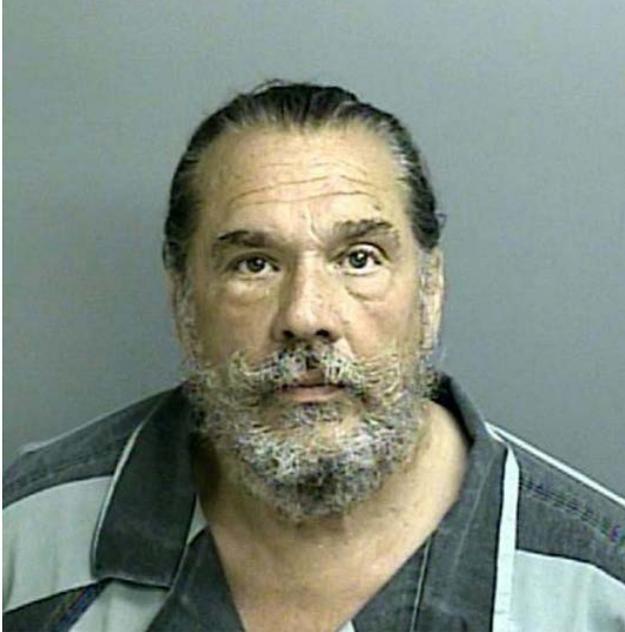


## Conroe couple adds more names to horse seizure suit

By Jay R. Jordan, [jjordan@hcnonline.com](mailto:jjordan@hcnonline.com) Updated 10:02 am, Tuesday, October 17, 2017



Herman Hoffman



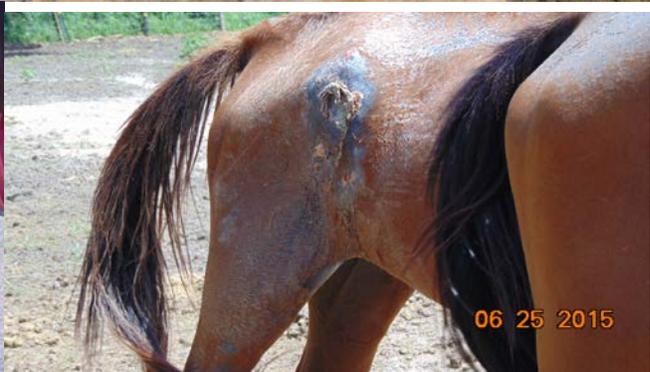
Kathleen Hoffman



Houston SPCA volunteers document the condition of several horses at the Calico Dairy in Montgomery County Thursday.



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



Montgomery County Attorney J.D. Lambright speaks with the media at the Calico Dairy Thursday.



Montgomery County District Attorney Brett Ligon speaks with the media as County Attorney J.D. Lambright looks on at the Calico Dairy Wednesday.



Members of the SPCA and Montgomery County law enforcement are seen at the Calico Dairy Thursday.

More Montgomery County officials now are listed in a lawsuit filed by a Conroe couple wanting to regain possession of nearly 200 horses they were convicted of cruelly treating.

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 Texas Supreme Court, which refused to hear their case.

The couple claims county law enforcement officials and prosecutors illegally obtained two search and seizure warrants for their property – the Calico Dairy Farm off of League Line Road about a mile west of Interstate 45. Both warrants were executed at their property on June 24, 2015.

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.

The Hoffmans amended their lawsuit in early October, adding County Attorney J D Lambright, District Attorney Brett Ligon, two assistant county attorneys, the Houston SPCA and Montgomery County as defendants to the suit.

Mack, who affirmed the seizure, and former state District Court Judge Mike Seiler, who affirmed Mack's ruling while sitting in a county court, also were added to the suit, although U.S. District Judge Lynn Hughes tossed those two off the suit almost immediately.

Lambright's office is defending most of the clients in the case. He maintains the county did nothing wrong back in 2015 and is willing to fight the lawsuit "vigorously."

"We think there's no basis for this at all," Lambright said. "Essentially what he's done is sue anybody who had any connection in this, whether you're a prosecutor or you're a judge, or the county or the SPCA."

His office already filed motions to dismiss the lawsuit, as have the attorneys for Michielson. Hughes has yet to rule on those motions but did order Michielson to turn over veterinary service records and a "detailed inventory" of the horses that were seized and their locations.

The Houston SPCA seized 207 horses from the property in 2015. Thirty were euthanized and three others died naturally. The rest of the horses were adopted to new families. Nine of the 17 horses left still need rehabilitation before they can be adopted as of May, which was when the couple were convicted of five Class A misdemeanor counts of cruelty to livestock animals.

Herman Hoffman said during a seizure hearing in June 2015 that the state of the animals could be attributed to sabotage by his employees to sway public opinion after photos were posted on Facebook, although he later contended that the horses simply were malnourished because of how natural horse herds work.

The SPCA assessed the horses on the day of the 2015 seizure and took some to the Houston facility in order of importance of veterinary need. One of the horses from the first group to

leave the ranch suffered from open wounds on both sides of its hips, which had scabbed over. Another horse showed its skeletal structure from its ribs to its hips from malnutrition. All five of the horses from the first group had unkept hooves, causing each to walk on the bottom joints of their legs.

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 has filed any briefs, which would outline their reasons for appealing their criminal conviction.