TO: Smith County District Attorney Jacob Putman

Smith County Sheriff Larry R. Smith

RE: Crimes Committed in Smith County, Texas, by Smith County Officials, and Conspiracy by named and unnamed individuals and entities.

Demand for Criminal Referral to OAG Criminal Division

We, Morgan E. Collier and Bethany R. Clark, are submitting copies of the **AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT (ASCC)** which was delivered to the Magistrate of the 114th District Court of Smith County on February 27, 2025.

Whereas: The crimes described in the ASCC and the perpetrators of these crimes prohibit both the Smith County Sheriff and Smith County District Attorney from investigating, due to numerous conflicts of interest and fiduciary relationships.

Therefore: I am requesting both the County Sheriff and District Attorney request that the Office of the Attorney General Criminal Division be notified of these crimes and invited in to initiate this investigation.

This request is one that will be repeated numerous times in this county over the next few months, ergo, a copy of this letter and the ASCC will be forwarded to the OAG in preparation for your referral. This is NOT a civil matter, these are crimes, and none of these court actors have immunity for the crimes they have committed.

Lastly, I am requesting verification of receipt of this Demand within 7 days, and verification of referral to the OAG within 30 days.

Cordially,

/s/ Morgan E. Collier
Signature

/s/ Bethany R. Clark
Signature

I. AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Morgan Elaine Collier, being duly sworn, hereby deposes and says:

1. I am over the age of 18 and am a resident of Texas. I have personal knowledge of the facts herein, and can testify completely thereto; and
2. I suffer no legal disabilities and have personal knowledge of the facts set forth below.

II. BACKGROUND OF AFFIANT

I am a very politically active advocate for children and families in the State of Texas. In 2024, myself and others founded Accountability Matters Private Membership Association, to research, expose, and litigate, corrupt public officials and agents of government. I hold a Bachelor's of Science in Psychology, and a Master's Degree in Theological Studies.

III. STATEMENT OF PURPOSE

This Affidavit is being submitted as Evidence of a Complaint against SHERIFF LARRY R. SMITH, and that SMITH knowingly and willingly implemented an illegal policy to not inquire regarding immigration status to any individual unless that individual was processed through the Smith County Jail. SMITH admitted to this policy repeatedly on February 6, 2025, at an Immigration Q&A in Tyler, Texas.

Most who receive this Affidavit/Complaint (as outlined below) has taken an Oath of Office that should be similar to:

> Article XVI, Section 1, of the Texas Constitution, which outlines the official oath of office as follows:
>
> *"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, so help me God."*
>
> In addition, before taking the oath of office and beginning the duties of office, each elected or appointed officer required to take the oath must also subscribe to the following statement:
>
> *"I... do solemnly swear (or affirm) that I 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, whichever the case may be, so help me God."

This Oath requires each of you to take action when presented with evidence of corruption, unlawful conduct by another official, or the appearance of unethical/illegal behavior. This Affidavit/Complaint serves the purpose of Evidence, as outlined below.

IV. CONSTITUTIONAL GUIDELINES

Please take notice that "All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit…" (Texas Constitution, Article 2, Sec. 2).

Please take notice that We the People are endowed, by our Creator, with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

> **The Declaration of Independence:** "We hold these truths to be self-evident, that all men are created equal, that they are endowed, by their Creator, with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness."

Please take notice that the abrogation of a right is unlawful. Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.

> **U.S. Constitution, First Amendment:** "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

> **U.S. Constitution, Amendment 14, Section 1:** "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of of life, liberty, or property, without due process of law; <u>nor deny to any person within its jurisdiction the equal protection of the laws.</u>" [emphasis added]

Maxim of Law: Void things are as no things.

V. STATUTORY GUIDELINES

The following Guidelines are taken from the Texas Code of Criminal Procedure (TCCP):

Art. 15.03. MAGISTRATE MAY ISSUE WARRANT OR SUMMONS.

(a) A magistrate may issue a warrant of arrest or a summons:

1. In any case in which he is by law authorized to order verbally the arrest of an offender;

2. When any person shall make oath before the magistrate that another has committed some offense against the laws of the State; and

3. In any case named in this Code where he is specially authorized to issue warrants of arrest.

Art. 15.04. COMPLAINT.

The affidavit made before the magistrate or district or county attorney is called a "complaint" if it charges the commission of an offense.

Art. 15.05. REQUISITES OF COMPLAINT.

The complaint shall be sufficient, without regard to form, if it have these substantial requisites:

1. It must state the name of the accused, if known, and if not known, must give some reasonably definite description of him.

2. It must show that the accused has committed some offense against the laws of the State, either directly or that the affiant has good reason to believe, and does believe, that the accused has committed such offense.

3. It must state the time and place of the commission of the offense, as definitely as can be done by the affiant.

4. It must be signed by the affiant by writing his name or affixing his mark.

*Said **COMPLAINT** (as described herein) is then submitted to the Magistrate (or District Attorney, etcetera)*

CHAPTER 4. COURTS AND CRIMINAL JURISDICTION

Art. 4.01. WHAT COURTS HAVE CRIMINAL JURISDICTION. The following courts have jurisdiction in criminal actions:

1. The Court of Criminal Appeals;
2. Courts of appeals, other than the Court of Appeals for the Fifteenth Court of Appeals District;
3. The district courts;
4. The criminal district courts;
5. The county courts;
6. All county courts at law with criminal jurisdiction;
7. County criminal courts;
8. Justice courts;
9. Municipal courts;

As can be clearly seen, many receiving this Affidavit are responsible and have Jurisdiction over this matter and must accept this Affidavit/Complaint.

VI. STATUTORY VIOLATIONS

PENAL CODE TITLE 8; OFFENSES AGAINST PUBLIC ADMINISTRATION
CHAPTER 39. ABUSE OF OFFICE

Sec. 39.02. ABUSE OF OFFICIAL CAPACITY

(a) "A public servant commits an offense, if, with intent to obtain a benefit or with intent to harm or defraud another, he intentionally and knowingly:

(1) violates a law relating to the public servant's office or employment; or

(2) Misuses government property, services, personnel, or any thing of value belonging to the government that has come into the public servant's custody or possession by virtue of the public servants office or employment."

Sec. 39.03. OFFICIAL OPPRESSION.

"(a) A public servant acting under color of his office or employment commits an offense if he:

(1) *Intentionally subjects another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful;*

(2) Intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing his conduct is unlawful; or

(3) Intentionally subjects another to sexual harassment."

Sec. 39.015. CONCURRENT JURISDICTION TO PROSECUTE OFFENSES UNDER THIS CHAPTER.

"With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this chapter."

TEXAS CODE OF JUDICIAL CONDUCT

(As amended by the Supreme Court of Texas through September 1, 2024; Retrieved from: https://www.txcourts.gov/media/1457109/texas-code-of-judicial-conduct.pdf)

Canon 1: Upholding the Integrity and Independence of the Judiciary

Canon 2: Avoiding Impropriety and the Appearance of Impropriety in All of the Judge's Activities

Canon 3: Performing the Duties of Judicial Office Impartially and Diligently

Canon 4: Conducting the Judge's Extra-Judicial Activities to Minimize the Risk of Conflict with Judicial Obligations

Canon 5: Refraining from Inappropriate Political Activity
Canon 6: Compliance with the Code of Judicial Conduct
Canon 7: Effective Date of Compliance
Canon 8: Construction and Terminology of the Code

NOTE: I am not a legal professional; I am a private citizen with no legal training. Therefore, I am not responsible to outline every possible crime committed, but merely to provided enough for *Probable Cause*, which has been more than met with the **Statement of Facts** contained herein.

IMPLICATED LEGAL STATUTES AND LAWS

1. Failure to Give Bond
- Texas Local Government Code § 87.014 – Requires a county officer to furnish a bond within the prescribed time.
- Texas Government Code § 43.002 – Mandates the furnishing of a bond by certain public officials.

2. Official Misconduct - Failure to Enforce Laws
- Texas Local Government Code § 87.013(a)(2) – Defines official misconduct.
- Texas Penal Code § 39.02 – Abuse of official capacity.
- Texas Code of Criminal Procedure Article 2.17 – Defines the duties of sheriffs to enforce the law.

3. Official Misconduct - Violation of Oath of Office
- Texas Constitution, Article XVI, Section 1 – Requires officials to take an oath to uphold the laws of Texas and the U.S.
- Texas Local Government Code § 87.013(a)(2) – Provides grounds for removal due to official misconduct.

4. Incompetency - Medical Unfitness
- Texas Local Government Code § 87.013(a)(1)(C) – Defines incompetency as unfitness due to a serious physical or mental defect.

5. Official Misconduct - Misuse of Public Resources
- Texas Penal Code § 39.02 – Prohibits the misuse of government property, services, or personnel for personal benefit.
- Texas Local Government Code § 87.013(a)(2) – Establishes misconduct grounds for removal.

6. Official Misconduct - Failure to File Campaign Finance Reports
- Texas Election Code § 254.031 – Requires the filing of campaign finance reports.

- Texas Local Government Code § 87.013(a)(2) – Grounds for removal due to failure to comply with statutory duties.

7. Incompetency - Gross Ignorance and Carelessness
- Texas Local Government Code § 87.013(a)(1) – Defines incompetency as gross ignorance of official duties or carelessness in execution.

8. Illegal Non-Enforcement Policy
- Texas Government Code § 752.053(a)(2) – Prohibits local entities from limiting enforcement of immigration laws.
- Texas Local Government Code § 87.013(a)(2) – Grounds for removal due to intentional non-enforcement.

9. Aiding and Abetting Criminal Activity
- 8 U.S.C. § 1324(a)(1)(A)(iii) – Prohibits harboring illegal aliens.
- 8 U.S.C. § 1324(a)(1)(A)(v) – Criminalizes aiding or abetting illegal immigration.

10. Failure to Preserve, Protect, and Defend the Constitution
- Texas Constitution, Article XVI, Section 1 – Requires the official to uphold the state and federal laws.
- Texas Local Government Code § 87.013(a)(2) – Defines official misconduct, including failure to enforce laws.

11. Detrimental Impact on Smith County Residents
- Texas Local Government Code § 87.013(a)(2) – Grounds for removal due to policies that endanger public safety.
- Texas Penal Code § 39.02 – Prohibits abuse of office in ways that harm public welfare.

12. Discriminatory Policy Against U.S. Citizens
- U.S. Constitution, 14th Amendment – Prohibits unequal treatment under the law.
- Texas Constitution, Article 1, §3 – Prohibits discrimination based on national origin.

13. Nullification of the Criminal Justice System
- Texas Government Code § 752.053(a)(2) – Prohibits officials from adopting policies that limit immigration law enforcement.
- Texas Local Government Code § 87.013(a)(2) – Defines official misconduct as a failure to perform legally required duties.

14. Misuse of Campaign Funds
- Texas Election Code § 253.035 – Prohibits the personal use of campaign contributions.

- Texas Local Government Code § 87.013(a)(2) – Grounds for removal due to misuse of campaign funds.

15. Medical Incompetence - Parkinson's Disease
- Texas Local Government Code § 87.013(a)(1)(C) – Defines incompetency as an inability to discharge official duties due to physical or mental defects.

16. Medical Incompetence - Amputations
- Texas Local Government Code § 87.013(a)(1)(C) – Provides grounds for removal if an officer cannot fulfill their duties due to medical conditions.

17. Misuse of Taxpayer Funds - Employing a Deputy as a Driver Due to Medical Disability
- Texas Penal Code § 39.02 – Prohibits the misuse of government resources for personal benefit.
- Texas Local Government Code § 87.013(a)(2) – Defines official misconduct, including misuse of public funds.

18. Failure to Meet Statutory Financial Disclosure Requirements
- Texas Government Code Chapter 572 – Requires elected officials to file personal financial disclosures.
- Texas Local Government Code § 87.013(a)(2) – Grounds for removal due to failure to comply with reporting obligations.

STATEMENT OF LIMITED PRESENTATION OF FACTS

This affidavit does not include all of the facts known to me, but facts relevant and sufficient to establish probable cause. I have no duty to provide evidence to the accused, nor do I have any responsibility to conduct any investigation that falls under the purview of anyone receiving this Affidavit. I have met my burden as this Affidavit/Complaint establishes Probable Cause on its face.

STATEMENT OF FACTS

My name is Morgan Elaine Collier. I am over the age of 18, of sound mind, and capable of making this affidavit. I have personal knowledge of the facts stated herein, which are true and correct.

1. Failure to Give Bond
- According to information received from the Smith County Clerk following a Public Information Request for "Any records of government bonds for Sheriff Larry Smith," Sheriff

Larry R. Smith's most recent surety is expired, and there is not a current bond on file with the County Clerk. Therefore, he has failed to furnish the legally required bond for his current term, making him ineligible to hold office.

2. Failure to Enforce Texas Criminal Laws
- Smith refused to enforce certain Texas laws, including abuse of office statutes and the mandatory duties of sheriffs under the law.

3. Violation of Oath of Office
- Smith publicly admitted to selectively enforcing laws, violating his sworn duty to uphold both the Texas and U.S. Constitutions.

4. Medical Incompetence - Parkinson's Disease
- Smith appears to suffer from Parkinson's Disease (or chronic alcoholism), which, if true, negatively impacts his cognitive and physical abilities, rendering him unfit for duty.

5. Medical Incompetence - Amputations
- Smith has undergone multiple foot amputations, impairing his ability to perform the physical duties of his office.

6. Misuse of Public Resources
- Smith has allegedly used government resources for personal benefit, including employing a deputy as his driver, likely due to his medical incompetency.

7. Failure to File Campaign Finance Reports
- Smith has failed to submit several required campaign finance reports, violating election law requirements.

8. Gross Ignorance and Carelessness in Duty
- Smith has demonstrated a repeated failure to carry out core responsibilities, including enforcement of state and federal laws.

9. Publicly Declared Non-Enforcement of Laws
- Smith announced at a public forum that he would not enforce certain Texas and federal immigration laws, violating his duties.

10. Aiding and Abetting Criminal Activity
- By directing deputies not to inquire about immigration status, Smith allowed illegal immigrants to avoid detection, possibly violating federal law.

11. Failure to Preserve, Protect, and Defend the Constitution

- Smith's policies actively undermine state and federal laws, violating his sworn responsibility to uphold them.

12. Endangering Public Safety in Smith County
- Smith's refusal to enforce immigration and criminal laws has created an environment where criminals remain free, increasing public risk.

13. Discrimination Against U.S. Citizens
- Smith enforces laws differently based on nationality, giving preferential treatment to illegal immigrants while penalizing U.S. citizens.

14. Nullification of Texas Criminal Justice System
- Smith's refusal to arrest or prosecute illegal immigrants undermines state authority and the entire legal system.

15. Misuse of Campaign Funds
- Smith used campaign funds for personal expenses, including paying for his spouse's airfare to Washington, D.C.

16. Attached to this Affidavit, in support of these facts, is the "**PETITION TO REMOVE SHERIFF LARRY SMITH PURSUANT TO TEXAS CONSTITUTION, ART. V., § 24 & CHAPTER 87, LOCAL GOV'T CODE"** and Exhibits 1-5, filed in Smith County District Court on February 13, 2025, Case Number 25-0412-B.

RELIEF

The systemic misconduct, statutory violations, and ethical breaches detailed in this complaint regarding Smith County demand immediate and decisive action to restore the integrity of law enforcement, accountability, and public trust. I, Morgan E. Collier, am respectfully requesting the following relief:

An independent investigation into the Smith County Sheriff's office, and any other office, to include offices outside of Smith County, which may be conspiring/colluding with the Smith County Sheriff or his staff. I request that the Office of the Attorney General Criminal Division be contacted to conduct this investigation and initiate mitigating action. I request declaratory relief, disciplinary measures, and criminal prosecution, for all unlawful acts.

Please take notice that failure to respond indicates tacit acquiescence, whereby you agree to all claims herein, and this affidavit shall stand as evidence against you in all courts of record, that you do, with full known malice and intent, support the unlawful abrogation of the Peoples'