

Broadcast Seven, ¶ 3: The reported facts on the case of Harold B. Montgomery were obtained from the Report of Case Disposition. Duncan Aff. ¶ 72 & Ex. 43.

[3]

A 24-year-old man attempting to escape police at this Waco parking lot backed over an officer with his car. Four days later he assaulted another policeman. The suspect got a probated sentence recommended by the DA in one case and was not indicted on the other assault. Then late last year the same man assaulted policewoman Mary Crook, tried to grab her gun and bite her arm as she was arresting him. Court records indicate the District Attorney's office did not file charges.

Plaintiff has already addressed the issue of "fair accounts" pertaining to this broadcast on pages ~~100~~ 97-101 of the Response and Brief to the Motions of Summary Judgment.

In summary, Plaintiff has shown that the Case Disposition sheet for ~~the~~ the assault that was "not indicted" shows that the charge was presented to a grand jury, which no-billed Harold B. Montgomery. That disposition was signed by Plaintiff's predecessor, Felipe Reyna. Plaintiff has already shown that the case disposition sheet ~~has~~ for the other assault shows that assistant D.A. Dennis Green, Not Plaintiff, recommended probation and that it was granted by Judge George Allen. Plaintiff has shown that the criminal offense of assault (or assault on a police officer) was not included in the police complaint on the third described case. All of these facts can be plainly adduced in a review of the evidence which is Duncan Affidavit Ex. 43.

Furthermore, Duncan's Affidavit Exhibit 43 contains no records concerning the last sentence of the paragraph, "Court records indicate the District Attorney's Office did not file charges." While nearly all of the statements in the broadcast paragraph can be found in police and court records, the broadcast

(over)