

THE STATE OF TEXAS

COUNTY OF LAMPASAS

ARREST WARRANT AFFIDAVIT

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned affiant, who after being duly sworn on oath deposes and says; My name is Jason Bobo of the Texas Department of Public Safety's Texas Ranger Division, and I have good reason to believe and do believe that on or about 08-19-2017, Cody REED, White male, DOB: 11/22/1971, did then and there commit the offense of:

Theft by a Public Servant (>\$100.00), in violation of Penal Code 31.03 (Class B Misdemeanor)

My belief that **District Clerk Cody Reed** committed the aforementioned violation of the Texas Penal Code is based on the following facts and circumstances. The grounds for the issuance of this warrant are derived from information obtained by the affiant through personal observations, information obtained, and interviews with witnesses with knowledge regarding the facts stated herein:

On 08/24/2017, I was informed the Lampasas County District Clerk, Cody Reed, was alleged to have stolen a refrigerator from the Lampasas County Courthouse Annex building without the effective consent of the owner. The owner of the refrigerator, Kristin Evans, cited she had loaned the refrigerator to the District Clerk's Office previously. Approximately one month prior to 08/24/2017, Evans received notification that the refrigerator was no longer needed by Kristi Morua, a clerk in the District Clerk's office. Morua told Evans it had been moved into the hallway to await retrieval by Evans. Morua cited she had taped a piece of paper with a note indicating "Belongs to Kristen" attached to the refrigerator within the hallway.

Morua noticed the refrigerator was missing and asked District Clerk Reed where the refrigerator was. **District Clerk Reed's response was reportedly "I don't know. I swear" with his arms raised in an unsure fashion.** Morua asked the other persons in the office and was unable to ascertain the whereabouts of Evans' refrigerator.

On 08/30/2017, I spoke with Evans. Evans indicated she had not provided District Clerk Reed the permission to possess or remove the refrigerator. Evans also relayed once she had been told the clerk's office no longer wanted or needed the refrigerator, she gave it to her co-worker, Mandee Perkins. On this same date, I spoke with Perkins. Perkins confirmed she had been given possession of the refrigerator by Evans. Perkins stated she was awaiting her husband to come to the office to obtain the refrigerator but was unable to locate the appliance when she looked for it. Perkins also advised she had not provided District Clerk Reed the permission to possess or remove the refrigerator.

On 08/30/2017, I observed surveillance video captured from the Lampasas County Annex surveillance system. The video's time stamp indicated a date of 08/19/2017 (**Saturday**). The video(s) clearly depicted District Clerk Reed back his tan colored Toyota truck up to the rear doors of the annex building. District Clerk Reed was observed entering the county building on the southeast entrance, walking down the hallway, looking behind him to the east, and then entering the elevator. District Clerk Reed was later observed with a white in color refrigerator strapped to a two wheeled dolly. He exited the office, took the elevator down to the first floor and wheeled the dolly out of the building. **District Clerk Reed then placed the refrigerator in the bed of his truck** after making sure the item was secure with two (2) straps. His vehicle was observed driving away from the building with the appliance still in the bed of his truck.

On 10/24/2017, District Clerk Reed agreed to meet me in my office and subsequently interviewed about this matter. The following is a brief, paraphrased summation of the interview:

- a.) District Clerk Reed agreed he had a refrigerator in his office that was on loan from Kristen Evans. District Clerk Reed claimed the refrigerator had quit working and he put the refrigerator at the back of his office for approximately 2 months. District Clerk Reed later said he put the refrigerator in the hallway and put her (Kristen's) name on it. **District Clerk Reed stated the refrigerator sat in the hallway for another couple of months before he "had enough" and he stated he had thrown the refrigerator in the dumpster.** He stated he "actually" put the refrigerator in a roll off dumpster he had at the ranch. District Clerk Reed stated he did not

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want to put the refrigerator in "this" (the courthouse annex dumpster) dumpster because "they wouldn't take it". District Clerk Reed stated there was a dumpster at the Tyra Ranch (8 miles north of town) where he had **disposed of Evans' refrigerator** as well as some of his other appliances. I pointed out the fact that both dumpsters ended up at the same location, the landfill.

- b.) District Clerk Reed stated Evans' refrigerator sat in the district clerk's office for approximately 2 months before he moved it to the hallway and placed a note on it that said "I belong to Kristen Evans". After the county clerk was told she had to move her items out of the hallway by the Fire Marshal, District Clerk Reed cited he had to get rid of the refrigerator. (Note: The requirement to clean up the hallway was made on 07/21/2017. District Clerk Reed moved the refrigerator in question on Saturday, 08/19/2017; 4 weeks and 2 days after he stated he felt responsible to clean out the hallway of this one item in particular.)
- c.) When asked if he ever communicated with Evans to "come get this thing", District Clerk Reed stated he did not. **District Clerk Reed stated when he looked back on it, maybe he should not have put it in the dumpster.** District Clerk Reed stated he and Evans had a horrible relationship because her mother used to be the District Clerk.
- d.) District Clerk Reed stated he "threw it away". I advised District Clerk Reed the thing I did not like about this matter was that **the refrigerator was not his property to dispose of** and he did not communicate with Evans about her property and its destruction. (Note: District Clerk Reed did not deny the fact the refrigerator was not his possession to dispose of or to deprive Evans of her property.)
- e.) District Clerk Reed confirmed he had removed the refrigerator on a **Saturday** because he did not want to get his dress clothes dirty. He stated it was a dirty little nasty refrigerator leaking stinky, smelly water. (Note: the information regarding cleanliness was not supported by information obtained from several other county employees, etc.)
- f.) **District Clerk Reed stated he was a clerk "24-7"** and was sworn in as a District Clerk. When I brought the topic of disposing of a piece of property that did not belong to him, District Clerk Reed asked "how do we remedy it?". I told District Clerk Reed to get the refrigerator back. District Clerk Reed responded "It's gone, Jason".
- g.) **District Clerk Reed stated this was him being an "asshole too"**. When asked what he meant by that, District Clerk Reed said Evans should have asked where the refrigerator was and he would have been happy to tell her. **District Clerk Reed added he was agitated and mad and this was his emotions coming out. District Clerk Reed said he was "pissed off" about it and he wanted it (the refrigerator) gone.** He said he did not want something that belonged to Evans within his office.
- h.) When referring to hindsight, District Clerk Reed stated "**should have left the fucking thing where it was at**". I agreed with District Clerk Reed. I added there was another thing he could have done. District Clerk Reed interrupted and said "**I could've rolled it over there and taken it to the office and opened the door and said hey Kristin this is yours, please take it**". District Clerk Reed also agreed he should have put something in writing, possibly an email to Evans advising her to retrieve her property, etc. **District Clerk Reed added he should have just loaded it up and dropped it off at her house since he knew where she lived.**

On 10/24/2017, I met with Kristi Morua. When asked if the refrigerator was working or not, Morua said "yes" but it would freeze up. Morua did not believe the refrigerator was "trash worthy". When I asked Morua if District Clerk Reed originally told her the refrigerator was not here when she asked him about its whereabouts, she fully believed he had said "I don't know, I swear". She did not believe or recall him having said "it's not here" due to the fact she would have asked the obvious follow up question "well, where is it?". She stated she absolutely would have followed up with the aforementioned question. (Note: Evans relayed she was never informed by anyone that the refrigerator was inoperable. District Clerk Reed was the only person within this investigation that indicated it was not working whatsoever.)

On 10/30/2017, I obtained a copy of a General Warranty Deed from the sale and transfer of the Tyra Ranch. The date of record indicated 08/14/2017. This date is clearly before the date of theft, 08/19/2017. (Note: the ranch was sold prior to District Clerk Reed claiming to have placed the refrigerator in the dumpster on said ranch. The new ranch owner and the ranch manager later indicated the dumpsters were not on site yet and District Clerk Reed had already moved off of the ranch. Another ranch employee also indicated that District Clerk Reed had already moved off the premises before the arrival of the dumpsters)

With regards to this Theft Offense and District Clerk Reed, I was made aware of a previous incident in which District Clerk Reed was alleged to have committed other criminal offenses while employed by the Lampasas County Sheriff's Office as a deputy/bailiff. He was alleged to have committed offenses in regards to **Theft and/or Tampering with or**

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Falsifying documents. I obtained records from the Lampasas County Sheriff's Office that documented such allegations. In brief summation, District Clerk Reed, on more than one occasion, claimed to have worked certain hours on his county timesheet, yet it was proven he had not worked whatsoever or had worked different times than he reported to have worked. I obtained documents that indicated at least three (3) different occasions District Clerk Reed falsified his timesheet. These incidents occurred in 2012, 2010 and 2009.

I later received District Clerk Reed's personnel file from the Lampasas Police Department. Within the file was a criminal investigation (**Tampering with Governmental Record**) conducted on him and pertinent paperwork associated with it. In short summation, then Officer Reed had changed a timesheet/request for time off after an approval had been made to it by his superiors. Associated forms accompanying this criminal investigation of then Officer Reed was a letter of resignation signed by Reed, a TCLOSE report (F-5) of separation from the Lampasas Police Department, the original request for time off with alterations made to the government document, and a Termination Report signed by Police Chief Tim Angermann.

On 11/03/2017, Attorney James ("Jay") Berry Stapler approached me while in District Court in Gatesville. Attorney Stapler indicated he had discussed this investigation with District Clerk Reed and inquired about the case. Attorney Stapler relayed knowledge of a portion of some of the circumstances surrounding the investigation indicating District Clerk Reed had discussed the case with him. Within this conversation it was noted District Clerk Reed had provided Attorney Stapler with false information, misleading information, and/or omitted facts and circumstances important to this investigation.

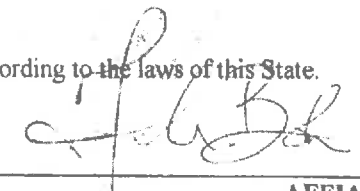
I obtained several months of entry logs into the courthouse annex building. The key fob logs dates and times of entries into the buildings before 8:00 am and after 5:00 pm. It also logs times from non-work days such as weekends. The following information was noted: In the 6 months prior to 08/19/2017 (the date of Theft), District Clerk Reed only entered the building on one (1) occasion on a weekend date (07/08/2017 at 11:59 AM) prior to the Theft of the refrigerator. This system logged that District Clerk Reed entered the building on 08/18/2017 at 5:39pm. This time would have been after the county employees had departed and one day prior to the Theft of the appliance.

Through the course of this investigation it has indicated District Clerk Reed provided false information material to this criminal investigation. On 11/29/2017, I attempted to ask District Clerk Reed about the discrepancies I had discovered since the last time we spoke. Before being able to inquire, District Clerk Reed departed the room in which we were both present. On the following day, I sent an email to District Clerk Reed extending him the invitation and opportunity to provide truthful answers. I did not receive an email or response back from District Clerk Reed only his defense attorney, Jay Stapler.

That based upon the facts being related to him as a result of this investigation your affiant has reason to believe and does believe that **Cody Lee Reed** unlawfully appropriated property with the intent to deprive the owner and therefore committed the offense of **Theft by a Public Servant (>\$100.00), in violation of Penal Code 31.03 (Class B Misdemeanor).**

WHEREFORE, I request that an arrest warrant issue for the suspect hereinbefore designated according to the laws of this State.

WITNESS my signature this the 05th day of JANUARY, 2018.


AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME this the 05th day of JANUARY, 2018.




MAGISTRATE IN AND FOR LAMPASAS COUNTY, TEXAS

Justice of the Peace No. 1
TITLE AND OFFICE HELD BY MAGISTRATE

(AC)



September 6, 2017

Texas Department of Public Safety
Texas Rangers
Assistant Chief Chance Collins
102 Texas Ranger Trail
Waco, TX 76706

RE: Alleged theft by the Lampasas County District Clerk

Assistant Chief Collins,

The Texas Attorney General's Office is requesting investigative assistance from the Texas Rangers in the investigation regarding the Lampasas County District Clerk, Cody Reed, who may have committed theft – public servant pursuant to Texas Penal Code chapter 31. The Criminal Prosecutions Division of the Texas Attorney General's Office will prosecute viable cases that are developed as to the Lampasas County District Clerk, Cody Reed, or any other individuals related to the investigation of this Lampasas County theft. The Criminal Prosecutions Division looks forward to working with the Texas Rangers on this investigation. Please contact Shane Attaway with any concerns or questions.

Thank you,

A handwritten signature in black ink, appearing to read "Shane Attaway".

Shane Attaway
Deputy Chief - White Collar Crime & Public Integrity Section
Assistant Attorney General - Criminal Prosecutions Division
P.O. Box 12548 Austin, TX 78711-2548
512.463.2062 Phone
512.370.9947 Fax
shane.attaway@oag.texas.gov

Handwritten initials "AA" inside a circle.

Daniel A. Corbin†
James B. Stapler
Ashley Clapper
Rebecca Wheelert



† Board Certified in Family Law by
the Texas Board of Legal
Specialization

February 5, 2018

Judge Andrew Garcia Jr.
Justice of the Peace, Pct. One Pl. One
501 East 4th Street, Ste. 105
Lampasas, TX 76550)731-2584

RE: Cody Reed

Judge Garcia:

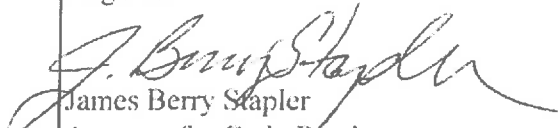
I represent Cody Reed in an offence for which you magistrated him on Friday, February 2, 2018. Please consider this letter my formal request for copies of the warrant and probable cause affidavit in that matter.

According to Texas Code of Criminal Procedure 15.26, the Authority to arrest must be made known.

The arrest warrant, and any affidavit presented to the magistrate in support of the issuance the warrant is public information, and beginning immediately when the warrant is executed the magistrate's clerk shall make a copy of the warrant and the affidavit available for public inspection in the clerk's office during normal business hours. A person may request the clerk to provide copies of the warrant and affidavit on payment of the cost of providing the copies. Tex. Code Crim. Procedure 15.26

It is my understanding that my client requested this information at the time of his arrest. I am formally requesting copies at this time.

Regards.


James Berry Stapler
Attorney for Cody Reed

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FEB 05 2018

BY.