

Appeals court upholds 2017 conviction on livestock cruelty charges for Conroe couple who had 207 horses seized

By Catherine Dominguez, Staff writer Updated 3:02 p.m. CDT, Wednesday, November 14, 2018



Houston SPCA volunteers transport the most critical horses in need of veterinary care from Calico Dairy in Montgomery County on Thursday, June 25, 2015



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



A horse with laminitis, permanent damage to the sensitive structure of the hoof that causes crippling, is seen as its transported from the Calico Dairy in Montgomery County Thursday.



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The Ninth Court of Appeals in Beaumont upheld the conviction of Herman and Kathleen Hoffman on five counts of cruelty to livestock almost four years after 207 horses were seized from the couple's home just north of Conroe. In May 2017, County Court-at-Law 1 Judge Dennis Watson

sentenced Herman Hoffman to one year in jail his wife was given 18 months probation due to her health condition.

In his appeal to the higher court, which was filed immediately after being sentenced by Watson, Herman Hoffman sighted four reasons why the conviction should be over turned including lack of evidence, ineffective counsel and claims the couple had been prosecuted twice for the same offenses.

However, according to the opinion from the appeals court "... evidence was legally sufficient to support Herman's convictions of cruelty for each of the five horses at issue. Even if we assume Herman's trial counsel's performance was deficient, Herman failed to establish he was prejudiced by any such deficiency and therefore, did not meet both prongs required to show ineffective assistance of counsel. Further, Herman failed to establish violations of the Brady or the Michael Morton Act. Finally, the civil seizure and forfeiture proceedings for cruelty to livestock animals and the criminal prosecution for cruelty to livestock animals is not violative of the Double Jeopardy Clause of the United States or Texas Constitutions."

County Attorney J D Lambright said he hoped the opinion from the appeals court puts an end to the criminal side of the case, adding the civil litigation in the case is ongoing. "Ever since my office became involved in the seizure of these 207 horses in 2014, the Hoffmans have left no stone unturned in trying to avoid taking any responsibility for the horrible conditions in which we found their horses," Lambright said.

According to Lambright, the Hoffmans filed a civil lawsuit in federal court in October 2017 against "a whole litany of entities" and people including Montgomery County, Lambright, District Attorney Brett Ligon, two assistant county attorneys who originally tried the case, a deputy constable, the Houston SPCA, and an individual employee of the SPCA.

"More than one year later, that case is still pending, although we are hopeful that today's ruling in the criminal matter may expedite a ruling from the federal court," Lambright said.

The Hoffman's 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.

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.

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 were simply 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 unkempt hooves, causing each to walk on the bottom joints of their legs.

In 2015, a Montgomery County judge ordered the Hoffmans to pay HSPCA more than \$450,000 in recuperation for their work on the horses.