

*Kathy Dawson*

**AUG 15 2023**

CLERK OF THE COURT

**THE SENATE OF THE STATE OF TEXAS  
SITTING AS A HIGH COURT OF IMPEACHMENT**

**IN THE MATTER OF  
WARREN KENNETH  
PAXTON, JR.**

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**HOUSE MANAGERS' RESPONSE TO PAXTON'S  
REQUEST FOR BILL OF PARTICULARS**

## **To the Honorable Dan Patrick, President of the Court of Impeachment:**

As an alternative to his Motion to Quash (“Motion”), Warren Kenneth Paxton Jr. (“Paxton”) filed a Request for a Bill of Particulars (“Request”). Like the Motion, the Request attacks the manner in which the Texas House of Representatives (“the House”) chose to impeach Paxton and then prefer the Articles of Impeachment (“the Articles”) to the Texas Senate. The arguments in this Response of the Texas House of Representatives Board of House Managers’ (“House Managers”) apply as well to the Motion to Quash.

### **INTRODUCTION**

According to Paxton’s Request, “both Texas and Federal law requires the House to prefer Articles that speak plainly: the Articles must say what acts the Attorney General took and identify what laws he is alleged to have broken to justify impeachment.” Even a cursory review of the Articles reveals that they do this. They identify Paxton’s wrongdoing and support their preferment to the Senate. More fundamentally, Paxton’s Request reveals a profound misunderstanding of the constitutional requirements and standards for what constitutes impeachable conduct.

### **ARGUMENTS & AUTHORITIES**

#### **I. The Constitution does not require the impeachable conduct described in the Articles to be indictable offenses, as Paxton claims.**

It is well-established that misconduct can support impeachment whether or not it constitutes an indictable crime.<sup>1</sup> Otherwise, the impeachment process that the Founders fashioned

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<sup>1</sup> See RAOUL BERGER, *IMPEACHMENT: THE CONSTITUTIONAL PROBLEMS* xii, 70-71 (1974) (noting that history shows that “indictable crimes are not a prerequisite to impeachment.”); CHARLES L. BLACK, JR. & PHILLIP BOBBITT, *IMPEACHMENT: A HANDBOOK, NEW EDITION* 35 (2018) (concluding that based on the language of the U.S. Constitution, impeachable offenses should include “those offenses which are rather obviously wrong, whether or not ‘criminal,’ and which so seriously threaten the order of political society as to make pestilent and dangerous the continuance in power their perpetrator.”).

would be meaningless.<sup>2</sup>

Impeachment in Texas seeks to protect against conduct that undermines the integrity of the office, disregards constitutional duties and oaths of office, abuses government process and power, and adversely impacts the system of government.<sup>3</sup> As the Framers recognized, these effects in many instances “have no relation to the criminal law, and in this sense impeachment is designed to cope with both the inadequacy of criminal standards and the inability of the court system to deal with the conduct of great public figures.”<sup>4</sup> “To insist, as defense counsel habitually do, that an indictable crime is required for impeachment would, as Justice Joseph Story stated 140 years ago, enable impeachable offenders to escape scot-free and render the impeachment provisions a ‘complete nullity.’”<sup>5</sup>

The Texas Supreme Court explained that “*the wrongs justifying impeachment need not be statutory offenses or common-law offenses, or even offenses against any positive law,*”<sup>6</sup> and further

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<sup>2</sup> See John D. Feerick, *Impeaching Federal Judges: A study of the Constitutional Provisions*, [39 FORDHAM L. REV. 1](#), 53 (1970) (“In framing the impeachment provisions, the concern of the Framers was not limited to crimes of which private citizens and public officials could be equally guilty. Had that been their concern, impeachment might not have been necessary, as such offenses could be handled by the ordinary courts. What the Framers seemed greatly concerned about during their discussion of impeachment was the abuse or betrayal of a public trust, offenses peculiar to public officials.... The debates reveal that the Framers were heavily motivated in fashioning the impeachment provisions by the possibility of tyrannical, oppressive, corrupt and willful use of the power connected with a public office. Offenses of this character, involving as they do the highest officers of the country, required a special forum.”).

<sup>3</sup> [Report of the Texas House Select Committee on Impeachment](#) at 8, July 23, 1975.

<sup>4</sup> *Id.* (emphasis added).

<sup>5</sup> BERGER, *supra* at xiii. Also, at the time the U.S. Constitution was drafted and ratified, there were no federal criminal codes because no federal government had been established.

<sup>6</sup> [Ferguson v. Maddox](#), 263 S.W. 888, 892 (Tex. 1924).

cautioned against any attempt to establish required “elements” for what constitutes impeachable conduct:

[T]hese offenses cannot be defined, except in the most general way. A definition can, at best, do little more than state the principle upon which the offense rests. Consequently, no attempt was usually made to define impeachable offenses, and the futility as well as the unwisdom of attempting to do so has been commented upon.<sup>7</sup>

Because impeachable offenses need not be indictable crimes, Paxton is wrong to claim that the Articles are lacking any sort of mandatory “elements.” Indeed, the misconduct that the Articles allege are the very type of abuses of power and betrayals of trust that impeachment is designed to protect against.

## **II. Paxton is fully aware of the allegations against him.**

Paxton claims that the “reader is left to guess as to the specific claims” against him, while also insisting in other motions that the reading public was fully aware of his bad conduct. These positions are irreconcilable.<sup>8</sup> He cannot claim that the public knew the full extent of his wrongdoing, but he does not. Unlike a criminal matter where an accused may not be aware of the charges he faces until there is an indictment, that is not the case here. Indeed, unlike grand jury proceedings,<sup>9</sup> the House’s impeachment of Paxton was public. The House General Investigating Committee (“GIC”) held a lengthy public hearing during which the House’s investigators

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<sup>7</sup> [\*Id.\*](#)

<sup>8</sup> See Paxton’s Motion to Dismiss Articles of Impeachment I-VII, XIV-XX and Motion to Exclude Evidence of Any Alleged Conduct That Occurred Prior to January 2023, invoking the so-called “forgiveness doctrine” or “prior term statute”.

<sup>9</sup> The House’s role in impeachment is similar to that of a grand jury. See [\*Ferguson v. Maddox\*](#), 263 S.W. at 890.

explained the extent of their investigation and the evidence it uncovered.<sup>10</sup> There followed a full public debate on the House floor where, again, the allegations against Paxton were detailed and debated.<sup>11</sup> The Articles adequately capture and reflect these allegations. Paxton’s claimed ignorance is disingenuous at best.<sup>12</sup>

**III. Contrary to Paxton’s conclusory allegations, the Articles provide specific information about the alleged wrongdoing and were modeled after the Carrillo Articles of Impeachment.**

Paxton contends the Articles against him stand in “stark contrast” to the detail included in the Carrillo Articles. But a side-by-side comparison shows this allegation is false.<sup>13</sup> Indeed, the comparison shows that the House modeled the Paxton Articles after those in Carrillo. The Carrillo Articles cited no specific statutes that were allegedly violated and lacked the specificity Paxton now demands. Like Paxton, Carrillo challenged (through special exceptions and a bill of particulars) the alleged lack of detail in the articles preferred against him,<sup>14</sup> lodging many of the same complaints Paxton makes here. Specifically, Carrillo claimed the Articles were deficient because they failed to: name co-conspirators; list the time, place, and manner of the events involved; describe the nature of actionable misconduct; set forth “the incorrectness of the false

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<sup>10</sup> Texas House of Representatives, General Investigating Committee, May 24, 2023 Transcript: In re Paxton Evidence Hearing (“[GIC Transcript](#)”). The House Managers previously provided a copy of this to Paxton.

<sup>11</sup> House Impeachment Hearing, May 27, 2023. The House Managers previously provided a copy of this to Paxton.

<sup>12</sup> The House Managers have also produced over 275,000 pages of documents.

<sup>13</sup> Attached as Exhibits A-G are the side-by-side comparisons of the precise allegations contained in the [Paxton](#) and [Carrillo](#) Articles of Impeachment (at 140-42).

<sup>14</sup> Paxton’s claim that “Texas impeachments have also historically permitted a Bill of Particulars to be requested,” is misleading. Just because Paxton was “permitted” to file whatever motions he wanted does not mean that such motions are well taken.

financial statements filed;” explain “how he accomplished misappropriation of county funds;” and allege “facts which would make such conduct alleged in [enumerated articles] subject to impeachment.” The Senate rejected Carrillo’s objections,<sup>15</sup> just as it should reject Paxton’s.

**A. Paxton Articles I – V, VII, and XVII (abuse of office and misuse of government services and resources for his own personal benefit or the personal benefit of Nate Paul and his business entities).**

The allegations contained in Articles I – V, VII, and XVII<sup>16</sup> are similar to those in Carrillo Articles III – IV, VII.<sup>17</sup> These articles detail how Paxton abused his office for his own personal benefit or that of Nate Paul and business entities controlled by Paul. Astonishingly, Paxton claims these Articles do not identify “a specific act that rendered any of those alleged actions improper.” But there is no question that abusing one’s office and misusing government services and resources for personal gain, or for the benefit of another, constitutes an impeachable offense.<sup>18</sup> To be clear, the Articles allege that Paxton: (a) improperly intervened in a lawsuit for the purpose of helping Paul and to the detriment of a charitable foundation;<sup>19</sup> (b) wrongly used the OAG’s authority to

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<sup>15</sup> See [Record of Proceedings of the High Court of Impeachment on the Trial of O.P. Carrillo, Judge, 229<sup>th</sup> District Court](#), at 216-17, 242.

<sup>16</sup> Article XVII is a perfect example of Paxton’s improperly restrictive reading of the Articles. It is not “content-free” as Paxton suggests. Articles I – V provide the details of the specific misuses of his official powers for his benefit and the benefit of others, including Nate Paul.

<sup>17</sup> See Exhibit A (side-by-side comparison of Paxton Articles I – V, VII, XVII and Carrillo Article III – IV, VII).

<sup>18</sup> See [Report of the Texas House Select Committee on Impeachment](#) at 8, July 23, 1975 (concluding that, in deciding what constitutes impeachable offenses, the focus is on the effect of the conduct: “disregard of constitutional duties and oath of office, arrogation of power, abuse of governmental process, and adverse impact on the system of government.”); John D. Feerick, *supra*, at 53 (“What the framers seemed greatly concerned about during their discussion of impeachment was the abuse or betrayal of a public trust, offenses peculiar to public officials.”).

<sup>19</sup> [Paxton Articles](#) I, XVII. Paxton’s suggestion that it is perfectly acceptable for him to direct the OAG to intervene into a charitable trust lawsuit with the intent to harm the charitable trust and instead benefit a person who is bribing the AG because “every intervention into litigation impacts

issue legal opinions to stop foreclosures statewide without any basis in law or fact<sup>20</sup> and for the direct benefit of Paul or his business entities;<sup>21</sup> (c) improperly refused to protect the confidentiality of law enforcement records and wrongfully disclosed confidential and sensitive information so as to benefit Paul;<sup>22</sup> (d) wrongfully used the power of the OAG to hire an outside lawyer, Brandon Cammack, for the purpose of investigating a baseless claim and issuing subpoenas so as to benefit Paul or his business entities;<sup>23</sup> and (e) improperly directed OAG employees to conduct a sham investigation into the complaints of whistleblowers he had earlier terminated.<sup>24</sup> Paxton's complaints are meritless on their face.

**B. Articles IX – X (violation of the law by taking bribes).**

Articles IX – X allege that Paxton violated the constitution by taking bribes<sup>25</sup> and detail how he is alleged to have done so (benefiting from Paul hiring a woman with whom Paxton was having an extra-marital affair and renovating Paxton's home in exchange for giving Paul favorable

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one or both sides" fails of its own weight. If an AG purposefully acts counter to the interest of a charitable trust so as to benefit a private citizen or himself, this is the very definition of dereliction of duty and abuse of power. *See* John D. Feerick, *supra* at [54-55](#) (concluding that impeachable acts include those that "involve evil, corrupt, willful, malicious or gross conduct in the discharge of office.").

<sup>20</sup> Paxton's contention he merely had a "disagreement with a subordinate" ignores the pleaded facts that Paxton overrode the subordinate's decision because Paxton was attempting to use the power of the AG's office for the personal benefit of Paul or business entities controlled by Paul, who Paxton was taking bribes from. *See* Paxton Article, Article II.

<sup>21</sup> [Paxton Articles](#) II, XVII.

<sup>22</sup> [Paxton Articles](#) III, IV, XVII.

<sup>23</sup> [Paxton Articles](#) V, XVII.

<sup>24</sup> [Paxton Articles](#) VII, XVII.

<sup>25</sup> Indeed, unlike Carrillo, the Paxton Articles identify the constitutional provision that Paxton violated.

legal assistance from the OAG). These Articles are similar in nature to Carrillo Articles VIII – XI, which alleged that O.P. Carrillo sought to defraud the government.<sup>26</sup>

**C. Article XV (making false statements to government agencies and in government documents).**

Article XV alleges that Paxton supplied false statements in the lengthy written report issued by his office in response to whistleblower allegations. Article II against Carrillo alleged that he, too, made false statements, though without detailing them in the article. Once again, the allegations against Paxton mirror the allegations against Carrillo, except that the Paxton Articles provide even more detail.<sup>27</sup>

**D. Article XVI (conspiracy to abuse his office, conceal his misdeeds, violate the Texas Constitution, obstruct justice, and make false statements).**

Article XVI charges Paxton with conspiring to commit the acts detailed in the Articles. Carrillo Article I likewise charged Carrillo with conspiracy. While Paxton professes he does not know what for, the Article specifically refers to the acts and individuals detailed in other Articles of Impeachment.<sup>28</sup> Paxton again wrongly asserts that he can only be impeached for conspiring to commit a crime versus conspiring to commit an impeachable offense, which the Texas Supreme Court has clearly said is wrong: “the wrongs justifying impeachment need not be statutory offenses or common-law offenses, or even offenses against any positive law.”<sup>29</sup>

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<sup>26</sup> See Exhibit B (Side by side comparison of Paxton Articles of Impeachment IX – X and Carrillo Articles of Impeachment VIII – XI).

<sup>27</sup> See Exhibit C (Side by side comparison of Paxton Article XV and Carrillo Article II).

<sup>28</sup> See Exhibit D (Side by side comparison of Paxton Articles XVI and Carrillo Article I).

<sup>29</sup> [\*Ferguson v. Maddox\*](#), 263 S.W. at 892.



**E. Articles XVIII-XX (overall dereliction of duty and lack of fitness for office).**

As in the Carrillo Articles, the Paxton Articles allege that he violated the law, his oath, and public policy by engaging in the specific acts detailed in the Articles and is thus unfit for office. The only difference in this respect between the Carrillo and Paxton Articles is that the former summarize the previously described bad acts while the latter refer to the acts detailed throughout the Articles. The Paxton Articles are overwhelmingly supported by a laundry list of misdeeds that starkly demonstrate Paxton's violation of the trust the public placed him.<sup>30</sup>

**F. Articles VI – VIII (Paxton's efforts to conceal his misdeeds).**

Finally, Paxton Articles VI – VIII go further than those in Carrillo in providing detail as to Paxton's attempts to use government services to conceal his misdeeds.<sup>31</sup> And once again, the Articles explain how Paxton sought to do this by: (a) terminating the whistleblowers who made good faith reports of his unlawful actions;<sup>32</sup> (b) directing employees to conduct a sham investigation into the whistleblowers' complaints and publishing a lengthy report with false and misleading statements;<sup>33</sup> and (c) entering into a settlement agreement with the whistleblowers to cover up his misdeeds and seeking to pay the settlement using public funds.<sup>34</sup>

The Senate in Carrillo rejected nearly identical challenges to the Articles against him, as it should reject Paxton's even less substantiated attacks here.

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<sup>30</sup> See Exhibit E (Side by side comparison of Paxton Articles XVIII-XX and Carrillo Articles V.

<sup>31</sup> See Exhibit F (Side by side Paxton Articles VI – VIII).

<sup>32</sup> [Paxton Article VI](#).

<sup>33</sup> [Paxton Article VII](#).

<sup>34</sup> [Paxton Article VIII](#).

## CONCLUSION

In light of clear constitutional impeachment standards, Texas Supreme Court precedent, the Senate's own history in rejecting similar attacks, and the grave allegations detailed in the Articles, the Senate should reject Paxton's shocking invitation to avoid meeting its constitutional obligation to try the Articles of Impeachment preferred by the House. Paxton's Request for Bill of Particulars should be denied.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was served on the following counsel  
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**EXHIBIT A**

**Comparison of articles alleging abuse of office and misuse of government services and property for personal benefit or the benefit of others:**

<b>PAXTON ARTICLES I – V, VII, XVII</b>	<b>CARRILLO ARTICLES III – IV, VII</b>
<p><b><u>ARTICLE I:</u></b></p> <p>Paxton violated the duties of his office by failing to act as public protector of charitable organizations as required by Chapter 123, Property Code.</p> <p><b>SPECIFICALLY:</b> Paxton caused employees of his office to intervene in a lawsuit brought by the Roy F. &amp; JoAnn Cole Mitte Foundation against several corporate entities controlled by Nate Paul. Paxton harmed the Mitte Foundation in an effort to benefit Paul.</p> <p><b><u>ARTICLE II:</u></b></p> <p>Paxton misused his official power to issue written legal opinions under Subchapter C, Chapter 402, Government Code.</p> <p><b>SPECIFICALLY:</b></p> <ol style="list-style-type: none"><li>(1) Paxton caused employees of his office to prepare an opinion in an attempt to avoid the impending foreclosure sales of properties belonging to Nate Paul or business entities controlled by Paul.</li><li>(2) Paxton concealed his actions by soliciting the chair of a senate committee to serve as straw requestor.</li><li>(3) Paxton directed employees of his office to reverse their legal conclusion for the benefit of Paul.</li></ol>	<p><b><u>ARTICLE III:</u></b></p> <p>Carrillo acted alone or with others to divert the services of governmental employees to his personal benefit when he was not entitled to receive those services.</p> <p><b>SPECIFICALLY:</b> This conduct included but was not limited to one or more of the following:</p> <ol style="list-style-type: none"><li>(1) Cleofas Gonzalez, while employed and being paid by Duval County, worked in the Farm and Ranch Store, which was a partnership between O. P. Carrillo and another;</li><li>(2) Pat Gonzalez, while employed and being paid by Duval County, worked in the Farm and Ranch Store, which was a partnership owned by O. P. Carrillo and another;</li><li>(3) Francisco Ruiz, while employed and being paid by Duval County, worked as a welder on O. P. Carrillo's property;</li><li>(4) Oscar Sanchez, while employed and being paid by Duval County, worked in the construction of a reservoir on O.O. P. Carrillo's ranch;</li><li>(5) Patricio Garza, while employed and being paid by Duval County, worked on O. P. Carrillo's ranch.</li></ol>

<p align="center"><b>PAXTON ARTICLES I – V, VII, XVII</b></p>	<p align="center"><b>CARRILLO ARTICLES III – IV, VII</b></p>
<p><b><u>ARTICLE III:</u></b></p> <p>Paxton misused his power to administer the public information law (Chapter 552, Government Code).</p> <p><b>SPECIFICALLY:</b> Paxton directed employees of his office to act contrary to law</p> <ol style="list-style-type: none"> <li>(1) by refusing to render a proper decision relating to a public information request for records held by the Department of Public Safety and</li> <li>(2) by issuing a decision involving another public information request that was contrary to law and applicable legal precedent.</li> </ol> <p><b><u>ARTICLE IV:</u></b></p> <p>Paxton misused his official power to administer the public information law (Chapter 552, Government Code).</p> <p><b>SPECIFICALLY:</b> Paxton improperly obtained access to information held by his office that had not been publicly disclosed for the purpose of providing the information to the benefit of Nate Paul.</p> <p><b><u>ARTICLE V:</u></b></p> <p>Paxton misused his official powers by violating the laws governing the appointment of prosecuting attorneys pro tem.</p> <p><b>SPECIFICALLY:</b> Paxton engaged Brandon Cammack, a licensed attorney, to conduct an investigation into a baseless complaint, during which Cammack issued more than 30 grand jury subpoenas, in an effort to benefit Nate Paul or Paul’s business entities.</p>	<p><b><u>ARTICLE IV:</u></b></p> <p>Carrillo conspired with others to misapply government equipment, which he was not entitled to use, to his personal benefit.</p> <p><b>SPECIFICALLY:</b> This conduct included but was not limited to one or more of the following:</p> <ol style="list-style-type: none"> <li>(1) the use of a backhoe owned or leased by the Duval County Water Control and Improvement District in the construction of a private building on his property;</li> <li>(2) the use of equipment owned or leased by Duval County in the construction of a water reservoir on his property;</li> <li>(3) the use of a truck, mounted with post-hole digging equipment, owned or leased by Duval County in the construction of fences on his property;</li> <li>(4) the use of welding equipment and supplies owned or leased by Duval County to make repairs on his property;</li> <li>(5) the use of trucks owned or leased by Duval County to haul equipment and materials to his property for his private use.</li> </ol> <p><b><u>ARTICLE VII:</u></b></p> <p>Carrillo conspired with others to use for his personal benefit materials and supplies owned by Duval County and other governmental entities, which he was not entitled to receive.</p> <p><b>SPECIFICALLY:</b> This conduct included but was not limited to the following: O.P. Carrillo</p>

<p align="center"><b>PAXTON ARTICLES I – V, VII, XVII</b></p>	<p align="center"><b>CARRILLO ARTICLES III – IV, VII</b></p>
<p><b><u>ARTICLE VII:</u></b> misused public resources entrusted to him.</p> <p><b>SPECIFICALLY:</b> Paxton directed employees of his office to conduct a sham investigation into whistleblower complaints made by employees whom Paxton had terminated and to create and publish a lengthy written report containing false or misleading statements in Paxton’s defense.</p> <p><b><u>ARTICLE XVII:</u></b> <b>SPECIFICALLY:</b> Paxton misused his official powers by causing employees of his office to perform services for his benefit and the benefit of others.</p>	<p>used fuel owned by Duval County in his personal vehicles.</p>



**EXHIBIT B**

**Comparison of alleged violations of the law:**

<b>PAXTON ARTICLES IX - X</b>	<b>CARRILLO ARTICLES VIII - XI</b>
<p><b><u>ARTICLE IX:</u></b></p> <p>Paxton engaged in bribery in violation of Section 41, Article XVI, Texas Constitution.</p> <p><b>SPECIFICALLY:</b></p> <ol style="list-style-type: none"><li>(1) Paxton benefited from Nate Paul’s employment of a woman with whom Paxton was having an extramarital affair.</li><li>(2) Paul received favorable legal assistance from, or specialized access to, the office of the attorney general.</li></ol> <p><b><u>ARTICLE X:</u></b></p> <p>engaged in bribery in violation of Section 41, Article XVI, Texas Constitution.</p> <p><b>SPECIFICALLY:</b></p> <ol style="list-style-type: none"><li>(1) Paxton benefited from Nate Paul providing renovations to Paxton’s home.</li><li>(2) Paul received favorable legal assistance from, or specialized access to, the office of the attorney general.</li></ol>	<p><b><u>ARTICLE VIII:</u></b></p> <p><b>SPECIFICALLY:</b> Carrillo conspired with others to charge and collect money from governmental entities for rentals of equipment that did not exist and for rental of equipment that the governmental entities did not use.</p> <p><b><u>ARTICLE IX-XI:</u></b></p> <p>Carrillo conspired with others to defraud Duval County:</p> <p><b>ARTICLE IX SPECIFICALLY:</b> by causing county funds to be paid to Arturo Zertuche, who was not entitled to receive the funds.</p> <p><b>ARTICLE X SPECIFICALLY:</b> by causing county funds to be paid to Roberto Elizondo, who was not entitled to receive the funds.</p> <p><b>ARTICLE XI SPECIFICALLY:</b> by causing county funds to be paid to Patricio Garza, who was not entitled to receive the funds</p>

**EXHIBIT C**

**Comparison of alleged making of false statements:**

<b>PAXTON ARTICLE XV</b>	<b>CARRILLO ARTICLE II</b>
<p><b><u>ARTICLE XV:</u></b></p> <p>Paxton made false or misleading statements in official records to mislead both the public and public officials.</p> <p><b>SPECIFICALLY:</b> Paxton made or caused to be made multiple false or misleading statements in the lengthy written report issued by his office in response to whistleblower allegations.</p>	<p><b><u>ARTICLE VI:</u></b></p> <p><b>SPECIFICALLY:</b> Carrillo filed false and fraudulent financial statements with the Secretary of State for Texas.</p>

**EXHIBIT D**

**Comparison of alleged conspiracy:**

<b>PAXTON ARTICLE XVI</b>	<b>CARRILLO ARTICLE I</b>
<p><b><u>ARTICLE XVI:</u></b></p> <p><b>SPECIFICALLY:</b> Paxton acted with others to conspire, or attempt to conspire, <b><u>to commit acts described in one or more articles.</u></b></p>	<p><b><u>ARTICLE I:</u></b></p> <p><b>SPECIFICALLY:</b> Carrillo conspired with others to have Duval County pay for groceries, to which he was not entitled, for his personal use and benefit.</p> <p><b><u>ARTICLES I – V, VII – XI:</u></b> Each of these articles allege conspiracy as well.</p>

**EXHIBIT E**

**Comparison of alleged unfitness for office:**

<b>PAXTON ARTICLES XVIII – XX</b>	<b>CARRILLO ARTICLE V, CONCLUSION</b>
<p><b><u>ARTICLE XVIII:</u></b></p> <p>Paxton violated the Texas Constitution, his oath of office, statutes, and public policy against public officials acting contrary to the public interest</p> <p><b><u>SPECIFICALLY:</u></b> <i>by engaging in acts described in one or more articles.</i></p> <p><b><u>ARTICLE XIX:</u></b></p> <p>Paxton engaged in misconduct, private or public, of such character as to indicate his unfitness for office,</p> <p><b><u>SPECIFICALLY:</u></b> <i>as shown by the acts described in one or more articles.</i></p> <p><b><u>ARTICLE XX:</u></b></p> <p>Paxton used, misused, or failed to use his official powers in a manner calculated to subvert the lawful operation of the government of the State of Texas and obstruct the fair and impartial administration of justice, thereby bringing the Office of Attorney General into scandal and disrepute to the prejudice of public confidence in the government of this State,</p> <p><b><u>SPECIFICALLY:</u></b> <i>as shown by the acts described in one or more articles.</i></p>	<p><b><u>ARTICLE V:</u></b></p> <p>Carrillo conspired with public officials and others to violate the constitution, oaths of office, statutes; and public policy against public officials doing private business with governmental entities they serve.</p> <p><b><u>SPECIFICALLY:</u></b> This conduct included but was not limited to the sale of goods and services and the rental of equipment, either directly from the Farm and Ranch Store, an entity owned by O. P. Carrillo and another public official, or by sham transactions through Zertuche General Store and other business entities, to various governmental entities in Duval County when O. P. Carrillo and close relatives with whom he had a joint economic interest served as officers of those governmental entities.</p> <p><b><u>CONCLUSION:</u></b></p> <p><b><u>SPECIFICALLY:</u></b> Carrillo has acted in a manner contrary to the trust reposed in him as district judge and is guilty of gross violations of the constitution and statutes of this state, of the duties of his office, and of the Code of Judicial Conduct. By such conduct he has rendered himself unfit to hold the office of judge of the district court for the 229th Judicial District of Texas and he warrants trial and conviction, removal from office, and disqualification from holding any future office in this state, and the house of representatives.</p>

**EXHIBIT F**

**Allegations of concealing misdeeds:**

<b>PAXTON ARTICLE VI</b>	<b>PAXTON ARTICLE VII</b>	<b>PAXTON ARTICLE VIII</b>
<p>Paxton violated the duties of his office by terminating and taking adverse personnel action against employees of his office in violation of this state's whistleblower law (Chapter 554, Government Code).</p> <p><b>SPECIFICALLY:</b></p> <ol style="list-style-type: none"><li>(1) Paxton terminated employees of his office who made good faith reports of his unlawful actions to law enforcement authorities.</li><li>(2) Paxton terminated the employees without good cause or due process and in retaliation for reporting his illegal acts and improper conduct.</li><li>(3) Furthermore, Paxton engaged in a public and private campaign to impugn the employees' professional reputations or prejudice their future employment.</li></ol>	<p>Paxton misused public resources entrusted to him.</p> <p><b>SPECIFICALLY:</b></p> <ol style="list-style-type: none"><li>(1) Paxton directed employees of his office to conduct a sham investigation into whistleblower complaints made by employees whom Paxton had terminated</li><li>(2) and to create and publish a lengthy written report containing false or misleading statements in Paxton's defense.</li></ol>	<p>Paxton misused his official powers by concealing his wrongful acts in connection with whistleblower complaints made by employees whom Paxton had terminated.</p> <p><b>SPECIFICALLY:</b></p> <ol style="list-style-type: none"><li>(1) Paxton entered into a settlement agreement with the whistleblowers that provides for payment of the settlement from public funds.</li><li>(2) The settlement agreement stayed the wrongful termination suit and conspicuously delayed the discovery of facts and testimony at trial, to Paxton's advantage, which deprived the electorate of its opportunity to make an informed decision when voting for attorney general.</li></ol>