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**REPORT OF INVESTIGATION  
INTO THE CONDUCT OF  
MAGISTRATE JUDGES, PROSECUTORS,  
DEFENSE LAWYERS, AND LABORATORY PERSONNEL  
IN THE SO-CALLED “FAKE DRUG CASES”  
IN DALLAS COUNTY, TEXAS**

May 9, 2005

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# 1.

## PRELIMINARY STATEMENT

### 1.1 Purposes of this Phase of the Investigation

When Daniel K. Hagood was appointed as the Special Prosecutor in December 2003, his primary focus was on the activities of former Detective Mark Delapaz, certain fellow police officers of the Dallas Police Department, and certain confidential informants used by Officer Delapaz. By February 2004, he believed it was appropriate to expand the scope of the Investigation beyond the Police Department. A Deputy Special Prosecutor was appointed to perform that task. Jack B. Zimmermann, the Deputy Special Prosecutor, was brought in from Houston, Texas, where he is in private practice as a specialist in criminal law, to conduct this phase of the Investigation. Mr. Hagood's investigation activities continued to concentrate on the police officers and confidential informants.

There were three purposes of the phase of the Investigation by the Deputy Special Prosecutor. The primary purpose was to determine if probable cause exists for any state penal code violation by any municipal court judge, prosecutor, criminal defense lawyer, or laboratory personnel associated with the so called "fake drug cases" in 2001-2002. The secondary purpose was to assess then-existing policies and procedures of the Dallas Municipal Court judiciary, Dallas County District Attorney's Office, members of the criminal defense lawyer bar who handled these cases, and the Southwestern Institute of Forensic Science (SWIFS), with the goal of recommending changes to prevent the reoccurrence of this type of event. Finally, as this phase of the Investigation progressed, it became apparent that it was necessary to be mindful of possible violations of the Texas Disciplinary Rules of Professional Conduct by any of the judges or attorneys involved. If necessary, any violations would then be forwarded to the State Bar of

Texas for appropriate action.

## 1.2 Scope of this Report

This report does not address in detail the actions of members of the Dallas Police Department Narcotics Division street squad in question supervised by Sgt. Jack Gouge. The reason for this is that some members of the street squad have been indicted and one trial has been completed. Accordingly, the actions of the supervisors of this squad are also not addressed in detail. The examination of such actions is best left for analysis at trial.

Therefore, this report will concentrate on an analysis of how the criminal justice system failed to function properly from the time the legally trained participants became involved. It will focus on activities of the Municipal Court judges who issued the search warrants in these cases, the prosecutors who prosecuted the defendants, the criminal defense lawyers who represented the defendants, and the laboratory scientists who analyzed the substances in these cases.

This report is being released now because this phase of the Investigation is complete, and the citizens of Dallas County need to know this matter has been investigated. It is important to emphasize that this phase of the Investigation was supervised by an individual with no ties to the Dallas County judiciary, District Attorney's office, criminal defense lawyers' bar, or forensic laboratory. The Deputy Special Prosecutor who supervised this phase of the Investigation is not currently a prosecutor, and has no cases pending in Dallas County. He has been board certified in criminal law by the Texas Board of Legal Specialization since 1980 and by the National Board of Trial Advocacy since 1981. A retired colonel in the United States Marine Corps Reserve, he is a former Chief Prosecutor of the 2nd Marine Division, and was certified as a military trial judge in 1978.<sup>1</sup> He was administered the oath as a Deputy Special Prosecutor by State District Judge Vickers Cunningham on February 18, 2004.<sup>2</sup>

The Deputy Special Prosecutor was assisted throughout this phase by two veteran sergeants from the Texas Department of Public Safety. Both have extensive experience in narcotics enforcement, and worked full-time as investigators in the Office of the Special Prosecutor. An experienced sergeant in the Public Integrity Division of the Dallas Police Department assisted in the final rounds of interviews in this phase.

The direction from the Special Prosecutor was clear: go where the evidence leads. Neither Special Prosecutor Dan Hagood, nor Deputy Special Prosecutor David Lewis, participated in any interviews in this phase of the Investigation. The Investigation began with no preconceived notions, no allegiance to any individual or organization involved, and with the charter to be impartial, open-minded, objective, and professionally courteous to all.

### 1.3 Investigation Methodology

The original prosecution case files in all “fake drug cases” and the original court files in those cases were reviewed by the Deputy Special Prosecutor and the two Department of Public Safety sergeants. Along with those files, any relevant notes, emails, laboratory reports, and search and arrest warrant affidavits were also examined. All prosecutors who handled these cases, including the supervising chain of command, were interviewed. This group was comprised of five former prosecutors; six current prosecutors; seven senior supervisory members of the District Attorney’s office, including the elected District Attorney; and two investigators for the District Attorney’s office. In addition, interviews were conducted with twelve criminal defense lawyers who handled some of the questioned cases; three municipal court judges who issued search warrants in the relevant cases; three supervisory officers of the Dallas Police Department, including the former Chief of Police; and three scientists from the Southwestern Institute of Forensic Science, including the Chief of the lab.<sup>3</sup> With the exception of one witness,

they were interviewed by the Deputy Special Prosecutor and at least one of the Department of Public Safety sergeants. The above mentioned Dallas Police Department Public Integrity sergeant participated in 23 of the interviews.

It is considered essential that the public know that this matter was thoroughly considered by the Grand Jury. In order to comply with the secrecy mandates of Article 20.02 of the Texas Code of Criminal Procedure, only a general description of what occurred before the Grand Jury will be given. In this phase of the Investigation, key witnesses from each group identified above who were interviewed outside the Grand Jury also testified before the Grand Jury. Twelve of the forty witnesses interviewed outside the Grand Jury were called by the Deputy Special Prosecutor to testify before the Grand Jury. Each witness was extensively questioned by the Grand Jurors, and not just by the Deputy Special Prosecutor. The Grand Jury considered this matter from February through June of 2004.

Within days of being sworn in, the Deputy Special Prosecutor was assigned to investigate allegations that the District Attorney and his senior staff had tampered with a witness and, in doing so, had engaged in organized criminal activity at a meeting in February 2004. All participants in that meeting, plus the individual making the criminal allegations, testified under oath and on the record before the Grand Jury on this issue. The Grand Jury heard five witnesses on this issue, beginning on February 24, 2004 and ending on March 11, 2004. On March 11, 2004, the Grand Jury decided that no indictments in this matter were appropriate. Since the allegation was made public in the Dallas Morning News, it should be noted that the meeting in question arose from events which occurred in 1999, long before the first arrest in any “fake drug case” in 2001. These events in 1999 did not involve fake drugs, any Dallas Police Department officers involved in the “fake drug cases,” or any of their confidential informants.

## 2.

### **BACKGROUND**

In July 1999, former Dallas Police Officer Mark Delapaz was on his second tour as a Narcotics Officer when he arrested Enrique Alonso and Jose Ruiz for possession with the intent to deliver cocaine and methamphetamine. On October 8, 1999, Officer Delapaz signed an agreement with Enrique Alonso, that Enrique Alonso would become a confidential informant for the Dallas Police Department in order to work off his case. Enrique Alonso completed the agreement by December 16, 1999. He then became a paid confidential informant. Mr. Alonso was assigned the confidential informant number of 2253. On March 27, 2000, Officer Delapaz signed an agreement with Jose Ruiz to become a confidential informant. By August 25, 2000, Jose Ruiz had also worked off his case and become a paid confidential informant. Jose Ruiz's number was 2344. In 2001, Enrique Alonso introduced Officer Delapaz to three other persons who also became confidential informants. They were Daniel Alonso (CI number 2459), Roberto Santos (CI number 2409), and David Cavazos (CI number 2452). Other informants officer Delapaz used, although not authorized to do so, were Brenda Davis and Reyes Roberto Gonzalez.<sup>1</sup>

In 2001, Delapaz filed 43 cases against 30 arrested persons, based on the activities of these informants. The informants supplied fake drugs in these cases and in some cases Officer Delapaz supplied fake police reports and related false documentation. Search warrant affidavits, confidential informant payment receipts and drug buy reports documented these activities. These arrests became known as the "fake drug" cases. The equation for these cases was simple: false drugs, false police reports, false affidavits, etc., equaled fake drug cases.<sup>2</sup>



### **WHAT HAPPENED ON THE STREET**

The Hispanic community in Dallas County is large and diverse. As exists for all areas and ethnic groups in Dallas County, some members of the Hispanic community illegally distributed controlled substances. The overwhelming majority of the cases in question involved defendants who were from the Hispanic community. Some members of the street squad involved were Hispanic. The confidential informants who cooperated with the Dallas Police Department in an effort to arrest and convict such persons were also from the Hispanic community.

There are multiple types of confidential informants. In the questioned cases, there were two specific types used. One type was the confidential informant who worked to receive more lenient treatment after being arrested for a similar offense. The second type worked only for money.<sup>1</sup>

The confidential informants worked on small transactions for the Dallas Police Department Narcotics “street squad” in question. The street squads targeted drug transactions, usually by local dealers, involving relatively small amounts of controlled substances. The street squads were not typically involved in drug deals of the magnitude found in the fake drug cases. Ordinarily, such large transactions were the province of the Dallas Police Department Narcotics Enforcement Section or an appropriate state or federal law enforcement agency. These agencies were equipped to deal with large transactions, which indicate interstate or international distribution organizations. The law enforcement agencies that were primarily concerned with large amounts of controlled substances had specific techniques they employed in their operations that the street squad rarely used. For example, the DPD Narcotic Enforcement Section used

audio and video surveillance, money flashes, wire intercepts, gathered larger amounts of criminal intelligence, and conducted longer-term conspiracy investigations.<sup>2</sup> The street squads rarely used any of these methods.

Beginning in 1999 and continuing into 2000, the confidential informants working with the Dallas Police Department Narcotics street squad in question pursued real drug dealers. As time progressed, during this period, the confidential informants began to dilute the real drugs with fake substances. In early 2001, they began targeting innocent members of the Hispanic community, although not all arrestees were Hispanic. The cases with these confidential informants began to involve very large amounts of suspected drugs.<sup>3</sup> The suspected cocaine was in reality billiard chalk or gypsum. The suspected methamphetamine was actually dimethyl-sulfone (a food additive), which is also not a controlled substance.<sup>4</sup> Many of these defendants were undocumented Mexican immigrants. Often they did not speak English. Almost all of these defendants were persons with very limited financial resources. None of these defendants attempted to flee, drove luxury vehicles, lived in expensive homes, wore expensive jewelry or clothes, carried large sums of money, or carried weapons on their person. Court-appointed lawyers represented the majority of these defendants .

#### 4.

#### **WHAT HAPPENED AT THE BEGINNING OF THE LEGAL PROCESS**

When a confidential informant identified a target, a confidential informant then went to a location to supposedly “make a buy” or to check the location for the presence of drugs. The locations could have been a residence, a business, or a motor vehicle depending upon the situation. When the confidential informant returned, the alleged information he provided Officer Delapaz served as a basis for seeking a search warrant from a municipal court judge to search the location. Sometimes Officer Delapaz would appear before the judge himself. Other times he would call another officer on the telephone and that second officer would file the required sworn affidavit with the judge based on what was relayed in the telephone conversation.<sup>1</sup>

Although some police reports indicated otherwise, the confidential informants were not under visual surveillance at all times during alleged drug transactions. In actuality, the activities of the confidential informants in question were recorded only twice on video with an audio recording of one of those transactions. The confidential informants were not searched before and after an alleged drug transaction. Marked money used to buy alleged drugs was seldom recovered.<sup>2</sup> Field tests to determine if a seized substance was an illegal drug were either not conducted or were not properly conducted.<sup>3</sup>

The affidavits in support of these search warrant applications submitted to municipal court judges were extraordinarily brief. They lacked detail on probable cause and in at least one case, the affidavit reflected no probable cause at all to search the named location. The probable cause paragraph(s) often consisted of only a few sentences and were strikingly similar from affidavit to affidavit. Often identical words were utilized.<sup>4</sup> The municipal court judges were not advised of any problems with the reliability or credibility of the confidential informants.<sup>5</sup> The

magistrates approved search warrant applications in about ninety-eight percent of the cases presented to them. However, if a magistrate refused a search warrant application, no notation of the refusal was made on the application. There was no policy prohibiting a police officer from taking the same refused application to a different magistrate. The second magistrate had no way to know if an application had been presented previously to a different magistrate and that authorization of a search and arrest warrant was refused.<sup>6</sup> For probable cause, many of the search warrants presented to judges in these cases relied on affidavits that were a recitation by the officer of double hearsay. In other words, a confidential informant gave a police officer information and that police officer then relayed the information, via telephone, to the officer appearing before the judge.<sup>7</sup>

Once the arrest had been made, proper procedure called for a member of the squad to field test the seized substance. This consisted of obtaining a small amount of the substance and placing it in a kit containing vials that held chemicals. If used properly, the interaction of chemicals in the vials with the substance would cause a change in color. Depending upon the color, it would indicate the presence, or lack thereof, of a specified controlled substance (thus, the terms “field test” and “color test”). In some cases, evidence indicates no field test was performed, although the police reports prepared in connection with that arrest stated that a positive field test had been conducted.<sup>8</sup>

## 5.

### **WHAT HAPPENED TO THE SUSPECTED CONTROLLED SUBSTANCES**

The policy of the District Attorney's office since at least 1987 was to send suspected controlled substances for laboratory analysis only after a request by a defense counsel or in anticipation of trial.<sup>1</sup> This policy did not prevent the Dallas Police Department, or any other law enforcement agency, from sending a suspected controlled substance to the lab for analysis on its own initiative. It is an expensive procedure to test a suspected controlled substance. If a defendant desired to plead guilty, it was viewed as a cost-saving procedure to forego laboratory analysis.<sup>2</sup> As a result, the substances alleged to be controlled substances in these cases were not analyzed in the laboratory unless the defense lawyer, or the prosecutor, requested testing in preparation or anticipation of a contested trial.

When the arrests began to involve relatively large amounts of alleged cocaine or methamphetamine, typical police responses did not occur. The arrestees were not advised of their constitutional rights, nor interrogated to obtain confessions or learn the source of these large amounts of alleged controlled substances. Witnesses at the locations were not interviewed to learn the source of the substance or even to obtain evidence needed for a contested trial. Apparently, no effort was made to learn if the defendants possessed hidden bank accounts, had spent large sums of money, or had secreted assets that could be forfeited. The mode of operation alleged in police reports involved a defendant giving a confidential informant, who was either a complete stranger or passing acquaintance, extremely large amounts of a controlled substance on credit. That is, the confidential informant allegedly was allowed to take the "drugs" without paying for them, on the uncollateralized promise to bring the money later. Marked money was

either not used, or, if used, rarely recovered and was not properly documented.<sup>3</sup> Only once was an audio recording made of the confidential informant's contact with the arrested persons. If the prosecutor, Gregg Long, had reviewed this one audio recording, he would have detected that the audio portion was highly inconsistent with Officer Delapaz' police report. This is an example of one of many "red flags" missed by the prosecutors assigned to these cases. Further, unbeknownst to the prosecutors, defense counsel, judges, and lab personnel, police reports, controlled buy reports, CI payment receipts, and search and arrest warrants were falsified in order to further the case against the arrested person.

## 6.

### WHAT HAPPENED IN THE DISTRICT ATTORNEY'S OFFICE

Most of the questioned cases were prosecuted by the Organized Crime Section of the Dallas County District Attorney's office. The caseloads per prosecutor in the Organized Crime Section approached 150-200 cases per prosecutor.<sup>1</sup> Witnesses were not routinely interviewed by Organized Crime Section prosecutors until a case was set for trial, and then only shortly before a pre-trial hearing or trial.

The Organized Crime Section did not have an official open-file discovery policy, even relative to scientific analysis reports. This meant that the defense lawyer did not have access to the prosecutor's file to read the offense report, lab report, witness statements, or other documentation in the file.<sup>2</sup>

There was pressure from the district courts to move cases expeditiously. This pressure was felt primarily by prosecutors and court-appointed defense attorneys.<sup>3</sup> Some of the defendants in question had prior criminal records; many had no record at all. The Organized Crime Section was operating in two "drug courts," which originally were funded by a state grant.<sup>4</sup> There was a perception that a large number of jury trials were required to maintain funding. In fact, there was no statistical jury trial requirement, but there was perceived pressure to try cases that otherwise may have resulted in plea agreements. The prosecutors' discretion to effectuate such agreements by an offer of a lower sentence for certain offenses was restricted by office policy.<sup>5</sup>

The prosecutors in the Organized Crime Section worked for a long period of time with many of the same law enforcement officers. Most prosecutors came to trust the officers, and did not question their veracity or methods. Many prosecutors came to view all defendants accused

of drug offenses as being guilty. The prosecutors were skeptical of any claim of innocence or police wrongdoing.<sup>6</sup> Given this attitude, some Organized Crime Section prosecutors did not provide discovery unless ordered to do so by a judge.<sup>7</sup> The classic “them against us” syndrome developed, wherein some prosecutors viewed themselves as aligned with law enforcement officers at war with defendants and defense counsel. In most instances, this led to an inadequate initial review and analysis by prosecutors of offense reports, search warrant application affidavits, drug field testing reports, and post-arrest police procedures.<sup>8</sup>

When the prosecutors questioned the primary officer involved, Mark Delapaz, about the fake drugs, they were told that the arrested persons were real drug dealers and selling real drugs, but that the real drugs had somehow been switched for fake drugs in Laredo or San Antonio.<sup>9</sup> The District Attorney files are replete with instances where Officer Delapaz lied to the prosecutors. For example, in an attempt to bolster the credibility of the confidential informants, Officer Delapaz told a prosecutor that both Enrique Alonso and Jose Ruiz had passed polygraph tests.<sup>10</sup> In fact, only one informant, Enrique Alonso had taken and passed the polygraph test. The polygraph operator has testified that Officer Delapaz lied to him about the circumstances surrounding the confidential informant, and these lies affected the outcome of the test.<sup>11</sup>



## 7.

### WHAT HAPPENED IN THE LABORATORY

Historically, approximately ten percent of all lab tests result in a negative finding, meaning no illegal substance was found.<sup>1</sup> When forensic lab reports were completed, they would be mailed or faxed to the Dallas Police Department, or picked up from the lab by a Dallas Police Department officer. The lab report would then be sent by DPD or the officer to the District Attorney's office for routing to the assigned prosecutor or investigator.<sup>2</sup> Often stacks of lab reports would be received by an investigator, and filed in the appropriate file at one time. However, sometimes the prosecutor was not advised of the receipt of the lab report or of its findings.<sup>3</sup> Relatively few of the questioned cases were set for trial. Consequently, few of these cases led to lab analyses. In addition, because these cases were assigned to various prosecutors, when the negative reports began to appear in mid-September 2001, it was more difficult for the prosecutors to recognize a pattern. There was not a central receiving person who exercised an overview of all lab reports as they came in.<sup>4</sup>

SWIFS tested the substances for quality (nature of the substance) and quantity (how much was there). The quantity often determined the seriousness of the offense and the maximum penalty upon conviction. In many of the fake drug cases the lab found that there was indeed some amount of a controlled substance present, but the amount was less than one percent, resulting in a finding of insufficient to quantitate, which is tantamount to a negative finding.<sup>5</sup> In the relevant period, SWIFS had a backlog of cases, had fewer personnel, and unless a case was designated for an immediate analysis it sometimes took months to provide a lab report.

## 8.

### **WHAT HAPPENED AFTER THE SUBSTANCES WERE DISCOVERED TO BE FAKE**

The questioned arrests began to occur in early 2001, and continued until October 23, 2001. A pattern of a greater-than-normal percentage of negative lab tests was detected by the scientists at the Southwestern Institute of Forensic Science. In late August 2001, forensic chemist Nancy Weber first detected no controlled substance in a seizure of fifty-one kilos of suspected cocaine in the Hugo Rosas case. On August 27, 2001, she communicated this by telephone to Gregg Long, Chief of the Organized Crime Section of the District Attorney's office. Her written report was sent to him on September 12, 2001.<sup>1</sup> The final report indicated thirty-seven kilos with no controlled substance, and amounts of cocaine insufficient to quantitate in the other fourteen packages.<sup>2</sup>

The Dallas Police Department learned of the Hugo Rosas lab results around the same time Gregg Long received the report from Nancy Weber. In September 2001, Deputy Police Chief John Martinez gave an order to check out the confidential informant in that case, to stop paying him, to stop using him as a confidential informant, and to take previous seizures to the lab for analysis. On September 13, 2001, Lt. William Turnage reiterated this order to Mark Delapaz. In mid-October Chief John Martinez and Lt. Turnage were notified that the confidential informant had passed a polygraph; they both nevertheless continued their order not to use or pay the confidential informant.<sup>3</sup> This information about, and order concerning, the confidential informant was not immediately transmitted to the District Attorney's office.<sup>4</sup> Moreover, there was a leadership change at the lieutenant level in the Dallas Police Department Narcotics street squad in October 2001. The new lieutenant, Lt. Craig Miller, was not aware of the problems

with the confidential informant, Officer Delapaz, his cases, or the lab reports made in connection with his cases.

The laboratory personnel were speaking to Mark Delapaz and Assistant District Attorney Gregg Long from late August forward about the nature of the substances being discovered in large multi-kilo seizure cases Officer Delapaz had filed. Throughout September, October, November, and December of 2001, Nancy Weber and other chemists at SWIFS discovered that other large seizures in the cases Officer Delapaz had previously filed contained either no controlled substance, or a controlled substance in amounts less than one percent or insufficient to quantitate.

Individual prosecutors were not initially aware of fake substances in cases not assigned to them.<sup>5</sup> The prosecutors were not aware of the common identity and alliance of Officer Delapaz's confidential informants. Therefore, they were unable to detect quickly the patterns of large cases that involved fake substances.<sup>6</sup>

A significant change occurred on September 24, 2001. On this date, Officer Delapaz arrested Jorge Hernandez for possession with intent to deliver eight pounds of suspected methamphetamine. This was the first arrest that involved a large seizure of fake methamphetamine. Before that arrest, all large fake drug seizures involved suspected cocaine. From September 24, 2001 forward, all fake drug cases involved suspected methamphetamine, with the exception of real cocaine being found in conjunction with fake methamphetamine in the Francisco Mendoza and Jose Mendoza arrests.<sup>7</sup> Officer Delapaz, a member of a single five-officer squad in the Dallas Police Department Narcotics Division, made all of the questioned arrests.

On October 18, 2001, Officer Delapaz arrested Estanislao Mendoza for possession with

intent to deliver twenty-five pounds of methamphetamine. On Oct 19, 2001, pursuant to the order of Lt. William Turnage, Officer Delapaz took one pound of the seizure to SWIFS for analysis. Anne Weaver, a chemist, performed this analysis and that afternoon reported to Officer Delapaz that the one pound contained methamphetamine in an amount that was insufficient to quantitate.<sup>8</sup>

Assistant District Attorney Gregg Long, reported that he too found out about this insufficient to quantitate report on October 19, 2001. This raised additional questions about the confidential informants that Officer Delapaz was using to make his cases. This was Gregg Long's first realization that the confidential informants in the multi-kilo fake cocaine cases Delapaz had previously filed were the same confidential informants in the new fake methamphetamine case. Mr. Long expressed this concern to Lt. Miller the next week.<sup>9</sup>

Throughout October and November 2001, the District Attorney's office began to recognize a pattern of negative lab reports. Assistant District Attorney Gregg Long was the primary contact point between SWIFS and the District Attorney's office. Based on what Officer Delapaz was saying, when District Attorney Bill Hill was briefed on the problem in October, the initial reaction was that the defendants involved were pulling a scam on the confidential informants and the police.<sup>10</sup> The prosecutors and supervisors at the Dallas Police Department thought they had a field test problem. While Gregg Long had serious questions about the confidential informants, he and other prosecutors did not think that the confidential informants or the police officers were corrupt. The police officers in question were assuring the prosecutors that these were good cases. No serious thought was given to the idea that the police officers might be lying.<sup>11</sup>

Some samples from seizures had a real controlled substance in trace amounts that were

between the layers of plastic wrapping material, which contained the fake controlled substance. If the lab report stated that a controlled substance was in fact discovered in the seizure, but it was insufficient to quantitate, one of three alternatives was followed depending on the defendant's past record and whether the case was a possession case or a delivery case: either 1) the case was dismissed, or 2) in a possession case, the defendant was offered a lenient sentence for the amount of controlled substance that had the lowest penalty range, or 3) in a delivery case, the defendant was offered a lenient sentence for delivery of a simulated controlled substance, which is a state jail felony under Texas law.<sup>12</sup>

Representatives of the District Attorney's office, the Dallas Police Department, and SWIFS met on November 20, 2001 to investigate potential training problems in the field testing procedures. The concern over how a drug sample could be reported positive on a field test by a police officer, and yet be found negative in the lab was explained by an apparent lack of training of the testing officer. This lack of training, so this reasoning went, led to improper or incorrect use of the field test kit.<sup>13</sup> The prosecutors did not suspect that reports of positive field test results might be false because no field tests were being conducted at all.<sup>14</sup> On November 28, 2001, the District Attorney's office sent the Dallas Police Department a list of false positive or "fake drug" cases, which were all filed by Officer Delapaz. On November 30, 2001, DPD opened an Internal Affairs Division investigation on Officer Delapaz and his partner, Officer Eddie Herrera.<sup>15</sup>

The cases in question involved the conduct of a small number of identified confidential informants, known only to Officer Delapaz and perhaps a few other officers. The cases also involved a small number of identified police officers from the same street squad.<sup>16</sup>

The District Attorney's office responded once the similarities were recognized in early December 2001 by designating Assistant District Attorney Eric Mountin, then Chief of the

Public Integrity Section, to gather all the suspected files and analyze each one for appropriate action. A group comprised primarily of Eric Mountin; Assistant District Attorney Steve Tokoly, Chief of the Felony Trial Bureau; Assistant District Attorney George West, Division Chief of the Organized Crime, Specialized Crime, and Welfare Fraud Sections; and Gregg Long, Chief of the Organized Crime Section, were involved in this task. All prosecutors in the Organized Crime Section also assisted in identifying such cases.<sup>17</sup> By early December, George West and Gregg Long had placed a hold on prosecuting these suspected cases.<sup>18</sup>

The prosecutors' files were gathered and secured in the Public Integrity Section's file room. DPD had resisted turning over the confidential informant files. An internal debate among the Dallas Police Department officers from Internal Affairs, Public Integrity, the Narcotics Division, and the Office of the Chief of Police began over whether the confidential informant files should be delivered to the District Attorney's office. On January 11, 2002, DPD finally delivered copies of the confidential informant files to the District Attorney's Office. This was what the District Attorney's Office needed to link all these cases together.<sup>19</sup> When the confidential informant files were delivered they were kept in the safe of the Administrative Division under the responsibility of Assistant District Attorney Kimberly Gilles. Access was limited to Ms. Gilles and her assistant. Two people were always present whenever these files were removed from the safe.<sup>20</sup>

The internal investigation by Eric Mountin's group lasted until February 2002. At the request of the District Attorney, in 2002, the FBI began a federal criminal investigation into the conduct of Officer Delapaz and the cases he filed in 2001. When the federal investigators took over, Mr. Mountin was designated as the District Attorney's representative to the FBI. Mr. Mountin is a former Special Agent with the FBI. Mr. Mountin concluded that the confidential

informants had been in charge, or “the inmates were running the asylum.” He found fault with the way the officers were not following the proper documentation procedures, the inordinate amount of money that was being paid to the confidential informants, and that a street squad was making cases of this magnitude.<sup>21</sup>

When the relevant confidential informants and police officers were identified, the alleged drugs from significant seizures they had made were sent for laboratory analysis to determine if fake drugs were present. Fortunately, almost all of the substances in the questioned cases remained available for testing in both pending and closed cases. Many of the alleged controlled substances from smaller seizures still remained in the property room. Once the problem was recognized, pending cases involving a negative lab report were dismissed.<sup>22</sup> In cases involving a negative lab report where a defendant had pleaded guilty, the District Attorney’s office agreed to a writ of habeas corpus. Then they moved to dismiss the case. As of the date of this report, thirteen writs of habeas corpus for defendants on probation and four writs for incarcerated defendants have been agreed to by the District Attorney’s office.<sup>23</sup> No innocent person in the cases in question remains incarcerated or restrained of his or her liberty.<sup>24</sup>

Dismissals of cases began in September 2001. On November 28, 2001, Greg Long faxed Lt. Craig Miller a list of questionable cases made by Officer Delapaz. Lt. Miller received the fax and took it to Deputy Chief Martinez. They agreed that an Internal Affairs investigation was appropriate. The Internal Affairs investigation was requested on November 30, 2001. A Public Integrity investigation was requested in December 2001.<sup>25</sup> By mid-January 2002, almost all of the questioned pending cases involving fake drugs had been dismissed.<sup>26</sup> In all, at least 32 persons, who were innocent of the drug offenses alleged against them had been arrested, taken to jail, and indicted.<sup>27</sup> After those cases were resolved, other cases were dismissed because the

officers in question had either signed the affidavits for search warrants or were fact witnesses in the cases.<sup>28</sup>

Eventually, 45 cases were dismissed because of the nature or quantity of the substances discovered by lab analyses. Another 64 cases were dismissed because of the identity of the confidential informant, the arresting officer, or a fact witness in the case.<sup>29</sup>



## 9.

### WHAT HAPPENED IN THE DEFENSE LAWYERS' OFFICES

In almost all of the questioned cases, defense lawyers did not suspect that the alleged controlled substances were not real.<sup>1</sup> Most defense lawyers in these cases permitted their clients to enter pleas of guilty without ever having seen the lab report to confirm the existence or quantity of such controlled substance. Instead, the defense lawyer was searching for a legal issue as a defense, such as an unlawful search and seizure. Even if the client told the defense lawyer that he or she did not possess or deliver the substance seized, the chemical composition of the substance was disregarded as a defensive issue.<sup>2</sup> If a defendant in the questioned cases had a criminal record, especially a drug-related record, often the defense lawyer would recommend a plea agreement as a matter of risk aversion (for example, an agreement for the minimum sentence of fifteen years versus a likely sentence of fifty years if convicted after a contested case).<sup>3</sup>

Many of the defendants in these cases had no prior record, and desperately needed to return to work to support their families. Different ways the cases were resolved include the defendant being released from jail and placed on probation at an early setting, in return for a plea of guilty. Alternatively, some were released from jail by receiving credit for time served in jail while awaiting trial, in return for a guilty plea. Even though these defendants did not have a prior conviction that could be used to impeach them at trial, they often elected another type of risk aversion. That is, who would believe an undocumented immigrant over a police officer at trial?<sup>4</sup> A very small number of defendants refused to take a plea agreement and stayed in jail.

## 10.

### BRIEF SUMMARIES OF CASES WHICH ILLUSTRATE HOW THE CRIMINAL JUSTICE SYSTEM REACTED

#### 10.1 Relatively Prompt

Some cases were dismissed very promptly once it was discovered that the substance was not a controlled substance. Other cases were more problematic and took far too long to be resolved.

##### 10.1(1). Jose Vega

One case that appears to be in the former category was that of Jose Vega. Mr. Vega was arrested on August 16, 2001 and charged with possession of twenty-four kilos of cocaine.<sup>1</sup> He was a mechanic, who denied guilt from the outset. He retained Cynthia Barbare as his defense attorney. She requested a lab report. She had a polygraph test administered to Mr. Vega, which he passed.<sup>2</sup> The case was eventually assigned to Assistant District Attorney Marquite Washington. The lab report was received on October 31, 2001, indicating no controlled substance. Ms. Washington dismissed the case on November 12, 2001.<sup>3</sup>

##### 10.1(2). Abel Santos

Another example of prompt response by counsel for both sides is that of Abel Santos. Factually, the scenario was very similar to that of Jose Vega. Mr. Santos was also a mechanic with limited assets. He was accused of possessing twelve kilos of cocaine and was arrested on July 16, 2001. He too denied his guilt. Mr. Santos's court appointed attorney recommended he accept a plea agreement. Mr. Santos fired that lawyer and retained Ms. Barbare.<sup>4</sup> She again asked for a lab report. The results came back on October 31, 2001 indicating no controlled substances.<sup>5</sup> The case was dismissed by Assistant District Attorney Gregg Long on November

1, 2001.

## 10.2 Too Slow

### 10.2.(1). Jacinto Mejia

A case that was eventually dismissed, but took too long to process, was that of Jacinto Mejia. He was arrested on May 22, 2001, on charges of possession of fifteen kilos of cocaine.<sup>6</sup> Mr. Mejia owned a mechanic shop and had few financial resources. Mr. Mejia retained Tony Wright as defense counsel. Mr. Wright had a polygraph test administered by the same examiner who polygraphed Mr. Vega. Mr. Mejia passed the polygraph. The examiner told Mr. Wright to contact Cynthia Barbare because of the similar fact pattern. Mr. Wright approached Assistant District Attorney Gregg Long for a dismissal, but was unable to obtain one. He explained in detail all the factors that indicated this was not a major drug dealer situation. Gregg Long, knowing this was a Mark Delapaz case, told Mr. Wright that the officer had been the Officer of the Year.<sup>7</sup> The lab report came back with no controlled substance. An offer was made for a plea to delivery of a simulated controlled substance and the case was reindicted for that offense. Mr. Mejia refused to plead guilty.<sup>8</sup> That indictment was eventually dismissed on January 16, 2002.<sup>9</sup>

### 10.2.(2). Daniel Licea and Denny Ramirez

An example of where counsel for both sides were frustrated with this situation, and where each side believed its course of action was justified, is that of Daniel Licea and Denny Ramirez. They were arrested on August 7, 2001 for possession of seventy-one kilos of cocaine. This was one of the largest drug cases in Dallas history.<sup>10</sup> Both were represented by court-appointed attorneys: Mr. Licea by Reynaldo Chavez and Mr. Ramirez by Adrianna Martinez Goodland.<sup>11</sup> The defendants were day laborers waiting for work when they were approached by a man in a vehicle who asked if they wanted work. They replied they did and were told to drive a van to a Jack-in-the-Box located at the corner of Illinois and R. L. Thornton Fwy. They met Officer

Delapaz, in an undercover role, and Enrique Alonso there. They had a confusing discussion about what they were to do. They were then told to get back in the van and follow Officer Delapaz and Mr. Alonso. As they drove the van away, it was stopped by the police, and the seventy-one kilos were discovered in the back of the van, covered by a blanket.<sup>12</sup>

Both men insisted to their lawyers that they were not involved with controlled substances.<sup>13</sup> The case was turned over to Assistant District Attorney Gregg Long because of the amount of “drugs.” Both sides wanted a lab report. Neither the defendants, nor the lawyers, suspected fake drugs. The defense wanted a trial.<sup>14</sup> Because of their immigration status, bond was set at \$1,000,000.00 for each defendant.<sup>15</sup> The lab results came to the District Attorney’s office in October 2001, indicating no controlled substance.<sup>16</sup> There was never an agreement to plead guilty. In this instance, a videotape existed. Both defense lawyers speak Spanish. They wanted to review the video, as did the prosecutor.<sup>17</sup> Gregg Long asked Mark Delapaz, the case agent, numerous times to produce the video. The case was reset four times to enable Mark Delapaz to bring it to court. Gregg Long promised to review the tape over Thanksgiving because he had been in trial since the lab report came back.<sup>18</sup>

When the defense lawyers saw the video and heard the Spanish audio portion, they were convinced no crime had occurred. They believed the tape did not match the police report at all.<sup>19</sup> Gregg Long believed the tape showed the delivery of a simulated controlled substance, a state jail felony, and even offered a plea agreement for a misdemeanor.<sup>20</sup> The defense lawyers believed Gregg Long’s supervisors prohibited a dismissal in the case, but he did agree to personal recognizance bonds during a court setting on December 5, 2001.<sup>21</sup> After the personal recognizance bonds were made, the Immigration and Naturalization Service deported Mr. Licea and Mr. Ramirez.<sup>22</sup>

The news media made several attempts to obtain a copy of the videotape, which the defense counsel resisted. Eventually, in December, the story was run, without the videotape. To defense counsel, the story made the defendants look guilty. Again, they asked Gregg Long to dismiss the cases, but when he refused, the defense attorneys again believed his supervisors had taken away his authority to do so. To this day, defense counsel trust Gregg Long and do not blame him for the refusal to dismiss.<sup>23</sup> At a year-end press conference held by then Chief of Police Terrell Bolton, a display of guns created the false impression there had been weapons involved in this case. Afterwards, defense counsel provided a copy of the videotape to the media, which ran on television on January 8, 2002.<sup>24</sup> The cases were dismissed January 16, 2002.<sup>25</sup>

#### 10.2.(3). Arturo Villareal

An example where the system failed again is the case of Arturo Villareal. Mr. Villareal was arrested for possession of cocaine on March 20, 2001.<sup>26</sup> He denied the allegation to his court-appointed lawyer, Rick Magnis. However, Mr. Villareal had a prior conviction. Assistant District Attorney Dan Benavides volunteered to get a lab report. Mr. Benavides offered a plea agreement for probation and to tell the judge that he and Mr. Magnis both knew Mr. Villareal would be deported.<sup>27</sup> On July 2, 2001, Mr. Villareal decided to accept the plea agreement and go home.<sup>28</sup> He was promptly deported. In March of 2002, Dan Benavides showed Rick Magnis a lab report he had received indicating no controlled substance was found. He suggested to Mr. Magnis that he file a writ of habeas corpus and obtain a dismissal.<sup>29</sup> As of August 18, 2004, the District Attorney's office had agreed to thirteen Article 11.05 writs for defendants on probation. Mr. Magnis had not filed a writ for Mr. Villareal by this date. He said it was not intentional.<sup>30</sup> As far as is known, Mr. Villareal is not in the United States, and he still has a felony conviction

on his record.

### 10.3 Justice Delayed

#### 10.3.(1). Jorge Hernandez

On September 24, 2001, the nature of the fake drug cases Officer Delapaz made with these confidential informants changed. This occurred with the arrest of Jorge Hernandez and involved the first large seizure of suspected methamphetamine. A search warrant was obtained on September 24, 2001. Eight pounds of alleged methamphetamine were seized.<sup>31</sup> On December 3, 2001, Marquite Washington requested the evidence be sent to the lab for analysis. On January 7, 2002, SWIFS notified Assistant District Attorney Gregg Long that the substance had methamphetamine in an amount insufficient to quantitate. On January 9, 2002, Mr. Hernandez was released on a personal recognizance bond. Assistant District Attorney Marquite Washington dismissed the case on January 16, 2002.<sup>32</sup>

#### 10.3.(2). Betty Jenkins

A case, which clearly demonstrates the dilemma of an innocent person who pleads guilty to avoid the risk of a greater sentence because of a prior conviction, is that of Betty Jenkins. Ms. Jenkins, who has several prior drug-related convictions and a long arrest and conviction history, was arrested on April 18, 2001 for possession of cocaine of over 400 grams. This amount that carries a sentence range of fifteen years to life in the penitentiary.<sup>33</sup> She told her court-appointed lawyer, Brett Martin, that she had let another woman use the restroom. Later a police officer came to her residence with a search warrant and found something in her bathroom. She denied possessing any drugs. Given her record, on August 17, 2001, she opted to plead guilty in hopes of receiving deferred adjudication with treatment as a condition of probation. She even concocted a story to tell the judge so that he would accept her guilty plea. She received a fifteen-

year sentence, not probation, and went to prison.<sup>34</sup>

Only after this scandal broke in late December 2001, was the “evidence” tested by the lab. On February 7, 2002, SWIFS reported no controlled substance in the seizures from Ms. Jenkins’ case.<sup>35</sup> Assistant District Attorney Layne Jackson called Brett Martin, to let him know of the lab results. Assistant District Attorney Karen Wise of the District Attorney’s appellate section agreed to a writ of habeas corpus.<sup>36</sup> On February 5, 2003, the writ was granted. The case was dismissed on March 14, 2003.<sup>37</sup> Ms. Jenkins spent nineteen months in custody for a crime she did not commit. Her lawyer feels terrible about it, but neither he nor Ms. Jenkins ever had a reason to challenge the composition of the substance.<sup>38</sup> A request for a lab report however, would have prevented this injustice.

Ms. Jenkins is another example of a citizen who is poor, under-educated, helpless, and unable to mount a defensive attack in the criminal justice system. She chose to avert the risk.

## 11.

### **EXAMPLES OF THE BEST AND WORST PERFORMANCE OF DUTY**

#### **BY PROSECUTORS AND DEFENSE COUNSEL**

Some prosecutors took their responsibility to correct the injustices that occurred in the questioned cases very seriously. Others took it less seriously. The case with the most commendable conduct by a prosecutor involved Kristen O'Brien Tinajero. She, upon learning in February 2002 that a case had been dismissed due to the identity of the arresting officer, found that a co-defendant had pleaded guilty and was on probation. She contacted the defense counsel, Roberto Dueno, and advised that the State would agree to a writ of habeas corpus. She contacted him again in April, and then in June. When no writ had been filed, she personally typed the writ and order and walked them through to the court for signature, all in one day.<sup>1</sup>

The case with the most troubling conduct by a prosecutor involved a case with co-defendants Joy Everett and Patrick Grogan. This is not one of the drug cases associated with Officer Delapaz and the same confidential informants, but it does involve the same street squad. The defendants were arrested in May 2001 and released on bond by August 2001.<sup>2</sup> The prosecutor in those cases, Vanita Budhrani White, ordered a lab analysis of suspected methamphetamine in August 2001. The lab report was retrieved by the Dallas Police Department in September 2001 indicating that no controlled substance was found.<sup>3</sup> That same month, Johnny Gussio, the court-appointed defense lawyer for Patrick Grogan, advised the prosecutor and the arresting officer that his client claimed the substance was flour. The police officer, a one-time partner of Officer Delapaz, told the defense lawyer that he had field tested the evidence and it was methamphetamine. The prosecutor told the defense lawyer she had received the lab report and the drugs were real.<sup>4</sup> As a result, the cases did not go to trial. Instead, Mr.



Grogan and Ms. Everett began to work for the arresting officer as confidential informants to receive credit on their own cases (“work off the case”). While Mr. Grogan told his lawyer, Johnny Gussio, and Ms. Everett told her retained lawyer, Doug Wilder, that the drugs were not real, both defense lawyers trusted the prosecutor and relied on her statement that the lab report indicated the drugs were real.<sup>5</sup> Neither defense lawyer asked for a copy or even to see the lab report. The prosecutor had placed a copy of the September 2001 report in the Everett file without reading it.<sup>6</sup> Ms. Everett was later arrested on a new charge and incarcerated. Another copy of the September 2001 lab report was faxed on January 23, 2002, to the investigator in that case, Mark Murphy. He also placed it in the file without reading it.<sup>7</sup> On January 30, 2002, Ms. Everett hired a new defense lawyer, Cynthia Barbare. Ms. Barbare visited the prosecutor on January 31, 2002, and asked to see a copy of the lab report. The prosecutor went to retrieve the lab report, read it, and discovered the negative results. Four and a half months after the lab found the sample to contain no controlled substance, both cases were dismissed within an hour of the belated discovery of the contents of the lab report.<sup>8</sup> No disciplinary action was taken against Ms. White or Mr. Murphy.<sup>9</sup>

## 12.

### REMEDIAL ACTIONS WHICH WERE TAKEN

#### 12.1 District Attorney's Office

In January 2002, the District Attorney ordered certain actions to be taken, the most significant of which was the requirement that all drug cases were to have the suspected substance analyzed in the laboratory before an indictment was sought. In November 2002, the District Attorney modified that policy to permit a defense waiver of testing before indictment if the defendant and defense attorney requested it. This change was designed to permit a defendant who knew the substance was illegal to reach a favorable plea agreement and resolve the case more quickly. It was restricted to third degree felony and state jail felony cases.<sup>1</sup> Personnel changes were made in the District Attorney's office to rotate prosecutors in and out of the Organized Crime Section.<sup>2</sup> A prosecutor is now assigned to monitor confidential informants by number for patterns and problems, including amounts paid to confidential informants. An administrative chief prosecutor must now approve any new confidential informant who wants to "work off" his or her own drug case.<sup>3</sup>

In early 2002, the District Attorney's office contracted with Magellan Research Corporation to conduct a comprehensive Operations Analysis Project. This was performed from May 15, 2002 to May 15, 2003. It resulted in an Evaluation Summary and Recommendations in July 2003, as well as an extensive Comparative Report of the budget, staff, salary, and workload of the Dallas County District Attorney's office. The Dallas County office was compared to the nine district attorney's offices in the country serving larger populations, as well as the nine districts that were smaller but closest in size to Dallas County. It used statistics generated in 2001 by the National Survey of Prosecutors, done by the Bureau of Justice Statistics. The report

made national comparisons and comparisons within the State of Texas.

Without going into detail, which is beyond the charge of this Deputy Special Prosecutor's investigation, it should be noted that the outside research was in fact done, it found no major deficiencies in the office, and it submitted over seventy recommendations for improving efficiency and effectiveness.<sup>4</sup> The focus of that effort was different from the focus of this investigation by the Deputy Special Prosecutor.

Another reoccurrence prevention effort implemented in the District Attorney's office is that they now send a letter to the cognizant Deputy Chief of Police at the Dallas Police Department whenever a SWIFS lab report is received which conflicts with the Dallas Police Department prosecution report. This includes differences in the type or weight of the substance seized or that the lab analysis showed no controlled substance when the field test indicated there was a controlled substance. This letter also indicates whether the discrepancy requires immediate release of an incarcerated suspect, or if a discrepancy in weight or nature of the substance affects the penalty group or severity of the charged offense.<sup>5</sup>

## 12.2 SWIFS

SWIFS hired more personnel and revised their procedures in an attempt to reduce the processing time. At the time of this Investigation, a lab report can be produced approximately eleven days from receipt of the evidence by SWIFS.<sup>6</sup> Hard copies of lab reports are still produced, but the lab report is entered into a computer database the day it is produced. This is immediately available to the District Attorney's office (via computer). The defense bar does not have access to lab reports via computer at this time.<sup>7</sup> There is an assigned prosecutor with the responsibility to monitor the lab processing of all drug cases.<sup>8</sup> SWIFS is continuing its policy of testing all samples qualitatively and quantitatively. Presently, they are in the finishing stage of

developing a single test that will accomplish both objectives, at the cost of the existing qualitative test alone.<sup>9</sup>

13.

**PRINCIPLES OF LAW WHICH GUIDED  
THIS PHASE OF THE INVESTIGATION**

Judges serving as magistrates issuing search or arrest warrants are to be neutral and detached in order to uphold the federal and state constitutional requirements prohibiting unreasonable searches and seizures and arrests without probable cause. United States v. Leon, 468 U.S. 897, 914 (1984). All prosecutors are constitutionally and statutorily required to provide to the defense any evidence that is exculpatory or mitigating as to guilt or punishment, and evidence that can be used as impeachment of State witnesses. Brady v. Maryland, 373 U.S. 83 (1963); United States v. Bagley, 473 U.S. 667 (1985); Kyles v. Whitley, 514 U.S. 419 (1995); Wyatt v. State, 23 S.W.3d 18, 27 (Tex. Crim. App. 2000); TEX. CODE CRIM. PROC. art. 2.01. All criminal defense counsel are ethically required to provide the client with a zealous defense, to include a full investigation of the facts and the law, and are required to be prepared for a trial or a resolution by a plea agreement. See Strickland v. Washington, 466 U.S. 668 (1984); Flores v. State, 576 S.W.2d 632, 634 (Tex. Crim. App. 1978). The client, after advice from counsel, is to make the decisions whether to plead not guilty, guilty, or no contest; whether to be tried by a jury or a judge without a jury; whether to testify or remain silent; and whether to appeal. Burnett v. State, 642 S.W.2d 765, 768 n.8 (Tex. Crim. App. 1982).

The defense is entitled to pretrial discovery of physical evidence and access for scientific testing. Gabriel v. State, 900 S.W.2d 721, 722 (Tex. Crim. App. 1999) (en banc); Cf. Massey v. State, 933 S.W.2d. 141, 153 (Tex. Crim. App. 1996). Proof beyond a reasonable doubt of the existence of an actual controlled substance is an element of an offense involving either possession or delivery of a controlled substance. Cawthon v. State, 849 S.W.2d 346, 348-49

(Tex. Crim. App. 1992) (en banc). Proof beyond a reasonable doubt of the amount of a controlled substance is required to establish the sentencing range in such a case. Id.

## 14.

### POTENTIAL CRIMINAL LAW VIOLATIONS EXAMINED

#### 14.1 Offenses Examined

This Investigation examined every offense that the Texas Penal Code contains that reasonably could apply to the facts discovered during the Investigation. The elements of those offenses, penalty classifications, and statutes of limitations, are listed below. “Elements” are the things the Deputy Special Prosecutor would have to prove beyond a reasonable doubt to a jury to obtain a conviction.

##### 14.1(1). § 36.05 – Tampering with a Witness

A. Elements: The offense of tampering with a witness is committed if a person:

- 1) with intent to influence the witness or prospective witness
- 2) coerces a witness or prospective witness
- 3) by (the indictment must specify what the defendant did to coerce the witness)
- 4) in an official proceeding
  - a. to testify falsely;
  - b. to withhold any testimony, information, document, or thing;
  - c. to elude legal process summoning him to testify or supply evidence;
  - d. to absent himself from an official proceeding to which he has been legally summoned; or
  - e. to abstain from, discontinue, or delay the prosecution of another.

B. This is a state jail felony (maximum two years in state jail facility)

- C. The statute of limitation is three years.
- 14.1(2). § 37.02 – Perjury
- A. Elements: The offense of perjury is committed if a person:
    - 1) with intent to deceive and
    - 2) with knowledge of the statement’s meaning
    - 3) makes a false statement under oath and
    - 4) the statement is required or authorized by law to be made under oath.
  - B. This is a class A misdemeanor (maximum one year in county jail).
  - C. The statute of limitations is two years.
- 14.1(3). § 37.03 – Aggravated Perjury
- A. Elements: The offense of aggravated perjury is committed if a person:
    - 1) commits perjury and
    - 2) the statement is made during or in connection with an official proceeding
    - 3) and the statement is material
  - B. This is a third degree felony (maximum ten years in prison).
  - C. The statute of limitations is two years (by case law).
- 14.1(4). § 37.09 (a)(1)-(2) – Tampering with or Fabricating Physical Evidence
- A. Elements: The offense of tampering with or fabricating physical evidence is committed if a person:
    - 1) knowing that an investigation or official proceeding is pending or in progress
      - a. alters, destroys , or conceals any record, document, or thing
      - b. with intent to impair its verity, legibility, or availability as



evidence in the investigation or official proceeding;

or

- 2) knowing that an investigation or official proceeding is pending or in progress
  - a. makes, presents, or uses any record, document, or thing
  - b. with knowledge of its falsity and
  - c. with intent to affect the course or outcome of the investigation or official proceeding.

B. This is a third degree felony (maximum of ten years in prison).

C. The statute of limitations is three years.

14.1(5). § 37.10 (a)(1)-(3) – Tampering with Governmental Record

A. Elements: The offense of tampering with governmental record is committed if a person:

- 1) knowingly makes a false entry in, or false alteration of, a governmental record;
- 2) makes, presents, or uses any record, document, or thing
  - a. with knowledge of its falsity and
  - b. with intent that it be taken as a genuine governmental record;

or

- 3) intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record; and
- 4) acts with intent to defraud or harm another.

B. This is a state jail felony (maximum two years in state jail facility)

C. The statute of limitations is three years.

14.1(6). § 39.03 – Official Oppression

A. Elements: The offense of official oppression is committed if a person is:

1) A public servant acting under color of his office or employment and

a. intentionally subjects another to mistreatment or to arrest, detention, search, or seizure

b. that he knows is unlawful

or

2) A public servant acting under color of his office or employment and

a. intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity

b. knowing his conduct is unlawful

B. This is a class A misdemeanor (maximum one year in county jail).

C. The statute of limitations is two years.

14.1(7). §39.04 (a)(1) Violation of the Civil Rights of Person in Custody

A. Elements: The offense of violation of the civil rights of person in custody is committed if a person is:

1) a peace officer and intentionally:

a. denies or impedes a person in custody in the exercise or enjoyment of any right, privilege, or immunity

b. knowing his conduct is unlawful.

B. This is a Class A misdemeanor (maximum one year in county jail).

C. The statute of limitations is two years.

14.1(8). §15.02 – Criminal Conspiracy to commit any of the foregoing felony offenses

- A. Elements: The offense of criminal conspiracy is committed if a person:
  - 1) with intent that a felony be committed
    - a. agrees with one or more persons that they or one or more of them engage in conduct that would constitute the offense; and
    - b. he or one or more of them performs an overt act in pursuance of the agreement
- B. In this case,
  - 1) Conspiracy to Commit Tampering with or Fabricating Physical Evidence is a state jail felony (maximum two years in state jail facility);
  - 2) and Conspiracy to Commit Tampering with a Witness or Tampering with Governmental Record is a Class A misdemeanor (maximum one year in county jail).
- C. The statute of limitations for a state jail felony is three years, and for a Class A misdemeanor is two years.

14.1(9). § 71.02(a)(9) – Engaging in Organized Criminal Activity

- A. Elements: The offense of engaging in organized criminal activity is committed if a person:
  - 1) with the intent to establish, maintain, or participate in a combination or in the profits of a combination commits or conspires to commit one or more of the following:
    - a. any offense under Chapter 36;
- B. Engaging in Organized Criminal Activity to Commit Tampering with a Witness

in this case would be a third degree felony (maximum – ten years in prison).

C. The statute of limitations is three years.

#### 14.2 FBI Investigation

There was a federal investigation into the “fake drug cases,” which included examining some of the conduct that was reviewed by the Deputy Special Prosecutor. The United States Attorney for the Northern District of Texas, Jane Boyle, recused her office, and the case was assigned to the Department of Justice Civil Rights Section. The federal authorities requested in January 2002 that the internal investigation by the Dallas Police Department cease while the FBI was working on the federal investigation.<sup>1</sup> It was conducted from January 2002 until the resulting federal criminal trial ended in November 2003, a period of almost 23 months. It led to guilty pleas by three confidential informants and the trial of Officer Delapaz, who was acquitted of civil rights violations.<sup>2</sup> The statute of limitations for all misdemeanors and aggravated perjury expired before the Deputy Special Prosecutor was sworn in on February 18, 2004.

## 15.

### WHY EVENTS OCCURRED AS THEY DID

#### 15.1 Obtaining these Search Warrants

The almost identical wording of the probable cause paragraphs in the supporting affidavits indicates use of a form affidavit (the so-called “go by” affidavit – it worked before, so copy it or “go by” it). The procedure used permitted judge-shopping. That is, taking an application rejected by one judge to a second judge. When an affidavit is based on a confidential informant’s information, additional detail is needed about the credibility of the confidential informant. The affidavits used in these cases contain hardly any detail about the confidential informant. This lack of detail fails to provide the approving judge an accurate picture of the credibility of the informants in these cases.

Furthermore, the use of telephonic double hearsay affidavits has the undesirable consequence of insulating the police officers involved from perjury charges. Only the officer presenting the affidavit to the judge takes an oath regarding the truth of the affidavit. Later, this officer can simply say, “I just passed on what officer so-and-so said the confidential informant said.” This process arguably protects both officers involved from being held accountable for the information in the affidavits.

#### 15.2 Prosecuting these Cases

The role of the public prosecutor is to ensure that justice is done. It is a noble calling entitled to great respect and support. Experienced prosecutors like George West, Gregg Long, Marquite Washington, and Layne Jackson should have recognized that in seizures of this size, it is highly unusual to have a confidential informant who is not physically under surveillance, wired for sound, or recorded on video. It is also improper police procedure to fail to search a

confidential informant before and after a transaction, or fail to account for marked money. However, Mark Delapaz was telling the Assistant District Attorneys that he was searching the confidential informants before and after a transaction. Therefore, the Assistant District Attorneys had no reason to suspect that the informants were not being searched and that an officer was being dishonest with them.<sup>1</sup>

More importantly, the Chief of the Organized Crime Section, Gregg Long, realized on October 19, 2001 that there was a problem in Officer Delapaz's cases because both cocaine and methamphetamine cases were coming back as "fake drugs."<sup>2</sup> Nonetheless, he failed to establish a sense of urgency in his section, with SWIFS, or with the Dallas Police Department, that was commensurate with the problem he was facing.

Gregg Long received a one pay level demotion to Chief of a felony court. As previously noted, he was too slow to react and took too long to "connect the dots."<sup>3</sup> Some of the factors that Gregg Long should have noticed sooner include the fact that the confidential informants appeared to have no relationship or history with the defendants, yet large quantities of drugs were always fronted on consignment with no exchange of money. Officer Delapaz did not collect any intelligence on the defendants. The arrests involved the same officers and the same problems with field testing. Furthermore, the arrestees did not have any assets, they had no weapons in their possession, no guard dogs, no counter surveillance, no protection for hundreds of thousands of dollars of drugs, and nearly all of the arrests had the same scenarios (i.e. an abandoned car or a garage).

However, Gregg Long should not have been the only supervisor disciplined. His superiors, including George West, bear much responsibility. Mr. West should have been looking at the same dots at the same time. George West had his responsibility for supervising the

Organized Crime Section taken away, but remained at the same pay level.<sup>4</sup> The captain of the ship, District Attorney Bill Hill, is ultimately responsible for what happens on his watch. It is noted that George West and Marquite Washington are no longer employed as assistant district attorneys.<sup>5</sup> The decision to discipline only George West and Gregg Long, and no other prosecutor or investigator, is questionable, at best. Other persons that should have been disciplined include Vanita Budhrani White and Mark Murphy.

There was conflicting information about the procedures followed and the authority of individuals to dismiss these cases once the problem was recognized. Some reported that there was no problem in obtaining dismissals from George West, Gregg Long, Marquite Washington, or Layne Jackson.<sup>6</sup> Others stated there was an institutionalized “culture,” existing before the current leadership of the District Attorney’s office arrived, not to dismiss cases. According to the latter group, this resistance led to lengthy delays in dismissing some cases that needed to be dismissed sooner. Some thought that Layne Jackson, Marquite Washington, and even Gregg Long were restricted from dismissing cases by their superiors.<sup>7</sup> While there is evidence on both sides, the events themselves indicate that these prosecutors acted promptly in some cases and others were not dismissed expeditiously. Therefore, it can reasonably be inferred that dismissal authority was retained at too high a level within the District Attorney’s office; thus preventing more rapid dismissals.

A major flaw in the questioned cases was the non-existence of the scientific safeguard of a laboratory analysis of suspected contraband before indictment. If a defendant did not know of the presence of an alleged controlled substance that was fake, or did not participate in a delivery of an alleged controlled substance that was fake, he or she would not know to challenge the chemical composition of the substance, nor would the defense lawyer. Without this knowledge,

a defendant was left with limited options.

The overwhelming majority of innocent defendants caught in this trap were among the community's most vulnerable persons: non-English speaking, poor, under-educated, fearful, often undocumented immigrants who did not have the resources or familiarity with the criminal justice system needed to mount a defense.<sup>8</sup> Prosecutors should have immediately suspected something was amiss when huge amounts of alleged controlled substances were being possessed or sold by people who had no indications of assets commensurate with drug dealer profits. The fact that court-appointed lawyers represented almost all of these defendants should have alerted seasoned prosecutors that something did not add up. Most individuals involved in real drug distribution schemes of this magnitude have the funds themselves or are provided funds by others involved in the organization to at least hire more experienced defense lawyers. Many of these defendants just wanted to go home to their families and jobs, so they took plea agreements for probation or very short sentences merely to end the ordeal quickly. Others merely elected a course of risk aversion. For example, Hugo Rosas, Jaime Siguenza, Pablo Olin, Arturo Villareal and Betty Jenkins each pleaded guilty in order to avoid the risk of trial. In Betty Jenkins case, she agreed to plead guilty and was sentenced to 15 years in the penitentiary, instead of the 25 or more years that were possible if she had gone to trial and lost.

The prosecutors in the Organized Crime Section were over-loaded and had far too many cases to handle properly.<sup>9</sup> This led to inexcusable neglect in some cases. For example, there is no excuse whatsoever for failing to read a lab report before filing it. Funding must be provided to the Dallas County District Attorney to hire and train enough additional prosecutors and investigators to permit individual prosecutors to have a caseload that permits sufficient time to execute properly this important public function. The Dallas County District Attorney's office



should have an open-file discovery policy, which would permit the defense lawyer to review everything in the file except for the prosecutor's notes and other examples of his or her work product. This procedure does not hinder prosecution of a valid case. This Deputy Special Prosecutor's experience is that this policy leads to plea agreements in the cases where the evidence is solid, and alerts the prosecutor to weaknesses if any exist.<sup>10</sup> The Deputy Special Prosecutor is aware that the District Attorney believes an open-file policy exists, but it has not filtered its way down to the courtroom line prosecutor level.

Both prosecutors and defense lawyers feel pressure to move cases quickly. This can lead to injustices such as the ones in these questioned cases. This pressure is felt more acutely by the prosecutor who appears regularly before the same judge, and by some appointed counsel who may depend in large part on a particular judge or judges for his or her livelihood.

Prosecutors must overcome the natural tendency to become complacent with police officers, thereby losing their objectivity. Having the same supervising prosecutors working with the same law enforcement officers over an extended period contributed greatly to the delay in responding to these cases once negative lab reports began to be received. Prosecutors should have questioned why there were no confessions and no attempts to elicit confessions in the police offense reports. Questions should have been raised as to the absence of witness interviews or attempts to locate the source or supplier of these large amounts of alleged drugs. In possession cases in which the defendant had no record and no attributes of a big-time drug dealer, results of "insufficient to quantitate" should have been distrusted because of the unlikely probability that the defendant was scamming the confidential informant or was using a wrapping from prior drug deals.

Ms. Kristen O'Brien Tinajero executed her duty as a prosecutor in seeking dismissal of

the case of a defendant for three and one-half months, after the defense lawyer failed to do so. She is to be commended, and her conduct should serve as a model of what a prosecutor should do.

Ms. Karen Wise did the right thing in agreeing to thirteen post-conviction writs of habeas corpus where defendants had been placed on probation, and four when they had been incarcerated.

There was no excuse for Vanita Budhrani White to fail to read a negative lab report, or worse, to imply to the defense lawyers that the report was positive. Vanita Budhrani White should have been disciplined in some way, even if no intent to harm the defendant was found by the District Attorney's office. Failure to even note the matter in a performance evaluation was inappropriate. This is especially significant since the great majority of these cases were dismissed two weeks before discovery of this negative lab report. As previously noted, rather than being disciplined, Ms. White has been promoted.

### 15.3 Defending These Cases

It is a calling of the highest order to vigorously defend those accused of crime, and it is the defense lawyer's role to ensure that only the guilty are punished, and the innocent go free. Much of the "blame" in this series of events must fall on the shoulders of the defense lawyers, who did not thoroughly investigate the cases before participating in guilty pleas by innocent clients. At a minimum, a defense lawyer in a drug case with a first-offender client charged with possession or delivery of a very large amount of drugs, or in a case carrying a possible life sentence, should request a lab report. In any case, where the client states that the nature of the substance is not illegal, or the amount charged is wrong, an independent analysis should be sought.

When a defendant insists on following a procedure of risk aversion, without allowing the defense lawyer time or resources to do a proper investigation, or where the client insists he or she is not guilty but nonetheless wants to get out of jail and go home that day, the defense lawyer should strongly encourage the use of a no contest plea, which is permitted by Article 27.02 of the Texas Code of Criminal Procedure.

Ms. Cynthia Barbare, Mr. Rey Chavez, Ms. Adriana Martinez Goodland, and Mr. Tony Wright rendered superb service to their clients by their persistence. Their conduct should serve as a model of what a criminal defense lawyer should do. Roberto Dueno, the criminal defense lawyer who failed to file a writ of habeas corpus for three and one-half months after notification that the State would agree to it, and Rick Magnis, who had not done so after the passage of over twenty-eight months, rendered extremely inadequate representation.

## 16.

### HOW TO PREVENT A REOCCURRENCE

#### 16.1 The Municipal Court Judges

It is recommended that a policy be established which requires that a second application for a search warrant be presented to the same judge who denied the first application, if that judge is available. Another option would be to have the forms reprinted to include a block identifying the application as a first or subsequent application. Judges should require a good deal more detail about the credibility of an unnamed confidential informant's past reports to law enforcement. For example, the number of arrests made based on prior reports in a certain period, the number of convictions as a result of the arrests, and similar information. Judges should strictly scrutinize the use of hearsay within hearsay if the original source is not named or is identified only as a confidential informant not supported by indicia of reliability, as opposed to an undercover law enforcement officer as the original source.

#### 16.2 The Dallas County District Attorney's Office

Since any charge or sentence reduction is ultimately up to the prosecutor, any agreement or contract with a confidential informant to work off a case should be approved in advance by a prosecutor. Prosecutors in drug cases involving such large amounts of alleged drugs should review the facts with a more critical eye if the arrested defendant was not questioned about his source, or no interrogation of witnesses occurred at all. Prosecutors should cast a skeptical eye on cases involving controlled confidential informants with no physical surveillance, no audio or video recording, no search before and after the transaction, no accounting for marked money, or no other reliable means of corroboration. Training in the handling of cases of this magnitude must be implemented. In cases where a defense lawyer is not providing effective representation,

prosecutors must always keep one eye on the record, to avoid obtaining a conviction that is later overturned for ineffective assistance of counsel. Training should be conducted in every division to give both new and more experienced prosecutors a clear understanding of the pre-trial duty to disclose exculpatory and impeachment evidence. The District Attorney's open-file philosophy should be turned into reality by supervision from the highest level down the chain of command to the junior supervisors, who in turn should supervise the courtroom prosecutors to ensure compliance with this policy. The District Attorney should implement the policy that no contest pleas are acceptable in certain circumstances. Prosecutors should be reassigned to different divisions on some published schedule, so that a change of position is perceived as expected rather than as a measure of discipline. The District Attorney should submit a documented request for funds to hire a specific number of additional prosecutors and investigators to obtain a caseload distribution suggested by national organizations of prosecutors for a metropolitan county with similar demographics to Dallas County.

The biggest problem with the operations of the District Attorney's office during these events was that there was insufficient communication among the prosecutors. Once the fact that more than one case involving unusually large amounts of fake drugs had been discovered by SWIFS was communicated to the District Attorney's office and to the Dallas Police Department, the problem should have been apparent and led to a more expeditious solution. The components of the system, SWIFS, the police department, and the prosecutors must communicate better with each other. There must be cooperation among all the departments.

### 16.3 The Dallas County Criminal Defense Bar

Training should be conducted at Dallas Criminal Defense Lawyers Association seminars regarding the duty of defense attorneys to investigate and prepare a case for trial or plea

negotiations. Training events for those who apply for appointments under the Fair Defense Act should include similar training. When a client insists he or she is innocent, but nevertheless is adamant about accepting a plea offer, the no contest option should be utilized. This would avoid permitting the client essentially to commit perjury when telling the court that all elements of the offense are true and the guilty plea is being entered because the client is guilty when it is not true.

#### 16.4 The Southwestern Institute of Forensic Science

A significant safeguard in the prosecution or defense of a drug case is the neutral lab expert. The approximately eleven-day turn-around time currently existing is a dramatic improvement. Determining the quantity of the controlled substance is a worthwhile procedure. SWIFS personnel should ask the District Attorney's office to identify clearly drug samples from defendants who are incarcerated, and place those cases at the head of the testing queue. They should use the new combined testing technique, which is the cost of the qualitative test, for samples less than a gram. Different layouts for lab reports should be used to identify, at a glance, that a report contains a negative test result. Using two different forms and formats will ensure that a positive report will not look like a negative report. This should be followed up with a documented phone call.

17.

## CONCLUSIONS

The primary mandate of this Deputy Special Prosecutor was to determine if any criminal law violations were committed by municipal court judges, prosecutors, defense counsel, or SWIFS personnel. There was no evidence of criminal intent by these individuals. The Investigation did not find coercion; intent to deceive; intent to alter, conceal or impair any record; knowingly making false entries or statements; intent to defraud or harm another; intent to illegally detain or deny any right; any agreement with another to commit any offense; or intent to violate the criminal law.

No probable cause exists to suspect that any crime was committed by any municipal court judge involved in the questioned cases. No probable cause exists to suspect that any crime was committed by any prosecutor involved in the questioned cases. No probable cause exists to suspect that any crime was committed by any criminal defense lawyer involved in the questioned cases. No probable cause exists to suspect that any crime was committed by any SWIFS personnel in the questioned cases.


No prosecutor knowingly allowed any defendant to plead guilty if the prosecutor knew the defendant was an innocent person. When the prosecutors pursued a lesser-included offense (*see e.g.* Hugo Rosas, Jaime Siguenza) the prosecutors believed the defendants were at least guilty of delivery of a simulated controlled substance. Those beliefs were based on representations that Officer Delapaz made to the prosecutors and the police reports Officer Delapaz wrote indicating that the arrested persons were culpable even though fake drugs were involved. This accounts for the reason defendants were allowed to plead guilty to those offenses

even though the offenses had not been committed. This investigation has not uncovered an instance where the prosecution knew of the fraud that the confidential informants and Officer Delapaz perpetuated, and nevertheless allowed a person to plead guilty to an offense.


No evidence was discovered that any prosecution file or any court file was altered, tampered with, or had anything removed from it. The primary reason for the running of the statute of limitations on some possible criminal law violations was the federal investigation preempting any state investigation for twenty-three months. Given the failure to find probable cause of any criminal violation, the expiration of the statute of limitations on some offenses did not affect the ultimate outcome of this phase of the Investigation.

The system in place in 2001 moved far too slowly to detect and then correct the existence of large-scale irregularities in the processing of controlled substances cases. The recommendations in this report to reduce the probability of a reoccurrence should be implemented. Non-criminal disciplinary action is beyond the scope of this investigation, but a copy of this report will be sent to the State Bar for action the Bar deems appropriate.

To prosecute a judge, prosecutor, defense lawyer, or SWIFS employee in the absence of probable cause of a criminal law violation by those individuals would create additional victims, contrary to the goal of the criminal justice system.

  
Jack B. Zimmermann  
Deputy Special Prosecutor

  
Sergeant David G. Eldridge  
Narcotics Services, DPS

  
Sergeant Jeff A. Williams  
Narcotics Services, DPS

May 9, 2005



# **NOTES**

## **Chapter 1**

1. <http://www.texasdefenselawyers.com>
2. Deputy Special Prosecutor Oath of Office Appointment Certificate, (Feb. 18, 2004) at Appendix A
3. List of Reports of Interview at Appendix B

## **Chapter 2**

1. Timeline by David Eldridge at Appendix E
2. Timeline by David Eldridge at Appendix E

## **Chapter 3**

1. Cynthia Barbare report of interview (April 28, 2004); Gregg Long report of interview (April 8, 2004; August 20, 2004); John Martinez report of interview (May 12, 2004); Craig Miller report of interview (April 9, 2004); Eric Mountin report of interview (August 19, 2004); Vanita Budhrani White report of interview (April 8, 2004; May 13, 2004; August 20, 2004); Tony Wright report of interview (April 9, 2004)
2. Timeline by David Eldridge at Appendix E
3. Cynthia Barbare report of interview (April 28, 2004); Reynaldo Chavez report of interview (August 18, 2004); Brett Martin report of interview (August 20, 2004); Craig Miller report of interview (April 9, 2004); Bill Stovall report of interview (August 18, 2004); George West report of interview (April 18, 2004); Nancy Weber report of interview (May 12, 2004; August 18, 2004)
4. Gregg Long report of interview (April 8, 2004; August 20, 2004); Nancy Weber report of interview (May 12, 2004; August 18, 2004)

## **Chapter 4**

1. Victor Lander report of interview (April 29, 2004); Michael L. O'Neal report of interview (August 17, 2004); Jay Robinson report of interview (April 28, 2004)
2. Cynthia Barbare report of interview (April 28, 2004); John Martinez report of interview (May 12, 2004)
3. Timeline by David Eldridge at Appendix E; Bill Hill report of interview (May 14, 2004; August 18, 2004)

August 19, 2004); Elizabeth Todd report of interview (May 12, 2004; August 18, 2004); Vanita Budhrani White report of interview (April 8, 2004; May 13, 2004; August 20, 2004)

4. A compilation of search warrant affidavits at Appendix C
5. Victor Lander report of interview (April 29, 2004); Michael L. O'Neal report of interview (August 17, 2004); Jay Robinson report of interview (April 28, 2004)
6. Victor Lander report of interview (April 29, 2004); Michael L. O'Neal report of interview (August 17, 2004)
7. Victor Lander report of interview (April 29, 2004); Michael L. O'Neal report of interview (August 17, 2004); Jay Robinson report of interview (April 28, 2004)
8. Timeline by David Eldridge at Appendix E; Elizabeth Todd report of interview (May 12, 2004; August 18, 2004); Anne Weaver report of interview (May 12, 2004; August 18, 2004); Nancy Weber report of interview (May 12, 2004; August 18, 2004)

## **Chapter 5**

1. Mike Carnes report of interview (May 14, 2004; August 20, 2004); Bill Hill report of interview (May 14, 2004; August 19, 2004); Gregg Long report of interview (April 8, 2004; August 20, 2004); John Martinez report of interview (May 12, 2004); Kristen O'Brien Tinajero report of interview (May 13, 2004); Elizabeth Todd report of interview (May 12, 2004; August 18, 2004); Steven Tokoly report of interview (April 9, 2004; August 20, 2004)
2. Robbie McClung report of interview (May 13, 2004; August 19, 2004); Elizabeth Todd report of interview (May 12, 2004; August 18, 2004)
3. Cynthia Barbare report of interview (April 28, 2004); Mike Carnes report of interview (May 14, 2004; August 20, 2004); Tony Wright report of interview (April 9, 2004); Timeline by David Eldridge at Appendix E

## **Chapter 6**

1. Kimberly Gilles report of interview (August 18, 2004); Marquite Washington report of interview (April 8, 2004; August 20, 2004); Vanita Budhrani White report of interview (April 8, 2004; May 13, 2004; August 20, 2004)
2. Greg Davis report of interview (April 28, 2004); Jack Gaulding report of interview (May 14, 2004; August 19, 2004)
3. Bill Hill report of interview (May 14, 2004; August 19, 2004)

4. Jack Gaulding report of interview (May 14, 2004; August 19, 2004); Kimberly Gilles report of interview (August 18, 2004); Robbie McClung report of interview (May 13, 2004; August 19, 2004)
5. Adrianna Martinez Goodland report of interview (August 19, 2004); Robbie McClung report of interview (May 13, 2004; August 19, 2004); Michael Lowe report of interview (May 12, 2004; August 20, 2004)
6. Gregg Long report of interview (April 8, 2004; August 20, 2004)
7. Bill Hill report of interview (May 14, 2004; August 19, 2004); Layne Jackson report of interview (April 29, 2004; August 19, 2004); Robbie McClung report of interview (May 13, 2004; August 19, 2004); Marquite Washington report of interview (April 8, 2004; August 20, 2004)
8. Greg Davis report of interview (April 28, 2004)
9. Mike Carnes report of interview (May 14, 2004; August 20, 2004)
10. Michael Lowe file notes, *State v. George Sifuentez*, (Nov 15, 2001)
11. Jim Gallagher, Trial Testimony, *State v. Mark Delapaz* (March 2005)

## **Chapter 7**

1. Elizabeth Todd report of interview (May 12, 2004; August 18, 2004)
2. Vanita Budhrani White report of interview (April 8, 2004; May 13, 2004; August 20, 2004); Nancy Weber report of interview (May 12, 2004; August 18, 2004)
3. Layne Jackson report of interview (April 29, 2004; August 19, 2004)
4. Layne Jackson report of interview (April 29, 2004; August 19, 2004)
5. Elizabeth Todd report of interview (May 12, 2004; August 18, 2004); Nancy Weber report of interview (May 12, 2004; August 18, 2004); Anne Weaver report of interview (May 12, 2004; August 18, 2004)

## **Chapter 8**

1. Gregg Long report of interview (April 8, 2004; August 20, 2004); Nancy Weber report of interview (May 12, 2004; August 18, 2004)
2. Case Listing Spreadsheet at Appendix D
3. John Martinez report of interview (May 12, 2004)

4. Timeline by David Eldridge at Appendix E
5. Layne Jackson report of interview (April 29, 2004; August 19, 2004); Vanita Budhrani White report of interview (April 8, 2004; May 13, 2004; August 20, 2004)
6. Layne Jackson report of interview (April 29, 2004; August 19, 2004); Robbie McClung report of interview (May 13, 2004; August 19, 2004); Craig Miller report of interview (April 9, 2004)
7. Case Listing Spreadsheet at Appendix D; Timeline by David Eldridge at Appendix E
8. Timeline by David Eldridge at Appendix E
9. Gregg Long report of interview (April 8, 2004; August 20, 2004)
10. Bill Hill report of interview (May 14, 2004; August 19, 2004)
11. Bill Hill report of interview (May 14, 2004; August 19, 2004); Gregg Long report of interview (April 8, 2004; August 20, 2004)
12. Bill Hill report of interview (May 14, 2004; August 19, 2004); Elizabeth Todd report of interview (May 12, 2004; August 18, 2004)
13. Bill Hill report of interview (May 14, 2004; August 19, 2004)
14. Gregg Long report of interview (April 8, 2004; August 20, 2004); John Martinez report of interview (May 12, 2004); Timeline by David Eldridge at Appendix E
15. Gregg Long report of interview (April 8, 2004; August 20, 2004); John Martinez report of interview (May 12, 2004)
16. Gregg Long report of interview (April 8, 2004; August 20, 2004); Eric Mountin report of interview (August 19, 2004)
17. Greg Davis report of interview (April 28, 2004); Gregg Long report of interview (April 8, 2004; August 20, 2004); Robbie McClung report of interview (May 13, 2004; August 19, 2004); Eric Mountin report of interview (August 19, 2004); Kristen O'Brien Tinajero report of interview (May 13, 2004); Steven Tokoly report of interview (April 9, 2004; August 20, 2004); Vanita Budhrani White report of interview (April 8, 2004; May 13, 2004; August 20, 2004)
18. Craig Miller report of interview (April 9, 2004)
19. Kim Gilles report of interview (August 18, 2004); Eric Mountin report of interview (August 19, 2004)

20. Eric Mountin report of interview (August 19, 2004)
21. Cynthia Barbare report of interview (April 28, 2004); Mike Carnes report of interview (May 14, 2004; August 20, 2004); Bill Hill report of interview (May 14, 2004; August 19, 2004); Layne Jackson report of interview (April 29, 2004; August 19, 2004); Livia Liu report of interview (April 9, 2004); Gregg Long report of interview (April 8, 2004; August 20, 2004); Michael Lowe report of interview (May 12, 2004; August 20, 2004)
22. Karen Wise report of interview (August 18, 2004); Brett Martin report of interview (August 20, 2004); Bill Stovall report of interview (August 18, 2004)
23. Mike Carnes report of interview (May 14, 2004; August 20, 2004); Bill Hill report of interview (May 14, 2004; August 19, 2004); Layne Jackson report of interview (April 29, 2004; August 19, 2004); Karen Wise report of interview (August 18, 2004)
24. Timeline by David Eldridge at Appendix E
25. Bill Hill report of interview (May 14, 2004; August 19, 2004); Layne Jackson report of interview (April 29, 2004; August 19, 2004); Gregg Long report of interview (April 8, 2004; August 20, 2004)
26. Case Listing Spreadsheet at Appendix D
27. Timeline by David Eldridge at Appendix E
28. Timeline by David Eldridge at Appendix E; Eric Mountin report of interview (August 19, 2004)

## **Chapter 9**

1. Reynaldo Chavez report of interview (August 18, 2004); Brett Martin report of interview (August 20, 2004)
2. Reynaldo Chavez report of interview (August 18, 2004); Brett Martin report of interview (August 20, 2004)
3. Brett Martin report of interview (August 20, 2004)
4. Roberto Dueno report of interview (April 28, 2004); Bill Stovall report of interview (August 18, 2004)

## **Chapter 10**

1. Cynthia Barbare report of interview (April 28, 2004), Case Listing Spreadsheet at Appendix D

2. Cynthia Barbare report of interview (April 28, 2004)
3. Case Listing Spreadsheet at Appendix D
4. Cynthia Barbare report of interview (April 28, 2004); Case Listing Spreadsheet at Appendix D
5. Case Listing Spreadsheet at Appendix D
6. Case Listing Spreadsheet at Appendix D
7. Tony Wright report of interview (April 9, 2004)
8. Tony Wright report of interview (April 9, 2004)
9. Tony Wright report of interview (April 9, 2004); Case Listing Spreadsheet at Appendix D
10. Reynaldo Chavez report of interview (August 18, 2004); Case Listing Spreadsheet at Appendix D
11. Reynaldo Chavez report of interview (August 18, 2004); Adrianna Martinez Goodland report of interview (August 19, 2004)
12. Reynaldo Chavez report of interview (August 18, 2004); Timeline by David Eldridge at Appendix E
13. Reynaldo Chavez report of interview (August 18, 2004); Adrianna Martinez Goodland report of interview (August 19, 2004)
14. Reynaldo Chavez report of interview (August 18, 2004); Adrianna Martinez Goodland report of interview (August 19, 2004)
15. Reynaldo Chavez report of interview (August 18, 2004); Adrianna Martinez Goodland report of interview (August 19, 2004)
16. Adrianna Martinez Goodland report of interview (August 19, 2004); Case Listing Spreadsheet at Appendix D
17. Reynaldo Chavez report of interview (August 18, 2004); Adrianna Martinez Goodland report of interview (August 19, 2004)
18. Adrianna Martinez Goodland report of interview (August 19, 2004)
19. Reynaldo Chavez report of interview (August 18, 2004); Adrianna Martinez Goodland report of interview (August 19, 2004)

20. Reynaldo Chavez report of interview (August 18, 2004); Adrianna Martinez Goodland report of interview (August 19, 2004); Gregg Long report of interview (April 8, 2004; August 20, 2004)
21. Reynaldo Chavez report of interview (August 18, 2004); Adrianna Martinez Goodland report of interview (August 19, 2004); Gregg Long report of interview (April 8, 2004; August 20, 2004)
22. Reynaldo Chavez report of interview (August 18, 2004)
23. Reynaldo Chavez report of interview (August 18, 2004)
24. Reynaldo Chavez report of interview (August 18, 2004); Adrianna Martinez Goodland report of interview (August 19, 2004)
25. Reynaldo Chavez report of interview (August 18, 2004); Case Listing Spreadsheet at Appendix D
26. Case Listing Spreadsheet at Appendix D
27. Rick Magnis report of interview (August 18, 2004)
28. Rick Magnis report of interview (August 18, 2004); Case Listing Spreadsheet at Appendix D
29. Rick Magnis report of interview (August 18, 2004)
30. Rick Magnis report of interview (August 18, 2004)
31. Timeline by David Eldridge at Appendix E; Case Listing Spreadsheet at Appendix D
32. Timeline by David Eldridge at Appendix E; Case Listing Spreadsheet at Appendix D
33. Brett Martin report of interview (August 20, 2004); Case Listing Spreadsheet at Appendix D
34. Brett Martin report of interview (August 20, 2004)
35. Case Listing Spreadsheet at Appendix D
36. Brett Martin report of interview (August 20, 2004)
37. Case Listing Spreadsheet at Appendix D
38. Brett Martin report of interview (August 20, 2004)

## **Chapter 11**

1. Kristen O'Brien Tinajero report of interview (May 13, 2004)
2. Case Listing Spreadsheet at Appendix D; Johnny Gussio report of interview (May 12, 2004)
3. Case Listing Spreadsheet at Appendix D; Cynthia Barbare report of interview (April 28, 2004)
4. Cynthia Barbare report of interview (April 28, 2004); Johnny Gussio report of interview (May 12, 2004); Doug Wilder report of interview (May 13, 2004)
5. Johnny Gussio report of interview (May 12, 2004); Doug Wilder report of interview (May 13, 2004)
6. Johnny Gussio report of interview (May 12, 2004); Bill Hill report of interview (May 14, 2004; August 19, 2004); Vanita Budhrani White report of interview (April 8, 2004; May 13, 2004; August 20, 2004); Doug Wilder report of interview (May 13, 2004)
7. Mark Murphy report of interview (May 21, 2004)
8. Cynthia Barbare report of interview (April 28, 2004); Johnny Gussio report of interview (May 12, 2004); Vanita Budhrani White report of interview (April 8, 2004; May 13, 2004; August 20, 2004)
9. Mike Carnes report of interview (May 14, 2004; August 20, 2004); Bill Hill report of interview (May 14, 2004; August 19, 2004); Layne Jackson report of interview (April 29, 2004; August 19, 2004); Marquite Washington report of interview (April 8, 2004; August 20, 2004); Vanita Budhrani White report of interview (April 8, 2004; May 13, 2004; August 20, 2004)

## **Chapter 12**

1. Mike Carnes report of interview (May 14, 2004; August 20, 2004); Livia Liu report of interview (April 9, 2004); Gregg Long report of interview (April 8, 2004; August 20, 2004)
2. Mike Carnes report of interview (May 14, 2004; August 20, 2004)
3. Mike Carnes report of interview (May 14, 2004; August 20, 2004)
4. Mike Carnes report of interview (May 14, 2004; August 20, 2004)
5. Mike Carnes report of interview (May 14, 2004; August 20, 2004)



6. Elizabeth Todd report of interview (May 12, 2004; August 18, 2004)
7. Anne Weaver report of interview (May 12, 2004; August 18, 2004)
8. Mike Carnes report of interview (May 14, 2004; August 20, 2004)
9. Elizabeth Todd report of interview (May 12, 2004; August 18, 2004)

#### **Chapter 14**

1. Terrell Bolton report of interview (May 14, 2004; August 17, 2004); John Martinez report of interview (May 12, 2004)
2. Timeline by David Eldridge at Appendix E

#### **Chapter 15**

1. Timeline by David Eldridge at Appendix E
2. Gregg Long report of interview (April 8, 2004; August 20, 2004)
3. Bill Hill report of interview (May 14, 2004; August 19, 2004); Nancy Weber report of interview (May 12, 2004; August 18, 2004)
4. Mike Carnes report of interview (May 14, 2004; August 20, 2004); Layne Jackson report of interview (April 29, 2004; August 19, 2004); Steven Tokoly report of interview (April 9, 2004; August 20, 2004)
5. Marquite Washington report of interview (April 8, 2004; August 20, 2004); George West report of interview (April 18, 2004)
6. Gregg Long report of interview (April 8, 2004; August 20, 2004); Marquite Washington report of interview (April 8, 2004; August 20, 2004); Vanita Budhrani White report of interview (April 8, 2004; May 13, 2004; August 20, 2004)
7. Mike Carnes report of interview (May 14, 2004; August 20, 2004); Reynaldo Chavez report of interview (August 18, 2004); Gregg Long report of interview (April 8, 2004; August 20, 2004); Layne Jackson report of interview (April 29, 2004; August 19, 2004)
8. Bill Alexander report of interview (August 19, 2004); Cynthia Barbare report of interview (April 28, 2004); Reynaldo Chavez report of interview (August 18, 2004); Roberto Dueno report of interview (April 28, 2004); Adrianna Martinez Goodland report of interview (August 19, 2004); Bill Knox report of interview (August 19, 2004); Rick Magnis report of interview (August 18, 2004); Bill Stovall report of interview (August 18, 2004); Tony Wright report of interview (April 9, 2004)

9. Kimberly Gilles report of interview (August 18, 2004); Marquite Washington report of interview (April 8, 2004; August 20, 2004); Vanita Budhrani White report of interview (April 8, 2004; May 13, 2004; August 20, 2004)

10. Bill Hill report of interview (May 14, 2004; August 19, 2004)

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## List of Reports of Interview

- A. Dallas Police Department
  - 1. Chief Terrell Bolton
  - 2. Deputy Chief John Martinez
  - 3. Lieutenant Craig Miller
  
- B. Dallas Municipal Court Judges
  - 4. Judge Victor Lander
  - 5. Judge Michael L. O'Neal
  - 6. Judge Jay Robinson
  
- C. Dallas County District Attorney's Office
  - Current Prosecutors
    - 7. Mike Carnes
    - 8. Greg Davis
    - 9. Kathi Drew
    - 10. Jack Gaulding (Investigator)
    - 11. Kimberly Gilles
    - 12. Bill Hill
    - 13. Layne Jackson
    - 14. Livia Liu
    - 15. Gregg Long
    - 16. Eric Mountin
    - 17. Kristen O'Brien Tinajero
    - 18. Steve Tokoly
    - 19. Vanita Budhrani White
    - 20. Karen Wise
  
  - Former Prosecutors
    - 21. Michael Lowe
    - 22. Robbie McClung
    - 23. Mark Murphy (Investigator)
    - 24. Marquite Washington
    - 25. George West
    - 26. Chris Woodard
  
- D. Criminal Defense Lawyers
  - 27. Bill Alexander

28. Cynthia Barbare
29. Reynaldo Chavez
30. Roberto Dueno
31. Adrianna Martinez Goodland
32. Johnny Gussio
33. Bill Knox
34. Rick Magnis
35. Brett Martin
36. Bill Stovall
37. Doug Wilder
38. Tony Wright

E. SWIFS

39. Dr. Elizabeth Todd
40. Ann Weaver
41. Nancy Weber

Fake	Date	Case	Cause #	Assistant D.A.	Defense Attorney	Date to SWIFS	Chemist	Complete	Mailed	Faxed	Result	Disposition	Notes in File	Judge	SW Affiant
	12/13/99	Gonzalez, Jose	F99-55786	Shumpert		02/22/00	Weaver and LaMonte	03/27/00	03/30/00		3 kilograms of cocaine - 73%	Sentenced to 15 yr. by court on 07-27-00	No motions - Codefendant Dario Medrano and has cases from Garland Police Dept.		
	02/10/00	Gomez, Jaime	F00-45759	Budhrani	Don Scoggins	04/11/02	Carolyn Kleiman and Lambing	04/16/02	04/19/02		12 grams - 40% Methamphetamine	Still in Jail - Court Denied MTVJ	Still in Jail - Pled 25 yr. on 06-14-00 Co Defendants are Chavez Jaime - Villa, Jorge - Tinoco, Pedro		
	02/15/00	Chavez, Jaime	F00-45763	Woodward	Juan Sanchez	04/20/00	Howard and LaMonte	06/01/00	06/06/00	09/26/00		Convicted 10-25-00	Extensive file notes - Trial Transcript		
	02/15/00	Gomez, Jaime	F00-45764	Budhrani	Don Scoggins	04/20/00	Howard and LaMonte	06/01/00	06/06/00		1.11 Kilograms of Methamphetamine - 32%	Still in Jail - Court Denied MTVJ	Still in Jail - Pled 25 yr. on 06-14-00 Co Defendants are Chavez Jaime - Villa, Jorge - Tinoco, Pedro		
	07/11/00	Sanchez, Gabriel	F00-51115	Budhrani	Earl Cross	12/05/00	Blake and LaMonte	01/18/01	01/24/01		130 grams of cocaine - 60%	Pled 01-25-01-10 yr. TDC Dismissed	01-17-02 Called defendants attorney Earl Cross. Told him he need to file MNT. Facts of this case similar to other cases in media. Said he would do that. VB 10-04-02 - Spoke to Earl Cross - asked him to stop by early next week to discuss relief in this case. Long		
	07/29/00	Garcia, Manuel	F00-51850	Budhrani	Michael Hawk	02/13/01	Blake and Dr. Todd	03/09/01	03/09/01		1 lb. 14% Cocaine 1 lb. 8.4% meth	Not Dismissed - Pled guilty 03-12-01 to 15 yr.	03-12-01 - Met with C/I. C/I is paid C/I for DPD for DELAPAZ. C/I has been threatened. C/I hesitant to testify buy will. M. Washington said ok to plead case for 15 yr.. 01-17-02 - Called defendants lawyer Hawk. He would need to file MNT or 11.07 on this defendant. Defendant he would bench warrant defendant from TDC.		
	07/29/00	Garcia, Manuel	F00-51851	Budhrani	Michael Hawk	02/13/01	Blake and Dr. Todd	03/09/01	03/09/01		1 lb. 14% Cocaine 1 lb. 8.4% meth	Not Dismissed - Pled guilty 03-12-01 to 15 yr.	03-12-01 - Met with C/I. C/I is paid C/I for DPD for DELAPAZ. C/I has been threatened. C/I hesitant to testify buy will. M. Washington said ok to plead case for 15 yr.. 01-17-02 - Called defendants lawyer Hawk. He would need to file MNT or 11.07 on this defendant. Defendant he would bench warrant defendant from TDC.		
	07/29/00	Ramirez, Guadalupe	F00-51849	Washington	John Read	02/13/01	Blake and Dr. Todd				1 lb. 14% Cocaine 1 lb. 8.4% meth	Dismissed 1/16/2002	Judicial Confession from Garcia codefendant in file		
	07/29/00	Ramirez, Guadalupe	F00-51848	Washington	John Read	02/13/01	Blake and Dr. Todd				1 lb. 14% Cocaine 1 lb. 8.4% meth	Dismissed 1/16/2002	Judicial Confession from Garcia codefendant in file		
	08/15/00	Pineda, Lino	F00-52463	Jackson	Isidro Alaniz	01/22/02	Blake and Lambing	01/25/02	02/04/02		1 Kilo of Heroin - 67%	9/11/2002	08-21-00 - Defendant released per dry writ - case not filed. Long 08-16-02 Memo prepared for Mr. Tokely on issue of bond for defendant. 09-09-02 Per Lt. Miller no fingerprints found on the dope. 09-11-02 Spoke to Tokely - Tokely approved of dismissal language. Dismissal filed.		
x	02/16/01	Cantu, Blanca	F01-49488	Washington	Mary Samaan							10/4/2001	Search warrant was insufficient due to location of transaction. Cantu admits selling cocaine to a w/f known as "Brenda".	Jay Robinson	Delapaz
x	03/09/01	Olin, Pablo	F01-50293	Washington then Jackson	Eric Smenner	06/07/01	Weber and LaMonte	06/18/01	06/25/01		4 Exhibits - 1:38 mg of real cocaine 2:125 grams ISO 3:0.14 gr. of cocaine 4:105 grams of real cocaine	Pled on 07-31-01 to 10 yr Probation. Dismissed 06-19-02	Lengthy Notes in File - see file		
x	03/09/01	Olin, Pablo	F01-50294	Washington then Jackson	Eric Smenner	06/07/01	Weber and LaMonte	06/18/01	06/25/01		4 Exhibits - 1:38 mg of real cocaine 2:125 grams ISO 3:0.14 gr. of cocaine 4:105 grams of real cocaine	Pled on 07-31-01 to 10 yr Prob. Dismissed 06-19-02	Dummy Jacket - Rose Romero has original 06-25-01 - See notes in file - C/I has begun using drugs and become unreliable		
x	03/30/01	Marchano, Jesus	F01-50994	Washington then Jackson		01/22/02	Blake and Lambing	01/25/02	02/04/02	02/28/02		1/16/2002	01-17-02 - Drugs to Lab. I said P/A W 22 or 24. Maria rush. Per "Maria," drugs won't go out until Tuesday, Jan. 22nd@ the earliest, possibly not until Jan 24. The last run of the week has occurred. L. Jackson.	Michael O'Neil	Delapaz
x	04/18/01	Jenkins, Betty	F01-51641	Jackson	Bret Martin	01/22/02	Kleiman and Lambing	01/25/02	02/04/02		523 gr of powder / 3.2 gr of cocaine (<1%)	3/14/2004		Jay Robinson	Delapaz
x	04/18/01	Jenkins, Betty	F01-51642	Jackson	Bret Martin	01/22/02	Kleiman and Lambing	01/25/02	02/04/02		523 gr of powder / 3.2 gr of cocaine (<1%)	3/14/2004		Jay Robinson	Delapaz
x	04/19/01	Alvarado, Victor	F01-51673	Woodward	Nadine King Mays	07/10/01	Weaver and LaMonte	08/13/01	08/21/01	09/04/01	126 gr of powder contained cocaine- Insufficient to Quantitate	9/10/2001	09-10-01 - Woodard - Talked to DELAPAZ unable to locate C/I Lab report < 1%. Missing \$2500.00 - State cant make case on ID issue. Case should be dismissed.		
x	04/20/01	Villareal, Arturo	F01-50644	Benavides	Rick Magnis	01/22/01	Kleiman and Lambing	01/25/02	02/06/02		15.7 grams of powder-No Controlled Substance	See Notes	Dismissal not in the DA case jacket. Lab report indicates that the DA'S office received information of NCS on 02-03-02. Lab report in court file dated 03-26-02. Defendant was released to INS to be deported on 09-10-01. Probation officer is Manuel Adams.	Suzanne Bass	Delapaz
x	04/20/01	Villareal, Arturo	F01-50645	Benavides	Rick Magnis	01/22/01	Kleiman and Lambing	01/25/02	02/06/02		14 grams of powder contained .57 grams of cocaine	See Notes	Dismissal not in the DA case jacket. Lab report indicates that the DA'S office received information of NCS on 02-03-02. Lab report in court file dated 03-26-02. Defendant was released to INS to be deported on 09-10-01. Probation officer is Manuel Adams.	Suzanne Bass	Delapaz
x	04/26/01	Escamilla, Lorenzo	F01-51930	Budhrani	Juan Sanchez	07/12/01	Weber and LaMonte	08/06/01	08/08/01		4 Exhibits - Exhibit # 1A: 13 mg (65% Cocaine) Exhibit # 1C .72 mg (65% Cocaine) Exhibit # 1A1 No Controlled Substance (126 gr.) Exhibit # 1A (3.2gr of cocaine of 71 gr) 4.5%	9/14/2001	08-27-01 - Talked to Delapaz & Det. Delapaz stated that there is no corroboration of the C/I in this case. All P/O in the parking lot. New law in effect 09-01-01 + need corroboration - want to offer defendant probation. (VB) 09-14-01 - Need to dismiss No prima facie case. All detectives in parking lot (VB) 09-14-01 OK to dismiss 0 CI corroboration (MOW)		
x	04/26/01	Escamilla, Lorenzo	F01-51931	Budhrani	Juan Sanchez	07/12/01	Weber and LaMonte	08/06/01	08/08/01		4 Exhibits - Exhibit # 1A: 13 mg (65% Cocaine) Exhibit # 1C .72 mg (65% Cocaine) Exhibit # 1A1 No Controlled Substance (126 gr.) Exhibit # 1A (3.2gr of cocaine of 71 gr) 4.5%	9/14/2001	08-27-01 - Talked to Delapaz & Det. Delapaz stated that there is no corroboration of the C/I in this case. All P/O in the parking lot. New law in effect 09-01-01 + need corroboration - want to offer defendant probation. (VB) 09-14-01 - Need to dismiss No prima facie case. All detectives in parking lot (VB) 09-14-01 OK to dismiss 0 CI corroboration (MOW)		
x	05/04/01	Senan, Luis	F01-52221	Jackson	Al Mendez								10-11-01 Note to Lori Newman to route for TBJ set on 11-12-01. Also call to compare fingerprints of prior arrest. 10-17-01. Route Delapaz and C/I for interview on 11-01-01. Fax conform. to SWIFS requesting lab report. 11-02 01 Jackson is told NCS by Rosie Brewer. Paged Delapaz - did not get route for interview. 11-09-01 case now with Al Mendez. Sprinkle had a conflict. 11-12-01 Told Mendez of labs offered DSCS w/ back time. Will plea on 11-15-01. Dismissed 12-03-01.		
x	05/04/01	Senan, Luis	F01-52222	Jackson	Al Mendez								06-11-01 Jackson writes No Police witness to deal. "(corroboration?) Haywood found \$100.00 bill on Defendant's person. 11-14-01 Reindictment for DSCS request is made by Jackson. Defense Attorney reset to plead to DSCS on 11-12-01. 11-15-01 Set for TBC. 11-28-01 Jackson writes "OK to dismiss due to NCS. No corroboration for DSCS" Dismissed 11-09-01?		
x	05/08/01	Sifuentez, George	F01-52368	Lowe	Bill Neil	07/10/01	Blake and Lambing	11/14/01	11/16/01	11/16/01	No Controlled Substance	12/5/2001	Week of 11-05-01 - Lowe asked Delapaz about the C/I'S in the case - Delapaz tells Lowe that "BOTH C/I'S" passed Polygraph. 11-14-01 - Lowe writes that "yesterday West informed me that both cases on SIFUENTES are not Cont Sub		
x	05/08/01	Sifuentez, George	F01-52369	Lowe	Bill Neil	07/10/01	Blake and Lambing	11/14/01	11/16/01	11/16/01	No Controlled Substance	12/5/2001	Lowe writes Jose Ruiz and Enrique Alonso and refers to F01-52368 notes		

Fake	Date	Case	Cause #	Assistant D.A.	Defense Attorney	Date to SWIFS	Chemist	Complete	Mailed	Faxed	Result	Disposition	Notes in File	Judge	SW Affiant
	05/10/01	Hernandez, Paul	F01-52425	Liu	Bill Knox							Pled guilty on 11-05-01 10 yr. Deferred / Dismissed 05-10-02	01-17-02 - Left message for attorney to call asap. Bill Knox called back and was advised to do what was necessary to bring cases back to court for dismissal.	Seibert	Delapaz
	05/10/01	Hernandez, Paul	F01-52426	Liu	Bill Knox							Pled guilty on 11-26-01 - 5 yr. Deferred / Dismissed 05-10-02	Lab report ordered by Jackson 04-16-02	Seibert	Delapaz
x	05/17/01	Ortiz, Jaime	F01-52693	Washington	Ramon Rincon	01/03/02	Weber and Lambing	01/09/02	01/09/02		NCS in 5 packages 2 have cocaine ISO	Dismissed on 10-09-01	10-05-01 - Spoke with Det Delapaz regarding corroboration of C/I. There is 0 corroboration of C/I . Ref New law eff Sept 1. 0 C/I corroboration = 0 case. Will dismiss.		
x	05/17/01	Pacheco, Javier	F01-52694	Washington	Ramon Rincon	01/03/02	Weber and Lambing	01/09/02	01/09/02		NCS in 5 packages 2 have cocaine ISO	Dismissed on 10-09-01	Same as above		
x	05/22/01	Mejia, Jacinto	F01-52847	Benavides then Jackson	Richard Carrizales / Tony Wright	08/22/01	Weber and Dr. Todd	10/05/01	10/09/01		15 Kilos - At Delapaz' request Weber starts 1 box (2 kilos) on 09-13-01 - Negative Spot Test. - NCS in any	01-03-02 Reindictment dismissed on 01-16-02	10-09-01 - L Jackson sends fax to Tony Wright - I have lab reports - 2 kilo case - NCS. On 12 Kilo case - some between layers - I will speak to my supervisor and anticipate dismissal on POCS and Del of Sim CS on Delivery case. 10-09-01 Delivery case (52847) can be Del of Sim and the Possession case can be POCS <1 gram. I will offer probation on 1 and dismiss the other. Note: Corroboration still a problem. Spoke to Greg Long. His concern is to not try these cases now. 11-29-01 Defendant still wants polygraph. 12-05-01 - Del of Sim CS heard before Grand Jury - reported out. OK to dismiss the original file number. Get GW to sign off.	John Anthony	Delapaz
x	05/22/01	Mejia, Jacinto	F01-52848	Benavides then Jackson	Richard Carrizales / Tony Wright	08/22/01	Weber and Dr. Todd	10/05/01	10/09/01		Second Box - 6 contained cocaine between layers. White powder of those 6 bricks contained NCS. 7 bricks contained NCS at all	1/16/2002	07-26-01 - Judge would not reduce. Defendant attorney said you have the wrong guy. 08-16-01 - Routed officers and req'd drug to lab. 08-23-01-Defendant wants a polygraph. 10-02-01 - Called SWIFS - Drugs not ready. 10-03-01 - Spoke to DELAPAZ - believes that it's not going to be good. Called Nancy - still working on it. Dope is in Saran wrap packages, not a smooth powder, not usual duct tape. 12-05-01 - Reindictment SJF - POCS Walkthrough Grand Jury - reindict today		
x	05/25/01	Everett, Joy	F01-52964	Budhrani	Doug Wilder / Cynthia Barbie	08/14/01	Weber and LaMonte	09/04/01	09/14/01	01/23/02	No Controlled Substance	1/31/2002	06-20-01 - Indictment ok. L Jackson 01-23 - Drugs sent	Victor Lander	Larsen
x	05/25/01	Grogan, Patrick	F01-52965	Budhrani	Johnny Gussio	08/14/01	Weber and LaMonte	09/04/01	09/14/01		No Controlled Substance	1/31/2002	White out on this file that appears to have been made by L Jackson 08-13-01 - Drugs sent to lab.	Victor Lander	Larsen
x	06/04/01	Ortuno, Bernardo	F01-53307	Washington	Walter Knowles	09/19/01	Weber and Lambing	11/19/01	11/29/01	11/29/01	Insufficient to Quantitate	12/7/2001	09-07-01 Drugs sent. 11-28-01 Fax to SWIFS from Mark Murphy requesting lab result. 11-29-01 Left Msg. - Rosie 11-30-01 - Washington writes that there is no corroboration. Case should be dismissed after finding out that there is NCS. Motion to dismiss 12-07-01	Charles Player	
x	06/04/01	Ortuno, Bernardo	F01-53308	Washington	Walter Knowles		Weber and Lambing	11/19/01	11/29/01	11/29/01	Insufficient to Quantitate	12/7/2001			
x	06/05/01	Siquenza, Jaime	F01-53352	Woodward then Liu	Bill Stovall	07/26/01	Weaver and LaMonte	08/22/01	08/28/01	09/25/01	6 grams of cocaine (0.7%) total weight 915 grams	11-12-01 Pled to 5 yrs Prob for Poss w/Int >4 - 200	07-26-01 - Drugs to lab. 08-22-01- 1 kilo - NCS result from lab. 11-12-01 Long writes "OK to reduce to Poss/Int 5-200 grams 1st deg fel + plead to straight probation + fine - facts of the case and lab analysis" Note that says C/I identity is Roberto Santos	John Cruzot	Herrera
x	06/05/01	Siquenza, Jaime	F01-53353	Woodward then Liu	Bill Stovall	07/26/01	Weaver and LaMonte	08/24/01	08/22/01	09/25/01	19 grams of cocaine (1.0%) total weight 1.8 kilograms	Dismissed on 11-13-01	Moses Testified at Examining Trial - Perjury compared to 302		
x	06/06/01	Amador, Roberto	F01-53394	Jackson	Frank Perez	11/15/01	Weber and Lambing	12/10/01		12/20/01	9 of 15-Insufficient to Quantitate / 6 of 15- No Controlled Substance	1/16/2002	12-31-01 - Rec'd lab report of ISO. 01-04-02 - Talked to defendants lawyer ref lab result and offered SJ-Probation possible. Told to hold off on all cases - no plea even if defendant denies it. 12-01-01 - Delapaz and Herrera under IA investigation. 0 wrongdoing - do not go on cases until investigation concluded.		
x	06/22/01	Pineda, Isreal	F01-53942	Budhrani then Jackson	Bill Alexander	09/27/01	Weber and Lambing	11/12/01	11/20/01	12/03/01	15 packages. 2 of 15 cocaine Insufficient to Quantitate. 13 - No Controlled Substance	1/16/2002	Lengthy Notes in File - see file	Victor Lander	Gipson
x	06/29/01	Rosas, Hugo	F01-54173	Long	Andrew Chatham	08/09/01	Weber and LaMonte	09/04/01	09/10/01	09-12-01 to Greg Long - 09-13-0 to Det. Walker	51 Kilos 14-Thin layer of cocaine on top of the powder-Insufficient to Quantitate. 37-No Controlled Substance	09-21-01 Pled to SJF 240 days. Dismissed on 02-07-02	09-21-01 Prior to the plea in case spoke to Weber. Only cocaine in this case is ISO i.e. less than one gram. Discussed with Delapaz that this left us with SJF only. Discussed case with West and Tokely. They agreed along with Delapaz that SJF proper plea. Case pled to SJF based on lab analysis. Hugo Rosas - pled guilty 09-21. 240 days SJ. Tokely has file. INS hold.	R Seibert	Gipson
x	07/16/01	Santos, Abel	F01-54734	Long	Jennifer Castillo	11/27/01	Weber and Lambing	10/31/01	10/31/01	Washington on 10-31-01	12 packages - No Controlle Substance	Dismissed on 11-01-01	08-31-01 Req. to send drugs to lab withdrawn. Need to decide if there is C/I corroboration. 09-12-01 Spoke with Delapaz. He and Herrera were down the street and saw defendant lead C/I to bed of pickup and point him to something in bed of truck - corroboration exists - C/I will testify - hasn't had to yet - Delapaz will have to talk him into it. - Long	Charles Player	Herrera
	07/17/01	Rodriguez, Luis	F01-54781	Lowe	Al Mendez	10/04/01	Weber and Lambing	11/09/01	11/20/01		20 grams of real cocaine	None	Pen Pack prints do not match this defendant - No date. NO DISMISSAL IN FILE- Real dope		
x	07/19/01	Esparza, Emigdio	F01-54859	Budhrani then Long	Bill Stovall	08/09/01	Weber and LaMonte	09/20/01	10/02/01		61 packages with No Controlled Substance. 1 package has 0.77 grams of cocaine	1/16/2002	09-12-01 - Spoke to Delapaz. C/I available to testify. Spoke to Defense attorney - Defendant wont take any time. 11-12-01- Weber placed on standby. 11-14-01 Called Bill Stovall - offered to reduce to POCS 1-4 grams. 12-05-01 - Told Defense attorney I'll PR Bond defendant today. 12-03-01 - On 11-30-01 - Talked to Lt Miller - Delapaz is being investigated by IA. No evidence of wrongdoing. Since this a SJF and SJF's under invest. with C/I in question we'll PR defendant.	Jay Robinson	Herrera
x	08/07/01	Licea, Danny	F01-55539	Long	Rey Chavez	09/17/01	Weber and Dr. Todd	09/26/01	09/27/01	09/27/01	No Controlled Substance	1/16/2002	10-03-01 - Weber faxed lab report yesterday I talked to Rey Chavez made him aware of results. We agree that SJF is proper charge. He will bring down defendant next setting. He will notify Ramirez' attorney. He does not want bond due to INS hold. 10-26-01-Delapaz is requested to bring video ASAP. 11-02-01 - No video from Delapaz. Requested ASAP. 11-05-01 - Still no video. 11-07-01 - Called Delapaz. He says he's been home with sick kids. Will get the video by Fri 11-09 or Mon 11-12. Told him has to be here Mon or Tues 11-13. Dismissal if no video by then. 12-05-01- told Defense I will PR Defendant today. 01-09-02 - met with Defense attorney's passed for 2 weeks - defense attorney admitted that they released video to Channel 8. 12-03-01 - On Fri 11-30 - I was advised by Lt. Miller that Delapaz is being investigated by IAD. Because of SJF - will offer PR Bond		



Fake	Date	Case	Cause #	Assistant D.A.	Defense Attorney	Date to SWIFS	Chemist	Complete	Mailed	Faxed	Result	Disposition	Notes in File	Judge	SW Affiant
x	08/07/01	Ramirez, Denny	F01-55538	Long	Adrianna Goodland	09/17/01	Weber and Dr. Todd	09/26/01	09/27/01	09/27/01	No Controlled Substance	1/16/2002	See Handwritten notes in file - several pages		
	08/09/01	Garcia, David	F01-55608	Hawkins							No Lab	Not Dismissed - Pled guilty 10-04-01 to 10 yrs Probation	See Typewritten memo to file - Reference Conversation with Lt. Neil about who CI was - DELAPAZ and HERRERA refused to cooperate	Suzanne Bass	Herrera
x	08/16/01	Vega, Jose	F01-55837	Washington	Cynthia Barbare	09/27/01	Weber and Lambing	10/30/01	10/31/01	Faxed Washington on 10-31-01	24 packages - No Controlled Substance	11/1/2001	10-31-01 - Lab Rep rec'd. 0 Cont. Sub - MW. I have 0 CI corroboration to support a Del of Sim CS. MW	Michael O'Neil	Gipson
x	08/16/01	Vega, Jose	F01-55838	Washington	Cynthia Barbare	09/27/01	Weber and Lambing	10/30/01	10/31/01	Faxed Washington on 10-31-01	24 packages - No Controlled Substance	11/1/2001	Handwritten notes in file reference several fake drug cases on notebook paper	Michael O'Neil	Gipson
x	09/07/01	Gwynn, Yvonne	F01-56633	Jackson	Andy Konradi	09/17/01	Weber and Dr. Todd	10/04/01	10/09/01		29 packages - 28 thin layer Insufficient to Quantitate - 1 No Controlled Substance-Bulk No Controlled Substance	1/16/2002	Refer to Delivery Case	Jay Robinson	Herrera
x	09/07/01	Gwynn, Yvonne	F01-56632	Jackson	Andy Konradi	09/14/01	Weber and Dr. Todd	09/28/01	10/09/01		Top of the bundle contained a small pocket of cocaine (0.21 grams) White powder contained No Controlled Substance	1/16/2002	10-11-01 - Call Andy Konradi - told him that the lab showed drug to be mostly bunk and that I would plead to a SJF as Del of Sim CS or Del of < 1 gram. 10-15-01 Def attorney ask for Bond Reduct. - Yes. Bachus signed reduction to \$2000.00-each case. Per Epple: No prints - some smidges, that is all. Corroboration on Delivery? Delapaz saw Defendant go to the Honda and remove package and Deliver it to CI Corroboration of Poss Case? "Drugs" in the same Honda. Visible from outside the car (Pictures would have been nice.)		
x	09/24/01	Hernandez, Jorge	F01-57138	Liu then McClung then Washington	Robert Burns	12/04/01	Weber and Lambing	12/26/01	01/08/02		8 Packages contained Methamphetamine Insufficient to Quantitate	1/16/2002	12-03-01 - Ordered drugs sent to lab. 01-07-02 - Called Weber advised that ISQ and advised Greg Long of conversation and he said the get dismissal printed for signatures. 01-08-02 - Greg Long advised to bring up files for signature. 01-09-02 - Called Defense attorney - unable to come in this afternoon for PR bond - will be here 01-10-02 - 01-10-02 - Defense attorney here - PR Bond. 01-09-02 - Told Robert Burns that there is some confusion if there is NCS or ISQ - we need to analyze if its DOCS or POCS or Dismissal. Told him that I would PR the guy today.	Suzanne Bass	Gipson
x	10/01/01	Cruz, Erubial	F01-57412	Long	Ramon Rincon	11/15/01	Weber and Lambing	12/12/01	12/13/01		Insufficient to Quantitate	12/12/2001	11-15-01 - Drugs Requested to be analyzed for 12-12. Spoke to Maria. Case passed for dope analysis in light of other circumstances. I spoke to Mr. Carnes after I got the verbal report. Case dismissed. Speak to Greg about notes in file -	Michael O'Neil	Herrera
x	10/09/01	Mendoza, Francisco	F01-57713	Liu then McClung then Washington	Ramon Rincon	12/11/01	Weber and Lambing	01/03/02	01/08/02	01-08-02 to Washington	1 kilogram - 44% Cocaine	1/16/2002	12-07-01 Dope routed to SWIFS. 01-08-02 Called Weber - requested copies of lab report. 01-10-02 Spoke with Ramon Rincon ref PRBond on case - MW	Cheryl Williams	Gipson
x	10/09/01	Mendoza, Francisco	F01-57710	Liu then McClung then Washington	Ramon Rincon	Same as above	Weber and Lambing	01/03/02	Same as above		445 grams of powder contained Methamphetamine Insufficient to Quantitate			Cheryl Williams	Gipson
x	10/09/01	Mendoza, Guadalupe	F01-57711	Liu then McClung then Washington	John Weddle	Same as above	Weber and Lambing	01/03/02	Same as above		1 kilogram - 44% Cocaine		01-07-02 Spoke to Weber - advised that the cocaine is cocaine and the meth is ISQ. 01-08-02 advised Greg and was told to take dismissals to Mr. Carnes.MW 01-09-02 Talked to defense attorney reference PR Bond - Greg Long	Cheryl Williams	Gipson
x	10/09/01	Mendoza, Guadalupe	F01-57712	Liu then McClung then Washington	John Weddle	Same as above	Weber and Lambing	01/03/02	Same as above		445 grams of powder contained Methamphetamine Insufficient to Quantitate			Cheryl Williams	Gipson
x	10/18/01	Medoza, Estanislao	F01-58001	Budhrani	Paul Leach	10/19/01 (1 pkg.) 11-14-01 (24 pkg.)	Weaver and Lambing	10-19-01-1pkg / 11-15-01-24pkg	10/31/01 (1pkg) 11-20-01 (24pkg)	Budhrani (24 pkg.)	less than 1%	1/16/2002	12-12-01 OK to reduce to Poss w/Intnt 4-200 grams based on lab report. OK to offer Prob or pen time actual analysis. Can reduce bond to 10k. Long 01-04-01 - Talked to Paul Leach - doesn't want defendants bond reduced because he will be in INS custody. Wants polygraph. VB. 01-09-02 Paul Leach called at 4:40 PM. I advised him that defendant would be brought down in the morning and we were going to PR him. Leach is worried that he will be deported. She says they are still bringing him down in the morning. MW On the Prosecution Report - Budhrani makes a note that Delapaz sent the drugs to lab on 10-19 in her writing (pink) Note in file that defendant requested poly - 01-07-02		
x	10/23/01	Mendoza, Jose	F01-58204	Benavides then Washington	Larry Finstrom	12/11/01	Weber and Lambing	12/31/01	01/08/02	01/08/02	428 grams of Cocaine - 57%	1/16/2002	No other notes	Victor Lander	Delapaz
x	10/23/01	Mendoza, Jose	F01-58205	Benavides then Washington	Larry Finstrom	12/11/01	Weber and Lambing	12/31/01	01/08/02	01/08/02	3.67 kilograms of Methamphetamine - ISQ	1/16/2002	12-03 - Dan - please see me on this. Long.	Cheryl Williams	Moses

## INVESTIGATIVE TIME LINE

### SUBJECT TO REVISION

MARK DELAPAZ

JULY 13, 1999 THROUGH December 2004

Revised 04/11/2005

- July 13, 1999 – Delapaz, Herrera, and Larsen arrested Enrique Alonso and Jose Ruiz on drug charges, seized approx. 3 lbs. of methamphetamine and approx. one fourth pound of cocaine from an earlier buy.
- October 08, 1999 – Enrique Alonso established as CI 2253. Not admonished or interviewed by a DPD supervisor.
- December 16, 1999 – DPD Deputy Chief John Ferguson wrote letter to DA Bill Hill requesting that all charges be dismissed against Enrique Alonso due to Alonso's cooperation.
- February 21, 2000 – All criminal charges dismissed against Alonso.
- March 27, 2000 – Jose Ruiz recruited by Alonso to also work off his criminal case as an informant. Ruiz is established as CI 2344 by Delapaz. Not admonished or interviewed by DPD supervisor.
- July 6, 2000 or thereabouts- Delapaz and Enrique Alonso involved in Dallas Co. felony trial re: Jose Santos Gonzalez F99-55786. Trial transcript indicated that Delapaz admitted not searching Alonso prior to drug deal. Eric Smenner is defense attorney. Gonzalez tells Eric Smenner that he actually delivered four kilograms of cocaine to Alonso. Gonzalez is charged with delivering three kilos of cocaine to Alonso and is convicted. Gonzalez tells Eric Smenner that Alonso had stolen one of the kilos of cocaine before the police were able to arrest him (Gonzalez). Smenner, who is a former police officer tells Delapaz after the trial about the missing kilo and that Delapaz had better be careful with Alonso because Alonso is conning Delapaz. Smenner related this conversation with Delapaz to Special Prosecutor David Lewis. Note: Delapaz has also maintained and stated to the FBI that he had always searched his CI's before a drug deal.

- August 25, 2000 – DPD Deputy Chief John Ferguson wrote letter to DA Bill Hill requesting that all charges be dismissed against Jose Ruiz due to Ruiz' cooperation.
- January 26, 2001 – Roberto Santos recruited by Enrique Alonso to become a paid CI for DPD. Santos established by Delapaz as CI # 2409. No record that Santos was admonished or interviewed by a DPD supervisor. Admonishment letter is dated January 26, 2000 but it is believed to actually mean Jan. 26, 2001 because of Santos numerical number of 2409 and it is known that he was established well after Ruiz.
- February 02, 2001 – Pending felony drug charges are dismissed against Ruiz because of his cooperation.
- February 16, 2001 – Delapaz arrested Blanca Cantu. First instance that we know that Delapaz begins to falsify DPD CI receipts and DPD Drug Buy Reports by listing a different CI than the one who actually did the case. Re: substituting Enrique Alonso a signed authorized CI for Brenda Davis, who is not a DPD signed up or authorized CI. Case later dismissed due to defective search warrant. There are two previous CI buys in this case that were never filed. Delapaz would have been reluctant to file the two previous buys because of the discrepancy in the DPD buy reports. If Delapaz would have filed the two previous buys he would have ran the chance that he would have been discovered falsifying reports, this discovery would have had possible dire consequences for Delapaz.
- March 01, 2001 – Enrique Alonso recruited Daniel Cavazos to be an informant for Delapaz. Cavazos is not working a case off and is in it for the reward money. Delapaz signs Cavazos up as a DPD informant and he is assigned CI # 2452.
- March 09, 2001 – Delapaz arrested Pablo Olin and a juvenile after conducting a CI buy for four ounces of cocaine for an agreed upon price of \$2,500.00. Said purchase occurred in Olin's vehicle. A subsequent search of Olin's vehicle revealed additional cocaine and \$1,200.00 of the marked DPD buy money. At least \$ 1,300 of DPD buy money is missing. All of Delapaz's reports indicated that Enrique Alonso is the CI in this arrest and rewards are paid to Alonso. Investigation has indicated that Alonso's common law wife, Brenda Davis was actually the CI in the incident. Davis was not a documented CI due to her severe drug addiction thus could not be established as a CI. Later, Eric Smenner is hired as Olin's attorney. Olin admitted to Smenner that he had only sold a small quantity of cocaine to Davis but not to a male subject, and had no knowledge of a large quantity of cocaine or cash being in his vehicle. Smenner makes it known to DA's office that Olin admits selling to a female but has no knowledge about the other drugs that were reported to have been seized or the missing buy money. Smenner requested that the drugs be sent to SWIFS for analysis. Brenda Davis

tells Special Prosecutors that she purchased a small amount of cocaine from Olin and then put a large bag of counterfeit dope in Olin's vehicle. Davis also hid part of the \$2,500.00 in buy money that was given her by Delapaz in Olin's vehicle and also delivered a 2<sup>nd</sup> bag of fake cocaine to Delapaz.

- April 2, 2001 – Delapaz created a CI payment receipt to Santos # 2409 for \$50.00 reward for making a 1 oz. purchase of suspected cocaine for \$ 800.00. Delapaz's buy letter however indicated that Alonso #2253 actually did the purchase. Santos advised that the signature on the CI payment receipt is not his, DPS handwriting experts verify that the signature on the CI payment receipt is a forgery.
- April 4, 2001 – Delapaz created a drug buy letter that Santos # 2409 went to 5972 Marine Way and purchased approx. 4 oz. of suspected cocaine from an older Latin/Male known as "Joe." Delapaz created a CI receipt that indicated that Santos was paid a \$100.00 reward. Santos tells the FBI he never went to 5972 Marine Way and that the signature on the CI receipt is not his. DPS handwriting experts confirm that signature on the 04/04/01 receipt is a forgery. Delapaz created two other buy reports in which Santos supposedly bought approx. 4 oz. of suspected cocaine on each occasion at Marine Way from "Joe" for \$2,600.00 on 04/12/01 and \$2,500.00 on 04/24/01. Santos advised the FBI that he never did those deals at Marine Way. On 04/04/01, Santos advised that he wasn't with Delapaz because he (Santos) got married on 04/04/01. A later chemical analysis of all of the drugs listed as coming from Marine Way are shown to contain no controlled substances or a "trace" amount of cocaine. No criminal charges or search warrants are pursued on these buys from Marine Way even though a suspect is identified, it is a private residence, and over \$7,100.00 of city funds are expended.
- April 18, 2001 – Delapaz arrested Betty Jenkins for poss. with intent to deliver over 400 grams of cocaine and possession with intent to deliver over 4 grams less than 200 grams. Again Delapaz falsifies DPD buy reports and a DPD CI payment receipt by indicating that Alonso was the CI when in fact Brenda Davis is the CI. Jenkins later pled guilty to one charge of poss./w/int/del/cocaine in an attempt to get drug treatment and lighter sentence on advice of her lawyer. Drugs later analyzed after drug scandal broke and found to be less than 1 %. Jenkins was the only victim in this scandal that actually went to state prison. Note: there were two previous buys made in this case from, according to Delapaz's records, Jenkins' common law husband. These cases were never filed or pursued by Delapaz due to the possibility that this would lead to the discovery that Delapaz was falsifying DPD paperwork, so Delapaz just let the cases lie dormant even though he had spent over \$2,650.00 in city funds.
- April 19, 2001 – Delapaz arrested Victor Alvarado after stating that he (Delapaz) witnessed Alvarado sell 4 ounces of cocaine to an informant who was identified as Roberto Santos. Santos advised that this deal with Alvarado never happened and that he simply delivered four ounces of counterfeit cocaine to Delapaz, told

Delapaz that he had purchased the drugs from Alvarado, and then kept the \$2,500.00 in buy money given him by Delapaz. Santos advised that Delapaz could not have witnessed this transaction because it never happened.

- April 26, 2001 – Delapaz and Larsen arrest Lorenzo Escamilla and Jose Arvelo after CI (Alonso) – made a buy of 2 oz. of suspected cocaine and a 2<sup>nd</sup> buy of approx. 289 grams of suspected cocaine. Delapaz arrest report indicated that Delapaz paid \$1,500.00 for 1<sup>st</sup> buy from Escamilla. \$1,000.00 recovered from Arvelo after arrest. No mention in arrest report of the \$1,000.00 is part of the \$1,500.00 of DPD buy money. Juan Sanchez hired as attorney.
- April 27, 2001 – Dallas County Assistant District Attorney Marquieta Washington made handwritten notes in the Olin file that she spoke with Delapaz to see if the CI was available to testify in the Olin case and what had happened to the missing money. ADA Washington advised that Delapaz stated that Olin had stated that the CI must have the missing money. Delapaz stated that he had talked to the CI and was sure that CI didn't take the money. Delapaz stated that police surveillance lost sight of Olin for a few moments during the arrest. Delapaz stated that CI was available for testimony and that Delapaz had no problem in going to trial on this case. Note: there is no mention or indication in Delapaz's offense report that surveillance lost sight of Olin during the transaction. From reading the report it appeared that the arrest and stop of Olin occurred shortly after the CI exited Olin's vehicle.
- On 05/08/2001- Delapaz, Herrera, & Haywood arrested George Sifuentez and seized approx. 2 kilos of suspected cocaine. Delapaz listed Alonso as the CI. Delapaz's arrest report indicated that two CI's used, identified as CI 1 & 2. Notes in ADA Lowe's file indicated that Delapaz identified CI 1 as Alonso and CI 2 as Jose Ruiz. Further evidence that Alonso is the lead CI and directing the activities of the other CI's. Delapaz rewarded Alonso \$3,500.00 for this arrest. Two separate charges filed on Sifuentez. There is \$4,600.00 in buy money missing in this arrest. Delapaz lied to ADA Lowe when ADA Lowe questioned credibility of the CIs. Delapaz according to ADA Lowe told ADA Lowe that both CIs had taken a polygraph test and both passed it, when in fact only Alonso had taken a polygraph test. Note: by this date 05/08/01, Delapaz has lost and failed to recover a minimum of \$12,450.00 in 4 cases (Olin, Jenkins, Alvarado, and Sifuentez). November 14, 2001, SWIFS determined that there are no controlled substances in the Sifuentez dope. Delapaz however continues to use Alonso in controlled buys.
- April/June 2001 – Roberto Gonzalez begins to assist Enrique Alonso in the planting of fake drugs on various defendants. Gonzalez introduced to Delapaz by Alonso. Delapaz never documented Gonzalez as a CI due to Gonzalez' immigration problems. Delapaz would pay rewards to Alonso who was then responsible for paying Gonzalez.

- May 17, 2001 – Delapaz arrested Jaime Ortiz and Javier Pacheco and seize approx. 7 kilos of fake cocaine. Ruiz and Alonso are the listed CI's. Ruiz rewarded \$100.00 for allegedly making a 4 oz. buy of suspected cocaine from the location on 05/16/01 for \$2,800.00. Delapaz also indicated that Ruiz had been rewarded \$100.00 for purchasing approx. 4 oz. of suspected cocaine on 02/21/01 for \$2,550.00. Alonso however rewarded \$10,000.00 on 05/21/01 for the search warrant that resulted in the above detailed arrest and seizure. Evidence that Alonso is getting the major rewards and directing the activities of the other CIs. Despite the police report that states that a field test was conducted, evidence shows that no field test was done on this seizure.
- May 22, 2001 – Delapaz, Woody, Moses and Foster arrested Jacinto Mejia. Seize approx. 16 kilogram packages of suspected cocaine. Delapaz secured the search warrant for the premises where drugs were found. Alonso listed as CI and is rewarded \$20,000.00 by Delapaz on 05/29/2001. However ADA Layne Jackson wrote in DA file that Daniel Alonso is also the CI in this arrest and “did it for pay.” Note: Daniel Alonso not documented until 06/04/2001.
- June 04, 2001 – Delapaz documented Luis Daniel Alonso as CI # 2459. Luis Daniel Alonso is Enrique Alonso's younger brother. He had been recruited by E. Alonso and introduced to Delapaz. He was used as a CI before he was documented.
- June 4, 2001- Delapaz and Herrera arrested Bernardo Ortuno and seize approx. 24 kilogram packages of suspected cocaine and small baggie of suspected heroin. Alonso is the listed CI. Alonso was rewarded \$35,000.00 on this case on 06/28/01. Delapaz filed two cases on Ortuno, one for delivery of 5 kilos of cocaine to CI and then one for poss. with intent to deliver 19 kilos. The heroin charge is not filed. Search warrant secured by Delapaz through Herrera. E. Alonso advised that he was not the CI on this case that Daniel Alonso and Roberto Gonzalez were the CIs. Roberto Gonzalez advised that he and Daniel Alonso planted the fake cocaine and the small amount of heroin in Ortuno's shop. Gonzalez advised that Daniel Alonso was the one that selected Ortuna for arrest. Gonzalez stated that the 5 k delivery of cocaine that Delapaz wrote about never occurred that he (Gonzalez) and Daniel Alonso already had the fake cocaine in their car when they met with Delapaz.
- June 05, 2001 – Delapaz and Herrera arrested Jaime Siguenza. Delapaz wrote that Siguenza delivered approx. 3 kilograms of cocaine to CI. Delapaz secured search warrant through Herrera and recovered one (1) more kilogram from old vehicle on property. Santos is the CI. Delapaz filed two separate cases on Siguenza. Santos was rewarded \$6,000.00 on 06/13/01.
- June 05, 2001 – The drugs in the Pablo Olin case are sent to SWIFS.

- June 06, 2001 – Delapaz arrested Roberto Amador. Offense involved seizure of 15 k's of counterfeit cocaine. Ruiz is the listed CI but Alonso participated as well as Gonzalez. Alonso is riding with Delapaz during arrest. Ruiz is rewarded \$20,000.00 on 06/28/01.
- June 22, 2001 – Delapaz and Herrera arrested Israel Pineda and seized approx. 15 kilo packages of suspected cocaine. A search warrant obtained by Delapaz through Tony Gipson. Alonso is listed the CI. Alonso advised that he did this case with his brother Daniel Alonso. Alonso is rewarded \$20,000.00 on two partial payments, dated 07/02 and 07/09/01.
- June 25, 2001- SWIFS records indicate that the Olin exhibits were divided into four exhibits, two small baggies and two larger baggies. The two small baggies, 0.19 grams and 52 mgs contained cocaine, the two larger bags, 105 grams contained 1.2% cocaine and 125 grams contained cocaine insufficient to quantitate. Results are sent to DPD and the DA's office.
- June 25, 2001 – ADA Washington made a handwritten note in the Olin file that Delapaz had said he was okay in offering Olin probation re: the arrest on March 09, 2001. Delapaz advised that he was no longer using the CI in this case because the CI was using drugs again and would be unreliable. Delapaz also stated that the CI has not been seen in weeks and Delapaz doesn't know how to get in contact with the CI. Delapaz stated that the CI is problematic and would be a problem at trial. Note: Alonso is the listed CI in DPD reports concerning Olin. Delapaz knows that the DA's office does not have access to DPD CI files so he knows that ADA Washington would have no way of knowing if he is talking about Alonso or in fact Brenda Davis. Delapaz is probably more concerned about this case and wants it to go away because the defense attorney is Eric Smenner who knows Alonso on sight.
- June 28, 2001 – Delapaz created two CI payments receipts. One payment for \$35,000.00 to Alonso and one payment \$20,000.00 to Ruiz. Herrera, signed the receipts as a witness to the payments. DPD attendance records indicate that Herrera is on a vacation day on June 28, 2001 and a compensatory day off on June 27, 2001.
- June 29, 2001 – Delapaz and Herrera arrested Hugo Rosas-seize approx. 51 kilo bricks of suspected cocaine. Alonso listed as the CI. Delapaz secured a search warrant through Tony Gipson. Hugo Rosas is day laborer set up by Ruiz and Roberto Gonzalez. Alonso is rewarded \$35,000.00 on eight partial payments beginning on 07/09/01 and ending on 08/02/01.
- June/July 2001 – Delapaz contacted DPD Narcotic Detective M. Bird assigned to DEA Task Force. Delapaz advised that Lt. Turnage inquired about getting Alonso signed up as a CI with DEA so that DPD could get help on paying

rewards to Alonso. Det. Bird explained all of the guidelines and requirements that DEA had on informants and that Det. Bird would have to be out on every deal before DEA would any pay reward money. Det. Bird talked to Delapaz several weeks later and asked if Alonso would be coming out to DEA. Delapaz advised Det. Bird that Alonso did not trust DEA and did not want to work with them.

- July 12, 2001 – Escamilla dope is sent to SWIFS per ADA Vanita B. White.
- July 16, 2001 – Delapaz, Herrera, Woody, and Haywood arrest Abel Santos, seize 12 kilo bricks of suspected cocaine. Daniel Cavazos is the listed CI. Delapaz secured search warrant through Herrera. When ADA Long questioned Delapaz about corroboration of the CI, Delapaz tells ADA Long that he (Delapaz) and Herrera saw Cavazos go to the vehicle with Santos to where the dope is stored, the arrest report by Delapaz and the search warrant by Herrera make no mention of Delapaz or Herrera witnessing Cavazos or Santos going to the vehicle to look at the dope. Cavazos is rewarded \$17,000.00 in eight partial payments beginning 07/20/01 and ending 09/04/01. Cavazos is never documented getting any other rewards are participating in any other cases. Note: Eddie Herrera signed as a witness to the payments on two of the payments 08/24 and 08/29, Herrera according to DPD records is on sick leave.
- July 17, 2001- Sgt Kelly North signs Enrique Alonso as a DPS confidential informant (see notes below).
- July 19, 2001 – Delapaz, Herrera, Woody, DPS Narcotics Sgt. Kelly North, et al arrested Emigdio Esparza and seized approx. 63 kilo packages of suspected cocaine. Search warrant secured by Delapaz through Herrera. Listed CI is Alonso. Alonso is rewarded \$50,000.00 in seven partial payments beginning 08/02/01 and ending 08/23/01.
- July 26, 2001 – The one kilogram exhibit of suspected cocaine in the Siguenza case is sent to SWIFS.
- Late July/Early Aug. – DPS Sgt. K. North was advised by his superiors to completely debrief Alonso re: criminal intelligence on the Esparza seizure. Sgt. North was advised that no DPS funds would be rewarded unless Alonso debriefed and provided information on the drug organization that was responsible for the Esparza load of suspected cocaine. During the interview Alonso was evasive with Sgt. North. Sgt. North told Delapaz that if Alonso did not cooperate that a DPS reward would not be forth coming on the Esparza arrest. Delapaz later told Sgt. North that Alonso advised that it was too much trouble having to deal with DPS and that he (Alonso) didn't want the money. Sgt. North declined to participate in other cases involving Alonso.
- July 31, 2001 – The 3 kilogram exhibit in the Siguenza case is sent to SWIFS.



- August 7, 2001 – Delapaz, Herrera, et al arrested Daniel Licea and Denny Ramirez seized approx. 71 kilo packages of suspected cocaine. Videotape made of arrest. Licea and Ramirez are stopped by uniformed officers on the Jack in the Box parking lot after meeting with Delapaz and Alonso. Approx. 71 kilograms of suspected cocaine were discovered in the back of the van in trash bags covered by a blanket. Alonso is the listed CI. Roberto Gonzalez and Daniel Alonso assist Alonso is setting up Licea and Ramirez. A review of the surveillance video revealed that Delapaz falsified the arrest report in this arrest. Alonso is approved for a \$50,000.00 reward. Alonso is paid \$26,900.00 in 4 partial payments beginning 08/24/01 and ending 09/07/01 when it is found out that the drugs that were seized are fake. Note: Eddie Herrera signed receipts as a witness, on two of the payments 08/24 and 08/29, Eddie Herrera according to DPD records is on sick leave.
- August 8, 2001 – SWIFS sent analysis on the Escamilla dope to DPD and DA's office. Drugs in the Escamilla case were divided by SWIFS into 6 exhibits. Three of exhibits contained a small quantity of cocaine; 3.2 grams (4.5%), 20 mg. (65 %), and 0.11 grams (65%). Three of the large exhibits that weighed 126 grams, 126 grams, and 28 grams (total of 280 grams) contained – No controlled substance.
- August 9, 2001 – Rosas dope, 51 kilo packages are sent to SWIFS.
- August 15, 2001-Delapaz created a DPD buy report that he and Herrera took Daniel Alonso to 2800 Clarendon and made a purchase of cocaine for \$800.00. This is supposed to be a controlled buy by Daniel Alonso to set up the arrest of Jose Vega for the next date. Delapaz wrote that he had field tested exhibit 79325. DPS Crime Lab Austin advised that there no holes or punctures in this exhibit.
- August 16, 2001 – Delapaz and Herrera arrested Jose Vega and seized approx. 24 kilograms of suspected cocaine. Daniel Alonso and Roberto Gonzalez are the CI's. Delapaz obtained search warrant through Det. Tony Gipson. Arrest is video taped and Daniel Alonso and Gonzalez are on the video. Delapaz clearly falsified arrest report. The video obviously does not match Delapaz's arrest report. Delapaz later lied to FBI and advised that Roberto Gonzalez never participated in any arrests. Daniel Alonso is approved for a \$35,000.00 reward. D. Alonso is paid \$22,000.00 in 5 partial payments beginning 08/20 and the last being on 09/04/01. Payments are cut short due to analysis of dope. Note: DPS Handwriting experts expressed opinion that the Daniel Alonso signature on the receipt is probably forged and that possibly Enrique Alonso signed the receipt. Daniel Alonso advised that he didn't sign the receipt. Enrique Alonso admitted that he signed the said receipt at Delapaz's request. Note: Eddie Herrera signed as witness to the payments and on 08/20/01 and 08/24/01, DPD records indicate the Herrera is on sick leave.

- August 21, 2001 – SWIFS lab sent results to DPD and DA’s office re: the Victor Alvarado drugs. The result is that the 125 grams of white powder contained cocaine insufficient for quantitation.
- August 22, 2001 –SWIFS report is completed re: one kilogram of the suspected cocaine in the Siguenza case. No controlled substances. Report mail stamped 08/28/01.
- August 22, 2001 – Mejia drugs sent to SWIFS.
- August 24, 2001 – SWIFS completed analysis on the 2<sup>nd</sup> 3 kilo exhibit in the Siguenza case, the exhibits contain from 0.7 % to 1.0 % of cocaine. Mail stamped 09/10/01. Showed to have been faxed to DA’s office on 09/25/01.
- August 27, 2001- Gregg Long states that Nancy Weber (SWIFS) called and advised that first batch of drugs seized in the Rosas case are bad but will continue to analyze the rest of exhibits. The Hugo Rosas case occurred on 06/29/2001 and involved 51 kilograms of suspected cocaine.
- August 27,2001 – ADA Vanita White makes handwritten note in Escamilla file that she had a conversation with Delapaz and that Delapaz was “ok” with offering Escamilla probation because there was “no corroboration of CI” per new state statute.
- August 30, 2001 – Nancy Weber calls Gregg Long and advised that a few of the kilo bricks seized in the Rosas case contain cocaine that is insufficient for quantitation and the rest of the kilo bricks contain – No controlled substance. Enrique Alonso is listed as the informant in the Rosas case. Also involved in the case as informants were Jose Ruiz, Daniel Alonso, and Roberto Gonzalez.
- August 30, 2001 – Delapaz’s cell telephone records indicate that a call was placed to Nancy Weber’s SWIF’s office number and call lasted 11 minutes. N. Weber advised that she had never talked to Delapaz before and any calls that she would have had would have been concerning the fake drugs.
- August 31, 2001 – ADA Gregg Long made a handwritten note in the Santos file that he (Long) had withdrawn a request to send the Santos drugs to SWIFS – ADA Long stated in note that he wanted to find out first if there is any CI corroboration.
- Early to Mid Sept. 2001- Sgt. Kenny LeCesne tells DPD Chief Martinez and Lt. Neil about conversation with Gregg Long re: large seizure of fake dope. Chief Martinez tells Lt. William Turnage to get a lab report from SWIFS and investigate the incident. Lt. Turnage advised that Delapaz had told him about a seizure of

bad dope and that he (Turnage) was waiting for the finished lab report from SWIFS.

- September 07, 2001 – Delapaz, Herrera, & Woody arrested Yvonne Gwyn, 30 kilos of suspected cocaine is seized. Delapaz obtained a search warrant through Herrera, using language re: that informant is reliable and has been correct on each and every time. Alonso, Ruiz, and Gonzalez are the CI's. Note: no rewards are ever paid out to the CI's on this large arrest/seizure.
- September 10, 2001 – handwritten note in the Victor Alvarado file indicated that ADA Chris Woodard had spoken with Delapaz and Delapaz advised that he is unable to locate the CI (Santos) in this case. ADA Woodard also stated that due to the lab analysis of insufficient cocaine to quantitate, the missing DPD buy money, and the ID issue that the case cannot be made on Alvarado and the case should be dismissed.
- September 10, 2001 – SWIFS sends the Rosas lab report to DPD and DA office. SWIFS advised that of the 51 kilogram packages, 14 packages contain cocaine insufficient to quantitate and 37 packages contain no controlled substances.
- Week of September 11, 2001 – Lt. Turnage gets the lab report from SWIFS re: Rosas case, 51 kilograms of purported cocaine, indicating that the kilograms contain cocaine insufficient to quantitate. SWIFS records indicated that the lab report was faxed to DPD Det. C. Walker on 09/13/2001. Lt. Turnage reported to Chief Martinez re: the details of the lab report on the Rosas case. Chief Martinez told Lt. Turnage to stop paying the confidential informant (CI), stop using the CI, and to check out the CI. Lt. Turnage advised that he communicated the order re: the CI to Sgt. Jack Gouge and Delapaz. He also told Delapaz to start hand carrying the previous large cocaine seizures made by this CI (Alonso) to SWIFS and have them checked out. The order to Delapaz re: to stop using the CI was not communicated to the Dallas District Attorney's Office at that time. Note: The last two large partial reward payments to the Delapaz informants are noted on September 04, 2001 and again on September 07, 2001. The Sept. 04 final partial payment involved the Vega arrest-which occurred on 08/16/01 and involved 24 kilograms of cocaine. It is important to note that the Vega dope was not sent to SWIFS until 09/27/2001 and not analyzed until 10/30/2001. The CI on the Vega case is listed as Daniel Alonso. Delapaz however made a note on the final partial payment "total paid is final payment due to analysis of drugs seized in the past." The Sept. 07, final payment involved the Licea case that occurred on 08/07/2001 and involved 71 kilograms of suspected cocaine. Delapaz makes a note "total paid is final payment due to analysis of drugs seized." The stoppage of the partial payments indicated that the orders concerning the paying of rewards to the CIs had been communicated to Delapaz. The past history showed that Delapaz was paying the CIs large partial payments every few days and no other large rewards were paid, partial or otherwise after 09/07/2001. No reward is ever paid re: the

Gwyn arrest that occurred 09/07/2001 involving a 30 kilo seizure. Sgt. Gouge advised that he also ordered Delapaz to get the prior large seizures out of the DPD property room and get them to SWIF's for analysis.

- September 12, 2001 – Gregg Long talks with Delapaz re: Rosas fake dope seizure. Delapaz tells Long that the dope was probably switched for “bunk” at San Antonio as it was on its way to Dallas from Laredo.
- September 12, 2001 – ADA Gregg Long made a handwritten note in Santos file re: corroboration of CI. Delapaz told ADA Long that he (Delapaz) and Herrera observed Santos take the CI over to a truck and point to something in the bed of the truck, so CI corroboration existed. Note: there is no mention in Delapaz's arrest report or search warrant that Delapaz or Herrera saw the CI come into any type of contact with Santos.
- September 13, 2001 – Nancy Weber takes one package of the Mejia drugs out of order at Delapaz's request. Weber spot tests the kilogram package and finds that it is negative for controlled substances. Weber would not take any other packages out of order because she was afraid that it would confuse the system of getting to the lab exhibits. Delapaz's cell telephone records show a 7 minute call to Weber's extension at SWIFS.
- September 14, 2001 – ADA Vanita White made handwritten note in Escamilla file that “no prima facia case” existed and case needs to be dismissed. The case is dismissed same day.
- September 14, 2001-(Friday) Delapaz and Herrera take one kilo of the suspected cocaine seized in the Gwyn arrest to Nancy Weber at SWIFS. Weber advised Delapaz that it appeared to be more of the same counterfeit substance and not cocaine. The kilo of cocaine field tested positive at the SWIF's lab per Weber. Weber has now completed the Rosas case (51 kilos), has started the Esparaza case (63 kilos) (Enrique Alonso is listed as the CI, Daniel Alonso and Roberto Gonzalez also were involved as CI's in the case), and the Mejia case (Enrique Alonso listed as CI.) By Sept 12, 2001, Weber had examined at least 114 kilograms of counterfeit substance. Weber tells Delapaz and Herrera that the Gwyn kilo looks like the same counterfeit substance that had been earlier seized. Weber tells Delapaz and Herrera that all of the kilos that they are bringing in are the same in that they have a little cocaine sprinkled on the top and bottom but the rest is “bunk.” Delapaz tells Weber that he is going to bring some more kilos out to be tested. Nancy Weber advised she had conversations with Delapaz telling him that substance he is bringing out to lab does not look like real cocaine nor is it packaged like normal kilogram bricks of cocaine.
- September 17, 2001(Monday) – Delapaz's cell telephone records indicate that two phone calls are placed to Nancy Weber's office phone.

- September 17, 2001-Delapaz and Herrera take the suspected cocaine seized in the Danny Licea case (71 kilograms) to SWIFS. Delapaz and Herrera also took the other 29 kilos from the Gwyn seizure to SWIFS. The Rosas dope is released back to Delapaz by SWIFS.
- September 18, 2001 – Delapaz reports that he and Herrera make a CI purchase using Jose Ruiz. Said purchase involved approx. 36 grams of suspected methamphetamine at 5500 East Grand from an unknown Latin/male for \$750.00. No one is ever arrested nor is any effort made to identify the suspect. Ruiz is paid \$50.00 reward. Delapaz wrote “destroy” on the said drug purchase the day that he logged it into the property room. Delapaz wrote in buy letter that he field tested exhibit # 77118, DPS Austin Crime Lab advised that there no holes or tears in the plastic wrapping of the said exhibit. Delapaz’s cell records indicate 4 calls to Alonso and 8 calls to Ruiz. This is the date that the shift is made from primarily cocaine cases to methamphetamine cases. This is also the date that Delapaz’s reports began to list Ruiz exclusively as the CI and never Alonso. Alonso never surfaced in another Delapaz report until 10/25/01 because Lt. Turnage had instructed Delapaz not to use Alonso as a CI. Delapaz never puts Alonso in another report until Lt. Turnage leaves the Narcotics Division on 10/22/01 even though Alonso is still involved in making cases with Delapaz.
- September 19, 2001-Delapaz’s cell telephone records indicated that he made a 4 minute phone to Nancy Weber’s SWIFS desk phone.
- September 20, 2001 – Weber spot checks the Licea kilograms and gets a negative test for cocaine. Eight cell telephone calls from Delapaz to Weber’s office extension. Weber also completes the analysis on all of the Esparaza kilograms (63 kilos) – Note: 62 kilo bricks contain no controlled substances, 1 kilo brick contained a small pocket that contained 0.77 grams of cocaine, and 1 kilo brick small quantity of cocaine between layers of plastic the actual brick contained no controlled substance.
- September 21, 2001-Chief Martinez holds a “supervisors retreat” where he caps the amount of reward that any CI can receive at \$20,000.00. Chief Martinez advised that the rewards were capped because of his concern of the amount of monies being rewarded to Alonso et al. Chief Martinez advised that he was distrustful of the Delapaz’s CI and was upset that monies had been rewarded to this particular CI in light of the lab report that indicated that the Rosas seizure contained fake dope. Chief Martinez expected Lt. Turnage to keep investigating the CI and the fake dope incident.
- September 21, 2001 –Handwritten notes in the Rosas file indicate that ADA Gregg Long spoke with Delapaz and advised him, due to the less than 1 gram analysis of the Rosas case that the only charge that could be filed is a State Jail

felony. Delapaz according to the notes written by Long agreed that the SJ felony was the proper charge.

- September 24, 2001 – Delapaz and Herrera arrested Jorge Hernandez and seized suspected eight (8) pounds of methamphetamine that later proves to be fake. This is the first large seizure of methamphetamine and the first arrest involving a large seizure of suspected methamphetamine. All arrests forward from this date involve methamphetamine (with the exception of some cocaine being seized in conjunction with meth. in the Jose Mendoza and Francisco Mendoza arrest.) A state search warrant is secured for the Hernandez arrest by Delapaz through Detective Tony Gipson. Note: No reward is paid to the CI's. Alonso and Ruiz are both involved in this case. Delapaz's cell telephone records indicated 7 calls to Alonso and 10 to Ruiz. Note: Delapaz wrote in a separate DPD buy report that Ruiz made a CI buy from an unknown Latin/male on the same date and location 15 minutes before the arrest of Hernandez. Said buy involved 47 grams of suspected methamphetamine. It is important to note that no mention of the previous buy is made in Delapaz's offense report or search warrant. There is also no name of the suspect listed however, Delapaz would have created this report well after the arrest of Hernandez and would have had the opportunity to list Hernandez's name in the buy report. Also the 47 grams of suspected methamphetamine in the CI purchase is packaged in red plastic while the dope purportedly seized from Hernandez is wrapped in purple plastic. Although the suspected methamphetamine in the purple plastic was found to contain methamphetamine insufficient to quantitate, the powder in the red plastic was analyzed in the DPS Austin Crime Lab and found to contain methamphetamine. The methamphetamine on the CI buy from 09/24/01 was packaged in an identical type of red plastic as the CI buy made by Ruiz on 09/18/01 as reported by Delapaz. Delapaz wrote in a DPD buy letter that drug exhibit #77117 was field tested by Delapaz. DPS Austin Crime Lab advised that the plastic on the said exhibit had no holes or tears.
- September 26, 2001 - Weber completes examination of all 71 kilo packages of the Licea seizure. All packages contain no controlled substances.
- September 27, 2001 – SWIFS faxed lab report re: Licea to DA and DPD.
- September 27, 2001 –SWIFS received the Santos drugs (12 kilogram bricks).
- September 27, 2001 – Pineda drug exhibits sent to SWIFS (15 kilogram bricks).
- September 28, 2001 – Nancy Weber completed analysis of the one kilogram of the Gwyn dope. The brick contained small amount of cocaine on the top and bottom of brick. No controlled substance inside of the brick.

- Last Week of September – First Week of October, 2001- Lt. Turnage ordered that a polygraph be administered to Enrique Alonso. Lt. Turnage communicated the order to Sgt. Gouge. Lt. Turnage advised that at the time he is unaware that Alonso is controlling and directing a group of CIs that are working for Delapaz. He personally told Delapaz again not to use the CI or pay the CI any reward money. Sgt Gouge confirmed that Lt. Turnage advised not to use the CI until after the polygraph results Note: Since the middle of September 2001, no rewards are being paid to the CI's in excess of \$ 100.00. No rewards over \$500.00 are being paid because anything over \$500.00 would require Lt. Turnage's approval. All small rewards are being paid to Ruiz. There are no rewards being paid to Alonso. Months later Lt. Turnage finds out that Ruiz is being listed as the CI instead of Alonso; Lt. Turnage states that Delapaz is circumventing his order by subterfuge.
- October 1, 2001-The Erubiel Cruz arrest occurred, carried out by Delapaz, Herrera, Sgt. Gouge et al, 20 pounds of counterfeit methamphetamine is seized. Eddie Herrera obtained the search warrant for said arrest. Note: No large reward is paid. Alonso and Ruiz are the CI's. Ruiz is the listed CI in the controlled buy and is rewarded \$100.00. Delapaz wrote a DPD buy report that indicated that Ruiz made a CI buy earlier in the day of suspected methamphetamine from Cruz for \$3,500.00. Delapaz's cell telephone records indicated that 22 calls are made to Alonso and 3 to Ruiz. In arrest report, Delapaz identifies the CIs as CI 1 and CI 2.
- October 02, 2001 – Nancy Weber faxed lab report on the Esparza analysis to ADA Gregg Long also sent to DPD.
- October 03, 2001 – Handwritten note in the Mejia file by ADA Layne Jackson. ADA Jackson advised had a conversation with Delapaz. Delapaz told her that he thought that the “Mejia dope isn't going to be good.” ADA Layne Jackson later advised that she did not know that Delapaz knew about the possibility of the Mejia dope being bad as far back as 09/13/01 when Delapaz had Nancy Weber spot check the dope. Delapaz never reported this fact to the DA's office. ADA Jackson is upset that Delapaz never told her that he had Nancy Weber spot check the Mejia dope on 09/13/01. Delapaz demonstrated that he now knows that he has another bad dope case from Alonso and that he is on the “hook” for another large (\$20K) reward. Delapaz continues to associate with and use Alonso.
- October 05, 2001 – SWIFS completed the Mejia dope analysis, 15 kilo packages of suspected drugs were tested by SWIFS. SWIFS report indicated that 9 of the kilo packages contained no controlled substance and 6 kilo packages contained a small quantity of cocaine between layers of plastic wrapping, however there was no controlled substance in the actual kilo bricks. Note: Enrique Alonso had been paid a \$20,000.00 reward, even though ADA Jackson's notes in the file jacket indicate that Daniel Alonso is the CI and did the case for “pay.”

- October 09, 2001 – ADA Layne Jackson makes handwritten note in Mejia case, that she has concerns with corroboration, spoke to Gregg Long and he advised not to try these cases for now.
- October 09, 2001 – SWIFS faxed Mejia analysis to DPD Det. C. Walker and ADA Layne Jackson.
- October 09, 2001 – At 4:00 pm Delapaz wrote DPD buy report that Ruiz made a CI buy of approx. 480 grams of methamphetamine from unknown Latin Male at 8000 Norvell # 235 for \$6,500.00. Ruiz is listed as CI and is paid \$100.00. No charges are filed in this case and no attempt ever was made to identify a suspect. Delapaz cell phone records indicate 33 calls to Alonso and 7 to Ruiz.
- October 09, 2001 – At 4: 45 pm, Delapaz and Herrera arrested Francisco Mendoza et al; Delapaz obtained a search warrant through Det. Tony Gipson. Approx. 1 kilo of real cocaine is seized along with one pound of counterfeit methamphetamine Alonso and Ruiz are the CI's. No listing of a CI number nor any reward money is paid out. Delapaz cell telephone records indicate that 33 calls made to Alonso and 7 to Ruiz.
- October 09, 2001 – SWIFS completed analysis on all 30 kilos of Gwyn dope. The kilos contained cocaine insufficient to quantitate. The report was faxed to Det. C. Walker and ADA Layne Jackson. 29 kilo bricks contained a thin layer of cocaine on top of the bricks that was insufficient to quantitate. One kilo brick contained no controlled substance.
- October 12, 2001 – Alonso is given a DPD polygraph test and passes it. Det. Jim Gallagher advised that Delapaz, and Sgt. Gouge present at the test. Sgt. Gouge and Delapaz formulate questions re: "Licea" case. Delapaz and Gouge use the term "sheetrock." Note: at the time of this polygraph test, Delapaz knew the following cases contained bad dope; Gwyn, Mejia, Esparza, Licea, Rosas, Alvarado, and Siguenza. All of these bad cases either involved Alonso or one of his associates. Det. Delapaz denied knowing about the other bad cases to Det. Gallagher. Det. Gallagher advised that if he had been advised by Delapaz or Sgt. Gouge about the other bad cases and not just the Licea case then the polygraph test questions would have been devised differently. Det. Gallagher said had he known the extent of the questionable cases then the polygraph questions would have been formulated different and the results of the polygraph would have been different. Det Gallagher was upset that he was not advised of the extent of the problem and that failure to disclose the information skewed the polygraph tests. Sgt. Gouge and Delapaz told Lt. Turnage that Alonso passed the polygraph test. Lt. Turnage advised he told Sgt. Gouge and Delapaz that they could no longer use or pay rewards to Alonso even if he had passed the polygraph. Lt. Turnage reported to Chief Martinez that Alonso had passed the polygraph test. Chief Martinez told Lt. Turnage not to use CI even if he has passed a polygraph and to keep investigating the situation. Delapaz had a



five minute telephone call to DA Long's extension at 3:13 pm, after the polygraph is given.

- October 12, 2001 – Same day as polygraph, at 3:45 pm Delapaz writes a DPD buy report that Ruiz made a CI buy at 7500 Military Pkwy. for 505 grams of suspected methamphetamine for \$6,500.00 from an unknown Latin male. No charges are ever filed. No attempt made to identify suspect or file criminal charges. Ruiz paid \$100.00. Cell phone records indicate that Delapaz called Alonso 11 times and Ruiz was called 1 time.
- October 16, 2001 – Lt. Turnage is promoted to Deputy Chief. Lt. Turnage is officially gone from Narcotics at the close of business on Friday, Oct. 19, 2001.
- October 16, 2001 – Delapaz reported on a DPD buy report that Ruiz made a CI buy of approx. 260 grams of methamphetamine for \$4,100.00 at 8000 Norvell # 235. Note: this is the second buy made at this address according to Delapaz's records. The first occurred on 10/09/01. Delapaz wrote that the drug purchase was from an unknown Latin/male. No charges were ever filed in this incident nor any attempt to identify suspect. Ruiz showed to be paid \$100.00 for purchase. Delapaz's cell phone records indicate 11 calls to Alonso and 0 to Ruiz.
- October 17 / 18, 2001 – Delapaz approached Lt. Turnage and asked for permission to use the CI (Alonso) on a methamphetamine case. Lt. Turnage advised Delapaz that Alonso could be used on "one" deal for methamphetamine "only", that Delapaz was not to arrest anyone, that the methamphetamine was to be taken straight to the lab for analysis, and no funds were to be expended for a reward to Alonso. Lt. Turnage thought it would be an opportunity to check out both Delapaz and the CI because he had concerns about both of them.
- October 18, 2001 – Estanislao Mendoza is arrested on methamphetamine charges by Delapaz and Herrera. 25 pounds of suspected methamphetamine is seized and was later found to be fake. Alonso and Ruiz are the CI's. No reward paid. This is the case that Lt. Turnage is referring to about giving permission to use Enrique Alonso but the orders were not to arrest anyone, don't pay any rewards, and to take the dope immediately to SWIFS. The suspected drugs were taken to SWIFS the next day. Delapaz had 19 cell calls with Alonso and 1 to Ruiz.
- October 19, 2001- 11:07 am Delapaz and Herrera brought a one pound package of the Estanislao Mendoza seizure to SWIFS. Ann Weaver accepts the exhibit because Weber is on vacation; she started testing at 11:44 am. Weaver tells Delapaz that the exhibit contains less than 1% of methamphetamine. Three telephone calls are made from Delapaz's cell telephone to Weaver's extension. Calls were at 9:28 am, 12:37 pm and 12:37 pm (4 min.) Weaver advised that Delapaz was very disappointed that the suspected methamphetamine was fake. Delapaz argued that his CI's said the dope was very high quality and that the CIs had gotten "really high" on the substance. Delapaz wanted to know if an individual could get high on

the seized substance, Weaver advised that she did not think so. No evidence that Delapaz notifies Dallas DA of this test and leaves Mendoza in jail charged with possession with intent to deliver meth. over 400 grams. Delapaz tells Lt. Turnage that the dope is bad. Lt. Turnage orders Delapaz not to have anything else to do with Alonso. Lt. Turnage advised that he told Delapaz that the CI (Alonso) is crooked and scamming him (Delapaz). There is no evidence that Delapaz reported the “bad dope” result to the DA’s office so appropriate action could be taken on the proper criminal charges to be filed on Mr. Mendoza. There is no other evidence that suggested that Delapaz attempted to get the rest of the Mendoza drug exhibits out to SWIFS. Delapaz continued to associate with and use Alonso as an informant.

- October 22, 2001 – This is a Monday. Lt. Craig Miller takes over the DPD Narcotics street squads that included Sgt. Gouge and Delapaz. Lt. Turnage, now Deputy Chief Turnage is officially a Deputy Chief in the patrol division.
- October 22, 2001 – Delapaz reported on a DPD buy report that Ruiz made a CI buy of approx. 244 grams of suspected methamphetamine for \$4500.00. Purchase was listed as occurring at 5972 Marine Way and the suspect is identified as Jose Mendoza. Ruiz is listed as being paid \$100.00 for the purchase. Delapaz cell telephone records indicate 19 calls to Alonso and 1 to Ruiz. Note: Although Delapaz wrote that he (Delapaz) and Herrera took Ruiz to Marine Way to purchase the drugs, evidence tag # 81737 shows that Delapaz checked the evidence into the property room and that Delapaz also field tested the drugs.
- October 23, 2001 – ADA Long has handwritten note in Esparza file “10-23-01 N Weber 7 cases 230 kilos all tested and all sheetrock.”
- October 23, 2001- Delapaz and Herrera et al do the arrest of Jose Mendoza. Approx. 9 lbs. of counterfeit methamphetamine seized along with one pound of real cocaine. Search warrant obtained by Delapaz and 2<sup>nd</sup> search warrant obtained through Det. Larry Moses by Delapaz. 2<sup>nd</sup> search warrant for a vehicle on the premises of 5972 Marine Way. Alonso is the listed CI. Roberto Gonzalez also participates in the case. The reward is paid to Alonso. Delapaz’s cell telephone records indicate 14 calls made to Alonso and 2 to Ruiz.
- October 24, 2001-Delapaz has seven minute telephone call to Weaver/Weber extension.
- October 24, 2001 – Delapaz made a DPD buy report indicating that Alonso made a CI buy of 67 grams of suspected methamphetamine at 1118 S. Haskell for \$1,900.00. Suspect is listed as a Latin male known as Romero. This is the 1<sup>st</sup> buy concerning a suspect identified as “Romero”; there will be three more to follow.

No charges ever filed in this incident. Delapaz's cell telephone records indicate 15 calls made to Alonso and 1 to Ruiz. Note: \$100.00 reward paid to Alonso. Delapaz also wrote in the buy letter that he (Delapaz) and Herrera took Alonso to the Haskell address but evidence tag #81918 indicates that Delapaz checked the evidence into the property room and also field tested the drugs. This is the first time that Alonso's name has appeared on a DPD buy letter or CI payment receipt since 09/07/2001. Delapaz never puts Alonso's name on a buy letter or payment receipt until after Lt. Turnage leaves Narcotics on 10/19/01.

- October 25, 2001 – SWIFS and DPD records indicate that Delapaz brought a 1 lb. brick of the suspected methamphetamine seized from Jose Mendoza 5972 Marine Way on 10/23/01 to Nancy Weber at SWIFS on October 25, 2001 at 9:16 am. Delapaz requested a “Rush” analysis on the exhibit. SWIFS’ records indicate that Nancy Weber on 10/25/01 checked the exhibit into the evidence vault and removed one (1) gram for lab use. Records also indicate that Weber on 10/25/01 did a preliminary color test on the substance and got a “faint” color test. Weber marked the exhibit “meth?” At 1:17 pm, Delapaz made an 11 minute cell telephone call to Nancy Weber’s office extension. Weber again confirms that the only conversations that she had with Delapaz were about “fake dope.”
- October 25, 2001 – Delapaz created DPD report that indicated that he paid Alonso \$500.00 for a search warrant on October 23, 2001 at 5972 Marine Way. Note: By not paying Alonso over \$500.00, Delapaz does not have to go to Lt. Craig Miller for approval of the reward. Delapaz also knew that Sgt. Gouge would never question him about the paying of a reward to an informant. Sgt. Gouge had standing order that a detective could pay a CI up to \$500.00 and he would approve after the fact. Lt. Miller later advised that at this point in time he had heard of a problem with a CI of the name of Alonso but that he had not associated the CI number of 2253 with Alonso. During this week, Lt. Miller advised Sgt. Gouge that he (Lt. Miller) was aware of problems with Alonso and told Sgt. Gouge do not use Alonso as a CI. Lt. Miller advised that Sgt. Gouge and Delapaz do not want to stop using Alonso but that he (Lt. Miller) orders Sgt. Gouge to stop using Alonso. Lt. Turnage had repeatedly told Delapaz not to use the Alonso. Delapaz had to wait until Lt. Turnage leaves Narcotics before he (Delapaz) can generate any paperwork with Alonso’s name on it. If one looks at Delapaz’s reports from 09/07/01 until 10/24/01 one would not know, that Alonso is continued to be used by Delapaz.
- October 25, 2001 – Delapaz created DPD buy report that indicated that Alonso made a CI buy of 80 grams of suspected methamphetamine for \$2,700.00 at 1118 S. Haskell Blvd. at 4:00 pm. Note: This 4:00 pm buy with Alonso is approx. 6 hrs. after taking the 1 lb., sample of the Jose Mendoza, dope to SWIFS and 3 hrs. after an 11 minute telephone call to SWIFS. Suspect identified as a Latin/male identified as Romero. This is the 2<sup>nd</sup> buy made with a suspect identified as “Romero.” No charges ever filed in this investigation or attempt to identify or locate the suspect. Alonso listed as the CI and is paid \$100.00 reward. Delapaz’ buy letter indicated

that he (Delapaz) and Herrera took Alonso to the location to purchase the drugs. However, the evidence was placed into the property room and field-tested by Delapaz. Delapaz's cell telephone records indicate 12 calls made to Alonso and 1 call to Ruiz.

- October 26, 2001 – SWIFS records indicate that on 10/26/2001 at approx. 11:00 am Nancy Weber completed a Gas Mass Spectrometry test of the 1 lb. exhibit of the Jose Mendoza seizure that Delapaz delivered to the lab on 10/25/01. The SWIFS report indicated that the 1 lb. exhibit contained dimethyl sulfone (a non-controlled substance) and not methamphetamine. Delapaz made an 18 minute cell telephone call to Nancy Weber's extension at 11:00 am.
- October 26, 2001 – ADA Gregg Long makes handwritten note in Licea file (Jack in the Box) that he contacted Delapaz and advised bring the video on the Licea arrest to him "ASAP." Delapaz does not bring the tape. This is Long's first of many requests. This is on a Friday and Delapaz's work record indicated that he is on duty.
- October 30, 2001- Weber completes analysis of Vega seizure. No controlled substance in any of the 24 kilogram packages. Delapaz calls Weaver/Weber extension at 11:23 and talked 5 minutes. Daniel Alonso had been approved for a \$35,000.00 reward and he was paid \$22,000.00 until the rewards were suspended on 09/04/01. Delapaz again knows that he now has another bad case and is on the hook for at least \$22,000.00 in rewards for 24 kilos of chalk. Delapaz continues to associate with the informants and make drug buys.
- October 30, 2001 – Delapaz created a DPD buy report that indicated that Ruiz made a CI buy of 252 grams of suspected methamphetamine at 4529 East Grand for \$4000.00 at 11:00 am. Suspect identified at Latin/male known as Romero. This is the third purchase from a suspect identified as "Romero." The first two with Alonso and now the third one with Ruiz. No criminal charges ever filed. Ruiz is shown to have been paid \$100.00. Delapaz' cell telephone records indicate that 28 calls were made to Ruiz and 8 to Alonso. Delapaz marks this purchase "destroy" the day he checks it into the property room, even though records indicate that he has already purchased drug exhibits from Romero on two prior occasions. Delapaz also indicated on the property tag that he field tested the substance positive for methamphetamine. From this day on, now that Delapaz has found out that the Jose Mendoza is fake on 10/26/01, Delapaz marks every exhibit purchased with Alonso or Ruiz "Destroy" on the day it is checked into the property room. There is no legitimate law enforcement reason to do this.
- October 31, 2001 – Nancy Weber faxed completed report on Vega analysis to ADA Marquita Washington. All 24 kilogram packages have no controlled substance.
- October 31, 2001- Weber completes analysis of the Santos seizure (12 packages) report faxed to ADA Marquita Washington. All exhibits contain no controlled

substance. Delapaz paid informant Daniel Cavazos \$17,000.00 in city funds on the Santos case. Delapaz now knows that he is again on the hook for the \$17,000.00 reward for 12 k's of chalk. Delapaz continued to associate and make buys with these informants.

- October 31, 2001 – SWIFS sends report to DPD that the 1 lb. of the Estanislao Mendoza contained less than 1% of methamphetamine. Mail stamped 10/31/01.
- November 01, 2001 –SWIFS faxes lab report on Estanislao Mendoza to ADA Vanita White re: the one pound brick that was submitted by Delapaz on 10/19/01.
- November 01, 2001 – Delapaz created DPD buy report that Ruiz made a CI buy of 224 grams of suspected methamphetamine for \$4000.00 at 2500 Ft. Worth Ave. Suspect identified as Latin male known as Angel. This is the first buy involving suspect identified as “Angel”; one more to follow. Ruiz paid \$100.00 reward. No criminal charges ever filed nor effort made to identify suspect. Delapaz marked the drug exhibit “destroy” on the day he placed it in DPD property room. Delapaz’ cell telephone records indicate 4 calls made to Alonso and 8 to Ruiz.
- November 01, 2001 – ADA Gregg Long has the Santos case dismissed.
- November 01, 2001 – ADA Marquita Washington has Vega case dismissed.
- November 02, 2001 – ADA Long makes a second request to Delapaz to bring the Licea video tape to him “ASAP.” Delapaz still does not bring the tape even though work records indicate that Delapaz is working and had been out doing buys on 10/30 and 11/01.
- November 5 – 8, 2001 – Lt. Miller reviewing reports from Sgt. Gouge’s squad and sees that Delapaz is still using Alonso as a CI. Lt. Miller now knows that CI # 2253 is Alonso and that a number of suspect cases are connected to Alonso. Lt. Miller tells Sgt. Gouge to stop using the CI. According to Lt. Miller, Sgt. Gouge and Delapaz did not want to stop using the CI.
- November 6, 2001 – Delapaz created a DPD buy report that Ruiz made a CI buy of 289 grams of suspected methamphetamine at 4529 East Grand for \$4,500.00 at 12:30 pm. Delapaz also shows to have made two telephone calls to SWIFS, Nancy Weber extension at 12:33 pm (1 minute) and 1:13 pm (7 minutes). The suspect in this buy is identified as Latin/male known as Romero. This is the 4<sup>th</sup> and final buy with a suspect identified as Romero. No criminal charges ever filed, nor any effort made to identify suspect even though \$13,100.00 is spent in city funds. Ruiz was paid \$100.00 for purchase. Delapaz marked drug exhibit “destroy” on the day it was submitted to DPD property room. Delapaz’s cell telephone records indicate 12 calls made to Alonso and 9 to Ruiz. Note: On this purchase, Delapaz wrote that he

(Delapaz) and Det. E. Lopez took Ruiz to East Grand to make the purchase. Det. Lopez remembered that he and his partner followed Delapaz to the location but that he had no idea who the informant was in this deal. Even though Det. Lopez and his partner Det. Hulsey were at the location during the alleged drug transaction, they never observed the drugs being purchased. Delapaz also created a DPD CI payment receipt on 11/06/01 paying Ruiz \$100.00. Det. Eddie Herrera witnessed the payment receipt although records indicate that Herrera is on a vacation day. Det. E. Lopez or Det. Hulsey were not asked by Delapaz to witness the CI payment although they were right on the scene. Delapaz also indicated that Det. Gipson field tested the substance positive for methamphetamine. Det. Gipson advised that he remembered field testing the substance for Delapaz but told Delapaz that the substance "did not test positive." Delapaz marked the evidence "destroy" the day he checked it into the property room.

- November 7, 2001 – ADA Long makes handwritten note in Licea file that he again called Delapaz and told him that if the Licea tape is not brought in by Monday 11/12/01 then the Licea case will be dismissed. Delapaz advised he was home with sick kids. DPD work records indicate that Delapaz on sick leave 11/7, 11/8, & 11/9/01. Delapaz however was on duty on the other dates that ADA Long had requested the video tape. Question: Why is Delapaz stalling on releasing the tape unless he now knows that the video tape does not match his offense report just like the Vega video?
- November 12, 2001 – Lt. Miller tells ADA Gregg Long that CI, Enrique Alonso, has been pulled from DPD service. Weber finished analysis of the Pineada case (15 kilos).
- November 12, 2001 – Delapaz created DPD buy report that Ruiz made a CI buy of 236 grams of suspected methamphetamine for \$ 4,000.00 at 3200 Ft. Worth Ave. Suspect identified as Latin male known as Angel. This is the 2<sup>nd</sup> purchase from a suspect identified as "Angel." No criminal charges ever filed nor any effort made to identify suspect. Ruiz paid \$100.00 reward. Delapaz' cell telephone records indicate 9 calls made to Alonso and 9 to Ruiz. Evidence marked "destroy" the day put into property room. Delapaz also listed himself as the field tester.
- November 12, 2001 – SWIFS completed Pineda case, 15 packages, most contain no controlled substances, and two packages contain cocaine insufficient to quantitate. Mailed "stamp" 11/20/2001. Faxed to ADA Jackson on 12/03/2001. Note: Delapaz paid Alonso \$20,000.00 in rewards on this case. Delapaz now knows that he is again on the hook for a \$20,000.00 reward for 15 kilos of fake dope. Delapaz continued to associate with and use Alonso as a CI.

- November 13, 2001 – Gregg Long met with Delapaz re: Licea case (Jack in the Box case). Delapaz states that the switch of the dope probably occurred in San Antonio and that the CI (Alonso) cannot be scamming because he is working for free. Note: Alonso is not actually working for free, he has been getting rewards since 10/25/01 from Delapaz.
- November 13, 2001 – Weber finished analysis of first batch of the Ortuno case (24 kilo seizure). The initial delivery of five kilograms to the informant has no controlled substance. Report is mail stamped 11/29/2001. Report is faxed to DA Inv. Mark Murphy 11/29/2001. Note: Delapaz paid Alonso \$35,000.00 in rewards on this case. Delapaz was physically out at SWIFS on 11/14/01 and talked to the chemist, he would have been aware of this analysis of the first 5 k's and one would have to think that if the first 5 keys are bad then the remaining 19 keys are going to be bad. Delapaz would now know that he was the hook for another \$35,000.00 reward for a load of chalk. Delapaz continued to associate with Alonso and use him on buys.
- November 14, 2001 – Delapaz and Herrera physically take the rest of the Estanislao Mendoza drugs (24 pounds) to SWIFS, met with the chemists. Delapaz calls Weaver/Weber extension three times. Weaver started the analysis that date. Delapaz makes three telephone calls to Weaver/Weber extension, 10:21 am, 10:22 am, and 10:51 am (2 min.) Note: this is the last time that Delapaz ever calls SWIFS on his cell telephone. Remember that on 11/12/01 with the analysis on the Pineda, seizure complete (15 k's) and on 11/13/01 the initial 5 keys of the Ortuna seizure is completed. Delapaz continued to use Alonso as an informant.
- November 14, 2001 – SWIFS completed analysis of Sifuentez dope, no controlled substances.
- November 15, 2001- ADA M. Lowe made handwritten note in Sifuentez file that he (Lowe) had earlier asked Delapaz for the names of the CIs in this arrest. Delapaz identified the CIs as Alonso and Ruiz. ADA Lowe further asked Delapaz if these CIs had been associated with other sheetrock cases. Delapaz advised both CIs had been involved in sheetrock cases. ADA Lowe expressed concern about the credibility of the CIs. Delapaz tells ADA Lowe that both CIs had taken a polygraph and both passed the test. Note: Ruiz never took a polygraph test. Delapaz paid out a \$3,500.00 reward to Alonso on this case as well as losing \$4,600.00 in DPD buy money. So now, Delapaz is on the hook for another \$3,500.00 reward paid to Alonso for chalk. Delapaz continued to associate with Alonso and make drug buys.
- November 15, 2001 – Anne Weaver (SWIFS) completes the analysis of the 24 pounds of the Estanislao Mendoza dope. It contained less than 1 % of methamphetamine.

- November 19, 2001 –Weber finished the rest of the Ortuno seizure (14 kilos). Most kilograms contain no controlled substances. Some contain cocaine insufficient to quantitate. The heroin exhibit contained heroin. Heroin case never filed. Mail stamped 11/29/2001.
- November 19, 2001 – Delapaz created DPD buy report that Alonso made a CI buy of 27 grams of suspected methamphetamine at 1022 Park View for \$850.00. Alonso paid \$50.00 reward. Suspect identified as Latin/male known as Max. No criminal charges ever filed, nor any attempt made to identify suspect. Delapaz’s cell telephone records indicate 7 calls made to Alonso and 2 calls to Ruiz. Delapaz marked drug exhibit “destroy” on day evidence submitted to DPD property room. Delapaz indicated on the buy letter that he (Delapaz) field tested the suspected drug exhibit.
- November 20, 2001 – Meeting at SWIFS, Lt. Miller, Sgt. Gouge, Det. Woody, other DPD Sgts, DA officials, and SWIFS officials. Discussed the field testing issue. DA officials, SWIFS chemists, and DPD Lt. Miller trying to determine how so many reported false positives for large seizures of suspected cocaine were occurring. They were exploring avenues that would suggest that there were possibly a batch of faulty field test kits or that DPD officers were not performing the field tests correctly (training issue), at this point in time DA and DPD officials were not considering that some of the DPD street squad officers were simply not performing the field test and then falsely reporting that they in fact were performing the field test, with a positive result. Note: There are at least 20 (twenty) separate seizures of suspected drugs in the year 2001 by Delapaz that have been identified by DPS Crime Lab Trace Evidence Examiners as being “suspect.” The trace evidence examiners have determined in at least 20 separate seizures connected to Delapaz where there are no “cuts or tears” in the outer plastic wrappings of the suspected drugs. The absence of any type of penetration into the tightly plastic wrapped packages of suspected drugs strongly suggests that no “field test” was being performed by the seizing officers. It should be noted that the “field test / “color test” is a very simple and highly accurate presumptive test for various controlled substances. The ampoule type field test is widely used by various law enforcement agencies throughout the nation. It is important to note that prior to the news stories of the “fake drug scandal” breaking in Dallas in 2001 that there had been no large scale reports by major law enforcement agencies of false positives occurring while testing suspected samples of cocaine. A search by FBI officials, DPS Narcotics Criminal Analyst Section, and ODV Inc.(one of the major manufacturers of the reagent pouch field test kits-used by DPD) indicated that no other major law enforcement agencies were reporting multiple problems with getting “false positives” on samples of suspected cocaine. During the time frame of 2001, there was also no reported problems from the DPD Patrol Division that uses the field test kits extensively and there were no reported problems from DPD upper level narcotic squads in the use of the test kits. Nearly all of the reported large scale



problems with false positives are all associated with Delapaz cases. Two DPD narcotics street squad supervisors that were supervisors in the street squads in the year 2001 both expressed the opinion that Delapaz and other members of his squad were simply not field testing the drugs at all and that a mindset had developed with some members of the street squads that the decision to perform or not perform a field test was not a “big deal” and that if a defendant was charged with a drug offense and later it was learned through a chemical analysis (SWIFS) that it was fake drugs the criminal charge would be reduced to delivery of a simulated controlled and little or no harm was inflicted on a defendant that they (street squad officers) had already presumed to be guilty. Both DPD street squad supervisors expressed the opinion that the field tests were so simple to operate and due to the fact that no earlier problems had been detected in the history of their use in DPD that the only logical conclusion was that Delapaz and other street squad officers were simply not performing the required field tests. Only after “the fake drug scandal” erupted did street squad officers began to say they were untrained and didn’t know how to use these simple field tests. These two DPD supervisors expressed the opinion this was simply a ploy on those particular narcotics officers part to protect themselves from possible internal complaint allegations that could result in some sort of punitive discipline action being taken against them.

- November 20, 2001 – Copy of lab analysis on the Estanislao Mendoza dope sent to DPD, mail stamped 11/20/01. By this date, Delapaz would have to now know that all of the drugs seized in the Estanislao Mendoza arrest are fake. Delapaz continued to associate with the informants and make buys.
- November 26, 2001 – Delapaz created DPD buy report that indicated that Alonso purchased 26 grams of suspected cocaine for \$ 800.00 at 5300 Columbia Av. Alonso paid \$ 50.00 reward. Suspect identified as unknown Latin/male. No criminal charges ever filed nor any attempt made to identify suspect. Note: A later analysis of the suspected cocaine revealed that substance was in fact “methamphetamine not cocaine.” This exhibit has no resemblance to cocaine in any way shape or form Said exhibit was marked “destroy “by Delapaz on the day placed in DPD property room. Delapaz wrote on evidence tag that he field tested the drug exhibit “positive for cocaine.” Delapaz’s cell telephone records indicate that 4 calls were made to Alonso and 0 to Ruiz.
- November 27, 2001 – Delapaz created DPD buy report that indicated that Ruiz purchased 67 grams of suspected methamphetamine at 1645 Ft. Worth Ave. for \$1,600.00. (Note: this is the same address that Jorge Hernandez was arrested on 09/24/01). Suspect identified as unknown Latin/male. No criminal charges ever filed, nor any attempt made to identify suspect. Ruiz paid \$100.00 reward. Delapaz marked drug exhibit “destroy” on day the evidence was placed in DPD property room, Delapaz’s cell telephone records indicate that 7 calls made to Alonso and 3 to Ruiz.

- November 27, 2001 – Delapaz and wife Catherine Delapaz began filing paperwork with the US Bankruptcy Court – Northern District of Texas – Dallas, for Chapter 7 bankruptcy. Actual filing date is December 10, 2001. Delapaz listed \$62,858.62 in unsecured debt, mostly credit card debt.
- November 28, 2001 – Fax arrived from DA’s office to DPD Lt. Miller, advising that all of the bad drug cases were Delapaz’.
- November 29, 2001 – Delapaz created DPD buy report that Alonso made a CI buy for 38 grams of suspected methamphetamine for \$1,300.00 from an unknown Latin/male at 1022 Park View. No criminal charges are ever filed in this case nor any attempt made to identify the suspect. Alonso paid \$100.00 reward. Delapaz marked drug exhibit “destroy” on day exhibit submitted to DPD property room. 6 calls to Alonso and 2 calls to Ruiz.
- November 30, 2001 – Lt. Miller advised Chief Martinez that all of the suspected “fake drug” cases are all Delapaz cases. Chief Martinez tells Lt. Miller to open an Internal Affairs investigation on Delapaz and Herrera. Delapaz and Herrera are brought before Chef Martinez who informs them of the same.
- November 30, 2001 –At 1:00 pm Delapaz created DPD buy report that Ruiz made at CI buy of 234 grams of suspected methamphetamine for \$ 3, 400.00 at 1645 Ft. Worth Ave. (Note: this is the same address that Jorge Hernandez is arrested at on 09/24/01). Suspect identified as unknown Latin/male. No criminal charges are ever filed nor any attempt to identify suspect. Ruiz paid \$100.00 reward. Delapaz marked exhibit “destroy” on day submitted to DPD property room. The main theme here is that Delapaz was not going to quit associating with these informants, quit rewarding these informants, or quit making drug buys with these informants, until he was placed on desk duty on an internal affairs investigation. No matter how many times he was advised by SWIFS that a bad drug analysis was coming back on evidence linked to Alonso or the other sub-CIs. 7 calls made to Alonso and 0 to Ruiz.
- Note – In Oct/Nov. 01, Delapaz did 14 controlled drug buys utilizing either Alonso or Ruiz, in which no criminal charges were filed, and no attempt made to identify the suspect. Delapaz expended \$46,150.00 (forty six thousand one hundred fifty dollars) in DPD funds not counting rewards paid to Alonso and Ruiz. In 9 of the 14 drug buys, Delapaz marked “destroy” on the evidence tags the day he placed the evidence into the DPD property room. Beginning on 10/30/01 and ending on 11/30/01, all evidence purchased by Delapaz was marked “destroy.” 4 drug buys were made on a suspect, identified only as “Romero” involving \$13,100.00. 2 drug buys were made on suspect identified as “Angel” involving \$8,000.00. 2 drug buys were made at the same address, 8000 Norvell #235, involving unknown Latin/male for \$10,600.00. 2 drug buys were made at the same address, 1645 Ft. Worth Ave.,

involving unknown Latin/male for \$5,000.00. 2 drug buys were made at the same address, 1022 Parkview (home address of Delapaz informant Daniel Cavazos) involving unknown Latin/male and one subject identified as "Max" for \$2,150.00. 2 drug buys were made at different addresses of unknown Latin/males for \$7,300.00. A simple review of the arrest reports involving the major seizures of fake drugs in 2001 involving Delapaz indicate that the scenarios portrayed by Delapaz are not believable. Witnesses at the arrest locations were not interviewed, large amounts of supposedly real drugs were "fronted" to unknown customers with no payment of monies, suspects not interviewed, no evidence of wealth on any part of the defendants, same scenario played over and over again such as hundreds of thousands of dollars worth of drugs being kept in an unguarded junk car at a garage. No evidence that the informants had close ties to the defendants. Most of Delapaz's arrest reports could at best be described as "fairy tales." There is no evidence that Delapaz made any attempt to earlier refer any of these major arrests to the upper level drug enforcement squads of DPD that were better equipped to handle the larger and more complex drug investigations or simply ask for assistance or guidance. The upper level enforcement squads were more accustomed to pursuing the larger and more organized drug violator and more used to employing various audio/video surveillance techniques as well as investigative avenues such as complete debriefing of violators, financial record tracking, state/federal wire intercepts, extended surveillances, analysis of telephone records, etc.

- December 03, 2001 – Internal Affairs refers case to DPD Public Integrity due to possible criminal allegations. Sgt. Gouge's squad, including Delapaz and Herrera, are taken off the street and kept in office.
- December 2001 – Delapaz is restricted to office duty and is no longer allowed to draw or expend DPD Narcotic funds. An analysis of Delapaz's DPD expense reports indicate that approx. \$429,940.00 (four hundred twenty nine thousand nine hundred forty dollars) were expended by Delapaz from Jan. 01 through Nov. 30, 2001, a total of eleven (11) months. No other detective in the entire Dallas Narcotic Division spent anything close to that amount in 2001. An analysis of Delapaz' expense reports indicate that all of these funds were allegedly expended on the Alonso group of CI's with the exception of five (5) events where Delapaz expended approx. \$1,875.00 on four other informants. A further analysis of Delapaz's daily draws and expenditures of DPD funds indicate that on least nine (9) occasions, Delapaz went into a daily negative balance when he (Delapaz) was allegedly either purchasing drugs or paying rewards to the Alonso group of informants. One would have to look suspiciously at these negative balances because the negative balances would at times amount to several hundred dollars on each occasion. If Delapaz is going into negative cash balances and Delapaz' own DPD reports are to be considered accurate then either Delapaz is using his own money to reward the informants or borrowing DPD "buy money" from other detectives because there are no records in the DPD Narcotic Division that indicated that Delapaz had sought a

reimbursement from DPD investigative funds for funds expended while in a negative cash situation. It would not be logical that a detective would be using his own funds to pay rewards to CIs when he could simply go back to the DPD narcotics office and draw additional funds instead of temporarily using his own money especially when it would amount to several hundred dollars. The fact that a detective would temporarily use his own funds is more doubtful when a financial analysis has indicated that Delapaz was having personal financial problems. It should also be noted that during 2001 Delapaz was allegedly expending huge amounts of DPD buy money on “buy walks” of evidence where no follow up investigation was conducted, no arrests carried out, no search warrants executed, and suspects were not identified. All of the rewards paid out to Alonso and his group CI’s are only witnessed by either co-workers D. Larsen or E. Herrera although other narcotic detectives and supervisors would have been readily available to serve as a witness to a CI payment. No other narcotic detectives in the entire DPD Narcotics Division including other members of Delapaz’ own street squad or other sister street squads are ever listed as a witness to any of the over one hundred rewards paid to the Alonso group of CI’s. After May 01, 2001 when D. Larsen was removed from Delapaz’s squad only E. Herrera was listed as a witness on any CI payment receipt involving Alonso and his group of sub-CI’s. Although on at least 9 (nine) occasions DPD work records indicated that Herrera was either on sick leave, compensatory time off, or on vacation when Herrera indicated that he had witnessed Delapaz pay out huge rewards to these said CIs. The total amount of rewards that Delapaz allegedly paid these informants when Herrera is either on sick leave or vacation, totaled \$79,850.00 (seventy nine thousand eight hundred fifty dollars).

- December 03, 2001 – SWIFS faxed lab report on Estanislao Mendoza to ADA Vanita White re: the 2<sup>nd</sup> submission by Delapaz on the 24 pounds of fake dope.
- December 05 – 08, 2001 – Lt. Miller reviewing Sgt. Gouge’s reports and again sees that Delapaz had been using Alonso as a CI in the month of November. Lt. Miller calls Sgt. Gouge and asked about the use of Alonso. Sgt. Gouge advised that Delapaz had misunderstood the order and thought that Alonso could be used on small deals and for “checking addresses and drug complaints.” Lt. Miller advised that he was upset that Sgt. Gouge and Delapaz were not obeying his order, so he puts the order not to use Alonso in writing and moves Alonso over to the undesirable list. Note: a check of DPD records indicate that neither Delapaz, nor any other DPD narcotic detective on the street squad, had ever been assigned a drug complaint to the addresses that Delapaz listed on the DPD buy reports submitted in October / November 2001 by Delapaz.
- Dec.01/Jan/Feb.02 – Delapaz maintained cell telephone contact with Alonso through the months of Dec. and Jan. and partly into Feb. 02. It should be noted that from Jan. 2001 through Jan. 2002 that cell telephone records indicated a total of 1,790 (one thousand seven hundred ninety ) cell telephone calls between Enrique

Alonso and Delapaz. At times Delapaz maintained cell telephone contact with Alonso even on his (Delapaz's) assigned days off, sick leave days, and holiday leaves. A review of Alonso's and the other CI's cell telephone records indicate that they (CIs) never talked to any of Delapaz's assigned partners during this time. They only communicated with Delapaz.

- Jan. 2002 – The Dallas DA's office had begun dismissing some of the questioned Delapaz cases in Sept. 01 and by Dec. 01 and into Jan. 02 had began researching and reviewing all cases involving Delapaz and the questioned CIs. By reviewing DA records, it appeared that at least 32 individuals were arrested, jailed, and indicted in 2001 that involved Delapaz and/or fake drugs. Because some of these defendants were charged with multiple drug violations it appeared that at least 45 cases were dismissed by the DA's office because of the nature or quantity of the substances discovered by lab analyses. The DA's office later dismissed at least 64 cases because of the involvement of Delapaz or Herrera in being an essential witness in the said cases.
- Jan. 2002- The Dallas office of the FBI initiated a criminal investigation of Delapaz and the listed CIs involved in the fake drug cases.
- On or about Jan. 10, 2002- DPD Det. Cathy Delapaz (Delapaz's wife) wrote a report to DPD Public Integrity Det. Kate Bernal that on or about Sept. 11, 2001 Mark Delapaz had begun to find out about the SWIFS lab analysis results on the "earlier seizures" and had been ordered by his chain of command to hand carry drugs to SWIFS.
- January 16, 2002 – On or about 01/16/01 Delapaz and Herrera placed on Administrative Time by DPD.
- June 2002- By June of 2002, the FBI had obtained federal indictments on three of the informants: Enrique Alonso, Jose Ruiz, and Reyes Roberto Gonzalez aka Reyes Roberto Rodriguez for a federal conspiracy violation against civil rights. All three informants pled guilty and agreed to cooperate in the federal investigation.
- April 2003 – The FBI and Department of Justice obtained a six-count indictment against Delapaz charging civil rights violations and false statements to the FBI.
- November 2003- Delapaz acquitted of all federal charges in a jury trial, US District Court-Dallas, TX.
- December 2003- Dallas County District Attorney Bill Hill, appointed Dan Hagood as a special prosecutor to investigate the Dallas District Attorney's Office as well as Delapaz and any other individual involved in the so called "fake drug scandal" for any state criminal violations. At Mr. Hagood's request, DA Hill requested that the

Texas Department of Public Safety assist Special Prosecutor Hagood in this investigation. Colonel Thomas Davis, Director DPS agreed to assist in the criminal investigation and assigned two narcotics investigators from the DPS Criminal Law Enforcement Division to assist Special Prosecutor Hagood.

David G. Eldridge, Sgt. 3889  
DPS Narcotics