

## Conroe couple sues deputy, Houston SPCA over seizure of emaciated horses

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Photo: Jason Fochtman

Houston SPCA volunteers transport the most critical horses in need of veterinary care from the Calico Dairy in 2015



A horse with laminitis, permanent damage to the sensitive structure of the hoof that causes crippling, is seen as it's transported from the Calico Dairy in 2015.



Herman Hoffman, right, is seen prior to his first court appearance with his wife Kathleen left, for criminal charges in Conroe Wednesday. The co-owners of Premium Star Ranch were convicted of misdemeanor cruelty to livestock animals.

The Conroe couple convicted of cruelly treating an entire herd of horses is suing a deputy and member of the Houston Society for the Prevention of Cruelty to Animals in federal court.

Herman and Kathleen Hoffman were found guilty of five Class A misdemeanor counts of cruelty to livestock animals in May, almost two years after authorities seized more than 200 horses from the couple's dairy farm off League Line Road east of Interstate 45. The Hoffmans fought the seizure for months, appealing Precinct 1 Justice of the Peace Wayne Mack's decision all the way up to the U.S. Supreme Court, which refused to hear their case.

The Hoffmans have bred horses for nearly 20 years. But in late 2014, advocates on social media accused the Hoffmans of starving and generally neglecting to treat the horses properly. The complaints finally drew an investigation by law enforcement officials.

## **PAST COVERAGE: Couple found guilty of animal cruelty**

Their Conroe property – the Calico Dairy Farm off of League Line Road – was raided in June 2015. Agents with the Montgomery County Sheriff's Office, Precinct 5 Constable's Office and the Houston Society for the Prevention of Cruelty to Animals were on the Hoffmans' farm for days as they were executing a search and seizure warrant and gathering evidence.

Their latest attempt at reversing the 2015 seizure was filed in a Houston federal court, claiming Precinct 5 Constable's Deputy Gordon Welch, who filed for the search warrant, and Houston SPCA agent Deborah Michielson, who helped logistically coordinate the seizure, violated the couple's civil rights.

Specifically, they claim Welch's warrant application "clearly lacked any facts which would constitute probable cause," according to the suit. Additionally, they claim Welch and Michielson failed to include a complete list of horses that were seized after the days-long raid.

A handful of horses had to be euthanized by the Houston SPCA because of their dire condition.

Montgomery County Attorney J D Lambright, who is defending Welch, believes the case will be tossed out. "It's already gone through the highest court in the state," Lambright said. "You can't say, 'Well, I don't like the answer I got from the (U.S.) Supreme Court, so I'm going to file this in federal court.' That's just not the way it works. That's what he's done here."

While the Hoffmans' civil legal battle in federal court just started, they're still fighting their misdemeanor convictions on appeal in a state court. County Court-at-Law 1 Judge Dennis Watson sentenced Herman Hoffman to one year in jail and Kathleen Hoffman to 18 months' probation.

Herman Hoffman will not start the sentence until his appeal – a notice of which he filed immediately after the sentence was imposed – is complete. Neither Herman nor Kathleen Hoffman have filed any briefs, which would outline their reasons for appealing.