

AFFIDAVIT OF MINDY MONTFORD

STATE OF TEXAS                   §  
                                                  §  
COUNTY OF TRAVIS           §

BEFORE ME, the undersigned authority, personally appeared Mindy Montford who being duly sworn by me under oath stated as follows:

"My name is Mindy Montford. My date of birth is [REDACTED] and I live in Austin, Texas. I am over eighteen years of age, of sound mind, literate in the English language, and am otherwise fully competent and capable of making this affidavit and testifying to the matters stated herein. All of the information contained herein is based upon my personal knowledge and is true and correct.

I served as the First Assistant District Attorney for the Travis County District Attorney's Office from December 1, 2016 until January 4, 2021. As the First Assistant District Attorney, I oversaw the general operations of the Office and supervised approximately 230 employees. I was contacted by Attorney General Ken Paxton sometime in the spring of 2020 and asked if I would be willing to meet an individual by the name of Nate Paul to hear his allegations of misconduct by several law enforcement agencies during a search warrant that was conducted at Mr. Paul's residence. I agreed to meet with Mr. Paul and informed General Paxton that I would also have someone from our Special Prosecutions Division attend the meeting with me. We later agreed to meet on May 8, 2020, the location would be determined closer to the date. Because of COVID-19 concerns, the District Attorney's Office was closed to members of the public so I was unsure where the meeting would take place. I later received a text or phone call stating that the meeting would be over the lunch hour at Capital Grille restaurant in the downtown area. Don Clemmer, the Director of the Special Prosecutions Division at that time, attended the meeting with me. When we first arrived, we met Nate Paul and his attorney, Michael Wynne, who were already seated. Neither of us had met Mr. Paul or Mr. Wynne prior to the meeting. General Paxton joined the meeting several minutes later. The meeting lasted approximately an hour and a half to two hours and consisted

House Managers

EX. 565

mainly of Mr. Paul describing a search warrant that was conducted at his residence the previous year involving what I recall to be the FBI, the DEA, the U.S. Attorney's Office, and the Texas Department of Public Safety. I did not take notes during this meeting so I am remembering the specific details based upon my memory. I believe there was also mention of involvement by the Securities and Exchange Commission, but I am not certain. Mr. Paul described how law enforcement was abusive, rude, and almost taunting him at times. He described how he believed they cut off his electricity and refused to let him use the restroom for hours while the search took place. He said they left his house in shambles and placed a photo of Gordon Gekko (from the movie *Wall Street*) on the desk near his computer almost as a signal of some kind. The story he told seemed almost unbelievable to me, but I continued to listen and did not ask many questions. At some point during the conversation, I did ask Mr. Paul if he was under indictment or facing criminal charges once it became clear to me that he was possibly still under investigation for criminal conduct. He stated that no charges had been filed as of the date of the meeting. It should be noted that neither myself nor Don Clemmer had any substantive background about Mr. Paul or any sort of knowledge about a possible ongoing criminal investigation prior to the meeting. I was asked to listen to something that had previously happened to Mr. Paul and give an opinion about whether or not the conduct by law enforcement should be investigated. We assumed the conversation would be about something that had already been resolved and that this was a complaint being made after the fact. Mr. Paul did not get into any of the specifics about the underlying criminal investigation but rather focused on what he believed had occurred during the search warrant. He did state that he was not sure certain whether there was still an investigation against him because it had been almost a year since the search warrant had been executed. Mr. Wynne confirmed not knowing the status of the criminal investigation as well, but he also made assertions that he believed the search warrants had been tampered with after Mr. Paul's residence had been searched. At the conclusion of the meeting, we exchanged emails and said we would discuss the matter with the District Attorney and be back in touch. (As an aside, Don Clemmer and I paid for our own lunches.)

Don Clemmer and I discussed the meeting with Margaret Moore by phone. Because Mr. Paul's allegations involved several different law enforcement agencies, we were uncertain who would be the best entity to refer the matter for review. The District Attorney's Office no longer has the resources to

conduct broad based investigations on its own so we knew we were not capable of thoroughly looking into the allegations. When we receive complaints from individuals such as Mr. Paul's, it is our normal course of business to refer these cases to the Texas Department of Public Safety, the Office of the Attorney General (OAG), the FBI, or a local police department with jurisdiction to investigate. Mr. Paul's complaint alleged wrong doing by each of these entities except the OAG. It was decided that we should refer the matter to the OAG for review. At no time did we endorse or comment on the veracity of Mr. Paul's complaints. It was our intention to have the OAG review the matter and determine whether or not it rose to the level of a formal criminal investigation. As far as our office was concerned, the matter was tabled on our end until further notice from the OAG.

Prior to referring Mr. Paul's complaint to the OAG, we had brief discussions with the U.S. Attorney's Office and with General Paxton concerning Mr. Paul's allegations. Our office was involved in several large investigations during this time period and we were unable to return our focus to this matter until early June. We reached out to Ashley Hoff with the U.S. Attorney's Office to confirm whether or not there was a pending federal investigation of Mr. Paul and to alert her that we had received the complaint and may be referring it to an outside agency. Mrs. Hoff was cooperative but limited in what information she could provide us. She did confirm, however, that there was an underlying pending investigation stemming from the search warrant executed on Mr. Paul's residence. I spoke with General Paxton and provided him with limited information regarding Mr. Paul's status with the federal authorities. I did feel it was relevant to let him know that the matter was still being looked into by law enforcement and that perhaps it would be the best course of action to hold off on further investigation into Mr. Paul's complaints until the federal matter was concluded. I also told General Paxton that I had every faith in the U.S. Attorney's Office and the credibility and professionalism of Ashley Hoff. The call was brief, and I did inform General Paxton at that time that the District Attorney's Office did not have sufficient resources to look into Mr. Paul's claims and that we believed the only agency that could properly review the matter would be the OAG. It should be noted that at no time prior to this conversation did General Paxton ask that we refer the matter to his office. To my knowledge, the idea to refer the Nate Paul matter to the OAG came from our office. General Paxton was not certain his office could even review the matter and asked that I forward him the specific statute that would allow his

office to review the claims. Following the phone call, I conferred briefly with Don Clemmer and sent the specific statutory language to General Paxton on June 8, 2020. The specific statute I cited was Texas Code of Criminal Procedure Article 20.09.

Following the June 8 conversation, I asked Don Clemmer to follow up on the Nate Paul complaint as our office would do with any other complaint that we referred to the OAG. I was copied on email communication with the OAG when the complaint was actually referred, and I know that Don Clemmer had previously had follow up communication with Michael Wynne to provide him with the necessary form to submit the complaint.

Sometime after the referral was made to the OAG, I received a call from General Paxton regarding a second complaint that Mr. Paul had concerning what Mr. Paul believed to be a fraudulent business deal. General Paxton asked me to speak with Mr. Paul for the details. We set up a phone call with Mr. Paul, myself, Don Clemmer, and Michael Wynne. I do not remember the date of this call. General Paxton was not on the call. After the conversation, I notified General Paxton that Mr. Paul needed to provide the details of his second complaint to the same OAG investigator who was looking into his initial complaint. General Paxton asked that our office make a formal referral of the second complaint and expressed his dissatisfaction with how slowly the investigation into the first complaint was moving. He stated he would get back to me on who in his office we should send the second referral. I believe Don Clemmer was contacted shortly thereafter by someone in the OAG to follow up on the second complaint, but I was not part of those conversations.

Sometime in August or September 2020, an individual named Brandon Cammack contacted our office seeking assistance in obtaining grand jury subpoenas on behalf of the OAG. Neither Don Clemmer nor myself recognized this individual's name. Don Clemmer reached out to the OAG to find out which case Mr. Cammack was working. I learned shortly thereafter from Don Clemmer that the attorneys at the OAG were unaware of Mr. Cammack being hired and informed us that he did not have authority to act on behalf of the OAG. I believe it was decided at that point for our office to take the necessary steps to cease any and all communication with Mr. Cammack. I was later made aware that the OAG filed a Motion to Quash the grand jury subpoenas that Mr.

Cammack had been able to obtain. I was unaware that Mr. Cammack had actually been successful in obtaining grand jury subpoenas prior to this point.

Around October 1, 2020, I received a call from General Paxton asking if I knew whether or not the Motion to Quash had been signed yet. I did not know the answer but told him that I would check with Don Clemmer. I mentioned that there had been confusion over whether or not Mr. Cammack had authority to act on the General's behalf and that we had been informed by his staff that Mr. Cammack did not have such authority. General Paxton immediately stated that Mr. Cammack did in fact have authority to act, that his senior staff had been in on the decision to hire Mr. Cammack, and that his staff assisted in drafting the contract to hire Mr. Cammack. He wanted to appear before the Court to be heard on the Motion to Quash and to notify the Court that Mr. Cammack was, in fact, acting on his behalf. I told General Paxton that I would check on the status of the Motion to Quash and get back to him immediately. I contacted Don Clemmer and was later told that the Motion had already been signed by Judge Puryear because there did not appear to be an objection at the time it was presented. I contacted General Paxton the same day to let him know the Motion to Quash had already been signed.

From that day forward, my involvement in this matter was limited to a few brief updates from Don Clemmer and Margaret Moore, and I have not been involved in any further investigation into this matter, other than cooperating with federal authorities. I have not had any conversations with General Paxton since the day I made him aware that Judge Puryear had signed the Motion to Quash.

I am prepared to discuss this Affidavit further with any law enforcement agency or prosecutor with the authority to investigate and prosecute this matter. I understand that I could be subpoenaed to testify and that I should answer a subpoena if served with one and testify in accordance with the statement I have provided herein. I have signed this Affidavit voluntarily and have not received nor have been promised money, compensation, or other benefit for signing. This Affidavit is not the product of coercion, threat, or duress directed against me by anyone. Further, I am providing this Affidavit of my own free will and independence and this Affidavit is not made at the request of anyone or any entity."

Further affiant sayeth not.

Melinda Chantford

SUBSCRIBED AND SWORN TO BEFORE ME on the 21<sup>st</sup> day of January, 2021, to certify which witness my hand and official seal.

[Signature]

NOTARY PUBLIC  
THE STATE OF TEXAS

My commission expires:

9/5/22

