

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

3 \_\_\_\_\_ )  
4 NORTH CAROLINA STATE )  
5 CONFERENCE OF THE NAACP, et al., )  
6 Plaintiffs, )

7 v. )

8 PATRICK LLOYD McCRORY, in his )  
9 official capacity as the Governor )  
10 of North Carolina, et al., )  
11 Defendants. )

Civil Action  
No. 1:13-CV-658

12 \_\_\_\_\_ )  
13 LEAGUE OF WOMEN VOTERS OF )  
14 NORTH CAROLINA, et al., )  
15 Plaintiffs, )

16 v. )

17 THE STATE OF NORTH CAROLINA, )  
18 et al., )  
19 Defendants. )

Civil Action  
No. 1:13-CV-660

20 \_\_\_\_\_ )  
21 UNITED STATES OF AMERICA, )  
22 Plaintiff, )

23 v. )

24 THE STATE OF NORTH CAROLINA, )  
25 et al., )  
26 Defendant. )

Civil Action  
No. 1:13-CV-861

27 VIDEOTAPED DEPOSITION OF  
28 CARNELL BROWN

29 Friday  
30 April 24, 2015  
31 10:57 A.M.

Best Western  
102 Market Centre Drive  
Tarboro, North Carolina

Brown, Carnell 20150424

A P P E A R A N C E S

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For the Plaintiff  
United States of America:

U.S. DEPARTMENT OF JUSTICE  
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Also Present:

Brad Smith - Videographer

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

\* \* \* \* \*

THE VIDEOGRAPHER: On record at 10:57 a.m.

Today's date is April the 24th, 2015, and this is the videotaped deposition of Mr. Carnell Brown taken in the matter of North Carolina State Conference of the NAACP, et al. versus Patrick Lloyd McCrory in his official capacity as the governor of North Carolina, et al.; League of Women Voters of North Carolina, et al. versus the State of North Carolina, et al; and United States of America versus the State of North Carolina, et al; Case Nos. 1:13-CV-658, -660 and -861.

Would counsel please now introduce themselves, and then our court reporter will swear in the witness.

MR. SHAPIRO: I am Avner Shapiro representing the United States, one of the plaintiffs in this matter.

MR. FARR: Hello, Mr. Brown. I'm Tom Farr. I'm with the Raleigh, North Carolina law firm of Ogletree Deakins, and I'm here representing the Defendants in this case.

CARNELL BROWN,

being duly sworn to tell the truth, the whole truth

1 10:58:34 1 and nothing but the truth, was examined and testified

2 10:58:34 2 as follows:

3 10:58:54 3 THE DEPONENT: Yes.

4 10:58:54 4 EXAMINATION

5 10:58:54 5 BY MR. SHAPIRO:

6 10:58:54 6 Q. Good morning, Mr. Brown. Mr. Brown, could

7 10:58:58 7 you please state your full name for the record.

8 10:59:02 8 A. Carnell Brown.

9 10:59:04 9 Q. And, Mr. Brown, I -- I want to ask you

10 10:59:06 10 first a few questions about your -- your background.

11 10:59:10 11 A. All right.

12 10:59:10 12 Q. Mr. Brown, how old are you?

13 10:59:12 13 A. I'm sixty -- sixty-seven.

14 10:59:12 14 Q. Sixty --

15 10:59:18 15 A. Sixty-seven.

16 10:59:18 16 Q. Sixty-seven?

17 10:59:18 17 A. Um-hmm.

18 10:59:20 18 Q. Okay. And, um, where do you live?

19 10:59:22 19 A. Uh, [REDACTED]

20 10:59:30 20 [REDACTED]

21 10:59:30 21 Q. And is that, uh, Tarboro in Edgecombe

22 10:59:36 22 County, Northeast North Carolina?

23 10:59:38 23 A. Yes, sir.

24 10:59:38 24 Q. And for how long have you lived in that

25 10:59:42 25 area?

1 10:59:42 1 A. About 20, 30, some years like that.

2 10:59:42 2 THE COURT REPORTER: I'm sorry?

3 10:59:42 3 THE DEPONENT: About 20- or 30-something

4 10:59:42 4 years.

5 10:59:42 5 BY MR. SHAPIRO:

6 10:59:52 6 Q. Have you --

7 10:59:52 7 MR. FARR: Mr. -- Mr. Brown.

8 10:59:52 8 THE DEPONENT: Um-hmm.

9 10:59:54 9 MR. FARR: Um, because we have a court

10 10:59:56 10 reporter here --

11 10:59:56 11 THE DEPONENT: Um-hmm.

12 10:59:56 12 MR. FARR: -- if we were just having a

13 10:59:58 13 normal conversation, your -- uh, the tone of your

14 11:00:00 14 voice would be fine. But because the court

15 11:00:02 15 reporter is here, could you speak up a little

16 11:00:06 16 bit?

17 11:00:06 17 THE DEPONENT: Yeah.

18 11:00:06 18 MR. FARR: Because she has to take down

19 11:00:06 19 your testimony.

20 11:00:08 20 THE DEPONENT: Um-hmm.

21 11:00:08 21 MR. FARR: Thank you very much.

22 11:00:08 22 BY MR. SHAPIRO:

23 11:00:10 23 Q. So how -- how long have you lived in the

24 11:00:12 24 Tarboro area?

25 11:00:12 25 A. It's been -- well, I was here in one place

1 11:00:16 1 over there. I lived there for, uh, 19 years. Then I

2 11:00:18 2 moved to Rocky Mount. Then I moved back out there.

3 11:00:22 3 Q. Rocky Mount --

4 11:00:22 4 A. Right up there now.

5 11:00:22 5 Q. -- also in Edgecombe?

6 11:00:24 6 A. Yes, sir.

7 11:00:24 7 Q. Okay. So have you lived either in

8 11:00:26 8 Edgecombe or -- or -- have you lived in Edgecombe

9 11:00:30 9 County all your life?

10 11:00:30 10 A. Yes, sir.

11 11:00:32 11 Q. Okay. And did -- did you go to school in

12 11:00:34 12 Edgecombe County?

13 11:00:36 13 A. Yes, sir.

14 11:00:36 14 Q. Okay. And what was the race of, uh,

15 11:00:42 15 students who went to school with you?

16 11:00:46 16 A. All black.

17 11:00:46 17 Q. All black?

18 11:00:48 18 A. Um-hmm.

19 11:00:48 19 Q. And was it -- ess -- essentially, the white

20 11:00:54 20 students went to another school?

21 11:00:56 21 A. Yes, sir.

22 11:00:58 22 Q. The white students in your community went

23 11:01:00 23 to another school because your school was segregated;

24 11:01:02 24 is that right?

25 11:01:02 25 A. Yes, sir.

1 11:01:02 1 Q. Okay. And, uh, I understand that you left

2 11:01:08 2 school in sixth grade because your father needed you

3 11:01:10 3 to help him with his work; is that right?

4 11:01:12 4 A. Yes, sir.

5 11:01:14 5 Q. And, Mr. Brown, what work was that?

6 11:01:16 6 A. Working on the farm. Sharecropping.

7 11:01:20 7 Q. And when you say sharecropping, what type

8 11:01:24 8 of sharecropping work did you have to do?

9 11:01:28 9 A. Well, tobacco, corn, cotton, peanuts.

10 11:01:30 10 Q. So you were picking cotton and picking

11 11:01:34 11 tobacco?

12 11:01:34 12 A. Yes, sir.

13 11:01:36 13 Q. Okay. And -- and you mentioned your father

14 11:01:40 14 didn't own that land; he was a sharecropper?

15 11:01:44 15 A. No, sir, he didn't own it.

16 11:01:44 16 Q. Okay. Did your father know how to read?

17 11:01:46 17 A. No, sir.

18 11:01:48 18 Q. And, Mr. Brown, do you know how to read?

19 11:01:50 19 A. No, sir.

20 11:01:52 20 Q. Mr. Brown, I understand in addition to

21 11:01:56 21 working with your father on the land and helping him,

22 11:02:00 22 that throughout your life you've had many physical

23 11:02:04 23 jobs and for many years. So you were also working in

24 11:02:08 24 transporta -- transporting livestock -- cows and

25 11:02:14 25 pigs; is that right?



1 11:02:14 1 A. Yes, sir.

2 11:02:14 2 Q. For how long were you doing that?

3 11:02:16 3 A. Umm, about 30 -- about 39, 40 years. Just

4 11:02:20 4 about 40 years anyway.

5 11:02:20 5 Q. And -- and during those 38, 39, 40 years,

6 11:02:28 6 how much were you being paid?

7 11:02:30 7 A. Um, I was paid minimum wage, but, you know,

8 11:02:34 8 every year, you get a little small raise when you're

9 11:02:36 9 at minimum wage you work for the year.

10 11:02:38 10 Q. So how much did you start off with when you

11 11:02:38 11 started working?

12 11:02:40 12 A. Uh, \$3 an hour.

13 11:02:42 13 Q. Okay. \$3 an hour. And when you left, how

14 11:02:44 14 much were you being paid?

15 11:02:44 15 A. Six fifty.

16 11:02:46 16 Q. Okay. And now I understand you no longer

17 11:02:48 17 work because you suffer from a number of serious

18 11:02:52 18 medical conditions including emphysema; is that

19 11:02:54 19 correct?

20 11:02:54 20 A. Yes, sir.

21 11:02:56 21 Q. You've been married and are now separated

22 11:02:58 22 from your wife; is that correct?

23 11:03:00 23 A. Yes, sir.

24 11:03:00 24 Q. Do you have any children?

25 11:03:02 25 A. I have four children.

1 11:03:02 1 Q. Four children?

2 11:03:04 2 A. Yes, sir.

3 11:03:04 3 Q. All grown?

4 11:03:06 4 A. No. I have one girl and three boys.

5 11:03:08 5 Q. One girl, three boys. Are there all -- are

6 11:03:12 6 they all grown up now?

7 11:03:12 7 A. Yes, sir.

8 11:03:14 8 Q. Okay. Now, Mr. Brown, what are your

9 11:03:18 9 current sources of income?

10 11:03:20 10 A. What I brought my, uh, social security.

11 11:03:24 11 That's all.

12 11:03:24 12 Q. Anything besides social security?

13 11:03:26 13 A. No, sir.

14 11:03:28 14 Q. And after you pay for the basics,

15 11:03:32 15 Mr. Brown, like food and your electric bill, how much

16 11:03:36 16 is left at the end of the month?

17 11:03:38 17 A. Nothing. I don't have nothing left at the

18 11:03:40 18 end of the month really. I mean, after I pay my bill

19 11:03:46 19 and buy the groceries, there's nothing. And I have

20 11:03:50 20 -- I have about three cent in my pocket now. That's

21 11:03:52 21 all I have from that to, you know, next Friday I get

22 11:03:56 22 paid again. I get my check again.

23 11:03:58 23 Q. So right now, you have three cents in your

24 11:04:00 24 pocket?

25 11:04:00 25 A. Yes, sir.

1 11:04:02 1 Q. Mr. Brown, do you own a car?

2 11:04:04 2 A. No, sir.

3 11:04:06 3 Q. Do you have a landline in your home?

4 11:04:10 4 A. No, sir.

5 11:04:10 5 Q. Have you ever used the Internet?

6 11:04:14 6 A. Nah. No, sir.

7 11:04:16 7 Q. Now, Mr. Brown, I'd like to talk to you a

8 11:04:30 8 little bit about the issue of voting, if I may.

9 11:04:30 9 A. Um-hmm.

10 11:04:34 10 Q. Mr. Brown, do you vote?

11 11:04:36 11 A. Yes, I vote. Um-hmm.

12 11:04:38 12 Q. And do you recall ever voting in one of the

13 11:04:42 13 presidential elections?

14 11:04:44 14 A. Yes, sir.

15 11:04:44 15 Q. Do you remember what candidates you -- what

16 11:04:46 16 -- what candidates were running?

17 11:04:48 17 A. Clinton.

18 11:04:48 18 Q. Okay.

19 11:04:50 19 A. And Obama.

20 11:04:52 20 Q. Okay. Do you ever remember voting in a

21 11:04:54 21 local election?

22 11:04:56 22 A. Yeah, for the sheriff -- sheriff office and

23 11:05:00 23 that.

24 11:05:00 24 Q. And when you go to vote, how do you do it;

25 11:05:08 25 do you go vote in person at the polling site or do

1 11:05:10 1 you vote by mail? What do you do?

2 11:05:12 2 A. I go up there in person. I go to the

3 11:05:16 3 voting place in person.

4 11:05:18 4 Q. Okay. Have you ever voted by mail?

5 11:05:20 5 A. No, sir.

6 11:05:20 6 Q. Do you know the rules and requirements for

7 11:05:22 7 voting by mail?

8 11:05:24 8 A. No, sir.

9 11:05:24 9 Q. And when you vote in person at the polling

10 11:05:30 10 site, do you usually go early voting or do you go on

11 11:05:34 11 Election Day?

12 11:05:34 12 A. I try to go early voting.

13 11:05:36 13 Q. Okay. Why is that?

14 11:05:38 14 A. I don't like being in that crowd. And, you

15 11:05:42 15 know, someone have to go with me. Just feels like a

16 11:05:46 16 lot to show more -- they ask me the questions and I

17 11:05:46 17 tell them what I want and write it down there.

18 11:05:48 18 Q. Okay. So it's easier for you to do it

19 11:05:54 19 during early voting because you can get more help?

20 11:05:56 20 A. Yes, sir.

21 11:05:58 21 Q. Now, do you consider voting important, an

22 11:06:08 22 important right?

23 11:06:08 23 A. Yes, sir.

24 11:06:08 24 Q. Why is that, Mr. Brown?

25 11:06:12 25 A. Well, I figure because you want to be

1 11:06:16 1 heard, you know, to get your voice out there for the  
2 11:06:20 2 people. I mean, like everybody should vote that will  
3 11:06:22 3 have a privilege to. It's kind of hard at times for  
4 11:06:28 4 you to get to, you know, places that do the voting  
5 11:06:30 5 and stuff.

6 11:06:32 6 Q. And do you recall a time in this state when  
7 11:06:36 7 African-Americans were not able to vote?

8 11:06:38 8 A. Yes, sir. I -- well, I don't know exactly  
9 11:06:42 9 how --- I heard about that, them talking about it. I  
10 11:06:46 10 didn't -- I ain't been voting that long neither  
11 11:06:50 11 myself.

12 11:06:50 12 Q. Um-hmm. And what do you -- how do you feel  
13 11:06:52 13 about that, the fact that African-Americans couldn't  
14 11:06:56 14 vote or had difficulty voting and -- and how do you  
15 11:07:00 15 feel about your right to vote now?

16 11:07:02 16 A. I feel pretty good about the right to vote  
17 11:07:06 17 now.

18 11:07:06 18 Q. Mr. Brown, I want to speak to you about the  
19 11:07:12 19 2014 election, this last election, if I may.

20 11:07:16 20 A. Um-hmm.

21 11:07:16 21 Q. Now, in 2014, did you attempt -- did you  
22 11:07:22 22 try to vote?

23 11:07:22 23 A. Uh, yes, sir.

24 11:07:24 24 Q. And what did you do when you tried to vote?

25 11:07:28 25 A. Well, I went up there and the lady said

1 11:07:32 1 that, uh --

2 11:07:32 2 Q. Where did you --

3 11:07:32 3 A. -- I was living --

4 11:07:34 4 Q. Strike that. Let me interrupt. Where did  
5 11:07:34 5 you go?

6 11:07:36 6 A. Uh, in Nash County in Rocky Mount on the  
7 11:07:40 7 Nash side.

8 11:07:42 8 Q. Okay. How did you get there?

9 11:07:42 9 A. Uh, my brother took me.

10 11:07:44 10 Q. Did you have to arrange with him to take  
11 11:07:46 11 you there?

12 11:07:48 12 A. Yeah.

13 11:07:48 13 Q. Were you asking him to do you a favor?

14 11:07:50 14 A. Yeah.

15 11:07:52 15 Q. Okay. And did he -- did he drive you  
16 11:07:54 16 there?

17 11:07:54 17 A. Yes, sir.

18 11:07:54 18 Q. And did he wait for you while you were  
19 11:07:56 19 there?

20 11:07:56 20 A. Yes, sir.

21 11:07:58 21 Q. So how far away is that from your home?

22 11:08:02 22 A. About nine miles.

23 11:08:04 23 Q. Okay. And what happened when you got  
24 11:08:10 24 there?

25 11:08:10 25 A. Well, they said I was in the, uh, wrong --

1 11:08:14 1 I was in the wrong county because I live in Edgecombe  
2 11:08:16 2 County, but I went on Nash side to vote. I can't --  
3 11:08:22 3 I can't live in one county and vote in another one --  
4 11:08:26 4 vote in the other county.

5 11:08:28 5 Q. And what else did they tell you about  
6 11:08:30 6 whether you'd be able to vote in the election?

7 11:08:32 7 A. Well, she said I can't sign -- register to  
8 11:08:36 8 vote the same day and vote the same day. Like you  
9 11:08:40 9 had to register first before you go up there to vote.  
10 11:08:44 10 You can't register the same day and then vote.

11 11:08:46 11 Q. Okay. And did you go to this polling site  
12 11:08:50 12 during the early voting period or during the --

13 11:08:52 13 A. Yes, sir.

14 11:08:52 14 Q. -- Election Day?

15 11:08:54 15 A. That was the early voting period.

16 11:08:56 16 Q. Okay. So if I understand it, you went to  
17 11:09:00 17 vote early at the polling site in Nash County, and  
18 11:09:04 18 the poll worker told you that you had missed your  
19 11:09:06 19 chance to vote because you were registered in the  
20 11:09:08 20 wrong county?

21 11:09:10 21 A. Yes, sir.

22 11:09:26 22 Q. Did you hear that the rule -- strike that.

23 11:09:38 23 Did you hear that the rule that the poll

24 11:09:40 24 worker told you about that you -- strike that.

25 11:09:44 25 Were you previously under the impression

1 11:09:46 1 that you could register and vote on the same day?

2 11:09:52 2 MR. FARR: Objection. Leading.

3 11:09:56 3 MR. SHAPIRO: Fair enough.

4 11:09:56 4 BY MR. SHAPIRO:

5 11:09:58 5 Q. Let me rephrase that.

6 11:10:00 6 What -- what was your perception at the  
7 11:10:02 7 time about whether you could register and vote on the  
8 11:10:08 8 same day?

9 11:10:10 9 A. Well, I didn't -- I -- well, what it -- I  
10 11:10:14 10 went up there to Station Square Mall, which I always  
11 11:10:18 11 thought was on the Edgecombe side, but it on the Nash  
12 11:10:22 12 side.

13 11:10:22 13 Q. Okay.

14 11:10:22 14 A. And I don't know how it was. There's a  
15 11:10:26 15 part of the building probably sitting on Edgecombe  
16 11:10:26 16 and the other part on Nash side. But that's where we  
17 11:10:30 17 went to register at, but when we went back to vote,  
18 11:10:34 18 the lady said I was living in Edgecombe, but I  
19 11:10:36 19 couldn't vote because I was on the Nash side.

20 11:10:36 20 Q. Okay.

21 11:10:40 21 A. Because they're in Nash County.

22 11:10:42 22 Q. What had you heard about -- Mr. -- Mr.  
23 11:10:44 23 Brown, what have -- what had you heard about whether  
24 11:10:48 24 you could register and vote in the past? Had you  
25 11:10:52 25 ever heard of anyone doing that in the past?



1 11:10:56 1 A. Yes, sir. I mean, I always would register,  
2 11:11:00 2 and then when the early voting election come around,  
3 11:11:04 3 I would go up there and the crowd -- in the early  
4 11:11:06 4 voting. I just -- oh, you know, when you get a ride,  
5 11:11:08 5 it hard to get away, but I don't drive, you know, to  
6 11:11:12 6 get up there to the polls and stuff. But if you  
7 11:11:14 7 catch somebody while they're going up there, easier.

8 11:11:18 8 Q. And to what extent were you surprised to  
9 11:11:20 9 learn that you couldn't register and vote that day?  
10 11:11:24 10 Were you surprised?

11 11:11:26 11 A. Yes, because I thought, you know, I could,  
12 11:11:30 12 uh, still vote the same way like I been doing.

13 11:11:34 13 Q. All right. Mr. Brown, I want to speak to  
14 11:11:38 14 you now about the 2016 election. If you vote in  
15 11:11:48 15 2016, where are you planning on going to vote?

16 11:11:54 16 A. Over in Edgecombe. Uh, they told me --  
17 11:11:58 17 they sent me a letter saying I had to go to the fire  
18 11:12:02 18 station over on Bullock School Road in Edgecombe  
19 11:12:04 19 County. That's about three mile away from the house.

20 11:12:10 20 Q. And how will you get there?

21 11:12:12 21 A. I have to get my brother to take me if he  
22 11:12:16 22 have time.

23 11:12:16 23 Q. And, Mr. Brown, if you get there and you're  
24 11:12:22 24 told that you have to go to Rocky Mountain (sic) in  
25 11:12:26 25 order to -- for you to -- for your vote to count, how

1 11:12:30 1 easy would that be for you to do?

2 11:12:34 2 A. It all depend on what else -- you know, if

3 11:12:38 3 I get someone to take me, what else they had to do,

4 11:12:40 4 whether they could take me there or not from there.

5 11:12:42 5 It would depend on if I could get a ride up to there.

6 11:12:46 6 Q. And how far is Rocky Mountain from your

7 11:12:52 7 home?

8 11:12:52 8 A. Nine mile.

9 11:12:56 9 Q. And how far is Rocky Mountain from the

10 11:12:58 10 polling site that you're going to go to, the fire

11 11:13:02 11 station?

12 11:13:02 12 A. It would be about -- about 11 mile.

13 11:13:06 13 Q. Okay. So you're going to need a lift for

14 11:13:08 14 that?

15 11:13:10 15 A. Yes, sir.

16 11:13:12 16 Q. Okay. Now, Mr. Brown, I'd like to talk to

17 11:13:16 17 you about the issue of your ID. Do you have a

18 11:13:28 18 driver's license, Mr. Brown?

19 11:13:30 19 A. No, sir.

20 11:13:30 20 Q. And why is that?

21 11:13:32 21 A. A DWI took -- took my license.

22 11:13:38 22 Q. You had a D -- DWI, and your license --

23 11:13:40 23 A. Was suspended, yes, sir.

24 11:13:42 24 Q. Suspended. And how long ago was that?

25 11:13:44 25 A. Mmm, been about 15 years or more. It might

1 11:13:50 1 be 20.

2 11:13:52 2 Q. Mr. Brown, what happened to your driver's

3 11:13:56 3 license since it was suspended 15 years ago? Why

4 11:14:00 4 haven't you been able to -- to get it back?

5 11:14:02 5 A. Well, I got caught a couple times driving

6 11:14:08 6 without it, and then, you know, they just suspend

7 11:14:10 7 them another year longer.

8 11:14:14 8 Q. So you've been caught driving with a

9 11:14:18 9 suspended license?

10 11:14:20 10 A. Yes, sir.

11 11:14:20 11 Q. And were you doing that while you were

12 11:14:24 12 still working?

13 11:14:24 13 A. Yes, sir.

14 11:14:26 14 Q. Transporting pigs and cows?

15 11:14:28 15 A. Well, I wasn't driving then. I was just

16 11:14:32 16 working in the barn. But I still had to go, you

17 11:14:34 17 know, to try to get a ride to work. And I had to

18 11:14:38 18 drive and get to work some way because I couldn't

19 11:14:40 19 walk that far.

20 11:14:44 20 Q. Did you feel you had to do that in order

21 11:14:46 21 to -- to make a living?

22 11:14:48 22 A. Yes, sir.

23 11:14:48 23 Q. Okay. Mr. Brown, have you had to pay fines

24 11:15:00 24 for the suspended license over the years?

25 11:15:02 25 A. Yes, sir.

1 11:15:02 1 Q. And what other costs have you had related

2 11:15:06 2 to your driver's license?

3 11:15:08 3 A. Well, I had to hire a lawyer. I had to go

4 11:15:12 4 to the, uh -- this assessment -- assessment class.

5 11:15:16 5 Well, that was back when I would bring -- I had to go

6 11:15:20 6 to this assessment class for, uh, alcohol.

7 11:15:28 7 Q. Um-hmm.

8 11:15:28 8 A. And, uh --

9 11:15:28 9 Q. How long is this -- how long has it been

10 11:15:30 10 since you've been drinking any alcohol?

11 11:15:32 11 A. Nine year.

12 11:15:34 12 Q. Okay. So you don't drink at all now?

13 11:15:36 13 A. No, sir.

14 11:15:36 14 Q. And, uh, so you've -- you've gotten a

15 11:15:40 15 lawyer for what -- for what purpose?

16 11:15:42 16 A. To try to get my license back.

17 11:15:44 17 Q. Have you got the license back yet in these

18 11:15:46 18 15 years?

19 11:15:48 19 A. No, sir. They say I wouldn't be able for

20 11:15:50 20 -- they say one time I wouldn't be able for 2016 --

21 11:15:56 21 2016. But, then again, they should -- they sent me a

22 11:15:58 22 letter saying they were permanently revoked. But I

23 11:16:02 23 don't know. My lawyer said he think -- he said he'll

24 11:16:04 24 have to check into it.

25 11:16:06 25 Q. Okay. So, Mr. Brown, after your license

1 11:16:10 1 was suspended about 15 years ago, was there a period

2 11:16:16 2 of time where you had no I -- form of photo

3 11:16:18 3 identification?

4 11:16:20 4 A. Yes, sir.

5 11:16:20 5 Q. And how long was that period?

6 11:16:22 6 A. About four or five years. I had to have --

7 11:16:26 7 Q. Four or five years?

8 11:16:28 8 A. Yes, sir.

9 11:16:28 9 Q. Without any type of photo ID?

10 11:16:32 10 A. Yes, sir.

11 11:16:38 11 Q. Okay. So at some point, you did get a

12 11:16:44 12 photo ID?

13 11:16:46 13 A. Yes, sir.

14 11:16:46 14 Q. What type of photo ID did you get after

15 11:16:48 15 four or five years of not having one?

16 11:16:52 16 A. It was -- that's the one with your picture

17 11:16:54 17 and where you live at and what state you -- what

18 11:16:56 18 county you live in and all that.

19 11:17:00 19 Q. Was that a state ID that you got from the

20 11:17:02 20 DMV?

21 11:17:02 21 A. Yes, sir.

22 11:17:04 22 Q. Was there a non-operator ID for someone who

23 11:17:08 23 doesn't drive?

24 11:17:10 24 A. Yes, sir.

25 11:17:10 25 Q. Okay. And how did you get that photo ID

1 11:17:12 1 card?

2 11:17:12 2 A. Uh, my daughter helped me. She filled out

3 11:17:16 3 the papers and stuff that I need and she had to go to

4 11:17:18 4 get my record and everything from my school. And get

5 11:17:24 5 my birth certificate and my social security number

6 11:17:28 6 because I had lost all of that.

7 11:17:30 7 Q. Okay. Mr. Brown, would you have been able

8 11:17:34 8 to do that by yourself?

9 11:17:36 9 A. No, sir.

10 11:17:36 10 Q. How long did it take your daughter to get

11 11:17:40 11 your birth certificate, your school transcripts and

12 11:17:46 12 your social security card; how long did that take

13 11:17:50 13 her?

14 11:17:50 14 A. Um-hmm. Right at three or four months.

15 11:17:52 15 Q. And, Mr. Brown, did she have to pay for the

16 11:17:58 16 birth certificate?

17 11:18:00 17 A. Yes, sir.

18 11:18:00 18 Q. And did you give her money for that?

19 11:18:04 19 A. Yes, sir.

20 11:18:04 20 Q. Okay. And did she have to pay for the ID?

21 11:18:08 21 A. Yes, sir.

22 11:18:10 22 Q. And did you give her money for that?

23 11:18:14 23 A. Yes, sir.

24 11:18:14 24 Q. How easy was it for you to find the -- the

25 11:18:22 25 financial resources to pay for those things?

1 11:18:26 1 A. I had to take it out of my check to pay for

2 11:18:30 2 it. And some things I had to let go to get -- taking

3 11:18:34 3 care of what I needed to do. Like a bill -- you

4 11:18:40 4 know, I might miss a bill here and pay for it.

5 11:18:44 5 Q. You might miss a bill --

6 11:18:44 6 A. Um-hmm.

7 11:18:44 7 Q. -- for something else so you could pay for

8 11:18:48 8 this?

9 11:18:48 9 A. Yeah.

10 11:18:50 10 Q. Okay. So that was roughly 10 or 11 years

11 11:18:58 11 ago when you got that -- that photo ID?

12 11:19:02 12 A. Yes, sir.

13 11:19:02 13 Q. Okay. And since then, have you gotten

14 11:19:06 14 another one, another photo ID? Did you renew it?

15 11:19:10 15 A. It's coming up time for renewal now.

16 11:19:12 16 Q. It's coming time for renewal now?

17 11:19:14 17 A. Um-hmm.

18 11:19:16 18 Q. Okay. Do you have a sense of how long it

19 11:19:18 19 will be before you have to renew your -- your photo

20 11:19:22 20 ID? Do you know when that will be?

21 11:19:24 21 A. I think next year.

22 11:19:24 22 Q. Next year?

23 11:19:24 23 A. Um-hmm.

24 11:19:32 24 Q. Now, when you have to renew the ID, do you

25 11:19:36 25 know if you're going to have to pay money for it?

1 11:19:40 1 A. Yes, sir.

2 11:20:04 2 Q. Okay. I'm going to show you what's

3 11:20:10 3 previously been marked as Government Exhibit CB-2.

4 11:20:16 4 MR. FARR: CB-2. Why is it CB-2?

5 11:20:18 5 MR. SHAPIRO: I thought the initials and

6 11:20:20 6 the -- and the number. Do you want it another --

7 11:20:24 7 different way?

8 11:20:24 8 MR. FARR: Was -- was there a No. 1?

9 11:20:26 9 MR. SHAPIRO: There was, but I forgot to

10 11:20:28 10 put it in, uh --

11 11:20:30 11 MR. FARR: So we're saying Carnell Brown

12 11:20:30 12 1 --

13 11:20:32 13 MR. SHAPIRO: I may go back to Carnell

14 11:20:34 14 Brown 1 later on if you don't mind --

15 11:20:34 15 MR. FARR: Oh, sure.

16 11:20:34 16 MR. SHAPIRO: -- or I could --

17 11:20:34 17 MR. FARR: Okay. That's no problem.

18 11:20:36 18 MR. SHAPIRO: Just I have a picture of the

19 11:20:38 19 house --

20 11:20:38 20 MR. FARR: Okay.

21 11:20:38 21 MR. SHAPIRO: -- his home, which I forgot

22 11:20:40 22 to enter into the record.

23 11:20:42 23 MR. FARR: Okay. Thanks.

24 11:21:04 24 BY MR. SHAPIRO:

25 11:21:04 25 Q. Mr. Brown, do you recognize that?



1 11:21:08 1 A. Yes, sir.

2 11:21:08 2 Q. And this is -- what is that, uh, photograph

3 11:21:22 3 I've just shown you; what does it show?

4 11:21:24 4 A. That's my picture on my -- uh, me on my ID,

5 11:21:28 5 picture ID.

6 11:21:32 6 Q. Okay. And, Mr. Brown, is that a fair and

7 11:21:40 7 accurate representation of your -- of what your ID

8 11:21:44 8 looks like?

9 11:21:44 9 A. Yes, sir.

10 11:21:44 10 Q. The front of your ID?

11 11:21:46 11 A. Yes, sir.

12 11:21:48 12 Q. Okay. And I'm showing you what's

13 11:21:50 13 previously been marked as CB-3. Do you recognize

14 11:21:58 14 that photograph?

15 11:22:00 15 A. That's the back of it, I think.

16 11:22:06 16 Q. Okay. That's the back of your current

17 11:22:08 17 photo ID?

18 11:22:08 18 A. Yes, sir.

19 11:22:08 19 Q. Okay. And, again, is that a fair and

20 11:22:12 20 accurate representation of what the back of your ID

21 11:22:14 21 looks like?

22 11:22:16 22 A. Yes, sir.

23 11:22:16 23 Q. Okay. Now, one thing I -- I -- I noticed

24 11:22:22 24 that this -- this ID was, uh -- that you first got

25 11:22:24 25 this ID in 2010. Is this the second photo ID that

1 11:22:32 1 you -- that you got after -- you said your -- your --

2 11:22:36 2 your daughter got a birth certificate and a -- and a

3 11:22:38 3 social security card and then your school transcripts

4 11:22:42 4 and got an ID and paid money for it. She did that, I

5 11:22:46 5 think you said, roughly 10 or 11 years ago?

6 11:22:50 6 A. Um-hmm.

7 11:22:50 7 Q. Did she then -- did you then get another

8 11:22:52 8 ID? Was this the -- the second ID you got?

9 11:22:54 9 A. This is the second one.

10 11:22:56 10 Q. This is the second one. Okay. So you --

11 11:22:58 11 you renewed it?

12 11:22:58 12 A. Yes, sir.

13 11:22:58 13 Q. Okay. And did you have to pay another \$15?

14 11:23:02 14 A. Yeah. Yes, sir.

15 11:23:02 15 Q. Okay.

16 11:23:04 16 A. Whatever the price of them. I think it was

17 11:23:06 17 \$15.

18 11:23:08 18 Q. You think it was \$15. Okay.

19 11:23:08 19 A. Yeah, I think.

20 11:23:12 20 Q. And, again, your sense is that -- that this

21 11:23:16 21 ID, you're going to have to -- sometime next year,

22 11:23:20 22 you're going to have to again get another ID; is that

23 11:23:20 23 your understanding?

24 11:23:22 24 A. Yes, sir.

25 11:23:48 25 Q. Okay. If you want to get a new -- strike

1 11:23:56 1 that.

2 11:23:58 2 When you need to get a new card, what will

3 11:24:00 3 you have to do?

4 11:24:02 4 A. Well, now I have to take this here and my

5 11:24:06 5 birth certificate and my, uh, social security card

6 11:24:08 6 and my birth certificate and this old ID down for

7 11:24:12 7 the --

8 11:24:12 8 Q. Where are you going to take it?

9 11:24:12 9 A. DMV.

10 11:24:14 10 Q. How will you get there?

11 11:24:16 11 A. I'll get my brother to take me.

12 11:24:16 12 Q. Okay.

13 11:24:18 13 A. I have to get someone to take me down here.

14 11:24:20 14 So, essentially, my brother.

15 11:24:22 15 Q. And will your brother have to stay with you

16 11:24:24 16 while you're getting that ID?

17 11:24:24 17 A. Yes. He'll probably -- he'll wait for me.

18 11:24:30 18 Q. Okay. Have you heard of the new photo ID

19 11:24:34 19 requirement for voting?

20 11:24:34 20 A. Uh, yes, I heard it. You got to have a

21 11:24:38 21 picture ID up to date or, you know, it got to be

22 11:24:44 22 up-to-date, uh, ID. I think the ID, they have a

23 11:24:48 23 certain amount of -- amount of time before you have

24 11:24:50 24 to get a new one anyway.

25 11:24:52 25 Q. Okay. And -- and -- if you don't have an

1 11:24:56 1 ID, picture ID, what have you heard about whether

2 11:25:00 2 you'll be able to vote or not?

3 11:25:02 3 A. No. You won't be able to vote without no

4 11:25:04 4 picture ID.

5 11:25:06 5 Q. Okay. And is it your expectation that

6 11:25:12 6 you're going to have to pay money before you can get

7 11:25:14 7 an -- an ID in the future again?

8 11:25:16 8 A. Yes, sir.

9 11:25:16 9 Q. So you've heard about the new photo ID

10 11:25:22 10 requirement, and you also talked about how there's a

11 11:25:26 11 requirement now for -- that you can't register and

12 11:25:30 12 vote on the same day?

13 11:25:32 13 A. Yes, sir.

14 11:25:32 14 Q. Okay. How do you feel about these types of

15 11:25:38 15 rules concerning voting?

16 11:25:40 16 A. It makes -- probably make it kind of hard

17 11:25:44 17 when you have to make two -- two or three trips in

18 11:25:46 18 going there to try to vote and stuff like that if you

19 11:25:52 19 ain't got your own transportation. It's kind of hard

20 11:25:56 20 sometimes to get transportation to go places.

21 11:26:02 21 Q. Do you feel these rules -- how does the --

22 11:26:08 22 how do these rules make you feel about voting?

23 11:26:10 23 A. I don't know. Sometime I feel like it

24 11:26:14 24 ain't worth it. You know, you try to get all of that

25 11:26:18 25 and go up there. But I know I should try to do it.

1 11:26:22 1 I try to vote anyway. That's the way I feel.

2 11:26:30 2 MR. SHAPIRO: Okay. Thank you, Mr. Brown.

3 11:26:32 3 No further questions.

4 11:26:32 4 EXAMINATION

5 11:26:34 5 BY MR. FARR:

6 11:26:34 6 Q. Mr. Brown, I've got a few questions for

7 11:26:38 7 you. And, uh, I may have to ask you some stuff that

8 11:26:46 8 I -- that normally wouldn't be any of my business,

9 11:26:50 9 but I need to ask you because of the lawsuit.

10 11:26:50 10 A. Um-hmm.

11 11:26:52 11 Q. So I apologize in advance.

12 11:26:54 12 A. Um-hmm.

13 11:26:54 13 Q. And, Mr. Brown, if I ask a question that

14 11:26:56 14 you don't understand, would you let me know?

15 11:26:58 15 A. All right.

16 11:26:58 16 Q. Okay. Now, the first thing I wanted to ask

17 11:27:00 17 you is did I hear you say that you've always lived in

18 11:27:04 18 Edgecombe County?

19 11:27:06 19 A. Yes, sir.

20 11:27:06 20 Q. You've never lived in Nash County, have

21 11:27:08 21 you?

22 11:27:08 22 A. Yeah, I did live in -- over there.

23 11:27:10 23 Q. When did you live in Nash County?

24 11:27:14 24 A. It was -- what year was that? I don't

25 11:27:20 25 remember the year. I didn't live over there long.

1 11:27:24 1 Um-hmm.

2 11:27:24 2 Q. Was it before 2008?

3 11:27:26 3 A. It's somewhere along in there.

4 11:27:26 4 Q. Okay.

5 11:27:30 5 A. Might be.

6 11:27:30 6 Q. And 2008 -- or -- now, I heard you say you

7 11:27:34 7 voted for -- for President Clinton?

8 11:27:36 8 A. Um-hmm.

9 11:27:36 9 Q. Where were you living when you voted for

10 11:27:38 10 President Clinton?

11 11:27:40 11 A. I think it was over in, uh, Edgecombe.

12 11:27:46 12 Q. Okay.

13 11:27:46 13 A. Um-hmm.

14 11:27:46 14 Q. And then, uh, did you vote for President

15 11:27:48 15 Obama in 2008?

16 11:27:52 16 A. I think so. I'm not for sure.

17 11:28:00 17 Q. Where were you living when you voted for

18 11:28:02 18 President Obama in 2008?

19 11:28:04 19 A. In Edgecombe.

20 11:28:06 20 Q. Okay. And then did you vote for President

21 11:28:10 21 Obama in 2012?

22 11:28:12 22 A. Um-hmm.

23 11:28:14 23 Q. You did? Yes?

24 11:28:14 24 A. Yes, sir.

25 11:28:16 25 Q. Yeah. And, again, Mr. Brown, you just have

1 11:28:18 1 to say yes or no because of the court reporter.

2 11:28:20 2 A. All right.

3 11:28:20 3 Q. If we were just sitting together out having

4 11:28:22 4 a sandwich or something, I'd -- I'd understand what

5 11:28:24 5 you're saying, but the court reporter's got to take

6 11:28:28 6 it down --

7 11:28:28 7 A. Yes.

8 11:28:28 8 Q. -- so you need to say yes or no.

9 11:28:28 9 So you voted for President Obama in 2012,

10 11:28:32 10 and you were living in Edgecombe County at that time?

11 11:28:36 11 A. Yes, sir.

12 11:28:36 12 Q. Okay. And in 2014, you were living in

13 11:28:40 13 Edgecombe County?

14 11:28:40 14 A. Yes, sir.

15 11:28:40 15 Q. But you attempted to vote in Nash County?

16 11:28:44 16 A. Yes, sir.

17 11:28:44 17 Q. Okay. What -- what day did you go vote

18 11:28:52 18 in -- in 2014? Was this during early voting?

19 11:28:54 19 A. Yes, sir. I don't remember exactly what

20 11:28:58 20 date it was.

21 11:28:58 21 Q. And we talked about -- what's early voting

22 11:29:00 22 mean to you?

23 11:29:02 23 A. Well, it's -- it's so, I mean, you won't be

24 11:29:06 24 out there -- you could go early. You won't have to

25 11:29:10 25 be in all -- all the big crowd and stuff waiting for

1 11:29:12 1 to get in line. About -- it's sometimes like you  
2 11:29:14 2 could just go up there and just walk on in and mark  
3 11:29:18 3 your sheets and stuff and come on back out.

4 11:29:18 4 Q. Okay.

5 11:29:22 5 A. You don't have to worry.

6 11:29:22 6 Q. So early voting -- do you -- do you know  
7 11:29:24 7 what I mean by Election Day?

8 11:29:26 8 A. Yes, sir.

9 11:29:26 9 Q. So early voting takes place before Election  
10 11:29:30 10 Day?

11 11:29:30 11 A. Yes, sir.

12 11:29:32 12 Q. Okay. And when you went to vote in Nash  
13 11:29:34 13 County in 2014 during early voting, you didn't live  
14 11:29:38 14 in Nash County?

15 11:29:40 15 A. No, sir.

16 11:29:40 16 Q. You lived in Edgecombe County?

17 11:29:40 17 A. Yes, sir.

18 11:29:42 18 Q. And did you try and go back and vote in  
19 11:29:44 19 Edgecombe County in 2014?

20 11:29:46 20 A. No, sir.

21 11:29:46 21 Q. Okay. Why not?

22 11:29:48 22 A. Well, because I -- they say you can, uh --  
23 11:29:52 23 I had to be registered in -- I thought I was  
24 11:29:54 24 registered in Nash County, but they said, uh, I  
25 11:29:58 25 couldn't register and vote at the same day. That --



1 11:30:04 1 that they say, Well, you couldn't go up and register

2 11:30:06 2 that day and then vote the same day that you

3 11:30:10 3 register --

4 11:30:10 4 Q. Okay.

5 11:30:12 5 A. -- on account of the law. Something like

6 11:30:14 6 that, she said.

7 11:30:14 7 Q. Okay. Well, but you voted in 2008 in

8 11:30:16 8 Edgecombe County. We just went over that, right?

9 11:30:22 9 A. Um-hmm.

10 11:30:22 10 Q. Is that yes?

11 11:30:22 11 A. Yes, sir.

12 11:30:22 12 Q. And, uh, you lived in Edgecombe County in

13 11:30:26 13 2008?

14 11:30:26 14 A. Yes, sir.

15 11:30:26 15 Q. And you lived in Edgecombe County in 2012

16 11:30:30 16 when you voted for, uh, President Obama, right?

17 11:30:34 17 A. Yes, sir.

18 11:30:34 18 Q. And did you change your residence from

19 11:30:36 19 Edgecombe County to Nash County from 2012 to 2014?

20 11:30:42 20 A. Well, no. Here, we -- okay. The Station

21 11:30:46 21 Square Mall in Rocky Mount, okay -- that is Station

22 11:30:50 22 Square Mall. This here is the railroad. On this

23 11:30:54 23 side would be Edgecombe; this side would be Nash

24 11:30:58 24 County. But you go in the building there -- that's

25 11:31:02 25 where we went to register at -- and no one asked me

1 11:31:06 1 what county I live in when we went up there to be  
2 11:31:08 2 registered. So I just went up there and registered  
3 11:31:10 3 and left. But when I went back to vote, they said I  
4 11:31:14 4 was living in Edgecombe. I couldn't vote in Nash  
5 11:31:16 5 County living in Edgecombe County --

6 11:31:16 6 Q. All right.

7 11:31:20 7 A. -- on account of the town zoning or  
8 11:31:22 8 something --

9 11:31:22 9 Q. All right.

10 11:31:22 10 A. -- they were saying.

11 11:31:24 11 Q. But you lived in Edgecombe County in 2014?

12 11:31:26 12 A. Yes, sir.

13 11:31:26 13 Q. And you lived in Edgecombe County in 2012?

14 11:31:28 14 A. Yes, sir.

15 11:31:28 15 Q. And you lived in Edgecombe County in 2013?

16 11:31:32 16 A. Yes, sir.

17 11:31:34 17 Q. Okay. Now, let me ask you about your

18 11:31:50 18 identification card that Mr. Shapiro showed you.

19 11:31:50 19 A. Um-hmm.

20 11:31:54 20 Q. Can you read anything that's on that card?

21 11:31:56 21 A. No more than just my name.

22 11:31:58 22 Q. Okay. Have you talked with Mr. Shapiro

23 11:32:02 23 about this card?

24 11:32:02 24 A. I showed it to him and told him, you know,

25 11:32:06 25 I -- I had to find my ID card.

1 11:32:08 1 Q. Okay. Did he tell you that this card

2 11:32:10 2 expires on April 15th of 2015?

3 11:32:12 3 A. No, sir.

4 11:32:14 4 Q. He didn't tell you that?

5 11:32:16 5 A. Unh-unh.

6 11:32:16 6 Q. And, um, if I told you that that's what it

7 11:32:18 7 says, would you believe me?

8 11:32:20 8 A. Yeah.

9 11:32:20 9 Q. Okay. Now, if you knew it expired on April

10 11:32:26 10 15th, 2015 -- you've been able to get these cards two

11 11:32:30 11 times in the past -- don't you think you'd be able to

12 11:32:32 12 get another one today if you knew it was expired?

13 11:32:34 13 A. I wouldn't be able to get it today.

14 11:32:36 14 Q. No, but, I mean, in the next -- you could

15 11:32:38 15 get one in the next month or two?

16 11:32:40 16 A. Oh, yeah. If I -- if it was expired, yes,

17 11:32:42 17 I could get one.

18 11:32:42 18 Q. Yeah. So if you knew -- if someone had

19 11:32:44 19 told you this was expired, you would take steps to

20 11:32:48 20 get a -- a third card?

21 11:32:48 21 A. Yes, sir.

22 11:32:48 22 Q. Okay. And then -- then are you aware that

23 11:32:52 23 you can use this particular card if you've got a

24 11:32:56 24 valid one to vote in 2016?

25 11:32:58 25 A. No, sir.

1 11:32:58 1 Q. Well, if I told you that that's so, would  
2 11:33:02 2 you believe me?

3 11:33:02 3 A. Well, I might have to, yeah.

4 11:33:06 4 Q. Okay. And, also, in talking with  
5 11:33:10 5 Mr. Shapiro, did he tell you that -- that you can now  
6 11:33:12 6 get a free ID card without paying any money to the  
7 11:33:12 7 DMV?

8 11:33:20 8 MR. SHAPIRO: Objection. Sorry.  
9 11:33:20 9 Misinterpretation of your question. Sorry to  
10 11:33:20 10 interrupt.

11 11:33:20 11 MR. FARR: Okay.

12 11:33:20 12 A. No, sir.

13 11:33:22 13 MR. SHAPIRO: Note the objection on the  
14 11:33:24 14 record. Objection. Assumes facts not in  
15 11:33:26 15 evidence.

16 11:33:26 16 MR. FARR: Okay.

17 11:33:26 17 BY MR. FARR:

18 11:33:26 18 Q. But he didn't -- he didn't tell you that  
19 11:33:30 19 the DMV now gives free ID cards away to people that  
20 11:33:34 20 can't afford to pay the fee; is that right?

21 11:33:34 21 A. No.

22 11:33:38 22 MR. SHAPIRO: Objection. Assumes facts not  
23 11:33:38 23 in evidence. Lack of foundation.

24 11:33:40 24 MR. FARR: Okay. Great.

25 11:33:40 25 BY MR. SHAPIRO:

1 11:33:42 1 Q. Did you -- did you have any discussions  
2 11:33:44 2 with Mr. Shapiro about your options of getting an ID  
3 11:33:48 3 at the DMV?

4 11:33:50 4 A. He asked me -- said what would I -- what I  
5 11:33:54 5 had to do. I told him, Yeah, I would have to pay for  
6 11:33:56 6 it. And, you know, he never said nothing about I  
7 11:33:58 7 could get one free or nothing like that.

8 11:34:00 8 Q. But he didn't tell you that DMV would now  
9 11:34:02 9 give you an ID without a -- without you paying a fee,  
10 11:34:06 10 did he?

11 11:34:06 11 A. Unh-unh.

12 11:34:06 12 MR. SHAPIRO: Objection for the same  
13 11:34:08 13 reasons.

14 11:34:08 14 BY MR. FARR:

15 11:34:08 15 Q. Did he -- he didn't tell you that, did he?

16 11:34:10 16 A. No, sir.

17 11:34:10 17 Q. All right. Now, if you -- if you knew that  
18 11:34:16 18 you could get an ID without paying a fee, how would  
19 11:34:20 19 that make you feel?

20 11:34:20 20 A. Pretty good.

21 11:34:22 21 Q. Okay. And let me suggest to you,  
22 11:34:28 22 Mr. Brown, when you go get your new ID --

23 11:34:28 23 A. Um-hmm.

24 11:34:30 24 Q. -- ask DMV if you have to pay a fee.  
25 11:34:34 25 Because you don't have to pay one. Okay?

1 11:34:36 1 MR. SHAPIRO: Objection.

2 11:34:36 2 A. You don't have to pay?

3 11:34:38 3 Q. No, sir, you don't.

4 11:34:38 4 MR. SHAPIRO: Objection. Assumes facts not

5 11:34:40 5 in evidence, irrelevant, lack of foundation.

6 11:34:46 6 MR. FARR: It's irrelevant for a government

7 11:34:48 7 attorney not to tell this man that he doesn't

8 11:34:50 8 have to pay a fee to get an ID; is that right?

9 11:34:50 9 Is that your position?

10 11:34:54 10 MR. SHAPIRO: It's my position it's not

11 11:34:54 11 relevant -- to the extent that we're having a

12 11:34:58 12 discussion, it's irrelevant to our understanding

13 11:35:00 13 of what this gentleman knows and what the state

14 11:35:02 14 has informed him about his rights up to this

15 11:35:06 15 point. But the United States will, at a time

16 11:35:08 16 after this deposition, ensure this person is

17 11:35:12 17 informed and do -- what the State of North

18 11:35:14 18 Carolina should be doing is another matter all

19 11:35:14 19 together.

20 11:35:18 20 MR. FARR: Okay.

21 11:35:18 21 MR. SHAPIRO: But our job here is to find

22 11:35:18 22 out what this gentleman knows. Not to suddenly

23 11:35:22 23 educate him for purposes of this deposition.

24 11:35:24 24 MR. FARR: Okay. All right.

25 11:35:26 25 MR. SHAPIRO: And I would ask that you do

1 11:35:28 1 that.

2 11:35:28 2 MR. FARR: Well, I'll -- I'll ask the

3 11:35:30 3 questions.

4 11:35:30 4 MR. SHAPIRO: You're supposed to be asking

5 11:35:30 5 questions.

6 11:35:30 6 MR. FARR: I will ask questions. And you

7 11:35:32 7 can state your objections to whatever questions I

8 11:35:34 8 ask.

9 11:35:36 9 MR. SHAPIRO: I am. I'm engaging in

10 11:35:36 10 discussion because you -- we were having a

11 11:35:40 11 discussion, so I'm engaging in it with you. But

12 11:35:42 12 I'm happy --

13 11:35:42 13 MR. FARR: Right.

14 11:35:44 14 MR. SHAPIRO: -- to make short and brief

15 11:35:44 15 objections.

16 11:35:46 16 BY MR. FARR:

17 11:35:46 17 Q. But, Mr. Brown, Mr. Shapiro showed you your

18 11:35:48 18 identification card and talked to you about it, but

19 11:35:52 19 he did not tell you that the card expired on April

20 11:35:54 20 15th, 2015, did he?

21 11:35:56 21 A. No.

22 11:35:56 22 Q. All right.

23 11:35:58 23 MR. SHAPIRO: Objection. Asked and

24 11:36:00 24 answered.

25 11:36:00 25 BY MR. FARR:

1 11:36:00 1 Q. All right. Now, you have a copy of your  
2 11:36:04 2 birth certificate?

3 11:36:04 3 A. Yes, sir.

4 11:36:04 4 Q. Did you know that you don't -- you no  
5 11:36:06 5 longer need a birth certificate to get a free ID  
6 11:36:10 6 card?

7 11:36:10 7 MR. SHAPIRO: Objection. The same reasons.

8 11:36:12 8 A. No, sir, I didn't.

9 11:36:14 9 MR. FARR: You can have a standing  
10 11:36:14 10 objection.

11 11:36:16 11 MR. SHAPIRO: Standing objection.

12 11:36:16 12 BY MR. FARR:

13 11:36:16 13 Q. Okay. Do you know -- did you know -- did  
14 11:36:18 14 Mr. Shapiro tell you that you don't need to have a  
15 11:36:20 15 birth certificate anymore to get a free ID card?

16 11:36:24 16 A. No, sir.

17 11:36:24 17 Q. Okay. Do you know your social security  
18 11:36:26 18 number?

19 11:36:26 19 A. I don't -- I can't -- I don't know it by  
20 11:36:30 20 heart.

21 11:36:30 21 Q. Okay. But do you have something at home  
22 11:36:32 22 that, uh -- that would be able to show you your  
23 11:36:36 23 social security number?

24 11:36:38 24 A. Yes, sir.

25 11:36:38 25 Q. Do you have a social security card?



1 11:36:38 1 A. Yes, sir.

2 11:36:40 2 Q. Okay. Now, Mr. Brown, have you ever gone

3 11:36:42 3 by any other names?

4 11:36:44 4 A. No, sir.

5 11:36:54 5 Q. Okay. When you've gone to vote in the

6 11:36:56 6 past, you've voted in Edgecombe County, I think; is

7 11:37:00 7 that right?

8 11:37:00 8 A. Um-hmm.

9 11:37:00 9 Q. You've got to say yes or no.

10 11:37:02 10 A. Yes, sir.

11 11:37:04 11 Q. And have you ever had any trouble voting in

12 11:37:06 12 the past when you went to vote in Edgecombe County?

13 11:37:08 13 A. No, sir.

14 11:37:10 14 Q. Okay.

15 11:37:10 15 A. No. I mean ...

16 11:37:10 16 Q. Mr. -- Mr. Brown, do you -- what's your

17 11:37:34 17 home -- your home address?

18 11:37:34 18 A. [REDACTED]

19 11:37:40 19 [REDACTED]

20 11:37:42 20 Q. Do you live with anyone?

21 11:37:44 21 A. Uh, my nephew live with me.

22 11:37:48 22 Q. Your nephew lives with you?

23 11:37:50 23 A. Yes, sir.

24 11:37:50 24 Q. Okay. Do you have a telephone?

25 11:37:52 25 A. A cell phone.

1 11:37:54 1 Q. You do have a cell phone?

2 11:37:56 2 A. Um-hmm.

3 11:37:56 3 Q. What -- and what kind of cell phone do you  
4 11:38:00 4 have?

5 11:38:00 5 A. (Indicating).

6 11:38:06 6 Q. Let me see. It's a -- it looks like -- do  
7 11:38:12 7 you know -- U.S. Cellular is what the --

8 11:38:12 8 A. Yes, sir.

9 11:38:14 9 Q. -- cell phone says. Does that sound right?

10 11:38:14 10 A. Yes, sir.

11 11:38:14 11 Q. So you have a plan with U.S. Cellular?

12 11:38:18 12 A. Yes, sir.

13 11:38:18 13 Q. Do you think that you'll need assistance to  
14 11:38:26 14 go renew your identification card or do you think  
15 11:38:30 15 you'll be able to get your family members to take  
16 11:38:32 16 you?

17 11:38:32 17 A. My brother, he mostly take me, you know,  
18 11:38:34 18 when he have time. He mostly take me around --

19 11:38:34 19 Q. Okay.

20 11:38:38 20 A. -- places.

21 11:38:40 21 Q. And you think he'll take you this time?

22 11:38:42 22 A. I think he'll be -- if he have time, yeah,  
23 11:38:46 23 he'll take me.

24 11:38:50 24 Q. And who -- do you pay for your cell phone  
25 11:39:00 25 bills?

1 11:39:00 1 A. Yes, sir.

2 11:39:00 2 Q. And do you ever get on the Internet on your  
3 11:39:04 3 cell phone?

4 11:39:04 4 A. No.

5 11:39:04 5 Q. Okay.

6 11:39:04 6 A. I don't know how to use no Internet.

7 11:39:08 7 Q. Okay. Have you ever used a computer?

8 11:39:10 8 A. No, sir.

9 11:39:24 9 Q. How did -- how did -- you understand this  
10 11:39:26 10 deposition is being taken because of a lawsuit that's  
11 11:39:30 11 been filed?

12 11:39:32 12 A. Yes, sir.

13 11:39:32 13 Q. And how did you first come to know about  
14 11:39:34 14 this lawsuit?

15 11:39:34 15 A. Because I speak -- I was called on the  
16 11:39:38 16 telephone.

17 11:39:38 17 Q. Who called you?

18 11:39:40 18 A. Uh, I talked to some people on the  
19 11:39:42 19 telephone and they told me. I don't know exactly who  
20 11:39:46 20 it was I talked to on the phone.

21 11:39:48 21 Q. Okay. And you don't remember who those  
22 11:39:54 22 people were?

23 11:39:54 23 A. Unh-unh.

24 11:39:54 24 Q. Is that no?

25 11:39:56 25 A. No, sir.

1 11:39:56 1 Q. Okay. And --

2 11:39:56 2 A. I forget that.

3 11:39:58 3 Q. How did you come to know Mr. Shapiro?

4 11:40:00 4 A. Well, there was a young man that come out  
5 11:40:04 5 there and talk with me, and he said that someone else  
6 11:40:08 6 would be getting in touch with me.

7 11:40:12 7 Q. Was that young man's name George?

8 11:40:16 8 A. I don't remember his name.

9 11:40:16 9 Q. Okay. So how did you first get to know  
10 11:40:20 10 Mr. Shapiro?

11 11:40:22 11 A. Well, he came by the house and asked me  
12 11:40:24 12 about did I have a ride, you know, to get up to come  
13 11:40:28 13 up here. And I didn't have no ride really because my  
14 11:40:34 14 brother car broke down right now.

15 11:40:36 15 Q. Okay. Is today the first day you met

16 11:40:38 16 Mr. Shapiro?

17 11:40:40 17 A. I met him the day before.

18 11:40:44 18 Q. And did you show him your identification

19 11:40:46 19 card yesterday?

20 11:40:48 20 A. Yes, sir.

21 11:40:48 21 Q. Have you ever owned a car?

22 11:41:02 22 A. Yes, sir.

23 11:41:02 23 Q. And when was the last time you owned a car?

24 11:41:08 24 A. Mmm, about five or six years ago.

25 11:41:16 25 Q. And when did you retire from work?

1 11:41:20 1 A. Uh, mmm, I forget what year. The doctor  
2 11:41:26 2 stopped me from working on my own medical.  
3 11:41:30 3 Q. You did what, sir?  
4 11:41:30 4 A. The doctor stopped me from working.  
5 11:41:32 5 Q. Uh-huh. Why was that?  
6 11:41:34 6 A. Because of my breathing and I get  
7 11:41:36 7 short-winded of all times.  
8 11:41:36 8 Q. Okay.  
9 11:41:40 9 A. Emphysema.  
10 11:41:44 10 Q. And you say that you receive social  
11 11:41:46 11 security payments?  
12 11:41:46 12 A. Yes, sir.  
13 11:41:48 13 Q. And how much do you get a month; do you  
14 11:41:50 14 know?  
15 11:41:50 15 A. Nine sixty.  
16 11:41:52 16 Q. How much?  
17 11:41:54 17 A. Nine sixty-six.  
18 11:41:54 18 Q. Nine hundred and sixty --  
19 11:41:54 19 A. Nine ninety-six. \$996.  
20 11:41:58 20 Q. Okay. Do you get any other benefits from  
21 11:42:00 21 the government?  
22 11:42:02 22 A. Uh, \$15 food stamps.  
23 11:42:06 23 Q. So you can get food stamps?  
24 11:42:08 24 A. Fifteen dollar worth.  
25 11:42:10 25 Q. Okay. How long have you been receiving

1 11:42:12 1 food stamps?

2 11:42:14 2 A. Uh, I don't know exactly how long. No,  
3 11:42:18 3 they, uh -- they had cut -- well, I think a couple  
4 11:42:20 4 years. When I got a raise in my check, they cut them  
5 11:42:24 5 off. And then, uh, I went down there to social  
6 11:42:26 6 service and she asked was I still getting food  
7 11:42:30 7 stamps. I told her no, sir, because they said I was  
8 11:42:32 8 getting too much in my check, which I wasn't getting  
9 11:42:36 9 but 950 -- 960, something like that of money. And  
10 11:42:38 10 they sent me a card saying I could start back getting  
11 11:42:42 11 food stamps, but they're only giving me \$15 a month,  
12 11:42:46 12 which is a little bit.

13 11:42:48 13 Q. And how did you -- how -- what did you have  
14 11:42:50 14 to do to get food stamps?

15 11:42:52 15 A. Well, when I first got out of work there --  
16 11:42:54 16 when I first -- the doctor took me out of work, they  
17 11:42:58 17 had put me on food stamps. I didn't have no kind of  
18 11:43:02 18 income coming in. And then when I did start to get a  
19 11:43:06 19 little income coming in, they -- they started cutting  
20 11:43:08 20 them back. If I get a raise, they'll cut it back.  
21 11:43:10 21 You get a raise, they cut it back. Because it's down  
22 11:43:14 22 to \$15 a month.

23 11:43:16 23 Q. Okay. Did you have to go to an office to  
24 11:43:18 24 make an application for food stamps; did you have to  
25 11:43:20 25 go to a social services office?

1 11:43:22 1 A. Yes, sir.

2 11:43:24 2 Q. So to start getting food stop -- stamps,  
3 11:43:28 3 you had to go to a social services office?

4 11:43:28 4 A. Yes, sir.

5 11:43:30 5 Q. And did you have to fill out an  
6 11:43:30 6 application?

7 11:43:32 7 A. I couldn't read. They had to fill it out  
8 11:43:34 8 for me.

9 11:43:34 9 Q. Okay. Did they help you fill it out?

10 11:43:36 10 A. Yeah. They filled out one. Then they sent  
11 11:43:38 11 one home for my daughter to fill out.

12 11:43:38 12 Q. Okay. And did you have to show them your  
13 11:43:42 13 identification card?

14 11:43:44 14 A. Yes, sir.

15 11:43:46 15 Q. Okay. And then between the people at the  
16 11:43:54 16 social services and your daughter, they helped you  
17 11:43:56 17 fill the application out?

18 11:43:58 18 A. Yes, sir.

19 11:44:06 19 Q. Just give me a second.

20 11:44:36 20 Okay. Looking back at your identification  
21 11:44:40 21 card, which is Exhibit CB-2, if -- if I told you,  
22 11:44:48 22 Mr. Brown, that that was issued on 5/11/2010, would  
23 11:44:52 23 you have any reason to doubt that that's true?

24 11:44:52 24 A. Mmm, I don't --

25 11:45:00 25 Q. Let me -- let me rephrase it. The card I

1 11:45:02 1 -- you know, I'm -- I'm blessed that I had a good  
2 11:45:06 2 education and I'm able to read.

3 11:45:08 3 A. Yes, sir.

4 11:45:08 4 Q. And I'm thankful for that.

5 11:45:10 5 A. Yes, sir.

6 11:45:12 6 Q. The card, as I read it, says it was given  
7 11:45:14 7 to you on May 11th, 2010. Does that sound about  
8 11:45:18 8 right, that you got it in 2010?

9 11:45:20 9 A. That sounds about right.

10 11:45:20 10 Q. Okay. So you paid a fee for this card back  
11 11:45:22 11 in 2010?

12 11:45:24 12 A. Yes, sir.

13 11:45:24 13 Q. And the one that you -- the identification  
14 11:45:28 14 card that we don't have a copy of that you received  
15 11:45:32 15 that Mr. Shapiro asked you about, you received that  
16 11:45:36 16 card prior to 2010?

17 11:45:38 17 A. I had that before I got this one.

18 11:45:40 18 Q. Right.

19 11:45:40 19 A. Yes, sir.

20 11:45:40 20 Q. And -- and you paid a fee for that card  
21 11:45:44 21 also?

22 11:45:44 22 A. Yes, sir.

23 11:45:56 23 Q. Do you know how much you pay each month for  
24 11:46:00 24 your cell phone?

25 11:46:00 25 A. Uh, \$43.



1 11:46:04 1 Q. Do you have a TV at your house?

2 11:46:06 2 A. Yes, I have a TV.

3 11:46:08 3 Q. Do you have cable?

4 11:46:08 4 A. No, sir.

5 11:46:10 5 Q. Okay. Do you have utility bills at your

6 11:46:22 6 house?

7 11:46:22 7 A. Yes.

8 11:46:24 8 Q. What sort of utility bills do you have?

9 11:46:26 9 A. For my electricity. Well, the krailer

10 11:46:32 10 (phonetic) is totally electric.

11 11:46:32 11 Q. The -- the -- the house is all electric?

12 11:46:36 12 A. Yes, sir.

13 11:46:36 13 Q. And do you have a well for your water?

14 11:46:38 14 A. Yes, sir.

15 11:46:38 15 Q. Okay. And do you pay your electric --

16 11:46:42 16 electrical bills?

17 11:46:42 17 A. Yes, sir.

18 11:46:44 18 Q. How much are those a month?

19 11:46:44 19 A. Last month was \$358.

20 11:46:48 20 Q. And your nephew who's living with you, does

21 11:46:50 21 he pay you anything to live there with you?

22 11:46:54 22 A. No, sir.

23 11:46:54 23 Q. Okay. How old is he?

24 11:46:56 24 A. He's about 35 or 36 years old. That my

25 11:47:02 25 sister's son. She passed away.

1 11:47:14 1 MR. FARR: Okay. Mr. Brown, those are all  
2 11:47:16 2 the questions I have for right now. Thank you  
3 11:47:18 3 very much, sir.

4 11:47:20 4 THE DEPONENT: Um-hmm.

5 11:47:20 5 MR. SHAPIRO: I have a little bit on  
6 11:47:22 6 redirect. Mainly, I forgot to put this in the  
7 11:47:24 7 record, if you wouldn't mind, Mr. Farr.

8 11:47:26 8 MR. FARR: No problem.

9 11:47:26 9 EXAMINATION

10 11:47:26 10 BY MR. SHAPIRO:

11 11:48:06 11 Q. Mr. Brown, I'm going to show you what's  
12 11:48:08 12 been previously marked as CB-1. If you could look at  
13 11:48:16 13 that photograph. Do you recognize that photograph,  
14 11:48:20 14 Mr. Brown?

15 11:48:22 15 A. Yes, sir.

16 11:48:22 16 Q. And what does that photograph show?

17 11:48:28 17 A. It shows my -- the krailer that I live in.  
18 11:48:34 18 And it show, uh --

19 11:48:34 19 Q. The what you live in?

20 11:48:36 20 A. The krailer -- krailer house.

21 11:48:38 21 Q. The krailer house?

22 11:48:38 22 A. Yes, sir.

23 11:48:40 23 Q. Okay. And is that a fair and accurate  
24 11:48:42 24 representation of what your house looks like from the  
25 11:48:46 25 outside?

1 11:48:46 1 A. Yes, sir.

2 11:48:48 2 Q. Okay. And do you, uh -- do you own that  
3 11:48:54 3 house or do you rent it?

4 11:48:58 4 A. I rent.

5 11:48:58 5 Q. And is that -- on what kind of road is  
6 11:49:02 6 servicing that house?

7 11:49:04 7 A. It's a dirt road.

8 11:49:06 8 Q. And is that -- it's also near a train  
9 11:49:10 9 track, correct?

10 11:49:12 10 A. Yes, sir.

11 11:49:14 11 MR. SHAPIRO: Thank you. All right,  
12 11:49:14 12 Mr. Brown. I have no further questions for you  
13 11:49:18 13 at this time. Thank you so much for taking the  
14 11:49:20 14 time to talk to us.

15 11:49:22 15 MR. FARR: I've got a couple more. I'm  
16 11:49:22 16 sorry.

17 11:49:22 17 MR. SHAPIRO: I'm sorry.

18 11:49:22 18 MR. FARR: I just want to make sure -- I  
19 11:49:24 19 want to clarify something here.

20 11:49:24 20 MR. SHAPIRO: Yeah.

21 11:49:24 21 EXAMINATION

22 11:49:24 22 BY MR. FARR:

23 11:49:22 23 Q. Uh, Mr. Brown, I want to make sure that you

24 11:49:28 24 understand that your -- your identification card has

25 11:49:32 25 expired.

1 11:49:34 1 A. It has?

2 11:49:34 2 Q. Yes, sir. Would you please confirm that

3 11:49:36 3 with your daughter?

4 11:49:38 4 A. All right. I didn't think it expired until

5 11:49:38 5 next year.

6 11:49:38 6 Q. Right. And, um, also, I wanted to ask you

7 11:49:40 7 a question. If you -- if you needed help to go get a

8 11:49:48 8 new ID card, would you be willing to accept it from

9 11:49:50 9 the State of North Carolina if you needed it?

10 11:49:52 10 A. Yes, sir.

11 11:49:54 11 Q. Um, could -- would you be willing to give

12 11:49:56 12 me my cell -- your cell phone number so I could have

13 11:49:58 13 someone call you if they could help you?

14 11:50:00 14 A. I don't -- I don't know the number here

15 11:50:04 15 because I -- I -- I mean, it's my phone, but I just

16 11:50:06 16 don't know the number. You probably could look in

17 11:50:08 17 there and pull it up, but I don't know how to do it.

18 11:50:12 18 Q. Could we -- could we go off the record and

19 11:50:12 19 see if I could take your number down?

20 11:50:16 20 A. Yes, sir.

21 11:50:16 21 Q. Okay. We'll do it off the record.

22 11:50:16 22 A. All right.

23 11:50:18 23 MR. FARR: All right. That's all I have,

24 11:50:18 24 sir.

25 11:50:22 25 THE VIDEOGRAPHER: This concludes the

1 11:50:24 1 deposition of Mr. Carnell Brown. Time going off

2 11:50:26 2 record is 11:50 a.m.

3 3

4 4 (SIGNATURE WAIVED.)

5 5 (THE DEPOSITION CONCLUDED AT 11:50 A.M.)

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CERTIFICATE OF REPORTER

STATE OF NORTH CAROLINA )

COUNTY OF WAKE )

I, Eileen M. Dunne, the officer before whom  
the foregoing deposition was taken, do hereby certify  
that the witness whose testimony appears in the  
foregoing deposition was duly sworn by me; that the  
testimony of said witness was taken by me to the best  
of my ability and thereafter reduced to typewriting  
under my direction; that I am neither counsel for,  
related to, nor employed by any of the parties to the  
action in which this deposition was taken, and  
further that I am not a relative or employee of any  
attorney or counsel employed by the parties thereto,  
nor financially or otherwise interested in the  
outcome of the action.

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EILEEN M. DUNNE  
Notary Public # 201314900195