

Thursday, January 07, 2010

Captain Gay Dickerson
Criminal Investigations
5456 Franz Road
Katy, TX 77493

RE: FIRST AMENDED COMPLAINT AGAINST SEAN MATTHEW KILEY FOR FALSE AFFIDAVIT / REQUEST UNDER CHAPTER 552 OF THE GOVERNMENT CODE (OPEN RECORDS ACT) FOR T. DUNN'S IN CAR VIDEO AND RADIO DISPATCH AUDIO OF 7/22/2009

Dear Capt. Dickerson:

Please find this amended complaint against Officer Sean Matthew and Open Records Request.

On or about July 22, 2009, I obtained additional evidence from the Texas Attorney General concerning the July 22, 2009 incident. As a result of this additional information, I am amending my complaint. Please note, while this complaint is being sent to you, it is also being sent to the Mayor for the City of Katy and the City of Katy Council Members.

While I am certain you have a copy of the attached dismissal of the criminal case, please find a certified true copy of the dismissal of the retaliation case against me, herein attached as Exhibit 1.

Please also find what the Texas Department of Public Safety has sent, labeled as "Reports for File Number: RA-2009-00236," known hereafter as DPS Report. A true and correct copy with handwritten comments shown herein as Exhibit 2 is provided.

Please also find what the Texas Department of Public Safety has sent, labeled as "Katy Police Department Report Number: 09-1235", known hereafter as Katy Police Report. A true and correct copy is shown herein as Exhibit 3 is provided.

Please find what the Texas Department of Public Safety has sent, labeled as "PIA Request for Video (ORA # 09-2427)", known hereafter as DPS Answer to Video Request. A true and correct copy is shown herein as Exhibit 4 is provided.

Please note, Exhibit 1 shows that the Harris County DA dismissed the retaliation charges against me after authenticating the audio and investigating the statements of both Police Officer Sean Matthew Kiley and his wife. It was learned, in one day, that "no threat" had been made. The Harris County DA expressly stated the following: "Cannot prove elements." This would, at a minimum, suggest that the statements from Katy Police Officer Sean Matthew Kiley used to bring the case against me were perjured and malicious.

Exhibit 2 evinces the statements of both Officer Kiley and his wife. I want to center on Details Section 1.10 were City of Katy Police Officer Sean Matthew Kiley states:

1.10 Officer KILEY'S statement continued as follows: "I was able to get a hold of another officer and pointed the [REDACTED] out to him. Officers pulled up to the guy ([REDACTED] and I drove home to check on my family. **I had no other contact with him (Cantu-Garcia)** other than the time I arrested him and his wife at the Katy Mills Mall for disorderly conduct.
(bold for accent)

Exhibit 3, page 2, evinces the following statements:

Sean further stated that his wife told him the man and woman had left in a black car. Sean said he was on Ave D at approximately Gardenia, when his wife called him back. He said he was North bound on Ave D and while she was talking, he continued North on Ave D and then turned East on Morton Road. He said when he got to Morton and Katy Hockley Cut-off, he observed a black car at the stop sign, southbound on Katy Hockley Cut Off. He said that he turned South on Katy Hockley Cut off, behind the vehicle and ran the plate, which came back to [REDACTED] Sean said that he then tried to call me, since I had handled the internal investigation, but my phone went directly to voice mail so he hung up and tried to call Assist. Chief Tyler, but he didn't answer his phone. He said he then tried to call Chief Hastings and he didn't answer but Chief called him back after Sgt. Williams was already out on the vehicle. He said that when the vehicle turned West on Franz, he called on the radio asking if there was an Officer near the Police Department because he needed a car stopped. Sgt Williams stated he was near the station, so Sean called him on his cell phone and told him what was going on. Sean said that the car then turned South on Ave D and then turned into the Shell station, which is located on the Southeast corner of Ave D and Franz. Sean stated that he turned right onto West Franz, turned around and kept a visual on the suspect

vehicle until Sgt. Williams arrived and made contact with [REDACTED] at the gas pumps. **Sean stated that he never approached the vehicle and as far as he knows [REDACTED] never knew he was behind them.**
(bold for accent)

Exhibit 3, page 3, evinces the following statements:

Sgt. Robert Williams is a Motorcycle Officer and he is the Officer that made the stop on [REDACTED]. Sgt. Williams does not have a camera on the motorcycle and when viewed the in car camera's, **I found the stop on Sgt. T. Dunn's in car camera. This began at 8:48:37 and ends at 8:55:48.** When the mike comes on hear Sgt. Dunn asks if he wants to put that in his pocket, which believe to be the microphone. At 8:50, Sgt. Williams asks Kiley, via radio, what is the address and Kiley responds 5370 Kyla Circle. Sgt. Williams then says here is your license." immediately hear a voice that recognize as belonging to [REDACTED] has a distinct voice and an easily recognizable voice. I hear [REDACTED] talking about that there is a lot of cops. Sgt. Williams explains that the other officer on a motorcycle is his partner, but they do not have microphones and he called another officer over only so he could record the conversation, [REDACTED]
(bold for accent)

Exhibit 3, page 3, evinces the following additional statement:

Dispatch Supervisor Karen Klausmeyer made two CD copies of the radio traffic, involved with this case. One for our files and one for Ranger Diaz's file.

I have previously made a request to Sgt Arnold to make a copy of the in-car video from T. Dunn's in car camera. Obviously, it represents the most accurate account of what transpired, what was said and who was present (or at lease within camera range).

The false statements by Officer Kiley and his wife lead to the retaliation charges that were finally dismissed, as shown in Exhibit 1, after an independent and objective review of the statement, with my recorded statements of the events that day, proved that Police Officer Kiley lied. There are numerous other lies and inconsistencies throughout the evidence herein presented which the video recorded by Officer T. Dunn will show.

In Exhibit 3 Officer Kiley represents that “he never approached the vehicle and as far as he knows [REDACTED] never knew he was behind them.” The recorded events will show if (1) Officer Kiley was present; (2) his distance to [REDACTED] (3) his statements to [REDACTED] and (4) any other events occurring that evening, bearing on his credibility.

It should be noted that the events represented by Officer Kiley were physically impossible since Officer Kiley drove his motorcycle right beside [REDACTED] vehicle. [For your benefit, he entered the Shell Gas Station and parked his motorcycle about 2 feet from the front passenger side of [REDACTED] vehicle in plain view of [REDACTED] who was the passenger in the car (as Robert Williams states in the same exhibit). It was after this, that Officer Kiley drove his motorcycle about 3 feet from the rear bumper of [REDACTED] car beside Sgt. T. Dunn’s car in plain view of [REDACTED] Sgt. T. Dunn and Williams.]

In Exhibit 3, Officer Williams (who was also driving a motorcycle) states “that the other officer on a motorcycle is his partner,” referring to Officer Kiley who was on his motorcycle right besides [REDACTED] vehicle, clearly in close proximity to [REDACTED] vehicle in direct contradiction to Officer Kiley’s statement that he never approached [REDACTED] vehicle.

Demand of the video and audio recordings is made because they will evince the false statements of Officer Kiley, his wife, and any other officer then present, which contradicts the video and audio recordings. The video will evince that Officer Kiley lied when he stated he never approached [REDACTED] vehicle, when in fact he was right beside [REDACTED] vehicle at the Shell Gas Station for the duration of [REDACTED] conversation with Williams. The video will evince that Officer Kiley lied when he stated he had no contact with [REDACTED] since the police brutality incident at the Katy Mills Mall, when in fact he was in plain view no more than 2 feet from [REDACTED] and about 6 feet from [REDACTED] in plain view of officer Williams, Dr. and [REDACTED]. The video will evince that Officer Kiley lied when he stated that he drove home to check on his family right after pointing [REDACTED] black car to the other cops, when in fact Kiley stayed at the Shell Gas Station for the duration of [REDACTED] stop. In addition, the video will show that Officer Kiley lied when he stated that [REDACTED] never saw him following them, when in fact he was only a few feet from [REDACTED] in plain view on his motorcycle.

Again the best evidence of the events that evening is the video, which is known to exist – with no less than two (2) recordings. The video and audio recordings will demonstrate that Officer Kiley, his wife, officers of the Katy Police Department and

the Katy Police Department, conspired and have conspired against the undersigned.

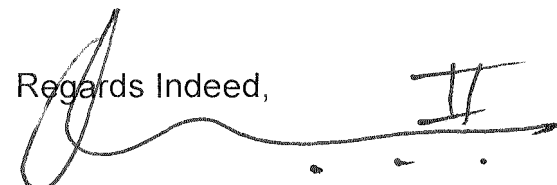
My complaint is hereby amended and request is made that you investigate why your City of Katy Police Officer Sean Matthew Kiley lied to Captain Dickerson and then in the Texas Ranger's report as shown above. And that you produce the video and audio recordings will demonstrate that Officer Kiley, his wife, officers of the Katy Police Department and the Katy Police Department, conspired and have conspired against the undersigned.

Freedom of Information Act Open Records Request:

I demand the following items (their existence is shown in Exhibit 3):

1) A copy of Sgt. T. Dunn's in car video/audio from the Shell Gas Station incident of 7/22/2009 for the duration of [REDACTED] stop to include all video while Sgt. T. Dunn was at the Shell Gas Station even after [REDACTED] had left (Note that the Texas DPS told me to request this in car video directly from "The Katy Police Department as shown in Exhibit 4), and 2) A copy of the audio of the City of Katy Police Department Radio Dispatch for the same incident 7/22/2009 for the duration of [REDACTED] stop including all the conversations before and after [REDACTED] stop.

Please contact me if you have any questions.

Regards Indeed, 

Dr. Tony Cantu, Ph. D.
2910 Commercial Center
Suite 103-215
Katy, TX 77494
281-493-1212

CC City of Katy Mayor Don Elder,
All City of Katy Council Members.

OFF DOCKET

OFFENSE: Retaliation

CAUSE NO. 1225569

THE STATE OF TEXAS

IN THE 179 DISTRICT COURT
IN COUNTY CRIMINAL COURT AT LAW NO. _____

VS.
Otoniel Cantu-Garcia

OF
HARRIS COUNTY, TEXAS
21PT199B1PT

MOTION TO DISMISS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the State of Texas, by and through her District Attorney, and respectfully requests the Court to dismiss the above entitled and numbered criminal action for the following reason:

- The Defendant was convicted in another case.
- In custody elsewhere.
- Old case, no arrest.
- Missing witness.
- Request of complaining witness.
- Motion to suppress granted.
- Co-Defendant tried, this Defendant testify.
- Insufficient evidence.
- Co-Defendant convicted, insufficient evidence this Defendant.
- Case refiled as cause no. _____
- Other.

FILED
Loren Jackson
District Clerk
AUG 07 2009
Time: _____
Harris County, Texas
By _____
Deputy

EXPLANATION: Δ made audiorecording of conversation w/ C/W. C/W listened to audio & agreed it was authentic - there is no threat. Cannot prove elements
WHEREFORE, PREMISES CONSIDERED, it is requested that the above entitled and numbered cause be dismissed.

Respectfully submitted,

M. Sample
Assistant District Attorney
Harris County, Texas

ORDER

The foregoing motion having been presented to me on this the 7th day of August, A.D. 2009 and the same having been considered, it is, therefore, ORDERED, ADJUDGED, and DECREED that said above entitled and numbered cause be and the same is hereby dismissed.

R. Kell
JUDGE
179th DISTRICT COURT
COUNTY CRIMINAL COURT AT LAW NO. _____
HARRIS COUNTY, TEXAS

White-Original

Yellow-Defendant's Copy

Pink-State's Copy

EXHIBIT
tabbles
1



I, Loren Jackson, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date
Witness my official hand and seal of office
this August 10, 2009

Certified Document Number: 42995818 (Total Pages 1)

LOREN JACKSON, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

Ex 1 p 2

Reports for File Number: RA-2009-00236

Report By: JOSE DIAZ, SGT 8673, HOUSTON
Ranger No: CA08673090729104046A
Company: A

Status: ACTIVE
Program: CRIMINAL
Lead: True
Ranger: True

Description: OBSTRUCTION OR RETALIATION, HARRIS county, KATY, victim KILEY, SEAN
(W / M)

1. 7/29/2009 Approved by KEVIN PULLEN, LIEUTENANT, 6728 - 9/30/2009

On 07-22-2009, Otoniel [redacted] 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, reported [redacted] accosted her inside of her home. On 05-17-2009, [redacted] was arrested by the KPD for disorderly conduct. [redacted] 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 [redacted] assault of Officer KILEY'S wife. Ranger DIAZ interviewed and took a statement from Lucille KILEY concerning [redacted] retaliatory actions. After conferring with the Harris County District Attorney's Office, Ranger DIAZ filed Obstruction/Retaliation charges on [redacted] [redacted] was arrested and placed into the Harris County Jail.

lie lie lie

lie

Falsely

lie lie

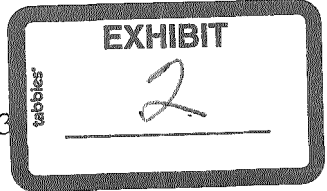
Some exonerated meaning happened but deemed unjustified

This must be the most embarrassing thing that ever happened to the City of Katy.

Biggest concentration of perjuries per number of sentences I have ever seen.

Something must be wrong with these people...

We audio recorded the entire encounter this is a huge bunch of perjuries!



TEXAS DEPARTMENT OF PUBLIC SAFETY
TEXAS RANGER DIVISION

REPORT OF INVESTIGATION

THIS REPORT IS THE PROPERTY OF TEXAS DPS-TEXAS RANGER DIVISION. NEITHER IT NOR ITS CONTENTS MAY BE DISSEMINATED OUTSIDE THE AGENCY TO WHICH LOANED

1. OBSTRUCTION OR RETALIATION PC-36.06 (c)-F3
2. HARRIS COUNTY, KATY, TX, US
3. SEAN MATTHEW KILEY, W/M, 2/6/1970, 39 yoa
4. 7/22/2009 (Wednesday)

Report By:	JOSE DIAZ, SGT 8673, HOUSTON	Status:	ACTIVE
Division:	RA-2009-00236	Type:	CRIMINAL
Ranger:	CA08673090729104046A		

SYNOPSIS:

1. 7/29/2009 Approved by KEVIN PULLEN, LIEUTENANT, 6728 - 9/30/2009

On 07-22-2009, [REDACTED] ^{lie} illegally entered the residence of Katy Police Department (KPD) Officer Sean KILEY in ^{lie} retaliation for being arrested by Officer KILEY. Lucille KILEY, Officer KILEY'S wife, reported [REDACTED] ^{lie} accosted her inside of her home. On 05-17-2009, [REDACTED] was arrested by the KPD for disorderly conduct. [REDACTED] filed an internal affairs (IA) complaint with the KPD alleging police abuse. The KPD investigated the allegations and deemed them ^{lie} unfounded. On 07-23-2009, Texas Ranger Sergeant Noe DIAZ was contacted by the KPD concerning [REDACTED] S assault of Officer KILEY S wife. Ranger DIAZ interviewed and took a statement from Lucille KILEY concerning [REDACTED] S ^{lie} retaliatory actions. After conferring with the Harris County District Attorney S Office, Ranger DIAZ filed Obstruction/Retaliation charges on [REDACTED] was arrested and placed into the Harris County Jail.

lie same exonerated meaning they happened but deemed falsely justified. we will see later. City of Katy is involved!! OMC!!

DETAILS:

1.1 On 07-23-2009, Texas Ranger Sergeant Noe DIAZ was contacted by Katy Police Department (KPD) Captain Gay DICKERSON concerning an incident involving KPD Officer Sean Matthew KILEY - W/M, DOB: 02-06-1970, and his wife, Lucille KILEY - H/F, DOB: 06-16-1968. Captain DICKERSON stated [REDACTED] 1, a complainant in an internal affairs (IA) investigation, had somehow located Officer KILEY'S residence. [REDACTED] showed up at the KILEY residence unannounced and represented himself as a doctor to a ^{lie} juvenile who answered the door. CANTU-GARCIA walked into the home ^{lie} uninvited when the ^{lie} juvenile walked away to get his Aunt Lucille. As Lucille walked up to the front door, she was met by [REDACTED] inside of her home. ^{lie} CANTU-GARCIA aggressively approached Lucille, got right up to her face, and brushed up against her. Lucille became ^{lie} frightened, immediately stepped back, and to [REDACTED] to get out of her residence.

1.2 Captain DICKERSON stated Officer KILEY responded to a disturbance call at the Katy Mills Mall movie theater located at 5000 Katy Mills Circle, Suite 131, Katy, Fort Bend County, Texas, on 05-17-2009 at approximately 7:00 PM. Officer KILEY came into contact with [REDACTED] and [REDACTED], during his preliminary investigation. Officer KILEY, in the

KX2 P2

course of the investigation, determined [redacted] had created a disturbance and arrested the aforementioned suspects for Disorderly Conduct-Unreasonable Noise and Disorderly Conduct-Language. [redacted] and [redacted] 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). *told him not to talk to me when he came screaming he lost it & assaulted Kyla, falsely lied thereafter to cover up assault.*

- 1.3 On 06-16-2009, [redacted] 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, [redacted] was contacted via mail with the investigation's findings informing him the allegations were unfounded (Exhibit 1.3). There was no further contact with [redacted]. *lie as explained above*
- 1.5 On 07-22-2009, at approximately 8:30 PM, [redacted] accompanied by his wife, [redacted], showed up at Officer KILEY's residence located at 5370 Kyla Circle, Katy, Harris County. [redacted] knocked on the door, entered uninvited, and accosted Lucille while Officer KILEY was not home. *lie lie*
- 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 [redacted] was at the door. I said, 'What [redacted] My wife said, 'The [redacted] 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." *lie. Seen was at the Shell gas station with wife and son.*
- 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 [redacted]. 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. I'm his current wife, and you need to get out of my house.'" *lie lie*
- 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't understand, 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, [redacted] 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't understand." *lie lie lie lie lie omg!! lie*
- 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 [redacted] 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 [redacted] drive by me." *lie*

10 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 ([redacted]), and I drove home to check on my family (I had no other contact with him [redacted] other than the time I arrested him and his wife at the Katy Mills Mall for disorderly conduct (I remembered [redacted] 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." *lie he was at the Shell Gas Station w/ officer Williamson* *lie omg!!!*

11 On 07-24-2009, Ranger DIAZ contacted Lucille via telephone concerning the incident with [redacted]. Lucille stated she had been away from her residence since the incident because she was afraid [redacted] would harm her and her children. *lie*

12 Lucille provided Ranger DIAZ with the following statement: "I don't know where to begin. The guy really freaked me out. When I saw him inside my house, I didn't 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't understand what he was saying. I just remember telling him to get out of my house several times. I 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't 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." *lie* *lies*

13 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." *lie*

14 Lucille's statement continued as follows: "I thought to myself, 'Don't panic.' So I just asked the guy ([redacted]) 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 [redacted]. I called Sean and told him the guy had left." *lie*

15 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 [redacted] and five other males of similar characteristics, and she positively identified [redacted] as the person who had entered her home and accosted her. Lucille stated she felt [redacted]'s threatening actions, both verbally and physically, were an assault on her husband and her family. *lie*

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 [redacted]. An arrest warrant was issued by the Honorable Jill WALLACE at approximately 6:00 PM. *OMG!!! The used so many people...*

17 On 07-27-2009, [redacted] was arrested on Warrant 122556901010 (Exhibit 1.5) at his residence and transported to the Harris County Jail without incident. *falsely*

PHYSICAL DESCRIPTION:

1.1 [REDACTED]

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. [REDACTED]
 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:

1.2 OBSTRUCTION OR RETALIATION PC-36.06 (c)-F3
 Offense 1.2 Physical Desc. 1.1
 [REDACTED]
 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:

INVESTIGATORS:

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

Ex 2 p 5

12230 West Road
Houston, TX 77065
(281) 517-1400

*City of Katy is in this too.
knowingly or just used like the
others?*

1.2 Gay DICKERSON, Captain, Katy Police Department
5456 Franz Road
Katy, TX 77449
(281) 391-4848

Jill or Jim?

1.3 Jill WALLACE, Judge, Harris County Criminal Law Hearing Office
1201 Franklin
Houston, TX 77002
(713) 755-5000

*How Jim Wallace?
is there a Jill Wallace? I think
this is Judge Jim Wallace my friend*

1.4 Mark BROWN, Assistant District Attorney, Harris County District Attorney's Office
1201 Franklin, Suite 600
Houston, TX 77002
(713) 755-5800

*From
the Rep. Party... No?
the Judge I used to go to lunch with
@ the Hunan & Gallerias, No?*

1.5 Jon STEPHENSON, Assistant District Attorney, Harris County District Attorney's Office
1201 Franklin, Suite 600
Houston, TX 77002
(713) 755-0601

*What happened to Officer with ranson
and unknown officer & Kiley at
Shell Gas Station at approx
8:30 PM on May 22, 2009?*

WITNESSES:

1.1 Roberto Gustavo ESPINOSA - H/M - 2/19/1975
Home: 23743 Welch
Katy, TX 77493, US

Work: Katy Police Department
5456 Franz Road
Katy, TX 77494, US

CUSTODY OF EVIDENCE:

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: 0
Note: Copy
Transfer To: Texas Ranger Noe DIAZ
Transfer Date: 7/24/2009

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

1.3 Evidence Seized: Internal Affairs letter to Complainant
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: Captain Gay DICKERSON Katy Police Department
Recovery Value: 0
Note: Copy.
Transfer To: Texas Ranger Noe DIAZ
Transfer Date: 7/24/2009

1.4 Evidence Seized: Photo array
Date/Time Seized: 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: 0
Note: Copy.
Transfer To: Texas Ranger Noe DIAZ
Transfer Date: 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: 0
Note: Warrant #122556901010.
Transfer To: Transfer Date:

Ex 2 p 7

Katy Police Department
5456 Franz Rd.
Katy, Texas 77493

09-1235
Thursday
7-23-2009
0740
Capt. Gay K. Dickerson

At the approximate above date and time, I was advised by Sgt. Rick Samuels that last night, the person who had recently complained on Officer Kiley, [REDACTED] for an incident that occurred at Katy Mills Mall AMC Theatre, had showed up at Sean Kiley's house. Ofc. Samuels stated that the man entered the house after a young child answered the door. The incident number was 09-14729.

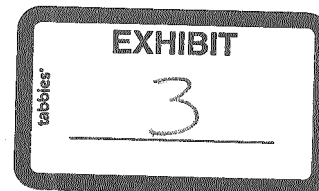
I know [REDACTED] from complaints they filed on June 16, 2009 against three Katy Police Officers, Officer Sean Kiley, Officer Bradley Bucklew and Officer Robert Espinosa. Each of their complaints were several pages in length but according to their attorney their issues of concern were as follows:

- Police Officer screaming at the Cantu's
- False arrest of both husband and wife
- Physical assault of [REDACTED]
- Denial of videotaping or taking pictures
- Police Officer threatening the Cantu's with further charges (twice)
- Failure of the other Police Officers to step in and act during the escalating incident created by Officer Kiley
- Public humiliation of the Cantu's in a public place

My investigation into their complaints was completed on July 16, 2009 and a letter to them was mailed out on July 17, 2009. All allegations were ruled on as either unfounded or exonerated.

I pulled incident and found that this call came in from Sean Kiley at 2041 hrs. Ofc. Kiley was on duty at the time. The traffic stop was made at the Shell station, located at 5815 Franz Road. The Dispatch narrative states the following: Officer Kiley advised that [REDACTED] [REDACTED] went to his residence of 5370 Kyla Circle and spoke with his wife, Lucy Kiley. Officer Kiley advised that neither he nor his wife invited [REDACTED] to the residence and did not want any further contact with Cantu-Garcia. Sgt. Williams located [REDACTED] at 5815 Franz Road and attempted to issue a criminal trespass warning. [REDACTED] refused to sign the criminal trespass warning without his attorney first viewing the document. Cantu-Garcia advised that he understood the warning and would not return to 5370 Kyla Circle. When Sgt. Williams first advised [REDACTED] that he was being issued a criminal trespass warning, [REDACTED] stated "You people must really like law suits."

At approximately 9:18am, on 7-23-2009, I talked to Sean Kiley by public service. Officer Kiley stated that he was talking to his wife on the phone when he heard their dogs barking. His wife told him that someone was at the door and she would call him back. He said she called him back and told him that it was the Doctor. He asked her what Doctor and she told him that it was the Doctor that was suing him. He said that he was driving toward his house and while on the way his wife was telling him that he came to the door to their house and Vincent, her nephew, answered the door. The man asked for Lucy Gomez and she said she was Lucy Kiley. The man then asked if she was Sean Kiley's ex-wife. She told him that she was his current wife. The man then said that he thought they were divorced. She told him to get out of the house and then asked him his name and then he said his name was Doctor Cantu and then she knew who he was. She told him that he needed to leave.



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Sean further stated that his wife told him the man and woman had left in a black car. Sean said he was on Ave D at approximately Gardenia, when his wife called him back. He said he was North bound on Ave D and while she was talking, he continued North on Ave D and then turned East on Morton Road. He said when he got to Morton and Katy Hockley Cut-off, he observed a black car at the stop sign, southbound on Katy Hockley Cut Off. He said that he turned South on Katy Hockley Cut off, behind the vehicle and ran the plate, which came back to [REDACTED]. Sean said that he then tried to call me, since I had handled the internal investigation, but my phone went directly to voice mail so he hung up and tried to call Asst. Chief Tyler, but he didn't answer his phone. He said he then tried to call Chief Hastings and he didn't answer but Chief called him back after Sgt. Williams was already out on the vehicle. He said that when the vehicle turned West on Franz, he called on the radio asking if there was an Officer near the Police Department because he needed a car stopped. Sgt. Williams stated he was near the station, so Sean called him on his cell phone and told him what was going on. Sean said that the car then turned South on Ave D and then turned into the Shell station, which is located on the Southeast corner of Ave D and Franz. Sean stated that he turned right onto West Franz, turned around and kept a visual on the suspect vehicle until Sgt. Williams arrived and made contact with [REDACTED] at the gas pumps. Sean stated that he never approached the vehicle and as far as he knows [REDACTED] never knew he was behind them.

At approximately 1015am, on July 23, 2009, I met with Lucy Kiley, who is Sean Kiley's wife. Lucy made the following statement:

BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Lucy Leal Kiley WHO AFTER BEING DULY SWORN BY Captain Gay Dickerson STATED AS FOLLOWS:

MY NAME IS Lucy Leal Kiley, AND I AM 41 YEARS OF AGE. AT PRESENT, I CONSIDER THE FOLLOWING ADDRESS MY HOME. 5370 Kyla Circle, Katy, Texas 77493, (cell)281-961-9053, DOB 6-16-68, SS#457-55-8454.

My fifteen year old nephew, Vincent Sandoval, has been staying with us since school let out. At approximately 8:00pm to 8:30pm, on Wednesday, July 22, 2009, there was a knock at the door and Vincent answered the door. I was in the living room watching a movie when Vincent answered the door. Vincent came to me and said "Aunt Lucy there is someone at the door for you." The way our house is arranged, I can not see the front door from the living room. When I got up and went to the foyer, I saw a man and woman inside my house. The woman was about three feet inside the house and the man was about seven feet inside my house and was continuing to walk forward, but I stopped him. The woman was closer to the door and was bent down playing with my dog. I said "Excuse me, what are you doing in my house?" He said "I just need to speak to you." I told him "Well, could you step outside please." He said "Sure." And we stepped outside. Right when we were walking out of the house he said "I am [REDACTED] and I just need to speak to you." I said "Ok, about?" He said "You are Lucy Gomez?" I said "No, I am Lucy Kiley." Then he said "You are not Gomez?" I said "No, I am not, I am Kiley." He said "You and Shawn aren't married anymore." I said "No, Shawn and I are married." Then he said "You'll are separated then." I said "No, we are married. We are together." He said "It is my understanding that you'll aren't together and he doesn't live here." I said "No, we are together and he does live with me. I don't know where you got your information from but it is wrong." I said, "What was your name again?" He said "I am [REDACTED] and this is my wife." When I heard Dr., I knew that he was the man who had made the complaint on Sean and at that point I became very afraid because I didn't know why he was there and I didn't know if he wanted to harm me. I had my kids there and Sean wasn't there and I was very afraid. I said "Sean is my husband, I am his wife, and you need to leave." He said "I am so sorry, I got the wrong information, I thought you'll weren't together." He is walking away and mumbling. He said "I was just investigaling." Then he said, "You know he has a weapons charge." I said "No, I don't, you need to leave." He was mumbling some other stuff, but I was so afraid, I didn't hear what he was saying. I was walking back to the house and I was dialing on my cell phone, trying to call Sean.

After he left, my daughter, Mariah Kiley, said that she was behind Vincent when he answered the door and she heard the man ask for Lucy Gomez or Amanda Kiley. She also heard him introduce himself as a Doctor, so

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she thought that he was a Doctor here to talk about Amanda, so she turned and walked away and didn't say anything.

Hearing that he asked for my daughter, Amanda, really frightened me because I didn't know if he knew where she worked or what. Amanda's last name is Gomez and all of her stuff is in the name of Amanda Gomez, even her driver's license.

Sgt. Robert Williams is a Motorcycle Officer and he is the Officer that made the stop on [REDACTED]. Sgt. Williams does not have a camera on the motorcycle and when I viewed the in car camera's, I found the stop on Sgt. T. Dunn's in car camera. This began at 8:48:37 and ends at 8:55:48. When the mike comes on I hear Sgt. Dunn asks if he wants to put that in his pocket, which I believe to be the microphone. At 8:50, Sgt. Williams asks Kiley, via radio, what is the address and Kiley responds 5370 Kyla Circle. Sgt. Williams then says "here is your license." I immediately hear a voice that I recognize as belonging to [REDACTED]. [REDACTED] Garcia has a distinct voice and an easily recognizable voice. I hear [REDACTED] talking about that there is a lot of cops. Sgt. Williams explains that the other officer on a motorcycle is his partner, but they do not have microphones and he called another officer over only so he could record the conversation. [REDACTED] is told to get out of the vehicle. [REDACTED] Garcia is talking and then Sgt. Williams advises him to get off the phone and deal with me. While Sgt. Williams is advising [REDACTED] Garcia that he is being issued a criminal trespass warning, he advises him "You had no business there in the first place". [REDACTED] states "Yes sir, I do." He then says something about the internet and then says "we are investigating Officer Kiley." He then says the background check reveals he lives in another address. [REDACTED] refused to sign the Criminal Trespass warning by saying he wants his lawyer to read it. The stop is completed at 8:55:48.

I talked to Sgt. Robert Williams who advised that his contact was with the male driver, who was [REDACTED] and there was a passenger but he didn't make any contact with her, although he knew it to be a female.

At approximately 8:30am, on 7-23-2009, I met with Texas Ranger Noe Diaz, who stated he would handle this investigation if we wanted him to. Due to the fact that this agency handled a complaint by the Cantu's which resulted in conclusions of exonerated and unfounded on all accusations, this case will be referred to the Texas Rangers.

Dispatch Supervisor Karen Klausmeyer made two CD copies of the radio traffic, involved with this case. One for our files and one for Ranger Diaz's file.

A form was turned into Sgt. Arnold to make a copy of the in-car video from T. Dunn's in car camera.

Case exceptionally cleared referred to Texas Rangers.

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TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N. LAMAR BLVD. • BOX 4087 • AUSTIN, TX 78773-0001

512/424-2000

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December 16, 2009

Via First Class Mail

Tony Cantu
PO Box 820251
Houston, TX 77282-0251

RE: PIA Request for Video (ORA # 09-2427)

Dear Mr. Cantu:

Your above-referenced request was received by the Department of Public Safety on December 3, 2009. Please be advised that a search of Department records based on the information provided revealed no information responsive to this request. Specifically, Sgt. Diaz was not aware that an in-car video existed and is not in possession of said video. The Katy Police Department would be the custodian of any such records, and therefore your request should be directed to their public information officer.

Sincerely,

Office of General Counsel
Texas Department of Public Safety

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