



Private Eyes of Texas

A MESSAGE FROM J.J.,



This is our second newsletter for 2010. We have enjoyed a very good start to the year in spite of the depressed economy.

We have been working very hard with our clients, juggling investigations along with trial preparations on a number of Capital cases. The fact that we have such a large and diversified staff is what makes this all possible.

We have had some great results so far this year which are outlined in the newsletter.

I sincerely appreciate our clients who continue to refer business to us. I would like to thank Katherine Scardino, David Adler, Bob Loper, Gene Tausk and Lynn Shannon for referring new clients. Special thanks to my old friend and buddy, Rob Fickman, who referred three new clients.

MONTGOMERY COUNTY, TEXAS

Since our office is only twenty miles from the Montgomery County Courthouse, we have started to get work in that jurisdiction. We have some experience in that area, having worked with James Rytting on the Swearingen Stay of Execution and working Capital cases with Robert Morrow, Gerald Bourque and Katherine Scardino. We have had a number of successes with local attorney, Gilbert Garcia.

The other day I was in Montgomery County with Katherine Scardino on a Capital case involving a Defendant who is deaf and only speaks sign language. While I was standing in the Reception area of the District Attorney's office waiting to receive the file to review, District Attorney, Brett Ligon walked through the door, giving me a very warm greeting. My relationship with Brett goes back a number of years when he was the attorney for the Houston Policeman's Union. We provided investigative support for his cases.

Also in the lobby was attorney Gilbert Alvarado. Brett introduced me to Alvarado as one of the best investigators in the business, who provided clients with very detailed reports and work product. Brett even made the comment that I put out a newsletter highlighting our results.

The accolade from Brett certainly was much appreciated and I could not resist putting what occurred in the newsletter.

TRUE OR NOT TRUE

A Family Law Judge was overheard to say, "Mr. Fickman, I have reviewed your case very carefully and I have decided to give your wife \$775 a week." The response that was heard throughout the courtroom was, "That is very fair Your Honor and every now and then I will try to send her a few bucks myself."

NEW TEAM MEMBER

ANGELA WILLIS

Angela Willis came aboard in February of this year as an Investigator.

Angela grew up in La Marque, Texas, graduating from La Marque High School. She has nine years of Police experience as a Patrol Officer, Patrol Sergeant and Detective.

As a result of her years in law enforcement, Angela has a firm grasp on Police procedures, the interaction of the Penal Code with what occurs on the street and how Police document their activities.

Angela has proven to be a very competent interviewer, who has the patience and skill needed when talking to witnesses that allows her to obtain any and all of the information they may possess.

Angela has training in the recognition of body language and other tell-tale signs that would indicate when an individual is being truthful or deceitful. In addition to all of Angela's qualities, being female just adds another dimension to our already diversified staff. Another of Angela's strong points is her ability to investigate, research and utilize all the internet sources available, which some of us old timers are not very good at. Angela has also shown the ability to handle sexual offense cases with the delicacy it requires to gain information.

We are very happy she has come aboard as a member of our team.

HARRIS COUNTY, TEXAS

We were all disappointed to hear that the Administrative Judges were going to cut Appointed Attorney fees for a second time and now have included an hourly reduction for investigator fees. We do plan to continue to do appointed work since our client base is diversified enough to allow us to continue these efforts.

It does appear that our efforts on each defendant's case may have to be more streamlined. It really has been amazing the number of successes we have had in this arena by pursuing these cases to their limits.

I HAD IT ALL

Recently, when interviewing a Capital Murder defendant, he bragged that prior to his arrest he "had it all." When I asked what he meant by the statement he answered "I had plasma TVs ." When I responded with a straight face, "No way, you are twenty years old and you had plasma TVs?" He replied proudly, "I had three plasma TVs and Direct TV.

The defendant further lamented that when he lost his job and could not pay the Direct TV bills, the service was cut off and he decided to try a life of crime to earn extra money. I explained that his choice of how to earn extra money probably wasn't a very wise decision and the Direct TV defense would probably not be sufficient for an acquittal.



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THE TRUTH MAKES A DIFFERENCE

AGGRAVATED ASSAULT - NOT GUILTY

PATTI SEDITA represented an Iraq War Veteran who was charged with shooting a gang-banger who was assaulting one of his friends at a Pool Hall. George Wellmaker was able to develop witnesses who were able to testify that the situation was purely self-defense.

SEXUAL ASSAULT OF A CHILD - NOT GUILTY

ROBERT FICKMAN represented an individual charged with fondling one of his father's girlfriend's daughters during the time they were living together. Rob was on a mission, leaving no stone unturned, directing us to gather supportive information that could be used to discredit the Complainant's story. We were able to obtain the original CPS call, which occurred years ago, that was completely different from the allegation being presented to the Jury. The broad strategy worked since the Jury found our defendant not guilty.

SEXUAL ASSAULT OF A CHILD - DISMISSAL

DAVID ADLER represented the brother of Robert Fickman's client in Juvenile Court, also charged with fondling the same Complainant. After Fickman beat up the State so bad in his Trial, David's case was Dismissed.

AGGRAVATED ROBBERY - DISMISSAL

ROBERT MORROW AND GERALD BOURQUE represented two brothers charged with the Aggravated Robbery of a large retail Pharmacy. Morrow's client was alibied on a farm in Madisonville at the time the robbery occurred. Bourque's client was actually a victim of misidentification or possibly manipulated identification by the Police Officer. During the course of our investigation, we were able to obtain statements from the second Pharmacy employee present during the robbery that the defendant identified by the store manager was actually a customer. In addition to our investigation, both defendants passed polygraph examinations and the cases on both were Dismissed.

POSSESSION OF CONTROLLED SUBSTANCE - DISMISSAL

THOMAS MARTIN represented a Defendant charged with Possession of Hydrocodone tablets. During the course of our investigation, we were able to obtain valid prescriptions for half of the pills in the Defendant's possession. The Defendant claimed that the other prescriptions came from a doctor who we found out was under investigation by the District Attorney's office and Medical Board.

It was our mission to obtain this doctor's file to verify that the prescriptions our Defendant had were legitimate. The doctor evaded service of our subpoena at his office but after we determined where he lived, we followed him out one day and served him when he stopped his Mercedes at a traffic light. The following morning, there was a news article that the doctor's office had caught on fire and a number of his medical records had been destroyed. Luckily for the Defendant, we were able to obtain records from a satellite office and her case was dismissed. We were all very happy to hear that the doctor was not injured when he set fire to his medical records.

TWO COUNTS OF INTOXICATED MANSLAUGHTER - FAVORABLE DISPOSITION

TOM MARTIN represented a young lady charged with two counts of Intoxicated Manslaughter as a result of a traffic accident. After interviewing all of the witnesses to the accident, it was apparent that a jury would find the defendant guilty of the offense. The State was asking twenty years so Tom decided to plead guilty and go to the Jury for punishment. The Defendant was a young professional who had an unblemished history prior to the accident. The Jury decided to assess a four year punishment.

AGGRAVATED ASSAULT - DISMISSAL

PATTI SEDITA represented a Defendant in Fort Bend County, who was charged with Aggravated Assault during a robbery attempt at an individual's apartment. The Defendant admitted he had come by the apartment shortly after the incident to see the Complainant, his dope supplier, but was not involved in the offense. A number of the State's witnesses had identified the Defendant at the scene, per the Police Report. After Benito Segura interviewed the majority of the Hispanic witnesses it was obvious that no one could identify the Defendant as one of the two robbers. Benito also interviewed the Complainant, who was also in Jail, looking at twenty-five to life as a habitual criminal. He admitted he knew the Defendant by name and sight but he was not the individual who had attempted to rob him. The Defendant sent us a Thank You card for "Saving his Ass."

AGGRAVATED ROBBERY - FAVORABLE DISPOSITION

GARY POLLAND represented one of three Juveniles charged with stealing a bicycle and then shooting at the Complainant after the theft occurred. The State wanted to certify our Defendant as an adult. Our Investigation determined that the Defendant was merely with two other individuals who took the bicycle. One of the Co-Defendants fired a gun at the lock on the bicycle but not at the Complainant. The certification efforts were dropped. The Defendant was not committed and was released on Probation.

AGGRAVATED ASSAULT - DISMISSAL

TOM MARTIN represented a Defendant with numerous priors who was charged with stabbing her husband in a domestic dispute. George Wellmaker was able to determine that the only witness to the incident was homeless and could not be located. The Defendant's husband told the Police when they arrived he did not want his wife arrested since the incident was a misunderstanding. The husband signed an Affidavit of Non-Prosecution. The Prosecutor did the right thing dismissing the case and reuniting the happy couple.

AGGRAVATED ROBBERY - DISMISSAL

LANA GORDON represented a female defendant charged with Aggravated Robbery. The defendant claimed from the onset that she was innocent because she was working at McDonald's at the time the robbery occurred. George Wellmaker was able to obtain documentation that proved the defendant's statement that she was at work, and the case was dismissed.



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NARCOTIC CASE / RECORD RETRIEVAL

JULIE KETTERMAN AND COLIN AMANN were representing an individual who was stopped by a DPS Trooper in the Valley for operating a suspicious vehicle. The Trooper claimed that he became suspicious of the vehicle after he had run the license plate and did not get any information back. The search of the vehicle subsequent to the stop found powder cocaine secreted in hidden compartments in the vehicle. The defendant, a motherly Hispanic female, from Houston, claimed that she had just bought the vehicle and was driving it back to Houston, having no knowledge of the secret compartments.

Polly Korzekwa, our Research Analyst, after many contacts with DPS, was able to identify the location of the Officer's transmissions to the Dispatcher, which were of course, preserved on tape. After we subpoenaed the records, we learned that the Officer didn't run the defendant's license plate number until thirty minutes after the vehicle had been stopped. The Judge denied the Motion to Suppress but we gained some valuable knowledge in how to get information that can assist us as we defend our clients.

AGGRAVATED ASSAULT - NO BILL

GILBERT GARCIA represented a Defendant who was charged with the shooting of his brother during a disagreement at their father's house. Investigators were able to assist Gilbert in putting together a package, which showed that the victim was actually a crack-head who had come to his father's house to extort money. When told to leave, he became aggressive and the defendant shot him in self-defense. The Grand Jurors agreed with our position and No Billed the Defendant.

AGGRAVATED ASSAULT - DISMISSAL

GILBERT GARCIA represented an Airline Pilot who became the focus of Road Rage by an individual who actually followed him to his house, after tailgating him for some distance. The Pilot, fearing for his safety when the individual would not leave, went into his house and retrieved his handgun. When the Police arrived, they bought into the aggressor's story and arrested the Pilot. Our investigation found a similar incident where the complainant had been involved in the same type of incident in which he pursued someone home after a traffic altercation. The case was Dismissed.

SEXUAL ASSAULT - DISMISSAL

SCOTT BALLARD AND TRAVIS FLEETWOOD represented a mentally challenged college student who was charged with the sexual assault of his dormitory resident advisor, a female. We were able to document that the Defendant's mental condition, challenging the Police interview of the Defendant, without his parents present. We also found an individual who was willing to testify that the sexual relationship between the student and the dorm director was consensual. The case was No Billed by the Grand Jury.

WORLD INVESTIGATIVE CONFERENCE

The World Investigative Conference was held in March at the Sheraton Inn in Dallas. The keynote speaker was John Walsh of America's Most Wanted. In addition to myself and Carey Wellmaker, Benito Segura and George Wellmaker attended the Conference with us.

We attended lectures regarding interviewing and statement taking, international investigations, internet profiling and intelligence, corporate fraud investigations and other subjects.

We left the Conference with a lot of newly acquired information and training. We also had an opportunity to network with current and new contacts.

Carey waited in line to have her picture taken with John Walsh. I did not wait in line to have my picture taken with Sherlock Holmes. At least I thought it was Sherlock Holmes but I later found out it was the curator of the National Private Investigator Museum located in California.





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FAMILY LAW SUCCESSES

HISTORY REVEALED

FRANK PANZICA represented a father who had primary custody of his child. The child's mother became very sick and her new boyfriend showed up with Power of Attorney over all of her matters. Frank believed that the new boyfriend had a number of issues in the State of Florida. Polly Korzekwa, our Research Analyst found dozens of criminal cases, including Burglary and Numerous Assaults on spouses on this individual, which Frank was able to utilize to diminish any credibility this individual had.

Polly's motto is "If its there, I'll find it."

SURVEILLANCE HOME RUN

We were asked by an individual to surveil his wife while he was out of town in order to identify her boyfriend. During the course of a week-long surveillance, we obtained video on a daily basis of the wife with her boyfriend. On one Friday evening, we were able to obtain videotape in a bar with our undercover camera of our client's wife engaged in kissing and hugging her boyfriend at the dinner table. The wife was so intoxicated, she was captured on tape being helped to her boyfriend's car.

Undercover Operatives also heard the wife's conversation with her boyfriend and his buddy and learned that the wife had gone on a double date with the boyfriend, her daughter, and the boyfriend's son.

We can't wait til this goes to mediation.

MISSING CHILD

LAURA DALE represented a doctor in Sweden, who had been given custody of his son in the Swedish Courts. The mother, an American, took her son to the Houston/Beaumont area for a vacation and never returned.

Our mission was to locate Mom and the child so that she could be served a Petition that would start the litigation process to return the boy to his father in Sweden. George Wellmaker had interviewed the Mom's friends in Beaumont and determined that they had spent a few days with the Mom and the child when she initially arrived in the United States a few months ago.

One morning out of the blue, the missing Mom called George Wellmaker to tell him that she and the boy were fine and living in Illinois. Evidently, George had impressed her friends so much that she had decided to reach out and make contact. The contact of course, initiated the paperwork that would get Mom in a Court of jurisdiction. Our office received a second call from Mom, who wanted to do some research on her husband's attorneys in order to see how

competent they were in these matters. During that phone conversation with me personally, she again complimented George Wellmaker's professionalism and demeanor in talking to her friends. I was able to tell Mom that she was up against a real expert in these type of foreign custody matters, hopefully making her day. We are now awaiting service to be completed so Laura Dale can start The Hague process to get the child returned to his father.

CIVIL DEFENSE HOMERUN

LYNN SHANNON of Galloway, Johnson, Tompkins, Burr & Smith was defending a company against a Plaintiff who claimed that as a result of his injury, he was catatonic. He could no longer operate a computer, count to ten, enjoy tv, etc. The Plaintiff's quality of life was completely deteriorated since he could only sit around the house in a daze.

The Plaintiff was asking for \$4 million and the case was headed for trial since neither of the two Defendants still in the case would settle.

The Plaintiff lived in a rural area. Attempts to surveil him did not produce any results. During the course of the investigation, we learned that the Plaintiff had custody of a child that he was not related to by blood. The last time the child's mother had come to visit at the Plaintiff's house he called the Police. This occurred of course, during the time period that he was in a catatonic state.

We developed a plan that we would send the child's mother over to the Plaintiff's house on Mother's Day requesting to see her child. We assumed that the Plaintiff would communicate with the Mother, get angry, tell her to leave and call the Police. J.J. wired the mother with a hidden microphone and camera. What occurred was not expected. The Plaintiff invited the Mother into the house after telling the female friend that accompanied her to get off of his property because he didn't know who she was. The mother spent two hours inside the house videotaping her visit with her child. During the visit, the Plaintiff was captured on tape, articulating well regarding the custody situation, making the Mother coffee and working on his computer.

The Plaintiff who couldn't count to ten, then wrote his cell phone number and his wife's cell phone number on a piece of paper and handed it to our now, super Investigator.

The case went to trial in New Orleans. The child's Mother testified as to what had occurred. The Jury found the Defendant who had settled fifty percent negligent and found the Plaintiff and our client equally negligent at twenty-five percent. The small settlement the Plaintiff got was a huge victory. Lynn Shannon believes the result will actually be reduced to zero by the time the Appeals process is over.

THE LAWYER WHO WASN'T

DENIS DUCRAN from Cokinos, Bosien & Young was trying to find an individual who had fraudulently represented himself as an attorney.

Attempts to serve this individual were not successful. Polly Korzekwa went to work with her magic fingers on the computer and found that our wanna be lawyer was on parole. The information led to the service of the Petition in order to initiate the proceedings against him.