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Case Type: Witness Locates, Obtaining Statements, Reports, documents and Case Investigation in order to determine circumstances of case.

Subject #1: (Complainant) Nicole Marie (Ervin) Weber DOB 9/6/1982 last known residence, San Angelo, Texas Possible husband Zachary Age Range (20 to 30 years old) Assignment, locate and obtain statement.

See Addendums for Subject # 1

(Section 4) Addendum #1, A Nicole Weber's Police report dated 2/12/03 at Hunters Run Apartments.

(Section 5) Addendum # 1, B Nicole Weber's signed statement-contradicting her testimony.

(Section 6) Addendum # 1, C Nicole Weber's transcribed recorded statement with tape, changing testimony.

(Section 7) Addendum # 1, D Nicole Weber's police reports total of ten filed. We were able to obtain seven reports that were filed. We need the exact file dates to locate the other remaining reports. There are three police reports missing. We believe the **missing (3) reports report's** pertain to the following: (No Addendums)

- 1) Nicole Weber filed a sexual assault claim against her son's uncle a Josh Weber.
- 2) Child abuse against her sons father Zack Weber and the

- 3) This missing report has not been identified but we believe it was about a mysterious male driver that Nicole Weber claimed tried to drive her off the road, whom she is now claiming was Dr. Timothy Emerson and that she saw him.

The other six remaining police reports attached are as follows:

(Section 8) Addendum # 1,D, 4 - 12/31/02 Nicole Weber tried to file theft against her boss for not paying her on time

(Section 9) Addendum # 1,D,5 - 8/16/02 Nicole Weber was moving in her apartment and claimed someone stole \$ 16.40 cents in picture frames.

(Section 10) Addendum # 1,D, 6 - 6/9/03 Nicole was working at Outback and claimed someone scratched her 1998 Pontiac Grand Am 4 door Mirror and door causing \$ 2,500.00 in damages.

(Section 11) Addendum # 1,D, 7 - 11/20/2003 Nicole Weber filed criminal trespassing against her mother and father in law after they came to knock on her door after finding out that Nicole had accused their son of molesting her behavior disturbed son of a previous relationship. Nicole had the police warn them not to take any charges or allegations against her from the family as it would be retaliatory and the police complied.

(Section 12) Addendum # 1,D, 8 - 12/6/03 Nicole Weber filed a complaint and charges against a Joe Michael Gonzales for reckless driving.

(Section 13) Addendum # 1,D, 9 - 2/5/03 Nicole Weber filed a stalking report at her employment at Wal-Mart was being stalked by a customer making purchases in her line by the name of Dr. Timothy Emerson, driving a white station wagon, no plates were listed on the report however Nicole Weber claims they ran the plates and traced the car back to Timothy Emerson. Seven days later Nicole Weber filed the police report saying that Timothy Emerson was stalking her and driving at Hunters Run Apartments.

(Section 4) Addendum # 1,A - 2/12/03 Nicole Weber filed Stalking and driving charges against Dr. Timothy Emerson, which resulted in his conviction to Federal Prison.

(Section 14) Addendum Number 1,F, 1 - Divorce Decree concerning Nicole Weber and Zack Weber filed in Tom Green County in the interest of Andrew Weber filed 1/21/02 finalized on or about 12/19/03 with child support orders. There was an emergency Protective order attached to filing concerning Criminal charges filed against Zack Weber on 1/19/01 for assault against Todd Ervin child of Nicole Weber's previous relationship. (Child using Nicole Weber's maiden name, father of child undeveloped and unknown to family members).

(Section 15) Addendum Number 1,F,2 - Criminal charges against Nicole Weber's husband Zack Weber on or about September 28, 2001. Charge was assault of a minor child.

(Section 16) Addendum Number 1,G - Background investigation concerning Nicole Marie (Ervin) Weber. This includes address history, marriage and divorce history and relatives.

(Section 17) Addendum Number 1,H - Trial Transcripts Nicole Weber's Testimony against Timothy Emerson concerning stalking incident report 1,A.

Subject # 2 Joe Emerson (Father of Dr. Tim Emerson - Alibi Witness)
Assignment to obtain alibi statement and to obtain and evaluate front and back copies of checks written to Wal-Mart as Dr. Timothy Emerson had no check book and did not go to Wal-Mart with out his father as he could not drive.

(Section 18) Addendum 2,A - Alibi Statement of Joe Emerson

(Section 19) Addendum 2, B - Checks written to Wal-Mart Front and Back to help establish frequencies of visits and to prove that Dr. Timothy Emerson was with his father on each visit to Wal-Mart.

Subject # 3 Zack Weber (Ex- Husband of Complainant Nicole Weber) Alleged witness along with complainant per court transcripts.

Interview and determine if he was an actual witness as alleged in court.

(Section 20) Addendum # 3,A Audio taped interview of Zack Weber.

Subject # 4 Hunters Run Apartment Management assistant (possible witness and to confirm residency) Susan Gregory Manager

Interview and determine if a witness and residency.

(Section 20)Addendum # 3,A Audio taped interview of apartment management employee.

Subject # 5 Larry Robert and Delynn Weber (parents of Zack Weber complainants ex-husband) Possible Character witness concerning complainant and also possible witness concerning allegations.

Interview and determine if witness and establish character of Nicole Weber.

(Section 20)Addendum # 3,A Audio taped interview of Larry and Delynn Weber.

Subject # 6 Wal-Mart Super center - Personnel Department Manager (possible witness of stalking at Wal-Mart)

Wal-Mart Super center - Manager Art Garza (possible Witness of stalking at Wal-Mart)

- Look for any warnings, refusal of service to Dr. Tim Emerson and or requests to leave property and not return, complaint history of Nicole Weber to management about the alleged stalking of a Wal-Mart employee and steps taken to remedy the situation internally (i.e. warnings to customer, moving cashier to different department, etc.) Prior to advising employee to make a report of stalking to the police.
- Attempt to interview and get statement, policies, internal reports, documents, etc.

(Section 20) Addendum # 3,A Audio taped interview of Wal-Mart Employees.

Subject # 7 Mary Bailey Rutledge MS, LPC of Family Center in San Angelo (Alibi and time line witness) Locate and obtain statement

(Section 21)Addendum # 7,A Statement of Mary Bailey Rutledge.

Subject # 8 Terra Shinkle (Alibi Witness concerning Dr. Tim Emerson) Locate and obtain statement.

(Section 22)Addendum # 8,A Statement of Terra Shinkle.

Subject # 9 San Diego Police Department Records Davison (complainants history of police reports) Determine number of reports and obtain copies.

(Section 4, 8, 9, 10, 11, 12, 13)See Addendums 1, A; 1,D,4; 1,D,5; 1,D,6; 1,D,7; 1,D,8; 1,D,9.

Subject # 10 Tom Green County Court House Records (complainants civil filings) Develop number of cases and obtain copies.

(Section 14, 15) See Addendums 1,F,1 & 1,F,2

Subject # 11 Tiffany Gulley (Alibi Witness for Dr. Tim Emerson) Locate and obtain statement. **(No Addendums)**

*** Still need to obtain statement, if needed.**

Subject # 12 Lucious Brumsfeld Pizza Pro owner (Possible Character witness concerning complainant) Locate and obtain statement. **(No Addendums)**

*** Still need to obtain statement if needed.**

Subject # 13 Joe Michael Gonzales (Possible Character witness concerning complainant) Locate and obtain statement. **(No Addendums)**

*** Still need to obtain statement if needed.**

Assignment:

We were requested to investigate an alleged stalking incident resulting in the conviction of Dr. Timothy Emerson in order to determine any facts concerning the case and to locate any witnesses, obtain statements, documents, police reports, concerning this case. We were also requested by client on behalf of Dr. Tim Emerson to locate and interview the above witness (Subject # 1) Nicole Weber, concerning a criminal complaint dated 2/12/03. **(See Subject # 1, A. Police report dated 2/12/03 (Section 4))**

Such complaint alleges that on 2/12/03 approximately 7:37 P.M. Dr. Tim Emerson was stalking Nicole Weber across the street from her apartment complex near Hunters Run Apartments in San Angelo Texas. The complaint states that Dr. Timothy Emerson was stalking Nicole Weber and driving a white vehicle, which was a violation of Dr. Tim Emerson's conditions of release pending trial on a separate charge. This complaint further alleged that the driver of the white vehicle pulled out in front of complainant and drove off in another direction. No other witnesses were listed on this complaint. As a direct result of this above complaint, Dr. Timothy Emerson was convicted as a result of breaking the terms and conditions of his release, and he is in prison.

We were requested to locate, interview and obtain statements from any and all potential witnesses in order to establish the facts concerning the above allegation and to obtain copies of documents related to this case, in order to determine the actual facts concerning the case.

Conclusion:

We have successfully conducted the above investigation and have established the facts as developed by witness statements, police reports, documents and investigative findings.

The facts found in this case have established **that Dr. Timothy Emerson was wrongfully and / or falsely and / or mistakenly accused, charged and arrested for violation of the terms of probation on 2/12/03, which included violation of his terms of release and operating a motor vehicle. Our investigation findings clearly prove that Dr. Timothy Emerson was falsely accused of all charges and allegations against him concerning the alleged incident on 2/12/03.** Nicole Weber has additionally signed a statement, which contradicts and / or changes her original police report and court testimony against Dr. Timothy Emerson as follows:

Quote; "I Nicole Weber believe that I was being stalked by a White vehicle either a car or station wagon during the months of February 2003 at the Hunters Run Apartments in San Angelo, Texas. I was unable to ever see clearly or identify the actual driver of the vehicle. I was unable to obtain the plate; make or model of the vehicle that I believe was stalking me.

The driver of the white vehicle whom I believe to be a white male, brownish hair, could have been James Richard Saucer as he was reported to drive a white 1993 Mercury Topaz." Unquote.

Based upon the findings of our investigation we have determined that Nicole Weber filed the complaint against Dr. Timothy Emerson as a reaction to discovering Dr. Timothy Emerson's alleged criminal history. Nicole Weber claimed that she heard of Dr. Timothy Emerson's criminal history, from others in town and San Diego Police had told her about how dangerous Dr. Timothy Emerson was after she was told by her store manager to file the initial stalking report concerning Dr. Timothy Emerson at Wal-Mart.

Shortly after Nicole Weber discovered Dr. Timothy Emerson's criminal history, she believed she was being harassed and stalked in her check out line by her customer Dr. Timothy Emerson. After Nicole Weber was informed (by Wal-Mart Supervisors) of the type of vehicle (white station wagon) that Dr. Timothy Emerson traveled in, Nicole Weber claimed that she had been stalked by a white car on the road near her on the highway, in her parking lot, passing her in traffic and even attempting to run her off the road and she assumed that the White Vehicle driven by Dr. Timothy Emerson was the same one that she had seen near her apartment complex and or on the roadways near her vehicle.

Our investigative findings have also established that Nicole Weber has a habitual history of filing police reports and or police complaints. Such compliant history appears to be directed primarily toward family members, males and unknown perpetrators San Angelo Police Department has a record of at least (10) Ten Police reports filed by Nicole Weber within a two year period.

The average number of complaints Nicole Weber has made in a two-year period is approximately **one complaint every two and one half months.**

The facts established in this case clearly prove that Dr. Timothy Emerson was wrongfully accused of the allegations made against him by Nicole Weber.

Dr. Timothy Emerson has been wrongfully convicted of a crime he did not and could not have committed based upon the allegations of Nicole Weber a woman that has now contradicted her original testimony and police report filings that she has made against Dr. Timothy Emerson. Additionally this woman who has wrongfully accused Dr. Timothy Emerson, has an unusual history of filing many police reports.

Dr. Timothy Emerson was a man whom was already unduly suffering a nationally debated **question of law** concerning his divorce proceedings and a allegation involving **his right to bear arms** verses a state domestic restraining order.

It was the Right to Bear Arms Question of law that resulted in the very criminal history that frightened Nicole Weber after she learned about the charges against Dr. Timothy Emerson. It was the fact that Dr. Timothy Emerson was charged an out waiting court decision that he ended up with the criminal history that Nicole Weber had claimed she heard about. This criminal history was what ultimately resulted in the current conviction of Dr. Timothy Emerson, because the frightened store clerk after learning of the criminal shopping in her check out line, filed stalking charges against him and later identified him as stalking her at her apartment complex, resulting in his conviction.

Prior to this accusation and the right to bear arms dispute, Dr. Timothy Emerson was an established doctor with an office and practice in San Angelo, he was a father and supported his daughter, and elderly parents. He caught his wife having an affair and filed for a divorce. A restraining order was issued in the divorce unknown to him he could no longer have his gun collection. The Right to Bear arms verses a domestic restraining order became a highly publicized debate and resulted in Dr. Timothy Emerson being placed on Terms and conditions of release pending trial.

As a result of the criminal accusations and conviction, Dr. Timothy Emerson has lost his practice, livelihood, license, properties, and savings, right to see child, as well as his liberty and civil freedom.

Dr. Timothy Emerson's struggles over this criminal battle were well publicized in San Angelo, Texas and many newspapers nationally, which made him a target of local gossip as well as prejudice by law enforcement and the general public.

Dr. Timothy Emerson is only guilty of being a regular customer at Wal-Mart Super Center in San Angelo, Texas and check out in a check out line with his elderly father Joe Emerson, who signed every check.

Based upon the actual facts we have concluded that Dr. Timothy Emerson was wrongfully accused and convicted, and believe that Dr. Timothy Emerson be allowed to present these facts of our investigation to prove his innocence to a court and or judge, in order to facilitate his immediate release.

Additionally, and based upon the investigative findings, we believe there may be **possible liability concerning Wal-mart's** involvement in this matter, because our evidence has determined that Wal-Mart Managers advised their employee Nicole Weber to make the initial allegation of stalking against Dr. Timothy Emerson on 2/5/03. Such advise was given as a directive to Nicole Weber after she had voiced her concern to her boss about Dr. Timothy Emerson a customer that she had discovered had a criminal history. We found no evidence that prior to filing the stalking / harassment charges against Dr. Timothy Emerson that Wal-Mart, and or any employees or government official advised him that he would no longer be serviced at Wal-Mart or that he was not welcome in the store until after the charges were filed. Additionally, we found no other witnesses to the alleged customer stalking. As a result of this stalking charge, Dr. Timothy Emerson's terms and conditions of release were changed to include Nicole Weber, the Wal-Mart store clerk.

Additionally based on our investigation findings, we believe that Nicole Weber should be investigated and or charged with perjury. The evidence and Nicole Weber's own signed statement, clearly proves that Nicole Weber, never clearly saw her alleged stalker and therefore could not identify Dr. Timothy Emerson as her stalker and or driver of the white vehicle allegedly stalking her.

Nicole Weber, "because she could not identify her stalker" has even signed a statement identify another man as being her possible stalker.

Nicole Weber now claiming she could not identify her alleged stalker testified that Dr. Timothy Emerson was the stalker and had him criminally charged and placed in prison.

Nicole Weber in her court testimony first claimed that her husband Zachary Weber was with her as a witness to this stalking on 2/12/03 (Zack Weber did not testify or give the police a statement at the time of the report).

Nicole Weber is now stating that she was alone with her children during the alleged stalking incident, which is a direct conflict in her original testimony and police report.

Zachary Weber has concurred via telephone statement, that he was NOT present during the alleged stalking incidents and on the incident on 2/12/03. Zachary Weber has stated that he only knew of such incidents because of what Nicole Weber had told him concerning the stalking.

Since Zachary Weber was admittedly not present as a witness during this alleged stalking incident on 2/12/03, and Nicole Weber has stated under oath in court that Zachary Weber was present as a witness on 2/12/03 proves that Nicole Weber

made non-factual statements in court. Dr. Timothy Emerson was convicted as a direct result of the testimony, police reports, and statements of Nicole Weber the only witness with no evidence to prove the allegations.

Finally, **San Angelo Police Department may have some liability concerns, as they did not validate or give warning to the stalker, trespasser, harasser, solicitor that he or she should not return to Wal-Mart and or face stalking, trespassing, harassment, solicitation charges.**

We have found that many police departments have a policy, if not a laws concerning solicitation, stalking, harassment, or trespassing accusations or convictions concerning customer oriented and or service businesses.

We have had the opportunity to observe such policies, rule, laws in many police departments concerning stalking, solicitation, harassment and or trespassing accusations or charges. We have found that it is a common practice with major police departments that prior to filing and or accepting any such charge, that first the establishment and or person must (give fair warning) tell the solicitor, stalker, harasser and or trespasser that he or she must leave the premises, not to return and refuse service to such persons, prior to taking such charge. As the average person would not know of such behavior unless advised first. Only in the event after such fair warning being given would the solicitor, stalker, harasser and or trespasser be charged, if he violated such warning.

In Dr. Timothy Emerson's case he was actually making purchases **as a customer** and never told not to go to the establishment and or leave the premises or was he refused services.

Our investigation has found no evidence that such warnings were ever issued or given to Dr. Timothy Emerson by the store, any of the stores employees and or police until after the charges were taken and accepted by the police department.

Nicole Weber claims that the San Angelo Police Department scarred her to death by telling her how dangerous Dr. Timothy Emerson was when she called to make the initial stalking complaint on 2/5/03, which we believe may have attributed to Nicole Weber being more frightened of anyone driving and or traveling in white vehicles near her apartment, thus resulting in the conviction of Dr. Timothy Emerson.

We are recommending that client and or Dr. Timothy Emerson and or his heirs seek legal counsel concerning **any possible or potential** civil endeavors concerning and involving this investigation. This recommendation **in no way implies that there a legal recourse or civil remedy**, as investigators we are only recommending that a legal authority make such determination based upon the evidence and facts gathered herein. (See detailed report below)

Detailed findings:

We were able to locate Nicole Weber and obtain a statement from her concerning the alleged stalking incident on the night of 2/12/03. Nicole has contradicted her original statement on her police report and her court testimony.

Nicole Weber now states that during the months of January and February that she believed she was being stalked that on the evening of 2/12/03 that she was unable to clearly see or identify the stalker and or identify his vehicle as he was parked in the parking lot across the street from her apartment complex at Hunters Run Apartments (Not on the premises of the apartment complex occupied by Nicole Weber). Nicole Weber now claims that all she could see was a man in the vehicle but has no actual description of the man and that he was in a white car. Nicole Weber now claims she was alone with no other witnesses of this crime other than her underage children.

We presented Nicole Weber a new article we found dated during the alleged stalking period and or time frame concerning an area stalker by the name of James Saucer whom was reportedly arrested for stalking his wife in San Angelo, Texas. We asked Nicole Weber if it could be possible since she had already revealed to us that she was unable to clearly identify her alleged stalker, if such stalker could be James Saucer? Nicole Weber signed a statement saying that she did not see her stalker clearly and that the stalker could have been James Saucer.

Such statement is a direct contradiction to her original police report and her court testimony as she identified Dr. Timothy Emerson as her stalker and the man driving the vehicle, which resulted in his conviction.

(See Nicole Weber's Written and audio statement with transcripts Addendum # 1,b Section # 5 and 6)

Nicole Weber stated in her court testimony that Zachary Weber her astringed husband on the evening of 2/12/03 was also a **witness** of the alleged stalking, although his name was NOT on the police reports as a witness the night of the incident and he did not testify in court as a witness.

Nicole Weber is now contradicting her court testimony by stating that she was the ONLY witnesses to the stalking and that she was alone with her underage children.

(See police report Addendum # 1, A. and Statement of Nicole Weber Addendum # 1,B Sections # 5 and 6.)

Also see Recorded Statement and transcripts of Nicole Weber # 1,C. Section # 6)

Our investigation along with alibi statements and documents, have revealed that

Dr. Timothy Emerson was at home with his father Joe Emerson, on the phone with friends all evening during the and at the time of the alleged incident on 2/12/03.

Because Dr. Timothy Emerson was home during this alleged incident this further proves that Dr. Timothy Emerson **could not, was not and would not** have been driving the white vehicle near Nicole Weber at the Hunters Run Apartments in the Evening hours on 2/12/03. (See **Alibi Statements Joe Emerson Subject # 2 statement section # 18, Addendum # 2,A; Subject # 7 statement of Mary Bailey Rutledge MS, LPC of Family Center Section # 21, Addendum # 7,A ; Subject # 8 statement of Terra Shinkle, Section # 22, Addendum # 8,A**)

Facts surrounding the allegation as we have determined:

According to interviews and statements, Nicole Weber, believed Dr. Tim Emerson to be stalking her because Dr. Timothy Emerson and his father Joe Emerson would make frequent shopping trips to Wal-Mart as customers to make purchases. Joe Emerson always drove or one of Dr. Timothy Emerson's friends would drive him or he would walk to the places he needed to go due to having no driver's license. Wal-Mart advertises customer service and friendly employees and Dr. Timothy Emerson became friendly with Nicole Weber while in line and making purchases. Dr. Timothy Emerson and his father claim flirtations began with Nicole Weber and were reciprocated by Dr. Timothy Emerson during check out and or while in Nicole Weber's check out line. Our investigation has proven that Nicole Weber discovered (as she stated) from others that Dr. Timothy Emerson had a criminal history and was facing charges of assaulting his wife with a gun and she became quote; "frightened to death" unquote. It was during this time that informed her Customer Service Representative and / or Manager Art Garza of Wal-Mart Super Center that **Dr. Timothy Emerson was stalking her in her check out line while making purchases.** Art Garza now manager of Wal-Mart Super center, reportedly watched Dr. Timothy Emerson make his last purchases in Nicole Weber's check out line and then proceeded to follow Dr. Timothy Emerson to the parking lot and obtained the color, make and model on Dr. Timothy Emerson's transportation. According to Nicole Weber's statement, it was Art Garza of Wal-mart who informed Nicole Weber of the type of vehicle that Dr. Timothy Emerson was traveling (white station wagon). It was Art Garza that told Nicole Weber that she should call the police to report the stalking to the police, even after Dr. Timothy Emerson had just made a purchase as a welcome customer?

No other stalking reports had been made by Nicole Weber involving a white vehicle up until the initial stalking report at Wal-Mart dated 2/5/03. It was on 2/12/03, Nicole Weber made the second report claiming that a white vehicle was stalking her every evening at home at dinner time.

Nicole Weber now claims that the driver at the Hunters run apartments could have been another charged stalker named James Saucer as she could not see the driver of the vehicle clearly and could not make a positive identification.

Nicole Weber claims that the reason for **the mistake** in her original police report and court testimony was because the police had told her frightening her (by telling her of the criminal history of Dr. Timothy Emerson) and because her Wal-Mart

Store manager Art Garza had informed her about a white car that Dr. Timothy Emerson was travelling in. Nicole Weber now claims that the mistake was made because **she assumed** that the white car she saw was the same car was one that was described to her as belonging to Dr. Timothy Emerson.

Nicole Weber claimed in our telephone interview **that she was alone with her children at the time of the incident with no other witnesses, contrary to her court testimony of which she claims her astringed husband Zack Weber** who was under a restraining order and child assault charges concerning her son, at the time not to go near Nicole Weber, was **with her at the time of the alleged incident and she went to dinner with her husband and children after the incident and then called the police about one hour later. Nicole Weber's husband Zack Weber claims to have no personal knowledge of the incident and claims he was not present only heard this from Nicole Weber.** Nicole Weber still expressed fears that telling us about her not seeing the driver clearly and being unable to describe the white vehicle and the fact she stated that the driver could even be another man than the man she accused, Nicole Weber still expressed a desire to keep Dr. Timothy Emerson in jail, which is very disturbing, since she has admitted he was not the stalker. **(See Telephone statement from Nicole Weber and actual tape Subject # 1, C Section # 6.)**

Further our investigation shows the complainant Nicole Weber has a unusual history of filing police reports in San Angelo (a total to date of approximately ten (10) police reports) for various allegations including and not limited to alleged reckless drivers, missing picture frames from her apartment less than \$ 20.00 in total value, employers holding pay checks, scratches on her car, accusations against her husbands brother of molesting her child, accusations against her husband of hitting her child (later Nicole Weber recanted the allegation against her husband via a letter to the judge, however the charges remained and Nicole Weber's husband Zack Weber was convicted anyway), and other miscellaneous reports, including the allegation of Dr. Timothy Emerson allegedly stalking her at her apartment in an unidentified white car. **(See Police Reports and civil filings Subject # 1, D Section # 's 8 through 13.) The police report History for Nicole Weber in a two-year period average a police report was made every 2.5 months.**

Nicole Marie Ervin Weber has signed a statement and given a phone statement; different **and contradicting from her original court testimony and accusations** against Dr. Timothy Emerson, actually naming another possible suspect.

The written statement given to us by Nicole Weber clearly states the following: **quote,**

"I Nicole Weber believe that I was being stalked by a White vehicle either a car or station wagon during the months of February 2003 at the Hunters Run Apartments in San Angelo, Texas. I was unable to ever see clearly or identify the actual driver of the vehicle. I was unable to obtain the plate; make or model of the vehicle that I believe was stalking me.

*The **driver of the white vehicle whom I believe to be a white male, brownish hair, could have been James Richard Saucer** as he was reported to drive a white 1993 Mercury Topaz." Unquote.*

The above statement signed by Nicole Weber the only complaint, clearly stated that she **never saw her alleged stalker or the vehicle as she stated in court or on her police reports / complaints.** Nicole Weber's signed statement contradicting her testimony has clearly implicates a James Saucer as a possible person driving the vehicle the night and or nights of the alleged stalking. **(See the statement of Nicole Weber under Addendum for subject # 1, B. Section 5)**

James Richard Saucer is a man that was arrested for stalking about the time of Nicole Weber's alleged stalking incidents. There were several articles concerning the stalking of James Richard Saucer. We presented Nicole Weber with the news article about James Richard Saucer and asked if he could be the driver of the vehicle she saw stalking her for two months and the driver on the night of 2/12/03 at Hunters Run Apartments. *Since Nicole Weber had already sworn in court that the driver of the vehicle and the stalker was Dr. Timothy Emerson, we expected Nicole Weber to tell us that the only driver was Dr. Timothy Emerson however Nicole Weber stated that she did not clearly see the driver of the white vehicle and could not identify the vehicle.* Nicole Weber stated that he driver could have been James Richard Saucer.

Nicole Weber readily stated that James Richard Saucer could have been her stalker based upon the newspaper article and the fact that Nicole Weber never saw her stalker and could not identify him as she so claimed in the court conviction of Dr. Timothy Emerson.

Nicole Weber's displayed a readiness and willingness to implicate James Saucer as being her saucer after she was presented the new paper articles concerning his stalking incident in San Angelo, Texas.

Additionally, Nicole Weber's police reporting history of an average of police reports every 2.5 months in a two-year period additionally displays that Nicole Weber has a readiness to file complaints. **(See the article Addendum 1,C Section 6)**

According to trial transcripts **Nicole Weber additionally filed police reports against her husband Zack Weber for hitting her son in the face, then recanted that police report later in writing to the judge stating that Zack Weber was innocent of the alleged crime and did not hit her son, that Zack suffered from a mental problem of which he hears voices from Satan talking to him.** (This shows proof that Nicole Weber has recanted and or changed stories previously.) **(See the trial transcript Subject # 1, G Section 16.)**

Additionally in the trial transcripts **Nicole Weber identifies Dr. Timothy Emerson as her stalker on 2/12/03 and claims he was driving the white vehicle a station wagon.** *(Now, Nicole Weber is contradicting her own testimony*

saying that she could not see the driver and or the vehicle and has stated that James Saucer could have been the driver.) (See the trial transcript Subject # 1, G. Section 16)

Further in the trial transcripts **Nicole Weber claims that her husband Zack Weber was with her on 2/12/03 the evening** of the alleged incident, and that Zack Weber, too was a witness to the stalking and after the stalking that Nicole Weber, Zack and the children went to dinner and called the police when she returned from dinner to report the incident about an hour later. (Now, Nicole Weber is claiming that she was alone at the time of the incident just herself and her children, no other witnesses this is also confirmed by our interview with Zack Weber whom claims he was NOT present during this incident. That he only heard about the stalking from Nicole Weber.) This contradiction of facts to the court. (See the trial transcript Subject # 1, G. Section 16)

- 1) In the trial transcripts Nicole Weber claims she left her parking lot after seeing the stalker at dinnertime across the parking lot from her apartment complex. Nicole Weber claims the driver of the vehicle cut in front of her as she was leaving and she had to break her car and he turned off in another direction and that the driver was Dr. Timothy Emerson. (Nicole Weber did not mention this driving incident in our recorded or written statements with her. She did not recall seeing the driver of the vehicle or was she able to clearly identify him.) (See the trial transcript Subject # 1, G. Section 16)

Addendum 1,C - Section # 6 - Transcripts of Audio statement and Audio Cassette Nicole Weber's audio statement.

Addendum 1,B - Section # 5 - Signed Statement of Nicole Weber dated 3/5/04 stating that she never clearly saw driver of vehicle on night of alleged incident, identifying another man as possible stalker.

On **February 10, 2003** (*five days after Nicole Weber claimed Dr. Timothy Emerson was stalking her at her employment after making purchases in her cashier line and TWO DAYS BEFORE THE Police COMPLAINT against Dr. Timothy Emerson DATED 2/12/03*) the defendant Dr. Timothy Emerson's conditions of release were modified by US District Judge R. Cumming in an Amended Petition for action of Condition of Pretrial Release to include the following condition: Based upon the Wal-mart Stalking complaint on 2/5/03 and the Stalking and operating a vehicle police report that Nicole Weber had accusing Dr. Timothy Emerson.

The modified Terms of Release orders stated that Dr. Tim Emerson was to Avoid any contact with Nicole Weber, directly, or Indirectly or with any of her family members, directly or indirectly. After the modification of the terms of release on 2/10/03, Nicole Weber claimed, the defendant Dr. Timothy Emerson, was

observed driving a mother vehicle and stalking her at her apartment complex on Hunters Run Apartments. On March 27, 2003 the DPS records showed that defendant had his drivers license revoked on October 9, 2001 as a result of delinquent child support payments which was due to loss of his occupation as a Doctor because of the criminal charge concerning the right to bear arms issue which Dr. Emerson was fighting. On April 1, 2003 the USDC was notified by San Angelo Police Department that an incident report dated Feb. 12, 2003 was produced in which the defendant was reported to have been driving a motor vehicle. The Complainant Nicole Weber reports the defendant, was observed sitting in the vehicle across from her apartment complex. Upon her leaving she alleges the defendant pulled out in front of her which was a further violation of terms of release as he was reportedly near Nicole Weber.

The documents refers to a telephone conversation of which Nicole Weber on April 1, 2003 stated that when the defendant pulled out in front of her she was forced to slam on her brakes in order to avoid a collision. (Please note that the original police report from the two pages we have did not contain this added information about Ms Weber having to slam on her brakes when leaving the apartment complex. The original report simply stated that the car turned in another direction when she left the apartment complex). The document goes on to pray that the court issue a warrant for the arrest of Dr. Timothy Emerson to begin serving his original sentence of which he was out on conditional release awaiting a new trial and or an over turn of the conviction concerning the right to bear arms issue, which was imposed on Jan. 24, 2003. The same document a Petition for Action on the conditions of pretrial release was signed by Judge Cummings on April 2, 2003 only one day after the telephone conversation with Ms Weber concerning her allegations against Mr. Tim Emerson (with out a trial or any further gathering of evidence in this case), the arrest was filed on April 2, 2003 but entered on April 3, 2003. The same day an order was issued on the revocation of defendants bond pending appeal set for 5:00 P.M on April 22, 2003 Dated April 3, 2003.

Larry and Sharon Weber Interview synopsis:

According to Nicole (maiden name Ervin) Weber's ex-in-laws Larry and Sharon Weber (parents of Nicole's ex-husband Zachary Weber); Nicole never married her first son Todd Ervin's father. The child Todd Ervin was given Nicole's Weber's maiden name of Ervin, as his last name. None of the Weber family knew who Todd Ervin's natural father was but did know his first name was Jonathan. They claimed that Nicole's parents underwent a divorce and Nicole traveled the US with different relatives from what she had told them to Indiana, Colorado and possibly Wisconsin. Mr. And Mrs Weber, claimed to be very fearful of Nicole Weber as they stated that she has a history of filing complaints with the police on anyone and that she had no friends. They themselves claim to be victims of Nicole's complaints, they claimed that in San Angelo, Texas the police believe who ever goes to the police department and files the complaint first. Nicole has

claimed to be run off the road, stalked, her child abused, and many other complaints with no other witnesses. When we asked Mr. And Mrs Weber why Nicole would file police complaints so often, the parents explained that Nicole does not like people and has no friends and in San Angelo, Texas the police believe who ever calls them first. Nicole filed a complaint against their son Zack Weber for hitting her behavior disturbed son Todd Ervin in the face. Despite Zack Weber receiving 10 years probation for the crime, the Weber's claimed that Zack Weber is still in love with Nicole so much so that he believes every thing she says. The Weber's said that Nicole has their son Zack Weber believing that they are still married although they have been divorced for over a year. The parents said that if Nicole Weber found out that they talked to our agency that she would keep them from ever seeing their grandson. They stated that all they knew about the stalking was what Nicole Weber had told them after the arrest of Tim Emerson, that no one in the family had ever seen any stalking. We found that Nicole Weber also filed sexual assault charges against Mr. And Mrs. Weber's other son Josh Weber for assaulting her behavior disturbed son Todd Ervin. (Addendum 3,A section 20).

Hunters Run Manager Interview Synopsis:

We next interviewed the Assistant manager at the Hunters Run Apartments whom stated that Nicole Weber was in fact listed at the apartment from January 16, 2003 to September 16, 2003 her rent last date was 11/1/03. According to the manager the file had a incident report in it dated 11/4/03, 1/15/03 and 7 of 03. The manager stated that there was a report in the file that stated that Nicole Weber's son Todd had severe behavioral problems due to the sexual molestation of an uncle by the name of Josh. (Addendum 3 A section 20).

Wal-Mart Personnel Manager Interview Synopsis:

We contacted the employees of Wal-Mart to find out if anyone could recall Nicole Weber ever making any reports or allegations of stalking. According to the personnel manager and front desk manager, neither of them had any knowledge of any complaints of stalking from Nicole Weber until after Dr. Tim Emerson was arrested. However, they did state that there could be witnesses that may have worked directly with Nicole Weber that they were unaware. (Addendum 3 A section 20).

Zachary Weber Interview Synopsis: Zachary Weber - Salvation Army (325) 650-1560

Interview with Zachary Weber, (ex-husband of Nicole Weber). We located Zachary Weber, whom is currently on probation for hitting Nicole's son Todd in

the head with his hand and causing bodily injury to a child. Zachary Weber is on probation for 10 years and is living at the San Angelo Salvation Army. Zachary Weber stated that he never personally witnesses anyone following Nicole Weber although she did tell him about it. He claimed that he was not present during the alleged stalking incident on 2/12/03. Nicole Weber's trial transcripts clearly state that she was with Zack Weber on 2/12/03 and that he too was a witness to this stalking event and after the stalking they went to have diner together and returned to report the stalking to the police. (**Addendum 3 A** section 20).

Wal-Mart Store manager Interview Synopsis:

Interview with Art Garza - Wal-Mart Store manager. Art Garza stated that he could not give any store incident reports to us with out the legal department releasing such reports and he could not discuss his knowledge of the incident. We contacted the legal department and were put on hold for over ten minutes to see if the reports could be released. We left message to call us and have not received a call concerning the in store reports if there are any. (We would recommend that defendant's attorney subpoena these reports in case they are needed in any intended civil actions). (**Addendum 3 A** section 20)

Joe Emerson Interview Synopsis: Addendum 2,A and 2,B - Section # 18 & 19

Joe Emerson is the father of Dr. Timothy Emerson. He has giving a statement saying that Dr. Timothy Emerson has never driven a vehicle at any time during his probation. Additonally, Joe Emerson would go to Wal-Mart with Dr. Timothy Emerson each visit as checks were written from Joe Emerson's checking account and signed by Joe Emerson in the check out line. Joe Emerson was home the evening of 2/12/03 with Dr. Timothy Emerson and recalls that his son was on the phone and or on the computer all evening talking to friends. Joe Emerson remembers that Nicole Weber would flirt with Dr. Tim Emerson in her check out ling and that his son was mutual with the cashier, Nicole Weber the cashier would call his son to check out in her line many times. Joe Emerson stated that Wal-Mart never told them not to come to the store, make purchases and or refused them service. Joe Emerson claimed that he was in line and at Wal-Mart every time Dr. Timothy Emerson was at Wal-Mart and that he would sign the checks. Many times he claimed that the clerk would fill out the checks in the register or by hand or that Tim Emerson would fill them out to be signed. However, Joe Emerson claimed he was present on each and every signature. Most of the visits to Wal-Mart purchases were made by check. Rarely did a visit to Wal-Mart that they did not make purchases and or would they make purchases using cash as neither of them carried cash.

From a period of 1/30/2002 to ending period of 4/2/03 we have copies of all checks written to Wal-Mart by Joe Emerson all were signed by Joe Emerson proving his presence when each check was written. There are a total of 50 Check written to Wal-Mart the last one written on 2/4/03. There was only one check

written to Wal-Mart Super center after 2/4/03. The only two checks written previous to this one was dated 1/22/03 and 1/30/03. This does not fit the every day pattern that Nicole Weber claimed that Dr. Timothy Emerson and Joe Emerson would check out in her check out line and stalk her. The last check written to Wal-Mart prior to Nicole Weber making a police stalking report of the Dr. Timothy Emerson was dated 2/4/03 not on 2/5/03 as Nicole Weber claims the last stalking incident occurred. As we stated above many of the checks were filled out by Timothy Emerson and or the cashier (Nicole Weber), however some checks the cashier would imprint in the register, because Joe Emerson was having trouble writing out checks. However he did sign all the checks and all the signatures are a positive match to his signature. The check written on 2/4/03 was signed by Joe Emerson, proving that he was with his son in line on this last purchase, prior to Nicole Weber making a police report against Dr. Timothy Emerson. Joe Emerson additionally proving the previous purchases made at Wal-Mart that Joe Emerson was present also signed the two checks prior to the last check. Joe Emerson has identified the last check on 2/4/03 as being filed in by his son Timothy Emerson and signed by himself, Joe Emerson.

Wal-Mart Super Center Checks as identified by Joe Emerson as being signed by himself and or filled out by cashier and or his son Dr. Timothy Emerson: (Proof that Joe Emerson was with Dr. Tim Emerson on each visit to Wal-Mart)

November 2002

11/26/02 check # 4686 amount 39.14 cleared on 11/29/02 Filled out by Dr. Tim Emerson and signed by Joe Emerson.

11/29/02 check # 4692 amount 20.00 cleared 12/3/02 Filled out by Dr. Tim Emerson and signed by Joe Emerson.

December 2002

12/12/02 Check # 4717 amount 6.10 cleared 12/16/02 filled out by Wal-Mart register and signed by Joe Emerson.

12/5/02 # 4705 amount 29.02, cleared 12/9/02 Filled out by Dr. Tim Emerson and signed by Joe Emerson.

12/5/02 # 4703 amount \$ 25.00 cleared 12/9/02 filled out by cleared and signed by Joe Emerson.

12/24/02 # 4737 Amount 15.00 cleared on 12/27/02 Filled out by Dr. Tim Emerson and signed by Joe Emerson.

12/26/02 #check # 4740 amount 25.00 cleared 12/30/02 Filled out by Dr. Tim Emerson and signed by Joe Emerson.

12/30/02 check # 4747 cleared on 1/2/03 signed by Joe Emerson ad computer filled out check by register. Amount \$ 61.00.

January 2003

1/4/03 check # 4757 Computer filled out check by Wal-Mart, signed by Joe Emerson amount \$ 47.36.

1/22/03 No date Wal-Mart # 4787 amount \$ 27.87 Filled out by Dr. Tim Emerson and signed by Joe Emerson.

1/29/03 check # 4794, amount \$12.00 cleared on 1/30/03 Filled out by Dr. Tim Emerson and signed by Joe Emerson.

February 2003

2/4/03 Joe Emerson ran out of printed checks and this check was no number, cleared on 2/6/03 Filled out by Dr. Tim Emerson and signed by Joe Emerson.

2/23/03 # 4816 amount 19.50 this check was printed by the cash register and signed by Joe Emerson.

April 2003 (the other Wal-Mart in town after being told of Nicole Weber's accusation and not to shop at the Wal-Mart Super Center) proving that the Emerson's shopped regularly at Wal-Mart *also proving that Nicole Weber was not the attraction to Wal-Mart. Check # 4853 amount 10.00 dated 3/10/03 cleared 3/12/03 check was handwritten and signed by Joe Emerson.*

Mary Bailey Rutledge MS LPC Family Center of San Angelo (Alibi Witness Statement). Addendum 7,A - Section # 21

Mary Rutledge stated that she spoke to Dr. Timothy Emerson prior to the alleged incident to cancel a scheduled class that evening. This witness stated that Dr. Timothy Emerson never drove a vehicle and was always driven to the classes and was a very good participant.

Terra Shinkle Alibi Witness Addendum 8, A - Section # 22

This witness stated that she was on the phone line while he was at his residence all evening with his father and could not have been out stalking Nicole Weber as she had claimed.

End Report