

Nos. 416-81913-2015
416-82148-2015
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THE STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
V.	§	416th JUDICIAL DISTRICT
	§	
WARREN KENNETH PAXTON, JR.	§	COLLIN COUNTY, TEXAS

SUPPLEMENTAL RESPONSE TO THE STATE’S EXHIBIT 14

TO THE HONORABLE JUDGE GEORGE GALLAGHER:

Comes Now Warren Kenneth Paxton, Jr. (“Paxton”), by and through his attorneys of record, and files this Supplemental Response to the State’s Exhibit 14. We respectfully ask that the Court view State’s Exhibit 14 for what it is: an invitation to a run of the mill political fundraiser, held over three years ago and long before the Special Prosecutors were appointed. The invitation provides no support for transferring venue or continuing this case. The only evidence before this Court relevant to the change of venue motion that is not hyperbole or gossip is the polling data presented by Glen Bolger at the March 29, 2017 hearing. That evidence showed, overwhelmingly, that the citizens of Collin County have not formed an opinion one way or another about Mr. Paxton or the Special Prosecutors. And those that have, hold opinions that favor the State, not Mr. Paxton. Both the motion to change venue and to continue this case should be denied.

I. ARGUMENT

A. The Richardson Fundraiser Presents No Ethical Issue

The Court has expressed concern over “ethical problems” manifest by a December 2013 political fundraiser sponsored by Keresa and J.R. Richardson for Paxton, to which multiple Collin County elected officials and County Commissioners were invited to attend. During the sealed portion of the hearing, Special Prosecutors introduced into evidence an invitation to the fundraiser. While the Defense was not furnished a copy of the invitation, what it believes to be the invitation is attached as Exhibit A.

The fundraiser was conducted nearly three and a half years ago, on December 4, 2013. That was a year and a half before the grand jury investigation. It was months before the investigation by the State Securities Board concluded. And of course, it was long before the Special Prosecutors were appointed. The current concerns and disputes swirling around payments to the Special Prosecutors were not issues at that time, nor was the guilt or innocence of Paxton.

The event in question was typical of political fundraisers thrown on Paxton’s behalf during his campaign for Attorney General. This event was also typical of fundraisers thrown around the State for candidates of offices large and small, be they state representatives, state senators, judges, city council members, or any other office. To that end, attached as Exhibit B is a compilation of recent political fundraiser invitations. Note that it is the routine habit and practice of elected

officials to attend fundraisers and social events for other members of their party, regardless of whether a personal relationship exists.

The Court seemed to express specific concern about the Collin County Commissioners who were listed as hosts for the December 2013 Richardson fundraiser. While Paxton does not recall whether particular Commissioners actually attended the fundraiser, suffice it to say that then-Commissioner, Matt Shaheen, has since been elected a state representative and is no longer a county commissioner. Also, donation records show that only one Commissioner—Cheryl Williams—made any donation to Paxton in relation to the event, in the modest amount of \$250. And while County Judge Keith Self later donated \$5,000 to Paxton’s campaign approximately three months after the event, none of the other Honorary Hosts listed on Exhibit A ever donated to Paxton, and the referenced donations combined were relatively small. This is not surprising as most elected officials who are honorary hosts do not contribute to the fundraiser event.

Notably, Collin County Commissioners Duncan Webb and Cheryl Williams, in addition to County Judge Self, voted *in support* of payments to the Special Prosecutors notwithstanding the lawsuit filed by Jeffery Blackard and the subsequent lawsuit filed last week in which the Richardson Family Living Trust is a named plaintiff.

As mentioned earlier, the Court warned of a potential “ethical problem” manifest by the Richardson political fundraiser. The defense does not believe the

fundraiser presents any ethical issue. This was a commonplace political fundraiser, it was held over three years ago, and all but one of the current county commissioners that were present has voted to fund—and continue funding—Paxton’s prosecution. Thus, it is difficult to directly address any ethical issue that the Court might have been concerned with. And while it is unclear whether the Special Prosecutors introduced the invitation in support of their motion for continuance or their motion to transfer venue, they certainly did not advocate that any sort of ethical concern existed. Even if the Special Prosecutors did introduce the fundraiser invitation to raise some sort of ethical concern, it should be noted that the lawyers involved in this case, including one of the defense lawyers and one of the Special Prosecutors, have hosted political fundraisers for judges that they have appeared before. An invitation to just such an event is attached as Exhibit C.

B. Evidence of The Richardson Fundraiser Does Not Support Transferring Venue

The defense understood the Court’s concern over the fundraiser as something that may bear on the issue of whether to transfer venue in this case. The Defense would posit that the fact of the Richardson Family Living Trust filing suit to block payments to the special prosecutors is no different than the fact that the Blackard Family Limited Partnership, LP filed suit to block such payments. Whether it be Mr. Blackard or the Richardsons, these are concerned citizens exercising their constitutional right to petition courts over an issue that is of great concern to them:

the spending of County resources. And those lawsuits have no connection to a fundraiser held by politically active citizens of this county well over a year and a half before this case was presented to a grand jury. As everyone involved in this case knows, fundraisers such as this—be they dinner parties, barbeques, or golf tournaments—are extremely common in politics.

Respectfully, the defense believes that nothing new has been presented that should dissuade the Court from its original position that it intended to carry the Motion to Transfer Venue through jury selection and was inclined to pick a jury in Collin County. Further, the Court should note that the Blackard/Richardson lawsuit actually names not only the special prosecutors as defendants, but also *some of the same elected officials and individuals who co-hosted the Richardson fundraiser*—namely, Commissioners Webb, Hill, and Williams, in addition to County Judge Self.

More importantly, it is hard to fathom that change of venue is still the subject of consideration—let alone merited—given the evidence presented by the Defense when pollster Glen Bolger testified during the March 29th hearing that:

1. Among those jury-eligible Collin County residents who were aware of the Paxton indictment, three-fourths of them did not have an opinion as to Paxton’s guilt or innocence.
2. A large majority of those who were aware of the indictment have not changed their opinions over time – in other words, the so-called “Team Paxton” has had no impact on their opinions.

3. Indeed, more people now believe that Paxton is guilty than when he was first charged – a statistic that is driven totally by Democratic-leaning individuals.
4. An overwhelming majority had no opinion of the Special Prosecutors, and over 90% of those individuals have not changed their opinions about the Special Prosecutors in the last year.

II. CONCLUSION

Based on the facts presented to the Court, there is no significant bias or preconceived notions about this case among potential jurors in Collin County. State's Exhibit 14 does nothing to change that fact, nor does the event it describes have any ethical implications on the parties in this case or in any other matter. Indeed, it was nothing more than a routine fundraising event that occurred over three years ago—before any indictment in this case and unrelated to any issues subsequently raised therein. Again, there is simply is no basis to transfer venue, and the case should therefore stay in Collin County.

Respectfully submitted,

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