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02852835  
P.3

THE STATE OF TEXAS  
VS.

02852835

D.A. LOG NUMBER: 2261514

CJIS TRACKING NO.:

**ALDO LEIVA**  
**512 BENNINGTON**  
**HOUSTON, TX 77022**

SPN:  
DOB: WM 12/31/64  
DATE PREPARED: 5/20/2016

BY: SC DA NO: 002197879  
AGENCY: HISD PD  
O/R NO: 1692900  
ARREST DATE: TO BE

NCIC CODE: 3699 98

RELATED CASES: SAME DEF. - FELONY

FELONY CHARGE: SEXUAL PERFORMANCE BY CHILD

CAUSE NO:

HARRIS COUNTY DISTRICT COURT NO:

FIRST SETTING DATE:

1510909230

BAIL: \$30,000

PRIOR CAUSE NO:

**FILED**Chris Daniel  
District Clerk

MAY 20 2016

Time: 1:50  
By: [Signature]  
Harris County, Texas  
Deputy

**IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:**

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, **ALDO LEIVA** hereafter styled the Defendant, heretofore on or about **JUNE 16, 2015**, did then and there unlawfully and knowing the character and content thereof, employ, authorize, and induce a child younger than EIGHTEEN years of age, namely, S.D.M., hereafter called the Complainant, to engage in SEXUAL CONDUCT, to-wit: A PHOTOGRAPH DEPICTING THE COMPLAINANT IN A LEWD EXHIBITION OF THE FEMALE BREAST BELOW THE TOP OF THE AREOLA.

**PROBABLE CAUSE**

I, Officer S. Quintanilla, am a peace officer employed by the Houston Independent School District Police Department. I have reason to believe and do believe that, Aldo David Leiva, date of birth 12-31-1964, hereafter styled as the Defendant, committed the felony offenses of Sexual Performance by Child on or about June 16, 2015, and Possession of Child Pornography on or about April 1, 2016, in Harris County, Texas. I base my belief on the following:

I spoke with Ms. Ugalde who is employed with the Houston Independent School District as a truancy officer at Sharpstown High School. Ms. Ugalde said that on April 1st, 2016, she spoke to the mother of Sharpstown student, S.D.M., (S.D.M. is hereafter Complainant.) Ms. Ugalde said that the mother told her that she found messages and images on Complainant's cell phone that were of a sexual nature. The mother showed Ms. Ugalde a picture on the phone of the Complainant kissing an older man and wanted to know who the man was in the picture was. Ms. Ugalde stated that she recognized the older man to be Aldo David Leiva, who was also currently employed as a math tutor at Sharpstown High School. Ms. Ugalde then notified Officer Losey who was employed with the Houston Independent School District Police Department as the campus officer at Sharpstown High School.

I spoke with Officer Losey, I found to be credible and reliable. Officer Losey told me that on April 1, 2016, after she was contacted by Ms. Ugalde, she took possession of the Complainant's phone and the Complainant's signed consent to search and seizure of the phone. Officer Losey explained that she then found Aldo David Leiva, hereafter Defendant, who she knew as part of the staff on campus and spoke with him about the Complainant. Officer Losey stated that Defendant denied anything improper with the Complainant, but admitted to being her math tutor. Officer Losey stated that Defendant provided his cell phone along with a written consent to search and the passcode to unlock the cell phone. Officer Losey allowed the Defendant to provide a written statement where he claimed his relationship with the Complainant was only a mentor/teacher/friend/listener."

I spoke with the Complainant who described her relationship with the Defendant as a dating relationship and stated that she was the Defendant's girlfriend. She stated that they would kiss and hold hands and that the relationship started during the summer in 2015. She stated that she knew him because he was her math tutor. She stated that they had gone out on dates and during the dates he had left hickeys on her breast and she had touched his penis. Based on the Complainant's date of birth, I calculated that she would have been 17 years old during the summer months of 2015. The Complainant seemed protective of the Defendant and attempted to minimize their relationship, however she did admit to sending and receiving nude photos through an App on their phones.

I spoke with T. Pham who works at the Harris County District Attorney's office as an investigator. T. Pham was able to perform a cell phone analysis of both the Complainant's phone as well as the Defendant's phone. T. Pham found the Defendant's phone to contain many images of the

Complainant. T. Pham was also able to recover some additional photos off the Defendant's phone which had been deleted.

Upon analyzing the results of the phone data extraction, I was able to see that the Defendant and the Complainant were having many sexual conversations and sharing sexual pictures of each other. I found several different dates where the Defendant sent the Complainant images of his exposed and sometimes erect penis. I found that the Defendant and the Complainant would engage in fantasy play referring to the Defendant as "Batman" and referring to his penis as "Robin." I observed an image that the Defendant sent to Complainant where he's wearing a Batman mask.

Despite the Defendant claiming that he was only her "mentor/teacher/friend/listener" I found messages from the Defendant telling her "I want to poke you with my robin," and "Do you want robin inside of you?" After the Complainant responds yes, the Defendant replies (20 minutes before school lets out) "ok I will prepare for the moment so be ready." I found the date of this conversation to be a date that school was in session.

I found that on June 16, 2015, the Defendant and the Complainant were having a sexual conversation through the App on their phones. On his phone, I found a conversation where the Complainant says she's taking a bath. The defendant writes to her and requests her to show him, thus, inducing her to send the digital images. After his request, the Complainant sends him 6 photos of her naked and wearing a towel in a bathroom. At least 3 of these pictures show the complainant in an act of sexual conduct depicting a lewd exhibition of the Complainant's female breast below the top of the areola.

I found other photographs on the Defendant's phone contained within his photo gallery that were of the Complainant while she was under the age of 18. I found one image of the Complainant depicting her completely nude in a lewd exhibition showing her breast below the top of the areola. I saw that this image was created, modified, and accessed on November 30, 2015. This digital image was never deleted off his phone. As of November 30, 2015, the Complainant was under the age of 18. The Defendant remained in possession of this digital image, as well as others up until he provided his phone to us on April 1, 2016.

I spoke with the Complainant's mother who stated that during the summer months (including June) of 2015, and continuing through up until April 1, 2016, Complainant was living with her at her home address and provided me with that address. I confirmed this address to also be within Harris County, Texas. I know that Sharpstown High School is located at 7504 Bissonnet, Houston, Harris County, Texas 77074.

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Certified Document  
AGAINST THE PEACE AND DIGNITY OF THE STATE.

Sworn to and subscribed before me on **May 20, 2016**.

Complainant  
AFFIANT

  
\_\_\_\_\_  
ASSISTANT DISTRICT ATTORNEY  
OF HARRIS COUNTY, TEXAS.

  
\_\_\_\_\_  
BAR NO.

COMPLAINT

COPY OF COMPLAINT / WARRANT DELIVERED TO  
Officer's name: Sonia Gutierrez  
Police agency: Houston ISD PD  
Phone no: 78423715 date/time: 5/20/16



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this May 22, 2016

Certified Document Number: 70349507 Total Pages: 3

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**