ACTIVE

CRIMINAL

Status:

Reports for File Number: RA-2009-00236

Report By: JOSE DIAZ, SGT 8673, HOUSTON

Ranger No: CA08673090729104046A Program: Lead Company: A True Ranger: Description: OBSTRUCTION OR RETALIATION, HARRIS county, KATY, victim KILEY, SEAN (W / M) lie lie lie 1. 7/29/2009 Approved by KEVIN PHILLEN, LIEUTENANT, 6728 - 9/30/2009 On 07-22-2009, illegally entered the residence of Katy Police Department (KPD) Officer Sean KILEY in retaliation for being arrested by Officer KILEY. Lucille KILEY, Officer KILEY'S wife, accosted her inside of her home. On 05-17-2009, by the KPD for disorderly conduct. filed an internal affairs (IA) complaint with the KPD alleging police abuse. The KPD investigated the allegations and deemed them unfounded, On 07-23-2009, Texas Ranger Sergeant Noe DIAZ was contacted by the KPD concerning of Officer KILEY S wife. Ranger DIAZ interviewed and took a statement from Lucille KILEY concerning Scretaliatory actions. After conferring with the Harris County District Attorney s Office, Ranger DIAZ filed Obstruction/Retaliation charges on placed into the Harris County Jail. Falsely nearing happened but deemed " This most be the most embarassing thing that ever happened to the City of Katy. Biggest concentration of perjorie per number of sentences I have ever seen. Something must be wrong with these We audio recorded the entire encounter. I this is a hoge bunch of perjuries!

TEXAS DEPARTMENT OF PUBLIC SAFETY TEXAS RANGER DIVISION

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	TION OR RETALIATION PC-36.06 (c)-F3		
	OUNTY, KATY, TX, US		
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CONTRACTOR SANDANA CONTRACTOR SANDANA		Ctoture.	ACTIVE
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Division:	RA-2009-00236	Type:	CRIMINAL
Ranger:	CA08673090729104046A		
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SYNOPSIS:	/ /	elie	
1. 7/29/2009 An	proved by KEVIN PULLEN, LIEUTENANT	. 6728 - 9/30/2009	
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(KPD) Off	icer Sean KILEY in retaliation for being arreste		
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DETAILS:	county Jail.  ve exhanceated mearing the  US H Cred. we will see part  City of Cuty 13	involved [1].	OMG (U
1.1 On 07-23-2	2009, Texas Ranger Sergeant Noe DIAZ was co	ntacted by Katy Police D	Department (KPD)
	ay DICKERSON concerning an incident involvi		
DOB: 02-0	06-1970, and his wife, Lucille KILEY - H/F, DC	·	
ana sa	on had acreal and language VII EVIS and		an internal affairs (IA)
	on, had somehow located Officer KILEY'S residence unannounced and represented himself as	13 - 13 - 14 - 15 - 15 - 15 - 15 - 15 - 15 - 15	showed up at the
ROBET TO	walked into the home uninvited when the		
Lucille, As	s Lucille walked up to the front doof, she was m		inside of her home.
	aggressively approached Lucille, got ri		
The state of the s	came inghtened, immediately stepped back, and		to get out of her/ ( e
residence.	lie lie lie	o lie, it was	her son on aud?
1.2 Captain Dl		he said A	Koty Millo Mall
	ICKERSON stated Officer KILEY responded to ater located at 5000 Katy Mills Circle, Suite 131		
	proximately 7:00 PM. Officer KILEY came into		and
		ninary investigation. Offi	

6	to the transfer of the transfe
<b>e</b>	course of the investigation, determined and arrested the aforementioned suspects for Disorderly Conduct-Unreasonable Noise and Disorderly Conduct-Language.  and were transported to the KPD Jail without incident and released on 05-17-2009, at approximately 10:08 PM, after posting a cash bond. For details see KPD Report 2009-0836 (Exhibit 1.1).
1.3	On 06-16-2009, filed a formal complaint against Officer KILEY and Officer Roberto ESPINOSA - H/M, DOB: 02-19-1975, alleging police misconduct (Exhibit 1.2). The KPD assigned the complaint to Captain DICKERSON, who conducted an internal affairs (IA) investigation.
1.4	On 07-16-2009, Captain DICKERSON completed the IA investigation. On 07-17-2009, was contacted via mail with the investigation's findings informing him the allegations were unfounded (Exhibit 1.3). There was no further contact with
1.5	on 07-22-2009, at approximately 8:30 PM, accompanied by his wife, showed up at Officer KILEY S residence located at 5370 Kyla Circle, Katy, Harris County. knocked on the door, entered uninvited and accosted Lucille while Officer KILEY was not home.
1.6	On 07-23-2009, Officer KILEY provided Ranger DIAZ with the following statement: "I was on the telephone at approximately 8:30 PM, with my wife, Lucille Kiley, when I heard the dogs barking in the background. My wife said there was someone at the door and she would call me back. My wife called me back and said that a was at the door. I said, 'What My wife said, 'The that claims he is suing you.' I began to drive to my residence, detecting something was wrong with my wife, and instantly realized it had to be the guy that I had arrested. I stayed on the phone with my wife trying to keep her calm." I see Seen was at the Shell gas Stotton with the stote of the stot
1.7	Officer KILEY S statement continued as follows: "She told me that my nephew had answered the door to a guy claiming to be a He (nephew) walked away from the door to get my wife to come to the door, at which time the guy walked into my house uninvited. My wife said he was about seven to ten feet inside my house when she met him near the door. The guy asked my wife if she was Lucy Gomez, and she told him she was Lucy Kiley. The guy then asked if she was Sean Kiley's ex-wife. She said, 'No. In my his current wife, and you need to get out of my house."
1.8	Officer KILEY S statement continued as follows: "The guy told my wife he thought we were divorced.  My wife again asked him to get out of the house. The guy began to mumble words that my wife couldn's tunderstand, and he was acting very strange and speaking incoherently, continuing to ask her questions.  My wife asked him what his name was, and he said, 'My name is and he sarcastically and he sarcastically said, 'You know who I am Lucy said the guy got up in her face and brushed up against her with his body with a threatening posture. She (Lucy) got scared and for a third time asked him to get out of the house. The guy kept asking questions about me and told my wife that I was a convicted felon and had a weapons violation. As soon as Lucy picked up the phone to call me, the guy walked out of my house saying that he was conducting an investigation on me and mumbling words that my wife couldn's tunderstand."
1.9	Officer KILEY S statement continued as follows: "Lucy said the guy walked out of the house followed by a lady, who had stayed in the foyer area while the guy was messing with my wife. Lucy said they walked out and got into a black Lexus that was parked in front of my home and drove away. I asked her if she was okay. She said she was scared and that the kids were upset, and she was worried the guy would come back and do something to my family. I told her to lock the doors and wait until I called her back. I got on the telephone and called dispatch and asked for a supervisor. As I drove toward my home, I saw a drive by me."

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	to the was at the Shell Gas
	Officer KILEY S statement continued as follows: "I was able to get a hold of another officer and pointed the black Lexus out to him. Officers pulled up to the guy (and I drove home to check on my family I had no other contact with him (and his wife at the Katy Mills Mall for disorderly conduct I remembered was very belligerent and threatening during the arrest, so I knew that he had frightened my wife just by the way he had behaved during my last contact with him.
1.11	On 07-24-2009, Ranger DIAZ contacted Lucille via telephone concerning the incident with Lucille stated she had been away from her residence since the incident because she was afraid would harm her and her children.
(ie)	Lucille provided Ranger DIAZ with the following statement: "I don to know where to begin. The guy really freaked me out. When I saw him inside my house, I didn to know what was going to happen. He was just there all of a sudden. He was talking so fast and had a heavy accent, and I couldn to understand what he was saying I just remember telling him to get out of my house several times. It was worried about the kids. The dogs were barking, and this stranger was inside my home. I just kind of got tunnel vision and focused on his face, because he was right in my face when he brushed up against me. I couldn to even understand what he was asking. I do remember him asking if my name was Lucy Gomez. I said, 'No. My name is Lucy Kiley.' I was just so scared."
	Lucille's statement continued as follows: "I remember he said that Sean was a convicted felon and he was not who he said he was. He asked if we were married, because the records showed that we were divorced. I said, 'Who are you?" (He said, 'You know who I am') in a rude and sarcastic manner. He said he was going to be the one who was going to sue Sean and that he was conducting an investigation on Sean. He kept asking if we were married and if Sean lived with me. I told him to get out of my house, and he walked toward my front door mumbling something, which really freaked me out. He walked out mumbling stuff about an investigation he was doing on Sean and that the investigation was ongoing."
	Lucille's statement continued as follows: "I thought to myself, 'Don t panic.' So I just asked the guy to step out of my home. I just really don t remember all that was said because it all happened so fast. Once I realized that this was the guy that was upset with Sean, I calmed down to avoid upsetting the guy. The guy walked away claiming that he was looking for someone and he believed that I was Lucy Gomez. The guy and a lady walked away and got into a limit to a lady walked saway and got into a lady walked saway and got
x =	On 07-24-2009, Ranger DIAZ contacted Captain DICKERSON at the KPD and went over Lucille's allegations. Lucille reviewed a photo array (Exhibit 1.4) containing and five other males of similar characteristics, and she positively identified as the person who had entered her home and accosted her) Lucille stated she felt threatening actions, both verbally and physically, were an assault on her husband and her family.
1.16	On 07-24-2009, Ranger DIAZ met and conferred with Harris County Assistant District Attorneys Mark BROWN and Jon STEPHENSON concerning the investigation involving Officer KILEY. Ranger DIAZ then filed Obstruction/Retaliation charges on An arrest warrant was issued by the Honorable Jill WALLACE at approximately 6:00 PM. Om ( ) The USE SO MANY
1.17	On 07-27-2009, was arrested on Warrant 122556901010 (Exhibit 1.5) at his residence and transported to the Harris County Jai without incident.
	Fally

#### PHYSICAL DESCRIPTION:



#### **OFFENSES:**

- 1.1 1. OBSTRUCTION OR RETALIATION PC-36.06 (c)-F3
  - 2. HARRIS COUNTY, KATY, TX, US
  - 3. LUCILLE KILEY, H/F, 6/16/1968, 41 yoa
  - 4. 7/22/2009

#### CHARGES FILED:

1.1 OBSTRUCTION OR RETALIATION PC-36.06 (c)-F3

Offense 1.1 Physical Desc. 1.1

Person Chg.

Chg. Date: 7/24/2009 Chg. Method: WARRANT ISSUED

Arrest Date: 7/24/2009 Warrant #: 122556901010

Issued By: Judge Jill WALLACE Location: Houston, Harris County, Texas

Court: Harris County 179th District Court

Disp. Date: Years Sent.: 0 Life: False Disp. Type: Months Sent.: 0 Death: False

Judge: Days Sent.: 0 Fine: 0
Location: Restitution: 0

Other:

Person Chg.

1.2 OBSTRUCTION OR RETALIATION PC-36.06 (c)-F3

Offense 1.2 Physical Desc. 1.1

Chg. Date: 7/24/2009 Chg. Method: WARRANT ISSUED

Arrest Date: 7/24/2009 Warrant #: 122556901010

Issued By: Judge Jill WALLACE Location: Houston, Harris County, Texas

Court: Harris County 179th District Court

Disp. Date: Years Sent.: 0 Life: False

Disp. Type: Months Sent.: 0 Death: False Judge: Days Sent.: 0 Fine: 0

Location: Days Sent.: 0 Pine. 0

Other:

#### **INVESTIGATORS:**

1.1 Noe DIAZ, Sergeant, Texas Rangers, Company "A"

City of Katy is in this too. Knowingly or just used like the others? 12230 West Road Houston, TX 77065 (281) 517-1400 Gay DICKERSON, Captain, Katy Police Department JEIN or Jim ? 1.2 5456 Franz Road Katy, TX 77449 (281) 391-4848 1.3 Jill WALLACE, Judge, Harris County Criminal Law Hearing Office 1201 Franklin is there adil wallace? I thin Houston, TX 77002 (713) 755-5000 Mark BROWN, Assistant District Attorney, Harris County District Attorney's Office 1.4 the Judge I used to go to I such a the Hunan & Gallerias, No? 1201 Franklin, Suite 600 Houston, TX 77002 (713) 755-5800 Jon STEPHENSON, Assistant District Attorney, Harris County District Attorney's Office What happened to Officer with rouson what happened to Officer with rouson of Green & Kiley at approx and unknown of Green \$ Station at approx Smill Gras Station on may 22,2009?

avo ESPINOSA - H/M - 2/19/1975 ) 8:50 pm on may 22,2009?

Welch 1.5 1201 Franklin, Suite 600 Houston, TX 77002 (713) 755-0601 Roberto Gustavo ESPINOSA - H/M - 2/19/1975 Home:23743 Welch

#### **CUSTODY OF EVIDENCE:**

Katy, TX 77493, US

1.1 Evidence Seized: Katy Police Report

Date/Time Seized:

7/24/2009 9:00:00 AM

Address Seized:

5456 Franz Road, Katy, Texas 77494

**Location Seized:** 

Katy Police Department

Seized By:

Captain Gay DICKERSON Katy Police Department

Recovery Value:

Note: Copy

Transfer To:

Transfer Date:

7/24/2009

5456 Franz Road Katy, TX 77494, US

Texas Ranger Noe DIAZ

1.2 Evidence Seized:

Internal Affairs Complaint

Date/Time Seized:

7/24/2009 9:30:00 AM

Address Seized:

5456 Franz Road, Katy, Texas 77494

Location Seized:

Katy Police Department

Seized By:

Captian Gay DICKERSON Katy Police Department

Recovery Value:

0

Note: Copy

Transfer To:

Texas Ranger Noe DIAZ

**Transfer Date:** 

7/24/2009

**Evidence Seized:** 1.3

Date/Time Seized:

Internal Affairs letter to Complainant

7/24/2009 9:30:00 AM

Address Seized:

5456 Franz Road, Katy, Texas 77494

**Location Seized:** 

Katy Police Department

Seized By:

Captain Gay DICKERSON Katy Police Department

Recovery Value:

Note: Copy.

Transfer To:

Texas Ranger Noe DIAZ

Transfer Date:

7/24/2009

1.4 Evidence Seized:

Date/Time Seized:

Photo array

7/24/2009 2:30:00 PM

Address Seized:

5456 Franz Road, Katy, Texas 77494

**Location Seized:** 

Katy Police Department

Seized By:

Captain Gay DICKERSON Katy Police Department

Recovery Value:

Note: Copy.

Transfer To:

**Transfer Date:** 

Texas Ranger Noe DIAZ

7/24/2009

1.5 Evidence Seized:

Arrest Warrant

Date/Time Seized:

7/24/2009 5:45:00 PM

Address Seized:

1201 Franklin, Houston, Texas 77002

**Location Seized:** 

Harris County Criminal Court

Seized By:

Sergeant Noe DIAZ Texas Rangers, Company "A"

Recovery Value:

Note: Warrant #122556901010.

Transfer To:

Transfer Date:

## TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N. LAMAR BLVD. • BOX 4087 • AUSTIN, TX 78773-0001 512/424-2000

www.txdps.state.tx.us

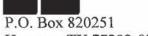


DIRECTOR LAMAR BECKWORTH BRAD RABLE DEPUTY DIRECTORS



October 19, 2009

Via First Class Mail



Houston, TX 77282-0251

RE: PIA Request for Ranger Reports (ORA # 09-1951)

Dear Mr.

Your above-referenced request was received by the Department of Public Safety on September 30, 2009. Enclosed please find the information the Department located in response to your request. These documents are provided to you at no cost. If you have any questions regarding this request, please contact me at (512) 424-2890.

Sincerely,

Office of General Counsel Texas Department of Public Safety