

15

THE STATE OF TEXAS

§

§

SEARCH WARRANT

COUNTY OF HARRIS

§

TO THE SHERIFF OR ANY PEACE OFFICER OF HARRIS COUNTY TEXAS

GREETINGS:


WHEREAS, Complaint in writing, under oath, has been made before me by R. Bass, a peace officer employed by Houston Police Department, and who is currently assigned to the Special Investigations Unit, Homicide division/department, with an address of 1200 Travis, Houston, Harris County, Texas 77002, which complaint is attached hereto and expressly made a part hereof for all purposes and said complaint having stated facts and information in my opinion sufficient to establish probable cause for the issuance of this warrant;

YOU ARE THEREFORE COMMANDED to forthwith search the place therein named, to wit: Model A1549; FCC ID#BCG-E2816A; IMEI 359232061520736 which is currently located at 1200 Travis, Houston, Harris County, Texas and is owned by or was found in the possession of Gerald Goines with the authority to search for and to seize any and all evidence that may be found therein including, but not limited to: photographs/videos; text or multimedia messages (SMS and MMS); any call history or call logs; any e-mails, instant messaging, or other forms of communication of which said phone is capable; Internet browsing history; any stored Global Positioning System (GPS) data; contact information including e-mail addresses, physical addresses, mailing addresses, and phone numbers; any voicemail messages contained on said phone; any recordings contained on said phone; any social media posts or messaging, and any images associated thereto, including but not limited to that on Facebook, Twitter, and Instagram; any documents and/or evidence showing the identity of ownership and identity of the users of said described item(s); computer files or fragments of files; all tracking data and way points; CD-ROM's, CD's, DVD's, thumb drives, SD Cards, flash drives or any other equipment attached or embedded in the above described device that can be used to store electronic data, metadata, and temporary files.

YOU ARE FURTHER ORDERED to have a forensic examination conducted of any devices seized pursuant to this warrant to search for the items previously listed.

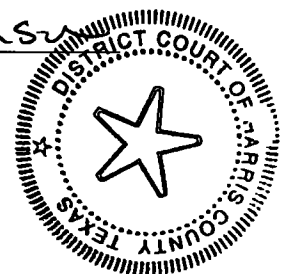
HEREIN FAIL NOT and due return make hereof.

WITNESS MY SIGNATURE on this the 2 day of February
A.D. 2019 at 7:14 O'clock, PM.



(Signature)
Kelli Johnson

(Printed name)
MAGISTRATE
178 District Court
Harris County, Texas



FILED
Marlyn Burgess
District Clerk
FEB 14 2019
Time: _____
By: _____
Harris County, Texas
Deputy

69655

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging.

THE STATE OF TEXAS

§

AFFIDAVIT

COUNTY OF HARRIS

§

I, R. Bass, a peace officer employed by Houston Police Department, and who is currently assigned to the Special Investigations Unit, Homicide division/department, with an address of 1200 Travis, Houston, Harris County, Texas 77002, do solemnly swear that I have reason to believe and do believe that within Model A1549; FCC ID#BCG-E2816A; IMEI 359232061520736 which is currently located in 1200 Travis, Houston, Harris County, Texas and is owned by or was found in the possession of Gerald Goines, is evidence including, but not limited to: photographs/videos; text or multimedia messages (SMS and MMS); any call history or call logs; any e-mails, instant messaging, or other forms of communication of which said phone is capable; Internet browsing history; any stored Global Positioning System (GPS) data; contact information including e-mail addresses, physical addresses, mailing addresses, and phone numbers; any voicemail messages contained on said phone; any recordings contained on said phone; any social media posts or messaging, and any images associated thereto, including but not limited to that on Facebook, Twitter, and Instagram; any documents and/or evidence showing the identity of ownership and identity of the users of said described item(s); computer files or fragments of files; all tracking data and way points; CD-ROM's, CD's, DVD's, thumb drives, SD Cards, flash drives or any other equipment attached or embedded in the above described device that can be used to store electronic data, metadata, and temporary files.

YOUR AFFIANT HAS PROBABLE CAUSE FOR SAID BELIEF BY REASON OF THE FOLLOWING FACTS:

Affiant, Sgt. Richard Bass, is a certified peace officer currently employed by the Houston Police Department. Affiant has been employed as a certified peace officer with the Houston Police Department for twelve years. Prior to employment with the Houston Police Department, Affiant worked as a certified peace officer in Baton Rouge, Louisiana. Affiant is currently a sergeant assigned to the Special Investigations unit with the Homicide Division of the Houston Police Department. Affiant works on cases involving police officer shootings, and other criminal investigations involving police officers. Affiant is aware that in instances involving a police officer involved shooting, an internal investigation is automatically generated. Affiant has investigated numerous police officer shootings pursuant to his duties within the Special Investigations unit.

Affiant and his partner, Emma Rodriguez, also a certified peace officer with the Houston Police Department, were assigned an investigation involving a narcotics search warrant on January 31, 2019. Affiant learned from speaking with Lt. Adrienne Hicks, a certified peace officer employed with the Houston Police Department that the investigation involved a search warrant that was executed on a residence on January 28, 2019. Affiant learned from Lt. Hicks that during the execution of the search warrant four Houston Police officers were shot and the two homeowners were shot and killed. Affiant learned from Lt. Hicks that the search warrant was obtained by Officer Gerald Goines of the Houston Police Department's Narcotics division. Affiant obtained a copy of the signed search warrant and accompanying affidavit, documents that Affiant is aware based on training and experience are government documents. Affiant reviewed the affidavit and learned that Officer Gerald Goines swore to the following facts:

"On January 27, 2019, a narcotic investigation was being conducted on the above residence, located at 7815 Harding Street; Houston, Harris County, Texas. Your Affiant had previously received information that the above male, whose name is unknown, was selling narcotics. This investigation had been going on for approximately two (2) weeks by the Houston Police Narcotic Division. On January 27, 2019, you Affiant contacted the below confidential informant to further this narcotic investigation. The confidential informant was met at a pre-determined location to assist the officers of the narcotic division with the investigation. The Affiant searched the confidential informant and found the confidential informant to be clear of any narcotics/and or paraphernalia. The confidential informant was advised your [sic] by your Affiant at the above location in question, narcotics were being sold and stored. The confidential informant was provided U.S. currency by the Affiant for the purpose of buying narcotics from any individuals located at the above location in question. The Affiant observed the confidential informant go directly to the above location in question, where the confidential informant was met by a male from inside the above residence in question. After several minutes, the Affiant observed the confidential informant leave the residence in question and return directly to the Affiant. The confidential informant surrendered a quantity of brown powder substance to the Affiant. The confidential informant advised that the substance was purchased as "boy." The term "boy" is a street slang for heroin. The confidential informant advised that additional quantity of brown powder substance was observed in the unknown male's hand which went back into the residence above of "7815 Harding Street." The confidential informant also advised that the additional substance was in the care/custody and control of the male described above whose name is unknown. The additional substance was packed in a large quantity of plastic baggies. The confidential informant was searched again after the completion of this investigation and found clear of any amount of narcotics. Surveillance was placed on the above location in question by the narcotic officers.

The confidential informant stated that a weapon was observed at the residence above in question during the narcotic transaction.

69655

The weapon was on the possession of the above male whose name is unknown but is more fully described above. The weapon appeared to be a semi-auto hand gun of a 9mm caliber. The confidential informant also advised that the confidential informant was advised by the male above whose name is unknown to return when more "boy" was needed."

"The quantity of brown powder substance purchased at the above residence located at "7815 Harding street" on 01/27/2019 was recognized by sight and texture as "heroin" by your Affiant and narcotic officer S. Bryant. The brown powder substance was also referred to as heroin by its street name of "boy."

Affiant learned from Officer Myra Seay, a certified peace officer employed with the Houston Police Department that Officer Steven Bryant was one of the officers involved in the execution of the narcotics search warrant. Affiant spoke with Officer Bryant who informed him he went to the hospital after the shooting and spoke with Officer Goines about the confidential informant Officer Goines referenced in the affidavit to obtain the search warrant. Officer Bryant obtained the name of the confidential informant from Officer Goines, who wrote the name on a piece of paper, and who for reasons of personal safety and security will be referred to during the body of this affidavit as "CI#1."

Affiant spoke with Officer Robert Lujan, a certified peace officer employed by the Houston Police Department, who stated that he along with other Houston Police Department officers, went to interview CI#1. Officer Lujan stated that CI#1 stated that he/she had worked with Officer Goines in the past on several narcotics transactions, but did not work with him on the case involving the narcotics warrant for 7815 Harding Street. Officer Lujan learned from CI#1 that in the past there had been times where Officer Goines paid him/her money but did not require him/her to do any actual work for him.

Affiant learned that Lt. Marsha Todd, a certified peace officer employed by the Houston Police Department, went back and spoke to Officer Goines and again requested the name of the confidential informant Officer Goines used in the affidavit. Officer Goines wrote down a name and gave the name to Lt. Marsha Todd. Lt. Todd observed that it was a different name from the first name given and for reasons of personal safety and security will be referred to during the body of this affidavit as "CI#2."

Affiant along with partner Emma Rodriguez, went to interview CI#2. CI#2 stated to Affiant and Officer Rodriguez that he/she was a confidential informant for Officer Goines. CI#2 stated that the last work he/she had done for Officer Goines was on Friday, January 25, 2019. According to CI#2, Officer Goines had him/her do a buy from a house on Napoleon Street, a location in the Greater Third Ward of Houston, Harris County, Texas. Affiant reviewed the address and determined that it is approximately five miles from the house located on Harding. Affiant learned from CI#2 that he/she went to the location on Napoleon Street at the direction of Officer Goines, however, Officer Goines was not at the location when he/she entered or exited the residence. CI#2 stated that after purchasing two bags of heroin, he/she called Officer Goines to see where Officer Goines was located. CI#2 stated to Affiant that Goines stated that he had to leave the area and would get with him/her later to obtain the drugs he/she purchased. CI#2 stated that he/she returned to the CI#2's personal residence with the two purchased bags of heroin. CI#2 stated to Affiant that Officer Goines returned to pick up the two bags of heroin approximately six hours after he/she purchased the heroin.

Affiant showed CI#2 a photograph of the residence located at 7815 Harding. CI#2 stated to Affiant that was not the location where he/she purchased the heroin. Affiant learned Sgt. Pool, a certified peace officer employed by the Houston Police Department, homicide division, showed a photo array containing a photograph of Dennis Tuttle, along with five other individuals, and CI#2 stated to Sgt. Pool that he/she had never purchased narcotics from any of the individuals in the photo array and he/she did not recognize any of the males pictured.

Affiant and Officer Rodriguez next obtained a list of confidential informants that had worked for Officer Goines. Affiant and Officer Rodriguez interviewed all of the confidential informants and all denied making a buy for Goines from the residence located at 7815 Harding Street, and ever purchasing narcotics from Rhogena Nicholas or Dennis Tuttle.

Officer Bryant stated that he received a phone call from Houston Police Department Officer John-Louis, who stated that Officer Goines told him that there were drugs in the center console of Goines' city issued vehicle. Officer Bryant stated that he went to Officer Goines' city vehicle and went into the center console and obtained two bags of heroin. Officer Bryant stated that he took the two bags of heroin straight to the laboratory and requested priority testing. Officer Bryant stated to Affiant that he had never seen the two bags of heroin, prior to him retrieving them from the center console of Officer Goines' city vehicle. Affiant observed that this is in contradiction to the narcotic search warrant affidavit which indicates that Officer Bryant recognized the substance purchased by the CI as heroin.

In addition, Officer Bryant stated to Affiant that he retrieved the cell phones belonging to Officer Goines, both his city issued cell phone and his personal cell phone. Officer Bryant stated that he gave the phones to Officer John-Louis, who turned the city cell phone over to Lt. Marsha Todd, who in turn gave the phone to Affiant.

69655

Affiant is aware based on training and experience, that often when individuals communicate with their confidential informants they will use their cellular devices to communicate via telephone call or text message.

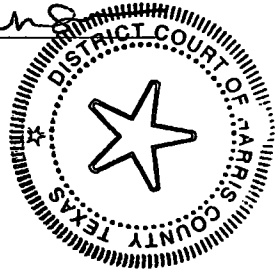
WHEREFORE, PREMISE CONSIDERED, Affiant respectfully requests that a warrant issue authorizing your Affiant and any other peace officer in Harris County, Texas, to search the contents of Model A1549; FCC ID#BCG-E2816A; IMEI 359232061520736 with the authority to search for and to seize and to analyze the property and items set out earlier in this affidavit.

Sworn to and Subscribed before me on this the 8 day of February, A.D. 2019

[Signature]
AFFIANT

[Signature]
(Signature)

Kelli Johns
(Printed name)
MAGISTRATE
178 District Court
Harris County, Texas



Unofficial Copy Office of Marilyn Burgess District Clerk

FILED
Marilyn Burgess
District Clerk
FEB 14 2019

Time: _____
Harris County, Texas
By: _____
Deputy

69655

THE STATE OF TEXAS
COUNTY OF HARRIS

§
§

RETURN AND INVENTORY

The undersigned, being a peace officer under the laws of the State of Texas, certifies that the foregoing warrant came to hand on the day it was issued and that it was executed on the 8 day of Feb A.D. 2019, by making the search directed therein and seizing during the search the following described property:

Downloading the phone via Cellbrite
and putting information on a Flash Drive

Unofficial Copy Office of Marilyn Burgess District Clerk

J. R. Inack
OFFICER EXECUTING PROCESS

69655