

THE STATE OF TEXAS
VS.
TIFFANY THOMAS
4411 ROSEGATE DR
SPRING TX 77373

SPN: 03169713
DOB: B F 04/30/1987
DATE PREPARED: 11/14/2022

D.A. LOG NUMBER: 2891013
CJIS TRACKING NO.:
AGENCY: SHF
O/R NO: 220710446
ARREST DATE: TO BE

NCIC CODE: 3802 60

RELATED CASES:

FELONY CHARGE: INJURY TO CHILD - OMISSION

CAUSE NO: 1794979
HARRIS COUNTY DISTRICT COURT NO: 263
FIRST SETTING DATE:

COURT ORDERED BAIL: TO BE SET AT
MAGISTRATION
PRIOR CAUSE NO:
CHARGE SEQ NUM: 1

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

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, **TIFFANY THOMAS**, hereafter styled the Defendant, heretofore on or about **July 28, 2022**, did then and there unlawfully, while having a statutory duty to act pursuant to Section 151.001 of the Texas Family Code, intentionally and knowingly by omission cause bodily injury to T.D.K., hereafter styled the Complainant, a child younger than fifteen years of age, by failing to protect the Complainant.

It is further presented that in Harris County, Texas, **TIFFANY THOMAS**, hereafter styled the Defendant, heretofore on or about July 28, 2022, did then and there unlawfully, intentionally and knowingly cause bodily injury to T.D.K. hereinafter styled the Complainant, a child younger than fifteen years of age, by striking the Complainant with an unknown object.

Probable Cause

Affiant is Sr. Deputy David Crain, a peace officer employed by the Harris County Sheriff's Office, assigned to the Homicide Unit. Affiant has been a peace officer for forty three (43) years and has investigated many murders, capital murders, aggravated assaults, and other major crimes. Affiant has reason to believe that Tiffany Thomas (B/F, 4/30/1987, TXDL25095932), hereafter referred to as the DEFENDANT, committed the offense of Injury to Child by Commission and Omission, on or about July 28, 2022, at a residence located in Harris County, Texas.

Affiant's belief is based on the following:

On Thursday, July 28, 2022, at 0728 hours, Affiant was assigned to investigate the death of a 7-year-old male name T.D.K., hereafter referred to as the Complainant, at 4411 Rosegate Drive, a location within the unincorporated limits of Harris County, Texas. Affiant was contacted by Sergeant A. Beall and informed the Complainant, who was initially reported by the parents as a "Missing Child," had been located by the deputy constables inside a washing machine within the residence. This investigation is documented under Harris County Sheriff's Office case # 2207-10446, and Affiant was assisted in this investigation by Deputies J. Brown, M. Quintanilla, S. Benavides, Sergeant A. Beall, and Humble P.D. Officer J. Blanchard.

On July 28, 2022, Affiant responded to the scene, arriving at 0829 hours. Upon arrival, Affiant met with Deputies J. Boughter and A. Chavez, both peace officers employed by the Harris County Precinct 4 Constable's office, and learned the following:

Deputies of the Precinct 4 Constable's Office were dispatched to 4411 Rosegate Drive in reference to a missing child. Upon arrival, Deputy Boughter and other deputies met with the parents of the child, identified as Jemaine Thomas (B/M, 5/17/1980, TXDL00127763), and Tiffany Thomas (B/F, 4/30/1987, TXDL25095932), hereafter referred to as the Defendant, and learned from the parents that the Complainant, a 7-year-old black male, was found to be missing at approximately 0400 hours by the Jemaine Thomas. Jemaine Thomas stated he awoke and was getting ready for work when he found the Complainant missing. Jemaine Thomas stated he last saw the Complainant around 7:30 PM – 8:30 PM the previous night. The Defendant stated she last saw the Complainant the previous night before she left for work. The Defendant stated the Complainant was wearing a blue shirt and blue pants, not pajamas or sleepwear. The Defendant told the deputies that the Complainant was put to bed around 8 or 9 PM the previous evening and must have gone missing after her husband went to bed.

RECORDER'S MEMORANDUM
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at the time of imaging.

The deputies searched the home and neighborhood for the Complainant for over an hour, including the use of DRONE aircraft and canine assets. At approximately 7:10 hours, the deputies returned to the interior of 4411 Rosegate Drive and conducted another search. Deputy A. Chavez, while searching the area of the garage and utility room, stated he looked through the lid of the top-loading washing machine and observed the body of the Complainant in the bottom of the wash tub. Deputy Chavez stated he yelled out to other deputies and tried to assess if the Complainant was breathing. While doing so, Deputy Chavez stated he was pushed out of the way by the Jemaine Thomas, who reached into the washing machine and pulled the child out of the washer. Deputy Chavez stated Jemaine Thomas was instructed to place the Complainant on the floor and CPR was immediately began by other deputies. Jemaine Thomas and the Defendant were both removed from the residence and detained.

While at the scene, Affiant was informed by Corporal T. Gonzales, that he entered the home after Deputy Chavez yelled out that the child had been found. Corporal Gonzales stated he observed the Complainant's arms and legs to be warm to the touch but his torso was cold. Corporal Gonzales stated he observed blood around the Complainant's nose and a large bump on his forehead, over the right eye. Corporal Gonzales stated he observed the Complainant's clothing to be damp and he noted the odor of urine emanating from the body. Finally, Corporal Gonzales stated the Complainant's pants were pulled down to his knees, exposing his underwear and the presence of bruises to his upper legs. Deputy Boughter stated the Complainant was evaluated by ESD 11 EMS, Medic # 410, and was pronounced deceased by Paramedic B. Waters at 0722 hours.

While processing the scene, the washing machine was observed to have a red stain on the base of the drum, which appeared to be blood from Affiant's training and experience. The presence of this blood stain indicated to Affiant that the washing machine had likely not ran through a wash cycle while the Complainant was inside. Additionally, the odor of urine on the Complainant's jeans also indicated to Affiant that the washing machine had likely not ran through a wash cycle while the Complainant was inside. Affiant also observed two locations within the residence (a door frame in the kitchen and a cardboard box lid within the kitchen), which appeared to have blood transfer stains. These stains were swabbed for DNA analysis, the results of which are pending.

The body of the Complainant was examined at the scene by Forensic Investigators C. Berthelot and K. DeMeter of the Harris County Institute of Forensic Science – Medical Examiner's Office. The gross examination of the Complainant's body revealed multiple bruises and patterned scars all over the body, along with facial injuries. Blood was visible around the Complainant's mouth and nares. The Complainant was transported to the HCIFS facility and assigned medico-legal # 22-3191, and an autopsy examination was performed on the victim on July 29, 2022 by Dr. D. Phatak. Dr. Phatak ruled the Complainant's death a "homicide," due to "homicidal violence." Dr. Phatak found that the Complainant suffered from "asphyxiation" and possible drowning, as evidence by the sphenoidal sinus containing water fluid and mucosal petechiae. Additionally, Dr. Phatak indicated that the Complainant suffered both remote and new blunt force trauma that was indicative of inflicted trauma. Dr. Phatak stated that these findings, in correlation with the findings of the police investigation indicate that the best manner of classification for the Complainant's death is homicide.

Jemaine Thomas and the Defendant were transported to the Homicide Unit office where both provided voluntary, non-custodial, video-recorded statements to Deputies M. Quintanilla and J. Reinert. Affiant reviewed the interviews and learned the Defendant left the residence for work at approximately 6:30 PM on Wednesday night, July 27, 2022. The Defendant stated she made sure the Complainant had dinner and was secure inside the residence before she departed in a Lyft vehicle. The Defendant stated she made sure the house doors were locked when she left. The Defendant stated she received a text message from Jemaine Thomas at around 1:00 AM, on July 28, 2022, stating the Complainant was gone and the door was open when he got home. The Defendant stated she tried calling and texting Jemaine Thomas, but was unable to reach him until approximately 4:00 AM. Upon learning the Complainant was still missing, the Defendant stated she caught a ride home from a co-worker, arriving at the home around 5:00 AM. Once she arrived at home and the Complainant was still unaccounted for, the Defendant stated she called 9-1-1.

In Jemaine Thomas' interview, he stated he left for work on Wednesday, July 27th, at around 5:00 AM and then went to his second job around 3:00 PM. Jemaine Thomas stated he worked at his second job, the Hyatt Hotel in The Woodlands, until 11:00 PM and then he went home. When he got home, Jemaine Thomas stated he placed his key in the front door lock and the door opened. Jemaine Thomas stated he then yelled out for the Complainant but received no answer. Jemaine Thomas stated he looked around the house for the Complainant and then sent a text message to the Defendant to see if she knew where the Complainant was located. Jemaine Thomas stated he searched for the Complainant a few more minutes and then changed clothes and went to sleep. Jemaine Thomas stated he awoke at 4:00 AM and realized the Defendant had sent numerous calls and texts to his phone. Jemaine Thomas stated he started looking for the Complainant again and continued searching until the Defendant arrived at home around 05:00 AM.

On July 28, 2022, Jemaine Thomas provided another voluntary, non-custodial, video-recorded statement to Officer J. Blanchard of the Humble Police Department. During this interview, Jemaine Thomas stated that he, during the course of disciplining the Complainant on Sunday, July 24, 2022, struck the Complainant with an open hand on the buttocks five (5) times. During this same episode, Jemaine Thomas stated one of his strikes "missed" due to the Complainant jumping around, which caused him to strike the Complainant in the back. Jemaine

Thomas stated he stopped the discipline after striking the Complainant's in the back.

Affiant learned during the course of this investigation of two (2) prior CPS investigations, initiated by school personnel, alerting authorities to suspicious injuries on the Complainant. The investigations, both in 2022, were related to physical abuse, which included blackened eyes and facial bruising sustained by the Complainant.

Affiant obtained the 9-1-1 audio recording from the HCSO Audio Records Custodian and learned that the Defendant summoned 9-1-1 at 05:19:12 hours. During this call, the Defendant stated Jemaine Thomas went to bed on the previous night and woke up to find the Complainant missing. The Defendant stated she last saw the Complainant before she left for work at 6:30 PM the previous night and that Jemaine Thomas saw the Complainant after he returned home from work. The Defendant further explained that Jemaine Thomas observed the Complainant to be sitting in the living room and watching television after he returned home from work. The statement to 9-1-1 was factually inconsistent with the statements provided by the Defendant and Jemaine Thomas to responding patrol deputies and investigators.

Affiant contacted LG, the manufacturer of the top-loading washing machine, and learned this washing machine, equipped with a locking lid, would not operate until and unless the lid was lowered and the START button depressed, which means Complainant could not have run himself through a wash cycle by himself.

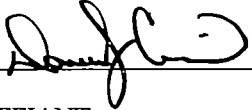
Affiant reviewed the surveillance video of neighboring homes, one of which captured the sights and sounds of the driveway and front yard of 4411 Rosegate Drive. On this video, affiant observed the Defendant depart the residence at approximately 1839 hours on July 27, 2022 in a Lyft ride-service vehicle. The Complainant, wearing dark colored clothing, was observed on video running around outside of the residence between 20:14 hours and 20:35 hours. The Complainant was alone and appeared to be engaged in hide-and-seek type play by himself. The Complainant did not appear, based on his gait and mannerism, to be injured or in distress in any way. The surveillance footage shows Jemaine Thomas arrived at the residence at 00:46 hours and approached the front porch of the home at 00:48 hours. Jemaine Thomas was never again observed on video outside of the residence. The video included audio and there was never any audible shout, which would be consistent with someone searching for a missing child. The footage shows the Defendant arrived at the home at 05:01:17 hours and approached the front door at 05:02:35. No activity was observed, or heard, until arrival of law enforcement at 05:26:39 hours. No other person(s) approached or departed from the residence at 4411 Rosegate Drive between 1800 hours on July 27, 2022 through 0502 hours on July 28, 2022.

Affiant obtained written consent for the review and data extraction of the cellular devices of Jemaine Thomas and the Defendant. During a review of the data extraction, Affiant observed a chat thread between the parents' cellular telephones in which both parents expressed deep contempt for the Complainant. Within these messages, Affiant observed a text message in which the Defendant told Jemaine Thomas that the Complainant told her the truth about eating her oatmeal cr me pies only because she "threatened to put him in the stove and turn it on." Further, Jemaine Thomas told the Defendant, when he learned the Complainant had eaten his donut sticks, that "I need to get the (locks). I'm going to end up kill him. You going to come home and he going to be hang from the fuck tree outside." The Defendant stated on July 7, 2022, "Fuck that. I'm for not doing shit for his birthday. I'm so sick of this boy. Like I'm really tired of him and don't want him in this house no more." On July 25, 2022, the Defendant stated, "This boy got life fucked up. Why I come out the restroom from taking my shower and his funky ass in the living room watching TV."

The culmination of this investigation revealed the Complainant was alive and well on the evening of July 27, 2022, when last observed on video at 2035 hours. By 0710 hours on July 28, 2022, the Complainant was deceased, having sustained multiple traumatic injuries and being placed in a washing machine to conceal the location of the body. Additionally, the Complainant was only in the care, custody, and control of Jemaine Thomas, his father, and the Defendant, his mother. The statements provided by Jemaine Thomas and the Defendant contained numerous inconsistencies and were contradicted by video and cellular telephone evidence. Based on this evidence, the fact that Jemaine Thomas would have been the last adult present in the residence while the Complainant was alive, the fact that Complainant could not have run himself through a wash cycle on the LG washing machine on his own, and the presence of remote and new blunt force injuries, along with evidence of asphyxiation, Affiant believes and has reason to believe that Jemaine Thomas caused the Complainant's death. However, Affiant knows through training and experience that parents have a duty under Texas Family Code Section 151.001 to protect their children. Based on the Complainant's old and new blunt force injuries and the evidence of chronic abuse and maltreatment by both Jemaine Thomas and the Defendant, Affiant believes and has reason to believe that the Defendant failed to protect the Complainant.

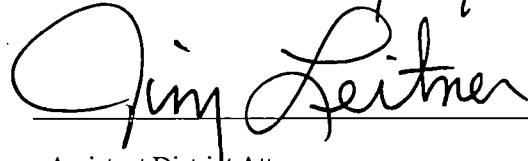
AGAINST THE PEACE AND DIGNITY OF THE STATE.

Signed and sworn by me on 11-14-2022



AFFIANT

Duly attested by me on 11/14/2022



Assistant District Attorney
Harris County District Attorney's Office
TBC No. 12187900

BS 1697
Witness (Peace Officer)

B. Genchini 1697
Witness Printed name & Badge or Payroll number

COMPLAINT

FILED

Marilyn Burgess
District Clerk

NOV 14 2022

Time: 18:09
Harris County, Texas

By CR
Deputy

COPY OF COMPLAINT/WARRANT DELIVERED TO

Officer's name: D.C.

Police agency: SHP

Date: 11-14-22 data/time: _____