

CAUSE NO. 18-CR-83358

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STATE OF TEXAS)	IN THE COUNTY COURT AT LAW
)	
v)	
)	
ROSITA FLORES)	SAN PATRICIO COUNTY, TEXAS
)	

GUILTY PLEA HEARING

On the 12th day of June, 2018, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable Elizabeth Welborn, Judge presiding, held in Sinton, San Patricio County, Texas.

Proceedings reported by machine shorthand by
Melanie A. Morel, RPR, CSR.

A P P E A R A N C E S

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FOR THE STATE:

SBOT NO. 00791058
MR. LANCE A. KUTNICK
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 12548
AUSTIN, TX 78711-2548

FOR THE DEFENDANT:

SBOT NO. 24007931
MR. TODD ROBINSON
BATEK & ROBINSON
102 N. STAPLES STREET
CORPUS CHRISTI, TX 78401

1 through each one. They were presented to us electronically,
2 and each entry in that index is -- was provided to us and was
3 included in the discovery.

4 BY THE COURT: All right. Then I'm going to put
5 that as part of the final plea paperwork, and not concern
6 myself with the pages not being filled in, and note that you're
7 basically waiving any right to appeal, theoretically, on that
8 issue because you have indicated to the Court that you are
9 satisfied that the discovery has been fully produced in regards
10 to this matter.

11 I show a waiver of stipulations, applications, and
12 agreements. I have information attached to the back of it.

13 Ms. Flores, I have a -- you and your attorney have
14 reached a plea bargain agreement with the State of Texas; is
15 that right?

16 BY THE DEFENDANT: Yes, Your Honor.

17 BY THE COURT: All right. Mr. Kutnick, I'll ask
18 you if the plea bargain agreement on behalf of the State is
19 accurately reflected in the plea paperwork?

20 BY MR. KUTNICK: It is, Your Honor.

21 BY THE COURT: All right. Mr. Robinson, I have a
22 document titled waiver of stipulations, applications, and
23 agreements. Is the agreement that you reached on behalf of
24 your client in regards to this matter accurately reflected in
25 the paperwork?

1 BY MR. ROBINSON: Yes, it is, Your Honor.

2 EXAMINATION BY THE COURT:

3 Q. I have a document before me titled waiver of
4 stipulations, applications, and agreements.

5 I'm turning to what constitutes the second page, top
6 signature line of that document that I'm now showing you.
7 Ms. Flores, is that, in fact, your signature?

8 A. Yes, ma'am, Your Honor.

9 Q. At the time that you signed it today, did you
10 understand you were going to be waiving your right to a jury
11 trial?

12 A. Yes, ma'am.

13 Q. Did you also understand at the time that you signed it
14 that all of the information that is attached here to the back
15 today would be taken as true and correct?

16 A. Yes, Your Honor.

17 Q. And that I would use it as evidence against you in
18 regards to this matter?

19 A. Yes, ma'am, Your Honor.

20 Q. How far did you get in school?

21 A. I finished ninth. Tenth grade.

22 Q. Do you read, write, and understand the English
23 language?

24 A. Yes, ma'am.

25 Q. Did you and your attorney thoroughly review all this

1 paperwork prior to the time that you signed it?

2 A. Yes, ma'am, Your Honor.

3 Q. In regards to the charge of what is commonly referred
4 to as voter fraud, or unlawful assistance to a voter, how do you
5 plead?

6 A. Guilty, Your Honor.

7 Q. Today are you entering your plea of guilty because you
8 are, in fact, guilty?

9 A. Yes, ma'am.

10 Q. Did anyone force you to enter that plea here today?

11 A. No, Your Honor.

12 Q. Apart from this plea bargain agreement, did anyone
13 promise you anything in exchange for your plea?

14 A. No, Your Honor.

15 Q. Have you ever been treated by a psychologist or
16 psychiatrist?

17 A. No, Your Honor.

18 Q. Today are you making any type of claims that your mind
19 is not working correctly?

20 A. No, Your Honor.

21 Q. Today are you currently under the influence of any
22 type of drugs or alcohol?

23 A. No, Your Honor.

24 BY THE COURT: Mr. Robinson, do you have an
25 opinion in regards to your client's competency?

1 BY MR. ROBINSON: Your Honor, I do believe
2 Ms. Flores is competent. We've been able to go over the
3 documents provided, and she has been able to assist me in the
4 defense of this matter and suggest a resolution to the Court.

5 BY THE COURT: Okay. All right. Very good.

6 Then Ms. Flores, today, having received your plea,
7 I will in fact find you guilty. Understand that today, having
8 found you guilty, I'm going to follow the agreement that you
9 reached with the State.

10 I'm going to assess your fine in the amount of
11 \$1,000, plus your court costs in the amount of \$316. I'm going
12 to order that those be paid to the San Patricio County
13 Collections Department.

14 I will sentence you to serve 365 days confinement
15 in jail, at this time suspending that jail time commitment and
16 placing you on a period of probation for 540 days.

17 As conditions of your probation that you
18 previously went over with your attorney, there will be two that
19 will be directed and added by this Court. One is that you will
20 complete 60 hours of community service as assigned by the
21 probation department. And the second is that you will serve 30
22 days confinement in jail as a condition of your probation.

23 Do you have any questions?

24 BY THE DEFENDANT: No, ma'am.

25 BY MR. ROBINSON: Judge, I have a question about

1 the confinement issue --

2 BY THE COURT: Yes, sir.

3 BY MR. ROBINSON: -- if the Court would allow me
4 to address the Court on that.

5 BY THE COURT: Okay.

6 BY MR. ROBINSON: First issue, Your Honor, I
7 didn't advise Ms. Flores of any of that. And Ms. Flores is 76
8 years old. She has her husband, who is 79 years old, who is
9 bedridden in the home, house, that she cares for every day.

10 She also has a daughter that is blind that lives
11 with her that she cares for every day.

12 She's the sole provider for each one of these
13 individuals. If she did any kind of confinement in this case,
14 there would be nobody to care for them. I would ask the Court
15 to consider that in this situation.

16 We do understand the type of case this is, and
17 she's entered a plea of guilty to it, but we would ask the
18 Court to consider those situations, and she has absolutely no
19 record other than this. Never even had a speeding ticket. And
20 this is one isolated incident that occurred.

21 I would ask the Court to consider that in
22 assessing that sentence. I don't believe the State has any
23 opposition to that.

24 Q. (By the Court) Ms. Flores, how long have you lived in
25 Robstown?

1 A. All my life, Your Honor.

2 Q. All your life?

3 A. Yes, ma'am.

4 Q. Are you active in politics?

5 A. Well, I'm not no more.

6 Q. How active in politics were you prior to you being
7 arrested, I guess, on this charge?

8 A. Well, you know, my son is a constable.

9 Q. Okay.

10 A. And --

11 Q. Is he an elected official?

12 A. Yes, ma'am. Yes.

13 Q. Was he the person of whom you were helping --

14 A. Yes, ma'am.

15 Q. -- during this election?

16 A. Yes, ma'am.

17 Q. Do you understand how absolutely horrible and wrong
18 that was?

19 A. Well, at the time I didn't, Your Honor, to be honest
20 with you. I thought I was doing the right thing. But now I
21 know that I did wrong.

22 Q. When did you think you were doing right?

23 A. Because I didn't know I couldn't do that.

24 Q. You didn't know --

25 A. No, ma'am.

1 Q. -- that you couldn't take someone else's ballot and
2 fill it out for your son?

3 A. No, I didn't do that, Your Honor. I went in there --

4 BY MR. ROBINSON: Judge, that's not what's being
5 alleged. What's being alleged is that -- that Ms. Flores had
6 made a suggestion to someone as to how to vote.

7 There was no claim as to -- that she'd marked the
8 ballot for anybody, or took the -- that ballot or anything of
9 that nature.

10 She had a sample ballot that was -- when she was
11 at this individual's home, and that sample ballot was alleged
12 to have been a marking or whatever to try to advise somebody
13 how to vote, which is not -- which is forbidden as far as
14 someone helping an individual to vote.

15 You can stand outside and poll and politic all you
16 wanted, but once you're signing the ballot, that was a no-no,
17 and she didn't understand that.

18 BY THE COURT: Well, in reviewing the short amount
19 of discovery that was provided to the Court, it says this case
20 was opened based on findings during the investigation. It was
21 alleged during the primary run-off investigation that Rosita
22 Rosie Flores, 65, committed voter fraud during the
23 November 2016 Nueces County general election.

24 Specifically, it is alleged that Flores took and
25 marked the mail-in ballot of voter Matilde Rendon without

1 Rendon's permission. It is also alleged that Flores took and
2 marked the ballots of Caroline and Ramiro Zapata without the
3 permission of the Zapatas.

4 BY THE DEFENDANT: No, ma'am.

5 BY THE COURT: That's what you just plead to.

6 BY MR. KUTNICK: Your Honor, for whatever it's
7 worth, those allegations as they pertain to voter Rendon are
8 pending upstairs in felony district court. I can inform the
9 Court that Ms. Rendon, because of her age, is not able to
10 assist the State, based on memory issues, on those allegations,
11 so we filed the charges that we can, we think, make if we went
12 to trial with Your Honor, that being the unlawful assistance.

13 Those charges are along the lines of what
14 Mr. Robinson stated that, while assisting, she brought into the
15 home a sample ballot with, I guess, in my mind, marked off with
16 her slate of candidates, and with that there's an improper
17 influence, I guess, on the voter.

18 BY MR. ROBINSON: Judge, may I address the Court
19 on that issue?

20 BY THE COURT: Yes, sir.

21 BY MR. ROBINSON: As far as the Zapatas that are
22 included in the affi -- in the discovery, upon contact by the
23 attorney general's office, whatever was alleged and reported
24 initially was not verified by the Zapatas, and there's never
25 been any allegations or charges that there was any wrongdoing

1 on the part of their ballot.

2 The wrongdoing applies to just one ballot, which
3 is Matilde Rendon. And Matilde Rendon, quite frankly, had a
4 family member that made that allegation to the AG's office, and
5 Matilde Rendon has not verified that allegation at any time to
6 the AG's office, and I believe the AG's office will verify
7 that.

8 BY THE COURT: Well, it says on here in exhibit
9 list, "Zapata interview."

10 BY MR. ROBINSON: On Zapata's interview, Zapata
11 says that Rosie Flores had nothing to do with having them vote
12 a certain way or did anything illegal in any manner.

13 BY THE COURT: I mean, look, we either have voter
14 fraud or we don't. Yeah, you do. Y'all are -- y'all are
15 specifically going out there trying to sway an election. And
16 unfortunately in this situation, you were swaying it for your
17 own son. Is that not correct?

18 BY MR. KUTNICK: That ap -- although I'm a little
19 confused -- as far as that issue goes, the son, from what I
20 understand, had a contested election in the primary.

21 We're talking -- we're talking the November
22 election is the conduct here where I think her son was
23 unopposed, so I -- I can't explain what she was doing. I
24 really couldn't tell you as the State --

25 BY THE COURT: Why were you out there doing this?

1 BY THE DEFENDANT: Let me tell you. This is what
2 happened. It was a rally day, it was a meet-the --
3 meet-the-members that were running for elections. We had to
4 put Republicans and Democrats there.

5 And this -- the son of the lady that called me,
6 and Hector Lopez, that was with a running member, too, you
7 know, called me -- it was me and my friend in the truck -- to
8 go and help his mother to help her to vote, because she
9 couldn't do it by herself.

10 They gave me the address, they gave me -- they
11 didn't gave me a number of where the house was, but they told
12 me where the house was. And so we -- me and this friend of
13 mine went, and I knocked at the door, and we -- we had a little
14 trouble looking for the house, but we found the house. Because
15 they told me it was beside a church across the railroad tracks.

16 So we found the house, and I knocked at the door.
17 The lady was there by herself. It was an older lady. I don't
18 know the lady. I went to that house because they sent me. The
19 son and this Hector Lopez sent me over there, out -- to me and
20 my friend.

21 BY THE COURT: Who's your friend?

22 A. Rensada (phonetic) Gonzalez.

23 BY THE COURT: Okay.

24 BY THE DEFENDANT: And she's -- right now she's
25 90, but she -- she knows. I mean I wouldn't be saying things

1 that aren't true.

2 And we went there, and we -- I knocked at the
3 door, and the lady came out, and I told her I was there to help
4 her, because her son and Hector Lopez had sent me. And she
5 said fine, come in.

6 And I went in, she got the paper, and we -- I
7 helped her do it, you know, and I gave her the paper that I had
8 in my hand that I left there that I signed was a paper that
9 they gave me, the son and Hector Lopez gave me, that there had
10 -- that's the way they were going to vote. And that's what we
11 did. That's what I did. And I helped her.

12 BY THE COURT: How much did you get paid for this?

13 BY THE DEFENDANT: Nothing, Miss. I didn't get
14 paid nothing.

15 BY THE COURT: How many other people did you
16 assist with?

17 BY THE DEFENDANT: How many other people?

18 BY THE COURT: How many other ballots and people
19 did you go out and assist to help vote?

20 BY THE DEFENDANT: Oh, quite a few. I don't
21 remember the -- now, but quite a few. You know, but I -- I --
22 it was people that I knew, you know. People that they had --
23 would call me, Miss. I don't go knocking doors and asking
24 people to vote, Miss.

25 BY THE COURT: And how many -- how much -- how

1 long have you been doing this?

2 BY THE DEFENDANT: Not long, Miss. Not long. But
3 I'm not going to do it no more. No more am I going to do it.
4 I learned a lesson from this, Miss.

5 BY THE COURT: What did you learn?

6 BY THE DEFENDANT: That I shouldn't go there, that
7 I shouldn't do that. That that was wrong what I did,
8 because -- and I went there because they sent me there. I
9 didn't go knocking on --

10 BY THE COURT: Who's they? The son --

11 BY THE DEFENDANT: The son and the Hector Lopez.

12 BY THE COURT: Who is Hector Lopez?

13 BY THE DEFENDANT: It was -- he's an official
14 right now. He's a -- I guess with the -- let's see. Hector
15 Lopez, he's with the city council or --

16 BY MR. ROBINSON: Judge, Hector Lopez was having a
17 meet-the-candidates forum that day in Robstown, and it was a
18 Republican and Democrat. It was a big get-together. There was
19 a bunch of people that were running for office that were there.

20 That's when Ms. Flores and her friend,
21 Ms. Gonzales, pulled up, and Ms. Rendon -- Ms. Flores claims
22 Ms. Rendon's family member comes up with Hector Gonzales and
23 asks them to go make the -- go see their aunt or whatever it
24 was, mother, I can't remember exactly. But that's how she got
25 to that house.

1 But what's -- what's interesting, Your Honor, on
2 all this stuff, I want to make it clear to the Court, I
3 understand what the Court could imagine was going on, what it
4 may look like, but there was a big investigation done on this
5 thing, on this situation. Not just with Matilde Rendon, but
6 with many of the ballots that Ms. Flores allegedly aided and
7 assisted on, and there was no wrongdoing found on any of them.
8 On any of the others. And there's no counts alleged and
9 there's no crimes alleged on any of these other ones.

10 And they were talked to by either members of the
11 Nueces County District Clerk's office -- I mean County Clerk's
12 Office, investigators for the -- through them, and
13 investigators through the attorney general's office. And on
14 every one of those situations, no wrongdoing was done.

15 This is the only case where there was a situation,
16 and this situation was -- arose by, quite frankly, a lady that
17 was involved with the other campaign, not Matilde Rendon. Her
18 niece said all this stuff to the AG's office. Matilde Rendon
19 has never been able to verify any of this, these actions, to
20 the AG's office or to any investigator, and she, as we sit here
21 today, has not verified any of that.

22 And that's -- it's just -- it's not as big a deal
23 as -- as it may seem. I -- I don't mean to say -- it's not as
24 widespread as it may seem. It's a very isolated incident.

25 BY THE COURT: Mr. Kutnick, on behalf of the

1 State, what do you say in regard to Mr. Robinson's allegations
2 that this is really a lot of nothing, is what he's basically
3 saying?

4 BY MR. KUTNICK: I think what the Court has before
5 it is serious. An assistance should be totally neutral and
6 just assist, especially when it comes to an elderly person who,
7 I think, was 83 at the time.

8 There should be -- it's absolutely wrong, and I
9 think Mr. Robinson agrees, and I think Ms. Flores agrees now,
10 that it's absolutely wrong to bring a sample ballot in with
11 suggestions and implications of who they should be voting for.

12 I can only speak to we brought to this Court the
13 one thing that could be proven in this instance. I think -- I
14 think voter fraud is real, it is wide -- potentially
15 widespread. I think it's -- you know, we can't hold Ms. Flores
16 accountable for other people's actions, but we are bringing --
17 bringing her to account for what we were able to prove in this
18 instance.

19 So it is serious. I would leave it to the Court
20 whether the 30 days should be done or not done. As I have told
21 the Court, I do have a really -- a real issue with the victim
22 in this case being able to testify, so my office would like to
23 get this case disposed of, if at all possible.

24 We will and can take it to trial, if something
25 happens with today's proceedings, but that being said, we think

1 what we proposed to the Court is fair.

2 BY THE COURT: State doesn't believe that the
3 citizens of our community demand that under these circumstances
4 that in regards to voter fraud that a person be sentenced to
5 jail?

6 BY MR. KUTNICK: Your Honor, we'll -- I'll state
7 it this way: The State feels good about the plea we proposed
8 to the Court, based on all the circumstances facing us at the
9 time.

10 BY THE COURT: Well, unfortunately, this Court
11 disagrees.

12 I'll reduce your jail time confinement as a
13 condition of your probation to ten days confinement in jail.

14 Is there a time period in which you need to turn
15 yourself in?

16 BY MR. ROBINSON: There would be, Judge. Could I
17 possibly have a minute to speak with her --

18 BY THE COURT: Yes, sir.

19 BY MR. ROBINSON: -- about that?

20 BY THE COURT: You may.

21 BY MR. ROBINSON: May we be excused?

22 BY THE COURT: Yes, sir.

23 BY MR. ROBINSON: Thank you, Your Honor.

24 (Pause in proceedings. Court handled further matters from
25 the docket.)

1 BY THE COURT: Mr. Robinson, do y'all have --
2 where is Mr. Kutnick?

3 BY MR. ROBINSON: May we approach, Judge?

4 BY THE COURT: Weren't you just sitting over
5 there?

6 BY MR. KUTNICK: I was a moment ago. I moved like
7 ten seconds ago.

8 BY MR. ROBINSON: May we approach, Judge?

9 BY THE COURT: You may.

10 BY MR. ROBINSON: Judge, we had been outside, and
11 we had conferred about the possibility of when we would ask the
12 Court if we could start the Saturday commitments.

13 And would the Court be okay with July 7th, and
14 then each individual Saturday after that?

15 BY THE COURT: Yes, sir.

16 BY MR. ROBINSON: My calculations have it starting
17 July 7th, Your Honor, and the last day would be September the
18 8th. I believe that's each consecutive Saturday thereafter.

19 And Your Honor, we would ask the Court if the
20 Court would allow Ms. Flores to turn herself in at 10 a.m. on
21 July 7th, and to be released at 11 p.m. July 7th, and then the
22 same each Saturday thereafter.

23 BY THE COURT: Okay. All right. So what the
24 Court then will do is note on the docket that the ten days of
25 jail time will be served on Saturdays. The -- check yourself

1 into jail by 10 a.m. on Saturday morning, to be released by 10
2 p.m. on Saturday evenings.

3 The first Saturday that the service will begin is
4 July 7th, and then I show July 14th, July 21st, July 28th, the
5 4th -- August 4th, August 11th, August 18th, August 25th,
6 September 1st, September 8th. Is that correct?

7 BY MR. ROBINSON: That is what I have, Your Honor.

8 BY THE COURT: Okay. All right. Did you get all
9 that? So you're going to have a lot of documents that you're
10 going to take with you today.

11 What you're going to do is you're going to go with
12 the bailiff first. He's going to get a thumbprint on the
13 paperwork.

14 You're going to go to the clerk's office, where
15 you'll receive a copy of everything. You're going to go to the
16 collections department. You'll sit down with them, do a fee
17 schedule and a payment arrangement to pay out your fine and
18 court costs.

19 Then you're going to go across the street to the
20 probation department, sit down with them, get your terms and
21 conditions established for your probation.

22 What you'll have with you are commitment orders,
23 and so you'll have a separate order for each day. Make sure
24 when you go to jail in the mornings that when you check
25 yourself in you take the right commitment order. Because if

1 you -- if you show up, even though you're flying by my order
2 and doing what you're supposed to, they're not going to take
3 you, because they don't know what to do with you.

4 BY THE DEFENDANT: Okay.

5 BY THE COURT: Okay? So make sure you take them
6 with you. If -- I know this is going to be a long time between
7 now and then. If something happens and you lose those orders,
8 make sure you let us know prior to the day that you're supposed
9 to turn yourself in so that we can get you a new one.

10 BY THE DEFENDANT: Yes, ma'am.

11 BY THE COURT: Okay? And I understand what we
12 talked about with Mr. Robinson, that you might have some sick
13 individuals in your family, and the Court sympathizes and
14 understands that, and if something happens during the duration
15 of the time in which you're supposed to sent -- serve your jail
16 time, you need to contact your attorney so that he can contact
17 the Court and we can work whatever we need to out. Okay?

18 BY THE DEFENDANT: Yes, ma'am, Your Honor.

19 BY THE COURT: Do you have any questions?

20 BY THE DEFENDANT: No, ma'am, Your Honor.

21 BY THE COURT: All right. I have followed the
22 agreement with the -- that you reached with your attorney, so
23 you'll have no right to appeal what has taken place without
24 being granted permission by this Court.

25 BY MR. ROBINSON: Thank you.

1 BY THE COURT: Just be patient. It's going to
2 take a while to get all those commitment orders. You can go
3 ahead and start the process, and then they'll bring the
4 commitment orders to you, okay?

5 BY THE DEFENDANT: Thank you, Your Honor.

6 BY THE COURT: When I say start the process, the
7 clerk's office, collections department, probation department.
8 Okay?

9 BY THE DEFENDANT: Thank you.

10 BY MR. ROBINSON: Thank you, Judge. Your Honor,
11 may I be excused?

12 BY THE COURT: Yes, sir.

13 BY MR. KUTNICK: Thank you. Can I be excused?

14 BY THE COURT: Yes, sir.

15 * * * END OF REQUESTED PROCEEDINGS ON JUNE 12, 2018 * * *

16 * * * END OF TRANSCRIPT * * *

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1 REPORTER'S CERTIFICATE

2 THE STATE OF TEXAS)

3 COUNTY OF SAN PATRICIO)

4

5 I, Melanie A. Morel, Official Court Reporter in and for the
6 San Patricio County Court at Law, State of Texas, do hereby
7 certify that the above and foregoing contains a true and correct
8 transcription of all portions of evidence and other proceedings
9 requested in the above-styled and numbered cause, all of which
10 occurred in open court or in chambers and were reported by me.

11 I further certify that this Reporter's Record of the
12 proceedings truly and correctly reflects the exhibits, if any,
13 admitted into evidence.

14 I further certify that the total cost for the preparation of
15 this Reporter's Record is \$__115.00__, and was paid/will be
16 paid by _____ Samuel Levine _____.

17 WITNESS MY OFFICIAL HAND this the __22nd__ day of
18 __April_____, 2019.

19

20 /s/Melanie A. Morel
21 MELANIE A. MOREL Texas CSR #9433
22 Expiration Date: 12/31/2018
23 Official Court Reporter
24 San Patricio County Court at Law
25 San Patricio County, Texas
Sinton, Texas

