

No. CR-15-2444

THE UNITED STATES OF LONE  
STAR,

Plaintiff,

v.

STEVIE TYLER,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE UNITED STATES DISTRICT  
COURT

FOR

THE DISTRICT OF LONE STAR

**Prepared by:**

**Pamela Robillard Mackey  
Haddon, Morgan and Foreman, P.C.  
150 E. 10<sup>th</sup> Avenue  
Denver, CO 80203**

Copyright 2016  
Texas Young Lawyers Association  
and  
Pamela Robillard Mackey  
All Rights Reserved

This case file was commissioned by the Texas Young Lawyers Association and was prepared by Pamela Robillard Mackey for the 2016-2017 National Trial Competition

## Statement of the Case

This is a criminal action against Stevie Tyler for possession with intent to distribute a kilogram of heroin. The United States of Lone Star alleges that on or about March 26, 2015, Stevie Tyler transported a kilogram of heroin from Valley Park Apartments, 645 Wolff Street to Walmart, 3800 Youngfield Street, with the intent to distribute the heroin for sale on the streets of Lone Star.

Witnesses:

For the Prosecution:

1. Domingo Gallardo Molina, a/k/a Krazy-8, confidential informant.
2. Cris Schrader, DEA Agent.

For the Defense:

3. Alex Garcia, friend of the defendant.
4. Dr. Pat Browne, neuropsychologist who evaluated Stevie Tyler.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF LONE STAR  
No. CR-15-2444

THE UNITED STATES OF LONE STAR,  Plaintiff,  v.  STEVIE TYLER,  Defendant.	§ § § § § § § § § § §	IN THE UNITED STATES DISTRICT COURT    FOR   THE DISTRICT OF LONE STAR
<b>INDICTMENT CHARGING STATUTE 21 Lone Star Code § 841(a)(1)</b>		

**COUNT ONE**

On or about March 26, 2015, within the State and District of Lone Star and elsewhere, the defendant STEVIE TYLER, did knowingly and intentionally possess with the intent to distribute, one kilogram or more of a mixture or substance containing a detectable amount of heroin, a Schedule I Controlled Substance.

All in violation of Title 21, Lone Star Code, Section 841(a)(1).

A TRUE BILL

  
\_\_\_\_\_  
FOREPERSON

APPROVED:

Sam Houston  
Lone Star United States Attorney  
District of Lone Star

By: s/Zeke Fortenberry  
Zeke Fortenberry  
Assistant United States Attorney  
U.S. Attorney's Office  
1225 Alamo Street  
Lone Star, CO 10062  
Telephone: (303) 123-4567  
Fax: (303) 891-2345  
Email: zeke.fortenberry@usdoj.gov  
Attorney for the Government

## **WITNESS AND EXHIBIT LIST**

### **WITNESSES:**

1. Domingo Gallardo Molina, a/k/a Krazy-8 (must be male)
  2. Cris Schrader (may be male or female)
  3. Alex Garcia (may be male or female)
  4. Pat Browne, MD, PhD (may be male or female)
- 

### **EXHIBITS:**

1. Photograph of \$2000 cash seized from Stevie Tyler on March 26, 2015
2. 1100 grams of Heroin
3. Photograph of Red and White Cooler seized on March 26, 2015
4. Photograph of Heroin wrapped in green cellophane in cooler as seized on March 26, 2015
5. Photograph of Heroin wrapped in green cellophane in cooler as seized on March 26, 2015
6. Photograph of 4390 and 4382 Vallejo Street, Lone Star
7. Photograph of 4390 and 4382 Vallejo Street, Lone Star
8. Photograph of yellow pickup truck registered to Stevie Tyler
9. Photograph of Valley Park Apartment sign
10. Photograph of Valley Park Apartment office
11. Photograph of Valley Park Apartment complex
12. Photograph of Walmart and 38<sup>th</sup> and Youngfield, Lone Star
13. Photograph of Walmart and 38<sup>th</sup> and Youngfield, Lone Star

## **PROCEDURAL MATTERS**

**AND**

## **STIPULATIONS AS TO EVIDENTIARY MATTERS**

### **Procedural Matters**

1. Federal Rules of Criminal Procedure and Federal Rules of Evidence apply.
2. All witnesses called to testify have identified the parties, other individuals, or tangible evidence in prior testimony and will, if asked, identify the same at trial.
3. Other than what is supplied in the problem itself, there is nothing exceptional or unusual about the background information of any of the witnesses that would bolster or detract from their credibility.
4. This competition does not permit a listed witness, while testifying, to "invent" an individual not mentioned in this problem and have testimony or evidence offered to the court or jury from that "invented" individual.
5. "Beyond the record" shall not be entertained as an objection. Rather, teams shall use cross-examination as to inferences from material facts pursuant to National Rules.
6. The Government and the Defendant must call the two witnesses listed as that party's witnesses on the witness list.
7. All exhibits in the file are authentic. In addition, each exhibit contained in the file is the original of that exhibit unless otherwise noted on the exhibit or as established by the evidence.

8. The defense has given notice, as required under Rule 12.2, that it intends to introduce expert testimony relating to a mental disease or defect or any other mental condition of the defendant bearing on the issue of guilt and has complied with the disclosure requirements of Rule 12.2. The Government has not requested an independent evaluation.

9. The Court has ruled that 21 L.S.C. § 841 is a specific intent crime.

10. The Court has ruled that it will instruct on “deliberate ignorance.”

11. It is stipulated that no one shall attempt to contact the problem drafter about this problem before the conclusion of the 2017 National Trial Competition Final Round. Contact with the competition officials concerning this problem must be pursuant to the rules of the competition.

12. 2017 is the year in which this case comes to trial.

13. Presentation and argument on pretrial motions shall be limited to a total time of sixteen minutes divided equally between the parties as follows: (1) the State shall have four minutes to present any pretrial motions; (2) the defendant shall have four minutes to respond to the State's motion(s); (3) the defendant shall have four minutes to present any pretrial motions; and (4) the State shall have four minutes to respond to the defendant's motion(s).

14. This competition permits teams to argue additional case law and other relevant authority to support the team's argument on motions and evidentiary issues. However, no additions or deletions are permitted to the provided jury instructions or to the jury verdict form.

## Substantive Matters

1. 21 Lone Star Code § 841-Prohibited Acts A provides:

*(a) UNLAWFUL ACTS Except as authorized by this subchapter, it shall be unlawful for any person knowingly or intentionally—*

*(1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance; or*

*(2) to create, distribute, or dispense, or possess with intent to distribute or dispense, a counterfeit substance.*

*such person shall be sentenced to a term of imprisonment which may not be less than 10 years or more than life and if death or serious bodily injury results from the use of such substance shall be not less than 20 years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$10,000,000 if the defendant is an individual or \$50,000,000 if the defendant is other than an individual, or both.*

2. Lone Star Rule 12.2 of Criminal Procedure: Notice of an Insanity Defense; Mental Examination provides as follows:

*(a) NOTICE OF AN INSANITY DEFENSE. A defendant who intends to assert a defense of insanity at the time of the alleged offense must so notify an attorney for the government in writing within the time provided for filing a pretrial motion, or at any later time the court sets, and file a copy of the notice with the clerk. A defendant who fails to do so cannot rely on an insanity defense. The court may, for good cause, allow the defendant to file the notice late, grant additional trial-preparation time, or make other appropriate orders.*

*(b) NOTICE OF EXPERT EVIDENCE OF A MENTAL CONDITION. If a defendant intends to introduce expert evidence relating to a mental disease or defect or any other mental condition of the defendant bearing on either (1) the issue of guilt or (2) the issue of punishment in a capital case, the defendant must—within the time provided for filing a pretrial motion or at any later time the court sets—notify an attorney for the government in writing of this intention and file a copy of the notice with the clerk. The court may, for good cause, allow the defendant to file*

*the notice late, grant the parties additional trial-preparation time, or make other appropriate orders.*

*(c) MENTAL EXAMINATION.*

*(1) Authority to Order an Examination; Procedures.*

*(A) The court may order the defendant to submit to a competency examination under [18 U.S.C. §4241](#).*

*(B) If the defendant provides notice under [Rule 12.2\(a\)](#), the court must, upon the government's motion, order the defendant to be examined under [18 U.S.C. §4242](#). If the defendant provides notice under [Rule 12.2\(b\)](#) the court may, upon the government's motion, order the defendant to be examined under procedures ordered by the court.*

*(2) Disclosing Results and Reports of Capital Sentencing Examination. The results and reports of any examination conducted solely under [Rule 12.2\(c\)\(1\)](#) after notice under [Rule 12.2\(b\)\(2\)](#) must be sealed and must not be disclosed to any attorney for the government or the defendant unless the defendant is found guilty of one or more capital crimes and the defendant confirms an intent to offer during sentencing proceedings expert evidence on mental condition.*

*(3) Disclosing Results and Reports of the Defendant's Expert Examination. After disclosure under [Rule 12.2\(c\)\(2\)](#) of the results and reports of the government's examination, the defendant must disclose to the government the results and reports of any examination on mental condition conducted by the defendant's expert about which the defendant intends to introduce expert evidence.*

*(4) Inadmissibility of a Defendant's Statements. No statement made by a defendant in the course of any examination conducted under this rule (whether conducted with or without the defendant's consent), no testimony by the expert based on the statement, and no other fruits of the statement may be admitted into evidence against the defendant in any criminal proceeding except on an issue regarding mental condition on which the defendant:*

*(A) has introduced evidence of incompetency or evidence requiring notice under [Rule 12.2\(a\)](#) or (b)(1), or*

*(B) has introduced expert evidence in a capital sentencing proceeding requiring notice under [Rule 12.2\(b\)\(2\)](#).*

*(d) FAILURE TO COMPLY.*

(1) Failure to Give Notice or to Submit to Examination. *The court may exclude any expert evidence from the defendant on the issue of the defendant's mental disease, mental defect, or any other mental condition bearing on the defendant's guilt or the issue of punishment in a capital case if the defendant fails to:*

(A) give notice under [Rule 12.2\(b\)](#); or

(B) submit to an examination when ordered under [Rule 12.2\(c\)](#).

(2) Failure to Disclose. *The court may exclude any expert evidence for which the defendant has failed to comply with the disclosure requirement of [Rule 12.2\(c\)\(3\)](#).*

(e) *INADMISSIBILITY OF WITHDRAWN INTENTION. Evidence of an intention as to which notice was given under [Rule 12.2\(a\)](#) or (b), later withdrawn, is not, in any civil or criminal proceeding, admissible against the person who gave notice of the intention.*

1 GRAND JURY 11-1  
2 DISTRICT OF LONE STAR

TESTIMONY OF  
CRIS SCHRADER

3  
4

---

5 IN THE MATTER OF A SPECIAL INVESTIGATION

---

6  
7

Lone Star, Courthouse  
1929 Alamo Street, Room 320  
Lone Star, 10062  
Thursday, October 15, 2015

12

13 The above-entitled matter came on for hearing before the Lone Star Grand Jury at the  
14 hour of 1:10 p.m.

15

16

17

18

19

APPEARANCES

20 FOR LONE STAR:

ZEKE FORTENBERRY

21

LONE STAR U.S. ATTORNEY'S OFFICE

22

23

24

25

I N D E X

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

Examination by Mr. Fortenberry Page Number 3

E X H I B I T S

Exhibit Number Initial Reference

- 1. Photograph of \$2000 page 9
- 3. Photograph of red and white cooler page 8
- 4. Photograph of red and white cooler page 8
- 5. Photograph of red and white cooler page 8

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

Where upon, the following proceedings were had and done on Thursday, October 15, 2015:

FOREPERSON: We have a quorum. There are no unauthorized persons present.

CRIS SCHRADER,

The Witness here, having been first duly sworn, was examined and testified on his oath as follows:

EXAMINATION

BY MR. FORTENBERRY:

Q Good afternoon, Agent Schrader.

A Good afternoon.

Q Could you please state your name and spell you last name for the court reporter?

A My name is Cris Schrader; C-R-I-S, S-C-H-R-A-D-E-R.

Q Where are you employed?

A I am employed as an agent with the Lone Star Drug Enforcement Agency.

Q How long have you been there?

A I've been employed, in total, with the Lone Star Drug Enforcement Agency for approximately 15 years.

Q Please tell the grand jury your educational background.

1           A       Well I was born and raised right here in Lone Star, went to high school at Lone  
2 Star Central High and graduated from Lone Star University with a Bachelor of Science in  
3 Criminal Justice.

4           Q       Now please tell the jurors about your professional background.

5           A       Well I was lucky enough to start right out of college with the Lone Star Drug  
6 Enforcement Agency. I rose through the ranks to become supervisor of all investigations  
7 handled by the local Lone Star office. I've handled hundreds of investigations, everything from  
8 possession to giant conspiracies to distributors. I am familiar with all kinds of drugs, cocaine,  
9 marijuana, heroin, you name it and I've seen it. I've done surveillance. I've done undercover  
10 buys. I've done sting operations. Quite frankly Sir, there's absolutely nothing I haven't done as  
11 a DEA agent in the field.

12          Q       Finally, tell the jury a little bit about yourself personally.

13          A       While I'm happy to say that I have been married to my high school sweetheart for  
14 the last 17 years. Unfortunately, we don't have any children. I am very close to my spouse's  
15 brother, Walter, and have kind of taken his kids under my wing as my own. I love to hunt. I love  
16 to fish and I spend a lot of time at the firing range, because I'm a crack marksman and take great  
17 pride in my ability with a gun.

18          Q       Directing your attention now to March 26<sup>th</sup> of 2015, did you make an arrest on  
19 that day?

20          A       You bet I did. It was a big one.

21          Q       Can you tell the jury a little bit about how that came to be?

22          A       You bet. So the DEA had known for a long time that there was a large heroin  
23 ring working here in Lone Star. We've been trying to crack it for about six months and not  
24 having any luck at all. Finally, in March one of our confidential informants, his real name is  
25 Domingo Gallardo Molina, but everyone calls him Krazy-8, came to me and said the he knew

1 that there was a large amount of heroin that the kingpin was looking to offload and that he could  
2 set up a controlled buy.

3 Q Let me interrupt you there for a minute Agent Schrader. What's a confidential  
4 informant?

5 A Well a confidential informant is someone who is a layperson in the community  
6 that cooperates with the DEA to help us get the bad guys. We keep their names and identity  
7 confidential so that they don't get hurt by the drug dealers and the other bad guys in the  
8 community.

9 Q What's a controlled buy?

10 A A controlled buy is when we send a confidential informant in posing as a ready,  
11 willing and able customer to purchase drugs from the bad-guy drug-dealer. The confidential  
12 informant is not really buying for themselves. They're using DEA money to buy the drugs and  
13 after the transaction is complete, we swoop in and arrest the bad guys.

14 Q Thank you Agent Schrader. Now if you will continue to tell the jury what  
15 happened with regard to the arrest that you made on March 26, 2015.

16 A Sure. So as I was saying, Krazy-8, one of our best confidential informants, told  
17 us there was a kingpin shopping a bunch of heroin. He thought that he could set up a controlled  
18 buy of the heroin. Of course, I was all for it. Trying to get that heroin off the streets is one of  
19 my key goals as a DEA officer. So I told Krazy-8 to go ahead and to let me know when the  
20 details had been put together.

21 Q Did Krazy-8 come back to you with a plan?

22 A You bet he did. He said that he had contacted the kingpin and told him that he  
23 had agreed to purchase a kilo of heroin for a hundred grand. The plan was that the heroin would  
24 be delivered to Krazy-8 in the parking lot of the Walmart out at 38<sup>th</sup> and Youngfield, right here  
25 in Lone Star. Krazy-8 told us that the heroin would be packaged in 15 balls of heroin at about 65

1 grams each-each wrapped in green cellophane and put in a cooler. He said that he was expecting  
2 the kingpin to bring the drugs to him and about 4 o'clock in the afternoon on that date.

3 Q Once having this plan communicated to your from Krazy-8, what did you do  
4 next?

5 A I assembled a large squad of agents, about 20 in number, and we began to plan  
6 how we would handle the controlled buy. It was agreed that the agents would form teams of 2,  
7 each dressed like a Walmart shopper. The agents would arrive at the Walmart store at staggered  
8 times commencing at 1 p.m. The earliest ones would go in and shop at Walmart. They were not  
9 instructed to buy anything in particular, but if they needed something they were free to pick it up  
10 while they were wandering the aisle. Everyone was to have been at the place no later than 3:30  
11 p.m. Everyone was instructed that by 3:45 they would be back in their cars and that the cars  
12 would be parked in relatively close proximity to the vehicle to be driven by Krazy-8. To make it  
13 look real, we assigned Krazy-8 a black Escalade totally tricked out, with super cool rims and  
14 wheels. This was so he could pretend that he was going to take possession of the kilo of heroin.

15 Q Were you able to implement this plan?

16 A Yep, went off like clockwork. The agents did a great job. Some of them even got  
17 some things that they needed at Walmart and everybody was in place by 3:45, including Krazy-8  
18 who was sitting in his Escalade at the end of one of the rows of parked cars. No, I'm sorry he  
19 wasn't sitting in the Escalade, he was standing in the back of the Escalade kinda leaning up  
20 against the back tailgate, one foot propped up on the bumper, looking like he was just hanging  
21 out. He was under strict instructions that he was not to make any eye contact with any of the  
22 agents that were sitting around in various cars.

23 Q What happened next?

24 A Well at about 4:08 a yellow Chevrolet pickup truck pulled up. Now the driver  
25 was supposed to be alone, but as it turned out there were two people in the car-in the cab of the

1 truck, one driving, one in the passenger seat. The yellow truck pulled up right alongside of the  
2 Escalade and Krazy-8 went over and talked to the driver. They chatted at the window of the  
3 yellow pickup truck for a few minutes and then both the driver and the passenger exited the  
4 vehicle and moved to the bed of the pickup truck.

5 Q Again Agent Schrader let me stop you right there. Did it appear to you that the  
6 driver knew Krazy-8?

7 A You bet. The driver was chatting up a storm with Krazy-8 and appeared to know  
8 him quite well.

9 Q What happened next?

10 A Well as the three people moved towards the back of the pickup truck I saw the  
11 driver reach over and put down the tailgate of the pickup truck. He then climbed up in the bed of  
12 the truck to retrieve a red and white cooler. He pulled the cooler towards the end of the truck,  
13 picked it up and handed it to Krazy-8. Krazy-8 set the cooler on the ground and pretended like  
14 he was reaching for his money and at the point all the DEA agents busted out of their vehicles,  
15 weapons drawn and started yelling, 'get down, get down, get down, get down on the ground.'  
16 Well with about 22 firearms pointed in their face all three of them, Krazy-8, the driver and the  
17 passenger all hit the parking lot face down, hands above their head. I cuffed all three of them.  
18 Krazy-8 was taken off in one direction, meanwhile the driver and the passenger were also cuffed  
19 and under arrest and taken down to Lone Star DEA Headquarters for processing.

20 Q While you were cuffing the driver did he say anything?

21 A Yes, he just kept repeating, 'what's going on, what's going on, what's going on?'  
22 I told him, 'you know exactly what's going on, you brought a whole bunch of heroin here to sell  
23 to Krazy-8 and now you're under arrest, pursuant to the authority invested in me by the great  
24 state of Lone Star.' He said, 'I have no idea what you're talkin about. Krazy-8 just asked me to  
25 deliver a cooler. He paid me 2,000 bucks to deliver it. 2,000 bucks cash is right in my pocket.'

1 You can take it right outta there. He told me don't look in the cooler, just bring it to me at the  
2 Walmart parking lot, so that's what I did.'

3 Q Did he say anything else?

4 A No, not really. He just kinda started cryin.

5 Q And the passenger?

6 A The passenger kept saying I have no idea what's going on. I have no idea what's  
7 goin on. I was just takin a ride with my buddy. I don't know what you're doing, I don't know  
8 what you're doin.'

9 Q What did you do with regard to the passenger?

10 A Well we took him down to headquarters, ran him, saw that he had no criminal  
11 history or any warrants, so we just cut him loose. We didn't have any information that he was  
12 involved in any way.

13 Q What was the passenger's name?

14 A Passenger's name was Alex Garcia.

15 Q And the driver?

16 A The driver was Stevie Tyler.

17 Q Did you recover any evidence from the scene?

18 A You bet. We recovered the red and white cooler full of green balls of a white  
19 powdery substance and \$2000 cash from Stevie Tyler's back pocket.

20 Q I am handing you what has been marked as Exhibits 3, 4 and 5. Do you recognize  
21 what is shown in each of these photographs?

22 A Yes.

23 Q What is shown?

24 A Exhibit 3 is a picture of the red and white cooler. Exhibits 4 and 5 are pictures of  
25 the same cooler but with the top open so you can see the 15 green balls of heroin.

1 Q Was the white powdery substance tested?

2 A Yes Chemical analysis was performed – the white powdery substance tested out  
3 as 100% pure heroin.

4 Q Was there any fingerprint analysis performed?

5 A Yes, the green cellophane packing was tested, but no prints could be identified.  
6 Tyler must have used gloves when packaging the heroin.

7 Q Agent, I am now handing you what has been marked as Exhibit 1. Do you  
8 recognize it?

9 A Yes.

10 Q What is it?

11 A It is a picture of the \$2000 I retrieved from Stevie Tyler's back pocket upon his  
12 arrest and returned to Krazy 8.

13 Q. Thank you Agent Schrader. Now on another note, I have information that there is  
14 an Internal Investigation pending against you in which you have been accused of using excessive  
15 force in the arrest of an individual by the name of Lulu White, on suspicion of prostitution.  
16 Please tell the jury about that.

17 A. Well first off, innocent until proven guilty is the law of the land and I have not  
18 been proven guilty. Yes, there is a complaint filed against me arising out of a raid of Mahogany  
19 Hall, a high-class (if there is such a thing) whorehouse on the west side of town, out by  
20 Storeyville. I was part of a raid six months ago on the den of inequity. The raid was a joint raid  
21 with the Lone Star Federal Bureau of Investigation and my agency, the Lone Star DEA. It was a  
22 coordinated effort and took place in the early morning hours of April 15, 2015 – tax day. We  
23 had reason to believe that there was prostitution and tax evasion being committed at Mahogany  
24 Hall and that Ms. White was moving a ton of prescription drugs and heroin out the back door of  
25 her establishment. We got ourselves a warrant and executed it at 1 am on the morning of the

1 15<sup>th</sup>. Lulu has lodged a complaint that I roughed her up when I arrested her in the middle of a  
2 sex act with the Mayor of Lone Star. There is nothing to it. I followed the procedure of our  
3 department to a "T." The Lone Star Gazette's coverage has been biased and inaccurate.

4 Q Can you tell the jurors what happened during the arrest?

5 A. Of course, it was a no-knock warrant, so the agents met a mile down the road  
6 from Mahogany Hall at midnight. I gave the "go" signal and agents from both agencies  
7 approached the building, no weapons were drawn and we entered the Hall in single file, half  
8 through the front door and half through the back. I was tasked with arresting Lulu because she  
9 was the one dealing drugs. I went up to her room, knocked politely and entered. Lulu was in  
10 bed with the mayor. They didn't have any clothes on and there was sexual contact. I announced  
11 that I had a warrant for Lulu's arrest, asked them to stand up, get dressed and for Lulu to come  
12 with me once she was dressed. I left the Mayor in the room because I did not have a warrant for  
13 him. Rather, I escorted Lulu downstairs. Unfortunately, Lulu had chosen to put on a floor  
14 length gown and tripped at the top of the stairs. She fell down the stairs and was injured. She is  
15 blaming me for the injuries, but I am in no way responsible.

16 Q Thank you Agent Schrader, I have no further questions.

# *Lone Star Gazette*

---

*April 16, 2015*

Storyville – In the early morning hours of tax day, the Lone Star Bureau of Investigations and the Lone Star Drug Enforcement Agency conducted a joint raid on a well-known establishment in Storyville, Mahogany Hill, the night club and bar owned and operated by one of Storyville's most beloved citizens, Lulu White.

Agent Cris Schrader of the Lone Star DEA said that the raid had been authorized by a properly obtained warrant and that the propose of the raid was “to stop the selling of prescription drugs and heroin that has been going on for far too long in our county.” Agent Schrader also confirmed that all computers, books and records had also been seized pursuant to the warrant and that tax evasion was suspected.

Lulu White could not be reached as she was hospitalized, but issued this statement through her agent:

Mahogany Hill is a lawful business. We pay our taxes and offer legal pastimes and enjoyment to the citizens of Lone Star and Storyville. I am quite sure that Mahogany Hill and I will be exonerated through a proper investigation and, if necessary, a trial.

I am unable to speak to the citizens of Lone Star and Storyville as my jaw is wired shut. My arrest last evening was violent and unlawful. Agent Schrader burst into my office where I was speaking with

my general manager, Tiffany Glass, and with the Mayor of this fine town. Agent Schrader began yelling at all of us and when in disbelief we did not move fast enough, he grabbed Ms. Glass by the hair and threw her across the room. She suffered multiple cuts and bruises.

Agent Schrader dragged me from the room and steered me toward the back staircase which is the old staircase leading to the kitchen and only rarely used. He must have seen the stairs on an earlier visit to Mahogany Hall. At the top of the stairs, Agent Schrader pushed me down the stairs. He immediately started yelling for help, exclaiming that I had fallen. I did not fall, I was pushed. My attorneys will be filing suit against Agent Schrader for his excessive use of force by the end of this week.

My jaw is broken, I have six cracked ribs and a broken wrist. I am bruised all over my body.

Thank you to all the citizens of Lone Star and Storyville for the outpouring of love and kindness. Your cards and flowers are so very much appreciated.

1. Date Prepared: 09-02-2015	2. Case Number: KN-12-0061	3. File Title: Tyler, Stevie	4. GDEP #: YNCLB
5. Group Number: CSRO	6. Program Code:	7. Date taken into DEA Custody: 3-26-2015	8. Where obtained (Country, City, State) USA, Lone Star
9. Is this document for Informational purposes only? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
10. How obtained? <input type="checkbox"/> Purchase cost per exhibit: (1) _____; (2) _____; (3) _____			
<input checked="" type="checkbox"/> Seized <input type="checkbox"/> Money Flashed <input type="checkbox"/> Compliance Sample (Non-Criminal) <input type="checkbox"/> Free Sample <input type="checkbox"/> Clandestine Laboratory Seizure <input type="checkbox"/> Regulatory <input type="checkbox"/> Internal Body Carry* <input type="checkbox"/> Stockpile Reverse Undercover <input type="checkbox"/> Other: _____			

\*A biohazard warning label must be placed on the heat sealed evidence envelope containing the evidence acquired from an internal body carry.

11. If referral, name of referring agency:	11a. Case #:	11b. Seizure #:
12. If seized for forfeiture (pseudoephedrine) and held as evidence or for safekeeping, was a SSF prepared?		
<input type="checkbox"/> If yes, attach SSF and enter Asset ID (formerly CATS ID) # _____ Provide asset (fair market) value at time of seizure _____ <input type="checkbox"/> If no, explain: _____		

**FINGERPRINTS**

13. Exhibit #	14. FDIN #	15. Alleged Drugs	16. Describe Marks on Labels (Note: If original container is separate from drug, enter subexhibit # and describe original container fully.)	Approx. Gross Quantity		
				17. Seized	18. Submitted	19. Retained
2	2013655170	Heroin	15 Green Cellophane Balls	1100 g	1100 g	0 g

20. Is this a bulk drug seizure? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If yes, provide date of 60-day letter: _____)	21. Identify: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Threshold DEA-7 or <input type="checkbox"/> Bulk DEA-7
--	--

22.  Fingerprint Analysis Requested for exhibit(s): 2

22a. Compare Latent Prints with subject(s):

Name	FBI and or State ID Number(s)	Date of Birth	Identify type of prints attached		
			Finger	Palm	None
Tyler, Stevie	143203WB9	01-08-1982	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

23. REMARKS:

Exhibit 17: 15 balls of suspected heroin covered in green cellophane. The balls were recovered during a controlled buy and were contained in a red and white cooler being transported in a 2000 Chevrolet Pickup Truck (yellow) bearing Lone Star license plate 972END, driven by Stevie Tyler, by DEA Agent Cris Schrader on March 26, 2015, at approximately 5:00 pm. Agent Schrader recovered the suspected heroin from the bed of the pickup truck and maintained possession of Exhibit 2 at the scene until releasing it to Lone Star Drug Enforcement Administration Headquarters for processing and temporary storage. DEA Agent Schrader conducted a field test of Exhibit 2, which reviled a presumptive indication for heroin.

24. Type/Print Name of Special Agent/Task Force Officer/Diversion Investigator: Cris Schrader	25. Type/Print Name of Supervisor: David J Keiken, GS
24a. Signature and Date: <i>[Signature]</i> 09-03-2015	25a. Signature and Date: <i>[Signature]</i> 09-03-2015

**DRUG EVIDENCE CUSTODIAN RECEIPT REPORT (FOR FIELD OFFICE USE ONLY)**

26. No. Packages:	27. Print/Type Name Received From:	27a. Signature and Date:
28. SEAL <input type="checkbox"/> Broken <input type="checkbox"/> Unbroken	29. Print/Type Name Received By:	29a. Signature and Date:
30. Date Entered Into ENEDES/CERTS:		

**LABORATORY EVIDENCE RECEIPT REPORT (FOR LABORATORY USE ONLY)**

31. No. Packages: 05500	32. Print/Type Name Received From: KCA	32a. Signature and Date: <i>[Signature]</i> 9/4/15
33. SEAL <input type="checkbox"/> Broken <input checked="" type="checkbox"/> Unbroken	34. Print/Type Name Received By: W. MORIWARA, S/C	34a. Signature and Date: <i>[Signature]</i> 9/4/15
35. Laboratory #s: (1) 7179133 (2) (3)	36. Laboratory Control #s: (1) AF6501 (2) (3)	

AF 6509FP



Lone Star  
Department of Justice  
Drug Enforcement Administration

Western Laboratory  
Lone Star

Chemical Analysis Report

Lone Star Resident Office  
111 South Tejon, Suite 306  
Lone Star, 10062

Case Number: KM-12-0061

Exhibit	Laboratory Number	Substance(s) Identified	Net Weight	Substance Purity	Amount of Pure Substance
2	7179133	Heroin	1100 g ± 0.1g	100%	1100g

Remarks: Exhibit : The reported net weight was determined by direct weighing of all units; the net weight uncertainty value represents an expanded uncertainty estimate at the 95% level of confidence.

Exhibits	No. Units	Pkg. Type (inner)	Color	Form	Description of Consistency/Texture	Reserve Weight
2	1	15 Green Cellophane Balls	White	Powder	Fine White Powder	1100grams

Remarks: Exhibit 2 : Original packaging separated for latent print analysis.

Sampling:

Exhibit 2 : Heroin confirmed in 1 unit tested of 1 unit received.

Exhibit: Summary of Test(s):  
2 Gas Chromatography/Infrared Detector, Gas Chromatography/Mass Spectrometry, Infrared Spectroscopy  
No prints detected.

Exhibit: Purity Test(s):  
2 100%

Analyzed By: Gloria Bedwell, Forensic Chemist

*Gloria Bedwell*

Date: September 15, 2015

Approved By: William Dawson, Laboratory Director

*William Dawson*

Date: 9/23/2015

LONE STAR DRUG ENFORCEMENT AGENCY  
REPORT OF CONTROLLED BUY FROM STEVIE TYLER ON  
MARCH 26, 2015

Date of Entry: March 28, 2015

**The following report was generated by Agent Cris Schrader, DEA of Lone Star:**

**January 2, 2015:** Domingo Gallardo Molina, a/k/a Krazy-8, DOB: 8/12/1985, arrested for Possession with Intent to Distribute. Molina apprehended pursuant to a routine traffic stop for obstructed windshield (Molina had a bobble head of Luke Skywalker on his dashboard). Upon being stopped, Molina exited his vehicle with his hands overhead, saying, "you got me, you got me, please don't shoot." He then directed the arresting officers to the 15 kilos of heroin hidden under a false bottom in the back of his pickup truck. Officers had to remove several crates of chickens in order to access the false bottom of the truck.

Molina arrested and held on \$1 million dollars bail. Extensive criminal history noted. Molina has multiple drug-related arrests and felonies. Additionally Molina has a history of arranging cock fights for money. See criminal history for more details.

**January 15, 2015:** Molina is debriefed at Lone Star DEA headquarters. His appointed counsel is present. Molina agrees to cooperate. In exchange for a dismissal of his charges, Molina agrees to act as a confidential informant and to set up at least three buys of a kilo of heroin or more.

**January 16, 2015:** Molina is released from custody on a PR bond.

**February 1, 2015:** Agent Schrader meets with Molina to discuss potential buys. Molina executes confidential informant agreement and provides list of drug dealers with whom he has worked in the past (both attached hereto). Promises to set up buy in the near future.

**February 10, 2015:** Agent Schrader meets with Molina to discuss potential buys. Molina has not set up any buys.

**February 20, 2015:** Agent Schrader meets with Molina to discuss potential buys. Molina has not set up any buys.

**March 1, 2015:** Agent Schrader meets with Molina to discuss potential buys. Molina has not set up any buys. Agent Schrader informs Molina that unless a buy is set up and completed by April 1, his bond will be revoked.

**March 25, 2015:** Molina reports to Agent Schrader that he has set up a buy. Molina reports that one of the major kingpins is looking to offload a kilo of heroin and that Molina has arranged to buy the heroin.

Molina reports that the kingpin's name is Stevie Tyler. Molina states that he has sold numerous "chickens," that is game fowl, to Tyler in the past. Molina reports that in addition to moving massive amounts of heroin through the supply chain in Lone Star, Tyler is renowned in the gamecock fighting world, sponsoring the most beautiful and deadliest fighting game fowl in Lone Star. Molina reports that Tyler's game fowl have the most amazing gameness. That is, not only do the game fowl have initial aggressiveness, but also the ability to remain aggressive even when severely injured.

**March 25, 2015:** Meeting with agents and Molina to plan controlled buy. Agents instructed to arrive in teams of two at the Walmart located at 38<sup>th</sup> and Youngfield in Lone Star beginning at 1 pm and ending no later than 3:30 pm. Agents given permission to shop – must use their own money. Agents to be in their vehicles in teams of two no later than 3:45

Molina to arrive at Walmart parking lot no later than 3:45. Molina to be assigned black Escalade, vehicle number 303.

Molina reports that kingpin drives a yellow pickup truck; that the heroin is to be in a red and white cooler. Molina reports that the heroin will be wrapped in green cellophane balls – 15 of them to be exact. ETA of kingpin is 4 pm on March 26, 2015.

**March 26, 2015:**

**1:00 PM:** Agents begin arriving at Walmart located at 38<sup>th</sup> and Youngfield in Lone Star.

**3:30 PM:** All agents done shopping and seated in cars in teams of two. Everyone reading their smart phones.

**3:45 PM:** Molina arrives in black Escalade, parks away from Walmart; exits vehicle and stands at rear of vehicle looking casual.

**4:08 PM:** Yellow pickup truck arrives. There is a passenger in the truck – not part of plan; decide to proceed anyway.

**4:10 PM:** Molina approaches yellow pickup truck on driver's side, speaks with Driver. Driver exits vehicle. Molina and driver speak in animated fashion for five (5) minutes. Driver and Molina move to back of truck. Driver jumps in bed of truck and picks up a red and white cooler. Driver hands cooler to Molina who takes cooler. Driver jumps out of bed of pickup truck.

**4:15 PM:** Bust signal given.

Agents exit vehicles, weapons drawn. Agents apprehend Driver and Molina. Passenger asked to step out of vehicle and is politely questioned by the arresting agents. Upon determining that passenger has no knowledge of events, he is politely told that he may go.

**4:23 PM:** Driver and Molina arrested, handcuffed and transported to Lone Star DEA headquarters.

**4:48 PM:** Agents, Molina and Driver arrive at headquarters. Molina and Driver placed in cell. Driver continually repeats, "What is going on, what is going on?"

**5:48 PM:** Driver removed from cell and placed in interview room. Molina removed from cell, cuffs removed. Molina allowed to watch interrogation through one-way mirror.

**5:53 PM:** Driver advised of *Miranda* rights. Driver refuses to answer questions, repeating over and over, "what is going on, what is going on?"

**8:53 PM:** Interview terminated. Molina identifies Driver as Stevie Tyler. Driver booked. \$2000 cash retrieved from Driver's back pocket. Cash photographed and returned to Molina. Driver returned to cell.

**March 27, 2015:** Drug case against Molina dismissed.

Adoption of Statement

I, Domingo Gallardo Molina, also known as Krazy-8, having had full and fair opportunity to completely review the forgoing **LONE STAR DRUG ENFORCEMENT AGENCY REPORT OF CONTROLLED BUY FROM STEVIE TYLER ON MARCH 26, 2015** do hereby adopt and approve such statement. Such statement is an accurate and complete record of the events leading up to and including the controlled buy of one kilogram of heroin from Stevie Tyler, kingpin drug dealer and game fowl owner.

I further state and affirm that the foregoing Statement is a full and complete account of all matters relevant to the events of March 26, 2015 to the best of my memory and recollection. I have not omitted any important facts or details about the incident or about any of the participants.



---

Domingo Gallardo Molina, also known as Krazy-8



June 1, 2015

CONFIDENTIAL INFORMANT AGREEMENT

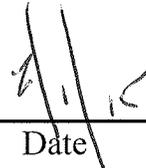
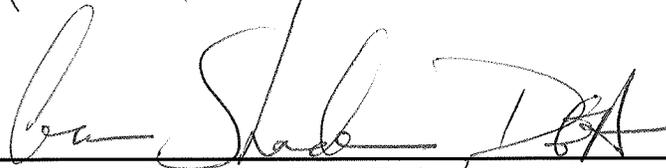
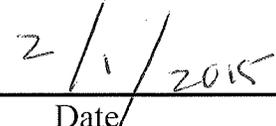
Domingo Gallardo Molina, also known as Krazy-8, hereby agrees to cooperate with the Lone Star Drug Enforcement Agency, specifically Agent Cris Schrader, to assist the Agency in identifying, apprehending and prosecuting individuals known to Molina to be selling illegal controlled substances, specifically methamphetamine, cocaine and marijuana, in the District of Lone Star.

Domingo Gallardo Molina, also known as Krazy-8, agrees to identify and contact the known individual(s) to set up a purchase that will be facilitated and monitored by the Agency, such purchase to be designed to lead to the apprehension, arrest and prosecution of the individual.

Domingo Gallardo Molina, also known as Krazy-8, enters this agreement freely and voluntarily.

Domingo Gallardo Molina, also known as Krazy-8, agrees to release the Agency from any liability should Molina come to any harm as a result of this agreement.

Upon completion of the aforementioned tasks, the Agency agrees to dismiss the pending charges arising out of Molina's arrest on January 2, 2015.

 _____	 _____
Domingo Gallardo Molina	Date
 _____	 _____
Cris Schrader, Lone Star Drug Enforcement Agent	Date

List of drug dealers active in the Lone Star area:

Walter White  
Griselda Blanco  
George Jung  
Enedina Felix  
Stevie Tyler  
Brian O'Dea

DL/ID #: P0001234  
URN: 10197121234  
Name: Domingo Gallardo Molina, a/k/a Krazy-8  
DOB: 08/12/1985



***DMV AND CRIMINAL JUSTICE AGENCY USE ONLY.***

**BY LAW, all information appearing on a DMV Dossier, including any PHOTOGRAPH, SIGNATURE or FINGERPRINT, is for the exclusive use of criminal justice agencies and IS NOT TO BE RELEASED TO ANY OTHER PARTY FOR ANY PURPOSE.**

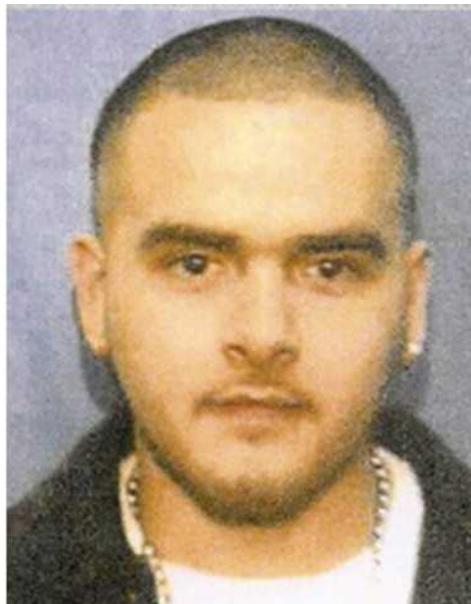
TIPS - Print Detail

[Home](#)

TIPS



## Molina, Domingo Gallardo

JID# **P0001234**Booking# **1001234**Sex **M**Height **6'2"**Weight **225**Date of Birth **08/12/1985**Race **W**Hair Color **BLK**Eye Color **BROWN**Facial Hair **NONE**Hair Length **SH**Glasses **N**Charge **POSSESSION OF A CONTROLLED SUBSTANCE**Image Type **MugShot**Image Date **12/01/2014 10:00:55**

20110224-0002

\*\*\*\*\*CRIMINAL HISTORY\*\*\*\*\*

-----ARREST 01-----

DATE ARRESTED	12/28/2006
AGENCY	CO00070200 PD LONE STAR
NAME USED	MOLINA, DOMINGO GALLARDO
CHARGE	01
CHARGE LITERAL	POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DISTRIBUTE
TYPE/LEVEL	FELONY
OFFENSE DATE	12/28/2006
COURT DISPOSITION	GUILTY
DISPOSITION DATE	6/14/2007
SENTENCE	CREDIT FOR TIME SERVED
SUMMARY	MOLINA PLED GUILTY TO POSSESSION OF COCAINE WITH INTENT TO DISTRIBUTE

-----ARREST 02-----

DATE ARRESTED	12/06/2008
AGENCY	CO00070200 PD LONE STAR
NAME USED	MOLINA, DOMINGO GALLARDO
CHARGE	01
CHARGE LITERAL	ANIMAL FIGHTING
TYPE/LEVEL	FELONY
OFFENSE DATE	12/06/2008
COURT DISPOSITION	GUILTY
DISPOSITION DATE	6/06/2009
SENTENCE	PROBATION AND \$1,000 FINE
SUMMARY	MOLINA CHARGED WITH ANIMAL FIGHTING ARISING OUT OF HIS ARRANGING COCK-FIGHTS FOR THE PURPOSE OF MONETARY GAIN

-----ARREST 03-----

DATE ARRESTED	12/15/2009
AGENCY	CO00070200 PD LONE STAR
NAME USED	MOLINA, DOMINGO GALLARDO
CHARGE	01
CHARGE LITERAL	POSSESSION WITH INTENT TO DISTRIBUTE
TYPE/LEVEL	FELONY
OFFENSE DATE	12/15/2009
CHARGE	02
CHARGE LITERAL	ANIMAL FIGHTING
TYPE/LEVEL	FELONY (2ND OFFENSE)
OFFENSE DATE	12/15/2009
COURT DISPOSITION	GUILTY TO CHARGES 01 & 02
DISPOSITION DATE	6/12/2010
SENTENCE	2 YEARS DOC PLUS \$2,000 FINE
SUMMARY	MOLINA CHARGED WITH POSSESSION OF HEROIN AND SPONSERING COCK-FIGHTS

-----ARREST 04-----

DATE ARRESTED	12/24/2011
AGENCY	CO00070200 PD LONE STAR
NAME USED	MOLINA, DOMINGO GALLARDO
CHARGE	01
CHARGE LITERAL	POSSESSION WITH INTENT TO DISTRIBUTE
TYPE/LEVEL	FELONY
OFFENSE DATE	12/24/2011
COURT DISPOSITION	GUILTY TO CHARGE 01
DISPOSITION DATE	06/28/2012
SENTENCE	5 YEARS
SUMMARY	MOLINA PLED GUILTY TO POSSESSION OF 300G OF HEROIN

-----ARREST 05-----

DATE ARRESTED	1/1/2015
AGENCY	CO00070200 PD LONE STAR
NAME USED	MOLINA, DOMINGO GALLARDO
CHARGE	01
CHARGE LITERAL	POSSESSION WITH INTENT TO DISTRIBUTE
TYPE/LEVEL	FELONY
OFFENSE DATE	1/1/2015
COURT DISPOSITION	CASE DISMISSED
DISPOSITION DATE	03/27/2015
SENTENCE	NONE
SUMMARY	CASE DISMISSED

**SUBJECT: INTERVIEW WITH ALEX GARCIA**  
4376 VALLEJO STREET, LONE STAR

---

*This memorandum is the result of a transcription of my notes. My notes were recorded in Gregg shorthand contemporaneously with the oral statement of Alex Garcia. This memorandum is a substantially verbatim recital of the oral statement made by Alex Garcia to me.*

On January 10, 2016, at approximately 11 in the morning, I contacted Alex Garcia at 4376 Vallejo Street, Lone Star. I approached the Garcia's home, which is a small moderate well-tended, one story home located immediately next to the home of Stevie Tyler at 4390 Vallejo Street, Lone Star. I knocked on the door and Garcia answered. He was wearing a neck brace. I informed Garcia that I am a private investigator retained by counsel representing Stevie Tyler. Garcia agreed to be interviewed and provided the following information:

Garcia is 38 years old and has lived in the Sunnyside neighborhood of Lone Star for 38 years. Garcia has worked at Kickin' Asphalt Paving for 18 years. Garcia is in good health and has excellent hearing and eye sight.

Garcia first met Stevie Tyler when Tyler moved into the home immediately next to the home of Garcia. Tyler purchased the home at 4390 Vallejo Street, approximately 15 years ago. During the time that Tyler has lived next-door, Tyler's family has grown to include three beautiful children who are now ages 10, 8 and 6, all adorable little girls, that Tyler insists are dressed in matching outfits on Sunday when they all go to Mass together.

During the same time Garcia's family expanded to include three little boys, now ages 9, 7 and 5. Garcia was working at Kickin' Asphalt Paving Company when Tyler moved in. Tyler was working for a competitor in the asphalt paving business. As the friendship between the two families began to grow, Garcia suggested to Tyler that Tyler move to Kickin' Asphalt Paving Company, because the pay and hours were much better. As a result, Garcia and Tyler have not only lived next-door to one another for the last 15 years, but they have also been employed at the same company for the last 13 years.

Both Tyler and Garcia were "flaggers" for the paving company. It is an extremely important job for the paving company, because their coworkers count on them to monitor and control the traffic, thereby keeping their coworkers safe during the paving activities. According to Garcia, Tyler and Garcia took their jobs very seriously. Garcia said they were both well liked and well respected by their many coworkers.

Garcia said that Tyler is extremely family oriented, takes very good care of the entire Tyler family, which not only includes Tylers spouse and 3 daughters, but many aunts, uncle, nieces, nephews, and cousins. Garcia described Tyler as a devout Catholic, who attended Mass every Sunday and all holy days at St. Joseph's Catholic Church, which is just down the street in the same neighborhood. Indeed, Tyler would often take overtime shifts in order to pay for the private tuition for the 3 girls to attend the Catholic school, also located at St. Joseph's.

I asked Garcia if had ever seen any unusual activity around the Tyler home, that is people coming and going at odd hours of the night, strangers knocking on the door or any activity like that. Garcia said, "Absolutely not." The only people that came to Tyler's home were close friends and family, all of whom Garcia knew by sight. Garcia never saw a stranger approach the house for any reason whatsoever.

Garcia was asked if Tyler ever took any lavish vacations, drove fancy cars or seemed to have a lot of money from a source that was unexplainable. Garcia said "Absolutely not." The Tylers lead a very modest life, owning one very old pickup truck and a beat-up Ford Explorer. Family vacations were usually spent with Tyler's parents who live on a hobby farm on the outskirts in Lone Star. Garcia said to the contrary, the Tyler's never seem to have quite enough money to make ends meet and as a result, Tyler was always working overtime shifts so that the family was well provided for.

I then asked Garcia if Garcia thought that Tyler was of normal intelligence. Garcia got very quiet and didn't speak for a few moments. Garcia then looked me in the eye and said that all things considered, anyone who had been around Tyler would know that Tyler was a bit "slow." Garcia said not dumb, by any stretch, but Tyler had to be told two or three times before the instructions were fully understood and the job could be performed according to the instructions. Garcia said that because Tyler works so hard at trying to understand instructions and doing a good job that everyone forgave Tyler for being a bit slow from time to time. Garcia said there were times when Tyler had to add up the hours of overtime worked and Garcia would have to help. Garcia added that Tyler did not trust banks and always cashed the weekly paycheck. As a result, Tyler often had large amounts of cash, particularly after a week of extra overtime.. It was clear to me that Garcia felt uncomfortable talking about Tyler's intellectual impairment.

Garcia went on to say that Tyler's "slowness" seemed to get a lot worse after the auto accident on February 8, 2015. I then asked Garcia to tell me about the accident. Garcia said that Tyler and Garcia were returning home from a long overtime shift on February 8, 2015. Tyler was driving the yellow pickup, the roads were snowy and icy and

Tyler was being very, very careful. As Tyler came around the curb and began to go down a hill, an oncoming car crossed the median and hit them head on. The truck in which Tyler and Garcia were riding was thrown into the air, rolled four times and came to a stop on its roof. Miraculously, Garcia was completely unhurt and was able to crawl out of the truck and call 911 for help. Tyler was not so lucky. The truck, being quite old, did not have air bags and Tyler's head hit the steering wheel with significant force. Indeed as Garcia dragged Tyler out of the truck, Tyler was bleeding from the nose and ears and mumbling incoherently. Tyler was barely conscious and did not respond to Garcia's pleas to say something, to move voluntarily. Fortunately, the ambulance arrived fairly quickly. They took Tyler to the hospital where Tyler remained for the next 10 days. Since the accident Tyler has really struggled with memory and any thought processes at all. Garcia teared up and started to cry and said that Tyler is just not the "same person." Garcia went on to say that Tyler does things now that Tyler would never have dreamed of doing before the car accident. Garcia described Tyler as much more childlike, forgetful, emotional and impulsive than before the car accident. Garcia volunteered that because of the car accident that Tyler was no longer able to work at Kickin' Asphalt Paving Company. Garcia knows Tyler was collecting unemployment after the accident and that the family was in significant financial distress.

I then asked Garcia about the events of March 26, 2015. Garcia said that he was sitting on the front porch, enjoying a balmy spring day, when Tyler said a friend of Tyler's asked Tyler to pick up a cooler and deliver it. Tyler told Garcia that Tyler has purchased "chickens" from this friend in the past and that Tyler really trusted him. Tyler told Garcia that the friend had approached Tyler and asked Tyler to pick up a cooler at the Valley Park Apartments over on Wolff Street and deliver it to the parking lot of the Walmart out on the far side of town. Tyler told Garcia that the friend said to pick up a red and white cooler that would be on the porch of apartment six at the Valley Park Apartments and deliver it to a guy in a black Escalade who would be hanging out in the Walmart parking lot. Garcia told me that Garcia thought it was pretty odd, but agreed to go along for the ride. Tyler and Garcia got into Tyler's old beat-up yellow pickup truck, drove to the Valley Park Apartments and sure enough outside apartment six there was a red and white cooler on the porch. Garcia offered to help Tyler carry it, but Tyler said that the cooler wasn't heavy. Garcia never saw Tyler look in the cooler, but rather picked the cooler up, walked back to the pickup truck and put it in the bed of the pickup truck. They then drove five miles to the Walmart where they saw a black Escalade parked at the far end of the Walmart parking lot, pretty far away from the store. Garcia was getting nervous, because none of this seemed to make any sense. Tyler told Garcia not to worry about and that it was a good way for Tyler to make money. Garcia asked how much

money Tyler was making and as they pulled into the parking space Tyler told Garcia that Tyler was making \$2,000 for the delivery. Garcia said that sounded like way too much money for a five mile delivery and just as Garcia was beginning to tell Tyler that, all hell broke loose. They were surrounded by a bunch of guys with guns drawn, all in dark blue uniforms, looking extremely pissed off. Garcia was grabbed by the shirt, pulled out of the old yellow truck and thrown face down onto the pavement with such force that Garcia's nose was broken. Garcia had lacerations on the forehead, both cheeks, both hands and both knees. The guys in the blue jumpsuits were yelling and hollering at Garcia and waiving their weapons. Garcia was "scared to death." Garcia said that one guy came over and put the handcuffs on so tight that there was no blood flow. Garcia still has trouble with the right hand, which was badly damaged by the handcuffs. After Garcia was handcuffed Garcia was jerked up and thrown into the back of a car. Nobody told them who they were, what was going on or what was happening. Garcia was taken down to an unmarked building. Garcia was afraid they were being kidnapped. Garcia was pulled out of the car, once again thrown on the floor and guy with the gun kept yelling, "what were you doing there, what were you doing there?" Garcia responded "I have no idea what is going on and I am scared to death." Eventually, a guy in a blue jumpsuit pulled Garcia up off the floor, uncuffed Garcia and sat Garcia down in a chair. Garcia was told to wait. After about an hour the same guy came back and said there had been a big mistake, there was no reason for Garcia to be there any longer and Garcia was told to go. Garcia walked out of the building, called an Uber and went home.

Garcia made it clear that he did not resist the officers and that after talking to a lawyer he had seen advertising his services on late night TV, Garcia now knows that the guys in the blue suits were Lone Star DEA agents and that they used excessive force on Garcia and Tyler. Garcia explained that the neck brace was a result of being roughed up by the agents. Garcia says it has kept Garcia out of work and someone is "going to have to pay for all the pain and suffering."

Garcia learned the Tyler was arrested for possession to distribute heroin. Garcia can't believe that Tyler would be distributing heroin. Garcia said that Tyler is the sweetest person in the world, would never get mixed up in any of the stuff and it had to all be a big mistake. According to Garcia, the TV lawyer told Garcia that Tyler would make a great witness if Tyler is not convicted for possession of heroin.

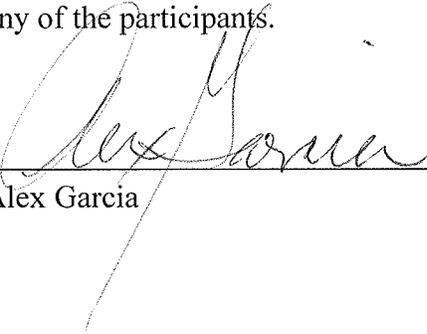
Garcia was able to identify several pictures previously marked with Exhibit stickers; the picture of Tyler's house next to that of Garcia's house (Exhibits 6 and 7); Tyler's yellow pickup truck (Exhibit 8); a pictures of the exterior of the Valley Park

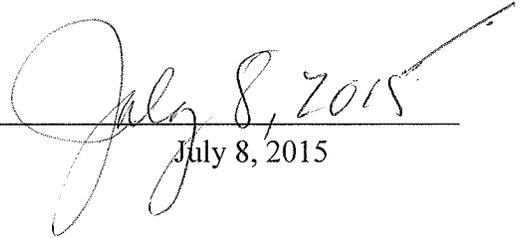
Apartments (Exhibits 9, 10 and 11); pictures of the Walmart (Exhibits 12 and 13); a picture of the red and white cooler (Exhibit 3); and a picture of Tyler.

Adoption of Statement

I, Alex Garcia, having had full and fair opportunity to completely review the forgoing INTERVIEW OF ALEX GARCIA BY INVESTIGATOR MICHAEL EHRMANTRAUT do hereby adopt and approve such statement. Such statement is an accurate and complete record of my interview with Investigator Michael Ehrmantraut.

I further state and affirm that the foregoing Statement is a full and complete account of all matter relevant to my friend, Stevie Tyler and the events of March 26, 2015, to the best of my memory and recollection. I have not omitted any important facts or details about the incident or about any of the participants.

  
\_\_\_\_\_  
Alex Garcia

  
\_\_\_\_\_  
July 8, 2015

---

---

**Browne & Associates, LLC**  
**Pat Browne Ph.D.**  
**113 West Alamosa Street**  
**Lone Star**  
**Phone: 303-822-4444 – Fax: 303-987-7777**

---

---

**CONFIDENTIAL NEUROCOGNITIVE ASSESSMENT**

**Name:** Stevie Tyler  
**DOB:** August 30, 1981  
**Date of Assessment:** August 17, 2015  
**Date of Report:** September 6, 2015

**Referral and Relevant Information:**

Stevie Tyler was assessed at the request of Tyler's attorney. Of specific interest was an evaluation of potential cognitive deficits and the impact of these defects, if any, on the issue of guilt of a pending criminal charge of possession with intent to distribute, given Tyler's level of functioning, prior academic performances, Tyler's mother's report that Tyler had disabilities since Tyler was a young child and a recent closed head injury sustained on February 8, 2015.

**Informed Consent:**

Tyler consented to the assessment after its purpose was explained. Tyler was given the opportunity to ask questions and raise concerns. Tyler indicated that Tyler understood, gave written consent and willingly participated in the procedures.

**Evaluation Process:**

To address the referral question, Tyler was interviewed and assessed on August 17, 2015 at our Lone Star office. Overall, the evaluation consisted of a clinical interview, a review of available collateral information, a 45-minute interview with Mrs. Brady, Tyler's mother, and administration standardized tests in order to assess Tyler's cognitive abilities.. As Tyler was placed on an individualized education program (IEP) throughout school, academic records were requested and received on September 1, 2015. Other collateral information included medical reports concerning injuries sustained in a motor vehicle accident on February 8, 2015 and investigative reports and statements related to a criminal charge of Possession of a Controlled Substance with Intent to Distribute that Tyler is currently facing.

Counsel for Tyler provide documentation that Tyler is accused of possessing over 1 kilogram of heroin with the intent to distribute it; that Tyler was arrested in the parking lot of a Walmart with a cooler full of heroin shaped into approximately 15 balls covered with green cellophane; that Tyler had been asked by an acquaintance of Tyler's to deliver the cooler to the Walmart; that Tyler was paid \$2,000 to deliver the cooler and that Tyler did not look in the cooler at any time.

### **Behavioral Observations and Mental Status:**

Tyler was casually but neatly dressed and appropriately groomed. Tyler was friendly and cooperative throughout the interview and evaluation. Tyler was oriented to person, place, time and situation. Tyler answered questions in a direct and thoughtful manner. Speech and language functions, based on responses to questions during the interview, were intact and appropriate for rate and fluency. Tyler's verbal statements were articulate.

Vocabulary, grammar and abstraction skills were suggestive of below average intellectual functioning. Tyler's memory functions appeared grossly intact with respect to immediate and remote recall of life events. Mental control appeared within normal limits as Tyler was able to track conversations and to answer questions in a relative goal directed manner. Tyler's thought processes, judged by verbal expressions and reasoning, appeared intact and organized.

### **Brief Summary of Tyler's Social History:**

Tyler, the eldest sibling of three, was born in Lone Star. Tyler's biological parents separated when Tyler was ten years old and Tyler was raised by Tyler's mother. There has been no contact with the biological father who reportedly struggles with clinical depression and is currently homeless.

Regarding Tyler's educational history, Tyler was placed on an individual education program (IEP) in elementary school to target academic and social/emotional difficulties. Specifically, it was noted that Tyler displayed aggressive behaviors, had limited self-control and struggled with attentional deficits.

However, by the time Tyler entered middle school, IEP reports describe Tyler as a "sweet, friendly person who responds to gentle redirection". Records reflect continued improvements, evidenced by statements such as "Stevie is a friendly person who generally gets along with just about everyone. Stevie is a very sensitive, caring and compassionate young person."

Despite struggling academically, Tyler graduated from high school. Tyler reported attending one college class after graduating from high school but dropped out as Tyler didn't believe Tyler "was smart enough."

Tyler began working after high school for an asphalt paving company. At a friend's suggestion Tyler quit that company and began working as a "flagger" for Kickin' Asphalt Paving. Tyler has been so employed for 13 years.

Regarding relationships, Tyler has been married for 15 years and has three children, all girls, ages 10, 8, and 6. Tyler is described as a fantastic parent by Mrs. Brady.

### **Significant History of Head Trauma:**

Tyler's counsel provided complete medical records concerning a catastrophic motor vehicle accident of February 8, 2015. According the records provided and the interview with Mrs. Brady (Tyler has no memory of the accident), Tyler was driving home from work late at night with a co-worker as passenger in the cab of Tyler's pick-up truck. The driver of an oncoming car crossed the median and struck Tyler head-on, causing the pick-up truck to roll multiple times. There were no airbags in the vehicle. Tyler sustained a significant head injury and was hospitalized for over one week.

Mrs. Brady, Tyler's mother, reports a significant change in Tyler since the accident. According to Mrs. Brady, Tyler is much more forgetful, unfocused and childlike since the accident. Tyler appears much more anxious to please since the accident.

### **Intellectual Abilities:**

Tyler's intellectual abilities were assessed utilizing an intellectual screening test that allows an estimate of cognitive functioning. Tyler's cognitive abilities are likely impaired.

The results of the test scores revealed Tyler's intellectual abilities can be estimated with 95% certainty to fall in the Low range at the 1<sup>st</sup> percentile when compared to individuals Tyler's age.

Tyler's intellectual abilities were assessed multiple times in the context of Tyler's IEP. Tyler was never diagnosed with a developmental disability.

### **Assessment of Neurocognitive Functioning:**

**The Montreal Cognitive Assessment (MoCA):** Tyler achieved a total score of 17 out of a possible score of 30, confirming cognitive impairments.

**CNS-VS:** Tyler placed in the very low range and at the 1<sup>st</sup> percentile. An assessment of Tyler's ability to process information and to reach conclusions through the use of

symbols or generalization, rather than concrete factual information (Reasoning), showed low abilities at the 5<sup>th</sup> percentile.

However a retest placed Tyler in average ability range. These test results were discarded because the results did not support my clinical findings.

**Diagnostic Impression:**

Based on the current testing and clinical interview Tyler presents with the cognitive deficits often associated with a Neurocognitive Disorder, the decline of Tyler's cognitive abilities as verified by Tyler's mother support this diagnosis.

**SUMMARY AND OPINION:**

Tyler was evaluated at our Lone Star office to assess for potential cognitive deficits given Tyler's level of intellectual functioning, prior academic performances and mother's report that Tyler had disabilities since Tyler was a young child and recently sustained a closed head injury.

A careful review and analysis of the individual tests revealed significant neurocognitive deficits and concerns in several functional areas.

Based on the foregoing it is my opinion that Tyler suffers from cognitive deficiencies that were exacerbated and increased by the head injury on February 8, 2015. Tyler's cognitive deficiencies severely affected Tyler's ability to assess and analyze the request made of Tyler to transport a cooler a short distance for a rather large sum of money. Tyler is incapable of assessing that request in a critical manner. Furthermore, given Tyler's prior relationship with the individual who requested that Tyler transport the cooler, Tyler would have been anxious to please that individual and would not have suspected any nefarious behavior.

In sum, Tyler could not form the specific intent to possess heroin with the intent to distribute same.

Please contact me at (303) 822-4444 if further questions arise.

  
\_\_\_\_\_  
Pat Browne, Ph.D.  
Licensed Clinical Psychologist

**VITAE: Pat Browne:**

**Phone: (303) 822-4444**

**EDUCATION:**

**University of Lone Star, Lone Star, June 2002**

- Ph.D.: Clinical Psychology
- Dissertation: “The Effect on Catastrophic Head Injuries on Reasoning and Perception”

**University of Lone Star, Lone Star, May 1999**

- M.A.: Clinical Psychology
- Master Thesis: “Coping in Cognitively Impaired Adults.”

**The College of Lone Star, Lone Star, May 1995**

- B.A.: Psychology
- Magna Cum Laude, Distinction in Psychology
- Honor Thesis: “Correlating IQs to Behavior.”

**LICENSURE:**

- Licensed Clinical Psychologist Lone Star (15136)

**SELECTED SPECIALIZED CLINICAL TRAINING:**

- Neuropsychological Assessment Training (LS Head Trauma Center 1998-2001)
- EMDR Level I (1999/2000)
- EMDR Level II (2000)
- Neurodevelopment (ATSA November 2005)
- The Effects of Trauma in Low-IQ Adults (ATSA November 2005)

**PROFFESIONAL ASSOCIATIONS:**

- American Psychological Association-Member

**CURRENT EMPLOYMENT:**

**November 2011      Superintendent, Lone Star Mental Health Institute  
to Present**

- As appointing authority, carry the responsibility for the provision of multidisciplinary clinical services in a 438-bed psychiatric

**VITAE: Pat Browne:**

**Phone: (303) 822-4444**

hospital, including therapeutic programming and supervision of clinical departments,

- Manage staff and fiscal resources to ensure quality patient treatment and services, in compliance with hospital, state and Lone Star policies.
- Participate in the hospital's strategic direction and oversee the hospital-wide clinical redesign.
- Define program objectives, execute action plans and ensure their achievement through collection and review of evaluation data.

**PROIR VOCATIONAL EXPERIENCES:**

**June 2003 to  
November 2011**

**Ward Psychologist, Lone Star Mental Health Institute, Institute for Forensic Psychiatry**

- Provided brief treatment for purpose of mental health and behavioral stabilization for convicted offenders on a maximum security, intensive care inpatient ward.
- Created and implemented a Contingency Management System, provided individual and group treatment to offenders with history of head trauma.
- Conducted Risk Management Assessments and completed diagnostic testing utilized in treatment planning.
- Provided suicide prevention and contingency management training to ward staff.

**October 2002  
to June 2003**

**Psychologist Candidate, Lone Star Department of Corrections**

- Conducted IQ testing and Evaluations for Offenders serving Minimum to Life sentences.
- Completed diagnostic psychological evaluations. Monitored offenders with serious mental illnesses and conducted crisis interventions.

**OTHER FORENSIC EXPERIENCE:**

**August 2011  
to Present**

**Private Practice Browne & Associates, LLC, Lone Star**

- Part-time: Conduct forensic adult and juvenile evaluations and consult on clinical issues in adult and juvenile forensic cases.

**VITAE: Pat Browne:**

**Phone: (303) 822-4444**

**FORENSIC/CORRECTIONAL RELATED RESEARCH EXPERIENCE:**

**1999 to 2002**

**University of Lone Star, School of Psychology, Lone Star**

- Research focus on impact on administrative segregation on mentally ill offenders and barriers to treatment success in offenders with history of head trauma.

**COMMUNITY INVOLVEMENT:**

- Volunteer at the Veteran's Affairs Hospital to assist in the evaluation and treatment of veteran's with TBI.

**PUBLICATIONS:**

- Browne, Pat, Ph.D., Assessment of Coping in Cognitively Impaired Adults. *Lone Star Psychology Today (2010)*.
- Browne, Pat, Ph.D., Assessing Low-functioning Adults with TBI. *Lone Star Psychology Today (2008)*

LONE STAR METHODIST HOSPITAL

PATIENT NAME: Tyler, Stevie

Date: 02-08-15

Identification:

Unknown initially, subsequently identified and registered as Stevie Tyler.

ARRIVAL MODE:

Ambulance.

REFERRING PHYSICIAN:

PCP: Unknown

CHIEF COMPLAINT:

MVA.

HISTORY OF PRESENT ILLNESS:

This is a 35-40 year old patient who is believed to be the driver of a truck involved in a major mechanism accident. Patient was extricated at the time the transporting ems team arrived. However, by later history it is believed that patient was in the driver's compartment. It is unclear whether patient was restrained. The truck was apparently hit head on by another car and rolled several times. Patient was moaning and unconscious on scene. Vital signs were stable en route. Patient was placed on a backboard and a C collar and transported emergently. Trauma team activation was initiated base on clinical findings and mechanism.

PAST MEDICAL HISTORY:

Unknown.

MEDICATIONS:

Unknown.

ALLERGIES;

Unknown.

SOCIAL HISTORY:

Unknown.

Deming, Kay  
MR# AQ01847733- AQ2010635767  
Winters, Gary  
ADM IN  
DOS: 02/08/2015 DIS:  
AQ.4273-A

EMERGENCY DEPARTMENT REPORT

LONE STAR METHODIST HOSPITAL

FAMILY HISTROY

Unknown.

REVIEW OF SYSTEMS:

Unknown and unobtainable due to the patient's obtunded mental status.

PHYSICAL EXAMINATION:

GENERAL: Normally developed middle aged patient in moderate distress on a backboard in a C collar, acutely ill. HEENT: Head is notable for some blood from the left naris. No movement of the lower extremities noted. Does not withdraw to pain in the lower extremities but does have downgoing toes.

DATABASE:

Plain films of the cervical spine and chest are normal. CT scan of the head and neck are normal. CT scan of the abdomen shows a spleen laceration as well as multiple rib fractures.

EMERGENCY DEPARTMENT COURSE:

Trauma team activation was initiated. Dr. Winters with trauma surgery was present at the time of the patient's arrival and throughout evaluation. Patient was subsequently admitted to the intensive care unit to Dr. Winters service.

PROCEDURE NOTE:

Bedside ultrasound. Indication: Blunt thoracoabdominal trauma.

DISCUSSION:

Middle aged patient in a major mechanism accident with closed head injury, spleen laceration, and multiple rib fractures, ribs apparently 7, 8, and 9. Because of the patient's significant injuries and degree of illness no further diagnostic studies were done from the emergency department.

IMPRESSION:

1. Closed head injury.
2. Spleen laceration.
3. Rib fractures.

Deming, Kay  
MR# AQ01847733- AQ2010635767  
Winters, Gary  
ADM IN  
DOS: 02/08/2015 DIS:  
AQ.4273-A

EMERGENCY DEPARTMENT REPORT

LONE STAR METHODIST HOSPITAL

PLAN:

Patent admitted to intensive care to Dr. Winters

CONDITION ON ADMISSION:

Serious.

s/Key Deming\_\_\_\_\_

Kay Deming

Electronically Signed by Kay Deming on 02/08/2015 at 1741.

Deming, Kay  
MR# AQ01847733- AQ2010635767  
Winters, Gary  
ADM IN  
DOS: 02/08/2015 DIS:  
AQ.4273-A

EMERGENCY DEPARTMENT REPORT

LONE STAR METHODIST HOSPITAL

Patient Name: TYLER, STEVIE  
Account Number: NA0000537231  
Attending/ER Physician: GARY WINTERS  
Adm Date/Source: 02/08/2015  
Primary Carrier: UNITED HEALTHCARE

Rpt#: NM03073371  
Unit Number: K000048870  
Patient Type: ADM IN  
Discharge Date:

---

EMERGENCY NONCONTRAST CT SCAN OF THE BRAIN

INDICATIONS: Patient in head on collision with another vehicle. Patient's vehicles rolled several times; no air bags; head injury suspected.

TECHNIQUE: Helically acquired scans were obtained at 5 mm slice thickness and reconstructed at 1.25 mm slice thickness using a millidetector helical scanner.

FINDINGS: No previous examination is available for comparison.

There is no evidence of stroke or tumor. No subarachnoid hemorrhage, epidural hematoma and cerebral hematomas all located and diagrammed. No evidence of fracture present. The paranasal sinuses are normal. The ventricles are normal.

IMPRESSION: Normal

Results were called to Dr. Winters

Dictated By TOM CUNNINGHAM

\*This report was compiled using a voice recognition dictation system and may contain typographical errors\*

Electronically signed by TOM CUNNINGHAM  
CC: GARY WINTERS, MD

RUN DATE: 02/08/2015  
RUN TIME: 1034

Lone Star Methodist Hospital  
Specimen Inquiry

PAGE 1

PATIENT: TYLER, STEVIE ACCT #: AQ2010635767 LOC: AQ.MTU U #: AQ01847733  
AGE/SX: 35-40 ROOM: AQ.4273 REG: 02/08/2015  
REG DR: WINTERS, GARY DOB: UNK BED: 16 DIS: 02/15/2015  
STATUS: DIS IN TLOC: AQ.CCU

Specimen: 0228:ZS:C00550S COMP Collected: 02/08/15-2130 Received: 02/28/15-2140

Test	Result	Flag	Reference
<u>SUB ABUSE 8</u>			
<u>COMP PANEL</u>			
NA	136		135-145 mEq/L
K	3.9		3.3-5.1 mEq/L
CL	102		98-111 mEq/L
CO2	20	L	21-32 mEq/L
GLU	168	H	70-110 mg/dL
BUN	12		7-18 mg/dL
CREAT	1.0		0.3-1.1 mg/dL
TOT PROT	6.7		6.4-8.2 g/dL
ALB	3.9		3.4-5.0 g/dL
CA	8.6		8.4-10.8 mg/dL
PHOS	3.1		2.5-4.9 mg/dL
BILI TOT	0.2		0.0-1.0 mg/dL
AST	581	H	15-37 U/L
ALT	437	H	30-65 U/L
ALKP	109		50-136 U/L
CK	387	H	0-225 U/L
AMY	55		25-115 U/L
MG	1.62		1.20-1.70 mEq/L
HCG SERUM QUAL	NEGATIVE		NEGATIVE
UR DRUG SCRIN PH	6.5		5-8
ALCOHOL BLOOD	1		0-5 mg/dL
UR ALCOHOL	NEGATIVE		
UR COCAINE	NEGATIVE		
UR THC	NEGATIVE		
UR AMPHETAMINE	NEGATIVE		
UR BARBITUR	NEGATIVE		
UR BENZODIAZ	PRESUMPTIVE POSITIVE		
	<i>This is a presumptive positive result for the presence of benzodiazepines. If confirmation is desired, please contact the Lab within fourteen days at 788-6841.</i>		
UR OPIATES	NEGATIVE		
UR PCP	NEGATIVE		

\*\* END OF REPORT \*\*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF LONE STAR  
No. CR-15-2444

THE UNITED STATE OF LONE STAR,	§	IN THE UNITED STATE
	§	DISTRICT COURT
Plaintiff,	§	
	§	
v.	§	FOR
	§	
STEVIE TYLER,	§	
	§	
Defendant.	§	THE DISTRICT OF LONE STAR

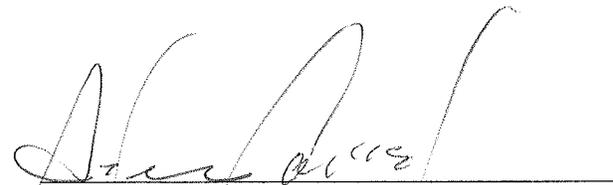
**DEFENDANT'S NOTICE PURSUANT TO RULE 12.2(b)**  
**RE: DR. PAT BROWNE**

---

DEFENDANT, Stevie Tyler, pursuant to Rule 12.2 (b) of the Federal Rules of Criminal Procedure, hereby notifies the attorney for the government and this Court that:

1. The defendant intends to introduce expert testimony relating to the defendant's mental condition bearing upon the issue of guilt.
2. The defendant has provided to the government, the medical records and opinion of the examining psychologist, Dr. Pat Browne, who has examined the defendant and who is prepared to opine on the defendant's mental condition as it bears upon the issue of guilt.

DATED: September 20, 2016

  
\_\_\_\_\_  
Defense Counsel  
Crime Dogs, Inc.  
Lone Star 10062  
Telephone: 303.211.5555  
Facsimile: 303.211.6666  
*Attorneys for Defendant Stevie Tyler*

## INSTRUCTION NO. 01

Before we begin the trial, I would like to tell you about what will be happening here. I want to describe how the trial will be conducted and explain what we will be doing.

The first step in the trial will be the opening statements. Either attorney may make an opening statement if he chooses to do so. Opening statements are not evidence. Their purpose is only to help you understand what the evidence will be.

Next the prosecution will offer evidence. Evidence consists of the sworn testimony of the witnesses, the exhibits received in evidence, and stipulated, admitted, or judicially noticed facts.

After the prosecution's evidence, the defendant may present evidence on his own behalf, but he is not required to do so. I want to remind you that the defendant is presumed to be innocent. The prosecution must prove the guilt of the defendant beyond a reasonable doubt. The defendant does not have to prove his innocence or call any witnesses or introduce any evidence.

At the conclusion of the evidence I will tell you the rules of law which you are to use in reaching your verdict. I will read those rules of law to you and you will be allowed to take them with you to the jury room during your deliberations.

After you have heard all the evidence and the instructions, the prosecution and the defense may make their closing arguments. Like opening statements, closing arguments are not evidence. The prosecuting attorney will have the opportunity to reply to the closing argument made by the defense.

You will then go to the jury room to deliberate on a verdict. Your purpose as jurors is to decide what the facts are, and your decision must be based solely upon the evidence.

It is my job to decide what rules of law apply to the case. You must follow all of the rules as I explain them to you. You may not follow some and ignore others. Even if you disagree or do not understand the reasons for some of the rules, you must follow them. You will then apply these rules to the facts which you have determined from the evidence. In this way you will determine whether the prosecution has proven the guilt of the defendant beyond a reasonable doubt.

## INSTRUCTION NO. 02

Every person charged with a crime is presumed innocent. This presumption of innocence remains with the defendant throughout the trial and should be given effect by you unless, after considering all of the evidence, you are then convinced that the defendant is guilty beyond a reasonable doubt.

The burden of proof is upon the prosecution to prove to the satisfaction of the jury beyond a reasonable doubt the existence of all of the elements necessary to constitute the crime charged.

Reasonable doubt means a doubt based upon reason and common sense which arises from a fair and rational consideration of all of the evidence, or the lack of evidence, in the case. It is a doubt which is not a vague, speculative or imaginary doubt, but such a doubt as would cause reasonable people to hesitate to act in matters of importance to themselves.

If you find from the evidence that each and every element has been proven beyond a reasonable doubt, you will find the defendant guilty. If you find from the evidence that the prosecution has failed to prove any one or more of the elements beyond a reasonable doubt you will find the defendant not guilty.

### INSTRUCTION NO. 03

There are two types of evidence from which you may properly find the truth as to the facts of a case. One is direct evidence. The other is circumstantial evidence, that is, the proof of facts from which other facts may reasonably be inferred. The law makes no distinction between direct and circumstantial evidence.

INSTRUCTION NO. 04

You have heard witnesses who have testified as experts. You are not bound by the testimony of experts; their testimony is to be weighed as that of any other witness. It is entirely your decision to determine what weight shall be given their testimony.

## INSTRUCTION NO. 05

The credibility of a witness may be discredited by showing that the witness has been convicted of a felony. A previous conviction is one factor which you may consider in determining the credibility of the witness. You must determine the weight to be given to any prior conviction when considering the witness's credibility.

## INSTRUCTION NO. 06

The defendant is charged in count one with a violation of 21 U.S.C. section 841(a)(1).

This law makes it a crime to possess a controlled substance with the intent to distribute it.

To find the defendant guilty of this crime you must be convinced that the government has proved each of the following beyond a reasonable doubt:

*First:* the defendant knowingly or intentionally possessed a controlled substance as charged;

*Second:* the substance was in fact Heroin;

*Third:* the defendant possessed the substance with the intent to distribute it; and

*Fourth:* the amount of the controlled substance possessed by the defendant was at least 1 kilogram.

Heroin is a controlled substance within the meaning of the law.

To “posses with the intent to distribute” means to possess with intent to deliver or transfer possession of a controlled substance to another person, with or without any financial interest in the transaction.

## INSTRUCTION NO. 07

The possession by any person of a quantity of a substance containing a detectable amount of heroin that is equal to or greater than one kilogram is presumptive evidence of intent to sell or distribute the same. What that means is that, if the government has proven beyond a reasonable doubt that the defendant possessed at least one kilogram of a substance containing a detectable amount of heroin, then you may, but you are not required to, infer from that fact that the person did so with the intent to sell or distribute the same.

## INSTRUCTION NO. 08

A crime is committed when the defendant has committed a voluntary act prohibited by law, together with a culpable state of mind.

“Voluntary act” means an act performed consciously as a result of effort or determination.

Proof of the voluntary act alone is insufficient to prove that the defendant had the required state of mind.

The culpable state of mind is as much an element of the crime as the act itself and must be proven beyond a reasonable doubt, either by direct or circumstantial evidence.

In this case, the applicable states of mind are explained below:

A person acts “intentionally” or “with intent” when his conscious objective is to cause the specific result proscribed by the statute defining the offense. It is immaterial whether or not the result actually occurred.

A person acts “knowingly” or “willfully” with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such a circumstance exists. A person acts “knowingly” or “willfully”, with respect to a result of his conduct, when he is aware that his conduct is practically certain to cause the result.

## INSTRUCTION NO. 09

When a defendant is charged with a crime which requires a specified intent be established in order to constitute the crime, you must take all the evidence into consideration and determine therefrom if, at the time when the alleged crime was committed, the Defendant was suffering from some abnormal mental or physical condition which prevented the Defendant from forming the specific intent which is an essential element of the crime with which the Defendant is charged.

## INSTRUCTION NO. 10

When the word “knowingly” is used in these instructions, it means that the act was done voluntarily and intentionally, and not because of mistake or accident. Although knowledge on the part of the defendant cannot be established merely by demonstrating that the defendant was negligent, careless, or foolish, knowledge can be inferred if the defendant deliberately blinded himself to the existence of a fact.

## INSTRUCTION NO. 11

The defendant did not testify and I remind you that you cannot consider the defendant's decision not to testify as evidence of guilt. You must understand that the Constitution of Lone Star grants to a defendant the right to remain silent. That means the right not to testify. That is a constitutional right in this county, it is very carefully guarded, and you must not presume or infer guilt from the fact that a defendant does not take the witness stand and testify or call any witnesses.

## INSTRUCTION NO. 12

The bailiff will now escort you to the jury room. Upon reaching the jury room, you are to select one of your members to be the foreman of the jury. Your foreman will preside over your deliberations and shall sign whatever verdict you reach.

The verdict must represent the considered judgment of each juror. In order to return a verdict, it is necessary that each juror agree to it. Your verdict must be unanimous.

Only one verdict shall be returned signed for each count and it and the unsigned verdicts and these instructions shall remain in the possession of your foreman until such time as they are called for in open court. Upon reaching a verdict you will inform the bailiff of this Court, who in turn will notify the Court, and you will remain in your jury room until called into the Courtroom.

You will be provided with two forms of verdict. When you have unanimously agreed upon your verdicts you will select the forms which reflect your verdicts and the foreman will sign it as the Court has stated. The unsigned forms shall also be returned with no markings on them.

The forms of verdict you will receive read as follows: (read all verdict forms). You are further instructed that no inferences are to be drawn from the order in which the Court reads the verdicts.



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF LONE STAR  
No. CR-15-2444

THE UNITED STATE OF LONE STAR,  Plaintiff,  v.  STEVIE TYLER,  Defendant.	§ § § § § § § § § §	IN THE UNITED STATE DISTRICT COURT    FOR    THE DISTRICT OF LONE STAR
--	--	---

**SPECIAL INTERROGATORY**

---

If you find the defendant not guilty of Possession of a Controlled Substance with Intent to Distribute, you should disregard this instruction and sign the verdict form to indicate your not guilty verdict.

If, however, you find the defendant guilty of Possession of a Controlled Substance with Intent to Distribute, you should sign the verdict form to indicate your finding of guilt, and answer the following verdict question on the verdict form:

Did the defendant possess at least one kilogram of heroin?

YES \_\_\_\_\_ NO \_\_\_\_\_

The prosecution has the burden to prove the act of amount of heroin possessed by the defendant.

After considering all the evidence, if you decide the prosecution has met this burden, you should mark “Yes” in the appropriate place, and have the foreperson sign the designated line of the verdict form.

After considering all the evidence, if you decide the prosecution has failed to meet this burden, you should mark “No” in the appropriate place, and have the foreperson sign the designated line of the verdict form.



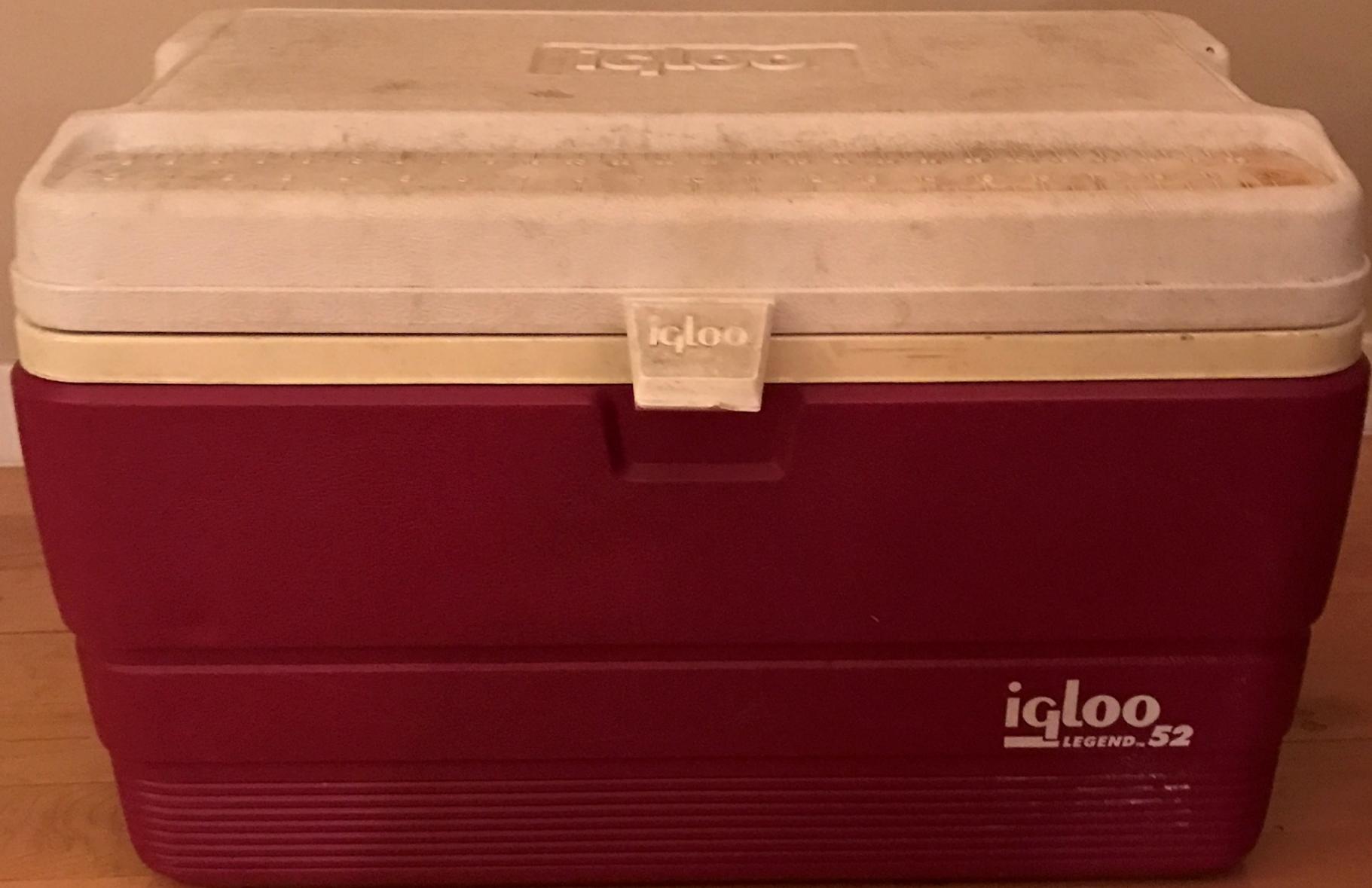


EXHIBIT  
03



igloo  
LEGEND 52

EXHIBIT

04



**EXHIBIT**  
**05**

4382 Vallejo St



Lone Star

Image capture: Sep 2014 © 2016 Google

Street View - Sep 2014



**EXHIBIT**  
**06**



Lone Star

Image capture: Sep 2014 © 2016 Google

Street View - Sep 2014



**EXHIBIT**  
**07**



Lone Star

Image capture: Sep 2014 © 2016 Google

Street View - Sep 2014











