

DOC 62; NEW: CHARLA'S COMMENDATION LETTER TO HANLON



FORT WORTH POLICE DEPARTMENT

COMMENDATION FORM

EMPLOYEE: Sergeant D.T. Hanlon #2386SUPERVISOR: Lieutenant M.N. Krey #1717Date: 03-07-02 Time: 1624 Report Number: 02142262

Details: On this date I received the following message from Detective C. B. Smith:

"Once again Z/T came through for me. I had the warrant for Gaines signed on 2-23-02 at 2225 hours and he was captured by a little after midnight. Sgt. Hanlon and his officers are amazing. They got a very dangerous criminal thrill shooter off the streets before any more people could be shot. They safely took him into custody before anyone else was hurt. They also were able to capture Daniel Aranda/Werre, a co-actor in the case without anyone being harmed. In each case they used good judgement and professional attitudes. I believe their dedication to their job and the safety of the citizens of Fort Worth and Tarrant County should be recognized. Their professionalism is a great asset to this city. I know I can rely on them to assist in any manner and to serve warrants and bring the aps to me to interview. I am honored to work so closely with such a professional group of officers."

I cannot add any additional words to describe the excellent efforts and work ethic of your unit. Thank you for being the outstanding law enforcement professional you are.

Supervisor: *L. M. Krey* 3-7-02
SIGNATURE DATE

Employee: *[Signature]* 3/7/02
SIGNATURE DATE

[Signature] 3-8-02
Reviewed By Date/time

[Signature] 3-11-02
Reviewed By Date/time

Reviewed By Date/time

Reviewed By Date/time

Reviewed By Date/time

REFERENCE General Order 402.01.

Original/Review Original Copy Copy
Affirmative Action Coordinator Police Training Employee Unit File

You were Arrested Around

8:14 pm
2-23-02

Page 5 of 6
Statement Date: 2/15/02 - 3/14/02
Account Number: 344220253

Detail of Home Charges(continued)
FT. WORTH FIREFIGHTERS ASSN.

817-253-9503

Line	Date	Time	Calls To	Number Called	Rate	Fea- Code	Rate Period	Min/ Msg	Airtime Charge	Toll Charge	Add'l Charge	Amount
245	2/23	7:29PM	GLENDAL	TX 817-253-7578	MSLI		OP	2.00	0.00			0.00
246	2/23	7:30PM	INCOMING	CL 817-253-9502	MSLI		OP	4.00	0.00	Tarah's mom's cell #		0.00
247	2/23	7:56PM	CROWLEY	TX 817-297-6501	MSLI		OP	2.00	0.00	my mom's number		0.00
248	2/23	8:03PM	GLENDAL	TX 817-253-7578	MSLI		OP	2.00	0.00	Mindy's number		0.00
249	2/23	8:04PM	GLENDAL	TX 817-253-7578	MSLI		OP	1.00	0.00	Tarah's mom's cell #		0.00
250	2/23	8:05PM	GLENDAL	TX 817-253-7578	MSLI		OP	1.00	0.00			0.00
251	2/23	8:14PM	9-1-1 Emergency	214-000-0911	MSLI		OP	1.00	0.00			0.00
252	2/23	8:16PM	INCOMING	CL 817-924-7550	MSLI		OP	1.00	0.00	Probably Jason's grandpa's #		0.00
253	2/23	8:32PM	INCOMING	CL 817-293-6070	MSLI		OP	1.00	0.00			0.00
254	2/23	8:47PM	INCOMING	CL 817-578-9368	MSLI		OP	8.00	0.00	Brett's girlfriend's Vickie's cell #		0.00
255	2/23	8:52PM	CALL WAIT	817-253-7578	MSLI	CW	OP	1.00	0.00			0.00
256	2/23	8:57PM	GLENDAL	TX 817-253-7578	MSLI		OP	2.00	0.00			0.00
257	2/23	9:01PM	CROWLEY	TX 817-297-6397	MSLI		OP	1.00	0.00			0.00
258	2/23	9:02PM	FORT WORTH	TX 817-626-5638	MSLI		OP	1.00	0.00	Brett's mom's #		0.00
259	2/23	9:03PM	ARLINGTON	TX 817-216-4619	MSLI		OP	1.00	0.00			0.00
260	2/23	9:05PM	INCOMING	CL 817-297-2370	MSLI		OP	7.00	0.00	Shane Wilson's old #, I think		0.00
261	2/23	9:15PM	GLENDAL	TX 817-688-7149	MSLI		OP	2.00	0.00			0.00
262	2/23	9:16PM	FORT WORTH	TX 817-626-5638	MSLI		OP	1.00	0.00			0.00
263	2/23	9:18PM	ARLINGTON	TX 817-828-0366	MSLI		OP	1.00	0.00			0.00
264	2/23	9:19PM	ARLINGTON	TX 817-964-4377	MSLI		OP	1.00	0.00			0.00
265	2/23	9:20PM	EULESS	TX 817-571-7484	MSLI		OP	5.00	0.00			0.00
266	2/23	9:25PM	ARLINGTON	TX 817-455-8581	MSLI		OP	2.00	0.00			0.00
267	2/23	9:27PM	WEDGEWOOD	TX 817-263-2943	MSLI		OP	1.00	0.00			0.00
268	2/23	9:28PM	EDGECLIFF	TX 817-293-6070	MSLI		OP	1.00	0.00			0.00
269	2/23	9:29PM	EDGECLIFF	TX 817-293-2149	MSLI		OP	2.00	0.00			0.00
270	2/23	9:31PM	GLENDAL	TX 817-688-7149	MSLI		OP	1.00	0.00			0.00
271	2/23	9:32PM	CROWLEY	TX 817-297-4204	MSLI		OP	7.00	0.00			0.00
272	2/23	9:35PM	CALL WAIT	817-626-5638	MSLI	CW	OP	9.00	0.00			0.00
273	2/23	9:43PM	CALL WAIT	817-293-2149	MSLI	CW	OP	1.00	0.00			0.00
274	2/23	9:44PM	FORT WORTH	TX 817-626-5638	MSLI		OP	22.00	0.00			0.00
275	2/23	9:44PM	CALL WAIT	817-293-2149	MSLI	CW	OP	1.00	0.00			0.00
276	2/23	9:59PM	CALL WAIT	817-808-2475	MSLI	CW	OP	2.00	0.00			0.00
277	2/23	10:08PM	WEDGEWOOD	TX 817-263-2943	MSLI		OP	3.00	0.00			0.00
278	2/23	10:17PM	GLENDAL	TX 817-253-7578	MSLI		OP	1.00	0.00			0.00
279	2/23	11:04PM	GLENDAL	TX 817-454-5571	MSLI		OP	1.00	0.00			0.00
280	2/23	11:05PM	GLENDAL	TX 817-454-5571	MSLI		OP	1.00	0.00			0.00
281	2/23	11:07PM	WEDGEWOOD	TX 817-292-6318	MSLI		OP	2.00	0.00			0.00
282	2/23	11:17PM	GLENDAL	TX 817-253-7578	MSLI		OP	2.00	0.00			0.00
283	2/23	11:25PM	GLENDAL	TX 817-253-7578	MSLI		OP	2.00	0.00			0.00
284	2/23	11:31PM	CROWLEY	TX 817-297-6397	MSLI		OP	1.00	0.00			0.00
285	2/23	11:34PM	GLENDAL	TX 817-253-7578	MSLI		OP	2.00	0.00			0.00
286	2/24	12:02AM	EDGECLIFF	TX 817-293-2149	MSLI		OP	2.00	0.00			0.00
287	2/24	12:11AM	GLENDAL	TX 817-688-7149	MSLI		OP	2.00	0.00			0.00
288	2/24	12:16AM	ARLINGTON	TX 517-216-4619	MSLI		OP	1.00	0.00			0.00
289	2/24	2:27PM	MAILBOX	CL 817-253-9503	MSLI	VM	OP	1.00	0.00			0.00
290	2/24	2:31PM	MAILBOX	CL 817-253-9503	MSLI	VM	OP	1.00	0.00			0.00
291	2/24	7:12PM	MAILBOX	CL 817-253-9503	MSLI	VM	OP	2.00	0.00			0.00
292	2/24	9:02PM	MAILBOX	CL 817-253-9503	MSLI	VM	OP	2.00	0.00			0.00
293	2/24	9:08PM	MAILBOX	CL 817-253-9503	MSLI	VM	OP	1.00	0.00			0.00
294	2/24	9:09PM	MAILBOX	CL 817-253-9503	MSLI	VM	OP	1.00	0.00			0.00
295	2/25	9:56AM	MAILBOX	CL 817-253-9503	MSLI	VM	PE	1.00	0.00			0.00
296	2/25	3:17PM	MAILBOX	CL 817-253-9503	MSLI	VM	PE	2.00	0.00			0.00
297	2/26	12:05PM	MAILBOX	CL 817-253-9503	MSLI	VM	PE	1.00	0.00			0.00
298	2/26	12:44PM	MAILBOX	CL 817-253-9503	MSLI	VM	PE	2.00	0.00			0.00
299	2/26	4:33PM	WESTLAND	TX 817-560-7005	MSLI		PE	2.00	0.00			0.00
300	2/26	5:17PM	FORT WORTH	TX 817-332-6970	MSLI		PE	1.00	0.00			0.00
301	2/26	5:22PM	GRAND PRAR	TX 214-564-9206	MSLI		PE	1.00	0.00			0.00
302	2/26	5:22PM	MAILBOX	CL 817-253-9503	MSLI	VM	PE	1.00	0.00			0.00
303	2/26	6:14PM	WEDGEWOOD	TX 817-263-8588	MSLI		PE	1.00	0.00			0.00
304	2/26	6:46PM	EDGECLIFF	TX 817-293-7615	MSLI		PE	1.00	0.00			0.00
305	2/26	6:53PM	INCOMING	CL 817-263-8588	MSLI		PE	1.00	0.00			0.00

Detail of Home Charges(continued)
FT. WORTH FIREFIGHTERS ASSN.

817-253-9503

Line	Date	Time	Calls To	Number Called	Rate Code	Feature	Rate Period	Min/Msg	Airtime Charge	Toll Charge	Add'l Charge	Amount
306	2/26	7:54PM	WEDGEWOOD	TX 817-263-8588	MSLI		PE	1.00	0.00			0.00
307	2/26	7:55PM	WEDGEWOOD	TX 817-263-8588	MSLI		PE	1.00	0.00			0.00
308	2/26	8:32PM	EDGECLIFF	TX 817-293-2149	MSLI		OP	1.00	0.00			0.00
309	2/27	3:23PM	MAILBOX	CL 817-253-9503	MSLI	VM	PE	1.00	0.00			0.00
310	2/27	4:48PM	EDGECLIFF	TX 817-293-2149	MSLI		PE	2.00	0.00			0.00
311	2/27	4:50PM	WEDGEWOOD	TX 817-263-8588	MSLI		PE	1.00	0.00			0.00
312	2/28	10:22AM	MAILBOX	CL 817-253-9503	MSLI	VM	PE	2.00	0.00			0.00
313	2/28	10:27AM	MAILBOX	CL 817-253-9503	MSLI	VM	PE	1.00	0.00			0.00
Total Home Charges								800.00	0.00	0.20	1.29	1.49

OP=OFF-PEAK, PE=PEAK
VM=VOICE MAIL, CW=Call Waiting
MSLI=GOVT ISD Plan

DOC 64; NEW: HANLON'S CRIMINAL/DISCIPLINARY RECORDS



THOMAS R. WINDHAM
CHIEF OF POLICE

FORT WORTH POLICE DEPARTMENT
350 W. BELKNAP ST.
FORT WORTH, TEXAS 76102
(817) 877-8385

Firefighters' and Police Officers'
Civil Service Commission
City of Fort Worth
1000 Throckmorton Street
Fort Worth, Texas 76102

To the Honorable Commission:

In accordance with the Firefighters' and Police Officers' Civil Service Rules and Regulations of the City of Fort Worth and the authority contained therein to the head of the Police Department to effectuate disciplinary action, I have suspended Officer D. T. Hanlon, ID 2386, for ten (10) calendar days. This suspension is to take effect on May 17, 1991. The basis for this suspension was my conclusion that a violation of Civil Service rules has been committed, as contained in Section 10.01, which states in part:

SECTION 10.01

Causes for Removal or Suspension

- (L) Violation of any of the rules and regulations of the Fire Department or Police Department or of special orders as applicable.

The circumstances leading to this disciplinary action and the specific violations are:

On November 21, 1990 Officer D.T. Hanlon #2386 and Officer M.E. Dellinger were off-duty and in civilian clothes at the Cheyenne Cattle Company at 4750 Bryant Irvin Road. Officer Hanlon and Officer Dellinger became involved in a confrontation with two white males in the parking lot as they were leaving the club.

Some time during the verbal altercation a pistol was displayed by Officer Dellinger, and Officer Hanlon displayed a Fort Worth Police Department badge and identification card. The verbal confrontation ended, at which time the two white males left the parking lot with a third white male in a brown pickup truck. Officer Hanlon and Officer Dellinger followed them from the parking lot in Officer Dellinger's personal vehicle, with Officer Dellinger driving and Officer Hanlon in the right front seat.

The vehicles proceeded northbound on Bryant Irvin Road. Officer Dellinger extended his off-duty weapon out of the window of his vehicle as both vehicles approached the intersection of Bryant Irvin Road and Interstate 20. Officer Dellinger fired one shot at the pickup in the presence of Officer Hanlon, striking one of the occupants of the truck in the back of the head. Officer Dellinger and Officer Hanlon then left the scene at a high rate of speed.

Officers Dellinger and Hanlon drove to the Lincoln Oaks Apartments, where both officers lived. Officers Dellinger and Hanlon entered Officer Dellinger's apartment and turned on Officer Dellinger's city-issued police radio. The officers listened to the Channel 3 dispatcher as a Signal 37 (shooting) was dispatched to 4750 Bryant Irvin Road. Officer Hanlon listened to the radio as the patrol units on the scene called for supervisors, homicide and the Critical Police Incident team.

Approximately one hour later, Officer Hanlon called an off-duty supervisor at home. Officer Hanlon explained the shooting as a hypothetical situation and did not name himself or Officer Dellinger as the involved officers during this conversation. The supervisor advised Officer Hanlon to contact an on-duty supervisor if this incident had occurred, but Officer Hanlon elected not to do so.

These actions constitute violations of the following:

FORT WORTH POLICE DEPARTMENT GENERAL ORDERS/CODE OF CONDUCT

702.00 CONDITIONS OF EMPLOYMENT

- C. All officers and employees shall comply with the Code of Conduct, directives, procedures of the department, orders and instructions of supervising officers, federal law, state law and city ordinances.
- E. For purposes of discipline, officers and employees shall always be considered on duty and subject to disciplinary action from the department for any violation of the Code of Conduct, General Orders, or directives of the department.

703.00 PROFESSIONAL CONDUCT

- C. No officer shall engage in any personal conduct which could result in justified unfavorable criticism of that officer or the department.
- H. Within the city limits of Fort Worth, officers shall at all times take appropriate action to:
 - 1. Protect life and property.
 - 2. Preserve the peace.

3. Prevent crime.
4. Detect and arrest violators of the law.
5. Enforce all federal, state, and local laws and ordinances within departmental jurisdiction.

356.04 INVOLVED EMPLOYEE RESPONSIBILITIES

- B. Off duty employees of the department who become involved in or become aware of a critical police incident shall immediately notify the Police Communications Division supervisor.

The facts as stated above convince me that the above-cited sections of the Firefighters' and Police Officers' Civil Service Rules and Regulations of the City of Fort Worth, and the Fort Worth Police Department General Orders/Code of Conduct, were in fact, violated by Officer Hanlon. The facts and allegations which gave rise to this disciplinary action were discussed with Officer Hanlon at which time he was given the opportunity to respond to the allegations prior to making a final determination.

I, therefore, suspend Officer D. T. Hanlon, ID 2386 for ten (10) calendar days, such suspension effective May 17, 1991 at 0001 hours.

A copy of the order of suspension that informs Officer Hanlon of the appeal options available under Chapter 143 of the Texas Local Government Code is attached to this letter, and, by this reference, incorporated herein for all purposes.

Respectfully submitted,


Thomas R. Windham
Chief of Police 5-10-91

DOC 65: NEW: RADIO CALL MASTER SHEET NEW: (2-23-02)/UNRESPONSIVE DOCUMENT



Barton GAINES <bartongaines@gmail.com>

OR 20-10-1218

1 message

Barton GAINES <bartongaines@gmail.com>
To: crsims@tarrantcountytx.gov

Fri, Jan 8, 2021 at 8:49 PM

Ten days ago I wrote requesting missing documents (See my 12-31-20 email). You have yet to respond. Therefore, I am writing again whether there is a problem? Please tell me whether there is a problem, or you got my previous email?

On 1-11-21 Sharen 'Sharen' Wilson (bar card number: 21721200 TX License Date: 05/15/1981), by and through her ADA, Mark Charles Kratovil (Bar Card Number: 24076098, TX License Date: 03/31/2011), by and through his Assistant, Christina R. Sims, called and told me it has no responsive documents to my prior request for:

1. Mike's photo spread results from when he was asked by Ft. Worth PD Det. Smith to identify Jason on 2-23-02 at 7:30 pm;
2. The pictures of Jason, his older brother (Jeremy), and their friend Jake Hardin (with marijuana and guns, etc.) that my mom gave my attorney who then gave them to you;.
3. My 8-18-01 Ft. Worth PD arrest for possession of marijuana and injury to the disabled;
4. The ticket or ticket file Ft. Worth PD Det. Smith said Ft. Worth PD Sgt. Hanlon used to find and locate me with; and
5. the Walmart surveillance video.

As well as follow up request on the phone for the

6. Radio call master sheet from when Brett Tucker called 911 on my cellphone at 8:14 pm on: 2-23-02, just moments prior to my arrest.

DOC 66: FWPD RPT (1-26-02)

2 ENTRY DATE 01/26/02 OFFENSE/INCIDENT REPORT PAGE 2
3 ENTRY TIME 0507 DEPARTMENTAL COPY WEST DIVISION

4 SPEECH: UNK.
5 MISSING BODY PARTS: UNK.
6 TATTOO: UNK.
7 SCAR/BIRTHMARK/MOLE: UNK.
8 GENERAL APPEARANCE: UNK.
9 SUSPECT WORE: UNK.
10 R/L HANDED: UNKNOWN
11 BUILD: UNK.

12 SUSPECT #002 INFORMATION

13 NAME	R/E/S/A	DOB	HEIGHT	WEIGHT	ALIAS/NICKNAME
14 MELINDA	W H F 27		6 00	110	
15 ADDRESS:					

16

17 EYE COLOR: HAIR COLOR: BLK
18 HAIR STYLE: LONG
19 FACIAL HAIR: UNK.
20 EYES: UNK.
21 FACIAL ODDITIES: UNK.
22 TEETH: UNK.
23 COMPLEXION: UNK.
24 SPEECH: UNK.
25 MISSING BODY PARTS: UNK.
26 TATTOO: UNK.
27 SCAR/BIRTHMARK/MOLE: UNK.
28 GENERAL APPEARANCE: UNK.
29 SUSPECT WORE: UNK.
30 R/L HANDED: UNKNOWN
31 BUILD: UNK.

32 ORIGINAL NARRATIVE

33 DECOR ENTRY BY: P35
34 CALLING OFFICER: CLARK, B L L431
35 ORO CODING BY: L126

36 CALLSCREEN

37 ON SATURDAY, 012602, AT APPROX 0500 HRS, A RETURNED CALL WAS MADE
38 TO COMP REFERENCE HIS MISSING VEHICLE COMPLAINT.
39 COMP STATES THAT HE LAST OBSERVED THE GEN VEH PARKED AND SECURED
40 AT APPROX MIDNIGHT OF 012502. AT 0400 HRS THIS MORNING, 012502,
41 COMP OBSERVED HIS VEN VEH MISSING. COMP ADVISED THAT THE SUSPS
42 WERE SEEN BY COMP'S FRIEND <DANIEL ARANDA> DRIVING THE GEN VEH AWAY
43 FROM THE SCENE AT APPROX 0200 HRS ON 012602. COMP ADDS THAT HE GAVE
44 NO ONE PERMISSION TO OPERATE HIS GEN VEH.
45 COMP WAS ADVISED TO MEET WITH AN AUTO THEFT DETECTIVE DURING REGULAR
46 BUSINESS HOURS AT 350 W BELKNAP REF MAKING A STOLEN VEH REPORT IF
47 THE GEN VEH IS NOT RECOVERED BEFORE MONDAY MORNING. COMP WAS PROVIDED
48 WITH THIS SERVICE NUMBER AND ADVISED TO CONTACT VIA NON-EMERGENCY
49 PHONE NUMBER IF HE HAS ANY FURTHER INFO ON THE GEN VEH OR THE SUSPS.
50 COMP WAS ADVISED TO CONTACT FWPD VIA THE NON-EMERGENCY NUMBER IF THE
GEN VEH IS RECOVERED.
ENTERED BY L431
REFER TO SUPPLEMENT #01 FOR ADDITIONAL DETAILS

SERVICE NO.02064401 PORT WORTH POLICE DEPARTMENT SERVICE NO.02064401
ENTRY DATE 01/26/02 OFFENSE/INCIDENT SUPPLEMENTAL REPORT #01 PAGE 3
ENTRY TIME 0629 DEPARTMENTAL COPY WEST DIVISION

OFFENSE/INCIDENT INFORMATION
MISSING VEHICLE PENAL CODE: . UCR CLASS: 44.040
REPORT STATUS:PENDING UCR DISPOSITION: HATE CRM: N
REPORT DATE: 01/26/02

LOCATION/DATE/TIME/INFORMATION
OFFENSE LOCATION APT. PRA BUSINESS NAME CODE
003210 LAS VEGAS TRL 131 T370 WESTWOOD APTS 0901
DATES OF OCCURANCE TIME OF DAY DAY(S) OF OCCURANCE
01/25/02 00/00/00 2359 0400 FRI SAT
WEATHER CONDITIONS: COOL UNIT: BEAT: N316

INVESTIGATIVE INFORMATION
REPORTING OFFICER(S): MARIN, J L300
INVESTIGATIVE DIVISION NOTIFIED: FAMILY V: N
FOLLOW-UP ASSIGNED TO: AUTO INVESTIGATOR: 1728

UPDATED COMPLAINANT INFORMATION
NAME R/E/S/A DOB
GAINES, BARTON R W N M 19 10/25/82
HOME ADDRESS
001001 S EDGEWOOD TER
FT WORTH TX 76105
BUSINESS ADDRESS OCCUPATION WORK HOURS
REMARKS CELL:817.253.9503

GENERAL MO INFORMATION
DESCRIPTION OF MO

FORCE USED? UNK TOOL DESCRIPTION:
OTHER ACTS OR TRADEMARKS

-- CRIME TRACKING FLAGS --
DRUG RELATED : GANG RELATED : ALCOHOL RELATED :
RETALIATION : ARGUMENT/FIGHT : INNOCENT BYSTANDER :
DRIVE BY SHOOTING : INTELLIGENCE :
ARREST FROM TRAFFIC STOP () SEARCH CONDUCTED? () WITH CONSENT () W/O ()
----- USE OF FORCE -----
N/W FOB : S/E FOB : ESB : OSB : SSB :

GENERAL VEHICLE #001 UPDATED INFORMATION
YR MAKE MODEL STYLE LICENSE NUMBER VIN VALUE
00 CHEV SIL PK 00 TX
COLOR 1: GRAY COLOR 2: COLOR 3:
ADDITIONAL DESCRIPTION
COLOR IS PEWTER-GREY, BULLET GRILL IN FRONT, CHROME COLORED

SUPPLEMENT #01 NARRATIVE
DECOR ENTRY BY: P35
CALLING OFFICER: MARIN, J L300
ORO CODING BY: L300
CALLSCREEN SUPPLEMENT:
ON 012602 AT APPROX 0626 HOURS, THE COMP WAS CALLED REFERENCE
ADDING ADDITIONAL INFORMATION TO THIS REPORT. THE COMP GAVE A VIN
NUMBER OF .
ENTERED BY:L300
REFER TO SUPPLEMENT #02 FOR ADDITIONAL DETAILS

1 SERVICE NO.02064401 FORT WORTH POLICE DEPARTMENT SERVICE NO.02064401
 2 ENTRY DATE 01/26/02 OFFENSE/INCIDENT SUPPLEMENTAL REPORT #02 PAGE 4
 3 ENTRY TIME 1229 DEPARTMENTAL COPY WEST DIVISION
 4
 5 OFFENSE/INCIDENT INFORMATION
 6 MISSING VEHICLE PENAL CODE: UCR CLASS: 44.040
 7 REPORT STATUS:PENDING UCR DISPOSITION:
 8 REPORT DATE: 01/26/02 HATE CRM: N
 9
 10 LOCATION/DATE/TIME/INFORMATION
 11 OFFENSE LOCATION APT. PRA BUSINESS NAME CODE
 12 003210 LAS VEGAS TRL 131 T370 WESTWOOD APTS 0901
 13 DATES OF OCCURRENCE TIME OF DAY DAY(S) OF OCCURRENCE
 14 01/25/02 00/00/00 2359 0400 FRI SAT
 15 WEATHER CONDITIONS: COOL UNIT: BEAT: N316
 16
 17 INVESTIGATIVE INFORMATION
 18 REPORTING OFFICER(S): DAVIDSAVER, SC 2886
 19 INVESTIGATIVE DIVISION NOTIFIED: FAMILY V: N
 20 FOLLOW-UP ASSIGNED TO: AUTO INVESTIGATOR: 1728
 21
 22 UPDATED COMPLAINANT INFORMATION
 23 NAME R/E/S/A DOB
 24 GAINES, BARTON R W N M 19 10/25/82
 25 HOME ADDRESS
 26 001001 S EDGEWOOD TER
 27 FT WORTH TX 76105
 28 BUSINESS ADDRESS OCCUPATION WORK HOURS
 29 REMARKS CELL:817.253.9503
 30
 31 WITNESS #001 INFORMATION
 32 NAME R/E/S/A DOB HEIGHT WEIGHT SSN RELATION
 33 CONTRERAS, JOSE W H M 30 04/20/71 NONE
 34 HOME ADDRESS APT. CITY ST PHONE
 35 003200 LAS VEGAS TRL 147 FORT WORTH 76116 TX
 36 BUSINESS ADDRESS CITY ST PHONE
 37 FORT WORTH TX
 38 REMARKS LIVES WITH SUSPECT TWO
 39
 40 GENERAL MO INFORMATION
 41 DESCRIPTION OF MO
 42
 43 FORCE USED? UNK TOOL DESCRIPTION:
 44 OTHER ACTS OR TRADEMARKS
 45
 46 -- CRIME TRACKING FLAGS --
 47 DRUG RELATED : GANG RELATED : ALCOHOL RELATED :
 48 RETALIATION : ARGUMENT/FIGHT : INNOCENT BYSTANDER :
 49 DRIVE BY SHOOTING : INTELLIGENCE :
 50 ARREST FROM TRAFFIC STOP () SEARCH CONDUCTED? () WITH CONSENT () W/O ()
 51 ----- U S E O F F O R C E -----
 52 N/W FOB : S/E FOB : ESB : OSB : SSB :
 53
 54 GENERAL VEHICLE #001 UPDATED INFORMATION
 55 YR MAKE MODEL STYLE LICENSE NUMBER VIN VALUE
 56 00 CHEV SIL PK 00 TX [REDACTED]
 57 COLOR 1: GRAY COLOR 2: COLOR 3:
 58 ADDITIONAL DESCRIPTION
 59 COLOR IS PEWTER-GREY, BULLET GRILL IN FRONT, CHROME COLORED
 60
 61 SUSPECT #001 UPDATED INFORMATION
 62 NAME R/E/S/A DOB HEIGHT WEIGHT ALIAS/NICKNAME
 63 FOLEY, CRYSTAL W N F 15 5 06 120

1 SERVICE NO.02064401 FORT WORTH POLICE DEPARTMENT SERVICE NO.02064401
 2 ENTRY DATE 01/26/02 OFFENSE/INCIDENT SUPPLEMENTAL REPORT #02 PAGE 5
 3 ENTRY TIME 1229 DEPARTMENTAL COPY WEST DIVISION
 4 ADDRESS: EDNEY ST PHONE: 922-0341
 5 FW TX
 6 EYE COLOR: HAIR COLOR: RED
 7 HAIR STYLE: MEDIUM
 8 FACIAL HAIR: UNK.
 9 EYES: UNK.
 10 FACIAL ODDITIES: UNK.
 11 TEETH: UNK.
 12 COMPLEXION: UNK.
 13 SPEECH: UNK.
 14 MISSING BODY PARTS: UNK.
 15 TATTOO: UNK.
 16 SCAR/BIRTHMARK/MOLE: UNK.
 17 GENERAL APPEARANCE: UNK.
 18 SUSPECT WORE: UNK.
 19 R/L HANDED: UNKNOWN
 20 BUILD: UNK.
 21
 22 SUSPECT #002 UPDATED INFORMATION
 23 NAME R/E/S/A DOB HEIGHT WEIGHT ALIAS/NICKNAME
 24 LOPEZ, MELINDA W H F 26 01/02/76 6 00 110
 25 ADDRESS: LAS VEGAS TRL APT #147
 26 FORT WORTH 76116 TX
 27 EYE COLOR: HAIR COLOR: BLK
 28 HAIR STYLE: LONG
 29 FACIAL HAIR: UNK.
 30 EYES: UNK.
 31 FACIAL ODDITIES: UNK.
 32 TEETH: UNK.
 33 COMPLEXION: UNK.
 34 SPEECH: UNK.
 35 MISSING BODY PARTS: UNK.
 36 TATTOO: UNK.
 37 SCAR/BIRTHMARK/MOLE: UNK.
 38 GENERAL APPEARANCE: UNK.
 39 SUSPECT WORE: UNK.
 40 R/L HANDED: UNKNOWN
 41 BUILD: UNK.
 42
 43 STOLEN PROPERTY INFORMATION
 44 PROPERTY DESCRIPTION SHOTGUN W/PISTOL GRIPS
 45 PROPERTY TYPE BRAND NAME SERIAL NUMBER MODEL NUMBER ENGRAVING/MARKS
 46 YWEAPON NA NA NA NA
 47 ITEM COLOR SIZE MATERIAL AMOUNT VALUE CD
 48 001/NA /NA NA NA 1 42
 49 REMARKS/COND/STYLE:
 50
 51 PROPERTY DESCRIPTION CURRENCY
 52 PROPERTY TYPE BRAND NAME SERIAL NUMBER MODEL NUMBER ENGRAVING/MARKS
 53 YCURREN U S NA NA NA
 54 ITEM COLOR SIZE MATERIAL AMOUNT VALUE CD
 55 002/NA /NA NA NA 10 12
 56 REMARKS/COND/STYLE:
 57
 58 PROPERTY DESCRIPTION COMPACT DISC
 59 PROPERTY TYPE BRAND NAME SERIAL NUMBER MODEL NUMBER ENGRAVING/MARKS
 60 RDISC VARIOUS NA NA NA
 61 ITEM COLOR SIZE MATERIAL AMOUNT VALUE CD
 62 003/NA /NA NA NA 10 32
 63 REMARKS/COND/STYLE:

SERVICE NO.02064401 FORT WORTH POLICE DEPARTMENT SERVICE NO.02064401
ENTRY DATE 01/26/02 OFFENSE/INCIDENT SUPPLEMENTAL REPORT #02 PAGE 6
ENTRY TIME 1229 DEPARTMENTAL COPY WEST DIVISION

4
PROPERTY DESCRIPTION KEY TO GENERAL VEHICLE
PROPERTY TYPE BRAND NAME SERIAL NUMBER MODEL NUMBER ENGRAVING/MARKS
ITEM COLOR SIZE MATERIAL AMOUNT VALUE CD
004/NA/NA NA NA 1 42
REMARKS/COND/STYLE:

11
PROPERTY DESCRIPTION ALARM PAD TO GENERAL VEH
PROPERTY TYPE BRAND NAME SERIAL NUMBER MODEL NUMBER ENGRAVING/MARKS
ITEM COLOR SIZE MATERIAL AMOUNT VALUE CD
005/NA/NA NA NA 1 42
REMARKS/COND/STYLE:

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RECOVERED PROPERTY INFORMATION
PROPERTY DESCRIPTION COMPACT DISC
PROPERTY TYPE BRAND NAME SERIAL NUMBER MODEL NUMBER ENGRAVING/MARKS
ITEM COLOR SIZE MATERIAL AMOUNT VALUE CD
004/NA/NA NA NA 4 32
REMARKS/COND/STYLE: DATE 01/26/02

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SUPPLEMENT #02 NARRATIVE
DECOR ENTRY BY: 153
CALLING OFFICER: DAVIDSAVER, SC 2886
OR CODING BY: K441

33 JOB#162078
34 ON 012602 AT 0943 HOURS I, OFFICER DAVIDSAVER AND OFFICER REYNOLDS
35 ARRIVED ON SCENE AT 3210 LAS VEGAS TRAIL AND MET WITH THE COMPLAINANT
36 AND HIS MOTHER. THE COMPLAINANT ADVISED WHILE HE WAS STAYING AT
37 APARTMENT <131> OF THE WESTWOOD APARTMENTS SOMEONE TOOK HIS CAR KEYS
38 WITHOUT HIS PERMISSION TOOK THE GENERAL VEHICLE. ONE OF THE PEOPLE
39 THAT WERE STAYING IN THE APARTMENT WITH THE COMPLAINANT AND OTHERS
40 THINKS THAT THEY SAW SUSPECTS ONE AND TWO IN THE VEHICLE. WE WENT TO
41 APARTMENT <131> AND NOTICED THAT THE COMPLAINANT'S VEHICLE WAS PARKED
42 NEAR THERE UNDATED. AT APARTMENT <131> IS SUSPECT ONE'S SISTER
43 INVITED OFFICERS AND COMPLAINANT AND HIS MOTHER IN THE APARTMENT. WE
44 WERE LOOKING FOR THE SUSPECT AND WAS TOLD SHE WAS IN THE BATHROOM
45 TAKING A SHOWER, DID HEAR THE WATER RUNNING. AFTER SEVERAL MINUTES
46 THE COMPLAINANT'S MOTHER BEING ANGRY WANTED TO SPEAK TO THE SUSPECT
47 WENT INTO THE BATHROOM WHERE SUSPECT ONE WAS SHOWERING AND FOUND
48 SUSPECT'S PURSE. SHE THEN TOOK THE PURSE OUT OF THE BATHROOM AND
49 EMPTIED THE CONTENTS LOOKING FOR HER SON'S CAR KEYS. WHEN SHE DID THIS
50 FOUR COMPACT DISCS FELL OUT AND THE COMPLAINANT DID IDENTIFY THOSE AS
51 FOUR OF THE CDS THAT WERE MISSING FROM THE GENERAL VEHICLE. THE
52 SUSPECT CAME OUT OF THE SHOWER AND DRESSED SHORTLY AFTER THAT.
53 OFFICERS SPOKE TO SUSPECT ONE WHO DENIED TAKING THE GENERAL VEHICLE
54 AND DENIED TAKING THE KEYS FROM THE COMPLAINANT. SUSPECT ONE DID NOT
55 KNOW WHERE SUSPECT TWO WAS BUT SAID THAT SUSPECT TWO HAD THE KEYS TO
56 THE GENERAL VEHICLE. I FOUND THAT SUSPECT TWO LIVED ON THE SAME
57 PROPERTY IN THE SAME APARTMENT COMPLEX IN APARTMENT.<147> I SPOKE
58 TO HER FATHER AND HER COMMON LAW HUSBAND BUT TOLD ME THAT SHE WAS NOT
59 THERE. I ADVISED THEM OF THE SITUATION AND ASKED THAT SHE CALL ME.
60 THE ONE WITNESS THAT WAS AT THE APARTMENT WHEN THE GENERAL VEHICLE WAS
61 TAKEN BELIEVES THAT SUSPECT TWO WAS DRIVING THE VEHICLE AND SUSPECT
62 ONE WAS IN THE PASSENGER SEAT BUT HE DID NOT KNOW WHO TOOK THE KEYS.
63 SINCE OFFICERS COULD NOT PROVE ANYTHING OTHER THAN SUSPECT ONE HAVING

1 SERVICE NO.02064401 FORT WORTH POLICE DEPARTMENT SERVICE NO.02064401
2 ENTRY DATE 01/26/02 OFFENSE/INCIDENT SUPPLEMENTAL REPORT #02 PAGE 7
3 ENTRY TIME 1229 DEPARTMENTAL COPY WEST DIVISION
4 STOLEN PROPERTY IN HER POSSESSION SHE WAS ONLY WRITTEN A GENERAL
5 COMPLAINT CITATION FOR THEFT BY APPROPRIATION UNDER FIFTY DOLLARS AND
6 THE GC#G334027.
7
8 NO CRIME SCENE NOTIFIED.
9 SGT DUNN 1758
10 ENTERED BY K441
11 REFER TO SUPPLEMENT #03 FOR ADDITIONAL DETAILS

1 SERVICE NO.02064401 FORT WORTH POLICE DEPARTMENT SERVICE NO.02064401
 2 ENTRY DATE 01/30/02 OFFENSE/INCIDENT SUPPLEMENTAL REPORT #03 PAGE 8
 3 ENTRY TIME 2033 DEPARTMENTAL COPY WEST DIVISION

4
 5
 6 OFFENSE/INCIDENT INFORMATION
 7 MISSING VEHICLE PENAL CODE: . UCR CLASS: 44.040
 8 REPORT STATUS:PENDING UCR DISPOSITION:
 9 REPORT DATE: 01/26/02 HATE CRM: N

10 LOCATION/DATE/TIME/INFORMATION
 11 OFFENSE LOCATION APT. PRA BUSINESS NAME CODE
 12 003210 LAS VEGAS TRL 131 T370 WESTWOOD APTS 0901
 13 DATES OF OCCURRENCE TIME OF DAY DAY(S) OF OCCURRENCE
 14 01/25/02 00/00/00 2359 0400 FRI SAT
 15 WEATHER CONDITIONS: COOL UNIT: BEAT: N316

16
 17 INVESTIGATIVE INFORMATION
 18 REPORTING OFFICER(S): FOWLER, V R 1728
 19 INVESTIGATIVE DIVISION NOTIFIED: FAMILY V: N
 20 FOLLOW-UP ASSIGNED TO: AUTO INVESTIGATOR: 1728

21
 22 UPDATED COMPLAINANT INFORMATION
 23 NAME R/E/S/A DOB
 24 GAINES, BARTON R W N M 19 10/25/82
 25 HOME ADDRESS
 26 001001 S EDGEWOOD TER
 27 FT WORTH TX 76105
 28 BUSINESS ADDRESS OCCUPATION WORK HOURS
 29 REMARKS CELL:817.253.9503

30
 31 GENERAL MO INFORMATION
 32 DESCRIPTION OF MO
 33
 34 FORCE USED? UNK TOOL DESCRIPTION:
 35 OTHER ACTS OR TRADEMARKS
 36

37 -- CRIME TRACKING FLAGS --
 38 DRUG RELATED : GANG RELATED : ALCOHOL RELATED :
 39 RETALIATION : ARGUMENT/FIGHT : INNOCENT BYSTANDER :
 40 DRIVE BY SHOOTING : INTELLIGENCE :
 41 ARREST FROM TRAFFIC STOP () SEARCH CONDUCTED? () WITH CONSENT () W/O ()
 42 ----- U S E O F F O R C E -----
 43 N/W FOB : S/E FOB : ESB : OSB : SSB :

44
 45 SUPPLEMENT #03 NARRATIVE
 46 DECOR ENTRY BY: 456
 47 CALLING OFFICER: FOWLER, V R 1728
 48 ORO CODING BY: K868
 49 ON WEDNESDAY, JANUARY 30, 2002, I CALLED THE # LISTED ON THE REP-
 50 ORT AND LEFT A MESSAGE FOR CP TO CONTACT ME REGARDING THIS REPORT.
 51 RECOMMENDED STATUS: PENDED
 52 SGT HUKEL
 53 END OF REPORT

NO. **S-7285**

FILED
TARRANT COUNTY

2022-02-22 PM 1:52

AcM

IN THE

396TH DISTRICT COURT

COURT

THE STATE OF TEXAS

§

§

V.

§

§

ONE 2000 CHEVROLET PICKUP, VIN
1GCEC14V6YZ368599

§

§

TARRANT COUNTY, TEXAS

NOTICE OF SEIZURE AND INTENDED FORFEITURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, The State of Texas, Petitioner herein, and files this Notice of Seizure and Intended Forfeiture pursuant to Chapter 59, Texas Code of Criminal Procedure and for cause of action would show the Court as follows:

I.

The Petitioner is the State of Texas. Discovery, if any, will be conducted under level one (1), pursuant to Rule 190.2 of the Texas Rule of Civil Procedure. Petitioner affirmatively pleads she seeks only monetary relief of \$50,000.00 or less, excluding costs, pre-judgment interest and attorney's fees, if applicable and allowed by law.

II.

The following persons and/or entities may be owners or interest holders of the property made the subject of this cause of action and may be served with process at the addresses provided:

BARTON R. GAINES
732 Daniels
Crowley, Texas 76116

FIRST NATIONAL BANK OF TEXAS
By and Through Teresa Dye Cummisford
851 Winscott
Benbrook, Texas 76126

III.

On or about the date and at the place below, the property described below was seized by peace officers of the State of Texas under Chapter 59, Texas Code of Criminal Procedure, as further alleged and described by the Sworn Statement of the Seizing Peace Officer, C.A. Hysmith, No. 2830, attached hereto and incorporated herein by reference for all purposes.

Property A:

Date of Seizure: February 24, 2002

Location: 1532 Eastview Street, Fort Worth,
Tarrant County, Texas.

Description: One (1) 2000 grey Chevrolet pickup,
Texas license plate 4KWG64, VIN
1GCEC14V6YZ368599

Seizing Officer(s): C.A. Hysmith, No. 2830

Potential Owners, Lienholders, Others with Interest:

BARTON R. GAINES
732 Daniels
Crowley, Texas 76116

FIRST NATIONAL BANK OF TEXAS
By and Through Teresa Dye
Cummisford
851 Winscott
Benbrook, Texas 76126

Property A is contraband and is subject to forfeiture under Chapter 59 of the Texas Code of Criminal Procedure for the reason that the same was used in the commission of a felony under Chapters 15 and 19 of the Texas Penal Code.

In the alternative, Property A is contraband and is subject to forfeiture under Chapter 59 of the Texas Code of Criminal Procedure for the reason that the same was used in the commission

of a felony under Chapter 29 of the Texas Penal Code.

In the alternative, Property A is contraband and is subject to forfeiture under Chapter 59 of the Texas Code of Criminal Procedure for the reason that the same was used in the commission of a felony under Chapter 71 of the Texas Penal Code.

In the alternative, Property A is contraband and is subject to forfeiture under Chapter 59 of the Texas Code of Criminal Procedure for the reason that the same was used or intended to be used in the commission of a felony under Chapter 481, Texas Health and Safety Code (Texas Controlled Substances Act).

In the alternative, Property A is contraband and is subject to forfeiture under Chapter 59 of the Texas Code of Criminal Procedure for the reason that the same is proceeds gained from the commission of a felony under Chapter 481, Texas Health and Safety Code (Texas Controlled Substances Act.)

In the alternative, Property A is contraband and is subject to forfeiture under Chapter 59 of the Texas Code of Criminal Procedure for the reason that the same was acquired with proceeds gained from the commission of a felony under Chapter 481 of the Health and Safety Code (Texas Controlled Substances Act).

IV.

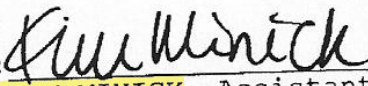
The property described hereinabove was seized by peace officers of the State of Texas in the course of their duties and in a lawful manner. The State of Texas is entitled to have such property forfeited and title rendered to the State of Texas or an

agency of the State or a political subdivision authorized to employ peace officers.

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully prays that the persons and entities entitled to service named herein be cited to appear and answer, that upon hearing this court enter a judgment of Forfeiture of the described property to Petitioner, that this court award possession and title to such property to the Petitioner to be administered pursuant to Chapter 59 of the Texas Code of Criminal Procedure, for interest, if any, from the date of deposit in an interest bearing account, for cost of court and for such other and further relief as the Petitioner may show itself to be entitled.

Respectfully submitted,

TIM CURRY
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS

By: 
KIM MINICK, Assistant
Criminal District Attorney
P.O. Box 24148
Fort Worth, Texas 76124
Ph. (817) 496-9402
Fax (817) 457-2830
State Bar No. 04399350

SWORN STATEMENT OF SEIZING OFFICER

I, C.A. Hysmith, #2830, am over 18 years of age, have personal knowledge of the facts asserted below and am competent to testify to those facts and state under oath that the following statements are true and correct.

I am a peace officer with the laws of the State of Texas, and am employed by the Fort Worth Police Department, a law enforcement agency, and do hereby acknowledge that, under the authority of Chapter 59 of the Texas Code of Criminal Procedure, I seized the property listed on the attached Schedule of Seized Property, which by this reference is made a part hereof and incorporated herein for all purposes, and I do further state under oath my factual and legal reasons for seizure of said listed property area as follows:

You Affiant read the reports related to this offense and through your Affiant's own investigations has ascertained the following:

On February 21, 2002 officers responded to a shots fired call at the Peppertree Apartments at 5217 Southcrest Court in Fort Worth. Michael Williams and Andrew Horvath were transported to Harris Hospital for medical treatment for apparent gun shot wounds and serious injury.

A Witness advised Officers that gun shots were heard and then a grey Chevrolet pickup (later identified as the confiscated vehicle, a 2000 grey Chevrolet pickup bearing TX license plate 4KWG64) left the crime scene..

Det. C.B. Smith #2214 spoke with Michael Williams at Harris Hospital. Mr. Williams advised that suspects (Barton A. Gaines, Jason Tucker and Daniel Aranda/Daniel Werre) robbed him and that Barton A. Gaines struck Mr. Williams with a shotgun twice and then shot him as he turned to run.

Det. C.B. Smith #2214 also interviewed Andrew Horvath at JPS Hospital who also stated that the suspects had robbed and shot him.

During the course of this investigation Det. Smith and other Officers determined through interviews with the victims and witness that Michael Williams met the suspects through a mutual friend at a back road location that kids hang out and smoke marijuana. The suspects asked Williams if he knew where they could get more drugs and Williams agreed to show them where they could. Williams and Horvath were in their vehicle and the suspects were going to follow them in the confiscated vehicle. While in route, the suspects pulled up beside Williams and said they were going to make a stop at Wal-Mart for beer. Barton Gaines entered the Wal-Mart and the other suspects, Williams and Horvath waited in their vehicles in the parking lot. When they reached the Peppertree Apartments the suspects waited in the confiscated vehicle and Horvath waited in his vehicle while Williams went to his known source. Williams returned and told the suspects that his source did not have the pound on marijuana that the suspects wanted. Mr. Gaines then jump from the confiscated vehicle and pulled a shotgun out with him, ordered Williams to show that he didn't have a weapon or that he wasn't wired. Williams complied. Mr. Gaines then hit Williams twice with the gun and one of the other suspects punched Williams. Williams was ordered to empty his pockets. Williams complied and put everything he had on the step side of the confiscated vehicle. Williams was aware that the other suspects were assaulting Horvath during this time. Williams ran and was shot while in flight. Horvath was assaulted by Tucker and Aranda/Werre and his wallet was taken. Horvath saw Gaines shoot Williams as Williams was in flight. Gaines, Tucker, and Aranda/Werre got back in the confiscated vehicle, backed up and drove near the prone Horvath where Gaines took aim at Horvath, fired, and did shoot Horvath. The suspects then fled in the confiscated vehicle.

Detectives did confirm that Gaines was in the Wal-Mart store at the approximate time given by Williams and Horvath. However, Gaines purchase was for a box of 12 gauge 00 and a box of 12 gauge slugs, not beer. Further, Gaines made statements to witnesses that he had robbed these guys (Williams and Horvath)

and left them for dead; that he had never killed anyone before; that it was exciting and a rush.

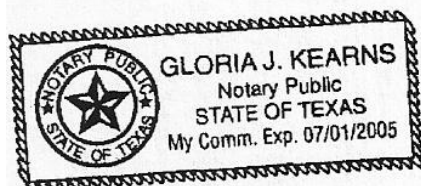
On 2-23-02, Det. Smith wrote a felony warrant on Barton A. Gaines for Criminal Attempt Capital Murder. On 2-24-02, Officers located the confiscated vehicle parked in front of 1532 Eastview Street, Fort Worth, Tarrant County, Texas. Officers secured the perimeter of the house and then approached the front door in an attempt to locate Mr. Gaines. Mr. Gaines was seen trying to escape through a window but then return back into the house where Officers were able to take him in custody. The confiscated vehicle was taken to the FWPD storage lot.

On 2-28-02 Det. Smith obtained a search warrant for the confiscated vehicle and upon search did locate a 12 gauge slug; a spot of blood, and a SKS rifle loaded with one round and had three loose rounds.

Your Affiant seized all of the property listed on the attached Schedule of Seized Property as Affiant contends said Property was used in the commission of a felony under Chapters 15 and 19 of the Texas Penal Code; was used in the commission of a felony under Chapter 29 of the Texas Penal Code; was used in the commission of a felony under Chapter 71 of the Texas Penal Code; was used or intended to be used in the commission of and/or, is proceeds gained from the commission of and/or was acquired with proceeds gained from the commission of a felony under Chapter 481 of the Health and Safety Code (Texas Controlled Substance Act.)

CA Smith #2830
Seizing Officer

SUBSCRIBED AND SWORN TO BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC ON THIS THE 22nd DAY OF MARCH 2002.



Gloria J. Kearns
Notary Public, State of Texas

SCHEDULE OF SEIZED PROPERTY

1. ONE (1) 2000 GREY CHEVROLET PICKUP, TX LP 4KWG64, VIN
1GCEC14V6YZ368599

THE STATE OF TEXAS

TO: BARTON R. GAINES
732 DANIELS
CROWLEY, TEXAS 76116

C.D. 0579723

You are hereby commanded to appear by filing a written answer to the Petitioner's Notice of Seizure and Intended Forfeiture before the 34, a District Court in and for Tarrant County, Texas, at the Tarrant County Justice Center, 401 West Belknap Street, Fort Worth, Tarrant County, Texas, said Petitioner being the State of Texas, filed in said Court on the 22 day of MARCH, 2002.

For suit, said suit being numbered S-7285 the nature of which demand is as shown on said Notice of Seizure and Intended Forfeiture, a certified copy of which accompanies this Citation.

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this Citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this Citation and Notice of Seizure and Intended Forfeiture, a default judgment may be taken against you.

WITNESS: THOMAS A. WILDER,
CLERK OF THE DISTRICT COURT OF TARRANT COUNTY, TEXAS.
GIVEN UNDER MY HAND AND THE SEAL OF SAID COURT, IN THE
CITY OF FORT WORTH, THIS 22 DAY OF MARCH, 2002.

By: Thomas A. Wilder
Deputy District Clerk
DA #12-02-356

(SEAL)

CITATION

1558598
NO. S-7285

THE STATE OF TEXAS

VS.

ONE 2000 CHEVROLET PICKUP, VIN
1GCEC14V6YZ368599

JAIL 62D 0579723

Issued MARCH 22 2002

THOMAS A. WILDER
CLERK, DISTRICT COURT
TARRANT COUNTY, TEXAS
Tarrant County Justice Center
401 West Belknap Street
Fort Worth, Texas 76196-0402

By: Thomas A. Wilder
Deputy District Clerk

Attorney for the Petitioner
THE STATE OF TEXAS

KIM MINICK
P.O. Box 24148
Fort Worth, Texas 76124
(817) 496-9402

TALE
C I T A T I O N

Coc

THE STATE OF TEXAS

NO. **S-7285**

THE STATE OF TEXAS

VS.

ONE 2000 CHEVROLET PICKUP, VIN
1GCEC14V6YZ368599

Issued **MARCH 22-2002**

THOMAS A. WILDER
CLERK, DISTRICT COURT
TARRANT COUNTY, TEXAS
Tarrant County Justice Center
401 West Belknap Street
Fort Worth, Texas 76196-0402

[Signature]
Deputy District Clerk
DATE **20-5-4**

EXP: ON 1-11-2002 for the Petitioner
THE STATE OF TEXAS

KIM MINICK
Deputy District Clerk
Box 24148
Fort Worth, Texas 76124
(817) 496-9402

B-558995

TO: FIRST NATIONAL BANK OF TEXAS
BY AND THROUGH TERESA DYE CUMMISFORD
851 WINSKOTT
BENBROOK, TEXAS 76126

You are hereby commanded to appear by filing a written answer to the Petitioner's Notice of Seizure and Intended Forfeiture before the **32nd**, a District Court in and for Tarrant County, Texas, at the Tarrant County Justice Center, 401 West Belknap Street, Fort Worth, Tarrant County, Texas, said Petitioner being the State of Texas, filed in said Court on the **22** day of **MARCH**, 2002.

S-7285 the nature of which demand is as shown
For suit, said suit being numbered _____
on said Notice of Seizure and Intended Forfeiture, a certified copy of which accompanies this Citation.

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this Citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this Citation and Notice of Seizure and Intended Forfeiture, a default judgment may be taken against you.

WITNESS: **THOMAS A. WILDER,**
CLERK OF THE DISTRICT COURT OF TARRANT COUNTY, TEXAS.
GIVEN UNDER MY HAND AND THE SEAL OF SAID COURT, IN THE
CITY OF FORT WORTH, THIS **22** DAY OF MARCH, 2002.

By: *[Signature]* (SEAL)
Deputy District Clerk
D.A. 412 00 252

FILED
TARRANT COUNTY

RETURN

2007 APR -2 PM 1:40

THOMAS A. CROWDER
DISTRICT CLERK

(INDIVIDUAL)

CAME TO HAND ON THE 26 day of MARCH, 2002, at 930 o'clock AM.
m. Executed at (address) 100 N Lamar Trail Ft Worth TX
at 1135 o'clock AM, on the 26 day of MARCH, 2002, by delivering to the
within named: Barton Gaines in person, a true copy
of this Citation, together with the accompanying certified copy of Petitioner's Notice of Seizure and
Intended Forfeiture, having first endorsed on same the date of delivery.

TOTAL FEE: 50.00

F. Royer
Officer
JERRY CROWDER
CONSTABLE PRECINCT 1
Agency

(CORPORATION)

Received this Citation on the _____ day of _____, 2002, at _____ o'clock
_____. m., and executed the same in Tarrant County on the _____ day of _____,
2002, at _____ o'clock _____ m., by summoning _____
_____, a corporation, by delivering to _____
[President / Vice President / Registered Agent], in person, of the said _____
_____, a corporation, a true copy of this Citation, together with the
accompanying certified copy of Petitioner's Notice of Seizure and Intended Forfeiture, having first
endorsed on same the date of delivery.

TOTAL FEE: _____

Officer

Agency

FILED
TARRANT COUNTY

2002-05-08 PM 4:26
THOMAS A. BERRY
CLERK

NO. S-7285

THE STATE OF TEXAS

v.

ONE 2000 CHEVROLET PICKUP, VIN
1GCEC14V6YZ368599

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§
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§
§

IN THE 396TH JUDICIAL

DISTRICT COURT

TARRANT COUNTY, TEXAS

ORDER FOR TRANSFER OF
VEHICLE PENDING DISPOSITION

On the date referenced below, the Court considered Petitioner's request to enter an Order for Transfer of Vehicle Pending Disposition in the above entitled and numbered Cause.

Petitioner has requested that pending the disposition of this action, the one 2000 Chevrolet pickup, VIN 1GCEC14V6YZ368599, which is the subject of this lawsuit, be transferred from its present location to the custody of the Tarrant County Criminal District Attorney's Office and its agents, more particularly the Tarrant County Narcotics Intelligence and Coordination Unit (TCNICU), for storage in the TCNICU storage lot, currently located in Fort Worth, Tarrant County, Texas.

After considering said request, the Court is of the opinion that said request for an Order for Transfer of Vehicle Pending Disposition is well taken.

IT IS THEREFORE ORDERED that the one 2000 Chevrolet pickup, VIN 1GCEC14V6YZ368599, be transferred from its present location to the custody of the Tarrant County Criminal District Attorney's

Order for Transfer of Vehicle
Pending Disposition
File No. 12-02-356

Page 1

VCI 27 PAGE 84A

P. 02

FAX NO. 817 457 2830

TCNICU

05-02 FRI 08:42 AM

Office and its agents, more particularly the Tarrant County
Narcotics Intelligence and Coordination Unit (TCNICU), for storage
in the TCNICU storage lot, currently located in Fort Worth,
Tarrant County, Texas

SIGNED this 5 day of April 2002

[Signature]
JUDGE PRESIDING

Order for Transfer of Vehicle
Pending Disposition
File No. 12-02-356

Page 2

Vol. 27 PAGE 84B

P. 03

FAX NO. 817 457 2830

TCNICU

APR-05-02 FRI 08:43 AM

FILED
TARRANT COUNTY

RETURN

2002 APR -9 PM 1:50

ADM

THOMAS J. POLLOCK
DISTRICT CLERK

(INDIVIDUAL)

CAME TO HAND ON THE 1 day of April, 2002, at 1043 o'clock A.
m. Executed at (address) 851 Winscott Rd, Benbrook, TX
at 145 o'clock 9 m., on the 3 day of April, 2002, by delivering to the
within named: First National Bank by serving Teresa Dye Cummings in person, a true copy
of this Citation, together with the accompanying certified copy of Petitioner's Notice of Seizure and
Intended Forfeiture, having first endorsed on same the date of delivery.

TOTAL FEE: 50



Officer

CONSTABLE JOE KUBES
TARRANT COUNTY PCT 6

Agency

(CORPORATION)

Received this Citation on the 1 day of April, 2002, at 1043 o'clock
A m., and executed the same in Tarrant County on the 3 day of April,
2002, at 145 o'clock 9 m., by summoning First National Bank
Teresa Dye Cummings, a corporation, by delivering to Teresa Dye Cummings
[President / Vice President / Registered Agent], in person, of the said

Teresa Dye Cummings, a corporation, a true copy of this Citation, together with the
accompanying certified copy of Petitioner's Notice of Seizure and Intended Forfeiture, having first
endorsed on same the date of delivery.

TOTAL FEE: 50



Officer

CONSTABLE JOE KUBES
TARRANT COUNTY PCT 6

Agency

No. S-7285

FILED
THOMAS A. WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

APR 12 2002

Time 11:55
By [Signature] Deputy
Copy to [Signature] TCM/CA

THE STATE OF TEXAS

vs.

ONE 2000 CHEVROLET PICKUP,
VIN 1GCEC14V6YZ368599

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IN THE 396TH JUDICIAL
DISTRICT COURT
TARRANT COUNTY, TEXAS

DEFENDANTS' ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Defendant, in the above-entitled and numbered cause, files this, his Original Answer to Plaintiff's Original Petition, and respectfully shows as follows:

I.

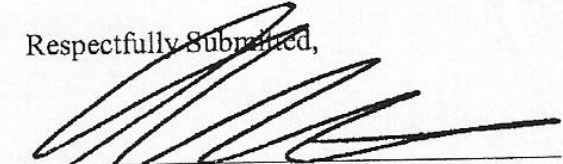
GENERAL DENIAL

Defendant denies each and every allegation in Plaintiff's Original Petition, and demands strict proof thereof.

WHEREFORE, PREMISES CONSIDERED, defendant prays:

1. That judgment be entered by this court that Plaintiff take nothing by its suit and that all costs of suit be taxed and adjudged against Plaintiff; and
2. For such other and further relief as Defendant may be entitled at law or in equity.

Respectfully Submitted,



GREG WESTFALL

State Bar Number 00788646

WESTFALL, PLATT & CUTRER
910 Mallick Tower
One Summit Ave.
Fort Worth, Texas 76102
(817) 877-1700
(817) 877-1710 (fax)

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent to all counsel of record in accordance with Texas Rule of Civil Procedure 21a on this the 11 day of April, 2002 to the following:

Kim Minick
P.O. Box 24148
Fort Worth, Texas 76124



GREG WESTFALL

NO. S-7285

FILED
TARRANT COUNTY

2002 APR 15 AM 9:26

THE STATE OF TEXAS

V.

ONE 2000 CHEVROLET PICKUP, VIN
1GCEC14V6YZ368599

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IN THE 396TH JUDICIAL

DISTRICT COURT

DISTRICT COURT

TARRANT COUNTY, TEXAS

MOTION FOR NON-SUIT

TO THE HONORABLE JUDGE OF SAID COURT:

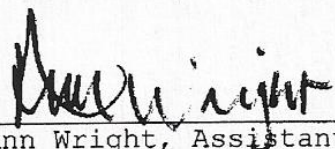
COMES NOW Petitioner, the State of Texas, acting by and through the Criminal District Attorney of Tarrant County, Texas, and advises the Court that she no longer desires to prosecute this action.

WHEREFORE, PREMISES CONSIDERED the State prays that this action be dismissed and the 2000 Chevy pickup made the subject of this suit be released to Gail Huff Inman.

Respectfully submitted,

TIM CURRY
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS

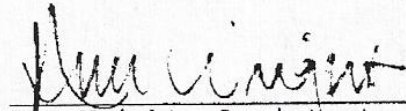
By



Ann Wright, Assistant
Criminal District Attorney
P.O. Box 24148
Fort Worth, Texas 76124
Ph. (817) 496-9402
Fax (817) 457-2830
Attorney Bar No. 04999500

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Motion for Non-Suit was sent by Certified Mail, Return Receipt Requested, to Barton Gaines at NEED JAIL ADDRESS ALONG WITH HIS INMATE NO.; to Gail Huff Inman at RR2 Box 64, Graham, Texas 76450 and to First National Bank of Texas by and through Teresa Dye Cummisford at 851 Winscott Benbrook, Texas 76126 on this 16 day of April, 2002.



Ann Wright, Assistant
Criminal District Attorney

FILED
TARRANT COUNTY

2002 APR 15 AM 9:26 No. S-7285

THE STATE OF TEXAS

THOMAS R. WILSON
DISTRICT CLERK

IN THE 396TH JUDICIAL

V.

DISTRICT COURT

ONE 2000 CHEVROLET PICKUP, VIN
1GCEC14V6YZ368599

TARRANT COUNTY, TEXAS

ORDER

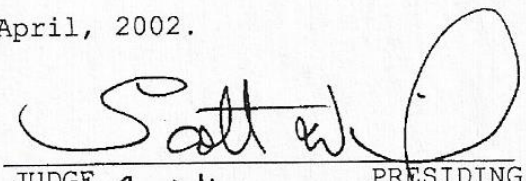
On this day, the Court heard the Motion for Non-Suit filed by The State of Texas, Petitioner in the above entitled and numbered Cause.

The Motion was duly presented to the Court, and the Court is of the opinion that the Motion should be granted.

IT IS, THEREFORE, ORDERED that the Petitioner's Motion for Non-Suit be GRANTED, and that this action be, and the same is hereby, DISMISSED.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the 2000 Chevy pickup bearing Texas license plate 4KWG64 and VIN 1GCEC14V6YZ368599 shall be released to Gail Huff Inman.

Signed this 15 day of April, 2002.


JUDGE Presiding PRESIDING

Order for Non Suit
File No. 12-02-356

Page Solo

27 PAGE 95

NO. S-7285

FILED
TARRANT COUNTY

2002 APR 15 PM 1:36

IN THE 396TH JUDICIAL
DISTRICT COURT

THE STATE OF TEXAS

V.

ONE 2000 CHEVROLET PICKUP, VIN
1GCEC14V6YZ368599

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DISTRICT COURT
TARRANT COUNTY, TEXAS

FIRST AMENDED MOTION FOR NON-SUIT

TO THE HONORABLE JUDGE OF SAID COURT:

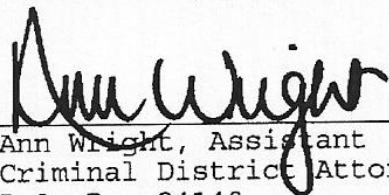
COMES NOW Petitioner, the State of Texas, acting by and through the Criminal District Attorney of Tarrant County, Texas, and advises the Court that she no longer desires to prosecute this action.

WHEREFORE, PREMISES CONSIDERED the State prays that this action be dismissed and the 2000 Chevy pickup made the subject of this suit be released to Gail Huff Inman.

Respectfully submitted,

TIM CURRY
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS

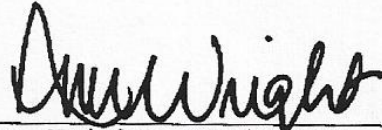
By



Ann Wright, Assistant
Criminal District Attorney
P.O. Box 24148
Fort Worth, Texas 76124
Ph. (817) 496-9402
Fax (817) 457-2830
Attorney Bar No. 04999500

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Motion for Non-Suit was sent by Certified Mail, Return Receipt Requested, to Barton Gaines, C/O Tarrant County Jail, CID 0579723, 100 N. Lamar, Fort Worth, Texas, 76196; and to Gail Huff Inman at RR2 Box 64, Graham, Texas 76450 and to First National Bank of Texas by and through Teresa Dye Cummisford at 851 Winscott Benbrook, Texas 76126 on this 16th day of April, 2002.



Ann Wright, Assistant
Criminal District Attorney

Effective communication
is the key. . .



to an effective operation.

TARRANT COUNTY NARCOTICS INTELLIGENCE
AND COORDINATION UNIT

P.O. Box 24148
Fort Worth, Texas 76124-1118
(817) 496-9402 Metro (817) 654-4915
Fax (817) 457-2830 E-Mail: tarrant@swbell.net

April 16, 2002

Barton Ray Gaines
CID #0579723
c/o Tarrant County Jail
100 N. Lamar
Fort Worth Texas 76196

Via CMRRR #7099 3400 0014 0360 4017

RE: CAUSE NO. S-7285; THE STATE OF TEXAS VS. ONE 2000 CHEVROLET PICKUP,
VIN 1GCEC14V6YZ368599; RESPONDENT(S): BARTON RAY GAINES

Dear Mr. Gaines:

Enclosed please find copies of the MOTION FOR NON-SUIT, ORDER GRANTING MOTION
FOR NON-SUIT and FIRST AMENDED MOTION FOR NON-SUIT in connection with the above-
referenced Cause.

If you have any questions regarding these documents, please do not hesitate to call me.

Sincerely,

TIM CURRY
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS

A handwritten signature in black ink, appearing to read "Ann Wright", is written over a horizontal line.

ANN WRIGHT, Assistant
Criminal District Attorney
P.O. Box 24148
Fort Worth, Texas 76124
(817) 496-9402

AW:sb/Enclosures
File #12-02-356
cc: (w/copies)
Gail Huff Inman
RR2, Box 64
Graham, Texas 76450
Via CMRRR #7099 3400 0014 0360 4031

First National Bank of Texas
By and Through Teresa Dye Cummisford
851 Winscott
Benbrook, Texas 76126
Via CMRRR #7099 3400 0014 0360 5400

NO. S-7285

THE STATE OF TEXAS

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IN THE 396TH JUDICIAL

V.

DISTRICT COURT

ONE 2000 CHEVROLET PICKUP, VIN
1GCEC14V6YZ368599

TARRANT COUNTY, TEXAS

FIRST AMENDED MOTION FOR NON-SUIT

TO THE HONORABLE JUDGE OF SAID COURT:

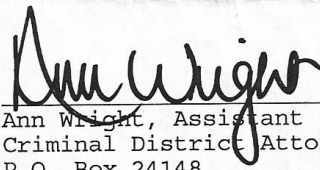
COMES NOW Petitioner, the State of Texas, acting by and through the Criminal District Attorney of Tarrant County, Texas, and advises the Court that she no longer desires to prosecute this action.

WHEREFORE, PREMISES CONSIDERED the State prays that this action be dismissed and the 2000 Chevy pickup made the subject of this suit be released to Gail Huff Inman.

Respectfully submitted,

TIM CURRY
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS

By


Ann Wright, Assistant
Criminal District Attorney
P.O. Box 24148
Fort Worth, Texas 76124
Ph. (817) 496-9402
Fax (817) 457-2830
Attorney Bar No. 04999500

*Please advise
when & where I
may pick my
property up, since
the found says it
has been moved and
they cannot advise
me as to where?*

First Amended Motion for Non-Suit
File No. 12-02-356

Page 1

Effective communication
is the key. . .



to an effective operation.

METRO NARCOTICS INTELLIGENCE
AND COORDINATION UNIT
P.O. Box 24148
Fort Worth, Texas 76124-1148
(817) 496-9402 Metro (817) 654-4915
Fax (817) 457-2830 E-Mail: tarrant@swbell.net

July 30, 2002

Greg Westfall
Attorney at Law
910 Mallick Tower
One Summit Avenue
Fort Worth Texas 76102

Re: CAUSE NO. S-7285; THE STATE OF TEXAS VS. ONE 2000 CHEVROLET
PICKUP, VIN 1GCEC14V6YZ368599; RESPONDENT(S): BARTON R. GAINES
and FIRST NATIONAL BANK OF TEXAS

Dear Mr. Westfall:

Enclosed please find a certified copy of the ORDER FOR NON-SUIT in connection with
the above-referenced Cause.

If you have any questions regarding this document, please do not hesitate to call me.

Sincerely,

TIM CURRY
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS

A handwritten signature in black ink that reads "Kim Minick".

KIM MINICK, Assistant
Criminal District Attorney
P.O. Box 24148
Fort Worth, Texas 76124

KM:dmg
Enclosure
File No. 12-02-356
Certified Mail, Return Receipt Requested, No. 7002 0460 0002 0328 9429

DOCKET APPELLATE BRIEFS OF DIST COURT

CASE: 02-02-00498-CR

Case:

02-02-00498-CR

Also note Case Number 02-02-00499-CR is the same and identical.

Date Filed:

12/18/2002

Because it is presumed that the direct appeal records are in the box of records made available to this court upon receipt of the same (the instant petition), instead of attaching the ones I reference herein and making the box of records in this case redundant, I simply have numbered the documents in the left margin and reference them above in accordance herewith.

Case Type:

Aggravated Robbery

Style:

Barton Ray Gaines

v.:

The State of Texas

Orig Proc:

No

Transfer From:

Transfer In:

Transfer Case:

Transfer To:

Transfer Out:

Pub Service:

APPELLATE BRIEFS

Date	Event Type	Description	Document
No briefs.			

CASE EVENTS

	Date	Event Type	Disposition	Document
48	10/19/2016	Letter received		
47	12/29/2014	Letter received		[PDF/96 KB] Notice
46	02/26/2009	Case returned from higher court		
45	05/30/2008	Letter filed		
44	04/14/2008	Case forwarded to higher court		
43	08/14/2006	Case Returned from Higher Court		
42	07/25/2006	Case Forwarded to Higher Court		
41	06/27/2005	Mandate Issued		
40	06/21/2005	Case Returned from Higher Court		
39	06/16/2005	Order Entered		
38	05/18/2005	Petition for Review Disposed in Higher Court	Refused	
37	03/08/2005	Letter		
36	02/14/2005	Case Forwarded to Higher Court		
35	01/13/2005	Petition for Discretionary Review Filed in CCA		
34	11/17/2004	Mo for Ext to File Petition for Discretionary Review	Motion or Writ Granted	
33	10/14/2004	Memorandum opinion issued	Affirmed	[HTML/38 KB] Memorandum Opinion [WPD/49 KB] Memorandum Opinion
32	10/14/2004	Motion to Withdraw as Attorney	Motion or Writ Granted	
31	08/30/2004	Other Document Received		
30	03/31/2004	Submitted		
29	02/27/2004	Submission		
28	02/27/2004	Case ready to be set		
27	02/27/2004	Letter Brief Filed		
26	02/27/2004	Motion for Extension to File Brief Disposed	Motion or Writ Granted	
25	02/20/2004	Motion for Extension to File Brief Filed		
24	12/11/2003	Brief Filed		
23	10/15/2003	Motion for Extension to File Brief Disposed	Motion or Writ Denied	
22	10/13/2003	Motion for Extension to File Brief Filed		
21	07/23/2003	Motion for Extension to File Brief Disposed	Motion or Writ Granted	
20	07/15/2003	Other Document Received		

	Date	Event Type	Disposition	Document
19	07/14/2003	Motion for Extension to File Brief Filed		
18	06/12/2003	Letter		
17	06/06/2003	Letter of Inquiry Response		
16	05/29/2003	Letter		
15	05/19/2003	Letter		
14	05/16/2003	Motion to Withdraw as Attorney		
13	05/16/2003	Brief Filed		
12	04/17/2003	Supplemental Reporter's Record Filed		
11	04/17/2003	Sup. Clerk's Record Filed		
10	04/17/2003	Case reinstated		
9	04/11/2003	Reporter's Record Filed		
8	04/11/2003	Jury lists and/or questionnaires filed		
7	04/11/2003	Clerk's Record Filed		
6	03/25/2003	Order Disposing of a Case w/o OP	Abated	
5	03/25/2003	Motion to Withdraw as Attorney	Motion or Writ Granted	
4	03/14/2003	Motion to Withdraw as Attorney		
3	01/10/2003	Motion For New Trial Filed in Trial Court		
2	01/03/2003	Docketing Statement Filed		
1	12/18/2002	Appellant's Notice of Appeal		

CALENDARS

Set Date	Calendar Type	Reason Set
06/27/2005	Case Stored	Case stored

PARTIES

Party	PartyType	Representative
The State of Texas	Criminal - State of Texas	Charles M. Mallin
Gaines, Barton Ray	Criminal - Appellant	Barton Ray Gaines John G. Tatum

TRIAL COURT INFORMATION**Court**

213th District Court

County

Tarrant

Court Judge

Honorable Robert K. Gill

Court Case

0836979A

Reporter**Punishment**

Ct. 2 35 Yrs. IDTDCJ \$10,000 Fine

To view or print PDF files you must have the Adobe Acrobat® reader. This software may be obtained without charge from Adobe. Download the reader from the Adobe Web site

DOC 69: WYNN'S MOTION TO WITHDRAW

COPY

Cause Number 02-02-498-CR

BARTON RAY GAINES,
APPELLANT,

VS.

THE STATE OF TEXAS
APPELLEE.

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IN THE COURT OF APPEALS
FOR THE SECOND DISTRICT
OF TEXAS AT FORT WORTH

APPOINTED COUNSEL'S MOTION TO WITHDRAW

TO THE HONORABLE JUDGES OF SAID COURT:

Now comes *WM. REAGAN WYNN*, counsel appointed by the Honorable Robert Gill, Judge of the 213th Judicial District Court of Tarrant County, to represent Appellant, Barton Ray Gaines, in the above styled and numbered cause, and pursuant to Rule 6.5, Texas Rules of Appellate Procedure, files this Motion to Withdraw, and for such Motion would respectfully show the Court as follows:

1) Undersigned counsel was appointed to represent Appellant on appeal in this cause on December 12, 2002.

2) Both the Reporter's Record and the Clerk's Record in this matter are due to be filed on or before April 11, 2003. Because the appellate record has not yet been filed, there is no current due date for the Appellant's Brief.

3) Appellant's last known address is:

Mr. Barton Ray Gaines
TDC # 1139507
Gurney Unit
P.O. Box 6400
Tennessee Colony, Texas 75861

4) Attached to this motion as "Exhibit A" is an affidavit from undersigned counsel which explains that undersigned counsel has a conflict of interest with Appellant arising from undersigned counsel's close personal and professional relationship with Appellant's trial attorneys, the employment of one of Appellant's trial counsel by undersigned counsel's law firm, and the fact that undersigned counsel consulted with Appellant's trial attorneys prior to and during trial concerning strategy and other legal matters involved in the case. This conflict of interest is particularly troublesome in this case because undersigned counsel believes that Appellant is unsatisfied with the representation he received at trial and will desire to fully explore the possibility of claiming that his trial counsel rendered ineffective assistance of counsel.

5) As set out in undersigned counsel's attached Affidavit, undersigned counsel hereby certifies that:

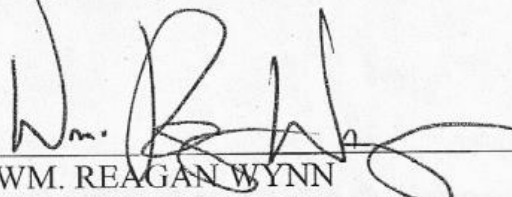
a) he has provided Appellant with a copy of this motion;

b) he has informed Appellant in writing that Appellant has the right to object to this motion.

6) Undersigned counsel believes that Appellant is entitled to appointed counsel on appeal and requests that, in the event this Motion is granted, this appeal be temporarily abated to the trial court for appointment of new appellate counsel for Appellant.

WHEREFORE, PREMISES CONSIDERED, undersigned counsel prays that this court will allow him to withdraw as counsel of record in the above styled and numbered cause, and abate this matter to the trial court for appointment of new appellate counsel.

Respectfully submitted,



WM. REAGAN WYNN
State Bar Number: 00797708

THE KEARNEY LAW FIRM
Wells Fargo Building
505 Main Street, Suite 220
Fort Worth, Texas 76102
(817) 336-5600
(817) 336-5610 (fax)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served on the following parties as follows:

a) This motion and the accompanying brief have been hand-delivered to the office of Charles Mallin, Chief of the Appellate Section, Tarrant County Criminal District Attorney's Office, Tarrant County Justice Center, 401 West Belknap Street, Fort Worth, Texas 76196, on the 14th day of March, 2003.

b) This motion and the accompanying brief have been mailed, both by certified and first-class mail, to Mr. Barton Ray Gaines, TDC # 1139507, Gurney Unit, P.O. Box 6400, Tennessee Colony, Texas 75861, on the 14th day of March, 2003.

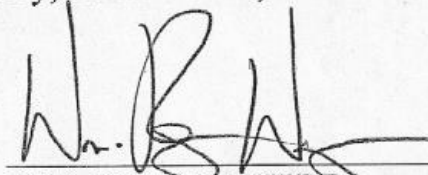

WM. REAGAN WYNN

EXHIBIT A

AFFIDAVIT

STATE OF TEXAS

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§

COUNTY OF TARRANT

§

BEFORE ME, the undersigned authority, personally appeared **WM. REAGAN WYNN**, who after being duly sworn by me, stated under oath as follows:

1. "My name is William Reagan Wynn. I am over the age of 18, have never been convicted of a felony or a crime involving moral turpitude and am otherwise fully competent to make this Affidavit. Each and every statement contained in this Affidavit is true and correct and based on my personal knowledge."

2. "I am counsel of record for Barton Ray Gaines, the appellant in *Barton Ray Gaines v. The State of Texas*, No. 02-02-498-CR, currently pending in the Second Court of Appeals in Fort Worth, Texas. I was appointed to represent Mr. Gaines by the Honorable Robert Gill, Judge of the 213th Judicial District Court Number of Tarrant County, on December 12, 2002."

3. "Mr. Gaines was represented at trial by two attorneys: Greg Westfall and Cheyenne Minick. After Mr. Gaines' trial, Mr. Minick was hired as an associate by my law firm, The Kearney Law Firm. I share a close personal and professional relationship with Mr. Minick. Additionally, Mr. Westfall was previously employed by my law firm, and I share a close personal and professional relationship with him."

4. "Prior to Mr. Gaines' trial, Jeff Kearney (the other attorney in my firm) and I discussed trial strategy and other legal matters pertaining to Mr. Gaines' case with Mr. Westfall and Mr. Minick."

The State Bar Grievances.

5. "It has become clear to me that Mr. Gaines is unsatisfied with the representation he received at trial from Mr. Westfall and Mr. Minick. Further, I anticipate that Mr. Gaines will desire to fully explore the possibility of claiming that

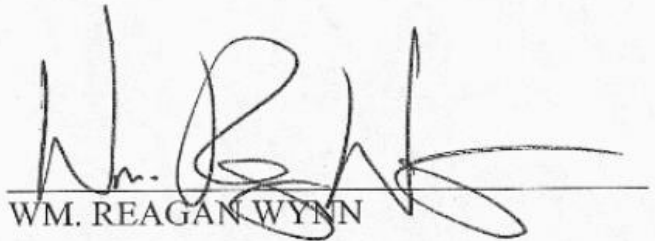
AFFIDAVIT OF WM. REAGAN WYNN
PAGE 1—

Mr. Westfall and Mr. Minick rendered ineffective assistance of counsel, and, accordingly, that his conviction and sentence should be reversed.”

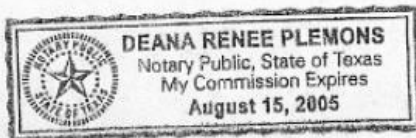
6. “Because of my close personal and professional relationships with Mr. Westfall and Mr. Minick, as well as the fact that Mr. Minick is now a member of my law firm, I believe that I have a conflict of interest which requires that I no longer represent Mr. Gaines in his appeal.”

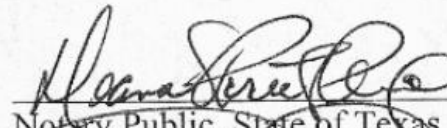
7. “On March 14, 2002, I mailed, by both first-class and certified mail, Mr. Gaines a copy of the Motion to Withdraw. In addition to the motion, I sent Mr. Gaines a letter indicating, among other things, that he has the right to object to the Motion to Withdraw.”

“Further Affiant saith not.”


WM. REAGAN WYNN

SWORN TO AND SUBSCRIBED before me on this 14TH day of March, 2003.




Notary Public, State of Texas
My Commission Expires: 8/15/05



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

**NOS. 2-02-498-CR
2-02-499-CR**

BARTON RAY GAINES

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM THE 213TH DISTRICT COURT OF TARRANT COUNTY

ABATEMENT ORDER

We have considered the "Appointed Counsel's Motion To Withdraw" filed by WM. Reagan Wynn, appellant's court appointed counsel.

The motion is **GRANTED**.

We abate the appeal and remand this case to trial court. The trial court shall immediately conduct a hearing, with appellant and appointed counsel, Mr. WM. Reagan Wynn present to:

1. Determine whether appellant desires to prosecute his appeal;

2. Determine whether appellant is indigent;
3. Determine whether new counsel should be appointed to represent appellant and appoint counsel, if necessary¹;
4. Admonish appellant in accordance with *Faretta v. California*, 422 U.S. 806, 95 S. Ct. 2525, 2541 (1975) and *Hubbard v. State*, 739 S.W.2d 341, 345 (Tex. Crim. App. 1987) if he desires to proceed pro se; and
5. Determine whether appellant's decision to proceed pro se is competently and intelligently made; and
6. Take any other measures that the trial court deems necessary to insure appellant does not forfeit his right to appeal.

The trial court shall file a record of the hearing in this court on or before **April 24, 2003**. The record shall include a supplemental reporter's record and supplemental clerk's record. On our receipt of the supplemental record, the appeal of this cause shall be automatically reinstated without further order.

The clerk of this court shall transmit a copy of this order to the attorneys of record, the trial judge, the trial court clerk, and the court reporter.

DATED March 25, 2003.

PER CURIAM

¹If new counsel has been appointed to represent appellant, the supplemental record shall reflect that counsel has been notified of the appointment. If appellant is incarcerated, the trial court shall retain him in the county for a reasonable period of time to allow counsel an opportunity to confer with appellant.

DOC 70: BPD; STORAGE BURGLARY

Benbrook Police Department



Zomnir 215

PATROL SECTION

1080 Mercedes • Benbrook, TX 76126

817 249-2752 • 817-249-1610

Fax 817 249-4803

3656 3666

Your Safety is Our Concern

DOC 71: SSRI ARTICLES

(A) WHAT IS HYPOMANIA

verywellmind

What Is Hypomania?

By [Marcia Purse](#) |  Medically reviewed by [Daniel B. Block, MD](#) on July 10, 2020

Table of Contents

- [What Is Hypomania?](#)
- [Symptoms](#)
- [Diagnosis](#)
- [Causes](#)
- [Treatment](#)

[VIEW ALL](#)

What Is Hypomania?

Hypomania is an abnormally revved-up state of mind that affects your mood, thoughts, and behavior, and is a potential symptom of bipolar disorder, particularly type II.

A hypomanic episode commonly manifests with unusual gaiety, excitement, flamboyance, or irritability, along with potential secondary characteristics like restlessness, extreme talkativeness, increased distractibility, [reduced need for sleep](#), and intense focus on a single activity.

Symptoms

The specific signs and symptoms experienced during hypomania vary from one person to another. Examples of hypomanic behaviors and characteristics include the following:

- Behaving inappropriately, such as making crude remarks at a dinner party
- Dressing and/or behaving flamboyantly
- Hypersexuality, which may involve making unusual demands on your partner, inappropriate sexual advances, engaging in an affair, or spending a lot of money on phone sex, pornography, or sex workers
- Jumping from one subject to an unrelated topic while speaking
- Reduced need for sleep rims
- Spending recklessly, like buying a ~~car~~ you cannot afford
- Taking chances you normally wouldn't because you "feel lucky"
- Talking so fast that it's difficult for others to follow what's being said
- Unusual irritability, excitement, hostility, or aggression

Diagnosis

Diagnosing hypomania depends on the presence of a combination of key symptoms and features. There must be a persistent and abnormally elevated, expansive, or irritable mood, accompanied by unusually increased activity and energy for most of the day over at least four days.

The mood, activity, and behaviors that accompany hypomania are clearly different from the person's normal, everyday state, and are readily noticeable to those around them. A lack of mood fluctuation and persistence of the mood state helps distinguish a hypomanic episode from a normal mood variation.

By definition, certain characteristics and features rule out a diagnosis of hypomania and often point toward a manic episode instead. For example, symptoms of psychosis, such as hallucinations or delusions, exclude the possibility of a hypomanic episode.

Additionally, symptoms so severe that they significantly interfere with your daily functioning or necessitate hospitalization exclude hypomania as a possible diagnosis. It's also important to rule out medications or recreational substance use as a possible source of the symptoms before making a diagnosis.

Bipolar Hypomania

To be diagnosed with bipolar I or bipolar II disorder, a person generally must experience depressive as well as manic and/or hypomanic episodes. Experiencing symptoms associated with hypomania and depression, but not mania, suggests bipolar II disorder. Other factors may determine if another diagnosis, such as cyclothymia, is more appropriate.

Bipolar hypomania is considered present when a person experiences three of the following symptoms accompanied by a persistently elevated mood, or four of these symptoms in association with a sustained irritable mood:

- Easily distracted
- Excessive involvement in activities associated with a high potential for negative consequences, such as spending sprees, gambling, sexual indiscretions, or risky financial investments
- Feeling intensely driven to accomplish specific goals
- Fidgetiness, pacing, or restlessness, also known as psychomotor agitation
- Flight of ideas or feeling that your thoughts are racing
- Grandiose thinking, meaning unrealistic thinking about your powers, talents, or abilities
- Reduced need for sleep without feeling tired
- Unusual talkativeness or feeling pressure to keep talking

Hypomania and bipolar disorder are diagnosed separately, so receiving a diagnosis of hypomania does not necessarily mean also being diagnosed as having bipolar disorder.

Related: [Overview of Bipolar I and Bipolar II Disorder](#)

Causes

While hypomania could be a [symptom of bipolar disorder](#), this state can occur for other reasons, including:

- Alcohol or drug use
- Changes in sleep patterns
- Depression
- High levels of stress
- Medication side effect

Treatment

Even in the absence of the psychosis and wildly exaggerated moods associated with mania, hypomania can have serious long-term consequences. For example, hypersexuality can lead to ruined relationships and sexually transmitted infections (STIs). Reckless spending can result in severe financial hardship and inappropriate behavior can cause you to lose a job or alienate your loved ones.

Use of medications called [mood stabilizers](#) is the most common and effective way to treat hypomania; your doctor may prescribe one or more of the following:

- [Antipsychotics](#) (can reduce hypomania symptoms until lithium or valproic acid take full effect)
- [Benzodiazepines \(anti-anxiety drugs\)](#)
- Lithium (a mood stabilizer with antidepressant effects)
- Valproic acid (an anticonvulsant)

Additionally, there are [holistic](#) approaches and lifestyle changes that can help including the following:

- Avoiding stimulants that could act as triggers, such as caffeine, sugar, and loud, crowded social scenes
- Exercising daily
- Getting seven to eight hours of sleep each night
- Regularly eating meals

Related: [Understanding Your Bipolar Treatment Plan](#)

Coping

If you've been [experiencing symptoms related to hypomania](#), make an appointment with your psychiatrist. They will determine if a diagnosis of hypomania is accurate and if it's a symptom of bipolar disorder.

In the meantime, here are a few tips to help you cope with hypomania:

- **Educate yourself.** The more you learn about hypomania and your individual symptoms and triggers, the easier it will be for you to manage your condition.
- **Keep a mood diary.** Writing in a journal or using an app can help you chart your moods so you and your doctor can work together to keep your hypomanic episodes under control.
- **Stay the treatment course.** If you do have bipolar disorder, complying with your treatment will be key to managing hypomania.
- **Ask for support.** Whether you reach out to trusted friends and family or join a support group for people with bipolar disorder, it's important to ask for help.

If you or a loved one are struggling with hypomania, contact the [Substance Abuse and Mental Health Services Administration \(SAMHSA\) National Helpline](#) at 1-800-662-4357 for information on support and treatment facilities in your area.

For more mental health resources, see our [National Helpline Database](#).

Related: [The Best Online Bipolar Disorder Support Groups](#)

Article Sources

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Everything You Should Know About Psychomotor Agitation



Medically reviewed by [Elaine K. Luo, M.D.](#) — Written by Annamarya Scaccia —
Updated on April 25, 2017

[Symptoms](#) [Causes](#) [In bipolar disorder](#) [See a doctor](#) [Diagnosis](#)
[Treatment](#) [Outlook](#)

Overview

Psychomotor agitation is a symptom related to a wide range of mood disorders. People with this condition engage in movements that serve no purpose. Examples include pacing around the room, tapping your toes, or rapid talking.

Psychomotor agitation often occurs with mania or anxiety. It's seen most often in people with bipolar disorder. Psychomotor agitation can be caused by other conditions, too, such as posttraumatic stress disorder or depression.

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People with psychomotor agitation can't stay still or remain calm. They use movement to release tension and anxiety. If you have psychomotor agitation, you may regularly fidget, move fast, or move with no reason or purpose.

The most common signs of psychomotor agitation include:

- emotional distress
- restlessness
- tapping
- starting and ending tasks abruptly
- fidgeting
- pacing
- hand-wringing
- fast talking
- racing thoughts
- crowded thoughts
- moving objects for no reason

People who have psychomotor agitation will display a set of behaviors, including:

- pacing back and forth in a room
- taking off clothing, then putting it back on
- twisting their hands
- tapping their feet on the floor
- tapping their fingers on any surface

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Causes

Psychomotor agitation is often seen in people with **bipolar disorder**. It's also less commonly seen in people with other conditions, including:

- panic attacks
- anxiety disorder
- depression
- posttraumatic stress disorder
- traumatic brain injury (TBI)
- claustrophobia
- Parkinson's disease
- alcohol withdrawal
- drug overdose or withdrawal
- dementia
- schizophrenia
- severe major depressive disorder
- effects of certain antipsychotic medications
- substance abuse

Researchers have also found [a link](#) between akathisia and psychomotor agitation in people with TBI. Akathisia is a movement disorder marked by restlessness.

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Psychomotor agitation and bipolar disorder

Psychomotor agitation is a common symptom of bipolar depression. It mostly occurs during manic episodes, but it's also seen during depressive episodes. It's often linked with other noneuphoric hypomanic symptoms and suicidal thoughts. Signs of noneuphoric hypomania include:

- crying
- trouble sleeping
- racing thoughts
- trouble making decisions
- confusion
- false belief someone is out to harm you
- inflated feelings of self-importance
- hearing sounds or voices that aren't there

Psychomotor symptoms differ depending on whether they occur during a manic episode, mixed affective episode (depression and mania), or depressive episode. During a manic episode, a person is more likely to

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See a doctor

See your doctor as soon as you first notice signs of psychomotor agitation. Your doctor will be able to determine if your symptoms are caused by bipolar disorder or another mental health condition. They will also help you decide on the best treatment plan to help you manage your symptoms.

You should also see your doctor if you notice changes in your psychomotor agitation symptoms. Changes in motor activity may indicate changes or progression of the underlying cause of the condition.

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Diagnosis

Your doctor will ask you questions and review your medical history. They will also run some tests and perform a physical exam. Your test results will be used to rule out causes of psychomotor agitation.

Once you receive a diagnosis, you and your doctor can work out a treatment plan to manage your symptoms.

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If psychomotor agitation is related to manic or depressive episodes, your doctor may prescribe mood stabilizers or antipsychotic drugs. A [2013 study](#) found that the anti-anxiety drug [benzodiazepine](#) can help treat types of psychosis-induced agitation.

You may be able to manage psychomotor agitation using relaxations techniques that help people with anxiety. Try these:

- See a talk therapist once or twice per week.
- Practice yoga and meditation often.
- Exercise most days.
- Use deep breathing exercises.

[Learn more: Alternative treatments for anxiety »](#)

You should use these techniques in addition to medication or other treatments recommended by your doctor. It may be difficult to manage psychomotor agitation with relaxation techniques alone.

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Letter to Editor | Published: 19 November 2013

Antidepressant-induced mania or hypomania in DSM-5

[Takeshi Terao](#)  & [Teruaki Tanaka](#)

Psychopharmacology **231**, 315(2014)

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To the Editor:

In contrast to DSM-IV-TR, DSM-5 adds the note to the diagnostic criteria of manic episodes as follows:

"A full manic episode that emerges during antidepressant treatment but persists at a fully syndromal level beyond the physiological effect of that treatment is sufficient evidence for a manic episode and, therefore, a bipolar I diagnosis"

(American Psychiatric Association 2013). Also, hypomanic episodes have a similar note in DSM-5 (American Psychiatric Association 2013). These notes seem to widen the concept of bipolar disorder because patients developing mania or hypomania during antidepressant treatment beyond the physiological effect can be diagnosed as bipolar I or II in DSM-5 although they were diagnosed as suffering from substance-induced mood disorder in DSM-IV-TR.

Back to DSM-III-R, manic episodes should have been diagnosed in cases that are apparently precipitated by antidepressants because DSM-III-R had a note that "somatic antidepressant treatment that apparently precipitates a mood disturbance should not be considered an etiologic organic factor" in the diagnostic criteria of manic episode (Goodwin and Jamison 2007). According to Dunner (a member of the DSM-IV task force), "There was a sense from the Task Force that bipolar conditions should not be over-diagnosed in the community. Therefore, hypomanic episodes occurring in response to treatment with antidepressant pharmacotherapy would not count toward the diagnosis of bipolar II. However, it is difficult to induce mania or hypomania in a true unipolar depression: "there is likelihood that patients who develop mania or hypomania in response to treatment are actually bipolar." (American Psychiatric Association 1987). Thereafter, Chun and Dunner (2004) suggest that the rate of antidepressant-induced hypomania in major depressive disorder is very low and that antidepressant treatment cannot make a unipolar patient bipolar.

Recently, Dumlu et al. (2011) confirmed that unipolar depression with a history of treatment-induced mania, bipolar I, and bipolar II clustered together in contrast to unipolar depression without manic switch. In this point, DSM-5 seems to be appropriately

coming back to DSM-III-R. Nonetheless, beyond the physiological effect in the notes of DSM-5 should be deleted because patients who develop mania or hypomania in response to treatment may be actually bipolar (American Psychiatric Association [1987](#); Chun and Dunner [2004](#)), and it seems difficult to determine whether manic or hypomanic state persists beyond the physiological effect in individual patients, inducing low reliability.

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Conflict of interest

None.

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Bart,

What's up bro? It's been quite a while since I've heard from you. Sorry it's taken me so long to respond. I didn't receive your letter until the 25th. Because they had to evacuate our unit on the account of Hurricane "Rita" I had a devastating experience! The traffic was so bad that we spent 23 hours on the bus driving to Huntsville. That whole time we had no food. We went 15 hours with no water. People were passing out, cause of no water and heat exhaustion. It was horriable!

Anyways, enough about that. I sit and think about all of our old times and it brings a smile to my face. We were like brothers! We did everything together. I would also like to continue our friendship. It would be a shame just to let it all go after we've been through so much. So to answer your question, Yes I would like to give it another try!

I have to say I was suprised to get a letter from you. I thought you

were mad at me. After I read your letter I was thinking about all of our memories together. And I couldn't sleep. I read it over and over. I'm glad we're still boys. To the end, "Right" I still remember all of our plans to one day have our own shop. What did you mean by our grasp has been renewed?

Hey, one of the funnest times I remember was at Benbrook lake when we were on the seadoo. You tried to throw me off, and I was Ready. I held on so tight we both came off. You hit your foot on the handle bars. It left a bruise.

Remember when we were riding our mini bikes around Bess Race? And we both collided! Scratched our selves up pretty good! Those were some good memories.

Oh yeah I almost forgot, remember when we took your Camaro's engine apart and we had parts all over the garage. The look on your Mom's face was unforgettable. →

Don't worry bro theres still a lot of living we have left in us. We might be knocked down but we aren't out. Still a few rounds left in us.

I have to say I've changed in the 3 1/2 years since we last saw each other. My views on things are different. I don't listen to Rap. Matter of fact I can't stand it! I weigh about 180lbs. I usually keep my head shaved. But I think I going to grow it back out. All I do is go to school, work, and exercise. It's all I have time for.

Damn bro, it was great to hear from you. Your Mom sent me a picture of you. You look really good! Looks like your gettin swale "Big"

I really appreciate your mom writing and sending pictures and everything else over the past couple of years. She writes more than my family does. She's Great! Thank her for me would you.

Well, I'm gettin pretty tired. I guess I'll let you go for now.

4.

take it easy and stay out of
trouble.

Your Bro,
~~Jason~~
Tucker

p.s.
I'm down like
4 flat tires!

Bart,

DOC 73: SHERRY'S LETTER

Oct. 21, 2009

1 Dear Bart, We are glad you have written to us. We have thought a lot about you through the years. I always felt that your punishment was much too harsh. The Bart I knew was a kind and good kid, who made one bad mistake and has had to pay too much for it. I want you to really get involved with the Christian Community there and really give yourself to Jesus, believe that he died for your sins, and you will be redeemed. Bart I want you to believe you will get out of there, believe in miracles! Trust me, God wants to help you.

2 Not everyone is perfect, we have all been down that dark road. But when you put your life in Jesus hands miracles happen. I was on the highway to Hell before I met Gary, drugs, indiscriminate sex, stealing Hanging out with the Wrong people. I was tired and weary, and began to pray for a life partner that would love me as I was, (I felt like damaged goods) Two weeks later I met Gary, who was crazy in love with me and still is twenty seven years later. Bart the man kisses my feet every morning while im asleep, before he goes to work!

3 Anyway the point is believe in miracles, believe you Will get out of there, and begin a new life with someone who will love you unconditionally. I am going to try to send you a book that has been passed around since the 1970's from people who were sick or down trodden, like yourself, a man who is suffering with cancer gave it to me, I have been sick with different things for the last ten years, and have been healed every time. Its old and falling apart so be careful with it. I hope they will let you have it, if they were really concerned about rehabilitation in the prison system, Worship with the Lord and Education would be Mandatory.

4 If they don't let you have it I am going to write a few inspiring scriptures for you at the end of this letter, and you must glorify God by sharing them with others.

5 Now I'll tell you what we've been doing for the past five or ten years. How long have you been in Prison? Tarah graduated from High School, and hooked up with Lucas Tucker, they had my first granddaughter Kaylie, I kept joking with Tarah, she's going to look just like her grandma, Tarah said no she isn't. Well she looks just like me, dark hair and olive skin, but she has Tarahs big brown eyes, she is four years old now. Lucas got into drugs and made a few mistakes, Tarah couldn't get over, so they split up, but were still friends for Kaylies sake. Lucas began working on cell phone towers and was traveling a lot. We would see him every two to four weeks, anyway he was good with his kids, (he had an older son) and Kaylie LOVED her dada (that's what she called him), they were at a family function and some uninvited guests were drunk and raising hell, so Lucas and his brother were trying to run them off, the girl ran over Lucas and almost hit the kids including Kaylie, he couldn't move, so they ~~care~~ flight him to the hospital, he just had fractured ribs and his equilibrium was off (dizziness), he took off work for a week (not long enough), went back to work two weeks later, and was climbing about a hundred feet up he passed out and fell, and died. It has just broken my heart that my little Kaylie doesn't have her daddy anymore. But she is a smart cookie and has delt with it well.

6 I had a hard time keeping Alyssa in school, she's so pretty, blond fair skin, big green eyes, shy and timid, there was just too much drama in school, all the kids want to do is fight, so I let her drop out. She met Justin when she was fifteen they have been together for four years now and just had my second granddaughter Avery, she looks just like Alyssa. They live with his parents.

7 Gary and I are still working (me part time) Im getting too old and lazy (I just turned 47) to clean, I'll retire in a few years. Gary was blessed with work, regular surveying has gone down the drain because of the economy, but two years ago he went into gas well surveying which is doing good, If he had stayed in regular surveying he may not have a job right now, but the Lord was looking out for us.

8 We still live in the same house, we are slowly fixing it up, Remember every thing GOOD comes from the Lord. So we love our house. We love our family and any friends the Lord brings to us, including you Bart.

So you take care of yourself hang in there and imagine yourself out with your family. It's not too late for you to build a new career, find a loving wife, and have kids.

Baptism of the Holy Spirit: Repent, and be baptized every one of you in the name of Jesus Christ for the remission of sins, and you shall receive the gift of the Holy Ghost. (the comforter) (Acts2:38)

Thou shalt forget thy misery, and remember it as waters that pass away (Job11:16)

Faith: Faith cometh by hearing, and hearing by the Word of God(Romans10:17)

Fellowship with God: The Lord is with you, while you be with him; and if you seek him, he will be found of you(2chronicles15:2)

Forgiveness: In whom we have redemption through his blood, even the forgiveness of sins(colossians1:14)
Redemption means once we have given our lives(souls) to Jesus we are redeemed, we will go to Heaven with him when we die. So shall we ever be with the Lord(1 Thessalonians4:17)

God is our refuge and strength, a very present help in troubled times(Psalm46:1)

Protection: Then Lord shall preserve thee from all evil; he shall preserve they soul(psalms121:17)
If God be for us, who can be against us?(Romans8:31)

Strength in body and spirit: The Lord will give strength unto his people(psalms29:11)

Wisdom: They that seek the Lord understand all things(Proverbs28:5)

Bart, the majority of the Bible was written by men who were imprisoned.

Thank you for thinking about us, we'll be thinking of you and have you in our prayers. Write again. Bye

Gary, Sherry, Tarah, Kaylie, Alyssa, Justin and Avery

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 3 ENTRY TIME 0404 DEPARTMENTAL COPY SOUTH DIVISION
 4 N/W FOB : S/E FOB : ESB : OSB : SSB :

6 GENERAL VEHICLE #001 INFORMATION
 7 YR MAKE MODEL STYLE LICENSE NUMBER VIN VALUE
 8 94 FORD 4D [REDACTED]
 9 COLOR 1: BLUE COLOR 2: COLOR 3:
 10 ADDITIONAL DESCRIPTION
 11 LP APPEARS CANCELLED & COMP NEEDS TO BE CONTACTED REF POSS CORRECT LP

13 CONFISCATED VEHICLE #001 INFORMATION
 14 YR MAKE MODEL STYLE LICENSE NUMBER VIN VALUE
 15 00 CHEV PK TX [REDACTED]
 16 COLOR 1: BROWN COLOR 2: COLOR 3:
 17 ADDITIONAL DESCRIPTION
 18 DRIVEN/AP2; APL FRT PSGR; PD PULLED/1301 E NORTHSIDE DR/FW TOWING

20 ARRESTED PERSON #001 INFORMATION
 21 TRN: DATE ARRESTED: 08/18/01
 22 NAME R/E/S/A DOB HEIGHT WEIGHT ALIAS/NICKNAME
 23 DURHAM, TONY W U M 22 11/08/78 5 09 180
 24 ADDRESS: KIOWA
 25 CROWLEY 76036 TX
 26 EYE COLOR: BRN HAIR COLOR: BRN
 27 HAIR STYLE: SHORT
 28 FACIAL HAIR: GOATEE
 29 MUSTACHE
 30 EYES: UNK.
 31 FACIAL ODDITIES: UNK.
 32 TEETH: UNK.
 33 COMPLEXION: LIGHT
 34 SPEECH: UNK.
 35 MISSING BODY PARTS: UNK.
 36 TATTOO: UNK.
 37 SCAR/BIRTHMARK/MOLE: UNK.
 38 GENERAL APPEARANCE: UNK.
 39 SUSPECT WORE: UNK.
 40 R/L HANDED: UNKNOWN
 41 BUILD: UNK.

43 ARRESTED PERSON #002 INFORMATION
 44 TRN: DATE ARRESTED: 08/18/01
 45 NAME R/E/S/A DOB HEIGHT WEIGHT ALIAS/NICKNAME
 46 GAINES, BURTON RAY W U M 18 10/25/82 5 10 152
 47 ADDRESS: DANIELS
 48 CROWLEY 76036 TX
 49 EYE COLOR: BRN HAIR COLOR: BRN
 50 HAIR STYLE: SHORT
 51 FACIAL HAIR: UNK.
 52 EYES: UNK.
 53 FACIAL ODDITIES: UNK.
 54 TEETH: UNK.
 55 COMPLEXION: LIGHT
 56 SPEECH: UNK.
 57 MISSING BODY PARTS: UNK.
 58 TATTOO: UNK.
 59 SCAR/BIRTHMARK/MOLE: UNK.
 60 GENERAL APPEARANCE: UNK.
 61 SUSPECT WORE: UNK.
 62 R/L HANDED: UNKNOWN
 63 BUILD: UNK.

1 SERVICE NO.01610335
2 ENTRY DATE 08/19/01
3 ENTRY TIME 0404

FORT WORTH POLICE DEPARTMENT
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DEPARTMENTAL COPY

SERVICE NO.01610335
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DAMAGED PROPERTY INFORMATION

6 PROPERTY DESCRIPTION QUARTER PANEL
7 PROPERTY TYPE BRAND NAME SERIAL NUMBER MODEL NUMBER ENGRAVING/MARKS
8
9 ITEM COLOR SIZE MATERIAL AMOUNT VALUE CD
10 001/ / 00
11 REMARKS/COND/STYLE: LEFT REAR GV; DAMAGED BY AP1 KICKED
12

ORIGINAL NARRATIVE

15 DECOR ENTRY BY: P35
16 CALLING OFFICER: THETFORD, R L 3139
17 ORO CODING BY: L173
18 ADDITIONAL ASSIST OFFICER: PERMSOOKJIT, S 3208
19 *****
20 ADDITIONAL COMPLAINANT INFORMATION/IDENTIFICATION:
21 COMP: COMP STATED HE IS 100 PER CENT DISABLED AND DRAWING
22 DISABILITY.
23 SSN <REDACTED>
24 TXDL <REDACTED>
25 *****
26 ON SATURDAY, 081801, I, OFCR R L THETFORD, #3139, WORKING J216,
27 WAS DISP ON A SIGNAL 24, GANG FIGHT AT 4702 SOUTH FRWY, BURGER KING
28 PK LT. UPON ARRIVAL AT APPROX 1827 HRS, I MET W/OFCR MOORE, MY ASSIST
29 WORKING J217, WHO ARRIVED SHORTLY BEFORE MYSELF. OFCR MOORE WAS AD-
30 VISED BY W1 THAT THE SUSPECTS INVOLVED IN THE FIGHT, WERE IN THE CV
31 AND WERE PULLING OUT OF THE PARKING SPOT. OFCR MOORE WAS ABLE TO
32 DETAIN THE AP'S IN THE CV AT THAT TIME.
33 I, OFCR THETFORD ARRIVED JUST AS OFCR MOORE WAS DETAINING THE AP'
34 AND IPULLED THE CV FORWARD INTO A PARKING SPOT, SO IT WOULD NOT BE
35 BLOCKING THE TRAFFIC FLOW IN THE PK LT AND ALSO LOCK THE VEH AS SOON
36 AS I EXITED.
37 THE COMP, WHO IS ON DISABILITY, 49 YOA AND ALSO ON CRUTCHES,
38 STATED THAT THE AP1 AND AP2, IN THE CV, WERE BEHIND HIM IM THE BURGER
39 KING PK LT. THE COMP STOPPED TO LET THE CV GO AROUND HIM AND I/O
40 GOING AROUND THE COMP, THE DRIVER, AP2, STOPPED THE CV DIRECTLY BEHIND
41 THE COMP'S VEH, AND STARTED HONKING THE HORN, AND BOTH AP'S WERE AT
42 THAT TIME GESTURING TO THE COMP W/THEIR MIDDLE FINGERS. THE COMP
43 STATED AT THAT TIME THE RT FRONT PSGR, AP1, EXITED THE CV AND AP-
44 PROACHED THE GV OF THE COMP, AND AP1, AT THAT TIME, KICKED THE GV LEFT
45 REAR QUARTER PANEL, CAUSING A LARGE DENTS, AND THEN WENT TO THE OTHER
46 SIDE OF THE GV AND KICK IT AS WELL, NOT LEAVING A DENT THAT THE OFCRS
47 COULD SEE.
48 AP1 THEN RETURNED TO THE CV. THE COMP PULLED TO THE FAR END OF
49 THE BURGER KING PK LT, AND EXITED THE GV TO CHECK AND SEE IF THE AP
50 HAD DONE ANY DAMAGE. AT THIS TIME, AP1 THEN EXITED THE CV AGAIN, AND
51 RAN UP HE COMP AND STRUCK THECOMP W/A CLOSED FIST IN THE COMP'S HEAD,
52 CAUSING THE COMP TO FALL TO THE GROUND. THIS ALSO COAUSED THE COMP
53 GREAT PAIN.
54 THE AP2 EXITED THE VEH AND BEGAN SHOUTING TO THE AP1, ENCOURAGING
55 AP1 TO INJURE THE COMP FURTHER. THE AP1 THEN STARTED KICKING THE
56 COMP IN THE MIDSECTION AND STOMACH AND STARTED STRIKING THE COMP ON
57 THE BODY IN VARIOUS PLACES W/HIS FISTS. AT THAT TIME, AP1 BEGAN
58 STOMPING ON THE COMP'S ALREADY INJURED KNEE.
59 BOTH AP'S RETURNED TO THE CV, AND LEFT THE COMP LAYING BESIDE THE
60 GV AND THE AP'S PARKED THEIR CV AT THE 2 BUCKS LIQUOR STORE, WHERE W2
61 WAS WORKING.
62 W1 STATED THAT HE WAS AT THE DRIVE-THROUGH OF BURGER KING, AND
63 STATED THAT SHE SAW 4 MALES IN THE CV, BUT ONLY SAW AP1 STRIKING THE
64

Maria Mendoza

Tony

18 SERVICE NO.01610335
19 ENTRY DATE 08/19/01
20 ENTRY TIME 0404

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21 COMP.

22 THE AP'S AT THAT TIME, WENT INTO THE TWO BUCKS LIQUOR STORE, AND
23 PURCHASED A LARGE KEG OF BEER AND AT THAT TIME THE OFCRS ARRIVED.
24 SEARCH INCIDENT TO ARREST AND INVENTORY OF THE CV. OFCR MOORE
25 FOUND A GREEN LEAFY SUBSTANCE BELIEVED TO BE MARIJUANA IN THE CENTER
26 CONSOLE. AP2 STATED THAT HE OWNED THE CV, AND OFCR MOORE OBSERVED
27 THAT AP2 WAS THE DRIVER OF THE CV. THE GREEN LEAFY SUBSTANCE WAS
28 WEIGHED AND HAD A WEIGHT OF 17 GRAMS, INCLUDING THE CLEAR PLASTIC BAG
29 THAT THE GREEN LEAFY SUBSTANCE WAS PLACED IN, IN ORDER TO TRANSPORT
30 AND MARK AS EVIDENCE. THE GREEN LEAFY SUBSTANCE WAS PLACED IN LOCKER
31 #9, BY OFCR PERMSOOKJIT AND W/HIS INITIALS AND ID.

32 THE CV WAS PD PULLED TO 1301 E NORTHSIDE DR BY FW TOWING.

33 BOTH AP1 AND AP2 WERE ARRESTED FOR INJURY TO A DISABLED PERSON
34 W/INTENT TO COMMIT BODILY INJURY, AND AP2 WAS ARRESTED ALSO ON A CHG
35 OF POSSESSION OF MARIJUANA LESS THAN 2 OZ.

36 THE COMP WAS CHECKED BY MEDSTAR ON THE SCENE, AND WAS NOT TRANS-
37 PORTED BY MEDSTAR.

38 THE 2 OTHER INDIVIDUALS THAT WERE IN THE CV W/BOTH AP'S WERE NOT
39 AT THE SCENE UPON OFCRS' ARRIVAL, AND WERE UNABLE TO BE LOCATED. THE
40 COMP WAS ABLE TO ID BOTH AP'S WHILE AT THE SCENE.

41 NO CSSU WAS NEEDED.

42 SGT. PHILLIPS

43 ENTERED BY L411

But see 278:16-17 & 279:57-58 below

REFER TO SUPPLEMENT #01 FOR ADDITIONAL DETAILS

The two other individuals were Jason Tucker and Billy Hunt

1 SERVICE NO.01610335 FORT WORTH POLICE DEPARTMENT SERVICE NO.01610335
 2 ENTRY DATE 08/21/01 OFFENSE/INCIDENT SUPPLEMENTAL REPORT #01 PAGE 5
 3 ENTRY TIME 1037 DEPARTMENTAL COPY SOUTH DIVISION
 4
 5 OFFENSE/INCIDENT INFORMATION
 6 INJURY TO THE DISABLED-INTEND B/I PENAL CODE: 22.04 UCR CLASS: 04.111
 7 REPORT STATUS:OPEN UCR DISPOSITION:
 8 REPORT DATE: 08/18/01 HATE CRM: N
 9
 10 LOCATION/DATE/TIME/INFORMATION
 11 OFFENSE LOCATION APT. PRA BUSINESS NAME CODE
 12 004702 SOUTH FRWY B450 BURGER KING PK LT 0905
 13 DATES OF OCCURANCE TIME OF DAY DAY(S) OF OCCURANCE
 14 08/18/01 1824 SAT
 15 WEATHER CONDITIONS: CLOUDY UNIT: J216 BEAT: J214
 16
 17 INVESTIGATIVE INFORMATION
 18 REPORTING OFFICER(S): DET BRIDGES 2888 MOORE, R E 3117
 19 INVESTIGATIVE DIVISION NOTIFIED: FAMILY V: N
 20 FOLLOW-UP ASSIGNED TO: GENE INVESTIGATOR: 2699
 21
 22 UPDATED COMPLAINANT INFORMATION
 23 NAME R/E/S/A DOB
 24 HAYNIE, ROBERT LEE W U M 49 06/23/52
 25 HOME ADDRESS
 26 003728 S GROVE ST
 27 FT WORTH TX 76110
 28 BUSINESS ADDRESS OCCUPATION WORK HOURS
 29
 30 UPDATED INJURED COMPLAINANT
 31 PERSON TAKEN TO TAKEN BY CONDITION
 32 BRUSD/PAIN
 33 PAIN ON HEAD AREA, AND CHEST AND LEGS.
 34
 35 GENERAL MO INFORMATION
 36 DESCRIPTION OF MO
 37
 38 FORCE USED? UNK TOOL DESCRIPTION:
 39 OTHER ACTS OR TRADEMARKS
 40
 41 -- CRIME TRACKING FLAGS --
 42 DRUG RELATED : GANG RELATED : ALCOHOL RELATED :
 43 RETALIATION : ARGUMENT/FIGHT :X INNOCENT BYSTANDER :
 44 DRIVE BY SHOOTING : INTELLIGENCE :
 45 ARREST FROM TRAFFIC STOP () SEARCH CONDUCTED? () WITH CONSENT () W/O ()
 46 ----- U S E O F F O R C E -----
 47 N/W FOB : S/E FOB : ESB : OSB : SSB :
 48
 49 CONFISCATED VEHICLE #001 UPDATED INFORMATION
 50 YR MAKE MODEL STYLE LICENSE NUMBER VIN VALUE
 51 00 CHEV PK TX
 52 COLOR 1: BROWN COLOR 2: COLOR 3:
 53 ADDITIONAL DESCRIPTION
 54 DRIVEN/AP2; AP1 FRT PSGR; PD PULLED/1301 E NORTHSIDE DR/FW TOWING
 55
 56 SUPPLEMENT #01 NARRATIVE
 57 DECOR ENTRY BY: P35
 58 CALLING OFFICER: DET BRIDGES 2888
 59 ORO CODING BY: G668
 60 ON 08-20-01 DETECTIVE BRIDGES WAS ASSIGNED THIS OFFENSE FOR THE
 61 PURPOSE OF FOLLOW UP INVESTIGATION. ON 08-20-01 DETECTIVE BRIDGES
 62 1) RECEIVED THE LAB ANALYSIS OF THE DRUG EVIDENCE FROM FWPD CRIMINALIST
 63 JO HAAS ON LAB # 0105083 WHICH REVEALED THAT DRUG EXHIBIT #1 CONTAINED
 64

1 SERVICE NO.01610335 FORT WORTH POLICE DEPARTMENT SERVICE NO.01610335
2 ENTRY DATE 08/21/01 OFFENSE/INCIDENT SUPPLEMENTAL REPORT #01 PAGE 6
3 ENTRY TIME 1037 DEPARTMENTAL COPY SOUTH DIVISION
4 9.07 GRAMS OF MARIJUANA. ON 08-21-01 DETECTIVE BRIDGES SPOKE WITH
5 OFCR THETFORD WHO STATED THE FOLLOWING:
6 OFCR MOORE ARRIVED ON SCENE OF CALL BEFORE OFCR THETFORD AND HAD
7 REMOVED AP2(GAINES) FROM THE CONFISCATED VEHICLE. OFCR THETFORD
8 ARRIVED SOON AFTER AND OBSERVED THAT AP2 WAS SHOWING SIGNS OF
9 IMPAIRMENT. OFCR THETFORD STATED THAT HE DID NOT SMELL ALCOHOL OR
10 MARIJUANA BUT THAT THE AP2 APPEARED HIGH. AP2'S SPEECH WAS SLURRED
11 AND HIS EYES WERE DROOPY. AP2 HAD COMMITTED DISORDERLY CONDUCT BY
12 USING HIS MIDDLE FINGER TO GESTURE THE CP. AP2 WAS ARRESTED FOR
13 BEING A PARTY TO THE INJURY TO THE DISABLED ENCOURAGING THE OFFENSE
14 AND HAD COMMITTED THE BREACH OF PEACE -DISORDERLY CONDUCT. DETECTIVE
15 BRIDGES WILL SUBMIT A CASE FILE TO THE DA'S OFFICE ON THE DEFENDANT
16 FOR POSS OF MARIJ < 2OZ. ON 08-21-01 I SPOKE WITH DETECTIVE STEVENS
17 WHO STATED THAT HE WOULD NOT BE FILING THE INJURY TO DISABLED ON AP2.
18 DETECTIVE BRIDGES DID CORRECT THE CONFISCATED VEHICLE PLATE IN THIS
19 SUPPLEMENT. RECOMMENDED STATUS IS CLOSED AND CLEARED BY ARREST, CASE
20 FILED FOR THE NARCOTICS PORTION OF THIS ARREST.
21 STATUS: CLOSED AND CLEARED BY ARREST, CASE FILED.
22 SUPERVISOR: SGT KL WOODSON #2383.
23 REFER TO SUPPLEMENT #02 FOR ADDITIONAL DETAILS

1 SERVICE NO.01610335 FORT WORTH POLICE DEPARTMENT SERVICE NO.01610335
2 ENTRY DATE 08/21/01 OFFENSE/INCIDENT SUPPLEMENTAL REPORT #02 PAGE 7
3 ENTRY TIME 1440 DEPARTMENTAL COPY SOUTH DIVISION

5 OFFENSE/INCIDENT INFORMATION
6 INJURY TO THE DISABLED-INTEND B/I PENAL CODE: 22.04 UCR CLASS: 08.112
7 REPORT STATUS:CLOSED UCR DISPOSITION: CLEARED BY ARREST
8 REPORT DATE: 08/18/01 HATE CRM: N

10 LOCATION/DATE/TIME/INFORMATION
11 OFFENSE LOCATION APT. PRA BUSINESS NAME CODE
12 004702 SOUTH FRWY B450 BURGER KING PK LT 0905
13 DATES OF OCCURANCE TIME OF DAY DAY(S) OF OCCURANCE
14 08/18/01 1824 SAT
15 WEATHER CONDITIONS: CLOUDY UNIT: J216 BEAT: J214

17 INVESTIGATIVE INFORMATION
18 REPORTING OFFICER(S): DET BK STEVENS 2699 MOORE, R E 3117
19 INVESTIGATIVE DIVISION NOTIFIED: FAMILY V: N
20 FOLLOW-UP ASSIGNED TO: GENE INVESTIGATOR: 2699

22 UPDATED COMPLAINANT INFORMATION
23 NAME R/E/S/A DOB
24 HAYNIE, ROBERT LEE W U M 49 06/23/52
25 HOME ADDRESS
26 003728 S GROVE ST
27 FT WORTH TX 76110
28 BUSINESS ADDRESS OCCUPATION WORK HOURS

30 UPDATED INJURED COMPLAINANT
31 PERSON TAKEN TO TAKEN BY CONDITION
32 BRUSD/PAIN
33 PAIN ON HEAD AREA, AND CHEST AND LEGS.

35 GENERAL MO INFORMATION
36 DESCRIPTION OF MO
37
38 FORCE USED? UNK TOOL DESCRIPTION:
39 OTHER ACTS OR TRADEMARKS

41 -- CRIME TRACKING FLAGS --
42 DRUG RELATED : GANG RELATED : ALCOHOL RELATED :
43 RETALIATION : ARGUMENT/FIGHT :X INNOCENT BYSTANDER :
44 DRIVE BY SHOOTING : INTELLIGENCE :
45 ARREST FROM TRAFFIC STOP () SEARCH CONDUCTED? () WITH CONSENT () W/O ()
46 ----- U S E O F F O R C E -----
47 N/W FOB : S/E FOB : ESB : OSB : SSB :

49 SUPPLEMENT #02 NARRATIVE
50 DECOR ENTRY BY: P35
51 CALLING OFFICER: DET BK STEVENS 2699 Then why was I arrested for the
52 ORO CODING BY: K438 assault?
53 ON 08-20-01, I WAS ASSIGNED THIS CASE LOG#95 FOR FOLLOWUP. I CONTACTED
54 THE CP WHO ADVISED HE WAS SEVERLY INJURED AND HIS FAMILY WAS TAKING
55 HIM TO THE HOSPITAL TO BE EXAMINED. I THEN COMPLETED A PHOTO LINE UP
56 WITH APL AT POSITION NUMBER #2. I THEN MET WITH CP BUT HE WAS UNABLE
57 TO MAKE A POSITIVE ID OF APL. CP WAS IN VERY BAD CONDITION WHEN I MET
58 WITH HIM AND WAS UNABLE TO WALK WITH HIS CRUTCHES WITHOUT MY ASSIST-
59 ANCE. THE CP FELL INTO THE FLOOR WHILE TRYING TO SIT DOWN AND I HAD TO
60 LIFT HIM INTO A CHAIR. I DID NO FURTHER INVESTIGATION AT THIS TIME
61 DUE TO THE CPS CONDITION. I THEN CONTACTED WITL WHO ADVISED SHE WOULD
62 BE ABLE TO MAKE AN ID OF APL. SHE MADE AN APPT. TO MEET WITH ME ON
63 0-8-21-01. I THEN CONTACTED APL TO HAVE HIM COME TO THE SOUTH DIVISION

His physical "injuries" weren't preventing him conversation. They were good enough for him to drive home after this supposed beatdown Ofc. THETFORD so craft-fully narrated for us. Plus, if they were so "bad", why had he not yet gone to the hospital? He was probably still drunk, the same reason he refused to go to the hospital in the first place.

Page 279 of Appendix 3 Maybe he could get some more social security disability. It's what he had been on for the last 20-years, drinking.

1 SERVICE NO.01610335 FORT WORTH POLICE DEPARTMENT SERVICE NO.01610335
2 ENTRY DATE 08/21/01 OFFENSE/INCIDENT SUPPLEMENTAL REPORT #02 PAGE 8
3 ENTRY TIME 1440 DEPARTMENTAL COPY SOUTH DIVISION
4 CIU FOR A STATEMENT AND HE ADVISED HE WOULD HAVE TO CONTACT HIS
5 ATTORNEY. HIS ATTORNEY THEN CALLED ME AND STATED HE DID WANT THE AP1
6 TO MEET WITH ME AND GIVE HIS STATEMENT AND HE WOULD HAVE AP1 CALL ME
7 TO MAKE AN APPOINTMENT. AP1 DID NOT CALL ME ON THIS DATE.
8 ON 08-21-01, AT 1045, WIT1 (MENDOZA) CAME TO THE SOUTH CIU OFFICE TO
9 GIVE A DEPO. I SHOWED MENDOZA THE PHOTO LINE UP WITH AP1 AT POSITION
10 #2, AND WITHOUT HESITATION SHE POINTED AT #2 AND SAID THIS IS THE GUY
11 I ASKED HER IF SHE WAS POSITIVE AND SHE SAID, "ABSOLUTELY POSITIVE."
12 SHE THEN GAVE ME A SWORN DEPO. WHICH WAS NOTARIZED BY THE OFFICE
13 NOTARY LASHELE HARRIS. I WAS THEN CONTACTED BY DET BRIDGES WITH THE
14 NARCOTICS UNIT, WHO ADVISED SHE HAD FILED A CASE AGAINST AP2 IN THIS
15 CASE ON NARCOTICS CHARGES. SO I HAVE DETERMINED AT THIS TIME NOT TO
16 FOLLOWUP ON CHARGES AGAINST AP2. HE ONLY HAD VERBAL ENGAGEMENT IN THIS
17 ASSAULT SO I FEEL THE CASE WOULD STAND AS CHARGED. I THEN MET
18 WITH THE CP WHO WAS BACK AT HOME AND HE GAVE HIS STATEMENT TO ME AGAIN
19. I HAND WROTE HIS STATEMENT, WHICH HE READ AND SIGNED AS BEING TRUE
20 AND ACCURATE. THE CP HAS BEEN PERMINENTLY DISABLED FOR THE LAST 20
21 YEARS AND UNDER DOCTORS CARE DURING THAT TIME. HE AS HAD 6 SURGERIES
22 ON THE INJURED LEG PRIOR TO THIS ASSAULT. HE WAS ASSESSED BY MEDICAL
23 PERSONEL AT THE HOSPITAL AND IT WAS DETERMINED HIS LEG IS BROKEN AND
24 WILL NEED SURGERY FOR REPAIR. CP STATED HE IS MAKING ARRANGEMENTS TO
25 GO TO THE HOSPITAL TODAY TO BE ADMITTED FOR SURGERY. THE HOSPITAL
26 WOULD NOT RELEASE ANY INFORMATION UNTIL THE CP IS ADMITTED. I THEN
27 TOOK PHOTOS OF THE CP AND HIS INJURIES AND THE CRIMESCENE. AS OF 1500
28 HRS 08-21-01, THE AP1 HAS NOT CONTACTED ME FOR A STATEMENT.
29 I AM GOING TO COMPLETE THE CASE PACKET AND FORWARD TO THE ADA FOR
30 REVIEW. I RECOMMEND THIS CASE CLOSED BY ARREST.
31 SGT WARE.
32 REFER TO SUPPLEMENT #03 FOR ADDITIONAL DETAILS
33

1 SERVICE NO.01610335 FORT WORTH POLICE DEPARTMENT SERVICE NO.01610335
 2 ENTRY DATE 08/26/01 OFFENSE/INCIDENT SUPPLEMENTAL REPORT #03 PAGE 9
 3 ENTRY TIME 0942 DEPARTMENTAL COPY SOUTH DIVISION
 4
 5 OFFENSE/INCIDENT INFORMATION
 6 INJURY TO THE DISABLED-INTEND B/I PENAL CODE: 22.04 UCR CLASS: 08.112
 7 REPORT STATUS:CLOSED UCR DISPOSITION: CLEARED BY ARREST
 8 REPORT DATE: 08/18/01 HATE CRM: N
 9
 10 LOCATION/DATE/TIME/INFORMATION
 11 OFFENSE LOCATION APT. PRA BUSINESS NAME CODE
 12 004702 SOUTH FRWY B450 BURGER KING PK LT 0905
 13 DATES OF OCCURANCE TIME OF DAY DAY(S) OF OCCURANCE
 14 08/18/01 1824 SAT
 15 WEATHER CONDITIONS: CLOUDY UNIT: J216 BEAT: J214
 16
 17 INVESTIGATIVE INFORMATION
 18 REPORTING OFFICER(S): DET BK STEVENS 2699 MOORE, R E 3117
 19 INVESTIGATIVE DIVISION NOTIFIED: FAMILY V: N
 20 FOLLOW-UP ASSIGNED TO: GENE INVESTIGATOR: 2699
 21
 22 UPDATED COMPLAINANT INFORMATION
 23 NAME R/E/S/A DOB
 24 HAYNIE, ROBERT LEE W U M 49 06/23/52
 25 HOME ADDRESS
 26 003728 S GROVE ST
 27 FT WORTH TX 76110
 28 BUSINESS ADDRESS OCCUPATION WORK HOURS
 29
 30 UPDATED INJURED COMPLAINANT
 31 PERSON TAKEN TO TAKEN BY CONDITION
 32 BRUSD/PAIN
 33 PAIN ON HEAD AREA, AND CHEST AND LEGS.
 34
 35 GENERAL MO INFORMATION
 36 DESCRIPTION OF MO
 37
 38 FORCE USED? UNK TOOL DESCRIPTION:
 39 OTHER ACTS OR TRADEMARKS
 40
 41 -- CRIME TRACKING FLAGS --
 42 DRUG RELATED : GANG RELATED : ALCOHOL RELATED :
 43 RETALIATION : ARGUMENT/FIGHT :X INNOCENT BYSTANDER :
 44 DRIVE BY SHOOTING : INTELLIGENCE :
 45 ARREST FROM TRAFFIC STOP () SEARCH CONDUCTED? () WITH CONSENT () W/O ()
 46 ----- U S E O F F O R C E -----
 47 N/W FOB : S/E FOB : ESB : OSB : SSB :
 48
 49 SUPPLEMENT #03 NARRATIVE
 50 DECOR ENTRY BY: P35
 51 CALLING OFFICER: DET BK STEVENS 2699
 52 ORO CODING BY: K308
 53 54 ARREST CASE FILED ON: DURHAM, TONY
 55 CHARGE: ASSAULT DISABLED PERSON
 56 ARREST/BOOKING #: 282710
 57 ARREST DATE: 08/18/01
 58 OFFICER: THETFORD R L 3139
 59 INVESTIGATOR: STEVENS B K 2699
 60 REC STATUS: CLOSED BY ARREST
 61 SUPERVISOR: SGT WARE P E 1847
 62 REFER TO SUPPLEMENT #04 FOR ADDITIONAL DETAILS

1 SERVICE NO.01610335 FORT WORTH POLICE DEPARTMENT SERVICE NO.01610335
 2 ENTRY DATE 09/02/01 OFFENSE/INCIDENT SUPPLEMENTAL REPORT #04 PAGE 10
 3 ENTRY TIME 1421 DEPARTMENTAL COPY SOUTH DIVISION
 4
 5 OFFENSE/INCIDENT INFORMATION
 6 INJURY TO THE DISABLED-INTEND B/I PENAL CODE: 22.04 UCR CLASS: 08.112
 7 REPORT STATUS:CLOSED UCR DISPOSITION: CLEARED BY ARREST
 8 REPORT DATE: 08/18/01 HATE CRM: N
 9
 10 LOCATION/DATE/TIME/INFORMATION
 11 OFFENSE LOCATION APT. PRA BUSINESS NAME CODE
 12 004702 SOUTH FRWY B450 BURGER KING PK LT 0905
 13 DATES OF OCCURANCE TIME OF DAY DAY(S) OF OCCURANCE
 14 08/18/01 1824 SAT
 15 WEATHER CONDITIONS: CLOUDY UNIT: J216 BEAT: J214
 16
 17 INVESTIGATIVE INFORMATION
 18 REPORTING OFFICER(S): BRIDGES J M 2888 MOORE, R E 3117
 19 INVESTIGATIVE DIVISION NOTIFIED: FAMILY V: N
 20 FOLLOW-UP ASSIGNED TO: GENE INVESTIGATOR: 2699
 21
 22 UPDATED COMPLAINANT INFORMATION
 23 NAME R/E/S/A DOB
 24 HAYNIE, ROBERT LEE W U M 49 06/23/52
 25 HOME ADDRESS
 26 003728 S GROVE ST
 27 FT WORTH TX 76110
 28 BUSINESS ADDRESS OCCUPATION WORK HOURS
 29
 30 UPDATED INJURED COMPLAINANT
 31 PERSON TAKEN TO TAKEN BY CONDITION
 32 BRUSD/PAIN
 33 PAIN ON HEAD AREA, AND CHEST AND LEGS.
 34
 35 GENERAL MO INFORMATION
 36 DESCRIPTION OF MO
 37
 38 FORCE USED? UNK TOOL DESCRIPTION:
 39 OTHER ACTS OR TRADEMARKS
 40
 41 -- CRIME TRACKING FLAGS --
 42 DRUG RELATED : GANG RELATED : ALCOHOL RELATED :
 43 RETALIATION : ARGUMENT/FIGHT :X INNOCENT BYSTANDER :
 44 DRIVE BY SHOOTING : INTELLIGENCE :
 45 ARREST FROM TRAFFIC STOP () SEARCH CONDUCTED? () WITH CONSENT () W/O ()
 46 ----- U S E O F F O R C E -----
 47 N/W FOB : S/E FOB : ESB : OSB : SSB :
 48
 49 SUPPLEMENT #04 NARRATIVE
 50 DECOR ENTRY BY: P35
 51 CALLING OFFICER: BRIDGES J M 2888
 52 ORO CODING BY: K308
 53 54 ARREST CASE FILED ON: GAINES, BARTON
 55 CHARGE: POSS OF MARIJ UNDER 20Z
 56 ARREST/BOOKING #: 2082733
 57 ARREST DATE: 08/18/01
 58 OFFICER: THETFORD R L
 59 INVESTIGATOR: BRIDGES J M 2888
 60 REC STATUS: CLOSED BY ARREST
 61 SUPERVISOR: SGT PHILLIPS 2495
 62 REFER TO SUPPLEMENT #05 FOR ADDITIONAL DETAILS

1 SERVICE NO.01610335 FORT WORTH POLICE DEPARTMENT SERVICE NO.01610335
 2 ENTRY DATE 09/17/01 OFFENSE/INCIDENT SUPPLEMENTAL REPORT #05 PAGE 11
 3 ENTRY TIME 1414 DEPARTMENTAL COPY SOUTH DIVISION
 4
 5 OFFENSE/INCIDENT INFORMATION
 6 INJURY TO THE DISABLED-INTEND B/I PENAL CODE: 22.04 UCR CLASS: 08.112
 7 REPORT STATUS:CLOSED UCR DISPOSITION: CLEARED BY ARREST
 8 REPORT DATE: 08/18/01 HATE CRM: N
 9
 10 LOCATION/DATE/TIME/INFORMATION
 11 OFFENSE LOCATION APT. PRA BUSINESS NAME CODE
 12 004702 SOUTH FRWY B450 BURGER KING PK LT 0905
 13 DATES OF OCCURANCE TIME OF DAY DAY(S) OF OCCURANCE
 14 08/18/01 1824 SAT
 15 WEATHER CONDITIONS: CLOUDY UNIT: J216 BEAT: J214
 16
 17 INVESTIGATIVE INFORMATION
 18 REPORTING OFFICER(S): BRIDGES J M 2888 MOORE, R E 3117
 19 INVESTIGATIVE DIVISION NOTIFIED: FAMILY V: N
 20 FOLLOW-UP ASSIGNED TO: GENE INVESTIGATOR: 2699
 21
 22 UPDATED COMPLAINANT INFORMATION
 23 NAME R/E/S/A DOB
 24 HAYNIE, ROBERT LEE W U M 49 06/23/52
 25 HOME ADDRESS
 26 003728 S GROVE ST
 27 FT WORTH TX 76110
 28 BUSINESS ADDRESS OCCUPATION WORK HOURS
 29
 30 UPDATED INJURED COMPLAINANT
 31 PERSON TAKEN TO TAKEN BY CONDITION
 32 BRUSD/PAIN
 33 PAIN ON HEAD AREA, AND CHEST AND LEGS.
 34
 35 GENERAL MO INFORMATION
 36 DESCRIPTION OF MO
 37
 38 FORCE USED? UNK TOOL DESCRIPTION:
 39 OTHER ACTS OR TRADEMARKS
 40
 41 -- CRIME TRACKING FLAGS --
 42 DRUG RELATED : GANG RELATED : ALCOHOL RELATED :
 43 RETALIATION : ARGUMENT/FIGHT :X INNOCENT BYSTANDER :
 44 DRIVE BY SHOOTING : INTELLIGENCE :
 45 ARREST FROM TRAFFIC STOP () SEARCH CONDUCTED? () WITH CONSENT () W/O ()
 46 ----- U S E O F F O R C E -----
 47 N/W FOB : S/E FOB : ESB : OSB : SSB :
 48
 49 SUPPLEMENT #05 NARRATIVE
 50 DECOR ENTRY BY: P35
 51 CALLING OFFICER: BRIDGES J M 2888
 52 ORO CODING BY: K438
 53 54 ON 08-23-01 DETECTIVE BRIDGES RECEIVED A REQUEST FOR ADDITIONAL
 55 INVESTIGATION FROM THE DA'S OFFICE. ON 09-17-01 DETECTIVE BRIDGES WAS
 56 ABLE TO SPEAK WITH OFCR THETFORD BY PHONE WHO STATED THAT DUE TO THE
 57 FACT THAT THE AP2 EYES WERE DROOPY AND HIS SPEECH WAS SLURRED HE
 58 BELIEVED THE AP TO BE "HIGH" FROM HIS EXPERIENCE AS AN OFFICER. AP2
 59 HAD STATED TO OFFICER THAT THE CONFISCATED VEHICLE BELONGED TO HIM AND
 60 IT DID REGISTER TO HIM HE BELIEVED THAT THE MARIJUANA IN THE CENTER
 61 CONSOLE BELONGED TO THE AP. OFCR THETFORD ALSO STATED THAT WHEN HE
 62 ARRIVED ON SCENE BOTH APS WERE ALREADY OUT OF THE VEHICLE AND THAT
 63 NO ONE STILL REMAINED IN THE VEHICLE. WITNESSES AND THE APS STATED
 64 THAT 2 OTHER PEOPLE HAD BEEN IN THE CAR BUT THAT THEY HAD LEFT AND

1 SERVICE NO.01610335 FORT WORTH POLICE DEPARTMENT SERVICE NO.01610335
2 ENTRY DATE 09/17/01 OFFENSE/INCIDENT SUPPLEMENTAL REPORT #05 PAGE 12
3 ENTRY TIME 1414 DEPARTMENTAL COPY SOUTH DIVISION
4 WERE NOT INVOLVED WITH THE ASSAULT. THIS WAS THE ONLY INFORMATION OFCR
5 THETFORD COULD PROVIDE.
6 STATUS: CLOSED AND CLEARED BY ARREST, CASE FILED.
7 SUPERVISOR: SGT KL WOODSON #2383.
8 END OF REPORT

**PROPERTY RECORD
FORT WORTH POLICE DEPARTMENT**

Division										
North FOB	East FOB	South FOB	West FOB	Homicide	SOD	Traffic	Sexual Assault	Fraud	Other	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Property										
Evidence <input type="checkbox"/>		Recovered <input checked="" type="checkbox"/>		Pending Seizure <input type="checkbox"/>		Personal <input type="checkbox"/>				
Offense/Incident:	Offense No. <u>01610335</u>			Type Offense: <u>POSS. MURDER 202</u>			Location: <u>4702 South Freeway</u>			
	Remarks:									
	Reported Stolen on Offense No.:			Agency:						
Suspect(s):	Submitted By: (Officer) <u>Pernsbookit's</u>			I.D. No.: <u>3208</u>		Unit: <u>J211</u>		Time: <u>2037</u>		
	Date: <u>8-18-01</u>			Race: <u>W</u>		Sex: <u>M</u>		DOB: <u>10-25-82</u>		
	Name: <u>GAINES, BURTON RAY JR.</u>			Race:		Sex:		DOB:		
Complainant:	Name:			Race:		Sex:		DOB:		
	Residence:			Telephone:						
	Business Address:			Telephone:						
Items Submitted	Item No.	Quantity	(Make)	Description	Model	Serial Number				
	1	7	US	\$20	Bills					
	2	1	US	\$10	Bill					
	3	3	US	\$5	Bills					
(List additional items on supplemental sheet.)										
Stamp	<u>LA KP 127</u> <u>6.00 8/19/01</u>					<u>Serial not verified K090</u> <u>165.00</u>				
Property Room						PROPERTY ROOM USE ONLY				
Received By: <u>R. Hall</u>			I.D. No.: <u>K690</u>		Date: <u>8-19-01</u>		Items		Location	
Invoice No.: <u>01PD4664</u>			Offense No.: <u>01610335</u>		Time:		1	SAFE		

9

1 Reporting Officer R. L. THETFORD ID# #3139 Division SOUTH
2 Supervisor J. D. PHILLIPS Rank Sgt. ID# #2495
3 Property Disposition Requested _____

4 CASE REPORT

5 Felony () State Jail () Misdemeanor (X)
6 Offense: POSS OF MARIJ < 2OZ Offense# 01610335 Lab# 0105083
7 Defendant GAINES, BARTON Race W Sex M Age 18 DOB 10.25/82
8 SS# [REDACTED] Height 5-10 Weight 160 Eye BRO Hair BRO
9 Address 732 DANIELS City CROWLEY State TEXAS
10 Filing Agency FWRPD Agency Code 12 Arresting Agency FWRPD
11 Investigator DET. J. M. BRIDGES ID# #2888 Phone# 921-1513
12 Offense Date 08/18/01 Arrest Date 08/18/01 Custody Agency TCSO
13 _____
14 Complainant/Injured Party THE STATE OF TEXAS Phone# _____
15 Address _____ Zip Code _____ Bus. # _____
16 _____
17 Defendants Arrest Date/D.A. Case# C463739973 A102
18 _____ /or No Arrest/Warrant Outstanding () Juvenile ()
19 _____ /or No Arrest/Warrant Outstanding () Juvenile ()
20 _____ /or No Arrest/Warrant Outstanding () Juvenile ()
21 _____

22 FOR D.A. OFFICE USE ONLY
23 Filing Attorney [Signature] Atty. Code# CFO P/C Determined Yes () No ()
24 Filing Date 8/22/01 Bond Amount _____
25 Case Accepted _____ Case Rejected _____
26 Case Not Filed-Additional Investigation Required
27 Please have ALO articulate
28 all reasons + w/d. linking this
29 to the M.J. need to prove
30 this is "knowingly" possessed
31 this M.J. Any of the others
have access to the del?

IC PR SB CB
Writ Due: _____
CID# 0579723
CASE# _____

DOMESTIC _____
GANG RELATED _____
DUI ACC/INJ _____
PUB/PRI/SEC SCHL _____

DA-552 GPC-1307 REV. 9/97

1 STATE OF TEXAS
2 COUNTY OF TARRANT

3 AFFIDAVIT

4
5
6 Before me, the undersigned authority, on this day personally appeared, R.L. Thetford #3139, a peace
7 officer for the State of Texas, who after being duly sworn upon oath, deposes and says that he has good reason to
8 believe and does believe that (AP2) Gaines, Burton W/M 10-25-1982, did commit the offense of Poss. Marij. <
9 2oz (HSCY 481.121 (b) (1)), against the laws of the State of Texas on August 18, 2001. Said reason and belief is
10 based on the following facts and circumstances and is sworn under oath before the undersigned authority:

11
12 On 08/18/2001 I officer Thetford was dispatched to 4702 South Freeway. The details stated that 4-5 males
13 were beating on an elderly individual in the Burger King parking lot at this address. My assist, Officer Moore #3117
14 was first on the scene. W1 pointed out the Suspect vehicle (confiscated vehicle) to Officer Moore. Officer Moore at
15 that time detained both AP1 (Durham) and AP2 (Gaines) who were the occupants of the suspect vehicle. AP2
16 (Gaines) was the driver of the suspect vehicle and AP1 (Durham) was the front passenger. AP2 (Gaines) is also the
17 owner of the suspect vehicle.

18 The CP (who is disabled and on crutches) stated: That AP1 (Durham) and AP2 (Gaines) were in the suspect
19 vehicle directly behind the CP's general vehicle in the parking lot of Burger King when both AP's started flipping
20 the CP off by using a middle finger gesture and the driver (AP2) (Gaines) started honking at the CP. At that time
21 AP1 (Durham) exited the suspect vehicle and ran up to the CP's general vehicle and twice, kicked the general
22 vehicle with his foot and then returned to the suspect vehicle. The CP exited the general vehicle to check for
23 damage.

24 After parking the suspect vehicle both AP's exited the suspect vehicle. AP1 (Durham) then ran back over to
25 the CP and struck the CP in the head with his fist, causing the CP to fall to the ground in great pain. At that time
26 AP2 (Gaines) began shouting to AP1 (Durham), encouraging AP1 (Durham) to injure the CP more. AP1 (Durham)
27 then began striking, kicking and stomping on the CP while the CP was still on the ground, again causing the CP
28 great pain.

29
30 Upon an inventory of the suspect vehicle and search incident to arrest, Officer Moore found a green leafy
31 substance (believed to be marijuana) in the center console of the suspect vehicle that belongs to AP2. The green
32 leafy substance had a weight of 17 grams including the clear plastic bag that officers placed the substance in.

33 The CP stated that both AP1 and AP2 were the actors who assaulted him and identified both the AP's at the
34 scene. Two other individuals were with the AP's but were not at the scene when officers arrived and were not
35 located.

36 *CP draws disability from the Fed Govt.*

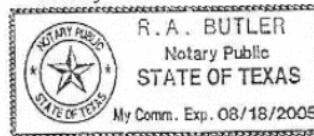
37 For further details see report #01610335

38 Witness my signature this 18th day of August 2001.

39
40
41
42 
43 Affiant

44
45 Subscribed and sworn before me this the 18th day of August 2001.

46
47 *R.A. Butler*
48 Notary Public



FUPD

Arrest No. _____
Service No. 01610335
Warrant No. _____

ADULT WARNING

THE STATE OF TEXAS §
COUNTY OF TARRANT §

Before me, the undersigned magistrate of the State of Texas on this day personally appeared GAINES,
BURTON RAY JR. in the custody of TCSO, a peace officer, and said person
was given the following warning by me:

(1) You are charged with the offense of POSS. MARIJ < 202

An affidavit charging you with this offense ~~(has)~~ (has not) been filed in the court.

(2) You have a right to hire a lawyer and have him/her present prior to and during any interview and questioning by peace officers or attorneys representing the state. If you are too poor to afford a lawyer, you have the right to request the appointment of a lawyer to be present prior to and during any such interview and questioning. You may have reasonable time and opportunity to consult your lawyer if you desire.

(3) You have the right to remain silent.

(4) You are not required to make a statement, and any statement you make can and may be used against you in court.

(5) You have the right to stop any interview or questioning at any time.

(6) You have the right to have an examining trial.

Your bail is set at \$ 1,000.

"Bail not determined."

Place of Warning: Jail

TIME: 9:00

DATE: 8/17/01

REMARKS: _____

DOB: 10-25-1982 W/M

Burton Gaines
(Person Warned)

Magistrate

WITNESSES:

NAME

ADDRESS

NAME

ADDRESS:

*DELETE WHAT IS NOT APPLICABLE.

PROBABLE CAUSE DETERMINATION

Sufficient facts have been presented to me under oath by affidavit, sworn testimony, or otherwise to show that probable cause exists for the continued detention of the prisoner designated above as to the following charge(s):

Poss Marij < 202

Signed this 19 day of 8, 2001

MAGISTRATE

35-31-00 005(83)

CRIME LABORATORY EVIDENCE REPORT **FORT WORTH POLICE DEPARTMENT**

Division					
North FOB <input type="checkbox"/>	East FOB <input type="checkbox"/>	South FOB <input checked="" type="checkbox"/>	West FOB <input type="checkbox"/>	Homicide <input type="checkbox"/>	SOD <input type="checkbox"/>

Offense	Offense No.: 01610335	Type Offense: POSS of MARIJ & 202	Location: 4702 South Freeway		
	Remarks:				
	Reported Stolen on Offense No.:		Agency:		
Submitted By: (Officer)	Permsortkitts	I.D.No.: 3208	Unit: J211	Time: 2037	Date: 8-18-01

Suspect(s) (Arrest)	GAINES, BURTON RAY JR.	Race: W	Sex: M	DOB: 10-25-82
		Race:	Sex:	DOB:
		Race:	Sex:	DOB:

Owner Complainant:	Name:	Race:	Sex:	DOB:
	Residence:	Telephone:		

Item No.	Quantity	Description
1	17g	loafy green substance believed to be marijuana
		01610335
		0105083
		(List additional)

Stamp	Lab's with 6.00 8/19/01	79.07g marij
	JH	8/20/01

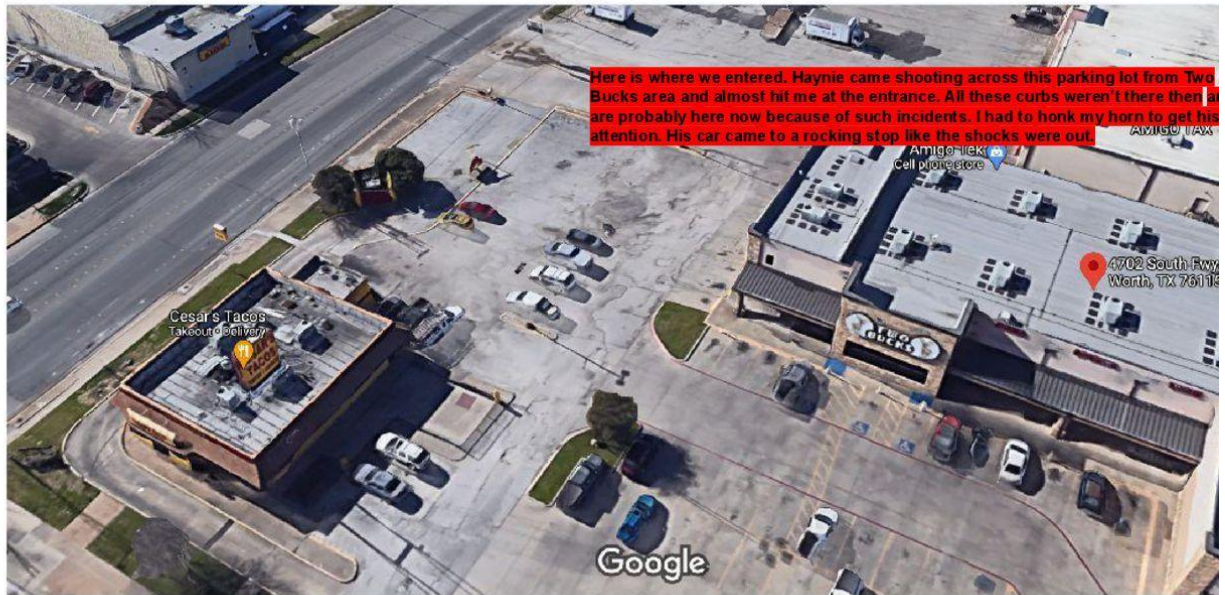
Crime Lab	Examinations Requested: Analysis			Items
	Date	Time	Released By	

Property Room				LAB NO.:
Received By: R. Hall	I.D.No.: K690	Date: 8.19.01		
Invoice No.: 01C04400	Offense No.: 01610335	Time: 0611		
			PROPERTY ROOM USE ONLY	
			Items	Location
			1	BX198

11/9/01

PW113-58-4/94 Rev. 12/01

Google Maps



Imagery ©2020 Google, Map data ©2020, Map data ©2020 20 ft

After Jason and Billy broke off from Tony and I while we were looking for my money, they here which was then. When I was in the cop car I looked back and seen Jason and Billy, among several other onlookers, glass pane window, laughing their asses off at my misfortune.

12/12/2020

Fort Worth, Texas - Google Maps

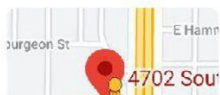
Google Maps Fort Worth, Texas



Image capture: Jul 2018 © 2020 Google

Google

Street View



Here is where I parked, after I honked my horn at Haynie and he threw a beer bottle at my truck and we pulled past him and Tony flipped him off. There were big double doors here then, which I pulled up directly in front of. Tony was supposed to go in and get the keg filled, but instead tore-ass out of my truck to see if he could go catch this guy (Haynie). I figured he was long gone by then, but obviously was not. As can be seen, the southeast end of the building is blocking your view of the entrance, even

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 56939928

Status as of 9/3/2021 9:23 AM CST

Associated Case Party: BARTON RAYGAINES

Name	BarNumber	Email	TimestampSubmitted	Status
Barton RGaines		bartongaines@gmail.com	9/3/2021 8:58:34 AM	SENT