

# PI REVELATIONS

True Celebrity, Political  
& Cop Case Stories

ROB KIMMONS





# **PI Revelations**

**True Celebrity, Political, and Cop Case Stories**

**Told by Rob Kimmons**

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## Acknowledgments

I dedicate this book in part to my long-term friend Jim Dunbar. Jim and I worked together in the Houston Police Department, and when he retired, he came to work for me as my chief investigator. He worked for me for seventeen years. Jim was a great guy and a legendary police officer involved in numerous shootings and thousands of felony arrests. He died a couple of years ago, and I miss him terribly.

I thank my children for always being there for me and for being the light of my life. I have four great kids, Tammy, Lindsey, Andy, and Leslie, as well as two beautiful grandchildren, Shelby and Colby.

I thank my brother Jim Kimmons for helping me in the writing of this book, and another brother, Rodney Kimmons, for his continuing support and influence over the years. My employee and friend for more than twenty-five years, Royce Maza, has been a tremendous asset to my investigative business.

Many people have contributed to my success in this business. A couple of them who not only brought me business but also became my friends should be mentioned here. Mike O'Brien is a former elected judge and a prominent Houston-area attorney. He was professionally involved in many of the case stories in this book. I greatly appreciate his friendship and continued support over thirty years.

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It's an exciting time in my career, especially having my daughter Lindsey working with me. She is doing a great job, and I hope to pass the torch to her one day.

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# Foreword

by Michael O'Brien

I've been a practicing attorney in Texas for many years, handling all types of cases, from commercial litigation to personal injury. I've been one of the lead trial attorneys in national class action lawsuits, successfully gaining multimillion-dollar damage awards for my clients. I was also the youngest judge ever elected to a Harris County District Court bench.

Often in my legal practice, I've needed the services of private investigators. The first time I met Rob Kimmons, he wanted to take me outside and whip up on me for being tough on him as an opposition witness. It wasn't personal; we had lunch, and a great long-term relationship has followed.

I was personally and professionally involved in many of the case stories in this book and can attest that they're all true and unvarnished. Rob Kimmons is one of the most ethical and effective investigators in the country. His business grew because he turned in results and did so without the unethical conduct often displayed by some of his competitors.

If you're considering a career in the private investigative arena, you need to read this book. It isn't a motivational or excitement-building book. Too many of these type books over-glamorize the PI business, making novices believe that they're going to be cracking big-time cases and leading a glamorous life. However, there *are* high-profile case stories in the book, and all of them are very interesting or they wouldn't be here.

There is background information in some of these cases never before published anywhere. These cases reveal some ugly human behavior but also some high-road ethical and case-winning discovery through deep digging and superior investigative skills.

The one thing you will not be while reading this book is bored. These are just a few of the many hundreds of cases Rob's business handled for me, other Texas and national attorneys, and corporate clients. Some big names are involved, and every case shows us how the justice system and human behavior can clash or harmonize.

Read it; look behind the scenes of justice.



## Introduction

Here, I want to introduce myself, and also the case stories you're going to find in this book. Too often people pull a book off the shelf and read the introduction, then put it back. I don't want you to do that.

I'm not writing this because I want to make a lot of money from this book; I've done well in my private investigation business. It's because this will likely be the only book I ever author, and I want people to find it interesting, informative, and even encouraging if they want to enter the PI business.

I shine a real-world light on this business, instead of the hype and glamorization that often lure people into private investigations. I love the work, but it isn't for everyone. Where I hope to influence would-be investigators is to show how you can become a sought-after PI with many high-profile attorneys and corporations recommending your services. You do this with ethical behavior, and more importantly, you do it with results!

To keep you from putting this book back on the shelf, I'll start with what you're going to find in this book. The table of contents will bear it out. You're going to find some really interesting stories of how people damage each other, and how the adversarial aspects of the justice system sometimes make things worse.

I start out with marriage, divorce, and child-custody cases because they're interesting and many of you will have personal experiences with such life stories, though rarely to this level of combat.

Then I move on to the workings of the justice system in relation to what I do. I have case stories about judges, juries, attorneys, and other investigators. I describe some really shady activities and how they were overcome to let justice prevail. There are stories of bad cops and even of really epic failures of the justice system.

From there I move into big money and politics and how PIs are hired by the rich and powerful to further their interests. Sometimes PIs are hired to right a wrong, but it can just as easily be to realize an outcome simply to beat the opposing side.

I saved the big-name stories until last. It's not that I want you to have to wait, but more that you need an understanding of what PIs do to really appreciate these stories about high-profile personalities. Once you've read the

other case stories, you can better appreciate the mechanics and activities involved in what we do in high-profile cases.

I started out as a firefighter in Houston, Texas. I enjoyed my time in the Houston Fire Department, making some great friends. I worked two of the hottest fire stations in Houston with the most runs per month, but I bore easily, and the chunks of time hanging out in the stations bored me to tears.

Firefighting is an extremely dangerous job, and firefighters deserve all the respect we can give them. I was injured twice as a fireman in a relatively short period of time. There was excitement, but it was more than offset by idle time sitting in the station waiting for the next call.

One of the activities that is high on the priority list in fire stations is cooking. We loved the meals that our fire station chef cooked. If we got a call while he was cooking, we would let him stay and keep it up, covering for him on the call. The food was just too good.

Cops loved our firefighter food as well. We ended up with many police personnel stopping by at mealtime. This gave me the opportunity to talk to police officers and to learn about their jobs. While I was stuck sitting around a fire station, they were free to roam within their jurisdictions and to stay mobile and busy.

During this time, I also rode along with my brother Rodney in his positions as a town police chief in various Texas towns. Between the job stories of the police officers at the fire station and my time with my brother, it became obvious to me that I needed to change careers.

I applied for and attended the twenty-week police academy and became a Houston police officer. I enjoyed my time with the HPD and tried to do the best job I could. In doing so, however, I found that I became a target for citizen complaints. No matter how much someone is in violation of the law, a common tactic of people arrested is to file a complaint against the police officer who arrests them. Sometimes filing a complaint was a legal strategy in a defense against police charges.

I was usually cleared of any misconduct, but I became ever more disillusioned with the HPD and my job. I steadily became more and more unhappy with the job, with restrictions, and with citizens' negative views of those who provide really valuable services to the public.

In 1981, I received a job offer from a friend who owned a large investigative firm in Houston. It was time for me to try something different, and I found my niche. Though I focus on my PI career in this book, I still look fondly on my HPD

experience. I have many friends in police work. I retain my police commission by volunteering, and I'm currently serving as a reserve captain in the Marine Division of the Harris County Sherriff's Department. I enjoy my time patrolling the Houston Ship Channel.

It's time to read this book. As you read the cases, you'll see that information about many of them couldn't be revealed to the public at the time they happened. Only after they had aged a while could I reveal many of the details you'll read here. Things I couldn't talk about at the time can now be brought out into the light.

## **Love and Marriage: We Get the Aftermath**

In this section, we're going to look at a case category in which PIs get a lot of business: the ending of marriages. Divorces can be easy, but rarely. Ending a marriage can be inexpensive, though that's even less common than an easy end. Child custody issues can be friendly but are almost surely not.

Child custody and divorces are probably the least pleasant of our cases, but there can definitely be some really interesting stories. I tell you some of the best of them here. Perhaps you'll keep these in mind before taking your vows—or maybe a prenuptial agreement will be in your plans!

## The High-Flying Wife and the Aussie Pilot



You can't make this stuff up. We PIs would like to help arrest serial killers, but this was serial misbehavior of a different sort. I was on the case of a serial cheater, a sexy wife in a divorce situation. She was definitely an active girl.

In the PI business, we often deal with extremes of human behavior, especially in divorce situations. In this case I also had to work with extreme weather differences. I had to go from one case in the Bahamas directly to one in Boise, Idaho, in the dead of winter. I got there with my Bahamas wardrobe, shorts, bathing suits, and t-shirts. As it was eight degrees in Boise, just leaving the airport required a stop at the airport gift shop for a high-dollar windbreaker. The next day, I bought jeans and a coat.

I was there to watch a female from Houston, one half of a high-dollar divorce case. I had been watching her for some time in Houston for our husband client. She was a busy lady, requiring travel to other Texas cities as well.

Leaving Boise a moment for a side story, let's go to Austin for one Texas trip when she was seeing a Texas police officer at his Austin cabin getaway. At the time, the divorce was underway, including a custody fight over the couple's two-year-old child. There was a lot of money on both sides, so the battle was raging.

During that surveillance, I found myself in the woods behind the cabin, watching the lusty lady having sex with the cop on the picnic table in the backyard. I wasn't that far away, so was trying to be very still, which meant I couldn't just grab some photos and leave right then.

## **Playing Dead**

I was so still that suddenly, buzzards were circling overhead. I guess they thought I was close to death! I tried to move just enough to convince them I wasn't a meal but not enough to catch the attention of the horny couple. Though the birds didn't seem to change their focus, the couple did, finally noticing the birds.

I was close enough to hear the boyfriend say to the subject: "Look at those birds. Something must be dying in the woods. Do you want to go check it out?" To my great relief, she was more interested in a second round on the picnic table, allowing me to get out of there.

## **Back to Boise**

Back in Boise, the wife was now dating a new guy. Our investigation had found that the new love interest was a fighter pilot with the Australian Air Force. She was gaining altitude from that Austin picnic table.

When I arrived in Boise, I knew that the subject was in a hotel, but not which one. The pilot boyfriend was a different matter. He was receiving training at a top-security US air base. He was bunking in the officers' barracks on the base. I drove up to the base and found that I was dealing with some high-level security to get in. You would think that I would have thought about it a bit more before going up there, but sometimes I just jump in and hope for the best.

Sometimes you just have to take a chance. I should have anticipated I wouldn't be able to drive right onto this base. I was met by three military policemen armed with M16 rifles at the gate guard shack. I was past the point of turning around without arousing suspicion, so I took a big risk. I told them that I had a friend in the Australian Air Force training on the base and I would like to visit him.

They didn't seem suspicious when asking me for his name. There was no turning back now, so I gave it to them. Being very helpful, they told me they would call him in the barracks to get the approval to let me in. Now, this could

be a major problem! If he answered the phone, my whole cover and case would be blown—and that's not to mention what the military would do with me.

I was really nervous while they let that phone ring. It was my lucky day, as he didn't answer the call. The situation got even stranger when they said that because they couldn't reach the pilot, they would give me a pass to go on the base! I guess I looked trustworthy, but it was amazing to me that they would give me a pass based only on me knowing the pilot's name.

If you've ever gambled or watched a movie about serious gamblers, you know about doubling down. I was on a streak here, but I couldn't just let it ride with a day pass. I had to push my luck. I told them I hoped I could find him but that I would be in town for three or four days, so I could try again. I was astounded to be handed a four-day pass for access to this high-security installation! When you're on a roll, you're on a roll!

Between gaining this access, return trips, and locating the busy wife's hotel room, it was a good trip. I got many photographs and documented an intimate relationship both on and off base. This was the wife's third affair we had documented to date.

### **Behave or Pay the Price**

I reported to my client, who was, of course, happy to have more ammunition for his child-support battle. We were on the case another six months, documenting two more affairs. Our sexy wife had a lot of fun—but not as much as our client when he left court with primary custody of their child.

## The Pot Calling the Kettle Black



The adage of the pot calling the kettle black is all about a person accusing someone of doing something they aren't ... but the accuser is. In this divorce case, our client was the pot.

One of our specialties as an investigative business is conducting countermeasures, debugging, and technical surveillance sweeps. You'll often see them referred to by the acronym TSCM, technical surveillance countermeasures. These activities are conducted to search for illegal transmitters, telephone taps, vehicle trackers, infrared listening devices, covert cameras, and other technological spying. Lots of PI and security consulting companies advertise these services, but few invest in the equipment and personnel training necessary to deliver them properly.

I'm bragging a little here, but it's really a pet peeve of mine that too many people and companies in the PI business do shoddy work, aren't equipped and trained to do TSCM properly, or are outright frauds.

This case could very well have ended differently if we had not had more than \$100,000 invested in TSCM equipment and a staff constantly training in the best practices for uncovering illegal eavesdropping.

Enough of my rant; it is simply important to know that this case could have ended up at a dead end with us reporting nothing to our client if we hadn't been



well-equipped and -trained. Unfortunately, this turned into a downer for our client, but that was her fault.

I received a call from a professional woman going through a divorce. She and her husband, also a business professional, had adjacent offices, and she was concerned that he might be spying on her to gain an edge in the divorce.

He was a psychologist, and she had a professional headhunting business. She felt that their offices right next door to each other could make it easy for her husband to place a listening device or other eavesdropping to gather dirt on her. Of course, according to her, there was no dirt to gather. She wanted us to do some checking for bugs.

One day when her husband wasn't in his office, I and one of my technicians made a trip to her office and unpacked our gear to do some detecting. The first thing that jumped out was that both offices shared the same telephone equipment room.

All of the business telephone lines converged into one phone box in that telephone room. This is normally a red flag in any multiple-office building, as it's too easy to tap phone lines when you can do it where the surveilled party never goes. Often, that party doesn't even know the room exists.

We started checking each phone line. It didn't take long to find a problem. Hidden in the ceiling of the telephone room and connected to one of the phone lines was a tape recorder!

These type of setups are easy and cheap, so they're often used by nonprofessionals to record phone conversations. The person simply runs down to the neighborhood technology store and buys an activator for \$25-\$30. The activator device is connected to the phone line and the recorder. The name comes from the activation of the recorder when someone opens the circuit and begins to use any phone on that extension. The phone receiver is picked up, and the recorder is started. Recording stops when the phone is hung up.

We were feeling pretty good, as our equipment had proved itself and we were about to make our client happy and solve her eavesdropping problem ... or so we thought.

I proudly escorted our client into the phone room and showed her the device. I told her we hadn't checked the lines yet to see which one of her lines her soon-to-be ex-husband had tapped but we'd get right on it. My happy moment began dimming, though, because she seemed surprised and nervous.

I asked her what was wrong, as we were about to solve her eavesdropping problem. (You can't make this stuff up.) She told us that she had hired someone to place the device to tap into her husband's office phone!

Inadvertently, my client had placed me and my firm in a tough position. In the state of Texas, recording a phone conversation is legal only if at least one party to the conversation is aware that it is being recorded; both do not need to know. But in this case, every conversation between her husband and anyone except her was being illegally recorded. Neither party was aware of the tap—a felony in Texas!

This took some thought, as I now knew about a felony crime committed by my client. The proper approach would be to call the police and turn her in for the crime. Of course, it's not great client relations to send your client to jail, and you rarely get paid when you do—not to mention no glowing referrals.

Could it get any worse? Yep! I asked her who had installed the device. It turned out to be another PI, an ex-police officer and a personal friend of mine. He operated a one-man business, but I had never known him to cross legal lines like this.

I couldn't bring myself to turn both my client and my friend in to the police. I was pretty rough with my client in telling her that if she had any sense, she wouldn't do anything like this again. I took the equipment with me, leaving no bugs in the offices.

It's no wonder that she was suspicious that her husband would spy on her; it was in her nature. As I said, divorce cases aren't usually much fun, but they sure can be interesting!

## The PI Guppy in the Shark Tank



This is a case that revolves around a private investigator's ego and his employee PI's inexperience. We end up performing a miracle for our client, but in the process, we put a guppy PI into our shark tank, and the results weren't pretty.

This was in the early years of my PI experience, when I was still working for my friend. One afternoon, a Houston oilman came into the office and met with the owner and me to get help with a relationship problem.

The oilman explained that he had been dating a female who lived in Mississippi. She was married with a child, but in the process of getting a divorce. Our client lived in Houston but visited his girlfriend in Mississippi every weekend.

As happens in many divorce cases, the girlfriend's husband wasn't just lying down and accepting his fate. He had hired a PI firm to surveil his wife and our client, who was known to be visiting her. Our client had been served to testify in the divorce case by the husband's attorney.

The husband had hired a Houston PI firm to follow our oilman client for quite some time. Of course, the plan would be to use our client's visits to damage the wife's case in the divorce and child custody action. We assumed that to do this, the husband's attorneys and their investigator would allege that our client had spent the night on these weekends. This would be damaging because the overnight activities were happening with the child in the home and while the wife was still married.

Generally, we can come up with some type of plan to help, but we were under the gun in this case. It seemed that the case was going to trial in Mississippi in just a week! Myself, the owner, and a seasoned female investigator came up with a plan, though we didn't give it much of a chance of success.

Our plan was hatched with the knowledge that the opposing PI firm was not known to be detail-oriented. The owner and head investigator, now deceased, was a flamboyant PI, loved to talk and brag, and was constantly in the news. We'll call him Ego PI.

The problem was that much of what Ego PI said was overhyped or just not true. He loved to be in the news, which isn't usually a useful trait in a PI, as a PI needs to work in the background a lot. Being a "personality" doesn't help. We were fairly certain that he would not have done any of the work himself.

We hoped that we could find a hole in the surveillance or in the case to help our client avoid hurting his girlfriend's case in court. Ego PI didn't know me or my female investigator. He did know my boss and in fact considered him to be more of an enemy than a competitor. My boss and Ego PI were bitter enemies, and we ran a superior and more professional investigative business. I did later get to know Ego PI, and we got along OK.

So, Tommie (my female investigator) and I pretended to be a new PI business in town that was overloaded with business. We approached Ego PI and offered to let him help us with our overflow for split billings.

We stroked his ego, telling him that he was our first choice because we knew him to be an investigator extraordinaire. This was all it took to get him to offer his awesome experience to help two newbies out. Our plan was to work him around to talking about the Mississippi case and the surveillance of our client.

Our meeting was friendly, and we couldn't have asked for a better outcome. First, we described some of our fabricated Houston-area cases to build credibility. Then we mentioned a Mississippi case in a small town about 20 miles from the town where our client's girlfriend, the soon-to-be-divorced wife, lived.

Of course, Ego PI couldn't resist saying, "What a coincidence! I have a case very near there going to trial next week. We know the area well and can help you with your case." Tommie and I expressed appropriate gratitude, and he told us that he had assigned an investigator to the case in Mississippi.

This investigator was our guppy. He was a very inexperienced twenty-one-year-old, and he had handled the entire investigation and all surveillance of our client in Mississippi. I convinced Ego PI that it would be helpful for Tommie and me to visit the guppy PI to get some insight into the area and his experience.

The room where we met should have had glass walls and been full of water, as it was definitely a shark tank, with our guppy swimming around without a clue. Ego PI had a meeting so left us alone in the room with the guppy, a real stroke of luck! Tommie and I told the guppy that we wanted to be sure that he had enough experience to work on our cases, particularly the one in Mississippi. We asked him to tell us about his Mississippi case to help us to evaluate his abilities.

As I mentioned in an earlier case story, in Texas, it is legal to record a conversation as long as one party in it is aware of the recording. We had been recording ever since we had gotten to Ego PI's offices, and we were recording every word without the guppy's knowledge as he began to tell us about the case and his surveillance.

The guppy didn't have much experience, but he liked the lingo, telling us that his surveillance had documented the "paramour," our client, staying overnight at the girlfriend's home on multiple occasions. The young child had been present in every case.

I asked the guppy how he knew the subject had stayed all night. Had he, the guppy, stayed all night outside the home? I couldn't believe that this was the case, as the hourly billing would be very expensive for their client. The guppy admitted that he would leave around 10:30–11:00 each evening, returning early in the morning to be sure our client's car was still in front of the home.

*Now* we were getting somewhere! I asked the guppy if he at least had marked the tires of the car to be able to tell in the morning whether the car had been moved. "No, I never thought of that" was the response we hoped to hear; we were circling for the attack.

My next question went for more ammunition: "Are you going to testify in court that you only stayed until 10:30 or 11:00 PM and returned in the morning to check the location of the paramour's car?"

Remember that our secreted tape recorder was getting all of this. The guppy volunteered, "Oh no, I'll tell the judge that I stayed all night; he'll never know the difference." He kept talking, admitting that not a single night of surveillance had been spent totally in front of the girlfriend's home. He even threw in a few more incriminating admissions showing the poor quality of his work. It was a clean kill!

The next day, I met with our oilman client and played him the tape. He was ecstatic, declaring us to be miracle workers, as it had taken us only a couple of days to get what we needed in time for that court appearance—not to mention that he wouldn't have to poison the well with his girlfriend.

The operation required me to fly to Mississippi to be present for court but to stay hidden until the right moment. I flew to Mississippi and was ready for court, but out of sight of the investigator, as the plan required that he not know I was there; otherwise, he would likely change his story to avoid perjury charges. My client's attorney was a part of the plan. He would know what to ask and how to get my testimony into the case.

It couldn't have gone better, with the investigator taking the stand and doing exactly what he had told us he would. He lied to the judge about his investigative work and surveillance, saying he had stayed all night in front of the home on several occasions. He finished testifying and was sent out to the hallway to wait in case he was called again.

Our client's attorney announced to the judge that he had evidence refuting the investigator's testimony, and he had me called to the stand. I came down the hall; when the guppy investigator saw me, he was shocked and very pale. I almost felt sorry for him ... almost.

My client's attorney put me on the stand and had me tell my story, starting with how Tommie and I had met with Ego PI and his guppy investigator. I told the judge what had transpired and what the investigator said but didn't mention the tape recording.

The husband's attorney cross-examined me, trying to inject doubt into the truth of my story. He asked why the court should believe me, who had only a week on the case, while his client's investigator had six months' work invested.

The trap had been set just right, and it was sprung when I said the jury didn't have to take my word for it as I could produce tapes of both conversations, one with Ego and the second with Guppy. I'm pretty sure that it's bad for your health to turn beet red and to shout as loudly as the opposing attorney did at this point. He was literally screaming when he objected to the

tape, saying that it most certainly must have been illegally recorded. The judge was getting angry as well and stopped him, perhaps saving the attorney from a coronary.

This was a family-law judge, so he wasn't up on the criminal statutes and legality of recordings, even in his own state. He asked me to explain the statutes that would make my recording legally admissible. I was happy to do so, and this set the husband's attorney off again.

He strenuously objected again to the admission of the tape, but the judge had heard enough and shut him down with a great response for our side: "One of these investigators has lied to this court. I will hear the tapes to decide which one of them has the gall to lie to me under oath!"

The judge asked me to play the second tape of the conversation with the young investigator. I asked if I could approach the bench and place a speaker so the judge could clearly hear the tape, and he consented.

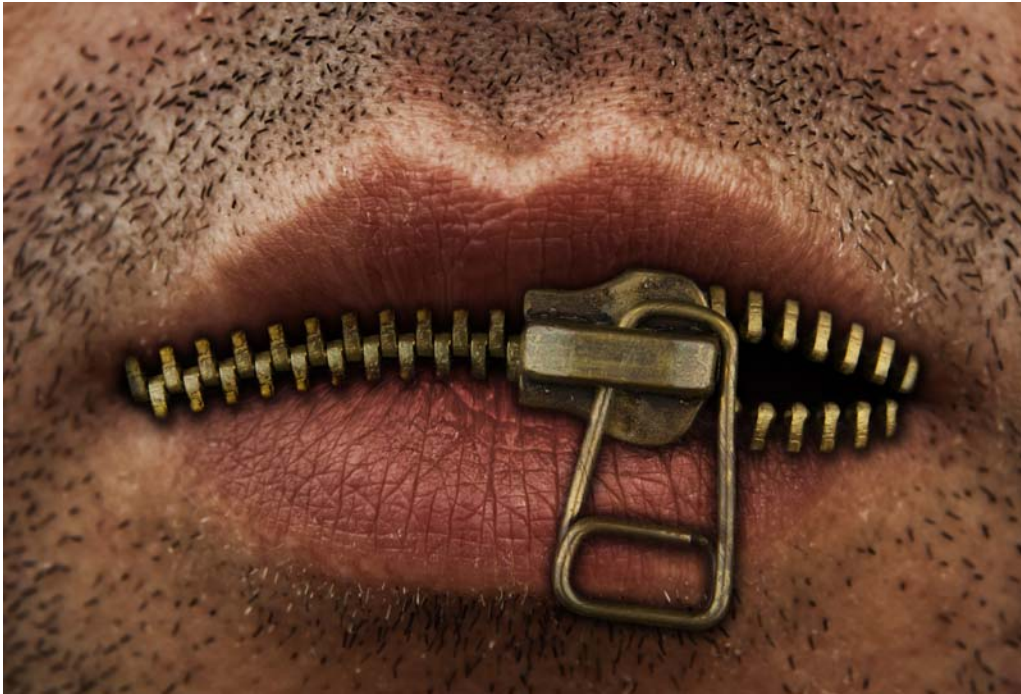
I played the tape, and it was easy to see the judge getting angrier as the conversation unfolded. When the recording was finished, the judge thanked me for my time and explanation of the tapes' legality, and then he excused me. I left the courtroom. Our client's girlfriend was given full custody of her son as well as generous child support from her ex. It was a total victory for our team!

I later learned what happened after I was excused. The judge ripped into both Ego PI and his investigator in open court. He told the young investigator that he was lucky the judge wasn't introducing him to the Mississippi penal system for perjuring himself.

Of course, Ego wasn't so happy, calling my boss and telling him how unethical we had been in how we had handled our investigation. Of course, we had a different opinion, congratulating ourselves on our brilliant fast response and our successful investigative efforts. Then my boss, true to his personality, told Ego to engage in self-fornication.

The moral of the story is to not throw a young or inexperienced guppy into a tank full of highly trained investigator sharks, lest you invite a bloodbath.

## He Should Have Kept It Zipped



This is a case of a dissolving marriage, but one of the spouses was having trouble letting go. There were things we didn't know when our client first approached us. Had we known them, we would have sent him packing for sure.

Back in 1990, we were approached by a man going through a divorce. He felt his wife might be cheating on him. He wanted to know if this was true, for his own peace of mind, but also to see if he could gain some leverage in divorce court ... or so he said.

His wife had won a trip for two to Beverly Hills, California, in a sales contest in her job. She told him she wanted to take a girlfriend and make it a girls' getaway. He didn't believe that, and he wanted us to see who she took with her and what they were doing while there.

He was a business owner and seemed pretty normal, and our meeting was uneventful, so we took on the case. Thinking it could be a fun trip, I and one of my investigators took off for Beverly Hills to get our surveillance on track.

The subject was registered in the Hotel Bel-Air, an upscale hotel near Beverly Hills. We were able to book rooms in the same hotel, which would make surveillance more efficient. Once she arrived, we quickly verified that she had indeed come with a female friend.



My plan was to see a lot of the sights in the area, but the subject wasn't cooperating. She apparently had no idea of where to go or what to do, and she didn't seem inclined to get out of the hotel much. The duo spent most of their time in the hotel and lounging around the pool.

After several days of surveillance, we weren't seeing any suspicious activity. The ladies seemed to be just enjoying the relaxation and spending time together. I called our client with an update, and he seemed pretty upset. This should have been my first clue that there was a problem, as you would think he would be happy his wife wasn't having an affair.

He decided to come up with a plan of his own to get his money's worth out of our work. He wanted me to try to meet his estranged wife. He hoped that I could meet her and get her into a conversation and encourage her to talk about the divorce.

The second clue that I should have heeded was that he wasn't sure why she wanted the divorce and hoped I could get her to tell me the reason. This wasn't the behavior of someone who was just trying to get through a divorce case with minimal damage. He clearly still had feelings for her, and I should have noticed that he was becoming more emotional. He was adamant that I do as he asked.

We continued the surveillance. Because my investigator was also a male, we hoped to meet the two ladies socially and strike up a conversation to learn more. So far, it hadn't been an exciting job, and it just got worse when the ladies finally decided to leave the hotel.

On a Saturday evening, the ladies got into a cab in front of the hotel and headed out. *Now* we were thinking things would be getting interesting! Would they go out to eat at a five-star restaurant? Maybe they would go shopping on Rodeo Drive or hit some of the LA nightspots. We would have been happy with any of these choices.

What a letdown! They went to a local theater where the feature was the *Rocky Horror Picture Show*! Our disappointment was major, but we decided to make lemonade out of the lemons. During the intermission, we managed to meet the ladies.

They were friendly and easy to talk to. I wanted to get the subject onto the topic of divorce, so I told the wife that I was in the middle of a divorce. Sure enough, she became quite talkative about her divorce situation. She said her husband had a terrible temper, was sometimes abusive, and was a heavy cocaine user. There it was, another clue that we shouldn't be involved in the case!

She kept talking, telling me that her husband refused to seek help and often lost control and would “become very scary.” She said that she was often frightened of him. She wasn’t being flirty at all. She just seemed relieved to be able to let out some of her frustrations. We talked for about an hour and exchanged numbers, and then my fellow investigator and I left.

When we returned to the hotel, I called my client with an update. He sounded intoxicated and questioned me excessively about the encounter. He wanted to know if I had gone back to his wife’s hotel room or if I was going to meet her again. His jealousy was obvious—another clue to the volatility of the situation. My fellow investigator and I left California the next day and returned to Houston.

All of the clues had been pointing to the events I learned about when I got back to the office. The morning after my last report about his wife, while I was still out of the office, our client showed up at our office. He walked into the reception area waving around a riot shotgun! He was intoxicated and very angry. What he didn’t know was that my receptionist that day was also my wife at the time!

Even more alarming, his anger was directed at me for having an affair with his wife while on the case in California. It was an interesting situation, a client with a shotgun telling my wife that I was having an affair with his wife. She could have taken the gun from him and come looking for me! But she knew it was baloney. She was trying to calm him down, and, knowing men and their toys, she started complementing his shotgun. I could have gotten jealous, hearing that my wife was telling him what an impressive and beautiful firearm he was sporting, but I was just glad she was handling the situation. The gun flattery worked, and he began to tell her about the gun. She asked him if she could hold it to check it out better, and he let her do it!

My office was a converted two-story home in the Heights area of Houston. My wife knew that there was an investigator upstairs. He was an ex-police officer and was doing some paperwork. She told the crazed client that there was a guy upstairs who was a gun collector and she knew that he would appreciate checking out a firearm of this quality.

It’s easy to lead a drunk down a path, and the client actually agreed to let her take the shotgun upstairs to my investigator! She told my investigator what was going on, and he took the shotgun downstairs and confronted our soon-to-be ex-client.

Hindsight is 20/20, and the investigator later realized he should have taken different actions. He kept the shotgun and sent the client on his way. Of course, the client drove off drunk and a menace on the roads. My investigator did the right thing unloading and keeping the shotgun, but I told him he should have had the idiot arrested!

Now that I was back in the office and knew all of the details of the client's shotgun visit, it was time to fire the client. I called the crazy man and told him to meet me in my office and to bring his checkbook. He seemed sober and coherent on the phone.

I won't go into details about our meeting in my office. Let's just say that I was crystal clear about my anger at his behavior and threatening office visit with his shotgun. It was clear that I was angry, and he was on the defensive. He apologized, saying he didn't remember making any threats.

I ended the meeting telling him to leave and never return to my office again. I made it clear that if he did come back, he wouldn't leave in the same physical condition in which he arrived. He tried to counter with some bravado but ended up pinned against the wall. The point was made.

He asked if he could take his shotgun with him. I let him do so, and he left with the unloaded firearm. On his way out, I also warned him that any attempt to subpoena me in his divorce case would not go well for his case. I took him by the arm, escorted him to his car, and never heard from him again.

But wait, there's more....

This can't be the end of the story, as we haven't talked about "keeping it zipped." Not long after firing the client, I was in Dallas on a case, sitting in a hotel bar and talking to an attorney friend of mine. I hadn't noticed the estranged wife of my ex-client, but she noticed me and came over.

I wasn't sure what to expect when she approached and introduced herself. Trying to be polite, but wary, I told her that I remembered her. She was cordial and asked if we could talk for a few minutes. Because the case was closed on my part and I certainly didn't care about my insane client, I agreed. She allowed me to buy her a drink, and we had a relaxed and friendly conversation.

She told me that it had taken only a few days after she had returned from California to find out who I was and why I had been there. This was interesting, as I thought I might want to hire her if she was that good of an investigator!

It wasn't investigative brilliance, though, just good listening skills. Her soon-to-be ex-husband, my crazy client, had spilled the beans to her. Not only was

this a really dumb move on his part, he made it worse by telling her what I had said about not being a good witness on his behalf if called into court.

Now we're to that "should have kept it zipped" part. I asked her why he would tell her all of this stuff. She told me that he wanted her back. In his deranged mind, telling her all about the shotgun incident would show her to what lengths he would go to have her in his life again. He had told her that he had been up all night after my update call and had been drinking and using cocaine before his trip to my office.

He not only hadn't won her back, he had improved her case in divorce court. She had gone straight to her attorney with what he had told her. Her attorney had immediately issued a subpoena for me and informed her husband's attorney of that fact.

Of course, my client hadn't wanted me testifying about his crazy behavior in court, so a settlement was quickly reached. She enjoyed telling me this, we had a fun conversation, and we parted as friends. Well, there was one minor hiccup: I couldn't resist teasing her about being in exciting Beverly Hills and her only trip being to a showing of *Rocky Horror Picture Show!*

## Getting a Manhattan Case Education—In More Ways than One



Manhattan, New York, is probably the most challenging location in the country for surveillance. For this reason alone, I wasn't excited about our case for a prominent Houston divorce attorney. His client was the wife in a divorce case.

Her husband was the wealthy owner of a major food-processing company in the United States. He was going to New York on business, and his wife thought there might be some hanky-panky going on up there. We knew he would be staying at a friend's townhouse, and I was able to get a hotel room nearby. A female investigator accompanied me on the assignment.

We could have used four or five investigators for this difficult surveillance. Manhattan is particularly challenging because of traffic and a sea of taxi cabs. Of course, our subject chose to use cabs instead of his own car, making it really difficult to follow him around.

We would have to hang out around the townhome so we could see him walking out, as he could grab a cab right in front and be gone in an instant, disappearing into that sea of cabs.

The only way to keep up was to note the taxi number and constantly keep it in view. It was made more challenging by the way they drive in Manhattan. Cab drivers are particularly aggressive.

Once when following him, my investigator was driving and we were having trouble keeping up with the cab. We were falling farther and farther behind. It was becoming impossible to read the cab number, so desperation set in. I decided to bail out and continue on foot. I told my investigator I would call her later to pick me up.

I'm glad I was working out regularly and was in pretty good shape. I had to run thirty-two blocks to keep that cab in sight! We ended up in Penn Central Station. The subject purchased a train ticket, so I bought one on the same train. The difference was he knew where he was getting off, but I had to buy a ticket all the way through to the final stop.

I kept the subject in sight, and we ended up getting off the train at Princeton University in New Jersey. There I was, hanging out surveilling the subject on campus, trying not to look like a stalker and attract the attention of campus security.

I thought I'd hit the mother lode when I saw the subject hanging out with an attractive young coed. This would be a juicy photo tidbit in the divorce—at least that's what I thought until a little PI work determined that she was his niece.

This ended the need to follow him around anymore, so I called my investigator and told her to pick me up at Princeton. Of course, what I heard was "Where the hell is Princeton University?" She was in our hotel in Manhattan, and I had to tell her that she needed to drive to New Jersey, about two hours away. Of course, that was New Yorker hours—it took her four and a half.

One of the evenings when my investigator and I were returning to the hotel, I went in first. I glanced back and saw an unkempt male assault my investigator, knocking her down and running with her purse. I made sure she was OK and got her to her room. I told her I was going to the police department to report the mugging.

Instead, however, I left the hotel and started looking for the a——hole ... oops, perpetrator. I found him two blocks away. Speed of response is the key, as any time I spent at the police department would have let him get completely away.

He saw me coming and took off running. I chased him into an all-night clinic full of people waiting to see a doctor. They say that criminals aren't very smart. I agree totally in this case.

He sat down amongst the group of patients and grinned at me as if I couldn't do a thing about it. He was assuming I was someone else, I guess. I walked up to him, hit him in the face, and knocked him to the floor. I informed everyone in the room that he had assaulted my friend and stolen her purse.

I searched his pockets, and there was her cash and her credit cards. It didn't take a lot more convincing to get him to tell me where her purse was, in a dumpster nearby. I found it and returned it to her. I left him in the clinic so he could get his face fixed.

I told my investigator that my report to the police had resulted in the return of her purse. It's hard to get away with lying when your knuckles are bleeding. I knew I should have taken care of that! She knew what had happened but was happy to have her stuff back.

We left New York after six days of work and a successful investigation. Sometimes success isn't catching the subject in something bad; instead, it is verifying their legal or moral behavior.

## Perception Is Everything in the Drive-through Lane



It's always interesting to me when I'm able to evade security that is in my way in an investigation. Luxury-property owners build walls and hire guards, and they do so expecting to keep out the undesirable element ... me, in this case.

This case story is about a super-high-end Beaver Creek, Colorado community with vacation homeowners, such as our past president Gerald Ford. In fact, the home I wanted to surveil was on the same block as his. We're talking multimillion-dollar homes, heated sidewalks, and background-screened gate guards.

I was working on a high-end divorce case between two very bitter and wealthy people. The case lasted four months and involved several out-of-town trips. Our client was the husband. The surveillance problem was that the wife didn't have to work and traveled a lot.



My client had the money to pull out all of the stops to get the job done, and he wanted all of the dirt I could sweep up. It was actually a fun case, and the trip to Beaver Creek and the surveillance there turned out to be challenging and memorable.

The subject was dating a wealthy Mexican national. He was also married, but his wife was back in Mexico. He was a regular traveler to Houston, which was how he met the subject.

During my surveillance of her, I was standing near her in Neiman Marcus, a high-end Houston department store. I heard her bragging to the employee behind the jewelry counter that she was about to go on a fabulous trip with her rich boyfriend to Beaver Creek, Colorado. She was very chatty about her private business, mentioning his second home in the mountain community. The one thing she didn't mention was that they were both married to others.

One of my investigative contacts was able to locate the itinerary and flight information for the subject and her boyfriend. After informing my client, I was immediately given permission to book a seat on the same flight. I reserved a midsize car (this is important later) at the Eagle County Airport in Colorado.

I followed their rented Lincoln out of the airport to the beautiful Beaver Creek community and the very high-end subdivision. They waved at the gate guard and went right through. Of course, I wasn't so privileged. I was immediately stopped by the gate guard.

Trying to talk my way in, I said that I was there to look at some property. That didn't fly. The guard told me that I must be accompanied by a real estate agent and have an appointment. This was actually a pretty well trained guard, and he presented a challenge.

I really needed to gain access to do proper surveillance. I knew that my client would want photos, lots and lots of them. That's something every client wants, but this one could afford a whole album for reminiscing later. The photos would be very important in the divorce, child-custody, and property-distribution negotiations.

What I needed was some entry planning. I drove across the street to a strip center where I could watch the comings and goings of residents. In watching who got stopped and who didn't, I learned enough to hatch a plan. I went to the car rental agency, returned the midsize car, and took out a luxury Cadillac. I went back to my hotel and changed out of my jeans and sweatshirt into a suit and tie.

In my gate surveillance, I had noted that residents used a right-lane entry, while all others would be directed to the left lane to identify themselves to the guard. I just got into character, drove slowly through the right lane past the guard, and waved like I knew him.

This is a human-nature thing. This guy's job was to keep the riffraff out and prevent them from hassling the elite residents. He looked puzzled, but he definitely hesitated to detain one of apparent the rich ones. It was a matter of perception—the guy in the midsize car and in jeans should be hassled, but not the guy in a suit and Cadillac.

That successful entry set a precedent, and I was therefore recognizable every other time I wanted in. I simply waved and drove on through! Each time, it was a little easier. The more the guard saw me, the more he thought he knew me ... piece of cake.

That week went well. I got dozens of photos of the couple together showing affection. They were spending nights together, which was great for the divorce case.

I heard later that Gerald Ford's home there had sold for \$7 million. As the boss, I got to pick and choose my cases, and I usually grabbed those in resorts like Beaver Creek. It was kind of nice to kneel on that heated sidewalk to get some of those photos.

## **Louisiana Child Recovery: Big Dog, Big Gun, and a Relative Problem**



People get really emotional and sometimes violent when their children are involved. This divorce case in Texas courts resulted in the wife getting primary custody of her child as the managing conservator.

Her husband, living in Louisiana, filed a lawsuit there disputing Texas jurisdiction, but attorneys I consulted were fairly certain that the Louisiana action was improper and would go nowhere.

The husband came to Texas to exercise his right to weekend visitation. The only problem was that when the weekend was over, he didn't return the child and they both disappeared. A Texas court issued an order to require the immediate return of the child to the mother, but the problem was in finding the father. That was my job.

I located the father near Leesville, Louisiana, and began surveillance of the rental residence where he was staying. First I wanted to make sure the child was there; then I would go to the local authorities and ask for their help in the enforcement of the Texas court order and taking of the child.

## **The Best-Laid Plans**

That was the plan, but it didn't work out the way that I intended. I never got the chance to take the proper route in getting local law enforcement help. Somehow, the father found out that I was in town.

He was in a pretty remote area of Louisiana. I'm familiar with the state and the wooded and swampy areas because my mother was from there. I love the countryside and the people, but sometimes it can seem like a different world.

There were only two hotels near Leesville, and an outsider hanging around for a while can garner attention. I don't believe that he saw my surveillance, as I was very careful; perhaps someone told him about a suspicious outsider hanging around and his paranoia had kicked in, but I never told anyone why I was there.

I became suspicious that he was actually tipped off by my client, the wife when I found out later that she was talking to him regularly on the phone. Maybe she had accidentally said something that clued him in or made him super-vigilant. However, he found out, though, it wasn't hard for him to find me.

Because he was from that area, he likely knew some of the hotel employees and asked about strangers in town. One night, just after sunset, there was someone pounding on my hotel room door. A man's voice loudly demanded that I come out of the room.

Looking out through the door's peephole, I saw the father, a really large Great Dane, and what looked like a really gigantic shotgun! The Great Dane was raising hell. I decided that discretion was the better path; I called the police and waited for them to arrive.

All of the time I waited, he was banging on the door, shouting that he knew who I was and demanding that I come out and talk to him. Somehow, I didn't see the communication value in the shotgun and dog, so I just waited for the cops, hoping they would get there before he decided to kick down the door.

## **Small-Town Law Enforcement**

After about twenty minutes, things got quiet. Looking through the peephole, I saw nobody, no gun, no dog. I was feeling pretty relieved, especially when the local police knocked on the door.

I was relieved they were there, and I let them in, explaining the situation in detail. Of course, I also showed them my very legal Texas court order, also playing the former-cop card. I figured we'd get this show on the road and my police brethren would help me get the child ... wrong!

They were totally unimpressed with my documents or ex-cop status. They had no desire or intention to go with me to retrieve the child. They informed me that I was not in Texas and that my paperwork was worthless. The only thing I can think is that they were friends with the father.

As for taking an incident report or any action concerning the father's threats with the shotgun and dog, they really didn't seem to have any interest at all. On the contrary, they informed me that if they were me, they would get their rear ends to the airport, go back to Texas, and never come back!

Now, here's your first clue that we real-world private investigators aren't the macho movie types if we're not holding an advantage. I could have played the tough guy and tried to grab the child, but I went to the airport and took my rear end home just as they told me to.

It was obvious that I had no friends there, nor any law enforcement support, so I returned to Texas and filed the case away without resolution. I advised my client that she would have to work through the courts to get her child back.

A few months later, a legal settlement was reached between the husband and wife and the situation was resolved. In the real world, sometimes you have cases in which you need to know your limitations, and this was one of mine.

### **What Was the Relative Problem?**

The relative problem wasn't mine, and neither my client nor the husband was involved. I had an older brother living in Leesville but didn't think it was relevant. I didn't even let him know I was there, as I wasn't staying long and didn't have time for socializing. Also, I did leave in kind of a hurry.

We did touch base, though, when he called to let me know that he had taken some flak from the locals for having the same last name as that Texas asshole who tried to kidnap a child. It's a small world. He owned an appliance business that later had to close for lack of business. I absolutely will not accept responsibility for that, though.

## About-Face Child Recovery to Stay Out of Jail



I was under my house on a cold 1982 winter day, working on a broken water pipe. I had my cordless phone with me, as you never know when you'll get a call from Publishers Clearing House for a check delivery.

I got no big check—this call was from the Alabama State Police. Instead of prize money for life, they wanted to serve me with a warrant for my arrest! PIs and cops love to play jokes, so I immediately thought I was being pranked.

I wasn't in any mood for it, as I was cold and wet, not to mention getting angry. I couldn't really think of anything the Alabama State Police would want with me, though I had recently done some work on a child-custody case in Huntsville, Alabama.

That case had been pretty straightforward and uneventful. One day, a woman had come to my office and told me she was in a child-custody battle and needed my help. She seemed sincere and presented herself well, and we had a discussion about her problem.

She showed me paperwork from the Harris County family law court showing that she had been awarded primary custody of her eight-year-old daughter by the Texas court. The Texas court had ruled that the child would live with her mother and reside in Texas, and the father had limited visitation rights. The woman was really concerned because her ex-husband, the girl's father, had grabbed the girl and taken her to Huntsville, Alabama.

Everything seemed to be in order, including the woman's paperwork and her story. In those days, law enforcement didn't get very involved in child-custody issues, leaving the return of children to the rightful parent, who often hired PIs,

and when the documents were in order, it was common for a PI to retrieve a child. This was especially true when the parent had primary custody.

It seemed like a straightforward case, so we hatched a plan. I would travel to Huntsville and conduct surveillance to locate the child. Once I did so, my client would arrive and we would retrieve the child together. We hoped to keep her under surveillance until an opportunity presented itself to grab her and fly back to Houston.

### **It Started out Well, Weather Considered**

I took off for Huntsville with the plan all hashed out. First, I would locate the ex-husband and child, and then my client would fly out and join me. I wanted her in my car to help with taking the child when the opportunity arose.

It didn't take long to locate the ex, as he was staying with his parents. The parents, the ex, and the child were all living in the same residence. They didn't come outside much, though, as the weather was cold with intermittent snow flurries. Even so, I had my client fly in and join me in the surveillance. I didn't want to have to try to get her to a location in time when an opportunity presented itself. We would have little time to act, and I didn't want to stay longer than necessary. The longer the surveillance, the greater the chance of discovery and of the plan failing completely. I knew we would only get one shot, so we stuck with it for days during the bad weather.

I had been surveilling for five long days when Sunday morning arrived and the entire family got in the car and traveled to a nearby Baptist church. I didn't really like the idea of grabbing a child from a church, but the weather was still lousy, as it was 18 degrees and snowing, so this might be our only shot.

Once everyone was inside the church, we parked the car near the door. My client and I rehearsed what was going to happen. The key to success would be total surprise and a fast getaway.

When the service was over, the family came out of the front door in a mass of people. My client and I mixed in with the group. She had disguised herself with a hat and sunglasses. When she got close enough to the child, she grabbed her daughter and ran for the car.

We took the family totally by surprise and were out of the parking lot before they knew what had happened. From the car, I called the local police and told

them it was the mom with legal paperwork who had taken the child and then quickly hung up.

Rather than go to the local airport, where the family would likely be looking for us, we drove across the state line into Mississippi. We took a flight back to Houston from there; mission accomplished. I didn't learn until later that the Alabama State Police had put out a call that the child had been kidnapped and they were looking for us.

I still wasn't overly concerned, as I was certain that once they tracked down the details and the paperwork, they would stop looking and let the matter drop.

### **Back to That Alabama State Police Phone Call**

Considering the smooth way in which I handled this child recovery, what was the Alabama State Police's problem? They were adamant on the phone that I had kidnapped the child. I explained that I had never touched the girl, that only her mother, who had an order from the Harris County courts making her managing conservator, had touched the girl.

It seemed, though, that my preliminary research had fallen a bit short. They informed me of another, later, Alabama court order giving the father primary custody, superseding the Texas order. Even more alarming, the officer advised me that the mother had lost custody because of some child-abuse allegations.

Now I was getting really worried. We had checked the Alabama legal system for any actions but somehow had missed this one. Another, more critical, mistake was not verifying that the Texas order was still valid instead of just filing away a copy for my records. I had trusted my client and my due diligence had fallen short. It's a mistake I'll never make again.

### **A Chance to Avoid Arrest—Ex-Cop Courtesy**

In part because I was an ex-cop and in part because when I explained the entire situation and my actions, the Alabama State Police were understanding. They knew I had been scammed by my client, but I really had no leverage in the situation; however, they were in contact with their district attorney and proposed a solution.

It was a simple plan, even if the execution might not be so easy. They told me that if I would locate the woman and child and return the child to the father, all charges would be dropped. I talked to a Houston criminal attorney about the



situation, and he assured me it was unlikely the charges would hold up anyway, but I was happy to take this approach to getting it over with.

I was also feeling guilty for taking the child, so it would be a better resolution for me personally to help get her back to where she belonged. Of course, everything would be done on my dime, and it would turn out to be a little expensive.

## **About-Face!**

The mom knew she was in the wrong, so she had taken the little girl and run. It took me about a week to locate them hiding with relatives in Cleveland, Ohio. I jumped on an airplane headed for Cleveland right away with a couple of cover-my-butt documents. I was carrying an Alabama arrest warrant for the mother and Alabama court documents authorizing me to take possession of the child and return her to the state.

By this time, I was working pretty closely with the Alabama authorities. They contacted the Cleveland police and let them know I was legit so Cleveland police would work with me. When I arrived, I immediately went to the Cleveland Police Department substation closest to the target address.

I hadn't brought along a translator, so we had to get past their trouble with my Texas accent. Once we got over that, though, I told them the entire story and showed them my paperwork. Because I was an ex-cop, they were somewhat sympathetic, but they were laughing during the entire story.

Even though they thought the situation was hilarious, they also understood the importance of getting the little girl back to her father's custody. They agreed to help me locate the child and arrest the mom. I jumped up and said, "Let's go get 'em!" That's when I learned that it was almost five PM and they wouldn't help on overtime. We agreed to do it the next morning.

They were nice guys who didn't want me to sit around a hotel room, so they took me out and showed me Cleveland that night. Of course, they provided the guide service, but the entertainment and drinks were on me. I told you this was going to be expensive.

I arrived at the police station at seven the next morning a little the worse for wear, but I wasn't alone. Being true professionals, though, we could get the job done with hangovers.

Four police cars went to the subject's residence. The officers split up between the front and back doors to be sure nobody could sneak away once we announced our presence. I was with the front-door group, as I could identify the suspect mom.

When we knocked on the door, the subject's aunt answered. She repeatedly denied that the subject and child were there, claiming she hadn't seen them in a year or so. She wasn't very convincing, though, and the officers kept pressing her and showed her the arrest warrant. She finally agreed to let us inside the home to search.

We searched every nook, cranny, room, and closet and looked under every bed. There was no sign of the mom or child, which was worrisome. The cost of this trip was mounting, and I didn't want to come away empty-handed. Those guys back in Alabama wouldn't be very understanding, either.

Just when we thought it was over, one of the officers found a door leading to a basement. We went down there and started searching through the clutter. There were piles of boxes, Christmas decorations, and other stuff that people accumulate over the years, but we found our presents hidden among the boxes! I was elated.

I couldn't resist a few choice words whispered in the subject's ear as we led her out. Her lies had cost me money and many nights' sleep. I thanked the officers for their help and the entertainment, and I took the child and headed for the airport.

The little girl wasn't upset, actually seeming happy that I was taking her back to her father. I called her dad from the Cleveland airport, and he was clearly emotional and happy she was coming home.

I bought the little girl a teddy bear in Cleveland. When we got off the plane in Huntsville, she was holding it when her father and relatives met us. There were plenty of tears and hugs all around. The family was understanding of my situation and treated me well.

The Alabama State Police dropped the kidnapping charges, so I was a free man who still had his PI license. This experience was my last with child repossession. I really didn't want to do it again. Also, the laws began to change after this. Now in most cases, it is illegal for a PI to assist in taking a child, even if there is a court order. We can be involved, but only with the local police authority also on the case.

I'm OK with that.

## **Cops, Courts, and Investigators behind the Scenes**

You don't hire a PI to prove that there is a Santa Claus. Our work is often digging around in people's dirty laundry. Much of it is working with attorneys on one side of a case, whether a lawsuit or criminal prosecution.

Everyone knows how divorce can bring out the big guns in a dispute. Everyone also can easily understand personal-injury lawsuits, particularly related to airline or other disasters, but often, people don't get to hear about the unsavory activities behind the scenes in our justice system.

Yes, there is misconduct on the part of the police, courts, judges, and private investigators. This section tells stories about these often-overlooked real-world activities.

## The Justice System: Adversaries but Friends



I wanted to start this section of the book off with this short story. It's not really about any particular case, though in it, I was testifying about an arrest. It's about how the justice system works and how those who practice in the system can often be adversaries but also friends.

This happened while I was still a cop in the Houston Police Department. It is important to me and this book because it's how I met a lifelong friend, though at our first meeting I wanted to whip his ass!

It started with an arrest of a twenty-five-year-old female, who assaulted me and my partner in the course of the arrest. She had been driving drunk and had run from us when we attempted to place her in custody. She was speeding and running stop signs while trying to get away.

When we finally caught up to her, she assaulted us, ripping my shirt off and scratching my face and neck. Unfortunately, when two male cops apprehend a female, we can't really fight back if she decides to become combative.

I was testifying against her in court when I met her high-profile defense attorney. He would never have been representing her except for the fact that her family had money, or at least that was my opinion. She was convicted of assault on my person, but my ego took a beating at the hands of her attorney.

In cross-examining me, he made fun of the accusation of assault by a female on two male officers. During the arrest and after she had done her damage to my clothing and body, I had said some really negative (OK, insulting) things to her. I couldn't hit her, so in the heat of the moment, I had given in to anger with verbal insults.

In his cross-examination, her attorney asked me if I could have possibly been mistaken and my partner had accidentally assaulted me instead. I gave him a very sarcastic answer, something to the effect that I don't think so, as my partner had never accidentally assaulted me in the past. The jury got a laugh out of it. I thought I'd embarrassed the attorney and made him mad, as he lit into me and the cross-examination became pretty heated.

After the trial was over, I waited for the attorney outside the courtroom. I was hot and wanted to let him know what an asshole he was. He had really embarrassed me in front of the mostly female jury with his ridicule of me being assaulted by a female.

I verbally went after him when he came out of the courtroom, and he just stood there listening and smiling. Whenever I gave him an opening in my rant, he would just jump in and say he'd like to take me and my partner out to lunch. He told me not to take life so seriously. I kept telling him that I'd never have lunch with an asshole, but he just kept inviting.

Finally, I wound down and he kept insisting, so we went to lunch! We've been friends ever since. He's a brilliant and respected attorney. He is mentioned multiple times in this book, as a sharp attorney and ex-judge.

He was the bigger man that day, and I appreciate our lifelong friendship, not just the business he's referred my way.

## Cases That Forced Me to Go out on My Own



When I left the Houston Police Department, I began my private investigation journey after being hired by the man who would become my friend and mentor. I will always be grateful for the experience I gained in his firm in working up to a position as his right-hand man and corporate vice president.

He was a tough businessperson, and I definitely put in time. I was working around one hundred hours every week and had no personal life. Those weren't reasons for later breaking out on my own, though; I eventually broke out because I found that our methods of doing business were often at odds. A couple of cases came together to give me the final push to go my own way.

### **The Bahama Mama Drama**

This case was one I initially had been quite happy to take. Our client had a former partner who had stolen from him, and litigation had awarded our client most of their company's shared assets; however, one of the items was a sixty-

foot yacht, and the partner, seeing a seizure coming, had sailed it away to avoid losing it. Our client had received a tip about where his ex-partner was headed. Our client told us that we should find the boat in Freeport, Bahamas; he even knew which marina and hotel to check out.

Houston can be pretty cold in the winter, so I was on my way to paradise in the Bahamas as quickly as possible. It was really a one-man job, but my boss told me that the client authorized two investigators, so he wanted me to take someone to allow invoicing the client for two.

Jim, the investigator to accompany me, was someone I liked, but he could be a bit crazy at times. He was a former military sniper whom I thought had probably spent a little too much time killing people in the jungles of Vietnam. He could be a bit scary at times, but luckily he liked me.

Our job sounded easy, and Jim and I settled into the target hotel. The marina was right there, and our information was that the yacht would arrive within the week. All we had to do was check the marina logs a few times each day until the yacht got there.

I was carrying documents showing that our client held title to the boat. We had a crew on standby, ready to seize the boat and take it back to the states. I met with the local authorities and showed them our paperwork to verify our right to seize the yacht. They were convinced and offered their help. What could be easier?

The first couple of days were like a vacation. We enjoyed the warm weather, hung out at the hotel, and checked the marina every couple of hours, waiting for the arrival of the boat. I paid the harbor master \$100 to call my cell phone when the boat was approaching. We had it covered.

The problem that popped up was Jim's behavior. He was drinking heavily, and when he was drunk, he became quite loud and obnoxious. He also talked a lot to hotel staff and guests about who we were and why we were there. This is absolutely not what you should do as a private investigator; you want to maintain a low profile (key word *private*). You normally want to do your job and leave without anyone knowing who you were or why you were there.

I tried to control Jim's behavior, talking to him nicely at first, but getting more demanding as his behavior deteriorated. I was his supervisor, but he listened to me only until he reached a certain level of intoxication. Once he reached that level, he couldn't care less what I had to say.

On the fourth day, we decided to take a half-day sightseeing trip on a catamaran. It was a break from the boring routine of checking the marina and

waiting for the yacht. Our catamaran captain and one other crew member were our guides, and the crew member was serving us Bahama Mamas. They were tasty, sweet drinks with a lot of Bahamian rum in them. This wasn't a good situation for Jim. The drinks were strong, and it wasn't long before there was a problem.

We were cruising about a mile or so offshore and chatting with some pleasant passengers, not to mention scoping out the good-looking ladies on board—but soon, my time was completely absorbed in trying to keep Jim in line.

The more he drank, the more he would insult the vessel's captain. He insulted the captain's heritage, his boating skills, and, possibly worst, his short stature. Of course Jim thought he was being hilarious, which was definitely not what almost everyone else was thinking. A few saw some humor in the situation, but the angrier the captain became, the more Jim stepped up his negative remarks. He seemed to want to become the Don Rickles of the cruise.

When I tried to shut Jim up, he turned his annoyance on me, saying that I shouldn't be taking the side of an islander over an American, and a war hero, at that! The boat captain demanded that I get control of Jim, but it simply wasn't happening.

The seas got a little choppy, and everyone sat down except Jim. Everyone was also wearing the required life jacket, except Jim, of course. He had taken his off. Jim walked to the front of the boat and was just standing there, looking out at the water. He got a little close to the gunwale (that's the railing, for you landlubbers). The captain saw him there and suddenly turned the boat sharply, throwing Jim overboard. It definitely wasn't an accident! I freaked out. Jim was bobbing up and down, his head going underwater and then popping back up.

Then I noticed something very alarming: The captain wasn't turning around. He was headed away from Jim. I pleaded with him to go pick Jim up, but he said, "Your friend is an asshole. Let him swim back." That wasn't going to happen, as Jim was so drunk, he didn't know in which direction to swim. It was also more than a mile to land.

It was negotiation time. I offered the captain \$100 to pick Jim up, but he wanted more. We finally settled on \$300. We turned around and headed toward Jim, who was so drunk, he didn't even realize how close he was to drowning. Every time his head went under and he popped back up, he would be spitting out water and laughing!

We were able to pick him up and head back to port. When we got back to the hotel, I couldn't have been madder, and I told Jim to shut his mouth, go to



his room, and sleep it off! He listened because I also threatened to have him arrested for public intoxication if he pulled any more stunts. I was sick of his antics, so I called my boss and told him that I wanted to put Jim on a plane the next day and send him home.

I said again that this was only a one-man job anyway. The boss was OK with me sending Jim home but told me not to tell the client, as he wanted to continue to bill for two investigators for the entire trip. This was one of those "doing business differently" moments that contributed to me breaking away later to form my own business.

I put Jim on a plane the next day. He had a hangover and wasn't happy, but he said he understood why I was sending him home.

I waited a few more days, but the yacht never arrived. I was told to return to Houston via a Miami flight.

What about the yacht? Later, we located it back in the states, near Galveston, Texas. We seized it and turned it over to our client.

## **The Dead Client Bounce**

In the stock market, investors use the term "dead cat bounce" to describe a temporary recovery in share prices after a sudden and steep drop. A dead cat bounce is caused by speculators covering their losses. In this case story, my boss attempted to create his own "dead client bounce" after the unfortunate death of our client.

We were hired by one of two business partners. They had been partners and friends for years, but lately, their business and personal relationships had been strained. Our client wanted to find out if his partner was involved in anything negative for the company or was stealing or otherwise engaged in illegal activity.

The laws have since changed, but back then, you could install equipment to record phone conversations without the knowledge of any of the participants, if you owned the company and the phone system. (Nowadays in Texas, at least one party must be aware of the recording of a conversation.)

We leased our recorders and activators to the client and installed them in his phone system. (As mentioned previously, an activator does the job of activating, or turning on and off, the equipment based on when conversations start and end.) This client leased our equipment for a couple of weeks. When he was finished, I met with him and retrieved the equipment.

About a week after that meeting, I received word that our client was dead. He, his wife and child, and the pilot had all been killed in a small-plane crash when trying to land in Austin. When I informed my boss, his first question was "Does he owe us any money?" I told him that I had collected the client's balance due at our last meeting, so the client owed us nothing.

My boss's next question was whether we had gotten our equipment back. I told him that we had, as I had collected it in that last meeting as well. He thought for a minute and said, "Well, his partner doesn't know that we got it back. He doesn't even know we were investigating him."

This didn't seem relevant to me, but he made it relevant very quickly. He was always angling to get the most out of every case money-wise, and this was no exception. His income-generating idea was for me to meet with the partner and put his "dead client bounce" plan into effect.

I was to meet with the partner and tell him about the investigation. I was also to tell the partner that the client had been in possession of \$25,000 of our equipment and that we had information that it had been removed and had been in the nose of the crashed airplane!

This whole plan went against the grain with me, as I didn't want to approach the partner right after his friend's death and feed him this line of bull. I tried to refuse the assignment, but the boss told me, "Do it if you want to keep your job."

I dreaded doing this but made an appointment to meet the partner at two PM the next day to talk about something related to his deceased partner. We met in the bar at a Steak and Ale restaurant in northwest Houston.

The partner was a large man, a tough-looking guy in his mid-forties. I launched into the story my boss had ordered me to tell. I spoke in a monotone, methodically working my way through the details. It was obvious that I was uncomfortable and trying to get it over with.

He listened carefully, letting me finish before speaking. He paused for a moment, then said, "Rob, I'm going to have a drink. Can I buy you one?" It was definitely a good time for a drink, and I ordered a bourbon and Coke. It was almost a celebration for me, as I had gotten through the story without him hitting me; in fact, he was remarkably calm.

He asked me how long I'd been in the PI business, and about my boss and company. Then he asked me a question: "You don't want to be telling me this, do you?" I admitted that I was there only because I'd been ordered to do it.

He told me that he didn't want to ask me any more questions, as it was clear that I was uncomfortable in the situation. He asked me if I could take a message back to my boss, and I agreed. I'll try to get it exactly as he said it, almost. "Tell your boss I said that he can go f—— himself, and next time to come do his own dirty work!" I was pleased to tell the man that I would relay his message exactly as he had said it.

We had another drink, visited for a while, and struck up a sort of friendship after the awkward start of our meeting. I told him how much I appreciated how he had handled the situation.

The next day, I reported the meeting details to my boss, as well as a verbatim quote of what the partner had said. "Well, it was worth a try," was all my boss had to say. He laughed it off, but I was furious at having been put in that position. Two weeks later, I quit and started my own company.

I had been in business for a couple of months when that subject partner called me. He told me that he had enjoyed our meeting and appreciated my honesty. He asked if I could do some investigative due-diligence work for him. I was thrilled, and I worked for him on and off for more than ten years until he retired!

## The Settlement That Almost Went Away



An old friend who was an attorney and ex-judge would now and then send me some business or refer me for work. He called me one day and said that I should meet with John O'Quinn. O'Quinn was one of the best attorneys I'd ever seen. A Google search on his name will yield plenty of juicy stories of his high-flying career and lifestyle.

O'Quinn was a master at convincing juries that his clients had been massively damaged and deserved huge settlements in compensation. These were usually personal-injury claims; he was a legend in the profession.

My friend told me that Mr. O'Quinn was looking for a PI firm for future work and that I should attend a meeting that day to get acquainted with him and to hear about a current situation.

I walked into a meeting room full of attorneys representing the families of victims of a South American airplane crash. O'Quinn was obviously in total control of the meeting. He was an imposing man, 6'5" tall, handsome, and with a strong voice and demeanor. People definitely listened when he spoke.

The facts of the case were outlined, and then O'Quinn turned to me and asked me a question related to how I could help. I certainly hadn't been warned that he liked short, concise answers when he asked questions. I began to explain

the reasoning behind my answer, only to hear “OK, shut up, Mr. Kimmons; that’s more than I need to know.”

I wasn’t just shocked; I was pissed off! I wasn’t used to being told to shut up by anyone, and I looked over at my attorney friend while trying to figure out how to react. He looked back with a “please don’t overreact” type of face, so I said nothing. I did put away my pen and legal pad and leave the room while the meeting was in progress, however.

I went to my friend’s office and waited for the meeting to end and for him to return. My intention was to tell him that I had no intention of working for the asshole O’Quinn. But instead of my friend, O’Quinn came into the office. He apologized for telling me to shut up and explained that he liked concise answers to his questions. He said, “I hope you’ll accept my apology and help us with this important case.” I still didn’t want to work for this guy, but I didn’t want to embarrass my friend, either. I told him I would work the case.

It turned out to be a really good financial decision for me and my firm. John O’Quinn turned out to be my largest client for twenty years running. There were several years when I billed him more than \$300,000 per year.

Over the years, I learned that he would intimidate people if he could. If someone let him talk to them like a dog, he would continue to do so, never letting that person gain any respect. He was that way with his employees, too. As it turned out, my walking out of the meeting was a good move. He had seen that he couldn’t intimidate me, and he never spoke to me in that way again.

## **The Voskamp Case**

Using his amazing skills and jury persuasion, Mr. O’Quinn had convinced a jury that his client had been severely damaged. He won a multimillion-dollar verdict. The opposition attorneys were working for some wealthy and powerful clients, and they were not happy with the award to the plaintiff. The details of the case aren’t really important, as they’re not relevant to this case story; the story is about shady investigative tactics.

A few months after the verdict, I was called to a meeting with O’Quinn and other attorneys who had been involved in that case. He told me that there was a problem with that trial and verdict. I really couldn’t figure out what it could be, as I’d put a lot of investigative time and effort in that case. It had been a solid win.

The problem was that O’Quinn had been accused by the opposition of tampering with a juror during the trial. This was a major problem! If the

accusation were proven, not only would the verdict and award be overturned, but John O'Quinn could be disbarred. Losing his law license would destroy his practice and life.

He was visibly upset while telling the story of the accusation, but I still had to take a risk and ask him a question. I had a job to do, and I apologized in advance. I had to ask him if there was any truth to the accusation. I asked him if he had had any communications during the trial with any juror or if he had tampered with the jury in any way.

His response was passionate and convincing. He said that in no way had he contacted or had any communications with any juror during the trial. I was relieved, until the other shoe hit the floor. I asked him why they believed someone could get away with such a serious accusation if it wasn't true. That's when he told me that there was some "confusion" about the facts. That's a lawyer's response, and it made me nervous.

O'Quinn told me that he *had* been in contact with a juror, but after the trial was over. He was a single man at the time and had a reputation as someone who liked the ladies. He also had a ritual of sending thank-you gifts to all jury members after a trial, no matter what the outcome; win or lose (though he rarely lost), he would send a gift and thank-you card to every juror in his trials. He would send the ladies a dozen red roses. In this trial, one of the jurors had been an attractive young lady. She was a teacher going through a divorce. She had called John to thank him personally for the roses.

A heated romance started between the two and went on for a month or two. O'Quinn explained that his driver, a young black man in his employ, would drive him to the juror's home and wait outside during their trysts. We'll call the driver Charles.

Charles had given a sworn statement to a private investigator hired by the opposing attorneys. In that statement, he had said that he had driven O'Quinn to the juror's home during the trial, not just after it was over. He said that he had done so numerous times during the trial.

The investigator hired by the opposing attorneys was a nemesis of mine; we'll call him Nemesis PI. He was high-profile, with powerful connections, and had a reputation for winning at any cost. Nemesis PI also had a reputation for pushing the ethical envelope. We had very different methods of operation and ideas of what our job was in serving our clients. (You'll hear about Nemesis again in the Donald Trump case story later in the book.)

Charles later explained to us that the investigators had told him that his life was in danger and that they were there to protect him. The investigator had had a shotgun with him, presumably to protect Charles. In my opinion, the shotgun was more to intimidate Charles into signing a false affidavit.

Nemesis PI had told Charles that he and his investigators knew that Charles had taken O'Quinn to the juror's home. They told him that if this was true, Charles was in grave danger. The impression they made on Charles was that O'Quinn was a very powerful man and would do harm to him if he was a witness to O'Quinn's bad deeds.

During that meeting with Nemesis PI, Charles had signed an affidavit stating that he had taken O'Quinn to the female juror's home on numerous occasions, including during the trial. O'Quinn told me about the affidavit in our meeting, as it was the reason the opposing attorneys felt confident in making the accusation against him.

I asked John O'Quinn why he thought Charles would lie about when he had visited the juror. He had no idea, but we knew that the young driver was the key to the entire case. I was pretty sure that O'Quinn wasn't lying, so we had to locate Charles for the truth.

## **The Challenge in Finding Charles**

Charles was at the top of our list of people to interview, but there was a problem: We were having a lot of trouble locating the young man. A family member of his told us that shortly after his meeting with Nemesis, Charles had gone into the military, but the relative didn't know which branch.

I could tell you how I found out that Charles had gone into the Navy, but I'd have to kill you ... well, not so much, but it's a trade secret. I found that he was assigned to a warship, the USS *Tripoli*. This was good information, but it wasn't going to be easy to get to the subject for an interview; The movement of these warships is highly classified, and you can't just ask where a specific ship is going to be at any given time.

I called in some favors and eventually learned when the *Tripoli* would be docking in San Diego, California. I and my brother Rodney, also an investigator and former police officer, booked a flight to San Diego to get that interview.

When we arrived, we contacted the Office of Naval Intelligence, the ONI. We would get no access to Charles without their approval. After we had several meetings with naval officers, they agreed to let us board the warship and interview Charles, but there were conditions. First, Charles would have to agree

to the meeting; second, the intelligence officers would have to be there; and third, we couldn't record the meeting.

The meeting was set for nine AM the next day, and I had a sleepless night. If we didn't get Charles to talk to us and tell the truth, O'Quinn could lose his license to practice law.

The next morning, we met with the officers. They explained the rules again and added one: Either they or Charles could terminate the meeting at any time. Rodney and I had no choice, so we agreed. We were taken to the dock and boarded the ship, really an impressive piece of military hardware.

We were taken to a small conference room on the main deck. Once we were seated, Charles was escorted into the room. I think he was twenty-one years old at the time, but he looked more like seventeen. He had a baby face and slight build and was of medium height. He was very nervous and apprehensive, but Rodney and I introduced ourselves and got started, hoping to relax him a bit.

We were surprised to find that he was actually eager to tell his story. It didn't take any interrogation skill to get him to share the truth. He said that he had spent the time since the affidavit reflecting on what had happened at the meeting with Nemesis and his investigator. Charles was feeling guilty about causing trouble for O'Quinn.

During the hour-long meeting, we learned that Charles had never driven O'Quinn to the juror's home during the trial, only after. He felt certain that O'Quinn had never been in contact with the juror during the trial.

When I asked him why he had signed an affidavit that said just the opposite, Charles told us that he had been frightened of the investigators and they had convinced him that he could be protected only if he signed the affidavit. They had also insisted that he sign it as-is, exactly as they had drafted it. He had signed it out of fear and now regretted it.

Once Charles had signed the affidavit, Nemesis had suggested that, for his own safety, the young man should leave town and get lost. It was suggested that Charles join the military to make it more difficult for anyone to find him later. He had taken that advice and joined the Navy.

Charles was visibly shaken, and I felt bad for him. I was also elated, as we had just hit an investigative grand slam with this witness! We thought the case was in the bag.

## **Getting the Statement to the Court**



We didn't have a recording, nor did we have a written statement. The ONI officers were not trying to be difficult, but their job was to protect their seaman. I asked if Charles could take a leave and come to Houston to testify, but that didn't fly. They also refused to let us tape-record a statement or get a sworn written statement.

I asked how long the ship would be docked in San Diego, as there was another option. They couldn't tell me a departure date, as it was classified. What I wanted to do was have attorneys from both sides fly to San Diego and have Charles sit for a sworn deposition.

The ONI officers agreed to it—if the ship was still in port and if Charles would agree. My next question was this: "Hypothetically, if we were all to arrive next week for this deposition, would the USS *Tripoli* still be in port?" One of the officers said that the information was classified but that he "wouldn't be surprised if the ship were still in port."

I knew he was doing his best and going out of his way to help and that we just had to settle and take the chance. Rodney and I returned to Houston to get the wheels rolling. In Houston, we immediately petitioned the court to order the deposition of Charles for the following week in San Diego.

Of course, the opposing attorneys objected to an order to depose Charles. They wanted the judge to accept the already-signed affidavit, saying they did not want to waste the court's time and everyone's money to get another one. We were adamant that this deposition would be counter to the current affidavit, however, and the judge ordered it for the next week in San Diego.

### **Just When Things Were Looking Good ...**

At great expense, all of the attorneys and a court reporter traveled to San Diego the following week for the deposition. When we arrived, the bomb hit. The ONI officers advised us that Charles had changed his mind and would not be attending the deposition! They gave us no reason. Everyone was upset, but we could do nothing except return to Houston empty-handed.

The next week, I was summoned to an emergency hearing requested by the opposing attorneys. They wanted our side to pay their expenses for the wasted trip to San Diego.

The judge hearing their motion was new and seemed a bit overwhelmed by the high-profile attorneys involved. He chose to believe the Nemesis PI affidavit over my statements, and he admonished me. I didn't take it well, telling the judge that I was the only honest investigator in the courtroom. My attorneys

shut me down, though, as I was getting close to being arrested for contempt of court.

### **What Changed Charles's Mind?**

It seems that Nemesis had also served in the Navy, in the ONI. His contacts had let him know about our trip, and between our departure and the return for the deposition, Nemesis had paid a visit to Charles, getting access through his contacts.

Later, Charles would tell us that Nemesis had told him that if he gave the deposition and the facts were different than those in his affidavit, he would probably be charged with perjury. Nemesis had convinced the scared young sailor to back out of our deposition.

### **Charles Made It Right**

It took a few days, but Charles again decided that he had to do the right thing by John O'Quinn. He called one of the attorneys on our team and told her that he was going to take a three-day leave and if we would send him a plane ticket, he would come to Houston and testify before the judge.

Charles made it clear that he didn't want to talk to any more investigators, only directly to the judge. He met with the judge and told the truth, just as he had related it to me and Rodney on the USS *Tripoli*.

The case against John O'Quinn was dismissed, and this time, the judge admonished Nemesis PI and the attorneys on that side in court.

### **I Try for Payback**

I couldn't leave that resolution alone though. After the case against O'Quinn was dismissed, I flew back to San Diego. I got signed affidavits from the ONI officers that Nemesis had represented to them that he was working for the Harris County District Attorney as a special investigator and that was the reason they had given him access to Charles. I considered this a criminal offense, falsely representing himself as a law enforcement officer.

The district attorney's office didn't agree, however, telling me that "felony lying is not a crime." I don't even know what that means! Nothing happened to

Nemesis for his conduct, and we remained on different sides of many ethics issues in the future.

I dedicate this story to John O'Quinn, who remained my friend and client up until his death in a car crash in 2009. After his death, I was appointed by his estate to be the investigator handling estate asset investigation and the ensuing litigation involving distribution of his assets.

## **Pernicious Prosecution of Aldape Guerra**



This case story is one of the system totally breaking down and distorting the facts to fit its needs. It's not a pretty story, but if we don't learn from situations like this, things will get worse. After almost fifteen years on death row, Aldape Guerra finally got some semblance of justice, but this isn't a story of a completely innocent man.

In the mid-1980s, an attorney client of mine called to ask if I would consider joining a pro-bono defense team. The team was working to free a Mexican national named Aldape Guerra. Mr. Guerra had been convicted in 1982 of capital murder of a Houston police officer and sentenced to death. He had been a twenty-year-old illegal alien working for a building contractor when the killing happened. He did not speak English.

Under normal circumstances, I would not have participated, primarily because of my past police experience and current law enforcement contacts. Getting involved in investigation of police officers was something I didn't do often. This attorney was a senior partner in a well-respected Houston law firm, and I liked and respected him a lot, however, so I agreed to look at the facts of

the case. After spending several hours with the attorney going over the court documents, I was on board!

The attorney's opinion was that Aldape Guerra was a decent kid who had gotten caught up in something he didn't understand. The team believed that an innocent man had been convicted and sentenced to death.

The general consensus on the part of law enforcement was that Mr. Guerra was a poster child for the death penalty for killing a police officer. I fell somewhere in between the two extremes. I did believe that an innocent man had been convicted of murder but that Aldape Guerra was far from totally innocent of any crime.

### **Supposed Facts of the Case and Conviction**

On the night of July 13, 1982, Aldape Guerra was driving a car, with Roberto Carrasco Flores in the passenger seat. Officer James Harris received a call from a citizen reporting that the car had almost run him over. Officer Harris pulled the car over and had both Guerra and Flores exit the vehicle.

What happened next is disputed, with very different "facts" presented by prosecutors and the Guerra defense team. The one thing not in dispute is that Officer Harris was shot three times in the head with a 9mm handgun and died at the scene. A stray bullet hit and killed an innocent bystander sitting in his vehicle nearby.

Prosecutors claimed that Guerra shot the officer and later gave the handgun to Flores. Some witnesses and later evidence seemed to prove the opposite, that Flores shot the officer. After the incident, both Guerra and Flores fled the scene.

The police department sealed off the predominately Hispanic neighborhood and conducted an intensive search for the two men. About two hours into the search, the officers cornered Flores, who had been hiding in a garage. Flores refused to surrender and fired on officers. He wounded one, who later recovered. Flores was then killed by the officers. He was found to have not only the handgun that killed officer Harris but also the policeman's service weapon.

Guerra was later captured in the same area, hiding under a trailer. There was a .45-caliber pistol within his reach when he was captured.

Guerra was tried and convicted of capital murder. At one point, he was within one day of being executed before an appeal was filed for delay. I believe that Guerra was definitely involved in a crime but that he did not shoot Harris.

## **Post-Trial Revelations and Evidence**

After the trial, a lot of information and evidence turned up pointing to the wrongful murder conviction of Aldape Guerra. Several witnesses stated that it was Flores who had shot Harris.

After trial, it was also learned that trace-metal tests had been run on the hands of both Guerra and Flores. Flores had showed positive on both hands while Guerra had tested negatively. This test evidence had not been provided to Guerra's defense attorney.

Other evidence also turned up to exonerate Guerra of murder, including accusations of both police and prosecutor misconduct. I began to locate and interview witnesses, and I consulted with attorneys about police procedures. I also conducted background investigations of witnesses.

There simply was no evidence that substantiated the prosecutor's claim that Guerra shot the policeman and then gave the handgun to Flores, but there also wasn't hard evidence that refuted it, just some witness statements that could not be verified. Guerra had had a pistol, had failed to comply with police instructions, and had fled the scene. He definitely was guilty of crimes, just not murder.

## **Misconduct**

You can find a lot of detail about this case in the media, some reliable and some speculation, but The National Registry of Exonerations has noted alleged and proven acts of police and prosecutorial misconduct in this case.

For example, while searching the homes, police officers allegedly forced residents to lie face down outdoors and pointed guns at their heads. Many of the residents were detained at the police station overnight. Though multiple people said that they witnessed Flores doing the shooting, their testimony was ignored or not turned over to the defense. Some witnesses who didn't speak English well were threatened with arrest if they didn't sign statements prepared by the police.

Witnesses were allowed to talk among themselves and to even encourage each other to identify Guerra. During a lineup, police marched Guerra past witnesses just before they were asked to make an identification. Three witnesses specifically told police that Aldape Guerra was not the shooter, but this information was "inaccurately recorded."

Appeals followed Guerra's conviction, and in 1988, the Texas Court of Criminal Appeals upheld his conviction. After that, Guerra was represented by the pro-bono team, and all of this evidence came to light. The team filed a federal writ of habeas corpus in the US District Court for the Southern District of Texas.

In 1995, Judge Kenneth Hoyt issued a scathing indictment of the Houston Police Department. The judge ruled that because of gross official misconduct, Aldape Guerra should receive a new trial or be released. In July of 1996, the 5th Circuit Court of Appeals affirmed Judge Hoyt's decision.

A Texas state trial court judge then ruled that much of the eyewitness testimony from the first trial would be excluded in a retrial. The state then dropped the charges against Aldape Guerra, and he was finally released on April 16, 1997. He died in a car accident in Mexico four months later.

The lead prosecutor in the case stated that even fourteen years later, they still had witnesses willing to testify that Guerra was the shooter. Whether intimidated or just mistaken, however, those witnesses would not be testifying again.

The police department and involved officers continued to deny any misconduct. I was proud to be a part of the team that finally delivered justice for Aldape Guerra. Mostly, I was proud to be able to rise above blind loyalty as an ex-cop to go after the facts that eventually ended Mr. Guerra's fourteen years in prison.

## Investigate Your Investigator



One thing can be said about most professions: There are ethical professionals and there are bad apples who reflect poorly on everyone. The PI business is particularly attractive to some people who see it as glamorous and with low barriers to entry.

I personally believe that blatant liars and unethical, incompetent investigators make up a noticeable percentage of the PI business. That's a bold statement, but I've bumped into far too many in our business who prove my point. I love the PI business, and I despise those who discredit our work through misconduct or criminal activity.

I am often asked to be a guest speaker at trade shows and attorney conferences. They have a business interest in investigative services, and I enjoy



sharing my experiences with them. This is one story that I tell in some of these speaking engagements. It's important in this book, as I believe many would-be PIs will be readers.

This is a story of the worst-of-the-worst experience I have had with a criminal in the PI business. We'll call him Jacob. I ran into Jacob for the first time when I worked against him in some litigation in Houston.

I was working for an insurance company, conducting my business as always, and didn't expect the other side's crazy tactics. Jacob was engaged in a plan to terrorize the attorneys and everyone else involved on our side of the case. He was a crazed bully, and I found out that this was his normal approach to his cases.

My clients were unfamiliar with Jacob and asked me to do a background investigation on him. I had heard some really crazy stories about him, and they turned out to be mild compared to what my background investigation turned up. Jacob learned of my background investigation of him in the discovery phase of the litigation, and the fight was on!

### **Jacob the Maniac**

I found that Jacob had been accused of murder (acquitted), using fictitious names and Social Security numbers (convicted), possession of cocaine (convicted) ... you get the idea. I was also aware of an incident when he held a shotgun on another PI. The other PI was trying to serve a subpoena on Jacob and ended up with his life being threatened.

How Jacob got a PI license or held it for any length of time is a wonder to me. He had a reputation of filing many frivolous lawsuits, at times falsely representing himself as an attorney. He even sued me when he found out who I was and that I was working for the other side.

Jacob's MO was intimidation, and his suit against me was baseless and intended to scare me. The suit was quickly dismissed, and it had the opposite of its intended effect on me, bringing on fighting mode instead of intimidation. Jacob kept up the pace by trying to sabotage my client base with lies about me and my organization. He identified many of my clients, contacted them, and tried to turn them against me.

I came to realize that he was mostly just jealous of my firm's reputation, client base, and status as the largest PI firm in the state. I had never met a more disgusting individual, and still haven't to this day.

After months of Jacob's harassment and criminal behavior, I and another Houston PI decided that we'd had enough. We worked with authorities and eventually compiled enough evidence to have him prosecuted, convicted, and sent back to the penitentiary. He was convicted of making false statements to a district court. Thankfully, I have never heard from him again.

### **Moral of the Jacob Story**

I wanted to add this chapter to the book because people's need for an investigator arises in times of stress or conflict. Clients are more vulnerable to abuse, misconduct, and shoddy work, which is, unfortunately, the way many in this business operate.

The wrong investigator can do a client more harm than good. We handle highly confidential information for our clients, and letting it be used in the wrong ways can be very damaging. Unfortunately, my profession attracts a lot of "cop wannabe" types. They are often incompetent, unethical, or worse.

### **Investigate Your Investigator**

Investigating investigators before hiring them doesn't have to be a difficult thing. Most states require licensing for investigators. Check to be sure the investigator you want to hire has an active license. Request his/her complaint and disciplinary history from the licensing authority.

Make an appointment and go to the PI's office. Is it a professional office space? Does the business have the tools of the trade? How long has the investigator been in business? Ask about background and experience. Does someone there have past law enforcement experience? That's a plus from a knowledge perspective but also for valuable contacts.

If you have the time and want to be even more certain you're hiring the right investigator, check the public records for past lawsuits, criminal convictions, or actions against them. Does the investigator or staff have experience in the type of investigative services you need? If all they've done is divorce surveillance, they may not be a good choice for complex litigation.

Clients shouldn't be hiring an investigator based on a high profile or their personality. My business is mostly about collecting facts. Facts are facts, and they do not need enhancement or fabrication, or at least they shouldn't. My business is also pretty much one of routine rather than excitement. Sifting through public records is a boring but important part of the job. Spending long

days in surveillance to get that one or two hours of useful information or a few photos is common.

It's also a business of technological surveillance and research. A professional investigator needs the tools of the trade. From investigative databases to covert and overt photography and surveillance equipment, it's an expensive business if you do it right.

I can't stress strongly enough that you must investigate your investigator.

## My FBI Scare: Gray-Area PI Work



This case is not about me investigating anyone. It's about the FBI investigating me. I can tell you that it was definitely a scary situation.

I had been out of the police department for only around a year and a half and had just started my own investigation firm. My business was off to a great start, and I was enjoying every minute of it ... until the minute that Bob walked into my office.

### **There's a Fed in My Office!**

Bob was around 6'5" and was wearing a dark suit and tie. He introduced himself to my receptionist as an FBI agent working out of the Houston office and asked to speak to me. I had no idea why he was there, but I somehow got a strong feeling that it wasn't going to be something I'd be happy about. I invited him into my office and got ready for some kind of bad news.

My initial reaction was to not say much of anything, no matter what he asked. As a former cop, I knew that it was rarely a good thing to answer law enforcement's questions before consulting an attorney. Bob was engaging and seemed to be an upfront kind of guy, however.

## **This Was Good Cop, but Where Was Bad Cop?**

Bob told me that he knew I was a former Houston police officer and that before joining the FBI, he had been a New Jersey policeman. This helped to put me at ease a bit. In my experience, FBI agents who had been in regular police forces before were less full of themselves and easier to deal with than the ones who had only been in the FBI.

He said he wanted to help to put me at ease by telling me up front everything that he knew about why there was an investigation focused on me. He said that he would not ask me any questions until he finished giving me everything that he knew. I was still totally in the dark.

## **The Facts Didn't Look Good for Me**

Bob told me that the complaint against me came from the office of the Harris County District Attorney. He said that a female had come to their offices with battered photos of herself and allegations that her former boyfriend had beaten her badly. She had been hospitalized for several days due to the beating.

This was in the early 1980s, and domestic-abuse cases were handled very differently then ... or perhaps not handled at all. The DA's office would usually tell the victim that it was a civil, not a criminal, case and would not file charges in domestic matters. Of course, these types of cases are handled very differently today.

When the assistant DA wouldn't help her, to plead her case, the victim told him that this wasn't the first time her ex-boyfriend had done this. She told them that her former boyfriend had assaulted his wife during the marriage, sending her to the hospital as well. To substantiate her allegations, the victim showed the ADA a portion of a police offense report showing a filing against the man for the assault.

Now the plot thickens! Instead of telling her that the guy was obviously not a good person and they would help her, the ADA asked her where she had gotten the copy of the police offense report. You see, unless they're subpoenaed in litigation, these reports were supposed to be available only to law enforcement personnel.

## **When the Excrement Hit the Air Conditioning**

The woman told the ADA that she had gotten the report from a very nice PI ... you guessed it: Rob Kimmons! She said that she appreciated me trying to help her with information about her boyfriend's previous behavior. She also said that I had advised her very strongly to not go back, to get away from him, and to never give him a chance again to assault her.

At this point, I remembered the case and knew who he was talking about. I had not intentionally given her the offense report. She must have picked it up from the conference table where I'd had it to consult with her on her options. I was definitely getting very concerned, as I knew that I wasn't supposed to have that report in my possession as a PI.

A good PI often uses resources and contacts to work in gray areas to help clients. In this case, I had done so, genuinely wanting to help her. I had not even charged her for my services.

I was waiting for the hammer to drop, and Bob must have seen it in my face. He seemed to genuinely be concerned with trying to reduce my fear level, as he told me that if I would work with him, he would try to work with me to get this situation resolved without it becoming a problem for me. I don't know why, but I trusted what he told me. When he asked if I would get the investigative file and go over it with him, I did so.

When we finished with the file, Bob told me that he wanted to help me out of the jam for a couple of reasons. He said that the evidence showed that I had really just been trying to help her out of a bad situation and keep her from being assaulted again. Another reason was the fact that the victim spoke very highly of me, appreciating what I had done and that I hadn't even charged her for my work. Not charging was definitely unusual for me, but she didn't have much money and needed help she hadn't gotten from the DA's office.

Bob made some notes, took my file with him, and told me on his way out to relax because he thought he could get the matter disposed of for me. He said that he would get back to me within a couple of days. I felt relieved ... for about five minutes!

Almost immediately, I got very nervous and began to second-guess my decision to talk to Bob and answer questions. I went to a dark place, knowing that I had made a terrible mistake and would be indicted soon. I could see prison bars when I looked at my office door.

I called an old friend, a defense attorney who had previously served as an ADA. He is a great lawyer. In the DA's office, his nickname included the phrase "Machine Gun" because of his amazing conviction record.

He, of course, told me what a dummy I'd been in talking to Bob and that he thought that I should have known better. All I could say was, "You should have been there." He told me he would talk to some contacts in the DA's office and get back to me in a day or two. I paid him a retainer, and he went to work.

I guess word about the calls he was making got back to Agent Bob, as Bob called me the next day. I took the call but told myself not to say anything more, to just listen. Bob asked me why I had hired a high-powered defense attorney after he, Bob, had told me he would help me to resolve the situation. Bob told me that he had met with the DA's office and that they had agreed to drop the complaint. He said he wished I hadn't wasted my money on the attorney. I was very, very relieved and quite grateful. Bob was indeed an admirable guy, a Fed you could trust.

I can't give out details, but I've had contact with Bob over the years, at times getting permissible law enforcement help in cases. We became great friends and remain so to this day. Bob is one of the nicest and most ethical people I know.

I just know that I dodged a bullet because of his ethical attitude and understanding. I also never again accessed confidential law enforcement documents without a subpoena.

## Lawbreaking Law Enforcement



As in every job or profession, there are good people and there are bad people in law enforcement. When the bad apple is a cop, we all have a little more to fear. They have power over our lives when we interact with them. It's scary to find out that one of them is a criminal. The vast majority of law enforcement officers I know are dedicated public servants trying to do the right thing.

In other stories in this book, I write about a commercial property developer who is a great friend and has been a good client in the past. He was developing shopping centers, office buildings, and subdivisions in Texas when he called me for help in this case.



He was developing a subdivision in Southeast Houston and was experiencing a lot of theft from homes under construction and model homes. The thieves were primarily stealing appliances. It was a big subdivision and a major problem for him. He wanted it stopped, and we began surveillance immediately.

There were too many homes under construction and model homes for us to watch them all, so I decided to strategically place motion detectors in homes and garages around the subdivision. One of our investigators would be covertly stationed in the subdivision, waiting for one of the detectors to signal a break-in.

Because the thefts were happening at night, we took our station at six PM and stayed all night. On the second night, a motion detector went off and we witnessed the theft of a new refrigerator and stove from a model home. Over the next two weeks, we viewed four additional thefts.

Intervening too early could keep us from catching all of the thieves. We also wanted to follow them to find out where they were selling the items, so we could put the fencing operation out of business as well. We followed the thieves and found that they were dropping the stolen items off at a private residence.

In checking out the address, to our surprise, we found that a Houston police officer resided there. He was twenty-two years old and had been on the force for about two years. We put him under surveillance and followed him to where he was fencing the stolen appliances and air-conditioning units.

I called the Houston Police Department Internal Affairs Division and gave them our findings and information on where the items were being fenced. They immediately opened an investigation of the police officer.

We continued to work with the HPD, putting together criminal cases on all of the thieves and the police officer. In February of 1986, the police officer and six private individuals were arrested. All of them were charged with different degrees of theft. The police officer rose to a higher level, though. He was charged not only with felony theft but also with possession of over two pounds of cocaine!

It was a great outcome for my client, and there were no future thefts in that subdivision.

## Turning the Tables on an Investigative Reporter



Television news professionals often look for some sensationalism to boost viewership and ratings. It's just a fact that people like controversial subject matter, and the networks are constantly trying to give them what they want.

In 1991, one investigative reporter for a major Houston television network had an aggressive attitude and somewhat of a reputation as a slanderer. He was considered a bulldog, and his favorite targets were high-profile people in positions of power. He presented himself as a do-gooder and an exposé of corruption.

There were plenty of dissenters who saw him more as a bully, unfair in his reporting, and careless with fact-checking. The consensus of many was that he would run with a story with few facts to back it up. Once the story was on the air, he would then wait to be contacted by people and get information that he hoped would back up his storyline and allegations. If he didn't get corroborating information after the initial story ran, he would simply drop the issue and move on to another one. He seemed to have little concern that people were damaged by his unsubstantiated stories. He was building a large group of enemies, many in high places.

In late 1991, the reporter began a series of stories alleging improper relationships between some high-profile Houston-area attorneys and sitting judges. This was a powerful group, and they didn't appreciate watching these allegations on their evening TV screens.

The group hired me to investigate the investigative reporter. They had no targeted behavior or anything specific in mind, just a desire to find out if we could find any ammunition for fighting back. They told me to start surveillance on the reporter immediately. They wanted daily surveillance until I found something or they told me to stop, and they wanted weekly reports about what, if anything, I found that was of interest.

I reached out to some of my media contacts to ask about the reporter. They generally considered him to be a drinker and a partier. I began surveillance in February of 1992.

The first week or so of the surveillance was uneventful, turning up nothing of real interest. The reporter went about his daily routine and hit local nightclubs in the evenings for some drinking, though nothing excessive. Soon, however, a decision had to be made about continued surveillance requiring us to follow him to San Antonio. He was dispatched to cover a drug summit in San Antonio, where President Bush and the leaders of six Latin American countries were meeting to discuss a "new spirit of cooperation" in the war on drugs.

My clients didn't want me to stop and wait for the subject's return, telling me to do what was necessary to continue daily surveillance of his activities in San Antonio. I sent two investigators to the city, one male and one female. The male investigator was a former cop with lots of surveillance experience, and his job was to watch and photograph the reporter's daily activities.

The female investigator was both attractive and competent. We enjoyed an advantage in that she had been an investigative reporter for a California magazine, and she still had her press credentials. This allowed her to get access to most of the venues and events at the conference posing as a currently active journalist. By the second day on the scene, she managed to meet our subject. We were now working two different investigative approaches, surveillance and personal contact. Of course, she was presenting herself as a fellow reporter and trying to learn more about the subject. Her major goal was to get him to talk about his coverage of my client group, what he was hoping to discover, and where he saw the story going. This was the goal, as we hoped to get something negative in his comments about that specific story. As it turned out, we ended up taking something very different back to our clients.

When not working, the subject began to hang out with my female investigator in San Antonio. The other investigator documented everything with notes and photographs of their time together. The subject lived up to his partier reputation, drinking heavily every evening. One evening, after some heavy drinking, he invited my female investigator to his room. In these situations, the investigator is in charge and makes her own decisions about what to do. She was determined to get something of value for our clients, so she decided to go to the reporter's hotel room. She later told me that he was a rather small guy and she felt she could take care of herself with him in his drunken state.

From the closing of the hotel room door, the reporter was hitting on her. She handled it well, leading him on a little, letting him think there was hope while she tried to get him to tell her something useful. She was covertly recording the conversation as well, but she wasn't having any luck getting him to talk about his story about the attorneys and judges.

Then he made her another offer, one that would end up being of some value. He offered her some pot to smoke. She declined, telling him that she had respiratory problems and couldn't smoke anything. She encouraged him to do so, though. He took out a large bag of weed and smoked a joint in front of her.

She even got him to discuss the quality of the weed with her so she could validate what he was doing on the audio recording. This was pretty ironic, as he was there covering a drug conference. Once she had all of the information she could use, she excused herself, saying she had to go back to work. She avoided him until she left the next day.

I reported our findings to my clients in Houston. I had no idea what they would think about the information we delivered. We had a short recording of him talking about our clients, but there really wasn't anything actionable there; however, when we told them about the weed and they heard that tape, they seemed a lot more interested.

We prepared a detailed report of our investigation and delivered it with copies of the recordings. Our clients thanked us and said they would take it from there.

To this day, I have no idea what, if anything, they did with my report and the recordings. I can only guess, but I can tell you that there was not another word or story about my clients by the reporter. Information is power, and it can be great leverage, too!

## The Killer-Cop Case



This is a tough story to tell, as my time with the Houston Police Department was a proud time of service for me. I, like the vast majority of police professionals, am proud of law enforcement work and never want to abuse people because we have some power over them and carry guns.

That said, when there's a bad cop who ends up killing an innocent citizen for personal reasons, something must be learned from it if things are to get better. The biggest lesson to learn from this case history is that personality traits and negative actions of police officers should not be ignored or considered unimportant.

Much of what I'm telling you here comes from news media coverage from various sources, including a detailed article at HoustonPress.com and follow-up coverage from the *Houston Chronicle*. The article "Killer Behind the Badge" was published at HoustonPress.com in 1995. You can find it with a search on that title at the site. My involvement in the case was later acknowledged in the book *A Warrant to Kill* by Kathryn Casey.

This is a case of a police officer, Joseph McGowen, murdering a civilian, Susan White.

## **My Involvement**

I was hired by an attorney representing the family of the victim, Susan White. I appreciate being involved in the investigation of Officer McGowen's character and his prior involvement with Susan White.

My investigators and I were hired to locate witnesses and others who knew the victim or Deputy McGowen and could offer information helpful in getting to the truth. We conducted an in-depth background investigation on Officer McGowen. Holding a reserve captain's commission with the Harris County Sheriff's Department now, I look back on this whole investigation with some pride in my ability to help bring Deputy McGowen to justice.

To get this reserve commission, I was subjected to a very thorough background investigation. I believe that McGowen would never have become a deputy and Susan White would be alive today had McGowen been held to the same standards at that time.

## **The Shooting**

Susan White was fatally shot by Deputy Joseph Kent McGowen just after midnight on August 25, 1992. Initially, this shooting was considered justified ... before evidence came to light that resulted in McGowen's indictment for murder.

McGowen and two other deputies were at Ms. White's home with a warrant issued by an ADA and signed by a judge. The warrant was for her arrest on a charge of retaliation, or threatening a confidential informant who was allegedly working with McGowen and allegedly responsible for the arrest of Susan White's son a few days earlier.

The night of the shooting, Susan was awakened by people banging on doors and windows. She was on the second of two 911 calls when the call was

disconnected and she was shot to death. In the *Killer Behind the Badge* article, is this transcription of Susan White's 911 calls:

*Operator: 9-1-1 County. What's your emergency?*

*White: There's a (unintelligible) here at my door. I've filed several complaints with him for sexual harassment and I need some help immediately ... So you can get McGowen away from my house. Get McGowen away from my house!*

*White hung up after a few more exchanges with the operator, but seconds later she called 9-1-1 again:*

*Operator: Do you need a deputy out to your house?*

*White: They are trying to break into my house, please!*

*Operator: What's your address?*

*White: 3407 Amber Forest.*

*Operator: Who's breaking into your house?*

*White (crying): I don't know. They say they are detectives, but I have been threatened by one of them.*

*Operator: How many is there?*

*White (her voice sounding more frantic, the burglar alarm wailing): I don't know, but please! They just broke in!*

*Operator: What are they doing?*

*White: Okay....*

*Operator: Ma'am?*

According to statements made by McGowen and the other two deputies at the scene after the shooting, he entered the home ahead of the other two deputies. They were far enough behind him to not witness the actual shooting in Susan White's bedroom. Susan was shot once in the head and twice in the torso and died almost immediately.

Those are really the only facts available at the scene that were considered factual and not later in dispute. Simply, the deputies broke into the home to serve the warrant, McGowen proceeded to Ms. White's bedroom, and he shot her three times, killing her. But then there's the *rest* of the story.

### **Strange Behavior, Disputed Facts, and Conflicting Stories**

Now let's try to pick our way through a minefield of strange testimony, even stranger behavior, and some obviously conflicting "facts." Let's start with a description of the shooting scene with all of the players in place.

Fatal shootings involving police officers are always strange scenes. The cordoned-off area with the yellow police tape is always much larger with police shootings. Of course, this keeps not only the idly curious but also the press far away.

Detectives and Internal Affairs investigators are normally not inclined to talk to reporters, but they were surprised to find no reporters in the immediate area at this scene. Hurricane Andrew was looming, and the media had a lot of other things to do. Investigators gave a collective sigh of relief that the press wasn't nosing around at the scene. Media would have complicated a scene already beginning to present too many weird inconsistencies.

### **The Threat and the Shots**

Officer McGowen's statement at the scene was that he fired three times, first hitting Susan White in the head, then twice in the torso. He stated that when he entered the room, Ms. White had a .25-caliber pistol and raised it in her right hand, pointing it at him, forcing him to fire in self-defense. The handgun was found near her in the bed.

Police training is exactly the opposite of how the shot placement went in this case. First you fire at the torso to stop the advance of the adversary, then if necessary, you fire a head shot to end the threat completely.

Later, it was found that White's fingerprints were not on the gun in her bed.

McGowen was proud and boasting at the scene about that accurate first head shot, but the investigators at the scene found disturbing contradictions between the evidence and his statement. The first shot had in fact not been a direct hit. It had ricocheted off of a cable TV converter box and had traveled from right to left across the bridge of White's nose. If she had been directly facing McGowen as he stated, the shot would not have taken that path.

An analysis of all of the data gave a very different set of events from what McGowen reported. The only scenario that fit the physical evidence showed that Susan White had actually been on the other side of the bed, next to her phone and talking to the 911 operator. As she hung up the phone, she turned her head to see McGowen in the doorway. The bullet traveled across her nose and lodged in the headboard of the bed. As she fell across the bed, she was struck by the



second shot, in the upper chest, and the third, which penetrated her arm and entered her torso. This was the kind of evidence that persuades jurors.

Other officers also found it curious that McGowen had not followed established procedures in clearing rooms in the house. This was especially odd because he had cautioned the other officers about possible gun-running activities in the home. Instead of clearing the rooms, he had proceeded quickly and directly to White's bedroom, which had resulted in the other deputies being too far behind him to see the shooting incident.

## **A History with the Victim**

McGowen had a history with Susan White, and it should have set off alarms for those who heard her state her fears of what he might do to her or her family. She had voiced her fears to more than one person in the past.

She and McGowen had met while he was performing his duties in the affluent Olde Oaks subdivision in northwestern Harris County. There were two kinds of deputies in the department: district and contract. District deputies were assigned to county precincts and generally patrolled wide areas. Contract deputies generally had less seniority and were assigned to provide security for upscale subdivisions that partially or wholly funded their services. McGowen was a contract deputy, which placed him in Olde Oaks and into the life of Susan White.

Susan and her fifteen-year-old son, Jason Aguilar, had recently moved into the subdivision. She was an attractive and athletic forty-two-year-old. She was known to tell others about her marital woes and problems with Jason's behavior, but she seemed to be fitting in, and it wasn't long before she attracted the attention of patrolling deputy McGowen.

In addition to sharing her troubles with her marriage and son Jason, Susan began to tell others about unwanted attention from Deputy McGowen. On several occasions, she mentioned to friends that McGowen was pulling her over when she was driving through the subdivision. She was becoming uneasy with his attention.

Her friend Helen Bazata heard a lot from Susan about McGowen's behavior. In one report, Bazata said that McGowen was "hitting on Susan" and "Susan wished that he would just leave her alone."

More troubling information surfaced from Ray Valentine, a man with whom White developed a friendship that summer. The two often had dinner together at Del Frisco's Steak House in the area. At times they would be joined by C.J. Harper, a captain with the sheriff's department. Harper had become acquainted

with Mr. Valentine in his capacity as the producer of the Shrine Circus in Houston. During one of these dinners, Susan expressed her growing apprehension with McGowen's fixation on her and with his frequent intrusions into her life. She did say that when she had first met him, she had appreciated the fact that a law enforcement officer was friendly and that she had felt a little more secure in the neighborhood, but her secure feeling had dissolved and had become more fearful. She expressed her concerns to the two men at that dinner. It was an informal situation, not an official complaint, and no action was taken.

According to media coverage, Valentine said that Susan "was scared to death of McGowen." He also said that he had felt she was being overly hysterical about it and that when he hadn't taken any action, she had told him, "Well, I guess you and everybody else will believe me when he kills me or Jason or both of us."

On Sunday, August 23, the two were having dinner when Valentine received a call on his portable phone from Jason's girlfriend, who called to let Susan know that Jason had been arrested by Deputy McGowen. Valentine drove Susan to a nearby strip-center parking lot where Jason was being arrested for allegedly selling a stolen gun to one of McGowen's "confidential informants."

The supposed informant was another teenager and a very good friend of Jason's. Valentine said that when he and Susan arrived at the scene of the arrest, he introduced himself to McGowen and asked how they could help. Valentine said that McGowen "took out his gun and stuck it in my face." Susan had been drinking at dinner and began to shout obscenities at the deputy. Jason was placed in a patrol car and taken to the sheriff's department station; he was later transferred to a downtown jail.

Prosecutors on duty at the jail were not impressed with the evidence against Jason, and they did not charge him for the gun sale. They did, however, charge him with two counts of credit card abuse. Susan White spent much of the next twenty-four hours trying to cut through red tape and get her son out of jail.

It wasn't until 9:30 PM on Monday, August 24th, that Susan got her son released from jail. She had been in almost constant contact by phone with Ray Valentine, who was out of town on business. She last spoke to him about 11:30 that night, when she expressed fears that McGowen might show up at her house. She told Valentine that she was exhausted and was going home to take two Valiums and get some sleep.

### **The Warrant for Susan White's Arrest**

Harris County investigators later stated that the failure to charge Jason Aguilar with weapons trafficking enraged McGowen. The investigators alleged that the outraged McGowen concocted the "retaliation" accusation to get a warrant issued for Susan White's arrest. He accused her of threatening the life of his informant. Accounts state that it took him several hours of pressure and cajoling to get an ADA to OK the warrant and get it signed by a judge.

Though the investigator had to admit at the time that it could have happened the way McGowen said, the warrant and its service were marred with troubling facts. Retaliation warrants were almost never issued for residents of nice subdivisions. They were normally about one criminal retaliating against another for rattling them out.

The other really strange thing was the timing of the service of the warrant. Its premise was that the subject must be taken into custody to protect the safety of the informant who had been threatened. In this case, the warrant was issued not long after Susan's son's arrest, so why didn't McGowen immediately serve it to protect his informant? He chose to serve it almost two days later.

At the scene, McGowen portrayed Susan White and her son as violent and dangerous gun-wielding desperadoes. This didn't seem consistent with the facts that this was an upscale neighborhood and she called 911 twice. Criminals are not known to call 911 for help in their activities or disputes. As the investigation continued, concerns mounted that there was more to the story than Officer McGowen's report led them to believe.

The following sequence of events led to the 12:30 AM raid on Susan White's home and to her death on Tuesday, August 25, 1992.

## **A Pattern of Past Behavior Was Ignored**

This murder should not have happened with McGowen on duty as a deputy. There were enough instances of documented and reported behavior on and off duty that should have kept McGowen from serving in any official law enforcement activity. Interviews with acquaintances and law enforcement officers who served with him brought some alarming behavior to light.

## **Houston Police Department**

McGowen became a state-certified police officer while serving as a reserve deputy with the Waller County Sheriff's Department. Reserve deputy is an unpaid

position, much like that of a volunteer fireman. McGowen parlayed that experience into a position with the Houston Police Department in 1985.

Though there was no negative information about his previous reserve service, Joseph McGowen soon gained a reputation in the Houston Department as a slacker with a problem respecting and dealing with women. In the book *Murder Behind the Badge: True Stories of Cops Who Kill*, by Stacy Dittrich and Pat Brown, a former desk sergeant in the Houston Police Department was quoted as saying, "He was always a problem -- the guy was an asshole. If there was a problem with the patrol car, he'd tear the mirror off so he wouldn't have to drive it. I couldn't prove it. But every time he got a car with no air conditioning, something would turn up wrong with it. He was a malingering malcontent with crusader arrogance."

The sergeant recounted an incident when McGowen was dispatched to an automobile accident. One driver who spoke only Spanish and had no insurance or driver license had rear-ended a woman's car at a stop sign. McGowen refused to issue a ticket, justifying it with a recent removal of unofficial ticket quotas.

The sergeant asked McGowen why he shouldn't issue a ticket, and McGowen replied that there were "conflicting statements.". This was interesting, as he didn't speak Spanish. Another statement cited by the sergeant as a possible indicator of McGowen's attitude about women was that McGowen told the sergeant that the woman "has a bad attitude," though there was no indication of that at the scene of the accident.

Also while at HPD, McGowen asked to patrol the Galleria area, stating that it was "where the women were." He finally got his wish and was assigned to the subdivision. The desk sergeant was assigned to the field and became McGowen's supervisor. "He got over to the district and was bragging about getting all of these women," said the sergeant.

The sergeant also quoted McGowen as saying, "Yeah, I've only had one that made me wear a condom. I finally broke down and wore one. But then it broke, so that taught her." His opinion of women was obvious to the sergeant and his fellow officers. An Internal Affairs investigation was also conducted into a female officer's accusation of sexual harassment by McGowen.

The sergeant finally had an opportunity to make his opinion of McGowen official in an exit evaluation. When McGowen resigned from the HPD in 1989, the sergeant's report indicated that the only law enforcement job he should qualify for would be working alone with few responsibilities and no contact with the

public. The sergeant said that he wrote the report that way because he didn't want McGowen back at the HPD.

### **Another Shot at the Houston Police Department**

McGowen reapplied to the Houston Police Department in 1991, and the sergeant was asked to change his exit evaluation, but he refused. One of the investigators of the Susan White shooting stated that, despite the sergeant sticking to his evaluation, the HPD allowed McGowen to take two psychological evaluations for a job.

One of these evaluations was done by an HPD staff psychiatrist, the other by a doctor at the Baylor College of Medicine. The Baylor College doctor concluded that McGowen had violent tendencies and a disdain for women and minorities but did get along well with other white males. McGowen failed both evaluations and was not hired.

### **Tomball, Texas, Police Department**

In the state of Texas, peace officers must be certified by the state's Commission on Law Enforcement Officers Standards and Education. To keep this certification active without requirements for new psychological screening and drug testing, you cannot go longer than six months without working as a peace officer, in either a paid or unpaid volunteer position.

Though McGowen stated in his resignation from the HPD that he was leaving to go full time to college, he quickly applied to the Tomball, Texas, police department to become an unpaid reserve officer. Because smaller towns often cannot afford enough paid officers, it's easier to get reserve positions in them, and McGowen was working ten to twenty hours per week in the town.

Tomball even selected McGowen to be the department's representative to the Harris County Organized Crime Task Force. This was a plum assignment, but quickly, there were allegations that McGowen was over-charging the task force for mileage. This was reported by Leroy Michna, then the acting chief of the police department. Though nothing ever came of the mileage allegations, Michna began to take notice of McGowen's behavior.

Michna, with twenty-one years' experience before retiring as a captain from the HPD, said that McGowen "was always working on a big case. Whenever you talk to police wannabes, they're always working on the big one." Michna still didn't have anything specific to point to regarding McGowen's behavior, at least

until the day that McGowen came to Michna's office to report that his life had been threatened.

McGowen told Michna that he had received a message on his department pager and when he had called the number, a man had threatened to kill him. Michna decided to check out the story. The number was still in the beeper, and Michna traced it to an oil-field supply company in northern Harris County.

Michna drove there, started asking questions, and interviewed a nervous oil-field equipment salesman who denied any knowledge of the page or call. Michna wasn't convinced and asked the salesman to call him later. The salesman did so, and the plot thickened.

When he called Michna, the salesman said that he didn't want to go to prison for threatening an officer, that he was a businessman but that McGowen's father was a very wealthy man and wanted his son out of law enforcement. The father had convinced the salesman to call his son to scare him, in return for a big equipment order.

Joseph Kent McGowen's father denied this vehemently, and there was really no way for Michna to take the investigation any further. Michna didn't want his name associated with anything McGowen might do in the future to embarrass the department, however; he told McGowen that he was pulling his commission.

During the next year, Michna said, he was besieged with calls from McGowen. In one call, McGowen might say he'd gotten another law enforcement job, then he might follow up with another call accusing Michna of costing him the new job. After many of these calls, Michna laid down the law, called McGowen crazy, and told him never to call again or there would be consequences.

## **Harris County Sheriff's Department**

After Tomball, McGowen was back in the law enforcement business with the Harris County Sheriff's Department despite his documented history. He had even spent a brief stint with a constable's office between his positions in Tomball and Harris County; it resulted in his dismissal because of a civil rights violation complaint.

This should be enough history for anyone to understand that McGowen was unfit for law enforcement duties working with the public. It's just too bad that these many facts were in different jurisdictions and not pulled together in one place for review, so he kept getting jobs.

## **Conviction**

In March 1994, McGowen was convicted of murdering Susan White. To the dismay of many, his sentence was for only fifteen years. Under Texas law, a defendant sentenced to fifteen years or less could remain free on bond while the conviction was under appeal.

One of his appeals was successful, and his conviction was overturned. McGowen was tried again and convicted again in 2002 for Susan White's murder. This time, he was sentenced to twenty years in prison, after the jury spent only three hours in deliberations.

I'm pleased that Susan White finally got some justice.

## **Business, Politics, and Money: Backstage Stories**

This is a group of stories that revolve around power and money. Sending investigators around the country or the world isn't cheap, so we end up working for government figures, major corporations, or just people with plenty of money to get what they want.

Sometimes they want dirt on others to use in court. Other times, they want to locate someone for reasons we don't always get to know. In most cases, there is a dispute of some sort, and what we turn up in our investigation can make the difference in the outcome—not to mention save or cost someone a pile of money.



## **“You Guys Are the Rich Man’s Police”**



This story is the perfect lead for this section, as a client put into plain English what he thinks about the current state of law enforcement in this country.

In the mid-1980s, the executive VP of a large oil-field tool company came to me with a problem. This was a global company based in Houston, Texas, with multiple locations. It was experiencing repeated thefts at two locations in the Houston area.

The break-ins were always in the middle of the night, between two AM and four AM. A couple of times each month, the thieves would cut the tin walls in the back of the large warehouses. This allowed them to get into the building without setting off alarms on the doors and windows. Without motion-detection alarms, once they gained entrance, they were free to take whatever they wanted.

I asked the VP if his goal was to simply stop the thefts or if catching the thieves was also a high priority. It helped him to decide when I told him I thought that the thieves were likely current or former employees. He decided that he wanted us to catch them.

We took an inventory of the items being stolen and decided that there was some internal employee involvement. They weren't just grabbing whatever was

easy to take; they seemed to be shopping for specific items. It was like they were fulfilling orders, knowing exactly what they wanted and where those things were located in the large warehouses. Their targets were very high-value oil-field valves, drill bits, and other lucrative resale items, and anyone without inside knowledge of the layout of the warehouses would have had hours of searching to find these items. From our review of outdoor camera images, we could see that they were, on average, spending only ten minutes in the buildings.

We had pictures! Problem solved, right? Nope. In the low-light situations, these cameras didn't have the resolution or quality of images to identify people or read license plates. We could see their comings and goings, but not anything else of investigative value.

If our goal had been to simply end the problem, we could have just installed better cameras and motion alarms indoors and out. We would also have added additional fencing, security signage, and infrared-beam alarms. Some very loud pop-up sirens would also activate to scare would-be thieves away.

Our client wanted the thieves identified, however, so these measures would have to wait. We wanted the culprits to return so we could spring a trap and turn them over to the police. We did want to install some security measures right away, but they would be covert in order to help us to catch the thieves.

We installed covert inside cameras and motion sensors that would alert a local security company if they were activated. When a breach occurred, the security company would alert us and the police. Less than a week after it was installed, our technology sent out an alert.

My investigators and the police responded to the alarm but were too late to catch the thieves on the premises. The thieves had used the same method of entry, cutting through the rear wall. We still had some resources, though. The next morning, we examined the inside videos that showed the break-in, which had happened around two AM. The thieves hadn't brought their vehicle into the parking lot, so there was no value in outdoor videos.

Unfortunately, we gained little to nothing from the indoor cameras. We had plenty of video of the thieves inside the warehouse as they methodically moved from shelf to shelf in different areas throughout the warehouse, carefully selected the items they wanted, and got out of there quickly. Unfortunately, they wore ski masks that prevented us from identifying them. They also wore gloves to avoid leaving fingerprints. I wasn't happy, as we were more like moviegoers than investigators watching these films. We could watch it all happening but

couldn't do anything about it! They were in and out in ten minutes, no identities, so it was back to the drawing board for us.

Because the thieves were in and out so quickly, it was not going to be possible to respond to alarms in time to catch them. I had a strategy meeting with the client, and we moved to Plan B. It would definitely get the job done, but it was going to be expensive. I again asked my client if catching the thieves was a high priority, and he said it was.

The plan was to have my investigators spend the night in the two buildings until the thieves returned for another haul. I would use experienced former police officers with reserve police commissions and the authority to legally carry firearms. We alerted the police that we would be in the buildings and would call them if we apprehended the thieves. We set up the surveillance schedule and then just waited.

My instructions to my investigators were for them to call me and the police immediately upon hearing the thieves cutting into the wall. Very few burglars of this type carry weapons, so we weren't expecting major resistance when we confronted them. I was still concerned for the safety of my people and told them to back off if they felt in danger at any time. This was probably useless, as former cops would not likely back away from doing their job.

I lived five miles from one warehouse and seven miles from the other, so I didn't think it would take long for me to get there. Now it was all about waiting and watching.

One morning around three AM, I got the call. My investigators had caught two suspects breaking into the building and were holding them with a shotgun until police arrived to make the arrest. I arrived shortly after that and was pleased at the results and that nobody had been hurt. This was not the end, however, but only the beginning of much more investigating. We would learn much more over the next two weeks.

The first revelation was that the two burglars we had caught were current employees of our client's company. One had worked at different times at both of the warehouses. He was doing just as we expected, taking and fulfilling orders. His customers in Texas and Louisiana were buying as many valves, drill bits, and other items as the burglars could steal.

Some of the material was being sold to a fencing operation in Louisiana that was acting as a distributor and selling the stuff over there. The people running the Louisiana fencing operation were former employees of our client!

All of the thieving employees—current and former—were eventually arrested in a cooperative effort between us, the Houston Police, and the Louisiana State Police. Case closed.

I had my normal final wrap-up meeting with my client, and he was happy with the results, but in that meeting, he said something that's stuck with me ever since. It was something like "Rob, y'all did a great job with this case, but I'm still a little bitter about something. You and your people did what I think should have been done by law enforcement. Basically, y'all are kind of the rich man's police."

The unfortunate truth is that law enforcement often does not have the resources and personnel to stake out locations in these types of cases. That's where the PI comes into the picture—it takes a rich man to fund the resources invested in a case like this.

## Seizing Air Force One (Not a Movie)



OK, not *our* Air Force One. It was Mexico's presidential jet. This is a short case story, but interesting because we stumbled into a potential international incident.

The *Wall Street Journal*, among other mainstream financial news sources, reported extensively on the major facts of the lawsuit filed by Arriba Limited against the Petroleum Workers Union of Mexico. Arriba was supposed to receive a substantial amount of oil from Mexico, but the oil was never delivered. Our firm was hired by William Flanigan, Arriba's primary shareholder. The lawsuit was resolved with a \$250 million judgment against the Petroleum Workers Union of Mexico in favor of Arriba.

The problem was in collecting the money. Mr. Flanigan hired us to search for assets that could be seized in lieu of cash to satisfy the judgment. We were chipping away at this huge sum with seizures of jewelry and other assets but had a long way to go.

Our investigation turned up ownership of a large jet, I think a Boeing 757, owned by the Mexican union. Now we had a target! (You won't find this sub-story in any of the news coverage.) We located ownership paperwork on the

aircraft to bolster our case for seizure. We obtained all of the identifying information on the plane and began working to locate it.

Then we got lucky; we located the aircraft getting some upgrades in Dallas, Texas. I immediately contacted local law enforcement to help us take possession of the aircraft. We got the job done, and our client was elated! Case closed.

Well, not so much.

The day after the seizure, attorneys for a major and respected Houston, Texas, law firm asked for and received an emergency hearing in federal court. Their claim was that our ownership paperwork was not valid. The Mexican union had sold the plane to the government of Mexico, and the plane was now the plane used by President Carlos Salinas de Gortari as the Mexican equivalent of *Air Force One*! They offered paperwork from Mexico validating the sale and new ownership.

We had no knowledge of that paperwork, and we suspected that it had been fabricated to help the Mexican union and government get out of a tricky situation. The attorneys presented a united and angry front, however, saying that our seizure would cause an international incident.

Of course, we were less than thrilled. Our client was very disappointed, as he had counted on selling this aircraft to whittle down the judgment amount still owed him.

A federal judge ordered that we return the plane. There weren't any repercussions for us, as the judge realized we had no way of knowing about the new ownership paperwork.

There's a lesson to be learned here: If you're going to try to seize *Air Force One*, have your ducks in a row!

## Party On!—But Not with My Company



A major Dallas law firm referred a rich oilman client of theirs to me for some work. This oilman was well known in Texas and was a billionaire. I can't name him, as I do not want to embarrass the family.

The client was getting up in years. He had an adult son living in Houston, and he wanted to leave his son the company, but he wanted to be sure the son was capable of running things. His son had had some problems in the past with alcohol and drugs but was supposed to be doing well in rehab.

Though the son claimed to be clean and sober, the old man wanted to be certain. There was no way that he wanted to leave the future of his company and hundreds of employees in the hands of a drug addict. He was being smart, and I flew to Dallas to meet with him and develop a plan.

The client's son, we'll call him Randall, was living in an upscale hotel/condo high-rise in the Galleria area of Houston. He was patiently waiting to inherit his father's fortune. Patience wasn't difficult, considering his posh surroundings and lifestyle.

I went undercover for this assignment because it was going to be a tough one and I didn't want to force it on one of my investigators. OK, I'm lying. It was going to be fun, and the client would pay for it!

I rented a room on the same floor as Randall's. I became a regular at the upscale bar on the first floor of this historic hotel. Randall was quite a drinker, so it was easy to find him most evenings in the bar. It didn't take long to start a conversation and then work up to a friendship.

An early question in every conversation is "What do you do for a living?" Obviously, when you're undercover, saying that you're a PI is not going to work. It's also not going to work if you tell someone you're a beekeeper if you don't know a lot about keeping bees; you're liable to end up talking to a bee hobbyist or expert and your cover will get burned.

I do a lot of real estate investing with a developer friend of mine in the panhandle of Florida, so my cover trade is real estate investment. I can usually hold my own in a conversation, even with other real estate investors.

I have business cards that verify my investing business, and I hand them out to subjects, with a real phone number direct to me. A special undercover cell phone always answers the number on the card with a message. I always use my real first name, as it's too easy to forget another name and make a mistake.

As I expected, this was a dangerous case. Those barstools were awfully high and slippery. I had an unlimited expense account from my client. I had to look the part of a wealthy businessperson living in the high-rise. Hanging out at the bar and tipping generously, I was getting into the part!

Randall was a likeable guy and smart. It took only a couple of weeks to get to know him pretty well. I also tipped the bartender quite well. He had been there for years, knew everyone, and was willing to share whatever was on his mind, some of it about Randall.

Soon, I began to develop a profile of a troubled young man with behavior and substance-abuse problems. He was out of control, binge-drinking, snorting cocaine, and bedding strippers. He tipped them lavishly, so he had a steady stream of them visiting. I logged the names and addresses of strippers. Copies of his enormous bar tabs went into the file, and I determined the sources of his drug purchases.

The story wasn't a pretty one, and I documented everything. It was my job, though it gave me little pleasure, knowing as I did how it would disappoint my client. When I had enough documentation, I went back to Dallas to meet with my client. I wasn't looking forward to the meeting, as I knew the father would have a major change to confront in his future relationship with his son.

I rolled out all of the evidence I'd collected. There were a great many still photos and some covert videos. Texas is a one-party consent state, meaning



only one party must know if a conversation is being recorded, so I also had some revealing audio recordings.

I appreciated the client's attitude. He was impressed with the thorough investigation and the quality of the evidence. He paid his bill in full at the meeting and even added a nice bonus. It was nice to be rewarded, but watching this depressed father leaving the room put a damper on the feeling.

There's an interesting side note to this case story. Years later, I began to frequent the same hotel bar. They had started booking good bands on the weekends, and I was there for the music and a few drinks. The bartender remembered my good looks and wit ... or maybe it was the big tips. He always greeted me warmly and still thought I was a successful real estate investor.

## Rags-to-Riches Déjà Vu



Some people live their entire lives trying or wishing to get rich. Some manage to reach that goal and then squander or lose their riches. This is a story of a dear friend who managed to go from rags to riches, lose it all, then do it again! Along the way, he even ended up wrongfully convicted and sent to prison.

## **Rags**

This isn't a story of a man born with a silver spoon or of someone with the Midas Touch. It's about intelligence, persistence, and hard work. We'll call the main character Mike; he was truly a self-made man. His father had left the family when Mike was young, and Mike learned the building trades working with his uncle in Mississippi.

When he was a teenager, Mike worked general contracting jobs with his uncle, learning everything he could about commercial development and construction. He acquired a GED, and he never attended college.

In the 1980s, I left police work and ended up with my own investigative firm at the same time Mike was building his first huge development business. He was doing a lot of development in Texas, with over \$200 million in assets. He built malls and subdivisions, even high-rises in Kuwait.

## **Riches**

When I met Mike, he had two jet planes and a yacht, and he became my largest corporate client. I was introduced to him by a high-profile attorney, his attorney and my old friend. With so many deals going on in different places, it was critical for Mike to know all about his potential business partners. My job was to check them out and warn him if they weren't on the up-and-up.

His journey from "rags to riches" was fun for both of us, and we became lifelong friends.

## **Rags Again**

Then in 1992, it all came crashing down for Mike. He had purchased more than \$100 million worth of real estate in the Florida panhandle. It was more than 21,000 acres, most of it beachfront! They say timing is everything, and Mike found that out the hard way. Shortly after his major land purchase, there was a real estate and savings and loan crisis.

Real estate lending dried up, and Mike was left holding huge groups of properties in Florida, all heavily mortgaged. No money was available to develop them, leaving him unable to continue his plan to develop the property into beachfront condominiums and high-rises.

Mike held on as long as he could, but as with many developers at that time, his mortgages took him under. One of the S&Ls decided to go after Mike for its money using its bulldog attorneys, one a former federal prosecutor.

The S&L attorneys were seeking criminal indictments for bank fraud, rather than seeing the economic conditions as the cause of Mike's defaults. His friends, myself included, weren't overly concerned, as we didn't see any way that his defaulting could be considered criminal activity.

Later, we learned that we weren't alone, as the S&L attorneys approached two active US attorneys to seek indictments. They were turned down by both US attorneys, who also saw a simple economic crash rather than criminal fraud.

The S&L attorneys didn't give up. They kept shopping, and they finally talked the US Attorney in Pensacola, Florida, into indicting Mike and some associates. We all felt that it was a total farce, but the federal government is a serious enemy. Mike was convicted of bank fraud in 1992 and imprisoned in Florida.

I stayed in touch with Mike during his incarceration, and his attorneys worked diligently on appeals. In 1998, the Atlanta Court of Appeals reversed the convictions. In a rare action, the court also forced the government to pay Mike's attorney fees. The court's ruling called the prosecutions "vexatious, frivolous and taken in bad faith."

Although Mike was vindicated, he was still flat broke. During his three years in prison, he had lost what little he'd had left. Once out of prison, he began taking odd jobs in construction and welding to survive. During this time, he came to Houston and we had dinner.

Mike drove up to the restaurant in an old pickup belching smoke. He was no longer the man with jets and a yacht, just a working guy with an old truck and some tools. He really hadn't wanted to meet me at Ruth's Chris Steakhouse because he couldn't afford a steak. It was my treat, but it had taken some convincing to get him there.

When we shook hands, the transformation in this man was shocking. Instead of the optimistic and upbeat man I knew from the past, I saw a man who was beaten and depressed. He really had no plans other than survival at that moment. To really understand the depth of his stunning transformation, one needs to understand the personal characteristics of many major developers.

They're gamblers to some extent. When they are successful, they do not rest on their accomplishments. They often plow their profits into another project bigger than the last, and sometimes into multiple projects. Mike would take more

projects on, borrowing more money if necessary to make each project bigger and better.

I was much more confident of his ability to make a comeback than he was that evening. He is extremely intelligent and never thinks small. I told him that I truly believed that he could parachute out of an airplane without knowing where he was geographically and start a development project right away.

The problem as he saw it was the notoriety he had gained from his trial and conviction. Even though he was fully exonerated, he was certain that no bank or other lenders and investors would front the kind of money he would need to start again. He put it simply: "Rob, without a credit line, I can't do anything."

It's hard to convey just how much of a friend and benefactor this man had been to me. He was a huge client who had helped me build my investigation business. He was also a friend and had helped me by involving me in deals, letting me profit through investments in his projects. I wouldn't be where I am today without Mike's support and friendship. That's why it was impossible for me to leave this man in the state I found him in in Houston. There was no way that I could let him leave without some plan for changing his outlook and moving forward. As we were leaving the restaurant, I told him to put together a deal in Florida and that I and some of his other friends would find the money.

We hugged as we walked to his old truck. It was an emotional moment for both of us, as we were reliving better times and trying to recreate not only the financial success but also the positive and upbeat attitude of his past life. Mike couldn't see how it could happen. He told me that there was no way he could meet with investors, contractors, bankers, and government officials arriving in a beat-up old truck that he wasn't even sure would make it back to Florida.

I had been working on him throughout the meal, and I wasn't going to give up. He wanted to make a comeback but saw his image as his major stumbling block. Without a second thought, I handed him the keys to my Cadillac and told him to drive that back to Florida as my gift.

It wasn't easy getting him to take the car. He was used to being the generous one helping others. His pride was getting in the way. I kept at him in that parking lot until he finally agreed to take the car and go to Florida to find a deal.

## **Riches Again**

It was about a month before I heard from Mike again, but when he called, it was to tell me that he had a deal together and needed investors. He had located

some prime beachfront acreage in the Destin, Florida, area. He needed \$2 million to purchase the land. His plan was to build twin high-rise condos. Of course they would be luxurious, with a beautiful large swimming pool, a retail space, an exercise facility, and top-floor penthouses.

Buying the land was the first step, so we had to make that happen. My old boss in the investigation business, an attorney friend, and I purchased the land. Mike was able to use the land as collateral to finance the condo development.

Mike never stops dealing, and within a couple of months, he brought in a large commercial development firm as a partner. This allowed him to cash us out of our land purchase. We later received two condos each, free and clear. We were happy owners of units in the luxury development know as Majestic Sun. Mike was off to the races again!

Our little group of friends continued to work and invest together in projects for the next fifteen years. Miraculously, within a short ten years, Mike was the largest developer in the Florida panhandle!

Mike is a very generous man, but also quite appreciative of his friends and of people who help him in his business and life. He set up an appreciation dinner for people in Houston and Florida who had helped him to get back on his feet and developing again.

About twenty-five or thirty of us were enjoying a great dinner in an upscale Destin, Florida, steakhouse when Mike stood to make a toast. It's one I'll never forget:

*I do appreciate everyone here, but there is only one person who stood by me from start to finish, even after I was in prison. Rob Kimmons brought himself and other investors to the table with funding for my first deal after prison. He made me take his car so I would have decent transportation for my work with investors, bankers, and others. He talked others into helping me, as well. Rob is the only one who stood by me throughout.*

## **On to Biloxi, Mississippi**

Hurricane Katrina delivered massive destruction to cities along the Gulf Coast. Mike saw an opportunity to help storm victims and do some major reconstructive development in the Biloxi, Mississippi, area. Most of that area had been totally wiped out, with residents left living in FEMA trailers.

Mike put together a massive home-building project in Stone County, just north of Biloxi. The government was promising home-mortgage assistance to get local residents back into homes, so it looked like a slam dunk. I and attorney friends invested heavily in the project as well.

Mike was purchasing hundreds of acres and building model homes, pushing the project forward. Unfortunately, many of the promises of help from the government never came to reality. When the government didn't come through, residents couldn't buy, and Mike ended up losing millions.

I and other investors lost substantial sums in the deal, but it was the only one in all of our dealings with Mike that went that way. Development is risky, and investing in it can be feast or famine, but we made out so well in Florida that our Mississippi losses were just a bump in the road.

He was able to hold on to a small portion of the development and is now building ten-acre ranchettes. He remains one of my dearest friends to this day.

## The Case of the Doctor's Deceitful Deposition



Sometimes in my business I do things my clients ask that aren't always pleasing, even if legal, but one time, I found myself doing my client's bidding without a clue about what was going on. And it definitely wasn't pleasing!

Earl Lilly, a prominent family-law attorney in Houston, hired me in connection with a divorce case for his client, Dr. Michael Brown. You may have heard about Dr. Brown, as he was all over the news back in 2013. Dr. Brown was brilliant, flamboyant, and a multimillionaire. He was known as the Hand Doctor, as he had built a lucrative practice using a carpal tunnel surgery procedure that he invented. He was known nationally, as his aggressive advertising strategy had his face everywhere from TV to airline magazine covers. Dr. Brown had his Brown Hand Center practice locations in Houston and other Texas cities.

Depending on whom you talked to, Dr. Brown was flamboyant, brilliant, accomplished, or controversial. If you're talking to me, he was the obnoxious client from hell!

Although his practice and businesses were well organized, his life was a different matter. He had a propensity to date and marry topless dancers. He had a reputation as a heavy drinker, a man with a terrible temper, and a control



freak, and he was known to abuse cocaine. That was all knowledge from stories I'd heard or read, as I had not yet met him when I began working the case.

I began surveillance on his estranged wife while consulting with him on physical security measures for his home and offices. As our relationship developed, I grew to despise the man. He was extremely difficult to work for and was often verbally abusive, especially with members of my staff. He seemed to take pleasure in speaking down to my female employees in particular. I found myself in conflict with him on numerous occasions about his treatment of my people.

His attitude and abusive behavior weren't confined to business; his personal life was all over the media, and not in a positive light. Among his legal travails, he was alleged to have beaten his third wife, Darlina, with a bedpost when she was seven months pregnant. His fourth and final wife, Rachel Brown, had also accused him of domestic violence. She testified that he was prone to self-medicate with prescription and illicit drugs and also prone to suicidal thoughts and violence.

In self-taped video recordings, the doctor displayed a bizarre personality. In one video, he can be seen holding a pistol to his head while talking about killing himself to escape the hell his wife was putting him through. In another video, he talks of a plot to kill him with cyanide placed in his air conditioner.

He wrote letters to one of his daughters in which he gave her bizarre instructions, though she was at the time just a toddler. In them, he described the importance of sex in a marriage and how she should never say no to her husband or act as if she did not enjoy a sexual experience. This guy was obviously going over the edge.

In 2002, Brown was placed on probation by the Texas Medical Board because of concerns that he had alcohol and chemical-dependency issues. The bedpost-beating incident was also mentioned as a consideration. He was convicted of beating his wife with the bedpost, and also paid Darlina \$3.4 million in a civil suit, according to media reports. His medical license was later revoked, allegedly because he tested positive for cocaine.

There's more, but this should be enough to lead into my experience in the doctor's deceitful deposition. Dr. Brown requested other investigative services from my firm, and I tried to comply, though I truly didn't like dealing with him. He was quite litigious and was involved in a corporate lawsuit involving his medical practice. One day he called me during a short break in a deposition with the corporate attorneys. He said he didn't have much time and that I should put

together a very thick file that looked like investigative work product. I tried to ask questions, but he shut me down, telling me to just listen and do as I was told!

He told me to put together the file and then immediately come to the room where he was being deposed. I again asked him what to put into the file. He was agitated and said that it didn't matter, that I should just do it and get to the deposition ASAP!

I didn't have a good feeling about this, but I did what he demanded. I should have refused, as my gut was telling me to stay away from this deposition.

The depo was being held at a prestigious law firm in the Houston Galleria area. There were about a dozen attorneys in the room as I was ushered in and greeted by Dr. Brown. All but one of those attorneys were representing the opposition. I was a surprise to them, and it was clear that they were wondering what I was doing there.

Apparently, the deposition and case weren't going the way Dr. Brown wanted, so he had hatched a plan on the fly and I was his messenger. My gut was right; to my horror, Dr. Brown introduced me as his investigator and began to describe what was in the large file I was holding.

He told them that the file held the results of investigations I had done on all of the "asshole lawyers" in the room! He explained that I had dirt on each and every one of them and their firms. He was quite forceful and agitated in telling them, "I will use all of that dirt against you if you don't start treating me with some respect in this litigation!"

I was horrified, especially because I knew there was nothing about any of them or their firms in the fake files. These attorneys were all from well-respected and prominent Houston law firms! Even more upsetting, some of them knew me personally and I had done investigative work for their firms!

Things had gone far enough. I had to cut off Dr. Brown's tirade and speak to the group. Those who knew me by reputation were attentive, as they simply couldn't believe what they were hearing. I simply told them the truth. I outlined what had happened, explaining the fake files, and told them that I had done no investigative work on any attorney or firm in the room. Brown shut me down at that point and told me to leave, and I gladly did!

During the next break in the deposition, Brown called me and launched into a screaming tirade of foul language. I had reached my limit, hated the guy, and invited him to meet me somewhere so I could whip his ... well, you know. He didn't want to meet, so I hung up on him. He was fired as a client.

A couple of hours later, I received a call from the attorney who had referred me for the doctor's divorce case. He was a bit upset, asking me if I had really verbally abused the doctor and threatened him with physical violence. I explained the entire situation and apologized for possibly damaging his relationship with the client. I told him that I thought he would end up firing Dr. Brown later too, but he wasn't convinced and hung up on me.

About two weeks later I learned that the attorney had also fired Brown as a client because of his insane behavior. Our attorney/investigator relationship was repaired and is fine to this day.

Although my intent was to never be involved with Dr. Michael Brown again, a few years later, I was hired to work on another of his divorce cases. This time it was for the other side. I really enjoyed it! We located substantial real estate assets in Florida that the doctor had not disclosed in the divorce. Not long after that, the doctor attempted suicide.

A *Houston Chronicle* article in November of 2013 reported that the fifty-six-year-old doctor had been found in a comatose state in October after trying to commit suicide. In early November, he was removed from life support and declared brain-dead.

## The Case of the Disappearing Democrats



Back in May 2003, there was a redistricting plan scheduled for a vote in the Texas legislature, and it resulted in the mass disappearance of fifty-three Democrat legislators.

It was a major story in Texas and went national, with some antics and possibly shady goings-on as well. I'm going to give you some information and quotes here from various online and news sources that I cannot verify as accurate. What I can verify is how these missing legislators were actually located through my firm's involvement.

The proposed redistricting plan would have resulted in more Republican seats in the legislature, something the Democrats definitely didn't want. There weren't enough Democrats to keep the plan from passing, but there were enough to keep it from coming to a vote. The story hit the news nationally when fifty-three Democrats went missing, depriving the Republicans of the quorum they needed to bring the issue to a vote.

They say everything's big in Texas, and a bunch of missing Democrats and the story were a big deal at the time. Republicans put Democrat lawmakers'

pictures on milk cartons and decks of playing cards. It was like they were seeking terrorists or lawbreakers.

Under the Texas Constitution, a majority of members can vote to compel the presence of enough members to reach a quorum. The Republicans immediately did so, and they sought out law enforcement to help them to find the missing legislators.

The Texas Department of Public Safety's website even issued an Amber Alert-type of notice to citizens to assist in locating the Democrats so they could be rounded up and returned for a vote. The legislators' names were posted and a toll-free phone number created for reports of their whereabouts.

The Texas Speaker of the House of Representatives, Tom Craddick, directed the House sergeant at arms and the Texas Department of Public Safety to locate the missing legislators and return them for the vote.

Media coverage went wild. Some reported that Texas law enforcement even contacted the Department of Homeland Security and involved the Air and Marine Interdiction and Coordination Center in Riverside, California. Republicans disputed reports of federal involvement, and rhetoric got heated.

Some reports said that state troopers were following the missing lawmakers' wives, parents, and children. It was even reported that they staked out a hospital where one missing lawmaker's premature twins were being cared for. Republicans called the missing Democrats cowards and terrorists.

Tom Craddick stated that tracking of a private plane had resulted in the missing Democrats being located.

## **The Rest of the Story**

Very quickly after the Democrats disappeared, I was called by a friend with the Texas Department of Public Safety. He asked if my firm could help locate the missing legislators. That sounded fun, so we jumped right into the case. We were actually hired by a private entity to locate the legislators.

We checked on private planes owned by legislators and took only a day or two to trace the flight path of one of the legislators to Ardmore, Oklahoma. I sent Randy Beard, one of my investigators from Dallas, over to Ardmore to snoop around. Randy found the plane of the speaker of the house at the Ardmore airport. He expanded his search and didn't take long at all to find a large number of people who had all recently checked in to one hotel—the Holiday Inn.

Randy reported that he had found two busses behind the hotel and had observed Democratic politicians getting off the busses and moving around the hotel. We didn't want to lose them, so Randy stayed there and observed their activities and meetings. They didn't seem to have any plans to take off again.

We couldn't go public with our involvement, so the Department of Public Safety took credit for finding them, which was fine with us; good relationships with law enforcement are important in the PI business.

The legislators eventually were talked into returning to Austin. They were able to pass some legislation before the end of the session, but redistricting didn't get considered. There just wasn't enough time.

## **Finding the Truth in Airline Crashes**

There are only a couple of case stories in this section, but I wanted to separate them from other cases, as aircraft crashes are more tragic than most of the other cases we handle.

These cases, though horrible for the victims' families, are always about responsibility and money. There are usually teams of lawyers involved, as the stakes are high.

## **Where There Is Smoke, There Is Usually Fire: The Helicopter Crash Investigation**



In the mid-1990s, I was hired by a large and well-respected law firm to investigate a helicopter crash in New Mexico. The helicopter had been ferrying US Forest Service firefighters to and from a large forest fire. The victim toll was sad: two injured firefighters, as well as two dead, plus the pilot dead.

My client law firm was hired by the families of the two deceased firefighters. The firm initiated a personal-injury case in district court. We began our investigation while the cause of the crash was still undetermined. The investigation for cause was focused on either pilot error or a mechanical failure.

An investigation of an aircraft accident moves forward on several fronts. I was talking with witnesses, interviewing aircraft experts, and monitoring media coverage of the event. My work took me from New Mexico into Texas and elsewhere.

### **The Pilot's Smoky Past**



After a week or so of investigation, my attention became focused on the pilot. A couple of the witnesses I had interviewed hinted that I should look more closely at his background. So far it was just hints, but you know that where there is smoke, there is usually some fire to go with it.

Once I focused on the deceased pilot, I began to find that, though he was liked and considered a "good guy" by many, he had a troubling past. Some of his personal issues began to emerge as I interviewed his ex-spouse, friends, and present and past coworkers.

While looking into his past, I was also researching courthouse records, looking for criminal or civil filings. The pieces began to come together, yielding a picture of a troubled individual. The pilot had a previous DWI arrest and two family-violence assault charges. All but one of these charges had been dismissed, but a definite pattern of behavioral problems was emerging.

I discovered that the pilot had left two previous flying jobs under troubling circumstances. I had difficulty getting his past employers to provide details; they were probably worried about litigation or just didn't want to speak poorly of the deceased. Details were surfacing, though.

The pilot was said to not take criticism well and was often late to work, and there were suspicions that he was drinking heavily. He had recently been attending AA meetings. A coworker had complained that he smelled alcohol on the pilot's breath one day when the pilot arrived at work. I also learned that the pilot had actually been fired from a previous flying job for his drinking.

To add to his problems, he was paying large monthly child-support payments that often threw him into bouts of depression.

The clear assumption to be made from all of this information was that the pilot should never have been hired. His current employer admitted that no background checks were normally done on referred pilots, only on new hires without a referral.

In the parallel investigation of the possibility of a mechanical failure, no evidence was found to indicate any equipment malfunctions.

### **Settlement Was a Wise Move**

The helicopter company's insurance carrier and the attorneys examined all of the evidence gathered in our investigation and in the mechanical inspections. There was also evidence that the pilot had been hovering out of ground effect, meaning he was too high above the ground.

Ground effect is hovering close enough to the ground to get some buoyancy from the air cushion under the helicopter. The fact that the pilot had been out of ground effect, and that the craft was overweight for that hover altitude were probable factors in the crash.

Added to these issues was the company's admitted lack of diligence in performing an adequate background check to vet the pilot before employing him. Had they done so, even some of the information I had uncovered would likely have caused them to refuse to hire him.

My law firm client was quite happy with my investigation. It eventually reached a substantial settlement with the company's insurance carrier on behalf of the families of the deceased firefighters.

Of course, no amount of money can replace loved ones, but it can improve future corporate behavior.

## The Deposition Tangle and Strangle



When you're watching most any of the lawyer TV shows or movies, it's fun to watch their tactics trying to get their adversaries to say something incriminating or bad for their side of the case. In one deposition, I was working with a brilliant Houston attorney and friend we'll call Mark, and he was in top form working the room.

It was one of many airline crash investigations in the late 1990s. Most of these cases were in Central or South America. Whether it was Panama, Colombia, Guatemala, or another country, the process was similar. My job was to locate and interview families of the victims, meet with authorities in the countries, and learn what I could about their investigations of the crashes.

In one case, we found that the plane that had crashed in Central America had recently been serviced in Miami, Florida, so that's where we focused our investigation. The lead attorney scheduled a deposition with the president of the aircraft-maintenance firm. The deposition was either embarrassing or quite effective, depending on whose side you were on.

Part of my job was to prepare the attorney for depositions with a profile of the interviewee. After a thorough background investigation of the maintenance-company executive, I furnished Mark with an extensive profile of the individual. The executive was a large, well-built, and a very proud individual. He was known to be high strung and could display a temper he couldn't always control.

The room was all set up when we arrived. There were eight defense attorneys representing the airline, insurer, and maintenance company. Mark and I were the only two in the room on the plaintiffs' side of the case, representing the families of the deceased.

Mark placed the witness across the table from the defense attorneys and stood behind the defense attorneys to ask the questions. This seemed logical, as everyone had a good vantage point and could see and hear what was happening. Mark placed a chair for me against the wall directly behind the witness. He whispered to me to be ready if the witness became upset and caused problems. This seemed odd to me but definitely made me very alert. Later, the placement and instructions would become clear to me.

Mark stood up and paced back and forth behind the opposing attorneys as he began questioning the witness. The attorneys couldn't see Mark without turning around, and they had no reason to do so, instead staying attentive to their witness and his answers. The witness definitely could see Mark and everything he was doing while posing the questions.

Mark hit a nerve almost immediately after beginning his questioning. Any questions even remotely related to his company's training of employees or quality of maintenance work clearly agitated the witness. Once Mark saw this, he zeroed in on those type of questions and kept piling them on.

Every time the witness answered a question, Mark would make a goofy face or some animated gesture. The lawyers couldn't see any of this. Seeing that his behavior was having an effect on the witness, Mark just kept doing it. The witness got more agitated with each new question.

The opposing attorneys were clueless about Mark's antics, but they were definitely becoming concerned about the witness's growing hostility. I was working very hard to keep from laughing, as I was in a position to see Mark's

funny and annoying gestures. It was also fun to watch the attorneys' reactions to the witness and his growing agitation.

These serious attorneys were becoming alarmed, and the lawyers for the maintenance company and insurance carrier were cautioning the witness to calm down and just answer the questions. It was a pretty hilarious situation, and also a bit curious. To this day, I can't think of a single reason that the witness didn't tell the attorneys what was going on behind their backs.

It was like watching a volcano, with growing smoke and ash emissions as the ground began to shake. The witness was getting red-faced and was clearly having a hard time controlling his anger. Mark kept pushing his buttons, and finally, the volcano erupted.

The witness stood up and started to round the table to physically confront my attorney friend. I got a nod from Mark to take care of the situation, so I took the witness to the floor from behind with a choke hold. He didn't resist much, so I did it without hurting him, just to subdue him.

Of course, the attorneys were all terribly upset with their witness's behavior! They stopped the deposition and told the witness that he was risking jail with his behavior. Mark was in full Academy Award mode, playing the victim and telling the lawyers that this was totally unacceptable behavior and they should control their client!

That was it for the deposition that day, but Mark was working the room for concessions to make up for this attack on his person; he got some that wouldn't have been possible in a normal deposition. He had clearly planned the entire episode just for its negotiation value.

In setting this up, he had used my witness profile and assessment of the witness as volatile, and instead of using a Miami court reporter, Mark had spent a lot more money to bring one with us from Houston. The reporter was in a position to see Mark's antics but had no reason to mention them to the other side or to react.

Although lawyers often tangle, it is rare to throw a strangle in at the end.

## **Names You May Know—Case Stories You Do Not**

As my business grew, client referrals and investigative successes began to lead to more high-profile assignments and clients. It always adds interest to a story when a famous name is involved.

There were almost always a flock of attorneys involved in these cases, as the rich and famous do not really want to have their dirty laundry aired in public. They can't always avoid it, though, and some of the stories in this section had significant media attention.

Some of these case stories may have been part of media events, but not all the details I share were reported in every case. Sometimes my company got some media attention, and in other cases, we stayed deeply in the background.

## Digging up the Assets of Ferdinand Marcos



This case was in the background of a very high-profile news story. Reported in media around the world in 1986, and through a series of articles at LATimes.com, the search for hidden assets of Ferdinand Marcos, former president of the Philippines, was big news.

Lawyers and investigators were tasked to locate hidden Marcos assets and repatriate them to the Philippine people. Thousands of people were working all around the world to do just that. ABC's show *20/20* had research indicating hidden properties and assets in Texas and Colorado, and they hired us to locate hidden assets in Texas.

My company's suite of databases was the asset that led to us being hired for this case and to ultimately locating \$50 million in assets that Marcos controlled in Texas alone. The *Houston Business Journal* wrote about us in 1997, mentioning our use of more than 1,000 national databases in locating assets cloaked in complicated corporate structures.

The big picture is presented well in this quote from a March 21, 1986, article at LATimes.com titled *Investigators Focus on Marcos' Rich 'Cronies': Probe Agents Who Handled Investments*.

*They are the "cronies," the small group of wealthy Filipinos who allegedly acted as key front men and business agents for former Philippine President Ferdinand E. Marcos and his wife Imelda. They helped funnel hundreds of millions of dollars into a hidden U.S. financial and real estate empire stretching from a small Texas motel to a San Francisco bank, from a glitzy Manhattan shopping mall to a block of apartment buildings in downtown Seattle.*

## **How the Digging Works**

Asset-search activities are data intensive. My company subscribes to several restricted national databases that allow us to track the past residences of just about anyone who isn't a secret agent.

When *20/20* hired us, they gave us a list of company and individual names associated with Ferdinand Marcos, and that's where we started. We look them up in these for-hire databases to track their current and past residences. In this case, we were searching for Texas locations.

Once we had a history as far back as we could find on each of the subject people or companies, we could go to the next level, drilling down to get to the property owned by that person or company in the state of Texas. We would go online or physically to each of the Texas counties where they had past location history and would dig into the property transfer records.

Of course, the search is a lot faster and easier if the records are online, but not all records are. Sometimes, only the past few years are available on the Web, making a physical search of the records on paper or microfiche necessary.

When you're locating property transfers, you search out deeds, liens, surveys, title insurance, and other records. The purpose, of course, is to find out what property is owned, and by whom/which corporate entity. Assets are often hidden by plowing money into real estate, and there was plenty of that going on with Marcos's acquaintances and created companies.

As we conducted our research, we found that some names would pop up in more than one place. We would add those names to the list to follow their property transactions. Our efforts began in around 30 Texas counties, but we gradually narrowed the results and focus to Houston, Dallas, Corpus Christi, Fort Worth, and San Antonio.

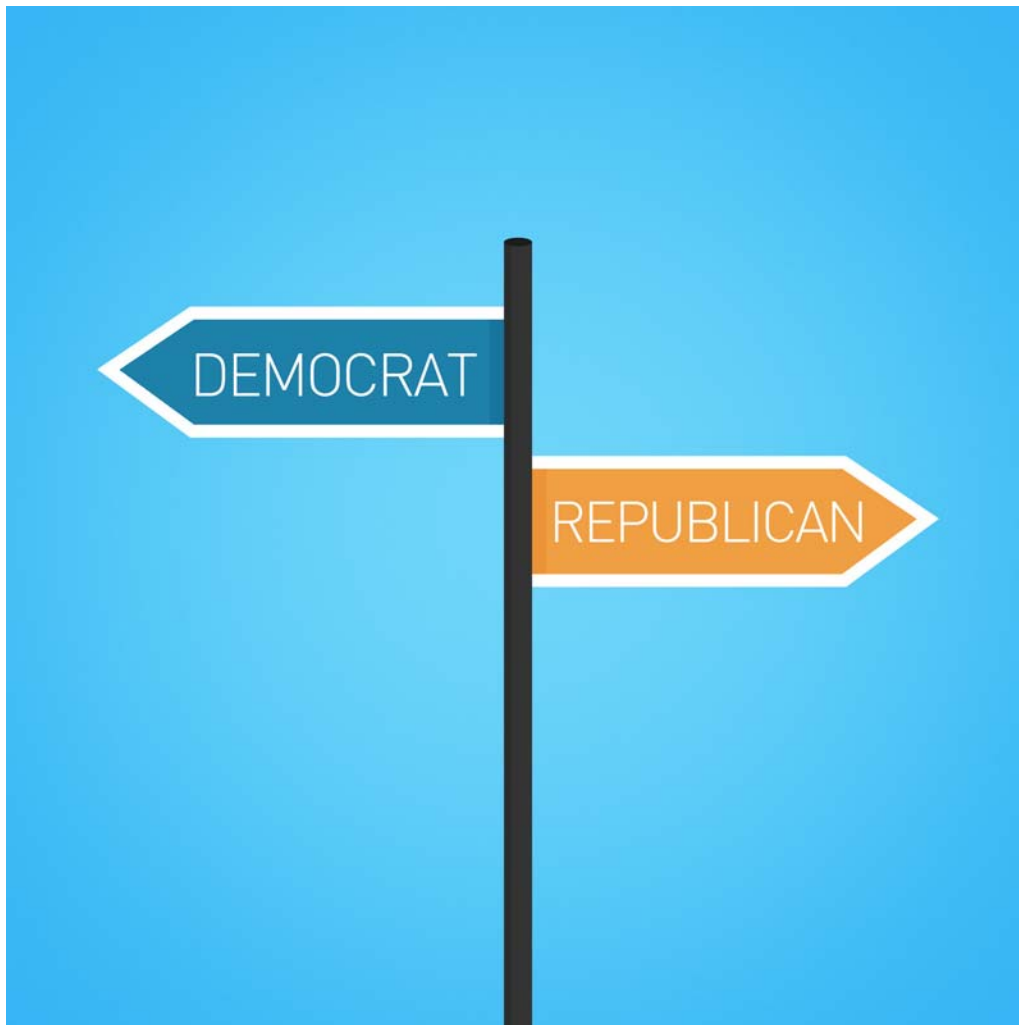
Along with numerous individuals, we located twenty-one corporations tied to Marcos and his wife. The same March 21 LATimes.com article reported that a lawsuit filed in Houston was seeking \$1.5 billion from the Marcos estate and various discovered entities.



My company located around \$50 million in real estate owned by these twenty-one corporations in Texas, though the companies were incorporated in the Netherlands Antilles, where secrecy laws were stronger. Those registered companies were in turn owned by one or more Panamanian companies.

After lawsuits and our asset-discovery operations, tens of millions of dollars were recovered and distributed to the victims. No matter how elaborately someone like Ferdinand Marcos structures their hidden assets, the right database resources and a lot of expert due diligence can find them. It's one of the things my firm does best. And, it doesn't hurt to get some high-profile TV exposure from ABC and *20/20*!

## Ross Perot Opposition Research



That “opposition research” phrase in the title is all about appearances. Back in the late 1980s and early 1990s, I did a lot of political investigative work. My clients preferred that it be called “opposition research” so they could avoid negative publicity for “investigating” the opposition.

My clients in this type of work included the *Wall Street Journal*, ABC's *20/20*, a US senator, a US congressman, and the Democratic National Committee. I never could get a foot in the door on the Republican side at the top level.

It was interesting and exciting work, and I still look back on it as providing some of the top highlights of my career in this business. I had to drop it because it wasn't profitable, however. With many trips to Washington, DC, the travel

expenses were stiff, and often, I could not bill them to my clients. In fact, less than half of my travel-related expenses were usually covered by client reimbursement.

I loved the political work, and one of my most memorable cases was an investigation (oops, opposition research) conducted on Ross Perot in his run for the presidency. I was hired by the *Wall Street Journal* in 1992 to conduct an in-depth due-diligence investigation of Perot. He was running against the elder President Bush, and we conducted in-depth worldwide due diligence on Mr. Perot.

I am not at liberty to discuss our findings, but I can say that we did find numerous items of interest. The point of this story isn't what we found, anyway; this story is about how the investigation evolved and eventually ended. It was an intensive two-month investigation, and I was excited to get in front of the client and present our findings.

I reached out to my contact at the Journal and told him I was ready to deliver my 500+ page report. It's not often that we develop such an extensive file, and I was proud of our results. Then the hammer fell. I was told that the Journal could no longer accept the Perot report and wanted to cancel the order!

I look at this kind of thing like a major expensive wedding cake order: Once it's baked and decorated, it needs to be paid for, even if you're in a "runaway bride" situation. My situation was even worse, however, because at least the baker can eat the cake if the client doesn't pay for it.

The *Wall Street Journal* didn't see it that way, however. They explained that they could no longer accept the report for fear of adverse publicity. It seems that a media story had recently surfaced with negative coverage of Ross Perot for hiring someone to investigate President Bush and his family. Perot was getting a lot of bad press because of the alleged investigation, so the Journal didn't want anything to do with mine.

I tried to explain that my report was extremely confidential and that neither I nor any of my people would ever divulge its existence or the identity of my client, much less the report's contents. I presented my invoice for almost \$9,000, but they refused to pay any of it.

I was caught in a tough position. On the one hand, I could threaten to go public with the report and the identity of the client if they didn't pay me, but on the other hand, that didn't seem ethical. It also could have been a violation of my state board licensing rules. I decided to take the high road and drop any efforts to get the Journal to pay me.

A week later, I went to Washington, DC, on other business. One of the clients I met with was the DNC. I discounted the report to \$6,000 and sold it to them. That almost covered my expenses, and I felt that I had taken the ethical approach.

I burned my bridge with the *Wall Street Journal*, telling them never to contact me again. One benefit of owning your own business is that you can fire a client if you don't enjoy working with them. Every now and then, you have to do it, and it felt good!

## Behind the Oklahoma City Bombing Scene



This is the first time I've told this story in any form since it happened. I was asked by my FBI contact not to talk about our involvement at the time, and this is the first time I've wanted to relate the story. My now retired high-level FBI contact gave me permission to do so, but without mentioning any FBI personnel by name.

On April 19, 1995, like millions of others, I was glued to my TV screen, watching the unfolding horror of the bombing of the Alfred Murrah Federal Building in Oklahoma City. A couple of quotes in 2015, the twentieth anniversary of the bombing, set the stage and bring back memories.

*"I believe [McVeigh] was a hero, but his judgment was off. ... I think it would have been better if he bombed the building at 2 or 3 in the morning without massive loss of life." —Dennis Mahon, a member of the White Aryan Resistance, after McVeigh was sentenced to death*

*"About the time I got 'Hello' and 'Good morning' out of my mouth, the bomb hit. ... All I remember is following the blood trail from somebody before me." — Former Marine Corps recruiter Michael Norfleet, who was working on the sixth floor of the federal building when the bomb exploded, during the McVeigh trial in 1997*

Timothy McVeigh drove a rental truck to the building that morning, parking it out front and leaving it to explode just after nine AM. Several thousand pounds of fertilizer, diesel fuel, and racing fuel combined to destroy the building. One hundred sixty-eight people died, including nineteen children who attended school in the daycare center. Hundreds of others were injured, and the building was completely destroyed.

Over the years, I have developed close friendships with FBI agents. Often, I referred them criminal matters I uncovered in work for my clients. The cases included corporate theft, corporate espionage, theft of trade secrets, wiretapping, and more. I referred the cases only when I felt they would be of interest and value, and the referrals were appreciated.

As I was watching the horrors unfold on my TV that day, I received a call from one of my FBI friends. Because he wasn't stationed in Oklahoma City, I thought it was just a coincidence, but he told me that he had been immediately sent to the scene and he needed my help.

He told me that McVeigh had a friend and probable accomplice, a guy named Terry Nichols. He said that the FBI needed to locate Nichols ASAP and take him into custody as a second suspect in the bombing. This prompted me to ask why the FBI didn't just find Nichols, as they had far greater resources than I did.

My friend was a ranking supervisor with the FBI at the time, and his response surprised me. He said that he would have to requisition the Atlanta office and go through some red tape to get approval to find Nichols. He said that it could take a day or two to get the approvals necessary to get Nichols, and he knew I could act much more quickly.

I didn't have much to go on, but within a couple of hours, I had Nichols's primary residence address plus the addresses of several of his relatives. I called

my FBI friend with the information. In just another two hours, they found him at one of the addresses I had provided and took him into custody.

My friend was really grateful but asked that I not tell anyone about my involvement. From that time until now, that's the way we left it. Now I'm happy to have permission to tell you about it, as I'm proud to have helped take Nichols into custody for his involvement in the bombing.

Timothy McVeigh was convicted and sentenced to death. He was executed in 2001. Terry Nichols was convicted of 161 counts of first-degree murder, for 160 victims and an unborn child. He avoided the death penalty only because jurors were deadlocked over the issue. He was sentenced to life without parole and is serving his sentence in a federal penitentiary in Colorado.

This story shows how fostering good relationships between PIs and law enforcement can create good outcomes. I guess I'm still a cop at heart. Ever since I left the Houston Police Department, I have maintained a reserve status police commission.

A large percentage of my firm's work is in the corporate arena. Cases involve mergers and acquisitions, due diligence, and a host of dishonest behavior by corporate officers and employees. When we uncover illegal activity, I let our clients decide if they want to involve law enforcement. If they do, I turn our findings over and they take it from there. Cooperation is the best policy, and it pays dividends when we need a little help now and then.

## Trumping It up to Get Paid



Lawyers are lawyers everywhere, but there are some distinct differences in the attitude of some New York lawyers and Texas attorneys. That's one reason why I was surprised in 1990 to get a call from Donald Trump's New York attorneys about some investigative work.

They said they wanted to interview me about doing some work for the Donald related to his divorce from Ivana. I did ask why they wanted a Texas PI, but they wanted to get into that in person, so I took a trip to meet with them. I'll try to contain my attitude about these guys, but it's difficult. They were a bunch of arrogant lawyers. In fact, I like Donald Trump and do not think he even knew everything that was going on. This is a story of a bunch of status-seeking attorneys trying to show how tough they could be.

We actually met in Scottsdale, Arizona, where the lawyers were golfing. Our meeting went well, though they were as arrogant as I would have expected from New York lawyers. Oops, there's my attitude again! They did explain the Texas connection. Ivana had apparently hired my nemesis—remember Nemesis PI from another story?—to work for her in the divorce action.

Nemesis was a media hound with a national reputation and a great many high-level connections. He was a ruthless investigator, and he had a past



conviction for wiretapping, though he hadn't gone to jail, as he had called on his connections and received a presidential pardon from Gerald Ford.

Donald Trump's attorneys told me that they weren't as worried about what Nemesis would find as they were about the chance that he would fabricate something to help his client, Ivana Trump. I verified that their fears were valid and that we should try to counteract what may come from the other side.

Trump's attorneys had done their homework. They knew about my adversarial relationship with Nemesis; my past battles with him were documented in the media. Who better to be opposite his investigation than me?

I was still curious as to why Ivana would hire a Texas investigator, so Trump's lawyers told me that she didn't trust anyone in New York, as she feared that they would be beholden to Donald in some way. At the end of our meeting, the attorneys indicated that they would recommend to Trump that I be hired.

## **I Meet the Donald**

I heard from the lawyers about a week later. They wanted me on their team and said that Trump wanted to meet me. I flew to Manhattan the next week for the meeting in his office in the Trump tower. I was appropriately impressed.

The office was fit for a king, with high-level security. Donald was likable and very straightforward. He asked about me and my history with Nemesis PI. I can't go into more detail, but the meeting went well and I was on the team. His attorneys said that they would send me a \$10,000 retainer to begin the investigation. Who would worry about payment from Donald Trump? I got started! The Donald and his attorneys took a proactive approach. They wanted Nemesis to know that I was on the other side. I used my media contacts, and it was only a few days before it was all over the local and national media that I was working for the Donald.

## **Leaving Doodie for Nemesis's Investigators**

It didn't take long for the Nemesis PI machine to spring into action. Hidden video cameras showed his investigators going through the trash at my home. This is common practice, so it wasn't particularly upsetting, but I did want to have some fun with it.

I got some soiled diapers from an acquaintance and put them into the trash. I liked this as a message, as Nemesis knew full well that I had no children of diaper age. He would know that this was a special present just for him!

### **It Works Both Ways**

I wasn't sitting on my butt, either. In those days, it was perfectly legal to pull someone's long-distance phone call records. It was legal, but not easy. You did need a contact who could get the records for you, and I did just that. I was pretty sure that the other side was doing the same in my case.

### **The Information Broker**

A large number of Nemesis's recent phone calls were to an information broker in Washington state. Private investigators often pay information brokers to get info that isn't in our normal databases and is more difficult to dig up.

Information brokers are often hired to get banking information, phone call records, investment information, and the like. At the time, it was rarely illegal to possess the information itself, though sometimes information brokers do some shady things to get such information. Back then, information brokering was big business, but changing privacy laws have reduced the ranks of these brokers considerably.

Because of the timing of the Nemesis calls to this broker, I was pretty sure that his calls had something to do with Donald and Ivana Trump. I formed a plan. I contacted the information broker and told him that Nemesis PI had referred me. I told him that Nemesis had praised the broker's work and information on a current case.

The broker should have verified this but instead took me at my word ... a mistake. We spent some time talking, and I pumped him up with the promise of a lot of future work. Eventually, I steered him around to talking about his work for Nemesis on the Trump case.

During this time, Trump and his attorneys were denying the payment of any monies to Marla Maples, Trump's alleged paramour. The broker told me he had uncovered a bombshell. He had found checks written from the Trump foundation to Marla Maples! He claimed to have a copy of one of the checks.

Obviously, if true, this could be very damaging to Mr. Trump in a divorce action. The broker still viewed me as a friend of and referral from Nemesis, so he

had no trouble sharing information that he assumed I could verify with Nemesis myself.

I immediately contacted Trump's attorneys and gave them the news. They had little to say other than that they would check it out. Within twenty-four hours, they were doing damage control with the national media. A Trump spokesman admitted that auditors had found at least one payment to Marla Maples of which Mr. Trump had been totally unaware.

The only way I was able to track what was going on with the information I had provided was to follow it in the news. Trump's attorneys never called me back with any updates, thanks, or even a "we're done with you." I guess my Texas sensibilities were offended, as all I want to call them is low class. There's that attitude again, but I stand by my opinion!

### **Show Me the Money!**

As time went by, I became concerned about my retainer, which had never shown up. At the same time, I was seeing news reports that Trump was in financial difficulty because of losses in his Atlantic City casino business. He eventually filed bankruptcy.

His attorneys were not returning my calls. In an effort to get paid, I sent them a message that I would discount my fees to \$6,000, but I still didn't receive any response. At this point it was more a matter of principle than the money itself. I knew that my investigative information had helped them to head off a major problem. The attorneys didn't seem to think that I should be paid for the efforts. Although I have no respect for them, I still like Mr. Trump and felt that he had treated me well.

When it became apparent that I wasn't going to get paid or get any response to my inquiries, I called a friend of mine who was an attorney and former judge for advice. He is a brilliant attorney and a scrapper, too! He said, "Let's sue the son of a bitch!" That sounded great to me, and we filed suit in the Harris County Texas District Court.

I really would rather have sued the lawyers, not Mr. Trump, but it had to be done that way. Suddenly, I was getting calls from local and national news outlets wanting to interview me about the suit. I avoided them, but when I tried one more time to talk to the attorneys and they refused my calls, I decided it was time to get aggressive. I gave the attorneys forty-eight hours to respond before I gave any interviews, but I didn't hear a word from them. I began to do the

interviews, one of which went national in coverage. There was a small piece in the *New York Times*, and Arsenio Hall joked about it on his late-night show.

It's weird how the lawyers' phones started working again, as the very next day I heard from one of the attorneys. He came on like I expected a New York lawyer to, irate and threatening. I wasn't in any mood for it, nor was I going to back down. I took a sarcastic approach and told him that it was great to finally hear from him ... and that he should show me the money!

He threatened a countersuit and whatever else he could think of. Finally, he asked, "What do you want?" I took the sarcastic route again, acting amazed that he couldn't figure it out, and saying again that I wanted to get paid. The next day, I received payment in full from the Trump organization.

To this day, I still have a good opinion of Donald Trump. Anyone with a vast organization must delegate, and I don't think he was aware at all of my situation or of the inaction of his attorneys. He may to this day not even know about the payment dispute. Anyway, I'm done with nonresponsive arrogant New York attorneys!

## **Basketball Scandal and Murder: The Patrick Dennehy Case**



My involvement in the Patrick Dennehy case came after all of the action and crime solving, when a lawsuit was filed by his father against Baylor University. Before we get to the lawsuit investigative work, however, here's the story of the crime and scandal.

### **The Players**

Patrick Dennehy was born in 1982 in California. In 2002, he was transferred from the University of New Mexico to Baylor University following his sophomore season as a talented but troubled basketball player. In the summer of 2003, he was preparing to play for the Baylor Bears in the 2003–2004 season.

According to an article in the *New York Times*, Dennehy had been transferred from New Mexico after being kicked off the team for walking away from a practice session. People who knew him at Baylor, however, said that he was turning over a new leaf at the Baptist college and was looking forward to his first playing season.

Dennehy had developed a friendship with Carlton Dotson, one of his teammates. Dotson was a transfer from Paris Junior College in East Texas. Dotson had moved in with Dennehy in April 2003 after his marriage had failed, and they appeared to get along well.

### **Fears, Guns, and Practice Shooting**

Dennehy and Dotson had both told schoolmates that they had some fears for their safety. Dotson had said that threats had been made against him by two teammates. Dennehy and Dotson bought two pistols and a rifle and practiced shooting at a farm north of Waco.

Though these alleged threats would be considered during the investigation of Dennehy's disappearance and murder, they ultimately had nothing to do with the crime.

### **Disappearance and Murder**

On June 14, 2003, Dennehy told others that he and Dotson would be attending a party the next day. The men never arrived at the party. Over the next few days, there were hints that things had gone wrong.

Patrick's mother and stepfather, Valerie and Brian Brabazon, told police that they became concerned when they didn't receive a call from Patrick on Father's Day. Dennehy's dogs were also discovered to have not been fed for days.

A search began in June for Patrick Dennehy, and it continued until July 25, when his decomposed body was found in a gravel pit near Waco. At the time of the body's discovery, Dotson was at his Maryland home, where he had been since June 19 when Patrick had been reported as missing.

On July 30, upon completion of the autopsy, Dennehy's death was ruled a homicide caused by two gunshots to the head. When the body was discovered, the head was in a different location, leading to reports that it had been a decapitation, but the location of the head was most likely the result of scavenging desert animals.

Patrick Dennehy was buried in San Jose, California, on August 7. Dotson was arrested for the murder of Dennehy in late July after he called 911 saying he needed help because he was hearing voices. The media reported that Dotson's family had become concerned about Dotson because of his increasingly unstable behavior.

The Waco police were reported as saying that Dotson told FBI agents in Maryland that he shot Dennehy in self-defense after Dennehy tried to shoot him first. That Dennehy's two head shots had been behind the ear put that story in doubt. Dotson told the Associated Press that he "didn't confess to anything" when interviewed by the FBI.

### **The Trial Process**

In October of 2004, Dotson was declared incompetent to stand trial and was sent to a state hospital to be reevaluated in four months. Three examining psychiatrists stated that he could regain competency at a future time after treatment. The psychiatrists also said that Dotson appeared to be suffering from hallucinations and psychosis. These included fears that people were trying to kill him because he was Jesus.

In February of 2005, Dotson was returned to court after psychiatrists certified that he was competent to stand trial but that he must continue to take antipsychotic medication.

On June 8, 2005, five days before his trial was to begin, Dotson surprised the court. He confessed and pled guilty to shooting and killing Patrick Dennehy, supposedly because of an argument the two had had during shooting practice.

Dotson was sentenced to thirty-five years in prison and will be eligible for parole after serving around half of his sentence. Later in 2005, Dotson wrote a letter seeking to appeal his case, but a judge ruled that he had forfeited that right when he had pled guilty.

### **Basketball Scandal Results**

The publicity surrounding the Dennehy murder began to build interest in allegations that were surfacing in August 2003 that Dennehy could not have remained on the Baylor basketball team without a scholarship, which he did not have. The university appointed an investigative panel to look into the situation.

It seems that basketball coach Dave Bliss, in reaching limits on team scholarships, had allegedly secretly paid the tuition of Dennehy and his teammate Corey Herring.

Also in August, allegations were reported from Carlton Dotson's estranged wife that abuse of marijuana and alcohol was widespread among the team members. Sonya Hart, the mother of another athlete, also offered the same information.

During hearings, Coach Bliss publicly portrayed Dennehy as paying his tuition by dealing drugs. Bliss was secretly recorded while trying to get players to falsely testify to this. Bliss also was reported as flying to New York to convince Corey Herring's mother to lie about his paying of her son's tuition. These, and other allegations of recruiting violations by Bliss, resulted in his resignation.

### **What Did We Do?**

This is a great story, but where did my investigative firm come into the picture? On August 22, 2003, Patrick Dennehy Sr. filed suit against Baylor University with multiple named defendants. The suit alleged, among other things, that his son had reported threats against him to university officials but that those officials had done nothing to investigate the threats. The suit alleged wrongful death and a cover-up by the university.

Attorney and friend John O'Quinn referred us. We were hired to interview around thirty people to pull together evidence to help the family in the lawsuit against Baylor. Randy Beard was really good at this type of interviewing, so I put him on the case.

Randy interviewed a half dozen female Baylor basketball players, as they hung out a lot with the male team members. They were very surprised by the murder, and really surprised that Patrick had been killed by a teammate. They also revealed that there had been some jealousy of Patrick on the part of Dotson. Dotson reportedly envied the upbringing and affable personality that made Patrick many friends. Supposedly, Dotson's wife also treated Dennehy nicely, adding to Dotson's jealousy. The female team members generally thought of Dotson as thuggish, with no family life or social skills.

The girls also talked at length about regular wild parties, wilder women, and drugs in male team members' apartments. The general opinion was that Coach Bliss did not discipline his players and had no control over their wild parties and behavior.



When others Randy interviewed were willing to give statements, they were similar to the girls' statements. There really wasn't any bombshell or smoking gun in any of the information we gathered over several weeks of investigation.

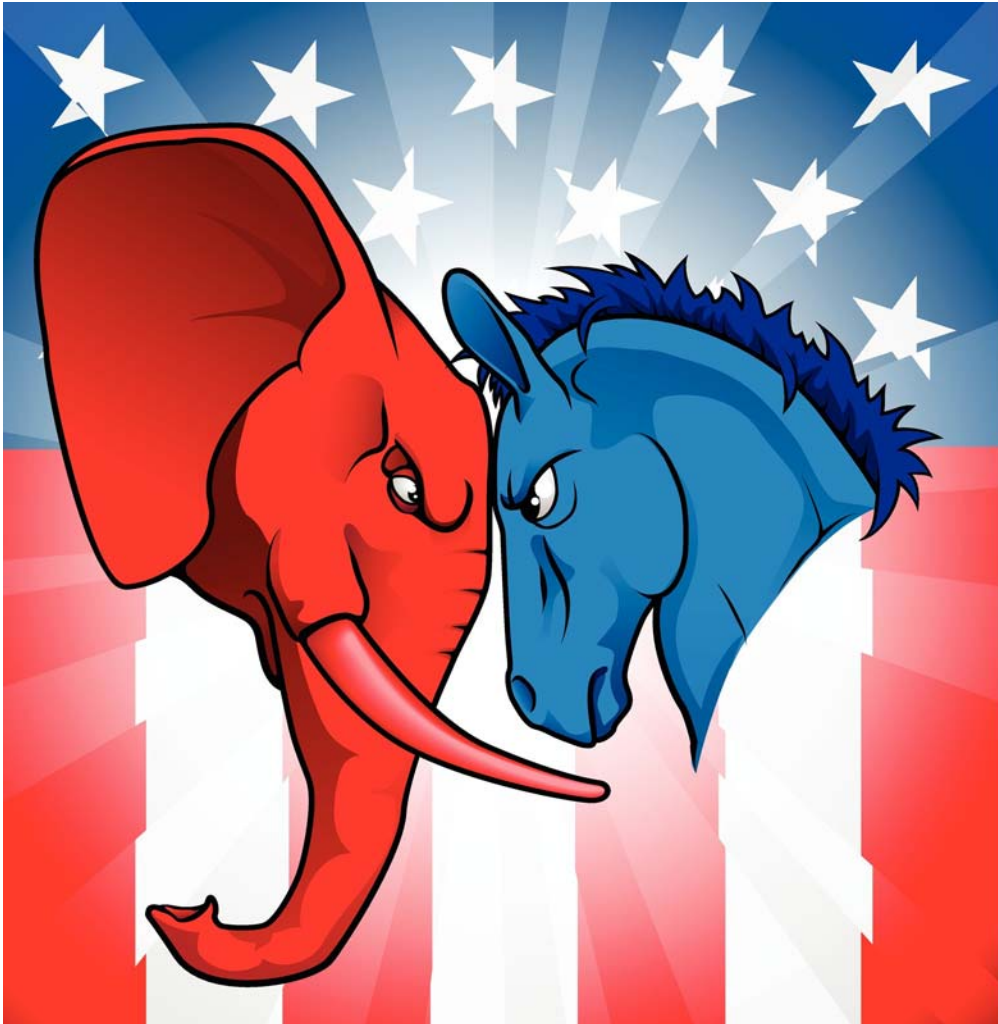
### **Not the Results We Wanted**

Our job is to gather facts and evidence, not to voice an opinion, but I like it better when the side we're working for wins its court action.

In this case, however, the lawsuit was dismissed. State District Judge Ralph Strother dismissed six of the seven claims, stating that there was no way that Baylor University could have foreseen or anticipated the murder of Patrick Dennehy. The judge gave the attorneys two weeks to provide more evidence in their last claim that Baylor had played some role in the slaying.

The final claim was later dismissed when attorneys for the plaintiff were unable to verify any direct involvement in the slaying on the part of Baylor University or any of its officials or employees.

## Hands across the Aisle



The two-party system in this country is limiting in many ways, and sometimes the infighting can get nasty. In my case story about the disappearing Democrats in Texas, you get the flavor of the political climate in the Lone Star State.

This is a short story about Governor Ann Richards and my desire to be appointed to a position on the State Polygraph Board. I had applied, but there had been no word yet about my chances when I spent some time with my friend John O'Quinn to discuss a current case.

We spent some time catching up on what each of us were doing at the time, and I mentioned my desire for the State Polygraph Board appointment. I wanted

on the board to help in upgrading the qualifications of polygraphers in the state. Because of less-than-stringent requirements and some unethical people in the profession, I felt it important to work on higher standards of education and conduct.

My problem was that I generally voted Republican and Governor Ann Richards was a staunch Democrat. My chances of getting the appointment weren't very good, as she generally made voting Democrat the top priority in her appointments.

As I told you in an earlier story, O'Quinn was high profile and had a great many upper-level political contacts. It so happened that one of them was Governor Richards, and he got her on the speaker phone in a matter of minutes!

John was a great campaign contributor for Ann Richards, and they were pretty good friends. He jumped right in with "Ann, I have a borderline Republican in my office and he needs your help."

In vintage Ann Richards fashion, she immediately said, "John, get him out of your office immediately!"

After her joke, she and I were introduced. She was quite nice and friendly, asking what she could do for me. She told me that she really couldn't remember ever having appointed a Republican to anything but that if John wanted me to be there, it would be done. Within two weeks, in June of 1993, I was appointed to the State Polygraph Board.

I later became the chairman, and in that job, I met with Governor Richards several times. She was always quite funny and friendly, plus she was a very smart lady. I enjoyed her and miss her.

There are good people on both sides of the political aisle, but sometimes you need an introduction, so thanks to John O'Quinn as well.

## **FBI Rates New Scams as a Major Concern**



It's been satisfying to share all of the case stories in this book, but they're all old news. This story, however, was developing just as we were finishing up the book, so I wanted to get it in before going to press.

Our client is a well-to-do widow in her seventies who came to us after she was taken for \$60,000 by an Internet social media scammer. Her contact began on Facebook with a man with an Arkansas Facebook profile page.

These scammers have become a huge problem, so much so that in my recent meetings with FBI personnel, they tell me that investigations into these scams are taking up more and more of their time. (I report my client problems to the FBI, but there is usually little the FBI can do.)

These scammers are operating mainly out of Nigeria but also can be based in the UK, Ireland, and India. They set up fake profiles on social sites, especially the major dating sites. These dating sites do very little to screen their users, so it's easy for scammers to set up fake profiles and troll for victims.

Most of these criminals claim to be Americans working abroad, though some pass themselves off as citizens of the UK or France. These scammers use fake photos of attractive men in their forties to sixties in their profiles. They target American women in their sixties to eighties who are widows or unmarried. They troll for these women on the sites and can identify likely lonely targets to work.

The fact that most of these sites are free or very inexpensive to use makes it highly profitable for the scammers to work dozens of women to get even just one to finally send some money. The scammers are quite patient, often corresponding with a woman for months before making the first request for a seed amount of money.

Often they tell the mark that they are planning a trip back to America soon, building on the anticipation of a meeting and relationship. Their cover is that they are successful in business or are engineers working on overseas projects. Our client was told that he was an engineer working on a bridge-construction project in India.

The first request for money is usually just to test the waters and get the ball rolling, usually asking for a couple of thousand dollars or so for some problem or emergency. Our client came to us after she had ultimately sent the scammer \$60,000. We found through investigation that he was using e-mail and an untraceable throwaway cell phone to communicate from Nigeria.

We have information on other people who have lost hundreds of thousands, and in one case, two million, dollars to these scam artists. Many of these women, including our client, are successful in business and are well off financially. The first reaction of many people when they learn of the victims is that they can't see how these smart women could be fooled into sending these huge sums of money to someone they've never met. In this case, the scammer said that he needed the money for a short time to finish up the bridge project and that he'd pay it right back out of his profits.

The FBI tries its best to work these cases, and there are a lot of them, but the FBI cybercrime division can go after them only if the scammers are actually in the United States. They can't pursue or arrest in a foreign country, and the countries where these scammers are based have little or no interest in helping capture them.

This problem is becoming national news, and just before writing this, I was interviewed by KTRK TV in Houston, with the spot leading the news on April 8, 2016. It's really a shame that so many women are losing so much money, often their entire life savings, to these scammers.

## **Afterword**

There you have it! Thank you for buying my book (unless I gave it to you for free). I hope you found these true case stories interesting and entertaining. In some cases, I hope that you found some new information that helps you better understand what really happened that wasn't mentioned in news coverage.