



**Abelino "Abel"
Reyna**

Criminal District Attorney
McLennan County, Texas

219 N. 6th Street, Suite 200
Waco, Texas 76701
Phone: 254-757-5084
Fax: 254-757-5021

Press Release

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For immediate release

Recently, during a pre-trial interview, it was discovered by a Prosecutor with the District Attorney's Office that a Waco PD Investigator prepared a case report and executed a sworn affidavit for warrantless arrest that, at a minimum, omitted critical details involving an investigation. The investigation resulted in the seizure of 2 kilograms of cocaine and the arrest of two individuals. Additional case reports from the same case reflected the same omissions and representations. Our intake division and grand jury prosecutors relied on this information in making the decision to present this matter to the Grand Jury. More importantly, the Grand Jury relied on this information in returning the indictment. This inconsistency was immediately brought to my attention when it was discovered; I immediately brought it to the attention of the Chief of the Waco Police Department.

In response to these events, the District Attorney's office immediately began a review of all Waco PD drug cases including but not limited to those investigated by this same detective. I also ordered that no action be taken on any Waco PD drug case without my approval. Furthermore, consistent with our obligations under the Michael Morton Act, Brady v. Maryland, and fundamental fairness, the D.A.'s Office notified the appropriate defense attorneys in the case at issue as well as provided a general notice to all Criminal Defense Attorneys practicing in McLennan County. This notice included, among other things, facts regarding what had transpired with instructions to notify myself or my First Assistant in the event they identified cases they felt needed to be reviewed.

An immediate internal investigation was initiated by the Waco Police Department administration and, as a result, Chief Brent Strohm requested the involvement of the Texas Rangers to conduct a review and investigation into the matter to identify all parties involved, determine the reason behind the action(s), and take criminal action should the Texas Rangers deem it appropriate. I have no reason or evidence to believe that this is a Department wide problem. Furthermore, after my ongoing conversations with the Waco Police Chief, I feel that appropriate actions are being taken to get to the root of the problem and assurances have been made to me that I will be provided unfettered access to all information regarding this incident. It goes without saying that no individual is above the law.

Unfortunately, as a further result of this unacceptable conduct, I will be forced to dismiss certain cases while an investigation into this matter is conducted. Some of these cases involve individuals who had transported and delivered large amount of drugs within our community. However, we will not and cannot prosecute cases without being 100% confident in the work of the law enforcement officers in each individual case. When that confidence is shaken, Justice dictates that the necessary measures be taken to avoid any injustice. Should an investigation conclude in a manner that restores our confidence in these specific cases, then I fully intend to re-file those cases and prosecute them to the fullest extent Justice demands.

My assurance to the citizens of McLennan County is that this office will continue to remain tough on crime and stand up for the victims in McLennan County. However, we will not sacrifice Justice in the pursuit to make McLennan County a safer place for its citizens. It is Justice that maintains the Integrity and the peoples' confidence in the Criminal Justice System and I took an oath to see that Justice was done in each and every case.

Abel Reyna
McLennan County Criminal District Attorney

THE OFFICE OF

THE CRIMINAL DISTRICT ATTORNEY

McLENNAN COUNTY, TEXAS

219 North 6th Street, Suite 200

Waco, Texas 76701

Phone - (254) 757-5084

Fax - (254) 757-5021

Michael J. Jarrett

First Assistant Criminal District Attorney

February 11, 2016

Abelino "Abel" Reyna

Criminal District Attorney

Brady notice to McLennan County Criminal Defense Bar in regards to Waco PD Drug Enforcement Unit Cases.

To: All Criminal Defense Attorneys practicing in McLennan County Courts

I feel it is necessary to inform you that an issue has come to our attention dealing with specific Waco PD DEU cases that is important we address and disclose with the defense bar immediately. While preparing for trial in the matter of State of Texas vs. Victo Flores 2015-1223-C2 and State of Texas vs. Humero Gonzalez-Jaimes 2015-1224-C2, prosecutors discovered an inconsistency in the report and affidavit of Waco PD Detective David Starr. The report and sworn affidavit reference an "interdiction" operation conducted by the Waco PD Drug Enforcement Unit (DEU). After discussion with the detective, it was revealed that there was not an interdiction operation and the arrest of the defendants was made pursuant to information received from a confidential informant. Detective Starr indicated to prosecutors that he was apprehensive about wording the report and affidavit this way, but was ordered to do so. Our intake division and grand jury prosecutors relied on this information in making the decision to present this matter to the Grand Jury. More importantly, the Grand Jury relied on this information in returning the indictments.

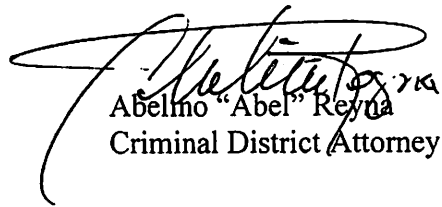
Prosecutors immediately informed the defense attorneys of the unreported use of a confidential informant and brought the matter to my attention. I have consulted with Brent Stroman, Chief of Waco Police Department. We are in agreement that this matter should be investigated by the Texas Rangers and that process has been initiated.

My responsibility is to ensure the proper disposition of justice. In doing so, I believe, fundamental fairness, transparency of the process, and to avoid any appearance of impropriety, justice dictates that we identify all Waco PD Drug cases to determine the extent of this issue. I have instructed my prosecutors to reevaluate all Waco PD drug cases in light of this information. Our team is in the process of reviewing the hundreds of cases that are currently pending in our office. We will review the details of each case and determine what proper steps should be taken

in the handling of the case. I invite you to take part in this process, by bringing to our attention, any case that you believe could be affected by this information.

In an abundance of caution, no action will be taken on any Waco PD drug case, unless first approved by myself or First Assistant, Michael Jarrett.

While often times we find ourselves on opposite ends of certain issues, I think we can all agree that Justice demands fairness, integrity of the system, and a thorough investigation into matters such as this.



Abelmo "Abel" Reyna
Criminal District Attorney