

GLORIA E. HERNÁNDEZ, PLLC
ATTORNEY AT LAW

475 Quarry St.
Eagle Pass, Texas 78852

Phone/Mail Messages
(830) 352-3798
gehatty@gmail.com

January 31, 2025

Hon. Ramsey English-Cantú, County Judge
Hon. Gerardo "Jerry" Morales, Commissioner Precinct #1
Hon. Rossanna "Roxy" Rios, Commissioner Precinct #2
Hon. Olga Ramos, Commissioner Precinct #3
Hon. Roberto Ruiz, Commissioner Precinct #4
MAVERICK COUNTY COMMISSIONERS' COURT
500 Quarry St.
Eagle Pass, Texas 78852
Via Hand-Delivery

Hon. J. A. Iracheta, County Attorney
MAVERICK COUNTY ATTORNEY
680 Quarry St.
Eagle Pass, Texas 78852
Via Hand-Delivery

Hon. Jeannie Smith, Precinct # 3-2
MAVERICK COUNTY JUSTICE OF THE PEACE
Maverick County, Texas 78852
Via Hand-Delivery

Hon. Domingo Rodriguez, Precinct # 3-1
MAVERICK COUNTY JUSTICE OF THE PEACE
Maverick County, Texas 78852
Via Hand-Delivery

Courtesy Copy:
Hon. Amy Gonzalez, Interim Chief of Police
EAGLE PASS POLICE DEPARTMENT
489-A South Monroe St.
Eagle Pass, Texas 78852
Via Hand Delivery

Re: My Client, Marissol Arroyo's NOTICE OF CLAIM

NOTICE OF CLAIM

At this point, this Notice of Claim refers to actions mainly perpetrated by the Hon. County Attorney, Jaime A. Iracheta (may also be referred to as “A.J. Iracheta,” and/or “Iracheta” hereinafter) and his Investigator, Ricardo Salazar (may also be referred to as “Salazar” hereinafter). There are some collateral stakeholders who may either be witnesses or part of the claim as potential parties depending on the progress of pre-litigation and/or litigation. Iracheta holds the title and office of a duly elected County Attorney. In addition to that elected position, his private law firm was given a private contract by the Maverick County Commissioners’ Court to serve as Special Counsel when the Hon. Ramsey English-Cantu (may also be referred to as “Cantu” hereinafter) took office as County Judge in January 2023. The Cantu Administration approved that the multi-million-dollar funds coming in from the State for Operation Lone Star be administered by Iracheta – unknown if that was approved in his capacity as County Attorney or Special Counsel – which allows him to draw from the grant’s portion that goes for administrative fees of the Grant. It is unknown if he has a private contract known as Special Projects. Ricardo Salazar is the Investigator for the Office of the County Attorney. Presumably, he holds a license of Peace Officer under the sponsorship of the Office of County Attorney, A. J. Iracheta.

My client, Marissol Arroyo (may also be referred to as “Arroyo” hereinafter) stands accused, charged and prosecuted in criminal county court case number 35609, STATE OF TEXAS V. MARISSOL ARROYO. See Exhibit #9, the prosecutor is County Attorney J. A. Iracheta, and the Presiding Judge is Ramsey English Cantu. She is walking around in freedom of movement only because she is out on bail. She committed no crime, yet Iracheta, through fraud and deceit, created one for her. There was no law enforcement agency to file charges against her, so Iracheta

MARISSOL ARROYO
Notice of Claim
January 20, 2025
Page 3 of 10

used his elected official office of County Attorney to misrepresent that he is a law enforcement agency and move on to follow up on fraudulently creating a crime that did not exist but that he made up against Arroyo. He made intentionally malicious misrepresentations to J.P. Smith, under oath, to secure a Warrant of Arrest of my client Arroyo. See Exhibit #4. He arrested Arroyo pursuant to the fraudulently secured Warrant of Arrest. See Exhibit #5. Once he arrested her, he turned her over to the real Law Enforcement agency, and the real elected Law Enforcement official – Sheriff Tom Schmerber. See Exhibit #6. Once she was arrested and committed pursuant to the fraudulently secured Warrant of Arrest, the only way she could regain her temporary liberty was securing bail. Bail is set only after documentation of process has gone through and the magistrating Justice of the Peace reviews it. Arroyo was processed in order to have JP Rodriguez set bail; setting an amount, and whatever other duties JP Rodriguez had to fulfill as the magistrating authority. See Exhibit #7. Arroyo had to go through that process, which include having her picture taken – known as a mug shot- for criminal suspects, fingerprints, and she was entered into at least one state and/or national electronic system that track(s) a person's criminal history. It is not known if there are any conditions or terms to remain out on bail but is very threatening to and lives in constant anguish over what fate awaits her at the conclusion of this criminal case against her. She has had to change her daily life activities to make sure she does not call attention to Iracheta's office.

ARROYO NOW HAS A CRIMINAL HISTORY DUE TO IRACHETA'S CONDUCT

The incident which Iracheta used to prosecute Arroyo took place on September 11, 2023. The flow of events which led to my client's prosecution was a series of fabricated information, falsification of government records, impersonating type of officer and more by Iracheta described

MARISSOL ARROYO
Notice of Claim
January 20, 2025
Page 4 of 10

below. Arroyo, as Executive Administrator to Sheriff Tom Schmerber (may also be referred to as "Schmerber" hereinafter) received a directive from Schmerber to get a list of items in preparations for an office event later that day. It would take going to several stores/places of business to fulfill the request. Impliedly and/or explicitly, Schmerber gave Arroyo authority to use/drive a department vehicle and Sheriff Deputy Jessica Herrera, sitting as the passenger, accompanied Arroyo throughout this errand's tasks. Sheriff Schmerber triggered the COMMON LAW DOCTRINE KNOWN AS LAW OF AGENCY –

Agency law is a common law doctrine controlling relationships between agents and principals. A principal-agent relationship is created when the agent is given authority to act on behalf of the principal ... An agent has express authority to take any actions requested by the principal as well as authority to take any actions inherently necessary to accomplish those requests.

Furthermore, the passenger sitting next Arroyo, also has authority to drive a Sheriff's Department vehicle. On that day, Arroyo was doubly clothed with proper legal authority to drive the Sheriff's Department vehicle.

Moving about in one of the establishments' parking lot, Arroyo backed into a short cement pole. The truck suffered some damages; Arroyo called in the Sheriff's office to report the incident. Arroyo received instructions to report to the Eagle Pass Police Department to have an incident report for the purpose of presenting to the insurance carrier should the Department decide to file an insurance claim. Presumably calling EPPD was done to avoid the Sheriff conducting the investigation of its own Department. Arroyo called EPPD as directed to do and requested assistance to investigate and generate an incident report for purposes of providing an independent law enforcement agency verified account of facts.

MARISSOL ARROYO
Notice of Claim
January 20, 2025
Page 5 of 10

Cpl. Esmeralda Lopez, working for the legitimate Law Enforcement Agency - Eagle Pass Police Department - personally attended to and investigated at the scene of the incident. She interviewed Arroyo and Deputy Jessica Herrera, took pictures at the scene, recorded through the body cam and dashcam, and, in general did what they are trained to do when they are dispatched to a location. See Exhibit 1. In the actions taken by Cpl. Lopez, she became the Investigator for the Eagle Pass Police Department for this incident. Cpl. Lopez generated her report here shown as Exhibit 1, and did not note any violations of any laws. In addition, in Exhibit 3, when Iracheta/Salazar asked Lieutenant Blanco (with EPPD) about prosecuting this case, Lt. Blanco stated that EPPD would not file charges for this incident.

The role of a prosecuting attorney's office's investigator is not the same as an investigator for a law enforcement agency and does not confer same authorizations. The roles are very different and too vast to describe in general for this specific case. On September 12, 2023 – the following day from the date of the incident - Iracheta/Salazar requested a copy of the incident report from EPPD. See the email exchanges in Exhibit 2. Iracheta then began to fraudulently appropriate the identity of a law enforcement agency working this case and Salazar the self-appointed investigator that Iracheta concocted to viciously persecute and prosecute Arroyo. See Exhibit 2.

Iracheta presented documents to JP Smith and JP Rodriguez, both of which failed to question the integrity, validity and propriety of the documentation that Iracheta bamboozled them with; and thus, failed to protect the rights of one of the citizens they were sworn to protect under our laws. See Exhibits 4 & 5. Both JPs ordered the Sheriff and his Department to arrest and process Arroyo for the offense of False ID as police officer; misrepresentation of property under Penal Code Section 37.12

MARISSOL ARROYO
Notice of Claim
January 20, 2025
Page 6 of 10

In a defiantly display of trickery, Ricardo Salazar (acting in the made-up identity of law enforcement investigator for Sheriff's Department) submitted to Claudia White (Iracheta's employee as County Attorney's Office) the official (government record) documentation to prosecute Arroyo in a criminal court case. See Exhibit B.

On the day of the incident, Arroyo undertook the task to run those errands for her boss, she trusted her surroundings, her safety and security. These days she knows that out of nowhere, the people we elect and entrust with power and authority use it to prey on whomever they choose. She worries, is very apprehensive about being convicted and being labeled a criminal. That such is Iracheta's plan is not mere conjecture; he took very seriously fraudulent steps to set her up with that purpose. This case is presided by Cantu, the same one as the head of Commissioners' Court, same one who has awarded all the contracts to Iracheta as discussed above. For example, when one of the members of Commissioners' Court has requested to place on the Agenda of Commissioners' Court public meetings to discuss the hiring of Special External Auditor to find out where Two Hundred Thousand Dollars (\$200,000.00) of taxpayers' money have gone and are missing from Iracheta's office, Cantu has ignored the request to have it considered by Commissioners' Court and refused to place it on the public agenda for consideration. Cantu has the full support of three other members of the Commissioners' Court who have gone on the record to state that Iracheta has done "an excellent job;" even when Iracheta has publicly stated that his office has \$200,000 of taxpayer monies missing. Clearly, Cantu is not guided by facts, evidence, or law. And that is very threatening; especially having Iracheta prosecuting and Cantu judging Arroyo.

MARISSOL ARROYO
Notice of Claim
January 20, 2025
Page 7 of 10

Arroyo lives in extreme anguish over what the future holds for her; what her chances of being employable in the future will be now that her previously clean record contains a criminal history. Arroyo now not only has a criminal record but also has a suspended TCOLE Jailers License due to this egregious and malicious prosecution. No amount of effort, time, or expenses will ever completely erase the slanderous information that went into the electronic law enforcement servers. The damage is permanent.

A representative list of the causes of action that Arroyo has are here stated – However, not all will be stated so that potential plaintiff may properly prepare for litigation and/or negotiation.

Arroyo was subjected to serious offenses such as:

Malicious Prosecution

Defamation

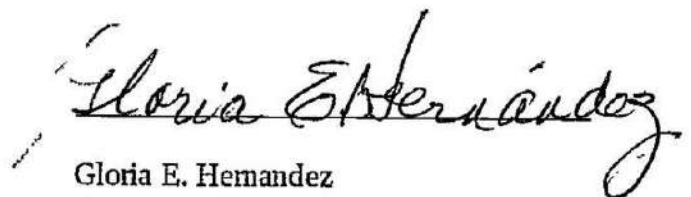
Wrongful Prosecution

False Arrest

Tampering with Governmental Records

Violation of her State and Federally Guaranteed Constitutional Rights

Sincerely,



Gloria E. Hernandez
Attorney at Law