

**WARRANT OF ARREST**

**THE STATE OF TEXAS**

To any Peace Officer of the State of Texas, Greetings:

You are hereby commanded to arrest

***Dr. Rolando Arafiles (Jr. ?), white/male, DOB 05/08/1952***

if to be found in your county and bring him/her before me, the District Judge of Winkler County, Texas, at my office at 100 East Winkler, Kermit, TX in said County, immediately, then and there to answer the State of Texas for an offense against the laws of said State, to-wit:

**Misuse of Official Information, Chapter 39.06, Texas Penal Code,**

**And**

**Retaliation, Chapter 36.06, Texas Penal Code**

of which offenses he is accused by the written Complaint under oath and affirmation of Sgt Randy Muenzler, Texas Attorney General's Office, filed before me

Here in fail not, but of the writ make due return, showing how you have executed the same

Witness my official signature, this 21<sup>st</sup> day of December, 2010  
**James Rex**  
**109<sup>th</sup> Judicial District Judge**  
Winkler County, Texas

THE STATE OF TEXAS

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DOCKET # \_\_\_\_\_

COUNTY OF WINKLER

COURT: 109th Judicial District

### COMPLAINT

{Articles 15.04 & 15.05, Texas Code of Criminal Procedure}

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED THE AFFIANT HEREIN, A PEACE OFFICER UNDER THE LAWS OF TEXAS, WHO, BEING DULY SWORN, ON OATH MADE THE FOLLOWING STATEMENTS AND ACCUSATIONS:

My name is Sgt. Randy Muenzler and I am commissioned as a peace officer by the Texas Attorney General's Office. I hereby state upon my oath that I have reason to believe and do believe that heretofore, and before the making and filing of this Complaint, that

Dr. Rolando Arafiles (Jr. ?), white/male, DOB 05/08/1952

on or about the 28<sup>th</sup> day of April, 2009, in Winkler County, Texas, did then and there commit the offenses of Misuse of Official Information, a 3<sup>rd</sup> degree felony under Chapter 39.06 of the Texas Penal Code, and Retaliation, a 3<sup>rd</sup> degree felony under Chapter 36.06 of the Texas Penal Code, against the laws of the State

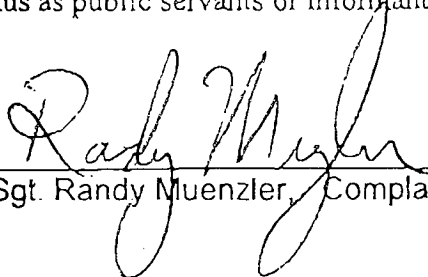
My probable cause for said belief and accusation is as follows:

Prior to April 28<sup>th</sup>, 2009, Dr. Rolando Arafiles was informed by letter that a complaint had been made against him to the Texas Medical Board ("TMB"), a governmental agency that has oversight responsibility over medical doctors who are licensed by the TMB. Dr. Arafiles is in fact a medical doctor licensed by TMB. Upon receiving this complaint, Dr. Arafiles went to Winkler County Sheriff Robert Roberts and made a complaint of harassment. In order to conduct an investigation on Dr. Arafiles' complaint, Sheriff Roberts informed Dr. Arafiles that he would need contact information for ten patients whose names were listed in the letter to Dr. Arafiles from TMB. Dr. Arafiles was employed by Winkler County as a physician at the Winkler County Hospital as well as Winkler County Medical Officer, and was thus a public servant. Dr. Arafiles approached an employee at the hospital and requested the demographic information for the ten patients whose names were in the letter. Dr. Arafiles obtained this information and this information was disclosed to Sheriff Roberts so that Sheriff Roberts could investigate the person(s) who complained about Dr. Arafiles. Dr. Arafiles had previously known that Anne Mitchell and Vickilyn Galle had complained within Winkler County Hospital about the care of some of the patients whose names were in the letter from TMB. As a result of Dr. Arafiles' disclosure of this information to Sheriff Roberts, within 45 days, Anne Mitchell and Vickilyn Galle suffered harm, in that they were both terminated from their employment at Winkler County Hospital, they were both indicted, and they were both

arrested. The case against Vickilyn Galle was eventually dismissed and Anne Mitchell was acquitted by a jury. Dr. Arafiles disclosed this information so that the complaints against Arafiles, which he characterized as harassment, would cease. This is not a governmental purpose, particularly considering that as certified nurses, Mitchell and Galle have a duty to report medical practices that in their opinion, amount to substandard care and threaten to cause harm or have caused harm to patients. Further, since TMB has a governmental duty to monitor and investigate medical doctors, any inquiry about the complaints against Dr. Arafiles should properly have been directed to TMB, and not to a local law enforcement officer to investigate the complainants.

In sum, Dr. Arafiles, a public servant, obtained medical information he had access to by virtue of his employment as a public servant, and disclosed it to Sheriff Robert Roberts so that complaints about his medical practices would no longer be raised or pursued, which is not a governmental purpose, knowing that a criminal investigation could, would and did cause harm to the complainants, Anne Mitchell and Vickilyn Galle.

Additionally, Dr. Arafiles harmed Anne Mitchell and Vickilyn Galle by causing the criminal investigation to be initiated against them (as described above), during the course of which Dr. Arafiles committed the criminal act of Misuse of Official Information as described above, and participated in the Official Oppression of Mitchell and Galle, in retaliation for Mitchell and Galle's service and status as public servants or informants

  
Sgt. Randy Muenzler, Complainant

SWORN TO AND SUBSCRIBED BEFORE ME BY SAID  
AFFIANT/COMPLAINANT ON THIS THE 21<sup>st</sup> DAY OF December  
2010.

  
109th District Court MAGISTRATE, Judge  
WINKLER COUNTY, TEXAS