

GARY M. POLLAND, P.C.*
GLENN A. BRENNER, P.C.
VALERIA LEE BROCK

*BOARD CERTIFIED - CIVIL TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

POLLAND & BRENNER LAW FIRM

ATTORNEYS AND COUNSELORS AT LAW
1533 W. ALABAMA STREET
HOUSTON, TEXAS 77006

603 MUNGER AVE., SUITE 100-235
DALLAS, TEXAS 75202

Telephone (713) 621-6335
Facsimile: (713) 622-6334
Email: pollandlaw@yahoo.com

Telephone (972) 378-4961
Facsimile (972) 212-7124
Email: glenn@brennerlawpc.com

CONFIDENTIAL MATERIAL - GRAND JURY FOREPERSON AND MEMBERS ONLY

April 19, 2022

Grand Jury Foreman and Grand Jurors
In the matter of Dr. Steven Hotze
Harris County Criminal Justice Center
1201 Franklin
Houston, Texas 77002

Re: In the Matter of the Grand Jury Investigation of Dr. Steven Hotze; In the District Court of
Harris County, Texas

Dear Grand Jurors:

I am writing to you in order to provide you with additional critical information involving the investigation in the matter of **Dr. Steven Hotze**.

In the Spring of last year, Dr. Steven Hotze (who is a respected medical doctor) and Liberty Center for God and Country ("LCGC") non-profit organization responded to a wide ranging Grand Jury Subpoena. Dr. Hotze and LCGC were issued subpoenas that gave no stated purpose, nor were they a criminal target of the inquiries.

The context is this, in 2018, Dr. Hotze solicited donations from hundreds of citizens to support LCGC's efforts in fighting voter fraud. The donors were concerned about election fraud committed by prominent politicians and their agents which among other things allowed dead people to vote. Dr. Hotze and LCGC provided all relevant non-privileged information to the Grand Jury, the Court and the Harris County DA's Office at that time and heard nothing until two weeks ago when our client received a subpoena to appear as a target. Note the subpoena does not inform Dr. Hotze what he is a target for so we are left to make assumptions.

It is my understanding the DA's office is now seeking to call Dr. Steven Hotze for testimony in front of the Grand Jury. We assume our client might be the subject of an investigation relating to the pending case against Mark Aguirre. We strongly believe that Dr. Hotze has engaged in absolutely no criminal activity.

It is the role of the Grand Jury to review the information provided by both the State and the

Defense to decide whether or not there exists probable cause to proceed with criminal charges against a subject.

Upon careful study of the information provided, you will see that not even a causal connection exists lending anything close to probable cause for Dr. Steven Hotze in the criminal action pending against defendant Mark Aguirre.

It is also a fundamental principle of our criminal justice system that probable cause of an offense must exist for a case to proceed in the system.

First, a definition of probable cause.

“Probable cause means that a reasonable person would believe that a crime had been committed.”

In the instant case there exists NO evidence that Dr. Steven Hotze had any connection to the acts allegedly committed by Mark Aguirre.

There is a civil case pending against Dr. Steven Hotze and Liberty Center for God and Country relating to the facts of the criminal case against Mark Aguirre. Through the discovery in the civil case, deposition transcripts allow us to rule out any possibility that Dr. Steven Hotze is liable under the much lower standard of proof in a civil case of preponderance of the evidence. That said, the higher burden carried in criminal cases negate any possibility that probable cause could exist for a criminal charge against Dr. Steven Hotze. Below; the highlighted under oath testimony of depositions directly rule out any possibility that Dr. Steven Hotze is criminally responsible for anything related to Mark Aguirre. Note the full transcripts of the depositions referenced was provided to the District Attorneys Office last week per their request.

DEPOSITION OF DETECTIVE JOHN VARELA (relevant questions and answers relating to Dr. Hotze):

Mark Aguirre didn't mention Dr. Hotze.

Pg. 15 Ln 8:

Q. Okay. Do you remember -- and I'll ask the question again, and Mr. Woodfill has his objection to it, but did he mention the name of Dr. Steven Hotze at any time?

MR. WOODFILL: Objection; form.

A. I don't recall him saying that name specifically.

Detective Varela had to Google Dr. Hotze to even learn the name because it wasn't mentioned during questioning.

Pg. 53 Ln 24:

Q. Yes, sir. And during this entire time, when you're conducting this voter fraud

investigation, did Dr. Hotze's name ever come up?

A. Not that I recall.

Q. Okay. Now, at some point in time, you became aware of Dr. Hotze; is that correct?

A. Yes, sir.

Q. How did you come to that knowledge?

A. I believe what I did is I Googled this organization that Mr. Aguirre said that was supporting – supporting his investigation.

Detective Varela isn't sure who worked with Mr. Aguirre on any investigation.

Pg. 55 Ln 10:

Q. Since then, have you been able to determine who was part of what Mr. Aguirre described as his team?

A. No.

Detective Varela admits he does not have a case for conspiracy against Dr. Hotze.

Pg. 90 Ln 12:

Q. So he -- you don't -- do you anticipate charging him criminally with -- with some sort of accessory to the ag -- to accessory to a crime that was committed that day?

MS. KELLEY-HENRY: Objection to that. You're getting into a speculative criminal investigation.

Q. (By Mr. Brenner) But to date, at least, you don't have any criminal charges against Dr. Hotze for any type of conspiracy to this offense that you arrested Mr. Aguirre for?

A. No, sir.

Detective Varela has no evidence that the donations by Liberty Center were for an assault, nor anything like it.

Pg. 91 Ln 3:

Q. Okay. But at this point, you don't have any reason to believe that Liberty is being charged criminally with anything, and they haven't been?

A. Not that I'm aware of.

Q. There was some testimony as to the bank accounts that you received; right? And you

did see deposits that were made into Mr. Aguirre's account from Liberty; is that right?

A. Yes, sir.

Q. Did you speak with anybody from Liberty about what the nature of those deposits, what they were for?

A. No, sir.

Q. Did you speak with – did Mr. Aguirre tell you specifically what those payments were for?

A. No, sir.

Detective Varela wasn't even sure that Dr. Hotze/Liberty Center even knew that Mr. Aguirre was arrested when the payments were made.

Pg. 92 Ln 6:

Q. Do you know whether or not Liberty or Dr. Hotze was aware that he was arrested the day before October 20th, 2020?

A. I have no idea.

Q. So they might have been unaware that the incident occurred and that he was arrested?

A. I can't speak for Mr. –

Q. Right.

A. Mr. Hotze.

Mr. Aguirre never claimed to be in a task force, he just mentioned being a Private Investigator working in conjunction with Liberty.

Pg. 94 Ln 18:

Q. Did you say Mr. Aguirre identified himself as part of a task force?

A. No, sir.

Q. Who was he identifying himself as?

A. He was identifying himself as a private investigator that was working in conjunction with Liberty.

Detective Varela was never told by Mr. Aguirre that he was directed to carry a weapon. Detective Varela even confused and not sure that Dr. Hotze was even involved in

Liberty.

Pg. 95 Ln 4:

Q. Did he give you any information that they wanted him to carry a weapon around?

A. No. Not that I'm aware of.

Q. So do you have any information that Dr. Hotze gave Mr. Aguirre any specific task?

A. Now, I don't recall exactly if we're -- if Dr. Hotze is involved with this Liberty group, if they're together, if he funds them, or if he's part of the group. All I can tell you is that Aguirre claimed that the surveillance team members are of the Liberty Center group.

Detective Varela admits that he believes Mr. Aguirre's objective was to get law enforcement involved with the investigation. Detective Varela even admits that Mr. Aguirre was convincing enough to influenced him into investigating ballot harvesting.

Pg. 95 Ln 25:

Q. Investigate, that's as specific as Mr. Aguirre got with you?

A. that's what -- that's where he got. And it's -- and then Mr. Aguirre said part of his investigation was to try in law enforcement, or some type of law enforcement to help him with this investigation. And he was very frustrated because law enforcement wasn't helping him in this investigation and he kept running into roadblocks.

And he was looking -- and the way I perceived it is he was looking for somebody in law enforcement to help him conduct this investigation. And when he met me, he tried to influence me into helping him investigate this balloting fraud case.

Q. Do you feel like he was successful in influencing you to investigate it?

A. Absolutely.

DEPOSITION OF DAVID LOPEZ (The Complaining Witness in the Mark Aguirre Criminal Case) ((relevant questions and answers relating to Hotze)):

David Lopez admits that Dr Hotze was not there during the incident. He also submits that he had never even heard of Dr. Hotze prior to filing the civil lawsuit.

Pg. 16 line 7-18:

Q. Okay. Other than Mark Aguirre and the other person who you did not see, was there anybody else who approached you prior to the officer coming to the scene?

A. No.

Q. So was Dr. Steven Hotze, my client, there?

A. I do not know.

Q. Do you – have you ever met, to your knowledge, Dr. Steven Hotze?

A. No.

Q. Prior to your filing your lawsuit, had you ever heard of Dr. Steven Hotze?

A. No.

David Lopez didn't even become aware of Dr. Steven Hotze until 3 months after the incident. His knowledge of him was from the news.

Pg. 16-17 lines 19-25 & 1-9:

Q. Prior to your filing your lawsuit, had you ever heard of Dr. Steven Hotze?

A. No.

Q. How did you first become aware of Dr. Steven Hotze?

A. After the incident happened.

Q. Okay. And how -- when? Do you recall when you first became aware of Dr. Steven Hotze?

A. The exact date? No, I do not remember.

Q. Was it a month, two months, three months after the incident? Do you know?

A. Perhaps three months.

Q. Okay. And how did you become aware of Dr. Steven Hotze?

A. Through the news.

Q. Are you familiar with an entity known as Liberty Center for God and Country?

A. No.

David Lopez was never given the name of Dr. Steven Hotze at the scene.

Pg. 22 line 18:

Q. When you were speaking with Mark Aguirre, did he ever mention the name Dr. Steven Hotze?

A. No.

Q. Did he ever mention the name Liberty Center for God and Country?

A. No.

No evidence of connection between Dr. Steven Hotze and Defendant Mark Aguirre. David Lopez states this.

Page 26 line 20:

Q. Did Dr. Hotze ever say to you that he had hired Mark Aguirre to investigate and disrupt people Dr. Hotze believed were committing voter fraud?

A. No.

David Lopez admits that Dr. Steven Hotze did not use a weapon or commit any type of assault nor has Dr. Steven Hotze ever communicated with Lopez personally.

Page 37 line 1:

Q. Now, Dr. Hotze never brandished ... or put a gun to you, did he?

A. No.

Q. And Dr. Hotze has never made any representations to you personally, has he?

A. No.

Q. Did you ever believe that Mr. Aguirre was an employee of Liberty God and Country?

A. No.

Q. Mr. Mr. Aguirre never told you he was a representative of Liberty Center for God and Country?

A. No.

Q. And Mr. Aguirre never told you he was a representative of Dr. Hotze?

A. No.

Q. Okay. The relationship that you identify between Mr. Aguirre and Dr. Hotze and Liberty Center for God and Country is based on what you saw on the news, correct?

A. Yes.

David Lopez admits that Dr. Steven Hotze was not around during incident and that Mark Aguirre is not employed by Liberty God and Country.

Pg. 50 Lines 15-23:

Q. Okay. And I think we've established Dr. Steven Hotze wasn't around, correct?

A. Correct.

Q. Okay. The perpetrator – if – if any, of – of your damages and your injuries in this case all came from Mark Aguirre; is that true?

A. Yes.

Q. So why didn't you sue Mark Aguirre?

A. I don't know.

Q. Do you have any evidence that you're aware of that shows that Mark Aguirre was employed by Liberty Center for God and Country?

A. No.

David Lopez admits that he has never been threatened by Dr. Steven Hotze.

Q. And, in fact, since that -- I guess ever, Dr. Steven Hotze has never threatened you in any way to your knowledge, has he?

A. No.

David Lopez admits that he has no evidence that Dr. Steven Hotze had specific intent to cause injury to David Lopez.

Pgs. 58-59lines 1-20:

Q. (BY MR. POLLAND) -- do you have any facts to substantiate/support your statement that the defendants in this case, Dr. Hotze and Liberty Center, had a specific intent to cause substantial injury or harm to you?

A. No.

Our client, based on attorney's advice, will invoke the 5th Amendment privilege. Which is why we have advised Dr. Hotze to assert his 5th Amendment Privilege and not speak without the presence of counsel. The use of the 5th Amendment should not be used to infer guilt but to only show his willingness to shield himself with this Constitutional privilege.

The District Attorney will be presenting evidence concerning my client Dr. Steven Hotze in the very near future. **I hope that you will seek direction on how Dr. Steven Hotze's lawyer, Attorney Gary M. Polland, can address you before you deliberate on an indictment. Please contact our office with any questions or concerns you may have.**

The deposition excerpts are from depositions previously provided to the Harris County District Attorney's Office and can be made available to you through them.

A contact number is listed above. I would like to brief the Grand Jury in person if invited by you. This matter should be of urgent concern of the Grand Jury. Please reject a determinate petition. The determinate petition course of action in this case is a major mistake.

Please review the documents and advise if you need anything else in our files. We are requesting the Grand Jury Subpoena be withdrawn due to our cooperation.

Sincerely yours,

Gary M. Polland

Enclosures