



TEXAS STATE TROOPER

82nd Legislative Session **Texas State Troopers Association's Legislative Agenda**

The 82nd Session of the Texas Legislature will convene January 11, 2011. The interim was a busy one for myself, former Senator Carl Parker and TSTA General Counsel, Don Dickson. We participated in various Legislative interim committee hearings and provided election assistance and fundraising for candidates who are friends of Texas State Troopers.



The TSTA Board of Directors met and approved the 2011 Legislative Agenda for the Association. The

Legislative Agenda is a statement of TSTA's legislative priorities and focuses on economic issues and working conditions affecting the members of the Association.

This year most of our Legislative Agenda can be summed up in one word: "DEFENSE." With the state facing a \$20-28 billion deficit, and the leadership of the Legislature absolutely opposed to any new revenue measures, it is obvious that our first priority is going to have to be to preserve our members' pay and benefits. The threat that the deficit poses to our members cannot be overstated. Many states with similar budget woes have furloughed state police officers and slashed their health and retirement benefits.

In view of the unlikelihood of any pay raises or increases in costly benefits, we will focus our attention on issues that profoundly affect our members' quality of life, including the statutory right to engage in secondary employment, DPS policies concerning compensatory time and overtime, enhanced due process protections for officers facing discipline or discharge, and other issues which bear directly on the Department's ability to retain officers and reduce vacancies.

We will work hard to assist in securing adequate funding for the Department of Public Safety so that

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Rio Grande Valley border traffic and highway "stops" are fast and furious, says DPS Corporal **Omar Guajardo, CVE/McAllen**. In an extensive interview, he discusses his own personal guidelines for handling all "stops" he makes. See article, page 3.



COURT'S IN SESSION

By Judge Larry Gist



Good Faith Searches

The 4th Amendment forbids “unreasonable searches and seizures,” and this usually requires the police to have probable cause or a warrant before making an arrest. But what if an officer reasonably believes there is an outstanding arrest warrant yet that belief turns out to be wrong? Should the contraband found as part of the arrest be suppressed at trial?

We all got an answer from our U. S. Supreme Court recently, but only by a 5 to 4 decision – not exactly a blank check!!! Unless that changes, that opinion affects everyone in the criminal justice system.

On July 7, 2004, Bennie Herring came to the Sheriff's office to recover some of his property. An alert officer asked his dispatcher to check for outstanding warrants on Herring and he was advised that none existed. So he requested that a check be made of an adjoining county. That county replied that an outstanding warrant existed. The officer requested and received a fax copy of the warrant and proceeded to arrest Herring. A search incident to the arrest revealed methamphetamine in his pocket and a pistol in his car.

There had, however, been a mistake about the warrant. In fact, the original warrant for Herring had been recalled months before, but the Sheriff's computer records had not been corrected. So in fact Herring was arrested on a warrant that did not actually exist. This error was discovered 15 minutes after the arrest and recovery of the contraband.

Now, should that evidence be suppressed? Everyone agreed that in fact an illegal arrest had been made, but the arresting officer was acting with a good faith belief that a valid warrant was outstanding.

The Supreme Court held that the fact a 4th Amendment violation took place did not necessarily mean the exclusionary rule applied. They had held in past cases that exclusion was the proper remedy only where it would “result in appreciable deterrence” to police misconduct. They stated that “we have never said that

the exclusionary rule must apply in every circumstance in which it might provide marginal deterrence. The principal cost of applying the rule is, of course, letting guilty and possibly dangerous defendants go free – something that offends the basic concepts of the criminal justice system.”

The Court had previously allowed evidence to be admitted at trial where it was seized as the result of a search warrant, later determined to be invalid. But the defect was not known at the time to the seizing officer. They also admitted evidence taken in good faith by an officer's reliance on what turned out to be incorrect information in a court's data base.

The abuses that originally gave rise to the exclusionary rule featured intention conduct that was patently unconstitutional. The Court held that to trigger the exclusionary rule, police conduct must be sufficiently deliberate that exclusion can meaningfully deter it, and such deterrence is worth the price paid by the justice system. The exclusionary rule serves to deter deliberate, reckless or grossly negligent police conduct.

The Court noted they do not suggest that all record keeping errors by police are immune from the exclusionary rule. The police conduct must be objectively culpable. If the police have been shown to be reckless in maintaining a warrant system, or to have knowingly made false entries to lay the groundwork for future false arrests, exclusion would certainly be justified. In a case where systemic errors were demonstrated, officers would be strained to rely on a clearly unreliable warrant or computer system.

The lessons taught by the Supreme Court deserve the attention of everyone in the criminal justice system. Evidence will not be excluded solely because of some defect in the execution of an arrest or search warrant.

However, deliberate, reckless or negligent conduct by an officer may well cause the guilty to go free. The Courts will examine not only the flagrant culpable conduct of an officer but also acts that do not show cautious care that the information being relied upon is accurate.

So until next time, you'll be careful out there, you hear.

TSTA's Legislative Agenda

(Continued from page 1)

employee salaries, health insurance, retirement and other benefits remain at current levels and enhanced levels where possible. TSTA supports adequate funding for retiree benefits.

We will also be introducing ourselves to and building relationships with a very large number of new members of the Texas Legislature. We urge you to do the same on a personal level in your counties and your hometowns. Whether you and your elected officials share a party affiliation or not is of little consequence – you share a common commitment to serving your neighbors, and your fellow Texans.

By: TSTA's Legislative Liaison-Deborah Ingersoll, President, Legislative Solutions. This TSTA legislative agenda was prepared through the joint studies and work of TSTA lobbyist Deborah Ingersoll, TSTA General Counsel Don Dickson and former Senator Carl Parker.

McAllen Trooper: It's fast and furious in the Valley

It was his first day on the job as a highway patrol trooper in the Rio Grande Valley city of Weslaco. Trooper Omar Guajardo and his partner Martin Arteaga were on night patrol when their radio alerted them to a stolen GMC truck. It wasn't long before they spotted it, accelerated and pursued. It was the beginning of a long and dangerous high-speed chase.

The truck had a big engine and was driven by a teenage lad about 18, who had apparently determined not to be arrested. Trooper Guajardo had his lights and his siren on as the chase shrilled and squealed its way through and past Weslaco, McAllen and smaller towns at very high speeds. Emerging into more open highway country and pointed toward Corpus Christi, Omar unlimbered his shotgun.

With the distance closing at a near dangerous speed, Omar aimed low and shot out the tires of the truck; they began to flatten and flop. Sparks flew as the wheels ran on rims, but the truck kept going. At about 20 miles south of Corpus Christi, the engine fell out of the truck, which wheeled to a scraping, smoking stop. The troopers braked, got out and cautiously hurried to the truck, weapons at the ready. Omar yelled to the boy to "come out with your hands up." The youth locked his doors, hunkered down and refused.

DPS highway patrol troopers carry an asp. With his partner carefully watching their barricaded quarry, Omar grabbed his asp, smashed the truck's window, unlocked the door and pulled the boy out. They secured him in their patrol car - and examined cuts Omar had incurred from the window smashing, on his hand and arm. An ambulance had arrived. Attendants determined that he needed stitches. En route to the hospital Omar called his wife Anita.

It was 5 a.m.

His wife was asleep, and missed the call. When she awoke later and found his message she immediately



Cpl. Omar Guajardo

called him. "You were hurt and went to the hospital?" she asked.

Without telling her he had a piece of glass permanently embedded in his arm. He reassured her, "Yes, but not badly. Just got a few stitches in my arm. I'll be fine."

Later, a veteran trooper friend jokingly asked him what he thought about his first day at work on the highway patrol.

Omar's answer: "Wow."

In the years ahead, Trooper Guajardo has had many "chases," mostly involving DWI's or drunks, "but none of them has compared to that first one," he says.

He has served on the highway patrol nine years, during which he would make 15/20 DWI stops per week. He encountered most of them at night, says his heaviest days were Thursdays, Fridays, Saturdays and Sundays. Omar says he could almost write a book about drunk drivers. "If he is 26," he says, "his macho aggressiveness may emerge and quickly cause a roadside scuffle. If he is 50, he can handle more liquor without so much aggressiveness, because he has been drinking so long."

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McAllen, so near the border, is a modern city with busy free-ways.

There are no routine stops.

McAllen Trooper...Continued from page 3

More psychology he employs is to quickly evaluate the DWI's occupation. "Many that I stop are construction workers," he says. "That means they have strong hands, so I decide early how I am going to handle him - especially in getting handcuffs on him. I try to show confidence in every step, verbal and physical. I believe that showing confidence in every trooper procedure is vital. I try to have a 'game-plan' for my action before any action begins. It's a mind-set that gets me ready to 'take him on and go all out,' if it becomes necessary."



About a year ago, Trooper Omar Guajardo (by then a Corporal) opted to transfer from the highway patrol (HP) to the Department's Commercial Vehicle Enforcement service (CVE). This is the DPS service that checks trucks - big and little, from 18-wheelers to regular size pick-ups. Are they oversized, overweight, poorly equipped? They must go through a "weigh station." There are thousands in the Rio Grande Valley and Hidalgo County (Guajardo's patrol area) which is on the border to Mexico.

Trooper Guajardo's DPS office in McAllen is a large one (about 12 troopers) and is only about five miles from the border. He says the traffic coming across from Mexico is heavy. While his main duties are with the trucks, he often stops any kind of vehicle if they are in violation. "The illegal trucks keep us busy day and night. They're carrying either illegal drugs, illegal people or their truck is a stolen vehicle. Drugs are the most common "illegal stop," and most of these are pick-ups rather than 18-wheelers.



Recent marijuana "stop"...not much effort at concealment here!

Pick-ups as the main carriers of illegal cargos, rather than the big trucks with their more drug concealment possibilities? "Yes," says Guajardo, "they just run from us. And there's more little trucks than big ones."

He likes CVE work, because, like HP work, he likes being on the road. But he still has strong feelings for the highway patrol, and tunes in when the 'old-timers' say, "Once a red-patcher, always a red-patcher." He says that the things he learned on the highway patrol still help him as a CVE trooper. When he was an HP trooper, he often kidded the CVE troops (previously known as License and Weight," or "L&W") as being lazy and worthless (L&W). Now he says, "I am L&W."

What's the big difference between HP work and CVE work? Omar grins and says, "With HP, you are looking for trouble. With CVE, trouble comes to you."

Trooper Omar Guajardo was born in West Chicago, Illinois, but moved to Texas when he was ten. The family settled in the little town of Alamo, near McAllen, where his dad became a farmer. In the beginning, the family was just three. Later, there were four children, two boys and two girls. Omar graduated from Pharr-San Juan-Alamo High School, where he played baseball and received a baseball scholarship to UT-Brownsville. He excelled in college baseball as an outfielder (and in hitting). After three years of college, he was picked up by the Cincinnati Reds, where he played one season in Cincinnati's minor league "farm system." After a season in pro baseball, he decided to return to Texas and to college to finish getting his degree. Omar and his father were very close. Before making this move, Omar called his dad to see if he would be disappointed if he quit baseball. His dad was disappointed, but OK with Omar's decision. What he really wanted was for Omar to become a state trooper. Back in Texas and in the Rio Grande Valley, he enrolled in Pan American University in Edinburg.

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TSTA Membership Advantages

- Free Last Will & Testament
- Free AD&D Insurance • Emergency Assistance
- Legal Assistance • Recreational Facilities
- Legislative Representation • Personal Counsel
- Discounted College Tuition
- Bi-monthly newsletter

**WHEN THE NEED IS GREAT
TSTA IS THERE**

McAllen Trooper...Continued from page 4

During college days in 1993, he began dating a beautiful fellow student named Anita. The relationship soon became serious and they got married. In 1995, they had a baby boy. Both Omar and Anita were in a work-study program (Omar had jobs at K-Mart and Mervyns). They worked out a schedule where each could be home with the baby on alternate weeks: a difficult arrangement, but it worked.



Anita and Omar Guajardo: now married 17 years.

Throughout his other college years, his father had continued to encourage him to become a state trooper, and Omar had applied with DPS, but without acceptance. Omar kept studying diligently. In 1997, he graduated from Pan American, with a degree in Criminal Justice. With the degree, he soon got a full-time job as a Probation Officer for the large Hidalgo County. There he dealt with individuals who have been arrested for drunk driving, theft and other misdemeanor arrest.

Also during his job there (2½years) his wife, Anita had graduated with a double major (Psychology & Art). Anita became a school teacher, and his young son (Omar Avery) was growing fast. And Omar kept applying with DPS.

There was another person who was a strong influence in helping Omar Guajardo become a DPS state trooper. He was veteran trooper Joe Castillo. He did recruiting work for DPS for several years, working the "Valley" area, counseling many young men and women in several "Valley" towns. During Omar's several DPS applications which did not bring acceptance, (and Omar was discouraged) Trooper Joe Castillo provided needed encouragement. Now retired after 37 years service, Joe



Retired DPS Corporal Castillo: Valuable friend to many troopers.

still provides encouragement and guidance for young troopers. Omar Guajardo and Joe Castillo are good friends today.

In 1999, Omar's father died, a sad day for Omar. Six months after his death, Omar was accepted for a career as a state trooper, too late for his father to realize his long-held dream for his son. His moment of pride was tempered by his wife Anita's apprehension about his entering a dangerous profession. He reported to the DPS Recruit training Academy in August 1999 and began the 26 week training period. He was in class A-2000, and graduated in Spring, March-2000.

"The instructors were tough, but the things they taught us had been, oh, so valuable to me in the years since then. I still remember them and their 'lessons'." One in particular, Sgt. James DeBrow, was very tough, taught me things that still 'kick in' for me when I'm in a tough situation."

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Cpl. Guajardo, son Omar Avery, wife Anita

**Welcome to TSTA! This newsletter
now available to you only on
TSTA's web site at
www.texasstatetroopers.org**

There are no routine stops.

When \$25 buys a lot

When the flood waters from the gulf coast hurricane reached tabletop height in their homes, the losses of many troopers and their families was mind-boggling. Dead was their electricity and ruined was the food in their refrigerator. Ruined was their carpet and much of their furniture, plus their computers, television and radio. Their homeowners' insurance covered much of this - but not all. It did not cover their motel bills or their insurance deductible. But many got a welcome assist here.

They got an emergency assistance check through their membership in TSTA. They had paid their \$25 membership fee months earlier. That's right, only \$25.

A highway patrol trooper arrested a young DWI who spent a few hours in jail. The young man's father, a city council official in their town, filed a lawsuit against the trooper. For various reasons, DPS legal services did not defend him. But TSTA did - with their attorney, whose services were worth big money. The suit was settled peaceably out of court. It happened that way because the HP trooper had joined TSTA, only a couple of months earlier - had paid his \$25 membership fee.

A trooper was killed in a highway crash. He was a TSTA member. His wife received a \$2000 TSTA emergency assistance check immediately. (This type gift is not always automatic.) A short time later, she received another check through TSTA's Accidental Death insurance, which was a part of the \$25 membership fee. The \$4500 money did not heal the grief of the lost husband and father, but it provided fast help when fast help was needed the most.

How is the Texas State Troopers Association able to pay out dollars like this when the need is so great and so often urgent for it's officer members? Answer: through its telemarketing. Translation: the citizens of Texas give generously to support and help DPS officers who risk their lives daily providing public safety.

Texas people know that our troopers are employed by the state. This means that they serve at the discretion of the Texas legislature, which controls the law enforcement budget. This controls DPS officer salaries and other financial factors which affect the officer's career and his family. TSTA maintains close relations with senators and state representatives. Yes, it is a lobbyist for DPS troopers and other officers. It's knowledgeable people often explain trooper needs to these elected officials. The TSTA/legislative relationship is a good one, valuable to DPS commissioned officers

Furthering their education has helped many DPS officers advance in their law enforcement careers. TSTA helps its members here, too. Through a close working relation with Mountain State University, (MSU) (West Virginia), it provides a 20% tuition discount in law enforcement degrees. These include Bachelor of Science degrees in Organizational Leadership, Criminal Justice Administration, Strategic Leadership and also other degree plans. Spouses of TSTA officer members already enrolled in Mountain State University can also get the same discount. How does a Texas trooper take

courses, study and graduate from a university in West Virginia? He does it online! And he or she starts it by visiting www.mountainstate.edu/tcleose.

Managing these services is done by the TSTA staff at its Austin location, 5540 N. Lamar, just a stone's throw from the Department of Public Safety. And there is more than staff and management chores there. The complete building has lots of "R and R" facilities for use by TSTA members. Swimming pool, hot tub, exercise room, racquetball court and more. It's designed as a "home away from home" for troopers.

Troopers and other DPS officers, it's true. You get all this for the one-time, annual membership fee of \$25. In these economic hard times, \$25 does not buy much. But with TSTA, it buys a lot. It's the best bargain you'll find.



When the need is great, TSTA is there!

Health tips

Squelch your belch

Belching or burping is your body's way of expelling air from your esophagus or stomach. A common source is swallowed air. You may be able to reduce frequent belching by:

- * *Eating and drinking slowly* - Take your time and avoid gulping to reduce the amount of air you swallow. Poorly fitting dentures also can cause you to swallow excess air when you eat and drink.
- * *Not drinking carbonated drinks* - Sparkling water, soda and beer release a large amount of carbon dioxide gas when warmed in the stomach.
- * *Skipping gum, hard candy and cigarettes* - These all cause you to swallow more air than normal.
- * *Not using a straw* - Drinking through a straw can cause you to swallow air.
- * *Addressing stress or anxiety* - People under stress or with anxiety often swallow large amounts of air.
- * *Treating gastroesophageal reflux disease (GERD)* - You may swallow repeatedly to clear stomach acid that backs up into your esophagus, leading you to swallow more air. Some people with GERD develop a habit of frequent belching because it helps to relieve symptoms.
- * *Talking to your doctor* - Frequent belching may sometimes be a sign of a stomach-related problem, such as infection of the stomach lining with *Helicobacter pylori* (H.pylori).

Reprint with permission of Mayo Clinic Health Letter, December 2010.

McAllen Trooper...Continued from page 5

After 2 ½ years as a County Probation Officer, 9 years as a Highway Patrol (HP) trooper, and two years in CVE, Omar has some thoughts about the handling of offenders of all kinds. Here are a few:



1. **Listen to your FTO (Field Training Officer).** Listen without complaining or asking why (unless it is unethical or illegal).
2. Before any stop, be prepared **by role-playing in your head** on what you would do in any given situation. Then you are ready to really do it when necessary
3. **React and live.** Don't hesitate or think twice about what you are doing; **think, and you get hurt.**
4. **Remember your training and use it.** The highway is a dangerous place.
5. **Stay safe.** Do whatever you have to do to be able to go home safe to your family.

Trooper Omar Guajardo likes his job with CVE, and he's glad of his many years with the Highway Patrol. He likes the freedom of the road. He's proud to be a DPS state trooper, but he'd be more proud if his Dad could see him now.

By Jack Lawler



McAllen, population 130,000 is a city on the move, with it's own special charm. This includes mild winters, increasing arts and entertainment, world-class tourist facilities with many restaurants and motels. It also has Jet Air Service from Dallas, Houston, and Las Vegas. Troopers like it! (Photo courtesy McAllen Chamber of Commerce.)

From the families of fallen Trooper Jonathon McDonald to TSTA

Thank you for the flower arrangement. Your support of our troopers and your thoughtfulness are greatly appreciated.

The McDonald and Garzombek Families



Trooper McDonald was killed this past Nov. 15 near Post (Lubbock area) in Garza County when responding to an accident. He is survived by his wife and 8-month old daughter. He will be missed by many.



"It's a recession when your neighbor loses his job. It's a depression when you lose your own."

-Harry S. Truman

Trooper recruit class B-2010 graduated in November

This small but highly disciplined group is the first DPS training recruit class to graduate under the new, shortened training procedure of 4½ months. For years, training periods have been six months. The abbreviated schedule seemed to put extra pressure on recruits, training officers and counselors - but their instructors said all handled it well. Their instruction, which covered traffic and criminal law, arrest procedures, accident reconstruction, firearms, physical fitness and much more, was faster but thorough.

Class B-2010 was also unique in other ways. It was small. It had 36 guys, and one female. This young woman, Nicole Salcido, won the Phebus Leadership award. Also, it had a high percentage of military veterans: many had seen combat in Iraq and Afghanistan.

Graduation ceremonies were held Nov. 18 at the LBJ Library/Lady Bird Johnson Auditorium in Austin. DPS Director Steven C. McCraw gave the opening remarks. Guest speaker was Texas state Senator Steve Ogden. Region 6 Honor Guard brought in the colors. The benediction was given by recruit class Chaplain Dallan R. McKay. Other class officers, elected by class members, were Kenneth C. Stephens, President; Jason M. Sanchez, Vice-President; Jordan W. Teel, Secretary; Nicole Salcido, Treasurer; Robert L. Smith, Drill Instructor, and Michael J. Player, Sergeant-at-Arms.

Counselors were Sgt. Charles Booker, Sgt. Lindel Galindo and Cpl. Karl Keese, all with the Highway Patrol Division.

The new troopers got some days at home with their families, just in time for Thanksgiving. They were all assigned to the highway patrol, and then took up duty stations all over Texas. TSTA congratulates this fine group and welcomes them to DPS and to TSTA.

OOPS! Did you forget to renew your TSTA membership before the December 31 deadline? All is not lost, you can still renew with all benefits intact until January 31st. If you wait to renew after the January 31st deadline you will have to wait six months for TSTA's free legal assistance. Renew now! For your family's sake.

Advance your DPS career with a leadership degree...

Mountain State University (MSU) now offers...

20% discount on tuition

...to TSTA members enrolled in MSU's online Organizational Leadership or Leadership Distance Education courses or programs. Members' spouses can also get the 20% discount if the TSTA member is presently enrolled. 10% discount if member not presently enrolled. The discount will be based on today's MSU tuition rates. MSU offers a Bachelor of Science in Organizational Leadership (BSOL), a Bachelor of Science in Organizational Leadership with a Criminal Justice Administration concentration (BSOLCJA), and a Master of Science in Strategic Leadership (MSSL) **entirely online**. Up to 54 TCLEOSE credits can be transferred into the BSOL & BSOL-CJA programs **at no cost!** Various certifications are able to substitute several General Education requirements. Numerous other degree plans are available as well.

TSTA member enrollees must document their enrollment. This helpful discount and your TCLEOSE hours counting as college credits can move you on to that Criminal Justice degree, which can help your DPS career. Note, please: 1) this discount cannot be used with any other discount, and 2) MSU has other degrees!

This discount is a TSTA member benefit resultant from a close working relationship between TSTA and MSU.

Mountain State University can help you accelerate career success. Texas representatives are here to help you. Please visit www.mountainstate.edu/tcleose or contact Texas Partnership Coordinator Andra Nieto at anieto@mountainstate.edu or 1-800-766-6067 ext. 1773 (toll free).

Storm

The storm took me by surprise when I was in the valley, cutting firewood in a deep ravine. Dark clouds with thunder and lightning unloaded a drenching rain on me. Water quickly tumbled into my ravine. Grabbing my chain saw, I decided to climb to higher ground. Gasping, slipping, and drenched, I slowly struggled upward, trying for occasional shelter under the trees.



The rain slackened as I neared the crest. To my amazement, saw the sun breaking through the scudding clouds over a distant ridge. The storm was breaking - something I could not have determined down in the ravine.

The storms of life are like this. Down in the valley of despair, all seems dark and fearsome. As we look and climb upward toward God, He breaks the storm, and suddenly we are on top again, weary and drenched, but bathed in His sunlight.

Reprint from "A Mountain Spoke To Us"

The Armed Citizen

Boom! A ruckus woke a woman and her two young children. Her first thought was that an earthquake had occurred, and she quickly called her husband at work to confirm it. No earthquake had been reported. The woman worried that the source of the sound could be something more sinister, so she retrieved her handgun and walked down the hallway. Police said she encountered two burglars in the living room. Terrified, she fired several shots, killing one intruder and wounding the second, who will be arrested after his release from the hospital. "In my opinion, she did all the right things to protect herself and her children," said Police Chief Brandon Clabes. "It's unfortunate a death occurred, but it was a direct result of criminal activity." (*The Oklahoman, Oklahoma City, OK, 10/22/10*)

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The 17 year-old offender must've thought Leda Smith, an 85 year-old great-grandmother from southwestern Pennsylvania, would be easy prey, but Smith had the one tool that allows the weak to defend themselves against the strong—a firearm. According to police, when Smith heard the suspect forcefully enter the home, she went straight for her .22-caliber revolver and trained it on him. "I said, 'What are you doing in my house?'" Smith recalled. "He just kept saying he didn't do it." Showing great bravery, Smith held the suspect at gunpoint, forcing him to dial 9-1-1 and remain in a spread eagle position on the floor until police arrived. "I just hope I broke up the [burglary] ring because they have been hitting a lot of places around here." Smith added. (*Associated Press, 08/19/08*)

* * * *

Charles Place was walking in a restaurant parking lot when a man snuck up behind him, grabbed him and reached for his wallet. Unfortunately for the suspect, the 83-year-old man was in no mood to become a victim. Police said he resisted and was knocked to the ground. That's when Place drew his .25-cal. semi-automatic handgun, for which he has a permit to carry. He showed his assailant the gun and demanded to be left alone. The suspect fled but was followed by a witness who helped police make the arrest. (*The Daytona Beach News-Journal, Daytona Beach, FL, 09/26/10*)

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Police say that a homeowner arrived at his residence to find an intruder sliding out from under the garage door with his power tools and rifle. The homeowner quickly drew a firearm on the intruder, holding him until police arrived. Police believe two other suspects fled in a car and a fourth may have fled on foot. Bradley County, Tenn., Sheriff Tim Gobble praised the homeowner's actions. "I love it when a homeowner catches a criminal while protecting his property. That's the best example I can think of why an armed citizenry is the best defense against crime," he said, adding that the intruder had been to jail before. "Part of our job is to back up citizens protecting their property, and I am proud of this homeowner." (*Chattanooga.com, Chattanooga, TN, 08/08/08*)

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Early one evening, an armed man entered a rural gas station and demanded money. The station owner was

carrying a gun, and he and the would-be robber began firing at each other. When it became clear that he needed backup, the suspect ran out to the getaway car, and then a second shooter entered the firefight. The owner then retrieved another handgun he had stashed and stood his ground. The first shooter was found dead in the car of gunshot wounds, the other fled into a nearby forest. The station owner was not injured. (*The News & Observer, Micro, NC, 10/16/10*)

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A homeowner was answering his doorbell when a noise at the back window alarmed him. "So I went upstairs and got my pistol and came back down," the homeowner explained. As he approached the back room, he saw a man climbing in the window. "I'm within eight feet of the guy. I'm nervous. I yelled at him and it seemed like his hand went up, so I hit the floor and started shooting," the homeowner said. Police found the wounded suspect in the front yard of a nearby home. He faces charges after his release from the hospital. "I regret that it caused injury on him," the homeowner said, "But I also regret that someone was trying to impose injury [on me] and steal my personal [valuables]." (*W5B-TV, Atlanta, GA, 08/10/08*)

* * * *

Nathan Zeger was meeting a man at a local rock quarry in order to purchase an ATV, but the events did not go as planned. As Zeger was approaching the seller, an ambush unfolded. Police say a second male wearing a black ski mask and wielding a gun moved in from Zeger's left and told him to get on the ground. Zeger, who holds a concealed-carry permit, was not about to comply. Drawing his .38-caliber handgun, he emptied all six cylinders. His assailant fired three times, then fled in his car at a high rate of speed. The suspects were still being sought at press time. (*Lancaster Eagle-Gazette, Lancaster, OH, 08/13/08*)

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While looking for a doctor's office, a 22-year-old Citadel student became lost. He drove slowly in an attempt to get his bearings, but his sluggish speed enraged a fellow motorist. According to police, when the student pulled into a parking lot to look at a map, the angry driver pulled in behind him and got out of his car gripping a baseball bat and loudly berating the young man about his driving. Reacting swiftly, the student pulled a Glock 23 pistol from his glove box and showed it to his assailant. Apparently no longer angry, the bat-wielding man put his hands in the air, returned to his sports car and drove off without further incident. (*The Island Packet, Bluffton, SC, 08/09/08*)

Reprint from the American Rifleman, Nov. 2008 & Jan. 2011.

Welcome to TSTA! This newsletter
now available to you only on
TSTA's web site at
www.texasstatetroopers.org

You don't stop laughing because you grow old, you grow old
because you stop laughing!



Kuempel's Korner



With fond memories



and great appreciation for
State Representative
EDMUND KUEMPEL
1942-2010



Losing State Rep. Edmund Kuempel, who passed away this past November, was a great loss to the legislature, law officers, school teachers, the people of Texas, TSTA and of course his family. He had served in the Texas legislature for 28 years as Republican Representative for Comal and Guadalupe counties. He had won many awards and honors from his community (Seguin) and the legislature.

One of his great loves was baseball. He had played Little League, high school, (Austin); college (Texas Lutheran) and professional. He loved people and also loved good jokes. He liked the Texas State Trooper newsletter jokes so much that TSTA named the page "Kuempel's Korner." In honor of Edmund Kuempel and in appreciation for what he has done for DPS troopers, Texas law enforcement and Texas criminal justice, the TSTA newsletter will continue "Kuempel's Korner."

As you chuckle over some of the jokes in the months ahead, we hope you will remember State Representative Edmund Kuempel. He did much for many, and left us smiling and laughing.

Fatigue makes cowards of us all."
-Former football coach Vince Lombardi

1st deer hunter: "I got a gun for my wife."
2nd deer hunter: "Good trade."

The golfer hit a bad slice which careened off a small hillside and struck another golfer, who fell. Fearfully, he ran to the fallen golfer, who was rubbing his head. "Are you hurt?" he exclaimed.

"Yes," said the injured one, "I'm a lawyer and I'm going to sue you for five thousand dollars!"

"But I yelled "fore!" said the hitter.

"I'll take it," said the lawyer.

If it ain't broke, don't fix it.

Proof that Noah was an Aggie: Only an Aggie would put 2 termites on a big boat made totally of wood, in the world's biggest flood.

When you're in a hole, stop digging.

Save Money on Quality Double-H

TROOPER BOOTS!

- soft, durable leather • cushion insole
- high abrasion, oil-resistant sole and heel • long-wearing • meet DPS uniform requirements!

hand-crafted in USA!



8-inch WELLINGTON
\$84.00



10-inch COWBOY
\$96.00

Prices include shipping

This is a special members' benefit purchase through TSTA arrangements with Richland Shoe Company. To order, call TSTA at 1-800-289-8782.

Statement of Purpose

Texas State Trooper is an official publication of the Texas State Troopers Association. Should you have news you would like published, mail it to:

Texas State Troopers Association
5540 North Lamar, Austin, TX 78751
E-mail us at TSTAMAIL@aol.com
Website: www.texasstatetroopers.org

The Texas State Troopers Association is open to all first-line commissioned members of the Department of Public Safety, both current and former.

TSTA intends no indictment of those of supervisory rank through their exclusion as members of this organization. We do understand, however, that no association can be all things to all people. Therefore, we have chosen to represent those who need our services more: first-line troopers. This policy negates the probability of conflict of interest that stems from multi-class representation.

TSTA will work hard for the betterment of life for every member of the department.

FOR MEMBERSHIP: Complete the application below. Mail it and a check for \$25 payable to the Texas State Troopers Association to the address at the top of the application. Include your jacket size: M, L, XL, XXL or XXXL. Your cap and jacket will be mailed to you. Or you may register and pay your dues online at www.texasstatetroopers.org.

WILLS: Members are reminded that one of your benefits from TSTA is the free preparation of a last will and testament. This service is performed by Lee Johnson. He may be contacted at:

Lee Johnson, Attorney-at-Law
575 N. 7th Street, Beaumont, TX 77702
Telephone: 409/833-8911

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Print old address:

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Print your new address here.

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5540 North Lamar
Austin, TX 78751
or E-mail to
Claude.Hart@texasstatetroopers.org.

2011

Application for Membership
TEXAS STATE TROOPERS ASSOCIATION
5540 NORTH LAMAR
AUSTIN, TEXAS 78751
www.texasstatetroopers.org
Dues \$25

For Office Use Only

LRE _____

Payment _____

Date _____

Jacket Size _____

Name (Last)	(First)	(M)	Date of Birth	Rank/Service
Home Address	(Street, City, Zip Code)		Home Phone Number (include area code)	
Office Address	(Street, City, Zip Code)		Office Phone Number (include area code)	
Date Employed	Date of Commission	Date of Termination (if no longer w/DPS)		

Membership dues paid to TSTA are not deductible as gifts or charitable contributions but may be deductible under an IRC Section other than Section 170 (c).

I, _____, request membership into the Texas State Troopers Association, and if accepted agree to abide by the Constitution and Bylaws of the Association, the rules and decisions of its officers. I also agree to pay annual dues of Twenty-Five (25) Dollars for all of a calendar year or any part thereof.

I understand that any unreasonable failure to assist a fellow member of the Texas State Troopers Association will result in this membership being cancelled by the board of directors at their option.

I also understand this membership will terminate immediately if I am promoted to any supervisory rank of sergeant or above.

Signature of Applicant _____ Date _____ Home E-mail _____

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