

Control Sheet

IA Warning/Letter of Complaint

Cory Wester

Pricilla Hughes

Joe Ramirez

Reports

A-Narrative

B-Findings

C-Conclusion

Additional Documentation

D-Photos of Ms. (

E-Receipt for MCM Surveillance Video

F-Cory Wester's Training Documents

G-Texas Ranger Randy Lewis's Report

NAME OF COMPLAINANT:		SEX	RACE	DOB	COMPLAINT SUBMISSION METHOD:			
Lexus Gish		F	W	E	AIM NUMBER: 18-INV-032			
HOME ADDRESS: Odessa, TX 79764			RES. PHONE:		COMPLAINT SUBMISSION METHOD: Interview			
BUSINESS ADDRESS:			BUS. PHONE:		COMPLAINANT ARRESTED/CHARGE(S)/CASE #:			
NATURE OF COMPLAINT(S): Excessive Use of Force				EVENT LOCATION/DATE/TIME: 6201 E. Hwy 80, Odessa, TX 79765				
RECEIVED BY: Sgt. Jeremy Seago DATE: 4/27/18 TIME: 10:01						INVESTIGATOR ASSIGNED: Sgt. Jeremy Seago		
EMPLOYEE'S NAME:		RANK/PSN/ASSIGNMENT		EMPLOYEE NAME:		RANK/PSN/ASSIGNMENT		
1. Cory Wester		Corporal/7579/Div C		2. Pricilla Hughes		Corporal/7772/Div C		
3.				4.				
BUREAU DEPUTY CHIEF(S): Jesse Duarte		CAPTAIN(S): Robert Doportio		LIEUTENANT(S): Wayne Phillips		SERGEANT(S): Joe Ramirez		
WITNESS:		ADDRESS/PHONE:		WITNESS:		ADDRESS/PHONE:		
1. Donovan Madrid		6201 E. Hwy 80		2.				
3.				4.				
INVESTIGATOR'S SIGNATURE:				DATE STARTED: 4/27/18		DATE COMPLETED: 5/10/18		
VIOLATION(S) ALLEGED			COMPLAINT DISPOSITION(S)					
(EMPLOYEE)	(VIOLATION)	IA LIEUTENANT'S RECOMMENDATION(S)	CHIEF'S FINDING(S) CHECK IF AGREE	CHIEF'S NOTES		DATE		
Cory Wester	S.O.P. 1.2	Sustained						
CHIEF'S ORDER(S) OF DISCIPLINE								
(EMPLOYEE)	NOTES	NO ACTION	VERBAL WARNING	WRITTEN WARNING	WRITTEN REPRIMAND	SUSPENSION/ # OF HOURS	DEMOTION	TERMINATION
Cory Wester								
INTERNAL AFFAIRS LIEUTENANT'S REVIEW								
ADMINISTRATIVE CAPTAIN'S REVIEW								
LEGAL ADVISOR'S REVIEW								
DEPUTY CHIEF'S REVIEW								
CHIEF OF POLICE SIGNATURE								



Employee Notice Of PSU Investigation

Date Received: 04/27/2018

PSU #: 18-INV-032

1. Complainant: Sgt. Jeremy Seago
 2. Cpl. Cory Wester
 3. Nature of Allegation(s): 1.2 Use Of Force Reference Case # 18-0017462
-

SOP 5 Investigations; 5.8 (2.)(b.) Confidentiality; 5.8 (10.) Duties & Rights

5.8 (2.) Confidentiality of Investigations - PSU investigations are conducted for the internal use of OPD. These investigations are to be kept confidential in accordance with State Law. The Department reserves the right; however, to provide information regarding investigations to the Department's legal counsel. All other releases of Professional Standards information will be done only as mandated by a court, as required by law, or with the employee's and the Department's consent. Employees or external complainants, upon written request, shall be provided with a copy of their own statements. All copies provided will be issued by PSU and will be stamped as "confidential".

(b.) No employee shall discuss an ongoing internal investigation with any other person. The only exception to this would be talking to the investigators, your spouse, your clergy, your attorney, or your physician.

5.8 (10.) Employee's Duties and Rights during a Professional Standards Unit Investigation:

a. The employee's duties and rights contained in this section shall be applicable to any investigation by the Professional Standards Unit. However, a supervisor should afford an employee all the applicable rights under this section whenever the supervisor reasonably believes that an employee's conduct may result in either a criminal investigation or the filing of Level One complaint. The failure of the supervisor to afford an employee these rights does not entitle the employee to disobey the orders of a supervisor.

b. Once a complaint has been designated for investigation by the Professional Standards Unit, the Unit shall advise the employee, in a confidential, written manner, that a complaint has been made and that an investigation will be conducted. The notice will include the name of the complainant, the nature of the allegations, and copies of the employee's rights and duties. If appropriate, the employee will be instructed that he/she is prohibited from contacting the complainant. The employee will be provided a copy of the initial complaint.

c. Complaints against an employee that allege a criminal violation will be investigated as any other criminal matter by supervisors assigned to the Criminal Investigations Division or other supervisors designated by the Chief of Police. Crime Scene Techs may be asked to collect, process, and test evidence. The polygraph examiner may be asked to conduct polygraph exams. During the investigative process the employee involved may be reassigned or placed on administrative leave with pay at the discretion of the Chief of Police. Employees under criminal investigation will be afforded the same rights as any other suspect. Generally, once the investigation is complete, a Professional Standards Unit investigation or disciplinary process may be initiated. If appropriate, a Professional Standards Unit investigation may be conducted contemporaneously and separately with the criminal investigation.

d. Employee statements to the Professional Standards Unit:

i. Prior to providing a statement (oral or written) to the Professional Standards Unit concerning allegations contained in a Complaint Form, the employee shall be read and be provided with a copy of the Garrity Warning. The employee will be asked to sign a copy of the Garrity warning to acknowledge its receipt. In cases involving criminal allegations, the employee will not be read the Garrity warning until the criminal investigation is completed. In the event an employee is subject to custodial interrogation in the course of a criminal investigation, the employee shall be advised of his Miranda rights.

ii. An employee shall be required to answer questions relating to his duties completely and truthfully and can be disciplined for refusal to answer such questions. (Refer to *Garrity v. New Jersey*, 385 U.S. 483 and *Gardner v. Broderick*, 392 U.S. 273.) Any such required statement could be used against the employee in a disciplinary action or civil proceeding. The statement(s) would not be admissible in subsequent criminal action.

iii. As part of the internal investigation, the employee will be asked to provide information to Professional Standards which is specifically, directly and narrowly related to the employee's duties or fitness for duty. An employee may be asked about off-duty conduct if there is a sufficient relationship between the employee's off-duty conduct and the employee's official duties.

iv. The accused employee will not be permitted to have counsel present during an internal investigation. The Fifth Amendment right to counsel does not apply to administrative matters. (Refer to *Garrity v. New Jersey*, 385 U.S. 483 and *Gardner v. Broderick*, 392 U.S. 273.) An accused employee is not required to receive the Miranda warning during an internal investigation.

v. An employee's statement to the Professional Standards Unit may be provided in any one of the following forms, at the discretion of the Professional Standards Unit Investigator:

1. An Affidavit completed and signed by the employee.
2. A transcription of a recorded interview with the Professional Standards Unit Investigator; or
3. An Investigator's summary of a recorded interview with the employee.

vi. The same methods as in v, above may be utilized by the Professional Standards Unit Investigator, at his discretion, to obtain statements from civilian witnesses.



Employee Notice Of PSU Investigation

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POLICE

CITY OF ODESSA

*Office of the Chief of Police
Professional Standards Unit*

MEMORANDUM

To: Cpl. Pricilla Hughes
Bureau of Operations

April 27, 2018

From: Sergeant Jeremy Seago
Professional Standards Unit

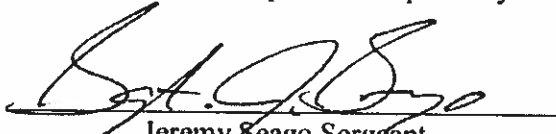
Reference: 18-INV-032

On April 27, 2018, the Professional Standards Unit was notified of a use of force incident involving Corporal Cory Wester and Corporal Pricilla Hughes. While affecting the arrest of Lexus Gish, Corporal Cory Wester struck her in the face multiple times causing bodily injury.

If the above is true, it would constitute violation of the Odessa Police Department Standard Operating Procedures: **SOP 1.2 Use Of Force**

If the ensuing investigation determines that violations of policy and/or law, not related to the original violation were committed, an additional complaint may be issued.

The Chief of Police, Michael Gerke, has been advised of this investigation. This memorandum will serve as a Letter of Complaint as required by Vernon's Texas Civil Statutes, section 614.022.


Jeremy Seago Sergeant
Professional Standards Unit

Office of the Chief of Police

Professional Standards Unit

Internal Investigation Warning

PSU # 18-INV-032

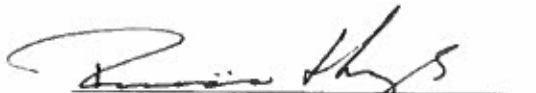
I wish to advise you that you are being questioned as part of an official investigation of the Odessa Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office.

You are entitled to all the rights and privileges guaranteed by the laws and the constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges which could result in your dismissal from the police department. If you do answer, neither your statement nor any information or evidence which was gained by such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges and/or civil proceedings.

Section 614.022 Government Code, V.T.C.A., requires that complaints against certain law enforcement officers and other public safety employees must be in writing and signed by the person making the complaint before the complaint may be considered by the head of the department as basis for disciplinary action against such officer.

Odessa Police Department Standard Operating Procedure requires that employees be obedient to orders and truthful in any official matter. Therefore, I am directing you to fully disclose all knowledge relating to this investigation and answer all questions completely, accurately and truthfully. Failure to be truthful during this investigation may result in disciplinary action up to and including termination.


Employee's Signature


Printed Employee's Name

Warning issued by:


Sgt. Jeremy Seago

4-27-18
Date

1407
Time

Office of the Chief of Police

Professional Standards Unit

Internal Investigation Warning

PSU # 18-INV-032

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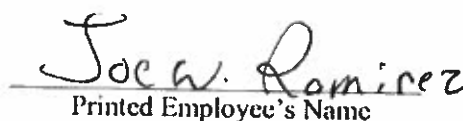
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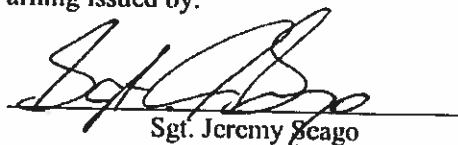
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Employee's Signature


Printed Employee's Name

Warning issued by:


Sgt. Jeremy Scago


Date


Time



OFFICE OF THE CHIEF OF POLICE
Professional Standards Unit

MEMORANDUM

To: Corporal Cory Wester
From: Michael Gerke, Chief of Police
Date: April 27, 2018
Subject: Administrative Leave

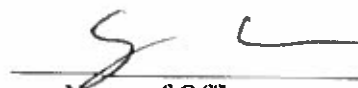
Effective Friday, April 27, 2018, you are being placed on administrative leave, with pay, pursuant to the City of Odessa Employee Policies and Procedures Manual. You will remain so assigned until such time as you receive further notification.

This administrative leave is pending the completion of an internal investigation being conducted by the Professional Standards Unit. During this period you are assigned to the Professional Standards Unit under the direction of Captain Matt Davidson.

You are to report, via telephone, to the Professional Standards Unit each workday, Monday through Friday, no later than 8:15 a.m. You must speak to a supervisor and not just leave a message on voice mail. You must be available, and are subject to call by the department between the hours of 8:00 a.m. and 5:00 p.m. Should you leave your residence for any reason during these hours, you are required to notify the Professional Standards Unit regarding your absence and how you may be contacted. **The contact number for the Professional Standards Unit is 335-5775.**

You will surrender your department issued identification, badge(s), and firearm(s). During this administrative leave you are prohibited from representing the City of Odessa Police Department in an official capacity, or exercising any authority as a police officer.

I received a copy of this memo on April 27, 2018.


Name of Officer

cc: Darrell Wells, Human Resources
File

ODESSA POLICE DEPARTMENT – Professional Standards Unit

☒ Internal Investigation
☐ External Investigation
☐ Inquiry
☐ Background

___ AIM Incident Case Number:

☒ AIM Investigation Case Number: 18-INV-032

Complainant: Sgt. Jeremy Seago

Narrative**Complaint**

On April 27, 2018, the Professional Standards Unit was notified of a use of force incident involving Corporal Cory Wester and Corporal Pricilla Hughes. While affecting the arrest of Lexus Gish, Corporal Cory Wester struck her in the face multiple times causing bodily injury.

Coban Video Summarized

The following is a summary of **Cpl. Cory Wester's** in-car coban video in reference to this investigation.

I reviewed Cpl. Cory Wester's Coban video in reference to this investigation. I observed Cpl. Wester entering the parking lot of the MCM Grande Hotel at approximately 0506 hours. Cpl. Wester drives through the front parking lot until making contact with a citizen at 0508 hours. The citizen explains to Cpl. Wester that the female had jumped up on his vehicle and left the area. Cpl. Wester drives to the southwest area of the front parking lot and parks his patrol unit.

Cpl. Wester exits the vehicle and makes contact with another citizen at 0509 hours. The citizen tells Cpl. Wester that the female subject went into a room. Cpl. Wester walks towards the rooms. Cpl. Wester's in car video mic loses connection and does not reconnect until 0531 hours when he is within range of his vehicle. Cpl. Wester makes contact with the security guard, Donovan Madrid. He asks Mr. Madrid if they had found anything out, and Mr. Madrid states the guy is staying in room # 357. Cpl. Wester advises Mr. Madrid to make contact with the person and let him know she (Lexus Gish) was inside his vehicle.

Cpl. Wester then drives his vehicle to the west side of the hotel where Cpl. Pricilla Hughes, Sgt. Joe Ramirez, and the medics are located. Cpl. Wester exits his vehicle and I can hear him talking with Cpl. Hughes, and Sgt. Ramirez. Sgt. Ramirez asks Cpl. Wester what charges he has on Miss Gish, and he responds that he has PI and resisting. Cpl. Wester makes statements about asking if the hotel management wants to criminally trespass Miss Gish or not, as she is not supposed to be there. I can hear Cpl. Hughes asking Miss Gish if there is anything inside the vehicle that is hers including a cell phone. Miss Gish responds but I cannot understand what she is saying. Cpl. Wester and Cpl. Hughes talk about the original citizen contacted being in a white work truck and Cpl. Hughes states she will attempt to locate them. Cpl. Wester then talks with Miss Gish.

Investigator's Signature: _____ PSN: 7024 SUPV: _____

Investigator's Printed Name: Sgt. Jeremy Seago

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ODESSA POLICE DEPARTMENT – Professional Standards Unit

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Complainant: Sgt. Jeremy Seago

Miss Gish asks Cpl. Wester something, I could not understand, and he responds no and to sit right there. I believe Cpl. Wester asks Miss Gish what she is driving and she responds, but I cannot make out what. Sgt. Ramirez explains to Cpl. Wester that Sgt. Rusty Martin would be handling the AIM since Sgt. Ramirez was leaving to go out of town. Sgt. Ramirez asks if Miss Gish refused medical treatment, or if she required it. A female answers and states that she does not require it. Cpl. Wester then states that he will take care of the missing person's report.

I then hear Cpl. Wester stating that Miss Gish's injuries consist of a scratch on her nose and a small laceration on her right eye. I then hear Sgt. Ramirez tell Cpl. Wester to go ahead and take Miss Gish to the hospital to be checked out. Cpl. Wester then tells Miss Gish to go ahead and go over to his car since she is standing up. Cpl. Wester asks her if she has anything in her jacket. She states no and that she does not want to go to jail. Cpl. Wester helps Miss Gish inside the vehicle and is being professional at that time. Cpl. Wester and Cpl. Hughes talk to Mr. Madrid and he states the male does not want to press charges. Cpl. Wester then asks if they want to criminal trespass Miss Gish, and Mr. Madrid states no. Cpl. Wester then asks a male subject if he is sure he does not want to press charges. Cpl. Wester then tells the subject that Miss Gish was intoxicated on a substance other than and wanted to fight with Police so she was going to jail. The male subject states, that is her problem but he does not wish to file charges. Cpl. Wester explains to the male subject that he just wanted to make sure, face-to-face, that he didn't want to press charges.

The male subject tells Cpl. Wester that he found a cell phone inside his vehicle that was not his. Cpl. Wester then states to Miss Gish that he found her cell phone. The subject then asks Cpl. Wester to look through his vehicle to make sure there was not anything else of Miss Gish's inside. Cpl. Wester explains to the subject that he had already looked, did not see anything, but missed the cell phone that was inside. Cpl. Wester then waits on the subject to look inside his vehicle. The subject then shows Cpl. Wester some clothes that are not his, but were inside the vehicle. Cpl. Wester asks Miss Gish if the clothes are hers, and she states they are not. Cpl. Wester then transports Miss Gish to Medical Center Hospital. Cpl. Wester does not turn on his back seat in car video. At 0554 hours, Cpl. Wester is talking to someone, possibly on his cell phone, telling them that she tried to fight him, grabbed his wrist, and he had to punch her 4-5 times to let go of his wrist.

They arrive at the hospital at 0557 hours. Cpl. Wester explains to Miss Gish that he will take her seat belt off, walk her into the hospital for treatment, and then go to jail. He then assists her into the hospital and tells her she is under arrest for Public Intoxication and resisting arrest. They enter the hospital and the Coban mic loses connection at 0601 hours and doesn't reconnect. Cpl. Wester leaves the hospital at 0719 hours.

Investigator's Signature: _____ PSN: 7024 SUPV: _____

Investigator's Printed Name: Sgt. Jeremy Seago

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ODESSA POLICE DEPARTMENT – Professional Standards Unit

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___ AIM Incident Case Number:

☒ AIM Investigation Case Number: 18-INV-032

Complainant: Sgt. Jeremy Seago

Coban Video Summarized

The following is a summary of **Cpl. Pricilla Hughes**' in-car video in reference to this investigation.

I reviewed Cpl. Hughes' Coban video in reference to this investigation. I observe Cpl. Hughes arrive on scene at approximately 0508 hours, make contact with Cpl. Wester, and then park in the southwest part of the front parking lot at the MCM Grande Hotel. Cpl. Hughes exits her patrol unit and walks around the outside of the pool area. Cpl. Hughes' Coban mic loses connection at 0511 hours and does not reconnect until she returns to her vehicle at 0543 hours and the video ends.

Interview Summarized

The following is a summary of **Cpl. Pricilla Hughes**' interview in reference to this investigation.

On March 27, 2018, I interviewed Cpl. Pricilla Hughes in reference to this investigation. I read Cpl. Hughes her Internal Investigation (Garrity) Warning and her letter of complaint. Cpl. Hughes stated that she understood both documents and signed the warning.

Cpl. Hughes stated that she was dispatched to the hotel in reference to a female subject that was jumping on cars and possibly intoxicated. Cpl. Hughes arrived on scene and made contact with Cpl. Wester, who had made contact with a potential victim of the female subject jumping on his hood. The victim had stated the female had taken off to the west. They observed the security guard pointing to the west side of the parking lot and they followed him.

Cpl. Hughes and Cpl. Wester observed the female subject, Lexus Gish sitting inside of a black Jeep. They attempted to make contact with Miss Gish and she was not responding, and was sitting with her knees in her chest. Cpl. Hughes stated Miss Gish would not answer any of her, or Cpl. Wester's questions. Cpl. Wester was able to communicate with Miss Gish and asked what was going on. Cpl. Hughes stated that Miss Gish was soft spoken and acting strange. They asked her again to exit the vehicle and she would not get out. Cpl. Wester then grabbed her arm and assisted her out of the vehicle.

Investigator's Signature: _____ PSN: 7024 SUPV: _____

Investigator's Printed Name: Sgt. Jeremy Seago

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Cpl. Wester then grabbed Miss Gish's hands behind her back and she spun around, facing him, and asked why she was being detained. Cpl. Wester then grabbed her and told Miss Gish to put her hands behind her back. Cpl. Wester had turned Miss Gish back around and they fell to the ground. Miss Gish was on the ground, face down, and had her right arm under her body and her left arm exposed. Cpl. Hughes was giving her commands to put her arms behind her back. Cpl. Hughes stated that, later that morning, Cpl. Wester stated to her that Miss Gish had scratched his arm with her fingernails.

Cpl. Hughes stated Cpl. Wester began stating to let him go and then started punching her in the face with his right hand. She stated Cpl. Wester hit Miss Gish, more than two times, but less than five, as she was not counting. Cpl. Hughes then got Miss Gish's left arm behind her back and Cpl. Wester told Miss Gish to put her right arm behind her back. Miss Gish stated that she could not put her arm back because she was laying on it. Cpl. Wester then leaned up and Miss Gish put her right arm behind her back. Miss Gish was then placed in handcuffs.

Miss Gish was on the ground and Cpl. Hughes observed Miss Gish bleeding from her face. Cpl. Hughes stated to call for an ambulance. Cpl. Hughes questioned Miss Gish in regards to why she was at the hotel, and she responded abnormally. Cpl. Hughes stated she appeared to be out of it, possibly intoxicated on a substance other than alcohol since they could not smell alcohol. Cpl. Hughes stated that Miss Gish was small in stature and weight. I asked Cpl. Hughes if, with that in mind, she had a hard time getting Miss Gish's arm back behind her back. Cpl. Hughes responded by stating that she did not have to use all of her strength. Cpl. Hughes stated that Miss Gish was resisting, but that she would have used pressure points or a different method than punches, due to Miss Gish's size.

I asked if she observed Cpl. Wester's injuries on his arms, his scratches. Cpl. Hughes stated that she did and did not observe any bleeding. I asked Cpl. Hughes if she believed the force used by Cpl. Wester was within policy and state law. Cpl. Hughes stated that the force he used to get Miss Gish out of the vehicle and to take her to the ground was within those limits. Cpl. Hughes then stated that she could not see Miss Gish holding on to Cpl. Wester during the struggle to cause the scratches. Cpl. Hughes stated that Miss Gish could not have had that much strength, while her hands were behind her back, to cause serious injury. Cpl. Hughes was asked about the statement in her narrative relating to Miss Gish digging her nails into Cpl. Wester's arm. She stated that is what Cpl. Wester told her had happened.

Cpl. Hughes stated that medics did arrive on scene and assess Miss Gish. OFD Medics stated that she did not need medical treatment. Cpl. Hughes stated that there was no injury on Miss Gish's face before the use of force. I asked Cpl. Hughes if she believed the force used to affect the arrest, after Miss Gish was on the ground, was necessary. Cpl. Hughes stated that she does not know, and that maybe one or two strikes would have been ok. Cpl. Hughes reiterated that she would have used a different type of force to affect the arrest.

Investigator's Signature: _____ PSN: 7024 SUPV: _____

Investigator's Printed Name: Sgt. Jeremy Seago

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ODESSA POLICE DEPARTMENT – Professional Standards Unit

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Complainant: Sgt. Jeremy Seago

Interview Summarized

The following is a summary of **Mr. Donovan Madrid's** interview in reference to this investigation.

On April 30, 2018, I interviewed Mr. Donovan Madrid, security guard at the MCM Grande Hotel, in reference to this investigation. Mr. Madrid stated that he was called out by a patron at the hotel in regards to a female banging on people's windows outside of the hotel. He located the female, Miss Gish, and asked to talk to her.

Miss Gish then walked away from Mr. Madrid and began jumping on other vehicles. I asked Mr. Madrid if there appeared to be something wrong with Miss Gish, and he stated it looked like she was on drugs or something. Mr. Madrid stated that he called Police in reference to Miss Gish. Mr. Madrid stated that he does not know the Officers that arrived on scene.

Mr. Madrid had lost Miss Gish in the parking lot. Mr. Madrid stated he had received word that Miss Gish was in the back of the hotel. When he went to locate her, he observed the officers had arrived. They all went to the west side of the parking lot to locate Miss Gish, who was inside a vehicle. Mr. Madrid confirmed it was a male and a female Officer. I asked Mr. Madrid if he observed either Officer pull Miss Gish out of the vehicle she was in. Mr. Madrid stated that the Officers were just doing their job since Miss Gish was resisting.

I asked Mr. Madrid if he observed what happened outside of the vehicle. He stated that the male Officer was taking Miss Gish out of the vehicle slowly when she begins to resist. The officer then takes Miss Gish down to the ground. Mr. Madrid said he couldn't see what the officer had to do to get her other hand. I asked Mr. Madrid if he observed any officer strike or punch Miss Gish. I explain to him that I just need the truth about what happened. Mr. Madrid appeared reluctant, and then stated that the officer did hit Miss Gish, but that he could not see where the hits were. I asked how many times the officer hit Miss Gish, and he stated 4-5 times. I asked Mr. Madrid if, in his opinion, 4-5 hits was excessive as a security guard and citizen. Mr. Madrid stated that, because of the way she was acting, it was ok. Mr. Madrid stated that he was there when the ambulance arrived.

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Ranger Randy Lewis' recorded interview with Lexus Gish

On May 4, 2018, at 1611 hours Texas Ranger Randy Lewis interviewed Lexus Gish. Ranger Lewis advises Miss Gish that the interview is being recorded. Miss Gish states that she understands. Ranger Lewis confirms her information.

Miss Gish begins by telling Ranger Lewis about the events leading up to her encounter with Cpl. Wester. Miss Gish states she was forcibly intoxicated with methamphetamine and assaulted by her boyfriend, Billy. Miss Gish was taken to Medical Center Hospital by her mother on April 26, 2018, and talked with officers. Miss Gish stated to Ranger Lewis that she did not want to talk to officers at that time. She then ran from the hospital because she was scared. A woman named Liberty then picked up Miss Gish. Liberty bought Miss Gish some clothing and took her to a motel room that was not at the MCM Grande. Liberty then took Miss Gish to the MCM Grande Fun Dome and left her inside the vehicle while Liberty went into the bar. That is how Miss Gish ended up at the MCM Grande hotel.

Miss Gish stated that she did not remember jumping on vehicles in the parking lot, but was told by her mother that she was doing that. Miss Gish does remember being in the back of a male's truck bed and him telling her to get out. Miss Gish told the male that she needed help but was still hallucinating. Miss Gish stated that she viewed people as moving opposite of what she did. Miss Gish met two people, Will and Gary, at the hotel and went inside where she believes they called the cops. With the Hallucinations, Miss Gish believed Billy was there chasing her. Miss Gish kept walking around the hotel because she believed Billy was following her. Will went into his room and Gary took Miss Gish to the store. They went back to the MCM Grande where Gary gave Miss Gish some cocaine and some alcohol. After that, Miss Gish states that everything began piling up in her head and is hallucinating more.

Gary then tells Miss Gish to leave his room because the police were coming and he did not want them to think he did something to her. Miss Gish states that she possibly tried to hit Gary with a metal pole and that is why he was telling her to leave the room. Miss Gish then grabs her things and runs out of the room. Miss Gish then entered an unlocked Jeep and did not know who owned the Jeep. Miss Gish was just sitting in the driver's seat of the Jeep and could not move her body. The police then came running and jerked open the door telling her to get out. She stated to the male officer she was stuck and could not get out of the car. The officer told her she was not stuck and to get out of the car. Miss Gish states that the male officer then punched her in the face 4-5 times. The officer tried to handcuff Miss Gish and she stated it felt like he was breaking her arm. She then tells the officer that it hurts and her hand does not bend that way. Miss Gish stated that the male officer was on top of her and hit her with his flashlight causing her to receive stitches in her head. EMS arrives on scene and Miss Gish states she is so messed up that, she could not sit up by herself. Miss Gish stated that EMS told her

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she did not need any medical treatment. She stated the same officer that had punched her took her to the hospital. Once at the hospital, they handcuffed Miss Gish to the bed. Miss Gish states that she does not remember the officer that interviewed her at the hospital, but does remember what the officer looks like that punched her. Miss Gish stated that the officer is really big and works for OPD. Miss Gish stated that she understands she was not acting right but did not deserve to be treated the way she was by the police. Miss Gish then states that she had internal bleeding in head from that officer. Miss Gish stated that she went to Oceans and received help for six days.

Ranger Lewis explains that he is investigating only officer misconduct and the other parts of her story regarding Billy would be investigated, but not by him. Miss Gish states that she understands and then Ranger Lewis asks if she remembers how many officers were there when she was in the Jeep. Miss Gish states that she only remembers the one that pulled her out and punched her. Once she was in custody, Miss Gish remembers three officers total, which includes a female. Miss Gish states that she could not remember if the female was an officer or EMS, but that she assisted in holding her up. She states that the officer pulled her out and hit her stating she was trying to fight him. Miss Gish then states the officer threw her down to the ground and was hitting her as they went to the ground. Miss Gish stated she believed he hit her with his flashlight, but is not sure. She does know he punched her though, as the officer admitted it to another person there on scene. Miss Gish stated the officer told another person he punched her 4-5 times. Miss Gish stated that the officer stated she scratched, but she does not remember scratching him. Miss Gish does state it is possible that she scratched him, but she cannot remember.

Miss Gish states that, even if she did scratch him, she did not deserve internal bleeding for that. Ranger Lewis explains to Miss Gish that she was arrested for Public Intoxication, what the details of that charge are, and Miss Gish states she understands. Ranger Lewis asks how she knew that it was police officers approaching her and she stated the red and blue lights. Miss Gish was not sure if it was the lights from the police or the EMS. Miss Gish does not recall causing any damage to vehicles while at the hotel. Miss Gish could not remember the exact day she was released from the hospital.

Ranger Randy Lewis' recorded interview with Cory Wester

On May 4, 2018, Texas Ranger Randy Lewis interviewed Cpl. Cory Wester. Ranger Lewis fully identified Cpl. Wester and Cpl. Wester had Mr. Terry Boone, his attorney, with him. Ranger Lewis explained to Cpl. Wester that he was not conducting an administrative interview and that Cpl. Wester did not have to give him a statement. Cpl. Wester stated that he understood and agreed he was giving a statement of his own free will.

Cpl. Wester agreed he was working the morning of April 27, 2018. Cpl. Wester stated that he went to work at

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1900 hours and was supposed to get off work at 0630 hours. Ranger Lewis asked Cpl. Wester who he is employed by, Cpl. Wester stated the Odessa Police Department. Ranger Lewis asked Cpl. Wester his position and he answered officer. Ranger Lewis asked his rank and Cpl. Wester replied corporal. Cpl. Wester stated he was driving a 2015 Chevrolet Tahoe patrol unit, and is a fully marked police unit. Ranger Lewis asks if the vehicle had police markings, red, and blue flashing lights that identify that vehicle as a police vehicle. Cpl. Wester replies yes and that he was wearing an Odessa Police Department issued uniform, with patches, and the badge displayed on the left side of the shirt. Ranger Lewis asks what color Cpl. Wester's uniform is and he responds that it is navy blue. Ranger Lewis confirms with Cpl. Wester that he is identifiable as a police officer upon citizen contact.

Ranger Lewis asks Cpl. Wester to start from the beginning of his arrival at the MCM Grande in reference to his dispatched call. Cpl. Wester states that they had received a call in reference to a female jumping on top of vehicles in the parking lot of the MCM Grande, and she was possibly intoxicated. As Cpl. Wester entered the parking lot, he stated he caught a glimpse of a female matching the description. Cpl. Wester stated the description of the female subject was broadcast on the radio and in the call notes. Ranger Lewis asked Cpl. Wester if he can state what the description given of the female subject was. Cpl. Wester stated it was a sweater and red shorts, and that was the only description. Cpl. Wester he observes the subject running between vehicles, he drives in that direction, and is stopped by a subject. The subject tells Cpl. Wester that the female was jumping on his vehicle and ran into the hotel. Cpl. Wester believes that the female subject observed him in the parking lot and that is why she ran inside.

Cpl. Wester and Cpl. Hughes then went into the hotel. Cpl. Wester continued toward the back of the hotel and Cpl. Hughes stayed at the front in case the subject went back that direction. They could not locate the subject and then observed a security guard enter the hotel. The security guard motioned and stated the subject was outside. Both officers then went out the back doors with the security guard. Ranger Lewis then asks Cpl. Wester about making contact with someone when he first arrived. Cpl. Wester states that, he did make contact with a subject in a white oilfield work truck, but did not identify him. Ranger Lewis then asks if they were a potential victim and if that person made that clear to him. Cpl. Wester replied that, the potential victim stated the female had jumped on his truck and attempted to enter his room. Cpl. Wester did not check for damage and advised the victim to stay where he was to be contacted later. Cpl. Wester states that he was concerned about finding the actor before taking the criminal mischief report.

Cpl. Wester stated that the security guard points at a black Jeep and stated she was in there, and then the security guard backs away. Cpl. Wester looks inside the Jeep and observes a female matching the description given for the actor, a female wearing a sweater and red shorts. She, Miss Gish, had her knees into the steering wheel and pushing back into the seat, and was ducked down. Cpl. Wester opened the unlocked door and asked for the subject's name. The subject responded that she was stuck and Cpl. Wester asked her what she meant.

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Cpl. Wester then grabbed Miss Gish's leg and pulled it away from the steering wheel where it fell free. Cpl. Wester then requests that she exit the vehicle and asks whose vehicle she is in. Miss Gish states it is her friend's vehicle and she is back there. Cpl. Wester states there is no one else in the vehicle. Once Miss Gish stepped out of the vehicle, Cpl. Wester grabbed her hands with one hand and went to grab his handcuffs with the other. Miss Gish then pulled a hand free and spun around facing him. Cpl. Wester told her to turn back around and she grabbed his arm digging her fingernails into his wrist. Cpl. Wester then took Miss Gish to the ground.

Ranger Lewis then asks Cpl. Wester if he observed the female acting strange in any way. Cpl. Wester responded that she was intoxicated on a substance other than alcohol. Cpl. Wester stated he could not smell any odor of alcohol. Ranger Lewis asks Cpl. Wester where they are standing at when the contact is made. Cpl. Wester responds that he was standing in the hinge way of the door between Miss Gish and the inside of the vehicle. Cpl. Wester stated that there was a broken hoe on the center console and he did not want her to use as a weapon. Cpl. Wester then states that Miss Gish is standing in front of him and that Cpl. Hughes is standing on the right side of him facing her. Cpl. Wester stated that there was a vehicle parked next to the Jeep on the north side of it, but there were one or two spaces between the driver's side of the Jeep and the next vehicle, which is the south side of the Jeep.

Ranger Lewis asks Cpl. Wester that, when he decides to put cuffs on the subject, was he placing her under arrest or detaining her. Cpl. Wester states he was placing her under arrest for public intoxication, as she was a danger to herself and others. Ranger Lewis asks Cpl. Wester if he knew who the vehicle belonged to that, the subject was inside. Cpl. Wester stated that he had a good feeling the vehicle was not Miss Gish's, but was not a hundred percent sure. Ranger Lewis asks Cpl. Wester if he told her she was under arrest at the time he was attempting to handcuff her. Cpl. Wester states that he did not tell Miss Gish at that time, as he was going to wait until after she was in custody. Cpl. Wester states Miss Gish was facing him when he grabs her arms and she grabs his left wrists with her right wrist and is actively pulling away from him.

Cpl. Wester then grabs her shoulder and places her on the ground to gain a better tactical advantage. While on the ground, Miss Gish continues to grab his arm and dig her nails in. Cpl. Wester stated that he was not letting go of that one arm since they had not patted the subject down or searched her. Cpl. Wester states that he was holding her left arm and she is scratching him with her right arm. The subject pulls Cpl. Wester's arm with hers towards the underside of her body. Cpl. Wester told her to let go of him and she dug her nails in harder, so he punched her once in the side of the jaw. Miss Gish continued pulling and digging her nails in so Cpl. Wester popped her again. Cpl. Wester stated that continued for three-five hits, he could not remember exactly how many times he hit her, but no more than five.

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Miss Gish then said ok and Cpl. Wester told her to put her hands behind her back and stated that she could not. Cpl. Wester then lifted her shoulder, while continuing to control the arm he was holding, and she is able to get the other arm out from under her. Cpl. Wester states that Cpl. Hughes grabs the free arm and assists with putting it behind the subject's back. Cpl. Wester then placed her in cuffs and sit her up. Ranger Lewis asks how she was positioned, and Cpl. Wester explains by showing him but there is no video for me to observe. Cpl. Wester does state that she was kind of on her right side. Ranger Lewis then asks Cpl. Wester about his arm position. Cpl. Wester states that he had control of Miss Gish's left arm at the wrist, with his left arm, and she was using her right hand to grab him. He then states her right arm was under her body and he attempted one time to grab that arm, but could not reach it because of the way she was positioned. Cpl. Wester stated that he did attempt to use a pressure point to gain compliance from Miss Gish, but it did not work so he struck her.

Ranger Lewis then confirms their positioning, and Cpl. Wester demonstrates using his lawyer (can only hear). Ranger Lewis confirms with Cpl. Wester that he did strike her four-five times. Cpl. Wester agrees that he did. Cpl. Wester states that, after the punches, Miss Gish says ok and he takes her into custody. Ranger Lewis asks Cpl. Wester where Cpl. Hughes is at that time, and he states that she would have been on his right side. Cpl. Wester stated that he was telling Miss Gish to let go of him during the struggle, and then gave her the command to give him her hands after she lets go of his arm. After Miss Gish is in custody, Cpl. Wester states there was no other force used. Cpl. Hughes notices Miss Gish bleeding from the right side of her head and calls for medics.

Ranger Lewis asks Cpl. Wester what he thinks the injury was caused from. Cpl. Wester states that he does not know if it was caused from when Miss Gish hit the ground, or when he struck her. Ranger Lewis asks Cpl. Wester if she fell to the ground and Cpl. Wester states that it was a controlled fall. Cpl. Wester states that he did not slam Miss Gish on the ground. Ranger Lewis asks if Cpl. Wester believes the injury could have been caused from the strikes and Cpl. Wester states he is not sure when they occurred. Once in custody, Cpl. Wester asks Cpl. Hughes to search Miss Gish while he attempts to locate the owner of the vehicle. Ranger Lewis asks who called for an ambulance and who makes that decision. Cpl. Wester explains that they made that decision because of observing Miss Gish bleeding and that Cpl. Hughes called the ambulance. Cpl. Hughes called for the ambulance on her own and Cpl. Wester called for a supervisor. Ranger Lewis asks why he called for a supervisor, and Cpl. Wester responded it was due to the use of force to be documented. Ranger Lewis asks if it is standard operating procedure to call a supervisor when there is an injury, or on any use of force. Cpl. Wester replies by stating it is on any use of force.

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Cpl. Wester advised that, he called for a supervisor over the radio; the supervisor was Sgt. Joe Ramirez and that he came to the scene. Upon arrival, Cpl. Wester told Sgt. Ramirez what had happened from his perspective and he made contact Miss Gish to get her perspective. While Sgt. Ramirez was talking with Miss Gish, Cpl. Wester did not hear the conversation as he was doing other things. The ambulance arrived shortly after Sgt. Ramirez. Cpl. Wester states that the medics cleaned up Miss Gish's injuries and stated that she did not need to go to the hospital. Cpl. Wester also stated that Miss Gish stated she did not need to go to the hospital. Ranger Lewis asks if Miss Gish signed the refusal and Cpl. Wester stated she could not because she was handcuffed. Cpl. Wester stated that Cpl. Hughes signed the no transport release form on Miss Gish's behalf as she was in custody.

Ranger Lewis asks about the in car camera recording. Cpl. Wester states that, if you are too far away from the vehicle, the Coban will not record. Cpl. Wester states that Sgt. Ramirez decided that she needed to be taken to the hospital because of the large goose egg on her head. Cpl. Wester states he told Sgt. Ramirez he was already planning on taking her when Sgt. Ramirez instructed him to take her. Ranger Lewis asks how much time had passed between locating Miss Gish and taking her to the hospital. Cpl. Wester replies that about twenty to twenty-five minutes. Cpl. Wester states that he transports Miss Gish to Medical Center Hospital. Ranger Lewis asks what other information Cpl. Wester obtained during his investigation.

Cpl. Wester states that he located the vehicles registration, gave the information to the security guard to locate the owner, and the owner came to his location. The owner of the vehicle stated he just wanted Miss Gish to get some help and he did not wish to press charges. The owner stated to Cpl. Wester that he would look through his vehicle to confirm there was no items missing and that she left no items inside his vehicle. The owner found a cell phone, panties, and tank top that was hers. Cpl. Wester stated that he took that property with him. Cpl. Wester stated that there was no damage to the Jeep and he could not locate the other subjects in the work truck. Ranger Lewis states to Cpl. Wester that, Miss Gish had reportedly committed criminal acts but that they were unable to locate victims and other victims did not wish to file charges. Cpl. Wester states that is correct. Cpl. Wester states that he did charge Miss Gish with public intoxication and resisting arrest, but she was admitted to the hospital.

At the hospital, the doctor states to Cpl. Wester that Miss Gish is going to need stitches and they are going to run a few tests. Officer Spinks then relieves Cpl. Wester and he goes to his patrol unit to work on his report. While Cpl. Wester is in his vehicle, Officer Spinks calls him and states that Miss Gish is going to be admitted to the hospital because she has a brain bleed. Cpl. Wester then contacts a supervisor who tells him to complete an unarrest and he will need to complete warrants for the charges. Ranger Lewis inquires what an unarrest is, and Cpl. Wester states that is when there will not be charges filed, at that time, and the subject is taken out of cuffs. Ranger Lewis asks if that is a common practice and Cpl. Wester explains it is with misdemeanor charges, but that in the case of felony charges an officer would stay with the subject.

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Ranger Lewis goes back to the use of force. He makes the statement of there being a line in regards to using force. Ranger Lewis states that line is whether the force used was needed to affect the arrest, or maybe that much force was not needed. Ranger Lewis gives an example of spanking your kids for discipline being ok but leaving bruises not being ok. He then ask Cpl. Wester if, taking the totality of the situation, does he feel what he did was needed to affect the arrest. Cpl. Wester stated yes. Ranger Lewis then asks Cpl. Wester if he feels he used too much force. Cpl. Wester responded that he does not feel he used too much force, as he did not hit her with full force, as he would have a bigger subject. Ranger Lewis then asks Cpl. Wester for a description of Miss Gish and Cpl. Wester states she is 5'2 and weighs 98 pounds. Ranger Lewis then states that, Cpl. Wester is a big guy and if the force was still needed to affect the arrest on the 5'2, 98 pound female. Cpl. Wester stated, yes, that he believes the force was necessary.

Ranger Lewis then inquires about the photographs of Miss Gish. Cpl. Wester stated that he had taken the photographs and Officer Spinks, Brandon's brother, had taken the photographs of him. Ranger Lewis inquires of Miss Gish's demeanor while waiting for the ambulance. Cpl. Wester states that she is calm and quiet, and she acted the same when in route to the hospital.

Ranger Lewis shows Cpl. Wester a copy of the original probable cause affidavit and asks if he typed it. Cpl. Wester responds that he did and that is his. Ranger Lewis asked if Cpl. Wester was aware of her previous history before the arrest, and Cpl. Wester stated that he did not until Cpl. Hughes ran Miss Gish's name through the system. Ranger Lewis asks when Cpl. Wester typed the probable cause and he responds, when he was in his vehicle at the hospital. Ranger Lewis asks how he typed it, and Cpl. Wester tells him in a word document. Ranger Lewis asks Cpl. Wester about the almost identical wording in his report and Cpl. Hughes report. Cpl. Wester states that he used part of Cpl. Hughes' report in his because he did not know how to word it. Ranger Lewis asks what he means by that, and Cpl. Wester states the parts it states about what was done when Cpl. Hughes was there and he was dealing with other things. Ranger Lewis asked if he was referring to the investigation or use of force. Cpl. Wester states it was in regards to the investigation. Cpl. Wester states his wording about the use of force was what he observed. Ranger Lewis asks where he viewed a copy of Cpl. Hughes' narrative and he says on our reporting system. Cpl. Wester confirms that he copied and pasted Cpl. Hughes' entire narrative, but then went back through it adding his own words. Cpl. Wester states that he deleted a bunch of her narrative and added his account of what happened. Ranger Lewis asks if it is common to copy and paste another person's narrative, and change it up. Cpl. Wester states that it is common and other officers do it as well.

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Ranger Lewis asks if Miss Gish had visible injury before their contact, and Cpl. Wester states that she did not. Cpl. Wester tells Ranger Lewis that he had recently had an injured knee, therefore, there was not another option for force including a knee strike. Ranger Lewis asks Cpl. Wester if, during his training and experience, he has had a use of force situation with a subject that was intoxicated on a substance other than alcohol. Cpl. Wester states that he has. Ranger Lewis asks if it is common for individuals that are intoxicated on a substance other than alcohol to not be affected by pressure points. Cpl. Wester responds that it is common and he has been in those situations.

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Findings

On April 27, 2018, the Professional Standards Unit was notified of a use of force incident involving Corporal Cory Wester and Corporal Pricilla Hughes. While affecting the arrest of Lexus Gish, Corporal Cory Wester struck her in the face multiple times causing bodily injury.

Upon reviewing all video and audio recordings, interviewing witnesses, and statements given in regards to this investigation, I find that there is sufficient evidence that Cpl. Cory Wester did violate Odessa Police Department policy, SOP 1.2 Use of Force, and Texas Code of Criminal Procedure Article 15.24 and Texas Penal Code, Chapter 9. Cpl. Wester used force above what was reasonably necessary to control a situation, effect an arrest, overcome resistance or defend themselves or others from harm.

This investigation did reveal evidence that Cpl. Cory Wester violated **1.2 Use of Force** of the Odessa Police Department's Standard Operating Procedures.

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Conclusion

On April 27, 2018, Corporal Cory Wester and Corporal Priscilla Hughes responded to the Elegante Fun Dome, 6201 E. Hwy 80 Sr, in reference to a disturbance involving a white female jumping on vehicles. Upon officer's arrival, the female had walked off, and was located moments later on the west side of the hotel complex. Officers approached a Jeep Wrangler where the white female was observed sitting on the driver's side. Corporal Wester made contact with the female and got her out of the vehicle. Once the female was outside of the vehicle, Corporal Wester attempted to place her in handcuffs with her hands behind her back. The female pulled away, and Corporal Wester responded by placing the female on the ground, face first. While on the ground, the female refused to comply with Corporal Wester's commands of placing her hands behind her back. Since the female refused to comply, Corporal Wester applied four to five closed hand strikes to the female's right forehead. The female finally complied with the instructions after force was used, and was detained. The female subject had a cut over her right eye, and the supervisor on scene advised Corporal Wester to take her to the hospital before going to the jail. While at the jail, the female was advised she had a brain bleed, and was admitted for medical attention.

This use of force was assigned to the Professional Standards Unit for a possible violation of the Department's Standard Operating Procedures:

1.2 USE OF FORCE

1. The use of force shall at all times be in accordance with the requirements of Texas Code of Criminal Procedure (CCP), Article 15.24 and Texas Penal Code (PC) Chapter 9, specifically 9.32, 9.33, 9.42, 9.51, and 9.52. All officers are responsible for being familiar with the CCP and PC regarding the use of force and all other applicable statutes. Officers shall have access to the Texas Code of Criminal Procedure and the Texas Penal Code. No Odessa police officer is entitled to use force to effectuate a police purpose without first receiving department-approved training in the use of that force. Officers will receive annual training in the use of force. Additionally, officers must be issued copies of this directive and instructed in its application before being authorized to carry any weapon.

2. Notwithstanding the provisions of Texas Code of Criminal Procedure Article 15.24 and Texas Penal Code, Chapter 9, officers shall use only that amount of force reasonably necessary to control a situation, effect an arrest, overcome resistance or defend themselves or others from harm. Reasonableness is not capable of precise definition or mechanical application. The reasonableness of a particular use of force should be judged from the perspective of a reasonable officer on the scene at the time of the incident. If an officer knows that an arrest or detention is illegal, then no use of force is justified.

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Complainant: Capt. Matt Davidson

Corporal Wester responded to a routine call involving a 5'03", 95 lbs female subject that was intoxicated on a substance other than alcohol. The intoxicated female was unresponsive to commands, and would not physically comply by placing her hands behind her back. When she pulled away from Corporal Wester and asked what was going on, he placed her on the ground face first while also sitting on top of her. Corporal Wester is over twice the female's size and basically had her person controlled by his weight on top of hers. Corporal Priscilla Hughes was on scene assisting by holding the females left arm around the upper forearm/elbow area. The intoxicated female only had one free arm, and was lying face down. Corporal Wester claims the female dug her finger nails into his right forearm. Corporal Wester's response to the intoxicated female was to yell loud commands at her and start punching her in the right temple/forehead area. Corporal Wester stated that he punched her four or five times, causing visible injury. Later on, after his interview, Corporal Wester made the statement that he did try to use a pressure point behind the subject's ear, but it did not work.

Corporal Wester's punches on the female appear unnecessary and unreasonable for this situation, and is greater than what an officer with similar experience and training would respond with in the same scenario. Punches or closed hand strikes on a female that is pinned down, with control of only one arm, for scratching an officers arm appears more punitive than to effect an arrest. I am recommending that Corporal Cory Wester be **SUSTAINED** for a violation of the Department's Standard Operating Procedure 1.2 Use of Force.

Investigator's Signature: _____ PSN: 6071 SUPV: _____

PAGE 2 OF 2

Investigator's Printed Name: Capt. Matt Davidson

ODESSA POLICE DEPARTMENT – Professional Standards Unit

☒ Internal Investigation
☐ External Investigation
☐ Inquiry
☐ Background

☐ AIM Incident Case Number:

☒ AIM Investigation Case Number: 18-INV-032

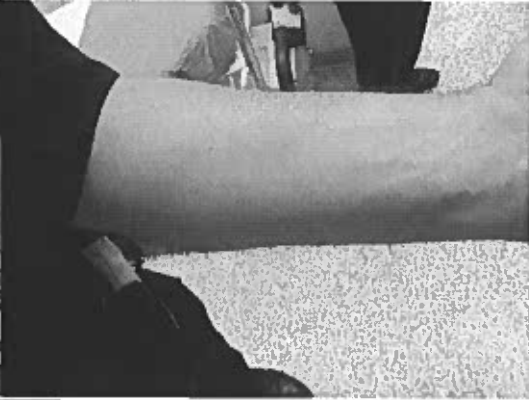
Complainant: Capt. Matt Davidson

Investigator's Signature: _____ PSN: 6071 SUPV: _____

Investigator's Printed Name: Capt. Matt Davidson

PAGE 3 OF 2





**PROPERTY RELEASE
GRANDE HOTEL AND FUNDOME
ODESSA, TX**

TYPE OF PROPERTY: Video Surveillance Evidence

WHERE LOCATED : Fun Dome

NAME: Sergeant A. Sanchez #M10 PHONE: 432-550-2483

DATE: 4/27/18 TIME: 1500

OWNER OF PROPERTY: ICA Properties, Inc.

PROPERTY RELEASED TO: Odessa Police Department

PROPERTY RELEASED BY: Sgt. A. Sanchez #M10; ICA Properties, Inc. Security Dept.

DETAILED DESCRIPTION OF PROPERTY:

MCM Case #

OPD Case#

Offense:

Officer:

SIGNATURE OF MEMBER RELEASING PROPERTY:

Sgt. A. Sanchez #M10  DATE: 4-27-18

SIGNATURE OF PROPERTY BEING RELEASED TO:

Sgt. R. Vest  DATE: 4/27/18

Texas Commission On Law Enforcement

Personal Status Report

Name CORY V. WESTER	TCOLE ID (P ID) 419115	STATUS
-------------------------------	----------------------------------	---------------

Citizen	Race	Gender	Federal ID	State ID
Yes	White	Male		

Education Information

Institution	Hours	Education
	0	High School
Total Hours	0	
Total Training Hours	0	

Service History

Appointed As	Department	Award	Service Start Date	Service End Date	Service Time
Peace Officer (Full Time)	ODESSA POLICE DEPT.	Peace Officer License	12/13/2013		4 years, 5 months

Total Service Time

Description	Service Time
Peace Officer	4 years, 5 months
Total officer time	4 years, 5 months

Award Information

Award	Type	Action	Action Date
Peace Officer License	License		
		Granted	12/13/2013
Basic Peace Officer	Certificate		
		Certification Issued	11/28/2014
Mental Health Officer	Certificate		
		Certification Issued	9/14/2016
Intermediate Peace Officer	Certificate		
		Certification Issued	11/27/2017

Academy History

Completed	Date	Institution	Course Title
	12/9/2013	Odessa Police Academy	Basic Peace Officer Course (643)

Courses Completed

09/01/2013 - 08/31/2015

Course No.	Course Title	Course Date	Course Hours	Institution	Training Mandates
1000643	Basic Peace Officer Course (643)	12/9/2013	643	Odessa Police Academy	82nd Session State and Federal Law Update 83rd Session State and Federal Law Update 84th Session State and Federal Law Update 85th Session State and Federal Law Update Asset Forfeiture (Intermediate) Crisis Intervention Training (Intermediate) Cultural Diversity (Mandate) Identity Theft (Intermediate) Racial Profiling (Intermediate) S.F.S.T. NHTSA 24hour Practitioner Special Investigative Topic (Mandate) State and Federal Law Update TCIC/NCIC for Less than Full Access Operators
101	Addendum Basic Peace Officer	12/9/2013	89	Odessa Police Academy	
1033	Chapter 33 Rule Overview Exam	10/14/2013	0	TCOLE Online	
Unit Hours			1202		

09/01/2011 - 08/31/2013

Course No.	Course Title	Course Date	Course Hours	Institution	Training Mandates
3010	Leadership Styles	7/19/2013	8	Odessa Police Academy	
Unit Hours			8		
Total Hours			1467		

Total Hours

Total Training Hours From Education	0
Total Course Hours	1459
Total Hours	1459

*Courses submitted between 09/01/2017 and 09/30/2017 will be credited to the 2015-2017 and 2017-2019 training unit, but will only count once toward total training hours.

Courses Completed

09/01/2017 - 08/31/2019 *

Course No.	Course Title	Course Date	Course Hours	Institution	Training Mandates
3344	Less Lethal Electronic Control Device Training	2/20/2018	4	Odessa Police Academy	
3403	Selective Traffic Enforcement	12/7/2017	8	Texas Department of Motor Vehicles	
3851	Breathalyzer / Intoxilyzer	9/22/2017	4	Permian Basin LEA	
3185	85th Legislative Session Legal Update	9/14/2017	4	Odessa Police Academy	85th Session State and Federal Law Update
Unit Hours			20		

09/01/2015 - 09/30/2017

Course No.	Course Title	Course Date	Course Hours	Institution	Training Mandates
3851	Breathalyzer / Intoxilyzer	9/22/2017	4	Permian Basin LEA	
3185	85th Legislative Session Legal Update	9/14/2017	4	Odessa Police Academy	85th Session State and Federal Law Update
7887	Interacting with drivers deaf or hard of hearing	6/9/2017	4	Odessa Police Academy	Interacting with drivers deaf or hard of hearing (Intermediate)
3851	Breathalyzer / Intoxilyzer	5/11/2017	28	Permian Basin LEA	
2040	Defensive Tactics	3/9/2017	3	Odessa Police Academy	
2055	Firearms	3/9/2017	9	Odessa Police Academy	
3849	Post Critical Incident Training	9/21/2016	24	Bill Blackwood LEMI of Texas	
1014	Basic Instructor Course	7/26/2016	40	Odessa Police Academy	
3313	ALERRT Terrorism Response Tactics Active Shooter L	6/16/2016	16	Hays Co. Sheriff's Academy	
2003	Constitutional Law	5/24/2016	16	Odessa Police Academy	
4001	Mental Health Officer Training Course	5/20/2016	40	Odessa Police Academy	Crisis Intervention Training (AdvPOC) For IntPOC issued before 9/1/2005) Crisis Intervention Training (Intermediate) Peace Officer Intermediate Options Peace Officer Intermediate Options 1987-01 Peace Officer Intermediate Options 2005-01 Peace Officer Intermediate Options 2006-01 Peace Officer Intermediate Options 2009-09
2040	Defensive Tactics	5/9/2016	3	Odessa Police Academy	
2055	Firearms	5/9/2016	9	Odessa Police Academy	
4068	Child Safety Check Alert List (Intermediate/Advanc	4/12/2016	1	OSS Academy	Child Safety Check Alert List (Advance) Child Safety Check Alert List (Intermediate)

Courses Completed

09/01/2015 - 09/30/2017

Course No.	Course Title	Course Date	Course Hours	Institution	Training Mandates
4065	Canine Encounters (Intermediate/Advance)	1/27/2016	4	Odessa Police Academy	Canine Encounter (Intermediate) Canine Encounter (Advance)
3702	Field Training Officer	12/8/2015	24	Odessa Police Academy	
3344	Less Lethal Electronic Control Device Training	12/5/2015	4	Odessa Police Academy	
3402	DWI/DUI Detection and Enforcement	12/2/2015	4	Odessa Police Academy	
			Unit Hours	237	

09/01/2013 - 08/31/2015

Course No.	Course Title	Course Date	Course Hours	Institution	Training Mandates
3184	84th Legislative Session Legal Update	8/27/2015	3	Odessa Police Academy	
3232	Special Investigative Topics	8/16/2015	8	OSS Academy	Special Investigative Topics (Intermediate)
3939	Cultural Diversity	8/11/2015	8	OSS Academy	Cultural Diversity (Intermediate)
3277	Identity Theft	8/9/2015	3	OSS Academy	Identity Theft (Intermediate)
3275	Missing and Exploited Children	8/6/2015	4	OSS Academy	Missing and Exploited Children (Advance) Missing and Exploited Children (Intermediate)
3843	CIT-Update	8/1/2015	8	OSS Academy	Crisis Intervention Training (Intermediate) Peace Officer Intermediate Options Peace Officer Intermediate Options 2009-09
2105	Child Abuse Prevention and Investigation (Interm.)	6/13/2015	24	OSS Academy	Child Abuse Prevention and Investigation (Intermediate)
3257	Combined Asset Forfeiture and Racial Profiling	5/30/2015	6	OSS Academy	Asset Forfeiture (Intermediate) Racial Profiling (Intermediate)
2110	Spanish for Law Enforcement Distance (Intermed.)	5/19/2015	32	Classen Buck Seminars, Inc.	Spanish for Law Enforcement (Intermediate) Spanish for Telecommunicators (Intermediate)
2040	Defensive Tactics	4/9/2015	3	Odessa Police Academy	
2055	Firearms	4/9/2015	9	Odessa Police Academy	
2107	Use of Force (Intermediate)	2/1/2015	13	Classen Buck Seminars, Inc.	Use of Force (Intermediate)
2106	Crime Scene Investigation (Intermediate)	12/19/2014	32	Classen Buck Seminars, Inc.	Crime Scene Investigation (Intermediate)
2108	Arrest, Search, and Seizure (Intermediate)	11/15/2014	15	Classen Buck Seminars, Inc.	Arrest, Search, and Seizure (Intermediate)

Courses Completed

09/01/2013 - 08/31/2015

Course No.	Course Title	Course Date	Course Hours	Institution	Training Mandates
3920	Ethics in Law Enforcement	6/24/2014	8	Odessa Police Academy	Ethics in Law Enforcement
2040	Defensive Tactics	5/8/2014	3	Odessa Police Academy	
2055	Firearms	5/8/2014	9	Odessa Police Academy	
3722	Peace Officer Field Training	3/24/2014	160	ODESSA POLICE DEPT. (Training Rosters)	Peace Officer Field Training
2045	Patrol Procedures	3/23/2014	2	Odessa Police Academy	
2054	Radar	3/23/2014	4	Odessa Police Academy	
2065	Lidar Radar Training	3/23/2014	4	Odessa Police Academy	
3343	Less Lethal Chemical Weapons Training (OC, Mace, e	1/17/2014	8	Odessa Police Academy	
101	Addendum Basic Peace Officer	1/17/2014	20	Odessa Police Academy	
2053	Baton (All)	1/15/2014	8	Odessa Police Academy	
3344	Less Lethal Electronic Control Device Training	1/14/2014	8	Odessa Police Academy	
3322	Patrol Rifle	1/10/2014	24	Odessa Police Academy	
3807	TCIC/NCIC for Less than Full Access Operators	1/8/2014	8	Odessa Police Academy	
3342	Tactical Firearms Training	1/7/2014	4	Odessa Police Academy	
3271	Advanced Human Trafficking	1/7/2014	4	Odessa Police Academy	
1999	Personnel Orientation by Dept. Basic Proficiency	1/6/2014	0	Odessa Police Academy	Human Trafficking Personnel Orientation
66094	FEMA Intro ICS Law Enf (FEMA IS-100LEb)	12/20/2013	3	ODESSA POLICE DEPT. (Training Rosters)	
66201	FEMA ICS Single Res/Initial Incident (FEMA IS-200b)	12/20/2013	3	ODESSA POLICE DEPT. (Training Rosters)	
66800	FEMA National Resp Plan Intro (FEMA IS-800b)	12/20/2013	3	ODESSA POLICE DEPT. (Training Rosters)	
66700	FEMA National ICS (FEMA IS-700a)	12/20/2013	3	ODESSA POLICE DEPT. (Training Rosters)	
2096	Arrest, Search & Seizure (Non-Intermediate Core Co	12/19/2013	16	Odessa Police Academy	

Session #7 (Additional Hours)
Course 101
Addendum

643-HOUR BASIC PEACE OFFICER COURSE

(Revised January 2013)

In accordance with Commission regulations, the Basic Peace Officer Course shall consist of a minimum of 643 classroom hours and shall include, but not be limited to, the subjects set forth below. This is the recommended sequence for teaching the course. Academies may change the sequence, if necessary.

Session Added

#	SUBJECT	HOURS
	Introduction and Orientation	2
1.	Fitness and Wellness, and Stress Management	16
2.	Professional Policing	8
3.	Professionalism and Ethics	8
4.	U.S. & Texas Constitutions, Bill of Rights, and Criminal Justice System	8 + 8 = 16
5.	Multiculturalism and Human Relations	10
6.	Code of Criminal Procedure	20 + 1 = 21
7.	Arrest, Search, and Seizure	28
8.	Penal Code	44 + 5 = 49
9.	Traffic	68
10.	Intoxicated Driver and SFST	24
11.	Civil Process	8
12.	Alcoholic Beverage Code	4
13.	Health and Safety Code – Controlled Substances Act	12
14.	Family Code – Juvenile Issues	10
15.	Written Communications	16
16.	Spanish	16
17.	Force Options	24
18.	Mechanics of Arrest	40
19.	Firearms	48
20.	Emergency Medical Assistance	16
21.	Emergency Communications	12
22.	Professional Police Driving	32 + 8 = 40
23.	Communication and Problem Solving	16
24.	Patrol/Consular Notification	42
25.	Victims of Crime	10
26.	Family Violence and Related Assaultive Offenses	20
27.	Crisis Intervention Training (CIT) and Mental Health Code	16
28.	Hazardous Materials Awareness	6
29.	Criminal Investigation	44
	<u>Including:</u> Introduction, General, Protection of and Crime Scene Search, Interviewing Techniques, Booking Procedures, Courtroom Demeanor and Testimony, Case Management	
30.	Racial Profiling	4
31.	Asset Forfeiture	4
32.	Identity Crimes	4
33.	TCLEOSE Rules Overview	3

TOTAL HOURS

643

+ 47 PT
+ 20 DT
89 additional
hours
for Course
101

POLICE ACADEMY
ODESSA POLICE DEPARTMENT

643-HOUR BASIC PEACE OFFICER COURSE

SESSION #7 – July 15 – December 13, 2013

ACADEMY INSTRUCTORS:

	<u>Hours</u>
Introduction and Orientation – Lt. Ron Hughes/Lt. Jerry Harvell	2
1. Fitness and Wellness, and Stress Management – Chaplain Roy Jones	16
2. Professional Policing – Lt. Ron Hughes/Lt. Jerry Harvell	8
3. Professionalism and Ethics – Lt. Ron Hughes/Lt. Jerry Harvell	8
4. U.S. & TX Constitutions, Bill of Rights, and Criminal Justice System – Captain Rick Pippins	16
5. Multiculturalism and Human Relations – Chaplain Roy Jones/Cpl. Shannon Davis	10
6. Code of Criminal Procedure – Cpl. Shannon Davis	21
7. Arrest, Search and Seizure – Sgt. Robert Carruth	28
8. Penal Code – Sgt. Matt Davidson/Cpl. John Sikes/Lt. Jerry Harvell	49
9. Traffic – Sgt. Robin Smith/Sgt. David Lara	68
10. Intoxicated Driver and SFST – Sgt. Robin Smith/Sgt. Jon Foust	24
11. Civil Process – Deputy Elizabeth Baeza	8
12. Alcoholic Beverage Code – Agent David Benavides	4
13. Health and Safety Code – Controlled Substances Act – Sgt. Jesse Garcia/ Sgt. Steve Merrell	12
14. Family Code/Juvenile Issues – Captain Mike Gerke	10
15. Written/Verbal Communications – Sgt. Robert Carruth	16
16. Spanish – Cpl. Sergio Spencer/Cpl. Pete Gonzalez	16
17. Force Options – Sgt. Carlos Chavez/Lt. Jerry Harvell	24
18. Mechanics of Arrest – Sgt. Carlos Chavez/Sgt. Jesse Garcia	40
19. Firearms – Sgt. Carlos Chavez	48
20. Emergency Medical Assistance – Tactical Medic David Dilbeck (Fire Dept.)	16

21. Emergency Communications – Lt. Jerry Harvell	12
22. Professional Police Driving – Sgt. Chris Primeaux/Cpl. John Sikes	40
23. Communication and Problem Solving – Lt. Sammy Berzoza/Lt. Jerry Harvell	16
24. Patrol/Consular Notification – Cpl. Pat Chadwick/Cpl. Coty Watts	42
25. Victims of Crime – Sgt. Sherrie Carruth/Mr. Andrew Thomas	10
26. Family Violence and Related Assaultive Offenses – Cpl. Shelly Stanford	20
27. Crisis Intervention Training (CIT) and Mental Health Code – Lt. Sammy Berzoza/Detective Brad Cline	16
28. Hazardous Materials Awareness – Officer Ted Yelley/Sgt. Chris Primeaux	6
29. Criminal Investigation – Sgt. Scottie Smith/Cpl. Leslie Goodson/ Cpl. Tommy Jones	44
<u>Including: Introduction, General, Protection of and Crime Scene Search,</u> <u>Interviewing Techniques, Booking Procedures, Courtroom Demeanor and</u> <u>Testimony, Case Management</u>	
30. Racial Profiling – Lt. Jerry Harvell	4
31. Identity Crimes – Lt. Jerry Harvell	4
32. Asset Forfeiture – Lt. Jerry Harvell	4
33. TCLEOSE Rules Overview – Lt. Ron Hughes/Lt. Jerry Harvell	3
34. Physical Training – Trainer Lindsay Marshall	47
35. Defensive Tactics – Sgt. Carlos Chavez/Sgt. Jesse Garcia	<u>20</u>
TOTAL BPOC HOURS	732
	=====

TEXAS COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION

REPORT OF TRAINING # 9824076

Page # 1 of 1	TCLEOSE Dept. or Provider # 135202	Course # 1000643	# Hours 643	Beg. Date 07-15-13	Ending Date 12-09-13	Provider Type: ☒ - Academy ☐ - Contract Provider ☐ - Other
Course Title: Basic Peace Officer		Name of Academy / Department: ODESSA POLICE ACADEMY				
	PID	Print Last Name, First Name, M.I.	Attendees' Signatures		D.O.B.	
1.	418532	Chavez, Cynthia	<i>Cynthia Chavez</i>			
2.	418857	Dean, Dustin	<i>Dustin Dean</i>			
3.	419009	Eason, Sammy	<i>Sammy Eason</i>			
4.	418352	Feril, Raymond	<i>Raymond Feril</i>			
5.	418147	Frescas, Polo E.	<i>Polo Frescas</i>			
6.	414930	Garza, Samuel P.	<i>Samuel Garza</i>			
7.	418351	Hahn, Lyle	<i>Lyle Hahn</i>			
8.	416940	Mendoza, Melissa	<i>Melissa Mendoza</i>			
9.	418862	Montgomery, Luke	<i>Luke Montgomery</i>			
10.	418571	Mota, Daniel	<i>Daniel Mota</i>			
11.	407741	Pool, Joshua	<i>Joshua Pool</i>			
12.	419304	Robertson, Jens	<i>Jens Robertson</i>			
13.	419115	Wester, Cory	<i>Cory Wester</i>			
14.	404180	Winslett, Amber	<i>Amber Winslett</i>			
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33.						

THESE STUDENTS HAVE COMPLETED THIS COURSE AND ARE APPROVED FOR CREDIT.

Odessa Police Academy/Lt. R. Hughes

Academy Training Coordinator (type or print)

Signature

12-09-13

Date

432-335-4604

Phone #

If provider type "Other," chief administrator signs.

The faculty and staff of the

BILL BLACKWOOD

LAW ENFORCEMENT MANAGEMENT INSTITUTE OF TEXAS

Under the auspices of

SAM HOUSTON STATE UNIVERSITY

CRIMINAL JUSTICE CENTER

do hereby certify that

Cory Wester

has successfully completed the following course

Post Critical Incident Seminar

24 Hours TCOLE

Course #3849



*held on the campus of Sam Houston State University
in Huntsville, Texas.*

September 21-23, 2016

SH

Rita Perkins

Dr. Rita Perkins

Executive Director

Bill Blackwood Law Enforcement
Management Institute of Texas

Dana G. Hoyt

Dana G. Hoyt

President

Sam Houston State University

Dr. Phillip Lyons

Dr. Phillip Lyons

Dean and Director

College of Criminal Justice
Sam Houston State University

Incident Report Search Form

Incident Date		Date Reported	
From: *	To: *	From: *	To: *

Incident #:	Person Type:
Incident Type:	Person Name:
Report #:	Status:

View	Incident #	Date	Date Reported	Incident Type	Status	Origin	Re
*	14-1044	11/21/2014	11/21/2014	Use of Force	Closed	Citizen Identified	14
*	14-1056	11/23/2014	11/24/2014	Use of Force	Closed	Officer Initiated	14
*	14-668	8/15/2014	8/15/2014	Use of Force	Closed	Dispatched Call	14
*	14-789	9/24/2014	9/24/2014	Use of Force	Closed	Officer Initiated	14
*	14-933	10/26/2014	10/26/2014	Use of Force	Closed	Dispatched Call	14
*	15-0234	3/15/2015	3/15/2015	Use of Force	Closed	Dispatched Call	15
*	15-0592	6/13/2015	6/13/2015	Use of Force	Closed	Dispatched Call	15
*	15-0622	6/19/2015	6/19/2015	Use of Force	Closed	Dispatched Call	15
*	15-0625	6/21/2015	6/21/2015	Use of Force	Closed	Dispatched Call	15
*	15-0624	6/28/2015	6/28/2015	Use of Force	Closed	Officer Initiated	15
*	15-0857	8/22/2015	8/22/2015	Use of Force	Open - Pending	Citizen Identified	15
*	15-1091	10/29/2015	10/29/2015	Use of Force	Closed	Officer Initiated	15
*	15-1122	11/7/2015	11/7/2015	Use of Force	Closed	Citizen Identified	15
*	16-0115	2/9/2016	2/9/2016	Use of Force	Closed	Dispatched Call	16
*	16-0180	2/25/2016	2/25/2016	Use of Force	Closed	Dispatched Call	16
*	16-0208	3/5/2016	3/5/2016	Use of Force	Closed	Dispatched Call	16

*	16-0219	3/11/2016	Use of Force	Closed	Dispatched Call	16
*	16-0294	4/3/2016	Use of Force	Closed	Citizen Anonymous	14
*	16-0555	7/5/2016	Use of Force	Closed	Officer Initiated	16
*	16-0610	7/20/2016	Use of Force	Closed	Dispatched Call	16
*	16-0738	9/4/2016	Use of Force	Closed	Officer Initiated	16
*	16-0942	11/7/2016	Use of Force	Closed	Dispatched Call	16
*	16-0942	11/8/2016	Use of Force	Closed	Officer Initiated	16
*	16-1069	12/9/2016	Use of Force	Closed	Dispatched Call	16
*	17-0363	4/30/2017	Use of Force	Closed	Dispatched Call	17
*	17-0476	6/13/2017	Use of Force	Closed	Officer Initiated	17
*	17-0480	6/14/2017	Use of Force	Open	Dispatched Call	17
*	17-0658	8/20/2017	Use of Force	Closed		17
*	18-0352	2/19/2018	Use of Force	Closed	Officer Initiated	18
*	18-0352	4/9/2018	Use of Force	Closed	Citizen Identified	18
*	18-0419	4/27/2018	Use of Force	Open	Dispatched Call	18

Total: 31

Print...

Add New Incident

Delete Incident

TEXAS DEPARTMENT OF PUBLIC SAFETY
TEXAS RANGERS

THIS REPORT IS THE PROPERTY OF THE TEXAS RANGERS DIVISION. NEITHER IT NOR ITS CONTENTS MAY BE DISSEMINATED OUTSIDE THE AGENCY TO WHICH LOANED.

LEAD INVESTIGATOR:	RANDY LEWIS	INVEST#:	2018I-TRE-50025172
SUPERVISOR:	CHRIS CLARK	OPENED:	05/28/2018
TITLE:	AGGRAVATED ASSAULT / ECTOR COUNTY / LEXUS BREANN GISH	FILE STATUS:	OPEN
TYPE:	CRIMINAL	REGION:	E
SUBTYPE:	ASSAULTIVE OFFENSES (INCLUDING SEXUAL ASSAULT)	SPURS URN:	CMIV50025172
CATEGORY:		REVIEW DATE:	12/08/2018
SPECIAL APPROVAL:		LEGACY REF:	
PROGRAM:	CRIMES AGAINST PERSON	CASE#:	

INVESTIGATION SYNOPSIS

On 05/01/2018, I, Company "E", Texas Ranger Randy Lewis, was requested to investigate an incident which occurred during an arrest of an individual for Public Intoxication by an Officer with the Odessa Police Department (OPD). I obtained a copy of reports, videos, and photographs from the OPD.

SUPPLEMENTAL SYNOPSES**S1 05/28/2018 Report Writer: Randy Lewis****05/31/2018 Approved by: CHRIS CLARK**

On 05/01/2018, I, Company "E", Texas Ranger Randy Lewis, was requested to investigate an incident which occurred during an arrest of an individual for Public Intoxication by an Officer with the Odessa Police Department (OPD). I obtained a copy of reports, videos, and photographs from the OPD.

S2 05/31/2018 Report Writer: Randy Lewis**06/04/2018 Approved by: CHRIS CLARK**

On 05/03/2018, I, Company "E", Texas Ranger Randy Lewis, conducted an interview with a witness related to this investigation. I also reviewed, reports, videos, and photographs.

S3 05/31/2018 Report Writer: Randy Lewis**06/04/2018 Approved by: CHRIS CLARK**

On 05/04/2018, I, Company "E", Texas Ranger Randy Lewis, conducted an interview with a witness regarding this investigation.

S4 06/04/2018 Report Writer: Randy Lewis**06/11/2018 Approved by: CHRIS CLARK**

On 05/04/2018, I, Company "E", Texas Ranger Randy Lewis, conducted an interview with Corporal Wester.

S5 05/04/2018 Report Writer: Randy Lewis**06/11/2018 Approved by: CHRIS CLARK**

On 05/04/2018, I, Company "E", Texas Ranger Randy Lewis, conducted an interview with the victim and also collected medical records related to the victim's medical treatment.

SUPPLEMENTAL DETAILS

- S1 1.1** On 05/01/2018, I, Company "E", Texas Ranger Randy Lewis, was requested to meet with the Odessa Police Department (OPD) Chief of Police Michael Gerke in reference to a possible criminal investigation. I responded to the OPD and met with Chief Gerke and OPD Professional Standards Unit (PSU) Captain Matt Davidson. I was advised of an incident which took place on 04/27/2018 at the MCM Fun Dome hotel 6201 E. Highway 80

DPS SENSITIVE

06/13/2018 10:15

in Odessa. Chief Gerke advised OPD Corporal Cory Wester and OPD Officer Pricilla Hughes were sent to the Fun Dome in reference to an intoxicated person who was jumping on vehicles in the parking lot.

1.2 Upon their arrival they located the intoxicated person sitting inside of a Jeep which did not belong to her. Corporal Wester attempted to arrest the intoxicated female who was later identified as Lexus Breann Gish, W/F, DOB: [REDACTED] for Public Intoxication. According to reports drafted by Corporal Wester, when he was attempting to place Gish in handcuffs, she turned around and began digging her fingernails into his left forearm. Corporal Wester then assisted Gish to the ground; however, Gish continued to hold onto Corporal Westers arm. Corporal Wester then struck Gish in the head/face approximately four to five times in an attempt to gain compliance. Corporal Wester was then able to place Gish in handcuffs.

1.3 Chief Gerke advised an ambulance was called for Gish; however, she was not transported due to her refusing treatment. Corporal Wester later transported Gish to the hospital where she was admitted due to having a brain bleed. Gish was released without charges to allow her to obtain medical treatment. Chief Gerke requested I conduct a criminal investigation into the force used by Corporal Wester. Chief Gerke advised administratively Corporal Wester had been suspended with pay pending an investigation. Chief Gerke advised after completing an initial administrative inquire, Officer Hughes did not contribute to the possible assault of Gish.

1.4 On 05/02/2018, I met with Captain Davidson and obtained a copy of OPD reports, in-car videos, photographs, and surveillance video. The OPD reports were marked as S1.P1 (Supplement 1.Property 1) of this report. The in-car videos collected from Corporal Wester and Officer Hughes were marked as S1.P2 of this report. The photographs taken of Corporal Wester and Gish were marked as S1.P3 of this report. The surveillance video obtained from the Fun Dome hotel was marked as S1.P4 of this report.

1.5 Captain Davidson advised me the only known individuals who were present during the incident were Corporal Wester, Officer Hughes, and a Security Guard who was working for the Fun Dome. Captain Davidson identified the Security Guard as Donovan Raul Madrid, H/M, DOB: [REDACTED]

1.6 Captain Davidson also advised me on 04/26/2018 at approximately 11:41 AM Officers with the OPD were sent to Medical Center Hospital in reference to Gish's mother (Genelle Nichole Rideout, W/F, DOB: [REDACTED]) attempting to report Gish had been sexually assaulted. Captain Davidson advised Officers reported they responded to the hospital and spoke with Gish; however, due to Gish' intoxicated state they were unable to complete the report. Captain Davidson advised Gish was told to obtain treatment at the hospital and report the incident after she was treated.

1.7 Captain Davidson advised Gish ended up leaving the hospital without treatment and was then reported as a missing person by Rideout. Captain Davidson advised a report was made and Gish was listed as a missing person at approximately 11:19 PM on 04/26/2018. I obtained a copy of the additional reports involving Gish which were marked as S1.P5 of this report.

S2 2.1 On 05/03/2018, I, Company "E", Texas Ranger Randy Lewis, made contact with Donovan Madrid at the Texas Department of Public Safety Odessa office in reference to conduct an interview. The interview with Madrid was audio/video recorded which was marked as S2.P1 of this report. The following is a summary of the interview with Madrid and does not contain all comments made during the interview, nor does it necessarily reflect the chronology of the discussion, for full details refer to S2.P1 of this report. Madrid advised he was employed by ICA Properties and assigned to the MCM Fun Dome as a Security Guard. Madrid advised his job duties were to "observe and report". Madrid advised he was working on 04/27/2018 and was the only Security Guard on duty on that date. Madrid advised his shift was 9:00 PM to 5:00 AM. Madrid advised due to the incident which occurred he did not leave work on 04/27/2018 until approximately 6:00 AM.

2.2 Madrid advised he received information from a guest about a female in the parking lot jumping on cars and telling people to get out of their cars. Madrid advised he went to the south parking lot and observed the female pulling on someone's door and stating "open the door". Madrid advised he approached the female who was later identified as Lexus Gish and asked her "can I talk to you for a second". Madrid advised Gish appeared to be scared and began to back up. Madrid advised Gish ran to the back of the truck she was attempting to get into and jumped in the bed of the pickup and then got onto the roof and started jumping. Madrid advised he told Gish to get down; however, she would not comply. Madrid advised he attempted to "go for her"; however, Gish ran. Madrid advised Gish appeared to be under the influence of something and not just intoxicated. Madrid advised Gish had hit six or seven cars; however, no damage was reported by anyone. Madrid advised he called the Police Department by using his cell phone and informed them of Gish's actions. Madrid advised he called the police to check on Madrid due to her being under the influence of something.

2.3 Madrid advised he continued to follow Gish until OPD arrived. Madrid advised "I guess she saw the cops and she took off". Madrid advised he went to the front desk to check in with the front desk clerk. Madrid advised the front desk clerk received a phone call from a guest in room 167 stating Gish was on the back side of the hotel complex. Madrid advised he responded to the area along with OPD Officers. When he arrived on the west side of the complex, a guest pointed out a black Jeep and stated that Gish was inside the vehicle which did not belong to her. Madrid advised he gave the information to the two OPD Officers who then went to the vehicle.

2.4 Madrid advised the male officer (Corporal Wester) went to the driver side of the Jeep and asked Gish if she was okay. Madrid advised Corporal Wester asked Gish to step out of the vehicle and grabbed her by one arm and began to place the handcuffs on her. Madrid advised Corporal Wester asked Gish for her other arm. Madrid advised "that's when she started resisting". Madrid advised when Gish began resisting she began screaming and Corporal Wester also began yelling. Madrid advised Corporal Wester was saying "let me see your arm, let me see your arm". Madrid advised Corporal Wester began yelling "stop" like he was in pain. Madrid advised he then observed Corporal Wester punch her three or four times. Madrid advised Gish was on the ground at this time.

2.5 Madrid advised this incident occurred between two cars where an empty parking space was located on the driver side of the Jeep. Madrid advised Gish would not give Corporal Wester her arm and was pulling away from him when he was attempting to put her in handcuffs. Madrid advised after Gish was placed in handcuffs, Corporal Wester advised him Gish was digging her fingers into him. Madrid advised Corporal Wester

appeared to be in pain. Madrid advised he did not see Corporal Wester's arm or noticed any injuries. Madrid advised when Gish began resisting, Corporal Wester "took her down" to the ground. Madrid advised from where he was standing, he could not see if Gish had ahold of Corporal Wester's arm. Madrid advised Corporal Wester already had Gish's left arm handcuffed. Madrid advised he believed Corporal Wester's left arm was the arm which was hurt by Gish.

2.6 Madrid advised the actions of Gish digging her fingernails into Corporal Wester's arm was the same time Corporal Wester punched Gish three or four times. Madrid described this as being one continuous action. Madrid advised Gish was faced down and he believed Corporal Wester was punching her in her side. Madrid advised from where he was standing he could hear the punching and see what Corporal Wester was doing; however, could not see where the punches were being delivered. Madrid advised he was standing behind Corporal Wester who was lying on top of Gish. Madrid advised during the incident Corporal Hughes was trying to help; however, was mainly "just watching in a way". Madrid advised after Corporal Wester stopped punching Gish, Corporal Hughes and Corporal Wester was able to place Gish in handcuffs.

2.7 Madrid advised after Gish was placed in handcuffs, Corporal Wester gave him the registration paperwork out of the Jeep and asked him to see if there was a guest staying at the hotel by the registered owner's name. Madrid advised he located the owner at the hotel who advised he did not want to file charges on Gish. Madrid advised the Jeep owner did not know Gish and advised he left his Jeep unlocked. Madrid advised Gish was not a guest at the hotel. Madrid advised he was approached by an unknown black male subject at the hotel who advised him he had given Gish a ride to the Fun Dome; however, she was bleeding (un-known how or where) and she was acting crazy, so they told her to leave. Madrid advised he did not know who this black male subject was and stated he was no longer staying at the hotel. Madrid advised the owner of the Jeep contacted law enforcement and told them he did not want to file charges.

2.8 Madrid advised when he arrived back at where the incident took place he observed an ambulance checking on Gish. Madrid and I spoke about the force which Corporal Wester used and Madrid said "that was a little too much" due to Gish was not hitting him. Madrid advised he believed Corporal Wester or Corporal Hughes could have done something else. Madrid advised he didn't believe Corporal Wester didn't need to "punch her like that".

2.9 Madrid advised Gish was approximately 4' 11" and weighed about 120 pounds. Madrid described Gish as being "petite". Madrid described Corporal Wester as being "a big dude" weighing over 250 pounds. Madrid advised Corporal Hughes was about 5' 8" and weighed about 150 pounds. Madrid was asked if the size difference was part of his thought process on the use of force being too much. Madrid advised it was; however, stated the size did not matter when it came to the force which was used. Madrid advised he had spoken with someone in internal affairs with OPD about the incident; however, did not know the Detective's name.

2.10 Madrid advised the incident occurred in his first week as a Security Guard. Madrid advised this was his first Security job. Madrid advised he had been around intoxicated people before. Madrid was asked to give Gish's level of intoxication based on a scale from 1 to 10. 1 being not intoxicated and 10 being extremely intoxicated. Madrid advised Gish's intoxication was at a 10. Madrid advised he did not believe Gish was intoxicated on alcohol as he did not smell anything; however, did

not know what she was on.

2.11 I reviewed the reports drafted by OPD Corporal Wester and Corporal Hughes. The following is a summary of the reports and does not contain all comments made, for full details refer to SI.P1 of this investigation. Both reports were written similarly by describing what had occurred during the incident. Both reports indicated they were sent to the MCM Fun Dome in reference to a disturbance and later located Gish sitting in the driver seat of a black Jeep. Corporal Wester's report indicated he made contact with Gish and asked her to step out of the vehicle; however, Gish stated she was stuck. Corporal Wester reported while speaking with Gish she seemed very disoriented and would not answer questions. Corporal Wester reported he observed Gish was sitting in the driver seat with her knees against the steering wheel; however, was not stuck. Corporal Wester reported he asked Gish to step out; however, she continued to disobey the order. Corporal Wester reported he moved her left leg so it was free and assisted Gish out of the vehicle.

2.12 Corporal Wester reported he advised Gish to place her hands behind her back. Corporal Wester then grabbed both of Gish's hands and reached back to get his handcuffs; however, Gish pulled her right hand away and spun around. Corporal Wester reported he advised Gish to place her hands behind her back again; however, Gish grabbed his left arm and began to dig her fingernails into his forearm. Corporal Wester reported he assisted Gish to the ground to have a better tactical advantage. Corporal Wester reported he and Corporal Hughes gave Gish several commands to stop resisting and to place her hands behind her back; however, Gish would not obey the orders. Corporal Wester reported he told Gish to let go of him multiple times. Corporal Wester reported he then struck Gish in the head/face area four to five times to gain compliance to which Gish eventually stopped resisting and was placed in handcuffs.

2.13 Corporal Wester reported once Gish was placed in handcuffs, he observed blood and swelling above Gish's right eye. Corporal Wester reported Corporal Hughes then called for EMS to respond to the scene. Corporal Wester reported when EMS arrived they advised Gish did not require medical treatment. Corporal Wester reported he transported Gish to Medical Center Hospital for further medical clearance due to the swelling and small laceration above Gish's eye.

2.14 Corporal Hughes reported when contact was made with Gish she was advised to exit the Jeep and place her hands behind her back. Corporal Hughes reported Gish immediately began to pull away and spun around. Corporal Hughes reported they told Gish to place her hands behind her back again where Gish grabbed Corporal Wester's arm and began to dig her fingernails into his forearm. Corporal Hughes advised she assisted Corporal Wester with taking the female to the ground for a better tactical advantage and continued to advise Gish to stop resisting. Corporal Hughes reported while on the ground, she heard Corporal Wester advised Gish to let go of him multiple times. Corporal Hughes reported she then observed Corporal Wester strike Gish in the head/face area multiple times to gain compliance. Corporal Hughes reported Gish eventually stopped resisting and placed her hands behind her back where she was placed in handcuffs. Corporal Hughes reported after Gish was placed in handcuffs, she observed blood on Gish's face and a "knot" on the side of her right temple area. Corporal Hughes reported she called for EMS to respond to the scene.

2.15 I reviewed the in-car videos which were recovered from Corporal Wester and Corporal Hughes' patrol vehicles and marked as S1.P2 of this investigation. Both in-car videos did not pick up any of the incident due to both Corporal Wester and Corporal Hughes being too far away from the patrol unit.

2.16 I reviewed the photographs taken by OPD and marked as S1.P3 of this investigation. The photographs depict the injuries Gish sustained during the incident. I observed Gish to have a laceration above her right eye as well as redness and several small abrasions to the right side of her face and forehead. Gish also has a dark mark on the right side of her face. I observed two small scratches on Corporal Wester's left forearm and one scratch on the bottom portion of his left forearm. There were a total of nine photographs taken of Gish and Corporal Wester's injuries.

2.17 I reviewed the surveillance video from the MCM Fun Dome hotel which was marked as S1.P4 of this investigation. I observed there to be 25 total videos which were all recorded from the west side of the hotel complex. I observed the incident to not be captured by this video due to other vehicle's which were parked in the parking lot restricting the view of the incident. According to OPD who had requested and obtained the video from the MCM Fun Dome this was the only camera which would have captured the incident. I drove to the MCM Fun Dome and inspected the area, including homes, for additional cameras; however no additional videos were located.

2.18 I reviewed the additional reports collected from OPD related to Gish and marked as S1.P5 of this investigation. The reports indicated on 04/26/2018 at approximately 12:31 PM, Officer Jason Ball was dispatched to Medical Center Hospital in reference to a possible sexual assault. During the investigation, Officer Ball reported he spoke with Gish who was described as being in an intoxicated state. Officer Ball reported Gish had stated the suspect was in the room listening to them; however, Officer Ball and Gish were the only two in the room. Officer Ball advised Gish was taken to a private room so he could speak with her about what had occurred. Officer Ball reported while Gish was being taken to a private room, she pointed out an unidentified, un-related male subject and stated "that's him, he's here". Officer Ball was unable to obtain any information from Gish and advised her to contact the OPD after she was treated to file a report.

2.19 I reviewed a report drafted by OPD Officer Sammy Eason which was drafted on 04/26/2018 at approximately 11:19 PM. The report indicated Gish had left the hospital without receiving treatment and Gish's mother (Genelle Rideout) wanting to report Gish as a missing person. Rideout reported to Officer Eason, Gish was claiming to have been sexually assaulted; however, was intoxicated on a substance other than alcohol and was paranoid. Officer Eason completed the report which was marked as S1.P5 of this investigation.

S3 3.1 On 05/04/2018, I, Company "E", Texas Ranger Randy Lewis, conducted an interview with Corporal Hughes at the Texas Department of Public Safety Odessa Office. The interview was audio/video recorded which was marked as S3.P1 of this report. The following is a summary of the interview with Corporal Hughes and does not contain all comments made during the interview, nor does it necessarily reflect the chronology of the discussion, for full details refer to S3.P1 of this report. Corporal Hughes stated she was working on 04/27/2018 from 6:30 PM to 6:00 AM. Corporal Hughes advised the call was in reference to a disturbance where a female (Gish) was jumping on vehicles. Corporal Hughes stated the female (Gish) was described to have been wearing red shorts and a gray shirt.

3.2 Corporal Hughes stated Corporal Wester had arrived at the call before her and had made contact with one of the possible victims related to Gish jumping on their vehicle. Corporal Hughes stated Corporal Wester told her the victim wanted to file charges; however, Corporal Wester told them to wait by the front door of the hotel while they attempted to locate Gish. Corporal Hughes then arrived on the scene and was advised by Corporal Wester that Gish had ran west and possible went inside the hotel. Corporal Hughes stated they parked their patrol units at the front of the hotel and went inside to look for Gish.

3.3 Corporal Hughes advised they observed the Security Guard walking fast toward the west side of the complex, so they followed him to see if he knew Gish's location. Corporal Hughes advised when they arrived, the Security Guard stated someone had called and stated Gish was inside of a black Jeep. Corporal Hughes advised they located the Jeep and observed Gish sitting in the driver seat. Corporal Hughes said Corporal Wester made contact with Gish and began talking to her. Corporal Hughes advised during the time they were speaking with Gish they could tell Gish was "out of it". Corporal Hughes advised during this time Gish was sitting in the driver seat with her knees against her chest. Corporal Hughes stated they told Gish to exit the vehicle and advised she observed the bottom portion of a garden hoe sitting on the center console.

3.4 Corporal Hughes advised when they told Gish to exit the vehicle, Gish continued to state she was stuck. Corporal Hughes advised there was no way for Gish to be stuck. Corporal Hughes advised after they had told Gish to exit the vehicle several times, Corporal Wester "tugged" at Gish's leg to allow her to exit. Corporal Hughes advised Gish continued to not comply and would not exit the vehicle. Corporal Hughes stated Corporal Wester then assisted Gish out of the vehicle. Corporal Hughes stated Corporal Wester did not "yank on her" to get her to comply. Corporal Hughes stated Corporal Wester "just pulled her" where Gish began complying and exited the vehicle. Corporal Hughes advised she continued to ask Gish what her name was due to the fact they had not been able to identify her. Corporal Hughes stated Gish would not answer.

3.5 Corporal Hughes stated Corporal Wester then told Gish to put her hands behind her back. Corporal Hughes stated at this point, Corporal Wester had ahold of Gish's hands and she could tell Gish was becoming upset at what was happening. Corporal Hughes stated Gish asked why her hands were behind her back and Corporal Wester told her to wait a second and he would explain what was going on. Corporal Hughes stated Corporal Wester then retrieved a pair of his handcuffs; however, Gish became upset, pulled away, and spun around. Corporal Wester then turned Gish back around and got Gish in a "bear hug" and told her to calm down and to put her hands behind her back. Corporal Hughes stated she then approached both Corporal Wester and Gish to assist; however, Corporal Wester then took Gish to the ground. Corporal Hughes advised when they went to the ground, Gish was lying on her stomach with her right arm pinned underneath her. Corporal Hughes advised she was standing behind Corporal Wester and Gish at this point; however, Gish had not been placed in handcuffs. Corporal Hughes advised she attempted to pull Gish's left arm out from underneath her; however, Corporal Wester then began to say "let go of me, let go of me". Corporal Hughes stated Corporal Wester did not tell her (Corporal Hughes) what Gish had ahold of, so she continued to attempt to pull Gish's arm as to allow them to place her in handcuffs.

3.6 Corporal Hughes stated at this point Corporal Wester began to punch Gish; however, Corporal Hughes could not say if the punches were being delivered to the back or front of Gish's head. Corporal Hughes advised "it had all happened so fast, the next thing I know, it was done". Corporal Hughes advised the punches had stopped and she had stopped resisting. Corporal Hughes stated during the time Corporal Wester was punching Gish, they were telling her to "stop resisting", "calm down", and "let go". Corporal Hughes said after a few seconds, Gish complied and put her hands behind her back where she was handcuffed. Corporal Hughes stated when Gish was placed in handcuffs, Corporal Wester stood up and walked to the front of the Jeep and told dispatch the license plate number.

3.7 Corporal Hughes advised she observed blood on Gish's face; however, did not know where the blood was coming from or how bad she was injured. Corporal Hughes advised she then called for EMS to respond to the scene. Corporal Hughes began to question Gish about her identity, where she was from, and what she was doing. Corporal Hughes advised Gish eventually identified herself and began answering the questions. Corporal Hughes described Gish as being very soft spoken. Corporal Hughes advised she told Corporal Wester to walk to the front of the complex and pull his patrol unit around to where they were. Corporal Hughes advised when Corporal Wester returned, he stated the possible victim to the original Criminal Mischief case who stated he wanted to file charges, had left the scene.

3.8 Corporal Hughes advised Corporal Wester was punching Gish with his right hand; however, she did not know where the punches were being delivered on Gish. Corporal Hughes advised she knew Corporal Wester was punching Gish; however, was not looking when this occurred. Corporal Hughes advised she was focused on Gish's arm and attempting to get her arm free. Corporal Hughes advised when EMS arrived at the scene, they moved Gish's hair and observed a "huge knot" on the side of her face. Corporal Hughes advised she did not know if this was caused from the punching or if it happened when Corporal Wester took Gish to the ground. Corporal Hughes advised before the incident occurred, she did not notice any prior injuries to Gish.

3.9 Corporal Hughes advised she did not know if Corporal Wester was attempting to arrest or detain Gish. Corporal Hughes advised they had a public intoxication charge on Gish; however, she did not know if Corporal Wester's intentions were to arrest or detain Gish at the time. Corporal Hughes pointed out where the incident took place which was on the North West side of the hotel complex. Corporal Hughes advised she remembered a guy standing outside when the incident took place. Corporal Hughes advised she did not know the person; however, after Gish was placed in handcuffs the individual stated "good job".

3.10 Corporal Hughes advised after the incident took place, Corporal Wester told her that Gish was digging her nails into his arm. Corporal Hughes advised Corporal Wester showed her his arm; however, she did not turn her flashlight on and inspect the area. Corporal Hughes advised she did see some redness; however, did not further inspect Corporal Wester's arm. Corporal Hughes advised she did not go to the hospital with Corporal Wester. Corporal Hughes advised they did not know any prior history of Gish. Corporal Hughes advised after Gish was ran through dispatch, they learned she had been listed as a missing person. Corporal Hughes advised when EMS arrived at the scene EMS cleaned Gish's face up and observed a small cut; however, stated she did not need immediate medical treatment. Corporal Hughes advised their Sergeant who had arrived on the scene had observed the "knot" on Gish's head and instructed Corporal Wester to transport Gish to the hospital due to the jail not going to accept her without a medical clearance.

3.11 Corporal Hughes advised when she and Corporal Wester left the scene, she went to the OPD and began typing her report. Corporal Hughes advised after she was called into internal affairs about the incident she read Corporal Westers report which she described as being "very similar" to her report. Corporal Hughes advised she believed Corporal Wester copied and pasted her report onto his. Corporal Hughes advised she had completed her report in their report writing system and all Corporal Wester would have had to do would be to pull up her report and copy and paste it onto his. Corporal Hughes advised she does not copy and paste other officer's narratives to complete her reports. Corporal Hughes advised she was more detailed on this report because she thought this case would be a bigger incident than just a public intoxication arrest.

3.12 I asked Corporal Hughes if she believed through her training and experience the force used by Corporal Wester was excessive. Corporal Hughes advised she believed the force which was used by Corporal Wester was excessive. Corporal Hughes advised Gish was approximately 5 foot even and 90 pounds. Corporal Hughes advised she believed they could have just held her down and given her more commands to give them her hands. Corporal Hughes advised there was a different way she would have gone about the situation than what Corporal Wester did. Corporal Hughes advised she would have attempted some pressure points because she did not feel threatened by Gish. Corporal Hughes advised Corporal Wester punched Gish more than two (2) times but less than five (5) times; however, she was not counting.

3.13 Corporal Hughes advised during the time Corporal Wester was punching Gish, she (Corporal Hughes) had ahold of Gish's left arm; however, did not have Gish's hand. Corporal Hughes advised Corporal Wester was using his right hand to punch Gish; however, Corporal Hughes could not see where Gish's right hand was or what hand was being used to scratch Corporal Wester.

3.14 Corporal Hughes described the punches which Corporal Wester was delivering as "hard". Corporal Hughes advised "Wester is a big guy". Corporal Hughes said she was thinking "holy shit" because of how hard Corporal Wester was punching Gish. Corporal Hughes stated because of these reasons she put more detail in her report. Corporal Hughes advised when she was called into internal affairs she was not surprised and knew what the reason was before she was told. Corporal Hughes advised she was also not surprised that Gish was in ICU with a brain bleed.

3.15 Corporal Hughes advised she and Corporal Wester were sector partners and would often respond to calls together. Corporal Hughes described Corporal Wester as being "quick to go hands on". Corporal Hughes advised she had never observed any incidents to this magnitude with Corporal Wester.

S4 4.1 On 05/04/2018, I, Company "E", Texas Ranger Randy Lewis, conducted an interview with Corporal Wester at the Texas Department of Public Safety Midland Texas Ranger Office. The interview with Corporal Wester was audio/video recorded which was marked as S4.P1 of this investigation. The following is a summary of the interview with Corporal Wester and does not contain all comments made during the interview, nor does it necessarily reflect the chronology of the discussion, for full details refer to S4.P1 of this report. Combined Law Enforcement Association of Texas (CLEAT) Attorney Terry Boone also attended the interview. I advised Corporal Wester I was conducting a criminal investigation and if he did not want to speak with me he was not required

to. Additionally, I advised Corporal Wester if at any time he wanted to end the interview he could do so. I advised Corporal Wester he was not under arrest and the interview was completely voluntary. I asked Corporal Wester if he understood this and he stated he did.

4.2 Corporal Wester stated he was working on 04/27/2018 and his shift was from 7:00 PM to 6:30 AM. Corporal Wester stated he was employed by the Odessa Police Department as a Police Officer. Corporal Wester advised he was driving his fully marked Chevrolet Tahoe and was wearing a district police uniform which is navy blue in color. Corporal Wester advised his uniform has a badge on the left chest and police patches on both sleeves which readily identifies him as a police officer. Corporal Wester advised at approximately 5:00 AM he received a call in reference to a disturbance. Corporal Wester advised the disturbance was in reference to a female who was jumping on vehicles and possibly intoxicated. Corporal Wester advised when he was pulling into the parking lot he observed the female who was later identified as Gish running between vehicles in the parking lot. Corporal Wester advised he had been given a description of the female to include her wearing a sweater and red shorts which matched the female which was running.

4.3 Corporal Wester stated he began to drive in the area; however, could not locate Gish. Corporal Wester advised he was flagged down by an individual who stated Gish had been jumping on his vehicle and further stated she had ran inside the hotel. Corporal Wester stated at this time Corporal Hughes had pulled up and they parked in the front parking lot and exited their vehicles and began looking for Gish. Corporal Wester stated he believed Gish observed him in the parking lot which is why she ran away. Corporal Wester advised during the time they were searching for Gish, a security guard told them Gish was on the west side of the hotel complex. Corporal Wester stated they responded to the west side and was told Gish was sitting in a Jeep which was parked in the parking lot. Corporal Wester advised he approached the Jeep and observed Gish to match the description which had been given. Corporal Wester advised he observed Gish to have her knees against her chest and legs pinned against the steering wheel of the vehicle.

4.4 Corporal Wester advised he made contact with Gish who was looking out of the passenger side window and would not look at him. Corporal Wester began asking Gish questions who stated "I'm stuck". Corporal Wester advised he pulled Gish's leg out from behind the steering wheel and told her she was no longer stuck. Corporal Wester asked Gish who the car belonged to where Gish stated "it's my friends"; however, when Gish was asked where her friend was, she stated "she's back here", but there was no one else there. Corporal Wester advised Gish to step out of the vehicle and when she did, he took control of both of her hands in an attempt to place Gish in handcuffs. Corporal Wester advised he had ahold of Gish's hands and reached behind him to obtain his handcuffs. At this time, Gish pulled one of her hands free and turned around facing Corporal Wester.

4.5 Corporal Wester advised he told Gish to turn around; however, Gish grabbed ahold of Corporal Wester's wrist and began to forcibly pull on him while digging her nails into his wrist. Corporal Wester advised "that's when I took her to the ground". Corporal Wester advised he determined Gish was intoxicated on a substance other than alcohol. Corporal Wester said when he got Gish out of the vehicle, he was standing in the hinge portion of the door to prevent Gish from entering the vehicle again. Corporal Wester advised he observed a broken garden hoe sitting on the center console. Corporal Wester advised there was one or two parking spaces open on the south side of the Jeep. Corporal Wester advised the Jeep was backed into a parking space which allowed plenty of room between the Jeep and another vehicle. Corporal

Wester advised when he attempted to place Gish in handcuffs, she started screaming "no" when she pulled away and spun around. Corporal Wester stated his intentions were to arrest Gish for Public Intoxication as she was in a public place, intoxicated on a substance other than alcohol, and a danger to herself or others as she had been jumping on vehicles and sitting in a vehicle which did not belong to her. Corporal Wester advised at the time, he did not know the vehicle did not belong to her; however, he had a "very strong feeling" it did not.

4.6 Corporal Wester advised Gish grabbed his left arm with her right hand. Corporal Wester advised at first, Gish grabbed his forearm where she scratched his arm. Corporal Wester then pulled his sleeve up and displayed how Gish grabbed his arm. Corporal Wester also stated the scratch marks were still visible. Corporal Wester showed me three scratch marks which were located on the bottom and top of his left forearm. Corporal Wester stated when Gish grabbed ahold of his wrist, he then placed Gish on the ground as to allow him to have a better tactical advantage. Corporal Wester advised Gish continued hold his arm and dig her fingernails into him. Corporal Wester advised he was not going to let go of her arm due to not knowing what Gish might have as Gish had not been patted down or searched. Corporal Wester advised he was holding Gish's left arm during this time and Gish was scratching him with her right hand. Corporal Wester advised Gish began to pull his arm underneath her where he told her "let go of me". Corporal Wester advised he told Gish to again to "let go of me" and advised Gish began to dig her fingernails into him harder.

4.7 Corporal Wester advised he then punched Gish in the side of the jaw and stated again "let go of me". Corporal Wester stated Gish continued to pull away and dig her fingernails into him. Corporal Wester advised he told her again "let go of me" and then "popped her again". Corporal Wester advised this continued for three to five hits; however, could not say how many times he actually struck Gish. Corporal Wester advised Gish finally said "okay, okay" and he advised her to place her hands behind her back. Corporal Wester advised Gish stated "I can't". Corporal Wester then picked up her arm or shoulder slightly which allowed Gish to move her hand behind her back. Corporal Wester advised Gish was then placed in handcuffs.

4.8 Corporal Wester advised during this time, Gish was lying on her right side with the right side of her head against the asphalt and looking up at him. Corporal Wester advised one thing he forgot to mention was before he struck her, he attempted to apply a pressure point located at the bottom portion of Gish's ear; however, there was no compliance achieved from Gish. Corporal Wester advised when he struck Gish, he did not hit her with a full "draw back".

4.9 Corporal Wester advised he thought Corporal Hughes was attempting to pull Gish's right arm; however, he did not know where Corporal Hughes was during this time. Corporal Wester advised there was no other use of force after Gish had been placed in handcuffs. Corporal Wester stated after Gish was sat up, Corporal Hughes observed blood dripping down her right eye and notified EMS to respond to the scene for treatment. Corporal Wester advised he did not know if this injury was caused from when they fell to the ground or if it was caused from when he was striking Gish and her head "bounced". Corporal Wester advised Gish did not hit the ground hard and described this as being a "controlled fall". Corporal Wester advised the right side of Gish's head which was injured was the side which was against the asphalt both when they fell to the ground and when he was delivering the strikes. Corporal Wester advised he asked Corporal Hughes to search Gish to which she did. Corporal Wester advised any time an officer uses force a supervisor is required to be notified and respond to the scene. Corporal Wester advised he contacted his supervisor and reported the use of force where Sergeant Joe Ramirez responded to the scene.

4.10 Corporal Wester advised when Sergeant Ramirez arrived, he explained to Sergeant Ramirez what had happened. Corporal Wester advised Sergeant Ramirez then spoke with Gish about the incident. Corporal Wester advised when EMS arrived they cleaned up Gish's face and stated she was "clear to go to the jail". Corporal Wester advised EMS asked Gish if she wanted to go to the hospital; however, Gish stated she did not need to go. Corporal Wester advised Corporal Hughes signed the Odessa Fire Rescue refusal for transport form for Gish due to her being handcuffed.

4.11 Corporal Wester advised they were not issued body cameras; however, their vehicles are equipped with recording equipment. Corporal Wester advised if the body microphone is out of range it will not record the audio. Corporal Wester advised he and Sergeant Ramirez observed a "goose egg" on the right side of Gish's head and he stated "I don't feel comfortable taking her down there like this". Corporal Wester advised he had decided to transport Gish to the hospital to receive medical treatment before going to the jail to which Sergeant Ramirez agreed. Corporal Wester advised Gish was transported to Medical Center Hospital for treatment.

4.12 Corporal Wester stated he had located the registration paperwork for the Jeep and gave it to the security guard and requested he inquire if the person was a guest at the hotel. Corporal Wester stated before he left for the hospital, the owner of the Jeep made contact with him and stated he did not want to file charges on Gish. Corporal Wester stated Corporal Hughes had drove around the parking lot before leaving in an attempt to find the possible criminal mischief victim; however, no one was located.

4.13 Approximately 30 minutes into the interview with Corporal Wester the video camera's battery died; however, my digital audio recorder continued recording. The remaining interview was captured on the audio digital recorder which was also marked as S4.P1 of this investigation.

4.14 Corporal Wester advised Gish was going to be criminally charged with Public Intoxication and Resisting Arrest. Corporal Wester advised when they arrived at the hospital, he had to assist her with walking. Corporal Wester stated hospital staff told him Gish was going to require a few stitches; however, they were going to run additional tests to make sure. Corporal Wester advised he was then relieved by OPD Officer Justin Spinks. Corporal Wester advised he went outside and began typing his report, during this time, Officer Spinks called him and advised during a cat scan they observed Gish to have a minor brain bleed which would cause her to be admitted into the hospital. Corporal Wester advised he notified his supervisor who advised him to release Gish and file a warrant at a later time.

4.15 Corporal Wester advised he felt the force which he used was needed to effect the arrest of Gish. Corporal Wester advised he did not feel the force which was used was too much as he stated he did not hit her with a "full force hit" which would have been used on a bigger person. Corporal Wester advised Gish was 5' 2" and weighed about 98 pounds. Corporal Wester advised even with the size difference the force was still needed to effect the arrest.

4.16 Corporal Wester advised the photographs which were taken at the hospital were taken by him and Officer Spinks. Corporal Wester advised Gish's demeanor after the incident was quiet and very soft spoken. Corporal Wester advised before he placed Gish in the back seat of his patrol unit he advised her she was under arrest for Public Intoxication and Resisting arrest. I showed Corporal Wester a copy of the probable cause affidavit which had been completed and marked as S1.P1 of this investigation. I asked Corporal Wester if he typed this affidavit and he advised he did. I asked Corporal Wester if he had signed it and he advised he did. Corporal Wester advised this affidavit was typed while he was outside of the hospital completing his reports. I explained to Corporal Wester the similarities between his report, probable cause affidavit, and Corporal Hughes' report. I asked Corporal Wester why all of the reports were extremely similar to which Corporal Wester advised he had used part of Corporal Hughes' report because he did not know how to word it. Corporal Wester advised the use of force part of his report was exactly what he observed; however, the investigative side of the event he used Corporal Hughes' report. Corporal Wester advised he copied and pasted Corporal Hughes' entire report and then changed some of the remarks.

4.17 Corporal Wester advised he didn't realize until later that he had forgot to put the attempted use of a pressure point before delivering the strikes to Gish. Corporal Wester advised that it is common to copy and paste other officer's reports to save time. Corporal Wester advised Gish did not have any visible injuries before the incident took place. Corporal Wester stated he had his knee injured a few weeks before this incident which required him to wear a knee brace. Corporal Wester advised he did not have full movement in his knee from being injured. Corporal Wester advised while they were on the ground, there was no way for him to deliver a knee strike or anything else to gain compliance from Gish. Corporal Wester stated in his training and experience dealing with intoxicated individuals often times they are not effected by pressure points.

4.18 The interview was then concluded at 11:05 AM. I was contacted by CLEAT Attorney Terry Boone after the interview who advised Corporal Wester had misspoken when he stated Officer Spinks had taken the photographs at the hospital. Attorney Boone stated Corporal Wester believed the photographs were taken by Medical Center Hospital District Police Department Officer Danny Brookshire. I advised Attorney Boone I would notate the change in this report. I also advised Attorney Boone I would like to obtain photographs of Corporal Wester's injuries as to document the scratch marks were still visible on this date. Attorney Boone advised me I could contact Corporal Wester and collect the photographs without his presence.

S5 5.1 On 05/04/2018, I, Company "E", Texas Ranger Randy Lewis, conducted an interview with Lexus Gish at the Texas Department of Public Safety Midland Office. The interview was audio/video recorded which was marked as S5.P1 of this report. The following is a summary of the interview with Gish and does not contain all comments made during the interview, nor does it necessarily reflect the chronology of the discussion, for full details refer to S5.P1 of this report. Texas Department of Public Safety Special Agent Cody Allen also attended the interview as an observer. Gish stated she was dating a guy named Mario Rojas (unknown identifiers) who she described as making her better and getting off of narcotics. Gish advised they began using a "party drug" as a "regular drug" which was methamphetamine. Gish advised they started working on getting sober; however, she was not ready to stop.

5.2 Gish advised she left Rojas and starting dating an individual by the name of Billy Wells (unknown identifiers). Gish advised she moved in with Wells at his house located at in Odessa. Gish advised they were working on getting

sober and Wells was taking care of her and her two year old baby; however, Wells continued to use narcotics. Gish advised she had met Wells' ex-wife who warned her about the problems she had experienced with Wells.

5.3 Gish advised she had become sick and asked for Wells to take her to the hospital due to a kidney infection; however, Wells refused. Gish advised she waited until Wells left the house and called Rojas to come and give her a ride to the hospital. After she was released from the hospital she did not want to return to the house because she knew Wells was upset; however, eventually returned. Gish advised she and Wells left the home and went to a friend's home named Leo (unknown identifiers). Gish advised they stayed at Leo's house that night and smoked Methamphetamine. Gish advised while they were smoking Methamphetamine, the pipe broke and Wells advised her to go to his car and retrieve an additional pipe. Gish stated when she went to his car she observed several of her personal belongings. Gish advised she then re-entered the home and began to clean up. Gish advised Wells then began to punch her and eventually pulled a gun. Gish stated Wells put the gun to her head and asked her were his "dope" had gone.

5.4 Wells advised Gish he had 14 grams of Methamphetamine; however, he only had 7 grams left. Gish told Wells she did not know where the Methamphetamine had gone; however, Wells did not believe her. Gish advised Wells then pulled the trigger; however, the gun did not fire. Gish advised they left the house and went to another friends named Jason (unknown identifiers). Gish advised at Jason's house, Wells told her to get a drink and then placed a syringe in her mouth and pushed what she believed to be Methamphetamine into her mouth. Gish stated she did not want to do this; however, felt as if she had to. Gish advised she began hallucinating and stated Wells started "messing with my head". Gish advised Wells told her that he had touched her daughter; however, when she questioned him, he changed the story. Gish advised she had consensual sexual intercourse with Wells.

5.5 Gish advised Wells made her believe there were people outside of the home who were going to hurt her. Gish stated Wells then told her to go to his vehicle and get another syringe. When Gish arrived at his vehicle, Wells made the alarm go off attempting to scare her. Gish stated Wells then forced her to take more Methamphetamine through the syringe in her mouth. Gish stated she took a total of three of the syringes; however, did not know how much or if the drug was actually Methamphetamine. Gish stated they left Jason's house and went to another friend's house; however, Gish did not know who they were. Gish stated while they were driving, Wells told her that he was a cop and his real name was "Chris". Gish stated Wells told her they were going to this camper trailer and the cops were going to "bust" them. Gish stated when they arrived, a female who was in the travel trailer had an "elephant pipe" to which she was told to "hit it". Gish stated she used the pipe; however, she did not believe the drug was Marijuana.

5.6 Gish stated they left the house and went to a field in the "middle of nowhere". Gish stated Wells told her if she got out of the car, she would be killed by snipers who were in the field. Gish stated she urinated on herself three times due to Wells not allowing her to exit the car. Gish stated she eventually exited the vehicle and ran to a nearby Flying J truck stop. Gish stated when she arrived at the truck stop she began looking for Wells; however, did not see him. Gish stated she was scared someone was going to hurt her; however, was also scared of Wells. Gish stated after being around Wells she knew he had not hurt or killed her so she also felt somewhat safe around him. Gish began walking back toward the field to look for Wells. Gish stated she then observed Wells and his ex-wife driving down the road. Gish stated Wells stopped and gave her a ride to Wal-Mart and gave her money. Gish stated she

made a purchase of clothing and soap and then called her mother to pick her up. Gish stated when her mother arrived, she was taken to the hospital.

5.7 Gish stated she remembered Officers from the OPD speaking with her while she was at the hospital. Gish stated she did not feel comfortable at the hospital because she believed she had observed Wells at the hospital as well. Gish told the Officers she did not want to speak with them and would contact them after she was treated and released from the hospital. Gish stated when the Officers left, a nurse attempted to take her blood; however, Gish ran from the hospital. Gish stated she began walking and was contacted by a girl named "Liberty". Gish stated Liberty gave her a ride to Wal-Mart and a fashion store where they made a purchase of clothing and items to "clean up". Gish stated they went to Liberty's hotel room where she was allowed to take a shower and get dressed. Gish stated they left the hotel and then drove to the Fun Dome where Liberty told her to stay in the car and "chill". Gish stated Liberty was going to go to the bar at the hotel; however, Gish would not be allowed entry due to her age.

5.8 Gish stated she didn't remember jumping car to car; however did remember being in the bed of someone's truck. Gish stated at this point she continued to hallucinate. Gish stated she met two guys at the Fun Dome by the name of Will and Gary (unknown identifiers) and began talking to them. Gish stated Will left them alone while he went to his room to sleep. Gish stated she eventually went into Gary's room and took a shot of an unknown liquor. Gish also stated she ingested cocaine while she was with Gary. Gish said Gary later told her she needed to leave because she attempted to hit him with a pipe. Gish stated she did not remember doing this; however, it was possible she did. Gish stated she left Gary's room and located a Jeep in the parking lot of the Fun Dome. Gish stated she did not know who the Jeep belonged to.

5.9 Gish stated she entered the driver seat of the Jeep and was sitting in the Jeep with her knees against her chest. Gish stated while she was sitting inside the Jeep she observed a female walking who also needed help. Gish stated she told the female to get inside the car with her; however, she didn't. Gish stated all of the sudden "I'm stuck, I'm mentally stuck". Gish stated she observed Officers running toward the car and open the door. Gish stated the Officer "jerked" the door open and told her to get out. Gish stated she told them "I can't, I'm stuck". Gish stated the Officer then "jerked" her out of the car and punched her four or five times. Gish stated the Officer attempted to handcuff her, but he was on top of her. Gish stated the Officer then hit her with his flashlight which caused her to later receive stitches.

5.10 Gish advised the same Officer who punched her was the same Officer who transported her to the hospital. Gish described the Officer as being "really, really, big". Gish stated she didn't deserve what she "got" from the Officer or from Wells. Gish stated she had internal bleeding in her head because of the Officer. Gish stated her heart had stopped and she almost lost her life by going through all of this. Gish stated she observed a female at the scene; however, did not know if she was an Officer or with EMS. Gish stated she did not know for sure if the Officer had hit her with his flashlight. Gish stated she did not remember hitting or scratching the Officer; however, it was possible this did happen. Gish stated "even if I did, I didn't deserve internal bleeding in my head". Gish stated she knew they were Officers when she was inside the Jeep because she observed red and blue lights and observed the Officers flashlight as he was running toward her.

5.11 After the interview with Gish I obtained photographs of Gish's injuries to

document the progression. The photos were marked as S5.P2 of this report. I then made contact with Corporal Wester and obtained additional photographs of his injuries to also document the progression. The photos of Corporal Wester were also marked as S5.P2 of this report.

5.12 On 06/01/2018, I made contact with the Ector County District Attorney's office who had issued a subpoena and received Gish's medical records from Medical Center Hospital. I collected the medical records which were marked as S5.P3 of this report. I reviewed the medical records and observed the toxicology results on page 130 which indicated Gish tested presumptive positive for Cocaine, Methamphetamine, and Amphetamine. The report also indicated on page 29 "There is an acute parenchymal hemorrhage involving the right frontal lobe and right basal ganglia measuring 3.6 X 0.9 X 2.5 cm".

INVESTIGATION REQUESTED BY

ODESSA PD (TX0680200)
205, N GRANT AVE
ODESSA, TX
79761

External to DPS Requestor Name: Michael Gerke, Chief

SUSPECTS

S1 Wester, Cory Vernon - White/Male -

Hair: Brown

Eyes: Brown

Weight: 280 lbs

Height: 5' 11"

SSN:

SID:

DL#:

DL State:

Email:

VICTIMS

S1 Gish, Lexus Breann - White/Female -

Hair: Brown

Eyes: Hazel

Weight: 105 lbs

Height: 5' 02"

SSN:

SID:

DL#:

DL State:

Email:

WITNESSES

S1 Rideout, Genelle Nichole - White/Female -

Cell:

Email:

Oc

Madrid, Donovan Raul - Hispanic/Male

Cell:

Email:

S4 Boone, Terry

Cell:

INVOLVED LOCATIONS

DPS SENSITIVE

06/13/2018 10:15

S1 MCM Fun Dome Hotel
6201 E. Hwy 80
Odessa, TX

OFFENSES

- S1 AGG ASSAULT BY PUBLIC SERVANT 22.02(b)(2)(A) PC F1**
Ector County, Odessa, TX, US
04/27/2018 (Friday)
Victim: Gish, Lexus
- S1 OFFICIAL OPPRESSION 39.03(d) PC MA**
Ector County, Odessa, TX, US
04/27/2018 (Friday)
Victim: Gish, Lexus

CHARGES

PERSONNEL

S1 Randy Lewis, Texas Rangers "E"
Texas Dept of Public Safety
432 498 2126

Michael Gerke, Chief,
Odessa Police Department
205 N. Grant Odessa, Texas
(432) 333-3641

Matt Davidson, Captain,
Odessa Police Department
205 N. Grant Odessa, Texas
(432) 333-3641

Pricilla Hughes, Officer,
Odessa Police Department
205 N. Grant Odessa, Texas
(432) 333-3641

S2 Randy Lewis, Texas Rangers "E"
Texas Dept of Public Safety

Jason Ball, Officer,
Odessa Police Department
205 N. Grant Odessa, Texas
(432) 333-3641

Sammy Eason, Officer,
Odessa Police Department
205 N. Grant Odessa, Texas
(432) 333-3641

S4 Joe Ramirez, Sgt,
Odessa Police Department
205 N. Grant Odessa, Texas
(432) 333-3641

Justin Spinks, Officer,
Odessa Police Department
205 N. Grant Odessa, Texas
(432) 333-3641

DPS SENSITIVE

06/13/2018 10:15

Danny Brookshire,
Medical Center Hospital District Police Department
500 W. 5th Odessa, Texas
(432) 640-4000

PROPERTY

- S1.P1** Property: Other Object
Seizure Date: 05/02/2018
Property Description: Copy of OPD report on arrest of Gish
Address: , TX
By: Randy Lewis
- S1.P2** Property: Other Object
Seizure Date: 05/02/2018
Property Description: 2 - In-Car videos from Cpl. Wester's and Officer Hughes' patrol units
Address: , TX
By: Randy Lewis
- S1.P3** Property: Other Object
Seizure Date: 05/02/2018
Property Description: Photographs taken of Gish and Cpl. Wester after incident
Address: , TX
By: Randy Lewis
- S1.P4** Property: Other Object
Seizure Date: 05/02/2018
Property Description: MCM Fun Dome Surveillance Video
Address: , TX
By: Randy Lewis
- S1.P5** Property: Other Object
Seizure Date: 05/02/2018
Property Description: Additional OPD reports detailing possible unrelated sexual assault and missing person of Gish.
Address: , TX
By: Randy Lewis
- S2.P1** Property: Other Object
Seizure Date: 05/03/2018
Property Description: Audio/Video interview with Donovan Madrid
Address: , TX
By: Randy Lewis
- S3.P1** Property: Other Object
Seizure Date: 05/04/2018
Property Description: Audio/Video interview with Corporal Pricilla Hughes
Address: , TX
By: Randy Lewis
- S4.P1** Property: Other Object
Seizure Date: 05/04/2018
Property Description: Audio/Video interview with Cpl. Cory Wester
Address: , TX
By: Randy Lewis
- S5.P1** Property: Other Object
Seizure Date: 05/04/2018
Property Description: Audio/Video interview with Lexus Gish
Address: , TX

DPS SENSITIVE

06/13/2018 10:15

By: Randy Lewis

S5.P2 Property: Other Object
Seizure Date: 05/04/2018
Property Description: Photographs taken of Gish and Wester to show progression of injuries
Address: , TX
By: Randy Lewis

S5.P3 Property: Other Object
Seizure Date: 06/01/2018
Property Description: Copy of Gish's medical records from MCH
Address: , TX
By: Randy Lewis

ATTACHMENT NAME(S)

END OF REPORT

POLICE
CITY OF ODESSA
MEMORANDUM

To: Corporal Cory Wester

From: Michael Gerke, Chief of Police

Date: May 31, 2018

Subject: NOTICE OF PRE-DISCIPLINARY HEARING – 18-INV-032

This is written notification of a Pre-Disciplinary hearing concerning your employment with the City of Odessa.

This hearing will be held, **Tuesday, June 5, 2018, at 15:45 p.m.** in the **Chief's Office** on the second floor of the police department, 205 N. Grant, Odessa, Texas. I will serve as hearing examiner.

You are hereby given the opportunity to present reasons, either in person or in writing, why the proposed action should not be taken against you.

You will be given written notice of the charges against you, an explanation of the City's evidence, and an opportunity to present your side of the story.

You will have an opportunity to respond verbally and/or in writing to the charges, directly to me, and I will make the decision regarding the disciplinary action.

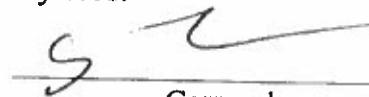
You may bring legal counsel to the hearing to advise you only, and not for the purpose of taking an active role. You may present any evidence on your behalf, or give an explanation. Evidence can be verbal or written. The hearing will be informal and non-adversarial. The hearing will be audio recorded. There will be no witnesses allowed to testify or attend the hearing.

In the event you fail to appear for the scheduled hearing without prior authorization, including justifiable cause for such failure to appear, your failure to appear will be considered a waiver of your opportunity to have a Pre-Disciplinary Hearing.

A summary of the charges against you and an explanation of the City's evidence are attached as Exhibit "A".

I received a copy of this memo on the 31st day of May 2018.

cc: Darrell Wells, Director of Human Resources
File



Corporal

Exhibit A

On April 27, 2018, Corporal Cory Wester and Corporal Priscilla Hughes responded to the Elegante Fun Dome, 6201 E. Hwy 80 Sr, in reference to a disturbance involving a white female jumping on vehicles. Upon officer's arrival, the female had walked off, and was located moments later on the west side of the hotel complex. Officers approached a Jeep Wrangler where the white female was observed sitting on the driver's side. Corporal Wester made contact with the female and got her out of the vehicle. Once the female was outside of the vehicle, Corporal Wester attempted to place her in handcuffs with her hands behind her back. The female pulled away, and Corporal Wester responded by placing the female on the ground, face first. While on the ground, the female refused to comply with Corporal Wester's commands of placing her hands behind her back. Since the female refused to comply, Corporal Wester applied four to five closed hand strikes to the female's right forehead. The female finally complied with the instructions after force was used, and was detained. The female subject had a cut over her right eye, and the supervisor on scene advised Corporal Wester to take her to the hospital before going to the jail. While at the jail, the female was advised she had a brain bleed, and was admitted for medical attention.

This use of force was assigned to the Professional Standards Unit for a possible violation of the Department's Standard Operating Procedures:

1.2 USE OF FORCE

1. The use of force shall at all times be in accordance with the requirements of Texas Code of Criminal Procedure (CCP), Article 15.24 and Texas Penal Code (PC) Chapter 9, specifically 9.32, 9.33, 9.42, 9.51, and 9.52. All officers are responsible for being familiar with the CCP and PC regarding the use of force and all other applicable statutes. Officers shall have access to the Texas Code of Criminal Procedure and the Texas Penal Code. No Odessa police officer is entitled to use force to effectuate a police purpose without first receiving department-approved training in the use of that force. Officers will receive annual training in the use of force. Additionally, officers must be issued copies of this directive and instructed in its application before being authorized to carry any weapon.

2. Notwithstanding the provisions of Texas Code of Criminal Procedure Article 15.24 and Texas Penal Code, Chapter 9, officers shall use only that amount of force reasonably necessary to control a situation, effect an arrest, overcome resistance or defend themselves or others from harm. Reasonableness is not capable of precise definition or mechanical application. The reasonableness of a particular use of force should be judged from the perspective of a reasonable officer on the scene at the time of the incident. If an officer knows that an arrest or detention is illegal, then no use of force is justified.

Corporal Wester responded to a routine call involving a 5'03", 95 lbs female subject that was intoxicated on a substance other than alcohol. The intoxicated female was unresponsive to commands, and would not physically comply by placing her hands behind her back. When she pulled away from Corporal Wester and asked what was going on, he placed her on the ground face first while also sitting on top of her. Corporal Wester is over twice the female's size and basically had her person controlled by his weight on top of hers. Corporal Priscilla Hughes was on scene assisting by holding the females left arm around the upper forearm/elbow area. The intoxicated female only had one free arm, and was lying face down. Corporal Wester claims the female dug her finger nails into his right forearm. Corporal Wester's response to the intoxicated female was to yell loud commands at her and start punching her in the right temple/forehead area. Corporal Wester stated that he punched her four or five times, causing visible injury. Later on, after his interview, Corporal Wester made the statement that he did try to use a pressure point behind the subject's ear, but it did not work.

Corporal Wester's punches on the female appear unnecessary and unreasonable for this situation, and is greater than what an officer with similar experience and training would respond with in the same scenario. Punches or closed hand strikes on a female that is pinned down, with control of only one arm, for scratching an officers arm appears more punitive than to effect an arrest. I am recommending that Corporal Cory Wester be **SUSTAINED** for a violation of the Department's Standard Operating Procedure 1.2 Use of Force.