
18 Hispanic households there are at all? And that is the  
19 consistent count, regardless of the CCD. The division  
20 is -- is exactly going to be the same.

21 Q. If we added up the -- the share of people  
22 within each three of the CCDs, would you agree with me  
23 that the -- the -- the bulk or vast majority of them  
24 within all three of them would be below the 75,000 to  
25 99,900 level; that is, most Hispanic households in

1 Galveston, most Hispanic households in Texas City and  
2 League City, and most Hispanic households in La Marque  
3 and Hitchcock are all below \$75,000 in income?

4 A. Oh, on the -- yes. I think if we were to  
5 average and add up, like -- and I appreciate what you  
6 did there -- just saying in each of the three groups, 11  
7 different categories, so 11 in the 16 categories  
8 together, we would get most.

9 Q. And that's not the -- that -- those 11  
10 categories, that's not where you're seeing the most sig-  
11 -- you know, notable differences, right? I think we  
12 discussed that.

13 A. Yeah. But this does not take away from the  
14 fact that those differences exist, and that's one of the  
15 ways that we continue to make sure that everybody in  
16 this -- especially in these communities are going to be  
17 treated equally when we come up with creating the -- the  
18 district boundaries.

19 So if there's differences in any capacity,  
20 I think one of our thoughts is making sure that all  
21 Hispanic households, you know, will be included in that  
22 part of the analysis and not separating out only 75,000  
23 and above as being less interesting.

24 Q. Let's scroll to Page 15 and look at Figure 8.

25 CONCIERGE TECH: (Complied.)



1 THE WITNESS: Okay. Yes, same kind of  
2 figure but for the -- the Black households, correct.

3 BY MR. GABER:

4 Q. Right.

5 A. Yeah.

6 Q. Where on -- where on this figure do you  
7 identify the most notable differences between the three  
8 CCDs?

9 A. Yeah. One -- and this one is typically, as I  
10 mentioned before, look at the -- the diagonals almost  
11 that you can start to see that in Galveston County -- or  
12 -- sorry -- Galveston County Census district --

13 Q. Galveston city?

14 A. Essentially, yeah. Galveston Ci- -- this --  
15 the island, the whole island, will be the CCD, and its  
16 highest proportion of residents are making less than  
17 10,000. That would be just over 15 percent. The next  
18 highest comes to the 10,000 to 15,000.

19 And one of the things this, of course, is  
20 correlated with the idea of how many people are  
21 working -- the percentage working full-time, which is  
22 one of the substantial differences that we're seeing  
23 between the groups.

24 But often there is -- again, as we  
25 identified here in -- below 50,000, in each one of those

1 categories, there continues to be some variation where  
2 some counties -- or these CCDs are a little different.  
3 I understand they're getting closer. And then the Texas  
4 City/League City Black household income makes up larger  
5 shares when you are north of \$60,000. Right?

6 I think the important part here when I'm  
7 looking at just comparing the blue bars to the other  
8 blue bars, there is not a, essentially, increasing line,  
9 if we were to fit a line here, that these remain  
10 consistent, but they are certainly higher when they are  
11 in those larger groups. That does not stand as the case  
12 when we look at Galveston's CCD.

13 Q. So the -- Texas City and League City looks to  
14 be the third-highest category, is also the highest for  
15 Galveston, which is less than 10,000?

16 A. Yes, you're right.

17 And another important part to take away  
18 from this figure is that Figure 8 also is somewhat  
19 different than -- not only is it different across these  
20 CCDs; it has a dist- -- a different distribution than  
21 Figure 5 did.

22 Q. Each of the three CCDs has the same pattern  
23 just with a -- just with a spin on it, a slight  
24 variation in how many people are in each 16 -- of the 16  
25 categories. But the -- but the line, if you draw a line

1 to hitting the top of each bar, it looks about the same,  
2 right?

3 A. And, again, as I start scrolling to get back to  
4 Figure 8, so the line is about the same on which CCD?

5 Q. If we were to draw a black line for Galveston,  
6 a darker blue line for Texas and League Cities, and we  
7 were to draw, whatever we call that, teal-ish line for  
8 La Marque and Hitchcock, the lines would all look the  
9 same, generally?

10 A. And -- and what are we drawing the line based  
11 off of?

12 Q. Where the -- where the tops of the bars are.

13 A. The tops of the bars. But the tops are moving  
14 on each income interval. I don't know why -- they would  
15 always be the same.

16 Q. No. No, no. So I -- what I'm trying to say  
17 is: The -- the pattern within each of the three CCDs  
18 for -- if we were to draw a line throughout this graph,  
19 like a squiggly line, you know, it would move -- all  
20 three of them would move in, generally, the same way  
21 that -- that -- we're seeing, though, there's some  
22 differences within each of the 16 categories; the, sort  
23 of, ratio within each of the three CCDs is generally the  
24 same across the whole graph.

25 A. Yes. I -- I see that. You're looking here at

1 a multi- -- multi-mode, kind of, distribution, but in  
2 each case, that squiggly line is going to show the -- so  
3 the blue line for Texas City and League City is going  
4 higher. But as far as the -- the change points, some of  
5 those are -- are close. And I think this is the biggest  
6 reason why I want to look at the distribution of those  
7 -- these incomes, but --

8 Q. As with the Hispanics --

9 A. -- that, you know --

10 (Simultaneously speaking.)

11 Q. As with the Hispanic households, the  
12 substantial majority across each of the three CCDs is,  
13 again, going to be below the \$75,000 household income  
14 level; is that right?

15 A. That's correct. When they have -- if you want  
16 to tally up all of those, but I think, typically -- and  
17 it could be interesting for research, but if you look at  
18 this, there's very few times in economics research where  
19 we pick 75,000 to be the cutoff point. I think only  
20 when we looked at, you know, who's going to get a -- the  
21 COVID relief checks, I know that was one of the ways  
22 here, but that would be singles making the 75,000.

23 So we often don't want to think of these as  
24 breakpoints as much as, right, you can compare one group  
25 to the other. So I want to just be careful on this --

1 you know, this map can, sort of, just be taken on its  
2 own as an aggregate look at their differences, but we  
3 can't read too much, of course, in any case to any one  
4 of the income categories.

5 Q. So the -- I guess the main point, then, from  
6 these two charts, Figures 5 and Figure 8, is that, for  
7 both Hispanic households and Black households, there's  
8 some number -- we don't know -- you don't know what the  
9 number is -- of wealthier households in -- basically in  
10 Texas City and League City than in mostly Galveston. Is  
11 that -- is that, kind of, the main point here?

12 A. Yeah. In this case, the -- the northern part  
13 of your Coun- -- the County has not only wealthier Black  
14 households, it has wealthier Hispanic households. And  
15 --

16 Q. But among -- among the Hispanic and Black  
17 households in the northern part of the County, those are  
18 the substantial minority of those households that are  
19 above that in that wealthier category?

20 A. I think we can say substantially less, because  
21 you're -- again, if you're going to count them up, we  
22 are getting into the fact here of, you know, that's  
23 going to be approaching close to 30 percent.

24 Q. Close to what percent?

25 A. Would it be 30? I mean, there's one that's

1 above 15 percent. You're still talking about tallying  
2 up five different categories within these groups of  
3 Texas City and League City. And so --

4 Q. And I count about 23 percent or 24 percent of  
5 Galveston's household -- Black households are in that  
6 same wealth category. Does that look right to you?

7 A. Yeah. I mean, the -- that's one of the reasons  
8 why I present the figure is to identify these  
9 comparisons that you'd like to see, but the --

10 Q. And then I think -- you said 30 percent of the  
11 Texas City and League City Black households, you  
12 thought, were in that wealthier category?

13 A. This part, it's the -- I -- right, I -- I have  
14 not calculated that to do this exercise. I think the  
15 important part here is, as you count those, as you might  
16 have counted 23 percent for Galveston CCD, my  
17 expectation here is that it's going to be higher, not  
18 only in La Marque, but it will be higher in Texas City  
19 and League City.

20 Q. And -- and -- and we can at least roughly  
21 estimate it, and -- and it looks like it's around 30 --  
22 30-something percent?

23 A. Yeah. I mean, I don't disagree with that.

24 Q. And the -- the difference there is 7 percent  
25 between -- or there's a 7 percentage point difference

1 between the Galveston, quote/unquote, wealthier Black  
2 households and the Texas City and League City Black  
3 households, right?

4 A. Yeah. But that would be set at the line that  
5 you just determined here for our -- our questions, and  
6 it still identifies a difference that we have of the  
7 income distributions of the north and south part of the  
8 County, and -- and why, in particular, it might not  
9 be -- right, and the Benchmark Plan joined them together  
10 based off of past data or expectations. And I think  
11 this -- this has changed when we apply the -- the new  
12 information here from 2016 to 2020.

13 THE COURT REPORTER: Mr. Gaber, just be  
14 careful; when you turn, I don't think -- he's not  
15 finishing some of his answers, and your beginning  
16 question is being cut off also.

17 MR. GABER: Okay. Thank you.

18 BY MR. GABER:

19 Q. Okay. Let's -- and just one clarifying point,  
20 then. So I -- I think I heard you say that -- that  
21 it's -- it's Galveston's CCD is what you believe to be  
22 the most different from the other two; is that fair?

23 A. Yes.

24 Q. You don't see a substantial difference between  
25 La Marque and Hitchcock versus Texas City and League

1 City?

2 A. Those differences exist, but they are not as  
3 stark as Galveston to Texas City and League City within  
4 the Black population.

5 Q. And when -- when you say -- and I'm sorry to  
6 the court reporter -- when you say "stark," again, we're  
7 talking about the -- the right end of this graph and  
8 some percentage delta between each of those lines?

9 A. Yes. No, just using that --

10 Q. Okay. Again, we don't know -- again, you don't  
11 know how many people that is?

12 A. It is exactly the -- the number of households  
13 that are placed in that -- that CCD.

14 Q. Okay. You can't tell me today what that number  
15 is?

16 A. No, I don't recall it.

17 MS. OLALDE: And, Mr. Gaber, if you could  
18 just wait until he's finished his answer before you  
19 begin speaking, I'd appreciate it.

20 MR. GABER: I will try.

21 BY MR. GABER:

22 Q. All right. Let's move on to compactness. So  
23 if you could turn to Page 16 of your amended report,  
24 please. Do you have that there?

25 A. I do. I'm looking at Page 16.



1 Q. Thanks.

2 Now, you talked a little bit about this  
3 with Ms. Klein, but I didn't fully understand it. So  
4 what is the measurement that the Reock score is  
5 calculating, precisely?

6 A. The Reock score is going to look at the shape  
7 of the district, considering its -- not only its  
8 perimeter, but also how close that is, right, like the  
9 symmetry of its geography. We want to see this score  
10 range from 0 to 1, so that in this case, it's -- 1 is  
11 closer to, in this case, compactness, what we would  
12 expect.

13 Now, because of our, you know,  
14 municipalities and -- and, also, water, that's almost  
15 never achieved to get a perfect 1, but you know, that --

16 Q. I'm sorry. How is it calculated?

17 THE WITNESS: We can go ahead. We were  
18 well times.

19 THE COURT REPORTER: I think your question  
20 broke out, Mr. Gaber. Did you say: How was it  
21 calculated?

22 MR. GABER: I did, yes.

23 BY MR. GABER:

24 Q. How is the Reock score calculated?

25 A. You calculate it, again, by using the

1 perimeters and defining it within its shape. The  
2 opportunity here for us, it's calculated by a -- the  
3 Maptitude software, which -- and you have this presented  
4 in those -- those reports by the experts.

5 Q. So your understanding, I think what I heard, is  
6 that the Reock score compares the perimeter to its  
7 shape. Is that -- is that your understanding of what a  
8 Reock score is?

9 A. That's going to be the intended -- what the  
10 percentages are -- are implying to you, yeah.

11 Q. The perimeter -- and -- and the perimeter is  
12 shaped what -- like, what -- what is the cal- -- what's  
13 the actual calculation that is -- what's the formula  
14 behind --

15 A. I don't recall the formula right now, no.

16 Q. But your understanding -- I'm sorry. We keep  
17 doing this. It's hard because we're not in the same  
18 room.

19 Your understanding is that whatever the  
20 formula is, the inputs are the perimeter and the shape  
21 of the district?

22 A. Yes.

23 Q. And that's what is used to determine what the  
24 Reock score is?

25 A. And that's exactly what it's intended to

1 reflect, yes. But it's more than just -- in this case,  
2 you don't want to just pick the square miles of a  
3 perimeter, like a shoreline.

4 Q. What -- what -- what measure of the perimeter  
5 goes into calculating the Reock score?

6 A. Uh-huh. It could be taken by miles.

7 Q. So it's measuring the perimeter; is that your  
8 understanding?

9 A. And, right, its distance from, in this case,  
10 like the center points. How close are they? So that's  
11 going to give you the symmetry of that shape.

12 Q. So you understand the Reock score to measure  
13 the center point of the district to what?

14 A. The difference of their perimeters.

15 Q. The difference -- I'm sorry. You have me  
16 totally lost.

17 So the difference of the perimeter -- what  
18 do you mean the difference; the difference from what?

19 A. Boundary lines of the district. So every --  
20 every district has a boundary line. So when we provide  
21 this, it could be a square, right? How close are those  
22 edges to each other, right? And this is the important  
23 way of thinking about it: It could be a rectangle. It  
24 may be -- so now you've got a northern border; you have  
25 a southern border; you have the eastern border; and you

1 have the western border.

2 Q. And then you compare that to the distance to  
3 the center point?

4 A. It's going to let you know whether they're  
5 round and compact, as opposed to just where the shape's  
6 building out.

7 Q. Okay. So the inputs are the center point to  
8 the boundary, the length of the perimeter. Is that it?

9 A. At this point what I'm trying do is help you  
10 describe what these measures mean to us. I think I  
11 earlier described that I don't recall what the formula  
12 is right now.

13 Q. Okay. At any point have you known what the  
14 formula is for the Reock score?

15 A. Yes, you can reference it on paper. It's one  
16 of those.

17 Q. When did you last reference it on paper?

18 A. Not recently. Didn't do that in preparation  
19 for this deposition.

20 Q. Did you do it when you were conducting your  
21 analysis for your report?

22 A. Yes. The fact is we have reference sheets when  
23 you're talking about calling in the reports, and  
24 understand what are they doing, so we remem- -- continue  
25 to remember that this varies between 0 and 1 for a

1 reason. It's the same way that the Convex-Hull is  
2 looking at, you know, where is that shape going in  
3 addition to its perimeter.

4           So they -- they all capture a different set  
5 of the same idea, the symmetry of a ge- -- geometric  
6 shape. They do so with different levels of, right,  
7 trying to discriminate what is symmetrical and what is  
8 not, and the idea is that, as you present three of these  
9 scores together, you're going to get -- see the trends  
10 that exist to know that one score is not being -- going  
11 easier on identifying the compactness of a district than  
12 any other score.

13           Q. So am I understanding that -- so my question  
14 was -- was, actually, just: When did you last know the  
15 formula for the Reock score? And is -- did you say that  
16 the answer was when you worked on your report?

17           A. Yes. So it would be potentially a day in  
18 March.

19           Q. Okay. So in March -- like, March 31st is that  
20 the date of the amended report? I -- I don't have the  
21 date in front of me. Is that the date of the amended  
22 report?

23           A. Yeah, the date of the 31st is the date of the  
24 amended report.

25           Q. Okay. So you're saying on March 31st, you knew

1 what the formula for the Reock score was, but 13 days  
2 later you don't; is that correct?

3 MS. OLALDE: Objection, asked and answered,  
4 and also argumentive.

5 BY MR. GABER:

6 Q. I'm -- I'm -- I'm sorry if I -- I'm not trying  
7 to be argumentive, Dr. Owens; I'm just trying to  
8 understand.

9 A. I appreciate it. I -- but I'm describing in  
10 this case that, you know, when presented with a set of  
11 notes in front of me, I can reference it. On the  
12 ability to recall a formula, I think, on this case in a  
13 Zoom call, just -- just not with me in my memory right  
14 now.

15 Q. What about the Polsby-Popper score? Do you  
16 know what the inputs or formula is for the Polsby-Popper  
17 score?

18 A. I'm going to give you the same -- same  
19 description. The importance here is our -- our ability  
20 to make the comparisons about the -- the symmetry and  
21 shape of those districts. They represent quite a bit,  
22 and they are used by the Court to determine the  
23 compactness.

24 Q. Do you know what -- which of the Reock or  
25 Polsby-Popper scores are most affected by water borders?

1           A. It's not of interest in my analysis, because  
2 the water areas of Galveston County, right, apply any  
3 way that you have to create this district.

4           Q. Do you understand there to be differences in  
5 how a water border affects the various compactness  
6 measures?

7           A. No, I don't. That has to be conditional on  
8 what's the shape of the water and how much water is in  
9 the County.

10          Q. I'm talking about the endemic to each measure.  
11 Do you understand that -- that the different measures  
12 are affected by varying degrees by their presence of a  
13 water boundary? If -- if that's a thing, you don't know  
14 it; is that fair?

15          A. Yeah. I would say I don't know, because at one  
16 point, some of these voting tabulation districts include  
17 areas of water, right? So when we're looking, in this  
18 case, Pelican Island is part of this, but it's going to  
19 have its voting tabulation district in Maptitude  
20 actually goes to the shore of the mainland.

21          Q. What is the magnitude of a difference that --  
22 in, say, the Reock score, that is notable or makes a  
23 district compact versus not compact, in your view?

24          A. In my view, is the -- you do this, in  
25 particular, if making comparison of one district score

1 to the other district, or in this case other district  
2 maps, that are presented.

3 Q. But I'm -- but, numerically, is point -- .05,  
4 .01, .03? What -- at what point do you say: That's a  
5 -- that's a difference?

6 A. No. I -- in my aspect when I'm looking at this  
7 is the important part of determining compactness is,  
8 number one: What is that district compared to the  
9 others? Also: How does a district's change influence  
10 the compactness of its neighboring district?

11 But as far as, no, a .05 difference, I  
12 think I have indicated, is not something that will be as  
13 important. I've described here on the fact of, you  
14 know, all of these measures are going to show something  
15 different at the hundredths place. That would be  
16 10 percent, or less than 10 percent, of the range that  
17 this decimal could even take between 0 and 1.

18 The important part here, what I'm trying to  
19 say, is that we evaluate this as the course of the whole  
20 map. So all the shapes that are existing in a map, are  
21 they consistent, right? Is there -- if one deviates, is  
22 there a reason for that? And, right, then you take  
23 those reasons into account.

24 Q. So -- excuse me -- .05, not -- not an important  
25 difference? That's the -- am I correct in that's what



1 your testimony was?

2 A. No. My testimony in this case is saying that  
3 you would look into other factors, but at .05, that is  
4 -- yeah, I'm looking at things, as I report in my table,  
5 on at the hundredths place. So you're seeing these  
6 small variations, but each score gives you a score of  
7 something being more compact or less. And oftentimes,  
8 it's taken as, yeah, which score is performing better,  
9 but the importance that we have is about the political  
10 geography that's within those.

11 Q. What does that mean?

12 A. It's the -- the district characteristics. How  
13 many things the residents of this district have in  
14 common, right? In this case, I'm saying if you have a  
15 lower score, be that Polsby-Popper or Reock or  
16 Convex-Hull, you know, we understand in this case that  
17 that -- because the municipal boundaries are just  
18 different. They're not squares; they're circles. Or is  
19 it because, right, the major road, as well, is  
20 different?

21 These boundaries are used when you're  
22 creating those. I think in this case, as we are looking  
23 at the maps, I'm just clarifying the fact that  
24 identifying a .05 difference is -- is not a rule that's  
25 used for compactness comparisons. It's going to be --

1 it is objective measures that we're identifying what  
2 they mean, as one being better than the other.

3 Q. Okay. So the political geography point you  
4 just made, that's not factored into the mathematical  
5 compactness scores; that's some interpretation that  
6 happens outside those scores, right?

7 A. That's right. So there's nothing about the  
8 population within a district; it's just the district  
9 boundaries are in this score.

10 Q. So if we're looking at just the mathematical  
11 compactness scores across all three of the measures that  
12 you reported in your report, it's not your testimony  
13 that on those mathematical scores there's much, if at  
14 all, difference between many of the plaintiffs' plans  
15 and the Enacted Plan, right?

16 A. Oh, as far as the Enacted Plan, well, they've  
17 not necessarily been comparable, but you do see in this  
18 case that the illustrative maps frequently have a low  
19 mathematical score when they're focussed on Precinct 3.  
20 Those scores are also much lower than when you look at  
21 any one of the precincts provided in the Enacted Plan.

22 Q. So if we look at -- let's just take an  
23 example in the Reock chart. Precinct 3 in the Enacted  
24 Plan is .23 Reock score. Do you see that?

25 A. Yes.

1 Q. And the Rush Map 1 is .21. Do you see that?

2 A. I do.

3 Q. Those are similar, right?

4 A. Yes. In the -- what I'll also point to is,  
5 reading left to right on these groups, the Rush map,  
6 also in this case, represents a Precinct 4, right, which  
7 is less. So its deviation in some cases is -- and  
8 it's -- deviation is almost the same as the enacted map.

9 But what is involved in -- the next step is  
10 to look at what's involved in the selection of those  
11 precincts.

12 Q. Okay. But right now we're just talking about  
13 the actual mathematical Reock score, right?

14 A. Correct.

15 Q. So the mathematical Reock score for Rush Map 1  
16 is -- Precinct 3 is similar to the score for the Enacted  
17 Plan?

18 A. .21 is similar to .23.

19 Q. Uh-huh.

20 A. A little -- and I think one point that I wanted  
21 to make in this amended report is -- and they are shaped  
22 as two very different districts.

23 Q. And the Reock score is a way to standardize and  
24 account for differing shapes by -- and that's the whole  
25 purpose of it, right, is to give you a mathematical

1 score that will compare different shapes to determine,  
2 on an equal footing, whether they are compact or not; is  
3 that right?

4 A. Yes.

5 Q. On the -- if you turn to the Polsby-Popper  
6 scores, the next table, all three of the Rush maps have  
7 the exact same Polsby-Popper score as Enacted Precinct  
8 3; is that right?

9 A. This would've all at .12.

10 Q. And so they're the -- they have the -- they're  
11 not just similar; they're -- they're exactly the same in  
12 terms of their mathematical compactness as compared to  
13 the Enacted Plan, right?

14 A. Yes, you're right. And my concern with those  
15 maps was also, then, that on the Precinct 4, they  
16 continued to be much less. And I know that's because  
17 it's bounded on the difference that on point -- Precinct  
18 3, they're also greater.

19 Q. And Precinct 2 is greater than -- in the Rush  
20 plan than it is in the Enacted Plan, right?

21 A. Yes. So I -- we're recognizing now we've got  
22 two -- two are different, right, in each case.

23 Q. And -- and that's why it adds out to be about  
24 the same map-wide, right?

25 A. Map-wide, right, but then their -- their

1 averages come to something; then it's -- yeah, about the  
2 same within the hundredths place, Maps 2 and 3 of the  
3 Rush map appears similar to the enacted map. Although,  
4 they -- only Rush Map 2 has about the same deviation --

5 Q. Can you have --

6 A. -- that's the difference with the map. So are  
7 they comparable across their groups? And that's why.  
8 So this would be, of that score, it's providing a --  
9 yeah.

10 Q. So --

11 A. Those numbers in one or -- two -- two of these  
12 measures are showing deviations or, in this case, some  
13 important information, right, 1, 2.

14 Q. And the bottom line of that is that the Rush  
15 maps have the exact same mathematical Polsby-Popper  
16 compactness score for Precinct 3 as does the Enacted  
17 Plan, and the average plan-wide Polsby-Popper scores for  
18 the Rush maps is exceedingly close to the Enacted Plan;  
19 you agree with that?

20 A. I do. And -- and those are the scores that  
21 don't take into account, yeah, political geography or  
22 the population deviation.

23 Q. Right. We're just talking about the  
24 standardizing mathematical compactness score, right?

25 A. Agreed.

1 Q. If we look at the Convex-Hull scores, the Rush  
2 maps are actually about .1 -- 1/10th of whatever we're  
3 talking about here -- I don't think it's percent;  
4 maybe -- .1 higher than Precinct 3 in the Enacted Plan,  
5 right?

6 A. In Precinct 3 we're continuing to have this --  
7 we don't need to make the comparisons, I think, because  
8 the -- we've shown the differences of the community of  
9 interest --

10 Q. What do you mean we don't need --

11 (Simultaneously speaking.)

12 A. One of the things of interest is to the -- to  
13 the Enacted Plan, so, yeah, that would be --

14 THE COURT REPORTER: Hold on. Hold on.  
15 Hold on. I like missed a whole question and answer.

16 MR. GABER: So -- and my apologies for  
17 that.

18 BY MR. GABER:

19 Q. You just said: We don't need to make a  
20 comparison between the mathematical compactness scores.

21 Is that because you have your opinions  
22 about the communities-of-interest issues; is that what  
23 you're saying?

24 A. Yes, sir.

25 Q. Okay. So the fact that the plaintiffs' maps

1 are nearly across the board of similar, the same, or, in  
2 some instances, larger compactness scores than the  
3 Enacted Plan, you're saying that's not terribly  
4 important to your opinion?

5 A. No, not to my opinion, because, again, the  
6 scores provide us one piece of information, and in this  
7 case, right, the -- the Enacted Plan and the Benchmark  
8 Plan, which a lot of these illustrative groups build on,  
9 yeah, are -- are categorically different. And so, I  
10 mean, I think, yeah, an agreement with -- with some  
11 numbers, but we want to remember each time why we're  
12 making the -- the comparisons here.

13 Q. And you say -- and you acknowledge in your  
14 report that the -- the actual average compactness scores  
15 are consistent across the plaintiffs versus the -- the  
16 Enacted Plan, but you make the point that the standard  
17 deviation of -- of the scores across the Enacted Plan is  
18 -- is lowest, you say. Is that fair?

19 A. Hmm, yes, I would say that.

20 Q. What is the significance of the standard  
21 deviation to whether a district sitting by itself is  
22 compact or whether a map sitting by itself is compact?

23 A. Yeah. My interest here with the standard  
24 deviation was to give a -- sort of a decimal point on  
25 the fact of our ability to compare how similar districts

1 are across their -- across the entire county. And so,  
2 obviously, as one district becomes less compact, it  
3 comes with the threat of making its neighboring or  
4 adjacent district less compact as well.

5 Sometimes, as it's seen, if you have hook  
6 or if you have a claw in one area, that's going -- you  
7 know, one aspect of a district starts to protrude into  
8 another district, that's going to make it appear more  
9 like a C instead of a square. And to our knowledge,  
10 that's one of the things that we continue to talk about  
11 with other ideas of compactness, because those can occur  
12 in short instances, but their effects have influences on  
13 the compactness of neighboring districts.

14 And, again, we're talking here of two and  
15 two being the differences. You know, the other two  
16 districts could stand away as being more compact and  
17 give someone an ability to increase their average is  
18 what I'm trying to point to as well. But this is -- you  
19 know, these standards and reading these decimals is a  
20 bit complex, because we are seeing how the changes in  
21 one district are affecting the compactness of its  
22 adjacent neighbor.

23 Q. So my understanding of the standard deviation  
24 here is that it would report the -- it's sort of a stand  
25 in for the range of lowest to highest?



1 A. Yes. And how the --

2 Q. And it's taking the -- sorry. Finish your  
3 answer.

4 A. And -- you're right -- the range and how that  
5 would be different from the average plans of all four.

6 Q. That doesn't say anything about whether a  
7 particular precinct within the plan is compact, right?

8 A. No. It helps us understand and interpret the  
9 effect of all four commissioner precincts together. So  
10 we want a compact map. And so sometimes you can have a  
11 compact district, but in this case, the other three  
12 districts would be not compact. That we would want to  
13 avoid.

14 I think, yes, you want to read these in two  
15 ways: What is the precinct? But also: What is the  
16 whole plan?

17 Q. What is the numerical threshold that you apply  
18 to determine when a standard deviation signifies a  
19 compact map and when it signifies a non-compact map?

20 A. I don't provide one; I just provide the data,  
21 as you would calculate it. And in particular here is  
22 the option of you're able to see those from minimum to  
23 maximum across all those plans.

24 Q. Is a .01 percent difference meaningful?

25 A. That's not for me to give an opinion on. I

1 think collectively it's small, but it is -- it is less.

2 One of them will be less.

3 Q. Well, one of them will have a .01 percent  
4 standard de- -- or .01 standard deviation difference in  
5 the range of districts within its plan; is that fair?

6 A. Yes. And, of course, that standard deviation  
7 is conditional on what the average is, and, also, it's  
8 conditional on what those precinct measures are.

9 Q. So you don't have an opinion as to the -- the  
10 numerical threshold for a standard deviation for a map  
11 that marks a compact versus non-compact map?

12 A. Agreed; I do not.

13 Q. But you came to the conclusion, nevertheless,  
14 that all the plaintiffs' plans were non-compact, and the  
15 Enacted Plan was compact because the standard deviation  
16 was, in some instances, .01 lower in the Enacted Plan  
17 than in some of the plaintiffs' plans. Do I have that  
18 right?

19 A. That's one of the characteristics that I cite,  
20 and the fact is, is that that map shows the Enacted Plan  
21 was the lowest. So the Enacted Plan has the least  
22 amount of difference across the compactness of all of  
23 its precinct boundaries.

24 Q. Uh-huh.

25 A. I mean, not achieved when we look here at the

1 variation from the illustrative maps.

2 Now, you think -- use this as multiple  
3 factor, please, in the way that we see some as being,  
4 you know, high, low. What's an average? And the  
5 standard deviation helps us understand how much those  
6 matter.

7 Q. Where have you ever seen the standard deviation  
8 reported before an analysis of compactness of a map?

9 A. That I have not seen included. I think the  
10 important part here is, it allows me to communicate the  
11 point about the variation that exists here. Because we  
12 -- central to the problem is the Enacted Plan -- or not  
13 the Enacted Plan -- pardon me -- the Benchmark Plan  
14 starts with one commissioners precinct that is less  
15 compact, substantially less compact than all of its  
16 adjacent neighbors.

17 Q. Which map were you just talking about?

18 A. The benchmark map.

19 Q. The standard deviation wasn't reported in  
20 Maptitude, right?

21 A. No. I report that by looking at the scores  
22 that are reported in Maptitude and calculating them just  
23 as you would calculate that average.

24 Q. The travel contiguity report that you ran, tell  
25 me about that. What is that measuring?

1           A. Measures the particular distances here of what  
2 percentage of your population is going to -- we draft  
3 questions that are from the American Community Survey  
4 that are going to identify how people answer to live in  
5 this community that impact their driving distance, also,  
6 right, how far they have -- and then I included  
7 information here of what's the distance from north to  
8 south, right, of each of these communities.

9                       So this can vary when we identify here --  
10 you know, and this is really in response to analysis  
11 that was provided by Mr. William Cooper. And so in  
12 doing so, for completeness, I provided it for all of the  
13 illustrative maps.

14           Q. Have you run this type of report before?

15           A. No. This would be the first time that I run  
16 this report.

17           Q. And so just -- you've only done it on these --  
18 these maps that are listed here in Table 13?

19           A. Uh-huh, and within Galveston County, correct.

20           Q. Okay. And the -- the -- I don't know if this  
21 is still Page 17 in your amended report. I'm sorry.  
22 I'm looking -- I had printed out your older report,  
23 which is why --

24           A. Of course. It's Page 17.

25           Q. Yeah.

1                   So then you have -- right. So at the  
2 bottom of Page 17, you say: As shown in Table 13, the  
3 illustrative maps for Precinct 3 are not compact.

4                   Tell me what about Table 13 tells us that  
5 those maps are not compact.

6                   A. We've seen in this case just identifications  
7 about the miles from north to south that the Precinct 3  
8 directs, as well as the time -- right, the maximum drive  
9 time that people have had and the maximum drive  
10 distance.

11                  Q. Okay. So 22 -- 14 to 22 miles, you're saying,  
12 that means not compact, the distance from north to  
13 south?

14                  A. Yeah. It's something in this case that -- that  
15 the 22 miles and 21 miles, right, stand out in this  
16 case.

17                  Q. From what?

18                  A. As being, right, an -- showing the distance  
19 that was used to capture, right, the communities of  
20 interest -- interest.

21                  Q. So, like, stand out compared to what?

22                  A. I would say to the length of Galveston County  
23 north to south. So you -- like, in particular, right,  
24 that would be the maximum range that a district -- or a  
25 precinct can have as its distance.

1 Q. How many times have you been to Galveston  
2 County?

3 A. One time.

4 Q. Is that today for this deposition?

5 A. Or that's the reason for the trip yesterday.

6 Q. Okay. So -- so yesterday and today is the  
7 first time you've ever been to Galveston County?

8 A. Correct.

9 Q. It's the first time you've met or spoken to  
10 someone in Galveston County?

11 A. That I can -- that I can recall. I think  
12 through the case, yeah, I mean, this would be the  
13 reason. You talk to people, right, who are here, and  
14 there would be individuals of the legal team. I spoke  
15 with a couple weeks ago with someone in Galveston  
16 County.

17 Q. Okay. Have you spoken to any of the Hispanic  
18 households/residents that you report about in your  
19 report in Galveston County before?

20 A. No. I -- I did not conduct any interviews of  
21 residents in Galveston County related to this case or  
22 discussed it with them.

23 Q. Can you think of a single Hispanic resident of  
24 Galveston County that you now would have spoken to?

25 MS. OLALDE: Objection, asked and answered.

1 THE WITNESS: In general, not that I can  
2 recall.

3 BY MR. GABER:

4 Q. What about the Black president of Galveston  
5 County?

6 A. I think -- not in relation to this case.

7 Q. In relation to anything?

8 A. As far as talking to them --

9 Q. Right.

10 A. -- I want to know what you're asking.

11 Sorry. Then I guess that would have been  
12 my last answer. I -- I've had conversations throughout  
13 the last two days with people in particular, right, at  
14 stores and -- but not in this case related to the scope  
15 of this work.

16 Q. Okay. Maximum drive distance of 18 miles in  
17 Cooper Plan 3 to 31.82 miles in the Fairfax and Cooper  
18 Plan 1, are -- is it your testimony that that -- those  
19 driving maximum distances signifies a non-compact  
20 district?

21 A. Yeah. As -- as surveyed by the groups, it  
22 shows there's quite a bit of variation, you know, and  
23 that this is an extended period of time. This is --  
24 because also in William Cooper's report, he identifies  
25 how long it would take to get from the Bolivar Peninsula

1 to Galveston County and what people's typical drive time  
2 is. So this is one of the factors that I consider in my  
3 determination about compactness, but, again, it's not  
4 the primary reason.

5 Q. What are we comparing it against? So what  
6 amounts or what distance is compact?

7 A. I provided the data. I don't make an opinion  
8 about what is the relevant part, other than that, I  
9 mean, 22 miles is a -- is a long way.

10 Q. So you do actually state an opinion, so I'm  
11 trying to understand what it is.

12 You say: As shown above in Table 13, the  
13 illustrative maps for Precinct 3 are not compact.

14 A. Yeah.

15 Q. And I -- and I'm trying to understand: What  
16 would be compact? What -- what -- what is the metric --  
17 what is the point on any of these metrics that is  
18 telling you -- flagging for you that this is not  
19 compact?

20 A. In one in particular, as I'll describe later in  
21 the report, I have one part where I talk about the  
22 district can even be as -- in some cases, as narrow as  
23 .05 miles. .05 miles is then very different than  
24 22 miles.

25 So by using some of these objective



1 | differences of what is width to length, that's telling  
2 | us a little bit about not only our shapes, but how much  
3 | that is comparing and how many people are being excluded  
4 | from that district precinct.

5 | Q. Would you agree with me that the -- that the  
6 | mathematical compactness scores that we had looked at  
7 | earlier -- the Reock, Polsby-Popper, the Convex-Hull --  
8 | that those are all actually designed to measure  
9 | compactness, and travel contiguity is not?

10 | A. I think that they're both sort of designed to  
11 | provide that information. They both would come under a  
12 | compactness-type analysis. But you would most often see  
13 | Reock and Polsby-Popper and Convex-Hull used in that  
14 | part of an analysis, as then you'd jump into the next  
15 | part of, you know, what's the -- the community that's  
16 | living within those boundaries.

17 | Q. So just to sum this up, you -- before these  
18 | seven maps, you've never run the travel contiguity  
19 | report in Maptitude before; is that right?

20 | A. That's right.

21 | Q. You don't know what you're comparing it against  
22 | in order to make the conclusion that this data tells you  
23 | it's not compact; is that right?

24 | A. I think the table is actually shown to compare  
25 | each of the plans to each other. That's the intent of

1 | the table. So as far as comparing it to something  
2 | that's outside of Galveston County or a -- other  
3 | standards, there aren't ones that are set for Galveston  
4 | County in that case.

5 | Q. You don't compare it, for example, to something  
6 | that you think is compact?

7 | A. Yeah. I don't -- I don't inject that part,  
8 | other than just saying: These are long distances and  
9 | long times.

10 | Q. Okay.

11 | MR. GABER: Can we pull up the enacted map  
12 | exhibit, please.

13 | MS. OLALDE: And which exhibit number is  
14 | that?

15 | CONCIERGE TECH: I'll tell you in one  
16 | second. It's the -- you're saying the enacted map?

17 | MR. GABER: Yes, please.

18 | CONCIERGE TECH: Shall that be marked next  
19 | in order?

20 | MR. GABER: Yes.

21 | THE WITNESS: While we bring that up, can  
22 | we do a pause for the restroom?

23 | MR. GABER: Yes. Let's take a break. Does  
24 | -- five, ten minutes? What do you want?

25 | MS. OLALDE: Five minutes is fine. Thank

1 you.

2 THE WITNESS: Perfect by me.

3 MR. GABER: Okay.

4 THE VIDEOGRAPHER: We are off the record at  
5 4:00 p.m.

6 (Exhibit 13 was marked for identification.)

7 THE VIDEOGRAPHER: We are back on the  
8 record at 4:10 p.m.

9 BY MR. GABER:

10 Q. Okay. Dr. Owens, I'm going to show you what's  
11 been marked as Exhibit 13, which is the Galveston County  
12 Commissioner Enacted Precinct Map, and I'm not sure if  
13 it comes up on the screen magically or how this works.

14 CONCIERGE TECH: Do you want me to do it,  
15 or you're going to do it, sir?

16 MR. GABER: If you can, that would be  
17 great.

18 MS. OLALDE: And, Mr. Gaber, he also has it  
19 pulled up on, yeah, the other laptop.

20 MR. GABER: Oh, great.

21 BY MR. GABER:

22 Q. Dr. Owens, do you recognize this as the Enacted  
23 Plan for the Galveston County Commissioner Precincts?

24 A. Yes, I do.

25 Q. Now, I think I heard you testify to Ms. Klein

1 that you thought that the map is reasonably compact; is  
2 that correct?

3 A. Yes, I think generally, but my -- part of my  
4 analysis, right, isn't to analyze the enacted map. I  
5 just present it with information on the compactness  
6 side.

7 Q. Okay. Is there anything about the enacted map  
8 that you find to be non-compact?

9 A. I think we -- where I see this, the important  
10 part is, you know, following the voting districts and  
11 seeing that it encompasses, right, some of -- yeah, the  
12 cities. The -- in particular areas, you have the coast  
13 together; that -- that would be compact.

14 And you've asked about non-compact. So,  
15 collectively, I would say without these additional  
16 analysis or points of question, I don't immediately see  
17 the parts that would be not compact, given the political  
18 geography and where people live.

19 Q. What are the -- tell me: What are the features  
20 that you find notable to make you think it is compact?  
21 You just mentioned one, the coastline. Are there  
22 others?

23 A. I do. I see that in Precinct 1, right, that  
24 this is identifying an area that maintains that northern  
25 coast or the area around the Bay. And the other part is

1 the area centered here with League City, pointing in  
2 with Dickinson, and I know it identifies here with the  
3 parts of Friendswood, but I think we're increasingly  
4 seeing something needs to follow the northern border of  
5 the County.

6 And so if I were to do this analysis more  
7 directly, I'd be looking at: Well, where are these  
8 voting district boundaries? How are they connected?  
9 But, yeah, I think, collectively, you see an east-west  
10 attention here, red on a major roadway, and something  
11 that, at the northern part, this is going to be  
12 reflective over where that population growth was in --  
13 across the last decade by its municipality that we have  
14 seen.

15 Q. And you -- you see how Precinct 3 has a claw  
16 that goes up to Friendswood?

17 A. Uh-huh.

18 Q. Do -- is that a fair characterization?

19 A. I think it's a -- I see where it has a  
20 connection with Friendswood and directly, yes, moves to  
21 connect it with League City.

22 Q. And -- and that would -- a "claw" is a fair  
23 word to use for that, right?

24 A. It would -- I think -- I mean, you can use --  
25 describe it, in particular, as you wish, but the thought

1 here is: What's the population, right, being used to  
2 make that connection? Is this a populated area of  
3 Friendswood with its growth? I think yes. And -- and  
4 that, collectively, the shape at which you're  
5 describing, I think, it could be reflective of a  
6 political boundary.

7 Q. And Precinct 4 has sort of a hook or a claw  
8 that goes down to the south, right?

9 A. Yeah, that's right, with -- directly serving  
10 the idea of a -- as the voting district in Hitchcock.

11 Q. And Precinct 1 combines Texas City, parts of  
12 Dickinson, and parts of League City and some others; is  
13 that right?

14 A. Yeah. So the municipal boundaries on this map  
15 are not presented.

16 Q. But to your understanding, is that correct?

17 A. Yes.

18 Q. And is that -- is the connection between Texas  
19 City, League City, and Dickinson, or at least parts  
20 thereof, something that you think to be sensible?

21 A. I think as -- perhaps then, yeah, adjacent  
22 communities, but also ones with some population  
23 difference we're looking here now of -- I think the one  
24 part you have to grapple with as a mapmaker is the fact  
25 that League City has a larger population than the ideal

1 district. So I do expect there to be the change, and,  
2 in particular here, areas with the -- you know, and  
3 directly the idea is: The central part of Precinct 3  
4 would appear, like, visually compact, and, I think in  
5 this case, combine much of -- of the League City area.

6 Q. Are there precincts on this map that you think  
7 combine communities that have dissimilar socioeconomic  
8 statuses?

9 A. This gets -- the level of detail provided, I  
10 can't answer that, other than that the Galveston Island,  
11 which was shown to have had different socioeconomic  
12 comparisons is now part of one district. And so that  
13 would be an improvement.

14 Q. And Galveston Island is -- is not large enough  
15 to be its own -- in terms of population, to be its own  
16 precinct, right?

17 A. You're correct.

18 Q. So it has to be connected with some other group  
19 of people on the mainland, right?

20 A. Yes. And -- and that would be -- even when --  
21 as you show here, right, the fact it has Bolivar  
22 Peninsula and parts of the mainland.

23 Q. What is the -- what is Bolivar Peninsula's  
24 socioeconomic status compared to Galveston Island's?

25 A. Yeah. I don't include that in the analysis

1 primarily because that population, in each of its  
2 estimates, were substantially small. They were smaller  
3 than the other CCDs. Also, I think, if I recall, all of  
4 the illustrative maps appear to, or tend to, keep  
5 Bolivar Peninsula always in the same district. They  
6 don't -- no plan splits Bolivar Peninsula away. So at  
7 that point, it's unnecessary to include in the analysis.

8 Q. So -- but you don't have any issue with the  
9 fact that in Precinct 2 in the Enacted Plan Galveston  
10 Island is connected with Santa Fe in terms of  
11 socioeconomic statuses of the residents there?

12 A. No. I think that identifies here that it has  
13 to include, right, an area, and, in particular, it's not  
14 going to the points of connecting someone with -- the  
15 parts of League City or -- or Dickinson further north.  
16 This is -- appears to be for Precinct 2, right, a much  
17 more compact option.

18 MR. GABER: Okay. Let's pull up, if we  
19 could, the -- the document -- Enacted Plan -- let me  
20 just see what it's called -- Enacted and Map 4, and  
21 we'll mark this as Exhibit 14.

22 (Exhibit 14 was marked for identification.)

23 CONCIERGE TECH: May I have the -- the name  
24 of the document one more time? I'm sorry about that.

25 MR. GABER: Sure. It's Enacted and Map 4.



1 BY MR. GABER:

2 Q. Dr. Owens, do you see on the left side of this  
3 document there's a picture of the enacted map?

4 A. Yes.

5 Q. And then do you see a -- a map with an  
6 alternative district configuration to the right?

7 A. I do, yeah. Two -- two maps represents it side  
8 by side.

9 Q. So Precinct 1 in the enacted map covers much of  
10 the same land and territory as does Precinct 3 in the  
11 alternative map. Do you agree?

12 A. Precinct 1 and 3?

13 Q. Precinct 1 in the enacted map versus Precinct 3  
14 in the alternative map to the right.

15 A. Understand -- it -- it would visually appear  
16 that way, but I would want to see more details about its  
17 population, I think especially because it's, I think,  
18 identifying a lot of the -- so areas that are commercial  
19 or have low population, which we see here.

20 Q. So Texas City, largely it -- it would also be  
21 included in Precinct 3 in the alternative plan? Do you  
22 see that?

23 A. Uh-huh. Some portions, yes, in the area of  
24 Texas City that would be by the Bay.

25 Q. Right.

1                   And it -- similar to the Enacted Plan, it  
2 includes parts of Dickinson and League City, as well, in  
3 Precinct 3 in the alternative plan?

4           A. I mean, of those cities or municipalities, I --  
5 I could follow with that.

6           Q. And -- and you don't see any -- you don't have  
7 any issue with those municipalities being combined  
8 together in a single precinct, right?

9           A. I think no part of my opinion comes into which  
10 municipalities need to be or which ones should not be.

11           Q. They share a -- they share similar  
12 socioeconomic statuses; that -- we've gone over that at  
13 length, right?

14           A. Yeah. Or -- right, exactly. We don't have  
15 ways -- I didn't provide analysis that show the  
16 socioeconomic differences between those areas.

17           Q. And you accepted that they were similar as,  
18 sort of, the basis of your analysis, right?

19           A. That -- yes.

20           Q. The Precinct 3 in the alternative plan on the  
21 right, that does not contain any of Galveston Island,  
22 right?

23           A. Well, it shows, I think -- you're right; it  
24 stops at the -- what I understand to be, yeah, the  
25 bridge.

1 Q. And in both of the maps, Precinct 2 is largely  
2 the same; it includes a precinct that contains all of  
3 the coastal ocean coast of -- of the County, right?

4 A. That's one way, right, that you're seeing a  
5 difference, right, as far as where portions of La Marque  
6 are.

7 Q. So there's a -- there's a little bit of a  
8 change in La Marque, but in the alternative map on the  
9 right, you see that the boundary between Precinct 2 and  
10 4 changes a bit; it goes further north for Precinct 2  
11 and actually follows a highway. Do you see that?

12 A. I do. And it adds a part -- oh, follows the  
13 highway you're describing being the -- sorry -- the  
14 southern border, correct?

15 Q. The line between 2 and 4, the, kind of,  
16 straight diagonal line. You see that?

17 A. I do.

18 Q. Visually looking at the two maps compared to  
19 one another, am I correct that it would not surprise you  
20 to learn that the mathematical compactness scores for  
21 the map on the right are higher than the mathematical  
22 compactness scores for the Enacted Plan?

23 A. I -- I think, collectively, you're asking me to  
24 trust that, and --

25 Q. Well, I -- you're an expert. You look at maps,

1 right? So, like, just --

2 A. And I do, and -- but I think, collectively, you  
3 have opportunities to see the -- you know, each of these  
4 shapes have their own, right, sort of extensions in the  
5 case, and I don't know how that will affect the -- the  
6 perimeter scores, right, the -- the distance and where  
7 we're going to see the measurements as they continue to  
8 cross, right, or calculate those distances between  
9 the -- the boundaries. So I -- I mean, I very much see  
10 what you're talking about visually, but whether I can  
11 put math to that without the numbers, I feel like I'm  
12 unable to do so.

13 Q. Okay. So we'll set that map aside for a  
14 moment.

15 Visually, you agree with me that the map on  
16 the right looks more compact than the map on the left in  
17 terms of its district shapes?

18 A. I -- I see them because of the predominance of  
19 Precinct 2, right, them to be similar, and, right, we  
20 are getting very close to a comparison, which is now  
21 right on the -- on the margins.

22 Q. The map on the right, that lacks the claw that  
23 we see in Precinct 3 in the Enacted Plan, and it lacks  
24 the claw, or hook, that goes down in Precinct 4 in the  
25 Enacted Plan; is that fair?

1           A. There are features of this that are not there,  
2 and then, in this case, we see the Precinct 4 on the  
3 right-hand side. What I don't understand is why there's  
4 a selection going across -- I believe, this is I-45,  
5 right? Go -- zoom in, and why those are a municipality.  
6 And I think, collectively, as I see this, I -- to my  
7 mind, right, more questions come up than -- than answers  
8 I can provide. So I --

9           Q. Well, what's one of the questions that come up?

10          A. One is: Why -- why that selection? I believe  
11 it's one voting district that's -- as part of Dickinson,  
12 is going to be included to the -- or maybe it's just  
13 adjacent to Dickinson -- will be placed into Precinct 4  
14 in this alternative plan. Also --

15          Q. And you're talking about on the border between  
16 3 and 4 there?

17          A. Yes, the -- exactly, where the purple is  
18 adjacent to the pink on, I would say, at least the  
19 northern side and southern side, western -- eastern  
20 side.

21          Q. Okay. Anything else?

22          A. The other identifies that sometimes it's been  
23 clear in this case there's a artifact of the Benchmark  
24 Plan that still is part of Precinct 3, and this is  
25 Voting District 399. It's part of League City. It

1 remains -- is the small part of it that continues to be  
2 part of this new Precinct 3.

3 Q. And what's your question about that?

4 A. I think to, number one, if you just presented  
5 me with the alternative plan as an idea that keeps  
6 League City mostly whole, but it has one portion here  
7 that now is -- is not part of League City. And so, you  
8 know, collectively, as we're going to do this, identify,  
9 in all cases, what's unique about that voting district,  
10 why it has intention and why it needs to be separate  
11 from League City. It's not separate from League City in  
12 that Enacted Plan.

13 Q. And its inclusion in Precinct 3 in the map on  
14 the right, that doesn't make that district non-compact  
15 in your view, does it?

16 A. I -- I think, collectively, if we see some  
17 change like that, it might address it at the -- again,  
18 the 100ths place. The mathematical part, when you think  
19 of removing one district, what's that matter? I -- I  
20 guess I don't know in particular, but I know that that  
21 does extend this -- those, sort of, precinct to the  
22 north and to the -- to the west.

23 Q. This Precinct 3 and the alternative plan to the  
24 right, that doesn't have any of the features that  
25 concern you about including Galveston Island with the

1 precinct, right?

2 A. Yeah. Oh, if you're talking about the Precinct  
3 2 and the Island, I agree.

4 Q. Right.

5 And Precinct 3 in this map doesn't have  
6 Galveston Island in it, so it -- it doesn't have any of  
7 those socioeconomic differences that you were concerned  
8 about with respect to some of the other plans you looked  
9 at, right?

10 A. Right. You continue to see that there's going  
11 to be a little split between what you might be able to  
12 talk about with the La Marque and Hitchcock group  
13 compared to what you are going to see from Texas City  
14 and League City.

15 Q. You're not seeing anything on the right that  
16 suggests to you that any of these precincts are not  
17 recently compact in the alternative plan to the right;  
18 is that fair?

19 A. I think my response is that I would need to  
20 have more time to analyze that.

21 Q. But in terms of their shapes and what we've  
22 talked about today and what you know from what you've  
23 talked about today, is there anything on that map in the  
24 right that's saying to you that you think there's a  
25 non-compactness issue there?

1 MS. OLALDE: Objection, asked and answered.

2 THE WITNESS: I mean, directly to my part,  
3 the interesting thing is we'll look at those boundaries,  
4 and -- but, ideally, when you're asking here the  
5 compactness, you do rely at one point on the  
6 measurements, the mathematical measurements, which we  
7 talked about. Then we described a little bit towards --  
8 you know, how has this affected all of the other, right,  
9 precincts and their populations, right, which are being  
10 joined together.

11 BY MR. GABER:

12 Q. And I'm almost finished. I'm going to -- if I  
13 can, I'm going to do a screen share myself, if I can  
14 figure out how to do that.

15 CONCIERGE TECH: The button's at the  
16 bottom, sir.

17 BY MR. GABER:

18 Q. Okay. Do you see Maptitude on your screen?

19 A. Yes, I do.

20 Q. And does this look to you like the same  
21 alternative map that we were just looking at in the  
22 prior exhibit?

23 A. Yes, I see these features.

24 Q. And then do you see the -- at the top, I have  
25 the -- the Polsby-Popper and the Reock scores. Do you



1 see that?

2 A. Can someone who's controlling this, I guess,  
3 zoom in? I know that there is a way to make those  
4 numbers larger.

5 MS. OLALDE: Yeah, they're very small.  
6 Sorry.

7 MR. GABER: Oh, I'm controlling it, aren't  
8 I?

9 THE WITNESS: I can -- I can see the  
10 population differences. I think that -- and --

11 MR. GABER: Did that get any better?

12 MS. OLALDE: No, not really.

13 MR. GABER: All right. Let me do something  
14 quickly, if I can figure out how to do this.

15 CONCIERGE TECH: You can try control plus.

16 MR. GABER: Oh, that's a good idea.

17 CONCIERGE TECH: It may work, depending on  
18 the program.

19 MR. GABER: There we go.

20 BY MR. GABER:

21 Q. Okay. Do you see that now?

22 A. Yes, sir.

23 Q. All right. And I don't know if I can get the  
24 map back up, but ignore the top line. That's the rest  
25 of Texas. I couldn't figure out how to make that go

1 away.

2 But do you see Precinct 3 -- Precinct 1 in  
3 this map has a Reock score of .35; Precinct 2, .24;  
4 Precinct 3, .48, and Precinct 4, .4? Do you see that?

5 A. I do see those.

6 Q. And Precinct 3, that Reock score of .48, that's  
7 a fair bit higher than any of the Reock scores in the  
8 Enacted Plan; is that right?

9 A. I think, as I answer that question, I'd like to  
10 look back at least at -- at my report to the table that  
11 -- tables that put those for the Enacted Plan.

12 Q. Do you have that there? It's on page --

13 A. I don't have my report in front of me, but --

14 MS. OLALDE: I can pull it up, just one  
15 second.

16 MR. GABER: Thank you, Angie.

17 MS. OLALDE: Uh-huh.

18 There you go.

19 THE WITNESS: Cool. Thanks.

20 Okay. Excellent. I have my report up on  
21 the -- this laptop next to this.

22 BY MR. GABER:

23 Q. Uh-huh.

24 A. So both screens. Can we bring the Maptitude  
25 visual back up?

1 Q. Yeah. Let me -- hold on.

2 All right. Do you see that?

3 A. I see that, yes.

4 Q. And so the -- the Precinct 3 Reock score for  
5 the alternative plan for -- or that you were looking at  
6 is .48, and that's nearly double the score for any of  
7 the districts in the Enacted Plan. Is that a fair  
8 characterization?

9 A. I think that is saying that Precinct 3 is  
10 double of what Precinct 3 was but not of any other  
11 precinct in the plan.

12 Q. Precinct 2 as well, right?

13 A. Precinct 2 is exactly the same in the plan you  
14 just gave me and what this shows for their scores. So  
15 it's not whether the 3 is double, but I look at these  
16 as: Is that score of Precinct 2 the same as the score  
17 of Precinct 2?

18 Q. So I am using my calculator to add these four  
19 scores up and calculate the average, and I get .37.  
20 Does that look right to you?

21 A. Oh, that, I can -- yes, would understand,  
22 because of the -- each group, .4, .48, essentially --  
23 yeah, .4, .35 and then .24, okay.

24 Q. That .37 seems right as an average Reock score?

25 A. Yeah. It's in the middle. I trust you.

1 Q. And -- and that would be a whole tenth of a  
2 percent higher than the Enacted Plan's average Reock  
3 score, right?

4 A. On the average, yes.

5 Q. Now, you -- earlier, you said that you had read  
6 Dr. Burch's report in this case, right?

7 A. Yes, I've read it once.

8 Q. And so you've -- this map I showed you that's  
9 not new to you, you saw that in Dr. Burch's report,  
10 right?

11 A. I mean, right now, I haven't recalled that. I  
12 was focused on the -- you know, the stories of the focal  
13 change in that case. But that's in there, I understand.

14 Q. And there's -- there's a couple other maps in  
15 Dr. Burch's report as well that show alternative  
16 configurations and report the -- you know, the  
17 demographic information for them as well. You remember  
18 seeing those?

19 A. Again, this gets outside of the scope of -- I  
20 guess that's not what I was retained to do in this case,  
21 but as far as analyzing the maps that were in this -- in  
22 that report...

23 Q. Okay.

24 MR. GABER: I don't have any further  
25 questions. I will pass it to our colleagues up at the

1 Department of Justice.

2 EXAMINATION:

3 BY MS. SMITH:

4 Q. Hi, Dr. Owens. I'm K'Shaani Smith. I  
5 represent the United States in this matter.

6 MS. SMITH: Ms. Court Reporter, how much  
7 time we have left on the record?

8 THE VIDEOGRAPHER: 56 minutes.

9 MS. SMITH: Okay.

10 BY MS. SMITH:

11 Q. Okay. So I'll start with: Did you review the  
12 underlying files and data related to Mr. Fairfax's  
13 report and illustrative plan?

14 A. I utilized the shape file that he provided.

15 Q. Is it your opinion that the Fairfax  
16 illustrative plan prioritizes race over traditional  
17 redistricting practices?

18 A. Yes. I share that in the report.

19 Q. Is it your opinion that the Fairfax  
20 illustrative plan violates traditional redistricting  
21 principles in an effort to maximize the racial  
22 composition of Precinct 3?

23 A. Yes.

24 MS. SMITH: Can you pull up Exhibit 9?

25 CONCIERGE TECH: Attorney Smith, are you

1 talking to me, the concierge? Would you like me to  
2 screen-share that?

3 MS. SMITH: Yeah, sure.

4 And scrolling down to Page 19 to -- to the  
5 second full paragraph on the page.

6 CONCIERGE TECH: One second.

7 BY MS. SMITH:

8 Q. Okay. In this paragraph, the second paragraph  
9 on Page 19, you note that the Fairfax illustrative map  
10 moved one VTD from Precinct 2 to Precinct 3; is that  
11 correct?

12 A. Yes. That's exactly how I understood him to  
13 have described the -- the change and what -- what  
14 happened when you compare the two of them.

15 Q. Okay. So which VTD are you referring to in  
16 this paragraph? Do you recall the number?

17 A. I'm focusing in this case on Voting Districts  
18 223 and then that 218.

19 Q. So in this second paragraph, which voting  
20 district are you referring to?

21 A. In the second paragraph, I'm showing that the  
22 voting district selected -- the one he selected in this  
23 case is 218.

24 Q. Okay. And do you see the 25 percent number in  
25 this paragraph?

1 A. Yes.

2 Q. Does that number represent the percentage of  
3 Hispanic CVAP in VTD 218 specifically?

4 A. Yes. I think that's what I'm trying to  
5 communicate.

6 Q. And for the 9 percent in the paragraph, does  
7 that represent the Black CVAP in VTD 218 specifically?

8 A. Yes.

9 Q. Are you aware of the White CVAP data for VTD  
10 218?

11 A. Not -- at this point, I cannot recall that.

12 Q. Okay. Let's scroll down to Page 20 to the  
13 second full paragraph on the page. I think you'll  
14 see -- in the sentence that begins with: The  
15 demographic composition of Voting District 223, near the  
16 end of that sentence, do you see where it says,  
17 "62 percent WCVAP"?

18 A. Yes, I do.

19 Q. Do you believe that 62 percent WCVAP relates to  
20 VTD 218?

21 A. No. In my sentence, I think I write that it's  
22 the composition of Voting District 223.

23 Q. So the sentence says: The demographic  
24 composition of Voting District 223 includes 19 percent  
25 HCVAP, 52 percent WCVAP, and 22 percent BCVP, as

1 compared to 27 percent HCVAP, 62 percent WCVAP, and  
2 9 percent BCVAP.

3 So what is your understanding of what a  
4 62 percent of WCVAP applies to?

5 A. Thank you.

6 That would apply to 218.

7 Q. Okay. Let's go back to Page 19. The last  
8 sentence in the second paragraph, it states that: This  
9 selectively chose a diverse voting district to add when  
10 other voting districts were also adjacent to Precinct 3  
11 and could have improved the compactness of the precinct.

12 Did I read that correctly?

13 A. Yes.

14 Q. What do you mean by diverse voting district?

15 A. I mean, in this case, the interest of adding  
16 Hispanic CVAP and Black CVAP to the district, so that  
17 would be -- I think -- and oftentimes I'm adopting the,  
18 sort of, diverse voting district to be to the  
19 perspective of, I think, the benchmark district, which  
20 had -- which is being changed and saw itself as being  
21 the coalition district.

22 Q. So does diverse voting district have a specific  
23 definition?

24 A. No. I would think in this case is you end up  
25 with something that is -- has a higher Hispanic citizen



1 voting age population or higher Black citizen voting age  
2 population and in this case, then, a lower White citizen  
3 voting age population, would appear to be more diverse  
4 than one that has a higher White citizen voting age  
5 population.

6 Q. And when you say higher and lower, what are you  
7 comparing these numbers to?

8 A. I think to those -- these two districts or two  
9 voting districts that are side by side.

10 Q. Oh, I see.

11 So you mean Voting District 218 compared to  
12 Voting District 223, right?

13 A. Yes. I think, I -- I'm trying to do the same  
14 consistent with Mr. Fairfax's interest in the least  
15 change, so adding, like, one precinct that can get the  
16 job done.

17 Q. Okay. So it's your opinion that VTD 218 is a  
18 diverse voting precinct, right?

19 A. I think I was showing in -- 218 is less diverse  
20 than 223. Let me look at my response to double-check my  
21 numbers, but, yeah, one had 62 percent White citizen  
22 voting age population; whereas, 223 has 56 percent White  
23 citizen voting age population.

24 Q. So -- sorry. So which voting district is the  
25 more diverse voting precinct, 218 or 223?

1 A. So, then, 223.

2 Q. Okay. So is it also your opinion that  
3 Mr. Fairfax's selection of VTD 218 did not improve the  
4 compactness of Precinct 3?

5 A. Yes. And I think we can take that opinion as  
6 sort of being relative to what was possible. So of a  
7 least change, there are other voting districts that  
8 could have been selected and would have enhanced more  
9 compactness to the -- to the overall Precinct 3, also  
10 ones that could have had higher populations, right, and  
11 since reduce the population deviation. So...

12 Q. And what VTD would have improved the  
13 compactness and lowered the population deviation, in  
14 your opinion?

15 A. I think what -- there -- there aren't many to  
16 choose, but we could think about ones that are closer  
17 to -- of Dickinson, which at some point has an area  
18 that's compactness that is only -- less than a tenth of  
19 a mile wide. We also see opportunities as -- that I see  
20 here was one that, at times, there are precincts that  
21 are being excluded because when Galveston Island is  
22 split into three different precincts, as the Benchmark  
23 Plan had -- had done, that there's the option here of  
24 having two different precincts run along the bridge to  
25 keep them contiguous.

1                   And so I understand in this case, I think,  
2 why that would not have been selected as the choice, but  
3 there's also a reason beyond just the population that  
4 that had been done, despite the fact that it might be  
5 more closely adjacent or take away the -- sort of the  
6 boot that we see still exists as it comes around that  
7 bay and not continue -- right off of the bridge.

8           Q. And in this explanation that you just gave,  
9 what VTD are you referring to?

10          A. Voting District 223.

11          Q. Oh, I see.

12          A. Yeah, it's Figure 10.

13          Q. Okay. Let's go down to Page 20 that has  
14 Figure 10 on it, I think -- maybe not.

15                   CONCIERGE TECH: Which page, Counsel?

16                   MS. SMITH: The next page, 20. There it  
17 is.

18 BY MS. SMITH:

19          Q. Okay. So let's focus on the first full  
20 paragraph on this page. The first sentence says that  
21 the process exhibits a selective choice under the guise  
22 of offering the least changes.

23                   What is your understanding of the  
24 least-change approach?

25          A. Yep. I think number one is the fact that he

1 selected only one voting district to add. I know  
2 those -- at one point, very clear that he was going to  
3 find one voting district that had a population, was  
4 going to add it, and I think, collectively, my response  
5 would be that it didn't take into account other factors  
6 of the Benchmark Plan that you might be able to address  
7 to better represent the communities or the areas of  
8 Galveston County and how populations have changed,  
9 right, with the new Census numbers.

10 Q. Okay. Is the least-change approach a commonly  
11 used method in redistricting?

12 A. I think it is commonly used when you find that  
13 the la- -- prior district to the benchmark district  
14 continues to perform under the same, sort of,  
15 demographic or as it -- the population and citizens  
16 would like it to.

17 Q. Okay. The paragraph goes on to state that:  
18 Precinct 3, as oppose -- as proposed in Fairfax Map 1  
19 continues to be underpopulated by 3.6 percent. This  
20 selection excludes the more populous Voting District  
21 223.

22 Did I read that correctly?

23 A. Yes.

24 Q. And what selection are you referring to in this  
25 sentence?

1 A. Selection of a voting district, so the  
2 selection of Voting District 218.

3 Q. Then the paragraph goes on to say: Voting  
4 District 223 would have reduced the population deviation  
5 further and had a higher concentration of 870 Black  
6 voting age citizens (22%) than Voting District 218. The  
7 remaining demographic composition of voting district 223  
8 includes 777 Hispanic voting age citizens (19%) and 2263  
9 non-Hispanic White voting age citizens (56).

10 Did I read that right?

11 A. Yes.

12 Q. Okay. And the 22 percent refers to the Black  
13 CVAP in VTD 20- -- 223 specifically, right?

14 A. Yes.

15 Q. And the 19 percent refers to the Hispanic CVAP  
16 in 223 specifically, right?

17 A. Yes.

18 Q. And the 56, is that a percentage?

19 A. It is.

20 Q. Okay. And is that -- oh, sorry.

21 A. No. I agree. I appreciate you saying that.

22 Q. Okay. And is the -- is that the percentage of  
23 the non-Hispanic White citizen voting age population in  
24 VTD 223 specifically?

25 A. Yes.

1 Q. Okay. Would you consider VTD 223 a diverse  
2 voting precinct?

3 A. No. My intent here is just to say it's more  
4 diverse than 218.

5 Q. I see.

6 Is the Hispanic population in 2- -- in VTD  
7 223 higher than the Hispanic population in VTD 218?

8 A. No. The Hispanic voting age population is not  
9 higher in 223 than 218.

10 Q. In the Black -- sorry.

11 A. No, that's a good point. I just want to be by  
12 percentage rather than frequency of what I'm  
13 communicating.

14 Q. Sorry? I still don't understand it.

15 So -- okay. So is the Black population in  
16 VTD 223 higher than the Black population in VTD 218?

17 A. Yes, by -- by number and by percentage of the  
18 population that lives there.

19 Q. Is the non-Hispanic White population in VTD 223  
20 higher than the non-White -- sorry -- non-Hispanic White  
21 population in VTD 218?

22 A. No.

23 Q. Would the selection of VTD 223 have improved  
24 the compactness of Precinct 3 in Mr. Fairfax's  
25 illustrative plan?

1           A. My understanding is that it may have, but,  
2 also, one, is that his illustrative plan does not, sort  
3 of, substantially -- one, it does not increase the  
4 compactness in the -- in a large way from the benchmark,  
5 because it -- it continues to change little, and I think  
6 my primary part is that, it take -- it makes a selection  
7 that does not further reduce the population deviation.

8           Q. Well, I don't -- that's not what I asked.

9                         Would the selection of VTD 223 have  
10 improved the compactness of Precinct 3?

11           A. I didn't provide that analysis in this report.

12           Q. Why not?

13           A. I was primarily focused in this case on the  
14 demographic groups of who was -- who was chosen, where  
15 this might have been a selection, and in my mind,  
16 actually have been describing why it also was omitted as  
17 a way to maintain the three precincts on Galveston  
18 Island.

19           Q. Okay. Lastly in the paragraph, it states:  
20 This opportunity to increase the Black and Hispanic  
21 populations in Precinct 3 would limit the ability for  
22 Precinct 2 to be contiguous on the island.

23                         What do you mean by this opportunity in  
24 that sentence?

25           A. Yeah. That in this case, you know, Precinct 3

1 would have less population deviation. It would increase  
2 the size of the Black and Hispanic coalition population  
3 relative to the precinct that was chosen, and it comes  
4 with a tradeoff, while it's there taking away the --  
5 sort of the boot from the voting district creates that  
6 it included.

7 It violates, kind of, our first standard  
8 of -- or redistricting, which was you wanted to use the  
9 -- the bridge to keep them contiguous. If possible,  
10 right, have a land or roadway comparison to connect the  
11 island to the mainland.

12 Q. So --

13 A. That's why I directly addressed the contiguous  
14 part, because I was -- that's fine.

15 Q. Wait. Okay.

16 So are you saying that the selection of 223  
17 would limit the ability of the precinct to be contiguous  
18 on the island?

19 A. Yes, because every -- all of the places where  
20 the bridge enters the island would then become part of  
21 Precinct 3, but it would -- Precinct 2 would no longer  
22 be contiguous. So in this case --

23 Q. Oh, I see.

24 A. -- yeah, three lines of the high- -- or three  
25 lanes of the highway right now could kind of be used to



1 connect Precinct 2 to the mainland where three lanes of  
2 the highway are being used to connect Precinct 3 to the  
3 mainland, and as -- sort of, I look at this as the  
4 problem being it -- there's obviously a small portion of  
5 the island that is connected to Precinct 1 with no  
6 roadway or -- or land.

7 Q. I see.

8 But Mr. Fairfax's illustrative plan did not  
9 include VTD 223, correct?

10 A. Right, it does not.

11 Q. So, instead, Mr. Fairfax chose VTD 218, which  
12 has a lower Black population and a higher Hispanic  
13 population than VTD 223, right?

14 A. It did, yes.

15 Q. So how does Mr. Fairfax's selection of VTD 218  
16 instead of VTD 223 support your conclusion that his  
17 illustrative plan violates traditional redistricting  
18 principles in an effort to maximize the racial  
19 composition of the district?

20 A. It's less about the voting district selections  
21 as much as the treatment of this area where the bridge  
22 meets Galveston. And so the interest of being able to  
23 preserve the Galveston Island as part of Precinct 3 is  
24 that idea, there's more at play in this case, because  
25 there's a larger, in this case, Black citizen voting age

1 population and Hispanic citizen voting age population  
2 that still remain because of the least-changes action,  
3 but in this case, we have -- you know, in this case,  
4 you're excluding 223 due to contiguous reasons, even  
5 though it might have more in common with the precinct as  
6 the coalition is -- is stated to serve.

7           It's a unique paradox that I saw in this  
8 case that, you know, I -- he made one selection, but I  
9 say in this case there's an adjacent selection to be  
10 made, and he is trying to follow the process here of the  
11 contiguity, which I appreciate. But it shows how much  
12 this district has to stretch and how much it has to  
13 share lanes of a bridge in order to make that possible  
14 to keep Galveston Island as part of Precinct 3.

15           Q. Okay. I don't think I fully understand that,  
16 but I don't think we have time to get into it.

17           All right. Let's go to Page 26 of the  
18 report, please. In the end of the third paragraph, you  
19 write: My report describes how, on multiple occasions,  
20 each map plan chose to include a voting district that  
21 had a higher concentration of Black citizens of voting  
22 age, even when adjacent voting districts with similar  
23 populations had higher concentrations of Hispanic voters  
24 that could have been selected.

25           Did I read that right?

1 A. Yes.

2 Q. And are you referring to Mr. Fairfax's  
3 illustrative plan in this statement, where you say "each  
4 map plan"?

5 A. On multiple occasions, the map plans, that  
6 would be a general statement still to point 2, and I  
7 think, as written, it would -- it would apply to his in  
8 this case, because the transitive part, he's making the  
9 connection of the high concentrations of citizen voting  
10 age populations on Galveston Island.

11 But I would say that, most often, my  
12 critique of Mr. Fairfax's map is that this least-changes  
13 model also took, right, less of action on reducing the  
14 population deviation or improving the compactness of the  
15 overall Precinct 3 than what could have been -- been  
16 done otherwise by just picking one more precinct.

17 Q. Where do you state that explicitly in your  
18 report?

19 A. Related to Mr. Fairfax --

20 Q. Yes.

21 A. -- I did not state that in the report.

22 Q. Oh, okay.

23 Where do you state that in your report?

24 A. I think that's just what I'm intending to show  
25 in the areas of Page 19 and 20.

1 Q. Okay. Lastly, can you explain how you conclude  
2 that Mr. Fairfax's illustrative plan chose to include a  
3 voting district that had a higher concentration of Black  
4 citizens of voting age when adjacent voting districts of  
5 similar populations had higher concentrations of  
6 Hispanic voters that could have been selected? Based on  
7 what you have in your report, can you explain that  
8 conclusion with regard to Mr. Fairfax's illustrative  
9 plan?

10 A. Oh, in -- I think in this case the selection  
11 that he made still has a higher population of Black  
12 citizen voting age population and Hispanic citizen  
13 voting age population than 223 does. Yeah.

14 Q. Okay. Moving on.

15 Is establishing communities of interest  
16 just one of the several traditional redistricting  
17 principles that you mentioned earlier today?

18 MS. OLALDE: Objection, asked and answered.

19 THE WITNESS: And so, at that point, can  
20 you repeat it? I didn't -- the first part of the  
21 question in particular.

22 BY MS. SMITH:

23 Q. Sure.

24 Is establishing communities of interest  
25 just one of several traditional redistricting

1 principles?

2 MS. OLALDE: Same objection.

3 THE WITNESS: I would think in this case  
4 it's almost something you could do prior to  
5 redistricting or in the way to evaluate how -- what is  
6 the political geography of the area in respect to the  
7 boundaries created. So at this point, right, I did a  
8 study to see whether or not there was a community of  
9 interest in the fact of having sufficient socioeconomic  
10 populations, as well as the education and -- and  
11 workforce studies.

12 But one thing that, in particular, exists  
13 here is that those populations do have differences, in  
14 particular, and they have grown beyond what the -- the  
15 benchmark boundaries, right, will may have remained  
16 unchanged.

17 Q. Okay. Should establishing communities of  
18 interest be prioritized over other traditional  
19 redistricting principles when seeking to satisfy the  
20 first condition of Gingles?

21 A. Yes. I think we have an opportunity here, when  
22 we think of -- that is a -- one of the reasons why you  
23 might see deviations from compactness. It would be  
24 another opportunity to see why, in particular, at the  
25 lower levels of political geography, so less than a U.S.

1 Congress district, deviation is allowed by those  
2 populations so that we can best capture the political  
3 geography and municipalities, right, of these voting  
4 precincts and having those plans addressed. So that one  
5 goes with the other aspects of compactness.

6 Q. So what do you rely on to determine that  
7 communities of interest should be prioritized in this  
8 case?

9 A. Yeah, I think the, sort of, alignment or close  
10 similarity that groups have throughout the district.  
11 And so one of the things that we could see in this case  
12 is that: Are the groups -- even if they -- in  
13 particular, like, how close are they? And then the next  
14 case would be: How similar are they?

15 And so my consideration right now would be  
16 within the Hispanic community; it is not only, right,  
17 distant, but it also is disparate in what it has as far  
18 as its socioeconomic status on different ends of the  
19 Galveston County.

20 Q. Okay. Let's take down this Exhibit 9.

21 MS. SMITH: And could you, Rob, upload DOJ  
22 Tab 2?

23 CONCIERGE TECH: Stand by. (Complied.)

24 MS. SMITH: And then mark that as  
25 Exhibit 15.

1 (Exhibit 15 was marked for identification.)

2 BY MS. SMITH:

3 Q. So, Mr. Owens -- or -- sorry -- Dr. Owens,  
4 we'll be talking about Dr. Krochmal's report and the  
5 declaration -- or report, actually, that you filed in  
6 response to it.

7 A. Thank you.

8 Q. Let's zoom in a little.

9 And is this a true and accurate copy of  
10 your expert report filed on March 31st, 2023, in  
11 response to Dr. Krochmal's report?

12 MS. SMITH: Could you scroll down a little  
13 bit, Rob?

14 CONCIERGE TECH: (Complied.)

15 MS. SMITH: Yeah.

16 MS. OLALDE: And, Ms. Smith, he has it on  
17 the laptop.

18 THE WITNESS: Yeah.

19 MS. OLALDE: So, like, he was going to  
20 scroll through it so he could confirm --

21 MS. SMITH: Oh, okay, perfect.

22 THE WITNESS: That's good. Yeah, I'm  
23 looking at Page 2, and that reflects the -- all the same  
24 details.

25 BY MS. SMITH:

1 Q. Okay, great.

2 So looking at -- sorry?

3 MS. OLALDE: I was telling him that you  
4 were asking if it was a -- if it was a true and correct  
5 copy of the report. Sorry.

6 MS. SMITH: Yeah. No, that's fine. Thank  
7 you.

8 BY MS. SMITH:

9 Q. So let's scroll down to Page 2 --

10 MS. SMITH: Oh, actually, Ms. Court  
11 Reporter, do you know how much time I have left?

12 THE VIDEOGRAPHER: 25 minutes.

13 MS. SMITH: Okay.

14 BY MS. SMITH:

15 Q. Okay. So on Page 2, let's look at the first  
16 sentence of the paragraph under "Summary." Yeah.

17 That sentence states that you were asked by  
18 Defendants' counsel to -- or Defendants, rather -- no --  
19 yeah, Defendants' counsel -- sorry -- to analyze the  
20 recent history of political participation in Galveston  
21 County.

22 Is that statement accurate in describing  
23 why you drafted this report?

24 A. Yes.

25 Q. How much time did it take you to draft this



1 report?

2 A. Good question. I think it's a little more  
3 than -- it's going to be 15 hours.

4 Q. And in your review of Dr. Krochmal's report,  
5 what was your understanding of the focus of his report?

6 A. I understood that he gave a full history of  
7 Galveston County, time -- when I say "full," I mean,  
8 like, a wide historical time period, but he also broke  
9 them up into eras with his subheadings. So he  
10 identified history of the County prior to 1965; in  
11 particular, issues related to the 1960s -- I think going  
12 to the 1970s -- then picks up through 1990s.

13 His report also picks up some differences  
14 which are events that happened, like, within the County  
15 as far as certain cities and then, also, the  
16 redistricting practices going through a few decades of  
17 reports that was done by the Commissioners Court.

18 Q. Okay. And would you say that the focus of his  
19 report was on the recent history of political  
20 participation in Galveston County?

21 A. Good point. His re- -- I would think in this  
22 case one of the reasons why I drafted it is that he  
23 offers less attention to the recent political history  
24 that we have, as far as people's participation. So I'm  
25 providing some details that, sort of, pick up on

1 statements that he made, but also identify it -- if we  
2 really think about things that would have occurred often  
3 in the last, I know, decade or really last two decades.  
4 And so -- because I think, in particular, there's an  
5 important part to have identify that -- especially  
6 things like Wesberry v. Sanders or others that have  
7 reshaped redistricting from -- from their past and also  
8 substantial changes to the, I would say, not only  
9 constitutional changes that we have about voting in  
10 these time periods, but also reg statutory changes.

11 Q. Okay. So isn't it fair to say that your report  
12 only responds to portions of -- or, sort of, discrete  
13 portions of Dr. Krochmal's report?

14 A. Well, I -- discrete, I -- I think, in  
15 particular, I'm responding to the parts that I have the  
16 most expertise to.

17 Q. Oh, I --

18 A. My education is not in history, and so, right,  
19 the book that I would have written or other topics are  
20 about studying Texas within the last -- right, within  
21 the last decade.

22 Q. Okay. I see.

23 Well, can you describe your report's  
24 conclusion?

25 A. Report's conclusion is that at one point the

1 coalition of, as stated, African Americans and Hispanics  
2 in Galveston County and being supportive at some point  
3 is based off selective details and in my mind is not  
4 necessarily including as much information about the  
5 residents of the County itself: How they've been  
6 changing in their political behavior; how this affects  
7 the growth of the County in a couple different ways.

8           So while he has, in particular, anecdotes  
9 and stories that are drawn from and they provide clear  
10 descriptions, one of the things that I'm able to show is  
11 that, in the broad change of time, there have been, sort  
12 of, a tracking trend of Galveston's, sort of, political  
13 participation, and, also, some parts in this case, when  
14 we think about Canada emergence or involvement, that are  
15 contrary to a few conclusions that he, sort of, states  
16 and would exclude the more recent political history.

17           Q. Okay. Can you identify specifically how the  
18 conclusions of your report respond to Dr. Krochmal's  
19 report?

20           A. Uh-huh. I can -- in a summary of what we're  
21 looking at here, I would say the Hispanic population of  
22 the County has grown. It also occurred, in this case,  
23 at the same time that the Republican Party has grown,  
24 and I think that, first, we think of it as broad  
25 correlation, that is going to be at odds with an idea

1 that this is occurring, and Hispanic voters are also  
2 preferring the Democratic candidate at the same rate,  
3 right, as they -- the African American population would  
4 have in the past.

5 But I also think in this case that when we  
6 think of the political leaders, we are seeing emergence  
7 and a change of even the Republican Party in Texas -- or  
8 in Galveston County, and people emerging to run for  
9 office, also the idea of where people are participating  
10 in their elections, and deviations within primaries that  
11 show that the Hispanic population and Black population  
12 are not always cohesive. Whereas, he's -- in  
13 particular, his conclusions, he is responding to the  
14 fact that he'd say: The African American population in  
15 Galveston County has a clear point of representation on  
16 the County commission, that individuals who are  
17 minorities in Galveston County don't see an opportunity  
18 to run for office. I think those are parts of the  
19 conclusions that I don't see as far as the research that  
20 I completed.

21 Q. Okay. Thank you.

22 Are these -- well, are the opinions  
23 included in your report all the opinions you intend on  
24 presenting at trial in response to Dr. Krochmal's  
25 report?

1           A. Yes. At this time, I don't have any other  
2 reports prepared.

3           Q. Okay. Let's look at the bottom of Page 2 of  
4 your report. The second sentence states that:  
5 Dr. Krochmal's reports aptly identifies that as much as  
6 Galveston is part of the South, it is often distinct  
7 from the rest of the South.

8                         Did I read that correctly?

9           A. Yes.

10          Q. What is your basis for this character- --  
11 characterization of Dr. Krochmal's report?

12          A. Yeah. In part of the history, one of the  
13 things that he has done is talk about, you know, sort  
14 of, political changes, right, in these opportunities of  
15 aspects of elections, candidates, right; he talked about  
16 the Dixiecrats at the nat- -- sort of, the sub-national  
17 level without an ability to talk about that within  
18 Galveston County.

19                         He did point out, in particular what I like  
20 to see, was the interest here where Galveston's economy  
21 is different from the rest of the State. It's also  
22 different -- as a port city, different from other  
23 southern states that we might see, and that's brought in  
24 a different population to the community, which seek  
25 economic parts. And other historians have talked about,

1 in this case, driven towards being in a community is  
2 your primary interest about econom- -- shared economic  
3 interest compared to aspects you're considering, race.

4 Q. What did you -- what do you mean by  
5 sub-national?

6 A. Sub-national would be, like, states. So we  
7 could think of, selectively, states that represent the  
8 U.S. South.

9 Q. Okay. And in your explanation, were you  
10 referring to Texas specifically or just states in the  
11 South?

12 A. States in the South. So sometimes he also  
13 talks about things at a Texas level and then applies  
14 that as having meaning to Galveston.

15 Q. Okay.

16 A. And by part -- yeah, Galveston can also be part  
17 of both of those groups. It is part of Texas, and it is  
18 part of the U.S. South. At the same time, it can also  
19 be part of the U.S. South that is growing, right,  
20 different; maybe more -- either more like its own area,  
21 more like the rest of the country that shares  
22 characteristics.

23 Q. I see.

24 Do you recall where in Dr. Krochmal's  
25 report that he concludes that Galveston County is

1 distinct from the rest of the South?

2 A. No, I can't say that directly. I don't think  
3 he used those terms as much as he sort of implies it  
4 from identifying, number one, that things change here;  
5 they change at different times. Also, the idea when  
6 we've had moments where he says there is racial tension  
7 in the County, and then there's not racial tension in  
8 the County, and then it returns.

9 So, you know, in this case, that is a  
10 different timeline than what's being presented in a much  
11 broader way about change in the country.

12 Q. Okay. So when you say things have changed  
13 here, what do you mean?

14 A. Population growth. I think one of the  
15 things -- and I know this may be different reports, but  
16 as, sort of, leadoff in my first report on the fact of,  
17 you know, just this last decade Galveston saw its  
18 largest population increase, right, in recent decades.  
19 So it -- that would substantially change parts of the  
20 County, right, in ways that are also separate from even  
21 our recent political history.

22 Q. And does Dr. Krochmal focus on the change in  
23 population or the population growth of the County, if  
24 you recall?

25 A. I believe it was men- -- is mentioned. I think

1 it's just not given a lot of detail to both, but yeah.

2 Q. Okay. You also mentioned that Dr. Krochmal  
3 discussed racial tension in the coun- -- or in the  
4 County that appeared and then, sort of, disappeared and  
5 then returned. Did I say that correctly -- is that  
6 accurate?

7 A. That's what I said, yes.

8 Q. Okay.

9 A. I mean, it would be part of his subheadings and  
10 were moving it where sometimes -- I -- I felt like there  
11 wasn't -- yeah, as I was tracking it, I felt like the  
12 history was moving in a couple of different directions.

13 Q. I see.

14 Do you recall in what context he was  
15 referring to the racial tension, sort of, disappearing  
16 in the County?

17 A. When it was disappearing, he said this was how  
18 the County Commission treated Commissioner Wayne  
19 Johnson.

20 Q. Okay. And was his con- -- well, is your  
21 understanding that his conclusion is that racial tension  
22 was, sort of, dissipating on the Commissioners Court  
23 under Wayne Johnson -- is your understanding that that  
24 conclusion applied to racial tension within the County  
25 at large sort of dissipating?



1           A. I -- I don't think that's one of the  
2 connections -- I don't think -- is -- is kind of made.

3           Q. Okay.

4           A. I -- because that -- again, one of the  
5 comparisons I'm trying to make is that that's elite  
6 behavior. I would say that in class. But this is  
7 behavior of elected officials when they are interacting  
8 with elected officials. Can't tell us as much about  
9 residents interacting with residents.

10          Q. Okay. And you mentioned elite behavior. What  
11 do you mean by that?

12          A. That was my general term for saying the -- if  
13 you're an elected official or if you're highly involved  
14 in politics, like as an -- as an advocate or other  
15 groups. So people who lobby or, you know, people who  
16 work for the County, people who are elected to the  
17 County, they have, sort of -- I mean, I think -- I  
18 assume they have an enhanced knowledge of -- of politics  
19 and an enhanced interest in politics.

20          Q. Okay. Thank you.

21                   When reviewing Dr. Krochmal's report, did  
22 you -- did you see a statement of where he says that the  
23 history of race and racism in Galveston County largely  
24 reflects the statewide story of racism in Texas?

25          A. I can't recall that -- the page or group.

1 Yeah.

2 Q. Okay. I can show it to you.

3 MS. SMITH: Rob, if you wouldn't mind  
4 pulling up Exhibit 3 -- or -- sorry -- Tab 3. Sorry.

5 THE WITNESS: Can we do the blinds?

6 MS. OLALDE: I'm going to close the blinds  
7 for Dr. Owens. And while I'm doing that, how much time  
8 is left on the record, please?

9 THE VIDEOGRAPHER: 11 minutes.

10 MS. SMITH: Oh, no. Okay.

11 CONCIERGE TECH: Exhibit 16.

12 MS. SMITH: Okay. I think we're going to  
13 not look at this. Let's see.

14 (Exhibit 16 was marked for identification.)

15 BY MS. SMITH:

16 Q. Oh, okay. So let's go back to your report,  
17 Exhibit 15, Page 3.

18 A. Okay. Very good. I'm on it. I can see it.

19 Q. Okay. Page 3, the first full paragraph, if you  
20 wouldn't mind scrolling -- or zooming in, in this  
21 paragraph, you state that: Dr. Krochmal assumes the  
22 alleged coalition of Black and Hispanic voters based on  
23 the behavior of nonprofit organizations.

24 Did I read that correctly?

25 A. And I'm trying to find it directly on the page.

1 So when I look, I see Dr. Krochmal once --

2 Q. Oh, sorry, okay.

3 (Simultaneously speaking.)

4 A. -- have made --

5 Q. So -- yes. So the first full paragraph,  
6 starting with the second sentence, "However, the  
7 expert," I'm assuming that you're referring to expert  
8 Dr. Krochmal there?

9 A. Yes.

10 Q. So can -- you know, read that sentence to  
11 yourself.

12 A. Yep.

13 Q. Are you familiar with the historical method  
14 that Dr. Krochmal identified in his report?

15 A. Uh-huh.

16 Q. You said yes?

17 A. I think in this case, yes. I mean, I briefly  
18 understand it in the fact of using history and setting  
19 the -- the structures of, sort of, the politics, but  
20 yes.

21 Q. Do you have education in the historical  
22 methods?

23 A. No, I do not.

24 Q. Do you have training in the historical method?

25 A. No. I mean, I think there's, like, only so

1 much that a -- a social scientist has, and a couple  
2 times he says social scientists could -- could  
3 understand this or -- or be involved, and he cites work  
4 by political scientists.

5 Q. I see.

6 And you mentioned you're not a historian,  
7 correct?

8 A. That's correct.

9 Q. Have you ever used the historical method that  
10 Dr. Krochmal discusses in his report?

11 A. No, I have not.

12 Q. Did you do your own research of primary or  
13 second sources to support your critiques of  
14 Dr. Krochmal's report?

15 A. Yes, I did my own study, though, actually, of  
16 secondary resources and gathering data from primary  
17 resources.

18 Q. And are all those resources that you used and  
19 the data that you collected reflected in your report?

20 A. They are, as links to new stories or with the  
21 data that was uploaded related to the report.

22 Q. Okay. Did you explain in your report whether  
23 his examination of looking at nonprofit organizations is  
24 contrary to the historical method he uses?

25 A. In my report, I don't -- don't recall or

1 believe that I do. It's just the intention here where  
2 in that sentence, I'm identifying that they are  
3 different populations, and, in particular, when I talk  
4 about, in his group, I think this is in- -- I think,  
5 directly implied as well in how we could see someone  
6 who, I would say, involves the involvement of nonprofit  
7 organizations. If I can direct you towards Page 5,  
8 there's Galveston County Democratic Chair  
9 Tierr'ishia Gibson gives a response to the new story  
10 about her ability to recruit candidates to run for  
11 office.

12           And so that's one of the ways when you see  
13 the only kind of comparison within those groups, but I  
14 think -- and a lot of times if I'm identifying who's  
15 speaking on behalf of an organization at a county  
16 commission meeting, which was identified in the study of  
17 his minutes and reports, we don't have context of how  
18 many people that they are speaking for --

19           Q. Uh-huh.

20           A. -- right? And I think, collectively, how many  
21 people -- as you would expect, when I'm a member of an  
22 interest group, I can try and communicate to the people  
23 who are there, you know, and be part of that lobbying or  
24 grass-roots group. I think I --

25           Q. I hear you.

1           A. I don't know the extent of how that's moving  
2 beyond.

3           Q. Do you know the context in the quotation that  
4 you refer to given by the Democratic Chair Gibson?

5           A. Yes. It was a -- a news story, and it's  
6 titled: Galveston County's shift in Democrat --  
7 demographics is leading to new minority candidates.

8           Q. Uh-huh. And how does her statement undercut  
9 the argument: A long and close coalition of minorities  
10 in Galveston?

11                   MS. OLALDE: Objection, confusing.

12                   You can answer, if you can.

13                   THE WITNESS: I think in this case, one, is  
14 she identified that, at some point in history, it was  
15 hard to recruit people to run for office, but now it is  
16 not. So I think there are parts in the history of the  
17 story it was often suggested that the groups are working  
18 together, right, to influence politics.

19 BY MS. SMITH:

20           Q. Okay. Do you think a single quotation from a  
21 party official carries equal weight to the lengthy  
22 historical analysis of the behavior of nonprofit  
23 organizations?

24           A. It is, in this case, a -- I think,  
25 particularly, it is a recent anecdote that shows that

1 the -- the conclusions from that historical part may not  
2 match today, just in the same way of the study of 2020's  
3 primary election identifies that there are different  
4 preferences of who should the Democratic nominee should  
5 be. I mean, it's, sort of, salient statewide contests,  
6 depending on Hispanic voters or areas of high  
7 concentration of Black citizen voting age population.

8 Q. Uh-huh.

9 MS. SMITH: How much time do I have left?

10 THE VIDEOGRAPHER: Four minutes.

11 MS. SMITH: Okay.

12 BY MS. SMITH:

13 Q. So on Page 5 of your report, you identified 17  
14 minority members of the municipal-level legislative  
15 body. Does that sound familiar?

16 A. Yes. Yeah, and --

17 Q. Okay. And in tallying the 17 minority members,  
18 what source did you use?

19 A. I used -- on the Galveston County website, they  
20 have a list of elected officials within the County, and  
21 so as you open that up, you're able to see the rosters  
22 of elected representatives in each of, like, the city  
23 and municipality groups. So I was able to pick up and  
24 click on, like, Galveston City Council and see the  
25 roster of individuals, which can link me to their -- in

1 particular, not just representative, right, their --  
2 their council position website and biography.

3 Q. Did you cross-check the list with those  
4 municipal websites?

5 A. Yes. The information that I collected, if I'm  
6 identifying that office, as well as, in this case, if I  
7 identify 17 minority in Table 2, I identify them as  
8 either Hispanic or Black. That's information that I'm  
9 gathering from those municipal websites.

10 Q. I see.

11 Is it possible that the list of elected  
12 officials that you relied on is out of date?

13 A. That is -- is possible, but also, in using the  
14 information that I have, I think, is the best to my  
15 knowledge. So I will also directly point that I -- to  
16 -- try and note that; that's why I put an apostrophe  
17 with William King, III.

18 Q. Oh, an asterisk?

19 A. Yeah, or an asterisk, correct. Thank you.

20 Q. That's fine. Okay.

21 Why do you discuss -- or what is the  
22 significance of there being 17 minority members of the  
23 municipal level of legislative bodies?

24 A. In this case, a group of individuals who have  
25 won election within Galveston County are serving people,



1 and, in particular, I often think in political science  
2 there's an idea of aggressive ambition. So people who  
3 are serving in municipal offices may enter the candidate  
4 pool for areas with larger constituencies, like a county  
5 commissioners precinct, or, I mean, mayor of their city,  
6 but also to the idea of: You can go then to the  
7 legislature.

8 But this gives you a sense that -- a belief  
9 that people don't have an access when the results that  
10 we were primarily shown came from Justice of the Peace  
11 positions. If you look at another elected office, which  
12 is within Galveston County and most often carries a  
13 nonpartisan identifier where you don't have party on the  
14 ballot, we see people winning this election.

15 Q. Okay. Have there been -- sorry.

16 Have there been any studies in the  
17 political science field tying municipal-level service to  
18 running for higher office later?

19 A. There -- in this case, there are many, but most  
20 often, I would directly think in this case we have a  
21 clear opportunity to know -- when I focused in on, sort  
22 of, Myers' and Thomas Longoria's view, I think it was  
23 cited towards the ideas -- gender and policy agendas and  
24 this mayoral ambition gap. So they focused on Texas  
25 female council members. So that's the closest analysis

1 that we have.

2 I mean, not much was published on a  
3 Galveston-only-specific study, but the opportunity we  
4 have here is, I'd say, the best-known study of  
5 congressional elections is, if you run for congress and  
6 you have been elected to any office, you're identified  
7 as a quality candidate, and you immediately have a  
8 better opportunity at winning an election, right,  
9 because you have success at winning a -- running a  
10 previous winning campaign.

11 Q. What --

12 MS. OLALDE: Ms. Smith, I apologize. I  
13 believe we have actually gone slightly over time.

14 MS. SMITH: Oh, okay. Well, thank you so  
15 much, Dr. Owens.

16 THE WITNESS: Have a good evening.

17 MR. GABER: Angie -- sorry -- before we go  
18 off the record, I have just a housekeeping matter. I  
19 realize that I neglected to mark the Maptitude  
20 screenshot we were looking at earlier as an exhibit.

21 So, Rob, I -- I upload that to the file --  
22 to the, like, folder thing. Would you mind marking that  
23 quickly?

24 CONCIERGE TECH: One second.

25 MS. SMITH: And, Angie, did you need me to

1 e-mail the exhibits that I marked?

2 MS. OLALDE: I believe -- I'm just taking a  
3 quick look -- we have the Owens declaration, which was  
4 his response to Krochmal. And then the Enacted Map and  
5 Map 4, that wasn't you, correct; it was just --

6 MS. SMITH: Correct.

7 MS. OLALDE: Okay.

8 MR. GABER: That was me.

9 MS. OLALDE: No, I think we have that.

10 Thank you, though.

11 CONCIERGE TECH: Mr. Gaber?

12 MR. GABER: Yes.

13 CONCIERGE TECH: I'm sorry for interrupting  
14 you, Attorney Smith. Were you done?

15 MS. SMITH: Yes, I'm done. Thanks.

16 CONCIERGE TECH: You're welcome.

17 So was it Magnitude map is -- Magnitude --  
18 sorry -- Maptitude -- Maptitude Map 4 is going to be  
19 marked next in order?

20 MR. GABER: Yes, please. And what -- what  
21 number is that?

22 CONCIERGE TECH: One second. That would be  
23 Exhibit 17.

24 (Exhibit 17 was marked for identification.)

25 CONCIERGE TECH: It's now marked.

1 MR. GABER: Say that again.

2 CONCIERGE TECH: It's now marked, Exhibit  
3 17.

4 MR. GABER: Exhibit 17, okay.

5 And -- and, sorry, Dr. Owens is not on the  
6 screen, but, Angie, are -- can you hear me?

7 MS. OLALDE: Yes. Yeah, I -- I told him  
8 that he could actually stand up and move around.

9 MR. GABER: Okay. Did -- I don't know --  
10 I don't know how to -- does Angie have access to that  
11 exhibit?

12 CONCIERGE TECH: Should.

13 MS. OLALDE: The "Marked Exhibits" folder?

14 MR. GABER: Exhibit 17.

15 MS. OLALDE: I see it. Yeah, no problem.

16 MR. GABER: Okay. For the record, that's  
17 the -- the screenshot from Maptitude that I asked.

18 Sorry. I just wanted to make sure that there wasn't --

19 MS. OLALDE: Where did that come from? I  
20 was just trying to -- where did that come from, the  
21 Maptitude?

22 MR. GABER: Where did it come from? It  
23 came from Maptitude.

24 MS. OLALDE: No, I know. But who made it?  
25 Was that you?

1 MR. GABER: Oh, yeah, I did.

2 MS. OLALDE: Okay. All right.

3 THE VIDEOGRAPHER: Do you want to go off  
4 the record or --

5 THE COURT REPORTER: Can we get copy orders  
6 on the record? Does anyone want copies or roughs or  
7 rushes? I think this was request -- actually requested  
8 as a rush.

9 MS. OLALDE: Defendants would like a copy,  
10 please.

11 MS. SMITH: DOJ would like a copy of the  
12 transcript.

13 MR. GABER: Yeah, we'll want a copy -- or  
14 Petteway will want a copy of the transcript. I don't  
15 know that we need a rush.

16 THE COURT REPORTER: Okay.

17 THE VIDEOGRAPHER: We are off the record at  
18 5:37 p.m.

19 (Deposition concluded at 5:37 p.m., CST)

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CHANGES AND SIGNATURE

MARK E. OWENS, Ph.D.

Thursday, April 13, 2023

PAGE/LINE	CHANGE	REASON
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I, MARK E. OWENS, Ph.D., have read the foregoing deposition and hereby affix my signature that same is true and correct, except for the changes noted above.

\_\_\_\_\_  
MARK E. OWENS, Ph.D.

COUNTY OF: \_\_\_\_\_ §  
STATE OF: \_\_\_\_\_ §

Before me, \_\_\_\_\_, on this day personally appeared MARK E. OWENS, Ph.D., known to me (or proved to me under oath or through \_\_\_\_\_) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

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UNITED STATES DISTRICT COURT  
FOR THE  
SOUTHERN DISTRICT OF TEXAS

TERRY PETTEWAY, THE	§
HONORABLE DERRICK ROSE,	§
MICHAEL MONTEZ, PENNY	§ CASE NO. 3:22-CV-00057
POPE, AND SONNY JAMES,	§
	§
PLAINTIFFS,	§
	§
VS.	§
	§
GALVESTON TEXAS; AND	§
THE HONORABLE MARK	§
HENRY, IN HIS CAPACITY	§
AS GALVESTON COUNTY	§
JUDGE,	§
	§
DEFENDANTS.	§

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REPORTER'S CERTIFICATION  
ORAL & VIDEOTAPED DEPOSITION OF  
MARK E. OWENS, Ph.D.  
THURSDAY, APRIL 13, 2023

I, Kari J. Behan, CSR, RPR, CRR, and in and for the State of Texas, do hereby certify that the facts as stated by me in the caption hereto are true;

That there came before me the aforementioned named person, who was by me duly sworn to testify the truth concerning the matters in controversy in this cause;

And that the examination was reduced to writing by computer transcription under my supervision; that the deposition is a true record of the testimony given by the witness.

I further certify that I am neither attorney or counsel for, nor related to or employed by, any of the parties to the action in which this deposition is taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially interested in the action.

Given under my hand and seal of office on this 18th day of April, 2023.



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<%20807,Signature%>

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KARI BEHAN, CSR, CCR, RPR, CRR  
Texas CSR NO. 8564;  
Expiration Date: 7-31-2024  
VERITEXT LEGAL SOLUTIONS  
Firm Registration No. 571  
300 Throckmorton Street  
Suite 1600  
Fort Worth, Texas 76102  
Telephone (800) 336-4000

# **Exhibit 19**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

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TERRY PETTEWAY, THE )  
HONORABLE DERRECK ROSE, )  
MICHAEL MONTEZ, SONNY )  
JAMES and PENNY POPE, )  
)  
Plaintiffs, ) CIVIL ACTION

v. ) NO. 3:22-cv-57

GALVESTON COUNTY, TEXAS, )  
and HONORABLE MARK HENRY, )  
in his official capacity )  
as Galveston County Judge, )  
)  
Defendants. )

UNITED STATES OF AMERICA, )  
)  
Plaintiff, ) CIVIL ACTION

v. ) NO. 3:22-cv-93

GALVESTON COUNTY, TEXAS, )  
GALVESTON COUNTY )  
COMMISSIONERS COURT, and )  
HONORABLE MARK HENRY, in )  
his official capacity as )  
Galveston County Judge, )  
)  
Defendants. )

DICKINSON BAY AREA BRANCH )  
NAACP, GALVESTON BRANCH )  
NAACP, MAINLAND BRANCH )  
NAACP, GALVESTON LULAC )  
COUNCIL 151, EDNA )  
COURVILLE, JOE A. COMPIAN, )  
and LEON PHILLIPS, )  
)  
Plaintiffs, ) CIVIL ACTION

v. ) NO. 3:22-cv-117

1 )  
 GALVESTON COUNTY, TEXAS, )  
 2 HONORABLE MARK HENRY, in )  
 his official capacity as )  
 3 Galveston County Judge, )  
 and DWIGHT D. SULLIVAN, in )  
 4 his official capacity as )  
 Galveston County Clerk, )  
 5 )  
 Defendants. )

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ORAL AND VIDEOTAPED DEPOSITION OF

9

TERRY PETTEWAY

10

MARCH 22, 2023

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12

ORAL AND VIDEOTAPED DEPOSITION OF TERRY PETTEWAY,

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produced as a witness at the instance of the DEFENDANTS,

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and duly sworn, was taken in the above-styled and

15

numbered cause on the 22nd of March, 2023, from 9:10

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a.m. to 11:06 a.m., before Velma C. LaChausse, Shorthand

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Reporter and Notary Public in and for the State of

18

Texas, reported by machine shorthand, at the law offices

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of Burwell Nebout Trial Lawyers, 565 Egret Bay

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Boulevard, League City, Texas 77573, pursuant to the

21

Federal Rules of Civil Procedure and the provisions

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stated on the record or attached hereto.

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24

25

A P P E A R A N C E S

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- and -

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Phone: (409)797-3262  
E-mail: aolalde@greerherz.com

ALSO PRESENT:

Mr. Bill Hartley, Videographer  
Ms. Alexandra Copper  
Mr. Chris Rainbolt  
Mr. DaWuan Norwood  
Mr. Joseph Russo  
Mr. Mateo Forero  
Ms. Simone Leeper

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PROCEEDINGS

THE VIDEOGRAPHER: Today is March 22nd, year 2023. We're going on the record, 9:10 a.m. We're here for the deposition of Terry Petteway for a case filed in the United States District Court, Southern District of Texas, Galveston Division.

Could the counsel please introduce themselves and who they represent?

MS. OLALDE: Angie Olalde and Jordan Raschke Elton for defendants.

MS. REYES: Bernadette Reyes, on behalf of the Petteway plaintiffs.

MR. BARON: Neil Baron, also on behalf of the Petteway plaintiffs.

TERRY PETTEWAY,  
having been first duly sworn, testified as follows:

EXAMINATION

BY MS. OLALDE:

Q. Good morning. Would you please state your full name for the record?

A. Terry Darnell Petteway.

Q. And you are Constable Petteway. Would you prefer I refer to you as Constable Petteway, Mr. Petteway? Do you have a preference?

A. I'm currently not constable anymore; but Terry

1 Petteway, it don't matter.

2 Q. All right. Sometimes we'll do that with judges  
3 even after they're no longer judges, call them Judge or  
4 Honorable or...

5 So Mr. Petteway, Constable Petteway, have  
6 you been deposed before?

7 A. Yes.

8 Q. And how many times have you been deposed?

9 A. I believe once.

10 Q. Once. Was that in -- what case was that in?

11 A. It was in regards to the case of the JP  
12 constable -- or redistricting precinct case.

13 Q. Do you remember the year, approximately, that  
14 you were deposed?

15 A. I don't remember exactly. It was somewhere  
16 around 2011, 2012, somewhere around there.

17 Q. So it's been a while?

18 A. Yes.

19 Q. So just really quickly, and I'm sure you've  
20 talked a little bit about this with your counsel, but if  
21 you can't hear me today because I'm a soft speaker or if  
22 you don't understand my questions, just please ask me to  
23 rephrase and I'll repeat or speak up. And then other  
24 than that, if you need a break, let me know. We'll take  
25 a break. Hopefully, we can get you out of here pretty



1 quickly, though. Okay?

2 A. Okay.

3 Q. All right. You've testified in trial before.

4 Correct?

5 A. Yes.

6 Q. About how many times?

7 A. In reference to this case, once. To the prior  
8 case, once.

9 Q. And that would be the same case that you were  
10 deposited in before. Correct?

11 A. Yes.

12 Q. All right. And then outside of this  
13 litigation, have you testified in trial -- or the prior  
14 litigation, sorry?

15 A. I mean, yeah, in -- you know, in the past I've  
16 been -- I've worked sheriff's department, so I, you  
17 know, worked traffic. And so I've been in, like, JP  
18 trials, but other than that, not anything other than at  
19 this level.

20 Q. Okay. Let's talk a little bit about your  
21 background. And can you state your address for the  
22 record, please?

23 A. 1406 Avenue N 1/2, Galveston, Texas 77550.

24 Q. And how long have you lived there?

25 A. Approximately 30 years, give or take.

1 Q. Okay. And let's talk about your educational  
2 history. Where did you go to high school?

3 A. Galveston Ball.

4 Q. Galveston Ball, and you graduated from Ball in  
5 what year?

6 A. '79.

7 Q. And what did you do after Ball High School?

8 A. I went to Sul Ross University.

9 Q. Okay. And what did you study there?

10 A. I don't recall.

11 Q. Okay. And did you obtain a degree from  
12 Sul Ross?

13 A. No.

14 Q. How long -- how long were you there?

15 A. I only stayed there approximately a semester.

16 Q. Okay. And then did you come back home to  
17 Galveston?

18 A. Yes.

19 Q. Okay. Let's talk about your work career. When  
20 you returned back home from Sul Ross, what did you do  
21 for work?

22 A. I worked in a service station.

23 Q. Okay. And when did you become involved in law  
24 enforcement?

25 A. 1981.

1 Q. All right. What got you involved?

2 A. I had someone that came to me and -- and became  
3 fond of me. I don't -- his name is Father Charles. He  
4 was a sheriff's department chaplain, and he felt that I  
5 would be good working there; so he assisted me in  
6 employment there.

7 Q. Okay. And how did you start your employment?  
8 What job did you begin with?

9 A. I worked as a jailer.

10 Q. Okay. And how long did you -- was that at the  
11 Galveston County?

12 A. Galveston County Sheriff's Department.

13 Q. Sure. And so that was at the Galveston County  
14 Jail?

15 A. Yes.

16 Q. And how long did you work as a jailer there?

17 A. Approximately two years, give or take.

18 Q. Okay. And so that would have been until  
19 approximately 1983. Is that correct?

20 A. Give or take.

21 Q. Sure. It's been a long time. Right?

22 A. Yes.

23 Q. Okay. After your time as a jailer, where did  
24 you -- what did you do next?

25 A. I went on patrol for the Galveston County

1 Sheriff's Department.

2 Q. And how long were you on patrol?

3 A. I was on patrol till, again --

4 (Brief interruption.)

5 A. Oh, excuse me.

6 Q. (BY MS. OLALDE) No worries. I like that ring  
7 tone.

8 MR. BARON: I was thinking there's a dog  
9 here.

10 THE WITNESS: Yeah.

11 A. I was -- I was on patrol till -- again, I don't  
12 have specific dates. I would say '88, '89, somewhere  
13 around there.

14 Q. (BY MS. OLALDE) What caused you to stop being  
15 a jailer and decide to change and go on patrol?

16 A. I went on -- I went on patrol realistically  
17 because -- because I believe that the -- it was kind of  
18 like a balance and a -- I believe that a -- the other  
19 African American left patrol, and so I was brought out  
20 to patrol.

21 Q. Okay. And you were there from approximately  
22 '83 to about '88 to '89, so maybe five, six years,  
23 somewhere in that ballpark?

24 A. Somewhere in there.

25 Q. Okay.

1           A. I don't have specific dates in my mind right  
2 now, so give or take.

3           Q. I wouldn't be able to tell you if you were  
4 asking me these questions, so not specifically.

5                       After patrol, what did you do?

6           A. I became detective in the warrant division.

7           Q. How long were you a detective for?

8           A. Approximately three years. Three or four  
9 years, give or take.

10          Q. What caused you to change from patrol to  
11 becoming a detective in the warrant division?

12          A. Well, I think kind of, again, an African  
13 American, and I do remember his name, Jimmy McClane had  
14 a heart attack on duty, and then I was brought from  
15 patrol to the warrant division.

16          Q. Okay.

17          A. He was also an African American.

18          Q. Were you happy to change from going on to  
19 patrol to going to the warrant division? Was that a  
20 good change?

21          A. Yes.

22          Q. Okay. How long were you with the warrant  
23 division?

24          A. Again, probably, you know -- you know, three --  
25 approximately three years, give or take.

1 Q. Okay. And what did you do after that?

2 A. At that time I ran for constable.

3 Q. And you were first elected in what year?

4 A. I was elected in 1992, took office in '93.

5 Q. And you were elected the first time you ran.

6 Correct?

7 A. Yes.

8 Q. Okay. Do you remember who you -- were you  
9 opposed in the primary? Was there a primary? I'm  
10 trying to remember.

11 A. Yes.

12 Q. Were you opposed in the primary?

13 A. Yes.

14 Q. Who was your opposition?

15 A. Danny Sendejas, Tarris Woods, Rick Pearcy, and  
16 Pete Martorell. Martorell, I believe. I believe that  
17 was Pete Martorell.

18 Q. Okay. And they were all running as Democrats?

19 A. Yes.

20 Q. And you ran as a Democrat?

21 A. Yes.

22 Q. Have you always been a Democrat?

23 A. Yes.

24 Q. Have you ever voted for a Republican?

25 A. Yes.

1 Q. What Republicans have you voted for?

2 A. I've only voted for one. It was Judge John  
3 Ellisor.

4 Q. He's a good judge.

5 A. He was 22nd [sic] District Court judge.

6 Q. Did you know your opponents in the 1992  
7 election: Danny Sendejas, Tarris Woods --

8 A. Yes, I knew them.

9 Q. Okay. And was there any dirt slinging in the  
10 campaign or was it all pretty professional?

11 A. Well, it was -- it was -- it was professional,  
12 other than with the -- Tarris Woods, and it was just a  
13 -- and it was just a few incidents, but it was no big  
14 deal.

15 Q. What was -- what were the incidents with Tarris  
16 Woods?

17 A. He was just very opinionated.

18 Q. On what topics?

19 A. Everything.

20 Q. Can you give me a specific?

21 A. I mean, just -- I mean, nothing that I could  
22 give you right now.

23 Q. Sure.

24 A. Just -- just everything.

25 Q. But it wasn't a racially biased or racially

1 motivated comment or opinion that he was putting out  
2 into the public or was it?

3 A. No.

4 Q. Okay.

5 A. He was African American as well.

6 Q. Mm-hmm. How many times were you reelected  
7 after your initial election?

8 A. Five additional.

9 Q. And --

10 A. Served 24 years.

11 Q. That was going to be my next question.

12 Did you -- when did you stop running or  
13 when did you decide not to run again?

14 A. I can't re- -- I can't remember -- remember the  
15 year. But the -- the -- it was -- it was right after  
16 the initiation of the new JP constable precinct, so  
17 whatever year that was.

18 Q. Okay. So let's go back to '92. What constable  
19 precinct did you run and were elected for?

20 A. I was elected to Precinct 2 in Galveston  
21 County.

22 Q. And you served as constable in Precinct 2 up --  
23 for the entire 24-year period?

24 A. Yes.

25 Q. You've been involved in other lawsuits against



1 the county. Correct?

2 A. Yes.

3 Q. Which other lawsuits have you been involved in?

4 A. I've been elect -- I mean, I've been involved  
5 in a lawsuit in reference to the redistricting of the JP  
6 constable precincts; that's it.

7 Q. Okay. No other lawsuit that you can recall?

8 A. I can't recall any other.

9 Q. Okay. Nothing about the Commissioners Court  
10 precincts, nothing like that, prior to this lawsuit?

11 A. No, other than the --

12 Q. Okay.

13 A. Other than the current precinct -- the current  
14 lawsuit.

15 Q. The 2021 Commissioner Court plan?

16 A. Yes.

17 Q. Okay. What about the 2010-2011 redistricting  
18 cycle? Do you recall having any involvement in a  
19 lawsuit with respect to that?

20 A. I don't believe, but I don't recall.

21 Q. Sure. Sure. Can you tell me how you became --  
22 without telling me any conversations that you would have  
23 had with an attorney, how did you first become involved  
24 in this particular lawsuit?

25 A. Well, after -- after I found out, after I

1 | observed the current commissioner precincts were being  
2 | adopted, I contacted attorney Neil Baron in reference to  
3 | that.

4 | Q. Okay. And after you contacted Neil Baron, you  
5 | became a plaintiff in this lawsuit?

6 | A. Yes.

7 | Q. Do you know about how long in between your  
8 | first contact and when you became a plaintiff?

9 | A. Say that again.

10 | Q. Sure. How long between the time you reached  
11 | out to Neil Baron and the time that you became a  
12 | plaintiff in this lawsuit, do you know?

13 | A. Oh, I don't -- I don't recall.

14 | Q. Sure. When did you first find out about the  
15 | redistricting maps in the 2021 cycle?

16 | A. Yeah. Once -- pretty much once I observed in  
17 | the newspaper the map that was being adopted.

18 | Q. Okay. Did you ever see the two map options on  
19 | the county website or in the newspaper?

20 | A. I don't recall. I don't recall seeing that  
21 | prior to seeing which one was adopted.

22 | Q. Okay. And did you attend the November 12th  
23 | adoption hearing?

24 | A. No.

25 | Q. Okay. Did you talk with anybody about the two

1 options --

2 A. No.

3 Q. -- of the maps -- sorry, I just have to get the  
4 entire question out.

5 A. Okay. Sorry.

6 Q. No, no, no. You're good. You're good. And  
7 sometimes my questions are slow, so you're like, I know  
8 what you're going to say.

9 But did you -- you didn't talk to anybody  
10 about the two options of the maps before the  
11 November 12th, 2021 meeting?

12 A. No.

13 Q. Okay. Did you talk to anybody -- outside of  
14 attorneys, not attorneys, did you talk to anybody in the  
15 community about the adopted map after November 12th,  
16 2021?

17 A. I would imagine I probably would, but I  
18 can't -- I can't state who or anything like that. I'm  
19 not sure.

20 Q. Okay. What are your concerns about the map  
21 that was adopted?

22 A. Well, my concern is that I feel that the maps  
23 were unfairly initiated, drawn, and I feel that it  
24 eliminated the opportunity for a minority candidate to  
25 represent the people of that prior precinct.

1 Q. And you mean Precinct 3?

2 A. Yes.

3 Q. What precinct do you currently live in?

4 Commissioners precinct, sorry.

5 A. With the new map or the prior map?

6 Q. Let's start with the new map.

7 A. With the new map, I reside in Precinct 2.

8 Q. And with the prior map?

9 A. I resided in Precinct 3.

10 Q. Okay. So when we're going back and talking  
11 about your concerns about the map, one of the concerns  
12 that you said was that you are concerned that it won't  
13 allow minorities to elect the candidate of their choice.  
14 Is that correct?

15 A. Yes.

16 Q. Can you tell me why?

17 MS. REYES: Object to form.

18 A. Ask that question again, please.

19 Q. (BY MS. OLALDE) Absolutely, yeah.

20 So what are the reasons? What are the  
21 facts that inform your concern that you don't believe  
22 minorities could elect the candidate of their choice in  
23 Precinct 3?

24 MS. REYES: Same objection.

25 A. Because -- because I felt the -- the prior map

1 was -- was -- was affected for the minority community  
2 and -- and with the new adopted maps, there are  
3 different candidates that don't represent the -- the  
4 same interest of the people of the prior map.

5 Q. (BY MS. OLALDE) Okay. Okay. Do you know  
6 Stephen Holmes, Commissioner Stephen Holmes?

7 A. I do.

8 Q. How long have you known Commissioner Stephen  
9 Holmes?

10 A. 15, 20 years, give or take. I can't -- I can't  
11 pinpoint a specific length of time.

12 Q. Do you interact with him in the community at  
13 all?

14 A. Yes. I have, yes.

15 Q. How -- how do you interact with him? Like, in  
16 what scenarios would you interact with  
17 Commissioner Holmes?

18 A. Well, I've benefit- -- I've interacted with him  
19 in -- you know, prior as constable in the needs of  
20 the -- of my -- my precinct, and also with -- and the  
21 needs of the, you know, Precinct 3, and just in  
22 Galveston County affairs all together, not just  
23 Precinct 3.

24 Q. Sure. So in a work capacity, you've had  
25 communications with Commissioner Holmes?

1 A. Yes.

2 Q. What about outside work?

3 A. No.

4 Q. No? Okay. Excuse me.

5 A. I mean, other than -- other than maybe some  
6 community affairs or something like that, other than  
7 that. But nothing social.

8 Q. Sure. What kind of community affairs?

9 A. Well, I would -- you know, he has -- for  
10 instance, he has a yearly community -- community  
11 functions for the senior citizens, and, you know, I  
12 would attend those things.

13 Q. Okay. Would you typically go every year?

14 A. Not every year.

15 Q. Sure. And when you attended, would you be able  
16 to have a conversation with Commissioner Holmes or --

17 A. Perhaps.

18 Q. Okay.

19 A. I mean, I wouldn't go there and not talk to  
20 him.

21 Q. Okay. You mentioned precinct needs that you  
22 would have had to discuss with Commissioner Holmes when  
23 you were serving as a constable. Can you tell me what  
24 those needs were?

25 A. Well, it would be needs that would facilitate

1 my office to benefit the constituents of my precinct.

2 Q. Sure. Can you give me examples, though?

3 A. I mean, just, you know, funding.

4 Q. Mm-hmm, sure. What else?

5 A. Basically, funding. I can't think of anything  
6 else that I can think of at this time.

7 Q. Okay. So when you were discussing funding with  
8 Commissioner Holmes, what kind of funding were you  
9 concerned about?

10 A. Equipment, uniforms.

11 Q. And was he able to help you?

12 A. Well, not all the time. I mean -- I mean, he  
13 would try, but he was only one vote.

14 Q. Did you -- have you ever attended Commissioner  
15 Court meetings?

16 A. I have.

17 Q. And, generally, when would you attend  
18 Commissioner Court meetings?

19 A. I mean, when I felt necessary.

20 Q. Okay. Would that be for, like, a budget type  
21 of an issue or would there be other issues?

22 A. If there was -- whenever there was an issue  
23 that was important to me, if it was budget or anything  
24 that I felt that was important to me, my office, or my  
25 precinct.

1 Q. Okay. Can you give me examples of things that  
2 you -- or can you give me some examples of meetings that  
3 you've attended, outside of budget, that you thought was  
4 important to you?

5 A. Talking about just Commissioners Court?

6 Q. Sure.

7 A. Maybe, again, funding of personnel.

8 Q. Okay. What about things that would interest  
9 you personally? Would you attend Commissioners Court  
10 for things outside of work interests, other issues?

11 A. I mean, I would, but, I mean, there was nothing  
12 that I -- I never attended a Commissioner Court meeting  
13 for me personally. I've never done that.

14 Q. Okay.

15 A. There was no reason to.

16 Q. Okay. Have you ever e-mailed with --

17 A. So when you're saying "personally" --

18 Q. Sure.

19 A. When you're saying "personally," what are you  
20 meaning? Explain that to me.

21 Q. Absolutely. So attending Commissioners Court  
22 because you're concerned about funding for your office  
23 as a constable? Just in my brain, I would --

24 A. Well, I kind of answered that. I'm -- when I  
25 hear you say "personally," that is Terry Petteway, a



1 resident of Galveston County.

2 Q. That's exactly right.

3 A. So is that what you're asking?

4 Q. That is exactly right, yes, sir.

5 A. I've never -- I've never -- I've never attended  
6 a Commissioners Court meeting for Terry Petteway, the  
7 citizen of Galveston.

8 Q. Okay. Have you ever e-mailed or texted with  
9 Commissioner Holmes?

10 A. I mean -- I mean, not that I can recall. I'm  
11 not going to say I never have, but, I mean, not that I  
12 can recall.

13 Q. Okay. And I'll break it down. So you don't  
14 recall any -- having any e-mail correspondence with  
15 Commissioner Holmes?

16 A. I don't -- nothing that I can recall.

17 Q. Sure. Text messaging, is that something that  
18 you think you would have done with Commissioner Holmes?

19 A. Again, not that I can recall. I'm not going to  
20 say --

21 Q. Yeah.

22 A. I'm not saying no to any one of them, but I'm  
23 just saying, just personally, not that I can recall.  
24 And if it had been, it's been a very long time.

25 Q. Understood. Understood. What about other

1 commissioners? Would you ever reach out to other  
2 commissioners to discuss the needs of your -- of your  
3 office as constable?

4 A. I have.

5 Q. Which commissioners?

6 A. The -- none of the current commissioners. Only  
7 one probably, Bryan Lamb.

8 Q. Okay.

9 A. He and me was commissioner of Precinct 2 prior  
10 to Commissioner Giusti being there.

11 Q. And when -- when did he stop being a  
12 commissioner, do you recall?

13 A. I don't know. I'm not sure.

14 Q. Do you remember what you would have talked  
15 about Commissioner Lamb -- talked about with  
16 Commissioner Lamb?

17 A. The same that I spoke with -- with  
18 Commissioner Holmes.

19 Q. Okay. What about for any kind of, you know,  
20 Terry Petteway, the individual, or the community? Would  
21 you have had any conversations with any commissioner  
22 about those types of issues?

23 A. Only interaction I had with any commissioner  
24 would have had to do with pre- -- with Constable  
25 Precinct 2.

1 Q. Okay.

2 A. That would be it. Nothing -- nothing personal.

3 Q. Sure.

4 A. Or anything outside of -- of the -- you know,  
5 the Office of Constable, other than attending Stephen  
6 Holmes's event.

7 Q. Okay. Do you believe that in the current  
8 Commissioner Precinct 3 that a Democrat could be  
9 elected?

10 MS. REYES: Object to form.

11 A. No.

12 Q. (BY MS. OLALDE) Okay. And why not?

13 MS. REYES: Same objection.

14 A. Because -- because -- I mean, I don't have  
15 the -- you know, the statistics, but I don't believe  
16 that -- that the area would provide the opportunity, but  
17 that's just my personal opinion.

18 Q. (BY MS. OLALDE) Sure.

19 A. That's not -- that's not me having numbers in  
20 front of me.

21 Q. Sure. And that's a good point to make. I  
22 mean, your involvement in this lawsuit, you're not here  
23 to give legal opinions. Correct?

24 A. No.

25 Q. And you're not here to give statistical

1 analyses for the lawsuit. Correct?

2 A. No.

3 Q. So your purpose and your involvement in this  
4 lawsuit is to provide facts. Is that an accurate  
5 statement?

6 A. As best -- facts as best that I can.

7 Q. Okay. Do you believe Commissioner Holmes could  
8 be reelected if he were to run in the current -- I guess  
9 let me strike that.

10 Do you think Commissioner Holmes could be  
11 reelected if he decides to run again?

12 MS. REYES: Objection; form.

13 Q. (BY MS. OLALDE) As commissioner?

14 A. In the current precinct or the prior precinct?

15 Q. Current Precinct 3?

16 A. In the current Precinct 3? You know, I don't  
17 know because I don't handle the elections or anything,  
18 but just in my opinion --

19 Q. Mm-hmm.

20 A. -- I don't think that he could.

21 Q. Can you tell me why?

22 A. I don't think that he -- I don't think that he  
23 could because of his voting constituency as is the --  
24 was available in his prior -- in the prior precinct.  
25 That voting base is not there, and I think that would

1 present a problem for him.

2 Q. Okay. He was a commissioner prior to this last  
3 redistricting cycle for approximately 20 -- 20 years.

4 Is that correct?

5 A. That's something -- he would have to answer  
6 that.

7 Q. Sure. You just don't know?

8 A. No.

9 Q. Sure. Do you know whether he's well-known in  
10 Galveston County?

11 MS. REYES: Objection; form.

12 Q. (BY MS. OLALDE) Just if you know.

13 A. I mean, I don't know. That's his question. I  
14 don't know.

15 Q. Sure.

16 A. I don't know.

17 Q. I get it. I get it. And to kind of  
18 short-circuit some of this, are you very familiar with  
19 the constituency up in the current Precinct 3 for how  
20 they vote?

21 A. In my -- me?

22 Q. Yes, you.

23 MS. REYES: Objection; form.

24 THE WITNESS: Oh, I'm sorry. I'm sorry.

25 MR. BARON: It's okay. These are normal

1 problems during a deposition. Just relax. Let her  
2 finish her question.

3 THE WITNESS: Okay.

4 MR. BARON: Let her make any objections she  
5 makes, and then go ahead and give your answer. You're  
6 doing fine.

7 THE WITNESS: All right.

8 A. I have no idea.

9 Q. (BY MS. OLALDE) Okay. Oh, did anybody ever  
10 ask you to gather documents so that they could be  
11 reviewed and produced in this case?

12 MS. REYES: Objection to the extent it  
13 calls for attorney work product or attorney/client  
14 privileged communication.

15 MS. OLALDE: Sure.

16 Q. (BY MS. OLALDE) And just to be very clear, I  
17 don't want to know the substance of any conversations  
18 that you had with attorneys. Just did -- let me change  
19 my question.

20 Did you ever look for documents that would  
21 be relevant so that you could give them to your counsel?

22 A. Yes.

23 Q. Okay. And where did you look for documents?

24 A. In my e-mail.

25 Q. Okay. And is that your personal e-mail?

1 A. Yes.

2 Q. And what is the e-mail address?

3 A. It was my personal e-mail and -- but I don't --  
4 and I was actually looking in my work e-mail, but I  
5 don't do anything other than work in my work e-mail.

6 Q. Okay.

7 A. My personal e-mail is tdp2c10@yahoo.com.

8 Q. And is it fair to say you have had that  
9 personal e-mail address for a long time?

10 A. I have.

11 Q. And do you have any other personal e-mail  
12 addresses?

13 A. No.

14 Q. Okay. And so you looked in your personal  
15 e-mail address, and where else did you look?

16 A. Well, let me go back.

17 Q. Sure.

18 A. Now, at one time I tried to create another  
19 e-mail, so I don't know if it ever went through or not  
20 but I never used that. So -- and I don't want to say  
21 that because I don't want it to be researched and it  
22 come back that it was one.

23 Q. Right.

24 A. So if you do research it and you find that,  
25 you'll never find nothing on it because I never used it.

1 Q. No problem. No problem. But did you recover  
2 any responsive e-mails in your personal e-mail account  
3 that you searched?

4 A. No.

5 Q. Sorry. No. Okay. What about text messages?  
6 Did you look for any text messages that would be  
7 responsive and give them to your attorneys?

8 A. Yes.

9 Q. Okay. Did you find any text messages to give  
10 to your attorneys?

11 A. No.

12 Q. Okay. And maybe this is a good time, too, to  
13 talk about when you were going through your text  
14 messages, did you have any -- do you recall having any  
15 text messages with Commissioner Holmes?

16 A. No.

17 Q. Any other individual that you would have text  
18 with -- texted with about the redistricting in 2021?

19 MS. REYES: Objection to the extent that it  
20 calls for disclosure of attorney work product or  
21 attorney/client communication.

22 A. No.

23 Q. (BY MS. OLALDE) Okay.

24 A. I mean, other than if any -- if anybody,  
25 probably Mr. Baron.



1 Q. Right. And I don't want to know about your  
2 attorneys. I mean, that's -- that's --

3 A. I can't -- I can't recall because, you know, I  
4 delete text messages anyway. So if it was, it would  
5 probably be with Mr. Baron.

6 Q. Okay. And so when you say you delete text  
7 messages, what's your -- how do you usually handle them?  
8 You get a text messages, you read it, and then when  
9 you're done with the string you swipe and delete it, or  
10 how does that work?

11 A. Ask that question again.

12 Q. Sure. When you said that you usually delete  
13 text messages, what's your process? What do you usually  
14 do? How long -- we'll start with how long do you keep  
15 them?

16 A. It's just -- you know, it just depends. It  
17 just depends on who it might be, and basically text  
18 messages that I keep is probably family.

19 Q. Okay. But if it were something to do with  
20 work, for example, when you were serving as a constable,  
21 would you have deleted that from your personal phone?

22 A. What do you mean by work?

23 Q. Sure. Did you ever receive work e-mail -- or  
24 work text messages to your personal phone or did you  
25 have a separate device you used for that?

1 A. So you're speaking of when I'm conducting  
2 business?

3 Q. Mm-hmm.

4 A. I never use my personal phone to conduct any  
5 county business.

6 Q. Okay. Did anybody ever text you about county  
7 business on your personal phone?

8 A. No.

9 Q. Okay. And if they would, you would have  
10 deleted it and followed up on your work phone?

11 A. If I have -- if I have -- well, I just only  
12 recently got a work phone.

13 Q. Sure.

14 A. But -- but I do -- I do absolutely no county  
15 business on my personal phone.

16 Q. Okay. When you decided not to run again,  
17 what -- what did you decide to do? What was your work  
18 after that?

19 A. When I -- after I retired, I became a reserve  
20 with Constable Rose, Constable Precinct 3 in Galveston  
21 County.

22 Q. And have you been in that position ever since?

23 A. I stayed as -- in the reserve role probably  
24 about five or six months. Then I became full time.

25 Q. Okay. And that's your position currently?

1 A. Yes.

2 Q. And what did you do -- or what are your typical  
3 activities in that position, your day-to-day?

4 A. Serve and process, different civil process,  
5 work as bailiff in the courtroom, and any other function  
6 that -- that's necessary.

7 Q. What areas of Galveston County does your work  
8 take you to?

9 A. Me personally or the precinct?

10 Q. You personally.

11 A. I cover the section of Precinct 3 which is  
12 located in Galveston, and also on the Bolivar Peninsula.

13 Q. Okay. And you said Precinct 3. That would be  
14 Constable Precinct 3?

15 A. Constable -- Constable -- Galveston County  
16 Constable Precinct 3.

17 Q. Okay. But is it fair to say that your work is  
18 limited to that constable precinct?

19 A. In law enforcement your work is -- is -- can be  
20 anywhere.

21 Q. Okay. And so can you give me some examples of  
22 your work-based activities that would take you outside  
23 of Constable Precinct 3?

24 A. Well, I mean, anything that happened in  
25 Galveston, because Galveston is covered by two separate

1 precincts. So -- so if -- you know, if a con- -- if a  
2 precinct line is here and something happens over here,  
3 then I can't turn my head because it's not over here.  
4 So that's -- so -- and that's -- and that's anywhere in  
5 Galveston County. But definitely in Galveston because  
6 Galveston, itself, has two different precincts.

7 Q. Okay. And you're not currently working as  
8 patrol, though. Correct?

9 A. Not as a normal patrol.

10 Q. But serving warrants. Is that correct?

11 A. All types civil process.

12 Q. Sure. Okay.

13 A. Not technically patrol, but I'm in a marked  
14 unit.

15 Q. Yeah.

16 A. So anytime you're in a marked unit, you're  
17 basically patrolling.

18 Q. If you see something, you would need to --

19 A. Yes.

20 Q. Makes sense.

21 What organizations are you involved in?

22 MS. REYES: Objection to form.

23 Q. (BY MS. OLALDE) Currently?

24 A. Member of the Galveston County Coalition of  
25 Black Democrats.

1 Q. And how long have you been a member of that  
2 organization?

3 A. 15, 20 years approximately.

4 Q. Have you ever had an officer position with the  
5 organization?

6 A. No.

7 Q. And what do you typically do with the Galveston  
8 County Coalition of Black Democrats?

9 A. Attend meetings and a voting member.

10 Q. Okay. What other organizations are you a part  
11 of?

12 MS. REYES: Object to form.

13 A. Currently, that's -- currently, that's probably  
14 it that I can think of at this time.

15 Q. (BY MS. OLALDE) Are you a member of the NAACP?

16 A. No.

17 Q. Any chapter?

18 A. No.

19 Q. Are you a member of LULAC, any chapter?

20 A. No.

21 Q. What about Old Central? Are you serving on the  
22 board at Old Central?

23 A. No.

24 Q. When did that stop?

25 A. I've never been on the board.

1 Q. Okay. Have you ever been active in that  
2 organization at all or no?

3 A. I'm not -- I'm not active in Old Central.

4 Q. Okay. And circling back to paper -- paper  
5 documents. Did you look for any paper documents that  
6 would have been related to the subject matter of this  
7 case?

8 A. Nothing, other than, you know, documents  
9 involved in, you know, past lawsuits.

10 Q. Pleadings and things. Right?

11 A. Yes.

12 Q. But did you ever have any handwritten notes or  
13 anything that maybe you would have printed out and kept  
14 that related to the redistricting maps?

15 MS. REYES: Objection to the extent it  
16 calls for attorney work product or attorney/client  
17 privileged communication.

18 A. No.

19 Q. (BY MS. OLALDE) Okay. You had mentioned that  
20 you learned about the adoption of the 2021 map for the  
21 commissioners precincts when you read the paper. Is  
22 that correct?

23 A. Yes.

24 Q. What paper was it?

25 A. Galveston Daily News.

1 Q. Are there any other news sources that you read  
2 on a regular basis?

3 A. No.

4 Q. Do you read the Galveston County Daily News on  
5 a regular basis?

6 A. I prescribe to it. I mean, I get the paper, so  
7 pretty much.

8 Q. Is that an online or like an actual paper  
9 format?

10 A. If -- if -- if I get it, I probably read the  
11 physical paper.

12 Q. Okay. And when you -- when you first read  
13 about the adoption of the maps, what did you do?

14 MS. REYES: Objection; form.

15 Q. (BY MS. OLALDE) Who was the first person that  
16 you recall speaking with about the maps?

17 MS. REYES: I'm going to object to the  
18 extent it calls for attorney/client communication.

19 A. I can't recall anybody, other than --

20 Q. (BY MS. OLALDE) Counsel?

21 A. -- Mr. Baron.

22 Q. Okay.

23 A. I mean, I can't recall this.

24 Q. Apart from the Galveston County Daily News,  
25 what do you -- what do you do to stay apprised of the

1 events that are going on within the county?

2 A. Nothing.

3 Q. Okay.

4 A. Nothing that I can say.

5 Q. Maybe talking to people? Are there any other  
6 places you get information or news or the goings-on?

7 A. I mean -- I mean, I talk to people, but I'm  
8 not -- but there's no one that I -- specifically, that I  
9 can say that I talk to that -- that gives me information  
10 of what's going on. So other than reading The Daily  
11 News, you know, that's probably going to be it.

12 Q. I know sometimes people will get like a news,  
13 you know, summary in their e-mail. Do you ever get  
14 e-mails with, you know, news summaries or anything like  
15 that?

16 A. No.

17 Q. When you --

18 A. News summaries from -- from -- from national  
19 news or what's going on in Galveston?

20 Q. What's going on in Galveston.

21 A. No.

22 Q. When -- do you get news summaries from the  
23 national news?

24 A. Yeah.

25 Q. What sources are those?



1           A. I can't -- I can't think of -- I can't think of  
2 any right now.

3           Q. You attend monthly meetings for the Galveston  
4 Coalition of Black Democrats. Correct?

5           A. I attend meetings, not -- not monthly.

6           Q. Okay. Do you receive news and get updates on  
7 what's going on in the community from those meetings?

8           A. If there's something that needs to be passed  
9 on, yeah.

10          Q. Okay. And did you talk about the 2021  
11 redistricting maps at any of those meetings or did  
12 anybody talk about them at any of those meetings?

13          A. I can't recall. I'm not saying that it didn't  
14 happen, but I just can't recall.

15          Q. Would you describe yourself as politically  
16 engaged?

17          A. What would that mean?

18          Q. Sure. Like, do you follow politics on a local  
19 basis?

20          A. I would say yes.

21          Q. Okay. And you vote regularly. Is that also  
22 true?

23          A. Yes.

24          Q. Okay. Do you vote in Democratic primaries?

25          A. Yes.

1 Q. Okay. Do you have any experience or have you  
2 ever worked to support somebody when they're running in  
3 their campaign in Galveston County?

4 A. Only my -- no.

5 Q. Okay. Only your own?

6 A. Only my own.

7 Q. Did you ever have like a campaign staff manager  
8 or somebody to help you with your campaigns?

9 You can ignore Mr. Baron and his laughing,  
10 for the record.

11 MR. BARON: I'm sorry. It's just he  
12 wishes.

13 A. No.

14 Q. (BY MS. OLALDE) No. Okay. And since you did  
15 run opposed -- - did you always run opposed? Were there  
16 ever any years that you didn't run opposed?

17 A. I only opposed my initial year.

18 Q. Your initial year, okay. What would you do to  
19 campaign for -- what did you do to campaign for your  
20 first year running?

21 A. Walk blocks of ten, tours, attend various  
22 meetings.

23 Q. Get to know the community?

24 A. Yes.

25 Q. Okay. Yard signs, things like that?

1 A. Yes.

2 Q. Did your methods of campaigning change  
3 throughout the years?

4 MS. REYES: Objection; form.

5 A. No.

6 Q. (BY MS. OLALDE) Okay. Would you ever run  
7 again?

8 A. I would.

9 Q. Okay. Do you plan to?

10 A. I don't know.

11 Q. Okay. Do you remember the last time that you  
12 voted?

13 A. In the past election.

14 Q. Do you remember if any of your candidates won  
15 office, the candidates that you voted for?

16 A. Yes.

17 Q. Do you remember which ones?

18 A. Just Billy Williams, who's the judge in  
19 Galveston County Precinct 3; Joe Biden, the president.

20 Q. Mm-hmm. Anybody else that you can recall?

21 A. That's all I can recall.

22 Q. Is it fair to say that it's more important to  
23 you what the candidate's political ideology is than  
24 their skin color?

25 MS. REYES: Objection; form.

1 A. No.

2 Q. (BY MS. OLALDE) It's not fair to say that?

3 Can you tell me why?

4 A. Because I vote for the person I think that

5 affects my interests.

6 Q. Okay. What do you do to determine whether you  
7 think they're going to affect your interest? What kind  
8 of research would you do into the candidate?

9 A. Just listen to them.

10 Q. Okay. Anything else?

11 A. Just listen to them, and just listen to their  
12 track record, you know, and form an opinion from there.

13 Q. Would you ever vote for Dr. Robin Armstrong, if  
14 he were running in a race that you could vote in?

15 MS. REYES: Objection; form.

16 A. I don't know.

17 Q. (BY MS. OLALDE) Do you know him?

18 A. No.

19 Q. Do you know that he's a Republican?

20 A. Yes, I do.

21 Q. Have you ever spoken with him?

22 A. No.

23 Q. Do you think that he could serve your  
24 interests?

25 A. I'm not --

1 MS. REYES: Objection; form.

2 Q. (BY MS. OLALDE) You're okay.

3 A. I don't know. I'm not sure. I would have to  
4 research him. I don't know his -- you know, his -- I  
5 know he's on Commissioners Court. I know he's been  
6 appointed, but I don't know his -- you know, his record.  
7 So again, I would have to research that to see if he  
8 benefits my interests.

9 Q. And so knowing that you would have to research  
10 a candidate to see whether they would be your candidate  
11 of choice, is it fair to say that every single candidate  
12 that you would vote for at all times you would consider  
13 their skin color over their political party?

14 MS. REYES: Objection; form.

15 Q. (BY MS. OLALDE) Is that fair?

16 A. No.

17 Q. Okay. Why not?

18 A. Because the skin color or political  
19 affiliations don't matter to me. Do they -- do they  
20 represent my interests is what's important to me.

21 Q. Okay. And what interests are you looking for  
22 your candidate to be sensitive to?

23 A. The -- it would be -- the candidate that I  
24 would support would be someone that has a record of  
25 being sensitive to myself and my community, my

1 | constituency, all the above. And if they don't, then I  
2 | wouldn't support them.

3 | Q. Is there anything specific that you would want  
4 | to see your candidate have a history of doing in order  
5 | to affect your decision as to whether you would vote for  
6 | them?

7 | MS. REYES: Objection; form.

8 | A. Have a track record in benefiting the -- my  
9 | constituency in my community.

10 | Q. (BY MS. OLALDE) Okay. And what -- can you  
11 | give me some examples of what that would be?

12 | A. I just really can't think of anything at this  
13 | time. It would just -- when I see the candidate, I  
14 | would have to see their track record and see what they  
15 | voted for and what they voted against, and at that time  
16 | I can determine. I can't just -- I can't just --

17 | Q. Sure.

18 | A. -- give you an answer like that right now.

19 | Q. Sure. And if somebody has never held office  
20 | before, what would you do to kind of inform yourself  
21 | about whether they would be a good candidate for you to  
22 | vote for?

23 | A. Well, I mean, just have to check their track  
24 | record, where they've been and where they live, how they  
25 | live, and those kinds of things.

1 Q. Okay.

2 A. You just have to do a type of research asking  
3 folks who they're dealing with, who knows them.

4 Q. Okay. Do you -- do you ever research, like,  
5 voting statistics in Galveston County?

6 A. No.

7 Q. Okay. When you were running as a constable,  
8 did you ever look at voting statistics, who voted for  
9 you and who voted against you?

10 A. No.

11 Q. Okay. Do you know whether Black and Hispanic  
12 or Latino voters in Galveston County usually vote for  
13 the same candidates?

14 MS. REYES: Objection; form.

15 A. I can't -- I can't answer that -- that question  
16 with any documented proof, and I would just assume they  
17 do.

18 Q. (BY MS. OLALDE) Okay. And that's just an  
19 assumption?

20 A. That's my opinion.

21 Q. Sure. Okay. And do you have any facts to  
22 support the opinion?

23 A. No.

24 Q. Okay. Do you ever pay attention to things like  
25 voter turnout in Galveston County?

1 MS. REYES: Objection; form.

2 A. Possibly.

3 Q. (BY MS. OLALDE) Okay. And can you recall any  
4 time that you've ever paid attention to voter turnout in  
5 Galveston County?

6 A. Again, I would say I probably have. When? How  
7 many times? How often? I mean, I can't answer that at  
8 this time.

9 Q. Okay. Do you know why you would have been  
10 paying attention to it?

11 A. Just -- just randomly just -- just seeing, you  
12 know, just what happened. You know, nothing in  
13 particular.

14 Q. Okay.

15 A. I didn't pay attention to it when I was running  
16 because I was fortunate enough to run in the polls. So  
17 as long as I voted, I won.

18 Q. Yeah. Yeah. Whenever you attended  
19 Commissioners Court, was it at the Galveston County --  
20 the Galveston Island location or was it up in  
21 League City or both?

22 A. When are we speaking?

23 Q. At any time.

24 A. Mainly at the Galveston office. I just can't  
25 recall if I ever went to -- to League City. I did not



1 go, you know, during the -- the redistricting of the  
2 commissioners precinct. I never did that, but I  
3 can't -- I can't firmly say that I've never been to  
4 League City. I don't recall.

5 Q. Sure. Have you ever spoken with anybody in the  
6 media about the 2021 redistricting map?

7 A. No.

8 Q. Okay. Have you ever spoken with anyone in the  
9 media about the 2010-2011 Commissioners Court  
10 redistricting maps?

11 A. I would just -- I would say I doubt it, but I'd  
12 just say I don't -- I don't recall.

13 Q. Sure. Did you ever speak with anybody in the  
14 media about the 2013 lawsuit about the JP redistricting?

15 A. No.

16 Q. Okay.

17 A. Again, not that I recall, but I'd say no.

18 Q. Do you have an opinion as to whether or not the  
19 Commissioners Court intentionally decided or intended to  
20 discriminate against minority voters when they adopted  
21 the current 2021 Commissioners Court map?

22 MS. REYES: Objection; form.

23 A. Well, again -- again, I can't -- I can't say  
24 "yea" or "nay" to anything. I can only give you my  
25 opinion, and then the -- what my opinion is is that when

1 I look at the new map compared to the old map, it just  
2 don't look good.

3 Q. (BY MS. OLALDE) Okay. But you don't know  
4 whether it was intentional that they intended to  
5 discriminate against minority voters?

6 MS. REYES: Objection; form.

7 A. My answer is the same. It don't look good.

8 Q. (BY MS. OLALDE) Okay. But -- and, again, I  
9 don't want to -- maybe I need to rephrase my question  
10 then.

11 A. Okay.

12 Q. You don't like the effect. Right? It doesn't  
13 look good. The map doesn't look good to you. Correct?

14 A. No.

15 Q. But do you know or have any facts to say that  
16 you think that the map was intentionally discriminatory  
17 toward minority voters?

18 MS. REYES: Objection; asked and answered.

19 A. Well, my answer kind of remains the same.

20 Q. (BY MS. OLALDE) Mm-hmm.

21 A. But -- but I just kind of -- I fail to  
22 understand the necessity to rearrange the map the way  
23 that it was.

24 Q. Okay.

25 A. But I can't say that anybody had any intent

1 | but --

2 | Q. Sure.

3 | A. -- it just didn't look good.

4 | Q. Sure. Okay.

5 | MS. REYES: Counsel, we've been going for  
6 | about an hour. I wonder if this may be a good time to  
7 | take maybe like a five-, ten-minute break?

8 | MS. OLALDE: Sure. No problem.

9 | THE VIDEOGRAPHER: Okay. Going off the  
10 | record, 10:05.

11 | (Recess taken.)

12 | THE VIDEOGRAPHER: Going back on the  
13 | record, 10:25.

14 | Q. (BY MS. OLALDE) Constable Petteway, I'm going  
15 | to hand you what has not been marked but will be marked  
16 | as Exhibit 1.

17 | (Exhibit No. 1 was marked.)

18 | MS. REYES: Thank you.

19 | Q. (BY MS. OLALDE) And my first question is just  
20 | going to be whether you've seen this document before.

21 | A. I don't recall seeing it.

22 | Q. Okay. And take your time if you'd like to read  
23 | through it, and just let me know when you're ready.

24 | A. I just wish I had my glasses on. (Witness  
25 | perusing document.) I don't recall.

1 Q. Okay. Are you able to see it okay? Do we need  
2 to get glasses or...

3 A. I mean, I can see it. I haven't read the whole  
4 thing. I'm just saying I don't recall. I see a back  
5 page has a place where my name is on here.

6 Q. Do you remember whether you ever signed a final  
7 version of this?

8 A. I don't recall.

9 Q. Sure. And since you don't recall this  
10 document, is it fair to say you didn't help draft this  
11 document at all?

12 MS. REYES: Objection; form.

13 A. Again, I don't recall.

14 Q. (BY MS. OLALDE) Okay. Do you agree with  
15 Judge Pope's comments in the letter?

16 A. (Witness perusing document.) Yeah, I agree  
17 with it.

18 Q. Okay. Specifically in Paragraph 1 of the  
19 letter, do you agree that it's a "disturbing trend that  
20 is a part of today's political arena," is that "one  
21 group of elected officials is at odds with another in  
22 Galveston County"?

23 MS. REYES: Objection; form.

24 A. Rephrase that again.

25 Q. (BY MS. OLALDE) Absolutely. Yeah. Do you

1 agree with her comment in Paragraph 1 of the letter that  
2 "one group of elected officials is at odds with  
3 another"?

4 MS. REYES: Same objection.

5 A. I mean -- I mean, I can only speak personally.  
6 I'm not at odds with any -- with any -- with any of the  
7 elected officials.

8 Q. (BY MS. OLALDE) Okay. And personally, what is  
9 your opinion?

10 A. My personal opinion is that, me personally,  
11 I'm -- I'm not at odds with any other elected officials.

12 Q. Okay. Have you had conversations with  
13 Judge Pope about the 2021 redistricting of commissioner  
14 precincts?

15 MS. REYES: Objection to the extent it  
16 calls for attorney work product or attorney/client  
17 communication.

18 A. Not that I can remember.

19 Q. (BY MS. OLALDE) Okay. And I'll break that  
20 down just to kind of try to help with your memory.

21 Did you have any conversations with  
22 Judge Pope before the lawsuit was filed about  
23 redistricting?

24 MS. REYES: Objection; form.

25 A. Again, I just can't remember.

1 Q. (BY MS. OLALDE) Okay. You're aware that she  
2 was deposed in this case, too. Correct?

3 A. Yes.

4 Q. Okay. Did you talk to her about her  
5 deposition?

6 A. I haven't talked to her.

7 Q. Okay. I'm going to hand you what's been marked  
8 as Exhibit 2.

9 (Exhibit No. 2 was marked.)

10 Q. (BY MS. OLALDE) And do you recall receiving  
11 the bottom e-mail from Commissioner Holmes in this  
12 exhibit?

13 A. I can't see that.

14 MS. OLALDE: Can we take a -- can we go off  
15 the record for just one second?

16 THE VIDEOGRAPHER: Off the record.

17 (Off the record.)

18 THE VIDEOGRAPHER: Going back on the  
19 record, 10:33.

20 Q. (BY MS. OLALDE) Okay. Constable Petteway, are  
21 you able to see Exhibit 2 in front of you?

22 A. Yes.

23 Q. Do you recall receiving the bottom e-mail from  
24 Stephen Holmes?

25 A. No, I don't recall this.

1 Q. Okay. Did you ever recall looking at  
2 submission numbers for a DOJ submission back in 2011?

3 A. I don't remember.

4 Q. Okay. And then if you go up, it looks like  
5 Judge Pope, on November 26th at 6:33 p.m., attached an  
6 objection letter that she had written. Do you recall  
7 ever seeing a draft of that objection letter?

8 A. I'm just seeing if my e-mail is on there.

9 Q. Mm-hmm.

10 A. But there again, I don't -- I don't recall this  
11 since 2011.

12 Q. Sure. Would you have been involved in writing  
13 any objection letter or would that have been somebody  
14 else, do you know?

15 A. I don't recall.

16 Q. Okay.

17 A. I'm not saying -- I really don't -- I really  
18 don't remember.

19 Q. I understand. Does this e-mail -- or does this  
20 exhibit jog your memory as to whether you've had e-mails  
21 with Commissioner Holmes?

22 A. Yes.

23 Q. Okay.

24 A. Because my -- because my name appears on there.

25 Q. Right. And it looks like his e-mail is

1 commissionerholmes@verizon.net. Do you see that?

2 A. I do.

3 Q. Okay. And do you know if he had any other  
4 e-mails that he would use to send you e-mails?

5 MS. REYES: Objection; form.

6 Q. (BY MS. OLALDE) E-mail addresses, I guess?

7 A. You know, as I had testified earlier, nothing  
8 in the near past and --

9 Q. Mm-hmm.

10 A. -- as this shows 2011, there was nothing that I  
11 remember. So no, I don't remember this, and I really  
12 don't remember anything else.

13 Q. Okay.

14 A. Not -- I don't remember.

15 Q. And you don't remember if he had any other  
16 addresses or anything other than the Verizon address  
17 that's listed on this exhibit?

18 A. Who, Commissioner Holmes?

19 Q. Mm-hmm.

20 A. That's a question for him. I don't know.

21 Q. You don't know. Okay.

22 I'm going to hand you what's been marked as  
23 Exhibit 3.

24 (Exhibit No. 3 was marked.)

25 A. I wish I would have known to bring my glasses.



1 Q. (BY MS. OLALDE) Just let me know when you're  
2 ready.

3 A. Huh?

4 Q. I wanted to give you the opportunity to review  
5 it if you'd like to, or if you want we can start in with  
6 questions.

7 MR. BARON: The videographer is having a  
8 little...

9 MS. OLALDE: Do we need to go off the  
10 record?

11 THE VIDEOGRAPHER: Sure.

12 MS. OLALDE: Okay.

13 THE VIDEOGRAPHER: We're off the record,  
14 10:37.

15 (Off the record.)

16 THE VIDEOGRAPHER: Back on the record,  
17 10:38.

18 Q. (BY MS. OLALDE) So my first question just  
19 whenever you're ready is maybe who Mary Patrick is?

20 A. Mary Patrick is the -- I believe still is the  
21 president of the Galveston NAACP.

22 Q. Okay. And it does appear that you had received  
23 this e-mail from Mary Patrick through Annette Scott. Is  
24 that correct?

25 A. I don't see her name on this somewhere.

1 Q. It is.

2 A. Okay. Yeah, I see there.

3 Q. Okay. And who is Annette Scott?

4 A. I don't know if she's associated with the  
5 NAACP, but she's assistant superintendent with the  
6 school district.

7 Q. Okay.

8 A. With Galveston Independent School District.

9 Q. Do you -- do you work with her? Do you meet  
10 with her personally or --

11 A. No, no.

12 Q. Okay. Do you agree that with the subject  
13 matter or the subject line in this e-mail that is, "This  
14 is something we all need to fight if we can; if it's not  
15 too late, this should be non-partisan"?

16 MS. REYES: Objection; form.

17 A. Okay. So was this --

18 Q. (BY MS. OLALDE) I guess the question was, did  
19 you -- do you agree with the subject matter, "This is  
20 something we all need to fight if we can; if it's not  
21 too late, this should be non-partisan"?

22 MS. REYES: And same objection.

23 A. I can't -- the -- the new maps were -- I'm  
24 not -- I can't remember when the new maps were adopted.

25 Q. (BY MS. OLALDE) Sure.

1 A. Was it prior to this -- to this -- to this  
2 April 10th, '21 date?

3 Q. No, no. They were adopted later.

4 A. After that?

5 Q. Yeah. The -- I'll just represent to you that  
6 the 2021 map was adopted in November.

7 A. Well, the best answer I can give you -- that I  
8 can give you at this time, basically, in my opinion,  
9 if -- if the statement is made -- I don't recall -- I  
10 don't recall this, and I think my name -- from...

11 Q. It looks like it came from you,  
12 tdp2c10@yahoo.com.

13 A. Yes, it appears it comes from me. So again, in  
14 my opinion -- in my opinion, I feel like if the -- if  
15 the precinct lines were going to be changed from the  
16 prior to the current, I do think that -- that it needed  
17 to be contested because -- because I think that it -- it  
18 does not help the constituency of the prior Precinct 3.

19 Q. Do you think you could be reelected if you ran  
20 again today?

21 MS. REYES: Objection; form.

22 A. Anybody runs for office feels that they can be  
23 elected, so -- but anyway, it just depends what the  
24 circumstance is, that type of thing.

25 Q. (BY MS. OLALDE) Okay. I'm going to hand you

1 what's been marked as Exhibit 4.

2 (Exhibit No. 4 was marked.)

3 Q. (BY MS. OLALDE) Do you have a Facebook  
4 account?

5 A. Yes.

6 Q. Okay. I'm going to ask you if that's from  
7 your -- if you recognize that as being from your  
8 Facebook account?

9 MS. REYES: I'm sorry. Let me object to  
10 the extent that -- I don't think we can see the whole  
11 post. I think it's cut off, yeah.

12 A. I didn't have a Facebook account in 2016.

13 Q. (BY MS. OLALDE) Okay.

14 A. I don't recall -- the Facebook account that I  
15 have is probably two or three years old, so I don't -- I  
16 don't know how that would have gotten on the Facebook  
17 account for me.

18 Q. Well, let's talk about --

19 A. Well, let me read this stuff here.

20 Q. Sure. Sure.

21 MS. REYES: Again, Counsel, we can't see  
22 who posted this or when it was posted.

23 MS. OLALDE: Yeah, we could pull it up on  
24 Facebook, but...

25 A. (Witness persuing document.)

1 Q. (BY MS. OLALDE) When you're ready, I'll move  
2 on to a different question.

3 A. Yeah. I mean, I don't believe -- I don't  
4 believe that comes from my Facebook account because I  
5 don't think I had a Facebook account at that time.

6 Q. In 2016, okay.

7 MS. REYES: And --

8 MS. OLALDE: Hold on. Hold on. I'm just  
9 going to ask a different question. Did you have an  
10 objection?

11 MS. REYES: Yeah, I had an objection just  
12 for the record. I mean, you're asking him about  
13 something that he can't see the full post of.

14 MS. OLALDE: Yeah. I'm moving on, though,  
15 so...

16 Q. (BY MS. OLALDE) Do you recall the event at Old  
17 Cultural -- Old Central Cultural Center in 2016?

18 A. If -- if -- there's only one. Yeah, I believe  
19 I remember that.

20 Q. So they were honoring you; you were the guest  
21 of honor?

22 A. Okay.

23 Q. And do you recall if that was around the time  
24 you retired?

25 A. That was somewhere in -- it was prior to --

1 somewhere around there.

2 Q. Okay. What is the Old Central Cultural Center?

3 A. It's a -- it's a historical cultural center.

4 Q. Okay. And we can see its address from

5 Exhibit 4. Does that address look accurate?

6 A. Yes.

7 Q. Okay. And what -- what happens at the Old

8 Central Cultural Center?

9 MS. REYES: Objection; form.

10 Q. (BY MS. OLALDE) If you know?

11 A. What do you mean what happens there?

12 Q. Sure. What's the purpose of this cultural

13 center?

14 A. It's -- what is the purpose of it? The  
15 cultural center has, you know, artifacts from Central  
16 High School. It, you know -- it allows for -- to rent  
17 for different parties, that type of thing.

18 Q. Sure. Do you know when it formed? When it  
19 first came to be?

20 MS. REYES: Objection; form.

21 A. I don't know. I don't know.

22 Q. (BY MS. OLALDE) Okay. And you've never been  
23 involved with this center, the group or the center  
24 itself?

25 A. The only thing I do there is work security

1 there.

2 Q. Okay.

3 A. That's my only involvement, but nothing -- not  
4 Old Central Cultural Center itself.

5 Q. Okay. Do you support it, the center?

6 A. What does that mean?

7 Q. Do you ever contribute or --

8 A. I have.

9 Q. Okay. So is it fair to say that you support  
10 the center and its purpose?

11 A. I have.

12 Q. Okay. Anything you disagree with about, with  
13 the center?

14 MS. REYES: Objection; form.

15 A. Nothing that I can think of.

16 Q. (BY MS. OLALDE) Okay. Do you believe that  
17 there's a history of official discrimination in  
18 Galveston County during the time -- during the past 25  
19 years? When I say "official," what I'm meaning is  
20 coming from the government, coming from an office,  
21 coming from the Commissioners Court.

22 MS. REYES: Objection; form.

23 A. Okay. Ask that question again.

24 Q. (BY MS. OLALDE) Sure, sure. Do you believe  
25 there's a history of official discrimination in

1 Galveston County in the past 25 years?

2 A. I would say -- I would say -- I would say yes.

3 Q. Okay. Can you tell me why?

4 A. I -- I think that the -- the redrawing of the  
5 commissioners precincts from the prior to the current is  
6 -- would be.

7 Q. How?

8 A. Because -- because I feel that the minority  
9 community in the prior commissioners precinct lines, you  
10 know, gave the minority community an opportunity to  
11 elect someone that represented, you know, their  
12 interests. And I feel like the new -- the new maps have  
13 diluted that ability by -- by, you know, just chopping  
14 up the previous Precinct 3. And so I feel that by  
15 chopping up the previous Precinct 3, the people in the  
16 community, the constituency in the old Precinct 3 will  
17 never be able to vote for the person that affects their  
18 interests. And when I say the person, I'm not talking  
19 about, you know, Stephen Holmes because -- because the  
20 precinct was -- was generated for minority community to  
21 elect a person of their choice. So it wasn't for  
22 community -- I mean, for Stephen Holmes and even my  
23 prior precinct wasn't for me. It was for the minority  
24 community.

25 Q. Okay. And in your opinion, a candidate of



1 | their choice, of the minority community's choice could

2 | be white, it could be Latino, it could be --

3 | A. Yes.

4 | Q. -- any race. Is that correct?

5 | A. Yes.

6 | MS. REYES: Object to the form.

7 | THE WITNESS: Sorry.

8 | MS. REYES: That's okay.

9 | Q. (BY MS. OLALDE) So going back to -- going back  
10 | to this, just to clarify. You've given us the example  
11 | of the map to support your answer. But to be clear,  
12 | that's the effect of the map, in your opinion, not the  
13 | intent?

14 | MS. REYES: Objection; form.

15 | Q. (BY MS. OLALDE) And let me clarify because  
16 | that was a little -- that was a little vague.

17 | So you had answered that you do believe  
18 | there was a history, in your opinion, of official  
19 | discrimination in Galveston County because this map was  
20 | enacted. Is that an accurate statement?

21 | A. Well, I'm not going to say that's an accurate  
22 | statement --

23 | Q. Sure. Tell me --

24 | A. -- because I don't have the data to say, to  
25 | show that.

1 Q. Sure.

2 A. You know, that's -- you know, I think the  
3 question was brought to me based on my opinion, so  
4 that's my opinion. So -- so I can't say that I -- I've  
5 heard or seen or got any type of documentation --

6 Q. Sure.

7 A. -- to show that that was the intent.

8 Q. Exactly. Exactly. And so that was kind of my  
9 question, is you believe that the effect of the map is  
10 that a minority group in -- cannot elect their candidate  
11 of choice. Is that correct?

12 MS. REYES: Same objection.

13 A. Their candidate of choice that represents --  
14 that I feel that will represent their needs.

15 Q. (BY MS. OLALDE) Apart from the map, is there  
16 anything else that would support your answer that you  
17 believe there's been official discrimination in  
18 Galveston County in the past 25 years?

19 MS. REYES: Objection; form.

20 A. Nothing -- nothing that I can say --

21 Q. (BY MS. OLALDE) Okay.

22 A. -- at this time.

23 Q. You say but -- I just want to be clear for the  
24 record because this is our opportunity to talk before --  
25 before trial. But when you say there's nothing you can

1 | say, is it fair to say that you can't think of anything  
2 | else right now?

3 | A. There's nothing I can think of --

4 | Q. Sure.

5 | A. -- at this particular time.

6 | Q. Thank you. Have you ever seen any examples of  
7 | racism in campaigning in Galveston County?

8 | MS. REYES: Objection; form.

9 | A. Not at this time.

10 | Q. (BY MS. OLALDE) Sure. Are you aware of any  
11 | needs that Latino residents in Galveston County would  
12 | have that would be different from Black or White  
13 | residents in Galveston County?

14 | MS. REYES: Objection; form.

15 | A. Could you ask that again?

16 | Q. (BY MS. OLALDE) Sure. Are you aware of any  
17 | needs that members of the Latino community in Galveston  
18 | County would have that would be different from those  
19 | needs of maybe a White or a Black community in Galveston  
20 | County?

21 | A. I'm not sure. I'm not sure right now.

22 | Q. Okay. Are you aware of any needs that members  
23 | of the African American or Black community in Galveston  
24 | County would have that would be different from the White  
25 | or the Latino communities in Galveston County?

1 MS. REYES: Objection; form.

2 A. I can't think of any at this time.

3 Q. (BY MS. OLALDE) Sure. Are you ever aware  
4 of -- have you -- let's just talk about your own  
5 experience. Have you ever approached a commissioner for  
6 help in Galveston County and they were not responsive to  
7 your request?

8 A. I can't recall.

9 Q. Sure. Are you aware of that happening with  
10 anybody?

11 MS. REYES: Objection; form.

12 A. I can only speak for myself.

13 Q. (BY MS. OLALDE) Sure. When you served -- when  
14 you worked at the jail, were you aware or do you  
15 remember if there had been any complaints against any of  
16 the jailers made by the inmates?

17 MS. REYES: Objection; form.

18 A. I don't recall.

19 Q. (BY MS. OLALDE) Okay.

20 A. 40 years ago.

21 Q. I get it. I get it. Can you recall any  
22 complaints about race that would have been raised during  
23 your time working at the jail against jailers?

24 MS. REYES: Objection; form.

25 A. I can't recall.

1 Q. (BY MS. OLALDE) Sure. Can you recall any  
2 complaints about race that have been made against you or  
3 any of your colleagues during your time working as a  
4 constable?

5 A. Could you ask that again?

6 Q. Sure. Are you aware of any complaints against  
7 you or your colleagues during your time working with the  
8 Galveston County Sheriff's Office?

9 A. I don't -- when you say colleagues, you're  
10 saying other constables or -- I can't recall any  
11 complaints against me. I don't know about -- about  
12 them.

13 Q. Sure. And obviously none against you.  
14 Correct?

15 A. No.

16 Q. Is it fair to say -- or do you know the process  
17 that needs to take effect in order to enact a new  
18 redistricting map?

19 MS. REYES: Objection; form.

20 A. Ask that -- could you ask that again?

21 Q. (BY MS. OLALDE) Sure. Are you aware of the  
22 process that is needed in order to enact a redistricting  
23 map?

24 A. No.

25 Q. Okay. Do you know what goes into -- what

1 considerations are important when enacting a new map?

2 MS. REYES: Objection; form.

3 A. Only thing I'm kind of aware of is that the --  
4 the population.

5 Q. (BY MS. OLALDE) Okay. And what about the  
6 population?

7 A. The population has to -- it has to kind of  
8 coincide.

9 Q. Like, kind of be equal?

10 A. Yes.

11 Q. Okay. Do you know the other sitting  
12 commissioners on the Commissioners Court right now?

13 A. Yes.

14 Q. Darrell Apffel, have you spoken to him before?

15 A. In reference?

16 Q. At any time.

17 A. Sure.

18 Q. Okay. Have you ever talked with him in your  
19 capacity as an elected official in Galveston County?

20 A. Yes.

21 Q. And can you give me an example of some of those  
22 conversations?

23 A. I don't know at this time.

24 Q. Sure. Have you ever reached out to Joe Giusti  
25 for help in Precinct 2?

1 A. I don't recall.

2 Q. Okay. Have you -- what kind of -- what kind of  
3 issues would you raise to your commissioner? Let's use  
4 the individual, Terry Petteway as the individual. What  
5 kind of issues would you raise to your commissioner that  
6 they could help you with?

7 A. What do you mean by any other commissioner?

8 Q. Sure. We'll just take Commissioner Giusti for  
9 Precinct 2 right now. Can you think of any issues that  
10 you would have that you would need to call Commissioner  
11 Giusti to say, hey, this needs to be addressed by the  
12 county, just for you individually?

13 A. Why he voted for this map.

14 Q. Okay. Have you ever asked him that question?

15 A. No.

16 Q. Okay. Do you know why he voted for the map?  
17 Have you heard from anybody why he would have voted for  
18 the map?

19 A. No.

20 Q. Okay. Do you know what the other map looked  
21 like, the two options?

22 A. I've looked at them. I've looked at them, but  
23 I mean, I couldn't offer any -- any information about  
24 them.

25 Q. Sure. But did you know Commissioner Giusti,

1 before he became commissioner of the new Precinct 2?

2 A. Yes.

3 Q. And do you have an opinion about him?

4 MS. REYES: Objection; form.

5 Q. (BY MS. OLALDE) Do you have an opinion about  
6 his service as a commissioner in Galveston County?

7 A. I don't -- I don't have a basic opinion, no.

8 Q. But you -- do you have any kind of a friendly  
9 relationship with him at all or --

10 A. I do.

11 Q. Okay. He's a good guy?

12 A. To me, yes.

13 Q. Okay. Are you familiar with the racial  
14 demographics of Galveston County as a whole?

15 MS. REYES: Objection; form.

16 A. No.

17 Q. (BY MS. OLALDE) Okay. And then so is it --  
18 and I'll break -- I'll break this down a little bit.

19 Are you aware of the racial demographics of  
20 Texas City?

21 MS. REYES: Objection; form.

22 A. When it comes down to racial demographics, I  
23 wouldn't know that in any section of Galveston County.

24 Q. (BY MS. OLALDE) Sure. Okay. Okay. Is that  
25 true for Galveston Island as well?



1 A. True.

2 Q. Okay. Have you talked with any of the other  
3 plaintiffs? I know we talked about Judge Pope, but have  
4 you talked with any of the other plaintiffs about this  
5 2021 map before the lawsuit was filed?

6 MS. REYES: Objection to the extent that it  
7 calls for attorney work product or attorney/client  
8 privileged communication.

9 A. I can't -- I can't remember at this time.

10 Q. (BY MS. OLALDE) Sure. And, again, to address  
11 opposing counsel's objection, I don't want to hear about  
12 conversations that you would have had that had attorneys  
13 involved, but have you had conversations with the other  
14 plaintiffs, after the lawsuit was filed, about the facts  
15 of this 2021 map?

16 A. I don't -- I just don't recall at this time.

17 Q. Okay. Is it true that the current map -- under  
18 the current map, you believe that only Republicans could  
19 be sitting as elected commissioners in Galveston County?

20 MS. REYES: Objection; form.

21 A. Ask -- can you ask that again?

22 Q. (BY MS. OLALDE) Sure. Do you believe that  
23 only Republicans could be elected under the new map for  
24 commissioners in Galveston County?

25 MS. REYES: Same objection.

1 MS. OLALDE: Mm-hmm.

2 A. You know, just -- this is just my opinion.

3 Yes.

4 Q. (BY MS. OLALDE) Okay. Are you aware of the  
5 Tea Party? Have you heard of the Tea Party?

6 A. Yes.

7 Q. Do you think the Tea Party is still active in  
8 Galveston County?

9 MS. REYES: Objection; relevance.

10 A. (Shrugs shoulders.) I'm not sure.

11 Q. (BY MS. OLALDE) Okay.

12 MS. OLALDE: Can we go off the record for  
13 just one second?

14 MR. BARON: Sure.

15 THE VIDEOGRAPHER: Off the record.

16 (Off the record.)

17 THE VIDEOGRAPHER: Going back on the  
18 record, 11:06.

19 Q. (BY MS. OLALDE) Constable Petteway, thank you  
20 very much. Those are all the questions I have today.

21 MS. REYES: And we'll reserve for trial.

22 THE VIDEOGRAPHER: Off the record.

23 (Proceedings concluded.)

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CHANGES AND SIGNATURE

WITNESS NAME: TERRY PETTEWAY

DATE OF DEPOSITION: MARCH 22, 2023

PAGE LINE	CHANGE	REASON

1 I, TERRY PETTEWAY, have read the foregoing  
2 deposition and hereby affix my signature that same is  
3 true and correct, except as noted above.

4

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\_\_\_\_\_  
TERRY PETTEWAY

7

8

THE STATE OF \_\_\_\_\_)  
COUNTY OF \_\_\_\_\_)

9

10

Before me, \_\_\_\_\_, on

11

this day personally appeared TERRY PETTEWAY, known to me

12

(or proved to me under oath or through

13

\_\_\_\_\_) (description of identity

14

card or other document) to be the person whose name is

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subscribed to the foregoing instrument and acknowledged

16

to me that they executed the same for the purposes and

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consideration therein expressed.

18

Given under my hand and seal of office this

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\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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NOTARY PUBLIC IN AND FOR  
THE STATE OF \_\_\_\_\_  
COMMISSION EXPIRES: \_\_\_\_\_

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TERRY PETTEWAY, THE )  
HONORABLE DERRECK ROSE, )  
MICHAEL MONTEZ, SONNY )  
JAMES and PENNY POPE, )  
)  
Plaintiffs, ) CIVIL ACTION

v. ) NO. 3:22-cv-57  
)  
GALVESTON COUNTY, TEXAS, )  
and HONORABLE MARK HENRY, )  
in his official capacity )  
as Galveston County Judge, )

Defendants. )

\_\_\_\_\_)  
)  
UNITED STATES OF AMERICA, )  
)  
Plaintiff, ) CIVIL ACTION

v. ) NO. 3:22-cv-93  
)  
GALVESTON COUNTY, TEXAS, )  
GALVESTON COUNTY )  
COMMISSIONERS COURT, and )  
HONORABLE MARK HENRY, in )  
his official capacity as )  
Galveston County Judge, )

Defendants. )

\_\_\_\_\_)  
)  
DICKINSON BAY AREA BRANCH )  
NAACP, GALVESTON BRANCH )  
NAACP, MAINLAND BRANCH )  
NAACP, GALVESTON LULAC )  
COUNCIL 151, EDNA )  
COURVILLE, JOE A. COMPIAN, )  
and LEON PHILLIPS, )

Plaintiffs, ) CIVIL ACTION

v. ) NO. 3:22-cv-117

1 )  
 GALVESTON COUNTY, TEXAS, )  
 2 HONORABLE MARK HENRY, in )  
 his official capacity as )  
 3 Galveston County Judge, )  
 and DWIGHT D. SULLIVAN, in )  
 4 his official capacity as )  
 Galveston County Clerk, )  
 5 )  
 Defendants. )

6

7 -----

8 REPORTER'S CERTIFICATION  
 9 ORAL AND VIDEOTAPED DEPOSITION OF  
 10 TERRY PETTEWAY  
 11 MARCH 22, 2023

12 -----

13

14 I, Velma C. LaChausse, Shorthand Reporter and  
 15 Notary Public in and for the State of Texas, hereby  
 16 certify to the following:

17 That the witness, TERRY PETTEWAY, was duly sworn by  
 18 the officer and that the transcript of the oral  
 19 deposition is a true record of the testimony given by  
 20 the witness;

21 That the deposition transcript was submitted on  
 22 \_\_\_\_\_ to the witness or to the attorney  
 23 for the witness for examination, signature and return to  
 24 me by \_\_\_\_\_;

25 That pursuant to information given to the

1 deposition officer at the time said testimony was taken,  
2 the following includes counsel for all parties of  
3 record:

4 Ms. Bernadette Reyes and Mr. Neil G. Baron, Counsel for  
5 Plaintiffs;

6 Ms. Angie Olalde and Ms. Jordan Raschke, Counsel for  
7 Defendants;

8 That \$\_\_\_\_\_ is the deposition officer's  
9 charges to the Defendants for preparing the original  
10 deposition transcript and any copies of exhibits;

11 I further certify that I am neither counsel for,  
12 related to, nor employed by any of the parties or  
13 attorneys in the action in which this proceeding was  
14 taken, and further that I am not financially or  
15 otherwise interested in the outcome of the action.

16 Certified to by me this 5th of April, 2023.

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\_\_\_\_\_  
Velma C. LaChausse  
Notary Public in and for  
The State of Texas  
Commission Expires: 03/22/2026  
U.S. Legal Support, Inc.  
Firm Registration # 122  
16825 Northchase Drive  
Suite 800  
Houston, Texas 77060  
(713) 653-7100  
(713) 653-7143 Fax

# **Exhibit 20**



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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TERRY PETTEWAY, THE HONORABLE )  
DERRECK ROSE, MICHAEL MONTEZ, )  
SONNY JAMES and PENNY POPE, )  
 )  
Plaintiffs, ) Civil Action  
 ) No. 3:22-CV-57  
vs. )  
 )  
GALVESTON COUNTY, TEXAS, and )  
HONORABLE MARK HENRY, in his )  
official capacity as Galveston )  
County Judge, )  
 )  
Defendants. )

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UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 ) Civil Action  
vs. ) No. 3:22-CV-93  
 )  
GALVESTON COUNTY, TEXAS, )  
GALVESTON COUNTY )  
COMMISSIONERS COURT, and )  
HONORABLE MARK HENRY, in his )  
official capacity as Galveston )  
County Judge, )  
 )  
Defendants. )

---

DICKINSON BAY AREA BRANCH )  
NAACP, GALVESTON BRANCH )  
NAACP, MAINLAND BRANCH )  
NAACP, GALVESTON LULAC )  
COUNCIL 151, EDNA COURVILLE, )  
JOE A. COMPIAN, and LEON )  
PHILLIPS, ) Civil Action

1 ) No. 3:22-CV-117  
 )  
 2 Plaintiffs, )  
 )  
 3 vs. )  
 )  
 4 GALVESTON COUNTY, TEXAS, )  
 HONORABLE MARK HENRY, in his )  
 5 official capacity as Galveston )  
 County Judge, and DWIGHT D. )  
 6 SULLIVAN, in his official )  
 capacity as Galveston County )  
 7 Clerk, )  
 )  
 8 Defendants. )

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ORAL/VIDEOTAPED DEPOSITION OF

12

LEON PHILLIPS

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MARCH 30, 2023

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16

ORAL/VIDEOTAPED DEPOSITION OF LEON PHILLIPS,

17

produced as a witness at the instance of the

18

Defendants, and duly sworn, was taken in the above-

19

styled and numbered cause on March 30, 2023, from

20

9:00 p.m. to 1:30 p.m., Nilda Codina, Notary in and for

21

the State of Texas, recorded by machine shorthand, from

22

Greer Herz & Adams, L.L.P. 1 Moody Avenue, Galveston,

23

Texas 77550, County of Galveston, pursuant to the

24

Federal Rules of Civil Procedure, and the provisions

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stated on the record or attached hereto.

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A-P-P-E-A-R-A-N-C-E-S

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Phone:(409)797-3239  
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ALSO PRESENT: Bill Hartley, Videographer  
PRESENT REMOTELY: Helen Klein, Esq.; Bruce Geer, Esq.

I-N-D-E-X

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E-X-H-I-B-I-T-S

(Retained by counsel.)

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1 P-R-O-C-E-E-D-I-N-G-S

2 THE VIDEOGRAPHER: Today's March 30,  
3 year 2023. We're going on the record, 9:05 a.m. We're  
4 here for the deposition of Mr. Leon Phillips for a case  
5 filed in the United States District Court, Southern  
6 District of Texas, Galveston Division.

7 Can the attorneys please introduce  
8 themselves and who they represent?

9 MS. OLALDE: Angela Olalde and Jordan  
10 Raschke Elton for defendants.

11 MS. VALL-LLOBERA: Diana Vall-Llobera  
12 for NAACP plaintiffs and here also with Molly Zhu for  
13 double -- NAACP plaintiffs.

14 MS. KLEIN: Helen Klein on behalf of  
15 the NAACP plaintiffs as well. I'll be virtual, but I  
16 do not expect to be making any objections or anything;  
17 I'm just observing today.

18 MR. GEER: Bruce Geer on behalf of the  
19 United States.

20 THE VIDEOGRAPHER: You want to swear  
21 in the witness?

22 LEON PHILLIPS,  
23 Having been first duly sworn, was examined and  
24 testified as follows:

25 DIRECT EXAMINATION

1 BY MS. OLALDE:

2 Q. Good morning, Mr. Phillips. How are you  
3 today?

4 A. Fair to middling.

5 Q. Fair to middling. Would you please state  
6 your full name for the record, please?

7 A. Leon Phillips II.

8 Q. And what is your address, sir?

9 A. 1212 38th Street, Galveston, Texas 77550.

10 Q. And how long you lived there?

11 A. 1957 till now.

12 Q. Okay. And, Mr. Phillips, have you been  
13 deposed before?

14 A. No.

15 Q. Okay. This is your first time. Well, I  
16 wanted to go over a couple of ground rules just so that  
17 -- I know that it's kind of a weird process. But if  
18 you need a break at any time today, you just let us  
19 know; we'll take a break. The only thing I'll ask is  
20 that if I've asked a question that you answer it before  
21 we break. Does that sound fair?

22 A. Fair enough.

23 Q. Okay. And since I'm remote today and I'm --  
24 I'm usually a soft speaker, if you can't hear me for  
25 any reason or if you don't understand a question I'm

1 asking, just go ahead and -- and ask me to rephrase;

2 I'll be happy to do so, okay?

3 A. Okay.

4 Q. All right. And then there might be  
5 objections during your deposition. Unless you've been  
6 instructed not to answer, typically the process is, is  
7 your counsel or other attorneys have the right to  
8 object during the deposition, but typically you'll be  
9 providing an answer. Does that also sound fair?

10 A. Yes.

11 Q. Okay. So the last thing that's really  
12 important is that you and I try not to talk over each  
13 other because we've got to get this down into a written  
14 transcript. So I just ask that you wait till I'm done  
15 asking my question before you provide an answer. Does  
16 that sound fair?

17 A. Yes.

18 Q. Okay. Now you haven't been deposed before,  
19 but have you ever testified before in court?

20 A. Yes.

21 Q. Okay. When was that?

22 A. Probably four months ago and before that  
23 probably eight or nine years.

24 Q. Okay. And that was twice that you've  
25 testified in court, or were there more times?



1 A. Twice.

2 Q. And in the case that was four months ago,  
3 what was that case?

4 A. Property dispute.

5 Q. Okay. And the case that was eight or nine  
6 years ago, what was that case involving?

7 A. Nephew had a problem with the police.

8 Q. Was that -- were either of those cases in  
9 Galveston County?

10 A. Neither.

11 Q. Neither of them, okay. And I don't need to  
12 know the details of -- of either case, but let's see.  
13 What -- I just wanted to know what counties they were  
14 involved in.

15 A. Harris County.

16 Q. Harris, both of them were Harris?

17 A. Correct.

18 Q. Okay. All right. Now I -- I hate this  
19 question, but a lot of people have been asking it. Is  
20 there any reason that you can't give full and accurate  
21 testimony here today?

22 A. Not that I know of.

23 Q. Okay. Let's see. And just to kind of get a  
24 little bit of background, you're not a lawyer, correct?

25 A. No.

1 Q. And you're not intending to give any legal  
2 opinions in this case; is that correct?

3 A. No.

4 Q. Are you intending to provide any expert  
5 opinions in this case?

6 A. It's according to what's asked.

7 Q. Okay. Well, I'll -- I'll go about it this  
8 way. You're not a demographer, correct?

9 A. No.

10 Q. Okay. And you're not an expert with mapping  
11 software or anything like that, correct?

12 A. No. No.

13 Q. Okay. And you're not intending to provide,  
14 for example, a potential map or anything like that in  
15 this case, right?

16 A. No.

17 Q. All right. So you're -- you're here today as  
18 a fact witness, and is it your understanding that in  
19 this case your role is to provide background facts to  
20 support the claims in this case?

21 A. Yes.

22 Q. What did you do to prepare for your  
23 deposition today?

24 A. What do you mean?

25 Q. Sure. For some time, sometimes people will

1 meet with their attorneys. Now whenever I'm asking you  
2 a question, I don't want you to tell me what you talked  
3 about with your attorneys, but I can ask about things  
4 like who you met with or how long. So did you meet  
5 with counsel to prepare for your deposition today?

6 A. Yes.

7 Q. And about how many times did you meet with  
8 counsel?

9 A. Twice.

10 Q. All right, and the first time who did you  
11 meet with?

12 A. I can't call names; I have no idea. I mean I  
13 don't remember names.

14 Q. Sure. Are they sitting in the room with you  
15 today, maybe?

16 A. One.

17 Q. One is. And do you recognize the name Ms. --  
18 Ms. Hillary Klein?

19 A. Not sure.

20 Q. Okay. Are you aware of anybody being in the  
21 meeting with you who was not an attorney?

22 A. No.

23 Q. All right. And about how long did you meet  
24 with counsel that first time?

25 A. Hour and 45 minutes, something like that.

1 Q. Did you review any documents?

2 A. The first time, no -- well, yes. Yes.

3 Q. Do you remember which documents you reviewed?

4 A. Not exactly.

5 Q. Okay. Were there any emails or was it

6 articles or do you remember?

7 A. My mind's blank.

8 Q. Okay. The second time you met with your

9 counsel do you remember who you met with?

10 A. Yes.

11 Q. Who was it?

12 A. These two young ladies right here and one

13 other.

14 Q. Okay. And do you remember the name of the

15 other?

16 A. No.

17 Q. Okay. But is it your understanding that the

18 other person was also an attorney?

19 A. Correct.

20 Q. Okay. and about how long did you have that

21 second meeting for?

22 A. About the same length of time, about an hour

23 and 45 minutes to two hours.

24 Q. Okay. And did you review any documents

25 during that meeting?

1 A. Yes.

2 Q. Do you remember which documents?

3 A. Couldn't put my finger on it, no.

4 Q. Okay. Have you ever seen the interrogatory  
5 responses that -- that your plaintiffs or that you have  
6 produced in this case?

7 A. I think we saw some; I couldn't be for sure.

8 Q. Okay. Sure. Well, we can circle back to  
9 that a little bit later. Let's go back to a little bit  
10 about your background. Where did you go to high  
11 school?

12 A. Central High School, Galveston, Texas.

13 Q. That's in -- yeah, I was about to ask if  
14 that's here in Galveston, and when did you graduate  
15 Central High School?

16 A. 1966.

17 Q. You did not attend Ball High School at any  
18 time?

19 A. I went to Ball High School in 1964.

20 Q. Okay. And why did you not stay at Ball High  
21 School?

22 A. It was the beginning of integration, and I  
23 wasn't ready.

24 Q. Okay. Can you tell me a little bit about  
25 that?

1 A. What do you want to know?

2 Q. Well, the reason why you wanted to go back to  
3 Central?

4 A. I'm taking a pause because, like I said, this  
5 was the beginning of integration, so walking down the  
6 hall and having somebody go in the opposite direction  
7 and hearing, nigger, go home became more than I can  
8 handle.

9 Q. I understand. Did you have friends who had  
10 gone to Ball High School with you and also decided to  
11 go back to Central?

12 A. I think there were two others that went back,  
13 but I had some that graduated from Ball High.

14 Q. Do you remember when Central stopped being a  
15 high school and everything was completely integrated  
16 into Ball High School, do you remember when that  
17 occurred?

18 A. 1968.

19 Q. Okay.

20 A. That was the last graduating class from  
21 Central.

22 Q. From Central. When you graduated from  
23 Central High School what did you do next?

24 A. One semester at Prairie View A&M University.

25 Q. And what did you study at Prairie View?

1 A. Really didn't study anything.

2 Q. Like just introductory classes, that type of  
3 thing?

4 A. Yes, yes.

5 Q. And when you left Prairie View what did you  
6 do next?

7 A. Took a job at the Johnson Publishing Company  
8 as a salesman out of Chicago, Illinois.

9 Q. How did you find out about that position?

10 A. A friend of mine had answered an ad from a  
11 lady that was at the Jean LaFitte Hotel here in  
12 Galveston, and he called and told me that he was going  
13 to work for the Johnson Publishing Company and told me  
14 I needed to go up there and talk to her, and I did and  
15 I was hired.

16 Q. Okay. How long did you stay with the Johnson  
17 Publishing Company?

18 A. From '67 all the way through '77.

19 Q. And what did you do for that decade of time  
20 with the Johnson Company?

21 A. I was a salesman for six years, I was a  
22 handler for two years, and I was a manager for two  
23 years.

24 Q. What does a handler do?

25 A. Take people to work.

1 Q. Okay.

2 A. Hold meetings after you get back from work.

3 Q. And where were you living during the time  
4 that you were working with Johnson; were you in Texas?

5 A. My address was 1212 38th Street, but I lived  
6 in Chicago for a little bit, and then I lived in Fort  
7 Lauderdale, Florida for two years.

8 Q. And when did you live in Fort Lauderdale,  
9 which -- which two years?

10 A. '72 through '74.

11 Q. And when did you live in Chicago?

12 A. From '67 when I joined the company and until  
13 '72.

14 Q. Okay. And in 1974 did you return to  
15 Galveston?

16 A. No, in '74 I went back to work on the road as  
17 a salesman, so that would -- the permanent address  
18 became 1212 38th Street again.

19 Q. Okay. And was that also for the Johnson  
20 company?

21 A. Yes.

22 Q. All right. And then what did you do from --  
23 after 1974? I believe you'd said that you worked with  
24 Johnson until 1977; is that correct?

25 A. Correct.



1 Q. So were you a salesman from '74 to '77?

2 A. From '74 to '75, maybe part of '76 I was a  
3 handler.

4 Q. Okay. And then after that you were a  
5 manager?

6 A. And after that I was a manager.

7 Q. And for the handler and manager positions  
8 were you also on the road? I guess you worked for the  
9 handler position, correct?

10 A. For both.

11 Q. For both, okay. Where did your travels with  
12 the Johnson Company take you?

13 A. All four corners of the United States.

14 Q. After the Johnson Company, where did you go  
15 to work?

16 A. UtoteM, convenience stores.

17 Q. Okay. And that was in 1977?

18 A. '78.

19 Q. '78. And where was that located?

20 A. Houston, Texas.

21 Q. Okay. And what did you do -- how long were  
22 you there actually?

23 A. About nine months.

24 Q. Did you commute from Galveston or did you  
25 stay in Houston?

1 A. Lived in Houston.

2 Q. And then after your period in -- in -- with  
3 the job in Houston, did you go back to Galveston?

4 A. No, went to work for American Airlines and  
5 other airlines at intercontinental airport.

6 Q. Okay. And with that position I assume you  
7 also stayed in Houston; is that correct?

8 A. Correct.

9 Q. How long were you in Houston for? When did  
10 you move back to Galveston?

11 A. Moved back to Galveston in 1997.

12 Q. Got you. What triggered your move back to  
13 Galveston?

14 A. Paying for two houses didn't make sense, so  
15 the simplest thing to do -- plus I had gotten hurt on  
16 my job and wasn't able to go back to the job, so the  
17 obvious thing was to downsize, so.

18 Q. Okay. And when you said paying for two  
19 houses you had a house at your address here in  
20 Galveston as well as a house up in Houston, correct?

21 A. The house here in Galveston was fully paid  
22 for; the one in Houston wasn't.

23 Q. Okay. And was anybody staying at your house  
24 in Galveston whenever you weren't there from, let's  
25 see, '67 to -- to '97?

1           A.    My parents lived there.  My mother died in  
2    '92, my father died in '93, and I just maintained both  
3    houses.

4           Q.    I'm sorry to -- I'm sorry to hear that.  When  
5    you worked for American Airlines what was your  
6    position?

7           A.    Skycap.

8           Q.    Okay.  And was that the position that you  
9    were holding whenever you got injured on the job?

10          A.    Correct.

11          Q.    Okay.  So in 1997 when you came back to  
12    Galveston, what did you do for work?

13          A.    In 1983 I started Fat Cats Janitorial  
14    Service, and I see that brought a smile to your face,  
15    right?

16          Q.    It's still going on today, correct?

17          A.    Exactly, still going on today.

18          Q.    Okay.  And you ran that while you were  
19    working -- working with -- for American Airlines?

20          A.    Yes.

21          Q.    All right.  So you probably didn't get much  
22    sleep, did you?

23          A.    You learn how to manage things.

24          Q.    So you came back to -- to Galveston in '97  
25    and ran Fat Cat; did you do anything else?

1           A.    I opened up a plus size woman's clothing  
2 store.

3           Q.    When was that?

4           A.    In '97.

5           Q.    How long did you run the clothing store?

6           A.    Two years.

7           Q.    Where was it located?

8           A.    6 University Boulevard.  I want to say the  
9 address was 600 something.

10          Q.    Okay.  All right.  And then after the  
11 clothing store you -- you stopped with the clothing  
12 store, did you just remain with your ownership of Fat  
13 Cats, or did do you anything else for work?

14          A.    No, just that.

15          Q.    Okay.  I want to switch gears just a little  
16 bit and talk about what organizations you're involved  
17 in, and could you tell me which -- what organizations  
18 are you currently involved in today?

19          A.    I'm on the board of Old Central Carver Park  
20 Neighborhood Association.  I'm on the board for the Nia  
21 Cultural Center.  What else?  I'm the president of  
22 Galveston Coalition For Justice.  I'm on the RDA  
23 committee for the City of Galveston also.

24          Q.    Anything else that you can think of right  
25 now?

1 A. Not right now.

2 Q. All right. Are you a member of any NAACP  
3 organization?

4 A. Yes.

5 Q. Which -- which branch?

6 A. You would ask that, wouldn't you? Galveston  
7 only has one branch, so the Galveston branch.

8 Q. Okay. And I know that there are other  
9 plaintiffs; I think there's the Mainland and also  
10 Dickinson. Are you a member of either of those  
11 branches?

12 A. No.

13 Q. Okay. Are you a member of LULAC?

14 A. No, not a member.

15 Q. Okay. And you qualified not a member;  
16 what -- what were you thinking about when you made that  
17 qualification?

18 A. I've attended LULAC meetings.

19 Q. Do you know which chapter of LULAC meetings  
20 you attended?

21 A. No, I couldn't tell you.

22 Q. Was it in Galveston?

23 A. Yeah, it was in Galveston.

24 Q. Okay. Is it fair to say that you're pretty  
25 active in local politics?

1 A. Yes.

2 Q. Okay. You are on the board for Old Central  
3 Carver Park, correct?

4 A. Correct.

5 Q. How long have you been a board member?

6 A. When I came back in '97, it was up and  
7 functioning for some years; after Ike it was just  
8 dormant. It's been back up and functioning probably  
9 for a year and a half now, so for a year and a half.

10 Q. Okay. Around 2021 or so?

11 A. Correct. Right after Ms. Lewis was elected  
12 City Counselwoman, she helped revitalize.

13 Q. Did you serve as a board member back in the  
14 '90s?

15 A. No.

16 Q. Were you a member?

17 A. Yes.

18 Q. And then you were elected as a board member  
19 more recently in the past year and a half or so?

20 A. Correct.

21 Q. What are your responsibilities as a board  
22 member for Old Central Carver Park?

23 A. I'm the treasurer.

24 Q. Okay. And what kind of -- what kind of work  
25 does this organization do?

1 A. It's just a community organization.

2 Q. Does it have regular meetings?

3 A. Yes, once a month.

4 Q. Okay. And what's it's -- what's it's

5 mission? What's it's purpose?

6 A. I have to think about that 'cause we're all  
7 over the place, you know. Basically we're a community  
8 organization that if you need street lights, things are  
9 wrongly done to individuals in the community, we try  
10 and step in and add some clarity to what's going on.

11 Q. Okay. You'll help people with -- in the  
12 community with problems they have?

13 A. We give them directions on your lights are  
14 out, give them directions on where to go to get help to  
15 put your lights on.

16 Q. Okay. And what -- what community is -- well,  
17 who in the community or is there a geographical  
18 boundary of individuals that you-all help, or is there  
19 a way to -- to quantify that at all?

20 A. Old Central Carver Park Neighborhood  
21 Association has boundary lines, yes, but we don't stop  
22 anyone from joining.

23 Q. Do you have members outside of that area,  
24 that Old -- Old Central Carver Park?

25 A. Do we have what?

1 Q. Members who are beyond those boundaries?

2 A. I couldn't tell you for sure.

3 Q. Sure. Okay. You said you are also a member  
4 of the Nia Cultural Center; is that correct?

5 A. Correct.

6 Q. And how long have you been a member of that  
7 organization?

8 A. Since 1999.

9 Q. Okay. Is that when it was formed --

10 A. No.

11 Q. -- or was it already in place?

12 A. It was in place a little earlier.

13 Q. Okay. And have you ever served as an officer  
14 of this organization?

15 A. No, just a board member.

16 Q. Okay. And how long have you served as a  
17 board member?

18 A. Since '99.

19 Q. Okay. And what is the -- the mission, the  
20 purpose of the Nia Cultural Center?

21 A. It's a boys' and girls' rites of passage  
22 organization. We help parents navigate raising kids.  
23 Whatever it takes to make a family whole, that's our  
24 mission is to help facilitate that.

25 Q. And just like with my prior question with Old



1 Central Carver Park, is there a certain area that this  
2 -- the cultural center services?

3 A. No.

4 Q. Who do you typically help?

5 A. No, it's anybody from anywheres.

6 Q. Is it fair to say that typically the people  
7 that the Nia Cultural Central helps are from Galveston?

8 A. Correct.

9 Q. Okay. And are there regular meetings for  
10 this center?

11 A. Yes, once a month.

12 Q. Okay. Now the Galveston Coalition For  
13 Justice, did you found that organization?

14 A. The Galveston Coalition For Justice, yes.

15 Q. Okay. And when was that?

16 A. What year is this?

17 Q. '23.

18 A. Probably in I want to say 2015.

19 Q. Okay. Do you know what the mission statement  
20 is for the Galveston Coalition of Justice?

21 A. I couldn't tell you right off the top of my  
22 head.

23 Q. How about the -- the purpose, can you  
24 describe the purpose of this coalition?

25 A. Basically it's almost the same as the Nia

1 Cultural Center; the only thing we deal with more  
2 strategic things. Police department, housing, helping  
3 people navigate through the system, things of -- things  
4 of that nature.

5 Q. Okay. Would you describe it as a political  
6 organization?

7 A. No.

8 Q. Okay. And would you describe the Old Central  
9 Carver Park Neighborhood Association or the Nia  
10 Cultural Center as political organizations?

11 A. No.

12 Q. Okay. And who else is a member of the  
13 Galveston Coalition of Justice?

14 A. I can't give you people's names.

15 Q. How many members do you have?

16 A. I can't give you how many members we have.

17 Q. Okay. Can you give me an estimate, more than  
18 --

19 A. No.

20 Q. -- more than ten?

21 A. I can't give you an estimate. At all.

22 Q. More than --

23 A. They don't know whether it's one or it's a  
24 thousand, and that's the way I'll leave it.

25 Q. Sure. Now I understand that. Can you tell

1 me what that's the explanation?

2 A. Through the years organizations have fought  
3 not to give up those type of numbers and names.

4 Q. Okay. All right. So I understand that you  
5 just -- you don't want to provide that information; is  
6 that correct?

7 A. Correct.

8 Q. Okay. I'm not -- I'm not asking about any  
9 names, but just approximately how many members? Would  
10 you provide me with that information?

11 A. No.

12 Q. Okay. You said that you had served on the  
13 RDA committee in Galveston; is that correct?

14 A. Correct.

15 Q. What does RDA stand for?

16 A. It's a redevelopment organization that deals  
17 with tax credits and stuff of that nature for the City  
18 of Galveston in developing different areas.

19 Q. How long were you with this committee?

20 A. Almost two years now.

21 Q. Is it an appointment process?

22 A. Yes.

23 Q. Okay. And do you have a term limit?

24 A. I think every two years.

25 Q. Do you know if you're up for reappointment or

1 if there are -- or if that's possible under the  
2 applicable roles?

3 A. I can't say positively, no.

4 Q. Okay. Do you work with the Galveston housing  
5 authority in your -- your position on this committee?

6 A. No, we don't have any direct association with  
7 the housing authority, no.

8 Q. Okay. And are there regular meetings for  
9 this RDA committee?

10 A. Once a month.

11 Q. All right. Can you give me an example of  
12 some of the things that you do with the committee?

13 A. We're dealing with -- right now we're dealing  
14 with housing. The -- the entire City of Galveston is  
15 dealing with low to moderate income housing. At our  
16 last meeting we were trying to figure out how to get  
17 houses built affordably. In my maneuvering around town  
18 I took to the board some pictures of housing, newly  
19 built houses and they had been built out of containers  
20 and as a suggestion to find out, would it be feasible  
21 to buy containers and begin to build houses out of  
22 them, instead of going through having to -- with the  
23 prices of plywood, wood, beams that have skyrocketed,  
24 would it be feasible to utilize the containers instead  
25 of wood material like that.

1 Q. Okay. Is that something that's possible  
2 under the current regulations in the City of Galveston,  
3 or do you know?

4 A. Have to be. I've seen five of them that have  
5 been built, so. And they look good.

6 Q. You are also a member of the NAACP Galveston  
7 branch, correct?

8 A. Yes.

9 Q. Do you know how long you've been a member?

10 A. Since '99.

11 Q. And obviously that branch with -- is -- it's  
12 been around for a lot longer than that, correct?

13 A. Oh, yes.

14 Q. Okay. And have you been a continuous member  
15 since '99? Have there been any breaks?

16 A. You mean with me or with the organization?

17 Q. No, I apologize. Breaks in your membership  
18 period or times where you weren't a member?

19 A. I'm not sure whether my -- I joined the NAACP  
20 way back in, I would have to say '71, '72 in Chicago,  
21 and I paid for a lifetime membership at that time.  
22 Somewheres in the whatever the membership documents got  
23 lost, so I'm a dues paying member year by year right  
24 now.

25 Q. Okay. Back in the '70s when you joined in

1 Chicago did you attend regular meetings?

2 A. No, because I was traveling.

3 Q. Yeah. Do you attend the NAACP Galveston  
4 branch meetings regularly now?

5 A. When I can.

6 Q. Okay. Is that once a month as well?

7 A. Yes, they meet once a month.

8 Q. About how often are you able to attend?

9 A. It's according to work.

10 Q. And when you say it's according to work,  
11 that's your position as an owner of Fat Cat; is that  
12 correct?

13 A. Correct.

14 Q. Okay. About how much time does that take up  
15 out of your schedule, the -- your responsibilities for  
16 Fat Cat?

17 A. When you say how much time does it take, it's  
18 -- it's 24/7, it's a job, you know. You call, need  
19 something done, I take care of it.

20 Q. Okay.

21 A. Out of -- out of being in business since 1983  
22 that's what I'm pretty good at, resolving problems.

23 Q. Is it fair to say that you use those skills  
24 with all of the organizations that you serve?

25 A. Yes.

1 Q. And you use those skills within the community  
2 as well, correct?

3 A. Correct.

4 Q. All right. Is it fair to -- to say that you  
5 are a community activist?

6 A. I don't like the term activist. I like the  
7 term actionist.

8 Q. Okay. Why don't you like the term -- or why  
9 do you prefer the term actionist?

10 A. Because I take action at a problem. An  
11 activist goes into battle. I'm -- I'm not there to  
12 battle anything; I'm there to resolve the problem.

13 Q. You're there looking for solutions, right?

14 A. Correct.

15 Q. Okay. You had mentioned that you've attended  
16 LULAC meetings in Galveston. Do you remember -- have  
17 you attended any in the last couple of years?

18 A. No.

19 Q. Okay. Do you remember when you've attended  
20 or what the -- the circumstances were that you've  
21 attended?

22 A. We were on a battle dealing with rebuilding  
23 public housing. We -- two individuals here in  
24 Galveston, Steve McIntyre and Joe Campion helped us to  
25 create a collaborative group, and that consisted of

1 LULAC, NAACP, North Side Task Force, Galveston  
2 Coalition For Justice, and Gulf Coast Interfaith; and  
3 that is when we attended each other's meetings.

4 Q. Are you a member of Gulf Coast Interfaith?

5 A. No.

6 Q. Okay. And when you worked with -- with LULAC  
7 and these other organizations, is it fair to say that  
8 there were people of all races and backgrounds who were  
9 participating?

10 A. Everybody.

11 Q. Okay. You currently live in Galveston County  
12 Commissioner Precinct No. 2; is that correct?

13 A. Steven Holmes' precinct.

14 Q. Okay. So you're currently in -- well, you  
15 live on the Island though, correct?

16 A. Correct.

17 Q. Okay. So before the -- the 2021 map for the  
18 commissioners was enacted in Galveston County, you were  
19 in Steven Holmes's district, correct?

20 A. Correct.

21 Q. Do you know who your current county  
22 commissioner is?

23 A. I didn't even know we had had an election.

24 Q. Okay. Just -- do you know Joe Giusti,  
25 Commissioner Joe Giusti?



1 A. No.

2 Q. Okay. You've never met him before?

3 A. No.

4 Q. Is it fair to say that Commissioner Holmes  
5 was your candidate of choice for commissioner -- county  
6 commissioner?

7 A. Yes.

8 Q. Why is that?

9 A. You want people that you -- that represent  
10 you for you to be able to have some kind of contact  
11 with them, and I've -- I've never seen or interacted  
12 with any of the others.

13 Q. Okay. How would you typically see or  
14 interact with Commissioner Holmes?

15 A. All over the place.

16 Q. Can you give me some examples?

17 A. We attend things at Saint Vincent's. He does  
18 a barbecue every year; we attend that. Pick up  
19 telephone and call him every now and then just to see  
20 how you doing. He does the same with me, so just like  
21 that.

22 Q. Okay. In his role as county commissioner,  
23 did you ever reach out to Commissioner Holmes and ask  
24 for assistance on a county issue?

25 A. Not so much on a county issue. Well, I guess

1 | it was on a county issue. After Ike there's a -- what  
2 | was a senior citizens' building, and in the next block  
3 | the county owned a building and it was utilized as --  
4 | as a place where the housing authority -- I don't know  
5 | whether the housing authority was renting the building  
6 | or what, but it was used for senior citizens'  
7 | activities. Arts and crafts, dance, bingo, and it was  
8 | right across the street. After Ike the building has  
9 | never been reopened, and we've been trying to figure  
10 | out how to strategize to get the building reopened  
11 | again for seniors.

12 | Q. And how -- how has Commissioner Holmes helped  
13 | with that -- with that project?

14 | A. Well, he -- he kind of keeps it on the table  
15 | at the commissioners' meetings.

16 | Q. Anything else?

17 | A. No, not that I know of.

18 | Q. Have you -- that's incredibly fair. Have you  
19 | reached out to any of the other commissioners about  
20 | this project?

21 | A. No.

22 | Q. Okay. Is it your understanding that that  
23 | would be Commissioner Holmes's part of the project, is  
24 | to talk with other --

25 | A. Correct, correct.

1 Q. -- okay. Getting a little bit more into  
2 politics, are you a Democrat?

3 A. Yes.

4 Q. Okay. Have you always considered yourself to  
5 be a Democrat?

6 A. Yes.

7 Q. Have you ever voted Republican?

8 A. Yes.

9 Q. Okay. I'll break it down a little bit, have  
10 you ever voted in a Republican primary in Texas?

11 A. What do you mean?

12 Q. Well, let's just break it down to the past  
13 ten years. Past ten years, have you ever voted in a  
14 Republican primary, meaning between two Republican  
15 candidates who want to run for one office?

16 A. No.

17 Q. Okay. And prior to the past ten years, can  
18 you recall ever voting in a Republican primary?

19 A. No.

20 Q. Okay. You said you had voted for a  
21 Republican before, correct?

22 A. Yes.

23 Q. Do you remember who it was for?

24 A. And -- no, I can't, I can't remember who it  
25 was. All I can remember is it was sometimes around the

1 time when Kathy Whitmire was I think the mayor of  
2 Houston, or the governor, one of the two.

3 Q. Okay. Was that in a -- a Galveston County  
4 election or was that based out of your residency in  
5 Houston or Harris County?

6 A. Residency in Houston, Harris County.

7 Q. Okay. Is it fair to say you've never voted  
8 for a Republican in Galveston County?

9 A. No.

10 Q. It's not fair to say that?

11 A. Never have.

12 Q. Oh, okay. All right. Would you --

13 (Technical issues.)

14 Q. (BY MS. OLALDE) Would you vote for a  
15 Republican in Galveston County?

16 A. Yeah, I mean if -- if they were the best  
17 candidate, of course.

18 Q. Okay. Do you know of any Republican  
19 candidates that you believe would be a good candidate  
20 for you to vote for?

21 A. Not right offhand.

22 Q. Do you know Dr. Robin Armstrong?

23 A. No.

24 Q. Okay. Never met him before?

25 A. No.

1 Q. But do you know of him?

2 A. Only what I've read.

3 Q. Okay. Do you have an opinion about him?

4 A. Honestly?

5 Q. Yes, sir.

6 A. If you're an African American, how can you be  
7 a Republican?

8 Q. Okay. I'm going to switch gears a little bit  
9 more. We have -- one of these things we have to do in  
10 these lawsuits is make sure everybody's given us the  
11 documents that they have that are relevant to the case.  
12 And so did you have any documents that you turned over  
13 to your attorneys for this case?

14 A. I'm not sure.

15 Q. Okay. Do you to an email that you use?

16 A. Yes.

17 Q. All right. What's that email address?

18 A. IslandFatCat@yahoo.com.

19 Q. Do you have any other email addresses that  
20 you use?

21 A. IslandFatCat@gmail.com.

22 Q. Okay. Anything else?

23 A. That's it.

24 Q. All right. Do you regularly check both of  
25 those email addresses?

1 A. No, I only check Island Fat Cat at yahoo.

2 Q. Okay. Would you have had emails relating to  
3 redistricting at your Yahoo address?

4 A. I can only remember a notice that there was  
5 going to be a meeting.

6 Q. Would that be the November 12th of 2021  
7 meeting where the Map 2 was adopted?

8 A. Correct.

9 Q. Okay. Did anyone help you look for  
10 responsive emails in your Yahoo account?

11 A. Yes.

12 Q. All right. And whatever popped up was turned  
13 over to your attorneys, right?

14 A. Correct.

15 Q. Okay. And you haven't deleted any emails  
16 that relate to redistricting, right?

17 A. Not that I know of.

18 Q. Okay. Do you typically delete emails?

19 A. Yes.

20 Q. Okay. Can you tell me what your typical  
21 practice is?

22 A. Emails that I don't -- email addresses that I  
23 don't recognize I normally just delete them; I don't  
24 even open it up.

25 Q. Okay. Anything else?

1 A. No, that's it.

2 Q. All right. Would you have had any paper  
3 documents like a file or anything printed out that you  
4 would have kept relating to redistricting?

5 A. No.

6 Q. Okay. And you checked to make sure that was  
7 the case, right?

8 A. Didn't need to.

9 Q. You -- you already knew?

10 A. Yes.

11 Q. Okay. What about your cell phone, do you use  
12 it for text messaging?

13 A. Yes.

14 Q. Did you receive any text messages that were  
15 relating to redistricting?

16 A. I'm not sure.

17 Q. Okay. Did anybody help you search for  
18 anything that would have been on your phone that would  
19 have related to redistricting?

20 A. No.

21 Q. Okay. Do you think it's possible you would  
22 have had text messages that relate to this case?

23 A. I doubt it very seriously. It -- it may have  
24 been that I sent out something to other individuals  
25 about the meeting in November.

1 Q. Okay. Is it fair -- maybe on a break would  
2 you mind taking a quick look at your cell phone to make  
3 sure you don't have any texts that are responsive to  
4 this case?

5 A. I basically know I don't.

6 Q. Okay.

7 MS. OLALDE: Counsel, if -- if you  
8 don't mind confirming that, I would really appreciate  
9 that. Is that something you can agree to do?

10 MS. VALL-LLOBERA: We'll circle back  
11 with you on that, yes. We'll check.

12 MS. OLALDE: Okay. Thank you. I  
13 appreciate it.

14 Q. (BY MS. OLALDE) You just have one cell phone,  
15 correct?

16 A. I have one in my name and one in my wife's.

17 Q. All right. Do you use the one in your wife's  
18 name?

19 A. No.

20 Q. You have any social media accounts?

21 A. No.

22 Q. You don't have Facebook?

23 A. My kids say I do.

24 Q. Do you -- do you ever log into Facebook?

25 A. I have no idea how to.



1 Q. So it's fair to say then that you don't use  
2 things like Facebook Messenger?

3 A. No.

4 Q. Okay.

5 A. I -- I mean, yes, I do. Yes, I do, almost  
6 every day, but I go in and punch on Facebook and that's  
7 it.

8 Q. Okay. On the messaging service, the instant  
9 messaging service in Facebook, did you ever have any  
10 conversations about redistricting that -- that would be  
11 related to this case?

12 A. No.

13 Q. Okay. And did you search to make sure?

14 A. Don't need to.

15 Q. You already under- -- you already know that  
16 you only use it for personal?

17 A. Right, right.

18 Q. Okay.

19 A. I don't type fast enough to be, you know,  
20 trying to communicate that way. I can dial ten digits  
21 and talk to you.

22 Q. Is it fair to say that it's easier just to  
23 pick up the phone and talk to somebody?

24 A. Correct.

25 Q. Okay. Do you -- are you able to or do you

1 make posts on your Facebook pages or other people's  
2 pages?

3 A. No.

4 Q. Does somebody else have your log-in so that  
5 they can do that for you, or how does that work?

6 A. What do you mean?

7 Q. Like, does anyone else ever log in to your  
8 Facebook account so that they can post something for  
9 you?

10 MS. VALL-LLOBERA: Objection,  
11 speculation.

12 MS. OLALDE: You can answer.

13 A. I just had a bout with cancer, and I opened  
14 up my Facebook account to my daughter and my son. My  
15 daughter is in the medical field; my son is in the  
16 insurance field. So, yes, I have opened up my account.

17 Q. (BY MS. OLALDE) Okay. Have you ever deleted  
18 posts on Facebook?

19 A. Of course.

20 Q. Okay. What posts have you deleted; do you  
21 recall?

22 A. I have no idea.

23 Q. Anything that would have related to  
24 redistricting?

25 A. No.

1 Q. Were you involved in the -- let me -- let me  
2 go back actually. What lawsuits have you been involved  
3 with?

4 MS. VALL-LLOBERA: Objection, vague.

5 Q. (BY MS. OLALDE) Sure. How many lawsuits have  
6 you been involved with?

7 MS. VALL-LLOBERA: Objection, vague.

8 MS. OLALDE: You can answer.

9 A. I'm not even sure. I know I'm involved with  
10 this one.

11 Q. (BY MS. OLALDE) Okay. Do you recall --

12 A. I'm not sure whether I was involved with the  
13 one in 2010 or '11.

14 Q. Okay. So apart from -- do you recall being a  
15 plaintiff in -- in any other lawsuit?

16 A. Not that I know of.

17 Q. Okay.

18 A. Or not that I can remember.

19 Q. Was there ever a lawsuit about public housing  
20 in Galveston that you were involved with that you can  
21 recall?

22 A. I think so.

23 Q. What was that lawsuit about?

24 A. There was an organization that was attempting  
25 to keep public housing from being rebuilt after

1 Hurricane Ike, and as a part of the collaborative group  
2 I think I became a part of the lawsuit for the Justice  
3 Department.

4 Q. Okay. And what group was -- what group were  
5 you working with in connection with that lawsuit?

6 A. Galveston Coalition For Justice.

7 Q. Any other groups?

8 A. No.

9 Q. You remember when the lawsuit was or  
10 approximately what year?

11 A. No, not exactly.

12 Q. Okay. Was it the Department of Justice that  
13 was prosecuting that case?

14 A. Correct.

15 Q. Okay. What were the -- can you tell me a  
16 little bit more about that case, what was it that you  
17 were asking the Court to do?

18 A. We were basically asking the Court to ensure  
19 that the 569 units that were torn down after Ike would  
20 be rebuilt.

21 Q. Okay. Was there a specific type of  
22 rebuilding that you were asking for or was it just any  
23 type or -- or was that an issue?

24 A. We wanted to maintain the numbers of bedrooms  
25 that were there.

1 Q. Okay. And was the location or the type of  
2 housing at issue at all or was it just the number of  
3 bedrooms?

4 A. I'm not sure.

5 Q. Okay.

6 A. I'm not sure.

7 Q. Do you know what happened in that lawsuit?

8 A. Say it again?

9 Q. I -- I apologize. When I asked my question  
10 it looked like you were going to say something else.  
11 What were you going to say?

12 A. No, I wasn't.

13 Q. Okay. I guess I'll move onto my next  
14 question then. Do you know what happened with that  
15 lawsuit?

16 A. The last of the 569 units are being rebuilt  
17 as we speak.

18 Q. You know when they're going to be completed?

19 A. I think we have another year. Maybe this  
20 summer. Let me correct that.

21 Q. Okay.

22 A. I think it's this summer that they will be  
23 completed.

24 Q. So is that connected to the lawsuit that  
25 you-all had filed to your knowledge, the completion?

1           A.    No, there was no completion date that was  
2           specified.  As a matter of fact it took almost two  
3           years before they began on the last plot of land to  
4           rebuild on it where public housing had been torn down,  
5           and that was Oleander Homes.

6           Q.    Oleander Homes is on the north side of  
7           Broadway; is that correct?

8           A.    Correct.

9           Q.    All right.  Where are the 569 -- you  
10          mentioned 569 bedrooms.  Can you describe the current  
11          project for rebuilding, what kind of housing is it?

12          A.    When you say that, what do you mean?

13          Q.    Are we talking about, like, individual homes,  
14          mixed income housing, or apartments?  What kind of  
15          housing is being constructed?

16          A.    It's apartments and it's mixed income.

17          Q.    And is that also on the north side of  
18          Broadway?

19          A.    The majority, yes.

20          Q.    Okay.  Do you know where the construction's  
21          going on?

22          A.    On the land where they were torn down.

23          Q.    Is that just for Oleander or for other --  
24          other --

25          A.    All of them, all of them.

1 Q. You said the majority was on the north side  
2 of Broadway. Are you aware of any housing that's been  
3 built on the south side of Broadway?

4 A. Scattered sites.

5 Q. Do you know about how many bedrooms we're  
6 talking about?

7 A. I'm not sure.

8 Q. Do you recall how you became involved in the  
9 2010, 2011 redistricting matter?

10 A. I think it was more because they were, they  
11 were only giving me an opportunity to vote for an  
12 individual that I knew nothing about instead --

13 Q. Okay.

14 A. -- instead of giving me an opportunity to  
15 vote for the individual of my choice --

16 Q. Do you remember --

17 A. -- by redrawing -- by redrawing their lines.

18 Q. I apologize, I interrupted you.

19 A. That's okay.

20 Q. Do you -- do you remember who those  
21 individuals were?

22 A. Commissioners court.

23 Q. Do you remember who in -- back in 2010, 2011  
24 who would have been the two candidates that you would  
25 have had a choice between?

1 A. No, I don't.

2 Q. Okay. But Commissioner Holmes would have  
3 been one of them?

4 A. Correct.

5 Q. Okay. And when you found out about the  
6 redistricting in 2010, 2011, how did you -- what did  
7 you do? Did you attend any meetings?

8 A. Yes.

9 Q. Okay. Were they commissioners court  
10 meetings?

11 A. I think two of them were.

12 Q. Okay. And was that all in Galveston or were  
13 there mainland visits that you attended?

14 A. Mainland.

15 Q. Okay. Were you able to speak at any of the  
16 meetings at 2010, 2011 time period about redistricting?

17 A. I think at one of the meetings I spoke.

18 Q. Okay. And is there a particular proposal or  
19 map that you supported back in that time?

20 A. I'm not sure.

21 Q. Okay. When the -- flashing forward in time  
22 to this present lawsuit, how did you become aware of  
23 the proposed maps for the county commissioners court?

24 A. Actually it was just a few days before the  
25 meeting in November.



1 Q. Okay. And how did you become aware of the  
2 meeting in November?

3 A. I think through an email.

4 Q. All right. And do you remember who sent that  
5 email?

6 A. I'm not sure.

7 Q. All right. Was it part one of the  
8 organizations that you participate in?

9 A. It -- it may have been through the NAACP.

10 Q. Okay. Did you speak with anybody about  
11 attending the meeting -- and I'll just call it the  
12 November 12th meeting; is that fair?

13 A. Yes.

14 Q. Okay. Did you speak with anybody about  
15 attending the November 12th meeting?

16 A. I sent out to probably 50 different people, I  
17 forwarded the email that I had received about the  
18 meeting, place and time.

19 Q. Okay. Did you meet with anybody prior to the  
20 November 12th meeting about redistricting?

21 A. When you say "meet with," what do you mean?

22 Q. That's a great question. Let's just start  
23 with face-to-face meetings, conversations with people  
24 about redistricting.

25 A. I made phone calls, yes.

1 Q. Okay. Were those phone calls to members in  
2 the community or members in organizations that you're a  
3 part of?

4 A. Members of both.

5 Q. Okay. And what was the purpose of those --  
6 those phone calls? Was it to coordinate future  
7 meetings or -- or what was the purpose of the phone  
8 calls?

9 A. To make sure that we would be present in the  
10 meeting.

11 Q. And when you say "the meeting" you mean the  
12 November 12th meeting, correct?

13 A. Correct.

14 Q. Before the November 12th meeting, did you see  
15 both map proposals that would be discussed at that --  
16 at that meeting?

17 A. No.

18 Q. Okay. Did you have an opinion or did you  
19 hear from anybody about which map you would -- would be  
20 the better map?

21 A. I think what I basically heard was that  
22 Stephen Holmes' district was being chopped up into  
23 three different districts, which would take my  
24 representation -- the way I felt would take my  
25 representation away.

1 Q. Okay. Was that for both map proposals or do  
2 you know?

3 A. I'm not sure. I hadn't seen the maps.

4 Q. Okay. And did you ever go online to look at  
5 anything about redistricting on the county website?

6 A. No.

7 Q. Okay. You didn't post any comments or  
8 anything online, correct?

9 A. I don't know. I can't remember.

10 Q. Okay. You attended the November 12th, 2021  
11 meeting; is that correct?

12 A. Yes.

13 Q. And who did you go with?

14 A. Sandra Toussaint, and I'm not sure, it may  
15 have been Linda Alcorn too.

16 Q. Did you guys carpool together?

17 A. Yes.

18 Q. Okay. When did you arrive to the meeting?

19 A. Probably 15 minutes before it started.

20 Q. Okay. Were you able to find parking?

21 A. We had to park in the neighborhood.

22 Q. Okay. And when you said "the neighborhood,"  
23 where -- where was that? Was that within walking  
24 distance?

25 A. About a block away.

1 Q. Okay. And when you attended you were there  
2 for the entirety of the meeting; is that correct?

3 A. Correct.

4 Q. You heard everybody who spoke at that  
5 meeting; is that also correct?

6 A. Correct.

7 Q. All right.

8 A. Um, I can't say, yes, we heard everybody  
9 because we were out in a hallway and the meeting room  
10 was very small, so the majority of the people that were  
11 there were in the hallway, but there was no speaker  
12 system in the hallway. So no, I can't say I heard  
13 everybody that spoke.

14 Q. Are you aware of an overflow room that was  
15 set up for people to go to who couldn't sit in the --  
16 the courtroom?

17 A. Had no idea.

18 Q. Okay. Were you in the -- the courtroom for  
19 the entire meeting?

20 A. No.

21 Q. Okay. Were you in the hallway for part of  
22 the meeting?

23 A. Yes.

24 Q. Okay. Are you aware of anybody who attended  
25 that meeting who wanted to talk who wasn't able to?

1 A. No.

2 MS. OLALDE: Okay.

3 (Witness' phone ringing.)

4 MS. VALL-LLOBERA: I'll take this  
5 opportunity. Angie, we've been going on for about an  
6 hour. Would it make sense to take a break if you are  
7 done with this line of questioning?

8 MS. OLALDE: That's totally fine. We  
9 can take a quick break. How long do you need? Let's  
10 go off the record.

11 THE VIDEOGRAPHER: Okay. Going off  
12 the record, 10:11 a.m.

13 (Off the record.)

14 THE VIDEOGRAPHER: Going back on the  
15 record, 10:26 a.m.

16 Q. (BY MS. OLALDE) All right. Can you hear me,  
17 Mr. Phillips?

18 A. Yes.

19 (Technical/audio issues, Zoom)

20 THE VIDEOGRAPHER: Back on the record,  
21 10:27.

22 Q. (BY MS. OLALDE) Okay. Mr. Phillips, I know  
23 that I had asked earlier about the mission statement  
24 for the Galveston Coalition of -- of Justice. I wanted  
25 to show you what we'll mark as Exhibit 1; it's an

1 article.

2 MS. OLALDE: And, Jordan, this is  
3 Galveston Coalition For Justice endorsements.

4 (Exhibit No. 1 marked.)

5 Q. (BY MS. OLALDE) And, Mr. Phillips, whenever  
6 that article gets in front of you, just take your time  
7 and -- and look at it and let me know when you're  
8 ready.

9 A. Okay.

10 Q. Okay. Mr. Phillips, this article lists some  
11 of the -- the candidates that your coalition had  
12 endorsed; is that correct?

13 A. Correct.

14 Q. Are they all Democrats?

15 A. No.

16 Q. Okay. Who is the Republican in that list?

17 A. Marie Rob.

18 Q. Anybody else?

19 A. Not that I know of.

20 Q. Do you know whether Marie Rob won election  
21 for that cycle?

22 A. I think she did.

23 Q. Okay. If you'll scroll down there's a  
24 comment and it kind of gets into some background on the  
25 Coalition For Justice, and what I wanted to ask you was

1 from the last paragraph of that comment that talks  
2 about the mission statement.

3 A. A. Keep going down.

4 Q. Just let me know when you're ready to, when  
5 you've had a chance to review it.

6 A. Okay.

7 Q. Does that statement, the mission statement  
8 there, does that accurately state the Coalition's  
9 purpose?

10 A. Basically, yes.

11 Q. Okay. Is there anything it's leaving out?

12 A. No.

13 Q. Okay. It does say that it was founded --  
14 it's a Coalition that was founded by Terris Elwood,  
15 Sr.; is that correct or did you found the organization?

16 A. Formerly it was the Galveston County  
17 Coalition For Justice. I want to say in 2014 I was the  
18 president, and Mr. Woods tried to do a coup and take  
19 over the coalition by going to the county and buying  
20 the name Galveston County Coalition For Justice, but  
21 the -- the good Lord had other things in mind and  
22 reminded me that what's in a name, and it wasn't the  
23 name that was doing the work in the community; it was  
24 the individuals. And he began -- the good Lord began  
25 to take my mind and make my mind function, and my mind

1       functioned to what's in a name. So I went to the  
2       county the next day and I bought Galveston Coalition  
3       For Justice, eliminating county, and the membership  
4       stayed with me.

5           Q. Did -- did Mr. Woods and you have different  
6       ideas as to what should -- what the coalition should be  
7       doing?

8           A. No, it had nothing to do with -- our dispute  
9       between us had nothing to with the coalition at all,  
10      but he took it in that direction --

11          Q. Okay.

12          A. -- to try and hurt me.

13          Q. Was your dispute political?

14          A. No.

15          Q. Okay. Is Mr. Wilson a member of the  
16      Galveston Coalition For Justice today?

17          A. No.

18          Q. Are you aware of the time period -- and this  
19      is just a flashing and jumping around on topic so I  
20      apologize, but coming closer to today's time frame --  
21      are you aware of the time period that the county had to  
22      create and enact maps for the 2021 commissioners court?

23          A. Not at all.

24          Q. Okay. Do you have any complaints about the  
25      process that was used to enact the 2021 redistricting



1 map for the county commissioners court?

2 MS. VALL-LLOBERA: Objection, vague.

3 Q. (BY MS. OLALDE) You can answer.

4 A. Certainly.

5 Q. What are those complaints?

6 A. No involvement.

7 Q. Okay. Well, we have the category of no  
8 involvement, but is there any other categories we  
9 should talk about?

10 A. When you're left out of a decision making  
11 process, it's one of those things where I know better  
12 what's best for you than you do, so no. That's the  
13 basic thing; we were left out of the process.

14 Q. Do you feel like you were included in the  
15 process in the 2010, 2011 redistricting cycle?

16 A. They attempted the same thing then.

17 Q. And what to you mean by they attempted the  
18 same thing then?

19 A. Presenting the maps at the last minute.

20 Q. Okay. Are you aware of any community  
21 meetings that were held about the map selections in  
22 2011?

23 A. Not that I can remember back that far.

24 Q. Yeah, it's been a -- it's been a decade,  
25 right?

1 A. Yeah.

2 Q. Yeah. What involvement, if -- if there had  
3 been more time what involvement would you have liked to  
4 have seen with respect to the 2021 commissioners court  
5 redistricting map?

6 A. Why wouldn't they present them far beyond the  
7 time that they're holding the meeting to vote on them?

8 Q. Earlier a time, correct?

9 A. Correct. When -- when -- I know they hire a  
10 company to help draw up the maps, but they give them an  
11 idea of what they want the maps to look like. So why  
12 wouldn't they involve the public in that process so  
13 that it would be a community process that the company  
14 that they hired would be drawing up instead of back to  
15 that I know best what's best for you than you do.

16 Q. Do you know who they hired?

17 A. I have no idea.

18 Q. Do you know if it was an attorney or if it  
19 was a company?

20 A. I have no idea.

21 Q. Okay. You mentioned that and when you said  
22 they you were referring to the county commissioners,  
23 correct?

24 A. Correct.

25 Q. Okay. You said they already knew what they

1 wanted the map to look like. Does that accurately  
2 state your testimony?

3 MS. VALL-LLOBERA: Objection,  
4 misstates prior testimony.

5 MS. OLALDE: You can answer.

6 A. That's not what I said.

7 Q. (BY MS. OLALDE) Can you tell me what it was  
8 you said, what I misunderstood, sir?

9 A. I basically said they left us completely out  
10 of the process.

11 Q. Okay. Do you believe that the commissioners  
12 already knew what they wanted the maps to look like  
13 when they hired someone?

14 A. Of course.

15 Q. Okay.

16 A. Why would they create a map that in 2011 the  
17 courts had said no, that doesn't work, why would you  
18 come back and create almost the same map?

19 Q. Okay. What -- what's the basis for your  
20 belief that they already knew what the map -- what they  
21 wanted the map to look like when they hired a company?

22 A. Kind of -- kind of -- kind of embellish on  
23 what you're asking me.

24 Q. Yeah, let me -- let me rephrase. You had  
25 said that you believed that the commissioners already

1 had in mind what they wanted the map to look like when  
2 they hired a company, and I wanted to know why you  
3 thought that, what -- what facts you have to -- to  
4 support that -- that belief?

5 A. I don't have any facts.

6 Q. Okay. It's just your -- it's just what you  
7 think?

8 A. Of course.

9 Q. Okay. Are you aware of any delay in the  
10 release of the census data in 2020?

11 A. No.

12 Q. -- from -- sorry. Okay. And you're not  
13 aware of any other time constraints that other  
14 jurisdictions had to create redistricting maps from the  
15 2020 data?

16 A. No.

17 Q. Did you or any other person that you -- or  
18 organization that you were working with, did -- did you  
19 create or submit any proposed maps at any time relating  
20 to redistricting in 2021?

21 A. I don't know.

22 Q. Okay. Apart from involvement, were there any  
23 other complaints that you have about the process for  
24 enacting the 2021 map?

25 A. Exactly what are you asking?

1 Q. Sure. And when I say process what I'm  
2 talking about is the procedure that went -- that  
3 occurred in order to get the map enacted. So apart  
4 from your complaint that there was no involvement of  
5 the community in getting the map enacted, was there any  
6 other complaint about the process that you have for the  
7 enactment of the 2021 commissioners court map?

8 A. Yes, being left out of the process.

9 Q. All right. Looking at -- you've seen the map  
10 that's being enacted today, correct?

11 A. Yes.

12 Q. Did you -- sitting here today you've seen the  
13 other alternate map that was proposed; is that also  
14 correct?

15 A. Yes.

16 Q. Okay. And sitting here today do you -- would  
17 you have a preference as to which map you think would  
18 better serve your community or yourself?

19 A. I don't have any -- I don't have any  
20 documentation except for the maps themselves.

21 Q. Okay. Do you believe that the commissioners  
22 intended to discriminate against black and Latino  
23 voters in Galveston County when they enacted this map?

24 MS. VALL-LLOBERA: Objection, calls  
25 for speculation.

1 MS. OLALDE: You can answer.

2 THE WITNESS: Objection, calls for  
3 speculation.

4 A. I would -- I would have no idea what they had  
5 in mind. I can't guess what they had in mind.

6 Q. (BY MS. OLALDE) Okay. Well, what do you  
7 think? What do you believe?

8 A. I believe that the Republican party is  
9 attempting to take over Galveston County.

10 Q. I'm going to turn to another article.

11 MS. OLALDE: And, Jordan, this is --  
12 well, actually before we show this, you were part of a  
13 -- a committee organization to study minority concerns.  
14 It was a long time ago; it was almost 20 years ago, but  
15 do you recall that?

16 A. I would have to see or -- something would  
17 have to jog my memory.

18 Q. Sure. I understand. I would have to have my  
19 memory jogged too for that.

20 MS. OLALDE: Jordan, would you please  
21 pull up Committee to Study Minority Concerns?

22 MS. RASCHKE ELTON: Yes.

23 Q. (BY MS. OLALDE) And once that's article's in  
24 front of you, sir, just take whatever time you need to  
25 review it and let me know when you're ready, okay?

1 A. Okay.

2 (Witness reading document.)

3 Q. (BY MS. OLALDE) Okay. Does this help -- help  
4 you remember this committee that you were part of to  
5 study minority concerns?

6 A. Partially.

7 Q. Okay. Was this just for the City of  
8 Galveston or was it a broader scope?

9 A. I think it was just the City of Galveston.

10 Q. And do you remember what your participation  
11 in this committee was? Was it limited to a certain  
12 area?

13 A. No, I don't think so.

14 Q. And when I said area I didn't -- I didn't  
15 necessarily mean geography. I was thinking about maybe  
16 topic or -- or part of the government or anything like  
17 that?

18 A. I don't think so.

19 Q. Okay. Did you do, coordinate or -- or talk  
20 with the other members of this community that are  
21 listed in this article about your role, your -- your  
22 work?

23 A. Some I do remember conversations.

24 Q. Okay. Do you remember who those persons  
25 were?

1           A.    The mayor for one, Lyda Ann Thomas, and then  
2 Miguel Aleman.  Scroll down to the names again.  Rabbi  
3 Kessler and Elise Stevens.

4           Q.    Okay.  Did you work with these individuals in  
5 the study that you -- that your committee was -- was  
6 performing?

7           A.    What -- what do you mean?

8           Q.    What kind of work did you guys do?  Like how  
9 did you go about -- how did you go about completing the  
10 task that this committee was assigned?

11          A.    I really can't remember.

12          Q.    Okay.  That's fair, but you agree that it was  
13 a good idea to have this committee, correct?

14          A.    Yes.

15                   MS. OLALDE:  Okay.  Jordan, let's pull  
16 up the next article, starting with "Committee finds."

17          Q.    (BY MS. OLALDE) And again, once you've had a  
18 chance to review it, just let me know when you're  
19 ready.

20                   (Witness reading document.)

21          A.    Okay.

22          Q.    (BY MS. OLALDE) Okay.  So the committee that  
23 you were a part of, is -- it's true that that committee  
24 found no patterns of discrimination; is that correct?

25          A.    No, that's not what that said.



1 Q. Okay. Well, let me break that down a little  
2 bit. It's true that the subcommittee that you lead --  
3 and I'm looking at paragraph 4, the one that starts  
4 with, "The report that Tillman submitted"; do you see  
5 that?

6 A. Yes.

7 Q. Okay. So is it true that the subcommittee  
8 that you led found no patterns of discrimination in the  
9 enforcement and current policies governing substandard  
10 buildings and code enforcement in minority areas?

11 A. That's not what that says. It said that --  
12 that says that we submitted no written documentation.

13 Q. Uh-huh?

14 A. And the rest of that was there by Tillman was  
15 his supposition of what was produced.

16 Q. Do you contradict that statement? Do you  
17 think there was a pattern? Was this article incorrect?

18 A. What year was this?

19 Q. This is 2006.

20 A. Yes.

21 Q. Okay. Tell me how this article is incorrect?

22 A. For years there was a pattern of how African  
23 Americans in Galveston were treated -- African  
24 Americans and Hispanics were treated compared to  
25 Anglos. It wasn't, we didn't come up with conclusive

1 | evidence until after Ike, when Chief Wiley was the  
2 | police chief. In a -- I was on -- oh, I got it here in  
3 | my pocket, the police civilian review board. And he  
4 | made a statement because we wanted to find out why  
5 | there were so many tickets and arrests that were made  
6 | of African Americans between 25th and 53rd, between  
7 | Avenue O and Church. And his explanation was that his  
8 | new officers had to get trained some kind of a way.  
9 | Well, to us that meant conclusively that African  
10 | Americans were being targeted because the majority of  
11 | the population in those demographics was African  
12 | Americans and Hispanics.

13 | Q. Okay. While you were answering you said that  
14 | you had answer in your pocket. Was there a paper or  
15 | something that you wanted --

16 | A. No, no. I was trying to remember what board  
17 | I was on, and it was the Civilian Review Board.

18 | Q. -- okay. You had notes that you were going  
19 | to look at though to refresh your memory?

20 | A. No, I have a -- an ID.

21 | Q. Oh, okay.

22 | A. And I just wanted to get the name of the  
23 | board right.

24 | Q. Oh, okay. Are you still on the Civilian  
25 | Review Board?

1 A. No.

2 Q. When did you cease service with the Civilian  
3 Review Board?

4 A. Probably three years ago.

5 Q. How long was the Civilian Review Board in --  
6 in place?

7 A. I'm not exactly sure.

8 Q. And your -- your testimony about Officer  
9 Wiley, do you know when the Civilian Review Board was  
10 first formed?

11 A. I'm not exactly sure. I want to say around  
12 2010.

13 Q. And the purpose of the Civilian Review Board  
14 was specifically to oversee police conduct; is that  
15 correct?

16 A. Correct.

17 Q. And going back to the committee from 2006 and  
18 that article, your work with that committee, your  
19 subcommittee on the committee of minority concerns  
20 produced no report of any pattern of discrimination  
21 with respect to building code violations or tickets; is  
22 that correct?

23 A. Repeat that again?

24 Q. Sure. You -- well, your understanding, and  
25 it's true, correct, that your subcommittee produced no

1 report of any pattern of discrimination against  
2 minorities with respect to policies governing  
3 substandard buildings and code enforcement, correct?

4 A. Because there were no paperwork doesn't mean  
5 it didn't happen.

6 Q. Did you report any pattern as a member of the  
7 committee -- committee on minority concerns, did you  
8 report any pattern of discrimination?

9 A. When you say report, report it to who?

10 Q. Well, who did the committee report to?

11 A. This was a committee formed by the mayor.

12 Q. Correct. Is it the mayor that you would have  
13 reported to or city council?

14 A. I'm not sure.

15 Q. And -- well, in your membership on this  
16 committee, did you ever tell anybody that as a result  
17 of your service on the committee that you found any  
18 pattern of discrimination against minorities?

19 A. I -- I just expressed what was going on and  
20 that would have been exactly what would -- what -- that  
21 was prior to the Civilian Review Board going into  
22 place.

23 Q. Okay. And -- and I don't -- I don't want to,  
24 you know, go too much further into this, but just to --  
25 to clarify, your work with the committee -- committee

1 on minority concerns was with respect to policies on  
2 building codes, correct? It wasn't with respect to  
3 lease practices?

4 A. Correct.

5 Q. Okay. And your work on that committee found  
6 or you never told anybody that you ever found any  
7 pattern of discrimination against minorities, correct?

8 MS. VALL-LLOBERA: Objection, asked  
9 and answered.

10 Q. (BY MS. OLALDE) You can answer.

11 A. Not that I can remember.

12 Q. Okay. Do you know who Doug Matthews is?

13 A. Yes.

14 Q. Who is he?

15 A. He used to be the city manager.

16 Q. Okay. Do you have an opinion of Doug  
17 Matthews?

18 A. I think that's personal.

19 Q. Fair enough. Do you believe that he -- he  
20 does good work or he did good work as city manager?

21 MS. VALL-LLOBERA: Objection, vague.

22 A. You waiting on me?

23 MS. VALL-LLOBERA: You can answer if  
24 you understand the question.

25 A. Oh, evidently. He was a city manager for 11

1 years.

2 Q. (BY MS. OLALDE) Okay. And if his  
3 subcommittee didn't find a pattern of harassment or  
4 discrimination against minorities with respect to  
5 Galveston City Police, would you have any reason to  
6 dispute that finding in 2006?

7 A. Me personally?

8 Q. Yes.

9 A. Repeat that question.

10 Q. Sure. The police subcommittee on the  
11 Committee of Minority Concerns was headed by Doug  
12 Matthews, and if his subcommittee found no pattern of  
13 harassment or discrimination against minorities by the  
14 Galveston PD, would have any reason to dispute that  
15 finding in 2006?

16 A. 2006 was a long time ago.

17 Q. Right.

18 A. I -- I -- my thought pattern doesn't go back  
19 that far.

20 Q. That's fair, fair enough. I understand. We  
21 can move on.

22 MS. OLALDE: Jordan, would you please  
23 pull up the article that begins, "What a way to begin"?

24 (Counsel complying.)

25 Q. (BY MS. OLALDE) And again, just whenever

1 you've a had a chance to review it, just let me know  
2 whenever you're ready, sir.

3 A. Okay.

4 Q. Okay. This is an opinion piece that you  
5 wrote for the Galveston Daily News; is that correct?

6 A. Correct.

7 Q. And the title is "What a way to begin Black  
8 History Month"; did I read that correctly?

9 A. Yes.

10 Q. What was the purpose of you writing this  
11 article?

12 A. We had an opportunity to get a bronze statue  
13 of Jack Johnson placed on the property of Old Central,  
14 and the thought in writing the article was, it's about  
15 time that we begin to recognize some of the things that  
16 African Americans had contributed to Galveston and were  
17 just not featured before.

18 Q. Do you know who spearheaded the project to  
19 get the statue erected?

20 A. It was an effort by quite a few. Mr. Woods,  
21 Mr. Matthews, Ennis Williams, myself, Maggie Williams,  
22 just quite a few of the -- the community leaders that  
23 could see that our representation on Galveston Island  
24 was far and in between.

25 Q. Okay. Are you aware whether the statue of

1 Jack Johnson was the first of its kind in Texas,  
2 meaning the statute of an African American sports icon?

3 A. I'm -- I'm not sure about that.

4 Q. Okay. And it's true that the African  
5 American Heritage Committee and the Galveston  
6 Historical Foundation assisted in getting this statute  
7 erected?

8 A. The African American Heritage Committee and  
9 the Historical Foundation and the City of Galveston  
10 were the major players.

11 Q. Is it true that at some point there were two  
12 statutes or there's still two statutes of Jack Johnson?

13 A. The -- there's only one bronze statute of  
14 Jack Johnson. The other is the carving of a tree  
15 that's on the Galveston Housing Authority property.

16 Q. Okay. Was that a tree -- tree stump after  
17 Ike?

18 A. Correct.

19 MS. OLALDE: Okay. And, Jordan, we  
20 can move on to another article that starts out with  
21 "Galveston Grocery Store."

22 (Witness reading document.)

23 MS. VALL-LLOBERA: Ms. Olalde, are you  
24 asking about the comments as well? Should we review  
25 those at this time?



1 MS. OLALDE: No, I try to ignore the  
2 comments in newspaper articles for the most part.

3 MS. VALL-LLOBERA: Thank you.

4 A. Okay.

5 Q. (BY MS. OLALDE) Okay. Do you recall seeing  
6 this article, sir?

7 A. Yeah, yeah.

8 Q. Okay. And you're quoted in it, right?

9 A. Correct.

10 Q. Okay. Can you tell me what the issue was  
11 that this article was trying to capture?

12 A. I can't tell you how it came about, I mean,  
13 what their thinking was.

14 Q. Okay. But it was about a mural that had been  
15 painted on the side of a grocery store in Galveston; is  
16 that correct?

17 A. Correct.

18 Q. And the mural depicted a scene from -- or  
19 scenes from the movies -- the Planet of the Apes  
20 movies?

21 A. Correct.

22 Q. And in the article -- or actually not just in  
23 the article -- are you aware that some people found  
24 that to be discriminatory against African Americans?

25 A. Yes.

1 Q. Did you agree with that?

2 A. No.

3 Q. Can you tell me why?

4 A. I don't look like an ape.

5 Q. No, that's exactly -- and let's get to the  
6 quote that you had on page 3 of the article, and it's  
7 paragraphs 1, 2, 3, the first four full paragraphs on  
8 that page.

9 A. Yeah.

10 Q. You didn't find any racism in the mural; is  
11 that correct?

12 A. No.

13 Q. And I guess what I did want to ask was, you  
14 had mentioned in this article that there are greater  
15 problems, there are bigger problems than a mural that  
16 people should be spending their time and energy on.  
17 What were some of those problems that you were -- that  
18 you were referencing in -- in that quote?

19 A. Not too long before that there was a young  
20 man depicted with his hands tied behind him and walking  
21 between two horses, and police officers were on the  
22 horses. This happened not too long I think after that.  
23 I live around the corner from this store and I saw the  
24 beginning of the mural going up, and I paid it little  
25 to no attention.

1                   When the mural was finished, about a  
2 week later Mr. Gillings took it upon himself to project  
3 his objection and to say that it was racist. Well,  
4 I've seen the Planet of the Apes movie three times, and  
5 what I get from the Planet of the Apes movie every time  
6 is at the end the apes get the guns and kill everybody  
7 else. So how can it be so racially motivated, and they  
8 took it to the extreme that racist Anglos called  
9 African Americans apes? I -- I -- I just -- I couldn't  
10 tie the two ends together. And the story about Neely  
11 on the horse, I think that only added fire to it where  
12 in Neely's case it should have been mental health, and  
13 in this case it should have been, dog, that's a good  
14 mural because it actually looked like the scenes of the  
15 movie.

16           Q. Do you know whether the mural was changed or  
17 removed after this article was published?

18           A. No, it wasn't.

19                   MS. OLALDE: Okay. Jordan would you  
20 pull up the next article, "New video released"?

21                           (Counsel complying.)

22           Q. (BY MS. OLALDE) And I'll just represent to  
23 you that this is an article about Mr. Neely's arrest  
24 that you were just discussing. I'll give you the  
25 chance to -- to look through it, and just let me know

1 when you're ready.

2 (Witness reading document.)

3 A. Okay.

4 Q. (BY MS. OLALDE) Mr. Phillips, were you a  
5 member of the Civilian Review Board when Mr. Neely was  
6 arrested?

7 A. No.

8 Q. Okay. Was the Civilian Review Board still in  
9 place whenever he was arrested; do you know?

10 A. I'm not sure.

11 Q. Okay. You were quoted in this article,  
12 correct?

13 A. Correct.

14 Q. You believe that Mr. Neely should have been  
15 treated for mental health issues, not arrested; is that  
16 true?

17 A. Correct.

18 Q. On the last page of this article at the very  
19 top you're quoted as saying or you're -- it's  
20 represented that you said that you wanted to see  
21 whether the officers -- officers violated policy before  
22 deciding whether you think the officers should be  
23 punished. Was that -- is that an -- an accurate  
24 reflection of what you had thought at the time?

25 A. Sure.

1 Q. Okay. Do you think that they violated policy  
2 whenever they did this?

3 A. What I thought was you can't -- you can't do  
4 a rush to judgment. You actually have to find out the  
5 facts. I can't say they violated policy because both  
6 of the officers were new to the mounted police. The  
7 mounted police normally would be used during Mardi  
8 Gras. The method that they used was the method that,  
9 during Mardi Gras, that they would maneuver people that  
10 were in custody to the police holding area in that  
11 manner, and it would be for not only the individual's  
12 safety but for the officers' safety, because you're  
13 going through a crowd and they see the horses coming  
14 and they open up and let you through. These officers  
15 were new, and after finding out all of the if, ands, or  
16 buts, like the police chief said they just made a  
17 stupid mistake. And it would -- it was captured on a  
18 picture, and a rush to judgment happened where nobody  
19 considered that this was the seventh time he had been  
20 arrested in the same place, and he was being arrested  
21 now because he had gone from just a place to lay his  
22 head at night because he was homeless, to him  
23 defecating right there on their porch of the parks  
24 board. So in lieu of finding out all of the evidence,  
25 what punishment should you give the police officers

1 when they're following the only procedure that they  
2 knew because they were new? So what was your question?

3 Q. Oh, goodness. No worries, I appreciate that.  
4 Do you know whether the police chief implemented new  
5 policies or training after this incident?

6 A. Yes.

7 Q. What did they do?

8 A. I'm not sure, but there was a committee  
9 formed and they came up with new policies. He -- as a  
10 matter of fact it -- it -- it -- it enhanced what he  
11 was already doing with revamping policies.

12 Q. And it's also true that that is not  
13 Mr. Wiley, correct? He's no longer with the Galveston  
14 PD?

15 A. That wasn't Wiley. That was Chief Hale.

16 Q. Right.

17 MS. OLALDE: Jordan, would you mind  
18 putting up the next article, which is, will be Exhibit  
19 7, and it starts with, "There's another story."

20 (Exhibit No. 7 marked.)

21 (Counsel complying.)

22 (Witness reading document.)

23 A. Okay.

24 Q. (BY MS. OLALDE) And again, I'm not going to  
25 talk about the comments, just to -- just to be -- have

1 you seen this article before, sir?

2 A. I think I read it.

3 Q. Do you know Eddie Janek, Sr.?

4 A. Yes.

5 Q. Okay. And this article is about the statue  
6 that was constructed --

7 (Parties speaking simultaneously.)

8 A. In front of the courthouse.

9 Q. -- United Confederacy; is that correct?

10 A. Correct.

11 Q. Did Mr. Janek talk to you about cleaning that  
12 statue up?

13 A. Yes.

14 Q. And at the time you had agreed that -- you  
15 had agreed with him, with the proposition that it  
16 should be cleaned up?

17 A. Certainly.

18 Q. Okay. And what did you mean when you said,  
19 "I'll make sure no one fools with the statute"?

20 A. I think what I meant by that was that I would  
21 use all the influence that I had to keep anybody from  
22 messing with the statue.

23 Q. Okay. Did you agree with people who wanted  
24 to take down the statute?

25 A. 50/50.

1 MS. OLALDE: Okay. Jordan, we can go  
2 to the next exhibit. It'll be Exhibit 8 and it starts  
3 with "Rumor mongers."

4 (Exhibit No. 8 marked.)

5 (Witness reading.)

6 A. Okay.

7 Q. (BY MS. OLALDE) Do you know what the rumor  
8 was that was circulating about the mayor?

9 A. That he was racist.

10 Q. Do you know why that rumor was going around?

11 A. I have no idea.

12 Q. Okay. Do you know who was repeating the  
13 rumor?

14 A. I have no idea.

15 Q. Okay. So what prompted you to -- to write  
16 the article?

17 A. Because it came to my attention that the  
18 rumor was out there.

19 Q. Okay. And obviously you don't believe that  
20 Mayor Craig Brown or his wife are racist, correct?

21 A. No.

22 Q. Do you believe that any mayor in the city of  
23 Galveston in your experience is -- was racist or is  
24 racist?

25 MS. VALL-LLOBERA: Objection, broad.



1 MS. OLALDE: Let's just limit it to --  
2 let me ask about Mayor Rosen.

3 Q. (BY MS. OLALDE) Do you believe Mayor Rosen  
4 was racist?

5 A. Things that people do may seem, may put them  
6 in one light; and then after your begin to interact  
7 with that individual, they become in another light. So  
8 in the beginning that tone of racism was there because  
9 he was elected during a time when there was a fight for  
10 public housing, and he was elected only on the basis  
11 that he was not going to allow public housing to be  
12 rebuilt. And that was -- that had racial overtones  
13 because the -- 70 percent of the people who lived in  
14 the public housing were minorities.

15 Q. Do you -- do you know what his alternate plan  
16 was if he wasn't going to support reconstructing public  
17 housing?

18 A. They didn't have one.

19 Q. Do you remember anything about, like,  
20 vouchers or anything for rent?

21 A. That would have taken the majority of the  
22 individuals in public housing off of the island.

23 Q. There -- was there -- there just wasn't  
24 enough rental opportunity or availability on the  
25 island?

1 A. No.

2 Q. Okay. At any point did your opinion of -- of  
3 Mayor Rosen change?

4 A. Yes.

5 Q. Can you tell me when that was and why?

6 A. Like I said, you know, you get to meet  
7 somebody face to face and begin to communicate with  
8 them for a period of time, and you can see that your  
9 first opinion was not the -- the best light to have  
10 them in.

11 Q. So why did your opinion change about Mayor  
12 Rosen?

13 A. Mayor Rosen, city attorney, I think one of  
14 the city councilmen, the president of the board who was  
15 Buddy Hurst -- we were in his office -- all were  
16 against public housing being rebuilt, and they were  
17 summoned to Washington. When they came back they had a  
18 totally different opinion of, I can't say they had a  
19 total of -- difference in opinion about public housing,  
20 but what they had was a totally different opinion about  
21 what they could do when they were informed that there  
22 was only one pocketbook and the federal government had  
23 that, so grants from the police department, fire  
24 department, city departments would no longer be freely  
25 given to Galveston. So in other words, instead of you

1 being at the top of the stack to get grants, you all of  
2 a sudden went to the bottom of the pile. You know when  
3 you get to the bottom of the pile the money's running  
4 out. So they came back with a completely different  
5 opinion and it became, okay. Let's figure out what to  
6 do.

7 Q. How did that change your opinion of Mayor  
8 Rosen though?

9 A. It didn't change right away. It -- it -- it  
10 changed through various conversations with him and  
11 interactions with him and interactions with his wife  
12 Fidel. You know, you -- you can't judge a book by the  
13 cover. You have to open the book and read the story.

14 Q. Sitting here today you don't think Mayor  
15 Rosen or his wife are racist?

16 A. Good people.

17 MS. OLALDE: Okay. Jordan, would you  
18 pull up the next article, please? It'll be Exhibit 9,  
19 and it starts with "Police attack."

20 (Exhibit No. 9 marked.)

21 (Witness reading.)

22 A. Okay.

23 Q. (BY MS. OLALDE) Okay. And I know this is an  
24 article you had written back in 2008, correct?

25 A. Correct.

1 Q. Okay. The community was asking for a  
2 Civilian Review Board to review incidents with the  
3 Galveston City Police; is that correct?

4 A. Correct.

5 Q. Was that a unanimous -- all right, I guess,  
6 let -- let me go back. The Galveston Municipal Police  
7 Association, what was this statement that they had made  
8 against Mr. Woods; do you remember?

9 A. I'm not sure.

10 Q. Okay. The second page of the article, the  
11 last part of that first paragraph, it didn't identify  
12 who the speaker was, but the -- the reported statement  
13 is, "If Terrace Woods is going to be a rogue counsel  
14 member and anti police, it wouldn't take a whole lot to  
15 do a recall election"; did I read that correctly?

16 MS. VALL-LLOBERA: I'm sorry, Angie --  
17 Ms. Olalde, we're on the wrong page.

18 THE DEPONENT: Oh, here it is.

19 MS. VALL-LLOBERA: If you could  
20 restate.

21 MS. OLALDE: Oh, I'm sorry. It's on  
22 the second page, I apologize.

23 A. I didn't -- I don't understand what that  
24 meant. I don't understand what was going on then.

25 Q. (BY MS. OLALDE) Okay. But you didn't believe

1 that Mr. Woods was anti police, correct?

2 A. No.

3 Q. And you didn't believe that the Civilian  
4 Review Board was a racial issue either, did you?

5 A. No.

6 MS. OLALDE: Okay. You can move on.  
7 Go to Exhibit 10, and it's a -- an article that starts  
8 with "Meeting to mull."

9 (Exhibit No. 10 marked.)

10 (Witness reading.)

11 A. Okay.

12 Q. (BY MS. OLALDE) Is it true that you did not  
13 believe that police brutality was an agency-wide  
14 problem in Galveston?

15 A. No.

16 Q. That's not true or you didn't?

17 A. I didn't believe it.

18 Q. Okay. And do you believe that Police Chief  
19 Mack appropriately responded to concerns that were  
20 brought up by the community about police brutality?

21 A. No.

22 Q. Okay. Can you tell me why?

23 A. No actions were taken.

24 Q. Do you know whether there was any training or  
25 discipline?

1 A. Not that I know of.

2 Q. Okay. If you turn to the second page of the  
3 article.

4 MS. VALL-LLOBERA: The second page of  
5 what? I'm sorry, Counsel.

6 MS. OLALDE: -- sorry, the second page  
7 of that exhibit.

8 Q. (BY MS. OLALDE) Down at the very bottom  
9 you're quoted as saying, "This is not a color thing.  
10 Police brutality is an issue that affects everyone";  
11 did I read that correctly?

12 A. Yeah.

13 Q. All right. And you stand by that today,  
14 correct?

15 A. Yes.

16 Q. Okay. Did you go to a meeting in 2007 with  
17 activist Quanell X and members of the New Black Panther  
18 Nation; is that correct?

19 A. Yes, I brought him to Galveston.

20 Q. Okay. Did members of the New Black Panther  
21 Nation come to any other meetings in Galveston --

22 A. No.

23 Q. Okay. Are you associated with the New  
24 Black Panther Nation?

25 A. No.

1 THE REPORTER: Was somebody  
2 complaining? Oh, okay. Never mind. Sorry, Counsel.

3 MS. OLALDE: Sorry.

4 Q. (BY MS. OLALDE) Okay. We can take a quick  
5 break on articles and just go back to some questions.

6 You said that you know Commissioner  
7 Holmes. When did you meet -- first meet Commissioner  
8 Holmes?

9 A. Oh, my goodness. That's a good question. I  
10 can't really pinpoint. I would have to say in early  
11 2000s.

12 Q. Okay. How did you --

13 A. 2001, '02, '03, something like that.

14 Q. Okay. How did you -- how did you meet him?  
15 Do you recall?

16 A. A gentleman by the name of Craig Bowie and  
17 myself had created a school of entrepreneurship, and I  
18 think at one point we had him to come and speak to the  
19 class, and I -- I want to say that was around the first  
20 time that I had met Stephen.

21 Q. Okay. And is -- is he somebody that you --  
22 you had mentioned earlier that he's somebody that you  
23 interact with on a pretty regular basis; is that true?

24 A. Yes.

25 Q. And you might be on the same emails, you

1 might email back and forth?

2 A. No.

3 Q. Not at all?

4 A. No.

5 Q. Okay. All right. And you'd mentioned that  
6 you've never met Commissioner Giusti; is that correct?

7 A. Correct.

8 Q. Now is it also fair to say that you've never  
9 reached out to Commissioner Giusti?

10 A. Correct.

11 Q. Do you know Darrell Apffel?

12 A. No.

13 Q. Okay. And is it also fair to say that you've  
14 never reached out to Darrell Apffel to have any  
15 conversations or for any issues?

16 A. No.

17 Q. Okay. And I wanted to circle back on the --  
18 the commissioner precinct that you currently live in,  
19 is it 2 or 3 or do you recall?

20 A. Whichever one Stephen Holmes was. I have no  
21 idea now.

22 Q. Okay. You don't know who your current  
23 commissioner is?

24 A. No.

25 Q. Do you intend to vote in the next county



1 commissioner election?

2 A. Yes.

3 Q. Okay. Do you have any idea of who you would  
4 support?

5 A. Stephen Holmes.

6 Q. And if he's not running in your district?

7 MS. VALL-LLOBERA: Objection,  
8 hypothetical.

9 Q. (BY MS. OLALDE) You can answer.

10 A. I have no idea.

11 Q. Would you support a Democrat over a  
12 Republican at the next election?

13 MS. VALL-LLOBERA: Objection,  
14 hypothetical.

15 Q. (BY MS. OLALDE) You can answer.

16 A. Certainly.

17 Q. Okay. Do you -- and this might not be, this  
18 might just be something that -- that you don't have an  
19 opinion on, but in this lawsuit, since you're a  
20 plaintiff, do you know exactly what it is you're asking  
21 the judge or the jury to do?

22 A. Basically --

23 MS. VALL-LLOBERA: Objection,  
24 confusing.

25 Q. (BY MS. OLALDE) You can answer.

1           A.    -- basically to allow the previous district  
2 lines to be recreated with minor adjustments.

3           Q.    Okay.  At the November 12th, 2021 meeting, do  
4 you know whether Commissioner Holmes had any alternate  
5 maps with him that day?

6           A.    I'm not sure.

7           Q.    Okay.  Had you ever seen any alternate map  
8 proposals from Commissioner Holmes?

9           A.    Not from Commissioner Holmes.

10          Q.    Who have you seen alternate map proposals  
11 from?

12          A.    My attorneys.

13          Q.    Okay.  And I don't -- again, I don't want to  
14 hear anything about what you've discussed with your  
15 counsel.  Let's see.  At the November 12th, 2021  
16 meeting there were individuals in the audience who had  
17 signs; is that correct?

18          A.    Yes.

19          Q.    Do you remember a sign that said "Politicians  
20 picking voters"?

21          A.    Not in particular.

22          Q.    Do you agree with that sentiment that one of  
23 the objections of -- from the community that  
24 politicians were picking voters?

25          A.    I don't even know what that means.

1 Q. It's fair. It wasn't your sign, right?

2 A. No.

3 Q. Did you have a sign when you were there?

4 A. No.

5 Q. Sorry, I just want to make sure I'm not  
6 repeating any of my questions, so I just want to take a  
7 quick second and look at my notes.

8 A. You're okay.

9 Q. Did you ever have any involvement with the  
10 park board?

11 A. Yes.

12 Q. What was that involvement?

13 A. I was on an advisory committee to the  
14 Galveston Parks Board.

15 Q. When was that?

16 A. I can't put my finger on what years.

17 Q. Okay. And what was the advisory committee  
18 for? What were you advising on?

19 A. We were assigned with giving our opinion on  
20 how things were affecting our communities.

21 Q. Okay. And -- and can you give me an example  
22 of some of the things that you were advising on that  
23 would affect your community?

24 A. MLK, Juneteenth, Cinco De Mayo, St.  
25 Patrick's Day, Mardi Gras, just everything and the

1 effects that it was having on our community; it gave us  
2 a voice.

3 Q. Okay. Do you feel like your recommendations  
4 were listened to?

5 A. A lot of them, yes.

6 Q. Okay. Were you ever part of a Galveston  
7 ethics commission?

8 A. I wasn't a part of; I had an ethics  
9 complaint.

10 Q. What was your ethics complaint?

11 A. That one of the city council people were  
12 voting on issues that, by the ethics committee, by the  
13 City charter rules, he shouldn't have been voting on.

14 Q. Oh, that was Mr. Woods, wasn't it?

15 A. No.

16 Q. Who was it, do you remember?

17 A. Oh, Jesus.

18 Q. If you don't remember, it's okay.

19 A. Bolton-Legg.

20 Q. I'm sorry?

21 A. Bolton-Legg.

22 Q. And their first name?

23 A. That's what I can't remember.

24 Q. That's okay. Do you know if your complaint  
25 was listened to?

1           A.    Yes, it was the first time that an ethics  
2 complaint had gone past the first stage.

3           Q.    Okay.  You've been obviously, you know,  
4 having grown up Galveston you're very familiar with the  
5 beach there, correct?

6           A.    Correct.

7           Q.    There's issues with erosion and having to  
8 re-nourish the beach, is that also correct?

9           A.    Yes.

10          Q.    Do you know if those issues are also present  
11 on Bolivar Peninsula?

12          A.    Probably.

13          Q.    Okay.  Are you very familiar with Bolivar at  
14 all?

15          A.    No.

16          Q.    Okay.  Are you very familiar with issues on  
17 the mainland?

18          A.    No.

19          Q.    Okay.  So it's fair that your knowledge is --  
20 is pretty central to Galveston Island?

21          A.    Correct.

22          Q.    Okay.  Do you know about how many people  
23 attended the November 12th hearing?

24          A.    I'm not sure.  I knew there was a lot of  
25 people.

1 Q. Okay. Switching gears just a little bit,  
2 with respect to this lawsuit -- and I don't want to  
3 hear about any conversations that you may have had with  
4 your attorneys -- but how did you come to be involved  
5 in this lawsuit?

6 A. I was asked did I want to be a part of it.

7 Q. And who asked you that?

8 A. I can't even remember.

9 Q. Okay. Do you know -- you don't know if it  
10 was an attorney or maybe somebody from community?

11 A. I can't remember.

12 Q. That's fair. Do you know when that occurred?

13 A. Maybe a couple of months after the November  
14 meeting.

15 Q. Okay. And did you have any conversations  
16 with anybody else about potentially joining the  
17 lawsuit?

18 A. No.

19 Q. Okay. Do you know of anybody else who had  
20 reached out about joining the lawsuit?

21 A. No.

22 Q. Did you contact the DOJ about redistricting  
23 in 2021?

24 A. Personally?

25 Q. Yes, sir.

1 A. No.

2 Q. How about on behalf of any organization?

3 A. I'm not sure.

4 Q. Okay. All right.

5 MS. OLALDE: Let me look back at a  
6 couple of exhibits, and, Counsel, I'll be switching  
7 gears with the next line of questioning. So if you  
8 need to take a break now's a good time. Otherwise we  
9 can keep going?

10 MS. VALL-LLOBERA: Let -- let me ask  
11 -- maybe we should take a short break, maybe five  
12 minutes.

13 THE VIDEOGRAPHER: Going off the  
14 record, 11:52.

15 (Off the record.)

16 THE VIDEOGRAPHER: Going back on the  
17 record, 12:10 p.m.

18 Q. (BY MS. OLALDE) Great. All right.  
19 Mr. Phillips, I'm going to show you the next exhibit.

20 MS. OLALDE: And, Jordan, that's No.  
21 21-A.

22 (Exhibit No. 21-A marked.)

23 (Witness looking through document.)

24 Q. (BY MS. OLALDE) Just let me know once you've  
25 had a chance to -- to look at the document. Oh, I'm

1       sorry. Let's see, yeah. Okay. And my -- my first  
2       question is going to be, have you seen this before?

3             A.     I'm not sure.

4             Q.     Okay. But you did receive this in your email  
5       as it's indicated at the very top of that exhibit?

6             A.     Yes.

7             Q.     Okay. And who is Chula?

8             A.     Who?

9             Q.     Chula. It looks like the person who sent you  
10       the --

11            A.     Chula. Chula Sanchez.

12            Q.     -- okay. And it looks like Chula was  
13       reaching out to you for your opinion on the proposed  
14       maps; is that correct?

15            A.     I think so.

16            Q.     All right. Were you ever able to connect  
17       with Chula or anybody else to share your opinions?

18            A.     No.

19            Q.     Okay. Did anybody host a public forum on the  
20       changes like she asked in the email?

21            A.     Not that I know of.

22            Q.     Okay. But you didn't -- you certainly  
23       weren't part of anything like that?

24            A.     No.

25            Q.     Okay. If you go down to the original email



1 at the very bottom of that document, it looks like Mary  
2 Patrick sent an email about the redistricting maps.

3 Did you ever click on that link that's in that email?

4 A. I'm not even sure.

5 Q. No problem. And the -- the kind of toward  
6 the middle of her -- the body of her email, she says  
7 Map 1 and Map 2; do you see that?

8 A. Yes.

9 Q. And it's -- the Map 1 it says "remove Bolivar  
10 from the map" and Map 2 it says "eliminate the map";  
11 did I read that correctly?

12 A. That's what I'm looking at.

13 Q. Did you take that to mean those were the  
14 recommendations that the feedback on those maps should  
15 be to remove Bolivar from Map 1 and to eliminate Map 2?

16 A. I don't even remember the email.

17 Q. Okay. Do you -- but you don't remember that  
18 commentary about those maps either?

19 A. I don't remember the email at all.

20 Q. Okay. Well, even outside of the email, do  
21 you remember anybody talking about their specific  
22 criticisms of these two maps?

23 A. The only criticism that I know of about the  
24 maps is once we found out it was eliminating Stephen's  
25 district, that we were totally against that.

1 Q. Okay. Do you have any opinion as to whether  
2 the comments in this email about Map 1 and Map 2 would  
3 be okay under the current law?

4 MS. VALL-LLOBERA: Objection, asks for  
5 a legal conclusion.

6 Q. (BY MS. OLALDE) You can answer. It's really  
7 just if you have any opinion.

8 A. I mean, I don't even know what Map 2 means  
9 when they say eliminate the map.

10 Q. That's fair. We can move on.

11 MS. OLALDE: Jordan, if we can pull up  
12 the next exhibit, it will be No. 27.

13 (Exhibit No. 27 marked.)

14 (Counsel complies.)

15 Q. (BY MS. OLALDE) And just let me know when  
16 you've had a chance to look at it.

17 A. Okay.

18 Q. Does this exhibit help refresh your memory  
19 about whether you placed a phone call to the DOJ about  
20 the 2021 commissioners court redistricting?

21 A. No.

22 Q. It doesn't, okay. Well, let's look at the  
23 second page and it -- it shows itself to be a  
24 transcript of a voice mail message; do you see that?

25 MS. VALL-LLOBERA: Excuse me, this

1 exhibit only has one page.

2 MS. OLALDE: Well, that's not good.  
3 Jordan, let me send you -- actually, let me see if I  
4 can drop my copy into the chat and if we can replace  
5 that exhibit with what I'm looking at. I apologize,  
6 that's my fault. Once you've had a chance to look at  
7 the second page of this exhibit, just let me know.

8 (Witness looking through document.)

9 MS. VALL-LLOBERA: This is what was  
10 missing from the other version.

11 THE WITNESS: Which is nothing.

12 Q. (BY MS. OLALDE) Okay. I apologize because  
13 the first time I asked you about this you didn't have  
14 the -- the transcription in front of you, but now does  
15 this refresh your memory about whether you placed a  
16 phone call to the DOJ?

17 A. No.

18 Q. I mean, it's a pretty short message, right?

19 A. From what I'm reading, yes.

20 Q. Do you have any reason to dispute that you  
21 placed a phone call to the DOJ, that it contained  
22 this -- this text?

23 A. I have no idea.

24 Q. Fair enough. Well, is it true that you were,  
25 you are totally against the lines that were drawn in

1 the state of Texas?

2 MS. VALL-LLOBERA: Objection,  
3 mischaracterizes prior testimony.

4 Q. (BY MS. OLALDE) You can answer.

5 A. I don't know anything about a map for the  
6 State of Texas.

7 Q. Okay. And that was going to be my question,  
8 if you look at the -- the paragraph there on page 2,  
9 what I was really wanting to know is if you were  
10 talking about statewide redistricting?

11 A. I have no idea what that means.

12 Q. Okay. Have you ever had an opinion outside  
13 of this email about state -- statewide redistricting in  
14 2021?

15 A. No.

16 Q. Okay. Do you have an opinion on  
17 redistricting in any other jurisdiction beyond  
18 Galveston County --

19 A. No.

20 Q. -- in 2021?

21 A. No.

22 Q. Okay. Did anybody from the DOJ ever call you  
23 to discuss 2021 redistricting?

24 A. I'm not sure.

25 Q. Okay. Do you recall ever speaking with

1 anybody at the DOJ about redistricting from 2021?

2 A. That's what I'm not sure about.

3 Q. Okay. Do you believe that race relations in  
4 Galveston have improved over the past 10 years?

5 A. Measuring that by what barometer?

6 Q. Well, why don't you tell me about the  
7 barometers you believe are appropriate measures for  
8 judging whether race relations have improved?

9 A. Being the president of the Galveston  
10 Coalition For Justice I would have to say in the past  
11 three, maybe even four years the complaints that have  
12 come in on police brutality have lessened. The  
13 complaint on code enforcement officers has lessened.  
14 So I would have to say that, because of that finding,  
15 that something's being done right.

16 Q. Okay. Switching gears just a little bit, do  
17 you believe that white people in Galveston County  
18 usually vote for the same candidate?

19 MS. VALL-LLOBERA: Objection,  
20 speculation.

21 Q. (BY MS. OLALDE) You can answer.

22 A. I wouldn't even know how to answer that.

23 Q. You just don't have an opinion, correct?

24 A. No.

25 Q. Okay. All right. You're aware of white

1 Democrats in Galveston County, right?

2 A. Yeah.

3 Q. Yeah. Do you believe that African American  
4 and Latino voters in Galveston County typically vote  
5 for the same candidates?

6 MS. VALL-LLOBERA: Objection,  
7 speculation.

8 Q. (BY MS. OLALDE) You can answer.

9 A. I have no idea.

10 Q. Okay. Do you believe that members of the  
11 African American and Latino communities in Galveston  
12 County face the same issues that they would want a  
13 candidate to -- to assist with for commissioners  
14 court -- for -- let me rephrase that. That was a  
15 horrible question.

16 Do you believe that members of the  
17 African American and Latino communities in Galveston  
18 County face the same issues that a county commissioner  
19 could assist with?

20 A. Repeat that?

21 Q. Yeah. Do you believe that African American  
22 and Latino individuals in Galveston County would have  
23 the same concerns to present to a county commissioner?

24 A. I can't speculate on that.

25 Q. You just don't know, correct?

1 A. Right.

2 Q. Okay. What kind of issues would a county  
3 commissioner help with, help the community with? I  
4 know that earlier you mentioned the senior center. Are  
5 there other issues that you can think of?

6 A. Parks. The county doesn't play a great big  
7 role in the City of Galveston's functioning, so that's  
8 really hard to say.

9 Q. That's fair. But with respect to parks and  
10 the senior center, is that fair to say that those --  
11 those facilities are used by people of all races?

12 A. Yes.

13 Q. Is it also fair to say that those facilities  
14 are -- are needed by people of all races?

15 A. Yes.

16 Q. Is it fair to say that you think political  
17 issues are more important when you're thinking about  
18 who to vote for than the color of their skin?

19 A. Yes.

20 Q. I know that you said that you're not very  
21 familiar with, you know, what happens on the mainland  
22 or in Bolivar and that your knowledge base is central  
23 to Galveston. Is that true for racial demographics in  
24 Galveston and the county?

25 A. Exactly what do you mean?

1 Q. Sure. Do you know that -- the racial  
2 demographics in say, like, Texas City?

3 A. No.

4 Q. Or anywhere on the mainland?

5 A. No.

6 Q. But you're familiar with the racial  
7 demographics in Galveston; is that correct?

8 A. Correct.

9 Q. And what are those demographics that you're  
10 aware of, currently?

11 A. I actually want to say 42 percent -- Anglo,  
12 37 percent Hispanic, and about 16 percent African  
13 American, and the rest other.

14 Q. Okay. And those are very specific numbers.  
15 Do you know where that -- they came from?

16 A. Those numbers kind of came from, and when I  
17 say "kind of came from" after Ike up until last year,  
18 the City of Galveston was probably 7,000 to 7,500  
19 African Americans short from pre-Ike. Some of the --  
20 some of the numbers that I've come up with have come  
21 from GISD.

22 Q. Okay. And when you give -- you give the  
23 breakdown you're talking about Galveston City, correct?  
24 Not the entire island? Or are you talking about the  
25 entire island?



1           A.    Isn't the entire island the City of  
2 Galveston?

3           Q.    I don't believe so. I might be wrong, but I  
4 don't believe so. Like Jamaica Beach, things like  
5 that, West End?

6           A.    Oh, okay. Yeah, I'm talking about the City  
7 of Galveston.

8           Q.    Yeah, the most -- the most highly populated  
9 area, right?

10          A.    Yeah, the City of Galveston.

11          Q.    Okay.

12          A.    If you're breaking it down that way, yes.

13          Q.    Okay. Are you -- I mean, are you aware of  
14 the racial demographics on the West End or anything  
15 like that?

16          A.    Not at all.

17          Q.    Okey-dokey. Do you know whether the  
18 population of Galveston City has increased over the  
19 past 10 years?

20          A.    Yes.

21          Q.    Okay. And how has it increased?

22          A.    I think we're just above the 50,000 mark.

23          Q.    And what was it 10 years ago? Do you recall  
24 or do you know?

25          A.    Right after Ike we were down to about 42

1 percent.

2 Q. And you say 42 percent, what would that be in  
3 population --

4 A. Yeah.

5 Q. -- or do you know?

6 A. I -- I have no idea how the break down went  
7 then.

8 Q. No worries. Other than the -- the statistics  
9 that you've told me about today, are you -- do you  
10 track any other type of demographic statistics for  
11 Galveston?

12 A. No.

13 Q. Okay. Did you ever talk with Commissioner  
14 Holmes about his involvement in the redistricting  
15 process?

16 A. I want to say briefly.

17 Q. Do you recall what was discussed?

18 A. I think it was more like he didn't have that  
19 much involvement at all in it.

20 Q. Okay. Anything else?

21 A. No.

22 Q. All right. And do you -- but you don't  
23 personally know how much involvement he had, correct?  
24 Just -- just what you said?

25 A. Right.

1 Q. Okay. Have you talked with any of the other  
2 named plaintiffs in this lawsuit about redistricting  
3 before the case was filed?

4 A. No.

5 Q. Okay. Not Ms. Courville --

6 A. No.

7 Q. -- or, excuse me, or Mr. Petteway or anybody  
8 else?

9 A. No.

10 Q. Okay. After the lawsuit, have you had  
11 discussions with him about redistricting?

12 A. If so, it would have been in passing.

13 Q. Okay. What kind of in passing comments do --  
14 are you thinking about would have occurred?

15 A. I'm not even sure.

16 Q. Okay. Do you believe Commissioner Holmes  
17 could be re-elected in Galveston County if he were to  
18 run again?

19 MS. VALL-LLOBERA: Objection,  
20 incomplete hypothetical.

21 Q. (BY MS. OLALDE) You can answer.

22 A. I don't know how the new lines have been  
23 drawn.

24 Q. Okay. So you don't have an opinion as to  
25 whether he can be re-elected?

1 A. I hope he can.

2 Q. I mean, he's been a figure and a pillar of  
3 the community for over 20 years, right?

4 A. Correct.

5 Q. He's a pretty good guy, right?

6 A. Yes.

7 Q. And from your experience he works hard to  
8 serve his constituency, right?

9 A. He does.

10 Q. Okay. And those are all factors that are  
11 important to you when choosing a candidate to vote for?

12 MS. VALL-LLOBERA: Objection --

13 A. Yeah.

14 MS. VALL-LLOBERA: -- to form.

15 Q. (BY MS. OLALDE) You said yes?

16 A. Yes.

17 Q. Okay. Now we talked about things that  
18 happened in Galveston, in the City of Galveston, but  
19 with respect to Galveston County as a whole, do you  
20 believe that there's a history of official  
21 discrimination in Galveston County?

22 A. I wouldn't even know how to answer that.

23 Q. Okay. Is the question confusing or you just  
24 don't have an opinion?

25 A. I don't have really an opinion about it.

1 Q. Okay. And you don't follow statistics about  
2 voting practices of any group of people, whether it's  
3 socioeconomic or race or anything like that?

4 A. No.

5 Q. Okay.

6 THE WITNESS: Getting cold.

7 Q. (BY MS. OLALDE) Is it cold in there?

8 A. Yes.

9 Q. Sorry, it's always cold in there. Do you  
10 believe that elected officials in Galveston County have  
11 ever been unresponsive to the needs of minority  
12 residents?

13 MS. VALL-LLOBERA: Objection, vague.

14 Q. (BY MS. OLALDE) You can answer.

15 A. I've had no association with any of them, so  
16 I would have no knowledge.

17 Q. Okay. It is fair to say that you believe  
18 that there is, that discrimination exists within  
19 Galveston County, correct?

20 A. When you're left out of the process it kind  
21 of speaks for itself.

22 Q. Okay. Are there other examples of  
23 discrimination within the county, county wide, that you  
24 think would be important for a judge or a jury to know  
25 in this case?

1           A.    I have no idea what any of the Republicans  
2           that are county commissioners thought patterns are  
3           because they don't communicate with minorities, so how  
4           would I have an opinion about it?

5           Q.    Okay.  And you're not aware of -- of Joe  
6           Giusti's communications with anyone about the -- the  
7           maps prior to the vote though, right?

8           A.    He could be sitting in this room and I  
9           wouldn't know who he is.

10          Q.    Right.  And I guess my point is just, it's  
11          fair to say you don't know who they talked to about the  
12          maps before the -- the vote was taken, right?

13          A.    No.

14                   MS. OLALDE:  Okay.  Jordan, let's put  
15          up the next exhibit.  And it's -- I believe it's No. 2.

16                   MS. RASCHKE ELTON:  Did you say 2?

17                   MS. OLALDE:  Yes, ma'am.

18                   (Exhibit No. 2 marked.)

19          Q.    (BY MS. OLALDE) And I'll just give you --  
20          it's a few pages long.  I'll give you a chance to take  
21          a look through that, but when we start I'll just --  
22          because it's an email string, I'll start with the  
23          oldest email toward the bottom.

24                   (Witness looking through documents.)

25          A.    Yeah.

1 Q. (BY MS. OLALDE) Are you ready?

2 (Witness still looking through documents.)

3 A. Okay.

4 Q. (BY MS. OLALDE) I'm going to start on what's

5 Page 3 of that document, and it's a June 10th, 2011,

6 email from Joe Compian. Do you see that?

7 A. Yes.

8 Q. Okay. He mentions in that email that "we won

9 a small victory last night"; do you see that?

10 A. Yes.

11 Q. Do you know what he was talking about?

12 A. No.

13 Q. Okay. And this email had to do with the

14 potential removal of or termination of Harish as the

15 executive director of the Galveston Housing Authority?

16 A. Repeat that?

17 Q. Sure. When he was talking about a small

18 victory, I was asking if it's your understanding that

19 that was in connection with the potential termination

20 of Harish as executive director of the Galveston

21 Housing Authority?

22 MS. VALL-LLOBERA: Objection,

23 speculation.

24 Q. (BY MS. OLALDE) You can answer.

25 A. I -- I don't know.

1 Q. Okay.

2 A. I don't think so.

3 Q. Do you recall anything, any kind of  
4 controversy about Harish as the head of the Galveston  
5 Housing Authority?

6 A. Not as far as I was concerned.

7 Q. Well, in any context?

8 A. No, not really.

9 Q. Okay. Let's go up to page 2 of this exhibit,  
10 to that first email from Joe Compian dated Friday, June  
11 10th of 2011. In the email he says that you and some  
12 other individuals completed an afternoon meeting. Do  
13 you know what that -- if that meeting was connected  
14 with a particular organization?

15 A. From the individuals that was shown I would  
16 have to say it was the collaborative group.

17 Q. Okay. And was this about housing?

18 A. Yes.

19 Q. And what was the -- what was the discussion  
20 about? Because process is in -- the word process is in  
21 quotes. What was the discussion about process at that  
22 meeting?

23 A. Uh, I'm not -- I'm not quite sure.

24 Q. Okay.

25 A. It -- it -- it had something to do with the



1 569 units.

2 Q. Okay. But you don't recall what was  
3 discussed?

4 A. No.

5 Q. Do you have any reason to dispute what  
6 Mr. Compian states in his email?

7 A. About?

8 Q. About anything, any of his comments in the  
9 email about the meeting?

10 A. Not really.

11 Q. Okay. If you go up to the first page of that  
12 exhibit there was an email the next day from  
13 Mr. Compian about Lloyd Chris. Do you see that email?

14 A. Yeah, yeah.

15 Q. Did you attend the -- a meeting with Lloyd  
16 Chris to discuss redistricting?

17 A. I don't remember meeting with him.

18 Q. Have you ever spoken with him before about  
19 redistricting?

20 A. I've spoken to him, but I don't remember what  
21 the content was.

22 Q. Okay. We can take that exhibit down. Have  
23 you ever heard the term LMI Community?

24 A. Lower to Moderate Income Communities.

25 Q. Okay. That was going to be my question, is

1 what that -- what LMI -- what that acronym was for.

2 You know of it as low to moderate income?

3 A. Right.

4 Q. Okay. Let's see.

5 MS. OLALDE: Jordan, if you'll put up  
6 No. 4, please?

7 (Exhibit No. 4 marked.)

8 Q. (BY MS. OLALDE) And I'll just represent to  
9 you that this is kind of a different strand of what was  
10 originally the same email chain as the last exhibit.  
11 So it looks like only in the first two and a half pages  
12 are different, but just take your time.

13 (Witness reading document.)

14 Q. (BY MS. OLALDE) On page 3 of this exhibit at  
15 the very --

16 MS. VALL-LLOBERA: Excuse me,  
17 Ms. Olalde, he's still scrolling through the pages.

18 MS. OLALDE: Oh, I apologize. I'm  
19 sorry.

20 (Witness looking through documents.)

21 Q. (BY MS. OLALDE) Okay. If you'll go to page 3  
22 of that exhibit, the very -- the email at the very top  
23 from Chris Shall Pelley?

24 A. Okay.

25 Q. Ms. Pelley was part of the Texas Low Income

1 Housing Information Service; is that correct?

2 A. I'm not sure.

3 Q. Do you know whether she was local to  
4 Galveston?

5 A. I don't know.

6 Q. Okay. Do you agree with her comment that the  
7 political climate in Galveston was very heightened at  
8 the time of her email?

9 A. Yes.

10 Q. Okay. And that -- do you also agree that  
11 some of the concerns in this email about public housing  
12 had to do with individuals in the low to moderate  
13 income community?

14 A. Repeat that for me.

15 Q. Sure. Do you agree that the -- the issues  
16 about public housing that's discussed in this email  
17 thread concern the low to moderate income community?

18 A. Yes.

19 Q. Okay. Do you remember whether it -- if you  
20 go to page 2 there's an email from Joe Compian who  
21 talks about the resignation of Harish; do you see that?

22 A. Yes.

23 Q. Do you believe that was a political issue  
24 that resulted in Harish's resignation?

25 A. Yes.

1 Q. Okay. One last question about this document.  
2 On page -- looks like it's on page 2 -- it's an email  
3 from R. Lewis, I believe it's Raymond Lewis; do you see  
4 that?

5 A. Yes.

6 Q. He states in the last sentence of the first  
7 paragraph of his email, he says the cost -- the cost of  
8 replacing the 569 has grown exponentially and beyond  
9 anything reasonable; do you see that?

10 A. Yes.

11 Q. Do you know what he meant -- what -- what he  
12 meant as to the cost of replacing, why -- why it had  
13 grown? Do you understand the context of that?

14 A. From the time they were torn down until that  
15 time, the cost of material had gone up.

16 Q. Okay. Any other reason that it -- the cost  
17 would be -- would be beyond anything reasonable?

18 A. No.

19 Q. Okay. We can set that exhibit aside.

20 MS. OLALDE: And then, Jordan, if  
21 you'll put up No. 12, please.

22 A. Okay.

23 (Exhibit No. 12 marked.)

24 (Witness looking through document.)

25 Q. (BY MS. OLALDE) Do you recall sending this

1 email, or do you recall this email?

2 A. I don't recall it, but evidently I sent it.

3 Q. Okay. Do you recall the meeting that was  
4 referenced in this email?

5 A. Not really.

6 Q. Okay. Do you remember the purpose for  
7 discussing redistricting maps in January of 2012?

8 A. Yes.

9 Q. Okay. Can you let me know what that was?

10 A. What do you mean?

11 Q. Sure. In January of 2012 you had a meeting  
12 for the Galveston County Coalition For Justice to speak  
13 about redistricting. Can you tell me why that was the  
14 topic for that meeting?

15 A. Because of the way the redistricting lines  
16 were being drawn.

17 Q. This is just for purely for informational  
18 purposes to let people know where they -- what district  
19 they'd be in, and was there any other component to the  
20 meeting or reason for the meeting?

21 MS. VALL-LLOBERA: Objection,  
22 misstates prior testimony.

23 Q. (BY MS. OLALDE) You can answer.

24 A. Once again, county commissioners did not  
25 inform you of what they were doing by having community

1 meetings. So this was one way we could inform the  
2 public about what was going on with the maps.

3 Q. Was there -- oh, I'm sorry, go ahead. I  
4 didn't mean to interrupt you.

5 A. No, you -- you're doing all right.

6 Q. Okay. Was there any discussion about any  
7 kind of draft maps or any litigation during this  
8 meeting or no?

9 A. No.

10 Q. Okay. We can take that down.

11 MS. OLALDE: And then, Jordan, if  
12 you'll please put up No. 19-B.

13 (Exhibit No. 19-B marked.)

14 Q. (BY MS. OLALDE) And this is a 21-page  
15 exhibit, but I won't be asking you about, you know, the  
16 substance of all the attachments, but please take the  
17 time that you need to review it.

18 (Witness looking over document.)

19 MS. VALL-LLOBERA: Are you able to  
20 read this?

21 THE WITNESS: Uh-huh.

22 Q. (BY MS. OLALDE) And I, just so that you know,  
23 I'm not going to be asking you a lot about the later  
24 attachments to that email, but obviously please take  
25 the time that you need to review.

1 (Counsel Vall-Llobera assisting witness.)

2 A. Okay.

3 Q. (BY MS. OLALDE) Okay. I guess my first  
4 question is -- is -- do you recall this correspondence?

5 A. Not at all.

6 Q. All right. Well, let's go up to the very  
7 first page, the email that attached the letter; and my  
8 question is, is if you -- did you believe that the  
9 settlement map served both the Black and Latino voters?

10 A. You're asking me a question I can't answer.

11 Q. Sure. And I guess more specifically to -- to  
12 Mr. Compian's email, do you think that the DOJ placed  
13 African American voters above the needs of Latino  
14 voters?

15 MS. VALL-LLOBERA: Objection, vague.

16 Q. (BY MS. OLALDE) You can answer.

17 A. I don't have anything to measure it by.

18 Q. Okay. You were a signatory on the attached  
19 letter, correct?

20 A. Correct.

21 Q. You didn't draft it, right?

22 A. No.

23 Q. Do you know who did?

24 A. I'm not sure.

25 Q. Okay. Did you have any comments or edits to

1 any drafts of this letter?

2 A. I don't think so.

3 Q. Okay. And then do you remember something  
4 called the clean lines plan?

5 A. Vaguely.

6 Q. Can you tell me what you recall about the  
7 clean lines plan?

8 A. What they had put out, the lines was so  
9 zigzagged, and when we were talking about clean lines  
10 we were talking about the shortest distance between two  
11 points is a straight line. And I think that's what we  
12 were talking about when we talked about clean lines --

13 Q. Okay.

14 A. -- how to basically draw the lines so that  
15 you wouldn't have to use guesswork. One block wouldn't  
16 be on -- or one side of the street wouldn't be in one  
17 part, the other side of the street be in another part.

18 Q. Okay. If we can go to page 11 of this  
19 exhibit, it's an opinion piece. Is the first map on  
20 that page an example of what you were discussing with  
21 clean lines?

22 A. I'm not sure. I can't even make the map out.

23 Q. It's a little, it's in black and white and  
24 it's a little blurry. Did you ever see a clean lines  
25 map?



1 A. I'm not sure -- scroll up a little bit. The  
2 other way. There.

3 (Counsel Vall-Llobera assisting witness.)

4 A. Probably.

5 Q. (BY MS. OLALDE) Okay. And do you remember  
6 where you saw it or in what context?

7 A. No.

8 Q. Okay. And you can't tell from the page 11  
9 top map whether that was the map that you saw?

10 A. No.

11 Q. Okay. That's fair. Do you know what came of  
12 this correspondence to the DOJ?

13 A. Say that again?

14 Q. Sure. Do you know if there was any response  
15 to this correspondence or what came of this  
16 correspondence to the DOJ?

17 A. No. I don't -- I don't remember.

18 Q. Okay. What does the North Side Task Force  
19 do?

20 A. The North Side Task Force was formed after  
21 Ike. Representative Sheila Jackson Lee said that there  
22 needed to be something formed that would be able to  
23 speak specifically for the North Side.

24 Q. Okay. Do you know if it's still in existence  
25 today?

1 A. I would think so.

2 Q. Okay. And do you know Cornelia Banks?

3 A. Yes.

4 Q. All right. And it's your understanding that  
5 she's still the chair of the North Side Task Force?

6 A. Yes.

7 Q. Okay. All right. Let's take a quick break.  
8 I'm going to take a look at my notes, but we're about  
9 to wrap this up, okay?

10 A. Sounds like a winner to me.

11 THE VIDEOGRAPHER: Off the record,  
12 1:11.

13 (Off the record.)

14 THE VIDEOGRAPHER: Back on the record,  
15 1:25 p.m.

16 Q. (BY MS. OLALDE) Mr. Phillips, were you aware  
17 of any demographer who ever worked with any of the  
18 coalition groups about redistricting back with the 2011  
19 cycle?

20 A. Yes, I think so.

21 Q. Well, do you know who that demographer was?

22 A. I'm not sure.

23 Q. Okay. No worries. Well, then my last  
24 question to you is: Do you think that there are  
25 anything -- any important facts that we have not talked

1 about today that a judge or a jury should know about  
2 this case?

3 MS. VALL-LLOBERA: Objection, vague.

4 Q. (BY MS. OLALDE) You can answer.

5 A. Why would the county commissioners draw the  
6 lines so similar to the lines of 2011 that the judge  
7 basically threw out? Why would they do that again if  
8 it wasn't for a Republican takeover of Stephen Holmes'  
9 district?

10 Q. Okay. Anything else?

11 A. That's it.

12 Q. All right. Thank you very much,  
13 Mr. Phillips. It was nice to speak with you today.  
14 That's all of my questions for now.

15 A. Okay. Get well.

16 MS. VALL-LLOBERA: And plaintiffs will  
17 be asking a couple of questions.

18 MS. OLALDE: Okay.

19 MS. VALL-LLOBERA: We can stay on the  
20 record if that's okay with you, Ms. Olalde?

21 MS. OLALDE: Of course, yeah.

22 MS. VALL-LLOBERA: Okay.

23 CROSS-EXAMINATION

24 BY MS. VALL-LLOBERA:

25 Q. Mr. Phillips, we're -- we're almost done with

1 the day. I just have a few questions for you if you'll  
2 indulge us.

3 Earlier today Ms. Olalde asked you  
4 about your support for political candidates; do you  
5 recall that part of your testimony?

6 A. Somewhat, yes.

7 Q. And she asked you if you would support a  
8 Democrat over a Republican in the next election; do you  
9 recall that?

10 A. Yes.

11 Q. What kind of -- how do you decide who to  
12 support in an election?

13 A. Basically whichever candidate is more in line  
14 with my way of thinking.

15 Q. And so would you say that you support  
16 candidates based on the issues that they care about,  
17 that you care about?

18 A. Correct.

19 Q. And so you wouldn't necessarily support a  
20 Democrat if they weren't thinking the same way you do  
21 on the issues?

22 A. Definitely.

23 Q. Okay. And you voted for Republicans in the  
24 past, correct?

25 A. I have.

1 MS. VALL-LLOBERA: Those are all my  
2 questions.

3 MS. OLALDE: No further questions from  
4 me. Thank you, Mr. Phillips.

5 THE VIDEOGRAPHER: Okay. Off the  
6 record, 1:28.

7 MS. VALL-LLOBERA: And we'd like to  
8 read and sign and order a copy.

9 MS. OLALDE: And then we would also  
10 like the -- the video and the transcript, please.

11 THE REPORTER: Okay, thank you.

12 (Proceedings concluded.)

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WITNESS CORRECTIONS AND SIGNATURE

Please indicate changes on this sheet of paper, giving the change, page number, line number and reason for the change. Please sign each page of changes.

PAGE/LINE	CORRECTION	REASON FOR CHANGE
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Leon Phillips

1 I, LEON PHILLIPS, have read the foregoing  
2 deposition and hereby affix my signature that same is  
3 true and correct, except as noted above.

4 \_\_\_\_\_

5 LEON PHILLIPS

6 STATE OF TEXAS )

7 COUNTY OF \_\_\_\_\_ )

8 Before me, \_\_\_\_\_, on this day  
9 personally appeared LEON PHILLIPS, known to me (or  
10 proved to me under oath through \_\_\_\_\_) to be the  
11 person whose name is subscribed to the foregoing  
12 instrument and acknowledged to me that they executed  
13 the same for the purposes and consideration therein  
14 expressed.

15 GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this,  
16 \_\_\_\_\_ day of \_\_\_\_\_, 2023.

17 \_\_\_\_\_

18 Notary Public, State of Texas

19 My Commission Expires: \_\_\_\_\_

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TERRY PETTEWAY, THE HONORABLE )  
DERRECK ROSE, MICHAEL MONTEZ, )  
SONNY JAMES and PENNY POPE, )  
Plaintiffs, ) Civil Action  
vs. ) No. 3:22-CV-57  
)

GALVESTON COUNTY, TEXAS, and )  
HONORABLE MARK HENRY, in his )  
official capacity as Galveston )  
County Judge, )  
Defendants. )

---

UNITED STATES OF AMERICA, )  
Plaintiff, )  
vs. ) Civil Action  
) No. 3:22-CV-93  
)

GALVESTON COUNTY, TEXAS, )  
GALVESTON COUNTY )  
COMMISSIONERS COURT, and )  
HONORABLE MARK HENRY, in his )  
official capacity as Galveston )  
County Judge, )  
Defendants. )

---

DICKINSON BAY AREA BRANCH )  
NAACP, GALVESTON BRANCH )  
NAACP, MAINLAND BRANCH )  
NAACP, GALVESTON LULAC )  
COUNCIL 151, EDNA COURVILLE, )  
JOE A. COMPIAN, and LEON )  
PHILLIPS, ) Civil Action  
) No. 3:22-CV-117  
)



1           Plaintiffs,                                 )  
   )  
 2        vs.   )  
   )  
 3        GALVESTON COUNTY, TEXAS,                 )  
       HONORABLE MARK HENRY, in his             )  
 4        official capacity as Galveston            )  
       County Judge, and DWIGHT D.             )  
 5        SULLIVAN, in his official                )  
       capacity as Galveston County             )  
 6        Clerk,   )  
   )  
 7           Defendants.                                )

8                                 REPORTER'S CERTIFICATE  
                            ORAL/VIDEOTAPED DEPOSITION OF  
 9                                   LEON PHILLIPS  
                                   MARCH 30, 2023

10                                 I, NILDA CODINA, Notary in and for the State of  
 11        Texas, hereby certify to the following:

12                                 That the witness, LEON PHILLIPS, was duly sworn by  
 13        the officer and that the transcript of the oral  
 14        deposition is a true record of the testimony given by  
 15        the witness;

16                                 I further certify that pursuant to FRCP Rule 30  
 17        (e)(1) that the signature of the deponent:

18                                 \_\_\_\_X\_\_\_\_was requested by the deponent or a party  
 19        before the completion of the deposition and returned  
 20        within 30 days from the date of receipt of the  
 21        transcript. If returned, the attached Changes and  
 22        Signature Page contains any changes and the reason  
 23        therefor;

24                                 \_\_\_\_\_was not requested by the deponent or a  
 25        party before the completion of the deposition.

1 I further certify that I am neither attorney nor  
2 counsel for, related to, nor employed by any of the  
3 parties to the action in which this testimony was  
4 taken.

5 Further, I am not a relative or employee of any  
6 attorney of record in this cause, nor do I have a  
7 financial interest in the action.

8 Subscribed and sworn to on this 15th day of April,  
9 2023.

10  
11 \_\_\_\_\_  
12 NILDA CODINA  
13 Notary in and  
14 for the State of Texas  
15 My Commission No. 12878135-3  
16 Expires: 10/24/2023

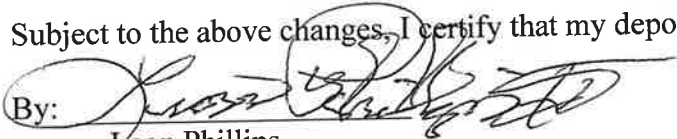
17 U.S. Legal Support, Inc.  
18 Firm Registration No. 122  
19 16825 Northchase Dr.  
20 Suite 800  
21 Houston, Texas 77060  
22 Phone: (713)653-7100  
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**DEPOSITION ERRATA SHEET FOR LEON PHILLIPS (MARCH 30, 2023)**

<b>Page</b>	<b>Line</b>	<b>Change</b>	<b>Reason</b>
5	9	Fix Ex. 21-A reference to Ex. 11	Transcription Error
5	10	Fix Ex. 27 reference to Ex. 12	Transcription Error
5	11	Fix Ex. 2 reference to Ex. 13	Transcription Error
5	12	Fix Ex. 4 reference to Ex. 14	Transcription Error
5	13	Fix Ex. 12 reference to Ex. 15	Transcription Error
5	14	Fix Ex. 19-B reference to Ex. 16	Transcription Error
11	12	"I can't call names" to "I can't recall names"	Transcription error
12	20	"and" to "And"	Typographical error
13	7	"I couldn't be for sure" to "I couldn't be sure."	Transcription error
22	21	"what are you responsibilities" to "what are your responsibilities"	Transcription error
23	4	"And what's it's -- what's it's mission? What's it's purpose?" to "And what's its -- what's its mission? What's its purpose?"	Typographical error
23	13	"we give them directions on your lights are out" to "we give them directions if your lights are out"	Transcription error
25	5	"from anywheres" to "from anywhere"	Transcription error
31	24	"Joe Campion" to "Joe Compian"	Transcription error
33	18-19	"pick up telephone" to "pick up the telephone"	Transcription error
47	22	"Commissioners court" to "Commissioners Court"	Typographical error
48	9	"commissioners court" to "Commissioners Court"	Typographical error
49	7	"was it part one of the organizations" to "was it part of the organizations"	Transcription error
54	20	"whether Marie Rob won election" to "whether Marie Rob won the election"	Transcription error
62	23	"once that's article's" to "once that article's"	Transcription error
66	14	"you had answer in" to "you had the answer in"	Transcription error
70	14	"would have any reason to" to "what you have any reason to"	Transcription error
79	19	"fools with the statute" to "fools with the statue"	Transcription error
79	24	"take down the statute" to "take down the statue"	Transcription error
95	21-22	Fix Ex. 21-A reference to Ex. 11	Transcription Error

98	12-13	Fix Ex. 27 reference to Ex. 12	Transcription Error
110	14-18	Fix Ex. 2 reference to Ex. 13	Transcription Error
114	6-7	Fix Ex. 4 reference to Ex. 14	Transcription Error
114	23	“Chris Shall Pelley” to “Crishelle Palay”	Transcription Error
116	21-23	Fix Ex. 12 reference to Ex. 15	Transcription Error
118	12-13	Fix Ex. 19-B reference to Ex. 16	Transcription Error

Subject to the above changes, I certify that my deposition transcript is true and accurate.

By:   
Leon Phillips

Dated: 5/16/23

# **Exhibit 21**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TERRY PETTEWAY, THE  
HONORABLE DERRECK ROSE,  
MICHAEL MONTEZ, SONNY JAMES  
and PENNY POPE,

Plaintiffs,

Civil Action No.  
3:22-cv-57

v.

GALVESTON COUNTY, TEXAS, and  
HONORABLE MARK HENRY,  
in his official capacity as Galveston  
County Judge,

Defendants.

---

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No.  
3:22-cv-93

GALVESTON COUNTY, TEXAS,  
GALVESTON COUNTY  
COMMISSIONERS COURT, and  
HONORABLE MARK HENRY, in  
his official capacity as Galveston  
County Judge,

Defendants.

---

DICKINSON BAY AREA BRANCH  
NAACP, GALVESTON BRANCH  
NAACP, MAINLAND BRANCH  
NAACP, GALVESTON LULAC  
COUNCIL 151, EDNA COURVILLE,  
JOE A. COMPIAN, and LEON  
PHILLIPS,

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Plaintiffs,

v.

Civil Action No.  
3:22-cv-117

GALVESTON COUNTY, TEXAS,  
HONORABLE MARK HENRY, in  
his official capacity as Galveston  
County Judge, and DWIGHT D. SULLIVAN,  
in his official capacity as  
Galveston County Clerk

Defendants.

---

VIDEOTAPED ORAL DEPOSITION  
OF HON. PENNY POPE  
TAKEN ON MARCH 9, 2023

---

ORAL DEPOSITION of HON. PENNY POPE, produced  
as a witness at the instance of the Defendants, was  
duly sworn, was taken in the above-styled and numbered  
cause on the 9th of March, 2023, from 09:09 o'clock a.m.  
to 12:40 o'clock p.m., before Angela Steel,  
Shorthand Reporter, Notary, in and for the State of Texas,  
reported by machine shorthand at, Burwell Nebout Trial  
Lawyers, 565 Bay Boulevard, League City, Texas 77573,  
pursuant to the Federal Rules and the provisions  
states on the record or attached hereto.

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A P P E A R A N C E S :

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via Zoom : Tharuni Jayaraman - DOJ United States  
Jaoquin Gonzalez -- Texas Civil Rights  
Simone Leeper  
Bernadette Reyes  
Alexander Cooper  
Mark Gaber  
DaWuan Norwood  
Kate Uyeda  
Mateo Forero  
Joseph Russo



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EXHIBITS MARKED

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1                   P R O C E E D I N G S  
2                   \*\*\*\*\*

3                   THE VIDEOGRAPHER: Good morning. We're  
4 on the record. Today's date is March 9th, 2023, and the  
5 current time is 9:09 a.m. This is the videotaped  
6 deposition of Judge Penny Pope.

7                   Counsel, will you please introduce yourselves  
8 and the witness will be sworn.

9                   MS. OLALDE: Good morning. Angie  
10 Olalde and Jordan Raschke Elton for defendants.

11                   MS. RICHARDSON: Valencia Richardson,  
12 counsel for Petteway plaintiffs.

13                   MR. BARON: Neil Baron, counsel for the  
14 Petteway plaintiffs.

15                   THE COURT REPORTER: Raise your right  
16 hand, please. Do you solemnly swear or affirm that the  
17 testimony you are about to give in this action will be the  
18 truth, the whole truth, and nothing but the truth under  
19 the penalties of perjury?

20                   THE WITNESS: I do.

21                   THE COURT REPORTER: Thank you, Ma'am.

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

23 BY MS. OLALDE:

24                   Q. Good morning.

25                   A. Good morning.

                  Q. Could you please state your name for the record.

1 A. Penny Lynn Pope.

2 Q. Okay. And do you prefer to go by Judge Pope or  
3 Ms. Pope or?

4 A. Whatever you're comfortable with is fine with me.

5 Q. Okay. I -- I know that you've served for a long  
6 time, but have you been deposed before?

7 A. One time before.

8 Q. Okay. And how long ago was that?

9 A. 2012, '13.

10 Q. Okay. And you've testified in court before as  
11 well?

12 A. I have.

13 Q. Okay. And so I'll go very quickly through the  
14 usual preamble of it's a deposition, your testimony today  
15 counts just as if we were sitting in court before the  
16 judge. Sometimes my questions can get a little long, if  
17 you don't understand them or if my voice drops and you  
18 can't hear me, just ask me to repeat and I'll be happy to  
19 do so.

20 And today we'll just try not to talk over  
21 each other so the record can be clear. If you need a  
22 break, just ask me and we can take a break anytime. The  
23 only thing I ask is that you would answer the question  
24 before we -- before we break. So does all of that fair?

25 A. Okay.

1 Q. Okay. Judge Pope, would you mind telling me a  
2 little bit about your educational background?

3 A. I have a bachelor's degree from Texas Southern  
4 University in secondary education teaching government and  
5 economics. I have a master's degree from Atlanta  
6 University in political science, and I have my doctorate  
7 of jurisprudence from South Texas College of Law.

8 Q. Okay. I'm a South Texas grad, too. It's a good  
9 school.

10 Where -- let's start with timing. When did  
11 you graduate high school?

12 A. I graduated from Ball High in Galveston in 1970.

13 Q. And were you born on the island?

14 A. I was.

15 Q. Alright. And stayed there continuously until you  
16 went to school?

17 A. Well, until I went to college, went off to  
18 college. That's true.

19 Q. Okay. And then when did graduate and obtain your  
20 first degree, your post high school degree?

21 A. Got -- high school degree was 1970 --

22 Q. Um-hmm.

23 A. -- okay, then the bachelor's degree was 1976.

24 Q. Okay. Did you work when you were in college?

25 A. I did.

1 Q. And what did you do?

2 A. Secretary at the University of Houston in the  
3 mechanical engineering department, and was also an usher  
4 at the Astrodome wearing the little hot pants out there.  
5 That was the day. That was the day when it was fun going  
6 to the Astrodome to all the games and the rodeos and the  
7 monster truck rally and the -- the Super Bowl. I had a  
8 good time.

9 Q. How long did you stay at the engineering  
10 department?

11 A. Until I graduated in '76. And that's when I went  
12 to Atlanta, to Atlanta University to complete my master's  
13 and doctorate degree.

14 Q. And when did obtain your master's?

15 A. I finished the master's in 1983.

16 Q. And I apologize, what was it in again?

17 A. Political science.

18 Q. Okay. What made you want to go get a master's in  
19 political science?

20 A. I had a fellowship once I finished Ball High -- I  
21 mean, Texas Southern. I had a fellowship to attend  
22 Atlanta University and in the master's and doctoral  
23 program.

24 Q. What was your research in?

25 A. I did my master's thesis on the sentencing

1 | practices of Galveston County District Courts.

2 | Q. And what did you find?

3 | A. I found that the majority of the African American  
4 | and other minority defendants were treated a little --  
5 | were treated more harshly than the non-minority  
6 | defendants.

7 | Q. Were the -- were the district court judges at the  
8 | time primarily democratic? Or do you recall?

9 | A. I can't answer that, I don't know.

10 | Q. Sure. Sure. And what statistics -- and I know  
11 | that was a long time ago, but do you recall what  
12 | statistics you were reviewing in order to reach that  
13 | conclusion?

14 | A. I had the computer room, the information  
15 | technology department print out a list of the various  
16 | crimes and sentences and went through that.

17 | Q. Okay. And then what -- what time period was that  
18 | for? Like, what was the span?

19 | A. Oh, I don't remember now.

20 | Q. Sure. Sure. Did -- were you able to present  
21 | your thesis?

22 | A. I did.

23 | Q. And to whom did you present it?

24 | A. To two of the professors at Atlanta University.

25 | Q. Do you know whether Galveston ever was informed

1 of your results or if you were able to ever communicate  
2 those results to anybody in Galveston?

3 A. I don't know if I did.

4 Q. Okay. So you obtained your master's in 1983, and  
5 did you go immediately for your JD?

6 A. No.

7 Q. Okay. What did you do next?

8 A. I was working in the district clerk's office for  
9 Galveston County.

10 Q. Okay. And how long did you do that?

11 A. From 1979 to 19 -- I guess, until 1983.

12 Q. Okay.

13 A. Or '80 -- no, longer than that. Okay. 1979 --  
14 October 1979 to January 1983, took off for a couple of  
15 months to finish my master's, then went back in '83, and  
16 stayed until I went to the DA's office in '89.

17 Q. Okay. And just to kind of break that down just a  
18 little bit. So you were at the clerk's office at the same  
19 time that you were completing you bachelor's and master's  
20 degree?

21 A. No, just master's. I had already finished the  
22 bachelor's.

23 Q. Okay. Okay, you're right, you're absolutely  
24 right. I'm sorry. Alright, so were you traveling back  
25 and forth between Galveston and Atlanta? How did that



1 work?

2 A. No, I lived in Atlanta during 19 -- from '76 to  
3 '79 I lived in Atlanta, came home, started working in the  
4 district clerk's office in '79.

5 Q. Sure. Sure.

6 A. And then worked on my thesis while I was in  
7 Galveston?

8 Q. Okay. Okay. And that's when you obtain -- you  
9 finished your thesis in Galveston and obtained it in 1983,  
10 your master's?

11 A. Right.

12 Q. Okay, I get it now. When did you start law  
13 school?

14 A. In 1984, Summer of 1984.

15 Q. What made you want to go to law school?

16 A. I came home in '79 because I had a daughter --

17 Q. Um-hmm.

18 A. -- and when she was four years old she told the  
19 pediatrician she wanted to be a doctor just like her, and  
20 at that moment I knew that I could not send my daughter to  
21 medical school on a district clerk salary. And that's  
22 what prompted me to go to law school.

23 Q. Okay. And you started in '84, and when did you  
24 obtain your JD?

25 A. In '89.

1 Q. '89.

2 A. Because I worked during the day and went to South  
3 Texas in the evenings.

4 Q. Yep, South Texas was one of the few schools that  
5 allowed that, right?

6 A. It was about the only school in this area where  
7 you could do that.

8 Q. Okay. Alright, so you graduated in '89 with your  
9 JD, and then you went immediately to the DA's office in  
10 Galveston?

11 A. Right.

12 Q. How long did you serve as a DA?

13 A. From '89 to '92. In December of '92 that's when  
14 I was elected JP.

15 Q. And who did -- who was the DA at the time?

16 A. Michael Guarino, G-u-a-r-i-n-o.

17 Q. And was he a democrat or republican?

18 A. Democrat.

19 Q. Okay. What made you want to run for office?

20 A. Just something that I knew I could do.

21 Q. Okay. And you were elected in 1992.

22 A. Um-hmm.

23 Q. And then you've continuously served?

24 A. Until I retired.

25 Q. And when did you retire?

1 A. December 2018.

2 Q. Okay. Alright.

3 A. 26 years.

4 Q. Long time.

5 A. Um-hmm.

6 Q. Okay. So when you were -- you were born on the  
7 island. Did you actually -- did you live on the island  
8 before you went off to Texas Southern?

9 A. Um-hmm.

10 Q. Okay. And then from 1976 to '79 you were living  
11 in Atlanta. When you returned to Galveston, were you  
12 living on the island or on the mainland?

13 A. On the island.

14 Q. Do you currently reside on the island?

15 A. I do.

16 Q. Okay. So you've always -- when you were in the  
17 area you've always lived on the island?

18 A. I have.

19 Q. Okay. What part of the island?

20 A. On the east end.

21 Q. Okay. And so you're familiar with the industry  
22 in Galveston?

23 A. Somewhat.

24 Q. And you familiar with beach issues in Galveston?

25 A. Somewhat.

1 Q. Okay. And your work doesn't take you into issues  
2 with the GLO, but do you keep up with issues with  
3 permitting and beach renourishment and issues on --

4 A. No.

5 Q. -- the shoreline?

6 A. No.

7 Q. Okay. Let's turn to your political history.

8 A. Okay.

9 Q. Have you always been a democrat?

10 A. Yes.

11 Q. Okay. And when did you first start becoming  
12 politically active?

13 A. When I was working in the district clerk's office  
14 of Mr. V.J. Benninati.

15 Q. And could you spell that, please?

16 A. B-e-n-n-i-n-a-t-i. His initials was V, as in  
17 Vincent; J as in Joseph.

18 Q. Okay. And was Mr. Benninati also a democrat?

19 A. He was.

20 Q. Okay. And why did you start to want to get more  
21 involved in politics at that time?

22 A. He was invited to many functions that he didn't  
23 want to go to.

24 Q. Okay.

25 A. And I ended up going to some of those functions.

1 Q. Okay. And did -- you enjoyed it, obviously?

2 A. I did.

3 Q. Okay. Were you involved in any local democratic  
4 groups at that time?

5 A. Just two that I can recall, the Coalition of  
6 Black Democrats and the -- I revise that, just one.

7 Q. Sure.

8 A. Just one.

9 Q. Okay. Do you remember when you joined the  
10 coalition?

11 A. It was in the 80s.

12 Q. Okay. And what made you -- what brought you to  
13 the coalition?

14 A. That's one of the things that Mr. Benninati  
15 didn't want to go to.

16 Q. Okay. And then you -- and you just decided --

17 A. I just continued going.

18 Q. Okay. Alright. How often does the coalition  
19 typically meet?

20 A. In the past it met once a month, but since the  
21 pandemic it has not met that often.

22 Q. Okay. Did you -- did you guys ever do Zoom or  
23 anything like that?

24 A. Not that I can recall.

25 Q. Okay. And did you -- when you were in Galveston,

1 | did you go to meetings regularly?

2 | A. Yeah. Well, the meetings were on the -- on the  
3 | mainland.

4 | Q. Okay.

5 | A. Because it's a Galveston County Coalition.

6 | Q. Did that make it a little more difficult to  
7 | attend meetings?

8 | A. Not for me.

9 | Q. Okay. So were you able to attend them regularly  
10 | more or less?

11 | A. Yes.

12 | Q. And did you ever serve as an officer of the  
13 | coalition?

14 | A. Yes, and I still am.

15 | Q. Okay. And so what was the first officer position  
16 | you served as?

17 | A. The one and only is treasurer.

18 | Q. Okay. And when did that start?

19 | A. Early 2000.

20 | Q. Okay. And what made you want to run for  
21 | treasurer?

22 | A. It was pretty much given to me because the other  
23 | treasurer passed away.

24 | Q. Okay. And so you're still serving as the  
25 | treasurer?

1 A. Um-hmm.

2 Q. Okay. And any other political organizations that  
3 you are a member of or participate in?

4 A. Currently or in the past?

5 Q. Let's talk currently and then we can move  
6 backward.

7 A. That's the only one right now.

8 Q. Okay. At any point in time have you ever been  
9 involved with any political organization other than the  
10 coalition?

11 A. Yes.

12 Q. And what are those?

13 A. The Texas Woman, Texas Democratic Women.

14 Q. Um-hmm.

15 A. And the Galveston County Democratic Club.

16 Q. And how often did the Texas Democratic Womens'  
17 organization meet?

18 A. Once a month.

19 Q. About how long were you a member?

20 A. Maybe three or four years.

21 Q. Do you remember the time period, like the  
22 beginning year?

23 A. I don't remember.

24 Q. Sure. Were you able to attend any meetings  
25 regularly?

1 A. No.

2 Q. Was it also on the mainland?

3 A. Yes.

4 Q. Okay. And why did you stop your participation  
5 with that group?

6 A. I really don't know.

7 Q. Okay, that's fair. With the Galveston County  
8 Democrats, when did you first start becoming involved with  
9 that group?

10 A. Probably when I started running for office in  
11 '92.

12 Q. Have you ever served as an officer?

13 A. No.

14 Q. Have you ever wanted to?

15 A. No.

16 Q. Okay. Do they meet monthly?

17 A. Yes.

18 Q. And is that on the island?

19 A. Yes.

20 Q. Okay. And you were able to attend their meetings  
21 regularly?

22 A. When I could.

23 Q. Okay. And then when did you stop being a member  
24 of the Galveston County Democrats?

25 A. Probably right before I retired.



1 Q. Okay. So around 2018?

2 A. 2016, '17, maybe something like that.

3 Q. Okay. And why did you stop your membership with  
4 that organization?

5 A. Because I was retiring.

6 Q. Okay. So do you consider yourself currently  
7 politically active?

8 A. To some degree.

9 Q. Okay. Can you expound on that for me?

10 A. I mean, I try to keep up with things that are  
11 going on, but I'm not, you know, out there pouncing the  
12 pavement like I used to in the past.

13 Q. Okay. What commissioner precinct do you live in  
14 currently?

15 A. Since the change I'm now in two.

16 Q. Okay. And by change you mean the 2021  
17 redistricting?

18 A. Correct.

19 Q. Okay. And formally you were in?

20 A. Three.

21 Q. Okay. And so Commissioner Holmes was your  
22 commissioner for a very long time?

23 A. Correct.

24 Q. I'm -- I'm trying to remember, but maybe 20 years  
25 or do you know?

1 | A. I'm not sure it was 20, but it could be maybe 16  
2 | to 18.

3 | Q. Sure. And who is your commissioner right now?

4 | A. Joe Giusti.

5 | Q. Okay. Do you -- have you ever spoken with Joe  
6 | Giusti?

7 | A. No, not since he became my commissioner, no.

8 | Q. Have you -- did you speak with him at any time  
9 | before then?

10 | A. When I was still working, yes, I talked to him a  
11 | couple of times.

12 | Q. Anything business related or was it personal,  
13 | just --

14 | A. It was business related.

15 | Q. Okay. What topics did you speak with Joe Giusti  
16 | about?

17 | A. The last time I spoke to him was when Judge  
18 | Foster out in JP 7, which was Sam Leon was running for the  
19 | commissioner and Joe Giusti called me to ask me to go out  
20 | there and hear his cases until they got someone to -- to  
21 | go in and take care of the court until -- and I agreed. I  
22 | went out there for a while.

23 | Q. Okay.

24 | A. I did my court and that court for a while.

25 | Q. Did you consider yourself to have a professional

1 relationship with Mr. Giusti?

2 A. I mean, yeah, I guess so. I mean...

3 Q. Um-hmm. What's your opinion of him as a  
4 commissioner in Precinct 2?

5 A. I can't answer that because I really don't know.

6 Q. Have you reached out to him for any issues?

7 A. No.

8 Q. Okay. Has he ever held an event or -- that  
9 you've attended at any point in time?

10 A. No.

11 Q. Now for CH, how long have you -- I assume you  
12 know CH, correct?

13 A. Um-hmm.

14 Q. How long have you know him?

15 A. I met him when he was hired as an assistant DA,  
16 and it was, I want to say, '98 or '99. 1998 or 1999,  
17 somewhere up in there.

18 Q. Do you know how long he was at the DA's office?

19 A. No.

20 Q. And how did you meet him, just coming in front of  
21 you or?

22 A. Just knowing who he was until he was nominated to  
23 become -- to take over the seat for Precinct 3 after  
24 Commissioner Wayne Johnson passed away.

25 Q. So would you consider yourself to have had a

1 business relationship or a personal relationship with him  
2 before he took over as a commissioner?

3 A. I just knew him.

4 Q. You just --

5 A. I just knew him. No -- no relationship, I just  
6 knew who he was.

7 Q. Okay. Okay. When he took over as commissioner,  
8 do you feel like you got to know him a little bit better?

9 A. I did.

10 Q. And how did that begin?

11 A. Because we were both in the Coalition of Black  
12 Democrats.

13 Q. Okay. And did he serve as an officer, or do you  
14 know?

15 A. I don't recall him ever being an officer.

16 Q. Okay. So you would see him at monthly meetings?

17 A. Um-hmm.

18 Q. Did you see him in any other capacity?

19 A. Banquets, commission court meetings, in the  
20 hallway at the courthouse.

21 Q. In your time living in his precinct, did you ever  
22 reach out to him with issues that you wanted him to  
23 address as a commissioner for the precinct?

24 A. If I'm understanding your question, the answer is  
25 no.

1 Q. Okay. And can you explain to me what you -- what  
2 your understanding of the question is just so that we know  
3 that -- yeah.

4 A. I think you're asking me if there was an issue  
5 going on in the community did I bring that to his  
6 attention.

7 Q. Yam.

8 A. And the answer then would be no.

9 Q. Okay.

10 MS. RICHARDSON: And just can we clarify  
11 the time period we're referring to?

12 MS. OLALDE: Oh, sure. Let's break it  
13 down to --

14 A. Well, it would have to be then since he was --  
15 became commissioner which was, what, 1999 so --

16 Q. Um-hmm.

17 A. -- '99 --

18 Q. All the way up.

19 A. -- up to now.

20 Q. Okay. And you say, "issue in the community," so  
21 are we talking like roads, right, road issues or things  
22 that would have been Galveston County responsibilities?

23 A. In my area the county is not responsible for any  
24 roads.

25 Q. Because you live in Galveston --

1 A. Yeah.

2 Q. -- City, correct?

3 A. Yeah.

4 Q. Okay. Is there anything in your area that you  
5 can think of that the county would be responsible for?

6 A. Setting tax rates.

7 Q. Yeah, taxes, right.

8 A. I really can't say because law enforcement is  
9 with the city --

10 Q. Um-hmm.

11 A. -- water, you know, services like that that's  
12 with the city. Auh...

13 Q. I think there was a senior center that was  
14 supposed to be a county building, I think, that was in  
15 Galveston. Is that ringing any bells or no?

16 A. There is a -- I thought that was operated,  
17 though, by the Galveston Housing Authority.

18 Q. Okay.

19 A. That -- I mean, the -- Galveston did have the  
20 senior center between 22nd and 23rd on L and M.

21 Q. Um-hmm.

22 A. But it was damaged in hurricane Ike.

23 Q. Okay.

24 A. And I don't know if it ever reopened. And  
25 hurricane Ike was in 2008.

1 Q. Um-hmm.

2 A. I don't know if they ever reopened it.

3 Q. And then you think that there is one that's  
4 currently operating but it's operating under the house  
5 authority?

6 A. No, this is the apartment building that's right  
7 in front of --

8 Q. Um-hmm.

9 A. -- the senior center. And I believe that  
10 apartment building for senior citizens is operated by the  
11 Galveston Housing Authority.

12 Q. Okay. But to your knowledge sitting here today,  
13 you can't think of anything that Galveston County would be  
14 responsible for in your community?

15 A. Not that I can recall.

16 Q. Okay. Having lived on the island almost your  
17 whole life, is it safe to say that you're familiar with  
18 the racial demographics in Galveston City?

19 A. I'm somewhat familiar.

20 Q. Okay. And you qualified that with somewhat. Why  
21 was that a qualification?

22 A. Because since hurricane Ike a lot of those  
23 neighborhoods have not come back, you know, so there's a  
24 lot of areas that are still left to be repaired.

25 Q. Right. Have you been keeping up with statistics,

1 like, racial demographics or voting statistics --

2 A. No.

3 Q. -- in Galveston City?

4 A. No.

5 Q. And then the same question but for the

6 countywide?

7 A. No.

8 Q. Have you ever kept up with voting statistics

9 countywide?

10 A. Very little.

11 Q. Okay. When you were running for office over the

12 course of your service, would you review polling results

13 at the end of an election?

14 A. I would look at the election results, yes.

15 Q. Did you ever view them in different categories,

16 like -- I can't recall who was backing up your seat

17 was county -- a countywide election?

18 A. No, precinct.

19 Q. It was a precinct election. What kind of

20 statistics would be available for the people who voted in

21 that election that you were running for in that campaign?

22 A. If I remember correctly, it was only how many

23 votes were casted during the early voting, how many votes

24 were casted on election day, how many undervotes was on

25 there, and then the total. If I remember right.



1 Q. Okay. And can you describe undervotes?

2 A. It's my understanding that some people may skip a  
3 race --

4 Q. Um-hmm.

5 A. -- and so if -- and you can always check my math,  
6 okay, I'm not a mathematician.

7 Q. Okay.

8 A. But if, let's say, a hundred people voted and but  
9 only 80 votes were in -- were counted for, then you have  
10 20 undervotes.

11 Q. Gotcha.

12 A. So that's my understanding of it.

13 Q. Did you ever pay a lot of attention to the  
14 statistics after your elections for any reason?

15 A. I mean, I reviewed them --

16 Q. Um-hmm.

17 A. -- and looked at mine particularly to see how  
18 many votes I have or undervotes or.

19 Q. Okay.

20 A. Um-hmm.

21 Q. Did you ever refer back to that for future  
22 campaigns to try to change messaging or approach?

23 A. No.

24 Q. Okay. With your first campaign in 1992, did you  
25 have staff or was it a one-woman project or how did this

1 work?

2 A. I had one person helping me.

3 Q. Okay. Who was that?

4 A. But it was mostly me getting out there and  
5 getting signs and going to the newspapers to get ads in  
6 the paper and picking up the telephone and calling people  
7 to please vote for me.

8 Q. And the person who helped you, who was that?

9 A. Her name was Esperanza Loubet.

10 Q. Okay.

11 THE COURT REPORTER: Loubet, spell that.

12 THE WITNESS: L-o-u-b-e-t.

13 BY MS. OLALDE:

14 Q. And how did you know Ms. Loubet?

15 A. She was the sister of my secretary in the DA's  
16 office.

17 Q. Okay.

18 A. And she didn't have a job, nothing to do, so she  
19 agreed to help me.

20 Q. Okay. And how many months was that campaign  
21 running for, do you recall?

22 A. It started in September, and I had to have a  
23 runoff that was in December.

24 Q. Okay. And so is it fair to say that's typically  
25 the same amount of time that you would have spent with

1 campaigns as the years progressed, or were there any years  
2 that you can think of that you would have spent longer or  
3 shorter amounts of time.

4 MS. RICHARDSON: Objection. Form.

5 But you can answer, Ms. Pope.

6 THE WITNESS: Okay.

7 A. I only had three contested races, so I would say  
8 in 2006 I spent a lot of time from about August to  
9 November. And then in 2013 when I had an opponent, it was  
10 a little bit longer, maybe from July to November. No, I  
11 take that back, because of the events of the primary. I  
12 take that back because he was -- he was a democrat at that  
13 time.

14 BY MS. OLALDE:

15 Q. Okay.

16 A. I take that other one back, too.

17 Q. Sure.

18 A. Because, yeah, they were both primaries, so it  
19 wouldn't have been that time period, it would have been up  
20 to the primary.

21 Q. Okay.

22 A. So it would have been probably December to March  
23 because primaries are always in March.

24 THE WITNESS: Right, Neil?

25 A. Yeah, okay. Okay.

1 MR. BARON: Unfortunately they are not  
2 taking my deposition --

3 THE WITNESS: Okay.

4 MR. BARON: -- so I won't be able to  
5 provide any testimony, but --

6 THE WITNESS: Yeah, okay.

7 MS. RICHARDSON: But answer to the best  
8 of your knowledge.

9 MR. BARON: You're in the ballpark.

10 THE WITNESS: Okay.

11 BY MS. OLALDE:

12 Q. Do you remember who your 2006 primary opponent  
13 was?

14 A. Yes.

15 Q. Who was that?

16 A. Do I have to say his name? Douglas Godinich,  
17 G-o-d-i-n-i-c-h.

18 Q. And obviously you won?

19 A. Um-hmm.

20 Q. Okay. Do you know if Mr. Godinich ever ran for  
21 other offices?

22 A. He did.

23 Q. Which offices?

24 A. He ran for county clerk, he lost; and he run for  
25 something for the city and I can't remember what that was,

1 but I think he lost that one, too.

2 Q. Okay. And your 2013 opponent, do you remember  
3 who that was?

4 A. Yes, I do.

5 Q. And who was it?

6 A. Commissioner Darrell Apffel.

7 Q. Right. And you were successful in that race as  
8 well?

9 A. I was.

10 Q. Were there any -- let's back up to for the 2006  
11 contested primary. Were there any -- was it -- was it a  
12 relatively respectful campaign on both sides, was it not?  
13 How did that --

14 A. It was very respectful.

15 Q. Okay. Do you have the same -- same kind of  
16 description for the 2013 contested primary?

17 A. Um-hmm.

18 Q. Okay.

19 A. That one was fun. I know I'm not supposed to ass  
20 stuff to this, but that one was one -- that was a fun  
21 race. Brian Abington, Gerald Burts, Kevin Rackoff, Robert  
22 Quintero and me, and it was very -- we had a good time.

23 Q. What made it more --

24 A. Because we knew each other.

25 Q. Um-hmm.

1           A. And no mud slinging. We would, you know, end up  
2 at the same functions, smile at each other, shake hands,  
3 you know, so it was -- it was a very nice election.

4           Q. Is it fair to say that since both of your contest  
5 races were relatively, you know, polite, right --

6           A. Um-hmm.

7           Q. -- professional, that you never really had any  
8 mud slinging in any of your --

9           A. No. No, mud slinging.

10          Q. Okay. And that's from 1992 all the way to your  
11 retirement, correct?

12          A. Correct.

13          Q. What is your opinion of Commissioner Darrell  
14 Apffel?

15          A. He's a very nice man, very knowledgeable.

16          Q. Okay.

17          A. Go getter.

18          Q. Do you have an opinion of Dr. Robin Armstrong?

19          A. I don't know him.

20          Q. Okay. Do you have an opinion of Judge Mark Henry  
21 professionally?

22          A. I really don't know him that well.

23          Q. Okay. And I apologize, I might have already  
24 asked this and so I apologize. But do you have an opinion  
25 of Joe Giusti as a commissioner?

1 A. Other than the phone call that I mentioned, I  
2 really haven't talked to Mr. Giusti that much.

3 Q. Sure. So you really don't have an opinion as  
4 to --

5 A. No.

6 Q. Okay.

7 A. Uh-uh.

8 Q. Without telling me any conversations that you  
9 might have had with counsel, what first brought you into  
10 considering your participation in this lawsuit?

11 A. After the redistricting maps were published in  
12 the Galveston County Daily Newspapers that's when I  
13 noticed that I was taken out of the precinct where I would  
14 be able to vote for a candidate of my choice because I was  
15 taken out of Precinct 3 and put in Precinct 2. And that's  
16 what prompted me to get involved.

17 Q. Okay. And that was in late October of 2021?

18 A. Whenever the -- I don't remember exactly when  
19 those were published in the newspaper, but October or  
20 November, somewhere up in there.

21 Q. Okay. Is it --

22 A. Well, it had to have been -- no, it couldn't have  
23 been October because I believe on dep -- on the discovery  
24 questions the date is November 21st as being the hearing.  
25 Is that correct?

1 Q. I'll just represent to you that the hearing was  
2 on the 12th. And I understand you --

3 A. On the 12th of November?

4 Q. Yes, um-hmm.

5 A. So it would have had to have been after that  
6 because I didn't even know about the hearing on November  
7 12th.

8 Q. If -- if the maps were published in the paper  
9 before the November 12th hearing, is it fair to say that's  
10 when you would have become involved?

11 A. I just remember seeing the maps after they had  
12 already been adopted.

13 Q. Okay.

14 A. And that's the map that I saw after it was  
15 adopted.

16 Q. Do you recall seeing both of the proposed maps at  
17 anytime?

18 A. I don't recall. I just recall seeing the one  
19 that was actually --

20 Q. Okay.

21 A. -- adopted.

22 Q. Okay. Were you -- let's see here. Is it fair to  
23 say that Commissioner Holmes is your candidate of choice?

24 A. He is.

25 Q. Okay. Would you vote for Joe Giusti in the



1 | future?

2 | A. I don't know.

3 | Q. What would you consider, what factors would be  
4 | important to you in considering whether to vote for Joe  
5 | Giusti?

6 | A. I would have to know what his ideas are and what  
7 | his ideology is. And I hate to say this, but isn't he  
8 | republican and I'm democrat so -- and I don't cross over.

9 | Q. Okay. So regardless of his ideologies and his  
10 | service to the community, you would never vote for a  
11 | republican?

12 | A. I don't think so.

13 | Q. Okay. You said that you never cross over, can  
14 | you expand a little bit about that or explain?

15 | A. In all of the elections that I've voted in, I've  
16 | always voted for democratic candidates.

17 | Q. Like a straight party?

18 | A. Not even the straight party because I'm guilty,  
19 | too, of -- of not voting in some races.

20 | Q. Um-hmm, okay. Do you believe a democrat could be  
21 | elected in Precinct 2 in the next election?

22 | A. No.

23 | Q. Why not?

24 | A. Because the -- in my opinion the area is  
25 | primarily white.

1 Q. Okay. And how does race affect your opinion when  
2 it comes to republican versus democrat?

3 A. A minority candidate would have some of the same  
4 concerns that I have, especially for the minority as a  
5 group. Whereas in most of my experiences a white  
6 candidate isn't really up on some of those issues.

7 Q. Can you describe to me some of the different  
8 issues that you believe that you would face as opposed to  
9 maybe a white person in Precinct 2?

10 A. Education.

11 Q. Okay.

12 A. Housing, job.

13 Q. Anything else?

14 A. That's all I can think of right now.

15 Q. You graduated from Ball High, correct?

16 A. Correct.

17 Q. And are there any other high schools in  
18 Galveston?

19 A. No. Well, other than that catholic school.

20 Q. Right, okay. And then I don't know how many  
21 elementary schools are in the area, I don't know if you  
22 know.

23 A. Let me see. On the island there Rosenberg.

24 Q. Um-hmm.

25 A. LA Morgan, Alamo, Weis -- no, Weis is a senior

1 high. Parker.

2 Q. Um-hmm.

3 A. That's the only ones I can think of.

4 Q. Okay. So to kind of break down the education  
5 component just a little bit. What issues would minority  
6 individuals face with respect to education that you don't  
7 believe a white individual living in Galveston would face?

8 MS. RICHARDSON: Objection. Form.

9 Q. You can answer.

10 A. Okay. The quality of the education concerns me.  
11 You have a lot of minority Hispanic kids and language  
12 sometimes is a hindrance.

13 Q. Okay. Anything else?

14 A. That's all I can think of right now.

15 Q. Are you aware of any, like, English as a second  
16 language programs or anything like that, that might be  
17 taking place in elementary and middle or high schools in  
18 Galveston?

19 A. The only one that I know exist is at LA Morgan.

20 Q. Okay.

21 A. I don't know if it's at any of the other schools.

22 Q. And that's an elementary school?

23 A. That's an elementary school.

24 Q. Are you -- are you involved in any school  
25 district races or issues, or do you attend any school

1 district meetings?

2 A. No.

3 Q. Okay. And how do you become familiar with the  
4 issues with education in Galveston as you sit here today?

5 A. Mostly by reading the newspaper.

6 Q. Sure. Is that the same -- is that also true for  
7 from '92 forward while you were sitting as a judge?

8 A. While I was sitting as a judge I had a little bit  
9 more involvement because truancy came in front of me.

10 Q. Can you tell me a little bit about -- so did you  
11 handle truancy cases the entire time that you served?

12 A. No, not the entire time.

13 Q. What time period did you handle those cases?

14 A. From the beginning through -- uh-oh, is that you?

15 Q. It is. My stomach is very hungry.

16 MR. BARON: There's a muffin right  
17 behind you, they're not bad.

18 MS. OLALDE: I might -- I might do that  
19 on break.

20 MR. BARON: They're not bad.

21 A. Okay. From 1993 when I started --

22 Q. Um-hmm.

23 A. -- to, I want to say, somewhere around 2014,  
24 2015. Somewhere up in there.

25 Q. What caused the -- did it go to a different court

1 or what happened?

2 A. Yeah, they -- the school district decided to take  
3 the cases over to the Galveston Municipal Court.

4 Q. Do you think that was a positive change or?

5 A. I don't know because I don't know what -- what  
6 happened with that judge in --

7 Q. Y.

8 A. -- after the move.

9 Q. Can you tell me a little bit about the truancy  
10 docket that you would see, like, what typically would it  
11 entail?

12 A. How do I put this? So many of the children had  
13 fallen behind --

14 Q. Um-hmm.

15 A. -- and once they fell behind it was just entirely  
16 too difficult for them to catch up. And when they  
17 couldn't catch up, then they started not -- just not  
18 going.

19 Q. Okay. And with your truancy docket would you see  
20 mostly minority children in front of you --

21 A. Yes.

22 Q. -- would it be a mix of minority and white  
23 children?

24 A. Mostly minority.

25 Q. And of the minority children would it be

1 primarily African American or Hispanic, Latino?

2 A. Primarily African American.

3 Q. Okay. And what does the -- a truancy charge,  
4 is it -- is it a penalty? How does that work?

5 A. It's a Class C misdemeanor.

6 Q. Okay. And what is -- what's the resolution of  
7 those types of charges?

8 A. As a Class C misdemeanor most of the punishment  
9 is a fine; but, of course, when you're charging a criminal  
10 offense on a child, 12, 13, 14, 15 years old, they don't a  
11 job, you have to be creative. So community service was  
12 the primary punishment, and for those that were 16 and up,  
13 I would order them to go just get their GED.

14 Q. What were you experiencing just generally in  
15 terms of compliance with your orders on truancy cases?

16 A. There was no compliance. That group of children  
17 are -- it's hard to get a handle on them.

18 Q. Okay. Even for community service?

19 A. Most of them finished the community service.

20 Q. Okay. Apart from what we discussed with the  
21 truancy cases and the language issues with education, is  
22 there anything else that you can think of where a minority  
23 person would have a different experience or different  
24 needs in terms of education than a white person in  
25 Galveston?

1 A. I'd have to think about that. I can't say  
2 offhand.

3 Q. Sure. Moving on to housing. What examples or  
4 how -- how would a person of -- who's a minority have  
5 different needs than a white person in Galveston and based  
6 on your experience?

7 A. Most of the housing projects in Galveston were  
8 filled with African Americans. And, of course, you know,  
9 being in the housing projects is those are small  
10 apartments and, you know, it's not as, I want to say -- I  
11 don't want to say luxurious, but not as nice as being in a  
12 neighborhood of houses. How different environment.

13 Q. The house -- the housing projects that you're  
14 talking about, were those still open after Ike?

15 A. They have been completely redone, different --  
16 different construction. Not all of them are back, they're  
17 now -- the last one is being built now on 53rd and  
18 Broadway.

19 Q. Do you consider that an improvement?

20 A. Big improvement from what they were, big  
21 improvement.

22 Q. Okay. Any other examples with respect to  
23 housing?

24 A. I'd have to think about that one.

25 Q. Okay. As you're sitting here today no?

1 A. I can't -- yeah, I can't. I'd have to think  
2 about it.

3 Q. Sure. With respect to jobs.

4 A. Um-hmm.

5 Q. What issues would a minority individual in  
6 Galveston face that you don't believe a white person in  
7 Galveston County would face?

8 MS. RICHARDSON: Objection. Form.

9 A. Most -- many minorities in Galveston have the  
10 lower paying jobs in the service field, you know,  
11 restaurants things of that nature, janitorial services,  
12 very -- I mean, unless you have a higher education, you're  
13 not going to get into the professional jobs.

14 Q. And I apologize because my question was for the  
15 county, but let's focus in on Galveston City. Is your  
16 answer the same with respect to Galveston, the city?

17 A. Yes, I'm basically referring to Galveston the  
18 city.

19 Q. Right. And that's kind of what I wanted to make  
20 sure that we're talking apples and apples because I think  
21 I did mess up and say county with the last question. But  
22 all of the answers or all of the things that we've been  
23 talking about from your perspective, have you been  
24 considering the city and not the entire county?

25 A. Yeah, I can talk for the city --



1 Q. Okay.

2 A. -- because I'm more familiar with the city than I  
3 am with the whole county.

4 Q. Sure.

5 A. You know, League City, Friendswood, San -- San  
6 Leon, Santa Fe, Hitchcock. I mean, I can't answer all of  
7 that.

8 Q. Okay. That was going to be my next set of  
9 questions, and I'll have to run through them. But, for  
10 example, League City, do you know the racial demographics  
11 there?

12 A. No.

13 Q. Okay. Same question for Friendswood?

14 A. No.

15 Q. Same question for Santa Fe?

16 A. No.

17 Q. Texas City?

18 A. No.

19 Q. La Marque?

20 A. No.

21 Q. Bolivar?

22 A. Bolivar is primarily white, now I do know that.

23 Q. Okay.

24 A. It's only about maybe 4000 citizens over there.

25 Q. It's a small community, right?

1 A. Um-hmm.

2 Q. Okay. Do you know whether jobs have become more  
3 available or less available over time in Galveston, the  
4 city?

5 A. They're beginning to come back because since  
6 hurricane Ike the island is rebuilding. It is coming back  
7 so they're beginning to come back. But here again, it's  
8 the same thing, it's the service industry, janitorial, you  
9 know, things of that nature. Professional -- professional  
10 jobs have been taken, and there's just not a lot of  
11 opportunity unless you have a degree to be a teacher or  
12 something like that.

13 Q. Would you consider Galveston to be primary -- its  
14 primary industry to be tourism?

15 A. It is.

16 Q. Okay.

17 MS. RICHARDSON: In that last question  
18 were you referring to the city just to --

19 MS. OLALDE: Oh, sure --

20 THE WITNESS: Um-hmm, yeah, we're  
21 talking about Galveston, right.

22 BY MS. OLALDE:

23 Q. Um-hmm. Because Galveston County isn't going to  
24 be as big.

25 A. No, -- yes, we were talking about the City of

1 Galveston.

2 Q. -- Texas City or the -- yeah, the refineries.

3 A. Right.

4 Q. Okay. Apart from political organizations, are  
5 there any other -- go ahead and take...

6 A. Thank you.

7 Q. Apart from political organizations, are there any  
8 other types of groups that you're a member of?

9 A. Not really, no.

10 Q. Okay. Do you belong to a church?

11 A. I'm catholic.

12 Q. Okay, me, too. Do you go to Bishop's Pal --  
13 where do you -- where do you attend?

14 A. Most of the time it's Sacred Heart.

15 Q. Okay. And do you socialize with people from your  
16 congregation?

17 A. No.

18 Q. Okay. And I know that you are a lawyer, that  
19 you've served as a judge for many years. Do you intend to  
20 give any legal opinions in this case?

21 A. No.

22 Q. Do you intend to give any expert opinions in this  
23 case?

24 A. No.

25 Q. You're here to provide factual information,

1 correct?

2 A. Correct.

3 Q. And I know this is a silly question, but have you  
4 ever used GIS mapping software?

5 A. No.

6 Q. Okay. Have you ever looked at manipulable maps  
7 online where you can zoom in and zoom out with respect to  
8 Galveston County?

9 A. In the past?

10 Q. Ever.

11 A. Well, yes, I've looked at maps in the past --

12 Q. Sure.

13 A. -- online.

14 Q. With respect to the 2011 districting process, did  
15 you ever go online and kind of look at maps and zoom in or  
16 zoom out or use different functions online?

17 A. I don't -- I don't recall that -- doing that  
18 during 2011.

19 Q. Did you ever do it during the 2020-2021 cycle?

20 A. Yes, after they came out on the -- in the  
21 newspaper.

22 Q. And did you review those with other people or was  
23 it just you individually?

24 A. It was just me.

25 Q. Okay. And what were you looking for when you

1 were searching for the maps online?

2 A. My address and where I was going to end up being.

3 Q. Were you able to use the features where you could  
4 toggle on and off various layers like precincts for  
5 commissioners or other types of filters?

6 A. No, I don't know how to do that.

7 Q. Okay. Do you know what criteria the plaintiffs  
8 would like to see considered in a redistributing process?

9 MS. RICHARDSON: Objection. Form.

10 Q. You can answer.

11 A. I would like to see a precinct where a -- the  
12 minorities would be able to elect a candidate of their  
13 choice to put on the commissioner's court.

14 Q. And what would create that type of precinct? And  
15 just to the extent that you know or have an opinion.

16 A. Something that would be similar to what the old  
17 Precinct 3 --

18 Q. Okay. And --

19 A. -- was.

20 Q. -- and that would be the geo -- the old Precinct  
21 3 map, correct?

22 A. Right.

23 Q. That existed prior to the 2021 redistricting?

24 A. Correct.

25 Q. Okay. Anything else?

1 A. That's all I know.

2 Q. Sure. I'm going to switch gears a little bit.  
3 Did you have any documents that were responsive to or --  
4 strike that.

5 Can -- do you have any -- or did you have any  
6 documents that were related to this current litigation?

7 A. No, other than law -- the petition?

8 Q. Um-hmm.

9 A. I have that. I have -- I know --

10 Q. Sure.

11 A. -- yeah, I reviewed that.

12 Q. I'll just go down a couple of different types of  
13 -- or categories. For example, do you use text messaging?

14 A. Yes, I have used it.

15 Q. Okay. Did you ever text message with anyone  
16 about 2021 redistricting?

17 A. No.

18 MS. RICHARDSON: And before --

19 MS. OLALDE: And not --

20 MS. RICHARDSON: -- we get started, to  
21 the extent that any of these questions go into  
22 communications with your lawyers, I'll instruct you not to  
23 answer those questions.

24 THE WITNESS: Okay.

25 BY MS. OLALDE:

1 Q. And just to kind of continue on with that. Like  
2 the who, the what. Like for example, I texted with  
3 Valencia, but don't tell me what you texted about. Does  
4 that make sense?

5 A. Okay, I understand.

6 Q. Okay. So you haven't texted with anybody about  
7 the subject matter of this case?

8 A. Not to my knowledge.

9 Q. Okay. And that would have been before or even  
10 after it was filed?

11 A. No, not to my knowledge.

12 Q. Sure. Do you use FaceBook?

13 A. No.

14 Q. Okay. Do you -- and because you don't use  
15 FaceBook, it's probably reasonable to assume you don't use  
16 the Instant Messenger function on it either?

17 A. No.

18 Q. Okay. Do you use e-mail?

19 A. Sometimes.

20 Q. What is your e-mail address?

21 A. Penlpope@aol.com.

22 Q. Okay. Do you have any other e-mail addresses?

23 A. No.

24 Q. Okay. Apart from --

25 A. Oh, wait -- wait a minute, I do. For the iPad

1 they want you to have a Google one but I don't use it.

2 Q. Okay. Do you even know what that e-mail is?

3 A. Uh-huh.

4 Q. Okay. Did you -- would you have had any e-mails  
5 that were -- that discussed the 2021 redistricting in any  
6 way?

7 A. No.

8 Q. Okay.

9 A. Other than maybe something that came in if there  
10 was going to be a meeting or something, you know, but...

11 Q. Um-hmm. Did you search your e-mail for those, or  
12 did counsel assist you in searching those -- for those  
13 e-mails?

14 A. Yes.

15 Q. Okay. And anything that popped up you would have  
16 given to counsel?

17 A. Correct.

18 Q. Okay. Did you have -- do you have a personal  
19 computer?

20 A. Yes.

21 Q. And on that personal computer would you have any  
22 documents that are related to 2021 districting?

23 A. No.

24 Q. And you conducted a search to determine whether  
25 that's accurate?



1 A. I have.

2 Q. Okay. You have one personal computer, do you  
3 have any other computers that you use?

4 A. I have two laptops.

5 Q. And same question for both laptops, is it the  
6 same answer?

7 A. Yes.

8 Q. Okay. And apart from Instant Messenger on  
9 FaceBook, do you use any apps on your phone for  
10 communicating with people?

11 A. No -- well, the telephone part.

12 Q. Yeah. Yeah, but other than that do you like --

13 A. Telephone.

14 Q. WhatsApp or other types --

15 A. No, I'm not into all that stuff. No Tik-Tok, no,  
16 none of that stuff.

17 Q. You mentioned earlier that you read the Galveston  
18 County Daily News, correct?

19 A. Um-hmm.

20 Q. Do you read it daily?

21 A. Yeah, but -- well, I glance at the daily -- the  
22 article has to be interesting for me to read the whole  
23 thing.

24 Q. Do you the paper or is it a digital subscription?

25 A. Yeah, I get the paper. As a matter of fact, I

1 picked mine up this morning when I walked out to come up  
2 here.

3 Q. Okay. Are there any other new sources that you  
4 pay attention to on a regular basis?

5 A. The news on television.

6 Q. What kinds of channels?

7 A. KPRC, which is Channel 2. Sometimes CBS.

8 Sometimes MSNBC. Every now and then headline news and  
9 CNN.

10 Q. Do you go to any online news sources?

11 A. No.

12 Q. You ever post comments on articles that you've  
13 read?

14 A. Ooh, no, no, no. That is not me. No, no, no.

15 Q. When you -- do you check your e-mail regularly?

16 A. No.

17 Q. Okay. So --

18 A. You better call me and let me know that you sent  
19 me one.

20 Q. So just to kind of follow up, because you don't  
21 check your e-mail regularly, is it fair to say that you  
22 don't get news updates through your e-mail?

23 A. I do not.

24 Q. If you're -- so you're involved as the treasurer  
25 in the coalition, correct?

1 A. Correct.

2 Q. And how do you obtain information about upcoming  
3 meeting or programs?

4 A. The president usually calls or -- or now he will  
5 send a text.

6 Q. Okay.

7 A. You know, to let us know that we're going to have  
8 a meeting.

9 Q. But you're not going to check your e-mail to see  
10 any information about that group?

11 A. Uh-uh.

12 Q. Have you ever volunteered or worked on another  
13 person's campaign in Galveston?

14 A. Um-hmm.

15 Q. And who would that be?

16 A. Latonia Wilson when she was running for district  
17 clerk. I did a little behind the scenes for Curt Systrom  
18 when he was running for district attorney. Oh, when Joe  
19 Jaworski was running for major. That's all I can think of  
20 right now.

21 Q. How did you help on Ms. Wilson's campaign?

22 A. Made signs, did a fundraiser -- oh, and when  
23 Obama --

24 Q. Um-hmm.

25 A. -- was running in 2008, I was very active in that

1 one.

2 Q. Okay. So for Ms. Wilson did you also go to  
3 events?

4 A. Yes.

5 Q. What kind of events?

6 A. She had a meet and greet. She had a -- well, she  
7 had more than one meet and greet. That was so long ago.  
8 That's all I can think of right now.

9 Q. Sure. For Curt Systrom you said you did some  
10 behind the scenes work for him?

11 A. Um-hmm. Yeah, putting signs together in his  
12 garage.

13 Q. Okay. And did you go to any events with  
14 Mr. Systrom?

15 A. Not with him, I just happen to attend some of the  
16 same events.

17 Q. Okay. And what were those events?

18 A. Mostly like democratic party meetings, banquets.

19 Q. And do you remember what organization was the  
20 democratic party meetings? Was it the democratic party or  
21 was it for another group?

22 A. It either had to be the democrat -- the Galveston  
23 democratic -- well, it's the democratic party, but they  
24 call it the Club.

25 Q. Okay.

1 A. I think it's just one.

2 Q. Do you know if the Club is still around?

3 A. I don't -- I can't recall. I don't know.

4 Q. Okay. And then how did you help Mayor Jaworski  
5 on his campaign?

6 A. On election day went and greeted voters coming in  
7 and, Vote for Joe.

8 Q. Anything else?

9 A. And with the Obama.

10 Q. Um-hmm.

11 A. Yeah, I mean I worked at the campaign office. I  
12 was a treasurer, collected money for that; and so I was  
13 very active in that one.

14 Q. So was that for locally to support Obama?

15 A. That's for Galveston.

16 Q. Okay.

17 A. Well, Galveston and the mainland. Bless you.

18 Q. Okay. So Galveston and the mainland but for  
19 Galveston County, right?

20 A. Well, we didn't go all the way up to north  
21 county, we were just mainly in the Galveston -- City of  
22 Galveston and the La Marque area.

23 Q. Okay. So you worked -- how else -- what tasks  
24 would you do to support President Obama in his campaign?

25 A. I worked in the campaign office that we set up.

1 I -- like I said, I tired to -- I acted as the treasurer,  
2 collected the money, attended the functions that we --  
3 that the little group that we had put together.

4 Q. Was that for his initial --

5 A. 2000 -- for the 2008 election.

6 Q. Did you also work on his -- his subsequent  
7 election as well?

8 A. No.

9 Q. Why not?

10 A. Because I knew he was going to win.

11 Q. When you were running for office, did you have a  
12 specific campaign message or platform that you were  
13 running on?

14 A. No, not really.

15 Q. And as you were sitting as a judge, did you have  
16 staff?

17 A. Yes.

18 Q. And who did you have -- or let's start with  
19 numbers. How many people did you have for staff?

20 A. When I was judge of Precinct 2, two -- two  
21 clerks.

22 Q. Are those law clerks?

23 A. No, just court clerks.

24 Q. Sure, okay. And in the next precinct?

25 A. In Precinct 3, seven clerks.

1 Q. Why the increase?

2 A. Because at -- when I became judge of Precinct 3 I  
3 ended up with three offices, La Marque, Galveston, and  
4 Bolivar -- Crystal Beach.

5 Q. So you had to go to three --

6 A. So I had to go to three different buildings.

7 Q. Okay. And your case load increased?

8 A. Yes.

9 Q. Okay. Going back to when you were presiding over  
10 Precinct 2. You had two court clerks, did they also live  
11 on the island or do you recall?

12 A. Oh, wow. Okay, in the very beginning both of  
13 them lived on the island.

14 Q. Um-hmm.

15 A. But then as you know you have turnover, I can't  
16 recall when. But then one clerk lived in Santa Fe and one  
17 was in Galveston for a period. Then the commissioners  
18 reduced by -- reduced my staff down to just one clerk.  
19 She lived on the mainland and -- and it wasn't until JP3  
20 that had them kind of all over.

21 Q. Do you remember when you went from two clerks to  
22 one when you were presiding over Precinct 2?

23 A. I want to say that was 2011 -- 2010 or 2011.

24 Q. And do you know what caused that?

25 A. The justification that I was given was because

1 the case load had decreased.

2 Q. Okay. Anything else?

3 A. I'll have to think about that.

4 Q. Sure. And you disagree with that -- with that  
5 reason?

6 A. I'll just say that that's the reason that I was  
7 given.

8 Q. Did you believe that your case load had  
9 decreased?

10 A. I would have to go back and think about it.

11 Q. Sure. Were you able to hire who you wanted to  
12 have as yours clerks or were there other people whose  
13 involvement you had to get them on board?

14 A. I could hire who I wanted.

15 Q. Okay. For the time period when you had two  
16 clerks and they lived on the island, were they white, were  
17 they minority?

18 A. One white, one black.

19 Q. Okay. And when you went down to one clerk, what  
20 were the -- what was their race if you know?

21 A. Hispanic.

22 Q. Hispanic. And in Precinct 3 you said you had  
23 seven clerks?

24 A. Um-hmm.

25 Q. Do you -- what kind of turnover would you have



1 with your clerk staff?

2 A. It's not that frequent, or it wasn't that  
3 frequent. But one clerk was a male.

4 Q. Um-hmm.

5 A. And he got a job at one of the plants so he left.  
6 Who else left? Oh, the commissioners reduced the number  
7 of clerks in the Crystal Beach office when I took over, so  
8 one -- one person had to go find another job. So she  
9 left. That's all I can think of right now.

10 Q. Sure. And then when it comes to race, was it a  
11 mix of white and minority --

12 A. Um-hmm.

13 Q. -- with your clerks in Precinct 3?

14 A. Um-hmm.

15 MS. RICHARDSON: Oh, before -- before  
16 you answer that, Penny, I just need to object to the  
17 relevance of this entire line of questioning with respect  
18 to the JP constable precincts and the staffing, especially  
19 they -- it appears to be related to the 2013 case, which  
20 is technically ongoing.

21 THE WITNESS: I think she's talking  
22 about the ...

23 BY MS. OLALDE:

24 Q. Your staff when you served over Precinct 3?

25 MS. RICHARDSON: And you can answer, but

1 I'm just going to note that objection for the record.

2 THE WITNESS: Okay.

3 BY MS. OLALDE:

4 Q. So you can -- you can answer.

5 A. Alright. It was mixed. Okay. So let's see in  
6 La Marque, Adrienne was Hispanic; Regina was Hispanic;  
7 Andrea was black. In Galveston, Rosie, Hispanic; Roxanna,  
8 Hispanic. In Crystal Beach, Sandy was white and Stormy  
9 was white.

10 Q. Okay. And did any of your clerks speak Spanish?

11 A. Yes.

12 Q. And that was a pretty important function of their  
13 job in order to communicate with the public. Is that  
14 correct?

15 A. Correct.

16 Q. Do you speak Spanish?

17 A. No.

18 Q. Okay. But when you were hiring individuals, was  
19 that one of the factors that you would consider?

20 A. Yes.

21 Q. Is it fair to say that you are a regular voter?

22 A. Yes.

23 Q. Every since --

24 A. Now, I missed a couple.

25 Q. Okay.

1 A. Okay. I have missed a couple, but I try to get  
2 there at every election.

3 Q. Okay. Where do you go to vote physically?

4 A. Wherever the line is the shortest.

5 Q. You do early vote -- voting?

6 A. No, I like to vote on election day.

7 Q. Okay. And do you vote in primaries, the  
8 democratic primaries?

9 A. Yes.

10 Q. Okay. Fair to say that you've never voted in a  
11 republican primary?

12 A. I -- that's fair to say.

13 Q. Excuse me. Do you remember what offices or what  
14 campaign -- what positions were being run for the last  
15 time that you voted what it would have been?

16 A. The last time would have probably been a county  
17 election. That would have been -- yeah, that would have  
18 been a county election.

19 Q. Do you remember anybody who was running in that  
20 election?

21 A. Probably the constables were running, and I could  
22 have this wrong, okay, because I'm trying to remember.  
23 Because it's different offices are staggered, you know,  
24 with the county. So if it -- since the JPs are coming up,  
25 so then the constables should have been the last one. And

1 then with the constables would have also been Commissioner

2 Holmes, Derrick Rose, the treasurer because the new guy

3 wants to abolish the treasurer's office. Who else?

4 Tax -- tax office may have been on that ballot, too.

5 Q. Do you remember if your -- the candidates that

6 you voted for if any of them won?

7 A. If my memory is serving me correctly and I'm

8 thinking about the election correctly then, yes.

9 Q. Okay. And do you remember who they were?

10 A. Yes.

11 Q. Who were they?

12 A. It would have been Derrick Rose and Stephen

13 Holmes.

14 Q. Okay. And now we've talked about Commissioner

15 Holmes, but why was Derrick Rose one of your candidates of

16 choice?

17 A. Because he's the constable of my precinct.

18 Q. And --

19 A. Or he was. You know, I -- well, he still is.

20 It's the still. He still is.

21 Q. Okay. And is there -- are there reasons that you

22 preferred him as a candidate?

23 A. I know him. I know what he stands for. I know

24 what he -- what he thinks about things and, yeah, I would

25 prefer him.

1 Q. How -- how did you know him?

2 A. I met Derrick when he was appointed by the  
3 commissioners to be constable of Precinct 3. Don't ask me  
4 what year that was because I don't remember.

5 Q. That's okay. How much contact did you have with  
6 Constable Rose?

7 A. In the early years it was just primarily through  
8 the coalition, but once I became JC 3, then he was my  
9 constable.

10 Q. You saw him on a daily basis?

11 A. No, not on a daily basis because I was moving  
12 from office to office.

13 Q. Maybe on a weekly basis?

14 A. A couple -- I'll say a couple of days a week I  
15 saw him.

16 Q. Okay. Is it fair to say that you believe  
17 political issues are more important when you're voting for  
18 a candidate in the candidates' race?

19 MS. RICHARDSON: Objection. Form.

20 You can answer.

21 A. I think they go hand in hand.

22 Q. Okay. Can you explain that for me?

23 A. A minority candidate, I think, is going to have  
24 some of the same concerns as a minority voter. I  
25 personally do not think a lot of the white candidates can

1 | relate to some of the things that the minorities are  
2 | concerned about.

3 | Q. Do you think that's 100 percent true all the  
4 | time?

5 | A. I don't want to put a percentage on it.

6 | Q. Sure. So, for example, if -- if Dr. Robin  
7 | Armstrong was running against a democratic candidate who  
8 | were white, would you have that same opinion?

9 | MS. RICHARDSON: Objection, calls for  
10 | speculation.

11 | You can answer.

12 | A. Okay. If -- correct me if I'm wrong, but I  
13 | believe he's republican so I wouldn't be interested in --  
14 | in that anyway.

15 | Q. Okay. But I guess my question is more of: Do  
16 | you believe that the preferred candidate would be  
17 | Dr. Robin Armstrong because he's minority and he would  
18 | understand minority issues as opposed to a democratic  
19 | candidate who was white?

20 | MS. RICHARDSON: Objection, called for  
21 | speculation.

22 | Q. You can answer.

23 | A. I don't know Dr. Armstrong. I do not know what  
24 | he stands for. I would have to learn some things about  
25 | him before I could even make a comparison like that.

1 Q. But is it fair to say that you would never vote  
2 for him if you had the opportunity because he's  
3 republican?

4 A. I'll agree to that.

5 Q. Do you know what major issues Latino or Hispanic  
6 individuals in Galveston City are facing today?

7 A. I would have to do some research on that. I  
8 can't say right now.

9 Q. Sure. Do you believe that African American  
10 individuals in Galveston County would vote consistently or  
11 similarly with people of Hispanic or Latin decent?

12 A. Yes.

13 Q. Okay. Can you explain to me why you think that?

14 A. Past encounters.

15 Q. Okay. What do you mean by "past encounters?"

16 A. Just listening to what they have to say and -- at  
17 meetings or reading things in the newspaper.

18 Q. Okay.

19 A. You know, reading articles written about LULAC  
20 and what they're concerned about.

21 Q. And when you say the "newspaper," do you mean the  
22 Galveston Daily News?

23 A. Correct.

24 Q. Okay. Any other publication that you would be  
25 thinking about with this answer?

1 A. No.

2 Q. Okay. And when you say, "meetings," what kind of  
3 meetings?

4 A. I'm trying to think. I really can't give you the  
5 name of any organization, but I do recall a couple of  
6 times that I've been at places with, you know, Hispanics  
7 and we've talked about issues. And I don't know if they  
8 really had a name to the organization but...

9 Q. You can't recall any organizations?

10 A. I can't -- I can't -- I don't recall a name of  
11 the organization. It was just something may have come up  
12 and we all kind of met.

13 Q. Do you think it could have been the coalition?

14 A. No, I don't think it's the coalition.

15 Q. Okay. What other organizations were you apart of  
16 where you would have had these conversations? The Texas  
17 Democratic Women, perhaps?

18 A. It may have been, but I cannot say for sure.

19 Q. Okay. Galveston County Democrats?

20 A. It could have been.

21 Q. Is there any -- anything else you think of that  
22 it could have been?

23 A. I just -- no, I can't remember.

24 Q. Sure. You said you have conversations, what were  
25 the conversations about? What issues?



1 A. I can't recall the specific issues.

2 Q. Okay. Do you believe that -- and I guess this  
3 line of questioning when we're talking about this, we're  
4 still considering just Galveston City, correct?

5 A. Correct.

6 Q. Do you have any opinions that would go beyond  
7 Galveston City?

8 A. No.

9 Q. Okay. Do you believe that black and Hispanic or  
10 Latino minorities in Galveston City face the same issues?

11 A. Not all of them.

12 Q. Okay. Can you tell me what issues you believe  
13 that they share?

14 A. Going back to what I previously said, education,  
15 employment, jobs. Well, jobs and employment are the same.  
16 Housing.

17 Q. Okay. And nothing to add from the prior line of  
18 questioning that we discussed?

19 A. No.

20 Q. Okay. Are you -- do you have an understanding of  
21 voter turnout in Galveston City?

22 A. A little.

23 Q. Okay. Can you tell me what that understanding  
24 is?

25 A. It's low.

1 Q. Okay. Tell me a little bit more about that.

2 A. I don't know the actual numbers of how many  
3 registered voters that there are in the City of Galveston,  
4 but in past elections, you know, it has been a low  
5 turnout.

6 Q. Okay. And is that for both republican and  
7 democrats or do you have an understanding as to that kind  
8 of a break down?

9 A. Just general, in general.

10 Q. Do you have an understanding as to whether voter  
11 turnout is lower in certain racial communities in  
12 Galveston?

13 A. No, I can't say that for sure.

14 Q. Sure. Do you know anything about the process  
15 that was used to create the map that was ultimately  
16 adopted in 2021?

17 A. No.

18 Q. You said that you attended commissioners court in  
19 the past, correct?

20 A. Correct.

21 Q. Do you currently go to any commissioner court  
22 meetings?

23 A. No.

24 Q. Okay. And when you were serving as a judge did  
25 you usually go to commissioner court meetings?

1           A. Mostly when something was affecting the JP  
2 constables.

3           Q. Okay. And how often did that come up, as  
4 estimating?

5           A. It wasn't -- well, the budget meetings,  
6 facilities, and the redistricting, those were the main  
7 areas.

8           Q. Budget meetings, was that quarterly?

9           A. Annually.

10          Q. Annually. And facilities meetings, what types of  
11 issues would arise with facilities?

12          A. Location, repairs, improvements.

13          Q. With respect to the facilities that your office  
14 worked in during your service as a judge, what kinds of  
15 repairs or improvements were performed by the county in  
16 those offices?

17          A. By statute, you know, commissioners are obligated  
18 to house all of the various offices. So when I took over  
19 I met with the commissioner's court and they let me know  
20 where they were going to put the new Precinct 2.

21                   When the county was growing so fast and they  
22 were needing more room, we had a commissioner's court  
23 meeting and that's when they said that they were going to  
24 move Precinct 2 and P1 from the annex building where we  
25 were at the main courthouse to a new facility that they

1 were -- that they had purchased and were renovating, you  
2 know, just for us, for the constables and the JPs 1 and 2.

3 Then after hurricane Ike at a meeting they  
4 let us know what they're going to do about the repairs and  
5 everything that were needed because it was 5 feet of water  
6 in our building. We met there. What else? And after the  
7 map was adopted in 2013, I guess it was, we had a meeting  
8 because of the location of where we needed to be.

9 Q. Okay.

10 A. And -- oh, yeah, and then what was that? It was  
11 another meeting, too, because they did something -- I'm  
12 trying to remember what they did. Because then I couldn't  
13 even hold court at the facility on Sealy Street because  
14 they threw me out of the precinct. I was no longer in the  
15 precinct, and I no longer had the protection of the  
16 federal court and they had to move me to the justice  
17 center.

18 Q. Did that occur in 2013?

19 A. That was in that neighborhood, I believe.

20 Q. Okay.

21 A. Yeah.

22 Q. Okay. Do you -- do you remember could it have  
23 been before 2010?

24 A. No, because it had to have been around that time  
25 because that's when I got -- I no longer had the

1 protection of the federal court order. Because when they  
2 did the redistricting than that move -- that put me out of  
3 the protection of the federal court and they had to move  
4 me into the precinct. Because by law, you have to sit in  
5 the precinct that you're elected in, and so they had to  
6 move me over to the justice center.

7 Q. Do you remember under which map they had to move  
8 you to the justice center?

9 A. I guess the -- the one of 2013 when we -- when  
10 they went down to four JP constable precincts.

11 Q. And there was a lawsuit about that, correct?

12 A. Um-hmm.

13 Q. And you were one of the plaintiffs?

14 A. Um-hmm. Yes, yes.

15 Q. So did you stay -- when you had to move from  
16 Sealy Street, what location did you move to?

17 A. To the justice center on 59th Street.

18 Q. And did you stay there in that location?

19 A. Um-hmm.

20 Q. Was it better, worse?

21 A. It was worse in my opinion.

22 Q. Why?

23 A. Because it was crowded. I was sharing that  
24 courtroom with the tax master, CPS, attorney general, and  
25 anybody else who needed a courtroom for some reason.

1 Q. You stayed at the justice center until the time  
2 of your retirement?

3 A. Well, yes, I was going to all three, yeah.

4 Q. Okay.

5 A. Um-hmm.

6 Q. Okay. Do you ever discuss the 2021 lawsuit with  
7 the media?

8 A. No.

9 Q. Did you ever discuss the prior lawsuit that was  
10 filed in the 2011 time period, the 2013 time period with  
11 the media?

12 A. Yes.

13 Q. And what media -- what individuals or media  
14 outlets did you discuss it with?

15 MS. RICHARDSON: And objection it --  
16 there's -- as we all know, there are multiple lawsuits  
17 ongoing between 2011 and 2013, so I'm going to object to  
18 the form of that question --

19 MS. OLALDE: Sure.

20 MS. RICHARDSON: -- so far that it's not  
21 clear.

22 MS. OLALDE: Yeah, we'll -- we'll clear  
23 it up.

24 MS. RICHARDSON: Okay.

25 Q. Which outlets did you discuss this with?

1           A. I cannot remember his name. He was a reporter  
2 for Channel 13.

3           Q. Okay. Trying to remember the name, not TJ Aulds,  
4 correct?

5           A. No, he's with the newspaper, isn't he?

6           Q. Was it somebody by the name of Ari -- Ari Berman?

7           A. No.

8           Q. Okay. We'll --

9           A. A tall, blonde-headed guy.

10          Q. Was it for television or --

11          A. Television, yes.

12          Q. Okay. And do you remember when you talked with  
13 him?

14          A. I think it was -- I'm not sure, okay, so don't  
15 hold me to this.

16          Q. Okay.

17          A. But it was right -- prior to the trial in 20 --

18          Q. '14?

19          A. -- 14. Right -- either right before or during  
20 the trial.

21          Q. Okay. And did you reach out to him or did he  
22 reach out to you?

23          A. He reached out to me.

24          Q. And do you remember what you talked about?

25          A. Trying to remember. I believe -- and here again,

1 don't hold me to this, but I believe he asked me what the  
2 lawsuit was about because I do remember saying that it  
3 was, you know, because of the redistricting. And that's  
4 all I can remember right now.

5 Q. No problem. And when you explained the lawsuit  
6 to him, do you remember how you explained it or any  
7 important messages that you would have wanted to convey to  
8 him?

9 A. If memory serves, I believe I mentioned that the  
10 lawsuit was to try to preserve the rights of minorities to  
11 be able to elect a candidate of their choice. Because the  
12 precinct was created for that purpose and the county had  
13 agreed to that at the time that it was created.

14 Q. And when you say, "the precincts," you mean  
15 Precinct 3?

16 A. Precinct 2.

17 Q. Precinct 2.

18 A. Yeah.

19 Q. This was the JP --

20 A. Right, right, this was --

21 Q. -- redistricting, correct?

22 A. -- yeah, this was the redistricting, yeah, from  
23 2013 was, yeah, JPs, constable redistricting.

24 Q. Anything else?

25 A. That's all I remember right now.



1 Q. Sure. Did you ever speak with anybody else in  
2 the media about redistricting in Galveston County, whether  
3 it's JP or constable or otherwise?

4 A. I don't remember.

5 Q. Okay. Was there an individual, not an attorney,  
6 who drew your attention to becoming a plaintiff in this  
7 particular lawsuit?

8 MS. RICHARDSON: And I know she just  
9 said not an attorney, but I will instruct you not to  
10 answer with respect to any communications between yourself  
11 and your attorneys.

12 A. No.

13 Q. Okay. Was it -- without telling me the substance  
14 of any conversations, was it an attorney who asked you to  
15 become a plaintiff in this case?

16 A. No.

17 Q. Okay. Who asked you to become a plaintiff in  
18 this case?

19 A. Nobody asked me.

20 MS. RICHARDSON: Objection, misstates  
21 prior testimony.

22 A. Okay.

23 Q. Okay. And I guess I just need to clear up my own  
24 confusion. How did you begin the process of becoming a  
25 plaintiff in this case?

1 MS. RICHARDSON: Again, I'll instruct  
2 you not to answer it to the extent that any of these  
3 communications involved yourself and your attorneys.

4 THE WITNESS: So don't answer?

5 MS. RICHARDSON: To the extent that any  
6 of these communications involve yourself and your  
7 attorneys.

8 BY MS. OLALDE:

9 Q. The substance of those --

10 MS. RICHARDSON: The substance of those  
11 conversations.

12 Q. I guess I can -- maybe I can fix this. Did you  
13 reach out to someone about asking if you could become a  
14 plaintiff in this lawsuit?

15 A. I don't like the way you phrase that because I --

16 Q. Well, tell me how you would phrase it.

17 A. Okay. I reached out and said, How can I help.

18 Q. Okay. And who did you reach out to when you did  
19 that?

20 A. My attorney, Neil Baron.

21 Q. Okay. And I don't want to know anything you  
22 talked about with Mr. Baron.

23 A. Okay.

24 Q. But after you had that communication with him is  
25 that when you became a plaintiff in this lawsuit?

1 A. Yes.

2 MS. RICHARDSON: I'll clarify if -- just  
3 for the record. There was a supplemental complaint in the  
4 2013 case of with respect to what you mean by plaintiff in  
5 the current lawsuit?

6 Q. Okay. Well, what do you mean by plaintiff in the  
7 current lawsuit?

8 A. I left that up to Mr. Baron to do what needed to  
9 be done.

10 Q. Sure.

11 A. Okay.

12 Q. Right.

13 A. So the steps -- if you want to know the steps  
14 then you need to ask that man sitting right there.

15 Q. I don't think he's going to testify.

16 MR. BARON: I don't have any such plan.  
17 But speaking of which we have now been going on for about  
18 an hour and half and so I would suggest maybe we take a --  
19 if this is a good spot to take a short break.

20 MS. OLALDE: This is a good spot.

21 MR. BARON: Maybe this is a good time  
22 and --

23 MS. OLALDE: Do you want to go off the  
24 record?

25 MR. BARON: Yes, yes.

1 THE VIDEOGRAPHER: We're off the record.

2 The time is 10:39.

3 (A short recess was taken.)

4 THE VIDEOGRAPHER: We're back on the

5 record. The time is 11:11.

6 BY MS. OLALDE:

7 Q. Judge Pope, you had mentioned that you were a  
8 member of the Galveston County Democrats for a long period  
9 of time?

10 A. Correct.

11 Q. Were there white and minority members of that  
12 group?

13 A. Yes.

14 Q. Okay. Is the same true for the Texas Democratic  
15 Women's organization?

16 A. Yes.

17 Q. Okay. Were you a member -- or have you ever been  
18 a member of LULAC?

19 A. No.

20 Q. Are you member of any NAACP chapter?

21 A. I was until a few years ago.

22 Q. Which chapter?

23 A. The Galveston Chapter.

24 Q. And how long were you with them?

25 A. Over 20 years.

1 Q. Did you attend meetings regularly?

2 A. No.

3 Q. Why not?

4 A. I don't know.

5 Q. Okay. Well did they have, like, regular monthly  
6 meetings or was it not like that?

7 A. Yeah, they had regular monthly meetings, but I  
8 didn't go all the time.

9 Q. Okay. You've had time serving -- in your time as  
10 a judge, you had time also serving on the Texas Judicial  
11 Council?

12 A. I did.

13 Q. And how long did that service last?

14 A. I want to say six years.

15 Q. Do you remember when it started about?

16 A. Late 90s into 2007, 2008, somewhere along up in  
17 there.

18 Q. And what did you do as you served on the Texas  
19 Judicial Council?

20 A. Served on a couple of committees.

21 Q. Okay. And which committees?

22 A. The one that I remember is for juvenile  
23 offenders, served on that one.

24 Q. Do you remember the other one?

25 A. No.

1 Q. Okay. Anything other than service on committees?

2 A. That was basically it. The full council met and  
3 then you had a committee assignment, and then from that  
4 committee assignment would you bring your results back to  
5 the full body.

6 Q. Do you remember what your community -- your  
7 committee worked on with respect to juvenile offenders?

8 A. The statutes under Chapter 45 relating to  
9 juvenile offenders.

10 Q. Okay. And this was a statewide program that you  
11 were involved in, correct?

12 A. Yes.

13 Q. And make you make any recommendations to the full  
14 council?

15 A. Yes.

16 Q. Do you remember what they are -- they were?

17 A. I don't remember.

18 Q. Have you spent any time teaching at all?

19 A. Yes.

20 Q. And where was that?

21 A. I did my student teaching at Bellaire High School  
22 when I was getting my undergraduate degree. And then I  
23 also taught at College of the Mainland government for  
24 about five years.

25 Q. When did you teach at the College of the

1 Mainland?

2 A. From the -- oh, I want to say maybe from 1990 --  
3 1991 to about 1996. Somewhere all up in there.

4 Q. Okay. That was like an adjunct position?

5 A. It was -- yeah, I guess so, yeah.

6 Q. Okay.

7 A. I also taught for the Texas Justice Court  
8 Training Center.

9 Q. Okay. Before we get to that with College of the  
10 Mainland you said that you have taught government. Is  
11 that correct?

12 A. Yes, government.

13 Q. Is that to, like, incoming, like, first year  
14 students, second year students, or who would be your  
15 student body?

16 A. It's a combination of whenever the students get  
17 around to taking the required course.

18 Q. Was it U.S. Government, was it Texas? What was  
19 the subject of the class?

20 A. Some classes -- I usually taught two every  
21 semester and one was American Government, and I think  
22 maybe -- maybe twice I taught Texas Government.

23 Q. Did you ever discuss anything about political  
24 redistricting matters in your classes?

25 A. Only if it was in the textbook.

1 Q. Okay. Do you remember?

2 A. I can't say for sure.

3 Q. Do you ever talk about race relations in your  
4 classes?

5 A. Only if it was in the textbook.

6 Q. And do you remember?

7 A. No, I don't remember.

8 Q. Okay. Now the Texas Justice Court Train --

9 A. Training center.

10 Q. Where was that located?

11 A. It's in Austin.

12 Q. And when did you teach there?

13 A. I think the last year was 2011. So I may have  
14 started around 2004 or 2005.

15 Q. And how -- how frequently would these be? Would  
16 be, like, an annual training or a semiannual?

17 A. It was more than annual. I taught the court  
18 clerks.

19 Q. Um-hmm.

20 A. And they would have seminars in different areas  
21 of the state and -- don't hold me to this, but I want to  
22 say I taught at least twice per training cycle.

23 Q. And it was always for court clerks?

24 A. Well, no, sometimes I had to do the judges, too.  
25 And when another instructor was out of pocket they would



1 call and ask me to step in and teach them, too.

2 Q. Okay. So for the court clerks was it mostly  
3 procedural issues?

4 A. Things that were associated with the justice  
5 court.

6 Q. And then for the judges, what topics would you  
7 teach?

8 A. Things that were related to the justice court.

9 Q. Was that procedural like --

10 A. Procedural and substantive.

11 Q. What substantive topics would you discuss?

12 A. I remember truancy was one, code of criminal  
13 procedure, diversity. And I just threw away all of those  
14 old lecture notes, too. That's all I can remember right  
15 now.

16 Q. When it comes to diversity, what was the  
17 curriculum that you were teaching to these judges?

18 A. I took cases from federal court, federal court  
19 cases and we went through those.

20 Q. Okay. What cases?

21 A. Oh, I do not remember the name of those cases.  
22 Do not ask me that.

23 Q. No problem. And -- would setting aside the names  
24 of the cases, what were the subjects? What were you guys  
25 talking about?

1           A. How important it was to take other people  
2 differences into account in the job situation or just in  
3 your own thinking. You know, to try to eliminate as my  
4 prejudices as you can.

5           Q. And does this kind of tie back to your thesis  
6 work when you got your master's?

7           A. No.

8           Q. Not all?

9           A. No. This was a topic that the training center  
10 wanted me to research and teach.

11          Q. Okay. And what you utilized for that were  
12 reported cases?

13          A. Right.

14          Q. Anything else?

15          A. No, it was all reported cases in the federal.

16          Q. Okay. And you were teaching Texas district court  
17 judges?

18          A. No, this is justice court.

19          Q. Justice court.

20          A. Justice court.

21          Q. Okay, justice court. And were your students  
22 giving positive feedback, substantive feedback?

23          A. Yeah, a lot of positive feedback.

24          Q. Okay. Nothing negative?

25          A. Not that I recall.

1 Q. Okay. And so the goal of those courses was to  
2 talk about bias, right?

3 A. Yeah.

4 Q. And eliminating bias?

5 A. Right.

6 MR. BARON: I apologize. I did not  
7 realize this was the louded Keurig in the history coffee  
8 makers. Give me 30 seconds and I will never do this  
9 again.

10 MS. RICHARDSON: Can we go off the  
11 record?

12 MS. OLALDE: Let's go off the record.

13 THE VIDEOGRAPHER: We're off the record.  
14 The time is 11:19.

15 (A short recess was taken.)

16 THE VIDEOGRAPHER: We back on the  
17 record. The time the 11:21.

18 BY MS. OLALDE:

19 Q. Judge Pope, do you happen to know how the 2011  
20 redistricting map was created before it's adoption -- it's  
21 initial adoption?

22 A. No.

23 Q. Okay. Do you happen to know what happened to  
24 that map after its adoption?

25 A. I'm not sure.

1 Q. Sure. In 2011 was preclearance still in effect  
2 over Galveston County?

3 A. Yes.

4 Q. Okay. And so do you know the processes that are  
5 in place for preclearance of redistricting?

6 A. No.

7 Q. Okay. How did you come to be involved in the  
8 2011 lawsuit?

9 MS. RICHARDSON: Again, well -- yeah,  
10 obviously answer the question but to the extent that any  
11 of your answer reveals the substance of any communications  
12 with counsel, I will instruct you not to answer.

13 A. The map that was adopted was going to eliminate  
14 the minorities' opportunity to elect a candidate of their  
15 choice. And that's how I came -- became involved.

16 Q. Okay. Do you know what time period you became  
17 involved?

18 A. It was after the map was adopted.

19 Q. Do you know if -- where the map was along the  
20 path of preclearance process?

21 A. No.

22 Q. Okay. And did you reach out to somebody to be  
23 involved in the lawsuit or did somebody reach out to you?

24 MS. RICHARDSON: Same -- same  
25 instruction with respect to communications -- the

1 substance of communications with counsel.

2 THE WITNESS: Okay.

3 MS. RICHARDSON: But I believe that's a  
4 yes or no question, but -- yeah, sorry.

5 A. I think several of us kind of learned about it at  
6 the same time.

7 BY MS. OLALDE:

8 Q. Was it at a coalition meeting?

9 A. It may have been.

10 Q. Okay. Do you remember what meeting it was at?

11 A. It may have been the coalition meeting.

12 Q. Okay. Did you learn about it -- do you know how  
13 far in advance before the suit was filed that you learned  
14 about the fact that there would be a lawsuit?

15 A. I don't know how to answer that.

16 Q. Sure. Do you remember when the lawsuit was  
17 finally filed?

18 A. Yeah, I remember when the lawsuit was finally  
19 filed. And that was after -- it was after the county had,  
20 had the hearings and after it was adopted.

21 Q. Do you know how long after?

22 A. No.

23 Q. Okay. Did you attend any of the meetings that  
24 were held? I think there were five different meetings  
25 ahead of the 2011 map adoption, where there were those

1 public meetings to discuss the maps, did you attend any of  
2 those?

3 A. A couple of them.

4 Q. Do you know which ones?

5 A. The one in Galveston and I think the one in  
6 either Hitchcock Center or Santa Fe.

7 Q. Okay. And what happened at the Galveston  
8 meeting?

9 A. A lot of people spoke.

10 Q. Did you speak?

11 A. I don't think I did.

12 Q. Okay. Was there any communication or  
13 conversation from the commissioners?

14 A. They discussed it.

15 Q. Okay. And what were the comments from the  
16 public, if you recall, the substance of the comments?

17 A. Not wanting them to eliminate the precincts.

18 Q. Okay. And when you say, "the precincts," are you  
19 talking commissioner, you're talking Justice of the Peace?

20 A. The Justice of the Peace Constable Precincts.

21 Q. Okay. Was there any conversation at all about  
22 commissioner court in these meetings, commissioner court  
23 proceedings in these meetings?

24 A. No, I don't think so.

25 Q. Okay. Did you have an opinion about the

1 commissioner court redistricting in 2011?

2 A. I don't recall any commissioner court  
3 redistricting. I mean it was just the JP Constable  
4 Precinct.

5 Q. What about -- yeah, it would have been 2011, 2012  
6 timeframe. You don't recall?

7 A. I don't recall --

8 Q. Okay.

9 A. -- the commissioners changing their precincts.

10 Q. Okay. Do you know how the map that was in  
11 existence before the 2021 vote, do you know how that came  
12 to be?

13 MS. RICHARDSON: Objection. Form.

14 Q. You can answer.

15 A. Okay. Are you referring to the -- the old  
16 precincts and not the new ones?

17 Q. The prior commissioner court map that was  
18 replaced by the current commissioner court precincts?

19 A. How it came into being?

20 Q. Um-hmm.

21 A. I don't know.

22 Q. Do you think there's a history of official  
23 discrimination in Galveston?

24 A. Define official.

25 Q. Something coming from an elected officer or an

1 | elected position.

2 | A. If you're referring to personal comments, I don't  
3 | know.

4 | Q. Okay. What about policies, procedures,  
5 | enactments, anything that would have come from, for  
6 | example, the commissioners court? Do you think that  
7 | there's any indication of discrimination in Galveston  
8 | County from that perspective?

9 | MS. RICHARDSON: Objection. Form.

10 | Q. You can answer.

11 | A. The affect in my opinion, the affect of the vote  
12 | shows discrimination.

13 | Q. And when you say, "the vote," you mean the 2021  
14 | map?

15 | A. And the -- and the others.

16 | Q. And the others would be the 2011 Justice of the  
17 | Piece vote?

18 | A. Correct.

19 | Q. Do you think that either of those votes were  
20 | intentionally done by any commissioners in order to  
21 | discriminate against minority voters?

22 | A. I don't know what their intent was. I just know  
23 | what the affect happen to be.

24 | Q. Any other examples or any other areas along  
25 | official discrimination that you believe we need to



1 discuss or that you believe have existed?

2 A. I have to think about that.

3 Q. Sure. And that question was for the county as a  
4 whole with respect to the commissioners court, but let's  
5 zero in on Galveston County. Any examples there from an  
6 official perspective, city management, etcetera?

7 A. The county is not involved in city management on  
8 the island.

9 Q. Exactly. So it's a different question, right.  
10 Do you think that there's any official discrimination with  
11 respect to matters in the city?

12 A. Let me get back to you on that.

13 Q. Okay. But sitting right now you can't think of  
14 any?

15 A. I can't think of anything right.

16 Q. Sure.

17 A. But I'll think about it.

18 Q. Sure. But if you think of anything, would you  
19 please let me know before the end of the deposition? We  
20 just don't want to be surprised when you testify later and  
21 you're like, Oh, wait, I remember 20 things --

22 A. Um-hmm.

23 Q. -- because right now is our opportunity to really  
24 talk about the facts that are important to this case.

25 A. Okay.

1 Q. Obviously you believe that there's a history of  
2 racism in Gal, correct?

3 A. Correct.

4 Q. Is that true for the city?

5 A. Correct.

6 Q. Is that true for the county?

7 A. Correct.

8 Q. Can you tell me some examples of -- and I'm just  
9 going to ask for the whole county because it includes the  
10 city. Can you tell me of some examples of why you believe  
11 that there is a history of racism within the past 20 years  
12 in the county?

13 MS. RICHARDSON: Objection. Form.

14 Q. You can answer. If you don't understand it I'll  
15 rephrase.

16 A. The only way I know how to answer that question  
17 is to go back to give you a real history of racism in  
18 Galveston County --

19 Q. Okay.

20 A. -- and Galveston. When I was born and brought up  
21 separate but equal was in effect, okay. And schools was  
22 segregated, doctors' offices were segregated. You don't  
23 know what it's like to be -- you know, have to go to the  
24 doctor and you have to sit on a wooden bench in a little  
25 bitty room in the back of the doctor's office while the

1 | white patients get to sit in the nice luxurious waiting  
2 | room in nice chairs, you know.

3 |                   When I was growing up, we had to sit on the  
4 | back of the bus. I made many a ride on the back of the  
5 | bus, and that was true for a very long time. And even  
6 | when integration started in Texas in the 1960s it was  
7 | still a -- a hassle in order to get to where blacks were  
8 | treated equally.

9 |                   And even now in some areas I do not believe  
10 | that blacks and minorities are treating equally. And I do  
11 | believe that when it comes to politics, the only way that  
12 | minorities are even given an opportunity to run and be  
13 | elected for positions in whether it's city government,  
14 | county government, or whatever, it's when it's in the  
15 | smaller areas.

16 |                   And when you take away these smaller areas,  
17 | then you take away the opportunity for minorities to be  
18 | elected and for the minority voters to have an  
19 | opportunity to vote for the candidates of their choice.

20 |           Q. Can you -- thank you. I appreciate that, it  
21 | does -- it's very helpful.

22 |                   Can you tell me when in the 1960s  
23 | desegregation began in Galveston in your experience?

24 |           A. For the school district I remember that it was  
25 | the 1968, '69 school year is when the school district

1 combined Ball High and Central. Central was the black  
2 high school, Ball High was the white high school. And  
3 that was the first time that the high schools were -- that  
4 was the first year that they really started the  
5 integration.

6 And I think it was after that, that other  
7 areas began to, you know, integrate, too. Then the --  
8 then we could ride anywhere on the bus and other, you  
9 know, other things.

10 Q. The elementary schools were they being  
11 desegregated at the same time that Ball and Central were  
12 being combined?

13 A. Say that again, please.

14 Q. Elementary schools were they being desegregated  
15 at the same time?

16 A. Yes, that was for the whole school district.

17 Q. And you spent your freshman through junior year  
18 at Central. Is that correct?

19 A. No.

20 Q. No?

21 A. No, no.

22 Q. Which years did you spend at Central?

23 A. I never went to Central.

24 Q. I apologize my notes are wrong then on my timing.

25 A. Um-hmm.

1 Q. When did you first enter high school?

2 A. '67 -- '66, '67.

3 Q. And at that point you were going to Ball High?

4 A. No, at that point I was at Sam Houston Middle  
5 School.

6 Q. Okay.

7 A. 9th grade was at Sam Houston Middle School.

8 Q. Okay, I get it. And was that a black middle  
9 school?

10 A. Yes.

11 Q. Okay. And where did you go for 10th grade?

12 A. Ball High.

13 Q. And that was -- at that point it was becoming  
14 integrated?

15 A. Not yet. That was the year before.

16 Q. Okay.

17 A. And the only reason why I remember I went to Ball  
18 High because they made my dad one of the vice principals  
19 at the school.

20 Q. Okay. Were there other African American  
21 students --

22 A. A couple.

23 Q. -- at Ball High?

24 A. Um-hmm, a couple.

25 Q. Okay. From your time in 10th grade through

1 | graduation, did you see the enrollment at Ball High become  
2 | more mixed?

3 | A. Well, yes, it was mixed because it was the only  
4 | high school other than the catholic school.

5 | Q. What happened to Central? Did Central --

6 | A. Central became a middle school.

7 | Q. Okay. Okay. When it comes to segregation on  
8 | buses, when did you see that change in Galveston?

9 | A. It had to have been after -- like I said, once  
10 | the school district started the integration and other  
11 | areas started doing the same.

12 | Q. Okay.

13 | A. And so it had to have been after that.

14 | Q. And is it fair to say that race relations have  
15 | improved from 1970 to today in Galveston?

16 | A. There's still room for improvement.

17 | Q. But they have improved?

18 | A. Some.

19 | Q. Okay. You mentioned that today you think that  
20 | there is still racism in Galveston County, correct?

21 | A. Correct.

22 | Q. Can you give me some examples, please?

23 | A. It's the affect of different things. The fact  
24 | that more minorities are arrested than whites. The fact  
25 | that more of the better -- how can I put this? The

1 communities, the housing communities, with the \$300,000  
2 homes are primarily white. You know, because of blacks  
3 not, you know, being able to afford that type of housing.  
4 And here again, I'm going to go back to why  
5 we're here the affect that changing the commissioner  
6 precinct lines are going to have an impact on the minority  
7 voters and take away their opportunity to be able to elect  
8 a candidate of their choice.

9 Q. Do you think that the commissioners intended to  
10 discriminate against minorities when they passed the 2021  
11 maps?

12 A. I wasn't there, I don't know. I just know what  
13 the affect is of their action.

14 Q. Okay. Do you believe that Anglo voters in  
15 Galveston County vote primarily republican?

16 MS. RICHARDSON: Objection. Calls for  
17 speculation.

18 Q. If you know.

19 A. I don't know.

20 Q. Do you have a belief about that?

21 A. I really don't know.

22 Q. Do you think voting in Galveston County is  
23 racially polarized?

24 MS. RICHARDSON: Objection, calls for a  
25 legal conclusion.

1 A. I don't know.

2 Q. Okay. Are there any voting practices or  
3 procedures in place in Galveston County that you believe  
4 are discriminatory?

5 A. I don't know.

6 Q. Do you think -- do you think voting ID  
7 requirements are discriminatory?

8 A. Yes, I do not like it.

9 Q. Okay. Can you tell me why?

10 A. There are -- or there was when the voting ID  
11 statue came into effect, the belief that there was a lot  
12 of fraud in the election process. And that is just not  
13 the case. It's not -- I mean, maybe, you know, a few  
14 instances every now -- here and there, but it's not in --  
15 in my opinion, it wasn't enough to justify putting people  
16 to that restriction of having to take a picture ID with  
17 you to vote.

18 If you are a registered voter and you have  
19 your voter registration card or you're on the list, then  
20 in my opinion that should have been sufficient.

21 Q. Okay. Now that we've talked a little about voter  
22 ID, have you thought about or can you remember any other  
23 issues that you might think when it comes to practices,  
24 voting practices that are discriminatory?

25 A. I can't think of anything.



1 Q. Okay. When we were talking about discrimination  
2 in Galveston County, do you think the same issues are  
3 faced by Latino or Hispanic members of the minority  
4 community?

5 MS. RICHARDSON: Objection, calls for  
6 speculation.

7 Q. Only if you know.

8 A. I don't know.

9 Q. Are you aware the use of race in political  
10 campaigns in Galveston County, any examples of that?

11 A. In the past there have been a couple.

12 Q. Can you give me examples?

13 A. I remember when Sonny James was running for his  
14 position and he had an opponent, and they had a flyer go  
15 out that was very derogatory. I remember when Obama was  
16 running and -- for president for the first time, and I  
17 came down Highway 45 and across one of those overpasses,  
18 some derogatory comments had been painted on the overpass  
19 against him. Those are two specific instances that I  
20 remember.

21 Q. What was the Sonny James advertisement?

22 A. If I remember correctly because this has been a  
23 while back, they -- the -- the picture of his face had  
24 been distorted. Which was to me, you know, very  
25 disrespectful and intended to -- to show that he wasn't

1 | someone to even consider, you know, for the position.

2 | Q. Do you know if Sonny James won that election?

3 | A. I think he did.

4 | Q. Okay. Anything else, any other examples that you  
5 | can think of?

6 | A. Those are the only two that I can really remember  
7 | right now.

8 | Q. Apart from yourself, do you know of any black or  
9 | Latino, Hispanic, individuals who have been elected to  
10 | public office in Galveston County?

11 | A. Yes.

12 | Q. Okay. Yeah, could you give me their names?

13 | A. Okay. And I believe that this is going to  
14 | demonstrate what I said about it's easier for minorities  
15 | to be elected in precincts, okay. Sonny James was elected  
16 | initially as constable of P5. Gilbert Torres was elected  
17 | a while back as justice of the peace of P5. He was  
18 | followed by Carlos Garza, who was elected justice of the  
19 | peace of Precinct 5. Frank Carmona was elected a  
20 | commissioner, and I believe he was commissioner of P1.  
21 | But I could be wrong on that number.

22 | And of course, me, Precinct 2. Constable  
23 | Terry Petteway Precinct 2. Sonny James again, JP,  
24 | Precinct 3. Earl Tottenham was constable of Precinct 3.  
25 | That's all I can remember in terms of the precincts, but

1 | then when you get to countywide, after it was successful  
2 | with the precincts, then Latonia Wilson was elected  
3 | district clerk, that's countywide. Gerald Burks was  
4 | elected treasurer, and that's countywide. Oh, did I say  
5 | Wayne Johnson for commissioner 3.

6 | Q. Uh-uh.

7 | A. Okay. Wayne Johnson he took -- he was the  
8 | commissioner of Precinct 3 before Stephen Holmes. Who am  
9 | I leaving out?

10 | Q. Tim Clark?

11 | A. He's white. We were talking about minorities.

12 | Q. I apologize. Michelle Slaughter?

13 | A. She's white. She's just married to a Hispanic.  
14 | Nelson is white. Schweitzer was white. Verbany

15 | (phonetic) was white. Hosey was white. Meffa (phonetic)  
16 | was white. Baker was white. That's all I can remember.

17 | Q. Do you know the district court judges?

18 | A. No, Helen Truscott ran for the 122nd District  
19 | Court, but she was -- she did not win.

20 | Q. Okay.

21 | A. And, of course, district court is a countywide.

22 | Q. Okay.

23 | A. Oh, I did leave off somebody, Roy Cantania.

24 | Q. Okay.

25 | A. Now he ran countywide for county court.

1 Q. And he served?

2 A. And he -- yeah, he served.

3 Q. What about Pat Grady?

4 A. White. She's white. And so is her husband.

5 Meade is white. Who's on the 56? Oh, Ronnie Cocks,

6 white. Elsinore is white. 212 that's Grady, 212. 405th

7 Jared Robinson, he's white. 306 is Ann Darrin, she's

8 white. County Court 1 is the other Grady. County Court

9 2, is -- who's the little blonde girl, what's her name?

10 But she's white. And then County Court 3 is -- I think

11 Jacqueline is still the judge of County Court 3, and if he

12 is he's white, too.

13 Q. Do you know Judge Patricia Grady --

14 A. Um-hmm.

15 Q. -- personally?

16 A. Only -- you know, not real friends or nothing,

17 just acquaintances.

18 Q. But you don't know her -- her ethnic background?

19 A. No.

20 Q. You said that you're not familiar about the --

21 about Friendswood when it comes to racial demographics or

22 political voting?

23 A. That's correct.

24 Q. Okay. So you don't know whether or not CH could

25 win the election in the precinct today?

1 A. I can only tell you what I believe.

2 Q. Okay. So just to be clear you don't know, but  
3 please tell me what you believe.

4 A. I do not believe he could -- he could be elected.

5 Q. Why?

6 A. I do not believe there's a sufficient majority  
7 population up there, and I just do not believe that he  
8 would be elected.

9 Q. Majority population of democrats?

10 A. Correct.

11 Q. Did you have any involvement in any lawsuits  
12 against the county regarding any kind of discrimination  
13 prior to 2011?

14 A. No.

15 Q. Do you believe that minorities in -- on the  
16 mainland could have the same interests or needs as minor  
17 -- minorities in Galveston City?

18 A. No.

19 Q. Okay. Why not?

20 A. When I became the JP and was going to the three  
21 localities, that's when I realized that the needs and  
22 the -- of each community is completely different. And  
23 even though the court was a justice court, it was like  
24 having three separate offices.

25 Q. Can you give me some examples of the different

1 needs?

2 A. In La Marque the type of cases that we handle was  
3 mostly civil, and evictions, debt cases, very little  
4 traffic. In Galveston it was mostly criminal, class D  
5 misdemeanors, and as well as administrative hearings,  
6 peace bonds, I mean a real criminal docket. Some civil  
7 evictions, some debt, some automobile accidents, small  
8 claims. And in Bolivar, Crystal Beach is it primarily  
9 criminal, and that is because of the beach.

10 Q. Visitors, tourist, things like that?

11 A. Um-hmm. And -- and the -- and the law  
12 enforcement over there is county. County is responsible  
13 for law enforcement over there.

14 Q. Okay. Do you believe that county law enforcement  
15 in Bolivar is -- has demonstrated any racism toward  
16 individuals in Bolivar?

17 MS. RICHARDSON: Objection, calls for  
18 speculation.

19 Q. If you know.

20 A. I can only tell you what I believe.

21 Q. Okay. So you do not know, correct?

22 A. No, I do not know.

23 Q. What do you believe?

24 A. I believe that it's because it's primarily white,  
25 and because it's primarily the location for whites to come

1 | for their activities that doesn't become a factor. And  
2 | that's because very few blacks go over there to Crystal  
3 | Beach and Bolivar.

4 | Q. And do you think the same thing is true as was  
5 | true ten years ago for Bolivar?

6 | A. Yes.

7 | Q. Do you know?

8 | A. Just what I believe.

9 | Q. Sure. So with the experience you just described,  
10 | how does that play into your opinion of what specific  
11 | needs minorities on the mainland may have that are  
12 | different from minority individuals in Galveston?

13 | MS. RICHARDSON: Objection. Form.

14 | A. I can't answer that.

15 | Q. Okay. You just don't know or?

16 | A. I can't phrase -- rephrase it any differently  
17 | than from what I just said earlier.

18 | Q. Okay. And I think what we were talking about  
19 | earlier was a lot of the docket that you noticed, correct?

20 | A. Right. And that's when I noticed what's going on  
21 | in the -- because you can tell what's going on in the  
22 | community by the docket.

23 | Q. Right. And so you said that you had less  
24 | criminal work on the mainland than you had in Galveston,  
25 | correct?

1 A. Correct.

2 Q. So I'm trying to get to the needs of these  
3 individuals on the mainland as opposed to the needs of the  
4 individuals in Galveston. And so from your experience  
5 with both of these dockets, did you form a belief as to  
6 what the differences were between these two sets of  
7 individuals' needs?

8 MS. RICHARDSON: Objection. Form.

9 A. I can't answer that.

10 Q. Sure. Did you speak with Commissioner Holmes  
11 about this current lawsuit at any time?

12 A. Not the lawsuit.

13 Q. Did you speak with Commissioner Holmes about  
14 redistricting -- any redistricting in Galveston County at  
15 any time?

16 A. With respect to this lawsuit, the 2000 --

17 Q. The --

18 A. -- the 2021?

19 Q. We'll start there.

20 A. After I saw the maps in the paper I called him,  
21 told him I would love to help. He said, "Thank you," and  
22 that was it.

23 Q. Did he ever reach back out to you?

24 A. No.

25 Q. Prior to 2021, have you talked with CH -- or



1 communicated whether it was e-mail or phone or face to  
2 face with CH about redistricting?

3 A. With respect to the 2021 map?

4 Q. Prior to 2021.

5 A. I did back in the 2011, 2013.

6 Q. Okay. And can you tell me about those  
7 communications when they began?

8 A. I really don't remember when they began.

9 Q. Do you remember what they encompassed, the  
10 substance of the conversations?

11 A. I guess, it would have been the fact that the  
12 redistricting was going on with the commissioners.

13 Q. And what was CH's position?

14 MS. RICHARDSON: Objection. Form.

15 Q. You can answer.

16 A. Even though this will be hearsay?

17 Q. You can -- it's a deposition so you can --

18 A. Okay.

19 Q. -- yeah.

20 A. He didn't like them.

21 Q. Okay. And did he tell you why?

22 A. I'm going back to the fact that it would reduce  
23 the minorities opportunity to elect candidates of their  
24 choice.

25 Q. Did he have any alternative maps that he would

1 have preferred to have been adopted?

2 A. Oh, I don't know about that.

3 Q. Did he discuss anything like that with you?

4 A. No, he didn't.

5 Q. About how many times did you speak with

6 Commissioner Holmes prior to the 2021 map about

7 redistricting?

8 A. Oh, I don't know.

9 Q. A lot? Too many the count?

10 A. I mean, I don't want to say too many to count but

11 it's more than two I know that. But probably less than

12 50.

13 Q. Okay. And is it fair to say that those

14 conversations or those communications occurred both before

15 and after the filing of the lawsuit?

16 MS. RICHARDSON: Objection. Form.

17 A. Yes.

18 Q. Okay. Did they ever change in substance as they

19 progressed? Maybe it started with general issues, did

20 they ever become more specific as your communications with

21 Commissioner Holmes progressed?

22 MS. RICHARDSON: Objection. Form.

23 Q. You can answer.

24 A. I don't think so. Not that I can remember.

25 Q. Okay.

1 MS. OLALDE: Do you happen to have any  
2 exhibit stickers?

3 THE COURT REPORTER: Yes.

4 BY MS. OLALDE:

5 Q. I'm going to hand you what has been marked as  
6 Exhibit 1, and we're dropping in into the chat.

7 (Exhibit 1 was marked for  
8 identification.)

9 MS. RICHARDSON: Thank you.

10 Q. Do you recall seeing this e-mail before?

11 A. No.

12 Q. Okay. And are you a recipient on the e-mail?

13 A. I do not see my name.

14 Q. I'll represent to you that you are there on one,  
15 two -- I think it's the fourth line down.

16 A. Oh, there -- yeah --

17 Q. Um-hmm.

18 A. -- there it is, oh, okay.

19 Q. And have --

20 A. I do not remember this.

21 Q. Sure. You said that Stephen Holmes was a member  
22 of the Galveston County Coalition of Black Democrats with  
23 you?

24 A. Yes.

25 Q. Okay. Do you remember if he went to breakfast

1 meeting at the Rising Star that was referenced here?

2 A. I don't remember.

3 Q. Sure. Do you know who Reverend Benford is?

4 A. Yes.

5 Q. And who is he?

6 A. He is the pastor of Rising Star Baptist Church,  
7 very politically active in Galveston County.

8 Q. And he's also a member of the coalition?

9 A. No.

10 Q. Okay. At what -- okay, I'm not going to ask  
11 that. And you --

12 MS. RICHARDSON: And I apologize we're  
13 going kind of fast. I just -- there's no bates stamp on  
14 this exhibit --

15 MS. OLALDE: Um-hmm.

16 MS. RICHARDSON: -- so I'm not sure if  
17 we laid the foundation for it but I assume it wasn't  
18 produced.

19 MS. OLALDE: It was produced.

20 MS. RICHARDSON: It was -- okay.

21 MS. OLALDE: By the NAACP. But just  
22 like yesterday, though our electronic system when I'm  
23 printing out the documents for some reason the bates stamp  
24 doesn't come with them.

25 MS. RICHARDSON: Okay.

1 MS. OLALDE: But it was produced in the  
2 case.

3 MS. RICHARDSON: Okay, thank you.

4 MS. OLALDE: Sure.

5 Q. Do you remember any support strategies that were  
6 discussed for Dr. Elam the College of the Mainland  
7 President?

8 A. No.

9 Q. I'm going to hand you what has been marked as  
10 Exhibit 2.

11 MS. OLALDE: This is No. 2.

12 (Exhibit 2 was marked for  
13 identification.)

14 Q. This one was produced also by the NAACP.

15 MR. BARON: Thank you. I'm so glad I  
16 don't have to chase around on digital form of these  
17 exhibits.

18 Q. Do you recall receiving this e-mail?

19 A. I don't remember.

20 Q. Okay. Do you remember the issue discussed in  
21 this e-mail?

22 A. I do not remember this e -- this e-mail at all.  
23 But it's saying -- I can tell you what it says.

24 Q. Sure.

25 A. We need your support, please vote for CH's map.

1 But what map that is, I don't know.

2 Q. Alright. And this was in August of 2011?

3 A. Correct.

4 Q. Based on the time, do you have an understanding  
5 as to what that map would be been?

6 A. If I'm remembering correctly this was the time  
7 when the commissioners were talking about going from the  
8 eight to five precincts. So it must have related to that,  
9 but that's a guess on my part.

10 Q. Did you go online and vote with the Galveston  
11 Daily News?

12 A. No.

13 Q. Okay. If we're reading down the e-mail just a  
14 little bit it talks about the county commissioner maps and  
15 also the JP constable maps. Do you see that?

16 A. Oh, yeah, the poll. Okay.

17 Q. Um-hmm. Did you -- did you express at this time  
18 any support for maps in either of -- either the county  
19 commissioner maps or the constable maps?

20 A. Not in 2011.

21 Q. Okay. When is the first time that you remember  
22 having an opinion about which of them maps, constable or  
23 for county commissioner, you supported?

24 A. I didn't voice my opinion until the maps after  
25 2013.

1 Q. Okay. And it was after the adoption, correct?

2 A. Right.

3 Q. Okay.

4 A. Or when they were voting for it and had the --

5 and had the people speaking and they voted at that

6 meeting.

7 Q. Okay. And we're talking about the 2011 cycle not

8 the 2021, correct?

9 A. We're talking about the 2013.

10 Q. Right. At the prior?

11 A. Oh, yeah.

12 Q. Okay. Alright. I'm going to hand you what's

13 been marked as Exhibit 3.

14 (Exhibit 3 was marked for

15 identification.)

16 MS. OLALDE: And this is, I'm sorry, No.

17 4.

18 Q. Did you ever read this article when it came out?

19 A. I don't remember. I may have but I don't

20 remember.

21 Q. You support Mr. Petteway, correct?

22 A. Yes.

23 Q. You supported him as a constable?

24 A. Yes.

25 Q. Okay. And you knew him personally as well?

1 A. Well, through working together.

2 Q. Right. Can you tell me some of the qualities  
3 Mr. Petteway has that made you support him as a constable?

4 A. He was knowledgeable in the law. He knew  
5 everybody, which put me at ease. You know, when you're in  
6 a courtroom with people that you don't know, you need  
7 that sense of security, and he was knowledgeable in his  
8 field.

9 Q. Okay.

10 A. And I trusted him.

11 Q. Anything else?

12 A. That's all I can think of right now.

13 Q. Sure. If you turn to -- these are double  
14 sided --

15 A. Oh.

16 Q. -- but if you turn to, it's Page 3 toward the  
17 very bottom.

18 A. Um-hmm.

19 Q. There's a dark line and then there's a section  
20 called Thoughts from the Community.

21 A. Um-hmm.

22 Q. Do you see that?

23 A. Um-hmm.

24 Q. And it has a quote from you. Do you see that?

25 A. Oh, wow, I sure do.



1 Q. Okay. Let's see.

2 A. If Angela Wilson called me, I do not remember  
3 this.

4 Q. But that accurately reflects your feelings about  
5 Mr. Petteway at the time?

6 A. Yes.

7 Q. And today as well?

8 A. Yes.

9 Q. And Mr. Petteway is a -- obviously and of course,  
10 a plaintiff in this lawsuit?

11 A. Yes.

12 Q. And a plaintiff in the prior round of lawsuits  
13 against the county as well?

14 A. Yes.

15 Q. Okay. Have you talked with Mr. Petteway about  
16 the lawsuits, either this one or the prior?

17 A. The prior one but not this one.

18 Q. Okay. What were your conversations with  
19 Mr. Petteway about the prior lawsuit?

20 A. I don't remember. That was, what, ten years ago.

21 Q. Okay. Did you speak with him frequently about  
22 the lawsuit or just in passing?

23 A. In passing.

24 Q. Okay. I'm going to hand you what has been marked  
25 as Exhibit 4.

1                   It's No. 5.

2                   (Exhibit 4 was marked for  
3                   identification.)

4                   MR. BARON: Thank you.

5                   Q. Do you recall sending this e-mail or I guess  
6                   receiving it in 2011?

7                   A. I can't say for sure I recall receiving it but, I  
8                   mean, it looks familiar.

9                   Q. Okay. So going down to the kind of the middle of  
10                  the page where it says, On November 26, 2011 at 6:33 p.m.  
11                  Do you see where I'm at?

12                  A. Um-hmm.

13                  Q. You wrote: Attached please find objection  
14                  letters that I have written. Please take a minute to  
15                  review and advise if any changes or additions are needed.  
16                  Did I read that correctly?

17                  A. Correct.

18                  Q. Two were from the coalition and two were for you  
19                  to pass out to the public to send. Is that basically the  
20                  correct statement?

21                  A. It is.

22                  Q. Okay. You wrote the letters for the coalition.  
23                  What were the letters -- what were the purpose of the  
24                  letters?

25                  A. These were the letters that were going to go to

1 the Department of Justice to support keeping the precincts  
2 the way they were.

3 Q. Okay. And do you know if that were received by  
4 the Department of Justice prior to its final review and  
5 opinion of the adopted map?

6 A. That I cannot answer.

7 Q. Okay. And it appears that Stephen Holmes  
8 reviewed your letters, correct?

9 A. Correct.

10 Q. And he instructs that the coalition letter needs  
11 to be signed by Derrick. Was that correct?

12 A. Yes.

13 Q. Did Mr. Rose sign the letter to your  
14 recollection?

15 A. I don't remember.

16 Q. Okay. If it was -- if the letter was signed,  
17 scanned, and sent via e-mail, do you know who would have  
18 been doing the scanning and the sending?

19 A. No.

20 Q. Okay. Alright. I'm going to hand you what has  
21 been marked as Exhibit 5.

22 MS. OLALDE: And this is No. 8.

23 (Exhibit 5 was marked for  
24 identification.)

25 Q. And I'll ask if this was one of the letters that

1 you wrote? Well, it looks like two letters.

2 MR. BARON: Yeah, it looks like it's  
3 just a duplicate, right?

4 MS. OLALDE: Oh, no, it's not.

5 A. It's --

6 MS. OLALDE: She can --

7 MR. BARON: Never mind.

8 MS. OLALDE: That's okay. She can  
9 review it and let us --

10 MR. BARON: Yep.

11 MS. RICHARDSON: Let us know.

12 Q. Just take your time and let me know when you're  
13 ready.

14 A. Boy, if I wrote these letters I did a good job.

15 MS. RICHARDSON: Just if these were  
16 marked it might be helpful if you tell us who they were  
17 produced by --

18 MS. OLALDE: It looks like it was  
19 produced by the Petteway --

20 MS. RICHARDSON: That's right --

21 MS. OLALDE: -- plaintiffs.

22 MS. RICHARDSON: -- yeah.

23 Q. You're ready?

24 A. Um-hmm.

25 Q. And, I guess, my first question is: Are these

1 | two letters that you wrote?

2 | A. Yes, I do believe they are.

3 | Q. Okay. And you weren't involved in the 1992 legal  
4 | action, correct?

5 | A. Correct.

6 | Q. But you were aware of a consent order that was in  
7 | place following that action?

8 | A. Yes.

9 | Q. Okay. And did you discuss the contents of these  
10 | letters with members of the coalition?

11 | A. I don't remember.

12 | Q. Okay. Do you know whether you got any feedback  
13 | or revisions from other members of the coalition before  
14 | sending them?

15 | A. I don't think so, and I'm only basing that answer  
16 | based upon this previous Exhibit 4 --

17 | Q. Um-hmm.

18 | A. -- where I asked if you have any corrections or  
19 | additions let me know, and I don't think anybody let me  
20 | know and I think these -- this is -- this is what went  
21 | out.

22 | Q. Okay. If you'll look at the second page of the  
23 | first letter in Paragraph 6.

24 | A. Um-hmm.

25 | Q. You write that: Galveston County is unique in

1 | its landscape and the Galveston Bay separates Galveston  
2 | Island and Bolivar from the rest of the county. Did I  
3 | read that correctly?

4 | A. Correct.

5 | Q. And you believed that to be true then?

6 | A. It's true now.

7 | Q. And it's true now, okay. You continue and say:

8 | That the proposed redistricting is discriminatory and that  
9 | it allows Santa Fe -- and I'll skip the parenthetical --  
10 | to remain intact while placing the majority of the  
11 | county's minority age population in one precinct, the same  
12 | precincts -- the same being the proposed Precinct 3. Did  
13 | I read that correctly?

14 | A. Yes.

15 | Q. Okay. And did you believe that to be true at the  
16 | time?

17 | A. Yes.

18 | Q. Do you think that's still true?

19 | A. Yes.

20 | Q. Okay. And when I say, "still true," I mean the  
21 | percentage of the voting age population individuals and  
22 | their race?

23 | MS. RICHARDSON: Objection. Form.

24 | Q. If you know.

25 | A. I don't know about the percentage.

1 Q. Okay. Do you know whether the DOJ ever responded  
2 to these letters?

3 A. I don't know.

4 Q. Okay. And then turning to the second letter,  
5 it's a separate submission number, correct?

6 A. Yes.

7 Q. And was the second letter for the purpose of  
8 discussing redistricting as to -- for commissioners court  
9 precincts as opposed to just justice of peace and  
10 constables?

11 A. Yes.

12 Q. Okay. And what was your largest issue with the  
13 county commissioners proposed map?

14 MS. RICHARDSON: Objection. Form.

15 A. Gosh, I...

16 Q. If you recall and just take your time and review  
17 the...

18 A. I think I messed up in this second letter.

19 Q. Okay. Can you tell me why?

20 A. Because I thought we were talking about the JP  
21 constable precincts, but then I wrote in Paragraph 1 of  
22 the second letter --

23 Q. Um-hmm.

24 A. -- it says: Minorities will no longer have the  
25 opportunity to elect a candidate of their choice on the

1 commissioners court.

2 Q. Um-hmm.

3 A. I think that was -- I messed up and said  
4 commissioners court instead of saying the JP constable.

5 Q. Well, and I think --

6 A. Unless I'm -- I'm --

7 Q. -- I think my exhibit is kind of confusing  
8 because I stapled two different letters together. But it  
9 looks like on Page 1 it's a different submission number  
10 and it's about the objection to redistricting of justice  
11 of peace/constable precinct boundaries.

12 A. Um-hmm.

13 Q. But the second letter, which has the same date,  
14 is an objection to the redistricting of commissioners  
15 court boundaries. So did you write a -- you wrote a  
16 letter for both?

17 A. Well, I guess I -- I guess I did. I'm not sure  
18 about the second one.

19 Q. Okay. Do you know --

20 A. Does this say that I wrote two or does it say I  
21 wrote one? It says letters, it has an S on it, so maybe I  
22 did. I just don't remember.

23 Q. Okay. Do you know if either of these letters  
24 went out?

25 A. I'm not sure.



1 Q. Okay. Do you know who would have sent them out  
2 if they had gone out?

3 A. The -- Derrick because he would sign them. Yeah,  
4 he was signing them.

5 Q. Do you agree that -- well, let me -- can you tell  
6 me what you mean by a community of interest?

7 A. A group of individuals who have the same ideas,  
8 the same goals, wanting to see the same improvements, you  
9 know. You know, things of that nature.

10 Q. Okay. On the sec -- the second letter the  
11 commissioners court letter.

12 A. Um-hmm.

13 Q. On the first page in Paragraph 3 toward the  
14 bottom.

15 A. Um-hmm.

16 Q. You say -- and it's similar to the first one  
17 where you described Galveston County as being unique in  
18 its landscape.

19 A. Um-hmm.

20 Q. You mention that: In addition to the landscape  
21 each community has differences and lifestyle and other  
22 socioeconomic factors. Did I read that correctly?

23 A. You did.

24 Q. What were the difference in lifestyle that you  
25 were referencing?

1 A. You have to go over there to Bolivar to believe  
2 this --

3 Q. Um-hmm.

4 A. -- and Crystal Beach, but there are a lot of  
5 vacation homes over there, okay, but the majority of the  
6 residents who live there, live in trailers. There is no  
7 central sewer system, people have to have their own --  
8 what do you call them -- septic tanks. And then the  
9 county imposes regulations on the maintenance of these  
10 septic tanks . And this is something that I learned being  
11 JP over there.

12 Q. Um-hmm.

13 A. Jobs are very -- was service oriented, the gas  
14 station, the grocery store, convenient stores. I mean,  
15 it's just a whole different lifestyle over there.

16 Q. Okay. You said social/economic factors. Can you  
17 describe what you meant by that?

18 A. Very little to do over there, and like I said  
19 because the jobs are limited, I mean, those people over  
20 there they don't have a lot of money.

21 Q. And that was true in 2011?

22 A. And it was true in 2011, and it's true today.

23 Q. Okay. And have you recently been to Bolivar?

24 A. Last month.

25 Q. Okay.

1           A. No, I'm -- last month was February. I went in  
2           January.

3           Q. Okay. And were you attending an event or what  
4           brought you to Bolivar?

5           A. As an attorney I'm appointed on delinquent tax  
6           suits.

7           Q. Okay.

8           A. And so I was appointed to see a couple of tax  
9           suits where I had to go over there to do my job as the ad  
10          litem, look at the property, talk to -- talk to people to  
11          see if we can -- couldn't find the owners who were behind  
12          in paying their taxes.

13          Q. Did you find them?

14          A. I found out about them, I didn't -- I find them  
15          because three of them were deceased.

16          Q. Okay.

17          A. But I found out about them.

18          Q. Okay. Is -- how many times have you been to  
19          Bolivar in the past three years?

20          A. I started working for the current JP, Billy  
21          Williams --

22          Q. Um-hmm.

23          A. -- in May of 2021.

24          Q. Um-hmm.

25          A. And I just resigned in January of 2023. And I

1 was part time going over there at least three times a  
2 week.

3 Q. Do you still take appointments or you've  
4 completed retired?

5 A. No, I com -- I've completely left that job. I  
6 got tired of crossing that ferry.

7 Q. Okay. And so from your experience in 2021, 2022,  
8 and January of 2023, your impressions of Bolivar with the  
9 lifestyle were consistent as you reflect in a 2011 letter,  
10 correct?

11 A. Correct.

12 Q. And the same thing with socioeconomic factors  
13 that we've discussed?

14 A. Correct.

15 Q. Do you believe that communities of interest share  
16 geographic boundaries?

17 A. They do or they should? Is the question that  
18 they do share geographic boundaries or they should share?

19 Q. Do you believe that they do share geographic  
20 boundaries.

21 A. No.

22 Q. Why not?

23 A. Because if we're using Galveston County as an  
24 example --

25 Q. Um-hmm.

1 A. -- then we've got Galveston County is unique in  
2 that it's several portions of the county is separated by  
3 water.

4 Q. Um-hmm.

5 A. So in that respect they do not share boundaries.

6 Q. Apart from water, are there any other geographic  
7 impairments to communities of interest sharing boundaries?

8 A. Not that I can think of.

9 Q. Okay. Do you think communities of interest share  
10 religious faith beliefs?

11 A. Maybe some, not all.

12 Q. Do you believe that a community of interest will  
13 share political beliefs?

14 A. Some.

15 Q. Okay. And can you give me an example when a  
16 community of interest would not share political beliefs?

17 A. If a position is -- you know, will that adversely  
18 affect them.

19 Q. Okay. Can you give me an example of what kind of  
20 a position would -- that you're referencing?

21 A. I'm going to bring it back to this lawsuit.

22 Q. Sure.

23 A. And I would say that, you know, where a decision  
24 has been made that would minimize someone's opportunity to  
25 be able to do something that he should have the

1 constitutional right to do, then the com -- the community  
2 interest would not gel.

3 Q. And so in a situation like, for example, this  
4 lawsuit, a community of interest would share a political  
5 ideology, right, with respect to redistricting in  
6 particular?

7 MS. RICHARDSON: Objection. Form.

8 A. Say that -- say it again.

9 Q. Sure. Sure. Using this lawsuit, the 2021  
10 redistricting --

11 A. Um-hmm.

12 Q. -- as an example, communities of interest --  
13 let's start this way. Can you name a community of  
14 interest that would be related to the substance of this  
15 lawsuit?

16 MS. RICHARDSON: Objection. Form.

17 A. A community of interest that would be objecting  
18 to this lawsuit?

19 Q. No, a community of interest that is -- would have  
20 an interest in this lawsuit.

21 A. Other than minorities?

22 Q. Well, we can start there.

23 A. I mean, I know -- I mean, I believe that the  
24 minorities would have an interest in this lawsuit, whether  
25 they be African American, Black, Asian, Hispanic, Latino,

1 you know, Greek or Asian, you know, whatever.

2 Q. Okay. Do you believe that the minority community  
3 you just referenced would they share a geographic location  
4 or geograph -- geographic boundaries?

5 A. Some not -- not -- it's not a cohesive unit.

6 Q. Sure. And this minority group whether they're  
7 Black, Latino, Asian, Greek, do you believe that they  
8 would vote similarly?

9 A. If the issue was something that they all cared  
10 about, yes.

11 Q. Okay. Okay. And that could be whether it's  
12 democratic or republican, or do you believe that that's  
13 not true?

14 MS. RICHARDSON: Objection. Form.

15 A. If the in -- if the issue was something that was  
16 interest of them -- that they were interested in, then I  
17 believe that they would vote for it.

18 Q. And in this case communities of interest would  
19 share the democratic beliefs, correct? Beliefs of the  
20 democratic party?

21 A. I believe so.

22 Q. Okay. I'm just going to look and see what number  
23 this was.

24 A. Oh, okay.

25 MS. OLALDE: We're on No. 6, correct?

1 THE COURT REPORTER: Yes.

2 BY MS. OLALDE:

3 Q. I'm going to hand you what has been marked as  
4 Exhibit No. 6.

5 And this is No. 9.

6 (Exhibit 6 was marked for  
7 identification.)

8 Q. My first question will be if -- if you remember  
9 writing this letter?

10 A. Yes.

11 Q. Okay. Do you remember if -- do you know whether  
12 the letter was sent?

13 A. I don't remember.

14 Q. Okay. Well, let's go about it this way. Do you  
15 remember if anybody ever responded to your letter?

16 A. I do not remember.

17 Q. Okay. And what was the message that you were  
18 trying to convey in this letter to Judge Mark Henry and  
19 commissioners court?

20 A. Trying to get them to not reduce the number of  
21 the JP constable precincts down to four or five.

22 Q. And what were the reasons for wanting to retain  
23 the same number of JP constable precincts?

24 A. So that the citizens of Galveston County could  
25 still have access to the courts that they are accustom --



1 accustomed to as well as for minorities to be able to vote  
2 -- have the opportunity to vote for candidates of their  
3 choice.

4 Q. Okay. On the second page of your letter --

5 A. Um-hmm.

6 Q. -- you -- toward the bottom of it but underneath  
7 the table, you say: The strength of one's voice. Did I  
8 -- do you see where I'm at?

9 A. Um-hmm.

10 Q. Was that, like, a heading for the next paragraph?

11 A. Okay, what's the question?

12 Q. Strength of one's voice, is that -- you meant it  
13 to be a heading for the -- the final paragraph of your  
14 letter, correct?

15 A. I don't know what I meant it for.

16 Q. Okay.

17 MS. RICHARDSON: It says strength of  
18 one's vote is the record.

19 MS. OLALDE: I'm sorry?

20

21 MS. RICHARDSON: It says strength of  
22 one's vote.

23 MS. OLALDE: I'm sorry, did I --

24 MS. RICHARDSON: You said voice.

25 MS. OLALDE: I'm sorry.

1 MS. RICHARDSON: No worried.

2 Q. In the paragraph underneath strength of one's  
3 vote, you end the next paragraph saying: That is this  
4 clearly a dilution of every persons' vote. How -- how do  
5 you think that votes were diluted?

6 MS. RICHARDSON: Objection, calls for a  
7 legal conclusion.

8 You can answer as you understand it. If you  
9 know.

10 A. How can I put this? One of the problems I guess  
11 you would use of our electing our electoral process is  
12 that a lot of times people are running for office and  
13 voters don't even know who they are, just see names, you  
14 know, on the ballot. But when you're talking about  
15 situations like this in -- in a county race and in a  
16 precinct race, the voters actually know who they're voting  
17 for.

18 That was something that I always believed was  
19 important because when you have a smaller area then you  
20 really get to know your -- the people in your area and  
21 they get to know you. And so when they go to the polls to  
22 vote and they have that opportunity to elect a candidate  
23 of their choice, then nine times out of ten they know that  
24 person, and they want to vote for that person.

25 But when you start combining this precinct with

1 that precinct, those people don't know, oh, these people  
2 over here. So in my opinion then that dilutes the  
3 strength of the vote.

4 Q. Okay.

5 A. If that's understandable.

6 Q. No, I think I understand.

7 A. Okay.

8 Q. Is there any other reason or?

9 A. I think that's it.

10 Q. Okay. I'm going to hand you what has been marked  
11 as Exhibit No. 7.

12 (Exhibit 7 was marked for  
13 identification.)

14 Q. And I'll just represent to you that these were  
15 the two maps under consideration prior to the 2021 vote.  
16 Looking at them again today or right in front of you now,  
17 is it still your recollection that you did not see both of  
18 the map proposals before the map was adopted?

19 A. That is correct.

20 Q. Okay. Looking at map Proposal No. 1 and then  
21 comparing it with map Proposal No. 2, is there a map that  
22 you would of preferred?

23 A. If these are my only two choices, then I would go  
24 with one.

25 Q. And can you tell me why?

1 A. Because it appears that I would be in the

2 Precinct 3.

3 Q. Okay. Any other reason?

4 A. No, that's it.

5 Q. Okay.

6 MS. OLALDE: It probably will be 11 or

7 12.

8 MS. RICHARDSON: Before we start this

9 next exhibit, just doing a quick time check. I think it's

10 been another hour and a half.

11 MS. OLALDE: Yeah --

12 MS. RICHARDSON: And it's up to you and

13 up to Ms. Pope if we're okay to push forward or if you

14 want to take a break?

15 A. How long longer.

16 Q. I'm hoping to get -- I just have a few things

17 left, but I'm hoping to get through it quickly. But if

18 you need a break, we can take one.

19 A. Yeah, let me run to the restroom.

20 Q. Absolutely, yeah.

21 THE VIDEOGRAPHER: Okay, we're off the

22 record. The time is 12:29.

23 (A short recess was taken.)

24 THE VIDEOGRAPHER: We're back on the

25 record. The time is 12:37.

1 BY MS. OLALDE:

2 Q. Okay. I'm going to hand you what has been marked  
3 as Exhibit 8.

4 (Exhibit 8 was marked for  
5 identification.)

6 MS. OLALDE: Here you go. And this was  
7 produced by the DOJ I believe.

8 MS. RICHARDSON: Okay.

9 Q. And my question is: Have you ever seen this  
10 before?

11 A. No.

12 Q. Take your -- a moment and review it, and then I  
13 have one other question about this document before we move  
14 on.

15 A. Wow. Okay.

16 Q. Do you have any idea as to who would have written  
17 this e-mail?

18 A. No.

19 Q. Okay. It says at the very bottom of it: One of  
20 our candidates, blank, has the info for the house  
21 districts. Do you know which candidates that it's  
22 referring to?

23 A. No.

24 Q. Okay. What's your reaction to reading this  
25 e-mail?

1 A. It's telling.

2 Q. Um-hmm. Have you ever reviewed the data that's  
3 referenced in this e-mail?

4 A. No.

5 Q. Okay. Alright, moving on. Did you see the  
6 second amended complaint before it was filed in this case?

7 A. No.

8 Q. And I'll -- I don't need to mark it as an  
9 exhibit, but I'll just hand you a copy of the --

10 A. Um-hmm.

11 Q. -- second amended complaint.

12 MS. OLALDE: Guys, if you want it in the  
13 chat, just raise your hand we can do that, otherwise.

14 MS. RICHARDSON: And just for the  
15 procedural history of the case, it just might be helpful  
16 to clarify what you mean.

17 Q. Oh, hang on, did I hand you the wrong thing?

18 A. No, this is the right one. That's the second  
19 amended.

20 Q. That is the second amended --

21 A. Um-hmm.

22 Q. -- alright, thank you. Alright. Do you recall  
23 what facts you provided to -- facts, only facts --

24 A. Um-hmm.

25 Q. -- that you provided to counsel to aid in this

1 lawsuit?

2 A. The fact --

3 MS. RICHARDSON: And then I'll just --  
4 I'll just instruct you not to answer to the substance of  
5 any communications between yourself and your attorneys.

6 THE WITNESS: Okay.

7 MS. RICHARDSON: But you can answer her  
8 question outside of that narrow exception.

9 BY MS. OLALDE:

10 Q. And maybe it's an easier way to approach it as to  
11 say what facts do you believe are important to prosecute  
12 this lawsuit?

13 A. The fact that I will no longer be able to have  
14 the opportunity to vote for a candidate of my choice.

15 Q. And that candidate is Commissioner Holmes?

16 A. Correct.

17 Q. Okay. So any -- anything else that we haven't  
18 talked about today that you think is important that you  
19 would want to tell the judge or the jury in this case?

20 A. No.

21 Q. Alright, thank you. That's all of questions for  
22 today.

23 A. Thank you.

24 MS. RICHARDSON: We'll reserve for  
25 trial.

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THE VIDEOGRAPHER: We're done?  
We're off the record. The time is 12:40.  
(Proceedings ended at 12:40 p.m.)



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CHANGES AND SIGNATURE  
HON. PENNY POPE MARCH 9, 2023

LINE CHANGE REASON FOR CHANGE

Table with 3 columns: LINE, CHANGE, REASON FOR CHANGE. The table contains 25 rows of horizontal lines for data entry.

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I, HON. PENNY POPE, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

\_\_\_\_\_  
HON. PENNY POPE

THE STATE OF TEXAS\*

COUNTY OF \_\_\_\_\_\*

Before me, \_\_\_\_\_, on this day personally appeared HON. PENNY POPE, proved to me under oath or through \_\_\_\_\_) (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TERRY PETTEWAY, THE  
HONORABLE DERRECK ROSE,  
MICHAEL MONTEZ, SONNY JAMES  
and PENNY POPE,

Plaintiffs,

Civil Action No.  
3:22-cv-57

GALVESTON COUNTY, TEXAS, and  
HONORABLE MARK HENRY,  
in his official capacity as Galveston  
County Judge,

Defendants.

---

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No.  
3:22-cv-93

GALVESTON COUNTY, TEXAS,  
GALVESTON COUNTY  
COMMISSIONERS COURT, and  
HONORABLE MARK HENRY, in  
his official capacity as Galveston  
County Judge,

Defendants.

---

DICKINSON BAY AREA BRANCH  
NAACP, GALVESTON BRANCH  
NAACP, MAINLAND BRANCH  
NAACP, GALVESTON LULAC  
COUNCIL 151, EDNA COURVILLE,  
JOE A. COMPIAN, and LEON  
PHILLIPS,

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Plaintiffs,

v.

Civil Action No.  
3:22-cv-117

GALVESTON COUNTY, TEXAS,  
HONORABLE MARK HENRY, in  
his official capacity as Galveston  
County Judge, and DWIGHT D. SULLIVAN,  
in his official capacity as  
Galveston County Clerk

Defendants.

---

REPORTER'S CERTIFICATION  
OF HON. PENNY POPE  
TAKEN ON MARCH 9, 2023

---

I, Angela Steele, Shorthand Reporter, Notary  
in and for the State of Texas, do hereby certify that the  
facts as stated by me in the caption hereto are true; that  
the above and foregoing answers of the witness,  
HON. PENNY POPE, to the interrogatories as indicated  
were made before me by the said witness after being first  
duly sworn to testify the truth, and same were reduced to  
typewriting under my direction; that the above foregoing  
deposition as set forth in typewriting is a full, true and  
correct transcript of the proceeding has at the time of  
taking of said deposition.

1 I further certify that I am not in any  
2 capacity, a regular employee of the party in whose  
3 behalf this deposition is taken, nor in the regular  
4 employ of this attorney; and I certify that I am not  
5 interested in the cause, nor of kin or counsel to either  
6 of the parties.

7 Certified to by me on this, the 9th day  
8 of March, 2023.

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Angela S. Steele,  
Shorthand Reporter, Notary  
Expiration: 10/17/23  
Firm Registration No. 122  
U.S. LEGAL SUPPORT  
16825 Northchase Drive  
Suite 900  
Houston, Texas 77060  
(713) 653-7100

# **Exhibit 22**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

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TERRY PETTEWAY, THE )  
HONORABLE DERRECK ROSE, )  
MICHAEL MONTEZ, SONNY )  
JAMES and PENNY POPE, )  
)  
Plaintiffs, ) CIVIL ACTION

v. ) NO. 3:22-cv-57

GALVESTON COUNTY, TEXAS, )  
and HONORABLE MARK HENRY, )  
in his official capacity )  
as Galveston County Judge, )  
)  
Defendants. )

\_\_\_\_\_  
)  
UNITED STATES OF AMERICA, )  
)  
Plaintiff, ) CIVIL ACTION

v. ) NO. 3:22-cv-93

GALVESTON COUNTY, TEXAS, )  
GALVESTON COUNTY )  
COMMISSIONERS COURT, and )  
HONORABLE MARK HENRY, in )  
his official capacity as )  
Galveston County Judge, )  
)  
Defendants. )

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)  
DICKINSON BAY AREA BRANCH )  
NAACP, GALVESTON BRANCH )  
NAACP, MAINLAND BRANCH )  
NAACP, GALVESTON LULAC )  
COUNCIL 151, EDNA )  
COURVILLE, JOE A. COMPIAN, )  
and LEON PHILLIPS, )  
)  
Plaintiffs, ) CIVIL ACTION

v. ) NO. 3:22-cv-117

1 )  
 GALVESTON COUNTY, TEXAS, )  
 2 HONORABLE MARK HENRY, in )  
 his official capacity as )  
 3 Galveston County Judge, )  
 and DWIGHT D. SULLIVAN, in )  
 4 his official capacity as )  
 Galveston County Clerk, )  
 5 )  
 Defendants. )

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ORAL AND VIDEOTAPED DEPOSITION OF

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HONORABLE DERRECK ROSE

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MARCH 22, 2023

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ORAL AND VIDEOTAPED DEPOSITION OF HONORABLE DERRECK

13

ROSE, produced as a witness at the instance of the

14

DEFENDANTS, and duly sworn, was taken in the

15

above-styled and numbered cause on the 22nd of March,

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2023, from 12:15 p.m. to 2:24 p.m., before Velma C.

17

LaChausse, Shorthand Reporter and Notary Public in and

18

for the State of Texas, reported by machine shorthand,

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at the law offices of Burwell Nebout Trial Lawyers, 565

20

Egret Bay Boulevard, League City, Texas 77573, pursuant

21

to the Federal Rules of Civil Procedure and the

22

provisions stated on the record or attached hereto.

23

24

25



A P P E A R A N C E S

FOR THE PLAINTIFFS:

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E-mail: bernadette@uclavrp.org

- and -

Mr. Neil G. Baron  
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Phone: (281)534-2748  
E-mail: neil@ngbaronlaw.com

FOR THE DEFENDANTS:

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Ms. Angie Olalde  
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2525 S. Shore Boulevard, Suite 203  
League City, TX 77573  
Phone: (409)797-3262  
E-mail: jraschke@greerherz.com

ALSO PRESENT:

Mr. Bill Hartley, Videographer  
Ms. Alexandra Copper  
Mr. Chris Rainbolt  
Mr. DaWuan Norwood  
Mr. Joseph Russo  
Mr. Mateo Forero  
Ms. Simone Leeper

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PROCEEDINGS

THE VIDEOGRAPHER: Today is March 22nd,  
year 2023. We're going on the record, 12:45 [sic] p.m.  
We're here for the deposition of Honorable Derreck Rose  
for a case filed in the United States District Court,  
Southern District of Texas, Galveston Division.

Could the attorneys introduce themselves  
and who they represent?

MS. ELTON: Jordan Raschke Elton and Angela  
Olalde for the defendants.

MS. REYES: Bernadette Reyes on behalf of  
the plaintiffs, the Petteway plaintiffs.

MR. BARON: Neil Baron on behalf of the  
Petteway plaintiffs.

HONORABLE DERRECK ROSE,  
having been first duly sworn, testified as follows:

EXAMINATION

BY MS. ELTON:

Q. Will you please state your full name for the  
record?

A. Derreck Rose.

Q. And are you okay with me referring to you as  
Constable Rose or would you prefer another --

A. Constable Rose is fine.

Q. Okay. Constable Rose, will you please state

1 your home address?

2 A. 5002 Royal Oak Drive, Texas City, Texas 77591.

3 Q. Okay. Have you ever been deposed before?

4 A. Yes.

5 Q. How many times?

6 A. Several.

7 Q. Several. Okay. And what type of lawsuits were  
8 those that you were deposed in?

9 A. One for redistricting. One for a civil suit.

10 Q. Okay. And the redistricting, are you referring  
11 to the 2011 redistricting lawsuit?

12 A. Yes.

13 Q. Okay. And each time you were deposed, were you  
14 a party to the case?

15 A. Yes.

16 Q. And I know you have been deposed before, but  
17 I'm just going to go over a couple of ground rules to  
18 make sure we're on the same page getting started.

19 If you don't understand one of my  
20 questions, please just let me know and I'll rephrase or  
21 repeat myself. Please wait until I finish my question  
22 and you finish answering, and that way, we'll have a  
23 clean record. And same way, give verbal responses so we  
24 can get them on the record as well.

25 If you need to check a document to be sure

1 of your answer, will you let me know that?

2 A. Yes, ma'am.

3 Q. And if we've been going long enough that you  
4 need a break, I'm happy to accommodate that. All I ask  
5 is you answer any pending question. Is that fair?

6 A. Yes, ma'am.

7 Q. Okay. Is there any reason that you cannot give  
8 full and honest testimony today?

9 A. There's no reason.

10 Q. Okay. Do you have any conditions that would  
11 impede your ability to give honest testimony?

12 A. No, ma'am.

13 Q. Or recall any facts?

14 A. No, ma'am.

15 Q. Okay. And have you taken anything that might  
16 affect your memory or your testimony today?

17 A. No, ma'am.

18 Q. Okay. And, finally, you understand you're  
19 under oath?

20 A. Yes, I do.

21 Q. Okay. And other than the two lawsuits you  
22 mentioned when referencing your prior depositions, have  
23 you been involved in any other lawsuits?

24 A. No, ma'am.

25 Q. Okay. And you said the prior redistricting

1 lawsuit was one, and then the civil suit. What type of  
2 -- what were the, you know, factual bases of that civil  
3 suit you mentioned?

4 A. I'm not sure. It's been such a long time ago.

5 Q. Okay. Is it similar to this case in any way?

6 A. No.

7 Q. How did you prepare for today's deposition?

8 A. I just talked to my counsel.

9 Q. Okay. And I don't want to know anything that  
10 you and your counsel discussed.

11 A. (Nodding head.)

12 Q. But which counsel did you meet with?

13 A. Neil Baron.

14 Q. And how many times did you meet with Mr. Baron?

15 A. I talked to him several times.

16 Q. And about how long were each of those  
17 discussions?

18 A. Not very long. Maybe 30 -- 30 minutes at the  
19 most, hour.

20 Q. Okay. 30 minutes to an hour. Did you review  
21 any documents when you met with Mr. Baron?

22 A. Yes.

23 Q. What type of documents were those?

24 A. Just the discovery that I had to send over,  
25 fill out, yes.

1 Q. Documents that you had found in your own  
2 possession. Is that fair?

3 A. Right.

4 Q. And aside from your meetings with Mr. Baron,  
5 did you review any documents on your own?

6 A. No.

7 Q. Did you prepare anything in anticipation for  
8 today?

9 A. No, ma'am.

10 Q. Any notes, things likes that?

11 A. No, ma'am.

12 Q. Okay. Where did you attend high school?

13 A. La Marque High School.

14 Q. What year?

15 A. '79 graduate.

16 Q. Okay. '79. Did you reside in La Marque at the  
17 time you attended La Marque High School?

18 A. Yes, I did.

19 Q. So not the same address you're currently at.  
20 Correct?

21 A. No.

22 Q. Okay. And what type of education did you  
23 obtain after your graduation from high school?

24 A. I went to Wharton Junior College.

25 Q. Okay. What did you study while you were there?

1 A. I played football and studied, just general  
2 studies.

3 Q. General studies. How long were you there?

4 A. Two years.

5 Q. Did you obtain a degree?

6 A. No, I did not.

7 Q. Did you attend any other school after Wharton  
8 Junior College?

9 A. I went to Lamar University.

10 Q. About what year would you have started at Lamar  
11 University?

12 A. '81-'82, somewhere in there.

13 Q. And what did you study at Lamar?

14 A. General studies at the time.

15 Q. Did you obtain a degree from Lamar?

16 A. No. I left early; my mother got sick.

17 Q. I'm sorry to hear that.

18 How long were you there before you had to  
19 leave?

20 A. About a year, less than a year.

21 Q. And after you had to leave Lamar, did you begin  
22 working immediately?

23 A. Yes.

24 Q. Okay. What was that employment?

25 A. I started off in security.



1 Q. For a particular location or vendor or --

2 A. A vendor.

3 Q. Vendor?

4 A. (Nodding head.)

5 Q. Do you recall the name?

6 A. Danner's Security.

7 Q. Danner's. And that would have been around '84?

8 A. '83 --

9 Q. '83-'84?

10 A. -- '84, yeah.

11 Q. How long were you with that security vendor?

12 A. About -- about a year.

13 Q. And did you just provide general security  
14 supervision?

15 A. General security supervision.

16 Q. After you left that security vendor, where did  
17 you work?

18 A. American Indemnity; that was in '83.

19 Q. And what type of work was that?

20 A. Security.

21 Q. And where was American Indemnity located?

22 A. Galveston.

23 Q. And going back to Danner's Security, where was  
24 that located?

25 A. Galveston also.

1 Q. At the time you were working for each of these  
2 security vendors, where were you living?

3 A. Living in Texas City.

4 Q. Have you lived in Texas City since you left  
5 Lamar University?

6 A. Yes.

7 Q. At the same address?

8 A. No, no.

9 Q. What was the address that you lived in when you  
10 worked for American Indemnity?

11 A. 7218 Carver, Texas City.

12 Q. And how long were you with American Indemnity?

13 A. I think probably around about four to five  
14 years. About four to five years. Four years at the  
15 most.

16 Q. And did you have the same duties at American  
17 Indemnity as you had at Danner's Security?

18 A. No, ma'am.

19 Q. How were they different?

20 A. I was over security for the building insurance  
21 company.

22 Q. And versus Danner's Security, you might have  
23 been outsourced to different locations?

24 A. Yes, ma'am.

25 Q. When you left American Indemnity, where were

1 you employed?

2 A. Galveston County Sheriff's Department.

3 Q. And that was about what year?

4 A. Let me go back. While I was working at  
5 American Indemnity, I went through the Sheriff's  
6 Academy, and I was a reserve while I was still working  
7 there.

8 Q. Okay. I understand.

9 A. Mm-hmm.

10 Q. So about what year would you say you went  
11 through the Sheriff's Academy?

12 A. '83.

13 Q. '83. Can you describe what kind of course work  
14 you would have taken in the Sheriff's Academy?

15 A. General knowledge about policing, the penal  
16 code, the criminal code, hands-on techniques.

17 Q. And is this the same course work you take to  
18 get your peace officer's license?

19 A. Yes.

20 Q. Okay. And it was offered by the Galveston  
21 County Sheriff's Department at the time?

22 A. Yes.

23 Q. Do you still hold your peace officer's license?

24 A. Yes, ma'am.

25 Q. And what year did you obtain it originally?

1 A. '83.

2 Q. Has it ever lapsed?

3 A. No, ma'am.

4 Q. Do you have -- hold any other license or  
5 certificates?

6 A. I hold a master's in police officer's  
7 certification, a teacher's certification through TCOLE.

8 Q. What does TCOLE stand for?

9 A. Texas Commission on Law Enforcement officer's  
10 education.

11 Q. And did you obtain that to teach within the law  
12 enforcement realm?

13 A. Yes, ma'am. Yes, ma'am.

14 Q. The master's in police officer certification,  
15 what year did you obtain that?

16 A. I've had it probably ten years, ten or more  
17 years.

18 Q. Why did you decide to get that?

19 A. That goes with longevity as a law enforcement  
20 officer and -- and completing all the standards that are  
21 required as a law enforcement officer.

22 Q. Okay. So was this required in your position at  
23 the time?

24 A. It's not required. It's what you work for.

25 Q. I understand. And then the TCOLE

1 certification, why did you decide to obtain that?

2 A. The TCOLE -- well, the TCOLE certification,  
3 that's the agency that holds all of your credentials.

4 Q. Okay.

5 A. Okay? And as far as my teaching certification,  
6 it's through the law enforcement -- my law enforcement  
7 realm.

8 Q. Okay. All right. We kind of went off, so I'm  
9 going to bring you back to the sheriff's department.

10 A. Yes, ma'am.

11 Q. What -- you said you started as a reserve  
12 deputy. Is that correct?

13 A. Reserve deputy.

14 Q. And what type of duties did you have as a  
15 reserve deputy?

16 A. Patrol.

17 Q. What areas of the -- was your patrol limited to  
18 Galveston County?

19 A. Yes, ma'am.

20 Q. In what years of Galveston County did you  
21 patrol?

22 A. San Leon, Baycliff, Dickinson, Hitchcock,  
23 Santa Fe, Crystal Beach, Bolivar, all unincorporated  
24 areas of Galveston County.

25 Q. Did you patrol Galveston city at all?

1 A. No, ma'am.

2 Q. How long were you a reserve deputy?

3 A. Five to six years, somewhere in there.

4 Q. And then I believe you stated you became a  
5 full-time deputy with the sheriff's department?

6 A. Yes, ma'am.

7 Q. How did your duties change when you became a  
8 full-time deputy?

9 A. When I became a full-time deputy, I started off  
10 in the warrant division.

11 Q. What's a daily -- what's a day of a deputy in  
12 the warrant division?

13 A. The apprehension of people that are -- have  
14 warrants.

15 Q. And, similarly, is that throughout the entire  
16 Galveston County?

17 A. Yes.

18 Q. How long were you in the warrant division?

19 A. Going on seven -- six years.

20 Q. Why did you eventually leave the warrant  
21 division?

22 A. I went over to Texas City Independent School  
23 District.

24 Q. Why the change?

25 A. They recruited me to become head of their

1 security for the school district.

2 Q. And how was that duty different than what you  
3 had been doing as a deputy at the sheriff's department?

4 A. It was gratifying. It was dealing with kids.  
5 Starting a department for the school district, it was  
6 wonderful.

7 Q. Did you have to take any additional courses or  
8 other certifications when you went to Texas City ISD?

9 A. School-based policing course through  
10 Sam Houston State.

11 Q. Is that a certificate program?

12 A. Yes, certificate program.

13 Q. And how long were you with Texas City ISD?

14 A. Going on 12 years.

15 Q. What did you do when you left there?

16 A. I left there, went to Fort Bend ISD, almost a  
17 year.

18 Q. Did you have similar daily functions in that  
19 role as in Texas City?

20 A. No. Just -- I was just an officer there.

21 Q. Oh, okay.

22 A. I wasn't a supervisor. I was just an officer  
23 for the school district working at a middle school,  
24 Christa McAuliffe Middle School.

25 Q. When you were at Fort Bend ISD, did you still

1 reside in Texas City?

2 A. Yes.

3 Q. And was this at the same address, the  
4 7218 Carver?

5 A. No. It was the Royal Oak address.

6 Q. Where you're located now?

7 A. Yes, ma'am.

8 Q. What position were you in when you made the  
9 move to your current address?

10 A. What position I was in?

11 Q. Where were you working when you moved to your  
12 current address?

13 A. Oh, I was at Texas City ISD.

14 Q. After Fort Bend ISD, where did you work?

15 A. I was called over to come be the constable at  
16 Precinct 3 in Galveston County.

17 Q. And what year was that?

18 A. 2005.

19 Q. And called over, were you appointed?

20 A. I was appointed.

21 Q. You said Precinct 3. Correct?

22 A. Yes, ma'am.

23 Q. In 2005, what geographical area did Precinct 3  
24 include?

25 A. Texas City -- parts of Texas City, not all of



1 it; La Marque, all of La Marque; parts of Hitchcock.

2 Q. And which parts of Texas City were included at  
3 that time?

4 A. I would say all of the east end of Texas City,  
5 some parts of the west end, and the west side of Texas  
6 City, as they call it.

7 Q. How long are the terms as constable?

8 A. Four-year terms.

9 Q. Would 2006 have been an election year?

10 A. Yes.

11 Q. Did you run for reelection in 2006?

12 A. Yes, I did.

13 Q. Did you run as a Democrat or Republican?

14 A. Democrat.

15 Q. Did you have an opponent?

16 A. Yes.

17 Q. In the primary or the general?

18 A. Primary.

19 Q. Primary?

20 A. Primary and general, yes.

21 No. Just the primary. Just the primary.

22 Q. Did you win in 2006?

23 A. Yes, I did.

24 Q. Did you run again in 2010?

25 A. I've been unopposed since I've been in office.

1 Q. Okay. And you are still currently the  
2 constable of Precinct 3. Right?

3 A. Yes, ma'am.

4 Q. So from 2005 to present day, you've been  
5 constable of Precinct 3?

6 A. Yes.

7 Q. How has the geographical boundary of Precinct 3  
8 changed from when you took office in 2005 to present  
9 day?

10 A. It has grown.

11 Q. And when you say grown, do you mean in  
12 population size or the actual amount of geographical  
13 area?

14 A. The amount of geographical area.

15 Q. Sitting here today, what areas of the county  
16 does Precinct 3 include?

17 A. Now it includes Crystal Beach -- all of the  
18 Bolivar/Crystal Beach area, Hitchcock, Texas City,  
19 La Marque, parts of Galveston.

20 Q. Now, in -- so at each election you have run,  
21 have you always run as a Democrat?

22 A. Yes.

23 Q. And 2006 was the only time you were opposed?

24 A. Yes, ma'am.

25 Q. Did you do any sort of campaigning for any of

1 your elections?

2 A. Yes, ma'am.

3 Q. What type of campaigning methods did you use?

4 A. I think the normal that everyone else does.

5 Put out signs, door knocks, a lot of events, you know,

6 going out and meeting people, shaking hands.

7 Q. Did you reach out to a certain area of people

8 or did you reach out to everyone in the county?

9 A. I reached out to anyone I could talk to.

10 Q. Did you have any sort of a campaign team for

11 any of your elections?

12 A. Yes, I did.

13 Q. Can you describe that? Can you describe your

14 team?

15 A. Family and friends.

16 Q. Did you utilize social media during any of your

17 campaigns?

18 A. In 2006, social media wasn't really that well

19 used, so a lot of it was being just knowledge of your

20 people.

21 Q. And knowledge of your people, how would you

22 describe your support -- core support base?

23 A. A lot of friends and family.

24 Q. And do you feel you've had a lot of support as

25 you've held the position for so long?

1 A. Yes, ma'am.

2 Q. What type of organizations are you a member of?

3 A. Mainland United Way; My Sisters Keeper, which  
4 is my wife's organization, 501(c)(3), for breast cancer  
5 awareness; The Front Door Social and Charity Club, which  
6 is another 501(c)(3) organization that I am the chairman  
7 of; I am the chairman also of the Coalition of Black  
8 Democrats; and a member of the NAACP. Those -- I think  
9 that should -- also La Marque Alumni Association.

10 Q. And other than the Coalition of Black  
11 Democrats, are there any other organizations that have a  
12 more political mission in nature?

13 A. No. No, ma'am.

14 Q. Which branch of the NAACP are you a member of?

15 A. The Texas City/La Marque.

16 Q. And I believe you said Front Door and Charity  
17 Club. Is that correct?

18 A. Front Door Social and Charity Club.

19 Q. And can you describe what type of organization  
20 it is?

21 A. It's more or less we do a lot of work of giving  
22 to those who are less fortunate. We feed the needy  
23 during Christmas and Thanksgiving holidays. We feed the  
24 elderly. We feed those. We give -- Christmastime we  
25 provide toys for kids. We do just that type of

1 organization of giving.

2 Q. And these organizations, are you a member as  
3 your individual self or in your official capacity?

4 A. My individual self.

5 Q. And, similarly, any of the -- you said chairman  
6 of numerous associations. That's as your individual  
7 self. Correct?

8 A. Yes.

9 Q. We went through your education earlier and just  
10 want to double-check. You're not a lawyer. Correct?

11 A. No, I'm not.

12 Q. You're not going to offer any legal opinions in  
13 this case. Correct?

14 A. Correct.

15 Q. Have you ever used GIS mapping software?

16 A. No, ma'am.

17 MS. REYES: Object to form.

18 Q. (BY MS. ELTON) Have you used any type of  
19 mapping software?

20 A. No.

21 Q. So it's fair you're not going to offer any  
22 opinions or mapping software or GIS software?

23 A. That's probably correct.

24 Q. Okay. What is your understanding of this  
25 lawsuit?

1 A. That it's filed because of unable to elect a  
2 person of their choice.

3 Q. You said "their choice." Who's "their"?

4 A. Well, the person of their choice for  
5 representation.

6 Q. And what are you specifically alleging against  
7 the defendants in this case?

8 MS. REYES: Objection; form.

9 A. What am I alleging?

10 Q. (BY MS. ELTON) Mm-hmm. And I can rephrase if  
11 you don't understand my question.

12 A. Please do.

13 Q. What is your particular injury that caused you  
14 to become involved in this lawsuit?

15 A. That I won't be able to elect a person of  
16 choice.

17 Q. Do you believe that Latino voters in Galveston  
18 County have suffered that same injury?

19 MS. REYES: Objection; form.

20 A. Yes. Yes.

21 Q. (BY MS. ELTON) Do you believe that Black  
22 voters in Galveston County have suffered that same  
23 injury?

24 A. Yes.

25 Q. Who is your candidate of choice?

1 MS. REYES: Objection; form.

2 A. Who is my candidate?

3 Q. (BY MS. ELTON) (Nodding head.)

4 A. Are there any candidates running now, you mean?

5 Can you rephrase that?

6 Q. Yeah, certainly. What commissioners precinct

7 are you currently residing in?

8 A. Right now it's 1.

9 Q. And before the 2021 Commissioners Court

10 adoption, which precinct were you residing in?

11 A. 3.

12 Q. Commissioner Holmes was your former

13 commissioner. Correct?

14 A. Yes.

15 Q. Without disclosing the nature of any  
16 conversations with counsel, who did you speak with about  
17 the subject of this lawsuit before it was filed?

18 A. Who did I speak with about the subject of it?

19 Q. Yes.

20 A. No one.

21 Q. Did you speak with attorneys? And, again,  
22 don't tell me what you talked about, but did you speak  
23 with attorneys prior to the lawsuit being filed?

24 A. Yes.

25 Q. And when did you consider becoming involved in

1 this lawsuit?

2 A. I don't recall what time that was.

3 Q. Do you remember what circumstances sparked your  
4 desire to join this lawsuit?

5 A. That I would not have my -- have  
6 representation, the person of my choice to...

7 Q. Is it fair to say that after the map was  
8 adopted in 2021, that's when you decided to join the  
9 lawsuit?

10 A. Yes.

11 Q. Have you discussed this lawsuit with any of the  
12 other named plaintiffs?

13 A. No, I have not.

14 Q. Were you asked to preserve documents related to  
15 this case?

16 MS. REYES: Objection to the extent it  
17 calls for attorney work product, attorney/client  
18 confidential communication.

19 A. Do you want to repeat your question?

20 Q. (BY MS. ELTON) Yeah, and I can ask it a  
21 different way.

22 A. Sure.

23 Q. Did you ever search for documents relevant to  
24 this case?

25 A. Yes.



1 Q. And what did you search?

2 A. My e-mail.

3 Q. And is that a personal e-mail or a work e-mail?

4 A. My personal e-mail.

5 Q. Do you have a work e-mail?

6 A. Yes.

7 Q. But you didn't search that one?

8 A. No.

9 Q. Why not?

10 A. Hold on. Wait a minute. I did search my -- I  
11 did that.

12 Q. And, similarly, did you search your personal  
13 cell phone for any text messages relating to this  
14 lawsuit?

15 A. Yes.

16 Q. Do you have a work cell phone?

17 A. Yes.

18 Q. Did you search your work cell phone?

19 A. I did not have a work cell phone at the time.

20 Q. Do you have any personal or work computer that  
21 would have documents relevant to this case?

22 A. No.

23 Q. What about any printed documents such as  
24 calendar entries, notes, things of that nature?

25 A. No.

1 Q. Did you turn over any relevant documents to  
2 counsel?

3 A. I turned in everything I could find.

4 Q. You spoke earlier, Commissioner Holmes was your  
5 previous commissioner in the former Precinct 3.  
6 Correct?

7 A. Yes.

8 Q. Do you personally know Commissioner Holmes?

9 A. Yes, I do.

10 Q. How do you know him?

11 A. We go to church together. Yeah.

12 Q. Do you -- go ahead.

13 A. Oh, and I've just been knowing him for quite  
14 some time now.

15 Q. Do you know about when you would have met  
16 Commissioner Holmes?

17 A. 20 years ago --

18 Q. Okay.

19 A. -- maybe or more.

20 Q. And was it a personal nature you met him or  
21 through work?

22 A. I think first it was personal, and then it  
23 became work related.

24 Q. Would it be fair to say that the two of you are  
25 friends?

1 A. Yes.

2 Q. Through your work as constable, how do you  
3 interact with Commissioner Holmes?

4 MS. REYES: Objection; form.

5 Q. (BY MS. ELTON) Or do you?

6 A. I don't see him often, so my interactions with  
7 him is more or less that I would interact with anyone  
8 else on a professional manner.

9 Q. So is it fair then to characterize your  
10 interactions with him as infrequent?

11 A. Yes.

12 Q. What is your opinion of Commissioner Holmes as  
13 a commissioner?

14 A. He's a very bright, young man.

15 Q. And is that -- is your opinion based on your  
16 personal relationship with him or based on interactions  
17 with him when he was your commissioner?

18 A. Just my interactions with him personally and as  
19 a commissioner. He's a very, very, very bright, young  
20 man.

21 Q. When he was your commissioner, did you ever  
22 have to reach out to him as a resident regarding, you  
23 know, county business that he needed to address in your  
24 precinct?

25 A. Yes, ma'am.

1 Q. What type of things were those?

2 A. I can't recall all things.

3 Q. Can you give me an example?

4 A. Maybe we need to have a mosquito spray, bug  
5 spray for one, just...

6 Q. And when you would reach out to him, would you  
7 call him? Would you e-mail him? What was your method  
8 of communication?

9 A. A lot of times phone calls.

10 Q. And what was the response generally like?

11 A. If you ever heard him laugh, you'd know he'd  
12 laugh, and he said, I'll take care of it.

13 Q. So you believe that once you reached out to him  
14 with a concern, he would take care of it?

15 A. Yes, ma'am.

16 Q. Have you supported Commissioner Holmes in  
17 political races in the past?

18 MS. REYES: Objection; form.

19 A. I tend not to go out and -- another opponent or  
20 if someone is running for office, go out and give them,  
21 you know -- and support them, you know, out in the  
22 public.

23 Q. (BY MS. ELTON) And why is that?

24 A. Because if they lose, then the other person  
25 that would be in their office, and we would have to have

1 a working -- good working relationship, so I try to stay  
2 unopposed.

3 Q. And that's because of your elected position?

4 A. Yes, ma'am.

5 Q. Is it fair to say that Commissioner Holmes was  
6 your candidate of choice in the prior Precinct 3?

7 A. Yes.

8 Q. Would he be your candidate of choice if he were  
9 running in your precinct, your current precinct?

10 MS. REYES: Objection; form.

11 A. If our beliefs are still the same.

12 Q. (BY MS. ELTON) Okay. And what type of beliefs  
13 do you look for in a candidate?

14 A. Ethical.

15 Q. What other factors do you look at when you are  
16 choosing your candidate in an election?

17 A. Ethical.

18 Q. So is it fair to say then the ideology and  
19 ethical [sic] and morals of a candidate are more  
20 important than their race?

21 MS. REYES: Objection; form.

22 A. Yes.

23 Q. (BY MS. ELTON) Is it fair to say that  
24 someone's -- a candidate's ideology, ethical or morals  
25 are more important than their political party

1 affiliation?

2 A. Can you repeat that?

3 Q. Yes. Is it fair then to say that someone's  
4 ethical or morals is more important to you as a voter  
5 than their political party affiliation?

6 A. I can't say that.

7 Q. Okay. Why not?

8 A. You can be ethical and still be a Republican  
9 and I still may like you, and you could be a Democrat  
10 and be ethical and I like you. So that right there, you  
11 know, I just really can't say.

12 Q. So based on what you're saying, does political  
13 party affiliation not influence your decision when  
14 you're voting?

15 A. Yes -- no, it doesn't. I vote Democrat. Okay?  
16 If that's what you're trying to say. Okay?

17 Q. Yeah. Do you always vote Democrat?

18 A. Yes, I do.

19 Q. Have you ever voted for a Republican?

20 A. No.

21 Q. And what's the basis for that?

22 A. I've always voted Democrat.

23 Q. Is that because of the political platform of  
24 the Democrat party? That's what you agree with?

25 A. I just vote Democrat.

1 Q. Okay. Other than the fact that you've always  
2 voted Democrat, is there any other basis for you always  
3 voting Democrat?

4 MS. REYES: Objection; form.

5 A. No.

6 Q. (BY MS. ELTON) Was that a "no"?

7 A. "No."

8 Q. Okay. Do you think Commissioner Holmes can be  
9 reelected in his current commissioners precinct?

10 MS. REYES: Objection; form.

11 A. In what?

12 Q. (BY MS. ELTON) Under the new maps that was  
13 adopted in 2021 Commissioners Court, do you believe that  
14 Commissioner Holmes can be reelected as commissioner?

15 A. I don't think so.

16 Q. Why not?

17 A. I -- I just don't think that he'll win that --  
18 that race.

19 Q. Do you have any facts that support that  
20 opinion?

21 A. No.

22 Q. Who is your current commissioner?

23 A. Precinct 1 will be Darrell Apffel.

24 Q. Do you personally know Darrell Apffel?

25 A. Yes, I do.

1 Q. Okay. And how do you know Mr. Apffel?

2 A. I have a long history with him for -- it goes  
3 back to his kids, coaching his kids in little league.

4 Q. So is it fair to say then you also have a  
5 personal relationship with Commissioner Apffel?

6 A. Yes, I do.

7 Q. What's your opinion of Commissioner Apffel as a  
8 commissioner?

9 MS. REYES: Objection; form.

10 A. I really don't have an opinion of him being --  
11 no.

12 Q. (BY MS. ELTON) And why don't you have an  
13 opinion?

14 A. Well, I hadn't really followed Darrell on the  
15 bench of Commissioners Court.

16 Q. Since he's been your commissioner, have you  
17 ever reached out to Commissioner Apffel for county needs  
18 as a resident?

19 A. No, ma'am.

20 Q. If you did, do you have any reason to believe  
21 that he would not be responsive?

22 MS. REYES: Objection; form.

23 A. I hadn't seen him, so I don't know. I hadn't  
24 talked to him.

25 Q. (BY MS. ELTON) So that's -- you don't have any



1 reason to think that he wouldn't be responsive?

2 A. I'm not -- I'm not sure. I hadn't talked to  
3 Darrell.

4 Q. Okay. Do you know any of the other  
5 commissioners currently on the Commissioners Court?

6 A. Giusti. Commissioner Giusti.

7 Q. How do you know Commissioner Giusti?

8 A. When he was a police officer for Galveston PD.

9 Q. Did you ever work security or anything like  
10 that together?

11 A. No, ma'am.

12 Q. Do you have an opinion of Commissioner Giusti  
13 as a commissioner?

14 A. I don't know him that well.

15 Q. Have you ever lived in his precinct?

16 A. No, ma'am.

17 Q. Do you have an opinion of Commissioner  
18 Armstrong as a commissioner?

19 A. I don't know him that well.

20 Q. Did you know Commissioner Clark?

21 A. Yes, I did.

22 Q. In what way did you know Commissioner Clark?

23 A. I've met him. I've sat down and had  
24 conversations with him before he passed.

25 Q. And was that a personal interaction or through

1 work?

2 A. Through work.

3 Q. What is your understanding of the term

4 "redistricting"?

5 MS. REYES: Objection; form.

6 A. That the lines have to be changed because of

7 the census.

8 Q. (BY MS. ELTON) Do you know what type of

9 process must be completed to complete redistricting?

10 MS. REYES: Objection; form.

11 A. I don't know the whole process.

12 Q. (BY MS. ELTON) Do you know the legal

13 requirements of redistricting?

14 MS. REYES: Objection; form.

15 A. Not all of them.

16 Q. (BY MS. ELTON) You said not all of them?

17 A. Not personally or familiar with everything that

18 goes on with it.

19 Q. Okay. What are you familiar with that goes on?

20 A. I just know Commissioners Court decides on

21 moving, you know, changing the lines because of census;

22 that's basically it.

23 Q. Okay. Anything other than that?

24 A. No. That's it.

25 Q. Were you involved in the 2021 Commissioners

1 Court redistricting process at all?

2 A. No, ma'am.

3 Q. Did you see the two proposed maps that were  
4 voted on by the Commissioners Court?

5 A. I saw them the day that they were voted on, the  
6 only time I've ever seen it.

7 Q. And that would be November 12, 2021. Does that  
8 sound right?

9 A. That sounds about correct.

10 Q. Did you ever see the two maps posted on the  
11 county website?

12 A. No, ma'am.

13 Q. And I guess similarly, did you know that there  
14 was an option to make public comment through the county  
15 website on those maps?

16 A. No, ma'am.

17 Q. So is it fair to say you would not have made a  
18 public comment on the website?

19 A. No.

20 Q. Okay. When you did see that two proposed maps,  
21 what was your opinion?

22 A. That you would be able -- that Black and Brown  
23 community will not have a choice to elect a person of  
24 their choice.

25 Q. And what was it about the maps that made you

1 | feel that way?

2 | A. I'm not a expert on maps.

3 | Q. Yeah. I'm not asking for any type of mapping  
4 | expert --

5 | A. Okay.

6 | Q. -- or anything like that. Just what made you,  
7 | as your own personal opinion, understanding, what made  
8 | you feel uncomfortable with the maps?

9 | A. How the precincts, how it was cut up.

10 | Q. And did you have a preference of map one or map  
11 | two or did you not like either?

12 | A. I did not have a preference of either one.

13 | Q. Did you attend the November 12th, 2021 hearing?

14 | A. Yes, I did.

15 | Q. How did you become aware of the hearing?

16 | A. I think by e-mail.

17 | Q. Yeah. And I'm actually -- this is seven. I'm  
18 | going to mark this as Exhibit 1, hand it to you to  
19 | review.

20 | (Exhibit No. 1 was marked.)

21 | MS. ELTON: Here you go, if you'll just...

22 | MS. REYES: Thank you.

23 | Q. (BY MS. ELTON) After you've had a chance to  
24 | review it, if you'll just let me know.

25 | A. (Witness perusing document.) Okay.

1 Q. Okay. Is this the e-mail that you were  
2 referencing as you received notice regarding the  
3 November 12th meeting?

4 A. I believe so.

5 Q. Who is Linda Liechty?

6 A. I guess she's the secretary for Judge Mark  
7 Henry, I guess. I'm not sure.

8 Q. Did you have to sign up to receive these  
9 e-mails or were you on an e-mail group to receive  
10 notification?

11 MS. REYES: Objection; form.

12 A. I think all the elected officials of the county  
13 received these.

14 Q. (BY MS. ELTON) And are they -- they're an  
15 automatic e-mail system?

16 A. Yes. Yes, ma'am.

17 Q. Do you get notification before each and every  
18 Commissioners Court meeting?

19 A. Yes.

20 Q. And so you stated you attended the  
21 November 12th meeting, and we'll get back to that in  
22 just a second. But have you attended -- did you attend  
23 other Commissioner Courts meetings before the  
24 November 12th meeting?

25 MS. REYES: Objection; form.

1 A. No, ma'am.

2 Q. (BY MS. ELTON) So the November 12th, 2021  
3 Commissioners Court meeting was the first Commissioners  
4 Court meeting you had attended?

5 A. Through all my career, oh, no. No, ma'am.  
6 I've been to Commissioners Court meetings before, but I  
7 hadn't been to, you know, several before then.

8 Q. Okay. So you have -- before the November 12th  
9 meeting, you had attended Commissioners Court?

10 A. Yes, ma'am.

11 Q. Okay.

12 A. Okay.

13 Q. Do you know if -- when you attended, were those  
14 regular meetings or special meetings?

15 A. Regular meetings.

16 Q. Where were those meetings held?

17 A. Galveston.

18 Q. Had you ever attended a special meeting of the  
19 Commissioners Court?

20 A. I believe so.

21 Q. Do you know where that meeting was held?

22 A. I believe Galveston also.

23 Q. Before November 12th, 2021, had you ever  
24 attended a meeting at the Calder Annex location?

25 A. No, ma'am.

1 Q. What was your opinion of the Calder Annex as a  
2 location for this meeting, or do you have one?

3 A. I thought it was a small, small building to  
4 hold a meeting of that magnitude.

5 Q. Other than it being small, do you have any  
6 other opinion of the meeting location itself?

7 A. It didn't have -- it was just a very small,  
8 small place, cramped place for that amount of people  
9 that were attending the meeting.

10 Q. Do you know how the Commissioners Court decide  
11 which location to hold a meeting?

12 MS. REYES: Objection; form.

13 A. I don't know.

14 Q. (BY MS. ELTON) Did you make public comment at  
15 the November 12th meeting?

16 A. No, I did not.

17 Q. Why not?

18 A. Because I thought it was already a done deal.

19 Q. And why did you have that opinion?

20 A. From the way the judge came in and started  
21 presiding over the meeting, it was already a done deal.

22 Q. And are you referring to his demeanor or what  
23 exactly are you referring to?

24 A. His demeanor and the way he told the people, if  
25 you're not quiet, I'll empty the building out.

1 Q. Was this behavior different than other meetings

2 you had attended?

3 A. Yes.

4 Q. Did you listen to public comment made at the

5 meeting?

6 A. Yes.

7 Q. Can you describe generally what the public's

8 reaction to the maps were?

9 A. They were appalled.

10 Q. And do you have any -- to your knowledge, do

11 you know where they were?

12 A. Because they would not have a voice, a person

13 of their choice that they could vote on, have a voice in

14 their community.

15 Q. Did you speak with anyone regarding preparation

16 for this meeting in terms of public comment they

17 intended to make beforehand?

18 A. Excuse me. I don't --

19 Q. That was confusing. Let me repeat that.

20 Did you speak with anyone about the comment

21 they intended to make at the November 12th meeting

22 beforehand?

23 A. That was at the redistricting meeting?

24 Q. Yes.

25 A. No, I did not speak with anyone.



1 Q. Did you know some of the individuals that made  
2 public comment?

3 A. Yes.

4 Q. How do you know them?

5 A. I was born and raised in the same neighborhoods  
6 that they were raised in and that they live.

7 Q. Is that the Texas City community?

8 A. The Texas City/La Marque community.

9 Q. Other than attending the November 12th, 2021  
10 meeting, did you have any other involvement with 2021  
11 Commissioners Court redistricting?

12 A. No.

13 Q. Okay. This is 20. Okay. I'm going to hand  
14 you -- this is going to be marked as Exhibit 2.

15 (Exhibit No. 2 was marked.)

16 Q. (BY MS. ELTON) There you go, discovery  
17 responses. On the second page it says, "Petteway  
18 Plaintiffs' Amended Responses to Defendant's First  
19 Discovery Requests." I know it's a very long document.  
20 I don't intend to ask you questions about it as a whole.  
21 However, if you would like the time to look through it,  
22 you can certainly have that. But have you seen this  
23 document before today?

24 A. Yes.

25 Q. Did you see it before it was submitted in this

1 case, to your knowledge?

2 MS. REYES: I'm sorry. Object to the  
3 extent that it --

4 A. I'm not sure. I'm not sure.

5 MS. REYES: Sorry. Derreck, if you let me  
6 finish my objection really quick.

7 THE WITNESS: Okay.

8 MS. REYES: -- to the extent that it calls  
9 for disclosure of attorney work product or  
10 attorney/client communication.

11 Q. (BY MS. ELTON) Okay. And we are going to flip  
12 to -- we're going to flip to Page 8 of this document,  
13 and I'm going to read the interrogatory question to you,  
14 and then we'll go with the part that's relevant to you.  
15 "For each communication that included a Galveston County  
16 Commissioner or Galveston County Judge in which you were  
17 involved in any way related to, discussed or touched on  
18 plans for redistricting, changes to or approval of the  
19 2021 redistricting plan, identify them."

20 And so in the portion of the answer that  
21 relates to you it says, "Honorable Derreck Rose recalls  
22 that shortly after the November 12th, 2021 hearing, he  
23 made phone calls to Commissioner Apffel and Giusti." Do  
24 you see that?

25 A. Yes.

1 Q. Do you agree with that statement?

2 A. Yes.

3 Q. Okay.

4 MS. REYES: I'm sorry. What page are we  
5 on?

6 A. Page 9 now.

7 Q. (BY MS. ELTON) The answer is Page 9, yes.

8 MS. REYES: Oh, okay.

9 Q. (BY MS. ELTON) Let's first talk about your  
10 call to Commissioner Apffel. First of all, what was the  
11 reason for the call?

12 A. How displeased I was about the nonresponse, him  
13 at the Commissioners Court meeting.

14 Q. Of Mr. Apffel personally?

15 A. Yes.

16 Q. You say "nonresponse." What would you have  
17 liked to have seen from Commissioner Apffel?

18 A. On how they treated the Black and Brown people  
19 there at that meeting which is so unprofessional.

20 Q. So is it fair that your displeasure was in a  
21 lot of way with how the meeting was held?

22 A. Yes.

23 Q. Was your call to Commissioner Giusti similar?

24 A. Yes.

25 Q. Any other topics discussed with either call?

1 A. No.

2 Q. Did you discuss with them the adopted map in  
3 any way?

4 A. No.

5 Q. Just to clarify, the conversations were  
6 completely limited to the way the meeting was conducted?

7 A. Yes.

8 MS. REYES: And, Counsel, just maybe once  
9 you're done with this line of questioning, if we can  
10 take a break.

11 MS. ELTON: Yes. I have one more question  
12 on this, and we can certainly take a break.

13 THE WITNESS: I sure thank you.

14 Q. (BY MS. ELTON) On Page, now, 22, this is the  
15 answer to Interrogatory No. 17, again referencing  
16 communications. And part B of the answer is referring  
17 to you. It says, "Following the November 12, '21  
18 hearing, Derreck Rose spoke to Tierr'ishia Gibson,  
19 chairman of the Galveston County Democrat party." Do  
20 you see that?

21 A. Yes.

22 Q. Do you agree with that statement?

23 A. Yes.

24 Q. And what was the No. 1 purpose of your contact  
25 with Ms. Gibson?

1           A. I think we had talked, and she was trying to  
2 drum up support for Commissioner Holmes for the  
3 redistricting.

4           Q. What type of support?

5           A. Community support.

6           Q. And this was after the map was adopted?

7           A. This was, I believe so, after the map was  
8 adopted.

9           Q. And so why would she be drumming up support for  
10 Commissioner Holmes?

11                   MS. REYES: Objection; form.

12           A. I can't answer why she would, but I think she  
13 was in support of it, you know. I guess support  
14 Mr. Holmes as commissioner.

15                   MS. ELTON: Okay. Yeah. We can take a --  
16 is a ten-minute break okay?

17                   MS. REYES: Yeah, let's take a ten-minute  
18 break.

19                   MR. BARON: Sure.

20                   THE VIDEOGRAPHER: Off the record, 1:05.

21                           (Recess taken.)

22                   THE VIDEOGRAPHER: We're going back on the  
23 record, 1:23 p.m.

24           Q. (BY MS. ELTON) Okay. Constable Rose, we  
25 recently talked about how you -- after the November 12th

1 meeting, you called Commissioner Apffel. Right?

2 A. Yes.

3 Q. Okay. And you said that you expressed your  
4 concern over the way the meeting was conducted. What  
5 was Commissioner Apffel's response?

6 A. He was very nonchalant.

7 Q. What made you feel that way?

8 A. Because his response was -- well, he really  
9 didn't have a response -- is that he wasn't conducting  
10 the meeting.

11 Q. As in he wasn't in charge of the meeting? Is  
12 that how you understood it?

13 A. Yes.

14 Q. And, similarly, what was Commissioner Giusti's  
15 response to your concerns?

16 A. He wasn't -- wasn't his meeting. He wasn't  
17 orchestrating the meeting.

18 Q. Are you aware of the racial demographics of  
19 Galveston County as a whole?

20 MS. REYES: Objection; form.

21 A. Can you re- --

22 Q. (BY MS. ELTON) And I'll break it down some.

23 A. Mm-hmm.

24 Q. Are you aware of the racial demographics of  
25 Galveston city?

1 MS. REYES: Same objection.

2 A. As?

3 Q. (BY MS. ELTON) As in do you know the  
4 percentage of Anglo voters, Latino voters, Black voters  
5 in Galveston city?

6 A. No, ma'am.

7 Q. What about in La Marque?

8 MS. REYES: Same objection.

9 A. No, ma'am, not the total breakdown.

10 Q. (BY MS. ELTON) What about Texas City?

11 A. No.

12 Q. Is that going to be your answer for each  
13 location in Galveston County?

14 A. Yes.

15 Q. Are you aware of voter turnout in  
16 Galveston County?

17 MS. REYES: Objection; form.

18 A. As far as?

19 Q. (BY MS. ELTON) Are you aware of the voting  
20 statistics of Galveston County?

21 A. No.

22 Q. What about in Galveston or La Marque or Texas  
23 City?

24 A. No.

25 Q. Or any of the areas in Galveston County?

1 A. No, ma'am.

2 Q. Did you ever conduct any research into voting  
3 statistics in your tenure as an elected official?

4 A. No.

5 Q. What about any research into racial  
6 demographics of the county during your tenure as an  
7 elected official?

8 A. No.

9 Q. Why didn't you?

10 MS. REYES: Objection; form.

11 A. I'm not -- it's not my job.

12 Q. (BY MS. ELTON) Do you believe it is someone's  
13 job to conduct that research?

14 A. They have professionals for that.

15 Q. Do you believe it's the job of elected  
16 officials in Galveston County to conduct that research?

17 A. I don't know.

18 Q. But you as an elected official, you didn't  
19 believe you need -- it was necessary for you to conduct  
20 your job. Correct?

21 MS. REYES: Objection; form.

22 A. Can you repeat that?

23 Q. (BY MS. ELTON) You, yourself, as an elected  
24 official in Galveston County, you didn't feel that you  
25 needed that information to adequately do your job.



1 Correct?

2 A. I don't know.

3 Q. Well, you didn't conduct the research.

4 Correct?

5 A. No. No.

6 Q. And you feel like you do your job adequately.

7 Correct?

8 A. Yes.

9 Q. Do you believe that Black voters in Galveston  
10 County vote as a block or vote for the same candidate?

11 MS. REYES: Objection; form.

12 A. As far as?

13 Q. (BY MS. ELTON) Do -- in your opinion, does the  
14 African American community in Galveston County vote for  
15 the same candidate in elections?

16 A. I can't say for all Black voters.

17 Q. Okay. Based on your answer, do you feel like  
18 you can say for certain voters?

19 MS. REYES: Objection; form.

20 A. No.

21 Q. (BY MS. ELTON) So you do not have an opinion  
22 on whether or not African American voters vote for the  
23 same candidate?

24 A. I can't say.

25 Q. Do you believe that Latino voters in

1 Galveston County vote for the same candidate?

2 MS. REYES: Objection; form.

3 A. I can't answer how all Latinos vote.

4 Q. (BY MS. ELTON) Do you know how any Latinos  
5 vote in Galveston County?

6 A. No, ma'am.

7 Q. Do you know how White voters vote in  
8 Galveston County?

9 A. No.

10 Q. Do you believe that all White voters in  
11 Galveston County vote for the same candidate?

12 MS. REYES: Objection; form.

13 A. I don't know.

14 Q. (BY MS. ELTON) Given your long tenure as an  
15 elected official, would you say that you are politically  
16 active in Galveston County?

17 A. Yes.

18 Q. Is it fair to say that you're aware of local  
19 politics?

20 A. Yes.

21 Q. How do you get your information regarding local  
22 politics?

23 MS. REYES: Objection; form.

24 A. Probably, I guess, the newspaper.

25 Q. (BY MS. ELTON) And which newspaper would that

1 be?

2 A. Galveston Daily News.

3 Q. And we spoke earlier about the numerous  
4 organizations you're a part of.

5 A. (Nodding head.)

6 Q. Do you get any political information from those  
7 organizations?

8 A. The Coalition of Black Democrats would be the  
9 only one probably.

10 Q. And does the coalition have monthly meetings,  
11 annual meetings? How are meetings conducted?

12 MS. REYES: Objection; form.

13 A. Monthly -- monthly meetings, but there hasn't  
14 been a meeting for quite some time.

15 Q. (BY MS. ELTON) Do you attend the monthly  
16 meetings when they're held?

17 A. Yes.

18 Q. Why have meetings not been held for some time?

19 MS. REYES: Objection; form.

20 A. COVID.

21 Q. (BY MS. ELTON) Were meetings being held during  
22 the 2021 Commissioners Court redistricting cycle?

23 A. No.

24 Q. So other than the Galveston Daily News, did you  
25 get your information regarding the 2021 Commissioners

1 Court redistricting from anywhere else?

2 A. Nowhere else.

3 Q. In any of your elections, did you ever analyze  
4 the voting statistics of that election after the fact?

5 MS. REYES: Objection; form.

6 A. Can you rephrase that?

7 Q. (BY MS. ELTON) Yeah. So after one of your  
8 elections campaigns, did you ever look back and see what  
9 percentage of the population voted for you?

10 A. No, I did not.

11 Q. Okay. Or, similarly, the racial breakdown of  
12 those who did vote for you?

13 A. No.

14 Q. And is it fair to say for at least the past  
15 20 years, you have been engaged in local politics?

16 A. Yes.

17 Q. In the past ten years, how would you describe  
18 the political makeup of Galveston County, as in trending  
19 more Republican or more Democrat?

20 MS. REYES: Objection; form.

21 A. Do you want to ask -- rephrase that?

22 Q. (BY MS. ELTON) Sure. Let's just first,  
23 sitting here today, do you believe Galveston County has  
24 more Republican voters or Democrat voters?

25 A. Republican.

1 Q. Okay. Is that true for the past ten years?

2 MS. REYES: Objection; form.

3 A. I can't say how far back that goes.

4 Q. (BY MS. ELTON) Okay. Have you seen a change  
5 in whether the majority of voters are Republican or  
6 Democrat in the past 20 years in Galveston County?

7 A. I'm not sure. I don't know.

8 Q. And earlier you said that you do not believe  
9 that Commissioner Holmes can be reelected in his current  
10 precinct, correct, under the new map?

11 A. Correct.

12 Q. Do you believe he could be reelected as a  
13 Republican under the new map?

14 MS. REYES: Objection; form.

15 A. I don't know.

16 Q. (BY MS. ELTON) Do you believe that any  
17 commissioner can be elected as a Democrat under the new  
18 map?

19 MS. REYES: Objection; form.

20 A. I don't know.

21 Q. (BY MS. ELTON) Do you believe that the African  
22 American community has different needs than the Anglo  
23 community in Galveston County?

24 A. I don't know.

25 Q. You have no opinion on that?

1 A. No.

2 Q. Do you believe that the Latino community has  
3 different needs than the Anglo community in Galveston  
4 County?

5 A. I can't -- I don't know.

6 Q. You don't have any opinion on that?

7 A. No.

8 Q. Do you believe that the African American  
9 community and Latino community have the same needs in  
10 Galveston County?

11 A. I don't know, ma'am.

12 Q. No opinion on that?

13 A. No opinion on that.

14 Q. Do you believe that there is a history of  
15 discrimination of Galveston County officials over the  
16 last ten years?

17 A. Can you repeat that?

18 Q. Yes. Do you believe that in the past ten years  
19 there's a presence of discrimination by Galveston County  
20 elected officials?

21 A. Can you rephrase that and what you mean by  
22 discrimination by the officials?

23 Q. Right. And I -- let's just first start  
24 generally. Do you believe that there is discrimination  
25 present in Galveston County?

1 A. Yes.

2 Q. Can you give me some examples of that?

3 A. In policing, in education.

4 Q. And specifically in policing, what do you see?

5 A. The Black and Brown community being stopped  
6 more so than Anglo and police different.

7 Q. And what do you base that opinion on?

8 A. History, knowledge.

9 Q. Any specific facts or specific instance?

10 A. I could give -- yes.

11 Q. Okay. Can you give me one?

12 A. My son got stopped.

13 Q. So wrongful stopping and policing you've seen  
14 as a form of discrimination. Is that fair?

15 A. Yes.

16 Q. Okay. And I believe you said education as  
17 well?

18 A. Right.

19 Q. Okay. And can you give me an example of  
20 discrimination in education?

21 A. As far as schools, being able to get the  
22 quality of education that they need.

23 Q. And is that -- you said "get the quality of  
24 education they need." Is that based on schools  
25 available to them or what do you base that off of?

1 MS. REYES: Objection; form.

2 A. Just knowledge.

3 Q. (BY MS. ELTON) Can you give me a specific  
4 example?

5 A. No, not right off the top of my head.

6 Q. And now back to the original question. We've  
7 kind of talked generally in Galveston County, but now  
8 have you ever -- have you witnessed specific instances  
9 of discrimination in Galveston County by a government  
10 official?

11 A. The treatment of -- going back to 2011 -- of  
12 African Americans that came to the redistricting  
13 hearing, and it was cut short by Judge Henry, Mark  
14 Henry. They were treated totally unfair.

15 Q. And I just want to make sure you said 2011,  
16 that --

17 A. Yes.

18 Q. Okay. And what was discussed at this hearing?  
19 You said redistricting?

20 A. Yeah, it was a redistricting hearing.

21 Q. For the 2010-2011 cycle?

22 A. Yes, ma'am.

23 Q. And was that Commissioners Court redistricting  
24 or was that JP Constable redistricting?

25 A. Commissioners and JP, yes.



1 Q. Both were discussed?

2 A. Yes.

3 Q. What was your involvement in the 2010-2011  
4 redistricting cycle?

5 MS. REYES: Objection; form.

6 A. I was applying for that case.

7 Q. (BY MS. ELTON) And I'm talking about before  
8 the lawsuit in the actual process itself.

9 A. I was the constable, Precinct 3.

10 Q. And did you attend public meetings regarding  
11 the 2010-2011 redistricting --

12 A. Yes, I did.

13 Q. -- of the Commissioners Court? And you did  
14 mention the lawsuit. What is your understanding of that  
15 lawsuit?

16 MS. REYES: Objection; form.

17 A. What do you -- can you rephrase that?

18 Q. (BY MS. ELTON) Yes. You mentioned that you  
19 became involved in the 2011 litigation surrounding the  
20 2010-2011 redistricting. Correct?

21 A. (Nodding head.)

22 Q. What was your understanding -- or why did you  
23 get involved in that litigation?

24 A. Same -- same here, unable to elect a person of  
25 your choice.

1 Q. Okay. And so you believe that you suffered the  
2 same injury in 2010-2011 as you do in this current  
3 lawsuit. Is that fair?

4 MS. REYES: Objection; form.

5 A. Yes.

6 Q. (BY MS. ELTON) And you said that you don't  
7 believe that you're able to elect the candidate of your  
8 choice. Right?

9 A. Yes.

10 Q. As you sit here today, who is your candidate of  
11 choice?

12 MS. REYES: Objection; form.

13 A. There's not -- there's not a candidate running  
14 at this point in time.

15 Q. (BY MS. ELTON) So is it fair to say that you  
16 wouldn't know your candidate of choice until an election  
17 occurs. Right?

18 A. That is correct.

19 Q. Okay. And because one has not occurred in your  
20 current precinct, why do you believe you would not be  
21 able to elect your candidate?

22 A. Because the way the lines are drawn on that --  
23 on the map that they adopted.

24 Q. And what -- what is it about the lines that  
25 makes you think that you cannot -- if sitting here today

1 we don't have a candidate of choice, how do you know  
2 only based on the lines that you would not be able to  
3 elect this future candidate?

4 A. I'm not a map expert.

5 Q. Right. I'm just asking for your understanding  
6 and why you believe that you can't elect your candidate  
7 of choice when that candidate hasn't been determined  
8 yet?

9 MS. REYES: Objection; form.

10 A. It has split up. The Commissioners Court has  
11 split it up in three different commission -- precincts  
12 in that one area.

13 Q. (BY MS. ELTON) You're referring to the former  
14 Precinct 3 has been split up?

15 A. Yes.

16 MS. REYES: Just to clarify, we're  
17 referring to Precinct 3 of the Commissioners Court?

18 MS. ELTON: Yes, yes.

19 MS. REYES: Okay.

20 Q. (BY MS. ELTON) Other than the meeting in 2011  
21 where you believe Judge Henry discriminated against the  
22 constituents at the meeting, do you have any other  
23 examples of discrimination by a government official?

24 A. Yes. '20 -- the meeting that we just had in  
25 '21, where he come in and was going to clear the room,

1 I'm going to clear the room if y'all are not quiet. I

2 think it was totally unprofessional.

3 Q. And just to clarify for the record, that's the

4 November 12th, 2021 meeting?

5 A. That is correct.

6 Q. Okay. Any others?

7 A. That's it.

8 Q. Are you aware of any voting practices that are  
9 discriminatory in Galveston County?

10 MS. REYES: Objection; form.

11 A. And what do you --

12 Q. (BY MS. ELTON) As -- let's start with voting  
13 locations.

14 MS. REYES: Same objection.

15 A. I don't know, no.

16 Q. (BY MS. ELTON) Do you have any opinion on  
17 that?

18 A. No, not at this time.

19 Q. What would change -- or what would give you an  
20 opinion on that later on?

21 MS. REYES: Objection; form.

22 A. I don't know.

23 Q. (BY MS. ELTON) Do you know of any ways that  
24 the African American community's ability to vote in  
25 Galveston County has been hindered?

1 MS. REYES: Objection; form.

2 A. I don't know.

3 Q. (BY MS. ELTON) No opinion on that?

4 A. No opinion.

5 Q. What about the Latino community's ability to  
6 vote?

7 A. No opinion.

8 Q. In all the elections that you personally have  
9 been a part of, have you ever witnessed discriminatory  
10 campaigning of any form?

11 A. No.

12 Q. And then you being politically active in  
13 Galveston County, let's say, for the last 20 years, have  
14 you witnessed any discriminatory campaigning in  
15 Galveston County?

16 A. No.

17 Q. Do you believe that the Commissioners Court  
18 intended to discriminate against minority members during  
19 the 2020-2021 redistricting?

20 MS. REYES: Objection; form.

21 A. I don't know.

22 Q. (BY MS. ELTON) You don't have any opinion on  
23 that?

24 A. No.

25 Q. During your time in law enforcement, you've

1       been strictly in Galveston County. Right?

2             A. Yes.

3       Q. Okay. Have you, in your time at the sheriff's  
4       department, ever witnessed discrimination?

5             MS. REYES: Objection; form.

6             A. And what do you call "discrimination"?

7       Q. (BY MS. ELTON) Well, that -- that's up to you.  
8       And I can clarify.

9             A. Yeah, please.

10       Q. Let me have -- when you were at the sheriff's  
11       department, was there ever a complaint made against you  
12       for discrimination?

13             A. No.

14       Q. Was there ever a complaint made, to your  
15       knowledge, against any of your colleagues at the  
16       sheriff's department during your tenure there?

17             A. No.

18       Q. Okay. Moving towards the constable's office,  
19       during your time as being constable, has there ever been  
20       a complaint of discrimination made against you?

21             A. No.

22       Q. Of any of your deputies during your time as  
23       constable?

24             A. No.

25       Q. Tab 5.

1 MS. ELTON: We're on Exhibit 3. Correct?

2 THE REPORTER: (Nodding head.)

3 Q. (BY MS. ELTON) Let me show you what's been  
4 marked as Exhibit 3. Please take your time and look  
5 through it.

6 (Exhibit No. 3 was marked.)

7 MS. ELTON: Here is a copy.

8 MS. REYES: Thank you.

9 Q. (BY MS. ELTON) Please just let me know when  
10 you've had enough time to review.

11 A. (Witness perusing document.) Oh, boy.

12 Q. Did you have a chance to review it?

13 A. Somewhat.

14 Q. Have you seen this article before?

15 A. No, ma'am.

16 Q. Okay. Do you see, though, on -- I'm looking at  
17 the numbers down at the bottom right-hand corner, Page 4  
18 of 7, that you were quoted at the top of the page?

19 MR. BARON: It's above the graph. Do you  
20 see the figures in the middle? You see that you were  
21 quoted directly?

22 THE WITNESS: Oh, okay. Yeah.

23 MR. BARON: Do you see it?

24 THE WITNESS: Yeah.

25 Q. (BY MS. ELTON) All right. And it says,

1 "Precinct 3 Constable Derreck Rose chose not to send any  
2 of his deputies to the border." Do you see that?

3 A. Yes.

4 Q. Okay. Is that a true statement?

5 A. That's a true statement.

6 Q. And then below that it's a -- appears to be a  
7 quote from you saying, "'We have shootings and crime in  
8 Galveston County we need to fight,' said Rose. 'I think  
9 the resources we're spending on the border are better  
10 spent here.'" Do you see that?

11 A. Yes.

12 Q. Is that an accurate quote?

13 A. It's accurate.

14 Q. Does that quote describe your rationale for not  
15 sending your deputies to the border?

16 A. Yes.

17 Q. Was there any other reason you did not send  
18 deputies to the border?

19 A. No other reason.

20 Q. This will be Tab 8.

21 MS. ELTON: I'm sorry. Are we on  
22 Exhibit 4?

23 THE REPORTER: Yes.

24 (Exhibit No. 4 was marked.)

25 Q. (BY MS. ELTON) I'm handing you what's been



1 marked as Exhibit 4, if you'll take a chance to read  
2 through it.

3 MS. REYES: Thank you.

4 A. (Witness perusing document.)

5 Q. (BY MS. ELTON) Please just let me know when  
6 you've had a chance to read it.

7 A. (Nodding head.)

8 Q. Okay. Judge Henry's e-mail to you was asking  
9 whether he had heard that Commissioner Clark had reached  
10 out to you to discuss redistricting. Do you read that?

11 A. Yes.

12 Q. Okay. Do you remember getting this e-mail?

13 A. Yes, I do.

14 Q. Did you respond to this e-mail?

15 A. No.

16 Q. Why not?

17 A. Because I didn't.

18 Q. No real reason why?

19 A. No.

20 Q. Did Commissioner Clark reach out to you about  
21 redistricting?

22 A. Yes.

23 Q. Okay. What did he say?

24 A. Just wanted to -- let's sit down and meet and  
25 try to come to some type of consensus on how we can

1 handle redistricting without litigation.

2 Q. Okay. And what was your response?

3 A. Whenever you want to talk, let's sit down.

4 Q. Did you ever sit down?

5 A. No, ma'am.

6 Q. Do you know why not?

7 A. No idea.

8 Q. Would you have sat down if that meeting was  
9 made?

10 MS. REYES: Objection; form.

11 A. I don't know.

12 Q. (BY MS. ELTON) Other than Commissioner Clark  
13 reaching out -- or when Commissioner Clark reached out,  
14 did you take that as an opportunity to express what you  
15 hoped to see in redistricting?

16 MS. REYES: Objection; form.

17 A. No, ma'am.

18 Q. (BY MS. ELTON) And why not?

19 A. It was just a general conversation. I  
20 didn't...

21 Q. Did you ever reach out to Commissioner Clark to  
22 express what you hoped to see in redistricting?

23 A. No.

24 Q. Did you reach out to any of the commissioners  
25 and express what you hoped to see for the 2021

1 redistricting?

2 A. No.

3 Q. Did you reach out to Judge Henry to let him  
4 know what you would hope to see in 2020 redistricting?

5 A. No.

6 Q. This is nine. I'm going to show you what's  
7 been marked as Exhibit 5.

8 (Exhibit No. 5 was marked.)

9 Q. (BY MS. ELTON) Sorry. Just let me know when  
10 you've had a chance to read it.

11 A. (Witness perusing document.) Okay.

12 Q. Okay. Who is Corlie Jackson?

13 A. She's a community activist in Galveston.

14 Q. What type of activism does she do?

15 A. She does activism work, political activism.

16 Q. Political. For one party or another?

17 A. Yes, I guess.

18 Q. And which party would that be?

19 A. The Democratic party.

20 Q. And we've -- it doesn't have a "to" here, but  
21 can we agree that the greeting, "Derreck," it was sent  
22 to you, e-mailed to you?

23 A. I believe so, yes.

24 Q. Or you were at least on the e-mail?

25 A. Yes.

1 Q. Have you seen this before?

2 A. I believe this is my really first time reading  
3 this because I don't really read all my e-mails.

4 Q. Okay. And it looks like they are referencing  
5 the Coalition of Black Democrats organization you're a  
6 part of. Is that right?

7 A. That is correct.

8 Q. Okay. And then they mentioned a redistricting  
9 Zoom. Did you see that?

10 A. Yes.

11 Q. Okay. For Thursday, April 15th at 7:00 p.m.  
12 Right?

13 A. Yes.

14 Q. Okay. It's stated that Judith Oppenheimer  
15 would love to attend and share her experience,  
16 congressional testimony, et cetera. Do you see that as  
17 well?

18 A. Yes.

19 Q. Okay. Do you know whether or not Judith  
20 Oppenheimer attended the meeting to share her experience  
21 on redistricting?

22 A. No.

23 Q. Okay. Were -- what was your position with the  
24 coalition at that time?

25 A. Chairman.

1 Q. Okay. And would you organize meetings?

2 A. Yes.

3 Q. And that's why that they would have e-mailed  
4 you to set up a speaker?

5 A. Yes, ma'am.

6 Q. Okay. But, to your knowledge, you don't  
7 believe Ms. Oppenheimer did speak at any coalition  
8 meeting?

9 A. No, she has not.

10 Q. Thank you. This is ten. I'm showing you what  
11 has been marked as Exhibit 6, and it's pretty fine  
12 print, so let me know if you have any difficulty reading  
13 it.

14 (Exhibit No. 6 was marked.)

15 A. I'll put my glasses on.

16 MS. REYES: Thank you. Ooh.

17 A. God.

18 Q. (BY MS. ELTON) Yes. It's printed that way for  
19 some reason. We can always pull it up on the computer  
20 if that's easier to read.

21 A. (Witness perusing document.)

22 Q. Just let me know once you've reviewed it.

23 A. This is what year? 2011. Yeah.

24 Q. Okay. So I first wanted to point out just for  
25 the record so we're clear, we're discussing now 2011.

1 And do you see the original e-mail down at the bottom  
2 from Stephen Holmes to you, Terry Petteway, Penny Pope,  
3 and a few others? And it states, "Here are the  
4 submission numbers for our DOJ submission." Do you see  
5 that?

6 A. Yes.

7 Q. Okay. Do you know what that's referring to?

8 A. I don't. I don't recall.

9 Q. Okay. Do you remember getting this e-mail?

10 A. No, ma'am.

11 Q. I know it's been some time. Okay. And let's  
12 go to the e-mail above that now. It's from Penny Pope,  
13 and it says, "Attached please find objection letters  
14 that I have written." Do you see that?

15 A. Yes.

16 Q. Okay. Have you seen that e-mail before?

17 A. I don't recall.

18 Q. Okay. Looking at this e-mail today, do you  
19 know what objection letter she may have been referring  
20 to?

21 A. No, ma'am.

22 Q. Okay. And then just one more question on this.  
23 Do you know above that, "Coalition letter" -- this is  
24 from Stephen Holmes, "Coalition letter needs to be  
25 signed by Derreck." Do you see that?

1 A. Yes.

2 Q. Okay. Why -- why would that be the case?

3 A. He was probably chairman back then.

4 Q. Okay.

5 A. Yeah.

6 Q. And so any -- as chairman, you would sign any  
7 letters on the coalition's behalf?

8 A. Yes.

9 Q. This is going to be 11. I'm going to show you  
10 what's been marked as Exhibit 7.

11 (Exhibit No. 7 was marked.)

12 MS. ELTON: For you.

13 Q. (BY MS. ELTON) Just let me know when you've  
14 had a chance to review it.

15 A. (Witness perusing document.) Okay.

16 Q. Okay. Have you seen these two letters before?

17 A. It's been a while, yes.

18 Q. Okay. And are these the two objection letters  
19 that Ms. Pope referenced in her e-mail in Exhibit 6?

20 A. I believe so, yes.

21 Q. And so you have seen these letters before. Did  
22 you help write them?

23 A. Yes.

24 Q. What was your contribution?

25 A. I was the chairman of the coalition.

1 Q. What was your contribution to the drafting  
2 specifically?

3 A. As far as information?

4 Q. Yes.

5 A. Proofing and making sure it was correct.

6 Q. And it does appear to be two different letters.

7 Correct?

8 A. Yes.

9 Q. Okay. If I'm correct, the first letter appears  
10 to be regarding Justice of the Peace and Constable  
11 precincts. Is that fair?

12 A. That is fair, correct.

13 Q. Okay. And the second seems to be regarding  
14 Commissioners Court precincts. Is that fair?

15 A. Yes.

16 Q. Okay. And then, of course, on each letter was  
17 your signature block. Did you see that?

18 A. Yes.

19 Q. Okay. Did you sign these letters?

20 A. Yes, ma'am.

21 Q. Okay. And were these letters sent?

22 A. Yes.

23 Q. And I -- is it fair to assume that you signed  
24 them, you helped write them, you agree with the contents  
25 of these letters?



1 A. Yeah.

2 Q. And this was -- again, these letters are  
3 referencing the 2010-2011 redistricting cycle. Correct?

4 A. That is correct, yes.

5 Q. This is 12. I'll show you Exhibit 8. Please  
6 take a chance to read through it.

7 (Exhibit No. 8 was marked.)

8 A. (Witness perusing document.) Yes, go ahead.

9 Q. (BY MS. ELTON) Okay. Have you seen this  
10 letter before?

11 A. I believe so. It's been a while, you know.

12 Q. Okay. And, again, this letter was dated  
13 August 17, 2011. Correct?

14 A. Yes.

15 Q. And it seems to be, again, on Ms. Pope's  
16 letterhead?

17 A. Yes.

18 Q. Okay. And the letter is directed to  
19 Judge Henry and the Commissioners Court. Right?

20 A. Yes.

21 Q. Did you help draft this letter?

22 A. No.

23 Q. Do you agree with Judge Pope's comment in the  
24 first paragraph that says, "It is sad that we must now  
25 become a part of another disturbing trend that is a part

1 of today's political arena - one group of elected  
2 officials at odds with another." Do you see that?

3 A. Yes.

4 Q. Do you agree with that statement?

5 A. Yes.

6 Q. Okay. Do you agree -- do you think that that  
7 is still the case today?

8 A. Yes.

9 Q. Is it then fair to say that you believe the  
10 2020-2021 redistricting cycle was politically motivated?

11 MS. REYES: Objection; form.

12 A. Yes.

13 Q. (BY MS. ELTON) And now turning to the very  
14 back page, your name is listed for signatory. Do you  
15 see that?

16 A. Mm-hmm.

17 Q. Do you recall if you signed this or not?

18 A. I don't recall. It's been such a long time  
19 ago.

20 Q. Do you have any recollection if this was sent  
21 or not?

22 A. No, ma'am.

23 Q. Okay. This will be 13. This is going to be  
24 Exhibit 9.

25 (Exhibit No. 9 was marked.)

1 Q. (BY MS. ELTON) I'm going to represent to you  
2 that this is phone call transcripts, and I can tell you  
3 the relevant page that I will be asking you about and  
4 that is Page 29, which now I see that they are not  
5 numbered on the bottom. Let's see. If you give me  
6 that, I can turn it to the correct page to make it easy  
7 on you.

8 A. Yeah, please.

9 MS. ELTON: It might be easier to share  
10 screen.

11 MS. OLALDE: Sure.

12 Q. (BY MS. ELTON) Okay. I have it here for you,  
13 but she's also going to share it on the screen. And as  
14 I said, these are telephone transcripts, and we'll get  
15 the relevant page pulled up as well.

16 MS. REYES: I'm sorry. Are they  
17 transcripts or are they --

18 A. Really.

19 MS. REYES: -- summaries?

20 Q. (BY MS. ELTON) I'm sorry. Summaries of  
21 telephone conversations. Okay. And you see on this  
22 page that the caller seems to be you, Derreck Rose. Do  
23 you see that as "other party"?

24 A. Yes.

25 Q. Okay.

1 MS. ELTON: And if you'll scroll down a  
2 little bit.

3 Q. (BY MS. ELTON) And this, again, is referencing  
4 the 2011 redistricting timeline as well just for  
5 reference. Do you see where it says, "Mr. Rose stated  
6 that the process and plans were a done deal before they  
7 even started." Do you see that?

8 A. Yes.

9 Q. Okay. Did you have that opinion in 2011 --

10 A. Yes.

11 Q. -- regarding redistricting?

12 A. Yes.

13 Q. Did you have that same opinion in 2021  
14 regarding redistricting?

15 A. Yes.

16 Q. Then we see, "The constables had no input on  
17 the way the plans would be drawn." Do you see that?

18 A. Yes, ma'am.

19 Q. Was that your opinion?

20 A. Yes.

21 Q. Is that your opinion in the 2021 redistricting  
22 as well?

23 A. For the constables?

24 Q. I'm just talking about redistricting in  
25 general. Do you feel like, as a constable, you had any

1 say in redistricting in 2021?

2 A. I had none.

3 Q. And you had no involvement. Correct?

4 A. Correct.

5 Q. And then we see, "Three of the commissioners

6 (Republicans) were in control of the redistricting

7 plans." Do you see that?

8 A. Yes.

9 Q. Okay. Which three commissioners were you

10 referring to, if you recall?

11 A. Ooh, man. Who was there in 2011? It was

12 Clark. I'm not sure who was in office at that point in

13 time, who the three were.

14 Q. But you do see the emphasis made on the fact

15 that those commissioners referenced were Republicans?

16 A. Yes.

17 Q. Is it fair to say then in 2010-2011

18 redistricting, you had the opinion that it was

19 politically motivated?

20 MS. REYES: Objection; form.

21 A. Yes.

22 Q. (BY MS. ELTON) And I believe you stated that

23 you had that same opinion in this 2021 redistricting as

24 well?

25 A. Yes.

1 Q. Okay. We can take that down. We are on  
2 Exhibit 10. Correct?

3 MS. OLALDE: Um...

4 MS. ELTON: Are we on Exhibit 10?

5 THE REPORTER: (Nodding head.)

6 MS. ELTON: Thank you.

7 Q. (BY MS. ELTON) This will be 15. Okay. I'm  
8 handing you what's been marked as Exhibit 10. Please  
9 take a minute to read it.

10 (Exhibit No. 10 was marked.)

11 A. (Witness perusing document.)

12 MS. ELTON: Can we go off the record for a  
13 second?

14 THE VIDEOGRAPHER: Going off the record,  
15 2:08.

16 (Off the record.)

17 THE VIDEOGRAPHER: Back on the record,  
18 2:08.

19 Q. (BY MS. ELTON) Are you ready?

20 A. Mm-hmm.

21 Q. Okay. Do you remember writing this e-mail?

22 A. No, ma'am.

23 Q. Okay. And, again, just to point out the date,  
24 this was back in 2012. Correct?

25 A. Yes.

1 Q. Who is Meredith Bell-Platts?

2 A. I don't know. I -- I have no idea about this  
3 e-mail.

4 Q. Okay. And it states in here that you were  
5 concerned about a meeting between Galveston County and  
6 the DOJ that was to take place Tuesday. Do you see  
7 that?

8 A. Yes.

9 Q. Okay. Do you have any memory as to what  
10 meeting you were referring to?

11 A. No.

12 Q. Any recollection of what concerns you might  
13 have had?

14 A. No.

15 Q. And you say, "I hope this is not the same way  
16 Nueces County had their redistricting settled." Do you  
17 see that?

18 A. Yes.

19 Q. Okay. Do you remember in what way  
20 Nueces County had their redistricting settled?

21 A. I'm not sure about this e-mail.

22 Q. Okay. Do you remember any of the contents of  
23 this e-mail?

24 A. No, ma'am.

25 Q. Do you agree with anything as written in there

1 today?

2 A. I'm not sure about this e-mail.

3 Q. Okay. Thank you.

4 MS. ELTON: If we can take just a quick  
5 ten-minute break, and then hopefully wrap up after that?

6 MS. REYES: Yeah. I was just going to  
7 suggest that.

8 THE VIDEOGRAPHER: Off the record,  
9 2:10 p.m.

10 (Recess taken.)

11 THE VIDEOGRAPHER: Going back on the  
12 record. Back on the record, 2:23 p.m.

13 Q. (BY MS. ELTON) Okay. Constable Rose, we  
14 talked about a lot of things today. And I just want to  
15 ask, are there any important facts that you would want  
16 the judge or the jury to know in this case that we  
17 haven't discussed today?

18 A. No.

19 Q. Any important documents you would want the  
20 judge or jury to see that we have not seen today?

21 MS. REYES: Objection; form.

22 A. No, ma'am.

23 Q. (BY MS. ELTON) Okay.

24 MS. ELTON: And that's all my questions for  
25 you today.



1 THE WITNESS: Thank you.

2 MS. REYES: And we'll reserve for trial,  
3 and we will want to review and sign.

4 THE VIDEOGRAPHER: Off the record.

5 (Proceedings concluded.)

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CHANGES AND SIGNATURE

WITNESS NAME: HONORABLE DERRECK ROSE

DATE OF DEPOSITION: MARCH 22, 2023

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I, HONORABLE DERRECK ROSE, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

\_\_\_\_\_  
HONORABLE DERRECK ROSE

THE STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

Before me, \_\_\_\_\_, on this day personally appeared HONORABLE DERRECK ROSE, known to me (or proved to me under oath or through \_\_\_\_\_) (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF \_\_\_\_\_  
COMMISSION EXPIRES: \_\_\_\_\_

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TERRY PETTEWAY, THE )  
HONORABLE DERRECK ROSE, )  
MICHAEL MONTEZ, SONNY )  
JAMES and PENNY POPE, )  
)  
Plaintiffs, ) CIVIL ACTION

v. ) NO. 3:22-cv-57  
)

GALVESTON COUNTY, TEXAS, )  
and HONORABLE MARK HENRY, )  
in his official capacity )  
as Galveston County Judge, )  
)  
Defendants. )

\_\_\_\_\_  
)  
)  
UNITED STATES OF AMERICA, )  
)  
Plaintiff, ) CIVIL ACTION

v. ) NO. 3:22-cv-93  
)

GALVESTON COUNTY, TEXAS, )  
GALVESTON COUNTY )  
COMMISSIONERS COURT, and )  
HONORABLE MARK HENRY, in )  
his official capacity as )  
Galveston County Judge, )  
)  
Defendants. )

\_\_\_\_\_  
)  
)  
DICKINSON BAY AREA BRANCH )  
NAACP, GALVESTON BRANCH )  
NAACP, MAINLAND BRANCH )  
NAACP, GALVESTON LULAC )  
COUNCIL 151, EDNA )  
COURVILLE, JOE A. COMPIAN, )  
and LEON PHILLIPS, )  
)  
Plaintiffs, ) CIVIL ACTION

v. ) NO. 3:22-cv-117

1 )  
 GALVESTON COUNTY, TEXAS, )  
 2 HONORABLE MARK HENRY, in )  
 his official capacity as )  
 3 Galveston County Judge, )  
 and DWIGHT D. SULLIVAN, in )  
 4 his official capacity as )  
 Galveston County Clerk, )  
 5 )  
 Defendants. )

6

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8

REPORTER'S CERTIFICATION

9

ORAL AND VIDEOTAPED DEPOSITION OF

10

HONORABLE DERRECK ROSE

11

MARCH 22, 2023

12

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13

14 I, Velma C. LaChausse, Shorthand Reporter and  
 15 Notary Public in and for the State of Texas, hereby  
 16 certify to the following:

17 That the witness, HONORABLE DERRECK ROSE, was duly  
 18 sworn by the officer and that the transcript of the oral  
 19 deposition is a true record of the testimony given by  
 20 the witness;

21 That the deposition transcript was submitted on  
 22 \_\_\_\_\_ to the witness or to the attorney  
 23 for the witness for examination, signature and return to  
 24 me by \_\_\_\_\_;

25 That pursuant to information given to the

1 deposition officer at the time said testimony was taken,  
2 the following includes counsel for all parties of  
3 record:

4 Ms. Bernadette Reyes and Mr. Neil G. Baron, Counsel for  
5 Plaintiffs;

6 Ms. Angie Olalde and Ms. Jordan Raschke, Counsel for  
7 Defendants;

8 That \$\_\_\_\_\_ is the deposition officer's  
9 charges to the Defendants for preparing the original  
10 deposition transcript and any copies of exhibits;

11 I further certify that I am neither counsel for,  
12 related to, nor employed by any of the parties or  
13 attorneys in the action in which this proceeding was  
14 taken, and further that I am not financially or  
15 otherwise interested in the outcome of the action.

16 Certified to by me this 5th of April, 2023.

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Velma C. LaChausse  
Notary Public in and for  
The State of Texas  
Commission Expires: 03/22/2026  
U.S. Legal Support, Inc.  
Firm Registration # 122  
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Suite 800  
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(713) 653-7100  
(713) 653-7143 Fax

# **Exhibit 23**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HONORABLE TERRY PETTEWAY, )  
et al., )  
 )  
Plaintiffs, )  
 ) CIVIL ACTION  
VS. )  
 ) NO.: 3:22-cv-00057  
GALVESTON COUNTY, et al., )  
 )  
Defendants. )

-----  
ORAL AND VIDEOTAPED DEPOSITION OF  
MICHAEL C. SHANNON  
FEBRUARY 10, 2023  
-----

ORAL AND VIDEOTAPED DEPOSITION OF MICHAEL C.  
SHANNON, produced as a witness at the instance of the  
PLAINTIFFS, and duly sworn, was taken in the  
above-styled and numbered cause on February 10, 2023,  
from 9:05 a.m. to 3:43 p.m., via ZOOM videoconference  
before SUSAN GRIGGS, CSR in and for the State of Texas,  
reported by machine shorthand. The witness was located  
in Galveston, Texas. The deposition was taken pursuant  
to the Federal Rules of Civil Procedure and the  
provisions stated on the record or attached hereto.



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A P P E A R A N C E S

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ALSO PRESENT:

Rocco Franco, Videographer

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2	E-mail dated Friday, October 29, 2021 - Bates DEFS00004614.....	76
3	Galveston Texas Redistricting map with proposed Galveston Texas Map 2.....	78
4	E-mail dated October 12, 2020 - Bates DEFS00003873.....	84
5	E-mail dated Monday, February 1, 2021 - Bates DEFS00030080 to DEFS00030083.....	94
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11	E-mail dated Monday, October 25, 2021 - Bates DEFS00010405.....	129
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REQUESTED DOCUMENTS/INFORMATION

NO.	DESCRIPTION	PAGE
N/A		

CERTIFIED QUESTIONS

NO.	PAGE	LINE
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TRANSCRIPT OF PROCEEDINGS

FEBRUARY 10, 2023

THE VIDEOGRAPHER: This is the beginning of the deposition of Michael Shannon in the Matter of Honorable Terry Petteway, et al., versus Galveston County, et al. Today's date is February 10th, 2023, and the time on the monitor is 9:05 a.m.

My name is Rocco Franco, and I am the videographer. The court reporter is Susan Griggs, and we are here with Huseby Global Litigation.

Counsel, please introduce yourselves after which the court reporter will swear in the witness.

MS. REYES: Bernadette Reyes from the UCLA Voting Rights Project here on behalf of the Petteway plaintiffs.

MS. CHEN: Sarah Chen for the NAACP plaintiffs.

MR. GEAR: Bruce Gear on behalf of the United States.

MS. OLALDE: Angie Olalde and Jordan Raschke Elton on behalf of Galveston County defendants.

THE REPORTER: Is that everyone?

(No verbal response.)

THE REPORTER: Are we still waiting on --

MS. REYES: I believe that's everyone. I

1 believe that's everyone that will be speaking in today's  
2 deposition.

3 MICHAEL C. SHANNON,  
4 having been first duly sworn, testified as follows:

5 EXAMINATION

6 BY MS. REYES:

7 Q. Good morning. Mr. Shannon, my name is  
8 Bernadette Reyes. As you heard before, I am an attorney  
9 with the UCLA Voting Rights Project. I'm representing  
10 the Petteway plaintiffs in the matter of the Honorable  
11 Terry Petteway, et al., versus Galveston County, et al.

12 I am going to ask you a few questions  
13 today, but before that, I first wanted to ask you to  
14 state and spell your name for the record.

15 A. Michael Shannon, M-i-c-h-a-e-l, S-h-a-n-n-o-n.

16 Q. Great. So I'm going to just lay out a few  
17 ground rules today for your deposition and ask that you  
18 agree to follow these rules. First, you just took an  
19 oath. Do you understand the nature of that oath?

20 A. Yes.

21 Q. Do you understand that you have to give true,  
22 accurate, and complete testimony today?

23 A. Yes.

24 Q. And you agree to do that?

25 A. Yes.

1 Q. And the court reporter is taking down  
2 everything that we say word for word so it's important  
3 that you give audible responses to your questions and  
4 not shake and nod your head in response just so she can  
5 type down the response that you give, the verbal  
6 response. Do you understand?

7 A. Yes.

8 Q. And I would ask that you wait for me to finish  
9 asking a question before you start to answer it because  
10 the court reporter can only record what one of us is  
11 saying at a time. Do you understand?

12 A. Yes.

13 Q. Okay. And during the course of the deposition  
14 you might remember additional information that's  
15 responsible (verbatim) to a question that I asked  
16 earlier. If that happens, do you agree to let me know  
17 and provide me with whatever additional information you  
18 recall?

19 A. Yes.

20 Q. Okay. And can you tell me how you prepared for  
21 this deposition today?

22 A. I had a meeting yesterday with counsel and a  
23 meeting -- one other meeting within the last month with  
24 counsel.

25 Q. Okay. And it was just two meetings?

1 A. Just two meetings.

2 Q. Okay. And who specifically did you meet with?

3 A. With -- I met with the counsel in the room here  
4 today, Angie, Jordan, and an attorney with -- I'm sorry.  
5 I don't remember -- I'm real bad at names, but there was  
6 one other attorney.

7 Q. That's fine. And without telling me the  
8 substance of your meeting, what was discussed, can you  
9 tell me how long the meeting was? Each meeting?

10 A. The first meeting was approximately three or  
11 four hours. The second meeting six or seven hours.

12 Q. And was anyone outside of your counsel present  
13 in the room with you when you were meeting with them?

14 A. No.

15 Q. And did you review any documents in preparation  
16 for this deposition?

17 A. The document -- yes.

18 Q. And who provided you each of these documents?

19 A. Counsel.

20 MS. REYES: And, Counsel, have those  
21 documents been produced to plaintiff?

22 MS. OLALDE: Yes.

23 Q. (BY MS. REYES) And other than meeting with  
24 your counsel, did you meet with anyone else to prepare  
25 for this deposition?

1 A. No.

2 Q. And aside from your counsel, have you discussed  
3 this litigation with anyone else?

4 A. Not the nature of the litigation. I did say  
5 that there is a deposition.

6 Q. Okay. And did you do anything else to prepare  
7 for this deposition?

8 A. No, not that I -- no.

9 Q. Okay. And did you bring any documents with you  
10 today for this deposition?

11 A. No, I did not.

12 Q. All right. So I'm going to start just by  
13 asking you a little background about yourself. Can you  
14 tell me where you grew up?

15 A. Primarily in the Houston area. I did spend  
16 five years in Michigan and returned to Houston for high  
17 school.

18 Q. And can you -- where did you go to college?

19 A. I went to the University of Texas at Austin.

20 Q. Okay. Did you attend any schools after that?

21 A. No.

22 Q. Okay. What did you get your degree in?

23 A. Bachelor of Science in civil engineering.

24 Q. And what year was that?

25 A. 1985.



1 Q. And can you describe to me your employment  
2 history since you graduated from college so just take me  
3 through what kind of jobs you've held since graduation?

4 A. Yes. I graduated in -- December of '85. One  
5 of my professors hired me for an office he had in  
6 Maryland. I worked with him for a year, then moved on  
7 to a consulting firm in Baltimore, returned to Houston  
8 and worked for a few consulting firms, civil engineering  
9 consulting firms until 2010 when I worked for -- moved  
10 to assistant county engineer with the County of  
11 Brazoria, and in 2015 started with Galveston County as  
12 county engineer.

13 Q. Okay. So if you can, take me through the  
14 beginning. You said you worked with a consulting firm.  
15 What firm was that?

16 A. The first consulting firm with -- would be a  
17 professor in Maryland was Austin Research Engineers.

18 Q. And what type of work did you do there?

19 A. Research on bituminous pavements.

20 Q. I'm sorry. Could you repeat that?

21 A. Research on asphalt, bituminous pavements.

22 Q. Okay. And what was the research for?

23 A. The research was for -- associated with the  
24 Federal Highway Administration to try and get materials  
25 to last longer and more cost effective for paving,

1 applications.

2 Q. Did you do any other work with that firm?

3 A. I was there for one year. There was -- it  
4 was -- no. No. It was research for the bituminous-type  
5 pavement.

6 Q. Okay. And where did you work after that?

7 A. Firm in Baltimore, Perdum & Jeschke.

8 Q. Okay. And can you tell me what kind of work  
9 you did for them?

10 A. It was consulting engineering on various types  
11 to civil works for -- primarily military facilities.

12 Q. Okay. So can you, I guess, expand a little bit  
13 about what that work entailed?

14 A. It was project by project. I can explain what  
15 types of projects they were.

16 Q. Yeah, that would be helpful --

17 A. For -- the hangar and Air Force One. We  
18 designed some life supports for the cleaning of the Air  
19 Force One. Also for the wash water where the wash water  
20 leaves the facility, it needs to be the oil water  
21 separator, and drainage needs to be constructed and we  
22 designed those facilities. At Fort Belvoir, Virginia,  
23 designed the repaving of Belvoir Road, the main road  
24 that goes through Fort Belvoir Virginia. Replaced water  
25 lines in Fort Belvoir.

1                   There is a project in Fort Myer's,  
2                   Washington, D.C., right next to Arlington Cemetery,  
3                   replaced a water line there. Just various other -- I  
4                   don't recall all of the military bases, but that's the  
5                   type of water sewer -- water and civil works type  
6                   infrastructure.

7                   Q. Okay. And so you can see where this is going  
8                   so I'm going to ask where you worked after that and to  
9                   tell me a little bit about the type of work you did.

10                  A. I returned to Houston in 1990 and worked for a  
11                  firm, a Houston consulting firm, Brown & Gay Engineers.  
12                  They -- I was doing public infrastructure projects as  
13                  well as land development projects. Diamond was the  
14                  small firm, and there were several different types of  
15                  projects, civil-related projects we were working on.

16                  Q. Okay. And what were type of -- what were the  
17                  type of land development projects you worked on? Can  
18                  you give me some examples?

19                  A. Single-family residential mostly. Designed the  
20                  water sewer drainage and paving for those projects in  
21                  the Houston metropolitan area.

22                  Q. Okay. And can you tell me where you worked  
23                  after that?

24                  A. I moved to -- well, to Pate Engineers.

25                  Q. Okay.

1           A. Where I did island development work -- oh, I'm  
2       sorry. Excuse me. Let me correct. I moved from Brown  
3       & Gay to Carter & Burgess.

4           Q. Okay.

5           A. Carter & Burgess and -- where I started off in  
6       their public works group doing water plants, wastewater  
7       plants for municipalities and was in that group for a  
8       couple of years and then transferred to the land  
9       development group where I did single-family residential  
10      subdivisions and the infrastructure required for the new  
11      subdivisions. After Carter & Burgess, then I moved to  
12      Pate Engineers.

13          Q. Okay. And can you tell me a little bit about  
14      what you did with Pate Engineers and what your role was?

15          A. My role was a senior project manager at Pate  
16      Engineers, as the project manager for single-family  
17      residential land development projects designing water,  
18      sewer, drainage, and paving.

19          Q. Okay. And after that?

20          A. After that I returned to Brown & Gay Engineers.

21          Q. Okay. And was the type of work different?  
22      Similar?

23          A. It was land development.

24          Q. Okay.

25          A. Family residential land development.

1 Q. Okay. And after that?

2 A. After that was assistant county engineer for  
3 Brazoria County.

4 Q. Okay. And can you tell me what type of work  
5 you did for Brazoria County?

6 A. As the assistant county engineer I -- I'm  
7 trying to remember.

8 Q. That's fine.

9 A. It was -- we had some projects on the Blue  
10 Water Highway which is a -- to reconstruct and provide a  
11 hurricane-type protection, storm surge protection for a  
12 highway -- a county road that parallels the coast of --  
13 along Brazoria County. Paving projects primarily for  
14 the county is what I worked on.

15 Q. Okay. And was this your first time working  
16 with accounting --

17 A. Yes.

18 Q. -- or did your other -- okay. Did your other  
19 work ever involve any kind of work or interaction with  
20 any local counties?

21 A. Can you -- can you clarify that question.

22 Q. Yeah, yeah. In -- the question was: Any of  
23 the projects that you worked with at any of your  
24 previous employments, did you have any interaction or  
25 project that you worked on in collaboration with or for

1 the county at other counties?

2 A. Yes. Yes, I --

3 Q. Okay. Can you tell me a little bit about that  
4 and what counties you worked with, what type of work you  
5 did for them?

6 A. At Brown & Gay there were projects with the  
7 county for roadway improvements. I don't recall which  
8 particular projects they are now. At Brown & Gay  
9 Engineers there wasn't work -- my role didn't have any  
10 county projects that I recall.

11 Q. Okay. Okay. And can you tell me after  
12 Brazoria County?

13 A. I came to work at Galveston County.

14 Q. Okay. Now, let's go into that a little bit.  
15 How did you come to work at Galveston County? How --  
16 just tell me a little bit about that, location process,  
17 how you heard about the job, tell me that sort of thing.

18 A. I heard about the job through one of the -- a  
19 consulting engineer mentioned that the current county  
20 engineer is retiring and that I should -- is it okay if  
21 he gives my name to the Galveston County people? I  
22 don't know who.

23 Q. Who was the one who told you about it?

24 A. Chris Claunch at the time with Claunch & Miller  
25 was the engineering consultant.

1 Q. Okay. And you don't recall who he was asking  
2 to give your name to specifically?

3 A. Correct.

4 Q. Okay. Do you know who the engineer was that  
5 was retiring?

6 A. Yes. That was --

7 Q. Who was that?

8 A. Mike Fitzgerald.

9 Q. Did you know Mike Fitzgerald?

10 A. I -- I had met with him a few times. I knew  
11 more of him. We had a few business dealings in the past  
12 on a project from 2008.

13 Q. Was this a project involving Galveston County?

14 A. It was a project that was funded by Galveston  
15 County, but it was a project within the city of Texas  
16 City.

17 Q. Okay. Do you recall what that project was?

18 A. Sixth Street in Texas City.

19 Q. And what was your -- can you just describe what  
20 you did on that project, what was the goal of the  
21 project?

22 A. I was there for the kickoff of the project but  
23 was -- I left Brown & Gay -- I left Brown & Gay prior to  
24 the project completing design but the project was for --  
25 the scoping of the project was to repave and improve the

1 pavement and -- of Sixth Street in Texas City.

2 Q. Okay. So -- go ahead.

3 A. You helped refresh my memory on a previous  
4 answer.

5 Q. Okay. Thank you.

6 So tell me a little bit more about the  
7 application process then. So you spoke to this person.  
8 They said they asked if they could pass your name along.  
9 What happened after that?

10 A. I received a phone call from the human resource  
11 director at the time asking me to complete an  
12 application.

13 Q. Okay. And do you remember the name of the  
14 person that contacted you?

15 A. Perry Bloomer.

16 Q. Okay.

17 A. Or -- yeah, Perry Osterman. I think it's  
18 Perry Bloomer Osterman.

19 Q. Okay. And so you got an application. What  
20 happened next?

21 A. I eventually completed the application and was  
22 called in for an interview.

23 Q. Okay. And do you recall who you interviewed  
24 with?

25 A. I had -- one day I had an interview with -- at



1 first it was Commissioner Ryan Dennard and --

2 Q. Okay.

3 A. -- and Commmissioner Ken Clark. I interviewed  
4 with them for approximately an hour.

5 Q. Okay.

6 A. And the next interview was with County Judge  
7 Mark Henry and Commissioner Holmes, Stephen Holmes.

8 Q. Okay. So you met with Commissioner  
9 Ryan Dennard, Commissioner Ken Clark, Judge Mark Henry,  
10 and Commissioner Stephen Holmes?

11 A. Yes.

12 Q. Was anybody else there for any of those  
13 interviews? Any staffers?

14 A. I -- no, no.

15 Q. Okay. And did you know any of these  
16 commissioners or Judge Mark Henry prior to meeting them  
17 at your interview?

18 A. I did know Commissioner Holmes.

19 Q. How did you know him?

20 A. He was -- he served on a TERS Board, related  
21 tax increment reinvestment zone -- board that was  
22 associated with development I was doing at Brown & Gay.

23 Q. Okay. So you worked with him on a project you  
24 did with Brown & Gay before?

25 A. Not as an -- I can -- there was some business

1 dealings and meetings in the same room with the  
2 commissioner, yes.

3 Q. Okay. So do you remember having any  
4 conversations with him outside of that?

5 A. Um --

6 Q. Prior to interviewing with him?

7 A. Yes.

8 Q. Okay. And what were those conversations about?

9 A. I had conversations with -- in the TERS  
10 meetings describing the development that was going to  
11 occur in the Lago Mar subdivision.

12 Q. Okay. So after the interviews, what happened?

13 A. I -- I left the interview and drove off, and my  
14 phone rang with the director of human resources letting  
15 me know she was prepared to make me an offer.

16 Q. Okay. So it was right after your last  
17 interview?

18 A. Correct.

19 Q. Okay. And so when did you start working?

20 A. July 6th, 2015.

21 Q. Oh, perfect. Okay. Great. And in the work  
22 that you do at county engineer and the work that you did  
23 before then, is there any type of training or  
24 certificates or specific programs you needed to learn  
25 how to use to fulfill these roles?

1 A. Yes.

2 Q. Can you tell me a little bit about those?

3 A. In terms of training, it's the education, the  
4 civil engineering degree, certification or registration  
5 as a professional engineer. As far as other -- can you  
6 repeat the --

7 Q. Yeah. Yeah, yeah, yeah. Is there any kind of,  
8 like, programs you need to learn how to use specifically  
9 for these roles? If so, what types of programs are  
10 they, like softwares or stuff like that?

11 A. Particular software that I have used have been  
12 AutoCAD, which is a computer-aided drawing, but it has  
13 been 20 years since I've used that program. There's  
14 other softwares, Excel, Microsoft Word, the business  
15 applications that Microsoft produces in their Outlook,  
16 Excel. The -- but in order to do my job, those are what  
17 I've -- what I had learned.

18 Q. (BY MS. REYES) Okay. Is there any regular  
19 classes you have to take or continuing education that  
20 you need to do for your -- for being a civil engineer?

21 A. Yes. I'm -- there's 15 hours of continuing  
22 education, one hour of which needs to be an ethics class  
23 each year. I'm also a certified floodplain manager.

24 Q. Okay.

25 A. Eight hours of continuing education.

1 Q. Okay. And that's -- is that yearly or --

2 A. Each year.

3 Q. Each year. Okay. And so -- is it safe to say  
4 you've lived in Galveston County since 2015?

5 A. No, I've never lived in Galveston County.

6 Q. Okay. Where do you live right now?

7 A. I live in Houston.

8 Q. You live in Houston. Okay. So you work  
9 remotely then?

10 A. No.

11 Q. Okay.

12 A. I travel to the island.

13 Q. Okay. Okay. So are you a member of any social  
14 or professional organizations outside of your work?

15 A. Social or professional, I can't think of any.

16 Q. Okay. But no local community groups or  
17 organizations or anything?

18 A. I can't think of any.

19 Q. Okay. That's fine. So I want to get back to  
20 your role as county engineer. So could you tell me a  
21 little bit about the structure of the county engineer's  
22 office in Galveston County?

23 A. Yes, there's the county engineer. I'm county  
24 engineer. I have one assistant county engineer.

25 Q. Okay. And who is that?

1 A. That's Nancy Baher.

2 Q. And how long has she worked with you?

3 A. Since I started in July 6th, 2000 --

4 Q. Was she there before you?

5 A. She was there three months prior to me  
6 starting.

7 Q. Okay. Okay. So you can keep on describing the  
8 office. Who else works with you?

9 A. Okay. There are three flood -- three permit  
10 personnel, two of them are permanent technicians, one of  
11 them is a permanent manager, assistant floodplain  
12 manager.

13 Q. And can you tell me what they do?

14 A. They permit any improvements to real estate  
15 buildings and construction in Gal -- in the  
16 unincorporated part of Galveston County.

17 Q. Okay. And Nancy Baher, can you tell me what  
18 her primary responsibilities are?

19 A. Her primary responsibility is to -- as a  
20 project manager on our capital projects and making sure  
21 those projects progress.

22 Q. Okay. What are capital projects?

23 A. Our projects that are bid -- are designed and  
24 bid with a -- I'm sorry. I missed -- the screen just  
25 went -- changed.

1 Q. Oh, okay.

2 A. The capital projects are -- public  
3 infrastructure projects are paving projects, drainage  
4 projects. We do get grant-funded projects and -- that  
5 are related to drainage, water tower, and bond issue  
6 projects she's responsible for.

7 Q. What are bond issue projects?

8 A. The county in 2017 had an election to fund  
9 projects for paving in certain parts of the county,  
10 paving roads in certain parts of the county --

11 Q. Okay.

12 A. -- and that's -- they are paid for through the  
13 bonds.

14 Q. Okay. Okay. So is Nancy Baher the permanent  
15 personnel? Who else works in your office?

16 A. I have a subdivision and platting manager,  
17 Phil Cessac.

18 Q. Okay. And what does he do?

19 A. He administers our subdivision regulations  
20 where developers would want to subdivide property and  
21 will shepherd the subdivision plat and the development  
22 regulations and -- for compliance for commissioner's  
23 court approval of a subdivision plat.

24 Q. Okay. Anyone else that works in your office?

25 A. There is Nathan Sigler who's our mapping and

1 GIS -- mapping and GIS specialist.

2 Q. Okay.

3 A. He provides mapping for all sorts of needs in  
4 the county.

5 Q. Can you give me an example of some of those --  
6 some of the work that he does?

7 A. The -- for our permit department there are --  
8 we need to know where property is located and the parcel  
9 information from the appraisal district. I'm sorry,  
10 there's some -- there is a distraction in the hallway  
11 right now.

12 Q. Oh, that's fine.

13 A. The --

14 (Dog barking)

15 Q. (BY MS. REYES) Oh, more distractions.

16 A. Someone has a dog.

17 Our permit department needs to know where  
18 property is located, where the floodplain is and  
19 associated with those properties those -- Nathan  
20 provides that information in a graphical format for our  
21 permit technicians to be able to see. He provides  
22 mapping for the needs of our tax assessor for voter --  
23 her needs as they arise. He provides -- when the census  
24 is being performed, he coordinates the needs of the  
25 census bureau, and then he provided some assistance in

1 the redistricting drawing, drawing the lines on a map  
2 for the redistricting.

3 Q. Do you want to tell me a little bit about your  
4 role in -- I'm sorry. Is there any other employees  
5 that --

6 A. There's Lisa Butler who is an inspector, an  
7 engineering technician. She can produce construction  
8 drawings when needed and also provide construction  
9 inspection.

10 Q. Anyone else?

11 A. I have an admin, Elizabeth Robertson.

12 Q. Okay. And what's her primary role?

13 A. Her primary role is to track budgeting and  
14 facilitate any budget amendments or commissioner court  
15 orders that we need to prepare. She -- she understands  
16 the software and how to use that and load that.

17 Q. Now, can you tell me about, I guess, your role  
18 in relation to all of the employees in your office?

19 A. My role is to -- is to see that they have the  
20 ability to do their job and to make sure that our  
21 permitting department has what they need to do their job  
22 and to answer questions that they have and provide  
23 assistance when necessary to -- my role is to -- is to  
24 make sure things move forward in our capital projects,  
25 make sure that the subdivision regulations, that Phil is



1 moving the subdivision regulations along and the  
2 planning process along with the applicants.

3 Q. Do you have a direct supervisor?

4 A. I have -- I report to commissioner's court.

5 Q. Okay. Does that include the county judge as  
6 well?

7 A. It does.

8 Q. Okay. And in terms of your role as county  
9 engineer, how does your supervision of the employees  
10 work, if any?

11 MS. OLALDE: Objection; form, vague. You  
12 can answer.

13 A. Can you repeat the question?

14 Q. (BY MS. REYES) Yeah. How does the supervision  
15 work in your office? Do you directly supervise all your  
16 employees or is there a specific structure in terms of  
17 just how you oversee all the work?

18 MS. OLALDE: Same objection.

19 A. I -- I'm -- I make sure that they have the  
20 ability to do their job.

21 Q. (BY MS. REYES) Can you describe a little bit  
22 about how you do that?

23 A. That they don't need to come to me for  
24 permission to --

25 Q. Okay.

1           A. -- to proceed along with what is requested of  
2 them to do. I'm there for assistance.

3           Q. Okay. Okay. So you -- you step in when asked,  
4 essentially?

5                   MS. OLALDE: Objection; form. You can  
6 answer.

7           A. I step in when asked. I step in when I learn  
8 of an issue.

9           Q. (BY MS. REYES) Okay. Okay. So you don't have  
10 to necessarily -- I guess I'm trying to understand what  
11 you say completely. So you don't have to approve  
12 everything an employee does? Is that kind of what  
13 you're saying?

14           A. There are certain things I need to approve.

15           Q. Okay.

16           A. There's things that don't need my approval.

17           Q. Okay. Can you give me an example of certain  
18 things that need your approval and certain things that  
19 don't?

20           A. A subdivision plat before it goes to  
21 commissioner's court needs my approval.

22           Q. Okay. And what type of stuff does not need  
23 your approval?

24           A. The issuance of building permits.

25           Q. Okay. And why not?

1 A. That's delegated to our permit manager.

2 Q. Okay.

3 A. She has the competency to do her job.

4 Q. Okay. And so you mentioned that you report to  
5 the commission and the county judge. Can you tell me a  
6 little bit about how often you interact with the  
7 commission and county judge? Do you meet with them on a  
8 regular basis? Just what is your working relationship  
9 with them?

10 A. I attend commissioner's court and often have  
11 items on there for commissioner's court action. That  
12 occurs every other week.

13 Q. And to clarify, you're talking about the public  
14 meeting?

15 A. Yes.

16 Q. Okay. So you're usually at every meeting?  
17 Would that be accurate to say?

18 A. I'm -- if there is an agenda item that I have  
19 on the -- that is being considered, I will be there.

20 Q. Okay.

21 A. In general.

22 Q. Okay.

23 A. Unless there's a vacation or another conflict.

24 Q. Okay. And did you ever have interactions or  
25 communications with the commissioners or the county

1 judge outside of these meetings?

2 A. Yes.

3 Q. And how are these in-person meetings? Are they  
4 via e-mail, telephone? What is the most common mode of  
5 communication?

6 A. Most common is telephone call.

7 Q. Telephone call. Okay. And how often would you  
8 say during -- let's say during a workweek do you speak  
9 to someone on the commission or county judge?

10 A. I would say a few times a week.

11 Q. Okay. And what type of issue do they usually  
12 bring your way? You can give me some examples.

13 A. An example would be a response to one of their  
14 constituents with an issue on drainage or construction  
15 occurring next to their property that they have a  
16 complaint that the drainage may harm them from the  
17 activity of building next to them or a roadway that may  
18 need drainage improvements. Those are the types of  
19 things.

20 Q. Okay. And when a commissioner calls you with  
21 an issue, who usually handles that?

22 A. It depends on how -- it depends on the nature.

23 Q. Okay.

24 A. Or the issue.

25 Q. Okay. So if it's, let's say, a permitting

1 issue, then would it go to -- who would it -- it would  
2 go to the permitting personnel?

3 A. I would ask Nicole, our permitting manager --

4 Q. Okay.

5 A. -- what the circumstances are behind that.

6 Q. Okay.

7 A. And I --

8 Q. Go ahead.

9 A. I'd ask Nicole what was -- what are the issues  
10 involved.

11 Q. Okay. Would you stay involved in the project  
12 after that?

13 A. I would follow up with the commissioner or ask  
14 Nicole to follow up if it's -- it depends on the  
15 complexity.

16 Q. Okay. And is there -- during your time with  
17 Galveston County, was there any commissioner that you  
18 worked with more often than the others?

19 A. I work primarily with -- since most of my  
20 involvement is with the unincorporated part of the  
21 county so, yes, Commissioner Giusti and  
22 Commissioner Apffel are the ones that I talk to most.

23 Q. Okay. And what type of issues do they usually  
24 come to you for?

25 A. With building and -- building permit concerns.

1 Q. Can you give me an example?

2 A. If someone is building a house and they have  
3 graded their lot higher than the adjacent grade, the  
4 neighbor then starts to complain that this building  
5 is -- the run-off is flooding their property.

6 Q. Okay. Can you explain a little bit about what  
7 that means, grading and -- sorry, I'm not an engineer so  
8 if you could explain some of what those terms mean?

9 A. Grading has to do with the elevation of the  
10 property.

11 Q. Okay.

12 A. They've changed the elevation of the property,  
13 and it directs flow on to the adjacent property. That's  
14 where complaints start.

15 Q. Okay. Okay. Are there any projects that you  
16 handle yourself as county engineer?

17 MS. OLALDE: Objection; form. You can  
18 answer.

19 A. I -- I don't understand the -- what you mean by  
20 handle. My responsibility is for all of the -- for all  
21 of the projects that -- all the construction and to make  
22 sure that permitting goes smoothly so I don't understand  
23 how -- what handle means.

24 Q. (BY MS. REYES) Okay. Let me clarify. So I  
25 think what I'm trying to say is I know your office is

1 structured where you have a number of employees that are  
2 in charge of specific projects or specific types of  
3 projects. Is there anything -- is there any type of  
4 project that goes to the -- your office that goes  
5 directly to you? Does that make sense?

6 A. I -- I don't really understand how to answer  
7 that question because the projects -- and I'm not --  
8 when I say "the projects," there's not necessarily --  
9 there's different types of projects.

10 Q. Uh-huh.

11 A. So I don't know how to answer that question.

12 Q. Okay. But -- so I guess instead of -- because  
13 I understand your -- the projects in your office, there  
14 are certain employees that are designated to handle  
15 certain types of projects. Is there anything -- any  
16 examples you can think of when an assignment or a  
17 project is directed to your office that you take the  
18 lead on yourself?

19 A. There are a few simple -- well, there are a  
20 few -- I'm trying to think of examples that may have --  
21 that I don't involve anyone else on the staff on, and  
22 they may be requests from a commissioner to look into a  
23 particular flood claim --

24 Q. Okay.

25 A. -- that I'll look into having to do with the

1 national flood insurance program and constituent with a  
2 flood loss claim.

3 Q. Okay. And can you explain a little bit about  
4 why you -- you take the lead on it, and you don't  
5 involve any of the other employees?

6 A. The insurance side, it's not necessarily a --  
7 these issues may be that they are not fit into the daily  
8 normal routine of permitting or the daily routine of  
9 what other people do so I -- and the insurance side of  
10 the National Flood Insurance Program has a lot of  
11 nuances that I may know about that the rest of the staff  
12 does not, and it's simpler for me to address it.

13 Q. Okay. So would you say then -- the more  
14 complicated projects you might take on yourself?

15 MS. OLALDE: Objection; form.

16 A. I'm not sure what, in terms of complicated, I  
17 would say that if -- if I see that the staff may have  
18 other priorities that they need to address and that my  
19 ability is -- that I could address it more quickly or  
20 easily.

21 Q. (BY MS. REYES) Okay. Okay. So it could be a  
22 number of different reasons then?

23 A. Yes, yes.

24 Q. Okay. Okay. So I wanted to just go back to  
25 something you were mentioning before. You were talking



1 about Nathan Sigler and how he is your mapping and GIS  
2 specialist, and he does some work with the census. Can  
3 you describe what type of work that he does involving  
4 the census?

5 A. I know in preparation for the census there were  
6 meetings that -- with the Census Bureau to -- and I'm  
7 sorry. I don't understand this process all that well.

8 Q. Which process?

9 A. The process Nathan was involved in in the  
10 census.

11 Q. Okay.

12 A. But there were meetings that he had in  
13 preparation of collecting information for the 2020  
14 census, and the Houston-Galveston Area Counsel as well  
15 as the Census Bureau were involved in making sure  
16 that -- I think it's -- I think it's census tracts and  
17 blocks are -- are in the right format so that the data  
18 can be collected. That's a rudimentary understanding of  
19 what I understand the process that Nathan was involved  
20 in preparation of collecting data for the census.

21 Q. Okay. And how -- I think you might have  
22 explained this a little bit, but I just want to clarify.  
23 So how knowledgeable are you about the census process  
24 just in general?

25 A. I would say I -- there's a lot for me to learn

1 that I know a little, and that little I know is from --  
2 is from that meeting with the Census Bureau and the  
3 H-GAC.

4 Q. Okay. How many meetings did you attend  
5 involving the census in Galveston?

6 A. I believe it was -- I know it was two. I'm  
7 sorry. I know it was one. It may have been two and it  
8 may -- I don't recall if it was more than two.

9 Q. Okay. And were these in person or via Zoom?

10 A. The one I recall was in person.

11 Q. Okay. And who was there at the meeting?

12 A. What I recall is that the -- there was some  
13 staff from the U.S. Census Bureau, Nathan Sigler, and a  
14 few of the cities had -- a few of the cities in the  
15 county had representatives there.

16 Q. Okay. Were there any other Galveston County  
17 employees there?

18 A. I don't recall.

19 Q. Were any of the commissioners there or  
20 Judge Henry?

21 A. I -- I don't recall. I don't think --  
22 Judge Henry wasn't there, but I don't recall if any of  
23 the commissioners were there.

24 Q. And what year would that have been to the best  
25 of your recollection?

1           A. I know it was prior to -- I know it was prior  
2 to 2020. Now, I don't know how far in advance it was.

3           Q. Okay. That's fine. So -- and you mentioned  
4 some issues. So what were they discussing at the  
5 meeting?

6           A. At the meeting they were discussing that when  
7 populations exceed -- they were discussing that the  
8 Census Bureau has made population projections for -- in  
9 the county and that because of their population  
10 projections, the configuration of census tracts, when  
11 they reach a certain threshold, the census tract then  
12 needs to be split.

13          Q. Okay.

14          A. Talking about --

15          Q. And --

16          A. Yeah.

17          Q. Yeah, go ahead.

18          A. They're talking about ways that that census  
19 tract can be divided or rules in hierarchy on that --  
20 the Census Bureau's procedure on how to divide a tract,  
21 a census tract.

22          Q. So did you -- were any census tracts needing to  
23 be divided in Galveston County?

24          A. That's what my understanding was.

25          Q. Okay. Did you work on any of that?

1 A. No.

2 Q. Okay. Who did?

3 A. Nathan Sigler.

4 Q. Okay. Did you supervise his work at all on  
5 this?

6 MS. OLALDE: Objection; form.

7 A. I -- the -- I made sure that he was available  
8 to do the work, but, no, I didn't supervise in the way  
9 of -- I'm not -- my involvement was not in any sort of  
10 review capacity.

11 Q. (BY MS. REYES) Okay. Okay. So you didn't  
12 review any of the work that he did and have to approve  
13 it or anything?

14 A. There was no approval that I needed to do.

15 Q. Okay.

16 A. I had no basis of formulating a -- I don't have  
17 that expertise to know what to approve.

18 Q. Okay. Okay. So you weren't familiar enough  
19 with the process of census tracts and splitting or  
20 whatever needed to be done to approve his work. Is  
21 that -- I just want to make sure I'm understanding  
22 correctly.

23 A. Correct.

24 Q. Okay. Had you worked with the Census Bureau on  
25 any census-related issues in your other jobs?

1 A. No.

2 Q. So not in Brazoria County?

3 A. No.

4 Q. Okay. So this -- in Galveston County was the  
5 first time you were working with census-related issues?

6 MS. OLALDE: Objection; form.

7 A. Galveston County was the first time I had dealt  
8 with any -- with this type of work with the Census  
9 Bureau.

10 Q. (BY MS. REYES) So had you -- had you worked  
11 with this type of -- have you done this type of work  
12 with the Census Bureau that was the first time in  
13 Galveston County?

14 MS. OLALDE: Objection; asked and answered.  
15 You can answer.

16 A. Yes.

17 Q. (BY MS. REYES) Okay. And do you know if  
18 Nathan Sigler was in contact with any other county  
19 employees when working on the census project?

20 A. I don't know.

21 Q. Do you know if he was in contact with any of  
22 the county commissioners or the county judge when he was  
23 working on the census project?

24 A. He may have been involved with  
25 Commissioner Clark.

1 Q. Do you know how he was involved with  
2 Commissioner Clark?

3 A. I don't know the context.

4 Q. Do you know if Commissioner Clark was e-mailing  
5 him or calling him or meeting with him in person about  
6 this at all?

7 A. I know that there was communications with  
8 Commissioner Clark. I don't know the -- I don't recall  
9 or know the -- I don't recall what form those  
10 communications were.

11 Q. Okay. Do you know what type of input or  
12 feedback Commissioner Clark was communicating to  
13 Nathan Sigler, if any?

14 A. I don't know the particulars on what the --  
15 what the communications were.

16 Q. Okay. Is it normal for the commissioners to  
17 reach out to someone in particular in your office who  
18 are working on a certain project instead of reaching out  
19 directly to you?

20 A. It's not unusual.

21 Q. Do the employees in the county engineer's  
22 office inform you of when a commissioner contacts them  
23 for a certain project?

24 A. Generally so.

25 Q. Okay. So did Nathan Sigler inform you of any

1 commissioners contacting him?

2 A. He let me know that Commissioner Clark was  
3 asking him to do some work on the census work.

4 Q. And you don't -- but you don't recall what that  
5 work was?

6 A. It had to do with the -- well, I don't know the  
7 exact nature of the -- I don't know the exact nature.

8 Q. Okay. Did you follow up with  
9 Commissioner Clark on his work with Nathan Sigler on the  
10 census?

11 A. No.

12 Q. On the census project? Did you follow up with  
13 Nathan Sigler on his work with Commissioner Clark on the  
14 census project?

15 A. No.

16 Q. Why not?

17 A. Generally if I -- if Nathan is not performing,  
18 I would get a call from the commissioner asking for --  
19 asking for me to step in.

20 Q. Okay. And is -- is that normal procedure then,  
21 not just with Nathan but with all your employees, if  
22 they are working on a project with the commissioner  
23 to -- you don't necessarily follow up until -- unless  
24 you receive a call from the commission then?

25 MS. OLALDE: Objection; form.

1           A. I don't know if there is a normal procedure or  
2 not. There are certain things that I do follow up on  
3 and certain things I don't.

4           Q. (BY MS. REYES) Okay. And how do you determine  
5 what you follow up on or what you don't?

6           A. If it's in my -- well -- can you repeat the  
7 question?

8                   MS. OLALDE: Can you be a little more  
9 specific?

10          A. Yeah, yeah.

11                   MS. OLALDE: I think that's the problem is  
12 just that it was very general. It might help to -- in  
13 questioning.

14          Q. (BY MS. REYES) How do you determine what  
15 projects you specifically -- in this case we're talking  
16 about commission-related projects or projects involving  
17 a county commissioner, how do you determine which  
18 projects you follow up on or not, projects that are  
19 delegated to your employees?

20                   MS. OLALDE: Objection; form.

21          A. Well, there are certain projects that are --  
22 that my office takes the lead role on in terms of -- as  
23 the lead responsible for that project, and there are  
24 other functions we perform in support of other  
25 departments or other -- or other elected officials. The



1 support that we provide generally the -- doesn't fall  
2 under my responsibility to make sure that project is  
3 moving or is fulfilling the obligations of the needs of  
4 that project.

5 Q. (BY MS. REYES) Okay. Was the county  
6 engineer's office taking the lead or providing a support  
7 role for the census project?

8 A. I would say that we were in support of the  
9 needs of -- of the -- I'm -- I still don't -- I guess  
10 can you repeat the question again so I can think about  
11 that? I didn't --

12 Q. Yeah. For the census project, was your office  
13 taking the lead or were they playing a supporting role?

14 A. This was in support of a Census Bureau  
15 requirement, and so I didn't view this as a county  
16 initiative. This is -- I viewed this as a support for  
17 the Census Bureau in performing their needs.

18 Q. Was there anyone else outside of the county  
19 engineer's office in the county working on this project  
20 as well?

21 MS. OLALDE: Objection; form.

22 A. I'm not aware of anyone.

23 MS. OLALDE: Bernadette, could you clarify  
24 what you mean by this project, please?

25 MS. REYES: I'm referring to the census

1 project.

2 MS. OLALDE: What census project?

3 MS. REYES: The census-related work that we  
4 have been discussing.

5 MS. OLALDE: Are you talking about the  
6 meeting that was prior to 2020? I just want to make  
7 sure that the record is clear.

8 MS. REYES: Yes, the meeting that was prior  
9 to 2020, the census work that Nathan Sigler was working  
10 on with Commissioner Clark that involved the H-GAC as  
11 Mr. Shannon mentioned.

12 MS. OLALDE: Thank you very much. I  
13 appreciate that.

14 A. And I'd like to clarify that. I didn't view  
15 this as a -- as a project, a formal type of project.  
16 This was -- and you muted out -- what I heard was an  
17 inference to a Commissioner Clark project. This --

18 MS. OLALDE: Michael, just wait for the  
19 question.

20 THE WITNESS: Yeah.

21 Q. (BY MS. REYES) How would you describe then  
22 your work with the Census Bureau, your office's work  
23 with the Census Bureau?

24 A. It was to provide support for -- to the  
25 Houston-Galveston Area Council who -- to -- and the

1 Census Bureau to get the census tracts in a form so that  
2 the Census Bureau could collect the data. My  
3 understanding was it was the Houston-Galveston Area  
4 Council's responsibility to make those splits, and the  
5 Houston-Galveston Area Council asked us for assistance.

6 Q. Okay. And what type of assistance then did  
7 your office provide?

8 A. I don't know all the particulars on how -- what  
9 assistance, but Nathan Sigler was made available to have  
10 H-GAC and the Census Bureau in the census tract format  
11 that they needed.

12 Q. And how long did the county engineer's office  
13 provide assistance? What was the time period?

14 A. I don't recall. I don't recall.

15 Q. But you don't recall when the assistance ended?

16 A. No, I don't.

17 Q. Did Mr. Sigler inform you when he stopped  
18 working with the H-GAC on the census issue?

19 A. He may have.

20 Q. Does he normally inform you when he stops  
21 working on these types of issues?

22 A. Normally so.

23 Q. And how does he normally inform you?

24 A. He --

25 Q. What mode?

1 A. -- verbally tells me.

2 Q. But did he come to your office?

3 A. He pops his head --

4 Q. Okay.

5 A. -- in the office and says, I'm finished with  
6 this. I'm working on this now.

7 Q. Do you usually do any kind of follow-up with  
8 him just like questions, like, in person?

9 A. On this, no.

10 Q. Generally do you?

11 A. Generally with Nathan I don't. Nathan is --  
12 what I've seen of Nathan is that he is thorough in what  
13 he does and is capable in what he does, and that need  
14 for follow-up -- I don't find the need to follow up on  
15 his products, on his performance.

16 Q. So you generally trust Nathan's work then. Is  
17 that what you're saying?

18 A. What I'm saying is that Nathan does a good job.

19 Q. Okay. And you mentioned another part of his  
20 responsibility involved redistricting. Can you explain  
21 that a little bit?

22 A. That -- he is the county map guy which means  
23 that he's primarily -- he is a person in the county that  
24 provides maps to -- for our department and for other  
25 departments and he's -- he has the ability to work

1 within the software to draw maps and so his  
2 involvement, my understanding, was to take direction on  
3 how to -- take direction on how to -- on where to draw  
4 those lines and to produce a map.

5 Q. So where to draw those lines and produce a map,  
6 so are you saying that he -- he drew a map for  
7 redistricting?

8 A. I'm saying that he took direction from counsel  
9 on where to draw lines.

10 Q. What counsel was that?

11 A. I don't know the name of the firm. It's a firm  
12 that the county hired to assist in the redistricting.

13 Q. But just to clarify, so he -- so from your  
14 understanding Nathan Sigler was taking direction from  
15 the counsel hired by the county and drawing the lines  
16 and the maps himself?

17 A. That's my understanding -- he was taking  
18 direction on -- and producing a graphical representation  
19 on information provided by the counsel.

20 Q. Do you know what type of information counsel  
21 was providing?

22 A. No, I don't.

23 Q. Mr. Sigler did not inform you of the type of  
24 information that the counsel was providing him?

25 A. I don't recall what types of information or if

1 Nathan had -- I don't recall if Nathan had communicated  
2 that with me.

3 Q. Okay. If he did communicate it with you, do  
4 you know if it would have been via e-mail, via  
5 telephone, in person?

6 MS. OLALDE: Objection; calls for  
7 speculation.

8 A. He may have. He may have e-mailed me. He may  
9 have told me.

10 Q. (BY MS. REYES) And when did his work on  
11 redistricting start?

12 A. I don't know. I don't -- I don't recall.

13 Q. Do you recall when he first mentioned doing  
14 this work on redistricting?

15 A. I don't recall the dates.

16 Q. Do you recall the year?

17 A. I don't.

18 Q. Was it before or after this incident, the  
19 census work that he was doing?

20 A. The redistricting would have -- I believe it  
21 was after the census.

22 Q. So would it be safe to -- would it be after  
23 2020 then? Would that be safe to say?

24 A. It would be safe to say that. I think it would  
25 be after 2020.

1 Q. Okay. Do you recall how long you were working  
2 on redistricting issues?

3 A. I don't recall.

4 Q. And you said he was getting direction from  
5 counsel on just how to draw certain lines and maps.  
6 How -- do you know how -- how he was getting this  
7 direction? If it was through in-person meetings, or  
8 e-mails or phone calls?

9 MS. OLALDE: Objection; misstates prior  
10 testimony and calls for speculation.

11 A. I don't know.

12 Q. (BY MS. REYES) Did you ever speak to the  
13 counsel --

14 A. No.

15 Q. -- that was hired by the county?

16 A. No.

17 Q. You never met with them?

18 A. I never -- I did not meet with them.

19 Q. You never exchanged e-mails with them?

20 A. I don't -- I don't recall any e-mails that I  
21 exchanged with counsel.

22 Q. Did Nathan Sigler provide you with updates on  
23 his work on the redistricting?

24 A. Sometimes. He would tell me he was -- he was  
25 still working on it.

1 Q. And when he would tell you he was still working  
2 on it, what -- can you tell me what specifically he  
3 would say, any discussion that followed thereafter?

4 A. I don't recall the particulars, but I would  
5 tell him to continue on to --

6 Q. Did you ever -- oh, go ahead.

7 A. -- to keep working.

8 Q. Did he ever ask you for assistance on this  
9 project?

10 A. He -- when -- I do recall one instance with  
11 the -- to look at a metes and bounds description for, I  
12 believe it was, a voting precinct or it may have been a  
13 census tract. I don't recall. But I have -- that's  
14 what I recall.

15 Q. Okay. And can you explain to me what a voting  
16 precinct is?

17 A. A voting -- I don't know a legal definition.

18 Q. But your understanding of it?

19 A. A voting precinct is -- I don't have a clear  
20 understanding of what a voting precinct is.

21 Q. What are metes and bounds?

22 A. It's a description of course -- a direction and  
23 a distance describing an area so --

24 Q. Go ahead.

25 A. It's a written description of an area.



1 Q. Can you give me an example?

2 A. In each subdivision plat there is a description  
3 of the property that will be platted, and it's described  
4 by a course of -- from this point along a line to this  
5 street from this street or actually in a -- and then --  
6 actually in a metes and bounds it goes from this point  
7 with the bearing and distance to another point and then  
8 a bearing and distance to another point and a bearing  
9 and distance to another point, and it comes back to the  
10 point of beginning. It's what surveyors produce for  
11 subdivision plats, and I've reviewed several of them  
12 throughout my career.

13 Q. Okay. Can you -- you mentioned that when  
14 Nathan Sigler asked for your help for the metes and  
15 bounds for a voting precinct on a census tract; is that  
16 correct?

17 A. I don't -- I don't know.

18 MS. OLALDE: Objection; form. You can  
19 answer. You can answer.

20 A. I don't know whether it was census tracts or  
21 whether it was voting precincts. I don't know the  
22 particulars --

23 Q. (BY MS. REYES) Okay.

24 A. -- of what is being described.

25 Q. Okay. What particularly though did he ask for

1 your assistance with doing? I know you don't  
2 necessarily recall whether it was voting precincts or  
3 census tracts, but aside from that what was he asking  
4 from you?

5 A. To look at a metes and bounds for the form and  
6 I -- I looked at it for the consistency in the form in  
7 making sure that a street was -- was referenced the same  
8 way throughout the street instead of something called  
9 Forest Cove Road and the next time Forest Cove. I made  
10 sure that the -- that the same name was -- the  
11 consistency within the -- within the metes and bounds.

12 Q. And how did you check this? Describe the  
13 process.

14 MS. OLALDE: Objection; form.

15 A. It wasn't a review of any sort of accuracy of  
16 what was being performed. It was more of a format and  
17 a -- and consistency with -- with the call-outs.

18 Q. (BY MS. REYES) What are call-outs?

19 A. The names of roads or the names of --

20 Q. Okay.

21 A. The terminus of where a point changes from one  
22 direction to another.

23 Q. Okay. And did you refer to any documents or  
24 maps or anything in making these -- in reviewing any of  
25 this?

1 A. No.

2 Q. So what was your review based on then?

3 MS. OLALDE: Objection; asked and answered;  
4 and objection; form.

5 A. On the consistency of the call-outs.

6 Q. (BY MS. REYES) And do you know when he asked  
7 you to do this?

8 A. I don't recall.

9 Q. Do you know, you know, the year maybe?

10 A. I can only say that it was after 2020. I  
11 don't -- I don't recall.

12 Q. You think it would be 2021?

13 A. I don't recall. My best guess is that -- or my  
14 best estimate is after 2020.

15 Q. And do you know why he was asking you to do  
16 this?

17 A. Because I had looked at metes and bounds in the  
18 past and wanted -- wanted to see if the metes and bounds  
19 were -- looked right in terms of the -- in terms of the  
20 call-outs. I -- I --

21 Q. Go ahead.

22 A. I can't speculate any other reasons.

23 Q. Do you know how long it took you to get back to  
24 him?

25 A. I don't think it was very long. I believe it

1 was within a day. I don't -- I don't recall exactly.

2 Q. And do you recall how many, I guess, of these  
3 metes and bounds for either precincts or census tracts,  
4 how many of them you had to look at?

5 A. I don't recall.

6 Q. Was it more than one?

7 A. My best estimate was that it was near -- around  
8 10. I don't know for sure.

9 MS. OLALDE: Bernadette, were you asking  
10 about times or what exactly were you asking? I just  
11 want to make sure it's clear.

12 MS. REYES: How many precincts or tracts  
13 was he asked to look at.

14 MS. OLALDE: Thank you, sorry.

15 A. Yeah. That was my understanding of the  
16 question. Different metes and bounds --

17 Q. (BY MS. REYES) Yes.

18 A. -- and it was -- my best guess is around 10.

19 Q. Thank you. And, Mr. Shannon, if you have  
20 any -- if you don't understand the question, you can  
21 feel free to ask me. Okay? Ask me for clarification if  
22 you need it. Okay?

23 A. Okay.

24 MS. OLALDE: Bernadette, we've been going a  
25 little over an hour, just whenever you get time for a

1 break, just let us know, will you?

2 MS. REYES: Yes, yes. If you can give me  
3 just one minute. I just have a few more questions, and  
4 then we can take a break.

5 Q. (BY MS. REYES) Do you know what Mr. Sigler did  
6 with the information or edits that you provided to him?

7 A. No, I don't.

8 Q. Did he ever tell you what he did with the  
9 information or edits you provided for him?

10 A. My understanding was -- is -- is that they were  
11 part of the -- they were -- they were given to the  
12 attorneys performing the redistricting.

13 Q. Do you know why --

14 A. No --

15 Q. -- they needed this information? Did  
16 Mr. Sigler ever tell you why?

17 A. I don't recall.

18 Q. Did you ever ask?

19 A. No. No.

20 Q. Why not?

21 A. Because my function wasn't to direct or the  
22 activities and to provide support, and my understanding  
23 was this was in support.

24 Q. Do you know if any of the commissioners were  
25 working with Mr. Sigler on this specific -- the work

1 that you did, the metes and bounds?

2 A. I don't know.

3 Q. Did any of the commissioners ever call you to  
4 ask you questions about that?

5 A. About what?

6 Q. The metes and bounds issues that you did?

7 A. No.

8 MS. REYES: We can take a ten-minute break.

9 MS. OLALDE: Sure.

10 THE VIDEOGRAPHER: All right. The time on  
11 the monitor is 10:36 a.m., and we are now off the  
12 record.

13 (Break taken from 10:36 a.m. to 10:54 a.m.)

14 THE VIDEOGRAPHER: Okay. The time on the  
15 monitor is 10:54 a.m., and we are back on the record.

16 Q. (BY MS. REYES) So, Mr. Shannon, I just kind of  
17 want to pick up where we left off. So we were talking  
18 about the metes and bounds edits that you made for  
19 Nathan Sigler. Do you know where he got the metes and  
20 bounds information that he -- that you made edits to?

21 A. I do not know where that originated.

22 Q. Do you know if it maybe came from -- if it had  
23 come from the counsel that was hired by the county to  
24 help with redistricting?

25 MS. OLALDE: Objection; asked and answered.

1 You can answer.

2 A. I don't know where it came from.

3 Q. (BY MS. REYES) And I know you mentioned  
4 counsel hired by the county for redistricting, and you  
5 couldn't recall the firm or the name. Is it -- does the  
6 name Dale Oldham sound familiar to you?

7 A. I -- that name has been mentioned to me  
8 preceding this deposition.

9 MS. OLALDE: I don't want you to talk about  
10 anything you discussed with counsel, please.

11 THE WITNESS: Okay.

12 Q. (BY MS. REYES) Outside of talking to your  
13 counsel, had you heard that name mentioned through your  
14 work as county engineer?

15 A. I don't recall the name.

16 Q. Did Nathan Sigler ever mention that name to  
17 you?

18 A. I don't recall the name being mentioned by  
19 Nathan.

20 Q. Did anyone else at the county, any of your  
21 employees or any members of the Commission ever mention  
22 that name to you?

23 A. I don't recall any of the commissioners or  
24 others in the county mentioning that name.

25 Q. What about the name Thomas Brian?

1 A. I don't recall that name.

2 Q. Did Nathan Sigler ever mention that name to  
3 you?

4 A. I don't recall Nathan Sigler ever mentioning  
5 that name.

6 Q. Did any members of the county, commission or  
7 county employees ever mention that name to you?

8 A. I don't recall them mentioning that -- the  
9 commissioners or judge mentioning that name to me.

10 Q. So did you ever have any meetings with someone  
11 named Dale Oldham?

12 A. No, I did not.

13 Q. Did you ever have any telephone calls or e-mail  
14 communications with somebody named Dale Oldham?

15 A. I don't recall any meetings or phone calls.

16 Q. Or e-mail communications?

17 A. Or e-mail communications.

18 Q. Okay. What about -- do you recall ever having  
19 any meetings with someone named Thomas Brian?

20 A. No, I do not recall.

21 Q. Did you have any communication, be it in  
22 person, be it e-mail, or telephone with somebody named  
23 Thomas Brian?

24 A. I don't recall any meetings or e-mails or phone  
25 calls with Thomas Brian.



1 Q. Okay. Now, we were talking -- you mentioned  
2 for Nathan you generally only have to follow up with his  
3 work if someone calls or someone from the commission  
4 calls to check up on something that needs to get done.  
5 Has that ever happened before?

6 A. I don't recall any instance. I don't recall  
7 any instance where there needed to be that intervention.

8 Q. And to your knowledge were there any instances  
9 about that regarding the redistricting process and  
10 Mr. Sigler's work?

11 MS. OLALDE: Objection; asked and answered.

12 A. I don't recall any.

13 Q. (BY MS. REYES) And do you -- can you tell me a  
14 little bit about what other type of work Mr. Sigler did  
15 on redistricting that you were aware of?

16 A. I am not familiar with the scope and  
17 involvement of all that Nathan Sigler was involved in in  
18 redistricting.

19 Q. He didn't keep you updated on -- on the work  
20 that he was doing in redistricting?

21 A. He would inform me that he was still working  
22 on -- on the -- still involved in redistricting.

23 Q. Do you recall if he was working with any of the  
24 county commissioners --

25 MS. OLALDE: Objection -- go ahead.

1 Q. (BY MS. REYES) -- on redistricting?

2 MS. OLALDE: Objection; asked and answered.

3 A. Can you repeat the question?

4 Q. (BY MS. REYES) Do you recall if Nathan Sigler  
5 was working with any of the county commissioners on  
6 redistricting?

7 MS. OLALDE: Same objection.

8 A. I don't -- I don't know. I'm not aware other  
9 than what we had previously talked about.

10 Q. (BY MS. REYES) Are you referring to -- what  
11 are you referring to, previously talked about?

12 A. The -- Commissioner Clark -- there was a talk  
13 about Commissioner Clark asking about the census tracts  
14 and the H-GAC meeting and Census Bureau meeting.

15 Q. And what -- do you know what Commissioner Clark  
16 was asking in relation to redistricting?

17 A. No, I do not.

18 Q. Did Mr. Sigler ever follow up with you on any  
19 of the work that he was doing with Commissioner Clark  
20 regarding redistricting?

21 A. Not that I recall.

22 Q. And so when we were talking about  
23 Commissioner Clark and it was in the earlier -- it was  
24 in the context of the census issue is what you said  
25 earlier and if you recall, you mentioned that that work

1 was being done prior to 2020; correct?

2 A. Correct, correct.

3 Q. Okay. And then the redistricting work was  
4 being done after 2020?

5 A. Correct.

6 Q. So was Commissioner Clark working with  
7 Nathan Sigler on this project throughout those -- that  
8 time then before the census and after the census?

9 MS. OLALDE: Objection; form and asked and  
10 answered. You can answer.

11 A. I'm not aware of the extent or when  
12 Commissioner Clark or -- I'm not aware of the extent of  
13 Commissioner Clark's involvement.

14 Q. (BY MS. REYES) I am going to -- so other than  
15 Commissioner Clark, then to your knowledge Mr. Sigler  
16 wasn't working with any of the other commissioners?

17 MS. OLALDE: Objection; asked and answered  
18 but you can answer.

19 A. Working -- can you explain working and what --

20 Q. (BY MS. REYES) Did any of the -- to your  
21 knowledge did any of the county commissioners speak to  
22 Mr. Sigler about the redistricting?

23 MS. OLALDE: Same objection.

24 A. I -- I don't know the extent of what the  
25 conversations and what commissioners discussed with

1 Nathan Sigler.

2 Q. (BY MS. REYES) To your knowledge were there  
3 any discussions between Nathan Sigler and any of the  
4 commissioners about redistricting?

5 A. Not to my knowledge.

6 Q. Did any of the commissioners reach out to you,  
7 speak to you about redistricting?

8 A. Not that I recall.

9 Q. Did the county judge reach out to you about  
10 redistricting?

11 A. No.

12 Q. Did any of the other county staffers reach out  
13 to you about redistricting?

14 A. There was a request to make Nathan available to  
15 assist.

16 Q. Do you know on -- assist specifically with  
17 what?

18 A. With redistricting.

19 Q. Did they tell you the -- what specifically he  
20 would be doing?

21 A. No. Well, not that I recall.

22 Q. Did you ask?

23 A. No.

24 Q. Why not?

25 A. It's not something I need to be involved in.

1 Q. And why do you say that?

2 A. It's not something that I do as a function of  
3 engineering.

4 Q. Do you know why specifically someone from your  
5 office was asked to work on it?

6 A. I believe because it had a mapping component.

7 Q. You mentioned that Mr. Sigler used a software  
8 to draw maps; is that correct?

9 A. I -- I don't recall if I mentioned that but I  
10 can -- but there is a mapping software that  
11 Nathan Sigler uses.

12 Q. Do you know what that software is?

13 A. It's called ESRI, and I don't know the exact  
14 name. E-s-r-i.

15 Q. Can you use that software?

16 A. I -- I use maps that Nathan creates with that  
17 software.

18 Q. When do you use that?

19 A. Everyday.

20 Q. What do you use it for?

21 A. To look to see where parcels and ownership of  
22 property, who owns property in particular having to do  
23 with permit or flooding information. There's aerial  
24 photography involved as one of the layers in the  
25 software so I'm able to see where county roads --

1 maintained county roads are and where property is  
2 located.

3 Q. Okay. Do you know how to make maps on ESRI?

4 A. No, I do not.

5 Q. Is there anything else that you use ESRI for?

6 A. For floodplain. There's layers for floodplain  
7 areas that I look at. There's different layers for  
8 where city limits are so I can understand if someone is  
9 in the city limits or whether they are in the  
10 unincorporated part of the county to know whether or not  
11 it falls under our jurisdiction. There may be some  
12 other reasons that I don't recall right now.

13 Q. Did anyone else in your office work on  
14 redistricting aside from Nathan Sigler at any point?

15 A. I'm not aware of anyone else in my office  
16 involved in that at all.

17 Q. Did you ask if anyone else in your office was  
18 working on it?

19 A. No, I did not ask.

20 Q. Who specifically asked you to make sure  
21 Nathan Sigler was available to help with redistricting?

22 A. Tyler Drummond.

23 Q. Who's Tyler Drummond?

24 A. He's the chief of staff in Judge Mark Henry's  
25 office.

1 Q. Did you have any other communications with  
2 Tyler Drummond about the redistricting process?

3 A. Other than making sure he was available. I  
4 didn't have any other conversations.

5 Q. So he never followed up with you about Nathan,  
6 Nathan Sigler's work?

7 A. No.

8 Q. Okay. And you mentioned that Mr. Sigler  
9 received guidance from counsel on how to draw lines and  
10 maps. Do you know how he received this guidance?

11 MS. OLALDE: Objection; form, misstates  
12 prior testimony, and asked and answered. You can  
13 answer.

14 A. I -- I'm not aware of what direction Nathan was  
15 given.

16 Q. (BY MS. REYES) Did you ever ask?

17 A. No.

18 Q. Do you know if he met with counsel in person?

19 A. I don't know.

20 Q. Do you know if he was e-mailing with counsel?

21 A. I don't know.

22 Q. Do you know if he talked on the phone with  
23 counsel?

24 A. I -- I believe he did.

25 Q. Did he ever tell you the substance of those

1 conversations?

2 A. I'm trying to remember if he -- if there was  
3 any substance other than --

4 MS. OLALDE: And I'm going to ask you not  
5 to reveal any -- if there were any conversations with  
6 attorneys that Mr. Sigler communicated to you, I'm going  
7 to ask that if you recall those that you do not testify  
8 about them because we are asserting the attorney/client  
9 and attorney work product privileges.

10 MS. REYES: And, Ms. Olalde, per our  
11 current pending privilege objections, I would ask that  
12 if any of those conversations involve specifically  
13 Dale Oldham, we would object to the assertion of  
14 privilege again and reserve the right to keep this  
15 deposition open pending resolution of that issue with  
16 the Court.

17 MS. OLALDE: So, Mr. Shannon, just to make  
18 it clear for you, we have to do that for the record for  
19 our own motion practice in front of the Court, but if  
20 you don't recall anything, then you can testify about  
21 that or even if it's privileged, any conversations with  
22 Mr. Oldham you can testify about that. But I ask that  
23 you not testify about any substantive communications  
24 that you recall with Mr. Oldham that have been  
25 communicated to you.



1 THE WITNESS: Okay. So...

2 MS. OLALDE: I'm sorry. Bernadette, would  
3 you mind repeating the question?

4 THE WITNESS: Yes.

5 MS. REYES: I'm sorry. Court reporter, can  
6 you repeat the last question?

7 (Requested portion was read)

8 A. I don't recall any substance of the  
9 conversations.

10 Q. (BY MS. REYES) Okay. Do you recall if he  
11 ever told you about them?

12 A. I don't -- I don't recall if he told me any  
13 substance -- well, I do recall that he would tell me  
14 that he is talking with the attorneys.

15 Q. Okay. Did you know how often he was talking  
16 with the attorneys?

17 A. No, I don't.

18 Q. Okay. Yeah, I think I wanted to go back to --  
19 do you know -- you said your office was -- specifically  
20 Mr. Sigler was involved with the census issues. Does  
21 your office collect census data?

22 A. We do not collect census data. We do  
23 receive -- we do receive data that the Census Bureau  
24 provides.

25 Q. Do you forward that data then?

1           A. I don't -- I don't know the particulars. That  
2 is something that Nathan Sigler is involved in and how  
3 Census Bureau is collect -- is received.

4           Q. If someone from the county wanted specific  
5 population data, for example, would they go to your  
6 office for that information?

7           A. At times that does occur.

8           Q. Okay. Does your office have the demographic  
9 data of the county?

10          A. I don't know -- I'm not familiar with what  
11 demographic data we have. My understanding is is that  
12 there is some demographic data that the Census Bureau  
13 has provided.

14          Q. But you don't -- you don't know what  
15 specifically your office has?

16          A. I do not know the extent or what that  
17 information is.

18          Q. Okay. Who does know that?

19          A. Nathan Sigler.

20          Q. Okay. So if someone from the county needed  
21 this information, they could get it from your office.  
22 Is that an accurate statement?

23                   MS. OLALDE: Objection; asked and answered;  
24 calls for speculation. You can answer.

25          A. They would be -- they could -- they could get

1 the information.

2 Q. (BY MS. REYES) Okay. During the redistricting  
3 process, did anyone request population data of Galveston  
4 County from your office?

5 MS. OLALDE: Objection; asked and answered.  
6 You can answer.

7 A. I don't -- I don't recall.

8 Q. (BY MS. REYES) Do you recall if anyone from  
9 the county, and this includes the county commissioner or  
10 the county judge, asked for any of the demographic data  
11 for Galveston County during the redistricting process?

12 A. I don't recall if that occurred.

13 Q. Who would they have -- if somebody were looking  
14 for this information, who would they go to specifically  
15 in your office?

16 MS. OLALDE: Objection; form and calls for  
17 speculation, but you can answer to the extent you  
18 understand.

19 A. The request come -- again, Nathan Sigler is the  
20 storer of that information, is familiar with that  
21 information, and he would be the one that would respond  
22 to those requests.

23 Q. (BY MS. REYES) Does he tell you when those  
24 requests come in?

25 A. Some -- sometimes he does.

1 Q. Is there a specific reason why -- is there a  
2 specific situation where he would tell you?

3 A. He generally --

4 Q. When -- go ahead.

5 A. He generally pops his head in my office and  
6 says, oh, somebody has asked -- I've got a request for a  
7 map from somebody. I've got a request, and then he'll  
8 pop his head back out.

9 Q. So did he ever tell you why he is informing you  
10 of those specific requests?

11 A. He doesn't tell me why he's informing me of  
12 those requests.

13 Q. So to your knowledge then did anyone request  
14 demographic data from Mr. Sigler?

15 MS. OLALDE: Objection; asked and answered.  
16 You can answer again.

17 A. I don't recall -- I don't recall.

18 Q. (BY MS. REYES) Then if you could, could you  
19 tell me your understanding of what the redistricting  
20 process entailed?

21 A. My understanding is the -- what I can tell you  
22 it is my understanding as it applies to what Nathan was  
23 involved in is really all I know about the redistricting  
24 process, and my understanding on that was that Nathan  
25 was to assist in the -- assist and take direction to

1 produce a map.

2 Q. And that's it?

3 A. I don't know of any -- any other function that  
4 Nathan was involved in.

5 Q. Okay. But outside of -- outside of Nathan's  
6 involvement, anything else you know about the  
7 redistricting process that was taking place in Galveston  
8 County?

9 A. Well, I know that every 10 years based on  
10 population shifts lines need to be -- lines need to be  
11 re-drawn based on population shift.

12 Q. Did you ever see the maps that Nathan drew?

13 MS. OLALDE: Objection; misstates prior  
14 testimony; calls for speculation; but you can answer.  
15 You can answer.

16 A. Can you repeat the question?

17 Q. (BY MS. REYES) Did you ever see the maps that  
18 Nathan drew?

19 MS. OLALDE: Same objection.

20 A. I did see the maps Nathan drew.

21 Q. (BY MS. REYES) Did you have any edits to those  
22 maps that he drew?

23 A. No.

24 Q. Did you ever speak to him about the maps that  
25 he drew?

1 MS. OLALDE: Objection; misstates prior  
2 testimony; calls for speculation; asked and answered.  
3 Go ahead.

4 A. Can you repeat the question?

5 Q. (BY MS. REYES) Did you ever -- I believe it  
6 was speak to him about the maps that he drew?

7 MS. OLALDE: Same objections.

8 A. I don't recall if I ever spoke to him about the  
9 maps he drew.

10 Q. (BY MS. REYES) Do you have any opinion about  
11 the maps that he drew?

12 MS. OLALDE: Objection; calls for  
13 speculation; asked and answered; form. Go ahead.

14 A. I -- I don't have an opinion on either on --  
15 there were two maps, and I don't have an opinion on  
16 those maps.

17 Q. (BY MS. REYES) When did you see those maps for  
18 the first time?

19 A. I don't know the exact date but it had -- it  
20 was -- it may have been a day or two before they were  
21 published on the county website.

22 Q. And who published them on the county website?

23 A. I don't know who did that.

24 Q. Do you know if it was someone from your office?

25 A. I don't know if it was someone from my office.

1 Q. To your knowledge did anyone other than  
2 Mr. Sigler draw any maps for the redistricting process?

3 MS. OLALDE: Objection; misstates prior  
4 testimony; asked and answered; and form.

5 A. I -- I don't know.

6 Q. (BY MS. REYES) Did Mr. Sigler ever tell you if  
7 anyone else was drawing any other map?

8 A. No, he did not.

9 Q. Outside of the counsel that you mentioned that  
10 was hired by the county, did Mr. Sigler ever mention  
11 working with anybody else during the redistricting  
12 process?

13 A. He did mention that he was -- he did mention  
14 that Tyler Drummond asked that he work on the project,  
15 make sure that -- to work on the project, on the  
16 redistricting map.

17 Q. Do you know how often he was communicating with  
18 Mr. Drummond about redistricting?

19 A. No.

20 Q. Did Mr. Drummond -- I know you mentioned him  
21 before when he asked you to ensure that Sigler was  
22 available to work on redistricting. Any other time he  
23 reached out to you?

24 MS. OLALDE: Objection; asked and answered.

25 A. Not that I recall.

1 Q. (BY MS. REYES) I am going to pull up what --  
2 sorry. I'm going to pull up an exhibit. I'm getting  
3 used to doing this virtually so please excuse me. I'm  
4 going to pull up what I would ask to be marked as  
5 Exhibit 1.

6 (Exhibit 1 marked)

7 MS. REYES: Let me share my screen.

8 MS. OLALDE: Bernadette, will you drop a  
9 copy in the chat and/or via e-mail, please?

10 MS. REYES: Yes. Let me add this to the  
11 chat.

12 Q. (BY MS. REYES) And so to confirm that they  
13 have this.

14 A. I see it.

15 Q. Okay. I'm going to give you a chance to look  
16 it over. I'll scroll down. There are two pages. Just  
17 let me know when you need me to scroll down.

18 A. Can you enlarge it just a little?

19 Q. Yes. Better?

20 A. That's good. Better.

21 MS. OLALDE: I'm putting my laptop next to  
22 him so he can also look through it.

23 MS. REYES: Okay. And I'll represent that  
24 this is Bates Numbered DEFS00019470.

25 A. Okay.



1 Q. (BY MS. REYES) I'll scroll down.

2 A. Okay.

3 Q. Okay. So what I'm showing you is an e-mail  
4 that was sent October 18, 2018, to you, Michael Shannon  
5 and it doesn't have a From line; but it says, "good  
6 morning, I hope I'm not disturbing you; I just wanted to  
7 forward you this e-mail I received from  
8 Commissioner Clark. He stopped by yesterday and briefly  
9 explained to me that the H-GAC is working on the 2020  
10 census and that he wanted me to make some changes  
11 concerning the census tracts. He also wanted to make  
12 several different redistricting proposal maps. I will  
13 keep you posted as things develop."

14 Do you know who this e-mail is from?

15 A. I believe it's from Nathan Sigler.

16 Q. And he mentions that Commissioner Clark wanted  
17 to -- him to make some changes concerning census tracts.  
18 Do you know what changes those were?

19 A. I do not.

20 Q. Did Mr. Sigler ever speak to you about those  
21 changes?

22 A. He did -- he did mention that the -- in  
23 preparation of the census collection process the Census  
24 Bureau needed census tracts to be split because the  
25 population reached a certain threshold, and that's the

1 rules of the Census Bureau and that -- I don't recall  
2 any particulars on which census tracts or how they were  
3 to be split.

4 Q. And he also mentioned several redistricting  
5 proposal maps. Did you ever see any redistricting  
6 proposal maps from Commissioner Clark?

7 A. I don't recall any from Commissioner Clark.

8 Q. Did Mr. Sigler ever send you any redistricting  
9 proposal maps in the time period after and around  
10 October 18th, 2018?

11 A. I don't recall any from that time frame.

12 Q. So when he says, I will keep you posted as  
13 things develop, did you ever receive any follow-up  
14 communication from Mr. Sigler about this?

15 A. I don't recall any. There were some follow-up  
16 meetings that took place.

17 Q. Meetings with who?

18 A. With -- that's with these workshops as referred  
19 to in this e-mail.

20 Q. But were there ever any follow-up meetings  
21 on -- involving redistricting proposals that  
22 Commissioner Clark had?

23 A. Not that I'm aware of.

24 Q. In 2018 -- that was before the census was  
25 completed; is that correct?

1 A. Correct.

2 Q. Do you know why Commissioner Clark had  
3 redistricting proposals for that time?

4 MS. OLALDE: Objection; calls for  
5 speculation.

6 Q. (BY MS. REYES) To the best of your  
7 recollection?

8 A. I do -- I don't know.

9 Q. Do you know if redistricting was taking place  
10 in 2018?

11 A. Not to my knowledge.

12 Q. Do you know if there was any follow-up from  
13 Commissioner Clark after the census came out about any  
14 redistricting proposals he had with anyone from your  
15 office?

16 A. I don't -- I don't recall any.

17 Q. And between 2018 and when redistricting  
18 started, did Commissioner Clark ever approach you about  
19 any redistricting proposals he had?

20 A. I don't recall any.

21 Q. Stop, share. Now, I am going to pull up what I  
22 am going to mark as Plaintiffs' Exhibit 2 and figure out  
23 how to share this one in chat.

24 (Exhibit 2 marked)

25 MS. REYES: And if everyone can confirm

1 that it shows up in the chat.

2 MS. OLALDE: I've not seen it yet.

3 THE WITNESS: It showed up in the chat  
4 here.

5 MS. OLALDE: Oh, this one? Okay. Sorry.

6 MS. REYES: Yeah, that's fine. And I will  
7 share my screen.

8 MS. OLALDE: Just one second, I can open  
9 it and let Mr. Shannon take a look and have control.

10 MS. REYES: And it's also screen sharing  
11 right now.

12 MS. OLALDE: I know, but it's nice to be  
13 able to look at a document.

14 MS. REYES: Oh, of course.

15 A. I'm just going to slide this over so I can see  
16 the screen.

17 Q. (BY MS. REYES) And for the record, this is  
18 Bates Numbered DEFS00004614.

19 A. Okay.

20 Q. Okay. So what I'm showing you is an e-mail,  
21 from Nathan Sigler sent to you on Friday, October 29th,  
22 2021, and it contains a link to a website. Do you know  
23 what this website is?

24 A. I -- I can only speculate because of the  
25 subject line. It looks like it's a redistrict map.

1 MS. OLALDE: Don't speculate.

2 THE WITNESS: Okay.

3 MS. OLALDE: And I think -- I'm sorry, I  
4 don't mean to interrupt, but, Bernadette, I'm sure you  
5 have the same instruction.

6 Q. (BY MS. REYES) Do you know why he's sending  
7 you this link?

8 A. I guess to -- I don't know why he sent me the  
9 link.

10 Q. And would it refresh your recollection if you  
11 were able to see the website, the link that he sent?

12 A. Yes.

13 Q. Okay.

14 MS. REYES: Let me open that up. I'm  
15 sending it in the chat, and then I'll screen share what  
16 I'm sending and will be screen sharing will be marked  
17 as Exhibit 3.

18 (Exhibit 3 marked)

19 A. Okay. I see that.

20 Q. (BY MS. REYES) Okay. So I'm going to  
21 represent to you that this is the web page to the link  
22 that was shown to you. I'm not sure if your counsel has  
23 the document open as well so you can scroll through. If  
24 not, let me know if I need to scroll through for you.

25 A. I have it here.

1 Q. Okay.

2 A. Okay.

3 Q. Okay. Now, having seen the website, do you  
4 recall why Mr. Sigler would be sending you this link?

5 A. I think it was to show me that he had completed  
6 his task that he was asked to perform.

7 Q. What task would that be?

8 A. To produce redistricting maps.

9 Q. Okay. Did anyone from your office work on this  
10 website?

11 A. Not that I'm aware of.

12 Q. Now, if it -- I'm scrolling down to the end of  
13 Page 2 and start of Page 3. If you can see, there is  
14 the Public Comment Section. Do you -- do you know where  
15 the public comments that were submitted on this website  
16 went?

17 A. No, I don't.

18 Q. Do you know if they went to your office?

19 A. They -- I don't know if they went to my office.  
20 I haven't seen any of the public comments.

21 Q. So to the best of your knowledge then, did  
22 anyone from your office receive public comments on the  
23 maps?

24 MS. OLALDE: Objection; asked and answered.

25 A. No. No one from my office to the best of my

1 knowledge received any comments.

2 Q. (BY MS. REYES) And do you know which map out  
3 of these two ended up being adopted by the county?

4 A. The Map Number 2.

5 Q. Do you know why that map was adopted?

6 A. No, I do not.

7 Q. Did anyone ever speak to you about the  
8 differences between the two maps?

9 A. In what capacity? I'm -- I guess --

10 MS. OLALDE: Are you asking her to  
11 rephrase?

12 A. Yeah, can -- yeah, can you rephrase? I'm  
13 trying to understand what context they would talk to me  
14 about the differences.

15 Q. (BY MS. REYES) Let's start with your role as  
16 county engineer. Did anyone approach you and just ask  
17 you generally about any opinions you had on the map?

18 A. I don't recall anyone asking that information.

19 Q. And when I ask "anyone," I'm referring to both  
20 county employees, any members of the county commission,  
21 or the county judge and the staffers?

22 A. I don't recall anyone asking me the differences  
23 between the two.

24 Q. In looking at these maps, can you describe to  
25 me what the differences are between the two?

1           A. What I see is that Precinct 2 expands to  
2 include the Bolivar Peninsula and then shifts further  
3 south in the western side of the county. Precinct 1  
4 shrank -- excuse me. I'm trying -- the first map has  
5 Precinct 3 as the Bolivar Peninsula as well as an area  
6 through the central part of the county. Precinct 1  
7 looks -- looks very similar. Precinct 4 shifts to the  
8 south, and then the second map, Precinct 3 includes what  
9 appears to be parts of Friendswood, League City, and  
10 Dickinson.

11           Q. Do you know why these two maps were drawn the  
12 way that they were?

13           A. No, I do not.

14           Q. Did anyone ever tell you why?

15           A. No.

16           Q. Do you have an opinion as to why these maps  
17 were drawn the way they were?

18                   MS. OLALDE: Objection; asked and answered.

19           A. I don't. I don't know why they were drawn the  
20 way they were.

21           Q. (BY MS. REYES) And I believe you mentioned,  
22 again, correct me if I'm wrong, that Mr. Sigler showed  
23 you these maps before they were published on the  
24 website; is that correct?

25           A. It may have been through this e-mail.



1 Q. Okay. So once they were on the website,  
2 that's -- is it safe to say that was the first time you  
3 saw them?

4 A. It may have been the day before. It may have  
5 been the day before saying that these were what he's  
6 finished with, and that he's complete with his  
7 involvement.

8 Q. Okay. Did you do any follow-up with him after  
9 that?

10 A. No.

11 Q. Do you know when these maps -- when the Map 2  
12 was adopted?

13 A. I know it was adopted at a commissioner's court  
14 meeting in, I believe it was 2021 in November.

15 Q. Were you at that meeting?

16 A. No.

17 Q. Why not?

18 A. I didn't have any agenda items on that  
19 commissioner's court meeting.

20 Q. Do you know what the demographic is of  
21 Galveston County?

22 A. Generally. Not in any level of detail.

23 Q. Can you tell me the extent of your knowledge of  
24 the demographic of Galveston County?

25 A. I think -- can you -- can you let me know what

1 | types of demographics you're referring to?

2 | Q. Let's talk about racial and ethnic group  
3 | population.

4 | A. Okay. My understanding is that in general the  
5 | northern part of the county, Friendswood, League City,  
6 | have a larger white population. Areas in southern part  
7 | of the county are -- have a larger minority population.

8 | Q. Okay. I guess in terms of the maps then, can  
9 | you tell me where the particular minority populations  
10 | are, what precincts around are they?

11 | MS. OLALDE: Objection; calls for  
12 | speculation.

13 | Q. (BY MS. REYES) Based on your knowledge of  
14 | Galveston County and the demographics?

15 | A. In -- I don't know where that shift occurs in  
16 | the demographics, but in general the northern part of  
17 | the county does have a larger white population than the  
18 | southern part of the county.

19 | Q. But are you able to point out where -- like,  
20 | what specific districts, for example, would have more of  
21 | a minority population versus a white population?

22 | MS. OLALDE: Objection; asked and answered;  
23 | calls for speculation.

24 | A. In general the northern part of the county does  
25 | have a larger white population than the southern part of

1 the county. I don't know where that split occurs.

2 Q. (BY MS. REYES) Okay. I am going to show you  
3 what is going to be marked as Plaintiffs' Exhibit 4, and  
4 we'll send it in the chat as well.

5 (Exhibit 4 marked)

6 Q. (BY MS. REYES) Okay. Are you able to see  
7 that?

8 A. I need it enlarged.

9 MS. OLALDE: Hold on just a second, and  
10 I'll get this in front of Mr. Shannon. Just one second.

11 Q. (BY MS. REYES) And I'll represent that this is  
12 Bates Number DEFS00003873.

13 Okay. So what I'm showing you is an e-mail  
14 from you dated October 12th, 2021 (verbatim) to Ken  
15 Clark, cc'ed Nathan Sigler, the Subject is Forward:  
16 Voting Precincts.

17 So you say, "Commissioner Clark, Here is a  
18 list of voting precincts showing which Commissioner  
19 Precincts, JP/Constable Precincts, State Representative,  
20 and State Senate seat, Michael."

21 And at the very bottom you state -- it's an  
22 e-mail to Mr. Sigler saying, "Commissioner Clark needs a  
23 list of voting precincts for each JP, Constable, and  
24 State Representative."

25 Can you tell me when Mr. Clark reached out

1 to you about getting this information and what the  
2 context was?

3 A. I believe it was a phone call. He may have  
4 called me that Sunday, October 11th, and asked for that  
5 information. So I -- so I sent an e-mail to Nathan to  
6 provide that information to Commissioner Clark.

7 Q. Was it normal for commissioners to reach out to  
8 you on weekends?

9 A. Only Commissioner Clark would do that.

10 Q. Do you know why?

11 A. No, I don't know why.

12 Q. Do you know what he did with this information?

13 A. No, I --

14 MS. OLALDE: Objection; calls for  
15 speculation. You can answer.

16 A. I do not know.

17 Q. (BY MS. REYES) Did he ever follow up with you  
18 about the information that you sent him?

19 A. No, he did not.

20 Q. Did you ever follow up with him --

21 A. No.

22 Q. -- about this information?

23 A. No.

24 Q. Did you have any further contact with  
25 Commissioner Clark about the voting precinct or the

1 commissioner precinct after sending this e-mail?

2 A. Not in the context of this -- not that I recall  
3 any follow-up.

4 Q. In the context of redistricting, I know I asked  
5 you about public comments from the website, and you said  
6 as far as you know your office didn't receive them. Did  
7 you receive any inquiries just generally from the public  
8 about anything regarding the redistricting process?

9 MS. OLALDE: Objection; asked and answered.

10 A. I don't recall any -- any inquiries.

11 MS. REYES: Ms. Olalde, I think -- well,  
12 it's 9:52 here. Do you mind if we take, like, a  
13 five-minute break?

14 MS. OLALDE: Did you want to to break for  
15 lunch? I know that with the time zones it's almost noon  
16 here so...

17 MS. REYES: Oh, yeah, sorry. Yeah, I  
18 forgot it's 10:00 a.m. Yeah, I think we can break for  
19 lunch if that's okay with everyone else. I don't know  
20 how much time you folks need.

21 MS. OLALDE: I don't think we need too  
22 long. Maybe half an hour, 40 minutes top.

23 THE WITNESS: Yeah, 30.

24 MS. REYES: Okay. Let's take 40 minutes  
25 then.

1 THE VIDEOGRAPHER: Okay. The time on the  
2 monitor is 11:53 a.m., and we are off the record.

3 MS. REYES: Okay. Great. Can we get into  
4 the break out-rooms again?

5 THE VIDEOGRAPHER: Yes.

6 (Break taken from 11:53 a.m. to 12:42 p.m.)

7 THE VIDEOGRAPHER: All right. Let me get  
8 the recording started again. Okay. The time on the  
9 monitor is 12:42 p.m., and we are back on the record.

10 MS. REYES: Okay. Thank you.

11 MS. OLALDE: Sorry. Mr. Shannon did want  
12 to clarify something from his prior testimony.

13 THE WITNESS: Yeah, I want to clarify  
14 characterization of what I knew about Nathan Sigler's  
15 involvement in producing the maps. I think I had  
16 mentioned that he had drawn maps but I -- I don't  
17 know -- I don't have knowledge of what he was asked to  
18 do or what product he actually did produce.

19 Q. (BY MS. REYES) Can you clarify then why you  
20 mentioned that he drew maps? What did you base that  
21 answer on?

22 A. I think it's in response to one of your  
23 questions, when Nathan drew the maps and I -- I think I  
24 repeated, well -- when Nathan drew the maps, I think I  
25 repeated your question.

1 Q. So to the best of your knowledge then, do you  
2 know if he drew any of the maps then or drew any of the  
3 lines in the maps?

4 A. I don't know if he did.

5 Q. The maps that he sent on the website then, do  
6 you know who drew those?

7 A. I do not know who drew those.

8 Q. Did Nathan Sigler know who drew those?

9 MS. OLALDE: Objection; calls for  
10 speculation.

11 A. I don't know if Nathan knows.

12 Q. (BY MS. REYES) Did you ever ask Nathan?

13 A. I never asked Nathan.

14 Q. Do you know if anyone else in your office might  
15 have drawn those maps?

16 A. No one that I'm aware of drew those maps. I --  
17 I don't know who drew those maps.

18 Q. Okay. I am going to show -- I am going to pull  
19 up an exhibit. I am sending it to the chat and you  
20 should receive it momentarily, and then I'll share my  
21 screen.

22 Okay. Are you able to see that,  
23 Mr. Shannon?

24 MS. OLALDE: Hold on, I don't see it yet.

25 A. I see it on the screen.

1 MS. OLALDE: I just don't see it in the  
2 chat. Sorry. I just wanted to make sure you could --

3 MS. REYES: That's fine. I think there's a  
4 bit of delay.

5 MS. OLALDE: What's it -- what tab is it --  
6 number is it going to be called?

7 MS. REYES: It's Tab 14.

8 MS. OLALDE: Okay.

9 MS. REYES: And for the record, it starts  
10 with Bates Number DEFS00030080.

11 MS. OLALDE: Is it a large file or --

12 MS. REYES: It's not. It's showing up on  
13 my end as being sent.

14 MS. OLALDE: You did?

15 MS. REYES: Yeah. I can send it again.

16 MS. OLALDE: Do you have it? I don't have  
17 it. I don't know why my chat's not working. I'm so  
18 sorry. Just one second.

19 MS. REYES: Yeah. I'll send it again, too.

20 MS. OLALDE: Okay. Technical difficulties  
21 done.

22 THE WITNESS: Okay.

23 MS. REYES: Okay. Perfect. Thanks.

24 Q. (BY MS. REYES) So what I'm showing you is an  
25 e-mail that says, From Nathan Sigler, Sent February 1st,



1 | 2021, To Michael Shannon, Subject: Block Group Counts  
2 | with some attachments. So in the body of it it says  
3 | block group counts, and I'm going to scroll down a  
4 | little bit for you to see the rest of the map. And it  
5 | looks like here there is a map with a legend that says  
6 | African American/Black counts and then a legend that  
7 | says Hispanic counts.

8 | A. Okay.

9 | Q. Okay. So do you recall receiving this e-mail?

10 | A. I -- I don't recall this particular e-mail.

11 | Q. Do you know why Mr. Sigler is sending you this  
12 | e-mail?

13 | A. I do -- I don't know why I received this.

14 | Q. Do you know what these maps show?

15 | A. They show -- well, reading the map it shows  
16 | African American/Black count with gradations of areas in  
17 | the county.

18 | Q. So what do you -- when it says -- how do you  
19 | interpret African American/Black count? What do you  
20 | interpret that to mean?

21 | MS. OLALDE: Objection; calls for  
22 | speculation. You can answer.

23 | A. I think that's population information.

24 | Q. (BY MS. REYES) So population of African  
25 | American/Black?

1 A. African American, correct.

2 Q. Okay. And what do you understand the color  
3 gradations to mean?

4 MS. OLALDE: Objection; calls for  
5 speculation.

6 Q. (BY MS. REYES) Based on what you're seeing in  
7 front of you?

8 A. That the darker shading represents a higher  
9 count.

10 Q. And I'm going to scroll down to this legend  
11 that says Hispanic count. Can you explain to me what  
12 you see on this map?

13 A. The same as the previous map for Hispanic  
14 population.

15 Q. And how do you interpret the different colors  
16 on the map?

17 MS. OLALDE: Objection; calls for  
18 speculation.

19 A. That the darker the shading the higher the  
20 population.

21 Q. (BY MS. REYES) Having seen this map, does  
22 that refresh your recollection at all as to why  
23 Mr. Sigler sent you this information?

24 A. No, it does not.

25 Q. Do you know where he got this information from

1 that he sent you?

2 A. No, I don't.

3 Q. Is this the type of information that your  
4 office has, the county engineer's office?

5 MS. OLALDE: Objection; calls for  
6 speculation.

7 A. I don't know where the information came from.

8 Q. (BY MS. REYES) Do you know if the county  
9 engineer's office contains the type of information  
10 necessary to make a map like this?

11 A. If it's included -- I don't know if this is  
12 included in information that the Census Bureau provides,  
13 but we do have information that the Census Bureau  
14 provides.

15 Q. So you're saying you don't know necessarily  
16 exactly where he got this information?

17 A. I don't know --

18 MS. OLALDE: Objection; asked and answered.

19 Q. (BY MS. REYES) Do you know if he sent this  
20 information to anyone else?

21 MS. OLALDE: Objection; calls for  
22 speculation.

23 A. I -- I don't know.

24 MS. REYES: And, Ms. Olalde, I would ask  
25 that -- if you could limit your objections to form so as

1 to not suggest an answer to the witness.

2 MS. OLALDE: I'm certainly not suggesting  
3 any answer to the witness. What I am trying to do is  
4 make sure that the record is clear, and if you ask  
5 Mr. Shannon what somebody else did or what somebody else  
6 thought, it absolutely calls for speculation. And I  
7 want that to be clear on the record.

8 MS. REYES: I am asking him questions based  
9 on his role as the county engineer and his knowledge of  
10 what Mr. Sigler performed as an employee under his  
11 supervision.

12 MS. OLALDE: Perfect. And when your  
13 questions don't reflect that scope, then I'll make my  
14 objections accordingly.

15 Q. (BY MS. REYES) So to your knowledge then  
16 Mr. Sigler did not send this information to anyone?

17 A. I don't know.

18 MS. REYES: Okay. I'm going to pull up  
19 another exhibit. And that should be sending, and I will  
20 share the screen. Can folks confirm that they received  
21 the documents in the chat? And I'm sorry. I forgot to  
22 mention on the previous exhibit shared I ask that that  
23 be marked as Plaintiff Exhibit 5 and this current  
24 document be marked as Plaintiff Exhibit 6. And I'll  
25 represent for the record that this is Bates Numbered

1 DEFS00030084.

2 (Exhibits 5 and 6 marked)

3 Q. (BY MS. REYES) Okay. So what I'm showing you  
4 is an e-mail sent From you on February 1st, 2021, To  
5 Stephen Holmes, Subject: Forward Block Group Counts;  
6 and I'll represent the attachments are the same as the  
7 other e-mail. And you write, "Commissioner Holmes,  
8 attached are two files showing the minority population  
9 by census block in the county. One maps shows African  
10 American/Black population. The other Hispanic  
11 population."

12 Do you know why you sent this e-mail to  
13 Commissioner Holmes?

14 A. He -- he had requested that information.

15 Q. When did he request this information?

16 A. I don't know for certain, but it was shortly  
17 before -- before we responded with the information.

18 Q. So would you say maybe a few days before  
19 February 1st of 2021? Does that sound accurate?

20 A. That's most likely a few days.

21 Q. Okay. Did he explain -- how did he send you  
22 this request? Did he call you, e-mail you, pop into  
23 your office?

24 A. I -- I don't recall the particulars.

25 Q. How did -- did you normally get requests from

1 Commissioner Holmes to work on certain things or for  
2 certain information?

3 A. Very infrequent. There would be a -- he may  
4 call me with -- asking for certain information and from  
5 time to time very infrequently.

6 Q. Okay. When he did reach out to you for  
7 information, what mode did he use? Was it e-mail, in  
8 person, telephone, or any other way?

9 A. The most common would be a phone call.

10 Q. Okay. And what other types of requests did  
11 he -- did he have for you aside from this one here?

12 A. Pertaining to -- in what -- in what what scope  
13 are you asking the --

14 Q. Let's start with redistricting. Did he have  
15 any other requests for you regarding redistricting?

16 A. I don't recall any other requests for  
17 redistricting. In fact, you've refreshed my memory on  
18 this one.

19 Q. Okay. So did he explain to you why he wanted  
20 this information?

21 A. No.

22 Q. Did you ask?

23 A. No.

24 Q. Do you know if he reached out to Mr. Sigler for  
25 this information as well?

1 A. I do not know if he did.

2 Q. Do you know what, if anything, he did with this  
3 information?

4 A. No, I don't.

5 Q. Was there any further communication that you  
6 had with Commissioner Holmes about this information that  
7 you sent him?

8 A. I don't recall any.

9 Q. Did you send this information to anyone else in  
10 the county, and that ex -- includes county employees,  
11 county commissioners, the county judge, or any of the  
12 staff?

13 A. I don't recall sending it to anyone else.

14 Q. And do you recall if Nathan Sigler sent this  
15 information to anyone else?

16 A. I don't know.

17 Q. Did any other commissioners reach out to you  
18 for any information for the redistricting process  
19 similar to Commissioner Holmes?

20 A. I don't recall any similar requests.

21 Q. And when I say "similar," I don't mean  
22 requesting the exact same information. I just mean any  
23 requests involving the redistricting process.

24 MS. OLALDE: Objection; broad; vague; asked  
25 and answered as well.

1           A. Yeah, I don't recall any -- any requests from  
2 commissioners or county judge for information from my  
3 office.

4                   MS. REYES: I am going to share another  
5 exhibit.

6                           (Exhibit 7 marked)

7                   MS. REYES: The exhibit is sent and what I  
8 am sharing I ask to be marked as Plaintiffs' Exhibit, I  
9 believe, 7 is where I'm at right now.

10                   MS. OLALDE: 7.

11                   MS. REYES: For the record, it is Bates  
12 Numbered DEFS00004607.

13           Q. (BY MS. REYES) And I'm showing you an e-mail  
14 that doesn't have a From, but it says it was Sent  
15 September 23rd, 2021, and it says, "good morning,  
16 attached is the list Commissioner Holmes request" -- "is  
17 the list Commissioner Holmes requested. Based on the  
18 five year projections from the 2010 Census data.  
19 Because of COVID, the 2020 data is not available as of  
20 yet. The Census Bureau is hoping to have it no later  
21 than November 30th. As previously stated, some voting  
22 precincts are split between the Census Block Group or  
23 you will have a case of multiple voting precincts within  
24 the Census Block Group. This list is sorted by Voting  
25 Precincts, Census Tracts and Census Block Groups." And



1 it says it's from Nathan Sigler.

2 Do you recall receiving this e-mail?

3 A. I don't. I don't recall this e-mail.

4 Q. Do you believe this e-mail was intended for  
5 you?

6 MS. OLALDE: Objection; calls for  
7 speculation.

8 A. I don't know who it was intended for.

9 Q. (BY MS. REYES) Do you know if this e-mail  
10 would be sent to anyone other than you?

11 MS. OLALDE: Objection; calls for  
12 speculation.

13 A. I don't know.

14 Q. (BY MS. REYES) When it says, "attached is the  
15 list Commissioner Holmes requested based on the five  
16 year projections of the 2010 Census data. Because the  
17 COVID" -- "because of COVID the 2020 data is not  
18 available yet."

19 Were you aware of when the 2020 Census data  
20 was released?

21 A. No. I'm not aware.

22 Q. If I represent to you it was released in August  
23 of -- in August of 2021, does that sound accurate?

24 A. I --

25 MS. OLALDE: Objection; asked and answered.

1 Calls for speculation.

2 A. I'm not aware of when the census information  
3 was released.

4 Q. (BY MS. REYES) If I represent to you that it  
5 was released in the month prior to this e-mail, do you  
6 know why Mr. Sigler would not be providing that  
7 information to Commissioner Holmes?

8 MS. OLALDE: Objection; calls for  
9 speculation; compound; vague.

10 A. I don't know when the census information was  
11 released.

12 Q. (BY MS. REYES) What I'm asking though, if the  
13 census information had already been released, do you  
14 know why Mr. Sigler would not have provided that  
15 information to Commissioner Holmes, the information that  
16 he requested?

17 MS. OLALDE: Objection; asked and answered.  
18 Calls for speculation.

19 A. I am not sure when we received information.

20 Q. (BY MS. REYES) Again, Mr. Shannon, I'm not  
21 asking you if you know when information was received.  
22 I'm asking you if information was already received, do  
23 you know why Mr. Sigler would not have provided that  
24 information to Commissioner Holmes when requested?

25 MS. OLALDE: Objection; asked and answered;

1 calls for speculation.

2 A. I don't know whether or not it was -- I don't  
3 know the answer to your question.

4 (Exhibit 8 marked)

5 Q. (BY MS. REYES) Okay. So I am showing you what  
6 I'm asking to be marked as Plaintiffs' Exhibit 8, I  
7 believe. For the record, it is DEFS00004608. I have  
8 sent it in the chat as well. The top of it doesn't have  
9 a From but says it was Sent September 27th, 2021, To  
10 you, Michael Shannon, Subject: Commissioner Holmes  
11 Project. If you look further down, it says, From  
12 Nathan Sigler, Sent September 27, 2021, To  
13 Michael Shannon, Subject: Commissioner Holmes Project.

14 MS. OLALDE: Just a second. I'm sorry.  
15 For some reason the exhibits are not coming up in my  
16 chat so we're having to pull them up and e-mail them to  
17 me to show Mr. Shannon so just one second. Sorry, we  
18 got it.

19 MS. REYES: Okay. Perfect.

20 Q. (BY MS. REYES) Okay. So it says, "Hi Michael,  
21 attached are the lists for demographic breakdown,  
22 population breakdown, Commmissioner precincts breakdown,  
23 and voting precincts breakdown. As previously  
24 discussed, I have refrained from adding population data  
25 to the VP and Commissioner precincts due to splits and

1 multiple precincts within the census tracts. I have  
2 also included the map link below, it's ready for your  
3 approval (just use your ESRI credentials to sign in) I  
4 hope you get to feeling better."

5 Do you know what the Commissioner Holmes  
6 project was?

7 A. I think it's a request from Commissioner Holmes  
8 that Nathan received and so he e-mailed -- he titled  
9 this e-mail Commissioner Holmes project.

10 Q. So to your knowledge Commissioner Holmes had  
11 reached out to Mr. Sigler specifically?

12 A. I think that's what -- I think that's what had  
13 occurred.

14 Q. So to your knowledge Commissioner Holmes didn't  
15 reach out to you about this project?

16 MS. OLALDE: Objection; asked and answered;  
17 calls for -- go ahead.

18 (Reporter clarification)

19 MS. OLALDE: No, no. It's only asked and  
20 answered.

21 A. As I previously mentioned, Commissioner Holmes  
22 on occasion would call me with request for information.  
23 I don't know the particulars behind this particular  
24 e-mail, whether he contacted me or Nathan directly.

25 Q. (BY MS. REYES) Do you recall how many times

1 Commissioner Holmes contacted you during the  
2 redistricting process for matters related to getting  
3 information regarding redistricting?

4 A. I don't recall an exact amount.

5 Q. Was it more than once?

6 A. I would characterize it by around five or fewer  
7 times.

8 Q. And how did he contact you?

9 A. Typically it would be a phone call.

10 Q. And did any other commissioners contact you for  
11 any redistricting-related issues during the  
12 redistricting cycle?

13 A. Not that I recall.

14 Q. Do you know why Commissioner Holmes was  
15 requesting this information?

16 MS. OLALDE: Objection; calls for  
17 speculation.

18 A. I don't know why he wanted this information.

19 Q. (BY MS. REYES) Did Commissioner Holmes ever  
20 explain to you why he wanted this information?

21 A. No, he did not.

22 Q. Did you ever ask Commissioner Holmes?

23 A. No, I did not.

24 Q. Did you ever ask Mr. Sigler why  
25 Commissioner Holmes might have requested this

1 information?

2 A. No, I did not.

3 Q. Was Mr. Sigler submitting this for your  
4 approval? I mean, it actually says, it's ready for your  
5 approval so it is something that you had to sign off on?

6 A. This is nothing that I have the capacity -- no,  
7 I don't need -- there's no -- nothing in here that I  
8 could review or approve in this.

9 Q. Do you know why then he's saying it's ready for  
10 your approval?

11 MS. OLALDE: Objection; calls for  
12 speculation.

13 A. I believe it would be because Nathan -- that's  
14 Nathan's nature, how he operates.

15 Q. (BY MS. REYES) But can you elaborate a little  
16 bit on what you mean by that's his nature and how he  
17 operates?

18 A. He oftentimes will -- I guess my predecessor  
19 wouldn't let him do his job and under my -- under my  
20 leadership --

21 Q. I'm sorry, if we could just stop for a second.  
22 My sound cut out really quickly. I'm sorry, my sound  
23 just died for some reason. Hold on for just a second.  
24 Okay. Sorry. Technical difficulties on my end. Is  
25 someone speaking? I just want to make sure I can hear.

1 A. Can you hear? Can you hear?

2 Q. Oh, no, it's not working.

3 A. Can you hear me now?

4 Q. Now I can hear you. I apologize for that.

5 A. Okay.

6 Q. Okay. I'm sorry, it cut off a little bit. I

7 don't know if you can repeat that or if --

8 A. Can you --

9 Q. Ms. Griggs is able to repeat what was answered.

10 (Requested portion was read.)

11 Q. (BY MS. REYES) Okay. Okay. So, yeah, if you

12 can explain what you meant by it was in his nature,

13 essentially why he was --

14 A. My predecessor was Nathan's former boss, and my

15 understanding is is that Nathan didn't -- wasn't allowed

16 freedom to do his job, and he was in the habit of always

17 seeking approval for everything he did regardless of

18 what it was. And I think this is a habit that Nathan

19 developed over time.

20 Q. Okay. But this was not, I guess, policy that

21 you instituted?

22 A. No.

23 Q. Okay. Did you approve what he sent you?

24 A. I -- I didn't review it.

25 Q. You didn't review it?

1 A. I didn't review or approve.

2 Q. Why didn't you review it?

3 A. Because I have no criteria or expertise to  
4 understand what it is that needs approval.

5 Q. Did you assign to him in any way in this  
6 e-mail?

7 A. Not that I recall.

8 (Exhibit 9 marked)

9 Q. (BY MS. REYES) Okay. There should be another  
10 exhibit in the chat, and I am sharing I believe what is  
11 Plaintiffs' Exhibit 9; is that correct? Yes. And for  
12 the record, it's Bates Numbered DEFS00010412. It's From  
13 Nathan Sigler, Sent Monday, September 27th, 2021, To  
14 Michael Shannon, Subject: Commissioner Holmes project.  
15 He said, "I forgot to mention Commissioner Holmes does  
16 not have access to the maps as of yet. I wanted your  
17 approval first of the lists and map first, in case you  
18 wanted to change anything."

19 Did you make any changes to the map?

20 A. No, I didn't. No, I did not.

21 Q. Did you follow up to this e-mail from  
22 Mr. Sigler?

23 A. I believe I told him to get the -- to get  
24 Commissioner Holmes access. I don't know the nature of  
25 why he did not have access.



1 Q. Okay. So you don't know why Mr. Sigler did not  
2 directly give Commissioner Holmes access to this  
3 information?

4 A. I --

5 MS. OLALDE: Objection. Objection; calls  
6 for speculation.

7 A. I don't know.

8 Q. (BY MS. REYES) Did you tell Mr. Sigler to not  
9 give access to -- do not give Mr. Holmes access to this  
10 information yet?

11 A. No.

12 Q. Do you know if anyone else gave him that  
13 direction?

14 A. I don't know.

15 Q. Did you take any action in response to this  
16 e-mail?

17 A. I believe I told Nathan to provide the  
18 information so that Commissioner Holmes could access the  
19 information.

20 Q. And did you know what Commissioner Holmes did  
21 with this information or do you know if this information  
22 was sent to Commissioner Holmes?

23 A. I don't know for certain.

24 Q. Okay. Did Mr. Sigler ever follow up with you  
25 on this e-mail or the Commissioner Holmes project?

1 A. I don't recall.

2 Q. Now, after having seen those e-mails from  
3 Commissioner Holmes, related to Commissioner Holmes  
4 project, I want to ask you again: Did you -- do you  
5 recall any other projects for any other members of the  
6 Commission that the Galveston County Commission or from  
7 the County Judge's office in relation to the  
8 redistricting process?

9 A. I don't recall any other.

10 Q. Did you discuss this Commissioner Holmes  
11 Project with anyone else outside of Nathan Sigler?

12 MS. OLALDE: Objection; misstates  
13 testimony; calls for speculation. You can answer.

14 A. I guess it's -- I look at this as not a project  
15 but rather a request for information, but I did not  
16 recall discussing this with anyone outside of Nathan.

17 Q. (BY MS. REYES) Did anyone ask you about how  
18 any work that you were doing for Commissioner Holmes or  
19 specifically any information you were providing him?

20 A. I don't recall any requests like that --

21 Q. Did Mr. Sigler -- go ahead.

22 A. -- or any questions like that.

23 Q. All right. To your knowledge did anyone ask  
24 any of these questions of Mr. Sigler regarding his work  
25 with Commissioner Holmes?

1           A. I don't know that. I don't know if that  
2 occurred.

3                           (Reporter clarification)

4           A. Occurred.

5           Q. (BY MS. REYES) Did Mr. Sigler ask for your  
6 approval before sending information to any of the other  
7 commissioners?

8                           MS. OLALDE: Objection; calls for  
9 speculation.

10          A. I don't know if any other commissioners asked  
11 for any information.

12          Q. (BY MS. REYES) You mentioned that you worked  
13 with Commissioner Clark with the census issues and the  
14 redistricting. Did he ever ask your permission before  
15 sending information to Commissioner Clark?

16          A. I don't recall if he did.

17          Q. But to the best of your recollection, is there  
18 any -- do you recall any instances where he had -- where  
19 he did that? Sorry.

20                           MS. OLALDE: Objection; asked and answered.

21          A. Again, I don't recall.

22          Q. (BY MS. REYES) You mentioned Tyler Drummond  
23 had asked that you keep, if I recall this correctly,  
24 keep Mr. Sigler available to work on redistricting. Did  
25 he -- did Mr. Sigler ever ask for your approval before

1 sending any work to Mr. Drummond?

2 MS. OLALDE: Objection; calls for  
3 speculation.

4 A. I don't know what communications took place  
5 between Mr. Drummond and Nathan.

6 Q. (BY MS. REYES) I'm asking you though, if  
7 Mr. Sigler ever reached out to you to get your approval  
8 on any projects or anything that you're aware of that he  
9 worked on with Mr. Drummond during the redistricting  
10 process before sending information out to Mr. Drummond?

11 MS. OLALDE: Objection; vague, compound. I  
12 think there's, like, two or three questions in there.  
13 Can you rephrase it, please?

14 Q. (BY MS. REYES) Do you understand the question,  
15 Mr. Shannon?

16 A. It sounds that there's several questions in  
17 there. Is the question whether or not you asked -- did  
18 you ask me if I -- if Nathan approached me for approval  
19 before contacting -- before contacting Tyler Drummond?

20 Q. Yes. In a sense I'm asking that any work that  
21 he did with Tyler Drummond on the redistricting process,  
22 did Mr. Sigler contact you before doing any work for  
23 Mr. Drummond or sending any information to Mr. Drummond?

24 MS. OLALDE: Objection; calls for  
25 speculation; asked and answered.

1           A. I don't know if -- I don't know the nature of  
2 Nathan's work and who he was taking direction from,  
3 whether it was Tyler Drummond or anyone else so I don't  
4 know how to answer that question.

5           Q. (BY MS. REYES) Okay. Did you receive any  
6 e-mails from Nathan Sigler asking for your approval  
7 before sending -- for anything, for sending information  
8 to Mr. Drummond regarding the redistricting process?

9           A. I don't recall any.

10          Q. Did you receive any communication from  
11 Mr. Sigler asking for permission or approval from you  
12 before working on any project or sending any information  
13 to the counsel that was hired by the county for  
14 redistricting?

15          A. I don't -- I don't recall any.

16          Q. Do you recall Mr. Sigler asking for your  
17 approval or asking for your review of him sending  
18 information or working on any project for anyone else in  
19 the county, including the county commissioner, anyone  
20 else in the county judge office or their staffers before  
21 sending any information out to them?

22                   MS. OLALDE: Objection; broad; vague.

23          A. I don't recall.

24          Q. (BY MS. REYES) So to your knowledge the  
25 Commissioner Holmes requests were the only requests that

1 Mr. Sigler asked for your approval on before sending  
2 them out?

3 MS. OLALDE: Objection; misstates testimony  
4 and that's it.

5 (Reporter clarification)

6 MS. OLALDE: That's it.

7 A. Now, could you repeat the question?

8 Q. (BY MS. REYES) I'm sorry, Ms. Griggs are you  
9 able to repeat that?

10 (Requested portion was read)

11 MS. OLALDE: Same objection.

12 A. I don't recall if there's any other requests or  
13 any other request for approvals from Nathan.

14 Q. (BY MS. REYES) So would that be a yes then?

15 MS. OLALDE: Objection; form.

16 A. I don't recall -- I don't know what the yes  
17 means in this instance. It's -- I guess the question is  
18 I don't quite understand.

19 Q. (BY MS. REYES) Would it help if the question  
20 was read again?

21 A. Yes, yes.

22 MS. OLALDE: Yeah, just ask him a question.

23 Q. (BY MS. REYES) Well, I asked if it would help  
24 if the question was read again and he said yes; correct?

25 A. Yes.

1 MS. REYES: Okay. I'm sorry, Ms. Griggs.

2 Are you able to read that question again?

3 (Requested portion was read.)

4 MS. OLALDE: Objection; asked and answered.

5 A. I don't recall any other requests that Nathan  
6 asked for approval.

7 Q. (BY MS. REYES) Okay. So switching gears a  
8 little bit, and, Mr. Shannon, I'm almost done with my  
9 section, I promise. Okay. I have the exhibit. I am  
10 sharing it so what I'm sharing I would ask to be marked  
11 as Plaintiffs' Exhibit 10.

12 (Exhibit 10 marked)

13 Q. (BY MS. REYES) And I'll give Mr. Shannon a  
14 chance to scroll through this a little bit. It's five  
15 pages long, but I don't think it should take that long  
16 to scroll through.

17 A. Okay.

18 Q. Okay. Great. So what I'm showing you is an  
19 article from the Galveston News that says -- titled  
20 Residents Vow to Stop Housing Development Just Outside  
21 of Santa Fe, and it's dated March 14th, 2021. And if  
22 you scroll down, you'll see there is a quote from you,  
23 Galveston County Engineer Michael Shannon. So I wanted  
24 to start by asking you: Are you familiar with this --  
25 this housing development that I believe is -- was

1 planned by Live Lone Star, LLC?

2 A. Yes, I am.

3 Q. Can you tell me a little bit about what issues  
4 were raised regarding this development? I know the  
5 article points to the residents vowing to stop it. Can  
6 you explain a little bit about your understanding  
7 regarding the opposition to the development?

8 A. It was a planned -- it was -- there were plans  
9 for a -- actually a 360-unit manufactured home community  
10 on about 65 acres of land in the unincorporated part of  
11 the county adjacent to Dickinson Bayou. Concerns that  
12 were raised had to do with flooding and traffic. There  
13 were -- and also I think there was some concern of  
14 the -- just increased population in the area causing --  
15 causing traffic problems and drainage problems.

16 Q. And what was your opinion on these concerns?

17 A. I think there is -- I think the concerns need  
18 to be mitigated and looked at and to see what validity  
19 there are.

20 Q. Who is in charge of looking at these concerns?

21 A. As far as the drainage concerns, there are --  
22 my office as well as Galveston County Drainage District  
23 No. 1.

24 Q. Did your office evaluate these concerns?

25 A. We did hire a consulting -- outside consultant



1 engineer to review the plans for the development and how  
2 the drainage was mitigated.

3 Q. You said outside consultant, so you didn't do  
4 the evaluation or your office didn't do the evaluation  
5 yourself?

6 A. We -- we -- I would say we oversaw that the  
7 right experts in drainage were assigned to review the --  
8 review the drainage on the project.

9 Q. Do you know why an outside consultant was  
10 brought in?

11 A. There are some complexities on a large  
12 development that are -- are different than smaller  
13 single-family home that has effects in the watershed.  
14 There are specific --

15 Q. Did your office -- sorry. Did your office  
16 request that an outside consultant be brought in?

17 A. I -- I was asked by Commissioner Giusti if it  
18 would be helpful.

19 Q. And what was your response?

20 A. Yes.

21 Q. And what was the end result of the consultant  
22 evaluating?

23 A. That the initial plans need -- weren't --  
24 didn't meet criteria and that modifications needed to  
25 take place.

1 Q. What criteria did it not meet?

2 A. The runoff from the -- from the development as  
3 originally planned had a potential for flooding  
4 downstream and upstream properties.

5 Q. Were the plans modified to remedy this --

6 A. Yes.

7 Q. -- to your knowledge? Was this plan eventually  
8 approved?

9 A. Yes.

10 Q. By who?

11 A. By both the drainage district and my office.

12 Q. Do you know if this housing development has  
13 been built yet or is in the process of being built?

14 A. It is -- it is -- it has been sold to a new  
15 investor, and construction didn't start and the new  
16 developers are -- are -- plans are to move forward with  
17 it.

18 Q. Were there any other changes to what -- you  
19 said that they sold to another investor. Are there any  
20 other plans to change what is being built?

21 A. We haven't seen any difference.

22 Q. Are -- is this still -- to your knowledge is  
23 there still pushback from residents of the Santa Fe area  
24 regarding this project?

25 A. I don't know of any active pushback at this

1 time.

2 Q. But to your knowledge then, everything has been  
3 approved and the issues that you mentioned previously  
4 have been remedied in the plan?

5 MS. OLALDE: Objection; misstates  
6 testimony.

7 A. The original plan was approved after the  
8 developer made revisions.

9 Q. (BY MS. REYES) So if -- I guess assuming that  
10 original plan is still the plan of the new investors, do  
11 you have any concern about that development being built?

12 A. There's always a concern with a construction  
13 project, whether they build according to the plan.

14 Q. Okay. But if -- if everything is built  
15 according to the plan, let's say, would you have any  
16 concerns? Do you have any concerns with the plan, I  
17 guess, is what I'm asking?

18 A. There are still some outlying concerns that the  
19 county doesn't have authority to address in terms of the  
20 impact to traffic in the area and the impact of the  
21 increased population coming and going and, I guess,  
22 traffic.

23 Q. But your office and the outside consultant have  
24 approved the plans as of now?

25 A. The plans that have been submitted have been

1 approved.

2 MS. REYES: Okay. Those are my questions  
3 for now. Ms. Olalde, as I mentioned earlier, based on  
4 the privilege objection, we are reserving our right to  
5 keep this deposition open pending resolution of this  
6 issue from the Court. I know my co-counsel -- I know  
7 the other plaintiffs' groups will want to ask questions,  
8 but before then, I was wondering if we can take a quick  
9 five-minute break?

10 MS. OLALDE: That's fine with me.

11 THE WITNESS: That's fine.

12 MS. REYES: Great. Thank you, Mr. Shannon.

13 MS. CHEN: And just quickly noting the  
14 NAACP plaintiffs joining in the objection and desire to  
15 hold the deposition open if needed. Thank you.

16 MS. REYES: Great. And can we get the  
17 breakout rooms, please?

18 THE VIDEOGRAPHER: The time on the monitor  
19 is 1:36 p.m., and we are off the record.

20 MS. REYES: Thank you.

21 (Break taken from 1:36 p.m. to 1:46 p.m.)

22 THE VIDEOGRAPHER: The time on the monitor  
23 is 1:46 p.m. and we are back on the record.

24 MS. OLALDE: Just one quick second.

25 Mr. Shannon would like to clarify something from Ms. --

1 the last line of questioning.

2 THE WITNESS: Are we on the record?

3 MS. OLALDE: We are.

4 THE WITNESS: The -- I'd like to clarify a  
5 response as to Commissioner Holmes Project. I believe I  
6 answered a question that alluded to the fact that it was  
7 part of redistricting, and I don't know whether or not  
8 the Commissioner Holmes' request for information was or  
9 was not used for redistricting.

10 EXAMINATION

11 BY MR. GEAR:

12 Q. Anything else that you'd like to clarify?

13 A. No.

14 MR. GEAR: And for the record, my name is  
15 Bruce Gear. I'm with the United States, and I'm asking  
16 questions on behalf of the United States. We are one of  
17 the parties in this -- in this legal action, and I also  
18 wanted to put on the record prior to the break there was  
19 an objection made by the private plaintiffs related to  
20 preserving the right to reopen this deposition based on  
21 the objections made related to attorney/client  
22 privilege. The United States also will join that  
23 objection and reserve the right to reopen this  
24 deposition based on those objections.

25 Q. (BY MR. GEAR) So thank you for taking the time

1 to speak with us today. I know you've been on for a  
2 while. I think my questions probably will last no more  
3 than a half an hour to 40 minutes.

4 So the first thing I wanted to understand  
5 is your role as the county engineer as it relates to  
6 redistricting. So based on that subject, as the county  
7 engineer did you make any effort to keep track of  
8 pending redistricting requests from county commissioners  
9 during 2021 redistricting process?

10 A. No.

11 Q. So in your office regarding any projects that  
12 were worked on by your staff related to the 2021  
13 redistricting process, is there a storage procedure that  
14 you have that relates to those projects in the county  
15 engineer's office?

16 A. No.

17 Q. If you, as the county engineer, wanted to go  
18 back and revisit the work that your staff was performing  
19 on behalf of county commissioners during the 2021  
20 redistricting process, how would you do that?

21 A. I would rely on Nathan Sigler to produce what  
22 his involvement and what he -- what he -- what his  
23 involvement was, also look at e-mails and to see what  
24 e-mails were generated.

25 Q. And prior to this deposition, did you have an

1 occasion to look at the e-mails that were generated by  
2 Nathan Sigler related to the 2021 redistricting process?

3 A. I did not look at Nathan Sigler's e-mails.  
4 Counsel did produce those documents. Counsel did --

5 Q. Did you look at the -- I'm sorry, go ahead.

6 A. Counsel did produce those documents.

7 Q. And did you review those documents prior to  
8 this deposition?

9 A. A few. I believe the ones that counsel did  
10 present them to me, yes.

11 Q. Do you recall how many of those documents --  
12 strike that.

13 So the documents we talked about today, did  
14 you review those documents prior to this deposition?

15 A. Some of them.

16 Q. So, again, just a follow-up question on a  
17 question that you've already been asked regarding the  
18 ESRI Software System. Do you recall that testimony that  
19 you gave?

20 A. Some of it.

21 Q. Related to ESRI Software. I'm trying to get a  
22 better understanding of what that software is. Can you  
23 tell me when you or your staff would use that software  
24 and what type of projects you would work on with that  
25 software?

1           A. The software is a geographical information  
2 system that -- excuse me. It has different layers of  
3 information. I primarily use it for the parcel  
4 information that the Galveston Appraisal District  
5 produces and also for the floodplain delineation that  
6 Federal Emergency Management Agency produces. And it  
7 shows on a map where parcels are and where floodplains  
8 are so that I know what types of building permit is  
9 required in those areas.

10           Q. And when you say -- what do you mean by  
11 Geographical Information System?

12           A. A mapping program that has different features  
13 presented in different layers. You can toggle on and  
14 off parcel information or floodplain information or  
15 roadways --

16           Q. Go ahead. I'm sorry.

17           A. -- or roadways. There's a list of probably 30,  
18 40 different -- I don't know exactly how many different  
19 features that can be accessed.

20           Q. So does this geographical information also  
21 include census data?

22           A. Yes, it does. I don't have a need in my job to  
23 do -- to use that information though. So I don't access  
24 that and am not familiar with it.

25           Q. Do you know when your staff would have a need



1 | to access the census data through the ESRI Software?

2 | A. I don't know of any particular reason to do so.

3 | Q. What about when -- during the redistricting

4 | process? Would that be one of the occasions where there

5 | would be a need to access the census data in the

6 | software?

7 | MS. OLALDE: Objection; calls for

8 | speculation.

9 | A. I don't know if our staff needs that or if our

10 | staff provides that.

11 | Q. (BY MR. GEAR) Do you know, based on your

12 | knowledge, do you know if Nathan Sigler accessed the

13 | census data from the ESRI Software during the 2021

14 | redistricting process?

15 | A. I believe he did.

16 | Q. And what is that belief based upon?

17 | A. Some e-mails that we've reviewed in the past

18 | with the census data on the African American and Black

19 | and Latino map that was present earlier. It appears as

20 | if it was accessed, but I'm not for certain how -- where

21 | it came from.

22 | Q. Can we pull up Exhibit 6? We're going to

23 | revisit Exhibit 6 with you that you reviewed during your

24 | prior testimony. Give me one second.

25 | MS. OLALDE: Just let me know if you'd

1 like me to give you a copy that you can scroll through.

2 THE WITNESS: Okay. I think I recall this  
3 one.

4 MS. OLALDE: Okay.

5 Q. (BY MR. GEAR) So this is an e-mail from you to  
6 Stephen Holmes dated February 1st, 2021, and it's -- the  
7 time is 5:06 p.m. Do you see that at the top?

8 A. I do.

9 Q. And do you recall sending this e-mail to  
10 Commissioner Holmes?

11 A. Vaguely, yes.

12 Q. And this information -- or the subject line in  
13 this e-mail refers to block group counts. Do you see  
14 that?

15 A. Yes.

16 Q. And is that a reference to the census data?

17 MS. OLALDE: Objection; calls for  
18 speculation.

19 Q. (BY MR. GEAR) I'm asking you what you know.

20 A. Yeah, I don't know what block group counts  
21 means.

22 Q. Do you know what block groups mean?

23 A. I know it means something having to do with the  
24 Census Bureau requirement, and I don't know how block  
25 groups -- I don't know what a block group is.

1 Q. Does your office, through the ESRI system  
2 software, work with block group data?

3 MS. OLALDE: Objection; calls for  
4 speculation.

5 A. I don't --

6 Q. (BY MR. GEAR) Again, I'm asking if you know.  
7 I'm not asking you to speculate.

8 MS. OLALDE: Please don't speculate.

9 A. I don't know.

10 Q. (BY MR. GEAR) So is it fair to say that  
11 Exhibit 6 is the African American/Black count pdf and  
12 the Hispanic count pdf which you previously referred  
13 to -- are references to census data?

14 A. I don't know where -- where the -- that  
15 information came from. There's an assumption on my part  
16 it may have come from census data.

17 Q. When you say you don't know where this came  
18 from, do you know who created the African American --  
19 I'm sorry, my screen minimized here. One second.  
20 Sorry. Strike that. Let me ask the question again.

21 So when you say you don't know where this  
22 information came from, the attachments are African  
23 American/Black count and Hispanic/Black count. Did  
24 these come from Mr. Sigler to you?

25 A. Yes.

1 Q. And did you have a discussion with him  
2 regarding what the African American/Black count and  
3 Hispanic/Black count would look like in these maps?

4 A. No, I -- what they would look like, no, I did  
5 not. I forwarded a request from Commissioner Holmes  
6 for --

7 Q. Did you forward that request from  
8 Commissioner Holmes by e-mail?

9 A. I -- I don't recall. I may have asked him -- I  
10 don't recall.

11 Q. So what did you tell -- strike that.

12 You indicated that you forwarded a request  
13 to Nathan Sigler from Commissioner Holmes; correct?

14 A. Yes, and that could have been a phone call or  
15 it could have been an e-mail. I don't recall.

16 Q. What did you tell Nathan Sigler to do based on  
17 that phone call with Commissioner Holmes?

18 A. If it was a phone call, I asked him to provide  
19 information that Commissioner Holmes is asking for, and  
20 I don't know if Nathan followed up. I don't know how  
21 Nathan followed up to gather this information.

22 Q. So it's your testimony that you simply asked  
23 him to provide information that Commissioner Holmes  
24 requested?

25 A. Yes.

1 Q. Did you talk about census data information on  
2 the -- when you followed up with Nathan Sigler?

3 A. I don't recall. I wouldn't know whether it  
4 was -- what the format.

5 Q. Did you ask Nathan Sigler to follow up with  
6 Commissioner Holmes regarding Commissioner Holmes'  
7 request?

8 MS. OLALDE: Objection; asked and answered.

9 Q. (BY MR. GEAR) You can answer.

10 MS. OLALDE: You can answer, yes.

11 A. Oh, okay. I don't recall -- I don't recall the  
12 flow of how this request was answered. I -- I do know  
13 that there was a request that came in from  
14 Commissioner Holmes that I asked Nathan to address.

15 Q. (BY MR. GEAR) Do you recall if Commissioner --  
16 I'm sorry, were you finished?

17 A. Yes.

18 Q. Do you recall if Commissioner Holmes came into  
19 your office to make this request in person?

20 A. I don't recall that he did come in person.

21 Q. Do you recall at any time during the 2021  
22 redistricting process where Commissioner Holmes came  
23 into your office to request information related to  
24 redistricting?

25 A. I don't recall any time Commissioner Holmes --

1 no, I don't recall that.

2 Q. So just to be clear, is it your testimony that  
3 you don't recall any in-person meetings with  
4 Commissioner Holmes related to the 2021 redistricting  
5 process?

6 MS. OLALDE: Objection; asked and answered.

7 A. That's correct. I don't recall.

8 Q. (BY MR. GEAR) And so regarding the African  
9 American/Black count and the Hispanic/Black count  
10 information that you ultimately sent to  
11 Commissioner Holmes on February 1st, 2021, what was your  
12 understanding of what that information meant?

13 MS. OLALDE: Objection; asked and answered.

14 A. That it represented the populations of the  
15 African American and Black population and Hispanic  
16 population in the county.

17 Q. (BY MR. GEAR) So this was information  
18 regarding the African American count and the Hispanic  
19 count, countywide?

20 MS. OLALDE: Objection; asked and answered.

21 MR. GEAR: I don't believe I asked --

22 MS. OLALDE: Yes, he restated his answer.  
23 So yeah, it's asked and answered.

24 A. Yeah. Yes.

25 Q. (BY MR. GEAR) Yes, it was countywide

1 information?

2 A. Yes.

3 Q. And based on the conversation that you had with  
4 Commissioner Holmes, do you recall if he was asking you  
5 for countywide Black count and Hispanic count  
6 information data or was he asking -- go ahead.

7 MS. OLALDE: No, I'm sorry. That was me  
8 going to object, but I want you to have the opportunity  
9 to finish your question.

10 Q. (BY MR. GEAR) Well, let me just reask it.  
11 Based on your discussion with Commissioner Holmes, was  
12 he asking you for countywide census data information  
13 related to the Hispanic count and the Black count?

14 MS. OLALDE: Objection; asked and answered.

15 A. That's my understanding.

16 Q. (BY MR. GEAR) That is your understanding of  
17 what he was asking?

18 MS. OLALDE: Objection; asked and answered.

19 A. Yes.

20 Q. (BY MR. GEAR) Do you recall if  
21 Commissioner Holmes asked you for block group data,  
22 census data information?

23 MS. OLALDE: Objection; asked and answered,  
24 and Mr. Shannon has already testified he doesn't know  
25 what block group information is.

1           A. I don't know the level of detail in  
2 Commissioner Holmes -- I don't recall the level of  
3 detail Commissioner Holmes was requesting.

4           Q. (BY MR. GEAR) Do you recall if, based on your  
5 discussion with Commissioner Holmes, whether or not his  
6 request was satisfied?

7           A. I had assumed that it was because I didn't hear  
8 back.

9           Q. But is it fair to say, based on your answer,  
10 you don't know?

11          A. That's correct.

12          Q. Can we pull up what would now be Tab 10, my Tab  
13 10? We're going to put a document in front of you and  
14 give you the opportunity to look at that.

15                         (Exhibit 11 marked)

16          MS. OLALDE: Bruce, will you drop that in  
17 the chat or send it by e-mail, please?

18          MR. GEAR: Sure. I will, yes. Bear with  
19 me. It's taking me a minute to figure out how to drop  
20 that. I don't see it on the screen.

21                         All right. Sorry about that delay.

22          Q. (BY MR. GEAR) I'm going to give you a chance  
23 to look at this document before I ask you any questions  
24 about it.

25          MS. OLALDE: Just one second, and I'll get



1 that in front of witness.

2 MR. GEAR: I'm sorry. I didn't hear that.

3 MS. OLALDE: Oh, I said just one second.  
4 I'm pulling up the document so he can scroll through it.

5 Q. (BY MR. GEAR) Do you see the document on the  
6 screen, Mr. Shannon?

7 A. Yes, sir.

8 Q. Okay. For the record, this is identified as  
9 DEFS00010405, and it is an e-mail from Nathan Sigler to  
10 you. Do you see that?

11 A. Yes, I do.

12 Q. And the date of this e-mail is October 25th,  
13 2021, at 4:21 p.m. Do you see that?

14 A. Yes.

15 Q. And can you read what the e-mail is in  
16 reference to?

17 A. For the -- oh, subject is Holmes Project.

18 Q. And the attachments, what does that say?

19 A. It says Commissioner Holmes Project dot MSG and  
20 Commissioner Holmes Project dot MSG.

21 Q. And can you read the text of the e-mail itself,  
22 please?

23 A. "Here are the e-mails regarding  
24 Commissioner Holmes Project."

25 Q. So you previously testified to the

1 Commissioner Holmes Project; correct?

2 A. Yes.

3 Q. And documents related to Commissioner Holmes  
4 Project, and those documents were exchanged in September  
5 of 2021. Do you recall that -- between -- with  
6 Nathan Sigler, I'm sorry?

7 A. Yeah, I don't recall the dates.

8 MS. OLALDE: Is this February, Bruce? Is  
9 that what you were talking about?

10 Q. (BY MR. GEAR) I believe they began in February  
11 of 2021, and there were documents exchanged in September  
12 2021 as well. Does that help refresh your recollection?

13 A. Again, I'm not -- I'm not good at remembering  
14 the particular dates.

15 Q. Fair enough. So here we have an e-mail on  
16 October 25th, 2021, where Nathan Sigler is resending you  
17 the e-mails regarding the Commissioner Holmes Project.  
18 Can you tell me why he resent you these e-mails related  
19 to Commissioner Holmes Project on October 25th, 2021?

20 MS. OLALDE: Objection; calls for  
21 speculation.

22 A. I don't --

23 Q. (BY MR. GEAR) And again, I'm asking you what  
24 you know and can you tell me why?

25 A. I don't recall the -- I don't recall why and I

1 don't recall the -- I don't recall why.

2 Q. Do you recall seeing this e-mail before?

3 A. No, I don't.

4 Q. Do you recall gathering the Commissioner Holmes  
5 Project e-mails and documents in your office at any time  
6 period during 2021?

7 A. No, I don't recall.

8 Q. Do you recall if you were asked by anyone  
9 outside of your office to gather all of the Commissioner  
10 Holmes Project e-mails and documents?

11 A. I don't recall any requests of the sort.

12 Q. Did you ask Nathan Sigler why he was sending  
13 you these -- resending you the Commissioner Holmes  
14 documents on October 25th?

15 A. I don't recall.

16 Q. Do you recall what you did with any  
17 Commissioner Holmes Project documents once you received  
18 them again on October 25th, 2021?

19 A. I don't remember.

20 Q. Did you send these Commissioner Holmes Project  
21 documents to anyone outside of your office following the  
22 receipt of these on October 25th, 2021?

23 A. I don't remember.

24 Q. So you previously testified that a few days  
25 before February 1st you received a phone call from

1 Commissioner Holmes asking for information related to  
2 the Black count and Hispanic count data. Do you recall  
3 that testimony?

4 MS. OLALDE: Objection; I believe that  
5 misstates testimony.

6 A. I don't recall if it was a phone call or a --  
7 or -- I don't know the form of the request.

8 Q. (BY MR. GEAR) But that request was from  
9 Commissioner Holmes; correct?

10 A. Correct.

11 Q. Do you recall how long that conversation  
12 lasted?

13 A. It would have been a very brief conversation.

14 Q. Can you tell me what that means in time?

15 A. Three to four minutes.

16 Q. Who else was present during the discussion that  
17 you had with Commissioner Holmes, if anyone?

18 A. I don't believe anyone else was present.

19 Q. Was Nathan Sigler present during this  
20 discussion?

21 A. I don't believe he was present.

22 Q. Did you document this discussion in any way  
23 with Commissioner Holmes?

24 A. No, I did not.

25 Q. So following this discussion, how long was it

1 before you brought this to the attention of  
2 Nathan Sigler?

3 A. I believe it was within -- within 24-hours.

4 Q. Did you review any data related to this project  
5 with Commissioner Holmes with Nathan Sigler prior to him  
6 creating the maps for Hispanic count and Black count?

7 MS. OLALDE: Objection; calls for  
8 speculation; also compound.

9 Q. (BY MR. GEAR) Well, let me reask that question  
10 because I want to make sure the record is clear and the  
11 question is: Did you as the county engineer review any  
12 redistricting-related data that was associated with this  
13 particular Commissioner Holmes Project of Hispanic count  
14 and Black count?

15 MS. OLALDE: Objection; misstates prior  
16 testimony that has been reclarified by Mr. Shannon and  
17 also compound. You can answer.

18 A. Again, I guess -- I don't know if this data --  
19 how this data was used, and to answer the question on  
20 whether I reviewed the information, I did not review the  
21 information.

22 Q. (BY MR. GEAR) Other than this -- well, other  
23 than the Hispanic count and Black count data that you  
24 sent to Commissioner Holmes, did you have any follow-up  
25 discussions with Commissioner Holmes regarding that

1 data?

2 A. I don't recall any.

3 Q. Did Commissioner Holmes have any follow-up  
4 e-mails with you related to the Hispanic count and Black  
5 count?

6 A. I don't recall any.

7 Q. At any time after you received the  
8 Commissioner Holmes Project document, and I'm referring  
9 to Exhibit 11, October 25th, did you share these  
10 documents with Mr. Oldham?

11 A. I did not.

12 Q. And what do you -- the answer to that was, no,  
13 you did not?

14 A. No, I did not.

15 Q. Did you share this information with  
16 Thomas Brian?

17 A. No, I did not.

18 Q. I'd like to be clear, first of all. Do you  
19 know Thomas Brian?

20 A. No, I --

21 MS. OLALDE: Objection; asked and answered.

22 A. No, I don't.

23 Q. (BY MR. GEAR) Do you know if Thomas Brian was  
24 involved in the 2021 redistricting process?

25 MS. OLALDE: Objection; asked and answered.

1 A. No, I don't.

2 Q. (BY MR. GEAR) Do you know, as the county  
3 engineer, if Thomas Brian made any requests for you or  
4 your staff to perform any redistricting-related projects  
5 in 2021?

6 A. I -- I did not receive any requests, and I  
7 don't know of -- of requests of my staff.

8 Q. And for the record, and you may have answered  
9 this, do you know Dale Oldham?

10 MS. OLALDE: Objection; asked and answered.

11 A. No. No, I don't.

12 Q. (BY MR. GEAR) Do you recall if you shared the  
13 Commissioner Holmes Project document with Dale Oldham at  
14 any point during the 2021 redistricting process?

15 MS. OLALDE: Objection; asked and answered.

16 A. No, I did not.

17 Q. (BY MR. GEAR) Do you recall any in-person  
18 meetings with Dale Oldham related to the 2021  
19 redistricting process?

20 MS. OLALDE: Objection; asked and answered.

21 A. No, I don't know Dale Oldham.

22 Q. (BY MR. GEAR) Did you attend any Zoom calls or  
23 other online application meeting platforms where  
24 Dale Oldham was present?

25 MS. OLALDE: Objection; asked and answered.

1 Bruce, I think he's been pretty clear he doesn't know  
2 Dale Oldham.

3 A. No. I have not met Dale Oldham.

4 Q. (BY MR. GEAR) Do you know -- do you know who  
5 hired Dale Oldham?

6 A. I believe it was county commissioner's court.

7 Q. So regarding your responsibilities related to  
8 the 2021 redistricting process, I believe you testified  
9 that you didn't believe redistricting was a function of  
10 the county engineer's office. Do you recall that  
11 testimony?

12 A. I believe -- it's not a function that we  
13 perform. We provide support for those that are  
14 responsible for that.

15 Q. So in 2021, how were you made aware -- strike  
16 that.

17 In 2021 I believe you've testified that  
18 Tyler Drummond made a request that Nathan Sigler be  
19 available to draw lines during the redistricting  
20 process; correct?

21 MS. OLALDE: Objection; misstates prior  
22 testimony.

23 A. That may have been my -- I don't know if -- who  
24 drew the lines, but I was asked to make Nathan Sigler  
25 available in assistance for redistricting.



1 Q. (BY MR. GEAR) Do you know if -- as the county  
2 engineer, do you know if Nathan Sigler assisted in  
3 drawing lines during the 2021 redistricting process?

4 MS. OLALDE: Objection; asked and answered.

5 A. I don't know Nathan's -- I don't know the scope  
6 and work that Nathan was asked to do or the scope or  
7 work that Nathan did perform.

8 Q. (BY MR. GEAR) Did you relay Tyler Drummond's  
9 request that he be available to draw lines during the  
10 redistricting process to Nathan Sigler?

11 MS. OLALDE: Objection; compound; and you  
12 have put that whole draw lines in there thing; but you  
13 can answer to the extent you can.

14 Q. (BY MR. GEAR) Well, before you answer, let  
15 me -- let me take that back. Strike that.

16 MS. OLALDE: Thank you.

17 Q. (BY MR. GEAR) Am I saying it incorrectly that  
18 Tyler Drummond asked Nathan Sigler to draw lines during  
19 the redistricting process?

20 A. I don't know the nature of the scope of  
21 Nathan's involvement and what he was asked to do,  
22 whether or not he was asked to draw lines or assist. I  
23 don't know that the scope of -- of what he was asked to  
24 assist with.

25 Q. So let me clarify my question. The discussion

1 that took place, the request from Tyler Drummond, that  
2 discussion was with you; correct?

3 A. It was -- I believe it was an e-mail that  
4 request to make Nathan Sigler available to assist with  
5 redistricting, and how that scope was -- and his  
6 performance, I don't know the nature of that.

7 Q. Did you respond to that e-mail?

8 A. I don't recall if it was an e-mail response or  
9 a phone call, but I did let Tyler know that Nathan was  
10 available.

11 Q. And specifically what did you let -- what did  
12 you tell Nathan Sigler as a result of Tyler Drummond's  
13 phone call?

14 A. To make this his only priority. Nathan, this  
15 is your only priority right now.

16 Q. And based on your knowledge as the county  
17 engineer, do you know if Nathan Sigler had additional  
18 conversations with Tyler Drummond regarding the 2021  
19 redistricting process?

20 A. I don't know what -- I don't know if he did or  
21 didn't.

22 Q. And did you review any e-mails between  
23 Tyler Drummond and Nathan Sigler regarding the 2021  
24 redistricting process?

25 A. I don't recall any e-mails that I would review

1 between the two of them.

2 Q. Did Tyler Drummond ever visit your office in  
3 person regarding the 2021 redistricting process?

4 A. I don't recall if he was in my office or not.  
5 It's rare that he is.

6 MR. GEAR: Give me one second, I'm sorry.

7 Q. (BY MR. GEAR) Do you recall your testimony  
8 about metes and bounds?

9 A. Yes.

10 Q. And just so I'm clear, what does that mean,  
11 metes and bounds?

12 MS. OLALDE: Objection; asked and answered.

13 A. It's --

14 Q. (BY MR. GEAR) You can answer.

15 A. It's a description of the area -- it's a  
16 written description of an area.

17 Q. Do you know what a BGB is?

18 A. You broke up. I -- can you repeat?

19 Q. Do you know -- I'm sorry about that. Do you  
20 know what a VTD is?

21 A. VTD, I'm not familiar with the terminology.

22 Q. So you testified to providing some edits to  
23 Maps 1 and 2. Do you recall that testimony?

24 MS. OLALDE: Objection; misstates prior  
25 testimony.

1 A. I don't recall making any edits to any maps.

2 Q. (BY MR. GEAR) We're going to put up a document  
3 and give you a chance to look at that.

4 MR. GEAR: And for the court reporter, can  
5 you tell me what exhibit number this would be? I'm  
6 marking it as an exhibit.

7 THE REPORTER: 12.

8 MR. GEAR: I believe this will be Exhibit  
9 12.

10 THE REPORTER: I'm sorry, I was muted.  
11 Yes, I have that as 12, also.

12 MR. GEAR: Yes.

13 A. I see it now.

14 (Exhibit 12 marked)

15 Q. (BY MR. GEAR) All right. So for the record,  
16 this is marked as -- well, it's Exhibit 12 but it's  
17 identified as DEFS00020443 to DEFS00020444, and it is an  
18 e-mail from you to Nathan Sigler on November 5th, 2021.  
19 Do you see that?

20 A. Yes.

21 Q. And the Subject is Map 2.

22 A. Yes.

23 Q. Correct. And there are attachments to this  
24 document which are also attached to this exhibit. Can  
25 you read what those attachments are, please?

1           A. M&B map 2 258 A.doxx (sic); M&B map 2 263  
2           A.doxx; M&B map 2 263.doxx; MB map 2 258.doxx; M&B 336  
3           A.doxx -- docx; M&B 490 A.docx; M&B 490.docx.

4           Q. And can you read what the text of the e-mail  
5           says?

6           A. "Nathan, I made a few edits on these, Michael."

7           Q. And the Subject is Map 2. Is that Map 2 that  
8           was ultimately posted to the county website?

9                       MS. OLALDE: Objection; calls for  
10           speculation.

11           A. I don't -- I don't know if -- what the  
12           reference to Map 2 is.

13           Q. (BY MR. GEAR) Are you familiar with Map 1 and  
14           2, and I'm referring to the maps related to the 2021  
15           redistricting process?

16           A. The ones we saw this morning?

17           Q. Yes.

18           A. Yes.

19           Q. Was it your office that was responsible for  
20           posting Maps 1 and 2 to the county website?

21           A. I don't know whose responsibility it was.

22           Q. Were you aware that Maps 1 and 2 were posted to  
23           the county website?

24           A. Yes.

25           Q. And were you aware that Maps 1 and 2 were

1 posted to the county website in 2021?

2 A. I don't know the particular date without  
3 refreshing my memory.

4 Q. So this e-mail is referring to Map 2. Do you  
5 know what Map 2 is in this e-mail?

6 A. If it --

7 MS. OLALDE: Objection to the extent it  
8 calls for speculation.

9 A. I -- I assume that it refers to the Map 2 that  
10 was posted on the county website.

11 MS. OLALDE: Please don't speculate.

12 A. Okay.

13 Q. (BY MR. GEAR) And what edits would you be  
14 making to Map 2 around November 5th, 2021?

15 MS. OLALDE: Objection; misstates prior  
16 testimony.

17 A. There -- there were no edits on the map. The  
18 attachments are what this refers to.

19 Q. (BY MR. GEAR) So let's scroll down to the  
20 attachments, and for the record, the attachments are  
21 identified as DEFS00020445 which is Voting Precinct  
22 Number 258. DEFS00020446 which is Precinct 490A.  
23 DEFS00020447 which is Precinct 490. DEFS00020448 which  
24 is Precinct 263A. DEFS000449 which is Precinct 336A.  
25 DEFS00020450 which is Precinct 258A. And finally,

1 DEFS00020452 which is Precinct 263.

2 Did I read those correctly?

3 A. I believe you did.

4 Q. I'm sorry, I didn't hear your answer?

5 A. I believe -- I believe you did.

6 Q. So looking at the attachments, what changes  
7 were being made on November 5th, 2021?

8 MS. OLALDE: Objection; asked and answered.

9 A. The edits were for consistency in what are the  
10 call-outs and for consistency, in one instance, they may  
11 have referenced Jackson and then the next Jackson Street  
12 so it needed consistency to call out the same location  
13 with the same name. And that's the extent of what those  
14 edits were for.

15 Q. (BY MR. GEAR) So looking at -- I'm sorry.  
16 Were you done?

17 A. I was just going to provide another example as  
18 Ike Franks Road and/or Ike Franks could have been  
19 another inconsistency that was -- was edited to -- for  
20 consistency.

21 Q. In looking at the top of the first attachment,  
22 which is Voting Precinct Number 258, these are in  
23 reference to vote precinct; correct?

24 A. I believe so.

25 Q. And the 258 is the number of the voting

1 precinct; would that be correct?

2 A. I believe that's what it references.

3 Q. Can we go to 263A, please? So looking at the  
4 attachment that is in front of you now, which is Voting  
5 Precinct 263A, what does the A stand for?

6 A. I do not know.

7 Q. Do you have any idea if these attachments are  
8 identifying split precincts?

9 A. I don't know.

10 Q. So how are these descriptions used? In what  
11 context are they used?

12 MS. OLALDE: Objection; calls for  
13 speculation.

14 A. I don't know their application.

15 Q. (BY MR. GEAR) Do you know, as the county  
16 engineer, whether or not these voting precincts, the  
17 changes being made were in relation to the 2021  
18 redistricting process?

19 MS. OLALDE: Objection; asked and answered.

20 A. No, I don't know.

21 Q. (BY MR. GEAR) Why are you making these  
22 changes -- I'm sorry. Strike that. I believe you've  
23 answered that.

24 Was Nathan Sigler responsible for drafting  
25 the first draft of the attachments to this exhibit?



1 MS. OLALDE: Objection; asked and answered.

2 A. I don't know the origination of this  
3 document -- of these documents.

4 Q. (BY MR. GEAR) Did anyone outside of your  
5 office ask you to make changes to these documents?

6 A. No.

7 Q. So how do you familiarize yourself with these,  
8 for example, the parks and streets that are related to  
9 these documents? Is that a software that you're using?

10 MS. OLALDE: Objection; asked and answered.

11 A. I didn't perform that type of review.

12 Q. (BY MR. GEAR) Do you know where -- do you know  
13 how to -- strike that.

14 As the county engineer, how would you  
15 create a document identifying parks and streets?

16 MS. OLALDE: Objection; vague, confusing;  
17 calls for speculation.

18 A. When I --

19 Q. (BY MR. GEAR) Just so you're clear, I'm just  
20 asking -- I'm trying to drill down to how do you create  
21 a document that identified streets and parks in  
22 Galveston County?

23 A. Streets and -- I didn't understand the second  
24 part. Streets and?

25 Q. Parks. Parks.

1 A. Parks?

2 Q. Yes. City parks.

3 A. City or county parks?

4 MS. OLALDE: If you don't understand -- do  
5 you understand?

6 A. I don't quite understand the question. Can you  
7 rephrase?

8 Q. (BY MR. GEAR) Well, in your practice as the  
9 county engineer, do you perform projects where you  
10 identify county parks or street names?

11 A. I -- if I need to know -- I don't -- I don't  
12 know the context on how to identify. I don't know how  
13 to answer the question. I guess I don't --

14 Q. Let me try to rephrase it. Fair enough, So I  
15 believe you testified previously that when it comes  
16 to -- and I may be saying this wrong -- plats, before  
17 that is released to the county commissioners you would  
18 approve on those projects; correct?

19 A. Right, correct.

20 Q. When you are reviewing projects that relate to  
21 plats, does that identify specific information such as  
22 street locations, county parks?

23 A. It may or may not identify parks but they -- a  
24 subdivision plat will identify where the property is  
25 located, the boundary of that property, and how specific

1 lots are divided within that, and where the roadway  
2 right-of-ways are, and where easements are on that -- on  
3 the face of the plat.

4 Q. And using the software that's available in your  
5 office, what software would you use to create such a  
6 project?

7 MS. OLALDE: Objection; asked and answered.

8 A. We don't create those documents. A developer  
9 will submit those documents to the county for review and  
10 approval for compliance with our subdivision  
11 regulations.

12 Q. (BY MR. GEAR) So going back to the first page  
13 of Exhibit 12 --

14 A. Okay.

15 Q. -- where you imply you're making edits, what  
16 criteria were you following related to making these  
17 edits?

18 MS. OLALDE: Objection; vague.

19 A. I was looking for consistency in the call-outs  
20 of -- and how the street names were in one sentence may  
21 not have the complete name or a different name, and I  
22 noted consistency between Jackson Street and just  
23 Jackson or Berriton (phonetic) Street or just Berriton.

24 Q. (BY MR. GEAR) During the time period  
25 November 5th when you're making these changes, do you

1 look at any specific census data while making these  
2 changes?

3 MS. OLALDE: Objection; asked and answered.

4 A. No, I don't.

5 Q. (BY MR. GEAR) Do you look at turnout data?  
6 Did you look at turnout data?

7 MS. OLALDE: Objection; asked and answered.

8 A. No, I did not.

9 Q. (BY MR. GEAR) Did you look at racial  
10 demographics?

11 MS. OLALDE: Objection; asked and answered.

12 Bruce, he's already testified that he didn't do a  
13 separate review for accuracy.

14 A. No, I did not.

15 MR. GEAR: I think if you give me a  
16 five-minute break, I can wrap up pretty quickly on this  
17 and if you'll -- if that's okay with you, then we'll go  
18 to the break-out room once we get off the record.

19 MS. OLALDE: Sure.

20 THE WITNESS: Sure.

21 THE VIDEOGRAPHER: Okay. The time on the  
22 monitor is 2:45 p.m., and we are off the record.

23 (Break taken from 2:45 p.m. to 2:49 p.m.)

24 THE VIDEOGRAPHER: The time on the monitor  
25 is 2:49 p.m., and we are back on the record.

1                   MR. GEAR: Mr. Shannon, I appreciate the  
2 time you've taken to answer some of my questions. I'm  
3 going to rest at this point, and I believe co-counsel  
4 has some additional questions that they want to ask you.  
5 I've already reserved the right to reopen this  
6 deposition based on the attorney/client privilege  
7 objections, and I pass the questions now to Sarah Chen.

8                                   EXAMINATION

9 BY MS. CHEN:

10                   Q. My name is Sarah Chen. I'm with the Texas  
11 Civil Rights Project, and I represent the local NAACP  
12 branches, the council, and several Galveston County  
13 residents in this matter. You know, thank you for your  
14 time, and we are in the final stretch. So if you need  
15 any breaks, please let me know, and if I ask a question  
16 and you do not understand my question, please just ask  
17 me to clarify. I'm happy to do so.

18                   A. Okay.

19                   Q. So I think I'm going to pick up where Mr. Gear  
20 left off on this metes and bounds question, and I want  
21 to clarify what you meant when you said that you didn't  
22 know their application in response to a question  
23 Mr. Gear asked. Do you recall when you said that?

24                   A. I do recall.

25                   Q. And did you mean that you did not know the

1 application of the specific metes and bounds

2 descriptions attached to the e-mail?

3 A. What I meant is I don't know how they are used  
4 or who uses this information.

5 Q. Metes and bounds in general or just the  
6 specific ones that you were looking at?

7 A. These specific ones.

8 Q. Okay. So talking about metes and bounds in  
9 general, you mentioned, for example, a subdivision  
10 developer might have to draft them and submit them to  
11 the commissioner's court for approval?

12 A. As part of a metes and bounds description of  
13 the property is shown on the plat.

14 Q. Can you describe other instances where metes  
15 and bounds might have to be submitted with a plan of any  
16 kind?

17 A. For easement, descriptions of easements,  
18 descriptions of property that is being sold or conveyed.

19 Q. And would those normally be submitted to the  
20 commissioner's court for some kind of review or approval?

21 A. Not -- not necessarily any -- if the  
22 commissioner's court is purchasing or selling property,  
23 a metes and bounds description may be part of that.

24 Q. Are there other governmental entities that you  
25 might have to submit metes and bounds descriptions to

1 like the tax assessor's office, the state, some sort of  
2 utility district?

3 A. Not that I'm -- I don't know of any instance  
4 that we would -- nothing comes to mind.

5 Q. And had you ever seen a metes and bounds  
6 description for a voting precinct prior to the examples  
7 shown earlier?

8 MS. OLALDE: Objection; asked and answered.

9 A. No, I haven't been involved in that before.  
10 No, I haven't seen.

11 Q. (BY MS. CHEN) Okay. Not in Brazoria County  
12 either?

13 MS. OLALDE: Objection; asked and answered.

14 A. No, not in Brazoria County.

15 Q. (BY MS. CHEN) Do metes and bounds descriptions  
16 serve the same function as a map drawn in a GIS software  
17 or do they have a different function?

18 A. I -- I don't know -- I don't know the answer to  
19 that question. I don't know how the metes and bounds  
20 are used and why so I don't know how to answer that  
21 question.

22 Q. When we -- when Nathan Sigler is doing mapping  
23 work in his role as the mapping and GIS specialist, does  
24 he normally -- does he usually create metes and bounds  
25 descriptions?

1 A. Normally -- no, he does not.

2 Q. Is there somebody else in your office who  
3 normally creates those descriptions?

4 A. We don't normally have any -- we don't normally  
5 create those in any instance.

6 Q. They normally come from an outside party with a  
7 plan of some kind?

8 A. Correct.

9 Q. Are you familiar with shapefiles?

10 A. I've heard -- I know the terminology.

11 Q. So -- that they are the kind of files that can  
12 be read by GIS software like ESRI; right?

13 A. That's my understanding.

14 Q. Right. That showed GIS spacial information to  
15 aid in the mapping process. That's my high level  
16 understanding. I believe you probably understand them  
17 better than I do; is that correct?

18 A. I have a similar understanding.

19 Q. Okay. To your knowledge was Nathan Sigler  
20 working with those shapefiles when working on the  
21 redistricting process in 2021?

22 MS. OLALDE: Objection; asked and answered.

23 A. I don't know the scope of what Nathan was asked  
24 to do or the work product of what he -- what he did.

25 Q. (BY MS. CHEN) You mentioned seeing Map



1 Proposals 1 and 2 when he alerted you that he was  
2 complete with his redistricting project; is that right?

3 MS. OLALDE: Objection; misstates prior  
4 testimony. Go ahead.

5 A. I don't know the exact date that I saw those  
6 maps, but I believe it was shortly before they were  
7 posted on the website.

8 Q. (BY MS. CHEN) Do you recall what format you  
9 saw those maps in at that time before you saw them on  
10 the website or before they were posted to the website?

11 A. I don't recall what format it was.

12 Q. Did it look, you know, more like a photo or  
13 picture or, you know, pdf potentially of the map zoomed  
14 out?

15 A. It looked like a pdf.

16 Q. Uh-huh. Is there any -- do you -- is it  
17 possible that it was a shapefile in the ESRI Software  
18 that you could manipulate, zoom in, see more layers,  
19 that kind of thing?

20 MS. OLALDE: Objection; asked and answered,  
21 and calls for speculation.

22 A. I don't know what format it was in.

23 Q. (BY MS. CHEN) Do you recall being able to  
24 manipulate those maps when you saw them?

25 MS. OLALDE: Objection; asked and answered.

1           A. I didn't manipulate -- I didn't zoom in or out  
2 or look at the -- I didn't -- I didn't zoom in or out or  
3 manipulate the map to view it.

4           Q. (BY MS. CHEN) And I think you had said earlier  
5 that when Nathan sent you the e-mail on October 29th  
6 that had a link to the public commenting page for Map 1  
7 and Map 2 that that was when -- about when he was done  
8 with redistricting; is that correct?

9                   MS. OLALDE: Objection; misstates prior  
10 testimony.

11           A. I don't know. I guess I want to be clear.  
12 That's when I understood Nathan to be finished with his  
13 involvement with the process he was working with the  
14 attorneys.

15           Q. (BY MS. CHEN) But in the e-mails of the metes  
16 and bounds, those did take place on November 5th, 2021,  
17 after the October e-mail; correct?

18           A. That is correct.

19           Q. Did it surprise you to have these  
20 communications with Nathan in November about the  
21 redistricting maps?

22           Q. I have -- it's -- I did not -- I guess I  
23 didn't -- I don't understand the scope that he was asked  
24 to do so my first impression that he was finished was  
25 incorrect.

1 Q. And did he specifically ask you to only make  
2 those adjustments for consistency in the metes and  
3 bounds descriptions?

4 A. He didn't ask -- he asked me to look at them to  
5 see how it read.

6 Q. And I know you've mentioned this before but if  
7 you could just elaborate on why consistency would be  
8 important for this kind of document.

9 A. Because when I've -- when I've looked at other  
10 metes and bounds descriptions, it's important to have  
11 the same location where you end and where you start.

12 Q. Given Nathan wasn't usually creating these  
13 kinds of metes and bounds descriptions did you consider  
14 making more intensive edits, more intensive supervision  
15 of this when he e-mails them to you?

16 MS. OLALDE: Objection; misstates and  
17 misrepresents prior testimony.

18 A. No, because I'm not sure where -- the  
19 origination of that metes and bounds, what the origin of  
20 that -- those documents were.

21 Q. (BY MS. CHEN) Would it be fair to say you  
22 generally don't do that kind of comparison or -- sorry.  
23 Let me rephrase. That you don't generally supervise  
24 metes and bounds descriptions with comparisons to  
25 demographic information or other mapping information

1 when presented by, for example, a subdivision developer  
2 or any other third party?

3 MS. OLALDE: Objection; compound; vague;  
4 confusing. You can answer.

5 A. Metes and bounds descriptions describe a piece  
6 of property or an area and not necessarily any other  
7 information is involved in describing what that area is.

8 Q. (BY MS. CHEN) But if there was a substantive  
9 mistake in the metes and bounds description of an area,  
10 who would catch it?

11 MS. OLALDE: Objection; calls for  
12 speculation.

13 A. I don't know who would catch that.

14 Q. (BY MS. CHEN) But it's not your  
15 responsibility?

16 MS. OLALDE: Objection; overly broad. You  
17 can answer.

18 A. I don't -- my understanding it's not my  
19 responsibility that I was tasked to do.

20 Q. (BY MS. CHEN) So it appears from the  
21 information that we have and the exhibit that you saw  
22 that Nathan sent you a few voting precinct numbers metes  
23 and bounds. I believe the overall count was something  
24 like one, two, three, four, five, six, or seven voting  
25 precincts; is that correct?

1           A. I don't have the document, but it appears to be  
2 correct.

3           Q. Are you aware that there are many more than six  
4 or seven voting precincts in the whole county?

5           A. Yes.

6           Q. Did you discuss why you would review the metes  
7 and bounds descriptions for only six or seven voting  
8 precincts in that map proposal and not all the others?

9           A. I believe these were the ones that changed.

10          Q. Can you elaborate?

11          A. There was a change in a voting precinct for one  
12 and I don't know the reason what prompted a change in a  
13 voting precinct, but the other metes and bounds for all  
14 the other precincts didn't change.

15          Q. Do you know when voting precincts -- let me  
16 rephrase. You mentioned that you were aware that  
17 redistricting, you know, usually occurs every ten years  
18 to account for population changes; right?

19          A. Correct.

20          Q. Are you aware of when voting precincts might  
21 need to be changed?

22          A. No.

23          Q. If -- were you involved in any other part of  
24 the redrawing of voting precincts in 2021 or later?

25                 MS. OLALDE: Objection; asked and answered.

1 (Reporter clarification)

2 MS. OLALDE: Asked and answered.

3 A. And can you repeat the question?

4 Q. (BY MS. CHEN) Yes. Were you involved in any  
5 of the redrawing of voting precincts in 2021 or later?

6 MS. OLALDE: Same objection.

7 A. I -- I didn't redraw any precincts. I didn't  
8 redraw any voting precincts.

9 Q. (BY MS. CHEN) Do you know if Nathan Sigler was  
10 involved in that process?

11 MS. OLALDE: Objection; asked and answered.

12 A. I don't know the scope of Nathan's involvement  
13 with the work he was doing.

14 Q. (BY MS. CHEN) So I am talking about voting  
15 precincts and not the commissioner's court maps now  
16 which are different processes. The commissioner's court  
17 map, as you mentioned earlier, was adopted in November  
18 at a special meeting by the commissioner's court, and  
19 redrawing the voting precincts within the commissioner's  
20 map took place at a different time. Does that sound  
21 accurate to you?

22 A. Yes, it does.

23 Q. And so as a separate matter, was Nathan Sigler  
24 tasked with working on the drawing -- redrawing voting  
25 precincts?

1 MS. OLALDE: Objection; asked and answered.

2 A. I don't know that -- I don't know what all  
3 Nathan was asked to do.

4 Q. (BY MS. CHEN) So was there any communication  
5 from, for example, Tyler Drummond or any other county  
6 staff asking you to make sure Nathan's time was reserved  
7 for redrawing voting precincts or from redistricting?

8 MS. OLALDE: Objection; asked and answered.

9 A. I don't recall any other communication from  
10 Tyler.

11 Q. (BY MS. CHEN) Or any other county staff or  
12 commissioner or county judge?

13 MS. OLALDE: Objection; asked and answered.

14 A. That's correct. I don't recall any from  
15 others, county commissioners, or judge.

16 Q. (BY MS. CHEN) And then did Nathan update you  
17 or talk to you about his reprecinting work, if any?

18 MS. OLALDE: Objection; asked and answered.

19 A. He -- he did tell me he's still working on  
20 the -- on a project associated with adopting the new  
21 map. I don't know the scope of what his involvement  
22 was.

23 Q. (BY MS. CHEN) And then just a final few  
24 questions on the metes and bounds. Were you ever asked  
25 to assist in any way with a metes and bounds description

1 of commissioner's court precincts like one, two, three,  
2 four, the larger precincts?

3 A. I was not.

4 Q. Do you know if such a description would be --  
5 to your knowledge would the commissioner's court find it  
6 helpful to have that kind of description when  
7 considering maps or adopting a map?

8 MS. OLALDE: Objection; asked and answered;  
9 and also calls for speculation.

10 A. I don't know.

11 Q. (BY MS. CHEN) When Nathan sent you those metes  
12 and bounds descriptions, did he communicate a timeline  
13 by which he hoped that you would respond?

14 A. He did indicate that they needed to be done  
15 quickly.

16 Q. Did he say why?

17 A. No. I don't recall.

18 Q. All right. Thank you. Let's -- hang on just a  
19 little bit. I'm trying to whittle down my questions. I  
20 know we've been here for a while. To clarify your  
21 answer earlier on whether you were a member of any  
22 community organizations, does -- are you a member of a  
23 church or rotary club, anything like that?

24 A. I --

25 MS. OLALDE: Sarah, what is the relevance



1 of asking him about whether he's a member of a church?  
2 That seems to be way beyond the scope of the relevance  
3 of this deposition and this litigation.

4 Q. (BY MS. CHEN) That's fine. Mr. Shannon, you  
5 don't have to answer that if you don't want to, but I'll  
6 ask about a few other kinds of organizations. I just  
7 wanted to give a general example that others in your  
8 position have testified about.

9 Are you a member of the NAACP?

10 A. No, I'm not.

11 Q. Or LULAC, the League -- do you know what LULAC  
12 is?

13 A. Yes. I'm not a member.

14 Q. Are you a member of any Masonic lodges or that  
15 kind of an organization?

16 A. No, I'm not.

17 Q. Or the Oath Keepers?

18 A. No.

19 Q. Are you active in politics?

20 A. I -- I vote.

21 Q. Have you ever run for office?

22 A. No.

23 Q. Do you -- are you involved with -- you don't  
24 have to tell me the party, but are you involved with a  
25 local party or, you know, involved to that extent in

1 politics?

2 A. No.

3 Q. And then more on how you became the Galveston  
4 County engineer. Did anyone, during your interview  
5 process, mention that redistricting might be something  
6 that your office would touch?

7 A. No.

8 Q. Did you ever speak with the prior county  
9 engineer, Michael Fitzgerald, about the role?

10 A. The role -- oh. I'm sorry. I thought you were  
11 going to continue. I did have discussions with him on  
12 the role of the county engineer and some of the duties  
13 involved.

14 Q. Did he ever mention that he might have worked  
15 on redistricting?

16 A. I don't recall if he did. That -- that  
17 wasn't -- when I came on board in 2015, that wasn't  
18 something that was talked about.

19 Q. Did Nathan Sigler talk about his prior  
20 redistricting work?

21 A. He -- at times he did.

22 Q. What did he say about it?

23 A. That it's a time where he gets real busy.

24 Q. Did he say with whom he normally works on  
25 redistricting or with whom he previously worked on

1       redistricting?

2             A.   I don't recall if he mentioned any -- how his  
3 involvement was or who he -- who he was involved with.

4             Q.   Did he mention that he worked with  
5 Commissioner Clark on redistricting?

6             MS. OLALDE:   Objection; asked and answered.

7             A.   Not that I recall.

8             Q.   (BY MS. CHEN)   How about the County Judge?

9             A.   Are you referring to previous --

10            Q.   Uh--huh, the previous redistricting cycles.

11            A.   I don't recall him talking about any -- anyone  
12 in particular who he worked with.

13            Q.   All right.   Is the county engineer a term  
14 position or -- is it a term position?

15            A.   I serve at the pleasure of commissioner's  
16 court.

17            Q.   Just to clarify that, it's -- there's no  
18 specified end date to your employment as county  
19 engineer?

20            A.   Correct.

21            Q.   All right.   And how do you normally get  
22 commissioner's court approval on the projects your  
23 office works on?

24            MS. OLALDE:   Objection; asked and answered.

25            A.   An agenda item on commissioner's court.

1 Q. (BY MS. CHEN) Do you often have to speak with  
2 individual commissioners or the judge to -- about the  
3 projects to (audio distortion) or get more information?

4 MS. OLALDE: Objection; asked and answered.

5 A. I'm sorry. You broke up during that question.

6 Q. (BY MS. CHEN) Do you have to speak with  
7 them -- any commissioners or the County Judge  
8 individually to persuade them or give them more  
9 information about projects?

10 MS. OLALDE: Same objection.

11 A. From time to time.

12 Q. (BY MS. CHEN) And how would you normally  
13 communicate with them for that kind of communication?

14 A. Primarily with phone calls.

15 Q. You mentioned you physically work in Galveston  
16 on the island?

17 A. That's correct.

18 Q. Where is your office located?

19 A. 722 Moody.

20 Q. Are you in the same building as the judge or  
21 commissioners?

22 A. The judge has an office in -- at 722. He  
23 primarily offices in League City though.

24 Q. And each of the commissioners?

25 A. The commissioners have offices other places.

1 Q. So you would not necessarily see them face to  
2 face in your -- at your office?

3 A. That's -- that's correct.

4 Q. And they wouldn't just drop by to ask you  
5 something?

6 A. Very rarely.

7 Q. You did -- you mentioned talking with  
8 commissioners about one-off permits, flood insurance  
9 issues, kind of individual constituent issues; is that  
10 right?

11 A. Correct.

12 Q. What about for the larger scale development  
13 projects that your office works on: Roads, bridges,  
14 drainage, do those have a lot of commissioner input?

15 MS. OLALDE: Objection; asked and answered.

16 A. From time to time depending on what issues are  
17 involved.

18 Q. (BY MS. CHEN) Can you give me an example?

19 A. If a project -- if a change order or a budget  
20 amendment needs to occur on a project when -- from time  
21 to time updating them on the status of construction of  
22 the project, where we are in the process of the project.

23 Q. Are there any issues or projects that you work  
24 on where commissioners have disagreed with one another  
25 and had different priorities?

1 A. I don't know. Nothing comes to mind.

2 Q. Okay. If something does come to mind at any  
3 point, just let me know. Is it part of your job to  
4 interact with members of the public?

5 A. On occasion.

6 Q. Under what circumstances?

7 A. There's been public meetings on revising our  
8 floodplain regulations that we had a community meeting  
9 in Bacliff. There's -- I do have a pending invitation  
10 to talk to a Rotary Club in Dickinson about the -- what  
11 the county engineer's office does. There's daily phone  
12 calls from constituents requesting information on how to  
13 develop their property.

14 Q. And how do you respond to those kinds of  
15 inquiries or comments?

16 A. I guess each instance is a little bit  
17 different. I mean, how I respond is to inform them of  
18 what the county policy -- I don't know exactly how to  
19 answer the question.

20 Q. That's all right. You have -- your office has  
21 a page on the county's website; is that right?

22 A. That's correct.

23 Q. And that includes a GIS portal that has copies  
24 of maps on it?

25 A. Correct.

1 Q. Who decides what maps are posted on that  
2 website?

3 A. I have input on what gets posted.

4 Q. And what types of maps do you decide to post?

5 A. Well, things that people -- we get requests  
6 oftentimes about where my voting -- where voting  
7 precincts are and where -- who their county commissioner  
8 is so that type of public facing information, assist  
9 them.

10 Q. Uh-huh. And do you also decide what data is  
11 included with those maps?

12 A. I -- I have a role in -- I have in role in  
13 that, yes.

14 Q. And what is your general opinion on what kinds  
15 of data should be included on the public maps?

16 A. My opinion is that we should offer whatever  
17 information the public would like to see without slowing  
18 down the program so much and then dating it that we  
19 can't use that map anymore.

20 Q. So are you aware of any requests for racial  
21 demographic data to be included on maps posted in the  
22 county website?

23 A. I'm not aware of any.

24 Q. If you had been aware or is -- sorry. If you  
25 were to be asked, would you consider putting that

1 information on the website?

2 A. Yes.

3 Q. But to be clear, no one has communicated that  
4 the public wants to see those, wants to see that kind of  
5 data to you?

6 A. I haven't -- I'm not aware of any requests.

7 Q. Would you expect anyone working for the county  
8 who heard those requests to convey them to you?

9 MS. OLALDE: Objection; calls for  
10 speculation.

11 A. I don't know if -- I don't know if they would  
12 know to -- who to contact.

13 Q. (BY MS. CHEN) Is there somebody else in your  
14 office who receives more of the public comments who  
15 normally sends them to you?

16 A. The request for mapping information usually  
17 flows through Nathan Sigler.

18 Q. Okay. And then do you -- you mentioned the tax  
19 assessor's office being one that you work with. Can you  
20 say a little bit more about what kinds of projects or  
21 relationship you have with the tax assessor's office?

22 A. They oftentimes request maps of various form --  
23 and I don't know the level of detail, but they ask for  
24 maps from Nathan and we -- and Nathan works with them to  
25 produce and to answer their needs.



1 Q. Did you ever speak with the tax assessor  
2 collector's office or Cheryl Johnson about redistricting  
3 in 2021?

4 A. I don't recall any conversations I had with  
5 Cheryl Johnson.

6 Q. All right. Let me just do my best to introduce  
7 an exhibit here by sending it to the chat and sharing my  
8 screen. One moment. This document on my screen is  
9 named Shannon Tab 6, DEFS00004167, and this will be  
10 Exhibit 13 for this deposition. I'll mark this as  
11 Exhibit 13.

12 (Exhibit 13 marked)

13 Q. (BY MS. CHEN) As you can see, this is an  
14 e-mail from Cheryl Johnson sent on April 8th, 2021, to  
15 someone named John Wayne Ferguson, Nathan Sigler, and  
16 yourself. And the subject line is RE: Old Commissioner  
17 Precinct maps; is that right?

18 MS. OLALDE: I just handed him the document  
19 to look at in a bigger format.

20 MS. CHEN: Great, thank you.

21 A. Yes. It reads old commissioners precinct maps.

22 Q. (BY MS. CHEN) Do you know who John Wayne  
23 Ferguson is?

24 A. Yes.

25 Q. And it looks here like he's asking for copies

1 of the county commissioner maps as they existed from  
2 2001 to 2010. Do you see that?

3 A. Yes.

4 Q. And Ms. Johnson's response is that they cleaned  
5 out all of the 2000 maps to prepare for 2020  
6 redistricting and included you and Nathan Sigler and  
7 Casey also on the maps; is that right?

8 A. Correct.

9 Q. Do you recall receiving this e-mail?

10 A. Vaguely recall this, yes.

11 Q. Do you recall doing anything in response?

12 A. Nathan was included on this and he -- I think  
13 what happened here is that he looked for the maps, and  
14 he may have provided them. I -- I don't know the follow  
15 up. We -- we generally answer requests -- he generally  
16 handles these requests, and if that information is  
17 available will -- will respond with that information.

18 Q. Got it. Let me pull up what I'll mark as  
19 Exhibit 14. Do you see it on the screen and let me send  
20 it via chat.

21 A. I'm going to start reading in here with my  
22 glasses on. Okay.

23 (Exhibit 14 marked)

24 Q. (BY MS. CHEN) This is the e-mail response from  
25 Nathan Sigler on April 8th, later that day, saying that

1 he does have a hard copy map. He thinks it's a little  
2 faded, but he can make out the commissioner precincts;  
3 is that correct?

4 A. That is correct.

5 Q. And did you follow up at all on this hard copy  
6 map?

7 A. I did not.

8 Q. Does it surprise you that your office did not  
9 have a digital copy of a prior commissioner's court  
10 precinct map?

11 A. I don't know if we did or didn't have a digital  
12 map.

13 Q. Are many records from prior to 2010 in paper  
14 format only?

15 A. I don't know what occurred prior to 2010.

16 Q. Okay. I'll stop sharing that. Let me send  
17 another exhibit, Exhibit 15, to chat.

18 (Exhibit 15 marked)

19 Q. (BY MS. CHEN) Can you see it?

20 A. Can you enlarge that?

21 MS. OLALDE: Just one second. I can get it  
22 in front of him.

23 Q. (BY MS. CHEN) Do you see the e-mail now?

24 A. I can see the e-mail.

25 Q. Great. It is from Nathan Sigler sent on July

1 2nd, 2021, to someone named Nancy Baher, and the  
2 attachment is called -- the Subject is Draft, Attachment  
3 Nancy Wall Draft.pdf; is that right?

4 A. Yes.

5 MS. OLALDE: Sarah, I think he was asked --  
6 because he doesn't have it in front of him. He was  
7 asking if it was one page.

8 MS. CHEN: Oh, sorry. It is -- there is an  
9 attachment here so the second page is of the attachment.

10 MS. OLALDE: Thank you.

11 Q. (BY MS. CHEN) So let me go back up to the  
12 e-mail, and we'll scroll to the attachment in a second;  
13 but Nancy Baher is the assistant county engineer;  
14 correct?

15 A. That's correct.

16 Q. Were you -- were you involved in any  
17 communication between Nancy and Nathan about -- in --  
18 around this time in July of 2021 about redistricting or  
19 about commissioner's court precincts?

20 A. I'm sorry. The -- I had a -- you just put it  
21 in front of me. Can you ask the question?

22 Q. Were you involved with any conversations with  
23 Nathan and Nancy around this time, July 2021, about  
24 redistricting or commissioner's court precincts?

25 A. I did not have conversations -- I wasn't

1 involved with redistricting conversations with -- that  
2 Nathan and Nancy were involved in.

3 Q. Okay.

4 A. No.

5 Q. Scrolling down to the second page of this  
6 exhibit, which is the attachment to the e-mail, can you  
7 tell me what this image is of?

8 A. It's a map of Galveston County showing  
9 precinct -- it look -- it appears to be county precincts  
10 and city limits.

11 Q. I'm going to scroll up again and note that this  
12 attachment is called Nancy Wall Draft. Is Nancy Wall  
13 another name for Nancy Baher or is -- can you explain  
14 who or what Nancy Wall might be?

15 A. I don't know what that references.

16 Q. Did Ms. Baher ever talk to you about her --  
17 about any interests or need for commissioner's court  
18 precinct maps?

19 A. No.

20 Q. To your knowledge why would she have asked --  
21 or would she be working with Nathan Sigler on  
22 commissioner's court precinct maps?

23 MS. OLALDE: Objection; calls for  
24 speculation.

25 A. I -- I don't know the answer.

1 Q. (BY MS. CHEN) And were you aware that Sigler  
2 was working on any commissioner's court precinct maps  
3 around July 2021?

4 MS. OLALDE: Objection; misstates prior  
5 testimony. You can answer.

6 A. I don't know what Nathan's involvement was in  
7 commissioner precinct maps.

8 Q. (BY MS. CHEN) Do you recall -- I'm going to  
9 stop sharing this. Do you recall when Tyler Drummond  
10 asked you when -- if Nathan could be kept available for  
11 redistricting?

12 A. Not without refreshing my memory on it. No, I  
13 don't recall.

14 Q. Could it have been as early as 2020?

15 MS. OLALDE: Objection; asked and answered.

16 A. I don't recall.

17 Q. (BY MS. CHEN) Does thinking about the racial  
18 information sent to Commissioner Holmes in February 2021  
19 and the e-mail that we just looked at between  
20 Nathan Sigler and Nancy Baher in July 2021, do those  
21 offer time frames to help you remember when  
22 Tyler Drummond might have asked you?

23 MS. OLALDE: Objection; misstates prior  
24 testimony in the record. You can answer.

25 A. No.

1 Q. (BY MS. CHEN) Would it have been prior to  
2 October 2021?

3 MS. OLALDE: Objection; asked and answered.

4 A. I don't -- I don't recall.

5 Q. (BY MS. CHEN) Let's return to Petteway  
6 Exhibit 8, and I'll put it up on the screen.

7 MS. CHEN: Would you like me to send it  
8 again for y'all or do you have it?

9 MS. OLALDE: What Tab Number was that?

10 MS. CHEN: That was their Tab Number 18.

11 MS. OLALDE: 18, just one second.

12 Q. (BY MS. CHEN) Uh-huh. For the record,  
13 Exhibit 8 is the September 27th e-mail sent to  
14 Michael Shannon with the subject line RE:  
15 Commissioner Holmes Project.

16 A. Okay.

17 Q. And the bottom e-mail is from Nathan Sigler  
18 sent September 27, 2021, to Mr. Shannon, Subject:  
19 Commissioner Holmes Project. We discussed this exhibit  
20 a little bit before, but I wanted to ask about the  
21 second sentence in particular where Mr. Sigler says, "as  
22 previously discussed I have refrained from adding  
23 population data to the VP and commissioner precincts."

24 Do you see that line?

25 A. Yes.

1 Q. Do you recall what he means by as previously  
2 discussed? Was that a discussion with you?

3 MS. OLALDE: Objection; asked and answered.

4 A. I -- I don't recall what the context of that --  
5 what that discussion is.

6 Q. (BY MS. CHEN) Does seeing this e-mail from  
7 late September 2021 help refresh your recollection at  
8 all about when Tyler Drummond asked you for Sigler to be  
9 available?

10 A. No, it doesn't.

11 Q. So you can't say now looking at this e-mail  
12 that he asked you before this e-mail was sent for Sigler  
13 to be available?

14 MS. OLALDE: Objection; asked and answered.

15 A. I don't recall.

16 MS. CHEN: I am pretty sure I am at the --  
17 very close to the end of my questioning. Can we take  
18 two minutes so I can double check because I don't want  
19 to ask any redundant questions?

20 MS. OLALDE: Absolutely.

21 MS. CHEN: Thank you. So let's go off the  
22 record.

23 THE VIDEOGRAPHER: The time on the monitor  
24 is 3:35 p.m., and we are off the record.

25 (Break taken from 3:35 p.m. to 3:38 p.m.)



1 THE VIDEOGRAPHER: The time on the video  
2 monitor is 3:38 p.m., and we are back on the record.

3 Q. (BY MS. CHEN) As promised we are very close to  
4 the end, and I wanted to clarify about the documents  
5 that you reviewed in preparation for today. Can you  
6 describe what kind of documents you reviewed to prepare  
7 for today?

8 MS. OLALDE: Objection; asked and answered.

9 A. Some e-mails.

10 Q. (BY MS. CHEN) Only e-mails?

11 A. There were, I guess, some -- a newspaper  
12 article that you provided. I don't recall other  
13 documents.

14 Q. Any calendar entries?

15 A. I didn't see any calendar entries.

16 Q. Or any of your own maybe handwritten notes or  
17 anything like that?

18 A. No.

19 Q. And a few more just, you know, questions that  
20 we need to establish, have you ever been deposed before?

21 A. One time.

22 Q. And what kind of case was that?

23 A. It was a misdemeanor shoplifting case.

24 Q. So fair to say it did not involve the voting  
25 rights act or any election issues?

1 A. That's correct.

2 Q. It didn't involve any discrimination issues?

3 A. No.

4 Q. And then how did you learn of this lawsuit?

5 A. I -- I don't know how I -- I don't recall how I  
6 learned of it. It could have been in the daily news.

7 Q. Have you read any of the complaints in this  
8 lawsuit?

9 A. No.

10 Q. Has anyone summarized the allegations for you  
11 or told you what our claims are?

12 A. No.

13 Q. And I apologize for asking you this but is  
14 there any reason that you might be impaired in any way  
15 in giving testimony today? For example, any drugs or  
16 any medications or alcohol or anything like that?

17 A. No.

18 Q. And during the breaks including our lunch break  
19 did you speak with anyone?

20 A. I spoke with counsel.

21 Q. And what did y'all talk about?

22 MS. OLALDE: To the extent it's a  
23 privileged conversation, I'm going to instruct him not  
24 to answer; otherwise he can answer.

25 A. I'm sorry. I'm going to move my phone from

1 ringing out of the way. We did talk about softball. We  
2 talked about weather. We talked about kids. We talked  
3 about different languages, where all we lived.

4 Q. (BY MS. CHEN) Did you talk about the  
5 deposition?

6 A. Yes.

7 Q. Did you talk about the subject of the lawsuit?

8 A. I -- I don't -- I don't know how to answer  
9 that. We did talk about the deposition and my  
10 testimony.

11 Q. Did you receive legal advice during the breaks?

12 MS. OLALDE: Objection. I'm going to ask  
13 you not to answer anymore questions about the substance  
14 of communications with counsel that relate to this  
15 lawsuit.

16 MS. CHEN: And I'm not asking for the  
17 substance or what the advice was just was advice  
18 provided.

19 MS. OLALDE: And you did ask about legal  
20 advice, and I think to the sum and extent what you  
21 started getting into is a gray area trying to ask a  
22 layperson what is and isn't legal advice, and at that  
23 point I'm going to draw the line.

24 MS. CHEN: That is fine by me. I have no  
25 further questions. As stated earlier, we do reserve the

1 right to reopen this deposition based on the privilege  
2 objections stated earlier, and with that I think, unless  
3 there is anything else from other counsel -- other  
4 plaintiff's counsel, I can pass to Defendant's counsel.

5 MS. OLALDE: Defendants will reserve all  
6 questions.

7 THE VIDEOGRAPHER: If there are no further  
8 questions.

9 MR. GEAR: No further questions from me.

10 THE VIDEOGRAPHER: Okay. Then are we ready  
11 to go off record?

12 MS. OLALDE: We are.

13 MS. CHEN: Thank you.

14 THE VIDEOGRAPHER: The time on the monitor  
15 is 3:43 p.m., and we are off the record.

16 (Deposition concluded at 3:43 p.m.)  
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CHANGES AND SIGNATURE

MICHAEL C. SHANNON                      FEBRUARY 10, 2023

PAGE LINE	CHANGE	REASON

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I, MICHAEL C. SHANNON, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

\_\_\_\_\_  
MICHAEL C. SHANNON

THE STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

Before me, \_\_\_\_\_, on this day personally appeared MICHAEL C. SHANNON, known to me (or proved to me under oath or through \_\_\_\_\_) (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF \_\_\_\_\_  
COMMISSION EXPIRES: \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

1			
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3			
4	HONORABLE TERRY PETTEWAY,	)	
5	et al.,	)	
6		)	
7	Plaintiffs,	)	
8		)	CIVIL ACTION
9	VS.	)	
10		)	NO.: 3:22-cv-00057
11		)	
12	GALVESTON COUNTY, et al.,	)	
13		)	
14	Defendants.	)	

REPORTER'S CERTIFICATION

DEPOSITION OF MICHAEL C. SHANNON

FEBRUARY 10, 2023

I, SUSAN GRIGGS, Certified Shorthand Reporter in  
and for the State of Texas, hereby certify to the  
following:

That the witness, MICHAEL C. SHANNON, was duly  
sworn by the officer and that the transcript of the oral  
deposition is a true record of the testimony given by  
the witness;

That the deposition transcript was submitted on  
February 28, 2023 to the witness or to the attorney  
for the witness for examination, signature and return to  
me by March 30, 2023;

1 That the amount of time used by each party at the  
2 deposition is as follows:

3 BERNADETTE REYES.....03 HOUR(S):24 MINUTE(S)  
4 BRUCE GEAR.....00 HOUR(S):58 MINUTE(S)  
5 SARAH XIYI CHEN.....00 HOUR(S):53 MINUTE(S)  
6 ANGIE OLALDE.....00 HOUR(S):00 MINUTE(S)

7 That pursuant to information given to the  
8 deposition officer at the time said testimony was taken,  
9 the following includes counsel for all parties of  
10 record:

11 BERNADETTE REYES with UCLA Voting Rights  
12 Project for PETTEWAY plaintiffs;

13 SARAH XIYI CHEN with Texas Civil Rights  
14 Project for NAACP plaintiffs;

15 BRUCE GEAR for the United States;

16 ANGIE OLALDE for Galveston County  
17 defendants.

18 That § \_\_\_\_\_ is the deposition officer's  
19 charges to the Plaintiffs for preparing the original  
20 deposition transcript and any copies of exhibits;

21 I further certify that I am neither counsel for,  
22 related to, nor employed by any of the parties or  
23 attorneys in the action in which this proceeding was  
24 taken, and further that I am not financially or  
25 otherwise interested in the outcome of the action.



1 Certified to by me this 28th day of February, 2023.

2

3

SUSAN GRIGGS, Texas CSR

4

Expiration Date: 01/31/2025

Firm Registration No.

5

Huseby

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# **Exhibit 24**

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IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HONORABLE TERRY PETTEWAY, )  
et al., )  
 )  
Plaintiffs, )  
 ) Case No. 3:22-cv-00057  
vs. )  
 )  
GALVESTON COUNTY, et al., )  
 )  
Defendants. )  
\_\_\_\_\_)

REMOTE ORAL DEPOSITION OF  
NATHAN SIGLER  
DECEMBER 19, 2022  
9:14 a.m. CST

Witness Appearing From:  
Galveston, Texas

Conducted Remotely Via Videoconference

1 R E M O T E A P P E A R A N C E S

2 ON BEHALF OF THE UNITED STATES:

3 MS. THARUNI JAYARAMAN  
4 MS. CATHERINE MEZA  
5 MR. BRUCE GEAR  
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10 ON BEHALF OF THE PETTEWAY PLAINTIFFS:

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20 ON BEHALF OF THE DEFENDANT GALVESTON COUNTY:

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1 ON BEHALF OF THE NAACP PLAINTIFFS (Dickinson Bay  
2 Area Branch NAACP, Galveston Branch NAACP, Mainland  
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4 Courville, Joe A. Compian, and Leon Phillips):

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23 sarah@texascivilrightsproject.org

24 ALSO PRESENT:

25 Ms. Brittany Wake - Civil Rights Analyst,  
Voting Section, Civil Rights Division,  
Department of Justice

Mr. Clint Thomas - Veritext Zoom Tech

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1 P R O C E E D I N G S

2 THE REPORTER: Today's date is December  
3 19th, 2022. The time is 9:14 a.m. We are here for  
4 the deposition of Nathan Sigler in the case the  
5 Honorable Terry Petteway, et al., versus Galveston  
6 County, et al., Civil Action No. 3:22-cv-00057,  
7 filed in the United States District Court for the  
8 Southern District of Texas.

9 My name is Karen Shelton. I'm reporting  
10 the deposition remotely from Fort Worth, Texas. The  
11 witness is located in Galveston, Texas.

12 Mr. Sigler, if you would please raise your  
13 right hand, I'll place you under oath.

14 (The witness was sworn by the reporter.)

15 MS. JAYARAMAN: Now, Mr. Sigler, could you  
16 please spell and state your name for the record.

17 THE WITNESS: Including the middle name?

18 MS. JAYARAMAN: Yes, please.

19 THE WITNESS: Nathan Wayne Sigler,  
20 N-A-T-H-A-N, W-A-Y-N-E, S-I-G-L-E-R.

21 MS. JAYARAMAN: Thank you. My name is  
22 Tharuni Jayaraman, and I'm one of the attorneys  
23 representing the United States.

24 For the record, I'm going to ask the other  
25 attorneys and anyone else who's in this room to

1 introduce themselves, please. We can start with my  
2 colleague, Catherine.

3 MS. MEZA: Good morning, everyone.  
4 Catherine Meza for the United States.

5 MR. GEAR: Good morning. Bruce Gear on  
6 behalf of the United States.

7 MS. SMITH: Good morning. K'Shaani Smith  
8 on behalf of the United States.

9 MS. WAKE: Good morning. Brittany Wake,  
10 analyst with the Department of Justice.

11 MR. GONZALEZ: This is Joaquin Gonzalez on  
12 behalf of the NAACP plaintiffs.

13 MS. CHEN: Sarah Chen on behalf of NAACP  
14 plaintiffs.

15 MS. SPOTO: Adrienne Spoto on behalf of  
16 NAACP plaintiffs.

17 MS. ZHU: Hi, everyone. This is Molly Zhu  
18 on behalf of the NAACP plaintiffs.

19 MS. GARRETT: Kathryn Garrett on behalf of  
20 the NAACP plaintiffs.

21 MS. REYES: Hi. This is Bernadette Reyes  
22 on behalf of the Petteway plaintiffs.

23 MS. RICHARDSON: Valencia Richardson on  
24 behalf of the Petteway plaintiffs.

25 MS. COPPER: Alexandra Copper on behalf of

1 the Petteway plaintiffs.

2 MR. RUSSO: I think that's all the  
3 plaintiffs. This is Joseph Russo, Jr., on behalf of  
4 Galveston County.

5 MS. JAYARAMAN: Thank you, everyone.

6 NATHAN SIGLER,  
7 having been first duly sworn, testified as follows:

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

9 BY MS. JAYARAMAN:

10 Q. Mr. Sigler, have you been deposed before?

11 A. No, ma'am.

12 Q. Well, I'm going to go through a few ground  
13 rules then for today's deposition. Please make sure  
14 to give a verbal response to any question because  
15 the court reporter cannot take down gestures. Do  
16 you understand that?

17 A. I do.

18 Q. Likewise, it may be difficult for the  
19 court reporter, particularly because we're in a  
20 virtual environment, if we talk over each other. So  
21 please let me finish my question before you respond.  
22 You understand that?

23 A. I do.

24 Q. If you don't hear a question, please say  
25 so and I'll be happy to repeat it. You understand?

1 A. I do.

2 Q. Likewise, if you don't understand a  
3 question, please say so and I'd be happy to rephrase  
4 the question. Otherwise, I will assume that you  
5 understood my question. Do you understand that?

6 A. I do.

7 Q. If you want to take a break, please just  
8 say so. We can take a break so long as there is no  
9 question pending. Do you understand that?

10 A. I do.

11 Q. If you need to take a break to consult  
12 your counsel regarding the potential disclosure of  
13 privileged information, please state that and we can  
14 take a break to allow for that consultation. Do you  
15 understand?

16 A. I do.

17 Q. Your counsel may object to certain of the  
18 questions that I ask you today, but unless your  
19 counsel instructs you to not answer my question, you  
20 should answer my question. Do you understand that?

21 A. I do.

22 Q. Do you understand that you are testifying  
23 under oath today?

24 A. I do.

25 Q. And do you understand that this is the

1 same oath that you would have taken if you were  
2 testifying in court?

3 A. I do.

4 Q. Mr. Sigler, is there anything that would  
5 prevent you from answering my questions completely  
6 today?

7 A. No.

8 Q. Is there anything that would prevent you  
9 from answering my questions honestly today?

10 A. No.

11 Q. Is there anything that would prevent you  
12 from answering my questions accurately today?

13 A. No.

14 Q. Are you on any medications that might  
15 prevent you from being able to answer my questions?

16 A. No.

17 Q. Do you have an illness or any other  
18 conditions that might prevent you from being able to  
19 answer my questions?

20 A. No.

21 Q. If as we're going through my questions you  
22 realize that you want to add information about a  
23 prior question, just let me know and we can go back.  
24 Do you understand that?

25 A. I understand.

1 Q. Great. Likewise, if you realize that you  
2 want to clarify an answer that you previously gave,  
3 just let me know and we can go back. Do you  
4 understand that?

5 A. I understand.

6 Q. Mr. Sigler, where were you born?

7 A. Clear Lake, Texas.

8 Q. And how long did you live there?

9 A. Maybe one or two years.

10 Q. And where is Clearly, (sic) Texas,  
11 located?

12 A. Webster.

13 Q. And forgive me. What is Webster?

14 A. A city.

15 Q. And where is Webster located in Texas?

16 A. Texas. Texas.

17 Q. What county is it located in?

18 A. Harris County.

19 Q. Where did you live after you lived in  
20 Clearly, (sic) Texas?

21 A. League City, Texas.

22 Q. And how long did you live in League City?

23 A. Thirteen years.

24 Q. And where did you live after you lived in  
25 League City?



1 A. Friendswood.

2 Q. And why did you move from League City to  
3 Friendswood?

4 A. I don't know.

5 Q. And how long did you live in Friendswood?

6 A. I still currently live in Friendswood.

7 Q. What high school did you graduate from,  
8 Mr. Sigler?

9 A. I did not graduate.

10 Q. Do you have any professional  
11 certifications?

12 A. I do.

13 Q. What are your professional certifications?

14 A. GED, one-year drafting certificate, and  
15 multiple certificates in GIS.

16 Q. So let's start with the certificates.  
17 Can you go through your certificates again for me,  
18 please?

19 A. Yes. One was a, let's see, introduction  
20 to GIS. One was, I guess, a combination of like  
21 coding and working in different map views. The  
22 other two I can't recall at the moment.

23 Q. Okay. And you also mentioned a drafting  
24 certificate. Is that separate from these four  
25 GIS-related certificates?

1 A. Yes, it is.

2 Q. Can you talk to me a little bit about what  
3 the drafting certificate entailed?

4 A. Yes. So that was through a college that I  
5 had gone through prior to my hire. It involved just  
6 AutoCAD, hand-drafting. Those were the -- that's  
7 essentially the -- of what it contained, what it was  
8 for, was doing that, AutoCAD and for hand-drafting.

9 Q. I see. And you said prior to your hire.  
10 What did you mean by that?

11 A. Before I was hired on at the county.

12 Q. Got it. And so what is AutoCAD?

13 A. A program to use either for -- I used  
14 it -- for my purposes, I used it for designing for  
15 parking lots, anything basically regarding civil  
16 engineering matters. Parking lots, drainage.

17 Q. Go ahead. Sorry. I didn't mean to cut  
18 you off.

19 A. That's fine, but yes, just parking lots  
20 and drainage.

21 Q. And so it's a software program?

22 A. Yes, it is.

23 Q. Okay. And then you mentioned  
24 hand-drafting. What is that?

25 A. So along with AutoCAD at the time,

1 hand-drafting was still something that was taught.  
2 Essentially it's, for lack of a better term, same  
3 thing as AutoCAD. You're just doing it by hand  
4 instead of using the software.

5 Q. Got it. And when did you earn your  
6 drafting certificate?

7 A. I do not recall.

8 Q. Would you say it was before 2000?

9 A. No, after.

10 Q. Would you say it was before 2010?

11 A. Yes.

12 Q. Would you say you earned your drafting  
13 certificate before 2005?

14 A. Either that date plus or minus a year.

15 Q. Okay. So somewhere between 2004 and  
16 2006 --

17 A. Correct.

18 Q. -- you earned your drafting certificate?

19 A. Correct.

20 Q. And then when did you earn your GED?

21 A. 2001, I believe.

22 Q. And were you living in Friendswood at the  
23 time that you earned your GED?

24 A. I was.

25 Q. And you mentioned that you earned your

1 drafting certificate at a college. What college was  
2 that?

3 A. San Jacinto South.

4 Q. And where is that college located?

5 A. Harris County.

6 Q. And then you mentioned that you earned  
7 four GIS-related certificates. One was introduction  
8 to GIS, one was on coding, and then there were two  
9 others that you couldn't recall the details of.

10 Did you also earn those at the same college?

11 A. No. Those were after my hire, after I was  
12 hired.

13 Q. Okay. So let's start with the  
14 introduction to GIS certificate. When did you earn  
15 that certificate?

16 A. I do not recall the dates on those -- on  
17 the certificate.

18 Q. When were you hired first by the county?

19 A. 2007.

20 Q. Did you earn that introduction to GIS  
21 certificate sometime in 2007?

22 A. No.

23 Q. Did you earn the introduction to GIS  
24 certificate sometime in 2008?

25 A. I would say if I had -- probably between

1 2008 and 2012-'13 for all four, but I don't recall  
2 specific dates.

3 Q. Sure. And what exactly was the content of  
4 the introduction to GIS certificate?

5 A. Basically the different layout views of  
6 the software, the -- how to upload layers, how to  
7 create layers, different fonts, how to do different  
8 line widths.

9 Q. Was there anything else covered in the  
10 course?

11 A. Not that I can recall.

12 Q. And when you say "software," what do you  
13 mean by "software"?

14 A. Software, the same as AutoCAD, just a  
15 different type of software used for mapping.

16 Q. And what is the name of that software?

17 A. Esri is the software. GIS is also -- what  
18 it's also known as, too.

19 Q. And then the second certificate you said  
20 was about coding of map views? Is that correct?

21 A. Correct.

22 Q. And what does that entail?

23 A. Essentially you could create different  
24 codes to show how you could look at titles if you  
25 clicked on a layer, how that layer -- how that

1 attribute field would present itself to a user.

2 You could code it to have certain color of  
3 the font, certain size of the font, to pull specific  
4 data out of a field. Essentially that. I can't  
5 recall. There's probably more, but I can't recall.

6 Q. So you mentioned you earned your GED in  
7 2001, correct?

8 A. Correct. Either that date or maybe 2002.  
9 I'm not a hundred percent sure, but I believe 2001.

10 Q. Okay. And then you started working at the  
11 county in 2007, correct?

12 A. Yeah.

13 Q. What were you doing between 2001 and 2007?

14 A. Child care facil- -- working at a child  
15 care facility.

16 Q. Did you have any other jobs between 2001  
17 and 2007?

18 A. Possibly one other job.

19 Q. What was that job?

20 A. Working for a contract company unloading  
21 and loading airplanes. I can't recall the name of  
22 that company.

23 Q. No problem. How did you end up working  
24 for the county in 2007?

25 A. I was made aware of the position online

1 through the internet.

2 Q. And what was that position?

3 A. Engineer tech.

4 Q. Is that still your position today?

5 A. Yes, and in addition to.

6 Q. What do you mean "in addition to"?

7 A. I'm also the GIS specialist.

8 Q. I see. When you first started working as  
9 an engineering tech in 2007, what were your  
10 responsibilities?

11 A. AutoCAD. I was the one who inputted the  
12 information on AutoCAD that I received from  
13 engineering specialists at the time. I was the one  
14 in charge of drawing it out in AutoCAD.

15 Q. And what is an engineering specialist?

16 A. Somebody who has, to my knowledge -- I  
17 don't know a hundred percent, but -- I don't know.  
18 I don't know. I don't know.

19 Q. So you said you inputted information that  
20 you received from an engineering specialist. What  
21 did you mean by that?

22 A. They would draw out on paper or maybe even  
23 a rough sketch. My job was to draw it out in CAD.

24 Q. And what were examples of things that you  
25 would draw out in CAD?

1 A. Parking lots, drainage.

2 Q. Aside from parking lots and drainage, was  
3 there anything else that you would draw out in CAD?

4 A. Not that I can recall.

5 Q. What other responsibilities, if any, did  
6 you have as an engineering tech when you first  
7 started working for the county in 2007?

8 A. Maintaining the map room.

9 Q. What is the map room?

10 A. At the time, AutoCAD was what we used for  
11 our maps that would be available to the public, and  
12 so to make sure that they were stocked.

13 Q. What do you mean by "make sure they were  
14 stocked"?

15 A. That they were -- that we -- if one was --  
16 we sold the last one, make sure to print one out,  
17 put it in there, just to make sure that whatever map  
18 we had was always filled up for purchase.

19 Q. What do you mean by "filled up"?

20 A. If there was a empty section where a  
21 map -- like we just sold the last map, I would go in  
22 there and check it. It was a -- at the time, it was  
23 a daily routine for me to go in there and check the  
24 maps to make sure they were all in stock. And if  
25 they had been sold, then I would print them out and



1 replace, put them in there.

2 Q. So the map room -- sorry. Go ahead.

3 A. Or if there were any changes as far as  
4 city limits or anything like that have changed, I  
5 would replace it at that time, too.

6 Q. So the map room was a physical room?

7 A. Yes.

8 Q. Does the map room still exist?

9 A. Yes.

10 Q. Is it still a physical room?

11 A. Yes.

12 Q. And is it still open to the public?

13 A. Yes.

14 Q. So aside from AutoCAD, maintaining the map  
15 room, did you have any other responsibilities when  
16 you started as an engineering tech in 2007?

17 A. Yes. I can't recall as to what part of  
18 2007, but GIS was introduced to me at the latter  
19 part of 2000, I would say, possibly early 2008, but  
20 it was right around that time frame.

21 Q. Just to be clear, GIS was introduced to  
22 you in the latter part of 2007?

23 A. 2007, possibly 2008, but right around that  
24 time frame, early -- or late 2007, early 2008.

25 Q. Did you have a supervisor when you started

1 as an engineering tech?

2 A. I did.

3 Q. Who was your supervisor?

4 A. Michael Fitzgerald, the county engineer.

5 Q. Did your responsibilities as an  
6 engineering tech change over time?

7 A. Yes.

8 Q. When was the first time your  
9 responsibilities changed?

10 A. As stated, probably late 2007, early 2008.

11 Q. How did they change?

12 A. The county engineer had a software called  
13 Esri GIS. It was a program that we have had. I  
14 don't know for how long we had it. He asked if I  
15 would be interested in learning it. I told him I  
16 would, and I basically started teaching myself from  
17 that point on once I did receive it.

18 Q. Once you started working with Esri GIS,  
19 what were the types of projects you were working on?

20 A. Let's see. Early on it was just figuring  
21 out the system, how it operated, how to -- how to  
22 put information in, how to gather information, just  
23 finding out the ins and outs of how the program  
24 worked.

25 Q. And once you figured out the ins and outs

1 of how the program worked, did the types of projects  
2 you worked on change?

3 A. Yes.

4 Q. What did you start to do?

5 A. We started our first project was to take  
6 all of our information in AutoCAD and transfer it  
7 over to GIS.

8 Q. Did you work on any other projects in GIS?

9 A. Can you ask that question, repeat the  
10 question?

11 Q. Yes. I said, did you work on any other  
12 projects in GIS aside from migrating information  
13 from AutoCAD to GIS?

14 A. For what time frame?

15 Q. Let's start in 2008.

16 A. Yes.

17 Q. What were those projects?

18 A. Updating roads.

19 Q. What do you mean by that?

20 A. So every year the Galveston County  
21 Appraisal District will -- any new subdivisions from  
22 plats, they put the roads in their system and we  
23 will take that and upload it into ours. If there  
24 are roads that we see are not in there, we would add  
25 them. Anytime a city limit may do an annexation, we

1 would make those changes.

2 That's all I can recall at that time for  
3 2008. Unfortunately, 2008 was when Ike happened, so  
4 I didn't do GIS for a while.

5 Q. So when did you pick GIS back up after  
6 2008?

7 A. 2009, but I don't recall a specific month.

8 Q. Sure. What were the types of projects you  
9 were working on in GIS in 2009?

10 A. Let's see. Working on mapping out the  
11 buyout properties, what properties were damaged.  
12 Still worked doing the same as updating city limits  
13 and streets. That's all I can require (sic) as far  
14 as 2009.

15 Q. Sure. So when you're updating or when you  
16 were updating streets, was it just putting in  
17 information that other people had given you?

18 A. Not necessarily. It would be uploading  
19 data that I had received from appraisal district.  
20 But also, if there were roads that were left off, I  
21 would fill that in as well.

22 Q. Would you plan any of the roads yourself?

23 A. No.

24 Q. What were the GIS projects that you were  
25 working on in 2010?

1 A. I don't know. I don't recall.

2 Q. What were the GIS projects that you were  
3 working on in 2011?

4 A. The only ones I know for sure would have  
5 been updating city limits, roads.

6 Q. Any other projects in 2011?

7 A. Not that I can recall.

8 Q. What were GIS-related projects you were  
9 working on in 2012?

10 A. Let's see. Road condition report.

11 Q. Any other projects?

12 A. City limits, roads, and I believe that  
13 was -- may have been redistricting was 2012. I  
14 can't recall specifically, but I think. And that  
15 would have been -- involved commissioner precincts.

16 Q. Anything else in 2012 related to GIS?

17 A. Not that I can recall.

18 Q. So the first project you mentioned you  
19 said was road conditions. What does that mean?

20 A. 2012 we had received a layer from a law  
21 firm that had mapped out all of the county roads,  
22 county-maintained roads, I should say, and that  
23 report included a condition for each one of those  
24 roads.

25 Q. And when you say "condition," what do you

1 mean?

2 A. Good, fair, poor, bad.

3 Q. And you used -- you have used the term

4 "layer" a few times. What is a layer?

5 A. Any data that you collect in GIS or that's

6 given to you is putting -- is you create a layer

7 with that to be a visual on a map. It's also known

8 as a shapefile.

9 Q. I see. Earlier you mentioned at some  
10 point you went from being an engineering tech to an  
11 engineering tech and a GIS specialist. Did that --  
12 did the title of GIS specialist get added on in  
13 2008?

14 A. No.

15 Q. When did it get added on?

16 A. I don't know.

17 Q. Did the title of GIS specialist get added  
18 on before 2012?

19 A. I would say 2009, between 2009 and 2013 is  
20 the only closest time frame I could give.

21 Q. Okay. Speaking of 2013, what were the  
22 GIS-related projects you were working on in 2013?

23 A. Would have been roads, city limits,  
24 updating GCAD information, parcels, adding layers  
25 from the appraisal district into our system.

1 Q. The first thing you mentioned was roads.  
2 Is that -- when you said that, were you referring to  
3 the updating roads process that you described  
4 earlier?

5 A. With the condition report or from the  
6 previous years? Which roads are we speaking about?

7 Q. Good question. Not the condition reports  
8 but the ones from years prior when you got the  
9 information from the appraisal.

10 A. Correct, yes. I updated that every year.

11 Q. And then you mentioned you were updating  
12 something called GCAD information. What is GCAD?

13 A. Galveston County Appraisal District.

14 Q. Okay. Was there anything else that you  
15 were doing in GIS in 2013?

16 A. Not that I can recall.

17 Q. All right. Let's move to 2014. What  
18 GIS-related projects were you working on in 2014?

19 A. City limits, roads, updating GCAD  
20 information layers. And that was the year I started  
21 uploading information from, let's see, TNRIS, I  
22 believe is what it is.

23 Q. And what is TNRIS?

24 A. I don't know. I don't know. They had  
25 shapefiles.

1 Q. I don't need to know what the acronym  
2 stands for, but do you have a sense of what the  
3 organization TNRIS is?

4 A. No. I can't recall.

5 Q. How were the shapefiles provided to you  
6 from TNRIS?

7 A. Through a portal on their website.

8 Q. Did you have a point of contact at TNRIS?

9 A. No.

10 Q. How would you know to check the portal to  
11 get the shapefiles from TNRIS?

12 A. Through a consortium, a GIS consortium.

13 Q. What do you mean by "consortium"?

14 A. There were at the time a group of  
15 individuals who did GIS from different backgrounds  
16 in the local area, cities. I think we had one from  
17 the power -- or the utility district as well. And  
18 we would have monthly or every-other-month meetings.

19 Q. So was TNRIS a local organization?

20 A. No.

21 Q. Was it a national organization?

22 A. I don't know.

23 Q. What was the content of the shapefiles  
24 that you received from TNRIS?

25 A. I don't recall.



1 Q. Why were you uploading those shapefiles?

2 A. A member of the consortium had said that  
3 they had some layers available online that may be a  
4 benefit.

5 Q. A benefit to whom?

6 A. To the county.

7 Q. What were those layers?

8 A. I can't recall.

9 Q. Which member of the consortium told you  
10 that the layers could be beneficial to the county?

11 A. I can't remember his name.

12 Q. Do you recall what organization he  
13 represented?

14 A. Yes.

15 Q. What organization did he represent?

16 A. City of Galveston. Ma'am?

17 Q. Yes.

18 A. I do recall one of the layers.

19 Q. Oh, thank you. What was on the layers?

20 A. 2-foot contour lines.

21 Q. What does that mean?

22 A. It showed you a layer on a map that  
23 would -- distances and elevations at those  
24 distances. For instance, every 20 foot the  
25 elevations would vary. So it was essentially a

1 elevation map or layer, I guess you would say.

2 Q. And what would you use that layer for?

3 A. Certain areas of the county, to see what  
4 the elevation was.

5 Q. Why would knowing the elevation be useful  
6 to you?

7 A. To know of certain projects the county was  
8 doing, what the elevation was for those areas. I  
9 don't know beyond -- once I did it, once I put it on  
10 there, I don't know beyond, what it was used for  
11 after that.

12 Q. Did you work on any other GIS-related  
13 projects in 2014?

14 A. I don't know.

15 Q. All right. Let's jump to 2015. Did you  
16 work on any GIS-related projects in 2015?

17 A. Yes.

18 Q. What projects?

19 A. City limits, roads, downloading appraisal  
20 district information, road condition report, and  
21 updating signs.

22 Q. What do you mean by "updating signs"?

23 A. As a layer, we had a layer and signs. And  
24 this will go back to the 2012 question we were  
25 talking about. I just now recalled that the sign

1 layer was a part of a layer we received with the  
2 road condition report. We received roads and signs  
3 at that time in 2012.

4 Q. So when you say a sign layer, is it a  
5 layer that shows, you know, there's a stop sign  
6 here, there's a yield sign here? Is that what that  
7 means?

8 A. That is correct.

9 Q. Got it. Did you work on any other  
10 GIS-related projects in 2015?

11 A. Yes. We started adding layers for the  
12 building department at that time.

13 Q. And when you say "adding layers for the  
14 building department," would they provide you with  
15 the shapefiles that you would load into GIS, or  
16 would you draw the layers yourself? What is that  
17 process?

18 A. It would have been both. It would have  
19 been involved uploading parcel information. It  
20 would have been involved controlling what the  
21 attributes looked like for them, of the layers. It  
22 would have involved our road condition layer.

23 Q. So what -- you've used this phrase a  
24 couple of times, "upload parcel information."  
25 What does that mean?

1           A.    Every year the Galveston County Appraisal  
2    District uploads the layers or updates their layers  
3    for parcels.  It's when they record any new  
4    information as far as ownership or anything like  
5    that.

6           So at that time frame, we were instructed  
7    or given information from the appraisal district  
8    that the layers are ready for us to upload into our  
9    system.  And sometimes we download them from the  
10   website.  Sometimes they would be provided to us  
11   through an email.  Other information they would have  
12   had that we would normally update would be roads  
13   that we had spoke about.  They have a railroad  
14   layer, emergency service district layer, and a MUD  
15   and WCID layer.

16          Q.    And what is a parcel?  I'm sorry.  Go  
17    ahead.

18          A.    There's a couple more, but I can't recall  
19    what they are.

20          Q.    And what is a parcel?  Sorry.

21          A.    That will give you the ownership  
22    information, the --

23          Q.    Of what?

24          A.    I'm sorry.  Do what?

25          Q.    Of what, ownership of what?

1 A. Property.

2 Q. Okay.

3 A. For the property. It'll give you legal  
4 information regarding that property. It will give  
5 you acreage and value for your land and your home,  
6 the taxing information, I guess you would say.

7 Q. I see. You had mentioned that you would  
8 also control what the attributes looked like for the  
9 appraisal. What did you mean by that?

10 A. Oh, not for the appraisal, just for the  
11 building department.

12 Q. Oh, okay. And what does that mean,  
13 "controlling the attributes"?

14 A. For instance, when they looked at a  
15 parcel, the value, the -- I can't recall the  
16 specific attributes, but value is one of them they  
17 didn't -- they didn't need to see. Just who the  
18 owner was was the main emphasis on that.

19 Q. So you would essentially remove from their  
20 view the attributes that were not of interest to  
21 them?

22 A. Not remove, just turn off where they can't  
23 see it. Never like delete the layer or attribute or  
24 permanently remove, just turn it off.

25 Q. Got it. At any point do you ever draw a

1 layer from scratch?

2 A. Yes.

3 Q. What layers have you drawn from scratch?

4 A. Road -- certain roads that were not  
5 included with the road layer from the appraisal  
6 district, city limits, boundary lines or shoreline,  
7 the Galveston County boundary line. And there are  
8 others, but I can't recall at this time.

9 Q. So you mentioned boundary lines. Aside  
10 from Galveston County's boundary lines, are there  
11 any other boundary lines that you've drawn --  
12 boundary line layers that you've drawn from scratch?

13 A. Shoreline.

14 Q. Any others?

15 A. Not that I can recall.

16 Q. Walk me through the process of drawing a  
17 shoreline layer from scratch, please.

18 A. Taking a aerial imagery and tracing the  
19 shoreline.

20 Q. Can you explain how you trace the  
21 shoreline, please?

22 A. Yes. There's several tools. When you  
23 create a shapefile, there's a line tool, and I would  
24 take the line tool and follow the boundary of the  
25 aerial for the shorelines.

1 Q. You mentioned that you've also drawn roads  
2 from scratch. Can you walk me through the process  
3 of drawing a road from scratch?

4 A. Yes. It would have been done through an  
5 aerial or provided -- a layer provided or a map  
6 provided from the road department.

7 Q. And once you have either the aerial or the  
8 map provided by the road department, would you then  
9 use something like the line tool to trace that shape  
10 in the layer that you're creating?

11 A. For aerial purpose, yes, would be trace  
12 the line or use the aerial for that, for the road  
13 department. It was usually a beginning and a end as  
14 far as intersection of this street 500 feet.

15 Q. Sorry. I don't follow. So if you got the  
16 information from the road department, can you walk  
17 me through? So if the road department said,  
18 "Mr. Sigler, we want this new road, X," what kind of  
19 information would they provide you?

20 A. They would provide location. They would  
21 provide a beginning point, a length in feet, and  
22 then that would correspond to your end point.

23 Q. And then you would be responsible for  
24 actually drawing the road from the beginning point  
25 to the end point they gave you?

1 A. Correct.

2 Q. Are there any guidelines that you follow  
3 when you were drawing a road based on information  
4 that you received from the road department?

5 A. Could you repeat the question?

6 Q. Sure. Are there any sort of standard  
7 guidelines that you follow when you are connecting  
8 the beginning point to the end point?

9 A. Just direction and then a beginning and  
10 then the feet.

11 Q. Are there any other criteria that you  
12 adhere to when you're trying to connect the  
13 beginning to the end point?

14 A. Not that I can recall.

15 Q. Are there concerns, for example, about  
16 crossing city limits?

17 A. No. I mean, if it's a joint project, it  
18 could cross city limits. Most of our roads, the  
19 maintained roads that we receive from the road  
20 department are only going to be within the  
21 jurisdiction of the county, unincorporated area.

22 Q. Do you ever have a role in setting the  
23 beginning point for a road?

24 A. Yes.

25 Q. When do you have a role in setting the



1 beginning point for a road?

2 A. If I'm tracing from the aerial.

3 Q. Do you ever have a role in selecting the  
4 beginning point of a road when you're receiving  
5 information from the road department?

6 A. No.

7 THE WITNESS: And is it possible -- sorry.

8 MS. JAYARAMAN: Sorry, Mr. Sigler. Were  
9 you saying something?

10 THE WITNESS: May I take a bathroom break?

11 MS. JAYARAMAN: Absolutely. Can we go off  
12 the record, please?

13 (Recess from 10:04 to 10:22)

14 BY MS. JAYARAMAN:

15 Q. Mr. Sigler, before we went to break, we  
16 were talking about situations in which you would  
17 have a role in deciding the beginning point for a  
18 road, and you mentioned that you would if you were  
19 working off an aerial view. Can you explain what  
20 you meant by that?

21 A. Yes. So if -- where's -- I mean,  
22 beginning point, whether to start from the end of  
23 the feature, meaning where the road would dead end,  
24 or from the intersection of the road to the dead end  
25 of whatever I was adding.

1 Q. And who would provide you with that aerial  
2 view?

3 A. The Galveston County Appraisal District.

4 Q. And would they tell you which feature to  
5 use as that starting point?

6 A. No.

7 Q. So how would you pick what feature to use  
8 as a starting point?

9 A. If it's a dead-end road, I might would  
10 start from the dead end and work to the  
11 intersection. Or I might start from the  
12 intersection and follow the road, if it connects to  
13 a road, or if it connects -- or if it ends in a dead  
14 end. That's essentially, yes, that.

15 Q. And so with the example of the dead-end  
16 road, who would provide you with the dead-end road  
17 that you're starting with?

18 A. I'm sorry. I don't understand the  
19 question.

20 Q. Sure. Would the appraisal district  
21 point -- tell you to -- tell you that the new road  
22 should start at that dead end?

23 A. No, it would just be from the aerial.

24 Q. So what does an aerial look like?

25 A. If you use Google Maps, the imagery.

1 Q. And so what does the aerial -- so let's  
2 take a step back. If the appraisal district is  
3 giving -- is asking you to draw a road from an  
4 aerial, what information would they provide you?

5 A. They wouldn't be asking us to do it. I  
6 would just take their layer. And if a road was  
7 missing, I would add it.

8 Q. How would you know if a road is missing?

9 A. Based on the layer that they provided.

10 Q. Would you check that layer against  
11 something else?

12 A. Yes.

13 Q. What would you check their layer against  
14 to identify that a road is missing?

15 A. Their previous year layer, our maintained  
16 road layer, and the aerial.

17 Q. So is an aerial also a layer?

18 A. Yes.

19 Q. So if you're updating the roads and  
20 there's a road that needs to be added, the appraisal  
21 might provide you with an aerial layer to load into  
22 your system as a first step?

23 A. No.

24 Q. Okay. So why don't you walk me through  
25 the process of what happens when you're drawing a

1 new road based on an aerial, starting with receiving  
2 that aerial.

3 A. Okay. Aerial is a separate layer, not  
4 related to any specific project. It's just a update  
5 we receive early (sic) or every year. Part of that  
6 process of updating an aerial would be to upload the  
7 previous year aerial. There have been a couple  
8 instances where maybe a road was left off from --  
9 from the current year versus the prior year. And  
10 sometimes there was a issue where their layer didn't  
11 account for a road that we had done from the  
12 county-maintained road layer.

13 And then, like I said, there would be a  
14 aerial that you could load into the software, and  
15 there were roads that were on there that would be  
16 added just based off that as well.

17 Q. What is the county road maintained layer  
18 or county-maintained road layer?

19 A. That is the road layer that was provided  
20 to the county in 2012 that has the condition report  
21 tied to it.

22 Q. Who constructs the aerial layer?

23 A. I do not know.

24 Q. Who provides you with the aerial layer?

25 A. Galveston County Appraisal District.

1 Q. Does the Galveston County Appraisal  
2 District have their own GIS staff?

3 A. Yes.

4 Q. Is Mr. Fitzgerald still your supervisor?

5 A. No.

6 Q. Who is your supervisor?

7 A. Michael Shannon.

8 Q. When did Mr. Shannon become your  
9 supervisor?

10 A. Six to eight years ago.

11 Q. So would you say that Mr. Shannon became  
12 your supervisor around 2015?

13 A. 2015, possibly 2016. I don't recall the  
14 specific date.

15 Q. And what is Mr. Shannon's title?

16 A. Galveston County engineer.

17 Q. Let's jump forward to present day, so  
18 2022. What are your GIS-related tasks in 2022?

19 A. Updating roads. Let's see. We maintain  
20 the database layer for the roads, for the signs,  
21 updating signs. We correspond with a few different  
22 departments and assist them with their GIS. We --  
23 let's see. We create data as needed. And then  
24 we're still basically updating the same data that  
25 we've been updating.

1 Q. Are there any other GIS-related tasks that  
2 you're doing in 2022?

3 A. Assisting with other departments. That's  
4 probably one of the biggest ones, I guess.

5 Q. Okay. So let's start there. What do you  
6 mean by "assisting with other departments"?

7 A. The Office of Emergency Management has  
8 acquired some licenses to view data, to create data.  
9 We assisted them with obtaining their licenses.  
10 We've created or I've created maps for them,  
11 dashboards for them. I assisted with the COVID,  
12 whenever that was going on, dashboard. Weather is a  
13 map I did for them, the interactive weather map.

14 I can't recall all the rest of the  
15 specifics as far as with the OEM as far as other  
16 things we've done for them, but essentially creating  
17 data, uploading data, and maintaining maps and  
18 dashboards, assisting them with that.

19 The tax office is a recent one that we've  
20 worked with. That entails adding parcel  
21 information. The tax office will provide layers  
22 based off different projects they have going on.  
23 And city limits, we add that, so we've created their  
24 own map for them. And they have a few licenses as  
25 well to access that. And we occasionally work with

1 other departments in providing information requests.

2 We get those periodically as well.

3 Q. So you mentioned that you created a map  
4 for the weather office, correct?

5 A. For emergency management, yes, ma'am.

6 Q. Emergency management. My apologies. But  
7 it was a weather map, you said?

8 A. A interactive weather map, yes, ma'am.

9 Q. Can you walk me through the process of  
10 drawing that map from start to finish, please?

11 A. Yes. It would involve accessing layers  
12 that are available through NOAA and through Esri,  
13 the software provider. They have their own  
14 shapefiles. You would create it in what's called a  
15 web map. Once your layers are in the web map, you  
16 can create what's then called a web app. The web  
17 app is what is accessed from the public to view  
18 those layers. And it'll have information as far as  
19 hurricane warnings, tracks. If there's any kind  
20 of -- basically any kind of update from NOAA will be  
21 shown on that map, if it's riptide or currents or  
22 whatever have you.

23 Q. And I think you also mentioned that you  
24 drew a map for the tax office that had city limits  
25 on it? Is that correct?

1           A.    Yeah, the tax office map would have  
2           several different layers, parcel layers, city  
3           limits. I can't recall the specifics what other  
4           layers may would be on there. They usually provide  
5           it and I just upload it to their web page, to their  
6           web map.

7           Q.    Did you draw any layers from scratch for  
8           the city limits map that you drew for the tax  
9           office?

10          A.    The city limits would have been drawn from  
11          scratch, yes, ma'am, that's correct.

12          Q.    Can you walk me through the process of  
13          drawing those city limits from scratch?

14          A.    Yes. The process would have been at the  
15          time that previous county engineer, Michael  
16          Fitzgerald, would provide documentation of when a  
17          city was annexed, what the boundaries were. So I  
18          would have either documents or maps or his knowledge  
19          of where a line should be for those city limits.

20          Q.    And you would follow that information to  
21          draw the limits?

22          A.    Correct.

23          Q.    And you mentioned Mr. Fitzgerald. So were  
24          you drawing city limit maps even prior to 2015?

25          A.    The city limit maps would have been the



1 same layer, just over the -- it was more of a living  
2 document that got changed over the course of time.

3 Q. So switching back to 2022, one of the  
4 other tasks that you mentioned related to GIS that  
5 you were doing is creating data as needed. What did  
6 you mean by that?

7 A. For example, the OEM was involved with --  
8 it's called -- I believe it's called Beach Party  
9 Weekend, and they needed some information on how  
10 they could send emergency services to a certain  
11 location. But for those emergency services  
12 volunteers to know exactly where to go, they  
13 numbered trash barrels.

14 And so my job was to create a layer that  
15 showed where all the trash barrels were and number  
16 them. That way the volunteers or responders would  
17 know where to respond to a call of emergency.  
18 That's one example of like creating layer -- like,  
19 you know, creating data for somebody.

20 Q. So when you say "creating data," is that  
21 the same thing as creating a layer?

22 A. Yes, yes. Whether you're doing it from an  
23 Excel file or if you're doing it from a shapefile,  
24 the end result will be a layer shapefile that you  
25 view on a map.

1 Q. What other layers have you created in  
2 2022?

3 A. So one off the top of my head I can think  
4 of is there is a program that our IT developed that  
5 allows us to pull data from our permit database and  
6 it puts it into an Excel format. I can take that  
7 Excel format, put it into my system, take what's  
8 called identifier number, which in this case would  
9 be the CAD number.

10 So I can take the CAD number from that  
11 Excel file, cross-reference it with a parcel that we  
12 use yearly to update, and then we'll know where all  
13 of the permits are located at and then also the  
14 status of that permit, if it's open or closed, the  
15 type of permit it is, if it's a RV.

16 Q. Are there any other layers that you've  
17 created in 2022?

18 A. There are. I'm just having a hard time  
19 recalling.

20 Q. Are there any other GIS-related tasks that  
21 you've undertaken in 2022 that we haven't spoken  
22 about yet?

23 A. No, not -- no.

24 Q. Let's go back to 2021. Were you engaged  
25 in any GIS-related tasks in 2021?

1 A. Yes.

2 Q. What were they?

3 A. Updating the road conditions, uploading  
4 the new roads from the appraisal district, assisting  
5 the tax office, assisting the Galveston County OEM,  
6 and the -- can you rephrase the question so I can  
7 hear it one more time, please?

8 Q. Sure. Were you engaged in any GIS-related  
9 tasks in 2021?

10 A. Okay. Yes. And then with the  
11 redistricting as well.

12 Q. And you've mentioned Galveston OEM a  
13 couple of times. Is that the Office of Emergency  
14 Management?

15 A. It is.

16 Q. Were you engaged in any other GIS tasks in  
17 2021?

18 A. I assisted the county clerk's office.

19 Q. What did you assist the county clerk's  
20 office with?

21 A. They gave me a list of addresses and  
22 for -- I believe it was voting locations. I'm not a  
23 hundred percent certain, but they provided lists of  
24 addresses for me to map out.

25 Q. What do you mean by "map out"?

1           A.    So they would give me an address.  I would  
2           either cross-reference it with the parcel or parcels  
3           and with Google, Google Maps specifically.

4           Q.    So they gave you a list of polling  
5           locations, you cross-referenced with Google Maps to  
6           confirm where they were, and then you created a new  
7           layer showing those polling locations?

8           A.    They just provided a list of addresses.  
9           I can't recall what they -- specifically they were  
10          for, if it was voting locations.  I don't know  
11          specifically.  Just they provided a list of  
12          addresses that they had requested that we map out  
13          for them and print on paper.

14          Q.    Okay.  So you took the list of whatever  
15          the addresses were that they gave you, you confirmed  
16          where they were, and you put those locations on a  
17          map and you gave them that map?

18          A.    That is correct.

19          Q.    Do you often work with the county clerk's  
20          office?

21          A.    Yes.

22          Q.    What do you work with the county clerk's  
23          office on?

24          A.    They may ask for maps for voting -- paper  
25          maps of voting precincts and commissioner precincts

1 and address as well for locations. I don't know  
2 what specifically they would be for, but that --  
3 that's usually what they request.

4 Q. Do you do any other work with the county  
5 clerk's office?

6 A. No.

7 Q. Were you engaged in any other GIS-related  
8 tasks in 2021?

9 A. Not that I can recall.

10 Q. Mr. Sigler, have you heard of the Bolivar  
11 Peninsula?

12 A. I didn't hear that question.

13 Q. I'm sorry. Have you heard of the Bolivar  
14 Peninsula?

15 A. Yes.

16 Q. Where is the Bolivar Peninsula located in  
17 the county?

18 A. The east end of the county.

19 Q. How would you describe the Bolivar  
20 Peninsula to someone who has no familiarity with it?

21 A. You --

22 Q. I'm sorry. Did you hear the question?

23 A. I did. I'm trying to think about the  
24 question. Sorry.

25 Q. Oh, no, no. It's okay. I heard some

1 background noise. I wanted to make sure.

2 A. That was probably me going "uh."

3 The two ways I would describe it, one of  
4 them I can't describe that way anymore. One would  
5 be you need to take a ferry to get there. Number  
6 two is there used to be what was called Rollover.  
7 They've since filled it in. But those were the two  
8 distinguishing things that I would identify it as.

9 Q. Okay. Let's take the second one first,  
10 the one you said that's no longer applicable. What  
11 is Rollover?

12 A. There used to be a bridge that crossed a  
13 body of water. It was known as Rollover Pass. I  
14 don't know when, but it was filled in with dirt, has  
15 since been filled in with dirt.

16 Q. Okay. And then the first thing you said  
17 was you have to take a ferry to get there. Is that  
18 correct?

19 A. From the county, yes. To get there from  
20 the county, you have to take a ferry.

21 Q. Is there anything else that you would tell  
22 someone who has no familiarity with Bolivar  
23 Peninsula about the peninsula?

24 A. The only other thing I've told somebody  
25 would be about the Fort Travis Park there, I believe

1 it is, is the name of it. Someone has asked about  
2 parks, and I told them there was a park there named  
3 Fort Travis Park, I believe is the name of that  
4 park.

5 Q. Do you have a sense of what the major  
6 employers are on Bolivar Peninsula?

7 A. No.

8 Q. Do you have a sense of what the major  
9 industries are on Bolivar Peninsula?

10 A. No.

11 Q. Have you heard of Carver Park?

12 A. I don't know. It's not ringing a bell  
13 right now.

14 Q. Would it help refresh your recollection to  
15 know that it might be a neighborhood in League City?

16 A. No. I -- I -- I don't -- I don't know  
17 where it's located.

18 Q. Or, sorry, Texas City. My apologies.

19 A. No, I don't know where it is.

20 Q. Okay. How would you describe the city of  
21 Galveston to someone who has no familiarity with it?

22 A. It's a island.

23 Q. Are there any points of interest?

24 A. A railroad museum, the Bishop's Palace.

25 Other than tourist attractions, no.

1 Q. Do you have a sense of what the major  
2 employers are in the city of Galveston?

3 A. No.

4 Q. Do you have a sense of what the major  
5 industries are in the city of Galveston?

6 A. No.

7 Q. Have you heard of the South Acres  
8 community?

9 A. No.

10 MS. JAYARAMAN: Cathy, could we pull up  
11 Tab 3, please.

12 (Exhibit 1 marked)

13 Q. Mr. Sigler, I believe that Sigler  
14 Exhibit 1 should now be available to you on Exhibit  
15 Share. Let me know when you have it up in front of  
16 you, please.

17 MR. RUSSO: Hang on a second. I'm going  
18 to have to pull that up.

19 MS. JAYARAMAN: Okay. It might actually  
20 be showing up without the stamp, so we might  
21 reintroduce it.

22 ZOOM TECH: Counsel, this is Clint, the  
23 tech. I can tell you the stamp is appearing on  
24 there.

25 MS. JAYARAMAN: Okay. There it is. Okay.



1 Do you have it up in front of you?

2 MR. RUSSO: No. Give me a second.

3 MS. JAYARAMAN: Okay. Great.

4 ZOOM TECH: Counsel, just real quick,  
5 would you like me to share this exhibit over Zoom?

6 MR. RUSSO: It would make it easier for  
7 us, but --

8 ZOOM TECH: Okay. Give me one moment  
9 then.

10 BY MS. JAYARAMAN:

11 Q. Okay. Mr. Sigler, I'm showing you what  
12 has been marked as Sigler Exhibit 1, and I think  
13 we're going to have to zoom in on it so we can see  
14 it properly.

15 A. Okay.

16 Q. And would you agree that Sigler Exhibit 1  
17 is a screenshot of the Galveston County GIS portal?

18 A. Yes.

19 Q. What is the Galveston County GIS portal  
20 used for?

21 A. It's used both internally and externally.  
22 The JPs will use it for the JP boundary lines. The  
23 animal control will use it. Our office utilizes it.  
24 I know at least two -- I can name, if you want, the  
25 three other departments I know off the top of my

1 head that use it.

2 Q. What does your office use it for?

3 A. They use it for the parcel information.

4 They use it for specifically -- it's hard because

5 it's not -- I don't think that's all of it.

6 Our building department will use it for

7 the permit provider, power service provider, the

8 parcel for ownership. We'll use it for if there's

9 a -- for building permits. And then we'll use it

10 for projects to see if it -- to gather information

11 for the major property owners if there's a project

12 in a certain area and there needs to be a mailout

13 for a subdivision change or -- so it's used for

14 multiple things. It's hard for me to name every

15 single thing, though, that it's used for.

16 MS. JAYARAMAN: Sure. Mr. Thomas, could

17 you scroll to the very top of Sigler Exhibit 1,

18 please.

19 Q. So, Mr. Sigler, it looks like this portal

20 is the public-facing version of the GIS portal.

21 Is that right?

22 A. That is correct.

23 Q. Does the internal version of the portal

24 have more functionality than this external-facing

25 portal?

1 | A. I don't understand the question.

2 | Functionality in terms of what?

3 | Q. In terms of information available to the  
4 | person accessing the portal.

5 | A. The internal one does have information  
6 | that is not on -- provided on the external.

7 | Q. So if we look at the right-hand side of  
8 | Sigler Exhibit 1, it says "Layers." Do you see  
9 | that?

10 | A. Correct. Yes, ma'am.

11 | Q. Are those the layers that we've been  
12 | talking about thus far?

13 | A. Yes.

14 | Q. Are those -- who decides which layers are  
15 | added to this public-facing version of the GIS  
16 | portal?

17 | A. I may add a layer, but approval would come  
18 | from the county engineer, possibly somebody above.  
19 | I don't know.

20 | Q. Are you responsible, though, for adding  
21 | the layers --

22 | A. Yes.

23 | Q. -- to this external? Sorry. So you are  
24 | responsible for adding layers?

25 | A. Yes.

1 MS. JAYARAMAN: Cathy, if we could take a  
2 look at Tab 4, please.

3 (Exhibit 2 marked)

4 Q. So I think it's up on your screen. So I'm  
5 showing you what's been marked as Sigler Exhibit 2  
6 which is Bates stamped DEFS00010340 through  
7 DEFS00010341. Have you seen Sigler Exhibit 2  
8 before?

9 A. I'm sorry. I'm taking time to read the  
10 document. I'm sorry.

11 Q. No, take your time.

12 MR. RUSSO: While he's looking at it, can  
13 you read that first Bates number again?

14 MS. JAYARAMAN: Sure. DEFS00010340.

15 A. Okay. Yes, ma'am. I've read the  
16 document.

17 Q. And would you agree that it is a  
18 March 11th, 2020, email chain between you and Kristi  
19 Saludis copying Sheryl Swift?

20 A. Yes, but I only see one part of the  
21 document.

22 MS. JAYARAMAN: Yeah. So actually I think  
23 it might be better -- actually, can we go off the  
24 record for a moment, please?

25 (Off record from 10:55 to 10:58)

1 BY MS. JAYARAMAN:

2 Q. Okay. So taking a look again at Sigler  
3 Exhibit 2, would you agree that it is an email chain  
4 dated March 11th, 2020, between Kristi Saludis and  
5 yourself copying Sheryl Swift?

6 A. Yes.

7 Q. Who is Kristi Saludis?

8 A. I don't -- she worked in voter  
9 registration.

10 Q. And who is Sheryl Swift?

11 A. I don't know her title. She works in --  
12 for the tax office.

13 Q. Okay. I'd like to direct your attention  
14 to the bottom email in the chain.

15 A. Okay.

16 Q. And in the first sentence of that email,  
17 you write, "Below is the link to our map room.  
18 Navigate to the GIS portal." Do you see that?

19 A. Yes, I do.

20 Q. What is the map room?

21 A. The map room is a -- the public interface  
22 where we house several different maps, one of them  
23 being the GIS portal map. Another one would be a  
24 commissioner map, an HAP map, and then also a FEMA  
25 map are the ones I recall off the top of my head.

1 Q. And so is this map room different from the  
2 physical map room that we were talking about  
3 earlier?

4 A. Yes. This is online only.

5 MS. JAYARAMAN: Okay. Cathy, if we could  
6 pull up Tab 2, please.

7 (Exhibit 3 marked)

8 MS. JAYARAMAN: So Tab 2 -- Sigler  
9 Exhibit 3 should now be in the Marked Exhibits  
10 folder. You might have to refresh the folder. Let  
11 me know when --

12 MR. RUSSO: Yeah, there it is. Okay.  
13 We've got it. Let me make it a little bigger. All  
14 right.

15 Q. Is Sigler Exhibit 3 the online map room --  
16 is Sigler Exhibit 3, excuse me, a screenshot of the  
17 online map room that you were referring to?

18 A. That is correct.

19 Q. Okay. I'd like to switch gears a little  
20 bit and just make sure we're on the same page with  
21 respect to some terminology. Are you familiar with  
22 the acronym "VTD"?

23 A. Yes.

24 Q. What is a VTD?

25 A. A voting precinct.

1 Q. So is a voting precinct the same thing as  
2 a VTD?

3 A. Yes.

4 MS. JAYARAMAN: Cathy, could we pull up  
5 Tab 9, please.

6 (Exhibit 4 marked)

7 Q. So Sigler Exhibit 4 should be available to  
8 you. Just let me know when you have it up, please.

9 MR. RUSSO: It's up.

10 Q. Great. Mr. Sigler, I'm showing you what  
11 has been marked as Sigler Exhibit 4 which is Bates  
12 stamped DEFS00019474 through DEFS00019475. And it  
13 is a May 15th, 2019, email from you to Mr. Shannon.  
14 Would you agree?

15 A. Yes.

16 Q. And I'd like to direct your attention to  
17 the first paragraph of your email. You write,  
18 "After going over the census tract and block group  
19 data, I was able to determine that our voting  
20 precinct data had not been made directly based off  
21 those lines. They were in fact drawn based off the  
22 tab block data." Do you see that?

23 A. Yes.

24 Q. What does "census tract" and "block group  
25 data" mean?

1 A. Census tract is -- let's see. It's going  
2 to -- it contains -- contained information. It's  
3 meant to be a overall view, and then it goes down  
4 more specifically as you go to block group down to  
5 tab block.

6 Q. So if I'm understanding you correctly,  
7 census tract is a higher level, followed by block  
8 which is more zoomed in, and then tab block is even  
9 more zoomed in?

10 A. So basically more of -- census tract is  
11 more of a area. Block group, tab block is more of a  
12 breakdown, meaning you get more specific data as you  
13 are going down.

14 Q. What do you mean by "going down"?

15 A. So it's -- let me think of the best way to  
16 explain this. A tract is going to be -- could cover  
17 a large swath of area. A block group is going to  
18 break that area up to focus on certain areas within  
19 a tract.

20 Q. Okay. Then under the heading  
21 "Population," so scrolling down the email a little  
22 bit in Sigler Exhibit 4, you write, "Because the  
23 voting, commissioner and JP precincts are based off  
24 the tab block data and not strictly the block groups  
25 or census tracts, our precinct lines will not align



1 with the block group or census tracts perfectly.  
2 You will not get complete, accurate population  
3 counts by commissioner precincts. There will be a  
4 margin of error." Do you see that?

5 A. I'm sorry. Where is it located again?

6 Q. Sure. The paragraph under the heading  
7 "Population."

8 A. Okay. Correct. I see it.

9 Q. Great.

10 A. And I have read it.

11 Q. Okay. Good. That was going to be my next  
12 question, so you headed me off.

13 Can you explain what you meant by "our  
14 precinct lines will not align with the block group  
15 or census tracts perfectly"?

16 A. Yes. As previously stated, the tract is  
17 the overall view. The block is a little bit more.  
18 It cuts it up. The tab block data is data that -- I  
19 don't know specifically, but it's got some history  
20 to it of lines that you have to use to create that  
21 data. So -- so, yes, the tab block data is the data  
22 that you would use to officially create those lines.  
23 And that's provided by the Census Bureau.

24 Q. So why would the precinct lines not align  
25 with the block group or census tracts?

1           A.    The census -- the tab block data follows  
2 features that are no longer available, meaning there  
3 could be a river at the time that's no longer  
4 present now, or it could be a road that was present  
5 at that time that's no longer there now.

6           Q.    Are you familiar with the phrase "election  
7 precinct"?

8           A.    I don't know.

9           Q.    Are you familiar with the phrase "county  
10 election precinct"?

11           MR. RUSSO: Sorry. What was that that you  
12 said, Counsel?

13           Q.    Are you familiar with the phrase "county  
14 election precinct"?

15           A.    No.

16           Q.    So to confirm, there is no difference  
17 between voting precinct lines in Galveston County  
18 and VTD lines?

19           A.    Could you repeat that question?

20           Q.    Sure. So to confirm, there's no  
21 difference between voting precinct lines in  
22 Galveston County and VTD lines?

23           MR. RUSSO: Objection. Calls for  
24 speculation. You can answer.

25           A.    The VT -- I believe VTD and the voting

1 precincts are the same, if I understood the question  
2 correctly.

3 Q. Yes. I can rephrase the question.

4 Are VTD lines and voting precinct lines  
5 the same in Galveston County?

6 A. Yes.

7 Q. Who draws VTD lines?

8 MR. RUSSO: Objection, vague.

9 A. I'm -- who -- can you repeat the question  
10 again?

11 Q. Sure. Who draws VTD lines?

12 MR. RUSSO: Same objection.

13 A. Could you rephrase the question?

14 Q. Sure. Are VTD lines provided by the  
15 census?

16 A. No.

17 Q. Who provides VTD lines?

18 A. For which -- for which -- for which  
19 specific date or a project or --

20 Q. Sure. So let's take a step back.

21 Are VTD lines redrawn periodically?

22 A. No.

23 Q. Are VTD lines ever redrawn?

24 A. Yes.

25 Q. How often are VTD lines redrawn?

1 A. During redistricting.

2 Q. Are VTD lines unique to Galveston County?

3 A. Are VTD lines unique to Galveston County?

4 Is that what your question was?

5 Q. That was my question, yes.

6 A. No.

7 Q. So you said VTD lines are drawn during  
8 redistricting, correct?

9 A. Correct.

10 Q. Who draws the VTD lines during  
11 redistricting?

12 A. For which one?

13 Q. What do you mean by "for which one"?

14 A. For which redistricting?

15 Q. Let's start with justice of the peace  
16 redistricting. Who draws the VTD lines for that?

17 MR. RUSSO: Objection, vague.

18 A. Which -- which redistricting? Which year  
19 redistricting are you referring to?

20 Q. For the 2011 redistricting cycle, who drew  
21 the VTD lines for the justice of the peace  
22 precincts?

23 A. I do not recall.

24 Q. Are the VTD lines for justice of the peace  
25 precincts different from VTD lines for commissioners

1 | court precincts?

2 | A. No.

3 | Q. Are VTD lines -- I'll rephrase the  
4 | question.

5 | Are there multiple sets of VTD lines in  
6 | Galveston County?

7 | A. Can you rephrase the question?

8 | Q. Sure. Are there multiple versions of VTD  
9 | lines in Galveston County?

10 | A. No.

11 | Q. Are the VTD lines in Galveston County the  
12 | same as the voter precinct lines in Galveston  
13 | County?

14 | MR. RUSSO: That question broke up.

15 | Q. My apologies. Are the VTD lines in  
16 | Galveston County the same as the voting precinct  
17 | lines in Galveston County?

18 | A. Yes.

19 | Q. So are the voting precinct lines in  
20 | Galveston County also drawn -- redrawn each  
21 | redistricting cycle?

22 | A. Yes.

23 | Q. Do you play a role in the process of  
24 | redrawing voting precinct lines for Galveston  
25 | County?

1 A. I'm not redrawing or identifying.

2 Q. What do you mean by "identifying"?

3 A. Once redistricting would occur, I would  
4 identify if there's any confliction with the  
5 senatorial boundary lines, different state --  
6 whatever state boundary lines there may be,  
7 senatorial being one I can think of, board of  
8 education. There's some other ones I can't -- I  
9 don't remember the name to, but to identify splits.

10 Q. What do you mean by "confliction"?

11 A. For instance, if the -- if the senatorial  
12 lines have moved in regard to one of our voting  
13 precincts, we would need to make it to where that  
14 senatorial line isn't splitting through a voting  
15 district, so we would need to correct that.

16 Q. Why would that need to be corrected?

17 A. Because you can't have a split voting  
18 precinct.

19 Q. So no voting precincts in Galveston County  
20 can be split?

21 A. Correct. They can't be split.

22 Q. When you say "they can't be split," are  
23 you just referring to the senate lines or they  
24 cannot -- or can voting precincts not be split by  
25 any lines in Galveston County?

1 A. I don't know as far as any lines. There's  
2 restrictions on they can't be split, for my  
3 knowledge, based off commissioner layers provided by  
4 the state. Those are the ones I'm aware of that can  
5 be split as from those. They need to be addressed  
6 at that time or addressed at some point.

7 Q. So to be clear, did you say they can or  
8 cannot be split by commissioners layers?

9 A. They cannot be.

10 Q. Okay. So do you also then review for  
11 conflicts with commissioners court precinct lines?

12 A. Yes.

13 Q. Walk me through the process of identifying  
14 conflicts with commissioners court precinct lines.

15 A. Adding the layer for the commissioner  
16 precincts and adding the layer for the voting  
17 precincts, usually doing it -- doing the -- in  
18 different colors so it'll stick out if something is  
19 split, meaning commissioner precinct lines might be  
20 blue and voting precinct lines might be red.  
21 Anywhere where you see a blue cutting through a  
22 precinct, you would know there would be a split or  
23 vice versa.

24 Q. Did you undertake this process of  
25 identifying splits during the 2021 redistricting

1 cycle?

2 A. Yes.

3 Q. Walk me through what you did to identify  
4 splits during the 2021 redistricting cycle.

5 A. Downloading layers, shapefiles from the  
6 state, uploading the commissioner precincts,  
7 uploading the JP precincts, and cycling through each  
8 one of those to see where there may be potential  
9 splits.

10 Q. What did you do when you identified -- did  
11 you identify any splits?

12 A. Yes.

13 Q. What did you do when you identified a  
14 split?

15 A. Circle it, do a PDF map. Let's see.  
16 There may have been an occasion when we were on a  
17 Zoom and looked at it, or a spreadsheet.

18 Q. When you say "we were on a Zoom," who is  
19 "we"?

20 A. Commissioner Clark and Dale.

21 Q. Who is Dale?

22 A. He was with the law firm.

23 Q. So you're referring to Dale Oldham?

24 A. I believe that's his name.

25 Q. Why were you meeting with Commissioner



1 Clark to discuss the conflicts?

2 A. It wasn't specifically to discuss the  
3 conflicts. We would just review the maps, and if  
4 there was something of note, that we noticed a  
5 split, it wasn't necessarily just me. It could be  
6 anybody that discovered it.

7 Q. When you say "reviewed the maps," what  
8 maps were you reviewing with Commissioner Clark?

9 A. Of the layers from the state, the  
10 commissioner precincts, and the voting precincts.

11 Q. And you said it could be anybody that  
12 discovered it. Were there other --

13 A. I'm sorry. You cut out.

14 Q. Sorry. You said -- you said that there  
15 may be anybody that discovered it. Were there other  
16 people also looking for conflicts?

17 A. I don't know.

18 Q. So what did you mean by "anybody that  
19 discovered it"?

20 A. Commissioner Clark could have discovered  
21 some. Dale could have discovered some. Beyond  
22 that, I don't know.

23 Q. Why were you meeting with Mr. Oldham to  
24 discuss these splits?

25 MR. RUSSO: Counsel, let me interpose an

1 objection just to remind the witness not the  
2 disclose privileged communications between he and  
3 Mr. Oldham, to the extent there were attorney-client  
4 privileged conversations. But to the extent you can  
5 answer the question without disclosing those  
6 communications, you can answer.

7 A. Could you repeat the question?

8 Q. Sure. Why were you meeting with  
9 Mr. Oldham to discuss these conflicts?

10 MR. RUSSO: Same objection.

11 A. I'm going to take the advice of my  
12 counsel.

13 MS. JAYARAMAN: Sure. Cathy, can you pull  
14 up Tab 6, please.

15 (Exhibit 5 marked)

16 Q. Believe that Sigler Exhibit 5 should now  
17 be up for -- up in the Marked Exhibits folder. Do  
18 you have it in front of you?

19 A. Yes.

20 Q. Great. Mr. Sigler, I'm showing you what  
21 has been marked as Sigler Exhibit 5 which is Bates  
22 stamped DEFS00020457 through DEFS00020461. Have you  
23 seen Sigler Exhibit 5 before?

24 A. Thank you. Sorry. I'm taking over the  
25 mouse for a second.

1 Q. Sure, please do.

2 A. Okay. I have reviewed them.

3 Q. Great. Have you seen Sigler Exhibit 5  
4 before?

5 A. Yes.

6 Q. And would you agree that Sigler Exhibit 5  
7 is a November 12th, 2021, email from yourself to  
8 Cheryl Johnson copying Kathleen Moreno?

9 A. Yes.

10 Q. Who is Cheryl Johnson?

11 A. She's the tax assessor for the county.

12 Q. And who is Kathleen Moreno?

13 A. I'm not sure of her title, but she works  
14 with Ms. Johnson.

15 Q. I see. If we could now turn to the fourth  
16 page of Sigler Exhibit 5, and it's Bates stamped  
17 DEFS00020460. So it's, again, the fourth page of  
18 Sigler Exhibit 5.

19 A. Okay.

20 MR. RUSSO: Says "Map 2."

21 Q. And at the top of the page, it says "Map 2  
22 Commissioner Precinct by Current Voting Precincts  
23 and Splits." Do you see that?

24 A. Yes, I do.

25 Q. What does "Map 2" mean?

1 | A. That was a proposal from -- I don't recall  
2 | the name of the company they hired to do the  
3 | redistricting.

4 | Q. And when you say "they," are you referring  
5 | to the commissioners court?

6 | A. Correct.

7 | Q. And would you agree that Map 2 was the map  
8 | that was eventually adopted by the commissioners  
9 | court during the 2021 redistricting cycle?

10 | A. Yes.

11 | Q. So below the title, it says, "If the  
12 | voting precinct has 'A' at the end, it is a split  
13 | precinct." Do you see that?

14 | A. Yes, I do.

15 | Q. What is a split precinct in this context?

16 | A. Commission -- can you rephrase the  
17 | question one more time, please?

18 | Q. Absolutely. What is a split precinct in  
19 | this context?

20 | A. Okay. Where a commissioner precinct would  
21 | split a voting precinct.

22 | Q. So can you walk me through the first  
23 | column, the one that's labeled "Commissioner  
24 | Precinct 1"?

25 | So I guess to make it a little more

1 concrete, I see that 168 is listed in

2 Commissioner -- in the Commissioner Precinct 1

3 column. What does the 168 mean there?

4 A. That is the name of that voting precinct.

5 Q. So it's telling -- this chart says that in

6 Map 2, Voting Precinct 168 is found in Commissioner

7 Precinct 1?

8 A. Rephrase that or repeat that question,

9 please?

10 Q. Sure. So is this chart saying that Voting

11 Precinct 168 is located in Commissioner Precinct 1

12 in Map 2?

13 A. Yes.

14 Q. Okay. So a few rows above 168 in that  
15 first column, it says 150, 151, 152. Are voting  
16 precincts that are close in number physically close  
17 to each other?

18 MR. RUSSO: Objection, vague.

19 A. I'm not -- I don't know.

20 Q. So in the first column, there's a Voting

21 Precinct No. 165.1. Do you see that?

22 A. Yes.

23 Q. What does the .1 mean?

24 A. .1 was given if there was no population.

25 Q. So is 165.1 located close to 165?

1 A. I don't know.

2 Q. Okay. Let's take a look at the second  
3 column. There is a 232.1. Do you see that?

4 A. I do.

5 Q. What does the .1 mean?

6 A. .1 would be no population.

7 Q. Below that, there's a 232.3. Do you see  
8 that?

9 A. I do.

10 Q. What does the .3 mean?

11 A. No population.

12 Q. And then in the column called Commissioner  
13 Precinct 4, there is a 232.2. Do you see that?

14 A. I do.

15 Q. Does the .2 also indicate no population?

16 A. Correct.

17 Q. So is there any distinction between the  
18 suffix .1 or the suffix .2?

19 A. I don't know.

20 Q. Is there any distinction between the  
21 suffix .2 and .3?

22 A. I don't know.

23 Q. Who assigns the voting precincts their  
24 numbers?

25 A. I don't know.

1 Q. What is the name of your department in  
2 Galveston County?

3 A. Galveston County engineering department.

4 Q. Does someone in the engineering department  
5 assign voting precincts their numbers?

6 MR. RUSSO: Objection. Asked and  
7 answered.

8 A. No.

9 Q. Okay. Now let's turn to the second page  
10 of Sigler Exhibit 5, and it's labeled "'Map 1'  
11 Commissioner Precinct by Current Voting Precincts  
12 and Splits." Do you see that?

13 A. I do.

14 Q. And what does this -- what does Map 1  
15 mean?

16 A. That was the other proposal proposed by  
17 the -- whoever the commissioners court hired.

18 Q. When you say "other proposal," do you mean  
19 another proposal for commissioners court precincts?

20 A. Yes.

21 Q. And what does this chart show?

22 A. Proposal of -- the Map 1 proposal with at  
23 that time the current voting precincts and where  
24 the -- what the splits were.

25 Q. And what do you mean by "at the time the

1 | current voting precincts"?

2 | A. Of the -- to my knowledge, the new ones  
3 | weren't adopted as of yet.

4 | Q. And why did you send these charts to  
5 | Ms. Johnson and Ms. Moreno?

6 | A. Because she's in charge of the voter  
7 | registration.

8 | Q. My apologies. Who is in charge of the  
9 | voter registration?

10 | A. Cheryl Johnson.

11 | Q. And why did you send these charts on  
12 | November the 12th?

13 | A. I do not know.

14 | MS. JAYARAMAN: Okay. Cathy, can you pull  
15 | up Tab 27, please.

16 | (Exhibit 6 marked)

17 | MS. JAYARAMAN: It should -- Sigler  
18 | Exhibit 6 should now be in the Marked Exhibits  
19 | folder.

20 | And, Cathy, if you could go ahead and pull  
21 | up DEFS0016755 as well.

22 | Q. Mr. Sigler, please let me know when you  
23 | have Sigler Exhibit 6 in front of you.

24 | A. I have it in front of me now.

25 | Q. Great. I'm showing you what has been



1 | marked as Sigler Exhibit 6, which is Bates stamped  
2 | DEFS00016754 through DEFS00016755. And it is an  
3 | email from Ms. Johnson to you on November 15th,  
4 | 2021, on which Ms. Moreno is also copied. Do you  
5 | agree?

6 | A. I do.

7 | Q. And there's an -- and the attachment is an  
8 | Excel file called "County Commissioner Possible  
9 | Precinct Numbering for Redistricting." Do you see  
10 | that?

11 | A. I do.

12 | Q. And now if we could turn to the second  
13 | page of Sigler Exhibit 6. Do you see where it says,  
14 | "Please review the native document DEFS00016755"?

15 | A. I do.

16 | (Exhibit 7 marked)

17 | Q. Okay. The native document has been  
18 | uploaded as Sigler Exhibit 7, so let's take a look  
19 | at that, please.

20 | A. Okay.

21 | Q. Let me know when you have Sigler Exhibit 7  
22 | in front of you, please.

23 | A. I have it up. I can see the document.

24 | Q. Great. There are two sheets in Sigler  
25 | Exhibit 7, correct?

1 A. Yes.

2 Q. The first sheet is called "County  
3 Commissioners." Do you agree?

4 MR. RUSSO: You see that on the bottom?

5 A. Oh, okay, yes. I do see that.

6 Q. Great. And then the second sheet is  
7 called "Sheet 1." Do you see that?

8 A. Yes.

9 Q. Okay. So let's start with the "County  
10 Commissioners" sheet. It looks like there are two  
11 tables on this "County Commissioners" sheet. Would  
12 you agree?

13 A. I'm sorry. Can you repeat that?

14 Q. Sure. It looks like there are two tables  
15 on the "County Commissioners" sheet, one on the  
16 left-hand side that's a little larger and then one  
17 on the right-hand side?

18 A. Yes, yes.

19 Q. So let's start with the table on the  
20 left-hand side. And I want to walk through each of  
21 the columns. Do you know what Column A, "Former  
22 CC Prec," means?

23 A. Former commissioner precinct.

24 Q. Do you know what Column B, "Former Prec  
25 Number," means?

1 A. It would be the voting precinct number.

2 Q. And what does "former" indicate?

3 A. The ones in place before the adoption of  
4 the 2021.

5 Q. Before the adoption of the 2021 voting  
6 precinct lines?

7 A. Correct.

8 Q. All right. And then in Column C, what  
9 does "Change to CC Prec" mean?

10 A. Meaning, for example, Precinct 1, that  
11 precinct or Precinct 1 would now be in Precinct 2.

12 Q. So taking Row 2 as an example, it's saying  
13 that what is Voting Precinct 103 under the prior  
14 voting precinct number has moved from Commissioner  
15 Precinct 1 to Commissioner Precinct 2?

16 A. That is correct.

17 Q. And is this under Map 2?

18 A. I do not know.

19 Q. Would you agree that the commissioners  
20 court adopted the new commissioners court map on  
21 November 12th, 2021?

22 A. I do not know.

23 Q. If I represent to you that the  
24 commissioners court adopted the new map on  
25 November 12th, 2021, do you have any reason to doubt

1 | that?

2 | A. I would be taking your word for it, yes,

3 | but I do not know.

4 | Q. Sorry. Go ahead.

5 | A. I was just saying I do not know. But, I

6 | mean, if I'm taking your word for it, then -- but I

7 | do not know when it was adopted.

8 | Q. Okay. All right. Let's move to Column D,

9 | "Change to Prec Number." What does that mean?

10 | A. That would be the previous voting precinct

11 | being changed to the new voting precinct. Would

12 | indicate a number change.

13 | Q. And then Column G, "Number of Voters

14 | 11.15.2021," what does that mean?

15 | A. I'm not a hundred -- I do not recall.

16 | Q. And then Column H, "Current Total Voters

17 | in Prec to be Split," what does that mean?

18 | A. I'm not a -- I'm not sure.

19 | Q. Okay. Let's look at Row 4. Can you walk

20 | me through Row 4, please.

21 | A. Where it says "Precinct 1"?

22 | Q. Yes. So just walk me through each of the

23 | cells in Row 4, please, and tell me what it

24 | indicates, please.

25 | A. Precinct 1, the commissioner precinct in

1 | place prior to the 2021 redistricting. B, former  
2 | precinct number, 105, voting precinct number in  
3 | place before the 2021 redistricting. C, change to  
4 | CC precinct, Precinct 2, the -- moving from Precinct  
5 | 1 to the adopted Commissioner Precinct 2. D, change  
6 | to precinct number, changing from the current in  
7 | place before 2021 Voting Precinct 105 to the adopted  
8 | 2021 205. G, number of voters 11.15.2021, 270.

9 | Q. Going down to Row 5.

10 | A. Okay.

11 | Q. What does Row 5 -- let's look at Cell D5  
12 | where it says "205.1." Does that .1 -- does that .1  
13 | indicate no population?

14 | A. I don't know.

15 | Q. Why are Cells D4 and D5 highlighted?

16 | A. I don't know.

17 | Q. So looking at Cell D5 again, the one that  
18 | says "205.1," do you know what the .1 indicates?

19 | A. No.

20 | Q. Do you have a reason to believe that it  
21 | does not indicate no population?

22 | A. I don't know.

23 | Q. Skipping down to Row 8 and then Cell C8,  
24 | it says "No change." What does that mean?

25 | A. It's still within the Commissioner

1 Precinct 1, and it's still the same number. The  
2 number didn't change. The voting precinct number  
3 did not change.

4 Q. So the "it" in this case would be the 146?

5 A. Yes. Sorry. There's a error message that  
6 popped up.

7 MS. JAYARAMAN: Okay. Can we go off the  
8 record, please?

9 (Recess from 11:45 to 12:01)

10 BY MS. JAYARAMAN:

11 Q. So, Mr. Sigler, we were taking a look at  
12 Sigler Exhibit 7, and in particular we were looking  
13 at Cell C -- sorry, at -- let's take a step back.

14 Let's take a look at Cell C8. It says "No  
15 change," correct?

16 A. Yes.

17 Q. And what does "No change" mean?

18 A. That it is still in the previous  
19 commissioner precinct and still retained its  
20 previous voting precinct number.

21 Q. Let's scroll down to Row 12, please.

22 A. Okay.

23 Q. And if you look -- if you look at Cell  
24 G12, what does "to be split" mean?

25 A. I do not know.

1 Q. And do you know why Row 12 is highlighted?

2 A. I do not know.

3 Q. Going down to Row 13, Cell B13 is empty.

4 Do you see that?

5 A. Yes.

6 Q. Do you know why Cell B13 is empty?

7 A. I do not remember.

8 Q. Is it empty because Cell G13 says "to be  
9 split"?

10 A. I'm sorry. Could you repeat that  
11 question?

12 Q. Sure. Is Cell B13 empty because Cell G13  
13 says "to be split"?

14 A. I do not know.

15 Q. What would an empty cell in Column B  
16 indicate?

17 MR. RUSSO: Objection. Calls for  
18 speculation.

19 A. I'm not sure.

20 Q. Looking at Cell H13, it says "New Number  
21 TBD." Do you see that?

22 A. Yes.

23 Q. What does that mean?

24 A. I'm not sure.

25 Q. Going down to Row 16.

1 A. Okay. I see it.

2 Q. Okay. And looking at Cell D16, that cell  
3 is empty. Do you know why it's empty?

4 A. I'm not sure.

5 Q. What does an empty cell in Column D  
6 indicate?

7 MR. RUSSO: Asked and answered.

8 A. I'm not entirely sure.

9 Q. Let's go down to Row 31.

10 A. Okay.

11 Q. Do you know why this row is highlighted?

12 A. Number 31, you said?

13 Q. Yes.

14 A. I'm not sure.

15 Q. Let's go down to Row 72.

16 A. Okay.

17 Q. Can you walk me through Row 72, please.

18 A. Just read straight across?

19 Q. Yes, and explain to me what each of the  
20 cells means.

21 A. Precinct 3 would have been commissioner  
22 precinct in place before the adopted 2021. 336  
23 would have been the voting precinct in place before  
24 the adoption of 2021. Precinct 1 would be the  
25 precinct after the adoption in 2021. The Voting



1 Precinct 136 would be the voting precinct in place  
2 after the 2021 adoption.

3 Q. And to be clear, when you're talking about  
4 Columns B and D, you reference an adoption. You're  
5 referring to the adoption of new voting precincts?

6 A. B is prior to the adoption of 2021. D is  
7 post adoption of 2021.

8 Q. And when you say "adoption of 2021," are  
9 you referring to voting precincts or commissioner  
10 precincts?

11 A. For B is -- B is a voting precinct, and D  
12 is a voting precinct.

13 Q. Okay. And A and C are referring to  
14 commissioner precincts?

15 A. That is correct.

16 Q. Can you look at Cell G72.

17 A. Yes, I see it.

18 Q. Why is it empty?

19 MR. RUSSO: Objection. Calls for  
20 speculation. Asked and answered.

21 A. Empty where on 72? I'm sorry.

22 Q. No worries. G72.

23 A. I do not know.

24 Q. And then going down the row below, Row 73,  
25 looking at G73, do you know why --

1 A. I do not know.

2 Q. Sorry. Just to be clear, you do not know  
3 why G73 is empty?

4 A. Correct.

5 Q. Okay. And then my apologies for jumping.  
6 If you could look back up to H72.

7 A. H72?

8 Q. Yes. So one row up.

9 A. I see it.

10 Q. One column over. Yeah. The 4190, do you  
11 see that number?

12 A. I do.

13 Q. What does that number mean?

14 A. I'm not entirely sure.

15 Q. Okay. It looks like Columns E and F are  
16 hidden in Sigler Exhibit 7. Do you see that?

17 A. Columns what? I'm sorry?

18 Q. E and F.

19 A. In Column -- I -- okay. The F, I see what  
20 you're saying, but the C I'm confused about.

21 Q. E, sorry, like DEF. So E and F.

22 A. Oh, E and F. Okay.

23 Q. Yes. Can you please unhide those two  
24 columns?

25 A. I do not know how to do that.

1 MS. JAYARAMAN: Okay. Mr. Thomas, could  
2 you please put this Sigler Exhibit 7 up, unless  
3 Mr. Russo can unhide them for you?

4 ZOOM TECH: Sure. One moment.

5 MR. RUSSO: We've got them.

6 MS. JAYARAMAN: Okay. Great. Actually I  
7 don't think --

8 ZOOM TECH: Okay. Don't need it?

9 MS. JAYARAMAN: Yeah, I don't think we do.

10 ZOOM TECH: Okay.

11 MS. JAYARAMAN: Thank you, though.

12 BY MS. JAYARAMAN:

13 Q. Mr. Sigler, can you explain what Column E  
14 is?

15 A. No.

16 Q. Can you explain what Column F is?

17 A. I'm not sure.

18 Q. Okay. So now why don't we look at the  
19 table that's on the right-hand side of Sigler  
20 Exhibit 7, the one that's titled "Old Precincts  
21 Available in Team." Do you see that?

22 A. I do.

23 Q. What is "Team"?

24 A. I don't know.

25 Q. Can you explain Row 9 to me in that second

1 table?

2 A. Row -- I'm sorry. You said Row 9,  
3 correct?

4 Q. Yes, I said Row 9.

5 A. And just to be clear, where it says  
6 "115.02" and "339A"?

7 Q. Are you able to explain what that row  
8 means?

9 A. No.

10 Q. Okay. Very quickly, before we close this  
11 exhibit, when we were discussing Sigler Exhibit 5,  
12 which was the November 12th email exchange between  
13 yourself or among yourself, Ms. Johnson, and  
14 Ms. Moreno, you had explained to me that .1, .2, and  
15 .3 in voting precinct names indicated no population,  
16 correct?

17 A. Prior to 2021.

18 Q. So in 2021 -- let me rephrase that.

19 What do you mean by "prior to 2021"?

20 A. Prior to the 2021 adoption of voting  
21 precincts, that's what the .1 would have been an  
22 indication of. The adopted in 2021 voting  
23 precincts, I can't recall.

24 Q. You can't recall what? I'm sorry.

25 A. If the .1 would be still indication of no

1 population or if it could have had population. I'm  
2 not 100 percent certain on that.

3 Q. What about .2 under the new voting  
4 precincts after 2021 redistricting?

5 A. Correct. I wouldn't -- I'm not certain of  
6 that either after the adoption of the 2021. I'm not  
7 certain if that would indicate no population or  
8 population. I'm not certain on that either.

9 Q. Did .1 indicate no population prior to the  
10 2011 redistricting cycle?

11 A. Re- -- can you repeat that question,  
12 please?

13 Q. Sure. Did .1 in a voting precinct name  
14 indicate no population prior to the 2011  
15 redistricting cycle?

16 A. I do not know.

17 Q. Okay. Let's turn back to Sigler Exhibit 6  
18 which was the cover email to this spreadsheet.

19 A. Okay.

20 Q. Let me know when you have it in front of  
21 you, please.

22 A. Okay. Okay.

23 Q. Okay. In the second full paragraph of  
24 Sigler Exhibit 6, Ms. Johnson writes to you, "You  
25 had mentioned 232.1 and 232.3 may merge to 225.

1 | Doing that would create a 5,400 voter precinct."

2 | Do you see that?

3 | A. I do.

4 | Q. Is there something wrong with having a  
5 | 5,400 voter precinct?

6 | A. Yes.

7 | Q. What is the issue with having a 5,400  
8 | voter precinct?

9 | MR. RUSSO: Calls for speculation, legal  
10 | conclusion.

11 | A. I'm sorry. I'm going to reread the last  
12 | sentence one more time.

13 | Okay. I've read it and I understand what  
14 | she's inquiring about.

15 | Q. Okay. I'll repeat my question.

16 | Is there something wrong with having a  
17 | 5,400 voter precinct?

18 | MR. RUSSO: Calls for speculation and  
19 | legal conclusion.

20 | A. There is a number that I'm not aware of  
21 | that can't cross the threshold for pre- -- for -- or  
22 | I'm not sure exactly what the terminology would be,  
23 | but whatever it is for that -- for a precinct, it  
24 | can't go over a certain number.

25 | Q. When you say "it can't go over a

1 certain" --

2 A. Yeah, I'm not sure if it's registered  
3 voters or population or what, but there's a certain  
4 number that it can't cross a threshold of, that you  
5 can't have too many per voting precinct.

6 Q. I see. Mr. Sigler, did you do anything  
7 with the information that you received in this email  
8 and attachment from Ms. Johnson?

9 A. Did I do anything with it? I'm sorry?  
10 Is that what you're asking me?

11 Q. Yes, that is what I'm asking you.

12 A. No. I mean, it just would have been a  
13 request and then a response, nothing that would have  
14 dictated otherwise.

15 Q. What do you mean by "a request and a  
16 response"?

17 A. If we -- it's -- there's -- information  
18 would have been -- would have been requested for  
19 certain information, may have been requested  
20 pertaining to what we've looked at, but no further  
21 direction as far as me creating or doing anything  
22 separate other than what's attached in the email.

23 Q. Sorry. So just to take a step back, you  
24 said "information may have been requested." What  
25 did you mean by that?

1           A.    The information contained within the Excel  
2 file that we just looked at.

3           Q.    So what did you do with the information  
4 contained in the Excel file that we just looked at?

5           A.    Provided it to Ms. Johnson.

6           Q.    So I think that this email is from  
7 Ms. Johnson to you attaching that Excel file.  
8 Is that correct?

9           A.    Correct.

10          Q.    So upon receipt -- or what did you do with  
11 that Excel file when you received it?

12          A.    I'm not sure.

13          Q.    So you have no recollection of what you  
14 did with the information in the Excel file?

15               MR. RUSSO:  Objection.  Asked and  
16 answered.

17          A.    I'm not certain.

18          Q.    Because a minute ago you said it would  
19 just be a request and then a response.  So what was  
20 your response when you received this Excel file?

21          A.    I'm not sure.

22          Q.    So to be clear, you have no recollection  
23 of what happened after you received -- let me take a  
24 step back.

25               You have no recollection of what happened



1 to the information in this email after you received  
2 it?

3 MR. RUSSO: Objection. Asked and  
4 answered.

5 A. I'm not certain.

6 Q. When you say "I'm not certain," what do  
7 you mean?

8 MR. RUSSO: Objection. Vague and  
9 ambiguous.

10 A. I'm not sure what would have been done  
11 upon this request for this information, what I would  
12 have done.

13 Q. When you say "request for this  
14 information," what was Ms. Johnson requesting you to  
15 do?

16 A. I'm not sure. I'm not sure if there was a  
17 request.

18 Q. Did you do anything with the information  
19 contained in the Excel spreadsheet that Ms. Johnson  
20 sent to you?

21 A. Not that I can recall.

22 MS. JAYARAMAN: Okay. Cathy, can you  
23 introduce Tab 31, please.

24 MR. RUSSO: Hey, Counsel, what do you want  
25 to do about lunch? I mean, how much more time do

1 you have? It doesn't sound like -- I don't know,  
2 are you near being done? If not --

3 MS. JAYARAMAN: Yeah, so I just want to  
4 finish this line of questioning, and then I think we  
5 can take a lunch break if that's all right.

6 MR. RUSSO: How much longer in this line?

7 MS. JAYARAMAN: You know what? We can  
8 take a lunch break now. That sounds good. So we  
9 can go off the record.

10 MS. REYES: Actually, before we go off the  
11 record -- I'm sorry. Can we go back on the record  
12 really quickly?

13 THE REPORTER: We're on. Go ahead.

14 MS. REYES: Hi. Sorry. I got kicked off  
15 for a second. I wanted to address Mr. Russo. I  
16 sent you an email regarding a prior order from Judge  
17 Brown from the Texas redistricting case. I believe  
18 it's an August order. You should have received that  
19 in your mail a few minutes ago. And I wanted to  
20 ask, based on your reading of that order, are you  
21 still asserting privilege with regards to questions  
22 about Dale Oldham?

23 MR. RUSSO: Yes. Based upon my reading  
24 while defending the deposition, I don't think that  
25 that order provides you access to attorney-client

1 | information, you know. So right now we're  
2 | maintaining the objection. But we'll review it, and  
3 | if your -- you know, if we come to a different  
4 | conclusion, we'll have a discussion about that.

5 | But again, what you sent us was discussing  
6 | a work product privilege, and the attorney-client  
7 | portion deals with documents and generic objection  
8 | made to production of documents. That's not what  
9 | we're dealing with here. We're dealing with  
10 | specific communications between a client and a  
11 | lawyer.

12 | MS. REYES: Okay. Well, I will give you  
13 | time to review it, like I say, over the lunch break  
14 | as you said you needed to do, and we can readdress  
15 | it. Thank you.

16 | MR. RUSSO: Fair enough.

17 | ZOOM TECH: Okay. If there's nothing  
18 | else, then we'll go off the record.

19 | (Recess from 12:26 to 1:13)

20 | (Exhibit 8 marked)

21 | BY MS. JAYARAMAN:

22 | Q. Mr. Sigler, let's take a look at Sigler  
23 | Exhibit 8, please. And just let me know when you  
24 | have it up in front of you, please.

25 | A. I have it in front of me.

1 Q. Great. So I'm showing you what has been  
2 marked as Sigler Exhibit 8, which is Bates stamped  
3 DEFS00011706 through DEFS00011709. It's an email  
4 from Ms. Johnson to you -- sorry, Ms. Johnson to a  
5 number of recipients on which you are copied, dated  
6 November 19th, 2021. Would you agree?

7 A. Yes.

8 Q. So the people in the "To" line are Kristi  
9 Saludis, who we talked about earlier, then someone  
10 named Stephanie Berry. Who is Stephanie Berry?

11 A. I do not know.

12 Q. Then there's someone named George Ott.  
13 Who is George Ott?

14 A. I do not know.

15 Q. In the first sentence of her email,  
16 Ms. Johnson writes, "Per Commissioner Clark, we are  
17 good to proceed with the following county precinct  
18 changes." Do you see that?

19 A. I do.

20 Q. Do you know what "county precinct" means?

21 MR. RUSSO: Objection, vague.

22 A. No, I do not.

23 Q. Is county precinct the same thing as  
24 voting precinct?

25 MR. RUSSO: Objection. Calls for

1 speculation.

2 A. I'm not sure.

3 Q. Was Commissioner Clark's approval required  
4 to make changes to voting precincts during the 2021  
5 redistricting cycle?

6 A. I'm not sure.

7 Q. Was Commissioner Clark involved in  
8 redrawing the voting precinct lines during the 2021  
9 redistricting cycle?

10 A. I'm not sure.

11 Q. Who was involved in the redrawing of  
12 voting precinct lines during the 2021 redistricting  
13 cycle?

14 A. Are you talking about like actual changes,  
15 like to the lines or -- I'm confused on that  
16 question.

17 Q. Sure. Let's start with the actual changes  
18 to the lines. Who was involved in actual changes to  
19 the lines, to the voting precinct lines during the  
20 2021 redistricting cycle?

21 MR. RUSSO: Objection, speculation.

22 Q. You can still answer.

23 MR. RUSSO: You can answer if you know.

24 A. I'm not sure who was all involved.

25 Q. Can you name anyone who was involved in

1 drawing the actual line -- let me start over.

2 Can you name anyone who was involved in  
3 redrawing the voting precinct lines during the 2021  
4 redistricting cycle?

5 All right. Can we --

6 A. I'm sorry.

7 Q. Is there -- Mr. Sigler, is someone else in  
8 the room with you?

9 A. My lawyer.

10 Q. Is anyone other than Mr. Russo in the room  
11 with you?

12 A. Jordan is there, Jordan Raschke. She's  
13 logged on.

14 Q. Okay. Is there anyone else in the room  
15 with you?

16 A. No.

17 Q. So I'll repeat my question.

18 Can you name anyone who was involved in  
19 the redrawing of voting precinct lines during the  
20 2021 redistricting cycle?

21 A. Me and --

22 Q. Anyone aside --

23 A. Me and Dale are the only ones I'm aware  
24 of.

25 Q. I think you mentioned previously that you

1 also met with Commissioner Clark about the conflicts  
2 in voting precinct lines during the 2021  
3 redistricting cycle. Is that correct?

4 A. I'm sorry. Could you repeat that one more  
5 time?

6 Q. Absolutely. I think you previously  
7 mentioned when we were discussing confliction with  
8 voting precinct lines that you also met with  
9 Commissioner Clark regarding voting precinct lines  
10 during the 2021 redistricting cycle?

11 A. Correct.

12 Q. Was anyone else involved in the drawing of  
13 voting precinct lines during the 2021 redistricting  
14 cycle, aside from yourself and Mr. Oldham?

15 MR. RUSSO: Objection, speculation and  
16 asked and answered.

17 A. I'm not sure.

18 Q. To your knowledge, what was Commissioner's  
19 Clark -- what was Commissioner Clark's involvement  
20 in the redrawing of voting precinct lines in the  
21 2021 redistricting cycle?

22 A. Can you repeat that question, please?

23 Q. Sure. To your knowledge, what was  
24 Commissioner Clark's involvement in the redrawing of  
25 voting precinct lines in the 2021 redistricting

1 cycle?

2 A. I'm not sure.

3 Q. Did the commissioners court have to  
4 approve the new voting precinct lines before they  
5 went into effect?

6 A. Did the commissioners court -- I'm sorry.  
7 I missed that last part. You said commissioners  
8 court, correct?

9 Q. Yes, I said commissioners court. Did the  
10 commissioners court have to approve the new voting  
11 precinct lines before they went into effect during  
12 the 2021 redistricting cycle?

13 A. Correct.

14 Q. Okay. Let's turn back to Exhibit Sigler  
15 Exhibit 8. And in the last two sentences of the  
16 first paragraph, Ms. Johnson writes, "I will send  
17 you the spreadsheet to print and use when making  
18 changes and auditing. It will be our audit trail."  
19 Do you see that?

20 A. I do.

21 Q. Was there an auditing process with respect  
22 to the voting precinct changes during the 2021  
23 redistricting cycle?

24 A. I do not know.

25 MR. RUSSO: Objection, speculation.



1 Q. You can still answer.

2 A. I do not know.

3 Q. So if we keep looking -- scrolling down  
4 Sigler Exhibit 8, there is a table. Do you see  
5 that?

6 A. I do.

7 Q. And that table has column headers that are  
8 very similar to the column headers that we were  
9 looking at in Sigler Exhibit 7, that spreadsheet.  
10 Would you agree?

11 A. Yes.

12 Q. So starting with the first column, "Former  
13 CC Prec," does that refer to the commissioners court  
14 precinct under the map that was in place prior to  
15 the 2021 redistricting cycle?

16 A. Yes.

17 Q. And then the next column, "Former Prec  
18 Number," does that refer to the voting precincts  
19 that were in place prior to the redrawing of voting  
20 precincts during the 2021 redistricting cycle?

21 A. Correct.

22 Q. And then the next column, "Change to  
23 CC Prec," does that refer to the commissioners court  
24 precincts in the map that was adopted during the  
25 2021 redistricting cycle?

1           A.    Can you -- could you repeat that question  
2 one more time, please?

3           Q.    Absolutely.  So the column that says  
4 "Change to CC Prec," the third column, does that  
5 refer to the commissioners court precincts in the  
6 map that was adopted during the 2021 redistricting  
7 cycle?

8           A.    Yes.

9           Q.    And then the column that says "Change to  
10 Prec Number," does that column refer to the voting  
11 precincts after new voting precincts were adopted  
12 during the 2021 redistricting cycle?

13          A.    I do not know.

14          Q.    What do you understand "Change to Prec  
15 Number" to mean?

16               MR. RUSSO:  Objection.

17          A.    I do not --

18               MR. RUSSO:  Calls for speculation.

19          A.    I do not know.

20          Q.    If we take a look at that "Former Prec  
21 Number" column, feel free to scroll through it, it  
22 looks like 336 is missing.  Would you agree?

23          A.    I -- and just for confirmation, you're  
24 regarding "Former Prec Number," correct?

25          Q.    Yes, in the second column, "Former Prec

1 Number," it looks like 336 is missing. Would you  
2 agree?

3 A. I'm sorry. I'm still scrolling through  
4 all the pages.

5 Q. Take your time.

6 A. I do not see it.

7 Q. Do you know why 336 is missing from the  
8 column labeled "Former Prec Number"?

9 A. I do not.

10 Q. Did you do anything with the information  
11 that you received in this email from Ms. Johnson?

12 A. I do not think so.

13 Q. What did you do when you received this  
14 email from Ms. Johnson?

15 A. I do not know.

16 MS. JAYARAMAN: Okay. Cathy, can we take  
17 a look at Tab 20, please.

18 (Exhibit 9 marked)

19 Q. Mr. Sigler, I am showing you what has been  
20 marked as Sigler Exhibit 9. Do you have it up in  
21 front of you?

22 A. I do.

23 Q. Okay. It is Bates stamped DEFS00020443  
24 through DEFS00020452. Have you seen Sigler  
25 Exhibit 9 before?

1 A. I don't remember.

2 Q. Would you agree that Sigler Exhibit 9 is a  
3 November 5th, 2021, email from Michael Shannon to  
4 yourself?

5 A. Yes.

6 Q. There are a number of attachments attached  
7 to the cover email in Sigler Exhibit 9, correct?

8 A. Yes.

9 Q. And each of the attachments has "M&B" in  
10 the file name, correct?

11 A. Yes.

12 Q. Do you know what "M&B" means?

13 A. Yes.

14 Q. What does "M&B" mean?

15 A. Metes and bounds.

16 Q. What does "metes and bounds" mean?

17 A. A legal description of whatever it is  
18 you're -- in this case a voting precinct.

19 Q. Sorry. Did you say it's a legal  
20 description of voting precinct? I didn't catch  
21 that.

22 A. Yes.

23 Q. Okay. Let's take a look at the seventh  
24 page of Sigler Exhibit 9. And it's Bates stamped  
25 DEFS00020449. And it says "Voting" -- sorry. Let

1 me know when you're there on the seventh page.

2 MR. RUSSO: Which Bates number do you  
3 want?

4 MS. JAYARAMAN: 20449.

5 A. Okay.

6 Q. Are you on 20449?

7 A. Yes.

8 Q. At the top of the page, it says "Voting  
9 Precinct No. 336A," correct?

10 A. Correct.

11 Q. What does that mean?

12 A. I think it was for -- I'm not sure.

13 Q. Does the "A" indicate a split precinct?

14 A. I believe so.

15 Q. Can you walk me through the first line of  
16 20449 and explain what it means?

17 A. At the "Beginning of the centerline," I'm  
18 sorry, read that?

19 Q. Let's take a step back. What -- can you  
20 explain to me what 20449 is?

21 A. What I'm currently looking at, 336A?

22 Q. Correct, yes.

23 A. It's a metes and bounds.

24 Q. So it's the metes and bounds for Voting  
25 Precinct No. 336A?

1 A. That is correct.

2 Q. And now starting with the first line that  
3 starts with "Beginning," can you explain to me what  
4 that line is?

5 MR. RUSSO: Objection, speculation.

6 A. I'm not sure.

7 Q. Is it providing the boundaries for Voting  
8 Precinct No. 336A?

9 A. Yes.

10 Q. Is each of the lines on this page of  
11 Sigler Exhibit 9 providing the boundaries for Voting  
12 Precinct No. 336A?

13 MR. RUSSO: Objection, calls for  
14 speculation.

15 A. I'm not entirely sure.

16 Q. Who draws the metes and bounds lines for  
17 voting precincts?

18 MR. RUSSO: Objection, speculation.

19 A. I did some, and I'm not sure of who else.

20 Q. And when you said you did some, did you  
21 draw the metes and bounds for voting precinct lines  
22 during the 2021 redistricting cycle?

23 A. Repeat that question?

24 Q. Sure. And when you said you did some, did  
25 you draw metes and bounds for voting precincts

1 | during the 2021 redistricting cycle?

2 | A. Yes.

3 | Q. Did you draw the metes and bounds for

4 | Voting Precinct No. 336A during the 2021

5 | redistricting cycle?

6 | A. I do not know.

7 | Q. Did you draw the metes and bounds for

8 | Voting Precinct No. 336 during the 2021

9 | redistricting cycle?

10 | A. I do not know.

11 | Q. Walk me through the process of drawing

12 | metes and bounds for a voting precinct.

13 | A. Putting a layer on a map using identifiers

14 | to call out the boundaries of the metes and bounds

15 | for that particular voting precinct.

16 | The reason why I'm having a hard time

17 | answering this question is that what I'm seeing

18 | ended up not being used.

19 | Q. What do you mean by "ended up not being

20 | used"?

21 | A. They used something else for the metes and

22 | bounds.

23 | Q. Okay. So you just described the process

24 | of drawing metes and bounds as putting a layer on a

25 | map using identifiers to call out the boundaries of

1 | the metes and bounds for that particular voting  
2 | precinct.

3 | A. That's the way I did it.

4 | Q. Okay. And who decided on the boundaries  
5 | of the metes and bounds for the voting precincts  
6 | that you drew?

7 | A. I'm not sure.

8 | Q. How did you know where the boundaries were  
9 | for the vote -- for the metes and bounds of the  
10 | voting precincts that you drew?

11 | A. From the layer I had.

12 | Q. Where did the layer come from?

13 | A. There was one that was created, done by  
14 | me, Dale, and I'm not sure who else.

15 | Q. Sorry. Did you say that you created that  
16 | layer?

17 | A. Not -- I identified areas where there were  
18 | splits and then made changes as -- when I was told  
19 | to make changes.

20 | Q. Okay.

21 | (Overtalk)

22 | Q. Sorry.

23 | A. I'm sorry.

24 | (Reporter Clarification)

25 | A. Yes, I was to identify splits.



1 Q. Okay. I'm just going to go back for a  
2 moment because I think there may be a little  
3 confusion in the record.

4 You meant -- who drew the layer? Was it  
5 Dale who drew the layer?

6 MR. RUSSO: Objection, ambiguous.

7 A. I'm not sure.

8 Q. Okay. You said that you knew where the  
9 boundaries were for the metes and bounds of the  
10 voting precincts that you drew from a layer that you  
11 had, correct?

12 A. Correct.

13 Q. And then I had asked where did the layer  
14 come from, and --

15 A. Proceed. I'm sorry. I thought you were  
16 done asking a question. I didn't realize you were  
17 still going.

18 Q. No, it's okay. So where did the layer  
19 come from?

20 A. I'm not sure.

21 Q. Was Mr. Oldham involved in the creation of  
22 the layer?

23 A. I'm not sure.

24 Q. And when you said you were identifying  
25 split precincts, did your identification of split

1 | precincts go into the layer?

2 | A. They were notified with maybe a map of the  
3 | area where there was a split. There -- it could  
4 | have been maybe a map where the alternative line  
5 | could go. But I can't -- I don't know of any other  
6 | further.

7 | Q. So when you said they were notified, who  
8 | is "they"?

9 | A. The commissioner and Dale.

10 | Q. And when you say "commissioner," do you  
11 | mean Commissioner Clark?

12 | A. Yes.

13 | Q. Were any other commissioners notified?

14 | A. I'm not sure.

15 | MR. RUSSO: Objection, speculation.

16 | Q. Let's turn back to the first page of  
17 | Sigler Exhibit 9. Let me know when you're there,  
18 | please.

19 | A. I'm here. I'm there.

20 | Q. The bottom email in the chain is from you  
21 | to Mr. Shannon. Is that correct?

22 | MR. RUSSO: It's page 2.

23 | (Indiscernible conversation between  
24 | the witness and Mr. Russo)

25 | THE REPORTER: Could you guys pull that

1 phone a little closer to both of you, please? I'm  
2 having trouble.

3 MR. RUSSO: We're not speaking yet. We're  
4 just getting him on the right page, so he's back.

5 BY MS. JAYARAMAN:

6 Q. I'll repeat the question. The bottom  
7 email in the chain, which is on page 1, is from you  
8 to Mr. Shannon, correct?

9 A. Yes.

10 Q. And Mr. Shannon was your supervisor at the  
11 time?

12 A. Yes.

13 Q. And then going to the top email in the  
14 chain, Mr. Shannon responds to you by saying, "I  
15 made a few edits on these," correct?

16 A. Yes.

17 Q. So was Mr. Shannon revising some of the  
18 metes and bounds for voting precinct lines that you  
19 had previously drawn?

20 A. Reviewing.

21 Q. What do you mean by "reviewing"?

22 A. Not -- not looking to revise, just  
23 reviewing to see, and he would take the metes and  
24 bounds and he would trace it out and just make sure  
25 what I was writing was coming out to be what it was.

1 He was just reviewing it.

2 Q. So what do you understand "a few edits" to  
3 mean?

4 A. I'm not sure.

5 Q. Did Mr. Shannon edit any of the metes and  
6 bounds of voting precincts that you drew during the  
7 2021 redistricting cycle?

8 MR. RUSSO: Objection, speculation.

9 A. I believe so.

10 Q. Do you know which voting precincts -- do  
11 you know for which voting precincts Mr. Shannon  
12 edited the metes and bounds that you had drawn  
13 during the 2021 redistricting cycle?

14 A. I do not.

15 Q. Mr. Sigler, did you do anything with the  
16 information that you received in this email, Sigler  
17 Exhibit 9, and the associated attachments?

18 A. Repeat the question?

19 Q. Sure. Did you do anything with the  
20 information that you received in this email from  
21 Mr. Shannon?

22 A. Yes.

23 Q. What did you do?

24 A. I tried to email it with all the rest of  
25 the metes and bounds.

1 Q. To whom did you email it?

2 A. Veronica. I can't recall her last name.

3 And I don't remember if I cc'd anybody or not.

4 Q. Could it potentially be Veronica Van Horn?

5 A. Yes.

6 Q. Who is Ms. Van Horn?

7 A. I'm not sure her title.

8 Q. Is she a staff person for Judge Henry?

9 A. I'm not sure.

10 Q. Why were you sending the metes and bounds  
11 to Ms. Van Horn?

12 A. A record for commissioner precincts court  
13 or commissioners court.

14 Q. So you were sending it to Ms. Van Horn so  
15 that it would be in the commissioners court's  
16 records?

17 A. Correct.

18 Q. Aside from including the metes and bounds  
19 from this email in a larger email that you sent to  
20 Ms. Van Horn, did you do anything else with the  
21 information in this email, Sigler Exhibit 9?

22 A. Not that I can recall.

23 MS. JAYARAMAN: Cathy, if we could pull up  
24 Tab 14, please.

25 (Exhibit 10 marked)

1 Q. Mr. Sigler, I'm showing you what has been  
2 marked as Sigler Exhibit 10 which is Bates stamped  
3 DEFS00011894 through DEFS00011900. It is an email  
4 dated October 29th, 2021, from Ms. Van Horn to you.  
5 Do you agree?

6 A. Yes.

7 Q. And it looks like someone named Tyler  
8 Drummond is copied on the email. Do you see that?

9 A. I do.

10 Q. Who is Tyler Drummond?

11 A. I'm not sure his title.

12 Q. Is he a staff person for Judge Henry?

13 MR. RUSSO: Objection, speculation.

14 A. I think so.

15 Q. Below the email from Ms. Van Horn to you  
16 is an email from Paul Ready to Mr. Drummond and  
17 Ms. Van Horn. Do you see that?

18 A. I do.

19 Q. And Mr. Ready writes, "From Dale, please  
20 forward to Nathan in engineering and copy me."

21 Do you see that?

22 A. I do.

23 Q. And is "Dale" Mr. Oldham?

24 MR. RUSSO: Objection, speculation.

25 A. I'm not sure.

1 Q. Okay. Why don't we continue to scroll

2 down to the bottom of that page, DEFS00011894.

3 And do you see the "From" email address

4 there, dloesq@aol.com?

5 A. Yes.

6 Q. So would you agree that Dale is referring

7 to Mr. Oldham?

8 MR. RUSSO: Objection, speculation.

9 A. I'm not sure.

10 MS. JAYARAMAN: Cathy, can we pull up

11 Tab 16, please.

12 (Exhibit 11 marked)

13 Q. Mr. Sigler, I'm showing you what has been

14 marked as Sigler Exhibit 11. It is a November 1st,

15 2021, email exchange between yourself and the email

16 address dloesq@aol.com. Would you agree with that?

17 A. Yes.

18 Q. Why don't you take a moment to look over

19 Sigler Exhibit 11.

20 A. Will do. Thank you.

21 Q. Of course. Mr. Sigler, based on your

22 review of this email, would you agree that

23 dloesq@aol.com is Mr. Oldham's email address?

24 MR. RUSSO: Objection, speculation.

25 A. I'm not sure.

1 Q. Who were you corresponding with in this --

2 in Sigler Exhibit 11?

3 A. Dale.

4 Q. Who is Dale?

5 A. He was -- I believe the commissioners

6 court adopted his law firm to do the redistricting.

7 Q. Earlier I believe you said that the Dale

8 that was retained by the commissioners court to do

9 redistricting was Dale Oldham. Are you saying that

10 is not the same Dale?

11 A. I'm not sure Dale's last name.

12 Q. Okay. But the email address

13 dloesq@aol.com is for the Dale that the county

14 retained for redistricting?

15 A. I believe so.

16 Q. In this email exchange, Sigler Exhibit 11,

17 you are corresponding with the Dale that the county

18 retained for redistricting.

19 A. Repeat that question, please?

20 Q. Sure. I can ask it a much simpler way.

21 Who are you corresponding with in this email

22 exchange, Sigler Exhibit 11?

23 A. Dale.

24 Q. And that Dale is the Dale that you said

25 the county retained for redistricting?



1 A. Yes.

2 Q. Okay. Let's turn back then to Exhibit 10.

3 A. Okay. I have it up.

4 Q. Great. And then let's scroll towards the  
5 bottom of the first page of Sigler Exhibit 10. And  
6 do you see the email address dloesq@aol.com?

7 MR. RUSSO: It's down at the bottom.

8 A. Oh, okay. I do.

9 Q. And would you agree that that is the same  
10 email address as the email address that you were  
11 corresponding with in Sigler Exhibit 11 that we were  
12 just looking at?

13 A. Yes.

14 Q. And so scrolling up a little bit to  
15 Mr. Ready's email to Mr. Drummond and Ms. Van Horn,  
16 would you agree that the Dale being referred to is  
17 the Dale that the county retained for redistricting?

18 MR. RUSSO: Objection. Calls for  
19 speculation.

20 A. I believe so.

21 Q. Let's turn to the third page of Sigler  
22 Exhibit 10. And you might have to zoom out a little  
23 bit so that you can see the entirety of the third  
24 page.

25 A. Okay.

1 Q. Okay. The title of this third page is

2 "Galveston Texas Map 2 With Precincts," correct?

3 A. Correct.

4 Q. Who drew this map?

5 A. I'm not sure.

6 Q. Did you draw this map?

7 A. No.

8 Q. Did Dale draw this map?

9 A. I'm not sure.

10 MR. RUSSO: Objection. Calls for

11 speculation. Asked and answered.

12 A. I'm not sure.

13 Q. Have you heard of someone named Thomas

14 Bryan?

15 A. I don't recall.

16 Q. So to be clear, you don't know Thomas

17 Bryan?

18 MR. RUSSO: Objection. Asked and

19 answered.

20 A. I'm not sure.

21 Q. Okay. What are the small numbers on this

22 map?

23 A. Voting precinct numbers.

24 Q. Why was this map drawn?

25 A. I'm not sure.

1 MR. RUSSO: Objection, speculation.

2 A. And I'm sorry. Is it okay if I take a  
3 bathroom break?

4 Q. Let's finish this exhibit and then  
5 absolutely.

6 A. Okay.

7 Q. Thanks. Let's now turn to the next page  
8 of Sigler Exhibit 10.

9 A. Okay.

10 Q. And it's titled "Galveston Texas Map 2,"  
11 correct?

12 A. Yes.

13 Q. Who drew this map?

14 A. I'm not sure.

15 Q. Did you draw this map?

16 A. No.

17 Q. Why was this map drawn?

18 A. I'm not sure.

19 Q. Is this map any different from the map we  
20 were looking at on the prior page?

21 A. I'm sorry. I'm looking at the other page  
22 we just looked at.

23 Q. No problem.

24 A. They appear to be the same.

25 MR. RUSSO: They do?

1           A.    Yeah.  That's commissioner precinct lines  
2   in there in the color.  It's got the voting  
3   precincts on top of the commissioner precincts.

4           Q.    Sorry.  Are you talking to me?  Sorry.

5           A.    Yes.

6           Q.    Okay.  So the only difference then between  
7   this map and the map on the prior page is the  
8   presence of voting precincts on the map on the prior  
9   page?

10          A.    That is correct.

11          Q.    Okay.  Let's turn to the sixth page of  
12   Sigler Exhibit 10.

13          A.    And I'm sorry.  Can you repeat that  
14   question?

15          Q.    Yeah.  Let's turn to the sixth page of  
16   Sigler Exhibit 10.

17          A.    Sixth page.

18          Q.    Yeah.  So it's Bates stamped DEFS00011899.

19                MR. RUSSO:  Got to reduce it.  Click on  
20   the reducer.  No, over.  There.  Way too much.

21          A.    And what was that number again, please?

22          Q.    Sure.  11899.

23          A.    11899?  Okay.

24          Q.    Did you draw this map?

25          A.    I did not.

1 Q. Do you know who drew this map?

2 A. I do not.

3 Q. All right. Let's turn to the next page,  
4 please.

5 A. Okay.

6 Q. Did you draw this map?

7 A. I did not.

8 Q. Do you know who drew this map?

9 A. I do not.

10 Q. Okay. Let's turn to the fifth page of  
11 Sigler Exhibit 10. And it's Bates stamped 11898.

12 A. Okay.

13 Q. It says, "Please review the native  
14 document DEFS00011898." Do you see that?

15 A. I do.

16 MS. JAYARAMAN: Cathy, could you please  
17 pull up DEFS00011898.

18 Mr. Sigler, as soon as we go through that  
19 native document, we'll definitely take that rest  
20 room break.

21 MR. RUSSO: Do you need to go now or not?

22 THE WITNESS: I really do need to go now.

23 MR. RUSSO: We're going to take a break.

24 He needs to go to the bathroom.

25 MS. JAYARAMAN: Okay. That's fine.

1 MR. RUSSO: Thank you.

2 MS. JAYARAMAN: Sure. We can go off the  
3 record.

4 (Recess from 2:02 to 2:19)

5 (Exhibit 12 marked)

6 BY MS. JAYARAMAN:

7 Q. Mr. Sigler, let's go ahead and take a look  
8 at Sigler Exhibit 12, please. And please let me  
9 know when you have Sigler Exhibit 12 in front of  
10 you.

11 A. I do.

12 Q. Okay. Let's look at the very first page  
13 in the spreadsheet, so the first sheet all the way  
14 to the left which is called "Galveston\_Blocks Data."

15 MR. RUSSO: It's hidden, Galveston\_Blocks  
16 Data.

17 A. Okay.

18 MR. RUSSO: Yeah.

19 Q. Are you -- Mr. Sigler, are you looking at  
20 Galveston\_Blocks Data?

21 A. I am.

22 Q. Can you please walk me through the columns  
23 in this sheet starting with Column A.

24 A. I cannot.

25 Q. Do you know what "GEOID20" means?

1 A. I do not.

2 Q. Do you know what any of the column headers  
3 mean in this Excel spreadsheet?

4 A. I do not.

5 Q. Okay. Let's take a look at the next sheet  
6 which is called "Pop Pivot."

7 A. I'm there. I'm looking at it.

8 Q. Would you agree that this spreadsheet, Pop  
9 Pivot, has three tables in it, one called  
10 "Original," one called "Map 1," and one called  
11 "Map 2"?

12 A. I've never seen this.

13 Q. Let's take a look again at Sigler  
14 Exhibit 11. My apologies, Sigler Exhibit 10. Are  
15 you on Sigler Exhibit 10?

16 A. I am, yes, ma'am.

17 Q. Okay. And do you see that the Excel  
18 spreadsheet that we were looking at,  
19 "Galveston\_Analysis 10\_28\_21," was one of the  
20 attachments to Sigler Exhibit 10?

21 A. I do.

22 Q. And is it your testimony today that you  
23 never opened the spreadsheet called  
24 "Galveston\_Analysis 10\_28\_21"?

25 A. I do not know.

1 Q. What do you mean you do not know?

2 A. I'm not sure if I did or didn't.

3 Q. When you receive an email in the normal  
4 course of business, do you open the attachments to  
5 that email?

6 MR. RUSSO: Objection. Ambiguous and  
7 vague.

8 MS. JAYARAMAN: Counsel, if you have an  
9 objection, please just state "Objection," and if I'd  
10 like to know the basis, I'll let you know.

11 MR. RUSSO: I'm going to preserve the  
12 record.

13 MS. JAYARAMAN: But it's amounting to  
14 coaching the witness, Counsel.

15 MR. RUSSO: I'm not coaching the witness.  
16 I'm very simply stating the objection.

17 A. And could you repeat the question, please?

18 Q. Sure. When you receive an email in the  
19 normal course of business, do you open attachments  
20 to that email?

21 A. Sometimes.

22 Q. What are the circumstances under which you  
23 do not open an attachment to an email?

24 MR. RUSSO: Objection, ambiguous.

25 A. If I'm not aware of the sender, if it



1 could be spam, if it's information I may have  
2 already. I'm not -- I can't think of any specific  
3 reason, but those are a few thing -- reasons why I  
4 have not opened up documents in the past.

5 Q. So taking a look at Sigler Exhibit 10, you  
6 knew the sender, Ms. Van Horn, correct?

7 A. Correct.

8 Q. And Ms. Van Horn is not sending you spam,  
9 correct?

10 A. Correct.

11 Q. And did you already have the information  
12 in this -- in the email that Ms. Van Horn was  
13 sending you?

14 A. No.

15 Q. So is it still your testimony that you did  
16 not open the Excel attachment to Sigler Exhibit 10?

17 A. I don't remember.

18 Q. Do you have any reason to believe that you  
19 would not have opened the attachment?

20 A. No, I don't -- I'm not sure.

21 Q. Towards the middle of the first page of  
22 Sigler Exhibit 10 is the email from Paul Ready,  
23 correct?

24 A. Yes.

25 Q. Who is Paul Ready?

1           A.    I guess the lawyer, a counsel for the  
2 county.

3           Q.    During the 2021 redistricting cycle, did  
4 you normally open emails from Dale Oldham?

5                   MR. RUSSO:  Objection, speculation.

6           A.    I think so.

7           Q.    Can you think of an occasion where you did  
8 not open an email from Mr. Oldham that you had  
9 received from Mr. Oldham during the 2021  
10 redistricting cycle?

11          A.    I'm not sure.

12          Q.    Did you do anything with the information  
13 that you received in this email from Ms. Van Horn?

14          A.    Sorry.  I'm reviewing the attachments.

15          Q.    Sure.  And remember, one of the  
16 attachments is that Excel spreadsheet --

17          A.    Okay.

18          Q.    -- that you said you've never --

19          A.    That I don't recollect.  I don't think so.

20          Q.    So to be clear, you don't think that you  
21 did anything with the information that you received  
22 in this email?

23          A.    Correct.

24          Q.    During the 2021 redistricting cycle, did  
25 you often receive emails with information and then

1 do nothing with that information?

2 A. Unless specified to.

3 Q. So Ms. Van Horn says, "Nate, please see  
4 attached," correct?

5 A. Correct.

6 Q. So she's specifying for you to look at the  
7 attachments, correct?

8 A. Correct.

9 Q. So would you have looked at the  
10 attachments to Sigler Exhibit 10?

11 A. Possibly. I know for Map 2, Map 1  
12 precincts, the maps I looked at, but the Excel sheet  
13 I'm still not positive on. And I'm not quite sure  
14 what "Galveston Map 2 10\_28" is.

15 Q. Okay. I -- we can look at -- if you'd  
16 like to take a look at the attachments again, you  
17 can. They're all -- they're all in Sigler  
18 Exhibit 10. But just so I'm clear, your testimony  
19 is that you did not do anything with the information  
20 that you received in Sigler Exhibit 10?

21 MR. RUSSO: Objection. Asked and  
22 answered.

23 Q. You can still answer.

24 A. Okay. Could you repeat the question one  
25 more time, please?

1 Q. Absolutely. So just so I'm clear, your  
2 testimony is that you did not do anything with the  
3 information that you received in Sigler Exhibit 10?

4 MR. RUSSO: Same objection.

5 A. Yes, not that I can recall.

6 Q. All right. Let's go back to Sigler  
7 Exhibit 11, please.

8 A. Right here?

9 MS. JAYARAMAN: Counsel, if you're  
10 speaking with Mr. Sigler, if you wouldn't mind  
11 speaking loud enough so we could all hear, please.

12 MR. RUSSO: Yeah, I'm getting him to the  
13 document. Okay? I mean, are you worried about us  
14 secretly putting things on the record? He's trying  
15 to maneuver the documents.

16 MS. JAYARAMAN: No, I'm not worried about  
17 anything secretly going on the record. I'd just  
18 like to --

19 MR. RUSSO: Apparently it is an issue.  
20 I'm telling him where to click on the process that  
21 you guys have set up for today. It's that simple.

22 MS. JAYARAMAN: Okay. I appreciate that.  
23 Thank you for assisting him.

24 Q. Mr. Sigler, do you have Sigler Exhibit 11  
25 in front of you?

1 A. Yes.

2 Q. Great. And this is the email that we were  
3 looking at before. It's an email exchange between  
4 yourself and Dale Oldham dated November 1st, 2021,  
5 correct?

6 A. Correct.

7 Q. In the top email, you send Mr. Oldham a  
8 Zoom link. Do you see that?

9 A. Yes.

10 Q. Did you meet with Mr. Oldham via Zoom on  
11 November 1st, 2021?

12 A. I believe so.

13 Q. Was anyone else in that meeting?

14 A. I do not recall.

15 Q. How long was that meeting?

16 A. I do not know.

17 Q. What did you discuss with Mr. Oldham  
18 during that meeting?

19 MR. RUSSO: I'll instruct the witness not  
20 to answer based on attorney-client privilege.

21 MS. JAYARAMAN: Cathy, could we pull up  
22 Tab 19, please.

23 MS. REYES: I'm sorry. If you don't mind,  
24 I'd like to ask some questions about the basis for  
25 that privilege.

1 MR. RUSSO: Sorry. Who's speaking?

2 MS. REYES: My name is Bernadette Reyes  
3 for Petteway plaintiffs. I have some questions  
4 about the basis for that privilege.

5 MR. RUSSO: Okay. There's counsel that  
6 has the examination ongoing right now.

7 MS. JAYARAMAN: Ms. Reyes can ask her  
8 questions. I don't mind.

9 MS. REYES: Are you -- are you saying that  
10 Mr. Oldham was retained as the county's attorney?

11 MR. RUSSO: He was a represent- -- yes.  
12 He was an attorney working for the county, retained  
13 to assist the county in the redistricting effort.

14 MS. REYES: Okay. So can you tell us when  
15 he retired?

16 MR. RUSSO: I don't know the date.

17 MS. REYES: And this general subject  
18 matter of his work?

19 MR. RUSSO: Can we go on with the  
20 deposition and we can have this discussion off the  
21 record when we're not wasting the witness's time  
22 with this?

23 MS. REYES: No, I want to make clear for  
24 the record the basis of your objection. You're  
25 claiming attorney-client privilege --

1 MR. RUSSO: The basis of my objection is  
2 you are getting into an attorney-client privilege.  
3 There's -- there's -- and that's it. The guy --  
4 Mr. Oldham was retained by the county to help with  
5 the redistricting effort.

6 MS. REYES: Okay.

7 MR. RUSSO: That's the basis of --

8 MS. REYES: I understand, Mr. Russo, but  
9 the attorney-client privilege isn't just a blanket  
10 coverage for anyone who is a lawyer that is -- that  
11 is hired by the county. There must be some basis  
12 for the attorney-client privilege. The privilege  
13 covers legal counsel, legal advice.

14 So if Mr. Oldham was involved in mapping  
15 and giving data regarding drawing the maps to  
16 Mr. Sigler, then those -- those conversations, those  
17 communications are not covered by the  
18 attorney-client privilege. And I want to get this  
19 on the record.

20 MR. RUSSO: I totally disagree with that.  
21 Mr. Oldham was retained for the purpose of getting  
22 redistricting done within the bounds of the law.  
23 That was his duty.

24 MS. REYES: I just want to be clear,  
25 though, that based on what I've just said and based

1 | on the earlier ruling containing the decision  
2 | involving Judge Brown, it is your position that the  
3 | communications from Dale Oldham are covered by  
4 | attorney-client privilege?

5 | MR. RUSSO: That's correct. And again,  
6 | the case that you sent to us dealt with the  
7 | attorney-client privilege of a blanket privilege  
8 | that was asked for documents, not for specific  
9 | conversations between the attorney and the county.

10 | MS. REYES: It is -- it is our position  
11 | that those are similar and that the testimony is  
12 | akin to the documents.

13 | MR. RUSSO: This is all --

14 | MS. REYES: I am just -- I'm making my --  
15 | I'm just saying it for the record, Mr. Russo.

16 | MR. RUSSO: Okay.

17 | MS. REYES: I will pass it back to the  
18 | Department of Justice.

19 | MR. RUSSO: This is all great argument for  
20 | the Court. It's not argument for this deposition.  
21 | Do you want to continue examining the witness or  
22 | not?

23 | MS. REYES: Yes, they can continue. I was  
24 | just trying to make clear that I'm understanding the  
25 | basis of your objection.



1 MR. RUSSO: Great.

2 (Exhibit 13 marked)

3 BY MS. JAYARAMAN:

4 Q. Okay. So we're going to take a look at  
5 Sigler Exhibit 13. And please let me know when you  
6 have it in front of you, Mr. Sigler. And if you'd  
7 take a look at the second page of Sigler Exhibit 13,  
8 it's labeled "Defendants' First Supplemental and  
9 Amended Response to the United States' First Set of  
10 Interrogatories." Do you see that?

11 A. I do.

12 Q. Okay. And let's turn to the very last  
13 page of Sigler Exhibit 13. I believe it's page 39  
14 of 39 in the PDF.

15 And on the last page of Sigler Exhibit 13,  
16 you will see a certification from Judge Henry that  
17 says that he declares under penalty of perjury that  
18 the foregoing is true and correct. Do you see that?

19 A. I don't recognize -- okay. Let me see.

20 Q. The very last page of Sigler Exhibit 13.  
21 So you can scroll all the way to the end of the  
22 document.

23 A. Okay.

24 Q. Do you see that there's a certification  
25 from Judge Henry that says he declares under penalty

1 of perjury that the foregoing is true and correct?

2 A. I do.

3 Q. Okay. So now using the printed page  
4 numbers on the bottom of Sigler Exhibit 13, let's  
5 turn to page 18 of Sigler Exhibit 13.

6 A. You said number 18? I'm sorry.

7 Q. Yes, 18 using the printed page numbers,  
8 and that's page, yeah, 18. Please let me know when  
9 you're there.

10 MR. RUSSO: The page numbers are on the  
11 bottom.

12 A. Okay. Oh, okay. Okay.

13 MR. RUSSO: Okay. He's ready.

14 Q. Okay. At the very top of the page, it  
15 says, "On November 1st, 2021, Nathan Sigler and Dale  
16 Oldham scheduled a Zoom call. Upon information and  
17 belief, this call concerned the verification of what  
18 was posted to the website." Do you see that?

19 A. Yes.

20 Q. Would you agree with defendants' assertion  
21 that your Zoom call on November 1st, 2021, with  
22 Mr. Oldham concerned the verification of what was  
23 posted to the Galveston website?

24 A. Could you repeat that question, please?

25 Q. Sure. Do you agree with defendants'

1 | assertion that your Zoom call on November 1st, 2021,  
2 | with Mr. Oldham concerned the verification of what  
3 | was posted to the Galveston website?

4 | A. I believe so.

5 | Q. What do you mean by "I believe so"?

6 | MR. RUSSO: Let me just caution the  
7 | witness that we're not disclosing conversations  
8 | other than what is stated in the interrogatories.  
9 | So if there are other conversations with Mr. Oldham,  
10 | we're not disclosing that on the basis of privilege.

11 | To the extent you can answer her question,  
12 | you can.

13 | A. And is this regarding commissioner -- the  
14 | redistricting for commissioner precincts or  
15 | redistricting for voting precincts?

16 | Q. I do not know. I wanted to know if you  
17 | agreed with defendants' assertion that your Zoom  
18 | call on November 1st, 2021, with Mr. Oldham  
19 | concerned the verification of what was posted to the  
20 | Galveston County website.

21 | MR. RUSSO: Objection, asked and answered.

22 | A. I don't remember the specifics of what was  
23 | talked about in that conversation.

24 | Q. When I asked the question a moment ago,  
25 | you said, "I believe so." And then I asked, "What

1 do you mean by 'believe so,' and then I don't  
2 believe you answered that. So what did you mean by  
3 "I believe so"?

4 MR. RUSSO: Again, the witness is being  
5 admonished in connection with disclosing  
6 conversations that are between the county and an  
7 attorney hired to represent them on the basis of  
8 attorney-client privilege.

9 To the extent you can answer the question  
10 without revealing such other communications, you can  
11 answer.

12 Q. So, Mr. Sigler, do you disagree that your  
13 November 1st, 2021, Zoom call with Mr. Oldham  
14 concerned what was posted to the Galveston County  
15 website?

16 A. Can you repeat that question, please?

17 Q. Absolutely. Do you disagree that your  
18 November 1st, 2021, Zoom call with Mr. Oldham  
19 concerned what was posted to the Galveston County  
20 website?

21 A. I do not. I don't recall what the  
22 specifics of the conversation were.

23 Q. Okay. What was posted to the Galveston  
24 County website during the 2021 redistricting cycle?

25 A. I'm not sure. I'm not sure if it was -- I

1 mean, it depends on what it was regarding, either if  
2 this is regarding commissioner precinct  
3 redistricting or voting precinct redistricting. I  
4 can't recall the date as far as what was posted.

5 Q. Okay. So let's start with commissioner  
6 redistricting.

7 A. Okay.

8 Q. What was posted on the Galveston County  
9 website during the 2021 redistricting cycle with  
10 respect to commissioner court redistricting?

11 MR. RUSSO: Objection. Calls for  
12 speculation. You can answer.

13 A. Map 1 proposal, I believe, and Map 2.

14 Q. Were you involved in making information  
15 available to the public during the 2021  
16 redistricting cycle?

17 A. Repeat that question one more time,  
18 please?

19 Q. Sure. Were you involved in making  
20 information available to the public during the 2021  
21 redistricting cycle?

22 A. Yes.

23 Q. Please describe your involvement in making  
24 information available to the public during the 2021  
25 redistricting cycle.

1           A. I would receive data. From there, I would  
2 create a PDF map and then also create a shapefile  
3 that could be viewed online.

4           Q. And where was this information made  
5 available to the public?

6           A. Through the county's web page.

7           Q. Was it through the GIS portal that we  
8 looked at earlier?

9           A. Yes, and a couple other locations on the  
10 web page.

11          Q. And what were the other locations?

12          A. It was on the front of the web page,  
13 embedded into the front of the web page and then  
14 also through our link on the -- on the web page.

15          Q. So you mentioned PDF and shapefiles were  
16 made available to the public.

17          A. Correct.

18          Q. Was any other -- let's start with Map 2.  
19 Were multiple versions of Map 2 made available to  
20 the public?

21          A. Repeat the question, please?

22          Q. Sure. Let's -- Map 2. Were multiple  
23 versions of Map 2 made available to the public?

24          A. No.

25          Q. So only one version of Map 2 was made

1 available to the public?

2 A. Correct.

3 Q. Were multiple versions of Map 1 made

4 available to the public?

5 A. No.

6 Q. So only one version of Map 1 was made

7 available to the public?

8 A. I'm going to change my answer to I'm not

9 sure for Map 1 or Map 2, if there were different

10 versions posted on there. I'm not sure.

11 Q. Okay. Let's start with Map 2. With

12 respect to the version of Map 2 that you were aware

13 was posted to the website, what was made available

14 to the public?

15 A. Just the boundary lines for that proposal.

16 Excuse me.

17 Q. In what format were the boundary lines

18 made available to the public?

19 A. Shapefile and PDF.

20 Q. Was any other -- I'm sorry. Go ahead.

21 A. The shapefile would have been what you

22 would have viewed on the interactive map.

23 Q. What layers were in the shapefile?

24 A. I do not recall the specifics. Seven

25 layers comprise the shapefile. There's a PRJ file.

1 There's several different -- seven different layers  
2 that comprise of a shapefile though.

3 Q. Was the -- was demographic information in  
4 one of the layers in the shapefile that was made  
5 public?

6 A. I do not know. I don't think so, but I do  
7 not know.

8 Q. Was the availability of the draft maps  
9 publicized?

10 A. I do not know.

11 Q. Did the public have a way of providing  
12 comments on the draft maps?

13 A. I do not know.

14 Q. Aside from yourself, who all was involved  
15 in making the draft maps -- draft commissioners  
16 court maps available to the public during the 2021  
17 redistricting cycle?

18 A. Can you repeat that question, please?

19 Q. Sure. Aside from yourself, who all was  
20 involved in making the draft commissioners court  
21 maps available to the public during the 2021  
22 redistricting cycle?

23 A. I do not know.

24 Q. Did you communicate with anyone else  
25 regarding making the draft maps available to the



1 public during the 2021 redistricting cycle?

2 A. Yes.

3 Q. With whom did you communicate?

4 A. I can't recall specific names, but  
5 essentially notifying the judge's office that the  
6 maps were available to the public. I would have  
7 notified the county engineer that the maps are  
8 available for the public. I just can't recall  
9 specific names of people.

10 Q. Why did you notify the county judge's  
11 office?

12 A. Usually I was getting -- like for the Map  
13 1, Map 2 came from them, so it was just something  
14 that there could have been other people notified.  
15 They're just ones that I do know I notified. I  
16 notified them and I notified my boss. And like I  
17 said, there could be other people from different  
18 departments. I just can't think of who.

19 Q. Did you communicate directly with Judge  
20 Henry about making these drafts available to the  
21 public?

22 A. No.

23 Q. Did you communicate with Commissioner  
24 Apffel about making these draft maps available to  
25 the public?

1 A. I don't know.

2 Q. As in you don't recall or you don't know  
3 who you communicated with?

4 A. I don't know who I communicated with.

5 Q. Did you communicate with a member of  
6 Commissioner Apffel's staff about making these draft  
7 maps available to the public?

8 A. I'm not sure.

9 Q. What do you mean by "I'm not sure"?

10 A. Lots of people -- there's people would  
11 stop by, Hey, can I see the map? It's hard to keep  
12 up with who came by and asked or who may have called  
13 and asked at that time if it was available. And  
14 like I said, there was correspondence I had with  
15 individuals, Hey, the map's up if you want to see  
16 it.

17 I just -- I don't know who, other than who  
18 I specified, I would have notified. But like I  
19 said, there was -- there were phone calls of people  
20 inquiring and there were people walking by my office  
21 that were inquiring. I just can't recall the  
22 specifics of who those were.

23 Q. So when you say people would stop by your  
24 office, what do you mean just by that?

25 A. A commissioner may stop by. One of their

1 assistants may stop by. They may both come in and  
2 look. It just -- and that was throughout that whole  
3 process. It's hard to pinpoint an exact of when  
4 and -- but it just was something that happened  
5 throughout that process.

6 Q. And when you say "they would come by and  
7 look," what do you mean by "look"?

8 A. They would come check out the proposals  
9 for Map 1, Map 2. I would have one presented on one  
10 screen, and the other would be proposed -- would be  
11 shown on the other screen.

12 Q. And would they suggest edits to you when  
13 you were showing them the proposals?

14 A. No.

15 Q. So what would happen when you showed them  
16 the proposals?

17 A. They may -- they were at a zoomed-out  
18 view. They may ask to zoom in to different areas  
19 and that would be about it, you know, zoom into  
20 whatever area of precinct they may be part of.

21 Sorry. I don't see you anymore.

22 MR. RUSSO: They're up there.

23 THE WITNESS: Oh, okay.

24 Q. So aside from zooming in to different  
25 areas of the maps, what else would happen when a

1 commissioner would drop by your office?

2 A. They would just spend approximately one  
3 minute to two minutes looking and may ask to zoom to  
4 a certain area and, you know, "Thank you," and that  
5 would be it.

6 Q. What would happen when a member of a  
7 commissioner's staff would drop by your office?

8 A. The same. They may ask to see the map.  
9 They may ask to see a certain area. And again,  
10 "Thank you for your time," and they would leave.

11 Q. Would they ever provide suggestions on how  
12 the maps should be drawn?

13 A. No.

14 Q. Did Judge Henry ever stop by your office?

15 A. Not that I can recall.

16 Q. Did a member of Judge Henry's staff ever  
17 stop by your office?

18 A. Not that I can recall.

19 Q. Did Commissioner Apffel ever stop by your  
20 office?

21 A. Yes.

22 Q. How many times did Commissioner Apffel  
23 stop by your office?

24 A. I do not know.

25 Q. Would you say that it was more than ten

1 times?

2 A. I do not know.

3 Q. Would you say that it's more -- it was

4 more than five times?

5 A. I'm not sure.

6 Q. Would you say that he stopped by more than

7 once?

8 A. Yes.

9 Q. Would you say that he stopped by more than

10 twice?

11 A. I'm not sure.

12 Q. Would you say that he stopped by --

13 A. For sure --

14 Q. I'm sorry. Go ahead.

15 A. For sure, at least once or twice.

16 Q. And when he stopped by your office, was he  
17 accompanied by anyone else?

18 A. On some occasions.

19 Q. So you recall two occasions on which he

20 stopped by your office, correct?

21 A. Correct.

22 Q. On the first occasion, was he accompanied

23 by someone else?

24 A. Yes.

25 Q. Who accompanied him?

1 A. His assistant.

2 Q. What was his assistant's name?

3 A. I think Seth.

4 Q. Seth. Did anyone else accompany him  
5 during his first visit to your office?

6 A. No.

7 Q. How long was his first visit to your  
8 office?

9 A. Under two minutes.

10 Q. Turning to the second visit to your  
11 office, did anyone accompany him during that visit?

12 A. No.

13 Q. Did Commissioner Giusti ever stop by your  
14 office during the 2021 redistricting cycle?

15 A. For commissioners?

16 Q. Yes, yes.

17 A. Yes.

18 Q. How many times did Commissioner Giusti  
19 stop by your office?

20 A. Only once that I can recall.

21 Q. Was he accompanied by anyone when he  
22 stopped by your office?

23 A. No.

24 Q. And going back to your two meetings or the  
25 two times that Commissioner Apffel stopped by your

1 office, aside from Seth in the first meeting, was

2 there anyone else in your office at the time?

3 A. No. It was a situation where he was

4 exiting and the other commissioner was coming in.

5 Q. And who was the other --

6 A. Commissioner --

7 Q. -- commissioner? Sorry.

8 A. Commissioner Giusti. That's okay.

9 Commissioner Giusti.

10 Q. Thank you. Okay. So -- and which of

11 the -- you mentioned that you met with Commissioner

12 Apffel twice. Which of the two meetings did

13 Commissioner Giusti immediately follow?

14 A. I believe it was the first one.

15 Q. And when did that first meeting with

16 Commissioner Apffel take place?

17 A. I don't recall the date.

18 Q. Would you say that it was in October of

19 2021?

20 A. I'm not sure.

21 Q. When did the second meeting with

22 Commissioner Apffel take place?

23 A. Approximately -- approximately two or

24 three hours later maybe. He came back one more time

25 and looked by himself.

1 Q. Got it. And just to be clear, when I say  
2 was anyone else in the room, I don't just mean  
3 physically. I also mean if someone was on the phone  
4 or virtually present, just to be clear.

5 A. Okay. All right. No, there was not.

6 Q. Okay. Did Commissioner Holmes ever stop  
7 by your office during the redistricting for the  
8 commissioners precincts in 2021?

9 A. He did.

10 Q. How many times did Commissioner Holmes  
11 stop by your office?

12 A. Once that I can recall.

13 Q. Was anyone else -- was anyone accompanying  
14 Commissioner Holmes when he stopped by your office?

15 A. Not that I can recall.

16 Q. When did he stop by your office?

17 A. I'm not sure.

18 Q. Was it after Mr. -- or Commissioner Apffel  
19 stopped by your office?

20 A. Yes, and after Giusti.

21 Q. Was it the same day?

22 A. Yes.

23 Q. And how long was the meeting with  
24 Commissioner Holmes?

25 A. Under two minutes.



1 Q. And how long --

2 A. I'm sorry. Like to re-answer that. I'm  
3 not sure if it was that day or the next day.

4 Q. Okay.

5 A. Not a hundred percent positive.

6 Q. And you don't recall if it was in October  
7 of 2021 that these meetings took place?

8 A. I do not.

9 Q. Okay. And then meeting with Commissioner  
10 Giusti, was that also under two minutes?

11 A. Correct.

12 Q. Did Commissioner Clark ever stop by your  
13 office during the 2021 redistricting of the  
14 commissioners court precincts?

15 A. Yes.

16 Q. How many times did Commissioner Clark stop  
17 by your office?

18 A. Only once that I can recall.

19 Q. Was it before or after the day that you  
20 met with Commissioners Apffel and Giusti?

21 A. Yes.

22 Q. Sorry. Was it before or was it the same  
23 day?

24 A. It was the same day.

25 Q. And did he stop by after Commissioners

1 Apffel and Giusti?

2 A. I can't recall if he came before Apffel or  
3 after Giusti.

4 Q. Did he stop by before Commissioner Holmes?

5 A. Yes.

6 Q. And how long was the meeting with  
7 Commissioner Clark?

8 A. Under two minutes.

9 Q. Was there anyone else in the room when you  
10 met with Commissioner Clark?

11 A. No.

12 Q. Did you communicate with Commissioner  
13 Giusti about making draft maps -- draft  
14 commissioners court maps available to the public?

15 A. I don't know.

16 Q. Did you communicate with Commissioner  
17 Holmes about making draft commissioner court maps  
18 available to the public?

19 A. I don't know.

20 Q. Did you communicate with Commissioner  
21 Clark about making draft commissioners court maps  
22 available to the public?

23 A. I don't know.

24 Q. Did you communicate with a member of Judge  
25 Henry's staff about making draft commissioner court

1 maps available to the public?

2 A. Yes.

3 Q. With whom did you communicate?

4 A. Veronica, and I think her name is -- I  
5 can't recall the other -- his other assistant's name  
6 at this time.

7 Q. When did you communicate with Ms. Van Horn  
8 and Ms. -- Judge Henry's other staff person  
9 regarding making draft maps available to the public?

10 A. Anytime there may have been something  
11 needing to be posted, I just let them know. There  
12 was usually a direction, "Make this -- put this on  
13 the public page," at which time I would do so and  
14 let them know.

15 Q. And who would provide you with that  
16 direction?

17 A. I'm not sure. It could come from a couple  
18 different people.

19 Q. And were those communications with  
20 Ms. Van Horn via email?

21 A. Yes.

22 MS. JAYARAMAN: Counsel, do you know if  
23 those emails have been produced?

24 MR. RUSSO: I do not. Have to check with  
25 cocounsel.

1 MS. JAYARAMAN: Yeah. Thank you. Please  
2 look into it and get back to us.

3 Q. Did you communicate with any members of  
4 Commissioner Apffel's staff regarding making draft  
5 maps available to the public? And to be clear, I  
6 mean the commissioners court maps.

7 A. I think, from what I remember now, when  
8 the commissioners came, and I did mention that they  
9 were available online for public view. So I want to  
10 re-answer that question or change my answer for that  
11 particular question. When the commissioners came in  
12 to look at the maps, I would have notified them that  
13 they're available to view publicly. But past that,  
14 I'm not sure.

15 Q. Okay. So to be clear, when the  
16 commissioners dropped by your office, two things  
17 happened. One, you zoomed in to whatever precinct  
18 they wanted, and then two, you informed them that  
19 maps were available on the public website?

20 A. Correct.

21 Q. And so did you say that you communicated  
22 with a member of Commissioner Apffel's staff about  
23 making the draft map -- draft commissioners court  
24 maps available to the public?

25 A. I do believe I let Seth know one time that

1 they were available to the public.

2 Q. Did you have any other communications with  
3 a member of Commissioner Apffel's staff regarding  
4 making draft commissioners court maps available to  
5 the public?

6 A. I did not.

7 Q. Did you communicate with a member of  
8 Commissioner Giusti's staff regarding making draft  
9 maps -- draft commissioners court maps available to  
10 the public?

11 A. I'm not sure.

12 Q. Did you communicate with a member of --  
13 staff member of Commissioner Holmes' staff about  
14 making draft commissioners court maps available to  
15 the public?

16 A. I'm not sure.

17 Q. Did you communicate with a member of  
18 Commissioner Clark's staff about making draft  
19 commissioners court maps available to the public?

20 A. I'm not sure.

21 Q. Aside from making draft maps available --  
22 draft commissioners court maps available to the  
23 public, what else did you do during the  
24 redistricting of the commissioners court precincts  
25 in 2021?

1 A. Nothing.

2 Q. Who was involved in the process of drawing  
3 the commissioners court precincts in 2021?

4 A. I'm not sure.

5 Q. Was anyone from your office, the  
6 Engineering and Right of Way department, involved in  
7 drawing the commissioners court precincts in 2021?

8 A. No.

9 Q. To your knowledge, were any Galveston  
10 County employees involved in drawing the  
11 commissioners court precincts in 2021?

12 A. No.

13 Q. To your knowledge, was Mr. Oldham involved  
14 in drawing the commissioners court precincts in  
15 2021?

16 A. I'm not sure.

17 Q. Let's go back to Sigler Exhibit 13. How  
18 long was that Zoom meeting with Mr. Oldham on  
19 November 1st, 2021?

20 A. I'm not sure.

21 Q. Was it more than an hour?

22 A. I'm not sure.

23 Q. Was it more -- longer than 30 minutes?

24 A. I'm not sure.

25 Q. Was it longer than 15 minutes?

1 A. I'm not sure.

2 Q. Was it longer than ten minutes?

3 A. I'm not sure.

4 Q. Was it longer than five minutes?

5 A. Yes.

6 Q. Was it longer than eight minutes?

7 A. I'm not sure.

8 Q. So the meeting on November 1st, 2021, with

9 Mr. Oldham via Zoom was somewhere between five and

10 ten minutes?

11 A. I'm not sure of the time frame.

12 Q. Okay. But the meeting was at least five

13 minutes long?

14 A. Yes.

15 Q. Did you meet with Mr. Oldham via Zoom on

16 any other occasions during the 2021 redistricting

17 cycle for commissioner court precincts?

18 MR. RUSSO: Objection, vague.

19 A. Could you repeat that question one more

20 time, please?

21 Q. Sure. Aside from this November 1st, 2021

22 meeting, did you meet with Mr. Oldham via Zoom

23 during the 2021 redistricting cycle for

24 commissioners court precincts?

25 A. I believe it was just that one time.

1 Q. Did you meet with Mr. Oldham via any other  
2 videoconferencing platforms during the 2021  
3 redistricting cycle for commissioners court  
4 precincts?

5 A. Could you repeat that one more time,  
6 please?

7 Q. Sure. Did you meet with Mr. Oldham via  
8 any other videoconferencing platforms during the  
9 2021 redistricting cycle for commissioners court  
10 precincts?

11 A. Not that I can recall.

12 Q. Did you speak with Mr. Oldham on the phone  
13 during the 2021 redistricting cycle for  
14 commissioners court precincts?

15 A. Not that I can recall.

16 Q. Did you meet with Mr. Oldham in person  
17 during the 2021 redistricting cycle for  
18 commissioners court precincts?

19 A. No.

20 Q. Mr. Sigler, did you do anything to prepare  
21 for today's deposition?

22 A. Met with my counsel.

23 Q. And is your counsel Mr. Russo?

24 A. He's one that I know of.

25 Q. Aside from meeting with your counsel, did



1 you do anything else to prepare for today's  
2 deposition?

3 A. No.

4 Q. How many times did you meet with your  
5 counsel?

6 A. I'm not sure.

7 Q. Did you meet with your counsel more than  
8 ten times?

9 A. No.

10 Q. Did you meet with your counsel more than  
11 five times?

12 A. I'm not sure.

13 Q. Did you meet with your counsel more than  
14 three times?

15 A. I would say maybe one to five. I'm not a  
16 hundred percent -- if I had to put a number, I would  
17 say one to five.

18 Q. Okay. Let's start with your first meeting  
19 with counsel. Without revealing the substance of  
20 any conversations with your counsel, when did your  
21 first meeting with counsel take place in preparation  
22 for today's deposition?

23 A. I don't know.

24 Q. Was it more than a month ago?

25 A. No.

1 Q. Was it more than three weeks ago?

2 A. I'm not sure.

3 Q. Was it more than two weeks ago?

4 A. I would say within a month.

5 Q. Okay. Sticking with that first meeting,  
6 and again, without revealing the substance of any  
7 conversations with your counsel, where did that  
8 first meeting take place?

9 A. Specifically? Or can -- can you ask the  
10 question? I'm not sure of like where. Do you mean  
11 the address or --

12 Q. Sure. Was it in person?

13 A. Yes.

14 Q. Was it at your office?

15 A. No.

16 Q. Was it at your counsel's office?

17 A. Yes.

18 Q. And was the counsel -- who was in that  
19 meeting?

20 A. Mr. Russo.

21 Q. So the meeting took place at Mr. Russo's  
22 office?

23 A. Yes.

24 Q. Was anyone else in the meeting aside from  
25 Mr. Russo?

1 A. For the first time?

2 Q. Yes, we're sticking with the first one.

3 A. I don't recall.

4 Q. Was Jordan in the meeting?

5 A. Possibly.

6 Q. How long was the meeting?

7 A. I'm not sure of the exact time frame.

8 Q. Was it more than three hours?

9 A. I'm not sure. I would say --

10 Q. Was it more than -- I'm sorry. Go ahead.

11 A. I would say under five hours.

12 Q. Would you say under three hours?

13 A. I would say under five hours.

14 Q. Again, without revealing the substance of  
15 any conversations, did you review any documents in  
16 preparation for your deposition in that first  
17 meeting?

18 A. Not that I can recall.

19 Q. Okay. Now let's turn to the second  
20 meeting. When did that meeting take place?

21 A. I'm not sure. I can't remember the date.

22 Q. Would you say that it took place a week  
23 after the first meeting?

24 A. I'm not sure.

25 Q. Would you say -- sorry. Go ahead. Where

1 did that meeting take place, the second meeting?

2 A. The conference room of the -- of  
3 Mr. Russo's office.

4 Q. Who was in that meeting?

5 A. Mr. Russo, Jordan. And who was in the --  
6 like who was in the conference room? Is that what  
7 you're asking?

8 Q. Correct, yes.

9 A. Mr. Russo, Jordan, Shawn. And I don't --  
10 I can't remember that other gentleman's name.

11 Q. Who is Shawn?

12 A. I don't know. Attorney.

13 Q. Is Shawn an -- okay. And to be clear,  
14 when I say "in the room," I don't just mean  
15 physically in the room. It also includes people who  
16 were --

17 A. Okay.

18 Q. -- participating remotely. So I don't  
19 know. Does that clarification change your answer  
20 with respect to who was in the room during your  
21 first session?

22 A. I'm having a hard time remembering who was  
23 in the room, either physically or on the phone.

24 Q. So the -- you said there was a fourth  
25 person who was in the room during the second

1 meeting, correct?

2 A. From what I remember, it was Mr. Russo,  
3 Jordan, Shawn, and one other gentleman whose name I  
4 can't remember.

5 Q. Was that other gentleman also an attorney?

6 A. I'm not sure.

7 Q. Did you review any documents in that  
8 second meeting?

9 A. I believe so.

10 Q. Who provided those documents?

11 A. I'm not sure. They just -- or they were  
12 just pulled up.

13 Q. Who pulled them up?

14 A. I'm not sure who pulled them up.

15 Q. So when you say "pulled up," were they on  
16 a computer screen in front of you?

17 A. A TV like -- yeah, a TV basically.

18 Q. And who was controlling what was on the  
19 TV?

20 MR. RUSSO: Counsel, you're getting really  
21 close here to getting on top of attorney-client  
22 communications and work product. Suggest we move on  
23 with this.

24 MS. JAYARAMAN: Counsel, I'm not asking  
25 about the substance of anything. I'm just asking

1 who provided the documents that he reviewed during  
2 his meeting.

3 MR. RUSSO: I understand exactly what  
4 you're asking, and it's getting down to who gave who  
5 what.

6 MS. JAYARAMAN: That's not protected by a  
7 privilege, so I'm simply asking him who provided the  
8 documents.

9 MR. RUSSO: I get it. I understand. My  
10 point is, you're treading very closely on the work  
11 product privilege.

12 MS. JAYARAMAN: But I'm not in the work  
13 product privilege.

14 Q. So, Mr. Sigler, please answer my question.

15 A. I'm not sure.

16 Q. So you don't know how the documents  
17 appeared on the screen in front of you?

18 A. Correct.

19 Q. So you don't know how the documents went  
20 from one document to the next? It just changed on  
21 its own?

22 A. I'm not sure who was controlling it.

23 Q. Was it one of the attorneys in the room  
24 controlling it?

25 A. I'm not sure.

1 Q. Were you controlling it?

2 A. No.

3 MS. JAYARAMAN: Counsel, have the  
4 documents that Mr. Sigler viewed in that second  
5 meeting been produced?

6 MR. RUSSO: I'm fairly certain the answer  
7 to that is yes.

8 MS. JAYARAMAN: If you could please  
9 confirm that with cocounsel.

10 Q. Turning to the third meeting that you had  
11 in preparation for today's deposition, when did that  
12 meeting take place?

13 A. I'm not sure.

14 Q. Would you say that it took place within a  
15 week of the second meeting?

16 A. I'm not sure. I would say within the last  
17 couple weeks.

18 Q. And when you say "couple of weeks," do you  
19 mean the last two weeks?

20 A. Yes.

21 Q. Did that meeting also take place at  
22 Mr. Russo's office?

23 A. Yes.

24 Q. Who was in that meeting?

25 A. Mr. Russo.

1 Q. Was anyone else in that meeting?

2 A. Yes.

3 Q. Who else was in that meeting?

4 A. Shawn, via phone. I believe Jordan was

5 and two other gentlemen whose names I don't -- I

6 can't recall.

7 Q. And those two other gentlemen, were they

8 attorneys?

9 A. I'm not sure.

10 Q. Were those two other gentlemen associated

11 with any of the other attorneys in the room?

12 A. I'm not sure.

13 Q. How long was the third meeting?

14 A. I would say under five hours.

15 Q. And the second meeting, was that also

16 under five hours?

17 A. Yes.

18 Q. Okay. Turning back to the third meeting,

19 did you review any documents during that third

20 meeting?

21 A. Not that I can recall.

22 Q. Okay. Let's go to the fourth meeting.

23 A. I think it may have just been three. I'm

24 not entirely sure. I don't -- I can't remember a

25 fourth.



1 Q. Okay.

2 A. And I would like to change my answer for  
3 Meeting 3.

4 Q. Okay.

5 A. For Meeting 3, it would have been just  
6 Mr. Russo.

7 Q. So what meeting were you referencing when  
8 you said two other gentlemen that you couldn't name  
9 were present?

10 A. Meeting 2.

11 Q. So in Meeting 2 it was Shawn, Jordan, and  
12 then two other people -- Shawn, Jordan, Mr. Russo,  
13 and then two other people whose names you don't  
14 know, one of whom you believe was an attorney?

15 A. Shawn I know was an attorney. The other  
16 two gentlemen I do not know.

17 Q. Okay. Mr. Sigler, when did you learn that  
18 the commissioners court would be redistricting the  
19 commissioners court precincts in 2021?

20 A. When did I learn that they were doing it?

21 Q. Yes.

22 A. I -- I don't know -- I don't know when  
23 they were doing it or how long they were doing it  
24 for. Just when I received the maps.

25 Q. So when did you learn that the process was

1 taking place?

2 A. I don't think I was ever told that the  
3 process was taking place.

4 Q. So were you aware in August of 2021 that  
5 the commissioners court precincts were being  
6 redrawn?

7 A. Not that I can recall.

8 Q. Were you aware in September of 2021?

9 A. I'm not sure.

10 Q. Were you aware in October of 2021?

11 A. I'm not sure.

12 Q. Were you aware in November of 2021?

13 A. I can recall as far as the month of  
14 October and November. But somewhere in that time  
15 frame, that's when I would have been given the maps,  
16 Map 1 and Map 2, but I don't recall the specific  
17 date for those. But the process that led up to it  
18 and how long it took, I'm not sure of that process  
19 at all.

20 Q. And when you say --

21 A. Or if they were even doing --

22 Q. Oh, sorry. Go ahead.

23 A. Or if they were even -- if they were even  
24 doing it.

25 Q. Okay. And when you say you were given

1 Map 1 and Map 2, what do you mean by given Map 1 and  
2 Map 2?

3 A. I can't recall the exhibit that you  
4 provided but that showed the commissioner precincts,  
5 that is what I recall as first seeing the first map  
6 was that map. I'm not sure if it may have been that  
7 specific date or not, but that was the -- that's the  
8 first I saw of it.

9 Q. Okay. I think that was Sigler Exhibit 10.  
10 Why don't you pull that up and confirm for me that  
11 was the first -- that was what -- when you received  
12 Map 1 and Map 2.

13 A. Oh, sorry. I'm letting my lawyer do the  
14 driving right now.

15 Q. Sounds good. Sigler Exhibit 10, please.

16 A. So, yes. So the Galveston Map 2 --  
17 actually the first maps I remember seeing were, I  
18 think, of Map 1 and Map 2. This one appears just to  
19 show Map 2.

20 Q. Are you sure you're looking at Sigler  
21 Exhibit 2 -- 10?

22 A. I'm sorry, I'm sorry. I didn't scroll all  
23 the way down.

24 Q. Okay.

25 A. So, yes, these are the first maps that I

1 remember seeing regarding commissioner precinct  
2 redistricting.

3 Q. Okay. So prior to October 29, 2021, you  
4 had no idea that commissioners court redistricting  
5 was taking place?

6 A. Not that I'm aware.

7 Q. Forgive me. I don't follow. What do you  
8 mean by "not that you're aware"?

9 A. I can't recall if maybe somewhere maybe --  
10 I just can't -- I can't recall if there may have  
11 been like a day in advance somebody may have said,  
12 "We'll be getting them." I'm not sure. But as far  
13 as like an advance notice of anything, I didn't  
14 know.

15 Q. Okay.

16 A. But this is the first recollection I have  
17 of seeing the maps of the precincts.

18 MS. JAYARAMAN: Cathy, can we pull up  
19 Tab 13.

20 (Exhibit 14 marked)

21 Q. Mr. Sigler, I'm showing you what has been  
22 marked as Sigler Exhibit 14, and it is Bates stamped  
23 DEFS00020432 through DEFS00020434. And it is an  
24 email from you to Nicole Stelly dated July 2nd,  
25 2021. Would you agree?

1 A. One second. Let me see. Yes.

2 Q. Who is Nicole Stelly?

3 A. She is the building inspector for  
4 Galveston County.

5 Q. And if you take a look at the second page  
6 of Sigler Exhibit 14.

7 A. The second page, you said?

8 Q. Yes, please.

9 A. Okay. Yes, ma'am, I see it.

10 Q. What is -- what is this a map of?

11 A. I think I'm on the right page. Could you  
12 give me a reference so I know if I'm looking at the  
13 right one?

14 Q. Absolutely. It is DEFS00020433.

15 A. Sorry. We're having a -- I have a loading  
16 screen right now.

17 Q. Okay.

18 A. And did you say, just for confirmation,  
19 the last number was 0434?

20 Q. No, 0433.

21 A. 0433?

22 Q. Yes.

23 A. Okay. I have it up.

24 Q. What is this a map of?

25 A. Commissioner precincts.

1 Q. Did you draw this map?

2 A. I created this map.

3 Q. What do you mean by "created"?

4 A. Some of the layers were drawn by me.

5 Some of them were not.

6 Q. Which layers were drawn by you?

7 A. Roads would have been one that I would  
8 have been involved with, and the shoreline would  
9 have been one I was involved with. City limits is  
10 another one. But this -- it's hard because this is  
11 in black and white and I can't see the colors of  
12 what this is trying to represent. I do know those  
13 1, 2, 3, 4 are commissioner precincts.

14 Q. And why did you provide this map to  
15 Ms. Stelly?

16 A. She requested it.

17 Q. What was the context of her request?

18 A. So she could be more familiar with the  
19 commissioner precincts.

20 Q. And this is the map that was in place  
21 before the 2021 redistricting?

22 A. Again, it's hard for me to see. I don't  
23 want to answer that because it's -- I can't make  
24 out -- it's so -- the colors. I can't tell. It's  
25 hard for me to tell because it's in black and white,

1 the gray. I can't tell.

2 Q. Okay. Why don't we scroll down to the  
3 next page.

4 A. Okay.

5 Q. Does seeing that provide any additional  
6 context to you as to whether this was the map that  
7 was in place prior to the 2021 redistricting cycle?

8 A. No. This is just of the flood zones. I'm  
9 going to attempt to zoom in on the map to see if I  
10 can find anything that would give me an indication  
11 of what this map is.

12 Q. Okay.

13 A. I believe it to be the previous precincts  
14 in place before the redistricting 2021.

15 Q. Okay.

16 A. Sorry. It's -- I'm not sure what  
17 happened.

18 Q. That's okay. We can actually come back to  
19 it later. To your knowledge --

20 A. Sorry.

21 Q. So to your knowledge, between October 1st,  
22 2021, and November 12th, 2021, were there any  
23 discussions regarding the compactness of precincts  
24 in the new commissioners court map?

25 A. I don't understand the question.

1 Q. Okay. To your knowledge, between  
2 October 1st, 2021, and November 12th, 2021, were  
3 there any discussions regarding placing Galveston  
4 County and the Bolivar Peninsula in the same  
5 commissioners court precinct?

6 A. I don't know.

7 Q. Okay. To your knowledge, between  
8 October 1st, 2021, and November 12th, 2021, were  
9 there any discussions regarding equalizing  
10 population across precincts in the commissioners  
11 court map?

12 A. I'm not sure.

13 Q. What do you mean by "I'm not sure"?

14 A. I don't know.

15 Q. To your knowledge, between October 1st,  
16 2021, and November 12th, 2021, were there any  
17 discussions regarding the Voting Rights Act?

18 A. Not that I'm aware of.

19 Q. Does the November 12th, 2021,  
20 commissioners court map split any voting precincts?

21 MR. RUSSO: Objection. Calls for  
22 speculation.

23 A. Which map are you regarding to?

24 Q. The adopted map, the November 12th, 2021,  
25 commissioners court map.



1 A. Oh, okay. Map 2?

2 Q. Does it split anything? Yeah, the one  
3 that was adopted by the commissioners court, yes.

4 A. Okay. Yes, there were some splits.

5 Q. And were those splits of the voting  
6 precincts that existed prior to the 2021  
7 redistricting cycle?

8 A. Yes.

9 Q. Does the November 12th, 2021,  
10 commissioners court map split any voting  
11 precincts -- let me start over.

12 Now turning to the voting precincts that  
13 were adopted during the 2021 redistricting cycle,  
14 does the November 12th, 2021, commissioners court  
15 map split any of those voting precincts?

16 A. Just for confirmation, what was adopted of  
17 voting precincts in 2021, correct?

18 Q. I'm sorry. I didn't catch that.

19 A. Just for confirmation, you're saying does  
20 the adopted '21 commissioner precincts split any of  
21 the 2021 adopted voting precincts? I just want to  
22 make sure I understand your question correctly.

23 Q. Sure. I can start over.

24 So we had discussed earlier that voting  
25 precincts were redrawn in 2021, correct?

1 A. Correct.

2 Q. And the commissioners court map, the new  
3 one was adopted on November 12th, 2021, correct?

4 A. I'm not sure of the date.

5 MS. JAYARAMAN: Okay. Cathy, can you pull  
6 up Tab 35, please.

7 (Exhibit 15 marked)

8 Q. Mr. Sigler, Sigler Exhibit 15 should be  
9 available to you. And do you see at the top it  
10 says, "Be it remembered that on November 12, 2021,  
11 Commissioners Court of Galveston County, Texas, met  
12 at a special meeting"? Do you see that?

13 A. I do.

14 Q. Okay. And then if you scroll down to the  
15 very last page of Sigler Exhibit 15, please.

16 A. Okay.

17 Q. Towards the bottom do you see where it  
18 says, "Motion to approve by County Judge Henry,  
19 seconded by Commissioner Apffel, Order for Map 2,  
20 passed 3 to 1"?

21 A. Yes, I do.

22 Q. So would you agree that the commissioners  
23 court adopted Map 2 on November 12th, 2021?

24 A. Yes.

25 Q. Okay. So did the map that the

1 commissioners adopted on November 12th, 2021, split  
2 any of the voting precincts that were adopted for  
3 the 2021 redistricting cycle?

4 A. No.

5 MS. JAYARAMAN: Okay. I think we can take  
6 a ten-minute break. So it's -- why don't we come  
7 back at -- let's come back at 4:00. Sorry. We can  
8 go off the record.

9 (Recess from 3:43 to 4:02)

10 BY MS. JAYARAMAN:

11 Q. Mr. Sigler, do you have a personal email  
12 account that is separate from your work email  
13 account?

14 A. I'm sorry. Ask that question again?

15 Q. Sure. Do you have a personal email  
16 account that is separate from your work email  
17 account?

18 A. Yes.

19 Q. Do you have more than one personal email  
20 account that is separate from your work email  
21 account?

22 A. Not sure. I may have created one years  
23 ago.

24 Q. Turning to the personal email account that  
25 you currently use, do you ever use that email

1 account for your work for Galveston County?

2 A. Sometimes.

3 Q. What is the email address of that email  
4 account?

5 A. 31fordsig@gmail.com.

6 Q. During the time you've been employed by  
7 Galveston County, have you used any other personal  
8 email accounts in connection with your employment  
9 with Galveston County?

10 A. Not that I can recall.

11 Q. Do you have a work cell phone that is  
12 separate from your personal cell phone?

13 A. No.

14 Q. Do you ever exchange text messages in  
15 connection with your position in Galveston County?

16 A. Could you repeat that one more time,  
17 please?

18 Q. Sure. Do you ever exchange text messages  
19 in connection with your position in Galveston  
20 County?

21 A. Yes. If I'm going to be late, I'll -- I  
22 may text my boss, if that's what you're referring  
23 to.

24 Q. Do you ever exchange text messages with  
25 members of the commissioners court?

1 A. Not that I can recall.

2 Q. Do you ever exchange text messages with  
3 staff of commissioners court members?

4 A. Not that I can recall.

5 Q. Aside from the example that you gave of  
6 texting your boss that you might be running late,  
7 are there any other examples of texts that you  
8 exchange with members of Galveston County?

9 A. With other employees of my office there  
10 would -- there would be text messages, who's going  
11 to bring what for the Christmas party, things along  
12 that line.

13 Q. Aside from text messages concerning  
14 logistics, can you think of examples of any  
15 substantive text messages that you've exchanged with  
16 other Galveston County employees?

17 A. No.

18 Q. Do you ever communicate with other  
19 Galveston County employees using WhatsApp?

20 A. I don't know what that is.

21 Q. Do you ever communicate with other  
22 Galveston County employees using Facebook Messenger?

23 A. No.

24 Q. Do you ever communicate with members of  
25 the commissioners court using Facebook Messenger?

1 A. No.

2 Q. Do you ever communicate with other  
3 Galveston County employees using Signal?

4 A. I don't know what that is.

5 Q. Do you ever communicate with other  
6 Galveston County employees using Slack?

7 A. I don't know what that is.

8 Q. Aside from phone, video, in person,  
9 emails, and text messages, are there any other ways  
10 in which you communicate with other Galveston County  
11 employees?

12 A. Could you repeat the -- could you repeat  
13 the communications part?

14 Q. Absolutely. Sure. So aside from phone  
15 calls, video calls, in-person meetings, emails, and  
16 text messages, are there any other ways in which you  
17 communicate with Galveston County employees?

18 A. No.

19 Q. Aside from phone calls, video calls,  
20 in-person meetings, emails, and text messages, are  
21 there any other ways in which you communicate with  
22 commissioners court members?

23 A. No.

24 Q. How often do you use your personal email  
25 account in connection with your position in

1 Galveston County?

2 A. Rarely.

3 Q. More than once a year?

4 A. Yes.

5 Q. More than once every six months?

6 A. I'm not sure.

7 Q. Do you delete emails in your personal  
8 email account?

9 A. Sometimes.

10 Q. How frequently do you delete emails in  
11 your personal email account?

12 A. Maybe once a year.

13 Q. Do you do it at a set time every year?

14 A. No.

15 Q. When did you first learn about this  
16 lawsuit?

17 A. I'm not sure of the date.

18 Q. Was it more than two months ago?

19 A. I don't think so.

20 Q. So you learned about this lawsuit within  
21 the last two months?

22 A. I would say maybe within the last month,  
23 but I'm not a hundred percent sure.

24 Q. Were you aware of this lawsuit in August?

25 A. No.

1 Q. Did you personally take any actions to  
2 search for documents to be produced in this  
3 litigation?

4 A. No.

5 MS. JAYARAMAN: Cathy, if you could pull  
6 up Tab 25, please.

7 (Exhibit 16 marked)

8 Q. Mr. Sigler, I'm showing you what has been  
9 marked as Sigler Exhibit 16. Do you have that in  
10 front of you?

11 A. I do.

12 Q. Okay. And it is Bates stamped  
13 DEFS00004332 -- or, sorry, 4331, my apologies,  
14 through DEFS00004332. And it is an email from you  
15 to Diana Martinez on November 9th, 2021, correct?

16 A. Yes.

17 Q. Who is Diana Martinez?

18 A. She is one of the assistants of the  
19 judge's office.

20 Q. And when you say "the judge's office," are  
21 you referring to Judge Henry's office?

22 A. Yes, ma'am.

23 Q. And there's an attachment to this email,  
24 Sigler Exhibit 16, and it's called "Map 1  
25 Commissioners Precinct 24x36," correct?



1 A. Yes.

2 Q. What does the "24x36" mean?

3 A. Page size.

4 Q. So the size of the map?

5 A. Correct.

6 Q. Okay. Let's take a look at the second

7 page of Sigler Exhibit 16.

8 A. Of the map, correct?

9 Q. Yes.

10 A. Okay.

11 Q. What is this a map of?

12 A. Map 1 proposed from the company that the

13 commissioners court would have hired.

14 Q. So who drew this map?

15 MR. RUSSO: Objection. Asked and

16 answered.

17 A. I'm not sure who would have drawn it.

18 Q. Would the company that the county have

19 hired have drawn the map?

20 A. They would have provided the layer.

21 Q. What do you mean by that?

22 A. So as far as the roads and everything

23 you're seeing on there, that's a base map layer

24 that's already a part of the program. That's

25 something we already have. The only thing that

1 would have been added would have been the precinct  
2 lines that you are seeing.

3 Q. So the company that the county hired drew  
4 and provided the commissioner court precinct line  
5 layer?

6 A. Yes.

7 Q. Why did you send this map to Ms. Martinez  
8 on November 9th, 2021?

9 A. I'm not sure.

10 Q. Do you regularly send maps to  
11 Ms. Martinez?

12 A. Yes.

13 Q. Why do you send maps to Ms. Martinez?

14 A. She's the assistant for the judge's  
15 office, so she would have been one of the employees  
16 that would have probably been cc'd on the email as  
17 far as receiving maps.

18 Q. You said she probably would have been one  
19 of the employees cc'd on the email as far as  
20 receiving the maps. What email are you referring  
21 to?

22 A. I can't recall what specific we were  
23 speaking of earlier, but I mentioned that I had sent  
24 something to the judge's office but I couldn't  
25 recall. After upon seeing the name that you

1 provided in the email, I realized that she was one  
2 of the assistants.

3 Q. So why were you providing maps to the  
4 judge's office?

5 A. For -- to notify that it was available to  
6 the public and also for commissioner court, for  
7 commissioners court.

8 Q. So you were -- you sent maps to the  
9 judge's office to inform the judge that maps were  
10 available to the public?

11 A. Yes.

12 Q. And the other reason you sent maps to the  
13 judge's office, you said, was for commissioners  
14 court. I don't follow what that means.

15 A. I'm not sure of the process, but they  
16 would maybe include the map and -- for commissioner  
17 court, whatever that process is. I don't know what  
18 it is.

19 MS. JAYARAMAN: Okay. Cathy, can we pull  
20 up Tab 23, please.

21 (Exhibit 17 marked)

22 Q. Mr. Sigler, I believe that Sigler  
23 Exhibit 17 should be available to you. And it is  
24 Bates stamped DEFS00004333 through DEFS00004334, and  
25 it is another email from you to Ms. Martinez on

1 November 9th, 2021. Would you agree?

2 A. Yes.

3 Q. And then the attachment to Sigler  
4 Exhibit 17 is called "Map 2 Commissioners Precinct  
5 24x36," correct?

6 A. Let me see. I'm trying to -- yes.

7 Q. And does the "24x36" in this file name  
8 also refer to the size of the map?

9 A. That is correct.

10 Q. All right. Let's scroll down to the  
11 second page of Sigler Exhibit 17, the map.

12 A. Sorry. I have an error message.

13 Q. Are you still seeing the error message,  
14 Mr. Sigler?

15 A. I see the map now. Thank you.

16 Q. Okay. Did the company that the county  
17 retained also draw the commissioners court layers on  
18 this map?

19 A. That is correct.

20 Q. And why did you send this map to  
21 Ms. Martinez on November 9th, 2021?

22 A. I'm not sure.

23 Q. What do you mean by "I'm not sure"?

24 A. I'm not sure if she would have requested  
25 it. I'm not sure the context behind the email, who

1 would have prompted what as far as a request or --

2 Q. Do you know what Ms. Martinez did with the  
3 map when you sent it to her?

4 A. I know that it was used to put on the web  
5 page. Other than that, I'm not a hundred percent  
6 sure.

7 Q. So was Ms. Martinez involved in making the  
8 maps available to the public?

9 A. I'm not sure exactly what her role was.

10 MS. JAYARAMAN: All right. Cathy, if we  
11 could look at Tab 32, please.

12 (Exhibit 18 marked)

13 Q. Mr. Sigler, Sigler Exhibit 18 should be  
14 available to you. And Sigler Exhibit 18 is Bates  
15 stamped DEFS00011749 through DEFS00011753. And it  
16 is an email dated December 10th, 2021, from yourself  
17 to Holly Fortenberry cc'ing Zach Davidson. Do you  
18 see that?

19 A. I do.

20 Q. Who is Holly Fortenberry?

21 A. I'm not sure her title.

22 Q. What do you know about her?

23 A. I believe she's in IT.

24 Q. Who is Zach Davidson?

25 A. I'm not sure his title either.

1 Q. What do you know about Mr. Davidson?

2 A. I believe he was part of -- dealt with  
3 things -- the things involving the public, notifying  
4 the public.

5 Q. Was he a member of any of the  
6 commissioners' staff?

7 A. At what time?

8 Q. At the time that you sent this email on  
9 December 10th of 2021.

10 A. No.

11 Q. Was he a Galveston County employee when  
12 you sent this email on December 10th, 2021?

13 A. Yes.

14 Q. Was he an employee of the Engineering and  
15 Right of Way department?

16 A. No.

17 Q. Was he a member of Judge Henry's staff?

18 A. I'm not sure.

19 Q. How do you know that he was a Galveston  
20 County employee?

21 A. I've dealt with him over the course of a  
22 few years. I know who he is personally. I've seen  
23 him personally. I just don't know his job title.

24 Q. Why did you send this email to  
25 Ms. Fortenberry?

1           A.    To change out the thumbnails below on the  
2 second page, I believe it is.

3           Q.    Why did you copy Mr. Davidson on this  
4 email?

5           A.    Because at the time I think he was dealing  
6 with the public, notifying the public or the media  
7 person. I'm not sure what exactly his title was at  
8 that time or even now.

9           Q.    Okay. Let's look at the body of the  
10 email. You write, "We need to adjust just a few  
11 things in our map room." Do you see that?

12          A.    I do.

13          Q.    And what is the map room that you were  
14 referring to?

15          A.    The same map room that you brought up in  
16 an earlier exhibit that showed the different maps,  
17 commissioner precinct, voting precinct, that exhibit  
18 that you showed earlier. That would be the same map  
19 room.

20          Q.    Got it. And for the record, I believe  
21 that that is Sigler Exhibit 3.

22          A.    Oh, okay.

23          Q.    And below that you write, "Please add the  
24 proposed voting precincts map between the  
25 Commissioner and JP map." Let me start over.

1 "Please add the proposed voting precinct  
2 map between the Commissioner and JP maps. Use  
3 attached for the thumbnail. This is a request made  
4 by Commissioner Clark." Do you see that?

5 A. I do.

6 Q. What did you mean by "for the thumbnail"?

7 A. Let's see here.

8 Q. Should we go back to Sigler Exhibit 3?

9 Would that help?

10 A. No. Actually, if -- I'm trying to see  
11 what page this is. Excuse me. Page 3, I believe it  
12 is.

13 Q. Okay.

14 A. I believe you see commissioner precincts  
15 and then proposed voting map.

16 Q. Yes.

17 A. Yes. So that -- that was where it was to  
18 be located.

19 Q. Okay. And then in your email, you  
20 italicize, "This is a request being made by  
21 Commissioner Clark," right?

22 A. Yes.

23 Q. Why did you italicize that sentence?

24 A. I'm not sure. I'm not sure.

25 Q. Do you normally use italics for emphasis?



1 A. Sometimes.

2 Q. What are other circumstances under which  
3 you use italics?

4 A. It may be related to maybe like a  
5 department head or other individuals. I'm not sure.  
6 I don't have like a rhyme or reason, I guess you  
7 would say. Sometimes I'll use italics, sometimes  
8 I'll use this.

9 Q. So when you say "related to a department  
10 head or other individuals," so do you use italics to  
11 indicate the position of the person that you're  
12 speaking of?

13 A. Or just who is requesting it.

14 Q. Okay. I'd like to now direct your  
15 attention to the paragraph below the numbered list.  
16 You write, "Adding the voting precincts map is the  
17 top priority. The special meeting is being held  
18 this Tuesday." Do you see that?

19 A. I do.

20 Q. And what do you mean by "top priority"?

21 A. That there needs to be -- usually  
22 there's -- there may be -- if they have a process,  
23 just to let them know that we need to get it done as  
24 fast as possible, I guess, just to -- for that, to  
25 get it done as soon as possible.

1 Q. And what was the special meeting that you  
2 were referring to in this email?

3 A. I'm not sure.

4 Q. Was it a special meeting of the  
5 commissioners court?

6 A. I'm not sure.

7 Q. Was it a meeting that was open to the  
8 public?

9 A. I'm not sure.

10 Q. And was the proposed voting precincts map  
11 made available to the public?

12 A. Yes.

13 Q. Okay. Let's quickly turn back to Sigler  
14 Exhibit 3.

15 A. Okay. I have it pulled up.

16 Q. So at the top it says "Commissioner  
17 Precincts" and then there's an image to the left of  
18 that. Do you see that?

19 A. I do.

20 Q. And would that image be considered a  
21 thumbnail?

22 A. Yes.

23 MS. JAYARAMAN: Okay. Cathy, can we pull  
24 up Tab 10, please.

25 (Exhibit 19 marked)

1 Q. Mr. Sigler, you should have in front of  
2 you what's been marked as Sigler Exhibit 19, which  
3 is Bates stamped DEFS00019401 through DEFS00019406.  
4 And it is an email from yourself to Mike Fitzgerald  
5 dated August 10th, 2011. Would you agree?

6 MR. RUSSO: Counsel, hang on a second.  
7 Just had another shutdown issue.

8 MS. JAYARAMAN: Can we please go off the  
9 record?

10 (Recess from 4:31 to 4:42)

11 BY MS. JAYARAMAN:

12 Q. Okay, Mr. Sigler, so if we could take a  
13 look at Sigler Exhibit 19, please.

14 A. I have it in front of me.

15 Q. Okay. And it is an August 10th, 2011,  
16 email from yourself to Mr. Fitzgerald, correct?

17 A. Correct.

18 Q. And if you scroll down -- or sorry.  
19 Directly below your email to Mr. Fitzgerald is an  
20 email also dated August 10th, 2011, from yourself to  
21 HEAT, correct?

22 A. Correct.

23 Q. What is HEAT?

24 A. It was the ticketing system in place for  
25 IT at the time.

1 Q. And does HEAT no longer exist?

2 A. To my knowledge, it does not.

3 Q. Did HEAT exist during the 2021  
4 redistricting cycle of the commissioners court  
5 precincts?

6 A. I'm not sure.

7 Q. Did you contact HEAT during the 2021  
8 redistricting cycle of the commissioners court  
9 precincts?

10 A. Not that I can recall.

11 Q. In your email to HEAT, you write, "Please  
12 remove the current proposal maps from the Galveston  
13 County website and replace them with these updated  
14 proposal maps." Do you see that?

15 A. I do.

16 Q. What did you mean by "Galveston County  
17 website"?

18 A. The portal map from Exhibit 3.

19 Q. So were you involved in making  
20 commissioners court maps available to the public  
21 during the 2011 commissioners court redistricting  
22 cycle?

23 A. Yes.

24 Q. What did you do?

25 A. I would receive the map or a shapefile.

1 If there -- I wasn't supplied a PDF, I would create  
2 a PDF and a shape- -- push that shapefile online to  
3 be viewed interactively for the public to see.

4 Q. Were the layers in the shapefiles made  
5 available to the public during the 2011  
6 commissioners court redistricting cycle the same as  
7 the layers in the shapefiles made available to the  
8 public during the 2021 commissioners court  
9 redistricting cycle?

10 A. Yes.

11 Q. Was there any information made available  
12 to the public during the 2011 redistricting cycle  
13 that was not made available to the public during the  
14 2021 redistricting cycle for the commissioners court  
15 precincts?

16 A. I'm not sure.

17 MS. JAYARAMAN: Cathy, could we pull up  
18 Tab 17, please.

19 (Exhibit 20 marked)

20 Q. Mr. Sigler, I'm showing you what has been  
21 marked as Sigler Exhibit 20. Do you have it up in  
22 front of you?

23 A. I do.

24 Q. Okay. It is a -- it is a letter, excuse  
25 me, dated October 14th, 2011, from James E. Trainor

1 to the chief of the voting section. Do you agree?

2 A. Yes.

3 Q. And I'd like to direct your attention to  
4 the second and third full paragraphs of Sigler  
5 Exhibit 20 which read, "Galveston County seeks  
6 preclearance of its August 30th, 2011, Order  
7 adopting changes to the boundaries of its  
8 commissioner precincts. The changes to the  
9 commissioner precincts were a result of population  
10 changes identified in the 2010 Census."

11 Do you see that?

12 A. I do.

13 Q. So would you agree that following the  
14 release of 2010 census data, the commissioners court  
15 adopted a new commissioners court map on  
16 August 30th, 2011?

17 MR. RUSSO: Objection. Calls for  
18 speculation.

19 A. I'm not sure.

20 Q. Why don't you take another look at the  
21 second and third full paragraphs of Sigler  
22 Exhibit 20.

23 A. Okay.

24 Q. Would you agree that on August 30th, 2011,  
25 the commissioners court passed an order adopting

1 changes to the boundaries of its commissioner  
2 precincts?

3 MR. RUSSO: Objection. Calls for  
4 speculation.

5 A. I'm not sure.

6 Q. What do you understand the phrase  
7 "August 30th, 2011, Order adopting changes to the  
8 boundaries of its commissioner precincts" to mean?

9 A. I don't know. I've never seen this  
10 before.

11 Q. Were you aware that the commissioners  
12 court redrew the precinct lines following the  
13 release of the 2010 census data?

14 A. No.

15 Q. Were you aware that there was any  
16 redistricting that took place following the release  
17 of the 2010 census data?

18 A. No.

19 Q. So you were not aware that in 2011 the  
20 commissioners court redrew the commissioners court  
21 precinct lines?

22 A. No.

23 Q. When was the last time the commissioners  
24 court redrew its precinct lines?

25 A. Prior to 2021?

1 Q. Yes.

2 A. I'm not sure.

3 Q. To your knowledge, did the commissioners  
4 court redraw its precinct lines in 2012?

5 A. I'm not sure.

6 Q. To your knowledge, did the commissioners  
7 court redraw its precinct lines in 2013?

8 A. I'm not sure.

9 MS. JAYARAMAN: Okay. Cathy, let's look  
10 at Tab 18.

11 (Exhibit 21 marked)

12 Q. And while we're pulling that up, I just  
13 want to be clear. To your knowledge, the  
14 commissioners court did not redraw precinct lines in  
15 2021 (sic)?

16 A. Repeat that question, please?

17 Q. Sure. So to your knowledge, the  
18 commissioners court did not redraw commissioners  
19 court precinct lines in 2011?

20 A. I'm not sure.

21 MR. RUSSO: Objection. Asked and  
22 answered.

23 Q. So your answer was "I'm not sure"?

24 A. Correct.

25 MR. RUSSO: Objection. Asked and



1 answered.

2 Q. Okay. Let's take a look at Sigler  
3 Exhibit 21. And it is a March 22nd, 2012, letter  
4 again from Mr. Trainor to the chief of the voting  
5 section. Would you agree?

6 A. Yes.

7 Q. And I'd like to direct your attention to  
8 the first sentence of the second paragraph which  
9 reads, "Galveston County seeks preclearance of its  
10 March 22nd, 2012, Order, a copy of which is  
11 enclosed, adopting changes to the boundaries of its  
12 commissioner court districts." Do you see that?

13 A. I do.

14 Q. So would you agree that the commissioners  
15 court adopted a map for the commissioners court  
16 precincts on March 22nd of 2012?

17 MR. RUSSO: Objection, speculation.

18 A. I'm not sure.

19 MS. JAYARAMAN: Okay. I think I'd like to  
20 take a ten-minute break, please. We can go off the  
21 record.

22 (Recess from 4:53 to 5:06)

23 MS. JAYARAMAN: I'm now going to pass the  
24 witness on to my colleague, Mr. Gonzalez.

25 MR. GONZALEZ: Thank you.

1 EXAMINATION

2 BY MR. GONZALEZ:

3 Q. Hello, Mr. Sigler. My name is Joaquin  
4 Gonzalez. I'm an attorney representing the NAACP  
5 plaintiffs. How are you doing so far?

6 A. Good. Thank you.

7 Q. I'm going to go ahead and continue where  
8 we left off in 2011, and I'm going to introduce an  
9 exhibit. Hopefully this will work right.

10 (Exhibit 22 marked)

11 Q. All right. Do you have Exhibit 22 in your  
12 folder now?

13 A. Hang on one sec.

14 Q. Sure.

15 A. I see the document.

16 Q. Okay. Do you have it pulled up?

17 A. I do.

18 Q. And is this an email from you to Mike  
19 Fitzgerald from August 11th -- or August 5th, 2011?

20 A. It is.

21 Q. And there it says, "Here's the map you  
22 requested." Is that correct?

23 A. Correct.

24 Q. And there's three attachments to it,  
25 correct?

1 A. Yes.

2 Q. All right. If you could just take a quick  
3 look at the attachments. And do these appear to be  
4 proposals for commissioner court precincts?

5 A. I'm still searching all the documents.  
6 I'm sorry. And could you repeat your question now?

7 Q. Do these appear to be proposals for  
8 commissioner court precinct maps?

9 A. Yes.

10 Q. And where did you get these proposals  
11 from?

12 A. I'm not sure.

13 Q. Would you have received these proposals  
14 from the consultants who were hired to redraw  
15 commissioner court precincts in 2011?

16 A. Possibly.

17 Q. Would anybody else in 2011 have sent you  
18 commissioner court precinct maps?

19 A. I'm not sure.

20 Q. Do you ever receive commissioner court  
21 precinct maps from other parties?

22 A. Maybe from -- a county employee may send  
23 me one. Could be a firm. I don't know.

24 Q. Did you play any role in drawing the lines  
25 for these maps?

1 A. I'm not sure.

2 Q. And when you say you're not sure, do you  
3 not recall at all or you sort of recall but you're  
4 not a hundred percent?

5 A. I don't recall at all.

6 Q. In 2011 did you provide any population or  
7 demographic data to the redistricting consultants  
8 that the county hired?

9 A. Not that I'm aware of.

10 Q. Did you provide any political data,  
11 election results or voter data?

12 A. No.

13 Q. Did you perform any analysis of the maps  
14 that were provided?

15 A. No.

16 Q. And what was your understanding of the  
17 impact of these maps?

18 A. None. I didn't -- I don't know.

19 Q. When you received maps, would you have  
20 reviewed them to look at what changes were being  
21 made?

22 A. No.

23 Q. All right. Let me pull up another  
24 exhibit.

25 (Exhibit 23 marked)

1 Q. All right. Is Exhibit 23 in there?

2 A. Yeah. Hang on a sec. Okay.

3 Q. And so this is an email from Mike

4 Fitzgerald to -- among other people, it includes

5 County Judge Henry, Commissioner Holmes,

6 Commissioner Clark, and looks like maybe some staff

7 members, I think Commissioner O'Brien at the time.

8 Is that correct?

9 A. Yes, I recognize some of the names.

10 Q. And he is forwarding the maps that you

11 sent earlier. Is that correct?

12 A. Yes.

13 Q. All right. I'm going to introduce another

14 exhibit.

15 (Exhibit 24 marked)

16 Q. You have Exhibit -- I think the numbering

17 got off somehow.

18 MR. GONZALEZ: Is it showing up in

19 anybody's Marked Exhibit folder?

20 ZOOM TECH: This is Clint, the tech. I

21 have it up to Exhibit 23 right now in the Marked

22 Exhibit folder.

23 MR. GONZALEZ: Okay. Let me try again.

24 All right. I think it's in there now.

25 ZOOM TECH: Yes, Exhibit 24 is in there

1 now.

2 Q. Okay. And this is an email from you also  
3 to Mike Fitzgerald dated August 5th, 2011. Is that  
4 correct?

5 A. Yes, it is.

6 Q. And you're sending a third proposal. Is  
7 that correct?

8 A. Yes.

9 Q. Have to pull this up separately. And  
10 that's Proposal 3, right?

11 A. Correct.

12 (Exhibit 25 marked)

13 Q. All right. The next exhibit, 26 (sic),  
14 and this is an email from Mike forwarding that  
15 Proposal 3 to Commissioner Holmes. Is that correct?

16 MR. RUSSO: Did we lose y'all again?

17 MR. GONZALEZ: Can you hear me?

18 MR. RUSSO: Yeah, I can hear you.

19 MR. GONZALEZ: Okay. I was saying this is  
20 an -- do you have Exhibit 25 up?

21 MR. RUSSO: Yes.

22 Q. All right. And this is an email  
23 forwarding your email of Proposal 3 from Mike to  
24 Stephen Holmes. Is that correct?

25 A. I don't see from Mike to -- from me to

1 Mike. Oh, at the top. Yes.

2 (Exhibit 26 marked)

3 Q. All right. And then Exhibit 26. And if  
4 you'll look, I guess, at the body of the email, this  
5 shows Commissioner Holmes sending Proposal 3 to the  
6 other county commissioners. Is that correct?

7 A. Yes.

8 Q. And do you know who drew Commissioner  
9 Proposal 3?

10 A. I do not.

11 Q. And do you know why earlier when we were  
12 looking at it, do you recall Mike Fitzgerald sent  
13 Commissioner Proposals 1 and 2 directly to the  
14 county commissioners but Commissioner Holmes sent  
15 this proposal? Do you know why Proposal 3 was not  
16 sent directly to the other commissioners?

17 A. I do not.

18 Q. Did you attend any of the public hearings  
19 on redistricting maps in 2011?

20 A. I did not.

21 Q. Do you recall if the commissioners court  
22 adopted any criteria for redistricting in 2011?

23 A. I'm not sure.

24 Q. All right. I'm going to now pull up  
25 Exhibit 27.

1 (Exhibit 27 marked)

2 Q. You got it? Are y'all there?

3 A. We're here. I see it now.

4 Q. Okay. And this is an email dated  
5 August 24th, 2011, from you to Mike Fitzgerald, and  
6 the subject is "Voting precinct splits." Is that  
7 right?

8 A. Yes.

9 Q. And then it has several attachments. It  
10 has Voting Precinct Splits Proposal 3, Voting  
11 Precinct Splits Proposal 1, and Voting Precinct  
12 Splits Proposal 2. Is that correct? Among a couple  
13 others.

14 A. Yes, among some others in there.

15 Q. All right. And sorry I'm going to have to  
16 do this. It's different exhibits for each of them,  
17 but I couldn't combine them into one.

18 (Exhibit 28 marked)

19 Q. All right. Exhibit 28.

20 A. Okay.

21 Q. And so this is the Commissioners Proposal  
22 3, and it's dated August 24th, 2011. I'll represent  
23 to you that this was the attachment to that email.  
24 It indicates that there's one voting precinct split  
25 in Commissioner Proposal 3. Is that correct?



1 A. Correct.

2 Q. All right. Going to pull up 29 now. Just  
3 a second.

4 (Exhibit 29 marked)

5 Q. All right. Should be there. And so this  
6 is Commissioners Proposal 1. Is that correct?

7 A. Correct.

8 Q. And it indicates that there are one, two,  
9 three, four, five, six precinct splits in  
10 Commissioners Proposal 1? Is that correct?

11 A. Correct.

12 Q. All right. One more.

13 (Exhibit 30 marked)

14 Q. All right. Exhibit 30 should be there.  
15 And this is Commissioners Proposal 2. Is that  
16 correct?

17 A. Correct.

18 Q. And there are one, two, three, four, five  
19 precinct splits in this proposal? Is that right?

20 A. Yes.

21 Q. And so of those three proposals,  
22 Commissioners Proposal 3 had the fewest precinct  
23 splits. Is that correct?

24 A. I would need to go back to the exhibit.

25 Q. All right. I can pull it back up, or if

1 you want to pull it back up, 28.

2 A. Yes. I see it now.

3 Q. And it just had the one split. Okay.

4 Now, after the commissioners court adopted  
5 new precincts in 2011, do you recall that the  
6 Department of Justice did not accept those  
7 precincts?

8 MR. RUSSO: Objection, speculative.

9 A. I'm not aware.

10 MR. RUSSO: Go ahead. You can answer.

11 A. I'm not aware.

12 MR. GONZALEZ: Let me pull up --

13 (Exhibit 31 marked)

14 Q. All right. Let's look at Exhibit 31. And  
15 so this is -- if you want to take a look at it a  
16 little bit, it's Mike Fitzgerald, March 15th, 2012.  
17 Is that correct?

18 A. Yes.

19 Q. And he is forwarding a -- an email from  
20 you to him, also March 15th, 2012. Is that correct?

21 A. Yes.

22 Q. And if you go down to the third page with  
23 the map on it. And you may have to zoom in quite a  
24 bit, but if you can see in the bottom left-hand  
25 corner of the map, there's some text. Can you see

1 that?

2 A. The bottom left? Yes, I do see it.

3 Q. And it says "Settlement Offer." Do you  
4 see that?

5 A. I do.

6 Q. So after looking at this, do you recall  
7 now that there was negotiations with the Department  
8 of Justice after the 2011 map was passed in 2012?

9 A. I'm not aware.

10 Q. Would you have -- but here you are  
11 forwarding a map, right, that had to do with  
12 settlement discussions? Is that correct?

13 A. Yes.

14 Q. Did you meet with the attorneys or  
15 consultants that the county hired in 2012 to work on  
16 maps again?

17 A. I did not.

18 Q. How would you have been provided these  
19 maps?

20 A. Email correspondence.

21 Q. With -- from whom?

22 A. I'm not sure what the firm at the time's  
23 name is. I don't recall the name.

24 Q. But it would have been from the firm that  
25 the county hired?

1 MR. RUSSO: Objection, speculation.

2 A. I'm not sure.

3 MR. GONZALEZ: And I'm going to ask you,  
4 Mr. Russo, to limit the objection speculations to  
5 just "Objection" because it's suggestive to him that  
6 he doesn't know the answer.

7 MR. RUSSO: I'm just preserving the  
8 record.

9 MR. GONZALEZ: Well, if you could preserve  
10 it with "Objection, form" perhaps.

11 MR. RUSSO: I'm preserving the record.

12 Q. And if you go back to the body of that  
13 email and you -- the top from Mike Fitzgerald.

14 A. Okay.

15 Q. And he says, "We prepared from the -- this  
16 from the non-detail maps which were provided and had  
17 to make a few judgment calls as to where the lines  
18 were intended to be. We used the census tract maps  
19 to clarify most questions. I believe it's pretty  
20 accurate with a few exceptions where the census  
21 tracts weren't followed or the intent wasn't clear."  
22 Is that correct?

23 A. I'm reading. I'm not ignoring you.

24 Q. Sure.

25 A. Okay. I've read it.

1 Q. And so it sounds from that like you and  
2 Mike Sig- -- sorry, Mike Fitzgerald had to tweak the  
3 maps a little bit from what you received because it  
4 wasn't entirely clear. Is that correct?

5 A. I'm not sure.

6 Q. Have you ever had to tweak redistricting  
7 maps that were sent to you in order to adjust the  
8 lines a little bit?

9 A. I can't recall.

10 Q. Did you ever look at any population or  
11 demographic data for the 2012 maps?

12 A. Not that I can recall.

13 Q. Any electoral data?

14 A. Not that I can recall.

15 Q. All right. Do you recall earlier you were  
16 discussing redrawing the precinct lines and you  
17 mentioned meeting with Commissioner Clark?

18 A. Regarding which redistricting?

19 Q. Sorry. Jumping back to 2021 now.

20 A. Okay.

21 Q. You recall that?

22 A. Yes.

23 Q. And so when you worked with Commissioner  
24 Clark on redrawing precincts, did you-all meet in  
25 person to look at maps?

1 A. Yes, and through Zoom.

2 Q. Okay. And were you-all looking at any  
3 demographic data while you were redrawing the  
4 precincts?

5 A. Not that I can recall.

6 Q. Were you-all looking at any voter data  
7 when you were redrawing the precincts?

8 A. I believe registered voters may have been  
9 something we were looking at.

10 Q. Any election result data?

11 A. I'm sorry. Can you rephrase that or can  
12 you ask it --

13 Q. Sure. Did you and Commissioner Clark look  
14 at any election results data when you were drawing  
15 the precinct boundaries?

16 A. No.

17 Q. And did Commissioner Clark tell you his  
18 rationale for redrawing the precinct boundaries?

19 A. And just for clarification, are we  
20 speaking about commissioner precinct or voting  
21 precinct boundaries?

22 Q. Voting precinct right now.

23 A. Okay. And then can you repeat your  
24 question, please?

25 Q. Did Commissioner Clark discuss his

1 rationale for redrawing the precinct -- the election  
2 precinct boundary lines?

3 A. No.

4 Q. Did you meet with any of the other county  
5 commissioners to discuss redrawing voting precinct  
6 lines?

7 A. No.

8 Q. And how did it come about that  
9 Commissioner Clark was the point person for the  
10 redrawing of voting precincts?

11 A. I do not know.

12 Q. Did he approach you?

13 A. I don't understand the question.

14 Q. Did he first approach you about redrawing  
15 the --

16 A. I can't hear you.

17 MR. RUSSO: Hang on one sec.

18 MR. GONZALEZ: Can y'all hear?

19 MR. RUSSO: Yeah, you're back on.

20 Q. Okay. Did Commissioner Clark first  
21 approach you about drawing election precinct  
22 boundaries, or did you first approach him?

23 A. I can't recall who approached me, but I  
24 did not approach anybody.

25 Q. I'm going to introduce an exhibit now.

1 (Exhibit 32 marked)

2 Q. All right. It should be in there,  
3 Exhibit 32. You got that up?

4 And so if you look at the -- so the "From"  
5 line is missing. That's how it was sent to us, but  
6 I'll represent that was sent with you as the  
7 custodian. And if you look in the middle sort of  
8 block here, it says from Ken Clark to Nathan Sigler  
9 dated October 20 -- October 17th, 2018. Do you see  
10 that?

11 A. I do. At 5:33 p.m.?

12 Q. Yes, sir.

13 A. Yes, I do.

14 Q. And then that's forwarded to Michael  
15 Shannon. And if you just want to take a second to  
16 read the text of that email.

17 A. Okay. Thank you.

18 Q. Sure. Not the whole text, just that top  
19 part.

20 A. I'm sorry. Just the "Good morning" part?  
21 "I hope" --

22 Q. Yeah.

23 A. Okay.

24 Q. Yeah, you don't need to read Andrew  
25 Brooks' email.



1 A. Okay. Okay. I've read it.

2 Q. All right. And just take a quick look.

3 So the second paragraph of Andrew Brooks' email, he  
4 says, "As promised, the link below to H-GAC's  
5 ShareFile site contains some helpful GIS shapefiles  
6 and spreadsheet information on the 2010 Census  
7 Tracts, 2010 Census Places, and 2016 Census ACS  
8 population data." Do you see that?

9 A. I do.

10 Q. And so from this email, it looks like  
11 Commissioner Clark had wanted you to download some  
12 data for him. Is that correct?

13 A. That is correct.

14 Q. And it says that part of the reason that  
15 he wanted to do that was to make some changes  
16 concerning census tracts? Is that correct?

17 A. And that's regarding back to the first  
18 paragraph there?

19 Q. Yes. Yeah.

20 A. Yes.

21 Q. And then the other reason is he also  
22 wanted to make redistricting proposal maps. Is that  
23 correct?

24 A. I'm not sure.

25 Q. That is -- he says -- or the email says,

1 "He also wanted to make several different  
2 redistricting proposal maps." Is that right?

3 A. It does say that.

4 Q. All right. And then it says, "I will keep  
5 you posted as things develop," correct?

6 A. Correct.

7 Q. So after providing -- well, actually let  
8 me step back a second. So the 2016 census ACS  
9 population data, that's the American Community  
10 Survey? Is that correct?

11 A. That is correct.

12 Q. And that contains a variety of demographic  
13 data on various ethnicity, income, things of that  
14 variety? Is that correct?

15 A. It requires, yes, several different  
16 things. I can't recall all the specifics.

17 Q. But there's some demographic data in  
18 there? Is that right?

19 A. I believe so.

20 Q. And so after you downloaded this  
21 information for Commissioner Clark, did you ever  
22 meet with him to discuss any redistricting  
23 proposals?

24 A. No.

25 Q. Did he ever approach you again to discuss

1 this data in any form?

2 A. Not that I can recall.

3 Q. Did he ever request other population data  
4 from you for the purposes of redistricting?

5 A. Not that I can recall.

6 Q. All right.

7 (Exhibit 33 marked)

8 Q. All right. If you want to pull up  
9 Exhibit 33, please.

10 A. Okay. I have the document in front of me.

11 Q. Okay. And this is the subject line "2020  
12 PSAP External Participant Final Data Upload." Is  
13 that correct?

14 A. Yes, sir, that is correct.

15 Q. And the PSAP, is that the Participant  
16 Statistical Areas Program?

17 A. I'm not sure if that's the correct -- I'm  
18 not sure about that, if that's exactly what it stood  
19 for.

20 Q. Is it a Census Bureau program where they  
21 collect information from local political  
22 subdivisions to redraw tracts and block groups and  
23 other census geography?

24 A. Could you explain political subdivision?

25 Q. The county in this instance.

1           A.    So this was a project not just of the  
2 county but also with the cities.

3           Q.    Okay.  Yeah, and that's what I mean by  
4 political subdivision, local governments  
5 essentially.

6           A.    Okay.

7           Q.    And so if you'll notice in the second sort  
8 of email block, it says from Nathan Sigler to Andrew  
9 Brooks, May 10th, 2019.  Is that correct?

10          A.    Yes.

11          Q.    And it says, "We had been waiting on  
12 clarification from the Census Bureau about an area  
13 that required a split.  We got our answer, and we  
14 are presenting our final data to an elected official  
15 this afternoon."  Is that correct?

16          A.    Correct.

17          Q.    Would that elected official have been  
18 Commissioner Clark?

19          A.    I'm not sure.

20          Q.    Do you -- can you think of any other  
21 elected official who it might have been?

22          A.    I'm not sure.

23          Q.    And when you say you're not sure, do you  
24 believe it might have been Mr. Clark or was likely  
25 Mr. Clark?

1 A. I'm not sure.

2 MR. RUSSO: Asked and answered.

3 Q. As a general matter, do you work with the  
4 commissioners directly when they want to?

5 A. Could you repeat that question?

6 Q. Sure. Just as a general matter, do you  
7 work with the county commissioners directly?

8 A. Sometimes.

9 Q. If a county commissioner asks you for  
10 something, do you work directly to provide it to  
11 them?

12 A. Yes.

13 Q. I'll pull up -- and so with the PSAP, you  
14 were involved in providing the Census Bureau with  
15 input on census geographies leading up to the 2020  
16 census. Is that accurate?

17 A. Yes.

18 (Exhibit 34 marked)

19 Q. All right. Now, if you want to take a  
20 look at Exhibit 34. Do you have that up?

21 A. Not as of yet. Okay. I see it now.  
22 Thank you.

23 Q. And so this is a -- at the top it says,  
24 "An official website of the United States  
25 government." Is that correct?

1 A. Correct.

2 Q. And, "Upcoming release of 2020 census  
3 redistricting data will paint a clearer portrait of  
4 America," and the article is dated July 12th, 2021.  
5 Is that correct?

6 A. Yes.

7 Q. And then just the first part on this first  
8 page, "The U.S. Census Bureau by August 16th is set  
9 to release in-depth demographic statistics from the  
10 2020 census that will be used to redraw legislative  
11 voting districts." Is that correct?

12 A. Yes.

13 Q. Do you recall hearing around this time  
14 that there would be a census data release on  
15 August 16th?

16 A. I can't recall a specific date.

17 Q. Generally around that August time frame?

18 A. I do believe August was the month  
19 mentioned.

20 Q. All right. And pull up another one.

21 (Exhibit 35 marked)

22 Q. All right. Exhibit 35 should be there.

23 A. I see the document now.

24 Q. All right. And does this appear to be an  
25 article dated August 12th, 2021, from the Galveston

1 Daily News titled "Galveston County Population Tops  
2 350,000 According to Census"?

3 A. Yes.

4 Q. And so this is around August 12th that  
5 census data was released. Do you recall hearing  
6 some news stories or otherwise hearing once the  
7 census data was released around that time?

8 A. I do not.

9 Q. You don't recall hearing anything about  
10 census data released around the August time frame,  
11 or you just don't recall news articles?

12 A. I just don't recall news articles.

13 Q. Okay. Did you look at any of the census  
14 population data after it came out?

15 A. I'm not sure.

16 Q. Do you think you might have?

17 A. Possibly.

18 Q. And would that have been before or after  
19 the commissioner court redistricting in 2021?

20 A. Could you repeat that question?

21 Q. Would you have looked at the census data  
22 before or after the commissioner court redistricting  
23 in 2021?

24 A. I'm not sure.

25 Q. All right.

1 (Exhibit 36 marked)

2 Q. Okay. Do you want to take a look at  
3 Exhibit 36? Have you got it there?

4 A. I do.

5 Q. And so this is an email dated  
6 September 23rd, 2021. Is that correct?

7 A. Correct.

8 Q. And the "From" and "To" lines were missing  
9 in what was produced, but this is your email  
10 signature at the bottom. Is that correct?

11 A. That is correct.

12 Q. And if you want to just read the body of  
13 the email real quick.

14 A. Sure. (Witness complies.)

15 Q. So from this, it sounds like Commissioner  
16 Holmes requested some data. Is that correct?

17 A. Yes.

18 Q. And you're saying that you couldn't send  
19 him the 2020 data because it's not available, so you  
20 sent him projections from 2010 census data. Is that  
21 right?

22 A. Correct.

23 Q. So as we saw, the census data was released  
24 in August of 2021. Is there a reason that you  
25 didn't use that new census data to provide



1 Commissioner Holmes with what he was asking for?

2 A. I was not aware that it was available.

3 Q. Did you make any effort to ascertain  
4 whether the census data had been released?

5 A. Yes.

6 Q. What efforts did you make?

7 A. I can't remember the gentleman's name, but  
8 I reached out to somebody at the Census Bureau. I  
9 also asked a couple other GIS people if they had  
10 heard anything about it, that it was going to be  
11 released.

12 Q. But you don't dispute that, as we saw  
13 earlier, the data was released in August. Is that  
14 right?

15 A. I'm not sure.

16 Q. You recall the article about it being  
17 released in August?

18 A. I'm not sure.

19 Q. Did you Google whether the census data had  
20 been released?

21 A. I don't know.

22 Q. Were you aware that in September the Texas  
23 legislature was meeting to redistrict the state  
24 legislative boundaries?

25 A. Could you repeat that question?

1 Q. Were you aware that in September of 2021,  
2 the Texas legislature was meeting to redraw the  
3 state legislative boundaries?

4 A. I was not.

5 Q. Let me pull up another one.

6 (Exhibit 37 marked)

7 A. I see the document.

8 Q. If you could ignore that one. I think I  
9 upload -- that wasn't the complete one. Hold on.

10 A. Okay.

11 (Exhibit 38 marked)

12 Q. All right. So now it's Exhibit 38.

13 A. I see the document.

14 Q. Okay. And this is an email sent from you  
15 to Michael Shannon dated October 25th, 2021, titled  
16 "Holmes Project." Is that correct?

17 A. Correct.

18 Q. And it looks like you are sending him some  
19 previous emails regarding the Commissioner Holmes  
20 Project. Is that correct?

21 A. That is correct.

22 Q. All right. And if you want to take a look  
23 at the second page.

24 A. Okay.

25 Q. And this is an email dated September 27th

1 | from you to Mr. Shannon titled "Commissioner Holmes

2 | Project." Is that correct?

3 | A. Correct.

4 | Q. And what is the Commissioner Holmes

5 | Project, or what was the Commissioner Holmes

6 | Project?

7 | A. May I have a moment to review the

8 | document?

9 | Q. Sure.

10 | A. Okay. I've reviewed it. And can you

11 | repeat your question, please?

12 | Q. What was the Commissioner Holmes Project?

13 | A. It was for a demographic breakdown for

14 | population breakdown, commissioner precincts

15 | breakdown, and voting precincts breakdown.

16 | Q. And is this something Commissioner Holmes

17 | asked you to prepare?

18 | A. Could you repeat that?

19 | Q. Is this something that Commissioner Holmes

20 | asked you to prepare?

21 | A. No.

22 | Q. Who asked you to prepare it?

23 | A. Mr. Shannon.

24 | Q. Was it your understanding that

25 | Commissioner Holmes asked Mr. Shannon to have you

1 | prepare it or to get it prepared?

2 | A. Repeat that question one more time?

3 | Q. Was it your understanding that

4 | Commissioner Holmes had had -- had asked Mr. Shannon

5 | to have it prepared?

6 | A. Yes.

7 | Q. And in it, you're talking about using

8 | population data from census tracts. Is that

9 | correct?

10 | A. Yes.

11 | Q. Is there a reason that you didn't use the

12 | 2020 census block data that had been released as

13 | opposed to the old census tract data?

14 | A. I wasn't aware that it was available.

15 | Q. And so if you go all the way down to the

16 | last page, page 8 of 8. And it says, "I forgot to

17 | mention Commissioner Holmes does not have access to

18 | the map as of yet. I wanted your approval of the

19 | list and maps first in case you wanted to change

20 | anything." Is that correct?

21 | A. That is correct.

22 | Q. And why did you want to run it by Michael

23 | Shannon before sending it to Commissioner Holmes?

24 | A. Because he had made the request to me and

25 | I wanted him to review it.

1 Q. Were you ever instructed to not work with  
2 Commissioner Holmes directly during the 2021  
3 redistricting?

4 A. No.

5 Q. Were you ever instructed to run any  
6 requests from Commissioner Holmes by a third party  
7 before providing him with any information?

8 A. I don't understand the question. Can you  
9 repeat it?

10 Q. Did anybody ever instruct you to speak to  
11 them first before providing information to  
12 Commissioner Holmes about population data?

13 A. Not that I'm aware of.

14 Q. Did anybody ever express to you that you  
15 should not go out of your way to help Commissioner  
16 Holmes during the 2021 redistricting?

17 A. No.

18 Q. All right. I'm going to pull back up I  
19 believe it was Exhibit 12.

20 A. I see the document.

21 Q. All right. And going back to or down to  
22 "Galveston\_Blocks Data," that sheet, do you see it?

23 A. Yes.

24 Q. And so earlier I think you'd testified you  
25 weren't sure what "GEOID20" meant. Is that correct?

1 A. Correct.

2 Q. Having discussed the census a little bit  
3 now, do you recall what "GEOID20" would mean?

4 A. No.

5 Q. And if you can go to the next sheet,  
6 "Pop Pivot."

7 A. Okay. I'm there.

8 Q. All right. And so it looks like these are  
9 population totals for the current map, Commissioner  
10 Precinct Map 1 and Commissioner Precinct Proposal 2.  
11 Is that correct?

12 A. Map 1 and Map 2.

13 Q. And the original?

14 A. Yes.

15 Q. And so the last column titled "Percent Min  
16 VAP"?

17 A. I see that.

18 Q. And that would be percent minority voting  
19 age population. Is that correct?

20 A. I have no idea. I'm not -- like I said, I  
21 don't think I've ever seen this document. I don't  
22 recall ever seeing this document.

23 Q. Did you create any interactive maps of  
24 either Commissioner Precinct Proposal Map 1 or  
25 Proposal Map 2 that had demographic data in a layer?

1 A. Can you repeat that question?

2 Q. Sure. Did you ever prepare any  
3 interactive maps of either Proposal Map 1 or  
4 Proposal Map 2 that had demographic data in a layer?

5 A. I'm not sure.

6 Q. Do you think you might have?

7 A. I don't know.

8 Q. Where would -- if you did prepare such a  
9 map, where would you have gotten the demographic  
10 data?

11 A. I wouldn't have done it. It would have  
12 been included from the firm.

13 Q. Uploading Exhibit 39.

14 (Exhibit 39 marked)

15 Q. Have you got it there?

16 A. I do.

17 Q. All right. So at the very bottom, do you  
18 see where there's an email -- at the bottom of the  
19 first page, sorry, there's an email from Nathan  
20 Sigler to Kathleen Moreno dated October 25th, 2021?

21 A. At 9:31 a.m.?

22 Q. No, sorry, four zero -- 4:08 p.m., bottom  
23 of the first page.

24 A. I'm sorry. I'm still looking for it.

25 Okay. I do see it now.

1 Q. And it says, "Below is a link to the  
2 'current commissioner' and voting precincts," and  
3 "current commissioner" is in quotation marks. Do  
4 you see that?

5 A. I do.

6 Q. Why did you put "current commissioner" in  
7 quotation marks?

8 A. To emphasize that there was adopted  
9 commissioner. No, I'm sorry, in reverse. I  
10 misstated that. What was in place before the 2021  
11 redistricting.

12 Q. So is it fair to say that by at least  
13 October 25th, 2021, you were aware that  
14 commissioners were undergoing a redistricting?

15 A. No.

16 Q. Why would you have put "current  
17 commissioner" in quotation marks if you didn't think  
18 those lines were being redrawn?

19 A. I'm not sure.

20 Q. But it was to distinguish that it was the  
21 current commissioner one instead of a redistricted  
22 2021 one. Is that right?

23 A. Correct.

24 Q. And were you aware by October 25th that  
25 the census data had been released?



1 A. I'm not sure.

2 Q. The census data would need to be released  
3 in order for the commissioners to redraw their  
4 precincts. Is that correct?

5 A. I'm not sure.

6 Q. Is there any other data that the  
7 commissioners could use to redraw their precinct  
8 boundaries other than official census data?

9 A. I'm not sure.

10 MR. GONZALEZ: Could we take a five-minute  
11 break maybe?

12 MR. RUSSO: Yeah, five minutes is fine.

13 MR. GONZALEZ: All right. Let's go off  
14 the record.

15 (Recess from 6:06 to 6:14)

16 (Exhibit 40 marked)

17 BY MR. GONZALEZ:

18 Q. So if you will go ahead and pull up  
19 Exhibit 40.

20 A. Okay. I have the document up.

21 Q. All right. And again, the "From" line is  
22 missing, but if you go to the second email there on  
23 the first page, there's an email from Paul McLarty  
24 to Cheryl Johnson. Do you see that?

25 A. I'm sorry. Can you repeat that?

1 Q. So the "From" line is missing at the very  
2 top, but if you go down to the email, the second  
3 email in that chain on the first page, there's an  
4 email from Paul McLarty to Cheryl Johnson. Do you  
5 see that?

6 A. I do.

7 Q. And who's Paul McLarty?

8 A. I do not know.

9 Q. And Cheryl Johnson's the tax assessor and  
10 voter registrar. Is that correct?

11 A. Yes.

12 Q. All right. And so I'll represent that  
13 this was provided as being under the custody of  
14 Cheryl Johnson, that first email message. And it  
15 says, "Good morning. I understand and feel the same  
16 way. I am unable to comment on whether I can  
17 implement either plan in advance of the primary  
18 without additional information. I have included  
19 Nathan Sigler who is our mapping guru in the county  
20 engineer's office. He understands the challenges I  
21 am facing and is currently loading geo information  
22 to perfect the counts with regard to census data and  
23 voter roll so that commissioners are able to make  
24 better decisions on Friday. I believe commissioners  
25 will adopt their maps Friday. Nathan is still

1 | working on loading geo information in order for  
2 | commissioners to perfect the census data and voter  
3 | roll. This will help them better define which  
4 | precincts will split. I know that South Shore  
5 | Harbor has an area to be split but I do not know  
6 | precisely where. One thing I have asked is that  
7 | current lines remain the same as much as possible  
8 | and that major thoroughfares or natural boundaries  
9 | (creek, drainage or utility easements, et cetera) be  
10 | used to split precincts."

11 | Did I read that all right?

12 | A. Yes.

13 | Q. And so looking at this, does it appear  
14 | that you were uploading some, I guess, population  
15 | and voter data into the maps for the commissioners?

16 | A. And I'm sorry. I'm rereading the  
17 | paragraph if you don't mind.

18 | Q. Sure.

19 | A. Okay. I've read it. And can you ask the  
20 | question again, please?

21 | Q. It sounds like you were uploading some  
22 | census data and voter roll data into the  
23 | commissioner precinct maps according to this. Is  
24 | that correct?

25 | A. That is incorrect.

1 Q. What does she mean when she says, "Nathan  
2 is still working on loading geo information in order  
3 for commissioners to perfect the census data and  
4 voter roll"?

5 A. I'm not --

6 MR. RUSSO: Objection, speculation.

7 A. I'm not sure.

8 Q. Did you load any census data and voter  
9 roll into the commissioners maps?

10 A. Registered voters, I believe, is the one  
11 layer that I did upload.

12 Q. And was that at the request of the  
13 commissioners?

14 A. I don't recall.

15 Q. And she refers in here -- well, first she  
16 says, "I'm unable to comment on whether I can  
17 implement either plan in advance of the primary."  
18 And then at the very end, she says that she has  
19 asked that the current lines remain the same and  
20 that natural boundaries and major thoroughfares be  
21 used to split precincts. Is that right?

22 A. I see the, "One thing I have asked is that  
23 the current lines remain the same as much as  
24 possible and that the major thoroughfares or natural  
25 boundaries, creeks" -- yeah, I do see that.

1 Q. Does it create extra administrative work  
2 when precincts are split?

3 A. I do not know.

4 Q. Did Cheryl Johnson have to do extra work  
5 with you to resolve the voter rolls due to precinct  
6 splits?

7 A. Ask your question again, please?

8 Q. Did Cheryl Johnson have to do extra work  
9 with you in regards to the voter rolls to resolve  
10 the precinct splits?

11 A. Not that I'm aware of.

12 Q. But did it require extra work for you to  
13 redraw precinct boundaries because of precinct  
14 splits?

15 A. What -- are you speaking about voting  
16 precinct splits?

17 Q. Yes, voting precincts.

18 A. Okay. Now ask your question again,  
19 please.

20 Q. Was it extra work for you to have to  
21 redraw voting precincts due to precinct splits in  
22 the commissioner plan?

23 A. I don't under- -- I don't know how to  
24 answer that.

25 Q. If no commissioner -- I mean, if no voting

1 precincts had been split, you wouldn't have had to  
2 redraw the precinct boundaries. Is that correct?

3 A. Correct.

4 Q. Going to pull up one more exhibit.

5 (Exhibit 41 marked)

6 Q. All right. Exhibit 41.

7 A. I have the document pulled up.

8 Q. Okay. And it's sort of a weird email  
9 address, but is this an email from you to somebody  
10 named Chris Elam dated February 16th, 2022?

11 A. I'm not sure. The "From" is -- I'm not  
12 sure what the "From" -- that's what's throwing me  
13 off.

14 Q. At the very end of that, it says "Sigler,  
15 Nat." Do you see that? At the very end of that  
16 "From" address.

17 A. Oh, yes, I do see that.

18 Q. And then it's signed, "Regards, Nathan S."  
19 Correct?

20 A. Correct.

21 Q. So would you have any reason to dispute  
22 that this is an email from you?

23 A. No.

24 Q. All right. And if you just want to read  
25 the first, I guess, four sentences.

1 A. Okay. Aloud or just to myself?

2 Q. You can read them to yourself.

3 A. Okay. (Witness complies.)

4 Okay. I believe I've read what you  
5 requested.

6 Q. And so that last part, "So to account for  
7 that, our historical VTDs are still in effect  
8 regarding JP and constable precincts." Is that  
9 right?

10 A. Correct.

11 Q. And so I'm just trying to figure out how  
12 this worked exactly. For the March 2022 primary,  
13 were there two sets of voter precincts in effect?

14 A. I'm not sure.

15 Q. What did you mean when you wrote that?

16 A. Which part?

17 Q. "So to account for that, our historical  
18 VTDs are still in effect regarding JP and constable  
19 precincts."

20 A. That there was a split by the JP and they  
21 were going to address that at another time, and so  
22 the lines would still stay the same for that.

23 Q. The actual voting -- so was there one set  
24 for voting precincts for JP and constable and then  
25 another set of voting precincts for all the other

1 races?

2 A. I'm not sure who was running for that  
3 election. I don't know.

4 Q. But if there were elections for JP and  
5 constable, they would have used the historic VTDs?  
6 Is that --

7 A. Correct.

8 Q. -- what that is saying? Okay.

9 I think that's it. Just one more thing.  
10 Did you confer with your attorney on the breaks  
11 during this deposition?

12 A. I'm sorry. Can you repeat that?

13 Q. Did you confer with your attorney during  
14 the breaks on this deposition?

15 A. I don't know what that means.

16 Q. Did you discuss the deposition with your  
17 attorney at all during the breaks?

18 A. No.

19 MR. GONZALEZ: Okay. And I will, I guess,  
20 pass to Ms. Reyes.

21 MS. REYES: Thank you, Mr. Gonzalez.

22 Bernadette Reyes on behalf of the Petteway

23 plaintiffs. We don't have any further questions for

24 Mr. Sigler at this time, but I do want to clarify

25 that we are not agreeing that the deposition is



1 | concluded. Specifically, we are reserving the right  
2 | to reconvene the deposition of Mr. Sigler once the  
3 | Court has ruled on the issue of the attorney-client  
4 | privilege raised at this deposition, specifically  
5 | regarding Dale Oldham.

6 | MR. GONZALEZ: And the NAACP plaintiffs  
7 | will make the same reservation.

8 | MS. JAYARAMAN: And the United States  
9 | makes the same reservation.

10 | MR. RUSSO: I think most of your arguments  
11 | are captured, so we'll take it up with the Court  
12 | when necessary.

13 | THE REPORTER: Is there anything else for  
14 | the record? No? Should we go off the record then?

15 | MR. RUSSO: Yeah, let's go off the record  
16 | for two minutes.

17 | (Off record from 6:27 to 6:30)

18 | MR. RUSSO: So defense are going to  
19 | reserve questions for trial. I think that ends the  
20 | deposition.

21 |  
22 | (Deposition concluded at 6:30 p.m. CST)

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IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HONORABLE TERRY PETTEWAY, )  
et al., )  
 )  
Plaintiffs, )  
 ) Case No. 3:22-cv-00057  
vs. )  
 )  
GALVESTON COUNTY, et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )

REPORTER'S CERTIFICATE  
REMOTE ORAL DEPOSITION OF NATHAN SIGLER  
DECEMBER 19, 2022

I, KAREN L. SHELTON, a Certified Shorthand  
Reporter in and for the State of Texas, hereby  
certify to the following:

That the witness, NATHAN SIGLER, was duly  
sworn by the officer and that the transcript of the  
oral deposition is a true record of the testimony  
given by the witness;

I further certify that pursuant to FRCP  
Rule 30(e) that the signature by the deponent:

\_\_\_ was requested by the deponent or a  
party before the completion of the deposition and is  
to be returned within 30 days from date of receipt  
of the transcript. If returned, the attached Errata  
contains any changes and the reasons therefor;

X  was not requested by the deponent or a

1 party before the completion of the deposition.

2 I further certify that I am neither  
3 counsel for, related to, nor employed by any of the  
4 parties or attorneys in the action in which this  
5 proceeding was taken, and further that I am not  
6 financially or otherwise interested in the outcome  
7 of the action.

8  
9 Certified to by me this 3rd day of  
10 January, 2023.

11  
12  
13  
14 <%12566,Signature%>  
15 Karen L. Shelton, CSR, RDR, CRR  
16 TX CSR 7050 Exp: 10/31/23  
17 Veritext Legal Solutions  
18 Firm No. 571  
19 300 Throckmorton Street  
20 Suite 1600  
21 Fort Worth, Texas 76102  
22 (817) 336-3042 (800) 336-4000  
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# Exhibit 25

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HONORABLE TERRY PETTEWAY, )  
et al., )  
 )  
Plaintiffs, )  
 ) Case No. 3:22-cv-00057  
v. )  
 )  
GALVESTON COUNTY, et al., )  
 )  
Defendants. )

\*\*\*\*\*

REMOTE ORAL AND VIDEOTAPED DEPOSITION OF

DWIGHT SULLIVAN

DECEMBER 20, 2022

\*\*\*\*\*

1            REMOTE ORAL AND VIDEOTAPED DEPOSITION OF DWIGHT  
2            SULLIVAN, produced as a witness at the instance of the  
3            Plaintiffs, and duly sworn, was taken remotely in the  
4            above-styled and numbered cause on the 20th day of  
5            December, 2022, from 9:10 a.m. to 5:22 p.m. Central  
6            Standard Time, via Zoom, before Julie C. Brandt, RMR,  
7            CRR, and CSR in and for the State of Texas, reported by  
8            machine shorthand in Fort Worth, Texas, with the witness  
9            located in Galveston, Texas, pursuant to the Federal  
10           Rules of Civil Procedure and the provisions stated on  
11           the record or attached hereto.

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1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: We are on the record  
3 at 9:10 a.m. This begins the video recorded deposition  
4 of Dwight Sullivan taken in the matter of Honorable  
5 Terry Petteway, et al. versus Galveston County, Texas,  
6 et al. This deposition is being held remotely. My name  
7 is Austin Redcay, and I am the videographer. The court  
8 reporter is Julie Brandt, both of us representing  
9 Veritext.

10 Ms. Brandt, would you please introduce  
11 everybody in the call today, and then after which swear  
12 in the witness.

13 THE REPORTER: Okay. We've got today,  
14 let's see, Molly Zhu, who will be taking the deposition;  
15 Joseph Russo, who will be defending.

16 We also have Kathryn Garrett, Bruce Gear,  
17 George Libbares, who is our concierge, Alexandra Copper,  
18 Sarah Chen, Mateo Forero, Adrienne Spoto, Valencia  
19 Richardson, Diana Vall-llobera, Joaquin Gonzalez, Jordan  
20 Elton, Tharuni Jayaraman, Bernadette Reyes, and  
21 Catherine Meza.

22 And I would just say if anyone else joins from  
23 your team, if you can let me know because I'm going to  
24 be writing down the words instead of paying attention.

25 Thank you.

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DWIGHT SULLIVAN,

having been first duly sworn, testified as follows:

EXAMINATION

BY MS. ZHU:

Q. Good morning, Mr. Sullivan. Can you hear me okay?

A. Yes.

Q. Okay. Good. Can you please just state and spell your full name for the record?

A. Dwight Sullivan. That's D-W-I-G-H-T. Last name Sullivan, S-U-L-L-I-V-A-N.

Q. Thank you.

Mr. Sullivan, thank you again for your time today. My name is Molly Zhu. I work at the law firm Willkie Farr & Gallagher, and I'm joined today by my co-counsel Sarah Chen from the Texas Civil Rights Project, and we are attorneys for the plaintiff and, of course, you are a defendant in the ongoing lawsuit.

Just to be clear, the lawsuit is Dickinson Bay Area Branch NAACP, Galveston Branch NAACP, Mainland Branch NAACP, Galveston LULAC Council 151, Edna Courville, Joe A. Compian, and Leon Phillips versus Galveston County, Texas, the Honorable Mark Henry and Dwight D. Sullivan.

This case was consolidated. The other case is

1 brought by Terry Petteway and other individuals, as well  
2 as the case brought by the DOJ. Again, it's Galveston  
3 County in the Southern District of Texas.

4 Counsel for Petteway and DOJ will also have  
5 the opportunity to ask questions after I'm done and  
6 before your counsel asks his questions today.

7 So, I'm just going to go over some ground  
8 rules for the deposition today. If anything I say is  
9 unclear or if you have any questions, please just let me  
10 know.

11 So, of course, we have Julie today as our  
12 court reporter. She's going to be making a transcript  
13 of everything that occurs in the deposition today. To  
14 ensure an accurate record and to help Julie out with the  
15 written transcript, I'm just going to ask that you give  
16 verbal responses to all of my questions as opposed to  
17 simply shaking or nodding your head.

18 Let me know if that sounds okay.

19 A. Yes, it does.

20 Q. I'm going to do my best not to interrupt you  
21 when you're giving responses just so the record isn't  
22 too confusing. So, in return I would ask that you wait  
23 until I finish my question before you give your answer  
24 as well. And if we start talking at the same time, it  
25 will just be more difficult for the transcript.

1 Does that make sense?

2 A. Yes.

3 Q. I am going to be asking a lot of questions  
4 about your knowledge of certain events. So, I just want  
5 to make it clear there's a difference when you don't  
6 know something or you can't recall something versus when  
7 the answer is affirmatively no. So I'm just going to  
8 ask that you respond either I don't know or no, to be  
9 clear.

10 Does that make sense?

11 A. Yes.

12 Q. And since we're virtual today, if we're having  
13 any technical difficulties, if your internet cuts out  
14 and you can't hear me, just let me know. We can pause  
15 and have any tech issues addressed on either end.

16 A. Okay.

17 Q. You've been sworn -- thanks.

18 You've been sworn in today, which means that  
19 you are under oath and that you have an obligation to  
20 give accurate and truthful testimony. If there's a  
21 question that I ask and you don't understand it, please  
22 just let me know and I can clarify, I can rephrase.  
23 That's no problem. Otherwise, if you don't ask for  
24 clarification, I'm just going to -- I would assume that  
25 you understand my question and that you are answering



1 the question that I've asked.

2 Does that make sense?

3 A. Yes.

4 Q. If you need a break at any point in the  
5 deposition, please let me know and we're happy to  
6 accommodate you.

7 Let's see. So with that, is there anyone in  
8 the room today for your deposition?

9 A. Yes.

10 Q. Can you tell me who's in the room with you  
11 today?

12 A. Yes. Joseph Russo and Jordan Elton.

13 Q. Okay. And are they counsel?

14 A. Yes.

15 Q. Okay. Have you been deposed before?

16 A. One time.

17 Q. When did that deposition take place?

18 A. I believe it was 2002.

19 Q. Okay. What were you deposed for?

20 A. I was an employee of the county treasurer's  
21 office, and there was a lawsuit between the county  
22 treasurer and the county auditor.

23 Q. And when you say county, you're referring to  
24 Galveston County, I assume?

25 A. Yes.

1 Q. Did that case involve the Voting Rights Act in  
2 any way?

3 A. No.

4 Q. And did that case involve any allegations of  
5 racial discrimination?

6 A. No.

7 Q. And can you just give a quick summary about  
8 the claim in that case, to your knowledge?

9 A. Yes. There was a claim that the county  
10 treasurer was holding accounts payable checks, and the  
11 auditor wanted him to release those checks sooner.

12 Q. Okay. Thank you.

13 So moving on, do you understand that you  
14 cannot communicate with anyone else either by email or  
15 text or Zoom chat or any other means while your  
16 deposition is being taken today?

17 A. Yes.

18 Q. And do you have any documents in front of you  
19 today?

20 A. No.

21 Q. Okay. That's great because you are not  
22 allowed to consult any written, printed or electronic  
23 information during this deposition unless I provide the  
24 information to you as an exhibit, so I just wanted to  
25 make that clear.

1           Did you meet with anyone to prepare for this  
2 deposition today?

3           A.    I met with my attorneys.

4           Q.    And are they the only people that you met with  
5 to prepare for this deposition?

6           A.    Yes.

7           Q.    When did you meet with your attorneys to  
8 prepare?

9           A.    Yesterday and maybe a week ago to meet them.

10          Q.    And where did you meet?

11          A.    In Galveston, Texas at their law office.

12          Q.    Okay. And how long were each of the meetings,  
13 around?

14          A.    The first meeting was approximately two hours.  
15 The second meeting, two to three hours.

16          Q.    Okay. Thank you.

17                   Did you review any documents to prepare for  
18 this deposition?

19          A.    I believe there was one document, yeah, we  
20 looked at yesterday.

21          Q.    Could you say that again? I'm sorry.

22          A.    Yes, there was one document yesterday we  
23 looked at.

24          Q.    And how did you review that document? You  
25 just kind of walked through it with your counsel. Is

1 that right?

2 A. We looked at it on the computer screen.

3 Q. Okay. Is there any reason that you might not  
4 be able to give full and truthful testimony today? Are  
5 you -- as in are you currently on any sort of medication  
6 or consumed any alcohol or anything like that?

7 A. No.

8 Q. Okay. I guess the last thing I just want to  
9 reiterate is if you need a break at any time, just let  
10 me know and I'm more than happy to call a break.

11 A. Okay.

12 Q. Okay. Great.

13 So let's start with some background questions  
14 just pretty --

15 MR. RUSSO: Sorry, Counsel. I just  
16 wanted him to keep his voice up.

17 MS. ZHU: Yeah, thank you. I appreciate  
18 that.

19 Q. (BY MS. ZHU) So, Mr. Sullivan, where were you  
20 born?

21 A. I was born in Albuquerque, New Mexico.

22 Q. All right. And where do you currently live?

23 A. I live in League City, Texas.

24 Q. How long have you lived in League City for?

25 A. Excuse me. I've lived in League City since

1 2005.

2 Q. Where did you live before that?

3 A. I lived in Port Bolivar, Texas.

4 Q. Did you say Bolivar?

5 A. Yes. Bolivar, Texas, yeah.

6 Q. And how long have you lived in Bolivar for?

7 A. I think approximately three years.

8 Q. Okay. Let's move on to your educational

9 background. So where did you get your high school

10 diploma?

11 A. I graduated from Robert E. Lee High School in

12 San Antonio, Texas.

13 Q. And where did you get your college degree?

14 A. Texas Tech University.

15 Q. What did you study in college?

16 A. Business management.

17 Q. Do you have any graduate degrees?

18 A. Yes.

19 Q. What schools are they from?

20 A. Texas Tech University.

21 Q. And what type of graduate degree do you hold?

22 A. A Master's in Business Administration.

23 Q. What was your employment after college?

24 A. My job out of college was a financial analyst

25 with World Savings and Loan which later became Wachovia

1 Bank.

2 Q. And what was your employment after receiving  
3 your MBA?

4 A. Galveston County Clerk.

5 Q. And you are currently employed by Galveston  
6 County. Is that correct?

7 A. Yes.

8 Q. How long have you worked for Galveston County?

9 A. I've worked for Galveston County since  
10 December of 2001.

11 Q. Did I hear December of 2005?

12 A. 2001.

13 Q. 2001, okay. Thank you.

14 What was your position when you first became  
15 employed by Galveston County?

16 A. Financial analyst.

17 Q. And what is your current job title?

18 A. Galveston County Clerk.

19 Q. Did you hold any other positions while  
20 employed by Galveston County other than the two you just  
21 mentioned?

22 A. Yes.

23 Q. Can you describe some of that for me and the  
24 timeline?

25 A. Yes. I was the Assistant County Treasurer and

1 in 2011 I swore into office as County Clerk.

2 Q. Thank you.

3 How did you secure your current job as County  
4 Clerk?

5 A. I ran for office.

6 Q. Who were the opponents that you campaigned  
7 against while you were running for this position?

8 A. My opponent was Doug Godinich.

9 Q. You only had one opponent?

10 A. Yes.

11 Q. Can you describe some of the campaigning  
12 events that you held or conducted while running for this  
13 position?

14 A. I had a kick-off event in Galveston, and other  
15 than that, I went to most civic clubs in the county just  
16 to introduce myself.

17 Q. When you say kick-off event in Galveston, can  
18 you tell me which neighborhood you had the kick-off  
19 event in?

20 A. Yeah, it was the historic district. I don't  
21 know the name of the neighborhood, but it was on  
22 approximately 18th Street --

23 Q. Okay.

24 A. -- near Broadway.

25 Q. Thank you.

1           And can you tell me some of the neighborhoods  
2 where the clubs that you said you were introducing  
3 yourself in, where those clubs are located?

4           A.    Yes.  It was throughout the county, so  
5 everywhere from Bolivar, Texas to Galveston, Texas; La  
6 Marque, Texas; Dickinson, Texas; Texas City, Texas;  
7 Friendswood, Bayou Vista and League City.

8           Q.    That's pretty comprehensive.

9           A.    Yeah.

10          Q.    Thank you.  And just to clarify, you were  
11 running in the Republican primary.  Is that correct?

12          A.    Yes.

13          Q.    Thank you.

14                And also to clarify, Doug Godinich, which I  
15 hope I'm pronouncing his name right, your opponent, was  
16 also running in the primary.  Is that correct?

17          A.    No.  He was running as a Democrat in the  
18 general election.

19          Q.    In the general, okay.  Thank you.

20                What are your job responsibilities as County  
21 Clerk?

22          A.    My general just top-level stuff is I'm  
23 responsible for court records, numerous court records,  
24 real property records, including deeds and liens, as  
25 well as running the county elections.



1 Q. And -- okay. Can you describe the  
2 organizational structure of your office?

3 A. Sure.

4 So I have three chief deputies, and we have --  
5 the next layer would be department supervisors, and then  
6 below that we have numerous employees.

7 Q. You said you have what employees? Sorry.

8 A. Numerous employees.

9 Q. Do you know how -- like can you give me an  
10 estimate of how many employees?

11 A. Close to 50 employees.

12 Q. Okay. And the number of deputy supervisors?

13 A. Six or seven, off the top of my head.

14 Q. Okay. Thank you.

15 And I assume that you oversee everyone. Is  
16 that right?

17 A. Yes.

18 Q. Okay. So how many people -- how many of your  
19 staff work on election administration or appearing at  
20 elections?

21 A. I have a staff of six people in the elections  
22 department.

23 Q. What are the names of your staff members in  
24 that department?

25 A. Wendi Fragoso, Ernest Murrie, Sue Ann Duncan.

1 Let me think. Hold on a second. Cindy Eddy, Tommy  
2 Turnbow, and I think I have -- let me think here. I've  
3 got one more employee. I cannot recall her name. She  
4 just hired on.

5 Q. If you recall it at any point, just let me  
6 know.

7 A. It will come to me, yeah.

8 Q. And can you describe their job  
9 responsibilities generally?

10 A. Yes. So, the staff does everything from  
11 receive and accept and test new equipment, to  
12 programming ballots, training election employees,  
13 clerks, judges, delivering equipment, hosting events  
14 where parties logic and accuracy test our ballot,  
15 tallying of results, updating the website and reporting  
16 to the State and all the results in real-time.

17 Q. Thank you.

18 Does anyone on your staff report to you about  
19 the redistricting process at all?

20 A. No.

21 Q. Can you describe how your office works with  
22 the Office of the Tax Assessor Collector?

23 A. Sure. So, we work closely with the tax  
24 office with regards to elections. So, the tax assessor  
25 collector in Galveston County updates the database of

1 voters and what ballot styles they should receive, so  
2 all the voter registration information, and that  
3 information is then used to program the ballot to make  
4 sure that constituents get the right ballot style when  
5 they go to vote.

6 Q. That makes sense.

7 Does redistricting inform any of this work  
8 that you do with the tax assessor collector?

9 A. I'm sorry, can you repeat that question?

10 Q. Sure.

11 Does the redistricting inform any of the work  
12 that you conduct with the tax assessor collector's  
13 office?

14 A. I'm still not sure I understand what you mean  
15 by inform.

16 Q. That's fine. I can rephrase.

17 How does the work that you do with the Office  
18 of the Tax Assessor Collector apply to redistricting, if  
19 at all?

20 A. Well, I don't know exactly what all she does  
21 with redistricting because that's not my office, but --  
22 yeah, I guess I don't know what she does with that  
23 information.

24 Q. That's fine. Thank you.

25 Can you describe how your office works with

1 the county engineer's office?

2 A. Sure.

3 So in regards to elections, I'm assuming?

4 Q. That's right.

5 A. Okay. So in regards to elections, the county  
6 engineer's office produces maps for us if we request  
7 them. That's kind of it.

8 Q. And what does your office do with those maps?

9 A. Sometimes we get open records requests, and so  
10 we'll give them to candidates or parties. We also have  
11 a set of maps in the office to use as reference.

12 Q. Do you work at all with any of the county  
13 engineer's office or the tax assessor collector's office  
14 after a redistricting cycle?

15 A. Can you clarify the question?

16 Q. Yeah.

17 A. What you mean by work with?

18 Q. Yeah, of course. I just mean do you -- so the  
19 Office of the Tax Assessor Collector and the Office of  
20 the County Engineers -- of the County Engineer, do you  
21 guys -- do you guys carry out any tasks after the  
22 redistricting cycle?

23 A. Well, I can't speak for those two offices, but  
24 whenever there is redistricting, those -- those new  
25 lines will be reflected in the data that I receive in

1 order to program the ballot.

2 Q. Right. Okay. Thank you.

3 A. Yeah.

4 Q. Do you have any sort of specialized training  
5 or education related to your role as County Clerk?

6 A. Yes.

7 Q. Can you describe some of the trainings that  
8 you've done for your job?

9 A. Sure, yeah.

10 Well, when you're elected, you go to a new  
11 county clerk's and district clerk's training class, and  
12 they inform you about open records requests and other  
13 things that are pertinent to the office.

14 Additionally, every year we receive continuing  
15 education hours from our Texas association of county and  
16 district clerks, and they go into the details of the  
17 thousands of tasks that we do in our office every year.

18 Q. That makes sense.

19 What are some resources that you use for  
20 guidance regarding your job responsibilities?

21 A. Also, obviously we use computers, the  
22 internet, State websites, proprietary software that we  
23 use for court records and election software, real  
24 property software and recording equipment.

25 Q. And who do you receive guidance from to carry

1 out your job responsibilities?

2 A. Well, I guess on the day-to-day tasks, it's  
3 really the -- the ball's in my court. Texas election  
4 law books, all the legal laws of the state of Texas, my  
5 association of county and district clerks, my staff.

6 Q. Did you say association of county clerks?

7 A. Yes.

8 Q. Can you describe what that is?

9 A. Sure.

10 So in Texas we have -- it's a large state.  
11 We have 254 counties, and so we have an association of  
12 county and district clerks. They've grouped us into  
13 one unit because we have very similar tasks. The  
14 association is there for resources, to keep up with law  
15 changes and trends in our business world. So we can  
16 communicate either regionally or statewide in our  
17 conferences.

18 Q. Okay. Got it.

19 Do you receive guidance from the Texas  
20 Secretary of State at all?

21 A. Sure. Yes, I do.

22 Q. And can you describe some of the guidance that  
23 you've received?

24 A. Yes. We get a multitude of legal information,  
25 forms prescribed by the state, legal opinions, website

1 and calendar information.

2 Q. And do you receive guidance from any political  
3 party?

4 A. No.

5 Q. Do you have a reporting relationship or  
6 obligation with anyone as it relates to your position as  
7 County Clerk?

8 A. Can you ask that again? I didn't catch the  
9 first part.

10 Q. Yeah, of course.

11 Do you have a reporting relationship with  
12 anyone as it relates to your position as County Clerk?

13 MR. RUSSO: You said "recording" or  
14 "reporting"?

15 MS. ZHU: The latter, "reporting."

16 Q. (BY MS. ZHU) As in do you report to anyone,  
17 you know, higher up to you as it relates to your  
18 position as County Clerk?

19 A. No.

20 Q. How do you primarily communicate for your job?  
21 Do you use an email or a cell phone?

22 A. Primarily in person or email, telephone, all  
23 the above.

24 Q. When you say email, is this a business email  
25 specifically or do you also use personal email?

1 A. Business email.

2 Q. Do you ever use personal -- your personal cell  
3 phone for work or business?

4 A. Occasionally I use my cell phone to call staff  
5 or something, yeah.

6 Q. Do you ever communicate for purposes of work  
7 through text message?

8 A. Yes.

9 Q. And is this through your personal or through a  
10 work phone?

11 A. It's personal phone.

12 Q. Okay. So you don't have a work phone. Is  
13 that right?

14 A. No, I don't.

15 Q. Do you use any messaging services for work?

16 A. No.

17 Q. Okay. How frequently are you in contact with  
18 Commissioner Darrell Apffel or his staff?

19 A. Are you looking for months, days? Not very  
20 frequent.

21 Q. Not very -- let's say in a given month how  
22 many times on average would you meet with him?

23 A. On a 12-month average, maybe -- maybe one  
24 time. Maybe zero.

25 Q. Oh, okay. And in what capacity are you



1 meeting with him when you do meet?

2 A. Generally in passing and a hello at  
3 Commissioners Court or a meeting.

4 Q. Got it.

5 Or in a Commissioners Court meeting, you said?

6 A. Yes. If we're there and I'm watching the  
7 meeting or recording the meeting and I see him, we'll  
8 shake hands and say hello.

9 Q. Okay. Thank you.

10 How frequently are you in contact with County  
11 Commissioner Joe Giusti or his staff?

12 A. Very rare. The same thing, maybe in passing  
13 generally or in a meeting we'll say hello if we see each  
14 other.

15 Q. Got it.

16 I am basically going to ask this for each  
17 commissioner. Would you say that you meet with  
18 Commissioner Robin Armstrong once a year as well in  
19 these Commissioners Court meetings?

20 A. Yes, about then.

21 Q. And would you say the same for the late County  
22 Commissioner Ken Clark?

23 A. Yes.

24 Q. And would you say the same for Judge Henry?

25 A. Yes. I will say, going back to Ken Clark, I

1 saw him more frequently because he had an office near my  
2 office in League City, Texas, but it was very rare that  
3 we would, you know, visit.

4 Q. And you would just see each other in passing,  
5 I assume?

6 A. Yes, mostly.

7 Q. That makes sense.

8 How frequently are you in contact with Stephen  
9 Holmes?

10 A. Same answer, very rarely.

11 Q. Same answer, okay.

12 How often would you attend Commissioners Court  
13 meetings?

14 A. About once a month or less.

15 Q. Okay.

16 A. It depends if I have an item on the agenda.

17 Q. Got it.

18 When you were -- when you did have an item on  
19 the agenda, what did that relate to?

20 A. Well, in my course of business, there's  
21 oftentimes where I have to go to a budget hearing or I'm  
22 trying to purchase something and I have to get approval  
23 for that or to pass any number of resolutions, retiring  
24 employees, et cetera.

25 Q. Okay. When you say purchase items, can you

1 describe kind of the things that your office is  
2 purchasing?

3 A. Sure.

4 I'm trying to purchase a building right now,  
5 vehicles.

6 Q. Is that in relation to election  
7 administration?

8 A. Yes.

9 Q. And what is your political affiliation?

10 A. I'm a Republican.

11 Q. How long have you been affiliated with the  
12 Republican Party?

13 A. I don't recall an exact date.

14 Q. Can you give me a timeframe perhaps?

15 A. 2002.

16 Q. Have you ever been affiliated with any other  
17 political parties?

18 A. No.

19 Q. Okay. Thank you.

20 So I think let's move on to some redistricting  
21 questions. So what steps does your office take prior --  
22 I'm sorry. What steps does your office take with  
23 respect to redistricting prior to the adoption of new  
24 redistricting maps?

25 A. I don't recall any -- any functions

1       whatsoever.

2           Q.    Okay.  I'm just going to rephrase it just to  
3       make sure that I'm being clear.

4           So prior to, you know, a new cycle of adopting  
5       new redistricting maps, does your office do any sort of  
6       preparation in light of that?

7           A.    No.

8           Q.    Is your office involved in kind of census --  
9       bless you.

10          A.    Sorry about that.

11          Q.    Is your office involved in collecting census  
12       data for any of the work that you do?

13          A.    No.

14          Q.    Does your office use any of the census data  
15       for the tasks that your employees and staff carry out?

16          A.    Well, explain to me census data as you mean  
17       it.

18          Q.    Sure, sure.

19                Just, you know, every ten years the data that  
20       the federal government sends from the census, do you  
21       guys use that information to inform any decisions that  
22       your office or your staff members carry out?

23          A.    No.

24          Q.    And just to clarify, census data is -- I'm  
25       referring to, you know, population tools or demographic

1 information, thing like that.

2 A. No.

3 Q. Is your office involved in map drawing?

4 A. No.

5 Q. Is your office involved in hiring any sort of  
6 outside consultants for redistricting?

7 A. No.

8 Q. Is your office -- let's see. So following  
9 that, is your office involved in hiring any outside  
10 consultants for any election administration purposes?

11 A. Consultants, no.

12 Q. What about other personnel, other third party  
13 or outside people that you hire?

14 A. Yes. I'm responsible for hiring election  
15 workers and election judges.

16 Q. I see. Is your office involved in setting  
17 timelines for the redistricting process at all or  
18 provide input for timelines?

19 A. No.

20 Q. Is your office involved in setting up public  
21 meetings relating to redistricting?

22 A. No.

23 Q. Does your office -- is your office involved in  
24 receiving any sort of comments from the public as it  
25 relates to redistricting?

1           A.    Well, at Commissioners Court if there's a  
2 public meeting, my staff records that meeting.

3           Q.    I see. I see.

4           A.    But I don't believe they collect the comments.  
5 That's just an open forum unless there is an official  
6 hearing.

7           Q.    Got it.

8                    Did you say that your staff does not collect  
9 the comments?

10          A.    No, we do not.

11          Q.    But they just record?

12          A.    The cameras record, yes.

13          Q.    Okay. That makes sense.

14                   Can you walk us through the process for how a  
15 Commissioners Court meeting is set up, as in is this  
16 like a regularly -- it sounded like it was once a month.  
17 Is that a regular occurrence?

18          A.    So in Galveston County, our Commissioners  
19 Court has voted to have two meetings per month or every  
20 other week, I guess, biweekly meetings. And those are  
21 generally on a Monday unless one of the county  
22 commissioners or judge calls for a special meeting for  
23 something that needs to be rushed or something like  
24 that.

25          Q.    Okay. Do you know who calls the special

1 meetings?

2 A. County Judge.

3 Q. That would be Mark Henry. Is that right?

4 A. Yes.

5 Q. Can you -- can you give me a little bit -- I'm  
6 just trying to understand about the special meeting.

7 Can you give me some information about how that's like  
8 publicized to you or to the other attendees? Like, how  
9 do you find out about when a special meeting is called?

10 A. Okay. So a special meeting, much like any  
11 regular meeting, would be published on a county website.  
12 I also get an email with the full agenda and links to  
13 the backup information.

14 Q. How far in advance of the special meeting do  
15 you typically get like a notice of it?

16 A. Three days.

17 Q. Did you say few days, or did you say two days?

18 A. Three days.

19 Q. Three days?

20 A. Approximately three days, yeah.

21 Q. Okay.

22 A. I've never paid attention to the dates, but I  
23 believe it's -- I think it's at least three days.

24 Q. Okay. And where are the special meetings

25 held?

1 A. Well, the special meetings are held wherever  
2 the County Judge calls them to be held. Generally  
3 speaking, there are two locations that are used. One is  
4 in Galveston; one is in League City, Texas.

5 Q. Got it.

6 And are they -- Galveston, you said?

7 A. Yeah.

8 Q. Is your -- is anyone in your office  
9 responsible for setting up the logistics for these  
10 special meetings?

11 A. No.

12 Q. Is anyone in your office responsible for  
13 posting the notice of the special meeting occurring on,  
14 you know, a county website or something like that?

15 A. No.

16 (Reporter clarification.)

17 A. No.

18 Q. (BY MS. ZHU) Do you know who or which office  
19 is responsible for setting up the logistics of the  
20 meeting and making sure it's publicized?

21 A. Yes.

22 Q. What office would that be?

23 A. That would be the County Judge office --  
24 County Judge's office, Mark Henry's office.

25 Q. Okay. Thank you.



1           And does your office ever work to inform the  
2 Commissioners Court of certain filing periods as it  
3 relates to redistricting and timelines?

4           A.    I don't recall.

5           Q.    Okay. Okay. That's fine. Thank you.

6           So you noted that you come in contact with  
7 these commissioners typically once a year at these  
8 meetings, at these Commissioners Court meetings. Is  
9 your office involved in working closely with any of the  
10 commissioners?

11          A.    No.

12          Q.    Was your office involved in working to obtain  
13 preclearance with the DOJ prior to 2013?

14          A.    Yes.

15          Q.    In what way was your office involved in that  
16 process?

17          A.    I don't remember the specifics, but I remember  
18 having meetings with the DOJ and my county legal  
19 department.

20          Q.    In those meetings, was your office tasked to  
21 carry out any sort of processes from the DOJ, from the  
22 DOJ's direction?

23                   Does that make sense?

24          A.    Yes, it makes sense. I don't recall any  
25 tasks.

1 Q. Can you generally describe what the meetings  
2 were like and the purpose of, you know, people in your  
3 office being involved in those meetings?

4 A. Sure.

5 From what I remember, we would have a call  
6 with the county legal department and the person from the  
7 Department of Justice, and we would run our voting plan  
8 by the DOJ, and it was usually a very brief meeting,  
9 usually by telephone.

10 Q. Did you say -- oh, sorry, did I cut you off?

11 A. No.

12 Q. Did you say voting plan?

13 A. Yes.

14 Q. Can you describe what that kind of entails?

15 A. I don't recall the specifics of it. It's been  
16 a long time.

17 Q. Okay. That's okay. I guess I'm just  
18 wondering. Generally, does that have to do with voting  
19 administration or election ballot? You know, can you --  
20 do you remember generally what that was about?

21 MR. RUSSO: Counsel, just let me, if I  
22 can, just make sure the witness is aware not to reveal  
23 conversations between the County and attorney that  
24 represents the County specifically. If it's a  
25 conversation between the DOJ, that's one thing.

1 I just want to make sure that you understand  
2 there is a privilege, attorney/client privilege between  
3 the attorney and the County.

4 THE WITNESS: Okay.

5 MR. RUSSO: So other than those  
6 conversations, feel free to answer the question.

7 THE WITNESS: Okay.

8 MR. RUSSO: Sorry, Counsel. Thank you.

9 MS. ZHU: Thank you.

10 A. Okay. So I vaguely remember speaking to the  
11 DOJ about who was on the ballot, what contests and  
12 voting locations, how many workers we had. Just  
13 glossing over those details.

14 Q. (BY MS. ZHU) The last thing you said was how  
15 many what we had, I'm sorry?

16 A. Election workers, clerks and judges.

17 Q. Got it.

18 And you also mentioned having voting  
19 locations. Is that right?

20 A. I --

21 Q. I just --

22 A. I don't recall the specifics of it. I believe  
23 that may have been it, but I don't recall for certain.

24 Q. Okay. How many times have you worked on this  
25 sort of preclearance submission to the DOJ?

1 A. I don't recall that number.

2 Q. Can you give me a ballpark estimate?

3 A. Maybe a handful of times.

4 Q. So maybe five? Would you --

5 A. Yeah.

6 Q. -- say three to five?

7 A. Somewhere in there.

8 Q. Okay. That makes sense.

9 So, let's see. Does your office collect any  
10 sort of voter data with respect to racial demographics  
11 of voters in Galveston County?

12 A. No.

13 Q. Does your -- does your office work with any  
14 sort of voter data with respect to racial demographics  
15 of voters in Galveston?

16 A. No.

17 Q. And does your office collect any voter data  
18 with respect to any sort of socioeconomic demographics  
19 in Galveston County?

20 A. No.

21 Q. And what about data based on languages that --  
22 the different languages that voters speak in Galveston  
23 County?

24 A. Yes.

25 Q. Can you describe a little bit about that data

1 | that you collect on language -- on language speaking.

2 | A. I don't collect that data.

3 | Q. Oh.

4 | A. The State must collect it. I don't know who  
5 | does it.

6 | Q. Oh. Do you work with that data at all?

7 | A. I work with the data, yes.

8 | Q. In what capacity?

9 | A. So we program ballot language in Spanish and  
10 | English.

11 | Q. And so what I'm understanding is you use the  
12 | language data to understand where -- like which ballots  
13 | to program and what languages. Is that -- is that  
14 | correct?

15 | A. So, I guess, how it works -- I don't know,  
16 | I'm speculating here -- is that the State or some  
17 | other agency collects that data; and based upon a  
18 | certain population of minority groups, we program in  
19 | different languages. That's speculation, but I'm told I  
20 | program -- when I say I use the data, I use the data  
21 | that's given to me to say either you program in English  
22 | or Spanish or whatever other language there is required  
23 | of it.

24 | Q. I'm so sorry, you cut out at the beginning.  
25 | You said you use that language to what about Spanish?

1           A.    So I program the election ballot in Spanish  
2   and English.

3           Q.    How do you receive this election data? You  
4   said it comes from the State. Is that right? The  
5   language data, sorry.

6           A.    On statewide elections, yes, the Secretary of  
7   State's office translates and puts a list together of  
8   ballot order, and that's given to our office and we  
9   program the ballot using that.

10          Q.    And what kind of data is it specifically? Is  
11   it kind of like a breakdown of Spanish language speakers  
12   or by geography?

13          A.    No.

14          Q.    Can you describe a little bit of what the data  
15   is describing?

16          A.    I don't get any data in that form. I just get  
17   a list of contests in English and in Spanish. That's  
18   all I get.

19          Q.    Lists of contests in English and Spanish, is  
20   that what you said?

21          A.    Yeah. So that could be governor A versus  
22   governor B, for instance, and that would be written in  
23   Spanish and also written in English, and I would program  
24   the ballot based on what they provided. But as far as  
25   data to back that up, I don't get any of that

1 information.

2 Q. Okay. Got it.

3 So it sounds like they're just sending you a  
4 list, right, of where --

5 A. Yes.

6 Q. -- to program --

7 Okay. Got it.

8 Let's see. And does your office collect any  
9 data with respect to political demographics of voters in  
10 Galveston?

11 A. Say that one more time, the beginning.

12 Q. Does your office collect any data with respect  
13 to political demographics of voters in Galveston?

14 A. Yes.

15 Q. Can you discuss some of that sort of data?

16 A. Sure.

17 We basically count votes, and depending on the  
18 party -- sorry -- depending on the contest, it will be  
19 broken down by party.

20 Q. I see.

21 Do you share this voter data with anyone?

22 A. Yes.

23 Q. And who are you typically sharing the data  
24 with?

25 A. The general public, because it's posted on our

1 website; the Secretary of State's office, we report  
2 results to the Secretary of State; and anybody who  
3 requests that information via open records request.

4 Q. Right.

5 A. But it's all on our website.

6 Q. Got it.

7 Do you use this voter data to inform any sort  
8 of decision-making that goes on in your office?

9 A. No.

10 Q. And to your knowledge, do any of the  
11 commissioners or Judge Henry use this voter data to  
12 inform their decision-making as it relates to their job  
13 responsibilities?

14 A. I'm not aware of that information.

15 Q. Okay. Thank you.

16 Does your role as County Clerk require you to  
17 be familiar with certain socioeconomic or racial or  
18 demographic data of Galveston County?

19 A. Is it required? No.

20 Q. What about, is it helpful to have this  
21 familiarity?

22 A. Yes.

23 Q. In what ways would it be helpful to you in  
24 your job?

25 A. I think it's a good idea just to know your



1 population --

2 Q. Yeah.

3 A. -- overall, uh-huh.

4 Q. That makes sense.

5 Does your office collect data with respect to  
6 health outcomes by race at all?

7 A. No.

8 Q. What about education outcomes by race?

9 A. No.

10 Q. Or socioeconomic status by race?

11 A. No.

12 Q. Okay. Can you -- can you walk me through the  
13 steps that the County takes after a newly redistricted  
14 map is adopted by the Commissioners Court?

15 A. I could speak to the part that I'm aware of,  
16 yeah.

17 Q. That would be great.

18 A. So -- so the commissioners would draw their  
19 lines, and they would vote on it. And after they would  
20 vote on the lines and they are approved, those lines are  
21 put in place. I don't know where; I don't know who  
22 draws those lines up. In the end at a much later date,  
23 I get that information when it's election time. And I  
24 don't get it just handed to me on a platter; it's just  
25 in the -- in the voter information. So if Molly Zhu

1 | lives in Precinct 1, she would get these certain

2 | contests, and that's how I get it.

3 | (Reporter clarification.)

4 | A. She would get certain contests. And by that I

5 | mean Precinct 1 Commissioner, Senator District 23. You

6 | know, it could be a number of elected officials that she

7 | gets to vote on. We call those voter entitlements.

8 | Q. (BY MS. ZHU) Did you say voter entitlements?

9 | A. Yeah. That's the term that is used at the  
10 | state level. It means the voter is entitled to these  
11 | certain races on their ballot.

12 | Q. I understand.

13 | THE WITNESS: I don't talk very loud.

14 | MR. RUSSO: Just so you know, the  
15 | microphone is actually on that TV. So where that is  
16 | doesn't make a difference.

17 | Sorry, Counsel.

18 | MS. ZHU: No problem.

19 | Q. (BY MS. ZHU) I just want to make sure I  
20 | caught what you said. Did you said you do or do not get  
21 | the information handed to you on a platter?

22 | A. I do not. I just -- I'll see a map and that's  
23 | it.

24 | Q. When you say you see a map, you see the newly  
25 | redistricted map and you --

1 A. Yeah, I just view it.

2 Q. So to assess the voter entitlements that you  
3 were discussing, do you only reference the map? Is  
4 there anything else you reference to assess these voter  
5 entitlements?

6 A. Yeah. So we'll look at the state database,  
7 and that's -- the state database I look at is called the  
8 TEAM System. It's an acronym for Texas Election  
9 Administration Management, and the Texas Secretary of  
10 State's office manages that software.

11 Q. And what sort of information is in the State  
12 database that you're referencing?

13 A. What I spoke about earlier would be the voter  
14 entitlements. So that would be -- so if Molly Zhu was  
15 in Precinct 2 and they redistricted and you're now in 1,  
16 I would have that information of your new entitlements.

17 Q. Okay. Got it.

18 A. I don't believe there's any maps in there, but  
19 I could be mistaken.

20 Q. Okay.

21 A. It's just voter data, uh-huh.

22 Q. Understood.

23 So, I just want to -- I'm going to ask a  
24 few questions about reprecincting and redistricting.  
25 And I just want to make clear that when I'm saying

1 reprecincting, I'm talking about redrawing voter  
2 precincts so that every voter is in a single voter  
3 precinct with a correct district. And when I say  
4 redistricting, I'm referring to redrawing congressional,  
5 legislative and county level district boundaries, just  
6 so we don't get too confused.

7 A. Okay.

8 Q. So do you know the timeline of the  
9 redistricting process?

10 A. I know generally that it's every ten years.

11 Q. Do you know how soon -- how soon the  
12 reprecincting process starts following redistricting?

13 A. No, I don't.

14 Q. Okay. Do you know if there are any  
15 requirements as to the timeline that reprecincting has  
16 to be carried out?

17 A. I don't recall.

18 Q. Is your office involved with the reprecincting  
19 process in any way?

20 A. No.

21 Q. Do you know what data is needed to reprecinct?

22 A. No, I don't.

23 Q. Do you know if any of the county commissioners  
24 or Judge Henry is involved in reprecincting?

25 A. Yes, I think they are, uh-huh.

1 Q. Okay. Do you know if the county commissioners  
2 are able to redraw lines within their own districts for  
3 reprecincting?

4 A. I don't know for certain.

5 Q. Okay. Do you know how the public is notified  
6 about redrawn voter precincts?

7 A. I recall public hearings, and then there's a  
8 meeting in Commissioners Court, at least -- at least one  
9 that I'm aware of. I think more, but I'm not for  
10 certain.

11 Q. When you say public hearings, can you describe  
12 what -- can you describe those public hearings? How are  
13 they different from the Commissioners Court hearings?

14 A. So -- so there will be a public hearing within  
15 the meeting of the Commissioners Court, so as -- one of  
16 the items on the agenda, they will open it up to public  
17 comment, the commissioners will, and they'll show the  
18 maps. But, again, that's just brief recollection of it.

19 Q. Okay. So that's how the public kind of --  
20 that's how the public comment goes, is to be discussed  
21 at these public hearings is what I'm hearing from you,  
22 but how is the public notified that the voting precincts  
23 will be redrawn or are redrawn? Like, how do they get  
24 the notice of that?

25 A. I don't know. I'm not aware of that.

1 Q. Okay. No worries.

2 MS. ZHU: So I'm going to ask Kathryn to  
3 enter in an exhibit, or George. I'm not sure who is  
4 entering in the exhibit today, but --

5 MR. LIBBARES: I got it. It's George.

6 MS. ZHU: Okay. Thank you, George. It  
7 should be tab 1, and the Bates range should be  
8 DEFS00007849 through 52.

9 MR. LIBBARES: Sure. Stand by, please.

10 MS. ZHU: Let me see if I can see it on  
11 my screen.

12 (Exhibit 1 marked.)

13 MS. ZHU: Just let me know when you can  
14 see the email.

15 MR. LIBBARES: Okay. You should be able  
16 to see it now. Do you want it displayed on screen?

17 MS. ZHU: That would be great.

18 MR. RUSSO: Hey, Molly, are you all using  
19 that other drop system, or are we getting away from  
20 that?

21 MS. ZHU: I'm not familiar with this drop  
22 system you're referring to, but this is perfectly fine  
23 for me.

24 Q. (BY MS. ZHU) Mr. Sullivan, you can see the  
25 screen, I assume. Right?

1 A. Yes.

2 Q. Okay.

3 MS. ZHU: I think this works. So I would  
4 love it if you could scroll down to page -- the bottom  
5 of page 1, the last bullet point into page 2. Right.  
6 Right there. Maybe scroll down a little bit more.  
7 That's perfect, actually.

8 Q. (BY MS. ZHU) So, Mr. Sullivan, this is just  
9 an email that it looks like William Sergeant sent to  
10 Mark Henry and others. You are cc'd on this email on  
11 June 29, 2012. It looks like it's discussing the  
12 November election cycle. Can you just read that last  
13 bullet point there starting from -- maybe starting from  
14 the bracketed section. So after "There are a number of  
15 current precincts" -- I'm sorry, you know what? Can you  
16 read from the entire bullet point? That would be really  
17 cool.

18 I'm sorry, do you mind reading it out loud?

19 A. Oh, okay. Sure.

20 Q. Thank you.

21 A. I'm going to start at the line that says  
22 "There are a number of." Is that what you're talking  
23 about?

24 Q. Perfect. Thank you.

25 A. Okay.

1           There are a number of current precincts that  
2           are split between two different commissioners. The  
3           commissioners will need to reconfigure these so that  
4           they reflect the agreed upon maps. (For example,  
5           Precinct 222 has a band of territory belonging to  
6           Commissioner Holmes' district running right through  
7           Commissioner O'Brien's district. Precinct 223 has  
8           several blocks that are now in Commissioner Holmes'  
9           district. We assume that Mr. Holmes and Mr. O'Brien  
10          will want to redraw the lines within their own districts  
11          to form new precincts and perhaps redesignate their  
12          nomenclature.)

13          Q. Thank you.

14                 And do you mind reading the bullet point after  
15          that as well?

16          A. The issue here is timing. In order for the  
17          County Clerk to comply with the MOVE Act requirements  
18          (for example, to start mailing ballots to overseas  
19          voters by no later than 45 days prior to a Federal  
20          election) we must have completed the programming of the  
21          ballots, have them proofed/accepted by the political  
22          parties, and the logic and accuracy testing of the  
23          election equipment.

24                 In order for us to meet the -- go ahead?

25          Q. No, that's perfect. Thank you.



1           So now that you've reviewed this section of  
2 the document, do you recognize this email?

3           A.    I don't recall this email, but it looks like  
4 something that one of my employees had sent.

5           Q.    Right. And your name is on the list as a  
6 recipient of the email. Is that right?

7           A.    I didn't see that part of it, but I'll take  
8 you at your word.

9                       MS. ZHU: George, if you could scroll up.

10          Q.    (BY MS. ZHU) I think you're cc'd on this one.

11          A.    Okay.

12                       MS. ZHU: George, if you could scroll up  
13 to the first page, right there.

14          A.    Okay. I saw it. Uh-huh.

15          Q.    (BY MS. ZHU) Okay. And the date as well is  
16 June 29, 2012. Do you see that?

17          A.    I do, yes.

18          Q.    Okay. Great.

19                       Does this refresh your memory at all to reread  
20 this email?

21          A.    No.

22          Q.    Okay. And the email is from William Sargent.  
23 Who is William Sargent?

24          A.    William Sargent was my Chief Deputy of  
25 Elections, so he ran my elections department for a

1 period of time.

2 Q. Okay. I see.

3 What do you think William Sargent is referring  
4 to when he says so that your office and ours can get our  
5 jobs done in a timely manner? This is --

6 A. So -- go ahead, I'm sorry.

7 Q. Oh, go ahead.

8 A. So my understanding of what he wrote there is  
9 it looks like redistricting was in process, and he saw  
10 something on one of the maps probably that was at a  
11 public hearing or something. I'm speculating.

12 And what he meant by that was that if -- let's  
13 just say you have a precinct, which would be like a  
14 piece of pizza, okay, and then you cut that piece of  
15 pizza in half. But before that pizza was cut, it was  
16 all Precinct, say, 1, so 101, 102, 103, all the way to  
17 108. There was eight slices. Then if you cut that in  
18 half for a county commissioner precinct line, so all of  
19 a sudden half the pizza is commissioner Precinct 1, half  
20 the pizza is Precinct 2. But if you didn't renumber the  
21 pizza slices and they all stayed 101 through 108, from  
22 what I read here, he's saying you may want to renumber  
23 half those pizza slices to 201, 202, et cetera, so that  
24 the precinct numbers match the county commissioner  
25 precinct. That's kind of my explanation of that. And

1 by him saying --

2 Q. And --

3 A. Go ahead.

4 Q. Oh, no, sorry. I didn't mean to cut you off.

5 A. So I don't know if that's a good explanation,  
6 but that's how I read it.

7 And then also to get our jobs done timely,  
8 what he means by that is federal law makes -- makes us  
9 mail out ballots 45 days prior to an election. So those  
10 are hard deadlines set by the federal government for  
11 everybody in the United States. And so if you have  
12 someone that lives, say, in Germany and they were in the  
13 military, we would have to mail their ballot 45 days  
14 prior to the Election Day. And so if you look at a  
15 timeline of that, 45 days is the day we have to mail it.  
16 Prior to that, there's a lot of steps involved in an  
17 election, such as creating the ballot, programming the  
18 ballot, testing the ballot with the parties, testing the  
19 ballot in public, making sure it's accurate and, of  
20 course, mailing it.

21 (Reporter clarification.)

22 A. Mailing it would be the last step. So that's  
23 what he was referring to.

24 Q. (BY MS. ZHU) Got it.

25 MS. ZHU: And, George, could you just

1 scroll all the way up, please, so we can see the  
2 recipients on that first email at the top?

3 Q. (BY MR. ZHU) So, Mr. Sullivan, I don't know  
4 if you can see this. On my screen it just disappeared,  
5 but I have it pulled up. Can you just -- can you tell  
6 me who that first email is from?

7 MR. RUSSO: Hang on a second. We'll pull  
8 it up on this, our own copy here.

9 MS. ZHU: Okay. Yeah. Take your time.

10 MR. RUSSO: Okay. I'll make it bigger.

11 A. Okay. So the email I'm looking at is Exhibit  
12 No. 1. Is that what you're looking at?

13 Q. (BY MR. ZHU) I actually can't see it on my  
14 screen now and I'm not sure why, but I have pulled up  
15 Exhibit 1, yes.

16 A. Okay.

17 THE REPORTER: Excuse me, Ms. Zhu?

18 MS. ZHU: Yeah.

19 THE REPORTER: I believe the concierge  
20 may have gotten kicked off the call.

21 THE VIDEOGRAPHER: Oh, is he no longer on  
22 the call?

23 THE REPORTER: I don't see him.

24 MS. ZHU: Oh.

25 THE VIDEOGRAPHER: I don't see him

1 either. Should I bring us off the record until he's  
2 able to come back?

3 MS. ZHU: Yes, let's do that.

4 THE VIDEOGRAPHER: Okay. Going off the  
5 record at 10:23.

6 (Break from 10:23 a.m. to 10:26 a.m.)

7 THE VIDEOGRAPHER: We are back on the  
8 record at 10:26.

9 Q. (BY MS. ZHU) Okay. So, Mr. Sullivan, if you  
10 could just read the top part of that email at the  
11 beginning of the page. Can you tell me who sent the  
12 email, who is it sent to, and the date?

13 A. Sure.

14 William Sargent, he was an employee with my  
15 office. He sent it to Cheryl Johnson who was the voting  
16 registrar. The date was June 29 of 2012 at 4:41 p.m.  
17 Central Time.

18 And what else?

19 Q. And who it was sent to?

20 A. Oh, I'm sorry. It was sent to Cheryl Johnson.  
21 She's the voter registrar for Galveston County. Copied  
22 was Susan Williams. She was my employee in elections.  
23 Sheryl Swift was an employee in the voter registration  
24 department. Shon Fragoso was one of my employees in  
25 elections. Dominique Allen was one of Cheryl Johnson's

1 employees in the voter registration department. Cindy  
2 Eddy worked for me. And then that was me last.

3 Q. Okay. Thank you.

4 So going back to the text of the email, it was  
5 discussing, you know, the timely manner. Did your  
6 office communicate any of the deadlines described in  
7 this email to the commissioners?

8 A. I would have to read the email. I don't  
9 recall this.

10 Q. Do you want to take the time to review it?

11 A. Sure.

12 Q. Okay. Please take your time.

13 A. Okay.

14 Q. Okay. Great.

15 So just going back to, my last question was  
16 did your office communicate the deadlines or timelines  
17 described in this email to the commissioners?

18 A. For the 2010 census, it looks like yes.

19 Q. Okay. I just want to direct your attention to  
20 a few different lines in this document. So, the first  
21 one is part of the line I had you read in the beginning.  
22 This is at the end of page 1 following into the top of  
23 page 2 where you read, We assume that Mr. Holmes and  
24 Mr. O'Brien will want to redraw the lines within their  
25 own districts to form new precincts.

1 Do you see that line?

2 A. Yes.

3 Q. So do you agree that that's discussing that  
4 Commissioner Holmes and Commissioner O'Brien -- and  
5 Mr. O'Brien are able to redraw their lines to form new  
6 precincts in their own districts?

7 A. Yes.

8 Q. Are you aware of any guidelines or rules  
9 associated with commissioners who decide to reprecinct  
10 in this way?

11 A. No.

12 Q. Do you know if the commissioners would use any  
13 sort of data to reprecinct in this way?

14 A. I don't know.

15 Q. Would you know if anyone has to provide  
16 sign-off for a commissioner to reprecinct in this way?

17 A. Can you repeat that? Sign off for what, I'm  
18 sorry?

19 Q. Sure.

20 Do you know if anyone has to provide sign-off  
21 for a commissioner to reprecinct in this way?

22 A. I don't know.

23 Q. Do you know if the County Judge is involved in  
24 reprecincting?

25 A. I don't know.

1 Q. And lastly, do you know who makes final  
2 decisions on final voting precinct lines?

3 A. I don't know the answer to that, no.

4 Q. And I want to jump back a little bit now to  
5 the discussion you had about public comments. We were  
6 discussing how there are public hearings, including  
7 Commissioners Court hearings where the public can give  
8 feedback and they're shown the newly redrawn maps.  
9 During this process, can the public also comment on  
10 reprecincting?

11 A. I don't know the answer to that.

12 Q. Have you -- are you aware of any public  
13 meetings, public hearings where the public has commented  
14 or given feedback on reprecincting?

15 A. Yes.

16 Q. Which sorts of meetings are those? Can you  
17 describe those?

18 A. I don't recall the name of the meeting, but I  
19 believe there was a meeting that I -- or at least I saw  
20 on video where there was public comment in Commissioners  
21 Court.

22 Q. At Commissioners Court, okay.

23 A. Yeah, in Commissioners Court, uh-huh.

24 Q. Thank you.

25 Has your office ever received complaints or



1 feedback from the public before about the assignment of  
2 voter precincts?

3 A. I don't recall any.

4 Q. Does your office take any initiative to seek  
5 feedback on these planned voter precincts?

6 A. No.

7 Q. On the bottom of page 2 on this exhibit, it  
8 looks like William Sargent notes -- and I'm just going  
9 to read from it:

10 Attached to this email is a list of our  
11 current voting precincts or splits which shows that a  
12 lot of them will need to be changed, redrawn or renamed.  
13 We need you to start now, considering what you want to  
14 do about changing precincts, so that when August 1 comes  
15 you can act quickly. If you would like us to hold a  
16 workshop with you, we will be happy to do so?

17 Do you see that?

18 A. I do, yeah.

19 Q. Do you know what kind of workshop William  
20 Sargent is referring to?

21 A. No.

22 Q. And are you aware of who would be attending  
23 that sort of workshop?

24 A. No.

25 Q. And are you aware of the parameters as to why

1 the workshop was necessary?

2 A. No.

3 Q. Okay.

4 A. Well, he does talk about the parameters above,  
5 I guess.

6 Q. What do you mean by that?

7 A. It says attached in the email is a list of  
8 current voting precincts and splits, which shows that a  
9 lot of them need to be changed, redrawn or renamed. So  
10 that would be probably the question you were asking me,  
11 why.

12 Q. The purpose of the workshop, you mean?

13 A. Yeah.

14 Q. Okay. Thank you.

15 Do you know if your office generally holds  
16 workshops on elections for commissioners?

17 A. Generally, no. This year was different  
18 because we were applying for vote center certification  
19 from the State.

20 Q. What was covered in this year's workshop on  
21 elections for the commissioners relating to the vote  
22 centers?

23 A. I don't recall all of the details of it, but  
24 you have to meet certain criteria to apply for a vote  
25 center county so you can have voting anywhere on

1 Election Day.

2 Q. Got it.

3 A. As far as the criteria, I don't recall.

4 Q. Okay.

5 THE WITNESS: If we get a little break, I  
6 could use a restroom break.

7 MS. ZHU: Oh, absolutely. I believe that  
8 we are done with this section anyway. I was just  
9 reviewing my notes. Yeah, let's call a break. Let's do  
10 15 minutes, if that's okay.

11 MR. RUSSO: All right.

12 THE VIDEOGRAPHER: Going off the record  
13 at 10:37.

14 (Break from 10:37 a.m. to 11:12 a.m.)

15 THE VIDEOGRAPHER: We are back on the  
16 record at 11:12.

17 Q. (BY MS. ZHU) Mr. Sullivan, did you talk to  
18 anyone just now during the break that we took?

19 A. Yes.

20 Q. Who did you speak with?

21 A. Mr. Russo and Ms. Jordan.

22 Q. And what did you speak about?

23 A. Golf and the weather, essentially.

24 Q. Okay. And did you discuss anything in  
25 relation to your testimony in today's deposition?

1 A. No.

2 Q. And where did this conversation take place?

3 A. In the lobby and in the office right here.

4 Q. Is it accurate that no one else is in the room  
5 with you still for today's deposition other than your  
6 two attorneys?

7 A. That's correct, yes.

8 Q. Is it accurate still that no other documents  
9 are in front of you for today's deposition?

10 A. That is correct.

11 Q. Okay. Great.

12 So let's move on to the specific redistricting  
13 cycles now. In 2011, what was your role in the County's  
14 redistricting process?

15 A. I had no role.

16 MS. ZHU: Okay. I would like to  
17 introduce the next exhibit. It should be tab 2, I  
18 believe, and, George, if you could pull that up, that  
19 would be great.

20 MR. LIBBARES: Sure.

21 (Exhibit 2 marked.)

22 MS. ZHU: Okay. Thank you. Can you  
23 scroll down to the first page -- or, I'm sorry, the  
24 second page. Great.

25 Q. (BY MS. ZHU) Mr. Sullivan, do you recognize

1 this document?

2 A. No. No.

3 Q. So I'm just reading from it. It looks like  
4 it's a letter on October 14, 2011 regarding the  
5 submission under Section 5, Voting Rights Act of 2011,  
6 redistricting of commissioner precincts for Galveston  
7 County, Texas and request for expedited consideration.  
8 And this seems to be a letter to the voting section, to  
9 the DOJ from Galveston County. Is that right?

10 A. Yes, it looks to be.

11 Q. Okay. Great.

12 MS. ZHU: George, can you please scroll  
13 to page 51 of the document, of the PDF? It should be  
14 like 51 out of 90.

15 THE WITNESS: I'm sorry, this is Dwight.  
16 Am I supposed to scroll on my own here?

17 MR. LIBBARES: You can. If you have  
18 access to Exhibit Share, you can pull it up on your own  
19 computer.

20 THE WITNESS: Okay. And we have that.

21 A. Did you say 51.90?

22 Q. (BY MS. ZHU) Yes. Yes, at the top it should  
23 say -- on the top right-hand corner, it should say page  
24 51 of 90. Let me know when you see it.

25 A. I'm there now, uh-huh.

1 Q. Okay. Great.

2 So this page shows -- I am just reading from  
3 it. It's from the Galveston County Commissioners Court  
4 noting that it will conduct public hearings on the 2011  
5 redistricting process of County Commissioner and Justice  
6 of the Peace precincts as follows. And then you'll see  
7 there are four meetings on this page, and if you scroll  
8 to page 52, there's a fifth meeting.

9 Do you see that?

10 A. I do, yes.

11 Q. Okay. Great.

12 So are you familiar with this document?

13 A. I don't recall the document, but now that I've  
14 seen it, yeah.

15 Q. So like I said, this document is showing five  
16 planned public hearings at various locations throughout  
17 Galveston County to receive public comment on the 2011  
18 redistricting process. Are you aware of how these  
19 public comment locations were chosen?

20 A. No.

21 Q. Do you know if anyone who helped give their  
22 input as to where these public comment locations should  
23 be?

24 A. No, I'm not aware of that.

25 Q. Did you meet with any of the commissioners or

1 Mark Henry about the redistricting map --

2 A. No.

3 Q. -- in 2011?

4 Did you meet with any of the commissioners or  
5 Mark Henry about -- to discuss the preclearance  
6 submission in 2011?

7 A. I don't recall that.

8 Q. You mentioned previously that your office had  
9 collected voter data relating to -- voter partisan data.  
10 Had any of the commissioners requested that data as it  
11 relates to the 2011 redistricting?

12 A. I don't recall that request.

13 Q. Has -- for any of the third parties that were  
14 hired to redraw maps in 2011, did they request any sort  
15 of voter partisan data from your office?

16 A. I don't recall any information being  
17 requested.

18 Q. Had any sort of -- had any voter partisan data  
19 been requested from third party firms who were tasked to  
20 redraw maps in 2021?

21 A. No, not that I recall.

22 Q. Okay. Did you have any discussions with any  
23 of the commissioners or Judge Henry about public  
24 comments in relation to the 2011 redistricting process?

25 A. No.

1 Q. Do you know if any of the public hearings were  
2 designed specifically to provide more opportunity for  
3 public comment from racial minority groups in Galveston  
4 County?

5 A. I am not aware of that information.

6 Q. Are you aware that -- are you aware that, as  
7 part of the preclearance submission, it was required to  
8 include minority community contacts?

9 A. No, I did not know that.

10 Q. Okay. If not the County Clerk's office, who  
11 handles the logistics of setting these public comment  
12 meetings and publicizing them?

13 A. The County Judge Mark Henry or whoever the  
14 County Judge is at the time.

15 Q. Does anyone in your office provide any support  
16 to the County Judge or that office in setting those  
17 meetings?

18 A. No.

19 Q. Does anyone in your office assist with posting  
20 anything on the website relating to notice for these  
21 meetings?

22 A. No.

23 Q. Do you know who is tasked with posting  
24 information about these meetings on the website?

25 A. I do not know. I'm assuming it's the County



1 Judge, but I don't know.

2 Q. Is it correct to say that your office is in  
3 charge of updating the website generally?

4 A. No.

5 Q. Which office or who is tasked with that job?

6 A. I don't know the answer to that. There's a  
7 multitude of departments. So, depending on the topic,  
8 it could be a different answer for everybody.

9 Q. I see.

10 Does your office update the website as it  
11 relates to the job responsibilities of your office?

12 A. I believe IT does.

13 Q. And what kinds of updates do they make to the  
14 website, does your office make to the website?

15 A. With regard to job duties or other?

16 Q. Just generally.

17 A. So the updates we would do would be like  
18 filing fee changes. A lot of the data that's on the  
19 website or how you search for court cases is populated  
20 automatically, and some of the things that we have on  
21 our website or the county website are done through other  
22 departments. Such as human resources job postings, I'm  
23 not aware who does that.

24 Q. Got it.

25 Can you please scroll to page 16 -- I'm sorry,

1 page 15 of 90. Just let me know when you have it pulled  
2 up.

3 A. Okay. I'm there.

4 Q. So do you recognize this document?

5 A. Can I have a minute to read it?

6 Q. Of course.

7 A. I'm not familiar with the document, no.

8 Q. Okay. That's fine.

9 Can you scroll to page 16 of 90? It's just  
10 the page immediately following.

11 A. Yes, I'm there.

12 Q. Do you see your signature at the bottom?

13 A. Yes, I do.

14 Q. So is it correct to say you have seen this  
15 document before, presumably on the day you signed?

16 A. No.

17 Q. Did you say no?

18 A. Yes.

19 Q. So you had not seen this document but you had  
20 signed it?

21 A. I have seen the signature page and I signed  
22 it. I signed attesting to the County Judge's signature.

23 Q. Okay.

24 A. But I generally don't read any of the  
25 documents because we get upwards of a thousand per week.

1 So I just sign that Mark Henry signed his name.

2 Q. Okay. So to what extent were you involved  
3 with the meeting that's described on page 15, which  
4 is -- which was held on August 30th of 2011 with the  
5 Commissioners Court of Galveston attending as well as  
6 Judge Mark Henry?

7 So, I'm sorry, just to wrap up, what -- in  
8 terms of this meeting, what was your involvement?

9 A. I had no involvement other than to attest to  
10 Mark Henry's signature.

11 Q. Okay.

12 A. I take that back. My office records the  
13 documents. So we were the recorder of records for the  
14 County, so a member of my staff was probably there  
15 gathering that information for storage.

16 Q. Okay. So just to understand, when we see your  
17 signature on a Commissioners Court meeting, does that  
18 mean that you also did not read those documents?

19 A. It depends on the document, but generally  
20 speaking, I did not read the document.

21 Q. Okay. Is there a type of document that you  
22 always read, that you always review before signing?

23 A. In regards to County Commissioners Court or  
24 just generally speaking?

25 Q. In terms of County Commissioners Court

1 meetings.

2 A. No, I can't say there is, no.

3 Q. Okay. Let's see. Did the County ever discuss  
4 redistricting criteria in 2011, whether or not it was  
5 ultimately adopted?

6 MR. RUSSO: Objection, speculation.

7 THE WITNESS: Answer or no?

8 MR. RUSSO: Yeah, you can answer.

9 A. I can't answer that. I don't know that  
10 information.

11 Q. (BY MS. ZHU) Okay. Do you know what the  
12 timeline was for redistricting under preclearance?

13 A. No, I don't.

14 Q. And when do you receive census data that would  
15 have -- that would inform redistricting?

16 A. I do not know.

17 Q. Do you know how long it takes to process the  
18 census data?

19 A. No, I don't.

20 Q. Do you know when map proposals for  
21 redistricting are required for submission?

22 A. I don't.

23 Q. And are you aware of the timeline of when the  
24 County is meant to finalize its proposed redistricting  
25 maps?

1 A. No.

2 Q. Okay. What was your role in submitting  
3 Galveston County's 2011 redistricting proposal to the  
4 DOJ for preclearance?

5 A. I don't recall any involvement in it.

6 Q. Were you involved in hiring the law firm  
7 Beirne, Maynard & Parsons, LLP as a map consultant in  
8 2011?

9 A. No.

10 Q. Are you familiar with Galveston County's 2011  
11 Commissioners Court and their Justice of the Peace and  
12 Constable redistricting proposals to the DOJ for  
13 preclearance?

14 A. No, I'm not familiar with it.

15 Q. Previously you had discussed you had worked  
16 with the DOJ in regards to preclearance, and that  
17 related to ballots and voting. Is that right?

18 A. I do not recall the details of it. I do  
19 remember having meetings with them, but that was a long  
20 time ago.

21 Q. And none of those -- and did any of those  
22 meetings involve redistricting at all?

23 A. I do not recall them involving redistricting,  
24 no.

25 Q. Are you aware of -- just to clarify your last

1 answer, does that mean you're sure that the preclearance  
2 meetings you had with the DOJ did not involve  
3 redistricting, or that they might have involved  
4 redistricting but you don't know?

5 A. I do not recall specifically any redistricting  
6 meetings, so I don't know.

7 Q. Okay. Are you aware of the proposed  
8 commissioners precinct map in 2011?

9 A. Am I aware of it? I'm sorry, what was the  
10 question?

11 Q. Are you aware of the proposed commissioners  
12 precinct map in 2011?

13 A. I don't know which proposed, so I would have  
14 to say no, I'm not. I don't know any details of it.

15 Q. Have you seen the proposed maps?

16 A. I can't say that I -- no. I've seen the final  
17 map.

18 Q. Okay. Are you aware that the map in 2011  
19 purported to add Bolivar Peninsula to Galveston Island  
20 to form one district?

21 A. No, I'm unaware of that.

22 Q. What do you recall about the Justice of the  
23 Peace and Constable precinct proposals from 2011?

24 A. I have no recollection of that.

25 Q. Okay. I would like to introduce the next

1 exhibit.

2 MS. ZHU: I believe this should be tab 3.

3 (Exhibit 3 marked.)

4 Q. (BY MS. ZHU) Just let me know when you can  
5 see it.

6 A. We can see it.

7 Q. Okay. Do you recognize this document?

8 A. Give me one second to look at it, if that's  
9 okay.

10 Q. Sure, sure. Please.

11 A. It's a long document. I didn't read the whole  
12 thing, but I do not recall this document or ever seeing  
13 it.

14 Q. Okay. So this document is a letter that lays  
15 out the DOJ's denial of the proposed redistricting from  
16 2011, although it's dated March 5, 2012, and it is  
17 addressed to James Trainor of Beirne, Maynard & Parsons.  
18 Is that right?

19 A. Yes, that's what I see.

20 Q. Okay. Great.

21 So on page 2 of the PDF in the middle of  
22 paragraph 3, it reads -- it reads -- it's basically  
23 listing reasons as to why the preclearance was denied,  
24 and in this part of the paragraph it says:

25 We start with the County's failure to adopt,

1 as it had in previous redistricting cycles, a set of  
2 criteria by which the County would be guided in the  
3 redistricting process. The evidence establishes that  
4 this was a deliberate decision by the County to avoid  
5 being held to a procedural or substantive standard of  
6 conduct with regard to the manner in which it complied  
7 with the constitutional and statutory requirements of  
8 redistricting.

9 Do you see that?

10 A. No, I do not, I'm sorry.

11 Q. Oh, it's okay. It's on --

12 A. You said page 2?

13 Q. Yes, it's on page 2. And I just read  
14 paragraph 3. So it says -- starting with "Based on our  
15 analysis."

16 A. Okay. I see it now.

17 Q. Are you aware that this was a reason for the  
18 DOJ to not extend preclearance in 2012?

19 A. No.

20 Q. Do you see on page 2, beginning paragraph 4,  
21 so the paragraph right below it, there's a discussion  
22 about the deliberate exclusion from meaningful  
23 involvement in key deliberations by minority/majority  
24 elected commissioners.

25 Do you see that?



1 A. Yes.

2 Q. The beginning, yeah.

3 And this is discussing another reason for  
4 denial of preclearance. Are you aware that this was a  
5 reason for the DOJ not to extend preclearance in 2012?

6 A. No.

7 Q. On the top of page 3, there's a line that's  
8 discussing the impact of the plan on minority groups and  
9 the concomitant loss of the ability of minority voters  
10 to elect a candidate of choice to office in Precinct 3  
11 which -- resulting from adding Bolivar Peninsula to  
12 Precinct 3.

13 Do you see that?

14 A. Yes.

15 Q. And are you aware this was a reason for the  
16 DOJ to not extend preclearance in 2012?

17 A. No, I didn't know that.

18 Q. Okay. Last -- lastly, on page 3 the top of  
19 this second paragraph, do you see where it says the fact  
20 that this retrogression in minority voting strength was  
21 neither required nor inevitable to balance populations  
22 was another reason for the DOJ to not extend  
23 preclearance?

24 A. Okay. I see that, yeah.

25 Q. And are you aware this was a reason --

1 A. No.

2 Q. -- to not extend clearance?

3 Okay. Is any of the information that we just  
4 covered in this letter, has it been used to inform your  
5 office in making elections decisions post 2012?

6 A. I do not recall this information being used.

7 Q. So just circling back to a discussion we had  
8 on preclearance, I think you had mentioned that you  
9 worked with the DOJ on preclearance about three to  
10 five times, a handful of times previously. Would you  
11 have reviewed other preclearance submissions or denial  
12 letters to prepare for working on preclearance  
13 submissions?

14 Does that make sense?

15 A. Yeah, but I did not do that.

16 Q. Do you know who -- who was reviewing these  
17 denial letters to prepare for preclearance submissions?

18 A. Yes, I do. That was the county legal  
19 department.

20 Q. Prior to --

21 A. In --

22 Q. Go ahead, I'm sorry.

23 A. In particular, one attorney, but he just  
24 recently passed. Harvey Bazaman was the one who was in  
25 charge of that.

1 Q. Got it.

2 And prior to 2013, what kinds of election  
3 changes would you consider the need to obtain  
4 preclearance for?

5 A. What kind of what? I'm sorry, can you ask me  
6 again?

7 Q. Yeah, absolutely.

8 Prior to 2013, what types of election changes  
9 would you need to obtain preclearance for?

10 A. I don't recall.

11 Q. I think you had previously mentioned something  
12 about voting locations and ballots. Do you remember  
13 that discussion?

14 A. I do, uh-huh.

15 Q. If that helps to jog your memory, can you  
16 discuss a little bit about those types of election  
17 changes that you sought preclearance for?

18 A. Well, I don't remember in particular.  
19 Specifically, I cannot name exactly. I remember  
20 speaking about those topics generally, but as far as  
21 changes, I don't know the answer to that because it's  
22 been a long time.

23 Q. Understood.

24 What was your understanding for the standard  
25 of preclearance? In other words, why would -- why would

1 something be denied preclearance?

2 A. I don't recall.

3 Q. Okay. Are you aware of the US Supreme Court's  
4 decision in Shelby County versus Holder in June of 2013?

5 A. No.

6 Q. Has the discussion of Shelby County versus  
7 Holder ever come up in any work related discussions?

8 A. Not that I recall, no.

9 Q. Do you recall no longer needing to obtain  
10 preclearance after 2013?

11 A. Yes.

12 Q. Do you recall any changes you needed to make  
13 after preclearance denial prior to 2013?

14 A. Can you ask me again?

15 Q. Sure.

16 Do you recall any changes you needed to make  
17 after the preclearance denial prior to 2013? In other  
18 words, before 2013 when a submission was denied  
19 preclearance, do you recall any changes your office had  
20 to make --

21 A. I don't recall.

22 Q. -- in response?

23 A. No, I don't recall any.

24 Q. Okay. After Shelby County in June of 2013 or  
25 after preclearance was no longer necessary, did you take

1 part in discussions with Judge Henry or any of the  
2 commissioners about the impact of that decision as it  
3 relates to election administration?

4 A. No.

5 Q. Did you discuss the impact of not needing to  
6 seek preclearance as it related to election  
7 administration?

8 A. I don't recall having it, no.

9 Q. Okay. Did you have any role in the 2013  
10 justice of the peace or constable redistricting?

11 A. No.

12 Q. Are you aware that -- bless you.

13 Are you aware that that had happened in 2013?

14 A. I remember it happened. I don't know what  
15 year it happened, yeah.

16 Q. How do you remember finding out about the 2013  
17 justice of the peace and constable redistricting?

18 A. I don't recall. Excuse me. I don't remember.  
19 I can't remember how I found out.

20 Q. Okay. Do you remember if you found out in a  
21 formal way in some sort of meeting or if you heard it in  
22 passing?

23 A. I do not recall how I found out.

24 Q. Okay. Did your office provide any data that  
25 informed the decision to reduce the number of JP and

1 constable precincts in 2013?

2 A. No, we did not.

3 Q. Did your office receive any public comments  
4 regarding the JP or constable redistricting in 2013?

5 A. Not that I'm aware of, so no, I would think  
6 no.

7 Q. Previously you had mentioned that at certain  
8 special meetings and at certain Commissioners Court  
9 hearings -- meetings, there was the opportunity for  
10 public comment. Do you remember any of those public  
11 comments being about the justice of the peace or  
12 constable redistricting in 2013?

13 A. No, I don't.

14 Q. I'm going to introduce the next exhibit, which  
15 I believe is tab 4. So just let me know when you have  
16 that pulled up.

17 (Exhibit 4 marked.)

18 A. Okay.

19 Q. (BY MS. ZHU) Okay. Do you recognize this  
20 document? Do you recognize this document?

21 A. I do now, yes.

22 Q. Okay. So this is the special meeting agenda  
23 dated August 19, 2013. And you'll see under the Action  
24 Agenda it says, under County Judge, consideration of  
25 adopting new justice of the peace precinct maps.

1 Do you see that?

2 A. I do, yes.

3 Q. And on the second page of the minutes, you'll  
4 see that all the commissioners -- I'm sorry, yeah, four  
5 of the commissioners are present, you were present it  
6 seems, and Mark Henry was present.

7 Do you see that?

8 A. I do see it. I don't know -- I don't see  
9 myself being present. I'm not saying I wasn't. I don't  
10 see that yet.

11 Q. So --

12 A. You're right. I'm above that. Uh-huh.

13 Q. Okay. Great. Yeah, it's on the top of the  
14 second page.

15 So do you remember attending this meeting?

16 A. No, I don't.

17 Q. Do you have any recollection of what was  
18 discussed at this meeting?

19 A. I do not, and I don't believe I was at the  
20 meeting.

21 Q. On the top of page 2, if you scroll, you'll  
22 see that it says minutes, and then it says be it  
23 remembered that on August 19, the following -- you know,  
24 there's a special meeting with the following present,  
25 and then your name is at the bottom, right under Ken

1 Clark.

2 Do you see that?

3 A. Yes, I do.

4 Q. Okay. So presumably you were at this meeting.

5 Is that correct?

6 A. No, I was not.

7 Q. Oh, so you think -- so do you think there was  
8 maybe a mistake in the minutes or something?

9 A. No. It says Dwight D. Sullivan, County Clerk  
10 by Brandy, Chief Deputy. That means she was there --  
11 yeah, she was there in my place.

12 Q. On your behalf?

13 A. That's correct.

14 Q. Do you remember having any follow-up  
15 discussions with Brandy Chapman after this meeting had  
16 occurred?

17 A. No.

18 Q. Okay. What was your office's involvement in  
19 preparing for the 2021 redistricting process?

20 A. I don't believe we had any involvement.

21 Q. Okay. Do you know who was charged with  
22 drawing or approving the 2021 redistricting map  
23 proposals?

24 A. The County Commissioners Court.

25 Q. Are you aware of any criteria that they used



1 to redraw the maps in 2021?

2 A. No, I'm not aware of that.

3 Q. Does your office have any input on criteria  
4 used for redrawing maps for redistricting?

5 A. No.

6 Q. Are you aware of the level of consensus that  
7 had to be reached in order to implement redistricting  
8 changes?

9 A. No.

10 Q. Do you know if the county commissioners were  
11 included on the decision-making process for the criteria  
12 for adopting redistricting maps in 2021?

13 A. No, I don't know that.

14 Q. Do you know if the county commissioners were  
15 all equally included in the decision to -- in the  
16 discussions to redraw maps in 2021?

17 A. No, I don't.

18 Q. Did you meet with anyone who was involved with  
19 drawing map proposals for the 2021 redistricting  
20 process?

21 A. No.

22 Q. What was your role in hiring the law firm of  
23 Holtzman Vogel and Dale Oldham as mapping consultants in  
24 2021?

25 A. I had no involvement.

1 Q. Do you know who was -- who was tasked with  
2 hiring Holtzman Vogel and Dale Oldham as mapping  
3 consultants in 2021?

4 A. No, I don't.

5 Q. Are you familiar with Dale Oldham?

6 A. No.

7 Q. So you've never met Dale Oldham?

8 A. What's his first name?

9 Q. Dale, D-A-L-E.

10 A. I don't recall ever meeting him, no.

11 Q. Okay. Have you ever worked with the firm I  
12 mentioned Holtzman Vogel on any matters?

13 A. No.

14 Q. Did anyone discuss with you about holding  
15 redistricting related public hearings for the 2021  
16 redistricting process similar to the five hearings we  
17 reviewed prior, I believe, in Exhibit 2?

18 A. No one discussed it with me, no.

19 Q. Okay. Did you or your office discuss with  
20 anyone -- I'm sorry. Did you or your office recommend  
21 setting public hearings to any of the commissioners or  
22 the County Judge or their staffs in 2021?

23 A. No.

24 Q. Is your office involved at all with the  
25 organization of those public hearings?

1 A. No.

2 Q. Is your office involved at all with  
3 broadcasting the notice for those public hearings?

4 A. No.

5 Q. Did you attend any of the public hearings in  
6 preparation for the 2021 redistricting?

7 A. No, I don't recall attending any.

8 Q. Was your office -- was your office involved  
9 in -- oh, I'm sorry. I'm going to pull up another  
10 exhibit now.

11 MS. ZHU: So, George, I think this is tab  
12 8.

13 (Exhibit 5 marked.)

14 Q. (BY MS. ZHU) Let me know when you can see the  
15 exhibit.

16 A. Okay. I can see it.

17 Q. Okay. Great.

18 So do you recognize these two maps?

19 A. No, I don't. I know what they are, but -- I  
20 vaguely know the details of it. It looks like a --

21 Q. So these are --

22 A. -- map of our county, yeah.

23 Q. Yeah, sorry to cut you off.

24 These are two maps that were proposed in the  
25 2021 redistricting. Is that jogging your memory a bit?

1           A.    Well, no.  I mean, I don't know how to answer  
2   that question.  I'm familiar with what these maps are,  
3   but I don't know detailed information about them.

4           Q.    Okay.  Was your office involved in updating  
5   the County website to add a redistricting page with  
6   these two map proposals --

7           A.    No.

8           Q.    -- in 2021?

9                    Do you know who was charged with posting these  
10   two map proposals on the County website in 2021?

11          A.    I do not know that, no.

12          Q.    Okay.  Did your office solicit comments or  
13   feedback for the proposed maps?

14          A.    No.

15          Q.    Do you know if comment or feedback was  
16   solicited in any sort of public hearings on these 2021  
17   proposed maps?

18          A.    Did my office know of what?  I'm so sorry, I  
19   didn't hear that last part.

20          Q.    It's okay.  I can rephrase.

21                    Are you aware of any effort to solicit  
22   comments or feedback on the proposed maps?

23          A.    I'm not aware of that, no.

24          Q.    Are you aware on the County -- Galveston  
25   County website there was a portal for public comment on

1 these maps?

2 A. No, I'm not. Sorry. No.

3 Q. If -- so I'm representing to you that there  
4 was a portal for public comment on the Galveston County  
5 website for comment on these two maps. Do you know who  
6 received such online comments made from the website?

7 A. No.

8 Q. I'm sorry, I might have missed your answer.

9 A. No, I'm not aware of anybody who received  
10 those comments.

11 Q. Okay.

12 A. Yeah.

13 Q. I think we're going to move on to the next  
14 exhibit. This should be tab 5, I believe.

15 THE WITNESS: May I take a five-minute  
16 break?

17 MS. ZHU: Yeah, absolutely. Let's take a  
18 five-minute break.

19 THE VIDEOGRAPHER: Going off the record  
20 at 11:58.

21 (Break from 11:58 a.m. to 12:05 p.m.)

22 THE VIDEOGRAPHER: We are back on the  
23 record at 12:05.

24 Q. (BY MS. ZHU) Mr. Sullivan, did you talk to  
25 anyone just now on the break that we took?

1 A. No.

2 Q. Okay. Great. So, let's continue.

3 Are you aware that a public hearing was held  
4 on November 12, 2021 to discuss the 2021 redistricting  
5 process?

6 A. I don't recall that meeting, no.

7 Q. If I told you it was held at Calder Road Annex  
8 in League City, would that help jog your memory?

9 A. I'm familiar with the area, but I'm not  
10 familiar with the meeting.

11 Q. Okay. When the County holds special sessions,  
12 where are they typically held?

13 A. Special sessions are typically held in  
14 Galveston or League City, one of the two offices.

15 Q. Is there one location that special sessions  
16 are more frequently held at between Galveston and League  
17 City, or they're pretty much equally split?

18 MR. RUSSO: Objection, speculation.

19 A. Yeah, I don't have an exact answer on that.

20 Q. (BY MS. ZHU) Okay. When the County holds  
21 regular sessions, you have noted that those are held in  
22 Galveston only. Is that right?

23 A. Yes.

24 Q. Okay. How far are the two locations from each  
25 other?

1           A.    Roughly 20 miles, 22 miles, something like  
2   that.

3           Q.    22 miles.  Okay.

4           A.    Yeah, roughly.  Yeah.

5           Q.    Do you know why special sessions are sometimes  
6   held in League City, 22 miles away from Galveston?

7           A.    No, I don't know why.

8           Q.    Previously you mentioned that special meetings  
9   are held when there's -- when there's a rush to discuss  
10   some -- you know, some sort of topic.  What are some  
11   examples of topics that special meetings are called for?

12          A.    Say, an emergency disaster declaration would  
13   be one.  Important information regarding, say, a land  
14   purchase or a lawsuit discussion, things like that.  
15   Holidays, where there's a holiday falling on the normal  
16   course of a Commissioners Court scheduled meeting.

17          Q.    And you -- you noted prior that typically  
18   there's a three-day or so notice period for these  
19   special sessions.  Is that correct?

20          A.    Approximately that, yes.  Uh-huh.  I don't  
21   know if it's 48, but there's notice, yes.

22          Q.    Okay.  And that's typical for all special  
23   meetings.  Is that right?

24          A.    For all county commissioners meetings.

25          Q.    The November 12 special meeting that I just

1 discussed with you, do you know where the meeting was  
2 publicly announced?

3 A. No, I don't know.

4 Q. Do you know typically where special session  
5 meetings are supposed to be announced?

6 A. No, I don't know that.

7 Q. Are they -- are special sessions -- special  
8 session meetings typically announced on some sort of  
9 County website?

10 A. They typically are, yes.

11 Q. Do you know if the special meeting on November  
12 12, 2021 was accommodating for all of the participants  
13 on the day of the meeting?

14 A. I don't know that.

15 Q. Are you aware of any complaints as to the lack  
16 of notice or the lack of accommodations for the November  
17 12, 2021 special session?

18 A. I'm not aware of any.

19 Q. Okay. Were you aware that the County might  
20 have to redistrict its commissioner precincts again  
21 after the 2021 census?

22 A. No, I'm not aware of that.

23 Q. Are commissioner -- are commissioner precincts  
24 typically redistricted after each census?

25 A. Yes, I think so.



1 Q. Okay. What was your office's involvement as  
2 it relates to administering census, outreach or making  
3 the public aware of the census?

4 A. I had no involvement.

5 Q. When did you expect the release of the census  
6 data in 2021?

7 A. When they were completed with the lines and  
8 when they voted on it.

9 Q. What do you mean by that?

10 A. So let me rephrase what you asked me, make  
11 sure I get that right. You asked --

12 Q. Sure.

13 A. -- when was I expecting it? I guess to answer  
14 that, I was expecting it when the process was completed.

15 Q. And when did you expect that process to be  
16 completed?

17 A. Typically -- well, there's not a specific date  
18 that I have in mind, but I expected it, again, after  
19 they were done and maybe sometime in -- I don't even  
20 want to throw a date out there because I can't even  
21 remember. It's been a while.

22 Q. Can you throw like a season out there or --

23 A. That would be like November of last year,  
24 October, something like that, somewhere in there.

25 Q. Okay.

1 A. Yeah.

2 Q. What do precinct lines -- do you know when  
3 precinct lines need to be drawn by in order to be  
4 precinct -- I'm sorry, in order to print ballots?

5 A. I would have to look at the calendar to answer  
6 that question, but, again, we have a lot of processes  
7 that happened or happen every election cycle. And if  
8 we're going off the new lines, we'd have to have that  
9 completed before we could meet our deadlines of the MOVE  
10 Act and things like that.

11 Q. How many weeks or months does it take to  
12 prepare for each election?

13 A. I'm just throwing a number out there because  
14 I'm looking at -- of course, it depends on the election.  
15 If it's a big general or presidential, it takes a long  
16 time. We're always planning. Five or six months  
17 easily. It depends on the task, though.

18 Q. Can you walk me through the steps from the  
19 beginning of your preparation for each election cycle to  
20 the end? Like, what tasks does your office have to  
21 conduct?

22 A. Sure. Yeah. I mean, there's a lot of them,  
23 so I'll kind of give you a brief overview, if that's  
24 okay, and you can --

25 Q. Yeah.

1 A. -- break it down if you need to.

2 We have to plan out deadlines, as far as when  
3 early voting is, when it starts, when it ends, what  
4 time, when Election Day is, who our judges are, who our  
5 clerks are, training those clerks and judges. Again,  
6 who's on the ballot, when proofing will be given to us,  
7 when it will be completed, when the public will look at  
8 it and test it. Those kinds of things. Deliveries,  
9 pick-ups, ordering of paper, ordering of ballots,  
10 servicing of equipment, et cetera. There's a lot of  
11 things that go into it.

12 Q. Yeah. You said -- you began by discussing  
13 deadlines for early voting from start to end. What do  
14 you mean by planning out these deadlines? What sorts of  
15 deadlines are you discussing?

16 A. So, we typically look at a calendar given to  
17 us by the Secretary of State. They put it together for  
18 the State of Texas. So we're planning out -- for  
19 instance, we're planning out the May election cycle,  
20 which is usually cities and school districts. The State  
21 of Texas calendar came out a week ago or so. And so  
22 we're waiting for that to start sending out contracts,  
23 changing those dates on the contracts, and figuring out  
24 which cities, which schools will have elections. So --

25 Q. So, for example, the 2018 midterm election,

1 when did your office start planning for the 2018  
2 primary?

3 A. I don't recall exactly when, but months and  
4 months -- months and months out.

5 Q. Do you -- I'm sorry, give me a second.

6 So for the -- so for planning for the 2018  
7 primary, did you start planning in 2017 in the fall?  
8 Can you give me a season as to, like, when you started  
9 planning for it?

10 A. Sure. Yeah. So you're talking about November  
11 of 2018?

12 Q. That's correct.

13 A. Is that correct? Okay. Generally --

14 Q. Oh, I'm sorry. I'm sorry. For the -- okay.  
15 So first, let's talk about the primary, the March 2018  
16 primary.

17 A. Okay. We would generally start in the summer  
18 of 2017. Yeah.

19 Q. Okay.

20 A. Something like that. And --

21 Q. What about after November?

22 A. It accelerates after that. Go ahead.

23 Q. What do you mean it accelerates after that?

24 A. Well, there's some planning way ahead of time,  
25 renting trucks, securing locations, gathering lists of

1 workers from both parties. And then when we get closer  
2 to the deadlines, we wait on the cities and the entities  
3 and the State to give us a list of candidates or people  
4 who have dropped out of the race. Canceling elections,  
5 that happens. Some people contract with us, and then  
6 they -- nobody signs up to run, so they cancel. Things  
7 like that.

8 Q. When do you typically finalize polling place  
9 locations for the March 2018 primary, for example?

10 A. Septemberish.

11 Q. And when was the candidate filing period for  
12 the March 2018 primary, if you remember?

13 A. I believe it was in December.

14 Q. Did you say December?

15 A. Yeah, I believe it was December.

16 Q. Okay.

17 A. I don't recall actually.

18 Q. Okay.

19 A. I'd have to look at a calendar.

20 Q. Okay. The timeline that you just mentioned,  
21 did that apply in 2022 as well?

22 A. Yes, uh-huh.

23 Q. So were you -- so does that mean you were also  
24 finalizing polling places in the summer of 2021?

25 A. Summer and fall, yeah.

1 Q. Okay. Do you remember more specifically when  
2 you finalized polling places for 2022 -- for the 2022  
3 election?

4 A. I want to say it was in August and September.

5 Q. And when was the candidate filing deadline for  
6 the 2022 primary?

7 A. That would have been December 13, maybe. I  
8 don't remember the specific date, day of the week.

9 Q. Okay.

10 A. 20 -- yeah, yeah.

11 Q. And when would the candidate filings start?

12 A. It's about a month before that.

13 Q. So mid November?

14 A. I'm speculating. It's somewhere in there,  
15 yes.

16 Q. Okay.

17 A. It's about a month period.

18 Q. And are these deadlines, are these timelines,  
19 are you getting this from the Secretary of State  
20 calendar?

21 A. Yes. Uh-huh. Yes.

22 Q. Okay. And when did you receive that Secretary  
23 of State calendar?

24 A. I don't recall. That information is years  
25 out, so it's -- that one's way ahead of time --

1 Q. Okay.

2 A. -- that we know those dates, yeah.

3 Q. Do you know if the Secretary of State calendar  
4 is informed by statute for the timelines that you just  
5 described?

6 A. I don't know that. I don't know how they  
7 compile it.

8 Q. Okay. Are you -- are you aware that the  
9 deadlines regarding the candidate filing are listed in  
10 the Texas Election Code provisions?

11 A. No, I am not aware of that.

12 Q. Okay. The candidate filing period that you  
13 just discussed in 2022, has that been the same for all  
14 election cycles prior? Has that ever changed?

15 A. There was one year it was changed.

16 Q. What year was that?

17 A. You know, I don't recall.

18 Q. Around what year was that?

19 A. 2013, 2014, somewhere in there. I'm guessing.

20 Q. Do you remember -- yeah.

21 Do you remember why the candidate filing  
22 timelines were changed for that year?

23 A. I believe it had to do with redrawing of lines  
24 or a court challenge.

25 Q. A what challenge, sorry?

1 A. A court challenge or legal challenge.

2 Q. I see. I see.

3 A. Yeah, something like that.

4 Q. And going back to the Texas Secretary of State  
5 election calendar, are staff in your office aware of  
6 such election calendar?

7 A. Yes, uh-huh.

8 Q. And do you receive -- like, I am trying to  
9 understand. Do you receive a calendar every year from  
10 the Secretary of State?

11 A. Yes. We receive emails to all the election  
12 staff as to important dates with upcoming elections, so  
13 yeah.

14 Q. I see. Got it.

15 Does anyone in your office communicate that  
16 calendar with its deadlines to the Commissioners Court?

17 A. No, not that I'm aware of.

18 Q. Say it again, sorry.

19 A. Excuse me. Not that I'm aware of or at least  
20 not on a regular basis, no.

21 Q. Okay. Do you know if the Commissioners -- the  
22 Commissioners Court otherwise receive the Texas  
23 Secretary of State election calendar in any other way?

24 A. I don't -- I'm not aware of that.

25 Q. Okay. Sorry, give me a second.



1 A. Take your time.

2 Q. Thanks.

3 MS. ZHU: Okay. I am going to introduce  
4 the next exhibit, George, which should be tab 5.

5 (Exhibit 6 marked.)

6 Q. (BY MS. ZHU) Let me know when you're able to  
7 pull that up. Let me know if you can see this.

8 MR. RUSSO: Hang on one second. Can you  
9 still hear us?

10 MS. ZHU: Yeah.

11 MR. RUSSO: Okay. We're having a  
12 technical issue. I think we can work it out, hang on.

13 MS. ZHU: Okay.

14 THE VIDEOGRAPHER: Would you like me to  
15 bring us off the record while you're dealing with the  
16 technical issue?

17 MR. RUSSO: Are you on -- what exhibit  
18 are you on?

19 MS. ZHU: We're on tab 5.

20 MR. LIBBARES: It's Exhibit No. 6.

21 MR. RUSSO: Okay.

22 MS. ZHU: Thank you.

23 A. I can see it.

24 Q. (BY MS. ZHU) Okay. Okay. So --

25 MS. ZHU: And by the way, I think let's

1 go through this exhibit, and then let's take a break for  
2 lunch, if that sounds okay.

3 THE WITNESS: Sure.

4 Q. (BY MS. ZHU) Okay. So do you recognize -- or  
5 I guess this exhibit shows a news article, and it  
6 essentially says in the first line -- if you scroll down  
7 a little bit, the very first line reads -- and this is  
8 published July 12, 2021 from an official website of the  
9 US government, as noted at the top. And it just reads  
10 the US Census Bureau by August 16 is set to release  
11 in-depth demographic statistics from the 2020 Census.

12 So -- and do you see that wording?

13 A. Yes.

14 Q. So do you recall hearing that the census data  
15 from 2020 was set to be released around August of 2021?

16 A. No, I don't recall the date, but I remember it  
17 was going to be released.

18 Q. Okay. I'm sorry, you answered that you didn't  
19 hear about this August 2021 timeline for the census  
20 release. Is that right?

21 A. I was aware that they were releasing the data.  
22 I don't recall when, but to be honest with you, I didn't  
23 pay much attention to it because I don't handle  
24 redistricting.

25 MS. ZHU: Okay. I think that that ends

1 this line of questioning actually, and we can take a  
2 lunch break.

3 Do you know how long you would like to take?

4 MR. RUSSO: 45 minutes or so, 30 to 45  
5 minutes. Is that good for you?

6 THE WITNESS: Yeah.

7 MR. RUSSO: Does that work for y'all, 30  
8 minutes, 45 minutes?

9 MS. ZHU: I was going to suggest 45, if  
10 that's okay.

11 MR. RUSSO: That's fine.

12 MS. ZHU: Okay. Perfect. So we'll break  
13 for 45 then. Thank you.

14 THE VIDEOGRAPHER: Okay. Going off the  
15 record at 12:30.

16 (Break from 12:30 p.m. to 1:24 p.m.)

17 THE VIDEOGRAPHER: We are back on the  
18 record at 1:24.

19 Q. (BY MS. ZHU) Hi, Mr. Sullivan. Did you talk  
20 to anyone just now during the break that we took?

21 A. My attorneys, I did.

22 Q. And what did you speak about with your  
23 attorneys?

24 A. Family, kids, personal stuff.

25 Q. And to confirm, you did not speak to your

1 attorneys about today's deposition or your testimony?

2 A. No.

3 Q. Okay. And is it accurate that no one else is  
4 in the room with you still for today's deposition other  
5 than your two attorneys?

6 A. Yes, that's correct.

7 Q. And is it accurate that you have no documents  
8 in front of you for today's deposition?

9 A. That's accurate.

10 Q. Okay. Great.

11 A. Yeah.

12 Q. Okay. I think we should continue on. I would  
13 like to bring up an exhibit we've already introduced.

14 MS. ZHU: And, George, this should have  
15 been tab 8. I don't recall the exhibit number, but if  
16 we can get to tab 8, that would be great.

17 MR. LIBBARES: Exhibit 5.

18 MS. ZHU: Exhibit 5, thanks.

19 Q. (BY MS. ZHU) Mr. Sullivan, just let me know  
20 when you can see this.

21 A. Is that the maps from before or the letter?

22 Q. Yes, this two map proposals.

23 A. Okay. I can see them now.

24 Q. Okay. Great.

25 So like you mentioned, again this is the two

1 map proposals that were on the table in the 2021  
2 redistricting as was posted to the Galveston County  
3 website. Is that correct?

4 A. It looks to be correct, yes.

5 Q. Okay. Great.

6 So with regards to this map, are you aware any  
7 community concerns related to map 1 or map 2 proposals?

8 A. No, I am not.

9 Q. And are you aware of any sort of public  
10 feedback in response to any of the proposed maps?

11 A. No, I'm not.

12 Q. Are you aware of any other names used to  
13 reference map 1 and map 2?

14 A. No.

15 Q. Do you know if between map 1 and map 2 which  
16 option would have provided a smaller change in  
17 redistricted lines being drawn just by looking?

18 A. A smaller change? No, I really don't know.  
19 Maybe 2, but I'm speculating. I don't know.

20 Q. Okay.

21 A. It's more than looking at colors. There's a  
22 lot of voter data that's inside of there that I can't  
23 see.

24 Q. And do you know which proposal would have  
25 resulted in fewer precinct splits?

1 A. I do not know that.

2 Q. Would you agree that splitting election  
3 precincts creates more work for your office in terms of  
4 election administration?

5 A. Can you explain what you mean by splitting  
6 precincts?

7 Q. Sure.

8 Just the redrawing of precincts, having to  
9 calibrate to that change.

10 A. Well, that's not necessarily true. It depends  
11 what they were before.

12 Q. Can you elaborate on that?

13 A. Yeah. So, for instance, if there was  
14 precincts with what I call splits is like it can be  
15 Precinct 101 and Precinct 101.1 or 101.2 versus a new  
16 precinct of 101 and 102. In my scenario there,  
17 splitting precincts with your definition would make my  
18 job a little easier actually.

19 Q. And in what scenario of splitting precincts  
20 would make your job a little more difficult?

21 A. Well, I haven't really thought about that.  
22 So, what comes to mind would be more precincts equals  
23 more voting locations and more staff, things like that.

24 Q. Okay. And just to clarify when I mentioned  
25 splitting precincts, I'm talking about when an existing

1 precinct is split between, for example, two new  
2 commissioner districts.

3 Does that make sense?

4 A. Yeah, I think so.

5 Q. With that -- go ahead, sorry.

6 A. I'm sorry, I'm listening.

7 Q. Oh, I was just going to say, so in that  
8 situation would splitting election precincts create more  
9 work for your office?

10 A. Can you give me an example or a scenario so I  
11 can make sure I understand your question?

12 Q. Sure.

13 So let's say -- let's say a precinct exists  
14 in its own commissioner district, and then in a split, a  
15 new --

16 A. Can I interrupt you there?

17 Q. Yeah.

18 A. You're referring to a voting precinct or a  
19 commissioner's precinct?

20 Q. I'm referring to a voting precinct.

21 A. Okay.

22 Q. So if the voting precinct is within one  
23 commissioner district and then the commissioner district  
24 is redrawn so that it splits this voting precinct in  
25 half, that's what I mean by splitting election

1 precincts.

2 Does that make sense?

3 A. Yes, uh-huh.

4 Q. So would that create more work for your  
5 office?

6 A. Well, again, it depends how you split them.  
7 If you split that said precinct you were talking about  
8 between two different -- say, commissioner 1 and  
9 commissioner 2, if you split that and it became part of  
10 another one, it really would not create any additional  
11 work. If you're talking about just adding more precinct  
12 numbers, it's not really additional work, it's just  
13 different.

14 Q. Okay.

15 A. I hope I answered that correctly because  
16 that's what I understood you to ask me.

17 Q. Yeah, for sure. And thank you for asking  
18 clarifying questions.

19 Let's see. So back to the splitting of voting  
20 precincts into new commissioner districts, would that  
21 require the drawing of new maps? New precinct maps,  
22 sorry?

23 A. If you're asking for more of an opinion or a  
24 legal definition of it, I don't know legally if you have  
25 to do that. If you're asking for my opinion on it, I



1 can try and answer that.

2 Q. Yeah, please.

3 A. So if you redrew the voting precinct -- so I  
4 am looking at map number 2. Let's just say you have 25  
5 precincts in number 2. If you're just cutting up the  
6 pie a little different, so to speak, I don't, first of  
7 all, draw the lines or know who does, but for whoever is  
8 cutting them or rearranging them, it may be more work.  
9 For me, the challenge would be just becoming more  
10 familiar with those newer precincts.

11 Q. And if a precinct -- and if an election  
12 precinct were originally fully in this 2, in this  
13 commissioner district 2 and then after redrawing it if  
14 part of that voting precinct is hanging off in 4 and  
15 part of it is hanging off in 2, would -- I'm trying to  
16 understand would you have to redraw the precinct lines  
17 to accommodate for that?

18 Does that make sense?

19 A. Yeah. You would have -- somebody would have  
20 to do it, uh-huh.

21 Q. Okay. And redrawing these precinct lines, who  
22 is in charge of making sure that they're redrawn  
23 properly?

24 A. I don't know who's in charge of that. I would  
25 assume the county commissioners.

1 Q. Okay. Would you have any idea of whether or  
2 not the voter -- the county engineer or the voter  
3 registrar have any say in redrawing the precinct lines  
4 in that scenario?

5 A. I wouldn't think that they do, but I don't  
6 know the answer to that. That's not something I handle.

7 Q. Okay.

8 (Reporter clarification.)

9 A. I don't think so because those two offices, as  
10 far as I know from personal knowledge, do not have a  
11 say, but I can't speak for those offices.

12 Q. (BY MS. ZHU) So after whatever office redraws  
13 the precinct map, in what -- I guess, in what format do  
14 you receive the new elections precinct map?

15 A. If you're talking about the map itself, more  
16 than likely a PDF, but we're more inclined to look at  
17 more of a spreadsheet for my office use.

18 Q. And --

19 A. For my office use.

20 Q. What kind of details are included in the  
21 spreadsheet?

22 A. More things like the number of -- the precinct  
23 number, and then next to it maybe like the commissioner  
24 precinct, and then which state rep, which congressional  
25 district, which school district, which municipal code,

1 which municipal utility district, or MUD, et cetera.

2 Just your voter entitlements.

3 Q. Got it.

4 A. I don't so much as look at the shape for what  
5 I do.

6 Q. Understood.

7 And what's the timeline that your office  
8 receives the new election precinct maps?

9 A. Okay. I'm not understanding the question.

10 Q. So, for example, after -- let's say after the  
11 redistricting is done and then the reprecincting is, you  
12 know, done as well to take into consideration the newly  
13 drawn commissioners districts, how long between that  
14 time and your office receiving the newly drawn precinct  
15 maps?

16 A. Well, it depends if I was looking for it or  
17 waiting for it, and I think you were asking for if I was  
18 just waiting for it. Probably -- I'm speculating again.  
19 I would have to look at when they were drawn up versus  
20 when I received something. I would think it would be --  
21 you know, I don't want to say the wrong thing here and  
22 not be truthful. And I don't think there's a right  
23 answer here. I just don't know the answer to that  
24 because --

25 Q. Do you have a ballpark?

1           A.    Well, like the maps, for instance, if I wanted  
2 a copy of the map when it's passed in Commissioners  
3 Court, I can go get it that day, just like the public  
4 can. But if I'm waiting for the official data to be  
5 drawn and implemented into the TEAM System, which is  
6 where I would look at it, then maybe -- maybe a week,  
7 weeks, depending on whoever inputs that system -- that  
8 data into the system.

9           Q.    Oh, okay. So you're saying if you were to  
10 check the TEAM System, you would have to wait a handful  
11 of weeks?

12          A.    I think -- I think a handful of weeks is a  
13 fair assumption because somebody or some entity would  
14 have to enter that stuff into the system.

15          Q.    Okay. And is that the same timeline to  
16 receive the spreadsheet data, or is that a different  
17 timeline?

18          A.    I would think I would receive that sooner. I  
19 could probably receive that within a week.

20          Q.    Within a week, okay.

21          A.    I would think. I would think.

22          Q.    Okay.

23          A.    Yeah, because there has to be a breakdown that  
24 someone puts together of what precincts are in what  
25 commissioner precinct.

1 Q. Right. Okay. So are you aware that -- sorry.

2 So after you receive this data within a  
3 spreadsheet of the reprecincting -- bless you.

4 A. Thank you.

5 Q. -- what do you do with that data in the  
6 spreadsheet?

7 A. What I would do with it is just wait for the  
8 next election to occur, and if we need it, we pull it  
9 out. So --

10 Q. What sorts of --

11 A. Save it, I guess.

12 Q. What sorts of scenarios would you need to pull  
13 out this data for future elections?

14 A. So when we are proofing our ballot as a  
15 reference check, so right at the end of our programming.

16 Q. Okay. Let's see. So are you aware that  
17 ultimately map 2 -- the proposed map 2 was adopted?

18 A. No. It looks familiar, but I didn't know that  
19 was the actual one.

20 Q. Okay. Got it.

21 And just going back to the ballot comment you  
22 had made, how far before an election does programming  
23 the ballot have to happen?

24 A. I'd have to look at the calendar, but  
25 approximately 60 plus days. Maybe -- maybe upwards of

1 70 days.

2 Q. Okay.

3 A. Because we have to publish notice, have public  
4 testing, send proofs out to the parties to check it, and  
5 then they have to be finished no later than 45 days  
6 before the election.

7 Q. Okay.

8 A. Finalized, should I say, yeah.

9 Q. Are you aware -- I'm sorry.

10 What sorts of changes did the adoption of map  
11 proposal 2 require your office to make?

12 A. Well, the first one that comes to mind would  
13 be voting locations, to make sure that we have adequate  
14 numbers of locations per commissioner precinct so that,  
15 say, number 4 didn't have half as many as number 1 or  
16 more than double any other precinct.

17 Q. Got it.

18 Any other changes that your office would have  
19 to make?

20 A. I guess, if the -- well, we reprogram our  
21 ballot every single time. So whether it's map 2 or 4 or  
22 6, we would reprogram it every time anyway. So there's  
23 no static data; we just get the updated information in  
24 the system and program based on that.

25 Q. Okay. Are you aware of anyone supporting the

1 creation of having one coastal precinct as a rationale  
2 to add Bolivar Peninsula to Galveston island in one  
3 precinct?

4 A. No.

5 Q. So you're not aware of this coastal precinct  
6 rationale in general?

7 A. As far as the rationale and theory behind it,  
8 no, I'm not. No, I don't know anything about that.

9 Q. Okay. Do you know who was involved in the  
10 reprecincting following -- following the map 2 proposal?

11 A. No, I don't.

12 Q. Okay. Has Commissioner Apffel or his staff  
13 ever asked you to make changes to precinct lines?

14 A. No.

15 Q. Has Commissioner Giusti or his staff ever  
16 asked you to make changes to precinct lines?

17 A. No.

18 Q. How about Commissioner Holmes?

19 A. No.

20 Q. And Commissioner Armstrong?

21 A. No.

22 Q. And the late Commissioner Clark, Ken Clark?

23 A. No.

24 Q. And how about Judge Henry?

25 A. No.

1 Q. I didn't get your answer, sorry?

2 A. No to all those.

3 Q. Are you aware of any public comment or concern  
4 about the drawing of precincts following the map 2  
5 adoption?

6 A. I am not, no.

7 Q. Okay. I would like to introduce the next  
8 exhibit.

9 MS. ZHU: And, George, I believe this  
10 should be tab 9.

11 (Exhibit 7 marked.)

12 Q. (BY MS. ZHU) Just let me know when you can  
13 see this document.

14 A. I can see it now.

15 MR. LIBBARES: This is Exhibit 7.

16 MS. ZHU: Perfect. Thank you.

17 Q. (BY MS. ZHU) This is an email from Nathan  
18 Sigler addressed to Chris Elam, who seems to have  
19 requested Shapefile exports of Galveston County voting  
20 precincts, and the email from Nathan Sigler is sent on  
21 February 16, 2022. Is that correct?

22 A. That's what I see here, uh-huh.

23 Q. Okay. Great.

24 And you'll note that in Sigler's email at the  
25 top, he says changes to recent precincts only affect



1 VTD, which I understand means election precincts and  
2 commissioner precincts, while JP, meaning justice of the  
3 peace, and constable precincts have stayed the same.

4 Do you see that?

5 A. Yes, I see that.

6 Q. Do you recall this change made to certain  
7 precincts but not others?

8 A. No, I don't.

9 Q. Do you have any understanding as to why you  
10 think certain precincts were changed while others stayed  
11 the same?

12 A. No, I have no idea.

13 Q. Are you aware of any other changes made like  
14 this in the past where reprecincting occurred but had  
15 only affected certain -- you know, only affected  
16 elections in commissioner precincts but not JP and  
17 constable precincts?

18 A. I don't recall any.

19 Q. Are you aware if it's typical when  
20 reprecincting is done that changes are made to all of  
21 the different precinct types, so election, commissioner,  
22 JP and constable?

23 A. I don't think I understood your question. Can  
24 you ask me that again?

25 Q. Yeah, I think I need to rephrase.

1 I guess what I'm trying to understand is is it  
2 common practice that when reprecincting is done, that  
3 changes would affect the election, the commissioner, the  
4 JP and constable precincts instead of this situation  
5 where two are affected and two are not?

6 MR. RUSSO: Objection, speculation.

7 A. Yeah, I don't know.

8 Q. (BY MS. ZHU) Okay. Are you aware of the  
9 reaction to this precincting change described in the  
10 email?

11 A. No, I'm not.

12 Q. In the email Nathan Sigler notes -- I am just  
13 trying to find it here. I think it's the third -- I'm  
14 sorry, fourth sentence. He writes so to account for  
15 that our historical election VTDs are still in affect  
16 regarding JP and constable precincts.

17 Does that mean there were two sets of election  
18 precincts in place for the March 2022 primary?

19 A. That's not what I read here.

20 Q. What do you understand that sentence to mean?

21 A. Well, I read it real fast, but what I see  
22 is -- again, this is speculation. I haven't looked into  
23 it. It looks like the commissioner and voter precincts  
24 were changed but JP and constable precinct lines were  
25 not changed as of this email.

1 Q. Right.

2 To your knowledge, did this change cause any  
3 confusion amongst voters?

4 A. I'm not aware of any, huh-uh.

5 Q. Are you aware of any complaints about the  
6 nature of having different precincts assigned for  
7 different types of elections?

8 A. I'm familiar with it because it affected my  
9 precinct, but I have not heard any feedback or comments  
10 on it.

11 Q. When you say it affected your precinct, do you  
12 mean this specific change occurred in a precinct that  
13 you are part of?

14 A. Yes, I believe so, if I'm understanding this  
15 email correctly. This was like where I live, uh-huh.

16 Q. Can you recall any sorts of conversations you  
17 had with people in your precinct in response to this  
18 precinct change?

19 A. No, I don't think I've spoken to anyone about  
20 it that I can recall.

21 Q. Oh, so you were just aware because you  
22 personally were affected?

23 A. Yes, that's correct, uh-huh.

24 Q. Okay. Do you know how the public was notified  
25 of this precinct change?

1 A. No, I don't know, huh-uh.

2 Q. And as a result of this precinct change, did  
3 you receive two different voter registration cards?

4 A. I did receive two, but I don't know if this is  
5 the reason why.

6 Q. Okay.

7 A. Honestly, I didn't look at them.

8 Q. Okay. Let's see. Is your office responsible  
9 for sending out voter registration cards?

10 A. No.

11 Q. Which office is tasked with sending out voter  
12 registration cards?

13 A. That would be the voter registration  
14 department or the tax office.

15 Q. Tax office. Okay.

16 Did you receive any sort of calls or feedback  
17 from anyone trying to get in contact with your office  
18 asking about why they received two different  
19 registration cards?

20 A. I don't recall any, but those would not come  
21 to me. It would probably just get pushed up to the  
22 answering line and pushed around. So, I did not receive  
23 any, no.

24 Q. Okay. And would your office have any records  
25 of those calls or that type of feedback?

1           A.    I don't think we would have any records of  
2   that, no.

3           Q.    Okay.  And do you have any idea or sense of  
4   when voter registration cards would be sent out  
5   following the reprecincting?

6           A.    No, I don't know that.

7           Q.    When did you receive your voter registration  
8   card?

9           A.    You know, I can't remember.  It was  
10   sometime --

11          Q.    Okay.

12          A.    -- after the first of the year, but I don't  
13   know.

14          Q.    Okay.  Okay.  I think we're going to move to  
15   the next exhibit now.

16                   MS. ZHU:  And, George, this should be tab  
17   10.

18          Q.    (BY MS. ZHU)  So, Mr. Sullivan, just let me  
19   know when you have a chance to take a look at this next  
20   exhibit.

21                   (Exhibit 8 marked.)

22          A.    Okay.  I see it.

23          Q.    (BY MS. ZHU)  Okay.  Great.

24                   So this should be an email from Nathan Sigler  
25   again to you to Dwight Sullivan, and it was sent on

1 February 11, 2022. I'm sorry, that's the response.

2 So the original email is from Mr. Sigler to  
3 Wendi Fragoso, and that was sent on February 11, 2022,  
4 as well, and -- I'm sorry. I'm sorry.

5 This is from you to Nathan Sigler, cc'd Wendi  
6 Fragoso on February 11, 2022, and you basically email  
7 Sigler, and you say: Earlier this week we spoke about  
8 county commissioner precinct maps for voting. I know  
9 you said you couldn't print out multiple maps for voting  
10 locations but that you could send a file to the print  
11 center. I spoke with Andi in the print center, and she  
12 can print 50 copies of the new 2022 commissioner maps  
13 for the voters to view.

14 Do you recall sending this email?

15 A. I do, yes.

16 Q. Can you discuss a little bit about the purpose  
17 of sending this email across and what you were  
18 discussing?

19 A. Yes. So I thought it would be a great idea to  
20 have maps at every polling location for the voters to  
21 look at so that they were aware of the redistricting  
22 changes.

23 Q. Is this something you had done in prior  
24 elections?

25 A. It's not something that's required. So, no, I

1 just thought it was a good idea to do.

2 Q. Yeah. Can I ask what -- what the maps  
3 displayed specifically?

4 A. I guess it's just a precinct by precinct map,  
5 similar to what your -- well, basically the redrawn  
6 lines with the precincts in it.

7 Q. Okay. Is there a reason why in this election  
8 you thought it would be helpful to have these maps?

9 A. No. Just we're trying to run more transparent  
10 elections, and so we thought it would be a good idea  
11 just to have those at every location in case the voters  
12 had questions about it.

13 Q. Got it.

14 And after this election in which you printed  
15 out the 50 or so new maps, did you continue this  
16 practice for any other elections?

17 A. No.

18 Q. Okay. Did you receive feedback from voters  
19 that such maps were helpful or necessary after the fact?

20 A. I didn't hear any feedback personally.

21 Q. Did you get any requests prior to printing out  
22 these maps that voters wanted to see these maps?

23 A. I don't recall that.

24 Q. Okay.

25 A. Yeah.

1 Q. Okay. So, I think let's move on to talking  
2 about polling places. Can you tell me when Galveston  
3 County decided to participate in a countywide polling  
4 place program?

5 A. I believe it was 2012, 2013 timeframe --

6 Q. Okay.

7 A. -- that we applied for it, and we went through  
8 the trials of it.

9 Q. And do you know why Galveston County decided  
10 to move to countywide polling?

11 A. It was a decision I made. I was newly  
12 elected, and I wanted to improve the voting process, and  
13 it was a new program the State had implemented.

14 Q. In what ways would the countywide polling  
15 improve the voting process? Like, what issues would it  
16 resolve?

17 A. So the main thing is voters can vote anywhere  
18 on Election Day. So our county geographically is all  
19 over the place. So if you lived in, say, Friendswood,  
20 which would be the northwest corner of our county, and  
21 you worked in Galveston, on Election Day, let's just say  
22 you had to work late, you could stop at any location on  
23 the way home after work and vote; versus let's just say  
24 you had to drive all the way back to your home precinct  
25 to vote, you may not show up in time or for whatever



1 | reason you will not vote. So it was a program that's  
2 | designed to assist the voter and giving them more  
3 | options to vote.

4 | Q. Got it.

5 | Was there a process in place for gathering  
6 | feedback from those who would be affected by this  
7 | change?

8 | A. Yes.

9 | Q. Can you describe this feedback process a  
10 | little bit?

11 | A. I don't recall the specifics of it, but I know  
12 | we had meetings with -- public meetings, we had meetings  
13 | with the parties, we had meetings with commissioners,  
14 | and it was shared throughout.

15 | Q. What sorts of feedback and comments did you  
16 | receive during these public meetings and while meeting  
17 | with commissioners about the countywide polling?

18 | A. You know, I don't recall that. That's been a  
19 | long time ago.

20 | Q. Did you have any sort of formal comment boxes  
21 | or comment repositories?

22 | A. I don't recall how we managed that at the  
23 | time. We did have public hearings and we listened, but  
24 | I don't know that we took comment boxes or anything like  
25 | that.

1 Q. Okay. Who reviews the comments and the  
2 feedback discussed at these public meetings?

3 A. Well, the public meetings were very small, but  
4 they were my election staff and myself.

5 Q. How do you guys review the comments, and  
6 what's the process of your review?

7 MR. RUSSO: Objection, compound.

8 A. Yeah, that was a long time ago. I can't  
9 really remember the specifics, so I don't recall.

10 Q. (BY MS. ZHU) Do you recall and can you  
11 characterize the range of responses from the public with  
12 regards to the countywide polling program?

13 A. Generally speaking, it was more about  
14 educational information as to how -- how it could impact  
15 them and the more opportunities that the public would  
16 have to vote.

17 Q. Was the general feedback you received about  
18 the countywide polling places generally for or against  
19 this change?

20 A. The feedback was generally for it. And,  
21 additionally, it was something that both parties agreed  
22 was a good idea, as well as the county commissioners and  
23 myself.

24 Q. Are you aware of any complaints involving this  
25 countywide polling change about the possible location

1 change or closure of specific polling places?

2 A. I don't recall any negative comments on that.

3 Q. Okay. Was the County required to obtain  
4 preclearance under Section 5 of the Voting Rights Act in  
5 order to use countywide polling places?

6 A. I don't recall.

7 Q. Okay. Previously you mentioned that your  
8 office had conducted public educational sessions at  
9 these public meetings to keep the public abreast of the  
10 countywide polling changes. Can you tell me a little  
11 bit about what was involved in this education?

12 A. Yeah. We basically explained the program and  
13 how it worked and that voters would have the opportunity  
14 to vote on Election Day anywhere, as well as their  
15 normal areas that they would vote. That's kind of  
16 basically it in a nutshell. Answering some questions  
17 that were posed and --

18 Q. If any polling places had to be moved or  
19 changed or taken away or added, would you have educated  
20 the public on these changes as well during these  
21 meetings?

22 A. Yes, uh-huh.

23 Q. And so of the options I just discussed, can  
24 you tell me what sorts of changes to polling place  
25 locations you did educate folks about, whether that be

1 closures, additions, moving polling locations?

2 A. You know, I don't recall the details of that.  
3 It's been a while.

4 Q. Okay.

5 A. I'm sorry.

6 Q. Okay. That's fine.

7 Where are these public meetings held for these  
8 education purposes?

9 A. I don't recall.

10 Q. Do you know about how many public education  
11 meetings were held?

12 A. I'm throwing a number out there. I'm guessing  
13 three to five.

14 Q. Okay. And do you know -- I think you  
15 mentioned there are records of these meetings. Is that  
16 right?

17 A. Yes.

18 Q. Does your office hold those records? I think  
19 you said they recorded -- I assume audio recorded these  
20 meetings?

21 A. I don't know that we have those any longer.  
22 They may have passed the records retention timeframe,  
23 but I don't know. I don't know.

24 Q. And who attended these public meetings? Were  
25 party officials there? Were regular voters there?

1           A.    Both.  We had both Republican and Democrat  
2 parties.  We had general public, my staff.  I don't  
3 remember if the commissioners were present or not, but  
4 they were aware of it, and they were aware of at least  
5 one of them in public at the Commissioners Court  
6 meeting.

7           Q.    Previously we had talked about the fact that  
8 you had met with the DOJ about three to five times to  
9 talk about preclearance matters.  Did you ever meet with  
10 the DOJ to talk about preclearance matters as it  
11 pertains to countywide polling?

12          A.    I don't recall.

13          Q.    Okay.  And was there ever -- did you ever do  
14 or are you aware of any specific outreach to minority  
15 communities as it relates to these public hearings on  
16 countywide polling changes?

17          A.    Specifically, I can't remember the instance,  
18 but yes, we did.  We met with representatives from I  
19 want to say LULAC, the Democrat and Republican parties,  
20 NAACP or a representative.  I believe Republican and  
21 Democrat lady groups.  But I don't -- the specifics of  
22 it, I don't recall.

23          Q.    Do you remember the sort of feedback you  
24 received when you met with member of LULAC about the  
25 communitywide polling change?

1 A. No, I don't remember that.

2 Q. Do you remember the feedback or discussions  
3 that you had with the NAACP in regards to the countywide  
4 polling change?

5 A. No, I don't.

6 Q. And how about the feedback you received from  
7 the Democrat or Republican parties when you met with  
8 them to discuss the countywide polling change?

9 A. I don't recall that.

10 Q. Do you know who else was at those meetings  
11 from your staff or from your office?

12 A. Well, my staff that was there I don't believe  
13 is employed any longer.

14 Q. Oh, none of them are?

15 A. No.

16 Q. Let's see.

17 A. They've since retired or moved on.

18 Q. After 2013, so after Shelby County was  
19 decided, do you know if the number of countywide polling  
20 places in Galveston increased, decreased or stayed the  
21 same?

22 A. I don't recall.

23 Q. Would you characterize the countywide polling  
24 as a success in Galveston County?

25 A. Yes.

1 Q. And can I ask -- can you talk about that a  
2 little bit more, just why you think it was a success and  
3 what sort of measures you're defining the success as?

4 A. Sure, yeah.

5 It's a national trend, first of all. Most  
6 states and counties are going this way. We were, I  
7 think, the fourth in the state of Texas, and now I  
8 believe it's over 50 percent. I heard the number  
9 recently, but it's growing fast.

10 Generally speaking, it's good for voters  
11 because their ballot can be accessed at any location,  
12 which is a big deal, because approximately 50 percent of  
13 voters wait in Texas to vote on Election Day, and it  
14 gives them the opportunity to stop at their nearest  
15 location.

16 It also -- from a governing body, it's more  
17 fiscally responsible because we can put out more  
18 machines and have less staff and less lines at locations  
19 than having more locations with less equipment. So it's  
20 a big positive there.

21 Let me think what else. I can't really think  
22 of anything else.

23 Q. Yeah, that makes sense.

24 What is the criteria for selecting polling  
25 places to be used in countywide polling?

1           A.    State law requires them to be ADA compliant.  
2    They have to have the ability to have electricity and  
3    general things like that.

4           A commissioner in one precinct cannot have  
5    more than double within the last -- sorry, how do I  
6    explain that? No commissioner can have more than double  
7    the locations in their geographic county precinct than  
8    another.

9           What else? Unless precincts are consolidated,  
10   you can have no less than 50 percent of the precincts in  
11   your county polling places, total polling places. And  
12   they have to be able to accommodate, not only disabled  
13   voters, but have accessible restrooms as well. Parking  
14   places and things like that as well.

15          Q.    So -- sorry, did I cut you off?

16          A.    No, you didn't.

17          Q.    So the criteria you just described, who comes  
18   up with this criteria that you follow?

19          A.    I believe the Secretary of State does in the  
20   guidelines, yeah.

21          Q.    And do you know who makes the initial proposal  
22   for polling places for each election?

23          A.    Yes, I do.

24          Q.    And who is that?

25          A.    That is me along with the County Election



1 Board, depending on the election.

2 Q. Can you spell his last name, I'm sorry? Neil?

3 A. No, that's me.

4 Q. Oh, I'm so sorry.

5 A. Me or the County Election Board, depending on  
6 what type of election it is.

7 Q. Got it.

8 A. But generally speaking, I do the preliminary  
9 work.

10 Q. I see. I see.

11 Are most -- I'm sorry. So who else is on the  
12 County Election Board?

13 A. So the County Election Board in counties that  
14 do not have an election administrator would be the  
15 County Clerk, the Tax Assessor Collector, the County  
16 Sheriff, County Judge and the Democrat and Republican  
17 parties. We've also invited the Green Party and  
18 Libertarian Party to attend.

19 Q. Okay. Whose input is solicited on proposing  
20 polling place locations when you're deciding?

21 A. Everyone that's present at the meeting.

22 Q. At the meeting with the County Election Board  
23 that you just described?

24 A. Yes, uh-huh.

25 Q. Do you ever -- do you ever seek input from the

1 public or any sort of, like, public comments when you're  
2 discussing polling place locations?

3 A. We're always seeking comment from the public,  
4 but not -- not at the meeting unless someone was to show  
5 up. And it is an open meeting, but generally speaking,  
6 the public doesn't show up very often.

7 Q. If -- can you recall any situations in which  
8 you've had this meeting and the public -- members of the  
9 public have showed up, what their feedback or comments  
10 were?

11 A. Generally, they just listen.

12 Q. Okay.

13 A. So --

14 Q. And -- and when it's not -- and when you  
15 receive comments through another means, what is the --  
16 what are the means of receiving other types of public  
17 comment, if not at these meetings?

18 A. Well, going back to your previous question, if  
19 that's okay? I'm sorry, I know we're past it.

20 Q. Yeah.

21 A. I have a comment on who the election clerks  
22 should be or suggested. With your next question, can  
23 you rephrase that --

24 Q. Sure.

25 A. -- or reask?

1 Q. Sure.

2 I was just asking other than members of the  
3 public showing up at these public meetings, how else do  
4 you hear about feedback or comments about proposed  
5 polling place locations?

6 A. Well, we hear that from being at the polls  
7 listening to the public there, taking phone calls at the  
8 office and emails.

9 Q. Okay. So it sounds like sometimes people will  
10 call your office to give feedback about polling place  
11 locations, and they'll email your office as well. Is  
12 that right?

13 A. Yes.

14 Q. Are groups representing minority voters, such  
15 as the NAACP or LULAC, ever specifically invited to  
16 meetings with the County Election Board that you just  
17 described?

18 A. Well, everyone is invited to the meeting.  
19 It's a public meeting and we post that, so everybody's  
20 invited.

21 Q. Where is the meeting -- oh, go ahead.

22 A. That's it, I'm sorry.

23 Q. Where is the meeting posted? Typically, like  
24 where is the notice posted?

25 A. Notice will be posted on the courthouse

1 outside of the courthouse so you don't have to enter, on  
2 the County Clerk's website, as well as in my office  
3 where public notices are posted.

4 Q. How far in advance is the notice posted for  
5 such meetings?

6 A. I believe it's 72 hours, but I don't recall  
7 exactly.

8 Q. Okay. Have any of the commissioners or their  
9 staffs ever asked you to make changes to polling place  
10 locations?

11 A. Yes, uh-huh.

12 Q. Which commissioners have approached you about  
13 making these changes?

14 A. Over the years, many of them have, yeah.

15 Q. Has Commissioner Apffel asked you to make  
16 polling place changes?

17 A. I believe he has.

18 Q. Do you remember in what context?

19 A. I know in one of the elections he wanted to  
20 add a fire station. I think it was a fire station or  
21 church, yeah.

22 Q. Do you remember what year this was?

23 A. No, I don't.

24 Q. Do you remember around what year it was maybe?

25 A. 2019, 2020, somewhere in there.

1 Q. And after Commissioner Apffel approached you  
2 asking to make these additions, did you adopt his  
3 proposals? Did you have to discuss with anyone before  
4 adopting these proposals?

5 A. I believe we did, uh-huh. And those -- the  
6 polling locations are voted on in a public meeting of  
7 the Commissioners Court. They actually pick the  
8 locations. I suggest and they pick.

9 Q. I see. Okay. Has --

10 A. But I do --

11 Q. Did I cut you off? I'm sorry.

12 A. No, you didn't. Go ahead.

13 Q. Has Commissioner Holmes ever approached you  
14 asking you to make changes at polling place locations?

15 A. Yes.

16 Q. Can you tell me the particulars about that?

17 A. I believe he's asked for over the years many  
18 of them, yeah. In particular, what comes to mind would  
19 be Dickinson Community Center and Dickinson City Hall.

20 Q. But do you generally -- so it sounds like the  
21 commissioners approach you to ask to make polling place  
22 locations. Then you propose that at the Commissioners  
23 Court meetings, at these public meetings, and then the  
24 commissioners then vote on the proposals. Is that  
25 right?

1           A.    Yes, it works that way sometimes, and  
2 sometimes I just send a proposal over, and they can make  
3 changes that same day, which they've done before.

4           Q.    Okay. And is it just the commissioners and  
5 Mark Henry who ultimately make the call as to polling  
6 place changes and their locations?

7           A.    For general, yes. For general elections and  
8 presidential, yes. For all general elections, yes. Now  
9 if it's for a school board meeting, it's not really up  
10 to them, yeah. School board election, I'm sorry.

11          Q.    Do you recall ever denying a request from the  
12 commissioners about a proposed voting place location or  
13 not adding a proposal to the list of proposed voting  
14 locations?

15          A.    No, I don't recall any.

16          Q.    Okay. Is there any other method by which you  
17 decide on or get input in selecting polling place  
18 locations?

19          A.    Well, it's kind of the same -- the same  
20 method, but we have to take -- we have to get what we  
21 can get sometimes, because sometimes facilities will not  
22 allow us to use the location maybe they have before. So  
23 availability is key, yeah.

24          Q.    Got it.

25                   Do you know who approves the final list of

1 polling place locations?

2 A. The County Commissioners Court does.

3 Q. Are you aware of any specifically designed  
4 meetings held for minority community members to weigh in  
5 on polling place locations?

6 A. I don't recall any, but I don't believe that's  
7 required by law either.

8 Q. Okay.

9 A. But, again -- Molly?

10 Q. Yeah.

11 A. Molly, those -- the meetings, those are all  
12 in public forum. So if anyone has suggestions,  
13 including -- including anybody from the public, they're  
14 always welcome.

15 Q. That's right.

16 Since your tenure as County Clerk, have there  
17 been elections in which members of the public have  
18 complained about the location or closure of specific  
19 polling places?

20 A. Yes.

21 Q. Can you talk a little bit about those specific  
22 complaints --

23 A. Sure.

24 Q. -- and their prospective locations?

25 A. Absolutely.

1           What comes to mind is Friendswood City Hall.  
2           The City Hall I believe was not available for us to use.  
3           I believe it was a call that the governing body made  
4           because of whatever reason.

5           Another one would be a nursing home, fire  
6           station, school. Depending on, you know, what's going  
7           on in the news, that impacts a lot of who lets us have  
8           voting locations inside of their building.

9           The Dickinson City Hall is another one.

10          That's it, I think, that comes to mind.

11          Q.    So you listed some locations that had to be  
12          closed that people had complained about. Do you -- do  
13          you remember specifically why those locations had to be  
14          closed?

15          A.    Yes, I do.

16          Q.    So, I guess, starting with Friendswood City  
17          Hall, what was the reason for that closure?

18          A.    They said that the lines were too long in the  
19          building and they didn't have the parking. It also  
20          disrupted city business.

21          Q.    And what about the reason for closing the  
22          nursing home location?

23          A.    It was a business decision by the nursing  
24          homes, more than one, because of the COVID exposure to  
25          their residents.



1 Q. And what about the fire station closure?

2 A. Fire station closures, it's a public risk that  
3 lines are long, voters are standing in line in front of  
4 maybe a fire truck when an emergency call comes in. So  
5 some facilities will not let us use those.

6 Same thing with churches, COVID risk  
7 primarily. It was a decision made by either the local  
8 church or the dioceses or the governing body of the  
9 church.

10 Schools, similar thing, a risk to their  
11 students with recent things in the news like shootings  
12 and COVID, as well as safety issues like voters walking  
13 in front of buss, et cetera.

14 Q. And what about for the Dickinson City Hall  
15 closure?

16 A. Dickinson City Hall, I believe they had a  
17 scheduling conflict. They had City Hall and either -- I  
18 don't know if it was budget hearings, but they had city  
19 business to conduct, and they couldn't make the building  
20 available the entirety of the election or on the dates  
21 requested.

22 Q. Do you recall who or like which groups of  
23 community members had complained about each of these  
24 closures?

25 A. Well, yeah, sort of. In most of them, yeah.

1 Q. Can you talk a little bit about it?

2 A. Sure. Yeah, I can.

3 So it was a city decision on some of the fire  
4 stations. The city marshal, the fire chief does not  
5 want us to use fire stations anymore. I believe in the  
6 instance of Friendswood, it was the city manager  
7 communicated that to the City Council, and that was  
8 shared with us through the city secretary.

9 Now the Dickinson City Hall, it was  
10 communicated through the city secretary, I believe, that  
11 they had meetings going on, and they couldn't make that  
12 available.

13 Nursing home, it would be the director of the  
14 nursing home.

15 Q. So those are the -- those are the entities  
16 that told your office that we need to shut down these  
17 voting locations. Is that right?

18 A. That's a few of them, yes. Uh-huh, yeah.

19 Q. And then when you did shut those voting  
20 locations down, did you get any complaints from members  
21 of the public about the closures?

22 A. In particular, there was one in Friendswood,  
23 yes.

24 Q. Can you talk about who brought this complaint  
25 to you and the specifics of it?

1           A.    Yes.   Republican Party members complained  
2    about the -- well, I think she was like -- she's not the  
3    chairman, but she works with the chairman of the  
4    Republican Party.  She complained about Friendswood City  
5    Hall.

6                    Let me think who else?  A retired teacher  
7    complained about Friendswood City Hall.  I talked to him  
8    extensively, and he called me.

9                    I did get a call from a lady.  I can't  
10   remember who it was, her name anyway, about Dickinson  
11   Senior Center, Dickinson Community Center, same thing,  
12   because we were not allowed to use the restroom inside  
13   and there was a porta potty and she claimed she had an  
14   issue using that.

15           Q.    When you were discussing the retired teacher  
16   about closing the Friendswood polling location, do you  
17   remember why he was complaining?  Why did he want the  
18   Friendswood voting location to be kept open?

19           A.    Well, he felt that a city should offer their  
20   facility for voting, as well as a school district; and  
21   he was a retired teacher, so he didn't like that  
22   decision.

23           Q.    How extensively did you discuss with this  
24   teacher or how much time did you spend discussing this  
25   issue with the teacher?

1 A. 10 or 20 minutes.

2 Q. Do you typically take about 20 minutes talking  
3 to individual voters about polling place locations --  
4 changes? Sorry.

5 A. I will stay on the phone as long as people  
6 want to talk, yeah.

7 Q. Do you know how many polling places were  
8 required to be open in Galveston County during the  
9 November 2022 election?

10 A. Well, approximately 50 percent of the  
11 precincts. I believe there is 98 precincts. There are  
12 a number of precincts, I think three or four, with no  
13 voters in them. So unless you consolidate those, which  
14 we did.

15 Q. And as a follow-up to that, how do you know  
16 how many polling places are required to be open for  
17 voting?

18 A. Well, there's a formula that the State uses or  
19 the State suggests. So you could consolidate certain  
20 precincts. And in 50 percent of the precincts would be,  
21 I guess, half of 98, so 48, 49. And then if you  
22 consolidate some, that's the number we use.

23 Q. Okay. And lastly, did you ever contemplate  
24 shutting down the Carver Community Center polling  
25 location?

1           A.    I don't recall.  Well, it depends on the  
2           election.  If there's an election in that area, we've  
3           always used Carver Park.  So we traditionally open that  
4           up.

5                        MS. ZHU:  I think I'm going to call for a  
6           quick five-minute break, and then we can resume after  
7           that with some exhibits.

8                        MR. RUSSO:  Okay.

9                        THE VIDEOGRAPHER:  Going off the record  
10          at 2:33.

11                       (Break from 2:33 p.m. to 2:40 p.m.)

12                       THE VIDEOGRAPHER:  We are back on the  
13          record at 2:40.

14          Q.    (BY MS. ZHU)  So, Mr. Sullivan, did you talk  
15          to anyone just now during the break that we took?

16          A.    No.

17          Q.    Okay.  So let's continue then.

18                       MS. ZHU:  I am going to ask, George, if  
19          you can bring up tab 12, please.

20                       (Exhibit 9 marked.)

21          Q.    (BY MS. ZHU)  And, Mr. Sullivan, let me know  
22          when you have a chance to take a look at this document.

23          A.    Okay.  I'm here.

24          Q.    Okay.  Great.

25                       So this is an article in the Galveston Daily

1 News published on March 30, 2016, and the title of the  
2 article is "Commissioners Court removes Galveston  
3 polling location, adds League City for runoff early  
4 voting."

5 Do you see that?

6 A. I do, yes.

7 Q. Okay. Great.

8 And does that refresh your recollection of  
9 this decision to remove Galveston -- to remove the  
10 Galveston polling location and to add League City?

11 A. I vaguely remember this, but I do remember  
12 this, yes.

13 Q. Okay. Are you aware of the rationale behind  
14 this polling place location change?

15 A. I don't remember that, no.

16 Q. Do you remember discussing this change with  
17 anyone -- yeah, do you remember discussing the move to  
18 make this change at all?

19 A. I don't remember. No, I don't.

20 Q. Were you aware at the time that Commissioners  
21 Giusti and Holmes opposed this change?

22 A. No, I'm not. I know it happened, but I don't  
23 remember the particulars of it.

24 Q. Okay. Do you recall receiving any sort of  
25 complaints or feedback as a result of this decision?

1 A. No, I don't.

2 Q. Okay. And let's move on to the next exhibit.

3 MS. ZHU: George, that should be tab 13.

4 (Exhibit 10 marked.)

5 Q. (BY MS. ZHU) And you can just let me know  
6 when you have that pulled up.

7 A. I'm sorry. I see it.

8 Q. Okay. Great.

9 So this is an article, again, in the Galveston  
10 Daily News published November 20, 2020, and the title of  
11 the article is "Safety, not shenanigans, left church off  
12 island polling site list, officials say." And if you  
13 scroll down, the article begins by discussing how Moody  
14 Methodist Church, which is one of Galveston's most  
15 popular voting locations, was left off of the City's  
16 list for potential runoff voting sites.

17 Do you see that?

18 A. Yes, I do.

19 Q. Does that refresh your recollection at all of  
20 this incident?

21 A. Yes, it does, uh-huh.

22 Q. Do you recall the rationale for leaving Moody  
23 Methodist Church off the list of potential runoff sites?

24 A. I do remember that, yes.

25 Q. Can you speak a little bit about that

1 rationale?

2 A. Yes. This one was basically because of the  
3 COVID issues we faced. Moody Methodist had a policy of  
4 requiring voters based upon their -- I don't know what  
5 you would call it -- their governing body in Houston. I  
6 guess the Methodist Church in Houston required all  
7 people entering the voting location to wear a mask.

8 Q. Okay. Can you -- have there been other  
9 private -- have there been other potential voting  
10 locations that were taken off the list of election sites  
11 due to facemask requirements?

12 A. Yes.

13 Q. What other locations was that an issue for?

14 A. A couple of the nursing homes come to mind.

15 Q. Okay.

16 A. I can't remember any others, but I do know  
17 nursing homes were one of them.

18 Q. Okay. Can you recall any complaints or  
19 feedback that your office received about the decision to  
20 leave Moody Methodist Church off the election list?

21 A. I remember a call or two, but I don't remember  
22 specifically from who or --

23 Q. I --

24 A. Go ahead.

25 Q. Oh, no, you go ahead. Sorry.



1 A. No, I think that's it. I do remember  
2 receiving a call or two about it.

3 Q. But you don't recall who the call was from?

4 A. Yes, I do recall one of them actually. It was  
5 Mr. Quiroga. I can't think of his first name. It  
6 wasn't the gentleman that's mentioned here in the  
7 article. It's another one. I think it's his brother  
8 maybe.

9 Q. And do you remember what he was discussing  
10 with you?

11 A. Yes. He wanted that as a location and asked  
12 why it was not.

13 Q. Was there -- did he discuss why it was  
14 important to keep that location?

15 A. He said his brother was on the ballot and he  
16 thought it was a good location.

17 Q. Okay. Let's move on to the next exhibit.

18 MS. ZHU: And, George, if I could get  
19 your help. This should be tab 14.

20 (Exhibit 11 marked.)

21 Q. (BY MS. ZHU) And just let me know,  
22 Mr. Sullivan, when you can see this on your screen.

23 A. Okay.

24 Q. So can you see this right now?

25 A. Yes. It just came up.

1 Q. Okay. So this is a joint letter from the  
2 NAACP, from the TCRP, LULAC and SCSJ, amongst other  
3 signatories. This letter was sent to you, and it is  
4 dated November 1, 2022. Are you familiar with this  
5 letter?

6 A. No.

7 Q. Do you remember -- sorry. Do you remember  
8 ever reading this letter before just now?

9 A. I don't recall reading this letter, no.

10 Q. So is it correct to say that this email was  
11 sent to you but you never opened it, or did you maybe  
12 open it but forget the contents?

13 A. Was this an email?

14 Q. At the top it says via electronic mail.

15 A. You know, I don't recall this. I may have  
16 received it, but I don't recall this email.

17 Q. Okay.

18 A. I don't even know the date on it, I'm sorry.  
19 Do you see a date?

20 Q. No, that's fine. The date on it is -- should  
21 be November 1, 2022, and I think it says -- I think it  
22 says that. I am trying to find --

23 A. Oh, is this the one that I just received  
24 recently?

25 Q. It --

1 A. I'm sorry, I'm not done reading.

2 Q. Go ahead.

3 A. If you give me a second to familiarize myself  
4 with the letter.

5 Q. Yeah, please. Take your time.

6 A. Maybe I spoke too soon, I'm sorry.

7 Q. That's okay.

8 A. Okay. Yes, I did receive this one. I'm  
9 sorry.

10 Q. Okay. I can't find it now, but this letter  
11 was sent on November 1 of 2022, if that helps you  
12 recall.

13 A. Yes, I do remember it.

14 MR. RUSSO: Undated.

15 Q. (BY MS. ZHU) Okay. Great.

16 So can you describe what the letter is about  
17 and what it discusses?

18 A. Yes. So this letter is basically saying  
19 that we are required to have more voting locations,  
20 essentially.

21 Q. Right.

22 And when you received this letter, how did  
23 your office respond?

24 A. So I called my county attorney, the  
25 representative for the County, legal counsel, and spoke

1 to him about it. We also looked at the possibility of  
2 trying to increase locations.

3 Q. After looking into the possibility of trying  
4 to increase locations, were you able to increase any  
5 voting locations?

6 A. No, we did not, huh-uh.

7 Q. What was the reason why it was ultimately --  
8 why your office was ultimately unable to add voting  
9 locations?

10 A. Well, primarily it was the timing of this  
11 letter. It was less than a week away from Election Day.  
12 Even if I could find the locations necessary to comply  
13 with this letter, it would be very challenging to make  
14 it happen that quick without risking a lot of things,  
15 including voter confusion, delays in returns,  
16 programming errors, et cetera.

17 Q. Were you aware that the County -- so the  
18 letter says, you know, the County plans to dramatically  
19 reduce the amount of Election Day polling locations from  
20 previous years because it was only operating 28  
21 locations instead of the minimum of 41 required by law.

22 Were you aware of this minimum 41 voting  
23 location as required by law prior to receiving this  
24 letter?

25 A. Yes, I was; but quite honestly, when I got

1 this letter, I thought we had done our part.

2 Q. I'm sorry. When you got this letter --

3 A. I thought that it was a moot issue because we  
4 had -- we had consolidated precincts the best we could  
5 to accommodate the locations we could find.

6 Q. Okay. After you received this letter on  
7 November 1, did your office discuss planning opening  
8 more polling locations for future elections?

9 A. Yes.

10 Q. And what affirmative plans has your office  
11 made since then to ensure that additional polling  
12 locations will be open?

13 A. We are working with -- it's an ongoing  
14 process, by the way. We have changed our contracts a  
15 little bit. And going forward, we're going to ask the  
16 entities that we conduct our elections, for them to help  
17 us provide voting locations, including cities and  
18 schools. Additionally, my staff is reaching out to see  
19 who else will help us.

20 Q. Who was involved in these discussions? You  
21 said your staff. Are these the deputy staff members or  
22 general staff members?

23 A. Yes, my Chief Deputy Wendi Fragoso.

24 Q. Okay. Give me a quick second.

25 Is there a method by which you are discussing

1 where to open additional polling locations, as in are  
2 you proposing them from your office, or are you fielding  
3 feedback generally to hear where the public wants  
4 additional voting places to be located?

5 A. All of the above. My office is always looking  
6 for locations. We listen to the public, the feedback,  
7 and if the Commissioners Court or anybody has an  
8 opinion, we definitely look into that. We also work  
9 with the cities. We met with the City recently, I guess  
10 a week ago, at a City Council meeting to talk about  
11 voting locations and expanding those.

12 Q. Okay. Let's move on to the next exhibit.

13 MS. ZHU: George, this should be tab 15.

14 (Exhibit 12 marked.)

15 Q. (BY MS. ZHU) And, Mr. Sullivan, when you see  
16 this document, just let me know, but the operative  
17 wording I am looking for is on page 4 out of 9 of the  
18 document.

19 A. Okay. I am at page 4.

20 Q. Okay. Great.

21 So this is just the Texas election code  
22 Title 4, Chapter 43, and the specific section we're  
23 looking at is 43.007(f). And it, you know, generally  
24 reads: In selecting countywide polling places, a county  
25 must adopt methodology for determining where each

1 polling place will be located. The total number of  
2 countywide polling places may not be less than  
3 50 percent of the precinct polling places that would  
4 otherwise be located in the county for that election.

5 Do you see that wording?

6 A. I do, yes.

7 Q. And I think this is what you were referencing  
8 before when you were discussing having at least  
9 50 percent of polling places in each precinct as the  
10 other. Right?

11 A. Yes, that's correct.

12 Q. Okay. Great.

13 Let's move on to the next exhibit, which is  
14 tab 16.

15 (Exhibit 13 marked.)

16 Q. (BY MS. ZHU) Just let me know when you can  
17 see this document.

18 A. Okay. It just came up.

19 Q. Okay. Great.

20 If you could scroll to the bottom two pages.  
21 I think the last two and three, pages 2 and 3. So this  
22 is -- the page 2 is a map of the early voting locations  
23 in Galveston; you can see that it's listed by  
24 commissioner precincts. And the third page is a map of  
25 the Election Day locations in Galveston for polling

1 locations, and you can see the polling locations are in  
2 there as well.

3 Do you see that?

4 MR. RUSSO: In 2019?

5 MS. ZHU: I'm sorry. 2019, you're right.

6 A. Yes.

7 Q. (BY MS. ZHU) Does this map refresh your  
8 recollection as to whether or not the 2019 early voting  
9 locations complied with Section 43.007(f) that we just  
10 reviewed?

11 A. I believe it did. I don't recall it not being  
12 in compliance.

13 Q. Okay. Give me one second.

14 A. Sure.

15 Q. And the second map as well, which is the  
16 Election Day locations in 2019, does that refresh your  
17 recollection as to whether or not the 2019 Election Day  
18 map -- I'm sorry -- election locations complied with the  
19 Section 43.007(f)?

20 A. Yeah, I believe it was in compliance.

21 Q. Okay. Great.

22 Let's move on to the next exhibit, which is  
23 tab 17.

24 (Exhibit 14 marked.)

25 Q. (BY MS. ZHU) And just let me know when you



1 can pull this one up as well.

2 A. Okay. I'm here, but I'm trying to read it,  
3 I'm sorry.

4 Q. Say that again.

5 A. Yes, I am here.

6 Q. Okay. Great.

7 So this document is an email from Nathan  
8 Sigler to you on August 2, 2022. I am just going to ask  
9 that you take a look at the map that's attached on page  
10 3 just to familiarize yourself with it.

11 A. Yeah, I'm looking at it.

12 MS. ZHU: Okay. I'm going to ask that we  
13 take a quick five-minute break, if that's okay, before  
14 we return to this exhibit.

15 MR. RUSSO: Okay.

16 THE VIDEOGRAPHER: Going off the record  
17 at 3:04.

18 (Break from 3:04 p.m. to 3:11 p.m.)

19 THE VIDEOGRAPHER: We are back on the  
20 record at 3:11.

21 Q. (BY MS. ZHU) Mr. Sullivan, did you talk to  
22 anyone just now during the break that we took?

23 A. No.

24 Q. Okay. Great. Let's continue then.

25 I think currently we have Exhibit -- well, we

1 have tab 17 pulled up, and we were looking at page 3,  
2 which shows a map of the Galveston County polling  
3 locations from 2022, and this was sent in an email to  
4 you, Mr. Sullivan, on August 2, 2022.

5 Do you see that?

6 A. Yes.

7 Q. Okay. Excellent.

8 So previously we were discussing Texas  
9 Election Code 43.007(f), and I also just wanted to  
10 represent to you that Section 43.007(m) discusses that  
11 the County must ensure that the total number of polling  
12 places open for voting in a county commissioners  
13 precinct does not exceed more than twice the number of  
14 polling places in another county commissioners  
15 precincts. I think you were referencing this section  
16 before. Is that right?

17 A. Yes, uh-huh.

18 Q. Okay. Great.

19 And that's Section .007(m). So just looking  
20 at map that we have open on this current exhibit,  
21 Exhibit 14, you can see that the polling locations are  
22 shown by this legend at the bottom right-hand corner.  
23 In reviewing that legend, and take as long as you need,  
24 do you believe that this map implies with Section  
25 43.007(m) which I just read?

1 A. Yes.

2 Q. Okay. Were there any voting -- do you recall  
3 any voting place closures or additions that had to be  
4 made in 2022 in order to comply with 43.007(m) as a  
5 result of the 2021 redistricting?

6 A. Not as a result of the districting.

7 Q. What was it -- what was it as a result of?

8 A. So we added two locations to our original  
9 proposal. I believe they're reflected here. I'm sorry,  
10 it's really small. One was Dickinson Community Center.  
11 And the other one was High Island. I think it's like a  
12 basketball gym. I don't know what they call it. We  
13 just call it High Island. It's not on the map. It's on  
14 the far right corner.

15 Q. Okay.

16 A. You can't see it.

17 Q. Whose ultimate decision was it to add those  
18 two locations?

19 A. Commissioners Court.

20 Q. Do you recall who initially proposed those two  
21 locations to be added?

22 A. Commissioner Holmes, I believe, proposed  
23 Dickinson Community Center in Commissioners Court when  
24 we approved the first list.

25 And the second, we went back for a

1 supplemental to add High Island, and that was a  
2 suggestion by my office.

3 Q. How did your office come to make that  
4 suggestion?

5 A. Because there was a local race there, and the  
6 nearest polling place was like 5 or 7 miles away,  
7 something like that.

8 Q. Okay. Were any polling places closed?

9 A. No. Well, prior to this map, yes; but as of  
10 this map forward, no. As of August forward, there was  
11 not.

12 Q. And for the locations that were closed, do you  
13 know where they were -- which locations were closed?

14 A. Well, by you mean closed -- your definition of  
15 closed and mine, I don't know if they're the same thing.  
16 Mine are not available, is what I mean by closed.

17 Q. Sure. Yeah, sure.

18 For the locations that were made unavailable,  
19 where -- where were those locations?

20 A. There was College of the Mainland North.  
21 There was Friendswood City Hall, a library in  
22 Friendswood, a church in Friendswood. Let me think.  
23 What else was there? At least three nursing homes in  
24 League City, Kemah area. Mid County Annex, which is a  
25 County building. We couldn't -- I think that was one of

1 them. The space wasn't available. There was a church.

2 Q. Did --

3 A. Go ahead.

4 Q. No, no. Sorry, I didn't mean to cut you off.

5 A. You're depending on my memory here, and I  
6 apologize it's taking me a little bit to go through them  
7 all in my head.

8 Q. No, take your time.

9 A. Clear Lake Shores, I believe, was not  
10 available as a location we've used in the past.  
11 Creekside Intermediate School. Clear Creek ISD  
12 Administration Building was not available. Use of  
13 location in Dickinson on the west side of 517.  
14 Actually, I take that back. Yeah. Yeah, we used that  
15 before. I'm sorry, that was not available. It was  
16 actually private space. The gentleman let us use it,  
17 but he said no more.

18 That's all that comes to mind. I'm sure  
19 there's more.

20 Q. Of those locations that you just mentioned,  
21 were any polling places closed or remaining unavailable  
22 that were located on Bolivar Peninsula?

23 A. No.

24 Q. Were there any polling places closed or  
25 remaining unavailable on Galveston Island?

1 A. No.

2 Q. Okay.

3 A. We were able to reopen Moody and work with  
4 them on that.

5 Q. You mentioned that a High Island location was  
6 added as a polling place due to a local race. What race  
7 was that?

8 A. I don't recall. I believe it was a school  
9 board. I think it was a school bond or something like  
10 that.

11 Q. Okay.

12 A. Yeah, I think it was a school bond.

13 Q. Were there any plans to reduce polling places  
14 in Precinct 2 in order to comply with 43.007(m) as a  
15 result of the new 2021 redistricting?

16 A. No.

17 (Reporter clarification.)

18 A. I said no. I'm sorry.

19 Q. (BY MS. ZHU) Oh, I think you might have cut  
20 out. Thank you.

21 Did the changes in the commissioner precinct  
22 boundaries affect the ratios of election locations in  
23 each commissioner's precinct?

24 A. I would really have to look at past elections,  
25 but I'm having trouble finding locations in all -- all

1 areas, so I would say no.

2 Q. Okay. And how about for the March primary?

3 A. You know, I don't recall. I'd have to review  
4 the locations. I'm sorry, I don't mean to sound like  
5 I'm forgetful, but we do elections for 30 plus entities  
6 and they change. We do two to three a year, so I don't  
7 recall which ones we used for the primary specifically.

8 Q. That's okay.

9 Going back to the closures we discussed, the  
10 polling place closures we discussed, were any of those  
11 closed in the sense in order to comply with the ratio  
12 rule?

13 A. No.

14 Q. Okay. And does that also apply for the March  
15 primary?

16 A. Yes. I think that's true, uh-huh. None of  
17 those were closed because of that reason.

18 Q. Okay. Do you know if there was a formal  
19 opportunity for comment from the public regarding  
20 polling place closures or inaccessibility to polling  
21 places?

22 A. Well, I would say yes. We held an election  
23 board meeting that was open for the public to attend.  
24 We've had two Commissioners Court meetings where polling  
25 places were chosen. So I would say yes, there was an

1 opportunity, and the public did show up.

2 Q. Can you characterize some of the public  
3 comments that you received?

4 A. At the meetings, you mean?

5 Q. Yeah. Were they generally -- do you remember  
6 getting any complaints? Do you remember getting any  
7 support?

8 A. The only one that comes to mind is when we  
9 took the proposed list to Commissioners Court in I  
10 believe it was early September, the Democrat Party chair  
11 was there in support of Dickinson Community Center. I  
12 don't believe she spoke, though. I speak to her quite  
13 frequently, and so we knew that that was something she  
14 wanted. But Commissioner Holmes on the floor proposed  
15 we add that, and it passed unanimously.

16 Q. And you said that these meetings occurred in  
17 early September of this year. Is that right?

18 A. Yes, uh-huh.

19 Q. At these meetings discussing the polling  
20 places, did redistricting come up at all?

21 A. No. I mean I don't recall, I'm sorry. My  
22 memory says no, but I don't recall if there was someone  
23 that said something, but not to me, no.

24 Q. Okay. I think we can move on to the next  
25 section, which is discussions about accessibility in



1 elections. So, how would you describe your role with  
2 respect to promotion of voting or making voting  
3 accessible to the public in Galveston?

4 A. Well, we're constantly looking for the best  
5 locations that serve voters of Galveston County. As far  
6 as promotion of that, we -- a list is published in the  
7 newspaper. We have our election board meeting. We've  
8 got staff at the office every day that the County is  
9 open. And we talk to the public. We know the  
10 Republican and Democrat parties very well and work with  
11 them on a daily basis. Commissioners Court, if they  
12 have suggestions, we take their calls and comments. So  
13 I think we do a pretty good job of that. We also  
14 advertise locations using our website, and we have a  
15 mobile app that people can look at voting locations, and  
16 it gives them directions to, gives them a sample ballot,  
17 et cetera.

18 Q. Does your office take into account  
19 accessibility in voting for lower income folks?

20 A. Yes.

21 Q. In what ways does your office try to consider  
22 these -- consider lower income folks in elections  
23 accessibility?

24 MR. RUSSO: Sorry, consider what kind of  
25 votes?

1 MS. ZHU: So, I asked Mr. Sullivan if his  
2 office takes into account accessibility for voting for  
3 lower income folks and he said yes, and my follow-up was  
4 how?

5 A. Well, we take into consideration accessibility  
6 for everybody, not just low income folks. We generally  
7 have locations spread throughout the county with plenty  
8 of equipment, the most we can fit in any location. We  
9 listen to the public, if there's any concerns as to  
10 adding locations, and we have the ability to add those  
11 locations. So I think, yes, we do a good job of that.

12 Q. (BY MS. ZHU) Does your office look at access  
13 to transportation data in choosing polling locations at  
14 all?

15 A. No. No, we don't. We look at highways and  
16 thoroughfares and neighborhoods, but I don't have any  
17 data on transportation or public transportation.

18 Q. Okay. Does your office take into account  
19 accessibility for voting for elderly folks?

20 A. Yes.

21 Q. In what ways?

22 A. Over the years we've increased our voting  
23 locations to accommodate more seniors. We talk about  
24 mail ballot voting as well as in-person voting. We've  
25 added over the years numerous nursing homes and senior

1 living facilities. Of course, you heard me earlier.  
2 Some of them, they wanted us to vote there, but their  
3 corporate offices wouldn't allow it this cycle, but they  
4 plan on opening the doors again to us when things  
5 change. So we've done a very good job with the seniors.

6 Q. Does your office take into account voting  
7 accessibility for folks with disabilities?

8 A. Yes.

9 Q. And in what ways?

10 A. So our equipment is programmed so that we have  
11 voting for hearing impaired and sight impaired voters,  
12 not only in English, but in Spanish. Additionally, we  
13 have the ability to accommodate voters via curbside  
14 voting. So if someone is stuck in a car -- not stuck,  
15 but cannot enter the polling place, we bring the voting  
16 system out to them and they can vote from their vehicle,  
17 either as a driver or a passenger, with or without  
18 COVID.

19 Q. And what about does your office take into  
20 account accessibility for those voters without cars?

21 A. I don't know how to answer that question. We  
22 have -- we follow the law, and the law requires that we  
23 make available in-person voting, mail voting, disabled  
24 voting; and so I think we do in that respect, yes.

25 Q. Previously, you mentioned that your office had

1 created a phone app to help with the accessibility of  
2 voting, and my only follow-up to that is to ask if the  
3 app is available in Spanish as well?

4 Bless you.

5 A. Thank you.

6 I don't know the answer to that. I don't  
7 believe it is, but I'm not for certain if there's a  
8 translation button on there.

9 Q. Okay. And you mentioned the voting website as  
10 well. Is that website available in Spanish?

11 A. Yes.

12 Q. Have any of the commissioners or the County  
13 Judge ever requested that your office make changes to  
14 the way you administer elections?

15 A. No.

16 Q. Did you say no?

17 A. "No," yeah.

18 Q. Okay. Let's move on to the next exhibit,  
19 which is tab 18.

20 (Exhibit 15 marked.)

21 Q. (BY MS. ZHU) And, Mr. Sullivan, when you have  
22 it pulled up, just let me know and we can walk through  
23 it.

24 A. Tab 18, okay.

25 Q. Yes, it should be tab 18.

1 A. Okay. I see it.

2 Q. Okay. So this is an article from the  
3 Galveston Daily News again, and it was published on  
4 August 8, 2016. The title is "County officials approve  
5 part of a plan to advertise election information." And  
6 if you scroll down, they discuss that a billboard space  
7 was paid to advertise elections -- the election app in  
8 advance of the November 8th election of that year.

9 Do you see that information?

10 A. I do, yes.

11 Q. And does this refresh your recollection about  
12 the billboard and the app and the promotion of the app?

13 A. Yes.

14 Q. And do you recall that about 1,100 people had  
15 downloaded the app compared to about 190,000 voters in  
16 the county?

17 A. Yes, uh-huh.

18 Q. Do you have any recollection of the  
19 demographics of the 1,100 people who had downloaded the  
20 app?

21 A. You know, I have no idea. We don't collect  
22 that data.

23 Q. Okay. And can you explain -- can you explain  
24 how it was decided to have a billboard be placed in  
25 League City?

1           A.    I believe we had two of them, if I'm not  
2 mistaken.  I'm sure -- no, I don't recall that.  I  
3 believe it was catching voters who worked in Houston and  
4 catching voters heading southbound, was our original  
5 plan.

6           Q.    I see.

7                    And were you aware at the time that  
8 Commissioner Holmes had pushback to the billboard  
9 location, namely that it might not have been placed in  
10 the most diverse location in the county?

11           A.    I don't recall that, no.

12           Q.    Can you explain the County's responsibility to  
13 provide language access at the polls to people who are  
14 limited English proficiency?

15           A.    Yes.  So -- so at the polling locations, we  
16 are required to have voting materials in English and in  
17 Spanish.  That includes the equipment be programmed in  
18 English and in Spanish, as well as the materials in  
19 print, and we also have bilingual judges and clerks  
20 there.

21           Q.    Are you aware of any complaints as to the  
22 issue of election inaccessibility due to limited English  
23 proficiency in Galveston?

24           A.    No.

25           Q.    Are you taking any steps -- or is your office

1 taking any steps to ensure more access to polling places  
2 in elections for Spanish language speakers?

3 A. Currently, we are just following the law, in  
4 that we provide all of our materials in English and  
5 Spanish.

6 Q. How successful do you think your efforts have  
7 been to make elections more accessible to Spanish  
8 speakers?

9 A. You know, I really have no way to gauge that.  
10 I do know that we try to always improve that. I've got  
11 numerous staff members that are bilingual, and we also  
12 have bilinguals at every polling location.

13 MS. ZHU: Okay. I am going to ask,  
14 George, if you can pull up tab 19, and we'll move to the  
15 next exhibit.

16 (Exhibit 16 marked.)

17 Q. (BY MS. ZHU) And again, Mr. Sullivan, just  
18 let me know when you are able to pull this exhibit up.

19 A. I can see it now.

20 Q. Okay. Great.

21 So this is a consent decree on Spanish  
22 language. It was issued in 2007 and issued to Galveston  
23 County in 2007.

24 Do you see that in the title and the caption?

25 A. Yes.

1 Q. So generally this document notes that the  
2 defendants, which is Galveston County here, are  
3 permanently enjoined from failing to provide Spanish  
4 instruction and assistance and enjoined from failing to  
5 ensure that poll workers provide adequate training.

6 This is on page 3. Let me know if you see  
7 that. It reads Defendants are permanently enjoined from  
8 and then A and then B.

9 A. Okay.

10 Q. Do you recognize this document at all?

11 A. No. I'm aware of it, but I don't know that  
12 I've ever seen it.

13 Q. How have you become aware of this document  
14 previously?

15 A. So when I -- when I took office, this decree  
16 was in place --

17 Q. Have you ever -- have you ever referenced this  
18 decree in making changes to voting accessibility due to  
19 Spanish language?

20 A. Early on I believe we did, when I first --  
21 when it was in place, yes, and we've abided by that  
22 thereon forward.

23 Q. In what ways did you rely on this consent  
24 decree in making changes to voting accessibility due to  
25 Spanish language?



1           A.    Well, so all of our materials were -- at the  
2   polling location and regarding elections are in English  
3   and Spanish.  I've got numerous bilinguals on my  
4   election staff, including temporaries, to make sure that  
5   every location has bilinguals, at least one at every  
6   location.  Like I said, we program the ballot and record  
7   it for also the hearing impaired and sight impaired, so.

8           Q.    Okay.  What kinds of outreach does your office  
9   do to conduct -- what kinds of outreach does your office  
10  conduct to recruit poll workers?

11          A.    We basically work with the parties, and when  
12  we receive phone calls of people that are interested,  
13  we -- we work with the parties to put them on the party  
14  list, and then they filter through the parties to us.

15          Q.    Does your office receive requests for voter  
16  data at Galveston?

17          A.    Yes.

18          Q.    Are you aware of the website  
19  GalvestonVotes.org?

20          A.    Yes.

21          Q.    Is that the main website for elections  
22  information?

23          A.    Yes.

24          Q.    And is that website available in Spanish?

25          A.    Yes.

1 Q. As to my question about voter data, what sort  
2 of voter data information have you given in the past?

3 A. Typical requests would be voters who have  
4 voted, either in an election or on a daily basis during  
5 an election. That's traditionally what we receive  
6 requests on.

7 Q. Are you familiar with the legislation passed  
8 as SB 1 in special legislative session in September of  
9 2021 relating to election integrity and security?

10 A. Yes.

11 Q. Are you familiar with the provisions relating  
12 to mail-in ballots?

13 A. Mostly, yes, uh-huh.

14 Q. Do you know if Galveston County experienced  
15 higher rates of rejections of voter applications for  
16 ballot by mail during the 2022 primary election?

17 A. Yes, we did.

18 Q. Do you know why voters' applications were  
19 rejected at a higher rate?

20 A. I can attribute -- I have an idea of why, yes.

21 Q. What's your understanding?

22 A. So with the new law in place, a lot of voters  
23 were hesitant to put their personal information on the  
24 application. Or on -- I'm sorry, on the mail-in ballot  
25 that came back to us.

1 Q. Do you know if Galveston County experienced  
2 higher rates of rejection for voters mail ballot  
3 applications than -- than prior to when SB 1 was  
4 adopted?

5 A. For that election, I believe it was slightly  
6 higher.

7 Q. And did your office take any steps to try and  
8 reduce the number of rejections of application ballot by  
9 mail for future elections, including the 2022 general  
10 election?

11 A. Yes, we did.

12 Q. What kind of steps did your office take to  
13 help reduce the number of rejections?

14 A. So we included a -- we call it a "Dear Voter"  
15 letter. And this letter basically -- I think it was  
16 prescribed by the Secretary of State -- explained and  
17 reminded voters that they are required now to put their  
18 identifying information, either last four of the Social  
19 or driver's license number, on the ballot.

20 Initially, we did not have a signature  
21 verification committee. We had early voting ballot  
22 board to do both jobs, which is allowable under Texas  
23 law, simply because we could -- if someone did not have  
24 that information, we could turn it around faster because  
25 the early voting ballot board can meet sooner.

1 Additionally, my staff called voters, where possible, to  
2 remind them to fill out their information.

3 Q. You mentioned letters that you had sent out  
4 to -- to voters. Was that letter sent out in the  
5 Spanish language in any iteration?

6 A. Yes, I believe it was, uh-huh.

7 Q. Do you know if the rejection rates for the  
8 application ballot by mail in the 2022 general election  
9 was higher than the rejection rates prior to SB 1 being  
10 adopted?

11 A. I don't have those numbers -- those figures in  
12 front of me.

13 Q. How did you notify voters that their  
14 applications were rejected?

15 A. The ballot board sends out letters. The  
16 ballot board is compiled of Republicans and Democrats  
17 both.

18 Q. Do you know if there was a cure process for  
19 the missing ID issue or the missing ID number issue?

20 A. Yes, there was, uh-huh.

21 Q. And did your office work to make folks aware  
22 of the online -- of the cure process?

23 A. Yes.

24 Q. And in what manner was this carried out?

25 A. Well, like I said, we called voters where

1 possible when there was a telephone number listed. We  
2 also reminded them when they were sent back to voters to  
3 put that information on there, either with a letter or  
4 telephone call.

5 Q. Did you have Spanish -- did you have Spanish  
6 speakers who were able to field phone calls as well?

7 A. Yes, both permanent employees as well as  
8 temporary employees.

9 Q. Okay. Do you know what proportion of voters  
10 then went on to carry out the online cure process which  
11 resulted in their ballots being ultimately sent off?

12 A. I don't know that.

13 Q. Okay. Turning to the ballots themselves, did  
14 you experience higher rates of rejection for mail  
15 ballots in the 2022 primary election?

16 A. Haven't you already asked me that question?  
17 I'm trying to differentiate it from the first question.  
18 What's the difference in the question? I'm sorry.

19 Q. That's fine.

20 So the first question is about the application  
21 for ballot by mail, and now I'm asking about the  
22 rejection for mail ballots.

23 A. Oh, okay. Maybe I misunderstood the first  
24 question.

25 I don't have those statistics in front of me,

1 but I do know the rates for ballot by mail. Rejection  
2 was slightly higher because of the new law. That's what  
3 I attribute it to.

4 Q. Okay. So you noted prior in the deposition  
5 that you are a current active member of the Republican  
6 Party. Is that right?

7 A. Yes.

8 Q. And you said you had been a member since maybe  
9 about 2001, 2002. Is that right?

10 A. Well, I don't want to get too technical, but  
11 in Texas you don't have to be -- it's an open primary  
12 state, where there's not really a -- you can vote either  
13 way at any election.

14 Q. I see.

15 A. Yeah.

16 Q. Do you hold any titles or positions within the  
17 Republican Party?

18 A. No.

19 Q. Can you identify any successful black or  
20 Latino candidates who have won Republican primaries for  
21 a county level office within Galveston?

22 A. Yes.

23 Q. Can you list their names, if you recall?

24 A. Myself would be number one. Robin Armstrong,  
25 Dr. Robin Armstrong. Judge Michelle Slaughter.

1 Q. Can you name any other county level minority  
2 candidates who have run campaigns?

3 A. Republican or Democrat or does it matter?

4 Q. Doesn't matter. Racial minority candidates.

5 A. DJ Alvarez, he ran for Constable.

6 You know, I would have to sit down and think  
7 about that for a while. There's been a lot of  
8 candidates over the years.

9 Q. Okay. That's fine.

10 Are you familiar with Robin Armstrong?

11 A. Yes.

12 Q. How did you first become familiar or meet  
13 Mr. Armstrong?

14 A. I know he's been active in Republican politics  
15 for a while, so I don't know how to answer that  
16 question.

17 Q. Around what year did you first meet  
18 Mr. Armstrong?

19 A. You know, I don't know that I've technically  
20 ever met him.

21 Q. Okay.

22 A. I've said "hello" because we both know who  
23 each other are.

24 Q. Okay.

25 A. Probably 2005 or '07, something like that.

1 Q. Okay. Do you have a working relationship with  
2 Mr. Armstrong?

3 A. I haven't done much work with him, but yes, I  
4 guess I do.

5 Q. What kind of work have you -- what kind of  
6 work do you do with Mr. Armstrong?

7 A. Well, I don't know him that well so I haven't  
8 sat down and tackled any projects with him, but the  
9 Commissioners Court sets my budget, and I record the  
10 minutes of the Commissioners Court, my staff does. So  
11 that's how I would say that.

12 Q. Okay. And how have you been involved in the  
13 Republican Party in the last few years?

14 A. I haven't.

15 Q. Okay. So, I think we are -- I think we will  
16 conclude by introducing the last three exhibits, and I  
17 will just ask you a few questions about them before I  
18 turn it over to Petteway counsel and then DOJ counsel.

19 MS. ZHU: So, George, if I could get your  
20 help in pulling up tab 20.

21 (Exhibit 17 marked.)

22 Q. (BY MS. ZHU) Let me know when you can see  
23 this exhibit.

24 A. It just popped up.

25 Q. Okay. Great.



1           So before I start asking you about this  
2 exhibit, I know that I previously asked you if you could  
3 identify any successful black or Latino candidates  
4 running for county local office, and you said yourself.  
5 And so I just wanted to clarify. Can you -- how do you  
6 self-identify in that respect?

7           A. Well, my DNA. My parents grew up speaking  
8 Spanish. That was their first language. That's my  
9 heritage, I guess.

10          Q. I see. Okay. Thank you for confirming that.

11          A. Yeah.

12          Q. So this exhibit that we have just pulled up is  
13 another article from, I guess, the Houston Public Media,  
14 and it was -- it's discussing the 2019 voter purge of  
15 naturalized citizens in Galveston County that -- it  
16 notes that a Galveston County top election official is  
17 targeted in multiple new lawsuits.

18                 Do you see that?

19          A. I do, yes.

20          Q. And are you familiar with this voter purge  
21 incident in 2019?

22          A. I saw it on the news, yes.

23          Q. Say that again, I'm sorry.

24          A. I saw it in the media, yes.

25          Q. Can you describe what happened, to your

1 knowledge?

2 A. I believe the Voter Registrar sent out letters  
3 asking voters to prove their citizenship, from what I  
4 remember.

5 Q. And are you aware that the lawsuit targeted  
6 election officials from Galveston?

7 A. Yes, uh-huh.

8 Q. Did you ever have discussions with Cheryl  
9 Johnson's office about this issue?

10 A. I don't recall having any discussion with her  
11 about it.

12 Q. Do you recall your office responding to this  
13 lawsuit or doing anything to ameliorate this issue?

14 A. No, huh-uh.

15 Q. Did you say no?

16 A. No.

17 Q. Okay.

18 MS. ZHU: George, if you could please  
19 load the next exhibit, which should be tab 21.

20 Q. (BY MS. ZHU) And again, Mr. Sullivan, just  
21 let me know when you can see this article.

22 (Exhibit 18 marked.)

23 A. Okay. I see it.

24 Q. (BY MS. ZHU) Okay. Great.

25 So this is an article from The Daily News

1 again. It is titled "2 years after lawsuit, Galveston  
2 County again trying to purge voter rolls." And this  
3 article came out in 2021, and it's discussing basically  
4 the voter purge in 2019, the incident from the exhibit  
5 we just reviewed but noted that it's happened again two  
6 years later. Is that what you're seeing as well?

7 A. Yes.

8 Q. And are you familiar with this voter purge  
9 incident in 2021?

10 A. No, I'm not.

11 Q. Do you remember having any discussions with  
12 Cheryl Johnson's office about this issue in 2021?

13 A. No.

14 Q. And did your office do anything to combat or  
15 ameliorate this issue in 2021?

16 A. No.

17 Q. Okay.

18 MS. ZHU: And let's load the last exhibit  
19 now.

20 Or, I'm sorry, let's give a quick pause just  
21 so I can regroup.

22 Okay. Thank you so much, Mr. Sullivan,  
23 for your time today. I'm actually going to pass my time  
24 on to Petteway counsel now.

25 MS. RICHARDSON: Thank you. Valencia

1 Richardson for Petteway counsel. I actually think this  
2 might be a good time for a break, if you want to take  
3 one. We can take a short, five-minute break.

4 THE WITNESS: Okay.

5 THE VIDEOGRAPHER: Okay.

6 MS. RICHARDSON: Go off the record.

7 THE VIDEOGRAPHER: Yeah. Going off the  
8 record at 3:57.

9 (Break from 3:57 p.m. to 4:05 p.m.)

10 THE VIDEOGRAPHER: We are back on the  
11 record at 4:05.

12 EXAMINATION

13 BY MS. RICHARDSON:

14 Q. Okay. Mr. Sullivan, my name is Valencia  
15 Richardson. I am counsel for the Petteway Plaintiffs,  
16 the second group of plaintiffs in this case. Thank you  
17 for sitting with us and bearing with us for so long, but  
18 I only have a few questions. My line of questioning is  
19 not going to take that long.

20 A. Okay.

21 Q. All right?

22 MR. RUSSO: Hey, Valencia?

23 MS. RICHARDSON: Yes.

24 MR. RUSSO: If you could pause for one  
25 second. The video just went off on the TV. We can hear

1 you, but let me just see if I can get it back up.

2 MS. RICHARDSON: Okay. Just let me know  
3 when you're ready.

4 MR. RUSSO: Yeah, we're good.

5 MS. RICHARDSON: All right.

6 Q. (BY MS. RICHARDSON) Mr. Sullivan, I just want  
7 to follow up on a question about your heritage. Would  
8 you mind identifying what race or ethnicity you identify  
9 as?

10 A. Yeah, Latino.

11 Q. Okay. Does the public identify you as Latino  
12 as well?

13 MR. RUSSO: Objection, speculation.

14 Q. (BY MS. RICHARDSON) In your experience, does  
15 the public identify you as Latino as well, for example,  
16 people who don't know you?

17 A. I don't know how to answer that question.

18 Q. Okay.

19 A. When people ask me, I tell them who I am,  
20 so --

21 Q. Thank you.

22 I would like -- and I believe I marked this as  
23 Exhibit 19.

24 MS. RICHARDSON: I apologize. George,  
25 are we on Exhibit 19? I'm really bad at the Exhibit

1 Share.

2 MR. LIBBARES: Yeah, this is Exhibit 19.

3 MS. RICHARDSON: All right. Let's see if  
4 we can pull that up.

5 (Exhibit 19 marked.)

6 Q. (BY MS. RICHARDSON) Okay. Mr. Sullivan, I  
7 will give you a moment to familiarize yourself with this  
8 document.

9 A. Okay. Okay.

10 Q. All right. Do you know what this document is?

11 A. Yes, uh-huh.

12 Q. Can you tell me what it is?

13 A. It's a letter between my office, myself and  
14 the voter registrar, yeah.

15 Q. Okay. And this is an email, correct?

16 A. Yes. Sorry, it's an email.

17 Q. No worries. Just clarifying for the record.

18 Would you mind scrolling to what's Bates  
19 stamped 13504. So that's going to be on page 3.

20 MR. RUSSO: The Bates stamps are the  
21 numbers on the very bottom there.

22 MS. RICHARDSON: Yes.

23 A. Okay. I'm there.

24 Q. (BY MS. RICHARDSON) Okay. This email right  
25 here, this says we will begin redistricting efforts on

1 the second paragraph of this email for Galveston County  
2 around October 9th. Is that correct?

3 A. Yes, uh-huh.

4 Q. Do you recall if that's around the time that  
5 redistricting started for the Commissioners Court in  
6 Galveston County?

7 A. I don't recall when they started. I don't  
8 know that.

9 Q. Does this email represent the approximate time  
10 when it started?

11 A. That's what Ms. Johnson is stating, but I  
12 don't know when they started. I really don't know that.

13 Q. Okay. It also says here next at least ten  
14 other entities are in the process of redistricting. Is  
15 that right?

16 A. Yes, that's what she's saying, uh-huh.

17 Q. Okay. Do you know why Galveston County began  
18 redistricting after those approximately ten other  
19 counties?

20 A. Can you ask again? You cut out, I'm sorry.

21 Q. I'm sorry. My hair gets in the way sometimes.  
22 Can you -- do you know why at least ten other  
23 entities started redistricting before Galveston County?

24 A. I don't know that.

25 Q. Okay. Was this your -- does this email

1 represent the first time you heard about Galveston  
2 County redistricting?

3 A. No.

4 Q. When did you first hear about it?

5 A. Well, I -- I don't know when I heard about it.  
6 I was aware that it was that time to start, every ten  
7 years.

8 Q. So you heard about it before October 9th?

9 A. I'm sure I did, yes.

10 Q. If you could give an approximation, would it  
11 be weeks or months before October 9th?

12 A. You know, I don't recall, so I don't want to  
13 just make up a number.

14 Q. Okay. I would like to return to Exhibit 5 if  
15 that's okay.

16 MS. RICHARDSON: If we can pull up  
17 Exhibit 5 on the screen.

18 A. Is it tab 5 or Exhibit 5?

19 Q. (BY MS. RICHARDSON) It's tab 8 --

20 A. Okay.

21 Q. -- Exhibit 5.

22 All right. And you looked at this earlier.  
23 These are the two map proposals proposed by the  
24 Commissioners -- for the Commissioners Court precinct.  
25 Is that correct?



1 A. Yes, uh-huh.

2 Q. Okay. And are you aware that map 2 was the  
3 map that was ultimately adopted?

4 A. Like, I think I was asked this question  
5 earlier or something similar. It looks familiar, but I  
6 don't know how many iterations there were.

7 Q. Okay. And then I'm going to introduce another  
8 exhibit here. One moment. Exhibit 20 should now be  
9 open for you.

10 (Exhibit 20 marked.)

11 A. Okay. I see it.

12 Q. (BY MS. RICHARDSON) Okay. So I'll just  
13 represent to you that Exhibit 20 is Petteway Plaintiffs'  
14 Second Amended Complaint. And we'll scroll down to page  
15 10 of Plaintiffs' Second Amended Complaint.

16 Do you see where it says Benchmark  
17 Commissioners Court Plan?

18 A. Yes.

19 Q. Do you recognize this plan?

20 A. No, I don't.

21 Q. If I represented to you that it was the plan  
22 that was in place before 2021, does that sound familiar  
23 to you?

24 A. I would believe you if you said that, but I  
25 don't know. I have not seen what looked like this.

1 Q. Do you have an opinion on the map that was  
2 proposed -- the map that was adopted, apologies,  
3 about -- for the Commissioners Court in 2021 as compared  
4 to the map that was in place in 20 -- before 2021?

5 MR. RUSSO: Objection, vague.

6 A. I really don't have an opinion on it, no.

7 Q. (BY MS. RICHARDSON) What do you understand  
8 about the differences between the two maps?

9 A. I've not studied the two maps; I just use the  
10 maps. So, I really am not intimate with the details of  
11 the map.

12 Q. You said you don't normally see the map in  
13 that form. Can you explain what form you do normally  
14 see the maps in?

15 A. I usually see it with -- well, the color is  
16 kind of throwing me off here.

17 Q. I see.

18 A. I'm sorry. And also the precincts. I usually  
19 see it with precincts in there. That hasn't really  
20 changed, but Bolivar seems to be cut off as well.

21 Q. I see.

22 A. Yeah.

23 Q. Do you -- what do you understand about the  
24 differences between the adopted map, I'll call the 2021  
25 map, and then the prior map?

1 A. Well, the lines have changed obviously.

2 Q. Okay. What about the lines that have changed,  
3 based on your understanding?

4 A. Well, I could say that about every precinct,  
5 every one of the four -- out of every four. So 4 has  
6 changed; instead of going down, I guess, the west side  
7 of the county, it is now changed. And 1 and 3 are  
8 substantially different, as well as 2.

9 Q. Okay.

10 A. Yeah.

11 Q. What do you understand about the similarities  
12 between the adopted map and the map that was precleared  
13 in 2011?

14 A. I have not really looked at them, so I can't  
15 answer that.

16 Q. Okay. And just so we're on the same page, you  
17 understand that the prior map and the precleared map in  
18 2011 are different maps. Correct?

19 A. I don't know that, no.

20 Q. Okay.

21

22 MS. RICHARDSON: I'm going to introduce  
23 the next exhibit, so we can go ahead and take this one  
24 down.

25 (Exhibit 21 marked.)

1 Q. (BY MS. RICHARDSON) Do you see now new  
2 Exhibit 21?

3 A. Okay. I see it.

4 Q. Okay. I'll give you a second to familiarize  
5 yourself with this as well.

6 A. Okay.

7 Q. Mr. Sullivan, do you recognize this document?

8 A. No, I don't.

9 Q. Okay. I will represent to you it's the -- it  
10 says it's the Galveston County resolution adopting  
11 criteria for use in the redistricting 2011 process.  
12 Does that sound familiar to you?

13 A. No, it does not.

14 Q. Okay. The end of the last page says -- it  
15 doesn't have your stamp on it, but if you look at page  
16 3, correct, it says your name I believe where you're  
17 supposed to sign? It says the proposed criteria.

18 A. Yes, uh-huh.

19 Q. Okay. Would you have -- would you have signed  
20 the criteria had it been adopted?

21 A. If the Judge Henry signed it, I would have  
22 signed it.

23 Q. Okay. What -- what's your familiarity with  
24 the proposed redistricting criteria in 2011?

25 A. I have no knowledge of it.

1 Q. You don't recall this document or any other  
2 document proposing redistricting criteria for 2011?

3 A. No, I don't.

4 Q. Do --

5 MS. RICHARDSON: And we can take this  
6 down.

7 Q. (BY MS. RICHARDSON) Do you recall any  
8 redistricting criteria for 2021?

9 A. No, I do not.

10 Q. Do you recall any proposal -- proposed  
11 redistricting criteria that was published in 2021?

12 A. No.

13 Q. Do you recall any efforts to create  
14 redistricting criteria in 2021?

15 A. No, I don't.

16 Q. Okay. Do you recall whether any member of the  
17 Commissioners Court discussed with you proposed  
18 redistricting criteria for 2021?

19 A. No, they did not.

20 Q. Okay. Let's pull up the next exhibit, 22.

21 (Exhibit 22 marked.)

22 Q. (BY MS. RICHARDSON) Okay. This is a very  
23 short -- very short exhibit. Again, look at it.

24 Mr. Sullivan, do you recognize this document?

25 A. No, I don't.

1 Q. Okay. It appears to be an email on which you  
2 are a recipient. Do you see your name on the "to" line?

3 A. I do.

4 Q. Okay. Do you see the date on that? Can you  
5 read the date for us?

6 A. The date is Thursday, November 14, 2019.

7 Q. Okay. Do you see the subject line on the  
8 email?

9 A. Yes.

10 Q. What's it pertain to?

11 A. It says "Workshop for Geography and Census  
12 Data."

13 Q. Okay. And it looks like Nathan Sigler thanked  
14 everyone who participated in the workshop yesterday.  
15 Does that sound right to you?

16 A. That's what the email says, yes.

17 Q. Okay. Do you -- did you attend the workshop  
18 for geography and census data in 2019?

19 A. No, I don't recall that.

20 Q. Do you recall who all attended?

21 A. I don't recall attending it at all.

22 Q. Do you recall being invited to it?

23 A. No.

24 Q. Did you hear about the meeting after it  
25 occurred?

1 A. I don't recall.

2 Q. Do you know why you would be on the email  
3 chain being thanked for your participation if -- in the  
4 workshop?

5 A. Maybe I was invited, would be my guess.

6 Q. Do you recall attending any workshop regarding  
7 geography and census data?

8 A. No, I don't.

9 Q. Okay. Thank you.

10 Would you have gone if you were invited to a  
11 workshop about geography and census data?

12 MR. RUSSO: Objection, speculation.

13 Q. (BY MS. RICHARDSON) You can answer.

14 A. Probably not.

15 Q. Why not?

16 A. Because I really don't participate in the --  
17 in the process.

18 Q. Okay. All right. I am introducing my next  
19 exhibit. Give me one moment.

20 (Exhibit 23 marked.)

21 Q. (BY MS. RICHARDSON) All right. You should  
22 see Exhibit 23.

23 Mr. Sullivan, can you --

24 A. I see it, yeah.

25 Q. You see that now? Okay. Do you recognize

1 this document?

2 A. It looks familiar, but I would have to read it  
3 real fast.

4 Q. Please, take your time.

5 A. Okay. Yeah.

6 Q. What is this document?

7 A. It looks like there was delays in  
8 redistricting. And a member of my staff said, hey, did  
9 you see the paper? And I said, yeah, I saw it.

10 Q. Okay. Do you see there it says late last  
11 night the DOJ rejected both redistricting maps for JP  
12 and Commissioners?

13 A. Uh-huh, yeah.

14 Q. Yeah, is that referring to preclearance denial  
15 of the Commissioners Court maps and the JP maps?

16 MR. RUSSO: Object to speculation.

17 A. I don't recall what this is referring to.  
18 That's not what I read, but I don't remember.

19 Q. (BY MS. RICHARDSON) What do you understand it  
20 to refer to?

21 A. That the -- basically what it says, the DOJ  
22 rejected redistricting maps for JP and Commissioners. I  
23 don't see anything about preclearance in there.

24 Q. What's your understanding of the other ways  
25 that DOJ could reject the Commissioner map and JP maps?



1           A.    I guess if they're not in compliance with what  
2 DOJ says.

3           Q.    In 2012, why do you understand the DOJ would  
4 be reviewing the JP and Commissioners Court maps?

5           A.    I believe there was a lawsuit regarding --  
6 from what I remember -- and this is speculation, I'm so  
7 sorry -- I think there was a lawsuit regarding cutting  
8 the number of JPs and constables down from, I think,  
9 nine to four or eight to four, something like that.  
10 That's kind of what I remember vaguely.

11          Q.    Okay. Do you recall receiving news when DOJ  
12 denied preclearance to Commissioners Court maps?

13          A.    I don't recall that, no.

14          Q.    If I represented to you that the lawsuit  
15 you're referring to occurred after this -- the date of  
16 this email, March 6, 2012, would that sound familiar to  
17 you?

18          A.    No, it wouldn't.

19          Q.    I would like to shift back now to Exhibit 24.

20                         (Exhibit 24 marked.)

21          Q.    (BY MS. RICHARDSON) All right. I'll give  
22 you a moment to familiarize yourself with that,  
23 Mr. Sullivan.

24          A.    Okay.

25          Q.    And let me know when you're ready.

1 A. Okay.

2 Q. Okay. Do you recognize this document?

3 A. No, I don't recognize it.

4 Q. Okay. I can represent to you --

5 A. You now, I don't remember it. I recognize it;

6 I don't remember it.

7 Q. Okay. Thank you. What is it?

8 A. It looks like Patricia Grady was requesting

9 some information from our Commissioners Court minutes.

10 Q. Okay. Do you see there who sent the top

11 email?

12 A. I do, yes.

13 Q. Okay. Who sent that top email?

14 A. Patricia Grady.

15 Q. That's who it's to. Who was it from? I

16 apologize for the clarification.

17 A. The top email?

18 Q. Yes.

19 A. I'm sorry, the top email is to Brandy Chapman.

20 Q. Okay.

21 A. And -- yeah, she's one of my employees.

22 Q. You mentioned earlier Brandy Chapman is the

23 chief deputy of your office. Correct?

24 A. She's one of three, yes, uh-huh.

25 Q. Okay. And it says here that she provided two

1 copies of the public hearing tapes to Harvey for DOJ  
2 submission. Is that correct?

3 A. That's what I read, yeah.

4 Q. Who is Harvey?

5 A. Harvey is -- he used to be the county attorney  
6 for many years.

7 Q. What's his full name?

8 A. Harvey Bazaman.

9 Q. Okay.

10 A. I think it's B-A-Z-A-M-A-N.

11 Q. And it appears that Brandy is assisting with  
12 the DOJ submission. Is that correct?

13 A. Well, she's providing that information for the  
14 submission, yeah, to Patricia and Harvey, yeah.

15 Q. And the DOJ submission refers to the  
16 preclearance submission?

17 A. I don't know.

18 Q. Okay. Do you understand -- what do you  
19 understand DOJ submission to refer to?

20 A. I don't remember what it was for in 2011. It  
21 looks like -- can I reread the request?

22 Q. Absolutely.

23 A. Let me see.

24 Q. Absolutely.

25 A. It looks like this information needed to be

1 submitted to the DOJ for redistricting. It has to do  
2 with the 2011 redistricting maps. That's what it's  
3 about.

4 Q. The Commissioners Court maps among the 2011  
5 maps. Correct?

6 A. I would assume that's what it is, yes, uh-huh.

7 Q. Okay. And so what do you understand that DOJ  
8 submission to be?

9 A. Well, they needed evidence of the hearings and  
10 any comments.

11 Q. Okay. Do you recall when -- in 2012 when the  
12 DOJ denied preclearance to the Commissioners Court maps?

13 MR. RUSSO: Objection, vague.

14 A. I don't recall that, no, I don't.

15 Q. (BY MS. RICHARDSON) Do you recall that it  
16 happened?

17 A. I do recall that there was an issue with the  
18 lines. I don't remember the reasons or if it was the  
19 DOJ or who denied it.

20 Q. Do you recall any next steps that were taken  
21 after that rejection?

22 A. I don't, huh-uh.

23 Q. Do you recall if the County took any steps to  
24 remedy the rejection?

25 A. I don't know that.

1 Q. Okay. One moment. I am going to pull up an  
2 older exhibit that you've seen, but let me find the  
3 number.

4 I would like to pull up Exhibit 3, tab 3.

5 A. Did you say Exhibit 3, tab 3?

6 Q. Yes, sir.

7 A. Okay. Yeah.

8 Q. Okay. Do you remember seeing this earlier?

9 A. I do, yeah.

10 Q. Okay. I believe it was represented to you  
11 earlier this is the preclearance rejection letter  
12 regarding the 2011 Commissioners Court plan. Does that  
13 sound right?

14 A. Yes.

15 Q. Okay. Regarding the content of this letter,  
16 do you recall any steps that were taken to remedy the  
17 problems outlined in this letter?

18 A. No, I don't recall that.

19 Q. Do you know if any steps were taken to remedy  
20 the problems outlined in the preclearance rejection  
21 letter?

22 A. No, I don't know that, huh-uh.

23 Q. Okay. And I promise you we're nearing the  
24 end.

25 I'm about to mark another exhibit, though.

1 (Exhibit 25 marked.)

2 (Exhibit 26 marked.)

3 Q. (BY MS. RICHARDSON) Okay. You should see now  
4 Exhibit 26.

5 All right. I will let you familiarize  
6 yourself with that for a second.

7 A. So far I haven't really seen any content.

8 Q. You can familiarize yourself with the subject  
9 line. That will be the topic of discussion.

10 A. Okay.

11 Q. Okay. Do you see when this email was dated?  
12 Can you tell us the date that this email was sent?

13 A. The last correspondence I see is Tuesday,  
14 March 20th of 2012.

15 Q. Okay. And the first email -- the series of  
16 emails were sent on Monday, March 19th of 2012. Is that  
17 correct?

18 A. Yeah, that's correct.

19 Q. Okay. What's the subject line of this email?

20 A. Commissioner Proposal (For Settlement  
21 Discussion Only).

22 Q. Okay. So I will represent to you that the  
23 Commissioners Court precincts did go into litigation  
24 in 2011. Do you recall the commissioner proposal for --  
25 the for settlement discussion that was this

1 conversation?

2 A. I do not remember this, no.

3 Q. Do you recall any proposals regarding  
4 settlement for the Commissioners Court in 2012?

5 A. I don't.

6 Q. Do you recall having any discussions about the  
7 Commissioners Court proposal -- the Commissioners Court  
8 litigation in 2012?

9 A. No, I don't remember that, huh-uh. I remember  
10 the lawsuit, but I don't remember any discussion about  
11 it.

12 Q. Okay. What do you remember about the lawsuit?

13 A. What I remember about the lawsuit was not  
14 really the content of the lawsuit, but more so we were  
15 supposed to conduct a primary election; and we kept  
16 getting delayed, so we were in limbo on the election  
17 side of things.

18 Q. What do you remember --

19 A. That's --

20 Q. Oh, I'm sorry.

21 A. That's okay.

22 Q. I'm sorry. You can finish. Well, strike my  
23 last question then that I was about to make.

24 Why -- do you know why you would be on this  
25 particular email about the commissioner proposal for

1 settlement discussion?

2 A. I would think that it's because we were  
3 nearing the end and we can start getting ready for the  
4 election. That's what I would think.

5 Q. You mean as in because the litigation is  
6 nearing the end and you can begin preparing for the  
7 election. Is that correct?

8 A. That's what I understand, but I'm speculating,  
9 yeah.

10 Q. But you have no recollection what this  
11 discussion was actually about?

12 A. No, I don't. I don't remember the plaintiff.  
13 I know the plaintiffs, but I didn't know that was the  
14 reason for it.

15 Q. What do you know about the plaintiffs?

16 A. I just know they were officeholders.

17 MS. RICHARDSON: Okay. I am going to  
18 take this one down and pull up Exhibit 27.

19 (Exhibit 27 marked.)

20 A. Exhibit 27?

21 Q. (BY MS. RICHARDSON) Uh-huh.

22 A. Okay.

23 Q. All right. And I'd like to scroll first to --  
24 actually, let me let you familiarize yourself with this  
25 document first so we can have a conversation about it.



1 A. Okay. Yeah, I'm familiar with the document.

2 Q. Okay. What is it?

3 A. It looks like a Commissioners Court Agenda.

4 Q. What -- continue, I apologize.

5 A. That's it, a Galveston County Commissioners  
6 Court agenda.

7 Q. When's it dated?

8 A. Dated February 5, 2013.

9 Q. Okay.

10 A. Well, that's the date of the meeting.

11 Q. Okay.

12 A. Yeah.

13 Q. Can you scroll down to page 4 of this exhibit?

14 A. Okay.

15 Q. Can you see bullet point 26(d) there?

16 A. I do.

17 Q. Okay. And what's it say?

18 A. (d) says, Consideration of an Order  
19 establishing the boundaries of election (voting)  
20 precincts in Galveston County and corresponding changes  
21 to Justice of the Peace/Constable precinct boundaries,  
22 to be effective January 1 of 2014.

23 Q. Do you recall attending that meeting?

24 A. I kind of do, yeah.

25 Q. Yeah, okay.

1 Can we pull up Exhibit 28?

2 (Exhibit 28 marked.)

3 Q. (BY MS. RICHARDSON) Familiarize yourself with  
4 that document, and let me know when you're -- it's just  
5 one page.

6 A. Okay. I'm familiar. Well, I know what it is.

7 Q. Okay.

8 A. Can you let me read it?

9 Q. Absolutely.

10 A. Okay.

11 Q. All right. What is this document?

12 A. It looks like an email from Dominique Allen to  
13 Cheryl Johnson and Sheryl Swift.

14 Q. Okay. Do you see when it's dated?

15 A. It's dated February 5 of 2013.

16 Q. It's dated the same date as the Commissioners  
17 Court meeting that I -- that we referenced in  
18 Exhibit 27. Correct?

19 A. Yes, it is.

20 Q. Okay. It says -- do you see that last  
21 paragraph at the end, Although, Mr. Sullivan and  
22 Mrs. Chapman were present in Commissioners Court?

23 A. Yeah.

24 Q. You just said you remember being there. So  
25 does this email accurately represent that you were

1 present at the meeting?

2 A. Yeah, I do remember being there, uh-huh.

3 Q. Okay. Do you -- what do you recall about that  
4 meeting?

5 A. Actually, I don't remember anything about  
6 redistricting. I remember one of the other items on the  
7 agenda.

8 Q. Which item on the agenda?

9 A. The Fat Boys Fishing Pier issue.

10 Q. Okay.

11 A. But I don't recall much of the discussion  
12 regarding the redistricting lawsuit or settlement.

13 Q. Okay. You know where I started "FYI," would  
14 you mind reading that whole sentence?

15 A. Sure.

16 For your information, although Mr. Sullivan  
17 and Mrs. Chapman were present in Commissioners Court, I  
18 do not believe they were there to serve in a capacity  
19 other than the normal responsibilities of the clerk's  
20 office with regard to being keeper of the record for the  
21 proceedings. None of the elections division staff were  
22 in attendance today.

23 Q. Thank you so much.

24 What are the normal responsibilities of the  
25 clerk's office with regard to being the keeper of the

1 record for the proceedings?

2 A. So my staff, one of the duties, major duties,  
3 of my office is to keep the minutes of the Commissioners  
4 Court, and so any votes we record and we keep those.

5 Q. Okay. You keep all records with respect to  
6 Commissioners Court meetings?

7 A. Yes, we do.

8 Q. And you keep all records with respect to  
9 redistricting?

10 A. If they were in the Commissioners Court  
11 minutes, yes.

12 Q. Okay. So any record with respect to the  
13 Commissioners Court meetings that involved redistricting  
14 would have been signed by you or a member of your staff?

15 A. Not necessarily, no.

16 Q. Okay. In what cases would they not be?

17 A. Well, not every document requires a signature.

18 Q. For documents that do require a signature, is  
19 your signature going to be on them?

20 A. Myself or a staff acting in my capacity.

21 Q. And that includes all records with respect to  
22 redistricting that need a signature?

23 A. If it has Judge Henry's signature on it or  
24 acting County Judge, yes, my duty is to attest to his  
25 signature. Not to read and be knowledgeable about the

1 document, but just to attest that that is Mark Henry's  
2 signature on that document, much like a notary.

3 Q. That's helpful -- helpful context.

4 Does that mean that you or a member of your  
5 staff have to be present at every Commissioners Court  
6 meeting?

7 A. Yes.

8 Q. Including every Commissioners Court meeting  
9 with respect to redistricting?

10 A. If it's an action item meeting, yes, uh-huh.

11 Q. What's an action item meeting?

12 A. If they're going to vote on a particular  
13 measure, yes. If there's just public forum and it's  
14 just a public forum, we are not required to be there  
15 because there's no action taken.

16 Q. Thank you.

17 Okay. I am only going to burden you, I  
18 believe, with one more exhibit.

19 MR. RUSSO: I'm going to hold you to  
20 that.

21 MS. RICHARDSON: Thank you for your time.

22 Q. (BY MS. RICHARDSON) Okay. It should be up  
23 now, Exhibit 29.

24 (Exhibit 29 marked.)

25 A. Okay. It's popped up.

1 Q. (BY MS. RICHARDSON) All right. Mr. Sullivan,  
2 will you familiarize yourself with that document for us?

3 A. Oh, yes, uh-huh.

4 Q. Do you recognize this document?

5 A. I do, yeah.

6 Q. What is it?

7 A. Let me reread it and make sure, but I kind of  
8 recognize it.

9 So it's an email from Nathan Sigler to myself,  
10 copying Ernie Murrie. It's just maps of the County's  
11 new voting precincts, sent on December 14 of '21.

12 Q. That was sent after the 2021 redistricting  
13 cycle. Correct?

14 A. Yes, uh-huh.

15 Q. Why was -- why did Mr. Sigler send that link  
16 to you?

17 A. Because we -- well, I don't know. I guess  
18 I probably had requested or asked him if there was --  
19 redistricting was completed yet, because we were  
20 programming the ballot for the primary election.

21 Q. Does this email represent the first time you  
22 received the map?

23 A. I think it is.

24 Q. About how long between the maps being  
25 adopted -- the voting precinct map being adopted and

1 this email being sent to you, about how much time would  
2 you estimate that was?

3 A. I don't know. I don't remember when they were  
4 adopted. I'd have to research that.

5 Q. Okay. If they were adopted in November, does  
6 that sound right to you?

7 A. I would be speculating, but that sounds about  
8 right.

9 Q. Okay. Do you know when the links to the  
10 precinct maps were available to the public?

11 A. No, I don't. I don't know that.

12 Q. Okay. Do you know if it was before you  
13 received this link from Mr. Sigler?

14 A. Yeah, I don't know that. It also says on  
15 there the voting precincts are currently on there and I  
16 will update everything else tomorrow. So it doesn't  
17 look complete at that point. That's just what I read.

18 Q. Do you see that note in parenthesis? Could  
19 you read that for us?

20 A. You do not need credentials to view the map  
21 below.

22 Q. Okay. Do you often need credentials to view  
23 the maps?

24 A. I don't know the answer. I rarely ever see  
25 things like this.

1 Q. Do you know why he was referring to  
2 credentials to review the map?

3 A. It's probably on a proprietary system. So I  
4 would think that that's why, but I don't know why.

5 Q. That would allow you to view the maps before  
6 the public?

7 A. No, I really don't know.

8 Q. Okay. Do you know why Mr. Sigler, in  
9 particular, sends you this information? Or strike that.  
10 I'll rephrase.

11 Do you know why -- why would you have  
12 requested this from Mr. Sigler in particular?

13 A. I don't know that I did, but if I did, he  
14 would be the person I would go to because he -- he  
15 publishes our maps for us.

16 Q. What's your understanding of Mr. Sigler's role  
17 in the redistricting process?

18 A. I don't believe Mr. Sigler has anything to do  
19 with it other than input data into the map system, GIS  
20 system, from what he's given.

21 Q. Okay. We can take this exhibit down.

22 A. Okay.

23 Q. Just a couple more questions.

24 So you stated earlier that your office does  
25 not have to be present for public forum. Is that



1 correct?

2 A. Can you repeat that? You cut out a little  
3 bit.

4 Q. Absolutely.

5 You said earlier that your office does not  
6 have to be available for public forum. Is that correct?  
7 Only action item meetings, did I hear that correctly?

8 A. Yeah. If there's a -- if there's a called  
9 regular or special meeting of Commissioners Court, we  
10 will be present, though.

11 Q. And in those meetings where you are not  
12 present, who takes those minutes?

13 A. I don't know that anybody does.

14 Q. Who keeps a record of those meetings?

15 A. I don't know the answer to that. I don't know  
16 if there's any other meetings other than the ones we  
17 attend. So if there's a meeting of Commissioners Court,  
18 we're there.

19 Q. So, for example, earlier I believe you  
20 testified about forum public meetings regarding polling  
21 place relocations. Is that correct?

22 A. Yes.

23 Q. Would that be an example of a meeting that  
24 would require your presence and minutes, or not?

25 A. Yes, uh-huh.

1 Q. Okay. So that's a -- what kind of meeting  
2 would you categorize that as?

3 A. So similar to the agenda item you pulled up,  
4 that would be a regular meeting of Commissioners Court;  
5 or if it was a special meeting, which would require  
6 certain things like the public notice, I believe it's  
7 72 hours and a quorum.

8 MS. RICHARDSON: Thank you, Mr. Sullivan.  
9 The Petteway Plaintiffs rest, and I will pass the  
10 witness to the United States.

11 EXAMINATION

12 BY MS. MEZA:

13 Q. Hello, Mr. Sullivan. My name is Catherine  
14 Meza, and I'm one of the attorneys representing the  
15 United States.

16 Before I begin, I have a small set of  
17 questions regarding your responsibilities for retention  
18 of records, and Ms. Richardson also already covered most  
19 of it related to the Commissioners Court.

20 So would you like to take a break before I  
21 start, or can we get through these questions?

22 A. I'm okay to keep going if everyone else is.

23 Q. Okay. Perfect.

24 So I have questions regarding your  
25 responsibilities with respect to election related

1 records. What election related records is your office  
2 responsible for?

3 A. There's a lot of records there. Anything from  
4 applications for ballot by mail, to cast vote records,  
5 to ballots, paper ballot that are cast in an actual  
6 election.

7 Q. What about -- sorry, were you done?

8 A. No, I think that's about it.

9 Q. Please continue.

10 A. Yeah.

11 Q. What about election results records? Who is  
12 responsible for retaining those records?

13 A. My office is.

14 Q. Okay. So just going back to the other  
15 records. You mentioned ballots and applications for  
16 absentee ballots and so forth. How are those records  
17 kept? Do you keep hard copies? Do you keep electronic  
18 records?

19 A. Well, we have a mixture of records, so it  
20 depends on the medium, of course. If they're electronic  
21 records, we'll store them like that. If we have hard  
22 copy records, we will also store them in their present  
23 form.

24 Q. Okay. And for those different categories of  
25 records, is there a period of time that you're required

1 to retain them?

2 A. Yes.

3 Q. And could you go through some of those  
4 categories and let me know what the period of time to  
5 retain them is.

6 A. You know, I'm going off of memory here. We do  
7 have a schedule that we abide by, and so I don't have  
8 that in front of me. But, for instance, records like  
9 cast ballot records, we keep those for 22 months plus  
10 one day and assuming there's no pending litigation.

11 We have -- what else do we have? Our tapes,  
12 zero tape numbers that come out of voting machines to  
13 show that there was no votes on the machine before and  
14 after an election. Those are 22 months.

15 Payroll records for judges and clerks, I don't  
16 know the retention on that. I think it's seven years,  
17 but we have a schedule that we go off of there. I don't  
18 recall off the top of my head.

19 Any other kind of records?

20 Q. What about election results?

21 A. We keep election results. I believe it's  
22 indefinitely if we conducted the election. If it's for  
23 a city or a school district or a MUD district or  
24 something like that, they're the official record keeper.  
25 Additionally, we upload those to the State of Texas, and

1 they keep them there as well.

2 Q. Okay. So let's take a step back with  
3 regards to election results records. Could you walk me  
4 through specifically the preparation of those records  
5 from beginning to end? So once the polls close on  
6 Election -- on an Election Day evening, who tabulates  
7 those records, the ballot counts and the election  
8 results, and what steps does that process go through?

9 A. Okay. So I'm just going to go in kind of  
10 chronological order so it helps me explain it.

11 Q. Okay.

12 A. When polls close at, say, 7 o'clock on any  
13 particular election, we will already have early vote  
14 records in my office. We will begin tabulation of those  
15 records, and so those will be obviously tabulated.

16 And then as soon as the in-person votes from  
17 that day arrive at the office, we tabulate those as they  
18 come in.

19 The ballot board and central count committees  
20 will be working that same day, and they will be going  
21 through and balancing the in-person -- I'm sorry, the  
22 mail ballots. Mail ballots will be tabulated usually  
23 around the time that we tabulate early voting records,  
24 and so at the end of the night when all the locations  
25 have reported, we will tabulate everything and publish

1 results.

2           There's also a cure period. So as those  
3 ballots that are outstanding or overseas ballots that  
4 come in after Election Day that do qualify to be counted  
5 will be tabulated. Again, we will have a central count  
6 and a -- that committee is made up of both Republican  
7 and Democrat parties overseeing each other's work, and  
8 they are also present he every time we tender results.

9           At the end of the election period, those  
10 results will be tabulated in a detailed format, and  
11 votes will be canvassed. And we also give canvass  
12 reports to the -- to the specific entity. So if like --  
13 let's say the city of La Marque is conducting an  
14 election, we will give them their records so that they  
15 can canvass and swear in their new council people.

16           Let me think what else is there. I guess  
17 that's about it.

18           Q. Okay. So I am going to introduce just three  
19 exhibits just to use as examples with the next set of  
20 questions. So bear with me as I mark them and introduce  
21 them. They're very short exhibits, and there are three  
22 of them.

23                                 (Exhibit 30 marked.)

24                                 (Exhibit 31 marked.)

25                                 (Exhibit 32 marked.)

1 Q. (BY MS. MEZA) Okay. Mr. Sullivan, I have  
2 marked Exhibits 30, 31, and 32, I believe. Let me just  
3 double-check. If you could just -- do you see those  
4 three exhibits?

5 A. I do, yeah.

6 Q. Just take a moment to review them.

7 A. Okay.

8 Q. Could you tell me what -- well, actually, let  
9 me just -- for the record, I have marked Exhibit 30,  
10 which is stamped with Bates stamped DEFS00003900. The  
11 next exhibit is marked Exhibit 31, and that is Bates  
12 number DEFS00011877. And the third exhibit is  
13 Exhibit 31, Bates stamp DEFS00003906.

14 A. Okay.

15 Q. Mr. Sullivan, could you tell me what these  
16 exhibits are?

17 A. Yes. So these are updated election results.  
18 So the first one seems to be at 7:08 p.m., and the next  
19 one is 8:47 and the third is 9:31. This is an automated  
20 system email as soon as -- as we update results when  
21 they come in. So as locations arrive at the office and  
22 newly results were posted, an automated email was sent  
23 out.

24 Q. And who were -- who was these three emails  
25 sent to?

1           A.    This was sent to Mark Henry, all three of  
2    them.

3           Q.    And you said it's automated, so you don't  
4    yourself go through and add the results and send them to  
5    Mark Henry.  Is that correct?

6           A.    That's correct.  So, we don't have this system  
7    any longer, but anybody, including the public and the  
8    media, could sign up for updated results, yeah.

9           Q.    I see.  Okay.  So, in addition to -- let me  
10   strike that.

11                    Were there any individuals aside from the  
12   media or members of the public that received those  
13   results automatically, meaning that -- like members of  
14   the Commissioners Court, for instance, did every member  
15   of the Commissioners Court receive results on election  
16   night?

17                    MR. RUSSO:  Objection, speculation.

18           A.    I don't recall who signed up for it, but  
19    anybody who had requested that information would have  
20    been included in those emails.

21           Q.    (BY MS. MEZA)  Okay.  Understood.

22                    So you weren't required to send the results to  
23    any individual, including members of the Commissioners  
24    Court.  They had to affirmatively sign up and request to  
25    receive the results.  Is that accurate?



1 A. Yes, that's accurate, yeah.

2 Q. Okay. So this says Election Night Reporting  
3 Results. In addition to sending them out through this  
4 automated process, were they posted on the County's  
5 website?

6 A. Yes.

7 Q. And when would they be posted on the County's  
8 website?

9 A. In the same time that this was sent out. As  
10 soon as you updated the website, the system  
11 automatically sent out results, updated results to  
12 anybody that was signed up for the emails.

13 Q. Okay. So as the results were updated, the  
14 website was also updated?

15 A. That's correct, yes.

16 Q. And you also just mentioned that you no longer  
17 have this in place. These emails are dated November 3,  
18 2020. So this automated system of both sending election  
19 results as they are updated to individuals who requested  
20 the results, as well as automatically updating the  
21 website, is no longer in place. Is that correct?

22 A. That's correct, yes.

23 Q. Do you have anywhere a similar system in place  
24 currently?

25 A. So we have new election machines, and we don't

1 have an automated system any longer. So we do have a  
2 distribution list of -- it's a manual process. So if  
3 anybody wants those numbers, they can check out our  
4 website, or, you know, sign up and we'll send them to  
5 them in an email.

6 Q. Okay. So currently since you no longer have  
7 this automated process, how often is the website updated  
8 as the results are updated?

9 A. So the way it works is if a location comes in  
10 on -- say location B comes in and drops off their  
11 equipment, that voting -- the voting results will be  
12 brought up to the office. And we call it tallied or  
13 tabulated. And as soon as it's tabulated, within  
14 minutes it's published to the website.

15 Q. Okay. And when do the results go from being  
16 unofficial or election night results to official  
17 results?

18 A. They will be official upon canvass.

19 Q. And once the election results become official,  
20 how is that data stored?

21 A. So those will be sent for approval to  
22 Commissioners Court, and they will be stored in the  
23 Commissioners Court minutes.

24 Q. In what form are the election results data  
25 stored?

1 A. Electronic form.

2 Q. So is there a specific database that the  
3 results go into, or are the results entered into a  
4 spreadsheet, for instance?

5 A. So we do have a proprietary system, and they  
6 will be stored in the computer system there, as well as  
7 the minutes of the Commissioners Court, electronically.

8 Q. And what can you tell me similar about the  
9 system? What is it called and is it exclusively for  
10 election results data, or are there other data stored in  
11 the system?

12 A. So the system we use is called Hart  
13 InterCivic. And there's two systems approved in the  
14 State of Texas for use. One of them is the Hart system;  
15 the other one is the ES&S brand. Galveston County has  
16 used Hart, and the Hart system has audit logs, election  
17 results and programming data all saved in there.

18 Q. And how long have you had the Hart system in  
19 place or has the county had the Hart system in place?

20 A. We've had various iterations of it. I  
21 believe -- I'm going off of memory before I was County  
22 Clerk, so if I am wrong on the dates, it's an  
23 approximation, but I believe we picked it in 2006 the  
24 first time. We then purchased the next system  
25 approximately 2018, and we purchased the upgraded

1 system, which is paper, in 2021.

2 Q. Okay. And what has happened to the records  
3 from previous systems? Are those kept?

4 A. Yes.

5 Q. In what form are they kept?

6 A. Those are kept in electronic format and on  
7 hard drives. We also have some paper records from a  
8 long time ago.

9 Q. Okay. So let's start with the paper records.  
10 Do you know from what period to what period you have  
11 paper records of election results for?

12 A. No, I don't recall that.

13 Q. Is it before 2000?

14 A. I'd have to look at the records. I don't know  
15 the answer to that.

16 Q. Do you have any estimation of when those  
17 records --

18 A. I don't --

19 Q. -- the paper records are for?

20 A. I really don't. I have not looked at those  
21 records because it was way before I was in office.

22 Q. Okay. So your previous systems for which you  
23 have electronic records, you said they're kept in a hard  
24 drive. Do you know what -- in what format those records  
25 are kept? Do you -- is there a need to have access to

1 previous iterations of that proprietary software or  
2 program, or can those be downloaded in his a spreadsheet  
3 form, for instance, or in a CSV file, for example?

4 A. I believe those can be accessed and reports  
5 ran. I don't know if they can be accessed via CSV or  
6 PDF. I don't know if it's proprietary. I really don't  
7 know the answer to that.

8 Q. Okay. If someone were to put in a public  
9 records request for data that is not on a hard drive but  
10 is being stored, how would you go about fulfilling that  
11 request?

12 A. We would look for the records and fulfill the  
13 request.

14 Q. In what form would the person, the individual  
15 requesting that data receive it?

16 A. Well, it depends on the request, and it  
17 depends on how we have it stored. If -- let's just say,  
18 for instance, they wanted it in electronic format, but  
19 it was in paper. We would try to accommodate the  
20 conversion of that for them, if we could do that.  
21 Otherwise, we would give it to them in the form that we  
22 have it or make it available.

23 Q. Okay. So for records from 2010, for example,  
24 are those records that are kept in the current iteration  
25 of the database or the program you have in place?

1 A. No.

2 Q. Where are those records kept?

3 A. Those would be kept in the old system, which  
4 is just basically an old computer.

5 Q. So it's -- go ahead, sorry.

6 A. No, I'm sorry. An older computer that we --  
7 that we still have, but it's not the current version.

8 Q. So is this computer operational? Do you have  
9 it in your office somewhere and is someone able to go in  
10 and access those records if they are requested?

11 A. I believe so, yes.

12 Q. And going back to the question about the form.  
13 If you receive a request for records from 2010 in a  
14 spreadsheet or a CSV format, would you be able to  
15 produce those records in a CSV format from 2010?

16 A. I'm not the person who would run those  
17 records, so I would have to make sure. If we were able  
18 to do that, we definitely would do that.

19 Q. I'm sorry, could you remind me again how far  
20 back the current system goes, when it was put in place?

21 A. The current system? I am going off of  
22 memory -- well, we got it this summer. So that would be  
23 2022.

24 Q. So the previous iteration was from 2021 going  
25 how far back?

1           A.    I'm sorry.  No, it was from approximately 2018  
2   to 2022.  And prior to that was, I believe, 2006, and I  
3   wasn't present when they purchased it.

4           Q.    Okay.  So the records that are kept in this  
5   computer you have in your offices, those are records  
6   prior to 2018.  Is that correct?

7           A.    Yes, I believe so.

8           Q.    I am going to introduce one more exhibit.

9                         (Exhibit 33 marked.)

10          Q.    (BY MS. MEZA)  Okay.  Mr. Sullivan, I have  
11   just introduced Exhibit what I believe now is 33.

12          A.    Okay.  I see it.

13          Q.    Could you take a moment to review that  
14   exhibit, please?

15                         And I'll go ahead and read it into the record  
16   while you do that.  I've just marked Exhibit 33, which  
17   is Bates stamped DEFS00019519 through 19520.

18          A.    Okay.

19          Q.    Could you tell me what this is, Mr. Sullivan?

20          A.    It looks like a FOIA request for some  
21   information.

22          Q.    Okay.  And what is the date on this?

23          A.    Monday, February 22, 2021.

24          Q.    And I just want to turn your attention to the  
25   very first sentence that says, Due to the complexity of

1 this election, we had to create two separate databases  
2 as a result. I have attached the canvass reports for  
3 each database. I do not have a .csv or a .xlsx -- excuse  
4 me -- .xlsx file.

5 First, who is Susan Williams?

6 A. Susan Williams is an ex-employee of mine.  
7 She's since retired.

8 Q. Okay. And what was her role in your office?

9 A. I can't remember her title. I think it was  
10 like assistant chief deputy or assistant elections  
11 administrator.

12 Q. Okay. And do you recall this email?

13 A. I do not.

14 Q. But you did receive this email, as reflected  
15 in the cc line. Correct? Is that your name?

16 A. That's correct, yes, uh-huh.

17 Q. I just had a question about her reference to  
18 two separate databases. Do you have any idea what that  
19 means?

20 A. I do, yes.

21 Q. What does that mean?

22 A. For this election cycle, we had programmed a  
23 ballot, mailed out ballots, and then we found an error  
24 in the programming for a small precinct in -- I don't  
25 remember which precinct particularly. And after we



1 discovered it, we took it to the parties, reproofed it,  
2 and corrected the error before in-person voting started.  
3 But we had already sent out mail ballots, so we had to  
4 create -- because of the security of the system, which  
5 is a good thing, you can't go in and just manipulate  
6 data or change the database. It's locked. And so we  
7 created a new database for in-person voting, and that's  
8 why there's two databases.

9 Q. Okay.

10 A. Yeah.

11 MS. MEZA: I think that concludes my  
12 questions. Thank you very much, Mr. Sullivan. We very  
13 much appreciate your time today.

14 THE WITNESS: Sure. Thank you.

15 MR. RUSSO: We'll reserve for trial.

16 For the court reporter, we want to read and  
17 sign also. We didn't say that yesterday, but I would  
18 like to get a copy of the transcript to the witness.

19 MS. RICHARDSON: Thank you. And I think  
20 Petteway plaintiffs would still reserve the right to  
21 hold the deposition over in light of the privileged  
22 conversation that we had in Mr. Sigler's deposition with  
23 respect to the Oldham, and however that is resolved.

24 MR. RUSSO: You're holding this  
25 deposition over?

1 MS. RICHARDSON: Yes. I recall a  
2 privilege objection with respect to those conversations  
3 back in 2021 as well and earlier in this deposition,  
4 unless I'm missing something, but I -- and we would  
5 reserve it for the same reasons.

6 MR. RUSSO: We'll let the record reflect  
7 what it reflects. Okay.

8 I think that's it. Anything else?

9 THE VIDEOGRAPHER: Okay. If there's  
10 nothing else that has to be covered on the record today,  
11 then we are going off the record at 5:22 p.m.

12 (Proceedings ended at 5:22 p.m.)  
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CHANGES AND SIGNATURE

WITNESS NAME: DWIGHT SULLIVAN

DATE OF DEPOSITION: DECEMBER 20, 2022

PAGE	LINE	CHANGE	REASON
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DWIGHT SULLIVAN

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I, DWIGHT SULLIVAN, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

\_\_\_\_\_  
DWIGHT SULLIVAN

THE STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

Before me, \_\_\_\_\_, on this day personally appeared DWIGHT SULLIVAN, known to me (or proved to me under oath or through \_\_\_\_\_) (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF \_\_\_\_\_  
COMMISSION EXPIRES: \_\_\_\_\_

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE SOUTHERN DISTRICT OF TEXAS  
3 GALVESTON DIVISION

3 HONORABLE TERRY PETTEWAY, )  
4 et al., )  
5 Plaintiffs, )  
6 v. ) Case No. 3:22-cv-00057  
7 GALVESTON COUNTY, et al., )  
8 Defendants. )

9  
10  
11 REPORTER'S CERTIFICATION

12 REMOTE ORAL AND VIDEOTAPED DEPOSITION OF  
13 DWIGHT SULLIVAN  
14 DECEMBER 20, 2022  
15

16 I, Julie C. Brandt, Certified Shorthand Reporter in  
17 and for the State of Texas, hereby certify to the  
18 following:

19 That the witness, DWIGHT SULLIVAN, was duly sworn  
20 by the officer and that the transcript of the oral  
21 deposition is a true record of the testimony given by  
22 the witness;

23 Before completion of the deposition, review of the  
24 transcript [X] was [ ] was not requested. If requested,  
25 any changes made by the deponent (and provided to the

1 reporter) during the period allowed are appended hereto;

2 That the amount of time used by each party at the  
3 deposition is as follows:

4 Ms. Zhu.....04 HOUR(S):52 MINUTE(S)

5 Ms. Richardson.....00 HOUR(S):49 MINUTE(S)

6 Ms. Meza.....00 HOUR(S):30 MINUTE(S)

7 Mr. Russo.....00 HOUR(S):00 MINUTE(S)

8 That pursuant to information given to the  
9 deposition officer at the time said testimony was taken,  
10 the following includes counsel for all parties of  
11 record:

12 FOR THE PLAINTIFFS:

13 Molly Zhu  
14 WILLKIE FARR & GALLAGHER LLP  
15 300 North LaSalle Dr.  
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11 I further certify that I am neither counsel for,  
12 related to, nor employed by any of the parties or  
13 attorneys in the action in which this proceeding was  
14 taken, and further that I am not financially or  
15 otherwise interested in the outcome of the action.

16 Certified to by me December 21, 2022.

17

18

19

<%12865,Signature%>

20

\_\_\_\_\_  
Julie C. Brandt, CSR, RMR, CRR  
Texas CSR No. 4018  
Expiration Date: 10/31/23

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# **Exhibit 26**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TERRY PETTEWAY, THE HONORABLE )  
DERRECK ROSE, MICHAEL MONTEZ, )  
SONNY JAMES and PENNY POPE, )  
Plaintiffs, ) Civil Action  
vs. ) No. 3:22-CV-57  
GALVESTON COUNTY, TEXAS, and )  
HONORABLE MARK HENRY, in his )  
official capacity as Galveston )  
County Judge, )  
Defendants. )

---

UNITED STATES OF AMERICA, )  
Plaintiff, )  
vs. ) Civil Action  
GALVESTON COUNTY, TEXAS, )  
GALVESTON COUNTY )  
COMMISSIONERS COURT, and )  
HONORABLE MARK HENRY, in his )  
official capacity as Galveston )  
County Judge, )  
Defendants. )

---

DICKINSON BAY AREA BRANCH )  
NAACP, GALVESTON BRANCH )  
NAACP, MAINLAND BRANCH )  
NAACP, GALVESTON LULAC )  
COUNCIL 151, EDNA COURVILLE, )  
JOE A. COMPIAN, and LEON )  
PHILLIPS, ) Civil Action

1 ) No. 3:22-CV-117  
 )  
 2 Plaintiffs, )  
 )  
 3 vs. )  
 )  
 4 GALVESTON COUNTY, TEXAS, )  
 HONORABLE MARK HENRY, in his )  
 5 official capacity as Galveston )  
 County Judge, and DWIGHT D. )  
 6 SULLIVAN, in his official )  
 capacity as Galveston County )  
 7 Clerk, )  
 )  
 8 Defendants. )

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10

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11

ORAL/VIDEOTAPED DEPOSITION OF

12

PATRICIA TOLIVER

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MARCH 28, 2023

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15

16

ORAL/VIDEOTAPED DEPOSITION OF PATRICIA

17

TOLIVER, produced as a witness at the instance of the

18

Defendants, and duly sworn, was taken in the

19

above-styled and numbered cause on March 28, 2023, from

20

10:00 a.m. to 4:40 p.m., Nilda Codina, Notary in and

21

for the State of Texas, recorded by machine shorthand,

22

from Greer Herz & Adams, L.L.P. 1 Moody Avenue,

23

Galveston, Texas, 77550, County of Galveston, pursuant

24

to the Federal Rules of Civil Procedure, and the

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provisions stated on the record or attached hereto.

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A-P-P-E-A-R-A-N-C-E-S

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ALSO PRESENT: Bill Hartley, Videographer  
REMOTELY: NAACP, Angie Olalde, Adrienne Spoto,  
K'Shaani Smith, Joaquin Gonzalez, Mateo Forero, Sarah  
Chen, Andrew Silberstein.

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1 P-R-O-C-E-E-D-I-N-G-S

2 THE VIDEOGRAPHER: Today's March 28th,  
3 year 2023. We're going on the record, 10:10 a.m.  
4 We're here for the deposition of a representative from  
5 the NAACP, for a case filed in the United States  
6 District Court, Southern District of Texas, Galveston  
7 Division.

8 Can the attorneys introduce themselves  
9 and who they represent?

10 MR. RUSSO: Joseph Russo, Jr. and  
11 Jordan Raschke Elton here on behalf of the defendants.

12 MS. CHEN: Sarah Chen on behalf of  
13 NAACP, plaintiffs. And Diana Vall-Llobera will be  
14 joining shortly on behalf of NAACP, plaintiffs.

15 PATRICIA TOLIVER,  
16 Having been first duly sworn, was examined and  
17 testified as follows:

18 DIRECT EXAMINATION

19 BY MR. RUSSO:

20 Q. Good morning, Ms. Toliver.

21 A. Good morning.

22 Q. My name's Joseph Russo, Jr. And we -- we met  
23 a moment ago off the record, right?

24 A. Right.

25 Q. I have the pleasure of taking your deposition

1 today, and meeting you for the first time.

2 A. Uh-huh.

3 Q. I -- I appreciate you being here with us.

4 A. Thank you.

5 Q. You -- you understand that -- that we're here

6 in a lawsuit brought by -- at least partially by the

7 NAACP?

8 A. Yes.

9 Q. And the Galveston branch? Is it a branch?

10 A. The Galveston branch in Texas City, and the

11 other branches, as well.

12 Q. Right. There are other branches involved, as

13 well. But today we're on just the Galveston branch --

14 A. Galveston. Okay.

15 Q. -- correct?

16 A. Yes.

17 Q. Yes. And I represent the defendants who are

18 in the lawsuit, which is Galveston County and Judge

19 Mark Henry and commissioners. And I think Dwight

20 Sullivan is a defendant, as well. And I represent

21 those parties. Do you understand that?

22 A. Yes.

23 Q. Okay. And we'll -- we'll talk about just

24 some of the deposition procedures in -- in a -- in a

25 moment. But I just want to sort of get a -- and then

1 we'll go through sort of your -- your background.

2 But -- but have you ever had your deposition taken  
3 before?

4 A. No.

5 Q. No. This your first time?

6 A. First time.

7 Q. Okay. Well, we'll -- we'll take it slow.

8 A. Okay.

9 Q. And we'll talk about some -- some of the  
10 deposition procedures. First of all, the court  
11 reporter's writing down -- attempting to, anyway, write  
12 down everything that you and I say.

13 A. Okay.

14 Q. So in the deposition process it's really  
15 important that we try not to speak over each other.

16 A. Okay.

17 Q. Because she can't write down two things at  
18 once.

19 A. At one time. Okay.

20 Q. Yeah. And she also appreciates, you know,  
21 the -- the -- not speak too fast. And -- and the other  
22 issue is nods of the head don't record very well on the  
23 -- on the transcript.

24 So she may ask you for verbal -- verbal  
25 responses, as a yes or a no versus, you know, a head



1 nod, up and down, or head nod, back and forth, head  
2 shake, back and forth.

3 So if you can, try to keep the responses as  
4 particular, yeses and nos, verbal, so she can get those  
5 on the record; is that okay?

6 A. Okay.

7 Q. Yeah. If you -- we can take breaks whenever  
8 you're ready. If you need to go to the bathroom, or  
9 just need water, or anything like that, just let me  
10 know.

11 A. Okay.

12 Q. The -- the only thing I would ask is if -- if  
13 there's a question pending, that we try to get an  
14 answer to the question that --

15 A. Oh.

16 Q. Before that.

17 A. Okay.

18 Q. Okay. And so -- and going through the  
19 questioning early I think it just -- we -- we sort of  
20 have an example of one of the things that we talked  
21 about, is -- or we haven't talked about, but I'll  
22 explain to you.

23 I'll ask questions in the process. And  
24 you're here to provide answers to those questions. In  
25 addition to us not talking over each other sometimes

1 it's -- it -- it -- it's going to require you to wait a  
2 second for me to actually finish my questions because  
3 sometimes I think mid -- mid question, and I may not  
4 have it all out. So if you can do your best --

5 A. Okay.

6 Q. -- to just let the complete sentence fall out  
7 her -- she'll put it on the record. And then you can,  
8 you know, provide your answer. It will keep the record  
9 clear for everybody.

10 A. Okay.

11 Q. Does that work?

12 A. Yes.

13 Q. Okay. And, again, there's, you know, water  
14 and coffee in the room. If you need -- need any of  
15 that just -- just let us know. If -- you understand  
16 you're under oath, you've been placed under oath,  
17 right?

18 A. Yes.

19 Q. And what that means is that your testimony  
20 needs to be truthful and -- and honest, just as if you  
21 were sitting in a court of law in front of a jury. You  
22 understand that?

23 A. Yes.

24 Q. Yes. And there's actually penalties of  
25 perjury for misstatement, or lies on the record, but --

1 and that kind of thing. I don't think it's going to be  
2 an issue, but that's the point of the -- taking the  
3 oath. You get that?

4 A. Yes.

5 Q. Yes. Okay. Have you ever -- let's see.  
6 We've talked about you not being deposed before. Do  
7 you understand that -- that you're here in the capacity  
8 to testify on behalf of the organization -- an  
9 organization today?

10 A. Yes.

11 Q. Yes. And so -- and we provided sort of a  
12 list of topics to your counsel early -- early in the --  
13 in the process. And have you seen that list before  
14 today?

15 A. Yes.

16 Q. Okay. And do you -- you feel relatively  
17 familiar with the -- the topics that are on the list as  
18 you sit here?

19 A. Most of them.

20 Q. Okay.

21 MR. RUSSO: Let me -- let me go ahead  
22 and mark that -- that list. I'm going to give this to  
23 the court reporter. She can mark it as 78, if you want  
24 to -- hold on.

25 THE REPORTER: 78?

1 MR. RUSSO: It's -- it's --

2 THE REPORTER: Oh, okay.

3 MR. RUSSO: No. Let's do it as --  
4 we'll just do Toliver 1.

5 THE REPORTER: Yes.

6 MR. RUSSO: Is that -- that okay?

7 THE REPORTER: Okay. I'll just put  
8 the numbers for now and I'll do the name...

9 MR. RUSSO: What's that?

10 THE REPORTER: I'll do the number for  
11 now and I'll fill in the name.

12 MR. RUSSO: Okay. And there's --  
13 because there's several branches.

14 THE WITNESS: Yes.

15 MR. RUSSO: There's -- because that's  
16 NAACP. That's why we can't do his name and add NAACP.  
17 But there's a Galveston, there's a Dickinson.

18 THE REPORTER: So I'm going to say  
19 Toliver?

20 MR. RUSSO: Toliver. That's --  
21 because that's her last name.

22 THE REPORTER: Okay. Okay. I'll...

23 Q. (BY MR. RUSSO:) Okay. So the -- the court  
24 reporter has marked and put in front of you the  
25 document marked Toliver 1. Have you seen that before

1 today?

2 (Exhibit No. 1 marked.)

3 A. Yes.

4 Q. (BY MR. RUSSO:) Okay. And does that look  
5 like the -- sort of the list of topics that were  
6 provided by your -- your counsel?

7 A. Yes.

8 THE REPORTER: The battery's low, it  
9 says on there.

10 (Counsel fixing technical issues.)

11 MR. RUSSO: Thank you for catching  
12 that.

13 THE REPORTER: I heard a beep.

14 Q. (BY MR. RUSSO:) So the -- Exhibit 1 is a list  
15 of topics you've seen before today?

16 A. Yes.

17 Q. So what I want you to do is -- is look at the  
18 topics under the -- specifically on -- it looks like on  
19 the -- the page numbered 1 under topics of -- for  
20 examination. And there are 20 --

21 A. Uh-huh.

22 Q. -- topics listed, paragraphs listed, with  
23 some sub-topics in there under --

24 A. Oh.

25 Q. -- item number 10. Do you see that?

1 A. Yes.

2 Q. Okay. If you -- if you can -- are there --  
3 are there areas on that list that you're uncomfortable  
4 with or don't intend to cover today?

5 A. I don't think so. I think I'm comfortable  
6 with most of them.

7 Q. Okay. And -- well -- and we'll -- as the  
8 deposition goes on we'll -- you know, we're not going  
9 to -- we're not going to just cover -- this is topic 1,  
10 topic 2.

11 A. Okay. Thank --

12 Q. We'll talk about it in a general discussion.  
13 But I ask the question, if there are limitations that  
14 you know coming in to the deposition, that -- that --  
15 whereas I know that's not a topic that we necessarily  
16 going are going to cover with you. That's why I asked  
17 that question.

18 A. Okay.

19 Q. You get that?

20 A. Yes.

21 Q. Yes. Okay. So do you -- do you understand  
22 what it means to sort of testify as an organizational  
23 witness?

24 A. That everything that says "you" is referring  
25 to NAACP, because I'm representing the NAACP and not

1 myself.

2 Q. Okay. Good. The -- how did you prepare for  
3 the deposition today?

4 A. I met with my lawyer, the lawyer -- lawyer,  
5 Sarah. I met with Sarah. And I -- I did some reading  
6 and stuff. You know, tried to -- went over some of my  
7 old emails and stuff like that.

8 Q. Okay. Do you remember, sitting here now,  
9 what -- what emails you might have seen?

10 A. I saw -- well, the email was sent out from  
11 NAACP about the meeting that we were having November  
12 the 12th at the -- with the Commissioners Court over in  
13 League City. That was one of the emails. And about  
14 the maps.

15 (Reporter clarification.)

16 Q. (BY MR. RUSSO:) Okay.

17 A. The redistricting maps that were drawn. And  
18 --

19 Q. And that was the meeting that happened in  
20 2021, right?

21 A. 2021.

22 Q. Okay. Do you -- do you remember who sent  
23 that email?

24 A. I -- I think it came from our secretary. She  
25 just sends out emails, all the emails. Dr. Scott and

1 Mary Patrick, the president's secretary, they sends out  
2 emails and stuff.

3 Q. Okay.

4 COURT REPORTER: I need you to speak  
5 up.

6 THE WITNESS: Oh, I'm sorry.

7 A. Mary Patrick, the president of the NAACP for  
8 the Galveston unit. And Dr. Ned Scott is the  
9 secretary. Dr. Ned Scott usually sends out all the  
10 emails.

11 Q. (BY MR. RUSSO:) Okay.

12 A. I can't swear that it was her, but they're  
13 the ones who normally does it.

14 Q. And -- and I guess that makes sense to me.  
15 The secretary's job is to deal with the communications,  
16 with membership; is that --

17 A. Correct.

18 Q. -- generally right? Okay. Do you  
19 generally -- do you remember generally what the content  
20 of the email was? What did it -- what did it say?

21 A. Just that it was going to be a special  
22 meeting in League City. And I can't remember what it  
23 -- what that court was called. It was -- Because I --  
24 I have been to the Commissioners Court before and we  
25 normally meet in Galveston at the county courthouse.



1 | But this meeting was in League City. It was a smaller  
2 | courtroom and everything.

3 | Q. Okay. On the times that -- other times that  
4 | you've been -- well, let me -- let me just ask this  
5 | question to cover this for a second. Did you attend  
6 | that meeting on November 12th of '21?

7 | A. Yes, I did.

8 | Q. Okay. So let's put that meeting for -- aside  
9 | for a minute. You mentioned you went to other meetings  
10 | at the -- the Commissioners Court. Can you tell me  
11 | what those meetings were?

12 | A. Well, they were -- I'm -- I'm -- I'm sorry.  
13 | excuse me. I'm also a part with Gulf Coast Interface.  
14 | I worked with Gulf Coast Interface, NAACP, and also a  
15 | task force.

16 | So as a group we all got together, LULAC.  
17 | And we went to Commissioners Court in 2012, when --  
18 | about the redistricting of the maps, when it occurred  
19 | before. And we went to some other meetings at the  
20 | Commissioner's Courts, as well.

21 | Q. Okay.

22 | A. Concerning housing. I'm -- I'm on the  
23 | housing committee. Also, I'm a commissioner for the  
24 | housing for DHA.

25 | Q. Right. And we'll cover most of that as we go

1 on today. So other than the meeting in 2021 related to  
2 redistricting --

3 A. Okay.

4 Q. -- and then the meeting -- we talked about  
5 the meeting you -- or meetings you attended in the 2012  
6 area related to earlier redistricting?

7 A. Right.

8 Q. Are there any other times that you can recall  
9 going to the Galveston County Commissioners Court  
10 meetings?

11 A. Yeah, just here and there. I'm not specific.  
12 I can't tell you. But, you know, I would go with the  
13 group. Like I say, we would all go to meetings --

14 Q. Okay.

15 A. -- at the Commissioners Court.

16 Q. So is -- is it safe for me to say that if --  
17 if you were there, at the commissioners court meeting,  
18 it had something to do with either a group setting --

19 A. Or something -- yes.

20 Q. Yeah.

21 A. So --

22 Q. So it would be like an -- an -- and let --  
23 let me try to get this out for you. It would be sort  
24 of -- either in a capacity where you're there with  
25 NAACP or with Gulf Coast Interface, or something along

1 those lines; is that true?

2 A. True.

3 Q. Did -- and do you remember any instances  
4 where you would have gone as -- just as an individual,  
5 just as Ms. Toliver, to see what's going on?

6 A. No.

7 Q. All right. In all the meetings that you  
8 attended, other than the meeting on -- on the November  
9 12th of 2021, were those all at -- in Galveston?

10 A. Yes, sir.

11 Q. Do you know whether those were what they call  
12 special meetings or the regular monthly meetings?

13 A. Regular monthly meetings. They might have  
14 been special, but I think they were regular monthly  
15 meetings. I attended some, just me and Laura Murrell.

16 She was a lawyer. She's since passed away.

17 We went to a lot of meetings together. We  
18 just -- when something going on we just attended. So  
19 sometimes we would be the only ones there.

20 Q. Okay. Sorry to hear that she passed.

21 A. Thank you.

22 Q. What -- how do you spell her last name?

23 A. M-U-R-R-E-L-L.

24 Q. Murrell?

25 A. Uh-huh.

1 Q. Is that right? Okay. And you said she's a  
2 lawyer?

3 A. She's a lawyer.

4 Q. Did she go there in a representative  
5 capacity?

6 A. No, she retired. She was from Kentucky. And  
7 when she retired in Kentucky she moved to Galveston.  
8 And she wanted to live -- live near the beach. And she  
9 lived out on Paris Beach, out on that end. But then  
10 she just was a community activist. And we got very  
11 close.

12 Q. Okay. Good. Which beach did she live at,  
13 did you say?

14 A. Past Paris -- Pirates Beach.

15 Q. Okay.

16 A. Out on the west end.

17 Q. Understood.

18 A. She lived on the west end.

19 Q. So was -- was -- was she involved in the  
20 NAACP Galveston Branch, as well?

21 A. Yes.

22 Q. But just as an individual, not as their  
23 lawyer; is that right?

24 A. No, no. She was just an individual.

25 Q. Okay. And the -- the -- what's -- are there

1 any specifics you can recall about the meetings that  
2 you attended with -- with Ms. Murrell?

3 A. We -- we just went to the meetings to hear  
4 about the redistricting back in 2012, and then later  
5 with the housing issues. And, you know, we were just  
6 community activists.

7 We passed out flyers after Ike together, in  
8 the freezing cold weather, letting everybody know what  
9 was available to them. She was a really good worker.  
10 And we did a lot of community service together.

11 Q. Okay. Do you -- do you remember going to  
12 Galveston County Commissioners Court to deal with GHA  
13 types of issues, the housing issues?

14 A. Yes.

15 Q. What did you discuss with them related to --  
16 to the housing problems?

17 A. I don't remember what we discussed. We  
18 mostly just listened. I think I did speak once, but I  
19 don't remember what it was about. But mostly we just  
20 listened and tried to learn as much as we could. We  
21 were new, you know, activists, so we're just trying to  
22 learn.

23 Q. Yes, ma'am. The -- and Galveston -- and GHA  
24 is the Galveston Housing Authority, correct?

25 A. Correct.

1 Q. What year did -- you're -- you're currently  
2 on that board, right?

3 A. Yes.

4 Q. What year did you get on the board?

5 A. Last year. I was appointed by the mayor. I  
6 think it was June of 2022. This is '23. Right.

7 Q. And was that the first time you had any kind  
8 -- any sort of formal connection to the DHA?

9 A. I was a -- yeah, formal, definitely, but I  
10 attended a lot of their meetings.

11 Q. Did you do any -- any work, sort of as --  
12 just as an agent or, I don't know, contractor capacity,  
13 volunteer for DHA?

14 A. No, I mostly was just an advocate.

15 Q. Okay.

16 A. The volunteer work I did mostly was with  
17 Our Daily Bread.

18 Q. What was the last thing you said, was what?

19 A. Our Daily Bread.

20 Q. Oh.

21 A. I volunteered with Our Daily Bread. And like  
22 -- you know, like I said, we did a lot of volunteer  
23 work after Hurricane Ike, just making sure that the  
24 community knew that FEMA was here, what was available  
25 to them, where they could receive resources, food,

1 water. You know, stuff like that.

2 Q. Uh-huh. I -- I recalled sort of a -- an  
3 issue at -- at DHA, as kind of an ongoing issue, that  
4 related to replacement and re-development of housing  
5 after Ike.

6 A. Uh-huh.

7 Q. And I just want to get your view, your --  
8 what your thoughts are on this. An -- an argument of  
9 having highly condensed apartments built versus sort of  
10 spreading out different houses, sort of across the  
11 island. Do you -- are you aware of that -- that  
12 argument or issue?

13 A. Yes. I think the issue mainly was with HUD.  
14 HUD and JJ, and the community.

15 Q. Uh-huh.

16 A. We did not want the apartments that we had  
17 before Ike. They were all -- 569 of the apartments  
18 were destroyed during hurricane Ike, and they didn't  
19 rebuild them. They tore them down. So it was a lot of  
20 decisions and discussion, how we should come back.

21 Q. Uh-huh.

22 A. What should we do. And so in the long run we  
23 decided to do mixed income housing.

24 Q. Uh-huh.

25 A. And which a mixed income we had the low

1 income, moderate, market rate. So the Villas that you  
2 see on the east end of town, that used to be the  
3 Magnolia Homes.

4 They're mixed income units. The Cedars that  
5 are in the middle of town by Central School, those are  
6 mixed income units. The ones that's coming up at the  
7 Oleander, those are mixed income units.

8 Q. Okay.

9 A. So -- and the reason that we chose mixed  
10 income instead of public housing is so that everybody  
11 could be treated equally, everybody could see how the  
12 other people live, and they could all help one another.  
13 And it's been working out just fine.

14 Q. Good. Well, do you -- was there a contingent  
15 or sort of a part of the community that just wanted to  
16 rebuild those units you mentioned, the way they were to  
17 get them built and up?

18 A. It was. I don't know exactly who all it was.  
19 But as a matter of fact, I think we all did at one  
20 time, but we -- Harish. I can't think of his whole  
21 name.

22 He was the director of housing at that time.  
23 And he sent us to -- I don't -- I think it was  
24 Philadelphia.

25 Q. Uh-huh.



1           A.    And we went to a workshop.  And they told us  
2 all about mixed income housing.  And -- and we learned  
3 a lot.  And with -- and with Betty Masau.  So she had a  
4 -- a presentation.  And we learned a lot about mixed  
5 income housing.  Then everybody was more receptive to  
6 it.

7           Q.    Yeah.  I -- I -- I gather from your --  
8 your -- your testimony or -- so far that you -- you're  
9 in favor of the mixed income units versus the more  
10 highly condensed units?

11          A.    Yes.

12          Q.    Yes.  And why is that?

13          A.    Because I grew up on what they call the north  
14 side of Broadway.  And that's the side that we're  
15 sitting on right now.  This is north side.  And the  
16 north side of Broadway had all of the public housing.  
17 And it was all like barrack housing.

18                Everybody, boom, boom, boom.  And everybody  
19 was low income.  It wasn't mixed income.  So in some  
20 cases they called it generational of property.  And I  
21 learned all of this after Ike.

22          Q.    Understood.

23          A.    I didn't know any of this before Ike.

24          Q.    I'm -- I'm in the same...

25          A.    I'm a retired nurse, so I nursed all the

1 time.

2 Q. Understood.

3 A. So I -- I used to love to go to the projects.  
4 I -- I didn't live in the projects at that time, but I  
5 used to love to go there because they have so many kids  
6 there. And we played, and we had so much fun.

7 And they had all the sidewalk. And we roller  
8 skated, and skate backwards and forwards, and rode our  
9 bikes. But I learned -- and also they had community  
10 clinics.

11 They had community clinics back in the day,  
12 so you can go and get your booster shots right there  
13 where you live. And that was the nice thing about  
14 that.

15 And everyone -- I lived at 61443. We didn't  
16 have any of that. We actually lived closer to the  
17 water. In the back. Behind the projects is what I  
18 call it. Because on the other side was the graveyard.

19 Q. Uh-huh.

20 A. So I always wanted to live in the projects.  
21 I just felt like it was the place to be. All the kids  
22 were there. We had a great time. But I knew that it  
23 wasn't any real -- not a lot of really good examples.

24 I know there's a lot of really good people  
25 that lived in the projects because I had cousins that

1 lived there.

2 Q. Uh-huh.

3 A. And my cousin -- cousin, Florence, she has  
4 passed, since passed away, she had four children.  
5 Robert became a doctor, Mary got a degree in education,  
6 Cassie and Melba became nurses.

7 So I knew a lot of stuff that they said about  
8 people in the projects wasn't true. My cousin, Rita,  
9 lived in the projects. She owned her own day care  
10 until she retired.

11 Q. Uh-huh.

12 A. Her son owns A & D Construction Company now.  
13 So I know a lot of people made it. Some people didn't  
14 do as well, but the majority of the people -- Hoskins,  
15 he become a lawyer. He lived in the projects.

16 Q. I know him well.

17 A. David O'Neil. You know a lot of people. I  
18 think David said he was in the projects, too. I don't  
19 want to get it wrong. But my Pastor Simpson, he's  
20 since passed away, they lived in the projects called  
21 Bay View.

22 Q. Uh-huh.

23 A. So I know a lot of good people that came out  
24 of the projects.

25 Q. Right. Is -- is there -- is there -- but

1 were there problems that you saw growing up or over  
2 time, or that you feel today existed, that -- with sort  
3 of the highly condensed, low income, areas that you --  
4 we -- we call the -- sort of the -- more of the  
5 project?

6 A. I don't see any gang activity. I remember  
7 them having the Bloods and Reds. And I don't see any  
8 of that going on.

9 Q. Uh-huh.

10 A. I do ride around the island frequently, and  
11 check out what's going on. I also ride around  
12 Sandpiper Cove because there's been a lot of bad talk  
13 about Sandpiper Cove.

14 So I usually ride around and just see if I  
15 see any activity going on. And I don't see -- I see --  
16 it's so much better now than what it was. It's less  
17 people on the streets.

18 They have some really nice balconies, but I  
19 don't ever see anybody sitting out on them. I don't  
20 know why. I think the rules are really strict around  
21 there.

22 And each apartment complex has a swimming  
23 pool. So the children can swim. They have computer  
24 rooms. They have people that help them with their  
25 homework. And so it's -- it's just better.

1 Q. Yeah.

2 A. I -- I think the resources are better. And  
3 then you can see how other people live, and it makes  
4 you want to do better.

5 Q. Uh-huh. So would it be accurate, then, sort  
6 of say, just in our discussion, that going to this sort  
7 of mixed unit rebuilding process was an improvement in  
8 the -- for the, I guess, minority community?

9 A. I think it was an improvement for everybody  
10 because we have a lot of people that lived there from  
11 UTMB. And everybody helps everybody.

12 Q. Uh-huh.

13 A. And everybody gets to see how the other  
14 person lives, you know. And it makes you want to do  
15 more, you know. I just think it's good all the way  
16 around.

17 Q. Good. Okay. Is there -- just to kind of put  
18 a cap on all -- is there -- was there -- the other side  
19 of the argument was to continue or go back to the  
20 project approach.

21 Was the -- was there -- was the argument that  
22 we needed more -- you could put more -- more units into  
23 the project type of development versus mixed income  
24 or -- or what?

25 A. Not that I remember.

1 Q. No. And I see that currently they -- they  
2 have -- Oleander is now under construction, as well,  
3 yes?

4 A. Yes. And I did have an objection about  
5 Oleander.

6 Q. Uh-huh.

7 A. And my objection was 374 units was just too  
8 many apartments for that land. That was the only  
9 objection I had. I wanted to see less.

10 Q. Yeah. And by comparison, so Villas and  
11 Cedars, what are the -- what are the numbers over  
12 there, if you know?

13 A. I think the Oleanders were almost twice what  
14 the Villas and Cedars -- it was a larger number. I'm  
15 not -- I'm exactly sure, but I know the Villas -- the  
16 Villas and the Cedars -- I don't want to quote it.  
17 Because I have it -- I probably have it in my phone,  
18 but I know I can't take it out.

19 Q. Yeah, we don't --

20 A. Yeah.

21 Q. We don't need to be that specific.

22 A. They have -- they less units.

23 Q. Yeah.

24 A. Both places. The -- the Capris, one of the  
25 senior citizen houses, they have 199 units. And I know

1 that Highland House has 150, 149, something like that.

2 Q. Nice.

3 A. That's senior -- and they were all senior  
4 citizen.

5 MS. CHEN: Mr. Russo, if I could just  
6 ask which notice topic this line of questioning relates  
7 to.

8 MR. RUSSO: This is just related to  
9 her background as a member of the community.

10 MS. CHEN: And you recall that she's  
11 here also as a representative of the NAACP, not just as  
12 a member of the community?

13 MR. RUSSO: Oh, I get it. I  
14 understand. The -- the -- the topics are what they  
15 are. I mean, we'll -- we'll -- you know, we'll be on  
16 and off topic all day. Agreed?

17 MS. CHEN: We'll -- we'll see what  
18 Ms. Toliver can respond to topics that --

19 MR. RUSSO: Obviously, she's not  
20 testifying about what the NAACP's view of GHA is at the  
21 moment. I'm talking to her about her role as a  
22 community member.

23 MS. CHEN: Then I'll interject and  
24 note when she is speaking on -- in her individual  
25 capacity versus in her organizational capacity, which

1 is what the deposition today should be about.

2 MR. RUSSO: Understood. Just working  
3 on her background.

4 Q. (BY MR. RUSSO:) How long have you lived in  
5 Galveston?

6 A. 74 years. I'm 74.

7 Q. Were you born on the island?

8 A. Yes.

9 Q. At John Sealy?

10 A. At the colored hospital.

11 Q. Which -- which one was that? What's -- what  
12 was the name of that one?

13 A. It was John Sealy Colored Hospital. That's  
14 what's on my birth certificate. That's -- that's all I  
15 know.

16 Q. And never lived anywhere else?

17 A. No.

18 Q. Just one of the rare left BOIs. You know  
19 that, right?

20 A. Yes.

21 Q. Okay. The -- have you ever been involved in  
22 a lawsuit before, you personally, not -- not NAACP?

23 A. No, not -- no.

24 Q. No. Okay. So going back to sort of the  
25 preparation for the deposition, you -- you said you met



1 with your counsel. Do you know how many times you met  
2 with them?

3 A. Three.

4 Q. And were -- how long were those sessions? do  
5 you remember?

6 A. An hour. Sometimes we'd go over a little  
7 bit.

8 Q. Okay. What --

9 A. Hour and a half or two...

10 Q. And when -- when were those? Do you know?  
11 Do you remember?

12 A. We had one Sunday. And we did like 15  
13 minutes last night. And then I think before that it  
14 was a Tuesday. Not quite sure on that date.

15 Q. Okay. What -- which lawyers did you meet  
16 with? Do you know them by name?

17 A. I -- I met with Sarah.

18 Q. And --

19 A. And it was some other -- I don't remember the  
20 names of the other team. There was other team members  
21 that was on -- we -- we did Zoom. We did Zoom.

22 Q. Okay. Did you ever meet in person?

23 A. Yes, with the group, but not just one on one  
24 with the -- with the NAACP and some other people.

25 Q. Were they attorneys?

1 A. Some attorneys, some members.

2 Q. Okay. But that was related to preparation  
3 for today?

4 A. It was related to just the -- the lawsuit.  
5 It was related to the lawsuit.

6 Q. Okay. And did this happen -- I'm just trying  
7 to get the timing down. Was this a meeting -- let me  
8 -- let me get the question out. Was the meeting you're  
9 referencing related to the deposition preparation or  
10 was it just related to maybe filing the lawsuit at an  
11 earlier time?

12 A. Yeah, just earlier times. Just finding out  
13 what we knew and what we wanted to do.

14 Q. Okay. Do you have any -- sort of an  
15 approximation as to when that -- that meeting would  
16 have happened?

17 A. I remember we met at the Hilton Hotel.

18 MS. CHEN: And you don't have to speak  
19 to any of the confidential communications that we had.

20 THE WITNESS: Okay. Oh, okay. I -- I  
21 remember that we met, but I don't remember all the  
22 dates and times, and all that stuff.

23 Q. (BY MR. RUSSO:) Do you know whether it was  
24 before the -- this lawsuit was filed in the case?

25 A. No, I don't know.

1 Q. Do you know when the lawsuit was filed by  
2 NAACP?

3 A. I knew it was after November 12th, but I  
4 don't know exactly when.

5 Q. Okay. And then the meeting you're talking  
6 about, at the -- the Hilton, you're not sure whether  
7 that was sort of in preparation for filing the suit or  
8 anything like that?

9 A. I'm sure the suit had filed because the  
10 lawyers was there.

11 Q. Do you remember which lawyers were there at  
12 that -- that meeting?

13 A. It was several. I don't remember their  
14 names.

15 Q. Do you know whether they were all  
16 representing NAACP?

17 A. Yes.

18 Q. Okay. Do you recall whether any lawyers were  
19 there from the Department of Justice?

20 A. No.

21 Q. How many people were there?

22 A. I would say probably 10 or more. Some of the  
23 NAACP members.

24 Q. Was it principally NAACP and -- or were there  
25 other people there, as well, other organizations?

1 A. The lawyer and NAACP.

2 Q. Okay. So from what I'm gathering is -- it  
3 was principally an NAACP meeting and gathering plus  
4 their lawyers; is that fair?

5 A. The lawyers called the meeting.

6 Q. Okay. All right. And we talked about in  
7 your preparation you -- you remember looking at an  
8 email related to the -- I guess an announcement for the  
9 meeting at Galveston County Commissioners Court in  
10 November of 2021, right?

11 A. Right.

12 Q. You remember reviewing any other documents in  
13 connection with this deposition?

14 A. No. Just I -- I read these documents.

15 Q. The notice you're referring to, as Exhibit 1?

16 A. I'm sorry. Exhibit -- yes.

17 Q. Yeah. Okay. So do you -- did -- do you --  
18 did you look at the complaint filed in the case?

19 A. Was this the complaint?

20 Q. No, ma'am. That's a -- that's a -- that's a  
21 notice. That's -- Exhibit 1 is a notice for your  
22 deposition.

23 MR. RUSSO: Let me go ahead and mark

24 --

25 THE REPORTER: T-O-L-I-V-E-R --

1 THE WITNESS: Uh-huh. One L.

2 THE REPORTER: -- is your name,  
3 correct?

4 THE WITNESS: Huh.

5 MS. CHEN: Okay. I should give you  
6 that version.

7 THE WITNESS: Thank you.

8 THE REPORTER: Uh-huh.

9 THE WITNESS: Yes.

10 MR. RUSSO: Okay. That's Toliver 2.  
11 (Exhibit No. 2 marked.)

12 Q. (BY MR. RUSSO:) So the court reporter has  
13 marked Toliver Exhibit 2 and put that in front of you  
14 and I see you looking at it. Yes?

15 A. Yes.

16 Q. Do -- do you recall looking at that document  
17 in preparation for your deposition?

18 A. Yes.

19 Q. All right. Do you remember anything specific  
20 about the contents of that complaint, review, anything  
21 specific?

22 MS. CHEN: Objection. Objection,  
23 vague. You can answer.

24 THE WITNESS: Huh?

25 MS. CHEN: You can answer his

1 question?

2 THE WITNESS: Oh, I thought you said  
3 objection. Okay.

4 A. So would you mind repeating that question?

5 Q. (BY MR. RUSSO:) Yes, ma'am. Well -- so do --  
6 do you recall -- as you're looking at the complaint --

7 A. Uh-huh.

8 Q. -- do you recall any specific paragraphs or  
9 statements in the -- in the complaint?

10 A. I just -- I just recall looking at who all  
11 the plaintiffs were. And I recognized the names Joe  
12 Compian, Leon Phillips. I recognize the name LULAC. I  
13 know the organization NAACP works closely with LULAC.  
14 And the other -- these people were all -- and -- and I  
15 think that all -- the majority of them were at the  
16 meeting on November 12. So I remember that.

17 Q. Okay.

18 A. And I was reading the introduction about the  
19 long history of racial discrimination, and it -- it  
20 takes me back and I related to a lot of that. Yes, I  
21 remember.

22 Q. Did you -- did you participate in sort of the  
23 original drafting of the original complaint before it  
24 was filed, you -- you personally?

25 A. No.

1 Q. When was the first time, if you recall,  
2 knowing that NAACP Galveston branch had filed this  
3 suit?

4 A. I don't remember. I know I knew when we was  
5 at the meeting, but I don't remember.

6 Q. The -- and the meeting that you're referring  
7 is the November 2021 commissioners court meeting?

8 A. But the suit had been filed then. No, I was  
9 referring to the meeting with the lawyers.

10 Q. Okay. And is this the -- the Hilton meeting?

11 A. Yes.

12 Q. Yeah.

13 A. I think there was one before that, too. I'm  
14 not sure.

15 Q. And is looking at this -- the complaint in  
16 front of you, although that's the amended complaint,  
17 does that provide you any sort of recollection as to  
18 whether the -- the -- the meeting at the Hilton  
19 occurred prior to this lawsuit being filed?

20 A. I don't think that I was included in the  
21 original filing of this lawsuit. I'm not the  
22 redistricting person for the NAACP. I'm the housing  
23 person. But the president --

24 THE WITNESS: I can say the  
25 president's name, right?

1 MS. CHEN: Uh-huh.

2 A. The president of the NAACP -- Mary Patrick  
3 and -- is -- is the president. So I'm sure that she  
4 probably was the one that was involved with this, and  
5 some of the other members, you know.

6 Q. Okay. All right. So I'm gathering, then, at  
7 the NAACP there are, you know, various roles that  
8 volunteers play, right? Is that true?

9 A. Yes.

10 Q. And you said you're the -- there for -- I  
11 don't know you put it. For housing?

12 A. Housing. Uh-huh. I'm --

13 Q. So how -- I'm sorry. Go ahead.

14 A. I'm head of the housing committee. It's a  
15 committee of four.

16 Q. All right. And is there also a committee of  
17 redistricting?

18 A. Yes.

19 Q. And do you have any role on the redistricting  
20 committee?

21 A. Once he sends us out informations -- you  
22 know, sometimes, you know, send different maps or  
23 something, but I wasn't working directly with her, with  
24 the redistricting.

25 Q. Who's the chairman of the redistricting



1 committee?

2 A. Roxy Hall.

3 Q. What's -- how you say her last name?

4 A. Roxy. R-O-X -- R-O-X-Y, Hall, H-A-L-L,  
5 Williams. I think it's Williams or Williamson. Oh, I  
6 shouldn't have gave her name? Is that okay? She is  
7 one of the plaintiffs.

8 Q. Yeah. Actually, her -- her -- she's been  
9 deposed, I think. First one, if I recall.

10 A. Oh, okay.

11 Q. Do you know how long Ms. -- Ms. Williamson's  
12 been the redistricting committee head?

13 A. Right. You know, just right before all of  
14 this started in 2012. She had been living somewhere.  
15 She wasn't always living here. So when she came back  
16 home, back to Galveston -- I'm not even sure if she was  
17 born here. But when she came to Galveston she wanted  
18 to work with the NAACP.

19 Q. Okay. I'm sorry. I just forgot the answer  
20 to this. What was your role with the redistricting  
21 committee, if any?

22 A. I wasn't a part of it. I did receive some  
23 messages, but I really wasn't a part of the  
24 redistricting committee.

25 Q. Okay. Are you part of it now, or have you

1 ever been?

2 A. No.

3 Q. No. So, then, is it -- is it fair to say  
4 that -- well, let me ask it this way. As you -- what  
5 does the redistricting committee -- what do they do?  
6 What's their job?

7 A. Well, I don't know exactly her job  
8 description, but I know that she got a lot of  
9 information out to the -- us. What we needed to  
10 attend, let us know what was going with the maps, which  
11 I don't understand maps. Please don't ask me no  
12 questions about then.

13 (Laughter).

14 A. And she -- but she was the one who handled  
15 all of that.

16 Q. (BY MR. RUSSO:) Okay. So is it -- how would  
17 you describe sort of the committee -- what's the  
18 objective of any given committee? Is it just we have a  
19 --

20 A. The objective of all the committees is to  
21 ensure that we have equal rights. Education is equal,  
22 housing is equal, that everybody's treated fairly, and  
23 nobody's civil rights are violated. And so we just try  
24 to do whatever we can do, that's best for the people.

25 Q. Okay. And then how many -- how many

1 committees are there?

2 A. Let's see. You have your education, the  
3 housing, the health, the redistricting, economics. And  
4 there's another one. Criminal justice committee. I  
5 think that's all of them.

6 Q. Okay.

7 A. And of course the president, she gives the  
8 president report.

9 Q. Do you have any role on any of the committees  
10 other than housing?

11 A. I'm a registered nurse, so I help with the  
12 health committee. You know, with -- with that  
13 committee, whatever they're doing. And I basically  
14 help with anybody if they ask me to do something.

15 Q. Okay. So --

16 A. But I'm mainly just housing.

17 Q. So you -- you -- you mentioned that the goal,  
18 like sort of the committee, is to -- I think -- I don't  
19 want to -- I guess I'm paraphrasing. Equality. Is  
20 that sort of lock, step or joint along with what the  
21 NAACP Galveston branch goal is?

22 A. Yes.

23 Q. Can you tell me sort of what the -- what the  
24 goal is of the NAACP Galveston branch?

25 A. Can I -- I'm sorry. Would you repeat that?

1 Q. What is the goal? Is there -- what's the  
2 sort of stated goal?

3 A. The goal is to establish equality for all,  
4 that one day, and hopefully soon -- that we all could  
5 be treated fairly, we all can be educated equally, we  
6 all can have equally, housing, and we all can see past  
7 color.

8 Q. Uh-huh. Have you seen improvements in  
9 Galveston -- let's start with Galveston since you've  
10 been here.

11 A. Yes, I have seen improvement.

12 Q. And specifically in sort of racial relations?

13 A. Yes. Let's just start with the housing.  
14 There's no longer the barracks that we used to have.  
15 We're no longer segregated. Where Hispanics are in  
16 Magnolia, Whites are in Oleander, Blacks are in Cedars  
17 and Palm Springs. Everybody's united together.

18 Q. Uh-huh.

19 A. You know, and our high school we all have the  
20 one high school plus the private high schools. So  
21 everybody's integrated. Everybody's in the same high  
22 school.

23 When I grew up I went to a Black high school.  
24 We no longer have that. We no longer have -- where we  
25 have to ride the back of the bus. The bus service is

1 integrated. You can sit wherever you want to sit.

2 We no longer have to go to the back door of  
3 the restaurants. Like I'm 74. We can walk in the  
4 front door of the restaurant. We no longer have to use  
5 the colored water fountain or the colored bathrooms.

6 Everything is integrated. I've seen a lot of change,  
7 but I feel we have a long way to go still.

8 Q. Yeah. You -- you mentioned going to the --  
9 to the -- the high school that -- that you went to, was  
10 that Central?

11 A. Central.

12 Q. Yeah --

13 A. I actually graduated from Ball High.

14 Q. Okay.

15 A. But I'm always included with the Class of '67  
16 with Central, because I graduated from night school at  
17 Ball High because I married young, and I had Joyce.

18 And I -- I got my diploma from Ball High.  
19 And I went onto Galveston College and got my LVN, and  
20 worked at UTMB, and got my RN.

21 Q. Yeah. Okay. Well, we definitely walked some  
22 of the same hallways.

23 A. Yeah.

24 Q. All right. So do -- just in general, do you  
25 feel like you have a -- a -- a fairly good

1 understanding of Galveston County as a whole in  
2 comparison to what you would know about sort of  
3 Galveston Island?

4 A. I feel like I'm in the learning process about  
5 Galveston County.

6 Q. Uh-huh.

7 A. Because, you know, I grew up -- I'm a BOI.

8 Q. Right.

9 A. So I can't get around in La Marque and  
10 Atascocita. I've been there. I can't -- I can go to  
11 one specific spot, by I can't, like, go to another one.  
12 And my sister, she don't even drive, but she can take  
13 me all around, she knows.

14 But I've seen a -- I've been to La Marque,  
15 Atascocita a lot, you know. But I don't know it as  
16 well as I do Galveston. And League City, I go to the  
17 doctor up there. Dr. Smith, he has an office here. I  
18 have a bad knee, I need to get up in a little while.

19 Dr. Smith has an office here in Galveston.  
20 He also has an office in League City. You know, UTMB,  
21 they broad now, there all around. So I've been to  
22 League City, and to some of the restaurants there.

23 And -- but -- but that was the first time  
24 I've been to that building where the meeting was. I've  
25 been to Dickinson. I have friends and classmates that

1 live in Dixon. So I've been around, you know,  
2 Hitchcock, and everything. But my main work is here in  
3 Galveston.

4 Q. Okay. And so particularly in Galveston you  
5 mentioned you've seen some improvements in racial  
6 relations over the years?

7 A. Over the years, yes.

8 Q. What would -- how would you sort of  
9 characterize the sort of last 20, 25 years in terms of  
10 -- of race relations? Do you see sort of a consistent  
11 improvement, although it maybe small, but you see some  
12 improvement?

13 A. Yes.

14 Q. Advancements?

15 A. Yes.

16 MS. CHEN: Just a quick objection to  
17 the scope, and noting that Ms. Toliver is likely  
18 responding in her individual capacity, unless you're  
19 specifically asking in her organizational capacity.

20 THE WITNESS: Oh, uh-huh.

21 MR. RUSSO: No. This -- either way is  
22 fine with me.

23 Q. (BY MR. RUSSO) I mean, I -- I -- I am  
24 interested in -- in your -- you know, your -- your  
25 views as a community member on this topic.

1 A. Yes. And as an NAACP, we work well with  
2 LULAC. And we also have Anglo Americans in our  
3 organization, you know. And we all work together.

4 Q. Yeah. So -- and then you -- you -- we talked  
5 about the committees. And -- and -- and we talked  
6 about improvement. Would you say that you've seen  
7 improvement in -- in these areas, most of these areas,  
8 including education, housing, health, economics, and  
9 criminal justice? Do you see improvements?

10 A. I see improvement, but I see a lot still  
11 needs to be done. For example, I'm a breast cancer  
12 survivor.

13 Q. Uh-huh.

14 A. And when I would go to national conventions,  
15 and they talk a lot about disparages among Blacks, I  
16 really didn't see a lot in the medical field because I  
17 worked with plastic neurosurgery and my physicians and  
18 the nurses I worked with, they were not -- I don't  
19 think they were prejudiced at all. But when I went for  
20 my health care my doctor did not want to touch my  
21 breast.

22 Q. Uh-huh.

23 A. My oncologist, and I could feel -- I knew  
24 that wasn't right because I worked in the medical  
25 field. But it really made me feel bad --



1 Q. Uh-huh.

2 A. -- that he felt like he didn't want to touch  
3 me because I was Black. And that's -- that's the way I  
4 felt.

5 (Witness crying.)

6 Q. (BY MR. RUSSO:) Yeah.

7 A. And it made me understand better, why --  
8 thank you, I'm sorry -- why Black people don't get the  
9 care that they need, why they always diagnosing the  
10 last stages --

11 Q. Uh-huh.

12 A. -- instead of the early stages, where they  
13 can get treatment. Because if you're diagnosed in the  
14 last stages, then it's almost too late for you. But if  
15 your doctors don't want to give you a proper  
16 examination because of the color of your skin you don't  
17 really want to go back --

18 Q. Right.

19 A. -- to the physician, you know. And I talked  
20 to my nephew. And my nephew was the director of  
21 nursing with the oncology department. And he spoke  
22 with the doctor about the way he treated me and it got  
23 better for a while, but then it -- he -- he started --  
24 I mean, I would go there. My insurance is paying 4 or  
25 \$500 for a visit. And he's only talking to me,

1 something we can do over the phone.

2 And now I have to say, "Will you please

3 examine me? I don't want to have cancer and don't know

4 that it's reoccurring in my body," you know.

5 Q. Right.

6 A. So it -- it -- it gave me a clearer

7 understanding of what the word "disparages" really

8 meant.

9 Q. Did the -- is the -- was the oncologist a --  
10 a UTMB physician?

11 A. Yes.

12 Q. Was he on the island or off the island? I  
13 assume it's a he.

14 A. He was on the island. I don't know if he  
15 lived on the island, but I saw them here. MD Anderson,  
16 at the -- the cancer center. They have the same  
17 doctors, some of the same doctors, that work at UTMB  
18 that work for MD Anderson, also.

19 Q. Uh-huh. So -- and just by your -- I -- I --  
20 I shouldn't assume this. What -- the -- the doctor  
21 you're referring to, was he White?

22 A. No.

23 Q. What -- what ethnicity or race was he?

24 A. I'm not sure exactly what he was. I think he  
25 was Indian. I'm not sure, but he was -- he's -- he was

1 not White.

2 Q. Okay.

3 A. He was --

4 Q. But then you mentioned prior to this  
5 oncologist experience, that you -- you didn't feel like  
6 there -- you experienced racism --

7 A. No, but --

8 Q. -- for yourself in the health field; is that  
9 -- is that accurate?

10 A. That's accurate. I hadn't had a major  
11 illness before. This was my first experience as a  
12 patient and not as a nurse.

13 Q. Uh-huh.

14 A. I worked with Dr. Ted Wong and Dr. Steven  
15 Lewis. Steven Lewis was White.

16 Q. Uh-huh.

17 A. Dr. Wong was Chinese. I think he was.  
18 Steven Blackwell was Jewish. We all got along. We  
19 worked well together. We all treated one another with  
20 respect.

21 And I was their nurse, so I know that they  
22 had hands on with their patients, because I was in the  
23 room with them. Courtney Townsend, I was in the room  
24 with him. I know how they treated their patients. So  
25 I know that I was being treated differently.

1 Q. Yes, ma'am. And -- and the -- the folks --  
2 the people that we -- you -- you just talked about, I  
3 think most of those were White. But I don't -- you  
4 know, I don't want to assume. Just from my  
5 understanding, is those -- those were White people.  
6 Mr. -- Mr. -- Dr. Townsend was?

7 A. Uh-huh. Courtney Townsend. A very good man.  
8 A very good man.

9 Q. And Blackwell, as well, correct?

10 A. Steven Blackwell was Jewish, is what he told  
11 me. And very good. Dr. Wong, very good. I -- I did  
12 not see any discrimination in the department where I  
13 worked.

14 Q. Uh-huh. And the people that you worked with  
15 and -- and for, did -- would you -- you say they were  
16 -- they generally treated both minorities and, I guess  
17 non-minorities the same?

18 A. 100 percent.

19 Q. And of course you strive to do that as a  
20 nurse, correct?

21 A. Right. 100 percent.

22 Q. Yeah. When -- when did you stop being a  
23 nurse? When did you retire?

24 A. I retired in 1998 at the age of 49. And I  
25 worked until 2008, when Hurricane Ike came.

1 Q. Okay.

2 A. My manager called me. And she wanted me to  
3 come back to work, but I couldn't go back to work  
4 because so many people didn't have an income at all.

5 Q. Uh-huh.

6 A. I had a retirement check. They lost their  
7 houses, they lost their cars. They lost everything  
8 they had. And I felt like why should I take a job that  
9 somebody else really needs. So I didn't go back to  
10 work. And I became a community activist.

11 Q. And that -- and that was after 2008?

12 A. That was after Hurricane Ike.

13 Q. And what did you do between 1998 and 2008?

14 A. I worked for UTMB part-time.

15 Q. Oh, okay. As -- as a nurse?

16 A. As a nurse.

17 Q. Did you enjoy that?

18 A. Yes.

19 Q. Okay.

20 A. I had all weekends off. I enjoy nursing. I  
21 love taking care of patients.

22 Q. And I -- I don't need to tell you. I'm sure  
23 you agree. One of the most noble of professions --

24 A. Thank you.

25 Q. -- without a doubt. The -- as a nurse you --

1 you principally worked a UTMB, on the island?

2 A. Yes.

3 Q. Yeah.

4 A. I worked at UTMB since 1967. I originally  
5 worked at the Galveston County Courthouse in the tax  
6 assessment collection office and the neighborhood youth  
7 corp.

8 It was a program that they had for teenagers,  
9 for young people. And I worked for them. And that --  
10 I was not discriminated at the courthouse. But when I  
11 applied for a job at UTMB I ran back to the courthouse  
12 to tell my friend who was Hispanic, Beatrice, "Hey,  
13 Beatrice, they're paying extra \$100 a month at UTMB,  
14 you should go over there and apply for a job."  
15 And she went over there. And they told her they  
16 couldn't hire her --

17 Q. Uh-huh.

18 A. -- because she was Hispanic, and they didn't  
19 hire Hispanics as a nurse assistant. So when I went to  
20 work --

21 Q. What -- what year is that? Were you --

22 A. That was probably in 1969.

23 Q. Okay.

24 A. So when I went to work I looked over the  
25 facility, and I saw that it was segregated. But like I

1 say, that was back in 1969.

2 Q. Okay.

3 A. It was --

4 Q. So -- between --

5 A. Actually, '67, because I started working  
6 there in '67.

7 Q. So between that '67 and '98 you worked as a  
8 full-time nurse at UTMB?

9 A. I worked at -- in '67 to '68 and a half as a  
10 nurse assistant. Then I went to LVN school. And then  
11 the LVN school, I worked in dietary part-time while I  
12 went to school, until one of the nurses asked me to be  
13 a nurse assistant.

14 I said, "I'm already a nurse assistant." But  
15 they wouldn't let me work as a nurse assistant while I  
16 was in school. And she said, "Well, I'm going to hire  
17 you, I'm going to give you a job."

18 And I say, "You can do that?" And she say,  
19 "Yes." And she hired me, and gave me a job. And I  
20 worked for her until I graduated from the LVN school.  
21 And then I worked in the emergency room for five years  
22 at UTMB.

23 Q. Okay.

24 A. And from there I went to pediatrics, and then  
25 plastic surgery. And plastic surgery was just like the

1 best job ever. I retired in plastics -- neurosurgery,  
2 on the inpatient side.

3 Q. I guess plastic surgery at the time was --  
4 was it new?

5 A. Yeah.

6 Q. Have you seen -- seen it all in plastic  
7 surgery?

8 A. I saw it all. I loved it. Very, very  
9 educational.

10 Q. Okay. And just sort of, I guess, to put a  
11 cap on the background, you -- you -- you graduated from  
12 Ball in what year?

13 A. In '68.

14 Q. '68. And then did you move over to Ball from  
15 Central?

16 A. Yes.

17 Q. Yeah.

18 A. I didn't move over. I went to night school  
19 at Ball High. Back in the day, when I went to school,  
20 if you were pregnant you had to go to night school.

21 Q. Okay.

22 A. I went to night school. I graduated from  
23 night school.

24 Q. All right. Very good. We've been going for  
25 a little while. If you want to take a break, we can



1 take a break.

2 MS. CHEN: Yes.

3 MR. RUSSO: Does that work for you  
4 all?

5 THE WITNESS: Most definitely. Yes.

6 MR. RUSSO: Okay.

7 THE VIDEOGRAPHER: Going off the  
8 record, 11:07.

9 (Off the record.)

10 THE VIDEOGRAPHER: Going back on the  
11 record, 11:22.

12 Q. (BY MR. RUSSO:) So, Ms. Toliver, we took a  
13 short break. But I just had a couple more questions  
14 related to sort of your -- your -- your background.  
15 Have you ever run for political office?

16 A. No.

17 MS. CHEN: Objection to being outside  
18 the scope.

19 Q. (BY MR. RUSSO:) All right. The -- okay.  
20 Let's talk a little bit about the -- sort of the set up  
21 and the structure of the NAACP branches, if we could,  
22 okay?

23 A. Okay.

24 Q. Do you -- do you know how the general  
25 structure, organizational structure, of NAACP branches

1 as it relates to Galveston branch, the Dickinson  
2 branch, and the Mainland branch, are they all under an  
3 umbrella of a bigger company?

4 A. The National.

5 Q. Okay. And that's -- do you know when -- when  
6 about the -- the NAACP Galveston branch was founded?

7 A. No.

8 Q. All right.

9 A. I know the national -- the NAACP, that was  
10 founded in 1909. I'm not exactly sure when the  
11 Galveston branch, 6180, was founded.

12 Q. Okay.

13 (Reporter clarification.)

14 Q. (BY MR. RUSSO:) And is 6180 -- is that --  
15 that's how the --

16 A. That's our branch number.

17 Q. Okay. And each -- is each branch assigned a  
18 -- a number?

19 A. Yes, as far as I know each branch is assigned  
20 a number. So when you file with the national office  
21 you can say what branch you want to be with.

22 Q. All right. Do you know much about, sort of,  
23 the organizational documents that relate to the  
24 Galveston branch? Have you seen -- I'm not sure what  
25 they would look like. Organizational bylaws, or

1 something like that?

2 A. Yes.

3 MS. CHEN: Objection, vague. You can  
4 answer if you understand.

5 A. I've seen them.

6 MS. CHEN: Uh-huh.

7 A. I'm just saying I've seen them.

8 MS. CHEN: Do you mean the bylaws?

9 THE WITNESS: The bylaws.

10 Q. (BY MR. RUSSO:) And did you see them in  
11 connection with any changes, or what -- what are the  
12 circumstances?

13 A. I just saw them when I joined.

14 Q. Why did you see them when you joined?

15 A. Because they give you a handbook with  
16 everything in it.

17 Q. Okay. And what does that handbook look like?  
18 What's in it?

19 A. It's a yellow book. It has the mission  
20 statements. Just about the NAACP, and our purpose, and  
21 stuff like that.

22 Q. And there's a -- there's a full copy of  
23 the bylaws?

24 A. It has stuff. Yes. It has the president --  
25 what the president's position is. The first vice, the

1 second vice, the treasurer, secretary. You know, just  
2 that's what in the bylaws, and -- and what we  
3 represent, and what our purpose is, and stuff like  
4 that.

5 Q. All right. What year did you join, if you  
6 recall?

7 A. I don't remember. It's been a long time.

8 Q. Okay. Was it before the 90s, that long ago?

9 A. I honestly don't want to --

10 Q. And I hate to even say the 90s or that long  
11 ago. But, you know --

12 A. I honestly don't want to say because I -- I  
13 joined. And then I wasn't a member for a while. Then  
14 we joined again.

15 Q. Okay. So why did you -- why did you have the  
16 gap in membership?

17 A. Because I worked 12-hour shifts. As a nurse  
18 it was just difficult.

19 Q. Are there certain service requirements to be  
20 a member of NAACP?

21 A. We have committees. And with each committee  
22 you're required to participate. Not a certain amount,  
23 but just participate.

24 Q. Okay.

25 A. Do what you can.

1 Q. Are there members that don't, that are not on  
2 committees?

3 A. Oh, most definitely.

4 Q. And are there any sort of service or  
5 volunteer requirements for the -- that membership?

6 A. I'm sorry. No.

7 Q. Okay.

8 A. You can be an inactive member if you want.

9 Q. Okay. If I wanted to know -- is there --  
10 what sort of a mission statement? Is there a mission  
11 statement for NAACP?

12 A. Yes.

13 Q. And where would I find that?

14 A. You can go to the NAACP site. And you'll  
15 find it on Facebook, internet.

16 Q. Is there a separate website for the Galveston  
17 branch?

18 A. Yes.

19 Q. And then a separate website for Dickinson  
20 branch?

21 A. I haven't searched their branches, but I'm  
22 sure they are because they're quite active.

23 Q. All right. And so what is a mission  
24 statement, if you know, for the Galveston branch?

25 A. The -- our mission statement. Yeah, I know

1 the mission statement. But basically the mission  
2 statement is that we're going to assure that  
3 politically, educationally, housing, civil -- their  
4 civil rights -- that everybody have those equal rights.  
5 We want equality for all, no discrimination.

6 Q. And what are the -- what are the requirements  
7 to join?

8 A. The fee to join is 30 dollars. You fill out  
9 a membership application. That's it.

10 Q. And is it an annual fee?

11 A. Yes.

12 Q. All right. And is it -- the organization is  
13 open to all races and creeds?

14 A. Most definitely.

15 Q. And genders, of course?

16 A. Most definitely.

17 Q. Okay. And then the Galveston branch,  
18 specifically, are there all races and -- and creeds,  
19 and genders that are members?

20 A. Yes. We have Anglos and Hispanics. And like  
21 I say, we participate with the LULAC. Our president,  
22 Mary Patrick, she makes sure that LULAC knows  
23 everything that we're doing. And they have a new  
24 president. I can't remember his name. But the other  
25 president, Lillie Aleman --

1 Q. Uh-huh.

2 A. -- she's on my email list. Anything that I'm  
3 involved with, she gets emailed.

4 Q. Okay.

5 A. And Mary Patrick also sends emails with  
6 whatever we're involved in.

7 Q. So do you generally find that the membership  
8 of the Galveston branch NAACP is -- is different from  
9 the membership of LULAC?

10 A. Some -- well, some of -- some organizations.

11 Q. Do you have -- have any clue as to -- to what  
12 the -- the number is, or percentage-wise, members in --

13 A. No.

14 Q. -- the Galveston branch and they're also  
15 members of LULAC?

16 A. No, I don't.

17 Q. Would you say there are many?

18 A. I would say there's a few.

19 Q. I'll put you to the test here because  
20 they're -- would you say it's less than 50 percent?

21 A. Oh, I would say that.

22 Q. What about less than 25 percent?

23 A. I wouldn't say that. I don't know, but my  
24 guess is it would be more. I don't -- I really don't  
25 know the answer to that question.

1 Q. Okay. So you think -- just sitting here you  
2 think your estimate would be that there's more than 25  
3 percent of individuals who are members of both the  
4 Galveston NAACP and LULAC --

5 A. Galveston would be less.

6 Q. -- less. Less. Do you think it would be  
7 less than 10 percent?

8 A. I don't know. I don't know all of the  
9 members that -- what all they belong to. But I do know  
10 that they interact together.

11 Q. Okay. If -- if we wanted to find that  
12 information, how would we get -- how would we get that?

13 A. I guess you would have to get the NAACP list,  
14 and LULAC list, and compare.

15 Q. Yeah.

16 A. I've never searched it.

17 Q. And that -- that was my next question. If --  
18 if you know, does -- does NAACP keep track of that?  
19 The Galveston branch. Does it keep track of people who  
20 are both --

21 A. Not that I know of.

22 Q. All right. So your -- your best guess is  
23 it's something less than 25 percent, though, of the  
24 membership?

25 A. Yes.



1 Q. Why do you think that is?

2 MS. CHEN: Objection, speculation.

3 Q. (BY MR. RUSSO:) You can answer that.

4 A. Laziness.

5 Q. On the part of --

6 A. You know, we just don't join and -- even --  
7 even though we participate we don't always just join  
8 organizations that we should be a part of. I bet none  
9 of you guys are part of the NAACP. And it's only \$30 a  
10 year. Everybody should be a member. Cheapest  
11 organization you'll ever join.

12 Q. Right. Well -- so do you see -- do you -- do  
13 you see -- personally, do -- do you see differences in  
14 the sort of the LULAC organization and the  
15 NAACP organization as far as goals and mission?

16 MS. CHEN: Objection to asking for her  
17 personal opinion as opposed to organizational opinion?

18 MR. RUSSO: Personal's fine with me.

19 A. I think that -- my personal opinion is that  
20 we work well together.

21 Q. (BY MR. RUSSO:) Uh-huh.

22 A. They need our support, we're there. If we  
23 need their support, they're there.

24 Q. And generally speaking, do you think that the  
25 -- I mean, the -- well, strike that. I'm just -- just

1 trying to figure out why -- strike that. Let me ask it  
2 this way.

3 A. Uh-huh.

4 Q. Do you feel like an individual who's an NAACP  
5 member could just as easily be a member of the LULAC  
6 organization and achieve the same goals as a volunteer?

7 MS. CHEN: Objection, vague.

8 Q. (BY MR. RUSSO:) You can answer.

9 MS. CHEN: If you understand the  
10 question.

11 Q. (BY MR. RUSSO:) You can -- if you understand  
12 the question.

13 A. Okay. Yes, I think -- I think that any of us  
14 can join any organization we want to. They -- they're  
15 open to the public, to the community, and to everybody.

16 Q. So from -- is it -- is it sort of your view  
17 that, I guess, it really doesn't matter which  
18 organization you -- whether it's LULAC or NAACP?

19 MS. CHEN: Objection, misstates  
20 testimony.

21 A. If the -- I'm sorry. Re-frame (sic) that  
22 question.

23 Q. (BY MR. RUSSO) Yes.

24 A. What are you saying?

25 Q. I'm just -- if -- if --

1 A. I'm not --

2 Q. -- if you reach the same goal with both  
3 organizations, then is it your -- your view that it --  
4 it really doesn't matter if you're a member of one or  
5 the other, you're --

6 A. Right. As long as you all are working for  
7 the same goal and the same purpose.

8 Q. Okay. And that goal is?

9 A. Equality.

10 Q. Equality?

11 A. Equality.

12 Q. But it is -- do you feel like an individual  
13 should be a member of both organizations, that would be  
14 better?

15 A. Not necessarily, but if they want to it's  
16 their choice.

17 Q. Yeah. Would you say there's -- is there a  
18 difference between, sort of, your -- your mission  
19 statement, which we talked about, and the -- the  
20 purpose of the NAACP Galveston branch, or are -- are  
21 those, in your view, sort of the same?

22 A. You mean with LULAC or the National Locus  
23 County?

24 Q. Just -- just -- just NAACP Galveston?

25 A. Is it a difference in the mission?

1 Q. Yes.

2 A. Difference in what mission?

3 Q. Well, we -- we talked about the mission being  
4 equality, generally paraphrasing?

5 A. Okay. Yeah, that's -- that's generally the  
6 mission.

7 Q. Yeah. And then -- but is that the same as a  
8 purpose? I mean, the purpose of the organization is  
9 the same, the advancement of equality?

10 A. Right.

11 Q. Had the -- the requirements to be a member  
12 changed over the past 20 years?

13 A. Not that I know of.

14 Q. All right. So \$30 and an application,  
15 generally speaking, is what it takes?

16 A. If you want to be a member to enter meetings.

17 Q. And what's the area in which you need to live  
18 for Galveston, to join the Galveston?

19 A. If you're going to be a member of the  
20 Galveston NAACP you have to live or work in Galveston.  
21 So if you don't live here, and you work here, you still  
22 can be a member.

23 Q. Okay. Is there any benefit to being in the  
24 Galveston branch verses the Dickinson Branch?

25 A. No. If you -- if you live in Dickinson you

1 can just be a member in Dickinson. But if you work in  
2 Galveston, then it might be more convenient for you to  
3 be a member in Galveston. You get off of work, and you  
4 just come to meetings, but right now we're virtual.

5 Q. Uh-huh. Do you know most of the members in  
6 the Dickinson branch or the Mainland branch?

7 A. No.

8 Q. Do you all ever sort of meet together, have  
9 functions or -- or parties together?

10 A. I have been in some of their functions, no  
11 parties. I have been at community functions in Texas  
12 City.

13 Q. Uh-huh.

14 A. Yeah. When they ask us to come to different  
15 functions.

16 Q. How often -- are they -- they regular  
17 functions?

18 A. It hasn't been too many with the Coronavirus,  
19 but before then it was.

20 Q. How often was it before Corona?

21 A. You know, everybody have -- like Texas City  
22 probably have like yearly or bi-yearly functions. We  
23 have functions. We have scholarship drives. We -- you  
24 know, we do banquets. We do -- oh, we do banquets for  
25 the scholarship.

1           We do health fairs. And everybody's invited  
2 and included in the health fairs, you know.  
3 We worked with the different churches in Galveston, and  
4 the black nurses for the -- to get the vaccines out for  
5 the Coronavirus.

6           Some of the nurses helped to do that. I  
7 didn't because I'm a diabetic. But some of the other  
8 ones, they did. So, yes, we participate wherever  
9 needed.

10           I went to Texas City. And we participated  
11 over there. I can't remember what we did, but I took  
12 some pictures with the firemen. I remember because I  
13 saw them.

14           But we did -- you know, we all visit each  
15 other's table, and we socialize. Just get to know each  
16 other, and what every organization was all about.

17           Q. Okay. Yeah. And so what you were describing  
18 was all of those three branches working together,  
19 right?

20           A. Working together, yeah.

21           Q. Well, how often is -- does your -- does the  
22 Galveston Branch hold a meeting?

23           A. Every month. On the second Tuesday of every  
24 month.

25           Q. All right. And then those --

1           A.    I'm sorry. That's not true. On the second  
2 Thursday of every month.

3           Q.    Okay. And where are the meetings held?

4           A.    They're virtual right now. Before then they  
5 were held at Old Central, in the library. No, that's  
6 -- that's not true, either.

7                               (Laughter.)

8           A.    Because they was held at Old Central, in the  
9 library. And then they moved them to Avenue L Church  
10 because Reverend Johnson was the first vice president  
11 of the NAACP.

12                           And he let us have meetings over there. And  
13 we didn't have to pay for them. At Old Central we paid  
14 a fee. I am the second vice president of the NAACP.  
15 This is my second term, then the second vice president.

16           Q.    When did that term start?

17           A.    November. I think it was November.

18           Q.    Of '22?

19           A.    '22. It was when we had the election. Then  
20 we had the installation like January.

21           Q.    What's the -- what's the role of the second  
22 vice president?

23           A.    To do whatever -- whatever the president  
24 can't do, or not able to do. Just to fill in.

25           Q.    Yeah. Who's the first vice president, again?

1 A. The first vice president -- no.

2 THE WITNESS: Is it okay to give her  
3 name? Because she's not on any of this.

4 MS. CHEN: Well --

5 Q. (BY MR. RUSSO:) It's not necessary. I'm  
6 fine.

7 A. Okay.

8 Q. Would it be on the website?

9 A. I don't even know. I think I read it in  
10 there. I'm not sure. She's a very sweet person.  
11 She's in real estate, and also works for GISD.

12 Q. Okay. And how did her role differ as a first  
13 vice president, from the second vice president?

14 A. See, the second vice president's the last  
15 person to fill in. Like I should be the last person in  
16 there. It's the president in front. And so, you know,  
17 your president, they take the lead.

18 And if the president is absent, or she can't  
19 run the meeting, the first vice president will do it,  
20 or if we have something going on that she can't attend,  
21 the first vice president can.

22 And if the first and the second -- and the  
23 president -- and first vice is not there, then the  
24 second vice. I usually attend everything with Reverend  
25 Johnson, when he was living.



1           We would attend all these events together  
2 because we're both retired. I mean, he had his own  
3 business, but the president has a job.

4           Q.    Okay.

5           A.    And the first vice has a job. They have to  
6 be at work. They can't always be off all the time.  
7 They're not available.

8           Q.    So when -- when -- do you recall -- when were  
9 you notified that you would be giving a deposition  
10 today, roughly?

11          A.    Just -- today?

12          Q.    Yeah.

13          A.    Maybe three weeks ago, a month.

14          Q.    Was that the first time you can recall sort  
15 of having direct -- direct involvement in this lawsuit?

16          A.    No. Like I told you, we met at the Hilton.  
17 I didn't know I was doing a deposition then, but I knew  
18 the lawsuit was going on.

19          Q.    All right. If -- if you recall, did you sort  
20 of -- did you agree with the suit at that time? At the  
21 meeting at the Hilton you agreed with what was filed?

22          A.    Yes, I did agree with the suit because of  
23 what happened at the commissioners court on the 12th of  
24 November.

25          Q.    Uh-huh. Okay. What -- what -- what can you

1 tell me about -- or -- or tell me about -- so the  
2 marketing efforts that -- that Galveston NAACP has  
3 undertaken in the -- in the past 10 years to drive up  
4 membership?

5 A. Membership. To drive up membership?

6 Q. Yes, ma'am.

7 A. Well, we'll have like a membership drive,  
8 where we might have snacks and refreshments, and just  
9 invite people to come. And we'll talk about the NAACP,  
10 and then ask people about joining.

11 Also, we have our yearly banquet, that -- for  
12 our scholarship fundraiser that -- we haven't had to  
13 have because of qualifiers. And we'll also have like a  
14 membership drive, pass out applications. And anytime  
15 like you want to join NAACP we just, you know, try to  
16 get -- get the word out?

17 Q. How do you get the word out?

18 A. Like I have a very big email list. And we  
19 can email people what's going on, ask them about being  
20 a member of the NAACP. But mostly I just ask them when  
21 I see them in person, except for -- unless we're having  
22 a membership drive.

23 Q. Would a -- would a -- are -- are emails sent  
24 from the NAACP to just sort of a blanket list of the  
25 emails for the -- like a cold call type of joining, to

1 be a member?

2 A. No, I -- I -- I haven't ever seen that.

3 Q. No. Who designs the -- sort of marketing or  
4 advertising type of material?

5 A. My guess is it would be the secretary and the  
6 president.

7 Q. Have you ever played a -- a role in that  
8 yourself?

9 A. No.

10 Q. Did you ever talk to them about what -- how  
11 we might market the branch?

12 A. No.

13 Q. Since the Coronavirus had -- I think you told  
14 me that you haven't -- you haven't had any sort of  
15 in-person meetings, correct?

16 A. Correct.

17 Q. And is that true, also, for marketing efforts  
18 and --

19 A. Correct.

20 Q. Is there -- let me -- is a time frame in  
21 which you -- the NAACP Galveston branch is going to  
22 sort of -- or start up marketing, in -- in-person  
23 marketing?

24 A. It hasn't been discussed because we've been  
25 discussing other things so far at the meetings. We

1 have each organization and each committee that get  
2 their reports and everything and we haven't started  
3 that up yet.

4 Q. Have you seen --

5 (Phone ringing.)

6 A. We have taken in new members, though.

7 Q. (BY MR. RUSSO:) Yeah. I was going to --  
8 that's where I was headed. Thank you. You anticipated  
9 my question.

10 A. Oh, I'm sorry.

11 Q. Have you seen sort of -- what's the -- what's  
12 the population membership numbers look like over the  
13 past five years, let's say, since -- since --

14 A. Of the past five years, about 60 members.  
15 And, you know, I don't get to see all of the members.  
16 And I don't see the membership list because it's  
17 confidential. The secretary knows that. But we have  
18 about seven Anglos and three Hispanics.

19 Q. Uh-huh. And you said there's 60 members,  
20 roughly?

21 A. Roughly.

22 Q. And has that number changed at all in the  
23 past five years, gone up?

24 A. Oh, it's -- you know how memberships are.

25 Q. Yeah.

1           A.    Yes, they change back and forth, but roughly  
2    about 60.

3           Q.    Do you know how -- how much Galveston branch  
4    spends on marketing efforts?  And let's -- let's say in  
5    the past two years on an annual basis, but over the  
6    past -- focus on the past two years.

7           A.    Nothing in the past two years because of  
8    Coronavirus.  We haven't been doing a whole bunch of  
9    marketing.  And we don't have a bunch of marketing  
10   money.

11          Q.    Uh-huh.

12          A.    We don't have, like, say, a marketing budget.  
13   Now, the national office, they -- they do a lot of  
14   marketing.

15          Q.    Uh-huh.

16          A.    But your local -- you know, like I say, the  
17   dues are only \$30.  So we don't have a lot of money to  
18   spend.  And we try and give out our scholarships --

19          Q.    Uh-huh.

20          A.    -- with the money that we raise and stuff.

21          Q.    So does the Galveston branch have any control  
22   over how the NAACP big organization markets in your  
23   area, or do they market in your area?  Let me strike  
24   that because that was two questions.  I'm referring to  
25   the -- the --

1 A. No.

2 Q. Well, let me -- let me -- let me get a  
3 question on the record. So I'm assuming that the  
4 national organization could spend money to the benefit  
5 of a small organization --

6 A. Uh-huh.

7 Q. -- right?

8 A. They could, but they don't.

9 Q. So my next -- other question -- well, my next  
10 question is, you don't have any control as to Galveston  
11 branch over what the -- the big brother spends on  
12 marketing for your branch?

13 A. No, no. No way. We send them money. The --  
14 every branch have to send so much money to national, to  
15 help run that, you know, big organization.

16 Q. Do you know how much it is?

17 A. No. But the treasurer would know, and the  
18 secretary. It's a percentage of what you take in. And  
19 I'm not sure what the percentage is. I used to know.  
20 I think it's -- I -- I don't know.

21 Q. Okay. And then let's talk about sort of what  
22 you take in. I guess one source of the intake is the  
23 membership fees?

24 A. Uh-huh.

25 Q. On an annual basis, right?

1 A. Yes.

2 Q. And then donations? Is that another method  
3 of gaining -- of gaining revenue.

4 A. We don't -- we don't receive a lot of  
5 donations. But the other way we receive revenue is  
6 through the banquets.

7 Q. Is that an annual banquet -- banquet?

8 A. Yes.

9 Q. How do you -- how does the Galveston branch  
10 get money through the banquet?

11 A. We sell tickets.

12 Q. How much are the tickets, usually?

13 A. I -- I think 30, 35. We try to keep it  
14 reasonable so that people can afford to come.

15 Q. Uh-huh. Do you have any idea, sitting here,  
16 what the sort of -- what are -- the revenue -- what  
17 does the revenue look like for the Galveston branch for  
18 2022?

19 A. They gave the financial report, but I don't  
20 remember what it was.

21 Q. Okay.

22 A. It's not a whole bunch of money --

23 Q. Yeah.

24 A. -- you know. Because, remember, the money  
25 that we take in we basically use for scholarships. So

1 we don't keep a lot of money in the treasury.

2 Q. Does the scholarships go to graduating  
3 seniors, I guess?

4 A. The majority of them do go to seniors.

5 Q. How many do y'all usually give away a year?

6 A. I -- Mary Patrick usually handles that. But  
7 we give them to students from O'Connell and Ball High.  
8 The students apply, and they qualify. They get a  
9 scholarship.

10 Q. Okay. Let me -- let me expand on the sort of  
11 marketing question and cost. Could -- is -- you said  
12 you -- that you don't really spend any money on  
13 marketing over the past two years. What about the past  
14 four years?

15 A. We -- it's -- we don't have a marketing  
16 budget. Now, our marketing would be mostly like an  
17 email message. You know, that's how we get the word  
18 out, or flyers. We don't spend -- we don't have a  
19 marketing budget.

20 Q. Has that always been the case as long as  
21 you're aware?

22 A. Most Black organizations don't have a  
23 marketing budget. We don't have that kind of money.

24 Q. Why -- why -- why is that?

25 A. Because we don't have the money.



1 Q. Well, is it -- is it -- you -- you said most  
2 Black organizations.

3 A. Uh-huh.

4 Q. Is there -- is there -- is it related to  
5 Black organizations or just --

6 A. You know, we don't have the six-figure  
7 income. We don't pay the \$100 dues, or 150, so we  
8 don't have that big budget --

9 Q. Okay.

10 A. -- to spend money on marketing, you know.  
11 You just have a -- I mean, whatever you do -- if I do a  
12 flyer or something I pay for it out of my own pocket.  
13 Yeah. Same way like a church. You know, we -- we  
14 don't have a big marketing budget.

15 Q. Okay. Well, then, let's -- let's turn from  
16 marketing over to sort of communications with active  
17 membership.

18 A. Okay.

19 Q. If -- how's that done over the past -- let's  
20 focus on the last two years. How do you generally do  
21 that?

22 A. I mean, we usually do communications at the  
23 meetings. And we'll have guest speakers, people coming  
24 in. Like police chief will come in --

25 Q. Uh-huh.

1           A.    -- and different organizations.  Housing.  
2  We'll have people come in and present.  And we -- we do  
3  emails.  Most -- most everything is done by emails.

4           Q.    Do y'all -- historically, have you paid the  
5  guest speakers to come in?

6           A.    No, they don't charge a fee, I don't guess.  
7  We don't -- we don't -- we don't have the money for  
8  that.

9           Q.    Understood.

10          A.    We appreciate their services.

11          Q.    And hopefully that's something they know  
12  going in, right?

13          A.    I don't think anybody's ever asked for any  
14  money.  We invite them, and they come.

15          Q.    All right.  In terms of the methods of  
16  communication with -- with members, we talked about the  
17  last two years.  Would you say the -- give me the same  
18  answer as in connection with communications of over the  
19  last five years?

20          A.    Well, the last five years we had open  
21  meetings.

22          Q.    Uh-huh.

23          A.    So the communication was more -- I'm sorry.  
24  Openly.  You know, people would come to the meetings.  
25  Like I say, we invite different groups.  And we would

1 all just be together, communicate and socialize.

2 Q. Uh-huh.

3 A. We would have like a Christmas party. And we  
4 invite any potential members. Invite. You know, let  
5 them come to the membership drive at the Christmas  
6 party.

7 Q. Uh-huh.

8 A. And also for our youth we would have little  
9 parties for them. And we always have an application  
10 available, do membership drives on the spot. Like --  
11 you know, like that.

12 Q. Yeah. Those -- those drives, are they -- do  
13 -- do they have a cost associated with those, or how do  
14 they work?

15 A. Well, if -- when -- when we did the breakfast  
16 at Chili's, Chili's donated -- they donated the -- the  
17 pancakes, and we paid for the bacon and the eggs. And  
18 then we invite different people in the communities,  
19 sell tickets to people to come out and socialize with  
20 us. And we talk to them about the NAACP.

21 And the same things. We have something at  
22 Old Central because the -- because the Chili's was for  
23 the youth. We try to get the youth involved. If you  
24 get them young, then you can keep them as they get  
25 older.

1 Q. Uh-huh.

2 A. And we have little different events and  
3 programs for them.

4 Q. When was the last -- when was -- you  
5 mentioned the Chili's -- the Chili event. When was  
6 that?

7 A. Probably right before Coronavirus.

8 Q. Okay. So back in 20 --

9 A. Uh-huh.

10 Q. End of 2019.

11 A. Yeah.

12 Q. Probably sometime before that. All right.  
13 So what -- we talked earlier about the November 12 --  
14 12th, 2021, meeting with the commissioners court,  
15 right? Do you remember that? At which the meetings  
16 were adopted by the court?

17 MS. CHEN: The maps?

18 A. Uh-huh.

19 Q. (BY MR. RUSSO:) Correct?

20 A. Yes.

21 Q. Yeah. And you -- you attended that meeting?

22 A. I attended.

23 Q. Are you aware of -- or let me ask you this  
24 way. What efforts or changes did the NAACP Galveston  
25 branch make to its marketing or outreach methods as a

1 result of the commissioners court implementing the  
2 redistricting maps in 2021?

3 A. As far as I know of, there was not any  
4 changes made. They just talked to the lawyers, you  
5 know.

6 Q. Uh-huh.

7 A. And they did some -- had some meetings where  
8 Roxy presented with the redistricting. We discussed  
9 that kind of stuff. And that's about all that I know  
10 of. Now, like I say, I wasn't at the table at the very  
11 beginning, so I can only speak on what I know.

12 Q. All right. And as you sit here today, do you  
13 -- do you know or do you anticipate changes that the  
14 Galveston NAACP branch is making, or planning to make,  
15 to its marketing efforts in the future, or outreach  
16 efforts in the future, because of the Galveston County  
17 Commissioner's adoption in 2021 of the maps?

18 A. Well, as far as I know, we haven't. But  
19 depending on the outcome of this lawsuit, then we'll  
20 have to regroup and decide what we're going to do.

21 Q. Has there been any discussion on what -- when  
22 you say regroup, what does that mean?

23 A. That means get busy, get to working, making  
24 sure that everybody is being treated equally, fairly,  
25 make sure everybody know what district they're in.

1 We'll probably have to start passing out flyers,  
2 working with people one on -- you know, one on one,  
3 individually, or in groups, and just let them know what  
4 -- what happened with the lawsuit --

5 Q. Mm-hmm.

6 A. -- and decide what we need to do, if  
7 anything.

8 Q. And do you -- of the things that you just  
9 mentioned, have you -- is there a consideration of --  
10 of what the cost would be with that?

11 A. Like I say, we -- we pay for it. No, we  
12 don't have no marketing budget. So if then it cost --  
13 if I make some flyers I'm going to be the one assuming  
14 that cost.

15 Now, we can regroup and -- and try to get a  
16 budget. We don't -- we don't have a marketing budget.  
17 But that doesn't mean we won't ever have one --

18 Q. Uh-huh.

19 A. -- because we have to work it out.

20 Q. All right. Is it your feeling, sitting here  
21 today, that -- that the Galveston branch NAACP needs to  
22 make some changes or increase its marketing efforts, or  
23 outreach efforts, due to the commissioners adoption of  
24 the 20 -- the 20 --

25 A. Oh, most definitely.

1 Q. Of the '21 map?

2 A. Yes.

3 Q. And why do you think that?

4 A. Because this -- because this happened. This  
5 was something that we didn't anticipate. We did this  
6 10 years ago.

7 Q. Okay.

8 A. And so we didn't think that we would be doing  
9 this again in 2021. And because of some of the -- not  
10 -- not some. Because of one statement in particular  
11 that was made we need to get the word out, how  
12 important it is to attend these commissioners meetings,  
13 as well as city council.

14 I'm always talking about the city council  
15 meetings, but not so much as county commissioner. So  
16 we need to do more to make sure that people understand  
17 about the districts, what districts they're in, what  
18 the county court commission does, and how much power  
19 that they have.

20 Q. In terms of getting the -- the word out,  
21 what's the primary method that you anticipate the NAACP  
22 using to get the word out?

23 A. Usually we use word of mouth, but we're going  
24 to have to try to do more. You know, like I say, we  
25 can have meetings, we can have flyers. We can have

1 people together. And small groups, we usually use the  
2 library for small groups, et cetera.

3 Q. Uh-huh.

4 A. Larger groups will have to use the gym  
5 because it holds more people.

6 Q. Yeah. Are you aware --

7 A. Churches, I'm sorry.

8 Q. That's okay.

9 A. We send flyers to the churches, also, and --  
10 and let the pastors get the word out to church members.

11 Q. So as -- as you sit here today, are you aware  
12 of anything that the NAACP Galveston branch has done to  
13 divert funds as a result to -- to -- or combat the  
14 county commissioner's adoption of the map in 2021?

15 A. Not that I know of.

16 MS. CHEN: Ms. Toliver, do you want to  
17 take a stretch break?

18 THE WITNESS: Yeah, that will work.  
19 Thank you.

20 MS. CHEN: All right. Is that all  
21 right?

22 MR. RUSSO: You want to take five  
23 minutes? Okay.

24 MS. CHEN: Do you need five minutes?  
25 It could be less.



1 THE WITNESS: Oh, that's fine.

2 MR. RUSSO: We can go off the record.

3 THE VIDEOGRAPHER: Okay. Off the  
4 record, 12:00 noon.

5 (Off the record.)

6 THE VIDEOGRAPHER: Going back on the  
7 record, 12:06.

8 Q. (BY MR. RUSSO:) All right. Good afternoon.  
9 I have some follow-up on the position as second vice  
10 president.

11 A. Uh-huh.

12 Q. Did -- was that elected.

13 A. Yes.

14 Q. How -- how does that election work?

15 A. We have election every -- every year. And we  
16 have a voter -- I mean, just like a regular election.  
17 Have a voters box and voter sheet, and you -- everybody  
18 vote and then they decide who's -- usually it's not a  
19 lot of people running for the office, but that's how  
20 they do it. Just a regular election.

21 Q. Okay. Is it -- is it all the people that  
22 decide to vote at the -- at the time that the election  
23 is had?

24 A. Everybody knows when the election is going to  
25 be, yes. And they have to be present. They have to

1 vote.

2 Q. How does that work with the COVID and the  
3 Zoom meetings?

4 A. They had to -- they had the election. I  
5 think it was at Old Central. I -- I don't even  
6 remember. I don't think they really -- they had the  
7 election. Let me try to think of what they did.

8 I don't remember. It was just like --  
9 because every -- I don't think anybody was opposed. So  
10 they just voted for who you wanted to vote for, who's  
11 running for that office.

12 Q. Okay. Did you vote over some kind of  
13 electronic method?

14 A. No.

15 Q. Submit an email?

16 A. It's -- it's a box. You write it, you -- the  
17 paper. Just the old fashioned election.

18 Q. Okay. All right. So let's talk a little bit  
19 about the -- sort of the lawsuit.

20 A. Okay.

21 Q. Do -- what's your basic understanding of what  
22 the NAACP's allegations are?

23 A. My basic understanding is the redistricting  
24 -- the maps. The way the maps were drawn. And the  
25 maps were drawn when I was at the -- when I was at the

1 meeting to eliminate the Black minority vote.

2           They didn't just come out and say that. But  
3 the way that they were drawn, like people that was in  
4 District 3 were divided into Districts 1, 2, and 4. So  
5 therefore Commissioner Holmes would not be able to be  
6 elected because it was not enough of Blacks and  
7 Hispanics in those areas once those lines were  
8 re-drawn.

9           Q. Okay. And is the -- did -- are you a  
10 resident of Precinct 3, the old Precinct 3?

11           A. 2. 2. But the only commissioner that I knew  
12 was Commissioner Holmes. I, you know, originally  
13 thought I was in 3. But no, when I went to vote I  
14 wasn't, I was in 2.

15           And -- but Commissioner Holmes is the one who  
16 always represented our district. You know, he always  
17 include us in everything that he does with his  
18 districts and -- and everything.

19           Q. So, yeah, let me follow up with a question.  
20 So you were in District 2 prior to the change in 2021,  
21 right?

22           A. Correct.

23           Q. And I guess -- I guess you're still in  
24 Precinct 2?

25           A. I'm still in 2.

1 Q. All right.

2 A. Correct.

3 Q. And the representative there is -- is --

4 A. Giusti. Gugiest. G-U-G-I-E-S-T.

5 Q. Giusti.

6 A. I've -- I've never met him.

7 Q. That was -- that was my next question. Have  
8 you ever met Commissioner Giusti?

9 A. No.

10 Q. Prior to the redistricting in 2021, had you  
11 actually ever voted for a county commissioner?

12 A. Yes.

13 Q. And did you know you were voting --

14 A. And the reason -- and the reason I say yes,  
15 because I vote in every election. I always vote. And,  
16 no, when I got to the polls I realized I wasn't in  
17 District 3.

18 I -- I was in District 2. I couldn't vote for  
19 Commissioner Holmes, and nobody else had campaigned in  
20 my area.

21 Q. So when did you have the realization that you  
22 weren't in Precinct 3?

23 A. Some time ago. I know I'm not in Precinct 3.

24 I'm in Precinct 2. But like I say, Commissioner Holmes

25 always invited us to all of their activities. You

1 know, they had the annual backyard BBQ.

2 And he would just invite everybody.

3 Everybody was included to -- everybody was welcome to

4 come regardless of what district that they were in.

5 Q. In terms of the -- the backyard BBQ did the  
6 NAACP Galveston branch forward and -- and -- and help  
7 in getting the word out about the BBQs?

8 A. Commissioner Holmes, some -- they did that.  
9 Him and Patrick Doyle, as far as I know of. And they  
10 got the message out to the churches. And the churches  
11 -- each church had so many tickets.

12 And they gave us the tickets. And I don't  
13 know how the other people got theirs, but I got mines  
14 through my church.

15 Q. Okay. Was it -- is -- is your understanding  
16 the BBQ was -- was either started or run by  
17 Commissioner Holmes and Commissioner Doyle?

18 A. As far as I know of. They had a lot of other  
19 people that helped. The volunteers and participants,  
20 yes. It took a lot of people to do that.

21 Q. Are you -- are you aware of the -- whether  
22 Commissioner Doyle still is a commissioner currently?

23 A. No, he was -- he was not a current  
24 commissioner.

25 Q. Have you -- did you ever meet Commissioner

1 Doyle?

2 A. I don't remember what he looked like, but I  
3 met him.

4 Q. When did -- when did you meet him?

5 A. At the backyard BBQs and stuff. I met the  
6 commissioner.

7 Q. What was the last time that -- sorry. Go  
8 ahead. I jut want to make sure you're finished.

9 A. No. That's okay. Go ahead.

10 Q. When was the last -- the last BBQ you can  
11 recall attending?

12 A. I think it was 2020. I didn't go to one -- I  
13 didn't go -- I -- I think the only one -- I didn't go  
14 to the last one they had. But before that, yes.

15 Q. Uh-huh.

16 A. So -- because we had something else. And I  
17 couldn't make it.

18 Q. Where were they?

19 A. Oh, at Doyle Center in Texas City.

20 Q. The -- what was the purpose of --

21 A. The probation.

22 Q. -- of the -- those -- the BBQs?

23 A. I don't know what their purpose was, but I  
24 can -- what they did was they had everybody -- they  
25 have all nationalities, and it was like for senior

1 citizens. And they gave out prizes and educated people  
2 on voting. And they had different schools there that  
3 performed. And they had the Doyle dancers. They did  
4 the stomps. And it was just a lot of fun times.

5 Q. All right. Are you -- are you aware, whether  
6 or not, there was outreach to sort of non-minority  
7 groups to attend the BBQ?

8 A. I think it was an outreach to everybody  
9 because everybody was there.

10 Q. And the Doyle Center is in Texas City, right?  
11 Yeah, that's the one.

12 A. They -- they had the people, like, from Gulf  
13 Breeze and -- and Holland House. And I'm sure from  
14 Texas City, too. But most of the people I knew are  
15 from Galveston. But they had people from -- I knew  
16 some in Texas City, La Marque people, too.

17 Q. Yeah.

18 A. But they had everybody there.

19 Q. Right. And as far as you remember the NAACP,  
20 as an organization, didn't really play too much of a  
21 role in the BBQ advertisement?

22 A. We attended. Not with advertisement, no.

23 Q. As far as you're aware did -- did either  
24 Commissioner Holmes or Commissioner Doyle -- whoever  
25 was driving the BBQ event, typically invited the NAACP

1 membership?

2 A. Well, I know he gave -- well, I can't call  
3 the people names, but I know he gave one of our members  
4 lots of tickets to give out. So, yes, we went by him.  
5 But most of us came with our various churches and  
6 stuff. We -- you know, we all the same people.

7 Q. How do you mean?

8 A. The same people that go to church belong to  
9 NAACP. So we're all invited, you know.

10 Q. I understand what you mean. So back to the  
11 sort of voting in Precinct 2. As you sit here today  
12 you're sure you voted for a Precinct 2 candidate,  
13 right?

14 A. (Witness nodding.)

15 Q. Yes?

16 A. Yes.

17 Q. Sorry. She needs a verbal response.

18 A. I'm sorry.

19 Q. That's okay. We're --

20 A. I'm sorry. Yes.

21 Q. We're an hour and a half in. And it's the  
22 first time you've had an issue, so you're -- you're  
23 good.

24 A. Very seldom I don't vote for anybody.  
25 Sometimes, if neither candidate -- if I don't want to I



1 don't vote for them, but the majority of the time I  
2 vote for a candidate --

3 Q. Okay.

4 A. -- whether they're democrat or republican.  
5 If they're a good candidate I'll vote for them.

6 Q. All right. So then that would include  
7 Commissioner Giusti and his elections in Precinct 2?

8 A. I can't swear that I voted for him, but I bet  
9 you I did. It just depends on who all was running.

10 Q. And I think you told me -- told me this, but  
11 have you met Commissioner Giusti?

12 A. No. I saw his picture on the internet page.

13 Q. You saw what on the internet page?

14 A. His picture.

15 Q. His picture. So -- so when did you look at  
16 -- search the internet for his picture?

17 A. When we was prepping. I searched for all of  
18 them.

19 Q. Prepping for the deposition?

20 A. Uh-huh. Because I wanted to know. And when  
21 I was at the commissioners meeting I saw them all at  
22 commissioners court. But I couldn't put all the faces  
23 together.

24 Q. Uh-huh.

25 A. And at the last meeting that we had on the

1 12th I specifically remember Judge Mark Henry.

2 Q. Uh-huh. How did he strike you, if at all?

3 A. Very negative. And he say he didn't care  
4 what we had to say, he was going to do -- they were  
5 going with those maps. Even those hundreds of people  
6 showed up he wasn't interested in that.

7 Q. Um.

8 A. And that surprised me. And the reason it did  
9 is because, like I say, I've been to commissioners  
10 courts before. And I didn't feel that.

11 Q. You didn't feel what?

12 A. I felt like they were more for the people.  
13 And, I mean, the vote didn't always turn out the way  
14 that I want it to. But I've never heard anybody say  
15 they didn't care what we had to say, they were going to  
16 do what they was going to do.

17 Q. So -- so you recall, let's see, Judge Henry  
18 saying he didn't care what you all had to say?

19 A. Yes. I will never forget it.

20 Q. When did he say that?

21 A. During the meeting, November the 12th.

22 Q. Okay.

23 A. Right before Wendy Langham got up to speak.

24 Q. When who --

25 A. Wendy Langham. Her name was Wendifer

1 | Langham. She -- right before, as she was walking to  
2 | the poll. And she was like, "I can't believe you said  
3 | that."

4 | Q. Did -- did he say that in connection with any  
5 | -- any event or --

6 | A. I think he was just tired of people coming up  
7 | there speaking.

8 | Q. Okay. Did he say it to anybody?

9 | A. To the whole audience. Everybody was there.  
10 | Everybody heard it. He didn't whisper it. The rooms  
11 | were packed. It was a small area. Smaller than the  
12 | court here in Galveston.

13 | Q. Uh-huh.

14 | A. So the room was packed. People standing wall  
15 | to wall. They didn't have a microphone. So some  
16 | people might have missed it because there was no  
17 | microphone in the room. People all out. in the  
18 | hallways had a hard time finding places to park.

19 | The meeting was called at the last minute.  
20 | It was called for 1:30. So I think it was less than  
21 | 72-hour notice. I guess -- I wasn't the only one who  
22 | heard it. It not might not be those exact words, but  
23 | that's what it meant.

24 | Q. Did you speak to anybody else that you can  
25 | recall a name, that y'all talked about that comment by

1 Mark Henry at the meeting?

2 A. Yeah. Like I say, there was a lot of people  
3 there. And everybody was "Ooh." And everybody was  
4 kind of upset about that statement, you know, that was  
5 made.

6 Q. Did you --

7 A. I didn't really just hang around and talk to  
8 a lot of people about it, but it has been discussed.

9 Q. Did -- did you -- you attended the meeting,  
10 right?

11 A. Yes.

12 Q. What time did you get there, roughly?

13 A. I got there early. I'm not sure what time I  
14 got there, but I had a seat.

15 Q. Okay. That was my question, is you -- you --

16 A. I had a seat. Thank God. I was far in the  
17 back. And people were coming in. And there was just  
18 nowhere for them to sit.

19 Q. Do you -- did you speak at the meeting?

20 A. No, I didn't speak. I had a sign, but I  
21 don't think I spoke.

22 Q. You had a sign?

23 A. Uh-huh.

24 Q. What did the sign say?

25 A. It was something about redistricting, just be

1 -- just be fair, you know.

2 Q. Did you make the sign yourself?

3 A. No, I didn't. I think it was the Dickinson  
4 branch.

5 Q. How did you get the sign into your  
6 possession?

7 A. They give it to me as I walked in the  
8 building.

9 Q. Okay. So it's -- it's your recollection that  
10 the Dickinson branch was handing out signs?

11 A. It was either Dickinson or La Marque because  
12 they were both there, you know. And the Black nurses.

13 Q. All right. Do you -- did you recognize the  
14 person that was handing out signs?

15 A. (Witness nodding.)

16 Q. Do you know who it was?

17 A. I don't know who gave me the sign. There was  
18 a lot of people handing out signs. I can't recall who  
19 gave me the sign.

20 Q. Okay.

21 A. But I know the presidents of those two  
22 organizations were there. And my pastor was there.  
23 There was a lot of people. I got pictures. I took a  
24 lot of pictures that day.

25 Q. What did you take pictures of?

1           A.    The audience and everybody. Commissioners,  
2 the -- all the -- everybody in the room.

3           Q.    Did you take any audio -- audio recordings of  
4 anything?

5           A.    No.

6           Q.    And so we probably -- would -- would it be  
7 okay if we were to see some of those pictures? Could  
8 you provide those pictures to your counsel? Would you  
9 be willing to?

10                   THE WITNESS: I did. I gave you some  
11 of those pictures? The pictures?

12                   MS. CHEN: Yes, yes.

13                   THE WITNESS: Yes.

14                   MR. RUSSO: Okay.

15           Q.    (BY MR. RUSSO:) Do you know any person who  
16 wanted to speak at the meeting, but did not have the  
17 opportunity?

18           A.    I think they all spoke until it was over  
19 with. After he made that statement then -- too many  
20 more people spoke -- speak, but some did. They had  
21 security there, too.

22           Q.    So do you -- do you -- you don't recall  
23 speaking to anybody that said, "I wanted to speak, but  
24 I didn't have -- have a chance?"

25           A.    No.

1 Q. Are you aware of any person who said they  
2 wanted to attend the meeting, but couldn't because the  
3 facilities were too small?

4 A. They just say they couldn't get in the room  
5 because the facility was too small. They were outside.  
6 They were like "I was there, I just couldn't get in."

7 Q. Do you -- are you a -- let me see. How do I  
8 want to ask this. Is it your belief that individuals  
9 who didn't necessarily make it into the room wouldn't  
10 have had an opportunity to speak to the court?

11 A. Correct.

12 Q. Do you remember the process of sort of  
13 signing up to speak to the court?

14 A. I don't.

15 Q. So do you know whether or not people who were  
16 standing in the hallway actually had a chance to speak?

17 A. I don't think they could have gotten in. It  
18 was too crowded.

19 Q. Well, were the speeches or comments one by --  
20 one -- one at a time?

21 A. Yes.

22 Q. And is it your belief, sitting here today,  
23 that no one that was out in the hallway spoke to the  
24 city -- the commissioners?

25 A. I don't know. I did see some people push

1 through. But it was a lot of people. I can't -- I  
2 don't know for sure.

3 Q. All right.

4 A. A lot of people did speak.

5 Q. Are you aware of anyone -- have you talk to  
6 anybody that wasn't -- didn't attend the meeting  
7 because there was insufficient parking?

8 A. No. They wouldn't have known that until they  
9 got there. No. When we arrived it was construction  
10 going on. And that limited the parking, also. And we  
11 didn't know that until we got there.

12 Q. Uh-huh. Yeah. My question was more specific  
13 as to whether you talked to anybody who had the  
14 experience of --

15 A. No.

16 Q. Wait. Let me finish.

17 A. Had the experience of going to the meeting,  
18 couldn't find a place to park, and they left.

19 Q. Are you aware of any --

20 A. Not that I'm aware of.

21 Q. You okay?

22 A. I'm good.

23 Q. Okay. All right. You mentioned Mark Henry  
24 at the meeting. Was there anything that any of the  
25 other commissioners did that -- that rubbed you the



1 wrong way?

2 A. They didn't do anything else. They just sit  
3 there.

4 Q. Did that bother you?

5 A. No, it didn't bother me. Commissioner Holmes  
6 spoke at the end.

7 Q. What did you think about his comments?

8 A. I thought that he was treated unfairly  
9 because he states that when they had the meeting they  
10 didn't let him know about it. So apparently when they  
11 had the meeting of the redistricting, the re-drawing of  
12 the maps, he was not included. And he say that he was  
13 drawn out of his district. And I thought that was very  
14 unfair.

15 Q. Was the first time you heard that comment  
16 from Commissioner Holmes at -- was that at the meeting?

17 A. Correct.

18 Q. So prior to November 12th of 2021 you -- you  
19 -- you weren't aware that Commissioner Holmes  
20 maintained he was not a part of the process?

21 A. No, I did not -- not.

22 (Reporter clarification.)

23 Q. (BY MR. RUSSO:) Do you know when other  
24 commissioners or the county judge met to discuss the  
25 maps?

1           A.    No, I do not.  I was told 72 hours, but I'm  
2   not --

3           Q.    Do you know whether Commissioner Holmes had  
4   any less time to discuss a proposed map than the other  
5   commissioners had?

6           A.    Oh, I'm sure he had less time because he  
7   wasn't included.  He didn't know what was going on, but  
8   he did present a couple of maps.  But they didn't  
9   listen to him.

10          Q.    Uh-huh.  And then -- and your -- the belief  
11   that he didn't have time or involvement with the maps  
12   is based upon Commissioner Holmes' statement at that  
13   meeting of November 12th?

14          A.    Correct.

15          Q.    Is there any other basis for that belief, for  
16   your belief, that Commissioner Holmes wasn't allowed to  
17   be part of the process?

18          A.    That's all I know.

19          Q.    Did Commissioner -- Commissioner Holmes say  
20   at the meeting that he had less time to develop the  
21   maps than the other commissioners had?

22          A.    I don't think so.

23          Q.    Have you spoken to Commissioner Holmes since  
24   -- well, let me -- let me -- let me back up.  Let's go  
25   to just a general question.  Have you spoken to

1 Commissioner Holmes personally, one on one, before?

2 A. Yes.

3 Q. All right.

4 MS. CHEN: And just to clarify, this  
5 is in her individual capacity you're asking.

6 MR. RUSSO: Yes.

7 A. Yes.

8 Q. (BY MR. RUSSO:) When was the last time?

9 A. I don't think that I've spoken to him since  
10 the Coronavirus. Because before that I used to see him  
11 all the time when I would go to different events.

12 Q. Uh-huh.

13 A. And he would -- I would sit by him a lot.  
14 And we would vote cold all the time because he was  
15 cold, I was cold. But we had a lot of conversations.  
16 Not any of them had to do with redistricting.

17 Q. Okay.

18 A. You know. And he attended the different  
19 events and banquets that we had. The NAACP, the Old  
20 Central gathering, the churches. He just attended a  
21 lot of the events and stuff.

22 Q. Okay. So then I think what I'm hearing is  
23 then you didn't have any conversations with  
24 Commissioner Holmes leading up to the November 2021  
25 meeting, correct?

1 A. Correct.

2 Q. And didn't -- haven't had any conversations  
3 with him --

4 A. Correct.

5 Q. -- since then?

6 A. I didn't -- I felt like I shouldn't talk to  
7 him. I didn't -- you know, since everything was being  
8 in a lawsuit. I felt like it wouldn't be appropriate.

9 Q. Right. Okay. Well -- well, let's -- what  
10 about as a -- as -- do you know what -- how much  
11 contact Commissioner Holmes has had with the Galveston  
12 branch of NAACP?

13 A. As far as I know we haven't had any contact  
14 since the lawsuit, since that meeting, as far as I know  
15 of. I haven't seen him.

16 Q. All right. So as -- and there's two  
17 different points in time. You don't recall any  
18 conversations or -- or communications with NAACP  
19 Galveston branch since the suit was filed, right?

20 A. With Commissioner Holmes?

21 Q. Correct.

22 A. No.

23 Q. And then also you don't remember any  
24 conversations with Commissioner Holmes since the  
25 meeting in November of 2021?

1 A. No.

2 Q. Do you -- is -- is Commissioner Holmes a  
3 member of the NAACP, one of the branches?

4 A. I don't know.

5 Q. Not the Galveston?

6 A. He's not a -- he's not -- yeah, right.

7 Q. Not the Galveston branch.

8 (Reporter clarification.)

9 A. Not Galveston. And like I say, I don't  
10 really see the list.

11 Q. (BY MR. RUSSO:) Understood. All right.

12 A. The secretary would have that information.

13 Q. What's your understanding of how it is the  
14 vote adopting the maps in November of 2021 -- how did  
15 that impact NAACP Galveston branch?

16 A. Well, a lot of the NAACP members live in  
17 District 3. So they were split from District 3 to 124.  
18 I can't tell you any specifics, but that area that was  
19 District 3 had a lot of minorities in that district.

20 Q. Okay. So then a lot of the potential NAACP  
21 Galveston branch members went from voting in Precinct 3  
22 to now voting in Precinct 2, correct?

23 A. Correct.

24 Q. And -- well, they -- I guess they're actually  
25 in your precinct now, the same precinct as you?

1 A. Uh-huh.

2 Q. Yes?

3 A. Yes. I'm sorry.

4 Q. That's okay.

5 A. Yes. Sorry.

6 Q. That's -- that's quite all right. Don't  
7 apologize. It happens. It happens. It's not a  
8 problem. Well, do you -- has the NAACP Galveston  
9 branch, reached out at all to Commissioner Giusti since  
10 November of '21?

11 A. Not that I know of.

12 Q. Do you know whether the Galveston branch has  
13 reached out to Commissioner Holmes since November of  
14 '21?

15 A. Not that I know of.

16 Q. Okay. What about the other --

17 A. Not that I know of.

18 Q. -- commissioners?

19 A. I haven't seen any of them in -- in the  
20 present day or anything.

21 Q. Do you know whether the NAACP Galveston  
22 branch had communications with the Galveston  
23 commissioners, court commissioners, the members,  
24 leading up to the vote in November of 2021?

25 A. Not -- the only commissioner that I ever seen

1 at any of the NAACP activities would be Commissioner  
2 Holmes, before and afterwards, if we had any. Because,  
3 you know, the Coronavirus, everything stopped.

4 Q. You -- you know, I didn't want to cut you  
5 off.

6 A. I was going to say something else, but it --  
7 it -- I -- I don't need to say it.

8 Q. Well -- so, then, am -- am I right in saying  
9 that Commissioner Holmes was sort of the go to person  
10 for the Galveston branch in NAACP?

11 A. Yes.

12 Q. And he was --

13 A. And for the Galveston -- city of Galveston,  
14 basically, especially the minorities, he was the go to  
15 person.

16 Q. Do you -- do you know what kind of outreach  
17 there was prior to the redistricting process in '21,  
18 what kind of communications there were between  
19 Commissioner Holmes and NAACP Galveston members?

20 A. No.

21 Q. Were there specific issues that you're aware  
22 of, that NAACP Galveston is aware of, that Commissioner  
23 Holmes needed to handle?

24 A. Not that I know of. Most of the issues that  
25 we had -- had are handled by the city mayor of

1 Galveston, if we ever had any. The mayor is an active  
2 participant. I mean, he's really active in the  
3 community.

4 Q. All right.

5 A. More so than the commissioners. Is that  
6 norm? I don't know.

7 Q. I'm sorry. What did you say?

8 A. I say is that norm, the mayor more so than  
9 the commissioners?

10 Q. What's the -- do you know what -- what  
11 outcome it is that the NAACP Galveston branch is  
12 looking for in this lawsuit?

13 A. Yes. They're looking for the -- out of the  
14 districts -- to have a direct where we can have a  
15 minority leader, somebody who look like us, who know  
16 what we need, and who could speak for us.

17 Q. Uh-huh.

18 A. And we feel like -- that we have enough  
19 minorities, Blacks and Hispanics, in Galveston County  
20 to have a representative that look like us, either  
21 Black or Hispanic representative.

22 Q. So is it -- is the feeling that only a  
23 minority candidate can adequately represent the  
24 minority constituents in the area?

25 A. Not really. But it could have a whole lot,



1 to have some minority, you know, and that -- somebody  
2 you can relate with, somebody who can speak for you.

3 Q. Has sort of the NAACP done any -- Galveston  
4 branch, have you done any research or looked at sort of  
5 voting patterns for minority voters? And let's --  
6 let's start with the African-American voters in terms  
7 of who they -- the candidate they vote for.

8 They -- they vote more for minority  
9 candidates or not minority candidates, or what's --  
10 what's the situation?

11 A. I can't speak for -- as far as I know they  
12 haven't. But I can speak for myself. I try to vote  
13 for the best candidate. But there has been studies  
14 done, you know, that shows that the minorities, they  
15 vote for the strongest candidate for them whether --  
16 and it -- that's whether it's a minority or not. You  
17 know, you want to vote for somebody that has your  
18 interests at -- at hand.

19 Q. Okay. What about the Latino community? Do  
20 you have any feel, or does the NAACP Galveston branch  
21 have any feel for how the Latino community votes either  
22 for a minority or for a non-minority candidate?

23 A. They used to vote, as far as I know, with --  
24 for the same candidate that the minorities -- they used  
25 to all vote the same, for the same candidate. And I

1 don't know why that is. That's just what the study has  
2 shown.

3 Q. What study are you speaking about?

4 A. I -- I don't remember which one it was. It  
5 was just a study on how to -- to vote, you know.

6 Q. Do you know when it -- when it was published,  
7 or was it published?

8 A. I don't know.

9 Q. When did you see it?

10 A. I just saw it in a lot of reading that I've  
11 been doing.

12 Q. Was it an NAACP publication?

13 A. No, it was online.

14 Q. So it was something -- an independent  
15 article?

16 A. I don't know.

17 Q. Okay.

18 A. I don't want to be telling no stories.

19 Q. Yeah, I -- I understand. But for -- is it --  
20 as -- as a corporate representative for the NAACP  
21 Galveston branch, what -- what's -- what is that --  
22 that organization's view of minority voters again?

23 A. What you mean?

24 Q. Again, we'll start with African-American  
25 voters. And do they vote more for minority candidates

1 or more for non-minority candidates?

2 A. We don't have a lot of minority candidates  
3 running for anything. So it's kind of hard to say  
4 that. But I guess if they would, and if they all had  
5 the same things, they would vote for them.

6 But we're non-partisan, so we try to vote for  
7 the best candidate, that's going to do the best for the  
8 minority people --

9 Q. Uh-huh.

10 A. -- and for all people.

11 Q. Yeah. When you -- when you say non-partisan  
12 are you saying that you don't look necessarily for a  
13 party representation?

14 A. No, we don't. We don't.

15 Q. Have you seen any studies that -- in  
16 connection with how -- how minority candidate --  
17 minority voter, African-American voters -- what the  
18 statistics are in terms of whether they vote for  
19 democrat candidates or republican candidates?

20 A. I haven't seen any studies, but I've talked  
21 to a lot of them. But the majority of them do vote  
22 democrat. And, you know, when we watching elections  
23 coming in, and --

24 Q. Uh-huh.

25 A. -- they'll show this group and that group --

1 and you can see just about who's voting for who.

2 Q. Uh-huh. So that's just --

3 A. Now, we do have a lot of minorities that vote  
4 republican, as well. But I think the -- this is just  
5 me personally. And for what I've seen when I'm  
6 watching the elections coming in, the minority -- the  
7 majority of the minority people vote democrat, but not  
8 all.

9 Q. Okay. And is -- is that -- is that  
10 consistent -- the -- consistent with what you would  
11 testify to as the representative of the NAACP Galveston  
12 branch? That's that --

13 A. Yes.

14 Q. That's that organization's belief, also?

15 A. I have don't know. They've never said that,  
16 so I can't say that their belief.

17 Q. Uh-huh.

18 A. But I think that the -- from what I've seen I  
19 think the majority of minorities vote democrat. The --  
20 the NAACP just doesn't sit around and say, "Who you  
21 voted for, who you voted for, y'all democrats?" We  
22 don't discuss that.

23 Q. The -- the NAACP, do they -- do they -- I was  
24 going to say champion. But do they support particular  
25 candidates from time to time?

1           A.    Well, what we do is we have candidate farms.  
2           And all candidates are allowed to come.  Anybody who  
3           choose to show up and do their speeches, do their  
4           presentation as to what they have to offer, why they  
5           running for this position or that position.  Some of  
6           them come, some of them don't.

7           Q.    Uh-huh.

8           A.    And the ones who come, we hear what they have  
9           to say.

10          Q.    Does the NAACP Galveston branch endorse  
11          candidates, generally?

12          A.    No, we don't endorse any candidates.

13          Q.    Does the Galveston branch support in terms of  
14          campaign funding?

15          A.    No, we don't.  We do not.

16          Q.    Do you ever -- does the Galveston branch ever  
17          hear -- get correspondence from the -- the large NAACP,  
18          the national organization, as to what candidates they  
19          think should be voted for?

20          A.    No, they don't do that.  They don't tell you  
21          who vote for.  That's individual choice.

22          Q.    Does the NAACP, the Galveston branch, have  
23          any -- what's their -- what's their view in terms of  
24          how the Latino population votes for democrat versus  
25          republican.  Is there a majority vote one way or the

1 other?

2 A. I have been out campaigning, I campaign with  
3 Joe Jaworski.

4 Q. Uh-huh.

5 A. And so I knocked on a lot of doors  
6 personally, of Latinos. Some of them don't speak  
7 English, some of them choose not to vote. They -- all  
8 I do is ask -- try to get them to come out and vote.

9 Q. Uh-huh.

10 A. We don't encourage them to vote for nobody in  
11 particular. That's up to the individual.

12 MS. CHEN: And just clarifying, that  
13 was an individual capacity answer.

14 THE WITNESS: Yeah. I --

15 MS. CHEN: Not -- not for the NAACP.

16 MR. RUSSO: Well, that --

17 THE WITNESS: For the NAACP, I could  
18 not tell you how they vote as a group.

19 Q. (BY MR. RUSSO:) Yeah. And to -- but does  
20 NAACP have a -- a view or opinion as to, you know -- to  
21 whether Latino voters vote more republican or more --  
22 more democrat?

23 A. Not that I know of.

24 Q. Do you have a -- a view, or do you have any  
25 understanding as to whether Latino voters vote less

1 than African-American voters as a percentage of their  
2 own population?

3 A. You mean --

4 MS. CHEN: You mean NAACP  
5 capacity?

6 A. I'm sorry. As the NAACP capacity, like if I  
7 say it, then you're going to say, "Well, what study did  
8 you see?" I'm 74. I don't remember all that stuff,  
9 but I think that they -- I'm -- I'm -- I'm just going  
10 to say no, I don't know.

11 Q. (BY MR. RUSSO:) Okay. What about you as an  
12 individual? Have you ever seen any studies that  
13 discuss or opine on whether some Latino voters vote  
14 less as a population, as a percentage of their own  
15 population, than African-American voters?

16 A. No. I have -- I have neighbors who are  
17 Hispanic. They vote. I don't know about the majority.

18 Q. Okay. All right. You okay?

19 A. Uh-huh.

20 Q. We -- we can take a break in just a minute.

21 A. Okay.

22 Q. But -- but if you need a break let me know.

23 We -- we --

24 A. Yes.

25 MS. CHEN: Yes.

1 Q. (BY MR. RUSSO:) We can go now.

2 A. Okay. Let's take a break.

3 Q. Okay.

4 A. Thank you.

5 MS. CHEN: Okay.

6 MR. RUSSO: Yeah. Let's just do

7 lunch.

8 THE VIDEOGRAPHER: Off the record,

9 12:47.

10 (Off the record.)

11 THE VIDEOGRAPHER: Going back on the

12 record 1:39 p.m.

13 Q. (BY MR. RUSSO:) Good afternoon --

14 A. Good afternoon.

15 Q. -- Ms. Toliver.

16 A. Good afternoon.

17 Q. We talked a bit about fundraising and  
18 advocacy efforts, the NAACP and involvement in the --

19 in the lawsuit that was filed. My question, though,

20 for you is, if you had -- if -- what's the NAACP

21 Galveston branch's view of the redistricting map from

22 2021 --

23 A. Uh-huh.

24 Q. -- in terms of the changes that the

25 organization would like made?



1 A. They would like --

2 MS. CHEN: Objection, asked and  
3 answered.

4 Q. (BY MR. RUSSO:) You can answer.

5 A. They would like to have it like it was  
6 before, similar. Where District 3, you know, had a  
7 district where they had minority votes, and then one  
8 district where they could elect the minority candidate.

9 Q. So -- and just to try to be a little bit more  
10 specific than that, is -- would a -- is a return to the  
11 old map something that, generally speaking, would work  
12 for the organization or -- or --

13 A. I would think, but they have a couple of  
14 other drawings, maps. But I would -- I would -- you  
15 know, that old map worked. It seemed to work for  
16 everybody, I thought.

17 But, you know, you always going to have some  
18 changes depending on what happens with the population.  
19 But I think that they would be pleased with that. I  
20 can't say for sure.

21 Q. Yeah. And what's your understanding of -- of  
22 the -- I guess the organization's understanding as to  
23 why the redistricting process was done in 2020?

24 A. In 2020?

25 Q. Yes, ma'am.

1 A. The -- you mean why they changed it, what do  
2 they think about it, the re-drawing?

3 Q. Why was the process necessary to be --

4 A. Yeah, I felt like it wasn't necessary. And I  
5 think the NAACP would feel the same way. But speaking  
6 for myself -- and I felt it wasn't necessary.

7 Everything was going fine. Why change it?

8 Q. Okay. That --

9 A. It was fair.

10 Q. Do you -- is it your understanding that the  
11 change in census population --

12 A. Required some --

13 Q. -- required some changes to the maps?

14 A. Yes. Yes.

15 Q. Okay. So, I mean -- and you're aware, then,  
16 that there are certain requirements of population  
17 within each district or precinct, needs to be  
18 relatively close.

19 And there's other legal stuff. One man, one  
20 vote, that kind of thing. You generally -- have a  
21 general understanding that -- that those principles  
22 have to be complied with?

23 A. Yes.

24 MS. CHEN: Objection, vague.

25 Q. (BY MR. RUSSO:) And that maybe -- and that

1 the census information that was released in 2020  
2 actually played a role in the -- the redistricting  
3 process needing to happen in 2021; would you agree?

4 A. I agree that Commissioner Holmes should have  
5 been included in that redistricting. If he had the  
6 opportunity to put his input in, maybe it wouldn't have  
7 been such a big change.

8 Q. Uh-huh.

9 A. And if the -- if -- if the citizens of  
10 Galveston County would have the opportunity to also  
11 look at maps --

12 Q. Okay.

13 A. -- make some decisions on how we can work the  
14 maps differently, to be inclusive, so that we can have  
15 at least one commissioner for the minority  
16 population like we did in 2010.

17 We just weren't given that opportunity to  
18 meet. And, you know, like with Joe Compian and Steve,  
19 and LULAC, Gulf Coast Interface --

20 Q. So --

21 A. When all of the groups met together and  
22 looked at the maps, and made some decisions. But,  
23 like, it wasn't enough time.

24 Q. Did -- would you believe -- think that it's  
25 fair if the -- all of the commissioners and the -- and

1 the county judge had the same amount of -- of time to  
2 look at the -- at the maps and make adjustments to it?

3 A. Most definitely that would be fair, if that  
4 happened.

5 Q. And is it --

6 A. Excuse me.

7 Q. Is it the NAACP's position that Galveston  
8 County Commissioners Court needs to have a minority  
9 member, voting member, on it in order to be fair?

10 A. Like I was saying, I don't think that they  
11 would have to have one, but it would have help a lot to  
12 have a representation.

13 Q. Okay. And -- and so is it -- is it NAACP's  
14 view, then, that that should be -- that's sort of the  
15 goal in this situation? We've got four commissioners,  
16 one of those needs to be a minority member?

17 A. Yeah. The same way with like the housing.  
18 I'm on -- I'm on board with housing.

19 Q. Uh-huh.

20 A. And it's -- it's -- it's just good to have  
21 somebody that represents your community. Because I get  
22 a lot of calls from the community. They feel  
23 comfortable talking to me. And I think it should be  
24 the same way with our county commissioners, as well.

25 Q. Do you -- is it the -- is it the NAACP

1 Galveston -- Galveston branch's view that Commissioner  
2 Holmes can't be reelected and the new -- under the new  
3 map as it's drawn?

4 A. Yes.

5 Q. And why is that? Why do you think that's  
6 true?

7 A. Well, because in the -- the district that he  
8 has now, the precinct that he's in, there's not a -- a  
9 lot of minority voters. And he doesn't even know a lot  
10 of the other people.

11 They don't know him, he don't know them. And  
12 so it's just unfair to change it so drastically. Like  
13 you say, there's always a need for it to be changed  
14 because of the census and everything, but it's just  
15 like a drastic change.

16 Q. Okay. Is there anything other than sort of a  
17 -- well, let me -- let me see if I got the answer  
18 right, if I characterize it correctly. One issue that  
19 Commissioner Holmes faces is he's -- he's not known in  
20 this new -- the -- the precinct as currently drawn;  
21 would you agree?

22 A. I agree. I agree he's not as known.

23 Q. And having a -- and being known helps get  
24 elected?

25 A. Oh, yes. Most definitely.

1 Q. Yeah. And Commissioner Holmes is -- he's  
2 been a commissioner for what, 22 years?

3 A. I think 16, 17.

4 Q. Yeah. And you think -- I mean, the fact that  
5 he's been in that position for 22 years, and is known  
6 in the community, has helped him get elected every  
7 year?

8 MS. CHEN: Objection, misstates  
9 testimony. You can answer.

10 A. Yes. And because, also, of his, like you  
11 say, community outreach. Things that he does for the  
12 community. Now, I'm sure a lot of other people might  
13 know him, but not as well.

14 Q. (BY MR. RUSSO:) Okay. And then what -- have  
15 you given consideration -- the -- the branch given  
16 consideration to Commissioner Holmes being able to  
17 reach out to individuals in his new precinct?

18 MS. CHEN: Objection, confusing.

19 A. Oh, I'm sure he can reach out to them, but  
20 I'm not sure they'll vote for him, you know. I think  
21 that he would -- I think it's only fair to say that the  
22 minority population, they should be given that  
23 opportunity to have representation.

24 And I think that they would -- he would have  
25 a better chance of being reelected with the minority

1 population than -- you know. Because when you -- when  
2 you in the election, you're not the only one. You have  
3 other people that's running against you and everything.

4 So they might -- I -- I just -- I just feel  
5 like he have a better chance, better opportunity. I  
6 don't know who's going to run for his position. I  
7 don't know who's he going to be competing with for the  
8 district.

9 Q. Uh-huh.

10 A. Because, remember, he's in a brand new  
11 district, where we can't even vote for himself. I  
12 don't know why that came about. I wouldn't have done  
13 that. I wouldn't have -- I wouldn't have drawn those  
14 lines like that.

15 Q. Well -- so is it -- where do you -- where do  
16 you get the idea that he can't vote for himself?

17 A. That's what he say at the meeting.

18 Q. Is -- you --

19 A. He was drawn out of his district. The way  
20 they redo the lines, re-did the lines, he couldn't even  
21 vote himself. His address wasn't in his district  
22 anymore.

23 Q. Okay. So you believe that to be true today?

24 A. I believe it to be true.

25 Q. That -- and specifically that Commissioner

1 Holmes' residence does not appear in his current  
2 precinct?

3 A. That's what I was told. That's what he say.  
4 And Judge Herring didn't object to it. He didn't say  
5 it wasn't no truth to it. None of the other  
6 commissioners didn't say it wasn't true.

7 Q. Okay. Have you -- have you looked at that  
8 question yourself at all?

9 A. I was in there when they stated it.

10 Q. Okay. Meeting aside, since that time have  
11 you looked at whether that question has --

12 A. No. I didn't look it up. I was -- I was in  
13 the meeting. I believed it.

14 Q. I think I know this -- I know the answer to  
15 this. But if -- if -- if I wanted to know the NAACP  
16 Galveston branch's position specifically on how the  
17 maps should be redrawn in order to satisfy the NAACP,  
18 should I look at the expert reports, generally?

19 A. Most definitely.

20 Q. There's no specific testimony I'm going to  
21 get from NAACP Galveston branch that's different than  
22 what the experts are saying; would you agree?

23 A. I don't know. I don't know if it's different  
24 from what the experts are saying.

25 Q. Okay. Well, have you heard anything -- well,



1 let me just ask the question. What -- what -- other  
2 than what your expert has told us he -- he thinks the  
3 maps should look like today --

4 A. Okay.

5 Q. Other than that, what is it that NAACP  
6 Galveston branch thinks should be done with those maps?

7 MS. CHEN: Also just -- just quickly  
8 object to the characterization of what an expert report  
9 says about the maps, expert report.

10 MR. RUSSO: I'm trying to make life  
11 easy on y'all.

12 Q. (BY MR. RUSSO) Does -- does NAACP Galveston  
13 have any different view of what the map -- what they  
14 would like the map to look like other than what the  
15 expert has said they should look like?

16 A. You're talking about the recent expert or the  
17 -- the one from 2012? I mean, from that meeting on  
18 November 12?

19 Q. The ones that have been designated in this  
20 case by the NAACP.

21 A. I'm -- I'm sure the NAACP want those maps to  
22 look quite a bit different from what they look.

23 Q. But -- but -- or is NAACP relying on its --  
24 its own experts who drafted and -- and proposed maps?

25 A. I don't know if they had some experts to redo

1 their maps or not. I can't answer that.

2 MS. CHEN: And I'll just object again  
3 to the characterization of our "expert maps as  
4 proposals." I think that's what's confusing the  
5 witness, commissioners court proposals versus the  
6 expert's demonstratives, or illustration maps.

7 MR. RUSSO: All right.

8 Q. (BY MR. RUSSO:) So you're aware that your  
9 experts have -- you've submitted expert reports in this  
10 case on behalf of NAACP Galveston, right?

11 A. You're talking about a couple of extra maps,  
12 the newer maps?

13 Q. So in this case the NAACP Galveston has  
14 designated experts who they have put forth in this case  
15 to say "Here's what we think these -- the maps might  
16 look like, that might work in this case." Are you  
17 aware of that?

18 A. Uh-huh. I've seen a couple of maps. I don't  
19 know if the experts did them, or who did them. I know  
20 I didn't have anything to do with them. But, yes, they  
21 have some idea of what the maps, what they want them to  
22 look like.

23 Q. The NAACP does?

24 A. Yes.

25 Q. Do you have any version of those maps that I

1 could look at to see what -- what that should be?

2 A. I don't.

3 Q. Does NAACP?

4 A. I think they do.

5 Q. Where would I find them?

6 A. Within -- we'll have to get Mayor Patrick to  
7 send them to you.

8 Q. Okay. I guess it's a great question. Did  
9 NAACP Galveston branch -- or to your knowledge the --  
10 any of the other branches do any independent work on  
11 developing maps for Galveston County's commissioner  
12 precincts?

13 A. I saw a couple of maps. I don't know who  
14 developed them, to be honest. But they look pretty  
15 good.

16 Q. What -- what made them look good?

17 A. Because the way that the lines were drew the  
18 -- you know, it would be like Commissioner Holmes would  
19 have more of his district, like it was before, and the  
20 other commissioners, also. It's not a lot of change.  
21 It's a little change, but it wasn't a lot of change.

22 Q. Where was the little change, if you recall?

23 A. I think it was bordered to -- let me see.  
24 Was that District 2? I'm not sure. But it picked up  
25 some of Galveston County on the north side.

1 Q. Do you know approximately where that ---

2 A. I'm not no map expert, so I -- I -- you know,  
3 I'm not trying to use this as a cap out, but I'm 74.  
4 And I don't remember what all them maps look like and  
5 -- and how -- you know. But it just looked to me like  
6 a better map.

7 Q. Where did you see it?

8 A. I saw it in a lot of the paperwork that was  
9 sent to me.

10 Q. Okay. And what --

11 A. I mean, y'all probably have it, too.

12 Q. Was -- was it in part of your preparation for  
13 the deposition?

14 A. Yes.

15 Q. And right now you're not sure whether it was  
16 an -- an expert analysis or if it was someplace else?

17 A. It looked like an expert map. It wasn't  
18 anything I drew. It looked very professional, but I  
19 don't know who drew it.

20 Q. Okay. Are you aware of the NAACP Galveston  
21 branch, or any -- any other branches if you're aware,  
22 that -- that drew or re-drew, prepared --

23 A. Or had some prepared --

24 Q. -- maps for the redistricting process prior  
25 to the commissioners court vote in November of 2021?

1 A. No.

2 Q. Are you aware of NAACP Galveston, or, again,  
3 the other two branches in the case, providing any maps  
4 or proposals for commissioner precincts, providing  
5 those to the commissioners court?

6 A. No, they didn't have time.

7 Q. Is -- is it NAACP's view that they would have  
8 created their own maps if they had time?

9 A. I think if we would have had time we would  
10 have done like we did before, got with our groups.  
11 Everybody get together and work on the maps, and have  
12 the map experts to do it.

13 Q. Uh-huh.

14 A. And we -- and we had meetings. "What do you  
15 like, what do you think, what do you think." It wasn't  
16 enough time to that at this time, like it was with  
17 2011.

18 Q. Uh-huh. Do you have any understanding as to  
19 sort of the date or approximate time that the census  
20 data was released in 2021?

21 A. I know I did my census, but I don't remember  
22 when it was released.

23 Q. What's your understanding of how much time  
24 there was between the release of census data and the  
25 actual vote on the maps in November of 2021?

1 A. I don't know how much time.

2 Q. What's the NAACP's understanding of the  
3 deadline by which Galveston County needed to submit its  
4 approved plan to the state of Texas?

5 A. You're talking about before November 12th?

6 Q. After November 12th.

7 A. After November 12th? Roxy would have handled  
8 that. She was working with the redistricting. And I  
9 worked with the housing. I just can't keep up with all  
10 of the -- everything that they do, you know.

11 It's a big organization with lots of  
12 committees, and a lot of people doing stuff. So they  
13 -- Roxy mainly worked with those redistricting maps.

14 Q. Okay. Did -- did Ms. Williamson or -- or you  
15 -- do you -- y'all -- do you have an understanding as  
16 to -- that there was a deadline by which the county had  
17 to approve its map and submit it to the state?

18 A. I --

19 MS. CHEN: Objection, speculation.

20 A. I didn't discuss that with her.

21 Q. (BY MR. RUSSO:) So sitting here right now,  
22 you don't have any idea if there was a deadline?

23 A. I didn't want to call anybody because I knew  
24 I was going to do this deposition. So I didn't know --  
25 I didn't want to get out of my boundaries. So I didn't

1 want to do anything that was illegal. So I didn't  
2 reach out to them to find out what they were doing.

3 Q. Okay.

4 A. I wanted to, but I didn't think it was right.  
5 So I didn't do it.

6 Q. Well, you know what you know. We'll work it  
7 out.

8 A. Yeah.

9 Q. So the -- but, again, as we sit here the --  
10 in -- in terms of what your knowledge is, you -- you're  
11 not here -- you -- you can't tell us whether Galveston  
12 County had a deadline to submit its approved map to the  
13 state of Texas, right?

14 A. Right. But -- I'm sorry. Right. I can't  
15 tell you.

16 Q. All right. And you don't -- do you recall  
17 any discussions at the commissioners court meeting in  
18 November of 2021, that the maps had to be approved as  
19 of November 12th --

20 A. That's --

21 Q. -- because they were due to the state?

22 A. Yes. They -- they say those had -- they had  
23 to send those off November 12th.

24 Q. Okay. So did they tell the people in the  
25 room that that was -- that was an issue?

1           A.    I this he said it was a done deal, that that  
2 was what -- those were the maps that that they were  
3 going to present.

4           Q.    And --

5           A.    And they voted. They had a vote. Three to  
6 one, three to use those maps, one against it.

7           Q.    Right. And did -- but did they tell -- do  
8 you recall the -- either the commissioners court, Judge  
9 Henry or somebody in the crowd saying -- talking about  
10 this -- that the maps had to be voted on and submitted  
11 to the state of Texas in a -- in a short amount of  
12 time?

13          A.    I felt like it was a short amount because  
14 they did it that day.

15          Q.    What, they -- you're saying they voted that  
16 day, right?

17          A.    They voted. They took a vote.

18          Q.    And do you know --

19          A.    After all the people went up there and spoke,  
20 and said what they had to say, they took a vote.

21          Q.    Okay. And --

22          A.    Commissioner Holmes spoke, too. That's why I  
23 heard what he said. And then they took a vote.

24          Q.    Okay. And do you know how long it was after  
25 that, that the -- Galveston County submitted the maps



1 to the state?

2 A. No, I don't.

3 Q. So are you aware of any -- any communication  
4 -- prior to the meeting in November of 2021, are you  
5 aware of any communications or conversations between  
6 the NAACP and Department of Justice employees related  
7 to the redistricting in Galveston County?

8 A. No. I think NAACP sent out a letter. You  
9 know, some letters were sent out, but --

10 Q. Who did they send the letter to?

11 A. I don't remember what all they said.

12 Q. Did they send a letter to the Department of  
13 Justice?

14 A. I'm not sure.

15 Q. What did the letter say, if you recall?

16 A. It was just talking about the -- I don't  
17 recall exactly what the letter say. It was in the  
18 email, though.

19 Q. Uh-huh. Do you remember the sort of date  
20 when the email happened?

21 A. No. No.

22 Q. No. So as far as you're aware the -- the --  
23 do you -- well, let me ask you this. Were there any  
24 communications between the Department of Justice and  
25 the NAACP in 2021 related to Galveston County's

1 redistricting effort?

2 A. Before.

3 Q. Before their vote?

4 A. Not that I know of.

5 Q. Do you know whether NAACP reached out --

6 Galveston branch reached out to any media organizations

7 prior to the November 12th vote?

8 A. Not that I know of.

9 Q. No. Would -- who would be the person that

10 would be in charge of the media broadcast and --

11 A. I'm sure they would go to Mary Patrick, the

12 president of the organization.

13 Q. And I think I asked you this, too. But you

14 -- NAACP Galveston is -- are you aware of any

15 communications with the -- any of the commissioners in

16 2021 --

17 A. No, I'm not.

18 Q. -- related to redistricting?

19 A. No, I'm not.

20 Q. We talked about Commissioner Giusti, right.

21 You didn't know him much?

22 A. No.

23 Q. Have you -- you -- do you know anything about

24 Commissioner Giusti?

25 A. No.

1 Q. No. What about Commissioner Apffel?

2 A. I -- I don't really know the Apffel name.  
3 But they had a law firm and everything. It's that same  
4 Apffel.

5 Q. They -- well, there have been a few --

6 A. Yeah.

7 Q. -- Apffel lawyers in Texas.

8 A. I've heard that name before.

9 Q. But you never had any dealings with -- with  
10 Commissioner Darryl Apffel?

11 A. No.

12 Q. Do you know whether the NAACP Galveston  
13 branch has had any dealings with him?

14 A. No.

15 Q. What about Commissioner Ken Clark, who's now  
16 deceased? Do you know -- have you -- did you know  
17 Mr. -- Mr. Clark?

18 A. No. I knew his name.

19 Q. And then subsequent to Commissioner Clark  
20 passing away Commissioner Armstrong was appointed to  
21 take his position. Do you know Commissioner Armstrong?

22 A. I knew when he was -- took the position, when  
23 he was appointed, but I've never met him.

24 Q. Okay. Do you -- do you know where he's from?

25 A. I never -- I don't know anything about him.

1 Q. Do you know he's an African-American?

2 A. Yes.

3 Q. Yes. How did you --

4 A. I saw his picture.

5 Q. Where did you see his picture?

6 A. On the internet, when I Googled the  
7 commissioners.

8 Q. When you did -- oh, Google the commissioners.  
9 Are you aware that he's a physician?

10 A. Yes. I mean, at least that's what -- that's  
11 what I read.

12 Q. You ever reached out to Commissioner  
13 Armstrong just to meet him?

14 A. No.

15 Q. Do you know anybody -- do you personally know  
16 anybody that has spoken to him?

17 A. No. I don't even know where he live or  
18 anything. I guess I could Google him and find out.  
19 But he wouldn't know me, either.

20 Q. Okay. So is it -- so is -- is -- is it true,  
21 then, as you sit here today, that you're unaware of any  
22 communications between NAACP Galveston and Commissioner  
23 Armstrong in the -- in the year 2021 through present?

24 A. Not that I know of.

25 Q. Do -- do you know whether Commissioner

1 Armstrong is --

2 A. I do know. Hold on a minute.

3 Q. Okay.

4 A. I'm sorry. Ms. Patrick say that she saw him  
5 at an event. She say she saw him at an event that she  
6 went to.

7 Q. That's Mary Patrick?

8 A. Mary Patrick. But she say that she didn't  
9 get to speak to him. He didn't come by the table or  
10 anything. She didn't have any interactions with him,  
11 but she did see him.

12 Q. Where was that?

13 A. It was banquet or something she attended.

14 Q. Was it an NAACP banquet or something?

15 A. No, it wasn't. We haven't had one. So I  
16 think it was something with the city. I -- I wasn't  
17 there. I didn't -- I apparently didn't know about it  
18 because I usually attend all this stuff.

19 Q. Uh-huh.

20 A. Unless I was sick or something.

21 Q. Did -- did Ms. Patrick say that she made an  
22 effort to talk to Armstrong?

23 A. She didn't say she made an effort. She just  
24 say she didn't -- she saw him. She was headed that  
25 way, but she didn't get to talk to him.

1 Q. All right. Have you heard any opinions  
2 expressed about Commissioner Armstrong, positive or  
3 negative, at all?

4 A. I haven't heard any positive or negative -- I  
5 haven't heard anybody speak of him.

6 Q. Does the -- historically, has NAACP Galveston  
7 branch supported Commissioner Holmes in his campaigns?

8 A. Like I was saying, we have some people that  
9 live in his district. We haven't -- we don't go out --  
10 you know, just like I say, we don't support any  
11 particular candidate.

12 We just have like a candidate form. And I  
13 don't even remember them having one for the  
14 commissioners. I know we've had them for the mayor and  
15 city council people, but I can't recall one for the  
16 commissioners.

17 Q. So if we -- if we wanted to -- who would know  
18 that information, that -- whether, you know, support  
19 has been provided to Commissioner Holmes by the NAACP  
20 Galveston?

21 A. What you -- financial support or just...

22 Q. Financial, as -- as well as just sort of a  
23 general expression, he's a good candidate?

24 A. Well, yeah. I mean, members -- members of  
25 the NAACP would say he's a good candidate, you know.

1 And, I mean, they wouldn't encourage somebody to vote  
2 for him because we can't do that.

3 Q. Uh-huh.

4 A. But we know him personally, you know.

5 Q. Okay.

6 A. If somebody ever ask me I can't speak for the  
7 NAACP, but for myself. I would say I would consider  
8 him a good candidate.

9 Q. And why is that? Why do people consider him  
10 a good candidate or -- let me strike that because --  
11 why do -- why do you consider him a good candidate for  
12 commissioner?

13 A. Because he's concerned about the government  
14 and doing right. I feel like he's the person that  
15 would do the right thing for everybody. And he's  
16 friendly to everybody.

17 And he's -- you know, he just -- if anybody  
18 need a proclamation from the county he's the one who  
19 will usually send out the proclamations. And not from  
20 any other commissioners.

21 Whether they asked him or not I don't know.  
22 But he's -- you know, he would do whatever you asked  
23 him to do if he's -- and if he can't represent his  
24 secretary comes.

25 Q. If he can't represent?

1 A. If he can't be present --

2 Q. Oh.

3 A. -- she comes. She attends.

4 Q. Is there -- is there a reason, or -- or is  
5 there a belief that Commissioner Giusti, who's been  
6 sort of the new commissioner covering Galveston now,  
7 that he wouldn't do that same kind of thing if -- if  
8 asked in terms of proclamations?

9 A. I -- I don't -- I mean, I honestly don't know  
10 him, so I can't say he would or he wouldn't.

11 Q. Okay. He might and he --

12 A. But I will reach out to him and find out.

13 Q. Do you have plans to do that?

14 A. I'm going to have to do that because he's in  
15 my district.

16 Q. I think -- I think you told me. He's -- he  
17 was -- he's been your commissioner, correct?

18 A. Yeah.

19 Q. For years, right.

20 A. And that's another thing. They keep  
21 re-drawing lines, getting you all confused. And you --  
22 you know, the school district is different from the  
23 commissioners district, from the city district.  
24 And everybody's a different district.

25 Q. Yeah, there -- there -- there are many lines.



1 I agree with you.

2 Do you have any idea what percentage  
3 of the NAACP Galveston branch's membership lives in  
4 Precinct 3, or the old Precinct 3?

5 A. No, I -- I don't know how many. I would  
6 think quite a few, just looking at the map.

7 Q. Yeah. Do you know how many live in this new  
8 precinct?

9 A. I don't know, you know, because we can't give  
10 out the addresses and phone numbers. I don't really  
11 know exactly where all of them live.

12 Q. Uh-huh.

13 A. I only know where somebody live if they call  
14 me for a ride and give me the address to pick them up.

15 Q. Would -- would you -- is it the -- does NAACP  
16 Galveston branch consider Commissioner Holmes their  
17 candidate of choice? Would they be the -- the --

18 A. What --

19 Q. -- the person they would pick?

20 A. We don't pick no candidates. We can't pick  
21 no candidates.

22 Q. What do you mean by that, you can't pick a  
23 candidate?

24 A. Because everybody have to pick their own  
25 individual candidate, you know. Because if we did that

1 we wouldn't be non-partisan.

2 Q. Let me ask you this. If Commissioner Holmes  
3 ran as a republican would you still vote for him?

4 A. Yeah.

5 MS. CHEN: Objection, speculation.

6 Q. (BY MR. RUSSO:) You can answer.

7 A. Would I vote for him?

8 Q. Yes, ma'am.

9 A. I would vote for him because he's a good man,  
10 he does good work, he's a -- he ain't been in jail. I  
11 ain't seen him on TV doing no illegal stuff. I would  
12 definitely vote for him. I think he's a good  
13 candidate.

14 Q. Yeah. And -- and --

15 A. I mean, it's not just Black candidates that I  
16 vote for. I voted for the mayor of Galveston. I voted  
17 for Joe Jaworski. I even helped him with his campaign,  
18 you know. I voted for a lot of non-Black people.

19 I don't vote because of color of their skin.  
20 I don't want to be prejudiced. I need to know that my  
21 right candidate is working for me and the community,  
22 and our community.

23 Q. Is -- so -- well, let me -- let me try to  
24 qualify this for you. Is the integrity of the  
25 candidate important to you?

1           A.    Very.  I don't want nobody but the captain  
2 starting up confusion.

3           Q.    More important than their race?

4           A.    More important than their race.

5           Q.    What about more important than their party,  
6 democrat or republican?

7           A.    More important.

8           Q.    Based upon what you know of the NAACP  
9 Galveston members, is that true for most of those  
10 folks, as well?

11          A.    I'm almost 100 percent positive it's true,  
12 that they would -- it -- more important.  Yeah.

13          Q.    Than the integrity --

14          A.    We not going to vote for no democrat that's  
15 out here doing up stuff that they shouldn't be doing  
16 just because they a democrat.  We're -- we're not going  
17 to do that.

18                    I don't think anybody would do that.  Most of  
19 the people that I know around my age group, you know,  
20 they realize how important integrity is.  We're not  
21 going to vote for them because of their religion.

22                    Because we realize that everybody has their  
23 own religious beliefs, and they're entitled to their  
24 own religious beliefs.

25          Q.    Uh-huh.

1 A. You know. So --

2 MS. CHEN: And just to clarify, the  
3 "we" here was referring to people that Ms. Toliver  
4 knows in her individual capacity?

5 THE WITNESS: Uh-huh.

6 MR. RUSSO: All that -- yeah, the --

7 THE WITNESS: And -- and a lot of  
8 those are NAACP members.

9 Q. (BY MR. RUSSO:) Uh-huh.

10 A. Yes.

11 Q. What about the -- the -- do you know members  
12 that are -- do you know individuals that are also  
13 members of the LULAC organization?

14 A. I know a -- a -- a couple -- a few of them,  
15 not many. And I won't call their names because it's  
16 confidential. But I have worked with them, and I to  
17 call them to let them know about events.

18 You know, I -- I say, "call." But I mean,  
19 like, email, text message. I did talk to Lillie  
20 sometimes. So I just talked to her a couple of weeks  
21 ago. But it wasn't -- it wasn't about no  
22 redistricting. It was about housing.

23 Q. Yeah. So does the -- does the LULAC  
24 organization and NAACP Galveston -- do they work --  
25 work a lot together?

1 A. Not as much as I would like them to.

2 Q. And --

3 A. Mary Patrick, our president, she mostly  
4 informs them about everything. The presidents  
5 communicate a lot.

6 Q. Is it the NAACP Galveston's view that there  
7 -- there are some differences in interests between the  
8 two organizations, LULAC and NAACP?

9 A. I think that they try -- they try -- I think  
10 that they're all on one accord. They try to be on one  
11 accord, try to work together, and not be split and  
12 separate. You know what I mean?

13 Q. I -- I -- I think so. But I want to explore  
14 that a little bit. Did -- are -- are there areas where  
15 the two organizations differ?

16 A. We haven't clashed at all yet.

17 Q. Well, that's a good thing. But to your  
18 understanding are there -- are there different -- any  
19 --

20 A. Not that I know of.

21 Q. No -- no different interests between LULAC  
22 and -- and NAACP from your awareness?

23 A. I think that we all want the same things, to  
24 be treated equal. Equal education, equal social, to  
25 have equal representation when we go to court, to not

1 | be harassed because of the color of our skin.

2 | Q. Is -- is it -- is it your view that the only  
3 | way that that can happen is to effectively create the  
4 | -- you know -- or recreate Precinct 3, as it existed  
5 | prior to 2021?

6 | A. Well, yes. But I wish that we had all of our  
7 | districts -- all of the districts would have a complete  
8 | representation of all of the races. That's what I  
9 | would like, for everything to be fair and equal. I  
10 | mean, that's where we can only elect one minority.

11 | I would like for the representation to be  
12 | that we can elect all minorities, all Whites, all  
13 | Hispanics, that everybody would have fair and equal  
14 | opportunity to be elected, that we would have a cross  
15 | section where everybody would have fair and equal  
16 | opportunity.

17 | Q. Do you have any suggestion as to how -- how  
18 | to sort of -- well --

19 | A. No. But we're going to make it happen one  
20 | day.

21 | Q. No. Let me -- let me back up. So I think I  
22 | have the answer to that question already.

23 | A. I don't know, but the professional mappers,  
24 | they might know how to do it. But that -- that's what  
25 | we all live to see one day, where everything could be

1 fair and equal. I was hoping to see it in my lifetime,  
2 but I sure hope my grand kids get to see it.

3 Q. So -- well, I -- I mean, I guess I -- let me  
4 see here. I think we can come back to that. Prior to  
5 -- prior to the meeting in November of 2021, the --  
6 where the maps were adopted, did you attend any  
7 meetings with -- where any commissioner was present to  
8 discuss redistricting?

9 A. I think so. In 20 -- back in 2011, but not  
10 in 2021.

11 Q. Not in 2021. Okay. So any -- any of the  
12 conversations that you had related to redistricting,  
13 you think were on the prior redistricting effort back  
14 in --

15 A. Yes.

16 Q. -- '21 or back in 2011, yes?

17 A. Yes.

18 Q. Are you aware that -- that Commissioner  
19 Holmes held a couple of Zoom sessions prior to the  
20 November 12th meeting to discuss redistricting?

21 A. No.

22 MS. CHEN: Objection,  
23 mischaracterizing.

24 A. No.

25 Q. (BY MR. RUSSO:) But as you sit here today,

1 you did -- you personally did not --

2 A. No.

3 Q. -- attend any of those?

4 A. No.

5 Q. Do you know whether any NAACP Galveston  
6 member attended any of those sessions?

7 A. No. If they did they didn't tell me anything  
8 about it.

9 Q. Here. I'm going to show you a couple --

10 THE REPORTER: You want to mark it?

11 MR. RUSSO: Sorry?

12 THE REPORTER: Do you want to mark it?

13 MR. RUSSO: Please.

14 THE REPORTER: Okay. That will be 3.

15 MR. RUSSO: You can get 13 and 17,

16 also.

17 THE WITNESS: Thank you.

18 THE REPORTER: Uh-huh.

19 MR. RUSSO: You can mark this one if

20 you want.

21 THE REPORTER: Sure.

22 MR. RUSSO: I only have one more. And

23 there's one more.

24 THE REPORTER: Okay.

25 MR. RUSSO: Yeah. What are we on, 4?



1 THE REPORTER: That one's going to be  
2 5. Okay.

3 MR. RUSSO: Yeah. Thank you, ma'am.

4 MS. CHEN: After we are -- this set of  
5 questions about these exhibits, can we take another  
6 stretch break?

7 MR. RUSSO: Yeah, absolutely. Yeah,  
8 this shouldn't take too long.

9 MS. CHEN: Thank you.

10 Q. (BY MR. RUSSO:) The court reporter's marked  
11 what I -- I think is Toliver No. 4.

12 MR. RUSSO: Right? That's it?

13 THE REPORTER: 3, 4, and 5.

14 MR. RUSSO: Is that it? Okay.  
15 Toliver No. 3.

16 Q. (BY MR. RUSSO:) Do you have No. 3 in front of  
17 you?

18 A. I don't have No. 3. Yes.

19 Q. Okay. And I'll -- I'll represent to you  
20 that's an email that was produced in this case by  
21 NAACP, plaintiff's. And there's a bates number at the  
22 bottom. It's NAACP 00001179. Do you see that?

23 A. Okay. Uh-huh.

24 Q. The email's dated April 12, 2001?

25 A. Uh-huh.

1 Q. You see that?

2 A. Yes.

3 Q. It's on the coalition of Black democrats?

4 A. Uh-huh.

5 Q. You see that? And it's a meeting to discuss  
6 redistricting? You see that?

7 A. "Galveston's County Coalition of Black  
8 Democrats invites you to participate in the Zoom, and  
9 concerned discussion, redistricting." I see it.

10 Q. Right. Then it goes on to state that Neil  
11 Baron, a local democrat lawyer, will be the guest  
12 speaker? You see that?

13 A. Right. Uh-huh.

14 Q. Are you aware that Neil Baron's actually a  
15 lawyer representing some plaintiffs in this case?

16 A. No.

17 Q. In any event, my -- my question to you is, do  
18 you know how it is this email was obtained by the  
19 NAACP?

20 A. It had --

21 MS. CHEN: Objection to  
22 mischaracterization just because it was obtained by the  
23 whole group of plaintiffs doesn't mean it was obtained  
24 by her unit.

25 MR. RUSSO: Okay.

1 A. I don't remember seeing this before. "That's  
2 the kind of democrat" -- I have had a lot of emails  
3 from the Galveston County Democratic party. What I did  
4 was I helped them to pass out flyers and put signs in  
5 yards, and stuff like that. And I got on their email  
6 list. And also Roxy is a part of that, but I don't  
7 remember doing no Zoom meeting.

8 Q. (BY MR. RUSSO:) Okay.

9 A. Was this, was a Zoom meeting?

10 Q. Yeah. To the extent that the -- the Zoom  
11 meeting occurred on April 12th of '21, you weren't  
12 there; is that what your telling me?

13 A. I don't remember being there.

14 Q. Okay. And as far as you're aware, in -- in  
15 terms of testifying for the NAACP and this Galveston  
16 branch in this action, is -- do you -- does the  
17 organization remember attending this meeting?

18 A. I can't speak for the whole organization.

19 Q. Uh-huh, right.

20 A. But speaking for myself, I don't remember  
21 attending it.

22 Q. All right. The -- the next one is Exhibit 4.  
23 And it's an email dated November 4, 2021.

24 (Exhibit No. 4 marked.)

25 A. Uh-huh.

1 Q. (BY MR. RUSSO:) From Roxy Williamson to -- to  
2 multiple recipients.

3 A. Uh-huh.

4 Q. You see that?

5 A. Yeah. I see where she sent this to me, too.

6 Q. Yeah. Yeah.

7 A. She send it out to -- looked like the body.

8 Q. Is -- is that -- does that -- do you  
9 recognize the -- the -- the body of emails there? What  
10 is that?

11 A. Yeah, most -- some of these are NAACP  
12 members.

13 MS. CHEN: Sorry, just to clarify, are  
14 you asking about the body of the email or the two NCC  
15 lines?

16 MR. RUSSO: The -- yes, she called  
17 them the body. I was trying to figure out what -- what  
18 body she was referring to.

19 A. Some of these are the democratic --

20 MS. CHEN: I think he's asking about  
21 just, like, the content of the email, the body of the  
22 email.

23 THE WITNESS: The only one -- what she  
24 sent out?

25 Q. (BY MR. RUSSO:) No. Well, I'm -- I'm asking

1 you, when you referred to the body, which were you  
2 talking about?

3 A. Oh, I thought you was talking about the email  
4 list.

5 Q. What --

6 A. Who she sent it out to.

7 Q. And -- and the -- the body, that's -- is  
8 there some kind of group that -- is that NAACP group or  
9 is it --

10 A. There's several other groups in here, as  
11 well.

12 Q. Okay. Yeah, because, I mean --

13 A. Some of -- some of these names I -- I  
14 recognize. I don't know if they only -- they could be  
15 all in NAACP. Like I say, we have a lot of members  
16 that I haven't seen, that main list. I only see --  
17 know the people that show up at the meetings.

18 Q. Okay. I understand.

19 A. Now, I know some of these people from just  
20 knowing them in general, but I've never seen them at an  
21 NAACP meeting.

22 Q. Okay. And the -- the -- so the -- the text  
23 right beneath the email addresses says "City of  
24 Galveston County -- Galveston City Council" --

25 A. Council.

1 Q. -- "Redistricting workshop October 21, 2020  
2 -- October 28, 2021." Do you see that?

3 A. Uh-huh.

4 Q. And so it -- so it looks like Ms. --  
5 Ms. Williamson is talking about a redistricting meeting  
6 related to the City of Galveston there, right?

7 A. Right.

8 Q. Then below that, underneath the -- it looks  
9 like a small picture, where it says "Imperative to --  
10 is to define what it is to do right." You see that,  
11 it's in the middle of the email?

12 A. You say -- which one you talking about, where  
13 this --

14 Q. So I'm looking about in the middle of the  
15 email. There's a -- there's a statement from Ms. --  
16 from Barbara Jordan where it says "Imperative is to  
17 define what is right and do it."

18 A. I don't see that. I must be missing it. Oh,  
19 why didn't -- I'm sorry. I'm looking at all this other  
20 stuff. Okay. I see that.

21 Q. Yeah. And then just below that --

22 A. Okay.

23 Q. -- is another email?

24 A. On November 4th.

25 Q. From November 4th?

1 A. Uh-huh.

2 Q. 3:08, Roxy Williamson. And it's -- it's --  
3 she wrote. And then there's additional text beneath  
4 that?

5 A. Uh-huh.

6 Q. Do you see that?

7 A. Uh-huh.

8 Q. If you read through the -- the -- the second  
9 full paragraph with the asterisk next to it, it starts  
10 "The Honorable County Commissioner Steven Holmes" --

11 A. -- "Steven Holmes will be speaking on  
12 redistricting this evening."

13 Q. -- "will be speaking on redistricting this  
14 evening?"

15 A. Uh-huh --

16 (Witness reading document out loud.)

17 A. -- did not attend as far as I know of.

18 Q. That's -- and that was my question. Did you  
19 -- did you attend this -- the -- the Zoom meeting?

20 A. Not that I know of. Unless it was an NAACP  
21 meeting, let me see. Then that would have been at --  
22 that wouldn't have been November the 4th. (Reading.) I  
23 didn't see Commissioner Holmes, so I doubt it  
24 seriously. Article in the paper.

25 Q. So do you know on whose behalf Ms. Williamson

1 would have been sending this email in -- on November  
2 4th?

3 A. No. She sent -- it doesn't look like it was  
4 -- she doesn't say on here who she was -- sending on  
5 whose behalf. It has NAACP at the bottom of this. She  
6 sent it to a bunch of people.

7 I really don't know on whose behalf she sent  
8 this out on. She did work with the democratic party.  
9 And I see some of them's names here.

10 Q. Okay. But -- so you're not able to tell me  
11 whether Ms. Williamson was sending this out on behalf  
12 of NAACP?

13 A. No, I'm not. I can't tell you that. Uh-uh.

14 Q. All right. And if Commissioner Holmes  
15 appeared speaking on redistricting in the evening  
16 you're not -- you -- can you tell me whether that was  
17 at the behest of the NAACP Galveston?

18 MS. CHEN: Objection, asked and  
19 answered. You can answer,

20 THE WITNESS: Huh?

21 MS. CHEN: You can answer if you know.

22 A. Okay. I was reading this. No, I don't  
23 remember ever seeing this before. I might have seen  
24 it, but I don't remember seeing this before. And I  
25 don't know who she -- no, she doesn't only work with



1 the NAACP.

2 She also worked with democratic women, but  
3 she might have sent it out on their behalf. Look, am I  
4 missing it? Is Mary Patrick's name on there?

5 Q. (BY MR. RUSSO) Yeah, I --

6 A. Joe Compian. (Reading.)

7 Q. I do not see Mary Patrick's name on there.

8 A. I don't see our secretary, so, no. I don't  
9 see our secretary's name on there.

10 Q. Okay. So beneath -- beneath -- beneath, I  
11 guess, the -- the -- right above the middle of the  
12 middle of page there's -- there's a -- kind of a  
13 signature block there for Roxy Williamson?

14 A. Uh-huh.

15 Q. It says Proud -- Proud Fellow Texas?

16 A. Uh-huh, Proud Fellow Texas.

17 Q. Do you know what that is?

18 A. No, I don't have a clue. I don't know what  
19 Roxy was doing with that.

20 Q. All right. Okay. So as far as you're aware  
21 NAACP Galveston didn't attend this --

22 A. As far as I'm aware.

23 Q. -- meeting with Commissioner Holmes?

24 A. No, as far as I'm aware of.

25 Q. All right. And do you --

1           A.    And I don't think so because I don't see our  
2 secretary or president's name on here.

3           Q.    All right.

4                           MR. RUSSO:  The last one is Toliver  
5 5. And it's an email dated November 11, 2021.

6           A.    Uh-huh.

7                           (Exhibit No. 5 marked.)

8                           (Witness reading document.)

9           A.    9:00 a.m.

10          Q.    (BY MR. RUSSO:) Right.

11          A.    November monthly meeting.  Okay.  GCDP,  
12 Democratic party.  Galveston County Democratic Party,  
13 for the Democratic Galveston.  Okay.  So she sent this  
14 out to the democratic party, also.

15          Q.    Do you know who was sending this?

16          A.    Subject, from Democratic Galveston.  It's a  
17 group of women.  I mean, it's a group -- I think  
18 they're all women, democrats of Galveston County.  It  
19 could have just been the democrats.

20                           Usually when I go it's always women at those  
21 meetings.  They might have some men up along on there,  
22 too, but no.

23          Q.    Okay.  Do you know --

24          A.    This is -- this is the Democrat -- this is  
25 not NAACP.

1 Q. Okay. Do you know an individual named  
2 Tierishia Gibson? I'm not sure how she spells that.

3 MS. CHEN: Tierishia?

4 A. Tierishia. I don't really -- I've heard that  
5 name, Tierishia Gibson. Is she with the La Marque or  
6 Texas City?

7 Q. (BY MR. RUSSO:) Yeah, I don't know the answer  
8 to that.

9 A. I don't know the answer to it, either.

10 Q. Okay. Yeah, the answer is you -- you don't  
11 know who she is, correct?

12 A. No.

13 Q. Now, this -- the -- the -- again, the top  
14 part of this email it says, "Good morning, all please  
15 join us via Zoom -- tonight via Zoom for a Q&A with the  
16 county commissioner, as Steven Holmes, concerning  
17 proposed redistricting maps for Galveston County and  
18 our next steps."

19 So the email seems -- seems to reflect  
20 that there is a Zoom meeting on November 11, 2021,  
21 correct?

22 A. Uh-huh.

23 Q. Do you have any recollection of attending the  
24 meeting?

25 A. No, I just went -- went to the meeting on the

1 12th.

2 Q. Okay.

3 A. I'm not saying I wasn't invited to it, but I  
4 didn't attend it. I don't remember. I don't recollect  
5 seeing it.

6 Q. Yeah.

7 A. The only one I went to was on the 12th.

8 Q. Do -- all right. So you've never seen this  
9 before today?

10 A. No, I never seen this one before today.

11 Q. Perfect. Okay. One more question. Do -- do  
12 you -- before we take a break. Did the NAACP Galveston  
13 branch reach out to LULAC to participate in this -- in  
14 the lawsuit once the maps were approved?

15 A. I don't know when she reached out to -- I'm  
16 sure Mary Patrick reached out to LULAC president.  
17 Yeah.

18 Q. Okay.

19 A. I don't know when she did it.

20 Q. Probably --

21 A. The presidents used to contact each other.

22 Q. All right. But, I mean, you believe that the  
23 Galveston branch might have reached out to LULAC to  
24 join forces to file suit in this case?

25 A. Yes, they -- they might have done that.

1 Q. All right. Do you know whether that  
2 happened?

3 A. No, I don't know. But Mary Patrick knows.

4 Q. All right. Okay.

5 A. I know that party -- so Mary apparently  
6 reached out to them.

7 MR. RUSSO: All right. Take a break.

8 MS. CHEN: Quick break? Great.

9 THE VIDEOGRAPHER: Off the record at  
10 2:32.

11 (Off the record.)

12 THE VIDEOGRAPHER: Okay. We're back  
13 on the record at 2:53 p.m.

14 (Exhibit No. 6 marked.)

15 THE WITNESS: Thank you.

16 THE REPORTER: Uh-huh.

17 MR. RUSSO: Let's see. No. 6?

18 THE REPORTER: Yes.

19 Q. (BY MR. RUSSO:) The court reporter has handed  
20 you what's been marked as Toliver Exhibit 6. It's a  
21 November 4, '21 email. And it's from the Galveston  
22 NAACP.

23 A. Uh-huh.

24 Q. You see that?

25 A. Mary Patrick. Uh-huh.

1 Q. And then the 2 is an undisclosed set of  
2 recipients?

3 A. Okay.

4 Q. Yeah. Does that tell you, or suggest to you,  
5 that the -- that the email went to the membership?

6 A. Definitely. It states from Mary Patrick. So  
7 if there's anything with the membership she probably  
8 sent it out from the NAACP. And that's our group  
9 number, 6180. To undisclosed recipients.

10 Q. But it's forwarding Ms. Patrick's email,  
11 right, related to the redistricting maps?

12 A. She says -- about the two maps, voted on next  
13 Tuesday. Okay. She say that her and Roxy, and  
14 Mr. Hadder, was on that call to Commissioner Holmes,  
15 and he provided great information.

16 Yeah. It seems like Mary Patrick -- I would  
17 think that Mary Patrick, Roxy Hall Williams and  
18 Mr. Hadder was all on this call with Commissioner  
19 Holmes.

20 Q. Okay. And do you know -- I mean, was Ms. --  
21 Ms. Williamson on the call on -- on behalf of NAACP?

22 A. Apparently because this came from the NAACP.  
23 So the other one came from the democratic party.

24 Q. Okay.

25 A. But this came from the NAACP.

1 Q. All right. So then what's reflected in  
2 Exhibit 6 is the conversation with Ms. Williamson,  
3 Dr. Scott and Mr. Hadder with Commissioner Holmes. And  
4 it discusses the call that occurred that night --

5 A. Uh-huh.

6 Q. -- right?

7 A. It says that they discussed map 1, remove  
8 Bolivar from the map. Map 2, eliminate the map.

9 Q. Right. Well -- so it -- it actually -- and  
10 it actually says -- it's an email from Mary Patrick --

11 A. Uh-huh.

12 Q. -- who's the president of NAACP, correct?

13 A. Right.

14 Q. And she says in the second sentence,  
15 "Dr. Scott, Roxy Hall Williamson, Mr. Hadder and I were  
16 on the call tonight with Commissioner Holmes. And he  
17 provided great information," right?

18 A. That's what it says.

19 Q. Do you -- do you know what the information  
20 was he provided?

21 A. I wasn't on that call.

22 Q. Okay. All right. And then she goes on to  
23 say, "Please click on the link and provide your  
24 comments." See that?

25 A. Yeah, I see it.

1 Q. And the link looks like it goes to -- it's  
2 above HTTP. It's right below the redistricting map --  
3 map subject -- subject line. Do you see the link  
4 there, HTTPS?

5 A. Uh-huh.

6 Q. Then it goes to Galveston County, Texas  
7 website. Do you see that?

8 A. Yeah.

9 Q. Do you know what that link is to?

10 A. From looking at this paper I would say that  
11 this link is to take a vote on which maps they wanted  
12 remove Bolivar from map 1 or eliminate the map  
13 altogether.

14 Q. Okay. And is it -- is it -- is it your  
15 understanding that the -- the link goes to a website  
16 location provided by Galveston County?

17 A. Galveston County judge redistricting.

18 Q. Right. And then based on Ms. Patrick's email  
19 it says "Please click on the link and provide your  
20 comments." The link must allow you some ability to  
21 provide comments, correct, to -- on the maps?

22 A. Correct.

23 Q. And specifically Ms. Patrick's comment on  
24 this email is "Map 1 - remove Bolivar from the map?"  
25 Do you see that?



1 A. Yes.

2 Q. And then the second thing she says is "Map 2  
3 - eliminate the map?"

4 A. Eliminate the map.

5 Q. And is it fair to say that she provides no  
6 conversation as to what the issues are with the map?

7 MS. CHEN: Objection,  
8 mischaracterizes.

9 Q. (BY MR. RUSSO:) You can -- you can answer.

10 A. It says to -- I mean, according to this. I  
11 -- I don't know what happened when you went to that  
12 link, but according to this it's fair to say.

13 Q. Right. But -- and she doesn't provide any  
14 analysis as to why we want to remove Bolivar from the  
15 map, true?

16 A. True.

17 Q. And she doesn't say anything as to why you  
18 want to eliminate map 2, correct?

19 A. Yeah. Must be some more information with  
20 this because I don't think she would -- but this what  
21 it looks like. But apparently something is missing.

22 Q. Okay. And -- and the email is -- it's a  
23 Galveston branch NAACP email sent to the membership,  
24 right?

25 A. Undisclosed recipients.

1 Q. Right. On November 4th of 2021, providing a  
2 link to the county's comment section?

3 A. Uh-huh.

4 Q. And suggesting to take steps to provide  
5 comment on the county's maps, true?

6 A. Uh-huh.

7 Q. Are you -- are you aware of any conversation  
8 that Ms. Patrick had with either you or other members  
9 in connection with this email, and the reason to make  
10 these comments?

11 A. I'm looking at this date. I definitely am  
12 not.

13 Q. Okay. Does it -- does it suggest to you that  
14 Ms. Patrick is suggesting to the recipients of the  
15 email that they need to go and make these comments at  
16 the -- at the website provided by Galveston County?

17 MS. VALL-LLOBERA: Objection,  
18 speculation.

19 Q. (BY MR. RUSSO:) You can answer.

20 A. That -- that's what it looks like to me.

21 Q. And do you know whether you received this  
22 email?

23 A. I don't remember. This is my sister's  
24 birthday. And I probably -- if I got it I probably  
25 didn't attend or do anything with it because I was

1 probably out with my sister. But I don't remember this  
2 at all. I -- I don't even -- I don't remember it.

3 Q. Okay. And if we wanted to know more about  
4 the conversation that Commissioner Holmes had with --  
5 during this phone call that Ms. Williamson apparently  
6 participated in, we'd have to talk to her about that?

7 A. And Ms. Patrick participated in it, too.  
8 Mr. Hadder, she said they was all on it. They would  
9 have to talked to some of these people.

10 Q. Right. But as of now you don't -- you have  
11 no idea what the conversation was?

12 A. No idea.

13 Q. Okay. Do you know whether you did anything  
14 as a result of -- well, strike that.

15 I think you told me you don't remember  
16 receiving the email, true?

17 A. True.

18 Q. And do you remember whether you took any  
19 steps to look at the -- and make comments related to  
20 map 1 or map 2?

21 MS. CHEN: Objection, vague.

22 A. No.

23 MR. RUSSO: Okay. We'll mark that,  
24 that's 79?

25 THE REPORTER: Uh-huh.

1 MR. RUSSO: That's 7, right?

2 THE REPORTER: Yes.

3 (Exhibit No. 7 marked.)

4 Q. (BY MR. RUSSO:) Okay. The court reporter has  
5 provided you the document marked Toliver 7?

6 A. Oh, yes.

7 Q. Yeah. And have you seen that -- this  
8 document before today?

9 A. No, I hadn't.

10 Q. Okay.

11 A. So how is this in a comment? Is this my  
12 comment?

13 Q. Yeah. It's --

14 A. Remove Bolivar from the map?

15 Q. I'll represent to you that -- that Galveston  
16 County obtained -- retained comment information from  
17 the public --

18 A. Uh-huh.

19 Q. -- related to the redistricting maps.

20 A. Uh-huh.

21 Q. And this one appears to reflect that --

22 A. It's got my name on it. I remember it.

23 Q. It has your name on it?

24 A. Yes, it does.

25 Q. And that's your -- I mean, that's your

1 address?

2 A. That's my name and my address.

3 Q. Okay. And the -- the date on the  
4 correspondence suggests it's Sunday, November 7, 2021,  
5 right?

6 A. Yes, November 7th, a Sunday.

7 Q. And then the comment is "Remove Bolivar from  
8 the map" and "eliminate the map?"

9 A. Uh-huh.

10 Q. You see that?

11 A. I see it.

12 Q. And it seems to be consistent with the  
13 suggestion by Ms. Patrick's email of November 4th of  
14 2021?

15 A. Uh-huh.

16 Q. Would you agree?

17 A. Yeah. She wanted to remove or eliminate.  
18 One of the two. Am I correct? Yeah.

19 Q. And she said remove Bolivar on -- on --  
20 looking back at Exhibit 6.

21 A. It's --

22 Q. Next to map 1 she says remove Bolivar on the  
23 map, right? And then next to map 2 she says  
24 eliminate --

25 A. Eliminate the map.

1 Q. And your comment's --

2 A. And my comment was --

3 Q. Looking back at Exhibit 7, "Remove Bolivar  
4 from the map." Period. And then "Eliminate the map,"  
5 true?

6 A. Right. Yes.

7 Q. So do we -- sitting here today, looking at  
8 these documents, it suggests to you that you received  
9 the email from Ms. Patrick, that was forwarded to the  
10 group, then took action to make comments --

11 A. And it's fine --

12 MS. VALL-LLOBERA: Objection,  
13 speculation and compound.

14 Q. (BY MR. RUSSO:) You can answer.

15 THE WITNESS: I answer it?

16 A. Yeah, that's what it look like. I don't  
17 remember it, but that's my address and my name.

18 Q. Right.

19 A. So I must have did it.

20 Q. (BY MR. RUSSO:) And so at the --

21 A. Yes.

22 Q. -- at the time that -- that -- the -- the  
23 comments were made, do you know whether you had formed  
24 an opinion as to the validity of the maps, or the  
25 content of the maps?

1 A. If I wrote that, I apparently had.

2 Q. You think you'd have looked at the maps at  
3 the time?

4 A. I don't recollect, but if that's what I wrote  
5 -- and that's my name and that's my address. I would  
6 say, yes.

7 Q. Okay.

8 A. And I, obviously, didn't like them.

9 Q. Do you have any idea when you would have done  
10 that?

11 A. I don't recollect this at all. I don't. It  
12 says November the 7th, 2021.

13 Q. Do you recall any -- any effort or  
14 discussions at the time between, you know, Ms. Patrick  
15 or Williamson, or otherwise, to provide as many  
16 comments to the Galveston County website as possible  
17 related to the maps? Do you --

18 A. I -- I don't remember it, but apparently I  
19 received it, and at some time responded on November the  
20 7th, according to this. I'm not going to say I  
21 remember because I don't, but it's...

22 Q. Yeah. And I was mainly -- mainly wanting --  
23 wanting to know whether you think you had a chance to  
24 -- actually look at the maps by the time you made the  
25 comment.

1 A. I don't think I would have responded if I  
2 hadn't seen that map for myself.

3 Q. Yeah.

4 A. Apparently I looked at that map and didn't  
5 like it. And I can't say for sure.

6 Q. Okay. And you don't recall any conversations  
7 with anybody related to the maps at this point?

8 A. No, not at that time.

9 Q. All right.

10 A. Something is missing. Maybe they sent out  
11 the maps. I don't recall it.

12 Q. All right. So there a couple I marked  
13 earlier in the complaint in this case. I think it was  
14 number 2. Can you see if you can find that?

15 A. Okay. I got it.

16 Q. You have it?

17 A. Yeah. What page? Any particular page?

18 Q. Yeah. I'm going to have you look over it,  
19 paragraph 91 versus -- just a couple of things, items  
20 to discuss. It's on page 23.

21 A. I have.

22 Q. You see it?

23 A. Uh-huh.

24 Q. So specifically there's an allegation in  
25 paragraph 91. And it -- and I'm interested in the last



1 half of the sentence, which -- which reads "Voters  
2 constitute a geographically compact majority of a  
3 single member commissioner precinct." That's how the  
4 sentence ends? You see --

5 A. Uh-huh. That's how it ends.

6 Q. Do -- what's your understanding of that  
7 allegation?

8 A. My understanding is that they wanted a  
9 precinct with the balance of population, enough of  
10 Black and Latinos, that they can have at least one  
11 single member commissioner. Not that they can have  
12 three or four, but they can have at least one.

13 Q. Right. And in this the allegation is -- is  
14 that -- that the map -- a map could be drawn in which  
15 Latino -- Black and Latino voters constitute a  
16 geographically compact majority. Do you -- do you have  
17 any understanding of what a graphically compact  
18 majority means?

19 A. It means that in that particular precinct  
20 geographically the number of people that's in that  
21 precinct will have the opportunity to elect a  
22 commissioner of their choice.

23 Q. And -- well -- so how -- how compact do they  
24 have to be in order to be considered --

25 A. I -- I surely couldn't answer that question.

1 MS. CHEN: Objection. Calls for a  
2 legal conclusion.

3 Q. (BY MR. RUSSO:) I'm sorry. What was your  
4 answer?

5 A. I -- I couldn't answer that question.

6 Q. (BY MR. RUSSO:) Okay. And so the -- the  
7 NAACP, then, response is -- strike that.

8 Is there any -- do you have any  
9 ability to -- strike that.

10 Are you aware that your -- again,  
11 designated experts in this -- in this case?

12 A. Am I aware of what?

13 Q. Are you aware that the NAACP has designated  
14 experts in this case? We talked about this earlier a  
15 little bit.

16 A. The NAACP designate experts?

17 Q. Yes, ma'am.

18 A. Yeah. As far as -- not the map drawing, but  
19 as far as the complainants?

20 Q. Correct.

21 A. Okay. Yes.

22 Q. And we talked about you looking at a map that  
23 you thought maybe was related to an expert --

24 A. The only thing about these maps, they don't  
25 even have little stick people. So when I'm looking at

1       them, I can't even tell how many people that's in that  
2       session. Because all I'm seeing, it's like you said,  
3       geographic territory.

4             Q.     Right.

5             A.     I'm not seeing what's in that territory, in  
6       that particular territory. And I guess the experts who  
7       draw the maps -- apparently they know that information.

8             Q.     Right.

9             A.     But when we are looking at the maps it's not  
10      on the map. It don't have no little people, or sticks,  
11      or nothing.

12            Q.     Okay.

13            A.     It just have the land, you know.

14            Q.     So whether or not the -- the -- the voter --  
15      the -- the -- paragraph 91 is correct, that voters,  
16      Black and Latino voters constituted geographically  
17      compact majority of a single-member commissioner  
18      precinct, the NAACP doesn't have any independent facts  
19      related to that, do they?

20                    MS. CHEN:   Objection,  
21      mischaracterization.

22            A.     I think they pretty much know who lives  
23      where, the majority people. So if you're looking at  
24      the map, and you see District 3, the way District 3  
25      was, and you look at that map, you could -- you don't

1 know exactly how many people, but you could look at  
2 that map and say, "Well, the majority people is Black  
3 or Hispanics in this particular" -- and then you look  
4 at League City area, and you can say the majority of  
5 people over there are White Americans.

6 And you look at Hitchcock and La Marque, you  
7 know, La Marque, Texas City, you know. So I think that  
8 the experts -- not me, but the experts could look at  
9 that, and they -- they should know.

10 And -- but when I look at it I know  
11 Galveston. I can tell you what Galveston look like.  
12 I'm not the whole NAACP. I know I'm here speaking.  
13 Like I told you, I'm not the redistricting person. I  
14 don't deal with this redistricting stuff. I deal with  
15 the housing issues.

16 Q. (BY MR. RUSSO:) Okay. And -- well -- so is  
17 there any factual basis that you can tell me about,  
18 that supports the last half of paragraph 91 --

19 A. Well --

20 Q. -- other than pointing me to your expert?

21 A. I can tell you that I've lived in Galveston  
22 my whole life, and I know the majority areas that have  
23 -- that are predominately Black, predominately White,  
24 or predominately Hispanic.

25 Q. Uh-huh. Can you tell me how compact they

1 are?

2 A. I can't. I can tell you about my block. On  
3 my block we're like a third, a third, a third.

4 Q. That sounds like a good neighborhood.

5 A. It is. We look out for one another.

6 Q. Okay. And paragraph 92, which is the next  
7 paragraph, states -- starts at "According" --

8 A. What email?

9 Q. Yeah. I'm going to let you get there. It's  
10 on page 23.

11 A. Okay. I have it.

12 Q. It states that "According to statistical  
13 analyses of the past elections, Black and Latino voters  
14 in Galveston County are politically cohesive, and  
15 overwhelmingly support the same candidates." Do you  
16 have any independent facts to support that statement?

17 A. I don't, but apparently whoever wrote this  
18 did.

19 Q. But who?

20 A. Whoever wrote this apparently had the facts.  
21 My job, when I'm helping, I'm just encouraging  
22 everybody to get out and vote --

23 Q. I understand.

24 A. -- for the candidate of their choice.

25 Q. Is there anybody at the -- at -- in NAACP

1 Galveston branch that I should talk to about this  
2 question that might have an answer other than you?

3 A. Yeah. Mary Patrick, president. Her and --  
4 she -- she would be the main one who would have the  
5 answer. Hadder, whose name was on here --

6 Q. Uh-huh.

7 A. -- I don't think he would.

8 Q. As far as you -- you're concerned you rely on  
9 the statement just as it's made?

10 A. I -- if -- if -- if the president made the  
11 statement they made it -- I'm sure she -- she works in  
12 education. She works with all the people, all races.  
13 And she know.

14 Q. Uh-huh.

15 A. You know, she's over GISD. And so is a lot  
16 of our other members.

17 Q. All right. Have you talked to her about any  
18 of that, about whether their -- the specific statement  
19 in the complaint, which is that the -- the Latino and  
20 Black voters are politically cohesive?

21 A. She say yes.

22 Q. You've spoken to her about that?

23 A. Uh-huh.

24 Q. And she said yes?

25 A. Uh-huh.

1 Q. What was the basis for that?

2 A. Some program that she works with, with GISD.

3 Q. What was the program?

4 A. I can't think of the name of it, but it's

5 GISD. They do a lot of studies and stuff over there.

6 And wherever they got this knowledge from, this is what

7 they actually believe. This is what they research.

8 That's what they found.

9 Q. And you're specifically --

10 A. I wasn't a part of it.

11 Q. You're specifically talking about what's in

12 paragraph 90 --

13 A. 91 or 92.

14 Q. 92?

15 A. Uh-huh.

16 Q. You think that came from a JSD report?

17 A. I -- I think it came from some of the

18 employees. And I don't know that -- also, NAACP

19 members -- I'm sorry.

20 Q. Uh-huh.

21 A. The NAACP members said they -- it says

22 "Alternative plans, including with one with district,

23 based upon the benchmark Precinct 3, with one voting

24 precinct shifted from the benchmark to the 3 for the

25 purpose of balance of population, can be drawn in the

1 Black, Latino."

2 So I'm -- I'm sure she didn't just put this  
3 out here without knowing that it was true. I don't  
4 think she would have done that.

5 Q. Okay. But in terms of your testimony today  
6 you -- you -- you're not giving -- you don't any  
7 additional facts to add to the conversation, true?

8 A. No, I don't.

9 Q. The same would be true for paragraph 92 in  
10 relation to the political cohesiveness of Black and  
11 Latino voters?

12 A. No.

13 Q. I'm sorry. Did you sorry?

14 A. Oh, I'm sorry.

15 Q. I mean, did you answer --

16 A. You asked another question?

17 Q. Yes, ma'am. I said, is --

18 A. I was reading this stuff. I'm sorry.

19 Q. That -- that's fine if you need to read it.

20 We'll -- I'll wait on you. But --

21 A. No. What -- what's your question?

22 Q. The question was, is -- is the same answer  
23 true in relation to the allegations in paragraph 92,  
24 where it states that Black and Latino voters are --

25 A. Oh, yes.



1 Q. -- politically cohesive?

2 A. That's the same answer.

3 Q. And you don't have any additional facts to  
4 add to the conversation?

5 A. I don't have any additional facts. But I  
6 will say Ms. Patrick is not one that takes stuff  
7 lightly. She's going to make sure it's true, you know.

8 Q. Is it your understanding that Ms. Patrick  
9 played the principal -- principal role in dealing with  
10 the -- the lawsuit?

11 A. That's my understanding.

12 Q. Did you have any conversations with her about  
13 the process, about dealing with the lawsuit, changing  
14 responses? Not specific changes, but just dealing with  
15 the whole process?

16 MS. CHEN: And just only to the extent  
17 that you don't reveal any confidential attorney-client  
18 communications you can answer his question.

19 MR. RUSSO: Yeah.

20 Q. (BY MR. RUSSO:) And I'll -- I'll -- with that  
21 understanding -- I don't -- I don't want to know the  
22 specifics, we changed, and, if. That's not what I'm  
23 asking you.

24 Did she talk to you about just being involved  
25 in drafting the lawsuit and making changes, and that

1 kind of thing?

2 A. She didn't talk to me about being involved,  
3 but we did go over this. She was in on some of the  
4 meetings.

5 Q. Okay. Prior to filing suit?

6 A. No.

7 Q. Or during the deposition prep?

8 A. Right.

9 Q. Okay.

10 A. Correct.

11 Q. All right. Was your counsel present at those  
12 meetings?

13 A. Yes.

14 Q. All right. Paragraph 93, which is the next  
15 page, it states -- the first sentence begins "Those  
16 analyses also show that Anglo voters in Galveston  
17 County." Do you see that?

18 A. Yes. Including the newly to Precinct 1, 2  
19 and 4. "And each and all contains a portion of the  
20 benchmark that's 3." Yes.

21 Q. Right. And then it -- it said -- goes on to  
22 say "Overwhelmingly vote for the same candidates as  
23 other Anglo voters, and vote sufficiently as a block."

24 A. To defeat the Black and Latino --

25 Q. Right.

1 A. I -- I see it.

2 Q. Yeah. You see -- so my question is  
3 relatively similar. Do you have any independent  
4 understanding of -- of the truth or falsity of that  
5 statement?

6 A. No, I wasn't involved in the process.

7 Q. Okay. So as you sit here -- as you sit here  
8 today you have no additional facts you can add to the  
9 conversation related to whether that statement is true  
10 or false, true?

11 A. No. No additional facts.

12 Q. All right. So -- you could set that aside  
13 for a second. You talked about just the sort of racial  
14 demographics in Galveston County. And I think you said  
15 you were more comfortable in Galveston itself?

16 A. Yeah.

17 Q. Do you have an understanding, sitting here,  
18 as to -- if I gave you an area, that you could tell me  
19 what the demographics are, say, in the city of La  
20 Marque?

21 A. No, I couldn't tell you anything about La  
22 Marque. I can tell you probably if you go around Lake  
23 Road, it used to be demographically, a lot of Black  
24 people, but it's not anymore.

25 Q. In La Marque?

1           A.    In La Marque.  But I don't really know any of  
2   the other areas.

3           Q.    Do you know -- do you know why -- let's stick  
4   with La Marque for a minute.  Do you know why the --  
5   you think the population in La Marque -- the  
6   African-American is --

7           A.    A lot of them passed away.

8           Q.    They passed away.  Okay.  Then are you -- I  
9   think you would agree that Galveston is -- the city of  
10   Galveston is the area you're probably most familiar  
11   with?

12          A.    Yes.

13          Q.    Is that true?

14          A.    Most definitely.

15          Q.    But could you provide sort of demographic  
16   information on any given area within the city?

17          A.    Most on the east end.  We have a lot of White  
18   people that live on the east end, until you get to like  
19   25th Street.  And when you pass 25th you come on down  
20   to 43rd.  Then you have mostly Blacks, but a mixture of  
21   Blacks and Hispanics.

22                   And then when you go from 43rd to 53rd you  
23   have the same population, but you have more Blacks in  
24   -- in that area.

25          Q.    Uh-huh.

1 A. Especially on the north side, you know. And  
2 then when you pass 53rd to 61st there's a lot of  
3 businesses in that area, you know. And there's not as  
4 many people living there unless you cross over on the  
5 side where it's LK&M. And everything over there is  
6 mostly Blacks, White and Hispanics. Now, when you pass  
7 M and a half, and you go on up to the seawalls, where  
8 you're going to find more Whites. You're going to find  
9 some Blacks and Hispanics in those areas, as well.

10 Q. Uh-huh. Is it -- can you -- can you do --  
11 you have sort of committed to memory any specific  
12 numbers, demographics on a particular area?

13 A. No. I'm just telling you from the streets  
14 I've walked, and for where I've campaigned to help with  
15 the voters --

16 Q. Yeah.

17 A. -- and what I've seen.

18 Q. I understand. And, again, it's -- I think I  
19 understand. It's a feeling you have, right?

20 A. It's a feeling.

21 Q. I got it. But nothing specific, 24 percent  
22 of the --

23 A. Not specific. I've walked those streets  
24 many, many days.

25 Q. Right.

1           A.    I don't do it anymore because there's too  
2 many cracks in the sidewalk and I fell one time.  When  
3 I was younger I did.

4           Q.    Have you seen the -- you know, changes in  
5 Galveston, in certain areas in terms of demographics --

6           A.    I've seen the --

7           Q.    -- in the past ten years?

8           A.    I've seen the demographics.  I've seen the  
9 population decrease.  I've seen that we had -- I know  
10 that we have 4,500 Airbnbs.  Bed and bath --

11          Q.    Uh-huh.

12          A.    -- on the weekend, and it has hurt our  
13 population because those houses are off the market.  
14 Nobody can rent them now, nobody can buy them.

15          Q.    Are you talking about a specific racial  
16 population or are you talking about just --

17          A.    No.  I'm just talking about population in  
18 general.

19          Q.    People in general?

20          A.    Just in general.  We've lost a lot of that.  
21 And even though we did come back with public housing we  
22 didn't -- we came back with the 569 units --

23          Q.    Uh-huh.

24          A.    -- that we lost after Ike.  We didn't -- we  
25 didn't bring back the units that we lost before Ike.

1 So Galveston has lost a lot of its population. I see  
2 on the east end a lot of those houses still haven't  
3 been rehabbed.

4 All of the student housing that UTMB had, I  
5 see a lot of it is still vacant, you know. They -- it  
6 hasn't been rehabbed. And I know I'm not supposed to  
7 be adding a lot of stuff, but I'm going to add this one  
8 little comment.

9 I think UTMB needs to supply their own  
10 housing, and not depend on public housing, to have  
11 housing for their students.

12 Q. We'll, we -- we'll -- we'll stop you there  
13 because they're not here to defend themselves.

14 A. I love them, but they --

15 MS. CHEN: Well, we'll note the  
16 position in Ms. Toliver's individual capacity.

17 THE WITNESS: They needs to have a lot  
18 of housing.

19 Q. (BY MR. RUSSO:) Understood. So specifically  
20 in the area, in -- in the city of Galveston, was  
21 Precinct 3 prior to --

22 A. Uh-huh.

23 Q. -- 2021. Specifically in that area. I mean,  
24 did you notice changes in that area in terms of  
25 demographics, certain races moving in, certain races

1 | moving out --

2 | | A. Uh-huh.

3 | | Q. -- population growth? What's your estimate?

4 | | A. I would think that we have way more -- not  
5 | way more, but we have more Whites that's moving into  
6 | that area. And the reason being is because of cost of  
7 | living. Rent has skyrocketed.

8 | | Q. Uh-huh.

9 | | A. So people are living places that they  
10 | wouldn't ordinarily live because they can't afford to  
11 | live where they want to live.

12 | | Q. Yeah.

13 | | A. So -- but the predominate amount of people in  
14 | those areas are Blacks and Hispanic.

15 | | Q. Okay. But your -- your estimate is over the  
16 | past five, 10 years there's an increase in --

17 | | A. It has changed some.

18 | | Q. Different population --

19 | | A. But not enough to --

20 | | Q. -- in every demographic?

21 | | A. Yes, it's -- it's changed some.

22 | | Q. Okay. Is there a -- do you have any idea  
23 | about the demographic, the political demographics --

24 | | A. No, I don't.

25 | | Q. -- in that area? Okay. What about voter



1 turnout -- turnout in Galveston County? Do you have  
2 any feeling about which areas of the county turn out  
3 more? Have you ever looked at that?

4 A. No, I don't.

5 Q. And do you know -- let me go ahead. I know  
6 she's about to jump on me. But do you know, on behalf  
7 of NAACP Galveston, have they were done a -- are you  
8 aware of any research that NAACP Galveston has done  
9 related to voter turnout in particular?

10 A. No.

11 MS. CHEN: Objection, asked and  
12 answered.

13 THE WITNESS: Sorry.

14 Q. (BY MR. RUSSO:) So can you explain to me what  
15 you feel, if -- if any -- what are the differences  
16 between the needs of the individuals who lived in the  
17 prior Precinct 3, in the City of Galveston, and the  
18 other areas of Galveston?

19 A. I would think that the -- the needs -- the  
20 needs. What do you mean by "the needs? "

21 Q. Well, are they -- do they -- do the people  
22 that reside within the old Precinct 3 and the people  
23 that reside in the rest of the City of Galveston have  
24 different interests that have to be -- need -- need to  
25 sort of be considered?

1 A. Well, most of the --

2 MS. VALL-LLOBERA: Objection,  
3 speculation.

4 Q. (BY MR. RUSSO:) You can answer.

5 A. Most of the people in old Precinct 3 were low  
6 income, so they need a lot of help that other people  
7 wouldn't need. Like, for example, you don't need to  
8 send a lot of food trucks to the west end of Galveston.

9 You know, like if you're getting food you  
10 don't need to send a lot of food trucks to that area,  
11 whereas to where the old Precinct 3, they needed food  
12 trucks. They needed help with food and water, and  
13 everything.

14 Q. Uh-huh.

15 A. It just -- because you had more people that  
16 did service jobs. I mean, they worked. Like I  
17 remember when I first started working with housing,  
18 it's like "Oh, them people don't work."

19 I found out they had two, three jobs, but it  
20 didn't equal one of your salaries, I'm sure. So even  
21 though they went to work -- like my housekeeper told me  
22 one day, the housekeeper at UTMB, she says, "Ms. Pat, I  
23 work two weeks, and I can't pay my rent."

24 We don't all have that problem. Thank the  
25 Lord. One check, I could pay my rent. She had two

1 | checks. And she needed some money from the third check  
2 | to help pay her rent.

3 | So, yes, it's different. The needs are  
4 | different, the recreation is different. We need more  
5 | parks, we need more activity, you know. You need more  
6 | clothing, you need more food.

7 | You know, we have a clothing drive. We have  
8 | school clothes drive. Everybody don't need school  
9 | clothes. But in Precinct 3 the majority of people  
10 | can't afford school clothes.

11 | Q. Uh-huh.

12 | A. That's a luxury. You know, like for -- on  
13 | the south side every -- most people can't afford school  
14 | clothes for their kids. So, yes, it's a difference in  
15 | the needs.

16 | Q. You said south side. Are you -- South  
17 | Broadway, is that what you were saying?

18 | A. South Broadway.

19 | Q. Yeah.

20 | A. Uh-huh. Actually, the north side goes from  
21 | Avenue A to M and a half. And then the south side goes  
22 | from M and a half to the Boulevard. And then, you  
23 | know, West End. You know, we have do west and  
24 | everything.

25 | Q. Uh-huh.

1 A. So, yes, I would definitely say Precinct 3  
2 needs are definitely different.

3 Q. Uh-huh. And is that -- is that -- most of  
4 the things I heard you mention relate to an income  
5 level. Is that the principle issue? Is it the -- the  
6 folks that live in that area just don't have as -- as  
7 high an income?

8 A. They don't have the income. If we all had  
9 the same income we could all live a life.

10 Q. Uh-huh.

11 A. But unfortunately we don't all have the same  
12 income.

13 Q. Right. Well, I mean, would you agree that  
14 whether it's, you know, Black residents, Latino  
15 residents, White residents, that if they experience low  
16 income they probably have same issues? Would you  
17 agree?

18 A. I agree.

19 Q. And that's going to be true regardless of the  
20 race?

21 A. If you have low income you're going to have  
22 different needs. You're -- you're going to have  
23 needs that other people don't have.

24 Q. Uh-huh. So -- and, again, the needs that we  
25 were just discussing as an issue -- issue of need on an

1 income level, not necessarily a racial level?

2 A. If your income is low, whether you're Black,  
3 White, Hispanic, Jews -- I don't care what you are. If  
4 you're poor you're poor. If your income is low you're  
5 economically disadvantaged. You're economically  
6 disadvantaged.

7 Q. Uh-huh.

8 A. And your needs are going to be greater.

9 Q. Yeah. So do you see any benefit to having --  
10 looking at the -- I'm referring to the new Precinct 2,  
11 which now covers all of Galveston Island.

12 A. Uh-huh.

13 Q. Do you see any benefits to having all of  
14 Galveston in one precinct?

15 A. It's --

16 MS. CHEN: In as far as individual  
17 capacity or representation of NAACP?

18 Q. (BY MR. RUSSO:) Well, do you know the answer  
19 for the NAACP? What's the NAACP's answer to the  
20 question of --

21 A. They -- I -- I was just looking at that paper  
22 you sent me about not including Bolivar, taking Bolivar  
23 off.

24 Q. Uh-huh.

25 A. Because we know that Bolivar is completely

1 different from Galveston. So that Precinct 2 includes  
2 Bolivar, correct?

3 Q. It does.

4 A. It does, so --

5 Q. It does.

6 A. -- that makes a big difference.

7 Q. Okay. Well, let me -- let me pose a question  
8 to you. And then we'll -- we'll -- we'll focus on it,  
9 the -- from the NAACP Galveston branch's understanding  
10 of it, if you know.

11 A. Okay.

12 Q. If -- from their point of view, is -- do you  
13 see any benefit to having just the city of Galveston,  
14 the entire Island, in one precinct, represented by one  
15 commissioner?

16 A. I don't know why they would do that. I  
17 don't.

18 MS. CHEN: Objection, incomplete  
19 hypothetical.

20 A. No. Yeah, I don't -- I really don't know the  
21 answer to that question.

22 Q. (BY MR. RUSSO:) Okay.

23 A. As far as NAACP.

24 Q. What about you as an individual Galveston  
25 resident?

1 A. I feel that was unnecessary.

2 Q. It's unnecessary to have one -- just I want  
3 to make sure I understand your answer. It's  
4 unnecessary to have one commissioner for the entire  
5 Island?

6 A. To Precinct 2, to complete the entire  
7 Island -- Island in Bolivar.

8 Q. Uh-huh.

9 A. Because it dilutes the population for what  
10 we're trying to do equal for everybody.

11 Q. Right. Well, just stick with me on the  
12 Island of Galveston?

13 A. Okay.

14 Q. And we'll deal with Bolivar. And I -- I  
15 realize it's in the same precinct. But my question is,  
16 from your perspectives, and you've lived here your  
17 whole life, do you see any benefit to all of Galveston  
18 Island having one commissioner representative on county  
19 government?

20 MS. CHEN: Objection, incomplete  
21 hypothetical.

22 Q. (BY MR. RUSSO:) You can answer.

23 A. No. I don't -- I don't really understand all  
24 that. But -- so it's kind of hard to answer that  
25 question. I'm just going to say I don't understand

1 that, where it would be beneficial.

2 Q. Okay. It -- it's really -- I'm not trying to  
3 trick you. I just wanted to know if you had a -- a few  
4 on it. And if -- if you don't, you don't. The -- you  
5 -- but you do -- I mean, you -- you do have an  
6 intention to reach out to Commissioner Giusti at some  
7 point?

8 A. Yes. I would like to know him and meet him,  
9 definitely.

10 Q. Yeah. He might turn out to be a good  
11 commissioner for you, wouldn't you agree?

12 A. I don't know, but he might.

13 MS. CHEN: Objection, speculation.

14 A. I have to meet him and find out.

15 Q. (BY MR. RUSSO:) Yeah. Does the NAACP believe  
16 there's a sort of -- a history of official  
17 discrimination in Galveston County? And by official  
18 I'm referring to sort of the state entities.

19 A. I can't answer that question.

20 Q. Okay. Well -- now, what about --

21 A. I think my brain is tired.

22 Q. Yeah, I get it. Mine is, as -- as well.

23 MS. CHEN: You want to take a break?

24 Q. (BY MR. RUSSO:) Mine is, as well.

25 THE WITNESS: Yeah.



1 MS. CHEN: We can take a short break.

2 THE WITNESS: Okay.

3 MS. CHEN: You -- you're all right  
4 with that?

5 MR. RUSSO: Yeah, I'm fine with that.

6 THE WITNESS: It's -- it's been a long  
7 day.

8 THE VIDEOGRAPHER: Going off the  
9 record, 3:35.

10 (Off the record.)

11 THE VIDEOGRAPHER: Going back on the  
12 record, 3:50 p.m.

13 Q. (BY MR. RUSSO:) Okay. I had another question  
14 about -- related to the allegations in the case. I  
15 don't think we need to refer to the complaint. We  
16 might, but let me just try to see if I can do it this  
17 way. Do you know anything about racially polarized  
18 voting?

19 A. No.

20 Q. Okay. Fair enough. Did you -- are you  
21 aware, as the representative for Galveston NAACP, of  
22 any research that the branch has done on socioeconomic  
23 disparities between different races? And we'll start  
24 at Galveston, the City of Galveston?

25 A. No.

1 Q. Okay. What about in Galveston County?

2 A. I know about some that has been done for  
3 other members that work other jobs. And they come to  
4 NAACP meetings, and they present.

5 Q. They're NAACP members that do their work,  
6 research?

7 A. It's not -- they are -- they are members of  
8 the NAACP. And they do research for different  
9 organizations. And they present to us.

10 Q. Can you give me an example of who -- of -- of  
11 the type of research you're talking about, or  
12 organization?

13 A. Like, for example --

14 THE WITNESS: Is it okay to call the  
15 organization name?

16 MS. CHEN: Yeah.

17 A. Nia Culture.

18 Q. (BY MR. RUSSO:) Niel?

19 A. N-I-A, Nia Culture with Sue Johnson.

20 Q. Okay.

21 A. They do a lot of research and stuff.

22 Q. And do -- do they look at a specific area,  
23 health, education, or is it just general?

24 A. Mostly educational with her. Mostly  
25 education.

1 Q. I think I've seen a couple of those. They're  
2 on the internet?

3 A. Yes.

4 Q. Yeah. Do they principally look at GISD or  
5 all districts?

6 A. Mainly GISD. I didn't see anybody else.

7 Q. And are -- are one or both of those  
8 individuals are they on the -- are they on the board or  
9 do you have some association with GISD?

10 A. No, she's not on the board.

11 Q. What -- does she have an association --

12 A. Well, yeah, she -- she was. She was working  
13 with the youth. Sue Johnson, you know, she works with  
14 Nia Culture.

15 Q. Uh-huh.

16 A. And they do -- what is that program they do  
17 in the summer with all of the kids?

18 Q. Uh-huh.

19 A. I can't think of the name of it right now.

20 Q. Okay. That's okay. I -- I -- I just -- I'm  
21 trying to refresh my own memory of that, so that --

22 A. But if you go to her site you'll see it.

23 Q. Yeah. I think I've seen that. Thank you.  
24 Any others that you can think of? And -- socioeconomic  
25 studies related to racial inequality?

1 A. No.

2 Q. Okay. Do you, on -- on behalf of the --  
3 let's stick with the branch --

4 A. Okay.

5 Q. -- testimony. Are -- do you believe there's  
6 a history of official, sort of governmental,  
7 discrimination in Galveston County?

8 A. Yes.

9 Q. And so can -- what examples are you thinking  
10 about there?

11 A. It's just that -- you know, like I said  
12 earlier, it's just been -- I've -- I've been here for a  
13 long time. So it's just been a long line of  
14 discrimination. You know, when I think about  
15 discrimination I think about segregated schools.

16 Q. Uh-huh.

17 A. Having old text books. When I went to  
18 Central we got textbooks that was left over. The  
19 students had used them three or four years. So they  
20 were not in the best condition.

21 And I think that -- I don't know if the  
22 county have anything to do with that or not. I would  
23 think that they would. A lot of discrimination -- like  
24 you go -- I don't know where you live, but in a lot of  
25 the influential neighborhoods the streets are paved.

1 They're good.

2 Our neighborhoods, there's potholes

3 everywhere. And trying to get my house you could ruin

4 a whole car.

5 Q. Uh-huh.

6 A. So I feel like the -- the -- the county could

7 do better with that. The entrance to the McDonald's

8 over there on 53rd, there's so many wrecks there all

9 the time.

10 Q. Let me see.

11 A. 53rd and Broadway.

12 Q. I got you. Yes, yes, yes. I'm with you.

13 A. The congestion. Right now the

14 county's working in front of our church, on 37th.

15 They've had construction there for like the last three

16 or four months.

17 We can't -- people don't even want to come to

18 church because there's nowhere to park. So, yes, I --

19 I don't -- and I could be wrong, but I don't think I

20 am.

21 I don't think they do that in all

22 neighborhoods. Like for one example -- and I'm going

23 to be short. I was at Joe -- not Joe's house. I was

24 at Steve McIntyre's house.

25 And so I say, "Steve, you better tell them

1 | they parked on the wrong side of the street, they  
2 | better move their car," and he said, "Pat, they don't  
3 | do that here."

4 | I was like, "Oh." Because they give us  
5 | tickets, they tow the car off, you know. So, yes, I  
6 | think that it's -- it's still a lot that exists, you  
7 | know. Steve had educated me on a lot of that stuff,  
8 | you know, Steve was a lawyer. You know Steve?

9 | Q. I do.

10 | A. He's a very -- very nice guy. But it's just  
11 | certain things that happen in certain neighborhoods  
12 | that don't happen in other neighborhoods.

13 | Q. And do you attribute that to sort of a  
14 | discriminatory position? You know, protecting certain  
15 | neighborhoods versus others?

16 | A. Right.

17 | Q. Is that kind of where you're headed with  
18 | that?

19 | A. Right. Right. I feel like the -- we -- the  
20 | county could do better, that the city could do better.  
21 | We just need to do better.

22 | Q. Have you ever expressed those concerns to the  
23 | city officials?

24 | A. No. I expressed it just to my pastor.

25 | Q. Okay.

1           A.    I have -- I go to city council meetings.  I  
2    have -- well, I have been.  I was one at one last week.  
3    I haven't been to one lately.  I was at -- at one last  
4    week, with the discussion about the parks board.

5           Q.    Uh-huh.

6           A.    And what's going on with the city manager,  
7    all that kind of stuff, and the -- and Juneteenth.  So  
8    I like to attend the meetings because they're so  
9    educational.  You just learn what's going on in your  
10   city.

11          Q.    Yeah.  Sometimes too much.

12          A.    They can go on for a long time.  But I  
13   actually -- actually went to the workshop.  And I know  
14   you guys probably don't get to go.  But at the workshop  
15   that morning is when they really discuss everything  
16   before they bring it to the city council meeting,  
17   before the public.

18          Q.    Right.  So do you -- do you know, of the  
19   things that you -- you talked about, the -- the central  
20   aside, because I think that was a little bit older in  
21   time, right?

22          A.    Uh-huh.

23          Q.    But the other things -- I think you mentioned  
24   street issues?

25          A.    Lights.

1 Q. And --

2 A. And my neighbors keep saying --

3 Q. Lights.

4 A. -- "Pat, why don't you tell them to put some  
5 streetlights out here?" I'm, like, "Why don't you tell  
6 them."

7 Q. And those --

8 A. Streetlights.

9 Q. Yeah. Those are -- would you agree those are  
10 -- the -- the items you mentioned are principally City  
11 of Galveston issues; would you agree?

12 A. Yeah. Some of them are -- yeah, they are  
13 city and county. I think they all responsible.

14 Q. Yeah. Have you -- have you ever discussed  
15 any of those issues with the county?

16 A. With the --

17 Q. With the county?

18 A. With District 1 City Council. Right now it's  
19 Sharon -- Sharon Lewis. She's with the City Council  
20 District 1. And then before her it was Amy Bly. And  
21 Amy, she was really a take action person. I had a  
22 complaint, you know, let her know and she really tried  
23 to fix it.

24 Q. Uh-huh. Did you ever talk to any of the  
25 county commissioners about any of those issues?



1 A. No.

2 Q. Do you have a belief as to whether -- if the  
3 county commissioners could help any of those situations  
4 that they would do what they could?

5 A. I imagine, if they could. I'm not going to  
6 say they wouldn't. I don't --

7 Q. Yeah. That's what I want to -- I mean, do  
8 you have any --

9 A. I think -- like I see the city council people  
10 more --

11 Q. Uh-huh.

12 A. -- than I see the county commissioner. So I  
13 don't really go to a lot of their meetings. I go to  
14 most city council meetings. Housing meetings. There's  
15 only so many meetings you can go to, so much you can  
16 do. But --

17 Q. Okay.

18 A. School board.

19 Q. Is -- is there anything else that you would  
20 -- that -- that comes to mind, you think, about, sort  
21 of official or state-driven discrimination in Galveston  
22 County? Any other example?

23 A. I don't think it's any more than anywhere  
24 else, you know. I do feel comfortable, more  
25 comfortable, going to businesses here in Galveston than

1 I to into some other places.

2 Like my family lives in Beaumont. And when  
3 you go across Bolivar, going to -- in that direction,  
4 you might lose your life going to the bathroom over  
5 there.

6 You know, we have tried to stop when we're  
7 traveling and use the restroom. They tell us to keep  
8 moving.

9 Q. You're saying in the -- over on the Bolivar  
10 Peninsula?

11 A. Uh-huh.

12 Q. Is that into Jefferson County?

13 A. Not just -- not just -- yeah, going all the  
14 way into Jefferson County.

15 Q. Okay.

16 A. From the -- when we leave Galveston, going on  
17 up to -- what is that island? Highland.

18 Q. Highland?

19 A. Uh-huh. When you make that turn. You know,  
20 once you turn on Highland, turn left, there's hardly  
21 anything there until you get to Winnie.

22 Q. Understood. Okay. And so that --

23 A. So you better use the restroom before you  
24 leave home.

25 Q. Yeah. There -- there's --

1           A.    It's not as bad as it used to be, but it's  
2 still an issue.

3           Q.    Okay.  Are there -- have you had any -- other  
4 than sort of the feeling, have you had any particular  
5 run-ins with -- with officers out in Winnie, Jefferson  
6 County folks?

7                       MS. CHEN:  Objection, misstates  
8 testimony.

9           A.    No.  I drive the speed limit.  I try not to  
10 get stopped at all.

11           Q.    (BY MR. RUSSO:) Okay.  All right.  Just in  
12 general, is it -- do you have any thought, belief, as  
13 to whether the Black voters vote for the same candidate  
14 in a -- you know, given -- particular race?

15                       MS. CHEN:  Objection, asked and  
16 answered.

17           Q.    (BY MR. RUSSO:) Yeah, you can answer.

18           A.    Repeat that question.

19           Q.    And generally speaking, is it your belief  
20 that Black voters vote for the same candidate in a  
21 particular race?

22                       MS. CHEN:  Objection.  In -- in her  
23 personal capacity or a friend of NAACP?

24           Q.    (BY MR. RUSSO:) Personal is fine.

25           A.    It just depends on what the issues are.

1 Q. Okay. So then they -- I guess the -- from  
2 your perspective the -- the -- the actual vote depends  
3 on the issues, not just the candidate, agreed?

4 A. Not just the candidate.

5 Q. You mentioned earlier that -- that one of the  
6 things that you would like to see -- and I think it was  
7 on behalf of the NAACP, but I don't want to misstate.  
8 One of the things that you want to see is a -- a -- a  
9 minority candidate -- not minority candidate --  
10 minority commissioner on city -- commissioners court?  
11 It's late for all of us.

12 A. Yes.

13 MS. CHEN: Objection, misstates  
14 testimony.

15 Q. (BY MR. RUSSO:) Do you recall that  
16 discussion, discussing that topic?

17 A. Uh-huh.

18 Q. Is there any particular reason why you  
19 believe that's important, to have a minority candidate  
20 -- a minority commissioner on the county commission?

21 A. I think it's always important to have  
22 somebody that look like you on the county commission,  
23 on the City Hall, in your schools, your churches.  
24 Whether you are. It's just very uncomfortable being  
25 the only one.

1 Q. Uh-huh.

2 A. I mean, why shouldn't we just have one, at  
3 least? I prefer we had two. I want a Black and a  
4 Hispanic.

5 Q. Do you have any understanding or belief as to  
6 why there's not a Hispanic county commissioner?

7 A. I can't understand that because Hispanics are  
8 the majority of the population.

9 Q. Yeah. So as you sit here today you don't  
10 have an explanation for why it is, that there's no --

11 A. I don't have an explanation.

12 Q. There's no minority -- there's no Hispanic on  
13 the county commission?

14 A. Not that I know of.

15 Q. Have you ever talked to any of the folks at  
16 LULAC about that?

17 A. No.

18 Q. Do they ever express to you that same concern  
19 or question?

20 A. No.

21 Q. Have you -- have you personally seen any --  
22 or recall any instances of sort of discriminatory  
23 conduct against individuals in Galveston County over  
24 the past five years?

25 A. Have I personally seen?

1 Q. Yes, ma'am.

2 A. I've heard so much. Let me think of what  
3 I've actually seen. I saw the man with the horse  
4 incident. I saw him on television, where they had him  
5 walking in between the house -- walk in between the  
6 horses --

7 Q. Uh-huh.

8 A. -- on the seawall -- I mean on the strand  
9 with that particular incident. I didn't -- I wasn't  
10 there to see it personally, but I did see it on  
11 television and that was to the extreme.

12 I mean, they was in -- it was in -- within  
13 the log -- it was still on the logbooks. But, I mean,  
14 that's what I was told. But like I told you about  
15 myself, about my incident --

16 Q. Right. I -- I remember you telling me.

17 A. About my personal incident. I can tell you  
18 that my children, when they went off to college and  
19 came home, they couldn't get hired in Galveston. They  
20 had to leave and go find jobs elsewhere.

21 And especially my oldest. She had a degree  
22 in communication. And there were several positions  
23 open. And they wouldn't call her for an interview.  
24 And, you know, that's why so many people -- and I don't  
25 know if you all experienced it with your children, too.

1 They go off to college and they can't come home. They  
2 can't find a job.

3 Q. Yeah.

4 A. And they have to move somewhere else. I  
5 don't have any children live here. I have three. And,  
6 but I just say thank God I have my sisters.

7 Q. Well, do you -- do you attribute that -- that  
8 sort of not finding a job to a lack of industry on the  
9 island or is it --

10 A. It's a lack of --

11 Q. -- is it a racial issue?

12 A. It's -- I think it's both.

13 Q. Okay.

14 A. It's a lack of industry, and then it's also a  
15 racial injury -- issue. And some companies are just  
16 individually owned and they just hire family members.

17 Q. Uh-huh.

18 A. And it's just harder to get in, to get a job.

19 Q. In -- in relation to the -- your -- is there  
20 any specific instance that you would reference in  
21 connection with your -- your kids getting a job? Like  
22 were -- were they turned away for a particular reason  
23 that you're aware of?

24 A. No, no. They never even got an interview.

25 And so -- you know, most of my nieces and nephews, they

1 don't live here, either. They have -- they had to go  
2 other places to find jobs. And that was even before,  
3 with the rent. Now it's going to be even harder.

4 Q. Yeah. But that's been an issue in Galveston  
5 for a while, though; wouldn't you agree? I mean,  
6 there's a limited amount of space here, agreed?

7 A. Maybe, but, you know, after Ike we lost a lot  
8 of our population, but we also lost a lot of our  
9 housing.

10 Q. Right. Where do -- where do the -- your  
11 older -- where do your kids live? Are they in  
12 Galveston County? I know where Ervin lives, so not  
13 him.

14 A. No, no.

15 Q. But the others?

16 A. Joyce is in Houston and Yolanda's in  
17 Nashville.

18 Q. Okay. Had they ever made residence in  
19 Galveston County, other than after -- let me -- let me  
20 strike that question.

21 After they graduated from high school  
22 and went on to college, have they ever come back and  
23 lived in Galveston County?

24 A. They come -- they came back to find jobs.  
25 And after they couldn't they had to move on.



1 Q. Okay. Did any of them spend as --

2 A. Not Ervin, but both the girls.

3 Q. I know he didn't come back.

4 A. Okay.

5 Q. And I know why. He found a home. It's  
6 a beautiful city, Austin, by the way. Okay. And we  
7 talked about the needs of -- I'm trying to clean up  
8 here. So we talked about the needs of individuals  
9 located in old Precinct 3.

10 A. Uh-huh.

11 Q. And we talked about, I think, the low income  
12 -- problems that -- that low income individuals deal  
13 with. Are there any other needs that you can think of,  
14 that are particularized to individuals that live in old  
15 Precinct 3?

16 A. Like I was saying, streetlights, roads. You  
17 know, taking care, or better care.

18 Q. Yeah. Do you see -- is there any -- is the  
19 -- is there difference between the needs of the -- that  
20 you're aware of, between the Black residents within  
21 those areas, and the Latino residents within those  
22 areas?

23 A. No. I don't see any difference.

24 Q. You don't --

25 A. Because everybody needs streetlights and --

1     yeah.

2             Q.    Okay.

3             A.    Everybody needs those.

4             Q.    All right.  And what -- let's -- let's take  
5     it a little further, if you can answer.  What about  
6     Black residents that were still in old Precinct 3, but  
7     that lived in, say, Texas City, and those that lived in  
8     -- in Galveston Island?  Do you see any difference in  
9     needs between those two sets of folk?

10            A.    I don't really know because I don't know  
11     Texas City.  I don't want to live in Texas City because  
12     I don't like driving by the plants.  All that  
13     pollution.  But to each their own.

14            Q.    The same would be true with the Latino  
15     residents in those two area?

16            A.    I don't -- like -- like I say, I don't really  
17     know about Texas City.  I can't really speak on that.  
18     I I can just speak on -- I had a good chiropractor over  
19     there.

20            Q.    A good --

21            A.    Chiropractor.

22            Q.    Chiropractor?

23            A.    Uh-huh.  But I don't go there often.

24            Q.    All right.  So I'm going to ask a broad  
25     question related to Galveston County first.

1 A. Okay.

2 Q. And so as -- as -- as is -- exist in  
3 Galveston County, do you think that the needs of the  
4 Latino population and the needs of the Black population  
5 are -- are the same?

6 MS. CHEN: Can we clarify, individual  
7 or NAACP capacity?

8 Q. (BY MR. RUSSO:) NAACP?

9 A. Yes.

10 Q. And what's the basis for that? Why do you  
11 think that?

12 A. Because they're all just about the same level  
13 of income. Some a little bit better. And they just  
14 have greater needs. Have greater needs, especially in  
15 times of catastrophic -- when something happens.

16 Q. And greater needs than the non-minority  
17 groups, I guess, is what you're saying?

18 A. Just -- you're asking about the Precinct 3?  
19 You know, just take for example when Hurricane -- I  
20 came. I was able to get myself off the island. Most  
21 people in that precinct couldn't.

22 I was able to provide food for myself, and  
23 housing for myself. If you don't have the income you  
24 can't do that.

25 Q. Uh-huh.

1           A.    You know.  So it doesn't matter.  If you're  
2   Hispanic, you're White, you're Black, if you don't have  
3   the means you can't do it.  People are like, "Why they  
4   can't their self off the island?"

5                    Because they don't have enough money.  When  
6   they get through paying their bills they don't have  
7   anything left to save.  They can't save 10 percent,  
8   title 10 percent.  They need 100 percent just to live  
9   on, plus some.

10          Q.    Uh-huh.  Okay.  All right.  I think that's  
11   consistent with what we talked about earlier, about  
12   those being sort of the income-related needs?

13          A.    Yes.

14          Q.    Agreed?

15          A.    And that's why the City has to provide buses  
16   to help them to get off the island when there's a  
17   hurricane, because they can't themselves off.

18          Q.    Right.  Is it your feeling that Galveston  
19   County has been unresponsive to the needs of the Black  
20   community in Galveston County?

21          A.    I don't know how to answer that question.  I  
22   think -- you really want my opinion?

23          Q.    Yes, ma'am.

24                    MS. CHEN:  Your -- individual opinion  
25   or NAACP opinion?

1 MR. RUSSO: Well, I want the -- I need  
2 to hear it for the NAACP's view of it first.

3 A. I don't really know the NAACP view of it.

4 Q. Okay.

5 A. But my view is if everybody would make a  
6 decent wage, and work 40 hours a week, you should have  
7 enough money that you can pay your rent and your  
8 utility bills, and buy you some kind of an automobile  
9 to get around in.

10 And if not, then the city -- if they're going  
11 to have all these low paying jobs they need to have  
12 buses running every 15 minutes so the people can hop on  
13 the bus and go where they need to go.

14 If the bus running every hour you can't get  
15 to work, you can't get your children to the day care.  
16 It's just problematic. It just doesn't make sense. So  
17 could we do better? Yes.

18 Us it discriminatory? Yes, because the wages  
19 are discriminatory. You know, like, when I worked at  
20 the hospital you have a nurse that makes \$20 dollars an  
21 hour, you have a nurse that makes \$40 an hour. It's  
22 discriminatory. It's life. It -- it -- it happens.

23 Q. In that instance were you -- are you talking  
24 -- speaking about a nurse that -- that specifically you  
25 relate -- differentiating between these two nurses by

1 | race? Is that the idea?

2 | A. Yeah. There's people -- you know, for  
3 | example, my sister was even told. She was the union  
4 | clerk. And they had another union clerk in that was  
5 | White.

6 | Q. Uh-huh.

7 | A. And they paid her way more money than they  
8 | paid them. And they asked why. And they said they can  
9 | pay who they want what they want. So it's  
10 | discriminatory. It needs to stop. In this day and  
11 | time it shouldn't be still going on.

12 | Q. Uh-huh.

13 | A. If I'm going to be in there, why should I  
14 | want the city to bill affordable housing for you. Why  
15 | don't I just pay you enough money so you can afford to  
16 | buy your own house. Why should you have to live in  
17 | Section 8 and get a voucher, and all that, when you're  
18 | working 40 hours a week.

19 | Q. Is there -- do -- do you attribute what you  
20 | just -- the issues you just spoke about, are -- are any  
21 | of those attribute to -- attributable to Galveston  
22 | County, the county --

23 | A. That's the only county I ever lived in.

24 | Q. The Galveston County government and what they  
25 | deal with?

1           A. Well, it's -- it's everything -- everything  
2 really -- it goes to the government. It starts with  
3 the government, you know. We pay our income tax. You  
4 probably pay three, four bills.

5           You probably take on three-fourths, and  
6 another fourth go for income tax and Social Security.  
7 I know when I was working that's the way it was. So I  
8 feel like -- I know it's a long answer.

9           But I feel like we just need to do better.  
10 If we want better we have to do better. If we don't  
11 want discrimination we have to stop it.

12          Q. Yeah. And I wasn't -- I guess maybe my  
13 question was bad. I was trying to focus on one  
14 governmental entity, the city -- the county --

15          A. You're trying to focus on the county  
16 commission. So we just have to really -- I think that  
17 what we really need to do is just get the job  
18 description, and what the county commissioners are  
19 supposed to be doing, what are they really responsible  
20 for.

21          Q. Uh-huh.

22          A. I know a lot about city, but not about  
23 county.

24          Q. Okay. Well, that's fair. I -- I understand  
25 what you're saying. Is it your -- your feeling, you

1 | individually, that the Galveston County -- let's just  
2 | -- let's take Joe Giusti, for instance. Do you think  
3 | Commissioner Giusti intended to discriminate against  
4 | minorities in adopting plan -- map 2 in his vote on  
5 | November 12th of 2021?

6 | A. Whether he did it intentionally or not he did  
7 | it.

8 | Q. Okay. You -- so -- and let me make sure I  
9 | understand. You think discrimination occurred, but  
10 | whether he intended to do it you don't know?

11 | A. I don't know.

12 | Q. Would the same be true with the other  
13 | commissioners, and their vote?

14 | A. You know --

15 | Q. They voted for the maps.

16 | A. That's right. That's right.

17 | Q. Okay. So what you're saying -- okay. Go  
18 | ahead.

19 | A. I think from the statement of the county  
20 | judge, Mark Henry, it was -- he was intentionally. But  
21 | the other one say -- he didn't say anything, so I don't  
22 | know what they were thinking.

23 | Q. Uh-huh. All right.

24 | A. But from his statement was "We know what we  
25 | done, and we don't care what you think about it."



1 That's the way I felt. And I'm sure that's the way the  
2 NAACP felt. And NAACP from Galveston, Texas City, and  
3 Dickinson was all represented at that meeting.

4 Q. Uh-huh.

5 A. Plus the Black Nurses Association was  
6 represented there, also. And a lot of the nurses  
7 belong to those branches, too.

8 Q. And under -- other than, I guess, Mark Henry,  
9 the -- your -- your view of it is you're not prepared  
10 to say that the other commissioners were intentionally  
11 discriminating in their vote, correct?

12 A. Uh-uh. I'm not prepared to say. They went  
13 along with him. They -- you know, they voted for it.  
14 And your vote is powerful.

15 Q. Is it -- is it your view, that -- let's take  
16 Commissioner Giusti, for instance. Just didn't pay  
17 enough attention to the maps and their effect?

18 A. I don't know.

19 MS. CHEN: Objection, speculation.

20 A. I don't know. You know, we're all guilty  
21 sometimes, voting for stuff, and not reading it all,  
22 and not paying attention. But I -- I -- I would think  
23 that since they had to take time to re-draw those maps  
24 -- or whoever helped them, that they knew what they  
25 were doing.

1 Q. (BY MR. RUSSO:) You -- are -- are you  
2 suggesting -- saying that the commissioners knew what  
3 they were doing?

4 A. (Witness nodding.) I'm -- I'm suggesting that  
5 the commissioners definitely knew what they were doing  
6 when they re-drew those maps. And they -- they saw  
7 those maps, whoever did the maps. I don't know. That  
8 they saw them before we saw them.

9 So I -- I'm -- they wouldn't have done it if  
10 they wouldn't have known what they were doing. I mean,  
11 that's -- that's their job, to know.

12 Q. Yeah. Have you -- have you had any  
13 conversations with anybody other -- other than counsel?

14 A. No.

15 Q. I wouldn't say counsel. But have you -- have  
16 you heard any explanations for why they did what they  
17 did?

18 A. No, sir. I haven't.

19 Q. Have you asked any of them?

20 A. No, I haven't even seen them.

21 Q. So as you sit here today you don't really  
22 know why they believe map 2 was the right choice for  
23 them?

24 MS. CHEN: Objection, misstates  
25 testimony.

1 Q. (BY MR. RUSSO:) You can answer.

2 A. I don't know.

3 Q. In terms of Mark Henry's, you -- you said you  
4 thought he acted intentionally?

5 A. Yes.

6 Q. What is it that makes you believe that?

7 A. His statement.

8 Q. At the -- at the hearing?

9 A. At the hearing.

10 Q. And the statement was -- the -- the statement  
11 you're referring to is something like "I don't care  
12 what" -- tell me what it was again.

13 A. I don't know his exact words. It was  
14 something like he doesn't care how many of us come up  
15 there, what we have to say, his mind was already made  
16 up, what he was going to do.

17 Q. Is there anything else that makes you think  
18 that -- that Judge Henry was intending -- intending to  
19 discriminate and -- and --

20 A. No. Before that day, no, absolutely not. He  
21 surprised me.

22 Q. All right. Yeah. We're -- we're -- we're  
23 getting pretty close.

24 MR. RUSSO: So let me go ahead and  
25 mark this.

1 THE REPORTER: Sure.

2 Q. (BY MR. RUSSO:) Do you need a break?

3 A. No, I'm okay.

4 Q. Okay.

5 A. I'm going to keep y'all here until 7:00

6 o'clock. It's 4:42.

7 MR. RUSSO: We'll get that marked.

8 THE REPORTER: Okay.

9 MR. RUSSO: That's 8?

10 THE REPORTER: Yes.

11 (Exhibit No. 8 marked.)

12 MR. RUSSO: 2.

13 THE REPORTER: Okay.

14 THE WITNESS: Okay. Thank you.

15 Q. (BY MR. RUSSO:) So I'll represent to you that

16 -- I'm sorry -- you're ready -- that what's been marked

17 as Toliver 8, and was handed to you by the court

18 reporter, are responses to interrogatory questions that

19 we -- that defendants sent to NAACP.

20 A. Okay.

21 Q. Are you aware of what an interrogatory is?

22 A. The same as, I guess, what happened, what

23 they feel.

24 Q. Yeah. Yeah. It's -- it's -- interrogatories

25 are a list -- list of questions that --

1 A. Okay.

2 Q. -- that we sit down and write and say,  
3 "Answer this question and provide it" --

4 A. Okay.

5 Q. -- "to the opposite side."

6 A. So that's all it is?

7 Q. Yes, ma'am. And then as a -- when you  
8 receive the discovery -- that -- that type of question,  
9 then counsel looks at it, the parties look at it, get  
10 together and answer, object to it, as there are  
11 objections in here, and then provide a response.

12 A. Okay. Oh, okay.

13 Q. So that's the responses by NAACP that were  
14 provided in -- in this case. And so my first question  
15 to you is: Have you seen those before today?

16 A. I don't think so. This is with the Bay Area.  
17 Terry Petteway, United States. I don't think this was  
18 in the one that I received. So --

19 Q. Okay. And if you look at the back, if -- the  
20 very back -- one, two, three, four, five, six pages.  
21 There's six pages of certifications signed by various  
22 people. So you've got to go to the last -- last few  
23 pages.

24 A. Okay.

25 Q. And you'll see that there's -- there's

1 certifications by Edna Courville --

2 A. Uh-huh.

3 Q. -- Mary Patrick, Barbara Rice Anders --

4 A. Okay.

5 Q. -- Robert Quintero, Leon Phillips, Joe

6 Compian. See those?

7 A. Uh-huh.

8 Q. Okay. And the certifications, I think  
9 they're are all the same, generally. But they're  
10 basically -- they say, "I declare under penalty of  
11 perjury, under the laws of the United States of  
12 America, that the foregoing is true and correct to the  
13 best of my knowledge," right?

14 A. Okay.

15 Q. And so -- and then the individuals signed --  
16 signed those, basically saying "What's in the  
17 interrogatory response is true to best of my  
18 knowledge."

19 A. Okay.

20 Q. See that? So I want talk to you just about a  
21 -- an interrogatory. Let's see a couple of these, not  
22 many?

23 A. Okay.

24 Q. If you look at page 9 --

25 A. Interrogatory 1.

1 Q. -- Interrogatory No. 1 at the -- the top.  
2 The interrogatory itself, that states -- the -- the  
3 question we ask is "Identify all persons or entities  
4 who have investigated or who you have knowledge of  
5 plaintiff's allegations in or the facts of this  
6 lawsuit." Do you see that?

7 A. I'm sorry. I missed what you said. Which  
8 one is you reading? Oh, okay. Again, Okay. I see it.

9 Q. Yeah. So go ahead and read that and just so  
10 you -- and tell me if it's accurate. Not -- not the  
11 whole thing. Just tell me if the -- if Interrogatory 1  
12 is asking to identify all persons or entities --  
13 entities who have investigated or who have knowledge of  
14 plaintiff's allegations.

15 A. Okay. And those are the ones that you have  
16 here listed?

17 Q. Right. Well -- so -- and the -- and the  
18 response to that is -- NAACP provided a response with  
19 various entities. Do you see that?

20 A. Uh-huh.

21 Q. And my question is: Do you know -- do you  
22 have any idea why you're not on here?

23 A. I wasn't -- I wasn't -- that's what I want to  
24 know, why I'm up in here. (Laughter.) No, I don't. I  
25 see Mary Patrick is on here. And she is apparently the

1 representative for our branch.

2 She is the president. Okay. And then a -- a  
3 list of other witnesses. Oh, okay. Because of  
4 November 12th. Yeah. Okay. And I was at that  
5 hearing.

6 Did all of my -- okay. Okay. So November  
7 12th. I'm really exhausted. What is it that you want  
8 me to know off of this?

9 Q. Well -- so my -- my question is, is it -- I  
10 mean, you -- you see, you're not listed on here at all?

11 A. No.

12 MS. CHEN: Mr. -- she's -- she is  
13 listed in terms of being an individual who testified,  
14 or attended the November 12, 2021 hearing. And y'all  
15 had a sign up list of folks who were there. So that's  
16 how you would have gotten her name.

17 MR. RUSSO: Okay.

18 MS. CHEN: And we also intend to  
19 supplement these responses.

20 MR. RUSSO: No -- no problem.

21 Q. (BY MR. RUSSO:) I -- I just -- I'm not  
22 suggesting any foul play. I just want to know what is  
23 -- would you -- looking at the list on page 9 of NAACP  
24 plaintiffs and counsel, and experts, you see that list,  
25 it starts "Galveston branch."



1 A. Galveston branch. Uh-huh.

2 Q. And then there's a -- a list of people under  
3 there?

4 A. -- Dickinson, Black.

5 Q. Yeah. Do you think those -- there are --  
6 there are individuals here that have more knowledge  
7 about the NAACP Galveston branch than you?

8 A. Of course.

9 Q. Who on this list do you think that would be?

10 A. The president.

11 Q. Mary -- Ms. Patrick?

12 A. Uh-huh.

13 Q. And then there's also a -- so then Rice --  
14 Ms. Rice is the president of Mainland branch, right?

15 A. Right --

16 Q. Is she still there?

17 A. I don't know if she's still they president.  
18 She was at that time, on the -- when this all occurred.

19 Q. Okay. And then what about Ms. Lofton? Is  
20 she still the president of Dickinson?

21 A. I don't even know her.

22 Q. All right. What about Mr. Quintero? Is he  
23 president of LULAC, that you know of?

24 MS. CHEN: Mr. Russo, I don't see how  
25 this is relevant or necessary.

1           A.    Mr. -- oh.  At that time I think Lillie  
2    Aleman was president.  Is this the new president,  
3    Robert Quintero?  He's the new president.  Because  
4    Lillie Aleman, she stepped down.

5           Q.    (BY MR. RUSSO) All right.

6           A.    I heard his name, but I never saw it in  
7    writing, Quintero.

8           Q.    Okay.  In preparation from you -- for your  
9    deposition today, did you speak with any of the  
10   individuals listed -- other than the organization, did  
11   you speak to any of these individuals?

12          A.    Only Mary Patrick when we were in the  
13   deposition preparation.

14          Q.    Okay.  And what -- what did -- what was she  
15   able to -- was she able to provide you information  
16   useful for today?

17          A.    You say was -- was she able to provide?

18          Q.    Yes, ma'am.

19          A.    I just went through these questions that  
20   y'all have.  We just went through them.  She -- she did  
21   have some information.  She -- yeah, most definitely.  
22   Most definitely.

23          Q.    Okay.  Was there anything specific that you  
24   recall, that she was able to let you know?

25                    MS. CHEN:  To the extent you can

1 answer without revealing anything we shared, and  
2 attorney-client conversations --

3 THE WITNESS: Okay.

4 MS. CHEN: -- you can answer his  
5 question.

6 THE WITNESS: What -- well, things  
7 that she said in there?

8 MS. CHEN: Uh-huh.

9 A. Yeah. She answered -- she had a lot of  
10 valuable information.

11 Q. (BY MR. RUSSO:) Okay.

12 A. Because she was present for some stuff that I  
13 wasn't.

14 Q. Right. Was -- was there anything specific  
15 that we -- whether we've already talked about it or  
16 otherwise, that she was able to provide you information  
17 related to the preparation for the deposition that you  
18 thought was useful?

19 A. Yes.

20 Q. What was that?

21 A. Those studies. And I can't remember. I'm so  
22 -- my brain is tired. Okay. Well, y'all have been  
23 questioning me all day. But, yeah, some of the --  
24 okay. Where is the packet, that we was at? Let's go  
25 back to number 1.

1 MS. CHEN: And just a reminder to only  
2 answer if it doesn't reveal any confidences from our  
3 attorney-client conversations.

4 A. Well, she was just able to help reinforce  
5 some of this stuff, to make sure that I had a really  
6 good understanding so -- you know, to prepare for the  
7 day.

8 Q. (BY MR. RUSSO) Okay. And -- but is there any  
9 -- in looking at the list -- I see you have the list in  
10 front of you, on Exhibit 1. Go ahead and look through  
11 that. And is there any -- any -- look at that list of  
12 things.

13 Is there anything, sitting here right now,  
14 that you can say, "Yeah, Ms. Patrick helped me with  
15 this area and this area?"

16 A. Yes. She did let me know when the deposition  
17 was going to occur, what time to be here. She  
18 explained -- she let me know about the "you" was going  
19 to mean NAACP, what time was the examination. We did  
20 discuss some of the facts, and some communication I  
21 wasn't a part of.

22 Q. Okay.

23 A. And we just went back and forth on what we do  
24 for our organizations, for fundraising, scholarships,  
25 and stuff like that.

1 Q. Okay.

2 A. Just refresh our memory. And I had pictures  
3 of some of the events. And some of the facts about the  
4 Black and Latino voters in Galveston County. That's H.

5 Q. And specifically on 8, what -- what -- what  
6 information did she provide you that you felt --  
7 thought was pertinent to this case?

8 A. Just about the cohesiveness -- cohesive --  
9 because I didn't really know about that.

10 THE WITNESS: Is that good? Could I  
11 say that?

12 Q. (BY MR. RUSSO:) Yeah. So the -- the --

13 THE WITNESS: I don't want to say the  
14 wrong thing.

15 Q. (MR. RUSSO:) And was -- and that -- did that  
16 -- was that the cohesiveness related to a study  
17 somewhere? Was that the one that was related to a  
18 study?

19 A. Uh-huh. I think so.

20 Q. And as we --

21 A. I'm going to tell you the whole truth. Right  
22 now I don't what I'm saying. I'm mentally exhausted.

23 Q. Okay. So there's only two -- two more --  
24 well is there anything else? If you want to -- finish  
25 scanning that list.

1 A. It's like --

2 Q. And if there's anything else that she -- she  
3 provided you information for.

4 A. I'm sure there is, but I don't know what in  
5 particular.

6 Q. Say that again. I'm sorry.

7 A. I'm sure there is because we did a lot of  
8 talking and -- and stuff.

9 Q. Okay. Would -- would you rather me sort of  
10 look at -- review the list and talk to you about what  
11 those areas might be? Where were you, at 8?

12 MS. CHEN: She was at 10 H.

13 MR. RUSSO: Oh, 10 H.

14 THE WITNESS: This is so long, excuse  
15 me. I've still got this running all them.

16 MS. CHEN: She has already answered,  
17 saying that she doesn't remember the specifics because  
18 they -- they talked about -- they talk about --

19 MR. RUSSO: Uh-huh.

20 MS. CHEN: -- many things.

21 MR. RUSSO: Yeah. I'm trying to make  
22 it easy, if I can just find an area.

23 Q. (BY MR. RUSSO:) Was there -- did y'all have  
24 any discussion about any research or analysis of voting  
25 patterns of minorities?

1 A. Well, we didn't do the research. We just  
2 like -- we didn't -- the NAACP didn't do the research.

3 Q. Did not?

4 A. Uh-uh.

5 Q. No. Did she mention any -- any -- were --  
6 were there any studies or outside research that the  
7 NAACP --

8 A. Not that I know of.

9 Q. -- all right. What about any -- any  
10 complaints of discrimination within -- let's see --  
11 based on race or membership?

12 A. Racial membership?

13 Q. On race or membership in a language minority  
14 group in Galveston County?

15 A. No. What -- what are you talking  
16 about, joining the NAACP?

17 Q. No, no, no. So number 17, it says "Any  
18 complaint of discrimination based on race, or  
19 membership in a language minority group in Galveston  
20 County, or by any counsel, agency, or official."

21 A. Not that I know of. I don't remember.

22 Q. Okay. And then what about number -- so  
23 number 18 is sort of a new area. Do you -- what do you  
24 know about the retention agreement for counsel, lawyers  
25 in this case? Have you seen one?

1           A.    Sarah, she's a -- Sarah's a lawyer, right  
2 here, right?

3           Q.    Right.  But do you know, is there an  
4 agreement between Ms. CHEN and her firm, and the -- and  
5 NAACP related to representation in this case?

6           A.    They had to have an agreement.  She represent  
7 us, huh?

8           Q.    My understanding is she represents you.  I  
9 think she would agree.

10          A.    Yeah.

11          Q.    But my question to you is, do you -- have you  
12 seen any agreements between the two parties?

13          A.    I don't know.  I think this is it, isn't it?  
14 The agreement -- we had this plaintiff stuff.  This is  
15 all -- that everybody agreed on.

16          Q.    Yeah.

17          A.    I'm sure they wouldn't have put it in black  
18 and white if they didn't agree on it.

19          Q.    Well, what I was looking for was, you know,  
20 is there -- what rates are being charged and --

21          A.    Oh, I don't know.  No, sir.

22          Q.    -- how -- how is the expenses being dealt  
23 with.  I don't know.

24          A.    I have no idea.

25          Q.    No clue.  Okay.  Did -- do -- do you know



1 what that is? Do you know what rates, what are -- what  
2 you're being charged for the -- the case?

3 MS. VALL-LLOBERA: Objection,  
4 privileged.

5 MR. RUSSO: That's not privileged.

6 MS. VALL-LLOBERA: Yeah. On a first  
7 amendment basis and financial --

8 MR. RUSSO: That is not privileged,  
9 particularly when you are asking for fees in this case.  
10 It should have been produced.

11 Q. (BY MR. RUSSO:) And so the question -- and --  
12 and -- and I think you're --

13 A. No, I do not know.

14 Q. That's -- that's what I figured you were  
15 going to say. Last thing. Well, do you know anything  
16 -- or what do you know? What is the NAACP Galveston  
17 branch's retention schedule for documents and  
18 documentation? Is there a time after which material is  
19 just thrown away or discarded, that you know of?

20 A. Not that I know of.

21 Q. Okay. Do you know how long emails are kept?

22 A. The secretary would know that.

23 Q. Is there a separate, yeah, server or place  
24 where NAACP materials are kept, emails are kept and  
25 stored?

1 A. They -- NAACP have an email address.

2 Dr. Scott have it. I'm sure she could -- takes care of  
3 all that.

4 Q. Okay. Is --

5 A. She's probably the one who gave you all the  
6 letters that you have that -- it's best probably  
7 Dr. Scott.

8 Q. Yeah. That may be true. I -- I was just  
9 hoping you might be able to let me know if there's a  
10 schedule --

11 A. No.

12 Q. -- by which documents run off the -- they get  
13 destroyed?

14 A. No not that I know of.

15 Q. Okay.

16 A. I tear mine up when the meeting over.

17 Q. Yeah. Oh, you tear yours up?

18 A. It's too many meetings. I can't keep all  
19 that stuff.

20 Q. All right.

21 A. The -- my email has it. I can pull it up. I  
22 can pull it up in my email, you know. I put in a  
23 search.

24 Q. Uh-huh.

25 A. If it's something I really need to know.

1 Q. That's -- that's an interesting question. It  
2 brings up a -- did -- did the officers, president, vice  
3 president, secretary -- do you have your own NAACP  
4 email address?

5 A. No. Only -- I just have my personal email  
6 address.

7 Q. Okay. All right. Do you know, is -- does  
8 anybody have one of those, a -- a -- an @NAACP.org or  
9 something like that, is what I was asking about.

10 A. If so it's going to be the president's  
11 secretary.

12 Q. Okay. As you sit here, can you think of any  
13 documents that you might have that relate to this case  
14 that you haven't already provided to counsel?

15 A. No. I didn't even know all these existed.

16 Q. All right. What about the 20 -- 2011 and '12  
17 redistricting --

18 A. Joe Compian and Steve McIntyre handled the  
19 majority of that.

20 Q. Okay. Can you think of any materials you  
21 might have sitting around your -- your house that  
22 hasn't been already provided?

23 A. No. If they were my baby girl done got rid  
24 of them a long time ago. She says it's too much junk  
25 over there.

1 Q. Yeah. Just --

2 A. No, I don't think so.

3 Q. I understand. Okay.

4 MR. RUSSO: I'm going to pass the  
5 witness. I appreciate your time.

6 THE WITNESS: Thank you. Appreciate  
7 y'all time.

8 MS. CHEN: And no questions from us.  
9 We'll reserve for trial.

10 THE WITNESS: Thank you.

11 MS. CHEN: Can we please sign and --  
12 review -- review and sign the transcript? Thank you.

13 MR. RUSSO: And I'm going to hold you  
14 to telling Ervin I said hi.

15 THE WITNESS: The whole packet.

16 THE REPORTER: Okay. Did you just  
17 want the read and sign, no copy?

18 MS. CHEN: And we'll order a copy as  
19 well. You can send it to me, to my email.

20 THE REPORTER: To the email, okay.

21 THE VIDEOGRAPHER: Off the record,  
22 4:39.

23 (Off the record.)

24 (Proceedings concluded.)

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WITNESS CORRECTIONS AND SIGNATURE

Please indicate changes on this sheet of paper, giving the change, page number, line number and reason for the change. Please sign each page of changes.

PAGE/LINE	CORRECTION	REASON FOR CHANGE

Patricia Toliver

1 I, PATRICIA TOLIVER, have read the foregoing  
2 deposition and hereby affix my signature that same is  
3 true and correct, except as noted above.

4 \_\_\_\_\_

5 PATRICIA TOLIVER

6 STATE OF TEXAS )

7 COUNTY OF \_\_\_\_\_ )

8 Before me, \_\_\_\_\_, on this day  
9 personally appeared PATRICIA TOLIVER, known to me (or  
10 proved to me under oath through \_\_\_\_\_) to be the  
11 person whose name is subscribed to the foregoing  
12 instrument and acknowledged to me that they executed  
13 the same for the purposes and consideration therein  
14 expressed.

15 GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this,  
16 \_\_\_\_\_ day of \_\_\_\_\_, 2023.

17 \_\_\_\_\_

18 Notary Public, State of Texas

19 My Commission Expires: \_\_\_\_\_  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TERRY PETTEWAY, THE HONORABLE )  
DERRECK ROSE, MICHAEL MONTEZ, )  
SONNY JAMES and PENNY POPE, )  
Plaintiffs, ) Civil Action  
vs. ) No. 3:22-CV-57  
)

GALVESTON COUNTY, TEXAS, and )  
HONORABLE MARK HENRY, in his )  
official capacity as Galveston )  
County Judge, )  
Defendants. )

---

UNITED STATES OF AMERICA, )  
Plaintiff, )  
vs. ) Civil Action  
) No. 3:22-CV-93  
)

GALVESTON COUNTY, TEXAS, )  
GALVESTON COUNTY )  
COMMISSIONERS COURT, and )  
HONORABLE MARK HENRY, in his )  
official capacity as Galveston )  
County Judge, )  
Defendants. )

---

DICKINSON BAY AREA BRANCH )  
NAACP, GALVESTON BRANCH )  
NAACP, MAINLAND BRANCH )  
NAACP, GALVESTON LULAC )  
COUNCIL 151, EDNA COURVILLE, )  
JOE A. COMPIAN, and LEON )  
PHILLIPS, ) Civil Action  
) No. 3:22-CV-117  
)

1           Plaintiffs,                             )  
  )  
2       vs.    )  
  )  
3       GALVESTON COUNTY, TEXAS,             )  
      HONORABLE MARK HENRY, in his        )  
4       official capacity as Galveston)        )  
      County Judge, and DWIGHT D.       )  
5       SULLIVAN, in his official        )  
      capacity as Galveston County        )  
6       Clerk,                                    )  
  )  
7       Defendants.                                )

8                               REPORTER'S CERTIFICATE  
9                               ORAL/VIDEOTAPED DEPOSITION OF  
                                  PATRICIA TOLIVER  
                                  MARCH 28, 2023

10           I, NILDA CODINA, Notary in and for the State of  
11           Texas, hereby certify to the following:

12           That the witness, PATRICIA TOLIVER, was duly sworn  
13           by the officer and that the transcript of the oral  
14           deposition is a true record of the testimony given by  
15           the witness;

16           I further certify that pursuant to FRCP Rule 30  
17           (e)(1) that the signature of the deponent:

18           \_\_\_\_\_X\_\_\_\_\_ was requested by the deponent or a party  
19           before the completion of the deposition and returned  
20           within 30 days from the date of receipt of the  
21           transcript. If returned, the attached Changes and  
22           Signature Page contains any changes and the reason  
23           therefor;

24           \_\_\_\_\_ was not requested by the deponent or a  
25           party before the completion of the deposition.



1 I further certify that I am neither attorney nor  
2 counsel for, related to, nor employed by any of the  
3 parties to the action in which this testimony was  
4 taken.

5 Further, I am not a relative or employee of any  
6 attorney of record in this cause, nor do I have a  
7 financial interest in the action.

8 Subscribed and sworn to on this 20th day of April,  
9 2023.

10  
11 \_\_\_\_\_  
12 NILDA CODINA  
13 Notary in and  
14 for the State of Texas  
15 My Commission No. 12878135-3  
16 Expires: 10/24/2023

17 U.S. Legal Support, Inc.  
18 Firm Registration No. 122  
19 16825 Northchase Dr.  
20 Suite 800  
21 Houston, Texas 77060  
22 Phone: (713)653-7100  
23  
24  
25

Patricia Toliver

March 28, 2023

1 I, PATRICIA TOLIVER, have read the foregoing  
2 deposition and hereby affix my signature that same is  
3 true and correct, except as noted above.

4 Patricia Toliver

5 PATRICIA TOLIVER

6 STATE OF TEXAS )

7 COUNTY OF Coalveston )

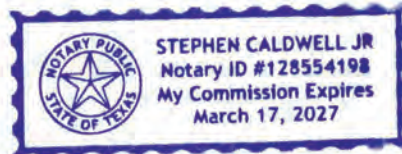
8 Before me, Stephen Caldwell Jr. on this day  
9 personally appeared PATRICIA TOLIVER, known to me (or  
10 proved to me under oath through TX Driver License ) to be the  
11 person whose name is subscribed to the foregoing  
12 instrument and acknowledged to me that they executed  
13 the same for the purposes and consideration therein  
14 expressed.

15 GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this,  
16 9th day of May, 2023.

17 Stephen Caldwell Jr.

18 Notary Public, State of Texas

19 My Commission Expires: 03-17-2027



25

WITNESS CORRECTIONS AND SIGNATURE

Please indicate changes on this sheet of paper, giving the change, page number, line number and reason for the change. Please sign each page of changes.

PAGE/LINE	CORRECTION	REASON FOR CHANGE
146:1-2	"I don't want nobody but the captain starting up confusion" should be	
	"I don't want nobody but the candidate of the utmost integrity"	
160:15-16	"Proud Fellow" should be "CROWD Fellow"	incorrect name
161:2-5	"Tierisha" should be "Tierrisha"	misspelled name
182:16	"JSD" should be "GISD"	incorrect name
201:17, 19; 202:14	"Nia Culture" should be "Nia Cultural"	incorrect name
209:16-20	"Highland" should be "High Island"	incorrect name
141:12	"form should be "forum"	misheard
165:14,18; 166;3; 170:8	"Hadder" should be "Hatter"	incorrect name
181:15	"over GISD" should be "works at GISD"	misheard
232:4	"Dickinson, Black" should be "Dickinson Bay Area"	misheard

Patricia Toliver



Patricia Toliver

March 28, 2023

1 I, PATRICIA TOLIVER, have read the foregoing  
2 deposition and hereby affix my signature that same is  
3 true and correct, except as noted above.

4 Patricia A. Toliver

5 PATRICIA TOLIVER

6 STATE OF TEXAS )

7 COUNTY OF Galveston )

8 Before me, Stephen Caldwell Jr, on this day

9 personally appeared PATRICIA TOLIVER, known to me (or  
10 proved to me under oath through Tx DRIVER license) to be the  
11 person whose name is subscribed to the foregoing  
12 instrument and acknowledged to me that they executed  
13 the same for the purposes and consideration therein  
14 expressed.

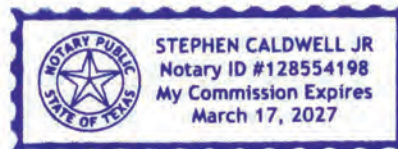
15 GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this,

16 9th day of May, 2023.

17 Stephen Caldwell Jr.

18 Notary Public, State of Texas

19 My Commission Expires: 03-17-2027





Patricia Toliver

March 28, 2023

## WITNESS CORRECTIONS AND SIGNATURE

Please indicate changes on this sheet of paper, giving the change, page number, line number and reason for the change. Please sign each page of changes.

PAGE/LINE	CORRECTION	REASON FOR CHANGE
15:8-9	"Ned Scott" should be "Annette" Scott	incorrect name
16:13, 15; 17:25; 122:19	"Interface" should be "Interfaith"	incorrect name
16:24; 21:8, 13; 22:3	"DHA" should be "GHA"	incorrect name
19:9, 14	"Paris" should be "Pirates"	incorrect name
22:14	"JJ" should be "GHA"	incorrect name
24:3	"Betty Masau" should be "Betty Massey"	incorrect name
24:20	"generational of property" should be "generational poverty"	misheard
30:1	"Holland House" should be "Highland House"	incorrect name
39:21	"Once he" should be "Roxy"	misheard
45:10, 16	"Atascocita" should be "Texas City"	incorrect name
45:21	"there" should be "they're"	typo
46:1	"Dixon" should be "Dickinson"	incorrect name
47:15; 49:7	"disparages" should be "disparities"	misheard
49:15, 51:11	"Ted Wong" should be "Ted Huang"	incorrect name
66:22-23	"National Locus County" should be "National NAACP"	misheard
111:6, 8	"norm" should be "normal"	misheard
111:14	"direct" should be "district"	misheard
116:1	"farms" should be "forums"	misheard
127:4	"Judge Herring" should be "Judge Henry"	incorrect name
130:6	"Mayor Patrick" should be "Mary Patrick"	incorrect name
135:1	"I this" should be "I think"	misheard

Patricia Toliver

# **Exhibit 27**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

TERRY PETTEWAY, et al, \*  
Plaintiffs, \* CASE NO.:  
vs. \* 3:22-cv-00057  
GALVESTON COUNTY, TEXAS,\*  
et al, \* (Consolidated)  
Defendants. \*

\* \* \* \* \*

VIRTUAL VIDEOTAPED DEPOSITION OF:

JESSICA TROUNSTINE,  
was held on Friday, April 14, 2023,  
commencing at 9:01 a.m. (PT), via Zoom  
Videoconferencing, reported by Desirae S.  
Jura, a Registered Professional Reporter and  
Notary Public.

\* \* \*

VERITEXT LEGAL SOLUTIONS

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APPEARANCES:

On behalf of the PLAINTIFF USA:

THARUNI JAYARAMAN, ESQ.  
CATHERINE MEZA, ESQ.  
DEPARTMENT OF JUSTICE - CIVIL RIGHTS  
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Catherine.meza@usdoj.gov

On behalf of the PLAINTIFF PETTEWAY:

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Los Angeles, CA 90095  
(310) 400-6019  
E-mail: Bernadette@uclavrp.org

On behalf of the DEFENDANTS:

SHAWN SHEEHY, ESQ.  
HOLTZMAN VOGEL JOSEFLAK TORCHINSKY, PLLC  
2300 N Street, N.W., Suite 643A  
Washington, D.C. 20037  
(540) 341-8808

ALSO PRESENT:

Amber Hulse, Holtzman, Law Clerk  
Sharon Norwood, Holtzman, Paralegal  
Toby Moore, DOJ  
Emmanuel Pezoa, Videographer



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I-N-D-E-X

Video Deposition of Jessica Trounstine

April 14, 2023

EXAMINATION BY: PAGE:

Mr. Sheehy 5, 226

Ms. Jayaraman 224

EXHIBITS MARKED: PAGE:

1 - Defendants' Notice of Oral and Videotaped Deposition of Jessica Trounstine 11

2 - Corrected Expert Report of Jessica Trounstine on Behalf of the US 29

3 - Rebuttal Expert Report of Jessica Trounstine on behalf of the USA 39

4 - Expert Report - John Alford, Ph.D. 50

5 - La Raza Law Journal, Volume 6, No. 1, 1993, "A General Theory of 72

(Exhibits included with transcript.)

-oOo-

1 P-R-O-C-E-E-D-I-N-G-S

2 THE VIDEOGRAPHER: Good morning.

3 We are going on the record at 9:01 a.m.,  
4 April 14th, 2023. This is the video  
5 recorded deposition of Jessica Trounstine,  
6 taken in the matter of Terry Petteway, et  
7 al, versus Galveston County, Texas, et al,  
8 filed in the United States District Court,  
9 Southern District of Texas, Case Number  
10 3:22-cv-00057, Consolidated.

11 My name is Emmanuel Pezoa from  
12 the firm Veritext Legal Solutions. The  
13 court reporter is Desirae Jura from the firm  
14 Veritext Legal Solutions.

15 Will counsel please state their  
16 appearances and affiliations for the record?

17 MR. SHEEHY: Yes, good morning.

18 My name is Shawn Sheehy at the law firm of  
19 Holtzman & Vogel for the defendants,  
20 Galveston County.

21 MS. JAYARAMAN: Good morning. My

1 name is Tharuni Jayaraman on behalf of the  
2 United States. And I am joined by my  
3 colleagues, Catherine Meza and Toby Moore.

4 THE VIDEOGRAPHER: Will the court  
5 reporter please swear in the witness?

6 WHEREUPON --

7 JESSICA TROUNSTINE,  
8 a Witness called for examination, having  
9 been first duly sworn, was examined and  
10 testified as follows:

11 EXAMINATION

12 BY MR. SHEEHY:

13 Q. Will the witness please say and  
14 spell your name for the record?

15 A. Yes, my name is Jessica  
16 Trounstine, J-E-S-S-I-C-A,  
17 T-R-O-U-N-S-T-I-N-E.

18 Q. Professor Trounstine, good  
19 morning. My name is Shawn Sheehy. I'm an  
20 attorney at the law firm of Holtzman & Vogel  
21 in Washington, D.C., and I represent the

1 defendants in this action Galveston County,  
2 et al., and I am joined by my colleague, Ms.  
3 Sharon Norwood.

4 A. Good morning.

5 Q. Good morning. Professor  
6 Trounstine, where do you reside?

7 A. I reside in Merced, California.

8 Q. Have you ever lived in Texas?

9 A. I have never lived in Texas.

10 Q. Have you -- prior to this case,  
11 have you ever studied elections in Texas?

12 A. Can you clarify if you mean in my  
13 academic work?

14 Q. Well, we'll start out with that.  
15 In your academic work, have you ever studied  
16 elections in Texas?

17 A. I have, yes.

18 Q. Okay. Have those studies been  
19 published?

20 A. Yes, I published a book called  
21 Political Monopolies in American Cities, and

1       there are several Texas cities included in  
2       my analysis.

3             Q.       Off the top of your head, do you  
4       recall which Texas cities?

5             A.       I know Austin is in the data set,  
6       Houston is in the data set, Dallas is in the  
7       data set. Those are the cities that I  
8       recall in the data set.

9             Q.       Is Galveston County in that data  
10       set?

11            A.       Galveston County is not in that  
12       data set.

13            Q.       All right. And approximately  
14       when was that book published?

15            A.       I published that book in 2008.

16            Q.       And did that book discuss  
17       racially polarized voting?

18            A.       The book discusses voting along  
19       racial lines, but it does not use the  
20       terminology racially polarized voting.

21            Q.       In your analysis of elections for

1 that book, did you conduct racially  
2 polarized voting analysis?

3 A. I did not conduct racially  
4 polarized voting analysis for that book.

5 Q. All right. So just I want to go  
6 over a few ground rules. Have you had your  
7 deposition taken before?

8 A. No, I have never been deposed.

9 Q. So for everyone on Zoom, I know  
10 we have a stenographer, but is anybody else  
11 on this call recording in any other way?

12 MS. JAYARAMAN: The United States  
13 is not.

14 MR. SHEEHY: And no other counsel  
15 for either the Petteway Plaintiffs or the  
16 NAACP Plaintiffs have joined? Hearing none.

17 MS. REYES: Bernadette Reyes for  
18 Petteway Plaintiffs, I'm not recording.

19 MR. SHEEHY: Thank you, Ms.  
20 Reyes.

21 BY MR. SHEEHY:

1 Q. Professor Trounstine, I know that  
2 Zoom has a mute function. And I am going to  
3 ask you not to use the mute function today  
4 unless it is clear we have gone on break.  
5 Does that sound fair to you?

6 A. That sounds fair to me.

7 MS. JAYARAMAN: Counsel, just to  
8 clarify, we're working through my log in for  
9 the audio, so I will not mute unless we're  
10 going on break.

11 MR. SHEEHY: Okay. Thank you  
12 very much.

13 BY MR. SHEEHY:

14 Q. The other time where it would be  
15 okay to go on mute, Professor, is if you  
16 need to consult with counsel over a  
17 privilege, okay? Is that understood?

18 A. Okay. That's understood, thank  
19 you.

20 Q. And where are you sitting for  
21 this deposition right now?

1           A.     I am sitting in a conference room  
2     in the San Francisco U.S. Attorney's Office  
3     on the ninth floor.

4           Q.     And other than Ms. Jayaraman and  
5     Ms. Meza, is anybody else in the room with  
6     you who is not on camera?

7           A.     Ms. Meza is not in the room.  
8     Toby Moore is in the room, but not on  
9     camera.

10          Q.     Okay. Do you have any  
11     applications open on your computer right  
12     now?

13          A.     I have Zoom open on the computer.  
14     This is Toby Moore's computer that I'm  
15     using. The Zoom application is open and an  
16     application to receive files is open.

17          Q.     And that's the Veritext exhibit  
18     share file?

19          A.     Yes.

20          Q.     Do you have a phone or tablet or  
21     any other device within eyesight that



1 someone could use to communicate with you?

2 A. I do not. I have a phone in my  
3 bag, but it is turned off and it is not  
4 within my eyesight.

5 Q. Okay. Excellent. Let's go ahead  
6 and mark our first exhibit today. This will  
7 be the subpoena for your deposition,  
8 Professor Trounstine.

9 A. Okay, I'm going to try to access  
10 the exhibit share.

11 Q. No worries. We're all learning  
12 this together, so we'll get through it.

13 A. I apologize. May I ask for help  
14 to pull up this the file share system.

15 (Trounstine Exhibit No. 1 was  
16 identified for the record.)

17 THE WITNESS: Thank you.

18 BY MR. SHEEHY:

19 Q. So we have put on Zoom a document  
20 that is marked Exhibit 1. And this is the  
21 subpoena and notice for your deposition

1 today. We can go ahead and scroll down for  
2 you.

3 Have you seen this deposition  
4 notice and subpoena before your deposition  
5 today?

6 A. I have.

7 Q. Okay.

8 A. Yes.

9 Q. All right. Well, I will be  
10 asking you a series of questions today about  
11 the opinions that you put in your report,  
12 your corrected report dated March 15th,  
13 2023. Does that sound fair?

14 A. Yes, that sounds good.

15 Q. If, at any time today, my  
16 questions are unclear, please let me know,  
17 and I can explain or I can rephrase or we  
18 can try to come to some understanding. Does  
19 that sound fair?

20 A. That sounds fair.

21 Q. Okay. But if you answer a

1 question that I ask you, I am going to  
2 assume that you understood my question.  
3 Does that sound fair?

4 A. That sounds fair.

5 Q. Okay. While I am asking you  
6 questions today, your attorney, Ms.  
7 Jayaraman, may object. But those objections  
8 are for later. I will still need an audible  
9 answer to my questions. Does that sound  
10 fair?

11 A. May I ask a clarifying question?

12 Q. Please do.

13 A. Are all objections -- do I answer  
14 with all objections?

15 Q. So if --

16 A. I continue to answer your  
17 question -- sorry.

18 Q. No, no, that's fine. If your  
19 attorney objects to my question, you will  
20 still need to answer the question. If your  
21 attorney instructs you not to answer a

1 question on the basis of privilege, then do  
2 not answer the question.

3 A. Okay, that makes sense, thank  
4 you.

5 Q. You're welcome. So you'll hear  
6 the actual instruction, I instruct you not  
7 to answer the question on the basis of --  
8 whatever privilege. So that will be the  
9 indicator to you.

10 A. Okay, thank you.

11 Q. You're welcome. This is not a  
12 marathon, all right? If you need to take a  
13 break at any time today, please let me know.  
14 This is a deposition in a civil action, so I  
15 would like to be civil. Whenever you want  
16 to take a break, just let me know and we'll  
17 go ahead on break, okay? Does that sound  
18 fair?

19 A. That sounds fair.

20 Q. My only caveat to that will be is  
21 if I have asked you a question, and we are

1 still waiting for an answer to the question,  
2 I will wait until you answer my question  
3 before we can go on break. Does that sound  
4 fair?

5 A. I understand. That sounds fair.

6 Q. Okay. Do you understand that you  
7 are under oath today?

8 A. I understand that I am under  
9 oath.

10 Q. You understand that the oath you  
11 took has the same effect as if you were  
12 testifying in court?

13 A. I understand that, yes.

14 Q. Is there any reason that you can  
15 think of today where you would not be able  
16 to answer truthfully and fully to the  
17 fullest extent of your abilities?

18 A. I cannot think of any reason for  
19 that.

20 Q. Okay. So I will just say, part  
21 of the break schedule for today, we are on

1 the East Coast, so it is noon. You are on  
2 the West Coast, so it is 9:13 a.m. We'll  
3 work together to try and take just one lunch  
4 break today. Does that sound fair?

5 A. Okay.

6 Q. I am pretty good about going into  
7 the afternoon, so I will try to get to as  
8 close to noon Pacific time as I can. Does  
9 that sound fair?

10 A. That's terrific, thank you.

11 Q. Of course. How did you prepare  
12 for your deposition today?

13 A. I prepared by rereading my notes  
14 and my opinions, my submissions, as well as  
15 my rebuttal report.

16 Q. Now, when you say your notes,  
17 what are you referring to, that you reviewed  
18 your notes?

19 A. I took detailed notes in the  
20 preparation of my report, where I have  
21 analyzed the material before me prior to

1 creating the report, writing the report.

2 And I reviewed the notes that I took in  
3 preparation of the report, as well as the  
4 report itself.

5 Q. Are there any considerations in  
6 your notes that did not make it into your  
7 report?

8 MS. JAYARAMAN: Objection, form.  
9 Objection, calls for information protected  
10 by 26(b)(iv)(C), and I'm instructing the  
11 witness not to answer.

12 MR. SHEEHY: Counsel, Federal  
13 Rule of Civil Procedure 26(b), I think it is  
14 (iv)(C), allows me to get information that  
15 is either assumptions or considerations that  
16 the expert considered, but ultimately either  
17 did not include in their report or did  
18 include in their report.

19 MS. JAYARAMAN: If you use the  
20 word consideration in lieu of assumption, so  
21 maybe rephrasing the question a little will

1 help.

2 BY MR. SHEEHY:

3 Q. Are there any assumptions that  
4 are contained in your notes that are not  
5 contained in your March 15th, 2023 corrected  
6 report?

7 A. No.

8 Q. Okay. Is there any data that you  
9 considered that are contained in your notes,  
10 but not contained in your March 15th, 2023  
11 corrected report?

12 A. As I explain in the report, I  
13 considered, but did not include Republican  
14 primaries in my final report. But my notes  
15 do contain analysis for the Republican --  
16 the 2022 gubernatorial primary, which led me  
17 to decide not to include Republican  
18 primaries in my report.

19 MR. SHEEHY: I mean, I think  
20 we're entitled to see that, Ms. Jayaraman.  
21 We can talk about that offline, but I think



1 we're entitled to see that data that is not  
2 otherwise included in her report.

3 MS. JAYARAMAN: Why don't we talk  
4 about it offline, like you said?

5 MR. SHEEHY: Okay. What is your  
6 position as to data that was considered, but  
7 not placed in her report? What is your  
8 position that that is protected from  
9 discovery?

10 MS. JAYARAMAN: We think it goes  
11 towards draft report that are protected by  
12 26(b)(iv)(C), but like I said, we're happy  
13 to talk about it more later if you would  
14 like.

15 MR. SHEEHY: Okay.

16 MS. JAYARAMAN: Because it goes  
17 to thought process in putting together her  
18 report, which is protected.

19 MR. SHEEHY: Well, but  
20 26(b)(iv)(C) is the exception to the work  
21 product protection, and this falls under the

1 exception, but I'll continue with the  
2 deposition. We can talk offline.

3 BY MR. SHEEHY:

4 Q. Professor Trounstine, was there  
5 anything else that you considered, but was  
6 not placed in your report?

7 A. No, there was nothing else that I  
8 considered that did not make it into my  
9 report.

10 Q. Okay. So in preparation for your  
11 deposition today, you reviewed your notes?

12 A. Yes.

13 Q. You reviewed your March 15th,  
14 2023 corrected report?

15 A. Yes.

16 Q. And you reviewed your April 7th,  
17 2023 rebuttal report, correct?

18 A. That's correct.

19 Q. Okay. Did you meet with your  
20 attorneys in preparation for your deposition  
21 today?

1 A. I did.

2 Q. And who specifically did you meet  
3 with?

4 A. I met with Tharuni Jayaraman,  
5 additionally Toby Moore. And there were  
6 other attorneys on the call, I believe, but  
7 I did not interact with them, and they were  
8 not on video. So I don't know who they  
9 were.

10 Q. What leads you to conclude that  
11 they were attorneys on the call?

12 A. Oh, I apologize. I don't know  
13 their role at the DOJ. I don't know their  
14 role.

15 Q. What leads you to conclude that  
16 they were from the -- they were all from the  
17 Department of Justice, those who were  
18 participating on the phone call?

19 A. My understanding is that the  
20 Teams meeting, the link that was used for  
21 that meeting was provided to me by the

1 Department of Justice, and I suppose this is  
2 was also an assumption that they only would  
3 have invited only other Department of  
4 Justice employees to participate, but I  
5 don't know.

6 Q. Okay. That might be something  
7 else we can discuss later.

8 Have you spoken about this case  
9 with anybody else, other than counsel for  
10 the Department of Justice?

11 A. I have not.

12 Q. In preparation for your -- first,  
13 your January 27th, 2023 report, did you  
14 consult with anybody about the opinions  
15 expressed in that report?

16 MS. JAYARAMAN: Objection, form.

17 THE WITNESS: I'm sorry, so can  
18 you repeat the question one more time?

19 BY MR. SHEEHY:

20 Q. Of course, absolutely. In  
21 preparation for your January 27th, 2023

1 report, your original report, did you  
2 consult with anyone in developing the  
3 opinions expressed in that report?

4 A. I did not consult with anyone in  
5 developing the opinions. The opinions were  
6 all developed by me in my office, myself.

7 Q. Okay. What about your March  
8 15th, 2023 corrected report? In preparation  
9 for that report, did you consult with anyone  
10 about the opinions expressed in that report?

11 A. I did not consult with anyone  
12 about the opinions expressed in that report.

13 Q. In preparation for the reports  
14 that you filed in this case, have you spoken  
15 with Professor Oskooii?

16 A. I have not spoken with Professor  
17 Oskooii.

18 Q. Do you know Professor Oskooii?

19 A. No, I don't believe I have ever  
20 met him.

21 Q. In preparing the reports that you

1 have submitted in this case, have you spoken  
2 with Professor Barreto?

3 A. I have not spoken with Professor  
4 Barreto.

5 Q. Do you know Professor Barreto?

6 A. I don't believe I have ever met  
7 him, but I can't be sure about that.

8 Q. When were you retained by the  
9 United States in this case?

10 A. I was retained in March of 2022  
11 for this case.

12 Q. And when did you begin working on  
13 your January 27th, 2023 report?

14 A. I began working on that report  
15 basically in March, immediately after I was  
16 retained, I began reading about Galveston  
17 County, and learning about the structure of  
18 government in Galveston County. And trying  
19 to understand how elections operate in  
20 Galveston County was the first step that I  
21 took in March of 2022.

1 Q. And how many hours did you spend  
2 drafting your January 27th, 2023 report?

3 A. I am not sure how many hours I  
4 spent prior to drafting that report. I  
5 would need to go back to my invoices to  
6 check.

7 Q. Okay. Would you say you spent  
8 approximately 50 hours drafting that report?

9 A. For the January report, I'm  
10 really not sure how many hours I logged  
11 prior to the filing of that report. I'm  
12 sorry, I would have to go back to my  
13 invoices.

14 Q. No worries. That's fine. We can  
15 come back to that if we need to.

16 A. Okay, great.

17 Q. When you were retained in March  
18 of 2022 by the United States, what did the  
19 United States ask you to do?

20 A. The United States asked me to  
21 analyze racially polarized voting in

1 Galveston County to determine whether and if  
2 there was racially polarized voting, the  
3 extent of political cohesion in Galveston  
4 County, and to analyze the impact that any  
5 redistricting -- that the redistricting that  
6 had occurred would have on the ability for  
7 black and Latino voters to elect a candidate  
8 of their choice.

9 Q. Okay. And what is your  
10 understanding of the term racially polarized  
11 voting as it applies in Galveston County?

12 MS. JAYARAMAN: Objection, form.

13 THE WITNESS: Could you -- could  
14 you restate the question, please?

15 BY MR. SHEEHY:

16 Q. Of course. In this case, which  
17 alleges a section 2 violation in Galveston  
18 County for the commissioner's court  
19 redistricting, what is your understanding of  
20 the term racially polarized voting in the  
21 context of this case?



1           A.     I -- I'm not sure how to answer  
2           that question.  I don't know what the  
3           attorneys indicate by racially polarized  
4           voting.  I can talk about what -- how I  
5           define racially polarized voting in this  
6           case, and in analysis in general.  Would  
7           that be a helpful way to answer the  
8           question?

9           Q.     I think we're getting close, so  
10          let me try this.

11          A.     Okay.

12          Q.     Let me try this.

13          A.     Okay.

14          Q.     In drafting your January 27th,  
15          2023 report, what was your definition of  
16          racially polarized voting?

17                 MS. JAYARAMAN:  Counsel, would it  
18          be okay if she looked at a copy of her  
19          report before answering?

20                 MR. SHEEHY:  I'm fine to put up  
21          the report, but I would like to get an

1 answer to that question first, and you know,  
2 we can go from there.

3 THE WITNESS: In my January  
4 report, which I don't have with me, nor did  
5 I review it in advance of this deposition, I  
6 can't be certain of the way that I defined  
7 racially polarized voting in that report.  
8 It would be helpful if I could see that  
9 report. I can talk about how I defined it  
10 in the March corrected report, which did  
11 have the same definition. I just don't want  
12 to say something under oath that is  
13 incorrect.

14 MR. SHEEHY: That's fine. Let's  
15 go ahead -- we can put up the March 15th,  
16 2023 corrected report. This will be marked  
17 as Trounstine Exhibit 2.

18 MS. JAYARAMAN: Counsel,  
19 Professor Trounstine actually has a clean,  
20 unmarked hard copy with her. Can she refer  
21 to that, rather than trying to scroll on

1 screen? Would that be okay with you?

2 MR. SHEEHY: Let me ask the  
3 witness.

4 BY MR. SHEEHY:

5 Q. Professor Trounstine, do you have  
6 a copy of your March 15th, 2023 corrected  
7 report in front of you?

8 A. I do, and it is unmarked. It has  
9 no marks on it at all.

10 MR. SHEEHY: Yes, that's fine.

11 THE WITNESS: Great. Thank you.  
12 I'm a very physical person.

13 MR. SHEEHY: No worries at all.

14 (Trounstine Exhibit No. 2 was  
15 identified for the record.)

16 THE WITNESS: Okay, I am ready to  
17 answer now officially. I just want to make  
18 sure, again, that I don't say anything  
19 that's incorrect.

20 So my definition of racially  
21 polarized voting requires several steps.

1 First, I analyze whether, in each election,  
2 black voters were cohesive, and then I  
3 analyze whether Latino voters were cohesive.  
4 I make a note for each election that stated  
5 whether black or Latino voters in each  
6 election were cohesive. And then I noted  
7 whether white voters selected a different  
8 candidate than black or Latino voters  
9 cohesively picked for their first choice  
10 candidate.

11 In those elections in which there  
12 was black cohesion and white voters selected  
13 a different first choice candidate were  
14 marked as polarized. Additionally,  
15 elections where Latino voters were cohesive  
16 and white voters selected a different first  
17 choice candidate were also marked as  
18 polarized. Then I added them all up and  
19 came up with -- I'm sorry.

20 BY MR. SHEEHY:

21 Q. No, please go ahead. I'm sorry I

1 interrupted you. Go ahead.

2 A. So I tabulated the number of  
3 polarized elections for -- in total, in  
4 the -- in all of the cases that I analyzed.

5 Q. Now, just -- I want to make sure  
6 that I understand your definition of  
7 racially polarized voting. In a scenario  
8 where African Americans vote for candidate A  
9 cohesively, but --

10 A. Yes.

11 Q. -- Latinos vote cohesively for  
12 candidate B, and white voters vote  
13 cohesively with Latinos for candidate B, are  
14 you categorizing that election as racially  
15 polarized?

16 A. Yes, that would be categorized as  
17 racially polarized in my definition.

18 Q. Okay. Let's go to page 25 of  
19 Exhibit 2, if we could, please?

20 A. I'm not seeing a page 25. Hang  
21 on. Is this in the appendix?

1 Q. I'm sorry, I think it's page 16  
2 in your report. It's the last page. I'm  
3 just wanting you to verify your signature.

4 A. Oh, yes.

5 Q. Okay.

6 A. Yes, I'm there. That's my  
7 signature.

8 Q. Okay. And is this -- and I guess  
9 here, I'll just ask you to take a look at  
10 what we've published to you just to make  
11 sure that this is a true and accurate copy  
12 of your March 15th, 2023 report.

13 A. I need to find that in the  
14 Veritext file. Is that what you would like  
15 me to look at?

16 Q. Yes, please. We'll share that  
17 with you. And there you go. So you are now  
18 looking at Exhibit 2, which is a copy of  
19 your March 15th, 2023 report.

20 A. Yes, I am seeing that.

21 Q. I know you made a few

1 corrections. I believe paragraph 14 was one  
2 area of your corrections. Do you just want  
3 to verify those corrections are reflected  
4 here?

5 MS. JAYARAMAN: Objection, form.

6 THE WITNESS: I would be happy to  
7 figure out where my corrections were located  
8 exactly, if I could see my original report.  
9 But, yes, this is a corrected report.

10 BY MR. SHEEHY:

11 Q. This is a correct copy of your  
12 March 15th, 2023 report?

13 A. Yes, it is.

14 Q. Okay. And you said you reviewed  
15 this report prior to your deposition today?

16 A. I did.

17 Q. Setting aside the rebuttal report  
18 that you submitted on April 7th, is there  
19 anything that you would add to this report,  
20 your March 15th, 2023 corrected report?

21 MS. JAYARAMAN: Objection, form.

1 THE WITNESS: Do you mean is  
2 there anything -- any analysis I would like  
3 to add to this report?

4 BY MR. SHEEHY:

5 Q. Yeah, I guess I just want to make  
6 sure that this March 15th, 2023 corrected  
7 report reflects all of your opinions that  
8 you intend to express in this case, setting  
9 aside your April 7th rebuttal report?

10 MS. JAYARAMAN: Objection, form.

11 THE WITNESS: I see this report  
12 as the foundation for any analysis that I  
13 would be asked to produce in this case. But  
14 it's hard for me to predict in the future  
15 whether the DOJ would ask me to produce  
16 additional analysis. But this is the  
17 foundation. This is where my -- my analysis  
18 begins, and this is the opinion that I have  
19 asserted at this point.

20 BY MR. SHEEHY:

21 Q. And if you were to develop



1 additional opinions -- again, setting aside  
2 your April 7th, 2023 report -- would you  
3 reduce those opinions to writing like you  
4 did in this report?

5 MS. JAYARAMAN: Objection, form.

6 THE WITNESS: I would if that was  
7 what I was asked to do, or if I was on the  
8 stand and asked a question and unable to  
9 respond in writing, I would still expect to  
10 respond. But I guess I'm not -- I've never  
11 done this before, so I'm not exactly sure  
12 what you're asking, I'm sorry.

13 BY MR. SHEEHY:

14 Q. I guess, Professor, just so you  
15 understand, I want to make sure that between  
16 your March 15th, 2023 report and your April  
17 7th, 2023 rebuttal report, those capture all  
18 of the opinions that you intend to express  
19 in this case?

20 MS. JAYARAMAN: Objection, asked  
21 and answered.

1 MR. SHEEHY: That's a different  
2 question.

3 BY MR. SHEEHY:

4 Q. But go ahead, Professor.

5 A. This is -- this is all -- these  
6 are all the opinions that I have developed  
7 at this point. So I can't predict what  
8 would happen -- what will happen going  
9 forward. But at this point, this is -- this  
10 is the -- this is the result of my analysis  
11 and my opinions.

12 Q. Okay. So discovery in this case  
13 closes on April 21st, so next Friday.

14 A. Okay.

15 Q. Do you intend to submit another  
16 report as of right now?

17 MS. JAYARAMAN: Objection, asked  
18 and answered.

19 MR. SHEEHY: It's a separate  
20 question.

21 THE WITNESS: I have not been

1 working on another report.

2 BY MR. SHEEHY:

3 Q. Okay. And if --

4 A. So unless something happens  
5 between now and next week.

6 Q. Well, if I don't receive a report  
7 from you by April 21st, safe for me to say,  
8 the March 15th, 2023 corrected report and  
9 the April 7th, 2023 rebuttal report captures  
10 the universe of opinions you intend to  
11 express in this case?

12 A. I would like to, again, say that  
13 this would form the foundation of anything  
14 that I say in this case. But I -- it's hard  
15 for me to imagine how testimony will go.  
16 And if I was asked the question in -- on the  
17 stand, where I was required to respond under  
18 oath, I would like to not perjure myself.

19 Q. None of us would want that. None  
20 of us would want that.

21 A. Okay.

1 Q. We have agreement there. So I  
2 guess what I'm understanding is, these  
3 opinions expressed in your March 15th, 2023  
4 report and your April 7th, 2023 rebuttal  
5 report capture the universe of opinions you  
6 intend -- that you are expressing in this  
7 case unless a question during trial requires  
8 you to provide additional analysis?

9 A. That is my understanding of how  
10 this will proceed. Again, if I'm asked  
11 something -- I didn't know before you just  
12 said it, when discovery ends. But if I was  
13 asked to analyze something between now and  
14 when discovery ends, I would produce  
15 additional analysis. But at this point, I  
16 do not expect that to happen.

17 Q. Well, I think if you submit  
18 another report between now and then, Ms.  
19 Jayaraman and I are going to have another  
20 discussion of something else to talk about.  
21 Fair enough.

1 A. Okay, I'll leave it to you.

2 MR. SHEEHY: Let's put Trounstine  
3 Exhibit 3 up.

4 BY MR. SHEEHY:

5 Q. This will be a copy of your April  
6 7th, 2023 report.

7 A. Okay.

8 Q. Do you have a physical copy of  
9 that report available to you?

10 A. I do have an unmarked physical  
11 copy available.

12 Q. And we'll do the same thing  
13 again. We'll just ask you to verify that  
14 what we are publishing to you in the exhibit  
15 share is a true and accurate copy of your  
16 April 7th, 2023 rebuttal report.

17 A. Yes, this is my rebuttal report.  
18 (Trounstine Exhibit No. 3 was  
19 identified for the record.)

20 BY MR. SHEEHY:

21 Q. And on page 2 of your report,

1 that's an accurate copy of your signature?

2 A. It is.

3 Q. And does this report reflect all  
4 of your opinions that you intend to express  
5 in response to Professor Alford's March  
6 17th, 2023 report?

7 A. This -- I think my answer is  
8 similar to my last answer, in that this  
9 provides the foundation for any analysis or  
10 any testimony that I might give on Professor  
11 Alford's report. But there are other things  
12 that may come up in trial where I might need  
13 to answer that aren't included in this  
14 report, and so I am not -- I'm not sure.  
15 But this is -- this report captures my  
16 opinions at this time, and my rebuttal to  
17 Professor Alford's report.

18 Q. So a similar line of questioning,  
19 then. If I don't receive another rebuttal  
20 report, does this April 7th, 2023 rebuttal  
21 report capture all of your opinions in

1 response to Professor Alford unless you are  
2 asked to express an additional opinion on  
3 the witness stand?

4 MS. JAYARAMAN: Objection, form.

5 THE WITNESS: As I understand the  
6 way that trials operate, and the way that  
7 the rules of discovery, I understand that to  
8 be the case. But, again, I'm -- I have not  
9 participated in a trial before.

10 BY MR. SHEEHY:

11 Q. Okay. All right. And did you  
12 review your April 7th, 2023 rebuttal report  
13 in preparation for your deposition today?

14 A. I did.

15 Q. Can you look at paragraph 4 of  
16 your rebuttal report, please?

17 A. Yes.

18 Q. So here it says, "In developing  
19 my research design, I selected the EI  
20 Compare Package in R for my analysis. The  
21 package used the ei.reg.bayes command

1       instead of the ei.MD.bayes command that  
2       Professor Alford discusses. I made this  
3       selection based on prior conversations that  
4       I had had with one of the authors of the EI  
5       Compare Package who informed me that their  
6       package used the ei.reg.bayes command  
7       because it has a faster processing time than  
8       the ei.MD.bayes."

9                     Did I read that correctly?

10       A.       Yes, you read that correctly.

11       Q.       Okay. Who was the person that  
12       you had a conversation with that you  
13       mentioned here in paragraph 4?

14       A.       His name is Loren Collingwood.  
15       He is a professor at the University of New  
16       Mexico, I believe.

17       Q.       And when did you have that  
18       conversation?

19       A.       I have notes on this in my email,  
20       but I don't remember the date. It was  
21       several years ago.



1 Q. Okay. In your analysis, you used  
2 three methods to determine whether racially  
3 polarized voting exists in Galveston County,  
4 correct?

5 MS. JAYARAMAN: Objection, form.

6 THE WITNESS: I used three  
7 different estimators or commands in R to  
8 generate racially polarized voting -- sorry,  
9 to generate vote choice estimates, yes.

10 BY MR. SHEEHY:

11 Q. The iterative King's EI is one of  
12 those methods?

13 A. One second, please.

14 Q. Of course.

15 A. I just want to make sure that I  
16 say the names properly.

17 Q. I think you mentioned it in your  
18 appendix around page 14.

19 A. Yes. I used King's Ecological  
20 Inference.

21 Q. And is that the iterative version

1 or not?

2 A. I believe it is, but in order to  
3 be absolutely certain of that, I would like  
4 to pull up my R code.

5 Q. Okay. It doesn't say in Appendix  
6 14? Let's go to 14. Well, we can figure  
7 that out perhaps on break and come back to  
8 it.

9 You ran Goodman's estimator using  
10 the eiPack; is that correct?

11 A. Again, I feel anxious answering  
12 questions about my R code without my R code  
13 in front of me. So saying which commands I  
14 used without having my R code in front of me  
15 makes me feel like I might -- I might state  
16 something imprecisely. I run them in  
17 regression, whether I run it through --  
18 which package I run it through, I would need  
19 to double check my R code.

20 Q. Okay. Maybe we can do that when  
21 we go on lunch break. Does that sound fair?

1           A.     Am I allowed access to my  
2 computer over lunch break?

3           Q.     I mean, I will be fine with you  
4 just double-checking the -- whether or not  
5 King's EI you used was the iterative, and  
6 then you ran Goodman's using the eiPack, and  
7 the rows by column using the eiPack.

8           A.     Okay, I will double check.

9           Q.     I will be fine with you accessing  
10 your code for that limited purpose.

11          A.     Okay.

12          Q.     For both -- well, for your RxC  
13 analysis, rows by column, you reference  
14 Rosen 2001 and Lau, et al. 2006; is that  
15 correct?

16          A.     Yes, they both published on that  
17 topic, yes.

18          Q.     And you stand by your rebuttal  
19 report that you used the ei.reg.bayes  
20 command instead of the ei.MD.bayes command?

21          A.     I do stand by that, yes, that is

1 what I used.

2 Q. Okay. Are you aware of any  
3 other -- are you aware of any other experts  
4 that rely on the ei.reg.bayes, rather than  
5 ei.MD.bayes to assess racially polarized  
6 voting?

7 MS. JAYARAMAN: Objection, form.

8 THE WITNESS: It's not common in  
9 published political science research to  
10 present the commands that are used to  
11 generate analyses. So I would actually want  
12 to go back and -- and read some of the work  
13 that I was thinking of here.

14 And I would need the  
15 corresponding authors to find out what  
16 commands they used to generate their  
17 estimates. That is not something that --  
18 unless it's a methodology publication that  
19 political scientists would reveal in their  
20 published work. So I can't answer that  
21 question because I -- because I don't know

1 which commands different scholars have used  
2 to generate their analyses.

3 BY MR. SHEEHY:

4 Q. When a political scientist, for  
5 example, publishes a study on racially  
6 polarized voting analysis, they don't reveal  
7 what method they used for their estimates?

8 MS. JAYARAMAN: Objection, form.

9 THE WITNESS: So first to say,  
10 there's -- there's not really published work  
11 that -- there's very limited work in  
12 political science on racially polarized  
13 voting. That's not the kind of question or  
14 puzzle that is frequently something that  
15 political science publications would  
16 actually publish.

17 So -- and the limited work that  
18 does exist, a scholar would state the  
19 equation that they use or they might state  
20 the -- the underlying assumptions or the  
21 methodology or the research designs, but

1 they wouldn't publish the command that they  
2 used, and the program that they use.

3 And so R is a statistical  
4 program, but there are other statistical  
5 programs like Stata, Python, that can be  
6 used to run analyses. And it would be very  
7 uncommon, in my opinion, to see a published  
8 work state how they conducted the analysis.

9 Now, there is sort of a new wave  
10 of -- the new revolution in political  
11 science where people are posting their code  
12 and their data when they publish their  
13 papers. But that's a relatively recent  
14 innovation. So it's possible if a paper was  
15 published, you know, asking a particular  
16 question, where you could go to the Harvard  
17 data-verse, and download their data,  
18 download their codes, and see what package  
19 they used to run those estimations. And --  
20 but that's -- but that's a separate step  
21 from just reading the publication.

1 BY MR. SHEEHY:

2 Q. Have you reviewed expert reports  
3 analyzing racially polarized voting? Have  
4 you?

5 A. I reviewed Professor Alford's  
6 report, and he analyzes racially polarized  
7 voting.

8 Q. Have you reviewed any other  
9 expert reports analyzing racially polarized  
10 voting?

11 A. Not that I can recall.

12 Q. Okay. Let's go to paragraph 5 of  
13 your April 7th, 2023 rebuttal report. It  
14 says here --

15 A. Yes.

16 Q. -- "there is no reason to believe  
17 that any particular command in the R  
18 programming language would produce higher or  
19 lower estimates of racially polarized voting  
20 or bias the estimates in any other way."

21 Did I read that correctly?

1 A. Yes, you did read that correctly.

2 Q. Do you stand by that assertion in  
3 paragraph --

4 A. I do --

5 Q. -- 5?

6 A. I do, yes.

7 Q. Okay.

8 A. There's no reason, in advance, to  
9 expect that one particular command is going  
10 to produce evidence of racially polarized  
11 voting or not produce estimates that are  
12 consistent with racially polarized voting in  
13 advance of seeing the data. So I stand by  
14 that completely.

15 Q. Okay. Let's go ahead and put  
16 Professor Alford's report up. We'll mark  
17 this as Exhibit 4.

18 (Trounstine Exhibit No. 4 was  
19 identified for the record.)

20 BY MR. SHEEHY:

21 Q. Do you see Exhibit 4 placed up on



1 the share screen, Professor?

2 A. It's loading.

3 Q. Okay, just let us know when you  
4 see Exhibit 1 -- or I'm sorry, Exhibit 4.

5 A. I see it there, yes.

6 Q. Okay. And if we could go to page  
7 20, please.

8 A. It's going to take me a minute.  
9 I don't have a physical copy of this, so I  
10 will scroll on the screen and then come back  
11 to looking at you.

12 Q. Okay.

13 A. All right. 28 of Professor  
14 Alford's report?

15 Q. No, I'm sorry. It's page 20 of  
16 Professor Alford's report. And we're  
17 sharing the screen, that might be a little  
18 easier for everybody.

19 A. Okay.

20 Q. And we'll get down to page 20,  
21 and it's Table 5. There we go.

1 Do you see Table 5 --

2 A. Mm-hmm.

3 Q. -- of Professor Alford's report  
4 in front of you?

5 A. Yes, I do.

6 Q. And Table 5 is entitled Combined  
7 Rows By Column Estimates From Dr.  
8 Trounstine's Tables on Pages A-30 Through  
9 A-35 With Additional Replication Results.

10 Did I read that correctly?

11 A. Yes.

12 Q. Okay. In preparing your rebuttal  
13 report for April 7th, 2023, did you review  
14 Table 5 of Professor Alford's report?

15 A. I read through the whole report,  
16 yes.

17 Q. And did you check to see that his  
18 Trounstine RxC EI estimate numbers in Table  
19 5 accurately reflect the numbers you have on  
20 pages A-30 through A-35 in your report?

21 A. I checked several of the figures,

1 but I did not check in detail every number  
2 that he presented. I trust that Professor  
3 Alford put the numbers in properly.

4 Q. Okay. So let's take a look at  
5 this first election, and that's city council  
6 1, November 3rd, 2020.

7 A. Yes.

8 Q. So here, we have your estimates  
9 that Latinos were cohesive for Mr. Johnson.

10 A. Yes, correct.

11 Q. African Americans were cohesive  
12 for Tarris L. Woods, correct?

13 A. Yes.

14 Q. And white voters were cohesive  
15 for Mr. Johnson as well, correct?

16 A. Yes, correct.

17 Q. And the numbers that you reported  
18 for these -- the cohesive numbers that you  
19 reported was 47.86 for Latinos, correct?

20 A. Yes.

21 Q. 51.25 for African Americans,

1 correct?

2 A. Yes.

3 Q. And 62.13 for white voters,

4 correct?

5 A. Yes.

6 Q. Okay. So then if we go to the  
7 replication numbers, there's an 11-point  
8 drop for Latino voters, correct? 36.3 for  
9 Latinos for Mr. Johnson?

10 A. Yes.

11 Q. And 41.2 percent for African  
12 Americans for Mr. Johnson?

13 A. That's what the table says, yes.

14 Q. And 41.7 percent African  
15 Americans for Tarris L. Woods?

16 A. Yes, that's what he reports.

17 Q. And 54.6 percent for white voters  
18 for Mr. Johnson, correct?

19 A. Yes.

20 Q. So I mean, here, we're not really  
21 finding that cohesion that we find in your

1 estimates, correct?

2 MS. JAYARAMAN: Objection, form.

3 BY MR. SHEEHY:

4 Q. I mean, in the replication  
5 numbers, we have 41.7 and 41.2 percent  
6 between Tarris L. Woods and Mr. Johnson for  
7 African Americans, correct?

8 A. So those are the numbers that  
9 Professor Alford reports, yes.

10 Q. Okay. And you conclude in your  
11 numbers that Latinos are cohesive, African  
12 Americans are cohesive, and white voters are  
13 cohesive. But with these replication  
14 numbers, I mean, really only white voters  
15 here are cohesive, correct?

16 MS. JAYARAMAN: Objection, form.

17 THE WITNESS: So I need to go --  
18 if you would like me to reanalyze Professor  
19 Alford's estimates using my definition and  
20 cohesion threshold, I will need some time to  
21 do that. I'm very happy to do that, but I

1 can't do that on the fly. I would need to  
2 have in front -- thresholds as well as to  
3 make notes for every election. And again,  
4 I'm very happy to do that, but I can't do  
5 that without pen and paper in front of me or  
6 without a computer in front of me.

7 BY MR. SHEEHY:

8 Q. Well, I mean, you didn't respond  
9 to this table in your April 7th, 2023  
10 report. And I guess I'm trying to find  
11 out -- you say that you stand by the  
12 comment, there is no reason to believe that  
13 any particular command in R programming  
14 would produce higher or lower estimates of  
15 racially polarized voting. I'm questioning  
16 here --

17 A. Let me --

18 Q. I'm questioning here that  
19 certainly the replication numbers are a lot  
20 different than your numbers in this  
21 election?

1 MS. JAYARAMAN: Objection, form.

2 THE WITNESS: The numbers are  
3 different. That's -- that's true. But  
4 whether or not there is more or less  
5 racially polarized voting using Professor  
6 Alford's estimate versus my estimate is an  
7 unanswered question at this point.

8 And I can go through all of  
9 Professor Alford's estimates and determine  
10 which election, using his command, would be  
11 racially polarized versus my command would  
12 be racially polarized. And there would be  
13 differences, I'm sure. But it's not clear  
14 to me, just looking at just one single  
15 election, or even just -- even this one  
16 table in front of me, what percentage of  
17 Professor Alford's races -- what percentage  
18 of conclusions that I drew would switch  
19 given Professor Alford's command.

20 So again, I stand by the  
21 statement that if -- in advance, if you

1 would asked me whether the MD.bayes command  
2 or the reg.bayes command would produce more  
3 races that were racially polarized or fewer  
4 races that were racially -- fewer races that  
5 were racially polarized, I would not have  
6 been able to guess or to determine in  
7 advance which one that would be.

8           There will be differences,  
9 absolutely. And that's the point, I think,  
10 that you're making here, which is that the  
11 point estimates here for different commands  
12 do look different. But that doesn't  
13 determine, you know, whether or not there's  
14 racially polarized voting, it's a separate  
15 step of analyses that I would need to take.

16           Q. Well, let's go to the next  
17 election. It's just two candidates, Mr.  
18 Quiroga and Jason Hardcastle, Galveston City  
19 Council 4, also from November 3rd, 2020.

20           A. Mm-hmm.

21           Q. Here, you report in your RxC



1 estimate 64.4.percent for white voters. And  
2 that's the only cohesive --

3 A. Right.

4 Q. -- cohesive group in this  
5 election. But then we look at the  
6 replication RxC EI estimate by Professor  
7 Alford, and Latinos get a 24 percent  
8 increase in their cohesive, but then African  
9 Americans and white voters are not cohesive.

10 A. Right.

11 Q. And actually, the white voters  
12 flip. You have 64. --

13 MS. JAYARAMAN: I --

14 BY MR. SHEEHY:

15 Q. 64.42 percent for white voters  
16 under your analysis for Mr. Quiroga,  
17 correct?

18 A. That's correct.

19 Q. And then that flips under  
20 Professor Alford's analysis, 47.8 percent,  
21 correct?

1           A.     It drops to 47.8 percent, yes.

2           Q.     So you would agree with me that  
3 depending upon the type of command you  
4 run -- or let me rephrase that.

5                     You would agree with me that the  
6 command that you run for your racially  
7 polarized voting analysis could alter  
8 whether or not an election is racially  
9 polarized, correct?

10                    MS. JAYARAMAN: Object to form.

11                    THE WITNESS: The commands that  
12 you run will change the point estimates, as  
13 you can see in this table. But whether or  
14 not collectively there are more or fewer  
15 racially polarized elections, I -- given one  
16 command versus the other, I can't say  
17 without additional analysis.

18                    BY MR. SHEEHY:

19           Q.     So under the command that you  
20 ran, the ei.reg.bayes, under that command,  
21 some elections will be racially polarized,

1 but under the ei.MD.bayes command, elections  
2 that you find polarized may not be polarized  
3 under the different command?

4 MS. JAYARAMAN: Objection, form.

5 THE WITNESS: So the example that  
6 you just gave, the Quiroga example, I don't  
7 count that as a polarized election, but  
8 Professor Alford does.

9 BY MR. SHEEHY:

10 Q. I don't think that he does. It's  
11 just that you have 75.5 percent for Latinos,  
12 correct?

13 A. That's what Professor Alford  
14 estimates.

15 Q. Yes, for Professor Alford's  
16 estimate. Whereas Latinos are not cohesive  
17 under your estimate, correct?

18 A. That's correct. And so that  
19 election in my analysis is not counted as  
20 racially polarized in my total tabulations.  
21 But if I were to use Professor Alford's

1 commands, that would be counted as a  
2 racially polarized election.

3 And so, again, I would need to go  
4 through all of Professor Alford's -- I would  
5 need to redo my entire report using a  
6 different command in order to know whether  
7 that one command or another produces  
8 different amounts of racially polarized  
9 voting. I just don't know the answer to  
10 that.

11 Q. Let's take a look further down,  
12 the November 8th, 2016 League City, City  
13 Council 4 election between Todd Kinsey and  
14 Rudy Salcedo. Are you there?

15 A. I see that, yes.

16 Q. So here you report that Latinos  
17 and African Americans are cohesive for Rudy  
18 Salcedo, 77.55 percent for Latinos and 96.26  
19 percent for African Americans. Correct?

20 A. That's my report, yes.

21 Q. And then for white voters, 68.58

1 percent for Todd Kinsey, correct?

2 A. Yes.

3 Q. But then for Professor Alford's  
4 analysis, there is no cohesion, correct?

5 MS. JAYARAMAN: Objection, form.

6 THE WITNESS: Professor Alford's  
7 estimates do not appear to meet my  
8 definition of cohesion in that election.

9 BY MR. SHEEHY:

10 Q. In fact, the African American  
11 support actually flips. You have under your  
12 analysis, 96.26 African American support for  
13 Rudy Salcedo, correct?

14 A. That's -- those are my estimates,  
15 yes, that's correct.

16 Q. And then under Professor Alford's  
17 analysis, it's 49.3 percent African American  
18 support for Rudy Salcedo, correct?

19 A. Yes, that's what Professor Alford  
20 reports.

21 Q. I mean, that's a, what, 46-point

1 difference between African American support  
2 under your numbers and African American  
3 support under Professor Alford's numbers?

4 A. (Nodding head.)

5 Q. Is that correct?

6 A. The point estimates are  
7 different, yes.

8 Q. And the point estimates are  
9 different by approximately 46 points?

10 A. In that election for that group,  
11 yes.

12 Q. Okay. I studied Latin and Greek,  
13 Professor, so I'm asking a math question, I  
14 need you to confirm for me.

15 A. Yes, yes, for black voters,  
16 the -- Professor Alford's estimates differ  
17 by about 40 points from mine.

18 Q. Okay.

19 A. 50 points, yes.

20 Q. And that happens again in the  
21 Texas City election for mayor, correct? The

1 November 3rd, 2020 election between Dredrick  
2 Johnson and Phil Roberts? You have --

3 MS. JAYARAMAN: Objection.

4 BY MR. SHEEHY:

5 Q. You have -- for your estimates,  
6 you have 88.23 percent for Latinos, correct,  
7 for Mr. Johnson?

8 A. Yes.

9 Q. And 81.7 percent African American  
10 support for Mr. Johnson?

11 A. Yes, that is what my estimates  
12 show.

13 Q. And then the white support for  
14 Mr. Roberts is at 65.55 percent?

15 A. Yes, those are my estimates.

16 Q. And then under Mr. -- under  
17 Professor Alford's estimates, the Latino  
18 numbers flip, correct? You get --

19 MS. JAYARAMAN: Objection.

20 BY MR. SHEEHY:

21 Q. You get 53.5 percent Latino

1 support for Phil Roberts, correct?

2 A. That's what I -- that's what he  
3 reports, yes.

4 Q. And the African American support  
5 remains cohesive at 75 percent for Mr.  
6 Dredrick, correct?

7 A. Yes.

8 Q. And then with white voters,  
9 there's not cohesion, but majority support  
10 for Mr. Johnson, correct?

11 A. That's what Professor Alford  
12 reports, yes.

13 Q. So your model shows this election  
14 as racially cohesive -- forgive me. Try  
15 that one again.

16 Your model shows racially  
17 polarized voting for the election between  
18 Phil Roberts and Dredrick Johnson on  
19 November 3rd, 2020, correct?

20 A. Yes, that is correct.

21 Q. But Professor Alford's model does



1 not show racially polarized voting in this  
2 election, correct?

3 MS. JAYARAMAN: Objection, form.

4 THE WITNESS: According to the  
5 estimates that Professor Alford has  
6 reported, I would not code that election as  
7 racially polarized.

8 MS. JAYARAMAN: Counsel, we have  
9 gone for a little more than an hour, I want  
10 to make sure you finish this line, but could  
11 we take a break after that, please?

12 MR. SHEEHY: Professor  
13 Trounstine, how are you doing? Do you want  
14 to take a break?

15 THE WITNESS: It would be great  
16 if we could take a short break.

17 MR. SHEEHY: I'm more than happy  
18 to do that. We can go ahead and take a  
19 break. Why don't we say ten minutes, and  
20 we'll come back at 10:26 a.m., Pacific time.

21 THE VIDEOGRAPHER: We are now off

1 the record. The time is 10:17 a.m.

2 (Brief Recess.)

3 THE VIDEOGRAPHER: We are now on  
4 the record. The time is 10:27 a.m.

5 BY MR. SHEEHY:

6 Q. Professor Trounstine, good  
7 afternoon and welcome back. Do you  
8 understand that you are still under oath? I  
9 did not hear you, actually.

10 A. Sorry. I understand that I am  
11 still under oath.

12 Q. Excellent. Thank you. During  
13 the break, did you discuss the substance of  
14 your testimony with anyone?

15 A. I did not.

16 Q. So let's go to paragraph 28 of  
17 your March 15th, 2023 report.

18 A. Okay.

19 Q. Actually, before we go there, I  
20 think I just have one other question. You  
21 don't need to put it in front of you, but

1 just one more question about Professor  
2 Alford's report.

3 After going through your  
4 estimates and Professor Alford's estimates,  
5 do you still stand by your point in your  
6 April 7th, rebuttal report that there's no  
7 reason to believe that any particular  
8 command in the R programming language would  
9 produce higher or lower estimates of  
10 racially polarized voting?

11 A. Yes, I stand by that statement.

12 Q. Okay. So to paragraph 28 of your  
13 March 15th, 2023 report, Exhibit 2. You say  
14 here that "In statistical terms, cohesion is  
15 a continuous" -- "because cohesion is a  
16 continuous, not a discrete, variable, there  
17 is no universally-accepted approach for  
18 determining cohesiveness."

19 Did I read that correctly?

20 A. Yes, you did.

21 Q. Okay. And if we flip to page 5,

1 paragraph 28 continues. You have a  
2 footnote, footnote 7, and it says in  
3 footnote 7 on page 5, "The large literature  
4 on cohesion in political science focuses  
5 more on cohesion among legislators than on  
6 cohesion among voters. That literature  
7 tends to define cohesion as stability in  
8 majority coalitions over time."

9 Did I read that correctly?

10 A. Yes, you read that correctly.

11 Q. And I think you referenced that  
12 point earlier today, that there is not a lot  
13 of political science literature on racially  
14 polarized voting. Do I understand your  
15 testimony correctly?

16 MS. JAYARAMAN: Objection, form.

17 THE WITNESS: Yes, there is not a  
18 lot of published research in political  
19 science on racially polarized voting.

20 BY MR. SHEEHY:

21 Q. Okay. Now, in paragraph 30, you

1 propose a 60 percent threshold for racially  
2 polarized voting, correct?

3 A. I use a 60 percent threshold for  
4 cohesion.

5 Q. Yes, thank you for correcting me,  
6 yes. So in paragraph 30, you define  
7 cohesion of a group if that group votes 60  
8 percent or more for a particular candidate,  
9 correct?

10 MS. JAYARAMAN: Objection, form.

11 THE WITNESS: Yes, I use a  
12 threshold of 60 percent for counting up the  
13 number of races that exhibit cohesion.

14 BY MR. SHEEHY:

15 Q. So in a single election, if  
16 African Americans vote 60 percent for  
17 candidate A and Latinos vote 60 percent for  
18 candidate A, you would say in that election,  
19 based upon this definition, Latinos and  
20 African Americans voted cohesively, correct?

21 A. Well, I would say, on the one

1 hand, black voters voted cohesively, and on  
2 the other hand, Latino voters voted  
3 cohesively in that election you just  
4 described.

5 Q. Okay. Okay, you cite an article  
6 by Lichtman and Herbert from 1993 for your  
7 60 percent threshold, correct?

8 A. Yes.

9 Q. Okay, let's pull up that article.  
10 This will be Exhibit 5.

11 (Trounstine Exhibit No. 5 was  
12 identified for the record.)

13 BY MR. SHEEHY:

14 Q. And let me know when you can see  
15 Exhibit 5.

16 A. I can see it.

17 Q. So let's go to page 5 of this  
18 article. So if you see in the second full  
19 paragraph of this article, it says, "Social  
20 science literature relied on by the Supreme  
21 Court in a variety of civil rights contexts,

1 including voting rights, provides no  
2 consensus for specifying a minimum level of  
3 cohesive minority voting. But the social  
4 science literature does point to a threshold  
5 above which the minority threshold would be  
6 one at which, based on American political  
7 history, voting reaches landslide  
8 proportions: a majority of about 60 percent  
9 or greater in a context for a single  
10 position. Over time, usual minority support  
11 for minority candidates at or above the 60  
12 percent level should be sufficient proof of  
13 minority group cohesion. The 60 percent  
14 'landslide standard' applies only to  
15 contests for single positions."

16 Did I read that correctly?

17 A. You did.

18 Q. Okay. So what I'm understanding  
19 you to say now is that you agree with what  
20 is written here that over time, usual  
21 minority support for minority candidates at

1 or above 60 percent should be sufficient  
2 proof of minority group cohesion, correct?

3 MS. JAYARAMAN: Objection, form.

4 THE WITNESS: That's not how I'm  
5 using this article. I'm -- I don't agree  
6 with that statement.

7 BY MR. SHEEHY:

8 Q. Okay. You don't agree with the  
9 article's statement that over time usual  
10 support -- usual minority support for  
11 minority candidates at or above the 60  
12 percent level should be sufficient proof of  
13 minority group cohesion?

14 MS. JAYARAMAN: Objection, form.

15 THE WITNESS: I'm -- my reliance  
16 on this article as a source for the 60  
17 percent threshold is what I am -- that's why  
18 I'm citing this article, as other published  
19 scholars have used the 60 percent threshold  
20 as a reasonable threshold for cohesion.

21 BY MR. SHEEHY:



1 Q. But is your disagreement with  
2 this article that this article suggests 60  
3 percent over time establishes cohesion? Is  
4 that your disagreement with this article?

5 MS. JAYARAMAN: Objection, form.

6 THE WITNESS: There might be  
7 several reasons why I disagree with things  
8 in this article. What I am using the  
9 article to do is provide support for my  
10 decision to use the 60 percent threshold in  
11 tabulating the number of races in Galveston  
12 County that exhibited cohesion.

13 BY MR. SHEEHY:

14 Q. And when you are tabulating the  
15 number of elections that exhibited cohesion,  
16 you're looking at each individual election  
17 to see if Latinos voted 60 percent or more  
18 for candidate A, correct?

19 MS. JAYARAMAN: Objection, form.

20 THE WITNESS: In a two candidate  
21 race, I use a 60 percent threshold, yes.

1 BY MR. SHEEHY:

2 Q. Okay. So in an election  
3 involving candidate A versus candidate B, if  
4 Latinos voted 60 percent for candidate A,  
5 you would say that Latinos voted cohesively  
6 in that election, correct?

7 A. That's correct.

8 Q. Okay. And then for your report,  
9 you counted up each individual election  
10 where, in my example, Latinos voted 60  
11 percent or more for candidate A, correct?

12 A. That is correct.

13 Q. Okay. All right. Are you aware  
14 if the Supreme Court has adopted a threshold  
15 for establishing cohesion?

16 MS. JAYARAMAN: Objection.

17 THE WITNESS: I am not aware of  
18 that.

19 BY MR. SHEEHY:

20 Q. Are you using the 60 percent  
21 threshold as a standard for the court to

1 adopt?

2 MS. JAYARAMAN: Objection, form.

3 THE WITNESS: I am merely using  
4 the 60 percent threshold to tabulate  
5 elections that are considered cohesive or  
6 not cohesive in my analysis of the races --  
7 of the elections in Galveston County.

8 BY MR. SHEEHY:

9 Q. You're merely using the 60  
10 percent threshold as a method to tabulate  
11 the number of elections where there's  
12 cohesion, correct?

13 A. That's correct.

14 Q. Okay. I guess I would like to  
15 understand sort of why 60 percent. For me,  
16 the way I see it, 60 percent vote for  
17 candidate A, but 40 percent are voting for  
18 candidate B; that's still quite a large  
19 number of people who are saying candidate A  
20 is not my candidate of choice, correct?

21 MS. JAYARAMAN: Objection, form.

1 THE WITNESS: It depends what you  
2 mean by large. I consider, in a  
3 presidential race, if one of the candidates  
4 wins 60 percent of the vote, that in my  
5 understanding of elections is very strong --  
6 a blowout victory, a substantial majority in  
7 favor of a single candidate.

8 BY MR. SHEEHY:

9 Q. I guess the way I'm thinking  
10 about it is this way. Let's say you have  
11 10,000 votes cast by Latinos in an election.  
12 6,000 vote for candidate A and 4,000 vote  
13 for candidate B. 4,000 people out of 10,000  
14 are saying candidate A is not my candidate  
15 of choice. It seems to me there's a good  
16 number of people who are saying that's not  
17 my candidate of choice, correct?

18 MS. JAYARAMAN: Objection, form.

19 THE WITNESS: I guess this is a  
20 matter of opinion, and my opinion is that 60  
21 percent indicates strong support for a

1 single candidate.

2 BY MR. SHEEHY:

3 Q. In paragraph 30 of your report,  
4 you say, the farther away from 50 percent a  
5 candidate's vote share is, the clearer is  
6 the electorate's preference for that  
7 candidate and the more cohesive is that  
8 group.

9 Did I read that correctly?

10 A. You read that correctly, yes.

11 Q. So why is 10 percent from no  
12 cohesion, 50 percent, sufficiently far away  
13 from 50 percent?

14 MS. JAYARAMAN: Objection, form.

15 THE WITNESS: As they say in the  
16 report, that Herbert and Lichtman suggest  
17 that 60 percent represents a clear  
18 preference. And I adopt this standard for  
19 the tabulation of races as well.

20 BY MR. SHEEHY:

21 Q. Why is 10 percent from 50

1 sufficiently far away from no cohesion?

2 MS. JAYARAMAN: Objection, asked  
3 and answered.

4 THE WITNESS: It is the threshold  
5 that I selected. One can select different  
6 thresholds, but that was the one I selected  
7 for my analysis.

8 BY MR. SHEEHY:

9 Q. Okay. What about Professor  
10 Alford's threshold? Professor Alford  
11 suggests that 75 percent should be the  
12 threshold because it's in between no  
13 cohesion at 50 percent and perfect cohesion  
14 at 1 percent. Is 75 percent a reasonable  
15 threshold?

16 MS. JAYARAMAN: Objection, form.

17 THE WITNESS: If that's what  
18 Professor Alford assesses is reasonable in  
19 his analysis. What's reasonable in my  
20 analysis is 60 percent.

21 BY MR. SHEEHY:

1 Q. But I'm asking you, do you think  
2 that 75 percent is a reasonable number --  
3 let me rephrase.

4 Do you think 75 percent is a  
5 reasonable threshold for establishing  
6 racially polarized voting?

7 MS. JAYARAMAN: Objection, asked  
8 and answered.

9 THE WITNESS: According to my  
10 statement here in paragraph 30, the farther  
11 away from 50 percent that we are -- we are  
12 looking for a threshold away from 50  
13 percent. 60 percent is the threshold that I  
14 selected that is far enough away from 50  
15 percent to signal cohesion of a group.

16 BY MR. SHEEHY:

17 Q. Okay. Is it your opinion that 75  
18 percent is an unreasonable threshold?

19 MS. JAYARAMAN: Objection, form.

20 THE WITNESS: It is a difference  
21 of opinion about what constitutes a

1 reasonable threshold. I selected 60 percent  
2 as a reasonable threshold.

3 BY MR. SHEEHY:

4 Q. And you would say that 75 percent  
5 is also a reasonable threshold?

6 MS. JAYARAMAN: Objection, asked  
7 and answered.

8 THE WITNESS: I use the 60  
9 percent threshold in my analysis throughout  
10 all the analyses that I ran. That's the  
11 threshold that I selected as the reasonable  
12 threshold -- threshold.

13 BY MR. SHEEHY:

14 Q. Okay, my question to you is, do  
15 you think that 75 percent is a reasonable  
16 threshold for establishing cohesion?

17 MS. JAYARAMAN: Objection, asked  
18 and answered.

19 THE WITNESS: That is not the  
20 threshold that I selected.

21 BY MR. SHEEHY:



1 Q. Okay.

2 A. In my analysis, a reasonable  
3 threshold is 60 percent.

4 Q. Okay. But you are not disputing  
5 that Professor Alford's analysis of cohesion  
6 at 75 percent is reasonable, correct?

7 MS. JAYARAMAN: Objection, asked  
8 and answered.

9 MR. SHEEHY: That question was  
10 not asked.

11 THE WITNESS: Professor Alford  
12 has a different threshold that he uses for  
13 his analysis. It is not the threshold that  
14 I use. In my opinion, 60 percent is the  
15 reasonable threshold to use for the  
16 analysis.

17 BY MR. SHEEHY:

18 Q. Okay. But you're not saying that  
19 Professor Alford's threshold is  
20 unreasonable, correct?

21 MS. JAYARAMAN: Objection, form.

1 THE WITNESS: I guess I'm not  
2 really sure what you mean by reasonable, how  
3 you're using it here.

4 BY MR. SHEEHY:

5 Q. Well, what do you understand the  
6 term reasonable to mean?

7 A. I was using it to say that this  
8 is a threshold that makes sense for  
9 calculating cohesion in a given election.  
10 And I selected 60 percent as the threshold  
11 that makes sense given what I understand  
12 about elections in American politics.

13 Q. And, therefore, do you think that  
14 75 percent as a threshold for cohesion is  
15 unreasonable?

16 MS. JAYARAMAN: Objection, form.

17 THE WITNESS: That is not a  
18 threshold that I would -- that I have used  
19 in my analysis.

20 BY MR. SHEEHY:

21 Q. In your analysis in this case?

1 A. Correct.

2 Q. Professor Alford used 75 percent  
3 as a threshold in his report, correct?

4 A. I understand that.

5 Q. Okay.

6 A. Yes.

7 Q. Do you think his use of 75  
8 percent as a threshold for cohesion is  
9 unreasonable?

10 MS. JAYARAMAN: Objection, asked  
11 and answered.

12 THE WITNESS: I have used what I  
13 believe is a reasonable threshold, which is  
14 60 percent.

15 BY MR. SHEEHY:

16 Q. And you reviewed Professor  
17 Alford's March 17th, 2023 report, correct?

18 A. I did review his report, yes.

19 Q. And you filed a rebuttal report  
20 responding to Professor Alford's report,  
21 correct?

1 A. I did.

2 Q. And you didn't mention in your  
3 rebuttal report anything about Professor  
4 Alford's 75 percent threshold, did you?

5 A. My rebuttal report does not  
6 discuss the threshold.

7 Q. Okay.

8 A. No.

9 Q. On paragraph 32 of your March  
10 15th, 2023 report, you talk about elections  
11 with three or more candidates, correct?

12 A. Yes.

13 Q. And you say that, "Cohesiveness  
14 is established when the share of votes  
15 delivered to the group's preferred candidate  
16 was at least 1.2 times an equal division of  
17 the vote for effective candidates."  
18 Correct?

19 A. Yes.

20 Q. So I think the example you give  
21 is in a four-candidate election,

1 cohesiveness is established if, in your  
2 example, Latinos vote for a candidate A at  
3 30 percent, correct?

4 A. Yes, that is how I calculate  
5 cohesion in multi-candidate races, yes.

6 Q. Okay. But what about in an  
7 election with five candidates? Wouldn't  
8 that be -- wouldn't you say that if a  
9 Latino -- forgive me.

10 Wouldn't you say in that  
11 situation that Latino voters are cohesive if  
12 just 24 percent of Latinos vote for a  
13 specific candidate?

14 MS. JAYARAMAN: Objection, form.

15 THE WITNESS: You'll have to  
16 forgive me, I can't do that math on the fly.  
17 So if I could have a calculator, I could  
18 tell you what the threshold would be for  
19 different numbers of candidates in an  
20 election. If we could work on that  
21 together.

1 BY MR. SHEEHY:

2 Q. You know what? I am more than  
3 happy to do some math together. That would  
4 be fine. If you have a calculator available  
5 to you, we can go ahead and just confirm  
6 that.

7 MS. JAYARAMAN: Counsel, a  
8 calculator would have to be on someone's  
9 phone.

10 MR. SHEEHY: Professor, so long  
11 as you tell me no one is texting you about  
12 your testimony, I'm fine with you using the  
13 calculator on your phone.

14 THE WITNESS: Okay.

15 MS. JAYARAMAN: So she is going  
16 to go get it.

17 MR. SHEEHY: That's fine. We can  
18 go off the record.

19 THE VIDEOGRAPHER: We are now off  
20 the record. The time is 10:53 a.m.

21 (Brief Recess.)

1 THE VIDEOGRAPHER: We are now on  
2 the record. The time is 10:54 a.m.

3 THE WITNESS: Okay.

4 BY MR. SHEEHY:

5 Q. All right. Professor, you have  
6 your cell phone calculator?

7 A. I do.

8 Q. And I will ask if anybody texts  
9 you about your testimony, just to please let  
10 me know. Does that sound fair?

11 A. That sounds fair.

12 Q. Okay. So what we were talking  
13 about is, is that if it's a five-candidate  
14 race, the equal votes across candidates  
15 would be 20 percent, correct? Five --

16 A. Correct.

17 Q. -- times 20 is 100 and thus  
18 cohesion would be at 1.2 times 20 percent,  
19 correct?

20 A. Correct.

21 Q. Under your definition.

1 A. Correct.

2 Q. And that equals 24 percent?

3 A. Correct.

4 Q. Okay. So my question to you is,  
5 how is 24 percent establishing cohesion when  
6 76 percent are voting for other candidates?

7 A. So -- I'm trying to figure out  
8 how to determine a threshold for cohesion in  
9 multi-candidate races is complicated because  
10 they are not equivalent to two-candidate  
11 races.

12 So I -- I grant that it's -- 24  
13 percent voting for a single candidate in a  
14 five-candidate race sounds unlike 60  
15 percent, but in fact, mathematically, it's  
16 equivalent. And in order to be able to  
17 compare races where there are two candidates  
18 and races where there are five candidates, I  
19 needed to adjust the threshold in order to  
20 make the analyses comparable.

21 I'm analyzing elections across



1 lots of different kinds of jurisdictions and  
2 with different kinds of rules surrounding  
3 the elections. And so this allows me to  
4 compare races for city council to races for  
5 county judge or even for governor when there  
6 are only two candidates versus five  
7 candidates. This is a substantial  
8 philosophical puzzle in this kind of work.

9 Q. Okay. But 76 percent of the  
10 voters are saying that candidate who got 24  
11 percent is not my candidate of choice,  
12 correct?

13 MS. JAYARAMAN: Objection, form.

14 THE WITNESS: Collectively, 76  
15 percent of voters are selecting other  
16 candidates. But they're not selecting a  
17 candidate. If they were selecting a single  
18 other candidate, that would obviously be  
19 cohesive for that candidate.

20 So the question is to figure out  
21 a threshold above which I can count a

1 particular election as cohesive. And the  
2 way that I do that is to use the 60 percent  
3 threshold as a guideline for all other races  
4 and the mathematical equivalent to 60  
5 percent in a five-candidate race is 24  
6 percent.

7 BY MR. SHEEHY:

8 Q. But here in this scenario, we  
9 have -- in the two-candidate race where  
10 you're using the 1.2 threshold, so 60  
11 percent, 40 percent, there we have a  
12 majority at least voting for candidate A at  
13 60 percent, correct?

14 MS. JAYARAMAN: Objection, form.

15 THE WITNESS: Well, it depends on  
16 the electoral rules. But 60 percent is  
17 above a simple majority in that race.

18 BY MR. SHEEHY:

19 Q. Yes. So we're saying in a  
20 two-candidate race, Latinos vote 60 percent  
21 for candidate A, under your definition,

1       Latinos are cohesive in that election,  
2       correct?

3             A.       Correct.

4             Q.       And 60 percent is a majority,  
5       correct?

6             A.       Yes.

7             Q.       But in this case, with five  
8       candidates, the majority -- vast majority,  
9       75 percent, 76 percent -- are saying  
10       somebody else is our candidate of choice,  
11       not this one?

12             MS. JAYARAMAN:  Objection, form.

13             THE WITNESS:  I'm a little  
14       confused about how you're -- the analogy  
15       you're making here, because in a  
16       five-candidate race, nobody would need to  
17       get above 60 percent in order to win the  
18       election.

19             BY MR. SHEEHY:

20             Q.       So the point that I am making is,  
21       is that there is still this sizeable

1 majority of 76 percent who are saying we  
2 support a different candidate. Correct?

3 MS. JAYARAMAN: Objection, form.

4 THE WITNESS: No, 76 percent are  
5 selecting other candidates.

6 BY MR. SHEEHY:

7 Q. Yes.

8 A. Not a single other candidate.

9 Q. Yes.

10 A. Collectively, other candidates.

11 Q. 76 percent are saying different  
12 candidates are our candidate of choice,  
13 correct?

14 A. Yes, in the example that you  
15 gave.

16 Q. Yes. And with your threshold for  
17 multi-candidate races, the 1.2 times vote  
18 share -- let me rephrase it this way.

19 For your 60 percent threshold,  
20 you cited the Herbert and Lichtman article,  
21 correct?

1 A. Correct.

2 Q. For this threshold, for  
3 multi-candidate elections, you did not cite  
4 any political science journal, did you?

5 A. No, I do not have a citation for  
6 that calculation.

7 Q. Okay. And just you're not  
8 proposing -- you're not proposing to the  
9 court that it adopt your threshold of 1.2  
10 times vote share, correct?

11 MS. JAYARAMAN: Objection, form.

12 THE WITNESS: I am not making a  
13 proposal to the court. I am tabulating  
14 cohesive and non-cohesive races using this  
15 particular threshold.

16 BY MR. SHEEHY:

17 Q. Okay. So let's talk about the --  
18 let's talk about the racially polarized  
19 voting definition. Is it your understanding  
20 that for racially polarized voting to occur  
21 in Galveston County, you need cohesion among

1 African American voters, correct?

2 MS. JAYARAMAN: Objection to  
3 form.

4 THE WITNESS: The way that I  
5 tabulated racial -- racially polarized  
6 voting was either black voters are cohesive  
7 or Latino voters are cohesive, and the white  
8 voters selected a different first pick  
9 candidate.

10 BY MR. SHEEHY:

11 Q. Even when -- and I think you  
12 testified earlier, you find racially  
13 polarized voting when, for example, white  
14 voters are cohesive for candidate A, African  
15 American voters are cohesive for candidate  
16 A, and Latino voters are cohesive for  
17 candidate B, you would code that as a  
18 racially polarized election?

19 A. I would, yes.

20 Q. Okay. Are you aware of  
21 allegations in this case that African

1 American and Latinos are cohesive together  
2 in commissioner precinct 3 in Galveston  
3 County?

4 MS. JAYARAMAN: Objection to  
5 form.

6 THE WITNESS: Sorry, I'm not  
7 aware of particular allegations.

8 BY MR. SHEEHY:

9 Q. So let's go to paragraph 34,  
10 which is on page 6 of your report.

11 A. Okay.

12 Q. And this is your March 15th, 2023  
13 report. Here, in this paragraph, you're  
14 describing how to determine if Latino and  
15 African American voters are voting  
16 cohesively, correct?

17 MS. JAYARAMAN: Objection, form.

18 THE WITNESS: This -- in this  
19 paragraph, I am describing how I categorize  
20 when black and Latino voters were  
21 politically cohesive, and I say that I

1 looked to see whether the two groups  
2 selected the same first choice candidate in  
3 general elections.

4 BY MR. SHEEHY:

5 Q. Okay. So in this same paragraph,  
6 you're saying it's more appropriate to  
7 analyze intergroup coordination in general  
8 elections rather than in primaries, because  
9 primary elections are the arena in which  
10 groups that have similar ideologies or  
11 political orientations vie to determine  
12 their nominee for the general election.  
13 Voters usually support the candidate in the  
14 general election who shares their political  
15 orientation regardless of whether that  
16 candidate was the voter's preferred  
17 candidate in the primary election.

18 Did I read that correctly?

19 A. You did.

20 Q. Okay. And then in paragraph 35,  
21 you say, "in most cases in the United



1 States, racial ethnic cohesiveness will find  
2 its expression through the two-party system.  
3 Indeed, it would be difficult to  
4 conceptualize racial or ethnic cohesion  
5 within a single group or between two groups  
6 that did not manifest itself by a clear  
7 partisan preference. In other words, the  
8 fact that Latino and black voters tend to  
9 support candidates from one party is a  
10 reflection of their cohesion, not an  
11 alternative explanation for it."

12 Did I read that correctly?

13 A. You did.

14 Q. Okay. Is it your position, based  
15 upon your analysis, that African Americans  
16 generally support Democratic candidates?

17 MS. JAYARAMAN: Objection to  
18 form.

19 THE WITNESS: That is not an  
20 analysis I specifically conducted. The data  
21 are available in my tables to show that, and

1 I do discuss in the report that black voters  
2 generally support the Democratic party  
3 nationwide. But the question that you  
4 asked, I did not analyze specifically here.

5 BY MR. SHEEHY:

6 Q. Okay. So my question wasn't  
7 terribly clear, so I'll try that again.

8 In the context of this paragraph,  
9 okay, so in most cases in the United States  
10 nationally, it's your position that African  
11 Americans generally support Democratic  
12 candidates?

13 MS. JAYARAMAN: Objection, form.

14 THE WITNESS: So, again, I  
15 didn't -- I didn't analyze that to see  
16 whether or not black and Latino -- how black  
17 voters voted in Galveston, which party that  
18 black voters in Galveston voted for. But,  
19 yes, generally in the United States black  
20 voters support the Democratic party.

21 BY MR. SHEEHY:

1 Q. Okay. And when you say that in  
2 paragraph 34, that voters usually support  
3 the candidate and the general election who  
4 shares their political orientation, when you  
5 say political orientation, are you saying  
6 the candidate, or party for that matter,  
7 that agrees with the voter on various  
8 issues?

9 MS. JAYARAMAN: Objection, form.

10 THE WITNESS: What I mean by  
11 political orientation is that phrase is  
12 meant to capture broadly preferences and  
13 ideologies that are politically relevant.  
14 And so what I -- what I mean by that  
15 statement is that voters will select the  
16 candidate who shares their priorities,  
17 preferences, and ideologies in an election  
18 in the general election, typically.

19 BY MR. SHEEHY:

20 Q. So, for example, African  
21 Americans generally support Democratic

1 candidates. They vote for those candidates  
2 who share their political orientation in the  
3 general election, correct?

4 MS. JAYARAMAN: Objection, form.

5 THE WITNESS: In the United  
6 States, generally, there is a pattern that  
7 black voters tend to support Democratic  
8 candidates.

9 BY MR. SHEEHY:

10 Q. And Democratic candidates  
11 represent the political orientation of  
12 African Americans generally in the United  
13 States, correct?

14 A. Research suggests that that is  
15 the case, yes. That is not my analysis.

16 Q. I'm just trying to understand  
17 this sentence in paragraph 34 combined with  
18 paragraph 35. That's all I'm trying to  
19 understand.

20 A. Okay.

21 Q. And so nationally, generally, the

1 Democratic party represents -- represents  
2 the issues that are important to African  
3 American voters, correct?

4 MS. JAYARAMAN: Objection, form.

5 THE WITNESS: Research generally  
6 shows that that is the case.

7 BY MR. SHEEHY:

8 Q. So, for example, African American  
9 voters tend to agree, generally, on the  
10 national level, with the Democratic party's  
11 position on taxes, correct?

12 MS. JAYARAMAN: Objection, form.

13 THE WITNESS: I can't answer that  
14 question. I'm sorry, but I would need to  
15 draw on -- I would need to -- to have access  
16 to political science research to be able to  
17 confirm a specific assertion like that.

18 BY MR. SHEEHY:

19 Q. Okay. I guess I'm just trying to  
20 understand this sentence. Voters usually  
21 support the candidate in the general

1 election who shares their political  
2 orientation.

3 And so Democratic voters  
4 generally at a national level vote for  
5 Democratic candidates because those  
6 candidates share the political orientation  
7 of African Americans. Am I understanding  
8 that statement?

9 MS. JAYARAMAN: Objection.

10 THE WITNESS: That's how I  
11 intended that statement to read.

12 BY MR. SHEEHY:

13 Q. Okay. And by political  
14 orientation, you mean position on -- the  
15 party or candidate's position on various  
16 issues from taxes, on foreign policy, social  
17 issues, et cetera, correct?

18 MS. JAYARAMAN: Objection, form.

19 THE WITNESS: I mean, issues and  
20 ideology. But this varies enormously at  
21 different levels of government. So that is

1 a general statement. So my general  
2 statement encapsulates all the different  
3 kinds of elections that we might talk about,  
4 whereas your statement was a bit more  
5 specific.

6 BY MR. SHEEHY:

7 Q. Okay. But political orientation,  
8 you're referring to ideology. So by  
9 ideology, you mean conservative,  
10 progressive, liberal, correct?

11 A. That's correct.

12 MS. JAYARAMAN: Objection, form.

13 BY MR. SHEEHY:

14 Q. And issues -- we've discussed  
15 what we're talking about when we say issues,  
16 correct?

17 MS. JAYARAMAN: Objection, form.

18 THE WITNESS: This is not really  
19 what I was asked to analyze in Galveston, so  
20 I'm a little uncomfortable talking sort of  
21 in general terms. The statement -- I stand

1 by the statement that voters tend to select  
2 the candidate who shares their political  
3 orientation regardless of who they selected  
4 in the primary.

5 BY MR. SHEEHY:

6 Q. And again, what you're saying is  
7 voters are going to support the candidates  
8 who share their ideological preference,  
9 correct?

10 MS. JAYARAMAN: Objection, form.

11 THE WITNESS: I prefer the term  
12 political orientation, which is broader.

13 BY MR. SHEEHY:

14 Q. Okay. So included within  
15 political orientation -- did the lights go  
16 out?

17 THE WITNESS: Can you hang on a  
18 second? The lights went out in here.

19 MR. SHEEHY: We can go off the  
20 record. That's fine.

21 THE VIDEOGRAPHER: We are now off



1 the record. The time is 11:15 a.m.

2 (Brief Pause.)

3 MR. SHEEHY: We can go back on.

4 THE VIDEOGRAPHER: We are now on  
5 the record. The time is 11:16 a.m.

6 MR. SHEEHY: So we're back on the  
7 record. Looked like just the lights in the  
8 room where Professor Trounstine is went out.  
9 I'm happy we're back, a very quick fix.

10 BY MR. SHEEHY:

11 Q. So political orientation is  
12 broader. So my question to you is,  
13 political orientation includes ideology, it  
14 includes issues. Does it include anything  
15 else?

16 MS. JAYARAMAN: Objection, form.

17 THE WITNESS: It could.

18 BY MR. SHEEHY:

19 Q. Okay, what else?

20 A. It could include other -- in  
21 Galveston or generally?

1 Q. I'll take generally first, and  
2 then we can talk about Galveston.

3 A. So it could be something like a  
4 valence issue about how we treat our enemies  
5 at war, right? And those are issues but  
6 they're valence issues tend to be different  
7 than other kinds of issues. So, you know,  
8 voters will prefer a candidate who is closer  
9 to them on whatever dimension the voter  
10 deems to be important. It could be  
11 demographics, it could be their approach to  
12 governing, it could be something like their  
13 willingness to create friends across the  
14 aisle or to create partnerships with other  
15 kinds of members of the government.

16 It could be at the local level,  
17 something about the relationship between the  
18 city council and the bureaucracy. So  
19 generally, the research suggests that voters  
20 will try to pick the candidate who shares --  
21 who comes closest to their ideal point on

1       whatever dimension -- dimension or  
2       dimensions the voter prioritizes in that  
3       particular election.

4               But the research on this is quite  
5       detailed and fairly broad, so there's not a  
6       single answer I can give to this question,  
7       other than to say political orientation  
8       captures the voters' view and we can expect  
9       that the voters -- that voters will select  
10      the candidate who comes closest to sharing  
11      their -- that voter's political orientation.  
12      Generally speaking. It's not always the  
13      case but generally speaking that's the case.

14             Q.     Okay. So just to have a succinct  
15      idea of what you mean by political  
16      orientation. We have ideology, we have  
17      issues, we have what I'm going to take as  
18      referring to salient issues. So how --  
19      whatever the salient issue of the day is,  
20      whatever the candidate's position is if it  
21      closely mirrors that of the voter, correct?

1 MS. JAYARAMAN: Objection, form.

2 THE WITNESS: Generally,  
3 political science research suggests that  
4 voters will select the candidate who comes  
5 closest to their preferences however the  
6 voter defines that preference.

7 BY MR. SHEEHY:

8 Q. Okay. And that would include the  
9 three issues I've mentioned, sort of  
10 ideology, I guess we'll call global issues,  
11 salient issues, for the specific issue of  
12 the day. Anything else?

13 MS. JAYARAMAN: Objection, form.

14 THE WITNESS: It could include  
15 other things. You know, it could include --  
16 yeah, it could include more than what you've  
17 just listed.

18 BY MR. SHEEHY:

19 Q. Okay. And what else could it  
20 include?

21 A. It could include the gender of

1 the candidate or other demographic  
2 characteristics of the candidate. It could  
3 include the neighborhood of the candidate.  
4 There's some research in that. It could  
5 include the governance style as I've  
6 suggested before or the sort of procedural  
7 orientation of the candidate, the way in  
8 which they build coalitions can be important  
9 to voters.

10 So lots of -- voters are a  
11 diverse bunch and they'll choose the  
12 candidate who comes closest to their views  
13 on whatever dimension the voters -- the  
14 voter deems to be relevant for the election.

15 Q. So governance style and the  
16 ability to build coalitions is one  
17 consideration, correct?

18 A. Could be.

19 Q. Okay. So, I mean, that would  
20 just I would say maybe effectiveness. Would  
21 you agree with me on that?

1 MS. JAYARAMAN: Objection, form.

2 THE WITNESS: For some voters,  
3 effectiveness would be accurately captured.

4 BY MR. SHEEHY:

5 Q. Okay.

6 A. Would accurately capture their  
7 desire in a leader. Some voters want to  
8 select the tallest person.

9 Q. Governance style also could be  
10 ideology, correct, conservative approach to  
11 government, progressive approach to  
12 government? Is that what you mean by  
13 governance style?

14 A. That's not what I meant just now.  
15 But ideology could be a political  
16 orientation that voters are making a  
17 decision based upon.

18 Q. So -- and I'm suggesting that  
19 governance style could include ideology,  
20 correct?

21 MS. JAYARAMAN: Objection, calls

1 for speculation.

2 THE WITNESS: I don't have any  
3 research to draw on that would answer that  
4 question particularly.

5 BY MR. SHEEHY:

6 Q. Okay. So given all of what  
7 political orientation means in paragraph 34,  
8 are you able to pinpoint why a particular  
9 voter is voting for a particular candidate?

10 MS. JAYARAMAN: Objection, form.

11 THE WITNESS: I don't have access  
12 to any survey data that would allow me to  
13 answer that question.

14 BY MR. SHEEHY:

15 Q. So the answer to my question  
16 would be no, then, correct?

17 MS. JAYARAMAN: Objection to  
18 form.

19 THE WITNESS: I am -- I do not  
20 have information about why voters select a  
21 particular candidate in Galveston County

1 elections.

2 BY MR. SHEEHY:

3 Q. And you're not expressing an  
4 opinion as to why voters are selecting  
5 particular candidates in elections in  
6 Galveston County?

7 A. It is my opinion that voters in  
8 Galveston are selecting candidates who share  
9 their political orientation.

10 Q. Okay. Now, when we are looking  
11 at cohesion between African Americans and  
12 Latinos collectively -- so collective  
13 cohesion between Latinos and African  
14 Americans -- are you suggesting that if the  
15 first choice candidate receives 60 percent  
16 of the Latino vote and 98 percent of the  
17 African American vote, the two groups are  
18 cohesive?

19 MS. JAYARAMAN: Objection, form.

20 THE WITNESS: Sorry, could you  
21 restate the hypothetical one more time?



1 BY MR. SHEEHY:

2 Q. Of course. So under your  
3 definition of cohesion, if African Americans  
4 vote for candidate A at 98 percent and  
5 Latinos vote for candidate A at -- if  
6 Latinos vote for candidate A at 60 percent,  
7 are you saying that African Americans and  
8 Latinos voted collectively cohesively?

9 A. I would say that they chose the  
10 same first choice candidate.

11 Q. But would you say in that  
12 election, Latinos and African Americans were  
13 collectively cohesive?

14 A. That is not a tabulation that I  
15 created for this analysis. The tabulation  
16 that I conducted for this analysis is to  
17 determine the number of elections where  
18 black and Latino voters shared the same  
19 first-choice candidate.

20 Q. Okay. I guess I'm not sure where  
21 there is a disconnect. So I guess if you

1 could explain to me, then, if Latinos vote  
2 for candidate A at 60 percent and African  
3 Americans vote for candidate A at 98  
4 percent, why are they not cohesive  
5 collectively?

6 MS. JAYARAMAN: Objection to  
7 form.

8 THE WITNESS: I did not analyze  
9 the extent to which black and Latino voters  
10 as a single group voted in elections. That  
11 was not the analysis that I conducted. So  
12 that's why I can't answer the question.

13 MR. SHEEHY: Okay. So let's  
14 bring up Exhibit 4. And if we can go to  
15 table 1. And that's on page 13.

16 BY MR. SHEEHY:

17 Q. Do you see Dr. Alford's report in  
18 front of you, Professor Trounstine?

19 A. I see it, yes.

20 Q. And table 1 is the combined RxC  
21 estimates from your tables on pages A-17

1 through A-21 and then A-25 and 26?

2 A. Okay, yes.

3 Q. Okay. And did you review these  
4 numbers in preparation for your April 7th,  
5 2023 rebuttal report?

6 A. I read through these tables, yes.

7 Q. Do you have any reason to dispute  
8 Professor Alford's numbers that he put here  
9 from your report?

10 A. I do not have any reason to  
11 dispute those numbers.

12 Q. Okay. So these are the 12  
13 partisan elections that you analyzed,  
14 correct?

15 A. I think that's inclusive, but I  
16 would need to double-check.

17 Q. Okay. Well, I mean, we could go  
18 through this, I guess, relatively quickly,  
19 counting them. You have the county sheriff  
20 election is one, correct?

21 A. Yes.

1 Q. District court judge 405 is two;

2 U.S. House District 14 is three, correct?

3 A. Yes.

4 Q. County judge election is four,

5 correct?

6 A. Yes.

7 Q. And then 2010 county judge

8 election is five, correct?

9 A. Yes.

10 Q. And then commissioner precinct 4

11 is six, correct?

12 A. Yes.

13 Q. Commissioner precinct 3. Did I

14 just say that one? Commissioner precinct 2

15 is eight, correct?

16 A. Yes.

17 Q. The second commissioner precinct

18 2 is nine, that's commissioner precinct 2

19 from 2010?

20 A. Yes, that's -- that's in this

21 table, yes.

1 Q. And then the commissioner  
2 precinct 1 November 12th.

3 A. Uh-huh, yes.

4 Q. And then the county judge  
5 elections from 2002 and 2014, correct?

6 A. Yes, those are all in his tables.

7 Q. And those are all of the -- those  
8 are the 12 partisan elections that you  
9 analyzed?

10 A. That's what I'm not sure of. I  
11 would need to go back to my report and  
12 ensure that the 12 -- that this table  
13 captures all of the partisan elections that  
14 I analyzed. So I can do that, but I just  
15 need a few minutes to do that.

16 Q. No -- I mean, that's fine. I  
17 trust Dr. Alford and if we find that he  
18 missed one, we can make that point.

19 Okay. So let's look at the 2006  
20 election for commissioner precinct 2. You  
21 see that it's Albert Choate and Bryan Lamb?

1 A. Yes, I see that.

2 Q. And in that election, you would  
3 conclude that there is no racially polarized  
4 voting, correct?

5 A. Sorry, Choate and Lamb in 2006?

6 Q. Yes.

7 A. I do say that there is racially  
8 polarized voting in that election.

9 Q. So Albert Choate received 15.2  
10 percent from Latinos, correct?

11 A. 15. -- 12.

12 Q. 15.12 from Latinos, correct?

13 A. Correct.

14 Q. And then 27.21 percent from  
15 African Americans, correct?

16 A. Correct.

17 Q. And then 57.16 percent from white  
18 voters, correct?

19 A. Correct.

20 Q. And this is a two-person  
21 election, correct?

1 A. That's correct.

2 Q. And that's 57.16 percent is below  
3 your 60 percent threshold, correct?

4 A. So I do not categorize whites as  
5 cohesive in that election.

6 Q. Okay. And because whites are not  
7 cohesive in that election, you don't  
8 categorize this as racially polarized  
9 voting, correct?

10 A. No, that's incorrect.

11 Q. Okay.

12 A. An election is counted as  
13 racially polarized, as I explained on page 6  
14 of my report.

15 Q. Okay. So page 6 of your  
16 report -- I think you mean page 5, right?

17 A. No, paragraph 36 on page 6 of my  
18 report.

19 Q. Oh, I see. Okay. Gotcha. So  
20 your definition for racially polarized  
21 voting is when either black or Latinos vote

1 was cohesive, and white voters voted for a  
2 different candidate regardless of whether  
3 white voters were cohesive. Do I understand  
4 that correctly?

5 A. That's correct.

6 Q. Okay.

7 A. Yes.

8 Q. And in this election, the 2006  
9 Albert Choate-Bryan Lamb election, the  
10 candidate of choice of the Latinos and  
11 African Americans, Bryan Lamb, won, correct?

12 A. It appears that's how I coded it,  
13 yes.

14 Q. Yes, you have a 1 on the line for  
15 Lamb.

16 A. Yes.

17 Q. Okay. And then in the Ryan  
18 Dennard-Winston Cochran election, you code  
19 this one as racially polarized where the  
20 Latinos are pretty evenly divided in this  
21 election, correct?



1           A.     They are a close vote for both  
2 candidates, yes, in that election.

3           Q.     Ryan Dennard receives 50.49  
4 percent of the Latino vote; is that correct?

5           A.     Yes.

6           Q.     And Ryan Dennard is a Republican  
7 in this election?

8           A.     It appears so.

9           Q.     And then Winston Cochran is a  
10 Democrat in this election, and he receives  
11 49.45 percent of the vote, Latino vote,  
12 correct?

13          A.     Yes, that's correct.

14          Q.     Okay. And then the African  
15 American vote was 80.88 percent for Winston  
16 Cochran, the Democrat, correct?

17          A.     Yes, that's correct.

18          Q.     And then the white vote was 75.73  
19 percent for Dennard, correct?

20          A.     Yes.

21          Q.     So white voters were cohesive

1 here at 75.73 percent and although not  
2 cohesive a majority of Latino voters  
3 supported Dennard as well, correct?

4 MS. JAYARAMAN: Objection, form.

5 THE WITNESS: The point estimates  
6 indicate that above a simple majority of  
7 Latino voters voted for Ryan Dennard, yes.

8 BY MR. SHEEHY:

9 Q. And you code this as a racially  
10 polarized voting election?

11 A. I do.

12 Q. Okay. The November 4th, 2014  
13 county judge election at the bottom, this is  
14 Mark Henry and William "Bill" young,  
15 correct?

16 A. Yes, correct.

17 Q. And in this election white voters  
18 and Latino voters were cohesive for Judge  
19 Henry, correct?

20 A. That's what my estimates say,  
21 yes.

1 Q. And African Americans were  
2 cohesive for William Bill Young, correct?

3 A. Yes.

4 Q. And you code this election as  
5 racially polarized, correct?

6 A. I do.

7 Q. And the Latino voters and white  
8 voters voted together for Judge Henry, the  
9 Republican candidate, correct?

10 MS. JAYARAMAN: Objection, form.

11 THE WITNESS: Latino voters and  
12 white voters in my analysis both supported  
13 Mark Henry, the Republican candidate, in  
14 that election.

15 BY MR. SHEEHY:

16 Q. White voters at 80.4 percent,  
17 correct?

18 A. Correct.

19 Q. And Latino voters at 62.18  
20 percent, correct?

21 A. Yes, correct.

1 Q. So white voters and Latino voters  
2 voted together for a Republican, correct?

3 MS. JAYARAMAN: Objection, form.

4 THE WITNESS: Both white voters  
5 and Latino voters supported the Republican  
6 candidate, Mark Henry, yes.

7 BY MR. SHEEHY:

8 Q. Okay. And African Americans  
9 supported the independent candidate, William  
10 Young, correct?

11 A. Yes.

12 Q. But you still code this as  
13 racially polarized, correct?

14 A. Yes --

15 MS. JAYARAMAN: Objection, form.

16 BY MR. SHEEHY:

17 Q. I guess I'm just trying to  
18 understand why you categorize an election  
19 where white voters and a minority group  
20 support the same candidate but a different  
21 minority group supports another candidate,

1 why would you categorize that as a racially  
2 polarized election?

3 MS. JAYARAMAN: Objection, form.

4 THE WITNESS: The way that I  
5 define polarization going into the report  
6 was to say, I am going to determine whether  
7 each of the minority groups that I analyzed,  
8 blacks and Latinos, are cohesive in their  
9 preference for a candidate. And then I'm  
10 going to look to see whether or not white  
11 voters are in opposition or voting for a  
12 different candidate than either of those  
13 groups.

14 And so racial polarization is I  
15 count the race as racially polarized when it  
16 meets that definition, and this race meets  
17 that definition. So that's -- that's how I  
18 define polarization in this report.

19 BY MR. SHEEHY:

20 Q. Even though it means that you  
21 could have racially polarized voting where

1 white voters and a minority group actually  
2 agree on one candidate, correct?

3 MS. JAYARAMAN: Objection, asked  
4 and answered.

5 MR. SHEEHY: That question wasn't  
6 asked.

7 THE WITNESS: Racial polarization  
8 does -- is defined in my report as either  
9 blacks voting cohesively against the  
10 candidate, that whites -- white voters have  
11 chosen a different candidate; or, Latino  
12 voters are voting cohesively and white  
13 voters have selected a different candidate.

14 So there's lots of -- there's  
15 different patterns that can occur. But  
16 this, the definition of when an election  
17 is -- has a cohesive vote for black voters, a  
18 cohesive vote for Latino voters, either/or,  
19 and white voters have selected a different  
20 candidate that I count that election as  
21 polarized.

1 BY MR. SHEEHY:

2 Q. Even though there's no  
3 polarization in this election with Judge  
4 Henry and Bill Young between white voters  
5 and Latino voters?

6 MS. JAYARAMAN: Objection, form.

7 THE WITNESS: This race is not  
8 counted as a race in which Latino and white  
9 voters choose different candidates. That's  
10 correct.

11 BY MR. SHEEHY:

12 Q. But you're still categorizing it  
13 as racially polarized even though a minority  
14 group and white voters have banded together  
15 to support a candidate?

16 MS. JAYARAMAN: Objection, form.

17 THE WITNESS: I have counted it  
18 as polarized because it meets my definition  
19 of polarization, which is that black voters  
20 in this election voted cohesively for a  
21 candidate who was different than the

1 preferred candidate of white voters. That's  
2 how I counted this race as polarized.

3 BY MR. SHEEHY:

4 Q. Okay. All right, let's go to  
5 page 18 of Alford's report, table 3.

6 MS. JAYARAMAN: Counsel, would  
7 this be a good time for a lunch break by any  
8 chance?

9 MR. SHEEHY: Professor  
10 Trounstine, it's 11:42 in California. I'll  
11 say for me that would be way too early for  
12 lunch but I'll leave the decision up to you.

13 THE WITNESS: It would be great  
14 if we could take a lunch break. I got up  
15 really early.

16 MR. SHEEHY: Fair enough. Why  
17 don't we say -- it's 2:43, I think it is, on  
18 the East Coast, why don't we come back at  
19 3:45 East Coast time, 12:45 Pacific. Does  
20 that sound fair?

21 THE WITNESS: That's great.



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THE VIDEOGRAPHER: We are now off  
the record. The time is 11:45 a.m.  
(Luncheon recess 11:45 p.m.)

1 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

2 (12:45 p.m. PT)

3 THE VIDEOGRAPHER: We are now on  
4 the record. The time is 12:45 p.m.

5 EXAMINATION (resumed.)

6 BY MR. SHEEHY:

7 Q. Professor Trounstine, do you  
8 understand that you are still under oath?

9 A. I understand that I am still  
10 under oath.

11 Q. Good afternoon, welcome back.  
12 During the break, did you discuss the  
13 substance of your testimony with anyone?

14 A. I did not.

15 Q. Okay. I would like to direct  
16 your attention to page 18 of Professor  
17 Alford's report, Table 3. We looked at this  
18 earlier insofar as comparing your RxC  
19 estimates with the replication RxC  
20 estimates. But I want to go through just  
21 your numbers this go-around. Do you have

1 page 18 in front of you?

2 A. I see it up on the screen, yes.

3 Q. Okay. So that first election,  
4 the Attorney General election, May 24th,  
5 2022. Do you see that one?

6 A. Yes.

7 Q. And that was between Joe Jaworski  
8 and Rochelle Mercedes Garza; is that  
9 correct?

10 A. Yes.

11 Q. And with your numbers, Latino  
12 voters voted 73.55 percent for Ms. Garza,  
13 correct?

14 A. That's correct.

15 Q. And African American voters and  
16 white voters voted 77.5 percent and 73.62  
17 percent respectively for Joe Jaworski,  
18 correct?

19 A. Correct.

20 Q. And did you code this as an  
21 example of a racially polarized election?

1           A.     I would have coded that as  
2 racially polarized, yes.

3           Q.     Okay. And in this election,  
4 Latinos and black voters supported different  
5 candidates, correct?

6           A.     According to my estimates, yes.

7           Q.     Next election, comptroller of  
8 public accounts, that election also in May  
9 of 2022 between Luis Angel Vega and Janet  
10 Dudding; is that correct?

11          A.     Yes.

12          Q.     And in that election, Latino  
13 voters voted 81.25 percent for Luis Angel  
14 Vega, correct?

15          A.     Correct.

16          Q.     And African American voters voted  
17 67.21 percent for Janet Dudding, correct?

18          A.     Correct.

19          Q.     And white voters voted 82.05  
20 percent for Janet Dudding as well, correct?

21          A.     Correct.

1 Q. And in this election, black  
2 voters and white voters supported the same  
3 candidate, correct?

4 A. That is correct.

5 Q. And Latino voters supported a  
6 different candidate, correct?

7 A. According to my estimates, yes.

8 Q. And you coded this as an example  
9 of racially -- an example of a racially  
10 polarized voting election?

11 A. I did.

12 Q. How about the lieutenant governor  
13 election, Mike Collier, Carla Brailey, and  
14 Michelle Beckley, the lieutenant governor  
15 primary, March 1st, 2022. Latino voters for  
16 Michelle Beckley 49.99 percent, correct?

17 A. Correct.

18 Q. And Carla Brailey received 55.18  
19 percent of the African American vote,  
20 correct?

21 A. Correct.

1 Q. And white voters supported Mike  
2 Collier at 49.88 percent, correct?

3 A. That's correct.

4 Q. And you would have coded this  
5 election as racially polarized?

6 A. That is correct.

7 Q. Even though Latinos and African  
8 Americans didn't agree on one candidate in  
9 this election?

10 MS. JAYARAMAN: Objection, form.

11 THE WITNESS: My definition of  
12 polarized voting requires that either black  
13 or Latino voters vote cohesively, and that  
14 white voters chose a different candidate  
15 than either black or Latino cohesive voters.  
16 And this election meets that definition.

17 BY MR. SHEEHY:

18 Q. Okay. And similar results in the  
19 March 1st, 2022 comptroller of the public  
20 accounts election, the Latino voters  
21 supported Luis Angel Vega at 68.82 percent,

1 correct?

2 A. Yes.

3 Q. And African Americans supported  
4 Janet Dudding at 45.9 percent, correct?

5 A. That's correct.

6 Q. And 61.21 percent of white voters  
7 also supported Janet Dudding, correct?

8 A. Correct.

9 Q. And you would classify this as an  
10 election where racially polarized voting  
11 occurred?

12 A. I would classify it in that way,  
13 yes.

14 Q. Even though African Americans and  
15 white voters both cohesively supported Janet  
16 Dudding?

17 MS. JAYARAMAN: Objection, form.

18 THE WITNESS: My definition of  
19 polarized voting concerns whether or not  
20 either black or Latino voters voted  
21 cohesively, and whether white voters

1 selected a different candidate than either  
2 black or Latino cohesive voters. And this  
3 election meets that definition.

4 BY MR. SHEEHY:

5 Q. Okay. If we go to page 19 of  
6 Professor Alford's report, this is table 4,  
7 and this is combining pages Appendix 22  
8 through 24 from your March 15th, 2023  
9 corrected report, correct?

10 A. Correct.

11 Q. And this is the Galveston County  
12 commissioner Democratic primary, correct?

13 A. That appears to be how Professor  
14 Alford has labeled this table, yes.

15 Q. The first one March 12th, 2002,  
16 Eddie Janek and Rosie Morales, Latinos are  
17 supporting Rosie Morales at 61.49 percent;  
18 is that correct?

19 A. That's correct.

20 Q. African American voters are  
21 supporting Eddie Janek at 59.69 percent,



1 correct?

2 A. That's correct.

3 Q. And that's just shy of your 60  
4 percent threshold, correct?

5 MS. JAYARAMAN: Objection, form.

6 THE WITNESS: I do not classify  
7 black voters as voting cohesively in that  
8 election.

9 BY MR. SHEEHY:

10 Q. If black voters supported Eddie  
11 Janek at 60 percent, would you have  
12 classified black voters as cohesive in this  
13 election?

14 A. Yes.

15 Q. Okay. But at 59.69 percent, you  
16 are not classifying them as cohesive in this  
17 election?

18 A. That is correct.

19 Q. And then the white voters  
20 supported 61.21 percent for Eddie Janek,  
21 correct?

1 A. That's correct.

2 Q. And you would classify this as a  
3 racially polarized election?

4 A. I did classify this as a racially  
5 polarized election, yes.

6 Q. Okay. In the March 9, 2004  
7 primary election, you have Latinos and  
8 African Americans cohesively supporting  
9 different candidates, correct?

10 A. Are you referring to the election  
11 between Patrick Doyle, John Ford, Tom  
12 Butler, Larry Edrozo, and Dianna Puccetti?

13 Q. Yes.

14 A. And black voters selected Dianna  
15 Puccetti as their first choice candidate in  
16 that election.

17 Q. And it was 45.55 percent support  
18 for the Latino candidate of choice, correct?

19 A. That is correct.

20 Q. And 52.43 percent for Dianna  
21 Puccetti for African Americans, correct?

1 A. That is correct.

2 Q. And you classified this as  
3 racially polarized voting?

4 A. This is classified as a racially  
5 polarized election.

6 Q. Okay. And then in the Patrick  
7 Doyle-John Ford election, April 13, 2004,  
8 Latinos are cohesive for John Ford and  
9 African Americans are not cohesive for  
10 either candidate, correct?

11 A. That is correct.

12 Q. And white voters voted 74.11  
13 percent for Patrick Doyle, correct?

14 A. Correct.

15 Q. Okay. And you classified this as  
16 a racially polarized election?

17 A. Yes, that is classified as a  
18 racially polarized election.

19 Q. In the next election, Bryan Lamb,  
20 Robert Cheek, Nick Stepchinski, and John  
21 Bertolino from March 7, 2006. Latino voters

1 supported John Bertolino at 49.80 percent,  
2 correct?

3 A. Correct.

4 Q. And African Americans supported  
5 Robert Cheek with 40.78 percent, correct?

6 A. Correct.

7 Q. And white voters supported Bryan  
8 Lamb at 58.41 percent, correct?

9 A. Yes, that is correct.

10 Q. And you classified this election  
11 as a racially polarized election?

12 A. Yes, this would be classified as  
13 a racially polarized election.

14 Q. Okay. What about this next one  
15 between March 4, 2008, Stephen Holmes,  
16 Eugene Lewis, and Robert Hutchins? Latino  
17 voters were not cohesive in this election,  
18 correct?

19 A. That is correct.

20 Q. African Americans voted 53.1  
21 percent for Stephen Holmes, correct?

1           A.     That is correct.

2                   MS. JAYARAMAN:   One second,  
3     please.  There's -- the computer that I'm on  
4     is trying to restart.  Can we go off the  
5     record?

6                   THE VIDEOGRAPHER:  We are now off  
7     the record.  The time is 1:00 p.m.

8                   (Brief Pause.)

9                   THE VIDEOGRAPHER:  We are now on  
10    the record.  The time is 1:01 p.m.

11                  BY MR. SHEEHY:

12                 Q.     So we were talking about the  
13    March 4, 2008 Democratic primary election  
14    for Galveston County Commissioner, correct?

15                 A.     Correct.

16                 Q.     And we're talking about the  
17    Latino voters in this election were not  
18    cohesive, correct?

19                 A.     That is correct.

20                 Q.     The African American voters voted  
21    53.1 percent for Commissioner Holmes,

1 correct?

2 A. Yes, that is correct.

3 Q. And white voters voted 66.53  
4 percent for Commissioner Holmes, correct?

5 A. That is correct.

6 Q. So I take it here you would not  
7 classify this as a racially polarized  
8 election, correct?

9 MS. JAYARAMAN: Objection, form.

10 THE WITNESS: This election is  
11 not categorized as racially polarized.

12 BY MR. SHEEHY:

13 Q. And then the last election  
14 between Commissioner Holmes and James  
15 Hobgood, May 29, 2012, that election is not  
16 racially polarized as well, correct?

17 A. Correct, that election is not  
18 racially polarized.

19 Q. I should rephrase. You did not  
20 classify that election as racially  
21 polarized, correct?

1 A. Correct.

2 Q. Okay. So, let's see. By my read  
3 of this Table 4, page 19, Professor  
4 Trounstine, the only election where Latinos  
5 and African Americans are cohesive for the  
6 same candidate is the last one for  
7 Commissioner Holmes and James Hobgood,  
8 correct?

9 MS. JAYARAMAN: Objection, form.

10 THE WITNESS: Can you give me one  
11 second to look at table 9 of my report?

12 BY MR. SHEEHY:

13 Q. Sure. We can do that. Table 9  
14 of your report.

15 A. Sorry, table 1. Page 9.

16 Q. Table 1, page 9. Okay, I have it  
17 up. I don't think we need to put it up on  
18 the screen, we both have it.

19 A. So one more time, can you repeat  
20 your question?

21 Q. Yes. In Table 4 of Exhibit 4,

1 which is Professor Alford's March 17th, 2023  
2 report, page 19 of that report. In that  
3 table, the only election where Latinos and  
4 African Americans are cohesive in supporting  
5 the same candidate is the May 29, 2012  
6 election, correct?

7 MS. JAYARAMAN: Objection, form.

8 THE WITNESS: Cohesiveness in  
9 support of the same candidate is not a  
10 category of elections that I tabulated to  
11 draw the conclusions for my report.

12 BY MR. SHEEHY:

13 Q. Okay. On this table, page 19,  
14 Table 4, the May 29, 2012 election between  
15 Stephen Holmes and James Hobgood is the only  
16 election where Latinos and African Americans  
17 supported the same candidate, correct?

18 MS. JAYARAMAN: Objection, form.

19 THE WITNESS: There are other  
20 elections where Latinos and African American  
21 voters supported the same candidate.



1 BY MR. SHEEHY:

2 Q. So let me phrase it this way.

3 The election on May 29, 2012 is the only  
4 election where a majority of Latinos and a  
5 majority of African Americans supported the  
6 same candidate?

7 MS. JAYARAMAN: Objection, form.

8 THE WITNESS: Again, that is not  
9 a, a tabulation that I made to draw  
10 conclusions from my report.

11 BY MR. SHEEHY:

12 Q. On page 19 of John Alford's  
13 report, from March 17th, 2023, this is the  
14 only election where you have bolded both the  
15 Latino candidate of choice and the African  
16 American candidate of choice where it's the  
17 same candidate, correct?

18 A. That is correct.

19 Q. And in your tabulations, what  
20 does the bold indicate?

21 A. It indicates that that group

1 voted cohesively for their candidate of  
2 choice.

3 Q. Okay. Now, the elections that we  
4 looked at on page 18 of Alford's report and  
5 page 19 of Alford's report, those were both  
6 the Democratic primary elections that you  
7 analyzed, correct?

8 A. Could you go back to page -- the  
9 previous page so I could see Table 3 one  
10 more time.

11 Q. Actually, why don't we take it  
12 one at a time since we have this page up  
13 already, that will make it easier.

14 The elections that you analyzed  
15 that are depicted here on page 19 of  
16 Professor Alford's March 17th, 2023 report,  
17 these are the Democratic primary elections  
18 for Galveston County Commissioner, correct?

19 A. That's correct.

20 Q. And if we go to page 18, please.  
21 And this is Table 3 on page 18 from

1 Professor Alford's report. These are the  
2 exogenous primary elections that you  
3 analyzed, correct?

4 A. I need to go back to my report in  
5 order to ensure that I'm answering this  
6 question properly.

7 Q. Okay.

8 A. So could I do that?

9 Q. You have your report in front of  
10 you, correct?

11 A. I have a copy of it here, yes.

12 Q. Okay. So it looks like these are  
13 taken from pages A-27 through 29 in your  
14 appendix.

15 A. Yes, these are primary election  
16 results.

17 Q. Okay. And does the same pattern  
18 appear on page 18 Table 3 of Professor  
19 Alford's report where Latino and African  
20 American voters were each individually as a  
21 group cohesive for one candidate?

1 MS. JAYARAMAN: Objection, form.

2 THE WITNESS: Can you please  
3 restate that question? I didn't quite  
4 understand what you were asking.

5 BY MR. SHEEHY:

6 Q. You know what, Professor? I  
7 didn't understand what I was asking either,  
8 good point.

9 Let's make this easy. The  
10 commissioner of general land office election  
11 from May 24, 22, between Sandragrace  
12 Martinez and Jay Kleberg, that is the only  
13 election on this page where Latinos and  
14 African Americans were both cohesive for the  
15 same candidate, correct?

16 MR. SHEEHY: Objection, form.

17 THE WITNESS: On this page,  
18 Latino voters and black voters voted  
19 cohesively for Sandragrace Martinez in that  
20 election.

21 BY MR. SHEEHY:

1 Q. And there's no other election  
2 where Latinos and African Americans voted  
3 cohesively for the same candidate, correct?

4 MS. JAYARAMAN: Objection, form.

5 THE WITNESS: In this table there  
6 are no other races that are shown where  
7 black and Latino voters selected the same  
8 first choice candidate cohesively.

9 BY MR. SHEEHY:

10 Q. Okay.

11 A. In my estimate, not by Professor  
12 Alford's estimate.

13 Q. Correct. We're just talking  
14 about your estimates. And since you have  
15 appendix A-27 and 28 of your report up, look  
16 at them side by side, the Latino vote is  
17 bolded at 86.23, the African American vote  
18 is bolded at 74.47. And on appendix 29, the  
19 white vote is bolded at 64.30, correct?

20 A. Yes.

21 Q. And for different candidates the

1 white vote went for Jay Kleberg, correct?

2 A. Correct.

3 Q. Okay. And the African American  
4 and Latino vote went for Sandragrace  
5 Martinez, correct?

6 A. That is correct.

7 Q. Okay. Let's go to page 13 of  
8 Professor Alford's report, table 1. Do you  
9 see table 1 on page 13 from Professor  
10 Alford's March 15th, 2023 report in front of  
11 you?

12 A. I see that, yes.

13 Q. And this is the combined RxC  
14 estimates for your tables on appendix 17  
15 through appendix 21 and appendix 25 and 26,  
16 correct?

17 A. Correct.

18 Q. Okay. And in this one, the  
19 Latino and African American voters were both  
20 individually as a group cohesive for Mark  
21 Salinas for the county sheriff, correct?

1 MS. JAYARAMAN: Objection, form.

2 THE WITNESS: In the county  
3 sheriff race, black voters cohesively  
4 supported Mark Salinas and Latino voters  
5 cohesively supported Mark Salinas.

6 BY MR. SHEEHY:

7 Q. And the district court judge 405,  
8 Latinos supported Teresa Hudson cohesively  
9 and African Americans supported Teresa  
10 Hudson cohesively, correct?

11 A. That is correct.

12 Q. And in both of these first two  
13 elections, county sheriff and district court  
14 judge, the candidate of choice for Latino  
15 and African American voters was a  
16 Democratic, correct?

17 A. In the county sheriff race, a  
18 Latino Democrat, yes, and in the district  
19 court judges race a black Democrat, yes.

20 Q. Yes. In the U.S. house district  
21 race, district 14, Randy Weber and Adrienne

1 Bell, African American and Latino voters  
2 were both cohesive as their own group for  
3 Adrienne bell, correct?

4 MS. JAYARAMAN: Objection, form.

5 THE WITNESS: Each group voted  
6 cohesively for the black candidate who is a  
7 Democrat, Adrienne bell.

8 BY MR. SHEEHY:

9 Q. County judge from November 7,  
10 2006, Latino voters voted cohesively for  
11 James Yarbrough, correct?

12 A. That is correct.

13 Q. And African Americans voted  
14 cohesively for James Yarbrough?

15 A. That is correct.

16 Q. And James Yarbrough is a  
17 Democrat, correct?

18 A. That is correct.

19 Q. And county judge election in  
20 2010, Latino voters voted cohesively for the  
21 Democrat James Yarbrough?



1 A. Yes.

2 Q. And African Americans voted  
3 cohesively for James Yarbrough?

4 A. Yes.

5 Q. And, again, James Yarbrough is a  
6 Democrat, correct?

7 A. That is correct.

8 Q. And then commissioner precinct 4,  
9 November 5, 2002, Latinos voted cohesively  
10 for the Democrat Chris John Mallios,  
11 correct?

12 A. That is correct.

13 Q. And African Americans voted  
14 cohesively for the Democrat Chris John  
15 Mallios, correct?

16 A. That is correct.

17 Q. In the November 2nd, 2004  
18 commissioner court precinct election for  
19 commissioner precinct 3, that was  
20 commissioner Stephen Holmes, an African  
21 American, correct?

1 A. Correct.

2 Q. And Lewis Parker, Jr., also an  
3 African American, correct?

4 MS. JAYARAMAN: Objection, form.

5 THE WITNESS: I put both of those  
6 candidates as black, yes.

7 BY MR. SHEEHY:

8 Q. And the Latinos, Latino voters  
9 voted cohesively for Stephen Holmes, the  
10 African American Democrat, correct?

11 A. That is correct.

12 Q. And the African American voters  
13 voted cohesively for Commissioner Holmes,  
14 the African American Democrat?

15 A. They voted cohesively for Stephen  
16 Holmes who is one of the African American  
17 candidates in the race, and he is a  
18 Democrat, yes.

19 Q. And Lewis Parker, Jr. received --  
20 Lewis Parker, Jr., who is an African  
21 American Republican, received 72.79 percent

1 from white voters, correct?

2 A. In that election, yes.

3 Q. Commissioner precinct 2 election,  
4 November 7, 2006, Albert Choate, Bryan Lamb,  
5 Bryan Lamb -- or, Latinos voted cohesively  
6 for the Democrat Bryan Lamb, correct?

7 A. That is correct.

8 Q. And African American voters voted  
9 cohesively for the Democrat Bryan Lamb?

10 A. That is correct.

11 Q. Commissioner precinct 2 election  
12 from November 10, 2002, the Latino vote  
13 voted cohesively for the Democrat Bryan  
14 Lamb?

15 A. That is correct.

16 Q. And the African American voters  
17 voted cohesively for the Democrat Bryan  
18 Lamb, correct?

19 A. That is correct.

20 Q. The commissioner precinct 1  
21 election, November 6, 2012, the Latino vote

1 was not cohesive in this election, correct?

2 A. That --

3 MS. JAYARAMAN: Objection, form.

4 THE WITNESS: In that election, I  
5 did not code Latino voters as voting  
6 cohesively, that is correct.

7 BY MR. SHEEHY:

8 Q. And the African American vote was  
9 cohesive for Winston Cochran, the Democrat,  
10 correct?

11 MS. JAYARAMAN: Counsel, we can't  
12 see the top, the headings in the table.

13 THE WITNESS: Yes, that is  
14 correct.

15 BY MR. SHEEHY:

16 Q. The county judge election between  
17 James Yarbrough and Dan Murphy, Latino  
18 voters were cohesive for the Democrat James  
19 Yarbrough, correct?

20 A. That is correct.

21 Q. And African American voters were

1 cohesive for James Yarbrough the Democrat,  
2 correct?

3 A. I'm sorry, you were fuzzy right  
4 then for a minute. My internet might be  
5 unstable. Could you repeat that, please?

6 Q. Of course. The African American  
7 vote was cohesive for James Yarbrough, the  
8 Democrat, correct?

9 A. Yes, that is correct.

10 Q. And in this election it looks  
11 like white voters also voted cohesively for  
12 James Yarbrough, the Democrat, correct?

13 A. That is correct, according to my  
14 calculations.

15 Q. And this is November 5, 2002,  
16 correct?

17 A. Yes.

18 Q. And this election featured a  
19 Democrat versus Dan Murphy, who is a  
20 libertarian, correct?

21 MS. JAYARAMAN: Counsel, you're

1 breaking up quite a bit on our end.

2 MR. SHEEHY: I'm not sure what's  
3 causing that but thank you for letting me  
4 know. Is this more clear now?

5 MS. JAYARAMAN: Unfortunately  
6 not. And we're dialed in by phone so I  
7 don't think it's an internet issue on our  
8 end for the audio.

9 MR. SHEEHY: Okay. Let me know  
10 if this gets better here.

11 BY MR. SHEEHY:

12 Q. So Dan Murphy was the libertarian  
13 candidate, correct?

14 A. Correct.

15 Q. And the last election on here,  
16 Mark Henry and William Young, the Latino  
17 vote went for the Republican Mark Henry,  
18 correct?

19 A. That is correct.

20 Q. And Latinos were cohesive in  
21 favor of Mark Henry, correct?

1 A. That is correct.

2 Q. And Mark Henry is a Republican,  
3 right?

4 A. That is how I have him coded,  
5 yes.

6 Q. And William Young is an  
7 independent, correct?

8 A. That is how I have him coded,  
9 yes.

10 Q. And African American voters voted  
11 cohesively for William Young, correct?

12 A. That is correct.

13 Q. Ms. Jayaraman, how is the  
14 connection? Is it getting better?

15 MS. JAYARAMAN: It is. Yes.  
16 We'll let you know if it starts dropping  
17 again.

18 MR. SHEEHY: Okay.

19 BY MR. SHEEHY:

20 Q. So I think we saw in the primary  
21 elections that we just went through both the

1 commissioner court precinct Democratic  
2 primaries and the exogenous Democratic  
3 primary elections. African American and  
4 Latino voters were cohesive together. I  
5 know we're talking separate cohesion. Let  
6 me phrase it this way. In the primary  
7 elections that we went through, both  
8 commissioner court precinct elections and  
9 exogenous elections, primary elections, we  
10 saw only on two occasions where Latino  
11 voters and African American voters were  
12 cohesive as their own group for the same  
13 candidate, correct?

14 MS. JAYARAMAN: Objection, form.

15 THE WITNESS: That was the  
16 conversation that we had. But that did  
17 not -- that was not part of the analysis  
18 that I conducted in my report nor was it  
19 part of the analysis that I conducted to  
20 draw conclusions in my report.

21 BY MR. SHEEHY:



1 Q. Okay. But that is what your  
2 tables show, correct?

3 MS. JAYARAMAN: Objection, form.

4 THE WITNESS: That is what we  
5 discussed here in the deposition.

6 BY MR. SHEEHY:

7 Q. Okay. And then when we take a  
8 look at table 1 on page 13 with the partisan  
9 elections, correct, by my count we've got  
10 one, two, three, four, five, six, seven,  
11 eight, nine, ten elections where African  
12 Americans and Latinos are cohesive for the  
13 same candidate, correct?

14 MS. JAYARAMAN: Objection, form.

15 THE WITNESS: So, again, that --  
16 this is not an analysis that I conducted.  
17 In my report you have -- we have talked  
18 about this in this deposition, and the  
19 tables I think are pretty clear in what they  
20 show for this conversation, that that didn't  
21 come into play in my analysis in the report.

1 BY MR. SHEEHY:

2 Q. I mean, you have the list in  
3 front of you where we're talking about the  
4 elections that are up on the screen in front  
5 of you right now. So we just went through  
6 this together. So county sheriff is one  
7 election where Latinos and African Americans  
8 supported the same candidate at a cohesive  
9 rate, correct?

10 MS. JAYARAMAN: Objection, form.

11 THE WITNESS: The county sheriff  
12 election is one in which the Latino voters  
13 voted cohesively for Mark Salinas and black  
14 voters voted cohesively for Mark Salinas.

15 BY MR. SHEEHY:

16 Q. The same thing for Teresa Hudson  
17 on November 3rd, 2020?

18 MS. JAYARAMAN: Objection, form.

19 THE WITNESS: Latino voters voted  
20 cohesively for Teresa Hudson, black voters  
21 voted cohesively for Teresa Hudson.

1 BY MR. SHEEHY:

2 Q. Next election, the same thing for  
3 Adrienne Bell?

4 A. Could you clarify? I just want  
5 to make sure what you're asking. When you  
6 say same thing, could you clarify what  
7 you're asking?

8 Q. So when I ask these questions,  
9 you usually are responding that Latinos are  
10 cohesive. In this example, Latinos are  
11 cohesive for Adrienne Bell and African  
12 Americans are cohesive for Adrienne Bell,  
13 correct?

14 A. Yes, that is correct.

15 Q. So that's three times where we  
16 see that pattern, correct?

17 A. We are -- looked at three  
18 elections in this table.

19 Q. Okay.

20 A. Where Latino and black voters  
21 vote cohesively for the same candidate.

1 Q. Next one, African Americans voted  
2 cohesively for James Yarbrough, correct?

3 A. Correct.

4 Q. Latino voters voted for James  
5 Yarbrough, too, correct?

6 A. Yes, that is correct.

7 Q. And they were cohesive, right?

8 A. That is correct.

9 Q. Okay, so that's four. Next  
10 election, African Americans voted cohesively  
11 for James Yarbrough, correct?

12 A. That is correct.

13 Q. Latinos voted cohesively for  
14 James Yarbrough, too, correct?

15 A. That is correct.

16 Q. Okay. And that's five. Next  
17 election, African Americans voted cohesively  
18 for Chris John Mallios, correct?

19 A. That is correct.

20 Q. And Latinos voted cohesively for  
21 Chris John Mallios, correct?

1 A. That is correct.

2 Q. So that's six. African Americans  
3 voted cohesively for Commissioner Holmes,  
4 correct?

5 A. Correct.

6 Q. And Latino voters voted  
7 cohesively for Commissioner Holmes, correct?

8 A. In the November 2004 elections  
9 for commissioner precinct 3, yes, that is  
10 correct.

11 Q. So that's seven. The next  
12 election, Albert Choate-Bryan Lamb, African  
13 Americans voted cohesively for Bryan Lamb,  
14 correct?

15 A. Yes.

16 Q. And Latino voters voted  
17 cohesively for Bryan Lamb, correct?

18 A. That is correct.

19 Q. Next election, November 2nd,  
20 2010, African American voters voted  
21 cohesively for Bryan Lamb, correct?

1 A. Yes, that is correct.

2 Q. And Latino voters voted  
3 cohesively for Bryan Lamb, correct?

4 A. That is correct.

5 Q. And then in this next one, there  
6 is no cohesion for Latino voters, correct?

7 A. That is correct.

8 Q. So then the next election James  
9 Yarbrough, African Americans voted  
10 cohesively for James Yarbrough, correct?

11 A. Yes, that is correct.

12 Q. And Latino voters voted  
13 cohesively for James Yarbrough, correct?

14 A. Yes, that is correct.

15 Q. So I have ten elections is what I  
16 have counted on this page where Latinos vote  
17 for one candidate cohesively, and African  
18 Americans voted cohesively for the same  
19 candidate, correct?

20 A. On this page of Professor  
21 Alford's report, yes, there are ten

1 elections that fit the pattern that you have  
2 just described.

3 Q. And there are 12 elections on  
4 this page? One, two, three, four, five,  
5 six -- 11, 12. Do you agree with me there  
6 are 12 elections on this page?

7 A. I do.

8 Q. Okay. What do you make of the  
9 fact that in the Mark Henry-William Young  
10 election, this is one of the elections where  
11 Latinos are cohesive for Mark Henry, but  
12 African Americans are cohesive for a  
13 different candidate, William Young, correct?

14 A. Yes.

15 MS. JAYARAMAN: Objection, form.

16 BY MR. SHEEHY:

17 Q. What do you make of the fact that  
18 this is not a Republican versus Democrat  
19 election but a Republican versus independent  
20 election?

21 MS. JAYARAMAN: Objection, form.

1 THE WITNESS: I would need to do  
2 a lot more analysis and research to  
3 understand the pattern of elections and the  
4 candidate recruitment process to learn more  
5 about why there is a Democratic candidate in  
6 this particular election. So I don't make  
7 anything of it yet. I would need to do a  
8 little bit more reading and analysis to  
9 answer that question appropriately.

10 BY MR. SHEEHY:

11 Q. Okay. So given what we have seen  
12 here in the partisan elections versus the  
13 primary elections, don't we see agreement  
14 between African American candidate of choice  
15 and Latino candidate of choice far more  
16 frequently in the partisan elections?

17 MS. JAYARAMAN: Objection, form.

18 THE WITNESS: In order to really  
19 answer that question, I would want to go  
20 back to all of my tables, go back to all of  
21 my analyses, and make sure that I have



1 captured all of the elections in each of the  
2 different categories that we have talked  
3 about to properly answer that question.

4 So I'm not ready to say that yet.  
5 I need to tabulate -- I would need to  
6 tabulate the elections in a different way.  
7 That's not a question that I asked in  
8 conducting my report. And so in order to  
9 really answer the question, I would need to  
10 sit down with the tables and with the data  
11 and make a tabulation like what you  
12 requested here.

13 BY MR. SHEEHY:

14 Q. Okay. But just based upon the  
15 numbers on table 1, page 13 of Professor  
16 Alford's report, which is replicating your  
17 partisan elections in your appendix,  
18 partisan ID is part of -- let me come back  
19 to that.

20 Let me ask you this: Do you  
21 think it reasonable to conclude that when

1 you remove the Democrat partisan ID, Latinos  
2 and African Americans vote for different  
3 candidates?

4 MS. JAYARAMAN: Objection, form.

5 THE WITNESS: I am not prepared  
6 to agree with that statement. Again, I  
7 would need to go back to my tables and my  
8 analysis. I have non-partisan elections in  
9 my analysis as well, before I could give an  
10 accurate answer to that question.

11 BY MR. SHEEHY:

12 Q. Okay. Let's go to page 14 of  
13 your report, your March 15th corrected  
14 report.

15 A. Okay, I'm on page 14. That's  
16 Table 2.

17 Q. Table 2, Commissioner Precinct 3  
18 Reconstituted Election Analysis - Adopted  
19 Map versus Illustrative Map.

20 So here you're comparing the 2006  
21 county judge election results under the

1 adopted map for commissioner precinct 3 and  
2 the illustrative map for commissioner  
3 precinct 3, correct?

4 A. That's correct.

5 Q. Okay. I'm curious how you ran  
6 this analysis. Did you take 2006 voting age  
7 population and put them within the  
8 commissioner precinct 3 boundaries for the  
9 adopted map and the illustrative map? Is  
10 that how you ran that analysis?

11 MS. JAYARAMAN: Objection, form.

12 THE WITNESS: Give me one minute  
13 to read over my report first. Just a  
14 second.

15 BY MR. SHEEHY:

16 Q. That's fine.

17 A. Okay. I'm ready to answer your  
18 question. Could you repeat it, please?

19 Q. Yes. How did you run this  
20 analysis for the 2006 election? Did you --  
21 did you take the 2006 voting age population

1 and place that population in commissioner  
2 precinct 3 for both the adopted map and  
3 illustrative map?

4 MS. JAYARAMAN: Objection, form.

5 THE WITNESS: I added up all the  
6 votes for the VTDS that were contained  
7 within precinct 3 of the adopted map.

8 BY MR. SHEEHY:

9 Q. And I'm assuming by VTD, you  
10 meant voter tabulation district?

11 A. Yes, sorry for using an acronym.

12 Q. No, that's fine.

13 A. So was the VTDS that you used the  
14 2006 VTDS or the adopted map VTDS.

15 MS. JAYARAMAN: Objection, form.

16 THE WITNESS: I used the adopted  
17 map boundaries to determine which VTDS to  
18 add up. Does that answer the question?

19 BY MR. SHEEHY:

20 Q. The VTDS that you included in  
21 commissioner precinct 3, were they the VTDS

1 from 2006?

2 A. They're the VTDs that were  
3 included within the boundaries of precinct 3  
4 in the adopted map.

5 Q. So the current voter tabulation  
6 districts, correct?

7 MS. JAYARAMAN: Objection, form.

8 THE WITNESS: Yes.

9 BY MR. SHEEHY:

10 Q. But you used -- but you used the  
11 voting age population from 2006 in those  
12 voter tabulation districts?

13 MS. JAYARAMAN: Objection, form.

14 THE WITNESS: I'm not  
15 understanding your question. I'm sorry.

16 BY MR. SHEEHY:

17 Q. That's fine.

18 A. I'm using the vote -- I'm using  
19 the vote total to determine the percentages.

20 Q. But using voting age population  
21 from 2006, correct?

1 MS. JAYARAMAN: Objection, form.

2 THE WITNESS: I still -- I still  
3 don't think I'm understanding what you're  
4 asking. I'm only analyzing the votes that  
5 were reported by the county recorder.

6 BY MR. SHEEHY:

7 Q. Okay, so you're using the votes  
8 counted by the county recorder from 2006,  
9 correct?

10 A. Correct.

11 Q. Okay. Next, how are you  
12 determining the African American, Latino,  
13 and white population to conduct this  
14 analysis?

15 MS. JAYARAMAN: Objection, form.

16 THE WITNESS: The demographic  
17 populations that you've just listed are not  
18 contained in this table. I still think I'm  
19 not understanding. I'm sorry.

20 BY MR. SHEEHY:

21 Q. Somewhere in your report, I

1 thought you said that -- right here, Table  
2 2. The candidate preferred by African  
3 American and Latino voters noted in bold  
4 would have lost the election had they run in  
5 commissioner precinct 3 under the adopted  
6 map.

7 So how do you -- how do you know  
8 the candidate of choice for African  
9 Americans and Latinos in the 2006 election?

10 MS. JAYARAMAN: Objection, form.

11 THE WITNESS: I used my estimates  
12 that were presented in my appendix table to  
13 determine the candidate of choice for all of  
14 these elections.

15 BY MR. SHEEHY:

16 Q. Okay. But James Yarbrough was a  
17 county judge election, correct?

18 A. There was an election in 2006  
19 between Chris Stevens and James Yarbrough  
20 for county judge.

21 Q. Yes, that election. So that

1 election was county-wide, correct?

2 A. Yes, that's correct.

3 Q. And the tables in your  
4 appendix -- going to the county judge.

5 So the tables on appendix A-20,  
6 2006 county judge election, I was taking  
7 this to be county-wide information here,  
8 correct?

9 MS. JAYARAMAN: Objection, form.

10 THE WITNESS: In the table that I  
11 presented on page A-20, I am estimating that  
12 preferred candidate for all African American  
13 and Latino voters in the county.

14 BY MR. SHEEHY:

15 Q. Okay. But not commissioner  
16 precinct 3, correct?

17 MS. JAYARAMAN: Objection, form.

18 THE WITNESS: Commissioner  
19 precinct 3 is included in that tabulation.

20 BY MR. SHEEHY:

21 Q. Included but not the only piece



1 of Galveston County, correct?

2 MS. JAYARAMAN: Objection, form.

3 THE WITNESS: That is correct

4 that there is -- precinct 3 only constitutes

5 a subset of the county.

6 BY MR. SHEEHY:

7 Q. And so when you say that the

8 Latino vote for Galveston elections for

9 county judge, the Latino vote is 96.37

10 percent for James Yarbrough on Appendix 20,

11 how am I supposed to know whether or not

12 James Yarbrough was the candidate of choice

13 for Latinos in commissioner precinct 3?

14 MS. JAYARAMAN: Objection, form.

15 BY MR. SHEEHY:

16 Q. And I'm referring back to Table

17 2.

18 A. I denote James Yarbrough as the

19 candidate of choice for Latinos using my

20 estimate from table -- the table presented

21 on A-20.

1 Q. Okay. So you're extrapolating  
2 the county-wide support for James Yarbrough  
3 to match support for James Yarbrough in  
4 commissioner precinct 3, correct?

5 MS. JAYARAMAN: Objection, form.

6 THE WITNESS: I used my  
7 county-wide estimate that I show on -- in  
8 Table A-20 to determine the candidate of  
9 choice who is bolded in Table 2.

10 BY MR. SHEEHY:

11 Q. Isn't it possible that Latino  
12 voters in commissioner precinct 3 would have  
13 supported Chris Stevens?

14 MS. JAYARAMAN: Objection, form.

15 THE WITNESS: I don't know the  
16 answer to that.

17 BY MR. SHEEHY:

18 Q. And did you conduct the same  
19 analysis for the four other elections  
20 presented on Table 2, page 14 of your  
21 report?

1 MS. JAYARAMAN: Objection, form.

2 THE WITNESS: I use the same  
3 research design for all of the elections  
4 shown in Table 2.

5 BY MR. SHEEHY:

6 Q. You referred to the county-wide  
7 estimates in your appendix, and based on the  
8 county-wide estimates in the appendix, you  
9 made a determination who the candidate of  
10 choice was in Table 2?

11 A. That is correct.

12 Q. Professor, I think I'm actually  
13 going to ask your permission, if you're  
14 fine, if we could take maybe a ten-minute  
15 break. Would that be okay?

16 THE WITNESS: That would be  
17 great.

18 THE VIDEOGRAPHER: We are now off  
19 the record. The time is 1:52 p.m.

20 (Recess 1:52 p.m. to 2:06 p.m.)

21 THE VIDEOGRAPHER: We are now on

1 the record. The time is 2:06 p.m.

2 MR. SHEEHY: Thank you very much,  
3 Professor.

4 BY MR. SHEEHY:

5 Q. A question for you. We're going  
6 back to table 1 of Professor Alford's report  
7 on page 13. And these are the partisan  
8 elections that we just went through,  
9 correct?

10 A. I see that on the screen, yes.

11 Q. Okay. And we agreed that there  
12 are, in elections where the Latino column in  
13 your RxC EI estimate and the African  
14 American column are bold -- are both bold,  
15 that occurs ten times, correct?

16 A. Do you mean -- so there are 11  
17 elections in which Latino voters voted  
18 cohesively and black voters voted  
19 cohesively.

20 Q. Did I miss one? I thought there  
21 were ten.

1           A.     I just want to clarify what you  
2     just asked, which was how many elections are  
3     there where there is a bold candidate in the  
4     Latino column and a bold candidate in the  
5     black column.

6           Q.     So we just went through and  
7     agreed that there are ten elections where  
8     both the Latino column and African American  
9     column contained bold numbers, correct?

10          A.     Are -- the analysis you were  
11     conducting previously was whether or not  
12     they were cohesively voting for the same  
13     candidate.

14          Q.     Correct.

15          A.     That was the discussion I  
16     understood we were having.

17          Q.     Correct. And we agreed that  
18     there were ten of those elections, correct?

19          A.     That is correct.

20          Q.     Out of the 12 elections reported  
21     on this table, correct?

1           A.     That is correct.

2           Q.     And it's your opinion that voters  
3     in Galveston County are voting for  
4     candidates based upon shared political  
5     orientation, correct?

6           MS. JAYARAMAN:  Objection, form.

7           THE WITNESS:  My assumption is  
8     that generally voters vote for a candidate  
9     who shares their political orientation.

10          BY MR. SHEEHY:

11          Q.     And it's your opinion that that  
12     is happening in these 10 out of the 12  
13     elections, correct?

14          MS. JAYARAMAN:  Objection, form.

15          THE WITNESS:  No, I wouldn't  
16     agree with that statement.

17          BY MR. SHEEHY:

18          Q.     Okay.  Earlier you testified that  
19     it was your opinion that voters in Galveston  
20     County were voting for candidates based upon  
21     shared political orientation, correct?

1 A. Yes, that is correct.

2 Q. Okay. Isn't that what is  
3 happening here, that Latino and African  
4 American voters, in the elections in Table  
5 1, are voting for candidates based upon  
6 shared political orientation, correct?

7 MS. JAYARAMAN: Objection, form.

8 THE WITNESS: My presumption is  
9 that all of the elections feature situations  
10 in which voters vote for the candidate who  
11 shares their political orientation.

12 BY MR. SHEEHY:

13 Q. Okay. And the same would be true  
14 for white voters on Table 1 of page 13 of  
15 Professor Alford's report?

16 MS. JAYARAMAN: Objection, form.

17 THE WITNESS: I think I'm not  
18 quite understanding this line of  
19 questioning. Can you ask one more time,  
20 please?

21 BY MR. SHEEHY:

1 Q. Of course. So in the elections  
2 on this page, 12 elections, page 13 of John  
3 Alford's report containing your appendix  
4 pages A-17 through A-21, A-25, and A-26, is  
5 it your opinion that white voters in  
6 Galveston County are voting for Republican  
7 candidates because Republican candidates  
8 share their political orientation?

9 MS. JAYARAMAN: Objection, form.

10 THE WITNESS: It is not possible  
11 for me to say why white voters are voting  
12 the way that they do in Galveston County.  
13 My presumption is that, generally speaking,  
14 voters vote for candidates who share their  
15 political orientation.

16 BY MR. SHEEHY:

17 Q. And you don't have any reason to  
18 believe that's not occurring in Galveston  
19 County, correct?

20 MS. JAYARAMAN: Objection, form.

21 THE WITNESS: I expect that



1 voters in Galveston County are voting for  
2 the candidates who share their political  
3 orientation.

4 BY MR. SHEEHY:

5 Q. Okay. So I want to switch topics  
6 here. So I want to talk briefly about  
7 standard errors, which you report in the  
8 elections in your appendix, correct?

9 A. I do report standard errors for  
10 all of the estimates, yes.

11 Q. I think there are a few estimates  
12 that you don't report standard errors for,  
13 but we can look at those.

14 MS. JAYARAMAN: Objection to  
15 form.

16 BY MR. SHEEHY:

17 Q. Well, I mean, we can -- so, for  
18 example, on Appendix A-30, do you have that  
19 in front of you?

20 A. I do.

21 Q. You see the November 3rd, 2020

1 election for La Marque City Council?

2 A. I see that yes.

3 Q. And your RxC column, you have an  
4 N/A for all three estimates. You have an  
5 N/A for the standard error column, correct?

6 A. Correct.

7 Q. Okay. So why didn't you report a  
8 standard error for that election?

9 A. The standard errors are  
10 calculated by the computer program that I  
11 run, and no standard errors were reported  
12 for that election.

13 Q. So let me ask a couple questions  
14 here about the standard error.

15 With standard errors, the smaller  
16 the number, the smaller the standard error,  
17 the better, correct?

18 MS. JAYARAMAN: Objection, form.

19 THE WITNESS: That's not exactly  
20 how to -- how I think about standard errors.

21 BY MR. SHEEHY:

1 Q. All right. So let me ask it this  
2 way. A standard error of zero or close to  
3 it would indicate that the estimated value  
4 is exactly or nearly exactly the true value,  
5 correct?

6 MS. JAYARAMAN: Objection, form.

7 THE WITNESS: That's not true.  
8 That's not a statement I would agree with.  
9 So we can never know the truth if we are  
10 estimating something. But these are --  
11 standard errors are appropriate to  
12 particular analyses.

13 BY MR. SHEEHY:

14 Q. So I guess my point, though, is  
15 that -- and this is why I said exactly or  
16 nearly exactly the true value. So, again,  
17 the lower the standard error is, the closer  
18 to the true value it is. Would you agree  
19 with that?

20 A. I do not agree with that, no.

21 Q. Okay. So a low standard error --

1 would you agree that having a low number for  
2 a standard error, a standard error of one,  
3 is a good thing?

4 MS. JAYARAMAN: Objection, form.

5 THE WITNESS: That's -- it's too  
6 broad of a statement. I would need to know  
7 what hypothesis you were testing and what  
8 your predetermined significance level was in  
9 order to determine how to answer that  
10 question.

11 BY MR. SHEEHY:

12 Q. How do you define standard error?

13 A. Standard error is defined as the  
14 standard deviation of the population divided  
15 by the square root of the sample size. And  
16 if -- yes, that's how it's defined.

17 Q. Okay. And when you run that  
18 calculation, is the value of an estimate  
19 better if you have a lower standard error?

20 MS. JAYARAMAN: Objection, form.

21 THE WITNESS: If you are

1 conducting a hypothesis test, smaller  
2 standard errors are more likely to allow you  
3 to reject a null hypothesis.

4 BY MR. SHEEHY:

5 Q. Maybe we can do some comparison  
6 here, rather than talking about it in the  
7 abstract. So, for example, if we go to  
8 appendix 18 in your report.

9 A. Yes.

10 Q. So this is the general elections  
11 for county commissioners, African American  
12 vote. You see --

13 A. Yes, I'm on that table.

14 Q. Okay. You see the November 7th,  
15 2006 election, Bryan Lamb and Albert Choate?

16 A. Yes.

17 Q. And you have an estimate of 72.15  
18 for Bryan Lamb in your RxC, correct?

19 A. Yes, that is correct.

20 Q. Now, your standard error, though,  
21 is 19.49, correct?

1           A.     That is the reported standard  
2 error, yes.

3           Q.     Okay. And if you see in the  
4 election above for Commissioner Stephen  
5 Holmes, 99.16 percent is your RxC estimate,  
6 correct?

7           A.     Yes, that's correct.

8           Q.     And your standard error is 0.93,  
9 correct?

10          A.     That's correct.

11          Q.     Okay. So given the difference  
12 here between the standard error, do you have  
13 more certainty in your point estimate for  
14 Commissioner Holmes than you do in your  
15 point estimate for Bryan Lamb?

16          A.     No, I do not have differences in  
17 certainty about those two estimates. These  
18 are the estimates, this is the population  
19 data.

20          Q.     But if you were to calculate a  
21 confidence interval, your confidence

1 interval at 95 percent for Commissioner  
2 Holmes' election would be a lot tighter,  
3 wouldn't it?

4 MS. JAYARAMAN: Objection, form.

5 THE WITNESS: I do not conduct --  
6 create 95 percent confidence intervals here,  
7 because I am not hypothesis testing here.  
8 So that would be, in my view, an  
9 inappropriate way to use the statistic.

10 I present the standard error so  
11 that interested readers can see what the  
12 standard deviation of the population divided  
13 by a third event is in each of these cases.  
14 If the standard deviation changes, then the  
15 standard error changes. If N changes, the  
16 standard error also changed.

17 So there's a variety of different  
18 reasons why we would see different sized  
19 standard errors across all of these  
20 different elections.

21 Precinct number 3 is different

1 than precinct number 2. So I don't draw any  
2 conclusions about the veracity of these  
3 point estimates. They are simply the point  
4 estimates. These are the estimates of the  
5 vote.

6 BY MR. SHEEHY:

7 Q. Well, let's take another example,  
8 then. Let's go to appendix 30, if we could,  
9 please.

10 A. Okay, I'm there.

11 Q. Your standard error for the ER  
12 Johnson election is 27.96, correct?

13 A. Yes, for the point estimate for  
14 the Latino vote for ER Johnson is 27.96,  
15 yes.

16 Q. And thank you for clarifying  
17 that. Now, if we were to calculate a -- if  
18 we were to calculate the confidence interval  
19 at 95 percent, we would multiply the 27.96  
20 by 1.96, correct?

21 A. The calculation of 95 percent



1 confidence interval is given by the equation  
2 that you just presented, which is plus or  
3 minus 1.96 times the standard error of the  
4 estimate.

5 Q. Okay. So if we were to -- okay.  
6 So if we were to multiply 27.96 by 1.96, we  
7 would get somewhere in the neighborhood of  
8 above 50; is that right? I'll pull out my  
9 calculator. If you want to pull yours out,  
10 you may.

11 A. Okay, I'll go get it. 54.8 is  
12 the total that I get.

13 Q. Okay. And then if you add 54.8  
14 to 47.86, you get 102, correct, 102.66?

15 A. Well, I would not create a 95  
16 percent confidence interval around that  
17 estimate. So if you add those two numbers  
18 together, yes, you get the number -- I can  
19 do it.

20 Yes. 47.86 plus whatever number  
21 I said just a minute ago, 57, is 102.66.

1 Q. And then if you subtract 47.86  
2 minus 54.8, you get negative 6.94, correct?

3 A. Yes.

4 Q. And that would give a 95 percent  
5 confidence interval of between negative 6.94  
6 to 102.66, correct?

7 MS. JAYARAMAN: Objection, form.

8 THE WITNESS: I would not create  
9 a 95 percent confident interval around a  
10 population estimate like this.

11 BY MR. SHEEHY:

12 Q. Okay, but if you did, the  
13 confidence interval would be negative 6.94  
14 to 102.66, correct?

15 MS. JAYARAMAN: Objection, form.

16 THE WITNESS: If I was running a  
17 different analysis and my coefficient on a  
18 hypothesis test was 47.86, then, yes, the 95  
19 percent confidence interval would be as you  
20 suggest. But I would not do that in this  
21 case, and I have not done that in this case.

1 BY MR. SHEEHY:

2 Q. Okay. But this confidence  
3 interval is not identical, but I mean, it  
4 closely tracks your EI and Goodman  
5 estimates, correct?

6 MS. JAYARAMAN: Objection, form.

7 THE WITNESS: I'm not sure I  
8 understand that question. Could you repeat  
9 that, please?

10 BY MR. SHEEHY:

11 Q. Your Goodman estimate is 6.08,  
12 correct?

13 A. Yes, that's correct.

14 Q. With a standard error of 95.3?

15 A. Yes.

16 Q. And your EI is 94.33, correct?

17 A. That is the EI estimate, yes.

18 Q. So, I mean, these three estimates  
19 kind of run the entire scope from 0 to 100,  
20 correct?

21 MS. JAYARAMAN: Objection, form.

1 THE WITNESS: As we discussed  
2 earlier, different commands will produce  
3 different point estimates for codings.

4 BY MR. SHEEHY:

5 Q. Okay. And that range between  
6 6.08 for your Goodman estimate and 94.33 for  
7 your EI estimate, while not as large is  
8 similar to the confidence interval at 95  
9 percent, correct?

10 MS. JAYARAMAN: Objection, form.

11 THE WITNESS: I'm not  
12 understanding the -- this line of  
13 questioning. I didn't compare my estimates  
14 across the different types of estimators. I  
15 used the RxC estimates in order to draw the  
16 conclusions for my report, and it would be  
17 inappropriate to use a 95 percent confidence  
18 interval on an estimate in -- in -- in one,  
19 drawn from one command to compare that to  
20 estimates from different commands.

21 So I wasn't hypothesis testing in

1 these tables, and so that's why I don't  
2 include 95 percent confidence interval.

3 BY MR. SHEEHY:

4 Q. Aren't you running your EI and  
5 Goodman tests as kind of checks on your RxC  
6 to make sure that your RxC estimates are  
7 not -- or to ensure that your RxC estimates  
8 are trustworthy?

9 MS. JAYARAMAN: Objection, form.

10 THE WITNESS: I wouldn't agree  
11 with that statement on an individual  
12 election basis. I ran the different  
13 commands in order to holistically determine  
14 whether or not patterns were similar  
15 regardless of the estimator that I used.

16 BY MR. SHEEHY:

17 Q. Okay. But you say that you  
18 wouldn't use a 95 percent confidence  
19 interval. Would you use a 90 percent  
20 confidence interval?

21 A. I would not use confidence

1 intervals around these point estimates.

2 Q. Do you think it wrong to use  
3 confidence intervals in racially polarized  
4 voting analysis?

5 MS. JAYARAMAN: Objection, form.

6 THE WITNESS: I would not agree  
7 with that statement, no.

8 BY MR. SHEEHY:

9 Q. Okay. So it's correct to use  
10 confidence intervals when analyzing racially  
11 polarized voting but not required. Is that  
12 your position?

13 MS. JAYARAMAN: Objection, form.

14 THE WITNESS: I can't speak to a  
15 general statement like that. I would need  
16 more specific information about a particular  
17 set of elections that were being analyzed  
18 and the questions that were being asked of  
19 those elections, both individually and  
20 holistically, in order to determine the  
21 appropriateness of different statistical

1 methods.

2 BY MR. SHEEHY:

3 Q. When analyzing racially polarized  
4 voting in Galveston County, is it your  
5 position that it's inappropriate to use  
6 confidence intervals?

7 A. I did not make a choice to use  
8 confidence intervals in this report, because  
9 I was not hypothesis testing.

10 Q. Are confidence intervals only  
11 appropriate when hypothesis testing?

12 A. Confidence intervals are  
13 appropriate when you have a sample that is  
14 drawn from the population, such as a survey,  
15 or when you are hypothesis testing. And  
16 neither one of these circumstances applies  
17 to the table that you see before you in the  
18 appendix.

19 Q. So in that case, when analyzing  
20 elections for racially polarized voting,  
21 it's your position that it's inappropriate

1 to report confidence intervals, correct?

2 A. I cannot --

3 MS. JAYARAMAN: Objection, form.

4 THE WITNESS: I do not agree with  
5 that statement, holistically. It depends.

6 BY MR. SHEEHY:

7 Q. What does it depend on?

8 MS. JAYARAMAN: Objection, form.

9 THE WITNESS: It would depend on  
10 the data that were being used and the  
11 questions that were being asked.

12 BY MR. SHEEHY:

13 Q. Okay. Galveston County elections  
14 and is there racially polarized voting?

15 MS. JAYARAMAN: Objection, form.

16 THE WITNESS: Using the data that  
17 I used for the analysis in this report, I do  
18 not report 95 percent confidence intervals.

19 BY MR. SHEEHY:

20 Q. And you don't because this is not  
21 a survey, nor is it a hypothesis, correct?



1 A. I agree with that statement.

2 Q. And that's why you're not  
3 reporting confidence intervals?

4 A. These estimates are point  
5 estimates that are drawn from the  
6 population, and there is not a hypothesis  
7 that I am testing when I am presenting these  
8 data.

9 Q. Okay. But you don't think it  
10 wrong from a statistical point of view to  
11 use confidence intervals when analyzing  
12 Galveston County election data to determine  
13 racially polarized voting?

14 MS. JAYARAMAN: Objection, form.

15 THE WITNESS: I can only speak to  
16 my analysis. My analysis -- in my analysis,  
17 I chose not to present 95 percent confidence  
18 intervals.

19 BY MR. SHEEHY:

20 Q. You reviewed racially polarized  
21 voting analysis in other jurisdictions,

1 correct?

2 MS. JAYARAMAN: Objection, form.

3 THE WITNESS: I have analyzed  
4 elections in other jurisdictions. Is that  
5 the question that you asked?

6 BY MR. SHEEHY:

7 Q. My question was, have you  
8 conducted racially polarized voting analysis  
9 in other jurisdictions?

10 A. I have.

11 Q. And have you produced confidence  
12 intervals for your analysis of those  
13 elections?

14 A. I don't recall whether or not I  
15 did or not.

16 Q. So it's possible that in other  
17 racially polarized voting election analysis  
18 that you've conducted, that you've  
19 determined confidence intervals should be  
20 reported?

21 MS. JAYARAMAN: Objection, form.

1                   THE WITNESS: I have conducted  
2 hypothesis tests with respect to racially  
3 polarized voting. And if I did that, I  
4 would report 95 percent confidence  
5 intervals.

6                   BY MR. SHEEHY:

7                   Q. And what is the difference  
8 between hypothesis testing for racially  
9 polarized voting and generating estimates as  
10 you've done here in Galveston County?

11                  A. Hypothesis testing requires  
12 analyzing the relationship between two  
13 continuous variables and making a statement,  
14 a mental model, if you will, about how you  
15 expect one variable to vary when the other  
16 variables there. And that is mostly what I  
17 do in my political science research.

18                  This -- the analysis that I have  
19 conducted here is different. This -- the  
20 task here was to produce estimates of racial  
21 group cohesion and racially polarized voting

1 drawn from those estimates.

2 So there is -- I am not  
3 hypothesis testing in the data that are  
4 presented here in the tables in the  
5 appendix.

6 Q. Aren't you hypothesizing, though,  
7 when it comes to how you're generating these  
8 estimates? You use -- for elections from  
9 2010 to the present, you use citizen voting  
10 age population, correct?

11 MS. JAYARAMAN: Objection, form.

12 THE WITNESS: Can you say that  
13 one more time? I just want to make sure I  
14 answer accurately.

15 BY MR. SHEEHY:

16 Q. You used citizen voting age  
17 population data when you were analyzing  
18 elections from 2010 to the present, correct?

19 A. Yes, I used citizen voting age  
20 population at the block level aggregated to  
21 voting districts to conduct the analysis

1 here, yes.

2 Q. You did not use registered  
3 voters, correct?

4 A. That is correct.

5 Q. And so there could be citizens  
6 who are of voting age who are not registered  
7 voters, correct?

8 MS. JAYARAMAN: Objection, form.

9 THE WITNESS: There could be  
10 citizens who are not registered to vote in  
11 any jurisdiction, yes.

12 BY MR. SHEEHY:

13 Q. Okay. So aren't you  
14 hypothesizing about the voter turnout and  
15 results in these elections?

16 MS. JAYARAMAN: Objection, form.

17 THE WITNESS: That is not the  
18 task that I am completing in these analyses.

19 BY MR. SHEEHY:

20 Q. Okay. Let me go to -- if we can  
21 go to appendix 21, your general elections

1 for county judge.

2 A. Okay.

3 Q. Now, if we look at -- and I'm  
4 sorry, page A-20, appendix A-20. So general  
5 elections for county judge, Latino vote.

6 A. Okay, I'm there.

7 Q. You see the standard errors  
8 reported at the bottom for the Mark Henry -  
9 William Young election?

10 A. Yes, I see those.

11 Q. So your standard error for  
12 William Young is actually the same as your  
13 estimate 37.86, correct?

14 A. I'm sorry -- right, Latinos.  
15 Yes.

16 Q. And then your standard error for  
17 your EI is 73.33, correct?

18 A. That's what it says.

19 Q. Now, I guess my question to you  
20 is, when I -- when I went through these  
21 pages, and I'll represent to you that 37.86

1 was the highest standard error reported for  
2 RxC. Do you know why the standard error is  
3 so high in this election?

4 MS. JAYARAMAN: Objection, form.

5 THE WITNESS: No, I don't know  
6 why.

7 BY MR. SHEEHY:

8 Q. What would cause a standard error  
9 to be between 20 and 30?

10 MS. JAYARAMAN: Objection, form.

11 THE WITNESS: I don't know how to  
12 answer that question. Standard -- a  
13 standard error is literally just a standard  
14 deviation of the population which is the sum  
15 of the square deviation from the mean,  
16 square rooted, divided by N minus 1 --  
17 divided by the square root of N. So it's  
18 just driven by the data. It is a number  
19 that is described variation in the data.

20 BY MR. SHEEHY:

21 Q. Described variation in the data.

1           A.       That's what the standard error  
2       is.

3           Q.       Okay. So at 37.86, is that  
4       informing me that there is a lot of  
5       variation in the data?

6           MS. JAYARAMAN: Objection, form.

7           BY MR. SHEEHY:

8           Q.       And on this page, we could say it  
9       this way. The November 4th, 2014 election,  
10       William Young for Latino vote has a standard  
11       error of 37.86. Then in the commissioner --  
12       or Judge Henry and Yarbrough election,  
13       November 22nd, 2010, the standard error is  
14       4.74 and 4.76.

15          A.       Those are the figures that are  
16       presented in that table, yes.

17          Q.       Now, is this telling me that  
18       there is substantially less variation in the  
19       data for the Mark Henry-James Yarbrough  
20       election?

21          MS. JAYARAMAN: Objection, form.



1 THE WITNESS: I would need to do  
2 additional analysis to compare across  
3 elections in the way that you're comparing  
4 them.

5 BY MR. SHEEHY:

6 Q. Does the standard error of 37.86  
7 in the Mark Henry-William Young election,  
8 does that at all question the accuracy of  
9 the point estimates reported?

10 MS. JAYARAMAN: Objection, form.

11 THE WITNESS: The point estimate  
12 is the point estimate that was given by my  
13 analysis.

14 BY MR. SHEEHY:

15 Q. Do we have less confidence in  
16 that point estimate of 37.86 than we would  
17 in, say, the election above it, James  
18 Yarbrough, 93.57 with a standard error of  
19 4.74?

20 MS. JAYARAMAN: Objection, form.

21 THE WITNESS: I would need to do

1 additional analysis in order to compare the  
2 cross selections in the way that you're  
3 doing.

4 BY MR. SHEEHY:

5 Q. Well, in the same election,  
6 William Young, 37.86 -- with a standard  
7 error of 37.86. Mark Henry --

8 A. I'm sorry, I --

9 Q. 62.18, with a standard error of  
10 7.57. So in this election, do we have more  
11 confidence in the 62.18 than we do in the  
12 37.86?

13 MS. JAYARAMAN: Objection, form.

14 THE WITNESS: That's not the  
15 conclusion that I would draw. I would not  
16 draw a conclusion about confidence in the  
17 estimate.

18 BY MR. SHEEHY:

19 Q. Are you saying that it is a valid  
20 conclusion to draw?

21 A. That is not the conclusion that I

1 would draw.

2 Q. But are you saying that a  
3 contrary conclusion, such as mine, that we  
4 have less confidence in the William Young  
5 point estimate than we do in the Mark Henry  
6 point estimate, are you saying that my  
7 conclusion, although you disagree with it,  
8 is valid?

9 MS. JAYARAMAN: Objection, form.

10 THE WITNESS: I do not agree with  
11 that statement.

12 BY MR. SHEEHY:

13 Q. Okay. So this is in the same  
14 election. What do you conclude, if  
15 anything, given the high standard error for  
16 William Young and the 30-point lower  
17 standard error for Mark Henry?

18 MS. JAYARAMAN: Objection, form.

19 THE WITNESS: I conclude that the  
20 standard error is larger for Bill Young.  
21 That is what I conclude.

1 BY MR. SHEEHY:

2 Q. And from that, do you infer  
3 anything further?

4 A. I do not.

5 Q. There's nothing else to infer  
6 from this standard error of 37.86, other  
7 than that it's larger than 7.57?

8 MS. JAYARAMAN: Objection, form.

9 THE WITNESS: What I can learn  
10 from this table is that that is a larger  
11 standard error. That Bill Young has a  
12 larger standard error from Mark Henry.

13 BY MR. SHEEHY:

14 Q. And can you infer anything else  
15 other than the size of the standard error is  
16 larger than the standard error for Mark  
17 Henry?

18 MS. JAYARAMAN: Objection, form.

19 THE WITNESS: The only conclusion  
20 that I draw looking at this table is that  
21 Bill Young has a larger standard error on

1 the estimate than Mark Henry does for Latino  
2 voters.

3 BY MR. SHEEHY:

4 Q. Let's go to page 22 of Professor  
5 Alford's report, please. We're looking at  
6 figure 5 on page 22 of Professor Alford's  
7 report. Do you see that, Professor?

8 A. Yes, I see that.

9 Q. And figure 5 is entitled  
10 "Reproduction of Trounstine's Chart on Page  
11 11 titled 'Chart 1: Endogenous Elections in  
12 Galveston County Reveal Racial  
13 Polarization," correct?

14 A. That is correct.

15 Q. And does this chart appear to be  
16 the same chart that you have on page 11 of  
17 your report?

18 A. Yes, it appears to be replicated.

19 Q. So it appears to me that if I am  
20 looking at this chart that if black and  
21 Latino voters are 20 percent of the share of

1 eligible voters, which is your horizontal  
2 line on the bottom, this is at the point  
3 which districts are predicted to elect  
4 minority preferred candidates, correct?

5 MS. JAYARAMAN: Objection to  
6 form.

7 THE WITNESS: No, because these  
8 data are at the VTD level, and when  
9 candidates are elected they are elected in  
10 the aggregate, not at the VTD level. So  
11 this chart does not say what you just said.

12 BY MR. SHEEHY:

13 Q. Okay. So then let me see if I  
14 can understand.

15 If black and Latino voters, or if  
16 the black and Latino share of eligible  
17 voters is 20 percent of a voting tabulation  
18 district, the share of votes for a preferred  
19 candidate in that VTD cluster here kind of  
20 around 50 percent, correct?

21 MS. JAYARAMAN: Objection, form.

1 THE WITNESS: I mean, I --  
2 eyeballing it, that is -- it's hard to do,  
3 but I can absolutely run an analysis where I  
4 look at the average share of eligible voters  
5 and the share of votes that a preferred  
6 candidate, in a table form. But it's a  
7 little hard to eyeball it here.

8 BY MR. SHEEHY:

9 Q. So 20 percent black and Latino  
10 share of eligible voters and then these  
11 circles are voting tabulation districts. Is  
12 that what these little circles are?

13 A. Yes, that's correct.

14 Q. So at 20 percent of black and  
15 Latino share of eligible voters, we're  
16 getting VTDs where 80 percent of the vote  
17 goes to preferred candidates?

18 A. There are some VTDs that display  
19 that pattern, yes. And there are others  
20 that display the opposite pattern where  
21 there's 20 percent of the eligible voters

1 are black and Latino and a very small share,  
2 say 20 or 30 percent of the vote goes to the  
3 preferred candidate in those VTDS, the  
4 cluster of circles down in the bottom left.

5 Q. Right, I see the cluster there.  
6 I also see the cluster at 80. I see the  
7 cluster at 60, and I see clusters below your  
8 progression line as well, correct?

9 MS. JAYARAMAN: Objection, form.

10 THE WITNESS: The figure of the  
11 chart shows that there is a range of vote  
12 totals in the VTDS across the spectrum.

13 BY MR. SHEEHY:

14 Q. And there is a cluster -- I mean,  
15 I can't really count them, but there is a  
16 cluster on the 80 percent line, correct?

17 MS. JAYARAMAN: Objection, form.

18 BY MR. SHEEHY:

19 Q. At the 20 percent --

20 A. There appear to be.

21 Q. At the 20 percent horizontal and



1 at the 80 percent vertical, there appear to  
2 be a cluster of voting tabulation districts  
3 going for the preferred candidate of choice  
4 for minorities, correct?

5 A. Wait, you said 20 percent  
6 horizontal and 80 percent vertical?

7 Q. Yes, the bottom line --

8 A. So -- oh, sorry. I was  
9 misunderstanding. So 20 percent of the X  
10 factor and your -- we're talking about how  
11 many voting districts appear at point 8 on  
12 the Y axis, is that my understanding?

13 Q. Yes.

14 A. I don't know how many there are  
15 in that. That fall into that category. I  
16 could count them.

17 Q. Okay. But there is a good  
18 cluster there, correct?

19 MS. JAYARAMAN: Objection, form.

20 THE WITNESS: There are some  
21 voting districts, according to this chart,

1 where black and Latino voters make up 20  
2 percent of the population, and the share of  
3 votes for their preferred candidates is  
4 somewhere around 80 percent. There are some  
5 voting districts where that statement is  
6 correct.

7 BY MR. SHEEHY:

8 Q. Okay.

9 A. There are many more, it appears,  
10 where that's not correct.

11 Q. And just to make it clear, these  
12 circles on this chart represent voter  
13 tabulation districts, correct?

14 A. That is correct.

15 Q. Okay. And on this chart, are all  
16 of Galveston County's voter tabulation  
17 districts depicted on this chart?

18 A. I would need to go back and  
19 double check whether or not that's true. So  
20 I don't want to answer that without double  
21 checking the answer.

1 Q. Okay. The title of the chart is  
2 endogenous elections in Galveston County  
3 reveal racial polarization. So does that  
4 refresh your recollection that each one of  
5 these circles represents one of the voter  
6 tabulation districts in Galveston County?

7 MS. JAYARAMAN: Objection, form.

8 THE WITNESS: Each circle does,  
9 in fact, represent a voter tabulation  
10 district in Galveston County.

11 BY MR. SHEEHY:

12 Q. And does this chart contain all  
13 of the voter tabulation districts in  
14 Galveston County?

15 A. I'll need to go back to the data  
16 and ensure that that is the -- to determine  
17 the answer to that question.

18 Q. Okay. I'm just looking on page  
19 11 of your report to see if you say, one way  
20 or the other, if it's all of the voting  
21 tabulation districts.

1                   But you're not sure if these are  
2 all of the voting tabulation districts in  
3 Galveston County, correct?

4                   MS. JAYARAMAN: Objection, form.

5                   THE WITNESS: I'm not sure  
6 without going back to the data, correct.

7                   BY MR. SHEEHY:

8                   Q.     Okay. Going back to the standard  
9 error numbers. Does low turnout impact the  
10 standard error?

11                  MS. JAYARAMAN: Objection, form.

12                  THE WITNESS: I don't know the  
13 answer to that question without conducting  
14 additional analysis.

15                  BY MR. SHEEHY:

16                  Q.     Okay. In that case, it might  
17 impact -- having low voter turnout might  
18 impact the standard error, correct?

19                  MS. JAYARAMAN: Objection, form.

20                  THE WITNESS: I don't know.

21                  BY MR. SHEEHY:

1 Q. So, Professor, I'm going to ask  
2 you, I think one more time if I could take a  
3 break. Is that fine with you?

4 THE WITNESS: Yes, that's fine  
5 with me.

6 MR. SHEEHY: Excellent. Let's go  
7 off the record. We'll take a ten-minute  
8 break and we'll be right back.

9 THE VIDEOGRAPHER: We are now off  
10 the record. The time is now 3:01 p.m.

11 (Brief Recess.)

12 THE VIDEOGRAPHER: We are now on  
13 the record. The time is 3:05 p.m.

14 MR. SHEEHY: Professor  
15 Trounstine, thank you very much for your  
16 time today. I don't have any more questions  
17 for you.

18 MS. JAYARAMAN: Counsel, I will  
19 need about a ten-minute break to just gather  
20 my thoughts, if you don't mind.

21 MR. SHEEHY: That will be fine,

1 thank you.

2 THE VIDEOGRAPHER: We are now off  
3 the record. The time is 3:05 p.m.

4 (Brief Recess.)

5 THE VIDEOGRAPHER: We are now on  
6 the record. The time is 3:12 p.m.

7 MS. JAYARAMAN: I have a couple  
8 questions, Professor.

9 EXAMINATION

10 BY MS. JAYARAMAN:

11 Q. Have you reviewed Professor  
12 Alford's rebuttal report?

13 A. I have reviewed his report.

14 Q. And was your rebuttal report  
15 intended to address every point in Professor  
16 Alford's report with which you disagreed?

17 A. No, it was not my -- it was not.

18 Q. What was the intention of your  
19 rebuttal report?

20 A. The intention of my rebuttal  
21 report was to highlight two errors that I

1 believed -- believed Professor Alford made  
2 in the report. One, that he  
3 mischaracterized a mistake that I had made,  
4 and I wanted to correct that. And secondly,  
5 that there was a typo in his report.

6 Q. And does Professor Alford produce  
7 his own estimate of racial block voting in  
8 his report?

9 MR. SHEEHY: Objection to form.

10 THE WITNESS: Professor Alford  
11 presents different estimates in his report.

12 BY MS. JAYARAMAN:

13 Q. And with those estimates, does he  
14 include confidence intervals?

15 MR. SHEEHY: Objection to form.

16 THE WITNESS: Not that I recall.

17 MS. JAYARAMAN: I don't have any  
18 further questions, but we would like to read  
19 and sign.

20 MR. SHEEHY: If I could do a  
21 brief redirect.

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EXAMINATION

BY MR. SHEEHY:

Q. Professor, do you intend to submit any additional rebuttal report in this case?

A. At this time, I do not intend to submit an additional report, no.

Q. Okay.

MR. SHEEHY: I have no further questions. Thank you.

THE VIDEOGRAPHER: We are off the record at 3:15 p.m., and this concludes the testimony given by Jessica Trounstine.

(Reading and signing reserved.)

(Deposition concluded 3:15 p.m.)



CERTIFICATE OF COURT REPORTER

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I, DESIRAE S. JURA, do hereby  
certify that the proceedings were recorded  
by me stenographically and electronically,  
via videoconferencing, at the time mentioned  
on the cover sheet thereof, and, thereafter,  
transcribed; that said hearing is a true  
record of the statements made; that I am  
neither counsel for, related to, nor  
employed by any of the parties to this  
proceeding;

And further, that I am not  
financially or otherwise interested in the  
outcome of this matter.

As Witnessed by my hand and  
signature as indicated below.

/s/ Desirae S. Jura

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DESIRAE S. JURA, RPR

My commission expires: 1/31/2025

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DATE SENT: April 17, 2023

ERRATA SHEET

DEPOSITION OF: Jessica Trounstine

DATE: April 14, 2023

CASE: Terry Petteway, et al vs.  
Galveston County, Texas etal

INSTRUCTIONS:

1. Please read the transcript of your deposition and make note of any corrections or changes on this Errata Sheet.
2. Indicate below general reason for change, such as:
  - A. To correct stenographic error.
  - B. To clarify record.
  - C. To conform to the facts.
3. Sign the Certificate of Deponent page.
4. Within 30 days of the Date Sent, return this Errata Sheet, and signed Certificate of Deponent, to the address listed below AND to all Counsel listed on the Appearances page.

PAGE #	LINE #	CORRECTION	REASON
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ERRATA SHEET

DEPOSITION OF JESSICA TROUNSTINE:

PAGE #	LINE #	CORRECTION	REASON

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CERTIFICATE OF DEPONENT

I hereby certify that I have read  
and examined the foregoing transcript and:

(Check one of the following)

( ) The same is a true and  
accurate record of the testimony given by  
me, and I have made no corrections to this  
transcript.

-OR-

( ) Any additions or  
corrections that I feel are necessary, I  
have listed on the attached Errata Sheet.

As witness my hand and signature  
this \_\_\_\_\_ day of \_\_\_\_\_.

-----  
JESSICA TROUNSTINE

1 Tharuni Jayaramn, Esquire

2 Tharuni.jayaraman@usdoj.gov

3 April 18, 2023

4 RE: Honorable Terry Petteway Et Al. v. Galveston County Et Al.

5 4/14/2023, Professor Jessica Trounstine (#5835079)

6 The above-referenced transcript is available for  
7 review.

8 Within the applicable timeframe, the witness should  
9 read the testimony to verify its accuracy. If there are  
10 any changes, the witness should note those with the  
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of  
13 Deponent and Errata and return to the deposing attorney.  
14 Copies should be sent to all counsel, and to Veritext at  
15 cs-midatlantic@veritext.com.

16  
17 Return completed errata within 30 days from  
18 receipt of testimony.

19 If the witness fails to do so within the time  
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

TERRY PETTEWAY, THE  
HONORABLE DERRECK ROSE,  
MICHAEL MONTEZ, SONNY  
JAMES and PENNY POPE,

*Plaintiffs,*

v.

GALVESTON COUNTY, TEXAS,  
and HONORABLE MARK HENRY,  
in his official capacity as Galveston  
County Judge,

*Defendants.*

Civil Action No. 3:22-cv-57

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UNITED STATES OF AMERICA,

*Plaintiff,*

v.

GALVESTON COUNTY, TEXAS,  
GALVESTON COUNTY  
COMMISSIONERS COURT, and  
HONORABLE MARK HENRY, in  
his official capacity as Galveston  
County Judge,

*Defendants.*

Civil Action No. 3:22-cv-93

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DICKINSON BAY AREA BRANCH  
NAACP, GALVESTON BRANCH  
NAACP, MAINLAND BRANCH  
NAACP, GALVESTON LULAC  
COUNCIL 151, EDNA COURVILLE,  
JOE A. COMPIAN, and LEON  
PHILLIPS,

Civil Action No. 3:22-cv-117

*Plaintiffs,*

v.

GALVESTON COUNTY, TEXAS,  
HONORABLE MARK HENRY, in  
his official capacity as Galveston  
County Judge, and DWIGHT D.  
SULLIVAN, in his official capacity as  
Galveston County Clerk

*Defendants.*

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**CERTIFICATE OF DEPONENT**

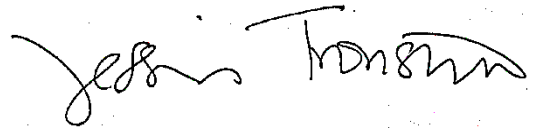
May 5, 2023

I, Jessica Trounstine, pursuant to 28 U.S.C. § 1746, hereby declare and state as follows:

1. I have read and examined the foregoing transcript.
2. Any additions or corrections that I feel are necessary, I have listed on the attached Errata Sheet.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of May 2023.

A handwritten signature in black ink that reads "Jessica Trounstine". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

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JESSICA TROUNSTINE



## Errata Sheet

Page	Line(s)	Original	Correction	Reason
26	18	commissioner's court	commissioners court	To correct stenographic error
44	17	regression, whether	R, whether	To clarify record
79	15	as they	as I	To clarify record
80	4	It is the	60 percent is the	To clarify record
80	14	at 1 percent	at 100 percent	To correct stenographic error
90	7	So -- I'm trying	So trying	To correct stenographic error
101	3	and the general	in the general	To correct stenographic error
143	2	Ms. Jayaraman: One second	The Witness: One second	Wrong speaker identified
187	10	all of the estimates	all of the RxC estimates	To conform to the facts
193	13	by a third event is in	by the square root of n is in	To correct stenographic error
198	3	point estimates for codings.	points estimates <del>for</del> codings.	To clarify record
219	10	factor and your	axis and your	To correct stenographic error

# **Exhibit 28**

1 UNITED STATES DISTRICT COURT  
2 FOR THE SOUTHERN DISTRICT OF TEXAS  
3 GALVESTON DIVISION

4 HONORABLE TERRY PETTEWAY, et al. )  
5 )  
6 Plaintiff )

7 vs. ) C.A. No. 3:22-cv-00057  
8 )

9 GALVESTON COUNTY, et al. )  
10 )  
11 Defendants. )

12 ORAL VIDEO CONFERENCE DEPOSITION

13 ROXY HALL WILLIAMSON

14 DECEMBER 5, 2022

15 ORAL VIDEO CONFERENCE DEPOSITION OF ROXY HALL  
16 WILLIAMSON, produced as a witness at the instance of the  
17 Defendant and duly sworn, was taken in the above-styled  
18 and numbered cause on the 5th day of December, 2022, from  
19 10:07 a.m. to 4:16 p.m., before Anne F. Sitka, Certified  
20 Shorthand Reporter in and for the State of Texas, reported  
21 by computerized stenotype machine at the offices of  
22 Burwell Nebout Trial Lawyers, 565 Egret Bay Boulevard,  
23 League City, Texas 77573, pursuant to the Federal Rules of  
24 Civil Procedure and the provisions stated on the record or  
25 attached hereto.

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11  
12 ALSO PRESENT:

13 Mr. Sam Swain, Videographer  
Ms. Kathryn Garrett (Appeared Via Zoom)  
14 Mr. DaWuan Norwood (Appeared Via Zoom)  
Ms. Alexandra Copper (Appeared Via Zoom)  
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1 THE VIDEOGRAPHER: We're on the record,  
2 December 5th, 2022. The time is 10:07 a.m. This begins  
3 the video recorded deposition of Roxy Hall Williamson in  
4 the matter of Honorable Terry Petteway, et al., versus  
5 Galveston County, et al., in the United States District  
6 Court for the Southern District of Texas, Galveston  
7 Division, Case No. 322-cv-00057.

8 Will counsel please state your appearances  
9 for the record, after which the court reporter will swear  
10 the witness.

11 MS. RICHARDSON: Valencia Richardson for  
12 Petteway plaintiffs.

13 MS. VALL-LLOBERA: Diana Vall-Llobera for  
14 the NAACP plaintiffs.

15 MS. CHEN: Sarah Chen for the NAACP  
16 plaintiffs.

17 MR. SHEEHY: Shawn Sheehy on behalf of the  
18 defendants.

19 MR. HOLT: Dallin Holt on behalf of the  
20 defendants.

21 MS. PRATHER: Kelly Greenwood Prather --

22 MR. GEAR: Bruce Gear on behalf --

23 MS. PRATHER: Sorry.

24 MR. GEAR: I'm sorry.

25 MS. PRATHER: Kelly Greenwood Prather for



1 the --

2 MR. GEAR: Bruce Gear on --

3 MS. PRATHER: -- witness --

4 MR. GEAR: -- behalf of the -- we'll get it  
5 right.

6 MS. PRATHER: Go ahead.

7 MR. GEAR: Bruce Gear on behalf of the  
8 Department of Justice Voting Section.

9 THE REPORTER: You want to go ahead and  
10 announce?

11 MS. PRATHER: Oh, you want me to say it  
12 again? Okay. Kelly Greenwood Prather on behalf of the  
13 witness, Roxy Hall Williamson.

14 THE REPORTER: Is that it? Okay.

15 EXAMINATION

16 BY MS. RICHARDSON:

17 Q. All right, Ms. Williamson. As I just said, my  
18 name is Valencia Richardson on behalf of the Petteway  
19 plaintiffs; and I'll be asking your questions today, just  
20 the first pass.

21 So, just to get started, have you ever been  
22 deposed before?

23 A. I have not.

24 Q. Okay. Well, some -- just some general ground  
25 rules: As you see, you're being video recorded, and the

1 court reporter right beside you is also transcribing  
2 everything we say. So, in order to facilitate like a  
3 clean transcript, it's helpful if you don't say "uh-huhs"  
4 or nod your head. If there is like a yes or no question,  
5 say yes or no or just answer the question depending on  
6 the -- on the question; and then even though we're being  
7 video recorded, like I said, the -- the transcript will  
8 be -- will be recording all the verbal responses. That's  
9 why it's important to get everything as clean as possible.

10 Also, we can take breaks as much as you  
11 want. I'll probably want to take a break as well. And my  
12 only request is that you finish answering a question, and  
13 then we'll take the break. And we can -- if you need to  
14 stop and take a break at any point, just let me know.  
15 And -- or just let any of us know who are questioning you,  
16 and we will -- we will do that. Okay?

17 And then if you don't understand a question,  
18 let me know; otherwise, I'll assume you understood it and  
19 will be able to answer it. Does that all sound good?

20 A. Yes.

21 Q. Fantastic. Okay.

22 Can you state your name for the record?

23 A. Roxy Hall Williamson.

24 Q. Do you understand that you're under oath today?

25 A. I do.

1 Q. Did you bring any documents with you to the  
2 deposition today?

3 A. Other than my subpoena, no.

4 Q. Did you review any documents to prepare for the  
5 deposition?

6 A. I did not.

7 Q. Okay.

8 MS. RICHARDSON: I'm just going to very  
9 quickly mark as Exhibit 1 the deposition subpoena. So,  
10 this will be Exhibit 1.

11 There you go.

12 (Exhibit 1 marked)

13 MR. HOLT: And I just had a thought.

14 Sorry. This is --

15 MS. RICHARDSON: No worries.

16 MR. HOLT: -- Dallin Holt.

17 With the Zoom participants we might need to  
18 be logged in --

19 MS. RICHARDSON: Uh-huh.

20 MR. HOLT: -- and put our exhibits in the  
21 Zoom chat box. How do we want to go about that?

22 MS. RICHARDSON: Ummm, we can share the  
23 exhibits with them maybe on the next break; or if we want,  
24 you do -- would you prefer to have the exhibits share  
25 within realtime?

1 MR. HOLT: I'm -- I'm okay with whatever  
2 they want. If they -- if they're okay without getting  
3 them -- and everyone is, I think. My only concern would  
4 be DOJ maybe having some representation. They might want  
5 the exhibits. But it's up to them, if they're okay  
6 getting them afterwards. If they want them realtime, I  
7 can -- I don't...

8 MS. RICHARDSON: Bruce, do you have a  
9 preference as to how exhibits are shared for you?

10 MR. GEAR: Whatever is easiest for you; but  
11 if, you know, you can share them while you're discussing  
12 them, that would be very helpful.

13 MS. RICHARDSON: Okay. Well, I can just  
14 send them over as I'm discussing them.

15 Or do one of you mind sending them over to  
16 Bruce as I'm --

17 MR. HOLT: If we want to have like an e-mail  
18 chain --

19 MS. RICHARDSON: Yeah.

20 MR. HOLT: -- we just do a reply all, just  
21 have it on just a running e-mail chain, I think that might  
22 work.

23 MS. RICHARDSON: Yeah. And we can -- that's  
24 fine.

25 MR. HOLT: Awesome.

1 MS. RICHARDSON: Sounds good.

2 MS. CHEN: I'll do that.

3 MS. RICHARDSON: All right. Thanks.

4 All right. So, everyone has a copy.

5 Q. (By Ms. Richardson) And Ms. Williamson, is that  
6 your deposition subpoena we're looking at?

7 A. I -- yes. This is what I received.

8 Q. Okay. Thank you so much. Only question for  
9 that.

10 And are you taking any medications that  
11 might affect your testimony today?

12 A. I am currently on Trigrisso, which is a  
13 chemotherapy drug; however, I don't believe that it  
14 impairs my thought processes. I go about my everyday life  
15 as usual. I have not so far had any issues with the  
16 medication.

17 Q. Okay. Thank you.

18 Ms. Williamson, what race or ethnicity do  
19 you identify as?

20 A. I identify as black, African-American.

21 Q. And how long have you lived in Galveston County?

22 A. I've been in Galveston County since 2018.

23 Q. Where have you lived in Galveston County?

24 A. In La Marque, Texas, and on the island proper,  
25 Galveston Island, the city.

1 Q. Before Galveston where did you live?

2 A. Atlanta, Georgia.

3 Q. And that's where you're from originally?

4 A. Originally born on Galveston Island but moved to  
5 Atlanta my junior year of high school.

6 Q. Okay. And where do you currently live?

7 A. La Marque, Texas, with my parents.

8 Q. And would you mind just stating your address for  
9 the record.

10 A. 716 Hackberry, H-a-c-k-b-e-r-r-y, Street,  
11 La Marque, Texas, 77568.

12 Q. Can you describe your family's history in  
13 Galveston County?

14 A. Yes. My mother has been a resident since the mid  
15 '90s off and on. Again, we were in Atlanta for a while;  
16 and then she moved back as I was matriculating, doing  
17 undergraduate studies at Savannah State.

18 Q. Do you have any other family in Galveston?

19 A. My grandparents lived there my whole life until  
20 they both passed.

21 Q. For how long was that that your grandparents  
22 lived there?

23 A. Whoo. Let's see. They moved there. My mother  
24 was 11, which would have been the early '60s; and so, they  
25 each passed respectively mid '80s and mid '90s.

1 Q. Beginning with around high school, can you  
2 describe your educational background for us?

3 A. Sure. Like I said before, my mother moved us to  
4 Atlanta my junior year of high school, which was 1986. I  
5 graduated 1987 from J.C. Murphy High School in Atlanta,  
6 Georgia; and I subsequently went on later that fall to  
7 Savannah State to matriculate. I graduated from Savannah  
8 State University in 1993 and just been living life ever  
9 since then.

10 Q. And what's your current occupation?

11 THE WITNESS: (Coughing.) Excuse me.

12 A. Currently I do -- I'm a writer, freelance writer.

13 Q. (By Ms. Richardson) How often do you freelance?

14 A. I currently contribute to the CULTURE CLASH

15 MAGAZINE in Galveston, Texas. I do that bimonthly.

16 Currently that's the only publication that I'm working  
17 with right now.

18 Q. How long have you been writing?

19 A. Since 1988.

20 Q. Have you held any other jobs?

21 A. Oh, I've done quite a bit. I've bartended. I  
22 was a stay-at-home mom for a long time; so, I did  
23 different part-time jobs during that time raising my  
24 daughter.

25 Q. Have you ever held any jobs -- other jobs in

1 Galveston?

2 A. I was at a hotel briefly hostessing, but that's  
3 about it in Galveston.

4 Q. What year was that if you remember?

5 A. That was 2018-2019.

6 Q. What do you write about?

7 A. Community events and community issues. It's  
8 always about community.

9 Q. Can you give us some examples?

10 A. I did a piece for the CULTURE CLASH MAGAZINE  
11 about if Galveston appreciates its African-American  
12 history as far as we have several monuments to Jack  
13 Johnson. We have different black history surrounding  
14 Juneteenth and those types of things. So, I wrote from a  
15 community standpoint about how we appreciate those things  
16 in the community.

17 Q. Have you been involved in any community  
18 organizations or associations in Galveston County?

19 A. I am a member of Alpha Kappa Alpha Sorority,  
20 Incorporated. I'm also a member of the Knights of Peter  
21 Clater -- Claver Ladies Auxiliary as well as I just help  
22 out with organizations like the Black Nurses of Galveston  
23 County. They feed the hungry every fifth Saturday of the  
24 month. My mother is a member; so, I help out kind of  
25 because she makes me. But --



1 Q. I understand.

2 A. -- it's what I do for the community. So...

3 Q. Are you involved in an organization called  
4 GIVERS?

5 A. I am. I am the founder of GIVERS. We  
6 concentrate -- well, the acronym stands for Galveston  
7 Island Voter Education Resource and Services; and my  
8 platform is to bring voter education to Galveston County.

9 Q. What's the organization's mission?

10 A. The mission is to preserve, expand and defend  
11 voting rights.

12 Q. When was GIVERS founded?

13 A. December, 2020.

14 Q. And why did you found GIVERS?

15 A. Well, upon doing some community work with my  
16 mother and some of her colleagues, I was charged by that  
17 group of women to try to bridge some of the educational  
18 gaps in the community when it comes to voting and voting  
19 rights. The community felt as if their voices weren't  
20 being clearly heard and partly because they don't feel the  
21 resources to educate the community about their rights to  
22 vote and how redistricting and those things affect their  
23 votes, that they were getting enough of that. So, I was  
24 charged with attempting to bridge that gap in the  
25 community.

1 Q. And can you describe what community you're  
2 referring to that GIVERS serves?

3 A. Primarily black, Hispanic and other marginalized  
4 communities that are not necessarily seen as the  
5 mainstream when it comes to voter access.

6 Q. Does GIVERS work with any other organizations in  
7 the county?

8 A. Well, we're attempting to build those bridges. I  
9 primarily work with the Texas Grassroots Alliance, which  
10 covers all of Texas as well as some other groups. We have  
11 an Indivisible group in Galveston called Krewe GAIA,  
12 Galveston Art in Action -- excuse me -- which they use  
13 arts as a way of facilitating voter education in those  
14 types of events.

15 Other than those folks, not really. It's  
16 just sort of me and a few of the other people, like I  
17 said, across the state trying to bridge that gap and bring  
18 those resources to Galveston County.

19 Q. Does GIVERS rely on volunteers?

20 A. Yes, which we have none right now. We're working  
21 on that.

22 Q. Have you ever worked for any political campaigns  
23 in Galveston?

24 A. Not directly, though I have helped the county  
25 Democrats electioneer and get out voter education

1 | information.

2 | Q. What kinds of activities did you do with the  
3 | county Democrats?

4 | A. Voter registration mainly.

5 | Q. All right. For which elections? Do you recall?

6 | A. Everything from 2020 until now, local, state,  
7 | national.

8 | Q. Have you volunteered in any elections in  
9 | Galveston County in any other way?

10 | A. No, other than electioneering, passing out  
11 | information. That's about it.

12 | Q. Have you ever served as a poll worker?

13 | A. Oh, I have. I'm sorry. I have. And I also work  
14 | with the early ballot -- Early Voting Ballot Board.

15 | Q. When did you work for the Early Voting Ballot  
16 | Board?

17 | A. I've done pretty much every election from 2020  
18 | until now.

19 | Q. And what -- what kind of volunteer work do you do  
20 | with the Early Voting Ballot Board?

21 | A. Well, that -- the ballot board isn't volunteer.  
22 | The County pays us, and I primarily work with the  
23 | signature verification team.

24 | Q. All right. And what do you? Do you help with  
25 | the signature matching process?

1 | A. We do.

2 | Q. Are there any other interactions with voters that  
3 | you have in that role?

4 | A. No. No, that's strictly behind closed doors. We  
5 | are recorded, and we are very -- it's very strict process  
6 | with handling the ballots.

7 | Q. Have you ever worked for the County in any other  
8 | capacity?

9 | A. I have not.

10 | Q. All right. What commissioners court precinct do  
11 | you live in?

12 | A. Currently, right now, it would have been  
13 | Commissioner Stephen Holmes' precinct, Precinct 2 or 3? I  
14 | don't remember right off. I want to say it's Precinct 2.

15 | Q. Are you saying --

16 | A. My parents' house.

17 | Q. -- under the current map it's --

18 | A. "Under the current map" confuses me. By the  
19 | original map it was current -- it was Commissioner Stephen  
20 | Holmes' precinct.

21 | Q. And by "original map" you mean the map that was  
22 | adopted before 2021 --

23 | A. Yes.

24 | Q. -- just for clarification?

25 | A. Yes.

1 Q. Okay.

2 Do you know who currently represents your  
3 district in the commissioners court?

4 A. I can't remember his name right now. I want to  
5 say it's Commissioner -- is it Giusti? I don't know. I  
6 may have my names mixed up. I don't remember right off  
7 the top.

8 Like I said, that current map confuses me.  
9 I'm not really sure who represents who.

10 Q. So, you see -- are you referring to Joe Giusti?  
11 His name confuses me, too.

12 A. I think. I can't speak. I can't confidently  
13 give his name right now, the current -- whoever the  
14 current -- current commissioner is.

15 Q. That's okay.

16 Did you take training to become a deputy  
17 voting registrar in Texas?

18 A. I did.

19 Q. How long have you been a voter registration  
20 registrar?

21 A. Since 2018.

22 Q. Okay. Have you ever worked with any groups to  
23 register voters in Galveston County?

24 THE WITNESS: (Coughing.) Excuse me.

25 A. Like I said, I've done several different voter

1 | registration events throughout the county with different  
2 | groups, primarily with the Galveston Island Democrats or  
3 | the county Democrats at large, but I have done some  
4 | registration at different events. We had a Juneteenth  
5 | event last summer, I think; and we had several booths up.  
6 | And I sort of -- I helped out where I was needed.

7 | Q. (By Ms. Richardson) When you register voters, do  
8 | you get a chance to speak with those voters?

9 | A. I do. I do, and that's what led to wanting to  
10 | bring a more nonpartisan, nonaffiliated platform to  
11 | educate voters because they have lots of questions, lots  
12 | of questions.

13 | Q. Did you get a chance to speak to any of the black  
14 | residents in Galveston County during those efforts?

15 | A. Actually I did. Primarily when I was a fellow  
16 | with the Southern Coalition for Social Justice, I held a  
17 | town hall; and I had several other opportunities to speak  
18 | directly with voters about their issues with the County,  
19 | especially with the maps.

20 | And like I said, we had several  
21 | opportunities where we had different events that were set  
22 | up to specifically allow citizens to come forth and speak  
23 | about how they felt the maps were being drawn, if they  
24 | felt that they had enough input or had enough opportunity  
25 | to have input. And we've done at least one at a church.

1 Like I said, we've -- you know, I had a town hall; and  
2 we've offered different Zoom opportunities for citizens to  
3 speak on those issues.

4 Q. During those efforts as both an SG -- SCSJ fellow  
5 as well as your voter registration efforts, did you get a  
6 chance to speak with Latino voters?

7 A. A few I did. And we had -- we didn't get a lot  
8 of input as I would have liked, but the few that I spoke  
9 to were very concerned about how the maps were being drawn  
10 and whether they would have enough opportunity to speak on  
11 their own behalf.

12 Q. In your efforts to register voters -- just  
13 speaking about voter registration -- have you been able to  
14 get a sense of voters' political preferences?

15 A. I try to stay as nonpartisan as possible.

16 Excuse me.

17 Some people would be upfront and forthright  
18 about which parties they par -- partic- -- they were  
19 siding with, but mostly people were more concerned about  
20 issues than they were about parties. And I think that was  
21 to me the highlight of my work. I really was able to hear  
22 more about their issues as opposed to how they felt about  
23 any particular party in the county.

24 Q. Do you regularly attend commissioners court  
25 meetings?

1 A. I do my best, yes, ma'am.

2 Q. Do you know how often those meetings occur?

3 A. Monthly I believe.

4 Q. How often do you get a chance to participate?

5 A. Recently not as much as possible, but typically  
6 every time I get an alert, I would Zoom in or be there in  
7 person.

8 Q. Okay. So, you just mentioned your -- just  
9 briefly your experience about speaking to voters about  
10 redistricting issues. Can you describe some more about  
11 your experience with redistricting issues in Galveston  
12 County?

13 A. Yes, ma'am. Well, when I was first brought into  
14 the -- I guess brought into the fold, that redistricting  
15 was happening in Galveston County. It's something that --  
16 like I said, I did a lot of work with my mother and her  
17 black nurses group; and that was a group that was very  
18 concerned because of the work that they do and because a  
19 lot of the people that were really showing great concern  
20 were the seniors in the precinct.

21 A lot of the resources, their backyard  
22 barbecue that Commissioner Holmes would have for them once  
23 a year in October just -- they were very concerned about  
24 if those resources that they were accustomed to getting in  
25 the precinct, would they change because of the maps; would



1 | any of that impair the activities that they were so  
2 | accustomed to having in the precincts and how would that  
3 | affect their polling places? That was a big concern as  
4 | well.

5 | Q. And this black nurses group, do the members  
6 | primarily reside in the former Precinct 3?

7 | A. Quite a bit of them do. Quite a bit of them do,  
8 | and they were very concerned with how the process would  
9 | affect just the different things that they're -- they were  
10 | accustomed to having. Like I said, their resources, would  
11 | that change; which community center they could use; would  
12 | that, you know, affect any of those kinds of things?

13 | Q. What sorts of resources were they concerned  
14 | about?

15 | A. Mainly -- I know for certain like my mother was  
16 | one of the ones that she uses the community center a lot,  
17 | from their bingo games to receiving groceries and that  
18 | kind of thing. So, they were, you know, concerned if they  
19 | would have to change community centers; or would they  
20 | still -- would the county still receive those resources  
21 | for them to get their groceries and, you know, their  
22 | rides. Like if they -- like my mother drives; but if she  
23 | were for whatever reason unable to drive to her community  
24 | center, they were offering bus services for them to get  
25 | there to take care of certain things.

1 | So, those, I guess, to other people wouldn't  
2 | seem so major; but to them those are major access points  
3 | for them to get whatever they needed from the County. And  
4 | Commissioner Holmes always made sure that they had these  
5 | things in place.

6 | Q. So, the black nurses group, they relied on  
7 | Stephen Holmes to provide those county resources?

8 | A. Well --

9 | MR. HOLT: Objection -- objection, form.

10 | Q. (By Ms. Richardson) You may answer.

11 | A. Okay. I would say not so much him providing the  
12 | resources but he was definitely a touchstone. Even  
13 | people -- a couple of people that I spoke to that didn't  
14 | necessarily live in his precinct were concerned about his  
15 | precinct because if they were not able to contact their  
16 | commissioner, Commissioner Holmes' office was open to  
17 | everyone in the county, not necessarily just his people in  
18 | his precinct.

19 | Q. Can you describe any organizations you were  
20 | associated with during the redistricting process in  
21 | Galveston County?

22 | A. The NAACP, League of Women Voters. Trying to  
23 | think who else. Those are the two I primarily worked in  
24 | conjunction with.

25 | Q. And you mentioned being a fellow for SCSJ. Did

1 | that also involve the redistricting process?

2 | A. It did. That was primarily what we did as  
3 | fellows.

4 | Q. Okay. Can you describe that fellowship?

5 | A. Very interesting. We were trained to use our  
6 | local resources to connect with the community in order  
7 | for -- to build maps that the community felt were fair and  
8 | equitable.

9 | Q. My -- am I right the name of the fellowship is  
10 | the CROWD fellowship?

11 | A. CROWD fellowship, yes.

12 | Q. Okay. And how long did you serve in that role?

13 | A. A year.

14 | Q. And what did you do as a CROWD fellow?

15 | A. As a CROWD fellow we were trained with the  
16 | Maptitude software as well as other free software like  
17 | Dave's Redistricting to learn the logistics and the actual  
18 | hands-on building of the maps with the -- with the  
19 | software.

20 | Q. And what were the goals of your fellowship?

21 | A. The goals were to do our best to work with the  
22 | community to build maps that the community felt were fair  
23 | and equitable. That was basically -- that was basically  
24 | the work.

25 | Q. How would you describe fair and equitable maps?

1 A. Well, being sure that if we had any  
2 majority/minority districts that those districts were  
3 preserved as best as possible; making sure that if the  
4 current maps were not considered equitable by the  
5 community that the community had a voice in building a map  
6 that they felt expressed their -- their voices, that they  
7 were able to elect the candidates that they chose and that  
8 they wanted elect in their areas.

9 And my work wasn't confined to Galveston  
10 County. We worked with NAACP units throughout the state.

11 Q. Was your work -- did your work involve advocacy  
12 regarding the commissioners court maps in 2021?

13 A. It did.

14 Q. Okay. Did you develop any community contacts in  
15 that role?

16 A. I did.

17 Q. How did you go about developing those contacts?

18 A. I was fortunate. Again, my mother and her  
19 colleagues are very -- were very much about advo- --  
20 advocacy and made sure that they put me in touch with  
21 people like Miss Lucille McGaskey that were -- that are  
22 just like the stalwarts of the community that have  
23 actually been in the community for decades and decades and  
24 had all of the first-hand knowledge that I personally  
25 didn't have to contribute to the process of building the

1 maps and just making sure that their voices were heard in  
2 the process.

3 Q. And just really quickly: It's been about a half  
4 an hour. Are you okay for now? Are you -- are you okay  
5 to go?

6 A. Okay. We can keep going.

7 Q. Okay.

8 What organizations did you come into contact  
9 with when you were advocating for redistricting issues?

10 A. Mainly the NAACP and the League of Women Voters.

11 Q. Did those contacts work as a coalition?

12 A. We did.

13 Q. Did those contacts include black residents of  
14 Galveston County?

15 A. Yes.

16 Q. Did those contacts also include Latino residents  
17 of Galveston County?

18 A. Not as much as I would have liked; but the  
19 invitation was open to them, yes.

20 Q. Did those residents work as a coalition?

21 A. They worked well together.

22 Q. Did your role include educating voters?

23 A. It did.

24 Q. How did you go about educating re-voters [Sic]  
25 about the 2021 redistricting process?

1 | A. And that's where the town hall came in, different  
2 | Zoom conferences that we had with community members. And  
3 | those were really my only two especially because of COVID.  
4 | We were pretty much confine- -- confined to Zoom meetings  
5 | to get that information out about the redistricting that  
6 | was happening.

7 | Any questions that the community had, I was  
8 | open and available pretty much all the time, any time, for  
9 | them to contact me and get the basic information they  
10 | needed to attend city council meetings and the county  
11 | commissioner meetings to just give them sort of a -- what  
12 | am I -- the word I'm looking for -- not a playbook but  
13 | definitely just some basics to answer basic questions for  
14 | them if they were confused about the process or -- excuse  
15 | me -- how to go about making their input possible, whether  
16 | it was sending in written testimony to the commissioners  
17 | court or showing up on Zoom or in person to give whatever  
18 | information that they wanted to give or speak however they  
19 | want to speak concerning the maps.

20 | Q. And you hosted those town halls about  
21 | redistricting?

22 | A. Some of them I didn't. Some of them Stephanie  
23 | Swanson with League of Women Voters assisted with as well.

24 | Q. The County did not hold those meetings?

25 | A. The County did not hold a lot of -- I want to say

1 | we had the one big meeting, public hearing in the annex  
2 | here in League City, and it was overflowing with people  
3 | because it was like the one and only time that they could  
4 | get in in person to speak about the maps that were being  
5 | created.

6 | Q. Were the town home [sic] meetings that you hosted  
7 | well attended?

8 | A. They were. I only had one, but it was very well  
9 | attended.

10 | Q. Who attended that meeting?

11 | A. Mainly just community members.

12 | Q. Did black residents attend those meetings?

13 | A. Yes.

14 | Q. Did Latino residents attend those meetings?

15 | A. A few, yes.

16 | Q. Okay. Did any organi- -- organizational  
17 | representatives attend those meetings?

18 | A. Like I said, NAACP, League of Women Voters and me  
19 | representing SCSJ; but other than us, no. It was just  
20 | us -- me, Miss Lucille McGaskey and a couple of other  
21 | community members that really did a hustle with pulling  
22 | out and binding it together and getting them as much  
23 | information as they needed for the process.

24 | Q. During that town hall that you held, did any  
25 | residents express concerns about the commissioners court

1 | maps?

2 | MR. HOLT: Objection to the -- to form.

3 | Q. (By Ms. Richardson) And you may answer it.

4 | A. Yes.

5 | Q. Can you describe some of those concerns?

6 | A. Well, they were concerned with, first of all, how  
7 | the county would bring -- would combine the coastal region  
8 | and then take away the district that they -- the precinct  
9 | that they -- that was already well formed. And with  
10 | combining the coastal region and sort of chopping up that  
11 | other precinct, that meant that they no longer had a  
12 | majority/minority district at all in the area to represent  
13 | the black and Latino residents that really worked really  
14 | hard to have their voices heard and to maintain that  
15 | precinct.

16 | Q. Can you describe the -- your understanding of  
17 | what the coastal precinct looks like?

18 | A. Basically they took all of -- what is that --  
19 | Bolivar Peninsula and combined it with the Galveston beach  
20 | area to make one big -- to unify that area, which is  
21 | primarily -- from what I understand -- is mainly a white  
22 | population. And the precinct that Commissioner Holmes had  
23 | was really the only slice of the county that was  
24 | majority/minority. So, the other -- combining that  
25 | coastal region washed out their votes basically.



1 Q. Washed out whose votes, just to clarify.

2 A. The minority vote.

3 Q. When did you learn of the plan to create this  
4 coastal precinct?

5 A. I started the fellowship in June of '21, June  
6 of -- so, I want to say I heard about the map maybe  
7 July/August of that year.

8 Q. How did you hear about the plans to create a new  
9 coastal precinct?

10 A. Commissioners court.

11 Q. All right. Commissioners court meetings?

12 A. Uh-huh. Yes.

13 Q. During your outreach efforts with voters, do you  
14 recall any discussions about the need for a coastal  
15 precinct?

16 A. No.

17 Q. Are you aware of any communications regarding the  
18 creation of a coastal precinct?

19 A. Well, what -- how I really found out about the  
20 maps that were going to be used was -- it was brought to  
21 my attention by a community member that county  
22 commissioners had posted the two maps that they wanted on  
23 a Facebook page that read "Keep the county red," and they  
24 had the two -- their two maps that they were proposing on  
25 the -- on the Facebook page.

1 Q. Do you remember which Facebook page that was?

2 A. It was the county commissioners Facebook page;  
3 and if not the general page, it was Mark Henry's page.

4 Q. Can you describe sort of the types of industries  
5 and businesses, your understanding of those industries and  
6 businesses in Gal- -- on Galveston Island?

7 A. A lot of development happening there, primarily  
8 hotels, hospitality, restaurants. I'm sure coming through  
9 the ports -- I can't say for sure, but I'm -- I'm pretty  
10 sure there is lots of oil and gas. Not really sure what's  
11 all in those tankers, but it's quite a bit of business  
12 happening in Galveston.

13 Q. Can you describe -- the same that's -- your  
14 understanding of the types of businesses and industries  
15 that operate on Bolivar?

16 A. I'm not really sure about Bolivar and how the  
17 industry plays a role in that. I couldn't answer that for  
18 you concretely.

19 Q. That's okay.

20 Based on your knowledge and experience of  
21 the area, do you believe that Galveston Island residents  
22 and Bolivar residents share common interests?

23 MR. HOLT: Objection, form.

24 Q. (By Ms. Richardson) You may answer.

25 A. I don't. I don't. They are two different worlds

1 from what I understand.

2 Q. Can you explain what you mean by that?

3 A. As far as the Bolivar Peninsula, other than they  
4 have a couple of schools there that are part of the GISD  
5 makeup, I don't really know of how the peninsula really  
6 connects to Galveston Island at large other than they have  
7 beaches like we have beaches.

8 Q. And going back to your CROWD fellowship, did --  
9 you said that your role was not exclusive to Galveston  
10 County; is that correct?

11 A. Not exclusively Galveston County.

12 Q. Did your role extend to all redistricting in  
13 Galveston County?

14 A. Yes.

15 Q. So, that includes the school board, the city  
16 council, the --

17 A. Yes.

18 Q. -- the commissioners court?

19 A. Yes.

20 Q. Okay. Did you propose a map for the  
21 commissioners court?

22 A. I did not. However, I understand that  
23 Commissioner Holmes had a map that he proposed that fell  
24 into the realm of what we thought was a good map.

25 Q. Did you see that map?

1 A. I saw it when he proposed it at the meeting.

2 Q. Did you make any attempts to ascertain just any  
3 redistricting criteria used by the county to draw the  
4 commissioners court maps?

5 MR. HOLT: Objection, form.

6 A. We did. We contacted the county attorney? Yes.  
7 We contacted the county attorney I believe. And I don't  
8 remember what the feedback was, but we didn't get a lot of  
9 feedback from those initial contacts to get more  
10 information about the actual drawing of the maps.

11 Q. (By Ms. Richardson) Did you reach out to any  
12 other county officials about the map-making process?

13 A. Other than Commissioner Holmes, no, I didn't  
14 personally.

15 MS. RICHARDSON: I think now is a good time  
16 to take a five-minute break if you don't mind.

17 Can we go off the record?

18 THE VIDEOGRAPHER: Off the record at 10:46.

19 (Recess taken)

20 THE VIDEOGRAPHER: We're back on the record  
21 at 11:09.

22 Q. (By Ms. Richardson) Okay, Ms. Williamson. I have  
23 a couple questions I should have asked you earlier.

24 Did you do anything to prepare for your  
25 testimony today?

1 A. I did not.

2 Q. Did you speak to anyone about your testimony?

3 A. No.

4 Q. I should say did you speak -- you spoke to your  
5 lawyer -- your counsel --

6 A. Other than her --

7 Q. -- Ms. Prather, correct?

8 A. Other than Ms. Prather, no.

9 Q. Okay. Let's see.

10 I wanted to go back to your work with  
11 GIVERS. Did you do voter registration work -- do you do  
12 voter registration work, I should say, with GIVERS?

13 A. I do.

14 Q. Can you describe some of those voter registration  
15 efforts?

16 A. The last one I did was at Wright Cuney Recreation  
17 Center, which is in what we consider a vulnerable  
18 neighborhood. And basically I had some literature for  
19 college students that wanted to vote; and I also gave out  
20 information to just the regular residents in the area,  
21 especially the elderly who were depending on mail-in  
22 voting.

23 Q. Did you do that for the most recent election?

24 A. I did.

25 Q. And did you do this for prior elections, that

1 work?

2 A. I have been involved in other voter registration  
3 events, but I did not do them personally myself like I did  
4 this last one with GIVERS.

5 Q. Can you describe the other voter registration  
6 work you were involved in?

7 A. We -- I would show up and help out with whoever  
8 had a booth and help them register voters.

9 Q. So, you would personally volunteer?

10 A. Uh-huh. Or I would provide the voter  
11 registration applications for them.

12 Q. Are you a member of the Galveston chapter of the  
13 NAACP?

14 A. I am.

15 Q. Did you do voter registration work with the  
16 Galveston chapter of the NAACP?

17 A. Actually I missed their voter registration drive;  
18 but I would typically help out, yes.

19 Q. What kind of activities would do with the  
20 Galveston NAACP?

21 A. Just help whoever was interested complete their  
22 forms and turn them in to the county registrar.

23 Q. When would you do those activities?

24 A. Trying to think. When was the last one they did?  
25 It wasn't on a regular basis, just, I guess, whenever. I

1 want to say the last one I did was -- it was a community  
2 event, an Umoja Festival -- Umoja Festival given by  
3 Ms. Lawanda Ward; and they had opportunities for folks to  
4 register to vote at that event. It was a summer thing,  
5 Juneteenth-ish time.

6 Q. Do you recall working with other organizations  
7 that serve minority communities in those activities?

8 A. Other than, like I said, NAACP and the League of  
9 Women Voters, no. Gulf Coast Black Nurses, the  
10 sororities/fraternity events, that's about it.

11 Q. Sororities and fraternities. Do you do work with  
12 AKA?

13 A. I did.

14 Q. Okay. Do you do voter registration work with  
15 AKA?

16 A. Yes.

17 Q. Can you describe some of those activities?

18 A. Again, just showing up wherever they had their  
19 booth set up to help out with getting folks to come and  
20 register and giving them information about registration  
21 and SB 1, the Texas laws concerning voting.

22 Q. Have you ever done work with the Galveston  
23 chapter of Lulac?

24 A. Not directly, not me directly.

25 Q. What kinds of contacts do you have with Lulac?

1 A. I know Mr. Robert Quintero, Miss Lillie Aleman.

2 I know those two contacts. That's about it, though.

3 Q. I'd like to also go back to the proposed maps for  
4 commissioners court. When did you first see the proposed  
5 maps for the commissioners court proposed by the County?

6 A. I want to say it was around August, around August  
7 maybe, August/September because we didn't have a lot of  
8 time to -- we didn't have a lot of time to really deal  
9 with those maps, but I want to say it was around  
10 August/September-ish that I -- either I saw the Facebook  
11 post -- I know I definitely saw the article in the  
12 newspaper, the DAILY NEWS. I want to say that was around  
13 September maybe. I would have to look at my phone to tell  
14 you because I actually took a picture of the news article.

15 But I didn't have any direct -- I didn't  
16 directly get the maps myself. It came from third-party  
17 sources.

18 Q. How did you first see the maps?

19 A. Like I said, either I saw the first ones on that  
20 Facebook post and/or the news article. It all ran about  
21 the same time.

22 Q. Okay.

23 A. It wasn't too far, you know, like on the dates;  
24 but it was August/September-ish that I started getting  
25 wind of the proposed maps.



1 Q. But you did see them for the first time either on  
2 the news article or the Facebook page?

3 A. Yes. Yes. And I want to say it was the Facebook  
4 post before the article came out. I don't -- I can't  
5 remember the exact dates right off the top my head right  
6 now. I would have to look in my notes.

7 Q. Do you recall the November, 2021, meeting for the  
8 commissioners court maps?

9 A. I do, in the League City annex, yes.

10 Q. Are you aware of whether the commissioners court  
11 invited members of the public to participate in the  
12 redistricting process?

13 MR. HOLT: Objection, form.

14 Q. (By Ms. Richardson) You may answer.

15 A. We got the notice very 11th hour, which required  
16 some hustling for some of the elderly that wanted to make  
17 the meeting as far as making sure they had rides and were  
18 able to access the meeting.

19 Q. Can you describe what you mean by the "11th  
20 hour"?

21 A. We were watching for the post. I believe they're  
22 supposed to be posted 72 hours before, and it was maybe  
23 that Monday? I think I got the notice late that  
24 Sunday-ish, something like that. It wasn't a full  
25 24 hours before the meeting was actually held that I

1 received official notice that the meeting was happening.

2 Q. How did you receive the notice?

3 A. Actually Miss Lucille McGaskey called me to make  
4 sure that I saw that the meeting was happening.

5 Q. Were you keeping track of a potential meeting  
6 beforehand?

7 A. We were. Well, I was because I knew that -- that  
8 it needed to be posted on the county Web site; and I had  
9 been monitoring the Web site to get the notice.

10 Q. For how long had you been monitoring the Web  
11 site?

12 A. For at least two days.

13 Q. Are you aware of whether the commissioners court  
14 published any criteria for how the commissioners court  
15 would draw the -- the proposed maps?

16 MR. HOLT: Objection, form.

17 A. I don't believe I received a criteria for the  
18 maps. Give me a moment. I'm trying to go through my  
19 Rolodex because the meeting was announced at the last  
20 possible moment.

21 I don't remember when the criteria was  
22 posted. I think it was eventually, but I don't remember  
23 when.

24 Q. (By Ms. Richardson) Did you take any other steps  
25 to determine the timelines for the commissioner court

1 | redistricting process?

2 | A. I mainly did as much as I could to monitor the  
3 | Web site for their postings, and that was about it on my  
4 | part as far as keeping up with when the meetings would be  
5 | held or when there would be some public -- or when the  
6 | opportunity for the public input would happen.

7 | Q. Did you speak with any county officials about the  
8 | redistricting timeline?

9 | A. I did not.

10 | Q. Did you speak with other Galveston residents  
11 | about the redistricting timeline?

12 | A. I did.

13 | Q. What did you -- who did you speak to?

14 | A. Again, it was conversing with Lucille McGaskey;  
15 | and between the two of us, we tried to keep the lines of  
16 | communication open and be sure that we were both getting  
17 | information as we needed it.

18 | Q. During that period were you attempting to educate  
19 | voters about the redistricting process?

20 | A. Yes.

21 | Q. What attempts did you make to educate voters  
22 | about the redistricting process?

23 | A. Well, we had at least one meeting that we had in  
24 | Pastor King's church where we had some representation from  
25 | the Texas Civil Rights Project come and talk to us about

1 what was happening.

2 Q. Did res- -- other res- -- how many residents  
3 attended about?

4 A. We had about maybe 30, 40 residents.

5 Q. They express any concerns about the redistricting  
6 process?

7 A. They did.

8 Q. Can you describe those concerns?

9 A. Again, they were just really concerned mainly  
10 about the polling, how that would affect their polling  
11 places, how that would affect the community centers, how  
12 that would affect just what they would do on a daily basis  
13 when it comes to having access to the community center,  
14 access to their polling places, would they stay the same,  
15 would they change, which there was an issue about the  
16 polling places at one point.

17 Q. Did any county officials attend that meeting?

18 A. No.

19 Q. Did your attempts include notifying residents  
20 about the redistricting meeting?

21 A. Yes.

22 Q. Can you describe the attempts you made to notify  
23 voters about the redistricting meeting?

24 A. We made flyers. We made -- well, mainly --  
25 again, because we were mainly meeting per Zoom, we made

1 | the Canva notices to send out via e-mail and -- primarily  
2 | via e-mail in our e-mail chains and circles to make sure  
3 | that everyone -- or in text message -- to make sure that  
4 | everyone that was in- -- interested in being involved had  
5 | the opportunity to make it to the event.

6 | Q. And just for the record can you describe what a  
7 | Canva notice is?

8 | A. Oh, I'm sorry. It's like digital flyers.  
9 | Digital flyers.

10 | Q. All right. And you created those digital flyers?

11 | A. I did.

12 | Q. And you sent those digital flyers about the  
13 | redistricting meeting to residents?

14 | A. The NAACP chapter, our residents. Again,  
15 | everyone that was on my list that wanted to participate  
16 | and I had e-mail addresses for and/or phone numbers for, I  
17 | reached out to them to let them know what was going on.

18 | Q. Based on your attempts to educate voters about  
19 | the redistricting process, what effect, if any, did -- for  
20 | the lack of redistricting criteria have on your ability to  
21 | educate voters?

22 | MR. HOLT: Objection, form.

23 | A. It was difficult to give accurate information,  
24 | but I did the best I could with what was available to us  
25 | on the Web site. I took most everything I needed to have

1 from the Web site from what was posted for the general  
2 public; and I would use my platform to guide them to the  
3 Web site, to encourage them to sort of do their own  
4 research and do their -- you know, participate. I wasn't  
5 just giving the answers to the test. I would just guide  
6 them to where the information would come from and how to  
7 best use it to form their own -- if they had anything they  
8 wanted to say, I would help out with -- with them  
9 writing -- well, not writing it but guide them on the  
10 information I was using to help them with their talking  
11 points when they were ready to participate or have  
12 something to say about what was going on with the maps.

13 Q. (By Ms. Richardson) And given the time frame you  
14 described about the notification of the November, 2021,  
15 meeting, did that time frame have any effect on your  
16 ability to notify voters about that meeting?

17 A. It did.

18 MR. HOLT: Objection, form.

19 A. It made it really hard -- sorry.

20 It made it --

21 Q. (By Ms. Richardson) Go ahead.

22 A. -- really hard --

23 Q. That's okay.

24 A. It made it really difficult to give timely  
25 information that was -- that they would be able to access

1 | in time to get to the meeting, which I pulled it off; but  
2 | it was very hard because it just wasn't enough time to  
3 | really galvanize and mobilize the community the way they  
4 | were expecting to have that information relayed to them.

5 | Q. And then just before I ask my next question: So,  
6 | he'll -- I'll ask a question, and maybe Mr. Holt will  
7 | object. And so, just before I -- you answer, just give  
8 | a -- one second to give him a chance to object; and then  
9 | you can answer.

10 | A. I'm sorry.

11 | Q. Oh, no, no. No worry. No --

12 | MR. HOLT: You're just fine.

13 | Q. (By Ms. Richardson) You're just fine, yeah.

14 | MR. HOLT: Thank you.

15 | Q. (By Ms. Richardson) That's all.

16 | MR. HOLT: Try to do it as fast as I can,  
17 | but you're pretty quick at answering the questions --

18 | MS. RICHARDSON: Yeah.

19 | MR. HOLT: -- so, good job.

20 | Q. (By Ms. Richardson) Yeah. If you just pause for  
21 | one second, see if he wants to object; and then you can  
22 | answer.

23 | A. Yes, ma'am. Will do.

24 | Q. Absolutely. Thank you so much.

25 | But to follow up on that, how did you notify

1 voters within that time frame of the November, 2021,  
2 special session?

3 A. That was, again, Lucille McGaskey is -- was my  
4 touchstone for everything. She knows everybody. And we  
5 had a really -- we were very -- we coordinated very well  
6 as far the text messages and the e-mails went out. Like I  
7 would it get out as fast as I could. She would make sure  
8 that especially our elderly that weren't -- that did not  
9 have e-mail capabilities would get the -- get the phone  
10 calls and the text messages to let them know what was  
11 going on, what time it was going on and get everybody to  
12 the annex as fast as possible.

13 Q. Can you describe the issues concerning the  
14 elderly attending the meeting?

15 A. We had one gentleman who -- he need -- he had a  
16 walker and needed the extra time and the extra help  
17 getting to the facility. And for a lot of our elderly, it  
18 was just about making sure they had transportation and/or  
19 whatever they needed to get their -- their walkers, their  
20 wheelchairs, that type of thing.

21 Q. How did you ensure the elderly residents were  
22 able to attend the meeting?

23 A. Again, making sure they had been noted -- the  
24 information, the time and the place so they could work out  
25 with their helpers or their caretakers to get there.



1 Q. Did you take any other steps to ensure that  
2 residents were able to attend the meeting?

3 MR. HOLT: Objection, form.

4 A. Other than getting them the information, I didn't  
5 personally drive anyone to the meeting. So, just making  
6 sure -- again, like my counterpart, Miss Lucille McGaskey,  
7 just made sure that everyone had the information; and if  
8 there were any issues with transportation, the community  
9 took care of it themselves.

10 Q. (By Ms. Richardson) The community members you  
11 reached out to, did they receive any other notice from the  
12 county about the meeting?

13 A. No, not that I know of. No.

14 Q. Before the November meeting did you speak to  
15 Commissioner Holmes about the redistricting process?

16 A. Briefly I did, and it seemed that he was getting  
17 information basically as we were getting information. He  
18 didn't seem to have any advance notice of anything that we  
19 didn't know.

20 Q. What do you recall Commissioner Holmes saying  
21 about the redistricting process?

22 MR. HOLT: Objection here -- objection to  
23 the form of the question.

24 A. He didn't really say a lot. Again, it was  
25 basically information that -- as he got the information,

1 | we were to -- really getting the information at the same  
2 | time. So, he wasn't really giving us anything extra. He  
3 | wasn't -- he didn't seem to know anything, again, in  
4 | advance of anything that we knew at the same time.  
5 | Assumed that we were getting all the same information the  
6 | same time in realtime.

7 | Q. (By Ms. Richardson) Did you attend any events  
8 | with Commissioner Holmes regarding the redistricting  
9 | process?

10 | A. Not with him per se, no. Most of the events that  
11 | I attended were just very community heavy and were really  
12 | handled within the community itself. We didn't really  
13 | have any of the other commissioners or Commissioner Holmes  
14 | doing anything special about the redistricting or meeting  
15 | with us about the redistricting.

16 | Q. When were you able to speak with Commissioner  
17 | Holmes about the redistricting process?

18 | A. I spoke with him maybe the week before the  
19 | November meeting and basically just asking the basic  
20 | questions: What he knew, if there was anything that he  
21 | knew that would be helpful to us to give to the community;  
22 | and he didn't have any prior knowledge to anything that  
23 | was going on.

24 | Q. At any point in the redistribution process, did  
25 | you become aware that the proposed maps were posted on the

1 | commissioners court Web site?

2 | A. I did. I don't remember who told me that they  
3 | were there. I want to say it was Miss Lucille, but I saw  
4 | them for myself. I looked it up when I received the text  
5 | message that there was something floating around on  
6 | Facebook.

7 | Q. So, when you saw the Facebook message, you went  
8 | to the commissioners court Web site?

9 | A. I did. Yes, I did.

10 | Q. Did you review the proposed maps that were posted  
11 | on the Web site?

12 | A. I did.

13 | Q. Okay. How were the maps presented on the Web  
14 | site?

15 | A. It was the two that were proposed and the  
16 | side-by-side on the map -- I mean on the Web site. And it  
17 | had a -- like I said, it had the disclaimer, "keep  
18 | Galveston County red"; and it had those two maps.

19 | Q. Were the maps interactive?

20 | A. No.

21 | Q. Were they static images on the Web site?

22 | A. They were.

23 | MR. HOLT: I'm going to object to the form.

24 | MS. RICHARDSON: You object to the previous

25 | que- -- this --

1 MR. HOLT: Yeah, the one she just answered

2 in --

3 MS. RICHARDSON: Yeah.

4 MR. HOLT: Thanks.

5 Q. (By Ms. Richardson) Okay. Did the maps include

6 any demographic data for the commissioners court

7 precincts?

8 A. Not that I remember.

9 Q. Did you get a chance to review proposed maps

10 before they were posted on the Web site?

11 A. No.

12 Q. Did you take any steps to educate Galveston

13 residents about the maps after they were posted on the Web

14 site?

15 A. We had a brief -- I had a brief meeting with

16 Miss Lucille McGaskey and a couple of other community

17 members that we talked amongst ourselves about how the

18 maps looked, what they -- what they thought it would do to

19 their current precinct and their opinions about how that

20 would affect their polling places moving forward.

21 Q. Did any of those members of the community express

22 concerns about the proposed maps?

23 A. They did.

24 MR. HOLT: Objection, form.

25 A. They did. They did.

1 Q. (By Ms. Richardson) Can you describe some of the  
2 concerns you recall?

3 MR. HOLT: Objection, form.

4 A. Again, it was mainly -- their main concern was  
5 their polling places and how that would affect where they  
6 could vote and how they could vote.

7 Q. (By Ms. Richardson) Can you describe what you  
8 mean, "where they could vote and how they could vote"?

9 MR. HOLT: Objection, form.

10 A. Well, there were polling places that were in  
11 question that at one point the county commissioners were  
12 eliminating some and adding some. And I believe that  
13 directly came from how the proposed maps would sort of  
14 gerrymander and move some of those polling places.

15 And that particular meeting, it was myself.  
16 It was Tierr'ishia Gibson, the county chair, the  
17 Democratic county chair, and Miss Loretta Davis. We  
18 happened to go to that county commissioner meeting where  
19 they were trying to remove some of the Democratic-leaning  
20 polling places and add more redder-leaning polling places.

21 And that ended up -- they didn't remove the  
22 ones that they were trying to remove; but the ones that  
23 they were trying to remove were some of the main concerns  
24 of the constituents earlier before those maps were voted  
25 on, which one of the places, if I remember correctly, was

1 one of the community centers in Dickinson which had been a  
2 longtime polling place that they were trying to remove.  
3 And I don't believe they re- -- in the -- at the end of  
4 the day, I don't believe it was removed; but it was  
5 definitely one of the ones that were -- the county  
6 commissioners were contemplating removing.

7 Q. (By Ms. Richardson) Do you recall when those  
8 decisions were made?

9 A. That meeting was in November. So, this meeting I  
10 want to say was before the primary. So, I want to say it  
11 was maybe February, 2022? It was before the March  
12 primaries.

13 Q. And do you recall whether the county notified  
14 voters about the decision to change polling places?

15 MR. HOLT: Objection, form.

16 A. No notice that I know of.

17 Q. (By Ms. Richardson) Let's go back to the November  
18 meeting. Did you attend the November, 2021, special  
19 session?

20 A. I did.

21 Q. What was that meeting about?

22 A. It was the one opportunity the community had to  
23 give their input about the proposed maps.

24 Q. What did you witness at the meeting?

25 A. I witnessed quite a few upset citizens that felt

1 | that they didn't have enough time and enough information  
2 | before those maps were voted on, and they were voted on at  
3 | the end of that meeting.

4 | Q. Who was in attendance at the special session?

5 | A. Could you be more specific?

6 | Q. Who was in attendance in the crowd for the  
7 | special session?

8 | A. Mainly -- mostly the black residents of  
9 | Precinct 3.

10 | Q. Do you recall if any of the residents spoke at  
11 | the meeting?

12 | A. Quite a few of them did, yes.

13 | Q. Can you describe some of the concerns that were  
14 | expressed at the special session meeting?

15 | MR. HOLT: Objection, form.

16 | A. They were very concerned about their votes being  
17 | diluted.

18 | Q. (By Ms. Richardson) Can you describe specifically  
19 | what you mean by "their votes being diluted"?

20 | A. With the proposed maps, there was no longer a  
21 | majority/minority district. So, they felt that's the way  
22 | the population was accounted for in Galveston County, that  
23 | their votes just would -- they wouldn't have the same  
24 | leverage that they had before to elect someone that they  
25 | wanted to elect for that commissioner's seat.

1 Q. Who did they want to elect for that  
2 commissioner's seat?

3 A. Well, currently Stephen Holmes is the favorite  
4 guy; or at least they have that avenue. If it were not  
5 him, another person of color or person of their choice.

6 Q. Was the crowd at the special session comprised of  
7 minority residents in Galveston County?

8 A. Yes.

9 MR. HOLT: Objection, form.

10 A. Mainly, yes.

11 Q. (By Ms. Richardson) Okay. What did the meeting  
12 room space look like?

13 A. The annex is tiny. It was -- it was overflowing.  
14 There were people in hallways. There were people sitting  
15 on the floor. I was one of the folks that was sitting on  
16 the floor. It was full, and the space is not very big.

17 Q. Can you approximate about how many residents you  
18 recall seeing at the meeting?

19 A. Wow. If I had to round it out, there had to  
20 be -- there was more than 50, 60 people in that space,  
21 maybe 50 plus, 60 plus. There were a lot of people. They  
22 were in the parking lot. They were in the hallways. They  
23 were all over the annex, which the annex was a concern  
24 because of where it's located. A lot of people felt that  
25 was suspicious; that it was held there instead of the



1 | normal space on the island, in Galveston, where that  
2 | facility is a little larger and had a little more space  
3 | for people to -- to attend.

4 | Q. Can you describe more why you -- what you mean by  
5 | residents thought the location was suspicious?

6 | MR. HOLT: Objection, form.

7 | THE WITNESS: (Coughing.) Excuse me.

8 | A. Typically when things are held in the annex, it's  
9 | not because they want the residents to show up and  
10 | participate. That's just typically where things are held  
11 | when it's not being encouraged for a lot of people to show  
12 | up and attend.

13 | Q. (By Ms. Richardson) Do you have any examples of  
14 | that in other meetings?

15 | MR. HOLT: Objection, form.

16 | A. I wish I'd have brought my notes because I have  
17 | all this in my other notes. I can't think of the other  
18 | meeting right here, but it was something similar: The  
19 | notice wasn't given in a timely fashion. It was held in  
20 | the -- it was originally supposed to be held in Galveston,  
21 | but then it was pushed to the annex at the last minute.  
22 | And according to the residents, this typically happens  
23 | when they feel the county commissioners are not being  
24 | transparent in what they're doing regardless of what it  
25 | is.

1 Q. (By Ms. Richardson) Can you describe the  
2 Galveston Island space you're referring to?

3 A. It is in the courthouse in the county seats; and  
4 again, it's just more of an auditorium type room as  
5 opposed to the little, small space that's offered at the  
6 League City annex.

7 Q. Are -- in your experience are residents more  
8 familiar with the Galveston Island location?

9 MR. HOLT: Objection, form.

10 A. I wouldn't say "more familiar" because they're  
11 familiar with both; however, they feel that things are  
12 more on the up-and-up when things are being held in the  
13 Galveston County lo- -- in the Galveston Island location  
14 as opposed to the League City annex location.

15 Q. (By Ms. Richardson) Do you recall people at the  
16 November meeting opposed or supported the plan for the  
17 commissioners court map?

18 MR. HOLT: Objection, form.

19 A. The majority of the residents were opposed to the  
20 proposed maps.

21 Q. (By Ms. Richardson) Did the commissioners respond  
22 to the concerns expressed at the November special session?

23 MR. HOLT: Objection, form.

24 A. Not particularly. They listened, and they voted.

25 Q. (By Ms. Richardson) Did any of the commissioners

1 | speak at the November special session?

2 | A. Yes, Commissioner Holmes did. He was the only  
3 | objection.

4 | Q. Can you describe what Commissioner Holmes  
5 | discussed at the special session?

6 | MR. HOLT: Objection, form.

7 | A. Basically just how the proposed maps removed his  
8 | precinct. It just basically gutted out his precinct.

9 | Q. (By Ms. Richardson) You said earlier that you  
10 | regularly attend commissioners court meetings; is that  
11 | correct?

12 | A. Yes.

13 | Q. Was this any different from other meetings you  
14 | attended in the past?

15 | MR. HOLT: Objection, form.

16 | A. Yes.

17 | Q. (By Ms. Richardson) Can you describe the  
18 | differences between the special session and the other  
19 | meetings you've attended in the past?

20 | A. The community participation. Like it was triple  
21 | what it normally would have been.

22 | Q. Were there any differences in the notice given  
23 | for the special session as compared to other meetings in  
24 | the past?

25 | MR. HOLT: Objection, form.

1 A. Yes. The past meetings, we seemed to have -- we  
2 would have the 72-hour notice posted on the Web site; and  
3 this particular meeting we did not have that same time  
4 frame. Like I said, I didn't receive the -- I didn't see  
5 the notice until it was less than 24 hours before the  
6 meeting.

7 Q. (By Ms. Richardson) Where have past commissioners  
8 court meetings been located compared to the November  
9 special session?

10 A. The Galveston Island location at the courthouse.

11 Q. Based on your experience, is the League City  
12 location easy to access if you are a member of Precinct 3?

13 MR. HOLT: Objection, form.

14 A. No.

15 Q. (By Ms. Richardson) Can you describe why it --

16 A. Lots of construction. It's been going on in that  
17 area for a little while. It's kind of tucked away kind  
18 of.

19 Q. Do Precinct 3 residents have better access to the  
20 Galveston Island location?

21 MR. HOLT: Objection, form.

22 A. I believe so.

23 Q. (By Ms. Richardson) Can you describe why?

24 A. It's just easier. There's plenty of parking.  
25 There's no real crazy construction going on around the

1 courthouse.

2 Q. You mentioned earlier the decision to -- the  
3 decision to relocate polling places that occurred earlier  
4 this year; is that correct?

5 A. Yes.

6 Q. Was there a meeting about that decision?

7 A. Not that I know of because I actually made it to  
8 the commissioners court meeting about it. Like I got the  
9 last-minute notice, and I want to say Tierr'ishia Gibson  
10 and Miss Loretta Davis contacted me to let me know that  
11 they were on their way. They didn't realize it was  
12 happening, how it was happening and could I meet them  
13 there so I could observe what was happening; and I did.

14 Q. How much time before that polling place meeting  
15 did you have before attending it?

16 A. The evening before it happened. Again, less than  
17 24 hours.

18 Q. Where was that meeting held?

19 A. The annex, League City annex.

20 Q. Can you describe more about the -- what the --  
21 what decision was being made about the polling locations?

22 A. Some were being removed; some were being added.  
23 I believe at the end of that session, though, the ones  
24 that they had planned to remove were no longer removed.  
25 Or maybe one was still removed, but primarily it was about

1 removing some and adding some.

2 Q. Did you speak with Commissioner Holmes about the  
3 polling location --

4 A. I did not --

5 Q. -- decision?

6 A. -- personally, no. I was there as an observer.

7 Q. Did you speak prior to that meeting about -- to  
8 Stephen Holmes about --

9 A. I did not.

10 Q. Okay. Did you talk to anyone about the November  
11 special session after the meeting ended?

12 A. I spoke with my SCSJ coalition. We talked about  
13 it.

14 Q. Did you speak with any community members about  
15 the meeting?

16 A. Me and Miss McGaskey got together afterwards and  
17 sort of had a decompression session about what happened  
18 and seeing ourselves on "Rachel Maddow."

19 Q. You were on "Rachel Maddow"?

20 A. We made "Rachel Maddow." That November meeting  
21 made national news, yes, which we still stunned. We were  
22 like "wow."

23 Q. Did you speak with the Department of Justice  
24 about the meeting?

25 A. I did.

1 Q. What did you speak with the Department of Justice  
2 about?

3 A. I spoke with Mr. Bruce Gear about basically what  
4 we were talking about today, how -- did we -- how much  
5 notice we had, who attended, how we would mobilize and  
6 coordinate it to attend the meeting. Actually had hair  
7 then.

8 MS. RICHARDSON: I'm going to mark our  
9 second exhibit.

10 And copy for you.

11 Oh, she has it. Never mind.

12 Q. (By Ms. Richardson) Ms. Williamson, I'll -- I --  
13 I'd like you to look over that exhibit.

14 A. Oh, wow. It's me. This is me, yes.

15 MS. RICHARDSON: Okay. That's -- marking  
16 that as Exhibit 2.

17 (Exhibit 2 marked)

18 Q. (By Ms. Richardson) Ms. Williamson, I'll  
19 represent to you this is a -- the Department of Justice  
20 complaint that you made. Does the description of the  
21 complaint on page 2 of the exhibit sound correct to you?

22 A. It does. It sounds just like me. It's me, yes.  
23 Wow.

24 Q. Was that the conversation you had about the  
25 November special session?

1 A. It is. Actually I did this in realtime. The  
2 meeting was ending; and Commissioner Holmes actually  
3 encouraged those of us who felt the need to go ahead and  
4 lodge our complaints then, at the end of meeting. So, I  
5 did mine in realtime. I did it right there before I left  
6 the annex.

7 Q. Why did you report the November special session?

8 A. Because from my knowledge and from the work that  
9 I had done in the community -- community, the maps were  
10 egregious. They were an egregious assault on the  
11 district, the precinct, completely removed the precinct --  
12 precinct and made it something unrecognizable. And as a  
13 voting rights advocate, I felt that I needed to speak on  
14 behalf -- well, I was asked to as well from a couple of  
15 community members to advocate on their behalf and submit  
16 the complaint.

17 Q. Ms. Williamson, is having minority representation  
18 on the commissioners court important?

19 MR. HOLT: Objection, form.

20 A. Yes.

21 Q. (By Ms. Richardson) Why do you say yes?

22 A. In order for the constituents to feel heard and  
23 to be able -- to have the ability and access to candidates  
24 of their choice, it is very important that they have the  
25 ability to elect someone who they feel represents them in



1 | the county commissioners court.

2 | Q. Do you believe that minority voters currently  
3 | have representation on the commissioners court?

4 | A. With the current maps, no.

5 | Q. Why?

6 | A. Because as of that next commissioner's vote, it  
7 | would be very difficult with how things are set up now for  
8 | a candidate chosen by the people to be elected the way  
9 | that it's currently set up under the new maps just because  
10 | of how the population is meted out in the county.

11 | Q. Do you believe that minority voters had  
12 | representation on the commissioners court based on the  
13 | prior map?

14 | A. I do.

15 | Q. Who do you think represented the min- --  
16 | represented minority voters on the prior map?

17 | A. Initially it was Wayne Johnson. Now it's  
18 | Commissioner Stephen Holmes.

19 | Q. Why Commissioner Stephen Holmes?

20 | A. He's an advocate for the people. Like I said  
21 | before, he doesn't just answer to his constituents. He  
22 | answers for all of the residents in Galveston County, and  
23 | he does things like the backyard barbecue for the senior  
24 | citizens that they enjoy every October where he just sort  
25 | of gives them an opportunity to participate at one of the

1 | local recreational centers. They dance. They have food.  
2 | They have music. My mom is one of his "Stevettes," which  
3 | they actually come together, some elderly ladies come  
4 | together. They line dance and they entertain the other  
5 | residents and they have a good time. And as far as I  
6 | know, there's no other commissioner that caters to his  
7 | residents and the constituents the way that Commissioner  
8 | Holmes does as well as speak on their behalf.

9 |                   For example, when there was some concern  
10 | about the Confederate statues in Galveston County, he was  
11 | the only commissioner that actually spoke on behalf of the  
12 | people as far as wanting to have them removed.

13 |           Q. Do you believe Commissioner Armstrong represents  
14 | the interests of minority voters in Galveston County?

15 |           A. I do not.

16 |           Q. Why not?

17 |           A. Based on his self-proclaimed knowledge of how  
18 | things were happening during the COVID breakout [sic], he  
19 | was not representative of how the community felt the COVID  
20 | situation should have been handled.

21 |           Q. Were you familiar with Commissioner Armstrong  
22 | before his appointment to the commissioners court?

23 |           A. Vaguely. Only his stance on hydrochloroquine  
24 | [sic] during the COVID.

25 |           Q. Have you had interactions with Dr. Armstrong in

1 | your community work -- based work before his appointment

2 | to the commissioners court?

3 | A. I have not.

4 | Q. Did you have any interactions with him regarding

5 | the redistricting of the commissioners court?

6 | A. No, ma'am.

7 | MS. RICHARDSON: Let's see what time is it.

8 | I think we're going to break for lunch in a second. Okay.

9 | So, it's 11:55. So, we should break for lunch.

10 | Q. (By Ms. Richardson) But just a couple more  
11 | questions before we head off to lunch if that's okay.

12 | A. That's fine. Thank you.

13 | Q. Ms. Williamson, you said you were taking a chemo  
14 | medication; is that correct?

15 | A. I am.

16 | Q. Can you describe why you're taking chemo  
17 | medication?

18 | A. I am currently pushing through Stage 4 lung  
19 | cancer.

20 | Q. How long have you been dealing with lung cancer?

21 | A. I had emergency brain surgery in May. I received  
22 | my diagnosis in June.

23 | Q. All righty.

24 | MS. RICHARDSON: I think we can break.

25 | THE VIDEOGRAPHER: All right. Off the

1 record at 11:56.

2 (Break taken)

3 THE VIDEOGRAPHER: We're back on the record  
4 at 12:44.

5 Q. (By Ms. Richardson) All right, Ms. Williamson, we  
6 are back.

7 I just had a clarifying question about your  
8 CROWD fellowship. Do you recall the term of that  
9 fellowship with the date that it started and ended?

10 A. The exact date, no; but it was June, 2021, to  
11 July, 2022.

12 Q. You spoke earlier about a backyard barbecue that  
13 Stephen Holmes attends; is that correct?

14 A. He actually sponsors it.

15 Q. Can you explain more about the backyard barbecue?

16 A. Yes, it's fun; but it's a community event that he  
17 holds every year basically showing his appreciation for  
18 his constituents, mainly the elderly. I believe his  
19 mother lives in the precinct; and like I said, my mother  
20 participates. Most -- most of the seniors, especially the  
21 black seniors in the area, look forward to it every year.  
22 They win prizes. They play bingo. They dance. It's just  
23 a whole, wonderful community event.

24 Q. Why is that event important to the community?

25 A. I believe mainly as with most things, being

1 Texan, it's just one of those proud traditions that have  
2 happened every year, and it's something that they look  
3 forward to. It's something that they prep for; and it's  
4 always just a really, really good time for them -- for  
5 everybody to come together as a community and just enjoy  
6 each other and have a good time.

7 Q. When you say "community," who primarily attends  
8 the backyard barbecue?

9 A. Primarily our elder black residents.

10 Q. Are most of those residents members of --  
11 residents of Precinct 3?

12 A. Yes.

13 Q. Okay. Do the commissioners hold similar events  
14 for residents of Precinct 3?

15 A. Not that I know of. This is the only one that  
16 stands out that I can -- that I know happens every year.  
17 Well, post COVID. Other than during COVID.

18 Q. Uh-huh.

19 Earlier you mentioned that you didn't reach  
20 out to the commissioners before the November meeting; is  
21 that correct?

22 A. Correct.

23 Q. Why didn't you reach out to the commissioners?

24 A. It wasn't in my, I guess, purview of what I was  
25 doing. I was mainly a community liaison. So, I did

1 | primar- -- I requested certain things from certain people  
2 | as it came across my desk; but primarily my goal was to  
3 | work with the community and just be their advocate and  
4 | liaison during the process.

5 | Q. Why didn't you reach out to the commissioners to  
6 | help you liaise with the community?

7 | A. That's a good question. It just -- it wasn't --  
8 | it was a timing kind of thing. Like I said, because of  
9 | the COVID things, we weren't meeting a lot of folks in  
10 | person. And just during the different Zoom calls and  
11 | things that we were doing as a collaborative, other people  
12 | were tasked with reaching out to the commissioners. That  
13 | wasn't one of my personal tasks to take up.

14 | Q. Before your experience in 2021, did you have any  
15 | awareness of the prior redistricting in Galveston County?

16 | A. I did not.

17 | Q. Okay. Do you recall a campaign called "Keep  
18 | Galveston Red"?

19 | MR. HOLT: Objection, form.

20 | A. Vaguely, yes.

21 | Q. (By Ms. Richardson) Is the Keep Galveston Red  
22 | campaign the campaign you referred to earlier on regarding  
23 | the Facebook post?

24 | A. Yes.

25 | Q. Okay. Where did you first see the Keep Galveston

1 Red campaign?

2 A. On Facebook.

3 Q. Who did you see publishing that campaign?

4 A. I want to say it was Mark Henry's office, Judge  
5 Henry's office.

6 Q. Did you see it in the news?

7 MR. HOLT: Objection, form.

8 A. I saw it in the newspaper.

9 Q. (By Ms. Richardson) What did you understand the  
10 phrase "Keep Galveston Red" to mean?

11 MR. HOLT: Objection, form.

12 A. I understood it to mean that those particular  
13 commissioners were doing their best to keep the county  
14 Republican or over- -- overwhelmingly Republican.

15 Q. (By Ms. Richardson) What did you understand the  
16 campaign's goals to be?

17 MR. HOLT: Objection, form.

18 A. For one of the two maps that they were proposing  
19 to be voted on and approved.

20 Q. (By Ms. Richardson) What did you think about the  
21 Keep Galveston Red campaign?

22 A. I thought it was horrible. I thought the voters  
23 should be allowed to make their choice about not only the  
24 maps but who they chose to represent them.

25 Q. Do you think this campaign represented the

1 interests of minority Galveston residents?

2 MR. HOLT: Objection, form.

3 A. It did not.

4 Q. (By Ms. Richardson) Why?

5 A. Because it essentially wanted a map that  
6 disproportionately and intentionally discriminated against  
7 the majority/minority voters in the district.

8 Q. On what basis -- what do you form your opinion  
9 on?

10 A. Based on how they vote. And though -- that  
11 particular precinct voted heavily Democratic; hence,  
12 Commissioner Stephen Holmes holding that seat. That was  
13 the one place that they could get a candidate that they  
14 felt represented them.

15 Q. Why do you view this campaign as negative for  
16 minority Galveston residents?

17 MR. HOLT: Objection, form.

18 A. Because it basically wiped out the one district  
19 that they had, that they felt that their voices were being  
20 heard and that they felt that they could vote for a  
21 candidate of their choice. And that campaign was  
22 antithetical to that mission.

23 Q. (By Ms. Richardson) Why was that campaign  
24 antithetical to that mission?

25 A. Because keeping the county red meant that those



1 | people that wanted to vote in opposition to that would not  
2 | have a fair opportunity to do so.

3 | Q. What is your understanding about the history of  
4 | racism in Galveston County?

5 | MR. HOLT: Objection, form.

6 | A. It's long, and it's deep. From the Confederate  
7 | statues to just how things are done in the county that --  
8 | I just -- I personally feel that it's unfair how the  
9 | current maps misrepresent what the majority of a lot of  
10 | the voters want in the county -- excuse me -- the majority  
11 | of the minority voters in the county.

12 | Q. (By Ms. Richardson) Can you describe what you  
13 | mean by long and deep?

14 | A. Galveston County has made the news a lot in the  
15 | last few years, and it hasn't been for their  
16 | overwhelmingly just and balanced representation of its  
17 | residents. There -- I don't -- I'm trying to pull  
18 | something specific to mind. There are just lots of  
19 | instances where some of the residents of the county don't  
20 | feel represented and they don't feel heard because of how  
21 | things happen in the county because of how lopsided  
22 | certain groups are represented compared to others.

23 | Q. Is the commissioners court important to making  
24 | decisions that affect minority residents in Galveston  
25 | County?

1 MR. HOLT: Objection, form.

2 A. Yes, they make most of the crucial decisions that  
3 determine where resources go. For instance, Galveston  
4 County has a lot of flood areas. The county commissioners  
5 make the decisions about which areas will receive repair  
6 in infrastructure and those types of resources.

7 Q. (By Ms. Richardson) Earlier you mentioned that  
8 when you register voters, they sometimes tell you the  
9 issues they're concerned about; is that correct?

10 A. Yes.

11 MR. HOLT: Objection, form.

12 A. Yes.

13 Q. (By Ms. Richardson) What issues were voters  
14 concerned about?

15 MR. HOLT: Objection, form.

16 A. During COVID the commissioners decided to send  
17 millions of dollars to the border wall, during COVID.  
18 Quite a few of the voters that I was able to connect with  
19 during that time were very concerned. They did not want  
20 that to happen, but it happened anyway.

21 Q. (By Ms. Richardson) Were there other issues that  
22 voters were concerned about?

23 MR. HOLT: Objection, form.

24 A. Like I said earlier, their polling places were  
25 the main concern about the maps; but it was issues like

1 | the -- the border wall and those types of -- where their  
2 | money is going, how the money is being spent, those were  
3 | concerns as well.

4 | Q. (By Ms. Richardson) Did you understand those  
5 | issues to be consistent across the black and Hispanic  
6 | communities in Galveston County?

7 | A. I did.

8 | Q. Can you explain how?

9 | A. They don't feel that they -- their objection to  
10 | what was happening was being heard or being taken  
11 | seriously.

12 | THE WITNESS: (Coughing.) Excuse me.

13 | Q. (By Ms. Richardson) Who didn't take those issues  
14 | seriously?

15 | A. That the county commissioners didn't. There were  
16 | quite a few people -- namely, I want to say Mr. Bill Keese  
17 | and a couple of other constituents -- that actually  
18 | protested the money being sent to the border wall as  
19 | opposed to taking care of the needs of the residents  
20 | during the COVID epidemic that they spoke out verbally  
21 | against it.

22 | Q. The residents who spoke out, were they primarily  
23 | black or Latino?

24 | A. Actually Mr. Keese is white. But there was kind  
25 | of a really good mix coalition that spoke out against the

1 funds being appropriated other places outside of the  
2 county.

3 Q. Are there other -- can you recall -- strike that.

4 Can you recall other instances where the  
5 black and Hispanic communities raised a concern to the  
6 county commission?

7 MR. HOLT: Objection, form.

8 A. Other than to the maps, not at this time. I  
9 can't recall anything at this time. I think I named  
10 everything.

11 Q. (By Ms. Richardson) You mentioned Luc- -- Lucille  
12 McGaskey throughout this deposition. Who is Lucille  
13 McGaskey?

14 A. A community member, one of the constituents of  
15 Commissioner Holmes.

16 Q. What did you work on together?

17 A. Primarily everything dealing with the  
18 redistricting at the time, communicating with other  
19 community members about meetings or information, keeping  
20 in touch with one another, if we saw anything in the news  
21 or on the Web site that was concerning or that we felt the  
22 community needed to know about.

23 Q. Did you work with Ms. McGaskey on other issues  
24 related to voting?

25 A. No.

1 MR. HOLT: Objection, forms.

2 A. No, just mainly the redistricting information.  
3 She is a longtime resident and has far more historical  
4 information than I do. So, I relied on her quite a bit  
5 when it came to any of the redistricting efforts back in  
6 2010, 2011, all the things that came before I was  
7 involved.

8 Q. (By Ms. Richardson) Earlier you mentioned that  
9 members of Precinct 3 were concerned about access to the  
10 recreational center; is that correct?

11 A. Yes.

12 Q. Can you name that correc- -- that recreational  
13 center?

14 A. Oh, yes. Well, let me think. It was between the  
15 Nessler center, which is on this side of 45, and Carbide  
16 Park I want to say is the other one. I can't recall the  
17 name of the center preci- -- it might be Wayne Johnson;  
18 but it's at Carbide Park, the other one.

19 And what I'm saying specifically is, for  
20 instance, my mother lives in the precinct. She was able  
21 to go to the Nessler center to do certain things, but now  
22 she's forced to cross 45 to go to the other rec center  
23 because that's where her district is -- that's a part of  
24 her district I want to say. So, they're -- they are to  
25 use that center to get their -- just whatever resources

1 | that they need. Like I know she plays bingo, and she goes  
2 | there to get different information about groceries and the  
3 | food bank and that kind of stuff.

4 |           So, the -- the center that's closer to her,  
5 | she can go there; but she wouldn't get the free resources  
6 | that she would get other than the one that's assigned to  
7 | her, if I'm getting that correct. But that's -- because  
8 | she has to travel further to get to that other recreation  
9 | center.

10 |       Q. Do residents frequently use the recreational  
11 | center in your --

12 |       A. They do.

13 |       Q. -- experience?

14 |       A. Yes, ma'am, they do. They do a lot.

15 |       Q. What kinds of communities does the rec center  
16 | primarily serve?

17 |       A. Our elderly black, Hispanic, just mainly  
18 | everybody that was in that precinct.

19 |       Q. And during your work registering voters, did you  
20 | reach out to residents who were serviced by that rec  
21 | center?

22 |       A. Not precisely that recreation center though I did  
23 | cater to those residents that needed mail-in ballots and  
24 | that type of information. I would go door to door to make  
25 | sure that they had the information that they need.

1 Q. Who would you primarily reach out to to go to  
2 talk about mail-in voting?

3 A. Elderly voters, disabled voters. All the voters  
4 that qualify for the mail-in balloting, which in Texas is  
5 very strict. So, it was only a certain population.

6 Q. During your CROWD fellowship you mentioned that  
7 you were trained on map-making software; is that correct?

8 A. Yes.

9 Q. What did you use the map-making software for?

10 A. The Maptitude is used primarily to build maps  
11 with the-- your voter -- what do you call it -- your CVAP  
12 and your VAP, your voter numbers, your -- how the numbers  
13 laid out. So, you would use that data to put into the  
14 Maptitude to build the maps.

15 Q. Is that how you personally used the software?

16 A. Yes.

17 Q. On what occasions did you use Maptitude?

18 A. We used it during our community mapping, which we  
19 get with some community members. We have community  
20 mapping interviews with them and try to highlight any  
21 historical areas, historical landmarks, everything that  
22 was important to them in that community that needed to be  
23 a part of the mapping process is how I used it.

24 Q. Did you meet with community members to use the  
25 map-making software?

1 A. We'd use phone interviews or Zoom interviews,  
2 yes.

3 Q. Did you meet one on one with members of the  
4 Galveston community?

5 A. Yes.

6 Q. Did you meet -- or strike that.

7 Who did you primarily meet with?

8 A. Again, just the residents that were interested in  
9 the process, that wanted to learn about the redistricting  
10 process. And that could be whoever in the community. If  
11 they were interested, I provided the information.

12 Q. How did you publicize this option to Galveston  
13 residents?

14 A. Again, e-mails, text messages, phone calls.

15 Q. Did you seek to obtain information from the  
16 County to help you use Maptitude?

17 MR. HOLT: Objection, form.

18 A. Hmm. We reached out to -- and I say "we"  
19 because I'm talking about the collaborative. It was  
20 myself, Stephanie Swanson and Bindu Jose was my team.  
21 We -- we reached out to the county attorney for any of the  
22 mapping information that we needed, but primarily I  
23 personally just used the Web site and any of the  
24 information that I could find during my research.

25 Q. (By Ms. Richardson) Was it difficult to obtain



1 information from the County about the map -- about the  
2 map-making process?

3 MR. HOLT: Objection, form.

4 A. Not particularly because my -- my personal  
5 questions were very general; and again, it was primarily  
6 information that was already available on the Web site.

7 Q. (By Ms. Richardson) Do you remember the name of  
8 the county attorney you spoke with or who -- yeah.

9 A. I don't. I do not. Again, my notes. I wish I  
10 had thought about bringing my notebook. I have better  
11 notes than what's in my head right now.

12 Q. No worries.

13 Let's see. Have you personally ever asked  
14 the commissioners court for anything?

15 A. I have not.

16 Q. Why not?

17 A. Wasn't in my purview.

18 Q. Have you ever asked for any personal issues that  
19 you have had personally, not in any professional capacity?

20 MR. HOLT: Objection, form.

21 A. No, I haven't.

22 Q. (By Ms. Richardson) Why not?

23 A. No need. I didn't have any particular issues at  
24 the time.

25 Q. Do you feel like you could reach out to the

1 | county commission if you had a personal need?

2 | MR. HOLT: Objection, form.

3 | A. I don't. Other than the one commissioner, I  
4 | don't have a relationship with any of the other ones.

5 | Q. (By Ms. Richardson) Why not?

6 | MR. HOLT: Objection, form.

7 | A. Unavailable. The one time that I did reach out,  
8 | they were unavailable; and I took my issue to the  
9 | commissioner that would respond.

10 | Q. (By Ms. Richardson) What was the -- can you  
11 | describe the one time you reached out to a member of the  
12 | commissioners court?

13 | THE WITNESS: (Coughing.) Excuse me.

14 | A. I tried calling the office because there was  
15 | major flooding in a park near my house, and I was trying  
16 | to get more information about the park. I never received  
17 | a call back. I never received anything back. So, I just  
18 | took it to someone that I thought could answer my  
19 | question.

20 | Q. (By Ms. Richardson) Who did you reach out to in  
21 | the commissioners court?

22 | A. I actually spoke with the secretary of County  
23 | Commissioner Holmes, and she was able to answer my  
24 | question for me.

25 | Q. But before that who did you reach out to on the

1 | commissioners court?

2 | A. It would have been my representative, which I  
3 | think is Commissioner Giusti's office.

4 | Q. What was Commissioner Giusti's response?

5 | A. I didn't ever get a response.

6 | Q. Have you attempted to reach out to Commissioner  
7 | Giusti since?

8 | A. Not since then, no.

9 | Q. Have you ever felt represented by Commissioner  
10 | Giusti?

11 | MR. HOLT: Objection, form.

12 | A. No.

13 | Q. (By Ms. Richardson) Why have you never felt  
14 | represented?

15 | MR. HOLT: Objection, form.

16 | A. Things in Galveston County are very polarizing,  
17 | and I'm not a fan of our county Republican party.

18 | Q. (By Ms. Richardson) Why not?

19 | A. They don't seem to prioritize all of the  
20 | constituents, only a certain group of constituents.

21 | Q. Which group of constituents are you referring to?

22 | A. Primarily the --

23 | MR. HOLT: Objection, form.

24 | A. Primarily their white constituents.

25 | Q. (By Ms. Richardson) Do you believe that Galveston

1 County Republicans represent the interests of minority  
2 residents in Galveston County?

3 MR. HOLT: Objection, form.

4 A. I do not.

5 Q. (By Ms. Richardson) Why not?

6 A. It's just apparent in how they handle things in  
7 the county.

8 Q. Can you explain more by what you mean by "how  
9 they handle things in the county"?

10 A. Primarily -- like I was speaking before about  
11 the -- the moneys that were spent out of county that  
12 primarily many constituents, not just the black and brown,  
13 were against; and it seems to fall on deaf ears. They  
14 sent the manpower and the money even against the will of  
15 the people.

16 Q. Okay. I just have like one more -- one or two  
17 more questions, and then I will close my direct.

18 Ms. Williamson, so, I can represent the  
19 trial is scheduled next summer in 2023 more or less. We  
20 don't have the exact date yet, but that's about the  
21 approximate time that trial will be scheduled. Is it  
22 possible that your medical condition will prevent you from  
23 appearing in person in trial next year?

24 A. I'm praying that it doesn't. I'm doing  
25 everything my doctors tell me to do. I hope to be here

1 for a good, long time.

2 Q. And I'm -- just to follow up, your medical  
3 condition is the Stage 4 cancer; is that correct?

4 A. It is.

5 Q. Okay. All right.

6 MS. RICHARDSON: I will -- I think -- I --  
7 yeah. I'll close.

8 Does NAACP have anything they'd like to  
9 correct or follow up?

10 MS. VALL-LLOBERA: No.

11 MS. RICHARDSON: Bruce, do you have a few  
12 questions on behalf of DOJ?

13 MR. GEAR: I have a few questions, just a  
14 few follow-up questions.

15 EXAMINATION

16 BY MR. GEAR:

17 Q. Again, my name is Bruce Gear. I represent the  
18 United States of America. And dur- -- during the  
19 deposition would you mind if I refer to you as Roxy; or  
20 would you prefer Ms. Williamson?

21 A. Roxy is just fine.

22 Q. Okay, Roxy. So, you spoke a lot -- testified a  
23 lot about being a CROWD fellow; and I'd like to get a  
24 better sense of exactly what your task was as a CROWD  
25 follow as it pertains to Galveston. Can you explain that

1 | to me?

2 | A. Yes, sir. I -- in my collective -- which  
3 | included myself, Stephanie Swanson with the League of  
4 | Women Voters and Bindu Jose, which was the other fellow --  
5 | Bindu was a bit more proficient in building the maps than  
6 | I was. So, I was tasked with being a community liaison;  
7 | and most of my work was -- it comprised me just being an  
8 | advocate and a liaison for the community, basically  
9 | mobilizing them and getting them information as it was  
10 | needed for us to fulfill our duties as far as building the  
11 | community maps.

12 | Q. How did you determine what information the  
13 | community needed as a -- as a liaison?

14 | A. The community told me what they were interested  
15 | in; and as they told me or had questions for me, I would  
16 | do the research and return to them what the answers to  
17 | their questions and/or the information they needed to ask  
18 | further questions or to become more involved in the  
19 | process.

20 | Q. So, you were a CROWD fellow for approximately one  
21 | year, correct?

22 | A. Yes. Yes, sir.

23 | Q. And why did you -- strike that.

24 | Your focus was on Galveston?

25 | A. Galveston was one of the areas, yes; but I was --

1 | my primary working relationship was with the different  
2 | NAACP units across the state that were interested in the  
3 | redistricting process because it was happening all over  
4 | the state. I did a lot of work in Galveston because I  
5 | live in Galveston, and that was one of the counties on my  
6 | list. But I was not exclusively working with Galveston.

7 | Q. So, your -- your work in Galveston, was that  
8 | voluntary? Were you assigned to focus on the Galveston  
9 | area? How did that work?

10 | A. Yes. Once the coalition came together, Galveston  
11 | was one of the counties that I was assigned to, yes.

12 | Q. And what were you told about Galveston as far as  
13 | your assignment?

14 | A. Well, the assignment was basically to look at the  
15 | current maps and for us to glean as much as possible from  
16 | the community to either preserve the map that was in place  
17 | or build out other minority/majority community --  
18 | majority/minority maps that would be feasible to be used  
19 | for the county.

20 | Q. And so, you talked about developing community  
21 | contacts in Galveston. How did you go about doing that?

22 | A. I'd -- a lot of the work was sort of done for me.  
23 | Like I mentioned before, Miss Lucille McGaskey, my mother,  
24 | some of the other constituents in the precinct, in  
25 | Commissioner Holmes' precinct, actually reached out to me

1 and -- because Galveston was on my list as one of the  
2 counties to work with. I was already poised to take their  
3 questions and help them out as much as I could as far as  
4 getting what they needed to advocate for themselves during  
5 the process.

6 Q. And so, what kind of network did you set up to  
7 receive the questions from the community?

8 A. We had e-mail chains. We had text -- texting  
9 groups. We used the telephone.

10 Q. And so, in your -- during your communication with  
11 the community, what type of concerns did they specifically  
12 relate to you regarding the 2021 redistricting process?

13 MR. HOLT: Objection, form.

14 A. They were very concerned about their polling  
15 places. They were concerned about mainly the polling  
16 places. That was like the No. 1 thing. They wanted to  
17 know how those things would be affected by the proposed  
18 maps.

19 Q. (By Mr. Gear) And during your work as a liaison,  
20 did you have an office space? Did you have a -- did you  
21 work out of your home? How did that work?

22 A. I did not have an office space. I did work from  
23 home and the library.

24 Q. And I believe you testified that the majority of  
25 your work was done through the Internet, Zoom, those types



1 of apps?

2 A. Yes.

3 Q. You also testified that you attended several  
4 events, one of them was the Juneteenth event.

5 A. Yes.

6 Q. Do you recall that?

7 A. I do, yes.

8 Q. And was that something that you organized, or did  
9 someone else organize that event?

10 A. No, it was another community member, Miss Lawanda  
11 Ward.

12 Q. And what function did you -- did you play during  
13 the Juneteenth event?

14 A. I was support staff. There was several booths  
15 set up by different organizations; and I helped out with  
16 the applications, providing the voter requisition  
17 applications as well as delivering them once they were  
18 completed to the county chair -- I mean not the county  
19 chair -- excuse me -- to Cheryl Johnson's office. Sorry.  
20 That's where we turn in all --

21 Q. That's the -- that's the registrar for the  
22 county?

23 A. Yes.

24 Q. Cheryl Johnson? Okay.

25 You also talked about a church event?

1 A. Yes.

2 Q. Do you recall that?

3 A. Yes. Pastor King --

4 Q. Do you recall which church?

5 A. I'm sorry. Pastor King opened up --

6 Q. Go ahead. I'm sorry.

7 A. Pastor King opened up his church. For the life  
8 of me, it's escaping -- the name of the church is escaping  
9 me right now, but it was Pastor William King's church in  
10 Dickinson. And he opened it up for us to have an  
11 informational with the legal representation from the Texas  
12 Civil Rights Project where we talked to the community  
13 about what was happening with the redistricting.

14 Q. What type of attendance did you -- if you recall,  
15 what type of attendance did you have --

16 A. It was --

17 Q. -- during that event?

18 A. It was pretty well attended. I can't -- I don't  
19 know the number right off top, but I -- I want to say we  
20 had at least 30 to 40 people there.

21 Q. Did you set up that event, or did someone else?

22 A. I helped coordinate it.

23 Q. And when you were setting up or coordinating the  
24 event, what segments of the Galveston County population  
25 did you reach out to?

1           A.    It was primarily for the residents of Precinct 3,  
2 Commissioner Holmes' precinct.

3           Q.    And who are -- who are primarily the residents of  
4 Precinct 3?

5           A.    There are black and brown residents of  
6 Precinct 3.

7           Q.    And when you say "brown," you mean Latino or  
8 Hispanic?

9           A.    Yes, sir.

10          Q.    And so, just turning to your role as a community  
11 liaison, what information were you sharing with the black  
12 and brown community?

13          A.    Primarily any information that I could glean from  
14 the commissioners meetings as well as whatever they had  
15 posted on their Web site along with the different mapping  
16 techniques and mapping information that I was learning  
17 from the Southern Coalition for Social Justice.

18          Q.    And so, you -- you trained on Maptitude, correct?

19          A.    I did.

20          Q.    Did -- were you in a position to provide that --  
21 that program to people in the community? How did you --  
22 how did you work with them, if you did, with the  
23 Maptitude?

24          A.    I use it primarily. With the community I use it  
25 primarily to do the community mapping, which as I was

1 saying earlier, was primarily just really trying to get an  
2 idea of any historical content, any historical markers,  
3 any of those things that could be used to better map out  
4 what the community saw as a fair and equitable map as far  
5 as their precinct was concerned.

6 Q. And so, during your testimony you -- you  
7 testified about vulnerable communities. Do you recall  
8 that?

9 A. Yes.

10 Q. Now, I have to admit that I am not from  
11 Galveston. Could you give me a better sense of where  
12 these vulnerable communities are in Galveston County?

13 A. Yes. For Galveston Island specifically, it would  
14 be District 1, which is Councilwoman Sharon Lewis'  
15 district which is that neighborhood around Wright Cuney  
16 Recreational Center where your lower to low-income  
17 residents live.

18 In Precinct 3, in Commissioner Holmes'  
19 precinct, that would have been considered the Carver Park  
20 area where those longtime homeowners and residents have  
21 been there for generations, primarily black residents.

22 Q. And so, the Wright Cuney Recreation Center. Can  
23 you tell me what that population consists of in that area?

24 A. Mainly black and Hispanic homes and apartment  
25 buildings.

1 Q. And in your efforts as a community advocate, did  
2 you reach out to both black and Hispanic populations in  
3 the Wright Cuney area?

4 A. I did.

5 Q. And how did you go about doing that?

6 A. Door to door, deep canvassing. We called  
7 residents. We'd -- I did a lot of just in-person door to  
8 door knocking on doors.

9 Q. And during your door-to-door knocking, did you go  
10 by yourself? Did you have any other individuals with you?

11 A. Sometimes it would be me by myself, and sometimes  
12 it would be me and a couple of other community members  
13 that were interested and want to come and volunteer and  
14 help out.

15 Q. And in your door-to-door knocking, did you have  
16 anyone that spoke Spanish along with you at any time?

17 A. I did occasionally. I only had it happen once  
18 but -- well twice; but yes, we tried to provide those  
19 opportunities where we could.

20 Q. Communicate with people in Spanish?

21 A. Yes. I do not speak Spanish. So, I was always  
22 willing to have anyone to come help that could speak  
23 Spanish. All of my literature was English and Spanish as  
24 well.

25 Q. And in the organizations that you worked with,

1 | were there Spanish speakers also associated with the  
2 | organizations during your community advocacy?

3 | A. As far as I know, yes.

4 | Q. Was there a specific effort to reach out to both  
5 | the black and Hispanic community?

6 | A. There was. I was the fellow for the black  
7 | community and Bindu Jose was our representative for the  
8 | Hispanic community.

9 | Q. And you worked with Bindu Jose?

10 | A. Yes, we were a fellow -- fellows -- we were  
11 | fellow fellows.

12 | Q. And can you tell me what that work with -- am I  
13 | saying his name correctly, Hindu?

14 | A. Bindu, B-i-n-d-u.

15 | Q. Bindu.

16 | A. Bindu Jose.

17 | Q. Thanks.

18 | A. He --

19 | Q. Can you tell me exactly what that work consisted  
20 | of --

21 | A. Yes, because we --

22 | Q. -- with Bindu?

23 | A. I'm sorry.

24 | We didn't live in the same area; so, it was  
25 | a lot of Zoom meetings.

1 Q. Okay.

2 A. COVID slowed down a lot of our in-person work.  
3 So, a lot of it was via Zoom and/or e-mail.

4 Q. So, during the 2021 redistricting process, you  
5 testified about trying to understand the timelines  
6 established for the redistricting. How did you go about  
7 doing that?

8 A. Again, that was mainly just research that we did.  
9 If anything was posted on the Web site, if anything was  
10 said in a meeting, I tried to keep up with those things.  
11 Though I didn't have a very clear idea of the timeline, it  
12 was pretty general when it came to how we were trained to  
13 use the redistricting information and mapping information  
14 through our Maptitude and the Dave's Redistricting and  
15 other platforms that we used for the mapping.

16 Q. So, by looking at the county Web site, was it  
17 difficult to determine the -- the timelines for  
18 redistricting in 2021?

19 A. It was hard to glean. And like I said, it was  
20 only maybe the one here -- meeting time where the public  
21 was actually invited to participate. Part of my job was  
22 really trying to work out how we could get more time to  
23 get more information about the timeline and about when the  
24 meetings would be held for specifically the redistricting,  
25 and it wasn't as clear as I would have liked it to be. It

1 | was a little difficult to get that information in a timely  
2 | manner.

3 | Q. So, other than trying to tempt that -- or glean  
4 | that information from the county Web site, what other  
5 | resources did you use to try to understand the timeline  
6 | for redistricting?

7 | MR. HOLT: Objection, form.

8 | A. Well, mainly I really relied a lot on Stephanie  
9 | Swanson for that information. She and the legal team with  
10 | Southern Coalition for Social Justice did a lot of that  
11 | legwork for us. So, when we -- when I did my community --  
12 | connecting with the community, a lot of that information  
13 | was already given to me.

14 | Q. (By Mr. Gear) And you may have testified to this,  
15 | but I -- I don't recall: Did you reach out to any of the  
16 | county commissioners or their staff regarding the  
17 | redistricting timelines?

18 | A. I didn't personally. I believe Miss Stephanie  
19 | Swanson did the bulk of that reaching out.

20 | Q. Did you communicate with Ms. Swanson regarding  
21 | her success on determining the timelines --

22 | A. Yes, sir.

23 | Q. -- when she reached out?

24 | A. We had weekly meetings.

25 | Q. And what did you learn from that discussion with



1 Ms. Swanson?

2 MR. HOLT: Objection, form.

3 A. It was very difficult to get that information,  
4 and a lot of times we didn't get it until the last  
5 possible moment according to how they were supposed to  
6 post it on the Web site.

7 Q. (By Mr. Gear) So, you were asked a few questions  
8 about Bolivar, the Bolivar Peninsula. Do you recall those  
9 questions?

10 A. Yes.

11 Q. Have you ever been to Bolivar Peninsula?

12 A. Yes, a few times.

13 Q. So, what -- what do you know about Bolivar?

14 A. Not a lot.

15 Q. I mean, as far as --

16 A. Not a lot.

17 Q. Go ahead. I'm sorry.

18 A. Not a lot. Lots of beach. That's the pathway --  
19 one of the pathways to travel to Louisiana, which is  
20 basically when I caught the ferry, I was headed to  
21 Louisiana. So, the bulk of what I know about Bolivar is  
22 just what I would see passing through.

23 Q. Do you know what the population is made up of on  
24 Bolivar?

25 A. From what I understand, it's mainly a white

1 population.

2 Q. Do minorities -- African-Americans, Hispanics --  
3 frequent Bolivar?

4 MR. HOLT: Objection, form.

5 A. Not that I know of.

6 Q. (By Mr. Gear) What type of events, community  
7 events, do they have on Bolivar?

8 MR. HOLT: Object --

9 Q. (By Mr. Gear) -- if you're aware?

10 MR. HOLT: Objection, form.

11 A. The only one that stands out in my mind is the  
12 Jeep festival or Jeep something that they have there.  
13 It's a Jeep beach party. Everybody is in their Jeeps.  
14 But other than that I don't know much else about Bolivar.

15 Q. (By Mr. Gear) You -- you were asked about  
16 communities of interest. Do you believe -- based on your  
17 experience, do you believe that Bolivar and Galveston  
18 Island same -- share the same communities of interest?

19 MR. HOLT: Objection, form.

20 A. I don't think so, not with the minority  
21 constituents, no.

22 Q. (By Mr. Gear) Why do you -- why do you believe  
23 that?

24 THE WITNESS: (Coughing.) Excuse me.

25 A. Just from I've been able to observe on my own.

1 | There's not a lot of cross-pollinization as far as I can  
2 | tell.

3 | Q. (By Mr. Gear) And at some point you -- you  
4 | learned that the commissioners were proposing a map that  
5 | included both Galveston Island and the Bolivar Peninsula.  
6 | Do you recall testifying to that?

7 | A. I do.

8 | Q. During your efforts as a CROWD fellow, your  
9 | education outreach, did you have any occasion to speak  
10 | with any residents of Galveston County regarding concerns  
11 | about joining both Bolivar and Galveston Island together?

12 | MR. HOLT: Objection, form.

13 | A. I -- I did hear quite a bit about it; and from  
14 | what I -- the information that I could gather, there  
15 | weren't any people that were in favor of bringing that  
16 | constituency into the overall -- how they pulled it  
17 | together on the map. I didn't -- no one was in favor of  
18 | that.

19 | Q. (By Mr. Gear) In 2021 did you hear any discussion  
20 | about the need for the creation of a coastal precinct?

21 | MR. HOLT: Objection, form.

22 | A. No.

23 | Q. (By Mr. Gear) And during the November 12th, 2021,  
24 | special session -- which you attended, correct?

25 | A. Yes.

1 Q. -- did you hear any concerns expressed about the  
2 creation of a coastal precinct combining Bolivar and  
3 Galveston Island together?

4 MR. HOLT: Objection, form.

5 A. I -- I -- I remember hearing at least a couple of  
6 people speak against it, and there was one Caucasian lady  
7 that spoke in support of it.

8 Q. (By Mr. Gear) Did -- did you speak during this  
9 special session?

10 A. I did, but not concerning Bolivar.

11 Q. What position did you take regarding the proposed  
12 plans during the special session?

13 A. I was against the proposed maps.

14 Q. Can you tell me why?

15 A. Because the proposed maps annihilated  
16 Commissioner Holmes' precinct, and I knew that would be  
17 detrimental to the community at large.

18 Q. Can -- can you explain to me why you believed the  
19 annihilation of Commissioner Holmes' precinct would be  
20 detrimental to the minority community?

21 A. Because from the research and data I had, that  
22 was the only majority/minority area in the county where  
23 the voters felt that they could elect a candidate of their  
24 choice.

25 Q. And in your opinion why is it important that the

1 | minority community in Precinct 3 had the ability to elect  
2 | their candidate of choice?

3 | A. Though it wasn't balanced, it served as at least  
4 | one avenue that that community could feel heard and  
5 | represented; and that is the only county commissioner that  
6 | represents that population.

7 | Q. So, Commissioner Holmes is only one voice on the  
8 | county commission?

9 | A. (Nodding head affirmatively.)

10 | Q. What -- why was that a voice -- in your opinion  
11 | why was that voice important to the minority community?

12 | MR. HOLT: Objection, form.

13 | A. One voice is better than no voices.

14 | Q. (By Mr. Gear) What do you mean by that?

15 | A. Even though he was the only voice, he typically  
16 | voted and was vocal about things and issues that were  
17 | brought to him from the community. He was vocal about  
18 | what they wanted or what they didn't want, and he was  
19 | unapologetic in taking that stance.

20 | Q. What, if any, efforts did he make to communicate  
21 | issues that concerned minority community to the minority  
22 | community?

23 | A. His office is pretty open -- open door. Like I  
24 | stated earlier, you didn't necessarily have to be a  
25 | constituent in his particular precinct. If you were a

1 resident of Galveston County, his office was open to hear  
2 you pretty much all the time. He was one of the lone  
3 voices that stood with the community when they wanted to  
4 remove the Confederate statues. He's the only -- the lone  
5 voice when it came to this redistricting. He was the only  
6 one that stood with the community and understood why it  
7 was important for them to have him in that position  
8 because as it stands now, there was no one that will speak  
9 on behalf or advocate for the minorities in the district  
10 or in the -- the county.

11 Q. There are three other commissioners other than  
12 Commissioner Holmes. To your knowledge have any of those  
13 commissioners come in to the minority precincts to discuss  
14 concerns related to the minority population of Galveston  
15 County?

16 MR. HOLT: Objection, form.

17 A. Not to my knowledge.

18 Q. (By Mr. Gear) During the redistricting process in  
19 2021, did any of the other commissioners other than  
20 Commissioner Holmes specifically reach out to the minority  
21 community to discuss issues related to redistricting?

22 A. Not to my knowledge.

23 Q. You testified that Commissioner Holmes attended  
24 events like the backyard barbecue and the Juneteenth  
25 events. Did -- to your knowledge did any other

1 | commissioners attend any of -- any of those events that  
2 | were attended by the minority community?

3 | A. No.

4 | Q. Based on your experience as a CROWD fellow, as a  
5 | community advocate, do you believe that the commissioners  
6 | did a good job in reaching out to the minority community  
7 | to address their concerns related to redistricting?

8 | MR. HOLT: Objection, form.

9 | A. No.

10 | Q. (By Mr. Gear) And what are you basing that on?

11 | A. My experience and what I saw, and I did not see  
12 | any of those efforts being made during that process.

13 | Q. What about by Commissioner Holmes? Did he make  
14 | any efforts to reach out to the minority community during  
15 | the 2021 redistricting process?

16 | A. I don't know what efforts he made. I just -- I  
17 | know a lot of people were -- kept his door open in his  
18 | office. He was getting a lot of feedback from the  
19 | community.

20 | Q. Do you know if Commissioner Holmes was  
21 | responsible -- responsive to that feedback he was  
22 | receiving from the community?

23 | MR. HOLT: Objection, form.

24 | A. He was.

25 | Q. (By Mr. Gear) I want to shift your attention to

1 | the November 12th, 2021, special session. You talked  
2 | about -- or you testified to a lot of construction going  
3 | on around the annex. Can you expand on that a little bit  
4 | more and explain to me what type of construction was going  
5 | on?

6 | A. Well, I'm not exactly sure what it was, but I  
7 | know that they're doing -- they were doing -- I don't know  
8 | if they were redoing the building or what was happening;  
9 | but there's just a lot of construction around the  
10 | structure of the building itself.

11 | Q. Did that construction impact the parking around  
12 | the annex on November 12th?

13 | MR. HOLT: Objection, form.

14 | A. I'm sure it did because there was like nowhere to  
15 | park, and it -- it was hard to find the place. The  
16 | construction -- it kind of sits back in a like little -- I  
17 | don't know -- like a little -- it just sits off the  
18 | street. So, it was very difficult to determine if there  
19 | was adequate parking, if there wasn't.

20 | I personally took an Uber to the site; so, I  
21 | didn't have to worry about parking. But I heard from a  
22 | lot of the people that were there that it was very hard to  
23 | park and very difficult to even kind of get close to the  
24 | building.

25 | Q. (By Mr. Gear) You testified that there were



1 | people in hallways and people outside the building. Was  
2 | there enough capacity in the room itself where the hearing  
3 | was being conducted to hold those people?

4 | A. There was not.

5 | Q. And so, was there any type of sound system or  
6 | audio that was set up to address the issue of overflow --

7 | A. There was not. That's --

8 | Q. -- that you recall?

9 | A. -- a good question.

10 | There was not.

11 | Q. In comparison, the Galveston Island courthouse  
12 | versus the League City annex, which one would you say is  
13 | the larger facility?

14 | A. I would say the courthouse in Galveston.

15 | Q. And so, I -- and I've only got a few more  
16 | questions.

17 | As a -- as a fellow and in your efforts to  
18 | educate the community as a community liaison, do you have  
19 | an opinion as to what the impact of the adopted plan in  
20 | 2021, the commissioners court plan, will have on the  
21 | minority community?

22 | MR. HOLT: Objection, form.

23 | A. In my opinion it's sad. You already have a  
24 | population of people that didn't felt -- feel that they  
25 | were heard or even thought about in the first place; and

1 | now according to the -- the newly adopted maps, that  
2 | just -- it makes my job as a community advocate that much  
3 | harder when it comes to getting people to register to vote  
4 | because they already feel their vote doesn't matter. And  
5 | if their vote doesn't matter, then they can't see  
6 | themselves in the mapping process. It just -- it just  
7 | makes everything hard when it comes to even offering them  
8 | different resources and different information platforms  
9 | for them to better educate themselves to be better  
10 | equipped to vote and to be very equipped to participate in  
11 | their local government.

12 | Q. (By Mr. Gear) And so, after the special session,  
13 | the 2021 -- November 12th, 2021, special session, did you  
14 | attend any other events or conduct any other events where  
15 | you could assess the mood of the minority community --

16 | MR. HOLT: Objection, form.

17 | Q. (By Mr. Gear) -- related to redistricting?

18 | MR. HOLT: Objection, form.

19 | A. Not specifically about redistricting, but the  
20 | voter education piece has been a highlight since then as  
21 | some of the community mem- -- community members have  
22 | approached me about possibly doing some more information  
23 | sessions before the -- the next -- before the Texas  
24 | legislative session starts in January to hopefully give  
25 | them just more information about just whatever is about to

1 come down the line as the new -- as the next 88th  
2 legislative session begins.

3 They are still very interested in  
4 redistricting and what that means for the coming elections  
5 and just really trying to get an understanding of how the  
6 SB 1 bill and those things will continue to affect them in  
7 their area.

8 Q. (By Mr. Gear) So -- and I think this is my last  
9 question: Just regarding vulnerable communities, can you  
10 give me an idea, someone who is not a resident of  
11 Galveston, where you believe the vulner -- vulnerable  
12 communities are in Galveston County?

13 A. Well, I mentioned earlier I only know the two --  
14 I know there are more. I don't know specifically where  
15 they are; but like I was saying before, the community  
16 around the Wright Cuney community center as well as the  
17 community around the Carver -- Carver Park area on the  
18 mainland. And a lot of that is just -- you know, a lot of  
19 people have been dislocated because of the recent storms  
20 in the last few years with no pathway to go back to the  
21 island; and they feel a bit disgruntled about it still and  
22 a little upset about how the new maps will affect any of  
23 that moving forward.

24 Q. And Wright -- the Wright Cuney Recreation Center  
25 and Carver Park, are those in Precinct 3?

1 A. Carver Park is.

2 Q. Commissioner Holmes' -- Commissioner Holmes'  
3 precinct?

4 A. Yes. Carver Park is.

5 MR. GEAR: I don't think I have any  
6 additional questions.

7 MS. RICHARDSON: I think NAACP counsel has a  
8 couple of follow-up now.

9 MS. VALL-LLOBERA: Yes.

10 EXAMINATION

11 BY MS. VALL-LLOBERA:

12 Q. Roxy, we've been -- excuse me -- Ms. Williamson,  
13 we've been going for about an hour now; but if you -- if  
14 you feel okay, I have just a couple -- a few more  
15 clarifying questions.

16 A. Okay. Roxy is fine, and I'm good.

17 Q. Okay. Thank you.

18 (Discussion off the written record)

19 Q. (By Ms. Vall-Llobera) I just have a few follow-up  
20 questions.

21 So, earlier today you testified that you  
22 learned about the maps sometime shortly before the  
23 meeting, the proposed maps, correct?

24 A. Yes.

25 Q. Can you describe how you felt when you saw them?

1 A. Crestfallen. It just seemed that --

2 THE WITNESS: (Coughing.) Excuse me.

3 A. It just seems like it was just intentionally bad  
4 for the minority communities involved. It just seemed to  
5 just annihilate anything that looked reasonable as far as  
6 keeping -- just keeping that precinct intact as much as  
7 the community desired it to be.

8 Q. (By Ms. Vall-Llobera) Earlier you testified that  
9 you learned about the November 12th, 2021, meeting shortly  
10 before it occurred; is that correct?

11 A. Correct.

12 Q. How did you get to the meeting?

13 A. I Ubered or took a Lyft.

14 Q. And why?

15 A. At the time my car was under repair, and I had to  
16 come from Galveston Island to the mainland. So, I got a  
17 ride to my mom's house; and my mom and I Ubered to the  
18 meeting.

19 Q. And how far is it from Galveston, the main  
20 island, to where the -- to annex -- to the annex where the  
21 meeting took place?

22 A. At least 20 miles maybe plus or minus a few.

23 Q. You also testified that when you got there, the  
24 location was crowded, there were people in the hallway  
25 sitting on floors. How did you feel when you got to the

1 | meeting?

2 |       A.   A little overwhelmed. It was very, very crowded.  
3 | I was elated that so many people had come out to speak for  
4 | themselves because that was my job, to empower the  
5 | community to advocate for themselves. So, to see all of  
6 | them actually come out and participate, it really made me  
7 | feel like I had done my work. But it was very, very, very  
8 | difficult because of a few of the elderly that looked like  
9 | they really had to go through a lot to make that happen  
10 | that day.

11 |       Q.   Did you recognize the community members, any of  
12 | the community members that were present?

13 |       A.   A few of them I did, yes. I'm still getting to  
14 | know them, too; but yeah, a few of them I do know.

15 |       Q.   Did people testify at this meeting?

16 |       A.   Yes.

17 |       Q.   Do you have a sense for how many people  
18 | testified?

19 |       A.   Hmmm. I don't. It was quite a few, though. For  
20 | whatever the time would allow, as many people spoke as  
21 | were allowed.

22 |       Q.   Did the commissioners end the testifying  
23 | before -- let me rephrase.

24 |                    Did everybody get to testify that wanted to?

25 |       A.   I believe so.

1 Q. And you testified as well, correct?

2 A. I did.

3 Q. How long did you speak for?

4 A. Two minutes. I did not stick to script. I was  
5 very upset by the end of that meeting; so, I was very  
6 blunt with my remarks.

7 Q. How did the commissioners and the judge react to  
8 your testimony?

9 MR. HOLT: Objection, form.

10 A. No reaction.

11 Q. (By Ms. Vall-Llobera) Were the commissioners and  
12 the judge paying attention as you spoke?

13 MR. HOLT: Objection, form.

14 A. That's subjective. Commissioner Holmes was very  
15 engaged. The other commissioners did not look as engaged.

16 Q. (By Ms. Vall-Llobera) Did the commissioners or  
17 the judge respond to your comments?

18 A. No.

19 Q. Did they respond to the comments of others?

20 A. No.

21 Q. How did you feel upon leaving that meeting?

22 A. Frustrated.

23 MS. VALL-LLOBERA: I think those are all my  
24 questions.

25 MS. RICHARDSON: Ms. Williamson, do you want

1 to take a break before defendants start with their  
2 questions?

3 THE WITNESS: No, let's go.

4 MS. RICHARDSON: Okay.

5 MR. HOLT: That sounds good.

6 THE WITNESS: We're on a roll. We're on a  
7 roll now. Let's roll it out.

8 EXAMINATION

9 BY MR. HOLT:

10 Q. Okay, Ms. Williamson. Would you like me to call  
11 you Roxy?

12 A. Roxy is fine.

13 Q. Okay, Roxy. Well, my name is Dallin Holt. I'm  
14 one of the attorneys that represents the  
15 counter-defendants in this -- the litigation that's  
16 currently pending. If at any time while I'm talking to  
17 you -- I know lunch was roughly an hour ago -- if you need  
18 to use the rest room or get a break otherwise, just please  
19 let me know. I'm more than happy to stop.

20 A. Okay.

21 Q. Now, what I want to do first is just kind of go  
22 through a few things that you already testified to today  
23 to get some clarifications; and then I have some documents  
24 and some other questions that I want to go through with  
25 you. Is that -- is that okay?



1 A. That's fine.

2 Q. Okay. You had -- in speaking about Precinct 3 --  
3 I think it was regarding the makeup of Precinct 3 -- you  
4 made a statement that said "though it wasn't balanced,"  
5 and you continued on with the statement. What did you  
6 mean by that statement -- referring to Precinct 3 -- that  
7 "though it wasn't balanced." What did you -- what is  
8 "it"?

9 A. Well, I meant the commissioners court and with  
10 Commissioner Holmes being the only -- at the time being  
11 the only voice of community, I felt that was unbalanced.  
12 It was four against one all the time.

13 Q. Okay. So, you're referring to the partisan  
14 makeup of the commission?

15 A. Yes.

16 Q. Okay. Got it. Thank you.

17 You mentioned earlier that you would get  
18 alerts about commissioner court meetings. Do you remember  
19 that?

20 A. Uh-huh. Yes.

21 Q. Who would send you these alerts?

22 A. I have my notifications set on Facebook; so, when  
23 they would go live, I would get the notification from  
24 Facebook that they were preparing to go live. And they  
25 still were offering this -- what am I trying say? On the

1 Web site they go live on their Web site with the meetings.

2 So, I have my computers and my phone set with the alerts.

3 Q. Okay. So, when the commission would go live --

4 A. Right.

5 Q. -- you would get a notice that the meeting was  
6 starting?

7 A. Yes.

8 Q. Okay. And this was for every meeting?

9 A. Pretty much, yes.

10 Q. During your --

11 MR. HOLT: Excuse me.

12 Q. (By Mr. Holt) During your fellowship, was that a  
13 paid fellowship?

14 A. Yes.

15 Q. Approximately how much did they pay you?

16 A. 1600 a month.

17 Q. Okay. Was there a -- an hour requirement that  
18 you had to spend a certain number of hours?

19 A. Yes.

20 Q. Would you report those hours to somebody, turn in  
21 a time sheet?

22 A. Not necessarily a time sheet but we had weekly  
23 meetings, and we had other things that we did as a unit  
24 that would account for our time.

25 Q. Did you ever get bonuses for any type of --

1 A. No. It was just a flat fellowship rate.

2 Q. And -- and when you started it, was it under the  
3 impression that it was going to last for the one-year  
4 term?

5 A. Yes.

6 Q. And you referenced the -- the meeting that was  
7 held at Pastor King's church. Do you remember that?

8 A. Yes.

9 Q. Who was it that organized that meeting?

10 A. It was actually a combination of community  
11 people. It was Miss Lucille McGaskey, myself -- I don't  
12 remember her name, but she actually opened up the church  
13 for us. She worked for the church. She didn't -- she  
14 just handled the facility. We handled coordinating the  
15 people.

16 Q. Whose idea was it to have the meeting in the  
17 first place?

18 A. Mine.

19 Q. And do you remember approximately when this  
20 meeting was held?

21 A. Hmm. September, 2021?

22 Q. And you had said it was held via Zoom?

23 A. Well, that was in person. That was an in-person  
24 meeting at the church.

25 Q. Was there a computer there that allowed people to

1 watch remotely?

2 A. No, no. It was in person.

3 Q. Do you know if this was recorded?

4 A. No, it wasn't recorded.

5 Q. And you mentioned that the Texas Civil Rights  
6 Project presented, correct?

7 A. Well, they had representation there.

8 Q. Were they the ones -- did they offer -- did they  
9 get -- provide a presentation?

10 A. Not a presentation but they were there to answer  
11 any questions that the community had, especially if it was  
12 anything dealing with any legalities of what the  
13 redistricting looked like.

14 Q. Did you ask them to come participate in this  
15 meeting?

16 A. Yes I did.

17 Q. By "them" I mean Texas Civil Rights Project.

18 A. Yes. Yes.

19 Q. Were there any type of printed materials that  
20 were handed out at the meeting?

21 A. No, not at that meeting.

22 Q. Was there any types of PowerPoint presentations  
23 that were used?

24 A. No.

25 MR. HOLT: Sorry. Just going through my

1 notes here.

2 Q. (By Mr. Holt) You had shared that you don't have  
3 a good, positive view of Commissioner Armstrong, correct?

4 MS. RICHARDSON: Objection to form.

5 A. I don't know if I would say it's not a positive.  
6 I don't know him well enough to really have any real  
7 opinions on him personally; but what I've seen of him,  
8 especially dealing with the community, he's not well  
9 known -- he's not known well enough to offer any kind of  
10 ad- -- ad- -- advocacy for the community.

11 Q. (By Mr. Holt) Do you --

12 A. They know of him, but they don't know him.

13 Q. Have you ever tried to speak with him?

14 A. I have not.

15 Q. Has he done anything that gives you the  
16 impression that he does not want to represent the minority  
17 voters in Galveston County?

18 A. He hasn't done anything; so, I haven't seen him  
19 do anything in the community at all. So, I don't know how  
20 to answer that question.

21 Q. Do you think it would be fair to give him the  
22 opportunity to serve before individuals form opinions on  
23 how he will act as a commissioner?

24 MS. RICHARDSON: Objection to form.

25 MS. VALL-LLOBERA: Objection to form.

1 A. Well, I believe since he was appointed as opposed  
2 to elected, that would be up to the community how they  
3 receive him.

4 Q. (By Mr. Holt) Okay. And you would agree that  
5 Mr. Armstrong identifies as black, correct?

6 A. I do. And I also know that he identifies as  
7 Republican.

8 Q. Okay. What is it about him being a Republican  
9 that made you want to -- to add that?

10 A. That's just some -- some of -- if I were to say  
11 any criticism at all that I've heard from the community,  
12 that would be one because his appointment means that there  
13 are no -- there's no Democratic representation. And for  
14 the people that we're talking about, many of them lean  
15 Democratic.

16 Q. Do you feel that black Republicans somehow betray  
17 their community?

18 A. Not at all. That's part of the history of  
19 politics in Galveston. A majority of the population that  
20 we're talking about started out as Lincoln Republicans.  
21 So, that doesn't make a difference here nor there.

22 Q. And what is it about Commissioner Armstrong's  
23 political ideology that -- that makes you uncomfortable?

24 A. Me personally? None at all but from the  
25 community, it's mainly based on how he responded to the

1 COVID epidemic.

2 Q. And he's a doctor, correct?

3 A. Yes, he is.

4 Q. Have you ever visited him --

5 A. No, I haven't.

6 Q. -- in a medical capacity?

7 A. No, I haven't.

8 Q. Now, you had said earlier that -- and I'm

9 paraphrasing here -- that the November meeting was the

10 only time residents could provide comment on the -- the

11 maps. Do you remember saying something rough- -- roughly

12 along those lines?

13 A. I do.

14 MS. RICHARDSON: Objection to form.

15 A. I do. I do.

16 Q. (By Mr. Holt) But you would agree that the weeks

17 and months prior to this meeting that the public had the

18 ability to comment through a Web site and Facebook,

19 correct?

20 A. Yes.

21 Q. So, would you agree that prior to the November

22 meeting there were opportunities for the public to comment

23 on the maps?

24 A. I would say that there was ample opportunity for

25 them to respond and participate as they saw fit.

1 Q. Did you know of anyone who attempted to leave a  
2 comment on the Web site that was unable to do so?

3 A. No, but I do know some elderly constituents who  
4 did not have access to computers that wanted to  
5 participate; and there weren't enough in-person  
6 opportunities for them to do that.

7 Q. Okay. Were they able to attend the in-person  
8 meeting?

9 A. The one in November, yes.

10 Q. And you mentioned --

11 A. But there weren't any prior to that that they  
12 were able to attend, no.

13 Q. And you mentioned earlier that everyone who  
14 wanted to speak at the November meeting was given an  
15 opportunity to speak?

16 A. If they were on the sign-in list, they were  
17 allowed to speak, yes.

18 Q. So, are you aware of anyone, either at the  
19 November meeting or in the prior Internet comment period,  
20 that was -- that wanted to leave a comment that was unable  
21 to do so?

22 A. Not that I know of, no.

23 Q. Okay. Now, Commissioner Holmes is still an  
24 elected county commissioner, correct?

25 A. Yes.



1 Q. And he won't be up for reelection until the end  
2 of 2024, correct?

3 A. Correct.

4 Q. Do you know who was going to run to replace him  
5 as a commissioner?

6 A. Have no idea.

7 Q. Do you know if that individual who will run will  
8 or will not represent the interests of the minority  
9 community in Galveston County?

10 A. I would hope that they would. However, I think  
11 that's contingent on how the maps are laid out who would  
12 be eligible or who would step up into that space to run.

13 Q. So, you would -- would you agree that at this  
14 stage it's too early to know exactly who's going to be  
15 there come January of 2025 and what their relationship  
16 with the minority community will be?

17 MS. RICHARDSON: Objection to form.

18 A. Hmm. Interesting. I could agree to that. It  
19 would be too hard to know at this point.

20 Q. (By Mr. Holt) You would agree that there are many  
21 differences between the Republican party and the  
22 Democratic party, correct?

23 A. Today --

24 MR. GEAR: Objection, form.

25 A. Today, yes.

1 THE WITNESS: Oh, sorry.

2 A. Today, yes.

3 Q. (By Mr. Holt) What are some of those differences?

4 A. Hmm. That's a good question. I don't know if I  
5 can name them all right here, but what stands out in my  
6 mind right now is just the -- how constituents feel they  
7 are able to be represented by either party.

8 Q. Okay. You would agree they would have different  
9 tax policies, for example?

10 A. I can agree there are some policy differences,  
11 yes.

12 Q. Different strategies regarding foreign policy,  
13 correct?

14 A. Yes.

15 Q. Or different social policies, correct?

16 A. Correct.

17 Q. You would agree that there are many reasons --  
18 many different reasons by -- why someone would identify  
19 themselves as a Republican or a Democrat, correct?

20 A. Correct.

21 Q. And would you also agree that it's -- there's  
22 never -- there's not one, single issue that can easily  
23 explain one political ideology versus the other?

24 A. I can agree with that.

25 Q. But it's complicated to explain why someone is a

1 Democrat versus a Republican?

2 A. I can agree with that.

3 Q. Okay. So, do you think it's a fair assessment to  
4 make blanket statements regarding either political party  
5 on what they do -- what those members of that party do or  
6 do not believe?

7 A. I can agree.

8 MR. GEAR: Objection to form.

9 Q. (By Mr. Holt) You doing okay?

10 A. I am.

11 Q. So, I'm going to jump into some documents here;  
12 and I'll do my best for those on Zoom to e-mail these out  
13 as we discuss them.

14 MR. HOLT: So, I think we are on 3? Is that  
15 correct?

16 THE REPORTER: Yes.

17 (Exhibit 3 marked)

18 MR. HOLT: And some of these I have enough  
19 copies; some of them I don't. I apologize. But I will  
20 e-mail this out right now. Just respond to Sarah's  
21 e-mail. Sorry, guys. Give me a sec. Okay. I just  
22 e-mailed that out to everyone on Zoom. Okay.

23 Q. (By Mr. Holt) Okay, Roxy. Do you recognize what  
24 this is?

25 A. I recognize the e-mail.

1 Q. It is an e-mail from you to various individuals;  
2 is that correct?

3 A. Correct.

4 Q. It looks like you sent it on Thursday,  
5 November 4th, 2021; is that correct?

6 A. Correct.

7 Q. Now, I want to go through -- sorry. This might  
8 be kind of tedious, but I want to try to understand who  
9 those individuals are that you e-mailed this to. Okay?

10 A. Okay.

11 Q. And so, to the extent you know, wonderful. To  
12 the extent you don't know, I'm not asking you to try to  
13 divine what someone's e-mail is from an e-mail back in  
14 2021.

15 So, who is Ruth12340992?

16 A. I do not remember.

17 Q. Okay. What about musemm@sbcglobal.net?

18 A. I do not know.

19 Q. Okay. What about bjrice@academicplanet.com?

20 A. I don't remember.

21 Q. Stholmes1@aol.com?

22 A. That would be Stephen Holmes.

23 Q. Is that his personal e-mail address?

24 A. I believe it is.

25 Q. Okay. And then following that, it says Holmes,

1 Stephen. Would that -- would that have populated as his  
2 official e-mail address?

3 A. Yes, it would have.

4 Q. And then the next one is  
5 sharonlewis@GalvestonTX.gov.

6 A. Yes, that's city councilwoman Sheryl -- Sharon  
7 Lewis.

8 Q. Okay. And going on to the carbon copy folks  
9 here, kimjyancy@gmail.com?

10 A. Yes. That would be city councilwoman Yancy in  
11 La Marque.

12 Q. And that's her personal e-mail address?

13 A. It is.

14 Q. Jonathan Warren?

15 A. A community member.

16 Q. Do you often work with Mr. Warren?

17 A. On some other community efforts, I do.

18 Q. And what type of activities do you engage with  
19 Mr. Warren?

20 A. He works a lot with the youth in Nia cultural  
21 center in Galveston.

22 Q. Okay. What does he do professionally?

23 A. I'm not exactly sure. I know that he works with  
24 the youth. That's all I know.

25 Q. Okay. Did you engage with him regularly on

1 redistricting for Galveston County for the 2021 cycle?

2 A. He was one of the people that were int- -- that  
3 was interested in the process in order to explain it to  
4 some of his students and their parents.

5 Q. Okay. Now, going on the next one,  
6 djjohnson\_76@yahoo.com, do you remember who that is?

7 A. I can't remember right off the top of my head,  
8 no.

9 Q. Patriciatoliver67@gmail.com, do you know who that  
10 is?

11 A. I do. Patricia Toliver, she is one of the nurses  
12 in the Gulf Coast -- Galveston County Gulf Coast Black  
13 Nurses Association.

14 Q. Forgive me. I said "Patricia T. Oliver." You  
15 just said her hame is Patricia Toliver?

16 A. Toliver. It is.

17 Q. Okay. Excellent.

18 And you do you speak with her often  
19 regarding redistricting in Galveston County?

20 A. I did.

21 Q. The next one is lmcgrewl@sbcglobal. Who is that?

22 A. Yes. That would be Lillian McGrew. She's  
23 another black nurse.

24 Q. Okay. And then shawnp?

25 A. That's actually a friend of mine, Miss Shawn

1 Patton Mitchell, just a community member, interested  
2 community member.

3 Q. Okay. Brittneywalker@live.com?

4 A. Brittney is a part of my sorority, Alpha Kappa  
5 Alpha Sorority, Incorporated; and she was on one of our  
6 committees, our political action committees in the  
7 sorority.

8 Q. Okay. Do you engage with her often about  
9 redistricting in Galveston County?

10 A. Not often. Another individual that was  
11 interested in the process, in assisting me in  
12 disseminating information to the sorority about the  
13 process.

14 Q. Going on, the next one there is  
15 jreneaka24@gmail.com?

16 A. Another sorority member.

17 Q. Okay. And Janice Matthews?

18 A. Janice Matthews is actually the grand lady of my  
19 ladies auxiliary group at church and another interested  
20 community member.

21 Q. Okay. And what church is that at?

22 A. Holy Rosary Catholic Church.

23 Q. Okay. And lillian@hotmail.com?

24 A. I'm not sure which Lillian that would be.

25 Q. That's a great e-mail address. She got in early

1 on Hotmail.

2 J.compian@gmail.com?

3 A. Joe Compian.

4 Q. Who is Joe?

5 A. He is actually -- he was -- he is or was a city  
6 council member with La Marque as well, Hispanic and a part  
7 of Lulac I believe.

8 Q. Did you speak with him often about redistricting  
9 in 2021?

10 A. Not often but a couple of times. He was one of  
11 the people that I reached out to to help us bridge the gap  
12 with the Hispanic community to get their input for the  
13 maps.

14 Q. So, ins- -- aside from including him as a carbon  
15 copy on e-mails, do you recall any times you spoke with  
16 him or engaged with him?

17 A. I spoke with him in person at a Tejano Democrats  
18 meeting once during that era, during that time.

19 Q. Okay. Any other times?

20 A. No.

21 Q. Okay. The next one is lthierry@utmb.edu?

22 A. Mr. Hank Thierry.

23 Q. Okay. Who is Mr. Hank?

24 A. He's a member of the Alpha Phi Alpha fraternity  
25 in the area and another concerned citizen that was helping



1 with disseminating information.

2 Q. Okay. And then Ian C. Barrett?

3 A. I can't remember who that is.

4 Q. Okay. Lawanda Ward?

5 A. Miss Ward, yes. She -- community member,  
6 coordinates Juneteenth in her "Ujamaa," "Ujamaa" festival  
7 that she has during the fall. Community member as well.

8 Q. And you spoke about Ms. Ward earlier in the  
9 deposition today, correct?

10 A. Yes.

11 Q. And this is that same --

12 A. That's the same Miss Ward, yes.

13 Q. Okay. And Corlie Jackson?

14 A. Yes. Miss Jackson, good friends, community  
15 member, knows a lot of the history of Galveston. She and  
16 her husband used to do a lot of work with St. Vincent's  
17 House. She's very active in the community, very involved  
18 in the process.

19 Q. Okay. And then riversgalveston@gmail.com?

20 A. That would be Miss Connie Rivers, who is  
21 currently the president of the Galveston Island Democrats.

22 Q. Okay. And do you engage with her often in your  
23 work as a fellow?

24 A. Not as often as I would have liked to. She's  
25 another one that is rich with information about Galveston

1 and Galveston County, but she was one of the people that  
2 were -- was interested in the redistricting process.

3 Q. Okay. Then mcafee.manessal -- vanessal?

4 A. Vanessa McAfee, yes. She's another one, used to  
5 be a part of the county Democratic party, very involved  
6 with voter registration, was very interested in the  
7 redistricting process.

8 Q. Okay. And I'm looking here at whking --

9 A. That would be Pastor William King whose church I  
10 mentioned earlier.

11 Q. Got it.

12 Then keith@henryactiontoday?

13 A. That would be Mr. Keith Henry who just recently  
14 ran for office, the House District 23 seat that Miss Terry  
15 Wilson just won [sic].

16 Q. Okay. Did you work on his campaign?

17 A. I did not work on his campaign, but he was  
18 another point of contact with whom -- contacting the  
19 community members in Precinct 3, and he did a lot of work  
20 with helping with mobilizing that community as well.

21 Q. Okay. And I apologize for the redundancy on  
22 this. It will be --

23 A. No worries.

24 Q. We won't do this on everything.

25 Looks like pdrjvj@aol.com?

1           A.    And actually that is Miss Deborah Jones,  
2    ex-schoolteacher, very involved in the community, very  
3    knowledgable community member as well; and I believe she  
4    lives in the precinct in question.

5           Q.    Then Henry Keith, is that just a second --

6           A.    That's just a --

7           Q.    -- e-mail?

8           A.    -- second e-mail for him, yes.

9           Q.    And then Heidi Gordon?

10          A.    Heidi Gordon used to be a president of the Texas  
11    Democratic Women of Galveston County, another concerned  
12    citizen and very active in the community.

13          Q.    And then ibc@gitx@gmail?

14          A.    I don't remember. Oh, yes, I do. If I'm  
15    correct, that is Mr. Ken McPherson, another community  
16    activist.

17          Q.    Okay. Brandon Williams?

18          A.    Brandon Williams and Jonathan Warren used to work  
19    together. And I'm not exactly sure what they each do with  
20    the youth, but they work extensively with the youth in  
21    Galveston.

22          Q.    Okay. Jesse Gaines?

23          A.    Mr. Gaines is NAACP, one of the officers with the  
24    Texas state NAACP.

25          Q.    Stephanie Swanson?

1 A. League of Women Voters.

2 Q. And then Hilary Harris Klein?

3 A. One of the attorneys for the Southern Coalition  
4 for Social Justice.

5 Q. How did you become associated with Ms. Klein?

6 A. She is -- was on my coalition team with my  
7 fellowship.

8 Q. And regarding your 2021 redistricting work, did  
9 you often communicate with Ms. Klein?

10 A. I did.

11 Q. Was she a supervisor?

12 A. No, just a team member.

13 Q. Okay. Is there -- what do you recall about those  
14 conversations with Ms. Klein?

15 A. Not a lot. Again, she was a part of the legal  
16 counsel. So, we had a little communication but not a lot  
17 just one-on-one with me and her. It was typically with  
18 the team at large.

19 Q. Okay. Did she help organize the meeting at  
20 Pastor King's church?

21 A. No, she didn't help organize that.

22 Q. Was she there? Was she present at the meeting?

23 A. She wasn't present, no.

24 Q. Okay. And then Candela Cerpa?

25 A. She is one of the trainers with the Southern

1 Coalition for Social Justice. She was one of the  
2 redistricting trainers.

3 Q. Okay. Now, just a few more names; and then we'll  
4 get into some more substance here. I want to go through  
5 some of the plaintiffs in this litigation, and just let me  
6 know if you know them. We'll kind of explore your  
7 relationship with them.

8 A. Okay.

9 Q. Terry Petteway, do you know who Terry Petteway  
10 is?

11 A. I've only met the Petteways a couple of times.

12 Q. What comes --

13 A. I don't know them well.

14 Q. And what comes to mind when you think of -- when  
15 you hear "Terry Petteway"?

16 A. We've done some Democratic work together.

17 Q. Are they -- are the Petteways active in the  
18 Democratic party?

19 MS. RICHARDSON: Object to form.

20 A. As far as I know, they were.

21 Q. (By Mr. Holt) Is there any reason they still  
22 wouldn't be?

23 A. I would have no idea. I don't know them  
24 personally that way.

25 Q. Okay. How about Derreck Rose?

1 A. Derreck Rose is a constable in Galveston County.

2 Q. Do you -- have you communicated with Mr. Rose?

3 A. Not specifically about redistricting but we have  
4 worked together. I used to be a part of the black  
5 coalition that he was a part of.

6 Q. Okay. And as far as you know, is he a member of  
7 the Democratic party?

8 A. As far as I know? I don't really know.

9 Q. Okay. A Michael Montez?

10 A. I don't know that name.

11 Q. Penny Pope?

12 A. I know Ms. Pope; but that's a family connection,  
13 not necessarily anything dealing with the redistricting  
14 work.

15 Q. You never had a conversation with her regarding  
16 the 2021 redistricting in --

17 A. Not with her --

18 Q. -- Galveston County?

19 A. -- personally, no.

20 Q. Okay. All I would ask is -- I know you can  
21 probably anticipate what I'm going to say in my questions,  
22 but if you would just -- it's easier for the court  
23 reporter if we don't talk over each other. I will do my  
24 best to not talk over you. I think she'll just be  
25 grateful for that.

1                   How about Sonny James? Do you know Sonny  
2 James?

3           A.    I don't.

4           Q.    A Roosevelt Henderson?

5           A.    I don't.

6           Q.    Okay. And are you involved with the  
7 Dickinson-Bay Area Branch of the NAACP?

8           A.    I've visited them a few times, yes.

9           Q.    Okay. How about the Galveston branch of the  
10 NAACP?

11          A.    I'm a member.

12          Q.    And the Mainland branch of the NAACP?

13          A.    I know of them, but I don't know any of them.

14          Q.    How do these different branches coordinate their  
15 work one with another?

16          A.    That, I couldn't tell you because I don't -- I  
17 don't work between the branches. I visited the Dickinson  
18 one before I became a member of the one in Galveston.  
19 That's as much as I know.

20                   MS. RICHARDSON: Mr. Holt, I just want to  
21 put on -- just to clarify the record: Roosevelt Henderson  
22 isn't a party to the current complaint as he died before  
23 the filing of this current complaint.

24                   MR. HOLT: Understood.

25                   MS. RICHARDSON: Yeah.

1 MR. HOLT: Thank you.

2 The Court has him listed as a plaintiff --

3 MS. RICHARDSON: Yeah. It's clear they  
4 haven't --

5 MR. HOLT: -- in the new litigation but --

6 MS. RICHARDSON: They didn't remove his  
7 name. Yeah.

8 MR. HOLT: -- yeah. Anyway, yeah. Thank  
9 for that clarification.

10 MS. RICHARDSON: Yeah.

11 Q. (By Mr. Holt) How about Edna Courville?

12 A. I don't know Miss Courville.

13 Q. And Joe Compian, you had mentioned he was on  
14 this --

15 A. Yes.

16 Q. -- e-mail?

17 A. Yes.

18 Q. Again, how often did you -- do you communicate  
19 with Joe?

20 A. Not very often. Again, he was one of the people  
21 that it was advised that I contact if I wanted to get more  
22 information about the Hispanic community and how we could  
23 get them involved in the redistricting process.

24 Q. Who advised you to contact Joe?

25 A. My mother did actually. She used to work with



1 | him on the Interfaith Council some years ago.

2 | Q. Okay. Did you ever speak with Joe about this  
3 | litigation?

4 | A. No. Not the litigation, no.

5 | Q. Leon Phillips?

6 | A. I know Mr. Phillips, yes.

7 | Q. In what capacity do you know Mr. Phillips?

8 | A. Community activism.

9 | Q. Have you worked with him directly on  
10 | redistricting in --

11 | A. No.

12 | Q. -- Galveston County?

13 | A. Not directly. We spoke a couple times about the  
14 | city redistricting but not the county redistricting.

15 | Q. What -- what did he speak to regarding the city  
16 | redistricting?

17 | A. We had spoke specifically about District 1,  
18 | Councilwoman Lewis' district, and just making sure that  
19 | they understood what redistricting was and how the process  
20 | worked.

21 | Q. So, you helped educate Mr. Phillips?

22 | A. I did.

23 | Q. Okay. And what interactions have you had with  
24 | the U.S. Department of Justice regarding redistricting in  
25 | Galveston?

1 A. Other than speaking with Mr. Gear and his  
2 colleagues, that's all.

3 Q. How many times did you speak with Mr. Gear?

4 A. A few times?

5 Q. Who was it that initiated --

6 A. Once in person.

7 Q. -- that?

8 Who was it that initiated that conversation?

9 A. He did.

10 Q. How did he first reach out to you?

11 A. E-mail.

12 Q. Do you know how he got your e-mail?

13 A. Probably from my complaint that I sent in, and I  
14 wouldn't be surprised if he spoke to other community  
15 members that my name came up.

16 Q. So, prior to submitting your complaint, had you  
17 ever communicated with the Department of Justice regarding  
18 redistricting?

19 A. No.

20 Q. In your conversations with Mr. Gear, did he  
21 discuss any potential future litigation surrounding the maps  
22 in Galveston?

23 A. No, our first interview was just talking to me  
24 about what I knew about the process and what I knew about  
25 Galveston.

1 Q. And then did he follow up again with you?

2 A. We met when he was here in person. I interviewed  
3 with him by myself. And then I was able to take part in  
4 another meeting, but it was not just myself. It was me  
5 and some other community members.

6 Q. But approximately when was Mr. Gear in Galveston?

7 A. Oh, I don't remember. It was -- I don't  
8 remember. I'd have to look at my calendar. I don't  
9 remember.

10 Q. Do you remember --

11 A. I would have to look it up.

12 Q. Do you remember if anyone else came with him from  
13 the Department of Justice?

14 A. He had another attorney with him, I believe, yes.

15 Q. Okay. Do you know -- did they record your  
16 conversations?

17 A. I'm not sure.

18 Q. Approximately how long was the conversation that  
19 you had with them?

20 A. About an hour.

21 Q. Did he give you any representations of why it was  
22 that he was in Galveston?

23 A. Well, I know it was primarily from the complaints  
24 that several of us had lodged; and he was doing his due  
25 diligence.

1 Q. Okay. Did he say what he was going to do with  
2 the information that you provided him?

3 A. Not to me, no.

4 Q. Did he say to somebody else?

5 A. I wouldn't know. I don't know.

6 Q. Approximately how many people do you know -- do  
7 you know -- strike that.

8 Do you know how many people he met with when  
9 he visited here?

10 A. I have no idea.

11 Q. Do you know how many days he was in Galveston?

12 A. A few.

13 Q. Two or three?

14 A. Maybe three.

15 Q. Okay. Are you doing okay? You want to keep  
16 going?

17 A. Yeah.

18 Q. Okay. Just let me know when you need to take a  
19 break.

20 Okay. I want to go back to Exhibit 3. Do  
21 you still have that in front of you?

22 A. I do.

23 Q. At the top of the e-mail in the text -- the text  
24 of the body, it says "the Galveston city council  
25 redistricting workshop." Do you see that?

1 A. I do.

2 Q. What is -- what was the Galveston city council  
3 redistricting workshop?

4 A. City council was doing their own city  
5 redistricting at the time as well.

6 Q. Okay. So, this was a -- a meeting hosted by the  
7 Galveston city council?

8 A. It was. I was sharing the link.

9 Q. Okay. Did you participate in this video -- I  
10 mean in this training?

11 A. I want to say that I did while I'm watching Zoom.

12 Q. Okay. Now, as you go lower in the e-mail, looks  
13 like this was -- you were doing a "reply all" earlier to  
14 and earlier e-mail where it says "Good afternoon,  
15 Galveston County." Do you see that?

16 A. Uh-huh. I do.

17 Q. Okay. And then the first asterisk there, it  
18 says: For those of you prepared to sign onto the advocacy  
19 letter, please forward your logos and signatories to me or  
20 Steph Swanson. Do you see that?

21 A. I do.

22 Q. What is this advocacy letter that you refer to in  
23 here?

24 A. We were preparing ourselves -- me mainly and the  
25 community members that I was working with at the time --

1 to possibly do a sign-on to a letter stating our -- how do  
2 I -- how do I put that -- stating our support of getting a  
3 map that was -- how did I say the -- a community map that  
4 was agreed to by the community to be advocated for as we  
5 were preparing for the next -- whenever this next meeting  
6 was supposed to come about -- for us to have our public  
7 comment and possibly build a map that we could possibly  
8 present as well as the letter with all the different  
9 groups -- League of Women Voters, NAACP, the other  
10 organizations that we were working with -- to advocate for  
11 a good map to present.

12 Q. Okay. And then you say at the end of that, first  
13 asterisk: This assists with establishing important  
14 information for litigation if necessary. Do you see that?

15 A. I do.

16 Q. What did you mean by that?

17 A. At this point we had been told that there was a  
18 possibility that everything that we did in the meeting may  
19 not come out as we were hoping and if not that there was a  
20 possibility to have the community members advocate and  
21 possibly fight the maps that were eventually approved.

22 Q. Who had told you those things?

23 THE WITNESS: (Coughing.) Excuse me.

24 A. Well, within my coalition they had talked about  
25 if the maps -- if it came down to it, the maps would have

1 to be -- would have to go to court, that the community  
2 would have to be prepared to advocate if it were possible  
3 that we go to court behind the maps.

4 Q. (By Mr. Holt) Do you know who specifically was  
5 telling you those things?

6 A. Not specifically but I know that it was a part of  
7 the training that we were doing with the fellowship; and  
8 that's why we were working on community-based things, to  
9 prepare the community to fight for a map if they didn't  
10 like the ones that were being presented.

11 Q. Okay. In this group that we went through on the  
12 two on the cc lines on this e-mail, aside from Ms. Klein  
13 is there another attorney that was part of this -- your  
14 e-mail group?

15 A. No. No, not this particular group. No.

16 Q. Was Ms. Klein --

17 A. Well, Mr. Gaines is an attorney with the NAACP.  
18 He is an attorney by trade, but I don't believe that was  
19 the capacity that he was in in this particular e-mail.

20 Q. Okay. Was Ms. Klein asking you to help gather  
21 information that would be important for litigation?

22 A. I don't believe it was her specifically. Again,  
23 I want to say it just came from our coalition group that  
24 we were talking in generals [sic] about, you know, how  
25 would we prepare the community moving forward.

1 Q. Are you an attorney?

2 A. I am not.

3 Q. How do you know what important information is  
4 needed for litigation?

5 A. Well, basically it was whatever Steph Swanson was  
6 having me and Bindu work on at the time.

7 Q. Do you know who Steph Swanson was working with  
8 regard -- in regards to potential future litigation?

9 A. Well, other than Ms. Klein here, Ms. Sarah Chen  
10 and whoever they were talking to with her group of League  
11 of Women Voters, I couldn't tell you specifically who  
12 those people were.

13 Q. So, is it safe to say that at least a week prior  
14 to voting on the maps that there was already talk about  
15 preparing for litigation?

16 MS. RICHARDSON: Objection, form.

17 MS. VALL-LLOBERA: Objection, privilege.

18 A. It wasn't --

19 MS. VALL-LLOBERA: And if you could,  
20 actually pause --

21 THE WITNESS: Okay.

22 MS. VALL-LLOBERA: -- before answering.

23 But object to privilege, too, and to the  
24 sidebar.

25 MR. HOLT: I don't think you guys represent



1 her, then any communication you had with her would be --  
2 would have been waived from your organizations.

3 MS. VALL-LLOBERA: There --

4 MS. CHEN: We'll -- we'll save that  
5 objection for when -- for anything that he addresses to  
6 the clients.

7 MS. PRATHER: Could you --

8 MR. HOLT: Are we okay?

9 MS. RICHARDSON: -- repeat the question.

10 THE WITNESS: Thank you. I was going to ask  
11 that.

12 MS. RICHARDSON: If you can, pause for a  
13 second before you answer.

14 MR. HOLT: Can you read back, please? It  
15 got a little intense there for a sec.

16 THE REPORTER: "QUESTION: Is it safe to say  
17 that at least a week prior to voting on the maps that  
18 there was already talk about preparing for litigation?"

19 MS. CHEN: Objection, form.

20 MS. RICHARDSON: Objection to form.

21 MR. GEAR: Objection, form.

22 MR. HOLT: Anybody else?

23 MS. VALL-LLOBERA: Objecting based on  
24 privilege.

25 MR. HOLT: I assume --

1 THE WITNESS: Do I answer it?

2 MR. HOLT: Yeah.

3 MS. CHEN: For now we'll instruct you not to  
4 answer.

5 And can we ask for a quick recess?

6 MR. HOLT: Yeah, but she's not your client  
7 at all. I don't -- you can't really instruct her not to  
8 answer. You don't have privilege with her. That's what I  
9 don't understand here.

10 MS. CHEN: Let's --

11 MR. HOLT: We can talk. We can -- if we  
12 want to have any type of substantive discussion, I'd  
13 prefer that we have it on the record regarding privilege.

14 MS. PRATHER: Well, since there is a  
15 question about privilege, then I instruct you not to  
16 answer the question; and we'll let the Court decide --  
17 resolve whether that -- the privilege communication should  
18 prevent her from answering this question.

19 MR. HOLT: I'd just like to know the legal  
20 basis for the privilege objection.

21 MS. VALL-LLOBERA: She was a contractor with  
22 the NAACP.

23 MR. HOLT: She was a contractor with the  
24 NAACP?

25 MS. VALL-LLOBERA: And you're asking about

1 potential litigation conversations between her and her  
2 coalition, which includes the NAACP, during a time which  
3 she was employed by them.

4 Q. (By Mr. Holt) Okay. Aside from any conversations  
5 you had with the NAACP --

6 MS. PRATHER: Or her attorney.

7 Q. (By Mr. Holt) -- or your attorney or -- were you  
8 aware of any efforts to prepare for litigation?

9 MS. PRATHER: Objection, form.

10 MS. RICHARDSON: I'll also object to form.

11 MR. HOLT: I'm just -- I mean, she talks  
12 about preparing for litigation in this e-mail that she  
13 clearly sent to members that were not part of the NAACP.  
14 I'm just trying to explore what it is she's saying in this  
15 communication where she brings up litigation where there  
16 are many people that are not covered by NAACP's privilege.

17 MS. CHEN: You were asking about other  
18 communications, not this one involving litigation.

19 MR. HOLT: Okay.

20 Q. (By Mr. Holt) The litigation that is referenced  
21 in your e-mail, what type of litigation are you  
22 preparing -- that you reference in Exhibit 3?

23 A. And from my point of view and from this e-mail, I  
24 didn't have any idea what kind of litigation. All I knew  
25 was if litigation were to become necessary that my job was

1 to help the community get themselves together in order to  
2 be prepared for whatever was coming down the line.

3 Q. Okay. Your second asterisk here, you say: The  
4 Honorable Commissioner Stephen Holmes will be speaking on  
5 redistricting this evening.

6 Do you see that?

7 A. I do.

8 Q. Did you attend that meeting?

9 A. I did not actually. It wasn't a meeting that I  
10 coordinated. I want to say that was something that was  
11 done by the county chair, and she asked that I share the  
12 information.

13 Q. Was this a Zoom meeting?

14 A. I want to say it was a Zoom meeting.

15 Q. Do you know if anyone recorded this meeting?

16 A. I don't know.

17 Q. Who was it that set it up? You said the  
18 Democratic party chair?

19 A. I think Tierr'ishia Gibson set up that meeting.

20 Q. Okay. Who was it that arranged for Commissioner  
21 Holmes to speak at the meeting? Do you have that  
22 information?

23 A. I don't. All I know is I received the  
24 information from Tierr'ishia Gibson.

25 Q. If you turn to the next page, it says "talking

1 points on map proposals." Do you see that?

2 A. I do.

3 Q. And then it has a link to where you can comment,  
4 to submit public comments. Do you see that there?

5 A. Yes.

6 Q. Are you aware of anyone that clicked on this link  
7 that was unable to leave a comment that wanted to?

8 A. I don't know.

9 Q. Who wrote these talking points?

10 A. I want to say that Miss Swanson composed them. I  
11 shared them.

12 Q. Were you involved in the drafting of these at  
13 all, editing or commenting on them?

14 A. No. I just shared the information.

15 Q. Okay. Do you know if Commissioner Holmes gave  
16 input on these talking points?

17 A. I don't remember.

18 Q. Do you believe that a black Republican running  
19 for office in Galveston County supports the interests of  
20 the black community?

21 MS. RICHARDSON: Object to form.

22 MS. VALL-LLOBERA: Object to form.

23 MR. GEAR: Objection, form.

24 Q. (By Mr. Holt) Let me rephrase that: Is it  
25 possible that a black Republican running for office in

1 Galveston County could support the interests of the black  
2 community in Galveston?

3 MS. RICHARDSON: Object to form.

4 MR. GEAR: Objection, form.

5 A. I suppose anything's possible.

6 Q. (By Mr. Holt) Okay. What about Hispanic  
7 Republicans?

8 MS. RICHARDSON: Object to form.

9 Q. (By Mr. Holt) Latino Republicans?

10 MR. GEAR: Objection.

11 A. Again, I suppose any of it is possible. Whether  
12 it's likely or not, I don't know.

13 Q. (By Mr. Holt) Okay.

14 (Exhibit 4 marked)

15 MR. HOLT: Now, pass out another exhibit  
16 here. This is Exhibit 4. I apologize. I didn't print  
17 off as many copies of this one. I can send it out on an  
18 e-mail here.

19 THE WITNESS: Okay. This was the meeting  
20 here.

21 MR. HOLT: Give me just a second here.

22 Okay. Just sent that out.

23 Q. (By Mr. Holt) Do you recognize what this is?

24 A. I do.

25 Q. What is it?

1 A. It was the notice about the meeting that I was  
2 e-mailing about. That was -- that was the asterisk,  
3 No. 2.

4 Q. Okay. So, this is the Commissioner Holmes  
5 meeting?

6 A. Uh-huh.

7 Q. And you did not --

8 A. Yes.

9 Q. You did not attend this meeting?

10 A. I did not.

11 Q. So, are you aware of what Commissioner Holmes  
12 said at that meeting? Was it ever communicated to you?

13 MS. VALL-LLOBERA: Objection, form.

14 A. I can't speak on what he said specifically, no.

15 MS. RICHARDSON: I'm sorry. I'm doing this  
16 a little late, but I'm also going to object to the lack of  
17 foundation to this exhibit. I'm not sure what we -- if we  
18 laid the foundation about what this is or who it came  
19 from.

20 Q. (By Mr. Holt) Would you agree that this message  
21 was attached to the exhibit we marked as Exhibit 3?

22 A. This looks more like a text message between me  
23 and Heidi. It wasn't attached to this original e-mail,  
24 no.

25 Q. Okay. But this is the meeting that you were

1       referencing, Exhibit 3?

2           A.     But -- right. I did make a reference to it under  
3 Asterisk 2. That was the meeting that I was asked to  
4 share the information about in the e-mail.

5           Q.     Looking back at Exhibit 3 on the e-mail that was  
6 sent at 3:08 p.m. on November 4th -- do you see that?

7           A.     Yes.

8           Q.     -- was this attached to that e-mail?

9           A.     This document?

10          Q.     Yes.

11          A.     Again, it appears to me to be a text message, not  
12 an e-mail.

13          Q.     So, a screen shot of a text message, correct?

14          A.     A screen shot of a text message, yes.

15          Q.     Okay. And you don't recall attaching it to --

16          A.     No.

17          Q.     -- the e-mail on November 4th at 3:08 p.m.?

18          A.     No.

19                   MS. RICHARDSON: Okay. I'm going to  
20 maintain my objection for lack of foundation to this  
21 exhibit.

22          A.     Yeah. No, it's not a part of that original  
23 e-mail.

24                   MR. HOLT: Okay. We got one more here.

25                   Marking this as Exhibit 5.



1 (Exhibit 5 marked)

2 MR. HOLT: I'll e-mail this one out here.  
3 Just give me one second.

4 Q. (By Mr. Holt) Do you recognize what the e-mail  
5 is?

6 A. Yes.

7 Q. What is it?

8 A. It is one of my attempts to get information to  
9 and from the community about redistricting.

10 Q. Is this in reference to the redistricting in  
11 Galveston County or a different redistricting?

12 A. Actually this seems to refer to the Texas  
13 legislative process. I want to say this is another  
14 special session called, and we were getting ready to  
15 submit redistricting testimony.

16 Q. Okay. And you said --

17 A. Not just for Galveston County but for the process  
18 in general.

19 Q. Okay. And did you send this e-mail?

20 A. I did.

21 Q. And you would agree that Stephen Holmes is cc'd  
22 on this e-mail, correct?

23 A. Yes.

24 Q. So, you would agree that as early as  
25 September 11th, 2021, you had communications with

1 Commissioner Holmes regarding redistricting in Texas?

2 A. Well, I wasn't directly speaking with him, though  
3 I did cc him on all of my communications as I was working  
4 through the community so he would be aware of what I was  
5 doing.

6 Q. Okay. Okay.

7 MR. HOLT: Let's move on to another one  
8 here. I'll mark this one as Exhibit 6.

9 (Exhibit 6 marked)

10 MR. HOLT: I'll e-mail this out. Just give  
11 me a moment.

12 And for those on Zoom, I may or may not have  
13 attached the wrong e-mail to the last one; but there's two  
14 September 11th e-mails. So, I apologize. So, the one  
15 that I'm sending out now is another September 11th e-mail.  
16 I apologize.

17 Q. (By Mr. Holt) Okay. Do you recognize the e-mail  
18 that has been given to you marked as Exhibit 6?

19 A. I do.

20 Q. And what is it?

21 A. It is me requesting information about the  
22 redistricting, the city council discussions on  
23 redistricting and any open hearings and dates and  
24 locations for redistricting.

25 Q. Okay. So, let's first look at the forwarded

1 message that was sent on Saturday, September 11th, at  
2 3:22 p.m. Do you see that?

3 A. I do.

4 Q. And this looks like an e-mail that you sent to  
5 citymanager@GalvestonTX.gov and Mbarnett@GalvestonTX.gov.  
6 Do you --

7 A. Yes.

8 Q. Do you agree with that?

9 A. Yes.

10 Q. Do you remember sending this e-mail?

11 A. I do.

12 Q. What is it that you're specifically requesting  
13 from the County?

14 A. I'm requesting, No. 1, city council discussions  
15 about redistricting; No. 2, open hearings, dates and  
16 locations for redistricting. And I say, "We hope to  
17 encourage the community in this important discussion.  
18 Will there be any opportunity for Zoom testimony given the  
19 enormously high COVID rates we are experiencing?"

20 And I'm thanking them for any information,  
21 guidance and updates.

22 Q. Okay. And then in -- approximately two minutes  
23 after this e-mail was sent, you forwarded it to  
24 Commissioner Holmes, correct?

25 A. I did.

1 Q. And it looks like this is sent to Holmes,  
2 Stephen; and based on Exhibit 3, you had stated that was  
3 his official e-mail address.

4 A. Yes.

5 Q. Do you remember that?

6 A. Yes.

7 Q. Okay. So, you would agree that you sent this to  
8 Commissioner Holmes officially --

9 A. To his office, yes.

10 Q. When did you send something -- was there -- when  
11 would you send something to his personal e-mail address  
12 versus his official e-mail address?

13 A. Hmm. I would make no distinction. I just --  
14 however it populated in my -- as I was sending e-mails is  
15 where I sent it. I didn't make any real distinction about  
16 that.

17 Q. Okay. And you said to Commissioner Holmes,  
18 "Thank you for any information you can provide."

19 A. Right. I was requesting information from all of  
20 those entities in the e-mail.

21 Q. Had you communicated with him in person or over  
22 the telephone that this was coming before you forwarded it  
23 to him?

24 A. No. I want to say I might have spoken to his  
25 secretary. I did most of my communications with her as

1 far as trying to get any information; or if I needed to  
2 contact him or pass him a message from the coalition, I  
3 would go through his secretary.

4 Q. Okay. So, you would agree that at least, you  
5 know, as early as September 11th, 2021, you were  
6 communicating with Commissioner Holmes regarding --

7 A. I was gathering --

8 Q. -- redis- --

9 A. -- information from him and whoever would give me  
10 information, yes.

11 Q. Okay. And you just had stated earlier that the  
12 first time you spoke with Commissioner Holmes about  
13 redistricting was the week before the --

14 A. That I spoke --

15 Q. -- the public meeting?

16 A. -- with him personally, yes; but I had been  
17 trying to work with everyone I could work with to get the  
18 information, yes.

19 Q. How long before the November, 2021, meeting had  
20 you been communicating with Commissioner Holmes through  
21 e-mail?

22 A. I want to say maybe since that July, August --  
23 probably that August.

24 Q. Okay. And was -- did he provide you any helpful  
25 information?

1 A. No, because as I mentioned before, most of the  
2 information that he could give me, we were all getting it  
3 about the same time, his office along with my coalition.  
4 He wasn't -- he wasn't any help as far as having any  
5 information coming straight for the commissioners court,  
6 no. I was not able to get that information.

7 Q. Okay. And prior to the November special meeting,  
8 were you aware of any time where Commissioner Holmes  
9 attempted to place the topic of Galveston County  
10 redistricting on the agenda for a commiss- -- county  
11 commission meeting?

12 A. I'm not sure about that.

13 Q. Have you ever --

14 A. I know that we had asked him to, but I'm not  
15 sure.

16 Q. Do you know if that ever happened?

17 A. If he -- I'm not sure how that would have worked  
18 out.

19 Q. What did you --

20 A. I would have to go back and look at my notes from  
21 meetings.

22 Q. When did you ask him to do that?

23 A. Probably about August before I started really  
24 gathering the information that I needed for my work that I  
25 was doing with the Maptitude and my coalition.

1 Q. And you mentioned you also get alerts for  
2 meetings for Galveston County.

3 A. Uh-huh.

4 Q. Were you aware of any meeting --

5 A. Yeah.

6 Q. -- prior to the November, 2021, meeting where  
7 redistricting was discussed?

8 A. No. That would be the purpose for this e-mail  
9 because I was still trying to get information about a  
10 timeline or how they were going about setting up the  
11 meetings for those discussions.

12 Q. So, you would agree that Commissioner Holmes did  
13 not put redistricting on an agenda for the Galveston  
14 County meeting?

15 A. I don't know --

16 MS. VALL-LLOBERA: Objection, form.

17 A. -- if I can agree to that.

18 MR. GEAR: Objection, form.

19 A. I don't know if I can agree to that because I  
20 know that, again, he was one voice against four others;  
21 so, him attempting to do it in -- whether it made the  
22 agenda or not, I couldn't speak on any of that.

23 Q. (By Mr. Holt) Okay.

24 MR. HOLT: Okay. We'll move on to what I'm  
25 marking as Exhibit 7.

1 Q. (By Mr. Holt) You doing okay, Ms. Williamson?

2 A. I'm good. Thank you.

3 (Exhibit 7 marked)

4 MS. RICHARDSON: I might actually need a  
5 break soon.

6 (Discussion off the written record)

7 THE VIDEOGRAPHER: Off the record at 2:49.

8 (Recess taken)

9 THE VIDEOGRAPHER: Back on the record at  
10 3:09.

11 Q. (By Mr. Holt) While we were on break,  
12 Ms. Williamson, did you speak with anyone besides your  
13 attorney about your deposition?

14 A. No.

15 Q. I'm going to hand you what's been marked as  
16 Exhibit 7.

17 MR. HOLT: I've sent that out to e-mail  
18 already. Oh, sorry, guys. There's two pages to this. I  
19 think I handed you the second page. Did I?

20 MS. RICHARDSON: You handed us this.

21 MR. HOLT: There's that back, page 2 of it;  
22 so. There you go.

23 Q. (By Mr. Holt) Okay. Do you recognize what has  
24 been marked at Exhibit 7?

25 A. The one page? Yeah.



1 MR. HOLT: My apologies. I thought I had  
2 stapled everything together. Okay. I think everyone's  
3 got it now.

4 Q. (By Mr. Holt) Do you recognize what's been marked  
5 as Exhibit 7?

6 A. I do.

7 Q. What is that?

8 A. An invitation to the Zoom meeting.

9 Q. And what is that Zoom meeting?

10 A. Not saying much.

11 Q. Do you remember? It looks like Stephanie Swanson  
12 scheduled a Zoom meeting regarding Galveston County. Is  
13 that what -- is that what it says there?

14 A. Yes.

15 Q. And this is an e-mail that you received from  
16 Stephanie Swanson?

17 A. Yes.

18 Q. And then you just a few minutes after receiving  
19 this e-mail from Ms. Swanson forwarded it to Commissioner  
20 Holmes, correct?

21 A. Yes.

22 Q. Why -- do you remember why you forwarded it to  
23 Commissioner Holmes?

24 A. I don't remember other than -- I don't remember.

25 Q. And do you remember attending this meeting?

1 A. I do.

2 Q. Do you remember what was said there or who spoke?

3 A. I don't. I want to -- I don't. I know that  
4 Miss Swanson was talking about what we were -- the work we  
5 were doing here, but I don't remember specifics.

6 Q. Did Miss Swanson typically record her Zoom  
7 meetings?

8 A. Hmmm. Maybe? I'm not sure about this one.

9 Q. Would they ever -- Miss Swanson ever circulate a  
10 recording of a meeting or a training after the fact for  
11 those people who are not able to attend it live?

12 A. Sometimes --

13 Q. And you don't --

14 A. -- yes.

15 Q. -- you don't -- do you recall if it was done for  
16 this meeting?

17 A. I don't. I would need more context.

18 Q. Did you ever receive any of those recorded  
19 meetings that you were unable to attend --

20 A. Occasionally.

21 Q. -- regarding redistricting in Galveston County?

22 A. Not necessarily redistricting but different  
23 trainings, yes.

24 Q. Okay. And you don't remember why you forwarded  
25 this to Commissioner Holmes?

1 A. I don't.

2 Q. But you agree that you did, correct?

3 A. I did.

4 (Exhibit 8 marked)

5 Q. (By Mr. Holt) Okay. I'm going to hand you what's  
6 marked as Exhibit 8.

7 MR. HOLT: Let me get this circulated real  
8 fast. Okay. I just sent that out through e-mail.

9 Okay. Sorry.

10 MS. RICHARDSON: It's all right.

11 MR. HOLT: Did it again.

12 MS. RICHARDSON: Oh, that makes more sense  
13 now.

14 MR. HOLT: Mind if I see that back there?  
15 I'm sorry. There's a second page. When I printed it, it  
16 looks like it -- someone unchecked the box here.

17 There you go, ma'am.

18 MS. VALL-LLOBERA: Thank you.

19 Q. (By Mr. Holt) Okay. Do you recognize this,  
20 Ms. Williamson?

21 A. I do.

22 Q. What is it?

23 A. It is an e-mail where we -- hmmm. Give me a  
24 minute.

25 This looks like it has to do with the ad- --

1 advocacy groups we were trying to get together for --  
2 oh -- the ad- -- advocacy letter we were sending to the  
3 commissioners court.

4 Q. Let's look at this, the first e-mail underneath  
5 the forwarded message. Do you see that?

6 A. Uh-huh.

7 Q. And it's an e-mail from Stephanie Swanson to  
8 yourself and Sarah Chen. Do you see that?

9 A. I do.

10 Q. And do you believe this to be the Sarah Chen  
11 that's sitting with us today at this -- at the deposition?

12 A. I do.

13 Q. Okay. Did you engage with Ms. Chen often  
14 regarding redistricting of Galveston County?

15 MS. VALL-LLOBERA: Objection, privilege.

16 MR. HOLT: Is the Texas Civil Rights Project  
17 the same as NAACP?

18 MS. VALL-LLOBERA: The NAACP is a client.

19 MR. HOLT: Okay. Help me understand here.  
20 So, NAACP is a client of --

21 MS. VALL-LLOBERA: The Texas Civil Rights  
22 Project.

23 MR. HOLT: The Texas Civil Rights Project?  
24 And you're claiming that -- that --

25 MS. VALL-LLOBERA: Ms. Williamson --

1 MR. HOLT: -- that therefore makes  
2 communications with Ms. Williams -- Ms. Williamson  
3 privileged?

4 MS. VALL-LLOBERA: Yes.

5 MR. HOLT: Okay.

6 Q. (By Mr. Holt) Okay. We'll just talk about this  
7 communication here. You would agree that this was an  
8 e-mail from Ms. Swanson to yourself and Ms. Chen, correct?

9 A. Yes.

10 Q. And it -- it says, "Here is the letter to send to  
11 Galveston County commissioners court. Do we want to add a  
12 reference to the 2011 retrogression?"

13 What did you mean by that? I mean, what do  
14 you believe Ms. Swanson meant by that?

15 MS. PRATHER: Objection, form.

16 You can answer if you can.

17 A. From what I understood, this was in reference to  
18 the last redistricting cycle.

19 Q. (By Mr. Holt) Okay. And I will represent that I  
20 did click on the Google doc that's on the second page, and  
21 it was no longer there. Do you remember what that  
22 document was?

23 A. Verbatim, no, I don't.

24 Q. Okay. And there in the last paragraph it says,  
25 "Roxy, how many groups do you think would be interested in

1 signing on?" Do you recall how many groups were  
2 interested in signing on?

3 MS. VALL-LLOBERA: Objection, privilege.

4 MR. HOLT: I mean, I just -- I mean, you're  
5 not representing her at this deposition. I don't see how  
6 you -- I understand you can bring that objection, but I  
7 don't think you can instruct her not to answer. This is  
8 in an e-mail that she forwarded to Commissioner Holmes.  
9 So, any type of privilege would have been waived. I  
10 just -- I think I should be able to talk about this e-mail  
11 specifically. That's all I'm trying to do.

12 MS. RICHARDSON: What was the question  
13 again?

14 MR. GEAR: Excuse me, and for the record,  
15 are we talking about Exhibit 8?

16 MR. HOLT: Yes.

17 MS. VALL-LLOBERA: I -- I believe that is  
18 the --

19 MR. HOLT: Did I e-mail the wrong exhibit  
20 here?

21 MR. GEAR: I think you did.

22 MR. HOLT: Tuesday, October 26th?

23 MS. RICHARDSON: I -- the e-mail we're  
24 looking at is from -- is a forwarded e-mail to Stephen  
25 Holmes on Tuesday, October 26th.

1 MR. HOLT: And on the bottom of that page,  
2 there is an e-mail she forwarded, right? No, nope.

3 MR. GEAR: No.

4 MR. HOLT: Give me one minute here, guys, I  
5 am so sorry.

6 MS. RICHARDSON: Oh, yeah, the one that you  
7 put in the e-mail is different than the one that you just  
8 gave us.

9 MR. HOLT: Oh, goodness. Okay. Let me just  
10 break for two minutes here. I'm going to make sense of  
11 this. My apologies, guys. I'm really sorry.

12 THE VIDEOGRAPHER: Off the record at 3:20.

13 (Recess taken)

14 THE VIDEOGRAPHER: We're back on the record  
15 at 3:24.

16 MR. HOLT: Okay. I apologize for my lack of  
17 organization. I had circulated the correct exhibit in the  
18 conference room but attached the incorrect exhibit. And I  
19 have now sent out an e-mail titled "Corrected Exhibit 8."  
20 It's my understanding that that matches with the  
21 conversation that we've been having; is that correct? Any  
22 objections to that?

23 THE PLAINTIFFS: (No response.)

24 MR. HOLT: Hearing none, we'll move forward  
25 here. And that --

1 MS. VALL-LLOBERA: Counsel, before we  
2 proceed, can the court reporter read the last question  
3 that I objected to?

4 MR. HOLT: Sure.

5 THE REPORTER: QUESTION" -- sorry.

6 "QUESTION: And there in the last paragraph  
7 it says, 'Roxy, how many groups do you think would be  
8 interested in signing on?' Do you recall how many groups  
9 were interested in signing on?"

10 MS. VALL-LLOBERA: I withdraw my objection.

11 MR. HOLT: Okay. Thank you.

12 Q. (By Mr. Holt) Do you remember how many groups  
13 signed onto this letter?

14 A. I do not.

15 Q. Do you remember what this letter was?

16 A. Not specifically but what I remember is it was  
17 definitely a letter asking about the timeline of the  
18 redistricting and possibly what would be the opportunities  
19 for the public to have their input.

20 Q. Okay. And let's look up at the top e-mail, an  
21 e-mail that you sent to Commissioner Holmes on  
22 October 26th, 2021. Do you see that?

23 A. I do.

24 Q. And is this -- is this an e-mail -- is this the  
25 correct e-mail that you sent to Commissioner Holmes on



1 that day?

2 A. It is.

3 Q. Why did you forward this e-mail to Commissioner  
4 Holmes?

5 A. I was asked to.

6 Q. By whom?

7 A. Stephanie Swanson.

8 Q. And you say, "Here's the original e-mail." Had  
9 you spoken with him about this on the telephone or  
10 somewhere else that he had requested the original e-mail?

11 A. No. That was just -- that's my form of how I  
12 conduct my business. I didn't assume that he knew what I  
13 was talking about; so, I wanted to include the original  
14 e-mail so he would know what I was referring to.

15 Q. You hadn't had a prior conversation with him  
16 about this letter?

17 A. No, not with the letter. I think I was just  
18 getting in touch with him to let him know that the letter  
19 was coming and this is what I was asking along with giving  
20 him information about possibly the letter that we were  
21 working on.

22 Q. Okay. And you said, "I'm hoping to get enough  
23 Galveston County citizen groups to step up and sign on. I  
24 was hoping you could offer some suggestions."

25 Do you recall any suggestions that

1 Commissioner Holmes gave you of groups that would sign  
2 onto this?

3 A. I do not.

4 Q. And this e-mail was on October 26th, 2021,  
5 correct?

6 A. Yes.

7 Q. So, you would agree that as early as  
8 October 26th, 2021, you were communicating with  
9 Commissioner Holmes regarding redistricting in Galveston  
10 County?

11 A. Yes. I was attempting to let him know the work  
12 that I was doing and the efforts we were making to  
13 galvanize the community, yes.

14 (Exhibit 9 marked)

15 MR. HOLT: Now I'm going to move on to  
16 Ex- -- what I have marked as Exhibit 9. And I believe I  
17 already e-mailed this out, but I will send another e-mail  
18 properly identifying it. Just give me one minute here.

19 Okay. I just sent that out.

20 Q. (By Mr. Holt) Do you recognize this e-mail,  
21 Ms. Williamson?

22 A. Yes. Now it's making sense.

23 Q. What is this e-mail that's dated Tuesday,  
24 October 26th, 2021, at 2:27 p.m. Central Time?

25 A. As I said before, I was alerting him of the

1 letter that we were working on and getting as much  
2 information as I could. And as stated in the previous  
3 e-mail by Miss Swanson, we were asking if he knew of any  
4 other groups or people that we needed to include in  
5 distributing this letter or getting them to take part and  
6 participate in the ad- -- advocacy that was going on.

7 Q. Okay. So -- so, let's look down at Exhibit 9 to  
8 the first e-mail there. Looks like it was sent on  
9 October 26th at 6:55 a.m. Do you see that?

10 A. Uh-huh. I do.

11 Q. You say, "Good morning, Commissioner Holmes.  
12 Steph Swanson and the groups are putting together a letter  
13 of advocacy to be distributed to the county judge and  
14 commissioners. Are there any community leaders you would  
15 recommend to assist and possibly sign onto the letter? I  
16 appreciate any information you can provide. Thank you.  
17 Yours in service, Roxy."

18 Would you agree that's an accurate  
19 reflection of what is in the e-mail?

20 A. I agree.

21 Q. And then Commissioner Holmes responded on  
22 October 26th at 2:27 p.m. Central Time: "Hey, Roxy. I  
23 don't have anyone in particular" -- I'm assuming he wanted  
24 to say I want the letter sent to. "Do you have a copy of  
25 the letter?" Do you see that?

1 A. I do.

2 Q. And then that -- so, that was at 2:27 p.m.

3 Let's go back to Exhibit 8 where you  
4 forwarded him the e-mail from October 25th. You forwarded  
5 that at 2:57 p.m. on October 26th saying "Here's the  
6 original e-mail."

7 A. Right.

8 Q. Do you see that?

9 A. I do.

10 Q. So, would you agree that the e-mail at the top of  
11 the page on Exhibit 8 is in response to the request for  
12 more information from Commissioner Holmes on Exhibit 9?

13 A. Yes.

14 Q. Okay. And do you remember what was in that  
15 letter?

16 A. Again, not specifically other than we were  
17 advocating to have an opportunity to present better maps.

18 Q. Okay. What --

19 A. Possibly.

20 Q. What input did you get from Commissioner Holmes  
21 on this letter?

22 A. That, I cannot recall. I don't remember me  
23 personally getting any information from him.

24 Q. Were there times that you would e-mail  
25 Commissioner Holmes and then he would follow up with a

1 phone call?

2 A. No. Typically if I e-mailed, he would respond in  
3 kind like he did here.

4 Q. But you don't recall any edits or comments  
5 Commissioner Holmes provided for this letter?

6 A. No, I don't remember anything like that. No.

7 Q. Do you know if you still have a copy of the  
8 letter that you sent to Commissioner Holmes?

9 A. I would have to look. I don't know.

10 Q. Were you instructed by someone to send this  
11 letter to Commissioner Holmes?

12 A. It was between Steph Swanson and I that -- as she  
13 asked in the e-mail -- I responded how she asked me in the  
14 e-mail.

15 Q. And did you regularly engage with Commissioner  
16 Holmes regarding proposed communications to his colleagues  
17 on the commission?

18 A. No, I want to belie- -- I want to say that this  
19 was the one time that we did the letter to the whole  
20 commissioner -- the judge and the commissioners.

21 Q. Was the letter -- do you remember if it was also  
22 addressed to Commissioner Holmes?

23 A. I'm not sure if it was addressed individually or  
24 how it was addressed or sent. I would have to see the  
25 letter to --

1 Q. Was he --

2 A. -- tell you.

3 Q. Did he sign onto the letter?

4 A. No, I don't believe he signed onto it.

5 Q. But he saw it and had an opportunity to input on  
6 it before it was submitted to his colleagues on the  
7 commission?

8 A. Or at least he had a chance to see it, yes.

9 Q. Okay.

10 (Exhibit 10 marked)

11 Q. (By Mr. Holt) I'm going to hand you what's marked  
12 as Exhibit 10.

13 MR. HOLT: I'll send that out through e-mail  
14 here. Just give me one moment.

15 So, I'm going to attach, everyone, just  
16 ECF 48. It's a copy of defendants' motion to dismiss that  
17 was filed against the United States on the 14th of June,  
18 2022; and what I have marked as Exhibit 10 was Exhibit B  
19 to that filing. For reference that's pages 60 through 62  
20 of the PDF as we view it in the PDF reader.

21 Just waiting for that to send.

22 Q. (By Mr. Holt) Okay, Ms. Williamson. Do you  
23 recognize what has been marked as Exhibit 10?

24 A. Not really.

25 Q. If I represent to you that it is a article

1 written by John Wayne Ferguson for the DAILY NEWS entitled  
2 "Galveston County Democrats Call for Action before Federal  
3 Lawyers Arrive," dated Oct- -- April 9th of 2022, would  
4 that be correct?

5 A. Yes.

6 Q. And I'll represent again that this was attached  
7 as Exhibit B to the defendants' motion to dismiss.

8 MS. RICHARDSON: And I'm just -- of the -- I  
9 don't think I've gotten Exhibit 10 in the e-mail yet.

10 MR. HOLT: It's --

11 MS. RICHARDSON: Might -- did it send  
12 already?

13 MR. HOLT: It's coming, and I'll reference  
14 again it's Document 48-2 --

15 MS. RICHARDSON: Oh, there we go.

16 MR. HOLT: -- of the ECS [sic] filing. It  
17 was just a -- kind of a larger PDF. I'm sorry.

18 MS. RICHARDSON: No worries.

19 Q. (By Mr. Holt) Looking on pages 60 through 62 --

20 MR. GEAR: I haven't received it yet either.

21 MS. RICHARDSON: Yeah.

22 MR. GEAR: United States.

23 MR. HOLT: It should be coming.

24 MS. RICHARDSON: It literally just came in  
25 for me. So...

1 MR. HOLT: I'll wait a minute. Just  
2 everyone let me know when you have it pulled up.

3 (Brief pause)

4 MR. HOLT: Those folks on Zoom, have you  
5 been able to get a copy of that yet?

6 MR. GEAR: We just received it.

7 MR. HOLT: Okay. I'll wait for you guys to  
8 open it up here real quick.

9 MR. GEAR: And what pages did you refer to?  
10 I'm sorry.

11 MR. HOLT: It's page 60 through 62 of the  
12 PDF, which is at the very end, Exhibit B to the filing.

13 We all there?

14 MS. RICHARDSON: Oh, I see. So, you --

15 MR. GEAR: Yes.

16 MS. RICHARDSON: This is the full motion to  
17 dismiss that --

18 MR. HOLT: Yeah.

19 MS. RICHARDSON: -- I e-mailed -- oh, okay.  
20 And then this is --

21 MR. HOLT: Yeah.

22 MS. RICHARDSON: -- just the exhibit on it.

23 MR. HOLT: Yes, that is correct.

24 MS. RICHARDSON: Okay.

25 MR. HOLT: Okay.



1 Q. (By Mr. Holt) So, I want to draw your attention  
2 to the second paragraph of the -- the news story where it  
3 says: Galveston Democratic party chairwoman, Tierr'ishia  
4 Gibson, and the justice -- said the Justice Department was  
5 scheduled to visit in coming weeks and the party, quote,  
6 needed to be prepared for the next level, close quote, of  
7 the challenge to the precinct map.

8 Do you see that there?

9 A. I do.

10 Q. Do you know what was meant by needed to prepare  
11 for the next level --

12 MS. RICHARDSON: Objection to form.

13 Q. (By Mr. Holt) -- of the challenge to the precinct  
14 map?

15 MS. PRATHER: Same objection.

16 MR. GEAR: Objection, form.

17 A. I don't know what she meant by that.

18 Q. (By Mr. Holt) You would agree that as early as  
19 April 8th, 2022, the Galveston County Democratic party was  
20 aware that the Justice Department was coming to visit  
21 Galveston regarding the maps?

22 MS. RICHARDSON: Objection, form.

23 MS. VALL-LLOBERA: Objection to form.

24 MR. GEAR: Objection, form.

25 Q. (By Mr. Holt) You would agree that's what it says

1 in the article?

2 A. According to what it says in the article, yes.

3 Q. Do you have any reason to believe that this  
4 article would not be true?

5 MS. PRATHER: Objection, form.

6 MS. RICHARDSON: Object to form.

7 MR. GEAR: Same objection.

8 A. No, I can only speak for what I knew at the time;  
9 and there was no confirmation that the Justice Department  
10 was coming. There were high hopes that the Justice  
11 Department was coming.

12 Q. (By Mr. Holt) Did you meet with the Justice  
13 Department when they came to Galveston in person?

14 A. I did.

15 Q. Do you remember approximately when that was?

16 A. I don't, for whatever reasons. I can't remember.  
17 I don't remember.

18 Q. Would it have been early in the summer of 2022?

19 MS. PRATHER: Objection, form.

20 MS. RICHARDSON: Object to form.

21 A. Possibly. I don't remember the exact date, no.

22 Q. (By Mr. Holt) You said --

23 A. I don't remember the exact date.

24 Q. You said earlier they came for about three days;  
25 is that right?

1 A. Yes. I remember that much.

2 Q. At least two attorneys with the Justice  
3 Department came?

4 A. Yes.

5 Q. Did they bring any additional staff with them?

6 A. I don't know.

7 Q. Are you aware of anyone that heeded the counsel  
8 of Miss Gibson and reached out to the Justice Department  
9 to share their stories and experiences?

10 A. Other than Lucille McGaskey and Corlie Jackson, I  
11 don't know.

12 Q. You don't know. You're not aware of anyone else  
13 that they spoke with?

14 A. I don't know.

15 Q. Did you help arrange or coordinate any meetings  
16 with the Department of Justice?

17 A. No. I showed up for my time, and that was about  
18 all I did.

19 Q. Do you know who it was that helped them arrange  
20 for their meetings?

21 A. I don't.

22 Q. Who was it that arranged your meeting with the  
23 Department of Justice?

24 A. As far as I know, Mr. Gear reached out to me  
25 individually, personally, and arranged our time together.

1 Q. Do you know how you got his information? I --  
2 I'll just state for the record you had previously stated  
3 that you believe that he got your information through your  
4 comment that you submitted to the Department of Justice,  
5 correct?

6 A. Yes.

7 Q. I'm going to go back to Exhibit 2, which was a  
8 copy of your comment. Do you have access to that?

9 A. I do.

10 Q. And what -- on the very top left there, it  
11 says -- has a receive date. What was that date?

12 A. November 12th, 2021.

13 Q. Had you communicated with the Department of  
14 Justice regarding what was going on in Galveston County  
15 prior to November 12th, 2021?

16 A. I had not.

17 Q. Did you communi- -- when you visited with them  
18 when they visited, was it before or after November 12th,  
19 2021?

20 A. After.

21 Q. So, do you know if the Justice Department had  
22 visited Galveston County prior to November 12th, 2021?

23 A. I don't --

24 MS. PRATHER: Objection --

25 A. -- know.

1 MS. PRATHER: Objection form.

2 Q. (By Mr. Holt) Okay. You would agree that  
3 Miss Gibson in this article stated that they would be --  
4 they are scheduled to visit in the coming weeks, correct?

5 A. According to the article, yes.

6 Q. And do you have any reason to believe that that  
7 visit did not happen?

8 MS. RICHARDSON: Object to form.

9 MR. GEAR: Object to form.

10 MS. PRATHER: Agreed. Same objection.

11 MR. GEAR: Asked and answered.

12 A. No.

13 (Exhibit 11 marked)

14 Q. (By Mr. Holt) I'm going to hand you what's marked  
15 as Exhibit 11.

16 MR. HOLT: I will e-mail it out here. Just  
17 give me one minute.

18 Okay. I've sent that out. I'll wait a  
19 minute for it to be received by everyone.

20 Q. (By Mr. Holt) Okay, Ms. Williamson. What do  
21 you -- do you -- do you have the documents marked  
22 Exhibit 11 in front of you?

23 A. I do.

24 Q. Do you recognize this document?

25 A. I do.

1 Q. What is that?

2 A. It is my written testimony for the senate  
3 redistricting hearings.

4 Q. Okay. And this -- I'll represent I was able to  
5 pull this down from the senate's Web site prior to this  
6 deposition. It looks like --

7 MS. RICHARDSON: Mr. -- for clarification,  
8 you mean the Texas state senate?

9 MR. HOLT: Yes. Yes, the Texas state  
10 senate.

11 Q. (By Mr. Holt) So, this comment was sent on looks  
12 like October 14th of 2021; is that correct?

13 A. Yes.

14 Q. And what was this message, what was this comment  
15 in regards to?

16 A. The digital access to the hearings.

17 Q. What was your position regarding the digital  
18 access to the hearings?

19 A. It was hard, and it was disheartening to sit on  
20 line all day and be kicked off and not allowed to -- be  
21 allowed back in to testify.

22 Q. And you attached -- if you go to the next page  
23 from this, you were able to provide them a written  
24 testimony, correct?

25 A. Yes.

1 Q. Had you prepared a statement that you were going  
2 to read on the record for the meeting?

3 A. I had.

4 Q. And so, this is the -- this was the statement  
5 that you had prepared but were unable to give as you were  
6 kicked off of the Zoom?

7 A. Well, it was actually a revision of the original  
8 statement because I was forced to submit it on line as  
9 opposed to be able to read it.

10 Q. Okay. I want to go to the last page of this  
11 exhibit where -- I'm looking at the -- the top paragraph  
12 there, four lines up where it says, "This is why  
13 identifying intentional discrimination" -- and you have  
14 bolded that -- "in the creation of district maps,  
15 continuously standing firm to ensure maps and school  
16 districts, city councils, other municipal positions while  
17 also developing culturally diverse curricula is essential  
18 to our quality of life across the state."

19 What -- when you use the term "intentional  
20 discrimination" in this statement, what did you understand  
21 that term to mean?

22 A. There are various practices and/or the lack of  
23 certain access. It just seemed -- it seems that not only  
24 locally but statewide that some of these things were put  
25 in place to intentionally discriminate against people who

1 had barriers to access, be it broadband, be it printers at  
2 home. The whole process of being able to testify for the  
3 state legislative session, it was very hard; and if I  
4 didn't have the resource I had, it would have been very  
5 difficult to print the affidavit, sign it, scan it, send  
6 it back. Like it's a whole process that seemed very  
7 intentional to keep certain people out of the process.

8 Q. Okay. And this was --

9 A. And this was my opinion and my testimony  
10 regarding that.

11 Q. Understood. You say "intentional discrimination  
12 in the creation of district maps." Again, not referring  
13 necessarily to the meeting access but to the actual  
14 creation of the district maps, what did you have in mind?  
15 What type of things that had happened or situations did  
16 you have in mind that you believe showed intentional  
17 discrimination in the creation of district maps?

18 A. Well, it's pretty much the way I stated it here:  
19 Regardless of the extreme growth of the state, which was  
20 primarily black and brown, it seemed that the creation of  
21 the maps, the creation of the timelines, all of those  
22 things were not done with the input of the community.  
23 They were done in some other space, and the community was  
24 not allowed to participate in those things. And that was  
25 from my experience working with several different groups



1 across the state. It wasn't just in Galveston. It was  
2 proliferating all throughout the state.

3 Q. Okay. Let's go back to the first page of your  
4 statement there; so, page 2 of this exhibit. In the  
5 second paragraph you say, "I am passionate about the  
6 nonpartisan" -- and you bolded "nonpartisan" -- "process  
7 of voting and the history of voting rights at home and  
8 globally."

9 What did you mean about "the nonpartisan  
10 process of voting"?

11 A. I thoroughly believe that the process should be  
12 absent of partisan thumbs on the scale. And in Texas and  
13 with the work that I was doing up until that point, it  
14 seemed like our more heavily Republican areas, the process  
15 was so much more difficult to be a part of; and that was  
16 some of the feeling behind the process needs to be as  
17 transparent and nonpartisan as possible.

18 Q. Do you believe that partisanship should play a  
19 role in the drawing of -- of maps in the redistricting  
20 process?

21 A. Where -- where those things are necessary, yes,  
22 but not in the aspect of being accessible to all the  
23 citizens that are involved.

24 Q. What do you mean by "where those things are  
25 necessary"?

1           A.    Well, there's a place for everything.  There's a  
2 place for partisanship but not in intentionally blocking  
3 certain groups of people from participating in the -- in  
4 any of the process.

5           Q.    Do you believe that a Republican controlled  
6 legislative body should be able to pass maps that favor  
7 their party?

8                   MS. RICHARDSON:  Object to form.

9                   You can --

10                  MR. GEAR:  Object to form.

11                  MS. RICHARDSON:  -- answer.

12           A.    I do not.  I don't believe --

13           Q.    (By Mr. Holt) Do you --

14           A.    -- they should be able to do that, no.

15           Q.    Do you believe that a Democratic controlled  
16 legislature should be able to pass maps that favor their  
17 party?

18           A.    I do --

19                   MS. RICHARDSON:  Objection.

20                  MR. GEAR:  Object to form.

21           A.    I do not.  Same answer:  I do not.

22           Q.    (By Mr. Holt) How do you personally identify  
23 intentional racial discrimination to distinguish itself  
24 from party politics?  How do you view those as different,  
25 and how do you identify what is party and what is racial

1 discrimination?

2 MS. RICHARDSON: Object to form; compound  
3 question.

4 MR. GEAR: Same objection.

5 MS. RICHARDSON: You can answer if you  
6 understand it.

7 A. I don't. Could you clarify what you mean by  
8 party versus racial -- because I know in redistricting  
9 that they both play a part. So, what would be the  
10 distinction?

11 Q. (By Mr. Holt) You personally, how do you  
12 identify -- in looking at a process in redistricting, how  
13 do you identify what is based on partisan politics versus  
14 what you called in this statement "intentional  
15 discrimination"? How do you tell the difference between  
16 those two?

17 A. Well, in light of the mapping that we're talking  
18 about, it was pretty clear that the lines were moved and  
19 certain things were included to actually do both: Ensure  
20 a white majority as well as ensure that the Republican  
21 party would benefit from the new maps.

22 Q. Are you aware of any type -- any communications  
23 or anything that led you to believe that the commission  
24 was drawing the maps to confirm a -- to ensure a white  
25 majority versus a high-performing Republican precinct?

1 MS. VALL-LLOBERA: Objection to form.

2 MS. RICHARDSON: Same objection.

3 MR. GEAR: Same objection.

4 A. I would just take it as how things -- just how --  
5 the makeup of the county and how the maps were drawn to  
6 ensure that -- for instance, the combining of all that,  
7 the beach, the Bolivar Peninsula with Galveston, the  
8 island -- that was to ensure that those white majorities  
9 would have the majority vote.

10 Q. (By Mr. Holt) You stated earlier that those areas  
11 were also heavy Republican areas, correct?

12 A. They are.

13 Q. So, how do you know the commission was doing it  
14 based on race as opposed to simply trying to shore up the  
15 Republican base in that precinct?

16 MS. VALL-LLOBERA: Objection to form.

17 MS. PRATHER: I agree, same objection.

18 MS. RICHARDSON: I agree, same objection.

19 A. I believe it did both.

20 MR. GEAR: Same objection.

21 MR. HOLT: Let's move on to Exhibit 12.

22 (Exhibit 12 marked)

23 MR. HOLT: Just a minute here.

24 Q. (By Mr. Holt) Do you see what's marked as  
25 Exhibit 12, Ms. Williamson?

1 A. I do.

2 Q. I will apologize. When it printed this out, it  
3 printed the hyperlink that overlaid the bottom text. I'll  
4 represent to you that this is a news article from  
5 Eyewitness News entitled, "Some Women of Color Frustrated  
6 by Biden's Presidential Bid." Do you see that?

7 A. I do.

8 Q. Do you remember being interviewed for this  
9 article?

10 A. I do.

11 Q. How did that interview come to be?

12 A. I want to say I was at an event. I was at the  
13 event. I was at an event, and I don't remember who the  
14 reporter was stopped me and asked me some questions.

15 Q. I'm looking at the second paragraph on -- on the  
16 page 1 of 3 here. And it says: "At the She the People  
17 forum, billed as the first presidential forum focused on  
18 women of color, Roxy D. Hall Williamson's shoulder slumped  
19 at the mention of Biden, who made his campaign  
20 announcement on Thursday." Do you see that there?

21 A. I do.

22 Q. And then it says -- quoting you: "'I know that  
23 we have been cultured to feel that only the white man can  
24 save us,' the La Marque, Texas, organizer said Wednesday.  
25 'I just don't feel like Biden is our answer.'" Do you

1 remember giving that statement?

2 A. I do.

3 Q. Do you agree that not all candidates of a  
4 particular party are created equal?

5 MS. RICHARDSON: Object to form.

6 MS. VALL-LLOBERA: Objection to form.

7 MR. GEAR: Objection.

8 Q. (By Mr. Holt) By "created equal" I mean in terms  
9 of their policies and how they go about things.  
10 Candidates are different in their views even though they  
11 belong to the same party. Would you agree with --

12 MR. GEAR: Same objection.

13 Q. (By Mr. Holt) -- that statement?

14 MS. RICHARDSON: Same objection.

15 MS. VALL-LLOBERA: Objection to form.

16 A. I agree.

17 Q. (By Mr. Holt) Did you support President Biden  
18 when he ran in the presidential primary?

19 A. Yes.

20 Q. Despite what you said here in this statement?

21 A. Yes.

22 Q. Okay. You went on to talk about how you strongly  
23 disagreed with his handling of the Anita Hill hearings.  
24 You say there -- looking about a third -- two thirds of  
25 the way down paragraph saying: "Williamson said that she

1 was, quote, still salty about the role Biden played on the  
2 hearing and that it wasn't okay then; and it's not okay  
3 now." Do you remember saying that?

4 A. I do.

5 Q. Did you support a different candidate besides  
6 President Biden in the primary?

7 MS. VALL-LLOBERA: Objection to form.

8 MS. RICHARDSON: Objection to form.

9 A. Ask -- I'm sorry.

10 Q. (By Mr. Holt) Did you support a different  
11 candidate besides President Biden -- then candidate  
12 Biden --

13 MS. PRATHER: Objection, form.

14 MS. VALL-LLOBERA: Objection to form.

15 Q. (By Mr. Holt) -- in the Democratic/Republican  
16 primary?

17 MS. RICHARDSON: Same objection.

18 A. I did.

19 Q. (By Mr. Holt) What is the process you go through  
20 in a Democratic primary of determining which candidate to  
21 support, all being members of the same party?

22 MS. RICHARDSON: Objection to form.

23 MS. VALL-LLOBERA: Objection to form.

24 MR. GEAR: Objection.

25 MS. PRATHER: And objection to relevance.

1 I'm not really sure why it's relevant what her personal  
2 process is to decide her primary candidate.

3 Q. (By Mr. Holt) You can still answer.

4 A. I'm a pretty complicated being. I don't fly  
5 party flags. I don't support people just based on the  
6 party they're in. I look at their policies. I look at  
7 their voting record. I look at what they do in their  
8 local communities. It's a whole vetting process for me.

9 Q. Do you believe President Biden was the candidate  
10 of choice of black and Hispanic and Latino voters in  
11 Galveston County during the Democratic primary?

12 MS. PRATHER: Objection, form and relevance.

13 MS. RICHARDSON: Same objection.

14 MR. GEAR: Same objection.

15 A. Actually for a majority of some of the community  
16 that I work with, that was their candidate of choice. It  
17 just wasn't mine.

18 Q. (By Mr. Holt) Okay. Is -- was there one  
19 candidate that was the candidate of choice --

20 MS. PRATHER: Objection.

21 Q. (By Mr. Holt) -- for black voters in Galveston  
22 County?

23 MS. VALL-LLOBERA: Objection to form.

24 MS. PRATHER: Yeah.

25 MR. GEAR: Objection to form.



1 MS. RICHARDSON: Same form objection.

2 MS. PRATHER: And relevance.

3 Q. (By Mr. Holt) You can answer.

4 A. They voted for him.

5 Q. I guess what I'm trying to get at here is you

6 would agree -- and you stated this earlier -- that

7 partisan issues are important in this, correct?

8 A. I agree.

9 Q. And are you able to say with confidence that

10 simply because the party attached to someone's name that

11 they represent a particular community, or they don't

12 represent a particular community?

13 MS. RICHARDSON: Objection to form.

14 MS. VALL-LLOBERA: Objection to form.

15 MR. GEAR: Objection.

16 A. The only thing I can speak to that in this

17 instance for the majority of the people that I work with

18 in Galveston County, Biden was their choice. And Biden

19 was who they voted for, and that's who they got.

20 Q. (By Mr. Holt) Do you believe that a partisan

21 affiliation is all you need to know in determining whether

22 a candidate will represent a minority community?

23 A. No.

24 Q. How is it more complicated than that?

25 MS. RICHARDSON: Objection to form.

1 Q. (By Mr. Holt) Is it more complicated than that?

2 A. Voters are more complicated than that.

3 MR. HOLT: Can we just go on break for like  
4 two minutes?

5 MS. RICHARDSON: Sure.

6 MR. HOLT: And I'm pretty close to wrapping  
7 it up.

8 THE VIDEOGRAPHER: Off the record at  
9 4:00 p.m.

10 (Recess taken)

11 THE VIDEOGRAPHER: We're back on the record  
12 at 4:05.

13 MR. HOLT: Ms. Williamson, I just want to  
14 thank you for your candidness; and I -- I'm going to go  
15 ahead and pass you on to the other folks, more questions  
16 for you. But I -- we sincerely wish you the best. And  
17 you're certainly in our prayers; and we hope that we see  
18 you this summer, absolutely.

19 THE WITNESS: I appreciate that. Thank you.

20 MS. RICHARDSON: Thank you. And I only have  
21 like a handful of questions to ask you.

22 THE WITNESS: Okay.

23 MS. RICHARDSON: I promise, I promise, I  
24 promise.

25 THE WITNESS: I have a question, too. Where

1 did you find this article? Somehow I missed it.

2 MR. HOLT: Just Googled your name, and it  
3 popped up as one of the first searches. So...

4 THE WITNESS: I remember that interview, but  
5 I don't remember seeing the actual article. So, wow.

6 MR. HOLT: I'd like to say I'm like a crack  
7 researcher. But you have a unique name, and it popped  
8 right up.

9 THE WITNESS: I'll have to tell my mama.

10 MS. RICHARDSON: All right. Totally forgot  
11 to put my mic on. All righty.

12 FURTHER EXAMINATION

13 BY MS. RICHARDSON:

14 Q. Ms. Williamson, so, you mentioned earlier that  
15 the public comments were the only other method of  
16 addressing concerns about the proposed maps other than the  
17 November special session; is that correct?

18 A. Yes. As far as I can remember, yes; and there  
19 are only a handful of opportunities to submit any public  
20 writing -- written testimony submissions.

21 Q. Do you recall how many opportunities there were  
22 to provide the written testimony?

23 A. I don't recall.

24 Q. And on the whole, in your opinion, were public  
25 comments on the Web site as a -- suf- -- were a lone and

1 | sufficient method of addressing the concerns about the  
2 | maps?

3 | MR. HOLT: Objection, form.

4 | A. I don't because, again, a lot of our elderly  
5 | population did not have access to the Web site or  
6 | computers in order for them to participate that way.

7 | Q. (By Ms. Richardson) I'd like to go back to  
8 | Exhibit 3 -- if I can find my copy of Exhibit 3. Here we  
9 | go.

10 | Ms. Williamson, I direct you to the first  
11 | paragraph of that November 4th, 2021, e-mail at 3:08 p.m.  
12 | starting with "For those of you." Do you see that?

13 | A. Yes.

14 | Q. Okay. Could you just read that paragraph for us?

15 | A. Yes. "For those of you prepared to sign onto the  
16 | advocacy letter, please forward your logos and signatories  
17 | to me or Steph Swanson so we can update the letter  
18 | illustrating the depth of our community support. This  
19 | assists with establishing important information for  
20 | litigation if necessary."

21 | Q. What was the purpose of the advocacy letter?

22 | A. The ad- -- the advo- -- eh -- advocacy letter --  
23 | if I can say it -- was to show a concerted effort with the  
24 | different grassroots groups in the area that were  
25 | concerned about the redistricting and wanted to have some

1 input.

2 Q. And that last clause in the last sentence, "if  
3 necessary," that signifies -- what does that signify?

4 A. For me at the time it was -- it was not a forgone  
5 conclusion that litigation would be necessary; but based  
6 on the information from the 2010-2011 redistricting  
7 experiences of the community that we were working with,  
8 though they -- it wasn't a forgone conclusion. They  
9 wanted to be more prepared than they were in the last  
10 decade to participate in the process.

11 Q. So, is it safe to say that the preference would  
12 not have been litigation?

13 A. No --

14 MR. HOLT: Objection to form.

15 A. No, the pro- -- the preference was that the map  
16 could have been a feasible map and one that the community  
17 would have had an opportunity to not only input but help  
18 build. And that's not what happened.

19 Q. (By Ms. Richardson) Earlier in your conversation  
20 with Mr. Holt, you also said that Commissioner Holmes  
21 could not provide any information to you through your  
22 e-mail correspondence. Am I recalling that correctly?

23 A. Yes.

24 Q. Okay. Why couldn't Commissioner Holmes provide  
25 any information to you?

1 MR. HOLT: Objection, form.

2 A. Because as far as we knew, he was intentionally  
3 being locked out of some of those meetings. He did not  
4 get the information according to, I guess, how they  
5 disseminate information across the court. He was not  
6 receiving that information in a timely manner. So, in  
7 some cases it seemed that we were getting the information  
8 before his office was getting the information. I don't  
9 know to what extent that went; but I know for my purposes  
10 and the work I was doing, it was very difficult to get  
11 information. And he did not have privy to anything that  
12 we didn't have privy to, which seemed problematic since he  
13 was one of the commissioners.

14 Q. (By Ms. Richardson) And then finally: Just based  
15 on your understanding of the new commissioner court map,  
16 in 2024 do you believe that it is possible for a minority  
17 candidate of choice to win in Precinct 3?

18 MR. HOLT: Objection, form.

19 A. As I stated earlier, anything is possible; but it  
20 will probably not be probable.

21 Q. (By Ms. Richardson) Why won't it be probable?

22 A. Because of how the current maps are set up, it  
23 would be very difficult for a candidate of the community's  
24 choice to break through the barriers of just how the  
25 voting blocks are set up with the new maps.

1 Q. Is that true of Precinct 1 as well?

2 A. I believe that's pretty true of all of the  
3 precincts as the current maps have them laid out.

4 MS. RICHARDSON: I have no further  
5 questions.

6 FURTHER EXAMINATION

7 BY MS. VALL-LLOBERA:

8 Q. Roxy, I have a couple of additional questions for  
9 you but not too many.

10 MR. GEAR: Your microphone.

11 MR. HOLT: Your microphone.

12 MS. VALL-LLOBERA: Oh, thank you.

13 MS. RICHARDSON: Thank you. We'll get it  
14 right.

15 MS. VALL-LLOBERA: Just a few more minutes  
16 to try.

17 Q. (By Ms. Vall-Llobera) Roxy, I have a few  
18 additional questions for you related to Commissioner  
19 Armstrong's connections to the community.

20 So, to your knowledge has Commissioner  
21 Armstrong ever attended the yearly barbecue event that  
22 occurs in October?

23 A. Not that I know of, no.

24 Q. Before or after his appointment?

25 A. No.

1 Q. Has Commissioner Armstrong -- excuse me.

2 Did Commissioner Armstrong attend the  
3 November 12th, 2021, special session to your knowledge?

4 A. Not that I know of, no.

5 Q. To your knowledge has Commissioner Armstrong  
6 attended any other sessions of the commissioners court  
7 before his appointment?

8 MR. HOLT: Objection, form.

9 A. Not that I know of, no.

10 Q. (By Ms. Vall-Llobera) Has Commissioner Armstrong  
11 ever attended any of your training sessions as a CROWD  
12 fellow?

13 A. No.

14 Q. To your knowledge has Commissioner Armstrong  
15 attended any other community events?

16 A. Not to my knowledge, no.

17 MR. HOLT: Objection, form.

18 Q. (By Ms. Vall-Llobera) To your knowledge did  
19 Commissioner Armstrong attend any community events put on  
20 by the black and Latino communities before his  
21 appointment?

22 A. Not --

23 MR. HOLT: Objection, form.

24 A. -- to my knowledge.

25 Q. (By Ms. Vall-Llobera) Since his appointment has



1 Commissioner Armstrong ever reached out to you personally  
2 regarding community outreach?

3 A. No.

4 Q. To your knowledge -- well, has Commissioner  
5 Armstrong ever reached out to you regarding anything?

6 A. No.

7 Q. And to your knowledge has he reached out to other  
8 community leaders -- leaders in the African-American or  
9 Latino minority population --

10 MR. HOLT: Objection, form.

11 Q. (By Ms. Vall-Llobera) -- to build relationship?

12 MR. HOLT: Objection, form.

13 A. Not to my knowledge.

14 MS. VALL-LLOBERA: No further questions.

15 THE REPORTER: Is that it?

16 MS. RICHARDSON: Does the United States have  
17 questions?

18 MR. GEAR: I have -- I have one follow-up  
19 question.

20 FURTHER EXAMINATION

21 BY MR. GEAR:

22 Q. To your knowledge during Commissioner Armstrong's  
23 appointment process, did he reach out to the minority  
24 community in Galveston to either educate them about the  
25 process or to identify himself to the community?

1 MR. HOLT: Objection, form.

2 A. Not to my knowledge.

3 MR. GEAR: I have no further questions.

4 MR. HOLT: Nothing from defendants.

5 MS. RICHARDSON: Plaintiffs rest as well.

6 THE VIDEOGRAPHER: Off the record at 4:15.

7 THE REPORTER: People on Zoom please send me  
8 your appearances and if you need a copy. Like Mr. Gear?

9 MS. RICHARDSON: We just need one copy for  
10 the plaintiffs.

11 MR. HOLT: We need a copy for the defendants  
12 as well.

13 THE REPORTER: Okay.

14 (Proceedings concluded at 4:16 p.m.)

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CHANGES AND SIGNATURE

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1 I, ROXY HALL WILLIAMSON, have read the foregoing  
2 deposition and hereby affix my signature that same is true  
3 and correct, except as noted above.

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\_\_\_\_\_  
ROXY HALL WILLIAMSON

6

7

THE STATE OF \_\_\_\_\_)

8

COUNTY OF \_\_\_\_\_)

9

10

Before me, \_\_\_\_\_, on this day

11

personally appeared ROXY HALL WILLIAMSON, known to me or

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proved to me on the oath of \_\_\_\_\_ or through

13

\_\_\_\_\_ (description of identity

14

card or other document), to be the person whose name is

15

subscribed to the foregoing instrument and acknowledge to

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me that he/she executed the same of the purpose and

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consideration therein expressed.

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Given under my hand and seal of office on this

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\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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NOTARY PUBLIC IN AND FOR

22

23

THE STATE OF \_\_\_\_\_

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My Commission Expires: \_\_\_\_\_

25

1 UNITED STATES DISTRICT COURT  
2 FOR THE SOUTHERN DISTRICT OF TEXAS  
3 GALVESTON DIVISION

3 HONORABLE TERRY PETTEWAY, et al. )  
4 )  
4 Plaintiff )  
5 )  
5 vs. ) C.A. No. 3:22-cv-00057  
6 )  
6 GALVESTON COUNTY, et al. )  
7 )  
7 Defendants. )

8  
9 REPORTER'S CERTIFICATE

10 ORAL VIDEO CONFERENCE DEPOSITION OF ROXY HALL WILLIAMSON

11 DECEMBER 5, 2022

12  
13 I, Anne F. Sitka, the undersigned Certified Shorthand  
14 Reporter in and for the State of Texas, certify that the  
15 facts stated in the foregoing pages are true and correct.

16 I further certify that pursuant to Federal Rules of  
17 Civil Procedure, Rule 30(e)(1)(A) and (B) as well as Rule  
18 30(e)(2), that review of the transcript and signature of  
19 the deponent:

20 \_\_\_\_\_ was requested by the deponent and/or a party  
21 before completion of the deposition.

22 \_\_\_\_\_ was not requested by the deponent and/or a party  
23 before completion of the deposition.

24 I further certify that I am neither attorney or  
25 counsel for, related to, nor employed by any parties to

1 the action in which this testimony is taken and, further,  
2 that I am not a relative or employee of any counsel  
3 employed by the parties hereto or financially interested  
4 in the action.

5 SUBSCRIBED AND SWORN TO under my hand and seal of  
6 office on this the 3rd day of January, 2023

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Anne F. Sitka, CSR, RPR  
Texas CSR 7079  
Expiration: 04/30/2023  
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Houston, TX 77027