

From: R.S. Gates

Sent: Friday, April 07, 2017 8:40 AM

To: 'Amy.Cadwell@oag.texas.gov' <Amy.Cadwell@oag.texas.gov>

Subject: Will Jones

Ms. Cadwell,

Thank you for calling me today in reference to my complaint.

You said Penal Code Sec. 71.02 requires all parties to the combination must have intent to commit the offense and/or derive some benefit from the commission of the offense. My position is the law exists to address when one of the listed offenses cannot be committed in the absence of the combination.

In case you missed the news reports, in McLennan County, the District Attorney applies a much broader application of the law. Almost 200 people were arrested and jailed under one million dollar bonds for engaging in organized criminal activity. I am attaching a copy of that affidavit for your review.

Reading the definitions listed in Penal Code Sec. 71.01, I can see a great deal of latitude given the prosecution by the statute. The parties don't even have to know the identities of the other participants.

Sec. 71.01. DEFINITIONS. In this chapter,

(a) "Combination" means three or more persons who collaborate in carrying on

criminal activities, although:

- (1) participants may not know each other's identity;
- (2) membership in the combination may change from time to time; and
- (3) participants may stand in a wholesaler-retailer or other arm's-length

relationship in illicit distribution operations.

(b) "Conspires to commit" means that a person agrees with one or more persons that they or one or more of them engage in conduct that would constitute the offense and that person and one or more of them perform an overt act in pursuance of the agreement. An agreement constituting conspiring to commit may be inferred from the acts of the parties.

Even if you still disagree about engaging in organized criminal activity, there is still a perjury charge or the tampering with government record charge.

One thing that undermines the criminal justice system is the appearance of one set of laws for common people and one set of laws for people who are well connected.

I hereby state upon my oath that I have reason to believe and do believe that heretofore and before the making and filing of this complaint that Will Jones, a white male, date of birth 09/25/1971 did on or about 1/2/2017 and 1/3/2017, in McLennan County Texas, did with the intent to establish, maintain, or participate in a combination commit the offense of engaging in organized criminal activity against the laws of the State.

[\(Penal Code Sec. 71.02 \(a\)13 Engaging in Organized Criminal Activity\)](#)

My Probable Cause for said belief and accusation is as follows

Allegation 1

On January 2nd 2017 Will Jones signed a Statement of Elected/Appointed Officer. The statement was also signed by McLennan County Judge Scott Felton and notarized by Robin Hutyra AKA Robin Hutyra Miles AKA Cody Hutyra AKA Cody Miles . Cody Miles is listed as the business manager for County Judge Scott Felton. The signed form indicates it is Form 2201 but differs from Form 2201 available on the Secretary of State website.

Allegation 2

On January 3rd 2017 Will Jones signed a document related to securing a required public official bond. That document contains similar language to the required Anti-Bribery Statement. The document is signed by County Judge Scott Felton and notarized by Robin Hutyra.

Allegation 3

On January 3rd 2017 Will Jones in his official capacity as County Commissioner Pct. 3 made a motion to approve his required government documents. Complainant believes Will Jones acted in combination with the other members of the Commissioners' Court to approve government documents.

Complainant believes Will Jones made, presented or used a government record with knowledge of its falsity and acted in combination with Scott Felton and Robin Hutyra because the document could not have been filed without the participation of Scott Felton and Robin Hutyra.

Complainant believes Will Jones knew of the falsity of the document because at the time it was filed he was under investigation for bribery. ([Penal Code Sec. 37.10\(a\)5 Tampering With Governmental Record](#))

Waco Tribune Herald - Commissioner under bribery investigation takes oath of office January 3, 2017

Jones talked to the Tribune-Herald in August about the oath, saying, "I still feel comfortable taking the oath. I don't have any problem with the oath whatsoever." (Attachment E)

Complainant herein alleges Will Jones committed the offense of Engaging in Organized Criminal Activity on three separate and distinct occasions.

Sincerely,
R.S. Gates