

THE STATE OF TEXAS
VS.
STEVEN O. BRYANT
1200 TRAVIS
HOUSTON, TX 77002

NCIC CODE: 2399 68

FELONY CHARGE: AGG THEFT PUB SERV

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

03014651

SPN: 03014651
DOB: B M 12/18/1973
DATE PREPARED: 7/1/2020

RELATED CASES:

1680882
228

D.A. LOG NUMBER: 2653127
CJIS TRACKING NO.:
BY: EH DA NO: 242596
AGENCY: DAO
O/R NO: S1907
ARREST DATE: TO BE

JUL 01 2020

Harris County, Texas

Deputy

Time

By

20 pera pg 6
FILED
Marilyn Burgess
District Clerk
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, **STEVEN O. BRYANT**, hereafter styled the Defendant, heretofore on or about **March 21, 2018 continuing through January 22, 2019**, did then and there unlawfully, while a public servant, namely, a Texas Peace Officer, and pursuant to one scheme and continuing course of conduct, appropriate, by acquiring or otherwise exercising control over property, namely, money and compensatory time, owned by the Houston Police Department and the City of Houston, hereinafter styled the Complainant, of the value of at least two thousand five hundred dollars but less than thirty thousand dollars, with the intent to deprive the Complainant of that property, and said property came into the Defendant's custody, possession and control by virtue of the Defendant's status as a public servant.

Probable Cause:

Affiant, Investigator Jonathan Prykryl, is a certified peace officer employed by the Harris County District Attorney's Office (HCDAO) and assigned to the Civil Rights Division. Affiant has probable cause to believe and does believe that former Houston Police Department (HPD) Officer Steven Bryant, hereinafter the defendant, did commit the third degree felony offense of theft by a public servant, in an amount more than twenty-five hundred dollars but less than thirty thousand dollars, on or about March 21, 2018, and continuing through January 22, 2019, in Houston, Harris County, Texas. Affiant bases this belief on the following:

Affiant is aware of and has reviewed HPD General Order (G.O.) #300-07, subject "Overtime Compensation." It outlines overtime (OT) compensation for all classified employees of HPD who hold the rank of police officer, senior police officer, or sergeant, or other employees with a pay grade equivalent of sergeant or below. Pertinent excerpts are quoted below:

Except as otherwise noted in this General Order, all overtime earned shall be compensated at the rate of time and a half.

Officers shall have the option of overtime pay or compensatory time for overtime worked, unless the compensatory time bank limit would be exceeded.

At the time of an officer's separation from the department as a classified employee, all banked compensatory time (depending on how it was accrued) shall be administered in accordance with the applicable law or the applicable Meet and Confer Agreement.

Officer requesting overtime compensation shall submit the appropriate overtime request form.

Affiant reviewed overtime forms requested from HPD by HCDAO pertaining to the defendant for 2017 and 2018. Affiant observed that the forms are titled "Houston Police Department Overtime Request Form" (Overtime Form). Affiant further observed the forms to contain four sections. The first section contains the name and employee number of the employee requesting compensation, the date and hours worked, whether pay or compensatory time is being requested, the total number of hours compensation requested, and the location. The second section contains "Overtime Codes," the Squad number of the requesting officer, details of work performed and the related incident number. The third section has a certification that the request is "correct and in accordance with GO 300-07," followed by the signature of the requesting officer, as well as a listing of the regular duty hours and days off of the requesting officer. The fourth section provides space for a reviewing supervisor and reviewing member of command staff to approve or deny the request followed by space for posting information. The bottom of the form contains a notation reading, "Falsifying a Request for Overtime Compensation Can Result in Administration Discipline and Criminal Prosecution."

In addition to the defendant's Overtime Forms, Affiant reviewed the offense reports (OR) for the incident numbers listed on each form reviewed. Affiant conducted research through law enforcement databases in order to determine the defendant's home address.

Affiant reviewed a previously obtained a search warrant for 2018 cell site data for the personal cell phone of the defendant. The data returned was provided to Nathan Gates (Gates), a Lieutenant Investigator and Digital Forensics Examiner currently employed within the HCDAO Digital Forensics Unit. For the periods for which data was obtained, Gates mapped the coordinates of the cell site data for the defendant's cell phone during the times for which defendant requested OT compensation.

Affiant observed an Overtime Form signed by the defendant requesting pay compensation for 8 hours of OT worked from 1800 hours on March 21, 2018, to 0200 hours on March 22, 2018, and detailing two narcotics search warrant executions. Incident Nos. 0358101-18, 0357661-18, and 0358013-18 are listed. Affiant reviewed the OR for Incident No. 0358101-18 and observed the report to document a narcotics search warrant execution conducted on March 21, 2018, at 6719 New York, at 1723 hours. Affiant reviewed the OR for Incident No. 0357661-18 and observed the report to document a narcotics search warrant execution conducted on March 21, 2018, at 3011 Nagle, at 1740 hours. Affiant reviewed the OR for Incident No. 0358013-18 and observed the report to document a narcotics search warrant execution conducted on March 21, 2018, at 5907 Beldart, at 1900 hours.

In reviewing the defendant's cell site mapping for 1800 hours on March 21, 2018, to 0200 hours on March 22, 2018, Affiant observed that the defendant's phone connects to towers in the area of 3011 Nagle between 1807 and 1830 hours. The defendant's phone connects to a tower in the area of 6719 New York at approximately 1841 hours. The defendant's phone connects to towers in the area of the Southeast Station, 8300 Mykawa between 1841 and 2057 hours. The defendant's phone connects to a tower along South Beltway 8 for a phone call beginning at 2222 hours. At the termination of that phone call the defendant's phone is connected to a tower in the area of Greatwood (approximately at the intersection of South Grand Parkway and US 59), which includes the area of the defendant's residence.

Based on the above information, Affiant has reason to believe that the defendant worked no more than five of the eight hours documented in his March 21, 2018 Overtime Form, and thus any form of payment received from HPD for the additional three hours alleged constitutes a theft.

Affiant observed an Overtime Form signed by the defendant requesting pay compensation for 8 hours of OT worked from 1800 hours on April 4, 2018, to 0200 hours on April 5, 2018, and detailing "street pop" investigations. Incident Nos. 0423569-18, and 0423770-18 are listed. Affiant reviewed the OR for Incident No. 0423569-18 and observed the report to document a "buy bust" operation conducted on April 4, 2018, at 12100 Fondren, at 1822 hours. The defendant is not mentioned in this report. Affiant reviewed the OR for Incident No. 0423770-18 and observed the report to document a narcotics search warrant execution conducted on April 4, 2018, at 12128 Fondren, at 1900 hours. The defendant is mentioned in this report as performing surveillance. The report indicates the final arrest time as 1933 hours.

In reviewing the defendant's cell site mapping for 1800 hours on April 4, 2018, to 0200 hours on April 5, 2018, Affiant observed that the defendant's phone connects to towers in the area of 12100 Fondren and 12221 Fondren between 1815 and 1948 hours. The defendant's phone is connected to a tower in the area of the defendant's residence, between 2031 and 2248 hours.

Based on the above information, Affiant has reason to believe that the defendant worked no more than three of the eight hours documented in his April 4, 2018 Overtime Form, and thus any form of payment received from HPD for the additional five hours alleged constitutes a theft.

Affiant observed an Overtime Form signed by the defendant requesting pay compensation for 6 hours of OT worked from 1800 to 0000 hours on April 23, 2018, and detailing narcotics investigation. Incident No. 0514914-18 is listed. Affiant reviewed the OR for Incident No. 0514914-18 and observed the report to document a controlled buy conducted on April 23, 2018, at 6807 Goforth, at 2100 hours. Affiant reviewed HPD documentation indicating that the confidential informant (CI) utilized for the controlled buy was registered to former HPD Officer Gerald Goines. Affiant has reviewed a recorded interview with the CI utilized for this controlled buy and noted that the CI stated that they never performed any controlled buys at 6807 Goforth.

In reviewing the defendant's cell site mapping for 1800 to 0000 hours on April 23, 2018, Affiant observed that the defendant's phone connects to a tower in the area the defendant's residence, between 2042 and 2120 hours.

Based on the above information, Affiant has reason to believe and does believe that the defendant worked none of the six hours documented in his April 23, 2018 Overtime Form, and thus any form of payment received from HPD for those six hours alleged constitutes a theft.

Affiant observed an Overtime Form signed by the defendant requesting pay compensation for 8 hours of OT worked from 1800 hours on April 25, 2018 to 0200 hours on April 26, 2018, and detailing the execution of two narcotics search warrants. Incident Nos. 0519738-18 and 0519974-18 are listed. Affiant reviewed the OR for Incident No. 0519738-18 and observed the report to document a search warrant execution on April 25, 2018, at 8335 Parnell, at 1700 hours. Affiant reviewed the OR for Incident No. 0519974-18 and observed the report to document a search warrant execution on April 25, 2018, at 6807 Goforth, at 1820 hours. Affiant noted that the defendant is not the case agent for either investigation.

In reviewing the defendant's cell site mapping for 1800 hours on April 25, 2018 to 0200 hours on April 26, 2018, Affiant observed that the defendant's phone does not connect to towers in the area of 8335 Parnell or 6807 Goforth. The defendant's phone connects to towers along South Beltway 8 during a phone call beginning at 2009 hours. The defendant's phone connects to a tower in the area of the defendant's residence, at 2159 and 2221 hours.

Based on the above information, Affiant has reason to believe that the defendant worked no more than two of the eight hours documented in his April 25, 2018 Overtime Form, and thus any form of payment received from HPD for the additional six hours alleged constitutes a theft.

Affiant observed an Overtime Form signed by the defendant requesting pay compensation for 6 hours of OT worked from 1800 to 0000 hours on May 17, 2018, and detailing the execution of two narcotics search warrants. Incident Nos. 0624688-18 and 0625073-18 are listed. Affiant reviewed the OR for Incident No. 0624688-18 and observed the report to document a search warrant execution on May 17, 2018, at 5033 Doolittle, at 1609 hours. Affiant reviewed the OR for Incident No. 0625073-18 and observed the report to document a search warrant execution on May 17, 2018, at 8601 Amadwe, at 1700 hours. Affiant noted that the defendant is not the case agent for either investigation.

In reviewing the defendant's cell site mapping for 1800 to 0000 hours on May 17, 2018, Affiant observed that the defendant's phone does not connect to towers in the area of 5033 Doolittle or 8601 Amadwe. The defendant's phone connects to towers in the area of downtown near HPD Headquarters, located at 1200 Travis, between 1811 and 1832 hours. During a phone call beginning at 1855 hours the defendant's phone connects to towers along US 59. The phone connects to a tower in the area of Grand Parkway and US 59 at 1903 hours. Between 1923 and 2111 hours the defendant's phone connects to towers in the area of the defendant's residence.

Based on the above information, Affiant has reason to believe that the defendant worked no more than one of the six hours documented in his May 17, 2018 Overtime Form, and thus any form of payment received from HPD for the additional five hours alleged constitutes a theft.

Affiant observed an Overtime Form signed by the defendant requesting compensatory time compensation for 8 hours of OT worked from 1600 to 0000 hours on May 23, 2018, and detailing the execution of two narcotics search warrants. Incident Nos. 0655473-18 and 0653465-18 are listed. Affiant reviewed the OR for Incident No. 0655473-18 and observed the report to document a search warrant execution on May 23, 2018, at 2819 Berry #5, at 1700 hours. Affiant reviewed the OR for Incident No. 0653465-18 and observed the report to document a search warrant execution on May 23, 2018, at 2819 Berry #8, at 1700 hours. Affiant noted that the defendant is not the case agent for either investigation.

In reviewing the defendant's cell site mapping for 1600 to 0000 hours on May 23, 2018, Affiant observed that the defendant's phone does not connect to towers in the area of 2819 Berry at 1823 and 1824 hours. At 1920 hours the defendant's phone connects to a tower in the area of the defendant's residence.

Based on the above information, Affiant has reason to believe that the defendant worked no more than four of the eight hours documented in his May 23, 2018 Overtime Form, and thus any form of payment received from HPD for the additional four hours alleged constitutes a theft.

Affiant observed an Overtime Form signed by the defendant requesting pay compensation for 4 hours of OT worked from 1800 to 2200 hours on October 9, 2018, and detailing a narcotics search warrant execution. Incident No. 1282333-18 is listed. Affiant reviewed the OR for Incident No. 1282333-18 and observed the report to document a search warrant execution on October 9, 2018, at 3409 McIlhenny, at 1640 hours. Affiant noted that the defendant is not the case agent for this investigation.

In reviewing the defendant's cell site mapping for 1800 to 2200 hours on October 9, 2018, Affiant observed that the defendant's phone never connects to towers in the area of 3409 McIlhenny. During a phone call beginning at 1804 hours the defendant's phone connects to towers along I-10 west of downtown and then to a tower in the approximate area of FM 529 and West Grand Parkway. The phone connects to another tower in that approximate area at 2028 hours.

Based on the above information, Affiant has reason to believe that the defendant worked none of the four hours documented in his October 9, 2018 Overtime Form, and thus any form of payment received from HPD for those four hours alleged constitutes a theft.

Affiant observed an Overtime Form signed by the defendant requesting pay compensation for 8 hours of OT worked from 1800 hours on November 7, 2018 to 0200 hours on November 8, 2018, and detailing undercover narcotics investigations. Incident Nos. 1412811-18, 1413062-18, and 1413305-18 are listed. Affiant reviewed the OR for Incident No. 1412811-18 and observed the report to document a buy bust operation on November 7, 2018, at 2100 Hamilton. The report documents the offense time and the arrest time to be 1625 hours.

Affiant noted that the defendant is not mentioned in the OR. Affiant reviewed the OR for Incident No. 1413062-18 and observed the report to document a buy bust operation on November 7, 2018, at 1000 Elgin. The report documents the offense time and the arrest time to be 1716 hours. Affiant reviewed the OR for Incident No. 1413305-18 and observed the report to document a buy bust operation on November 7, 2018, at 1000 Elgin. The report documents the offense time and the arrest time to be 1804 hours. Affiant noted that the defendant is not the case agent for any of the investigations.

In reviewing the defendant's cell site mapping for 1800 hours on November 7, 2018 to 0200 hours on November 8, 2018, Affiant observed that the defendant's phone connects to towers in the approximate area of 2100 Hamilton and 1000 Elgin between 1813 and 1856 hours. The defendant's phone connects to a tower in the area of the defendant's residence, at the conclusion of a phone call beginning at 1935 hours and then again at 2056 hours.

Based on the above information, Affiant has reason to believe that the defendant worked no more than two of the eight hours documented in his November 7, 2018 Overtime Form, and thus any form of payment received from HPD for the additional six hours alleged constitutes a theft.

Affiant observed an Overtime Form signed by the defendant requesting pay compensation for 8 hours of OT worked from 1800 hours on December 12, 2018 to 0200 hours on December 13, 2018, and detailing undercover narcotics investigations. Incident Nos. 1564446-18 and 1564692-18 are listed. Affiant reviewed the OR for Incident No. 1564446-18 and observed the report to document a buy bust operation on December 12, 2018, at 2111 Fannin, at 1635 hours. The report documents two arrests at 1630 hours. Affiant noted that the defendant is not mentioned in the OR. Affiant reviewed the OR for Incident No. 1564692-18 and observed the report to document a buy bust operation on December 12, 2018, at 1000 Hadley, at 1742 hours. The report documents two arrests at 1745 hours. Affiant noted that the defendant is not mentioned in the OR.

In reviewing the defendant's cell site mapping for 1800 hours on December 12, 2018 to 0200 hours on December 13, 2018 Affiant observed that the defendant's phone does not connect to towers in the area of 2111 Fannin or 1000 Hadley. The defendant's phone connects to a tower in the area of Greater Third Ward at 1803 hours. During a phone call beginning at 2020 hours, the defendant's phone connects to a tower in the area of Brookside Village and then to a tower in the area of the defendant's residence.

Based on the above information, Affiant has reason to believe that the defendant worked no more than three of the eight hours documented in his December 12, 2018 Overtime Form, and thus any form of payment received from HPD for the additional five hours alleged constitutes a theft.

Affiant observed an Overtime Form signed by the defendant requesting pay compensation for 5 hours of OT worked from 1800 to 2300 hours on January 22, 2019, and detailing a controlled buy and indicating that after the buy officers tagged the evidence at 1200 Travis, HPD Headquarters. Incident No. 0095844-19 is listed. Affiant reviewed the OR for Incident No. 0095844-19 and observed the report to document a controlled buy on January 22, 2019, at 4437 Knoxville at 1800 hours. The report indicates that the evidence was not submitted until January 23, 2019 at 1504 hours.

In reviewing the defendant's cell site mapping for 1800 to 2300 hours on January 22, 2019, Affiant observed that the defendant's phone never connects to towers in the area of 4437 Knoxville or 1200 Travis. The defendant's phone connects to a tower in the area of I-10 and West Grand Parkway during this time. The defendant's phone connects to towers in the area of the defendant's residence between 1826 and 2024 hours.

Based on the above information, Affiant has reason to believe that the defendant worked none of the five hours documented in his January 22, 2019 Overtime Form, and thus any form of payment received from HPD for those alleged five hours constitutes a theft.

Each of the Overtime Forms discussed herein indicates by a check mark and a signature that they were approved by a supervisor and a member of the command staff for payment and further lists a "date posted." Thus affiant has probable cause to believe the defendant was paid for the OT requested.

Affiant reviewed business records received from the City of Houston, Administration and Regulatory Affairs Department. The records include the overtime "calculated rate of pay" for the defendant for 2018. Affiant observed the defendant's overtime calculated rate of pay to be \$62.34 on January 1, 2018, through pay date July 20, 2018. Beginning pay date August 3, 2018, and continuing through pay date November 21, 2018, the defendant's overtime calculated rate of pay is \$64.19. Beginning pay date December 7, 2018 and continuing through the end of January 2019, the defendant's overtime calculated rate of pay is \$64.23.

Based on the hours and rate of pay discussed above, Affiant has reason to believe and does believe the following reflects the value of pay and compensatory time acquired by the defendant without the effective consent of HPD and the City of Houston:

DATE	OT PAY RATE	OT HOURS CLAIMED	OT CLAIMED PAYMENT	ACTUAL OT HOURS	CORRECT PAYMENT AMOUNT	OVERPAYMENT
3/21/2018	\$62.34	8	\$498.72	5	\$311.70	\$187.02
4/4/2018	\$62.34	8	\$498.72	3	\$187.02	\$311.70
4/23/2018	\$62.34	6	\$374.04	0	\$0.00	\$374.04
4/25/2018	\$62.34	8	\$498.72	2	\$124.68	\$374.04
5/17/2018	\$62.34	6	\$374.04	1	\$62.34	\$311.70
5/23/2018	\$62.34	8	\$498.72	4	\$249.36	\$249.36
10/9/2018	\$64.19	4	\$256.76	0	\$0.00	\$256.76
11/7/2018	\$64.19	8	\$513.52	2	\$128.38	\$385.14
12/12/2018	\$64.23	8	\$513.84	3	\$192.69	\$321.15
1/22/2019	\$64.23	5	\$321.15	0	\$0.00	\$321.15
TOTAL THEFT AMOUNT						\$3,092.06

Based on the above information, Affiant has reason to believe that the defendant did not actually work all of the hours for which he submitted an Overtime Form, and for which he was compensated, and thus that the defendant unlawfully appropriated compensation from HPD. Texas Penal Code Section 31.03, Theft, provides that, "a person commits an offense if he unlawfully appropriates property with intent to deprive the owner of property," and that "appropriation is unlawful if it is without the owner's effective consent." This Section also provides that if the value of the property stolen is \$2,500 or more but less than \$30,000, the offense is a State Jail Felony. This Section further provides that the offense is increased to the next higher category of offense if it is shown on the trial of the offense that "the actor was a public servant at time of the offense and the property appropriated came into the actor's custody, possession or control by virtue of his status as a public servant." Texas Penal Code 1.07 provides that a public servant includes a person employed as an officer of government. The City of Houston is a government entity located within Harris County, Texas. HPD is a subdivision of the City of Houston.

Affiant has reviewed Texas Penal Code Section 31.09 and knows that when amounts are obtained in violation of Chapter 31 (Theft) pursuant to one scheme or continuing course of conduct, whether from the same or several sources, the conduct may be considered as one offense and the amounts aggregated in determining the grade of offense.

Affiant therefore has reason to believe and does believe that on about March 21, 2018, though January 22, 2019, while a public servant, namely a Texas Peace Officer, and pursuant to one scheme and continuing course of conduct, Steven Bryant did then and there unlawfully appropriate, by acquiring or otherwise exercising control over property, namely, money and compensatory time, owned by the Houston Police Department and the City of Houston, hereinafter styled the Complainant, of the value of at least two thousand five hundred dollars but less than thirty thousand dollars, with the intent to deprive the Complainant of that property, and said property came into the Defendant's custody, possession and control by virtue of the Defendant's status as a public servant.

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Signed and sworn by me on 7-1-2020

Duly attested by me on 07/01/2020

AFFIANT

In Person

Witness (Peace Officer)

Witness Printed name & Badge or Payroll number

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

COMPLAINT

Unofficial Copy of Marilyn Burgess District Clerk

COPY OF COMPLAINT/WARRANT DELIVERED TO
Officer's name: Jayne 7-1-20
Police agency: HCAO
Phone no.:
datetime: 7-1-20