JS 44 (Rev. 11/15)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

Autumn Renee

(b) County of Residence of First Listed Plaintiff Hidalgo
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Tammy E. Henderson Peden
7100 Regency Square Blvd, Ste 160
Houston, Texas 77036

DEFENDANTS

Felipe S. Peralez, III, Geovani Hernandez, Ramon Gonzalez, Julia Cruz, Nancy Venecia, Felecian Ramos, Mike Alaniz, Elizabeth Garza, Abelardo Gutierrez, Roel Bermea, City of LaJoya, City of Penitas

County of Residence of First Listed Defendant Hidalgo
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☒ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
42 U.S.C. § ;1983; §1985; §1986

Brief description of cause:
Plaintiff was sexually assaulted by communications officer

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND $ 5,000,000.00

CHECK YES only if demanded in complaint.
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 5-26-2016

SIGNATURE OF ATTORNEY OF RECORD Tammy E. Henderson Peden

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

AUTUMN RENEE,	§	
Plaintiff	§	
	§	
	§	
vs.	§	
	§	
	§	
FELIPE SANTIAGO PERALEZ, III	§	
GEOVANI HERNANDEZ	§	
RAMON GONZALEZ	§	**CIVIL ACTION NO. _____**
JULIA CRUZ	§	
NANCY VENECIA	§	
FELECIANO RAMOS	§	**(JURY TRIAL REQUESTED)**
MIKE ALANIZ	§	
ELIZABETH GARZA,	§	
ABELARDO GUTIERREZ	§	
ROEL BERMEA,	§	
CITY OF LA JOYA	§	
CITY OF PENITAS	§	
Defendants.	§	

I.
PLAINTIFF'S ORIGINAL COMPLAINT

COMES NOW AUTUMN RENEE, Plaintiff, complaining of FELIPE SANTIAGO PERALEZ, III, GEOVANI HERNANDEZ, RAMON GONZALEZ, JULIA CRUZ, NANCY VENECIA, MIKE ALANIZ, FELECIANO RAMOS, ELIZABETH GARZA, ABELARDO GUTIERREZ, ROEL BERMEA, CITY OF LA JOYA and CITY OF PENITAS in the nature of 42 U.S.C., §1983; 42 U.S.C. §1985; and 42 U.S.C. §1986 and in the nature of Rule 15 of the Federal Rules of Civil Procedure. Plaintiff would respectfully show as follows:

II.
PARTIES

1. Plaintiff, Autumn Renee, is a resident of Hidalgo, County, Texas.

2. Defendant Felipe Santiago Peralez, III is a former Communications Officer with La Joya Police department and may be served with process at his residence located at 1001 Tabasco Road, La Joya, Texas 78560.

3. Defendant Geovani Hernandez former Chief of Police at La Joya Police Department for the City of La Joya, Texas and may be served with process at 5140 N. Mile 4 W Weslaco, Texas 78599.

4. Defendant Ramon Gonzalez is the current Chief of Police with La Joya Police Department for the City of La Joya, Texas and may be served with process at 100 W. Expressway 83, La Joya, Texas 78560.

5. Defendant City of La Joya which may be served which may be served with process by serving the La Joya's City Administrator, Mike Alaniz at 101 N. Leo Avenue, La Joya, Texas 78560.

6. Defendant Mike Alaniz, City Administrator for The City of La Joya may be served with process by serving at 101 N. Leo Avenue, La Joya, Texas 78560.

7. Defendant Feleciano Ramos is a Sergeant with La Joya Police Department for the City of La Joya, Texas and may be served with process at 100 W. Expressway 83, La Joya, Texas 78560.

8. Defendant Julia Cruz is a Police Officer employed by the La Joya Police Department and may be served with process at 100 W. Expressway 83, La Joya, Texas 78560.

9. Defendant Nancy Venecia is a Police Officer employed by the La Joya Police Department and may be served with process at 100 W. Expressway 83, La Joya, Texas 78560.

10. Defendant Roel Bermea is the Chief of Police with Penitas Police Department for the City of Penitas, Texas and may be served with process at 1803 S. Main Street Penitas, Texas 78576.

11 Defendant Elizabeth Garza is a Police Officer, with Penitas Police Department for the City of Penitas, Texas and may be served with process at 1803 S. Main Penitas, Texas 78576.

12. Defendant Abelardo Gutierrez is a Police Officer, with Penitas Police Department for the City of Penitas, Texas and may be served with process at 1803 S. Main Penitas, Texas 78576.

13. Defendant City of Penitas may be served with process by serving the Omar Romero, Penitas City Manager's Office at 1111 S. Main Street Penitas, Texas 78576.

III.
JURISDICTION & VENUE

14. The Complaint presents federal questions pursuant to the United States Constitution, including provisions of the First, Fourth, Sixth, Eighth, Ninth and Fourteenth Amendments of the United States Constitution which are asserted pursuant to 42 U.S.C. §1983, 42 U.S.C., §1985; and 42 U.S.C. §1986 to redress plaintiff's claims of deprivation of rights, privileges, and immunities by state actors while acting in their official capacities, while acting under color of state law and employment, when such rights, privileges, and immunities are secured under the United States and Texas Constitutions, and federal laws; namely, the Federal Prison Rape Elimination Act, the American with Disabilities Act/Rehabilitation Act, and statutory laws under the Texas Penal Codes; Texas Code of Criminal Procedures; Texas Occupation Codes; the Texas Health & Safety Codes, and the procedures as set forth in the evidence gathering process of a rape/sexual assault cases and the physical and mental evaluation

of the rape/sexual assault of victims; as well as the well-established laws and decisions of the United States Supreme Court, federal courts of appeals, and district courts.

15. Sections 1983, 1985, and 1986 individually, singularly, and collectively afford a basis for any citizen to present a cognizable claim for relief not only against state actors if, as a result of state action, the citizen has been deprived of any rights, privileges, or immunities secured by the United States Constitution and/or by federal law; but, when two or more persons in any state or territory conspire or go in disguise on the highways or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of equal protection of the laws, or of equal privileges and immunities under the law; or for the purpose of preventing or hindering the constituted authorities of any state or territory from giving or securing to all persons within the state or territory the equal protection of the laws, or when any person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this Title, are about to be committed, and having power to prevent or aid in preventing the commission of same, neglects or refuses so to do, if such wrongful act is committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented.

16. Plaintiff maintains that the defendants named hereinabove, jointly and severally have deprived her of liberty interests, Due Process, Equal Protection rights, privileges and immunities secured under the First, Fourth, Sixth, Eighth, Ninth, and Fourteenth Amendments of the United States Constitution; federal and state laws; the decisions and interpretations of the laws in accordance with the United States Supreme Court, federal courts of appeals and district courts well established law prior to the complained of event, namely; the Federal Prison Rape Elimination Act, 28 C.F.R., Part 115, which provides a "Zero Tolerance of Sexual Abuse and

Sexual Harassment,: (see Public Law 108-79 September 4, 2003, 10Eighth Congress; 42 U.S.C., §15601 Prison Rape Elimination Act of 2003); Americans with Disabilities Act/Rehabilitation, §§42 U.S.C. 12101 and 29 U.S.C., 701; Texas Penal Codes, §§§39.02, 39.03, and 39.04; Texas Code of Criminal Procedures; Texas Occupation Codes, Sheriffs; Texas Health & Safety Codes.

17. While the declaratory relief provided by §1983 enables plaintiff to establish the violation of a liberty interest, due process or equal protection right, and §1985, that defendants acted in concert to deprive plaintiff of said rights, or §1986 that certain defendants having an opportunity to take corrective or preventive measures but failed to do so. Subject to and dependent upon a ruling in plaintiff's favor upon his due process or equal protection claims for defendants' failure to abide by statutes, laws, constitutional rights, privileges and immunities secured the plaintiff enacted into law by the U. S. Congress and the Texas legislature, and/or deprived plaintiff of any other rights, privileges or immunities, the principles of pendant jurisdiction are engaged for combining remedies through §§§1983, 1985, and 1986, with relief through the plaintiff's "Intentional Infliction of Emotional Distress Claim."

18. The principles of pendant jurisdiction are further engaged to accommodate to plaintiff's claim for Bad Faith. No federal question can be raised by a claim for bad faith. However, once a predicate injury in the form of a constitutional violation has been validated, this court's pendant jurisdiction permits consideration of a claim for bad faith and its concomitant remedy for monetary damages. Plaintiff's request for monetary damages springs exclusively from its Bad Faith Claim.

19. In accordance with the Federal Prison Rape Elimination Act, the Texas Penal Codes, Texas Code of Criminal Procedures, the Texas Occupation Codes, and the Texas Health & Safety Codes, plaintiff challenges the procedures, policies, and rules in which the La Joya and

Penitas City Police Departments conduct their cases involving sexual assault and rape victims and the evidence gathering for such cases in which currently involved the plaintiff.

20. The damages claimed are within the jurisdictional requirements of this Court.

21. All conditions precedent to bring this actions have occurred and/or been performed.

22. Venue is proper in the McAllen Division of the Southern District of Texas since Plaintiff's claims, including asserted federal claims, accrued in Hidalgo County, Texas and/or one or more of the Defendants resides in Hidalgo County, Texas and/or is principally located in Hidalgo County, Texas.

IV.
FACTS

23. Plaintiff was arrested by the Penitas Police Department on May 29, 2014 pursuant to a warrant issued for a misdemeanor probation violation and a failure to identify charge then transported to and booked into La Joya City Jail in La Joya, Texas pending her arraignment by Penitas Police Department.

24. While in custody and detained at the La Joya City Jail, Communications Officer Felipe Santiago Peralez, III came to plaintiff's cell and demanded that she move to the end of her cell, stating he would "make things right for her if she wanted to use the phone." Peralez began an all-night invasion of plaintiff's body, by inserting his fingers, hands, and other objects into the buttocks and vaginal areas of plaintiff's body; switching back and forth from the anus to the vaginal area; thus, forcing her to lean back further while he examined her, probing and exposing her privates as an expedition show; forced her to perform oral sex on him; forced her to masturbate him thereby humiliating plaintiff and causing embarrassment, anxiety, and causing

her to cry out in pain and fear of what was happening and what may be forthcoming, and in staunch fear of further brutal, sadistic, and invasive acts causing severe bruises, scratches, irritation, and soreness to plaintiff's vagina and anus areas repeatedly for hours, specifically 49 contacts were observed on video footage between defendant Peralez and plaintiff Autumn Renee.

25. Furthermore, defendant Peralez' actions caused plaintiff to suffer mental anguish, stress, anxiety, humiliation, fear, headaches, lack of sleep, weight loss, and mortification; due to his malicious and sadistic Excessive Use of Force, through the *deliberate indifference* to plaintiff's health, life, security, safety, and [both] physical and mental well-being through the repugnant conduct, which served no penological goal, and is extremely shocking to the conscience of mankind and without the consent of plaintiff.

26. On May 30, 2014 Lieutenant Ramon Gonzalez reviewed the video recording, questioned plaintiff Autumn Renee about the incident from the night before, obtained her statement, offered her a taco, declined her request for medical attention and released her to Penitas Police Officer Elizabeth Garza without offering her medical attention or counseling.

27. Plaintiff was escorted from her cell and taken to Lt. Ramon Gonzalez who declined plaintiff Autumn Renee's request for medical attention, despite the fact that defendant Gonzalez had full knowledge of the fact that defendant Peralez had sexually assaulted plaintiff Autumn Renee on May 29, 2014 as he viewed the video in plaintiff's presence, confirmed the sexual encounter with plaintiff, obtained her written statement and discussed the incident with other La Joya Police Officers, namely Jose Bustillos, Chief of Police Geovani Hernandez and Investigator Ortiz as verified from statements referenced in the Texas Rangers Company "D" Division File RD 2015-00053 **(See Plaintiff Exhibit 1)**

28. The record reflects that La Joya Police Department took no effort to offer plaintiff Autumn Renee medical attention on the day of the incident or any time thereafter. Defendants acted in concert in failing to investigate the incident, gather, collect or preserve evidence nor did defendant report the incident to an independent law enforcement agency.

29. On May 30, 2014, Lieutenant Ramon Gonzalez, Sergeant Ramos and Chief Geovani Hernandez viewed the video together up to the point where sexual contact is made; Chief Hernandez ordered defendant Ramon Gonzalez and defendant Sergeant Ramos to continue to view the camera system and defendant Chief Hernandez left defendant Ramon Gonzalez' office to go brief the City Administrator Mike Alaniz.

30. Chief Geovani Hernandez, Lieutenant Ramon Gonzalez, Sergeant Ramos and Mike Alaniz all of which who learned of the incident on May 30, 2014 but after learning of the incident in which plaintiff suffered throughout the long night in custody of the La Joya City Jail, and learning that she was sexually assaulted, and knowing the procedures as set forth by the Texas Legislature, each of the following city employees, namely and Chief Geovani Hernandez, Lieutenant Ramon Gonzalez, Sergeant Ramos and Mike Alaniz neglected to arrange for transport from La Joya City Jail or contact Penitas Police Department and request that plaintiff be transported to an emergency room for physical examination for the purpose of gathering evidence, as is the proper and lawful procedure conducted during investigation of any sexual assault or rape allegation in the State of Texas. [See Chapter 56 of the Texas Code of Criminal Procedure; and Chapter 57 of the Texas Family Codes, Crime Victims' Rights; Section 1701.352 of the Texas Occupations Code, Law Enforcement Officers; Texas Penal Code, Sections 22.011 "Sexual Assault," 22.021 "Aggravated Assault", and 22.04 "Injury to a Child, Elderly Individual, or Disabled Individual].

31. On December 4, 2014 while conducting a criminal investigation, Texas Ranger Robert "Bobby" Garcia learned of an alleged sexual assault that occurred inside the La Joya City Jail on May 29, 2014.

32. On December 11, 2014, Ranger Garcia met with Lieutenant Gonzalez and collected the offense report generated by Lieutenant Gonzalez on May 30, 2014, which included shorts statements from three La Joya Police Officers, an affidavit from plaintiff and copy of surveillance recorded footage of the incident which substantiate that the named defendants from La Joya Police Department were aware of the assault on plaintiff.

33. On February 3, 2015 Ranger Garcia collected a voluntary statement from Penitas Police Officer Elizabeth Garza who acknowledged that plaintiff Autumn Renee advised her that she had been sexually assaulted on May 29, 2014 during the May 30, 2014 transport from La Joya to Penitas, Texas and that she, defendant Garza had advised Officer Abelardo Gutierrez and Chief Roel Bermea of the incident but neither she nor her colleagues from Penitas Police Department offered plaintiff Autumn Renee medical attention or counseling.

34. Plaintiff stated that Officer Garza advised her that she should forget all about the incident and go on with her life, because "people come up missing all the time in the valley."

35. Furthermore, after learning of the incident in which plaintiff suffered throughout the long night in custody of the La Joya City Jail, and learning that she was sexually assaulted, and knowing the procedures as set forth by the Texas Legislature, Officer Garza neglected to transport plaintiff to an emergency room for physical examination for the purpose of gathering evidence, as is the proper and lawful procedure conducted during investigation of any sexual assault or rape allegation in the State of Texas. [See Chapter 56 of the Texas Code of Criminal Procedure; and Chapter 57 of the Texas Family Codes, Crime Victims' Rights; Section 1701.352

of the Texas Occupations Code, Law Enforcement Officers; Texas Penal Code, Sections 22.011 "Sexual Assault," 22.021 "Aggravated Assault", and 22.04 "Injury to a Child, Elderly Individual, or Disabled Individual"].

36. On March 4, 2015, Ranger Robert "Bobby" Garcia obtained a statement from La Joya Police Officer Nancy Venecia who indicated that she learned of the incident on May 30, 2014 but after learning of the incident in which plaintiff suffered throughout the long night in custody of the La Joya City Jail, and learning that she was sexually assaulted, and knowing the procedures as set forth by the Texas Legislature, Officer Venecia neglected to contact Penitas Police Department and request that plaintiff be transported to an emergency room for physical examination for the purpose of gathering evidence, as is the proper and lawful procedure conducted during investigation of any sexual assault or rape allegation in the State of Texas. [See Chapter 56 of the Texas Code of Criminal Procedure; and Chapter 57 of the Texas Family Codes, Crime Victims' Rights; Section 1701.352 of the Texas Occupations Code, Law Enforcement Officers; Texas Penal Code, Sections 22.011 "Sexual Assault," 22.021 "Aggravated Assault", and 22.04 "Injury to a Child, Elderly Individual, or Disabled Individual"].

37. On March 10, 2015, Ranger Robert "Bobby" Garcia obtained a statement from La Joya Police Officer Julia Cruz who stated that on May 30, 2014 Ramon Gonzalez directed her (Cruz) to take plaintiff to the restroom and see if plaintiff had anything to say about the incident the night before.

38. Defendant Cruz indicated that despite the fact that she spoke with plaintiff who talked to Cruz, believed they were friends, asked Cruz to promise not to say anything, stated that plaintiff had been abused before and that girls are supposed to stick together and furthermore, after learning of the incident in which plaintiff suffered throughout the long night in custody of

the La Joya City Jail, and learning that she was sexually assaulted, and knowing the procedures as set forth by the Texas Legislature, Officer Cruz neglected to transport plaintiff to an emergency room for physical examination for the purpose of gathering evidence, as is the proper and lawful procedure conducted during investigation of any sexual assault or rape allegation in the State of Texas. [See Chapter 56 of the Texas Code of Criminal Procedure; and Chapter 57 of the Texas Family Codes, Crime Victims' Rights; Section 1701.352 of the Texas Occupations Code, Law Enforcement Officers; Texas Penal Code, Sections 22.011 "Sexual Assault," 22.021 "Aggravated Assault", and 22.04 "Injury to a Child, Elderly Individual, or Disabled Individual"].

39. On May 30, 2014 Penitas Police Officer, Elizabeth Garza notified Chief Roel Bermea of what plaintiff stated defendant Peralez had done to her while in La Joya City Jail and defendant Bermea advised Garza to write a report and further stated that the La Joya Chief of Police and Captain had already contacted him.

40. Furthermore, after learning of the incident in which plaintiff suffered throughout the long night in custody of the La Joya City Jail, and learning that she was sexually assaulted, and knowing the procedures as set forth by the Texas Legislature, Chief Bermea neglected to transport plaintiff to an emergency room for physical examination for the purpose of gathering evidence, as is the proper and lawful procedure conducted during investigation of any sexual assault or rape allegation in the State of Texas. [See Chapter 56 of the Texas Code of Criminal Procedure; and Chapter 57 of the Texas Family Codes, Crime Victims' Rights; Section 1701.352 of the Texas Occupations Code, Law Enforcement Officers; Texas Penal Code, Sections 22.011 "Sexual Assault," 22.021 "Aggravated Assault", and 22.04 "Injury to a Child, Elderly Individual, or Disabled Individual"].

41. On May 30, 2014 Penitas Police Officer, Elizabeth Garza notified Sergeant Abelardo Gutierrez of what plaintiff stated defendant Peralez had done to her while in La Joya City Jail and defendant Gutierrez advised plaintiff that he had only arrested her for failure to identify herself to police and failed to offer plaintiff medical attention or inquire as to her health or welfare.

42. Furthermore, after learning of the incident in which plaintiff suffered throughout the long night in custody of the La Joya City Jail, and learning that she was sexually assaulted, and knowing the procedures as set forth by the Texas Legislature, Officer Abelardo Gutierrez neglected to transport plaintiff to an emergency room for physical examination for the purpose of gathering evidence, as is the proper and lawful procedure conducted during investigation of any sexual assault or rape allegation in the State of Texas. [See Chapter 56 of the Texas Code of Criminal Procedure; and Chapter 57 of the Texas Family Codes, Crime Victims' Rights; Section 1701.352 of the Texas Occupations Code, Law Enforcement Officers; Texas Penal Code, Sections 22.011 "Sexual Assault," 22.021 "Aggravated Assault", and 22.04 "Injury to a Child, Elderly Individual, or Disabled Individual"].

43. During the interrogation on May 30, 2014 with defendant Lieutenant Gonzalez, La Joya Chief of Police, Geovani Hernandez walked into the room approached plaintiff in an unfriendly manner, asked plaintiff what happened here in Spanish and also spoke with Chief Roel Bermea of Penitas Police Department about the incident that occurred the night before while she was detained at La Joya City Jail but never offered medical attention or conducted a wellness check.

44. Furthermore, after learning of the incident in which plaintiff suffered throughout the long night in custody of the La Joya City Jail, and learning that she was sexually assaulted,

and knowing the procedures as set forth by the Texas Legislature, La Joya Chief of Police Geovani Hernandez neglected to transport plaintiff to an emergency room for physical examination for the purpose of gathering evidence, as is the proper and lawful procedure conducted during investigation of any sexual assault or rape allegation in the State of Texas. [See Chapter 56 of the Texas Code of Criminal Procedure; and Chapter 57 of the Texas Family Codes, Crime Victims' Rights; Section 1701.352 of the Texas Occupations Code, Law Enforcement Officers; Texas Penal Code, Sections 22.011 "Sexual Assault," 22.021 "Aggravated Assault", and 22.04 "Injury to a Child, Elderly Individual, or Disabled Individual"].

45. Plaintiff has suffered physically and emotionally, and at no time, neither immediately after the sexual assault, the following day -- after the Chief of Police viewed the video tape and interviewed plaintiff regarding the sexual assault, when plaintiff advised the Penitas transporting officer, nor when plaintiff was committed to prison was plaintiff ever properly examined for physical or mental injuries caused by the sexual assault; as required in the Texas Penal Code, and the United States Congress Prison Rape Elimination Act, as well as the Texas Occupation Code, under the duties and obligations of Sheriffs to a sexual assault or rape victim.

46. Due to threats of bringing harm to plaintiff's family members coupled with the threat of imminent fear, plaintiff confided in small circle of people until she felt safe and far away from La Joya and Penitas law enforcement officials.

47. The Prison Rape Elimination Act (PREA) was enacted into law by the United States Congress because of the tremendous amount of persons being raped while serving out their prison sentences. The Act provides "Zero Tolerance" for rape and sexual assault in prisons, jails, and other institutional environments.

48. The Texas Penal Codes provides criminal offenses of persons in the State of Texas who violate these laws and commit sex acts described therein; the Texas Code of Criminal Procedures, Texas Occupation Codes and the Texas Health & Safety Codes provide state actors acting under color of their official capacities with procedures in which they are to follow to provide the victim of such crimes with protections, safeguards, and physical and mental evaluations to determine any further injuries and harm because of the committed act of rape or sexual assault and rape incidents in state or federal prisons, jails, or other institutions.

49. Also, pursuant to Title 42 of the United States Codes Annotated, §§§1983, 1985 and 1986, whether individually, singularly, collectively, and/or combined, affords plaintiff her basis to present her claims for relief and monetary damages against the state actors, as a result of their "deliberate indifference" to plaintiff's life, health, safety, security, and the rights, privileges and immunities secured her by the United States and Texas Constitutions, as well as the laws of the land.

50. The extreme and illegal assaults and body cavity searches deeply traumatized plaintiff to the extent that she is now under the care and mental evaluations of a psychologist because of the outright disregard for plaintiff's rights under the Constitutional principles that should have protected plaintiff's vested rights to privacy and her dignity. The fact that local city governments of La Joya, Texas and Penitas Texas treated a female prisoner (with a mental disability) with such blatant brutality and inhumanity should outrage contemporary society.

51. The trauma and humiliation endured by plaintiff, and the courage to seek legal recourse is a cognizable claim and should be recognized; in order to ensure that the local governments of both La Joya, Texas and Penitas, Texas, along with named defendants never

subject another prisoner with such a nightmare, and in violation of constitutionally secured rights.

V.
PLAINTIFF'S EIGHTH AMENDMENT AND DELIBERATE INDIFFERENCE CLAIMS

52. The Eighth Amendment states that "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted [U. S. Const. Amend. 8]. The United States Supreme Court has held that the use of excessive force against a prisoner is a violation of the Eighth Amendment, expounding further that "the unnecessary and wanton infliction of pain constitutes cruel and unusual punishment... forbidden by the Eighth Amendment. [Whitley vs. Albers, 475 U.S. 312, 319 (1986) (Quoting Ingraham vs. Wright, 430 U.S. 651, 670 (1977); Hudson vs. McMillan, 503 U.S. 1, 5-6 (1992)].

53. Plaintiff claims herein that defendants violated her right to be free from cruel and unusual punishment, and due process rights, by failing to follow proper procedures of the law in her sexual assault and rape, and excessive use of force.

54. Excessive use of force claims involves two prongs: (1) An objective prong that asks if the alleged wrongdoing was objectively harmful enough to establish a constitutional violation; and (2) a subjective prong under which the plaintiff mush show that "the officials acted with a sufficiently culpable state of mind." Hudson, supra, 503 U.S. at 8.

55. The objective component of an excessive force claim is "contextual and responsive to contemporary standards of decency." Id. at 8.

56. The subjective element of an excessive force claim "turns on whether force was applied in a good faith effort to maintain or restore discipline, or maliciously and sadistically for the very purpose of causing harm." Whitley 475 U.S. at 320-21.

57. Sexual abuse is repugnant to contemporary standards of decency and plaintiff's allegations of sexual assault satisfies the objective component of her Eighth Amend. Excessive use of force claim, because it has been held that the sexual assault/abuse of a prisoner by a corrections officer has no legitimate penological purpose, other than the invasion of plaintiff's bodily integrity and the sick gratification of Officer Peralez.

58. Officer Peralez' behavior was egregious, extreme, outrageous, and was designed to inflict emotional distress and cause physical harm and injury, which was left untreated, examined or evaluated by any physician and/or psychologist until at a later date.

59. Plaintiff suffered physical and mental injuries, as categorized by the Texas Penal Codes and Eighth Amendment to the United States Constitution; inasmuch as the sexual assault of her body is repugnant to the conscience of mankind. Furthermore, the Texas Penal Code, §71.02 provides that a person commits an offense if, with the intent to establish, maintain, or participate in a combination, he commits or conspires to commit one of several enumerated offenses including "sexual assault." Combination is defined as "three or more persons who collaborate in carrying on criminal activities." [Tex. Penal Code, §71.01 (a)]. In the instant matter, evidence shows that intent existed from the facts that prove the combination element; e.g. admonishing plaintiff to treat the matter as if it never happened, and the threat that people come up missing all the time in the valley, targeting both plaintiff as well as her elderly parents and young children. Such statements, admonitions, and threats were made by defendants while acting in their official capacity and under color of state law and/or employment. These acts, conduct, and threats were attempts to hinder the legal process and investigation, preventing physical and mental evidence to surface for the case of sexual assault against plaintiff, and the immediate transfer of plaintiff back to Texas Department of Criminal Justice for the parole

violation in which she was arrested for and transported to the La Joya City Jail, by the City of Penitas Police Department.

60. Multiple criminal statutes were violated by multiple officials of the La Joya and Penitas Police Departments, which establishes the requisite combination theory. Additionally, the facts, conduct and the acts of these multiple police officials conform to the theory of an "organized criminal activity" and substantiates the facts of the victim being denied her rights to the protections of health and safety, and most especially, while being incarcerated within the municipalities city police departments and under the care and supervision of public officials, and as the sole witness to the incident had informed to his/her superior officer the next morning of the sexual assault of plaintiff, and the minimizing of the events taken place for the purpose of concealing, hiding true facts of the matter, and the hindering of a legal process and investigation by making threats upon the victim and her family.

61. Pursuant to Texas Penal Code, §39.03 (a) (3), a public official commits a crime of official oppression if, while acting under color of his office or employment, he intentionally subjects another to sexual harassment; and, sexual harassment means in accordance to §39.03 (c) as "unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise of enjoyment of any right, privilege, or immunity, either explicitly or implicitly and in the instant case matter, plaintiff never provided and/or did she desire to have any sexual relations with Officer Peralez.

62. Furthermore, pursuant to the Supreme Court decision of Monell vs. N. Y. Dept. of Social Services, a municipality may only be held liable when an action taken pursuant to official

municipal policy or custom caused the constitutional violation. Monell, 98 S. Ct. 2018; Collins vs. City of Harker Heights, Tex. 112 S. Ct. 1961.

63. Plaintiff avers that the city jails of La Joya and Penitas (1) maintains policies that the jails are liable for the protection of each inmate housed in its jail, and that they must conduct investigations and provide safety and health practices; (2) each named defendant knew or should have known of the existence of such policies and customs; (3) that because of their failure to provide the safety and health protections of a mentally disabled person, which resulted in her being sexually assaulted by an improperly trained and mentally incompetent employee; thus, violating plaintiff's First, Fourth, Fifth, Sixth, Eighth, Ninth and Fourteenth Amendment rights, privileges, and immunities; and (4) the failure of the defendants in following their policies and customs of reporting, investigating, gathering of evidence; providing the necessary physical and mental evaluations to determine the amount of injuries suffered the plaintiff throughout the traumatizing and victimizing a known mentally ill person for self-gratification and pleasure because the defendants failed to make the appropriate investigations and physical/mental evaluations when hiring officer Peralez, and most especially when he had deficient work habits and possessed criminal records which resulted in plaintiff being molested, sexually abused, sexually assaulted, threatened her life, as well as the lives of her children and elderly parents if she sought recourse in the matter.

64. Pursuant to section 1701.253 of the Texas Occupation Codes, (Please see also §1701.352), the policy makers are responsible for the establishing of an educational curriculum for preparatory and advanced course and programs that include the police officers training in fields of duties for:

A. The investigation and documentation of cases that involve:

1) Child abuse or neglect.

2) Family violence; and

3) Sexual Assault.

B. Training in documentation of cases required by Subsection (b) in:

1) Making a written account of the extent of injuries sustained by the victim of an alleged offense;

2) Recording by photographing or videotape the area in which an alleged offense occurred and the victim's injuries; and;

3) Recognizing and recording a victim's statement that may be admissible as evidence in a proceeding concerning the matter about which the statement was made.

65. See also [Pistrowski vs. City of Houston, 237 F.3d 567, 578 (5th Cir. 2001)]. 5th Circuit Court of Appeals defined "official policy or custom" as: (1) A policy statement, ordinance, regulation, or decision that is officially adopted and promulgated by the municipality's lawmaking officers or by an official to whom the lawmakers have delegated policy-making authority; or, (2) A persistent, widespread practice of city officials or employees, which although not authorized by officially adopted and promulgated policy, is so common and well settled as to constitute a custom that fairly represents municipal policy. [Johnson vs. Moore, 958 F.2d 92, (5th Cir. 1992) (quoting Bennett vs. City of Slidell, 735 F. 2d 861, 862) (5th Cir. 1984)]. Here neither La Joya Police Department employees, La Joya City Administrator or Penitas Police Department employees acted in good faith and responsibility for the acts and conduct of a fellow officer, but acted with deliberate indifference to plaintiff's health, safety, physical and mental injuries suffered and endured from the hands of a fellow officer, who was inadequately hired, trained, and who had a criminal history and poor employment record; in their

attempts to cover-up and conceal facts, evidence and hinder a legal process/criminal investigation for the purpose of escaping criminal and civil liability.

66. The Fourteenth Amendment imposes at a minimum, the same duty the Eighth Amendment imposes; more precisely, that persons in custody have the established right to not have officials remain deliberately indifferent to their serious medical needs. [Wagner vs. Bay City, Texas, 227 F.3d 316 (5th Cir. 2000)]. Because of defendant Peralez' criminal acts, conduct, and the carrying out of an indecent and immoral sexual assault upon plaintiff without her consent; because the defendants, the cities of La Joya and Penitas failure to hire, train, and educate their police officers and staff in cases involving rape, sexual assault, and assault and battery, plaintiff suffered physical and mental tortures, which resulted in her personal body parts to become violated, sore and tender from the continual probing of the officer's hands, fingers and other objects; and mental inflictions of mental pains, anguish, stress, sleep deprivation, sleepless nights, nightmares caused by the event, worries for herself and her children and elderly parents who were threatened if plaintiff sought recourse by means of outside investigative agencies, e.g. the Federal Bureau of Investigation or Courts, and the lingering torments of when will she experience death or other serious bodily injury, because she told her story to someone and the filing of the instant Civil Rights action against defendants.

VI.
PLAINTIFF'S DUE PROCESS & EQUAL PROTECTION OF THE LAW CLAIM

67. The Prison Rape Elimination Act (PREA) passed by the U. S. Congress in 2003, applies to all detention facilities, including federal and state prisons, jails, police-lockups, private facilities, and immigration detention centers; and specifically recognizes that sexual assault in detention can constitute a violation of the Eighth Amendment. [42 U.S.C., §15601 (13); U. S. Const., Amend. 8]. PREA requires that facilities adopt a "Zero Tolerance" approach to this form

of abuse. Even before PREA was passed, courts agreed that rape or sexual assault of prisoners by correctional officers violate the Eighth Amendment, as well as the Fourteenth Amendment. [Farmer vs. Brennan, 511 U.S. 825 (1994)].

68. The Eighth Amendment forbids cruel and unusual punishment, and it has been interpreted to prohibit excessive use of force and guard brutality, as well as unsanitary, dangerous or overly restrictive conditions. In Hudson vs. McMillan, 503 U.S. 1 (1992), the court held that a guard's use of force violates the Eighth Amendment when it is not applied in good faith effort to maintain or restore discipline; but instead, to maliciously and sadistically cause harm.

69. Excessive force is described as meaning: "Any physical contact by a guard that is meant to cause harm, rather than keep order." [Siglar vs. Hightower, 112 F.3d 191 (5th Cir.)]. Also known as the Ku Klux Klan Act, Section 1983 was originally enacted to enforce the Fourteenth Amendment against secret, conspiratorial, and terrorist organizations, like the Ku Klux Klan, which were effectively thwarting black voter registration, jury service, and office holding after the Civil War.

70. Two provisions of the 1871 act, with derivations in current federal law found at Sections 1983 and 12984 of Title 42 of the United States Codes Annotated, provides civil remedies for the denial of constitutional rights. Section 1983 provides for damages or injunctive relief against any person who "under color of law," deprives another of any right, privilege, or immunity secured by federal law or the Constitution.

71. This is coupled with Section 1985, which provides a civil remedy against conspiracies to commit a listed series of acts, ranging from forcible interference with processes of justice to deprivation of civil or constitutional rights, particularly those protected by the

Fourteenth Amendment, [Thiboutot vs. Maine, 44i8 U.S. 1 (1980)]. The Fourteenth amendment, ratified in 1868, is the nation's most far-reaching constitutional provision on civil rights. The amendment prohibits the denial to any person of the equal protection of the laws. Following the civil war, Congress enacted several civil rights statutes to give force to the newly ratified Fourteenth amendment, to dispel any doubt as to its constitutionality. Also, the Eighth amendment protects plaintiff's right to procedural due process under the Fourteenth amendment clauses against "unnecessary and wanton infliction of pain that is inflicted by officials' abusive conduct, or authority that causes harm, and injuries that were caused intentionally, unjustifiably, brutal and offensive to human dignity.

72. Plaintiff has suffered a physical and mental injury as categorized by the Texas Penal Codes and the Eighth Amendment, as being maliciously and sadistically inflicted, which caused physical and psychological injuries when she was intentionally assaulted sexually by a public official acting under color of office/employment for the self-gratification, without the consent and/or permission of the plaintiff.

73. After seeing and reviewing the security police video the following morning of the long, nightmarish night of events in which plaintiff suffered throughout the hands, probing and embarrassments and humiliations, plaintiff was denied any proper and lawful physical and mental evaluations to determine any further injuries caused by the rapist/sexual assaulter which is common practice in accordance to penal laws and procedures of a sexual, assaultive or violent criminal offense occurrence.

74. Because of the denial of Due Process and Equal Protection of the Laws, during a criminal investigation case which involved plaintiff as being the victim in this case; the defendants failed to follow proper legal procedure in the investigation and evidence gathering

process, in which the assaulting officer was arrested and convicted on a much later date of the sexual assault of plaintiff.

75. The Fourteenth Amendment's due process and equal protection clauses limit the state's power to act, but does not place an affirmative obligation upon the state to act; it does not guarantee "certain minimal levels of safety and security." DeShaney, 489 U.S. at 195. Although the general rule is that the state has no affirmative obligation to protect its citizens from the violent acts of private individuals, it does have a duty and obligation to reasonable health, safety, security and basic human needs that violate the cruel and unusual punishment clause of the Eighth amendment; and the courts has recognized two exceptions to this rule: (1) substantive due process obligation; and, (2) procedural due process obligation.

76. Furthermore, the due process clause requires that a law be specific enough to (1) give a person of ordinary intelligence a reasonable opportunity to know what is prohibited, and (2) establish determined guidelines for law enforcement. Also, the Supreme Court has recognized that a state has a valid interest in protecting victims of sexual abuse from needless harassment, humiliation, and unnecessary invasions of privacy. [Michigan vs. Lucas, 500 U.S. 145, 150 (1991)].

77. Whatever the scope of the "rights, privileges, powers and immunities," the sexual harassment provision of the official oppression statute proscribes conduct that at minimum, contains the following elements: (1) an official's use of his official position; (2) to intentionally engage in conduct of a sexual nature or attempt to procure sexual favors; (3) which he knows is not welcomed by the recipient; intending submission to which to be a term or condition of the recipient's or another person's enjoyment of something of something of value to that person. [See Texas Penal Codes, sections 1.0007 (41) and 39.04].

78. The fourth Amendment requires a judicial determination of probable cause as a prerequisite to the invasion of an individual's right to illegal searches ad invasion of one's personal body or body parts. [U.S. Const., Amend. 4 and 14; City of Cleburne vs. Cleburne Living Center, 473 U.S. 432. 439 (1985); Plyler vs. Doe, 457 U.S. 202, 216 (1982) (Equal Protection Clause commands that no sate shall deny to any person within its jurisdiction the equal protection of the laws, which is essentially a directive to treat all similar situated persons alike)].

79. Because of the charge, conviction and sentence of defendant Peralez of the Texas Penal Code, specifically, Sec. 39.04 Violations of the Civil Rights of Person in Custody; Improper Sexual Activity with Person in Custody, any argument against him at this point would be an unnecessary extension of pages and would crowd this court's docket; therefore, plaintiff begins with all named defendants in this action.

80. The City of La Joya, Texas is a local state government entity which is operated through the election and/or appointment of commissioners who make the policies in which runs, operates in which the city jail is operated on a day-to-basis and in its policy making for the city jail the city commissioners further allocate funding to for the jail in which is used for the hiring, training, education and specialized training procedures of its police officers, as well as for the purchasing of equipment; e.g. weapons, officer safety gear, and for the safety and protection of those in which the jails incarcerate.

81. Because of the City of La Joya's policy makers deliberate indifference to the safety, security and health of the prisoners of the La Joya City Jail inmates because of its failure to adequately and sufficiently make interviews and personal criminal history investigations of the possible interviews and personal criminal history investigations of the possible officers for hire,

plaintiff suffered the direct physical and mental injuries of being sexually assaulted during an all nigh ordeal, and at the hands of an officer who has been known to have a terrible work record and criminal record. [City of Canton, 489 U.S. 378, 391-92 (1989)].

82. In the La Joya City Jail, there are several closed circuit television cameras in the jail which are linked to the monitors located in the dispatch area of the jail which are linked to the monitors located in the dispatch area of the jail for the purpose of maintain security and to monitor the safety of the jail for the purpose of maintaining security and to monitor the safety of its prisoners.

83. The jail's policy and procedure manual specifically instructs jailers to give notification to the opposite sex/gender before entering the area; and furthermore, jailers are prohibited from the removal of female prisoners without another officer's presence.

84. In the instant case matter, Officer Peralez, who was acting in his capacity as Communications Officer, when all other officers were out on patrol went into the area in which plaintiff was celled and commanded her to allow him to perform various different sexual assaults on her body, including but not limited to the insertion of his fingers, hands to other foreign objects.

85. Thereby causing severe pain and injury to plaintiff's vaginal and buttocks areas, as well as embarrassment, anxieties, stress, sleepless night augmented by recurring nightmares and fear and anxiety that the events could repeat; also, plaintiff suffered physical pain from intrusions of her vagina and buttocks, loss of weight, concern for the well-being or her children and elderly parents; due to threats made against them by defendants if plaintiff sought recourse regarding the incident, and other inadequate policies, and carrying out of policies made by the

City's Board of Commissioners for the La Joya City Jail. [Monell, 436 U.S. at 690-94; Piotrorowski vs. City of Houston, 237 F.3D 567, 578 (5TH Cir.2010)].

86. In order to hold a government entity liable for acts of a no policy making employee, the plaintiff must allege and prove that: (1) a policy or custom existed; (2) the government policy makers actually or constructively knew of its existence; (3) a constitutional violation occurred; and (4) the custom or policy served as the moving force behind the violation. [Meadowland Home for Children, Inc. vs. Gunn, 81 F.3 521, 532-33 (5th Cir. 1996)].

87. Peralez was hired upon recommendation of Chief of Police Geovani Hernandez, who allowed Peralez to work in and around the City Jail and its inmates and defendant Ramon Gonzalez placed Peralez' application into process and recommended Peralez be hired through City Administrator Mike Alaniz.

88. During the course of Peralez' employment, as a non-police officer, Mr. Peralez was instructed as to the rules, regulations and policies of jail restrictions as to the opposite sex/gender, and was provided a Jail Policy and Procedure Manual to read in its entirety to become familiar with the rules, regulations, and policies of the jail and therefore, the Chief(s), Mr. Gonzalez and Mr. Hernandez, were charged with keeping the discipline, safety, security, and training and education of the officers in and under his supervision.

89. During the actual hiring of Communications Officer Peralez, he frequently showed up later for work, performing insufficiently in his assigned duties and other work related performances. It was a well-known fact to the Chief of Police and other officers that Peralez had a lack of responsibility and obeying the laws.

90. Rather, Peralez was allowed to continue with is disobedience to his work ethics and policies of the La Joya Police Department and duties to the citizens of La Joya, Texas; and

placing others' lives in eminent danger of health, safety, life and security rights, privileges and immunities.

91. Although Peralez was discharged from duties as a dispatch officer after the instant matter was brought to the public's attention, he was placed on disciplinary report and the policy makers and the Chief of Police not once acted in accordance to policy and laws of the State of Texas and of the La Joya City Jail.

92. Specifically, Lieutenant Gonzalez informed Ranger Garcia that Perazlez was interviewed by the Chief of Police and was suspended on 5-30-2014, but Peralez submitted his resignation and no follow up investigation was ever conducted at the direction of the chief of police. Texas Rangers Company "D" Division File RD 2015-00053; Page 5 **(See Plaintiff Exhibit 1)**

93. Therefore, the City of La Joya, Texas and its Commissioners (policy makers) are liable for the injuries, sufferings, and constitutional violations committed against her by one of its employees, who created a danger [Clendon vs. City of Columbia, 258 F3 432 (5th Cir. 2001)], which because of the policy makers inadequate carrying out and ensuring the carrying out of policy increased the chances of plaintiff and others receiving such treatment from an undisciplined employees.

94. In the instant case matter, plaintiff asserts that there was a continual and deliberate indifference to her health, safety security, protection, life and that of her children and elderly parents, when the assaulting officer was allowed to continue with his pattern of unconstitutional behavior that resulted in plaintiff's being sexually molested during an all-night assault upon her body.

95. The two Chiefs of Police, Hernandez and Gonzalez knew of the existence and possibility of such indecent and immoral sexual acts being committed from the plain and obvious deficiencies of Peralez' work and criminal history but failed to take corrective and preventive measures to prevent such acts from ever occurring, when the acts were highly predictable when Peralez never received any proper training and/or disciplinary actions for his unconstitutional, unlawful, and unprofessional work habits and obeying the laws and was therefore deliberately indifferent to plaintiff's health, life, safety, security and injuries.

96. Furthermore, both Hernandez and Gonzalez denied Plaintiff her rights, privileges and immunities to the procedures set forth by the Texas Legislature in the providing of physical and mental evaluations of sexual assault victims for the purpose of gathering evidence and in evaluating the amount of injuries suffered by the victim. [See Prison Rape Elimination Act, 42 U.S.C. §15601 et. seq. (28 C.F.R., part 115); Texas Penal Codes, Chaps. 22 and 39; as well as Texas Occupations Codes]. Because of Peralez' background history while working at the La Joya City Jail, the two Chiefs of Police, as well as the City Commissioners should have concluded that Peralez was a "bad apple," and unfit to serve as a public servant and because of the inaction of both chiefs of police, the end result was that plaintiff suffered harmful sexual assault that lasted throughout the night, which was contrary to contemporary standards and human decency.

97. Furthermore, a threat was made on her live, in the form of an explicit statement that she could "come up missing;" and the threat was extended to include her blind mother, as well as plaintiff's children. Plaintiff would argue further that her claim satisfies the threshold requirements of both "deliberate indifference" and "denial of due process and equal protection;"

and asserts further that defendants acted in their official capacities, under color of state law and/or employment.

VII.
INTENTIONAL INFLICTION OF EMOTIONAL STRESS CLAIM

98. Webster's II New College Dictionary (2001 ed.) describes "horror" as meaning: (1) A strong and painful feeling of fear and repugnance. (2) Intense dislike. (3) One that causes horror. (4) Something unpleasant, disagreeable, or ugly. (5) Intense nervous depression or anxiety. [See also Estate of Trentadue vs. U. S. 560 F. Supp. 2d 1124]. In the instant case matter, plaintiff has suffered a physical and mental injury, as categorized by the Texas Penal Codes, the Eighth Amendment to the United States Constitution (as being repugnant to the conscience of mankind) from an all-night sexual assault incident upon her body by a public servant while acting under color of state law or employment.

99. Without consent of plaintiff, she was forced by the officer to remove her bathing suit bottoms where he commenced to search, probe, and insert objects into her vagina and buttocks; including his fingers, hands, and other objects, forcing her to display her vagina and buttocks for an all-night self-satisfaction.

100. Each of the defendants' action caused plaintiff to feel embarrassed, humiliated, fearful, cry and have countless nightmares, sleepless nights, anxiety, depression, worthlessness, and other forms of degradation.

101. Additionally, plaintiff fears for her life and safety, as well as the lives and safety of her loved ones and family members; more specifically, her elderly parents, and children – due to the threat that "people come up missing all the time in the valley", whereas this type of behavior is contrary to the dignity and morals of contemporary society, and shocks the conscience, in contrary to laws and rights secured by both state and federal constitutions.

102. The Eighth Amendment states that: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." [U.S. Const. Amend.8]. The supreme court has said that the use of excessive force against a prisoner can violate Eighth Amendment rights, holding that the unnecessary and wanton infliction of pain constitutes cruel and unusual punishment forbidden by the Eighth Amendment which is not a part of the prisoner's conviction. [Whitley vs. Albers, 475 U.S. 312, 319 (1986)].

103. It is plaintiff's contention and assertion that the named and titled defendants herein violated her Eighth amendment right, privilege, and immunity of being free from cruel and unusual punishments and inflictions of pain, suffering, fear of life, mental stress, emotional anxiety, and other suffering; by failing to provide the protections and safeties required of defendants, after placing plaintiff under their care and custody.

104. Not only did plaintiff suffer through an all-night ordeal of sexual abuse and assault upon her body parts, she was humiliated, horrified, and embarrassed and the matter was exacerbated by denying plaintiff procedural process of lawful police investigations into the matter, or any form of evidence gathering that would aid in substantiation of her claim, and provide evidence of her allegations.

105. The primary perpetrator of the sexual assault performed these acts and while acting under the color of state law, he was well aware that he was committing a crime; but also knew that he would not be disciplined by the chief of police, or the municipality that employed him and as such, neither he nor his superiors, nor the municipalities named are immune from legal action, punitive damages, or any other relief the court deems just.

106. Any reasonable person, would know that Officer Peralez' behavior was wrong, immoral, unjustified, and criminal and upon viewing video of his acts, his superiors and fellow

officers of two city police departments took no action to remedy the matter; not even conduct a perfunctory investigation, or facilitate a medical evaluation to determine the extent of plaintiff's mental and physical condition.

107. Fourteenth Amendment Rights provide that "no state shall deprive any person of life, liberty, or property without due process of law," [U. S. Const. amend. 14], and the United States Supreme Court in Collins vs. Harker Heights, 503 U. S. 115, 126 (1991), which held that the due process clause was intended to prevent government officials… from abusing their power, or employing it as an instrument of oppression.

108. Thus, since officials and officers in both agencies were actors in the entire process that included sexual abuse, and threatening plaintiff --rather than taking action to obtain medical attention for plaintiff's injuries, (admonishing plaintiff to just forget the matter), and giving no indication whatsoever that the initial perpetrator of the horrendous criminal act would be reprimanded or prosecuted for his illegal, immoral, and unconstitutional acts.

109. Essentially, both city governments and their agents participated in a concerted attempt to deprive plaintiff of substantive and procedural due process rights. Such blatant deprivation of plaintiff's secured constitutional rights resulted in subjecting her to physical pain and suffering, emotional and psychological trauma, and anxiety regarding the welfare of her family members; including her elderly mother, who is legally blind.

VIII.
SYNOPSIS OF PRISON RAPE AND ENACTMENT OF PRISON RAPE ELIMINATION ACT

110. The United States Congress enacted *PRISON RAPE ELIMINATION ACT* because of this country's lengthy history of prison rape and sexual assault imposed on prisoners, by both guards and inmates alike. The purpose of the act was to remove any doubt that such acts would

no longer be tolerated; essentially, making it clear that there would be "Zero Tolerance" for rapes and sexual assaults of prisoners. Additionally, federal funding for armor, equipment, vehicles, and other federally subsidized programs would also provide financial resources for training and technical assistance; in order to educate and train officials, agents and employees in the prevention of sexual assaults on prisoners. By receiving federal assistance, defendants inherently waive their right to immunity (qualified, or otherwise) when they have knowledge of the act, and fail to prevent or remedy the problem; prior to depriving plaintiff of her constitutional rights.

111. Indeed, the Texas Legislature mandated further that prison and jail officials set guidelines and policies consistent with Prison Rape Elimination Act; including, but not limited to the Texas Penal Codes, Texas Code of Criminal Procedures, Texas Occupation Codes, Texas Health & Safety Codes, Texas Rules of Civil Procedure, and Texas Rules of Evidence.

112. Relative to the instant matter, defendants displayed total disregard for both federal and state legislative enactments, criminal law, civil law, and administrative laws. As detailed above, their actions and omissions constitute absolute disregard for the very rights they were sworn to uphold, enforce, and/or prevent. Sadly, these defendants were the prime actors in engaging in precisely the type of behavior forbidden by Prison Rape Elimination Act.

IX.
BAD FAITH ANALYSIS

113. A bad faith claim does not raise a federal question. This claim rides "piggy-back" upon the constitutional rights/claims grounded in civil rights violations. Before bad faith may be considered, plaintiff must first raise a federal constitutional question through a civil rights claim. Once this constitutional claim has been resolved on the merits in plaintiff's favor, then this court's jurisdiction enables bad faith to become cognizable.

114. A Bad Faith Claim is actually directed toward the government's qualified immunity shield. Public officials enjoy protection from litigation, as they perform their duties. Every public official performing duties is imbued legally qualified immunity. If a public official violates a clearly established legal or constitutional right, this immunity may be penetrated and the government can be held liable. If the violation of a legal or constitutional right springs from bad faith judgment, the qualified immunity shield will prevail. On the contrary, if the violation springs from willful misconduct, qualified immunity will yield and the government can be held monetarily liable. In the immediate instance, defendants' actions and omission can clearly be construed as violations of willful misconduct and bad faith judgment.

115. The touchstone for determining whether the violation of legal constitutional rights springs from bad judgment, or from willful misconduct has been defined in case law as follows. Statutory or constitutional rights must be so clearly established when the acts were committed that any officer in the defendants' position would have clearly understood that he/she was under an affirmative duty to have refrained from such conduct. Plaintiff does not contend that the vast majority of individuals employed in positions similar to defendants would have acted in like fashion. Rather, the exceptional actions of a few officers who are employed Penitas Police Department and La Joya Police Department form the grounds for this claim.

116. Bad faith is more than bad judgment of negligence. It requires a *mens rea*, or mental intent, which imports a dishonest purpose or moral obliquity. This typically translates into the breach of a known duty through some motive of self-interest or ill will. Bad faith differs from the negative idea of negligence in that it contemplates an affirmative state of mind, operating with furtive design by a self-serving motive.

X.
PRAYER

(§1983 Remedies-Declaratory/Injunctive Relief)

117. **WHEREFORE**, in addition to the remedies previously requested under causes of action for Bad Faith Claims, Plaintiff further requests the following relief claim hereinafter referred to as U. S. Constitutional Claims:

118. **Declaratory relief** stipulating that these defendants violated plaintiff's rights under the First, Fourth, Sixth, Eighth, Ninth, and Fourteenth Amendments to the United States Constitution, and federal laws pursuant to Title 18 U.S.C., §241 and §242; and Title 42 U.S.C., §1983, §1985, §1986 while these defendants conspired to hinder, conceal, and prevent plaintiff from filing her constitutional claims against the arbitrary and sadistic violations which caused serious bodily injury and permanent psychological and emotional damage to plaintiff; while defendants were acting under color of state law and/or employment, when each defendant knew beyond a reasonable doubt that their actions and conduct of hindering, preventing, and concealing evidence for the purpose of preventing plaintiff from filing her civil rights complaint, and by hiring an unqualified person (Peralez) in the first place.

119. A declaration that the acts and omissions described herein violated plaintiff's rights, privileges and immunities under the First, Fourth, Sixth, Eighth' Ninth and Fourteenth Amendments to the United States Constitution, laws of both federal and state governments (the State of Texas); as well as Administrative Rules, Regulations and Policies, and Standards that govern the behavior of jail staff and officials, as promulgated in their own rules, policies, and standards that govern jails within the State of Texas.

[Plaintiff further requests a ***Jury Trial*** on all issues triable by jury is demanded.]

Bad Faith Remedies/Monetary Damages

120. **WHEREFORE**, subject to and dependent upon a ruling in Plaintiff's favor, upon one of the United States Constitutional Claims presented herein above, pursuant to §1983, plaintiff furthers the following monetary damages for Bad Faith.

121. Punitive damages in the amount of $10,000,000.00.00 against each defendant, in their official capacities, for each defendant's intentional and purposeful intent to cause and deprive plaintiff of her constitutional rights under the "Due Process and Equal Protection of the Laws Clause," when each defendant acted under color of state law and/or employment, knowing that their acts and conduct was illegal, and deprived plaintiff of the safeguards and protections guaranteed and secured under the United States Constitution.

122. Compensatory damages in the amount of $10,000,000.00 against Defendant Peralez for his intentional, purposeful, and harmful conduct, by intentionally and sadistically causing serious injury to plaintiff by sexually assaulting her, and which resulted in severe pain, suffering, and permanent psychological and emotional trauma; evinced by anxiety related to fear of future retaliatory acts which may be committed against her, her children, and/or her parents, and when any *reasonable officer* in a similar position, and acting in his individual capacity, would have known that such an act would have and could have caused serious bodily injury.

123. **Compensatory damages** against defendants Hernandez, Gonzalez, and Garza, in the amount of $10,000,000.00 each in their official capacities when knowing that an illegal, immoral, and unconstitutional act of sadistic conduct had occurred by a fellow officer, and when having an opportunity to correct, remedy, or prevent further violations from happening, failed and refused to take appropriate action. Instead, they attempted to cover-up, conceal, or otherwise hide the actions of Communications Officer Peralez; and took measures to coerce plaintiff into "forgetting the matter ever took place," and explicitly threatening plaintiff and her family by

stating that "people come up missing all the time in "The Valley." Essentially, while acting under color of state law, defendants conducted themselves with total disregard for laws that govern the rest of Texas and the United States of America.

124. **Compensatory damages** against Defendant Mike Alaniz for his duty and responsibility to ensure that only qualified candidates are hired to perform in the capacity of City of La Joya, Texas police officers and his failure to report a crime and conspire with Chief Geovani Hernandez, Lieutenant Ramon Gonzalez and Sergeant Ramos.

125. **Punitive damages** against all named defendants in the amount of $10,000,000.00, in their individual capacities.

126. **Nominal and punitive damages** in the amount of $10,000,000.00 from each defendant for the mental anguish, stress, anxiety, and fear caused by defendants, in the form of the actual sexual assault, in conjunction with the hiring of defendant Peralez, threats that followed the sexual assault, and failure to follow procedures for treatment of sexual assault victims; including (but not limited to) conducting a criminal investigation into the matter, and facilitating both medical and psychological evaluations. Plaintiff also seeks awarding of punitive damages for all acts that stemmed from defendant Peralez' acts that are repugnant to mankind, and [certainly] had no penological goal or purpose of rendering peace or maintaining disciplinary order; but rather, intended to wantonly inflict unnecessary pain and suffering upon plaintiff, by the blatant, senseless, unprovoked, and unwarranted act of sexual assault; enhanced by further humiliation and disregard for policies, procedures, and laws that apply to rape victims, contrary to the Prison Rape Elimination Act.

127. Defendants be ordered to pay all costs associated with this claim, as well as medical expenses; including but not necessarily limited to filing fees, attorney fees and expenses,

future medical treatment and hospital costs, and addressing of mental health issues arising from defendants' acts; past, present and future.

Any other relief that this court deems just and equitable under the law.

Respectfully submitted,

Tammy E. Henderson Peden
Attorney at Law
State Bar # 24037845
FID: 35242
7100 Regency Square Blvd., Suite 160
Houston, Texas 77036
Email: tpedenlaw@netscape.net
Office: 713-476-0988
Fax: 713-244-2707
ATTORNEY FOR PLAINTIFF

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Autumn Renee *Plaintiff(s)*	)	
v.	)	Civil Action No.
Felipe S. Peralez III, Geovani Hernandez, Ramon Gonzalez, Julia Cruz, Nancy Venecia, Sgt. Ramos, Mike Alaniz, Elizabeth Garza, Abelardo Gutierrez, Roel Bermea, City of LaJoya, City of Penitas *Defendant(s)*	)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Abelardo Gutierrez
1803 S. Main
Penitas, Texas 78576

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Tammy E. Henderson Peden
7100 Regency Square Blvd., Ste 160
Houston, Texas 77036

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Abelardo Gutierrez was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____, a person of suitable age and discretion who resides there, on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is designated by law to accept service of process on behalf of *(name of organization)* _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*:

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Autumn Renee

Plaintiff(s)

v.

Felipe S. Peralez III, Geovani Hernandez, Ramon Gonzalez, Julia Cruz, Nancy Venecia, Sgt. Ramos, Mike Alaniz, Elizabeth Garza, Abelardo Gutierrez, Roel Bermea, City of LaJoya, City of Penitas

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* City Of La Joya
ATTN: Mike Alaniz
101 N. Leo Avenue,
La Joya, Texas 78560

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Tammy E. Henderson Peden
7100 Regency Square Blvd., Ste 160
Houston, Texas 77036

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* City of La Joya c/o Mike Alaniz
was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____ , a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify):*

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Autumn Renee	)	
Plaintiff(s)	)	
v.	)	Civil Action No.
Felipe S. Peralez III, Geovani Hernandez, Ramon Gonzalez, Julia Cruz, Nancy Venecia, Sgt. Ramos, Mike Alaniz, Elizabeth Garza, Abelardo Gutierrez, Roel Bermea, City of LaJoya, City of Penitas	)	
Defendant(s)	)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Elizabeth Garza
1803 S. Mail
Penitas, Texas 7857

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Tammy E. Henderson Peden
7100 Regency Square Blvd., Ste 160
Houston, Texas 77036

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Elizabeth Garza
was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____ , a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify):*

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Autumn Renee

Plaintiff(s)

v.

Felipe S. Peralez III, Geovani Hernandez, Ramon Gonzalez, Julia Cruz, Nancy Venecia, Sgt. Ramos, Mike Alaniz, Elizabeth Garza, Abelardo Gutierrez, Roel Bermea, City of LaJoya, City of Penitas

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Geovani Hernandez
5140 W. Mile 4 Road
Mission, Texas 78574

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Tammy E. Henderson Peden
7100 Regency Square Blvd., Ste 160
Houston, Texas 77036

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Geovani Hernandez
was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____ , a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify):*

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Autumn Renee *Plaintiff(s)*	)	
v.	)	Civil Action No.
Felipe S. Peralez III, Geovani Hernandez, Ramon Gonzalez, Julia Cruz, Nancy Venecia, Sgt. Ramos, Mike Alaniz, Elizabeth Garza, Abelardo Gutierrez, Roel Bermea, City of LaJoya, City of Penitas *Defendant(s)*	)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Julia Cruz
100 W. Expressway 83
La Joya, Texas 78560

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Tammy E. Henderson Peden
7100 Regency Square Blvd., Ste 160
Houston, Texas 77036

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Julia Cruz
was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____ , a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify):*

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Autumn Renee *Plaintiff(s)*	)	
v.	)	Civil Action No.
Felipe S. Peralez III, Geovani Hernandez, Ramon Gonzalez, Julia Cruz, Nancy Venecia, Sgt. Ramos, Mike Alaniz, Elizabeth Garza, Abelardo Gutierrez, Roel Bermea, City of LaJoya, City of Penitas *Defendant(s)*	)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* City of Penitas
C/O Omar Romero, Penitas City Manager
1111 S. Main Street
Penitas, Texas 78576

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Tammy E. Henderson Peden
7100 Regency Square Blvd., Ste 160
Houston, Texas 77036

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* City of Penitas c/o Omar Romero
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify):*

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Autumn Renee

Plaintiff(s)

v.

Felipe S. Peralez III, Geovani Hernandez, Ramon Gonzalez, Julia Cruz, Nancy Venecia, Sgt. Ramos, Mike Alaniz, Elizabeth Garza, Abelardo Gutierrez, Roel Bermea, City of LaJoya, City of Penitas

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Ramon Gonzalez
100 W. Expressway 83
La Joya, Texas 78560

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Tammy E. Henderson Peden
7100 Regency Square Blvd., Ste 160
Houston, Texas 77036

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Ramon Gonzalez
was received by me on *(date)* _____ .

❒ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____ , a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

❒ Other *(specify):*

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Autumn Renee	)	
Plaintiff(s)	)	
v.	)	Civil Action No.
Felipe S. Peralez III, Geovani Hernandez, Ramon Gonzalez, Julia Cruz, Nancy Venecia, Sgt. Ramos, Mike Alaniz, Elizabeth Garza, Abelardo Gutierrez, Roel Bermea, City of LaJoya, City of Penitas	)	
Defendant(s)	)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Roel Bermea
1803 S. Main
Penitas, Texas 78576

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Tammy E. Henderson Peden
7100 Regency Square Blvd., Ste 160
Houston, Texas 77036

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Roel Bermea
was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____ , a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify):*

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Autumn Renee *Plaintiff(s)*	)	
v.	)	Civil Action No.
Felipe S. Peralez III, Geovani Hernandez, Ramon Gonzalez, Julia Cruz, Nancy Venecia, Feleciano Ramos Mike Alaniz, Elizabeth Garza, Abelardo Gutierrez, Roel Bermea City of LaJoya City of Penitas *Defendant(s)*	)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Feleciano Ramos
100 W. Expressway 83
La Joya, Texas 78560

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Tammy E. Henderson Peden
7100 Regency Square Blvd., Ste 160
Houston, Texas 77036

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Feleciano Ramos
was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____ , a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify):*

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Autumn Renee	)	
Plaintiff(s)	)	
v.	)	Civil Action No.
Felipe S. Peralez III, Geovani Hernandez, Ramon Gonzalez, Julia Cruz, Nancy Venecia, Sgt. Ramos, Mike Alaniz, Elizabeth Garza, Abelardo Gutierrez, Roel Bermea, City of LaJoya, City of Penitas	)	
Defendant(s)	)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Felipe Santiago Peralez, III
1001 Tabasco Road
La Joya, Texas 78560

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Tammy E. Henderson Peden
7100 Regency Square Blvd., Ste 160
Houston, Texas 77036

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Felipe Santiago Peralez, III was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____, a person of suitable age and discretion who resides there, on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is designated by law to accept service of process on behalf of *(name of organization)* _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*:

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Autumn Renee	)	
Plaintiff(s)	)	
v.	)	Civil Action No.
Felipe S. Peralez III, Geovani Hernandez, Ramon Gonzalez, Julia Cruz, Nancy Venecia, Sgt. Ramos, Mike Alaniz, Elizabeth Garza, Abelardo Gutierrez, Roel Bermea, City of LaJoya, City of Penitas	)	
Defendant(s)	)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Mike Alaniz
101 N. Leo Avenue,
La Joya, Texas 78560

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Tammy E. Henderson Peden
7100 Regency Square Blvd., Ste 160
Houston, Texas 77036

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Mike Alaniz
was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____ , a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify):*

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Autumn Renee *Plaintiff(s)*	)	
v.	)	Civil Action No.
Felipe S. Peralez III, Geovani Hernandez, Ramon Gonzalez, Julia Cruz, Nancy Venecia, Sgt. Ramos, Mike Alaniz, Elizabeth Garza, Abelardo Gutierrez, Roel Bermea, City of LaJoya, City of Penitas *Defendant(s)*	)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Nancy Venecia
100 W. Expressway 83
La Joya, Texas 78560

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Tammy E. Henderson Peden
7100 Regency Square Blvd., Ste 160
Houston, Texas 77036

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Nancy Venecia
was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____ , a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify):*

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc:

5 X 6
Counts 1 & 4

RANGER ROBERT GARCIA

TEXAS RANGERS

Company "D"

Division File RD-2015-00053

DATE 2/2/2016
A true copy I certify
LAURA HINOJOSA
District Clerk, Hidalgo County, Texas
By Deputy#26

HIDALGO COUNTY
CRIMINAL DISTRICT ATTORNEY'S OFFICE

APR 16 2015

RECEIVED
BY:

PSEUDONYM FOR SEXUAL ASSAULT SURVIVORS

Law Enforcement Agency Texas Rangers Case # RD-2015-00053

PSEUDONYM * AUTUMN RENEE

Social Security Number 450-65-4626

Real Name Cynthia Raquel Torres

Real Address 705 West A Street, Mission, Texas 78572

Real Phone # (day) 956-510-0237 (evening)

Alternate Contact Person Tammy Henderson Peden

Alternate Contact Phone (day) 832-865-3481 (evening)

*This name will be used in all public files to take the place of your real name. Your correct address and phone

---

RELEASE OF INFORMATION

To help the police with their investigation and allow payment of your expenses, you may want to give permission for specific limited release of your real name, address and phone number. Please check if you would like this

_____ rape crisis program
_____ in police investigation
_____ your medical insurance carrier
_____ Crime Victim Compensation
_____ other (specify)

Signature _____ Date 2/26/2015

FOR YOUR INFORMATION

A rape crisis program is available to you for the following services:

24-hour hotline & help in crisis

accompaniment and help with police and legal procedures

counseling

All services or confidential

Rape crisis program:

Order additional forms through the rape crisis program listed above or the Texas Department of Health, Sexual Assault Prevention and Crisis Services Program, 1100 W. 49th Street, Austin, TX 78756-3199.

T[illegible]S DEPARTMENT OF PUBLIC SAFETY
TEXAS RANGER DIVISION

REPORT OF INVESTIGATION

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

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

REPORT OWNER:	ROBERT GARCIA, RANGER 7878 , WESLACO	FILE STATUS:	ACTIVE
DIVISION:	RD-2015-00053	TYPE:	CRIMINAL
RANGER:	CA07878150220124724D		

SYNOPSIS:

1. **02/20/2015 Report Writer: ROBERT GARCIA, RANGER 7878, WESLACO**
RESTRICTED MATERIAL 03/13/2015 Approved by: 7926 RICARDO RIVERA, LT.
On Thursday, 12-04-2014, in the course of conducting a separate criminal investigation, Company "D" Texas Ranger Bobby GARCIA, learned of an alleged sexual assault that occurred inside the La Joya Police Department jail.

2. **02/20/2015 Report Writer: ROBERT GARCIA, RANGER 7878, WESLACO**
RESTRICTED MATERIAL 03/13/2015 Approved by: 7926 RICARDO RIVERA, LT.
As the investigation continued, Company "D" Texas Ranger Bobby GARCIA collected a voluntary statement from City of Penitas Police Department Officer Elizabeth GARZA.

3. **02/20/2015 Report Writer: ROBERT GARCIA, RANGER 7878, WESLACO**
RESTRICTED MATERIAL 03/13/2015 Approved by: 7926 RICARDO RIVERA, LT.
As the investigation continued, Company "D" Texas Ranger Bobby GARCIA collected a voluntary statement from La Joya Police Department Officer Jose BUSTILLOS.

4. **02/27/2015 Report Writer: ROBERT GARCIA, RANGER 7878, WESLACO**
RESTRICTED MATERIAL 03/13/2015 Approved by: 7926 RICARDO RIVERA, LT.
As the investigation continued, Company "D" Texas Ranger Bobby GARCIA interviewed and collected a written statement from AUTUMN RENEE.

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

5. **02/28/2015 Report Writer: ROBERT GARCIA, RANGER 7878, WESLACO**
RESTRICTED MATERIAL 03/13/2015 Approved by: 7926 RICARDO RIVERA, LT.
As the investigation Company "D" Texas Ranger Bobby GARCIA located and collected AUTUMN RENEES' clothing.

6. **03/05/2015 Report Writer: ROBERT GARCIA, RANGER 7878, WESLACO**
RESTRICTED MATERIAL 03/13/2015 Approved by: 7926 RICARDO RIVERA, LT.
As part of the on-going investigation, Company "D" Texas Ranger Bobby GARCIA collected a second copy of the jail video from the La Joya Police Department that depicted events on 05-29-2014.

7. **03/05/2015 Report Writer: ROBERT GARCIA, RANGER 7878, WESLACO**
RESTRICTED MATERIAL 03/13/2015 Approved by: 7926 RICARDO RIVERA, LT.
On Monday, 03-02-2015, Company "D" Texas Ranger Bobby GARCIA, as part of the investigation, requested a grand jury subpoena for the Penitas Police Department.

8. **03/06/2015 Report Writer: ROBERT GARCIA, RANGER 7878, WESLACO**
RESTRICTED MATERIAL 03/13/2015 Approved by: 7926 RICARDO RIVERA, LT.
On Monday, 03-02-2015, Company "D" Texas Ranger Bobby GARCIA, as part of the investigation, requested a grand jury subpoena for the La Joya Police Department.

9. **03/06/2015 Report Writer: ROBERT GARCIA, RANGER 7878, WESLACO**
RESTRICTED MATERIAL 03/13/2015 Approved by: 7926 RICARDO RIVERA, LT.
On Wednesday, 03-04-2015, Company "D" Texas Ranger Bobby GARCIA collected a statement from La Joya Police Officer Nancy VENECIA.

10. **03/07/2015 Report Writer: ROBERT GARCIA, RANGER 7878, WESLACO**
RESTRICTED MATERIAL 03/13/2015 Approved by: 7926 RICARDO RIVERA, LT.
On Wednesday, 03-04-2015, as the investigation continued, Company "D" Texas Ranger Bobby GARCIA acquired a video copy of the La Joya Police Department jail incident.

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

11. **03/10/2015 Report Writer: ROBERT GARCIA, RANGER 7878, WESLACO**
RESTRICTED MATERIAL 03/13/2015 Approved by: 7926 RICARDO RIVERA, LT.
On Tuesday, 03-10-2015, as the investigation continued, Company "D" Texas Ranger Bobby GARCIA interviewed La Joya Police Officer Julia CRUZ.

12. **04/01/2015 Report Writer: ROBERT GARCIA, RANGER 7878, WESLACO**
RESTRICTED MATERIAL 04/15/2015 Approved by: 7926 RICARDO RIVERA, LT.
As the investigation continued, Company "D" Texas Ranger Bobby GARCIA arrested PERALEZ without incident in La Joya, Texas.

DETAILS:

1.1 On Thursday, 12-04-2014, while conducting a separate criminal investigation, Company "D" Texas Ranger Bobby GARCIA, learned of an alleged sexual assault that occurred inside the La Joya, Hidalgo County, Police Department jail.

1.2 Ranger GARCIA contacted Lieutenant Criminal Investigator Ramon GONZALEZ, with the La Joya Police Department who confirmed the 05-29-2014 incident. Lieutenant GONZALEZ identified the suspect as Felipe Santiago PERALEZ, H/M, date of birth 09-22-1990, a communications officer for the La Joya Police Department.

GONZALEZ reported a female had been arrested by the Penitas Police Department and was booked into the La Joya City jail pending her arraignment.

1.3 The adult victim was assigned the pseudonym AUTUMN RENEE to protect her identity in accordance with Texas CCP Title 1, Chapter 57. For the purpose of this investigative report the adult victim will be referred to as AUTUMN RENEE.

1.4 On Thursday, 12-11-2014, Ranger GARCIA met with Lieutenant GONZALEZ and collected the offense report generated by

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

Lieutenant GONZALEZ, which included short statements from three La Joya police officers, an affidavit from AUTUMN RENEE and DVD-R with a copy of surveillance footage of the recorded jail incident.

Ranger GARCIA labeled the police documents as Exhibit 1.1 and the DVD-R as Exhibit 1.2

1.5 Ranger GARCIA reviewed the offense report (Exhibit 1.1) which indicated that PERALEZ was initially confronted by La Joya Police Officer Jose BUSTILLOS on 05-29-2014, just minutes before 10:00 PM, inside the female jail section area.

Officer BUSTILLOS reported that he observed PERALEZ standing in front of AUTUMN RENEE'S cell while AUTUMN RENEE had one hand on her breast and was facing PERALEZ.

PERALEZ was questioned on his reason for being inside the jail area and he responded AUTUMN RENNE was not feeling well.

1.6 Officer BUSTILLOS reported his finding to his Patrol Sergeant and the Sergeant reported the incident to Lieutenant GONZALEZ during the same night.

1.7 Lieutenant GONZALEZ reported he reviewed the jail surveillance video on 05-30-2014 and documented the events dated 05-29-2014 from 14:35 hours to 21:03 hours, of 05-29-2014.

During the evening PERALEZ was observed in the surveillance video walking into the jail area several times, making contact with AUTUMN RENEE. PERALEZ was also observed returning to his communications post to answer the radio.

1.8 Lieutenant GONZALEZ documented the beginning of possible physical contact between PERALEZ and AUTUMN RENEE from 20:48 hours to 21:03 hours.

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

1.9 The offense report listed La Joya Police Officer Julia CRUZ'S incident report which stated AUTUMN RENEE had informed her PERALEZ had grabbed her while inside the cell.

1.10 Lieutenant GONZALEZ'S report stated that he interviewed AUTUMN RENEE on 05-30-2014. AUTUMN RENEE reported PERALEZ had "touched her nipples and breasts," and made the statement that PERALEZ told her to pull her underwear down and then "put his fingers into her pussy" several times and after he "told her to grab his penis and stroke it. he left a white gooey stinky fluid in her hand".

AUTUMN RENEE reported she feared for her safety and had to do what he wanted.

1.11 Lieutenant GONZALEZ obtained a hand written affidavit from AUTUMN RENEE in which she wrote "he wanted to fuck me with my ass up, made me touch his dick and he fingered me."

1.12 Ranger GARCIA learned from Lieutenant GONZALEZ that PERALEZ was interviewed by the chief of police and was suspended on 05-30-2014, but PERALEZ submitted his resignation and no follow up investigation was ever conducted at the direction of the chief of police.

1.13 This investigation continues.

2.1 On Tuesday, 02-03-2015, Company "D" Texas Ranger Bobby GARCIA contacted Officer Elizabeth Nicole GARZA, with the Penitas Police Department in Hidalgo County.

Ranger GARCIA learned Officer GARZA had transported AUTUMN RENEE from the La Joya Police Department to Penitas for her arraignment on 05-30-2014. Officer GARZA eventually transported AUTUMN RENEE to the Hidalgo County Sheriff's Detention Center.

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

2.2 Ranger GARCIA obtained the following statement from Officer GARZA which documented AUTUMN RENEES outcry of sexual assault while inside the La Joya Police Department jail:

"Today Tuesday 02/03/2015, I am meeting with Texas Ranger Bobby Garcia in reference to information given to me by a female I had to transport from the La Joya Police Department to the Hidalgo County jail back on 05/30/2014. The female was identified as AUTUMN RENEE and had been arrested by one of our patrol officers the day before for an FTA warrant and Failure to identify herself during a traffic stop by Officer Abelardo Gutierrez. On the 29th I was on duty and I was dispatched to go by the La Joya Police Department where AUTUMN RENEE had been booked. She needed to make a make a phone call and when I arrived I noticed the male dispatcher was not inside the communications office and instead he was in the back towards the restroom area but in a different room. He appeared rather ancy and nervous and that struck me as odd especially for the dispatcher to be out of the communications office. He also was sweating a lot. I received the keys for the cell from the same dispatcher and he opened the side door so I would be able to enter the jail area. I dialed the phone number for her and gave her the phone (from the wall next to the cell) and I remember her saying to the person that she was talking to, "you need to get me out of here, you're not gona believe what just to me happened, I was raped". She repeated the same thing to the female she was talking to. After she was done with the phone call I took her out of her cell and walked her to the restroom and asked her if she was alright. She said "no I'm okay" but she appeared like she was in shock. Once I took her back to her cell I went looking for the dispatcher to give him the cell keys but he was not inside the communications office. I found him later towards the back of the building. I then asked him if she (AUTUMN RENEE) was okay because in my mind she did not look okay like when we

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

first had her over at our police department. He gave me a real quick and snappy response and said no. I told him to call us if anything came up. The next day during the afternoon I was dispatched to La Joya again to transport AUTUMN RENEE back to our police department for her arraignment and as I walked her outside I notice her shirt came over her shoulder and when I picked it up for her because she was handcuffed, AUTUMN RENEE told me "it's like that because he did it like that". But also important was that when I arrived at the La Joya Police Department, AUTUMN RENEE was not in her cell but instead she was in the Chief's office. The Chief was in his office as well as Captain Ramos and he (Captain Ramos) and Investigator Ortiz approached me and asked me if she was 10-96 by the way he (Ramos) waved his fingers. After her arraignment and as we are getting her property AUTUMN RENEE told Officer Abelardo Gutierrez, "what happened to me is because of you" and he responded by telling her "I just arrested you for the Failure to ID", and I noticed AUTUMN RENEE then dropped her head and did not say anything else. I then transported her to the Hidalgo County jail and during the trip she began to talk to me about our families. As we were close to Edinburg AUTUMN RENEE made a comment to me and said "I know you are not going to believe me", and I asked her why would you say that. She stated "because it happened before and no one takes me seriously". And then she stated "I know I made mistakes but no one deserves to have that happen to them" I asked what happened and her exact words were "I got fucked in jail". I hit the car brakes and she responded by saying, " you see". I asked her to tell me what happened and that I was not going to judge her. She stated "Ms, I'm scared and embarrassed". I turned back to look at her and noticed she had tears running down her face. AUTUMN RENN then began to tell me everything. She reported that she wanted to make a phone call and he went back to the cell area and that he said that if she wanted to make a phone call that she would be allowed to if she gave him a blow job. I said what do you

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

mean, did he get you out of the cell and she said "no he just unzipped his pants and started feeling my breasts". She reportedly told him "no I want to make a phone call". She told me she eventually gave him oral sex and that he asked her to take her pants down and that he then penetrated her vagina with his fingers". AUTUMN RENEE then began to cry and stated "I know no one is going to believe me and she started wiping her tears off her face and also said that it was just going to be swept under the rug. Once I dropped off at the county jail, I called my Sergeant and told him what AUTUMN RENEE had reported and advised him that's why she was blaming him. He did not say anything. I also contacted my chief and he instructed me to write out a report. He also informed me that the La Joya Chief and his Captain had already contacted him. (Note: I will furnish Ranger Garcia with the our report as soon as possible)." End of Statement.

Ranger GARCIA labeled GARZA'S statement as Exhibit 2.1

2.3 Ranger GARCIA obtained the offense report on AUTUMN RENEES' arrest by the Penitas Police Department for Failure to Appear and Failure to Identify charges.

The offense report was labeled as Exhibit 2.2

2.4 This investigation continues.

3.1 On Tuesday, 02-03-2015, Company "D" Texas Ranger Bobby GARCIA contacted Officer Jose BUSTILLOS, with the La Joya Police Department in Hidalgo County.

Ranger GARCIA learned Officer BUSTILLOS had discovered PERALEZ inside the La Joya Police Department jail on 05-29-2014. PERALEZ had been observed kneeling in front of AUTUMN RENEE'S jail cell.

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2).PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

3.2 Ranger GARCIA obtained the following statement from Officer BUSTILLOS:

"Today Tuesday 02/03/2015, I am meeting with Texas Ranger Bobby Garcia in regards to the incident that happened here at the La Joya Police Department in which our Communications Officer identified as Peralez was found by me in the female' s jail area. This happened on 05/29/2014. I was on patrol that evening when fellow officer Nancy Venecia sends me a text advising me to come by the Police Department because something just wasn't. When I arrived I came in through the front door and the first thing I noticed when I came into the building was that the communications office was empty. I walked into the dispatch room and used the back door to go into the jail area. Once I entered the jail area I noticed the door into the booking area was opened and that was out of the ordinary because that door is always closed for security reasons. I then saw Peralez inside the female section in front of the cell where the Penitas female prisoner was being held. Peralez was in a kneeling position facing the female prisoner and she was facing him. He was holding on to the bars of the cell and I believe she was sitting down on the concrete bench. I asked him what he was doing and he replied that the female prisoner was not feeling well. I also noticed that Peralez was nervous because of his body language. The other thing I noticed was that the female prisoner had her hand inside her blouse or shirt like she was grabbing her breast. Peralez then immediately walked out of the jail area. I walked over to where Nancy was at and told her of Peralez being inside the jail area with the female prisoner. Towards the end of the shift I had asked Peralez to run something for me, I think it was a10-28, an when he started going through the paperwork for me, I noticed that he was trembling and his hands were shaking as he tried to sort the papers for me and he also mentioned to me that he did not know that he could

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

go check on the prisoners or that he did not know that he could go in there, but his voice was like cracking or stuttering. The next day I notified my Lieutenant Gonzalez. End of my statement."

Ranger GARCIA labeled the statement as Exhibit 3.1

3.3 This investigation continues.

4.1 On Thursday, 02-26-2015, Company "D" Texas Ranger Bobby GARCIA met with AUTUMN RENEE at the Texas Department of Public Safety Office, located at 1414 N. Bicentennial Blvd., McAllen, Texas 78501.

AUTUMN RENEE was accompanied by her attorney identified as Tammy PEDEN, B/F, date of birth 09-29-1964.

4.2 AUTUMN RENEE advised Ranger GARCIA she had been released from the Texas Department of Criminal Justice in January 2015 and was nervous about meeting with Ranger GARCIA regarding the sexual assault incident that prompted her to hire an attorney to assist her.

4.3 Ranger GARCIA interviewed AUTUMN RENEE in reference to the 05-29-2014 incident.

AUTUMN RENEE acknowledged she had been sexually assaulted by the male subject working at the La Joya Police Department. She reported the male subject had repeatedly walked into the jail holding area and even though she was inside the cell, he had "fingered her vagina, put his entire hand into her vagina, fingered her ass and made her jerk him at least three times."

AUTUMN RENEE stated the suspect was able to put his hands and arms through the cell bars during the assault and had

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

directed her to walk towards the cell door where he coerced her to grab his penis and jerk him off three times and left the white fluid on her hand, referring to her left hand.

4.4 AUTUMN RENEE reported she was not offered medical attention during the next date when she was interviewed by a La Joya Police investigator.

4.5 Ranger GARCIA collected the following statement form AUTUMN RENEE:

"Today is Thursday February 26th, 2015, I am here with Texas Ranger Bobby Garcia at the Texas Department of Public Safety office, located at 1414 N. Bicentennial Blvd., in McAllen, Texas. I came in at the request of Ranger Garcia because he has been wanting to talk to me about what happened to me back during May 29th, 2014 when I was arrested in Penitas by the Penitas Police Department and then taken to the La Loya Police Department where they booked me into the city jail. I was arrested when the car I was in was stopped by a Penitas Police Officer at the Wal-Mart store parking lot. They arrested me for a probation related warrant and then taken to the La Joya Police Department for the night. I was transferred to the La Joya Police Department because there was no room at the Penitas PD. I was there in the evening and I was probably inside the jail cell for almost two hours when this guy who was appeared to be 30 years old came into the jail area. He was wearing a white and blue colored button down shirt and khaki pants. He stood in front of my cell and he began to tell me that he was married and had a kid. I really did not care or understand why he was telling me. I just wanted to go to sleep and he was just keeping me up. He continued coming in time after time and I told him I just wanted to go to sleep. He told me to pull my pants down and I refused and then I complied because I was powerless. I think I also pulled down my underwear and as I laid on the cement facing up and next to the cell window and the bars,

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

he began to touch my vagina and he then began to finger me. I had not had sex for a while, almost two years, and I was getting mad. I told him he had to be really stupid because there had to be cameras inside the building and he said he said there were no cameras. He even said he had done it before. After about the third time he came in I told him he better leave me alone and he left and then came back. He said I was pretty and he kept trying to talk to me and he then said that "I have to do what he said". I told him that whatever he says I was going to do it because I had no power, I felt powerless because he the keys to the building around his neck". I said that because I was trying to survive because I have been locked up before and I know what happens when you're in jail. I told him someone was going to walk in and he said he had the doors locked. No one came in for a long time and whenever he came back he continued. He would talk about his wife and his child and I tried to stall him by talking about the cameras and someone walking inside. He continued putting his arms through the cell and as I lay on the concrete bed, he fingered my vagina with his fingers. He also asked me one time to turn around and put my ass up in the air and he put his hand in my vagina, he actually put his entire hand into my vagina and I felt tremendous pain and pressure, I never believed that could to could be done. He then put his fingers in my ass. I was crying because he kept abusing me for hours and no one came in. At one point he got down on his knee while he was abusing me and I recall I saw a dark figure walking behind the guy that was abusing me. It was kind of like in the hallway behind the person abusing me. Later the guy asked me to stand up and walk up towards the front of the cell door and when I did he asked me to jerk him off. I jerked him off at least three times and every time he came on my hand. He came but it was not much. He also asked me to give him a blow job but I refused. After that he left me alone and it was late in the morning because I heard more activity like people were coming in. I do remember that in the

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

morning I was bleeding from my vagina and I wanted to go to the restroom. Sometime later in the morning and Officer Ramon came to my cell and I told him what happened and he took me out of the cell and walked me to his room. Once there I began to complain to him about leaving me in the cell all night with no cameras and of what happened to me. Officer Ramon, who is a big guy and was called "Chief, was very nice, gave me tacos and showed me the video from the night before. He also interviewed me and had me write a statement in my own handwriting, which is the same one you just showed me. He told me that in a week he would go to my house to talk to me again. But I told him I would probably be in prison. I asked him if I was going to the hospital to be checked but Officer Ramon said that Penitas PD was here to take me back. Before I was taken out of the La Joya PD, Officer Ramon walked me into another office and said, "I want you to meet somebody and when I asked who, he said the man who saved your life last night and who caught the guy who did the stuff to me". I got so pissed off because I put two and two together and wondered why that officer did not stop the harassment. Officer Ramon asked me to shake his hand and I did. The man I shook hands with was older, short and husky. A female officer also confronted me and asked me if I had anything to tell her but she said it with an attitude and I did not say anything to her. Another guy with a coffee cup who was called "boss" came to me and asked me " que paso aqui" (translated to "what happened here"). He was like mad at me and I did not tell him anything either because he appeared like he was not concerned. Once the female Penitas Police Officer picked me up and took me back to the Penitas PD, she allowed me to make a phone call. I called my mother and when I was telling her that I felt like I was raped, that's when the male officer took the phone away from me and hanged it up. I did not tell the Penitas Police Department about what happened because they are all corrupt. The female officer who transported me to the county jail, she was very nice and I know her because of our

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

family and I think I did tell her what happened to me. When I got to the county jail, I saw the jail doctor a week or two later and asked him for medication to help me sleep. I did not tell the doctor about the abuse but I did tell the employee who transported me to the state prison. I think my clothing is still at the county jail because my mother did not have a chance to pick it up."

Ranger GARCIA labeled the statement as Exhibit 4.1

4.6 Ranger GARCIA requested the assistance of Lieutenant Adrian RIVERA, Texas Department of Public Safety Criminal Investigative Division, to conduct a photo array on AUTUMN RENEE.

Ranger GARCIA had previously requested a photo array with PERALEZ'S image constructed in compliance with the Texas Code of Criminal Procedure, Section. 38.20, Photographing and Live Lineup Identification Procedures. The photo array was constructed by the Texas Ranger's Analytic unit.

4.7 Lieutenant RIVERA administered the photo array at 11:34 AM, 02-26-2015, in Ranger GARCIA'S office. AUTUMN RENEE advised Lieutenant RIVERA image marked #4 (PERALEZ) looked like the suspect, but added she was not absolutely certain because he was "fatter and had longer curly hair," referring to the suspect at the time of the assault.

Ranger GARCIA labeled the photo array as Exhibit 4.2

4.8 This investigation continues.

5.1 On Friday, 02-27-2015, Company "D" Texas Ranger Bobby GARCIA met with Hidalgo County Sheriff's Office Detention personnel and requested assistance in locating AUTUMN RENEE'S clothing that was left behind after she was transferred to the Texas Department of Criminal Justice.

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

5.2 Hidalgo County Sheriff's Detention Center Deputy E. MARTINEZ, H/F, date of birth 12-03-1961, located AUTUMN RENEE'S clothing in their inmate property room. The contents were contained in a sealed brown paper bag within a vinyl yellow bag along with AUTUMN RENEE'S identification.

5.3 The clothing consisted of a pair of black/yellow colored female tennis shoes, white sock, pink sock, brown colored bikini type underwear, white/black striped female bra, blue jeans and a multi-colored tank top.

Ranger GARCIA photographed, seized, and labeled the clothing as Exhibit 5.1, and secured the same at the Texas Department of Public Safety Texas Ranger office, located at 1414 N. Bicentennial Blvd., McAllen, Texas, pending submission into the Weslaco DPS Crime Lab.

5.4 Ranger GARCIA received a copy of the Hidalgo County Sheriff's Office Inmate Property Release Form, labeled as Exhibit 5.2.

Ranger GARCIA completed and issued a copy of the HQ-109 Property Inventory Report to Deputy MARTINEZ, labeled as Exhibit 5.3.

5.5 This investigation continues.

6.1 On Wednesday, 03-04-2015, Company "D" Texas Ranger Bobby GARCIA met with Special Agent Liza SOTELO, with the McAllen Federal Bureau of Investigation.

Special Agent SOTELO advised Ranger GARCIA she had acquired a copy of the jail video from the La Loya Police Department depicting the sexual incident.

6.2 The copy of the jail surveillance video was downloaded into

REPORT OF INVESTIGATION

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

a DVD-R and turned over to Special Agent SOTELO for Ranger GARCIA and primarily for evidence preservation.

Ranger GARCIA labeled the DVD-R as Exhibit 6.1 and it's accompanying property receipt form (FBI/FD-597 Form) identified as Exhibit 6.2.

6.3 Ranger GARCIA attempted to review Exhibit 6.1 but the video continuously stopped and failed to continue. (Note: Ranger GARCIA had also viewed Exhibit 1.2, the copy of the first video obtained. This video was missing a portion of the recording that did not record of the assault activity).

6.4 This investigation continues.

7.1 On Monday, 03-02-2015, Company "D" Texas Ranger Bobby GARCIA, requested a grand jury subpoena, (Exhibit 7.1), from the Hidalgo County District Attorney's Office for the Penitas Police Department.

Ranger GARCIA traveled to the City of Penitas and met with the Chief of Police Roel BERMEA, H/M, date of birth 09-12-1967. Ranger GARCIA advised Chief BERMEA of the on-going investigation and served him with the grand jury subpoena requesting all related offense reports, documents and statements pertaining to AUTUMN RENEE.

7.2 Chief BERMEA informed Ranger GARCIA he had been unable to locate the statement written by Officer GARZA (documented in report #2) and continued to search for the document. He informed Ranger GARCIA the offense report (Exhibit 2.2) provided by Officer GARZA was the only other report generated by his officers.

7.3 This investigation continues.

8.1 On Monday, 03-02-2015, Company "D" Texas Ranger Bobby

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

GARCIA, requested a grand jury subpoena, (Exhibit 8.1), from the Hidalgo County District Attorney's Office for the La Joya Police Department.

Ranger GARCIA traveled to the City of La Joya and met with Chief of Police Ramon GONZALEZ, previously identified in report #1.

8.2 Ranger GARCIA informed Chief GONZALEZ of the Ranger investigation regarding the allegations the jail incident that allegedly occurred on 05-29-2014. Ranger GARCIA requested any additional reports, pictures, and copies of the entire surveillance footage pertaining to AUTUMN RENEE'S assault and civil rights violation.

Ranger GARCIA served Chief GONZALEZ with the subpoena. Chief GONZALEZ advised Ranger GARCIA he would honor the request and comply with Exhibit 8.1.

8.3 This investigation continues.

9.1 On Wednesday, 03-04-2015, Company "D" Texas Ranger Bobby GARCIA met with La Joya Police Officer Nancy VENECIA, H/F, date of birth 09-09-1975, at the Texas Department of Public Safety building, located at 1414 N. Bicentennial Blvd., McAllen, Texas, for an interview.

Ranger GARCIA learned that Officer VENECIA was inside the police building during the reported incident but did not witness the assault.

9.2 Ranger GARCIA collected the following statement form Officer VENECIA:

"Today is Tuesday, March 4th, 2015. I'm here with Texas Ranger Bobby Garcia at the Texas Department of Public Safety office at 1414 N. Bicentennial Blvd., McAllen, Texas. I

RANGER: CA0787815022012 Div File No: STATUS: ACTIVE
TYPE: CRIMINAL RD-2015-00053 BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

came in at his request to provide a statement in reference an incident which happened at the La Joya City jail in May 29th, 2014. I heard about the incident during the next day when I came back to work and found out that our dispatcher Felipe had done something to the female inmate that had been brought in by Penitas Police. During the night before I was inside the building working on reports when I realized something odd was going on with Felipe because of the radio traffic between him and our patrol officers. I was monitoring the radio with my hand held and it seemed that the officers on the road had to repeat their traffic because Felipe kept repeating Major 10-1 which signifies static on the radio and unable to copy. I could hear the radio traffic and at one time I went to check on communications and did not find him there and thought maybe he was in the restroom. I went back to working on reports and the radio problems with Felipe and out patrol officers continued and I then contacted Officer Bustillos to come by the building and check with communications. After he arrived he reportedly found Felipe in the jail area talking with the female prisoner. He told me himself on finding Felipe talking with the inmate. I do recall I assisted the female in that she needed to use the restroom but can't recall it was before or afterwards." End of statement.

Ranger GARCIA labeled her statement as Exhibit 9.1

9.3 The investigation continues.

10.1 On Wednesday, 03-04-2015, Company "D" Texas Ranger Bobby GARCIA met with La Joya Police Chief GONZALEZ in reference to acquiring another video copy of the same jail incident.

Chief GONZALEZ handed Ranger GARCIA a DVR-R which reportedly contained the full surveillance footage of the incident depicting La Joya Police Department Communications Officer PERALEZ entering the La Joya police jail and making contact

RANGER: CA0787815022012 Div File No: STATUS: ACTIVE
TYPE: CRIMINAL RD-2015-00053 BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

with AUTUMN RENEE.

Ranger GARCIA labeled the DVD-R as Exhibit 10.1

10.2 Chief GONZALEZ handed Ranger GARCIA a CD-R which contained pictures from the same video. Ranger GARCIA labeled the CD-R as Exhibit 10.2.

Ranger GARCIA provided Chief GONZALEZ a copy of a Property Inventory Form (HQ-109) as receipt for the two exhibits and labeled the form as Exhibit 10.3.

10.3 Ranger GARCIA viewed Exhibit 10.1 which ran from 16:55:00 hours to 21:40:37 hours, and was dated 05-29-2014.

The video captured the male subject tentatively identified as PERALEZ as compared to his driver's license image, wearing dark tennis shoes, blue jeans and a dark blue pin-striped short sleeve shirt. He was clean faced and had thick short black hair and a stocky build.

Ranger GARCIA documented PERALEZ walked into the jail area and engaged with the female prisoner identified as AUTUMN RENEE, forty-nine (49) times.

10.4 PERALEZ initially engaged in conversations with AUTUMN RENEE and positioned himself in front of the cell which contained AUTUMN RENEE, placed his hands on the cell bars and faced the cell.

The video showed AUTUMN RENEE wearing gray colored jeans, a multi-colored (red, yellow, pink, blue) beach type halter-top, and dark colored bikini type underwear.

10.5 Ranger GARCIA observed and documented the following significant events noted in Exhibit 10.1 (Note: the cell had a bed/bench against the cell metal bars):

RANGER: CA0787815022012 Div File No: STATUS: ACTIVE
TYPE: CRIMINAL RD-2015-00053 BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

1. At 16:58:38 hours, PERALEZ walked into the jail area and looked into AUTUMN RENEE'S cell.
2. At 19:11:11 hours, PERALEZ walked up to AUTUMN RENEE'S cell and engaged in a conversation with her.
3. At 19:23:54 hours, AUTUMN RENEE appeared to be crying after PERALEZ walked away from the cell.
4. At 20:13:32 hours, PERALEZ returned to the cell and after a few seconds later, appeared to be grabbing his groin and gets down on one knee.
5. At 20:26:06 hours, PERALEZ returned to the cell and looked at the video camera and engaged in a conversation with AUTUMN RENEE.
6. At 20:43:40 hours after PERALEZ walked away from the cell, AUTUMN RENEE is observed removing her jeans.
7. At 20:51:09 hours, AUTUMN RENEE is laying on her back wearing dark colored bikini underwear.
8. At 20:53:18 hours, PERALEZ returned to the cell, positioned himself on one knee, inserted his hands into the cell as AUTUMN RENEE is positioned on her back with her halter top pulled up.
9. At 20:57:13 hours, PERALEZ is crouched against the cell bars with his right arm inside the cell.
10. At 20:57:34 hours, PERALEZ walked away from the cell and AUTUMN RENEE adjusted her halter top to cover her stomach area.
11. At 20:59:10 hours, PERALEZ returned to the cell and crouched against the cell bars and stuck his right arm into the cell towards AUTUMN RENEE.
12. At 21:00:28 hours, after PERALEZ walked away from the cell, AUTUMN RENEE is observed positioned on her back, wearing only dark bikini underwear and was adjusting her halter top.
13. At 21:01:10 hours, PERALEZ returned to the cell. PERALEZ and AUTUMN RENEE moved to the cell door and were facing each other.
14. At 21:05:25 hours, PERALEZ returned and positioned

RANGER: CA0787815022012 Div File No: STATUS: ACTIVE
TYPE: CRIMINAL RD-2015-00053 BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

himself on one knee and placed his right arm into the cell. He was physically grabbing/fondling AUTUMN RENEE'S buttock/pelvic area while she was on her stomach.
15. At 21:10:14 hours, PERALEZ repeated the previous event. After he walked away, AUTUMN RENEE stood up and adjusted her clothing.
16. At 21:31:25 and at 21:32:18 hours, PERALEZ and AUTUMN RENEE were standing and facing each other by the cell door.
17. At 21:37:32 hours while PERALEZ was facing AUTUMN RENEE in her cell, La Joya Police Officer BUSTILLOS walked into the jail area and confronted PERALEZ.

10.6 This investigation continues.

11.1 On Tuesday, 03-10-2015, Company "D" Texas Ranger Bobby GARCIA met with and interviewed La Joya Police Officer Julia CRUZ, H/F, date of birth 03-20-1989. The interview was conducted at the Texas Department of Public Safety building located at 1414 N. Bicentennial Blvd., in McAllen, Texas.

11.2 Ranger GARCIA asked Officer CRUZ what she remembered about the criminal act. Officer CRUZ advised she did not know any specifics, but when she was directed by an investigator to escort AUTUMN RENEE to the restroom, AUTUMN RENEE asked her not to report the things they had talked about.

11.3 Ranger GARCIA collected the following statement from Officer CRUZ;

"Today is Tuesday, March 10th, 2015. I'm here with Texas Ranger Bobby Garcia at the Texas Department of Public Safety office at 1414 N. Bicentennial Blvd., McAllen, Texas. I came in at his request to provide a statement in reference to the La Joya Police Department incident last year in May of 2014. I had been dispatched to come back to the police building because the female who had been booked into our jail by the Penitas Police Department wanted to use the

RANGER: CA0787815022012 Div File No: STATUS: ACTIVE

TYPE: CRIMINAL RD-2015-00053 BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

restroom. It was sometime in the afternoon when I walked in and I met with the investigator, I believe back then it was Lt. Ramon Gonzalez, who asked me to take her to the restroom and see if she said anything about an incident that happened the night before. I escorted her to the restroom and after she was done and came out of the restroom, she began to tell me that as girls we were to stick together and wanted to know the name of the guy who pushes the buttons, meaning inside the communications room. She repeatedly kept telling me the guy would come in through the wooden door and into the cell area. Once I placed her in her cell she continued talking to me and believed that we were friends and she kept talking to me and asked me to promise not to say anything. She stated she had kids and in the conversation she stated " as girls we are supposed to take this and I've been abused at other jails before", saying the guards from the other place would take turns with her and her friend in a bus." END OF STATEMENT.

Ranger GARCIA labeled her statement as Exhibit 11.1

11.4 This investigation continues.

12.1 On Thursday, 03-12-2015, Company "D" Texas Ranger Bobby GARCIA went before the Honorable Justice of the Peace Marcos L. OCHOA, from Precinct 3, Place 2, in Palmview, Hidalgo County, Texas with two complaints for criminal arrest warrants for PERALEZ.

12.2 Ranger GARCIA'S investigation showed PERALEZ was employed as a public servant for the City of La Joya Police Department on 05-29-2014, and while on his tour of duty as a communications officer intentionally subjected AUTUMN RENEE (PSEUDONYM) to sexual harassment.

PERALEZ made requests for oral sex and to be masturbated by AUTUMN RENEE while she was confined inside the La Joya City

RANGER: CA0787815022012 Div File No: STATUS: ACTIVE
TYPE: CRIMINAL RD-2015-00053 BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

jail.

12.3 PERALEZ also intentionally engaged in sexual contact with AUTUMN RENEE who was in custody in the same city jail, by inserting his fingers inside her vagina and anus with the intent to gratify his own sexual desires.

12.4 Ranger GARCIA obtained one criminal warrant for Official Oppression (Cause No. CR15-0244MLO), and one for Violation of the Civil Rights of Person in Custody; Improper Sexual Activity with Person in Custody (Cause No. CR15-0243MLO).

Ranger GARCIA labeled the criminal arrest warrant for Official Oppression as Exhibit 12.1.

Ranger GARCIA labeled the criminal arrest warrant for Violations of the Civil Rights of Person in Custody; Improper Sexual Activity with person in Custody as Exhibit 12.2.

12.5 On Wednesday, 03-18-2015, Ranger GARCIA returned to Justice of the Peace OCHOA'S court with two more complaints of the same accusations of Violations of the Civil Rights of Person in Custody; Improper Sexual Activity with Person in Custody.

Ranger GARCIA'S decision for additional charges were based on the times PERALEZ entered the female jail area and conducted his illegal activities during the evening of 05-29-2014.

12.6 Ranger GARCIA obtained a third criminal arrest warrant for Violations of the Civil Rights of Person in Custody; Improper Sexual Activity with Person in Custody (Cause No. CR15-0276MLO), and labeled it as Exhibit 12.3.

Ranger GARCIA also obtained a forth criminal arrest warrant for Violations of the Civil Rights of Person in Custody;

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

Improper Sexual Activity with Person in Custody (Cause No. CR15-0277MLO), and labeled it as Exhibit 12.4.

12.7 Ranger GARCIA located PERALEZ at his residence at 1000 Tabasco Road in La Joya, Texas and placed him under arrest without incident with the assistance of La Joya Police Officer Carlos ORTIZ, Unit R-4.

Ranger GARCIA transported PERALEZ to Justice of the Peace OCHOA'S office on Breyfogle Road in Palmview, Texas and conducted the post-arrest interview. The interview was conducted inside an enclosed interview room within the Precinct 3, Place 2 building.

12.8 Ranger GARCIA informed PERALEZ of the criminal arrest warrants and administered the Miranda warnings (refer to Exhibit 12.5, Warning of Rights form). Ranger GARCIA asked PERALEZ if he understood his constitutional rights and he replied that he did and Ranger GARCIA continued with the interview.

12.9 Ranger GARCIA asked PERALEZ if he wanted to talk and he nodded his head indicative of no but continued talking. A summary of PERALEZ'S statement follows:

"I really don't know what to say about this, I don't want to like huh, you say I everything I say can and will be held against me and I don't want to do this the wrong way which will make me look as terrible as possible. I just want to make sure everything is heard and felt right, exactly how it is".

12.10 Ranger GARCIA informed PERALEZ he had the option of talking and stopping any time he wanted, or he could invoke the right to an attorney. Ranger GARCIA continued with the interview and showed PERALEZ copies of pictures downloaded from the surveillance jail video (Exhibits 12.8).

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

PERALEZ claimed he did not recognize the person recorded inside the female jail area with the female inmate (AUTUMN RENEE) until he identified himself in one of the pictures alongside La Joya female Officer VENECIA.

12.11 PERALEZ stated he and the female were talking about his son, about her stories regarding the former Sheriff "Lupe" TREVINO and or the Sheriff's son trying to arrest her on some charges.

12.12 Ranger GARCIA advised PERALEZ of the accusations made by the female inmate and asked him what he and the La Joya Chief of Police talked about on the following day regarding the incident.

12.13 The summary of PERALEZ'S statement continued with the following:

"Not really I suppressed a lot, I felt like I made bad decisions. I did not hurt anyone. I did not make her do anything she made me kind of do what I did, and try to get me."

12.14 Regarding Ranger GARCIA'S question on whether she was a participant and if she had encouraged him to go inside her cell, PERALEZ replied with the following:

"Yeah she is the one that actually started it, she was trying to get me to go inside the cell with her, like stuff and talking to me, she is the one that told me to do everything that I was doing, and stuff."

PERALEZ then asked for a lawyer and Ranger GARCIA terminated the interrogation.

12.15 Ranger GARCIA asked PERALEZ for his consent to obtain

RANGER: CA0787815022012 Div File No: STATUS: ACTIVE
TYPE: CRIMINAL RD-2015-00053 BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

samples of his saliva using buccal swabs and explained the reason for collecting them. PERALEZ agreed and signed the Voluntary Consent form, labeled as Exhibit 12.6

Ranger GARCIA collected the saliva from inside his cheek area using four buccal swabs and labeled them as Exhibit 12.7

The post-arrest interview and collection of the buccal swabs were recorded by Ranger GARCIA (audio/visual) and later downloaded onto a DVD-R and labeled as Exhibit 12.8

12.16 Ranger GARCIA walked PERALEZ into Judge OCHOA'S courtroom for his arraignment. Judge OCHOA set a bond of $3000 for the charge of Official Oppression and individual bonds of $10,000 for each one of the Violations of the Civil Rights of Person in Custody; Improper Sexual Activity with Person in Custody.

PERALEZ was remanded to the Hidalgo County Sheriff's office Detention Center in lieu of bond.

12.17 Ranger GARCIA transported PERALEZ to the Hidalgo County Detention Center and transferred custody of PERALEZ over to the detention staff (Refer to Exhibit 12.9, DPS Jail Receipt and Hidalgo County Booking Report).

12.18 On Friday, 03-20-2015, Ranger GARCIA submitted Exhibits 5.1 (victim's clothing) and 12.7 (buccal swabs) into the Weslaco DPS Crime Laboratory for examination, analysis, and comparison under Lab Submission Report #WES-1503-00991.

Ranger GARCIA labeled the laboratory report as Exhibit 12.10

12.19 This investigation continues.

PHYSICAL DESCRIPTION:

1.1 Felipe Santiago PERALEZ H/M 09/22/1990 24 yoa

RANGER: CA0787815022012 Div File No: STATUS: ACTIVE

TYPE: CRIMINAL RD-2015-00053 BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

Hair: Black Eyes: Brown Weight: 210 Height: 5' 6"

SSN: 631-18-5601 SID: DL/ID: 35833631 TX US

AKA:

Home : 1000 Tabasco Road
La Joya, TX 78560 US

Work :

7.1 CUSTODIAN OF RECORDS / 0 yoa (Juvenile)

Hair: Eyes: Weight: 0 Height: 0' 0"

SSN: SID: DL/ID:

AKA:

Home :

Work : Penitas Police Department
1 Mile South FM 1427 Road
Penitas, TX 78576 US
(956) 583-0500

8.1 CUSTODIAN OF RECORDS / 0 yoa (Juvenile)

Hair: Eyes: Weight: 0 Height: 0' 0"

SSN: SID: DL/ID:

AKA:

Home :

Work : La Joya Police Department
100 W. Expressway 83
La Joya, TX 78560 US
(956) 585-4855

OFFENSES

1.1
1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS, Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

1.2
1. OFFICIAL OPPRESSION 39.03(a) PC MA
2. HIDALGO COUNTY, LA JOYA, TX, US

RANGER: CA0787815022012 Div File No: STATUS: ACTIVE
TYPE: CRIMINAL RD-2015-00053 BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

3. AUTUMN RENEE
4. 05/29/2014 (Thursday)

7.1
1. SUBPOENA SERVICE
2. HIDALGO COUNTY, PENITAS, TX, US
3. STATE OF TEXAS
4. 03/02/2015 (Monday)

8.1
1. SUBPOENA SERVICE
2. HIDALGO COUNTY, LA JOYA, TX, US
3. STATE OF TEXAS
4. 03/02/2015 (Monday)

12.1
1. OFFICIAL OPPRESSION 39.03(a) PC MA
2. HIDALGO COUNTY, LA JOYA, TX, US
3. STATE OF TEXAS
4. 05/29/2014 (Thursday)

12.2
1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

12.3
1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

12.4
1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

Charges Filed/Services Performed:

7.1 SUBPOENA SERVICE
Offense: 7.1 Physical Desc: 7.1

Person Chg: CUSTODIAN OF RECORDS /
Issued Date: 03/02/2015 Method: SUBPOENA SERVICE
Arrest Date: Warrant #:

RANGER: CA0787815022012 Div File No: STATUS: ACTIVE

TYPE: CRIMINAL RD-2015-00053 BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

Issued by: Hidalgo County Grand Jury Location: Hidalgo County, Edinburg
Court:

Disp Date: 03/02/2015 Years Sentenced: 0 Death ☐ Life ☐
Disp Type: SUBPOENA SERVED Months Sentenced: 0 Fine: $0.00
Judge: Days Sentenced: 0 Restitution: $0.00
Court: Other:
Location:

12.1 OFFICIAL OPPRESSION 39.03(a) PC MA

Offense: 12.1 Physical Desc: 1.1

Person Chg: Felipe Santiago PERALEZ H/M 9/22/1990
Issued Date: 03/12/2015 Method: WARRANT ISSUED
Arrest Date: 03/18/2015 Warrant #: CR15-0244MLO
Issued by: Justice of the Peace Marcos OCHOA Location: Hidalgo County, Palmview
Court: Hidalgo County Pct. 3 Pl. 2

Disp Date: Years Sentenced: 0 Death ☐ Life ☐
Disp Type: Months Sentenced: 0 Fine: $0.00
Judge: Days Sentenced: 0 Restitution: $0.00
Court: Other:
Location:

12.2 VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS

Offense: 12.2 Physical Desc: 1.1

Person Chg: Felipe Santiago PERALEZ H/M 9/22/1990
Issued Date: 03/12/2015 Method: WARRANT ISSUED
Arrest Date: 03/18/2015 Warrant #: CR15-0243MLO
Issued by: Justice of the Peace Marcos OCHOA Location: Hidalgo County, Palmview
Court: Hidalgo County Pct. 3, Pl. 2

Disp Date: Years Sentenced: 0 Death ☐ Life ☐
Disp Type: Months Sentenced: 0 Fine: $0.00
Judge: Days Sentenced: 0 Restitution: $0.00
Court: Other:
Location:

REPORT OF INVESTIGATION

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

12.3 VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS

Offense: 12.3 Physical Desc: 1.1

Person Chg: Felipe Santiago PERALEZ H/M 9/22/1990
Issued Date: 03/18/2015 Method: WARRANT SERVICE
Arrest Date: 03/18/2015 Warrant #: CR15-0276MLO
Issued by: Justice of the Peace Marcos OCHOA Location: Hidalgo County, Palmview
Court: Hidalgo County Pct. 3, Pl. 2

Disp Date:
Disp Type:
Judge:
Court:
Location:

Years Sentenced: 0
Months Sentenced: 0
Days Sentenced: 0
Other:

Death ☐ Life ☐
Fine: $0.00
Restitution: $0.00

12.4 VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS

Offense: 12.4 Physical Desc: 1.1

Person Chg: Felipe Santiago PERALEZ H/M 9/22/1990
Issued Date: 03/18/2015 Method: WARRANT ISSUED
Arrest Date: 03/18/2015 Warrant #: CR15-0277MLO
Issued by: Justice of the Peace Marcos OCHOA Location: Hidalgo County, Palmview
Court: Hidalgo County Pct. 3, Pl. 2

Disp Date:
Disp Type:
Judge:
Court:
Location:

Years Sentenced: 0
Months Sentenced: 0
Days Sentenced: 0
Other:

Death ☐ Life ☐
Fine: $0.00
Restitution: $0.00

INVESTIGATORS/PUBLIC OFFICIALS:

1.1 Robert "Bobby" GARCIA , Texas Ranger, Texas Rangers Company "D"
1414 N. Bicentennial Blvd.
McAllen, TX 78501
(956) 565-7500

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

4.1 Adrian RIVERA , Lieutenant/CID, Texas Department of Public Safety
1414 N. Bicentennial Blvd.,
McAllen, TX 78501
(956) 500-3485

6.1 Liza SOTELO , Special Agent, Federal Bureau of Investigation
1200 N. McColl Road
McAllen, TX 78501
(956) 984-6300

12.1 Marcos L. OCHOA , Justice of the Peace, Hidalgo County Pct. 3, Pl. 2
730 Breyfogle Road, Suite A.
Palmview, TX 78574
(956) 581-2124

WITNESSES:

1.1 Ramon Dionicio GONZALEZ - H/M - 08/29/1979 35 yoa

Home :

Work : La Joya Police Department
100 West Expressway 83
La Joya, TX 78560 US
(956) 585-4855

2.1 Elizabeth Nicole GARZA - H/F - 05/28/1986 28 yoa

Home :

Work : Penitas Police Department
1111 S. Main Street
Penitas, TX 78576 US
(956) 583-0050

3.1 Jose BUSTILLOS - H/M - 11/17/1984 30 yoa

Home :

Work : La Joya Police Department
100 W. Expressway 83
La Joya, TX 78560 US
(956) 585-4855

RANGER: CA0787815022012 Div File No: STATUS: ACTIVE
TYPE: CRIMINAL RD-2015-00053 BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

4.1 Tammy Henderson PEDEN - B/F - 09/29/1964 50 yoa

Home : 6910 Spring Run Lane
Katy, TX 77494 US
(832) 865-3481

Work : Tammy Peden, Attorney at Law
7100 Regency Square Suite 160
Houston, TX 77036 US
(832) 865-3481

5.1 Emma L. MARTINEZ - H/F - 12/03/1961 53 yoa

Home :

Work : Hidalgo County Sheriff's Office
Detention Center
711 El Cibolo Road
Edinburg, TX 78539 US
(956) 383-8114

7.1 Roel BERMEA - H/M - 09/02/1967 47 yoa

Home : 812 Rancho Escondido
La Joya, TX 78560 US
(956) 874-7867

Work : Penitas Police Department
1 Mile South FM 1427 Road
Penitas, TX 78576 US
(956) 583-0050

9.1 Nancy VENECIA - H/F - 09/09/1975 39 yoa

Home : 300 W. Garza Street
La Joya, TX 78560 US
(956) 862-8230

Work : La Joya Police Department
100 W. Expressway 83
La Joya, TX 78560 US
(956) 585-4855

11.1 Julia M. CRUZ - H/F - 03/20/1989 25 yoa

Home : 124 Castillo's Diamantes
Mission, TX 78572 US
(956) 960-6221

Work : La Joya Police Department
100 W. Expressway 83
La Joya, TX 78560 US
(956) 585-4855

12.1 Carlos ORTIZ - H/M - 11/29/1976 38 yoa

Home : 901 W. Solar
Mission, TX 78574 US
(956) 222-5921

Work : City of La Joya Police Department
100 W. Exp.83
La Joya, TX 78560 US
(956) 585-4855

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

CUSTODY OF EVIDENCE:

1.1 **Evidence** Offense Reports and Victim Affidavit.
Date/Time 12/11/2014 3:35:00 PM
Address 1414 N. Bicentennial Blvd., McAllen, Texas 78501
Location Texas Department of Public Safety Ranger Office
By: ROBERT GARCIA , Texas Rangers
Recovery Value: $0.00
Note: To be retained in Ranger case file for future reference.

1.2 **Evidence** DVD-R & Thumb-Drive with Copy of Recorded Jail Surveillance Activity.
Date/Time 12/11/2014 3:35:00 PM
Address 1414 N. Bicentennial Blvd., McAllen, Texas 78501
Location Texas Department of Public Safety Ranger Office
By: ROBERT GARCIA , Texas Rangers
Recovery Value: $0.00
Note: To be retained in Ranger case file for future reference.

2.1 **Evidence** Witness Statement of Officer Elizabeth GARZA
Date/Time 2/3/2015 11:00:00 AM
Address 1111 S. Main Street, Penitas, Texas 78576
Location Penitas Police Department
By: ROBERT GARCIA , Texas Rangers
Recovery Value: $0.00
Note: To be retained in Ranger case file for future reference.

2.2 **Evidence** Offense Report detailing AUTUMN RENEE'S arrest
Date/Time 2/3/2015 11:00:00 AM
Address 1111 S. Main Street, Penitas, Texas 78576

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

Location Penitas Police Department
By: ROBERT GARCIA , Texas Rangers
Recovery Value: $0.00
Note: To be retained in Ranger case file for future reference.

3.1 Evidence Witness Statement from Officer Joae BUSTILLOS
Date/Time 2/3/2015 3:00:00 PM
Address 100 W. Expressway 83, La Joya, Texas 78560
Location La Joya Police Department CID Room
By: ROBERT GARCIA , Texas Rangers
Recovery Value: $0.00
Note: To be retained in Ranger case file for future reference.

4.1 Evidence Witness Statement of AUTUMN RENEE
Date/Time 2/26/2015 11:30:00 AM
Address 1414 N. Bicentennial Blvd., McAllen, Texas 78501
Location Texas Ranger office
By: ROBERT GARCIA , Texas Rangers
Recovery Value: $0.00
Note: To be retained in Ranger case file for future reference.

4.2 Evidence Photo Array
Date/Time 2/26/2015 11:30:00 AM
Address 1414 N. Bicentennial Blvd., McAllen, Texas
Location Texas Department of Public Safety
By: Lt. A. RIVERA , DPS/CID
Recovery Value: $0.00
Note: To be retained in Ranger case file for future reference.

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

5.1 Evidence AUTUMN RENEE'S Clothing

Date/Time 2/27/2015 4:00:00 PM

Address 711 El Cibolo Road, Edinburg, Texas 78539

Location Hidalgo County Sheriff's Detention Center

By: ROBERT GARCIA , Texas Rangers

Recovery Value: $0.00

Note: Secured at Texas Department of Public Safety Texas Ranger's office pending lab submission.

Transfer To:	Transfer Date:
Weslaco DPS Crime Laboratory	03/20/2015

5.2 Evidence Hidalgo County SO Inmate Property Release Form

Date/Time 2/27/2015 4:00:00 PM

Address 711 El Cibolo Road, Edinburg, Texas 78539

Location Hidalgo County Sheriff's Detention Center

By: Deputy E. MARTINEZ , Hidalgo County SO.

Recovery Value: $0.00

Note: To be retained in Ranger case file for future reference.

5.3 Evidence HQ-109 DPS Property Inventory Report

Date/Time 2/27/2015 4:00:00 PM

Address 711 El Cibolo Road, Edinburg, Texas 78539

Location Hidalgo County Sheriff's Detention Center

By: ROBERT GARCIA , Texas Rangers

Recovery Value: $0.00

Note: To be retained in Ranger case file for future reference.

6.1 Evidence DVD-R with Copy of Jail Video.

Date/Time 3/4/2015 10:20:00 AM

RANGER: CA0787815022012 Div File No: STATUS: ACTIVE
TYPE: CRIMINAL RD-2015-00053 BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

Address 1200 N. McColl Road, McAllen, Texas 78501
Location Federal Bureau of Investigation Office
By: ROBERT GARCIA , Texas Rangers
Recovery Value: $0.00
Note: To be retained in Ranger case file for future reference.

6.2 **Evidence** FD-597 FBI Property Receipt Form.
Date/Time 3/4/2015 10:20:00 AM
Address 1200 N. McColl Road, McAllen, Texas 78501
Location Federal Bureau of Investigation Office
By: ROBERT GARCIA , Texas Rangers
Recovery Value: $0.00
Note: To be retained in Ranger case file for future reference.

7.1 **Evidence** Hidalgo County Grand Jury Subpoena for records contained in the Penitas Police Department
Date/Time 3/2/2015 2:45:00 PM
Address 1 Mile South FM 1427 Road
Location Penitas Police Department
By: ROBERT GARCIA , Texas Rangers
Recovery Value: $0.00
Note: To be retained in Ranger case file for future reference.

8.1 **Evidence** Hidalgo County Grand Jury Subpoena for records contained at La Joya Police Department
Date/Time 3/2/2015 3:10:00 PM
Address 100 W. Exp. 83, La Joya, Texas 78560
Location La Joya Police Department
By: ROBERT GARCIA , Texas Rangers

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

Recovery Value: $0.00

Note: To be retained in Ranger case file for future reference.

9.1 **Evidence** Witness Statement from Officer Nancy VENECIA
Date/Time 3/4/2015 6:00:00 PM
Address 1414 N. Bicentennial Blvd., McAllen, Texas 78501
Location Texas Department of Public Safety/ Ranger office
By: ROBERT GARCIA , Texas Rangers
Recovery Value: $0.00
Note: To be retained in Ranger case file for future reference.

10.1 **Evidence** DVD-R with Copy of Jail Recording.
Date/Time 3/4/2015 1:10:00 PM
Address 100 W. Expressway 83, La Joya, Texas 78560
Location La Joya Police Department
By: ROBERT GARCIA , Texas Rangers
Recovery Value: $0.00
Note: To be retained in Ranger case file for future reference.

10.2 **Evidence** CD-R with Copy of Jail Video Pictures.
Date/Time 3/4/2015 1:10:00 PM
Address 100 W. Expressway 83, La Joya, Texas 78560
Location La Joya Police Department
By: ROBERT GARCIA , Texas Rangers
Recovery Value: $0.00
Note: To be retained in Ranger case file for future reference.

10.3 **Evidence** HQ-109 Property Inventory Form

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

Date/Time 3/4/2015 1:10:00 PM
Address 100 W. Expressway 83, La Joya, Texas 78560
Location La Joya Police Department
By: ROBERT GARCIA , Texas Rangers
Recovery Value: $0.00
Note: To be retained in Ranger case file for future reference.

11.1 Evidence Witness Statement from Officer Julia CRUZ
Date/Time 3/10/2015 1:30:00 PM
Address 1414 N. Bicentennial Blvd., McAllen, Texas 78501
Location Texas Department of Public Safety Ranger office
By: ROBERT GARCIA , Texas Rangers
Recovery Value: $0.00
Note: To be retained in Ranger case file for future reference.

12.1 Evidence Arrest Warrant #CR15-0244MLO
Date/Time 3/12/2015 10:30:00 AM
Address 730 Breyfogle Road Suite A, Palmview, Texas 78574
Location Justice of the Peace Pct.3, Pl. 2
By: ROBERT GARCIA , Texas Rangers
Recovery Value: $0.00
Note: To be retained in Ranger case file for future reference.

12.2 Evidence Arrest Warrant #CR15-0243MLO
Date/Time 3/12/2015 10:30:00 AM
Address 730 Breyfogle Road Suite A, Palmview, Texas 78574
Location Justice of the Peace Pct.3, Pl. 2
By: ROBERT GARCIA , Texas Rangers

RANGER: CA0787815022012	Div.File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

Recovery Value: $0.00

Note: To be retained in Ranger case file for future reference.

12.3 **Evidence** Arrest Warrant #CR15-0276MLO
Date/Time 3/18/2015 11:00:00 AM
Address 730 Breyfogle Road Suite A, Palmview, Texas 78574
Location Justice of the Peace Pct.3, Pl. 2
By: ROBERT GARCIA , Texas Rangers
Recovery Value: $0.00

Note: To be retained in Ranger case file for future reference.

12.4 **Evidence** Arrest Warrant #CR15-0277MLO
Date/Time 3/18/2015 11:00:00 AM
Address 730 Breyfogle Road Suite A, Palmview, Texas 78574
Location Justice of the Peace Pct.3, Pl. 2
By: ROBERT GARCIA , Texas Rangers
Recovery Value: $0.00

Note: To be retained in Ranger case file for future reference.

12.5 **Evidence** Miranda Warnings
Date/Time 3/18/2015 1:15:00 PM
Address 730 Breyfogle Road, Suite A, Palmview, Texas 78574
Location Justice of the Peace Pct. 3, Pl. 2, Interview Room
By: ROBERT GARCIA , Texas Rangers
Recovery Value: $0.00

Note: To be retained in Ranger case file for future reference.

12.6 **Evidence** Voluntary Consent Form (Saliva Swabs)

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

Date/Time 3/18/2015 1:28:00 PM
Address 730 Breyfogle Road, Suite A, Palmview, Texas 78574
Location Justice of the Peace Pct. 3, Pl. 2, Interview Room
By: ROBERT GARCIA , Texas Rangers
Recovery Value: $0.00
Note: To be retained in Ranger case file for future reference.

12.7 **Evidence** Buccal Saliva Swabs (4)
Date/Time 3/18/2015 1:28:00 PM
Address 730 Breyfogle Road, Suite A, Palmview, Texas 78574
Location Justice of the Peace Pct. 3, Pl. 2, Interview Room
By: ROBERT GARCIA , Texas Rangers
Recovery Value: $0.00
Note:

Transfer To:	Transfer Date:
Weslaco DPS Crime Laboratory	03/20/2015

12.8 **Evidence** DVD-R with Copy of Post-Arrest Interview
Date/Time 3/18/2015 1:13:00 PM
Address 730 Breyfogle Road, Suite A, Palmview, Texas 78574
Location Justice of the Peace Pct. 3, Pl. 2, Interview Room
By: ROBERT GARCIA , Texas Rangers
Recovery Value: $0.00
Note: To be retained in Ranger case file for future reference.

12.9 **Evidence** DPS HQ-25 (Jail receipt) and Hidalgo County Booking Report
Date/Time 3/18/2015 4:00:00 PM
Address 711 El Cibolo Road, Edinburg, Texas 78541
Location Hidalgo County Detention Center

RANGER: CA0787815022012	Div File No:	STATUS: ACTIVE
TYPE: CRIMINAL	RD-2015-00053	BY: ROBERT GARCIA, RANGER 7878

1. VIOL CIVIL RIGHTS PERSON IN CUSTODY VIOLATE/SEXUAL 39.04(a)(2) PC FS Public Integrity
2. HIDALGO COUNTY, LA JOYA, TX, US
3. AUTUMN RENEE (PSEUDONYM)
4. 05/29/2014 (Thursday)

By: ROBERT GARCIA , Texas Rangers

Recovery Value: $0.00

Note: To be retained in Ranger case file for future reference.

12.10 **Evidence** LAB-06 (Laboratory Submission Form) #WES-1503-00991

Date/Time 3/20/2015 10:00:00 AM

Address 2525 N. International Blvd., Weslaco, Texas 78599

Location Weslaco DPS Regional Crime Laboratory

By: ROBERT GARCIA , Texas Rangers

Recovery Value: $0.00

Note: To be retained in Ranger case file for future reference.

END OF REPORT

AFFIDAVIT

Exh. 9.1

STATE OF TEXAS
COUNTY OF HIDALGO

Before me, the undersigned authority in and for the State of Texas, [illegible] 2015 personally appeared Nancy Venecia who, after being by me d[illegible]poses and said:

N.V My name is Nancy Venecia and my date of birth is 09-09-1975 and I currently work at the La Joya Police Department located at 100 W. Expressway 83, in La Joya, Hidalgo County, Texas. I am assigned to the Patrol Division and have been since 2012. My cell phone is 956-862-8230. I am of sound mind, over 18 years of age and competent to give this affidavit.

"Today is Tuesday, March 4th, 2015. I'm here with Texas Ranger Bobby Garcia at the Texas Department of Public Safety office at 1414 N. Bicentennial Blvd., McAllen, Texas. I came in at his request to provide a statement in reference an incident which happened at the La Joya City jail in May 29th, 2014. I heard about the incident during the next day when I came back to work and found out that our dispatcher Felipe had done something to the female inmate that had been brought in by Penitas Police. During the night before I was inside the building working on reports when I realized something odd was going on with Felipe because of the radio traffic between him and our patrol officers. I was monitoring the radio with my hand held and it seemed that the officers on the road had to repeat their traffic because Felipe kept repeating Major 10-1 which signifies static on the radio and unable to copy. I could hear the radio traffic and at one time I went to check on communications and did not find him there and thought maybe he was in the restroom. I went back to working on reports and the radio problems with Felipe and out patrol officers continued and I then contacted Officer Bustillos to come by the building and check with communications. After he arrived he reportedly found Felipe in the jail area talking with the female prisoner. He told me himself on finding Felipe talking with the inmate. I do recall I assisted the female in that she needed to use the N.V restroom but can't recall it was before or afterwards. N.V

END OF STATEMENT.

I have been explained the meaning of Perjury and Aggravated Perjury. I understand the meaning of Perjury and Aggravated Perjury as explained to me.

I have made this statement of my own free will and accord. I have not been promised anything in the making of this statement. I have not been threatened, mistreated or abused in the making of this statement. Ranger Garcia typed this statement as I explained it to him in English and it is True and Correct to the best of my Knowledge and Belief.

Nancy Venecia
Signature

Subscribed and sworn to before me, Bobby Garcia, Texas Ranger, a peace officer of the State of Texas and pursuant to §602.002 Texas Government Code, on this the 4rth of March, A.D. 2015.

Bobby Garcia, Texas Ranger

TEXAS DEPARTMENT OF PUBLIC SAFETY

PROPERTY INVENTORY

10.3

Name Texas Ranger Bobyy Garcia

Address 2525 N. International Blvd. Weslaco, Texas 78596

Phone

Time/Date 3/4/2015 (Inventoried)

(Reported to Communica

Exh 10.3

Inventoried by Texas Ranger Garcia

Service Texas Rangers

Witnessed by

Reason Stored Investigation

Items Taken from Persons:

VEHICLE I[illegible]ORMATION

Registration (State, Year, Number)

Description: (Year, Make, Model, Color, Body Style, etc.)

Location towed from:

Vehicle condition

Address/Phone # where stored:

Address/Phone # where stored

Items Removed from Vehicle Prior to Inventory and their Disposition:

Items Inventoried and Left in Vehicle:

DESCRIPTION AND LOCATION

C = Console T = Trunk F = Front seat area H = Hood area
G = Glove box R = Rear seat area O = Other (explain)

	Loc.		Loc.
CD's / MEDICAL RECORDS			
PICS / VINYEAR			

RECEIPT: I certify that I [illegible] received the items described herein from

Ranger Garcia on 3/4/2015 at 1:10 pm a.m. p.m. with the following exceptions

Signature Address

RECEIPT: I certify that I received the items described herein from

on at a.m. p.m. with the following exceptions

Signature Address

AFFIDAVIT

Exh. 11.1

STATE OF TEXAS
COUNTY OF HIDALGO

Before me, the undersigned authority in and for the State of T[illegible]arch, 2015 personally appeared Julia M. Cruz who, after being b[illegible] and said:

My name is Julia M. Cruz and my date of birth is 03/20/1989. I live at 124 Castillos Diamantes, Mission, in Mission, Hidalgo County Texas, 78572. My social security number is 638-05-0441 and I hold Texas identification card number 25601809. My cell phone is 956-960-6221. I currently work for the La Joya Police Department as a patrol officer and have been since 2011. I am of sound mind, over 18 years of age and competent to give this affidavit.

Today is Tuesday, March 10th, 2015. I'm here with Texas Ranger Bobby Garcia at the Texas Department of Public Safety office at 1414 N. Bicentennial Blvd., McAllen, Texas. I came in at his request to provide a statement in reference to the La Joya Police Department incident last year in May of 2014. I had been dispatched to come back to the police building because the female who had been booked into our jail by the Penitas Police Department wanted to use the restroom. It was sometime in the afternoon when I walked in and I met with the investigator, I believe back then it was Lt. Ramon Gonzalez, who asked me to take her to the restroom and see if she said anything about an incident that happened the night before. I escorted her to the restroom and after she was done and came out of the restroom, she began to tell me that as girls we were to stick together and wanted to know the name of the guy who pushes the buttons, meaning inside the communications room. She repeatedly kept telling me the guy would come in through the wooden door and into the cell area. Once I placed her in her cell she continued talking to me and believed that we were friends and she kept talking to me and asked me to promise not to say anything. She stated she had kids and in the conversation she stated "as girls we are supposed to take this and I've been abused at other jails before", saying the guards from the other place would take turns with her and her friend in a bus. END OF STATEMENT.

I have been explained the meaning of Perjury and Aggravated Perjury. I understand the meaning of Perjury and Aggravated Perjury as explained to me.

I have made this statement of my own free will and accord. I have not been promised anything in the making of this statement. I have not been threatened, mistreated or abused in the making of this statement. Ranger Garcia typed this statement as I explained it to him in English and it is True and Correct to the best of my Knowledge and Belief.

Signature

Subscribed and sworn to before me, Bobby Garcia, Texas Ranger, a peace officer of the State of Texas and pursuant to §602.002 Texas Government Code, on this the 10th of March A.D. 2015.

Bobby Garcia, Texas Ranger

WARRANT OF ARRES

Cause No. CR15-0244MLS Case No. RD Exh. 12.1

THE STATE OF TEXAS
TO ANY SHERIFF OR PEACE OFFICER OF THE STATE O

GREETING:

You are Hereby commanded to arrest **FELIPE SANTIAGO PERALEZ III** if to be found in your County and bring **him**/her before me, a Justice of the Peace in and for Precinct No. 3, Place No. 2 of Hidalgo County, immediately, then and there to answer the State of Texas for an offense against the laws of said State, to wit:

Sec. 39.03 (a)(3) Official Oppression; Class A Misdemeanor.

Of which offense he/she is accused by the written complaint, under oath of Affiant, filed before me.

Texas Ranger Bobby GARCIA received information in reference to a sexual assault which occurred inside the La Joya Police Department city jail during the evening of 05-29-2014. Ranger Garcia made contact with the La Joya Police investigator and confirmed the incident in which a Police Communications Officer identified as Felipe Santiago PERALEZ, date of birth 09/22/1990 was observed and video recorded going into the female jail area and using his hands and fingers to sexually assault a female prisoner booked into the jail by the Penitas Police Department. Ranger GARCIA obtained a copy of the recording and viewed the same. The video showed PERALEZ apparently fondling the pelvis/buttock areas of the female prisoner with his right hand/fingers. Ranger GARCIA interviewed the female victim who provided a description of the sexual assault. Ranger GARCIA also interviewed a Penitas Police Officer who heard the outcry from the female victim on 05-30-2015.

Herein Fail Not, but of this writ make due return, showing how you have executed the same.

Witness my official signature this 12th day of March, 2015.

JUSTICE COURT HIDALGO COUNTY PCT. 3 PL. 2 TEXAS JUSTICE COURT

[signature], Justice of the Peace,

Precinct No. 3, Place No. 2, Hidalgo County, Texas

CAUSE NO. _____ _____ [ ]

JUSTICE OF THE PEACE [ ]

PCT. #_____ PLACE _____ [ ]

(OR)

MUNICIPAL COURT OF [ ]

_____

HIDALGO COUNTY, TEXAS [ ]

CAUSE NO. _____

COUNTY COURT AT LAW NO._____

(OR)

_____ DISTRICT COURT

HIDALGO COUNTY, TEXAS

THE STATE OF TEXAS VS: **FELIPE SANTIAGO PERALEZ III**

COMMITMENT

TO THE HONORABLE SHERIFF OF HIDALGO COUNTY, TEXAS
GREETINGS:

YOU ARE HEREBY ORDERED TO RECEIVE A PLACE IN YOUR JAIL, IN HIDALGO COUNTY, TEXAS, **FELIPE SANTIAGO PERALEZ III** WHO IS CHARGED WITH THE OFFENSE OF OFFICIAL OPPRESSION , WHICH IS A CLASS A MISDEMEANOR FILED IN THE JP COURT.

SAID DEFENDANT IS BEING HELD TO APPEAR INSTANTER BEFORE ANY COURT WHICH MAY ACQUIRE JUDISDICTION OVER HIM IN THIS CASE,

THE AMOUNT OF BAIL $_____. IF DEFENDANT SHALL MAKE HIS BAIL AND GIVE SECURITY THEREFORE, TO BE APPROVED BY YOU, CONDITIONED THAT HE WILL APPEAR AND ANSWER BEFORE THE PROPERTY COURT FOR ACCUSATION BROUGHT AGAINST HIM, HE SHALL BE RELEASED, AS REQUIRED BY LAW; OTHERWISE, HE SHALL BE HELD BY YOU IN YOUR CUSTODY PURSUANT TO HIS ORDER.

SIGNED THIS _____ DAY OF MARCH , A.D., 2015.

(SEAL)

_____
MAGISTRATE
HIDALGO COUNTY, TEXAS

DOCKET# 916-CR4411 | Sheriff Use Only: rID # 12CTTE1C | TRN# _____

Law Enforcement Agency: TX. RANGER | Court: _____

Date Of Arrest: 3.15.15 | Hidalgo County, Texas

Time Of Arrest: 12:40 PM | Warrant #, If Any: _____

Place Of Arrest: DONNA TX. | Amount of Bond: $ 3000.00 PR

HAS A PROBABLE CAUSE AFFIDAVIT BEEN FILED? ☑ YES ☐ NO

DOES THE ACCUSED SPEAK ENGLISH? ☐ YES ☐ NO LANGUAGE? _____

MAGISTRATE'S WARNING

THE STATE OF TEXAS §
COUNTY OF HIDALGO §
Vs.
Felipe Cantu Jr. D.O.B 01/22/96
Ticket III

Before me, the undersigned, magistrate of Hidalgo County, Texas on the 16th day of March at 1:45 o'clock AM/PM, appeared Felipe Cantu Jr. Ticket III. I gave said person the following warning:

- ☐ You are charged with the offense of Criminal Citation ☐ a felony ☑ a misdemeanor
- ☐ You have a right to hire an attorney to represent you.
- ☐ You have the right to have an attorney present prior to and during any interview and questioning by peace officers or attorneys representing the State.
- ☐ You have the right to remain silent.
- ☐ You are not required to make a statement, and any statement you make can and may be used against you in court.
- ☐ You have the right to stop any interview or questioning at any time.
- ☐ You have the right to have an examining trial (felonies only).
- ☐ You have the right to request appointment of counsel if you cannot afford counsel.
  - ☐ An application for a court appointed attorney must be completed to determine if you qualify for a court appointed attorney;
  - ☐ Reasonable assistance will be provided to you when filling out the application for a court appointed attorney, if needed;
  - ☐ You must sign a financial affidavit;
  - ☐ An affidavit is a written or printed declaration or statement of facts made voluntarily and confirmed by oath before a person having authority to administer such oath;
  - ☐ If you meet the indigent standards, you will qualify for a court appointed attorney; and,
  - ☐ Attorney should attempt to contact you by the end of the first working day after appointment and to interview you as soon as practicable after the appointment.

THE ACCUSED ☐ DOES ☑ DOES NOT WANT TO REQUEST COURT APPOINTED ATTORNEY.

Contacted anyone since arrest? Y or N Who? _____

IMMIGRATION ADMONISHMENTS: **If you are not a United States citizen and you have been arrested or detained, you may be entitled to have us notify your country's consular representatives here in the United States. Do you want us to notify your country's consular officials? ☐ NO ☐ YES**
If you responded "YES," what country? _____.

IT IS THEREFORE ORDERED THAT THE ACCUSED BE REMANDED IN TO CUSTODY PENDING FURTHER PROCEEDING AGAINST HIM/HER ON SAID ACCUSATION, AND IN THE MEANTIME HE/SHE BE ADMITTED TO BAIL IN THE AMOUNT OF $ 3000.00 PR, CONDITIONED ON HIS/HER APPEARANCE INSTANTER BEFORE ANY COURT OR MAGISTRATE TAKING JURISDICTION HERE OF AND BEFORE WHOM THE ACCUSATION MAY HEREAFTER BE PENDING AT ANY TIME WHEN, AND PLACE WHERE, HIS PRESENCE MAY BE REQUIRED BY LAW OR BY SUCH COURT OR MAGISTRATE.

I acknowledge that I was given the above Warning (This is NOT an admission of guilt):

_____
Person warned

Accused refused to sign acknowledgement warning:

_____
Remarks:

Marcel Cobos
Magistrate

HIDALGO COUNTY PCT. 3 PL. 2 TEXAS JUSTICE COURT

Place of warning: _____
Time: _____
Date: _____

Witness (if any): _____
Name: _____
Address: _____

This hearing was interpreted by: _____

WARRANT OF ARRES

Cause No. CR5-0243MLO Case No. RD

EXH. 12.2

THE STATE OF TEXAS
TO ANY SHERIFF OR PEACE OFFICER OF THE STATE OF

GREETING:

You are Hereby commanded to arrest **FELIPE SANTIAGO PERALEZ III** if to be found in your County and bring **him**/her before me, a Justice of the Peace in and for Precinct No. 3, Place No. 2 of Hidalgo County, immediately, then and there to answer the State of Texas for an offense against the laws of said State, to wit:

Sec. 39.04 (a)(2) Violations of the Civil Rights of Person in Custody; Improper Sexual Activity with Person in Custody: STATE JAIL FELONY.

Of which offense he/she is accused by the written complaint, under oath of Affiant, filed before me.

Texas Ranger Bobby GARCIA received information in reference to a sexual assault which occurred inside the La Joya Police Department city jail during the evening of 05-29-2014. Ranger Garcia made contact with the La Joya Police investigator and confirmed the incident in which a Police Communications Officer identified as Felipe Santiago PERALEZ, date of birth 09/22/1990 was observed and video recorded going into the female jail area and using his hands and fingers to sexually assault a female prisoner booked into the jail by the Penitas Police Department. Ranger GARCIA obtained a copy of the recording and viewed the same. The video showed PERALEZ apparently fondling the pelvis/buttock areas of the female prisoner with his right hand/fingers. Ranger GARCIA interviewed the female victim who provided a description of the sexual assault. Ranger GARCIA also interviewed a Penitas Police Officer who heard the outcry from the female victim on 05-30-2015.

Herein Fail Not, but of this writ make due return, showing how you have executed the same.

Witness official signature this 12th day of March, 2015.

JUSTICE COURT HIDALGO COUNTY PCT. 3 PL. 2 TEXAS

Marcel Olivo, Justice of the Peace,

Precinct No. 3, Place No. ___, Hidalgo County, Texas

Came to hand on the _____day of March , 2015, at _____o'clock____.M., in Hidalgo County, Texas and taking his/her bond and placing him/her in jail at the Hidalgo County Jail in Edinburg, Texas.

By _____
Texas Department of Public Safety

Case 7:16-cv-00281 Document 1-13 Filed in TXSD on 05/27/16 Page 54 of 85

NO. CR15-0243MLO

THE STATE OF TEXAS

VS.

FELIPE SANTIAGO PERALEZ III

COMPLAINT

OFFENSE
Sec. 39.04 Violations of the Civil Rights of Person in Custody; Improper Sexual Activity with Person in Custody

Filed 3/12, 2015

JUSTICE OF THE PEACE
PRECINCT 3, PLACE 2
Hidalgo County, Texas

CAUSE NO. _____ [ ]

JUSTICE OF THE PEACE [ ]

PCT. #_____ PLACE _____ [ ]

(OR)

MUNICIPAL COURT OF [ ]

_____

HIDALGO COUNTY, TEXAS [ ]

CAUSE NO _____

COUNTY COURT AT LAW NO._____

(OR)

_____ DISTRICT COURT

HIDALGO COUNTY, TEXAS

THE STATE OF TEXAS VS: **FELIPE SANTIAGO PERALEZ III**

COMMITMENT

TO THE HONORABLE SHERIFF OF HIDALGO COUNTY, TEXAS)
GREETINGS:

YOU ARE HEREBY ORDERED TO RECEIVE A PLACE IN YOUR JAIL, IN HIDALGO COUNTY, TEXAS, **FELIPE SANTIAGO PERALEZ III** WHO IS CHARGED WITH THE OFFENSE OF VIOLATIONS OF THE CIVIL RIGHTS OF PERSON IN CUSTODY; IMPROPER SEXUAL ACTIVITY WITH PERSON IN CUSTODY, WHICH IS A STATE JAIL FELONY FILED IN THE JP COURT.

SAID DEFENDANT IS BEING HELD TO APPEAR INSTANTER BEFORE ANY COURT WHICH MAY ACQUIRE JUDISDICTION OVER HIM IN THIS CASE,

THE AMOUNT OF BAIL $_____. IF DEFENDANT SHALL MAKE HIS BAIL AND GIVE SECURITY THEREFORE, TO BE APPROVED BY YOU, CONDITIONED THAT HE WILL APPEAR AND ANSWER BEFORE THE PROPERTY COURT FOR ACCUSATION BROUGHT AGAINST HIM, HE SHALL BE RELEASED, AS REQUIRED BY LAW; OTHERWISE, HE SHALL BE HELD BY YOU IN YOUR CUSTODY PURSUANT TO HIS ORDER.

SIGNED THIS _____ DAY OF MARCH , A.D., 2015.

(SEAL)

_____
MAGISTRATE
HIDALGO COUNTY, TEXAS

DOCKET# CR15-0243[illegible] Sheriff Use Only: PID # 1307[illegible] TRN# _____

Law Enforcement Agency: Tx Ranger Court: _____

Date Of Arrest: 3-18-15 Hidalgo County, Texas

Time Of Arrest: 12:40 PM Warrant #, If Any: _____

Place Of Arrest: La Joya, TX Amount of Bond: $ 10,000.00 N/S

HAS A PROBABLE CAUSE AFFIDAVIT BEEN FILED? ☑ YES ☐ NO

DOES THE ACCUSED SPEAK ENGLISH? ☐ YES ☐ NO LANGUAGE? _____

MAGISTRATE'S WARNING

THE STATE OF TEXAS §
COUNTY OF HIDALGO §

Vs.

Felipe Santiago Peralez, III D.O.B. 01/22/90

Before me, the undersigned, magistrate of Hidalgo County, Texas on the 18th day of March, at ____ o'clock AM/PM., appeared Felipe Santiago Peralez, III. I gave said person the following warning:

- ☐ You are charged with the offense of Violations of the Civil Rights of Person in Custody/Sexual Activity/person ☐ a felony ☐ a misdemeanor
- ☐ You have a right to hire an attorney to represent you.
- ☐ You have the right to have an attorney present prior to and during any interview and questioning by peace officers or attorneys representing the State.
- ☐ You have the right to remain silent.
- ☐ You are not required to make a statement, and any statement you make can and may be used against you in court.
- ☐ You have the right to stop any interview or questioning at any time.
- ☐ You have the right to have an examining trial (felonies only).
- ☐ You have the right to request appointment of counsel if you cannot afford counsel.
  - ☐ An application for a court appointed attorney must be completed to determine if you qualify for a court appointed attorney;
  - ☐ Reasonable assistance will be provided to you when filling out the application for a court appointed attorney, if needed;
  - ☐ You must sign a financial affidavit;
  - ☐ An affidavit is a written or printed declaration or statement of facts made voluntarily and confirmed by oath before a person having authority to administer such oath;
  - ☐ If you meet the indigent standards, you will qualify for a court appointed attorney; and,
  - ☐ Attorney should attempt to contact you by the end of the first working day after appointment and to interview you as soon as practicable after the appointment.

THE ACCUSED ☐ DOES ☐ DOES NOT WANT TO REQUEST COURT APPOINTED ATTORNEY.

Contacted anyone since arrest? Y or N Who? _____

IMMIGRATION ADMONISHMENTS: **If you are not a United States citizen and you have been arrested or detained, you may be entitled to have us notify your country's consular representatives here in the United States. Do you want us to notify your country's consular officials? ☐ NO ☐ YES**
If you responded "YES," what country? _____

IT IS THEREFORE ORDERED THAT THE ACCUSED BE REMANDED IN TO CUSTODY PENDING FURTHER PROCEEDING AGAINST HIM/HER ON SAID ACCUSATION, AND IN THE MEANTIME HE/SHE BE ADMITTED TO BAIL IN THE AMOUNT OF $10,000.00 N/S, CONDITIONED ON HIS/HER APPEARANCE INSTANTER BEFORE ANY COURT OR MAGISTRATE TAKING JURISDICTION HERE OF AND BEFORE WHOM THE ACCUSATION MAY HEREAFTER BE PENDING AT ANY TIME WHEN, AND PLACE WHERE, HIS PRESENCE MAY BE REQUIRED BY LAW OR BY SUCH COURT OR MAGISTRATE.

I acknowledge that I was given the above Warning (This is NOT an admission of guilt):

[signature]
Person warned

[signature]
Magistrate

Place of warning: _____
Time: _____
Date: _____

JUSTICE COURT HIDALGO COUNTY PCT. 3 PL. 2 TEXAS JUSTICE COURT

Accused refused to sign acknowledgement of warning:

Witness (if any): _____
Name: _____
Address: _____

Remarks:

This hearing was interpreted by: _____

LA JOYA POLICE DEPARTMENT
P.O. BOX H
LA JOYA, TEXAS 78560
(956) 585-4855

OFFENSE REPORT NARRATIVE

Case No.: 05178-14	Date: 5/30/2014	Time: 11:00 a.m.	How Reported: Investigation

Nature of Offense: TPC 39.03 Official Oppression
TPC:39.04 Improper Sexual Activity with Person in Custody

Other Reports
- ☐ Offense
- ☐ Accident
- ☐ Adult Arrest
- ☐ Juvenile Arrest
- ☐ Other: _____

Location: La Joya Police Department's Cell One
100 W. Expressway 83
La Joya, Texas 78560

Complainant: Cynthia Raquel Torres (D.O.B. 9/23/79) ph:956-960-2089.

Complainant's Address: 705 W. A St. Mission, Texas 78572

On Thursday, May 29, 2014, at approximately 10:34 p.m., I, Lieutenant Ramon Gonzalez, 202, received a phone call from Sergeant Feliciano Ramos, R-4, stating that he had received a call from officers letting him know that Telecommunications Officer Felipe Peralez was inside the booking area with a female prisoner. He also stated that Officer Bustillos, 106, had observed the prisoner with her hand inside her blouse touching her breast in front of TCO Peralez claiming that a spider had bit her. Sergeant Ramos asked me to review the video cameras and I told him that I would do it when I got to work the following day.

On Friday, May 30, 2014, I arrived at the La Joya Police Department to review the camera video system from the time TCO Peralez enters the La Joya Police Department to when he leave. His work schedule on Thursday, May 29, 2014 was from 3:00 P.M. to 11:00 P.M.

The following is what I observed with times stamps on the video on 5/29/2014. The time stamped on the video is behind about twenty minutes to Central Standard Time and uses the 24 hour time format:

14:35 – TCO Felipe Peralez walks into the La Joya Police Department.
14:38 – Penitas Officer Barron escorts a female prisoner (Cynthia Raquel Torres D.O.B. 9/23/79) into the La Joya Police Department's booking area.
14:40 – Ms. Torres is placed inside cell one by Penitas Officer Barron.
14:41 – Penitas Officer Barron leaves the booking area.
14:42 – Penitas Officer Barron leaves the La Joya Police Department.
14:54 – TCO Peralez takes over the dispatch console.
15:40 – Penitas Officer Barron escorts a male prisoner into the booking area.
15:44 – Penitas male prisoner is placed inside cell two by Penitas Officer Barron and checks on Ms. Torres.
15:45 – Penitas Officer Barron leaves the booking area.
15:46 – Penitas Officer Barron leaves the La Joya Police Department.
16:58 – TCO Peralez first walks into the booking area from the dispatch room and walks towards cell one and passes and cell two.
17:48 – Penitas Officer Barron arrives at the La Joya Police Department.
17:50 – Penitas Officer Barron goes into the booking area and takes the male prisoner out of cell two.
17:51 – Penitas Officer Barron leaves the La Joya Police Department with the male prisoner.

18:08 – TCO Peralez walks into the booking area from dispatch and walks towards cell one and quickly leaves. Ms. Torres appears to be laying on the cell bench close to the cell bars and appears to be asleep.

18:23 – TCO Peralez walks into the booking area from dispatch and checks cell one. Ms. Torres appears to be in the same position.
19:05 – Penitas Officer Barron arrives at the La Joya Police Department and walks into the booking area with a meal for Ms. Torres.
19:08 – Penitas Officer Barron leaves the booking area and the La Joya Police Department. Ms. Torres is now awake.
19:11 – TCO Peralez walks into the booking area from the dispatch room and walks up to cell one and begins to what appears a conversation with Ms. Torres. She is now sitting up on the bench by the cell bars as TCO Peralez holds the cell bars with both hands and is standing in front of Ms. Torres.
19:12 – TCO Peralez leaves Ms. Torres back to answer the phone inside the dispatch room.
19:14 – TCO Peralez walks back into the booking area from dispatch and walks up to cell one and again appears to have a conversation with Ms. Torres as he holds the cell bars with both hands.
19:15 – TCO Peralez leaves in a hurry back to the dispatch room to what appears to answer Police radio transmission.
19:17 – TCO Peralez walks back into the booking area from dispatch and walks to cell one and again appears to be talking with Ms. Torres and holding the cell bars.
19:18 – TCO Peralez leaves back to the dispatch room to answer the phone.
19:19 – TCO Peralez walks back into the booking area from dispatch and walks to cell one and again appears to be talking with Ms. Torres standing in front of her.
19:21 – TCO Peralez leaves back to the dispatch room to what appears to answer Police radio transmission.
19:23 – TCO Peralez walks back into the booking area from dispatch and walks to cell one and again appears to be talking with Ms. Torres.
19:24 – TCO Peralez leaves cell one and walks back to the dispatch room to what appears to answer Police radio transmission.
19:25 – TCO Peralez walks back into the booking area from dispatch and walks to cell one and again appears to be talking with Ms. Torres.
19:27 – TCO Peralez leaves in a hurry back to the dispatch room to what appears to answer Police radio transmission and then goes back to Ms. Torres.
19:28 – TCO Peralez quickly leaves back to the dispatch room to what appears to answer Police radio transmission and then returns back to cell one where Ms. Torres is at.
19:30 – TCO Peralez leaves and walks back to dispatch and is seen on the phone.
19:33 – TCO Peralez walks back into the booking area from dispatch and walks to cell one and again appears to be talking with Ms. Torres.
19:34 – TCO Peralez leaves back to the dispatch room to what appears to answer Police radio transmission. He is also seen to answer the phone.
19:35 – TCO Peralez walks back into the booking area from dispatch and walks to cell one and appears to be talking with Ms. Torres.
19:36 – TCO Peralez quickly leaves back to the dispatch room to what appears to answer Police radio transmission.
19:37 – TCO Peralez walks back into the booking area from dispatch and walks to cell one and then leaves to what appears to answer Police radio transmission and the phone.
19:42 – TCO Peralez walks back into the booking area from dispatch and walks to cell one and stands in front of Ms. Torres, possibly talking again.

19:47 – TCO Peralez leaves the booking area due to what appears him hearing Officer Nancy Venecia, 112, coming into the La Joya Police Department's front door.
19:48 – Penitas Officer Barron arrives at the La Joya Police Department and goes into the booking and walks to cell one.
19:54 – Penitas Officer Barron walks out of the booking area to get the cell keys and takes Ms. Torres out of the cell to provide her a phone call.
20:04 – Penitas Officer Barron places Ms. Torres back inside cell one.
20:06 – Penitas Officer Barron leaves the booking area and then the La Joya Police Department.
20:09 – TCO Peralez leaves dispatch and walks towards the squad room and makes contact with Officer Venecia. TCO Peralez then returns to the dispatch room and then again walks back to the squad room to make contact with Officer Venecia. TCO Peralez returns to the dispatch room.
20:11 – Cameras shows Ms. Torres laying on the cell bench on her stomach.
20:12 – TCO Peralez walks back into the booking area from dispatch and walks towards cell one where Ms. Torres is and then leaves back into the dispatch room and is seen on the phone.
20:13 – TCO Peralez walks into the booking area from dispatch and walks towards Ms. Torres who is still laying on her stomach on the bench inside the cell.
20:16 – TCO Peralez leaves in a hurry back to the dispatch room to what appears to answer Police radio transmission.
20:17 – TCO Peralez returns to cell one where Ms. Torres is at.
20:19 – TCO Peralez leaves in a hurry back to the dispatch room to answer the phone.
20:20 – TCO Peralez walks back into the booking area from dispatch and walks to cell one and then quickly leaves to what appears to answer Police radio transmission.
20:21 – TCO Peralez returns to cell one where Ms. Torres is at and it appears that he touches himself in the frontal lower (pelvis region) part of his body in front of Ms. Torres and then places both his hands on the cell bar.
20:22 – TCO Peralez leaves in a hurry back to the dispatch room to what appears to answer Police radio transmission.
20:23 – TCO Peralez returns to cell one where Ms. Torres is at.
20:24 – Officer Venecia walks out of the squad room and walks in front of dispatch and it appears that she notices that no one is inside the dispatch room and walks out of the La Joya Police Department. TCO Peralez quickly retunes to the dispatch room to what appears to answer Police radio transmission. Officer Venecia walks back into the La Joya Police Department while TCO Peralez had gone back to cell one. Officer Venecia goes to the squad room.
20:25 – TCO Peralez leaves Ms. Torres and walks back to the dispatch room to what appears to answer Police radio transmission and then returns back into the booking area and as he is walking back towards Mr. Torres he passes the camera and looks up towards it. (Note: a picture has been taken to show what camera looks like)
20:27 – TCO Peralez squats down in from of cell one and his hands are seen go pass the cell bars inside the cell. Ms. Torres is seen laying on her stomach. Officer Venecia approaches the dispatch window, but then leaves because TCO Peralez is not there.
20:28 – TCO Peralez leaves in a hurry back to the dispatch room to what appears to answer Police radio transmission and is seen on the phone too.
20:30 – Officer Venecia approaches the dispatch window and then returns to the squad room. As soon as Officer Venecia leaves towards the squad room TCO Peralez returns to the booking area and walks towards Ms. Torres.

20:34 – Ms. Torres is seen on camera to roll to her right side as her head is facing south towards the cell door and her left hand is seen reaching towards her lower region back side and then roll back to lay on her stomach.

20:35 – TCO Peralez leaves in a hurry back to the dispatch room to what appears to answer Police radio transmission and then returns back to cell one where Ms. Torres is at.

20:38 – TCO Peralez leaves in a hurry back to the dispatch room to what appears to answer Police radio transmission and returns to cell one where Ms. Torres is at.

20:40 – TCO Peralez is seen squatting in front of cell one and his hands go past the cell bars again as he goes down to one knee.

20:41 – TCO Peralez leaves in a hurry back to the dispatch room to what appears to answer Police radio transmission. He then goes back to cell one and takes time to stretch and look up at the camera. Ms. Torres then gets up and is out of camera view but TCO Peralez looks to be looking inside the cell towards the north side of the cell where Ms. Torres is possibly at.

20:43 – TCO Peralez quickly leaves to the dispatch room to go answer the phone. Ms. Torres is seen walking back from the north side of the cell and lay back down on the cell bench on her back. Camera also shows to what appears to be Ms. Torres's pants in her hands and then places them under her head as she lays on them.

20:44 – TCO Peralez walks back from the dispatch room towards Ms. Torres where she is laying on her back without any pants on.

20:45 – TCO Peralez leaves back to the dispatch room to answer the phone and then go back to cell one where Ms. Torres is at.

20:46 – TCO Peralez leaves to the dispatch room to possibly answer Police radio transmission. He then returns back to cell one and stands in front of it where Ms. Torres is laying on her back.

20:47 – TCO Peralez walks around cell one entrance looking up as to be looking for something. He then approaches camera and it appears he is inspecting it.

20:48 – TCO Peralez then walks back to cell one and squats in front of the cell and places his hands inside the cell past the cell bars as he goes down to one knee.

20:51 – TCO Peralez leaves back to the dispatch room to answer the phone and then go back to cell one where Ms. Torres is at. His hands are seen inside he cell.

20:52 – Camera appears to show Ms. Torres lift her shirt up over her stomach as TCO Peralez is in front of her.

20:53 – TCO Peralez leaves to the dispatch room to possibly answer Police radio transmission. TCO Peralez then returns back to cell one.

20:54 – TCO Peralez is seen on one knee in front of the cell and place his hands inside the cell.

20:55 – Camera shows Ms. Torres lifting her shirt to what appears above the breast area as TCO Peralez in on one knee in front of the cell with his hands inside the cell. He then quickly leaves back to the dispatch room to possibly answer Police radio transmission and Ms. Torres quickly pulls her blouse down.

20:56 – TCO Peralez returns to cell one and gets back on one knee. It appears that Ms. Torres then pulls down her underwear and TCO Peralez stands up.

20:57 – Camera shows TCO Peralez reach into the cell in the direction of the females pelvic region. His right arm is extended all the way inside the cell and it appears that he uses his left hand to grab the cell bar as leverage to get his right arm further inside the cell. TCO Peralez quickly leaves to answer possible Police radio transmission and as he is leaving the camera shoes female pulling down her blouse.

20:58 – TCO Peralez comes back to the cell and again places his arm in the cell and appears to be touching Ms. Torres below the waist and is rocking his body from side to side.

20:59 – After what appears that TCO Peralez is done touching the female below the waist it now appears that he is touching and fondling her breasts.

At this time I notify Chief Geovani Hernandez, R-1, and Sergeant Ramos of what I have seen and advise them that TCO Peralez made sexual contact with Ms. Torres. We review the video up to the point where sexual contact is being made. Chief Hernandez advised Sergeant Ramos and myself to continue to view the camera system. Chief Hernandez left my office to go brief the City Administrator Mike Alaniz. Myself and Sergeant Ramos continue to view the camera system.

21:00 – TCO Peralez leaves back to the dispatch room to possibly answer Police radio transmission and camera shows what appears the Ms. Torres has her blouse above her breasts and then pulls it down.

21:01 – TCO Peralez goes back to cell one and after a while he reaches into the cell again and appears to be fondling Ms. Torres breast. At one point it is seem on camera that Ms. Torres's foot comes up and is in view by the cell bars.

21:02 – TCO Peralez walks towards the south wall by the cell entrance and is out of the camera's view. Ms. Torres appears to be exposed laying on her back. TCO Peralez is then seen on camera as Ms. Torres gets up and pulls her blouse down and walks towards the cell door. TCO Peralez is seen in front of the cell door and Ms. Torres is front of him inside the cell. Camera shows TCO Peralez on his tip toes attempting to lean as far as he could against the cell door. TCO Peralez then appears to push back and forth against the cell door.

21:03 – TCO Peralez leaves back to the dispatch room to possibly answer Police radio communication. As he is leaving it appears that Ms. Torres wipes her hand on her shirt and walks back to lay down on the cell bench.

Chief Hernandez then advises us to make contact with Ms. Torres to see if she was okay and to ask in general if she was treated okay while at the La Joya Police Department. While we were with Chief Hernandez Officer Julia Cruz had taken Ms. Torres to the restroom and after doing so I observed Officer Cruz talking to her by the cell door. When Officer Cruz walked out of the booking area I asked her what had Ms. Torres said and Officer Cruz stated:

- Ms. Torres wanted to talk to her girl to girl.
- That Ms. Torres wanted to leave and that she would not make a big deal about what had happened to her because she did not want to be questioned and stay longer.
- That Ms. Torres stated that as girls she was suppose to take it because shit happened.
- That Ms. Torres stated that it happened everywhere but didn't think that some guy would be grabbing her inside the cell.
- And that Ms. Torres wanted to know the name of the guy.

I advised Officer Cruz to make a report while Sergeant Ramos and I attempted to talk with Ms. Torres. We approached Ms. Torres and began to talk with her. I asked Ms. Torres if she was okay and she sated she was but wanted to leave and asked when she would be seeing the Judge. I told her that I would have to call the Penitas Police Department and find out and at that point she stated that she would not spend another night inside the cell and wanted me to promise her that she

would not have to. We then asked her if she was disabled and she stated that she was bipolar and had been diagnosed with MS (Multiple Scerosis). We asked if she need any medication and she stated, "No." I then asked her if something had happened and she stated no and asked why we didn't have cameras. I then told her we did and she stated, "you should but more." I asked her why and she didn't answer. I then pointed to the camera and she stated that it didn't look like a camera and that it didn't work and began to cry.

Sergeant Ramos stepped out and Ms. Torres began to tell me again that she did not want to stay inside the cell and that she had already told Officer Cruz what had happened and if the camera worked to go look at it. I then told her that I would and she stopped me and said, "no don't, I just want to leave and don't want to stay any longer." I then asked her again is she was okay or what had happened and she said, "I'm not going to get anything out of it and I'm not a *Chismosa*." The Spanish word *Chismosa* is translated as being a tattletale in English. I then told her that I was there to help her and that if anything happened to her I wanted to help her. I also told her that when she was ready to talk that I would listen to her. At that point Sergeant Ramos walked back into the booking room and she stated that she would talk with me but did not want Sergeant Ramos because he reminded her of her father and was ashamed.

I asked Sergeant Ramos to leave the booking area. I then told her that I was ready to listen to her. Ms. Torres began by stating that she had not had sex in a long time and was saving herself for her boyfriend and that guy should of not done that to her as she pointed to the dispatch room. I then asked her if she would come with me to my office where I could talk to her and she said, "Yes."

I escorted her to my office and I asked her to continue. She stated that she was asleep and could hear someone come and then leave. Then there was a time when he came into the bookin g area and started a conversation with her. I asked her if she knew his name and she stated that she could not but he had told her that he knew cops were assholes but that he was a dispatcher. Ms. Torres then went on to tell me that the dispatcher was married and that he had a 3 month old baby. She then stated, "Why couldn't that asshole go home to his wife and fuck her and leave me alone," and tears began to roll down her cheeks.

Ms. Torres said that the dispatcher told her, "There are no cameras here and no one can hear you so you have to do what I say... La Joya is so poor they have no cameras." Ms. Torres also stated that he told her, "that no one could come in because he had the keys and access to all the doors." At that point she said that she already knew what he wanted and that she knew she had to do what he wanted because no one could hear her. After he told her that he left and came back and she was on her stomach and he told her, "Hey girl you have a pretty ass, let me see it." Ms. Torres then said, "He told me to take my pants off," and she did what he told her to do because she feared for her safety, always keeping in mind that she was alone and that no one could hear her.

Ms. Torres stated that the dispatcher told her, "Let me see your tits" and she pulled down her blouse as she laid on her back. He then told her, "Oh, wow! you have pink nipples pick up your shirt and play with you nipples." He then left and came back and told her to lift up her shirt and he began to touch her nipples and breasts. Ms. Torres stated that as she laid on her back he told her to pull down her underwear, which she did to just above the knee. Ms. Torres then told me that he put in one finger into her pussy and that it hurt because she had not had sex in a long time because she was saving herself for her boyfriend. Mr. Torres said that he told her, "Damn girl you're really tight." She then began to cry and began to tell herself, "be strong you need to tell him." She then went on to tell me that she got wet and that he put in two fingers and that he might have put in all his fingers. He then left and came back. Ms. Torres continued to tell me that he had fingered her several time and that there was nothing she could do. She was unsure how many times.

Ms. Torres then stated that he told her, "I want you face down and ass up" but then left and when he came back he went to a corner and asked her if she wanted to see his dick as he pulled it out. Ms. Torres describe his dick as being small with a short fat head and was very dark and looked like a piece of shit. Ms. Torres stated that he told her to go to the door and grab his dick, which was

hard. Ms. Torres stated that she did as she was told and she began to stroke it and then told her to suck his dick, but she told him to pull his pants all the way down to buy time to see if someone would come into the Police Department if he took long to answer radio or phone. Mr. Torres stated that she went along with what he would tell her to do to protect herself and buy time to see if someone would come in and bust him. Ms. Torres told me that she told him no and that he then started to rock back and forth and make moaning noises as she held his dick in her hand. Ms. Torres then stated that he left and that she saw white gooey fluid in her hand and that it stunk. Ms. Torres then stated that he then came back and told her to show him her tits and play with them.

Ms. Torres stated that at one point she saw a shadow and was so relieved that someone was finally there and stated that a spider had bit her so that she could get out of the cell. Then she says a female officer came and took her out of the cell and took her to the restroom. Ms. Torres stated that after she went to the restroom and went back to the cell he went back a few more time until another Officer came and told him that he had no business in there with her.

Ms. Torres stated she did not tell anyone because she feared that once they left that the dispatcher would do something to her, since it had taken someone that long to come into the Police Department. Ms. Torres was providing me an Affidavit when Penitas Police Department came to take her to get arraigned on her charges. Ms. Torres left the La Joya Police Department after she provided me the Affidavit. Her address information is 705 W. A St. Mission, Texas 78572 and her phone number is 956-960-2089.

After Ms. Torres left I briefed Chief Hernandez and Sergeant Ramos on what Ms. Ramos had stated and Chief Hernandez told me to finish reviewing the video until Felipe Peralez left the building.

The following is what I observed with times stamps on the video after 21:03 on 5/29/2014:

21:04 – TCO Peralez goes back to cell one and later camera shows him on one knee and Ms. Torres moves up as she is laying on her stomach and it appears that TCO Peralez is touching her back and then it appears as he moves her and begins to touch her causing her to move back and forth. He then stops and then begins again. He stops again and it then appears that he is touching her butt.

21:08 – TCO Peralez then leaves to answer the phone and Ms. Torres is seen laying on her stomach.

21:09 – TCO Peralez then goes to the squad room and makes contact with Officer Venecia.

21:10 – TCO Peralez returns to cell one and immediately reaches his arm into the cell and makes a side thrust and then gets down on one knee and reaches inside the cell and what appears to be stroking her back and butt.

21:13 – Camera show TCO Peralez again reaching into the cell and appears to be using leverage to reach into the cell.

21:15 – TCO Peralez then goes down to one knee and appears to be touching Ms. Torres's breasts.

21:16 – Ms. Torres stands up in front of cell bars and pulls down her shirt and walks in front of the cell without any pants.

21:21 – TCO Peralez leaves the cell to possibly answer Police Radio transmission and then goes back to cell one. Ms. Torres is seen sitting Indian style as TCO Peralez leaves again to answer Police radio transmission and then goes back to cell one where Ms. Torres is at.

21:27 – TCO Peralez leaves to answer phone.

21:27 – Ms. Torres reaches towards the cell lock a few times and it is clearly seen that she is not wearing any pants.

21:29 – TCO Peralez comes back to cell one.

21:31 – TCO Peralez and Ms. Torres go to cell door and then he leaves to possibly answer Police radio transmission.
21:32 – Ms. Torres is seen putting on her pants inside the cell.
21:33 – TCO Peralez goes back to squad room and makes contact with Officer Venecia.
21:35 – TCO Peralez goes back to cell one. Ms. Torres appears to be laying on her back and then sits up. TCO Peralez then leaves quickly to possibly answer Police radio transmission.
21:36 – TCO Peralez then returns to cell one. Officer Jose Bustillos walks into the La Joya Police Department and it appears that TCO Peralez hears the door and he quickly goes to check. Officer Bustillos goes to squad room and appears to be talking with Officer Venecia. TCO Peralez then goes back to cell one and stands in front of Ms. Torres.
21:37 – Officer Bustillos walks into dispatch and then goes into the booking area. TCO Peralez steps away from the front of the cell and Ms. Torres is seen with her hand down her blouse. Officer Bustillos walks out and walks to the squad room. TCO Peralez approaches the cell again and it appears that Ms. Torres rubs her chest as TCO Peralez walks away and goes into the dispatch room and then walks towards the squad room and makes contact with Officer Venecia as she is already getting up and walking away from the squad room.
21:38 – Officer Venecia goes into the booking room and makes contact with Ms. Torres as TCO Peralez appears to be looking inside the first aid kit.
21:39 – Officer Venecia takes Ms. Torres out of the cell and escots her to the females restroom. Officer Bustillos walks out of the La Joya Police Department.
21:43 – Ms. Torres walks out of the restroom and Officer Venecia escorts her back into the booking area an places her inside cell one. Ms. Torres is seen on camera laying on her stomach and then gets up and Officer Venecia opens the cell door and takes her back to the restroom.
22:00 – Ms. Torres is seen walking out of the restroom and is taken back to cell one.
22:01 – Officer Venecia leaves the booking area and returns to the squad room. TCO Peralez leaves dispatch and walks back to the squad room and makes contact with Officer Venecia and then walks back to dispatch.
22:02 – Penitas Officer Garza walks into the La Joya Police Department as TCO Peralez walks back to dispatch and opens the door for Penitas Officer Garza. Penitas Officer Garza walks into booking area and makes contact with Ms. Torres. Camera shows Penitas Officer Garza allowing Ms. Torres to use the phone.
22:17 – Penitas Officer Garza leaves the La Joya Police Department. TCO Peralez walks back to cell one as soon as Penitas Officer leaves.
22:19 – Officer Gerardo Vela walks into the La Joya Police Department and notices that TCO Peralez is not inside dispatch and opens the booking door and it appears that he motions to TCO Peralez to get back to dispatch. Officer Bustillos also arrives at the La Joya Police Department and walks into the booking area.
22:21 – Officer Bustillos leaves the La Joya Police Department and Officer Vela makes contact with TCO Peralez at the dispatch window. Officer Vela leaves the dispatch window and walks to the squad room. Officer Bustillos walks back into the La Joya Police department and stands in front of the dispatch window with TCO Peralez.
22:22 – Officer Bustillos leaves the La Joya Police Department.
22:29 – Officer Miguel Flores walks into dispatch and sits at desk. It appears that TCO Peralez and Officer Flores have a conversation.
22:34 – Officer Venecia leaves the La Joya Police Department.
22:37 – Officer Flores leaves dispatch and walks back to the squad room.

22:38 – TCO Maricela Sandoval walks into the La Joya Police Department and goes into the dispatch room.
22:40 – TCO Peralez walks back to the squad room and then walks back to dispatch. TCO Sandoval takes over the dispatch console.
22:41 – TCO Peralez walks into the booking area from the dispatch room and approaches cell one where Ms. Torres is at and then returns back to dispatch.
22:42 – TCO Peralez walks back to the squad room with a piece of paper and hands it to Officer Flores and then walks back to the dispatch room where he gets a cup and walks to the restroom.
22:43 – TCO Peralez leaves the La Joya Police Department.

Chief Hernandez advised me that we would hold a meeting with TCO Felipe Peralez on Saturday 5/31/2014 at 10:00 a.m. I was present when Sergeant Ramos made the call and spoke with TCO Peralez to set that meeting as Chief Hernandez had requested.

Lieutenant Ramon Gonzalez 202

La Joya Police Department

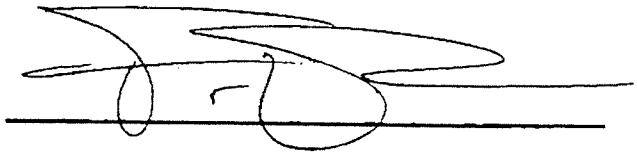
Supplement Report

From: Feliciano Ramos Jr.
Captain, La Joya P.D.
Date: 12/09/2014

Case: Follow-up report (*Case #05178-14*)
INVESTIGATION

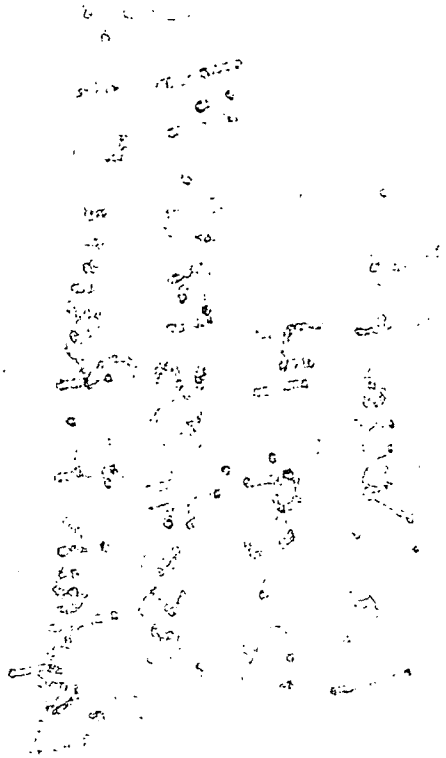
On Tuesday December 9, 2014 at approximately 9:45 a.m., I Captain F. Ramos and Lieutenant R. Gonzalez proceeded to 705 W. A street Mission, TX 78572, in reference to a follow-up investigation/Interview with Cynthia Raquel Torres (case No.05178-14). Upon arrival, I observed a red brick house with white trim under construction and a blue sign posted on the fence (see attached photo, marked #1). The sign read another project provided by City Of Mission (CDBG PROGRAM). I contacted the City Of Mission and made contact with a female employee named Pricilla, who provided me with a temporary contact address and phone number for Jesus Torres, residing at 905 W. 1st Street Mission, TX 78572. Lt. Gonzalez and I proceeded to the new address and made contact with resident Analysa Torres, sister of Cynthia Raquel Torres. Ms. Torres stated that Cynthia was still in jail in Marlin, TX 76661. Ms. Torres also stated that Cynthia would be released about the first week of January 2015. Ms. Torres produced a letter sent by Cynthia Torres from a correctional facility (see attached Photo, marked #2)located at 2893 State Hwy

6 Marlin, TX 76661. Ms. Torres was provided a business case card for Cynthia and asked if she can contact the department for a follow-up report. Supplement report was generated and turned into the Districts Attorney's Office on 12/10/2014 for review.



FELICIANO RAMOS JR., CAPTAIN

Case 7:16-cv-00281 Document 1-13 Filed in TXSD on 05/27/16 Page 68 of 85



LA JOYA POLICE DEPARTMENT
P.O. BOX H
LA JOYA, TEXAS 78560
(956) 585-4855

Investigators Follow up Report

Case No.: 05178-14	Date: 12/9/2014		

On Tuesday, December 9, 2014, myself and Captain Feliciano Ramos, R-2, attempted to make contact with Cynthia Raquel Torres, D.O.B. 9/23/79 at her last known address, 705 W. A Street Mission, Texas 78572.

Upon arrival to said location we noticed that the residence appeared to be undergoing renovations and was under construction. There was a sign posted by the City of Mission's CBDG funded program in front of the residence. Captain Ramos made contact someone with the City of Mission CBDG program by the name of Patricia. He was able to obtain the address from her as to where the residences from 705 W. A St. were staying while the renovations are completed.

The address proved was 905 W. 1st St. Mission, Texas. Upon arriving to location we made contact with Cynthia's sister Anna Torres. I asked Anna if her sister was home and she stated that Cynthia was in jail. I asked her if she had been home after her arrested back in May of 2014. She stated that she had not and had been locked up since then. Anna stated that Cynthia had been locked up in Hidalgo County Jail for about two months after she had been arrest by the City of Penitas back in May and then got sent up to a different jail facility. Anna did not know what the name of the prison was, but did provide me with an address. That address is Marlin unit 6-B-5 2893 State Hwy 6 Marlin, Texas 76661. Anna stated that Cynthia was schedule to be released the first week on January 2015.

I left Anna a business card with my name and number and asked her to give it to Cynthia when she got home.

Ramon Gonzalez

Lieutenant Ramon Gonzalez R-3

Please Review and make corrections

Perdas A[illegible] 19:48:[illegible] — 20:06:21

5/29/14

18:08:56	—	18:08:58	20:46:52 – 20:51:34
18:23:47	—	18:23:50	20:52:08 – 20:52:5
19:11:12	—	19:12:17	55:04 20:53:20 – 20:55:10
19:14:42	—	19:15:27	20:56:13 – 20:57:43
19:19:31	—	19:21:49	20:58:16 21:00:2[illegible]
19:23:10	—	19:24:04	21:01:10 – 21:03:48
19:25:40	—	19:27:31	21:04:38 – 21:08:37
19:27:56	—	19:28:06	21:10:08 – 21:22:18
19:28:35	—	19:30:17	
19:33:03	—	19:34:17	
19:35:54	—	19:36:53	
19:37:34	—	19:37:52	
19:42:14	—	19:45:54	
19:46:08	—	19:47:02	
20:12:03	—	20:13:00	
20:13:32	—	20:16:03	
20:17:25	—	20:19:25	
20:20:36	—	20:20:40	
20:21:16	—	20:22:26	
20:23:09	—	20:24:32	
20:25:22	—	20:25:44	
20:26:08	—	20:28:52	
20:30:49	—	20:35:15	
20:35:45	—	20:38:52	
20:39:11	—	20:41:20	
20:41:55	—	20:43:44	
20:44:40	—	20:45:13	
20:45:53	—	20:46:30	

La Joya Police Department

DATE: 19-May DAY: THURSDAY NAME: PERALEZ SHIFT: B PAGE: 1

Unit #	T/R	XX-XX	XX-23	XX-08	10-XX	Dispatchers Save Seconds, "Seconds Save Lives"
6008	1500				41	DISPATCH
R1	1522	W			TS	LEO AND EXP WHI TOYT 28:CJJ8490 27:LUIS SARINANA DOB:08251974
112	1524				28	CNT0148
112	1524				EP	ROLLBY FOR R1
R3	1526				43	CESAR TOWING AT S14
106	1528				6	S14 SERVICING UNIT
112	1530				28	bs1s765
R3	1532		1534	344	6	76 TO IMPOUND ESCORTING CESARS TOWING
LJPD	339				CALL	FORD TAURUS WHITE IN COLOR LOADED UP IA'S OR DELTA ON VELAJACKSON PARK
						NOW IS GOING NB TWORD EXP CI AS TIP AY CALLER
LJPD	340				43	ALL UNITS WERE ADVISED OF TRAFFIC WITH OF TIP CALL
						AND THEY WILL BOLO
112	341				28	CP8P333
106	346	C#84405		1603	TS	400 DODGE CHARGER CB3G013 RED IN COLOR 27:ALBERTO GARCIA DOB:11151977
106	348				43	CONSEANT TO SEARCH VEHICLE
112	349				28	DF7P274
112	1551				EP	ROLLBY FOR 106
112	1555				28	BYF5235
6004	1606				43	PENITAS OFFICER BARON TENDING TO 95S
112	1606				6	S4 REPORT
R8	1607	W			TS	700 E EXP 28:BK80197 27:17857037
R3	1611				EP	LEO AND MILITARY
106	1612	W		1625	TS	700 E EXP 28:CCZ6543 27:11492120
R1	1613				EP	LA JOYA CREDIT UNION PARKING LOT PATROLLED
6004	1622				43	GRN F-150 FOLLOWED BY HSCO
R4+2	1622				6	N FM2221 N OF HIGH SCHOOL BAIL OUT GRN F-150 CASE#05172-14
112	1624			1625	6	W/R3+111 76 TO R4 20 STATUS 10-04
112	1635				28	RYZ765
111	1636	C			TS	MCDONALDS EXP 28:19N0357 GRN FORD CASE#05173-14
112	1636	C#84438		1643	TS	S23 28:RYZ765 CASE#05171-14 VEHICLE IMPOUND
R1	1636				EP	ROLLBY FOR 112+111'S TS
R4+2	1639				43	6IAS TURNED OVER TO BP STATUS 10-04
106	164	84407		1649	TS	1/2 MI W OF FM2221 ON EXP GF EP 28:BW5B977 27:26482288

Case 7:16-cv-00281 Document 1-13 Filed in TXSD on 05/27/16 Page 73 of 85

R3	1640				6	S4 17 IN LOBBY W/MONEY ORDER FOR 28
R4+2	1647				6	S4
112	1647			1658	6	IMPOUND DROPPING OF 28:RYZ765
6004	1650				CALL	JUANITA CASANOVA REPORTING LEAK AT 5TH AND KING SENDING PUBLIC WORKS CB#5376689
106	1654			1701	S4	10-100
202	1702			1702	6	BORROWED EQUIPMENT ROOM KEYS, KEYS RETURNED

Unit #	T/R	XX-XX	XX-23	XX-08	10-XX	
1123	1704				28	215SCB
106	1705				28	BB95324
R8	1706				28	CZJ1428
112	1712				6	S4 1
106	1717				EP	9+9 1/2 945 S LEO
6004	1720				6	S4 95 CHECK STATUS CODE 4 ON 95X2
106	1721				EP	SECTOR9 AND E MILITARY
R8	1723	W		1731	TS	600 E EXP 28:BLS3795 27:12651826
106	1733				43	RADIO 10-07
R8	1737				43	EB
106	1741	C#84408		1751	TS	700 E EXP 28:BJ3F714 27:09068063
R8	1744	W			TS	1 MI N ON FM2221 28:BMX9277 27:34521505
6004	1747				6	95X2 CHECKED STATUS 10-04
106	1754				6	S4 10-100
6004	1755				43	GROUP OF IAS IN PENITAS ON MILITARY PAST LANDFILL
R8	1755	W			TS	BLU EXP S14 28:AG66947
106	1758			1805	43	V1 E/M:126995 SWITCHING TO V12 S/M:61828
106	1806	W		1808	TS	1/4 MI N OF FM2221 DGE RAM TAMAULIPAS 28:ZYN1904 GRY
106	1812				6	S4
106	1821				43	N ON MILITARY TOWARD 11TH 20 IAS ADVISED BP, BP 76
106	1823				43	SUBS HIDDING IN WOODED AREA BETWEEN MILITARY AND 11TH
R1	1826				43	HELLICOPTER ABOVE AREA
112	1827				43	BE ON FOOT CHECKING WOODED AREA BETWEEN 11TH AND MILITARY
R1	1830				43	BE CHECKING LEO AND MILITARY
112	1832			1842	43	ADVISED BP ADVISED SUBS BE BETWEEN GARZA AND VELA JACKSON ON 11TH SUBS DIDN'T
						MAKE IT TO MILITARY
6004	184?				6	95 CHECK STATUS 10-04

Case 7:16-cv-00281 Document 1-13 Filed in TXSD on 05/27/16 Page 74 of 85

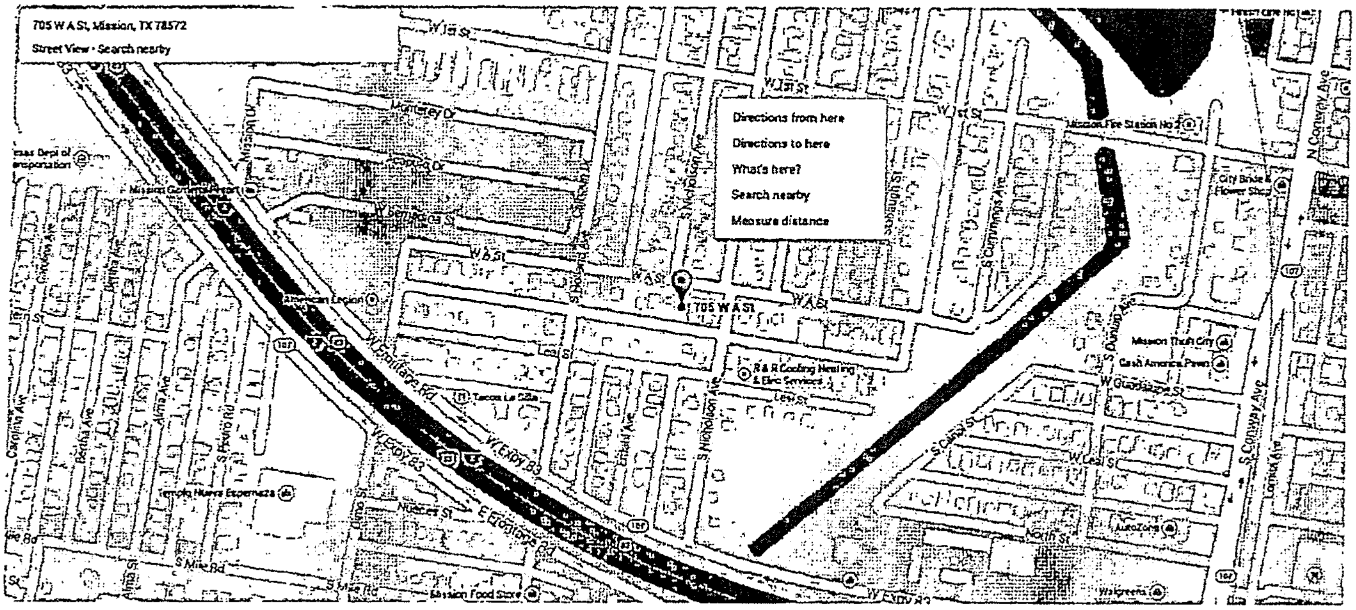
R1	1853				43	BE 10-08 FROM AREA
106	1858				6	1100 S GARZA CHECKING STATUS ON ABANDONED HOUSE BE OUT OF UNIT
112	1916				EP	LOMA BLANCA
106	1922				42	V11 E/M:62829
106	1923				43	STILL IN AREA OF SOUTH CENTRAL
R3	1926				43	BP TOOK CUSTODY OF 6 IAS
6004	1929				43	PENITAS OFFICER BARON TENDING TO 95
112	1934	C#84439			TS	COYOTE AND EXP 28:48VJT 27:06155065
112	1943	C#84440			TS	300 E EXP BYH0102 WHI FORD LL 27:19368442
117	1944				41	V1 S/M:126995
117	1945				EP	ROLLBY FOR 112
106	1949				EP	PATRICIO PEREZ E+W MILITARY

La Joya Police Department

DATE: 19-May DAY: THURSDAY NAME: PERALEZ SHIFT: B PAGE: 3

Unit #	T/R	XX-XX	XX-23	XX-08	10-XX	Dispatchers Save Seconds, "Seconds Save Lives"
117	1955				28	CZ5P252
112	1958				28	DD7K605
6004	1959				43	95 ADVISED SHE IS HEARING A FEMALE TALK TO HER SAYS SHES
6004	1959				43	ADVISED PENITAS OF 95 HEARING VOICES AND SHE TAKES MEDS IS A DANGER TO HERSELF
112	2008				6	S4 10-100
6004	2010				43	PENITAS OFFICER CAME TO
117	2018	C#828113		2032	TS	WHI CHEVY 28:5183603 LAUREL AND EXP
6004	2032				43	AEP WAS 21 30 MICS AGO TO FIX LIGHTS IN 4TH 5TH AND KING
117	2037	W#792		2047	TS	100 W EXP EB 28:BSY1849
106	2042				EP	SECTOR 9 SOUTH CENTRAL E+W MILITARY
106	2044			2045	6	1116 S GARZA CHECKING STAUS ON ABANDONED HOUSE

Case 7:16-cv-00281 Document 1-13 Filed in TXSD on 05/27/16 Page 75 of 85



Map data ©2014 Google 200 ft

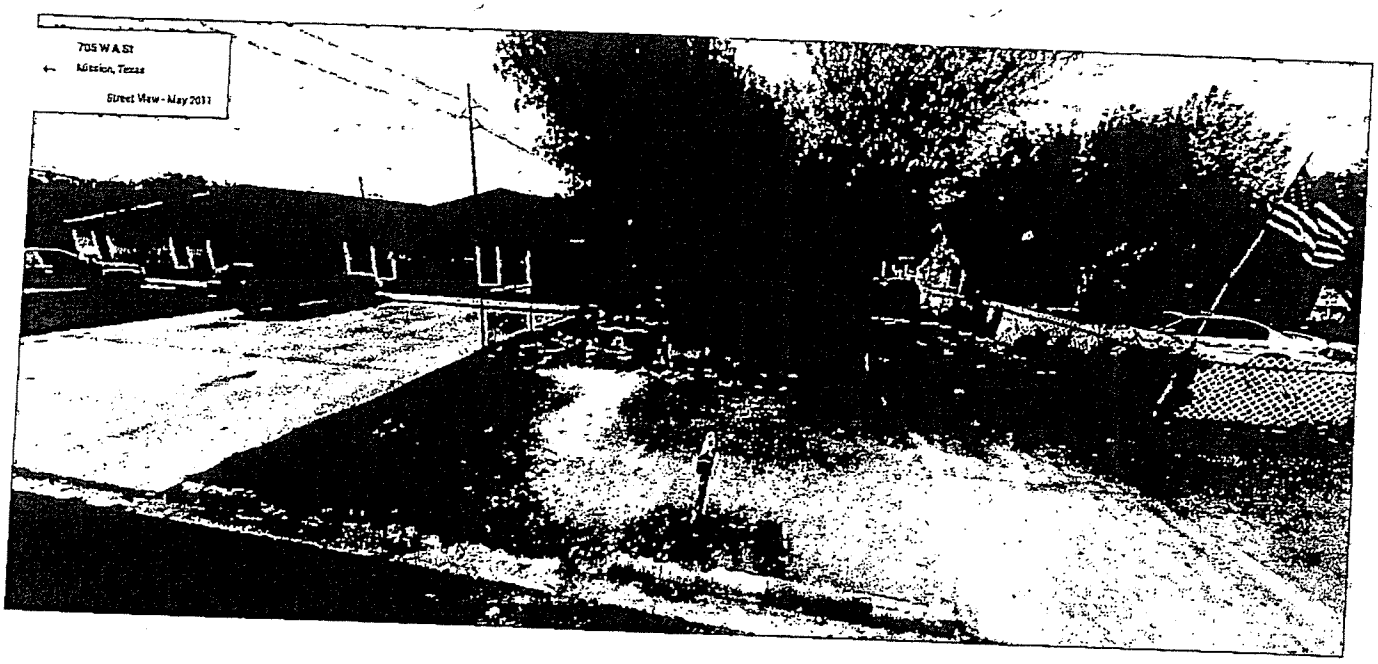


Image capture: May 2011 © 2014 Google

1

LA JOYA POLICE DEPARTMENT
P.O. BOX H
LA JOYA, TEXAS 78560
(956) 585-4855

Supplement Report

Case No: 05178-14	Date of Report: 5/30/14	Time: 1:00pm	How Reported: On View

Nature of Supplement: Incident with Penitas Prisoner
Location: 100 West Expressway 83 La Joya, Texas.
Complainant: State Of Texas/ Officer Nancy Venecia #112
Complainant's Address: 100 West Expressway 83 La Joya, Texas
Phone Number: 956-585-4855

Other Reports
☐ Offense
☐ Accident
☐ Adult Arrest
☐ Juvenile Arrest
☐ Other: _____

NARRATIVE:

On Thursday May 29, 2014 at approximately 9:30pm, I Officer Nancy Venecia #112 while on at La Joya Police Department report entry with two accidents report was in the squad room when I heard noises coming from the south side area of the square room. I got up and proceeded to the dispatched room where I noticed that the two doors to the booking area were wide open. I called for Communication's Officer Felipe Peralez twice with no response. I came back to the squad room thinking that Communication's Officer Felipe Peralez was in the restroom.

I would hear on the radio that Officer Jose Bustillos #106 and Officer Gerardo Vela #117 would transmit something on the radio and Communication Officer Felipe Peralez would not respond. Communication's Officer Felipe Peralez would get back on the radio and asked the officers to repeat traffic because he was unable to copy traffic. I than text Officer Jose Bustillos #106 to come by the police department without logging on the radio.

Shortly after Officer Jose Bustillos #106 advised me that as he was arriving at the La Joya Police Department he saw that Communication's Officer Felipe Peralez was in the booking area with the female prisoner. Officer Gerardo Vela #117 entered the squad room advising me that he saw Communication's Officer Felipe Peralez in the booking area and he approached him and told him that he was not suppose to be there. Officer Gerardo Vela #117 also informed me that he had spoken to Sgt. Felix Ramos and advised him of incident. I took no further actions, I then resumed patrol.

N. Venecia #112

Nancy Venecia #112
La Joya Police Dept.

1

LA JOYA POLICE DEPARTMENT
P.O. BOX H
LA JOYA, TEXAS 78560
(956) 585-4855

Incident Report

Case No: 05178-14	Date of Report: 5-30-14	Time: 7:30 pm	How Reported: Dispatched

Nature of Incident: Information
Location: 100 W Expressway 83 La Joya Texas 78560
Complainant: Officer Jose Bustillos 106/State of Texas
Complainant's Address: 108 East 9th street La Joya Texas 78560

Other Reports
- ☐ Offense
- ☐ Accident
- ☐ Adult Arrest
- ☐ Juvenile Arrest
- ☐ Other: _____

NARRATIVE

On May 30, 2014 at approximately 9:48 pm I Officer Jose Bustillos #106 was advises by Officer Nancy Venecia #112 to meet with her at La Joya Police Department located at 100 West Expressway 83 La Joya Texas.

Upon arrival at said location I noticed that the dispatcher was not in the dispatch station. I made contact with Officer Venecia who advised me that she herd noises on the cell area. I walked to the cell area and observed Tele communication Officer Felipe Peralez Badge #6004 in front of cell #1 with his hands reached up holding the cell bars. I observed a female inmate inside cell #1 with her right hand inside her left breast and talking to Officer Peralez.

Officer Peralez then saw when I approached the cell. Officer Peralez let go of the bars and he stated that the female inmate claimed a spider bit her. I stated to Officer Peralez there was a female officer on duty and that he should of called her instead. Officer Peralez stated that he was about to call the female officer. Officer Peralez left the cell area and went inside the dispatch station. Officer Nancy Venecia arrived at the cell area to check up on the female inmate. I then resumed regular patrol duties. No further action taken.

Ofc. J. Bustillos # 106
La Joya Police Dept.

Case Number: 05178-14

AFFIDAVIT

STATE OF TEXAS {}
COUNTY OF HIDALGO {}

BEFORE ME, the undersigned authority, a Peace Officer in and for the La Joya Police Department, Hidalgo County, Texas, on this day personally appeared, _____ who after being by me duly sworn, upon _____ oath, deposes and says;

My name is Cynthia Torres and I live at 705 West Hst st, Texas. I was born on 9/23/79 and I am 35 years old. My home telephone number is N/A. I am employed at _____ located at _____ telephone number _____.

~~[illegible]~~ I was here and this dick man, Touch ME MADE Do thing I didn't want to do Do he touch me made me take off my pant. touch my tip. Made me touch this small dick. This dick was Brown small he was a one minutes, all He want was to Fuck ME with my Ass up Fact Down. He Finger ME I have not a had sex for ~~[illegible]~~ 6 months

He said NO ONE will hear ME ONLY He had the Keys to the door. He just want to Fuck ME. He MADE take off my pants So I had No pants ON. O again He came I touch his dick small dick. He Ass cause want to come

Sworn to and subscribed before me, a peace officer, while engaged in the performance of my duties and under the authority of Chapter 602.002 Texas Government Code, on this the 30th day of May, 2014.

[signature]
Affiant

Ramon Gonzalez #202
Name of Peace Officer & ID No. (printed)

[signature]
Peace Officer in and for the La Joya Police Department, Hidalgo County, Texas

LA JOYA POLICE DEPARTMENT
P.O. BOX H
LA JOYA, TEXAS 78560
(956) 585-4855

Supplement Report

Case No: 05178-14	Date of Report: 05/30/14	Time: 11:00 am	How Reported: Dispatched

Nature of Information: Information
Location: La Joya Police Department 100 West Expressway 83 La Joya, TX
Complainant: State of Texas/ Julia M. Cruz #111
Complainant's Address: 100 West Expressway 83 la Joya, Texas

Other Reports
☐ Offense
☐ Accident
☐ Adult Arrest
☐ Juvenile Arrest
☐ Other: _____

NARRATIVE

On Friday May 30, 2014 at approximately 11:00 am I, Officer Julia Cruz #111 was radio dispatched to La Joya Police Department located at the 100 block West Expressway 83 La Joya, TX, in reference to take a female inmate to the restroom.

After taking the Female inmate identified as Cynthia Raquel Torres DOB 9/23/1979 to the restroom, she asked me if I knew the name of the male subjects that seats in the dispatch room. I asked the female why, and she stated that she was going to talk to me from girl to girl.

The female stated that she just wanted to get out and that she wasn't going to make a big deal because she didn't want to be questioned and be held in the cell for a longer time.
She stated that we as girls are suppose to take it because shit happens.
She stated that it happens everywhere and that she didn't think that while she was sleeping some guy was going to be grabbing on her inside the cell.
I asked her why she didn't call for help
She said for what that it wasn't going to make a difference because she was alone with the male subject.
She stated she wanted to know the name of the male subject that pushes the button to let the officers in cell area.
She stated that the male would walk out of the dispatch room and go walk in front of her cell
Then walked back a couple of times.
She stated she didn't want me to do anything for what she had stated to me and asked me to promise her because she didn't want more problems she just wanted to be released and be at home with her Kids.

Julia Cruz # 111
La Joya Police Dept.

ARREST NUMBER

DATE OF OFFENSE: 5/29/14 | DATE OF BOOKING: 5/29/14

TIME OF OFFENSE: 1:29 pm | TIME OF BOOKING: 2:20 pm

PEÑITAS POLICE DEPARTMENT ARREST REPORT

OFFENSE CASE NUMBER: 201505-1083

DPS#

FEI#

NAME LAST / FIRST / MIDDLE / ALIAS: Torres, Cynthia Raquel

ADDRESS / CITY/STATE: 705 W. A st Mission TX

PHONE: 960-2089

ARREST/WITH OR KNOWN ASSOCIATES

OCCUPATION: N/A

EMPLOYER/ADDRESS (SCHOOL IF STUDENT)

SCARS-MARKS-TATTOOS-DEFORMITIES: HEAD FACE | L ARM | R ARM | CHEST: Left ankle Heart tattoo | OTHER: Right Ankle Butterfly tattoo

CLOTHING: Colored shirt / blue jeans

RACE	SEX	AGE	DATE OF BIRTH	HGT.	WGT.	HAIR	EYES	PLACE OF BIRTH
H	F	35	9-23-1979	4'11"	120	Brn	Brn	

SOCIAL SECURITY NUMBER: 450-65-4626 | D.L. NUMBER: 17603504 | STATE: TX | ☐ OF ☐ CCMN ☐ CHAUF | ☐ SINGLE ☐ MARRIED ☐ DIVORCED | NEXT OF KIN: Analysa Torres 960-2089

PLACE OF ARREST: 1705 W. Expressway 83 (WAL-MART)

☑ ARREST ON VIEW ☑ ARREST ON WARRANT ☐ RESISTED | ☑ CITIZEN ☐ COMBATIVE ☐ BELLIGERENT | ☑ APPARENTLY NORMAL ☐ HAD BEEN DRINKING ☐ INTOXICATED

RIGHTS READ BY: 202 TIME: 2:20 pm | ☑ YES ☐ NO | ☐ FINGERPRINT TAKEN ☐ MUG SHOT MADE

CHARGES	CLASSIFICATION	OFFENSE CASE NUMBER
Failure to Identify		
Warrant out of County	—	201405-1083

ARRESTING OFFICER(S): A. Gutierrez #2n

BOOKING OFFICER: A. Gutierrez #2n

HOLD FOR

YEAR	STATE	LIC #	VIN #	YEAR	MAKE	MODEL	COLOR	STYLE
2010	TX	39FXH1	1D4HD58N54F162183	2004	Dodge	Durango	WH	SUV

LOCATION OF VEHICLE: 1705 W. Express 83 (WAL-MART)

TOWED BY: Rio's Towing

BAG ① ② ③ ④ ⑤

PERSONAL PROPERTY

QUANTITY	DESCRIPTION	QUANTITY	DESCRIPTION
$	UNITED STATES CURRENCY & COINS (DOLLAR)		
$	MEXICAN CURRENCY & COINS (PESOS)		3 cell phones in purse / misc items in purse
SHOES DESCRIBE			2 bracelets / hair piece

☐ KEY (S) ☐ PURSE ☐ KNIFE ☐ GLASSES
☑ RINGS 1 ☐ COMB ☐ LIGHTER ☒ BELT
☐ WALLET ☐ WATCH ☐ PEN OR PENCIL ☐ TIE

I CERTIFY THAT ABOVE LIST IS A CORRECT LIST OF ITEMS REMOVED FROM MY POSSESSION AT THE TIME I WAS PLACED IN JAIL

X

PRISONER'S SIGNATURE

I HEREBY ACKNOWLEDGE RECEIPT OF THE ABOVE LISTED UPON MY RELEASE FROM CUSTODY BY THE PEÑITAS POLICE DEPARTMENT

X

PRISONER'S SIGNATURE | DATE

ADULTS ONLY
RIGHT INDEX FINGER

SIGNATURE OF RELEASING OFFICER | DATE | PHONE CALLS YES ☐ NO ☐ | WHAT NUMBER

OCCUPATION / CHARGES | BOND FINE

LA JOYA POLICE DEPARTMENT
P.O. BOX H
LA JOYA, TEXAS 78560
(956) 585-4855

Supplement Report

Case No: 05178-14	Date of Report: 05/30/14	Time: 11:00 am	How Reported: Dispatched

Nature of Information: Information
Location: La Joya Police Department 100 West Expressway 83 La Joya, TX
Complainant: State of Texas/ Julia M. Cruz #111
Complainant's Address: 100 West Expressway 83 la Joya, Texas

Other Reports
- ☐ Offense
- ☐ Accident
- ☐ Adult Arrest
- ☐ Juvenile Arrest
- ☐ Other: _____

NARRATIVE

On Friday May 30, 2014 at approximately 11:00 am I, Officer Julia Cruz #111 was radio dispatched to La Joya Police Department located at the 100 block West Expressway 83 La Joya, TX, in reference to take a female inmate to the restroom.

After taking the Female inmate identified as Cynthia Raquel Torres DOB 9/23/1979 to the restroom, she asked me if I knew the name of the male subjects that seats in the dispatch room. I asked the female why, and she stated that she was going to talk to me from girl to girl.

The female stated that she just wanted to get out and that she wasn't going to make a big deal because she didn't want to be questioned and be held in the cell for a longer time.
She stated that we as girls are suppose to take it because shit happens.
She stated that it happens everywhere and that she didn't think that while she was sleeping some guy was going to be grabbing on her inside the cell.
I asked her why she didn't call for help
She said for what that it wasn't going to make a difference because she was alone with the male subject.
She stated she wanted to know the name of the male subject that pushes the button to let the officers in cell area.
She stated that the male would walk out of the dispatch room and go walk in front of her cell
Then walked back a couple of times.
She stated she didn't want me to do anything for what she had stated to me and asked me to promise her because she didn't want more problems she just wanted to be released and be at home with her Kids.

Julia Cruz # 111
La Joya Police Dept.

PEÑITAS POLICE DEPARTMENT
ARREST REPORT

ARREST NUMBER:

OFFENSE CASE NUMBER: 201505-1083

DPS#:

FBI#:

DATE OF OFFENSE: 5/29/14 | DATE OF BOOKING: 5/29/14

TIME OF OFFENSE: 1:29 pm | TIME OF BOOKING: 2:20 PM

NAME LAST: Torres, | FIRST: Cynthia | MIDDLE: Raquel | ALIAS:

ADDRESS: 705 W. A St | CITY/STATE: Mission TX | PHONE: 960-2089 | ARREST WITH OR KNOWN ASSOCIATES:

OCCUPATION: N/A | EMPLOYER/ADDRESS (SCHOOL IF STUDENT):

SCARS-MARKS-TATTOOS-DEFORMITIES: HEAD FACE: | L ARM: | R ARM: | CHEST: Left chest Heart tattoo | OTHER: Right Ankle Butterfly tattoo

CLOTHING: Colored shirt / blue jeans

RACE	SEX	AGE	DATE OF BIRTH	HGT	WGT	HAIR	EYES	PLACE OF BIRTH
H	F	35	9-23-1979	4'11"	120	Brn	Brn	

SOCIAL SECURITY NUMBER: 450-65-4626 | D.L. NUMBER: 17603504 | STATE: TX | ☐ OF ☐ COUN ☐ CHALF | ☐ SINGLE ☐ MARRIED ☐ DIVORCED | NEXT OF KIN: Analyssa Torres 960-2089

PLACE OF ARREST: 1705 W. Expressway 83 (WAL-MART)

☑ ARREST ON VIEW ☑ ARREST ON WARRANT ☐ RESISTED | ☑ CITIZEN ☐ COOPERATIVE ☐ BELLIGERENT | ☑ APPARENTLY NORMAL ☐ HAD BEEN DRINKING ☐ INTOXICATED | RIGHTS READ ☑ YES ☐ NO EX 702 TIME 2:30 pm | ☐ FINGERPRINT TAKEN ☐ MUG SHOT TAKE

CHARGES	CLASSIFICATION	OFFENSE CASE NUMBER
Failure to Identify	—	201405-1083
Warrant out of Laredo		

ARRESTING OFFICER(S): A. Gutierrez #2a

BOOKING OFFICER: A. Gutierrez #2a

HOLD FOR:

YEAR	STATE	LIC #	VIN #	YEAR	MAKE	MODEL	COLOR	STYLE
2010	TX	39FXH1	1D4HD58N54F162183	2004	Dodge	Durango	WH	SUV

LOCATION OF VEHICLE: 1705 W. Expressway 83 (WAL-MART)

TOWED BY: Ric's Towing

BAG ① ② ③ ④ ⑤

PERSONAL PROPERTY

QUANTITY	DESCRIPTION	QUANTITY	DESCRIPTION
$	UNITED STATES CURRENCY & COINS (DOLLAR)		
$	MEXICAN CURRENCY & COINS (PESOS)		3 cell phones in purse / misc items in purse
SHOES DESCRIBE:			2 bracelets / hair piece

☐ KEY (S) ☐ PURSE ☐ KNIFE ☐ GLASSES
☑ RINGS 1 ☐ COMB ☐ LIGHTER ☑ BELT
☐ WALLET ☐ WATCH ☐ PEN OR PENCIL ☐ TIE

I CERTIFY THAT ABOVE LIST IS A CORRECT LIST OF ITEMS REMOVED FROM MY POSSESSION AT THE TIME I WAS PLACED IN JAIL

PRISONER'S SIGNATURE

I HEREBY ACKNOWLEDGE RECEIPT OF THE ABOVE LISTED UPON MY RELEASE FROM CUSTODY BY THE PEÑITAS POLICE DEPARTMENT

X PRISONER'S SIGNATURE DATE

ADULTS ONLY
RIGHT INDEX FINGER

SIGNATURE OF RELEASING OFFICER | DATE | PHONE CALLS YES ☐ NO ☐ | WHAT NUMBER

DISPOSITION / CHARGES | BOND FINE

Laboratory Submission Form

LAB-06 Rev.01 (05/2013) p[illegible]d by: QAC

WES-1503-00991
Weslaco
Date Submitted: 03

Exh. 12.10

☒New ☐Additional ☐Resubmission
☐Corrected Copy

Agency: Texas Rangers Company "D"

Agency Case #: RD-2015-00053

Offense: Violation of Civil Rights of Person in Custody/Improper Sexual Activity with Person

Offense Date: 05/29/2014

Offense County: Hidalgo

☐Drop Box ☐Mail/Certified ☐Other

Printed Name | Agency

Case Contact Person Information

Title/Full Name: Bobby Garcia/ Texas Ranger Badge Number: 7878

Physical Address: 2525 N. International Blvd. Phone: 956-373-1894 Fax:

City, State, Zip: Weslaco, Texas 78596 Email: bobby.garcia@dps.texas.gov

Individual (S=Suspect, V=Victim, E=Elimination)

S / V / E	Name (Last, First, Middle)	Sex	Race	DOB	State	Driver License #	State ID #
V	Torres, Cynthia Raquel	F	W	09/23/1979	TX	N/A	26468049
S	Peralez, Felipe Santiago	M	W	09/22/1990	TX	35833631	29335216

Description of Evidence Submitted

(Attach Brief Synopsis/Offense Report For All Cases Except Drug/Blood Alcohol Cases)

Agency Item #	# of Items	Description of Evidence *Please indicate if item is Probable Cause*	Source	Type of Exam(s) Requested
1	6	(1) pair blk./yellow tennis shoes, (1) white sock, (1) pink sock, blue jeans, multi colored tank top, white/black stripped bra and brown bikini type underwear	Victim	DNA/Comparison
2	4	Buccal Swabs (Saliva)	Suspect	DNA/Comparison