

# Pretrial Services History Report

**HOUCK, BROOKS WILLIAM**

2978315

**IN-CUSTODY**

**Case Number:** 23-CR-00309

**DOB:** 10/12/1981 **Age:** 41

**Unsupervised Probation / Parole:** NO

**Supervised Probation / Parole:** NO

**Holding County:** HARDIN

**Interview Status:** ACCEPTED

**Interview Date:** 09/27/2023

**Veteran:** NO

**Recommendation**

**Risk Level:**

**FTA Risk(0-7):** LOW(1)

**NCA Risk(0-13):** LOW(0)

**NVCA(0-7):** 2

**Appearance Probability:** 87.00%

**Arrest-free pending trial Probability:**96.0

**Recommendation:** JUDICIAL DISCRETION WITH PRETRIAL SUPERVISION

NOT TO VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS

MAKE ALL SCHEDULED COURT APPEARANCES

**Comment**

BCE

**Case/Charges**

**NELSON**

09/27/2023

**23-CR-00309**

\*\*\*\* Indictment \*\*\*\*

0091505 COMPLICITY MURDER

0502305 COMPLICITY TAMPERING WITH PHYSICAL EVIDENCE

**Citation**

**Class**

**Level**

**Count**

A

F

1

D

F

1

**Current Bond Information**

**Bail Credit :** NO

**Reason Ineligible :** Judicial Discretion

**Bond set by** SIMMS, CHARLES C III **on** 10/10/2023 **11:45 AM** **in the amount of** \$10,000,000.00 - **CASH**

**NELSON** County Case Number **23-CR-00309**

- \* MAKE ALL SCHEDULED COURT APPEARANCES
- \* NO ILLEGAL USE OF ALCOHOL OR CONTROLLED SUBSTANCES
- \* NOT TO CONSUME ANY ALCOHOL OR ILLEGAL DRUGS
- \* NOT TO VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS
- \* OTHER

NO CONTACT WITH THE FAMILY OF CRYSTAL ROGERS. NO CONTACT WITH ANY WITNESSES AGAINST HIM. NO VIOLATIONS OF THE LAW. NO USE OF DRUGS OR ALCOHOL. DUSK TO DAWN CURFEW. TO REMAIN IN THE COMMONWEALTH OF KENTUCKY.

**Case/Court Dates**

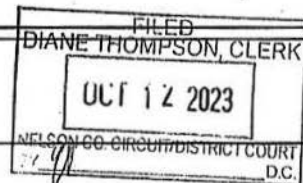
NO FUTURE COURT DATE

County Case Number

**Upcoming Events**

NO UPCOMING EVENT

County Case Number



The Nelson County Grand Jury has charged the defendant, Brooks William Houck (hereinafter "Brooks"), with murdering Crystal Rogers (hereinafter "Crystal") and tampering with physical evidence. At the recommendation of the Special Prosecutor and the Nelson County Grand Jury, this Court fixed a \$10,000,000.00 bond for Brooks. In doing so, this Court was well-aware of most of the information described below based upon its prior review of affidavits for search warrants and from hearings related to the grand jury.

On October 2, 2023, Brooks, through counsel, filed a motion to reduce his bond. At arraignment, the defense vigorously asserted that the bond is unreasonable, punitive, and oppressive. This Court will now address and adjudicate this pending motion. In doing so, this Court is mindful that Brooks is entitled to the presumption of innocence.

By way of background, Crystal disappeared on or about July 3, 2015. Her family and law enforcement suspected that her boyfriend, Brooks, was responsible for her disappearance. At that time, Brooks' brother, Nick Houck (hereinafter "Nick"), was employed as a Bardstown City Police Officer. However, Nick's employment was subsequently terminated for allegedly interfering with law enforcement's investigation.

The Commonwealth Attorney subpoenaed five Houck family members to testify before the Nelson County Grand Jury. The Commonwealth has seized evidence which indicates that

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these Houck family members secretly recorded their grand jury testimonies. The Special Prosecutor has proffered a recording supposedly taken by Brooks' sister, Rhonda McIlvoy (hereinafter "Rhonda"), along with an FBI transcript of same.

On that recording, there is a conversation between a male and a female. The male starts the equipment and states that "Nicholas can find it." While the female is waiting to testify, she expresses concern as to whether the device would start beeping. The male then reassures her by stating "it's got brand new batteries in it." The concerned female later states "you're keeping it. Keep it out here." The male responds "no, we need to hear it." The Commonwealth contends that the male voice on this recording belongs to Brooks.

In November of 2016, Crystal's father, Tommy Ballard (hereinafter "Tommy"), was shot and killed while hunting. The Commonwealth believes that it possesses the firearm used in that shooting. The Prosecutor contends that Nick sold this rifle while using a fictitious name. This firearm is the same caliber as the one used to kill Tommy. This rifle is currently undergoing testing, and the Commonwealth claims that testing has already determined the presence of four of the five criteria needed for matching this gun to the one used in Tommy's killing.

When fixing bond, this Court must comply with RCr 4.16. This criminal rule specifically contains the following language:

The amount of bail shall be sufficient to insure compliance with the conditions of release set by the court. It shall not be oppressive and shall be commensurate with the gravity of the offense charged. In determining such amount the court shall consider the defendant's past criminal acts, if any, the defendant's reasonably anticipated conduct if released and the defendant's financial ability to give bail.

Defense counsel's well-researched memorandum clearly establishes that bonds in murder cases in central Kentucky usually range between \$500,000.00 to \$2,000,000.00. In fact, this judge has presided over thousands of felony cases over the past twenty years. Prior to this action, this judge had never set a bond higher than \$2,000,000.00. In addition, Brooks' criminal record is rather miniscule (traffic and ordinance charges). However, for the reasons set forth below, this judge believes that the \$10,000,000.00 bond is reasonable to assure Brooks' appearance, to adequately protect cooperating witness(es) and other individuals associated with this case, and to better assure the integrity of this proceeding.

First, this Court believes that Brooks has access to substantial financial resources. The records from the Kentucky Secretary of State indicate that he is the sole member of three business entities; namely, Houck Rentals, LLC, Select Quality Homes, LLC, and Central Kentucky Real Estate Rentals, LLC. The Commonwealth has proffered documentation which indicates that these entities own 83 properties in Nelson County, with most being rental properties. The tax assessments for 66 of these properties totaled approximately \$8,500,000.00. This judge is also familiar with Nelson County real estate transactions, with the resulting sale prices often exceeding the tax assessments.

Second, this Court has considered the gravity of the murder charge while recognizing that Brooks' pretrial assessment indicates that he is a low risk for flight and a low risk to reoffend. Although this Court routinely relies on pretrial assessments for lower level felonies, it certainly believes that most healthy defendants are a flight risk when they are facing severe penalties like twenty (20) to fifty (50) years, or life, in prison. In addition, parole eligibility is much harsher if a defendant is convicted of murder.

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Third, there is reason to believe that the Commonwealth may have one or more cooperating witnesses, and this Court is gravely concerned for the safety of any such witness(es) and any other individuals connected to this case. As grounds, it appears that the Commonwealth may have obtained from Nick the firearm that was used to kill another person associated with this case. Although the defense contends that Brooks is not responsible for Nick's behavior, it is apparent that Nick has provided ongoing assistance to his brother. First, Nick's employment was terminated for interfering with this criminal investigation. Second, Nick apparently recorded his grand jury testimony in violation of RCr 5.24. Third, when Rhonda expressed concern with using the recording device, the male voice responds "no, we need to hear it." With this conversation supposedly being between siblings, it is reasonable to assume that "we" refers to Nick, especially since the male voice previously stated that "Nicholas can find it." Although this Court will not speculate about a motive for killing Tommy, it is extremely alarming as to why Nick may have been selling the same caliber firearm that matches four of the five criteria for being used in Tommy's shooting.

Fourth, this judge simply wants both sides to receive a fair and impartial trial. However, the integrity of the entire proceeding is at stake when someone deliberately violates the rules of criminal procedure. In this case, the Houck family intentionally engaged in misconduct when they secretly recorded the grand jury proceeding. In fact, Rhonda even expressed second thoughts about using the recording device, but the male voice responded with "no, we need to hear it." In addition, any former police officer in Nick's position should have known that it is inappropriate for him and his family to secretly record any grand jury testimony.

The Court being sufficiently advised;

IT IS HEREBY ORDERED AS FOLLOWS:

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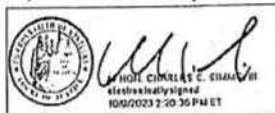
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Entered 23-CR-00309 10/09/2023

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1. That the defendant's motion to reduce bond is hereby DENIED.
2. That the Nelson Circuit Clerk shall seal the audio recording and the FBI transcript of the alleged conversation between the defendant and his sister, Rhonda McIlvoy.



10/09/2023 2:40:36 PM ET

JUDGE, NELSON CIRCUIT COURT

DISTRIBUTION LIST:

\_\_\_ Shane Young

\_\_\_ Brian Butler

Clerk \_\_\_\_\_

Date \_\_\_\_\_



COMMONWEALTH OF KENTUCKY  
NELSON CIRCUIT COURT  
DIVISION ONE  
CASE NO. 23-CR-00309

*Electronically Filed*

COMMONWEALTH OF KENTUCKY

PLAINTIFF

v.

BROOKS WILLIAM HOUCK

DEFENDANT

**NOTICE**

Notice is hereby given that the following Motion shall be heard before this Court as an emergency motion on Thursday, October 5, 2023, at 1:00 p.m.

**MOTION TO REDUCE BOND**

The Defendant, Brooks Houck, by counsel, moves this Court pursuant to Kentucky Rule of Criminal Procedure ("RCr") 4.40 to reduce the current bond of \$10,000,000 full cash to \$500,000 full cash with the special condition of electronic GPS monitoring with work release, if such bond is posted. In support of this Motion, the undersigned states as follows:

**Background**

Mr. Houck has been charged with murder and tampering with evidence stemming from the disappearance of Crystal Rogers, his former girlfriend, who went missing in July of 2015. Shortly after Ms. Rogers' disappearance, law enforcement myopically named Mr. Houck as the person of interest in Ms. Rogers' disappearance.

Nonetheless, Mr. Houck cooperated with law enforcement by submitting to an interview with the Nelson County Sheriff's Office, during which he denied any involvement in Ms. Rogers' disappearance. Mr. Houck submitted to this police interrogation without the assistance

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of counsel. Law enforcement also requested that Mr. Houck submit to a polygraph examination. Without requesting a lawyer, Mr. Houck took law enforcement's polygraph, the results of which **did not show deception** when he denied wrongdoing relating to Ms. Rogers' disappearance.<sup>1</sup> Mr. Houck even agreed to media interviews concerning Ms. Rogers' disappearance. He repeatedly denied any wrongdoing.

Inexplicably, someone in local law enforcement made the decision to release portions of the police investigation into Ms. Rogers' disappearance to media outlets. Mr. Houck's police interview has literally been played on national television because of the decision of someone in local law enforcement to release portions of an ongoing criminal investigation.<sup>2</sup> The result did nothing but fuel media sensationalism. Mr. Houck became a pariah to some in his community for this reason, not because he has a lengthy history of criminal convictions. In fact, he has **no criminal convictions**.<sup>3</sup> He has been unfairly subjected to character assassination by press conference, podcast, and countless media stories, as a result of local law enforcement's decision to release the contents of their investigation to the media.

The sensationalism has continued nearly unabated for eight (8) years. Many Nelson County residents display yard signs concerning this matter. A billboard next to the Nelson County Judicial Center displays Ms. Rogers' photograph. At some point, the Kentucky State Police took over the investigation from local law enforcement. Subsequently, the Federal Bureau of Investigation and other federal agencies offered assistance in the investigation, which

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<sup>1</sup> It has been widely-reported that the results were inconclusive. It is well known that the vast majority of criminal suspects, whether guilty or not, fail polygraphs administered by law enforcement.

<sup>2</sup> It goes without saying that law enforcement agencies almost always maintain the integrity of their investigations by keeping the details and findings of their investigations confidential. This was not the case with Brooks Houck.

<sup>3</sup> Mr. Houck has pled guilty to ordinance violations which do not involve criminal conduct, but rather concern violations of a city building code.

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led to multiple search warrants at Mr. Houck's home, at the properties owned by Mr. Houck or his family, and even led to digging in a Nelson County subdivision. Each of these searches garnered national media attention. This investigation has never been dormant and it has never been a secret to anyone.

Despite this situation, Mr. Houck has continued to run a very successful business employing many Nelson County residents. He has continued to be a loving father and family man. He is surrounded by his mother, grandmother, his sister, his brother, many aunts and uncles and numerous cousins in Nelson County. When asked why he had not moved, given the hostility from some in the community and the endless suspicion, Mr. Houck always maintained that Nelson County was where his family lived, and he refused to leave his home, his business, and his family's long and deep Nelson County roots. And, Mr. Houck has **always** maintained his innocence. He has **never** run away, but instead has tried to be the best father, son, sibling, and business owner he could be in the face of it all.

Despite as strong of ties to a community as a person could have, and despite an absence of any criminal convictions, Mr. Houck's bond was set at an astounding \$10,000,000 full cash when the indictment was returned by the Nelson County Grand Jury. A \$10,000,000 bond is excessive, punitive, and serves no purpose other than to punish Mr. Houck by keeping him incarcerated while this matter is pending.

Of course, Mr. Houck's continued incarceration with a punitive bond likely ensures that his business fails **before** a jury makes a decision whether the Government can prove beyond a reasonable doubt that he committed a murder. His continued incarceration with a punitive bond maximizes the trauma to Mr. Houck's son **before** a jury makes a decision whether the Government can prove beyond a reasonable doubt that Mr. Houck committed a murder. Mr.

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Houck's continued incarceration with a punitive bond negatively impacts his ability to properly assist his attorneys in his defense. A \$10,000,000 bond simply ignores Mr. Houck's constitutional right to the presumption of innocence.

Simply put, a \$10,000,000 bond is not only contrary to Kentucky law and precedent, but, more importantly, is unconstitutional, as it violates the Eighth Amendment of the United States Constitution and Section 17 of Kentucky's Constitution. For the reasons set forth below, Mr. Houck respectfully requests a reduction of his bond to \$500,000 full cash with the special condition of electronic GPS monitoring with work release, if such bond is posted.

#### **Applicable Legal Standards**

The Eighth Amendment of the United States Constitution and Section 17 of Kentucky's Constitution both provide that "excessive bail shall not be required." Bail is "excessive" in violation of the Eighth Amendment when it is set at a figure higher than an amount reasonably calculated to ensure the asserted governmental interest. *Stack v. Boyle*, 342 U.S. 1, 5 (1951). In *Boyle*, the United States Supreme Court stated,

The practice of admission to bail, as it has evolved in Anglo-American law, is not a device for keeping persons in jail upon mere accusation until it is found convenient to give them a trial. On the contrary, the spirit of the procedure is to enable them to stay out of jail until a trial has found them guilty. Without this conditional privilege, even those wrongly accused are punished by a period of imprisonment while awaiting trial and are handicapped in consulting counsel, searching for evidence and witnesses and preparing a defense.

*Boyle*, 342 U.S. at 7-8. The United States Constitution and the Kentucky Constitution prohibit excessive bail.

Kentucky has numerous statutes instructing courts across the Commonwealth what to consider when affixing bond. Kentucky Revised Statute 431.066 reflects a strong preference for

paperwork shall be sealed until further order of this court or until the above-listed party has been arrested and appears before this court.

**IT IS FURTHER ORDERED** that the clerk shall maintain sealed copies of the aforementioned paperwork and make no entries into kycourts or ewarrants until this indictment has been unsealed.

SO ORDERED this 20<sup>th</sup> day of September 2023.

[Signature]  
JUDGE, NELSON CIRCUIT COURT

Tendered by:

SHANE YOUNG  
Commonwealth's Attorney  
Hardin County

Distribution:  
Shane Young

ENTERED  
DIANE THOMPSON, CLERK  
SEP 20 2023  
NELSON CO. CIRCUIT DISTRICT COURT  
BY [Signature]

**NELSON CIRCUIT COURT  
FIRST DIVISION  
COMMONWEALTH OF KENTUCKY  
VS:**

**BROOKS WILLIAM HOUCK  
113 GLENVIEW DRIVE  
BARDSTOWN, KY 40004**

DOB: 10/12/1981  
SSN: 408-57-6225  
OLN: H97-021-414

**THE GRAND JURY CHARGES:**

**COUNT 1**

On July 3, 2015, and/or July 4, 2015, in Nelson County, Kentucky, the above-named Defendant, acting alone or in complicity with another, committed the offense of Murder by intentionally or under circumstances manifesting extreme indifference to human life wantonly causing the death of Crystal Rogers.

**COUNT 2**

On July 3, 2015, and/or July 4, 2015, in Nelson County, Kentucky, the above-named Defendant, acting alone or in complicity with another, Tampering With Physical Evidence when, believing that an official proceeding may be pending or instituted, he destroyed, mutilated, concealed, removed or altered the physical evidence which he believed was about to be produced or used in such official proceeding, with the intent to impair its verity or availability in the official proceeding.

**A TRUE BILL:**

**FOREPERSON**

**GRAND JURY WITNESS**

Det. Bryan Luckett, Kentucky State Police

Agent Steve Keary, F.B.I.

**A TRUE BILL**

Presented by the Foreman of the Grand Jury to the Court, in the presence of the Grand Jury, and received from the court by me and filed in open Court this 20 day of September 2023.

[Signature]  
Clerk, Nelson Circuit Court

BAIL \$ 10,000,000 cash only, plus no contact with the family of Crystal Rogers

ARRAIGNMENT is set for the 5<sup>th</sup> day of October, 2023, at 1:00 p.m.

[Signature]  
JUDGE, NELSON CIRCUIT COURT

ENTERED  
DIANE THOMPSON, CLERK  
SEP 20 2023  
NELSON CO. CIRCUIT DISTRICT COURT  
BY [Signature]

\*Original sealed per order of  
9-17-2023\*