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Fed. Court Rejects Latest City Attempt to Cover-Up of HPD Harding St. Killings; Nicholas Family Headed for Probate Court Hearing, Plans to Introduce New Findings

HOUSTON, Jan. 8, 2021 – The family of a woman killed in the no-knock Harding Street raid by the Houston Police Department nearly two years ago has won a federal court ruling that the City of Houston cannot use federal court as a venue to continue withholding evidence of the rogue attack, the Doyle LLP and St. Martin & Bourque LLC law firms said today.

In a ruling late Thursday, U.S. District Judge Kenneth M. Hoyt rejected the city’s attempt to move the case from Harris County probate court to federal court. According to the judge’s order remanding the case to probate court, the city’s attempt, filed 16 months into county court litigation, was “untimely,” lacked jurisdiction, and relied on “a significant element of proof that it cannot establish.”

Today, Harris County Probate Court No. 1 reset the hearing for 9 a.m. on Tuesday, Jan. 12. The hearing can be viewed by the public at the court’s YouTube page at: <https://www.youtube.com/c/harriscountyprobatecourt1>

For nearly two years, the city has refused to release evidence of the Jan. 28, 2019 incident to the family of Rhogena Nicholas, who was killed in the raid, along with her husband, Dennis Tuttle. In earlier rulings, the Texas Supreme Court twice followed lower court rulings against city’s attempts to stop the probate court, which routinely handles wrongful death and probate cases, from proceeding with the Nicholas family’s petition to investigate the incident.

At the upcoming probate court hearing, the Nicholas family’s legal team intends to introduce new findings from its ongoing investigation and present witness testimony from a family member, from expert witnesses and from an HPD representative.

Attorney Michael Patrick Doyle, of Doyle LLP, said, “The Nicholas family again is grateful to be moving forward with our investigation. It’s time for the cover-up to end. The city’s continuing efforts to conceal the truth about the Harding Street raid have now been rejected by five separate county, state and federal courts. Judge Hoyt’s order rejected the City’s unprecedented, two-year cover-up of the facts of the killings, who was involved, and who needs to be held accountable. This federal-court order means the city’s wall of silence will start crumbling.”

Attorney Charles C. Bourque, of St. Martin & Bourque LLC, in Houma, La., said, “The family and the citizens of Houston deserve to know what HPD did before, during and after the unjustified attack on Rhogena in her home. We believe the continued silence of the mayor and police chief, both of whom present themselves as police ‘reformers,’ speaks volumes. We look forward to fully investigating this case and presenting our new evidence.”

John Nicholas, the brother of Rhogena Nicholas, said, “Our family’s search for the truth of what happened to Rhogena is finally moving forward. Rhogena did not deserve to be executed in her own home by the Houston Police Department – and it’s time the mayor and chief of police provide our family with an explanation.”

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