

046372

**COMPLAINT AND AFFIDAVIT OF PROBABLE CAUSE FOR ARREST
WARRANT**

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS

BEFORE ME, The undersigned authority on this day did personally appear affiant who being first duly sworn, charges, and swears that he had good reason to believe and does believe that one **MARK PHILLIP HOWERTON, DOB: 08-25-1995, BCSO SID #: 1090015**, hereinafter referred to as defendant.

On this day, the ____ day of **February, 2018** and before making and filing this complaint in the **District Court** of Bexar County, State of Texas.

DEFENDANT DID THEN AND THERE; intentionally and knowingly commit the offense of AGGRAVATED SEXUAL ASSAULT, Bexar County Code # 110011, as defined in Chapter 22.021 of the Texas Penal Code.

To Wit:

On 10-30-2017, the Affiant was contacted by the Caldwell County Assistant District Attorney's Office, who advised the Affiant that on 10-29-2017 Luling Police Department Officers responded to the Seton Edgar B. Davis Hospital, 130 Hays Street, Luling, Texas 78648 to assist Caldwell County EMS with an unresponsive female that had been brought in by the defendant. Affiant was told that when officers arrived, they observed the female was unresponsive, nude from the waist down, had bruises on her neck/thigh area, and was bleeding from her vagina. The female was identified as Cayley Mandadi – O/F, DOB: 08-26-1998, hereinafter referred to as complainant.

Affiant interviewed the defendant on Monday, 10-30-2017, who stated he had known the complainant for approximately eight (8) months and dating her for approximately four (4) weeks. Affiant was told by the defendant that he and the complainant partied over the weekend by drinking Crown Royal heavily along with ingesting 'Molly' on both 10-28-2017 and 10-29-2017 while attending the Mala Luna music festival located at Nelson Wolff Stadium in San Antonio, Bexar County, Texas. Your Affiant knows the term 'Molly' to be the street name for an illegal recreational drug. The defendant told Affiant that they argued over an ex-boyfriend of the complainant's on 10-29-2017, after seeing this person at the Mala Luna Festival. According to the defendant, he and the complainant left the festival to discuss the argument in his car.

The defendant told Affiant that after the argument the complainant agreed to go to Houston with him. He stated the complainant told him he was her soul mate and that she was going to drop out of college to be with him. The defendant's vehicle was searched, but your Affiant did not observe any possessions belonging to the complainant except for her leggings, panties and shoes. When confronted with this, the defendant said he was going to buy her everything she needed.

According to the defendant, they started to drive to Houston, but stopped in a Valero gas station, just outside San Antonio, Bexar County, Texas, where according to the defendant, he and the

complainant had 'make up sex' in his car. He stated it was consensual but 'rough' sex to include hair pulling, light choking, and scratching. The defendant also told Affiant that he knew the complainant had bruises around her neck. Affiant was told by the defendant that after sex, the complainant said she was not feeling well and did not put her clothes back on, but instead passed out in the passenger seat and began to snore. The defendant told Affiant that after the complainant passed out, he continued to drive toward Houston. Just before getting to Luling, Texas, he noticed the complainant had stopped breathing and attempted to give her CPR before taking her to the hospital in Luling. On 10-31-17, your Affiant interviewed the defendant again. The defendant stated in this interview that he and the complainant actually had sex in a parking lot before arriving at the Valero. Based upon the defendant's statements and asserted timeline, the Valero he mentioned is the one located at I-10 East and FM 1518 in eastern Bexar County.

On 10-30-2017, Affiant met with Seton Medical Center Hays Registered Nurse (RN) June Mancillas in reference to the complainant and was advised that tests showed no brain activity for the complainant, and that the damage appeared to be too extensive for recovery, and that the complainant was most likely brain dead.

On 10-30-2017, Affiant interviewed the complainant's ex-boyfriend Jett Birchum, who told Affiant that he and the complainant had broken up approximately two (2) months ago, but were talking again in an attempt to get back together. Birchum told Affiant that he had previously been told by the complainant that she and the defendant previously had a physical altercation when the defendant trashed the complainant's dorm room in September 2017. Birchum also told Affiant that the complainant previously told him that the defendant slammed the complainant's head into the passenger window of the defendant's car. Birchum told Affiant that while at the Mala Luna festival on 10-29-2017, he saw the defendant grab the complainant's arm in an aggressive manner as they were leaving, as if to guide her to the exit of the festival. He did not observe any injuries to the complainant at the time.

On 10-30-2017, Affiant interviewed the complainant's sorority sister Dominique Hussain, who told Affiant that she had known the complainant for approximately two (2) years, and that when the complainant initially started dating the defendant, he was really nice to the complainant. Hussain also told Affiant that when the defendant destroyed the complainant's dorm room, he also threatened to throw the complainant off the balcony. Hussain told the Affiant that she believes the defendant uses and deals anabolic steroids, because 'roid rage' was his excuse for destroying the complainant's dorm room. Hussain also told the Affiant that she had been told by the complainant several times that the complainant was really scared of the defendant and didn't know what else to do, other than to give into the defendant.

On 10-30-2017 Affiant interviewed the complainant's sorority sister Ariana Conway, who told Affiant that the defendant had been physical with the complainant, and that she had seen several bruises on the complainant's legs. When Conway asked the complainant about the bruises, the complainant told Conway that the defendant had caused the bruises. Conway told Affiant that she had been told by the complainant, that approximately two (2) weeks prior to the Mala Luna festival the defendant picked up the complainant from Trinity, and slammed the complainant's head into the passenger window of the defendant's car. Conway also told Affiant of an incident when the defendant took the complainant's cell phone, and the complainant asked Conway to go

with her to get the phone back. Conway told Affiant that when she went with the complainant to the defendant's car, he was very aggressive towards them, took a gun out of the glove box, waved it around, and threatened to shoot some of Birchum's fraternity brothers.

On 10-30-2017, Affiant interviewed the complainant's roommate Morgan Sampson, who told Affiant that the defendant destroyed their dorm room in September 2017, during a 'roid rage' incident. Sampson also told Affiant she had been told by the complainant, that the night before the defendant destroyed their dorm room; he had assaulted the complainant by grabbing her aggressively on her arm and throwing her up against a brick wall during an argument outside the dorm. Sampson told Affiant that on Sunday 10-29-2017 at approximately eight thirty (8:30 PM) she Face Timed the complainant and the defendant answered the complainant's phone from inside a car, and told Sampson that the complainant couldn't talk right now, at which time he hung up.

On 10-30-17, a medical forensic examination was conducted on the complainant by Austin SAFE. Your Affiant has reviewed the records from that exam as well as the photographs taken during it and diagrams documenting the complainant's injuries. The complainant was sedated and intubated at the time of the exam. The photographs and diagrams show the front of the complainant to be covered from head to toe with red marks, bruises and scratches. Both of her eyelids were swollen and bruised with the right eye swollen so the eyelid could not close. The complainant's labia were observed to be swollen with scratches and abrasions surrounding the vaginal opening. The only areas of the complainant with no evidence of injury were her back and the back of her legs. Based upon my training and experience, your Affiant does not believe the injuries observed are consistent with the defendant's claim of consensual 'rough sex' with the complainant. Instead, it your Affiant's belief the injuries are consistent with a physical and violent sexual assault.

On 10-31-2017, Affiant was notified that the victim had been taken off life support, and declared deceased.

On 11-02-2017, Affiant met with Trinity University Police Department officials and obtained reports pertaining to the defendant destroying the complainant's dorm room. Affiant was also made aware that the defendant had been notified of a Criminal Trespass Warning filed against him that barred him from being present on the Trinity University Campus for approximately one (1) year.

On 11-02-2017, Affiant interviewed defendant's friend Michael Goodwin, who told Affiant that defendant wasn't the type of guy to want a girlfriend, and was surprised to hear that the defendant and complainant were dating. M. Goodwin told affiant that he had heard from several people that the defendant had been abusive toward the complainant.

On 11-03-2017, Affiant attended the autopsy for the complainant, at Central Texas Autopsy, and observed bruising to the complainant's face, ear, and mouth area. The bruising observed by your Affiant, based upon my training and experience is not consistent with the consensual 'rough sex' as described by the defendant. They are, however, consistent with the application of blunt force to the complainant's body. Your Affiant has viewed photographs of the defendant taken by

Luling PD after he arrived with the complainant at the hospital. They show the defendant's knuckles to be red in a manner consistent with someone punching someone else. Additionally, he had scratches to his forearms.

Affiant also observed a subdural hematoma to the victim's brain. The Medical Examiner Dr. Suzanna Dana told your Affiant that based on the bruising to the complainant's head and the subdural hematoma, the cause of death for the complainant was blunt force trauma to the head.

On 11-17-2017, Affiant interviewed the complainant's roommate Zoe Heeter. Heeter told Affiant that she was aware the defendant had damaged their dorm room and destroyed some of the complainant's possessions in late September. Heeter stated to the Affiant, that the complainant told her that after the defendant damaged their dorm room, that she spoke with the defendant in his car. The complainant told Heeter that when she got in the car, the defendant began driving to Houston where he lived and would not stop to let her out of the vehicle, or return the complainant to school. Eventually, the defendant did return the complainant to San Antonio, but only after purchasing her items to replace those the defendant damaged or destroyed in her dorm room.

On 12-10-2017, Affiant interviewed the defendant's friend Wyatt Stevenson. Stevenson told Affiant that he had previously bought anabolic steroids from the defendant. Stevenson also told Affiant that the complainant had tried to cheat on Birchum in the summer of 2017 with the defendant. Stevenson told the Affiant that he had been contacted by the defendant, who told him the complainant had died from a subdermal hematoma, he had researched it on the internet, and that Syphilis or extreme alcoholism could lead to a person having a subdermal hematoma.

On 12-14-2017, Affiant received cell tower mapping, showing that the complainant's cell phone was pinging off a cell phone tower located in the area of US 281 and Loop 410, in San Antonio, Texas where the complainant's phone received two (2) calls at approximately 8:39 PM and 8:56 PM from the number 817-371-8267 belonging to Zoe Heeter. These two (2) phone calls, occurred during the time, where the defendant had previously told the Affiant that he and the complainant were not in that area of San Antonio, Bexar County, Texas.

On 01-12-2018, Affiant interviewed the defendant's friend Landon Suggs. Suggs told Affiant that he and the defendant were previously business partners and had worked together. Suggs told Affiant that he had previously bought anabolic steroids from the defendant, and was aware of the defendant selling anabolic steroids to the Goodwin brothers, and other students at Trinity University. Suggs told Affiant, that the defendant wanted to kill himself after he destroyed the complainant's dorm room in September 2017. Suggs also told Affiant that defendant admitted to being on steroids when he destroyed the complainant's dorm room. Suggs told Affiant that he saw both the defendant and complainant at Mala Luna on 10-28-2017, and both were drugged out. Suggs also told Affiant that after the complainant passed away, he met with the defendant, who told Suggs that he had lied to the police, had "very rough" sex in a mall/movie parking lot with the complainant that night, where he choked and slapped the complainant. Suggs told Affiant that the defendant told him he didn't know how long the complainant had not been breathing. Suggs also told Affiant that the defendant confided in him that the police at the hospital in Luling, Texas, had not got his burner phone, and he was able to hide it in a planter.

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Suggs told Affiant that the defendant told him about previously pushing the complainant's head against his car window, along with the complainant's bloody underwear in his car from the night of 10-29-2017.

On 01-30-2018, Affiant received completed autopsy report and autopsy photos of the complainant. The completed autopsy report noted the medical treatment received by the complainant, along with post mortem organ donation by the complainant. The autopsy report noted numerous blunt force injuries to the complainants head, face, and mouth areas. The autopsy report also noted that no skull fractures were present, but that a thirty (30) gram acute subdermal hematoma was discovered on the complainant's brain. It should also be noted that the autopsy report showed "MDMA (Ecstasy)" to be in the complainant's system.

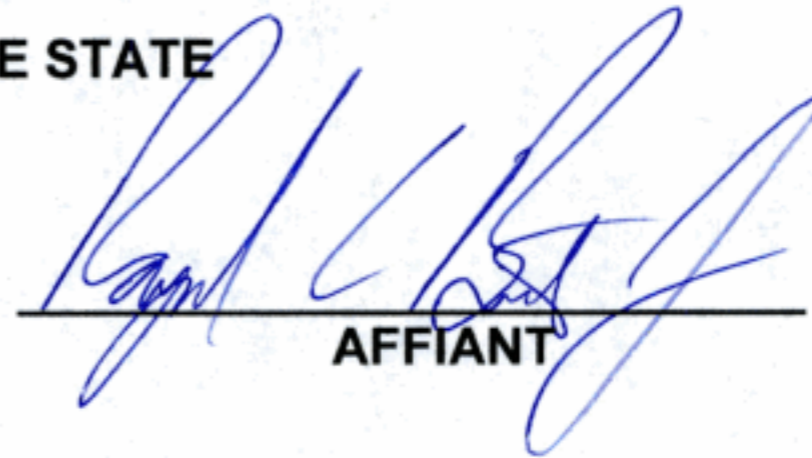
The autopsy report concluded by stating that the complainant died from blunt force trauma to the face and head, resulting in the formation of a large subdermal hematoma that caused brain swelling, and herniation of the brain. The cause of death was ruled complications of blunt force face and head trauma, and manner of death was a Homicide.

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Your Affiant has reviewed the photographs taken during the autopsy and diagrams documenting the complainant's injuries. The photographs and diagrams show the front of the complainant to be covered from head to toe with bruises and scratches. The complainant's labia were observed to be swollen with scratches and abrasions surrounding the vaginal opening. The only areas of the complainant with no evidence of injury were her back and the back of her legs. Based upon my training and experience, your Affiant does not believe the injuries observed are consistent with the defendant's claim of consensual 'rough sex' with the complainant. Instead, it your Affiant's belief the injuries are consistent with a physical and violent sexual assault.

Therefore, it is clear that the defendant committed the offense of **MURDER**, by intending to cause serious bodily injury, and committing an act clearly dangerous to human life that causes the death of an individual.

AGAINST THE PEACE AND DIGNITY OF THE STATE



AFFIANT

SUBSCRIBED AND SWORN TO before me by said affiant on this _____ day of **February**, 2018.



MAGISTRATE
Bexar County, Texas



ORI:
Texas Ranger Case # 2017I-TRF-50018623
Defendant: Mark Phillip Howerton
Address: [REDACTED]
Tyler, Texas 75701
TX DL: [REDACTED]
Date of Birth: 08-25-1990
BCSO SID #: 1090015
Descriptors: White Male, 6' 2", 220 lbs,
Brown Hair, Brown Eyes

WARRANT FOR ARREST

046372

In Magistrate Court

No.

THE STATE OF TEXAS

COUNTY OF BEXAR

Greetings:

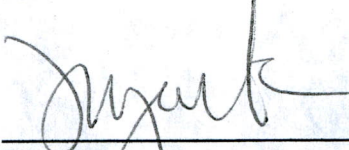
To the Sheriff, Constable, or any Law Enforcement of any county within the State of TEXAS:

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

**YOU ARE HEREBY COMMANDED TO ARREST: Howerton, Mark P.,
W/M, DOB: 08-25-1995, BCSO SID # 1090015, charged with MURDER,
Bexar County Code # 090420 , which is a violation of Chapter 19 of the Texas
Penal Code**

Having found probable cause, I hereby issue this warrant and order you to arrest this person and order you to safely keep said person to answer to the proper presiding court unless said person gives good sufficient bond in the sum of _____ Dollars.

SIGNED this the 26TH day of FEBRUARY, 2018 A.D.


Magistrate
Bexar County, Texas
Michael Ugarte

