

PROBABLE CAUSE AFFIDAVIT

STATE OF TEXAS

vs

Aguilar, Frank
 9620 Teichman Rd
 Galveston TX 77554
 DOB: [REDACTED]
 M/W, 230lb, 6'01
 TXDL#: [REDACTED]



Justice of the Peace
 Precinct No. 2
 Galveston County, Texas

BOND: \$1,500OFFENSE TYPE: M-A

DA INTAKE:

 Probable Cause Arrest Warrant Request

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

BEFORE ME, the undersigned authority, on this day personally appeared R.RIVERA #656 who, after being by me duly sworn, on oath deposes and says: That heretofore, to-wit, on or about the 31st of December, 2023, and before the making and filing of this Complaint, in the County of Galveston and the State of Texas, Aguilar, Frank

Did then and there unlawfully,

then and there intentionally, knowingly, and recklessly cause bodily injury to [REDACTED] by striking [REDACTED] in the face and head with a closed fist multiple times and by placing his foot on [REDACTED]'s Neck and chest area, holding [REDACTED] down.

This action was a violation of:

13990031 Assault Causes Bodily Injury Family Member 22.01(a)(1) PC MA

The AFFIANT bases his belief on the following facts: (Probable Cause Statement)

- Affiant is a licensed Peace Officer employed by the City of Galveston Police Department assigned to the Patrol Division.
- On 12/31/2023 at approximately 0130 hours Affiant was dispatched to the residence located at [REDACTED] in reference to an assault. Dispatch advised a hispanic male later identified as Aguilar, Frank (DOB: [REDACTED] M/W) Assaulted the caller later identified as [REDACTED] (DOB: [REDACTED] F/W)
- Upon arrival, Affiant observed [REDACTED] to be standing upstairs on the balcony of the residence near the front door. Affiant observed [REDACTED] to appear intoxicated via alcohol, however Affiant observed [REDACTED] to be in the state of distress. Affiant at this time observed [REDACTED] to have a small amount of blood leaking from her left nostril, and to have two red marks on the right side of her neck consistent with being struck by someone. As [REDACTED] was being seen by Galveston EMS, EMS advised they felt a welt on the back of [REDACTED]'s head consistent with the assault.
- Upon further investigation, [REDACTED] advised that Aguilar was throwing a [REDACTED] party [REDACTED] just the day before on 12/30/2023. [REDACTED] stated herself and Aguilar [REDACTED] had consuming alcoholic beverages with a group of people whom were renting a room which is downstairs at this same location. [REDACTED] advised that herself and another female later identified as Espinosa, Valerie (DOB: [REDACTED]) go into a verbal altercation which caused [REDACTED] to grow angry and walk back upstairs into her home. [REDACTED] stated Aguilar then followed her back upstairs, and began cussing [REDACTED] out once they re-entered the home. [REDACTED] advised once they entered the home, Aguilar stated "You cannot be fighting bitches downstairs" and then proceeded to punch [REDACTED] in the face and head multiple times. [REDACTED] stated at this time she fell to the ground to which Aguilar then placed his foot on [REDACTED]'s neck and chest area and continued to yell at her that she could not be fighting other people. [REDACTED] advised Aguilar held his foot down on her neck for a minute, to which she lost her breath during this time. [REDACTED] stated once she was able to let the words "I cant Breathe" Aguilar then took his foot off [REDACTED] and walked away. At this time [REDACTED] contacted PD.
- Ofc. A. Smith #604 whom was also on scene advised Aguilar stated [REDACTED] was highly intoxicated and began throwing beer cans around the house and throwing beer cans at Aguilar. According to Ofc. Smith once Aguilar was asked what happened after the beer cans were thrown, Aguilar stopped answering questions and changed the subject. Shortly after, Affiant attempted to speak with Aguilar, Aguilar advised he no longer wished to talk about the incident. Affiant asked Aguilar how [REDACTED] received the injuries observed by officers and Aguilar responded "I don't know".
- At a later time Ofc. Smith made contact with on-call District Attorney and spoke with Mcconico. D.A Mcconico authorized the charges of Assault-Causes Bodily Injury-Family Violence at this time.

7. Based on the foregoing facts and due to the fact that Aguilar did then and there intentionally, knowingly, and recklessly cause bodily injury to [redacted] by striking [redacted] in the face and head with a closed fist multiple times and by placing his foot on [redacted]'s Neck and chest area, and holding [redacted] down, Aguilar was placed under arrest and transported to the Galveston County Jail Bond set at \$1,500 based on prior convictions.

Affiant is R.RIVERA #656, employed by the Galveston Police Department. Affiant is currently assigned to the Patrol Division where his duties are to investigate all crimes that occur inside the city to include the crime of:

13990031 Assault Causes Bodily Injury Family Member 22.01(a)(1) PC MA

Against the peace and dignity of the State.

C. P. Rivera #656
Affiant

Sworn to and subscribed before, this _____ day of _____ AD, 20 _____

Witnesses' _____

Justice of the Peace
Precinct No. 2
Galveston County, Texas

SWORN TO AND SUBSCRIBED before me on the _____ day of _____, 20 _____

[Signature]
NOTARY PUBLIC, STATE OF TEXAS
 WITNESSED BY A SWORN PEACE OFFICER
STATE OF TEXAS