



Private Eyes of Texas



A MESSAGE FROM J.J.,

It seems like yesterday was the beginning of the New Year, and before I knew it we were entering the month of March.

I would like to take this time to personally thank all of our clients who have been so supportive over the years. Last year was another banner year for Gradoni & Associates. I was constantly reminded as the year progressed "that the truth always makes a difference." On many, many cases, diligence, persistence and hard work by members of the staff resulted in getting the information our clients needed to litigate the cause of their client.

Our firm also had the honor to work with George Parnham, Emily Munoz, and Dee McWilliams on the Clara Harris case. In my opinion, the media attention was even more intense than the attention received by Andrea Yates. Although we have participated in hundreds of criminal defense cases, I can certainly attest that this was the hardest and most unusual case we've ever worked on. The nature of the crime, players and publicity turned this case into a combination of criminal defense, plaintiff litigation defense, and family law. The owners of the hotel where the incident occurred would not allow our Investigators to interview any of the witnesses. The establishment wasn't even cooperative with the District Attorney's office. Two of the establishment's four witnesses are no longer employed at the establishment, one being fired the day after he testified in the criminal case.

In order to get the medical personnel who attended the victim to speak to us, we had to subpoena them to court on the first day of trial just to get them to give us their version of events. The private investigative agency involved in the incident, has been all over the news media before, during and after the trial, and has recently signed to do a movie about the incident from their perspective per a Houston Chronicle article. Even with all of the stonewalling that occurred, we provided George Parnham with a mountain of information that he utilized successfully to discount some of the state's witness testimony. We also identified and interviewed a number of people at the scene whose witness observations were beneficial to our position.

None of us on the defense team expected the harsh sentence the jury handed out. We all hope that Clara Harris is successful in her appeal attempts. We did not poll the jury after the trial but after listening to some of the jury's comments to the media, I can't help but think that the high profile nature of this case, along with the defendant's economic status, may have had some conscious or subconscious role in the verdict.

J.J. Gradoni

INVESTIGATOR PROFILE...



STEPHANIE WRIGHT

Stephanie Wright has recently joined Gradoni & Associates bringing a wealth of knowledge, experience, and skills in conducting interviews, investigations, and research. Stephanie holds a Bachelor of Science Degree in Psychology from Sam Houston State University and served as a Police Officer with the Huntsville Police Department in Huntsville, Texas. During her public service she received training and gained field experience in patrol functions, accident investigations and reconstruction and criminal investigations. Stephanie has also received training on issues of child abuse, family violence and violent criminal behavior.

Stephanie eventually decided that she wanted to enhance and diversify her work experience to include a legal background so she became a paralegal for a law firm that specialized in defending governmental agencies involved in civil litigation pertaining to the actions of public servants.

Stephanie's experience in law enforcement and the legal community coupled with her background in psychology has given her a firm foundation in the field of Investigations, including background and public records research.

Please join us in welcoming Stephanie to Gradoni & Associates, as she will prove to be a great asset in providing premiere services to our clientele in the future.

GOODBYE & GOOD LUCK

Everyone on the staff at Gradoni & Associates would like to say goodbye and good luck to Polly Korzekwa, the background specialist who has been with our firm since March, 1993. Polly recently accepted a position with the Fort Bend County Sheriff's Department in the Communications Division.

Polly has been interested in starting a law enforcement career for quite some time, as well as having an opportunity to work very close to her home. Polly was a wizard in conducting background investigations with her strong suit obtaining accurate and credible information in jurisdictions outside of Texas. Polly was a very dependable employee, loyal to the core, with a great attitude and work ethic.

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 at JJ@gradoni.com.



CRIMINAL DEFENSE INVESTIGATIONS...

CRIMINAL MISCHIEF DISMISSAL...

Alan Cohen represented a former Harris County Deputy who was on probation for a family violence case involving the deputy's ex-wife. The ex-wife told the Humble Police Department that her car had been keyed at work. The ex-wife also told officers that co-workers had observed an individual matching her husband's description near her car on the morning of the incident. The investigating officer showed a photo spread to the witnesses and Cohen's client was subsequently charged.

Our investigation revealed there was a good possibility that the ex-wife had shown her co-workers a photograph of her husband before they were interviewed by the police. After we interviewed the witnesses, we determined that their identification was far from positive. The defendant, who had just had a recent surgery, was also wearing a probation monitor. The Harris County Probation Department's records indicated that the defendant was at home during the time the alleged incident occurred. When the District Attorney was presented with this information, the case was dismissed.

MURDER CASE DISMISSED...

Mike Stone represented an elderly gentleman who had accelerated his car in a motel parking lot striking his wife and causing her death. The State's key witness told police that she heard the couple arguing as they exited the lobby and then watched as the defendant purposely ran over his wife in the parking lot.

Our investigation determined that none of the hotel employees witnessed any such argument in the lobby. Investigators further determined that the witness was too far from the hotel lobby to hear any such argument. Additional witnesses interviewed, who were much closer to the incident, believed it was a horrific accident. The Montgomery County District Attorney's office dismissed the charges when all this information was made available.

BURGLARY OF A HABITATION REDUCED TO CRIMINAL TRESPASS...

Allen Cease represented a high school student who was charged with going to another student's house and along with two other co-defendants, had taken items from the garage. The main eyewitness told police he saw the defendant removing the items and placing them in his vehicle.

Investigators interviewed a number of students who were also at the victim's house at the time the incident occurred.

None of these witnesses could support the key witness' version of events. Our investigation also revealed that the key witness, a fellow football teammate of the defendant, had quite an egotistical rivalry with the defendant who had been granted an athletic scholarship for football at an Arkansas college. The volumes of information that tended to discredit the key witnesses' testimony was taken into account by the Fort Bend District Attorney who reduced the charge to trespass. The defendant also did not lose his athletic scholarship.

AGGRAVATED ASSAULT CASE NO-BILLED...

Alan Cohen represented a teenager charged with aggravated assault. The teenager had tried to break up a fight at his apartment complex involving the complainant, who had just been released from jail. Investigators obtained affidavits from a number of witnesses to the incident who stated that the defendant had actually been the one assaulted. The package prepared by Alan Cohen helped the grand jury decide to no-bill the defendant.

SEX ABUSE CASE—HUNG JURY...

Chip Lewis represented a Houston police officer charged with the sexual abuse of his granddaughter. The outcry came a number of years after the alleged incident. Investigators interviewed over twenty-five individuals who verified that the victim's father, also a Houston Police Department officer, was upset with the defendant because he failed to support his denials regarding an internal affairs investigation. The victim's mother also did not believe the allegations were truthful. Chip Lewis masterfully utilized all of the information developed in a very intense trial to obtain a hung jury.

SEX ABUSE OF A CHILD—HUNG JURY...

George Tyson represented a defendant charged with the sexual abuse of his stepdaughter. The outcry occurred a number of years after the defendant had left the household and had remarried. The victim did not make the outcry until after her mother wanted to take her to a doctor to determine if she had been sexually active due to some unrelated incidents.

Investigators interviewed members of the victim's family, obtaining a number of conflicting statements. George Tyson utilized our investigation along with a number of subpoenaed records regarding the victim, to cause the jury to not be able to make a finding.

MURDER ACQUITTAL

Stanley Schneider and Kevin Fine represented a foster care parent who was charged with smothering a child in his care when attempting to encourage him to go to sleep. The prosecutors claimed the defendant, possibly due to stress from his job, held the child's face down in his pillow in his crib to make him stop crying.

During our investigation, witnesses were developed that stated that the older brother was consistently observed harassing and bullying the victim, his little brother. It was also revealed that the older brother had psychological problems due to an abusive past within the family home prior to going into foster care.

Additionally, the investigation revealed that the organization managing the foster care had not fully disclosed the children's past abusive behavior and medical history prior to placing them into the defendant's home. Investigators obtained documents regarding the older brother's previous violent and aggressive behavior towards other children.

Several of the witnesses that had formerly cared for the children stated that they had observed the older brother's aggressive behavior towards other younger children by placing objects on their face and head and attempting to smother and subdue them.

A nine-man, three-woman jury deliberated about two hours after hearing nearly three weeks of testimony. Ultimately the defendant was acquitted. Stanley Schneider's tenacity and trial skills played a huge role in preventing a conviction of an innocent man .

CORPORATE CONCERNS....

TRAIN RIDE COMES TO AN END

Rob Fickman and Stanley Schneider represented the owner of a train ride concession who noticed during an audit a discrepancy in the number of tickets sold versus revenues.

Carey Wellmaker analyzed almost two years of receipts and deposits compiling a spreadsheet that documented all of the tickets sold, the discrepancies and the identity of the only individual on duty each and every time a discrepancy occurred.

Wellmaker conducted an interview with the suspect, a sixteen year employee of the victim who confessed to the thefts after being confronted with the overwhelming documentation that had been prepared. The suspect had taken over \$20,000 in a year and a half.

The suspect admitted using the money to pay bills and finance her son's college education. The suspect cited all the usual excuses for her dishonesty claiming other employees received better benefits and were treated more fairly by her employer.

PAYROLL CLERK BUSTED

A national engineering firm hired Gradoni & Associates to investigate a number of irregularities identified with vacation pay. It appeared that a number of vacation checks had been made payable to a payroll clerk although the computer listed the checks as being issued to legitimate employees.

A review of the cancelled checks revealed that the payroll clerk had made the checks payable to herself and her nine-year old son. The paper trail revealed that some of the checks had been deposited into the suspect's personal checking account, and the remainder of the checks had been cashed at a check cashing boutique where the suspect had set up an account in her own personal name.

Once all the evidence had been organized, the suspect was confronted. During the interview, the suspect admitted to the scheme, which netted her over \$80,000.

The suspect admitted during the interview that she had used the money for "just living." Our investigation has been turned over to the Harris County District Attorney's office for prosecution.

PAY RAISE EXTORTION...

Attorney John Rhem asked Investigators to look into allegations from employees of his client, the owner of a chemical plant, that their supervisor had extorted monies in return for favorable reviews that resulted in raises.

Investigators interviewed a number of employees who provided affidavits that their supervisor had asked that he be paid for recommending them to management for a pay raise.

After the evaluations were completed and the employees received their raise, each employee had paid the monies to their supervisor as requested. The supervisor, a twenty year employee of the company, admitted in his interview that he had taken the money, but only after the employees had insisted he take it out of gratitude for all he had done for them.

The supervisor did state during his interview that he had refused a jelly doughnut from one of his employees who had received a raise. The Supervisor received a raise out the door.

PRE-EMPLOYMENT ASSESSMENTS

Most hiring systems focus on skills competency. However, rarely are people fired for lack of competence. It is incompatibility with organizational values and culture that is the cause of most problems.

One could define an exceptional employee as an individual who is honest, hardworking, drug free, reliable, who identifies with the company's core values and culture, projects the company's image while also gaining a sense of self-satisfaction and accomplishment from their contribution to the organization.

This definition would lead one to believe that the significance of matching people first to the organization and then to the job is very important. Failure to achieve this compatibility causes good people to fail, because they are simply on the wrong team. All of us know someone who was fired from one company, yet went on to become a superstar elsewhere. These people didn't suddenly improve their skills. They just found the right situation.

Use of pre-employment assessments is rising rapidly as employers try to define their organization's unique compatibility factors. Recent advances and psychometric research have created a new breed of pre-employment assessments specifically designed for business to meet this demand.

Recent research has shown that employers utilizing "validated selection tests" for pre-employment assessment out perform other businesses, experience lower turnover, and report four times the market value to book value. A good pre-employment assessment measure should provide the employer with the following information:

1. Can the applicant do the job?
2. Does the applicant want to do the job?
3. Will the applicant do the job within your organizational values and culture?

Pre-employment assessments or tests must be job related and non-discriminatory in order to reduce any exposure to litigation. Protection from litigation, particularly claims of discrimination, is best achieved by being objective, consistent, and fair. The assessment must be administered using consistent procedures. The information must be relevant to job performance and it must be used in a consistent manner. When this is done, assessments can bring a level of objectivity to an otherwise very subjective process, thereby reducing exposure to litigation.

**Excerpt from Texas Business Today, Fall 2002*

FRAUD PERSONAL INJURY PLAINTIFF POURED OUT

Neal & Associates hired our firm to surveil an individual believed to be embellishing the extent of his injuries.

The plaintiff lived in a very rural area. An interview was conducted with the plaintiff's neighbor who advised the plaintiff routinely worked clearing his land with heavy equipment. The neighbor also stated that the plaintiff only wore a neck brace and other supportive devices when he went to see his doctor.

Our surveillance agent, J. C. Buckner, was able to film the plaintiff from a concealed position on three different occasions bulldozing his land, building fences, and doing other heavy duty physical tasks. The surveillance tapes were utilized by our client to win the case and save the defendant from paying thousands of dollars to an individual who was not injured.

CUSTODY VICTORY

Casa de Esperanza hired Gradoni & Associates to surveil an individual who was contesting custody of his child. The individual was a user of crack cocaine. The client hoped that our surveillance agents could provide factual documentation of the crack usage.

During surveillance activity, Tommy Evans videotaped the individual purchasing rock cocaine at a street corner. The video was so good that Evans actually captured the hand-to-hand transaction on film. The video evidence was instrumental in not allowing the custody to be reversed.

2003 HARRIS COUNTY COURT DIRECTORY

We have recently updated our court directory for all of the courts in Harris County, Southern District of Texas and also included contingent county clerk's office information.

If you haven't received a copy in the mail, please feel free to contact Michelle at our office and order as many copies as you need.

In the words of one our DWI Clients:

"When I drink alone, I like to be by myself"

Gradoni & Associates

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