

# Executive Summary

On December 13, 2000, at approximately 1120, the employees of the Connally Unit Maintenance Department returned 20 offenders that were assigned to the Maintenance Department to their housing areas and went to lunch. Patrick Moczygemba, Maintenance Supervisor V, arranged for a group of five offenders, Joseph Garcia #774391, Randy Halprin #786259, Larry Harper #861910, Donald Newbury #824631, and George Rivas #702267, to stay in the Maintenance Department to seal the floor in the warehouse. It was not uncommon for these offenders to be assigned to special projects in the Maintenance Department. Mark Burgess, Maintenance Supervisor IV also gave permission for one of his offenders, Patrick Murphy #386888, to stay in for lunch to complete an ongoing project. Mr. P. Moczygemba agreed to stay and supervise the offenders.

At approximately 1130, Mr. P. Moczygemba was working in the office when Offender Rivas asked him to come back into the warehouse. Offender Harper asked him to look at a motor that was under a table. The offenders were clearing the floor to begin sealing and claimed that they were unsure of what they should do with the motor. As Mr. P. Moczygemba leaned down to look at the motor, one of the offenders struck him in the head with what was later discovered to be an axe handle, and he was rendered unconscious. When he regained consciousness he began to struggle with the offenders. Offender Garcia held a hand-made knife to Mr. P. Moczygemba's neck and told him that a few more years wouldn't mean anything to their sentences and they would kill one of the employees if they needed to. The offenders removed Mr. P. Moczygemba's pants and shirt, tied his hands and legs, and placed a gag in his mouth. A pillowcase was placed over his head and he was carried to the electrical room at the back of the warehouse where he was forced to lie face down on the floor.

Offender Michael Rodriguez #698074, was assigned to the inside yard squad on the day of the incident. Due to inclement weather conditions, the inside yard squad offenders did not turn out for work. Possibly in anticipation of the weather related work restriction, Offender Rodriguez had an appointment to visit the unit law library on the morning of the incident. The law library check-in log confirmed that Offender Rodriguez attended his appointment and checked out at 0940. Although we cannot verify the exact time Offender Rodriguez gained access to the maintenance area, it is the opinion of the review team that Offender Rodriguez was inadvertently allowed through the gate at A Turnout. Several employees report seeing Offender Rodriguez sitting on a bench in front of the Maintenance Department at various times that morning. After Mr. P. Moczygemba was subdued, Offender Rodriguez entered the Maintenance Department where he became an active participant in the escape.

At approximately 1145, Alan Camber, Maintenance Supervisor IV, and Alejandro Marroquin, Correctional Officer III, entered the maintenance office and each sat down at a desk in the office as they began talking. Offenders Rivas, Halprin, Harper, Murphy, and Newbury came into the office and began talking with them. Offender Rivas walked behind Officer Marroquin and grabbed him in a bear hug from behind. Officer Marroquin began struggling as Offenders Halprin, Harper and Newbury helped Offender Rivas force Officer Marroquin to

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the floor. The offenders bound Officer Marroquin's hands and legs with plastic ties and duct tape and attempted to place a gag in his mouth. Officer Marroquin refused to open his mouth to be gagged and Offender Newbury struck him in the nose with a closed fist forcing Officer Marroquin to allow the offenders to gag him. Officer Marroquin was then carried to the electrical room where he was placed on the floor next to Mr. P. Moczygemba.

Simultaneously, Offender Murphy was asking Mr. Camber about a part for a vacuum cleaner, when Offender Garcia attacked him from behind. After subduing Officer Marroquin, Offender Rivas assisted Offender Garcia in forcing Mr. Camber to the floor. Offender Garcia placed a pointed object in Mr. Camber's left ear, threatening to apply force. Mr. Camber, in fear of his life, stopped struggling. The offenders bound Mr. Camber's hands with plastic ties and duct tape and removed his boots and jeans. He was then dragged into the electrical room where the offenders struck his head against the electrical conduit on the wall causing him to lose consciousness. The offenders then placed a gag in his mouth, a pillowcase over his head and wrapped duct tape around his eyes outside of the pillowcase.

At approximately 1200, Mr. Manuel Segura, Maintenance Supervisor IV, and Mr. Mr. Mark Burgess, Maintenance Supervisor IV returned to the Maintenance Department. Offender Rivas came into the office and told Mr. Burgess that Mr. P. Moczygemba was in the warehouse. Mr. Burgess entered the warehouse but did not see Mr. P. Moczygemba. Offender Halprin followed Mr. Burgess into the warehouse and knelt down beside a box and asked Mr. Burgess to come look at a motor. As Mr. Burgess approached Offender Halprin, he was struck in the back of the head by one of the offenders. As he regained consciousness, Mr. Burgess felt a sharp point at the back of his neck, another in his back, and one below his right armpit. Offender Rivas stated "This is no joke, we go home and you go home, or not, it's up to you." Offender Halprin removed Mr. Burgess' clothing, bound his feet and hands with tie straps and duct tape, placed a gag in his mouth, and placed duct tape over his eyes. Offenders Rivas and Halprin then carried him to the electrical room and forced him to the floor. Offender Garcia then placed a sharp object in Mr. Burgess' left ear and threatened to apply force. A pillowcase was then placed over Mr. Burgess' head and secured with duct tape.

Immediately after Mr. Burgess was subdued, Offender Rivas called Mr. Segura into the warehouse and told him that Mr. P. Moczygemba needed him at the back dock. As he walked into the warehouse, Offenders Newbury and Rivas grabbed him from behind and forced him to the floor. The offenders bound his wrists with plastic ties and placed a gag in his mouth. Offender Newbury then removed Mr. Segura's boots and jeans and then taped his ankles together with duct tape. He was carried to the electrical room where a pillowcase was placed over his head. Offender Rivas told him that if he calmed down and stayed quiet, nothing would happen to him.

At approximately 1220, Mr. Jerry McDowell, Recreational Program Specialist IV, entered the Maintenance Department. Offenders Rivas, Halprin and Murphy were sitting in the office. Mr. McDowell asked the offenders why

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they were alone. Offender Rivas told him that Mr. P. Moczygamba went to 18 Dorm. Mr. McDowell then requested to check-out the 3 Gym toolbox. Offender Murphy went into the warehouse and brought back the toolbox and the check-out log. Offender Murphy handed the tool box and the log to Offender Halprin, who in turn handed it to Mr. McDowell. After signing the check-out log, Mr. McDowell turned and walked out of the Maintenance Department. Offender Rivas followed him and asked him to come back into the shop, but Mr. McDowell refused and left the area.

At approximately 1225, Mr. Mark Garza, Maintenance Supervisor IV, Mr. Martin Gilley, Maintenance Supervisor IV, and Mr. Ronny Haun, Maintenance Supervisor IV returned to the Maintenance Department. Mr. Gilley went into the electrical shop and Mr. Garza sat down at a desk in the office. Mr. Haun walked into the warehouse where Offender Newbury asked him to come and look at something on the shelf. As Mr. Haun approached the shelf, Offender Newbury grabbed him and placed him in a headlock. Offender Rivas assisted Offender Newbury in forcing Mr. Haun to the floor and attempted to place a gag in his mouth. As Mr. Haun struggled with the offenders, Rivas struck him in the nose twice with a closed fist and forced the gag into his mouth. An unknown offender approached them and put a plexiglas knife to the back of Mr. Haun's left ear. The offenders secured Mr. Haun's legs and arms with duct tape and placed a pillowcase over his head and wrapped it with duct tape. Mr. Haun was dragged to the electrical room where the offenders unbound his legs, removed his boots and jeans, and then rebound his legs using plastic zip ties.

As this was occurring, Mr. Garza was sitting in the maintenance office. Offender Harper came into the office and asked Mr. Garza to come into the warehouse to look at a motor. Offender Rivas approached Mr. Garza from behind and put a sharp object to the front of his neck. Mr. Garza pushed the object away from his neck as Offenders Halprin and Harper attacked him forcing him to the floor. The offenders placed plastic ties around Mr. Garza's arms and legs and dragged him to the electrical room. A gag was placed in Mr. Garza's mouth and a pillowcase was placed over his head and taped.

After Mr. Garza was subdued, Offender Garcia walked into the electrical shop and asked Mr. Gilley if he wanted something to eat. Mr. Gilley declined the offer and Offender Garcia left the shop. Offender Murphy entered the electrical shop and told Mr. Gilley that Mr. P. Moczygamba wanted to see him in the warehouse. Mr. Gilley entered the warehouse where he was attacked by Offenders Garcia, Halprin, Newbury and Rodriguez. Offender Halprin told Mr. Gilley not to resist and that he would not be hurt. Offenders Newbury and Garcia held hand-made knives behind each of Mr. Gilley's ears. The offenders removed his pants and bound his legs using plastic straps. A pillowcase was placed over Mr. Gilley's head and taped. The offenders forced Mr. Gilley into the electrical room where they placed a gag in his mouth and tied his hands behind his back using plastic ties.

At approximately 1240, Mr. Terry Schmidt, Maintenance Supervisor IV, returned from lunch escorting two offenders, David Cook #435179 and Roger Fishwick #604792, from 18 Dorm to the Maintenance Department. Mr. Schmidt

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was leaving maintenance with Offenders Fishwick and Cook, when Offender Rivas told him that Mr. P. Moczygemba wanted to talk to him in the shop. Mr. Schmidt went into the maintenance warehouse where several offenders attacked him from behind. One of the offenders held a hand-made knife to Mr. Schmidt's head and told him to shut up. The offenders pushed Mr. Schmidt to the floor and tied his hands and feet with plastic straps. They placed a gag in his mouth and a pillowcase over his head and dragged him to the electrical room.

Offenders Fishwick and Cook entered the maintenance office where Offender Murphy approached them. Offender Murphy told them that they were having a food spread in the back and to fix themselves a plate. Offender Cook immediately went to the back of the warehouse. Offender Cook was struck in the face by Offender Rivas as he approached the back of the warehouse. Offender Cook swung back at Offender Rivas striking him in the face. An unknown offender approached Offender Cook from behind and struck him in the back of the head with an axe handle. The offenders then bound Offender Cook's arms and legs and dragged him into the electrical room.

Offender Fishwick at first declined the offer to eat with the other offenders, but Offender Rivas insisted that he join them. As he was walking toward the warehouse door, Offender Murphy began pushing him inside the warehouse. Offender Rivas grabbed Offender Fishwick and pulled him into the warehouse. Offender Fishwick was struck in the back of the head with an axe handle. Offender Fishwick was forced to the floor where he saw Offender Cook lying on the floor at the back of the warehouse. The offenders bound Offender Fishwick's hands and feet with plastic ties and covered his face with duct tape. A pillowcase was placed over his head and he was taken to the electrical room.

At approximately 1245, Randy Albert, Correctional Officer III, entered the maintenance office to get a hitch for the unit's utility vehicle (Gator). He was assigned to the field force and was supervising the trash crew that day, and wanted to use the Gator to haul some lumber. Officer Albert entered the office and saw only offenders. He asked where Mr. P. Moczygemba was and was told that he was in the warehouse. Officer Albert walked into the warehouse where he again saw only offenders. He noticed a handheld radio and a set of keys on the floor and knew something was wrong, but was then attacked from behind by three offenders and forced to the floor. One of the offenders placed a knife to Officer Albert's face and told him not to move. Officer Albert grabbed the knife with his left hand and was able to bend the blade. One of the offenders then struck him in the head with an axe handle. The offenders handcuffed him with the handcuffs he was carrying and bound his legs with rope and tape and dragged him to the electrical room.

At approximately 1300, Mr. Lester Moczygemba, Maintenance Supervisor IV, returned from the boiler room with Offender Ambrosio Martinez #648556, to dispose of a piece of metal. Mr. L. Moczygemba noticed that the maintenance truck was pulled into the shop and the overhead door was closed behind it and locked. Offender Newbury approached Mr. L. Moczygemba and brandished a flat piece of metal, approximately 10-12 inches in length, and sharpened on both sides. Mr. L. Moczygemba pushed Offender Newbury's hand away and told him

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to stop. Mr. L. Moczygemba turned toward Offender Martinez. As he turned, Offender Newbury came up behind him and put the hand-made knife to his throat. Offender Newbury told him that he was serious and he did not want to hurt him, but he would if he did not lie down. Mr. L. Moczygemba laid down on the floor and Offender Halprin and Offender Newbury tied his hands and feet with plastic ties and duct tape and placed a sheet over his head. The offenders then took Mr. L. Moczygemba to the electrical room.

As this was occurring, Offender Martinez was attacked by Offender Murphy, who stabbed him on his left ring finger. Offenders Rivas and Garcia placed Offender Martinez's hands behind his back and bound his arms and legs with plastic straps and duct tape. One of the assailants then dragged Offender Martinez to the electrical room.

After the last victim was taken to the electrical room, the offenders secured the door from the outside. Mr. Schmidt was able to free himself of his restraints and began helping the others. Mr. Garza carried a pocketknife that was not discovered by the assailants. Mr. Schmidt was able to use the pocketknife to free the hostages' arms and legs from the restraints, except for Officer Albert who was handcuffed. The victims began to prepare themselves in case their assailants returned. They began tearing electrical conduit from the walls using it to barricade the door and potentially for their own defense. When the assailants realized that the victims had removed their restraints, one of the offenders attempted to regain entry into the room. When his attempt was unsuccessful, he tried to seal the door so that the victims could not exit. He secured the door using a hand-operated winch (come-a-long) to winch the door closed.

At approximately 1305, Officer Perez who was assigned to Central Control, telephoned the Maintenance Department and asked to speak with a supervisor. Offender Rivas, who answered the call, instructed another offender to come to the phone and impersonate Mr. P. Moczygemba. Officer Perez informed them that it was count time. The offender impersonating Mr. P. Moczygemba returned the phone call to Lieutenant Carr and advised that there were ten offenders in the Maintenance Department. To ensure that the count would balance, the offenders were careful to include the three offenders who were subdued in the electrical room and Offender Rodriguez who did not work in the department. Lieutenant Carr had no reason to believe that the person providing the count was an inmate and believed that the count he was given was accurate. Earlier during the incident, an offender, now believed to be Offender Rivas, impersonated a supervisor and called the A Turnout officer, the 3 Building desk officer, and the 18-19 Turnout officer. He notified them that only a skeleton crew of offenders would return to their job assignments after lunch.

At approximately 1315, Lou Gips, Correctional Officer IV, was working the backgate picket (B-Radio Tower). Officer Gips received a call from a person claiming to be from the Maintenance Department, informing him that maintenance employees were coming to install monitors in the picket. The telephone call and the description of the work order seemed legitimate to Officer Gips, because a similar installation was recently made on one of the other

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pickets. At approximately 1320, Vernon Janssen, Correctional Officer IV, who was working the backgate sallyport, received a similar call. He was also informed that a crew of maintenance employees would be installing monitors at the back gate.

Meanwhile, in attempt to call for help, Mr. Camber was able to set off the fire alarm from within the electrical room. At approximately 1335, Central Control was alerted by a flashing light on the control panel that the fire alarms were activated in the Maintenance Department. Officer Perez attempted to contact the department by telephone, but there was no answer.

At approximately 1340, two males wearing civilian clothing and two males in offender clothing approached the backgate in the Gator. The two males in offender clothing got out of the vehicle and walked to the pedestrian gate. The offenders knew that they were not allowed to exit through the vehicle gate and complied to keep the situation from seeming suspicious. Officer Gips, convinced by the earlier telephone call and expecting maintenance workers, opened the walk-through gate allowing the offenders into the fenced area behind the gatehouse. Officer Gips then opened the vehicle gate to allow the Gator into the vehicle area. Officer Janssen was inside the gatehouse and not aware that Officer Gips had opened the gate allowing the offenders into the vehicle area. The males dressed as civilians carried monitors and electrical wire with them as they exited the vehicle and walked into the gatehouse. They opened the back door of the gatehouse allowing the two dressed in prison whites to enter. Before Officer Janssen could ask for identification, a civilian dressed offender began examining an electrical outlet that was near the desk in the office area. The telephone that was on the desk rang and the civilian dressed offender answered it. The caller, impersonating an employee, was one of the offenders who remained in the Maintenance Department, calling to verify that the offenders had arrived to their destination at the back gate. The offender that answered the telephone, then handed the telephone receiver to Officer Janssen telling him that the call was for him. As Officer Janssen leaned over to take the receiver, one of the civilian dressed offenders grabbed him from behind putting his arm around Officer Janssen's throat and forcing him to the floor. The offenders removed Janssen's uniform pants and shoes, bound his arms and legs, and taped his mouth with duct tape. They placed Officer Janssen in the restroom in the gatehouse and secured the door.

At approximately 1345, one of the offenders, dressed in civilian clothing, exited the gatehouse, walked up to the exterior gate, and identified himself as "Maintenance." Officer Gips remembered seeing the maintenance supervisor earlier that day, wearing the clothes and the hat that were now worn by the offender, and from his vantage point, thought that it was the same person. Officer Gips looked around to make sure that there were no offenders in the area and opened the outside gate allowing this person to exit the compound. He subsequently opened the picket door allowing him to enter the tower. As the offender was coming up the stairs, the picket telephone rang. The caller identified himself as a maintenance supervisor and asked if Area Maintenance staff had arrived. The offender reached the top of the stairs and took the

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telephone call. He then removed his jacket and placed it on the chair in the picket, grabbing a .357 revolver that was lying on the desk. The offender, who was later identified to be Offender Halprin, held Officer Gips at gunpoint and told him that it was an escape. One of the offenders, still in offender clothing, later discovered to be Offender Murphy, yelled from the ground to open the gate. Offender Halprin, not familiar with the picket controls, threatened Officer Gips' life and forced him to provide instructions on how to open the picket door and the vehicle gate. Offender Halprin asked Officer Gips what kind of guns were in the picket and their whereabouts. The field force's guns and the transportation officer's guns were stored in the bottom of the picket. This was not the unit armory. After collecting the guns, Offender Murphy instructed Officer Gips to go downstairs. When they got to the bottom of the stairs, Offender Halprin used Gips' belt and one of his shoestrings to bind his hands and tie him to a structure within the picket. The offenders then exited the tower with the guns.

Immediately after the offenders exited the picket, Officer Gips freed himself and ran up the stairs to the top of the picket. The three offenders that had remained in the Maintenance Department drove the maintenance truck through the open vehicle gate where they picked up the weapons and their four accomplices and exited the compound. The maintenance truck had been brought inside the compound earlier that day in anticipation of an afternoon trip for supplies. At approximately 1358, Officer Gips used his handheld radio to request assistance. Officer Gips reported at that time that he could see the maintenance truck driving past 19 Building outside of the compound.

Warden Keith was in the company of a local law enforcement officer on the compound, when he heard the distress call. The officer immediately notified other local law enforcement to be on the lookout for a white TDCJ truck. While returning to the unit at approximately 1400, Officer Barton Olsen, assigned to the community work squad, reported seeing the white maintenance truck in the downtown area of Kenedy, in the vicinity of City Hall. Immediately after seeing the vehicle, Officer Olsen heard a call on the hand held radio and responded with directions to where he had seen the vehicle.

As an intensive search continued, at approximately 1600, a white TDCJ pickup was found abandoned behind the Wal-Mart in Kenedy. Based on film footage recorded by an automated teller machine camera in the Wal-Mart parking lot, it is believed that the escapees left the area in one or possibly two vehicles that were left in the parking lot by an unknown accomplice on the morning of the incident. A task force formed by the Office of the Inspector General, with the assistance of state and local law enforcement agencies has been investigating leads to the whereabouts of the fugitives. As of the date of this review, the escapees still remain at large.