

CAUSE NO. 2024DCV2486

FILED
NORMA FANELA BARCELEAU
DISTRICT CLERK

2024 MAY 22 PM 1:43

EL PASO COUNTY, TEXAS

BY _____
DEPUTY

STATE OF TEXAS)
)
CHRISTOPHER STEWART)
CAROL CASSADY)
ANETTE BRIGHAM)
)
v.)
)
ARMANDO RODRIGUEZ, in his capacity as)
Canutillo Independent School District School)
Board Member)
)
Defendant.)
)

IN THE DISTRICT COURT,

120th DISTRICT COURT OF

EL PASO COUNTY, TEXAS

**PETITION FOR THE REMOVAL OF CANUTILLO INDEPENDENT
SCHOOL DISTRICT SCHOOL BOARD MEMBER
ARMANDO RODRIGUEZ**

TO THE HONORABLE JUDGE OF THE DISTRICT COURT OF EL PASO COUNTY

Regarding: Armando "Mando" Rodriguez

This is a petition to the court for the immediate removal of Armando Rodriguez from office of the Board of Trustees for the Canutillo Independent School District, under Local Government Code Title 3, Subtitle B, Chapter 87, Sec. 87.013 (a)(3). The code states:

"Sec. 87.012. OFFICERS SUBJECT TO REMOVAL. The district judge may, under this subchapter, remove from office:

(14) a member of the board of trustees of an independent school district

Sec. 87.013. GENERAL GROUNDS FOR REMOVAL. (a) An officer may be removed for:

(3) intoxication on or off duty caused by drinking an alcoholic beverage" (Ex. A)

It should come to the attention of the court that since Armando Rodriguez was elected to the Board in 2005 he has been arrested at least three times for Driving While Intoxicated in El Paso County. It appears that Armando Rodriguez has had his attorney of record (Sergio Coronado) attempt to expunge and clear his record so these records are incredibly difficult to track down (Ex. B).

The first arrest of record was on September 26th, 2013 (**Cause # 20130C11929**). (Ex. C)

The second arrest of record doesn't appear to have a Case Number but it is documented in an ABC 7 KVIA article titled "Canutillo ISD board president arrested for alleged DWI" and is dated January 13, 2015. It states: "*The El Paso County Sheriff's Office confirmed to ABC-7 that Canutillo Independent School District board president Armando "Mando" Rodriguez was recently arrested for DWI in the County. The incident happened early Thursday in an area known as "dead man's curve."*" (Ex. D)

The third arrest of record was on December 12th 2021 (**Cause # 2021-PFILE11829**). (Ex. E)

The court should also recognize that while the arrest records for Cause # 2021-PFILE11829 state that Armando Rodriguez was arrested driving a 2021 Audi Q5, and the special conditions of his supervision require an Interlock to be installed on ANY vehicle that Mr. Rodriguez drives, Mr. Rodriguez is regularly seen driving a White Chevrolet Colorado pickup (license plate RJG-9946).

Respectfully submitted,

VERIFICATION


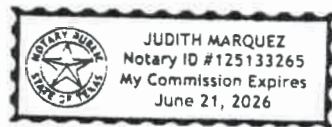
STATE OF TEXAS
COUNTY OF EL PASO

BEFORE ME, the undersigned authority, personally appeared Christopher Stewart, who stated, upon oath, that the statements made in the foregoing instrument are true and correct pursuant to Section 87.015(b) of the Texas Local Government Code.



Christopher Stewart

SUBSCRIBED AND SWORN TO BEFORE ME on this the 22nd day of May, 2024
by Christopher Stewart.



Notary Public, State of Texas

BEFORE ME, the undersigned authority, personally appeared Carol Cassady, who stated, upon oath, that the statements made in the foregoing instrument are true and correct pursuant to Section 87.015(b) of the Texas Local Government Code.

Carol Cassady
Carol Cassady

SUBSCRIBED AND SWORN TO BEFORE ME on this the 17 day of MAY, 2024
by Christopher Stewart.




Catlyn Sosnowski
Notary Public, State of Texas

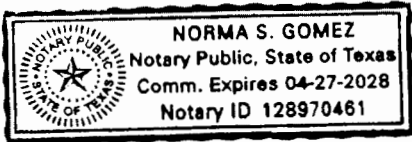
VERIFICATION

**STATE OF TEXAS
COUNTY OF EL PASO**

BEFORE ME, the undersigned authority, personally appeared Annette Brigham, who stated, upon oath, that the statements made in the foregoing instrument are true and correct pursuant to Section 87.015(b) of the Texas Local Government Code.


Annette Brigham

SUBSCRIBED AND SWORN TO BEFORE ME on this the 21st day of May, 2024
by Annette Brigham.



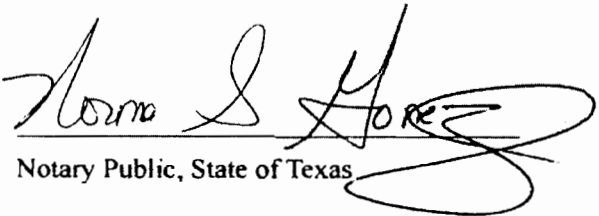

Notary Public, State of Texas

Exhibit A

LOCAL GOVERNMENT CODE

TITLE 3. ORGANIZATION OF COUNTY GOVERNMENT

SUBTITLE B. COMMISSIONERS COURT AND COUNTY OFFICERS

CHAPTER 87. REMOVAL OF COUNTY OFFICERS FROM OFFICE; FILLING OF VACANCIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 87.001. NO REMOVAL FOR PRIOR ACTION. An officer may not be removed under this chapter for an act the officer committed before election to office.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

SUBCHAPTER B. REMOVAL BY PETITION AND TRIAL

Sec. 87.011. DEFINITIONS. In this subchapter:

- (1) "District attorney" includes a criminal district attorney.
- (2) "Incompetency" means:
 - (A) gross ignorance of official duties;
 - (B) gross carelessness in the discharge of those duties; or
 - (C) unfitness or inability to promptly and properly discharge official duties because of a serious physical or mental defect that did not exist at the time of the officer's election.
- (3) "Official misconduct" means intentional, unlawful behavior relating to official duties by an officer entrusted with the administration of justice or the execution of the law. The term includes:
 - (A) an intentional or corrupt failure, refusal, or neglect of an officer to perform a duty imposed on the officer by law;
 - (B) a prosecuting attorney's adoption or enforcement of a policy of refusing to prosecute a class or type of criminal offense under state law or instructing law enforcement to refuse to arrest individuals suspected of committing a class or type of offense under state law, except a policy adopted:
 - (i) in compliance with state law or an injunction, judgment, or other court order;
 - (ii) in response to a reasonable evidentiary impediment to prosecution; or
 - (iii) to provide for diversion or similar conditional dismissals of cases when permissible under state law; or
 - (C) permitting an attorney who is employed by or otherwise under the direction or control of the prosecuting attorney to refuse to prosecute a class or type of criminal offense under state law or instruct law enforcement to refuse to arrest individuals suspected of committing a class or type of offense under state law for any reason other than a reason described by Paragraph (B)(i), (ii), or (iii).
- (4) "Policy" means an instruction or directive expressed in any manner.
- (5) "Prosecuting attorney" means a district attorney or a county attorney with criminal jurisdiction.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 366 (H.B. 17), Sec. 1, eff. September 1, 2023.

~~Sec. 87.012. OFFICERS SUBJECT TO REMOVAL. The district judge may, under this subchapter, remove from office:~~

- (1) a district attorney;
- (2) a county attorney;
- (3) a county judge;
- (4) a county commissioner;
- (5) a county clerk;
- (6) a district clerk;
- (7) a district and county clerk;
- (8) a county treasurer;
- (9) a sheriff;
- (10) a county surveyor;
- (11) a county tax assessor-collector;
- (12) a constable;
- (13) a justice of the peace;
- (14) a member of the board of trustees of an independent school district; and
- (15) a county officer, not otherwise named by this section, whose office is created under the constitution or other law of this state.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 37 (H.B. 328), Sec. 4, eff. May 19, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 508 (S.B. 122), Sec. 1, eff. June 14, 2013.

Sec. 87.013. GENERAL GROUNDS FOR REMOVAL. (a) An officer may be removed for:

- (1) incompetency;
- (2) official misconduct; or

(3) intoxication on or off duty caused by drinking an alcoholic beverage.

(b) Intoxication is not a ground for removal if it appears at the trial that the intoxication was caused by drinking an alcoholic beverage on the direction and prescription of a licensed physician practicing in this state.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 87.0131. DEFENSE IN CERTAIN CASES. It is a defense in an action alleging a prosecuting attorney committed official misconduct described by Section 87.011(3)(C) that the prosecuting attorney took action immediately on discovering an attorney employed by or otherwise under the direction or control of the prosecuting attorney was acting as described by Section 87.011(3)(C).

Added by Acts 2023, 88th Leg., R.S., Ch. 366 (H.B. 17), Sec. 2, eff. September 1, 2023.

Sec. 87.014. GROUNDS: FAILURE TO GIVE BOND. A county officer who is required by law to give an official bond may be removed under this subchapter if the officer:

- (1) fails to execute the bond within the time prescribed by law; or
- (2) does not give a new bond, or an additional bond or security, if required by law to do so.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 87.015. PETITION FOR REMOVAL. (a) A proceeding for the removal of an officer is begun by filing a written petition for removal in a district court of the county in which the officer resides. However, a proceeding for the removal of a district attorney is begun by filing a written petition in a district court of:

- (1) the county in which the attorney resides; or
- (2) the county where the alleged cause of removal occurred, if that county is in the attorney's judicial district.

(b) A petition for removal of an officer other than a prosecuting attorney may be filed by any resident of this state who has lived for at least six months in the county in which the petition is to be filed and who is not currently under indictment in the county. At least one of the parties who files the petition must swear to it at or before the filing.

(b-1) A petition for removal of a prosecuting attorney may be filed by any resident of this state who, at the time of the alleged cause of removal, lives and has lived for at least six months in the county in which the alleged cause of removal occurred and who is not currently charged with a criminal offense in that county. At least one of the parties who files the petition must swear to it at or before the filing.

(c) A petition for removal of an officer other than a prosecuting attorney must be addressed to the district judge of the court in which it is filed. A petition for removal of a prosecuting attorney must be addressed to the presiding judge of the administrative judicial region in which the petition is filed. The petition must set forth the grounds alleged for the removal of the officer in plain and intelligible language and must cite the time and place of the occurrence of each act alleged as a ground for removal with as much certainty as the nature of the case permits.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 366 (H.B. 17), Sec. 3, eff. September 1, 2023.

Sec. 87.0151. ASSIGNMENT OF JUDGE IN CERTAIN CASES. (a) Immediately after a petition for removal of a prosecuting attorney is filed under Section 87.015, the district clerk shall deliver a copy of the petition to the presiding judge of the administrative judicial region in which the court sits.

(b) On receiving a petition for removal of a prosecuting attorney under Subsection (a), the presiding judge of the administrative judicial region shall assign a district court judge of a judicial district that does not include the county in which the petition was filed to conduct the removal proceedings.

Added by Acts 2023, 88th Leg., R.S., Ch. 366 (H.B. 17), Sec. 4, eff. September 1, 2023.

Sec. 87.016. CITATION OF OFFICER. (a) After a petition for removal is filed, the person filing the petition shall apply to the district judge in writing for an order requiring a citation and a certified copy of the petition to be served on the officer.

(b) If the application for the order is made during the term of the court, action may not be taken on the petition until the order is granted and entered in the minutes of the court. If the application is made to the judge during the vacation of the court, the judge shall indicate on the petition the action taken and shall have the action entered in the minutes of the court at the next term.

(c) If the judge refuses to issue the order for citation, the petition shall be dismissed at the cost of the person filing the petition. The person may not take an appeal or writ of error from the judge's decision. If the judge grants the order for citation, the clerk shall issue the citation with a certified copy of the petition. The judge shall require the person filing the petition to post security for costs in the manner provided for other cases.

(d) The citation shall order the officer to appear and answer the petition on a date, fixed by the judge, after the fifth day after the date the citation is served. The time is computed as it is in other suits.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1991, 72nd Leg., ch. 563, Sec. 1, eff. Sept. 1, 1991.

Sec. 87.017. SUSPENSION PENDING TRIAL; TEMPORARY APPOINTEE. (a) After the

issuance of the order requiring citation of the officer, the district judge may temporarily suspend the officer and may appoint another person to perform the duties of the office.

(b) The judge may not suspend the officer until the person appointed to serve executes a bond, with at least two good and sufficient sureties, in an amount fixed by the judge and conditioned as required by the judge. The bond shall be used to pay damages and costs to the suspended officer if the grounds for removal are found at trial to be insufficient or untrue. In an action to recover on the bond it is necessary to allege and prove that the temporary appointee actively aided and instigated the filing and prosecution of the removal action. The suspended officer must also serve written notice on the temporary appointee and the appointee's bondsman, within 90 days after the date the bond is executed, stating that the officer intends to hold them liable on the bond and stating the grounds for that liability.

(c) If the final judgment establishes the officer's right to the office, the county shall pay the officer from the general fund of the county an amount equal to the compensation received by the temporary appointee.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 87.018. TRIAL. (a) Officers may be removed only following a trial by jury.

(b) The trial for removal of an officer and the proceedings connected with the trial shall be conducted as much as possible in accordance with the rules and practice of the court in other civil cases, in the name of the State of Texas, and on the relation of the person filing the petition.

(c) In a removal case, the judge may not submit special issues to the jury. Under a proper charge applicable to the facts of the case, the judge shall instruct the jury to find from the evidence whether the grounds for removal alleged in the petition are true. If the petition alleges more than one ground for removal, the jury shall indicate in the verdict which grounds are sustained by the evidence and which are not sustained.

(d) The county attorney shall represent the state in a proceeding for the removal of an officer except as otherwise provided by Subsection (e) or (f).

(e) In a proceeding to remove a county attorney who is not a prosecuting attorney from office, the district attorney shall represent the state. If the county does not have a district attorney, the county attorney from an adjoining county, as selected by the commissioners court of the county in which the proceeding is pending, shall represent the state.

(f) In a proceeding to remove a prosecuting attorney from office, the presiding judge of the administrative judicial region in which the petition for removal was filed shall appoint a prosecuting attorney from another judicial district or county, as applicable, in the administrative judicial region to represent the state.

(g) In a proceeding to remove a prosecuting attorney from office, a prosecuting attorney's public statement establishing that the prosecuting attorney adopted or enforced or intends to adopt or enforce a policy described by Section 87.011(3)(B) or permitted or intends to permit an attorney who is employed by or otherwise under the direction or control of the prosecuting attorney to act as described by Section 87.011(3)(C) creates a rebuttable presumption that the prosecuting attorney committed official misconduct.

(h) In a trial in which a prosecuting attorney is accused of committing official misconduct under Section 87.011(3)(B) or (C), a court may award reasonable attorney's fees and costs the prosecuting attorney personally spent related to the conduct of the proceeding on finding that the prosecuting attorney did not adopt or enforce a policy described by Section 87.011(3)(B) or permit an attorney who is employed by or otherwise under the direction or control of the prosecuting attorney to act as described by Section 87.011(3)(C), as applicable.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1991, 72nd Leg., ch. 563, Sec. 2, eff. Sept. 1, 1991.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 366 (H.B. 17), Sec. 5, eff. September 1, 2023.

Sec. 87.019. APPEAL. (a) Either party to a removal action may appeal the final judgment to the court of appeals in the manner provided for other civil cases. If the officer has not been suspended from office, the officer is not required to post an appeal bond but may be required to post a bond for costs.

(b) An appeal of a removal action takes precedence over the ordinary business of the court of appeals and shall be decided with all convenient dispatch. If the trial court judgment is not set aside or suspended, the court of appeals shall issue its mandate in the case within five days after the date the court renders its judgment.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

SUBCHAPTER C. REMOVAL BY CRIMINAL CONVICTION

Sec. 87.031. IMMEDIATE REMOVAL. (a) The conviction of a county officer by a petit jury for any felony or for a misdemeanor involving official misconduct operates as an immediate removal from office of that officer.

(b) The court rendering judgment in such a case shall include an order removing the officer in the judgment.

(c) For purposes of Subsection (a), "a misdemeanor involving official misconduct" includes a misdemeanor under Section 39.07, Penal Code.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 4 (S.B. 4), Sec. 5.01, eff. September 1, 2017.

Sec. 87.032. APPEAL; SUSPENSION. If the officer appeals the judgment, other than for an offense to which Section 180.010 applies, the appeal supersedes the order of removal unless the court that renders the judgment finds that it is in the public interest to suspend the officer pending the appeal. If the court finds that the public interest requires suspension, the court shall suspend the officer as provided by this chapter.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 15.001, eff. September 1, 2009.

Acts 2023, 88th Leg., R.S., Ch. 1048 (S.B. 232), Sec. 3, eff. September 1, 2023.

SUBCHAPTER D. FILLING OF VACANCIES

Sec. 87.041. VACANCIES FILLED BY APPOINTMENT OF COMMISSIONERS COURT.

(a) The commissioners court of a county may fill a vacancy in the office of:

- (1) county judge;
- (2) county clerk;
- (3) district and county clerk;
- (4) sheriff;
- (5) county attorney;
- (6) county treasurer;
- (7) county surveyor;
- (8) county tax assessor-collector;
- (9) justice of the peace; or

(10) constable.

(b) The commissioners court shall fill a vacancy by a majority vote of the members of the court who are present and voting.

(c) The person appointed by the commissioners court to fill the vacancy shall hold office until the next general election.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 37 (H.B. 328), Sec. 5, eff. May 19, 2009.

Sec. 87.042. COUNTY COMMISSIONER VACANCY. (a) Except as provided by Subsection (b), if a vacancy occurs in the office of county commissioner, the county judge shall appoint a suitable resident of the precinct in which the vacancy exists to fill the vacancy until the next general election.

(b) This subsection applies only to a county with a population of more than 300,000. Not later than the 60th day after the date a vacancy occurs in the office of county commissioner, the county judge shall appoint a suitable resident of the precinct in which the vacancy exists to fill the vacancy until the next general election. If the county judge does not make an appointment to fill the vacancy before the 61st day after the date the vacancy occurred, the commissioners court by majority vote shall appoint a suitable resident of the precinct in which the vacancy exists to fill the vacancy until the next general election.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 791 (H.B. 1927), Sec. 1, eff. June 10, 2019.

Sec. 87.043. TEMPORARY ABSENCE IN OFFICE OF COUNTY JUDGE IN CERTAIN COUNTIES. (a) In a county with a population of less than 150,000, a temporary absence occurs in the office of county judge if:

(1) the county judge is located outside the county for 30 consecutive full days as a direct result of:

(A) being a reservist or a member of the national guard who was ordered to duty under the authority of federal law;

(B) enlisting in the armed forces or the national guard as a volunteer; or

(C) being inducted into the armed forces under federal draft laws; and

(2) the commissioners court determines in writing that the absence prevents the county judge from satisfactorily discharging the duties of the office.

(b) If a temporary absence exists in the office of county judge, before the 30th day after the date the absence begins, the absent county judge may appoint a resident of the county to fill the office until the next term of that office or until the temporary absence ends, whichever event occurs first. If the absent county judge does not appoint a resident of the county within the 30-day period, the commissioners court shall appoint a resident of the county to fill the office until the next term of that office or until the temporary absence ends, whichever event occurs first.

Added by Acts 1991, 72nd Leg., ch. 447, Sec. 1, eff. June 11, 1991.

Exhibit B

Exhibit C

CCR#3

20130C11929

D.A. CONTROL NO.: D13-08334

PID: 537715

NCIC: 54040009

INFORMATION

OFFENSE: DRIVING WHILE INTOXICATED

PREFILE CASE NUMBER: 2013-PFILE11873

STATE OF TEXAS
VS.
ARMANDO RODRIGUEZ

D.O.B.: MAY 20, 1983

WARRANT: D13-08334; D13-08334

AGENCY: EL PASO COUNTY SHERIFF'S OFFICE

[] CAPIAS REQUESTED

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

I, Nancy Cas, ASSISTANT DISTRICT ATTORNEY IN AND FOR THE COUNTY OF EL PASO, STATE OF TEXAS, PRESENT TO THE COUNTY COURT AT LAW NO. 1 OF EL PASO COUNTY, TEXAS, IN AND FOR SAID COUNTY, AT ITS JULY TERM, A.D. 2013, THAT ON OR ABOUT THE 26TH DAY OF SEPTEMBER, 2013 AND BEFORE THE FILING OF THIS INFORMATION IN SAID COUNTY OF EL PASO, STATE OF TEXAS, ARMANDO RODRIGUEZ, HEREINAFTER REFERRED TO AS DEFENDANT,

THEN AND THERE OPERATE A MOTOR VEHICLE IN A PUBLIC PLACE WHILE THE SAID DEFENDANT WAS INTOXICATED

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Nancy Cas

ASSISTANT DISTRICT ATTORNEY
FOR EL PASO COUNTY,
STATE OF TEXAS

FILED IN THE COUNTY COURT AT LAW NO. 1 OF EL PASO COUNTY, TEXAS
ON 9-26-13 AT 11:23 O'CLOCK, A M.

James Z. Linder

DEPUTY COUNTY CLERK
FOR EL PASO COUNTY,
STATE OF TEXAS

LR

Ex. B

D.A. CONTROL NO.: D13-08334

PID: 537715

NCIC: 5404009

COMPLAINT

OFFENSE: DRIVING WHILE INTOXICATED

PREFILE CASE NUMBER: 2013-PFILE11873

STATE OF TEXAS
VS.
ARMANDO RODRIGUEZ

D.O.B.: MAY 20, 1983

WARRANT: D13-08334; D13-08334

AGENCY: EL PASO COUNTY SHERIFF'S OFFICE

[] CAPIAS REQUESTED

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

I, Laura L. Pittblado ¹³²⁰, DO SOLEMNLY SWEAR THAT I HAVE GOOD REASON TO BELIEVE AND DO BELIEVE THAT HERETOFORE, TO WIT: THAT ON OR ABOUT THE 26TH DAY OF SEPTEMBER, 2013 IN THE COUNTY OF EL PASO, STATE OF TEXAS, ARMANDO RODRIGUEZ, HEREINAFTER REFERRED TO AS DEFENDANT,

THEN AND THERE OPERATE A MOTOR VEHICLE IN A PUBLIC PLACE WHILE THE SAID DEFENDANT WAS INTOXICATED

AGAINST THE PEACE AND DIGNITY OF THE STATE.

[Signature]
AFFLIANT

SWORN TO AND SUBSCRIBED BY AFFLIANT BEFORE ME THE UNDERSIGNED AUTHORITY ON 09-26-2013

[Signature]
ASSISTANT DISTRICT ATTORNEY
FOR EL PASO COUNTY,
STATE OF TEXAS

FILED IN THE COUNTY COURT AT LAW NO. 1 OF EL PASO COUNTY, TEXAS
ON 9-26-13 AT 11:23 O'CLOCK, A M.

[Signature]
DEPUTY COUNTY CLERK
EL PASO COUNTY, TEXAS

LR

Ex. B

SUPPLEMENTAL REPORT

El Paso County Sheriff's

OCA 201309611

ALL INFORMATION BELOW IS UNCLASSIFIED DATE 09/26/2013 BY 60322 UCBAW/STW

Investigator: Valle, Mariano 2509

Date / Time: 09/26/2013 02:37:58

Thursday

Contact:

Reference: ARREST SUPPLEMENT

COMPLAINT AFFIDAVIT
EL PASO COUNTY, TEXAS

THE STATE OF TEXAS
COUNTY OF EL PASO COURT NO. D13 - 08334

Filing Agency: El Paso Sheriff's Office

Offense Report #: 2013-09611

Date of offense: 09-26-13 Time of offense: 0020 hrs

Defendant Name: Armando Rodriguez Defendant date of birth: 05-20-83

Offense: Driving While Intoxicated Offense Code# 54040009

IN THE NAME AND AUTHORITY OF THE STATE OF TEXAS BEFORE ME, the undersigned authority, on this day

personally appeared Deputy M. Valle #3169, who after being me duly sworn, on oath deposes and says that he has good reason to believe and does believe that heretofore to wit: on or about the 26th day of September 2013 and before the filing of this complaint in the County of El Paso, the State of Texas, one Armando Rodriguez, Hereinafter called the DEFENDANT, did then and there unlawfully, operate a motor vehicle while in a public place

On 09-26-13 at 0020 hrs, I was dispatched to Strahan Rd and FM 259, El Paso County Texas in reference to a motor vehicle accident. At 0027 hrs I located the accident at the 6800 block of Strahan Rd and saw that a white Hummer H3 had crashed into a telephone pole. Standing about 10 feet from the vehicle was a male subject wearing a blue button down long sleeve shirt, khakis pants and brown shoes. He had blood on his nose when I met with him. I also noticed he was limping and saw that he had blood on his pants. I asked him what had happened and he said he fell asleep while driving home. I asked him if the air bag had deployed and he said that is how he got blood on his nose. I asked him where he was coming from and he said he had gone to the "Network", a restaurant bar. I noticed that his speech was a bit slurred. I also detected an odor of alcohol coming from his breath. I asked him if he had drank anything. He said he had one glass of wine. I told him that I was going to administer a test to check his eyes. He said he did not use glasses or contacts. I then asked to stand up straight with his arms to his side. I first checked for equal tracking and equal pupil size, which he did. I saw that the Offender demonstrated a lack of smooth pursuit in both eyes, showed distinct nystagmus at maximum deviation in both eyes, had slight onset of Nystagmus prior to 45 degrees in both eyes, and had vertical nystagmus in both eyes. Because the Offender had an injured leg and was limping, I did not administer the one leg stand or the walk and turn. I then placed the Offender under arrest for Driving While Intoxicated and read him his Miranda rights. At 0057 hrs I transported the Offender to the Vinton

Ex. B

SUPPLEMENTAL REPORT

El Paso County Sheriff's

OCA 201309611

Substation where I read him his Statutory warnings (DIC 24). He looked at the Miranda rights form but refused to sign it. The Offender verbally agreed to taking the intoxilyzer test. Deputy R. Munoz #5431 arrived to the station to administer the Intoxilyzer test. The Offender showed to have a blood alcohol concentration of .146 and .141. At 0320 hrs I transported the Offender to University Medical Center where he was medically cleared.

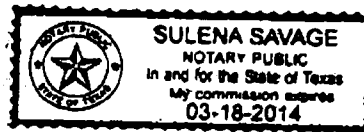
Against the peace and dignity of the State.

[Handwritten signature]

Affiant

Sworn to and subscribed before me on this, the 21st day of September, 2013

[Handwritten signature]
Notary Public in and for El Paso County, Texas



Sworn to and subscribed before me, and filed in this court, this the ___ day of _____, 200__
Probable Cause for issuance of Warrant found.

Judge, Judge,
_____ District Court El Paso Municipal Court # _____
County Court at Law# _____ El Paso Justice Ct. Pct # _____
Of El Paso County, Texas EL Paso Criminal Law Magistrate of
El Paso County, Texas

No answer chosen

IN THE COUNTY COURTS AT LAW
OF EL PASO COUNTY, TEXAS

STATE OF TEXAS

§
§

2013 Oct 19 29 - CCR3

vs.

§
§

No. D13-08334

ARMANDO RODRIGUEZ

DOB: 05/20/1983

§
§

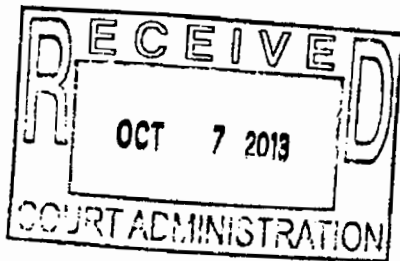
ENTRY OF APPEARANCE

COMES NOW, SERGIO CORONADO, a duly licensed attorney in the State of Texas, and files this, his Entry of Appearance for Defendant, ARMANDO RODRIGUEZ and enters his appearance in the above entitled and numbered cause as attorney of record for all purposes.

Respectfully submitted,

Sergio Coronado

SERGIO CORONADO
Attorney At Law
State Bar No. 04838350
1019 E. Yandell
El Paso, Texas 79902
(915) 532-4500
(915) 532-4501 Fax



CERTIFICATE OF SERVICE

I, SERGIO CORONADO, certify that the foregoing Entry of Appearance was delivered to the District Attorney's Office, 500 E. San Antonio, El Paso, Texas 79901 on this 4th day of October, 2013.

Sergio Coronado

SERGIO CORONADO

SERGIO CORONADO

Attorney At Law
1019 E. Yandell
El Paso, Texas 79902
(915) 532-4500
(915) 532-4501 Fax

FAX TRANSMISSION COVER SHEET

Date: October 4, 2013, Friday

To: Court Administration

Fax: 915-546-2192

Re: **ARMANDO RODRIGUEZ**
Cause No. D13-08334, D.W.I.

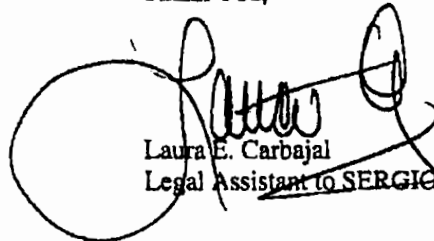
Sender: Laura E. Carbajal

**YOU SHOULD RECEIVE 3 PAGE(S), INCLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL.**

Attached is the Entry of Appearance of the above referenced matter.

Please fax notice of hearing.

Thank You,



Laura E. Carbajal
Legal Assistant to SERGIO CORONADO

This facsimile is privileged and confidential attorney-client communication and is transmitted from the exclusive information and use of the addressee. Persons responsible for delivering this communication to the intended recipient are admonished that this communication may not be copied or disseminated excepted as directed by the addressee. If you receive this communication in error, please notify us immediately by phone, and mail the communication to us at our letterhead address.



STATE OF TEXAS

Vs.

ARMANDO RODRIGUEZ

DATE MAILED: October 08, 2013

CASE NO.: 20130C11929

BONDSMAN: (104) - ANNEX

ATTORNEY: SERGIO CORONADO

Charge: DRIVING WHILE INTOXICATED

ARRAIGNMENT/PRE-TRIAL has been scheduled in the above styled and numbered cause on December 10, 2013. You and your attorney are to report to COUNTY CRIMINAL COURT NUMBER THREE, 4TH FLOOR ROOM 413, 500 E. San Antonio Street, El Paso, Texas at 8:30 AM. If you fail to appear, a WARRANT will be issued for your arrest.

CARLOS CARRASCO
JUDGE

ESTADO DE TEXAS

Vs.

ARMANDO RODRIGUEZ

NUMERO DE CASO: 20130C11929

AFIANZADOR: (104) - ANNEX

ABOGADO: SERGIO CORONADO

Acusacion: DRIVING WHILE INTOXICATED

Este caso esta citado en la Corte de Leyes Criminal Numcro Tres el December 10, 2013 a las 8:30 AM, 500 E. San Antonio Street, 4TH FLOOR/ROOM 413, El Paso, Texas. Falta de presentarse resultara en ORDEN DE ARRESTO.

CARLOS CARRASCO
JUEZ

ENC: INDIGENCY INFORMATION
ORIGINAL TO BE FILED

ARMANDO RODRIGUEZ
241 BRIANNA CT
CANUTILLO TX 79835



STATE OF TEXAS

Vs.

ARMANDO RODRIGUEZ

DATE MAILED: December 12, 2013

CASE NO.: 20130C11929

BONDSMAN: (104) - ANNEX

ATTORNEY: SERGIO CORONADO

Charge: DRIVING WHILE INTOXICATED

ARRAIGNMENT/PRE-TRIAL has been scheduled in the above styled and numbered cause on January 13, 2014. You and your attorney are to report to COUNTY COURT NUMBER TWO, 8TH FLOOR ROOM 801, 500 E. San Antonio Street, El Paso, Texas at 8:30 AM. If you fail to appear, a WARRANT will be issued for your arrest.

JULIE GONZALEZ

JUDGE

ESTADO DE TEXAS

Vs.

ARMANDO RODRIGUEZ

NUMERO DE CASO: 20130C11929

AFIANZADOR: (104) - ANNEX

ABOGADO: SERGIO CORONADO

Acusacion: DRIVING WHILE INTOXICATED

Este caso esta citado en la Corte de Leyes Numero Dos el January 13, 2014 a las 8:30 AM, 500 E. San Antonio Street, 8TH FLOOR/ROOM 801 El Paso, Texas. Falta de presentarse resultara en ORDEN DE ARRESTO.

JULIE GONZALEZ

JUEZ

ENC: INDIGENCY INFORMATION
ORIGINAL TO BE FILED

ARMANDO RODRIGUEZ
241 BRIANNA CT
CANUTILLO TX 79835

IN THE COUNTY COURTS OF EL PASO COUNTY, TEXAS
COUNTY CRIMINAL COURT AT LAW NO. THREE

THE STATE OF TEXAS

VS.

CAUSE NO. 20130C111929
8

ARMANDO RODRIGUEZ

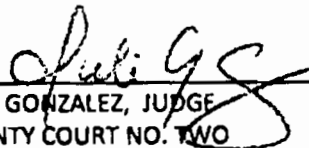
TRANSFER ORDER

ON THIS 11th DAY OF DECEMBER, 2013, PURSUANT TO THE LOCAL RULES OF THE DISTRICT AND COUNTY COURT OF EL PASO COUNTY, TEXAS, THE ABOVE STYLED AND NUMBERED CAUSE HAS BEEN ASSIGNED AND RANDOMLY TRANSFERRED FROM THE COUNTY CRIMINAL COURT AT LAW NO. THREE INTO THE COUNTY COURT AT LAW NO. TWO OF EL PASO COUNTY, TEXAS.

SIGNED: Dec 12 2013



CARLOS CARRASCO, JUDGE
COUNTY CRIMINAL COURT NO. THREE



JULIE GONZALEZ, JUDGE
COUNTY COURT NO. TWO

8

IN THE COUNTY CRIMINAL COURT AT LAW NUMBER THREE

EL PASO COUNTY, TEXAS

THE STATE OF TEXAS

v.

ARMANDO RODRIGUEZ

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Cause No. 20130C11929

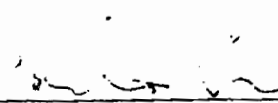
CERTIFICATE OF CONFLICT OF INTEREST

To the El Paso County Court Administrator:

The Presiding Judge of El Paso County Criminal Court at Law Number Three hereby certifies that he and the attorney representing the defendant in this case are joint owners of commercial property situated within El Paso County, Texas, and as such said Judge asserts that to preside over said matter would be inappropriate.

It is therefore requested that this matter be assigned to another presiding judge to eliminate said conflict of interest.

SIGNED this 11th day of December, 2013.



Carlos Carrasco
Judge, County Criminal Court No. Three

5-20-83

4

IN THE COUNTY COURT AT LAW NUMBER TWO
OF EL PASO COUNTY, TEXAS

STATE OF TEXAS

vs.

Armando Rodriguez

)
)
)
)
)

Cause No. 20130C11929

WAIVER OF ARRAIGNMENT

Now comes the named Defendant and his counsel, Sergio Coronado and would show the Court that both the Defendant and his attorney have full knowledge of the charges pending against the said Defendant in the above styled cause in the County Courts at Law of El Paso County, Texas, and that the Defendant is entitled to be arraigned in open court in this cause.

The Defendant (and his attorney) herein waive said arraignment and enter this Waiver as the appearance of said Defendant (and his attorney), and the Defendant herein pleads not guilty as charged in said cause number and would ask the Court to enter his waiver for all purposes of arraignment.

Signed this the 13 day of Jan 2014

X [Signature]
DEFENDANT

[Signature]
ATTORNEY OF RECORD

04838350
BAR NUMBER

FILED FOR RECORD
IN MY OFFICE

2014 JAN 13 PM 3:01

[Signature]
COUNTY CLERK
EL PASO COUNTY, TEXAS

ORDER

On this the 13 day of Jan 2014, the Waiver of the above named Defendant (and his attorney) in the above numbered cause in the County Courts at Law of El Paso County, Texas, was filed and said Waiver is hereby accepted and entered upon the minutes of the Court for all purposes of arraignment in this cause.

Signed and entered this the 13th day of January 2014.

[Signature]
JULIE GONZALEZ, JUDGE
PRESIDING JUDGE

FILED FOR RECORD
COUNTY COURT AT LAW NUMBER TWO
EL PASO COUNTY, TEXAS

THE STATE OF TEXAS 2014 JAN 13 PM 3:01

vs.

ARMANDO RODRIGUEZ

Delia B...
CLERK
EL PASO COUNTY, TEXAS

CAUSE NUMBER: 20130C11929
OFFENSE: DRIVING WHILE INTOXICATED

ORDER OF COURT SETTING

1. This cause is set for:

Pre-Trial Hearing	02/12/2014	1:30 PM
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in the courtroom of the COUNTY COURT AT LAW NUMBER TWO, 8th Floor, Room 801.

2. COURTROOM ATTIRE IS REQUIRED AT ALL TIMES FOR EVERYONE ENTERING THE COURTROOM.
3. Defendant is in jail: NO
4. Defendant's bondsman is: (104) - ANNEX
5. Defendant's attorney is SERGIO CORONADO, and his/her presence at the time and place set out above is required.

SIGNED AND ENTERED THIS 13th day of January, 2014.

Sergio Coronado

ATTORNEY

SERGIO CORONADO
1019 E. YANDELL
EL PASO TX 79902
915-532-4500
FAX: 915-532-4501

JULIE GONZALEZ
JULIE GONZALEZ
JUDGE

Armando Rodriguez

DEFENDANT

DEFENDANT'S PRESENCE IS
REQUIRED AT ALL HEARINGS

Julie Gonzalez

DISTRICT / COUNTY ATTORNEY

FILED FOR RECORD
IN MY OFFICE

EL PASO COUNTY, TEXAS

IN THE COUNTY COURT AT LAW NO. _____
IN THE COUNTY CRIMINAL COURT AT LAW NO. 3

2014 JAN 13 PM 3:01

THE STATE OF TEXAS

CAUSE NO. 20130C11929

vs.

Debi P. Brown
COUNTY CLERK
EL PASO COUNTY, TEXAS

OFFENSE: DWI

Armando Rodriguez

STATE'S PLEA OFFER

Comes now the State of Texas, by and through her Assistant District Attorney, and makes the following recommendations should the above-named defendant enter a Plea of Guilty:

- 180 Days / Months in Jail
- 12 Months / Years Probation
- \$ 500 Fine
- \$ 7130 Restitution to _____
- \$ Court Costs
- 80 Hours Community Service

Other Terms:

VA/BA, VIP, DWI school, curfew, \$5040 MADD

NOTICE:

The above offer expires at 5:00 pm on the _____ day of _____, 20____, and is made subject to the circumstances that there are no other State charges pending against the defendant (except: _____).

All parties agree that there are no agreements concerning any federal charges, if any, that may be pending against the defendant.

Date: _____

Assistant District Attorney

[Signature]

Attorney for Defendant

Defendant

COUNTY COURT AT LAW NUMBER TWO
EL PASO COUNTY, TEXAS

FILED FOR RECORD
IN MY OFFICE

2014 JAN 30 A 9 4'

STATE OF TEXAS

§

vs.

§

CAUSE No. 20130C11929

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ARMANDO RODRIGUEZ

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Delia Driener
COUNTY CLERK
EL PASO COUNTY, TEXAS

MOTION TO SUPPRESS WRITTEN OR ORAL STATEMENTS OF DEFENDANT

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes **ARMANDO RODRIGUEZ**, defendant in the above entitled and numbered cause, and respectfully requests the Court to determine, outside the presence of the jury, the admissibility of any written or oral statements, admissions or confessions alleged to have been made by defendant, and for good cause shows the following:

I.

The statements, admissions or confessions allegedly made by defendant were the product of custodial interrogation.

II.

The statements, admissions or confessions, if any were made, were not made voluntarily, or without compulsion or persuasion, in violation of Article 38.21 of the Texas Code of Criminal Procedure; of the Due Process of Law Clause of the Fifth and Fourteenth Amendments to the United States Constitution and of the Due Course of Law provision of Article I, §§ 13 and 19 of the Texas Constitution.

III.

The written statements, admissions or confessions, if any were made, do not show on their face that the proper admonitions were given, in violation of Article 38.22, § 2 of the Texas Code of

Criminal Procedure; the Fifth, Sixth and Fourteenth Amendments to the United States Constitution; and Article I, § 10 of the Texas Constitution.

IV.

Oral statements, admissions or confessions allegedly made by defendant which resulted from custodial interrogation were not taken in compliance with Article 38.22, § 3 of the Texas Code of Criminal Procedure, nor do any of the enumerated exceptions contained in §§ 3(c) or 5 of that article apply. Nor were the statements taken in compliance with the Fifth, Sixth, and Fourteenth Amendments of the United States Constitution, Article I, §§ 10 and 19 of the Texas Constitution or Miranda v. Arizona, 384 U.S. 436 (1966), and its progeny.

V.

Defendant was illegally seized in violation of the Fourth and Fourteenth Amendments to the United States Constitution; Article I, § 9 of the Texas Constitution; and Article 38.23 and chapter 14 of the Texas Code of Criminal Procedure, and all statements, admissions or confessions, whether written or oral, are "fruits" of this illegal seizure, and are therefore inadmissible, since the state has not carried its burden of proving that the "taint" of the illegal seizure was attenuated.

VI.

Any statements, admissions or confessions allegedly given by defendant were taken in violation of his right to counsel, guaranteed by the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and Article I, § 10 of the Texas Constitution.

VII.

Any statements, admissions or confessions allegedly made by defendant were made after he had invoked his rights to counsel and silence, and before defendant initiated further conversation with the police, in violation of the Fifth, Sixth and Fourteenth Amendments to the United States

Constitution, and Article I § 10 of the Texas Constitution.

VIII.

This Court has a duty under Jackson v. Denno, 378 U.S. 368 (1964), and Article 38.22, § 6 of the Texas Code of Criminal Procedure, to conduct a hearing outside the presence of the jury to determine whether any statement, admission or confession allegedly made by defendant was made voluntarily. If the statement is found to have been made voluntarily, the Court must enter an order stating this, along with specific findings of fact upon which this conclusion is made. Additionally, hearings on the admissibility of confessions shall in all cases be held outside of the hearing of the jury. Tex. R. Evid. 104(c).

IX.

Defendant requests the Court to instruct the prosecution to ask no question in the presence of the jury concerning statements, admissions and confessions, whether written or oral, allegedly made by the defendant, until the requested hearing is held with findings of fact and conclusions of law by the Court.

WHEREFORE, PREMISES CONSIDERED, defendant respectfully requests that this Court suppress the written and oral statements made by defendant which were the product of custodial interrogation, and which were obtained in violation of the law.

Respectfully submitted,

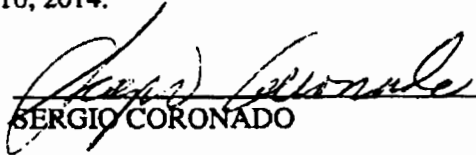
SERGIO CORONADO
1019 E. Yandell
El Paso, Texas 79902
(915) 532-4500
(915) 532-4501 Fax

By: 
SERGIO CORONADO

State Bar No. 04838350
Attorney for Defendant, **ARMANDO
RODRIGUEZ**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Motion to Suppress Written or Oral Statements of Defendant was hand delivered to the District Attorney's Office, at 500 E. San Antonio, El Paso, Texas 79901, on January 16, 2014.


SERGIO CORONADO

COUNTY COURT AT LAW NUMBER TWO
EL PASO COUNTY, TEXAS

FILED FOR RECORD
IN MY OFFICE

STATE OF TEXAS

§

2014 JAN 30 A 9 4

vs.

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CAUSE No. 20130C11929

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ARMANDO RODRIGUEZ

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Delia L. Brown
COUNTY CLERK
EL PASO COUNTY, TEXAS

MOTION TO SUPPRESS PHYSICAL EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes defendant **ARMANDO RODRIGUEZ**, by and through his undersigned counsel, and respectfully moves this Honorable Court to suppress all evidence seized as a result of the arrest of defendant and the search of defendant's person, papers and effects, vehicle, as well as all statements, either written or oral, made after such arrest. In support, defendant shows the following:

I.

The arrest and search of defendant and the seizure of items, papers and effects from him was effected without valid warrant, or probable cause, or reasonable suspicion, in violation of the Fourth and Fourteenth Amendments to the United States Constitution, Article I § 9 of the Texas Constitution, Article 38.23 of the Texas Code of Criminal Procedure, and Chapter 14 of the Texas Code of Criminal Procedure.

II.

The search of his vehicle was illegal, since conducted without valid warrant, or probable cause, or reasonable suspicion, in violation of the Fourth and Fourteenth Amendments to the United States Constitution, Article I § 9 of the Texas Constitution and Article 38.23 of the Texas Code of Criminal Procedure.

III.

All statements, either written or oral, made after the said seizure of defendant are fruits of the illegal arrest and search and are therefore inadmissible as fruits of the poisonous tree.

WHEREFORE, PREMISES CONSIDERED, defendant respectfully moves this Honorable Court to set the matter for a pretrial hearing pursuant to Article 28.01 of the Texas Code of Criminal Procedure, and, after hearing evidence, that the Court suppress all evidence seized as a result of the above described arrest and search and seizure, and any and all statements, either written or oral, made pursuant to or after the arrest of the defendant.

Respectfully submitted,

SERGIO CORONADO
1019 E. Yandell
El Paso, Texas 79902
(915) 532-4500
(915) 532-4501 Fax

By: _____


SERGIO CORONADO
State Bar No. 04838350

Attorney for Defendant, **ARMANDO
RODRIGUEZ**

CERTIFICATE OF SERVICE

I, SERGIO CORONADO, hereby certify that a copy of the above and foregoing Motion to Suppress Physical Evidence was hand delivered to the District Attorney's Office, at 500 E. San Antonio, El Paso, Texas 79901, on January 16, 2014.


SERGIO CORONADO

COUNTY COURT AT LAW NUMBER TWO
EL PASO COUNTY, TEXAS

FILED FOR RECORD
IN MY OFFICE

2014 JAN 30 A 9

STATE OF TEXAS

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vs.

CAUSE No. 20130C11929

Delia Dione
COUNTY CLERK
EL PASO COUNTY, TEXAS

ARMANDO RODRIGUEZ

**MOTION TO SUPPRESS EVIDENCE OF FIELD
SOBRIETY TEST, VIDEOTAPE, STATEMENTS**

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes **ARMANDO RODRIGUEZ**, Defendant in the above-styled and numbered cause, and respectfully moves this Court to suppress any and all evidence seized or obtained as a result of the government's acts, and for good cause shows the following:

1. On or about September 26, 2013 the defendant's vehicle was stopped without a warrant, and his person was seized by an officer of El Paso Police Department, and the defendant was thereafter charged with Driving While Intoxicated.
2. The defendant was seized without any reasonable suspicion that he was engaged in criminal activity. The evidence that will be offered by the state was not discovered pursuant to a reasonable investigative detention. The officer had no arrest warrant, there were no exigent circumstances, and there was no probable cause to believe the defendant was involved in criminal activity. This illegal stop and seizure violates the defendant's rights under the Fourth and Fourteenth Amendments to the United States Constitution, Article 1, Section 9 of the Texas Constitution, and Article 38.23 and Chapter 14 of the Texas Code of Criminal Procedure.
3. Any statements, acts, or refusal to cooperate or perform a field sobriety test at the scene of the defendant's stop or at the officer's video room allegedly made by the defendant or other evidence seized or acquired as a result of said statements or acts, are the products of the illegal

detention, arrest, and search and in violation of Article 1, Section 9 of the Texas Constitution, and Articles 1.06 and 38.23 of the Texas Code of Criminal Procedure. Thus, any oral, written, or video or audio recorded statements, acts, or refusals to perform field sobriety tests either at the scene of the arrest or at the officer's video room were improper and should be suppressed.

4. The evidence that the state will offer at trial was acquired without the defendant's consent, and the defendant did not intelligently, voluntarily, and knowingly consent to doing the field sobriety test and/or to the videotaping of the field sobriety test either at the scene of the arrest or at the officer's video room. The admission of the statements and acts of the defendant and also of the seized and derivative evidence would violate the defendant's statutory and constitutional guarantees. See the Sixth and Fourteenth Amendments to the United States Constitution, Article 1, Section 10 of the Texas Constitution, Articles 1.05 and 1.27 of the Texas Code of Criminal Procedure, and Sections 724.011, 724.015, 724.031, 724.016, Tex. Transp. Code Ann. (Vernon).

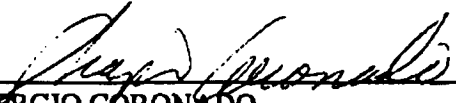
5. The field sobriety test should not be admitted as they were not performed in accordance with the requirements and prerequisites under State Law and scientific evidence requirements under *Daubert v. Dow Pharmaceutical*, *Kelly v. State* and their progeny of cases.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that this motion be granted and that the Court instructs the state and all of its witnesses not to refer, testify, or in any manner allude to oral or written statements, either electronically recorded or not, allegedly made by the defendant until their admissibility has been determined.

Respectfully submitted,

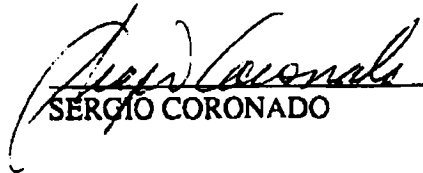
SERGIO CORONADO
1019 E. Yandell

El Paso, Texas 79902
(915) 532-4500
(915) 532-4501 Fax

By: 
SERGIO CORONADO
State Bar No. 04838350
Attorney for **ARMANDO RODRIGUEZ**

CERTIFICATE OF SERVICE

This is to certify that on January 16, 2014, a true and correct copy of the above and foregoing document was served on the District Attorney's Office, El Paso County, 500 E. San Antonio, El Paso, Texas 79901, by hand delivery.


SERGIO CORONADO

COUNTY COURT AT LAW NUMBER TWO
EL PASO COUNTY, TEXAS

FILED FOR RECORD
IN MY OFFICE

2014 JAN 30 A 9 46

STATE OF TEXAS

vs.

ARMANDO RODRIGUEZ

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CAUSE No. 20130C11973

Debra D. Driener
COUNTY CLERK
EL PASO COUNTY, TEXAS

MOTION IN LIMINE

Now comes **ARMANDO RODRIGUEZ**, Defendant in the above styled and numbered cause, and moves this Court before trial in limine for an order instructing the District Attorney, and the District's representatives and witnesses, to refrain from making any direct or indirect reference whatsoever, at trial before the jury to any of the following matters:

1. **ARMANDO RODRIGUEZ** moves to exclude all extraneous crime or misconduct evidence, which is not alleged in the indictment, unless it can be shown by sufficient proof that Defendant perpetrated such conduct, that this evidence is relevant to a material issue in the case, other than character conformity, and that its probative value outweighs its potential for prejudice.

2. **ARMANDO RODRIGUEZ** also moves to exclude all extraneous crime or misconduct evidence, notice of which was requested by Defendant, but not provided by the state as required by Rules 404(b) and 609(f) of the Texas Rules of Evidence, and Art. 37.07(g) of the Texas Code of Criminal Procedure. Alternatively, any purported acts would not be admissible under Texas Rules of Evidence 403, 404(a),(1),(b), or 608.

3. **ARMANDO RODRIGUEZ** further moves to exclude any and all evidence offered by the State to establish that the race or ethnicity of **ARMANDO RODRIGUEZ** makes it likely that she will engage in future criminal conduct.

4. For those witnesses the state has listed in accordance with Texas Rule of

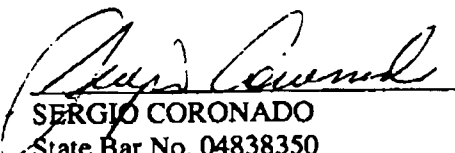
Evidence 404(b), and Art. 37.07(g), the Defendant requests that the court hold a hearing outside the presence of the jury for such witnesses to determine: (1) whether the witness is sufficiently qualified to testify as required by Texas Rule of Evidence 405, and (2) if such testimony would be admissible under Texas Rules of Evidence 403, 404, 608, or 609.

5. If the prosecutor is allowed to allude to, comment upon, inquire about, or introduce evidence concerning, any of the above matters, ordinary objections during the course of trial, even sustained and including proper instructions to the jury, will not remove the harmful effect of the evidence in view of its highly prejudicial content.

WHEREFORE, PREMISES CONSIDERED, Defendant, **ARMANDO RODRIGUEZ**, prays that this Court order and instruct the District Attorney and the District's representatives and witnesses, not to elicit or give testimony respecting, allude to, cross-examine respecting, mention, or refer to any of the above matters until a hearing has been held outside the presence of the jury at which time this Court can determine the admissibility of these matters.


Respectfully submitted,

SERGIO CORONADO
1019 E. Yandell
El Paso, Texas 79902
(915) 532-4500
(915) 532-4501 Fax

By: 
SERGIO CORONADO
State Bar No. 04838350
Attorney for ARMANDO RODRIGUEZ

CERTIFICATE OF SERVICE

This is to certify that on January 16, 2014, a true and correct copy of the above and foregoing document was served on the District Attorney's Office, El Paso County, 500 E. San Antonio, El Paso, Texas 79901, by hand delivery


SERGIO CORONADO

COUNTY COURT AT LAW NUMBER TWO
EL PASO COUNTY, TEXAS

FILED FOR RECORD
IN MY OFFICE

STATE OF TEXAS

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2014 JAN 30 A 9

vs.

CAUSE No. 20130C11929 *Delia Shiono*
COUNTY CLERK
EL PASO COUNTY, TEXAS

ARMANDO RODRIGUEZ

MOTION FOR DISCOVERY OF EXCULPATORY AND MITIGATING EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes the Defendant, **ARMANDO RODRIGUEZ**, by and through the undersigned counsel, and respectfully moves this Court to order the State to disclose all evidence in its possession and in the possession of its agents, which is both favorable to Defendant and material either to guilt or to punishment, including impeachment evidence.

1. Such disclosure is required by the Due Process Clause of the Fourteenth Amendment to the United States Constitution. See Brady v. Maryland, 373 U.S. 83, 87 (1963); see also United States v. Bagley, 473 U.S. 667, 675-78 (1985). Disclosure is also required under the Due Course of Law provisions of Article I, §§ 13 and 19 of the Texas Constitution.

2. Rule 3.09(d) of the Texas Disciplinary Rules of Professional Conduct requires prosecutors to "make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, to disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal".

WHEREFORE, PREMISES CONSIDERED, ARMANDO RODRIGUEZ prays that this Court order the State to disclose all exculpatory and mitigating evidence in its

possession.

Respectfully submitted,

SERGIO CORONADO
1019 E. Yandell
El Paso, Texas 79902
(915) 532-4500
(915) 532-4501 Fax

By:


SERGIO CORONADO
State Bar No. 04838350
Attorney for **ARMANDO RODRIGUEZ**

CERTIFICATE OF SERVICE

This is to certify that on January 16, 2014 a true and correct copy of the above and foregoing document was served on the District Attorney's Office, El Paso County, 500 E. San Antonio, El Paso, Texas 79901, by hand delivery.


SERGIO CORONADO

COUNTY COURT AT LAW NUMBER TWO
EL PASO COUNTY, TEXAS

FILED FOR RECORD
IN MY OFFICE

2014 JAN 30 A 9 4

STATE OF TEXAS

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vs.

ARMANDO RODRIGUEZ

CAUSE No. 20130C11925
Dalia Briones
COUNTY CLERK
EL PASO COUNTY, TEXAS

MOTION TO PRODUCE D.W.I. VIDEOTAPE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES ARMANDO RODRIGUEZ, Defendant in the above styled and numbered cause, and presents this Motion to Produce D.W.I. Videotape. In support of such motion and for good cause, the defendant shows the following:

1. Defendant is charged with Driving While Intoxicated.
2. A videotape of the defendant was made either prior to his arrest on the arresting officer's on car video camera, or shortly after his arrest in El Paso County.
3. Said video tape contains audio recordings of the defendant as well as defendant's conversation with law enforcement officers, and it shows the defendant's conduct and actions.
4. The videotape is in the sole possession and custody of the District Attorney's Office. The District Attorney's Office will not permit the production or recording of videotapes without a court order.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully moves this Court to order the District Attorney's Office to permit the defendant's attorney of record to record the videotape made of the defendant.

Respectfully submitted,

SERGIO CORONADO
1019 E. Yandell
El Paso, Texas 79902
(915) 532-4500
(915) 532-4501 Fax

By: _____

Sergio Coronado
SERGIO CORONADO

State Bar No. 04838350

Attorney for **ARMANDO RODRIGUEZ**

CERTIFICATE OF SERVICE

This is to certify that on January 16, 2014, a true and correct copy of the above and foregoing document was served on the District Attorney's Office, El Paso County, 500 E. San Antonio, El Paso, Texas 79901, by hand delivery.

Sergio Coronado

SERGIO CORONADO

COUNTY COURT AT LAW NUMBER TWO
EL PASO COUNTY, TEXAS

STATE OF TEXAS

vs.

ARMANDO RODRIGUEZ

FILED FOR RECORD
IN MY OFFICE

2014 JAN 31 A 10:17 CAUSE No. 20130C11929

Delia Quiroz
COUNTY CLERK
EL PASO COUNTY, TEXAS

ORDER

On 1-31, 2014, came on to be considered ARMANDO
RODRIGUEZ's Motion to Produce D.W.I. Videotape, and said motion is hereby

(Granted) (Denied)

JUDGE PRESIDING

COUNTY COURT AT LAW NUMBER TWO
EL PASO COUNTY, TEXAS

FILED FOR RECORD
IN MY OFFICE

2014 MAR -5 AM 8:39

Julie Gonzalez
EL PASO COUNTY
TEXAS

THE STATE OF TEXAS

vs.

CAUSE NUMBER: 20130C11929
OFFENSE: DRIVING WHILE INTOXICATED

ARMANDO RODRIGUEZ

ORDER OF COURT SETTING

1. This cause is set for:

Pre-Trial Hearing	03/14/2014	8:30 AM
Occupational License Hearing	03/20/2014	9:45 AM

in the courtroom of the COUNTY COURT AT LAW NUMBER TWO, 8th Floor, Room 801.

2. COURTROOM ATTIRE IS REQUIRED AT ALL TIMES FOR EVERYONE ENTERING THE COURTROOM.
3. Defendant is in jail: NO
4. Defendant's bondsman is: (104) - ANNEX
5. Defendant's attorney is SERGIO CORONADO, and his/her presence at the time and place set out above is required.

PRETRIAL RESET ON DEF. MFC, OCCUPATIONAL LICENSE 2014DCV0611

SIGNED AND ENTERED THIS 4th day of March, 2014.

JULIE GONZALEZ
JULIE GONZALEZ
JUDGE

Fax

ATTORNEY
SERGIO CORONADO
1019 E YANDELL
EL PASO TX 79902
915-532-4500
FAX: 915-532-4501

Attys to notify defendant
DEFENDANT
DEFENDANT'S PRESENCE IS
REQUIRED AT ALL HEARINGS

DISTRICT / COUNTY ATTORNEY

PID #: 306970

TRANSMISSION VERIFICATION REPORT

TIME : 03/04/2014 16:27
NAME :
FAX : 9155433066
TEL : 9155462145
SER. # : 000M1J533929

DATE, TIME 03/04 16:27
FAX NO./NAME 95324501
DURATION 00:00:14
PAGE(S) 01
RESULT OK
MODE STANDARD
ECM

FILED FOR RECORD
IN MY OFFICE
2014 MAR -5 AM 8:39
Julie Gonzalez
CLERK
EL PASO COUNTY, TEXAS

COUNTY COURT AT LAW NUMBER TWO
EL PASO COUNTY, TEXAS

THE STATE OF TEXAS

vs.

CAUSE NUMBER: 20130C11929
OFFENSE: DRIVING WHILE INTOXICATED

ARMANDO RODRIGUEZ

ORDER OF COURT SETTING

1. This cause is set for:

Pre-Trial Hearing	03/14/2014	8:30 AM
Occupational License Hearing	03/20/2014	9:45 AM

in the courtroom of the COUNTY COURT AT LAW NUMBER TWO, 8th Floor, Room 801.

- COURTROOM ATTIRE IS REQUIRED AT ALL TIMES FOR EVERYONE ENTERING THE COURTROOM.
- Defendant is in jail: NO
- Defendant's bondsman is: (104) - ANNEX
- Defendant's attorney is SERGIO CORONADO, and his/her presence at the time and place set out above is required.

PRETRIAL RESET ON DEF. MFC, OCCUPATIONAL LICENSE 2014DCV0611

SIGNED AND ENTERED THIS 4th day of March, 2014.

JULIE GONZALEZ
JULIE GONZALEZ

COUNTY COURT AT LAW NUMBER TWO
EL PASO COUNTY, TEXAS

FILED FOR RECORD
IN MY OFFICE

THE STATE OF TEXAS

2014 FEB 12 PM 4:18

vs.

CAUSE NUMBER: **20130C11929**

OFFENSE: DRIVING WHILE INTOXICATED
EL PASO COUNTY, TEXAS

ARMANDO RODRIGUEZ

ORDER OF COURT SETTING

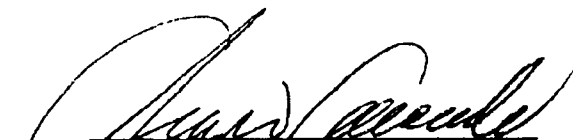
1. This cause is set for:

Pre-Trial Hearing	03/07/2014	8:30 AM
-------------------	------------	---------


in the courtroom of the COUNTY COURT AT LAW NUMBER TWO, 8th Floor, Room 801.

2. COURTROOM ATTIRE IS REQUIRED AT ALL TIMES FOR EVERYONE ENTERING THE COURTROOM.
3. Defendant is in jail: NO
4. Defendant's bondsman is: (104) - ANNEX
5. Defendant's attorney is **SERGIO CORONADO**, and his/her presence at the time and place set out above is required.

SIGNED AND ENTERED THIS 12th day of February, 2014.



ATTORNEY SERGIO CORONADO
1019 E YANDELL
EL PASO TX 79902
915-532-4500
FAX: 915-532-4597



DEFENDANT
DEFENDANT'S PRESENCE IS
REQUIRED AT ALL HEARINGS

JULIE GONZALEZ
JULIE GONZALEZ
JUDGE



DISTRICT / COUNTY ATTORNEY

COUNTY COURT AT LAW NUMBER TWO
EL PASO COUNTY, TEXAS

FILED FOR RECORD
IN MY OFFICE

2014 MAR -5 AM 8:39

Julie Gonzalez
EL PASO COUNTY, TEXAS

THE STATE OF TEXAS

vs.

CAUSE NUMBER: **20130C11929**
OFFENSE: DRIVING WHILE INTOXICATED

ARMANDO RODRIGUEZ

ORDER OF COURT SETTING

1. This cause is set for:

Pre-Trial Hearing	03/14/2014	8:30 AM
Occupational License Hearing	03/20/2014	9:45 AM

in the courtroom of the COUNTY COURT AT LAW NUMBER TWO, 8th Floor, Room 801.

- COURTROOM ATTIRE IS REQUIRED AT ALL TIMES FOR EVERYONE ENTERING THE COURTROOM.**
- Defendant is in jail: **NO**
- Defendant's bondsman is: (104) - ANNEX
- Defendant's attorney is **SERGIO CORONADO**, and his/her presence at the time and place set out above is required.

PRETRIAL RESET ON DEF. MFC, OCCUPATIONAL LICENSE 2014DCV0611

SIGNED AND ENTERED THIS 4th day of March, 2014.

JULIE GONZALEZ
JULIE GONZALEZ
JUDGE

Fax

ATTORNEY **SERGIO CORONADO**
1019 E YANDELL
EL PASO TX 79902
915-532-4500
FAX: 915-532-4501

Attorney to notify defendant

DEFENDANT
DEFENDANT'S PRESENCE IS
REQUIRED AT ALL HEARINGS

DISTRICT / COUNTY ATTORNEY

TRANSMISSION VERIFICATION REPORT

TIME : 03/04/2014 16:27
NAME :
FAX : 9155433866
TEL : 9155462145
SER. # : 000M1J533929

DATE, TIME 03/04 16:27
FAX NO./NAME 95324581
DURATION 00:00:14
PAGE(S) 01
RESULT OK
MODE STANDARD
ECM

FILED FOR RECORD
CLERK'S OFFICE
2014 MAR -5 AM 8:39
Della B...
EL PASO COUNTY CLERK
EL PASO COUNTY, TEXAS

COUNTY COURT AT LAW NUMBER TWO
EL PASO COUNTY, TEXAS

THE STATE OF TEXAS

vs.

CAUSE NUMBER: 20130C11929
OFFENSE: DRIVING WHILE INTOXICATED

ARMANDO RODRIGUEZ

ORDER OF COURT SETTING

1. This cause is set for:

Pre-Trial Hearing	03/14/2014	8:30 AM
Occupational License Hearing	03/20/2014	9:45 AM

in the courtroom of the COUNTY COURT AT LAW NUMBER TWO, 8th Floor, Room 801.

- COURTROOM ATTIRE IS REQUIRED AT ALL TIMES FOR EVERYONE ENTERING THE COURTROOM.
- Defendant is in jail: NO
- Defendant's bondsman is: (104) - ANNEX
- Defendant's attorney is SERGIO CORONADO, and his/her presence at the time and place set out above is required.

PRETRIAL RESET ON DEF. MFC, OCCUPATIONAL LICENSE 2014DCV0611

SIGNED AND ENTERED THIS 4th day of March, 2014.

TULIE GONZALEZ
JULIE GONZALEZ

FILED FOR RECORD
IN MY OFFICE

NO. 20130C11929

2014 MAR -5 AM 8:39
STATE OF TEXAS § IN THE COUNTY COURT
vs. *Debra Brunica* §
COUNTY CLERK § AT LAW NUMBER TWO
EL PASO COUNTY, TEXAS §
ARMANDO RODRIGUEZ § EL PASO COUNTY, TEXAS

MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes ARMANDO RODRIGUEZ Defendant, and files this Motion for Continuance of this cause from its present Pre- Trial hearing setting of Friday, March 7, 2014 @ 8:30 a.m., and shows the following:

1. This motion is filed in accordance with Article 29.03 of the Texas Code of Criminal Procedure.
2. Counsel for Defendant respectfully requests the continuance of the Pre- Trial hearing setting of Friday, March 7, 2014 since Counsel for Defendant will be out of town on March 6, 2014 and March 7, 2014.
3. This motion is not made for purposes of delay but that justice may be done.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court enter its order continuing this cause until some future date, or, in the alternative, sets this motion for hearing.

Respectfully submitted,


SERGIO CORONADO
1019 E. Yandell
El Paso, Texas 79902
(915) 532-4500
(915) 532-4501 Fax

By: 

SERGIO CORONADO
State Bar No. 04838350
Attorney for ARMANDO RODRIGUEZ

CERTIFICATE OF SERVICE

This is to certify that on February 25, 2014, a true and correct copy of the above and foregoing document was served on the District Attorney's Office, El Paso County, 500 E. San Antonio, 2nd Floor, El Paso, Texas 79901, by hand delivery.


SERGIO CORONADO

COUNTY COURT AT LAW NUMBER TWO
EL PASO COUNTY, TEXAS

FILED FOR RECORD
IN MY OFFICE

THE STATE OF TEXAS

2014 MAR 14 AM 10:01

vs.

CAUSE NUMBER: **20130C11929**

OFFENSE: DRIVING WHILE INTOXICATED

[Handwritten signature]
FILED FOR RECORD
EL PASO COUNTY, TEXAS

ARMANDO RODRIGUEZ

ORDER OF COURT SETTING

1. This cause is set for:

Occupational License Hearing	3/20/2014	9:45 AM
Pre-Trial Hearing	04/16/2014	1:30 PM

in the courtroom of the COUNTY COURT AT LAW NUMBER TWO, 8th Floor, Room 801.

2. COURTROOM ATTIRE IS REQUIRED AT ALL TIMES FOR EVERYONE ENTERING THE COURTROOM.
3. Defendant is in jail: NO
4. Defendant's bondsman is: (104) - ANNEX
5. Defendant's attorney is SERGIO CORONADO, and his/her presence at the time and place set out above is required.

SIGNED AND ENTERED THIS 14th day of March, 2014.

JULIE GONZALEZ
JULIE GONZALEZ
JUDGE

[Handwritten signature]

ATTORNEY
SERGIO CORONADO
1019 E YANDELL
EL PASO TX 79902
915-532-4500
FAX: 915-532-4501

[Handwritten signature]

DEFENDANT
DEFENDANT'S PRESENCE IS
REQUIRED AT ALL HEARINGS

[Handwritten signature]

DISTRICT / COUNTY ATTORNEY

IN THE COUNTY COURT AT LAW 2
OF EL PASO COUNTY, TEXAS

THE STATE OF TEXAS

Vs.

CAUSE NO. 20130C11929

ARMANDO RODRIGUEZ

5-20-89


CERTIFICATE OF CONFLICT OF INTEREST

To the El Paso County Court Administrator:

The Presiding Judge of El Paso COUNTY COURT AT LAW 2 hereby certifies that a conflict of interest has arisen in this case.

It is therefore requested that this matter be assigned to another presiding judge to eliminate said conflict of interest.

SIGNED this the 20TH DAY OF MARCH, 2014.



JULIE GONZALEZ, JUDGE
COUNTY COURT AT LAW 2

4

IN THE COUNTY COURTS OF EL PASO COUNTY, TEXAS

COUNTY COURT AT LAW NO. TWO

THE STATE OF TEXAS

VS.

CAUSE NO. 20130C11929

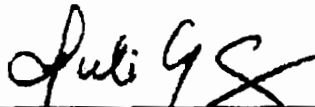
ARMANDO RODRIGUEZ

TRANSFER ORDER


ON THIS 25th DAY OF MARCH, 2014 PURSUANT TO THE LOCAL RULES OF THE DISTRICT AND COUNTY COURT OF EL PASO COUNTY, TEXAS, THE ABOVE STYLED AND NUMBERED CAUSE HAS BEEN ASSIGNED AND RANDOMLY TRANSFERRED FROM THE COUNTY COURT AT LAW NO. TWO INTO THE COUNTY CRIMINAL COURT AT LAW NO. ONE OF EL PASO COUNTY, TEXAS.

SIGNED:

3-26-14



JULIE GONZALEZ, JUDGE
COUNTY COURT NO. TWO



ALMA TREJO, JUDGE
COUNTY CRIMINAL COURT NO. ONE



STATE OF TEXAS

Vs.

ARMANDO RODRIGUEZ

DATE MAILED: March 27, 2014

CASE NO.: 20130C11929

BONDSMAN: (104) - ANNEX

ATTORNEY: SERGIO CORONADO

Charge: DRIVING WHILE INTOXICATED

ARRAIGNMENT/PRE-TRIAL has been scheduled in the above styled and numbered cause on April 24, 2014. You and your attorney are to report to COUNTY CRIMINAL COURT NUMBER ONE, 7TH FLOOR ROOM 705, 500 E. San Antonio Street, El Paso, Texas at 8:30 AM. If you fail to appear, a WARRANT will be issued for your arrest.

ALMA TREJO
JUDGE

ESTADO DE TEXAS

Vs.

ARMANDO RODRIGUEZ

NUMERO DE CASO: 20130C11929

AFIANZADOR: (104) - ANNEX

ABOGADO: SERGIO CORONADO

Acusacion: DRIVING WHILE INTOXICATED

Este caso esta citado en la Corte de Leyes Criminal Numero Uno el April 24, 2014 a las 8:30 AM, 500 E. San Antonio Street, 7TH FLOOR/ROOM 705 El Paso, Texas. Falta de presentarse resultara en ORDEN DE ARRESTO.

ALMA TREJO
JUEZ

ENC: INDIGENCY INFORMATION
ORIGINAL TO BE FILED

ARMANDO RODRIGUEZ
241 BRIANNA CT
CANUTILLO TX 79835

PID #:306970

**COUNTY CRIMINAL COURT AT LAW NUMBER ONE
EL PASO COUNTY, TEXAS**

THE STATE OF TEXAS

vs.

CAUSE NUMBER: 20130C11929
DRIVING WHILE INTOXICATED

ARMANDO RODRIGUEZ

ORDER OF COURT SETTING

1. This cause is set for:

Final Judge's Conference	06/02/2014	8:30 AM
---------------------------------	-------------------	----------------

in the courtroom of the **COUNTY CRIMINAL COURT AT LAW NUMBER ONE**
ROOM 705 7th FLOOR.

2. The Defendant's presence at the next setting **IS NOT WAIVED**. FAILURE to appear before the Court on the above date and time will cause the Court to issue a **WARRANT FOR YOUR ARREST**, and your bail bond will be forfeited for failure to appear in Court as ordered. **COURTROOM ATTIRE IS REQUIRED AT ALL TIMES FOR EVERYONE ENTERING THE COURTROOM.**
3. Defendant is in jail: NO
4. Defendant's bondsman is: (104) - ANNEX. The Defendant is responsible for notifying the bonding company of this hearing.
5. Defendant's attorney is SERGIO CORONADO, and his/her presence at the time and place set out above is required.
6. **All 28.01 MOTIONS MUST BE FILED WITHIN 30 DAYS FROM ARRAIGNMENT. ALL MOTIONS NOT FILED IN A TIMELY MANNER WILL BE WAIVED**
7. **All possible PTD exceptions Must be completed before trial date. No Exceptions.**

SIGNED AND ENTERED THIS THE 24th day of April, 2014.

Alma Trejo

ALMA TREJO, Judge
County Criminal Court at Law Number One


DEFENDANT


ATTORNEY

SERGIO CORONADO
1019 E YANDELL
EL PASO TX 79902
915-532-4500
915-532-4501


DISTRICT ATTORNEY / COUNTY ATTORNEY

FILED FOR RECORD
IN MY OFFICE
2014 APR 24 AM 10:09
D. M. ...
COUNTY CLERK
EL PASO COUNTY TEXAS

**COUNTY CRIMINAL COURT AT LAW NUMBER ONE
EL PASO COUNTY, TEXAS**

FILED FOR RECORD
IN MY OFFICE

THE STATE OF TEXAS

vs.

2014 JUN -2 PM 2:42

CAUSE NUMBER: 20130C11929
DRIVING WHILE INTOXICATED

ARMANDO RODRIGUEZ

Delia...
COUNTY CLERK

ORDER OF COURT SETTING

1. This cause is set for:

Final Judge's Conference	07/14/2014	8:30 AM
---------------------------------	-------------------	----------------

in the courtroom of the COUNTY CRIMINAL COURT AT LAW NUMBER ONE,
ROOM 705 7th FLOOR.

- The Defendant's presence at the next setting **IS NOT WAIVED**. FAILURE to appear before the Court on the above date and time will cause the Court to issue a **WARRANT FOR YOUR ARREST**, and your bail bond will be forfeited for failure to appear in Court as ordered. **COURTROOM ATTIRE IS REQUIRED AT ALL TIMES FOR EVERYONE ENTERING THE COURTROOM.**
- Defendant is in jail: NO
- Defendant's bondsman is: (104) - ANNEX. The Defendant is responsible for notifying the bonding company of this hearing.
- Defendant's attorney is SERGIO CORONADO, and his/her presence at the time and place set out above is required.
- All **28.01 MOTIONS MUST BE FILED WITHIN 30 DAYS FROM ARRAIGNMENT**. ALL MOTIONS NOT FILED IN A TIMELY MANNER WILL BE WAIVED.
- All possible **PTD exceptions Must** be completed before trial date. **No Exceptions.**

SIGNED AND ENTERED THIS THE 2nd day of June, 2014.

Alma Trejo

ALMA TREJO, Judge
County Criminal Court at Law Number One

Armando Rodriguez
DEFENDANT

ATTORNEY

04638350

SERGIO CORONADO
1019 E YANDELL
EL PASO TX 79902
915-532-4500
915-532-4501

DISTRICT ATTORNEY / COUNTY ATTORNEY

**COUNTY CRIMINAL COURT AT LAW NUMBER ONE
EL PASO COUNTY, TEXAS**

THE STATE OF TEXAS

vs.

CAUSE NUMBER: 20130C11929
DRIVING WHILE INTOXICATED

ARMANDO RODRIGUEZ

ORDER OF COURT SETTING

1. This cause is set for:

Final Judge's Conference	09/22/2014	8:30 AM
---------------------------------	-------------------	----------------

in the courtroom of the COUNTY CRIMINAL COURT AT LAW NUMBER ONE,
ROOM 705 7th FLOOR.

2. The Defendant's presence at the next setting **IS NOT WAIVED**. FAILURE to appear before the Court on the above date and time will cause the Court to issue a **WARRANT FOR YOUR ARREST**, and your bail bond will be forfeited for failure to appear in Court as ordered. **COURTROOM ATTIRE IS REQUIRED AT ALL TIMES FOR EVERYONE ENTERING THE COURTROOM.**
3. Defendant is in jail: NO
4. Defendant's bondsman is: (104) - ANNEX. The Defendant is responsible for notifying the bonding company of this hearing.
5. Defendant's attorney is SERGIO CORONADO, and his/her presence at the time and place set out above is required.
6. **All 28.01 MOTIONS MUST BE FILED WITHIN 30 DAYS FROM ARRAIGNMENT. ALL MOTIONS NOT FILED IN A TIMELY MANNER WILL BE WAIVED.**
7. **All possible PTD exceptions Must be completed before trial date. No Exceptions.**

SIGNED AND ENTERED THIS THE 14th day of July, 2014.

Alma Trejo


ALMA TREJO, Judge
County Criminal Court at Law Number One


DEPENDANT


ATTORNEY

SERGIO CORONADO

1019 E YANDELL
EL PASO TX 79902
915-532-4500
915-532-4501


DISTRICT ATTORNEY / COUNTY ATTORNEY

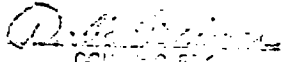
**COUNTY CRIMINAL COURT AT LAW NUMBER ONE
EL PASO COUNTY, TEXAS**

THE STATE OF TEXAS

vs.

2014 SEP 22 AM 10:21
CASE NUMBER: 20130C11929
DRIVING WHILE INTOXICATED

ARMANDO RODRIGUEZ



ORDER OF COURT SETTING

1. This cause is set for:

FINAL JUDGE CONF	11/24/2014	8:30 AM
-------------------------	-------------------	----------------

in the courtroom of the COUNTY CRIMINAL COURT AT LAW NUMBER ONE,
ROOM 705 7th FLOOR.

2. The Defendant's presence at the next setting **IS NOT WAIVED**. FAILURE to appear before the Court on the above date and time will cause the Court to issue a **WARRANT FOR YOUR ARREST**, and your bail bond will be forfeited for failure to appear in Court as ordered. **COURTROOM ATTIRE IS REQUIRED AT ALL TIMES FOR EVERYONE ENTERING THE COURTROOM.**
3. Defendant is in jail: NO
4. Defendant's bondsman is: (104) - ANNEX. The Defendant is responsible for notifying the bonding company of this hearing.
5. Defendant's attorney is SERGIO CORONADO, and his/her presence at the time and place set out above is required.
6. **All 28.01 MOTIONS MUST BE FILED WITHIN 30 DAYS FROM ARRAIGNMENT. All MOTIONS NOT FILED IN A TIMELY MANNER WILL BE WAIVED.**
7. **All possible PTD exceptions Must be completed before trial date. No Exceptions.**

SIGNED AND ENTERED THIS THE 22nd day of September, 2014.


Alma Trejo

ALMA TREJO, Judge
County Criminal Court at Law Number One


DEFENDANT


ATTORNEY

SERGIO CORONADO
1019 E YANDELL
EL PASO TX 79902
915-532-4500
915-532-4501


DISTRICT ATTORNEY / COUNTY ATTORNEY

FILE

IN THE COUNTY COURT AT LAW NO. _____
IN THE COUNTY CRIMINAL COURT NO. 7
OF EL PASO COUNTY, TEXAS

THE STATE OF TEXAS
v.

§
§
§
§

Cause No. 20130611929

Armando Rodriguez

WAIVER OF SPEEDY TRIAL AND WAIVER OF RIGHT OF EXPUNCTION

I understand that I have a right to speedy trial as provided by the Texas Code of Criminal Procedure (T.C.C.P.) Article 1.05, Article I, Section 10 Texas Constitution; and the 6th Amendment of the United States Constitution.

I further understand that I have a right, pursuant to Article 55.01 T.C.C.P., to have my criminal record related to these charges expunged if I successfully complete the Pre-Trial Diversion (PTD) Program.

Pursuant to Article 1.14 T.C.C.P., and as a condition of my participation in the PTD Program, I hereby agree to voluntarily waive the foregoing rights set out by Articles 1.05 and 55.01 T.C.C.P.

[Signature]
Defendant

[Signature]
Attorney for Defendant

Alex Cullen
Assistant District Attorney
Alex Cullen

FILED FOR RECORD
COUNTY CRIMINAL COURT AT LAW NUMBER ONE
EL PASO COUNTY, TEXAS

THE STATE OF TEXAS

NOV 25 PM 3:51

vs.

ARMANDO RODRIGUEZ

CAUSE NUMBER: **20130C11929**
DRIVING WHILE INTOXICATED

ORDER OF COURT SETTING

1. This cause is set for:

PTD Status Hearing	12/11/2014	8:30 AM
---------------------------	-------------------	----------------

in the courtroom of the COUNTY CRIMINAL COURT AT LAW NUMBER ONE,
ROOM 705 7th FLOOR.

2. The Defendant's presence at the next setting **IS NOT WAIVED**. FAILURE to appear before the Court on the above date and time will cause the Court to issue a **WARRANT FOR YOUR ARREST**, and your bail bond will be forfeited for failure to appear in Court as ordered. **COURTROOM ATTIRE IS REQUIRED AT ALL TIMES FOR EVERYONE ENTERING THE COURTROOM.**
3. Defendant is in jail: **NO**
4. Defendant's bondsman is: **(104) - ANNEX**. The Defendant is responsible for notifying the bonding company of this hearing.
5. Defendant's attorney is **SERGIO CORONADO**, and his/her presence at the time and place set out above is required.
6. **All 28.01 MOTIONS MUST BE FILED WITHIN 30 DAYS FROM ARRAIGNMENT. ALL MOTIONS NOT FILED IN A TIMELY MANNER WILL BE WAIVED.**
7. All possible PTD exceptions **Must** be completed before trial date. **No Exceptions.**

SIGNED AND ENTERED THIS THE 24th day of November, 2014.

Alma Trejo

ALMA TREJO, Judge
County Criminal Court at Law Number One


DEFENDANT


ATTORNEY

SERGIO CORONADO
1019 E YANDELL
EL PASO TX 79902
915-532-4500
915-532-4501

DISTRICT ATTORNEY / COUNTY ATTORNEY



SEARCHED FOR RECORD

JAIME ESPARZA NOV 25 11 04 AM

DISTRICT ATTORNEY

EL PASO COUNTY, TEXAS
508 E. SAN ANTONIO AVE., ROOM 201
EL PASO, TEXAS 79901

(915) 546-2039

EL PASO COUNTY, TEXAS

PRE-TRIAL DIVERSION PROGRAM
800 E. Overland, Suite 100
El Paso, Texas 79901

PHONE: (915) 546-8120

DATE REFERRED: 11-24-2014

Gentleman:

The below listed individual has been approved at the District Attorney's Office to participate in the Pre-Trial Diversion Program.

The Defendant must pay a Magistrate Fee of \$125.00 upon registration. In case of financial hardship, the defendant has 10 days to pay the amount of \$125.00.

The Defendant must report in person to the West Texas Regional Adult Probation Department within 10 days, bringing this letter for enrollment.

Failure to comply with the instructions will result in forfeiture, and the case will be set for further court proceedings.

NAME: Armando Rodriguez DOB: 05/20/1983
ADDRESS: 241 Branna Ct Condo 411a TV 79835 PHONE: 915.274.2073
OFFENSE: DWT COURT #: CCR 1
CASE NO.: 20130C11929 DATE OF ARREST: _____

Sincerely,

Alex Cullin
Assistant District Attorney
Alex Cullin

SCREENED FOR PTDP _____

NOT SCREENED FOR PTDP _____

COMMENTS:



JAIME ESPARZA
DISTRICT ATTORNEY
 EL PASO COUNTY, TEXAS
 500 E. SAN ANTONIO AVE., ROOM 201
 EL PASO, TEXAS 79901
 (915) 546-2059

FILED FOR RECORD
 IN MY OFFICE

2014 DEC 12 PM 2:16

Delia Briscoe
 COUNTY CLERK
 EL PASO COUNTY, TEXAS

PRE-TRIAL DIVERSION PROGRAM
 800 E. Overland, Suite 100
 El Paso, Texas 79901

PHONE: (915) 546-8120

DATE REFERRED: 12-10-2014

Gentleman:

The below listed individual has been approved at the District Attorney's Office to participate in the Pre-Trial Diversion Program.

The Defendant must pay a Magistrate Fee of \$125.00 upon registration. In case of financial hardship, the defendant has 10 days to pay the amount of \$125.00.

The Defendant must report in person to the West Texas Regional Adult Probation Department within 10 days, bringing this letter for enrollment.

Failure to comply with the instructions will result in forfeiture, and the case will be set for further court proceedings.

NAME: Armando Rodriguez DOB: 5-20-1983
 ADDRESS: 241 Brianna Ct, Amador, TX 74835 PHONE: (915) 276-2073
 OFFENSE: DWI COURT #: CCR 1
 CASE NO.: 20130C11929 DATE OF ARREST: 9-26-2013

Sincerely,

Alex Cuellar
 Assistant District Attorney

SCREENED FOR PTDP _____

NOT SCREENED FOR PTDP _____

COMMENTS:

(No more re-referrals) Alex Cuellar, ADA
240 85 262
Alex Cuellar 12-10-2014



FILED FOR RECORD
IN...

WEST TEXAS

Community Supervision and Corrections Department

808 East Overland, Suite 100 - El Paso, Texas 79901

(915) 546-8120 - FAX (915) 546-8130

2015 JAN -5 AM 11:50

Quilley
2015 JAN 5 11:50 AM

MEMORANDUM

TO: Jaime Esparza, District Attorney

THROUGH: Pre-Trial Diversion Supervisor *[Signature]*

FROM: Lupe Asencio ^{CA} PTD Caseworker

SUBJECT: Pre-Trial Diversion Referrals

DATE: 12/16/2014

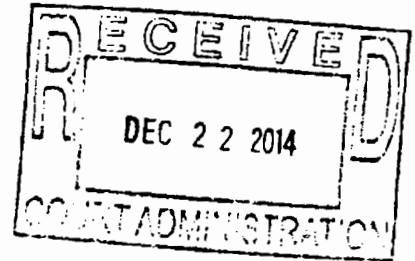
COURT: County Criminal Court 1

=====

NAME: ARMANDO RODRIGUEZ
CAUSE NO: 20130C11929
OFFENSE: DRIVING WHILE INTOXICATED

Is eligible and was accepted for the PRE TRIAL DIVERSION PROGRAM on
12/16/2014.

Cc: Flora Alarcon, Court Administrator
County Criminal Court 1
P. T. D./PR Bond File



IAGDALENA MORALES-AINA
Director

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- 1st Judicial District Court
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FILED FOR RECORD
IN MY OFFICE

COUNTY CRIMINAL COURT 1
2015 JUN 22 10:18 AM
EL PASO COUNTY, TEXAS

THE STATE OF TEXAS 
COUNTY CLERK
EL PASO COUNTY, TEXAS

VS

CAUSE NO: 20130C11929

ARMANDO RODRIGUEZ

MOTION TO DISMISS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the STATE OF TEXAS by and through her Attorney, and respectfully requests the Court to dismiss the above entitled and numbered criminal action in which the defendant is charged with **DRIVING WHILE INTOXICATED** for the reason of:

- () The evidence is insufficient;
- () The defendant was convicted in another case;
- () The complaining witness has requested dismissal;
- () The case has been refiled;
- () The defendant is apprehended;
- (X) **Due to Successful Completion of the Pre-Trial Diversion Program (PTD).**

And for cause would show the Court the following:

WHEREFORE, it is prayed that the above entitled and numbered cause be dismissed.

Respectfully submitted,

Assistant District Attorney

ORDER

The foregoing motion having been presented to me on this June 19 2015, and the same having been considered, it is, therefore, **ORDERED, ADJUDGED and DECREED** that said above entitled and numbered cause be and the same is hereby dismissed.



Judge of the County Criminal Court 1
of El Paso County, Texas

FILED FOR RECORD
IN MY OFFICE

2015 JUN 22 AM 10:36

Debra B. ...
COUNTY CLERK
EL PASO COUNTY, TEXAS

Pre-Trial Diversion Successful Discharge

TO: Jaime Esparza, District Attorney
THROUGH: Pre-Trial Diversion Supervisor *[Signature]*
FROM: Lupe Asencio *[Signature]*
Pre-Trial Diversion Caseworker
DATE: 6/9/2015
COURT: County Criminal Court 1

=====

NAME: ARMANDO RODRIGUEZ

CAUSE NUMBER: 20130C11929

OFFENSE: DRIVING WHILE INTOXICATED

- (1) Discharge-Successful Dismissal of charges due to successful completion of PTD program.
(2) Termination-Case will be returned to court, set for trial.
(3) Charges dismissed by District Attorney.
(4) Voluntary Termination.

RESTITUTION: () YES (X) NO
ASSESSED: _____ PAID: () YES () NO

Cc: Flora Alarcon
PTD/PR Bond File



FILED IN DECEMBER

2015 OCT 23 11:09:28

STATE OF TEXAS

Vs.

ARMANDO RODRIGUEZ

DATE MAILED: October 08, 2013

CASE NO.: 20130C11929

BONDSMAN: (104) - Annex

ATTORNEY: SERGIO CORONADO

Charge: DRIVING WHILE INTOXICATED

ARRAIGNMENT/PRE-TRIAL has been scheduled in the above styled and numbered cause on December 10, 2013. You and your attorney are to report to COUNTY CRIMINAL COURT NUMBER THREE, 4TH FLOOR ROOM 413, 500 E. San Antonio Street, El Paso, Texas at 8:30 AM. If you fail to appear, a WARRANT will be issued for your arrest.

CARLOS CARRASCO

JUDGE

ESTADO DE TEXAS

Vs.

ARMANDO RODRIGUEZ

NUMERO DE CASO: 20130C11929

AFIANZADOR: (104) - Annex

ABOGADO: SERGIO CORONADO

Acusacion: DRIVING WHILE INTOXICATED

Este caso esta citado en la Corte de Leyes Criminal Numero Tres el December 10, 2013 a las 8:30 AM, 500 E. San Antonio Street, 4TH FLOOR/ROOM 413, El Paso, Texas. Falta de presentarse resultara en ORDEN DE ARRESTO.

CARLOS CARRASCO

JUEZ

(104) - ANNEX

12496 Montana Ave, Ste. A

El Paso, Texas 79936



FLORA I. ALARCON
ADMINISTRATOR, COUNTY COURTS-AT-LAW
500 E. SAN ANTONIO
ROOM 302, EL PASO COUNTY COURTHOUSE
E. L. PASO, TEXAS 79901

38 WFO2013F079933

NIXIE 799 SE 1260 2210/16/15

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 79901241999 20693-00420-16-21



Exhibit D

Canutillo ISD board president arrested for alleged DWI - KVIA

By KVIA ABC-7 follow Follow "" to receive notifications about new pages on "".

The El Paso County Sheriff's Office confirmed to ABC-7 that Canutillo Independent School District board president Armando "Mando" Rodriguez was recently arrested for DWI in the County.

The incident happened early Thursday in an area known as "dead man's curve."

"It is unfortunate that my family and my community have to go through this ordeal with me," Rodriguez said in a statement sent to ABC-7. "It is a personal matter and I will deal with it personally. I did the right and responsible thing to do by calling 911 after the accident. This incident should in no way reflect the positive work that the Canutillo school district and its Board of Trustees have accomplished on behalf of our children. I ask for understanding as my family and I deal with this very personal issue."

Rodriguez is serving his third term on Canutillo ISD's Board of Trustees. He previously served as secretary and vice president on the board.

Rodriguez was elected to the board in 2005 at the age of 20.

Trending Articles

The following is a list of the most commented articles in the last 7 days.



KVIA ABC-7





BE PART OF THE CONVERSATION

KVIA ABC 7 is committed to providing a forum for civil and constructive conversation.

Please keep your comments respectful and relevant. You can review our Community Guidelines by [clicking here](#)

If you would like to share a story idea, please submit it [here](#).

Exhibit E

APPLICATION FOR COURT APPOINTED ATTORNEY AND FINANCIAL AFFIDAVIT

CAUSE/WARRANT # <u>J MAG 71-15037</u>	OFFENSE (S): DRIVING WHILE INTOXICATED	COURT (S):
---	--	-------------------

What is the most money you could reasonably pay to get out of jail within 24 hours, including contributions from family and friends? 0

Full name: RODRIGUEZ, ARMANDO Birth date: 5/20/41983 Sex: M Age: 38 SO#: 9565396
 Street address: 241 BRIANNA CT EL PASO TX 79935 Time at Address: 10 YRS (Own/Rent/Other: Own)
 Phone number: 915-276-2073 Email address: ARMANDORODRIGUEZTEXAS@GMAIL.COM Marital Status S M / D / W
 Interpreter: Yes No Language: ENGLISH Address Verified by Defendant

COURT APPOINTED COUNSEL

Number of people who depend on you financially: 0 Who do you live with? MOTHER
 Make, model, and year of automobile(s): Y AUDI 2018
 Are you currently employed? Yes No If yes, how much do you receive monthly? \$4000
 Do you receive unemployment? Yes No If yes, how much do you receive monthly? \$0
 Do you receive public benefits? Yes No If yes, how much do you receive monthly? \$0
 Does your (Live-in) spouse work? Yes No If yes, how much do they receive monthly? \$0
 Do you have other sources of income? Yes No If yes, how much do you receive monthly? \$0
 (Ex: Rental Property, Social Security, Pension) **Total monthly income (combine above totals):** \$4000

FINANCIAL AFFIDAVIT

ASSETS/VALUE OF PROPERTY YOU OWN

Total amount of cash on hand: \$3.00
 Total amount in checking/savings: \$200 **TOTAL VALUE:** \$0
 Other property (stocks, land, jewelry): \$0 (COMBINE ALL TOTALS TO THE LEFT)

OTHER RESOURCES

Do you have a Live-In fiancé, girl/boyfriend with whom you share household expenses? N/A If yes, how much do they contribute monthly? 0

MONTHLY EXPENSES YOU PAY (DOES NOT INCLUDE WHAT OTHERS PAY)

Rent/House payment(s):	<u>\$ 1800- MORTGAGE</u>	TOTAL EXPENSES: \$2848 (COMBINE ALL TOTALS TO THE LEFT)
Food and household supplies:	<u>\$ 500</u>	
Utilities (Water, Electricity, Gas, etc.):	<u>\$ 300</u>	
Medical expenses (which you pay):	<u>\$ 100</u>	
Child/Spouse Support and childcare:	<u>\$ 0</u>	
Car payment:	<u>\$ PAID OFF</u>	
Any other expenses (car insurance, gas):	<u>\$ 148-ALLOWANCE</u>	

FILED
 ENRIKA FAVELA BARCELLEAU
 DISTRICT CLERK
 01 DEC 13 PM 2:31
 EL PASO COUNTY TEXAS
 DEPUTY

I swear the above financial information is correct. I understand I have the right to be represented by an attorney. If I cannot afford to hire an attorney, I may ask the Court to appoint one to represent me. If I provide false information, it may be used against me and I may be charged with perjury, a third degree felony, punishable by 2 to 10 years in prison and a fine up to \$10,000.

*** I agree to receive notifications from El Paso County by phone call, text or email ***

RODRIGUEZ, ARMANDO- VIA VIDEO (SIGNED BY DEFENDANT) DATE: 12/12/2021

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS THE 12TH DAY OF DECEMBER, 20 21

Recommendation for Court Appoint Counsel:

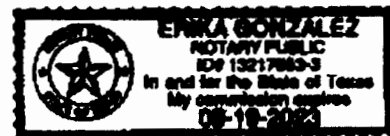
QUALIFIES: YES NO **DEFENDANT IS OVER BY 79**

Refused To Provide Information to CJC:

YES NO

CJC Officer: _____

ENRIKA GONZALEZ
 Presiding Judge/Pretrial Officer/Notary Public



02

FILED
MIRIAM FAVELA BARCELEAU
CLERK
IN THE EL PASO CRIMINAL LAW MAGISTRATE COURT
EL PASO COUNTY, TEXAS

Accused: Armando Rodriguez

DOB: 05/20/1983

Agency & Case No: EPSO 202112786

2021 DEC 12 PM 6:51

Time: 9:05 Am

Warrant No.: JME21-15037

MAGISTRATE WARNING

The accused appeared before me at the listed time and date, at which time I informed the accused of the charge of Driving While Intoxicated filed against the accused.

The accused was informed of the following:

1. You have the right to remain silent. You do not have to speak to the police or anyone else about your case. You are not required to make any statement and any statement you make may be used against you in Court.
2. You have the right to have an attorney present with you during any interview or questioning by peace officers or attorneys representing the State. You have the right to stop any interview or questioning about your case at any time.
3. An affidavit stating the probable cause for this charge has been or will be filed in this case.
4. If you are charged with a felony, you have the right to an examining trial.
5. If you are not a U.S. citizen, you have the right to contact the consulate of your native country.
6. You have the right to hire an attorney. If you cannot afford to hire an attorney, you have the right to request that the Court appoint one for you.
7. In order to receive court appointed counsel, you must fill out a financial application. If you qualify, an attorney will be appointed for you.

 REQUESTS COURT APPOINTED COUNSEL X DOES NOT REQUEST COURT APPOINTED COUNSEL

Probable Cause Found X Yes No Probable cause previously determined. *Doesn't Qualify*

If you do not post bond on your case(s), a bond hearing will be scheduled within 48 hours. The Public Defender will be appointed to represent you at this 48 hour hearing. This appointment is only for this hearing. If you hire an attorney that attorney may represent you at the 48 hour hearing.

BOND \$1500 SURETY \$500 PR (SEE ORDER FOR CONDITIONS)

Signed on 12-12, 2021

 Defendant currently out on bail or on probation for felony Refused financial affidavit

[Signature]

Judge, Criminal Law Magistrate Court

IN THE CRIMINAL LAW MAGISTRATE COURT
EL PASO COUNTY, TEXAS

CC

STATE OF TEXAS

§
§
§
§
§
§

2021 PFILE 11829

vs.

WARRANT No. JMAG21-15037

ARMANDO RODRIGUEZ
DOB: 05/20/1983

ENTRY OF APPEARANCE

COMES NOW, SERGIO CORONADO, a duly licensed attorney in the State of Texas, and files this, his Entry of Appearance for Defendant, ARMANDO RODRIGUEZ and enters his appearance in the above entitled and numbered cause as attorney of record for all purposes.

Respectfully submitted,

FILED
NORMA FAVELA BARCELEAU
DISTRICT CLERK

2021 DEC 21 PM 12: 56

EL PASO COUNTY, TEXAS
DEPUTY CLERK

Sergio Coronado

SERGIO CORONADO
Attorney At Law
State Bar No. 04838350
1019 E. Yandell
El Paso, Texas 79902
(915) 532-4500
(915) 532-4501 Fax

CERTIFICATE OF SERVICE

I, SERGIO CORONADO, certify that the foregoing Entry of Appearance was delivered to the District Attorney's Office, 500 E. San Antonio, El Paso, Texas 79901 on this 21st day of December, 2021.

Sergio Coronado

SERGIO CORONADO

IN THE CRIMINAL LAW MAGISTRATE COURT
EL PASO COUNTY, TEXAS

STATE OF TEXAS

§
§
§
§
§

2021P514 11829
CC

vs.

WARRANT No. JMAG21-15037

ARMANDO RODRIGUEZ
DOB: 05/20/1983

ENTRY OF APPEARANCE

COMES NOW, **SERGIO CORONADO**, a duly licensed attorney in the State of Texas, and files this, his Entry of Appearance for Defendant, **ARMANDO RODRIGUEZ** and enters his appearance in the above entitled and numbered cause as attorney of record for all purposes.

Respectfully submitted,

/s/ Sergio Coronado

SERGIO CORONADO
Attorney At Law
State Bar No. 04838350
1019 E. Yandell
El Paso, Texas 79902
(915) 532-4500
(915) 532-4501 Fax

FILED
NORMA FAVELA BARCELEAU
DISTRICT CLERK

2021 DEC 22 AM 10: 23

EL PASO COUNTY, TEXAS
BKS
DEPUTY

CERTIFICATE OF SERVICE

I, **SERGIO CORONADO**, certify that the foregoing Entry of Appearance was delivered to the District Attorney's Office, 500 E. San Antonio, El Paso, Texas 79901 on this 21st day of December, 2021.

/s/ Sergio Coronado

SERGIO CORONADO

IN THE COUNTY COURT AT LAW NUMBER _____
IN THE COUNTY CRIMINAL COURT AT LAW _____
IN THE DISTRICT COURT _____
JAIL MAGISTRATE
EL PASO COUNTY, TEXAS

FILED
NORMA FAVELA BARCELEAU
DISTRICT CLERK

2021 DEC 13 PM 2:31

EL PASO COUNTY, TEXAS

BY Wazquez
DEPUTY

FINANCIAL INFORMATION INSTRUCTIONS

NAME: ARMANDO RODRIGUEZ
DOB: 05/20/1983

SO: 9563396

WARRANT (S)/CAUSE NO. (S) JAAAG721-15037

I am from Pretrial Services.

You will soon appear in front of a Judge who will review your rights with you and set your bond.

If you provide financial information, the Judge will consider your financial situation when setting your bond. Based on the information you provide, the Judge will determine the amount of bond you can afford to pay without financial hardship to you or anyone who depends on you for financial support. Please let me know if you cannot afford to pay any money without affecting your ability to pay for basic needs. Food, clothing, shelter, phone, medical care and transportation are considered basic needs.

Do not provide false information. If you give false information you may be prosecuted for perjury and your false answers may be used against you.

I understand these instructions and I am willing to provide my financial information.

ARMANDO RODRIGUEZ (VIA VIDEO)
DEFENDANT

12/12/2021

DATE

JOSHUA JURADO
PRETRIAL SERVICES OFFICER

12/12/2021

DATE

IN THE CRIMINAL LAW MAGISTRATE COURT
EL PASO COUNTY, TEXAS

THE STATE OF TEXAS
VS.
RODRIGUEZ, ARMANDO

SO#:

OFFENSE: DWI

WARRANT/ JMAG21-15037
INDICTMENT:
DOB: 5-20-1983

ORIGINAL BOND: \$2,000.00

BOND ORDER

Corporate Surety or Cash

\$1,500.00

Personal Recognizance

\$500.00

SUPERVISION LEVEL:

DWI SUPERVISION

SPECIAL CONDITIONS

DWI Supervision According to SMART Praxis Guidelines

Camera ignition interlock device or Portable Alcohol Monitoring Device

No contact with complaining witness(es): _____

No contact with co-defendant(s): _____

Random urinalysis or breath analysis

Commit no new offenses

May not use any illegal drug or alcohol

Must provide and maintain current contact information to CJC Office

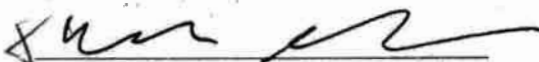
Other: MAY NOT OPERATE ANY MOTOR VEHICLE WITHOUT INTERLOCK, VALID DRIVER'S LICENSE AND INSURANCE.

12/112/2021

Date


JUDGE PENNY J HAMILTON

Defendant's Signature



FAILURE TO COMPLY WITH THE ABOVE BOND CONDITIONS MAY RESULT IN BOND FORFEITURE AND RE-ARREST, MUST REPORT TO PR BOND OFFICE AS INSTRUCTED

FILED
NORMA FAVELA BARCELEAU
DISTRICT CLERK
2021 DEC 12 AM 9:03
EL PASO COUNTY TEXAS
BY  DEPUTY

9800785

WARRANT OF ARREST

Case #: 202112786

THE STATE OF TEXAS

To the Sheriff or any law enforcement officer of El Paso County, said state
Greeting: **YOU ARE HEREBY COMMANDED** to take the body of:

Armando Rodriguez

D.O.B. 05/20/1983

JMA 21-15037

And bring him before me, in EL PASO, TEXAS, in said County, Instantner, then and there to answer the STATE OF TEXAS, for an offense against the laws of said state, to wit:

Driving While Intoxicated

Of which offense he is accused by the written complaint under oath of:

Deputy Christopher Hinojos #9096

Filed before me.

HEREIN FAIL NOT, but have you then and there before me, this writ and your return, enclosed thereon, Showing how you have executed the same.

Witness my signature and issued on the

12 day of December 2021
Jenny Hamilton

Justice of the Peace
JUDGE PENNY HAMILTON
El Paso County, Texas
CRIMINAL LAW & ADMINISTRATION COURT

SHERIFF'S 132.04

OFFICER'S RETURN

Came to hand the 12 day of DECEMBER, A.D. 2021
And executed the 12 day of DECEMBER, A.D. 2021

Booked into the El Paso County Detention Facility, El Paso County, Texas.

Richard Wiles

SHERIFF

By:

J. Arroyos J. Arroyos 5905

Deputy

WARRANT OF ARREST

File No. _____

THE STATE OF TEXAS

Vs.

Armando Rodriguez

AKA:

DOB: 05/20/1983

OFFENSE:

Driving While Intoxicated

BOND:

\$2000

JUDGE:

Jenny Hamilton

COURT:

JMA

FILED
NORMA FAVELA-BARCELEAU
DISTRICT CLERK

2021 DEC 15 PM 5:57

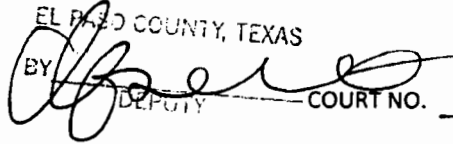
EL PASO COUNTY, TEXAS

COMPLAINT AFFIDAVIT

FILED
NORMA FAVELA BARCELEAU
DISTRICT CLERK
EL PASO COUNTY, TEXAS
2021 DEC 12 AM 9:03

JMA 20-15037

THE STATE OF TEXAS
COUNTY OF EL PASO

EL PASO COUNTY, TEXAS
BY  DEPUTY COURT NO. _____

Filing Agency: El Paso County Sheriff's Office

Offense Report #: 202112786

Date of Offense: 12/12/2021

Time of Offense: 0030 Hrs

Defendant Name: Armando Rodriguez

Defendant Date of Birth: 05/20/1983

Offense: Driving While Intoxicated

Offense Code#: 5404009

IN THE NAME AND AUTHORITY OF THE STATE OF TEXAS BEFORE ME, the undersigned authority, on this day personally appeared Deputy Christopher Hinojos #9096, who after being me duly sworn, on oath deposes and says that he has good reason to believe and does believe that heretofore to wit: on or about the 12th Day of December 2021 and before the filing of this complaint in the County of El Paso, the State of Texas, one Armando Rodriguez, Hereinafter called the DEFENDANT, did then and there unlawfully, intoxicated operated a motor vehicle in a public place

Facts in Support:

On 12/12/2021 at approximately 0035 hours Deputy N. Telles #8654 and myself were in route to the intersection of Doniphan Drive and Canutillo/ La Union in El Paso County Texas in reference to a welfare check. We arrived at approximately 0037 hours I observed a 2021 AUDI Q5 bearing Texas Dealer Tags 35968L4 parked on the turning lane of the 7000 block of Doniphan Dr facing northbound. I also observed the vehicle was on with its lights on.

We met with Deputy A. Hinojos #8659 who advised he found the Defendant who was the sole occupant on the driver's side seat. The Defendant was identified as Armando Rodriguez Date of Birth 05/20/1983.

The Defendant stated he was coming from a friend's house and he was heading home. I noticed a strong odor of an unknown alcoholic beverage emitting from the Defendant. The Defendant also had slurred speech. I asked the Defendant if he had been drinking tonight to which he stated no. I asked the Defendant f he was willing to participate in the standardized Field sobriety Test to which the Defendant agreed.

The Defendant's eyes were checked and his eyes displayed equal tracking and his pupils were equal size. The Defendant was instructed to follow the stimulus with his eyes only, keeping his head still. The Defendant understood the instruction and he attempted the test.

The results of this test displayed 4 of the 6 possible clues.

- Lack of smooth pursuit in the left eye.
- Lack of smooth pursuit in the right eye.
- Distinct and sustained Nystagmus at maximum deviation right eye.
- Distinct and sustained Nystagmus at maximum deviation right eye.

The Defendant was explained the Walk and Turn test which he understood and attempted the test.

The results of this test displayed 5 of the 8 possible clues.

- Stops while walking
- Misses heel to toe
- steps off the line
- Uses arms to balance
- Turned improperly
- Wrong number of steps

The Defendant was explained the One Leg Stand test which he understood and attempted the test.

The results of this test displayed 3 of the 4 possible clues.

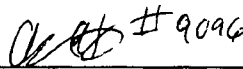
- Sways
- Uses arms to balance

- Puts foot down

Based on the Defendants SFST clues and my observations, I determined that he was impaired to continue driving, therefore violating Texas Penal Code 49.04 Driving While Intoxicated. The Defendant was advised that he was under arrest for Driving While Intoxicated and was read his Miranda Rights, to which he understood. The Defendant was subsequently transported to the El Paso County Sheriff's Office Northwest Patrol Station.

At the station I read the Defendant his Statutory Warning (DIC 24). After reading the Defendant his Statutory Warning Defendant refused to provide a specimen of his breath or blood. I wish to file criminal charges against the Offender for Driving While Intoxicated on behalf of the Victim.

Against the peace and dignity of the State.

 #9096

Affiant Deputy Christopher Hinojos #9096

Sworn to and subscribed before me on this, the

_____ day of _____, 20__

Notary Public in and for El Paso County, Texas

Sworn to and subscribed before me, and filed in this court, this the _____ day of _____, 20__

Probable Cause for issuance of Warrant found.


JUDGE JON JOSEPH
CRIMINAL LAW MAGISTRATE

Judge,
_____ District Court
County Court at Law# _____
Of El Paso County, Texas

Judge,
El Paso Municipal Court # _____
El Paso Justice Ct. Pct # _____
El Paso Criminal Law Magistrate of
El Paso County, Texas