

# Jason Daniel Gandy Interrogation Record

July 20, 2012 - Selected DE 23 testimony concerning the airport questioning

## What this document is

This public reference copy reproduces selected pages from the official July 25, 2012 detention and preliminary-hearing transcript filed as Docket Entry 23. The testimony describes the July 20 questioning of Jason Gandy by Homeland Security Special Agent Jenae Johnson and HPD Detective Roscoe.

## What the highlighting shows

Yellow highlighting identifies testimony relevant to the circumstances and duration of the questioning: Gandy had just returned after being held and traveling through airports; questioning began at approximately 2:15 p.m.; he was not free to leave; questioning lasted more than an hour; agents described him as cooperative; and he cried near the end.

## What was redacted

Explicit allegations and legally unnecessary sexual detail were permanently removed from this public copy. The unaltered DE 23 transcript remains preserved separately.

## Important limitation

This is not the interrogation recording or a complete transcript of the interrogation. It is a privacy-protected excerpt of later sworn hearing testimony. Reviewers should consult the original recordings, DE 23, DE 34, DE 46, and the complete record.

## Key testimony retained

**Agent Johnson testified that Gandy was cooperative and answered questions; that he was not free to leave; and that he cried near the end of questioning.**

Johnson - Cross

20

1 those over. They're not -- I mean -- this happened so fast;  
2 nothing's finalized yet.

3 THE COURT: Okay.

4 Agent Johnson, in what you were preparing for --  
5 did you look at your -- basically, your affidavit?

6 THE WITNESS: Yes. That's my affidavit.

7 THE COURT: Okay. Anything else other than the  
8 affidavit?

9 THE WITNESS: And except the travel reports.

10 MS. ZACK: Oh, I have no problem to her -- if she  
11 wants to turn over the travel reports. I just have a problem  
12 with handwritten notes.

13 THE COURT: Right.

14 MS. ZACK: I mean, the criminal Complaint, they  
15 already have a copy of.

16 THE COURT: Okay.

17 THE WITNESS: Yes.

18 THE COURT: Ms. Douenet, if you'd like the criminal  
19 complaint and the travel notes.

20 MS. DOUENET: I have the criminal complaint, Your  
21 Honor. I would like the travel notes.

22 THE COURT: Okay.

23 BY MS. DOUENET:

24 Q. Ms. Johnson, you mentioned the fact that you interviewed  
25 him on July 20<sup>th</sup>; is that correct?

1 A. Yes.

2 Q. So, on July 19<sup>th</sup>, Mr. Gandy's flight arrived in Heathrow --

3 A. Yes.

4 Q. -- the day before you interviewed him. Is that correct?

5 A. Yes. That's correct.

6 Q. And you mentioned that he was interviewed by Immigration  
7 there?

8 A. Yes.

9 Q. And did you speak with the Immigration officials over  
10 there?

11 A. In the U.K.?

12 Q. Yes.

13 A. No.

14 Q. Okay. And how are you aware of what happened with  
15 Immigration at the U.K.?

16 A. It was relayed to me by our Immigration -- our C- -- our  
17 Customs and Border Patrol.

18 Q. So, did somebody from Immigration in the U.K. inform  
19 Immigration?

20 A. Yes. They contacted our Immigration here.

21 Q. So, you were aware of Mr. Gandy's arrival?

22 A. Yes.

23 Q. Okay. And when he arrived in Heathrow, he arrived with a  
24 fifteen-year-old boy. Is that correct?

25 A. Yes.

1 Q. And he also had permission from the mother -- power of  
2 attorney from the mother --

3 A. He had --

4 Q. -- to travel with this boy?

5 A. He had an affidavit.

6 Q. And the affidavit was signed by the mother?

7 A. Yes.

8 Q. Authorizing permission for this fifteen-year-old to be  
9 with Mr. Gandy?

10 A. Yes.

11 Q. They returned on separate flights? Is that correct?

12 A. Yes.

13 Q. You mentioned Mr. Gandy arriving first on the 20<sup>th</sup>?

14 A. Yes.

15 Q. Did the fifteen-year-old arrive on that same day or at a  
16 later day?

17 A. On that same day.

18 Q. Okay. And it's fair to say that twenty-four hours  
19 previously to that they were at Heathrow Airport?

20 A. It's fair to say, yes.

21 Q. So, for twenty-four hours, they were in planes or at  
22 airports or Mr. Gandy was, at least?

23 A. In my knowledge -- according to my knowledge, Mr. Gandy  
24 informed us that he was held in an area at -- in -- at the  
25 Heathrow International Airport, they were held separately.

1 Q. But -- I guess my -- my question is, that they had been up  
2 with Immigration officials or in a plane for at least twenty-  
3 four hours?

4 MS. ZACK: Objection. calls for speculation. People  
5 sleep on airplanes. How is she supposed to know?

6 MS. DOUENET: That's not the question I asked, Your  
7 Honor.

8 THE COURT: All right. I guess I'm going to -- well,  
9 the objection is overruled. The witness can answer it, if you  
10 know.

11 THE WITNESS: I'm not sure.

12 BY MS. DOUENET:

13 Q. Were they at Heathrow Airport on the 19<sup>th</sup>?

14 A. Yes.

15 Q. Did Heathrow officials put them up in a hotel?

16 A. No, not that I am aware of.

17 Q. And they were placed on another flight?

18 A. Yes.

19 Q. And Mr. Gandy arrived in the United States on the 20<sup>th</sup>?

20 A. Yes.

21 Q. Do you know what time he arrived?

22 A. I do. At approximately 1:35 p.m.

23 Q. When did you get to interview him?

24 A. I -- I began speaking with Mr. Gandy at approximately 2:15  
25 p.m., on July 20<sup>th</sup>.

1 Q. And when did the interview end?

2 A. I cannot say for sure.

3 Q. Was it a thirty-minute interview?

4 A. No.

5 Q. Was it more than an hour?

6 A. It was more than an hour.

7 Q. And you and Mr. -- Detective Ros- -- is it Roscoe?

8 A. Yes.

9 Q. Were interviewing him in a little room -- or in a room?

10 A. Yes. Oh, yes, in a room, which is called our secondary.

11 Q. And it's fair to say that Mr. Gandy was not free to leave  
12 from that room?

13 A. He had not yet entered into the United States.

14 Q. But he was in a little room, and he was --

15 A. He was not in a little room. We have an area called  
16 secondary. It's a fairly good size room where he was not free  
17 to leave, because he had not entered into the United States,  
18 yet. But he was not in a small cell or a small room.

19 Q. He was not in a cell, but he was in a room. Were more  
20 people in that room with you and Mr. -- and Detective Roscoe  
21 and Mr. Gandy?

22 A. When myself and Detective Roscoe were interviewing Mr.  
23 Gandy, there may have been one other person in there,  
24 intermittently.

25 Q. And that other person would have been an agent or an

1 official --

2 A. Yes.

3 Q. -- of Homeland Security?

4 A. Yes.

5 Q. So, it would have been three officials of Homeland  
6 Security and Mr. Gandy?

7 A. Intermittently, one -- one other official and myself and  
8 Mr. Roscoe.

9 Q. And as you mentioned, he wasn't free to leave, because he  
10 hadn't entered the United States?

11 A. Yes.

12 Q. And he was being, I guess, interviewed by you and  
13 Detective Roscoe?

14 A. Yes.

15 Q. You did find out that he was a licensed massage therapist;  
16 is that correct?

17 A. Yes.

18 Q. You, personally, did not interview the fifteen-year-old.  
19 Is that correct?

20 A. That is correct?

21 Q. He was interviewed by somebody from the Child Advocacy  
22 Center?

23 A. Yes.

24 Q. Do you know at what time he arrived and was interviewed?

25 A. He arrived approximately -- I believe 8:00 p.m.

1 Q. So, it would have been -- I guess -- about six hours after  
2 Mr. Gandy's arrival.

3 A. Approximately. That's safe to say.

4 Q. Was he interviewed at that same time or a little later?

5 A. When we arrived?

6 Q. Uh-huh.

7 A. Yes. He was interviewed around that same time.

8 Q. Okay. And then, shortly after the interview, he was taken  
9 to do a sexual assault exam. Is that correct?

10 A. That's correct.

11 Q. And the information you received would have been by --  
12 from somebody else on what this fifteen-year-old said?

13 A. Regarding the -- the sexual assault exam?

14 Q. The --

15 A. Or regarding the interview?

16 Q. The Child Advocacy Center -- were you present when the  
17 Child Advocacy Center individual was interviewing him?

18 A. I was present, yes.

19 Q. So, you were there? You heard --

20 A. Yes.

21 Q. You heard the fifteen-year-old?

22 A. Yes.

23 Q. Okay. And -- right -- the sexual assault exam, I guess,  
24 would have been in a hospital?

25 A. Yes.



1 Q. All right. So, when you were interviewing, he -- the  
2 child mentioned that Jason was his friend. Is that correct?

3 A. Yes.

4 Q. And he referred to the fact that Mr. Gandy is a massage  
5 therapist. Is that correct?

6 A. Yes.

7 Q. And that his mother had given him permission to travel  
8 with Mr. Gandy.

9 A. Are you asking me that?

10 Q. Yes. I am.

11 A. Okay. Yes.

12 Q. And that he traveled willingly to London with Mr. Gandy;  
13 is that correct?

14 A. Yes.

15 Q. Then, he was taken to the hospital. Is that correct?

16 A. Yes.

17 Q. Okay. At that point, you weren't present; is that  
18 correct?

19 A. That's correct.

20 Q. And that would have been after the eight o'clock interview  
21 with the fifteen-year-old?

22 A. Yes.

23 Q. Now, you mentioned that Mr. Gandy has property?

24 A. Yes.

25 Q. He owns also an RV or the Recreational Vehicle?

1 A. It's registered to him.

2 Q. What does that mean? I mean, I'm not a --

3 A. The license plate information comes back to Mr. Gandy.

4 Q. So, you don't know whether it's paid off or not?

5 A. I have no information about that.

6 Q. But the fact that it's registered, he's the owner of it?

7 A. We just said that it's registered to him.

8 Q. That would make him the --

9 A. I can't speculate in any other thing. I just know that  
10 it's registered to him.

11 Q. I'm wondering if it's like a car that is registered to an  
12 individual?

13 A. I assume so, but I -- I don't know.

14 Q. Did you check his mortgage records?

15 A. No.

16 Q. Do you know if he owns a home?

17 A. Yes. According to the Harris County Appraisal District,  
18 he is the listed owner of the home.

19 Q. Okay. So, it's fair to speculate that he owns the home?

20 A. Yes.

21 Q. Okay. You have his passport; is that correct?

22 A. Yes. I believe one of the officials has the passport.

23 Q. It was taken from him the day he arrived?

24 A. I did not take his passport, so I can't confirm or deny.

25 But I believe that one of the officials has his passport.

1 Q. Would it be procedure for you to take his passport when he  
2 arrives and he's being interviewed?

3 A. It's not procedure for me to take the passport, no, ma'am.  
4 The Customs and Border Patrol handles that part.

5 Q. Right. And it's procedure for law enforcement, who are  
6 suspecting someone of a crime, to seize a passport?

7 A. Ma'am, I can't confirm or deny that.

8 Q. Okay. But you think that somebody -- an official, did  
9 take his passport?

10 A. I believe that an official has his passport.

11 (Pause in the proceeding.)

12 BY MS. DOUENET:

13 Q. Now, you mentioned the fact that Mr. Gandy went to Cancun  
14 and Taiwan. Is that correct?

15 A. According to our records.

16 Q. Okay. And those are from here?

17 A. Yes.

18 Q. Okay.

19 A. That you have.

20 Q. This is flight information; is that correct? Is there any  
21 confirmation of -- I mean -- you know -- any confirmation that  
22 these flights were actually -- that he did actually go to  
23 these destinations?

24 A. What that is, that's a system that we have that tracks  
25 travel, and that's all I have. I don't know about if he

1 actually landed there and stayed there. All I have is that  
2 system printout.

3 Q. What is this a printout of?

4 A. It's -- of the travel and the boarding -- border crossings  
5 that Mr. Gandy has taken.

6 Q. And when you say border crossings, that means that their  
7 airport -- when an individual goes to an airport, or is it  
8 just -- I mean -- what is this, specifically?

9 A. It's land, sea or air crossings into -- out of or into the  
10 United States of America.

11 Q. So, it's when you pass your passport through a system?

12 A. It's when you cross the -- yes.

13 Q. Okay. So, in other words it's a registration of a  
14 passport at a port of entry?

15 A. It's a registration of a border crossing. I'm sorry I  
16 can't go into too much detail about it. It's just that that's  
17 our documented system that he crossed land, sea or air.

18 Q. And I'm assuming it's based on the passport being scanned.  
19 And if that's not the case, if you don't know, then just say  
20 you don't know.

21 A. I don't -- yeah, I don't know.

22 Q. All right. When you interviewed Mr. Gandy, he was  
23 cooperative with you; is that correct?

24 A. Yes.

25 Q. And he assisted you and answered all your questions?

PUBLIC REDACTION: explicit allegation removed

Johnson - Cross/Redirect

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1 A. For the most part, yes, he did.

2 Q. At one point did Mr. Gandy cry during the interview?

3 A. [REDACTED]

4 [REDACTED]

5 Q. And the breakdown would have been towards the end of your  
6 interview?

7 A. Towards the end, yes.

8 Q. So, it would have been after an hour of interrogation?

9 A. I would not call it interrogation, but after an hour of  
10 questioning, yes.

11 Q. Where he's not free to leave?

12 A. Right. That's correct.

13 Q. And as you stated, the word used was "hoped."

14 A. Yes.

15 MS. DOUENET: Your Honor, I pass the witness.

16 THE COURT: Okay.

17 Ms. Zack?

18 MS. ZACK: Yes, Your Honor. Thank you.

19 REDIRECT EXAMINATION

20 BY MS. ZACK:

21 Q. Just for clarification sake, Agent, it would be illegal  
22 under the laws of the State of Texas for a thirty-five-year-  
23 old man to have any type of sexual relationship with a  
24 fifteen-year-old boy, correct?

25 A. Correct.