

M O N T E L A R O

July 9, 2010

Lieutenant Robert Manzo  
Houston Police Department  
1200 Travis Street  
8<sup>th</sup> Floor  
Houston, TX 77002

RE: Return of Personal Property per court order of June 10, 2010 in Cause No. 1464186

Lieutenant Manzo:

Please find transmitted herewith copies of both the July 19, 2007 order in Cause No. 1464186, filed at the request of Officer Hesseldahl, and the order of June 10, 2010 referenced above. The Houston Police Department was ordered to continue to hold the property with the signing of the first and ordered to release that same property with the signing of the second. Please further note that I have attached certified copies of both orders to alleviate the concern you expressed regarding the stamp used by the Court to authenticate the orders.

I went to the property room at the end of last month with a release from the Burglary and Theft Division of HPD which read consistent with the Court's latest order. However, the property room staff no longer had possession of my personal property and were only able to produce approximately 5000 original certified copies of documents from Harris County produced in response to two Grand Jury subpoenas, several letters with accompanying documents saved to CD from law firms responding to Grand Jury subpoenas, several hundred various additional documents which appear to correlate to the large number "case" or "research" notes from Officer Hesseldahl. I find it strange that Officer Hesseldahl would have left these documents with the property room tagged as if they were my property, but there is no question that he did.

The chain of custody records at the property room demonstrate that all of the personal property they were holding was released to your division. A supervisor was called to confirm that the personal property they were holding had been released to your division. The supervisor also noted that on May 16, 2007, Officer Masson, a property room staff member who had, based on an order for the release of property from Judge Hughes, assisted in procuring a faxed release from Financial Crimes. While he allowed me to view my personal property he was unable to release it. Officer Masson stated that Officer Hesseldahl had been by earlier and re-tagged the box as subject to another investigation. (See supplement to Incident number 169628406-Y)

Most of the property listed on the Court's order can be referenced in several Incident reports. Incident number 162083106-X references files that were taken from my home by Officer Lindquist at the request of Officer Hesseldahl. Incident number 169628406-Y references file folders of documents seized in addition to mentioning other items seized from vehicles and tagged as evidence by Officer Hesseldahl. The narrative section and supplement to this report also demonstrate that Officer Hesseldahl removed other items from my home after letting himself in with my keys, obviating his description of the property as vacant. I was never given an inventory of the items seized by Officer Hesseldahl from my home. Without addressing the validity of the alleged *interview* detailed in the narrative, Officer Hesseldahl makes reference to a number of other documents to which, absent his intrusion into my home, he would not have had access.

July 9, 2010

Officer Lindquist further notes vehicles both in a locked garage and in the driveway in Incident number 154308606-S. I had a Mercedes 560SL in the garage and a 19-foot moving truck in the driveway. While Officer Lindquist makes no mention of what happened to both vehicles, I have a sworn statement from the complainant in this incident wherein he states that I was living in the property, that it was at Officer Hesseldahl's suggestion that I be arrested for trespass as the quickest way to remove me and that the Houston Police Department was responsible for having the vehicles towed. Based on the complete absence of police records to support the complainant's statements regarding the vehicles as well as the relevant city ordinances prohibiting the police department's authority to tow vehicles parked on the very property to which they are registered, I do not believe that Officer Lindquist took any action regarding the vehicles. However, based on her report, I have never been allowed to file a stolen vehicle report and would like some assistance in finally being able to do so.

Finally, you should be aware that in December of 2008, all parties in the civil suit with any claim to title of the property, agreed to settle the issue of title among themselves. Freddie Mac and Shadrick Bogany, the complainant with which Offer Hesseldahl worked so closely, were *not* part of the settlement agreement in that they had no interest in title to the property. Through the settlement agreement, made final by the 151<sup>st</sup> District Court in July of 2009, Steve Dekker and I were compensated for the equity we lost in the property when Citimortgage, successor to Principal Residential Mortgage, wrongfully foreclosed on the property without a secured interest. Citimortgage also agreed to settle with us for an amount that Steve Dekker and I felt compensated us for their behavior.

Despite the formidable efforts of Officer Hesseldahl, Shadrick Bogany and others to criminalize Steve Dekker's and my actions taken to defend our interests in our property, Shadrick Bogany, acting as Freddie Mac's real estate agent, after having me arrested for trespass, sold the property to James David Hannah. However, because Hannah's claim to title was based on a fraudulent foreclosure, the title he acquired from Shadrick Bogany was not marketable. As part of the final settlement, Steve Dekker and I agreed to deed our interests in the property to Hannah in exchange for his payment to us for the equity we lost in the property. Hannah's attorney recorded the instrument in the Harris County property records thus clearing his title.

Based on the notes and documents from Officer Hesseldahl's investigation, I am confident that none of this comes as a surprise to either of you.

Sincerely,



Gregory J. Montelaro

Cc: Chief M. Dirden  
Craig Ferrell

IN THE COUNTY CRIMINAL COURT AT LAW NO. 8  
OF HARRIS COUNTY, TEXAS

13/999/RS

THE STATE OF TEXAS

\*

VS.

\*

CAUSE NO. 14641860

GREGORY JAMES MONTELARO

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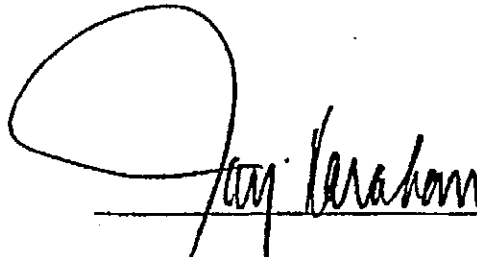
ORDER

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Whereas, the Defendant has previously been charged with the offense of Criminal Trespass of the same property in cause no. 1413894 in the County Criminal Court at Law No. 15.

UPON MOTION OF THE STATE, The Houston Police Department is ordered to hold and keep safe all property and evidence obtained by the State in the previous cause of action number 1413894 until further order of this Court.

SIGNED AND ENTERED ON THIS THE 19th DAY OF JULY 2007.



PRESIDING JUDGE  
CCCL # 8  
HARRIS COUNTY, TEXAS

12/9/00  
13/02/00

NO. 1464186

THE STATE OF TEXAS

vs.

GREGORY J. MONTELARO

SECTION 8

IN THE COUNTY CRIMINAL

COURT NO. 8

HARRIS COUNTY, TEXAS

**FILED**  
Loran Jackson  
District Clerk

JUN 10 2010

Time: \_\_\_\_\_  
By \_\_\_\_\_  
Harris County, Texas  
Deputy

MOTION FOR THE RETURN OF PROPERTY

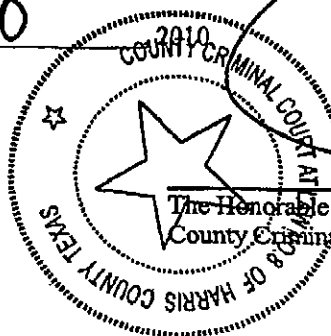
ORDER

On this day came on to be heard the foregoing Motion for the Return of Property in the above styled and numbered cause, and the Court having heard all argument of counsel and parties and the evidence presented herein, finds that such motion should, in all things, be GRANTED, and the following property be returned to the Defendant:

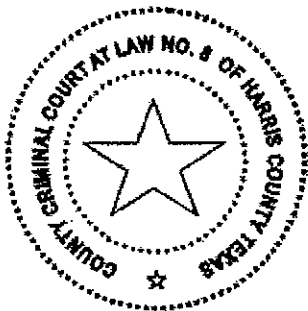
1. Files and documents removed from Defendant's briefcase, home, and office; (GJ)
2. \$60 Cash;
3. Cigarette Lighter;
4. Set of Keys and Key ring;
5. \$20,000 check in DHL Envelope addressed to Steve Dekker;
6. Mail;
7. Garage Door Remote Control;
8. Check book with the name Steve Dekker;
9. Bond regarding 915 Knox Street (GJ)
10. Any and all other property removed from the Defendant's person, briefcase, car, home or office on October 6, 2006, October 20, 2006 or November 2, 2006.

SIGNED

*June 10*



*Karahan*  
The Honorable Jay T. Karahan  
County Criminal Court at Law 8



I, Loren Jackson, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date  
Witness my official hand and seal of office  
this July 7, 2010

Certified Document Number: 45552504 Total Pages: 1

LOREN JACKSON, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**

MONTELARO

July 13, 2010

Lieutenant Robert Manzo  
Houston Police Department  
1200 Travis Street  
8<sup>th</sup> Floor  
Houston, TX 77002

RE: Return of Personal Property per court order of June 10, 2010 in HCCC Cause 1464186

Lieutenant:

I received your voice mail message from 9:07 A.M on the morning of this writing in which you stated that I had already collected my personal property from the property room with a release procured from *Burglary and Theft*. Your facts are incorrect and presenting them as you did in your voice mail message is unprofessional.

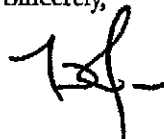
In our meeting on July 2nd, I offered to let you copy the Property Room custody receipt demonstrating what property had been released to me. Both Officer Gonzalez and his supervisor were very clear that all my personal property had been released to your division. You responded that you were not interested in any of these documents yet you now draw conclusions contradicted by them.

Lieutenant, as recently as three months ago on April 10, 2010, Sgt. Hesseldahl was tagging items to my property that are clearly the property of the 208th and 209th Grand Juries.<sup>1</sup> The Texas legislature has not chosen to vest police officers with subpoena power yet it appears that Sgt. Hesseldahl circumvented that legislative judgment and made use of grand jury process in order to do indirectly what he could not do directly.

After the meeting at your office, the letter you requested I write and 5 phone calls I am no closer to recovering the property your department was under court order "hold and keep safe." At what point do I need accept that my property has been stolen and simply file an IAD complaint?

I will wait to hear from you this afternoon before I move forward.

Sincerely,



Gregory J. Montelaro

Cc: Chief M. Dirden, w/ enclosures  
Creig Ferrel, w/ enclosures

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<sup>1</sup> See August 17, 2007 letter enclosed from Hughes Waters and Property Room property receipt of 04/10/2010

1 Transcription of July 15, 2010 voice mail message from  
2 the voice mail box for 832-343-0928.

3  
4 (VOICE MAIL PROMPT) Thursday, 3:55 P.M. Sent by 713-658-  
5 1737

6  
7 (MESSAGE) Mr. Montelaro, Lt Manzo with HPD. I'm calling  
8 you to let you know that I actually have some documents  
9 here from the property room where you signed that you  
10 received the property listed in the motion signed by  
11 Judge Karahan and they made a copy of your driver  
12 license. So that indicates that you did receive the  
13 property and that it was in the box. If you have any  
14 other questions give me a call back. And actually I  
15 would like to if you want to bring the box back I  
16 defiantly would have someone come over here and in fact I  
17 would like for you to do that have someone sit with you  
18 to go though the box and make sure that everything's  
19 there. I'll talk to you later. Good bye.

20 (END OF MESSAGE)

MONTÉLARO

July 16, 2010

Lieutenant Robert Manzo  
Houston Police Department  
1200 Travis Street  
8<sup>th</sup> Floor  
Houston, TX 77002

RE: Return of Personal Property per court order of June 10, 2010 in HCCC Cause 1464186

Lieutenant:

I wanted to make sure that I took the time to thank you for your assistance in attempting to locate the personal property covered in the court order you received from me dated June 10, 2010. I must confess that I was disappointed in your refusal to commit your opinion to writing and your refusal to allow any copies to be made of the documents you stated were obtained from the Property Room supporting your position.

On review, I found that your recent voice mail messages to me state your position as clearly as your phone call this afternoon and have forwarded your messages to have them transcribed. Further, I called my contact with the Property Room in order to confirm that I had a copy of every record and entry in the Property Room's *Etrack* system specific to my personal property though June 24, 2010, the date of my last visit to the Property Room. This way we are both comfortable that we have identical sets of documents relating to the dispensation of my property.

My only concern is that you made specific reference relating to particular documents and actions on my part as it related to the property room and certain records from June 25, 2010. Given that June 25th is my birthday and that Father's Day fell the following weekend, I left Houston on the evening of June 24, 2010 in order to pick my children up in Lake Charles and continued on to Baton Rouge for an extended weekend with family. Therefore I would question the authenticity of any documents dated June 25th bearing my signature. These documents would unquestionably be fabrications.

Once again, thank you for your assistance and I look forward to our next meeting.

Sincerely,



Gregory J. Montelaro

Cc: Chief M. Dirden  
Craig Ferrel