



# Private Eyes of Texas

## A MESSAGE FROM J.J.,



### CONGRATULATIONS.....

#### TO GEORGE PARNHAM & WENDELL ODOM, ATTORNEYS OF THE YEAR

All of us at Gradoni & Associates would like to congratulate **George Parnham and Wendell Odom**, two of our favorite clients, for being selected as **Harris County Criminal Defense Lawyers of the Year** for their representation of Andrea Yates.

Having had the privilege to work with both attorneys on the Yates case, we certainly know first hand all of the time, money and energy expended by both George, Wendell and their staff in Andrea's defense. I can certainly attest that both George and Wendell poured their hearts and souls into this case.

The case was certainly an uphill battle, which left all of the defense team with newfound knowledge about mental illness, hospitals that provide mental care and psychiatric services.

Andrea Yates' journey from school valedictorian, college graduate, clinical nurse, home schooling mother to a lifetime sentence in TDC was one that I know the staff at Gradoni & Associates will never forget.

Your continued support and business is greatly appreciated.

*J. J. Gradoni*

## NEW STAFF MEMBERS

Yvonne Parks, a graduate of the University of Houston with a degree in Political Science has recently joined our staff. Yvonne will be handling case work in the Fort Bend County area. Yvonne hails from Fort Bend County and has worked with a number of Fort Bend County attorneys working in criminal and civil practices. Yvonne is working on her Masters Degree in Criminal Justice.

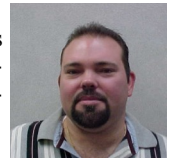
Terrance Levi, a graduate of SW Louisiana College with a Criminal Justice degree has recently joined our staff working in the surveillance unit. Terrance has over 17 years of experience in mobile video surveillance undercover corporate investigations.

Terrance is an expert in the covert work of identifying theft rings, fraud and drugs in the work place.

Both are welcomed additions to our staff.

## INVESTGATOR PROFILE...

**Clay Buckner** is our profiled Investigator in this issue. Clay is recognized as a valuable team member of Gradoni & Associates because of his versatile abilities.



Clay is the mainstay of our surveillance team, but **CLAY BUCKNER** also has a great deal of experience in interviewing witnesses and conducting background investigations.

Clay grew up in the Houston area, attending Cy-Creek High School.

Clay joined our firm in January 1992 after his Honorable Discharge from the United States Marine Corp, serving in Desert Storm.

Clay has been responsible for many surveillance successes, which has included filming suspected fraud, workman's compensation claimants from heavy brush in full camouflage attire, filming people who claim they are unable to drive while following behind them at high rates of speed and utilizing our undercover camera to catch individuals claiming disability at work.

Clay returned to college on a part time basis in order to complete his degree program. Clay is currently a senior at the University of Houston, majoring in computer science and mathematics.

Clay's work ethic and attitude embodies our core function to provide the best possible work product for all of our clients.

We are proud to have Clay as a member of our team.

## GOODBYE & GOOD LUCK

Everyone on the staff at Gradoni & Associates would like to say goodbye and good luck to **Elizabeth Congos**, our lead word processor who has been with our firm since August of 1992. We will miss Elizabeth, who is moving to Dallas to further her education.

Elizabeth is a typing wizard, who can type over 110 words per minute. We will probably have to hire two replacements in order to not lose the pace Elizabeth provides on our work product.

**private-eyes-of-texas.com**

Our website is "**private-eyes-of-texas.com**". Please take a moment to visit. You can access us through email from the contact page of the website or, **houpi@aol.com**.



### ASSAULT TO DO BODILY INJURY DISMISSAL...

**Brett Ligon** and **Aaron Sudor** represented a Houston Police Department officer charged with assault to do bodily injury by his former girlfriend. Investigators interviewed the defendant's neighbors, who did not support the complainant's version of the noise caused by the early morning incident.

Information was also developed that raised doubt about the origin of the complainant's bruises.

The District Attorney's Office dismissed the case after seeing the results of our investigation.

### POSSESSION OF CRACK DISMISSAL...

**Diane O'Kane** represented a defendant charged with possession of crack. The defendant had been originally stopped by police for the violation of not walking on a sidewalk. The defendant's walking partner, only known as "Hard Hat," was a witness to the arrest.

Investigator Harry Johnson canvassed the area where the arrest took place, finding and identifying an individual known to everyone as "Hard Hat," a homeless man who lived in the area, who always wore a hard hat. "Hard Hat's" version of events was able to support a motion to suppress, which eventually resulted in the case dismissal.

### UNAUTHORIZED USE DISMISSAL...

**Jonathan Paull** represented an individual who had gotten involved in an accident while driving his friend's vehicle. The friend, later becoming the complainant, told his insurance company that the defendant did not have permission to take his vehicle. The defendant was subsequently charged.

Investigators interviewed witnesses who verified that the defendant had driven the complainant's vehicle on numerous occasions previous to the accident with the complainant's permission. Investigators also found a witness who overheard the complainant make the statement that the only reason he told the police the defendant did not have permission was for insurance purposes.

Once this information was shared with the Assistant District Attorney handling the case, the case was dismissed.

### PROBATION REINSTATEMENT...

**Ross Palmie** represented an individual who was charged with assaulting a police officer while on probation for the same charge. Investigators canvassed the neighborhood where the incident took place, finding an impartial third party witness that verified the defendant's story that he did not assault the police officer.

The witnesses testified in court on the defendant's behalf, resulting in the case being dismissed and the defendant being re-instated to probation.

### BURGLARY OF A HABITATION NO BILL...

**Stanley Schneider** and **Kevin Fine** represented a college athlete who along with two friends had visited a University of Houston campus dormitory. During the course of heavy partying, a room was burglarized of a stereo and VCR. The defendant and both of his friends were charged as a result of the police investigation.

The defendant claimed he was present in the building, but did not participate in the burglary.

One of the defendant's friends chose to remain silent and make no statement, while the other friend gave a tape-recorded statement to our Investigator confessing to the burglary and exonerating the defendant.

Investigators also found a witness who could verify the defendant was with her when the burglary occurred.

The package was presented to the Grand Jury, which resulted in the defendant being No Billed and being able to remain on his athletic scholarship.

### CAPITAL MISTRIAL...

**Katherine Scardino** and **Jimmy Phillips Jr.** were appointed to a high profile capital murder case in the 184<sup>th</sup> Criminal District Court in Harris County. Scardino's client and his cousin were charged with Capital Murder in the September 4<sup>th</sup> shooting deaths of two employees at the Hollywood Video Store. Scardino's client worked at the store before being fired in mid August.

There was no forensic evidence at the scene implicating either defendant. Both defendants told friends that the pair were murdered because they recognized Scardino's client as a former employee and were going to tell the police. Scardino's defendant initially confessed to the shooting to police while his pregnant girlfriend was also being interviewed.

The second defendant agreed to take a 40-year sentence to testify against Scardino's client, but changed his mind just before trial.

Our investigation identified a Harris County jail inmate who was willing to testify that the second defendant told him that he was the shooter in the incident.

The jurors were deadlocked 11 to 1 for conviction. The single juror voting to acquit Scardino's client was not convinced that Cooper's confession to police had been voluntary.

The jury sent a note to the judge, "We can't change our votes without doing violence to our conscience."

*The State of course will retry the case.*

## OFFICIAL OPPRESSION ACQUITTAL

**Aaron Suder** and **Brett Ligon** represented a Houston Police Department officer charged with official oppression. The Houston Police Department officer was charged when a Texas Department of Public Safety trooper complained that he had used excessive force while making a DWI arrest.

The DWI suspect told Internal Affairs Investigators that he did not believe he was assaulted by the officers. The defendant was indicted on the basis of the Texas Department of Public Safety trooper's statement.

Investigators located and interviewed the DWI suspect who was here in the United States illegally. The DWI suspect remained consistent with his version of events, stating that the officer did not assault him during the arrest.

The DWI suspect was very reluctant to testify in court, fearing that Immigration authorities would arrest him. Investigators reassured the DWI suspect that his freedom would not be compromised by his testimony.

An Investigator from our office helped provide transportation for our most important witness for the trial.

The Houston Police Department officer was subsequently acquitted by the jury.

## ENDANGERMENT TO A CHILD NO BILL

**Jonathan Paull** represented an individual who was charged with endangerment of a child as a result of an incident that occurred in a vehicle. The defendant was riding in the passenger seat in a vehicle driven by the child's mother.

A fight erupted between the defendant and the driver. The driver alleged that the defendant pulled the parking brake and jerked the steering wheel, causing the vehicle to crash and thus injuring the child. The defendant, on the other hand, claimed that the accident was a result of the driver speeding.

Our investigation determined that the driver was mentally unstable and had a history of putting ex-boyfriends in jail.

Kevin Templeton conducted a scene analysis of the skid marks, which refuted the driver's claims that she was only going 35 miles per hour.

The defendant also took a polygraph exam that indicated he was being truthful regarding his version of events.

A package was prepared for the Grand Jury, which subsequently No Billed the defendant.

## AGGRAVATED ROBBERY ACQUITTAL

**Stacy Biggar** represented a defendant charged with an aggravated robbery that occurred in the apartment complex where he resided with his mother.

The apartment manager suggested to police the identity of the suspect. The police then obtained an identification of the suspect from the victim utilizing a photo spread.

Our investigation determined that the apartment manager had shown the victim the driver's license photograph of the defendant prior to the victim reviewing the photo spread.

Subpoenaed records from the property manager's file also determined that this specific manager had a number of problems regarding rent payments with the suspect's mother.

The jury returned a verdict of Not Guilty.

## LESSER CONVICTION FOR MANSLAUGHTER...

**Stanley Schneider** and **Robert Fickman** represented an individual charged in Ft. Bend County with the murder of an individual who was an innocent bystander to an altercation between the defendant and a third party.

Investigators found witnesses who testified that the third party involved in the altercation actually had a gun pointed at the defendant when the defendant fired and mistakenly hit the bystander.

Investigators also developed information that the victim's mother had removed the third party's gun from the scene before the police arrived.

The defendant was convicted of the lesser offense of manslaughter instead of murder as originally charged.

## ASSAULT CASE DISMISSED...

**Robert Fickman** represented a teacher in Galveston County charged with physically assaulting one of his students.

Investigators developed information that established the student was less than reliable and had a propensity for being the aggressor in many incidents. The case was subsequently dismissed when this information was presented to the prosecutor.

## DRUG TESTING

**Philip Hilder** acquired a case involving the possession of methamphetamine and needed immediate drug testing upon the defendant's release on bond. Arrangements were made through a local drug testing lab and the defendant was drug tested for the presence of methamphetamine in his blood and urine.

The results were obtained within days of the arrest indicating there was no presence of methamphetamine in the defendants system. There are other issues in this case and we will keep you posted.

## RUSTY DUNCAN...

For all of our friends in the Criminal Defense arena, we will again be attending the upcoming Rusty Duncan Seminar in San Antonio on June 6th and 7th as an exhibitor. We look forward to seeing many of you. Please stop and say hello.

## CORPORATE CONCERNS....

### AMERICAN EXPRESS FRAUD

Kevin Templeton conducted an investigation on behalf of our client, which identified over \$30,000 worth of charges by an employee on our client's Corporate American Express credit card, which he diverted to his own personal use. The charges included a washer and dryer, big screen television, electronics and computer equipment and even a thousand dollar suit purchased at the Bellagio Hotel in Las Vegas.

Templeton gathered all of the necessary receipts, which verified that the employee had personally made the charges. Templeton also visited the employee's home, which was for sale, posing as a potential buyer. Templeton was able to view a number of the items purchased with the American Express credit card in the employee's home.

Houston Police Department Forgery Investigators were very happy to obtain our investigative package, allowing them to file charges and recover stolen property without having to do much of the paperwork.

We believe the employee became somewhat confused about American Express' slogan, "Don't Leave Home Without It." The employee decided to "fill his home with it". This of course is not a defense to prosecution.

### TONER CASE

Gradoni & Associates was hired by a messenger company because a number of their drivers were picking up used toner cartridges and selling them for their personal gain rather than turning them back in to their client for rebates.

Our investigation determined that a 20-year employee of the messenger service had made over \$35,000 in 2001 selling used toner cartridges, this was revealed from a 1099 that was issued to him. Clay Buckner surveilled this employee and caught him on videotape removing used toner cartridges from his delivery vehicle to his personal vehicle. Further surveillance by Buckner revealed that the employee's garage at his residence was stacked with used toner cartridge boxes.

An interview was conducted with the suspect, who originally claimed the defense, "I am an entrepreneur." The suspect finally admitted during the interview that he was aware he was supposed to return the used toner cartridges and not turn them into personal profit. The suspect agreed to allow Investigators from Gradoni & Associates to recover the items belonging to their client's client at his garage.

Over 120 boxes of used toner cartridges were recovered. There were also another hundred plus boxes that could not be identified.

The client chose to terminate the employee rather than to file criminal charges.

## THE EYES.....

## SURVEILLANCE

### SURVEILLANCE PAYS OFF...

During the first four months of 2002, **Gradoni & Associates** has utilized their surveillance team to protect two corporate clients from the theft of supplies, materials and client's proprietary information.

The first case involved the surveillance of an individual who had been the recipient of a \$500,000 loan to set up a computer service company. Investigators surveilled the principal for two weeks in order to identify his daily schedule and all of the customers he serviced.

The surveillance results were compared to the time bill out turned in by the employee which revealed discrepancies.

The second case involved the surveillance of a company's sales manager and operations manager to identify locations where our client's materials and laborers were used to perform construction jobs.

The individuals had set up their own competitive company, were keeping 100 percent of the bill out for themselves on the construction jobs, while our client paid for the labor and material costs.

As most thieves find out, you can steal from your employer some of the time, but eventually you will "get nailed" (pardon the pun).

### FRAUD SURVEILLANCE...

Our firm was hired by a Defense firm to conduct surveillance on a individual claiming serious injuries from an automobile accident. It was rumored that the plaintiff had a previous case and a large settlement.

Clay Buckner surveilled the plaintiff in a very rural setting. The plaintiff's neighbor told Buckner the man wore a neck brace only when he went to see his doctor. The neighbor said the man was always clearing his land with heavy equipment and was just a scam artist.

Clay captured the plaintiff on videotape clearing his acreage with heavy equipment and building a fence. The videotape certainly shows the plaintiff's claims of injury to be greatly exaggerated.

The plaintiff will find out he is the star of "how to build your own fence" at his trial.

**Gradoni &  
Associates**

14520 WUNDERLICH SUITE 120  
HOUSTON, TX 77069  
(281) 440-0800 Fax (281) 440-0208  
(800) 803-9186

State License A5741