

Conroe horse owner trying to get horses back again after seizure

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By Jay R. Jordan



Embattled horse owner Herman Hoffman says the court that took away his horses June 2015 did not have the legal authority to do so in a brief filed in May. Hoffman, through a legal consultant, claims the Precinct 1 Justice of the Peace court under Wayne Mack treated a hearing for the civil forfeiture of more than 200 horses as a criminal trial rather than a civil proceeding as the law dictates. “They actually held a criminal trial, had a criminal ruling and made a criminal disposition as if they were a court of higher authority,” said Bill Wilson, Hoffman’s legal consultant. “It’s terrible.”

According to the Texas Health and Safety Code, if an officer of the law believes an animal is being cruelly treated, the officer must file a warrant affidavit and have it signed by a judge or magistrate. In Hoffman’s case, a Precinct 5 Constable’s deputy said he witnessed more than 200 horses being cruelly treated by Hoffman. Mack signed the warrant seizing the horses.

The Health and Safety Code states the justice court must hold a hearing within 10 days “to determine whether the animal has been cruelly treated.” The Health and Safety Code allows the court to divest the owner of the animal(s) “if the court finds that the animal’s owner has cruelly treated the animal.”

Hoffman did not have any legal representation during the justice court proceeding. Mack ordered the more than 200 horses to be taken in by the Houston SPCA. Hoffman appealed Mack’s decision to County Court-at-Law 2, which affirmed Mack’s decision. Hoffman’s criminal defense attorney Melvyn Bruder represented him at the county court hearing.

But Wilson, and Hoffman, claim Mack’s court doesn’t have any jurisdiction to take the horses away before a criminal conviction, which has yet to come in Hoffman’s case. “You might as well have a bunch of thugs abduct you on the side of the road and hold a kangaroo court there and do whatever they want with you, then say, ‘Oh, we did this because we thought we were right,’” Wilson said. “But the key issue here is (do) they (have) legislative authority to act in this way? It’s not there. It does not exist.”

Hoffman also claims the warrant, which was issued to seize “about 200 horses,” should have been more specific and had more detail about the alleged cruelty.

County Attorney J D Lambricht said the brief is without merit, and said his office hasn’t even been officially served with the documents. “There’s just no merit at all, whatsoever to any

claims he's making here," Lambright said. "It's just another grasping at straws the Hoffman's seem prone to do from time to time again."

He said his office would be prepared to file a response if they do eventually get served. "I don't expect any of this to go anywhere," Lambright said. "At some point, I think it's clear that these will yet again be dismissed."

Hoffman declined to comment directly for the article. He and his wife Kathleen Hoffman are facing 20 misdemeanor charges for the alleged animal cruelty. Herman Hoffman is facing an additional felony charge for allegedly moving horses off of his property in anticipation of the seizure.

The two will face trial on the misdemeanor charges July 25 while Herman Hoffman will see trial Aug. 22.