

**IN THE 409<sup>th</sup> JUDICIAL DISTRICT COURT  
EL PASO COUNTY, TEXAS**

**STATE OF TEXAS**

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§  
§  
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§

**vs.**

**CAUSE NO. 20200D02631**

**PATRICK CRUSIUS**

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**REPORT OF AD LITEM**

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Comes now Justin B. Underwood, by appointment of the Court as attorney ad litem for the Hoffmann Family and files this, his report in aid of the Court’s review of the events involving an alleged violation of the Court’s Order Restraining Parties from Making Extrajudicial Statements (Gag Order)<sup>1</sup> by members of the Hoffmann Family, and shows the Court as follows:

On August 17, 2022, the Court appointed the undersigned to represent the Hoffmann Family in the above-captioned cause in relation to a possible violation due to emails that were sent to local media from an individual identifying himself as Alex Hoffmann.<sup>2</sup> The email was sent from an email address associated with Mrs. Rosa Maria Valdez Garcia, the mother of Alexander Hoffmann and Thomas Hoffmann (collectively “the Hoffmann family”). Mrs. Valdez Garcia is the widow of Alexander Gerhard Hoffmann, one of the 23 victims of a mass shooting at a local Wal-Mart on August 3, 2019. The email was sent by Mrs. Valdez’ cell phone. However, Anne Rodriguez, the wife of Roger Rodriguez, working for the Office of the District Attorney, used Mrs. Valdez’s cell phone to compose and send the emails with the assistance of Roger Rodriguez. Anne Rodriguez requested to use Thomas Hoffmann’s cell phone to send the emails and he refused so Anne and Roger Rodriguez used Mrs. Valdez’ cell phone to

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<sup>1</sup> See Exhibit 1.

<sup>2</sup> See Exhibit 2.

send the emails. Mrs. Valdez had no knowledge of what the emails contained or where they were being sent. This information is verified in the affidavits referenced below.

On the date of my appointment, I contacted Assistant District Attorney (ADA) Curtis Cox of the 34<sup>th</sup> Judicial District Attorney's office to inform him of my appointment and to further inform him that I would send him copy of the Order appointing me to represent the Hoffmann family. I also requested contact information for the Hoffmann family.

Next, I texted and later telephoned ADA Scott Ferguson. Mr. Ferguson had filed a notice with the Court regarding the Hoffmann family members not being witnesses in the above-captioned cause. This, notwithstanding the fact that they are potential punishment witnesses in the event of a conviction of the Defendant.

On August 18, 2022, ADA Cox filed a verified Motion to Continue in which he stated that "the State has not yet succeeded in making contact with Rosa Maria Valdez Garcia, Alexander Wilhelm Hoffmann, or Thomas Hoffmann." *See* Exhibit 3. Interestingly, Roger Rodriguez told the Hoffmann family that they would receive a phone call from the District Attorney's Office at noon on Monday and he further instructed the Hoffmanns not to answer that phone call so that the District Attorney could state that members of the DA's Office had not been in contact with the Hoffmann family and could allege in the State's Motion for Continuance that they had not been in contact with the Hoffmann family. *See* Exhibit 9. Based on audio recordings of an attorney named Roger Rodriguez provided to me by my clients, I determined that Roger Rodriguez, on behalf of ADA Cox and the District Attorney had been in contact with the Hoffmann family since at least the July 1, 2022, hearing. Based on everything I learned, the District Attorney's

Office wanted a continuance of the Status Hearing in order to allow the State time to prepare and file a motion to recuse the presiding judge, something that former ADA John Briggs later testified to in the hearing on the Motion to Recuse Judge Sam Medrano.

On August 22, 2022, I spoke with ADA John Briggs. I asked if my clients, the Hoffmann family, were at the meeting and he indicated that they were. Mr. Briggs told me that on July 1, 2022, after the status hearing was concluded, all of the victims' families were brought down to a conference room in the DA's office. The Hoffmanns recall DA Yvonne Rosales introducing Roger Rodriguez as a Judge, and then telling those present that Roger Rodriguez and his wife Anne Rodriguez were members of her staff. Roger Rodriguez then told the families to file grievances against Judge Medrano in order to secure his recusal. Rodriguez further informed the families that he himself was a judge (he did not mention that he is only a municipal court judge for the Village of Vinton, Texas) and has previously "recused a lot of other judges." Mr. Briggs challenged all of Rodriguez's statements and an argument escalated between them regarding Rodriguez' comments. Ultimately, rather than continue an argument in front of the victims' families, Mr. Briggs disengaged from the conversation. Mr. Briggs informed me that he told Mr. Cox that Mr. Briggs thought the email attributed to the Hoffmann family was a product of Roger Rodriguez. Mr. Briggs' employment with the Office of the District Attorney was terminated three days later. During the hearing on the Motion to Recuse Mr. Briggs testified to everything that he told me during our conversation.

After my conversation with John Briggs, I sent a follow up email to Mr. Cox requesting contact information for my clients and requesting the names of all the people who were present at the meeting with the victims' families as well as the names of all

Assistant District Attorneys and all non-DA persons who were present at the meeting. Later, ADA Cox sent me an email accusing me of exercising some “investigatory authority” and that my focus was to target named individuals in the DA’s office, who are all public servants. He accused me of using my appointment to represent the Hoffmann family to go after the District Attorney’s office personnel rather than protecting the Hoffmann family and determining whether they were the source of the emails as per my appointment by the Court. The DA’s office refused to turn over any information to me despite two requests that they do so. I have had no contact with the Office of the District Attorney since that email.

On August 23, 2022, the 409<sup>th</sup> District Court received an email allegedly from an attorney in Mexico claiming to represent the Hoffmann family. *See Exhibit 4.* Neither the undersigned nor the Hoffmann have any idea where the email was sent from or who wrote it.

Subsequently, during conversations with my clients and after listening to audio recordings of Roger Rodriguez made by members of the Hoffmann family, I learned that Roger Rodriguez attempted to intimidate Rosa Valdez into signing an attorney contract in Juarez, Mexico regarding a Mexican attorney named Jose Morales. Mrs. Valdez refused to sign anything and left. The Hoffmann family never hired a lawyer named Jose Morales, or, for that matter any lawyer. Additionally, they have never rejected the Court’s appointment of me as their lawyer and, indeed by their words and actions have completely accepted my representation of them.

On August 24, 2022, I made contact with the Hoffmann family’s civil attorney Adam Milasincic of The Ammons law firm in Houston. I requested contact information

for the family from him.

Next, on August 25, 2022, I received a telephone call from Mr. Milasinic and he informed me that he would attempt to make contact with the Hoffmann family immediately. Before Mr. Milasinic even returned my call, I received a WhatsApp message from Thomas Hoffmann. The Hoffmann's advised that they were willing to talk with me. I asked if they have a lawyer named Jose Morales in Juarez, Mexico that represents them. Thomas answered "No we don't."

On August 26, 2022, I met with Thomas Hoffmann, Alex Hoffmann, and their mother Rosa Maria Valdez Garcia at my office. Each of the family members informed me that Roger Rodriguez and his wife sent the emails in question from Mrs. Valdez's phone. Roger Rodriguez told them that it was to prevent Amanda Enriquez from moving the trial to Austin. Amanda Enriquez was present at the hearing on July 1, 2022. District Attorney Yvonne Rosales, by all accounts, was not pleased that Ms. Enriquez was present at the meeting. The family informed me that the DA's office had a plan to attack Judge Medrano, Robert "Bob" Moore, Amanda Enriquez, and others. Rodriguez used words like "blow" and "hit" to describe what would happen to the aforementioned people. They informed me they have been continually victimized by Rodriguez who told them that he was acting on behalf of the District Attorney's office. Indeed, as noted above, at the victims' families meeting back on July 1, 2022, Yvonne Rosales introduced Roger Rodriguez as both a judge and as a member of her staff. They also informed me that they began recording Roger Rodriguez both in person and when he called on the telephone due to Rodriguez' aberrant behavior and the fact that he was representing District Attorney Yvonne Rosales.

Thomas Hoffmann informed me that Roger Rodriguez stated that he was acting as a representative of Yvonne Rosales. Thomas Hoffmann informed me that Rodriguez stated that he always carried a weapon on his person and actually showed it to Thomas on occasion. Mrs. Valdez informed me on August 23, 2022, that Roger Rodriguez, outside the presence of her son, threatened her not to betray Rodriguez because, as he stated, he had “snipers everywhere”. The Hoffmann family informed me that Rodriguez has been in constant contact with them since July 1, 2022. They had no idea about the hearing scheduled August 17, 2022. Rodriguez warned the family that “if you go back for anything regarding the hearing, Yvonne Rosales would not look kindly on it. She has people everywhere.”

DA Yvonne Rosales and Roger Rodriguez promised the Hoffmann children that they would obtain visas for each of them. Thomas Hoffmann was promised that he would be able to take classes at Park University where Rodriguez apparently teaches. Thomas Hoffmann was also promised work by Roger Rodriguez. None of these promises were fulfilled. The Hoffmanns have repeatedly told me that they are terrified of District Attorney Yvonne Rosales, Assistant District Attorney Curtis Cox, and Roger Rodriguez. Mrs. Valdez became physically ill in my presence when discussing the events. Her sons are scared as well and gravely concerned about their mom. I had an independent notary from ACR INK come in and notarize the statements that my clients made including positively identifying the voices of Roger Rodriguez and his wife Anne Rodriguez. They are in constant fear of retaliation by the District Attorney’s office and Roger Rodriguez. *See Exhibits 5, 6, 7 and 8.*

Also on August 29, 2022, I met with Special Agents of the Federal Bureau of

Investigation. With the permission of my clients, I turned over to the agents the Hoffmann's affidavits and all other information provided to me by my clients. I informed the agents that I would make them a copy of the audio recordings that my clients made of Roger Rodriguez.

On September 5, 2022, the Hoffmann family came from Juarez to meet with me in my office. They brought with them the audio recordings they had made of Rodriguez. The audio recordings consist of two phone calls and one in person meeting the family had with Roger Rodriguez and his wife Anne Rodriguez. The audio recordings are approximately 110 minutes in length and are in Spanish. The family again asked for protection from District Attorney Yvonne Rosales and Roger Rodriguez. I informed the family that I would make a copy of the audio recordings and turn them over to the FBI. I telephoned the agents and turned over a copy of the audio recordings that same week.

On September 6, 2022, I made arrangements to have the audio recordings translated from Spanish into English by a certified translator. I received the translations back on September 12, 2022, and they are attached hereto. *See Exhibits 9, 10, and 11.*

Mrs. Valdez had previously obtained a Senti pass and a laser visa as a Trusted Traveler. The family has been able to easily commute back and forth to visit with me pursuant to my appointment as attorney ad litem since August 26, 2022. The family was also able to regularly attend meetings for the Walmart shooting case and Court hearings including the July 1, 2022, hearing. After requesting a continuance, the State of Texas subsequently filed a motion to recuse Judge Sam Medrano. *See Exhibit 12.*

The recusal hearing was scheduled for September 19, 2022. While that hearing date was pending, officials with the Mexican Investigations Department appeared at the

Hoffmanns home on Saturday, September 17, 2022. These "officials" were attempting to get the Hoffmanns to sign documents which the officials refused to show them. The family refused to sign anything and instead videotaped the entire encounter.

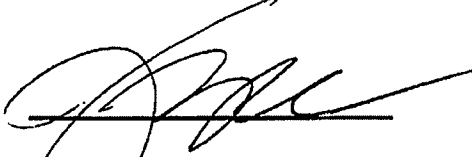
Coincidentally, on the following day, September 18, 2022, Mrs. Valdez received an email that her Sentri Pass had been revoked. The family tried to visit me at my office on Monday September 19, 2022, and Mrs. Valdez was detained by CBP officers at the bridge for approximately 7 hours before being released. Mrs. Valdez is a 70 year old woman with health problems. Her husband was murdered at Walmart on August 3, 2019, and she has been continually victimized by members of the Office of the District Attorney for their own purposes. She was placed in a small cell and forced to use the restroom in public view. Now, her ability to cross into the United States has been removed. Her Sentri Pass was taken and has not been returned as of the date of this Report. The DA's office recently filed a Notice Regarding the State of Contact with the Hoffmann family claiming, *inter alia*, that Mrs. Valdez was not the widow of Alexander Hoffmann. *See* Exhibit 13. Interestingly, this was one of the allegations used to detain her at the bridge following the email revocation of her Sentri Pass. In that filing, ADA Cox claimed that Mr. and Mrs. Hoffmann were legally divorced in 2001, and that as a result, she is not his widow. This is a ridiculous accusation which the Tribunal Superior de Justicia Chihuahua has already addressed. Further, such an allegation has absolutely no relevance to a motion to recuse a sitting district judge.

As the Court appointed attorney ad litem for the Hoffmann family, it is my duty to report my findings to the Court regarding the Hoffmann family and the email that was



sent to the Court on August 23, 2022. I am of the opinion that neither Mrs. Valdez Garcia nor the Hoffmann children had anything to do with the email sent to the Court notwithstanding the fact that Roger Rodriguez and Anne Rodriguez used Mrs. Valdez Garcia's phone to compose and send the email. As a result, in the opinion of this attorney ad litem, no member of the Hoffmann family violated the Court's Order Restraining Parties From Making Extrajudicial Statements (Gag Order). Consistent with the testimony of former ADA John Briggs during the hearing on the Motion to Recuse heard by State District Court Judge Sid Harle, I am convinced that the emails purportedly sent from an email address associated with the Hoffmann family actually originated with someone in the Office of the District Attorney, to include District Attorney Yvonne Rosales, Roger Rodriguez, ADA Curtis Cox and potentially other upper management staff of the DA's Office to advance their own agenda.

Respectfully Submitted,



**JUSTIN B. UNDERWOOD**  
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**CERTIFICATE OF SERVICE**

I certify that I filed the foregoing motion with eFile Manager, which will send notice to all parties in the above-captioned cause on this the 6<sup>th</sup> day of October, 2022.

  
Justin B. Underwood

FILED  
NORMA FAYE...  
IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS  
409<sup>TH</sup> JUDICIAL DISTRICT

2022 JUL -1 AM 10:50

EL PASO COUNTY, TEXAS

BY *[Signature]*  
DEPUTY

THE STATE OF TEXAS

vs.

CAUSE NO. 20200D02631

PATRICK WOOD CRUSIUS

**Order Restraining Parties from Making Extrajudicial Statements  
(Gag Order)**

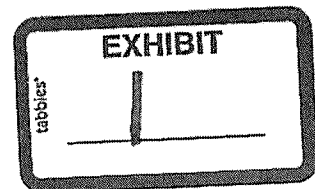
This Court has a duty to preserve the Defendant's right to a fair trial by an impartial jury and, if possible, to ensure that potential jurors will not be prejudiced by pretrial publicity. The Court is also mindful of the First Amendment rights of the parties, Counsel for the parties, the media, as well as the Open Courts Provision of the Texas Constitution. In efforts to balance these sometimes competing interests, Courts have found that prior restraint may be imposed only in extraordinary circumstances, and only if there is the threat of imminent, severe harm. Accordingly, before issuing a Gag Order, a Court must find that extensive media coverage will harm the judicial process.

This Court takes judicial notice of:

- 1) the unusually emotional nature of the issues involved in this case;
- 2) the extensive local and national media coverage this case has already generated; and
- 3) the various and numerous media interviews with counsel for the parties that have been published and broadcast by local and national media.

The Court FINDS that Counsels' willingness to give interviews to the media would only serve to increase the volume of pre-trial publicity.

The Court FURTHER FINDS that if Counsel for the parties continue to grant interviews to the media, the pre-trial publicity will interfere with the Defendant's right to a fair trial by an impartial jury.



The Court FURTHER FINDS that no less restrictive alternative means exists to treat the specific threat to the judicial process generated by this pre-trial publicity.

The Court FURTHER FINDS that an Order restricting extra-judicial commentary by Counsel for the parties is necessary to preserve all venue options and a delay in proceedings would not lessen the publicity generated by this case.

Accordingly, in its sound discretion and in light of the relevant facts and circumstances of this particular case, the Court ORDERS, ADJUDGES and DECREES that prior to and during the trial of this case:

1. All attorneys involved in this case shall strictly adhere to the letter and spirit of the provisions of the Texas Code of Professional Responsibility governing comments to the media. Specifically, all attorneys shall refrain from making "extrajudicial statements that a reasonable person would expect to be disseminated by means of public communication if the lawyer knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicatory proceeding." TEX. DISCIPLINARY R. PROF'L CONDUCT 3.07.
2. All attorneys, their staffs, and law enforcement officers involved in this case shall not discuss this case with the media.
3. Witnesses shall not discuss this case with the media when they have *previously* given statements:
  - a. to law enforcement personnel,
  - b. to representatives of the District Attorney's Office; or
  - c. who have testified in investigative or adjudicative proceedings.
4. Witnesses who give statements to law enforcement personnel, representatives of the District Attorney's Office, or who testify in investigative or adjudicative proceedings *after the date of entry* of this order shall not discuss this case with the media.
5. This Order shall not be interpreted to prohibit attorneys from communicating with the parties in order to prepare for trial, nor shall it be interpreted to prohibit the third parties from attending any live sessions before the Court or from publishing any information they have already obtained or may obtain in the future. The term "third parties" includes any person or organization, not a party, not an

attorney for a party, or not a person employed by the parties or attorneys for the parties for the purpose of assisting in this litigation.

**Nothing in this Order is intended to prevent any person from stating the following:**

A factual statement of the Defendant's name or names, age or residence.

The time and place of the arrest, the identity of the arresting and investigating officers and agencies and the length of the investigation.

The text of the charges, including a brief description of the offense(s) charged.

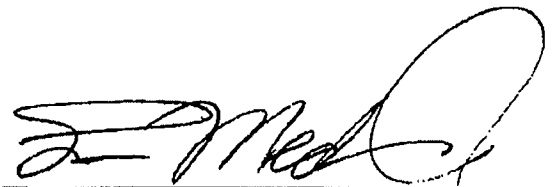
Exact quotations from or reference to, without comment, any evidence given to the trial jury in this cause.

The scheduling and result of any stage of the judicial proceeding held in open court before the jury or in a public session.

Nothing in this Order is intended to prevent the Defendant or his attorneys from asserting his innocence.

This Order shall be in force during the pendency of the indictment in the above entitled and numbered cause, the trial of said cause, and the discharge of the trial jurors from further service in this cause.

**SIGNED this the 1st day of July, 2022.**



**JUDGE SAM MEDRANO, JR.  
409<sup>TH</sup> DISTRICT COURT**