

NO. 2008-CR-0132-A

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THE STATE OF TEXAS  
VS.  
GUSTAVO GARZA

\*\*\*\*\*

INDICTMENT

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OFFENSE:

OFFICIAL ABUSE OF OFFICIAL CAPACITY  
AND  
OFFICIAL OPPRESSION

\*\*\*\*\*

JUAN ANGEL GUERRA  
DISTRICT AND COUNTY ATTORNEY

\*\*\*\*\*

  
A TRUE BILL  
Foreman of Grand Jury

\*\*\*\*\*

Filed on Nov 17 2008 6:15PM

GILBERT LOZANO,  
Clerk of the District Courts of  
Willacy County, Texas

By:   
Deputy

\*\*\*\*\*

Amount of Bail \_\_\_\_\_  
Bond set by Judge \_\_\_\_\_

\*\*\*\*\*  
39.02 OFFICIAL ABUSE OF OFFICIAL CAPACITY  
39.03 OFFICIAL OPPRESSION  
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IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

**THE GRAND JURY**, for the County of Willacy, State of Texas, duly selected, empaneled, sworn, charged, and organized as such at the July Term 2008, A.D. of the 197<sup>th</sup> Judicial District Court for said County, upon their oaths present in and to said court at said term that GUSTAVO GARZA hereinafter styled Defendant, on or about the 11<sup>th</sup> day of February 2007, A.D., being the special prosecutor, in and for the County of Willacy, State of Texas, for the 197<sup>th</sup> Judicial District, did then and there intended to harm the duly elected District Attorney of Willacy County, Texas being the Hon. Juan Angel Guerra, Defendant intentionally or knowingly violated a law relating to the Defendant's office or employment position as a public servant namely, violated Article 2.01 of the Texas Code of Criminal Procedure, and said law relating to Defendant's office, by imposing his primary duty as a special prosecutor to convict and not to see that justice was done and in doing so had the Hon. Juan Angel Guerra arrested by using facts that did not support the charges and said facts indicated a lack of merit to the charges,

COUNT II

**AND THE GRAND JURORS** aforesaid, upon their oaths in said court present that GUSTAVO GARZA hereinafter styled Defendant, on or about the 11<sup>th</sup> day of February 2007 A. D., did then and there intentionally subject the Hon. Juan Angel Guerra to an arrest and detention that the Defendant knew was unlawful, and the Defendant was then and there acting under color of his office as a public servant, namely, special prosecutor for the County of Willacy, State of Texas,

COUNT III

**AND THE GRAND JURORS** aforesaid, upon their oaths in said court present that GUSTAVO GARZA hereinafter styled Defendant, on or about the 21<sup>st</sup> day of March 2007, A.D., being the special prosecutor, in and for the County of Willacy, State of Texas, for the 197<sup>th</sup> Judicial District, did then and there intended to harm the duly elected District Attoreny of Willacy County, Texas being the Hon. Juan Angel Guerra, Defendant intentionally or knowingly violated a law relating to the Defendant's office or employment position as a

public servant namely, violated Article 2.01 of the Texas Code of Criminal Procedure, and said law relating to Defendant's office, by imposing his primary duty as a special prosecutor to convict and not to see that justice was done and in doing so had the Hon. Juan Angel Guerra indicted by using underlying facts that Defendant knew or should have known did not support the allegations in the indictment and said facts indicated a lack of merit to the charges,

COUNT IV

**AND THE GRAND JURORS** aforesaid, upon their oaths in said court present that GUSTAVO GARZA hereinafter styled Defendant, on or about the 21<sup>st</sup> day of March 2007 A. D., did then and there intentionally subject the Hon. Juan Angel Guerra to an arrest and detention that the Defendant knew was unlawful, and the Defendant was then and there acting under color of his office as a public servant, namely, special prosecutor for the County of Willacy, State of Texas,

COUNT V

**AND THE GRAND JURORS** aforesaid, upon their oaths in said court present that GUSTAVO GARZA hereinafter styled Defendant, on or about the 10<sup>th</sup> day of February 2007 A. D., did then and there intentionally subject the Hon. Juan Angel Guerra to search or seizure of the Willacy County District Attorney's Office that Defendant knew was unlawful and Defendant was then and there acting under color of his office as a public servant namely, special prosecutor for the Willacy County, Texas, executed a search warrant on Willacy County District Attorney's Office that the Defendant knew or should have known that the judge that issued said warrant had no jurisdiction to issue said warrant,

against the peace and dignity of the State.



Foeman of the Grand Jury