

**JOEL C. CLOUSER, SR, JUSTICE OF THE PEACE  
PRECINCT TWO, FORT BEND COUNTY, TEXAS  
303 Texas Parkway, Suite 107 Missouri City, Texas 77489  
Telephone (281) 403-8080 Facsimile (281) 403-8089**

**DATE: MARCH 1, 2013**

**SUBJECT NAME: TREVOR JAY NEHLS**

**D.O.B.: 04/07/1968**

**TDL/ID:**

**TO WHOM IT MAY CONCERN:**

**THE CERTIFICATE IS ISSUED UNDER SEAL, CERTIFYING THAT THE INFORMATION CONTAINED  
HEREIN IS A TRUE AND CORRECT RESTATEMENT OF THE SUMMARY, ELECTRONIC DATA OF THE  
RECORDS FILED AND/OR RECORDED IN THE JUSTICE OF THE PEACE, PRECINCT TWO, AND FORT  
BEND COUNTY, AS IT APPEARS ON THIS DATE.**

**A CRIMINAL RECORD SEARCH WAS CONDUCTED FROM 2000 TO THE PRESENT.**

**DISPOSITION IS AS FOLLOWS:**

**CASE #: 12-JCR21-20629**


**CHARGE: COMPLAINT - ASSAULT**

**STATUS OF CASE: DISMISSED**

**DATE OF DISPOSITION: FEBRUARY 20, 2013**

**THE SEARCH WAS CONDUCTED WITH THE INDIVIDUAL'S NAME, DRIVER'S LICENSE & OR DATE OF  
BIRTH. THE DEFENDANT HAS NO OUTSTANDING WARRANTS OR ANY PENDING CASES WITH  
THIS COURT.**

**THIS RECORD SEARCH IS CONFINED TO CLASS C MISDEMEANORS ORIGINATING ONLY IN THIS  
COURT AND JUSTICE COURTS ARE ONLY BOUND BY RECORD FOR 5 YEARS.**



**CLERK  
JUSTICE COURT  
PRECINCT TWO**

E1P1

JUDGE JOEL C. CLOUSER, SR.  
JUSTICE COURT – PRECINCT 2  
FORT BEND COUNTY, TEXAS  
303 TEXAS PARKWAY, SUITE 107 – MISSOURI CITY, TEXAS 77459  
PHONE: (281) 403-8080 / FAX: (281) 403-8089

Cause #: 12-JCR21-20629

The State of Texas

Vs.

TREVOR JAY NEHLS

JUDGMENT

On this the 20<sup>th</sup> of February, 2013, the above numbered and entitled cause was called for trial, and the above named defendant:

- \_\_\_ was present in court wherein the State by Prosecuting Attorney and the above-named Defendant, both announced ready for trial and the Defendant pled not guilty to the charge of **ASSAULT** as alleged in the complaint;
- \_\_\_ entered an appearance by not contesting the charge and presenting the court with payment of the amount of fine and costs;
- \_\_\_ entered an appearance (in person) (by counsel) (by mail) and waived the right to a jury trial and pled (guilty) (nolo contendere);
- \_\_\_ and made a motion to take a driving safety course under \_\_\_ Sec. 543.103 \_\_\_ Sec. 543.104 Texas Transportation Code;
- \_\_\_ and made a motion for Deferred Disposition under Art. 45.54 CCP;

**AND THE:**

- \_\_\_ court, the Defendant having waived the right to a jury trial and submitted the decision of he cause to this court, who having heard the complaint read, the Defendant's plea of not guilty thereto and after hearing the evidence and argument;
- \_\_\_ jury having been duly selected, impaneled and sworn, who having heard the complaint read, having heard the Defendant's plea of not guilty thereto, having the evidence submitted, and having been duly charged by the court;
- \_\_\_ court, the Defendant having waived the right to a jury trial and plea (guilty) (nolo contendere) accepts the Defendant's plea;

**AND AFTER DUE CONSIDERATION:**

- the court dismissed the cause for: Case Law - Richard Leon Wilson v. State of Texas, <sup>Appellant</sup> <sup>Appellee</sup>
- \_\_\_ the (court) (jury) found the Defendant not guilty of the offense of **ASSAULT** as charged in the complaint of this cause.
- \_\_\_ the (court) (jury) found the Defendant guilty of the offense of **ASSAULT** as charged in the complaint of this cause and assessed a fine of \$\_\_\_\_\_ and costs at \$\_\_\_\_\_ plus any cost accruing after judgment.
- \_\_\_ the court required the Defendant to take a driving safety course according to the terms of Sec. 543.104 Texas Transportation Code.
- \_\_\_ the court found the Defendant guilty and set the fine at \$\_\_\_\_\_ and costs at \$\_\_\_\_\_, but deferred further proceeding and imposition of the fine and granted Defendant's motion to take a driving safety course under Sec. 543.103 Texas Transportation Code.
- \_\_\_ the court found the Defendant guilty and set the fine at **\$250.00** and costs at **\$65.00**, but deferred further proceeding and imposition of the fine and granted Defendant's Motion for Deferred Disposition under Art. 45.54 CCP.
- \_\_\_ the court found the Defendant guilty and set the fine at \$\_\_\_\_\_ and costs at \$\_\_\_\_\_ but deferred further proceeding and imposition of the fine and granted Defendant's Motion for Deferred Disposition pending completion of the TEEN COURT Program under Art. 45.55 CCP.
- \_\_\_ denied Motion for Deferred Disposition under Art. 45.54 / 45.45 CCP.

EIP2

IT IS THEREFORE ORDERED AND ADJUDGED BY THIS COURT THAT:

- the cause be dismissed.
- the Defendant, being found not guilty is immediately discharged from all further liability for the offense for which the Defendant has herein tried, and may go hence without payment of costs.
- the Defendant being found guilty as charged, that the State of Texas do have and recover from the Defendant the foresaid fine and costs.
- the Defendant complete a driving safety course and all other requirements of \_\_\_ Sec. 543.103 \_\_\_ Sec. 543.104 TTC.
- the Defendant complete the TEEN COURT Program in accordance with Art. 45.55 CCP.
- the Defendant comply with the requirements of the Order of Deferred Disposition attached and incorporated herein.  
SEE EXHIBIT "A"
- the Defendant be given credit for \_\_\_\_\_ days in jail in the amount of \$ \_\_\_\_\_.

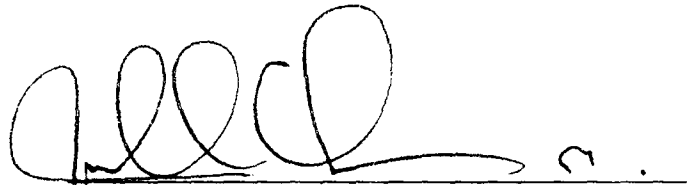
IT IS FURTHER ORDERED AND THE DEFENDANT IS HEREBY DIRECTED TO:

- pay the entire fine and costs on or before \_\_\_\_\_.
- pay the entire fine and costs on or before \_\_\_\_\_, **20** and comply with the requirements stated in the Order of Sanctions attached and incorporated herein.
- pay the fine and costs at designated intervals according to the payment agreement which is attached and incorporated herein.
- discharge the fine and costs by community services, according to the Order for Community Service which is attached and incorporated herein.
- pay an (administrative) (teen court) fee of \$ \_\_\_\_\_ and costs of **\$65.00**.

If the Defendant fails to comply with the orders of the Judgment, the Defendant shall be committed to the custody of the Sheriff of Fort Bend County, Texas until said fine and costs are fully paid; and it is further Ordered and Adjudged by the court that execution may issue against the property of the said Defendant for the amount of such fine and costs.

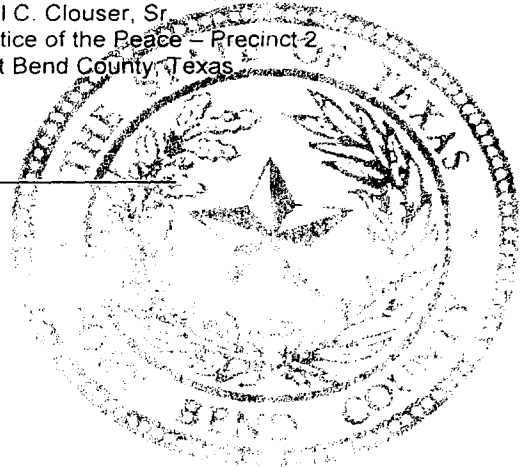
If the Defendant is a JUVENILE and fails to comply with the orders of the judgment, the court may suspend all driver's license privileges until the fine and / or costs are paid; and the court may also refer Defendant to the Juvenile Courts for: Contempt of Court or at the court's own discretion.

Signed and entered . February 20, 2012



Abel C. Clouser, Sr.  
Justice of the Peace - Precinct 2  
Fort Bend County, Texas

Conditions received and accepted by: \_\_\_\_\_



E1P3

**JOEL C. CLOUSER, SR.  
JUSTICE OF THE PEACE, PRECINCT 2  
303 TEXAS PARKWAY (FM 2234), ROOM 107  
MISSOURI CITY, TX 77489-1133**

January 03, 2013

The State of Texas

VS.

TREVOR JAY NEHLS  
3934 SCENIC ORCHARD LN  
RICHMOND, TX 77407

Case Number: **12-JCR21-20629**

Dear TREVOR JAY NEHLS,

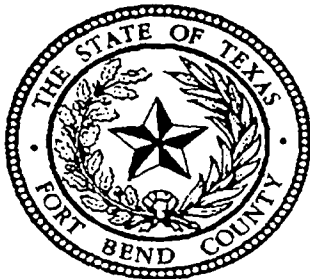
The date for the above case number has been scheduled for a **JUDGE TRIAL** on **2/20/2013** at **3:00 PM**. You need to appear at the Justice Court located at 303 Texas Parkway Suite # 107, Missouri City, Texas 77489.

Failure to appear on this date may result in a warrant being issued for your arrest and a new charge of "Failure to Appear" may be filed, which can cost and additional fine plus court cost.

**YOU ARE ADVISED THAT YOU MAY HIRE AN ATTORNEY IMMEDIATELY TO REPRESENT YOU FOR TRIAL.**

If you have any witnesses, they must appear at this time.

If you have any questions, Please contact the Criminal Court Clerk at (281) 403-8080.



**Judge Joel C. Clouser, Sr.**

BY *Annis A. Embury*  
Court Clerk

EIP4

JOEL C. CLOUSER, SR.  
JUSTICE OF THE PEACE, PRECINCT 2  
303 TEXAS PARKWAY (FM 2234), ROOM 107  
MISSOURI CITY, TX 77489-1133

January 03, 2013

The State of Texas

VS.

DONALD J. MC CALL  
21730 VENTURE PARK  
RICHMOND, TX 77406

*Donald McCall, complainant  
Jonathan McCall, witness  
Don McCall, witness*

Case Number: 12-JCR21-20629

Dear DONALD J. MC CALL,

The date for the above case number has been scheduled for a **JUDGE TRIAL** on **2/20/2013** at **3:00 PM**. You need to appear at the Justice Court located at 303 Texas Parkway Suite # 107, Missouri City, Texas 77489.

Failure to appear on this date may result in a warrant being issued for your arrest and a new charge of "Failure to Appear" may be filed, which can cost and additional fine plus court cost.

**YOU ARE ADVISED THAT YOU MAY HIRE AN ATTORNEY IMMEDIATELY TO REPRESENT YOU FOR TRIAL.**

If you have any witnesses, they must appear at this time.

If you have any questions, Please contact the Criminal Court Clerk at (281) 403-8080.

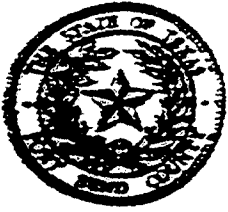
*12 JCR21-20629  
Andrew  
Dornberg  
Tel.  
832-449-6111  
not representing  
defendant  
called Re: Donald McCall*

*2/20/13  
Dornberg  
Dornberg State  
has not represented  
Donald  
I would  
need a HR  
log*

Judge Joel C. Clouser, Sr.

BY *Andrew A. Dornberg*  
Court Clerk

*ELP 5*



JUSTICE OF THE PEACE, PRECINCT 2  
 FORT BEND COUNTY, TEXAS  
 303 Texas Parkway, Suite 107  
 Missouri City, TX 77489

DEL 03 2013  
 For DEL 03 2013

JOEL C. CLOUSER, SR.  
 Judge

20629

Case Number

*J. Nehls*  
 Defendant

have plead NOT GUILTY and selected a

Trial by Judge

Trial by Jury

I hereby have been informed of the following:

1. That I have the right to hire my own attorney. The Court WILL NOT furnish an attorney for me.
2. The Court strongly advises me that if I elect to hire an attorney, then I should hire the attorney within 10 days of today's date.
3. This Court generally does not grant resets of the trial date when the request is made within 14 days of the trial date.
4. If I hire an attorney, the attorney should send a letter of representation as soon as possible.
5. During the trial, I will be held to the formal rules of evidence, especially as it concerns asking questions and introducing exhibits.
6. If I have elected a jury trial, an attorney may know what questions to ask jurors.
7. DUTY TO NOTIFY THE COURT OF CHANGE OF ADDRESS: if I move before receiving my trial notice, I have a duty to notify this Court, in writing, of my new address, within three (3) days of moving.
8. If my trial notice is mailed to an old address or I receive it and do not appear for trial, a failure to appear and a warrant will issue.

*[Handwritten Signature]*  
 Defendant's Signature

Print Clearly Defendant's Name

*Set for Judge's trial  
 2/20/13  
 @ 3pm  
 approved by Judge  
 \* Hold for Warrant 1-3-13 for  
 E1P6*

JOEL C. CLOUSER, SR.  
JUSTICE OF THE PEACE, PRECINCT 2  
303 TEXAS PARKWAY (FM 2234), ROOM 107, MISSOURI CITY, TX 77489-1133  
281-403-8080, FAX: 281-403-8089

CASE NO. 12-JCR21-20629

THE STATE OF TEXAS

VS

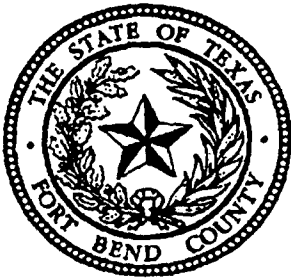
TREVOR JAY NEHLS  
3934 SCENIC ORCHARD LN  
RICHMOND, TX 77407

In accordance, with your request for Judge/Jury Trial, your case has been scheduled for a **Pre-Trial Hearing on November 21, 2012, at 8:30 am.** At that time, you will have an opportunity to meet with the Prosecutor, an Assistant District Attorney from the Fort Bend County District Attorney's office. If you have an Attorney, he needs to be present on that date.

**FAILURE TO APPEAR ON THIS DATE, MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST AND A NEW CHARGE OF FAILURE TO APPEAR MAY BE FILED,** which can cost you an additional fine plus court costs, if you are found guilty.

THE COURT REQUIRES AT LEAST THREE DAYS WRITTEN NOTICE FOR A CONTINUANCE.

If you have any questions regarding this matter, you may contact the court.



Judge Joel C. Clouser, Sr.

BY Frances A. Enniquoz  
Court Clerk

mailed to 3934 Scenic Orchard Ln.  
Defendant Richmond, TX 77407  
9.18.12  
Date

KIP 7

Make Resit Date

11/21/12

New  
Address

Trevor Nehls

3934

Scenic Archway  
Ln.

Richmond 77407  
TX

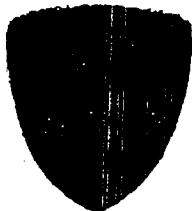
8113



12-13787

Supplement No  
ORIG

**FORT BEND COUNTY SHERIFF**



1410 WILLIAMS WAY BLVD

Reported Date  
05/25/2012  
Rpt/Incident Typ  
ASLT  
Member/Dept ID#  
BARRETT, KYLE J

**COPY**

Agency <b>FORT BEND COUNTY SHERIFF</b>		Report No <b>12-13787</b>	Supplement No <b>ORIG</b>	Reported Date <b>05/25/2012</b>	Reported Time <b>15:17</b>	CAD Call No <b>121460508</b>
Status <b>REPORT TO FOLLOW (REPORT MADE)</b>				Rpt/Incident Typ <b>Assault</b>		
Location <b>5800 NEW TERRITORY BL</b>				City <b>SUGAR LAND</b>	ZIP Code <b>77479</b>	Rep Dist <b>567XST</b>
Area <b>3</b>	Event <b>3</b>	From Date <b>05/25/2012</b>	From Time <b>14:37</b>	Member/Dept ID# <b>KJB002/BARRETT, KYLE J</b>		
Assignment <b>PATROL DEPUTY EVENING SHIFT</b>		Entered by <b>KJB002</b>	Assignment <b>PATROL DEPUTY EVENING SHIFT</b>		RMS Transfer <b>Successful</b>	
Prop Thru Dist <b>Successful</b>		Approving Officer <b>AMH001</b>	Approval Date <b>06/27/2012</b>	Approval Time <b>15:34:19</b>		
# Offenses <b>1</b>	Offense <b>ASLT</b>	Description <b>ASSAULT</b>		Completion Type		

Inv	Inv No	Type	Name	Inv	Race	Sex	DOB
OTE	1	I	CANTHERON, RONNIE	777184	W	M	06/21/1973
OTE	2	I	NEHLS, TROY	119592	W	M	04/07/1968
SUS	1	I	NEHLS, TREVOR	1207283	W	M	04/07/1968
VIC	1	I	MCCALL, DONALD	569966	W	M	05/02/1982
WIT	1	I	MCCALL, DONALD	1201353	W	M	09/20/1963
WIT	2	I	COLUINGA, DONATO	1207285	W	M	03/27/1959
WIT	3	I	YOUNG, MICHAEL	911040	W	M	04/23/1990
WIT	4	I	MULLINIX, BRENDA	1207286	W	F	01/03/1954
WIT	5	I	ELLIOTT, RACHEL	1207287	W	F	08/01/1993

**Property Summary**

Involved: **HVD**  
Description:  
**Article: OTHER/MISCELLANEOUS VIDEO RANDALLS STORE VIDEO SURVEILLANCE**

THE COMPLAINANT STATED A KNOWN PERSON MADE PHYSICAL CONTACT WITH HIM WHICH HE FOUND OFFENSIVE.

2012 AUG 27 PM 4:20

Report Officer  
**KJB002/BARRETT, KYLE J**

Printed At  
**06/27/2012 15:29**

ELP9



Honorable Joel C. Clouser, Sr  
Justice of the Peace, Pct 2  
303 Texas Parkway (FM 2234), Room 107  
Missouri City TX 77489-1133  
Telephone No. (281) 403-8080  
Fax No. (281) 403-8089

September 11, 2012

TREVOR JAY NEHLS  
102 SKYCREST  
SUGAR LAND TX 77478-0000

Case No. 12-JCR21-20629

Dear Trevor Jay Nehls:

In accordance, with your Not Guilty plea and request for a new Judge/Jury Trial your case has been scheduled for a **Pre-Trial Hearing** on **October 31, 2012 at 8:00 AM**. At this time you will have an opportunity to meet with the Prosecutor, an Assistant District Attorney from the Fort Bend County District Attorney's office. If you have hired an Attorney, he/she must be present on this date.

**Failure to appear on this date may result in a warrant being issued for your arrest and a new charge of Failure to Appear may be filed**, which can incur additional fine plus court costs, if you are found guilty.

**The court requires three (3) days written notice for a continuance.**

If you have any questions regarding this matter, you may contact the court.

Sincerely,

\_\_\_\_\_  
Frances A. Enriquez  
Court Clerk

E1 P10

Reporting Party / Victim



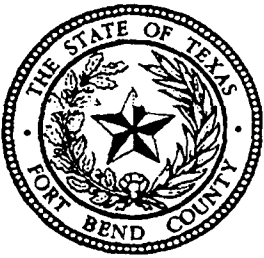
OR RESIDENT/OTHER \_\_\_\_\_ JUSTICE OF THE PEACE \_\_\_\_\_

NAME: Donald McCall TEXAS DL#:  D/O/B:

SSN:  \*PHONE Home/Cell: 832-715-0415 \*PHONE W: 832-715-4743

\*MAILING ADDRESS: (Dirección)  
STREET (Calle): 21730 VENTURE PARK DR APT#: \_\_\_\_\_ CITY (Ciudad): Richmond ST: TX ZIP: 77406

ELP 11



Justice of the Peace  
Precinct 4  
Fort Bend County, Texas

Case Number: \_\_\_\_\_

**Complaint against:**

Date: \_\_\_\_\_

Name: Nehls, Trevor D/O/B: 4-7-1968

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_ Cellular 713 557-1243

Age: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_

Other Details: \_\_\_\_\_

**Complaint made by:**

Name: McCall, Donald J

Address: 21730 Venture Park City: Richmond State: Tx Zip: 77466

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_ Cellular 832-715-0415

Date of Offense: 5-25-2012 Location of Offense: 5800 New Territory Blv

Offense: ASSAULT

**Brief description of what happened:**

On Friday May 25 2012, the defendant Trevor Nehls grabbed the complainant Donald McCall arms with his hands. The defendant applied pressure to both arms which caused discomfort. F.B.C.S.O. Investigated the case along with Texas Rangers under case # 12-13787.

**Witnesses:**

Name: Ronnie Cantrow

Address: \_\_\_\_\_

City: \_\_\_\_\_ St.: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_

Name: Donato Culunga

Address: \_\_\_\_\_

City: \_\_\_\_\_ St.: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_

Against the Peace and Dignity of the State

[Signature]  
Affiant

Subscribed and Sworn to before me this 18 day of July 2012.

401 7017

[Signature]  
~~Notary Public~~ Chief Clerk

Action, if any, taken by Court: \_\_\_\_\_ EIP12

In the Name and by the Authority of The State of Texas:

BEFORE ME, the undersigned authority, on this day personally appeared

Donald McCall

who, after being by me duly sworn, on oath deposes and says: That he has good reason to believe and

does believe and charge that heretofore, to-wit, on or about the 25<sup>th</sup> day of May

A.D. 2012, and before the making and filing of this Complaint, in the County of FORT BEND

and State of Texas, Trever Melks, the defendant

did then and there intentionally or knowingly caused physical contact with Donald McCall when the defendant knew or should have reasonably believed that Donald McCall would regard the contact as offensive.

The Affiant's belief that the aforesaid facts are true is based upon evidence and information obtained by: \* personal observation

against the peace and dignity of the State.

*[Signature]*

Complainant.

Donald McCall

Sworn to and subscribed before me by

a credible person, this 15<sup>th</sup> day of August

2012

A.D. 2012

Vanora Castelle

Justice of the Peace, COURT CLERK

Precinct No. 2 Position No. 1, Fort Bend County, Texas.

I, the undersigned Magistrate, have examined the facts, statements and charges set out in the above complaint together with the reasons of the Affiant to believe that such charge is true and correct and after receiving evidence and testimony in support of such charge I find that probable cause exists for the issuance of a warrant for the arrest of the above named accused.

Justice of the Peace.

Precinct No. Position No., Fort Bend County, Texas.

\*See Commentary under Art. 15.05 Vernon's Annotated Code of Criminal Procedure.

EIP13

MARY S. WARD  
 JUSTICE OF THE PEACE  
 PRECINCT NO 1 PLACE 2  
 FORT BEND COUNTY, TEXAS  
 1517 EUGENE HEIMANN CIRCLE  
 SUITE 100  
 RICHMOND, TEXAS 77469  
 TELEPHONE: (281) 341-3742  
 FAX: (281) 341-3746



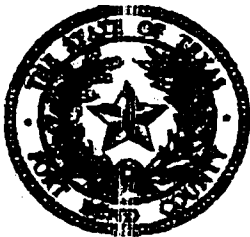
# FAX COVER SHEET

TO: Dandy or Francis  
 FAX NO.: 1703 8089  
 FROM: Woody  
 PHONE: \_\_\_\_\_  
 DATE: 8/27/12  
 RE: Wells 3 file  
 Number of Pages (Including cover sheet) 3  
 Instrument and/or Special Instructions: please, put w/  
the assault file you just  
opened on Trevor Wells

• ORIGINAL:  WILL FOLLOW  WILL NOT FOLLOW

The information contained in this fax is confidential and/or privileged. This fax is intended to be reviewed initially by only the individual named above. If the reader of this transmittal page is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination or copy of this fax or the information contained herein is prohibited. If you have received this fax in error, please immediately notify the sender by telephone and return this fax to sender at the above address. Thank you.

EIP 14  
 2012 AUG 27 PM 4:20  
 JUSTICE OF THE PEACE  
 MARY S. WARD  
 RICHMOND, TEXAS 77469  
 (281) 341-3742



Justice of the Peace  
Precinct 2  
Fort Bend County, Texas

Case Number: \_\_\_\_\_

Complaint against:

Date: \_\_\_\_\_

Name: Nehls, Trevor D/O/B: 4-7-1968

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_ Cellular 713-557-1243

Age: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_

Other Details: \_\_\_\_\_

Complaint made by:

Name: McCall, Donald J.

Address: 21730 Venture Park City: Richardson State: TX Zip: 75066

Phone: Home \_\_\_\_\_ Work \_\_\_\_\_ Cellular 832-715-0415

Date of Offense: 5-25-2012 Location of Offense: 5800 New Territory Blvd

Offense: Assault

Brief description of what happened:

On Friday May 25 2012, the defendant Trevor Nehls grabbed the complainant Donald McCall arms with his hands. The defendant applied pressure to both arms which caused discomfort. F.B.C.S.A. investigated the case along with Texas Rangers under case # 12-12787.

Witnesses:

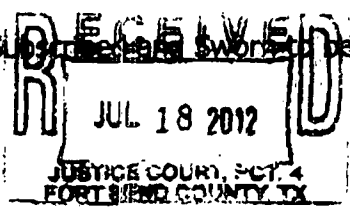
Name: Ronnie Cawthon  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ St.: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: Home \_\_\_\_\_ Work \_\_\_\_\_

Name: Donato Colunga  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ St.: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: Home \_\_\_\_\_ Work \_\_\_\_\_

Against the Peace and Dignity of the State

[Signature]  
Affiant

Subscribed and sworn to before me this 18 day of July 2012.



[Signature]  
Notary Public Cheryl Clark  
2012 AUG 27 PM 4:00

Action, if any, taken by Court: \_\_\_\_\_

2012 AUG 27 PM 4:00  
EIP 15

## FORT BEND HERALD

### Alleged assault case thrown out

Posted: Monday, March 4, 2013 12:02 pm

By Brian Besch [bbesch@fbherald.com](mailto:bbesch@fbherald.com)

Though the 2012 election season has come and gone, issues continue to surface, at least in one race in particular.

An alleged assault case involving the son of a Harris County sergeant and a Sugar Land Police sergeant was thrown out of court by a Precinct 4 judge nearly 10 months later.

In 2012, Donald McCall, a Sergeant for the Harris County Police Department, and Trever Nehls, then a sergeant with the Sugar Land Police Department, were running as candidates for Fort Bend County's Precinct 4 Constable's Office.

Toward the end of the early voting session on May 25, Nehls and Donald McCall's son, D.J., allegedly got into an argument. According to police reports, Donald McCall said, "Nehls intentionally caused physical contact with (his son), which he found offensive."

After separating his son and Nehls, Donald McCall said he came back and told Nehls what he had just done was assault.

The McCalls went to the justice of the peace to file an affidavit for assault against Nehls. Donald McCall said the head clerk asked for an offense report, and the height, weight and date of birth of Nehls.

The McCalls then met with Assistant District Attorney Woodie McAndrew, who would help D.J. fill out the affidavit.

"In about a five-minute span, (McAndrew) brought out an affidavit and he just basically wrote down the elements of the offense, without including anything in there about exactly what transpired between my son and Trever grabbing my son," said Donald McCall. "That was an oversight on my part, I should have known better, but I am thinking, 'the D.A.'s office, they are on the up and up, they are not going to do anything that is going to be questionable down the road.'"

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Donald McCall then said he was surprised to find out the case would not be heard until the first or second week of November, after the election. He called the court, saying he was someone that had a ticket for assault by contact, and asked when it was necessary to appear.

“I was told, ‘come between now and 30 days, you have 30 days to appear,’” Donald McCall said. “So, I knew now that something was wrong. The (assistant) D.A. tells me that everything is backlogged, but I acted like somebody else and when I told them I have a summons, I was told to show within 30 days. They wanted to wait until after the election, so they didn’t have any negativity.”

As the trial began, D.J. McCall said he found it odd that Nehls would represent himself.

“Trevor showed up (representing) himself, the judge (Joel C. Clouser) went over everything before (the trial) started, and nobody had any questions,” D.J. McCall said. “Right after this begins, (Nehls) stops the judge in the middle of it. I could tell the judge wasn’t too happy with him. (The judge) told him, ‘Mr. Nehls, I had gone over this, I told you before the thing started this is how it is going to play out. This is not how it is supposed to happen.’ It seemed like everything just flipped and (McAndrew) is trying to get Trever out of this hot water.”

Nehls told the Herald he produced a few cases that he felt were applicable to the trial.

“I presented two cases from the court of criminal appeals in the state of Texas that I thought were relevant to my case,” Nehls said. “It was presented to the prosecutor, there was some analysis conducted because there was a 15-minute recess, which allowed the prosecutor to review the two cases I presented to the court. Upon the analysis, the prosecutor returned and the case was ultimately dismissed.

“I didn’t think that there was any merit to the case to begin with. I represented myself because I felt there was no credibility to the original complaint to begin with.”

Judge Joel C. Clouser told the Herald when the prosecution did not argue the objection, the case was over.

“We started the opening arguments and the state started to present its case, and the defendant presented a motion to dismiss and presented a case law,” Clouser

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said. "The state did not dispute the case law. I asked the state 'What's your response to this?' and the prosecutor just said, 'Well, it is the law.'

"I said, 'Well, what is your response?' and he kept saying 'It is the law.'

"I just said, 'If the state doesn't wish to pursue it, then I'm going to grant his motion to dismiss.'

"The prosecutor represents the state. The prosecutor doesn't tell me why I should not grant the motion to dismiss, and I want to hear some argument, and the state did not."

According to the McCalls, after the short recess, McAndrew came back and said, "I didn't cross all my T's and dot my I's; I am duty-bound to drop this charge, because I failed to put all the information in the affidavit."

District Attorney John Healy said the trial should have continued, since Nehls did not object to the charge until the trial began.

"(Nehls) was able to get the judge to agree that it was proper and the prosecutor to agree that it was proper," Healey said. "It would appear to be (a mistake by both), and I have told that to my prosecutor. If the proper application of the law were to have been followed, Trevor Nehls would have been told, 'I'm sorry, this is an untimely objection. You waived your right to object. You must stand down and we will continue with the trial.'

"You shouldn't be able to lie behind the log and hide until the day of trial, then pop up and object after jeopardy has been attached. It would appear that is exactly what occurred in this instance. I am disappointed the case didn't go forward to an ultimate resolution."

D.J. McCall said McAndrew told him he couldn't retry the trial, because of double jeopardy, which forbids a defendant from being tried again on the same charges following a legitimate acquittal or conviction.

"From the first question, the case has started," D.J. McCall said. "Any time after that, (Nehls) steps in and there is where your double jeopardy falls in. (Nehls) knew exactly what he was doing. He knew when he needed to jump in, and that's exactly what he did."

D.J. McCall said the case may be tried in the future as a civil suit, something D.J. McCall has two years from the date of the alleged offense to file.

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“It’s a Class C (misdemeanor), it’s nothing major. But if (Nehls) is pulling these strings, what happens when something major happens,” D.J. McCall said. “I kind of want something to stick, that way if something does happen in the future with someone else, then there is a paper trail.”

[http://www.fbherald.com/police\\_beat/article\\_9f2ec7a2-84f5-11e2-b4fb-001a4bcf887a.html](http://www.fbherald.com/police_beat/article_9f2ec7a2-84f5-11e2-b4fb-001a4bcf887a.html)

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