

Judge dismisses arrest warrants for local county commissioner



McLennan County Commissioner Will Jones. (File)

By John Carroll | Posted: Thu 12:36 PM, Jun 15, 2017 | Updated: Thu 12:46 PM, Jun 15, 2017

WACO, Texas (KWTX) A state district judge Thursday threw out arrest warrants issued by a justice of the peace in a county south of Austin for a local county commissioner.

Pct. 3 McLennan County Commissioner Will Jones, who was named in arrest warrants issued last week by a justice of the peace in Caldwell County was ordered arrested during a hearing Thursday in Waco and then promptly released after the judge dismissed the charges against him.

Jones appeared Thursday in 19th District Court in response to the two felony warrants issued by a justice of the peace in Caldwell County at the urging of a Moody man, and former police officer, who alleged that Jones engaged in organized criminal activity.

During the hearing Thursday morning, District Judge Ralph Strother ordered deputies to arrest Jones on the warrant and then, after Jones was given the required Miranda warning, declared the warrants improper.

"The arrest affidavit did not establish probable cause," Strother ruled from the bench.

Strother said he "reviewed memorandum of Jones' attorneys and reviewed the complaint and affidavit and found no probable cause because the complaint for engaging in organized criminal activity was unfounded."

"So I ordered Jones released," Strother said.

"I've practiced law for 28 years, I've never seen anything this absurd," Jones' attorney Jim Dunnam, of Waco, said last week.

"It has no merit whatsoever, some justice of the peace down in Caldwell County issued a warrant to be executed in McLennan County," Dunnam said.

"The judge made the right decision," Dunnam said.

"The people of McLennan County are smart people and they knew these charges have no merit," Dunnam said.

The warrants charging engaging in organized criminal activity were issued on June 8 after McLennan County resident R.S. Gates filed a sworn affidavit with Pct. 3 Caldwell County Justice of the Peace Ben Brady.

Gates, a former law enforcement officer, said he filed the complaint under his First Amendment right to petition and request a warrant against a public servant.

"If you think about the First Amendment articulates the right of the people to petition government for redress of grievances. This is nothing more than an exercise of that right," he said.

Jones, who was accused of offering to reimburse the \$1,250 filing fee paid by his 2016 Republican primary opponent, Ben Matus if Matus would drop out of the race, pleaded guilty on May 5 to a misdemeanor charge in an agreement that allows him to remain in office.

Jones entered a guilty plea to a charge of offering a gift to a public servant and was sentenced to one year of deferred adjudication probation, 80 hours of community service and was fined \$4,000.

In his affidavit, Gates says Jones signed an Oath of Office on Jan. 3 that "contains similar language to the required Anti-Bribery Statement" that was also signed by the county judge and a notary.

He alleges in the affidavit he believes Jones "knew of the falsity of the document because at the time it was filed he was under investigation for bribery." ⓧ

"Mr. Jones has already accepted all responsibility for whatever he's done and this is just some attempt, misguided attempt to reopen things," the attorney said.

Jones was arrested in March after an investigation by the Texas Rangers that started in June 2016 after a Facebook post was mailed anonymously to the McLennan County District Attorney's Office in which Jones said he "offered to refund Benny's filing fee because I thought it was the right thing to do."

"He chose not to accept and that's fine," the post said.

Jones admitted to Texas Ranger Patrick Pena that he wrote the post and that it was from his personal Facebook page, a complaint released in May says.

"He stated that he stood behind the post 100 percent," the complaint says.

He also confirmed that he sent a text message to Matus on Dec. 15, 2015, in which he made the offer, the complaint says.

In August 2016, after State District Judge Matt Johnson recused himself from the case, Morgan, a retired state district judge, accepted a recusal motion from McLennan County District Attorney Abel Reyna and appointed an assistant attorney general, Amy L. Caldwell, to handle what then was a potential bribery case against Jones.

Jones, who was first elected in 2012, defeated Matus by more than 800 votes in March 2016, although 295 voters who should have been able to vote in the race were provided with the wrong ballots.