

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

<b>MARITZA AMADOR, INDIVIDUALLY</b>	§	
<b>AND AS REPRESENTATIVE OF THE</b>	§	
<b>ESTATE OF GILBERT FLORES AND</b>	§	
<b>AS NEXT FRIEND OF MINOR R.M.F.,</b>	§	
<b>VANESSA FLORES, MARISELA</b>	§	
<b>FLORES, CARMEN FLORES AND</b>	§	
<b>ROGELIO FLORES</b>	§	
<b>Plaintiffs,</b>	§	
	§	<b>CIVIL ACTION NO.5:15-CV-00810RP</b>
<b>V.</b>	§	
	§	
<b>BEXAR COUNTY, BEXAR COUNTY</b>	§	
<b>SHERIFF'S OFFICE, GREG VASQUEZ</b>	§	
<b>Individually and in his Official Capacity</b>	§	
<b>and ROBERT SANCHEZ, Individually</b>	§	
<b>and in his Official Capacity</b>	§	
<b>Defendants.</b>	§	

**PLAINTIFFS' MOTION TO COMPEL BEXAR COUNTY DISTRICT ATTORNEY'S  
OFFICE'S RESPONSES AND PRODUCTION OF REQUESTED ITEMS  
PROPOUNDED ON THE BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE  
THROUGH DEPOSITION ON WRITTEN QUESTIONS**

**TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE ROBERT PITMAN:**

COMES NOW Plaintiffs Maritza Amador, Individually and as Representative of the Estate of Gilbert Flores and as Next Friend of Minor R.M.F., Vanessa Flores, Marisela Flores, Carmen Flores and Rogelio Flores, Plaintiffs in the above styled and numbered cause, who makes and files this Motion to Compel the Bexar County District Attorney's Office's responses and production of documents propounded on the Bexar County District Attorney's Office through Deposition on Written Questions and in support hereof would respectfully show unto the Court as follows:

**I.  
BACKGROUND**

1. On August 28, 2015, Decedent Gilbert Flores was fatally shot by Bexar County Deputies Sanchez and Vasquez.
2. On September 14, 2015, Plaintiffs filed their Original Complaint in this matter and served their First Requests for Production on Defendant Bexar County. (Dkt. 1).
3. Initially, the court ordered a stay of all discovery pending the outcome of the criminal proceedings, including the presentment of the case against the deputies to the grand jury. (Dkt 23).
4. The case was presented to the grand jury and the deputies were no-billed thus concluding the criminal proceedings. The criminal investigation and grand jury proceedings in this case were concluded on December 9, 2015 and there are currently no ongoing criminal proceedings in this case.
5. On December 15, 2015 the court lifted the stay (Docket No. 29).
6. On February 12, 2016, Defendant Bexar County served their Responses to Plaintiffs' First Requests for Production.
7. On March 11, 2016, Defendant Bexar County supplemented their Responses to Plaintiffs' Requests for Production.
8. On March 30, 2016, Plaintiffs sent a Notice of Intention to Take Deposition on Written Questions to the Bexar County District Attorney's Office through Sparkling City Records. (See attached Exhibit A).
9. On March 30, 2016, Sparkling City Records served the Notice of Intention to Take Deposition on Written Questions to the Bexar County District Attorney's Office, addressed to Assistant District Attorney Leslie Sachanowicz and Bexar County District Attorney Nico

LaHood by facsimile to 210-335-2773; the same number that is listed on all of Mr.

Sachanowicz' pleadings and filings. (See fax confirmation attached Exhibit B).

10. In addition to sending the Notice of Intention to Take Deposition on Written Questions to the Bexar County District Attorney's Office through facsimile, Sparkling City Records also sent the Notice and DWQs through the United States Post Office 2-Day Priority Mail, which was delivered on April 2, 2016 addressed to Mr. Leslie Sachanowicz and Bexar County District Attorney Nicolas LaHood. (See attached Exhibit C).

11. On May 26, 2016, Sparkling City Records contacted the Bexar County District Attorney's Office to check on the status of our DWQ Request. Leslie Haby of the Bexar County District Attorney's Office stated that they never received the Notice. At that point, Sparkling City Records sent the Notice and DWQ to Leslie Haby.

12. On May 31, 2016, Sparkling City Records E-mailed the Notice and DWQs to Mr. Sachanowicz' legal assistant, Pamela Garcia-McCormick.

13. On June 15, 2016, Sparkling City Records again contacted Leslie Haby to follow-up with our request. Ms. Haby stated:

Hi Catherine – as we discussed on the phone, subpoenas are specifically excluded from the Public Information Act (the requests that I handle). It appears that Les Sachanowicz is the attorney assigned to this case (Sue Ann Gregory is no longer with this office); however, it is my understanding that he was not served with the subpoena. I will forward this information to his secretary, but do you have record of service?

14. On June 15, 2016, Attorney Robert P. Wilson E-mailed a letter to Assistant District Attorney Les Sachanowicz asking the Bexar County District Attorney's Office to produce the documents requested through the Deposition on Written Questions by June 22, 2016, or a Motion to Compel

would be filed. (See attached Exhibit D).

15. As of June 22, 2016, the Bexar County District Attorney's Office has not produced the documents requested in the Deposition on Written Questions propounded on the Bexar County District Attorney's Office.

### **ARGUMENT**

16. The deposition on written questions seeks the discovery of two sets of documents- 1) the investigative file from the Bexar County DA's office in relation to the death of Mr. Flores and 2) the documents reflecting the proceedings before the Bexar County grand jury regarding this death including all information provide to the grand jury and all testimony presented to the grand jury. These documents are relevant and vital to the complete investigation of the issues raised in this litigation.

17. The threshold for relevance at the discovery stage is lower than at the trial stage. *See In re Gateway Engineers, Inc.*, 2009 WL 3296625, (W.D. Pa. Oct. 9, 2009) ("relevance is a broader inquiry at the discovery stage than at the trial stage"); *see also, Khodara Environmental II, Inc. v. Chest Township*, 2007 WL 2253606, at \*1 (W.D. Pa. Aug. 3, 2007) ("the need for something to be "relevant" to be discoverable is a relatively low threshold to meet as compared to relevance under [Federal Rule of Evidence] 401"). Although Rule 26(b)(1) limits the scope of discovery to non-privileged and relevant matter, relevance is constructed broadly to include "[a]ny matter that bears on, or that reasonably could lead to other matter that could bear on, any issue that is or may be in the case." *See Khodara Environmental II*, 2007 WL 2253606, (quoting *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351, 98 S.Ct. 2380, 57 L.Ed.2d 253 (1978)); *see also Martinelli v. Petland, Inc.*, 2010 WL 3947526, (D.Kan. Oct. 7, 2010). Further, "where relevance is in doubt, [Rule 26(b)(1)] indicates that the court should be permissive" in allowing discovery. *E.E.O.C. v. Simply Storage Management, L.L.C.*, 270 F.R.D. 430, 433 (S.D. Ind. 2010) (quoting *Truswal Systems Corp. v. Hydro-Air Engineering, Inc.*, 813 F.2d 1207, 1212 (Fed. Cir. 1987) (internal quotations omitted)). Put simply, "[a] request for discovery should be

allowed unless it is clear that the information sought can have no possible bearing on the claim or defense of a party.” *Martinelli*, 2010 WL 3947526, at \*3; *see Gateway Engineers*, 2009 WL 3296625, (“only if it is palpable that the evidence sought can have no possible bearing upon the issues should a court deny discovery”).

18. It is absolutely imperative for Plaintiffs to have any and all statements taken or given by the parties, investigators and witnesses in this case in order to get an accurate description of the events which occurred on August 28, 2015 and thereafter. This includes the additional investigation conducted by the DA’s office, if any, and the proceedings before the grand jury. Among other potential reasons, these documents are relevant for the following reasons:

a. Discovery to date has revealed that it is the procedure of the Bexar County Sheriff’s office to present its material to the Bexar County DA’s office for potential criminal charges in order to determine what if any disciplinary action needs to be taken against officers accused of excessive force. The fact that these deputies were no-billed meant that no disciplinary action was taken as a result of this shooting. Thus, the grand jury proceedings are interwoven into the discipline of these officers and the enforcement of the Sheriff’s policy of the use of deadly force. What transpired before the grand jury is therefore relevant.

b. The credibility of deputies Vasquez and Sanchez as well as others within the department who investigated the shooting are at issue in this litigation. As part of the criminal investigative file approximately 15 statements were given by multiple officers. Included in this production were statements from Officer Vasquez and Officer Sanchez. The factual statements made by officers Vasquez and Sanchez in these written statements are in direct conflict with the video tape of the shooting and are in crucial portions complete fabrications. (See attached Exhibit F).

Specifically, in the statement of Deputy Vasquez he claims that at the time of the shooting Mr. Flores was 6 to 8 feet away from the deputies and was advancing towards them. The video tape of the shooting shows that at the time he was shot, Mr. Flores was standing still with his hands raised and was more than 20 feet from the deputies. This was further confirmed by a schematic done by the Bexar County Sheriff's Department showing the true distance was in excess of 20 feet. (*See attached Exhibit E*).

The Plaintiff should be able to discover if these officers made a different statement directly to the Bexar County DA or before the grand jury and how other witnesses attempted to explain away this obvious discrepancy.

c. The criminal file contains statements from multiple other officers involved in the investigation. To the extent that any of these officers gave additional statements directly to the DA or testified under oath before the grand jury, makes their testimony crucial and relevant.

d. It is believed that the Defendant will defend the failure to discipline these deputies based upon the no bill from the grand jury. Specifically, following the result from the grand jury, Sheriff Pamerleau stated in a news conference on or about December 9, 2015, that due to the findings of the grand jury the deputies would be free to return back to work. As such, the proceedings before the grand jury must be explored and the Plaintiff has the right to determine what went before the grand jury when that decision was made. Thus this information is relevant and cannot be obtained through any other source.

19. Although there is a long standing tradition of secrecy in ongoing Federal grand jury proceedings, in Texas, proceedings before a grand jury from a closed criminal case are discoverable in subsequent civil suit when the need is shown. *Euresti v. Valdez*, 769 S.W.2d 575 (Tex. App. – Corpus Christi 1989, orig proceeding) (court allowed discovery of grand jury testimony in a malicious prosecution

case when a need was shown by the Plaintiff); *In Re Curry*, 2008 WL 2311395 (Tex. Civ. App. – San Antonio, 2008, orig. proceeding).

20. In the current action Plaintiffs have expressed a need to the investigative file from the criminal proceedings in the DA's office and to the grand jury evidence and testimony. As described, when an officer is charged with excessive force the Bexar County Sheriff's department uses the Bexar County DA and the criminal proceedings, including the result before the grand jury (if the case is presented), as the basis for any disciplinary action for the deputies and the determination of violation of department policy. This makes the actions of the criminal division of the DA in investigating the shooting as well as the proceedings before the grand jury crucial to the issues raised in this suit.

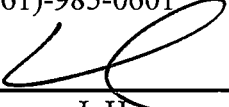
21. Plaintiffs need to be able to determine what additional investigation was conducted by the DA and what was presented to the grand jury to properly investigate the issues raised. Whether the witnesses, investigators and defendants are credible and truthful, and what other statements they gave directly to the DA or when they testified before the grand jury are crucial, particularly in light of current discovery that shows some fabrications by Deputy Vasquez. This can only be done by comparing these witnesses and defendants' statements to the DA and grand jury testimony. As such this information is necessary and cannot be obtained from any other means.

### **PRAYER**

WHEREFORE , Plaintiffs' request that this honorable Court grant Plaintiffs' Motion to Compel the Bexar County District Attorney's Office's Responses and Production of Requested Items Propounded on the Bexar County District Attorney's Office Through Deposition on Written Questions and order that the deposition on written questions be completed and the documents produced within a time frame determined by the court and for such other and further relief to which the Plaintiff may show itself to be entitled.

Respectfully Submitted,

LAW OFFICES OF THOMAS J. HENRY  
521 Starr Street  
Corpus Christi, Texas 78401  
Phone: (361)-985-0600  
Fax: (361)-985-0601

By:   
Thomas J. Henry  
SBN: 09484210  
Robert P. Wilson  
SBN: 21718575  
rwilson@thomasjhenrylaw.com


**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I do hereby certify that on the 22 day of June 2016 a true and correct copy of the above pleading was electronically filed with a copy to the following:

Nicholas "Nico" LaHood  
Bexar County Criminal District Attorney  
Leslie "Les" Sachanowicz  
Asst. Criminal District Attorney Civil Division  
101 W. Nueva, 7<sup>th</sup> Floor  
San Antonio, Texas 78205  
ATTORNEYS FOR BEXAR COUNTY AND BEXAR COUNTY SHERIFF'S OFFICE

Charles Frigerio  
Law Offices of Charles S. Frigerio  
111 Soledad Street, #840  
San Antonio, Texas 78205  
ATTORNEY FOR DEPUTIES GREG VASQUEZ AND ROBERT SANCHEZ

  
Robert P. Wilson

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

MARITZA AMADOR, INDIVIDUALLY §  
AND AS REPRESENTATIVE OF THE §  
ESTATE OF GILBERT FLORES AND §  
AS NEXT FRIEND OF MINOR R.M.F., §  
VANESSA FLORES, MARISELA §  
FLORES, CARMEN FLORES AND §  
ROGELIO FLORES §

Plaintiffs, §

V. §

BEXAR COUNTY, BEXAR COUNTY §  
SHERIFF'S OFFICE, GREG VASQUEZ §  
Individually and in his Official Capacity §  
and ROBERT SANCHEZ, Individually §  
and in his Official Capacity §  
Defendants. §

CIVIL ACTION NO.5:15-CV-00810RP

**ORDER GRANTING PLAINTIFFS' MOTION TO COMPEL THE BEXAR COUNTY  
DISTRICT ATTORNEY'S OFFICE'S RESPONSES AND PRODUCTION OF REQUESTED  
ITEMS PROPOUNDED ON THE BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE  
THROUGH DEPOSITION ON WRITTEN QUESTIONS**

FROM THE HONORABLE JUDGE OF SAID COURT:

After considering *Plaintiffs' Motion to Compel the Bexar County District Attorney's Office's Responses and Production of Requested Items Propounded on the Bexar County District Attorney's Office Through Deposition on Written Questions*, the response(s) thereto, arguments of counsel, and all evidence on file, the Court hereby orders that said motions are in all things GRANTED.

IT IS SO ORDERED.

SIGNED AND ENTERED on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
JUDGE PRESIDING

# **SPARKLING CITY RECORDS**

*Litigation Records Service*

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POST OFFICE BOX 60149 ✧ CORPUS CHRISTI, TEXAS 78466-0149  
(361) 992-9868 ✧ Fax (361) 992-8313 ✧ 1-800-283-6796 ✧ e-mail – sparkcity@stx.rr.com

## FAX

DATE: March 30, 2016

TO: LAW OFFICES OF THOMAS J. HENRY

ATTENTION: MR. ROBERT WILSON

FAX: (361) 985-0601

FROM: CATHERINE CARMANY

RE: MARITZA AMADOR, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF GILBERT FLORES AND AS NEXT FRIEND OF MINOR R.M.F., VANESSA FLORES, MARISELA FLORES, CARMEN FLORES AND ROGELIO FLORES V. BEXAR COUNTY, BEXAR COUNTY SHERIFF'S OFFICE, GREGORY VASQUEZ, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AND ROBERT SANCHEZ, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY

TOTAL NUMBER OF PAGES (INCLUDING THIS PAGE): 8

MESSAGE:

FOLLOWING IS A SIGNATURE FORM FOR MY FILE THAT WILL ALLOW ME TO SIGN YOUR NAME TO THE NOTICE, WHICH I HAVE PREPARED AT YOUR REQUEST. YOUR COPY OF THE NOTICE IS ALSO ATTACHED AND WILL BE DELIVERED TO ALL PARTIES AS USUAL. HAVE A GOOD DAY.



## ***SPARKLING CITY RECORDS***

### ***Litigation Records Service***

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(361) 992-9868 ✧ Fax (361) 992-8313 ✧ 1-800-283-6796 ✧ e-mail – [sparkcity@stx.rr.com](mailto:sparkcity@stx.rr.com)

March 30, 2016

MR. ROBERT WILSON  
LAW OFFICES OF THOMAS J. HENRY  
521 STARR STREET  
CORPUS CHRISTI, TEXAS 78401

IN RE: MARITZA AMADOR, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF GILBERT FLORES AND AS NEXT FRIEND OF MINOR R.M.F., VANESSA FLORES, MARISELA FLORES, CARMEN FLORES AND ROGELIO FLORES V. BEXAR COUNTY, BEXAR COUNTY SHERIFF'S OFFICE, GREGORY VASQUEZ, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AND ROBERT SANCHEZ, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY, FOR THE UNITED STATES JUDICIAL DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS, SAN ANTONIO DIVISION; C.A. NO 5:15-CV-00810-RP

Dear Mr. Wilson:

At your request a "Notice of Intention to take Deposition on Written Questions" has been prepared in the above referenced case. The Custodian of Records will be subpoenaed to produce answers to the Deposition on Written questions, as well as a complete and accurate copy of any and all INVESTIGATION RECORDS from the following providers:

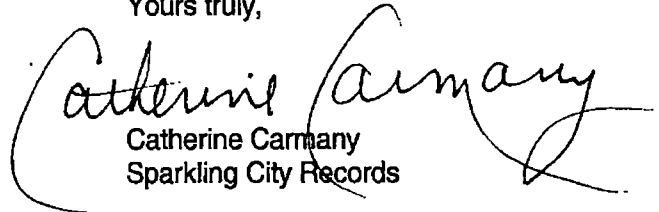
BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE  
101 W. NUEVA STREET  
SAN ANTONIO, TEXAS 78205

Texas Rules of Civil Procedure, Rule 191.3(a) requires that such Notice be signed by the attorney of record, for the party on whose behalf the Notice was prepared. Your signature below will give Sparkling City Records permission to sign your name, and show your State Bar of Texas identification number, address, telephone number and fax number

on the above referenced Notice.

Your business is appreciated. Please call if there are additional matters that Sparkling City Records can help you with in the preparation of your case.

Yours truly,



Catherine Carmany  
Sparkling City Records

Sparkling City Records has my permission to sign my name to the above referenced Notice of Intention to take Deposition on Written Questions.

X\_\_\_\_\_

MR. ROBERT WILSON

MARITZA AMADOR, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF GILBERT FLORES AND AS NEXT FRIEND OF MINOR R.M.F., VANESSA FLORES, MARISELA FLORES, CARMEN FLORES AND ROGELIO FLORES V. BEXAR COUNTY, BEXAR COUNTY SHERIFF'S OFFICE, GREGORY VASQUEZ, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AND ROBERT SANCHEZ, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY

(BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE)

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

**MARITZA AMADOR, INDIVIDUALLY §  
AND AS REPRESENTATIVE OF THE §  
ESTATE OF GILBERT FLORES AND §  
AS NEXT FRIEND OF MINOR R.M.F., §  
VANESSA FLORES, MARISELA FLORES, §  
CARMEN FLORES AND ROGELIO §  
FLORES §**

**V. §**

**C.A. NO. 5:15-CV-00810-RP**

**BEXAR COUNTY, BEXAR COUNTY §  
SHERIFF'S OFFICE, GREGORY §  
VASQUEZ, INDIVIDUALLY AND IN HIS §  
OFFICIAL CAPACITY AND ROBERT §  
SANCHEZ, INDIVIDUALLY AND IN §  
HIS OFFICIAL CAPACITY §**

**NOTICE OF INTENTION TO TAKE DEPOSITION BY WRITTEN QUESTIONS**

To DEFENDANTS

By and through the Attorney of record for DEFENDANTS

MR. NICHOLAS "NICO" LAHOOD / MR. LESLIE "LES" SACHANOWICZ  
/ MS. SUE ANN GREGORY  
BEXAR COUNTY CRIMINAL DISTRICT ATTORNEY CIVIL DIVISION  
101 W. NUEVA, 7TH FLOOR  
SAN ANTONIO, TEXAS 78205

MR. CHARLES S. FRIGERIO  
LAW OFFICES OF CHARLES S. FRIGERIO, P.C.  
111 SOLEDAD, SUITE 840  
SAN ANTONIO, TEXAS 78205

AND TO WITNESS: BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE

You will please take notice that after ten (10) days from the service of this notice, a Notary Public in and for the State of Texas will take the deposition of the following witness (es) by written questions, to be used as evidence in the above-styled and numbered cause of action.

**BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE  
101 W. NUEVA STREET  
SAN ANTONIO, TEXAS 78205**

before a Notary Public, which attached questions may be used in evidence upon the trial of the above styled and numbered cause pending in the above named court.

Copies of the written questions to be asked are attached hereto. As authorized by rule 31 of the Federal Rules of Civil Procedure, a Subpoena Duces Tecum will be issued requiring the witness(es) to produce the following:

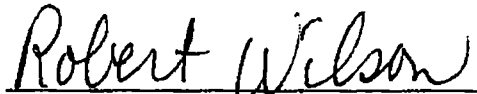
**THE BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE'S COMPLETE FILE REGARDING THE INVESTIGATION INTO THE FATAL SHOOTING DEATH OF GILBERT FLORES (DOB: 5/18/74) BY BEXAR COUNTY SHERIFF'S DEPUTIES ROBERT SANCHEZ AND GREG VASQUEZ WHICH OCCURRED ON AUGUST 28, 2015**

**And**

**AND ANY AND ALL DOCUMENTS, RELATING TO THE PROCEEDINGS BEFORE THE GRAND JURY, INCLUDING ALL INFORMATION PROVIDED TO THE GRAND JURY AND ALL TESTIMONY PRESENTED TO THE GRAND JURY**

to which the witness may have access and to deliver all such records to the officer authorized to take this deposition so that photographic reproductions of the same may be made and attached to said deposition.

Respectfully submitted,



**MR. ROBERT WILSON  
LAW OFFICES OF THOMAS J. HENRY  
STATE BAR OF TEXAS  
Identification No.  
21718575  
521 STARR STREET  
CORPUS CHRISTI, TEXAS 78401  
Phone: (361) 985-0600  
Fax: (361) 985-0601**

Signed with written permission  
given by MR. ROBERT WILSON

By: 

Catherine Carmany

SPARKLING CITY RECORDS

Post Office Box 60149

Corpus Christi, Texas 78466-0149

Tel: (361) 992-9868

1-800-283-6796

Fax: (361) 992-8313

**CERTIFICATE OF SERVICE**

I CERTIFY THAT A TRUE AND EXACT COPY OF THE FOREGOING NOTICE OF INTENTION TO TAKE DEPOSITION BY WRITTEN QUESTIONS WAS DELIVERED TO THE RESPECTIVE PARTIES OR ATTORNEYS OF RECORD BY:

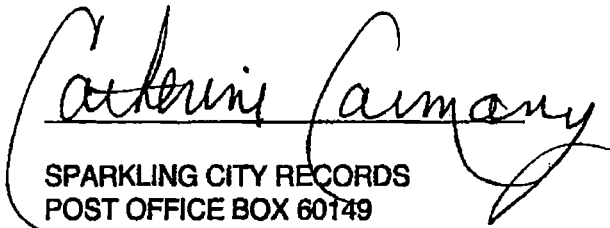
  X   MR. NICHOLAS "NICO" LAHOOD / MR. LESLIE "LES" SACHANOWICZ / MS. SUE ANN GREGORY, FAX: (210) 335-2773

  X   MR. CHARLES S. FRIGERIO, FAX: (210) 271-0602

  X   BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE, FAX: (210) 335-2773

  X   ORIGINAL WILL FOLLOW BY REGULAR MAIL

March 30, 2016



SPARKLING CITY RECORDS  
POST OFFICE BOX 60149  
CORPUS CHRISTI, TEXAS 78466

\* SHOULD YOU DESIRE COPIES OF THE RECORDS SUBMITTED TO YOUR FILES, PLEASE CONTACT SPARKLING CITY RECORDS AT THE ABOVE NUMBER.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

**MARITZA AMADOR, INDIVIDUALLY §  
AND AS REPRESENTATIVE OF THE §  
ESTATE OF GILBERT FLORES AND §  
AS NEXT FRIEND OF MINOR R.M.F., §  
VANESSA FLORES, MARISELA FLORES, §  
CARMEN FLORES AND ROGELIO §  
FLORES §**

**V. §**

**C.A. NO. 5:15-CV-00810-RP**

**BEXAR COUNTY, BEXAR COUNTY §  
SHERIFF'S OFFICE, GREGORY §  
VASQUEZ, INDIVIDUALLY AND IN HIS §  
OFFICIAL CAPACITY AND ROBERT §  
SANCHEZ, INDIVIDUALLY AND IN §  
HIS OFFICIAL CAPACITY §**

**DIRECT QUESTIONS TO BE PROPOUNDED TO**  
**THE CUSTODIAN OF INVESTIGATION RECORDS FOR:**

BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE  
101 W. NUEVA STREET  
SAN ANTONIO, TEXAS 78205

**RECORDS PERTAIN TO: GILBERT FLORES (DOB: 05/18/1974)**  
**SHOOTING DEATH: 08/28/2015**

1. STATE YOUR NAME, ADDRESS AND OCCUPATION.  
ANSWER: \_\_\_\_\_
2. STATE WHETHER OR NOT YOU ARE A CUSTODIAN OF INVESTIGATION  
RECORDS FOR THE ABOVE NAMED PLACE OF BUSINESS.  
ANSWER: \_\_\_\_\_
3. STATE WHETHER OR NOT YOU HAVE IN YOUR CUSTODY OR SUBJECT TO  
YOUR CONTROL THE RECORDS PERTAINING TO THE ABOVE NAMED  
INDIVIDUAL.  
ANSWER: \_\_\_\_\_
4. PLEASE HAND TO THE NOTARY PUBLIC TAKING THIS DEPOSITION A  
COMPLETE COPY OF ALL SUCH RECORDS. HAVE YOU DONE AS  
REQUESTED?  
ANSWER: \_\_\_\_\_

5. PLEASE STATE WHETHER OR NOT YOU CAN VERIFY THAT THE RECORDS YOU HAVE FURNISHED TO THE NOTARY PUBLIC IN RESPONSE TO THE FOREGOING QUESTIONS ARE A COMPLETE AND ACCURATE COPY OF THE RECORDS.

ANSWER: \_\_\_\_\_

6. PLEASE STATE WHETHER OR NOT THE RECORDS YOU HAVE FURNISHED TO THE NOTARY PUBLIC IN RESPONSE TO QUESTION NO. 4 WERE KEPT IN THE REGULAR COURSE OF BUSINESS.

ANSWER: \_\_\_\_\_

7. PLEASE STATE WHETHER OR NOT IT WAS IN THE REGULAR COURSE OF BUSINESS FOR AN EMPLOYEE OF THE OFFICE, WITH THE PERSONAL KNOWLEDGE OF THE ACTS RECORDED TO MAKE THIS RECORD OR TO TRANSMIT INFORMATION, WHICH IS INCLUDED IN THIS RECORD.

ANSWER: \_\_\_\_\_

8. PLEASE STATE WHETHER OR NOT THE INVESTIGATION RECORDS YOU HAVE FURNISHED TO THE NOTARY PUBLIC IN RESPONSE TO THE FOREGOING INQUIRIES WERE MADE AT OR NEAR THE TIME OF THE ACT WHICH IS RECORDED, OR REASONABLY SOON THEREAFTER.

ANSWER: \_\_\_\_\_

X \_\_\_\_\_  
WITNESS (CUSTODIAN OF RECORDS)

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT IN THE CAPACITY THEREIN STATED, AND ACKNOWLEDGED TO ME THAT THE ANSWERS TO THE FOREGOING QUESTIONS ARE TRUE AS STATED. I FURTHER CERTIFY THAT THE RECORDS ATTACHED HERETO ARE EXACT DUPLICATES OF THE ORIGINAL RECORDS.

GIVEN UNDER MY HAND AND SEAL OF OFFICE,

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE  
STATE OF \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

<b>Transmission Report</b>
----------------------------

Date/Time	03-30-2016	12:38:07 p.m.	Transmit Header Text	
Local ID 1	3619928313		Local Name 1	Sparkling City Records

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"

### SPARKLING CITY RECORDS

*Litigation Records Service*

POST OFFICE BOX 60149 ✪ CORPUS CHRISTI, TEXAS 78466-0149  
(361) 992-9668 ✪ Fax (361) 992-8313 ✪ 1-800-283-6796 ✪ e-mail - sparkcity@stx.rr.com

#### FAX

DATE: March 30, 2016

TO: BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE

ATTENTION: INVESTIGATION RECORDS

FAX: (210) 335-2773

FROM: CATHERINE CARMANY

RE: MARITZA AMADOR, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF GILBERT FLORES AND AS NEXT FRIEND OF MINOR R.M.F., VANESSA FLORES, MARISELA FLORES, CARMEN FLORES AND ROGELIO FLORES V. BEXAR COUNTY, BEXAR COUNTY SHERIFF'S OFFICE, GREGORY VASQUEZ, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AND ROBERT SANCHEZ, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY

TOTAL NUMBER OF PAGES (INCLUDING THIS PAGE): 11

MESSAGE:

FOLLOWING IS A REQUEST FOR INVESTIGATION RECORDS PERTAINING TO:

**GILBERT FLORES (DOB: 05/18/1974)  
SHOOTING DEATH: 08/28/2015**

PLEASE PROVIDE A COMPLETE COPY OF ANY AND ALL RECORDS ALONG WITH THE DEPOSITION ON WRITTEN QUESTIONS. ANY QUESTIONS MAY BE DIRECTED TO SPARKLING CITY RECORDS AT THE ABOVE LISTED NUMBER.

Total Pages Scanned : 11

Total Pages Confirmed : 11

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	621	12103352773	12:33:56 p.m. 03-30-2016	00:03:29	11/11	1	EC	HS	CP14400

**Abbreviations:**

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save



CP: Completed  
FA: Fail  
TU: Terminated by user

TS: Terminated by system  
G3: Group 3  
EC: Error Correct

English

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**On Time**

**Expected Delivery Day:** Saturday, April 2, 2016

## Product & Tracking Information

**Postal Product:**  
Priority Mail 2-Day™

**Features:**  
USPS Tracking®

DATE & TIME	STATUS OF ITEM	LOCATION
April 2, 2016, 9:21 am	Delivered, In/At Mailbox	SAN ANTONIO, TX 78205

Your item was delivered in or at the mailbox at 9:21 am on April 2, 2016 in SAN ANTONIO, TX 78205.

April 2, 2016, 8:24 am	Arrived at Post Office	SAN ANTONIO, TX 78204
April 1, 2016, 10:00 pm	Departed USPS Facility	SAN ANTONIO, TX 78284
April 1, 2016, 8:34 am	Arrived at USPS Facility	SAN ANTONIO, TX 78284
March 31, 2016, 9:46 pm	Departed USPS Facility	CORPUS CHRISTI, TX 78469
March 31, 2016, 8:04 pm	Arrived at USPS Facility	CORPUS CHRISTI, TX 78469
March 31, 2016, 6:49 pm	Accepted at USPS Origin Facility	CORPUS CHRISTI, TX 78411
March 30, 2016	Pre-Shipment Info Sent to USPS	

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**Karen Villarruel**

---

**From:** Robert Wilson <rwilson@thomasjhenrylaw.com>  
**Sent:** Friday, June 24, 2016 4:31 PM  
**To:** Karen Villarruel  
**Cc:** G4-cc@tjhlaw.com  
**Subject:** FW: Flores v. Bexar County  
**Attachments:** Letter to Les Sachanowicz re DWQ Request rpw edits.docx

---

**From:** Robert Wilson  
**Sent:** Wednesday, June 15, 2016 5:33 PM  
**To:** 'Sachanowicz, Leslie' <Leslie.Sachanowicz@bexar.org>  
**Cc:** 'G4-cc@tjhlaw.com' <G4-cc@tjhlaw.com>  
**Subject:** Flores v. Bexar County

Les,

Please see the attached letter regarding the DWQ's previously sent for the grand jury information.

**Robert P. Wilson**

**Attorney**

**THOMASJHENRY**  
INJURY ATTORNEYS

O: 210.656.1000 |

F: 361.985.0601 | W: www.THOMASJHENRYLAW.com



# THOMAS J HENRY

## IN JURY ATTORNEYS

TOLL FREE: 1-800-580-0601 FAX: 1-888-956-8001 TJHLAW.COM

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LESLEY PANISZCZYN | STEPHEN F. BECHTOL | MATTHEWS. SCUTT | DARIUS KHOSRAVIAN | CECILE W. CRABTREE | GREGGORY A. TEETER | DAVID HATCHER | CURTIS W. FITZGERALD, II\*  
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CRAIG L. FARRISH † | KELLY W. ADAMS | TANYA BACHAND †† | EDWIN L. MCANINCH | KERRY A. DIGIOIA | DAVID J. LOPEZ | KAREN K. VILLARRUEL ††† | TREY PENDERGRAFT  
RALPH WANKWO †††† | KEVIN NORRIS † | LOGI HAMOR | ABEL TREVINO | GREG W. TURMAN\* | ROGER Z. GUEVARA | BRYCEE PEARCY | LANE G. DIAMOND | JON B. OLSON | ALEX OHA  
JOHN W. BIGGINS, III | CHRISTOPHER M. CHENAUULT | GABRIEL DEVEGA | BERNARDO GONZALEZ | NEGIN ROBERTS | COLBY BERRY | CHIRAG DESAI | DANIEL TYMAN †† | BRIAN GILLETTE  
ERICK RAMIREZ | TOMAS ALARCON | IRFAN SIDDIQUI | JUDEA SMITH ††† | ERIC GRUETZNER | JEFFREY R. JOHNSON | ORLANDO VERA | JACOB S. HUGHEY | DAVID BICKHAM  
JEFFREY ZERDA | JOHN D. SCHROEDER | PAUL W. OFINAN †††† | GERMAN L. CANTU | BRANDON J. PRATER | BENJAMIN AUERBACH | KATHLEEN H. CROOK † | DAVID K. ELLENDER †††  
KALIR GUTTMAN | FRANK WEEDON \*\*\* | BRANDON P. MUNDT | VINCENT X. TANG | GREGORY A. STEWART | ROBERT O. FISCHER | MARISAY GARZA | CRYSTAL M. WRIGHT

† Licensed in TX, PA | †† Licensed in TX, TN | ††† Licensed in TX, MO | †††† Licensed in TX, LA | † Licensed in KY, OH | †† Licensed in CT | ††† Licensed in TX, IN | †††† Licensed in TX, MD | † Licensed in TX, CA  
§§ Licensed in TX, PA, NJ §§§ | Licensed in TX, NJ, OH, PA, DC | §§§§ Licensed in TX, NJ | † Licensed in TX, MD, DC | \*Board Certified - Personal Injury Trial Law | \*\*Board Certified - Civil Trial Law | \*\*\*Board Certified - Worker's Compensation Law

June 15, 2016

VIA E-MAIL

Leslie "Les" Sachanowicz

Assistant District Attorney

Civil Section

Bexar County District Attorney's Office

101 W. Nueva, 7<sup>th</sup> Floor

San Antonio, Texas 78205

RE: Cause #: *Maritza Amador, et al v. Bexar County, Robert Sanchez and Greg Vasquez*

Dear Mr. Sachanowicz:

Sparkling City Records faxed and mailed a DWQ to the Bexar County District Attorney's Office at Plaintiffs' request on March 30, 2016 requesting:

The Bexar County District Attorney's Office complete file regarding the investigation into the fatal shooting death of Gilbert Flores (DOB: 5/18/74) by Bexar County Deputies Robert Sanchez and Greg Vasquez which occurred on August 28, 2015.

Specific request for the file, and any and all documents, relating to the proceedings before the grand jury, including all information provided to the grand jury and all testimony presented to the grand jury.

After no response from Bexar County on May 26, 2016, Sparkling City Records spoke with Leslie Haby of the Bexar County District Attorney's Office. Ms. Haby claimed that the Bexar County District Attorney's Office had not received the DWQ request. At that time, Sparkling City Records E-mailed the DWQ requests w/ confirmation of fax delivery on March 30, 2016 and USPS tracking with delivery date of April 2, 2016. As of today's date, Sparkling City Records nor Plaintiffs have received the requested documents.

### CORPUS CHRISTI

521 STARR STREET  
CORPUS CHRISTI, TEXAS 78401  
PHONE: (361) 985-0600

### SAN ANTONIO

4715 FREDERICKSBURG, STE 507  
SAN ANTONIO, TEXAS 78229  
PHONE: (210) 656-1000

### AUSTIN

1515 S. CAPITAL OF TEXAS HWY, STE 200  
AUSTIN, TEXAS 78746  
PHONE: (512) 347-1200

### HOUSTON

4900 WOODWAY DR, STE 1040  
HOUSTON, TEXAS 77056  
PHONE: (713) 338-2525

The time to object to the production of these documents has passed. Please provide the documents requested through Sparkling City Records DWQ to the Bexar County District Attorney's Office within 7 days (June 22, 2016) or we will be forced to file a Motion to Compel with the Court.

Should you have any questions or need any additional information, please do not hesitate to contact me.

Very truly yours,  
**THOMAS J. HENRY, INJURY ATTORNEYS**

*Robert Wilson*

Robert P. Wilson



## Witness's Statement

Bexar County Case #15-34981

STATE OF TEXAS }  
COUNTY OF BEXAR }

Statement taken by:  
Detective John Perez # 622  
at 200 N. Comal  
San Antonio TX 78207  
Friday- August 28, 2015 1525hours

**BEFORE ME, THE UNDERSIGNED AUTHORITY, AND FOR THE STATE AND COUNTY  
AFORESAID, ON THIS DAY PERSONALLY APPEARED:**

**Sanchez, Robert F**

WHO BEING BY ME FIRST DULY SWORN UPON HIS/HER OATH, DEPOSES AND SAYS:

My name is **Sanchez, Robert F** and I am 51 years old. My Date of Birth is 06-21-64. I have been employed with the Bexar County Sheriff's Office as a Deputy and I am currently assigned to the first shift day patrol division. I have been employed with the Bexar County Sheriff's Office as a Deputy for twenty five (25) year. I can read and write the English language.

On August 28, 2015 at 7:00 a.m., I started my shift. I was assigned to work in the Delta (20) area which is from Culebra road to Bandera road. Prior to noon time I was assigned to assist in a traffic accident located in State Hwy 211. As I arrived at the accident I assisted the Primary Deputy G. Vasquez and then shortly afterwards both Deputy G. Vasquez and I got dispatched to a family disturbance in the Bridgewood subdivision. En-route to the family disturbance I heard the radio toner going off and the dispatcher announced a separate family disturbance indicating a disturbance with a knife and a female was bleeding. I remember the dispatcher giving the address of Walnut Pass. As I looked at my keycard I noticed the address was 24414 Walnut Pass. Deputy G. Vasquez was a far distance ahead of me when we both started heading to the second disturbance on Walnut Pass. I lost sight of Deputy G. Vasquez as we both headed to the disturbance. I traveled on FM 1560 to Bandera Road and took a left on Bandera road heading north. I made a right on Scenic Loop and took a right on Cross Mountain Trail. As I traveled down Cross Mountain Trail I heard through the police radio that Deputy G. Vasquez had put himself out at the location. I heard the dispatcher close the channel as I still continued traveling down Cross Mountain Trail. The radio traffic was silent for about a minute when I came up to Walnut Pass. I did notice a Fire Truck staged at Cross Mountain Trail and Walnut Pass. I took a left onto Walnut Pass passing the Fire Truck and then I observed Deputy G. Vasquez in the middle of the street holding his ballistic shield up with his forearm towards his facial area. I notice a male about the same size as Deputy G. Vasquez standing in front of Deputy G. Vasquez holding a knife in what I think was his right hand swinging the knife towards Deputy G. Vasquez in an over hand thrust. I noticed the male swing the knife several times toward the shield in the direction of Deputy G. Vasquez while Deputy G. Vasquez was blocking the swings with the shield. I noticed that the male was not wearing a shirt but was unsure if he had pants or shorts on.

SIGNATURE: Robert F. Sanchez

DATE: 08/28/15



BC 071051

RJR

At that time I was in fear for Deputy G. Vasquez safety. I was unable to hear Deputy G. Vasquez or the male say anything at the time because I was still in my patrol unit approaching them. When I observed the male swinging the knife I immediately stopped my patrol unit and exited the patrol unit. I pulled out my service handgun and started running toward their direction.

I noticed that the male observed me heading in their direction and then noticed the male stop swinging the knife. The male continued holding onto the knife and then he turned towards the house. I heard Deputy G. Vasquez telling me "Stop Him", "Get Him". I approached the back portion of the light colored vehicle and went around the vehicle. I noticed the male started heading pass the front of the dark colored vehicle heading towards the house. At that time knowing that there were people in the house and due to the keycard and dispatchers indicating that there was an injured person inside the house, I fired one (1) shot from my duty firearm missing the male and striking the brick of the house. I noticed the male make his way into the house at which time I notified dispatch that the male was inside the house. I started thinking that the male would hurt somebody inside the house or possible come out with a handgun. I heard Deputy G. Vasquez telling dispatch that he needed the Negotiators to make the scene. I started to take cover behind the light colored vehicle while he started taking cover behind the dark colored car.

It was about a minute later that I noticed the male come back outside the house. He was still not wearing a shirt and was holding the knife in his right hand. The male is facing our direction holding both hands in the air with the knife in his right hand. I noticed the knife was a silver colored knife with about a six (6) inch blade. The male started yelling "Shoot me I'm not going back to prison". I noticed the male placing his hands down and then up as he starts approaching my direction and then Deputy G. Vasquez direction. I started backing away from the vehicle not know what direction the male was going to. I also noticed Deputy G. Vasquez backing away from the vehicle. I noticed the male come around the dark colored vehicle waving his hands up in the air yelling "Shoot me". I think at this time he was taunting Deputy G. Vasquez. I noticed the male reaching down to the street and he picks up a Taser that was on the street. I noticed the male grab the Taser and he started walking back around the dark colored car. I heard the Taser clicking as he was pulling the Taser trigger. The male continued to yell taunting Deputy G. Vasquez. I noticed that male heading back towards the front of the dark colored vehicle onto the street still holding the knife in his right hand and the Taser in his left hand. Both Deputy G. Vasquez and I started telling the male to drop the knife and the Taser which he did not comply. I noticed the male throw the Taser across the street into the grassy area a good distance away.

The male heads back toward the front lawn area of the house standing by the middle of the lawn. The male continued yelling and waving the knife with his hands moving up and down, at which time I heard through the police radio, who I believe to be a Supervisor stating "Don't let him get back into the house". The male started telling both Deputy G. Vasquez and me "Shoot me", "Shoot me; I'm not going back to jail" as he continued to stand in the front of the lawn. I noticed that the male started walking toward Deputy G. Vasquez patrol unit at which time I notified dispatch that he was approaching the vehicle.

RJR

SIGNATURE:

Robert Elz

DATE:

06/28/15

BC 071052

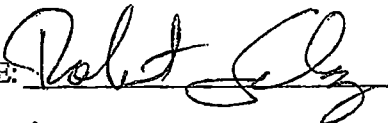
The male continued to wave the knife motioning his hands up and down. The male reaches Deputy G. Vasquez vehicle and he starts to pull the front passenger door handle in attempts to open the vehicles door. At that time I started thinking that Deputy G. Vasquez might have had an AR Rifle in the vehicle. I again heard coming through the police radio from, who I think was a different Supervisor, "Do whatever you have to do". I interpreted the order to be to prevent the male from getting into the patrol unit and getting a weapon.

Both Deputy G. Vasquez and I continued telling the male to stop and drop the knife. I noticed the male turned and faced both Deputy G. Vasquez and I but he was still standing by the front passenger door. I yelled at him "We are giving you a chance to drop the knife".

The male refused to drop the knife and I was afraid that the male was going to get into the vehicle and get a weapon. I noticed that Deputy G. Vasquez fired his duty handgun towards the male and I also fired my duty handgun just after Deputy G. Vasquez fired his handgun. I noticed the male fall to the ground and start bleeding from his upper chest area. I noticed that the knife had fallen to the ground and was just next to the male's hand. Deputy G. Vasquez at that time kicked the knife away from the male towards the driveway. I noticed Deputy L. Estrada arrive at the scene just after the shooting and he placed handcuffs on the male. I then walked into the house to check on the people inside the house. As I was checking one of the back rooms I noticed an older male standing next to an older Hispanic female and a younger female who were seating on separate chairs next to the bed. I noticed and young female was holding an infant child. That female was bleeding from the top of her head. I asked them if they were ok and they stated they were ok. I started getting medical assistance for young female. No other person was injured inside the house. I walked back outside and secured the crime scene until my Supervision (R. Pedraza) arrived and he asked me to wait in my patrol unit until CID arrived.

I STATE THAT I HAVE READ THIS ENTIRE STATEMENT AND DECLARE THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND RECALL. I HAVE NOT BEEN PROMISED ANYTHING NOR THREATENED BY ANYONE FOR THIS STATEMENT AND HAVE GIVEN IT TO DETECTIVE JOHN PEREZ OF MY OWN FREE WILL. I WILL APPEAR IN COURT IF NECESSARY TO TESTIFY AND WILL NOTIFY DETECTIVE JOHN PEREZ OF ANY CHANGE IN MY ADDRESS.


SIGNATURE:



DATE:

02/22/15

WITNESS:

 622

DATE:

8-26-15

**STATE OF TEXAS**  
**VS.**

---

NO. 2015-034981

STATE OF TEXAS      3

COUNTY OF BEXAR      3

Statement Taken: 08/28/15  
By Investigator J. Mahon #605  
Bexar County Sheriff's Office  
200 N. Comal St.  
San Antonio, TX 78207

BEFORE ME, the undersigned authority, in and for the State and County aforesaid, on this day personally appeared Deputy G. Vasquez #4014, who being by me first duly sworn upon his oath, deposes and says: My name is, Deputy G. Vasquez and I am 47 years of age. I am employed by the Bexar County Sheriff's Office. My work number is (210) 335-6000. I understand how to read, write, and speak the English language.

6✓ I have been employed by the Bexar County Sheriff's Office (BCSO) for about 12 and one half years; the last seven and one half years I have been assigned to the Patrol Division of the BCSO. On 08/28/15, at about 0600 hours, I began my tour of duty with the BCSO as I stated earlier I am assigned to the Patrol Division and in district 1D20 five days a week. I came to work in my duty uniform and was assigned to vehicle 8528, a fully marked Chevrolet Tahoe. I carry the following items on my duty belt: My County issued Glock 40 caliber model 22 service weapon with one magazine (unknown amount of ammunition), two additional magazines (unknown amount of ammunition), an ASP Baton, a County issued Taser, two sets of handcuffs, my County police radio; in addition I am assigned a County issued rifle.

On 08/28/15, just before this incident, I was assigned to a verbal disturbance in my district. While en route to the verbal disturbance, I heard an e-tone via my police radio for a disturbance on Walnut Pass. I informed the dispatcher to place my call on hold and I would be en route to Walnut Pass being this call was more urgent. I activated my lights and siren (code three) while responding to Walnut Pass. I traveled from FM 1560, to Bandera Road, to Scenic Loop, to Cross Mountain Trail, to Walnut Pass until I arrived at the residence (unknown address). While traveling to Walnut Pass, I heard the dispatcher informing us there was a male with a knife at the location; also, the laptop was updating and giving a description of the male with a knife: The male had a tank top and gray colored shorts. As I arrived onto Walnut Pass I observed two emergency vehicles parked at the intersection of Walnut Pass and Cross Mountain Trail. There were no other BCSO personnel present when I arrived; I parked, just a bit north of the residence, I observed the front door of the residence closing. I exited my patrol vehicle, grabbed my County issued ballistic shield from the rear cargo area and went to the front door of the residence; I had my duty weapon drawn. While at the front door of the residence, I announced "Sheriff's Office", opened the front door, and took a step inside the residence. I observed what appeared to be a Hispanic male, with a medium complexion, heavysset, about 5'11" to 6'0" tall, wearing gray colored shorts, and tattoos on his upper body, step out from a room to my left and was standing in front of me. The male told me he was not going back to jail and he had already been to prison for 10 years because of you guys (I took this to mean law enforcement) 6✓

SIGNATURE: \_\_\_\_\_

DATE: 8-28-15

Subscribed and sworn to before me, Investigator J. Mahon #605, a peace officer of the State of Texas and pursuant to Sec. 602.002 Texas Government Code on this the 28<sup>th</sup> day of AUGUST, A.D. 2015.

J. Mahon #605  
Peace Officer

BC 070937

At this point I observed a large bladed knife in the males' hand (unknown which hand). I also observed, a second male, who was later identified as the males' father, standing behind the male. I began to back out of the residence because I was in fear for my safety, but the male followed me out of the residence. I had backed up to the sidewalk, just in front of the residence, and the male was standing on the front porch. As I waited for back up, another deputy to arrive, the male was pacing back and forth on the porch. The male was saying he knew what the Taser and the shield was for and that we would have to kill him. Deputy Robert Sanchez pulled up in his marked patrol vehicle, just south of the residence, and ran toward me. I told Deputy Sanchez the male had a knife and to be careful. As the male focused on Deputy Sanchez, I moved behind two vehicles which were parked in front of the residence. Deputy Sanchez was positioned to my right as I faced the residence and the male. I continued to have my duty weapon fixed on the male, the male began walking toward Deputy Sanchez, and I heard one gunshot. The male walked in a loop on the front yard (grassy area), then walked toward the front porch of the residence and out of my line of sight. At the same time, I informed the dispatcher that shots had been fired and walked toward Deputy Sanchez. I began to walk towards the front porch of the residence and while doing so I didn't see the male so I holstered my duty weapon. All of a sudden the male appeared from nowhere holding a folding metal chair in one hand and a knife in the other; the male who was on the front yard of the residence was coming toward me. I drew my Taser from the holster, pointed it at the male while still holding my shield, and began to back away from the male. The male was about 10 feet away from me, but was coming at me and closing the distance between us. At the same time, the male was saying the Taser doesn't work and I've been in prison. I fired my Taser at the male as he was continuing to advance on me; however, I saw the Taser probes hit the metal chair and bounce off. I continued backing away and was now positioned on the roadway and behind the two vehicles parked in front of the residence. The male continued toward me with a knife in his hand (unknown hand) while saying you are going to have to kill me. The male got to within three to four feet of me so I hit the male one time with my shield to get him away from me; I was fearful the male may stab me with the knife he had. After I hit the male with the shield the male came at me again. I struck the male with my right hand which still had the Taser in it; while doing so, the Taser fell to the ground. After striking the male, he continued toward me so I struck the male with my shield again—the time period from striking the male with the shield, then with my hand/Taser, and the shield again seemed instantaneously. I began to loop around toward Deputy Sanchez who was positioned to my right. The male, who was on the roadway, and adjacent to the vehicles parked in front of the residence, picked up my Taser. The male activated the stun gun portion of the Taser and let the Taser cycle. Once the Taser cycled, the male threw the Taser across the street from the residence into a grassy area. After the male threw the Taser he walked toward the front porch of the residence and stood at the porch. Deputy Sanchez and I began to walk toward the vehicles parked in front of the residence to make sure we could see the male. At this point I remember I had my duty weapon drawn and pointed toward the male. We began exchanging words with the male, who still had the knife in his hand, but I don't remember exactly what was said. The male began walking toward my patrol vehicle, which was running, and opened the front passenger side door. I told Deputy Sanchez the male was walking toward my patrol vehicle. Deputy Sanchez and I walked toward my patrol vehicle. Deputy Sanchez went toward the driver side of my patrol vehicle to shut off the patrol vehicle and get my keys. At the same time, while Deputy Sanchez was doing so, I was at the rear of my patrol vehicle watching the male with my duty weapon pointed at the male. The male who had been leaning into my patrol vehicle suddenly stood up and slammed the front passenger side door closed. Deputy Sanchez, who had grabbed the keys to my patrol vehicle, returned to where I was standing and gave me my keys. While Deputy Sanchez and I were standing toward the rear of my patrol vehicle, the male said I told you, you'd have to kill me, while still holding the knife in his hand (unknown hand).

SIGNATURE: [Signature]DATE: 06.28.15

Subscribed and sworn to before me, Investigator J. Mahon #605, a peace officer of the State of Texas and pursuant to Sec. 602.002 Texas Government Code on this the 28<sup>th</sup> day of August, A.D. 2015.

J. Mahon #605  
Peace Officer

BC 070938

*CV* The male started advancing toward Deputy Sanchez and me—I would say the male was about six to eight feet away from us. Knowing the situation had kept escalating I believe it was the males' intent to kill me, I fired one round at the male. The male dropped the knife and fell to the ground (sidewalk area). I approached the male and saw Deputy Estrada (this was the first time I observed him to be present); I told Deputy Estrada to handcuff the male and I kicked the knife away from the male—The knife went under the truck on the driveway.

I do not know how many times Deputy Sanchez fired his weapon, but I did hear Deputy Sanchez fire his weapon. Also, at some point I placed my shield against the rear of my patrol vehicle, but I do not remember exactly when I did this. *CV*

**I STATE THAT I HAVE READ THIS ENTIRE STATEMENT AND I SWEAR/AFFIRM IT IS TRUE AND CORRECT. I HAVE NOT BEEN PROMISED ANYTHING NOR THREATENED BY ANYONE FOR THIS STATEMENT. I HAVE GIVEN IT TO INVESTIGATOR J. MAHON #605 OF MY OWN FREE WILL. I WILL APPEAR IN COURT IF NECESSARY TO TESTIFY AND I WILL NOTIFY INVESTIGATOR J. MAHON #605 OF ANY CHANGE IN MY ADDRESS OR PHONE. I ALSO UNDERSTAND THAT IF I KNOWINGLY MADE ANY FALSE STATEMENTS, CHARGES MAY BE FILED AGAINST ME FOR PERJURY.**

SIGNATURE

*[Handwritten Signature]*

DATE

*08.28.15*

Subscribed and sworn to before me, Investigator J. Mahon #605, a peace officer of the State of Texas and pursuant to Sec. 602.002 Texas Government Code on this the 28<sup>th</sup> day of AUGUST, A.D. 2015.

*[Handwritten Signature]* #605  
Peace Officer

Criminal Investigations Division  
Follow-up / Supplementary Report (Continuation)

Assignment No: 15-034981

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Deputy Vasquez Furnished Statement:

On 08/28/15, Deputy Vasquez, accompanied by his attorney Bob Leonard, furnished a statement in regards to this offense. Thereafter, Deputy Vasquez departed the BCSO and was transported to the South Substation by Inv. T. Perez.

*Investigative Note: I asked Deputy Vasquez about his recollection of radio transmissions and how many shots Deputy Sanchez fired during his offense, but his memory was not clear / precise.*

Video Observed:

After obtaining Deputy Vasquez's statement and he had departed the BCSO, I viewed a video footage of the offense (later identified as being filmed by Michael Thomas). The video footage clearly illustrates the Decedent apparently standing still with his hands in the air just prior to being shot by Deputy Sanchez and Deputy Vasquez.

*Investigative Note: In his statement, Deputy Vasquez did not mention the Decedent had stopped and raised his hands.*