

From: Pena, Patrick <Patrick.Pena@dps.texas.gov>
Sent: Wednesday, April 05, 2017 8:25 AM
To: Cadwell, Amy
Subject: Fwd: [EXTERNAL] Will Jones
Attachments: JonesComplaint.pdf; ATT00001.htm

Patrick Peña
Texas Rangers
Company "F", Waco

Begin forwarded message:

From: "R.S. Gates"
Date: April 5, 2017 at 12:03:51 AM CDT
To: <patrick.pena@dps.texas.gov>
Subject: [EXTERNAL] Will Jones

Ranger Pena,

Please see my attached complaint. Please acknowledge receipt.

R.S. Gates

My name is R.S. Gates. I am licensed as a Master Peace Officer by the Texas Commission on Law Enforcement PID 44955. I was elected Justice of the Peace Precinct 6, McLennan County in 2006. I am a registered voter and resident of McLennan County. Complainant has previously worked as a criminal investigator with the Agriplex Drug Task Force and served as a court appointed private investigator. Complainant has been a resident of McLennan County for more than 50 years. Complainant is a taxpayer and property owner in McLennan County, Texas.

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 (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 (Attachment A). 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 (Attachment B)

Allegation 2

On January 3rd 2017 Will Jones signed a document (Attachment C) 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 (Attachment D). Complainant believe 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.

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

PLEASE TYPE OR PRINT LEGIBLY
PROVIDE ALL REQUESTED INFORMATION

STATEMENT OF ELECTED/APPOINTED OFFICER

(Pursuant to Tex. Const. art. XVI, §1(b), amended 2001)

I, Will Jones, do solemnly swear (or affirm),
that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to
contribute any money or thing of value, or promised any public office or employment for the giving
or withholding of a vote at the election at which I was elected or as a reward to secure my
appointment or confirmation ^{if} whichever the case may be, so help me God.

Will Jones
Affiant's Signature

County Commissioner, Precinct 3
Position to Which Elected/Appointed

McLennan County
City and/or County

SWORN TO and subscribed before me by affiant on this 2nd day of
January, 2017.

Scott M. Felton
Signature of Person Authorized to Administer Oaths/Affidavits

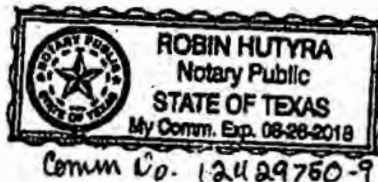
SCOTT M. FELTON
Printed Name

McLennan County Judge
Title

Robin Hutyra Mikes
Notary Public, State of Texas
Robin Hutyra Mikes

(Seal)

Form No. 2201



**Form 2201 - Statement of Officer
(General Information)**

The attached form is designed to meet minimal constitutional filing requirements pursuant to the relevant provisions. *This form and the information provided are not substitutes for the advice and services of an attorney.*

Execution and Delivery Instructions

The Statement is considered filed once it has been received by this office.

Mail: P.O. Box 12887, Austin, Texas 78711-2887.

Overnight mail or hand deliveries: James Earl Rudder Officer Building, 1019 Brazos, Austin, Texas 78701.

Fax: (512) 463-5569.

Email: Scanned copies of the executed Statement may be sent to register@sos.state.tx.us.

NOTE: The Statement of Officer form, commonly referred to as the “Anti-Bribery Statement,” must be executed and filed with the Office of the Secretary of State before taking the Oath of Office (Form 2204).

Commentary

Article XVI, section 1 of the Texas Constitution requires all elected or appointed state and local officers to take the official oath of office found in section 1(a) and to subscribe to the anti-bribery statement found in section 1(b) before entering upon the duties of their offices. Local officers must retain the signed anti-bribery statement with the official records of the office. This form is designed for filing the anti-bribery statement by elected and appointed state-level officers.

Elected and appointed state-level officers required to file the anti-bribery statement with the Office of the Secretary of State include members of the Legislature, the Secretary of State, and all other officers whose jurisdiction is coextensive with the boundaries of the state or who immediately belong to one of the three branches of state government. Op. Tex. Att’y Gen. No. JC-0575 (2002).

Questions about whether a particular officer is a state-level officer may be resolved by consulting relevant statutes, constitutional provisions, judicial decisions, and attorney general opinions.

Questions about this form should be directed to the Government Filings Section at (512) 463-6334 or register@sos.state.tx.us.

Revised 01/2015

Submit to:
SECRETARY OF STATE
Government Filings Section
P O Box 12887
Austin, TX 78711-2887
512-463-6334
512-463-5569 - Fax
Filing Fee: None



STATEMENT OF OFFICER

Statement

I, _____, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Title of Position to Which Elected/Appointed: _____

Execution

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Date: _____

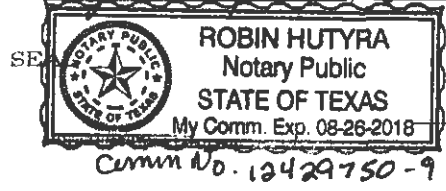
Signature of Officer

OATH OF OFFICE
(COUNTY COMMISSIONERS and COUNTY JUDGE)

I, Will Jones, do solemnly swear (or affirm) that I will faithfully execute the duties of the office of County Commissioner, Precinct 3, McHennan County of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State; and I furthermore solemnly swear (or affirm) that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected; and I furthermore solemnly swear (or affirm) that I will not be, directly or indirectly, interested in any contract with or claim against the County, except such contracts or claims as are expressly authorized by law and except such warrants as may issue to me as fees of office. So help me God.

Signed Will Jones

Sworn to and subscribed before me at McHennan County Texas, this 3rd day of January 2017



Robin Hutyra Hills
McHennan County, Texas

OATH OF OFFICE
(General)

I, _____, do solemnly swear (or affirm) that I will faithfully execute the duties of the office of _____ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State; and I furthermore solemnly swear (or affirm) that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected. So help me God.

Signed _____

Sworn to and subscribed before me at _____, Texas, this _____ day of _____

SEAL _____ County, Texas

THE STATE OF TEXAS }
County of McHennan } ss

The foregoing bond of Will Jones as County Commissioner, Precinct 3 in and for McHennan County and State of Texas, this day approved in open Commissioner's Court.

ATTEST: J.C. Hammond - Clerk
County Court McHennan County

Date January 3, 2017
Seaton M. Felton County Judge,
McHennan County, Texas

THE STATE OF TEXAS }
County of _____ } ss

I, _____, County Clerk, in and for said County, do hereby certify that the foregoing Bond dated the _____ day of _____, with its certificates of authentication, was filed for record in my office the _____ day of _____, at _____ o'clock _____ M., and duly recorded the _____ day of _____, at _____ o'clock _____ M., in the Records of Official Bonds of said County in Volume _____, on page _____.

WITNESS my hand and the seal of the County Court of said County, at office in _____, Texas, the day and year last above written.

Clerk
By _____ Deputy County Court _____ County

ORDER APPROVING:

ACCEPTANCE OF BOND / OATH DOCUMENTS FOR VARIOUS ELECTED AND/OR APPOINTED COUNTY OFFICIALS, RELATED AUTHORIZATIONS AS NECESSARY

On this the 3 day of January 2017, came on for consideration the matter of Acceptance of Bond / Oath Documents for Various Elected and/or Appointed County Officials, related authorizations as necessary. Commissioner Jones made a motion to approve and it was seconded Commissioner Perry. A vote being called for, voting in favor of said motion was Judge Felton, Commissioner Snell, Commissioner Gibson, Commissioner Jones and Commissioner Perry. It is ordered by the Court that said Authorizations be, and the same are hereby, approved by unanimous vote.

Commissioner under bribery investigation takes oath of office

By **TOMMY WITHERSPOON** twitherspoon@wacotrib.com | Posted: Tuesday, January 3, 2017 6:05 pm

McLennan County Commissioner Will Jones, who remains under a bribery investigation, started his second term in office Tuesday by filing his oath of office and a sworn “anti-bribery” statement.

Jones acknowledged in January that he offered to reimburse his Republican primary opponent, Ben Matus, the cost of his filing fee if Matus would withdraw from the race.

Eight months later, McLennan County District Attorney Abel Reyna asked the Texas Rangers to investigate if Jones’ offer constitutes a criminal act, recused his office and asked a judge to appoint Assistant Attorney General Amy Cadwell to handle “all matters relating to the involvement” of Jones “in the alleged bribery or attempted bribery in McLennan County.”

Jones responded to questions Tuesday about his oath and accompanying anti-bribery statement by repeating the same eight words three times.

“I signed the oath because it is true,” Jones said, repeating it twice before adding, “and that is all I am going to say about the issue.”

He declined to say if he thinks he has opened the door to a possible perjury charge by filing the sworn documents.

Jones defeated Matus, an auto repair instructor at Texas State Technical College, in the primary with 56 percent of the vote and won 83 percent of the vote in the general election against Libertarian challenger David Reichert in November.

Anti-bribery statement

As part of their oaths of office, county and state officials are required to file what is known as an anti-bribery statement, which says, in part, that they have not “directly or indirectly paid, offered, promised to pay, contributed or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation.”



WILL JONES

Jones

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."

Attorney general's office spokeswoman Kayleigh Lovvorn said she could not discuss the case Tuesday "as we do not comment on ongoing investigations."

Texas Ranger Patrick Pena, who was investigating the matter after Cadwell was assigned, did not return a phone message Tuesday.

Matus taped his phone conversations with Jones and saved text messages from him, which he shared with the Tribune-Herald. He declined comment Tuesday.

Jones acknowledged in January that he offered Matus a personal refund of his \$1,250 filing fee if Matus would withdraw from the race.

Matus did not report the offer to authorities but posted his exchange with Jones, which he recorded on his cellphone, on his campaign Facebook page.

Matus said last year that Jones texted him several times and called him in December 2015.

"He was serious. He offered to pay me to drop out of the race," Matus said at the time. "He kind of blindsided me. He told me I was wasting my time and money, and I kind of got agitated. It is my time and my money. He said it is a losing cause, but it made me want to run against him even more."

Jones said in January he doesn't think his offer constitutes a bribe, calling it a "simple business transaction."

"I did say that I would refund his money and I told him that would be a good idea for him," Jones said at the time. "There is no way it could be considered a bribe. There is nothing wrong about it."

After Matus said he was told that his filing fee was not refundable, Jones said on the recording, "I will refund your money. My wife and I have talked about this, and if you want out, I will refund your money."

Matus also has a text message sent by Jones on Dec. 15, 2015, that says: "You can still withdraw your name today. My offer still stands."

Attorneys hired

Jones said Tuesday that he doesn't think the bribery investigation has been dropped and confirmed that he has hired Fort Worth attorney Jeff Kearney to assist Waco attorneys Jim Dunnam and Thomas West in his defense.

West and Dunnam declined comment Tuesday. Kearney did not return a phone message to his office.

Kearney represented longtime McLennan County Tax Assessor-Collector Buddy Skeen, who pleaded guilty in 2012 to five felony counts involving misuse of county property and vehicles. Skeen served six months in jail before starting a 10-year probation term.

According to the Texas Penal Code, a person commits the offense of bribery if he intentionally or knowingly offers, confers, or agrees to confer on another, or solicits, accepts, or agrees to accept from

another any benefit as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official or voter.

A political candidate is considered a public servant under Texas law.

Bribery is a second-degree felony punishable by up to 20 years in prison. Attempted bribery is a third-degree felony punishable by up to 10 years in prison.