

## **ARREST COMPLAINT**

Cause# \_\_\_\_\_

**COMPLAINT:** Penal Code 39.06 Misuse of Official Information, Third Degree Felony

### **IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:**

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED THE AFFIANT HEREIN, A PEACE OFFICER UNDER THE LAWS OF TEXAS, WHO, BEING DULY SWORN, ON OATH MADE THE FOLLOWING STATEMENTS AND ACCUSATIONS:

My name is Johnathan Estes and I am commissioned as a peace officer by the Texas Department of Public Safety Criminal Investigations Division. I hereby state upon my oath that I have reason to believe and do believe that heretofore, and before the making and filing of this Complaint, that JENNIFER GUFTASON HOWELL, W/F, DOB 03/10/1976, [REDACTED] hereinafter styled Defendant, on or about the 15<sup>th</sup> day of March 2015, in McLennan County, Texas, did then and there, with the intent to harm, disclosed information for nongovernmental purpose that HOWELL had access to by means of her employment with the McLennan County Sheriff's Office that had not been made public against the laws of the State.

My probable cause for said belief and accusation is as follows:

Beginning in March 2015, your Affiant began receiving information and intelligence regarding the increasing tensions between rival gangs in the Waco area. Your Affiant has been actively involved in the active shooter investigation that occurred at Twin Peaks, Waco on May 17, 2015.

During the course of this investigation, your Affiant has worked extensively conducting investigative research of cellular phone data obtained during the Twin Peaks shooting. Your Affiant located text message between the Defendant and a person arrested on May 17, 2015 for Engaging in Organized Criminal Activity. This person has been confirmed as a member of a criminal street gang as defined by the Texas Penal Code Chapter 71.01 (d).

Your Affiant was able to identify and confirm the identity of the Defendant by pictures stored on the cellular device of the documented gang member. Your Affiant located screenshot images of text messages between the documented gang member and Defendant discussing information believed to be related to law enforcement sensitive material that is not available to the general public. This information included a partial name and potential locating information of an innocent third party that was obtained utilizing governmental resources. During these text conversations, the Defendant acknowledges to the confirmed gang member that the information that the Defendant sent could get the Defendant in trouble. At the time of this text message conversation, the Defendant was a Certified Texas Peace Officer with the State of Texas and was employed with the McLennan County Sheriff's Office.

On 03/17/2016, Affiant conducted an interview of Defendant at the Texas Department of Public Safety's Waco Office in regards to these aforementioned text message conversations. During this interview, the Defendant acknowledged that Defendant and the confirmed gang member

were romantically involved. The Defendant acknowledged the text message conversation and confirmed that the conversation had occurred between the Defendant and the confirmed gang member.

The Defendant admitted that the confirmed gang member requested the Defendant run a license plate and provide this sensitive information to the confirmed gang member. The Defendant stated that the confirmed gang member wanted to know the name and address of the person owning the vehicle that was associated with the license plate. The confirmed gang member indicated to the Defendant that the vehicle in question had run another gang member off the road. The Defendant admitted to directing another law enforcement officer to "run" the license plate. The Defendant admitted to providing this information that is prohibited from disclosure to the public to the confirmed gang member via text message.

Affiant knows, based on Affiant's training and experience, that criminals seek out information on individuals to retaliate and cause harm against the general public. Affiant believes that the Defendant intentionally and knowingly gave information to a confirmed gang member that is prohibited from disclosure to the public to potentially cause harm to a person or persons, namely the person identified as the owner of the vehicle in question.

Based on the aforementioned facts, Affiant requests the issuance of an arrest warrant for that JENNIFER GUFTASON HOWELL, W/F, DOB 03/10/1976, [REDACTED] for the charge of Misuse of Official Information, 3<sup>rd</sup> Degree Felony, in violation of Texas Penal Code, Section 39.06.(b). Against the peace and dignity of the State.

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Affiant

Sworn to and subscribed before me on March \_\_\_\_\_, 2016.

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Honorable Pete Peterson, JP, Pct 1, Place 2  
McLennan County, Texas