



# HOUSTON★CHRONICLE

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## CenterPoint grilled over Beryl actions

'You'll have to do better,' state regulators tell utility's CEO, who promises improvements

By Claire Hao  
STAFF WRITER

Texas utility regulators grilled CenterPoint Energy executives Thursday over their performance in the days following Hurricane Beryl, when millions of Houston-area residents lost power, as the utility's leaders repeat-

edly apologized and acknowledged the company's shortcomings in its preparations and response. At a regularly scheduled meeting of the Public Utility Commission of Texas, Commissioner Jimmy Glotfelty said the storm should be a wake-up call to CenterPoint and every other utility in

the state. "Whether it be a wildfire ... or a big storm or a derecho, I don't care what it is, you all know your system the best, but you'll have to do better. The customers deserve better, and we all are giving you a return that expects better," Glotfelty said. CenterPoint can recover its operating and maintenance expenses through electricity rates approved by the PUC and passed  
**PUC continues on A3**



CenterPoint CEO Jason Wells, center, apologized for the utility's storm response at the Public Utility Commission meeting Thursday in Austin.  
Jon Shapley/  
Staff photographer

## Harris: 'We are not going back'



Members of the American Federation of Teachers cheer as Vice President Kamala Harris addresses them Thursday in Houston.

Photos by Elizabeth Conley/Staff photographer

### VP rallies teachers union here as GOP attacks her on border

By Jeremy Wallace  
AUSTIN BUREAU

Vice President Kamala Harris brought her new presidential campaign to Texas on Thursday, driving home a developing strategy that casts former President Donald Trump as wanting to take the country backward. "Today we face a choice between two very different visions for our nation, one focused on the future and the other focused on the past," Harris told union members at the American Federation of Teachers convention in Houston. "And we are fighting



Harris' visit helped show how much the Democratic presidential candidate values union support.

#### MORE INSIDE

- Harris seeks to shore up union support. **A5**
- Teachers cheer on Harris. **A5**

for the future." That future, she said, means one where children aren't growing up in poverty, seniors can retire with dignity, every worker has the freedom to join a union and students have the resources they need to thrive. Harris argued that Trump and his allies want to end preschool programs like Head Start and  
**Harris continues on A5**

## Judge rips 'political hack' after cases reassigned

By Nicole Hensley  
STAFF WRITER

Top judicial leaders in Houston have effectively removed hundreds of pending cases from state district Judge Kelli Johnson and assigned them to other jurists in the wake of two recent

DWI stops — one on June 25 that led to her arrest — and a judicial complaint filed by her court reporter. The reassignment of her docket, which officials said was finalized this week in an order to be filed Thursday, happened after the Democratic judge, who is

seeking reelection in November, went to work at the criminal courthouse but failed to preside on the bench. The order, signed by Judge Latosha Lewis Payne, Harris County's local administrative judge, and Judge Susan Brown, a governor appointee for the Eleventh Administrative Ju-

dicial Region of Texas, comes in the wake of Johnson's arrest on a misdemeanor driving while intoxicated charge. The rare move to reassign cases strips the elected judge of her ability to preside over her docket without the State Com-  
**Judge continues on A6**



The artificial heart developed by BiVACOR is more durable, relying on a single, continuously spinning rotor.

### Novel artificial heart is implanted

By Julian Gill  
STAFF WRITER

A new chapter in artificial heart development unfolded Thursday in Houston, where officials at the Texas Heart Institute announced they had successfully implanted a novel device that they hope can become the first long-term solution for patients with advanced heart failure. The device — a rotary-powered, hand-sized artificial heart — whirled inside a 58-year-old man's chest for eight days, helping him maintain normal vital signs and organ function until he received a lifesaving heart transplant on July 17. The man, who had suffered from end-stage heart failure and was not available for interviews, became the first of five candidates who will test the device's safety and feasibility as part of a Food and Drug Administration study. The trial run was hailed by Texas Heart officials as "ground-breaking" at a Thursday news conference, and not because the device served as a temporary option for a transplant candidate. Current versions of the device already serve that function. Its use represented a major step toward loftier ambitions: replacing the need for a heart transplant at all. "That's the only reason we did this," said Dr. O.H. "Bud" Frazier, a renowned surgeon at Texas Heart and a pioneer in the development of artificial hearts. Heart failure, when the body can't pump the amount of blood it needs, affects nearly 6.7 million adults over 20 in the United States. Roughly 10% of that population has an advanced form of the disease that requires a transplant. Shortages of donor organs, however, limit the number of transplants that can be performed, leaving thousands of patients relying on artificial pumps  
**Heart continues on A6**



# Ex-Uvalde police officer pleads not guilty

By Peggy O'Hare  
STAFF WRITER

UVALDE — Amid unusually heavy security, former school district police officer Adrian Gonzales pleaded not guilty on Thursday to charges of abandoning or endangering children by failing to confront the shooter during the 2022 Robb Elementary School massacre.

Gonzales' lawyer, former Bexar County District Attorney Nico LaHood, said his client is innocent and did what he could to protect children during the May 24, 2022, shooting, in which 19 fourth-graders and two teachers were killed.

"He doesn't understand how this attention is directed to him," LaHood said after a brief court hearing. "He feels horrible for those children, the lives lost. But he doesn't feel he's responsible for it."

A heavy police presence was evident outside the Uvalde County Courthouse and in the surrounding courthouse square more than an hour before Gonzales' arraignment. Roadblocks were set up on the streets surrounding the courthouse to prevent traf-

fic from passing by or parking there.

There was extra security inside the courtroom too. Spectators had to go through two security checks. Family members of the shooting victims filled six rows of seats.


Gonzales, 51, and former Uvalde school police chief Pedro "Pete" Arredondo were indicted in June by a Uvalde County grand jury. The charges of child abandonment/endangerment were the first to be brought against law enforcement officers in connection with the Robb Elementary massacre.

Arredondo, 52, waived his right to an arraignment, which meant he did not have to appear in court. He is charged with 10 counts of abandoning or endangering a child — one for each of 10 injured survivors of the shooting. He has pleaded not guilty.

**'Failed to act'**

Gonzales faces 29 counts, one for each of the 19 children killed and one for each of 10 survivors named in the indictment.

The Texas Penal Code defines child abandonment or endangerment as "inten-



**Gonzales**

tionally, knowingly, recklessly or with criminal negligence" placing a child younger than 15 "in imminent danger of death, bodily injury, or physical or mental impairment." A person can be guilty "by act or omission," meaning failure to act can be a crime. The offense is a state jail felony, punishable by up to two years behind bars.

In court Thursday, Gonzales waived his right to have the indictment read aloud, and he said nothing during the arraignment, which lasted less than 10 minutes. Judge Sid Harle entered a not guilty plea on his behalf.

Gonzales wore a suit and tie and was accompanied to court by LaHood and attorney Jason Goss, a member of LaHood's firm. Special prosecutor Bill Turner, a former Brazos County district attorney, was also present.

Gonzales and Arredondo were among the first officers on the scene at Robb Elementary, arriving min-

utes after the shooter and entering the fourth-grade building through the south entrance. By then, the attacker was inside rooms 111 and 112 and had fired more than 200 rounds from his AR-15-style rifle.

**'Righteous anger'**

"We have not seen any evidence that would lead us to believe that Mr. Gonzales is guilty of these allegations," LaHood said outside the courthouse. "No Texas peace officer has been charged under this statute before, based off this situation that we're dealing with. It's uncharted territory.

"He feels he's innocent," LaHood said of his client. "He feels all he did was show up to try to help those children."

LaHood acknowledged that "there is justifiable, righteous anger in this situation," but said such emotion should not be directed at his client.

"There were over 370 officers there," LaHood said. "We have not seen or even heard of a theory of why Mr. Gonzales is being singled out."

Asked why 29 counts were filed against Gonzales and only 10 against Arre-

dondo, LaHood said, "We have our theories. We're going to be exploring the evidence and assessing that."

Discovery will take time because "we've been notified there's an enormous amount of evidence," LaHood said.

The defense hasn't been given any indication that additional police officers will be charged in the case, he added.

Goss sought to focus outrage on the 18-year-old shooter.

"There is an obviously horrible monster responsible for the deaths of these children," he said. "And it's not Adrian Gonzales. He's not that person."

After the court hearing, Gloria Cazares, whose 9-year-old daughter, Jacklyn "Jackie" Jaylen Cazares, was killed in the shooting, listened quietly as the defense attorneys spoke to the media. She was tearful when she reached her car.

Asked how she felt seeing Gonzales in court, she said, "I think I just have to be numb to it. I can't handle any other reaction or emotion right now."

The law enforcement response to the shooting has been widely condemned as

an abject failure. At least 380 officers from two dozen local, state and federal agencies went to the scene, but none forced their way into the classroom to confront the shooter until 77 minutes after he began his rampage.

**Chief faulted**

Official inquiries into the shooting faulted Arredondo, the de facto incident commander, for deciding early on to treat the shooter as a barricaded subject rather than an active threat to children in the classroom. Under police doctrine, officers are supposed to act immediately to take down an active shooter, even at risk to their own lives. In contrast, with a barricaded subject, time is not of the essence, and police can weigh their options and try to negotiate.

"Had law enforcement followed generally accepted practices in an active-shooter situation and gone right after the shooter to stop him, lives would have been saved, and people would have survived," U.S. Attorney General Merrick Garland said in January in releasing a Justice Department report on the police response.

## HEART

From page A1

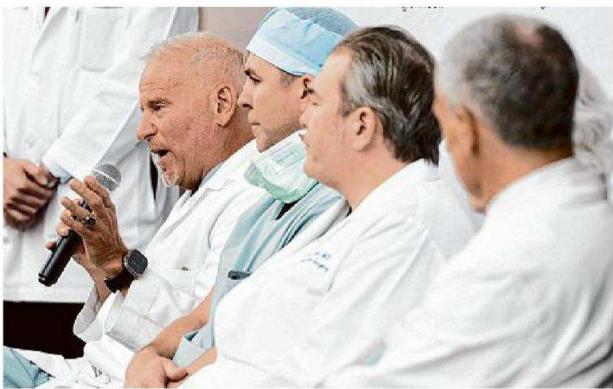
as a temporary option while they wait. Even then, heart transplants are not a long-term solution, with only about half of all heart recipients living 10 years.

For decades, doctors have sought ways to build and improve artificial hearts — a history that winds through Houston. It was here, in 1962, that Dr. Domingo Liotta developed the left ventricular assist device, or LVAD, which takes over part of the heart's function. And here, in 1969, Dr. Denton A. Cooley per-

formed the world's first total artificial heart implant, touching off one of the country's most well-known medical feuds between Cooley and another giant of the field, Dr. Michael E. DeBakey.

The desire to find a sustainable replacement for the human heart has stayed alive despite ethical questions in the early years of the technology that they only prolong a person's death. And even with the recent success at Texas Heart, it could take another decade to reach the ultimate goal.

Developed by medical device company BiVACOR, the heart looks and operates



Jason Fochtman/Staff photographer  
**Dr. William Cohn, chief medical officer for BiVACOR, talks about the new device Thursday in Houston.**

differently than total artificial hearts that are commercially available. Current iterations act more like a hu-

man heart, with a flexible polymer material that pulsates as blood flows in and out of the device through air-powered pumps, which pierce the stomach. The pumping action causes mechanical wear, limiting their use as only a temporary option.

The new device, Texas

Heart officials said, is more durable. It relies on a single, continuously spinning rotor, suspended by an electromagnet inside a titanium casing. Like the current artificial hearts, it relies on a controller that sits outside the body and is tethered by a cord through the skin. Dr. William Cohn, a renowned surgeon who, with Frazier, has sought to develop devices with a similar function, compares it to the evolution of aircraft design.

"It's the first airplane without flapping wings," Cohn said.

BiVACOR partnered with Texas Heart years ago to bring the device to patients. Dr. Daniel Timms, an Australian biomedical engineer who invented it, said he found the support and funding he needed in Texas, including a \$2.5 million gift from Jim "Mattress Mack"

McIngvale.

He sees considerable promise. Improvements can allow the device to be charged through the skin, forgoing the need for patients to carry a bulky controller, he said. And with its levitating rotor, the device "should never really wear out," he said.

Texas Heart officials cautioned that the study is still in the early stages. Once they test the device in five patients, the researchers will assess the results and decide how to design future trials. Dr. Joseph Rogers, president and CEO of the Texas Heart Institute and national principal investigator on the research, estimated that the device could become commercially available for certain patients in as early as five years.

Thursday's news was, researchers said, a first step.



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## JUDGE

From page A1

mission on Judicial Conduct having to suspend her.

A statement from Amanda Cain, spokesperson for the Administrative Office of the District Courts, noted that Johnson remains the elected official over that court. She could not provide a timeline on how long those cases would be handled by visiting judges.

Johnson did not address the docket change in a Wednesday night phone call from the courthouse but said she did not know about the judicial complaint.

In an unsolicited Facebook message to a Chronicle reporter in the early hours Wednesday, Johnson derided the decision to remove her docket and disparaged Brown as a "political hack."

"I have more time this week since Susan f—ing Brown decided to take away MY dockets," she wrote.

She also had choice words for another judge, Robert Johnson, who presides in the 177th District Court — also on the 19th floor. Johnson confirmed she sent the message in a followup call.

"He sucks by the way and f—ed with the wrong person — me," Johnson wrote. "I just know he is a complete despicable and unconscionable a—."

Cain said she was unaware of any issue between Kelli Johnson and Robert Johnson. Brown declined to comment, while Robert Johnson could not be reached.



**Johnson**

As of June, Kelli Johnson, a former prosecutor elected in 2016, had about 1,055 cases pending in her court — more than the average of other court dockets, county records show.

Other judges, at least two elected, handled victim impact statements this week for a capital murder case, plea agreements and other docket matters in Johnson's court as she remained in her chambers. As other judges worked Monday morning, she appeared briefly at times in the doorway to her chambers to beckon her court staff to the back to speak with her.

She also spoke with a Chronicle reporter Monday in her chambers, where she had a blank desk and wall calendar from June. She took several weeks off that month and in May following her first traffic stop in April.

She last took the bench Friday, Cain said, when a man convicted of murder in the death of his wife turned himself in to serve 10 years in prison.

Gail Rolen, a court reporter who has worked for Johnson since 2017 and was a constant presence on high-profile trials, said she filed her complaint with the commission against the judge this month because of "a hostile work environment due to incidents related to the traffic stops" and other unprofessional behavior she witnessed. She said the unspecified behavior prompted her to take a

leave of absence through the Family and Medical Leave Act.

"I had to file a judicial complaint in order to protect the integrity of the judicial system and the citizens who have voted for her as well as defendants in her court and their attorneys," Rolen said.

She said the decision this week to assign visiting judges to Johnson's court was "absolutely necessary and crucial."

"It's the least they can do right now until the judicial board is able to take action, if they do," she continued.

Johnson did not preside over her court for several weeks following the April 12 traffic stop that coincided with a capital murder bench trial.

A sergeant with the Harris County Sheriff's Office witnessed her driving recklessly and pulled her over for a DWI investigation, according to audio from his body-worn camera. Another deputy concluded she likely had been drinking that night but not to the level to merit her arrest.

Johnson identified herself as a judge during the traffic stop and told the deputies that the harrowing nature of the trial involving defendant Brian Coulter and the 2021 death of a child had taken a toll on her. She was let go with a verbal warning.

Driving while intoxicated offenses are among out-of-court misconduct that the judicial commission can consider for disciplinary actions. One of the last suspensions of a Harris County judge followed his arrest on a misdemeanor charge.