

WARRANT OF ARREST

D1DC18100121

THE STATE OF TEXAS
VS.

NAME: Juan Gabriel Herrera
W/M
DOB: 01/03/1974
ADDRESS: 1100 N. Meadows Dr # 103
CITY: Austin

AUSTIN POLICE DEPARTMENT
OFFENSE # 17-3171598
OFFENSE DATE: Dec 2010-Jan 2012
PEACE OFFICER: Det. Fernandez # 5627

THE STATE OF TEXAS
TO ANY PEACE OFFICER OF THE STATE OF TEXAS, GREETINGS:
You are hereby commanded to arrest:

Juan Gabriel Herrera W/M 01/03/1974

If to be found in your County and bring him/her before me, Judge at the _____ Court, Travis County, Texas, at my office in Austin, in said county, Travis, then and there to answer the State of Texas for an offense against the laws of said State, to-wit:

Aggravated Sexual Assault of a Child
1st Degree Felony

of which offense he/she is accused by the written complaint, under oath, of Det. G. Fernandez #5627 filed before me.

HEREIN FAIL NOT but of this writ make due return, showing how you have executed the same.
WITNESS my official signature, this 31 day of May A.D. 2012

BOND \$: 100,000 CJS
NO CONTACT
200 YARDS STAY AWAY

Judge, _____ Court
LEON GREARD
City of Austin, Texas
CRIMINAL LAW MAGISTRATE
TRAVIS COUNTY, TEXAS

PEACE OFFICER'S RETURN:

Came at hand the _____ day of _____ A.D., _____, at _____ o'clock _____ M. and executed on the _____ day of _____ A.D., _____, at _____ o'clock _____ M., by arresting the within named _____ in _____ County, Texas, and taking his bond, placing him in jail at _____.
I actually and necessarily traveled _____ miles in the service of this writ, in addition to any other mileage that I may have traveled in the service of other process in this cause in the same trip.

FEES-MILEAGE: \$ _____
Making arrest: \$ _____
Taking bond: \$ _____
Commitment \$ _____
Release \$ _____
Total \$ _____

BY _____
Peace Officer

THE STATE OF TEXAS
COUNTY OF TRAVIS

X
X
X

IN THE _____ COURT
CITY OF AUSTIN,
TRAVIS COUNTY, TEXAS

AFFIDAVIT FOR WARRANT OF ARREST AND DETENTION

The Undersigned Affiant, who after being duly sworn by me, on oath, makes the following statement:

I have good reason to believe and do believe that Juan Gabriel Herrera W/M 01/03/1974 On or about **December 2010-January 2012** in Austin, Travis County, Texas, did then and there commit the offense of:

Aggravated Sexual Assault of a Child
1st Degree Felony

Affiant, Detective G. Fernandez # 5627, is an investigator assigned to the Child Abuse Unit of the Austin Police Department. As a result of such assignment the affiant is responsible for the investigation of sexual and physical offenses committed against children. The following information is based on victim and witness statements, affiant's personal knowledge, and information contained in Austin Police Department incident report # **17-3171598**.

On November 14, 2017, the Austin Police Department was contacted in reference to an outcry of sexual abuse of a child that occurred in Austin, TX. The victim was identified as an eleven year old female child and is fully identified in Austin Police Report **17-3171598** and will be referred to as "victim" for the remainder of the affidavit.

On November 14, 2017 the victim made a sexual abuse outcry to her mother and father, Estela Castro and Galdino Cortez. During the course of the investigation, affiant made contact with Estela and Galdino, who described the content of the outcry, which was similar to what was reported in the original report. Estela reported that her child made a delayed outcry that a family relative, identified as Juan Gabriel Herrera W/M 01-03-1974, touched and licked her vagina, while at his home.

On December 23, 2017 the child victim was forensically interviewed at the Center for Child Protection in Austin, TX. The victim stated back when she was between the ages of six and eight years old, Juan Gabriel Herrera touched and licked her vagina, while showing her a pornographic movie. The victim stated Juan is known to her, because Juan is married to a family member on her father's side. The victim stated the sexual assault occurred when she lived in the same complex as Juan and his family, located at 1100 N. Meadows Dr. Austin, TX. The victim stated Juan touched her vagina at least two or three separate times, but could not remember exactly when they occurred. The victim stated the first time it occurred she was at Juan's apartment at 1100 N. Meadows Dr. and she was around six years old. The victim stated Juan tricked her into going to his room and once inside the room. Juan closed and locked the door behind them. The

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Travis County District Clerk, Velva L. Price NB



victim stated Juan then told her to be quiet and not say anything and threatened her. The victim stated Juan touched her "private part" using his hand. The victim stated her "private part" is used to go to the bathroom. The victim stated urine comes out of her "private part", which is also known as her vagina. The victim stated Juan then told her to remove her pants. The victim stated Juan threatened her and told her he would harm her family and brother if she didn't do what Juan wanted. The victim stated Juan then showed her nude sexual videos of men and women performing oral sex on each other. The victim stated Juan showed her the sexual videos displayed on a television in his room. The victim stated she remembers Juan taking out the sexual video from a box in the closet, in his room. The victim stated Juan told her to remove her underwear and told her to lay on the bed. The victim stated Juan was leaning over her, touching and licking her vagina. The victim stated Juan touched her vagina, skin to skin using his hand and then he licked her vagina, using his tongue. The victim stated Juan was licking her vagina "like he was eating ice cream." The victim stated she could feel his tongue on her vagina and it felt "ugly" and "nasty". The victim stated she began to move and attempted to leave, but Juan threatened her again and grabbed her, preventing her from getting up and off the bed. The victim stated she told Juan she was going to scream, so Juan released his grip. The victim stated she was able to get dressed and ran out of the room.

The victim stated the last time that something occurred was when they were at a party at her uncle Hector's trailer home. The victim stated Juan tricked her into meeting him in a bedroom and once again touched her vagina using his hand and then also licked her vagina, using his tongue. The victim stated her pants and underwear were removed. The victim stated she was able to get out of the bedroom, but before leaving, Juan threatened her not to tell anyone. The victim stated she ran out and eventually told her father that Juan was trying to touch her. The victim stated she was very general in what she told her father and just told him Juan was trying to touch her. The victim stated her father confronted Juan at the party, but Juan denied trying to touch the victim. The victim stated they left the party after her father confronted Juan. The victim stated once they were home, she denied anything happening to her, because she did not want her family harmed by Juan. The victim stated they had not contact with Juan after that incident.

On May 15, 2018 affiant was able to locate, identify and conduct a voluntary non-custodial interview with Juan Gabriel Herrera W/M 01/03/1974(Spanish Speaker). After speaking with Juan for several minutes, Juan eventually confessed and corroborated much of the victim's outcry. Juan stated he did touch and rub the victim's vagina, one time, while they were inside his home. Juan stated it was several years ago, about five or so, when the victim and her family were living at the same complex, at 1100 N Meadows Dr. Juan stated he had been drinking the night before and the following morning he was still intoxicated when he arrived home. Juan stated his wife had taken the kids somewhere. Juan stated that he was home alone when the victim knocked on his door. Juan stated he told the victim to come into his home. Juan stated they were in the living room when he told the victim to spread her legs/feet. Juan stated he began to touch and rub the victim's vagina over panties. Juan stated he decided play an adult pornographic video, one of two dvd videos that he owned and had stored away in the closet. He stated he played the video for the victim, and while they were watching, he told her to lay on her back and then he continued to rub the victim's vagina. Juan stated he then told the victim to spread her legs and he then removed her panties and exposed her vagina. Juan stated he proceeded to rub the victim's vagina, using his hand. Juan then stated the victim then asked him

to perform oral sex on her, like they were doing in the porn video. Juan stated he then proceeded to lick the victim's vagina, using his tongue. When asked to describe how Juan was licking the victim's vagina, Juan stated he gave the victim's vagina three licks, with his tongue. Juan stated he just licked and touched the outside of the victim's vagina and did not penetrate her vagina in any form. Juan stated he was curious and intoxicated, but stated that was no excuse and felt great remorse. Juan stated he later apologized to the victim, but she did not understand why he was apologizing.

Based on the above listed information, Affiant has probable cause to believe and does believe that on or about, December 2010-January 2012, Juan Gabriel Herrera W/M 01-03-1974, did, while at 1100 N. Meadows Dr. # 103, Austin, Travis County, Texas within the incorporated city limits of the City of Austin, Travis County, Texas, commit the offense of Aggravated Sexual Assault of a Child, in violation of Section 22.021, of the Texas Penal Code, to wit: Juan Gabriel Herrera did intentionally and knowingly make contact with the sexual organ of a child, using his mouth/tongue. The victim was younger than 14 years of age at the time of the offense.


Affiant

SWORN AND SUBSCRIBED TO before me by the said Affiant, Det. G. Fernandez # 5627 on this the 31 day of MAY, 2012.

MAGISTRATE, AUSTIN _____ COURT, AUSTIN, TRAVIS COUNTY, TEXAS

On this the 31 day of MAY, 2012, I hereby ~~know~~ **LEON GRIZZARD** ~~know~~ **CRIMINAL LAW MAGISTRATE** ~~know~~ **TRAVIS COUNTY, TEXAS** have examined the foregoing affidavit and have determined that probable cause do ~~not~~ exist for the issuance of a warrant of arrest for the individual (s) accused therein.


MAGISTRATE, AUSTIN _____ COURT, AUSTIN, TRAVIS COUNTY, TEXAS

LEON GRIZZARD
CRIMINAL LAW MAGISTRATE
TRAVIS COUNTY, TEXAS