

CJ + fasked



STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

October 25, 2018

Carlos Leon

Austin, TX

Re: 201806207 - Carlos Leon - Elizabeth Cary Grace

Dear Mr. Leon:

The Office of the Chief Disciplinary Counsel of the State Bar of Texas has received your grievance against the above named lawyer.

Lawyers licensed in Texas are governed by the Texas Disciplinary Rules of Professional Conduct, and may only be disciplined when their conduct is in violation of one or more of the disciplinary rules. When a grievance is received, this office conducts an initial review to determine whether the alleged conduct would be a violation of the ethics rules. If the conduct does not allege a violation, the grievance is classified as an Inquiry and dismissed with a right to appeal the dismissal. If the conduct alleges a violation, the grievance is classified as a Complaint and investigated. We have concluded that the conduct you described is not a violation of the disciplinary rules. Thus, your grievance has been classified as an Inquiry and dismissed.

If you would like further review of your grievance, you may choose one of the following two options:

1. Amend your grievance and re-file it. It is not necessary to list the disciplinary rules you believe were violated. You have twenty (20) days from your receipt of this letter to re-file your amended grievance.

OR

2. Appeal this decision to dismiss your grievance to the Board of Disciplinary Appeals. You must submit your appeal directly to the Board of Disciplinary Appeals by using the enclosed form. You have thirty (30) days from your receipt of this letter to appeal this decision.

Please know that the Office of the Chief Disciplinary Counsel maintains confidentiality in the grievance process as directed by the Texas Rules of Disciplinary Procedure.

If you have any questions about the dismissal of your grievance, I can be reached at (877) 953-5535.

Sincerely,

E. Hsu
Assistant Disciplinary Counsel

EHH:tr

Enclosures: BODA Appeal Form

Cc: Ms. Elizabeth Cary Grace

Carlos Leon
11/5/18

Commented [ama2]:
CODE 3=cc Respondent Name

P.O. Box 12487, Austin, TX 78711, (512) 427-1350, (877) 953-5535, fax: (512) 427-4167

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

June 24, 2017

Carlos Leon

Re: 201703538 - Carlos Leon - Chase Reed Gomillion

Dear Mr. Leon:

The Office of the Chief Disciplinary Counsel of the State Bar of Texas has received your grievance against the above named lawyer.

Lawyers licensed in Texas are governed by the Texas Disciplinary Rules of Professional Conduct, and may only be disciplined when their conduct is in violation of one or more of the disciplinary rules. We have concluded that **the conduct you described is not a violation of the disciplinary rules.** Thus, your grievance has been dismissed.

If you would like further review of your grievance, you may choose one of the following two options:

1. Amend your grievance and re-file it. It is not necessary to list the disciplinary rules you believe were violated. You have twenty (20) days from your receipt of this letter to re-file your amended grievance.

OR

2. Appeal this decision to dismiss your grievance to the Board of Disciplinary Appeals. You must submit your appeal directly to the Board of Disciplinary Appeals by using the enclosed form. You have **thirty (30) days** from your receipt of this letter to appeal this decision.

If you choose not to pursue either of the two options above, you may consider contacting the Client-Attorney Assistance Program (CAAP). Pursuant to the State Bar Act, the State Bar of Texas maintains the Client-Attorney Assistance Program (CAAP), which you may have contacted prior to filing your grievance. Accordingly, please be advised that even after a grievance has been dismissed, CAAP can still attempt to assist you through alternative dispute resolution procedures unless the attorney at issue is *deceased, disbarred, suspended or not your*

lawyer. CAAP is not a continuation of the attorney disciplinary process, and participation by both you and your attorney is voluntary. Should you wish to pursue that option, CAAP may be reached at 1-800-932-1900.

Please know that the Office of the Chief Disciplinary Counsel maintains confidentiality in the grievance process as directed by the Texas Rules of Disciplinary Procedure.

Sincerely,



E. Hsu
Assistant Disciplinary Counsel

EHH/tf

Enclosures: BODA Appeal Form

Cc: Chase Reed Gomillion

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THE BOARD OF DISCIPLINARY APPEALS

APPOINTED BY THE SUPREME COURT OF TEXAS

September 01, 2017

Carlos Leon

RE: Disposition of Appeal Notice
Carlos Leon v. Chase Reed Gomillion
201703538; BODA Case No. 59346

Dear Mr. Leon:

On August 31, 2017, the Board of Disciplinary Appeals appointed by the Supreme Court of Texas considered your appeal from the dismissal of your grievance. The Board is a separate body from the State Bar of Texas Chief Disciplinary Counsel who screened your grievance when you filed it. After reviewing your grievance as you originally filed it and no other information, the Board has determined that the conduct you described in the grievance does not allege a violation of the Texas Disciplinary Rules of Professional Conduct. Because you have not alleged professional misconduct under the rules, the Board affirms the dismissal of your grievance.

This decision concludes your appeal, and the Board has closed its file. The Board's decision is final.

Information concerning the disciplinary system, the Texas Disciplinary Rules of Professional Conduct, and the Texas Rules of Disciplinary Procedure are available at www.texasbar.com. The Board's Internal Procedural Rules are available at www.txboda.org.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gayle Vickers".

Gayle Vickers
Deputy Director & Counsel

GRV/jt

cc: Chase Reed Gomillion

Laura Poppo
State Bar of Texas
PO Box 13287
Austin, TX 78711
(512) 427-1350
(877) 953-5535 toll free

Carlos León

November 10, 2017



To : Commission for Lawyer Discipline

Re : Grievance 201703538 - Carlos León - Chase Reed Gomillion

Subj : Misclassifying a Complaint an Inquiry

Dear Commission for Lawyer Discipline:

^{5-page}
This letter and accompanying 41 - page packet document the Office of the Chief Disciplinary Counsel's blatant misclassification of Grievance 201703538 as an Inquiry, instead of a Complaint.

The Board of Disciplinary Appeals wrongly backed CDC's misclassification and went a step further in the wrong direction by wrongly claiming no professional misconduct was alleged.

Therefore, the "fix" appears to be in to wrongly protect, instead of rightly punish, Assistant City Attorney Chase Reed Gomillion's professional misconduct - the exact opposite of how the Grievance Procedure is supposed to work.

Also, each time I go to 1414 Colorado to

(145)

hand in or receive new CDC or BODA information, their representatives ask me if I want to file a grievance, though they know who I am and that the Grievance Procedure & Appealing Procedure have already been tried and failed to produce the correct result.

Therefore their attempts to gaslight me and make me repeat myself are unprofessional and evidence of their mental illness.

Therefore, because the Chief Disciplinary Counsel is accountable only to the Commission for Lawyer Discipline, per Texas Rules of Disciplinary Procedure 1.06 (D) and 5.03, you need to know right now what's going on to hold CDC accountable for its actions, punish the perpetrators, and fix CDC's problems right now.

(2 of 5) In theory, the Current State Bar of Texas Disciplinary System and Texas Disciplinary Rules of ~~Code~~ Professional Conduct appear to emanate from and respond to the Seminal 1991 Report of the Commission on Evaluation of Disciplinary Enforcement to the American Bar Association.

In practice, however, CDC + BODA are decreasing, not increasing, public confidence in the Disciplinary System. Neither the work products from nor the adjudicative proceedings for classifying grievances are available or open to the public, yet those are the places where the evidence likely lies showing how + why CDC made the wrong classification.

That 1991 Report warned that:

Secret disciplinary records and proceedings generate the most criticism of the system... These do not sound like the judicial proceedings of a free society. Indeed, several federal and state courts have held that such provisions violate federal or state constitutional provisions. The public will never accept the claim that lawyers must protect their reputations by gag rules and secret proceedings - p. xxi

(345)

Therefore, information + evidence re: Grievance 201703538 continues being shared publicly to try Chase R. Gamillan, CDC, BODA, + the Dir

System in the Court of Public Opinion to protect the public because CDC + BOPA have failed to do so.

Therefore, I respectfully request you take the following actions ASAP:

- 1) Review the attached materials under the "substantial evidence rule."

I allege I have met the burden of proof showing that CDC's + BOPA's final decisions re: Grievance 201703538; BOPA Case No. 59346 are not supported by substantial evidence, considering the record as a whole (WebWorld Marketing Group L.L.C. v. Thomas; Trapp v. Shell Oil Co.).

- 2) Identify, reprimand, and ~~and~~ remove those responsible for this travesty of justice.

- 3) Make CDC's work products + adjudicative deliberations for classifying grievances available + open to the public.

- 4) Make available to the public CDC's

written guidelines to determine which matters shall be dismissed for failing to allege facts that, if true, would constitute grounds of disciplinary action.

- 5) Overturn CDC's misclassification of Grievance 201703530 to rightly reclassify it as a Complaint to move it forward through the Discipline System.

Let's work together to make sure this miscarriage of justice never happens again to me or anyone else in the future.

In solidarity,

Carlos León

Carlos León

P.S. Expect me to pick up your written response in person at 1414 Colorado, in Austin, TX.

CS0451

Update: I received no written response from the Commission for Lawyer Discipline

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[Faint, mostly illegible text spanning the page, possibly bleed-through from the reverse side. The text appears to be organized into several paragraphs or sections, but the specific content is not discernible.]

To: The Board of Disciplinary Appeals

from: Carlos León

Re: 201703538 - Carlos León - Chase Reed
Gomillion, Bar No. 24094683 / Dismissal
Date: 06/22/2017

or: Appealing the dismissal to the Board of
Disciplinary Appeals
DATE: 7/20/17

June 5, 2017, I hand-delivered my handwritten
complaint against Austin Assistant City Attorney Chase
Reed Gomillion to employee Esther ^{Alvarez} from the State Bar
of Texas - Office of the Chief Disciplinary Counsel
(See evidence in Exhibit A). My 36-page document
explained the background of the two cases connected to
ticket # 14199822, stated what Mr. Gomillion wrote,
said, & did during and related to them, detailed the
Texas laws he allegedly broke and the many Texas
Disciplinary Rules of Professional Conduct he blatantly
violated, and included relevant evidence to back my
legal & administrative analyses (See Exhibit B). (1 of 5)

1/5, 2017, CDC Employee Esther ^{Alvarez} handed me a letter dated June 24, 2017 that appears to be from the CDC (Re: 201703538) that says the CDC concluded that the conduct you described is not a violation of the disciplinary rules. Thus, your grievance has been dismissed." (See Exhibit C).

This shocking CDC determination is the exact opposite of what should have happened - classifying it as a complaint & moving forward to disbar Chase Reed Gomillion for his unprofessional & unlawful conduct, per the Texas Disciplinary Rules of Professional Conduct, Texas Code of Criminal Procedure, & Texas Penal Code.

Because BODA IPR 4.01(b)(2) says that in the case of a dismissal, the contents of the judgment are confidential and that no additional information regarding the contents of a judgment of dismissal may be disclosed to the complainant, I cannot explicitly know CDC's official justification for the dismissal of my grievance against Chase Reed Gomillion.

Therefore, The most logical, and likely, possibilities are:
whoever made the dismissal determination at CDC did NOT read my handwritten complaint because he/she turned a blind eye to it or because it was internally sabotaged and/or replaced with a forged grievance falsely attributed to me that did NOT truly describe Gomillion's conduct.

OR

whoever made the dismissal determination at CDC did read my handwritten complaint. However, because the evidence against Mr. Gomillion is clear & more than sufficient to show all his TD RPC violations, the CDC seems to be saying that because cases 8529140 & 8560652 never truly existed, neither did Gomillion's many conduct violations during & connected to them.

But The CDC cannot legally retroactively apply an Opposite ex-post facto law to positively affect Gomillion's privilege to practice law by NOT making

into violations actions he took that were violations when he committed them, negating punishment for his past conduct, because the Constitution for the United States of America explicitly forbids ex post facto laws being passed by a state (U.S. Const. - Article I, Section 10, Clause 1, Part 6).

Therefore, if you allow the CDC to act above or outside Texas or U.S. Constitutional law and your own rules, then you, the CDC, & this process are frauds - important information for Texans to know to judge and sentence you in the Court of Public Opinion.

Therefore, not only does BODA need to read my actual handwritten complaint against Chase Reed Gomillion, but BODA should investigate the CDC to find out who made the original dismissal determination & if he/she officially based his/her decision on my handwritten Complaint.

Also, the CDC's grievance dismissal appears part of the larger criminal cover up & accountability avoidance related to ticket # 14199822, mentioned in the → 14.06.25

Background section of the Complaint.

Therefore, though The Board of Disciplinary Appeals specifically says not to send any additional information to BODA, I have enclosed this cover letter + Exhibits A-C to do my best to ensure BODA reads + sees the truth.

Note : Though the CDC refers to my original complaint as a grievance, I call it a complaint because I believe that's its true classification based on the evidence.

In Solidarity,

Carlos León

Carlos León



To: Chief Disciplinary Counsel - State Bar of Texas
1414 Colorado
Austin, TX

From: Carlos León - Complainant

Re: Complaint against Assistant City Attorney Chase Reed Gomillion, Austin Municipal Court, Austin, TX

Date:

I, Carlos León, representing myself, allege that Assistant City Attorney Chase Reed Gomillion, Austin Municipal Court, Austin, TX, intentionally committed multiple acts of Professional Misconduct requiring the most severe sanction, disbarment, be imposed upon him ASAP to hold him accountable for his actions, protect the public from him, and ensure the integrity and honor of the legal profession + Texas judicial system.

Texas Rules of Disciplinary Procedure 1.06 (w)(1) defines Professional misconduct as "Acts or commissions by an attorney, individually or in concert with another person or persons, that violate one or more of the Texas Disciplinary

Rules of Professional Conduct."

Therefore, to prove his professional misconduct, I will first recant his specific acts & alleged crimes, evidenced by supporting documentation & relevant Texas law, then show how his acts & crimes violated multiple Texas Disciplinary Rules of Professional Conduct.

The specific acts & alleged crimes are organized as follows:

- Background
- Introduction
- Perjury
- Aggravated Perjury
- Double Jeopardy
- Official Misconduct
- Abuse of Official Capacity
- Official Oppression

The violated Texas Disciplinary Rules of Professional Conduct are

3.09 (a), (c), (d) - Special Responsibilities of a Prosecutor

3.03 (a)(1), (a)(2) - Candor Toward the Tribunal

4.01 (a) - Truthfulness in Statements to Others

1.02 (c) - Scope and Objectives of Representation

8.04 (1), (2), (3), (4), (12) - Misconduct

Preamble (1), (3), (4), (9) - A Lawyer's Responsibility

Background

Immediately after I lawfully crossed Guadalupe westbound on foot at Maiden Lane in the late evening on 1/8/17, APD Officer Monika McCoy (#7553) performed an unnecessary pedestrian stop on me at the northwest corner of Maiden Lane at Guadalupe, falsely telling me I had to cross Guadalupe at 38th or 34th in a marked crosswalk. She wrongly cited me for a suspected PED CROSSING INTO BLOCK violation only, which never happened, writing false information on ticket #14199822 and failing to ~~write~~ ^{write} in the violation code or mark that ~~the~~ the pedestrian stop was performed late evening ("PM").

McCoy's mistakes set off a chain of criminal cover-up + accountability avoidance actions by APD (Austin Police Department) & Austin Municipal Court employees, which already have been turned in to Travis County District Attorney's White Collar Crime - Public Integrity Unit and certified mailed to the Office of the Attorney General to prosecute them for their crimes.

Introduction

Started by ticket no. 14199822, events for case no. 8529140 and case no. 8560652 allegedly show Assistant City Attorney Chase Reed Gomillion, acting as State prosecutor, guilty of perjury, aggravated perjury, official misconduct, abuse of official capacity, and official oppression.

Perjury

Ticket number 14199822 (See Exhibit 1) was originally filed as case number 8529140 March 2, 2017 for a suspected PED CROSSING MID BLOCK violation - Code 42140, per State. Certified copy of its original complaint (See Exhibit 2).

March 30, 2017 during the 8 pm docket for bench trials in Courtroom 2A (See Exhibit 3), the judgment signed by Assistant City Attorney Chase Reed Gomillion and trial court judge Barbara Garcia was to dismiss the PEDESTRIAN CROSSING MIDBLOCK charge in case number 8529140 (See Exhibit 4).

However, when processing State's motion to dismiss, Mr. Gomillion verbally told trial court Judge Garcia, in my presence,

he was refiling it within 24 hours as a PEDESTRIAN IN ROADWAY charge. In fact, on State's written motion to dismiss, that Mr. Gomillion signed and processed, was written, "D & R: Refile as Ped in Roadway City Code" on the "other" line (See Exhibit 4).

But before Judge Garcia signed it, Mr. Gomillion wrote, in my presence, "Pedestrian in Roadway" below "Judgment" and above "Violation: PEDESTRIAN CROSSING MIDBLOCK" in Courtroom 2A during the PPM docket on March 30, 2017 when he first tried verbally bullying me into agreeing to wrongly try case number P529140 ~~as~~ for a PEDESTRIAN IN ROADWAY charge not written on ticket no. 14199822, then and there, with zero preparation time for me, so that I'd give up my pre-trial rights, like my right to discovery to protect myself from misleading or false testimony or evidence being introduced by the State prosecutor on a new charge not written on the ticket.

Only after I immediately and rightly refused Mr. Gomillion's attempted bullying by loudly and clearly telling him and the Court I was ready for trial for the alleged

PEDESTRIAN CROSSING MIDBLOCK offense only for case number 8529140 did Gomillion then approach Judge Garcia, in my presence, and say State wanted to dismiss the PEDESTRIAN CROSSING MIDBLOCK charge, but refile it within 24 hours as a PEDESTRIAN IN ROADWAY case.

However, Article 45.040 of the Texas Code of Criminal Procedure says, "In no case shall the State be entitled to a new trial." Therefore, Mr. Gomillion verbally made a false statement, and attested to it in writing per his signature, because he knowingly made an untrue statement with intent to mislead (Black's Law Dictionary - Tenth Edition, definition of "false statement," under the entry for "statement").

Mr. Gomillion allegedly made that false statement under oath because Article 82.037 (a)(1, 2, & 4) of the Texas Government Code says, "Each person admitted to practice law shall, before receiving a license, take an oath that the person will support the Constitutions of the United States and this State, honestly demean oneself in the practice of law, and conduct oneself with integrity

Communicating with the court and all parties."

Therefore, because Mr. Gamillion allegedly made a false statement under oath with intent to deceive and with knowledge of its meaning, he allegedly committed perjury, Per Article 37.02 (a)(1) of the Texas Penal Code.

Aggravated Perjury

Per Texas Penal Code 1.07 (33), "official proceeding" means any type of judicial proceeding that may be conducted before a public servant, like the one before Judge Garcia when Mr. Gamillion made his false statement.

Per Texas Penal Code 37.04 (a), a statement is material, regardless of the admissibility of the statement under the rules of evidence, if it could have affected the course or outcome of the official proceeding, like leading to a second trial. State is not legally entitled to have because Judge Garcia's signature on State's motion to dismiss Case No. 8529140 appears to sanction the dismissed case's re-filing, per the written pledge to do so on the "other" line.

That's why false statements made by a lawyer to a tribunal that might corrupt the course of litigation, even if they are not outcome determinative, are material and prohibited (V.T.C.A. Government Code Title 2, Subtitle G App., Art. 10, § 9, Rules of Prof. Conduct, Rule 3.03 (a)(1); Cohn v. Commission for Lawyer Discipline).

In fact, for purposes of aggravated perjury, "materiality" refers to statements having some substantial potential for obstructing justice (Steen v. State), like unlawfully trying me a second time to convict me of a crime I did not commit.

Therefore, Mr. Gamillion allegedly committed aggravated perjury, a third degree felony, per Texas Penal Codes 37.03 (a)(1, 2) and (b).

Double Jeopardy

In fact, the dismissed PEDESTRIAN CROSSING MIDBLOCK charge on ticket number 14199022 for cause / case number P529140 was refiled as a new

PEDESTRIAN IN ROADWAY suspected violation with new cause/case number P560652 in a new complaint dated April 3, 2017, for the same ticket number 14199822, per State's certified copy (See Exhibit 5).

That filing allegedly caused Double Jeopardy, per Article 27.05 (4) of the Texas Code of Criminal Procedure, by attempting to try me, the defendant, a second time for a different offense arising out of the same alleged criminal episode, though it was never written on the ticket (See Exhibit 1) and should have been consolidated into one trial if it had, and despite the former prosecution being terminated by a judgment for me, the defendant, that has not been reversed, set aside, or vacated and that necessarily required a determination inconsistent with a fact that must be established to secure conviction in the subsequent prosecution.

Specifically, the judgment to dismiss the suspected PEDESTRIAN CROSSING MIDDLEBLOCK violation required a determination that I, the defendant, lawfully crossed
(a.n.c. 261)

Guadalupe at Maiden Lane in the late evening, which is inconsistent with establishing a fact that I unlawfully crossed Guadalupe at 35th in the morning to secure conviction in the subsequent prosecution for the alleged PEDESTRIAN IN ROADWAY charge.

Supporting my legal analysis are the online April 18, 2017 and May 3, 2017 Municipal Court Public Inquiry records for Case no. 8560652, which show ticket no. 14199822 being issued at 8:20 AM on 1/8/17, though the actual pedestrian stop by APD Officer McCoy (#7553) didn't occur until late evening on 1/8/17 at Maiden Lane at Guadalupe (See the first case event on Exhibit 6 and Line 40 of Exhibit 7).

That alleged tampering with a governmental record will not be discussed further here, though it's part of a pattern of tampering with governmental records throughout Austin Municipal Court's online record system re: case events for case no. 8560652 as well as APD Central Records illegally withholding exculpatory dashboard camera video evidence, directly contradicting the OAG's explicit Open Records Ruling 2016-10001 requiring its release.

Therefore, State's filing of complaint for cause/case no. 8560652 causing Double Jeopardy highlights why Assistant City Attorney Chase Reed Gomillion's verbal and written statements to refile the dismissed charge in cause/case no. 8529140, of which he knew their meaning and made them during an official proceeding, were false, intended to deceive, and material per Texas law, supporting my evidence-based claim he committed aggravated perjury.

Official Misconduct

Because Assistant City Attorney Chase Reed Gomillion is a public servant, per Texas Penal Code 1.07(41)(D), who allegedly intentionally or knowingly committed aggravated perjury while acting in an official capacity as a public servant, he also is allegedly guilty of official misconduct, per Article 3.04 of the Texas Code of Criminal Procedure and V.T.C.A. Government Code Title 2, Subtitle G App., Art. 10, § 9, Rules of Prof. Conduct, Rule of 8.04(a)(2).

Use of Official Capacity

Therefore, because public servant Gomillion allegedly committed aggravated perjury with intent to defraud and harm me by trying to fool and force me into accepting Double Jeopardy to wrongly try me a second time to convict me of a crime I did not commit, he abused his official capacity, per Texas Penal Code 39.02 (a)(1).

Official Oppression

Therefore, because public servant Gomillion acting under Color of his employment intentionally subjected me to mistreatment that he knows is unlawful and intentionally tried denying or impeding my exercise of my right to not be tried a second time after the original case was dismissed, public servant Gomillion is allegedly guilty of official oppression, per Texas Penal Code 39.03 (a)(1,2).

TDRPC 3.09 - Special Responsibilities of a Prosecutor

TDRPC 3.09 - Special Responsibilities of a Prosecutor says that the prosecutor in a criminal case shall:

- (a) refrain from prosecuting or threatening to prosecute a charge that the prosecutor knows is not supported by probable cause;
- (c) not initiate or encourage efforts to obtain from an unrepresented accused a waiver of important pre-trial or post trial rights;
- (d) make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused;

Therefore, when Assistant City Attorney Chase Reed Gomillion, acting as State prosecutor against me, the defendant in Case no. P529140, tried bullying me verbally & in writing in the courtroom to agree to try Case no. P529140 for a PEDESTRIAN IN ROADWAY charge not written on ticket no. 14199822, because it never happened, he did not refrain from threatening to prosecute a charge (PEDESTRIAN IN ROADWAY) that he, the prosecutor, knows is not supported by probable cause. Therefore, he violated TDRPC 3.09 (a).

When Gomillion, acting as State prosecutor against me, the defendant in Case no. 8529140, tried bullying me into agreeing to try Case no. 8529140 for a new, different PEDESTRIAN IN ROADWAY charge with zero notice + zero preparation time, Gomillion initiated + encouraged efforts to obtain from me, an unrepresented accused, a waiver of important pre-trial rights, like my right to discovery. Therefore, he violated TDRPC 3.09(c).

When Gomillion, acting as State prosecutor against me, the defendant in Case no. 8529140, pledged verbally + in writing to refile the dismissed PEDESTRIAN CROSSING MIDBLOCK charge in Case no. 8529140 as a new charge (PEDESTRIAN IN ROADWAY) NOT written on the same ticket (No. 14199822) for a new case (No. 8560652) to Cause Double Jeopardy against me, Gomillion initiated efforts to obtain from me, an unrepresented accused, a waiver of important post trial rights, like my right NOT to be tried a second time for the same alleged criminal episode after the first trial was terminated by a judgment for me, the defendant. Therefore, Gomillion again violated TDRPC 3.09(c).

when Gomillion allegedly refiled the dismissed PEDESTRIAN CROSSING MIDBLOCK charge in terminated Case 8529140 as a PEDESTRIAN IN ROADWAY charge for Case 8560652 to cause Double Jeopardy against me, Gomillion encouraged efforts to obtain from me, an unrepresented accused, a waiver of important post trial rights, like my right not to be tried a second time for the same alleged criminal episode after the first trial was terminated by a judgment for me, the defendant. Therefore, Gomillion yet again violated TDRPC 3.09(c).

When Gomillion, acting as State prosecutor against me, the defendant, in Case 8529140 (PEDESTRIAN CROSSING MIDBLOCK), tried bullying me to agree to try case 8529140 instead for a PEDESTRIAN IN ROADWAY charge not written on ticket 14199822, with no notice + no preparation time, Gomillion did not make timely ~~disclosure~~ disclosure to the defense (me) of all evidence or information known to the prosecutor (him) that tends to negate the guilt of the accused (me), like Officer McCoy's dashboard camera video recording showing me lawfully crossing Guadalupe westbound on foot at Maiden Lane late evening Jan. 8, 2017, which is not a PEDESTRIAN

IN ROADWAY violation. Therefore, Gomillion violated
TDRPC 3.09 (d).

TDRPC 3.03 ~~and~~ - Candor Toward Tribunal + TDRPC 4.01 -
Truthfulness in Statements to Others

TDRPC 3.03 (a)(1) says a lawyer shall not knowingly make
a false statement of material fact or law to a tribunal.

TDRPC 4.01 (a) says in the course of representing a
client a lawyer shall not knowingly make a false statement
of material fact or law to a third person. Such
statements will violate this Rule only if the lawyer knows
they are false and intends to mislead [Comment 2 - Texas
Lawyers' Professional Ethics (4th Edition); Texas Legal
Malpractice + Lawyer Discipline (14th Edition)].

Therefore, representing the State, Gomillion's false statement to
Judge Garcia (tribunal) + me (third person) to falsely refile
the dismissed PEDESTRIAN CROSSING MIDBLOCK charge
as a new PEDESTRIAN IN ROADWAY charge for a new
case, creating + violating Double Jeopardy per Article
45.040 of the Texas Code of Criminal Procedure, to

mislead Judge Garcia & me into believing I could be tried a second time for a crime I did not commit, after the first trial was terminated by judgment for me, the defendant, that has not been reversed, set aside, or vacated & that necessarily required a determination inconsistent with a fact that must be established to secure conviction in the subsequent prosecution, Gomillion violated TDRPC 3.03(a)(1) & TDRPC 4.01(a).

TDRPC 3.03(a)(2) says a lawyer shall not knowingly fail to disclose a fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act. However, when Gomillion did not disclose to Judge Garcia the fact that State refiled a dismissed charge from a terminated case as a new charge for a new trial violated Article 45.040 of the Texas Code of Criminal Procedure, Gomillion knowingly failed to disclose a fact to a tribunal when disclosure is necessary to avoid assisting State commit a criminal or fraudulent act. Therefore, Gomillion violated TDRPC 3.03(a)(2).

Keep in mind that TDRPC - Preamble: Terminology defines:

"knowingly," "known," or "knows" as actual knowledge of the fact in question and that a person's knowledge may be inferred from circumstances; and

"Fraud" or "Fraudulent" as conduct having a purpose to deceive and not merely negligent misrepresentation or failure to apprise another of relevant information

TDRPC 1.02 - Scope and objectives of Representation

TDRPC 1.02(c) says a lawyer shall not assist a client to engage in conduct that the lawyer knows is criminal or fraudulent. However, when Gomillion got Judge Garcia to sign off on Gomillion's verbal & written pledge to refile the dismissed PEDESTRIAN CROSSING MIDBLOCK charge for case no. 8529140 as a new PEDESTRIAN IN ROADWAY charge for a new case (no. 8560652), Gomillion assisted his client (State) to engage in conduct that Gomillion knows is criminal or fraudulent. Therefore, Gomillion violated TDRPC 1.02(c).

Also, when Gomillion allegedly refiled the dismissed ~~PEDESTRIAN~~ CROSSING MIDBLOCK charge for terminated case no. 8529140 from ticket no. 14199822 as a new PEDESTRIAN IN ROADWAY charge for a new case (no. 8560652) from the same ticket no. 14199822, though state is not entitled to a new trial, per Article 45.040 of the Texas Code of Criminal Procedure, causing Double Jeopardy, per Article 27.05(4) of said Code, Gomillion assisted his client (State) to engage in conduct that Gomillion knows is criminal or fraudulent. Therefore, Gomillion again violated TDRPC 1.02(c).

TDRPC 8.04 - Misconduct

To maintain the integrity of the legal profession, TDRPC 8.04(a) says that a lawyer shall not:

- (1) violate these rules;
- (2) Commit a serious crime, or commit any other criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;

(3) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;

(4) engage in conduct constituting obstruction of justice;

(12) violate any other laws of this State relating to professional conduct of lawyers and to the practice of law

TDRPC 8.04 (b) says that, as used in subsection (a)(2) of this Rule, "serious crime" means any felony involving moral turpitude. Crimes involving "moral turpitude" are those that involve dishonesty, fraud, deceit, or misrepresentation that reflect adversely on lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects [Duncan v. Board of Disciplinary Appeals].

Therefore, because Gomillion has allegedly violated several Texas Disciplinary Rules of Professional Conduct, he has violated TDRPC 8.04 (1).

Because Gomillion has allegedly committed a serious crime, Aggravated Perjury, Gomillion has violated TDRPC 8.04(2)

Because Gomillion has allegedly committed other criminal acts that reflect adversely on Gomillion's honesty, trustworthiness, and fitness as a lawyer (i.e., perjury), Gomillion has violated TDRPC 8.04(2).

Because Gomillion has repeatedly engaged in conduct involving dishonesty, fraud, deceit, and/or misrepresentation, he has violated TDRPC 8.04(3).

Per U.S. v. Richardson, Because (1) there was a judicial proceeding pending when Gomillion attempted to bully me into trying case no. 8529140 for a non-existent, non-cited PEDESTRIAN IN ROADWAY charge instead of the non-existent but cited, PEDESTRIAN CROSSING MIDBLOCK suspected violation; (2) Gomillion had knowledge of the judicial proceeding; ~~and~~ and (3) Gomillion acted corruptly with the specific intent to influence that judicial proceeding in its due administration of justice by performing an act required by law in the discharge of duties - telling me, the defendant, how State wanted to proceed

in Case no. 8529140, Gomillion engaged in conduct constituting obstruction of justice. Therefore, Gomillion violated TDRPC 8.04 (4),

Per U.S. v. Richardson, because (1) There was a judicial proceeding pending when Gomillion verbally, & in writing, pledged to refile the about-to-be dismissed charge of PEDESTRIAN CROSSING AND BLOCK for Case no. 8529140 as a new case for a never-cited, non-existent PEDESTRIAN IN ROADWAY charge; (2) Gomillion had knowledge of the judicial proceeding; and (3) Gomillion acted corruptly with the specific intent to influence that judicial proceeding in its due administration of justice by attempting to illegally continue the about-to-be terminated Case 8529140 for ticket 14199822 under the guise of a new, never-cited, non-existent charge for a new case when performing an act required by law in the discharge of his duties - telling Judge Garcia how State wanted to proceed in Case 8529140 - Gomillion engaged in conduct constituting obstruction of justice. Therefore, Gomillion again violated TDRPC 8.04 (4),

Because Gomillion allegedly violated other laws of this State relating to professional conduct of lawyers and to the practice of law (i.e., abuse of official capacity; official oppression; official misconduct), Gomillion violated TDRPC 8.04 (12).

TDRPC - Preamble: A Lawyer's Responsibilities

The TDRPC - Preamble: A Lawyer's Responsibilities states:

- (1) Lawyers, as guardians of the law, play a vital role in the preservation of society... A consequent obligation of lawyers is to maintain the highest standards of ethical conduct.

However, Assistant City Attorney Chase Reed Gomillion did the exact opposite, attacking Constitutional law toward transnogrifying society into a lawless, anti-Constitutional anti-society by acting unethically.

- (3) In all professional functions, a lawyer should zealously pursue clients' interests within the bounds of the law.

However, Gomillion followed his interest in trying to

(22 of 36)

Prosecute me outside the law by acting unprofessionally

(4) A lawyer's conduct should conform to the requirements of the law... A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others.

However, Assistant City Attorney Gomillion's conduct did not conform to the requirements of the law; He misused the law's procedures for illegitimate purposes to try harassing, intimidating, & hurting me.

In fact, the unlawful refiling of terminated Case 8529140 as new Case 8560652 appeared to continue after it was rightly terminated by Judge Solomon April 27, 2017 (See Exhibit 8) because the online Municipal Court Record System showed a Request to Appear - Bench trial for terminated Case 8560652 was generated May 3, 2017, showing an illegal second trial for Case 8560652, which is really an illegal third trial for ticket 14199822, which never should have been issued in the first place, to try convicting me of a crime I did not commit to falsely criminalize me.

(See Exhibit 7, ~~the~~ Line 19).

(9) So long as its practitioners are guided by these principles, the law will continue to be a noble profession. This is its greatness and its strength, which permit no compromise.

However, Chase Reed Gonillion chose not to follow these principles to not meet his professional responsibilities to bring down the legal profession's nobility, attack the integrity of the Texas justice system, and torpedo his own legal career.

Conclusion - Practice of Law is a License, not a Right

The practice of law is a license, not a right, and only persons of good moral character and fitness are permitted to practice law in the courts of the State [State Bar of Tex. v. Heard]. Though bad moral character is self-evident & explanatory, a lack of fitness includes a lack of those qualities of mental & psychological health that enable a person to discharge

a lawyer's responsibilities in conformity with the
Texas Disciplinary Rules of Professional Conduct
[Texas Disciplinary Rules of Professional Conduct -
Preamble: Terminology]

Therefore, based on the aforementioned evidence + legal
analysis, Assistant City Attorney Chase Reed Gomillion
clearly + repeatedly demonstrated bad moral character
+ a lack of fitness.

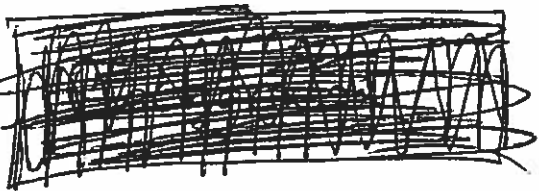
Therefore, do not permit Mr. Gomillion to practice law
in Texas anymore; Disbar Chase Reed Gomillion ASAP
to hold him accountable for his actions, protect the
Public from him, and ensure the integrity + honor of
the legal profession + Texas Judicial System.

There is no compromise.

In solidarity,

~~Carlos~~ León

Carlos León



Exhibits

1. Ticket number 14199822
2. Certified complaint for cause number 8529140
3. Notice for bench trial - Case number 8529140
4. Judgment to terminate Case number 8529140
5. Certified Complaint for cause number 8560652
6. Online Public Inquiry Record - Case number 8560652
- April 18, 2017
7. Online Public Inquiry Record - Case number 8560652
- May 3, 2017
8. Judgment to terminate case number 8560652

REVISED 3/14		TICKET NUMBER	
Austin Citation		1419982	
CASE NO. <u>1019</u>		STATE <u>TX</u> D.E. TYPE <u>TV</u>	
LAST NAME <u>LEON</u>		FIRST NAME <u>CARLOS</u>	
RESIDENCE ADDRESS <u>[REDACTED]</u>		CITY <u>AUSTIN</u> STATE <u>TX</u> ZIP CODE <u>[REDACTED]</u>	
TRAILER LP <u>[REDACTED]</u>		TRAILER ST <u>[REDACTED]</u> DATE OF BIRTH <u>[REDACTED]</u>	
SEX <u>M</u> HEIGHT <u>[REDACTED]</u> EYES <u>[REDACTED]</u>		EMPLOYER OR SCHOOL <u>[REDACTED]</u> BUSINESS PHONE (AC) <u>[REDACTED]</u>	
INSURANCE VALU? <u>[REDACTED]</u>		SCHOOL ZONE? <u>[REDACTED]</u> WORKS IN COUNTRY ZONE? <u>[REDACTED]</u>	
HAZ MATERIAL? <u>[REDACTED]</u>		COMMERCIAL VEH? <u>[REDACTED]</u>	
VEH. COLOR <u>[REDACTED]</u> VEH. YEAR <u>[REDACTED]</u> VEHICLE MAKE <u>[REDACTED]</u>		BODY TYPE <u>[REDACTED]</u> NORTHSTAR MARK? <u>[REDACTED]</u>	
VIOLATION DATE <u>01/08/17</u>		VIOL. TIME <u>AM</u> ☐ <u>PM</u> ☐	
CONDITIONS: <u>Day Light</u> <u>Dark</u> <u>Dry</u> <u>Wet</u>		NAME OF PARK OR SCHOOL <u>[REDACTED]</u>	
VIOLATION LOCATION <u>35TH & L. AVALON</u>		VIOLATION (A) <u>HAZ CROSSING UNBASIC</u>	
VIOLATION (B) <u>[REDACTED]</u>		VIOL. CODE	
VIOLATION (C) <u>[REDACTED]</u>		VIOL. CODE	
REASON FOR STOP (REQUIRED) <u>SEE "A"</u>		RK <u>2</u> PS <u>2</u> VS <u>[REDACTED]</u> RFS <u>[REDACTED]</u>	
Cell phone ☐ STEP ☐ CAD <u>170081477</u>		ALLEGED SPEED <u>[REDACTED]</u> SPEED LIMIT <u>[REDACTED]</u>	
☐ RADAR ☐ LASER ☒ VISUAL ☐ PACED		OR TRAV <u>[REDACTED]</u> EYE TRAV <u>[REDACTED]</u> COLLISION? <u>[REDACTED]</u>	
OFFICER <u>11-CON 7553</u>		OFFICER <u>[REDACTED]</u>	
APPEARANCE DATE AT COURT <u>01/08/17</u>		NON-PROSECUTION FOR ADDITIONAL INFORMATION AND OPERATING HOURS	
I HAVE RECEIVED THIS WRITTEN NOTICE TO APPEAR AND I WILL APPEAR AT THE CITY OF AUSTIN MUNICIPAL COURT ON OR BEFORE THE DATE AND TIME DESIGNATED HEREIN IN ORDER TO ENTER A PLEA OF GUILTY, NOT GUILTY OR NO CONTESTED TO THE VIOLATION LISTED ON THIS TICKET. FOR MORE INFORMATION CALL (512) 371-4200.		RE QUIEROSE PRESENTAR EN LA COMPARECENCIA POR ESCRITO Y COMPARECER EN EL TRIBUNAL MUNICIPAL DE LA CIUDAD DE AUSTIN A MAS TARDAR EN LA FECHA Y LA HORA ESTABLECIDA ARRIBA PARA PRESENTAR UNA DE LAS SIGUIENTES DECLARACIONES Culpable, NO Culpable, O NO DISPUTO EL CARGO EN MI CONTRA. POR CADA UNA DE LAS DECLARACIONES, ENMIENDASE EN ESTA HOJETA. PARA OBTENER MAYOR INFORMACION LLAME AL (512) 371-4200.	
THIS IS NOT A PLEA OF GUILTY. ONLY A PROMISE TO APPEAR. THIS IS NOT A DECLARATION OF CULPABILITY. ES SOLO UNA PROMESA DE PRESENTARSE. ESTO NO ES UNA DECLARACION DE CULPABILIDAD. ES SOLO UNA PROMESA DE PRESENTARSE.		SIGNATURE <u>[REDACTED]</u>	
Information on following pages. This ticket is void if you do not sign this page.			

Exhibit 2

Ticket Number: 14199822 Cause Number: 8529140
Violation Code: 42140 PEDESTRIAN CROSSING MIDBLOCK

THE STATE OF TEXAS
VS
Carlos Leon

§
§
§

IN THE MUNICIPAL COURT
CITY OF AUSTIN, TEXAS

COMPLAINT

THE STATE OF TEXAS
CITY OF AUSTIN

§
§
§

IN THE NAME AND
BY THE AUTHORITY OF
THE STATE OF TEXAS

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that one Carlos Leon on or about Sunday, January 8, 2017 and before the making and filing of this complaint, within the territorial limits of the City of Austin, Texas,

Did then and there as a pedestrian cross a public roadway, to wit: 35TH STREET AT GUADALUPE STREET between adjacent intersections at which traffic control signals were in operation, failing to cross in a marked crosswalk.

Against the Peace and Dignity of the State.

3/2/17

Lisa Munden

Lisa Munden, Affiant



Sworn to and subscribed before me by affiant on this day

Phyllis J. Zapp

Deputy Clerk, for and on behalf of
The Clerk of the Municipal Court,
City of Austin, Texas

State of Texas
Austin Municipal Court
The foregoing instrument is a full, true
and correct copy of the original on file
4/28/17
Deputy Clerk Date
Austin Municipal Court





City of Austin
Municipal Court

Sherry Statman
Presiding Judge

Mary Jane Grubb
Clerk of the Court

Address: 700 E. 7th St., Austin, TX 78701
Mail: P.O. Box 2135, Austin, TX 78768
Phone: (512) 974-4800
Internet: www.austintexas.gov/court
E-mail: court@austintexas.gov

March 1, 2017

Carlos [REDACTED] Leon
[REDACTED]
Austin, TX [REDACTED]

Re: Ticket No.: 14199822
Case No.: 8529140
Violation: PEDESTRIAN CROSSING MIDBLOCK

Dear Carlos [REDACTED] Leon,

You are scheduled to appear at the City of Austin Municipal Court, located at 700 E. 7th Street, Austin, Texas, for the following: *Usted debe comparecer en el Juzgado Municipal de la Ciudad de Austin, ubicado en la Calle 7 Número 700, Austin, Texas, para lo siguiente:*

Bench Trial

Date: Thursday, March 30, 2017

Time: 8:00 PM

Courtroom 2A, on the second floor

If you cannot make your scheduled appearance, you must file a motion for continuance stating the reason you cannot appear (see reverse side of this notice for additional information). If you fail to make your scheduled appearance, a warrant will be issued for your arrest. *Si no puede comparecer en la fecha mencionada, usted necesita presentar una solicitud para aplazar el caso indicando la razón por la que no puede comparecer (vea al reverso de este aviso para más información). Si no comparece el día programado se dictará una orden para su arresto.*

For inquiries regarding your case, please view our website at www.austintexas.gov/court or contact the court's information line at (512) 974-4800. *Para información respecto a su caso, por favor conéctese a nuestro sitio electrónico www.austintexas.gov/court o llame a nuestra línea de información telefónica (512) 974-4800.*

Sincerely,

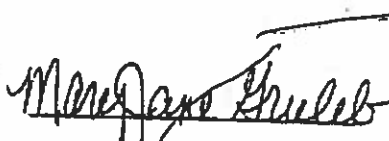

Clerk of the Court 

Exhibit 4

Judgment

172

* Pedestre in Roadway *

Defendant: Leon, Carlos

Case Number: 8529140

Violation: PEDESTRIAN CROSSING MIDBLOCK

Original Fine Amount: \$104.00

Balance Due (Fine + Court Costs + Fees): \$153.00

In the City of Austin, Texas Municipal Court on this date, 03/30/2017, the above named defendant was _____ present in court or _____ represented by counsel, waived a jury, and entered a plea of "no contest"; therefore, It is ordered and adjudged by the court that the State of Texas for the benefit of the City of Austin, Texas, do have and recover of the Defendant the fine and costs of \$ _____; plus \$25 if not paid in full in 30 days; plus the following administrative fees as applicable: \$50 capias pro fine warrant fee; \$30 driver license denial fee and 30% collection fee."

(En el Juzgado Municipal de la Ciudad de Austin, Texas, en esta fecha, el 03/30/2017, el acusado arriba mencionado: _____ compareció ante la Corte, _____ en persona, o _____ representado por un abogado; renunció a juicio ante jurado, registró su declaración de "No Disputar" la acusación; y por lo tanto, la Corte dicta y ordena que el Estado de Texas, para el beneficio de la Ciudad de Austin, Texas, cobre y recupere del Acusado la multa y costos en la cantidad de \$ _____; más \$25.00 si no se paga en 25 días; más las siguientes cuotas administrativas según corresponda: \$50.00 por cuota de orden de arresto; \$30.00 por denegación de licencia de conductor y el 30% por gastos de cobro.

It is further ordered that (Además, se ordena):

_____ the defendant pay immediately; or, if not immediately, by _____ (then \$25 fee added).
(que el acusado pague de inmediato, o, si no de inmediato, para _____ (después se agregará un cargo adicional de \$25)

_____ Fine, if different from above. (Multa, si es diferente a la indicada arriba)

_____ the defendant perform community service for payment (_____ Indigency hearing held);
(el acusado haga servicio a la comunidad para satisfacer la deuda (_____ audiencia de indigencia)

_____ credit for jail time be applied: _____ amount owed OR _____ days credit applied to balance;
(Se le da descuento por tiempo de cárcel: _____ saldo que debe O _____ días de descuento por el saldo)

_____ the existing cash bond posted by the defendant be applied.
(Se le acreditará la fianza ya depositada por el acusado)

_____ Other (Otro): _____

For the offense charged above, I hereby enter my appearance, waive my right to a trial by Jury or Judge, plead no contest, and agree to satisfy the penalty assessed by the Court.

(Por medio del presente registro mi comparecencia para la acusación en el caso arriba mencionado, renuncio a mi derecho a juicio ante Juez o Jurado, declaro No Disputar la acusación, y estoy de acuerdo en cumplir con la sanción dictada por la Corte.)

Signature of defendant/counsel

03/30/2017

Date

Signature of Judge:
(Firma del Juez)

Date: 03/30/2017

State's Motion to Dismiss:

IE NPO NPO2 IEO IEO2 PB

Other:

Assistant City Attorney signature:

Date: 03/30/2017

Order of Dismissal:

The motion of the Assistant City Attorney is hereby granted and the charge in this cause is ordered DISMISSED. (La petición del procurador es por la presente otorgada y se ordena que el cargo en esta causa sea DESPEDIDO).

Ordered by:

Judge on 03/30/2017

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Exhibit 5

Ticket Number:
Violation Code:

14199822 Cause Number: 8560652
42120 PEDESTRIAN IN ROADWAY CITY ORD

THE STATE OF TEXAS
VS
Carlos Leon

§
§
§

IN THE MUNICIPAL COURT
CITY OF AUSTIN, TEXAS

COMPLAINT

THE STATE OF TEXAS
CITY OF AUSTIN

§
§
§

IN THE NAME AND
BY THE AUTHORITY OF
THE STATE OF TEXAS

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that one Carlos Leon on or about Sunday, January 8, 2017 and before the making and filing of this complaint, within the territorial limits of the City of Austin, Texas,

did then and there as a pedestrian knowingly stand in a roadway, to wit: 35TH STREET AT GUADALUPE STREET to solicit a ride from the driver of a vehicle, or linger, loiter, or remain on the roadway for any purpose, contrary to Section 12-1-26(A) of the Code of the City of Austin, 2003, as amended,

Against the Peace and Dignity of the State.

4/3/17



Lisa Munden

Lisa Munden, Affiant

Sworn to and subscribed before me by affiant on this day

Phoebe S. Zante

Deputy Clerk, for and on behalf of
The Clerk of the Municipal Court,
City of Austin, Texas

State of Texas
Austin Municipal Court
The foregoing instrument is a full, true
and correct copy of the original on file.
4/28/17
Deputy Clerk
Austin Municipal Court

Exhibit 6
Apr. 8, 2017 - 8 PM

SP: austin municipal court - SL * Your Ticket / Case Information * Municipal Court Public Inq. * Municipal Court | Austin, TX *
<https://www.austintexas.gov/AmcPublicInquiry/query/psnquery.aspx?query=38&case=8550652> Search

Code	Violation	Date Ticket Issued
42120	PEDESTRIAN IN ROADWAY CITY ORD	1/8/2017

Scheduled Events

Event	Date	Time
ISSUED	1/8/2017	08:20 AM
CITATION FILED	1/10/2017	10:59 AM
FRONT COUNTER NOT GUILTY DOCKET CALL	2/1/2017	07:45 PM
NOTICE TO APPEAR - DOCKET CALL	2/1/2017	07:46 PM
PLEA: NOT GUILTY	2/1/2017	07:46 PM
INITIAL APPEARANCE DATE	2/6/2017	06:00 PM
INITIAL APPEARANCE DATE	2/6/2017	06:00 PM
JUDICIAL ORDER MOTION FOR CONTINUANCE	2/7/2017	03:54 PM
NOTICE TO APPEAR - DOCKET CALL	2/7/2017	03:54 PM
DEFENDANT MOTION FOR CONTINUANCE FILED	2/7/2017	03:55 PM
TRAFFIC APPEARANCE DOCKET	2/22/2017	06:00 PM
TRAFFIC APPEARANCE DOCKET	3/1/2017	06:00 PM
NOTICE TO APPEAR - BENCH TRIAL	3/1/2017	06:51 PM
ORDER OF THE COURT - JUDGE'S ORDER	3/1/2017	06:53 PM
COMPLAINT GENERATED	3/2/2017	07:37 AM
BENCH TRIAL	3/30/2017	08:00 PM
ORDER OF THE COURT - JUDGE'S ORDER	3/30/2017	08:16 PM
PLEA: NOT GUILTY	3/31/2017	08:20 AM
TO BE SCHEDULED FOR BENCH TRIAL	3/31/2017	08:46 AM
COMPLAINT GENERATED	3/31/2017	08:47 AM
NOTICE TO APPEAR - BENCH TRIAL	4/7/2017	09:44 AM
MOTION FOR CONTINUANCE - SENT TO JUDGE	4/12/2017	11:39 AM
MOTION FOR CONTINUANCE FILED BY OFFICER	4/12/2017	11:39 AM
MOTION FOR CONTINUANCE GRANTED	4/12/2017	02:05 PM
NOTICE - COURT CANCELLED	4/12/2017	04:49 PM
NOTICE TO APPEAR - BENCH TRIAL	4/12/2017	04:49 PM
MOTION FOR DISCOVERY	4/12/2017	05:44 PM
MOTION FOR CONTINUANCE - SENT TO JUDGE	4/12/2017	05:46 PM
MOTION FOR CONTINUANCE FILED BY DEF. - TRIAL	4/12/2017	05:46 PM
MOTION FOR CONTINUANCE GRANTED	4/12/2017	08:01 PM
NOTICE TO APPEAR - DISCOVERY DOCKET	4/13/2017	07:11 AM
BENCH TRIAL	5/1/2017	08:30 AM
DISCOVERY DOCKET	5/3/2017	10:30 AM
BENCH TRIAL	5/11/2017	08:30 AM

MY ONLINE CALENDAR | MEDACENTER | FAQ | CONTACT US | SITE MAP | LEGAL NOTICES | PRIVACY POLICY | 8-1-1

Firefox automatically sends some data to Mozilla so that we can improve your experience.

Choose What I Share

~~EXHIBIT 6~~
8/2/17

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Exhibit 7

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

LIBRARY

AUSTIN ENERGY

AUSTIN WATER

CONVENTION CENTER

VISITORS BUREAU

OPEN GOVERNMENT

Pay Online

Services

Calendar

Media Center

Departments

3-1-1

5/3/17 10:30 AM

Municipal Court Public Inquiry

Logout

Public Inquiry » Criminal & Traffic Search » Person Listing » Person Detail

Cases

Case Summary

Previous Payments

Make a Payment

Action Listing for Person - Leon, Carlos Alejandro

Case #	Violation	Event	Date	Time
1 8529140	PEDESTRIAN CROSSING MIDBLOCK	Records Request Processed @ front counter	4/28/2017	11:22 AM
2 8529140	PEDESTRIAN CROSSING MIDBLOCK	Changed Disposition from DRE to DRE	3/31/2017	08:20 AM
3 8529140	PEDESTRIAN CROSSING MIDBLOCK	Case Disposition: Dismissed - Refiled	3/31/2017	08:20 AM
4 8529140	PEDESTRIAN CROSSING MIDBLOCK	Order of the Court - Judge's Order	3/30/2017	08:18 PM
5 8529140	PEDESTRIAN CROSSING MIDBLOCK	Complaint Generated	3/2/2017	07:37 AM
6 8529140	PEDESTRIAN CROSSING MIDBLOCK	Order of the Court - Judge's Order	3/1/2017	08:53 PM
7 8529140	PEDESTRIAN CROSSING MIDBLOCK	Notice to Appear - Bench Trial	3/1/2017	08:51 PM
8 8529140	PEDESTRIAN CROSSING MIDBLOCK	Bench Trial	3/30/2017	08:00 PM
9 8529140	PEDESTRIAN CROSSING MIDBLOCK	Notice to Appear - Docket Call	2/7/2017	03:54 PM
10 8529140	PEDESTRIAN CROSSING MIDBLOCK	Judicial Order Motion for Continuance	2/7/2017	03:54 PM
11 8529140	PEDESTRIAN CROSSING MIDBLOCK	Traffic Appearance Docket	3/1/2017	08:00 PM
12 8529140	PEDESTRIAN CROSSING MIDBLOCK	Defendant Motion for Continuance Filed	2/7/2017	03:55 PM
13 8529140	PEDESTRIAN CROSSING MIDBLOCK	Notice to Appear - Docket Call	2/1/2017	07:46 PM
14 8529140	PEDESTRIAN CROSSING MIDBLOCK	Front Counter Not Guilty Docket Call	2/1/2017	07:46 PM
15 8529140	PEDESTRIAN CROSSING MIDBLOCK	Traffic Appearance Docket	2/22/2017	08:00 PM
16 8529140	PEDESTRIAN CROSSING MIDBLOCK	Plea: Not Guilty	2/1/2017	07:46 PM
17 8529140	PEDESTRIAN CROSSING MIDBLOCK	Citation filed	1/10/2017	10:59 AM
18 8529140	PEDESTRIAN CROSSING MIDBLOCK	Initial Appearance Date	2/6/2017	08:00 PM
19 8560652	PEDESTRIAN IN ROADWAY CITY ORD	Notice to Appear - Bench Trial	5/3/2017	10:08 AM
20 8560652	PEDESTRIAN IN ROADWAY CITY ORD	Records Request Processed	4/28/2017	11:15 AM
21 8560652	PEDESTRIAN IN ROADWAY CITY ORD	Dismissal Ordered by Judge	4/27/2017	01:28 PM
22 8560652	PEDESTRIAN IN ROADWAY CITY ORD	Case Disposition: Dismissed Insufficient Evidence	4/27/2017	01:28 PM
23 8560652	PEDESTRIAN IN ROADWAY CITY ORD	Order of the Court - Judge's Order	4/27/2017	01:27 PM
24 8560652	PEDESTRIAN IN ROADWAY CITY ORD	Notice to Appear - Discovery Docket	4/13/2017	07:11 AM
25 8560652	PEDESTRIAN IN ROADWAY CITY ORD	Discovery Docket	5/3/2017	10:30 AM
26 8560652	PEDESTRIAN IN ROADWAY CITY ORD	Motion for Continuance Granted	4/12/2017	08:01 PM
27 8560652	PEDESTRIAN IN ROADWAY CITY ORD	Motion for Continuance Filed by Def. - Trial	4/12/2017	05:46 PM
28 8560652	PEDESTRIAN IN ROADWAY CITY ORD	Motion for Continuance - Sent to Judge	4/12/2017	05:46 PM
29 8560652	PEDESTRIAN IN ROADWAY CITY ORD	Motion for Discovery	4/12/2017	05:44 PM
30 8560652	PEDESTRIAN IN ROADWAY CITY ORD	Notice to Appear - Bench Trial	4/12/2017	04:49 PM
31 8560652	PEDESTRIAN IN ROADWAY CITY ORD	Notice - Court Cancelled	4/12/2017	04:49 PM
32 8560652	PEDESTRIAN IN ROADWAY CITY ORD	Bench Trial	5/11/2017	08:30 AM
33 8560652	PEDESTRIAN IN ROADWAY CITY ORD	Motion for Continuance Granted	4/12/2017	02:05 PM
34 8560652	PEDESTRIAN IN ROADWAY CITY ORD	Motion for Continuance Filed By Officer	4/12/2017	11:39 AM
35 8560652	PEDESTRIAN IN ROADWAY CITY ORD	Motion for Continuance - Sent to Judge	4/12/2017	11:39 AM
36 8560652	PEDESTRIAN IN ROADWAY CITY ORD	Notice to Appear - Bench Trial	4/7/2017	09:44 AM
37 8560652	PEDESTRIAN IN ROADWAY CITY ORD	Bench Trial	5/1/2017	08:30 AM
38 8560652	PEDESTRIAN IN ROADWAY CITY ORD	Complaint Generated	3/31/2017	08:47 AM
39 8560652	PEDESTRIAN IN ROADWAY CITY ORD	To Be Scheduled for Bench Trial	3/31/2017	08:46 AM
40 8560652	PEDESTRIAN IN ROADWAY CITY ORD	Issued	1/8/2017	08:20 AM
41 8560652	PEDESTRIAN IN ROADWAY CITY ORD	Initial Appearance Date	2/6/2017	08:00 PM

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Q



42	8560651	PEDESTRIAN IN ROADWAY CITY ORD	Defendant Motion for Continuance Filed	2/7/2017	03:55 PM
43	8560652	PEDESTRIAN IN ROADWAY CITY ORD	Plea, Not Guilty	2/1/2017	07:46 PM
44	8560651	PEDESTRIAN IN ROADWAY CITY ORD	Initial Appearance Date	2/6/2017	06:00 PM
45	8560652	PEDESTRIAN IN ROADWAY CITY ORD	Bench Trial	3/30/2017	08:00 PM
46	8560652	PEDESTRIAN IN ROADWAY CITY ORD	Traffic Appearance Docket	3/1/2017	06:00 PM
47	8560652	PEDESTRIAN IN ROADWAY CITY ORD	Traffic Appearance Docket	2/22/2017	06:00 PM
48	8560652	PEDESTRIAN IN ROADWAY CITY ORD	Order of the Court - Judge's Order	3/30/2017	08:16 PM
49	8560652	PEDESTRIAN IN ROADWAY CITY ORD	Complaint Generated	3/2/2017	07:37 AM
50	8560652	PEDESTRIAN IN ROADWAY CITY ORD	Order of the Court - Judge's Order	3/1/2017	06:53 PM
51	8560652	PEDESTRIAN IN ROADWAY CITY ORD	Notice to Appear - Bench Trial	3/1/2017	06:51 PM
52	8560652	PEDESTRIAN IN ROADWAY CITY ORD	Notice to Appear - Docket Call	2/7/2017	03:54 PM
53	8560652	PEDESTRIAN IN ROADWAY CITY ORD	Judicial Order Motion for Continuance	2/7/2017	03:54 PM
54	8560652	PEDESTRIAN IN ROADWAY CITY ORD	Notice to Appear - Docket Call	2/1/2017	07:46 PM
55	8560652	PEDESTRIAN IN ROADWAY CITY ORD	Front Counter Not Guilty Docket Call	2/1/2017	07:45 PM
56	8560652	PEDESTRIAN IN ROADWAY CITY ORD	Citation filed	1/10/2017	10:59 AM
57	8560652	PEDESTRIAN IN ROADWAY CITY ORD	Plea, Not Guilty	3/31/2017	08:20 AM

⑦

City of Austin Municipal Court

700 East 7th Street

P.O. Box 2135 Austin, Texas 78768-2135

(512) 974-4800

www.austintexas.gov/court

State of Texas vs.

Carlos Leon

Cause No.

8560652

Offense:

Jury Waiver: I waive my right to trial by jury and plead Not Guilty to the Court.

Date:

Signature:

NOTICE: Renewal of Defendant's driver's license may be suspended for failure to appear at court and/or failure to pay a judgment in the case. In order to clear any such suspension Defendant is required to pay the Clerk a \$30 administrative fee in addition to any judgment in the case.

Judgment

On this, the _____ at the required time of this court, came the described cause to be heard and the Defendant:

Having been informed of his right to trial entered his/her appearance and waived said right to trial by pleading

(No Contest), (Not Guilty),

Was present in court and, having waived a jury, announced ready for trial, and entered a plea of not guilty in open court.

And after hearing the evidence and argument, and after due consideration of the same, the court finds the Defendant

(Guilty), (Not Guilty),

of the offense in the complaint in this case.

It is therefore ordered and adjudged by the court that the State of Texas for the benefit of the City of Austin, Texas, do have and recover of the Defendant the sum of \$ _____ as the fine assessed and costs in this case. If paid after 30 days, the total due is the sum amount plus \$25.

The Court finds that the period which will satisfy the fine and costs is 24 or _____ hours.

Judge, Municipal Court, City of Austin, Texas

Hearing as to Indigency:

Finding: [] Indigent [] Not Indigent

Plea of No Contest: I, hereby enter my appearance for the offense charged in the above-referenced cause, waive my right to a trial by Jury or Judge, plead no contest to the offense alleged by the citation and/or complaint in this cause, and agree to satisfy the penalty assessed by the Court.

Signature: _____ Date _____

Atty/Parent: _____ Date _____

Address: _____

FURTHER ORDERS:

☐ DSC Mandatory

☐ Deferred Disposition

Proof of completion by: _____

☐ Post Fee, bond, or make payment of \$ _____ by _____

☐ Extension to pay \$ _____ monthly/weekly

until balance is paid, start payment _____

☐ Community Service: _____ hours to be done at any place on the adult /youth list of CSR providers or at any other non-profit agency doing non-religious, non-political work.

Turn in proof of _____ hours by _____

☐ Jail Credit: _____

Total layout credit/Time Served:

Concurrent

Consecutive

NOTES:

Address Notification for Minors:

You and your parent, or guardian are required by law to provide the court in writing your current address and residence. If your place of residence changes, you have 7 days to notify the court in writing of your new address and residence. Failure to keep the court informed of your new residence may result in Failure to Appear and Failure to Notify charges filed against you, your parent or guardian. The obligation of keeping the court informed of your current address and residence is required until your case is finalized/terminated.

State's Motion to Dismiss:

Date 4/27/17 ☒ IE ☐ NPO ☐ NPO2 ☐ IEO ☐ IEO2 ☐ PB

Other: _____

Assistant City Attorney: _____

Order of Dismissal

On this 4/27/17 the motion of the STATE is hereby granted and the charge in this cause is ordered DISMISSED.

Judge - Municipal Court, City of Austin, Texas

(36 of 36)

Judge Solomon



Carlos León

November 13, 2017



To: Commission for Lawyer Discipline

Re: Written guidelines the Office of the Chief Disciplinary Counsel used to classify Grievances as Inquiries or Complaints

Dear Commission for Lawyer Discipline:

I am requesting a printed copy of the written guidelines the Office of the Chief Disciplinary Counsel uses to classify Grievances as Inquiries or Complaints.

Per Texas Rules of Disciplinary Procedure (TRDP) 6.02, the Commission shall respond, as appropriate, to all public inquiries concerning the operation of the attorney professional disciplinary system.

Per TRDP 1.06 (D), the Commission is a permanent committee of the State Bar of Texas.

Per Government Code §1.011 (a), the State Bar of Texas is a public corporation and an administrative agency of the judicial department of government.

Per the State Bar of Texas website, all

(1 of 3)

records of the State Bar of Texas, except for records pertaining to grievances that are confidential under TRDP, are subject to the Texas Public Information Act

- <https://www.texasbar.com/Am/Template.cfm?Section=Public-Information&Template=/CM/HTMLDisplay.cfm&ContentID=32885>

Therefore, though specific grievance case records are explicitly confidential, the written guidelines used by the State Bar of Texas Office of Chief Disciplinary Counsel to classify grievances as inquiries or complaints are subject to the Texas Public Information Act.

Therefore, per Government Codes 552.002, 552.003, and 552.022, those written guidelines are public information in connection with the transaction of official business.

Therefore, per TRDP 6.02, the Commission shall disclose, upon proper request, information in its custody or control that is neither confidential nor privileged.

In fact, per Government Code 552.001, the Texas Public Information Act shall be

liberally construed in favor of granting my request because I am entitled at all times to complete information about the affairs of government and the official acts of public officials and employees.

Expect me to pick up your written response in person at 1414 Colorado in Austin, TX.

Thanks in advance for your cooperation,

Carlos León

Carlos León

(3 of 3)

Update: I was told in response that there are no written guidelines to classify Grievances as Inquiries or Complaints, only the judgment of the CDC.

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apple
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lawyer Wright

Carlos León

①

April 27, 2018

To: State Bar of Texas - Board of Directors

Re: Grievance 201703538 against Chase Reed Gomillion

Subj: Follow-up misclassifying a Complaint
an Inquiry

Dear Board of Directors:

Supplementing the Nov. 10, 2017 materials you received from me at the Jan. 26, 2018 Board Meeting, this 75 page document, including accompanying exhibits, fleshes out important new details new evidence, & new analysis further justifying why Grievance 201703538 must be reclassified a Complaint ASAP so that process moves forward toward disbarring Chase Reed Gomillion for his professional misconduct against me.

In addition, These materials expose an alleged criminal conspiracy of which Gomillion's professional misconduct is allegedly part, trying to falsely criminalize & unlawfully punish me.

②

This alleged criminal conspiracy appears to be part of a shadow justice system within Austin that is alies to & opposite the Constitutional Texas Justice System, threatening the State Bar of Texas, the Texas Justice System, and the public at large.

Do not allow this second track "Third rail" to kill Due Process or Constitutional law in Austin or anywhere else in Texas.

The devil is in the details of the evidence from the Austin Municipal Court, Central Records of the Austin Police Department, and Travis County DA's office - Public Integrity Unit.

Make no mistake. This is spiritual warfare in secular form on the legal battlefield. Because we know that the law is good, if a man use it lawfully (Timothy 1:8) the righteousness of the upright shall deliver them, but transgressors shall be taken in their own naughtiness (Proverbs 11:6).

The following outline overviews & orders

Outline

③

Jeopardy attached in case 8529140 -
PEDESTRIAN CROSSING MIDBLOCK... ⑧

PEDESTRIAN IN ROADWAY not on
Citation 14199822... ⑨

Citation 14199822 - first charging
instrument... ⑨

Cop never talked about PEDESTRIAN
IN ROADWAY... ⑩

PEDESTRIAN IN ROADWAY is opposite
PEDESTRIAN CROSSING MIDBLOCK... ⑪

Did new evidence lead to new charge?... ⑫

Pre-trial Due Process problems for case
8529140... ⑬

New evidence likely fabricated ex post
facto... ⑭

Dashboard camera video recording
requested to defeat "new" evidence... ⑮

Renee Moore unlawfully denied dashboard
camera video recording request by
gaslighting me + disobeying TX law +
the OAG... ⑮

④

Renee Moore tampered with a governmental record by intentionally impairing its availability to defraud or harm me. . . . (19)

Renee Moore tampered with a governmental record by making a governmental record with knowledge of its falsity to defraud or harm me. (20)

Renee Moore tampered with a governmental record by using a governmental record with knowledge of its falsity to defraud or harm me. (22)

Travis County DA's office Public Integrity Unit tampered with a governmental record & gaslit. (23)

Travis County DA's office Public Integrity Unit tampered with a governmental record by making & using a governmental record with knowledge of its falsity to defraud or harm me. (23)

Alternate, anti-reality meaning of the DA letter. (27)

Tampering with governmental records - Austin Municipal Court online records. . . . (29)

Official Austin Municipal Court Seal. . . . (32)

(5)

Case #529140 & Case #560652 judgments
lack official court seal (33)

Tampering with governmental records -
three unofficial court seals (34)

Unofficial Seal 1 (35)

Unofficial Seal 2 (37)

Unofficial Seal 3 (40)

Clerk of the Court's signature
Mary Jane Grubb vs. Mary Jane Gruleb (43)

Two-track justice system - Austin Municipal
Court (48)

Legal loophole allowing two-track justice
system (49)

Conclusion (52)

Exhibit A - Online Austin Municipal Court
Public Inquiry Record for Case #560652 -
April 18, 2017 at 8:00 PM (57)

Exhibit B - Online Austin Municipal Court
Public Inquiry Record for Carlos León -
May 3, 2017 at 10:30 AM (58)

(6)

Exhibit C - Austin Citation/ticket number
14199822 (6)

Exhibit D - My 3/31/17 Austin Police
Department Central Records Request for
the full report of and dashboard camera
video recording showing my entire
crossing of Guadalupe at Maiden Lane
re: Citation 14199822 / CAD 170081471 . . . (6)

Exhibit E - Renee Moore's 4/3/17 written
response to my 3/31/17 public
information request in Exhibit D (6)

Exhibit F - The office of the Attorney
General's Open Records Ruling
2016-10001 (6)

Exhibit G - My 4/17/17 Travis County
District Attorney Public Integrity Unit
Complaint / Request to Investigate
Renee Moore's official misconduct &
felonious criminality (6)

Exhibit H - Travis County District Attorney
Public Integrity Unit's unsigned
5/10/17 written response to my
4/17/17 Complaint / Request to
Investigate Renee Moore (6)

(7)

Exhibit I - 4/13/17 notice to Appear for a
5/3/17 Discovery Docket at 10:30 AM
at Austin Municipal Court for Case
P560652 (70)

Exhibit J - 2/1/17 Austin Municipal Court
Docket Request - Notice to Appear for
Cause No. P529140 (71)

Exhibit K - 4/12/17 Order for Continuance
in the Austin Municipal Court for
Case number P560652 (72)

Exhibit L - City of Austin - Personal
Information form, documenting Mary
Jane Grubb's handwritten signature,
dated 10/19/15 (73)

Exhibit M - City of Austin - Acknowledgment
of Receipt of Personnel Policies,
documenting Mary Jane Grubb's
handwritten signature, dated 10/19/15 (74)

Exhibit N - My 6/12/17 Public Information
Request to the City of Austin Human
Resources Department requesting
documents with Mary Jane Grubb's
signature in multiple places (75)

Jeopardy attached in Case 8529140 -
 PEDESTRIAN CROSSING MIDBLOCK
 for Citation 14199822

After I loudly & clearly objected to Austin Municipal Court prosecuting attorney Chase Reed Gomillion's attempt in the courtroom to change the charge from PEDESTRIAN CROSSING MIDBLOCK to PEDESTRIAN IN ROADWAY immediately before bench trial for case 8529140 for Citation 14199822, Gomillion then told Judge Garcia that State was ready for trial.

Then I told Judge Garcia that I was ready for trial on the PEDESTRIAN CROSSING MIDBLOCK charge only, the only charge alleged on the original sworn complaint for cause/case 8529140. Then I pled "Not Guilty."

Therefore, per State v. Torres (1991), jeopardy attached at that moment because once I pled "Not Guilty," the issue between the State and the defendant (me) had formed and I had the right to have the trier of fact decide the issue at the bench trial.

Therefore, only after jeopardy attached

⑨

to prosecute me for PEDESTRIAN CROSSING MIDBLOCK did Gomillion then motion to "dismiss & refile" to retry Citation 14199022 as an alleged PEDESTRIAN IN ROADWAY violation.

PEDESTRIAN IN ROADWAY NOT on Citation 14199022

However PEDESTRIAN IN ROADWAY was never written on Citation 14199022, though two blank spaces below "PED CROSSING MIDBLOCK" were available to write a second or third charge for the same alleged criminal episode, had it occurred.

Citation 14199022 - first charging instrument

That absence is important because Citation 14199022 is the first complaint the first charging instrument from which the original sworn complaint attested to by affiant Lisa Menden was generated for cause 8529140.

For class C misdemeanor cases in Municipal Court, where & when the defendant first pleads "not guilty," like in mv case that original sworn

⑩

Complaint then becomes the charging instrument for the cause/case.

Still, Texas law recognizes the validity of the citation as a charging instrument. Texas Code of Criminal Procedure Art. 27.14(d) says a defendant may waive the filing of a sworn complaint and elect that the prosecution proceed on the written notice of the charged offense

(Citation 14199022) if the defendant agrees in writing with the prosecution, signs the agreement, and files it with the court.

Cop never talked about PEDESTRIAN IN ROADWAY

Regardless, APD Officer Monica McCoy (#7553) never said anything to me about a PEDESTRIAN IN ROADWAY violation. She exclusively talked to me about her misapplication of PEDESTRIAN CROSSING MTD BLOCK, telling & showing me the crosswalks at 34th & Guadalupe and 38th & Guadalupe that she falsely alleged I had to use to cross Guadalupe instead of Maiden Lane, where I legally crossed without a crosswalk.

PEDESTRIAN IN ROADWAY is opposite
PEDESTRIAN CROSSING MIDBLOCK

More telling, the PEDESTRIAN IN ROADWAY charge is the opposite of the PEDESTRIAN CROSSING MIDBLOCK charge.

1. Per Texas Transportation Code 552.005(b), PEDESTRIAN CROSSING MIDBLOCK means, "Between adjacent intersections at which traffic signals are in operation, a pedestrian may cross only in a marked crosswalk."

Therefore, PEDESTRIAN CROSSING MIDBLOCK is about where a pedestrian crosses the street, meaning to go from one side of the street to the opposing side (Webster's 3rd New International Dictionary - "to cross"), meaning continuous movement across the street.

In contrast, per Austin City Code 12-1-26(A)(2), PEDESTRIAN IN ROADWAY means, "A pedestrian may not stand in a roadway to solicit a driver or linger, loiter, or remain on a roadway for any purpose."

(12)

Therefore, standing in a roadway to solicit, linger, loiter, or remain means to not cross the street to not continuously move from one side to the other side of the street because you're stationary or inactive in the street (Webster's 3rd New International Dictionary - "to stand") for some period of time for some purpose other than crossing the street.

Therefore, because you cannot be moving on your feet and be stationary on your feet at the same time on the same street, how could the same affiant, Lisa Munden, solemnly swear that she had good reason to believe, and does believe, that I committed a PEDESTRIAN CROSSING MIDBLOCK violation & a PEDESTRIAN on ROADWAY violation during the same alleged criminal transaction, per her signature on the original, sworn complaint for cause #529140 & the original sworn complaint for cause #560652, which both were generated from Citation 14199022?

Did new evidence lead to new charge?

If State (inc. Gomillion & Munden) became

aware of new, relevant evidence
 after the original, sworn Complaint
 for cause #529140 was generated
 3/2/17 but before the bench
 trial for case #529140 on 3/30/17,
 giving Gomillion & Menden good reason
 to believe & truly believe that I
 committed an additional, different
 violation, PEDESTRIAN IN ROADWAY
 during the same alleged criminal
 transaction State already alleged I
 committed a PEDESTRIAN CROSSING
 MIDBLOCK violation, then I have
 the legal right to examine that
 new evidence before trial on that
 additional, different PEDESTRIAN
 IN ROADWAY charge to help me
 fairly prepare my defense.

Pre-trial Due Process problems for Case #529140

Therefore, Gomillion tried changing the
 PEDESTRIAN CROSSING MIDBLOCK charge
 to PEDESTRIAN IN ROADWAY, with no
 notice, immediately before trial for
 case #529140 to initiate & encourage
 efforts to obtain from me, an
 unrepresented accused, a tacit
 waiver of important pre-trial
 rights, including my right to notice,
 right to discovery, & my right to

fairly prepare my defense against a new, additional, different charge.

Therefore, paradoxically, Gomillion tried denying me due process before trial to avoid violating due process during trial, when an indictment (a charging instrument similar to the complaint used in Class C misdemeanor cases) alleges one offense, but the State proves another (*Sartain v. State*, 2007).

New evidence likely fabricated ex post facto

In fact, because State falsely claims I committed that false PEDESTRIAN IN ROADWAY violation the morning of 1/8/17, per Austin Municipal Court's online records for cause/case 8560652 that falsely State citation 14199822 was issued at 8:20 AM on 1/8/17 (See Exhibit A, line 1; Exhibit B, line 40), such new evidence if it exists, likely, was fabricated ex post facto to help State (Gomillion) unlawfully attempt to create a false, opposite online anti-reality to rewrite & replace true history that took place late evening 1/8/17 at Maiden Lane & Guadalupe to charge & convict me.

of a crime I did not commit
the morning of 1/8/17 at 35th
& Guadalupe.

For example, how & why does Austin's
Municipal Court online electronic
records system falsely claim
Citation 14199822 was issued at
8:20 AM on 1/8/17 when the
actual citation 14199822, issued
late evening, does not state the
time it was issued or if it
was issued AM or PM?
(See Exhibit C for details)

How & why does Austin Municipal
Court's online record system for
case #560652 falsely claim
Citation 14199822 was issued at
8:20 AM on 1/8/17 when its
online record for case #529140 does
not state when (day or time)
Citation 14199822 was issued, though
both cases were generated from
Citation 14199822 and case #529140
pre-dated case #560652?

Does this online records entry discrepancy
exist because neither changing the time
of nor introducing new evidence for
the PEDESTRIAN CROSSING MIDBLOK
charge would change the non-existence

(16)

of operating traffic signals at Maiden Lane + Guadalupe's adjacent intersections, 35th + Guadalupe and 37th + Guadalupe, defeating the false PEDESTRIAN CROSSING MIDBLOCK charge with dated Google Street maps + photos?

Dashboard camera video recording requested to defeat "new" evidence

Because the true, unaltered dashboard camera video recording from Officer McCoy's police vehicle that night showing me legally crossing Guadalupe at Maiden Lane on 1/8/17 in the late evening would defeat any new false or misleading evidence or testimony State used to falsely charge me with PEDESTRIAN IN ROADWAY the morning of 1/8/17, I legally filed a public information request (Open Records Request) with Austin Police Department's Central Records on 3/31/17 for that true dashboard camera video recording (See Exhibit D).

Renee Moore unlawfully denied dashboard camera video recording request by gaslighting me + disobeying Texas law + the Office of the Attorney General

However, more than a year later, APD still has not released that video recording to me. In fact, the 4/13/17 response letter to me from Renee Moore, Administrative Supervisor, Central Records - Austin Police Department is a psychopathic, contradictory

CHANCE

mixture of truths, half-truths, & lies to intentionally, oppositely, & unlawfully deny me the video recording that is rightfully mine... & to gaslight me (See Exhibit E).

Though Moore states the Austin Police Department relied upon the Office of the Attorney General's (OAG's) Open Records Ruling 2016-10001, Moore oppositely interpreted the OAG's explicit ruling (See Exhibit F for OAG's Open Records Ruling 2016-10001).

In paragraph 3, Moore claims that because the requested dashboard camera video recording is responsive information, a previous determination allows Moore to withhold the requested dashboard camera video recording, subject to Section 552.108(a)(1) of The Texas Government Code. Therefore, Moore tacitly implies the dashboard camera video information is not basic.

However, page 3 of OAG's ORR 2016-10001 explicitly says, "...no basic information is at issue in a request for only a dashboard camera video recording...", clearly meaning a dashboard camera video recording is basic information.

And page 2, paragraph 2 of OAG's ORR 2016-10001 explicitly says, "basic information... must be released."

Page 2 of OAG's ORR 2016-10001 also says,

"Section 552.108, however, does not except from disclosure basic information about... a crime," which Moore explicitly referenced in Moore's letter to me:

"... The information you requested deals with the detection, investigation, or prosecution of crime ..."

Page 3 of OAG's ORR 2016-10001 also says, "the department (APD) may not rely on this previous determination in response to requests in which basic information is not responsive," explicitly citing the dashboard camera video recording as an example of non-responsive basic information.

The next sentence concludes, "Thus, the department may not rely upon this previous determination in response to those types of requests."

Therefore, Moore blatantly misinterpreted OAG's ORR 2016-10001 to disobey Texas law & the OAG to deny me what's legally mine, though Moore is legally bound to follow the Public Information Act and OAG's ORR 2016-10001 to deliver to me in a timely manner the dashboard camera video recording I legally requested.

That's why page 4, paragraph 2 of OAG's ORR 2016-10001 says, "If the department's use of this previous determination does not fall within

- Moore intentionally impaired the availability of the requested dashboard camera video recording by not releasing it to me, despite the OAG's explicit Open Records Request ruling 2016-10001 stating APD (the "department") must release it to me, because causing the result of denying me that video recording was Moore's conscious objective, per Texas Penal Code 6.03(a)
- Moore allegedly tried to defraud me by misrepresenting material facts in the letter to induce me to rely primarily on its written misrepresentation to my detriment (Neuhaus v. Kain)
- Moore also tried harming me by the loss of the dashboard camera videotape recording to disadvantage my defense against the false PEDESTRIAN IN ROADWAY charge in case 0560652, per Texas Penal Code 1.07(a)(25)

Renee Moore tampered with a governmental record by making a governmental record with knowledge of its falsity to defraud or harm me

By making a governmental record with knowledge of its falsity to defraud or harm me, Moore allegedly committed a state jail felony per Texas Penal Code 37.10(a)(5) + (C)(1) because:

all of the circumstances delineated above, the requirements of the Act apply, including Section 552.301 of the Government Code, and deadlines under the Act run from the date the department received the initial written request for information."

Page 4, paragraph 3 Then says, "This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor," which have been missed + ignored.

Therefore, Renee Moore is allegedly guilty of three felony counts of tampering with a governmental record, per Texas Penal Code 37.10

Renee Moore tampered with a governmental record by intentionally impairing its availability to harm or defraud me.

By intentionally impairing the availability of a governmental record to defraud or harm me, Moore allegedly committed a state jail felony, per Texas Penal Code 37.10 (a)(3) + (c)(1) because:

- the requested dashboard camera video recording is a governmental record, per Texas Penal Code 37.01 (2)(A)

- Moore's 4/3/17 letter to me is a governmental record per Texas Penal Code 37.01 (2)(A)
- Moore allegedly wrote the letter Moore signed, meaning Moore allegedly made that governmental record
- Moore allegedly knew the false of Moore's letter because Moore's signature on the letter allegedly authenticates its content, meaning Moore was aware of the nature of Moore's conduct, per Texas Penal Code 6.03 (b)
- Moore allegedly tried to defraud me by misrepresenting material facts in the letter to induce me to rely primarily on its written misrepresentation to my detriment (Neuhaus v. Kam)
- Moore also allegedly tried harming me by making a letter to cause me the loss of the dashboard camera videotape recording to disadvantage my defense against the false PEDESTRIAN IN ROADWAY charge in case #560652, per Texas Penal Code 1.07 (a)(25)

Renee Moore tampered with a governmental record by using a governmental record with knowledge of its falsity to defraud or harm me.

By using a governmental record with knowledge of its falsity to defraud or harm me, Moore allegedly committed a State jail felony, per Texas Penal Code 37.10 (a)(5) + (c)(1) because:

- Moore's 4/3/17 letter to me is a governmental record, per Texas Penal Code 37.01 (2)(A)

- Moore allegedly knew the falsity of Moore's letter because Moore's signature on the letter allegedly authenticates its content, meaning Moore was aware of the nature of Moore's conduct, per Texas Penal Code 6.03 (b).

- Moore used Moore's letter to not release to me the dashboard camera video recording that Moore must release to me per the Texas Public Information Act & the OAG's explicit ORR ruling 2016-10001

- Moore allegedly tried to defraud me by misrepresenting material facts in the letter to induce me to rely primarily on their written misrepresentation to my detriment (Neubaus v. Kain)

- Moore also tried harming me by using the letter to cause me the loss of the dashboard camera video recording to disadvantage my defense against the false PEDESTRIAN IN ROADWAY charge in case #560652, per Texas Penal Code 1.07(a)(25)

Travis County DA's office Public Integrity Unit tampered with a governmental record & gaslit

In response to my 4/17/17 filing with the Public Integrity Unit a complaint against / Request to Investigate Renee Moore's official misconduct and felonious criminality (see Exhibit G), the Travis County District Attorney's office unsigned 5/10/17 written response to me appears to be two felony counts of Tampering with a governmental record per Texas Penal Code 37.10, with more gaslighting (See Exhibit H).

Travis County DA's office Public Integrity Unit tampered with a governmental record by making & using a governmental record with knowledge of its falsity to defraud or harm me

By making & using a governmental record with knowledge of its falsity to defraud or harm me, the Travis County DA's office Public Integrity Unit allegedly committed two felony crimes, per Texas Penal Code 37.10 because:

- 1) The letter says I requested "patrol videos." False. I requested the dashboard camera video recording because Officer McCoy claimed to have seen me crossing Guadalupe according to the "visual" box she marked on Citation 14199822 (See Exhibit G). Because Officer McCoy was in her police vehicle driving northbound on Guadalupe heading from 34th toward 38th, if she saw my lawful crossing of Guadalupe at Maiden Lane late at night, so did her vehicle's dashboard camera.
- 2) The letter says the "patrol videos" were regarding "an incident." False. The dashboard camera video recording was regarding me legally crossing Guadalupe at Maiden Lane, triggering Officer McCoy to immediately pull over next to me to unnecessarily perform a pedestrian stop on me late evening 1/8/17 to wrongly detain me to wrongly issue me Citation 14199822 for an alleged, but false PEDESTRIAN CROSSING MTDBLOCK violation only.

3. The 5/10/17 letter says, "APD has not released the video due to a pending criminal matter in municipal court." False. There was no legal pending criminal matter in Austin Municipal Court re: Citation 14199822 on 5/10/17 or after.

Bogus case 8529140 from Citation 14199822 was dismissed 3/30/17 by Judge Garcia after jeopardy had attached, and the "refiled" bogus case 8560652 from Citation 14199822 was dismissed 4/27/17 by Judge Solomon for insufficient evidence, meaning it's been decided because a finding of insufficient evidence is equivalent to an acquittal, consequently preventing a retrial of the same offense by the State (Winfrey v. State).

See Exhibits 4 and 8 from the Nov. 10, 2017 materials handed out at the Jan. 26, 2018 Board Meeting for copies of those judgments.

Also, that sentence refers to "the video," meaning only one video, instead of the "patrol videos" the

letter references earlier that I did not request. Therefore, "the video" allegedly refers to the dashboard camera video recording I did request, meaning APD is still not releasing the dashboard camera video recording I requested that they are legally required to release to me and that APD is still pushing the false narrative that there is a pending criminal matter in municipal court. Therefore, it's APD that continues to break the law, not me.

4. The letter says "APD is awaiting an opinion by the Office of Attorney General (OAG) ruling whether or not APD is required to release the items you are requesting." False.

OAG's Open Records Ruling 2016-10001, which Moore's letter explicitly cited, clearly says APD must release the requested dashboard camera video recording. The first & only time I requested it.

Also, the only other "item" I requested from APD was Officer McCoy's report for her pedestrian stop of me for Citation 14199822, which Moore's 4/3/17 letter said doesn't exist. Therefore, in reality,

the entire sentence is nonsense.

5. The letter says, "we defer to the OAG opinion." False. If Trans County District Attorney's Public Integrity Unit deferred to the OAG's ORR ruling 2016-10001, explicitly cited in Moore's 4/3/17 letter, that Unit would be prosecuting Moore for tampering with a governmental record.

6. The letter says, "If APD does not comply with the OAG opinion, please feel free to file your complaint." False. APD is already NOT complying with OAG's ORR ruling 2016-10001, explicitly cited in Moore's 4/3/17 letter, which I explicitly cited in my 4/17/17 complaint against Request to Investigate Renee Moore.

Alternate, anti-reality meaning of the DA Letter

Therefore, like Gomillion + Moore, the Trans County District Attorney's office Public Integrity Unit also appears to be trying to rewrite true history to push a false, alternate, anti-reality.

In their false, alternate, anti-reality,
the DA letter could be true if a
request for patrol videos for some
incident on 1/8/17, was forged in
my name.

Because OAG's ORR 2016-10001 does
not explicitly say patrol videos must
be released, APD would not release them,
but ask OAG for an opinion on whether
or not to release those "items,"
meaning the patrol videos.

In that anti-reality scenario, the DA
would defer to the OAG opinion & tell
me to file a complaint if APD did
not comply with that OAG opinion.

The "incident" of course, would refer to an
alleged PEDESTRIAN IN ROADWAY violation
for case P560652 at 35th & Guadalupe to
match the false location written on
Citation 14199822, with no mention or
recognition of case P529140, the
PEDESTRIAN CROSSING MIDBLOCK charge,
or Maiden Lane & Guadalupe.

That anti-reality "incident" would have happened
the morning of 1/8/17 to match the
Austin Municipal Court online record entry
falsely claiming Citation 14199822 was
issued at 0:20 AM on 1/8/17 (So

Exhibit A, line 1; Exhibit B, line 40).

Tampering with governmental records - Austin Municipal Court online records

That false online entry is tampering with a governmental record, but of a different type. knowingly making a false entry in, or false alteration of, a governmental record to defraud or harm me is a state jail felony, per Texas Penal Codes 37.10 (A)(1) + (C)(1) because:

- Austin Municipal Court's online records for case 0560652 + for me, Carlos León, (See Exhibits A + B) are governmental records per Texas Penal Code 37.01 (2)(A).

- whoever inputted that false online entry on those governmental records allegedly did so knowingly because there is no evidence to support the 8:20 AM issuance time for Citation 14199022 because it was actually issued late evening on 1/8/17; no issuance time was written on Citation 14199022, there's no police report for Citation 14199022, and the true dashboard camera

video recording shows me getting Citation 14199022 in the late evening, all showing the falsity of the 8:20 AM issuance entry.

- Therefore, This false entry tried defrauding me by misrepresenting a material fact to induce Austin Municipal Court personnel, prosecutors, & judges to rely primarily on its written misrepresentation to my detriment (Neuhaus v. Kam)
- This false entry also tried harming me by disadvantaging my defense against the false PEDESTRIAN IN ROADWAY charge in case 8560652, per Texas Penal Code 1.07(a)(25)

However, this false entry on the online Austin Municipal Court records for Case 8560652 & me is not the only one; There are many examples of felonious tamperings with a governmental record in those online records.

For example, Exhibit A, lines 2-17 and Exhibit B, lines 41-56 are all events from case 8529140 which have been falsely attributed to case 8560652 to falsely conflate case 8529140 with case 8560652, because each case was annotated from its own

(31)

Separate Complaint for its own separate charge. Though both bogus cases were generated from Citation 14199022.

Worse, however, is Exhibit B, line 19, which says, "Notice to Appear - Bench Trial," generated 5/3/17 at 10:00 AM for case #8560652; because that false summons was generated six days after case #8560652 was dismissed by Judge Solomon for insufficient evidence, the equivalent of an acquittal preventing a retrial of the same alleged offense (PEDESTRIAN IN ROADWAY) by the State (State v. Winfrey).

Consequently, imagine me not appearing for a bogus retrial for bogus case #8560652 for a bogus PEDESTRIAN IN ROADWAY charge generating a bogus warrant for my arrest being entered into the online record system for the Austin Police Department so that some unknowing cop sees it on his or her computer screen, thinks the bogus warrant is real, and falsely tells me I'm under arrest when I've done nothing wrong.

Because this ass-backwards online anti-reality insanity could be done to anyone, the lawbreaking perpetrators at their official capacity must be legally

Charged, tried, convicted, + jailed to defend everyone from their alien, anti-Constitutional actions and hold them accountable under the rule of Constitutional law.

Look at what was done to the official court seal, + the official Clerk of Court Signature on electronic court documents for bogus cases 8529140 + 8560652 for more evidence of criminality within the alleged shadow, second track "justice" system trying to falsely control + criminalize me.

Official Austin Municipal Court Seal

Per Texas Code of Criminal Procedure 45.012, a municipal court shall have a court seal, the impression of which must be attached to all papers issued out of the court except subpoenas, and which must be used to authenticate the official acts of the clerk and the recorder.

A same size copy of that court seal is below:



Official Seal

Case #529140 + Case #560652 judgments
lack official court seal

However, neither that official Austin Municipal Court seal nor any unofficial court seal was impressed on the "official" court judgment signed by Judge Barbara Garcia, handed to me 3/30/17 at Austin Municipal Court dismissing Case #529140, or the "official" court judgment signed by Judge Mitchell Solomon, handed to me 5/3/17 at Austin Municipal Court, dismissing Case #560652 for insufficient evidence. (See Exhibits 4 and 8 from the Mar. 10, 2017 materials handed out at the Jan. 26, 2018 Board Meeting for copies of those judgments)

Therefore, if cases #529140 + #560652 were official, then Mary Jane Gribb, the Clerk of the Court, allegedly violated Texas Code of Criminal Procedure 45.012(g) because neither she nor any of her deputy clerks attached the impression of the official "MUNICIPAL COURT IN AUSTIN TEXAS" seal to the two signed judgments issued out of the Austin Municipal Court handed to me at Austin Municipal Court.

Therefore, whatever official acts the Clerk or Recorder did to those two written judgments were NOT authenticated or whatever acts

The Clerk or Recorder did to those two judgments were not official, making their authentication unnecessary & unlawful.

Therefore, if cases #529140 + #560652 were unofficial, the lack of the impression of the official "MUNICIPAL COURT IN AUSTIN TEXAS" seal on the judgments handed to me at Austin Municipal Court makes sense because those judgments would be unofficial, making Judge Garcia + Judge Solomon parties to simulating a legal process by recklessly causing to be delivered to me documents simulating judgments with intent to cause me to submit to the putative authority of the documents, per Texas Penal Code 32.48(a)(2)(A).

Tampering with governmental records - three unofficial court seals

Though Texas Code of Criminal Procedure 45.012(g) also says a court seal may be generated through electronic means, none of the three different electronically imprinted seals on other court documents generated electronically for cases #529140 + #560652 match the official Austin Municipal Court seal. Therefore, all three of those similar, but different electronically imprinted seals appear to be unofficial.

Unofficial Court Seal 1



Official Seal



Unofficial Seal 1

Next to the electronic signature on each + every Notice to Appear to me from the Austin Municipal Court is Unofficial Court Seal 1 (See Exhibit I for one example)

Unofficial Seal 1 was imprinted by electronic means on the electronically generated + filed Notices to Appear that appear official for cases 8529140 + 8560652.

However, comparing + contrasting the Official Seal handstamped imprint with the Unofficial Seal 1 electronic imprint shows the following differences:

- 1) Unofficial Seal 1 is smaller than the Official Seal;
- 2) Unofficial Seal 1's font type + size are different + smaller than those of Official Seal;

- 3) Unofficial Seal 1 has no shading of the petals of the "TEXAS" star, but Official Seal shades the left petal of each pair of petals surrounding each letter of "TEXAS";
- 4) On Unofficial Seal 1, each letter of "TEXAS" has been rotated one position counterclockwise (72°) about the center of the 5-point "TEXAS" star, compared to Official Seal, so that the "E" on Unofficial Seal 1 is in the "T" position on Official Seal;
- 5) On Unofficial Seal 1, there are no small solid five point stars between "MUNICIPAL COURT" and "IN AUSTIN TEXAS," compared to the two small solid five point stars between "MUNICIPAL COURT" and "IN AUSTIN TEXAS" on Official Seal;
- 6) On Unofficial Seal 1, there's some empty space between "MUNICIPAL COURT" and "IN AUSTIN TEXAS," but there's almost no empty space between "MUNICIPAL COURT" and "IN AUSTIN TEXAS" on Official Seal.

Therefore, Official Court Seal was NOT used to authenticate the Notices to Appear from

the City of Austin Municipal Court to me.

Therefore, if the ~~notices~~ notices to Appear are official acts of the Clerk of the Court, the Notices to Appear are not authenticated, meaning Mary Jane Grubb violated Texas Code of Criminal Procedure 45.012(g) by not authenticating them by not imprinting them with Official Court Seal.

However, if the Notices to Appear are unofficial acts of the Clerk, then Mary Jane Grubb simulated a legal process by recklessly causing those summonses to be delivered to me to cause me to submit to the putative authority of those documents by appearing at Austin Municipal Court on the appointed day + time, violating Texas Penal Code 32.48 (a)(2)(A, B).

Unofficial Seal 2



Official Seal



Unofficial
Seal 2

Exhibit E

62

tin

Public of Texas, 1839
1st 8th Street, Austin, Texas 78701-3397 Telephone 512/974-5000

it
ht

public information request dated March 31 for the incident
ove-referenced incident involving you. In order to promote
ge the prompt release of information, as required by the
ied upon Open Records Letter No. 2016-10001 (2016) in
within five business days of your request.

determination the information you requested:

stigation, or prosecution of crime and the release of the
he detection, investigation, or prosecution of an open or

552.108(a)(1) of the Government Code. The Department
iously requested this information.¹ Therefore, pursuant to
he Office of the Attorney General in Open Records Letter
easing no information to you as there is no incident report,
nsive information subject to Section 552.108(a)(1) of the

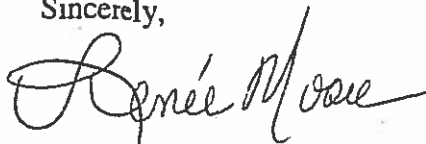
of this previous determination, please call the Department
on concerning your rights and the responsibilities of the
Office of the Attorney General's website at
information-about-552.108a1-previous-determinations,
ral's Open Government Hotline, toll free, at (877) 673-

Carlos Leon
April 3, 2017
Page 2

63

You may also review general information about the Public Information Act, including the types of information included in basic information, in the 2016 Public Information Handbook at http://www.texasattorneygeneral.gov/files/og/publicinfo_hb.pdf.

Sincerely,



Renee Moore
Administrative Supervisor
Central Records
Austin Police Department

¹If you request this information a second time, the department must request a ruling from the Office of the Attorney General (the "OAG") in order to withhold the information. See Open Records Letter No. 2016-10001.



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

Exhibit F

(64)

May 3, 2016

Ms. Cary Grace
Assistant City Attorney
Law Department
City of Austin
P.O. Box 1088
Austin, Texas 78767-8828

OR2016-10001

Dear Ms. Grace:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 609587 (PIR# 24692).

The Austin Police Department (the "department") received a request for a specified incident report.¹ You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108(a)(1) of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]" Gov't Code § 552.108(a)(1). A governmental body claiming section 552.108(a)(1) must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). The department states the submitted information relates to an ongoing criminal investigation.

¹We note the department sought and received clarification of the information requested. *See* Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); *see also City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

Upon review, we conclude the release of the information at issue would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests present in active cases), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, section 552.108(a)(1) is applicable to the submitted information.

Section 552.108, however, does not except from disclosure basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). Basic information refers to the information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-88; *see also* Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information considered to be basic information). Thus, with the exception of basic information, which must be released, the department may withhold the submitted information under section 552.108(a)(1) of the Government Code.

Finally, the department asks us to issue a previous determination permitting the department to withhold information subject to section 552.108(a)(1) of the Government Code without the necessity of requesting an attorney general opinion. *See id.* § 552.301(a) (allowing governmental body to withhold information subject to previous determination); *Houston Chronicle v. Mattox*, 767 S.W.2d 695, 698 (Tex. 1989) (acknowledging this office has authority under section 552.301 of the Government Code to decide what constitutes a previous determination); Open Records Decision No. 673 (2001) (describing the two types of previous determinations). We note section 552.011 of the Government Code states "[t]he attorney general shall maintain uniformity in the application, operation, and interpretation" of the Act, chapter 552 of the Government Code. Gov't Code § 552.011. Pursuant to this legislative mandate, section 552.011 grants the attorney general the authority to "prepare, distribute, and publish any materials, including detailed and comprehensive written decisions and opinions, that relate to or are based on" the Act. *Id.* We further note the Act requires governmental bodies to promptly release public information requested under the Act within a reasonable time, without delay. *Id.* § 552.221(a); Open Records Decision No. 664 at 5 (2000).

With the foregoing in mind and upon due consideration, we issue this ruling, which constitutes a previous determination allowing the department to withhold certain information under section 552.108(a)(1) of the Government Code without the necessity of first requesting an attorney general decision, so long as the department has not previously received a request for the information from the same requestor in the manner described below. *See* ORD 673. This decision is intended to encourage the prompt release of requested public information by increasing the efficiency of the review process under the Act by clearly identifying information the department may withhold under the circumstances delineated below. *See* Gov't Code §§ 552.011, .221; Open Records Decision Nos. 684 (2009), 673.

Accordingly, the department may withhold certain information under section 552.108(a)(1) of the Government Code without the necessity of first requesting a ruling from this office in the following circumstances:

1. the department makes a good faith determination that the information at issue relates to the detection, investigation, or prosecution of crime, and the release of the information would interfere with the detection, investigation, or prosecution of an open or pending criminal matter;
2. the department will release at least the basic information about an arrested person, an arrest, or a crime (the "releasable information") from the requested information;
3. the department will produce the releasable information to the requestor pursuant to the requirements of the Act within five business days after the date the request for information was received;
4. the department will provide the requestor with the notice included in Appendix A of this ruling when the department responds to the request pursuant to the requirements of this previous determination; and
5. the department has not previously received a request for the same information from the same requestor after the department has provided the requestor with the releasable information.

See Gov't Code § 552.011. If any of the above circumstances change—or any other law, facts, or circumstances involving the requestor or the status of the requested information changes—the department may not rely upon this ruling as a previous determination to withhold the information at issue. *See* ORD 673 at 7. Additionally, the department may not rely on this previous determination in response to requests in which basic information is not responsive. For example, no basic information is at issue in a request for only a dashboard camera video recording or 9-1-1 call audio recording. Thus, the department may not rely upon this previous determination in response to those types of requests. Furthermore, this previous determination does not apply to situations in which other law may require some or all of the information at issue to be disclosed. *See, e.g.*, Crim. Proc. Code arts. 2.139 (detailing right of access to videos made in connection with various types of driving while intoxicated offenses), 2.29 (detailing right of access to written report to law enforcement agency of alleged violation of Penal Code section 32.51); Gov't Code §§ 411.081-.1410 (detailing rights of access to criminal history record information), 560.002(1)(A) (detailing rights of access to fingerprints and other biometric identifiers); Transp. Code §§ 550.065 (detailing rights of access to crash report forms), 724.018 (detailing right of access to blood or breath specimen analysis results). We also note this previous determination does not permit the disclosure of basic information in those instances in which the entirety of the information at issue must be withheld. *See, e.g.*, Fam. Code §§ 58.007 (detailing circumstances under which certain information related to juvenile offenders must be withheld in its entirety), 261.201 (detailing circumstances under which certain information related to investigations of child abuse or neglect must be withheld in its entirety); Open Records Decision No. 393 (1983) (stating, because the identifying information of a sexual assault

victim was inextricably intertwined with other releasable information, the governmental body was required to withhold the information in its entirety). We further note this previous determination does not permit the department to withhold citations; DIC-24 statutory warnings; DIC-25 notices of suspension; criminal trespass warnings; notices of code violations; triplicate forms; or information subject to section 552.007 or section 552.022 of the Government Code, other than information subject to section 552.022(a)(1). See Gov't Code §§ 552.007, .022(a)(1)-(18), .108(a)(1). However, the use of this previous determination does not preclude the department from withholding information pursuant to other statutory authority or previous determinations that apply to the department. See, e.g., *id.* §§ 552.1175(f), .130(c), .136(c), .147(b); ORD 684.

If the department's use of this previous determination does not fall within all of the circumstances delineated above, the requirements of the Act apply, including section 552.301 of the Government Code, and deadlines under the Act run from the date the department received the initial written request for information. See Gov't Code § 552.301(a); *Mattox*, 767 S.W.2d at 698. Consequently, misapplication of this previous determination may result in the presumption the requested information is public. See Gov't Code § 552.302. Thus, if the department is unsure as to the applicability of this previous determination to information responsive to a request for information, the department should request a ruling from this office. Additionally, this office may modify or withdraw this previous determination for any reason, including, but not limited to, misapplication of this previous determination. See *id.* § 552.011; *Mattox*, 767 S.W.2d at 698; see also Open Records Decision Nos. 485 at 3 (1987), 673 at 5. Finally, if the department later requests a ruling from this office in response to a second request for the same information from the same requestor, the department should notify this office it relied upon this previous determination in its response to the initial request.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Joseph Behnke
Assistant Attorney General
Open Records Division

JB/som

Return to:
Travis County District Attorney's Office
White Collar Crime Unit
Public Integrity Unit
P.O. Box 1748
Austin, TX 78767

RECEIVED

APR 17 2017

TRAVIS COUNTY DISTRICT ATTORNEY
PUBLIC INTEGRITY UNIT

REQUEST TO INVESTIGATE

68
Austin Police Department
Travis County Sheriff's Office
Travis County District Attorney's Office
(512) 864-9530
FAX (512) 854-4810

Exhibit G

This complaint form is provided to you with the understanding that this office may conduct investigations to determine if a firm or person is in violation of Penal Laws of the State of Texas. We strongly recommend that you consult with your own private attorney to determine your legal rights and civil remedies in this matter.

(PLEASE TYPE OR PRINT)

I. INFORMATION ABOUT THE PARTY OR FIRM COMPLAINED OF:

Renee Moore - Administrative Supervisor, Central Records, Austin Police Department
Full Name
715 East 8th Street, Austin, TX, 78701-3397 (512) 974-5000
Address (Street, City, State, Zip) Telephone
N/A
Race Sex Height Weight Hair Eyes D.O.B or Approximate Age
N/A
Driver's License # D.L. State Social Security Number

II. COMPLAINING PARTY AND WITNESS:

Carlos León
Your Full Name (and Company Name, if applicable)
Austin, TX
Address (Street, City, State, Zip)
[Per TDL] 01/28/70 34830474 TX
Telephone Numbers (Office & Home) D.O.B. Driver's License # D.L. State

Christina McCranie
WITNESS - Name

5416 Parkcrest STE 100 AUSTIN, TX 78731 (512) 467-8982
Address and Telephone

WITNESS - Name

Address and Telephone

III. INFORMATION ABOUT ALLEGED OFFENSE:

Date of alleged offense: April 3, 2017

Where did the offense occur: Central Records - Austin Police Department, located at
715 East 8th Street, Austin, TX 78701-3397



Exhibit H

69

**OFFICE OF THE
DISTRICT ATTORNEY**

P.O. Box 1748, Austin, TX 78767
Telephone 512/854-9400
Telefax 512/854-9695

MARGARET MOORE
DISTRICT ATTORNEY

MENDY MONTFORD
FIRST ASSISTANT

May 10, 2017

Mr. Carlos Leon
[REDACTED]
Austin, TX

Re: Your Public Information Request and Complaint Against Renee Moore

Dear Mr. Leon,

We have received your complaint against Renee Moore, the administrative supervisor of the Central Records Division of the Austin Police Department (APD). You have alleged that Ms. Moore has violated the Texas Public Information Act by not releasing patrol videos in response to your request regarding an incident on January 8, 2017. APD has not released the video due to a pending criminal matter in municipal court.

After contacting APD, we have learned that APD is awaiting an opinion by the Office of Attorney General (OAG) ruling whether or not APD is required to release the items you are requesting. We defer to the OAG opinion. If APD does not comply with the OAG opinion, please feel free to file your complaint.

Therefore, based on the above, we are closing our file without court action at this time. Thank you for giving us the opportunity to review this matter.

Public Integrity Unit
Travis County District Attorney's Office



City of Austin

Municipal Court

Sherry Statman
Presiding Judge

Mary Jane Grubb
Clerk of the Court

Address: 700 E. 7th St., Austin, TX 78701
Mail: P.O. Box 2135, Austin, TX 78768
Phone: (512) 974-4800
Internet: www.austintexas.gov/court
E-mail: court@austintexas.gov

Exhibit I

70

April 13, 2017

Carlos Alejandro Leon

Austin, TX. ~~REDACTED~~

RE: Case No. - 8560652
Ticket no. - 14199822
Violation - PEDESTRIAN IN ROADWAY CITY ORD

Dear: Carlos Alejandro Leon

The above referenced case has been scheduled for a Discovery Docket in the Municipal Court, Wednesday, the 3rd day of May, 2017 at 10:30 AM in courtroom # 2A, located on the second floor. This is not a trial setting.

At this court setting the prosecutor will have available to you any discovery items in the possession of the State which are uncontested. If you are requesting any contested items or have other pre-trial issues, your case will be set for a pre-trial hearing. You must appear at this court date to receive your discovery items.

Any request for a delay of the discovery docket court setting must be submitted in writing and filed with the Clerk of the Court. You will need to file your motion immediately upon discovering the necessity for a continuance. Any motion filed less than two working days (Monday-Friday) prior to the hearing will be ruled by the judge at the call of the docket. You are responsible for confirming whether the motion was granted or denied. You can see your case status online at www.austintexas.gov/public at any time. You may also call (512) 974-4800. If the motion is denied and you fail to appear at the scheduled time, a warrant for your arrest will be issued. If the motion is granted a new docket date will be mailed to you.

Mary Jane Grubb

Clerk of the Court





Exhibit J

71

AUSTIN MUNICIPAL COURT
DOCKET REQUEST – NOTICE TO APPEAR

CAUSE NO. 8529140

OFFENSE: PEDESTRIAN CROSSING MIDBLOCK

Carlos Alejandro Leon

Austin, TX

HOME TELEPHONE #: OTHER #

I am entering a Plea of Not Guilty in the above referenced case. I understand that I may appear and discuss my case with a prosecutor at a scheduled Appearance Docket or waive the Appearance Docket and request a trial by judge or jury.

APPEARANCE DOCKET:

My case will be scheduled for an Appearance Docket. If my case is not resolved at the Appearance Docket, a trial will be set for a later date. If the case is set for trial, I request:

A trial by judge and waive my right to a jury trial.

A trial by jury.

INTERPRETER REQUEST:

I request an interpreter for the following language:

ACCOMODATION REQUEST:

I require special courthouse assistance for a disability as follows:

AUDIO VISUAL REQUEST:

I will require:

NOTICE TO APPEAR

YOU ARE TO APPEAR AT THE MUNICIPAL COURT LOCATED AT 700 E. 7TH ST. AS FOLLOWS:
HEARING DATE: February 22, 2017 TIME: 6:00 PM COURTROOM # 2A, second FLOOR

February 1, 2017
Date

DEFENDANT/ATTORNEY'S SIGNATURE

FAILURE TO APPEAR WILL RESULT IN ISSUANCE OF A WARRANT

The City of Austin is committed to compliance with the American with Disabilities Act.
Reasonable modifications and equal access to communications will be provided upon request.





Exhibit K

72

ORDER FOR CONTINUANCE

STATE OF TEXAS

IN THE MUNICIPAL COURT
CITY OF AUSTIN, TEXAS

VS.

Carlos Alejandro Leon

CASE NUMBER: 8560652

ORDER

On this the April 12, 2017, came to be filed a Motion for Continuance for the Bench Trial on Thursday, May 11, 2017 at 8:30 AM. The Court having considered said motion is of the opinion that the Motion for Continuance is **GRANTED**.

St. Ken

Judge Municipal Court City of Austin

Date: April 12, 2017

Judge's notes:

Set on Discovery Docket

Defendant: Carlos Alejandro Leon

Austin, TX

Phone: Phone:

Def. Attorney:

Phone: Phone:

Witness:

Phone: Phone:

Officer: Monika McCoy

Gabele - Amy

Deputy Clerk processing motion



Exhibit L

93

Printed: September 6, 2011 10:57:37

Effective

10/19/15

Entered:

Personal Information

Employee Identification	Social Security Number		Last Name		First Name		Middle Name			
			Grubb		Mary Jane		Christina			
Permanent Address and Telephone	Name Prefix		Name Suffix		Date of Birth		Driver's License Number		State	
Emergency Contact	Gender		Ethnicity		Check one box only. Indicate corrections in red ink.					
	☒ Female		☒ 1 White		☐ 3 Hispanic		☐ 5 Asian/Pacific Islander			
	☐ Male		☐ 2 Black		☐ 4 American Indian/Aleutian					
Military Status	Are you a U.S. Military Reservist or Veteran?									
	☐ Reserve Air Force		☐ Reserve Marines		☐ Veteran Air Force		☐ Veteran Marines			
	☐ Reserve Army		☐ Reserve Navy		☐ Veteran Army		☐ Veteran Navy			
	☐ Reserve Coast Guard		☐ Reserve National Guard		☐ Veteran Coast Guard		☐ Veteran National Guard			
Texas Open Records Act	City of Austin employees are able to choose whether or not their home address, home telephone numbers, emergency contact information, social security number, and information that reveals whether they have family members are available to the public on request. The Texas Public Information Act is a State law that requires the City of Austin to disclose this information to anyone who requests it. The only exceptions are for: 1) commissioned peace officers; and 2) employees who file a written request to withhold this information. Employees who are not peace officers and who do not submit such a written request will have this information made available to anyone who requests it.									
	Do you choose to have your home address, home telephone number, emergency contact information, social security number and information that reveals whether you have family members withheld from the public?									
	☒ Yes ☐ No									
System Information	Employee Status				Department				Location	
Approvals	Employee									
	Date									
	10/19/15									

Exhibit M

74

Received
Human Resources Dept
Records Division

2015 OCT 19 PM 3:07



ACKNOWLEDGEMENT OF RECEIPT OF PERSONNEL POLICIES

I have received a copy of the City of Austin Personnel Policies Handbook (Issued February, 2014).

I have reviewed the policies regarding Equal Employment Opportunity, Harassment, Sexual Harassment, Drug-free Workplace, Weapons, and the Family and Medical Leave Act. I understand that I am responsible for reading and becoming familiar with all policies.

The City of Austin does not condone, nor will it tolerate, any violation of policy by its staff.

I understand that these policies do not form an employment contract with me and do not modify my at-will employment status.

Please sign below to certify that you have received the personnel policies handbook and return this form to the Human Resources Department.

Mary Jane Gribb

Employee's Printed Name

Mary Jane Gribb

Employee's Signature

10/19/15

Date

Social Security Number (last four digits)/EIN



City of Austin

www.austintexas.gov

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**Human Resources Department
Records Division**

505 Barton Springs Road, Suite 600, Austin, TX 78704
PO Box 1088, Austin, TX 78767

Shannon Flett
HR Records Manager

Exhibit N

512-974-3307 Fax 512-974-3214
shannon.flett@austintexas.gov



PUBLIC INFORMATION REQUEST

This form is best viewed with Google Chrome, Mozilla Firefox, or Safari. Please note: if this request is for information held by the Austin Police Department you must email your request to management.records@austintexas.gov. For all other departments please submit your request below.

Request Description: I am requesting any + all documentation with Mary Jane Grubb's signature. The key piece of information is Mary Jane Grubb's signature in multiple places.

Company Name

Job Title

Salutation

First Name

Last Name

Mailing Address

City

State - None -

Zip Code

Phone Number

Extension

Phone Number 2

Extension 2

Fax Number

Email Address

Email Address 2

Requestor Type - None -

Submit

Mr. Carlos Leon

pick up at HR Records - 1 Texas Center

Decline to state

General Public

Rec'd HR Records
6/17/17
[Signature]

