

Expert Witness Opinion

**RE: EXPERT WITNESS OPINION CONCERNING THE INCIDENTS FOR [REDACTED]
[REDACTED] AT THE AMC THEATER IN THE KATY MILLS MALL ON MAY 17, 2009 AND THE
JULY 27, 2009 INCIDENT FOR [REDACTED]**

TO WHOM IT MAY CONCERN:

After review of the submitted documents inclusive of [REDACTED] report, police report, Capt. Gay Dickerson's report, Sgt. Jose Noe Diaz, Jr. report, audio transcripts from the July 22, 2009, deposition excerpts from Capt. Dickerson, Lucille Kiley, Sean Kiley, Chief Hastings, Sgt. Diaz, I have come to the following conclusions.

The initial arrest of both [REDACTED] was unjustified and illegal under current Texas statutes. The ability of an officer to arrest for a misdemeanor not committed within his presence or view is narrowly tailored to specific set circumstances: none of which are present in this case. In fact, the Katy officers are either ignorant of the limitations on warrantless arrest, or showed deliberant indifference.

In the initial arrest report there are references made to witnesses who provide their opinions to Kiley as to what transpired; however, I have not seen any official written statements from these individuals. But in my opinion these statement are of little consequence. In light of this, I am forced to assume that all we have to rely on is Officers Kileys word: which is proven to be unreliable.

I find the fact that Captain Dickerson exonerated Officer Kiley of any wrong doing to be incomprehensible. If nothing else, Officer Kiley violated Texas statutes by subjecting both the [REDACTED] to an illegal arrest. In fact, I believe Kiley should have been investigated and the results review by a grand jury on the charge of Official Oppression. I find it equally egregious that Mrs. Kiley, who obviously perjured herself, was never investigated nor charged.

The same incompetency was also displayed by Ranger Diaz. While the Texas Rangers have a certain mystic about them, they too are not perfect. In this case, Ranger Diaz failed to conduct a complete investigation. This was compounded by his superiors who never questioned the fact that he never attempted to interview the suspect. If Ranger Diaz would have taken this step, the recording would have been produced and the false allegations would not have resulted in the unwarranted and retaliator arrest.

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It is therefore m y opinion that the Officers of the Katy Police Department violated the civil rights of both [REDACTED]. If this is the normal pattern and practice of the Katy Police, it must be addressed through education and training. Unfortunately, if appears as if they are unwilling to admit their mistakes.

Therefore, I believe a Federal Civil Rights action under 42 USC 1983 is most appropriate. In addition, I would recommend direct submittal of a criminal complaint against Mrs. Kiley to the foreperson of the Grand Jury.

Regards,



[REDACTED]
[REDACTED]
Rosenberg, TX 77471

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THE STATE OF TEXAS §

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COUNTY OF FORT BEND §

KENNETH CRAIG BRADY AFFIDAVIT

Before me, the undersigned notary, on this day personally appeared Kenneth Craig Brady, the affiant, a person whose identity is known to me. After I administered an oath to affiant, affiant testified:

My name is Kenneth Craig Brady, I am more than 18 years of age and I am of sound mind and have personal knowledge of the facts stated herein:

I agree and confirm that all statements as stated in my Expert Witness Opinion dated as of Tuesday, February 19, 2013 are based on review of the evidence and my personal knowledge of law enforcement procedures and Texas Statutes.

Further Affiant Sayeth Not.

KC Brady
Kenneth Craig Brady

SUBSCRIBED and SWORN TO before me, on this 19 day of Feb, 2013, to certify which witness my hand and seal of office.

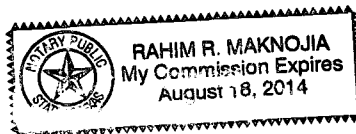
Rahim Maknoja

NOTARY PUBLIC IN AND FOR

THE STATE OF TEXAS

Rahim MAKNOJIA

PRINTED NAME



My commission expires: Aug 18, 2014.