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District judge tosses new felony charges against Commissioner Jones

By TOMMY WITHERSPOON twitherspoon@wacotrib.com Jun 15, 2017 Updated 3 hrs ago



Staff photo -- Jerry Larson

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Will Jones leaves the courtroom Thursday morning after a judge dismissed two felony arrest warrants related to Jones' December 2015 offer to refund the filing fee of his Republican primary election opponent, Ben Matus, if Matus agreed to withdraw from the race.

A state district judge threw out felony charges against McLennan County Commissioner Will Jones on Thursday morning after ruling the arrest warrant affidavit contained insufficient probable cause.

Judge Ralph Strother of Waco's 19th State District Court granted a motion from Jones' attorneys to quash two engaging in organized crime warrants obtained last week in another county by R.S. Gates, a retired law enforcement officer.

In finding the warrants lack probable cause, Strother said, "I have some serious questions about the veracity of the affidavits sworn out in the first place," referring to the affidavits Gates presented to a Caldwell County justice of the peace to secure the arrest warrants.

Gates, who did not attend Thursday's hearing, said afterward, "Well, it is McLennan County." He said he thinks it is interesting he was not given notice of the hearing.

"I think former (McLennan County) First Assistant District Attorney Greg Davis said it best when he resigned, when he said he couldn't support two systems of justice in McLennan County. I guess Will Jones is right, you can convince a judge to do anything," Gates said.

Caldwell County JP Ben Brady, of Maxwell, issued the warrants last week after Gates filled out the probable-cause affidavits and drove to Caldwell County seeking the warrants.

The move was highly unusual on a procedural basis because arrest warrants are usually obtained by officers working for a police agency. Gates is a certified officer and a former sheriff's deputy but he is not currently commissioned by a law enforcement agency.

Jones, who was present in the courtroom Thursday with his wife, said he was pleased to get the matter resolved and put the issue behind him.

"I'm happy it's over and we found someone who thinks reasonably," Jones said. "I want to say thank you to my attorneys for the great job they did."

Jones' attorneys, Jim Dunnam and Thomas West, notified the attorney general's office and law enforcement agencies, including the Texas Rangers, after Gates obtained the warrants. Law enforcement agencies made no efforts to serve the warrants in the week they were pending before Thursday's hearing.

Sheriff Parnell McNamara attended the hearing and technically took Jones into custody in the courtroom. West said Jones officially had to be taken into custody before the arrest could be declared unlawful, which Strother did.

West said he talked to Patrick Pena, the Texas Ranger who investigated the bribery allegations against Jones.

"He didn't think it was a valid warrant," West said. "It was a validly issued warrant, but he didn't think the reason behind it was appropriate."

Dunnam, who called the new charges ridiculous last week, said Thursday that Gates "is either misguided or malicious."

Gates alleged Jones committed the offenses when he took the oath of office in January and signed an anti-bribery statement, knowing that at the time he was under investigation on bribery allegations by the Texas Rangers. Jones was investigated on possible bribery charges after he offered in early December 2015 to refund the \$1,250 filing fee to his opponent in the Republican primary election, Ben Matus, if Matus withdrew from the race.

Matus had recorded Jones' offer over the phone, which Jones at the time told the Tribune-Herald was merely "a simple business transaction" but has later termed a "mistake." The commissioner was ultimately charged in March of this year and last month pleaded guilty to offering a gift to a public servant, a Class A misdemeanor, and has been on deferred adjudication probation since he entered the plea.

The attorney general's office handled the case, including the plea agreement, because McLennan County District Attorney Abel Reyna recused his office.

Jones said last week that he was shocked by the new charges because he thought the matter had been resolved with his plea arrangement with the attorney general's office.

Dunnam filed a motion Wednesday in Caldwell County to quash the charges, but also asked Strother to consider dismissing the charges.

Gates said he pursued the charges against Jones because he wasn't satisfied with Jones' plea bargain and he thought the commissioner would have to resign from office.

Texas law requires officeholders convicted of crimes involving official misconduct to resign from office, but Jones will not have a conviction if he completes his deferred adjudication probation and can remain in office.

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