

NO: CV01149

ROYCE ABBOTT,  
Contestant

vs.

TERRY REED,  
Contestee

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§

IN THE 102ND DISTRICT COURT

OF

RED RIVER COUNTY, TEXAS

FILED  
JUN -7 PM 2:00  
REDA RIVER COUNTY CLERK

**MOTION TO PRODUCE AND EXAMINE**

COMES NOW Royce Abbott, Contestant in the above entitled and numbered cause of action, and files this Motion to Produce and Examine in accordance with § 221.008 of the Texas Election Code and would show:

I.

Contestant has filed a Petition to Contest the Election pertaining to an April 11, 2006 run-off in the Red River County, Texas Sheriff's race. Contestant would show that there are some secured and also some unsecured documents/equipment that the custodian of said documents/equipment should produce for examination purposes to allow a fair and just disposition of the election contest. Contestant urges that some votes were probably destroyed or shredded or substituted as evidenced by incomplete Register of Official Ballots being heretofore produced.

II.

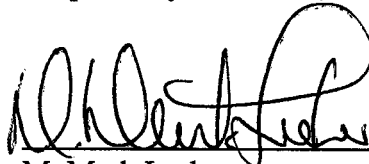
Contestant wants the following produced that pertained to the April 11, 2006 run-off election, the subject of this suit, to wit:

1. All unused paper ballots
2. All spoiled ballots
3. All defectively printed ballots

4. All cancelled mail ballots
5. All returned mail ballot envelopes with signatures
6. Evidence of all non-returned mailed ballots
7. Ballot box used in early voting with padlock and key
8. All voted ballots including those counted at recount
9. Contents of all Envelope No. 3 for each precinct (§ 66.024, Texas Election Code)
10. Contents of Ballot Box No. 3 (§ 66.025, Texas Election Code)
11. Contents of Ballot Box No. 4 (§ 66.026, Texas Election Code)
12. Report listing number of paper ballots scanned by automatic tabulating equipment for each precinct

WHEREFORE, PREMISES CONSIDERED, Contestant prays that this motion be granted, that the above items be produced for examination and for all other relief, both at law and in equity, to which Contestant might be entitled.

Respectfully submitted,



M. Mark Leshner  
Texas Bar Card No: 12225500

**LESHER & ASSOCIATES**  
524 Spruce Street  
P.O. Box 2033  
Texarkana, TX 75504-2033  
Telephone: (903) 794-3309  
Fax: (903) 792-7085

ATTORNEY FOR CONTESTANT

CERTIFICATE OF SERVICE

I, M. Mark Leshner, do hereby certify that, in accordance with the Texas Rules of Civil Procedure, a true and correct copy of the above and foregoing document has been transmitted to the following counsel of record on this the 7<sup>th</sup> day of June, 2006:

**Via Confirmed Fax Transmission to: (903) 785-0312:**

Ms. Judy Hodgkiss  
THE MOORE LAW FIRM  
100 North Main Street  
Paris, TX 75460

A handwritten signature in black ink, appearing to read "M. Mark Leshner", written over a horizontal line.

M. Mark Leshner