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REPORTER'S RECORD  
VOLUME 2 OF 3  
TRIAL COURT CAUSE NO. 1485710D  
COURT OF APPEALS NO. 02-18-00138-CR

STATE OF TEXAS                    ) (        IN THE 432ND JUDICIAL  
  ) (        DISTRICT COURT OF  
VS.                                    ) (        TARRANT COUNTY, TEXAS  
CRYSTAL MASON                    ) (

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TRIAL ON MERITS

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On the 28th day of March, 2018, the following proceedings came on to be heard in the above-entitled and -numbered cause before the Honorable Ruben Gonzalez, Jr., Judge Presiding, held in Fort Worth, Tarrant County, Texas:

Proceedings reported by machine shorthand.

ANGIE TAYLOR, CSR, RPR  
OFFICIAL COURT REPORTER  
432ND DISTRICT COURT

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1 P R O C E E D I N G S

2 (March 28, 2018 ~ 9:24 a.m.)

3 (Open court, Defendant present)

4 THE COURT: This is Cause No. 1485710D,  
5 styled the State of Texas versus Crystal Mason for the  
6 purposes of a bench trial.

7 State, are you ready?

8 MR. SMID: The State's ready, Your Honor.

9 THE COURT: Defense, are you ready?

10 MR. ST. JOHN: Yes, Judge.

11 THE COURT: Ms. Mason, are you an American  
12 citizen?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Is your client competent?

15 MR. ST. JOHN: Yes.

16 THE COURT: Are there any pretrial matters  
17 need to be taken up at this time?

18 MR. SMID: None from the State, Your Honor.

19 THE COURT: No motions?

20 MR. SMID: No, sir.

21 MR. ST. JOHN: No, Your Honor.

22 THE COURT: All right. Now --

23 MR. ST. JOHN: I want to invoke the Rule of  
24 exclusion, though, Judge.

25 THE COURT: All right. Thank you very

1 much. Before I -- I'll invoke -- I'll carry out that in  
2 just a moment.

3 Let me go ahead and have the State  
4 approach, and we'll arraign the Defendant.

5 MR. SMID: Thank you, sir.

6 THE COURT: You may proceed.

7 MR. SMID: Please the Court, Mr. St. John.  
8 Cause No. 1485710. In the name and by the  
9 authority of the State of Texas, the Grand Jurors of  
10 Tarrant County, Texas, duly elected, tried, empaneled,  
11 sworn and charged to inquire of offenses committed in  
12 Tarrant County, in the State of Texas, upon their oaths  
13 do present in and to the 371st District Court of said  
14 county that Crystal Mason, hereinafter called Defendant,  
15 on or about the 8th day of November, 2016, in the County  
16 of Tarrant, State of Texas, did then and there vote in  
17 an election in which she knew she was not eligible to  
18 vote in, to-wit: the 2016 general election, after being  
19 finally convicted of the felony of conspiracy to defraud  
20 the United States, in the United States District Court  
21 of the Northern District of Texas, Fort Worth Division,  
22 on March 16th, 2012, in Cause No. 4:11-CR-151-A(01), and  
23 the Defendant had not been fully discharged from her  
24 sentence for the felony, including any court-ordered  
25 term of parole supervision and probation.

1                   Against the peace and dignity of the State,  
2 signed foreman of the Grand Jury.

3                   THE COURT: Thank you.

4                   All right. Now, Ms. Mason, how do you  
5 plead, guilty or not guilty?

6                   THE DEFENDANT: Not guilty, sir.

7                   THE COURT: All right. Before we proceed  
8 forward, I want to make sure this -- you're waiving your  
9 right to a jury trial by having me decide the case on  
10 the merits. You understand that; is that correct?

11                  THE DEFENDANT: Yes, sir.

12                  THE COURT: And this is after discussing  
13 the case with your lawyer; is that correct?

14                  THE DEFENDANT: Yes, sir.

15                  THE COURT: And you're making a free and  
16 voluntary decision waiving that right to a jury trial?

17                  THE DEFENDANT: Yes, sir.

18                  THE COURT: All right. And so that in the  
19 event that I determine whether you're guilty or not,  
20 then we would proceed to punishment. You understand had  
21 you proceeded to a jury trial, in the event that you  
22 were found guilty, you could have a jury assess the  
23 punishment. You're waiving that right also; is that  
24 correct?

25                  THE DEFENDANT: Yes, sir, I am.



1 THE COURT: Okay. Now, Ms. Mason,  
2 throughout your -- you know, your lawyer's  
3 representation with you, are you satisfied with his  
4 representation?

5 THE DEFENDANT: I am.

6 THE COURT: All right. And, Counsel, you  
7 believe your client has been competent throughout your  
8 representation?

9 MR. ST. JOHN: Absolutely.

10 THE COURT: All right. Is there anything  
11 else for the record that needs to be reviewed, State?

12 MR. ST. JOHN: No, sir.

13 MR. SMID: No.

14 THE COURT: Defense?

15 MR. ST. JOHN: No.

16 THE COURT: All right. Thank you very  
17 much. Please take your seats.

18 State, you may proceed. You may make an  
19 opening statement. I'll allow --

20 MR. ST. JOHN: Judge, I want to invoke the  
21 Rule of exclusion.

22 THE COURT: Thank you for reminding me.

23 Are there any witnesses in this courtroom  
24 to testify in the State of Texas versus Crystal Mason  
25 case? If so, you must wait outside until you're called

1 as a juror -- called as a witness, excuse me.

2 All right. Thank you very much.

3 (Witnesses excused)

4 THE COURT: So, Mr. Smid, do you want to  
5 give an opening statement to me --

6 MR. SMID: Yes.

7 THE COURT: -- or do you just want to  
8 proceed with your witness?

9 MR. SMID: I'm ready to proceed, if I can  
10 give the Court a quick roadmap of what you're going to  
11 hear.

12 THE COURT: Okay. And I'll allow the  
13 Defense as well.

14 Mr. Smid, you may proceed.

15 MR. SMID: Thank you, sir. May it please  
16 the Court, Mr. St. John.

17 STATE'S OPENING STATEMENT

18 MR. SMID: Your Honor, you will hear today  
19 that the Defendant, Ms. Mason, was registered to vote in  
20 2004 by provisionally voting. That's the first time she  
21 was registered to vote in Tarrant County.

22 And at that time, she would have had to  
23 fill out a Provisional Affidavit, which would have laid  
24 out the requirements of eligibility to vote.

25 Then in 2008, she voted again in that

1 presidential election, and she was on the poll list at  
2 that time. Then in November of 2011, she pled guilty to  
3 the offense of conspiracy to defraud the United States.  
4 In March of 2012, she was sentenced to 60 months and  
5 then three years' supervised release upon release of  
6 confinement.

7                   And then, Your Honor, you will hear that  
8 she was released in August of 2016. And at that time,  
9 she was placed officially on supervision -- supervised  
10 release.

11                   And you'll hear from Ken Mays, a probation  
12 supervisor of the federal government. And in fairness  
13 to Ms. Mason, he will say that she would have not been  
14 warned about not being eligible to vote. He will say  
15 they don't do that because they feel it's obvious.

16                   Fast forward to November of 2016. She  
17 shows up at Tabernacle Baptist Church in Rendon, Texas.  
18 And at that time, election judge, Karl Dietrich, who is  
19 the precinct chair of 1504, and a young assistant  
20 election judge named Jarrod Streibich -- he has  
21 graduated since from Everman High School. He's going to  
22 the Air Force 20 days from now. They're -- they're here  
23 to testify, and they'll tell you that Ms. Mason was --  
24 in fact, showed up at the poll at that time.

25                   And she was not on the poll list, and she

1 was informed that she's not found on the registry. And  
2 they said that, You can -- you don't have to vote, but  
3 if you want to still, you can fill out a Provisional  
4 Affidavit to vote if you feel that you have the right  
5 to.

6 And at that time she's given this  
7 Provisional Affidavit, and within that affidavit, it  
8 specifically lays out, again, the requirements of  
9 eligibility, including, quote, "I am a felon; I'm not a  
10 felon; If I am a felon, I've completed all of my  
11 supervision, probation, term of imprisonment."

12 And even with that stop sign right in front  
13 of her, she voted anyway. And in the end, we believe  
14 it'll be clear, and we're going to respectfully request  
15 the Court to find Ms. Mason guilty.

16 THE COURT: Thank you.

17 Mr. St. John, you wish to make an opening  
18 statement?

19 DEFENDANT'S OPENING STATEMENT

20 MR. ST. JOHN: Extremely short and to the  
21 point.

22 There's no dispute that my client is a  
23 convicted felon out of the United States District Court.  
24 Matter of fact, I was her attorney in front of John  
25 McBryde when that took place.

1           Now, Mr. Smid is right. She was sentenced  
2 to 60 months in the BOP, served approximately two years,  
3 was released -- released to a halfway house where she's  
4 successfully gained employment. And we'll have  
5 testimony about that, so I don't need to go into that.

6           The crux of this case boils down to the  
7 provisional ballot that was filled out partially by an  
8 employee -- I guess a volunteer of the precinct and what  
9 she could see as far as the notice. Regarding any  
10 notice of you're -- if you're a convicted felon, you  
11 can't vote, she didn't see that, and it wasn't open to  
12 her, it wasn't plain -- it was not in plain sight.

13           I can tell this Court that the testimony  
14 will be from Crystal Mason that she would have never  
15 voted -- never voted illegally knowing that she could be  
16 subject to the wrath of John McBryde and sentenced back  
17 to federal prison.

18           She's changed her life. The evidence will  
19 show that she's had a good job for many, many years and  
20 she has children to support. She has no -- Mr. Mays  
21 will clearly testify she has no technical violations and  
22 was compliant, and also Mr. Mays will testify that John  
23 McBryde has not issued a warrant for her arrest based on  
24 this Indictment that was returned on February the 3rd,  
25 2017. And those are all important things to go -- that

1 goes to her state of mind.

2 THE COURT: Thank you.

3 State, call your first witness.

4 MR. NEWBERN: The State will call Kenneth  
5 Mays.

6 (Witness enters courtroom)

7 THE COURT: Hello, Mr. Mays.

8 THE WITNESS: How are you?

9 THE COURT: Raise your right hand.

10 (Witness sworn)

11 THE COURT: Please be seated, Mr. Mays.

12 Good to see you.

13 THE WITNESS: Good to see you.

14 THE COURT: Mr. Mays, would you please  
15 print your full and complete name on the pad of paper  
16 for the court reporter?

17 You may proceed.

18 MR. NEWBERN: Thank you, Judge.

19 KENNETH MAYS,

20 having been first duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. NEWBERN:

23 Q. Mr. Mays, what -- what do you do for a living?

24 A. I am a supervisory United States probation  
25 officer for the Northern District of Texas, Fort Worth

1 Division.

2 Q. How long have you been doing that?

3 A. Twenty-one years this month.

4 Q. How long have you been in a supervisory role?

5 A. Four years.

6 Q. And we're just going to kind of get right to  
7 the point.

8 Are you familiar with -- with a lady named  
9 Crystal Mason or Crystal Mason-Hobbs?

10 A. Crystal Mason-Hobbs.

11 Q. How did you get to know Ms. Mason-Hobbs?

12 A. Ms. Mason-Hobbs is supervised by one of the  
13 officers that I supervise. And in the course of -- of  
14 her being on supervised release, I've had occasions to  
15 speak with Ms. Mason-Hobbs in the office and even in her  
16 home.

17 Q. Do you see her in court today?

18 A. I do.

19 Q. Would you please identify her by an article of  
20 clothing that she's wearing?

21 A. She's --

22 MR. ST. JOHN: We'll stipulate she is  
23 present in the courtroom, Judge.

24 THE COURT: So stipulated.

25 You accept it, State?

1 MR. NEWBERN: Yes, sir, I do.

2 THE COURT: Okay. So stipulated.

3 MR. NEWBERN: Thank you, Judge.

4 May I approach the witness?

5 THE COURT: You may.

6 Q. (BY MR. NEWBERN) Mr. Mays, I'm going to show  
7 you four documents, certified copies, and they've been  
8 marked State's Exhibits 1, 2, 3 and 4. A copy of these  
9 have been provided to the defense attorney as well as  
10 the Judge.

11 MR. NEWBERN: And, Judge, I'll just go  
12 ahead and offer those at this time.

13 THE COURT: Any objection?

14 MR. ST. JOHN: Well, I -- can I see -- can  
15 I look at them real quick, Judge?

16 THE COURT: Yes. I believe they're the  
17 same documents that they've provided you.

18 MR. ST. JOHN: I understand that, but I've  
19 got to be careful.

20 I have no objection, Judge.

21 THE COURT: State's Exhibits 1 through 4,  
22 inclusively, are now admitted for all purposes.

23 (State's Exhibit Nos. 1-4 admitted)

24 MR. NEWBERN: Thank you, Judge.

25 Q. (BY MR. NEWBERN) Mr. Mays, what is State's



1 Exhibit 1?

2 A. State's Exhibit 1 is a Judgment in a Criminal  
3 Case, Case No. 4:11-CR-151-A, Defendant 1.

4 Q. And is that document Ms. Mason-Hobbs' Judgment  
5 in that underlying federal conviction?

6 A. That is correct.

7 Q. How was that case resolved?

8 A. The case was resolved by Ms. Mason-Hobbs  
9 pleading guilty on November 23rd, 2011, to the one-count  
10 Indictment. And then as pronounced and posed at  
11 sentencing on March 16th, 2012, she was sentenced to  
12 60 months' custody of the United States Bureau of  
13 Prisons and a three-year term of supervised release  
14 after completing her custody sentence.

15 Q. Was she made aware that she would need to go on  
16 supervised release after her prison sentence was ending?

17 A. Yes.

18 Q. And she was made aware of that at the time of  
19 her plea?

20 A. At least at the time of sentencing.

21 Q. Okay. And was restitution ordered as part of  
22 that plea deal?

23 A. Yes, it was.

24 Q. How much restitution are we talking about?

25 A. Judgment indicates the restitution amount

1 \$4,206,805.49.

2 Q. And so we're clear, what charge did Ms.  
3 Mason-Hobbs plead guilty to?

4 A. Ms. Mason-Hobbs pled guilty to conspiracy to  
5 defraud the United States.

6 Q. Certified copy, State's Exhibit 2, is that just  
7 a certified copy of the Indictment?

8 A. It is.

9 Q. And then State's Exhibit 3 is that a certified  
10 copy of a final Judgment?

11 A. State's Exhibit 3 appears to be an appeal --

12 Q. Oh, I'm sorry.

13 A. -- document.

14 Q. You're right. We marked them backwards.

15 So that means State's Exhibit 4 would be  
16 that final Judgment?

17 A. It is.

18 Q. Okay.

19 A. As it relates to the appeal.

20 Q. So after Ms. Mason-Hobbs gets out of prison,  
21 what's -- what's the first thing that she has to do?

22 A. She has 72 hours to report to the probation  
23 office -- the nearest probation office, which in this  
24 case was our office in Fort Worth.

25 Ms. Mason-Hobbs served a reentry term at

1 the halfway house located in Fort Worth, Volunteers of  
2 America. There she had contact with a probation officer  
3 who more than likely set up that appointment with her to  
4 come to our office. And she was released on August the  
5 5th of 2016 and reported that same day to our office and  
6 met with her assigned officer.

7 Q. And about how long did she stay at that halfway  
8 house?

9 A. Appears she was at the halfway house -- her  
10 arrival date was November the 6th, 2015, and her date of  
11 release was August the 5th of 2016.

12 Q. Does she inform you of a place of residency  
13 after the halfway home?

14 A. Yes.

15 Q. Where was she -- where was she living?

16 A. Her residence of record, 6065 Autumn Breeze  
17 Circle, Fort Worth, Texas 76140.

18 Q. And you said you've met Ms. Mason-Hobbs  
19 personally?

20 A. Yes, I have.

21 Q. What's your overall impression of her?

22 A. My overall impression of Ms. Hobbs is she's  
23 a -- she's an intelligent individual that understood  
24 what was expected of her, what the expectations of  
25 supervision was and complied.

1                   There were times when Ms. Mason-Hobbs and I  
2 had conversations regarding the specifics of her  
3 conditions of supervision, but it was always, in my  
4 opinion, a cordial conversation, which we parted with an  
5 understanding of what the expectations were.

6           Q.    You said -- well, what day did she begin her  
7 three-year probationary period?

8           A.    August the 5th of 2016.

9           Q.    Okay. And -- and did you warn her that she  
10 could not vote when she was on supervision?

11          A.    No, we did not.

12          Q.    Why not?

13          A.    That is not a standard part of the procedures  
14 during an initial intake to begin supervised release.  
15 That's just not something we do. In my opinion, that's  
16 common knowledge, but that's -- that's not something we  
17 do.

18          Q.    Had Ms. Mason-Hobbs been meeting with a --  
19 her -- her probation officer?

20          A.    Yes, yes.

21          Q.    Is it fair to say that she knows that she's on  
22 probation?

23          A.    She -- she understands that and knows that  
24 she's on a term of supervised release, correct.

25          Q.    And had she been released from that supervision

1 on November 8th of 2016?

2 A. No, she had not.

3 Q. In fact, has she been released from that  
4 supervision even today?

5 A. No. She is still serving her term of  
6 supervised release.

7 MR. NEWBERN: We pass this witness, Judge.

8 THE COURT: Cross-examination.

9 MR. ST. JOHN: Thank you.

10 CROSS-EXAMINATION

11 BY MR. ST. JOHN:

12 Q. Mr. Mays, I'm not going to have you up there  
13 long. You doing okay today?

14 A. I'm fine, sir. Thank you.

15 Q. Well, I'm glad to confirm because I was sitting  
16 there thinking how long have I known Kenneth. You've  
17 worked for the PO -- U.S. probation office for 21 years?

18 A. Yes, sir.

19 Q. That means I've known you for 21 years. You've  
20 been doing okay?

21 A. I've been doing fine.

22 Q. You and I have a lot of folks in common with at  
23 the U.S. courthouse, correct?

24 A. Correct.

25 Q. Matter of fact, you've supervised many clients

1 of mine in the past, including Crystal Mason-Hobbs,  
2 correct?

3 A. I did not directly supervise Ms. Hobbs, but  
4 supervised -- as a supervisor, I supervised the person  
5 that supervises her.

6 MR. ST. JOHN: I think someone is running a  
7 track meet outside (indicating), Judge. Can I wait?

8 THE COURT: Yes, just a moment.

9 (Pause in proceedings)

10 Q. (BY MR. ST. JOHN) Specifically, this judge  
11 knows exactly how the federal system works. But for the  
12 record, just to make sure the record is clear, when  
13 someone pleads guilty in federal court, the federal  
14 judge has the option of taking them into custody  
15 directly or letting them stay on basically a pretrial  
16 supervision. Do you know in this case if Judge McBryde  
17 let her stay out pending the sentencing on the case?

18 A. I'm pretty sure that she did. I'm not familiar  
19 with that. I didn't review the record that far back,  
20 but I'm -- I'm pretty confident that she did.

21 Q. And, I mean, some -- some cases federal judges  
22 by statute can't let someone stay --

23 A. Absolutely.

24 Q. Some cases they can. In this case, my -- based  
25 on my recollection, McBryde didn't place her into

1 custody, and -- and she was sentenced later -- at a  
2 later date to 60 months in the United States Bureau of  
3 Prisons. Do you know what prison she was assigned to?

4 A. I do not know what prison she was assigned to.  
5 I will offer, though, that she was allowed to  
6 self-surrender at a later date. She was not taken into  
7 custody the day of sentencing.

8 Q. And is there a female unit on the U.S. naval  
9 base here in Fort Worth called Carswell?

10 A. There is.

11 Q. Now, Carol -- I've known Carol Foreman also for  
12 a long time. Was Carol Foreman her direct supervising  
13 officer on the pretrial release, or do you know?

14 A. Unfortunately, I don't.

15 Q. And I didn't subpoena Carol today, but she's --  
16 she's not here today, correct?

17 A. She is not. She is on leave.

18 Q. And you're -- you're also aware that Carol  
19 Foreman, who I've known for as long as I've known you,  
20 never told my client that she could not vote, and you're  
21 aware of that, correct?

22 A. Carol and I did have a conversation about that,  
23 and it's -- it's my understanding that that was not a  
24 direct conversation. Again, that's not part of our --  
25 our -- of our process.

1 Q. I understand.

2 Now, I believe -- where was my client  
3 arrested on this state case; do you know?

4 A. She was arrested at 501 West 10th Street, at  
5 the federal courthouse.

6 Q. She came to the U.S. courthouse based on a  
7 phone call from Ms. Foreman unbeknownst to her that a  
8 warrant had been issued for this, and she was arrested  
9 inside the U.S. courthouse on the fourth floor, correct?

10 A. She was arrested on the ground floor.

11 Q. Now, I'm assuming Carol Foreman or whoever --  
12 you're the supervising officer. I'm assuming United  
13 States judge, John McBryde, is aware that my client has  
14 been indicted for this voting violation?

15 A. He is.

16 Q. And he didn't issue a warrant for her arrest or  
17 take any action on this case at least at this point,  
18 correct?

19 A. Correct. In submitting the document to the  
20 Court, we did not ask -- ask for any action at this  
21 point pending the outcome.

22 Q. And does she have any technical violations at  
23 all that could be reported to John McBryde?

24 A. At this point, no.

25 Q. So but for this -- whatever the Court wants to



1 call it, I suggest it's a mistake. But for this  
2 mistake, is it fair to say she has been in compliance  
3 with the order of John McBryde in terms of following her  
4 supervised release?

5 A. With the exception of the -- the payment of  
6 restitution.

7 Q. Well, I understand that, but she's -- but the  
8 record also indicates she's making payments towards --

9 A. She is making payments --

10 Q. She --

11 A. -- just not --

12 THE REPORTER: Excuse me.

13 THE WITNESS: I'm sorry. I'm sorry. Go  
14 ahead, sir.

15 Q. (BY MR. ST. JOHN) The record indicates -- and  
16 I've read through it -- that she is making payments on  
17 restitution, correct?

18 A. She is.

19 Q. Thank you, Mr. Mays. I appreciate you being  
20 here.

21 MR. ST. JOHN: No further questions, Your  
22 Honor.

23 THE COURT: Redirect?

24 MR. NEWBERN: Briefly, Judge.

25 REDIRECT EXAMINATION

1 BY MR. NEWBERN:

2 Q. As to those restitution payments, you said  
3 she's making payments. Is she paying what she's suppose  
4 to be paying?

5 A. The order is \$500 per month, and my review  
6 appears to be roughly 40 to \$50 per month.

7 Q. Thank you.

8 MR. NEWBERN: Pass the witness.

9 MR. ST. JOHN: No further questions, Your  
10 Honor.

11 THE COURT: I have a couple of questions.  
12 Mr. Mays, this -- the new offense that's  
13 alleged, is that considered a technical violation?

14 THE WITNESS: No, it would not be.

15 THE COURT: Now, Judge McBryde can refer  
16 that he would like to have a probation -- or I'm  
17 sorry -- community supervision or -- I'm not using the  
18 right term.

19 THE WITNESS: Term of supervised release.

20 THE COURT: Thank you. He can refer a  
21 matter for revocation and paperwork to be filed,  
22 correct?

23 THE WITNESS: Yes, Your Honor.

24 THE COURT: Right. And the U.S. Attorney  
25 can also request there -- a revocation, correct?

1 THE WITNESS: Yes, Your Honor.

2 THE COURT: But the U.S. Attorney has not  
3 as well? Have they reviewed this case at all?

4 THE WITNESS: Have not.

5 THE COURT: Okay. So right now it's  
6 just -- how did you find out -- or how did Judge McBryde  
7 find out, if you know, about this pending case?

8 THE WITNESS: Again, Ms. Mason-Hobbs was  
9 arrested in the federal courthouse after a visit with  
10 Ms. Foreman.

11 THE COURT: I see.

12 THE WITNESS: Subsequent to that, we  
13 submitted notification to the Court of her arrest.

14 THE COURT: And was that pursuant to this  
15 case?

16 THE WITNESS: Yes, Your Honor.

17 THE COURT: I understand now.

18 Okay. Thank you very much, Mr. Mays.

19 Any other questions, State?

20 MR. NEWBERN: Nothing else from the State,  
21 Judge.

22 MR. ST. JOHN: No, Judge.

23 THE COURT: Mr. Mays, it's good to see you.  
24 You're excused.

25 MR. ST. JOHN: And, Your Honor, we can

1 excuse him in total. He needs to go back to supervise  
2 more folks.

3 THE COURT: Have a good day. Thank you.

4 THE WITNESS: Thank you.

5 (Witness retires)

6 THE COURT: Call your next witness.

7 MR. SMID: Your Honor, at this time the  
8 State calls Pam Flow.

9 THE COURT: Ms. Flow.

10 (Witness enters courtroom)

11 THE COURT: Ms. Flow, please raise your  
12 right hand.

13 (Witness sworn)

14 THE COURT: Please be seated.

15 Ms. Flow, would you please print your full  
16 and complete name for the court reporter on the pad of  
17 paper? Thank you.

18 State, you may proceed.

19 MR. SMID: Thank you, sir.

20 PAMELA FLOW,

21 having been first duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. SMID:

24 Q. Ma'am, could you please state your name for the  
25 record?

1 A. Pamela Flow.

2 Q. Pam, how are you currently employed? Where do  
3 you --

4 A. I work for Denton County Elections.

5 Q. And what is your job title with Denton County?

6 A. Voter registration clerk.

7 Q. Where were you working before you came to  
8 Denton?

9 A. Tarrant County Elections.

10 Q. And what was your last job title with Tarrant  
11 County?

12 A. Voter registration clerk.

13 Q. How long were you with Tarrant County for?

14 A. Almost 21 years. 21 years.

15 Q. At the time you left, what were your exact  
16 duties on a day-to-day basis?

17 A. One of the duties I had was to keep up with  
18 voter registration as far as people who are serving  
19 felony sentences, other various obstacles that would  
20 keep them from being eligible to vote. Keeping up with  
21 the voter records, basically, on the -- for the legal  
22 side.

23 MR. ST. JOHN: Can she pull that mic down,  
24 Judge?

25 THE COURT: Yes. Would you please pull the

1 microphone a little bit closer to you? You can move it  
2 around so that you're comfortable with it. There you  
3 go.

4 Q. (BY MR. SMID) So in regard -- you had  
5 mentioned felon voters. I think you brought that up.  
6 How would you be notified of that if someone's committed  
7 a felony and you need to take action?

8 A. Usually the State notifies us. There's various  
9 ways we receive our data: Reports from the state,  
10 reports from the courts, reports from various states if  
11 it's a federal conviction from another state.

12 Q. Once you receive that notice, what steps do you  
13 take?

14 A. If they're a registered voter, we send them a  
15 letter -- Notice of Examination with a response giving  
16 them 30 days to respond saying we've been notified that  
17 you may be serving a sentence for a felony, to complete  
18 this response, and if we don't hear from you, you will  
19 be cancelled within 30 days.

20 Q. All right. And the next step after that?

21 A. They're cancelled.

22 Q. If they don't respond?

23 A. Cancelled, true.

24 Q. All right. Now, in your time of employment  
25 with Tarrant County, did you ever come across a name of

1 a potential registrant named Crystal Mason or Crystal  
2 Mason-Hobbs?

3 A. I did. That's based on you having to remind me  
4 and sending me the documents to remind me what happened.  
5 But otherwise, I forgot about it.

6 Q. Yes, ma'am.

7 MR. SMID: Your Honor, may I approach the  
8 witness?

9 THE COURT: You may.

10 Q. (BY MR. SMID) Ms. Flow, I'm showing you what's  
11 marked as State's Exhibit No. 6. Have you had a chance  
12 to review what's inside State's Exhibit No. 6?

13 A. Yes. This is the same documents I've already  
14 reviewed.

15 Q. All right. Within these documents, are there  
16 notifications you would have sent to Ms. Mason?

17 A. First you see the exam, examination notice, and  
18 then the cancellation notice, and then later came the  
19 challenge notice.

20 Q. Yes, ma'am. Are these exact copies of the  
21 letters you would have sent to Ms. Mason?

22 A. Yes.

23 MR. SMID: Your Honor, at this time I'll  
24 offer State's Exhibit No. 6 after tendering to Defense  
25 Counsel.

1 MR. ST. JOHN: No objection, Judge.

2 THE COURT: State's Exhibit 6 is admitted.

3 (State's Exhibit No. 6 admitted)

4 THE COURT: So we're missing State's  
5 Exhibit 5, correct? It hasn't been offered yet?

6 MR. SMID: Correct, yes, sir.

7 THE COURT: Okay. Thank you.

8 MR. SMID: May I have permission to publish  
9 portions of State's Exhibit No. 6?

10 THE COURT: You may.

11 Q. (BY MR. SMID) Ms. Flow, if you can look on the  
12 projector screen. Can you tell the Court what we're  
13 looking at here?

14 A. That's a duplicate of the Notice of Examination  
15 notice that was sent back in 2013 giving her 30 days to  
16 respond to the Notice of Examination after we had  
17 received a list from the Secretary of State stating what  
18 her current federal charge was.

19 Q. I see. Her resident Ms. Mason; is that  
20 correct?

21 A. Pardon?

22 Q. You said -- you said letting her know. Would  
23 that be Ms. Mason, the individual listed on the letter?

24 A. Oh, yes, yes.

25 Q. Okay. And for the record, can you see the



1 address that this was sent to?

2 A. Yes.

3 Q. That is 6065 Autumn Breeze Circle, Fort Worth,  
4 Texas; is that correct?

5 A. Yes.

6 Q. All right. So this notice was sent -- and I  
7 understand you don't work for Tarrant County anymore,  
8 but do they -- would they have a record if this letter  
9 was, in fact, returned to them?

10 A. Yes.

11 Q. Now, do you recall if a response was sent from  
12 this Notice of Examination?

13 A. No. I'm -- in this case I'm pretty sure it was  
14 not returned.

15 Q. All right. Now, what are we looking at here?

16 A. This would be after the 30 days has expired,  
17 and she -- her registration was cancelled.

18 Q. All right. And again, sent to that same  
19 address, 6065 Autumn Breeze Circle; is that correct?

20 A. Yes.

21 Q. And in fairness to the Defendant, it was just  
22 sent to this address. It wasn't sent to the federal  
23 penitentiary, correct?

24 A. No.

25 Q. All right. So once this notice was sent, voter

1 cancellation or cancellation of voter registration, what  
2 happened next in regard to Ms. Mason and her being on  
3 the registry?

4 A. She was cancelled.

5 Q. All right. And then one last question: In  
6 order to be cancelled, she had to originally be on the  
7 registry, correct?

8 A. Yes.

9 Q. So she would have had to previously register to  
10 vote?

11 A. True.

12 MR. SMID: Your Honor, I'll pass the  
13 witness.

14 MR. ST. JOHN: I have just -- can I have a  
15 second?

16 THE COURT: Yes.

17 CROSS-EXAMINATION

18 BY MR. ST. JOHN:

19 Q. So you left the beautiful county of Tarrant and  
20 went to Denton County?

21 A. Yes.

22 Q. Better paying job up there?

23 A. Pardon?

24 Q. Better paying job up there?

25 A. Not necessarily. A change.

1 Q. Are you from Denton County?

2 A. No. I live in Tarrant County.

3 Q. Now, regarding this letter that you represented  
4 to the Court that the -- the Elections Administration  
5 office sent out to my client, these -- was this letter  
6 sent certified mail?

7 A. No.

8 Q. So who -- who placed the letter in the post --  
9 post office drop box for your office? How do y'all do  
10 that? Mass mailings? How does that work?

11 A. It would have been sent with our -- our  
12 courier -- not necessarily courier. One of our own  
13 employees that's assigned to take the mail that day to  
14 the post office.

15 Q. But I'm saying -- I know you mail out a lot of  
16 different things, and this was in a slot of different  
17 things that were mailed out that day to wherever they  
18 went, correct?

19 A. True.

20 Q. But you didn't send it certified, and this is  
21 apparently a notice from an office indicating to someone  
22 that they wouldn't be eligible to vote. Wouldn't you  
23 think it would be important to send it certified to make  
24 sure they send it?

25 A. The Secretary of State tells us we do not have

1 to send it certified.

2 Q. I understand that. That's not my question. I  
3 said don't you think it would be important to send it  
4 certified to make sure the person is notified that they  
5 could not vote?

6 A. I don't have an opinion, no.

7 Q. Well, so you don't -- you can't testify to this  
8 judge that this piece of mail sent by your office  
9 ever -- ever went to her home, can you?

10 A. I can't prove that, no.

11 Q. Well, that's what we're here about today,  
12 proving stuff.

13 But you can't -- you can't tell this Judge  
14 that this letter went to her house, can you?

15 A. No.

16 MR. ST. JOHN: No further questions.

17 THE COURT: Redirect.

18 MR. SMID: Nothing further, Your Honor.

19 THE COURT: Ms. Flow, you may step down.

20 Thank you very much.

21 (Witness retires)

22 MR. SMID: Your Honor, at this time the  
23 State calls Kenisha King of the Elections  
24 Administration.

25 THE COURT: Ms. King.

1 (Witness enters courtroom)

2 THE COURT: Ms. King, raise your right  
3 hand.

4 (Witness sworn)

5 THE COURT: Please be seated.

6 And, Ms. King, would you please print your  
7 full and complete name on the pad of paper? Thank you.

8 You may proceed.

9 MR. SMID: Thank you, Your Honor.

10 KENISHA KING,

11 having been first duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. SMID:

14 Q. Ma'am, can you please state your name for the  
15 record?

16 A. Kenisha King.

17 Q. Kenisha, how are you currently employed?

18 A. With Tarrant County. I'm the assistant voter  
19 registration manager.

20 Q. How long have you been employed with Tarrant  
21 County?

22 A. Almost 20 years.

23 Q. And what are your specific duties right now?

24 A. I am a supervisor of the daily operations in  
25 voter registration for new applications, cancellations,

1 any correspondence that are mailed to voters.

2 Q. Kenisha, in your time with the Elections  
3 Administration, have you become familiar with a -- a  
4 voter or a registered voter by the name of Crystal  
5 Mason?

6 A. Yes.

7 Q. All right. And in your time, have you been  
8 able to look up or see when -- what the first record is  
9 of Ms. Mason with the Elections Administration?

10 A. Yes.

11 Q. Okay. And what record would that be?

12 A. Her original registration was in November  
13 2014 -- I'm sorry -- 2004.

14 Q. 2004. So that's the first record you have.  
15 And what is the last record you have of Ms. Mason with  
16 the Election Administration?

17 A. The last record? Would that mean a document  
18 that was completed by her or just the last -- when you  
19 say last record --

20 Q. I'd say just any record whatsoever.

21 A. That would have been the letter that we mailed  
22 as far as her -- letting her know that her provisional  
23 ballot did not count.

24 Q. Okay.

25 MR. SMID: Your Honor, may I approach the

1 witness?

2 THE COURT: You may.

3 Q. (BY MR. SMID) Kenisha, I'm showing you what's  
4 marked as State's Exhibit No. 5. What is that?

5 A. This is a certified copy of a Provisional  
6 Affidavit that was completed November 2nd, 2004.

7 Q. Okay. And by Ms. Mason; is that correct?

8 A. Yes, that's correct, by Crystal Mason.

9 Q. And State's Exhibit No. 7, what is that?

10 A. This is a certified copy of the voter's record.  
11 Looks like screen shots from our voter registration  
12 system. Completed statement of residence completed by  
13 Crystal Mason-Hobbs.

14 MR. ST. JOHN: Judge, is 7 in evidence?

15 THE COURT: I don't believe so.

16 Q. (BY MR. SMID) Let me -- I tell you what,  
17 Kenisha. Just to fast forward, this is a certified  
18 copy --

19 A. Yes.

20 Q. -- of your records?

21 Are they all pertaining to Ms. Mason?

22 A. Yes.

23 Q. Okay. We'll hold on to that for just a second.

24 State's Exhibit No. 8, what is State's  
25 Exhibit No. 8?

1           A.    This is a provisional envelope that includes a  
2 Provisional Affidavit for the voter to complete.

3           Q.    State's Exhibit No. 8, is that a record of the  
4 Elections Administration?

5           A.    Yes, it is.

6           Q.    Is that a record kept in the ordinary course of  
7 business for the Elections Administration?

8           A.    Yes.

9           Q.    If I may see that.

10                   Kenisha, I'm showing you what's marked as  
11 State's Exhibit No. 9. What is this?

12           A.    This is a provisional envelope with the  
13 Provisional Affidavit that was completed on  
14 November 8th, 2016, by Crystal Mason-Hobbs.

15           Q.    Now, did you bring State's Exhibit 9 with you  
16 today?

17           A.    Yes, I did.

18           Q.    And where has it been since the election?

19           A.    It's been kept in the election's possession  
20 once it was requested for us that it could possibly  
21 be -- go to trial. So we -- it's been kept in our  
22 possession.

23           Q.    Is this a record ordinarily -- or kept in the  
24 ordinary course of business for the Election  
25 Administration?



1 A. Yes, it is.

2 Q. And is this exact record kept in the ordinary  
3 course of business for the Election Administration?

4 A. Yes.

5 Q. And are you a custodian of records for the  
6 Election Administration?

7 A. Yes.

8 MR. SMID: Your Honor, at this time I will  
9 offer State's Exhibits 5, 7, 8 and 9 after tendering to  
10 Defense Counsel.

11 MR. ST. JOHN: Judge, I have no objections  
12 to 5, 7, 8 and 9.

13 THE COURT: State's Exhibits 5 through --  
14 5, 7, 8 and 9 are now admitted.

15 (State's Exhibit Nos. 5, 7-9 admitted)

16 MR. SMID: Your Honor, may I have  
17 permission to publish to the Court?

18 THE COURT: Yes.

19 Q. (BY MR. SMID) Ms. King, I'm going to first  
20 show you what's marked as State's Exhibit No. 5. Zoom  
21 in a little bit. What is State's Exhibit No. 5?

22 A. That's a certified copy of a Provisional  
23 Affidavit that was completed November 2nd, 2004, by  
24 Crystal Mason.

25 Q. What is a Provisional Affidavit? What does

1 that mean? Why would someone fill that out?

2 A. That's an affidavit that's completed at the  
3 polling location. It can happen during early voting or  
4 on election day. If there's reason to believe -- well,  
5 if you can't find the voter on your -- on your list of  
6 registered voters, there's several different reasons why  
7 you can vote a provisional ballot.

8 No voter is turned away for voting, so if  
9 they don't have proper identification, if they're not on  
10 the poll list, if they're not at the correct polling  
11 location, they would be offered a provisional ballot and  
12 then later determine if the ballot would count.

13 Q. All right. And even if the vote does not end  
14 up counting, what is the end effect of this affidavit of  
15 provisional voter? What does that do?

16 A. That allows the election judge at the polling  
17 location to issue a provisional ballot to the voter to  
18 have them vote on the electronic machine.

19 Q. And does it, in fact, register the voter from  
20 that point on?

21 A. The affidavit, yes. It will register the voter  
22 after -- when it's received in our office, that's  
23 correct.

24 Q. Okay. So is it safe to say that Ms. Mason was  
25 registered to vote officially in Tarrant County in 2004

1 because of this document?

2 A. That's correct.

3 Q. Now, what we see here is the actual filled-out  
4 portion of the affidavit. Would this have been the only  
5 documentation given to Ms. Mason in 2004?

6 A. At the polling location?

7 Q. Yes, ma'am.

8 A. Well, as far as completing an affidavit, yes,  
9 but then she would actually have to vote a provisional  
10 ballot at the location.

11 Q. And would there have been additional language  
12 to this affidavit that's not seen on this document?

13 A. Yes. The entire envelope is not part of that  
14 certified copy because that was not a document that we  
15 filed under voter registration at that time.

16 Q. Yes, ma'am.

17 Now, showing you what's marked as State's  
18 Exhibit No. 8, I'll zoom out here.

19 What is State's Exhibit No. 8?

20 A. That's a -- a blank Provisional Affidavit and  
21 provisional envelope.

22 Q. All right. And would this have been the one  
23 used in 2016?

24 A. Yes.

25 Q. And in regard to 2014, we talked about

1 additional language. Would the language in State's  
2 Exhibit No. 8 -- I'll zoom in on this green portion --  
3 would that had been provided in 2004?

4 A. Yes.

5 Q. All right. Zooming in on language starting  
6 with, "I'm a registered voter," that paragraph, what is  
7 the purpose of that language?

8 A. That is the qualifications you have to meet to  
9 complete the affidavit, because the same qualifications  
10 completed in this -- the -- the affidavit, meaning that  
11 you are registering to vote or qualified to be a  
12 registered voter.

13 Q. All right. So this affidavit essentially lays  
14 out the requirements for eligibility to vote, correct?

15 A. Correct.

16 Q. So it's safe to say, based on State's Exhibit  
17 No. 5, Ms. Mason would have had to have seen these  
18 requirements in 2004, correct?

19 A. Correct.

20 Q. Now, after 2004, what's the next record you  
21 have of Ms. Mason at the Election Administration?

22 A. After 2004, a completed statement of residence  
23 form when she voted in 2008.

24 Q. All right. And are you able to tell which  
25 election she would have voted for in 2004?

1           A.    November.  The general election in November,  
2  2008.

3           Q.    It was the general election of 2004, too,  
4  correct?

5           A.    Correct.

6           Q.    All right.  Now, when she would have voted in  
7  2008, would she have been on the poll list when she  
8  showed up to the location, to her precinct?

9           A.    Yes.

10          Q.    All right.  So after 2008, what's the next  
11 record you have for Ms. Mason?

12          A.    I believe that is when we received notification  
13 that she was convicted of a felony, so we would have  
14 mailed a -- a Notice of Examination.

15          Q.    Yes, ma'am.  And I believe Ms. Flow's been over  
16 that.

17                    But it would have been Pam Flow who would  
18 have taken care of this notice; is that correct?

19          A.    That's correct.

20          Q.    All right.  Now, in regard to these letters  
21 being mailed, is there a record kept to indicate whether  
22 or not these letters are, in fact, mailed?

23          A.    Yes.  Our system -- anytime notices are not  
24 mailed, we can run reports to let us know that this  
25 notice was created in our system but not mailed.  And

1 there's -- we wouldn't be able to generate the letter  
2 that we've actually given to you in a certified copy if  
3 the letter did not actually go out in the mail.

4 Q. All right. I'm showing you what's marked as  
5 State's Exhibit No. 7. Is this the information screen  
6 you're talking about, the record you keep to see if the  
7 mailer went out and if it was returned?

8 A. That screen is actually the voter's. It's just  
9 their profile. It gives the address information. That  
10 actually would not be the screen that lets you know --  
11 that marks -- that shows you the mark date of the mail  
12 date.

13 Q. If the letter was, in fact, returned  
14 undeliverable, would there be a record of that?

15 A. Yes, it would.

16 Q. And could you tell if that notice in 2013 to  
17 Ms. Hobbs taking her off the registry, could you tell if  
18 it was returned or not?

19 A. It was not returned, undeliverable. No, it was  
20 not.

21 Q. And specifically, there was two separate  
22 notices. There's a Notice of Examination and Notice of  
23 Cancellation. Were either of those returned?

24 A. No.

25 Q. All right. So after that process, she's

1 removed from the registry, correct?

2 A. That's correct.

3 Q. And what's the next record you have of Ms.  
4 Mason?

5 A. The next record was the Provisional Affidavit  
6 that was completed November 6th, 2016.

7 Q. I'll show you this --

8 A. November 8th, I'm sorry.

9 Q. And this was the general election, correct?

10 A. That's correct.

11 Q. All right. Looking at State's Exhibit No. 9,  
12 what is this?

13 A. That is a completed Provisional Affidavit and  
14 envelope that was completed by Crystal Mason-Hobbs.

15 Q. And it's -- again, we see the address of 6065  
16 Autumn Breeze, correct?

17 A. That is correct.

18 Q. All right. Now, to the left under the  
19 affidavit laying out the eligibility requirements, I see  
20 a sticker there.

21 A. Yes.

22 Q. Why is that sticker placed on this?

23 A. Well, that sticker is used for several  
24 different reasons. It's placed on the provisional  
25 envelope after -- the day after the election. It's

1 after we receive all of the provisionals from the  
2 locations on election day.

3           It's -- it's a way for us to track that  
4 provisional envelope. It's also a way for us to check  
5 off to make sure that the clerk that handles that  
6 Provisional Affidavit checks all of our resources to  
7 make sure if that person is registered, if that ballot  
8 should count.

9           So it also -- we put the initials of the  
10 clerk that actually worked the Provisional Affidavit.

11         Q. All right. Now, this sticker, correct, it  
12 would not be on the affidavit at the time the voter is  
13 reading it, right?

14         A. No, because we generate unique numbers, and we  
15 have no idea how many to generate until we get all the  
16 provisionals in.

17         Q. All right. I'm showing you what's marked as  
18 State's Exhibit No. 8. And this is the language that  
19 Ms. Mason would have seen, correct?

20         A. That's correct.

21         Q. Now, at the time these affidavits are handed to  
22 the voter, are they fully intact with the green portion  
23 and the white portion?

24         A. Yes.

25         Q. And in the green portion -- I'll tell you what.



1 I will hand you State's Exhibit No. 8.

2 MR. SMID: May I approach the witness, Your  
3 Honor?

4 THE COURT: You may.

5 MR. SMID: Thank you.

6 Q. (BY MR. SMID) If you could, just for the  
7 record, if you could read that paragraph.

8 A. Okay. "To be completed by voter. I am a  
9 registered voter in this political subdivision and in  
10 the precinct in which I'm attempting to vote and have  
11 not already voted in this election either in person or  
12 by mail. I'm a resident of this political subdivision,  
13 have not been finally convicted of a felony, or if a  
14 felon, I have completed all of my punishment including  
15 any terms of incarceration, parole, supervision, a  
16 period of probation or I have been pardoned.

17 "I have not been determined by a final  
18 judgment of a court exercising probate jurisdiction to  
19 be finally -- I'm sorry -- to be totally mentally  
20 incapacitated or partially mentally incapacitated  
21 without the right to vote. I understand it -- I  
22 understand that giving false information under oath is a  
23 misdemeanor, and I understand that it is a felony of the  
24 second degree to vote in an election in which I know I  
25 am not eligible."

1 Q. Okay. Thank you, ma'am.

2 Safe to say this language is fairly  
3 straightforward?

4 A. Yes.

5 Q. And finally in regard to State's Exhibit No. 9,  
6 could you tell if this was, in fact, executed, the  
7 affidavit?

8 A. Yes.

9 Q. Did it appear to be executed by Ms. Mason?

10 A. Yes.

11 Q. And there's some back information as well --  
12 information on the back, for that matter. And the  
13 portion that we have on the screen now on the left side,  
14 whose signature is this; do you know?

15 A. That would be the election judge, Karl  
16 Dietrich.

17 Q. Okay. So he fills that portion out?

18 A. That's correct.

19 MR. SMID: Your Honor, I'll pass the  
20 witness.

21 THE COURT: Cross-examination.

22 MR. ST. JOHN: Yes.

23 CROSS-EXAMINATION

24 BY MR. ST. JOHN:

25 Q. Ms. King, you doing all right?

1 A. Yes.

2 Q. How long have you worked at the elections  
3 office now?

4 A. Almost 20 years.

5 Q. Were you in the room when we were allowed to  
6 come and look at some of your documents at the Elections  
7 Administration with Mr. Smid?

8 A. Yes.

9 Q. We appreciate your help that day.

10 Now, I asked an earlier question. In all  
11 fairness to you, you -- regarding some mailings or  
12 mailers being sent to that address, you can't tell this  
13 judge that any letter your office sent was, in fact,  
14 received by her, can you?

15 A. Received by the voter, no, I -- personally, no.

16 Q. Well, personally or unpersonally. I mean,  
17 you -- y'all don't use a system to verify if someone  
18 receives correspondence, do you?

19 A. As far as a certified letter?

20 Q. Yeah.

21 A. No, we do not mail certified letters.

22 Q. Now, I'm going to ask the folks there at the  
23 voter precincts some more specific questions about this  
24 affidavit.

25 So let me -- let me make sure, though.

1 Have you ever worked -- I know you work in the elections  
2 office administration part of it. Have you ever worked  
3 a precinct where people come in to vote?

4 A. No.

5 Q. So you don't know actually what happens in that  
6 precinct while those folks are voting, do you?

7 A. General information, yes, but as far as  
8 actually working at the location, no, I did not.

9 Q. You can't -- you can't tell this Judge  
10 specifically if anyone helped Ms. Mason fill this out,  
11 if anyone admonished her regarding anything, anything  
12 like that -- I'm now holding up for the record State's  
13 9 -- is that correct?

14 A. No.

15 Q. And also the back of it -- and I'm sure he's  
16 here to testify today -- signature of election judge  
17 11/8/16. And that signature was on the back of State's  
18 9, correct?

19 A. Yes.

20 MR. ST. JOHN: I pass the witness, Your  
21 Honor.

22 THE COURT: Any further questions?

23 MR. SMID: No, sir.

24 THE COURT: You may step down. Thank you  
25 very much.

1 (Witness retires)

2 THE COURT: State, call your next witness.

3 MR. SMID: Your Honor, at this time the  
4 State calls Karl Dietrich.

5 (Witness enters courtroom)

6 THE COURT: Mr. Dietrich, please raise your  
7 right hand.

8 (Witness sworn)

9 THE COURT: Please be seated.

10 THE WITNESS: Thank you.

11 THE COURT: You may proceed.

12 MR. SMID: Thank you, sir.

13 KARL DIETRICH,

14 having been first duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. SMID:

17 Q. Mr. Dietrich, can you please state your name  
18 for the record?

19 A. Karl Dietrich.

20 Q. Karl, how are you currently employed?

21 A. I'm an engineer with the Nuclear Regulatory  
22 Commission.

23 Q. How long have you had that job for?

24 A. Since 2002.

25 Q. Did you recently -- did you recently discharge

1 from the military branch?

2 A. Yes. I was in the Navy Reserve, and I retired  
3 from the Navy Reserve approximately two years ago.

4 Q. How many years were you in the Navy Reserve  
5 for?

6 A. I was active duty Navy for five years and then  
7 in the Reserve for 25 years.

8 Q. And when was your last tour of duty?

9 A. My last tour of duty was an activation when I  
10 was called up to active duty to go over to Afghanistan  
11 and be involved in that war. I was called up in  
12 July 2013, and I came off of active duty January, 2016.

13 Q. Karl, where do you currently reside?

14 A. I currently reside -- you want the address? Is  
15 that --

16 Q. Sure.

17 MR. ST. JOHN: We don't need that, Judge.

18 THE COURT: You don't have to say --

19 THE WITNESS: Okay. Fort Worth, Texas.

20 It's actually unincorporated Tarrant County, but it's a  
21 Fort Worth address.

22 Q. (BY MR. SMID) All right. And you actually  
23 live in the same neighborhood as the Defendant, correct?

24 A. The Defendant?

25 Q. As Ms. Mason; is that correct?

1 A. I do.

2 Q. Okay. And before we get into your knowledge of  
3 her, what precinct are you in -- precinct is this?

4 A. I'm in Voting Precinct No. 1504.

5 Q. All right. And do you have some sort of a --  
6 well, do you volunteer politically to the precinct?

7 A. I -- I do. And part of that political  
8 volunteer includes volunteering to be an election judge.  
9 It's paid a small amount per hour, and -- so that's  
10 helping out on election day at the polling location and  
11 running the polling location.

12 Q. Yes, sir.

13 And how many elections have you been an  
14 election judge for?

15 A. I think four.

16 Q. Do you receive training for that?

17 A. I do.

18 Q. And how many times have you received training?

19 A. Four.

20 Q. Okay. So all four times, you've had to do the  
21 training?

22 A. Yes. It's mandatory. Every -- every time it's  
23 a couple-hour training prior to -- just immediately  
24 prior to the election.

25 Q. All right. And included in that training, are

1 you trained in how to handle what's called a provisional  
2 voter?

3 A. Yes. A provisional voter is always part of  
4 that training every time.

5 Q. Now, do you know a woman named Crystal Mason?

6 A. Yes.

7 Q. And how do you know Ms. Mason?

8 A. I know her as a neighbor. She lives across the  
9 street from us.

10 Q. Do you see her in the courtroom today?

11 A. I do.

12 Q. And can you please identify her by picking out  
13 an article of clothing she's wearing?

14 A. Yes.

15 Q. And --

16 MR. ST. JOHN: We'll stipulate she's  
17 present, Judge.

18 THE COURT: All right. The record will so  
19 reflect.

20 MR. SMID: Thank you, sir.

21 Q. (BY MR. SMID) Now, Karl, did you work the  
22 election in November of 2016 as a volunteer?

23 A. As the presiding election judge, yes. I -- I  
24 volunteered to serve; however, some people associate  
25 volunteer with no pay. So let me be clear, they paid me



1 \$9 an hour, something like that.

2 Q. Yes, sir.

3 A. So, yes, I volunteered.

4 Q. All right. And where was this location at?

5 A. Our polling location was at Tabernacle Baptist  
6 Church next to where Tabernacle Elementary School  
7 previously had been. It's within the precinct about a  
8 mile and a half south of where I live.

9 Q. And is this Tabernacle Baptist Church, is it,  
10 in fact, in Tarrant County Texas?

11 A. Yes, it is.

12 Q. Now, who was with you that day, volunteer-wise?  
13 Who else was helping you at the poll?

14 A. Right. So I had several poll clerks. The  
15 Elections Administration people helped me identify  
16 several of them, in particular the bilingual ones. And  
17 then I had recruited two, one of whom was Mr. Jarrod  
18 Streibich, and -- I'm trying to remember the name of the  
19 lady. I can look it up.

20 Someone that my mother knew through  
21 Facebook or -- and so she worked the polling location  
22 that day as well.

23 Q. And a young man named Jarrod Streibich was  
24 there?

25 A. Yes, he was there.

1 Q. All right. How old was Jarrod at the time?

2 A. He was in high school. I think he was 16. At  
3 the time, he may have been 17. So he was a student poll  
4 worker, and he went through the extra step to be a  
5 qualified poll worker as a student.

6 Q. Karl, on that day, what are your specific  
7 duties? What are you doing as voters come in through  
8 the poll?

9 A. Since I was the presiding election judge, it  
10 was my duty to run the entire polling location and make  
11 sure that everything was running smoothly.

12 So my general approach to doing that was to  
13 try and delegate to all the -- the poll workers who are  
14 there to help and to ensure that they're doing their  
15 jobs effectively, that the line is moving efficiently  
16 and that the polling place is being run according to all  
17 the rules.

18 And -- and so I'll step back to an  
19 overview. When some people would take breaks, I would  
20 fill in for a particular position. I don't mind doing  
21 the different positions.

22 And if unusual things would come up or if  
23 they had any questions, those questions would be  
24 referred to me since I was in charge of the polling  
25 location.

1 Q. Do you recall that day Ms. Mason, previously  
2 identified as the Defendant, coming to the poll to vote?

3 A. Yes, I do. She came in the midafternoon.

4 Q. And what do you recall about your initial  
5 interactions with Ms. Mason?

6 A. I recall that when she first came in, she, like  
7 everyone, goes to the first table where one of the  
8 clerks was working with their registrar of voters. And  
9 it's a list of all the registered voters in the  
10 precinct, and -- because that's where you normally go  
11 and present your ID and sign in and receive a ballot.

12 So she went to the poll clerk but was not  
13 found in the book. And so my initial interaction was I  
14 was called over. That happened numerous times during  
15 the election day, and so I was asked to assist.

16 Q. Do you recall who asked for assistance?

17 A. Yes. It was Mr. Streibich.

18 Q. All right. And once you were called over to  
19 assist, did you find out what the issue was?

20 A. Yes. He just identified that she wasn't in the  
21 book. As I previously stated, there were a number of  
22 cases for that. And Mr. Streibich identified that she  
23 had her driver's license, it was already out. And so my  
24 initial interaction with her was when she was identified  
25 to me and I was asked to come over there and help.

1 Q. All right. And did you have a conversation  
2 with Ms. Mason?

3 A. Yes. I -- I remember greeting. That's the  
4 first step, saying hi and greeting. I remember looking  
5 at the driver's license. And we looked in the book, and  
6 I confirmed that she wasn't in there. And I  
7 believe I -- that she had had a name Hobbs before, so we  
8 looked under age, we looked under M for Mason. We  
9 wanted to make sure that, you know, it just wasn't  
10 somewhere else and -- in the book. And I remember  
11 asking her if she knew -- if there was any reason that  
12 she knew that she wouldn't have been in the book of  
13 registered voters.

14 She stated that she didn't and that someone  
15 else from her household and address had voted earlier in  
16 the day and something to the effect of, you know,  
17 obviously she should get to vote, too.

18 After that, I tried to look her up in the  
19 online voter database, which is an electronic database,  
20 and it's potentially more up to date, and again, looked  
21 under several different names and weren't able to  
22 find -- weren't able to identify her as a registered  
23 voter.

24 Q. Okay. Before we go to the next step as to what  
25 happened, what options do you have there as an election

1 judge when someone is not on the poll list and you see  
2 that you have no evidence of them being a registered  
3 voter? What can you do? What's the option?

4 A. That question speaks directly to the training  
5 that we receive as election officials. And that  
6 training is very specific that we can do three things  
7 with any voter who comes in to vote.

8 If they're there to vote, they can vote  
9 normally. If they're in the register of voters, then  
10 you -- and they have a valid ID and they meet the other  
11 qualifications to vote, you can vote them. And that's  
12 called -- you know, they're going through the normal  
13 voting process.

14 The next thing is if they're in the wrong  
15 polling location, which was the most frequent cause of  
16 them not being in that book, then you can direct them to  
17 the correct polling location. And we had a map to aid  
18 people and identifying what precinct they were in; or  
19 with that voter lookup in particular, I -- it would  
20 identify what precinct they were in if they showed up in  
21 the voting lookup.

22 And the third alternative that we're told  
23 that is allowable in the case of -- of the three ways  
24 that we disposition people as a provisional vote and to  
25 allow the person to vote provisionally. And so we're

1 told to offer that.

2                   And in this case, because she wasn't in the  
3 registered book, I couldn't vote her normally. She  
4 lived at an address as she had identified already that  
5 was inside the precinct, so I knew she was in the  
6 correct polling location. I think I even asked her --  
7 because we always ask, Hey, have you moved from this  
8 address. I confirmed that that was still the correct  
9 address. And so I said, Well, I can't vote you  
10 normally, but would you -- do you want to vote  
11 provisionally.

12           Q. All right. And what was her response to that?

13           A. Her response was in the affirmative.

14           Q. Was she also -- or did she have the option to  
15 just leave and not vote? Is that an option?

16           A. Yes, she did. And some people did. For  
17 instance, I had one voter come in, and -- and he had  
18 registered. I found him in the database. I wound up  
19 calling and everything, and it turned out that in his  
20 case, he had registered and had the right ID and  
21 everything, but he had registered within a 30-day  
22 window. And you had to registered at least 30 days  
23 prior to the election.

24                   And when the Tarrant County elections  
25 people identified this to me and I relayed that fact to

1 him, he -- you know, I said, Now, that might not be  
2 correct, and something might be different, and so I can  
3 provisionally vote you, but the reality is is, you know,  
4 you didn't register in time. And in that case he left.

5 Q. Once Ms. Mason indicated that she wanted to  
6 vote provisionally, what did you do?

7 A. I had only a couple three provisional voters  
8 that day, and so the processing of a provisional vote  
9 was something that I consistently did as an election  
10 judge.

11 As I said, it's only done twice or three  
12 times, maybe four on a particular polling day, so it  
13 wasn't a frequent evolution, and my clerks didn't  
14 normally -- you know, they weren't involved in it. So  
15 that fell on me as the election judge.

16 So when we receive our election material,  
17 it has a large number of packets in it, you know,  
18 perhaps a dozen different packets, and one of them is  
19 this provisional packet. And it has the provisional  
20 ballots, and then it has -- pardon me. It has a list  
21 that you fill out of the provisional voters and some  
22 other slips with some information on them.

23 And so to -- so to answer your question,  
24 what did I do, I then processed through it. I walked  
25 through the provisional voting. As I said, we didn't do

1 it too often. We have an election manual. It has a  
2 section on provisional voting just like it has a section  
3 on setting up the machines or on other special cases and  
4 like if they walked in with their mail-in ballot and  
5 that sort of thing.

6 So I went to the provisional voter section,  
7 and -- and I walked through it and read the instructions  
8 and went through them step by step.

9 Q. All right. And as part of that process, did  
10 you hand her a form of any kind?

11 A. Yes. A provisional ballot is -- you vote  
12 provisionally on an electronic voting machine, and then  
13 the electronic voting system gives you a -- a number  
14 which is cross-referenced and allows them to then accept  
15 that vote. And so that's put in an envelope. That is a  
16 affidavit on the part of the person. You also enter  
17 them on the list of provisional voters. You also go  
18 back and put them into that registered book of all the  
19 registered voters, and you fill them in on a blank page  
20 there and have them sign that as well. So the short  
21 answer to your question is yes.

22 Q. All right. You had mentioned an affidavit. So  
23 Ms. Mason had to have filled out an affidavit that day  
24 to vote provisionally?

25 A. Yes.



1 MR. SMID: Your Honor, may I approach the  
2 witness?

3 THE COURT: You may.

4 Q. (BY MR. SMID) Karl, I'm showing you what's  
5 marked as State's Exhibit No. 9. Does that look  
6 familiar to you?

7 A. Yes, it does.

8 Q. What is this?

9 A. This is the affidavit and envelope for a  
10 provisional voter.

11 Q. All right. And specifically which voter?

12 A. Oh, I'm sorry. It's Ms. Crystal L.  
13 Mason-Hobbs, and she has filled it out here.

14 Q. Is that the affidavit you would have handed her  
15 on the day in question, November 8th, 2016?

16 A. This is that very affidavit. It's my -- my  
17 writing here. It has that date on it, and it has my  
18 signature on the back of that date. So it is the  
19 provisional ballot envelope.

20 Q. Thank you.

21 Now, Karl, can you take the Court through  
22 the process of your providing that to Ms. Mason and what  
23 happened in your instructions to Ms. Mason specifically  
24 in regard to this affidavit?

25 A. Yes, I can. On -- on that day -- so the -- the

1 red section -- the voter fills out the white section  
2 here, and the green sections are for myself as the  
3 election official and then for the elections people  
4 downtown.

5                   And so as I said before, Ms. Mason had her  
6 driver's license. It was a in-date valid driver's  
7 license and had the address. So I checked that, yes,  
8 she had the acceptable ID. I remember going down this  
9 list of the reasons for voting provisionally. Failed to  
10 present an acceptable ID is the first one. That's not  
11 the case.

12                   Voter not on the list of registered voters,  
13 that -- that was the case. It wasn't that these other  
14 ones not on the list but registered in another precinct.  
15 We can provisionally vote them in our location if they  
16 insist. A voter's on the list -- instead of sending  
17 them to the correct location.

18                   Voter on the list of people who voted early  
19 by mail and the voter has not cancelled the mail-in  
20 ballot application.

21                   Voting after 7:00 due to a court order. If  
22 a poll opens late, they'll typically close it late.

23                   Voter on the list but registered address is  
24 outside the political subdivision.

25                   Voting in another's primary -- another

1 party's primary. That didn't apply -- this wasn't -- I  
2 guess I walked through those because I remember that Ms.  
3 Mason and I sat down at a table, and -- and I sat down  
4 and actually read through each part. The -- I only do  
5 two or three of them. I want to make sure that they're  
6 right.

7           The part to be completed by the county  
8 voter register for status, I -- I didn't complete. And  
9 then on this side, the type of election I filled out  
10 "general" and put in the date, November 8th, 2016.

11           The authority conducting, I -- I left  
12 blank, but I did fill in the precinct number. And then  
13 precinct where registered was left blank. And then the  
14 ballot code is filled in from the JVC, the electronic  
15 voting machining.

16           Then I remember underneath this is this "to  
17 be completed by the voter" section. And it's in English  
18 and Spanish, and so it has about ten lines here. And I  
19 remember reading this and just looking it over and then  
20 passing it to Ms. Hobbs saying, please -- this is the  
21 part to be completed by the voter, please read through  
22 this and fill out this section.

23           And so I'd been sitting at the table with  
24 her while I filled out this and looking over this. And,  
25 in fact, I think I even described the reason and so on.

1 I had not yet signed it at that point, and  
2 I handed it over to her, and then she filled out this  
3 white section.

4 MR. SMID: Your Honor, may I have  
5 permission to publish State's Exhibit No. 9?

6 THE COURT: You may.

7 MR. SMID: Thank you.

8 Q. (BY MR. SMID) Karl, can you see the projector  
9 screen up top here?

10 A. Yes, sir.

11 Q. All right. And previously mentioned State's  
12 Exhibit No. 9. You had mentioned the section titled, to  
13 be completed by voter. You told her to read that?

14 A. Yes, I did.

15 Q. All right. Now, we see a sticker on top of the  
16 admonishments or the affidavit language. Was that there  
17 at the time you gave it to her?

18 A. No. I'm quite certain that was added by the  
19 Tarrant elections office when they processed the  
20 envelope.

21 Q. All right.

22 MR. SMID: Permission to publish State's  
23 Exhibit No. 8, Your Honor?

24 THE COURT: Granted.

25 Q. (BY MR. SMID) State's Exhibit No. 8 is a blank

1 copy previously admitted, Karl. The language, "To be  
2 completed by voter," is that the same language that was  
3 on State's Exhibit No. 9, or if it is on No. 9, it's --

4 A. Can I see the forms up close --

5 Q. Absolutely.

6 A. -- please --

7 Q. Yes, sir.

8 A. -- to accurately --

9 Q. Yes, sir.

10 A. Yes, it's identified.

11 Q. Okay. That's the language she would have  
12 received that day --

13 A. Yes.

14 Q. -- in State's Exhibit No. 8?

15 THE COURT: All right. Gentlemen, please  
16 don't talk over each other.

17 MR. SMID: Oh, I'm sorry.

18 THE COURT: The court reporter can't take  
19 it down. It's not -- we have to wait for each other to  
20 finish speaking because it's not a normal conversation.  
21 It's physically impossible for her to type when both of  
22 you are speaking, so please keep that in mind. Thank  
23 you.

24 MR. SMID: Yes, sir. Thank you.

25 Q. (BY MR. SMID) State's Exhibit No. 8 identical?

1 A. Yes.

2 Q. These are the admonishments -- or this is the  
3 affidavit language that would have been -- or that is in  
4 State's Exhibit No. 9, correct?

5 A. Yes, underneath the sticker.

6 Q. Okay. Thank you.

7 MR. SMID: May I approach the witness one  
8 more time, Your Honor?

9 THE COURT: You're here already.

10 MR. SMID: Thank you.

11 Q. (BY MR. SMID) State's Exhibit No. 10. What is  
12 State's Exhibit No. 10?

13 A. This is a diagram of the polling location.

14 Q. Okay. And is this a fair and accurate  
15 depiction of what the location would have looked like  
16 that day?

17 A. Yes, it is.

18 MR. SMID: Your Honor, at this time I will  
19 offer State's Exhibit No. 10 after tendering to Defense  
20 Counsel.

21 MR. ST. JOHN: I have no objection, Judge.

22 THE COURT: State's Exhibit 10 is now  
23 admitted.

24 (State's Exhibit No. 10 admitted)

25 THE COURT: You may proceed.

1 MR. SMID: Thank you, sir.

2 Permission to publish?

3 THE COURT: You may.

4 Q. (BY MR. SMID) Now, Karl, in regard to State's  
5 Exhibit No. 9, do you know if Ms. Mason read this? Did  
6 she, in fact, look over this affidavit?

7 A. I cannot say with certainty that she read it,  
8 but she certainly paused and took some number of seconds  
9 to look over what was on the left. And she certainly  
10 read the right part, and she filled it out since she put  
11 the right information in the boxes.

12 Q. Now, once she fills it out and hands it back to  
13 you, what do you do with it? Is there any more  
14 additional process that you take with her?

15 A. Yes. That's the point at which I -- well, the  
16 first -- the first thing that I did was I looked over  
17 the white section and ensured that it was filled out  
18 accurately, because we don't want her to have it  
19 disqualified on some technicality or something.

20 And then I flipped over to the back, and  
21 there's language on the back that I affirm, or to that  
22 effect, that all the information I provided is accurate.

23 And so I -- I remember holding up my right  
24 hand and said, Do you affirm that all the information  
25 you provided is accurate.

1                   And I received a response in the  
2 affirmative, and I signed and dated it at that point.

3           Q.    Okay.  So she swore to the affidavit?

4           A.    I -- I wouldn't -- I don't think I used the  
5 word swear or anything, but she certainly affirmed that  
6 she had provided accurate information.

7           Q.    Yes, sir.  Thank you.

8                   In regard to State's Exhibit No. 10 --

9           MR. SMID:  May I approach the witness, Your  
10 Honor?

11           THE COURT:  You may.  And by the way, you  
12 have leave of the Court --

13           MR. SMID:  Oh, thank you, sir.

14           THE COURT:  -- to approach --

15           MR. SMID:  I appreciate it.

16           THE COURT:  -- without further request.

17           MR. SMID:  Thank you, sir.

18           Q.    (BY MR. SMID)  See there's a laser button here,  
19 Karl?

20           A.    Yes.

21           Q.    At the time that this is all happening,  
22 is it -- is it a rushed feel?  Is it overwhelming?  
23 What's the atmosphere like?

24           A.    No.  I try to keep a pretty calm polling  
25 location.  It's not rushed at all.  I mean, the poll



1 clerks are handing -- handling the people. There was  
2 never a line. They're very efficient. That's -- I try  
3 and get younger people.

4 I think we had moved to this table here to  
5 fill out the provisional ballot -- or not the  
6 provisional ballot -- the envelope with the certificate  
7 and sat down at that table.

8 Here's the location of the table with the  
9 clerk that had the list of registered voters and where  
10 someone initially comes in and signs that book and the  
11 book to which she would be added after we completed the  
12 affidavit envelope.

13 And then at this table, you pick up your  
14 paper ballot or in her case, go to the electronic voting  
15 machining, receive a -- a pen to then vote -- I'm sorry.  
16 Here's where you receive the -- that's the ballot box,  
17 the paper ballots. This was a machine that would give  
18 you the code for the voter and for the provisional  
19 envelope, and then the voting booth -- the electronic  
20 voting booth was there.

21 Q. So you are going over this process away from  
22 the actual voting line away from the poll -- away from  
23 the voting booths to where she can have a chance to  
24 concentrate; is that correct?

25 A. Yes.

1 Q. Okay. Now, Karl, let me ask you, in regard to  
2 State's Exhibit No. 9, in light of your training and  
3 experience that you have had, if she just would have  
4 filled out this affidavit and -- and appear to not have  
5 read it, would you have let her affirm to it?

6 A. No. I probably would have read it aloud.

7 Q. And why is that, Karl?

8 A. Well, because essentially when someone's  
9 provisionally voting, they're -- they're not in the book  
10 of registered voters, and so they're not on -- on the  
11 list of people we know can vote. And so before we let  
12 someone like that vote, we want to make sure that they  
13 are allowed to vote.

14 And so they are affirming, for instance,  
15 that -- that you're allowed to vote and you have to be a  
16 U.S. citizen to vote and things like that. And so it's  
17 a process by which you're -- we're going to take this  
18 person's word at it, they should be allowed to vote or  
19 at least they believe that they should be allowed to  
20 vote, and that's why I'm going to let him vote.

21 Q. You want to make sure that they know they are  
22 eligible, correct?

23 A. That is correct.

24 Q. Now, after she affirmed to the language in the  
25 affidavit, did she, in fact, vote?

1 A. Yes.

2 Q. All right. And did she have to sign any  
3 additional documentation aside from the affidavit?

4 A. Yes.

5 Q. And what documentation was that?

6 A. There's a spot where she fills out her name and  
7 signs on the electronic slip that gets put into the  
8 provisional voter envelope. It -- the electronic voting  
9 process is that the voter -- they can go to the machine  
10 to request a paper tape that it puts out for whoever's  
11 going to vote.

12 In the case of a provisional voter, you  
13 select that option, and then it prints out a -- a longer  
14 tape that has two parts. One part has the standard  
15 four-digit PIN for going to the voting -- electronic  
16 voting booth, and the second part is the  
17 provisional-ballot code, which I entered on the back of  
18 the envelope. And it also has a place for her to write  
19 and sign her name.

20 Q. Do you feel it's possible that she just simply  
21 did not review the affidavit language?

22 A. I do not.

23 Q. Why is that?

24 THE COURT: I'm sorry. Repeat your  
25 question.

1 Q. (BY MR. SMID) Do you feel -- do you feel that  
2 it's possible that she just simply didn't review the  
3 affidavit language?

4 THE COURT: Thank you. You may answer the  
5 question.

6 THE WITNESS: I do not, because I -- I saw  
7 her pause and look over. That's what I observed, and  
8 that's the basis for that answer.

9 Q. (BY MR. SMID) And that language in the green  
10 portion was, in fact, visible to her, correct, Karl?

11 A. Yes.

12 Q. Thank you for your testimony.

13 MR. SMID: I'll pass the witness.

14 THE COURT: Cross-examination.

15 CROSS-EXAMINATION

16 BY MR. ST. JOHN:

17 Q. Help me pronounce your last name.

18 A. Dietrich.

19 Q. Dietrich?

20 A. Dietrich.

21 Q. Yes, sir. And so you've been a paid  
22 volunteer -- I'm going to use that language -- for four  
23 separate elections, correct?

24 A. I believe that's the number.

25 Q. It doesn't really matter. I'm just curious.

1                   So after -- when someone is doing a  
2 provisional ballot, what physically happens to -- this  
3 is State's 9, which is in evidence now. What physically  
4 happens to this document itself? Where does it go?

5           A. As I said in my earlier testimony, there's a  
6 packet for provisional ballots, and it has instructions.  
7 And all the provisional ballots get put in a special  
8 orange -- neon-orange bag that's extremely bright. And  
9 they're submitted with all the other ballots to the  
10 rally station where all ballots across the county are  
11 collected.

12          Q. Who -- who physically places this document in  
13 that orange -- I'm going to use the word bucket. Who  
14 does that?

15          A. I did as the election judge.

16          Q. So you -- you go through and determine who the  
17 proposed voter is, it's not on the rolls and you can't  
18 find any other qualification, you're permitted to do a  
19 provisional ballot, which is State's 9. And if it shows  
20 to be they're in the wrong precinct, then it's not  
21 counted and things like that, correct?

22          A. I'm not sure the precise rules whether or not  
23 they allow statewide races to still count if they're in  
24 the wrong precinct or what. That would be a county -- a  
25 question for the county administrators.

1                   But I do know that I turned in the ballots  
2 at the end of the night, the provisional ballots. I  
3 turned them in with all the other ballots.

4           Q.    Now, that was a general election. Was that a  
5 busy polling place that day?

6           A.    It was not exceptionally busy. The busiest  
7 period was when we first opened, and we had a line of  
8 perhaps 15 to 20 people waiting to vote that had shown  
9 up before I'm allowed to open. I'm required to maintain  
10 very strict hours on the polling location from 7:00 a.m.  
11 to 7:00 p.m.

12                   And other than that one period, I was able  
13 to keep the flow processing through the polling location  
14 such that it was never hectic.

15           Q.    Sure. Now, you just talked about the polling  
16 hours are from 7:00 a.m. to 7:00 p.m., correct?

17           A.    Yes.

18           Q.    And was it raining that day?

19           A.    I don't remember it raining.

20           Q.    Did you have any assistants help you in  
21 processing voters such as provisional or actually  
22 voters? Any women working in there?

23           A.    Yes.

24           Q.    How many women working in there?

25           A.    The bilingual clerk was a woman. The one that

1 my wife had put me in touch with was a woman. And I  
2 believe that a third clerk was also a woman. And then  
3 there was Mr. Streibich and myself.

4 Q. So how many total volunteers and volunteering  
5 employees were in the precinct?

6 A. Actually, I reviewed that.

7 There was myself, Mr. Jarrod Streibich,  
8 Dana Pertee (phonetic), Darlene Bowman, Stephanie  
9 Thompson, Maria Dolores Chazawetza (phonetic) partial  
10 day, and then Alyssa DeMarco was a partial day.

11 So there were six people in the polling  
12 location except while people were taking breaks or  
13 things like that.

14 Q. Do you ever --

15 A. I'm sorry, five. No, six.

16 Q. Do you ever sign any of your -- I'm just going  
17 to use the word helpers. Whatever word you want to use  
18 is fine.

19 Do you -- do you assign any of the  
20 volunteers to assist when -- to complete -- to go  
21 through a provisional ballot? Do you do that at all?

22 A. No. In -- in particular I didn't this day  
23 because I didn't have an alternate judge.

24 Q. So once this -- once this provisional was  
25 completed, how does someone -- does someone retrieve the

1 little numbers to put into the voting machine so they  
2 can vote at whatever precinct that is? Do you -- do you  
3 give them -- once that person who's a voter completes  
4 provisional -- I'm going to show you now State's 9 --  
5 what do you do to allow them to physically go vote in  
6 the machine?

7 A. I go to the electronic voting machine there --

8 Q. Are you -- are you doing -- are you showing  
9 something on State's 10 right now? What are you doing?  
10 Are you pointing to State's 10, sir?

11 A. I am --

12 Q. Okay. Go ahead.

13 A. -- on the diagram.

14 THE COURT: And let me just interject. The  
15 reason why the -- the lawyer is asking those questions  
16 is that he wants to reflect in the record what is being  
17 discussed for the purposes of an appeal if there is one  
18 that needs to be done.

19 MR. ST. JOHN: Yes.

20 THE COURT: And that's the reason why he  
21 wants the record to reflect what's happening in the  
22 courtroom.

23 THE WITNESS: Thank you.

24 THE COURT: All right. Thank you.

25 You may proceed.



1 Q. (BY MR. ST. JOHN) So you're using the laser  
2 pointer to show something on State's 10?

3 A. I -- I am. I'm showing the location of the  
4 electronic machine that we go to to enter a voter to  
5 vote electronically.

6 Q. Okay. And I think you've already testified to  
7 that directly based on the State's questioning. I guess  
8 my question is: Someone has a provisional ballot, they  
9 finish it and you help them -- you finish your part. At  
10 that time, do you physically drop this in the orange  
11 secured bag, or does it sit on the table somewhere?

12 A. At the point -- so from that machine, I get  
13 that ticket tape. The -- the -- it has two parts. It  
14 has the four-digit PIN to enter the voting booth -- to  
15 enter the electronic voting booth, and it has the part  
16 where they print and sign their name.

17 So after she printed and signed her name, I  
18 retained that section, which goes into the ballot, and I  
19 give her the four-digit PIN. That four-digit PIN is  
20 what she then used to go to the -- a voting poll and  
21 vote.

22 What I then did was I sat down at a nearby  
23 table, I wrote that ballot code on the back of the  
24 provisional envelope. I then took that slip of paper,  
25 put it in the provisional envelope. I then sealed the

1 provisional envelope, and then I placed the provisional  
2 envelope in the orange bag that I described earlier.

3 At this point the orange bag is sealed --  
4 sealed at the end of the night along with the other  
5 voting containers.

6 MR. ST. JOHN: May I approach, Your Honor?

7 THE COURT: You may.

8 Q. (BY MR. ST. JOHN) Now, I'm showing you State's  
9 9. And is this your handwriting -- what I call -- I  
10 guess you called it the back. I call it the front. But  
11 is this the precinct -- is that the ballot code that you  
12 wrote down after she received --

13 A. Yes.

14 Q. -- after that number was given to --

15 A. Yes, and that is my writing.

16 THE COURT: Just a moment. Gentlemen,  
17 don't talk over each other.

18 THE WITNESS: Thank you, Your Honor.

19 Q. (BY MR. ST. JOHN) Go ahead, sir. What is your  
20 answer?

21 A. Yes, that's my writing there.

22 Q. Okay. Is this the back of it or the front of  
23 it?

24 A. I don't see that the form identifies a front or  
25 a back.

1 Q. Okay. Well, you said back. I was just  
2 curious.

3 And this is also your handwriting -- what  
4 I'll call the back of it -- dated November 8th, 2016,  
5 signature voter registrar, and then your signature as an  
6 election judge, and you wrote 11/8/16, correct?

7 A. That is -- I wrote the 11/8/16, and my  
8 signature and the check above -- the two checks above  
9 it, but not any of the writing on the right side or  
10 along the bottom footer has a checkbox that was also not  
11 my writing.

12 Q. Yes, sir.

13 And was this completed -- and I'm showing  
14 you now State's 9, the back of it where your signature  
15 is on the bottom. Did you check that specific area  
16 voted -- voter not on list as registered voter? Did you  
17 do that before she could use the machine to vote?

18 A. Yes, I did.

19 Q. And did you -- did you sit there as Ms. Mason  
20 filled out this information here?

21 A. Yes, I did.

22 Q. Did you -- is this your handwriting on the  
23 front part, time of election, general, 11/8/16, Precinct  
24 1504, and then the provisional number?

25 A. Yes. That's all my writing on the left side

1 and all hers on the right side.

2 Q. And you saw her driver's license and -- and you  
3 knew that the information she provided to you was true  
4 and correct; is that right?

5 A. She affirmed that it was.

6 Q. Well, based on what -- a state-issued  
7 license --

8 A. Oh, yes. I saw the driver's license, inspected  
9 it, and I was familiar with her as a neighbor, and so I  
10 was familiar with the address and familiar that was  
11 within the precinct.

12 Q. I mean, you have a benefit that a lot of people  
13 don't have as a precinct -- someone over the precinct is  
14 you knew that the person who showed you the ID was, in  
15 fact, Crystal Mason-Hobbs. You knew that was her,  
16 didn't you?

17 A. Yes.

18 Q. So you -- you could verify that that's who she  
19 was, and she didn't try to give you any false name, fake  
20 name, or anything like that, correct?

21 A. Correct.

22 Q. And did you go -- did you -- you said you're at  
23 a little back table. Was there any woman back there  
24 helping you fill this thing out with her?

25 A. I'm sorry?

1 Q. You said you went to a back table with my  
2 client. Was -- did you have a woman sitting there with  
3 you and assisting in any manner that you can recall?

4 A. Not that I recall.

5 Q. And that's fair.

6 And your recollection -- and I know you're  
7 busy, and I'm not trying to be kind of harsh on you.  
8 You believe she got there around 2:30 in the afternoon,  
9 correct?

10 A. Yes.

11 Q. Are you positive about that?

12 A. Quite.

13 Q. And there's no time on this provisional ballot  
14 when she filled this out, is there?

15 A. Correct.

16 Q. And your testimony -- and I know you can't be  
17 certain of it. Your testimony is that you told her to  
18 look over this, and you had -- you had a belief that she  
19 read this, basically, disclaimer or notification about  
20 being a convicted felon. You believe she did, correct?

21 A. Yes. I remember quite distinctly drawing my  
22 finger down that text as I talked to her and saying,  
23 Please read over this and then fill out this section  
24 here, running my finger over then the right side. I  
25 distinctly have an image of that memory.

1 Q. And that -- but that image doesn't reflect that  
2 she read what was on the document, does it?

3 A. As I stated previously, she distinctly paused  
4 while reading or appearing to read the form prior to  
5 going to filling out her name and --

6 Q. I understand that. My question to you is: Can  
7 you tell this Judge she, in fact, read the left-hand  
8 side of State's 9, yes or no?

9 A. No, she did not read it out loud or anything.

10 Q. I didn't say that.

11 A. Right.

12 Q. I said can you tell this district judge that  
13 she read the left-hand side of State's 9, yes or no?

14 A. As I stated previously, sir --

15 MR. ST. JOHN: That's nonresponsive.

16 THE WITNESS: Well --

17 Q. (BY MR. ST. JOHN) My question is to you -- my  
18 question, sir -- I'm asking the question.

19 A. I want to tell the whole truth --

20 MR. ST. JOHN: Nonresponsive, Judge.

21 THE COURT: Sustained. Please answer his  
22 question.

23 Q. (BY MR. ST. JOHN) I'm not picking on you.

24 You cannot tell District Judge Gonzalez  
25 that she, in fact, read the left-hand side of this

1 ballot. You can't say that, can you?

2 A. No.

3 Q. And I'm not being -- I'm not being mean to you.  
4 You're doing a good job, but it is what it is, right?

5 A. Right. She didn't read it out loud, so --

6 Q. I understand that. And you don't know if she  
7 read it at all, and you just answered that.

8 So once -- so then she -- like regular  
9 registered voters, we get the little number and then it  
10 goes to the precinct. The number she eventually had  
11 allowed her to vote in that precinct. If there's some  
12 specific JP or something else that you need for that  
13 precinct, she could vote on that, correct?

14 A. I don't understand the question. She could  
15 vote the entire ballot.

16 Q. I understand that, sir. But if she lives in a  
17 certain precinct and there's a JP in that precinct  
18 versus another precinct, she wouldn't vote on another  
19 JP.

20 My question is: That allowed her to vote  
21 in that specific precinct for those people on that  
22 ballot. Could have been a JP or something like that,  
23 correct?

24 A. Yes.

25 Q. Or a state rep or something in that unique to

1 that district?

2 A. Yes. Each precinct has its own ballot.

3 MR. ST. JOHN: May I have just a minute,  
4 Judge?

5 THE COURT: You may.

6 MR. ST. JOHN: I pass the witness, Your  
7 Honor?

8 THE COURT: Redirect?

9 MR. SMID: Thank you, sir. Just a brief  
10 follow-up.

11 REDIRECT EXAMINATION

12 BY MR. SMID:

13 Q. And, Karl, again, just to be clear, you did  
14 make the conscious effort to be sure that she affirmed  
15 to this language in the affidavit?

16 MR. ST. JOHN: That's repetitious, Judge.  
17 He's already stated four or five times he did.

18 THE COURT: I'll allow him to ask it.  
19 Overruled.

20 MR. SMID: Thank you, sir.

21 Q. (BY MR. SMID) You made the conscious effort to  
22 be sure that she affirmed to this language in the  
23 affidavit, correct?

24 A. Yes.

25 Q. And you were wanting to elaborate on the



1 question for Mr. St. John, which was -- to be fair, was  
2 phrased as a yes-or-no question. But you were wanting  
3 to add something. What did you want to add?

4 A. The point is is I -- his question appears to  
5 be, am I absolutely certain as she read it. And -- and  
6 apart from her reading it aloud or me reading it to her,  
7 I would say no.

8 However, from what appeared to happen and  
9 the fact that she -- in observing everything, it was my  
10 estimation that she did, as you inquired earlier. If my  
11 estimation had been anything other than that, I would  
12 have asked her to review it particularly before asking  
13 her to affirm its accuracy and truth.

14 Q. Yes, sir.

15 You would have made sure she read it if  
16 just appears she signed it?

17 A. Yes.

18 Q. And to be clear again, in State's 9 she signed.  
19 That's her signature, correct?

20 A. Yes.

21 Q. All right. Now, to your recollection, were you  
22 the only person that was assisting her with the  
23 affidavit in State's 9?

24 A. Yes.

25 Q. And once the day was over, did you, in fact,

1 report information that happened that day to law  
2 enforcement of any kind?

3 A. No.

4 Q. All right. And how did it get reported that a  
5 potential felon had voted at your polling place; do you  
6 remember?

7 A. Yes, I do. After she had voted and departed  
8 from the polling location, at some point after that, Mr.  
9 Streibich, my clerk who had processed -- processed her,  
10 made the comment that perhaps --

11 MR. ST. JOHN: Judge, I know there's no  
12 jury, but I think he's here to testify, and I object to  
13 hearsay on that. If I'm not mistaken, he's in the  
14 hallway.

15 THE COURT: Well, first off is that I'm  
16 going to sustain the objection.

17 Rephrase your question.

18 MR. SMID: Yes, sir.

19 Q. (BY MR. SMID) And Mr. Streibich, he will  
20 testify to what he said and what he reported.

21 But did you, yourself, report this to any  
22 sort of law enforcement or anyone else?

23 A. I eventually -- it was either the next day or a  
24 couple days later -- figured out who I should report the  
25 concern that was brought to my attention to, and I

1 called the county D.A.'s office.

2 Q. Now, Karl, you knew Ms. Mason. You said you  
3 were neighbors with her, correct?

4 A. Yes.

5 Q. And did you realize at the time she was voting  
6 that this was an issue?

7 A. No.

8 Q. And why not?

9 A. Well, there's -- I guess I'd point out two  
10 things. One, I was somewhat recently back from my tour  
11 of duty over in Afghanistan that lasted over two years,  
12 total time.

13 Second, I had no reason to believe that  
14 there was an issue at that point. She was present at  
15 the polling location. She wasn't in jail or something.  
16 And so she seemed a legitimate voter. I knew that she  
17 had had something previously, but it was a long time  
18 ago, and I wasn't even sure whether there had been a  
19 conviction.

20 So I was not -- it was not even in my mind  
21 until it was brought to my attention that she may not  
22 have been eligible to vote --

23 Q. Did you know --

24 A. -- that --

25 Q. I'm sorry. Go ahead.

1 A. That, you know, there was a potential issue.

2 Q. Did you know she was on supervised release?

3 A. No. In fact, when I first called the D.A.'s  
4 Office, I had to leave a message. I was kind of  
5 surprised that I got called back.

6 And he identified that, yes, I had called  
7 the right place as opposed to the Secretary of State  
8 because they run the elections or calling the -- the  
9 voter elections officials since they don't handle  
10 crimes. I finally figured out to call the D.A.

11 So he, I guess, was able to look up online  
12 some system, and he was saying, Well, actually she had  
13 this conviction back in a number of years ago but the  
14 maximum sentence on that is this, and --

15 MR. ST. JOHN: This goes beyond the  
16 question, Judge.

17 THE WITNESS: And it sounded to me --

18 THE COURT: Just a moment. Just a moment.

19 Is that an objection? If so --

20 MR. ST. JOHN: Yes, I made an objection,  
21 not relevant.

22 THE COURT: Not relevant?

23 MR. ST. JOHN: Yes, sir.

24 THE COURT: Sustained.

25 Rephrase your question.

1 MR. SMID: Yes, sir.

2 Q. (BY MR. SMID) And one last question, Karl.  
3 Even had you known that, had you known that she was a  
4 felon voter, as an election judge, are you allowed to  
5 turn someone away from the polls?

6 A. I -- my understanding of the training is that  
7 as an election judge, I have very broad power that I  
8 hope I never have to exercise because I never want to  
9 cause someone to be -- be the cause of someone not being  
10 able to vote. I mean, that's why I became an election  
11 judge so that people could vote.

12 On the other hand, the training is quite  
13 specific that when a voter presents him or herself, that  
14 we should take one of three courses, the three courses  
15 of action described earlier. But if I know that  
16 someone's not allowed to vote, then it's improper and  
17 wrong and incorrect for me to allow them to vote.

18 Q. All right. And is it safe to say, based on the  
19 affidavit, there are safeguards in place to prevent  
20 illegal voters from voting, correct?

21 A. Yes.

22 Q. Thank you for your testimony, Karl.

23 MR. SMID: I pass the witness.

24 THE COURT: Recross.

25 RE CROSS-EXAMINATION

1 BY MR. ST. JOHN:

2 Q. Well, I would suggest I don't know you, but I  
3 can tell you're a person of integrity. My -- my  
4 response would be your integrity would say, Hey,  
5 Crystal, I understand you had some problems before; you  
6 know if you're a convicted felon, you can't vote. But  
7 you didn't say that, did you?

8 A. I did not. I had no reason to suspect that she  
9 was a convicted felon.

10 Q. Well, you just said a minute ago you knew she  
11 had been in trouble?

12 A. Correct.

13 Q. That's fine.

14 MR. ST. JOHN: I pass the witness, Your  
15 Honor.

16 MR. SMID: Nothing further.

17 THE COURT: All right. May I see the  
18 lawyers briefly to the side?

19 (BENCH CONFERENCE PROCEEDINGS)

20 THE COURT: All right. Before you excuse  
21 Mr. Dietrich, I do want to bring to both of your  
22 attention I do know Mr. Dietrich personally.

23 MR. SMID: Okay.

24 MR. ST. JOHN: Okay.

25 MR. SMID: That's fine.

1 THE COURT: And one other thing is that I  
2 met -- I saw him at the Republican conviction for Senate  
3 District 10 and spoke with him there. And he relayed  
4 that he was -- I was going to see him, but I didn't know  
5 what context --

6 MR. ST. JOHN: I understand. I have no  
7 problem with that.

8 THE COURT: I just wanted to make sure  
9 you're aware of that.

10 MR. ST. JOHN: No, that's fine, Judge. I  
11 do need to use the restroom.

12 THE COURT: Okay. Thank you very much.

13 (OPEN COURT PROCEEDINGS)

14 THE COURT: All right. Mr. Dietrich, you  
15 may step down. Thank you very much, sir.

16 THE WITNESS: You're welcome.

17 THE COURT: Thank you. It's good to see  
18 you.

19 (Witness retires)

20 THE COURT: All right. Now, we're going to  
21 take a restroom break right now. We'll be in a brief  
22 recess. Thank you.

23 (Recess from 11:11 a.m. to 11:38 a.m.)

24 (Open court, Defendant present)

25 (Witness enters courtroom)

1 THE COURT: We're back on the record.

2 Please take your seat, sir.

3 Call your next witness, State.

4 MR. NEWBERN: Thank you, Your Honor. The  
5 State calls Jarrod Streibich.

6 THE COURT: Mr. Streibich, please turn and  
7 raise your right hand.

8 (Witness sworn)

9 THE COURT: All right. Put down your hand,  
10 sir.

11 All right. Counsel, you may proceed.

12 Oh, and would you please print your full  
13 name for the court reporter on the pad of paper?

14 THE WITNESS: Yes, sir.

15 THE COURT: You may proceed.

16 MR. NEWBERN: Thank you, Judge.

17 JARROD STREIBICH,

18 having been first duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. NEWBERN:

21 Q. Jarrod, how old are you?

22 A. Seventeen, sir.

23 Q. Seventeen. Why aren't you in school?

24 A. Graduated two years early.

25 Q. Okay. So where did you graduate from?



1 A. Everman Academy.

2 Q. Everman --

3 A. Everman Academy High School, just to be  
4 precise.

5 Q. Everman Academy High School.

6 So what are your plans for the future,  
7 Jarrod?

8 A. I leave in 21 days to Air Force boot camp down  
9 in San Antonio.

10 Q. Down in San Antonio.

11 So are you prepared for that?

12 A. Yes, sir.

13 Q. What do you want to do in the Air Force?

14 A. I'm going to be a firefighter for the first  
15 three years, and hopefully I can cross-train into a  
16 spec-ops group.

17 Q. Okay. How do you know that already?

18 A. It's just my plan to do so.

19 Q. Okay. Why did you decide to join the Air  
20 Force?

21 A. It's a family tradition, and it's what I've  
22 always wanted to do in my life.

23 Q. So have you got brothers or your father that's  
24 been in the Air Force as well?

25 A. I currently have two brothers serving right now

1 in the Air Force. My dad is an Army vet, and it's a  
2 family tradition. Almost every single male in my family  
3 has served in the military.

4 Q. Well, I am excited for you, and I want to say  
5 thank you in advance for your service.

6 A. Thank you, sir. It's a pleasure.

7 Q. On November 8th of 2016, did you work as an  
8 election clerk --

9 A. Yes, sir.

10 Q. Okay. Where was that?

11 A. Rendon Retta Church. It's a Baptist church.

12 Q. How old were you at that time?

13 A. Sixteen.

14 Q. Why on earth would a sixteen-year-old want to  
15 do that?

16 A. I would like to get out of the -- the crappy  
17 school I was in and do volunteer services with the  
18 community.

19 Q. Was that your first time to work as an election  
20 assistant?

21 A. Yes, sir. It's my very first time doing  
22 something that I volunteered, so...

23 Q. Did you have to go through some training before  
24 you were able to do so?

25 A. Yes, sir. I had to do a night of training at

1 the election county in -- or at the Tarrant County  
2 election facility.

3 Q. And when you were working those polls that day,  
4 were you working with Karl Dietrich?

5 A. We were sitting right next to each other just  
6 watching the slide show.

7 Q. He was your election judge, though?

8 A. Yes, sir.

9 Q. What was your role there at the polling center?

10 A. I was to write down everyone's name, check  
11 their licenses, their voting registration cards and just  
12 make sure their address matches their ID, and then I  
13 send them off to go get a ballot and have them cast the  
14 vote.

15 Q. Do you remember if a Ms. Mason-Hobbs came into  
16 vote that day?

17 A. Yes, sir.

18 Q. Did you check for her name on the registrar?

19 A. Yes, sir. I checked it twice in both Mason and  
20 then even Hobbs just to make sure.

21 Q. And was her name present?

22 A. No, sir.

23 Q. So at that point, what do you do?

24 A. I talked to the election judge, Karl, to say  
25 that she's not on here. We can't find her else --

1 anywhere in our precinct, and she's -- she has her card.

2           So I tell them, Well, we may have to do  
3 provisional voting because she's not on the registry and  
4 we've already done two others, and so we should just go  
5 ahead and do a provisional vote.

6           Q. At that point does Ms. Mason-Hobbs go with Karl  
7 to proceed with the provisional ballot?

8           A. Yes, sir.

9           Q. And what do you do?

10          A. I am still continuing writing people's names  
11 and making sure of the address.

12           MR. NEWBERN: Judge, may I approach this  
13 witness?

14           THE COURT: You may.

15           MR. ST. JOHN: Judge, is his microphone on?  
16 Is his microphone on?

17           THE COURT: He's just talking past it. Why  
18 don't you reset the microphone so that we can all hear  
19 you clearly.

20           THE WITNESS: All right.

21           THE COURT: Thank you, sir. I think Mr.  
22 St. John can't hear you very well.

23           THE WITNESS: Oh, I'm sorry, sir.

24           Q. (BY MR. NEWBERN) Jarrod, let me hand you this  
25 laser pointer. That yellow button is -- will put a

1 laser on that screen.

2 A. All right.

3 Q. On that screen is what's been entered as  
4 State's Exhibit 10. What is that, Jarrod?

5 A. That is the voting booth with four on the left  
6 and the provisional voting booth on the north side of  
7 the building -- or north side of the room. We are in a  
8 parish hall from a church, and just -- you want me to do  
9 anything else?

10 Q. Can you use the laser pointer to show the Judge  
11 where you were sitting on --

12 A. Yes, sir.

13 Q. -- this election day?

14 A. I was sitting right there.

15 Q. And so the potential voters would come in and  
16 meet with you to check for their names on the registrar  
17 at that table?

18 A. Yes, sir.

19 Q. Now, when Ms. Mason-Hobbs went with your  
20 election judge to fill out the provisional ballot, where  
21 was she sitting?

22 A. She was sitting directly to my right near the  
23 office door.

24 Q. Was it a busy day?

25 A. We had around 400-plus people before Ms.

1 Mason-Hobbs came in, and particularly busy when she came  
2 in because we had all three lines filling up.

3 Q. Okay. And how many provisional ballots  
4 had you -- did you have to do that day?

5 A. We did a total of three including her. We also  
6 did two more, and that was it.

7 Q. Okay. When Ms. Mason-Hobbs was working on that  
8 provisional ballot, about how far was she from you?

9 A. I'd say four to five feet. Four to five feet  
10 from the table, to be precise.

11 Q. Were you paying attention to what she was  
12 doing?

13 A. I was just -- I had to glance at the people  
14 making sure they're doing, you know, their duty to read  
15 the ballot because we all had to do that. We all had to  
16 make sure we did the training correct and make sure they  
17 read.

18 Q. Did you see if Ms. Mason-Hobbs read that  
19 provisional ballot affidavit?

20 A. Yes, sir.

21 Q. What did you see?

22 A. Her finger watching each line making sure she  
23 read it all.

24 Q. Did she then come back to you and fill her name  
25 into the provisional registration?

1 A. Yes, sir.

2 Q. Did she then cast a ballot?

3 A. Yes, sir.

4 MR. NEWBERN: Pass the witness.

5 MR. ST. JOHN: Very briefly.

6 THE COURT: Cross-examination.

7 CROSS-EXAMINATION

8 BY MR. ST. JOHN:

9 Q. What -- I know you were busy that day. You  
10 said it was busy when my client came in?

11 A. Just before.

12 Q. Okay. You said there was three lines. What --  
13 what do you mean three lines?

14 A. Those three lines right in front of that desk  
15 right here. We got three lines of people coming in, and  
16 it was starting to back up into the waiting room, and  
17 that was --

18 Q. And so it was -- it was a busy precinct when  
19 she came in, correct?

20 A. Yes, sir, just -- just as she was coming in,  
21 actually.

22 Q. How many folks -- how many folks do you think  
23 were in there when she was there, voters?

24 A. Voters?

25 Q. Yeah.

1 A. Total? I'd say about 30 to 40.

2 Q. And did you have any female or women volunteers  
3 in there?

4 A. Yes. We had one leave early because it got  
5 slow to a point, and she had to go take care of her  
6 family. I don't remember her name. I did  
7 have enough -- there's two others, but there's a total  
8 of four election clerks. We had a bilingual one. She  
9 was there still. She was sitting right next to me. And  
10 the other one was handing out the ballots.

11 Q. Okay.

12 A. But I don't remember the third woman's name.

13 Q. And you don't keep a -- you don't keep a  
14 timecard of when someone votes. Like if someone votes,  
15 you know, oh, they voted at 4:22 p.m. or anything like  
16 that, correct?

17 A. No, sir. We don't write down --

18 Q. That wouldn't --

19 THE REPORTER: Excuse me.

20 Q. (BY MR. ST. JOHN) You can't -- let me finish  
21 my question before you answer. Okay?

22 A. Uh-huh.

23 Q. Is that a yes?

24 A. Yes, sir.

25 Q. You can't tell this judge what time my client



1 came and voted, can you?

2 A. I could probably say since I always wear a  
3 watch, I check it every two minutes -- two to five  
4 minutes, and it was around 4:00 -- 4:15 to 4:30.

5 Q. And how -- how do you know that?

6 A. I check my watch. I -- instead of all the kids  
7 at my high school where they use phones, I didn't have a  
8 phone at the time, so I couldn't, you know, pull out my  
9 phone because it's illegal in the voting-booth area to  
10 pull out your phone. So I kept a watch on.

11 Q. No, no. My question is: So do you check --  
12 can you come back and tell us what time every single  
13 person voted that day based on you checking your watch?

14 A. No, but I can make sure that I'm in the one  
15 time -- in the precinct area. Like she came in around  
16 quarter after 4:00.

17 Q. Okay. Was it raining?

18 A. No, sir.

19 Q. Hadn't been raining that day?

20 A. It rained earlier, and it rained later after  
21 around 5:00 o'clock.

22 Q. So your best recollection is she was there at  
23 4:15 to vote?

24 A. Yes, sir, around that time.

25 Q. But you didn't write that down, correct?

1 A. No, sir.

2 Q. Thank you. You seem like a smart young man. I  
3 wish the best. Be careful being a firefighter because  
4 that's a dangerous job. Okay?

5 A. Thank you, sir.

6 Q. Well, bless you, sir.

7 MR. ST. JOHN: No further questions.

8 MR. NEWBERN: Nothing further from the  
9 State.

10 THE COURT: All right, young man. You may  
11 step down. Be careful.

12 THE WITNESS: Thank you.

13 MR. SMID: Your Honor, at this time the  
14 State rests.

15 THE COURT: All right. Thank you very  
16 much.

17 Do you need a moment?

18 MR. ST. JOHN: No, sir. We're ready.

19 THE COURT: Thank you.

20 Call your first witness.

21 MR. ST. JOHN: Call Crystal Mason-Hobbs to  
22 the stand.

23 THE COURT: Ms. Hobbs come on up.

24 (Defendant approaches)

25 THE COURT: Ms. Hobbs, please raise your

1 right hand.

2 (Witness sworn)

3 THE COURT: Please be seated.

4 Ms. Hobbs, would you please print your full  
5 and complete name on the pad of paper for the court  
6 reporter? Thank you.

7 Mr. St. John, you may proceed.

8 MR. ST. JOHN: Thank you, Judge.

9 CRYSTAL MASON,  
10 having been first duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. ST. JOHN:

13 Q. Now, just for the record, Ms. Hobbs, you've  
14 been present during these court proceedings today?

15 A. Yes, sir, I have.

16 Q. And, Crystal, you have a soft voice like a lot  
17 of these folks do, so --

18 THE COURT: Can you move the microphone a  
19 little bit closer to you and talk directly into it?  
20 Thank you.

21 Q. (BY MR. ST. JOHN) So I need you to speak up so  
22 the court reporter can take down what you say. And I'm  
23 somewhat stopped up today, but that's allergies, I  
24 guess, and based on hunting too many times in my life.

25 So specifically, we're going to go through

1 this piecemeal and talk about your conviction in John  
2 McBryde's court and what transitioned from there.

3                   So the whole issue is you're a convicted  
4 felon; is that correct?

5           A.    I am.

6           Q.    But more specifically --

7                   MR. ST. JOHN: Let me look at those  
8 exhibits, Your Honor.

9                   THE COURT: You may.

10                   And, Mr. St. John, you may move about as  
11 you like without -- you don't need to ask any permission  
12 of the Court.

13                   MR. ST. JOHN: Thank you.

14                   THE COURT: Thank you.

15           Q.    (BY MR. ST. JOHN) Now, there's a State's  
16 Exhibit No. 1 that's a Judgment in criminal case, and  
17 it's styled The United States of America versus Crystal  
18 Lavon Mason-Hobbs. And that's you, correct?

19           A.    That is.

20           Q.    And you had a pending case before the Honorable  
21 John McBryde and were convicted for a specific offense  
22 and sentenced to 60 months in prison; is that correct?

23           A.    That's correct.

24           Q.    And what prison unit did you go to?

25           A.    I self-surrendered to Carswell camp.

1 Q. Do you remember specifically when Judge  
2 McBryde -- first of all, let me start over.

3 Did Judge McBryde take you into custody at  
4 the day of sentencing, or were you allowed to  
5 self-surrender?

6 A. I was allowed to self-surrender.

7 Q. And for the record, the -- this judge knows  
8 what that means because he was a federal practitioner.  
9 But for the record, what does self-surrender mean?

10 A. Meaning I was able to walk myself into jail,  
11 you know, come in.

12 Q. And how long were you actually in federal  
13 custody?

14 A. I was in custody for about two years and  
15 eleven months, something like that.

16 Q. And were you released to a halfway house at  
17 some point?

18 A. I was for nine months.

19 Q. Now, while you were in federal prison, was  
20 there ever any indication by anyone who worked for the  
21 U.S. Government that you, being a convicted felon, could  
22 not vote?

23 A. Never.

24 Q. When you went to the halfway house, where was  
25 the halfway house located?

1 A. I was on Avenue J.

2 Q. How long were you in the halfway house?

3 A. I was there for six -- for three months, I  
4 stayed there, and for six months I was on home  
5 confinement. So I was at my home, but I still had to  
6 report to the halfway house.

7 And before I was able to be complete with  
8 the halfway house, I had to go through pre-release  
9 classes where you have to go back and meet with  
10 different people and sign papers and everything before  
11 you actually go on probation.

12 Q. Well -- and this judge knows -- well, there's  
13 no -- there's no federal parole law, so when you get  
14 released from prison, in federal court, it's a  
15 supervised release supervision, correct?

16 A. Yes.

17 Q. But the entity that supervises folks is a  
18 federal probation officer; is that right?

19 A. That's correct.

20 Q. When you transitioned out of the halfway house,  
21 did you seek employment?

22 A. I did.

23 Q. And did you get a job?

24 A. While I was at the halfway house, I worked for  
25 TxDOT.

1 Q. What does that stand for?

2 A. Texas Department of Transportation on McCart  
3 Street.

4 Q. Oh, you worked at the big district office?

5 A. I did. I was the receptionist there.

6 Q. And what did you do at the district office?

7 A. Pretty much check people in, did reports on the  
8 highways. Also, when the judges come in to meet with  
9 the clients, I pretty much had the room set up for them  
10 and everything.

11 Q. A -- you mean a judge or a justice of the  
12 peace?

13 A. No. It's the judge. The judge comes in --  
14 like say if it was an accident on the road and they were  
15 coming to, you know, mediate the situation or whatever  
16 with a judge, I would have everything set up for them to  
17 come in.

18 Q. Let me do this. I'm going to adjust that  
19 microphone because your voice is so soft. Let me help  
20 you out.

21 So you got hired by the State of Texas.  
22 Did they know you were a felon?

23 A. Yes, they were -- yes, they did. I went  
24 through Goodwill Staffing. So Goodwill Staffing is a  
25 part of the half -- Volunteers of America. So a bunch

1 of us get employed through them, and they gave all the  
2 information to them, yes.

3 Q. How long did you work for TxDOT?

4 A. I worked there right at four, maybe five  
5 months.

6 Q. And why did you leave TxDOT?

7 A. I got hired on at Santander making more money.

8 Q. And what -- what is that type of business?

9 A. Santander is an auto finance company, and I  
10 worked for QA, quality assurance.

11 Q. And were they aware that you had a felony  
12 conviction out of federal court?

13 A. Correct, yes.

14 Q. How long did you work there?

15 A. I worked there up until this situation took  
16 place, and they let me go.

17 Q. Regarding this -- this Indictment?

18 A. Correct.

19 Q. So tell the Judge how long you actually worked  
20 there then.

21 A. I was there for right at a year, and my -- my  
22 supervisor girl, foreman, she dealt with my -- my  
23 supervisor at Santander. So she's fully aware of  
24 everything. And then when this took place...

25 Q. Now, when you were placed on supervised



1 release, do you go through orientation as a releasee  
2 from federal prison?

3 A. Yes.

4 Q. And does that orientation include thou shalt  
5 not vote because you're a convicted felon?

6 A. No. I sign forms of my condition that was by  
7 Mr. Judge McBryde. And I also filled out forms that I  
8 wouldn't be associated with a felon, I wouldn't be  
9 around any guns and drugs, yeah, and I wouldn't be  
10 subject in the beginning because I don't have a -- a --  
11 a drug habit or anything.

12 But starting out, I would have random  
13 numbers that I have to call in to do UAs. So I had to  
14 go in and do UAs up till that was done.

15 Q. But at no point were you ever told by anyone  
16 with the United States Government that you could not  
17 vote because you're a convicted felon?

18 A. No, sir.

19 Q. And so after you were relieved from that job,  
20 what have you been doing for a living?

21 A. I'm an esthetician. I write -- while I was in  
22 the halfway house, I was working and I was going to  
23 school to Ogle. So I went to night school. I worked --  
24 I worked from 7:30 to 4:30. I made it to the school by  
25 5:30 to 10:00 night school, and I graduated in -- I

1 graduated March, 2017, as an esthetician. So I do  
2 lashes and I do facials, and I have an event center as  
3 well. So I schedule and book parties.

4 Q. Do you have any children?

5 A. I do.

6 Q. And how many children do you have?

7 A. I have three kids. I take care of my brother  
8 kids, too, because he was gone, so I have his kids, too,  
9 total of seven.

10 Q. So let's draw our attention specifically to  
11 what you've been indicted for, that you voted in  
12 violation of voting laws, more specifically, Texas laws,  
13 that you voted on November the 8th of 2016 in the  
14 general election and that you were a convicted felon.

15 Did you -- this is the big topic of  
16 everything. The State's No. 9, this provisional ballot,  
17 do -- do you remember filling out this white part of the  
18 provisional ballot?

19 A. Yes. I remember everything.

20 Q. Okay. So let's talk about that day. Where --  
21 were you working at that job that you were released from  
22 that day?

23 A. I was working in Dallas. I worked for  
24 Santander at 1601 Elm Street --

25 Q. Okay.

1 A. -- right where the shooting took place down the  
2 street.

3 Q. Downtown --

4 A. So that's where I worked. I got off work at  
5 4:30, so --

6 Q. On that -- wait a minute. So you got off at  
7 4:30 --

8 A. Yes.

9 Q. -- in Dallas --

10 A. Yes. I got off of work at 4:30 in Dallas.

11 THE COURT: Okay. Let's stop for just a  
12 moment. I need you to take a break.

13 THE DEFENDANT: Okay.

14 THE COURT: You have to wait for your  
15 lawyer to finish his question before you speak.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Okay. It's not a race. I'm  
18 listening to everything you have to say. Nobody's going  
19 to cut you off.

20 THE DEFENDANT: Okay.

21 THE COURT: Now, if the Prosecution stands  
22 up and objects, pause, let your lawyer speak on your  
23 behalf, and we'll move from there.

24 THE DEFENDANT: Okay.

25 THE COURT: Okay. Ask your question again,

1 please.

2 Q. (BY MR. ST. JOHN) What time did you leave work  
3 in Dallas that day?

4 A. I got off work at 4:30.

5 Q. And that was on November the 8th of '16?

6 A. That's correct.

7 Q. And from there, where did you go?

8 A. I went home first because my momma kept calling  
9 saying, Crystal, you got to vote. This is -- you got to  
10 go vote. I was like, Mom, I'm going to do it. I'm  
11 going to do it.

12 Q. How long did it take you to get home that day?

13 A. It takes me about an hour.

14 Q. And was it raining --

15 A. It was.

16 Q. -- that day?

17 A. Yes, sir, it was raining.

18 Q. So you went to vote. Where did you go to vote?

19 A. I went home first to pick up my niece because  
20 she hadn't voted. So I had -- she's 18. So I picked up  
21 my niece, Joanna Jones, and we went up there together to  
22 the church right down the street, probably like four  
23 minutes down the road.

24 Q. And when you went to vote, did you have your  
25 driver's license with you?

1 A. I did.

2 Q. And was it the correct information on your  
3 driver's license?

4 A. Yes.

5 Q. And --

6 MR. ST. JOHN: May I approach, Your Honor?

7 THE COURT: You may.

8 Q. (BY MR. ST. JOHN) I'm showing you now State's  
9 that's in evidence. And is this your handwriting on  
10 the white portion of State's 9?

11 A. Yes.

12 Q. Okay. And is this your correct address?

13 A. It is.

14 Q. And is this your correct date of birth?

15 A. Correct.

16 Q. Are those the last four numbers of your Social  
17 Security number?

18 A. Yes, sir.

19 Q. Are you a U.S. citizen?

20 A. I am.

21 Q. Your gender is female?

22 A. Correct.

23 Q. So everything on this portion of this document  
24 is truthful, true and correct, this white part, correct?

25 A. Uh-huh.

1 Q. You have to speak out loud.

2 A. Yes.

3 Q. Now, the question is: Did you --

4 THE COURT: Excuse me. May I have -- may I  
5 see the --

6 MR. ST. JOHN: I'm sorry, Your Honor. I  
7 apologize, Judge. Thank you very much.

8 THE COURT: You may proceed, if you don't  
9 mind if I read --

10 MR. ST. JOHN: No, sir.

11 Q. (BY MR. ST. JOHN) This case is really not that  
12 complicated. The whole issue of this case revolves  
13 around the left portion of State's 9 on -- I guess you  
14 can use the word "admonishment."

15 Let me ask you, you've heard testimony from  
16 different folks about who's doing what. Did a woman who  
17 worked in the polling place help you do anything?

18 A. Yes.

19 Q. Do -- do you know her name?

20 A. I don't know her name, but I -- I do know -- I  
21 wanted -- I want to tell you from step by step.

22 Q. We're going to do that.

23 So you walk into the polling place. What  
24 transpires, specifically?

25 A. Okay. When I walked in, we looked up my niece

1 name first for her to vote. And then they realized that  
2 she wasn't in the right location. So she automatically  
3 went to the car. A guy helped me, and when he -- he  
4 looked me up --

5 Q. Who -- who helped you?

6 A. A gentleman, a man.

7 Q. Okay.

8 A. He helped me out. And I remember him looking  
9 me up. We looked by -- looked by both names and  
10 everything. So we couldn't find me.

11 So then he said, Okay, well, what we can do  
12 is you can do a provisional form. And he said, So if  
13 you at the right location. I said, Well, I've been  
14 living here -- this is my address. I pay my taxes to  
15 Mansfield. This is my home. I've been here since '08.

16 So I -- he said at this time, he said,  
17 Well, you can do a provisional form. And I --

18 Q. Talk a little bit slower. We're not in a  
19 hurry.

20 A. Okay. He said, You can do a provisional form.

21 And I was like okay. And he said that's --  
22 if you're at the right location, your vote will count;  
23 if you're not, it won't.

24 Q. Okay.

25 A. I said, Okay, because I know this is where I

1 stay.

2 Q. Let's stop for a second.

3 Was the man who testified earlier as the  
4 election judge, was the person you talked to initially?

5 A. No. That's my neighbor.

6 Q. Okay. So you know your neighbor?

7 A. I know my neighbor.

8 Q. And that's not who you talked to?

9 A. Of course not.

10 Q. And he knows you?

11 A. He's -- he's my neighbor.

12 Q. Correct. So the man that was talking to you  
13 about this was not the man that just testified?

14 A. No.

15 Q. And so let's go -- let's slow it down a little  
16 bit. You're talking too fast for the court reporter.  
17 Just slow it down. Okay?

18 So once this man gives you the provisional  
19 ballot, what happened? What did you do physically?

20 A. No. I gave my license.

21 Q. Okay.

22 A. When I gave my license, they took -- then --  
23 when I gave my license and everything, they did whatever  
24 they did. When they brought me back the paperwork with  
25 my license, a lady instructed me. We sat on the table.



1 Here's the first -- this is the first row where you walk  
2 in.

3 We sat on the table behind. I never sat on  
4 the table on the side. I didn't see anything on the  
5 side. I sat on the table behind. The lady sat there,  
6 and she was --

7 MR. SMID: I'm going to object as to  
8 hearsay at this point as to what the lady said.

9 THE COURT: Just a moment.

10 THE DEFENDANT: The --

11 THE COURT: Just a moment. I got to rule  
12 on the objection.

13 I'm going to sustain the objection.  
14 Rephrase your question.

15 Q. (BY MR. ST. JOHN) And you don't say what she  
16 said.

17 A. Okay.

18 Q. The issue -- the question is: Did a woman help  
19 you with the provisional ballot?

20 A. Yes.

21 Q. And, specifically, there is a portion in  
22 State's 9 that has -- let me approach.

23 MR. ST. JOHN: May I approach?

24 THE COURT: You may. And, Mr. St. John,  
25 you don't have to ask for permission anymore. Thank

1 you.

2 MR. ST. JOHN: Just trying to be polite,  
3 Your Honor.

4 THE COURT: I understand.

5 Q. (BY MR. ST. JOHN) Now, we do know that the  
6 gentleman testified earlier that the election  
7 administrator -- election judge did write his name on  
8 the back of this. Is he the one that helped you fill  
9 this portion out?

10 A. No.

11 Q. Different person?

12 A. Yes.

13 Q. Now, let me ask you this: This is the crux of  
14 this whole case: There's an admonishment on this  
15 left-hand side that's covered by a sticker. Did -- I'm  
16 going to get the one we can actually see.

17 Show you now State's 8. There's a portion  
18 that says, To be completed by voter, and then there's  
19 Spanish for it. Did you read this warning, notice,  
20 admonishment, about if you're a convicted felon, you  
21 can't vote?

22 A. I didn't, sir.

23 Q. Okay. Now, when you -- when you had this  
24 document, you filled this out. Was this little sticker  
25 here, or do you recall?

1 A. I don't recall.

2 THE COURT: May I have the documents?

3 MR. ST. JOHN: I'm sorry, Your Honor. Yes,  
4 sir.

5 THE COURT: You may proceed.

6 Q. (BY MR. ST. JOHN) So once the provisional  
7 ballot is filled out, tell the Judge what step you took  
8 to actually cast your vote.

9 A. Okay. The lady explained to me, Make sure  
10 everything --

11 MR. SMID: Your Honor, I object as to  
12 hearsay again.

13 THE COURT: Sustained.

14 Q. (BY MR. ST. JOHN) Were you given instructions  
15 to make sure that you filled out everything correctly?

16 A. Yes. That's what -- that's what we were doing  
17 on this right side. She -- everything matched my  
18 driver's license. That's what it needed to do. And  
19 then -- then I --

20 Q. Go ahead.

21 A. I got -- then I got the paperwork. And when I  
22 went through the paperwork, she walked me to this like  
23 the -- I sat down in the chair, and it's a little  
24 screen. So I walked there and I looked, and I was like  
25 what do I do. And --

1 Q. Well, don't -- okay. So here's the question:  
2 Did you want to -- did you want to vote a straight  
3 ticket, or did you want to vote individually?

4 A. Huh-uh. I voted a straight ticket.

5 Q. Did she show you how -- not how to do it, but  
6 the method -- the mechanism to do that?

7 A. Yes.

8 Q. Because your vote is secret. It's nobody's  
9 business what your vote was; is that correct?

10 A. That's correct.

11 Q. Okay. So once you cast your ballot, your vote,  
12 what happened then?

13 A. I took what I had in my hand, and I had to put  
14 it somewhere. I remember that. And that was it. I  
15 walked out.

16 Q. So here -- here are my questions: You are on  
17 supervised release by a United States district judge who  
18 is -- is no-nonsense. Would you have jeopardized your  
19 freedom to vote in something that means nothing, to not  
20 be with your family, to not take care of your family, to  
21 not support your family, to not be with your children?  
22 Would you have jeopardized that freedom if you knew you  
23 couldn't vote because you're a convicted felon?

24 A. No.

25 Q. If the voting judge, who apparently knows you,

1 had told you, Ms. Mason, I remember you went to jail at  
2 some point, are you a convicted felon. Did he ever ask  
3 you that?

4 A. No.

5 Q. Now, the question I would suggest the Judge  
6 might have is: There's some testimony you glanced at  
7 the left-hand side of State's 9. Did you -- did you  
8 look at the entire document, or was it -- was this place  
9 crowded?

10 A. It wasn't crowded at all, sir.

11 Q. Did you feel rushed in what you were doing?

12 A. I -- I didn't feel rushed at all. I just -- I  
13 had the lady that was just telling me this part. I  
14 didn't -- I didn't even look over there. I didn't pay  
15 attention. All I know it was a provisional form, you  
16 know.

17 I didn't pay attention to read anything  
18 because it was -- she directed me to one area just to  
19 make sure it was correct for my driver's license, and  
20 that was it.

21 Q. If -- if -- knowing that Judge McBryde will  
22 come down with the wrath of himself, knowing that, would  
23 you have jeopardized your freedom just to vote in  
24 something that matters not in terms -- terms of  
25 something changing in your life?



1 for you. If I phrase a question in a way you don't  
2 understand, just let me know, and I'll rephrase. Okay?

3 A. Okay.

4 Q. But it's safe to say you can definitely read  
5 and write; is that --

6 A. Yes, sir.

7 Q. And you are an intelligent person?

8 A. Yes, sir.

9 Q. And whenever you were going through your --  
10 your federal conviction, your sentencing, supervision  
11 paperwork, you would have had to read a lot of documents  
12 for that, correct?

13 A. Yes.

14 Q. Okay. That's documentation. You wanted to be  
15 sure that you could read, and you understood that  
16 language, correct?

17 A. Yes.

18 Q. Now, in 2004, you've heard some previous  
19 testimony, specifically State's Exhibit No. 5, when you  
20 originally registered to vote in Tarrant County. It was  
21 in 2004, correct?

22 A. Yes. I believe -- yes.

23 Q. And that was a presidential election. Do you  
24 recall when you first voted in Tarrant County?

25 A. Yes. I don't really recall.

1 Q. And when you showed up to the poll, you were  
2 not on the list. You had to do a provisional ballot  
3 back then. Do you recall?

4 A. I could have, yes. I remember filling out  
5 paperwork, yes.

6 Q. Yes, ma'am.

7 MR. SMID: May I approach the witness, Your  
8 Honor?

9 THE COURT: You may.

10 Q. (BY MR. SMID) I'm showing you what's been  
11 admitted as State's Exhibit No. 5. So this is the  
12 affidavit of provisional voting from 2004. Does that  
13 look familiar?

14 A. It's -- it's my writing. It's my information.

15 Q. Yes, ma'am.

16 And you heard the previous testimony that  
17 the Court says submitting a Provisional Affidavit, that  
18 there would be this additional language in State's  
19 Exhibit No. 8, which you've already seen, we've already  
20 been over in great detail, correct?

21 A. Yes, I have. Yes, sir.

22 Q. So you heard the testimony that you would have  
23 had these admonishments or this affidavit back in 2004,  
24 correct?

25 A. I would assume so, yes.



1 Q. Yes, ma'am.

2 And you understand the importance of these  
3 admonishments. This essentially lays out the  
4 requirements for eligibility to vote in an election here  
5 in the state of Texas. Do you understand?

6 A. I understand it now, yes, sir.

7 Q. Yes, ma'am.

8 And in 2008, when you showed up at the poll  
9 to vote -- and that was a presidential election,  
10 correct?

11 A. Yes.

12 Q. November of 2008?

13 A. Yes.

14 Q. Do you recall that?

15 A. Yes.

16 Q. When you voted in that election, you were  
17 actually on the list?

18 A. Correct.

19 Q. So you voted in the presidential election of  
20 2004, you voted in the presidential election of 2008.  
21 And then the presidential election of 2012 comes along,  
22 and you were in the federal penitentiary, correct?

23 A. Yes, I -- yes.

24 Q. Now, when the election day came in 2012 and  
25 you're confined in the penitentiary, were you able to

1 vote?

2 A. No. I was in prison.

3 Q. Were there voting polls open at the federal  
4 penitentiary?

5 A. No, sir.

6 Q. Why not?

7 A. I was in prison.

8 Q. Right.

9 A. Correct.

10 Q. Why do you think there are not voting stations  
11 in the penitentiary?

12 A. Explain yourself.

13 Q. It's safe to say it's obvious you're not  
14 eligible to vote when you're in the penitentiary?

15 A. Okay.

16 Q. Is that correct?

17 A. Yes, I would assume so.

18 Q. All right. So it was clear to you at that  
19 time, when you were confined, that you could not vote?

20 A. No, it wasn't.

21 Q. Well, could you vote?

22 A. I was in prison. I wasn't thinking about  
23 voting, sir.

24 Q. Did you know the presidential election came up?

25 A. Yes, sir, I did. But I was in prison. I

1 wasn't -- I'm not at my home address. So with me not  
2 being at my home address, I can't go vote. I'm not at  
3 my home address. I'm in prison.

4 Q. It's safe to say that in Tarrant County, there  
5 are hundreds of polling stations, there's an opportunity  
6 to send in a mail ballot, there are early-voting  
7 stations. It's safe to say that the County goes out of  
8 its way to make sure everyone who's eligible can vote,  
9 correct?

10 A. Correct.

11 Q. But there was no mechanism to vote from the  
12 federal penitentiary, correct?

13 A. No, sir, it wasn't.

14 Q. Right. So it is obvious at that time you were  
15 not allowed to vote.

16 A. I was incarcerated, sir.

17 Q. Yes, ma'am.

18 Now, upon your release, now, in 2016 when  
19 you show up to the poll, you are not on the list. Do  
20 you recall that?

21 A. Yes, I do.

22 Q. All right. So what is going through your mind  
23 as far as why you're not on the list? Why do you  
24 think -- because I know you had to have thought in some  
25 way what -- Why am I not on the list. What was going

1 through your mind?

2 A. Well, actually, I had a voter's registration  
3 card, too. I didn't bring it with me. But I was  
4 thinking like I've been here since '08, and I'm not  
5 understanding why would you tell me that this -- I might  
6 not be here to actually vote. I couldn't vote at this  
7 location, and then I show my ID and everything saying  
8 this is where I live, I've been living here, you know,  
9 at that time, eight years, so I wouldn't assume that I  
10 couldn't vote.

11 Q. What -- between 2008, when you're on the list,  
12 and 2016, you're not on the list, what critical event in  
13 your life has taken place?

14 A. Okay. I went to prison.

15 Q. Yes, ma'am.

16 A. Yes.

17 Q. Okay.

18 A. It's --

19 Q. Hang on.

20 You went to prison?

21 A. Yes, sir.

22 Q. That's something that happened. It did not  
23 even cross your mind a little bit that that's --

24 A. Not --

25 Q. -- the reason why you're not on the list?

1 A. Not at all. I wouldn't -- I wouldn't have  
2 voted. I wouldn't have voted, sir, not at all.

3 Q. All right. Now, you've received these  
4 admonishments back in 2004, and your testimony today in  
5 regard to State's Exhibit No. 8 and specifically State's  
6 Exhibit No. 9, the exact affidavit, it's your testimony  
7 that you simply did not read this?

8 A. I didn't, not at all. I had someone helping  
9 me. I had a woman that was helping me, and all she  
10 explained to me was I'm doing it -- well, the -- the  
11 gentleman told me that you can do a provisional form.  
12 And on the provisional form, if you're at the right  
13 location or if you're in the right area, then it's going  
14 to count. If not, it won't count. So that's all I --  
15 that's all I understood that form to be, was if I'm here  
16 and I'm where I supposed to vote, it's going to count.  
17 That's it.

18 Q. Do you recall Karl Dietrich? He testified.  
19 You were in here for his testimony, were you not?

20 A. I was.

21 Q. And he said that he told you, Please read this.

22 A. Karl --

23 Q. You -- you heard that?

24 A. I did, yes, sir. Karl --

25 Q. Did he tell you that?

1           A. He didn't tell me that. I didn't see him.  
2 Karl is my neighbor.

3           Q. You're saying you never even saw him?

4           A. Karl is my neighbor. Karl stays right across  
5 the street from me. So that means I -- I know who my  
6 neighbor is. So that means I would have had  
7 conversation with my neighbor if I seen my neighbor. I  
8 didn't even -- when I seen my attorney, I wrote on a  
9 piece of paper, I said, That's my neighbor, what is he  
10 doing here. I had --

11          Q. So it's your -- and let me ask you a question.  
12                    It's your testimony today that you did not  
13 even see him?

14          A. I -- I did not see my neighbor. I would  
15 have -- all I know is she took the -- she took my ID,  
16 and they filled out whatever they needed. She went back  
17 with me, and we sat on the back table.

18                    When we sat on the back table, only thing I  
19 did, she said, Make sure everything is -- I didn't -- a  
20 man didn't help me. A young guy helped me and -- a  
21 young guy helped me at the front when he looked -- when  
22 he looked me up. That's who helped me at the front.

23                    When I went to the back, I -- I sat behind  
24 that first table. And she was talking to me, she was  
25 stating that she had just bought a lot of land, they're

1 moving --

2 MR. SMID: Your Honor, I object as to  
3 nonresponsive at this point.

4 THE WITNESS: I'm --

5 THE COURT: Just a moment. Let me rule.  
6 Sustained.

7 Ask your next question.

8 Q. (BY MR. SMID) Are you saying that Karl  
9 Dietrich -- are you inferring he was not truthful in his  
10 testimony, yes or no?

11 A. He was not truthful at all.

12 Q. Okay. And you heard from Jarrod. Jarrod said  
13 that he saw you go line by line with your finger.

14 Let me ask -- Jarrod saw you go line by  
15 line with your finger on the affidavit language. Are  
16 you saying that he's being untruthful as well?

17 A. That was not truthful at all.

18 Q. Okay. So you're saying that both of these men  
19 have just made this up?

20 A. What I'm saying is --

21 Q. Is it yes or no?

22 A. -- it's not true at all, sir. It's not true at  
23 all.

24 Q. Now, do you recall talking to the Fort Worth  
25 Star-Telegram --

1 A. I did.

2 Q. -- in March of 2017?

3 A. I do.

4 Q. Do you recall giving a phone interview?

5 A. I didn't give a phone interview. She told me  
6 she was going to put everything in, but I did let her  
7 know that --

8 Q. Hang on. Let me ask a question.

9 Do you recall telling the reporter -- I  
10 believe it was an Anna Tinsley and a Deanna Boyd. You  
11 told them you did, in fact, skim the affidavit. You,  
12 quote, skimmed it.

13 A. That's -- that's not true.

14 Q. Okay. So they're lying, too?

15 A. And -- and I didn't talk to a Tinsley. I  
16 talked to Deanna Boyd.

17 Q. Deanna Boyd?

18 A. Correct.

19 Q. And Deanna -- you told Deanna Boyd that you  
20 did, in fact, skim this language?

21 A. No, sir, I didn't.

22 Q. Okay. Have you had a chance to look at the  
23 article?

24 A. No, I haven't.

25 MR. SMID: Your Honor, may I approach?



1 THE COURT: You may.

2 Q. (BY MR. SMID) All right. Ms. Hobbs, I'm  
3 showing you what's marked as State's Exhibit No. 11.  
4 And to be fair to you, I'll let you look at this, and  
5 let me know when you've had enough time to -- to look at  
6 it and understand what it is.

7 A. Okay. I'm scanning through it. Where is it  
8 that I --

9 Q. Yes, ma'am.

10 And you understand State's Exhibit 11, this  
11 appears to be the Star-Telegram article?

12 A. Yes, sir.

13 Q. Yes, ma'am.

14 It says, She acknowledges she  
15 only skimmed --

16 MR. ST. JOHN: Judge, I'm going to object  
17 to him reading to something into the record. I've not  
18 even seen this exhibit.

19 THE COURT: That's fine --

20 MR. ST. JOHN: So I don't know what he's  
21 talking about it.

22 THE COURT: I've sustained the objection.

23 Don't read it into the record; just refresh  
24 the witness' memory.

25 Q. (BY MR. SMID) If you could read this paragraph

1 right here.

2 A. (Witness complies).

3 Q. Have you had enough time to read it?

4 A. I did.

5 Q. And so you told Deanna Boyd that you -- again,  
6 this is yes or no -- that you had skimmed through the  
7 form, correct?

8 A. I don't recall saying that, but I'm sure I did.  
9 I had to scan through it, sir. I put my information on  
10 it. So we -- we would say yes.

11 Q. No -- skim through the affidavit language?

12 A. I didn't know.

13 Q. Yes or no?

14 A. No, I didn't, not at all.

15 Q. So Deanna Boyd's lying --

16 MR. ST. JOHN: Wait a minute. Wait --

17 THE DEFENDANT: She didn't --

18 THE COURT: Just a moment. Just a moment.

19 MR. ST. JOHN: I'm going to -- I'm sorry,

20 Your Honor.

21 THE COURT: It's okay. I'm just trying to  
22 control the courtroom.

23 Please don't say anything else. Okay?

24 And do you have a legal objection, Counsel?

25 MR. ST. JOHN: Well, it's leading, and

1 second, it's improper impeachment. If Deanna Boyd is  
2 outside to testify, sure, we'll cross-examine her. We  
3 have a little issue of confrontation going on right  
4 here.

5 THE COURT: Let's -- let's -- let me visit  
6 with the lawyers on the side just real briefly. Thank  
7 you.

8 (BENCH CONFERENCE PROCEEDINGS)

9 THE COURT: Do you have a response to his  
10 objection, or what are you trying to do?

11 MR. SMID: In regard to leading, it's  
12 cross.

13 THE COURT: I know that. I think you're  
14 good on that point. However --

15 MR. SMID: The rest of the -- the rest of  
16 the objection is confrontation clause.

17 MR. ST. JOHN: Well, it's improper  
18 impeachment unless you have Deanna Boyd outside for me  
19 to cross-examine --

20 MR. SMID: I was simply asking --

21 THE COURT: Wait, wait. Let me finish.  
22 Okay. So do you have a legal response as  
23 opposed to an argument?

24 MR. SMID: Legal response in regard to the  
25 Crawford or the confrontation clause objection.

1 THE COURT: The confrontation, this is  
2 impeachment. You can ask, do you know, are you aware.  
3 That issue I'm not concerned about. But in terms of you  
4 asking her about how to refresh her memory and things of  
5 that nature, what are you trying to do?

6 MR. SMID: I'm going to move on. I've made  
7 my point, really. I just wanted to -- did she say that  
8 or not, because it appears she did.

9 THE COURT: Okay. I'm trying to  
10 understand, myself. And I'm going to ask for a  
11 clarification.

12 MR. SMID: Sure.

13 THE COURT: However, under 613, you can ask  
14 whether the person made a statement, and you can follow  
15 that rule.

16 MR. SMID: Sure.

17 THE COURT: Okay.

18 MR. SMID: Yes, sir.

19 THE COURT: Anything else?

20 MR. ST. JOHN: No.

21 THE COURT: Thank you.

22 (OPEN COURT PROCEEDINGS)

23 THE COURT: You may proceed, Mr. Smid.

24 MR. SMID: Thank you, sir.

25 Q. (BY MR. SMID) Just to summarize, Ms. Hobbs,

1 your testimony is that you did not read this whatsoever?

2 A. I didn't, sir.

3 Q. That is your testimony.

4 Even though -- and you are saying that Karl  
5 Dietrich and Jarrod, their testimony is untruthful?

6 MR. ST. JOHN: That's repetitious -- that's  
7 repetitious, Judge.

8 THE COURT: I can discern that, but I'm  
9 going to overrule your objection.

10 Just limit it to factual questions, please.  
11 No argument.

12 MR. SMID: Yes.

13 Q. (BY MR. SMID) Is that correct?

14 A. That's correct, sir. I know my neighbor.

15 Q. Right.

16 Also in regard to State's Exhibit No. 11,  
17 did you tell -- or do you recall telling Deanna Boyd  
18 that you are being targeted for prosecution?

19 A. No.

20 Q. Would you like a chance again to review --

21 A. I seen that, sir. I seen it.

22 Q. You saw it was in there, correct?

23 A. I seen it was in there, yes.

24 Q. You did not tell her that?

25 A. That I was targeted?

1 MR. ST. JOHN: This is -- legally, she's  
2 answered the question. That's her answer, and it's  
3 argumentative. I object.

4 THE COURT: Sustained.

5 Rephrase your question.

6 Q. (BY MR. SMID) All right. And the question is:  
7 You've had a chance to read State's Exhibit No. 11?

8 A. I did.

9 Q. And within there, that's made reference of  
10 your, quote, that you've targeted for prosecution,  
11 correct?

12 A. I seen it in there. And, no, I -- I didn't  
13 tell her I was being targeted for prosecution, no, sir.

14 Q. So at this point -- we've already been over  
15 this -- Karl Dietrich and Jarrod, but you're also  
16 asserting that Deanna Boyd is untruthful, too? Yes or  
17 no?

18 A. What I'm saying is she's in the -- she's --  
19 she -- she writes in the paper. You know, I'm saying --  
20 I know what I've said and what I told her, and I also  
21 was -- I was -- I also was communicating with her  
22 through my Facebook, too.

23 So, yeah, I do remember -- I do remember  
24 the things that I told her, and I told her that I  
25 wouldn't dare vote if I -- if I wouldn't have dared --

1 if I would have seen that, I would have got up and  
2 walked away. I didn't even want to go vote. My mom  
3 made me go vote.

4 Q. Now, you also heard from Karl Dietrich that he  
5 said not only did he instruct you to read the affidavit  
6 but he also had you affirm to what's in there.

7 A. I heard that, sir, and that's incorrect. I  
8 didn't even -- I didn't deal with him. If he feel -- I  
9 remember -- I gave him my ID and -- like I said, I gave  
10 him my ID. If he filled out what he filled out, he  
11 wasn't the one that was with me.

12 I went and sat at the table with a lady.  
13 She helped me out. From there, she walked me over to  
14 the booth. From there, when I walked over from the  
15 booth, that was it.

16 If I would have seen my neighbor, I would  
17 have spoke to my neighbor. My neighbor know I went to  
18 prison. My neighbor know when I came back home. My  
19 neighbor know when I was fixing up my house. He's my  
20 neighbor. We share the same street. I mean, we are  
21 right -- we're not around the corner from each other.  
22 They are my neighbors, too, over there, they son. I  
23 didn't know; my kids knew, you know. We been there for  
24 nine years.

25 But what I do know is Karl is my neighbor

1 right in front of me. I know who he is. So if I would  
2 have seen him, I would have had conversation with him.  
3 Not only that, he -- he knew I just got -- he knew when  
4 I got out. He would have been able to tell me, Hey, you  
5 know, what's going on, you know. He's my neighbor for  
6 nine years.

7 Q. So it's your testimony that he's being  
8 untruthful in that regard, too --

9 A. I'm --

10 Q. -- as far you -- let me finish -- in regard to  
11 you affirming to the language in this affidavit?

12 A. Very untruthful.

13 Q. Now, Crystal, you would admit that the language  
14 within State's Exhibit No. 8 and State's Exhibit No. 9,  
15 in regard to the green portion, the first paragraph,  
16 it's clear?

17 A. Yes, sir, it is. It is.

18 Q. Okay. It's safe to say that anyone reading  
19 this language would know, if I'm a felon or if I'm a  
20 felon who has not concluded my sentence being on  
21 supervised release --

22 A. Correct.

23 Q. -- it's clear I'm not eligible to vote? That's  
24 clear --

25 A. Correct.



1 Q. -- correct?

2 You -- you would admit that?

3 A. You're absolutely correct.

4 Q. You had made reference to -- I believe the last  
5 word you said on direct was, Why would I put myself in  
6 jeopardy, why would I put my freedom in jeopardy, I have  
7 children. Did you have these same children in 2011 when  
8 you committed this crime of conspiracy to defraud the  
9 United States, yes or no, did you not?

10 A. I did, yes, sir.

11 Q. Okay. You didn't think about them at that  
12 time, did you?

13 A. I did think about them. Every -- the whole --  
14 whole time I was gone for two and a half years, I  
15 thought about them, so I would -- why would I leave them  
16 again? Why would a mother do that again?

17 Q. Were you thinking about them when you committed  
18 the crime?

19 A. I owned a tax office, sir.

20 Q. That -- that --

21 A. I owned the tax office --

22 MR. ST. JOHN: That is not --

23 THE COURT: Just a moment.

24 THE DEFENDANT: I'm okay with it. I owned  
25 a tax office. I was inflating and deflating returns.

1 I'm okay with it. Okay?

2                   What I did was I helped people get more  
3 money back. I ain't scared to say that's what I did.  
4 So I'm okay with it. I did that. I admit that. It's  
5 wrong.

6                   But what I'm saying is I would never do it  
7 again. I would never do anything else to jeopardize to  
8 lose my kids again. I was happy enough to come home and  
9 see my baby graduate, my daughter. Now my son is  
10 graduating again. I wouldn't have dared went to the  
11 poll to vote.

12                   I haven't caught any -- any new offense. I  
13 came back here and rehabilitated myself. I went to  
14 school for over 11 months and graduated from over --  
15 from an -- an aesthetician right now. From there the  
16 whole time I was working and going to school. I have my  
17 own business now.

18                   Why would I do something that say, Hey,  
19 y'all, I got -- my house was in foreclosure. Guess  
20 what? I saved the house. Now everything is on track  
21 again. I'm paying what I can pay my restitution because  
22 I owe restitution. You're absolutely correct. So why  
23 would I turn around say, Hey, oh, I want to go back to  
24 jail, I want to leave you again.

25                   THE COURT: Just a moment, Ms. Mason. The

1 court reporter has raised her hand, and she cannot keep  
2 up as fast as you're talking. Okay? So you can -- you  
3 can state what you were going to state just a moment  
4 ago. Just slow down, please. All right.

5 Q. (BY MR. SMID) Crystal, you were not thinking  
6 about them when you defrauded the United States  
7 Government of \$4.2 million, were you?

8 MR. ST. JOHN: That's not relevant --

9 THE DEFENDANT: You --

10 MR. ST. JOHN: -- Judge. That's not  
11 relevant to this case at all.

12 THE COURT: Objection is overruled.

13 Cross-examination.

14 Q. (BY MR. SMID) You weren't, were you?

15 A. You don't even know the story of that. Okay?  
16 You don't even know the whole story. The reason why the  
17 money amount is the way it is is because what they did  
18 was they took every return and they added it up  
19 together, and that's the reason why it's -- it's that  
20 amount. It wasn't that amount at all.

21 But -- but they hit us with the numbers,  
22 sir, and that's what it is. If I had \$4.2 million --  
23 but again, that was -- that was the returns that went  
24 through the returns that didn't go through, and then you  
25 go all the way back from the years that they couldn't

1 even still charge me for it.

2 I didn't take anybody money. I didn't run  
3 away with nobody -- with anybody information. All I did  
4 was I helped people get more money back. They got more  
5 money -- it still was wrong, and --

6 Q. Ms. Hobbs --

7 A. -- I did my time for it, sir.

8 Q. Ms. Hobbs, was this a jury trial?

9 A. No. It was a trial -- Mr. -- Judge McBryde.

10 THE COURT: I'm sorry. Restate --

11 MR. SMID: I'm sorry.

12 THE COURT: Restate your last response,  
13 please. What did you say?

14 THE DEFENDANT: This was a --

15 THE COURT: What was your last response  
16 that you gave?

17 THE DEFENDANT: This was by Mr. McBryde  
18 when he said -- he asked me was -- you're asking me  
19 about my -- the other conviction, right?

20 You said --

21 THE COURT: Just restate your question.

22 MR. SMID: Okay. Yes, sir.

23 THE COURT: Just restate your question.

24 MR. SMID: I will. Yes, sir.

25 Q. (BY MR. SMID) Was this a jury trial?

1 A. Was what a jury trial?

2 Q. Did you -- did you go -- as you did today, did  
3 you go in front of the Honorable Judge McBryde and did  
4 you say, Your Honor, I am not guilty --

5 A. No. I made a plea. I knew I was guilty. I  
6 made a plea and I stood up and I got my punishment. I  
7 accepted responsibility. I stood up --

8 Q. You --

9 A. -- and I -- and I apologized for my action.  
10 Not only to...

11 Q. But today you're saying you didn't defraud the  
12 United States Government out of \$4.2 million?

13 A. I'm -- I'm saying it -- the money amount is --  
14 it wasn't accurate. And it goes -- it's been going up  
15 the whole time I've been in there, too. So it didn't  
16 start out that amount.

17 Q. Okay. So the federal government got it wrong?

18 MR. ST. JOHN: Judge, legally, this is not  
19 relevant to illegal voting. This has nothing to do with  
20 any issue on voting, Judge.

21 THE COURT: Okay. What is your specific  
22 legal objection?

23 MR. ST. JOHN: It's not relevant.

24 THE COURT: All right. Overruled.

25 Q. (BY MR. SMID) So the United States Government

1 got that wrong, correct? Is that what you're saying?

2 A. What I'm saying is the money amount changed.

3 THE COURT: She's answered your question,  
4 Counsel. Move on.

5 MR. SMID: Yes, sir.

6 Q. (BY MR. SMID) And who changed that money  
7 amount?

8 A. I have no idea. Just like it changed when I  
9 got out, it was a different amount.

10 Q. Now, ma'am, you understand the Judgment made at  
11 the time of your sentencing, it says \$4.2 million,  
12 correct?

13 A. Yeah, it does.

14 Q. So it was set in stone at that time at the  
15 sentencing in 2012. So it did not change.

16 A. It did. It gained interest the whole time I  
17 was in jail. So it did change.

18 Q. Finally, you've now had a chance to read the  
19 affidavit language, correct?

20 A. I have. Yes, sir, I have.

21 Q. And you see in there it says, I understand that  
22 this is a felony of the second degree to vote in an  
23 election which I know I'm not eligible. You did see it  
24 says that on the affidavit?

25 A. Yes, I see it. I seen it.

1 Q. To anyone who would have read it, it'd be clear  
2 this is a felony, correct?

3 A. If -- yes. If it was read, yes, it would have  
4 been very clear.

5 MR. SMID: I'll pass the witness.

6 THE COURT: Redirect.

7 MR. ST. JOHN: Just a few follow-up  
8 questions, Your Honor.

9 THE COURT: You may proceed.

10 REDIRECT EXAMINATION

11 BY MR. ST. JOHN:

12 Q. One question I did not ask you earlier is there  
13 was some testimony that a letter was sent to you  
14 previously about your -- your ineligibility to vote to  
15 your home address. And I asked a question of the  
16 witness, how do they know you received it, and they said  
17 they have no idea if they did or didn't. Do you know  
18 what I'm talking about?

19 A. Yes, sir.

20 Q. Did you receive a letter from Tarrant County  
21 stating you could not vote?

22 A. No, I didn't. And plus at that time, I was --  
23 I was incarcerated.

24 Q. Of course.

25 I'm going to ask this question one more

1 time. I think the Judge doesn't need to keep hearing  
2 the same issues.

3                   You're a convicted felon. If you would  
4 have read this document, would you have done it, yes or  
5 no?

6           A. Of course not.

7                   MR. ST. JOHN: No further questions, Your  
8 Honor.

9                   THE COURT: Any further questions, State?

10                  MR. SMID: Very brief, Your Honor.

11                  THE COURT: You may proceed.

12                                   REXCROSS-EXAMINATION

13 BY MR. SMID:

14           Q. Now, that day in 2016, did you vote  
15 electronically or with a written ballot?

16           A. In 2016?

17           Q. Yes, ma'am, the election --

18           A. I went to -- I went to the station. So when I  
19 went there, the lady told -- I told her I wanted a  
20 straight ticket, so she told me, Okay, yeah. So, no,  
21 I went to the -- I went to -- no, I went to this little  
22 thing, and I put some numbers in. I remember that. And  
23 I put the paper up -- I -- I held the paper.

24                                   When I got through, I had -- I filled  
25 everything out and made sure it matches my ID, and then



1 we -- she walked me over there where I needed to go.

2 Q. Okay. And in regard to State's Exhibit  
3 No. 9 -- this is the last question -- you saw the  
4 back -- you saw Karl Dietrich's signature on --

5 A. I did see that, yes.

6 Q. That's his signature.

7 A. I seen all that. It was already -- it was --  
8 yes, it was filled out when she brought it to me.

9 MR. SMID: No further questions.

10 MR. ST. JOHN: No further questions, Your  
11 Honor.

12 THE COURT: May I have -- does anybody have  
13 an objection if I ask some questions?

14 MR. ST. JOHN: Oh, no, sir. Of course not.

15 MR. SMID: No, sir.

16 MR. ST. JOHN: I was going to bring this to  
17 the Court.

18 THE COURT: Thank you very much.

19 MR. ST. JOHN: Yes, sir.

20 THE COURT: The other one too, thanks.

21 Now, Ms. Mason -- just give me a moment.

22 Ms. Mason, I understand that you're in  
23 front of Judge McBryde, and being in federal court is  
24 obviously a little bit -- leaves an impression on you,  
25 wouldn't you agree?

1 THE DEFENDANT: Yes.

2 THE COURT: It does, doesn't it?

3 Now, one of the things is that there are a  
4 number of admonishments that are given to you at the  
5 time you decide to plead guilty, correct?

6 THE DEFENDANT: Correct, yes, sir.

7 THE COURT: Okay. You need to talk loud  
8 enough so that everybody can --

9 THE DEFENDANT: Yes, sir.

10 THE COURT: -- hear you. Your lawyer can  
11 hear you, the Prosecutor can hear you, and then it's  
12 clear for the record.

13 When you go and decide to plead guilty,  
14 there is a plea-bargain agreement that outlines all  
15 these different things that you're waiving, correct, in  
16 addition to a Factual Resume, correct?

17 THE DEFENDANT: Correct.

18 THE COURT: Okay. And then some months  
19 later, after a Presentence Report is prepared, you go  
20 through a sentencing.

21 THE DEFENDANT: Yes.

22 THE COURT: And at the time of the  
23 sentencing, Judge McBryde also reviews additional  
24 admonishments that affects you years after that. It  
25 even talks about how you'll be placed on community

1 service -- you know, when you're put -- not pretrial  
2 release, but your community service release, right?

3 THE DEFENDANT: Yes.

4 THE COURT: And so how long on probation  
5 were you on after that, after you were released?

6 THE DEFENDANT: Okay. I was at the halfway  
7 house for nine months, and then from there, August --  
8 August 16th. Okay. And then that's when -- so I was on  
9 probation since August 16th.

10 THE COURT: Okay. So as you're going  
11 through the probation community service -- during the  
12 community service program through the district clerk,  
13 you're going back to district court even after you're  
14 released, correct?

15 THE DEFENDANT: Yes.

16 THE COURT: How often did you go see Judge  
17 McBryde after you were released?

18 THE DEFENDANT: Never.

19 THE COURT: Never? Okay. Some people do  
20 report. But you're still reporting to the probation  
21 department, though --

22 THE DEFENDANT: Yes.

23 THE COURT: -- correct?

24 Okay. When you're released, you had to go  
25 see him one time before you were placed back on

1 probation?

2 THE DEFENDANT: No.

3 THE COURT: Okay. All right. So -- but  
4 you did meet with the probation department?

5 THE DEFENDANT: Yes.

6 THE COURT: Okay. And so they're having  
7 you sign all sorts of paperwork --

8 THE DEFENDANT: Yes.

9 THE COURT: -- they're telling you how  
10 you're going to report, and nobody mentioned to you that  
11 you had a legal duty not to -- not to vote?

12 THE DEFENDANT: No.

13 THE COURT: Okay.

14 THE DEFENDANT: No.

15 THE COURT: All right. Now, you understand  
16 that you did sacrifice a number of rights when you were  
17 convicted of a felony, though, correct?

18 THE DEFENDANT: Yes. I knew from my -- my  
19 supervised release. I know everything that's on there,  
20 you know, as what I'm supposed to follow. And I do  
21 remember with Carol Foreman everything that I filled out  
22 and -- you know, like not being with felons, no guns --

23 THE REPORTER: I'm sorry. Can you speak,  
24 please?

25 THE DEFENDANT: Like not being -- not being

1 around guns, not being around felons, no drugs, they can  
2 search my house at any time and all that. So, yeah, I  
3 do.

4 THE COURT: Okay. But the officer didn't  
5 review every detail of what was in the written  
6 documents, did they, or did they not?

7 THE DEFENDANT: No, they didn't.

8 THE COURT: Okay. So clearly you had other  
9 obligations that were contained in the paperwork related  
10 to your probation, related to the conviction that you  
11 had to follow, correct?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Okay. So I'm looking at what's  
14 been handed to me in State's Exhibit 9 and -- I'm sorry,  
15 No. -- yes, No. 9 and No. 8. And I can't help but  
16 notice that even when you're -- you're filling out the  
17 white portion of the affidavit -- and you understand the  
18 significance of the word "affidavit" because you had a  
19 Factual Resume or affidavit that that was filled out in  
20 federal court --

21 THE DEFENDANT: Yes.

22 THE COURT: -- correct?

23 And there's some legal significance to  
24 this, correct?

25 THE DEFENDANT: Yes.

1 THE COURT: And to the left, I notice that  
2 there are a bunch of arrows that are pointed to the  
3 spots that you're filling in with a bunch of  
4 information, and it further says to be completed by the  
5 voter in the box.

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Is that correct?

8 THE DEFENDANT: Yes.

9 THE COURT: So I just want to make sure.  
10 You're explaining to me, despite all the documents and  
11 the things that you've done in federal court and knowing  
12 that this is a legal document, you wouldn't read that?

13 THE DEFENDANT: I -- I didn't really -- I  
14 didn't really know it was a legal document. All I know  
15 is it was a -- it was a provisional form. I didn't --  
16 we didn't go into --

17 THE COURT: Well, I understand that. But  
18 my question, though, is that it says the word  
19 "affidavit". That has a legal connotation to it --

20 THE DEFENDANT: Yeah, it did.

21 THE COURT: -- doesn't it?

22 THE DEFENDANT: Yeah.

23 THE COURT: And then, you know, voting is a  
24 right, not a privilege. Well, it could be considered a  
25 privilege as well, but voting is that you can lose that

1 right.

2 THE DEFENDANT: Correct, yes, sir.

3 THE COURT: Okay. But you're telling me  
4 you didn't read this, and because you didn't read it,  
5 you didn't realize that you no longer had the right to  
6 vote?

7 THE DEFENDANT: I had no idea. I -- I got  
8 off work at 4:30, flew from coming home -- going home,  
9 stopped by. It was raining. I had to pick up my niece.  
10 We went up there, and I just listened to exactly what  
11 they were telling me, and I just did it.

12 I don't even -- I can't even tell you if it  
13 was open why -- I don't know if it was just the white  
14 part, you know, where I had voted. I have no idea. I  
15 didn't -- all I did was make sure that -- can I see that  
16 right quick?

17 THE COURT: Sure. This was the one that  
18 was actually filled out.

19 THE DEFENDANT: Yeah. I -- I -- I could  
20 have did just like this and just filled it in. I don't  
21 know. I can't really -- I didn't pay attention to any  
22 of this.

23 Only thing I know is I wanted to make sure,  
24 like she said, everything matched, everything matched on  
25 my ID. So that was it. I didn't think that me

1 voting -- that I would be jeopardizing my freedom. I  
2 wouldn't have did it. And if I would have -- if I would  
3 have dared, if I would have dared looked over and even  
4 read it, I would have got up and walked away. It was  
5 not worth it. I know who my judge is. I know who my  
6 judge is. I -- I was the one that was writing letters,  
7 and he sent them back to make me to do it into a motion.

8 I was the one that was writing the Court  
9 and writing my judge -- I mean, not -- writing my  
10 probation officer trying to get out early, and it didn't  
11 happen.

12 So I wouldn't have -- if I would have read  
13 that, I would have left that paper and went -- went away  
14 real quick. I did not -- I did not read that. I did  
15 not see that. I had no -- when the lady -- when the  
16 lady arrested me there, she said, You have a -- you have  
17 a warrant out for your arrest for illegal voting.

18 I said, No, ma'am, I didn't illegal vote.  
19 I used my ID, you know. And she -- because I didn't --  
20 I didn't comprehend that I wasn't supposed to vote. So  
21 as soon as I got out, I asked my probation officer like,  
22 What happened?

23 And she was like, well, she's going to  
24 figure -- find out what's going on, you know. But, no,  
25 I had no -- I would not have voted. It -- it wasn't



1 that serious. I would not have did that.

2 THE COURT: All right. State, do you have  
3 any additional questions?

4 MR. SMID: No, sir.

5 MR. ST. JOHN: No, Your Honor.

6 THE COURT: Ms. Mason, you may step down.  
7 Thank you very much.

8 (Defendant returns to counsel table)

9 THE COURT: Call your next witness.

10 MR. ST. JOHN: Judge, at this time rest.

11 MR. SMID: Rest and close?

12 MR. ST. JOHN: Close.

13 THE COURT: All right. Gentlemen,  
14 argument.

15 State, you may proceed.

16 MR. SMID: We waive open/close, reserve the  
17 right to close.

18 THE COURT: Thank you.

19 MR. ST. JOHN: May I borrow that again,  
20 Judge, real quick?

21 THE COURT: Yes.

22 MR. ST. JOHN: I'll come and get it.

23 DEFENDANT'S CLOSING ARGUMENT

24 MR. ST. JOHN: I'm going to be brief,  
25 because I would suggest that you are in a unique

1 position to actually evaluate the consequences that she  
2 could suffer by committing a felony. You're more  
3 uniquely qualified than any judge in this courthouse  
4 because of what you did in the past in terms of  
5 practicing before the Court in front of this very judge.

6           You know, she's not a lawyer. And I  
7 noticed also that this document clearly had been folded.  
8 I didn't fold it. I don't know if Mr. Smid folded it,  
9 but someone folded this document before.

10           Why is Crystal Mason -- this is important,  
11 Your Honor. Think about the reasoning part. Why she  
12 didn't tell the truth. Every single place she fills  
13 out, her date of birth, her driver's license, she signs  
14 it. Why she didn't tell the truth if she's trying to  
15 get away with sneaky, phony?

16           She's not going to do that because she's  
17 trying to get away with committing a felony. Why is she  
18 going to jeopardize being incarcerated again in federal  
19 prison just to vote on something that really doesn't  
20 change her life.

21           Her vote was not going to change her life.  
22 It's not going to change anything she did in her life.  
23 But what would change her life would be voting illegally  
24 to knowingly do that.

25           I've known this Court for a long time, and

1 I know the Court is very articulate and thoughtful in  
2 its process. This is the issue, Your Honor. It's so  
3 simple. In the Indictment, the State did not prove she  
4 intended to vote fraudulently.

5 More specifically, Crystal Mason did not  
6 vote in an election when she knew she's not eligible.  
7 She voted because she believed that she had a good-faith  
8 belief, an honest belief, that she could vote. Kenneth  
9 Mays testified, U.S. probation, never admonished her she  
10 couldn't vote.

11 There's nothing in -- nothing when you pled  
12 guilty in federal court, nothing that says you can't  
13 vote. There's nothing from any federal judge that says  
14 you can't vote. I know John McBryde's policy. He  
15 doesn't meet with anybody released on supervised  
16 release, unlike Judge Means and O'Connor.

17 He -- she had no knowledge she couldn't  
18 vote. She's never told in the federal prison she  
19 couldn't vote, she's never told in the halfway house she  
20 couldn't vote. When she had orientation with the U.S  
21 probation officer on the fourth floor, she was never  
22 told she couldn't vote.

23 She's not a lawyer. So she goes to vote in  
24 good faith on general election day, leaves Dallas County  
25 at 4:30, comes there in a pouring rainstorm. If you can

1 remember that day, it was pouring rain during the  
2 general election. The young man who was a marksman with  
3 his watch says she comes in at 4:15. I wonder if he  
4 checked 4 or 500 people's that day to see what time they  
5 came in. He's going to be a good young Air Force cadet,  
6 a good kid, but he's wrong about that.

7           And why the election judge is so obsessed  
8 with getting Crystal Mason bad information, she -- she  
9 knows that man. She could have talked to her neighbor.  
10 And he signs it, but I suggest he did on the February  
11 before. He didn't do it in her presence. She talked to  
12 a election official woman that helped her with this.  
13 The police report is -- it's in the police report that  
14 she talked to a woman. So how she's making this up,  
15 Your Honor? I find that amazing that she's making this  
16 up today.

17           I'm going to sit down now because I know  
18 the Court will make the correct decision based on the  
19 law and the evidence. The Government did not prove she  
20 voted illegally. She did not know she could not vote,  
21 and that's the clear issue.

22           Yes, she's a convicted felon. We don't  
23 contest that. But she was never told she couldn't vote,  
24 and she voted in good faith.

25           THE COURT: Counsel?

1 MR. SMID: Thank you.

2 Please the Court, Mr. St. John.

3 STATE'S CLOSING ARGUMENT

4 MR. SMID: Your Honor, as Mr. St. John  
5 stated, there's only one element at issue here as the  
6 Court well knows, did she know, did she know she was not  
7 eligible to vote when she went there.

8 Going back to 2004, this wasn't the first  
9 time she voted provisionally. This wasn't the first  
10 time she had to fill out this affidavit. As the Court  
11 pointed out, obviously, a legal document, a document  
12 with legal ramifications. She was put on notice at that  
13 time what the qualifications are to register to vote.

14 In 2008, she votes. She's on the list. In  
15 2012, she's not able to vote. There's no polls in TDC.  
16 It's clear at that point there's an issue, and you're  
17 not eligible. She's released in 2016. She shows up.  
18 She's not on the list. You're on the list in '08;  
19 you're not on the list in 2016. What critical event has  
20 happened? To assert that you have no clue that this was  
21 an issue, it's unbelievable.

22 With all that aside, everything I've said,  
23 it's compelling evidence, but with all that aside, the  
24 system has safeguards in place, Your Honor, and there  
25 was a stop sign put right in front of her face. By her

1 own admission, the language is clear. The document was  
2 intact.

3 Karl Dietrich took the stand. He's got no  
4 motivation to lie here, and obviously he's got a very  
5 good memory about the whole ordeal, and it's his  
6 practice. He says, Please read this, read this, it's  
7 important. It's important to him.

8 He further testified that had she not, had  
9 she just taken it and filled it out, that would have  
10 been an issue with him because it's important to him.  
11 This is an important process. And he would have said,  
12 No, please, you need to read this. And that's why he  
13 makes her affirm to it, just to be double sure that she  
14 understands the severity of it.

15 Also young Jarrod, he recalls Ms. Mason  
16 going line by line looking at it, putting her finger on  
17 the language. Jarrod has no motivation to lie here.  
18 Ms. Mason, the last word she had on her initial direct  
19 examination, what she left the Court with was, Why would  
20 I do this; there's no reason to do this; Why would I put  
21 my jeopardy (sic) at risk.

22 But at that point she opened the door to  
23 what happened back in 2011. Why put yourself at risk  
24 back then? That argument doesn't hold water with her  
25 because she obviously has put herself in jeopardy before

1 in -- in a big, big way.

2 Also in regard to that conviction, of  
3 course, we had to prove it for jurisdictional purposes,  
4 but as the Court well knows, that under Texas Rules of  
5 Evidence, 609, that conviction is also relevant for  
6 impeachment purposes to go towards the witness'  
7 truthfulness or untruthfulness.

8 And what it comes down to is: Are you to  
9 believe Ms. Mason, or are you to believe Karl Dietrich  
10 and Jarrod? It's one of the two that that has happened.  
11 And that conviction has to go towards her credibility  
12 under the rules of evidence.

13 But in the end, Your Honor, we assert to  
14 the Court that this is clear, and we respectfully  
15 request that you find her guilty of illegal voting.  
16 Thank you for your time.

17 THE COURT: Counsel, I have a question for  
18 you. Can you give me an objective fact that you're  
19 relying on that indicates that she had knowledge that's  
20 been produced during the trial?

21 MR. SMID: Yes, sir.

22 THE COURT: Not by inference.

23 MR. SMID: Okay.

24 THE COURT: I'm talking about direct  
25 evidence.

1 MR. SMID: I would say the direct evidence  
2 is, Your Honor, that Jarrod saw her with her finger on  
3 the language or --

4 MR. ST. JOHN: Pardon me. This is argument  
5 on him, but that is clearly not his testimony, Judge,  
6 and the Court can recall that.

7 THE COURT: And I appreciate that. Thank  
8 you, Counsel.

9 MR. SMID: Yes, sir.

10 THE COURT: You may continue.

11 MR. SMID: Jarrod's testimony that she had  
12 her finger going through the language. Also, Karl  
13 Dietrich's testimony going towards the fact that he told  
14 her to read it. Crystal Mason affirming to the  
15 language, Do you affirm that everything in this  
16 affidavit is true specifically for that day in regard to  
17 that affidavit, Your Honor.

18 THE COURT: Thank you.

19 MR. SMID: Yes, sir.

20 THE COURT: Anything else?

21 MR. SMID: Thank you for your time.

22 THE COURT: Thank you very much. I'm going  
23 to take it under advisement, render my decision shortly.  
24 Thank you. We'll be in recess.

25 (Recess from 2:46 p.m. to 3:26 p.m.)



1 (Open court, defendant present)

2 THE COURT: Ms. Mason, would you please  
3 stand?

4 All right. Based upon your plea of not  
5 guilty and after hearing the evidence and testimony, the  
6 Court does find you guilty of the offense of illegal  
7 voting.

8 Both sides ready to proceed on to  
9 punishment?

10 MR. SMID: The State's ready.

11 MR. ST. JOHN: Yes, Judge.

12 THE COURT: All right. Thank you very  
13 much.

14 Please be seated.

15 State, you may proceed.

16 MR. SMID: Thank you.

17 Your Honor, at this time I will offer  
18 State's Exhibits Nos. 12, 13 and 14 after tendering to  
19 Defense Counsel.

20 THE COURT: Thank you.

21 MR. ST. JOHN: No objection to 12, 13 and  
22 14, Your Honor.

23 THE COURT: Thank you.

24 State's Exhibits 12, 13 and 14 are now  
25 admitted for all purposes.

1 (State's Exhibit Nos. 12-14 admitted)

2 MR. SMID: May I approach, Your Honor?

3 THE COURT: You may.

4 MR. SMID: With that, Your Honor, the State  
5 rests.

6 THE COURT: Thank you. May I have just a  
7 moment?

8 MR. SMID: Yes, sir.

9 (Pause in proceedings)

10 THE COURT: All right, State. Thank you  
11 very much. Call your next witness.

12 MR. SMID: Your Honor, we rest -- State  
13 rests.

14 THE COURT: All right. Mr. St. John, you  
15 may proceed.

16 MR. ST. JOHN: I made an inquiry if my  
17 client wanted to testify in this part of trial. She's  
18 indicated she does not; therefore, we rest.

19 THE COURT: Thank you very much.  
20 State, any argument?

21 MR. SMID: We'll reserve the right for  
22 final argument close.

23 THE COURT: Thank you.  
24 You may proceed.

25 DEFENDANT'S CLOSING ARGUMENT

1 MR. ST. JOHN: Needless to say, my client  
2 is disappointed with the Court's decision, but we  
3 respect the Court's decision. It's kind of a weird  
4 circumstance, but another Court can actually give her  
5 probation if it deems appropriate even though she is a  
6 convicted felon. If this was a jury trial, that would  
7 be a legal possibility, and we're not necessarily asking  
8 for that, but that's something I'll ask the Court to  
9 consider.

10 The range of exposure is from 2 to 20 years  
11 in the TDC. As the Court knows, based on her direct  
12 testimony, she has started over in her life, has a good  
13 job, has taken care of her family and someone else from  
14 her family.

15 Her family is here today. They've been  
16 here supporting her the entire trial, so -- I'm not  
17 going to spend a lot of time, Judge. I think you'll  
18 make the correct decision.

19 You do know she's going to have to suffer  
20 some consequences at the south end of downtown, which is  
21 not your problem; that's her problem. The Court is  
22 aware. The Court is aware that should you sentence her  
23 to TDC, then if McBryde revokes her supervised release,  
24 he will run the sentence consecutively. It will not be  
25 concurrent. You know that's how he does stuff there.

1 He never makes an exception to his rule, but that's not  
2 the law.

3                   So if the Court feels compelled to  
4 incarcerate her, which we hope he does not, ask the  
5 Court to sentence -- sentence her to the low end of  
6 the -- I would use the word "guidelines" or the  
7 sentencing range and not at the top end. Or if the  
8 Court deems it appropriate, in the best interest of  
9 society, to suspend imposition of sentence, I'd ask the  
10 Court to consider that.

11                   THE COURT: Thank you.

12                   And, Mr. St. John, if I may confirm a  
13 couple of things with you as I'm reviewing her record,  
14 and it -- you know, notwithstanding the federal  
15 conviction, but she has a conviction for possession of a  
16 forgery; is that correct?

17                   MR. ST. JOHN: I do know she never went to  
18 TDC. I have to check the prior criminal history. I  
19 believe she was on -- she -- all those sentences were  
20 suspended, Judge. I don't think she ever went to prison  
21 for any of that stuff. I have to read the J&S. One of  
22 them I can't hardly read.

23                   THE COURT: Well, I invite you to take a  
24 look at it if you -- if you choose, but my reading of it  
25 is that she was placed -- sentenced to two years in the

1 state jail probated for five years with regard to the  
2 possession of a forgery. I just can't tell whether or  
3 not she -- she was -- she served it out successfully.

4 So she stands convicted of a -- of a prior  
5 forgery is my understanding. Is that your  
6 understanding?

7 MR. ST. JOHN: Yes, that's -- that's true,  
8 but she -- it was a suspended sentence. I know she  
9 wasn't incarcerated for it.

10 THE COURT: Thank you.

11 And then I have one that is from Criminal  
12 District Court No. 4, tampering with a government record  
13 to defraud or cause harm, and that was in 2009. And  
14 that's not related to this, of course.

15 MR. ST. JOHN: No.

16 THE COURT: And then she was placed on a  
17 two-year deferred adjudication. Did she serve that out  
18 successfully?

19 MR. ST. JOHN: Yes.

20 THE COURT: And then I have the arson case  
21 that is from 1992.

22 MR. ST. JOHN: I notice in the J&S it --  
23 can't really read it very well

24 THE COURT: It's -- I know that it says  
25 that it's a arson case, but I'm not certain in the J&S

1 in terms of the actual punishment.

2 And, State, I do invite you to make a  
3 comment if you --

4 MR. SMID: Yes, sir. May I approach --

5 THE COURT: You may.

6 MR. SMID: -- point something out in the  
7 exhibit?

8 May I see the --

9 MR. SMID: Yes.

10 THE COURT: Here's the first.

11 Take a look at those first.

12 MR. SMID: Thank you, sir.

13 (Pause in proceedings)

14 MR. SMID: The only thing -- the Court's  
15 interpretation of State's Exhibit No. 12 and 13 is  
16 correct. And in regard to State's Exhibit No. 14, the  
17 only thing I did want to point out that you have to  
18 really look for as a prior is on the criminal docket  
19 sheet of 1995 of the deferred appears was adjudicated.  
20 She was placed -- yes, sir, on the top of the docket  
21 sheet. And that's the only thing I wanted to point out  
22 to the Court.

23 THE COURT: Okay. And then with regard to  
24 2001, the community service expired?

25 MR. SMID: Yes, sir.

1 MR. ST. JOHN: Yes, sir.

2 THE COURT: Okay. Meaning that she served  
3 out the remainder of the probation after being convicted  
4 of the arson case?

5 MR. SMID: Yes, sir, absolutely.

6 MR. ST. JOHN: Yes. She's never been to  
7 TDC or state jail.

8 THE COURT: Thank you very much.

9 All right. Mr. St. John, you may proceed.

10 MR. ST. JOHN: Judge, I really had finished  
11 my --

12 THE COURT: You have finished?

13 MR. ST. JOHN: -- argument to the Court. I  
14 ask the Court to -- I'm really going to ask the Court to  
15 suspend imposition of sentence, and that might be a  
16 stretch. I think the Court can let the federal judge  
17 deal with these circumstances if the Judge believes he  
18 should.

19 I want to reiterate -- and you know John  
20 McBryde very well. He did not issue a warrant for her  
21 arrest based on this specific incident. Now, he might  
22 change his position, and that's something that we can't  
23 control here. But I'd ask the Court to suspend  
24 imposition of sentence.

25 And we know voting is very serious. You

1 know, being the great grandson of a federal judge and  
2 also a member of Congress, we understand how important  
3 it is for voting to be truthful and accurate. And I  
4 understand the Court has made a decision that she was  
5 not honest; therefore, she shouldn't have voted.

6 But I ask the Court not to incarcerate her  
7 based on these facts, Your Honor.

8 THE COURT: Thank you very much.

9 Mr. Smid you may proceed.

10 MR. SMID: Thank you, sir. May it please  
11 the Court, Mr. St. John.

12 DEFENDANT'S CLOSING ARGUMENT

13 MR. SMID: Your Honor, now that both phases  
14 have concluded, I think it is clear this particular  
15 defendant has no regard for the law. In 1992, placed on  
16 deferred for arson. Later on convicted of that felony.  
17 1998, convicted of the felony offense of forgery. 2011,  
18 placed on deferred for tampering, a felony offense. Of  
19 course, the federal offense, which the Court is well  
20 aware of now.

21 So in total now, this is her fourth felony  
22 conviction and one deferred that was not a final  
23 conviction. Four felonies. This last felony, illegal  
24 voting, is just committed within three months of her  
25 being placed on supervised release. It was August of



1 2016; this is November, 2016, when she commits this new  
2 offense.

3                   Finally, Your Honor, I'll leave you with  
4 this. This process that we have, the voting system in  
5 America, it is second to none. It is sacred to  
6 Americans, and she has violated the sanctity of this  
7 process, and we respectfully request that this Court  
8 send a message to illegal voters that if you're going to  
9 violate the sanctity of this system, it will not be  
10 tolerated and will pay the consequences.

11                   We respectfully request the Court sentence  
12 this defendant to a stern prison sentence.

13                   THE COURT: Thank you.

14                   MR. SMID: Thank you.

15                   THE COURT: Ms. Mason, would you please  
16 stand with your lawyer?

17                   This is in Cause No. 1485710D, styled the  
18 State of Texas versus Crystal Mason. The Court having  
19 found you guilty, assesses your punishment at five years  
20 in the Institutional Division of the Texas Department of  
21 Criminal Justice.

22                   It will be the Order, Judgment and Decree  
23 of the Court that you be delivered to the institutional  
24 director there to serve out your sentence as required by  
25 law.

1                   You will receive credit for any time that  
2 you've served in connection with the case from the date  
3 of the original arrest in this offense and for any time  
4 that you remain incarcerated.

5                   If you are poor -- too poor to hire your  
6 own lawyer for an appeal, one will be provided to you at  
7 no cost to you. Also, a record will be provided to you  
8 at no cost to you as well.

9                   Now, are you indigent, Ms. Mason?

10                  MR. ST. JOHN: I'm retained, Judge.

11                  THE COURT: You are retained?

12                  MR. ST. JOHN: Yes, I'm retained.

13                  THE COURT: Well, then I will ask that your  
14 lawyer remain on the case until you've made an informed  
15 decision regarding your appeal rights. But you must  
16 file a Notice of Appeal within 30 days of today's date  
17 to preserve your right of appeal should you choose to do  
18 so.

19                  Now, do you understand your sentence and  
20 your appeal rights, Ms. Mason?

21                  THE DEFENDANT: Yes, sir.

22                  THE COURT: Okay. And, Mr. St. John, do  
23 you -- are there any other matters need to be taken up  
24 at this time?

25                  MR. ST. JOHN: No, Your Honor.

1 THE COURT: State?

2 MR. SMID: No, sir.

3 THE COURT: All right. Court costs in the  
4 amount of \$289 will be assessed and be part of the  
5 Judgment.

6 Ms. Mason, I remand you to the custody of  
7 the sheriff. The proceedings are closed.

8 (Proceedings concluded at 3:46 p.m.)

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1 THE STATE OF TEXAS )

2 COUNTY OF TARRANT )

3 I, Angelica Taylor, Official court reporter in  
4 and for the 432nd Judicial District Court of Tarrant  
5 County, State of Texas, do hereby certify that the above  
6 and foregoing contains a true and correct transcription  
7 of all portions of evidence and other proceedings  
8 requested in writing by counsel for the parties to be  
9 included in this volume of the Reporter's Record, in the  
10 above-styled and -numbered cause, all of which occurred  
11 in open court or in chambers and were reported by me.

12 I further certify that this Reporter's Record  
13 of the proceedings truly and correctly reflects the  
14 exhibits, if any, admitted by the respective parties.

15 WITNESS MY OFFICIAL HAND this the 21st  
16 day of May, 2018.

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24

25

/S/ Angelica Taylor  
ANGELICA TAYLOR, TEXAS CSR NO. 7180  
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