

THE STATE OF TEXAS

§

DOCKET# _____

COUNTY OF MCLENNAN

§

COURT _____

COMPLAINT

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED THE AFFIANT HEREIN, A LICENSED RETIRED PEACE OFFICER UNDER THE LAWS OF TEXAS, WHO, BEING DULY SWORN, ON OATH MADE THE FOLLOWING STATEMENTS AND ACCUSATIONS:

My name is R.S. Gates. I am licensed as a Master Peace Officer by the Texas Commission on Law Enforcement. 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 hirth 09/25/1971 did on or about 1/2/2017, 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


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)

Complainant believes Will Jones made, presented or used a government record with knowledge of it's 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.

On May 5th 2017, Will Jones plead guilty to Offering a gift to a public servant. (Penal Code Sec. 36.09)

"I was wrong to offer to refund my opponent's filing fee back," Jones wrote in the statement. "Ignorance of the law is not a defense. Therefore, I accept the consequences of my actions. Waco Tribune Herald 5/5/17.


Complainant

SWORN TO AND SUBSCRIBED BEFORE ME BY SAID AFFIANT/COMPLAINANT ON THIS THE 8 DAY OF June 2017


MAGISTRATE
STATE OF TEXAS


Attachment A - Statement of Elected/Appointed Officer

Attachment B – Form 2201 Secretary of State

Attachment C – Waco Tribune Herald article 1-3-2017

Attachment D - Waco Tribune Herald article 5-5-2017

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, 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

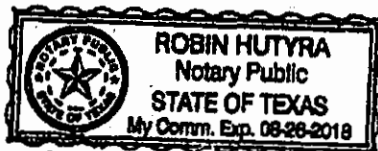
SCOTT M. FELTON
Printed Name

McLennan County Judge
Title

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

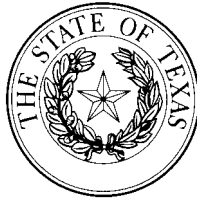
(Seal)

Form No. 2201



Comm. No. 12429750-9

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

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.

http://www.wacotrib.com/news/courts_and_trials/county-commissioner-jones-pleads-guilty-gets-fine-community-service/article_3d4a22b1-a622-5f0d-a436-bf6a7e04aa67.html

County Commissioner Jones pleads guilty, gets fine, community service

By CASSIE L. SMITH csmith@wacotrib.com May 5, 2017



McLennan County Commissioner Will Jones leaves court Friday after pleading guilty, in exchange for deferred adjudication probation, to making an improper offer during his primary campaign. Jones offered to personally refund his opponent's \$1,250 filing fee if his opponent would drop out of the Republican primary race. In addition to a year of probation, Jones must serve 80 hours of community service and pay a \$4,000 fine.

McLennan County Commissioner Will Jones pleaded guilty Friday to offering a gift to a public servant.

Jones, commissioner for Precinct 3, entered the guilty plea for the Class A misdemeanor charge and was sentenced to one year of deferred adjudication probation, 80 hours of community service and fined \$4,000. Jones' attorneys and prosecutors agreed to the punishment in exchange for the guilty plea, and a judge signed off on the deal Friday.

Jones apologized for his actions in a statement after the leaving a hearing in 54th State District Court.

“I was wrong to offer to refund my opponent’s filing fee back,” Jones wrote in the statement. “Ignorance of the law is not a defense. Therefore, I accept the consequences of my actions. I have been open and honest from the beginning. I am honored that the voters re-elected me despite the negative coverage in the news media about my actions. I look forward to continuing my work as county commissioner and will serve the citizens of Precinct 3 and all of McLennan County to the best of my ability.”

A Class A misdemeanor is punishable by up to a year in prison and a \$4,000 fine.

In deferred probation cases, there is no final judgment of guilt and no final conviction on the defendant’s record if he or she successfully completes the term of probation.

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.

Visiting State District Judge James Morgan heard the case because Judge Matt Johnson recused himself. Morgan said he had to admit he had to get out the penal code and look up the charge of offering a gift to a public servant.

Jones was arrested in March for making an improper offer to reimburse his 2015 Republican primary opponent’s \$1,250 filing fee. The offer was for Ben Matus to drop out of the race.

The attorney general’s office agreed to prosecute Jones after McLennan County District Attorney Abel Reyna recused his office and asked the Texas Rangers to investigate, six months after the offer.

Jones admitted in January 2016 he made the offer to Matus. He called it “a simple business transaction.” Matus taped his phone conversations with Jones and saved text messages, which he shared with the Tribune-Herald.

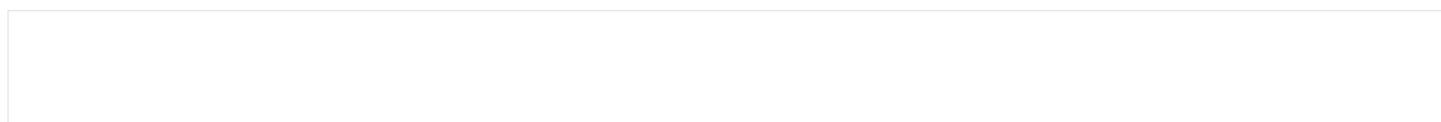
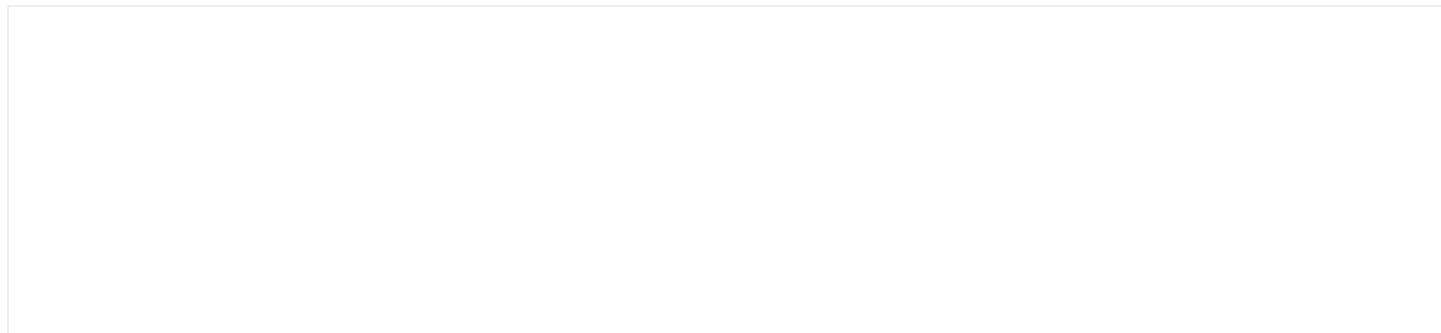
Jones defeated Matus, a Texas State Technical College auto repair instructor, in the primary with 56 percent of the vote. Jones won 83 percent of the vote in the November general election against Libertarian challenger David Reichert.

As defined by the Texas Penal Code, a person commits the offense of offering a gift to a public servant if the person offers, confers or agrees to confer any benefit on a public servant that the person knows the public servant is prohibited by law from accepting. A political candidate is considered a public servant.

The plea hearing was postponed in April because the prosecutor was dealing with an unexpected health issue.

Jim Dunnam, Jones’ attorney, said after the hearing that Jones will be glad to get this behind him.

“He stepped up and accepted responsibility,” Dunnam said.



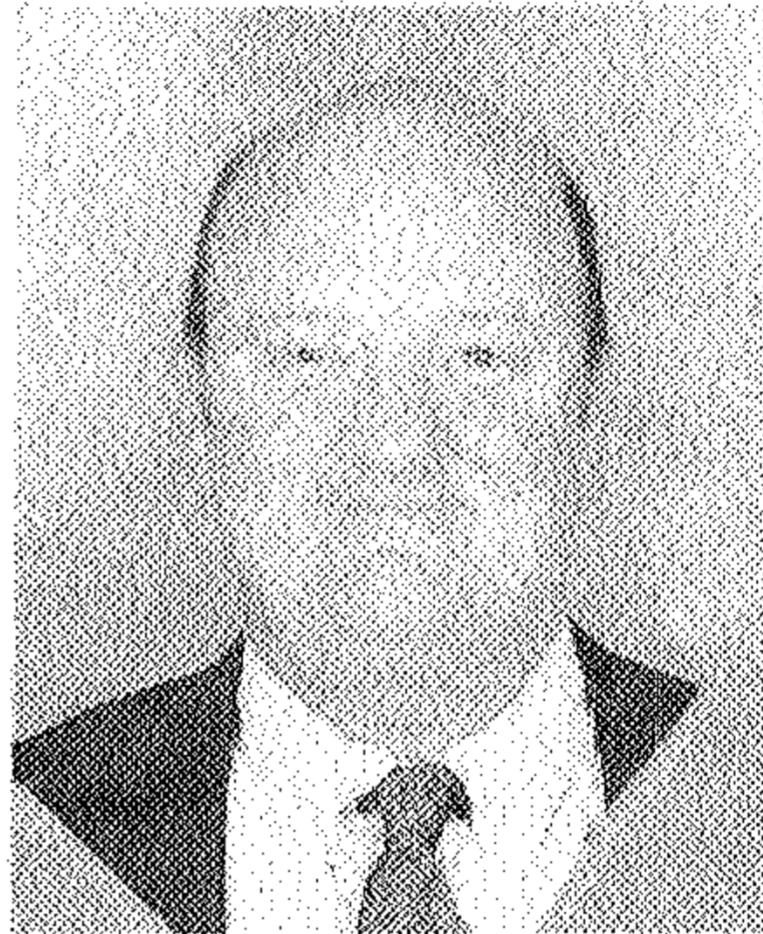
In the Name of §

The State of Texas §

WARRANT OF ARREST

TO ANY PEACE OFFICER OF THE STATE OF TEXAS;

The undersigned Magistrate having heretofore found that probable cause exists for the issuance of this warrant, you are hereby commanded to arrest:



CID:	0176724
Photo Date:	03-21-17
Last:	JONES
First:	WILL
DOB:	09-29-1971
Sex:	MALE
Race:	WHITE
Height:	
Weight:	245
Hair:	BROWN
Eyes:	BLUE

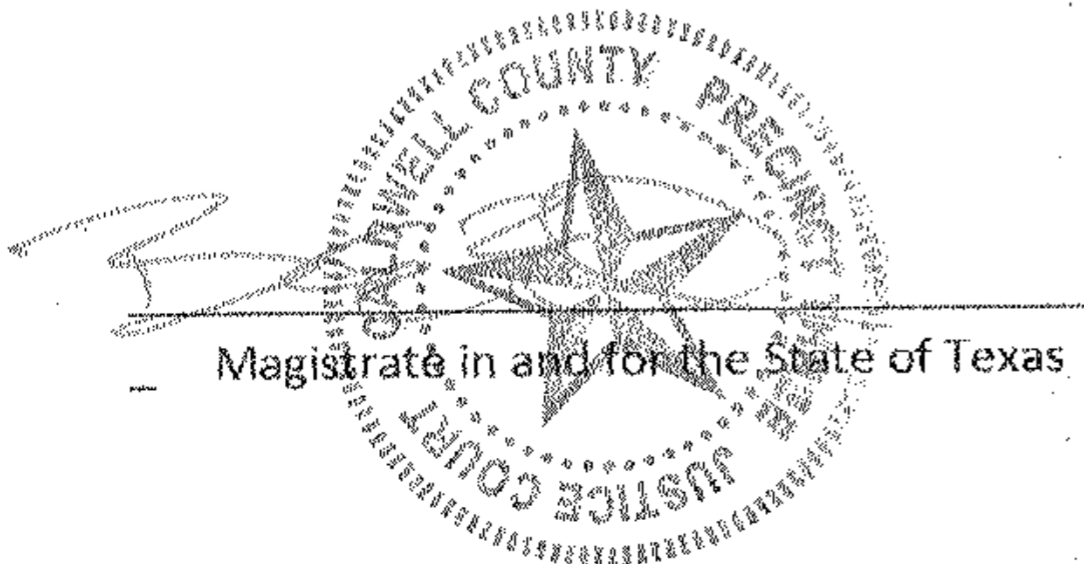
Hereinafter referred to as the suspect, and bring said suspect before a Magistrate in and for McLennan County, Texas, instanter, then and there to answer the State of Texas for an offense against the laws of the State, to-wit:

Engaging in Organized Criminal Activity

Date of offense: 1-2-2017

Of which offense the said suspect is accused by the written affidavit, under oath by R.S. Gates filed before me anterior to the issuance of this warrant. Herein fail not and due return make hereof at the place hereinafter named.

Witness my official signature this the 9 day of June, 2017



Magistrate in and for the State of Texas

District of the Peace, Precinct 3

Title and Office held by Magistrate

RETURN

Came onto the hand on the

____ day of _____, 2017 and

executed on the ____ day of

_____, 2017.

Name of Peace Officer

Description of Office

Cause Number

WARRANT OF ARREST

The State of Texas v.

Will Jones

W/M DOB 9/25/71

OFFENSE

Engaging in Organized
Criminal Activity

BOND AMOUNT

\$ 10000⁰⁰