



Private Eyes of Texas

A MESSAGE FROM J.J.,



This is our first newsletter for the new year.

As always, everything in our office is moving at a fast pace, with short deadlines in many instances. In March, we were involved in 3 Trials. We had a Capital Death Penalty in Galveston with Bob Loper and Gerald Bourque, a Capital Death/Life in Harris County with James Stafford and Randy McDonald, and a Kidnapping case in Harris County with Patti Sedita, all going on simultaneously.

Included with this issue are the new 2011 Court Directories for Harris County and surrounding counties, Fort Bend, Montgomery, Galveston and Brazoria.

We made a diligent effort to document accurately all the changes in the Judges and Court Personnel as a result of the November 2010 Election. Please call Lisa at our office should you need more Court Directories.

I would like to personally thank Robert Fickman, Lori Gooch, Gary Polland, Phillip Hilder, Kate McConnico, Stanley Schneider and Robert Morrow for new client referrals.

There is no doubt that this year will be challenging as usual. You will notice later in the newsletter we have made some additions to our staff that will allow us to continue to deliver work product in an accurate and timely basis on our diverse case load.

Inc. Magazine Article

In February I was interviewed by Inc. Magazine on how a Private Investigator could obtain intelligence on competitors for business clients.

We covered a number of topics during the course of the interview, which involved cold calling, surveillance, internet research, identification and interviewing of former employees and even dumpster diving to obtain discarded information.

The author of the article seemed to really like the dumpster diving portion of the information, which of course is the least glamorous.

I was informed that the article was going to come out in the April issue, but I had no idea what the author was actually going to write. Inc. also requested a photograph, which they were going to run with the article.

The magazine came out last week without my photographs. It took me a while to look through the magazine to find the article. There it was on page 80 entitled "Garbology 101" Burt Helms, the Senior Writer for Inc. quoted myself and Richard Horowitz, an attorney who works on Competitor issues. I found I was accurately quoted quite a bit during the article, which encompassed half of page 80 and all of page 83.

We all like to be memorialized for finding the kidnapped victim alive, solving the Murder for Hire mystery and other glamorous investigations. As I was told by an associate, any article with your name in it was important, even if it was about garbage.

CAREY WELLMAKER

Carey Wellmaker left our firm after 10 years of service "to follow her path." Carey was a dependable and result oriented member of our staff, who will be missed. We all wish Carey the best of luck in her new endeavors.

PARKING 101 "THE SCENE"



One of our attorney clients managed to back his car into this parking space near the Federal Courthouse. The individual who owned the white Mercedes behind our client's car flagged down a Police unit and told them that our client had broken his right front headlight and had refused to provide insurance information.

The Officers were more focused on our attorney client than inspecting the car damage that could not have possibly been done at that time. As the conversation escalated, our client was arrested for Failure to Give Information.

Bob Loper represented our client in court and was able to get the case dismissed at the first setting. A very infrequent type of victory.

I have withheld the client's name in order to protect the innocent. I still want to know how he was able to maneuver his car in that parking space.



NEW TEAM MEMBERS

EFRAIN GUTIERREZ

Efrain Gutierrez, a former associate of Cindy Klein at the FBI, has agreed to come aboard as an Investigator.

Efrain was a Special Agent with the FBI in the Houston Office from June of 1987 to May of 2001. Efrain led investigations in drug, white collar and foreign counter intelligence cases, that resulted in the prosecution of numerous defendants and the seizure of millions of dollars for the U.S. government.

Efrain served as a squad investigative team leader, SWAT team member and was a certified undercover agent. Efrain also provided security during international events, such as the Atlanta Olympics, the Montana Freeman Standoff, The G8 Economic Conference and other major national events.

Efrain also supervised 20 language specialists and translators and helped develop new procedures that included timeliness and accuracy of translated material.

After his tenure with FBI, Efrain was a regional director in Mexico and Central America for a security company that specialized in business operations, evacuation plans, security assessments and personal protection for management and employees for Inc. 500 companies doing business in Mexico and Central America. More recently, Efrain has been a teacher in the Katy Independent School District for Spanish Instruction.

Efrain brings a very diversified qualification package, which will certainly assist us in continuing our quality efforts in criminal defense. Efrain's corporate experiences will be invaluable in helping us with the growth and investigation of corporate clientele.

ROBERT RANDLE



I am happy to announce that Robert Randle came aboard as a Field Investigator at the beginning of February this year.

Robert possesses a Bachelor of Arts and is a retired school teacher, having taught at Willowridge High School from August of 1989 to June of 2010. Robert also was an assistant football coach and possesses a great deal of experience in dealing with juveniles.

Robert brings a set of skills to our organization that enables him to work in the field with our younger defendants and witnesses.

Robert has shown a talent to set these individuals at ease and obtain information that we need to meet our case goals.

Robert's initial assignments have produced great results in areas of town that would be considered challenging to say the least.

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THE TRUTH MAKES A DIFFERENCE

SEXUAL ASSAULT/DISMISSAL

PAUL ST. JOHN represented a defendant who was a Home Healthcare Provider who became romantically involved with his patient. When the Defendant broke off the relationship, the patient claimed he had sexually assaulted her. During the course of our investigation, we were able to identify a number of witnesses who stated that the pair displayed themselves in public as boyfriend and girlfriend. We also developed a number of witnesses who were willing to testify that the Complainant was not truthful.

Paul St. John was trying to relay this information to the Prosecutor, who was leaning toward a Dismissal. When the Complainant told the Prosecutor she had attended Yale, which was a fabrication, the Prosecutor dismissed the case. The Complainant had no idea that the Prosecutor had attended Yale and was unable to answer any of the Prosecutors questions about her alma mater.

ANIMAL CRUELTY/DISMISSAL

STANLEY SCHNEIDER represented an individual who had been accused by his neighbor of hanging his dog by the neck on his fence. Investigator Benito Segura canvassed the area and was able to identify witnesses who could not support the State's theory. The evidence led to the belief that the dog had actually died accidentally. The Grand Jury agreed with that assessment and No Billed the defendant.

SEXUAL ASSAULT/DISMISSAL

MONIQUE SPARKS represented an individual who was charged with Sexually Assaulting his girlfriend's daughter.

Our investigation revealed that the allegations were a result of the Complainant's family's dislike for the defendant. We also developed information that the child was coerced into making the allegation. Monique was able to utilize this information to obtain a Dismissal.

MURDER/AQUITAL

CHARLIE MEDLIN represented an individual who was charged with a shooting death as a result of an altercation in the parking lot of a club on the Southwest side of town. The State had numerous witnesses to the shooting, including the decedent's brother. One of the Bouncers was accidentally shot in the leg by the defendant during the altercation. Our interview of the witnesses could not place a weapon in the hands of the deceased but we were able to establish that the deceased brother fled the scene prior to the Police arriving. Charlie was able to establish reasonable doubt in the minds of the jury during his excellent cross-examination of the witnesses that the Defendant may have been acting in self defense since the victim may have had a weapon. The Not Guilty verdict was a great result.



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AGGRAVATED ASSAULT/DISMISSAL

LANA GORDON represented a defendant charged with running over the Complainant with his car twice during an altercation.

Investigator, Benito Segura located the Complainant and visited the scene. He took representative photos of the residential area, which tended to dispute the Complainant's version of events.

Investigator Cindy Klein interviewed the Complainant who admitted that he actually started the altercation and had sent his pit bull out of the house after the Defendant. We were also able to determine that the Complainant never sustained the type of injuries that would have occurred if he had been run over twice by a vehicle. Lana was able to provide the District Attorney with the facts we developed and the case was dismissed.

BELLVILLE FAMILY MURDER

KATHERINE SCARDINO AND JAMES RIVERA represent Maron Thomas charged with killing five family members at their residence in Bellville. Thomas was originally deemed insane and sent to the State Hospital. After a few months of treatment in the form of medication, Thomas was sent back for Trial.

The District Attorney's Office is currently considering seeking the Death Penalty against Thomas.

Cindy Klein, our lead Investigator, working in conjunction with Gina Vitale, Mitigation Specialist, interviewed over thirty family members regarding their opinion about Maron being given the Death Penalty.

We were able to persuade twenty-five family members to attend a meeting with the District Attorney about the Death Penalty. To our knowledge, only one of those in attendance wanted Maron to be put to death. We are still awaiting the District Attorney's decision.

Katherine Scardino told me that in all of her years working Capital cases, she has never, ever had that many people involved in the punishment issues, thanking both Gina and Cindy for their efforts.

GALVESTON COUNTY AQUITAL

KELLY CASE was in the middle of a Trial in Galveston County, which was abruptly dismissed after a witness located by Investigator, George Wellmaker, spoke to the Prosecutor, giving information that caused the case to be dismissed.

HIT AND RUN INVESTIGATION

The wife of an individual who was killed racing his Corvette in Montgomery County hired our firm in order to obtain some closure in that case. Our client's husband was racing a yellow Mustang in his Corvette Convertible when the two vehicles came to a junction where the road narrowed from two lanes to a single lane. Our client's husband's car was forced to the curb by the yellow Mustang causing the car to flip. Our client's husband was thrown from the car and killed. The yellow Mustang came to a stop, the driver looked at the body laying in the street and then sped off.

Our client was very unhappy with the DPS Investigation of the accident and hired our firm to see if we could identify the driver of the yellow Mustang. Investigator Benito Segura has conducted interviews with witnesses and has possibly identified the suspect. Hopefully we will be able to complete this investigation in the near future, getting the suspect charged.

RIVER OAKS KIDNAPPING/HUNG JURY

PATTI SEDITA represented a defendant charged with attempting to kidnap a River Oaks housewife as she took her morning run.

The Police investigation identified four suspects, although witnesses at the scene told the Police there were only two abductors. Two of the suspects informed local girlfriends they had to flee to Mexico to avoid being captured. The State's evidence against Patti's client involves the defendant's DNA being present in the rental car used in the abduction attempt and a very tentative identification by the victim. During the Trial, we were able to establish that our defendant did hang out with the suspects who fled to Mexico and may have been in and out of the rental car before the attempted abduction.

The witness identification went from "I didn't see his face but he had a black hand" in the Police Report to a positive identification of the defendant in a line-up. During the course of the Trial, Patti was able to establish that the Investigating Detective, Brian Harris, had not provided his field notebook to the Prosecutor as the other Investigating Officers had. Patti was also able to establish that Harris had failed to turn over an audiotaped interview he had with the Complainant prior to her identification. The trial was halted on February 18, 2011, when this information came to light to give the defense an opportunity to investigate the circumstances surrounding the new information. The Trial resumed in mid-March and after a week, the Jury could not come to a conclusion on the defendant's guilt or innocence.

It is almost certain there will be a second Trial.



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AGGRAVATED ASSAULT/NO BILLED

FRANKLIN BYNUM represented a defendant who was charged with the Aggravated Assault of his stepson. An argument erupted between the defendant and his stepson over the stepsons attendance at school. The stepson alleged the stepfather viciously attacked him choking him down to the ground.

Our mission was to interview witnesses and provide information that Franklin could use to prepare a package for the Grand Jury. Investigators conducted interviews with witnesses and individuals who had knowledge of the inter-dynamics of the family structure. We also obtained Complainant's school records which were favorable for the defense position. Franklin was able to put together a package that resulted in a No Bill by the Grand Jury.

CREDIT CARD ABUSE/NO BILLED

DICK BAX represented a female charged with Credit Card Abuse. George Wellmaker interviewed a number of witnesses who knew that the Complainant who owned the credit card had actually given the credit card to the Defendant to use in order to enhance his goal to date the Defendant. We were able to obtain signed Affidavits from witnesses about the circumstances that Dick was able to utilize in his Grand Jury package to obtain a No Bill.

AGGRAVATED ASSAULT/DISMISSAL

DICK BAX represented a young lady that allegedly threatened an associate with a gun. Investigator George Wellmaker was able to obtain Affidavits from three witnesses who were present when the altercation occurred. Each of the witnesses provided Affidavits that the Defendant never threatened the Complainant with a gun. The witnesses also verified the fact that the Complainant had caused damage to the Defendant's car by throwing a brick at it days before the alleged incident.

Dick Bax was able to present the Affidavits from the witnesses to the Prosecutor which resulted in a Dismissal.

FRAUD/DISMISSAL

DAPHNE PATTISON represented an individual who was charged with Fraud for allegedly lying on a governmental application for housing. Investigator Cindy Klein was able to establish through interviews that the defendant had a number of disabilities that gave a great deal of mitigation to his position. As a result of this information the Prosecutor decided to dismiss the charges.

THEFT CASE/DISMISSAL

JEFF GRECO represented a defendant who supervised construction crews in the Valley. The State alleged that the defendant cashed a number of employee checks keeping the money for himself. We learned that the real story was the company was hiring undocumented workers issuing checks to phantom legal workers and then bringing the cash to the Valley where the undocumented workers were paid.

We were able to establish through our investigation that the State actually had no real proof that that defendant had taken any money but the State elected to go to Trial. Midway through the Trial, the State offered the defendant a misdemeanor conviction. The defendant elected to reject the offer and continue with the Trial feeling very confident that a not guilty was around the corner. The Prosecutor had the same expectations dismissing the case and ending the Trial.

CORPORATE MATTERS

We have just developed a handbook for corporate clients that simplifies the complicated structure and legal issues regarding the backgrounding of potential employees.

The booklet also explains the nuts and bolts of background investigations, the type of information that can be obtained and how the information can be interpreted in making a decision on whether to employ the prospect or not.

Businesses suffer thousands of dollars in financial loss, inventory loss and employee morale when hiring individuals who have not been properly backgrounded.

We have found on many occasions while conducting corporate investigations, that the suspects stealing from their employers have criminal history not identified prior to their placement.

Money spent on thorough backgrounds always save an employer money, legal fees and morale problems down the road.

Our comprehensive booklet will be provided to any requestor free of charge.

YOU MAY NEED A NEW LAWYER IF:

- Your lawyer tells you that his last good case was of Budweiser.
- When the Prosecutor sees your lawyer, they high five each other.
- Your lawyer picks the jury by playing duck duck goose.
- Your lawyer tells you that he has never told a lie.
- A prison guard is shaving your head.