

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 birth 09/25/1971 did on or about 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)

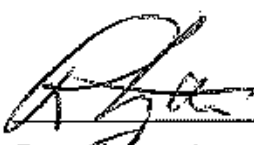
My Probable Cause for said belief and accusation is as follows

On January 3rd 2017 Will Jones signed a document (Attachment A) titled Oath of Office. 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.

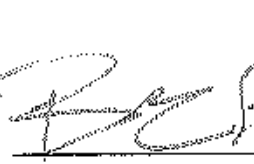
Complainant believes Will Jones made, presented or used a government record with knowledge of it's falsity and acted in combination with Scott Felton and Robin Hutyra because the document could not have been filed without the participation of Scott Felton and Robin Hutyra AKA Robin Hutyra Miles AKA Cody Hutyra AKA Cody Miles . Cody Miles is listed as the business manager for County Judge Scott Felton. 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 5<sup>th</sup> 2017, Will Jones plead guilty to Offering a gift to a public servant. (Penal Code Sec. 36.09) Cause # 2017-442-C2

"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  
THE STATE OF TEXAS  
Attachment A – Oath  
Attachment B – Waco Tribune Herald 1-3-17  
Attachment C – Waco Tribune Herald 5-5-17

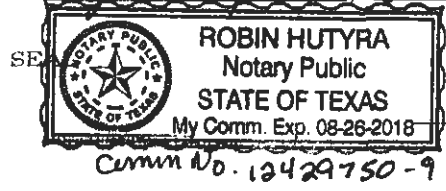


OATH OF OFFICE  
(COUNTY COMMISSIONERS and COUNTY JUDGE)

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

# Commissioner under bribery investigation takes oath of office

By **TOMMY WITHERSPOON** [twitherspoon@wacotrib.com](mailto: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.

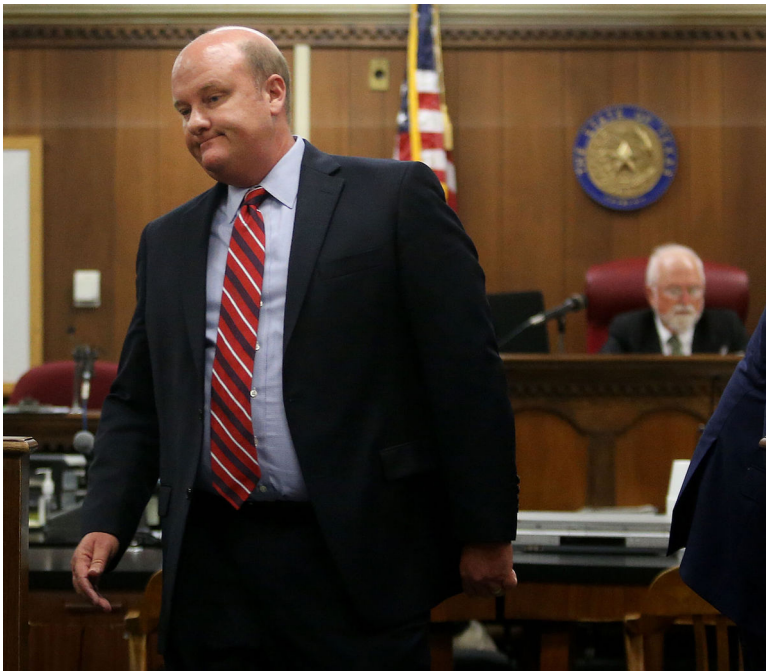
Bribery is a second-degree felony punishable by up to 20 years in prison. Attempted bribery is a third-degree felony punishable by up to 10 years in prison.

[http://www.wacotrib.com/news/courts\\_and\\_trials/county-commissioner-jones-pleads-guilty-gets-fine-community-service/article\\_3d4a22b1-a622-5f0d-a436-bf6a7e04aa67.html](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](mailto:csmith@wacotrib.com) May 5, 2017

Jones



Staff photo — Jerry Larson

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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.



Commissioner charged in election offer

The State of Texas §

County of McLennan §

# 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: 09-28-1971  
 Sex: MALE  
 Race: WHITE  
 Height:  
 Weight: 245  
 Hair: BROWN  
 Eyes: BLUE

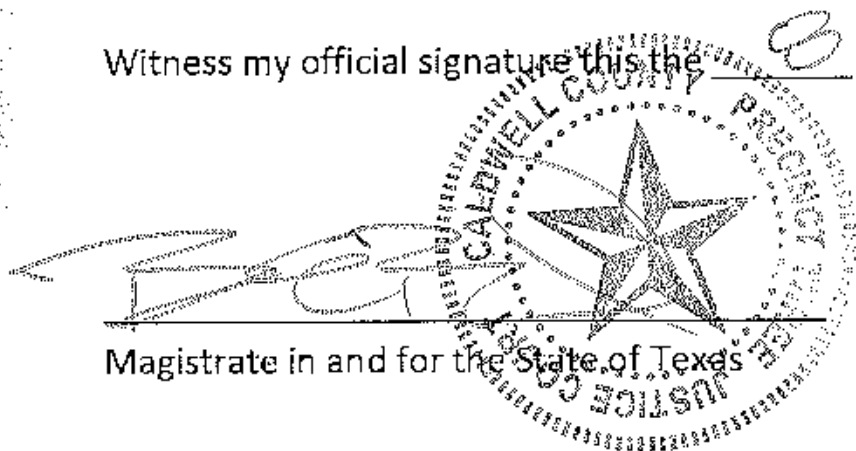
Hereinafter referred to as the suspect, and bring said suspect before a Magistrate in and for McLennan County, Texas, instanter, then and there to answer the State of Texas for an offense against the laws of the State, to-wit:

## Engaging in Organized Criminal Activity

Date of offense: 1-3-2017

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 3 day of June, 2017



Magistrate in and for the State of Texas

*James A. Powell, Caldwell Co. Et 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

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## WARRANT OF ARREST

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The State of Texas v.  
Will Jones  
W/M DOB 9/25/71

## OFFENSE

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Engaging in Organized  
Criminal Activity

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BOND AMOUNT

\$ 10,000<sup>00</sup>

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