

No. \_\_\_\_\_

IN RE:

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IN THE JUSTICE COURT  
CALDWELL COUNTY, TEXAS  
PRECINCT 3

WILL JONES

**DEFENDANT'S MOTION TO QUASH ARREST WARRANT  
AND DISMISS COMPLAINT**

To the Honorable Judge of this Court:

Defendant, Will Jones, files this motion to quash the arrest warrant issued in the above case and, in support, shows the court the following:

1. On June 8, 2017, the above Court issued a warrant of arrest for Will Jones for engaging in organized criminal activity. The affidavit supporting the arrest warrant in this case does not contain sufficient facts for an independent finding of probable cause by the magistrate in that it fails to set forth the elements essential for the offense in question.

2. The arrest warrant in this case failed to sufficiently describe the basis of the charge against Will Jones. The warrant attempts to charge the defendant with acts alleged to have occurred outside the jurisdiction of the court.

3. The complaint alleges that a combination existed if the defendant agreed with one or more persons and that a true "combination" requires three or more people. See TEX. PENAL CODE ANN. §71.01(b) (Vernon Supp. 2001) In other words, there must be three or more people; however, two or more of those three members must agree to commit an overt act for it to create a violation of a statute. The complaint/affidavit fails to state what overt act or acts constituted a combination. The mere ministerial act of notarizing and signing a document is conclusory and provides insufficient information to provide probable cause to issue a warrant or that a combination existed.

Filed on the 14 day of June 2017  
In Justice Crt., Pct. 3, Caldwell Co., TX  
at 2:40 P.M.  
Received By: [Signature]  
Court Clerk

THEREFORE, defendant, Will Jones, respectfully requests that the court quash defendant's arrest warrant and dismiss this case and that the court grant defendant any other relief to which defendant is entitled.

Respectfully submitted,



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ATTORNEYS FOR DEFENDANT

#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Motion was delivered to the following individuals on the \_\_\_\_\_ day of June, 2017.

Fred Weber  
Criminal District Attorney - Caldwell County  
1703 S. Colorado Street - Box 5  
Lockhart, Texas 78644

Via Fax No. (512) 398-1814