

# Judge rules for Cuellar in voter fraud case

## Associated Press

LAREDO -- A state judge on Tuesday ruled against U.S. Rep. Ciro Rodriguez in the congressman's lawsuit alleging vote fraud in two South Texas counties during the Democratic primary election in District 28.

Rodriguez attorney Buck Wood did not offer any evidence during the brief trial, so Judge Joseph Hart said he had no choice but to find in favor of challenger Henry Cuellar.

Wood said pretrial rulings by Hart stripped away his case, and that he will appeal those rulings to the 4th Court of Appeals in San Antonio.

The latest of those rulings came Tuesday morning when Hart refused Wood's request for more time to examine thousands of ballots cast in Webb and Zapata counties.

After the extension was turned down, Wood rested his case without calling any witnesses or introducing any proof to back up his charges.

By not granting time for more ballot inspections, Wood said, the judge ensured that Cuellar's 58-vote lead could not be eliminated.

"I might have been able to overcome 30 (votes), but I couldn't have overcome 58," Wood said. "And therefore, to sit around here and put evidence on at this point is just a waste of appeals time."

A documents expert hired by Rodriguez said he inspected about 2,000 of Webb County's 15,000 paper ballots and found 29 votes were marked in a way that he considered suspicious.

"There is strong evidence that there were votes added at a later time in the congressional race," said Erich Speckin, a documents specialist from Okemos, Mich.

Linda James, a document expert from Plano working for Cuellar, rebutted that conclusion, saying that Speckin didn't do enough analysis to support such a finding. She said there were plausible explanations for the ballot markings other than fraud.

Hart's ruling on Tuesday followed a ruling last week in which the judge said Wood could not challenge the eligibility of hundreds of Webb County voters.

In that ruling, expected to be the heart of the Rodriguez appeal, Hart said that Wood did not raise the eligibility issue before the legal deadline.

Cuellar, a Laredo lawyer and businessman, holds the slim lead over Rodriguez out of nearly 50,000 cast in the 11-county district that essentially runs along Interstate 35 from San Antonio to this border city.

He was given a blue T-shirt after Hart's judgment with the words "Cuellar -- Victory at the Polls, Victory in Court."

Cuellar said he would hit the campaign trail starting Wednesday to oppose Republican nominee Jim Hopson of Seguin.

"My job is to be out there getting ready for November," he said.

The Texas Democratic Party has certified Cuellar as the party's nominee pending the outcome of the Rodriguez lawsuit.

Rodriguez led by 145 votes after the March 9 primary, but a districtwide recount in late March put Cuellar ahead by 203 votes. The vast majority of that swing came in the Cuellar strongholds of Webb and neighboring Zapata, triggering the incumbent's claims that voting irregularities occurred there.