

THE STATE OF TEXAS
VS.
GERALD GOINES
11511 SANDROCK DRIVE
HOUSTON, TX 77048

SPN:
DOB: B M 10/2/1964
DATE PREPARED: 8/23/2019

D.A. LOG NUMBER: 2565324
CJIS TRACKING NO.:
BY: SB DA NO: 2060789
AGENCY: DAO
O/R NO: 13393219
ARREST DATE: TO BE

FILED
Marilyn Burgess
District Clerk

AUG 23 2019

Time: 11:00

Harris County, Texas
By: ASB

NCIC CODE: 0903 20

RELATED CASES: SD-1F

FELONY CHARGE: FELONY MURDER

CAUSE NO:
HARRIS COUNTY DISTRICT COURT NO:
FIRST SETTING DATE:

1643519
228

COURT ORDERED BAIL: TO BE SET AT
MAGISTRATION
PRIOR CAUSE NO:
CHARGE SEQ NUM: 1

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, **GERALD GOINES**, hereafter styled the Defendant, heretofore on or about **January 28, 2019**, did then and there unlawfully, intentionally and knowingly commit the felony offense of Tampering with a Government Record, and while in the course of and furtherance of the commission of said offense did commit an act clearly dangerous to human life, to-wit: making forcible entry into a residence by armed peace officers through the use of a "no knock" search warrant based on false information provided knowingly by the defendant and sworn to by the defendant, and did thereby cause the death of Dennis Tuttle.

PROBABLE CAUSE

The Affiant, Lieutenant Billy Milan, is an investigator with the Harris County District Attorney's Office, assigned to the Civil Rights Division. Affiant is a certified peace officer in the State of Texas. Affiant has reason to believe, and does believe, that Gerald Goines, DOB: 10/02/1964, hereinafter called Defendant, did commit the offenses of Felony Murder, on or about January 28, 2019, in Houston, Harris County, Texas.

Affiant's belief is based on the following:

Affiant was assigned to assist in the investigation of an officer-involved shooting incident that occurred on January 28, 2019, at 7815 Harding Street, a location affiant knows to be in Houston, Harris County, Texas. During the course of Affiant's investigation, Affiant has reviewed Houston Police Department (HPD) offense reports, call slips, statements, and physical evidence associated with the incident described below. Affiant has also consulted with Sgt. Rick Bass, the lead HPD Special Investigations Unit investigator, a person found by Affiant to be a credible and reliable person.

Affiant reviewed HPD offense report #133932-19, written by Sgt. R. Bass, a peace officer employed by the Houston Police Department and assigned to the Special Investigations Unit, and learned the following:

Sgt. Bass spoke to Houston Police Department Officer Nicole Blankinship-Reeves, who advised Sgt. Bass that on January 8, 2019, at approximately 8:00 P.M., an anonymous call was made to HPD relating to a suspicious person with a weapon. According to Blankinship-Reeves, the anonymous female caller, who was later identified by HPD investigators, hereinafter referred to as Caller, reported that her daughter was inside of the home at 7815 Harding Street, Houston, Harris County, Texas, consuming narcotics with a woman named "Reggie." The Caller also reported that she observed multiple guns in the residence and advised the occupants would not cooperate with law enforcement. Blankinship-Reeves advised that she and Houston Police Department Officer R. Morales responded to 7815 Harding Street later that day (January 8, 2019). Blankinship-Reeves advised Sgt. Bass that she and Officer Morales observed no sign of criminal activity. In his report, Sgt. Bass advised that he reviewed the bodycam recording for Officer Morales for the date of January 8, 2019, and observed that Officer Morales contacted the Caller, who insisted that officers make entry into the house at 7815 Harding Street. Per Sgt. Bass' report, Officer Blankinship-Reeves advised that she and Officer Morales researched the home at 7815 Harding St. and its occupants, but took no further action that night. Officer Blankinship-Reeves advised Sgt. Bass that she wrote the information related to her call on a yellow legal pad and turned it over to Narcotics Division Lieutenant Marsha Todd.

Sgt. Bass conducted an interview with Houston Police Department Lt. Marsha Todd who advised him of the following:

On January 11, 2019, Lt. Todd relayed the information obtained by Officer Blankinship-Reeves to the Defendant, identified as Gerald Goines, DOB: 10/02/1964, who Lt. Todd knew was a Houston Police Department Officer who was a member of the HPD narcotics squad. On January 28, 2019, the Defendant went before the Honorable Judge Gordon G. Marcum, a City of Houston Municipal Court Judge and obtained a "no-knock" search warrant signed for 7815 Harding Street, a copy of which affiant has obtained and reviewed in detail. Affiant knows from his training and experience that a "no-knock" warrant is a search warrant that authorizes entry into the target location without

first knocking and announcing the presence and purpose of officers executing the warrant. Affiant also knows from training and experience that the affidavit in support of a "no-knock" warrant must articulate that knocking and announcing their (officer's) presence, under the particular circumstances, would be dangerous or futile or that it would inhibit the effective investigation of a crime. Affiant also knows based on training and experience, that often times, the basis for requesting a "no-knock" warrant is information received by the affiant that weapons are located within the target location and are possessed by the suspect(s). Affiant is also aware based on training and experience that a search warrant issued by a magistrate is a government record per Texas Penal Code Section 37.10.

Specifically, the warrant for the "no-knock" search of 7815 Harding Street for which Defendant was the affiant states the following details:

- A) There was a two (2) week investigation into the alleged narcotics activity at 7815 Harding Street;
- B) That on January 27, 2019, the Defendant contacted a confidential informant, who he had used on at least ten (10) prior occasions;
- C) That after searching the confidential informant for contraband, he provided the informant with money to purchase narcotics, namely heroin;
- D) That the informant provided the Defendant with "a quantity of brown powder substance" that was allegedly purchased from 7815 Harding Street;
- E) That the substance which was purchased was recognized by the Defendant, as well as narcotics officer Steven Bryant, as heroin;
- F) That the unknown 55 year old male, from whom the narcotics were allegedly purchased, carried a 9 mm handgun, therefore making a "no knock" warrant necessary.
- G) That knocking and announcing officers' presence would "be dangerous, futile, or would inhibit the effective investigation of the offense";
- H) That based on his experience, the presence of weapons indicated the intention of the suspect to protect the narcotics with the weapon.

The Warrant was signed at 1:37 P.M. on January 28, 2019. See Exhibit A.

Affiant obtained and has reviewed a "tactical plan" prepared by Defendant in anticipation of the "no-knock" search of 7815 Harding Street. Per this plan, the warrant arrest team, hereinafter called Team, consisted of Defendant and ten (10) other members of HPD Narcotics Squad 15.

Affiant has reviewed Officer Nicole Blankinship-Reeves' sworn statement which was taken by Houston Police Department Officers J. Villareal. Per this statement, Blankinship-Reeves advised that she was one of the Houston Police Department officers who assembled in preparation of the execution of the search warrant for 7815 Harding Street, Houston, Harris County, Texas, on January 28, 2019. Per Blankinship-Reeves' statement, during this meeting, Defendant, who she knows by name and sight as HPD Officer Gerald Goines, stated that the suspect (at the target location) was known to carry a weapon in his waistband, and that there was a large dog at the residence. Affiant has reviewed the written statement of Houston Police Department Officer Felipe Gallegos, who was one of the Team members who executed the "no-knock" warrant at 7815 Harding Street. Upon review of said statement, affiant learned the following, as summarized by your affiant:

On January 28, 2019, the Team breached the front door of the residence at 7815 Harding Street. The Team encountered a female later identified as Rhogena Nicholas, DOB: 03/01/1960. Ms. Nicholas was shot several times during the Team's entry into the residence. The Team also encountered a male later identified as Dennis Tuttle, DOB: 03/28/1959, who returned fire from inside the home. Mr. Tuttle was also shot several times.

Affiant later learned that four (4) members of the Team, including the Defendant, were injured by gunfire. Ms. Nicholas and Mr. Tuttle were both pronounced dead on scene by HPD Swat Doctor Schultz.

Affiant reviewed the autopsy report for Rhogena Nicholas, DOB: 03/01/1960, documenting the autopsy of Nicholas by Dr. Marianne Beynon, a forensic pathologist employed by the Harris County Institute of Forensic Sciences. According to said report, Dr. Beynon ruled the death of Nicholas to be a homicide with the cause of death being gunshot wounds of the torso and lower extremities.

Affiant reviewed the autopsy report for Dennis Tuttle, DOB: 03/28/1959, documenting the autopsy of Tuttle by Dr. Marianne Beynon, a forensic pathologist employed by the Harris County Institute of Forensic Sciences. According to said report, Dr. Beynon ruled the death of Tuttle to be a homicide with the cause of death being multiple gunshot wounds.

Per. Sgt. Bass' report, he conducted interviews with several persons including the Defendant, identified by Sgt. Bass as Gerald Goines, DOB: 10/02/1964. The Defendant was interviewed on February 13, 2019, while in Memorial Hermann Hospital, and due to the nature of his injuries, the interview was video recorded and the Defendant wrote his answers on paper. Affiant has reviewed said video interview and has reviewed the hand-written notes created by Defendant in response to questioning. Affiant has confirmed that before the interview began, Defendant was responsive to questions regarding his status, indicated that he requested to make a statement, and appeared lucid and aware.

During this interview, the Defendant stated the following (as summarized by your affiant):

- A) There was no confidential informant who purchased drugs at 7815 Harding Street;
- B) That he personally made the purchase of the drugs from 7815 Harding Street;
- C) That Officer Steven Bryant never made an identification of the substance alleged to have been purchased at 7815 Harding Street;
- D) That he could not determine whether Mr. Tuttle was the person that he had allegedly purchased narcotics from the day before.

According to Sgt. Bass' report, the Defendant admitted during his recorded statement to providing false information to a magistrate in order to secure the "no-knock" search warrant. This conduct violates Texas Penal Code 37.10, Tampering with a Government Record, a third degree felony. As such, Affiant believes that Defendant provided false information to obtain a "no-knock" warrant, knowing that said warrant would result in forced entry into the residence at 7815 Harding Street by armed police officers. Affiant believes, based on the

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foregoing, that Defendant organized and directed the raid of the residence at 7815 Harding Street on January 28, 2019, which resulted in the deaths of Rhogena Nicholas and Dennis Tuttle. Affiant therefore believes that the Defendant, Gerald Goines, identified by name and date of birth, did commit the offense of Felony Murder on January 28, 2019, in connection with the deaths of Rhogena Nicholas and Dennis Tuttle. Affiant's belief is based upon the Defendant having secured a "no-knock" warrant, and that Defendant was aware that entry into the home would be made without any notification or announcements to the occupants of the home. Affiant believes that it is reasonably foreseeable that the homeowners would be surprised by the entry of the officers into their residence and could be concerned that a burglary was taking place into their residence. Affiant believes it was therefore reasonably foreseeable based on all the facts and circumstances of the incident that deadly force would be used either while making entry or upon entry into the residence and that serious bodily injury or death to persons could occur as a result.

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Sworn to and subscribed before me on August 23, 2019

Billy Wilson

AFFIANT

Jim Leitner

ASSISTANT DISTRICT ATTORNEY
OF HARRIS COUNTY, TEXAS
Bar No.

12187900

COMPLAINT

Unofficial Copy Office of Marilyn Burgess District Clerk

COPY OF COMPLAINT/WARRANT DELIVERED TO
Officer's name: *[Signature]*
Police agency: DAD
Phone: 8-23-19 date/time: 11:00

Unofficial Copy Office of Marilyn Burgess District Clerk