

## **Witnesses testify at Roach hearing**

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By MARILYN POWERS - Pampa News Staff Writer

### **An agent with the Federal Bureau of Investigation's Amarillo office and a Texas Department of Public Safety trooper were the only two witnesses to testify at the sentencing hearing of former 31st District Attorney Richard James Roach yesterday in Amarillo federal court.**

Jason Henderson, a DPS officer for the past five and one-half years whose territory is Gray, Wheeler, Hemphill and Lipscomb Counties, took the witness stand first.

"Was there a time when Mr. Roach contacted you and (DPS Trooper) Jerome Ingle to come to work for him?" asked Assistant U.S. Attorney Christy L. Drake.

"In January 2002, we were at the (Gray County) courthouse to testify in a forfeiture hearing. He asked if we needed any equipment.

"Then he said he wanted to buy us something to show the other troopers what they could get if they did more seizures, too.

"Then he said he wanted us to come to work for him on a judicial task force. We told him we weren't interested. He asked if we'd work on our days off in uniform in our patrol cars. We said no.

"Everything he asked us that day, we informed him it was illegal, but he persisted. As soon as we left, we went to our office and gave statements," Henderson said.

He said the incident was reported to the federal Drug Enforcement Agency.

"Did Mr. Roach tell how he was going to pay you?" Drake asked.

"Yes, out of the seizure account. He offered that there were ways to do it so that nobody would know," Henderson said.

Henderson also said Roach had told troopers to concentrate on the westbound side of Interstate 40 for making stops which might lead to drug-related forfeitures. He explained that typically, drugs were moved across the area on the eastbound lanes, and illegal funds were generally found in vehicles traveling west on the interstate. Bill Kelly, Roach's defense attorney, during cross-examination of Henderson said that there was "nothing wrong with Mr. Roach offering you a job, and nothing wrong with the use of forfeiture funds to pay salaries, as long as county commissioners approved, and nothing illegal about concentrating on the westbound side of Interstate 40."

"He spent a substantial amount of money to buy equipment for the DPS as a result of seized money and drugs. Just this year, he got an award from the DPS for all his contributions," Kelly said.

FBI Special Agent John Wentworth was the second and final witness. He testified that he was the bureau's case agent in the Roach case, and his testimony included details of the execution of a search warrant at Roach's office, home and an apartment leased to the district attorney's office.

Roach first came to the attention of the FBI as a result of DPS troopers' reports of improper conduct, he said.

"All five firearms found in his office were in his personal office and were easily accessible to him," Wentworth said.

"(Gray County Attorney) Josh Seabourn said he'd observed Mr. Roach entering the courthouse with a .357 (handgun) in a shoulder holster," Wentworth said.

Seabourn knew the caliber of the weapon because he had commented on the gun to Roach and Roach had told him the caliber and the destructive potential of the gun, Wentworth testified.

"There were two loaded pistols in his briefcase at the time of his arrest, a .380 and a 9mm, exactly the same caliber as ammunition found at the apartment," Wentworth said.

Ammunition found in the apartment consisted of 101 rounds of 9mm ammunition and 13 rounds of .380 ammunition, he said.

Fifteen guns were found in an evidence locker in the courthouse. Eight rifles and five shotguns were found in the attic of Roach's home, Wentworth said.

He testified that it was "fair to say" that Roach was addicted to methamphetamine, that he had access to all 35 firearms found at all locations, and that during the time of this access, he was an addict.

One pornographic photo which an employee of the 31st District attorney's office said she saw on Roach's computer depicted a girl she estimated to be between 15 and 20 years of age, Wentworth testified.

She also said Roach had made inappropriate sexual comments about a 12-year-old and a 16-year-old, and that he said he'd fantasized about her 18-year-old son.

Another employee also had said she'd seen images of teen pornography on the computer, Wentworth said.

Roach's computer was found to have had searches conducted for several web sites containing sexual conduct involving boys, Wentworth said.

Misuse of forfeited funds was also investigated, he said.

"One \$400,000 seizure resulted in \$80,000 being returned to the defendant. I think that's in violation of the Hobbs act," Wentworth said.

Further allegations of misuse of forfeiture funds were that Roach was giving some of the seized money to an employee with whom he was suspected of having an affair.

Roach once tried to check out seized illegal substances from a DPS evidence locker, which he said would be used in training a drug-sniffing dog. The substances were 1.2 grams of Ecstasy, 2.99 grams of cocaine, and 889 grams of methamphetamine, Wentworth said.

Narcotics were found in a zipper bag in a bathroom used by Roach, and a syringe was floating in the toilet. Traces of methamphetamine were found in the syringe, Wentworth testified.

"One witness had seen Roach injecting himself. A video recording had been made of him injecting himself at the apartment. He said on the tape that he was injecting methamphetamine," Wentworth said.

A gym bag in the front seat of the Dodge Durango which Roach had driven on the morning of his arrest tested positive for methamphetamine residue, Wentworth said.

Kelly said the reason Roach was carrying loaded firearms on the day of his arrest was because he had received threats on his life. He said that the reason Roach had a bulletproof vest, which had been noted by Wentworth, was because district attorneys sometimes go on drug raids with law enforcement officers.

When Kelly cross-examined Wentworth on the reported ages of the persons pictured in the pornography, Wentworth said, "I'm fairly confident they're below the age of 18. I'd bet my paycheck on it."

Wentworth admitted that it had not yet been determined whether any or all of the substances Roach had checked out of the DPS evidence locker had been returned.

He also said the law enforcement officer who examined Roach's computers had said the evidence was not typical of a child pornography case, because the pornography is usually saved in files on the computer's hard drive, whereas the pornography on Roach's computer was found in temporary files.

"I think the court assessed an adequate punishment for the offense," Drake said after Roach was sentenced to five years in federal prison, to be followed by three years' supervised release.

Roach is ordered to pay a mandatory \$100 fine plus periodic restitution to apply toward services rendered to him, participate in a drug and alcohol dependency treatment program, submit to drug screening tests during his supervised release, and have no contact with any pornographic or sexual images or patronize any place which provides such images.

Kelly was not available for comment Wednesday afternoon after the hearing or Thursday, due to other courtroom commitments. He had not returned a call seeking comment by press time today.