

## LOCAL NEWS

# Judge tosses Kleberg County justice of the peace votes, orders new election

**Tim Acosta** Corpus Christi

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***UPDATE: Esequiel "Cheque" De La Paz later filed an appeal to the 13th Court of Appeals that was denied by appellate court judges. A date for the new election has not been set.***

The race for a justice of the peace seat in Kleberg County will get a do-over, after a visiting judge tossed the results of a May runoff election and ordered a new election be held.

Visiting Judge Joel Johnson ended a two-day hearing in the 105th District Court in Kleberg County on Tuesday. The hearing was the result of a lawsuit filed by Ofelia "Ofie" Gutierrez against Esequiel "Cheque" De La Paz earlier this month in which she argued that voter fraud had occurred in a runoff election for the Pct. 4 Kleberg County Justice of the Peace seat.

While initially losing the runoff to De La Paz by seven votes, a recount slightly lowered Gutierrez's loss to just six votes (312 to 318). On Tuesday, Johnson threw out seven votes for individuals — who were related in some way to De La Paz — who Gutierrez's attorney, Frank Alvarez, argued resided outside the Pct. 4 boundaries.

De La Paz has held the office for more than 30 years.

"I'm very happy for Ofie and the process," Alvarez said. "When we've got people out there who don't take it seriously, or are cheating to win votes, then it kind of undermines (the process)."

"These processes are there for a purpose ... and today is an example of that," he added.

The trial began on Monday with Johnson presiding over the proceedings, following the decision by 105th District Judge Jack Pulcher's decision to recuse himself from the case. De La Paz's attorney, Natasha Torres, initially requested a continuance before the hearing commenced in the morning, because De La Paz had just retained counsel on Saturday.

Johnson denied that request, pointing out that De La Paz had 10 days to hire an attorney and had agreed to the Monday setting. The case then proceeded with Alvarez calling several witnesses and providing over 160 exhibits as evidence that there were 16 individuals who voted illegally in the runoff election.

Torres dismissed Gutierrez's claims in her opening statement on Monday, and argued that residency requirements were more complicated than Alvarez claimed.

"If you can't handle the heat, stay out of the fire," she said of Gutierrez.

While the evidence ultimately showed that seven of the votes cast in the May 22 runoff election were invalid, Johnson did not declare Gutierrez the winner because there was ultimately no way to prove for whom those individuals voted. Records are not kept on who a person votes for, but they do track when and where they voted.

Kleberg County Clerk Stephanie Garza said the election code requires that an election be held by August, but it was unclear when exactly it would take place as of Tuesday. Garza testified during the hearing on Monday about how voters are checked in at polling locations and how registration lists are updated during an election period.

Johnson also required a surprised Garza to answer a question from Torres about who she voted for in the runoff, to which Garza acknowledged casting a vote for Gutierrez, an employee in her office. But Garza was adamant that she had nothing against De La Paz.

"Do you have any personal bias to my client?" Torres asked Garza.

"None whatsoever," Garza replied.

Garza on Tuesday said she was awaiting word from the Texas Secretary of State's office on how best to move forward with the ordered election. Once a date has been set, it will be part of an order from Johnson making it official and kick-starting public notice and other requirements.

The election will likely cost less than others because it is limited to one county precinct and will have just one polling location, she said. It will also only encompass the Pct. 4 Justice of the Peace race between Gutierrez and De La Paz — no other candidates will join the ballot, officials said.

"I hope that (the judge's ruling) causes them to sit back and reflect carefully on their decision to take that risk of voting inside of a precinct that they do not reside in in order to help a

there who will be more hesitant and careful to vote if they know they are not residents of a certain precinct."

Torres issued a statement in response the court's decision late Tuesday evening on behalf of De La Paz.

"Truly we just want to say 'Thank you' to all of our friends, family and fellow community members for their aid throughout this entire process," she said. "We kindly ask for their continued love and support in the upcoming election."