

FROM: Richard Smith

TO: FILE

RE: Juan Lopez vs. Remington Arms Company  
File No. 669.555A

On October 13, 1980, I was in Houston, Mr. Lazano was the man who was unloading the weapon in question at the time of his discharge and did the injury to Mr. Lopez. Rudy appeared to be quite friendly to me in that we have known each other from before back at the time we were both on the Police Department. I asked him how the accident happened and he stated that the weapon discharged when he had it laid on the cab of the pickup truck and he was attempting to unload it and he put the safety to the off position which time he says it fired. I asked him if it was at all possible that he could have accidentally pulled the trigger and thereby discharge the weapon and he stated it was of course, possible, but he thinks in his opinion that this occurred as a result of throwing the safety to the off position. As far as the other circumstances in the accident, they are just as we have heard up to this point.

I asked Rudy how long he had owned the rifle and he first of all stated approximately two years before the accident happened. I asked him did he have occasion to take the weapon hunting or to fire it prior to the accident, which he said that he had not. And then he stated that after he had bought he had cited the weapon in and I asked him if he had an occasion to pull the safety to the off position and if so, did he have any type of problem. He stated that he did not. It seemed odd to me that he had had the weapon for two years before the accident and had never fired it, with the exception to the time he cited in, and I presented him with this little dilemma on my part and then he stated, no, he thought he was wrong that actually he had bought the weapon approximately a year before the accident. He states that he bought the weapon from who was then and may still be a Policeman on the Corpus Christi Police Department named Juan Delagarza, states that they were in a poker game and somehow or the other they came to an agreement that Rudy would pay Juan \$70.00 for the weapon. Rudy thinks although, I don't think he knows for sure that the weapon belonged to Rudy De La Garza's father. This of course will be pursued to find out if that be the case. Rudy states that until recently his lawyer who is the firm of Pizzitola, Hinton and Susman, of 4150 Westhimer, Suite 300, Telephone number 961-0777, had the weapon in question, but recently he had contact with Juan Lopez and somehow or the other they reached an agreement whereby a Hold Harmless Agreement was signed and the weapon was turned over to Juan's lawyers who has the weapon now as far as we know. Rudy states that his lawyer

MEMO TO FILE  
October 15, 1930  
Page Two

and incidently, that lawyer who would be more knowledgable about this matter is Mr. Richard Hinton, has photos that Rudy says he took of both the inside and the outside of the cab of the vehicle that was present at the time of the accident. I have of course have tried to get a statement from Rudy concerning all of this and while he almost did it, he decided it might be prudent on his part to call his lawyer and consult with him about this, and as you might guess, his lawyer said no statements. But, I was lucky to get Rudy to even talk to me and tell me the things he did. Rudy at this time, works for his father at a company in Houston called A. I. Truck Parts and Equipment Company, Inc., their address is 710 McCarty Drive, Houston, Texas 77029. Telephone number: Area Code 713-675-0991. I got a general impression from my conversation with Rudy that while he may not been outright lying to me I feel like he was probably hesitate to tell me everything he might know about this for fear of legal repercussion against himself for the part that he played in this accident. He seems quite friendly both during the interview and at this time with me, I feel that if we need to pursue him for some more information that he would probably import same to me verbally. Also, one thing to be added, the windshield of the vehicle that was present at the time of the accident, is in the possession of Rudy, he states that he is going to keep this windshield so if that ever becomes germane to the issue that is where it would be located at the Equipment Company in Houston.

RICHARD SMITH