

THE STATE OF TEXAS
VS.
CLEMENTE REYNA
1200 TRAVIS
HOUSTON, TX 77004

03059894

SPN:
DOB: W M 11/6/1968
DATE PREPARED: 7/1/2020

D.A. LOG NUMBER: 265312
CJIS TRACKING NO.:
BY: EH DA NO: 2425968
AGENCY: DAO
O/R NO: S1907
ARREST DATE: TO BE

FILED
Marilyn Burgess
District Clerk

JUL 01 2020

1027
Harris County, Texas
Deputy

NCIC CODE: 4802 32
RELATED CASES:
FELONY CHARGE: **TAMPERING GOVERNMENTAL RECORD**

CAUSE NO:
HARRIS COUNTY DISTRICT COURT NO: 1680886
FIRST SETTING DATE: 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, **CLEMENTE REYNA**, hereafter styled the Defendant, heretofore on or about **December 3, 2018**, did then and there unlawfully, knowingly make a false entry in a governmental record, namely, a Houston Police Department Narcotics Division C.I. Activity Sheet/Receipt for Funds Form, with the intent to defraud or harm another.

PROBABLE CAUSE:

Unofficial Copy Office of Marilyn Burgess, District Clerk

Affiant, Lieutenant Billy Milan, is a certified peace officer employed by the Harris County District Attorney's Office (HCD AO) and assigned to the Civil Rights Division. Affiant has probable cause to believe and does believe that former Houston Police Department (HPD) Sergeant Clemente Reyna, hereinafter defendant, did commit the state jail felony offense of tampering with a governmental record on or about December 3, 2018, in Houston, Harris County, Texas. Affiant bases this belief on the following:
On January 15, 2020, former HPD Narcotics Officers Gerald Goines (Goines) and Steven Bryant (Bryant) were indicted for Tampering with a Governmental Record, see Harris County Cause Nos. 1660764 and 1643521, respectively. These charges center on false statements sworn to by Goines in obtaining a narcotics search warrant for a residence located at 7815 Harding Street and false statements made in the corresponding offense report by Bryant. Execution of that search warrant led to the death of both homeowners, injury to four HPD officers, and thereafter an HPD investigation into Goines' use of confidential informants (C.I.s) to obtain search warrants.

Affiant reviewed the HPD offense report (OR) documenting that investigation, HPD OR No. 133932-19, authored by Sergeant Rick Bass, a licensed peace officer currently employed by HPD, and learned the following: All C.I.s registered to Goines were interviewed and each denied having completed a controlled buy at Harding Street, despite the probable cause affidavit for the search warrant for that location stating that a C.I. had completed a controlled buy the day prior to the date of the affidavit. One of the C.I.s who was interviewed (hereinafter referred to as C.I. #1) reported to have at times been paid by Goines for work not preformed. C.I. #1 gave a video interview during which C.I. #1 was asked about several locations where, according to official HPD records (specifically C.I. Forms discussed more fully below), C.I. #1 had conducted controlled buys. C.I. #1 denied having conducted several of those buys, each of which led to a narcotics search warrant.

Affiant is aware of and has reviewed HPD General Order 600-16 (GO) which governs C.I.s and payments to C.I.s. The GO holds that “all meetings between a C.I. and an officer shall be attended by two officers.” This regulation requires that at least two officers be present when a controlled buy is conducted. It further mandates that “officers shall not pay a confidential informant without the appropriate witness present.” The GO goes on to dictate how payments to C.I.s will be documented, stating that all payments to C.I.s “shall be fully documented on a division’s ‘Confidential Informant Receipt for Funds form’” (C.I. Form) with “control information” to include the signature of the C.I. as an agreement that the payment was received, the signature of the investigator making the payment, the signature of at least one other officer witnessing the payment, and the date of the payment. These forms, as dictated by the GO, require that at least three people – the C.I., the investigator, and a witness – be together in one place in order for a payment to occur. Affiant has reviewed numerous HPD C.I. Forms and has noted that these forms also include the time of the payment and the associated OR number for the OR wherein the controlled buy is documented.

Affiant has also reviewed the Special Investigation Command, Narcotics Division, Standard Operating Procedures (SOP). SOP 100/2.05 covers “Confidential Informant Funds/Expense Letters, Limits of Authorization and Use of Flash Money” and includes a section on “CI Payments & Receipt for Funds Form.” That section repeats the requirements of GO 600-16 and also specifically states, “The CI Receipt for Funds form will be completed at the time of the payment to the CI” (emphasis in original). Affiant has reviewed the specific C.I. Form used by the HPD Narcotics Division, titled “C.I. Activity Sheet / Receipt for Funds Form.” The form has six sections. The first section includes C.I. name, date, time, location, OR number, and blanks for up to two drug types and the corresponding weight. The second section is for an amount paid to the C.I. for information and assistance and includes blanks for the amount paid and the C.I.’s signature. The third section is for an amount provided to the C.I. to purchase narcotics and includes blanks for the amount paid and the C.I.’s initials. The fourth section provides a space for details. The fifth section starts with the word “Witness” followed by a blank for a printed name and a blank for a signature. The sixth section goes on to provide blanks for the signatures of the reviewing sergeant and the reviewing lieutenant. Affiant reviewed documents provided by HPD pursuant to this investigation, including C.I. Forms, expense reports, offense reports, overtime request forms, and expense authorization forms, and specifically all documentation for HPD OR numbers 1497981-18 and 1507139-18. Affiant observed that in the C.I. Activity Sheet/Receipt for Funds Forms associated with these report numbers, the defendant signed that he witnessed Goines make payments to C.I. #1 on December 3, 2018 at 13:00 hours for a buy allegedly made at 3600 Tuam #2 in Houston, Harris County, Texas, and for the results of the search warrant predicated on that buy. C.I. #1 denied making any buys at this location.

Affiant previously obtained search warrants for cell site data for the personal cell phones of the defendant, Goines, and C.I. #1. Affiant was provided a copy of the cell site data returned as a result of those warrants. The data for the defendant came from AT&T and ranged from February 21, 2017 through December 17, 2018. The data for Goines came from T-Mobile and ranged from March 29, 2018 through February 1, 2019. The data for C.I. #1 came from AT&T and ranged from March 25, 2017 through December 31, 2018. This data was provided to Nathan Gates (Gates), a Lieutenant Investigator and Digital Forensic Examiner currently employed within the HCDAO Digital Forensic Unit. During the time period for which data was returned, Gates mapped the coordinates of the cell phone data for the defendant, Goines, and for C.I. #1 for the dates and times of each payment documented.

In reviewing the defendant’s cell site mapping for this date and time, Affiant observed that the defendant’s cell phone was in use and travelling from approximately 12:32 hours to 13:28 hours beginning approximately at the HPD station located at 8300 Mykawa and travelling northbound along Beltway 8 to the Greenspoint area of Houston, locations that Affiant found to be approximately seven (7) miles and twenty (20) miles away from 3600 Tuam, respectively. In reviewing the cell site mapping for Goines, Affiant observed his cell phone was in use at approximately 12:37 hours in the area of U.S. 290 and the 610 Loop, a location Affiant found to be approximately twelve (12) miles away from 3600 Tuam. Affiant observed Goines’ cell phone was in use again at approximately 12:45 hours in the Jersey Village area, a location found to be approximately twenty (20) miles away from 3600 Tuam. In reviewing the cell site mapping for C.I. #1 for this date and time, Affiant observed that C.I. #1’s cell phone was in use and travelling from approximately 12:33 hours to 13:28 hours between the area of SH-288 and I-45, and the Bellaire area, locations that Affiant found to be approximately five (5) miles and ten (10) miles away from 3600 Tuam, respectively.

Based on the above information, Affiant has reason to believe that neither the alleged buy nor the alleged payments for said buy took place as documented by Goines and the defendant, and thus Affiant has reason to believe that the defendant did not witness any alleged payment to C.I. #1 at 13:00 hours on December 3, 2018, as documented by the defendant in the in the C.I. Activity Sheet / Receipt for Funds Forms.

Texas Penal Code Section 37.10, Tampering with a Governmental Record, provides that, amongst other means, "a person commits an offense if he knowingly makes a false entry in, or false alteration of, a governmental record." Texas Penal Code Section 37.01(2) provides that a "Governmental Record" includes "anything belonging to, received by, or kept by government for information, including a court record." The C.I. Forms described above are required by a General Order to be completed for all C.I. payments. They are kept by HPD to document C.I. activity and involvement in narcotics investigations. Affiant is aware that HCDAO has requested and received from HPD C.I. Forms dating back more than 20 years. HPD is a subdivision of the City of Houston, a municipality.

Affiant therefore believes that the defendant did commit the offense of tampering with a governmental record on or about December 3, 2018, in Houston, Harris County, Texas by knowingly making a false entry in a governmental record, namely a Houston Police Department Narcotics Division C.I. Activity Sheet/Receipt for Funds Form, and that this offense was committed with the intent to defraud the Houston Police Department.

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Signed and sworn by me on 7/1/20

Billy Milan

AFFIANT

Duly attested by me on 07/01/2020

Jim Feiter

ASSISTANT DISTRICT ATTORNEY
OF HARRIS COUNTY, TEXAS
Bar No. 12187900

IN PERSON

Witness (Peace Officer)

Witness Printed name & Badge or Payroll number

Unofficial Copy of Marilyn Burgess District Clerk

COPY OF COMPLAINT WARRANT DELIVERED TO
Officer's name: Officer Kaban
Police agency: NC/710
Phone no: _____ date/time: 7/1/20