

Susie Duttinger

From: Don Clemmer
Sent: Monday, October 5, 2020 9:57 AM
To: Scott Taliaferro
Cc: Guillermo Gonzalez; Erika Sipiora
Subject: RE: Any prosecutions initiated by AG's office

Scott,

That is correct. They could obtain an indictment but could not prosecute it without being sworn in by our office.

From: Scott Taliaferro <Scott.Taliaferro@traviscountytx.gov>
Sent: Monday, October 5, 2020 9:48 AM
To: Don Clemmer <Don.Clemmer@traviscountytx.gov>
Cc: Guillermo Gonzalez <Guillermo.Gonzalez@traviscountytx.gov>; Erika Sipiora <Erika.Sipiora@traviscountytx.gov>
Subject: Any prosecutions initiated by AG's office

Good morning. I saw the article below in the Statesman. One of the things mentioned is a controversy as to whether a particular lawyer had authority to appear before a Travis County grand jury.

Don, I just have a quick procedural question. Am I correct in thinking that, if the AG's office secures any indictments from a Travis County grand jury, any prosecutions in district court would be handled by our office, with assistance from the AG's office only if our office formally approves of such assistance (via appoint of special prosecutors)? Thanks.

Attorney General Ken Paxton's choice of outside lawyer to investigate Nate Paul complaint stunned aides

Texas Attorney General Ken Paxton's seemingly unilateral appointment of an outside lawyer to take on a huge responsibility — investigating allegations of unlawful conduct by federal investigators in an April 2019 raid — stunned Paxton's top aides and was among the revelations [that led them to launch a criminal complaint against their boss](#), the American-Statesman has learned.

Houston lawyer Brandon Cammack appeared before a Travis County grand jury on Sept. 28 as a special prosecutor representing Paxton's office and obtained at least one subpoena to look into allegations made by Austin businessman Nate Paul accusing federal authorities of wrongdoing when they raided his home and offices, according to documents obtained by the American-Statesman.

After learning Cammack had participated in the court proceedings, a deputy of Paxton's sent Cammack a cease-and-desist letter stating that he had no authority under state law to serve as a special prosecutor and that by doing so he might have committed a crime.

"You have not been retained, authorized, or deputized by this office as such and your actions are entirely inappropriate and may be illegal," Deputy Attorney General Mark Penley wrote to Cammack last Wednesday. The letter directed Cammack to stop taking any further actions.

In the letter, Penley said he had become aware that Cammack had served a subpoena on at least one private business earlier that day.

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Whether Cammack's actions broke any laws was immediately unclear, but Penley's letter underscores that Paxton's decision to appoint Cammack to investigate federal authorities without consulting his top staff caught aides by surprise and raised concerns among them about the attorney general's [relationship with Paul](#), who has been the [subject of a federal investigation for the past 14 months](#).

Paxton's top deputies told their boss in a text message Thursday that they had alerted law enforcement "concerning your relationship and activities with Nate Paul."

In the text message, the deputies requested to meet with Paxton that day. Paxton responded that he received their request "on very short notice" and added, "I am happy as always to address any issues or concerns. Please email me with those issues so that they can be fully addressed."

Seven of Paxton's top aides, including Penley, [filed a criminal complaint against their boss last week](#), alleging improper influence, abuse of office, bribery and other potential crimes. The complaint comes while Paxton [remains under an indictment](#) on charges of securities violations relating to private business deals in 2011 and 2012 in Collin County.

Paxton, who [has served as Texas attorney general since 2015](#), said in a statement Saturday: "The complaint filed against Attorney General Paxton was done to impede an ongoing investigation into criminal wrongdoing by public officials including employees of this office. Making false claims is a very serious matter and we plan to investigate this to the fullest extent of the law."

Gov. Greg Abbott and Lt. Gov. Dan Patrick [on Sunday expressed concern](#) about the allegations against Paxton and said they await a full investigation.

Reached Sunday, Cammack declined to comment about his role in investigating federal authorities, citing language in his employment contract with the attorney general's office that prohibits him from speaking with the media.

Online information shows the 34-year-old Cammack is a criminal defense attorney in Houston who has been licensed to practice law since 2015. The American-Statesman sent a request to the attorney general's office Sunday for Cammack's employment contract and records of payments to him.

Penley filed a motion on Friday in Travis County district court to quash all subpoenas that Cammack had obtained from the grand jury in his role as special prosecutor. State District Judge Geoffrey Puryear granted the motion later that day.

"Only an attorney representing the state may" appear before a grand jury, Penley wrote.

The motion did not provide information about the nature of the subpoenas that Cammack had obtained from the grand jury or to whom he might have served them.

A separate document obtained by the Statesman lays out the concerns by Paul that Cammack was seemingly looking into — the alleged misconduct by federal agents in their investigation into Paul and his business.

Paul filed a complaint with the Travis County district attorney's office in May stating that he was at his home on Aug. 14, 2019, when federal authorities arrived unannounced. He said in the complaint that agents refused to show him the search warrant and that they cut internet service to the home, destroyed his security camera system and detained Paul for 90 minutes after they told him he was free to leave.

Paul added that employees who were present when agents raided a downtown office and a computer server room were also denied access to the warrants. Paul also alleged in the complaint that agents never obtained a warrant before searching a third-party file storage vendor's office and that some search warrants were edited after the raids.

Paul's attorney declined to comment on Monday.

Don Clemmer, director of the Travis County district attorney's special prosecutions division, referred Paul's complaint to Paxton's office on June 10.

Clemmer, in a letter to the attorney general's director of law enforcement David Maxwell, wrote that the DA's office would typically forward such a complaint to the Texas Rangers public integrity unit. But, Clemmer continued, that would be inappropriate in this case because Paul's complaint also alleged misconduct by a member of the Department of Public Safety, the government agency that houses the Rangers.

Paul also alleged wrongdoing by employees of the State Securities Board, the FBI, the U.S. attorney's office for the Western District of Texas and a federal magistrate.