

THE STATE OF TEXAS
VS.

RICHARD ANDREW GUTIERREZ

SPN: 01581820
DOB:
DATE PREPARED: 6/11/2010

D.A. LOG NUMBER: 1646473 01581820
CJIS TRACKING NO.:

BY: JL DA NO: 067881650
AGENCY: HPD
O/R NO: 642744101
ARREST DATE: TO BE

NCIC CODE: 0908 13

RELATED CASES: LOWERY- FEL

FELONY CHARGE: SOLICITATION OF CAPITAL MURDER

CAUSE NO:
HARRIS COUNTY DISTRICT COURT NO:
FIRST SETTING DATE:

BAIL: \$100,000
PRIOR CAUSE NO:

1266492
282

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

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, RICHARD ANDREW GUTIERREZ, hereafter styled the Defendant, heretofore on or about APRIL 15, 2010, did then and there unlawfully with the intent that the offense of capital murder be committed, request, command and attempt to induce JAMES LOWERY, hereafter called the solicitee, to engage in specific conduct, namely, the MURDER for remuneration of YVONNE STERN, and that under the circumstances surrounding the conduct of the solicitee as the Defendant believed them to be, would constitute and make the solicitee a party to the offense of capital murder.

Probable cause

Affiant, was assigned to investigate the shooting of Yvonne Stern on South Braswood, on May 5, 2010. As a result of the investigation, affiant began to suspect that the shooting was actually a "hit". Affiant spoke with a confidential informant (CI) who affiant believes to be credible and reliable person because the informant had dealt with other agencies before as a CI. CI told your affiant that he had been approached by a wrecker driver by the name of Richard Gutierrez who wanted the CI to shoot someone. The CI told your affiant that he was given directions on how to get to the house of the target. The CI told your affiant that Richard showed the CI a picture of the intended target. The CI told your affiant that he had seen a story on the news about a woman being shot. The CI told your affiant that he had recognized the woman being shot was the same person Richard showed him in the picture.

As a result of my conversation with the CI, I was able to locate a wrecker driver by the name of Richard Gutierrez. On June 7, 2010, I had a conversation with Richard Gutierrez, who in this instance I believe to be a credible and reliable person. Mr. Gutierrez told me that the defendant, Michelle Cabrera Gaiser, who he knows by name and sight, had contacted him to arrange a "hit" on a rich Bellaire woman, and Ms. Gaiser and Mr. Gutierrez drove by the home of the intended target. Mr. Gutierrez told affiant the directions of how to get to the home that the Ms. Gaiser pointed out. Those directions were consistent with how to get to the home of Yvonne Stern who on May 5, 2010, was shot. As a result of this, Mr. Gutierrez agreed to wear a wire and meet with Ms. Gaiser and record their conversation. During the conversation on June 7, 2010, Ms. Gaiser and Mr. Gutierrez discussed the "original" deal and that Ms. Gaiser wanted Mr. Gutierrez's brother to be taken care of. Mr. Gutierrez told me that on behalf of Ms. Gaiser he had talked with his brother, Adam Gutierrez about doing the "job" for Ms. Gaiser. Mr. Gutierrez told affiant that his brother Adam had not done the "hit" but taken ten thousand dollars from Ms. Gaiser and then Adam Gutierrez had started extorting money from the defendant. As a result Ms. Gaiser is very upset with Adam and wants Adam killed.

Mr. Gutierrez also told your affiant that he talked to some people about it and finally talked with a guy named "James" who works at a tattoo parlor and that James agreed to do the hit. Mr. Gutierrez told affiant that he believed that James had shot Ms. Stern Mr. Gutierrez told Cegielski that after the shooting on April 15, 2010, he was the go between for Gaiser and James for James getting paid for the shooting.

FILED
Loren Jackson
District Clerk
JUN 11 2010
Time: 16:25
Harris County, Texas
By: Deputy

AGAINST THE PEACE AND DIGNITY OF THE STATE.
Sworn to and subscribed before me on June 11, 2010

[Signature]
AFFIANT

[Signature] 29092297
ASSISTANT DISTRICT ATTORNEY BAR NO.
OF HARRIS COUNTY, TEXAS.

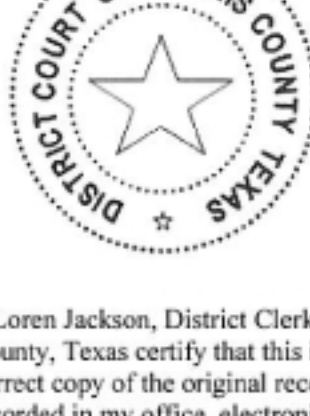
COMPLAINT

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging

Certified Document Number: 45549495 - Page 1 of 2

Certified Document Number: 45549495 - Page 2 of 2

COPY OF COMPLAINT/WARRANT DELIVERED TO
Officer's name: CM CEGIELSKI
Police agency: HPD
Phone no: 713-286-1111 Date/Time: 6-11-2010 16:55



I, Loren Jackson, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and recorded in my office, electronically or hard copy, as it appears on this date
Witness my official hand and seal of office this June 14, 2010

Certified Document Number: 45549495 Total Pages: 2

[Signature]
LOREN JACKSON, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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TR-262-PR08

THE STATE OF TEXAS
VS.

JAMES STEVEN LOWERY

SPN: 01967074
DOB:
DATE PREPARED: 6/11/2010

D.A. LOG NUMBER: 1646489 01967074
CJIS TRACKING NO.: 9165519515-A001

BY: JL DA NO: 067881650
AGENCY: HPD
O/R NO: 642744101
ARREST DATE: 6/10/2010

NCIC CODE: 0908 13

RELATED CASES: GUTIERREZ- FEL

FELONY CHARGE: SOLICITATION OF CAPITAL MURDER

CAUSE NO:
HARRIS COUNTY DISTRICT COURT NO:
FIRST SETTING DATE:

BAIL: \$NO BOND
PRIOR CAUSE NO:

1266499
179

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

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, JAMES STEVEN LOWERY, hereafter styled the Defendant, heretofore on or about APRIL 15, 2010, did then and there unlawfully with the intent that the offense of capital murder be committed, request, command and attempt to induce AN UNKNOWN PERSON, hereafter called the solicitee, to engage in specific conduct, namely, the MURDER for remuneration of YVONNE STERN, and that under the circumstances surrounding the conduct of the solicitee as the Defendant believed them to be, would constitute and make the solicitee a party to the offense of capital murder.

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AGAINST THE PEACE AND DIGNITY OF THE STATE.
Sworn to and subscribed before me on June 11, 2010

[Signature]
AFFIANT

[Signature] 24092297
ASSISTANT DISTRICT ATTORNEY BAR NO.
OF HARRIS COUNTY, TEXAS.

COMPLAINT



I, Loren Jackson, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and recorded in my office, electronically or hard copy, as it appears on this date
Witness my official hand and seal of office this June 14, 2010

Certified Document Number: 45549502 Total Pages: 1

[Signature]
LOREN JACKSON, DISTRICT CLERK
HARRIS COUNTY, TEXAS

Certified Document Number: 45549502 - Page 1 of 1

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