

# Bert Diaz Investigative Report

## Public Redacted Copy

Report date: September 10, 2012

Case: United States v. Jason Daniel Gandy

### WHY THIS REPORT MATTERS

The report records K.V. telling investigator Bert Diaz that police kept asking questions until he told them what they wanted to hear; that not everything he told police really happened; and that Jason never abused him.

It also records K.V. saying that some statements to police were made out of anger, that he had considered framing Jason for money but did not follow through, and that specific accusations described in the police affidavit did not happen.

Page 7 records K.V.'s mother saying K.V. repeatedly told her Jason had done nothing wrong, that police forced him to make statements, and that she did not want an innocent man to go to jail.

#### REDACTION NOTICE

This copy preserves all nine photographed pages. Names and identifying details of K.V. and family members, home/school information, and graphic allegation wording are permanently covered for public posting. The original report remains the controlling source.

**SEXUAL EXPLOITATION OF A CHILD (FEDERAL CASE)****CLIENT: JASON GANDY ATTORNEY: JAMES ALSTON****FEDERAL CASE # HO07QK12HO0026**

September 10, 2012

**INVESTIGATIVE DETAILS**

Investigator Diaz traveled to [REDACTED] for the purpose of meeting with the complaining witness and his parents.

[REDACTED] found that the parents of the C/W were not present. The C/W advised that his mother would return within 30 minutes. After an hour the C/W's step-father called and the investigator talked with him and agreed to return. Arrangements were made to return to C/W's apartment when his parents would be present.

I returned later in the evening and met with them for interviews and obtained their permission to speak with the C/W, [REDACTED]. At the request of the C/W we talked about the specific sexual allegations not in the presence of his mother or step father because of the embarrassment. But the rest of interview was conducted in the presence of his mother. His mother and step-father were interviewed as well.

Below are bullet points documenting the 3 interviews conducted:

**INTERVIEW WITH [REDACTED] VASQUEZ, 15 YEARS OF AGE, MOTHER PRESENT**

- The C/W's name is [REDACTED] [REDACTED] High School.
- The C/W asked investigator "how can I get my friend out of where he is at".
- C/W said that he was scheduled to talk with investigators on Wednesday.
- C/W said that our client called him from the FDC and talked with him telling him how our client wished his future success and how he would make it possible. The C/W said that our client was almost speaking code. The C/W was told by our client that he would be his life time mentor.
- The C/W also said that a Michael LNU called him from the Houston FDC and sent a message from our client to listen to a song that talked about forgiveness.



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## INTERVIEWS GANDY CASE

- C/W claimed that his parents told him not to accept phone calls from our client. (Our client attempted 6 or 7 more times over the weekend of his arrest but were not accepted by C/W).
- C/W misled his mother that our client was merely 19 years old and that our client (his friend) would pay him to work.
- The C/W said that our client would also give him money to load on his step father's Walmart (pay pal) card for purchases of video games, music computer games and a way to pay his I-phone and internet service bill for payment of his work. *No Mention of 1700 stolen C.C. Info*
- C/W said that when he would assist our client in the massage business that he would always wear boxers and was never naked.
- C/W said that at first while assisting our client in the massage business that he ~~all the time he was with our client he was always wearing boxers and was never naked.~~
- ~~Our client told C/W that he was 18 years old and that he was a high school senior.~~
- C/W said our client would pay him \$40.00 per hour and usually would work 1 to 2 customers a day when over.
- C/W said that our client would tell customers that the C/W was 18 years old, because if not the customers would freak out.
- C/W said that he told police what they wanted to hear because they continued to ask him questions and he wanted them to stop. Not all the things he told police really happened. *C/W was able to get permission from his mother and so*
- C/W claims our client attempted to communicate with him via Facebook on 2 occasions and after the 3<sup>rd</sup> try, it was the C/W that gave in and made contact with our client. *After I got back from Bell - He called me - Same when I was w/ Amish during canoe*
- C/W was asked to first hang out with our client to which he agreed.
- C/W said that our client first met him on the weekend of April 7 or 8, shortly after his birthday.
- Our client took the C/W to the mall and purchased two designer shirts (Vans) for his birthday.
- C/W claims that on his birthday he spent the day with his girlfriend ~~who is 15 years old and also attends Northshore High School.~~



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## INTERVIEWS GANDY CASE

- The C/W said that two weeks later he began hanging out on the weekends with our client, staying at his home on Truxillo.
- C/W began to use a female Facebook friend, Cristina, that would take him in at her apartment and then later he would be picked up by our client and later returned to the apartment.
- According to the C/W, Cristina did not know what was going on but only knew that the C/W was traveling to work on a farm as told to her by the C/W.
- C/W talks about a concert that he was taken to by our client where he met Cristina. The band was named 'Blood on the Dance Floor'.
- The C/W said Cristina never met our client because the C/W thought that Cristina would call that friend kind of a "creeper" for a friend.
- C/W estimates that he and our client spent 20 to 25 days together, almost every weekend since April; the first time they met.
- The C/W continued to claim it was all for the money.
- C/W said that he was paid about \$900.00 in cash by our client for his massage assistance. C/W also claims that any our client would pay for his cell phone minutes and data plan for his I Phone and would buy him computer games via the internet as well as clothing and pay for internet usage.
- The C/W claims that our client never sexually abused him in anyway and that [REDACTED] never [REDACTED]
- About a month later or so prior to London/ UK trip, C/W said our client approached him about traveling to San Diego, Ca in the RV to expand his massage business. The C/W was able to get permission from his mother and so the trip was planned. The C/W said that there was something that cancelled the trip but could not recall exactly.
- Shortly after the cancelation of the trip to San Diego the C/W said our client began to mention a trip to London.
- The C/W claims that when he heard that one of our client's friend could not go, he began to ask our client to take him. Finally after a lot of begging our client gave in according to the C/W.
- The C/W was told by our client that he would need his mother's permission and a passport.

Has This page  
Been Altered?  
I remember reading  
This was all my  
idea!



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## INTERVIEWS GANDY CASE

- The C/W said that our client only answered questions about obtaining a passport and that he and his mother attempted to get the passport and notarized permission letter.
- The C/W said that our client only got involved in the passport issue when he had already purchased the tickets to London and they needed to place a rush on the passport.
- C/W said that our client paid for the rush passport and told them where to get it.
- The C/W said that his mother had to get a birth certificate, a notarized authorization and sign for the passport.
- During this time the C/W admits that he misled his mother once again by telling her that he was going with another person as well, the uncle of our client.
- The C/W described our client's residence on Truxillo as a big house with at least 6 or 7 bedrooms and that our client leases/rents rooms at his house to other young men. *Older & he met a lady there who rents & day of B.W*
- The C/W said that the house had a garage and that one of the garages was where the RV was parked and that is where all the massages took place.
- The C/W said that some of the things that he said to Police were out of anger because he and our client would argue about how much he got paid for his assistance in the massage business but the C/W thought that he generated more business for our client and deserved more pay.
- The C/W claims that when our client was not in massage business he would sell or invest in real estate.
- The C/W claims when he got mad before, he thought of framing our client because he had a lot of money but did not follow through.
- The C/W was upset when he saw media coverage and read the Affidavit In Support of Criminal charges.
- The C/W claims that those things did not happen.

## WHAT K.V. TOLD DIAZ

K.V. told Diaz that he had made up and was lying about allegations he gave Homeland Security, including a sexual-contact allegation, comments about his body, a statement that Jason might deserve jail, and an allegation that Jason photographed his backside. K.V. said those things did not happen.

- c) Might deserve jail time
- d) He did not take photos of the C/W's backside.



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## INTERVIEWS GANDY CASE

The interview was concluded, and it would appear that the C/W was in fact more upset that our client was in custody than the alleged abuse. \*

INTERVIEW WITH SONIA [REDACTED] H-F, [REDACTED] BORN: [REDACTED]

- [REDACTED] is the biological mother of the C/W [REDACTED].
- [REDACTED] married to [REDACTED] (stepfather of the C/W).
- The following is a list of children that Sonia and [REDACTED] are raising based on a blended family:

[REDACTED]

Age 11

[REDACTED]

- According to Ms. [REDACTED] she was aware of the "Facebook" relationship between her son and our client for some 3 months.
- Ms. [REDACTED] stated that she was constantly monitoring the computer activities and the communication between the C/W and our client and after three months of their communication did not observe or find any inappropriate context or comments.
- Ms. [REDACTED] said the C/W misled her by telling her our client was 19 years old and she observed photos on Facebook that did not contradict that alleged age.
- She is now aware of his age.
- Ms. [REDACTED] said that during the three months leading to the London /UK trip, her son saw our client an unknown amount of times. [REDACTED] would ask on various weekends if he [REDACTED] could spend the weekend with his now best friend, our client.
- Ms. [REDACTED] went on to say that she would drop the C/W at a young lady's residence, named Cristina who had also become a close friend via Facebook.
- Ms. [REDACTED] has since learned that the C/W had misled her again by allowing our client to pick him up from Cristina's and spend the complete weekend with our client.
- Ms. [REDACTED] does not know exactly how many times the C/W and our client spent weekends together.



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## INTERVIEWS GANDY CASE

- Ms. [REDACTED] was informed by her son that our client was providing odd jobs that would pay the C/W money.
- Ms. [REDACTED] was told once again and mislead that the C/W and our client were working on some type of farm/yard work. Later she found out that our client owned/operated a massage service and that her son, the C/W, was assisting.
- Ms. [REDACTED] purchased an I Phone for the C/W because he was able to pay his new bill because of the extra work.
- Ms. [REDACTED] said that her son, the C/W, was having issues with his family situation and had issues with her husband (C/W stepfather).
- Ms. [REDACTED] said the root of the problem was that her son was very materialistic and he would demand from his step father clothing and expensive things that they could not afford.
- Ms. [REDACTED] said that when her son, the C/W, did not get his way he would cause problems in the family.
- Ms. [REDACTED] said that a few weeks prior to the London/UK trip she was asked by her son that he and our client were thinking of taking a trip San Diego for a few weeks and that he would need a written letter giving permission and authorization should he need medical attention for an accident.
- Ms. [REDACTED] at that time felt that her son's 19 year old friend was very kind to him and had taken him to concerts and all kinds of entertaining activities and the trip to San Diego was not out of the ordinary in her opinion.
- Ms. [REDACTED] was told by the C/W that they would be traveling via RV for about three weeks.
- Ms. [REDACTED] was later told by her son the trip to San Diego had been cancelled and that a trip to London, England was being planned.
- Ms. [REDACTED] said that her son came to her some 2 to 3 weeks prior to the night of the event and asked if she would give him authorization and sign a letter giving our client authorization to allow him, the C/W, to travel to the United Kingdom-London.
- The C/W claimed to her that it would be for about three weeks, that while there, they would sight-see and maybe get tickets for the 2012 Summer Olympics if possible.
- Ms. [REDACTED] said that her son, the C/W, also told her he would need a passport to travel.



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- Ms. [REDACTED] agreed to the trip and gave her son a notarized letter authorizing our client to take the C/W to London, England and also provided the C/W with a valid passport.
- Ms. [REDACTED] said that when she and the C/W were told that it would take weeks to obtain one, her son, the C/W, made contact with our client who gave her son instructions on how to have the passport process expedited and provided \$200.00 for that process. Her son also told her that he needed to let the passport office know that the tickets had been purchased for a trip on July 19, 2012.
- Ms. [REDACTED] received the passport for her son, the C/W, on the morning of the trip and had to drive the C/W to the airport.
- Ms. [REDACTED] said that in the rush to get to the airport her son left his passport at their apartment and our client traveled to their apartment and picked it up from her daughter.
- Ms. [REDACTED] said that upon her meeting our client for the first time at the airport she began to become suspicious and upon her return to her apartment had her daughter help and looked up our client's Facebook account and realized our client's true age.

- Ms. [REDACTED] said that upon her sons return to the U.S. and after talking with her son she has been repeatedly told by the C/W that our client has not done anything wrong and that the police forced him, the C/W, to make those statements. \*
- Ms. [REDACTED] does not want an innocent man to go to jail but is unclear as to the true intentions of our client. She also claims that her son, the C/W is such that he would not allow himself to be used or abused. \*
- Ms. [REDACTED] said that through this whole ordeal her son, Kevin, the C/W, misled her to get his way and was never truthful about our client and she based her decisions on the C/W's information.

INTERVIEW WAS CONCLUDED.....



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## INTERVIEWS GANDY CASE

## INTERVIEW WITH [REDACTED] H/M

- Mr. [REDACTED] said that he was not aware of very many details concerning his step-sons, [REDACTED] the C/W. He and his wife have come to an agreement to allow his wife to handle the C/W because of their relationship and they think she can maintain better control.
- Mr. [REDACTED] said that the C/W is very motivated by money and is very money driven wanting all of the very best, the most expensive, and all the designer names that money can buy.
- [REDACTED] said that the C/W does not understand that he does not make enough money to pay bills, provide for the rest of the family and just can't pay for those expensive items that he would like to have. He also explained that he is the sole bread winner.
- [REDACTED] also mentioned that the C/W did not care whether his expensive taste impacted the rest of the family.
- [REDACTED] had very little information about the San Diego trip or the UK/London trip.

- Mr. [REDACTED] said that he based his opinion on the information provided by the Homeland Security officers that interviewed our client and the C/W.
- His original suspicion was the age difference.
- Mr. [REDACTED] said that he was not aware of much until he received a call from Homeland Security on June 20, 2012 at 4:00 am in the morning that the C/W had been returned to the U.S. and that he and his wife had to travel to the airport and talk with Police regarding how long it was that he and his wife knew our client.
- Mr. [REDACTED] said that he felt his wife used bad judgment by allowing the C/W to travel with our client and place the rest of the children in a dangerous position and under the scrutiny of CPS, who threatened the parents that just one more bad decision they would be subject to lose their children to Foster care.

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Threats by  
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- Mr. [REDACTED] said that he was told and he understood that Homeland Security said his home phone and internet would be monitored and for him and his family not to talk with anyone.
- Mr. [REDACTED] was also told by CPS staff not to talk to anyone.

INTERVIEW WAS CONCLUDED....