

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA)
) 4:08CR00028 CVE
 v.)
)
 HUGO ALBERTO GUTIERREZ)
)

SUPPLEMENTAL DISCLOSURE

Comes now the United States of America, by and through Special Attorney Jane W.

Duke, and for its Supplemental Disclosure, states:

1. On or about June 3, 2010, undersigned counsel filed a Limited Entry of Appearance, Disclosure, and Motion for Protective Order under seal in this matter. Since that filing, the seal has been lifted by Court order.

2. The Special Attorney now supplements the original disclosure, specifically Footnote 3, as follows:

In addition to disclosing the fact that he falsified information in the affidavit, Gray also admitted that during the execution of the search warrant he and other TPD officers stole money from the defendant. Gray estimates that approximately \$10,000 was stolen and divided among the participating officers, which included Gray, Harold Wells, Callison Kaiser, and Eric Hill. Since learning this information from Gray, the United States has been able to corroborate the theft through different means. For example, on May 21, 2010, the United States took a proffer from Callison Kaiser. During that proffer, Kaiser confirmed the theft and sharing in the money. Further, on June 7, 2010, the United States took a proffer from Eric Hill. During that proffer, Hill also confirmed the theft and sharing in the Gutierrez money. Finally, during Gray's proffer, he advised that just days before Gray was scheduled to meet with the United States for his de-briefing, Wells expressed great concern that the United States would learn of the Gutierrez theft through Gray's cooperation. Wells encouraged Gray not to disclose this theft by stating that "just us officers know about that." Kaiser and Hill also had similar encounters with Wells in the recent past. Specifically, Wells stated to Kaiser, "You can't say anything about that money I gave you," referring to the Gutierrez money. Wells told Hill, again in relation to the Gutierrez search, that Wells recalled giving money to either Hill or Kaiser. However, Wells assured Hill that because Wells could not recall to which one he had given the money, Hill should not worry. Wells would simply tell the United States that he could

