

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

**PAUL V. ANDERSON, INDIVIDUAL and**  
*Plaintiff*

**V.**

**NACOGDOCHES COUNTY ATTORNEY  
OFFICE, JOHN FLEMING, INDIVIDUALLY  
JASON BRIDGES, INDIVIDUALLY,  
JEREMEY FOUNTAIN, INDIVIDUALLY,  
AND MARIO REYNA, INDIVIDUALLY.**  
*Defendants.*

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**CIVIL ACTION NO:**

**JURY TRIAL DEMANDED**

**PLAINTIFF'S ORIGINAL COMPLAINT**

**TO THE HONORABLE JUDGE OF THE COURT:**

Plaintiff **Paul V. Anderson** files this Original Complaint against the **County of Nacogdoches, Texas**, and **John Fleming**, individually and as Nacogdoches County Attorney, and **Sheriff Jason Bridges**, individually and as Nacogdoches County Sheriff, **Mario Reyna**, individually and as Nacogdoches County Deputy Sheriff, **Jeremey Fountain**, individually and as Nacogdoches County Deputy Sheriff, for damages, punitive and injunctive relief.

**STATEMENT OF THE CASE**

Paul Anderson practices law in Nacogdoches Texas. Around August of 2020, Ms. Lori Tanton hire Paul Anderson's law firm to finalize her divorce. Ms. Tanton was sued in a Nacogdoches County civil court by Paul Anderson's law firm in October of 2020 to collect a past due bill of \$2,478.92. The suit on sworn account against Lori Tanton is currently pending in the Justice Court, Precinct 1, Nacogdoches County as Cause CM0218. This case was initiated in October 2020 and Ms. Tanton answered on November 11<sup>th</sup>, 2020, almost a month before Lori

Tanton's December 3<sup>rd</sup>, 2020 Sheriff's complaint. *See attached Exhibit "A"* – Lori Tanton's November 10, 2020 Defendant's Answer in CM 0218, JP1, Nacogdoches County, Texas.

Rather than pay her delinquent invoices or show face the Judge, Ms. Tanton filed a criminal complaint with the Nacogdoches County Sheriff's Office, claiming she had been electronically "harassed" through email by Paul Anderson.

"On 12-03-2020 at approximately 1320 [sic] Deputies responded to the address of 3073 County Road 898 in reference to a harassment call. Lori [Tanton] informed deputies that Paul had contacted her via email on 12-03-2020 at approximately 1110 hours. Lori forwarded a copy of the e-mail to the Deputies. The email stated the following: "*Hello Lori, just wanted to remind you to read your email below and you will realize how full of crap you are.*" (Ital. Added) *See attached Exhibit "B"* – Deputy Mario Reyna Affidavit for Arrest Warrant, 12/04/2020.

Lori Tanton and Nacogdoches County Sheriff Deputies Reyna and Fountain had knowledge of the existence of a civil lawsuit but failed to disclose that substantial and material fact and other relevant facts to Nacogdoches Justice of the Peace Dorothy Tigner-Thompson.

Judge Dorothy Tigner-Thompson signed a warrant based on *withheld* facts, evidence, and testimony, specifically that Lori Tanton was involved in a civil lawsuit with Paul Anderson and that Paul Anderson's law firm represented Ms. Tanton in her contentious divorce when she filed her criminal complaint. Her complaint was timely, the evidence will show, because Nacogdoches County was already aware of and anticipating pending federal and state lawsuits by attorney Paul Anderson for public corruption involving the Nacogdoches County Sheriff's Office.

On December 4<sup>th</sup>, 2020 around 1:30 in the afternoon, and only a few minutes after an arrest warrant had been issued by Judge Dorothy Tigner-Thompson, three Nacogdoches County Sheriff's Deputies arrived at Paul Anderson's law office intending to arrest Paul Anderson. The photograph below was taken by Anderson's office door camera on December 4<sup>th</sup>, 2020.



The three deputies in the photograph, all with their hands on their guns, are Nacogdoches County Sheriff's Office Deputies Reyna, Fountain, and Wyndham. Paul Anderson was not arrested at the time.

Shortly after the 1:00 p.m. arrest attempt, around 2:00 p.m., Anderson attended a local funeral and shortly before 3:00 p.m., Anderson voluntarily turned himself in to the Nacogdoches County Jail.

Paul Anderson had, in fact, already retained counsel (Rey Morin, Nacogdoches, Texas) and posted a bond before reporting to the Nacogdoches County jail to be processed. Paul Anderson was expecting, and was told he would be, processed and released. Instead, he was

detained, processed, searched, and held in solitary lockup in the Nacogdoches County Jail for five hours before finally being released around 8:30 p.m.

Five days after Paul Anderson threatened Nacogdoches County with corruption lawsuits, he was arrested and charged with harassment for telling a contentious client his law firm was suing that she was “full of crap.”

Paul Anderson’s arrest was reported on and published on December 8<sup>th</sup>, 2020 in Texas Lawyer magazine and online. *See attached exhibit “C” – “A Lawyer Was Charged With Harassing His Client. He Claims It Was Really for Challenging a Prosecutor,”* Texas Lawyer Magazine, December 8<sup>th</sup>, 2022, Angela Morris.

It took 399 days (1 year 1 month), on January 7<sup>th</sup>, 2022, for Nacogdoches County Attorney John Fleming to recuse himself from prosecuting this case because of existing and unambiguous conflicts of interest. *See attached Exhibit “D” – Judge Sinz Order Recusing John Fleming 1/7/2022.*

On April 26<sup>th</sup>, 2022, three months after John Flemings’ January 7<sup>th</sup>, 2022 court ordered recusal, a “visiting” (pro tem) prosecutor was assigned to the case.

The charge against Paul Anderson was dismissed by the pro tem prosecutor from Brazos County, Texas, Earl Gray. *See attached Exhibit “E” – April 26<sup>th</sup>, 2022 State’s Motion to Dismiss.*

The misdemeanor harassment charge filed against Anderson for telling a client she was “full of crap” *took more than 16 months* to be dismissed. During this period, and as a direct consequence of the malicious criminal prosecution of Paul Anderson by Nacogdoches County, he has been unable to obtain licensing as an attorney in the states of Colorado and Oklahoma, where he intends to open offices, and his Nacogdoches law firm has been unable to obtain malpractice insurance.

Any of the Defendants could, and should, have dropped the ridiculous and bizarre charge against Paul Anderson at any time, but chose not to and this litigation seeks to prove the conduct of the Defendants tortiously violated and interfered in Paul Anderson Constitutional rights.

### STATEMENT OF THE CASE

This lawsuit seeks damages for malicious prosecution and interfering with Plaintiff Paul Anderson's Fourth Amendment Constitutional rights to be free from unlawful arrest, seizure, deprivation of liberty, and malicious prosecution. Nacogdoches County's conduct was intended to prevent Paul Anderson and his clients' access to the courts.

This lawsuit seeks damages for malicious prosecution and interfering with Plaintiff Paul Anderson's First Amendment Constitutional rights to be free from unlawful arrest, seizure and malicious prosecution intended to suppress the public disclosure of matters of public concern, notably public corruption.

### PARTIES

Plaintiff **Paul V. Anderson** is a resident of Nacogdoches County, Texas. Paul Anderson is a licensed attorney in the State of Texas and is represented by Paul Anderson, PLLC, 601 North Street, Nacogdoches, Texas.

Defendant **John Fleming** is the Nacogdoches County Attorney. The Nacogdoches County Attorney's Office prosecutes misdemeanors and can be served with summons and process at 101 W. Main St., Suite 230, Nacogdoches, Texas 75961, or wherever he may be found.

Defendant **Jason Bridges** is the Sheriff of Nacogdoches County, Texas and can be served with summons and process at his place of employment, the Nacogdoches County Sheriff's Office, 2306 Douglas Road, #102, Nacogdoches, Texas 75964, or wherever he may be found.

Defendant **Mario Reyna** is a Nacogdoches County Deputy Sheriff and employee and can be served with summons and process at his place of employment, the Nacogdoches County

Sheriff's Office, 2306 Douglas Road, #102, Nacogdoches, Texas 75964, or wherever he may be found.

Defendant **Jeremy Fountain** is a Nacogdoches County Deputy Sheriff and employee and can be served with summons and process at his place of employment, the Nacogdoches County Sheriff's Office, 2306 Douglas Road, #102, Nacogdoches, Texas 75964, or wherever he may be found.

Defendant **County of Nacogdoches, Texas** is a government entity existing under the laws of the State of Texas and is located within the U.S. Eastern District. The County of Nacogdoches, Texas can be served with summons and process on **Greg Sowell**, County Judge, located at 101 West Main Street, Nacogdoches, Texas 75961.

#### **FEDERAL JURISDICTION AND VENUE**

This Court has jurisdiction over Plaintiff's federal claims under 28 U.S.C. § 1331, 1343 and 42 U.S.C. §§ 1983 and 1988, and supplemental jurisdiction under 28 U.S.C. § 1367(a) to hear Plaintiff's state law claims.

Venue is proper in this Court, under 28 U.S.C. § 1391(b) because the incident at issue took place in Nacogdoches County, Texas within the United States Eastern District of Texas, Lufkin Division.

#### **CLAIMS FOR RELIEF/CAUSE OF ACTION**

##### **COUNT I. MALICIOUS PROSECUTION**

All above paragraphs are incorporated herein in their entirety by reference.

To prevail on a malicious-prosecution claim, a plaintiff must establish the following elements: (1) the commencement of a criminal prosecution against the plaintiff; (2) causation (initiation or procurement) of the action by the defendant; (3) termination of the prosecution in the plaintiff's favor; (4) the plaintiff's innocence; (5) the absence of probable cause for the

proceedings; (6) malice in filing the charge; and (7) damage to the plaintiff. *See Richey v. Brookshire Grocery Co.*, 952 S.W.2d 515, 517 (Tex.1997).

On December 4<sup>th</sup>, 2020 criminal action was commenced against Plaintiff by Deputy Mario Reyna. Plaintiff was charged with harassment in violation of Texas Penal Code 42.07, a misdemeanor B.

Defendants Nacogdoches County Sheriff Jason Bridges and Nacogdoches County Sheriff's Office Deputies Mario Reyna and Jeremy Fountain did swear an affidavit for the arrest warrant of Paul Anderson. Sheriff Jason Bridges, Deputies Fountain and Reyna are the causation of the arrest and detention of Paul Anderson.

The prosecution of Plaintiff Paul Anderson was terminated on April 26<sup>th</sup>, 2022 by the State own Motion to Dismiss. *See attached Exhibit "E"* – State's Motion to Dismiss April 26<sup>th</sup>, 2022.

Absent the violation of a court's protective order, there is absolutely no cognizable basis for a misdemeanor B harassment charge against any citizen for writing, "*Hello Lori, just wanted to remind you to read your email below and you will realize how full of crap you are.*" *See attached Exhibit "B"* – Affidavit for Arrest Warrant, 12/04/2020. At the end of the day, Plaintiff Paul Anderson was innocent of a misdemeanor B charge for harassment.<sup>1</sup>

There was no probable cause for proceeding at any stage to prosecute of Paul Anderson for telling a contentious and already litigating client she was "full of crap." There is absolutely no evidence that the Nacogdoches Sheriff's Office or County Attorney John Fleming acted reasonably or in good faith.

There was no reasonable cause or basis for the warrant signing judge, Judge Dorothy Tigner-Thompson, to execute a Warrant of Arrest. *Id.*

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<sup>1</sup> "To demonstrate a favorable termination of criminal prosecution for the purposes of Fourth Amendment claim under § 1983 for malicious prosecution, a plaintiff need not show that the criminal prosecution ended with some affirmative indication of innocence. A plaintiff need only show that his prosecution ended without conviction." *Thompson v. Clark*, 596 U.S. \_\_\_\_ (2022). Anderson has satisfied that requirement here.

There was no reasonable basis to dispatch three sheriff deputies to arrest Paul Anderson at his office, when he had volunteered to appear at the Nacogdoches County Jail and had, in fact, already paid a bond.

There was no reasonable basis for John Fleming to wait to file charges until October 21<sup>st</sup>, 2021, ten months and 17 days post arrest. *See attached Exhibit "F"* – Fleming Information Misd. B Harassment, October 21<sup>st</sup>, 2021.

There was no justifiable cause for County Attorney John Fleming to wait until January 7<sup>th</sup>, 2022 to recuse himself from the prosecution of Paul Anderson. *See attached Exhibit "D"* – John Fleming Recusal Order, 1/7/2022.

The charge against Paul Anderson was filed with intentional malice and made after Nacogdoches County was told they were about to be sued for law enforcement related civil rights violations. *See attached Exhibit "G"* – Anderson Affidavit December 12<sup>th</sup>, 2020. The appearance of three-armed Sheriff's deputies at his office on December 4<sup>th</sup>, 2020 was intended to intimidate threaten and embarrass Paul Anderson. This lawsuit is a result of that harassment.

Paul Anderson has suffered damages as a consequence of the malicious arrest. Specifically, but not limited to, Paul Anderson was, and remains, unable to obtain a law license in the states of Colorado and Oklahoma. Paul Anderson is unable to obtain malpractice insurance for his law office. Paul Anderson has sustained express damages. *See attached Exhibit "H"* – Anderson Affidavit March 30<sup>th</sup>, 2021, Damages.

Employees of Nacogdoches County had a motivation and intent to harass, intimidate, coerce and threaten attorney Paul Anderson by filing the charge that is the basis of this lawsuit.

In the Fifth Circuit, the elements are generally as follows: "(1) the commencement of a criminal prosecution against the plaintiff; (2) causation (initiation or procurement) of the action by the defendant; (3) termination of the prosecution in the plaintiff's favor; (4) the plaintiff's innocence; (5) the absence of probable cause for the proceedings; (6) malice in filing the charge;



and (7) damage to the plaintiff." *Vine v. PLS Fin. Servs., Inc.*, 226 F. Supp. 3d 719, 728 (W.D. Tex. June 6, 2016), *aff'd*, 689 F. App'x 800 (5th Cir. 2017) (citing *Davis v. Prosperity Bank*, 383 S.W.3d 795, 802 (Tex. App.-Houston [14th Dist.] 2012, no pet.)).

Under *Castellano*, "the claimant must allege that officials violated specific constitutional rights in connection with a malicious prosecution." *Cuadra v. Hous. Indep. Sch. Dist.*, 626 F.3d 808, 812 (5th Cir. 2010) (internal quotation marks omitted) (citing *Castellano*, 352 F.3d at 945); see also *Deville*, 567 F.3d at 169 ("[I]t must be shown that the officials violated specific constitutional rights in connection with a 'malicious prosecution.'").

Nacogdoches County, by and through its employees John Fleming, Jason Bridges, Mario Reyna and Jeremy Fountain violated Plaintiff's First and Fourth Amendment Rights.

**COUNT II. VIOLATION OF THE FOURTH AMENDMENT  
TO THE UNITED STATES CONSTITUTION  
Pursuant to 42 U.S.C. § 1983**

All above paragraphs are incorporated herein in their entirety by reference.

Employees of Nacogdoches County had motivation and intent to harass, intimidate, coerce and threaten attorney Paul Anderson by filing the charge that is the basis of this lawsuit. Paul Anderson's detention for four hours was an unconstitutional deprivation of liberty. "[T]he initiation of criminal charges without probable cause, which results in a deprivation of liberty, is a constitutional injury."

Paul Anderson brings this claim in association with his claim in Count I for malicious criminal prosecution.

The Fifth Circuit has recognized that "[p]retrial detention[s] constitute[s] a 'seizure' within the meaning of the Fourth Amendment." *Whittington v. Maxwell*, 455 F. App'x 450, 458 (5th Cir. 2011); see *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 844 (1998) ("[A] Fourth Amendment seizure [occurs] . . . when there is a governmental termination of freedom of

movement through means intentionally applied.”) (internal quotation marks and emphasis omitted); see also *Albright v. Oliver*, 510 U.S. 266, 274 (1994) (plurality opinion) (“The Framers considered the matter of pretrial deprivations of liberty and drafted the Fourth Amendment to address it.”).

With regard to pretrial confinement, “[t]he sole issue [under the Fourth Amendment] is whether there is probable cause for detaining the arrested person pending further proceedings.” *Whittington*, 455 F. App'x at 458 (5th Cir. 2011) (citing *Gerstein v. Pugh*, 420 U.S. 103, 120 (1975)). “Prolonged pretrial incarceration without probable cause . . . constitutes a cognizable deprivation of liberty under the Fourth Amendment.” *Id.*

As a direct result of Deputy Mario Reyna’s, Jeremy Fountain’s and Jason Bridge’s false statements to Judge Dorothy Tigner-Thompson, criminal charges were filed without the requisite probable cause and Paul Anderson was detained in jail for approximately four hours. Because Plaintiff Paul Anderson was innocent, the charge was later dismissed.

As a result of Nacogdoches County Texas Sheriff’s Office Deputy Mario Reyna’s, Jeremy Fountain’s and Jason Bridge’s actions Paul Anderson suffered harm and damages.

**COUNT III. FIRST AMENDMENT  
RETALIATION FOR PROTECTED SPEECH  
Pursuant to 42 U.S.C. § 1983**

All above paragraphs are incorporated herein in their entirety by reference.

To prevail on a First Amendment retaliation claim, a Plaintiff must prove that: (1) he was engaged in constitutionally protected activity; (2) the Defendant’s actions caused him to suffer an injury that would chill a person of ordinary firmness from continuing to engage in that activity; and (3) the Defendants’ adverse actions were substantially motivated against the Plaintiff’s exercise of constitutionally protected conduct. See *Izen v. Catalina*, 398 F.3d 363, 367 (5th Cir. 2005).

The freedom to criticize public officials, including police officers, is unequivocally protected by our Constitution. See *Keenan v. Tejada*, 290 F.3d 252, 258 (5th Cir. 2002); *Colson v. Grohman*, 174 F.3d 498, 508 (5th Cir. 1999); *Crawford-El v. Britton*, 523 U.S. 574, 588 n.10 (1998).

The First Amendment prohibits government officials from taking action against individuals in retaliation for exercising this protected right. See *Keenan v. Tejada*, 290 F.3d 252, 258 (5th Cir. 2002).

Criminal arrest and prosecutions in retaliation for the exercise of free speech constitute “official action offending the Constitution,” and entitle those violated to recovery. *Hartman v. Moore*, 547 U.S. 250, 256 (2006).

For several months, and at least three days before his December 4<sup>th</sup>, 2020 arrest, Paul Anderson had advised the County of Nacogdoches in writing and by telephone that they were about to be sued by as many as 30 defendants for wrongful prosecution by Nacogdoches County District Attorney Andrew Jones and other law enforcement related abuses. *See attached Exhibit “G”* - Anderson Affidavit December 11<sup>th</sup>, 2020.

It is a fact that the Nacogdoches Sheriff’s Office and Nacogdoches County Attorney John Fleming possess audio recording made between Paul Anderson and the Defendants and has refused to produce these audio records from a Public Information Act request. This lawsuit expects this evidence to be produce in discovery.

In response to Anderson’s public and recorded threats to pursue public corruption and civil rights litigation against Nacogdoches County, Nacogdoches County, three days later Sheriff Office Deputies Reyna and Fountain fabricated a ludicrous and superficial (sworn) allegation

that telling a former contentious client, who was already being sued for thousands in unpaid legal fees, she was “full of crap” constituted a misdemeanor B harassment charge.<sup>2</sup>

An objectively reasonable sheriff’s deputy, i.e., a sheriff’s deputy acting in accordance with state and federal law, local and national training standards, and the Nacogdoches County Sheriff’s Office’s policies and procedures, would have known that telling a client already involved in civil litigation that she was “full of crap” was not a legitimate harassment complaint.

All of the Defendants had the authority to have Paul Anderson released from custody and to prevent the false criminal charges from being filed.

Nacogdoches County Attorney John Fleming had authority to withdraw the criminal charges once filed but he refused to do so.

In fact, County Attorney John Fleming, despite several blatant conflicts of interest, did not file charges for ten months and did not recuse himself for 13 months.

An objectively reasonable sheriff, i.e., a sheriff acting in accordance with state and federal law, local and national training standards, and the Nacogdoches County Sheriff’s Office’s policies and procedures, would have known that pursuing false criminal charges and publishing false statements, in retaliation for being publicly criticized, would violate clearly established law.

An objectively reasonable county attorney, i.e., a county attorney acting in accordance with state and federal law, local and national training standards, would have known that pursuing false criminal charges and publishing false statements, in retaliation for being publicly criticized, would violate clearly established law.

As a direct and proximate result of the Defendants’ conduct, Plaintiff suffered, and will continue to suffer, embarrassment, humiliation, physical and psychological harm, pain and

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<sup>2</sup> The State Bar of Texas Ethics Hotline opinion was that this charge would not rise to the level of a disciplinary grievance would be promptly dismissed. *See attached Exhibit “E”* – Anderson Affidavit March 30<sup>th</sup>, 2021.

suffering, and financial harm, some or all of which may be permanent due to the allegations, arrest, detention and delay in dismissing the charge against Paul Anderson.

As a direct and proximate result of the Defendants' conduct and the prosecution of this civil litigation, Plaintiff has incurred and will incur attorneys' fees and litigation costs.

#### **COUNT IV.**

#### **FOURTH AND FOURTEENTH -- SUPERVISOR LIABILITY**

#### **Pursuant to 42 U.S.C. § 1983**

All above paragraphs are incorporated herein in their entirety by reference.

In order to establish supervisor liability for constitutional violations committed by subordinate employees, a Plaintiff must show, as is relevant here, that the supervising personnel was "personally involved" in the alleged constitutional violations. *Turner v. Driver*, 848 F.3d 678, 695-96 (5th Cir. 2017); *Peha v. City of Rio Grande City*, 879 F.3d 613, 620 (5th Cir. 2018).

To show personal involvement, the supervisor must know about the violation and personally direct the violation, facilitate it, approve it, condone it, turn a blind eye to it for fear of what he might see, or acquiesce in its continuance. *Turner*, 848 F.3d at 696 & n.88 (citing *Matthews v. City of E. St. Louis*, 675 F.3d 703, 708 (7th Cir. 2012); *Jenkins v. Wood*, 81 F.3d 988, 995 (10th Cir. 1996)).

Nacogdoches County Sheriff Jason Bridges and Nacogdoches County Attorney John Fleming implemented, or failed to implement, the aforementioned policies, training, and supervision, which were the moving forces that caused Paul Anderson's constitutional injuries.

Nacogdoches County Sheriff Jason Bridges enforced a policy that authorized the unlawful arrest with an excessive show of force against Paul Anderson.

Nacogdoches County Sheriff Jason Bridges enforced an arrest policy that authorized the unlawful arrest used by Nacogdoches County.

Nacogdoches County Sheriff Jason Bridges enforced a policy that authorized Jeremy Fountain's and Mario Reyna's unlawful statement to Judge Dorothy Tigner-Thompson.

Nacogdoches County Sheriff Jason Bridges and Nacogdoches County Attorney John Fleming enforced a policy that authorized the retaliatory conduct.

Nacogdoches County Sheriff Jason Bridges and Nacogdoches County Attorney John Fleming knew that Deputies Jeremy Fountain and Mario Reyna provided a false statement to Judge Dorothy Tigner -Thompson and not only failed to discipline or criminally charge either deputy, elected to pursue harassing Paul Anderson. Nacogdoches County was the harasser, not Paul Anderson.

Nacogdoches County Sheriff Jason Bridges and Nacogdoches County Attorney John Fleming, through repeated failures of oversight and deliberate indifference, fostered an environment where deputies felt comfortable (a) using excessive force, and (b) making false statements to Judge Dorothy Tigner-Thompson.

Nacogdoches County Sheriff Jason Bridges and Nacogdoches County Attorney John Fleming failed to discipline Deputies Fountain and Reyna for their unlawful conduct.

Nacogdoches County Sheriff Jason Bridges and Nacogdoches County Attorney John Fleming had the authority to prevent the false criminal charges from being filed, and to withdraw the criminal charges once they were filed but refused to do so.

Instead, Nacogdoches County Attorney John Fleming did not file charges for ten months and did not recuse himself for 13 months.

An objectively reasonable sheriff, i.e., a sheriff acting in accordance with state and federal law, local and national training standards, and the Nacogdoches County Sheriff's Office's policies and procedures, would have known that maintaining deficient policies and training, pursuing false criminal charges, publishing false statements, and engaging in retaliatory conduct, would violate clearly established law.

An objectively reasonable county attorney, i.e., an elected County Attorney acting in accordance with state and federal law, local and national training standards, and the Nacogdoches County Sheriff's Office's policies and procedures, would have known that maintaining deficient policies and training, pursuing false criminal charges, publishing false statements, and engaging in retaliatory conduct, would violate clearly established law.

As a direct and proximate result of the Defendants' conduct, Plaintiff suffered, and will continue to suffer, embarrassment, humiliation, physical and psychological harm, pain and suffering, and financial harm, some or all of which may be permanent.

As a direct and proximate result of the Defendants' conduct and the prosecution of this civil litigation, Plaintiff has incurred, and will incur, attorneys' fees and litigation costs.

**COUNT V.**  
**VIOLATION OF THE FOURTH AND FOURTEENTH AMENDMENT**  
**TO THE UNITED STATES CONSTITUTION**  
**MUNICIPAL LIABILITY**  
**Pursuant to 42 U.S.C. § 1983**

All above paragraphs are incorporated herein in their entirety by reference.

“Local governing bodies . . . can be sued directly under § 1983 for monetary, declaratory, or injunctive relief where . . . the action that is alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation, or decision officially adopted and promulgated by that body's officers.” *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 690 (1978).

In addition, a failure to train may give rise to municipal liability if the failure to train amounts to “deliberate indifference to the rights of persons with whom the [untrained employees] come into contact.” *Canton v. Harris*, 489 U.S.378, 388 (1989).

Nacogdoches County knowingly failed to maintain policies, practices, and training that met the minimum standards in the industry.

Merely sending a law enforcement officers to the academy does not satisfy training obligations. Rather, Nacogdoches County remains responsible for ensuring that its law

enforcement officers are properly trained, remain properly trained, and act in accordance with said training.

As discussed herein, Nacogdoches County maintained policies, practices, and customs, which were the moving force that resulted in Plaintiff's constitutional rights being violated.

In the alternative, Nacogdoches County failed to implement proper policies and training, as discussed herein, which was the moving force that resulted in Plaintiff's constitutional rights being violated.

The County of Nacogdoches, through its deputy hiring, training, retention and supervision policies, is grossly negligent by permitting and ratifying conduct by its employees that violates the U.S. Constitution.

Nacogdoches County was the harasser, not Paul Anderson.

As a direct and proximate result of the Defendants' conduct, Plaintiff suffered, and will continue to suffer, embarrassment, humiliation, physical and psychological harm, pain and suffering, and financial harm, some or all of which may be permanent.

#### **NO QUALIFIED IMMUNITY**

Nacogdoches County Sheriff's Deputies Reyna and Fountain do not have qualified immunity under the facts and circumstances of this case.

Qualified immunity shields officers from liability unless their conduct violates "clearly established statutory or constitutional rights of which a reasonable person would have known." *Pearson v. Callahan*, 555 U.S. 223, 231 (2009) (quoting *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982)). When officers invoke qualified immunity [for example,] at summary judgment, courts ask two questions: (1) whether the evidence viewed in the light most favorable to the plaintiff shows that the officers violated a constitutional right, and (2) whether the unlawfulness of their conduct was "clearly established" at the time. *District of Columbia v. Wesby*, 138 S. Ct. 577, 589 (2018)



**DECLARATORY JUDGMENT**

Plaintiff asks the Court to declare that Defendants' individual and collective conduct violated Plaintiff's Federal Constitutional rights.

**ATTORNEY'S FEES AND COSTS**

As a direct and proximate result of the Defendants' conduct and the prosecution of this civil litigation, Plaintiff has incurred and will incur attorneys' fees and litigation costs. If a Plaintiff prevails in an action, by settlement or otherwise, Plaintiff is entitled to and hereby demands attorney's fees under 42 U.S.C. § 1988.

It was necessary that Plaintiff Paul Anderson hire and retain the services of a licensed Texas attorney to obtain the dismissal. Plaintiff is entitled and demands his attorney's fees.

Further, it is necessary to retain an attorney to seek and file an action for expunction. Plaintiff is entitled to his attorney's fees.

**REQUEST FOR JURY TRIAL**

Plaintiff demands a jury trial in Lufkin, Texas.

**DAMAGES SOUGHT**

Under 18 U.S.C. § 2520 the Plaintiff is entitled to actual and statutory damages, punitive damages, costs and attorneys' fees.

As a direct and proximate result of the occurrences which are the basis of this lawsuit, Plaintiff was forced to suffer:

- a. Decreased earning capacity;
- b. Emotional distress, torment, and mental anguish;
- c. Physical injuries;
- d. Physical pain and suffering;
- e. Acts of threats, coercion, and intimidation; and,
- f. Deprivation of his liberty.

When viewed objectively, Nacogdoches County Sheriff's Deputies Mario Reyna's and Jeremy Fountain's conduct on December 4<sup>th</sup>, 2020 was unjustifiable, considering the probability

and magnitude of harm. As a direct, proximate, and producing cause, the intentional, egregious, and malicious conduct of Nacogdoches County Sheriff's Deputies Mario Reyna and Jeremy Fountain was recklessly or callously indifferent to Paul Anderson's constitutionally protected rights and entitles Paul Anderson to punitive damages in an amount within the jurisdictional limits of this Court.

**RELIEF REQUESTED**

Plaintiff respectfully prays that upon final hearing of this case, judgment be entered for him against the Defendants, for damages in an amount within the jurisdictional limits of this Court; together with pre-judgment interest at the maximum rate allowed by law; post-judgment interest at the legal rate; costs of the court; attorney's fees; and such other and further relief to which Paul Anderson may be entitled at law or in equity.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff prays that judgment be rendered against the Defendants, for an amount in excess of the jurisdictional minimum of this Court. Plaintiff further prays for all other relief, both legal and equitable, to which he may be justly entitled, including injunctive relief to prevent further retaliation.

Respectfully submitted,

**PAUL ANDERSON, PLLC**



Paul V. Anderson  
SBOT №. 24089964  
601 North Street  
Nacogdoches, Texas 75961  
Tel. 936.305.5600  
E-mail: paul@paulandersonlaw.com

VERIFICATION

STATE OF TEXAS §

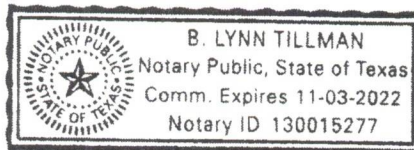
NACOGDOCHES COUNTY §


"My name is Paul V. Anderson. I am over the age of 18. I am fully competent in all respects to swear this Verification. I have personal knowledge of the facts of this Original Complaint, and they are true and correct to the best of my belief and knowledge.

FURTHER AFFIANT SAYETH NOT."

  
Paul V. Anderson

SUBSCRIBED AND SWORN TO BEFORE ME on this the 16<sup>th</sup> day of July, 2022.



  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

CAUSE NUMBER CM0218

NOV 10 '20 AM 10:33  
FILED NAC CO JP PCT. 1

PAUL ANDERSON, PLLC  
PLAINTIFF

§

JUSTICE COURT

VS

§

PRECINCT 1

LORI ANN TANTON

DEFENDANT

§

NACOGDOCHES COUNTY, TEXAS

**DEFENDANT'S ANSWER**


**CHECK ONE**

- I admit the allegation of this petition.
- I deny the allegations, and hereby request my court date to be set.

(Check One)

I request a **TRIAL BY JUDGE.**

I request a **JURY TRIAL** and understand I must pay a \$22.00 jury fee before the case will be placed on the jury docket.

  
Defendant's Signature

11.10.2020  
Date

\*This is a "general denial" which will prevent a default judgment from being entered against the defendant. Other matters may have to be specifically stated. Consult an attorney or read Rules of Court yourself.

All hearings are at the Nacogdoches County, Justice of the Peace Pct. 1 Court located at: 9373 US Highway 259 Nacogdoches, Texas 75965 unless otherwise stated.

I can be notified of further proceedings in this case at:

HOME ADDRESS: 3073 CR 898 HOME PHONE: 832-257-7290  
Cushing TX 75760

MAILING ADDRESS: \_\_\_\_\_ WORK PHONE: \_\_\_\_\_

**DEFENDANT MUST UPDATE THIS INFORMATION WITH THE COURT PROMPTLY. FAILURE TO UPDATE THIS INFORMATION MAY RESULT IN A DEFAULT JUDGMENT.**

**\*\* A COPY OF THIS FORM OR COPY OF YOUR WRITTEN ANSWER MUST BE SENT TO THE PLAINTIFF AND THE ORIGINAL FILED WITH THE COURT\*\***

 [Click to print](#) or Select '**Print**' in your browser menu to print this document.

Page printed from: <https://www.law.com/texaslawyer/2020/12/08/a-lawyer-was-charged-with-harassing-his-client-he-claims-it-was-really-for-challenging-a-prosecutor/>

## A Lawyer Was Charged With Harassing His Client. He Claims It Was Really for Challenging a Prosecutor

Nacogdoches attorney Paul Anderson claims his arrest was intimidation, while a prosecutor said Anderson has "an ax to grind" against him.

By Angela Morris | December 08, 2020

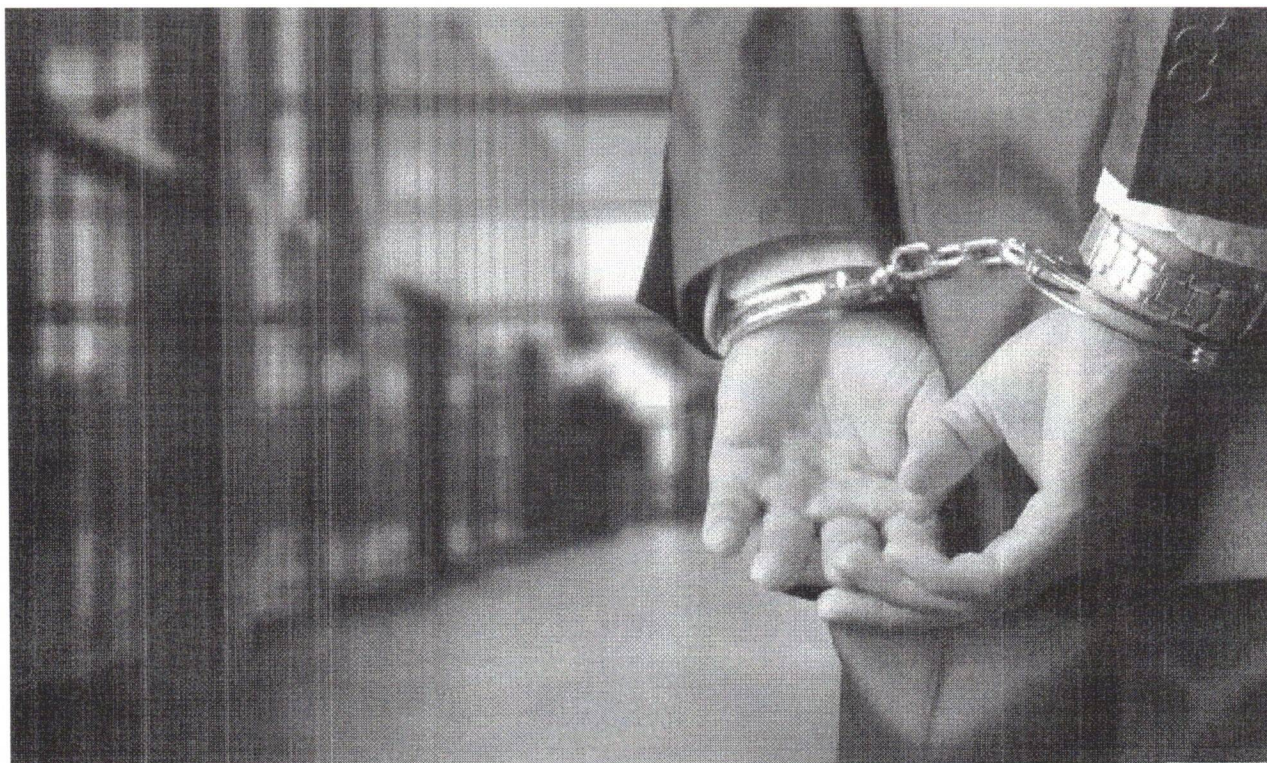


Photo: [BillionPhotos.com/stock.adobe.com](https://www.billionphotos.com/stock.adobe.com)

A lawyer charged with harassing a former client during a fee dispute claims he's being targeted by county officials over a separate lawsuit he was filing against the county.

Nacogdoches attorney Paul V. Anderson was arrested Dec. 4 and charged with Class B misdemeanor harassment, according to a booking summary report ([//images.law.com/contrib/content/uploads/documents/401/45283/nacogdoches-county-booking-](https://images.law.com/contrib/content/uploads/documents/401/45283/nacogdoches-county-booking-)

Anderson claims in emails with another attorney, forwarded to Texas Lawyer, that county officials are trying to intimidate him because of a lawsuit seeking to expunge a client's criminal record, alleging an assistant district attorney who prosecuted two felony cases in 2013 was not licensed to practice law at the time, making the convictions void.

But that prosecutor, Andrew Jones, said his work on the case was legitimate since a licensed prosecutor supervised him between taking the bar exam and becoming a licensed attorney.

Jones said he has nothing to do with Anderson's arrest, and neither does the expunction case Anderson filed.

Jones added that Anderson has an "ax to grind" against him. Jones said he won election as Nacogdoches County district attorney after he beat challenger Rey Morin during the Republican primary in March. Jones ran unopposed in November and will take office in the New Year.

Anderson supported Morin, Jones said.

"He was just really aggressive with a lot of folks who were showing support for me, and in my personal opinion, it was unprofessional. When I won, I would have thought it would have stopped, but it didn't," said Jones. "He's been combing through files to find something to use against me."

Jones declined to say how Anderson was being aggressive.

"I do not want to run him down: that's not what this profession is supposed to be about," he explained.

A man who answered the phone at Anderson's law office said Anderson declined to comment, and referred questions to his attorney, Morin.

Morin declined to comment about Anderson's arrest, or about Jones' contention that Anderson has an ax to grind over the election.

Outgoing Nacogdoches County District Attorney Nicole LoStracco wrote in an email that the office only handles felony cases, not misdemeanor charges.

"It appears that Mr. Anderson filed an expunction on Sunday, two days after his arrest. I did not see it until this morning when I arrived at my office. I am not aware of anyone knowing that an expunction was going to be filed at the time of Mr. Anderson's arrest," said LoStracco.

Dallas attorney Ty Clevenger forwarded Texas Lawyer a string of emails between himself and Anderson regarding the arrest. Clevenger asked in one email if he could share the information with a reporter, and Anderson welcomed him to forward the emails.

When asked why he shared the story with Clevenger, Anderson wrote in an email that he and Clevenger are "professional colleagues" and that Clevenger has given him advice and comments about his investigation into the district attorney's office. He said he was declining comment to Texas Lawyer on the advice of his criminal-defense attorney, Morin.

In the string with Clevenger, Anderson wrote in a Dec. 5 email that he was arrested for "sending an email and an invoice to a client I am in a civil case with to collect my bill."

The arrest warrant affidavit in Anderson's case said that Anderson on Dec. 3 was sending repeated emails to a woman to harass, annoy, alarm or abuse her.

"The choice of words that Paul uses in the email ... is not one that is commonly used in [an] everyday professional setting. Said content would lead a reasonable and prudent person to believe it to be harassing," said the affidavit, adding that Anderson's email said, "just wanted to remind you to read your email below and then you will realize how full of crap you are."

The affidavit said Anderson received a harassment warning from law enforcement Sept. 25 at the same woman's request.

## Read the affidavit

[//images.law.com/contrib/content/uploads/documents/401/45283/Birchfield-ORG-PET-w-EX.pdf](https://images.law.com/contrib/content/uploads/documents/401/45283/Birchfield-ORG-PET-w-EX.pdf)

It was not immediately clear where Anderson filed that client fee dispute lawsuit. Anderson and Morin didn't respond to an email asking about the fee dispute.

Anderson added in a separate email to Clevenger on Dec. 5 that the day before he was arrested, he made Nacogdoches County aware about a lawsuit he was filing to expunge another client's felony charge and conviction.

"I am trying to sue the county and I got arrested before I could get to the courthouse," Anderson wrote. "Is this what intimidation looks like?"

In the case, filed Sunday ([//images.law.com/contrib/content/uploads/documents/401/45283/Birchfield-ORG-PET-w-EX.pdf](https://images.law.com/contrib/content/uploads/documents/401/45283/Birchfield-ORG-PET-w-EX.pdf)), Anderson represents Steven Douglas Birchfield, who was arrested in 2013 by the Nacogdoches County Sheriff's Office and charged with felony theft and burglary. Birchfield argued the charges are void because the information that charged him was signed by Jones, who was not licensed to practice law at that time in 2013.

According to the State Bar of Texas records, Jones earned his law degree from St. Mary's University School of Law in 2013. He was licensed to practice in Texas in September 2014, according to his bar profile ([https://www.texasbar.com/AM/Template.cfm?Section=Find\\_A\\_Lawyer&template=/Customsource/MemberDirectory/MemberDirectoryDetail.cfm&Contact](https://www.texasbar.com/AM/Template.cfm?Section=Find_A_Lawyer&template=/Customsource/MemberDirectory/MemberDirectoryDetail.cfm&Contact)

Jones said a licensed prosecutor always supervised his work in court in 2013.

"If you are not licensed, but you have taken the bar and are in there with a supervising attorney, then you are OK," he said. "Everybody knew that I didn't have a license at the time, which is why I had a licensed attorney with me in the courtroom whenever I was doing anything on the record. Even if it were that I wasn't supposed to be doing that—which I think we were totally fine doing that—defense counsel at that time would need to lodge an objection for the defendant."





CAUSE NO. CF2101538

STATE OF TEXAS	§	COUNTY COURT AT LAW
	§	
v.	§	IN AND FOR
	§	
PAUL VINCENT ANDERSON, JR.	§	NACOGDOCHES COUNTY, TEXAS

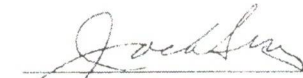
**ORDER RECUSING COUNTY ATTORNEY  
AND APPOINTING COUNTY ATTORNEY PRO TEM**

On the 7 day of Jan., 2022, came to be heard the State's oral Motion to Recuse and Appoint County Attorney Pro Tem and after due consideration and for good cause shown, said motion is hereby GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that John T. Fleming, County Attorney for Nacogdoches County, Texas, and any of his Assistant County Attorneys for Nacogdoches County, Texas are hereby recused in the above-entitled cause from proceeding henceforth as attorney for the State of Texas in this matter under Article 2.07(b-1) of the Texas Code of Criminal Procedure.

IT IS THEREFORE ORDERED, pursuant to Article 2.07 of the Texas Code of Criminal Procedure, that Earl Gray (Brazos Co.) and his assistants is appointed County Attorney Pro Tem in the above-entitled cause as well as any potential misdemeanor criminal matters alleged to have occurred prior to the date of this order.

SIGNED THIS THE 7 DAY OF Jan., 2022.

  
 \_\_\_\_\_  
 HONORABLE JACK SINZ  
 JUDGE PRESIDING  
 COUNTY COURT-AT-LAW  
 NACOGDOCHES COUNTY, TEXAS

  
 \_\_\_\_\_  
 COUNTY CLERK

FILED  
 NACOGDOCHES COUNTY  
 TEXAS  
 2022 JAN 11 AM 8:47

CAUSE NO. CF2101538

THE STATE OF TEXAS

VS.

PAUL VINCENT ANDERSON JR.

§ COUNTY COURT AT LAW Marie Box  
§  
§ OF  
§  
§ NACOGDOCHES COUNTY,  
TEXAS

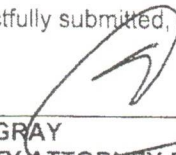
STATE'S MOTION TO DISMISS

Now comes the State of Texas by and through its County Attorney Pro Tem, and, although there being probable cause to arrest Defendant in the above-styled cause, moves the Court to dismiss this case for the following reason(s):

- Probable cause to arrest, but insufficient evidence to sustain a conviction.
- At the request of the complaining witness.
- Failure of complaining witness to appear.
- Defendant paid restitution.
- Co-Defendant pleaded "guilty/no contest" in companion case
- Defendant pleaded "guilty/no contest" in companion case
- Defendant successfully completed the following course(s):
- Defendant pled guilty in class C complaint \_\_\_\_\_
- Impractical to prosecute due to time elapsed since the case was filed.
- As part of a plea bargain.
- In the interest of justice.
- Other:

Wherefore the State respectfully requests the above-styled cause be dismissed.

Respectfully submitted,

  
\_\_\_\_\_  
EARL GRAY  
COUNTY ATTORNEY PRO TEM  
Nacogdoches County, Texas

ORDER OF DISMISSAL

On this date the Court considered the *State's Motion to Dismiss* and finds that said motion should be granted. It is hereby ORDERED that the above-styled cause be dismissed.

SIGNED this the 26<sup>th</sup> day of April, 2022

  
\_\_\_\_\_  
JUDGE PRESIDING

CAUSE NO. CF2101538

NAME: **PAUL VINCENT ANDERSON, JR.**  
D.O.B.: **05/02/1964**

COMPLAINT – HARASSMENT P.C.42.07(B) NCSO S20010589

I, Gregory Schroeder, do solemnly swear that I have good reason to believe, and do believe, and charge that on or about the **25<sup>th</sup> day of September, 2020 through the 3<sup>rd</sup> day of December, 2020**, A.D., in Nacogdoches County, State of Texas, and before making and filing this Complaint in the County Court at Law of Nacogdoches, State of Texas, **PAUL VINCENT ANDERSON, JR.**, Defendant, did then and there, with intent to harass, annoy, alarm, abuse, torment, or embarrass **Lori Tanton**, hereinafter styled Complainant, send repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend the Complainant.

AGAINST THE PEACE AND DIGNITY OF THE STATE.

  
\_\_\_\_\_  
COMPLAINANT

SWORN AND SUBSCRIBED by the above signed, a credible person, before me, on the 21 DAY OF October, A.D., **2021**.


  
\_\_\_\_\_  
JOHN T. FLEMING, COUNTY ATTORNEY  
NACOGDOCHES COUNTY, TEXAS

INFORMATION - HARASSMENT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

I, JOHN T. FLEMING, County Attorney, of the County of Nacogdoches, and on behalf of the State of Texas, present in the Nacogdoches County Court at Law, in the **JULY TERM, 2021**, of said Court that **PAUL VINCENT ANDERSON, JR.**, Defendant, on or about the **25<sup>th</sup> day of September, 2020 through the 3<sup>rd</sup> day of December, 2020**, A.D., in Nacogdoches County, State of Texas, and before making and filing of this Information in the said County and State, did then and there, with intent to harass, annoy, alarm, abuse, torment, or embarrass **Lori Tanton**, hereinafter styled Complainant, send repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend the Complainant.

AGAINST THE PEACE AND DIGNITY OF THE STATE.

  
\_\_\_\_\_  
JOHN T. FLEMING, COUNTY ATTORNEY  
NACOGDOCHES COUNTY, TEXAS

FILED  
NACOGDOCHES COUNTY  
CLERK  
2021 OCT 22 AM 8:58

## Affidavit of Paul Anderson

STATE OF TEXAS §

NACOGDOCHES COUNTY §

“My name is Paul Anderson. I am over the age of 18, I am fully competent in all respects to swear this affidavit. I have personal knowledge of the facts of this affidavit.

On or about the morning of Tuesday, October 8<sup>th</sup>, 2019, I met Ed Klein, District Judge of the 420<sup>th</sup> Judicial District Court, Nacogdoches County, Texas at the entrance to the Nacogdoches County Courthouse. I believe the encounter was entirely coincidental.

Judge Klein referred to his October 8<sup>th</sup>, 2019 letter. *See attached Exhibit “A”* – Hon. Ed Klein, October 8, 2019 Letter. Judge Klein declined to accept a copy of the records and evidence related to Andrew Jones including a copy of the questionable 32 felony pleadings that were in my law firm’s possession at that time.

Judge Klein advised me to take the October 4<sup>th</sup>, 2019 letter and information to Nacogdoches County Sheriff Jason Bridges. *See the attached Exhibit “B”* – Anderson October 4<sup>th</sup>, 2019 420<sup>th</sup> District Court letter.

I thanked Judge Klein and called the Nacogdoches County Sheriffs’ office to locate Sheriff Bridges. I was told that Sheriff Bridges was in the Nacogdoches County Courthouse at that very moment.

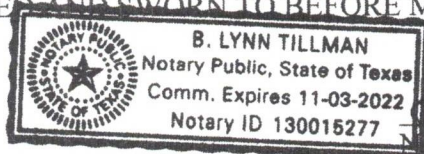
A few minutes later, I located Sheriff Bridges in the Nacogdoches County Commissioners’ Court offices and I did physically hand to Nacogdoches County Sheriff Jason Bridges the entire package of information, records and evidence related to Andrew Jones, including a copy of the 32 felony pleadings related to the allegations that were were in my law firm’s possession at that time.


FURTHER AFFIANT SAYETH NOT.”



Paul V. Anderson

SUBSCRIBED AND SWORN TO BEFORE ME on this the 11<sup>th</sup> day of December 2020.



  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS



PAM SOWELL  
Court Coordinator

**EDWIN A. KLEIN**  
DISTRICT JUDGE  
420<sup>th</sup> JUDICIAL DISTRICT COURT  
NACOGDOCHES COUNTY

ANDREA SIMMONS  
Court Reporter

October 8, 2019

Mr. Paul Anderson  
638A N. University Drive, #193  
Nacogdoches, TX 75961

Dear Paul,

I have received your correspondence dated October 4, 2019 regarding the licensure of Assistant District Attorney Andrew Jones. In the last line of your letter, you state: "I am bringing to the attention of the Court this discrepancy for investigation."

Please be advised, the District Court is not an investigative agency and does not conduct investigations. If investigation is your goal, then you should address your correspondence to the appropriate agency or entity responsible for conducting investigations regarding the subject matter of your correspondence.

Furthermore, as I have continually stated to you, I am prohibited from discussing this matter with you. This prohibition includes both oral and written communication. In summary, unless there is a cause number, a style of the case, and we are in open court, I cannot communicate with you regarding this matter.

Respectfully,

A handwritten signature in cursive script that reads "Edwin A. Klein".

Edwin A. Klein  
District Judge

Enclosure

CC: Campbell Cox II, District Judge  
Jack Sinz, Judge, County Court at Law  
John Fleming, County Attorney  
Nicole Lostracco, District Attorney  
Loretta Cammack, District Clerk

**PAUL ANDERSON, PLLC**  
**ATTORNEY AT LAW**

---

638A N. University Drive, #193 | Nacogdoches, TX 75961 | 936.305.5600(o) | 936.236.6242 (fax)

October 4<sup>th</sup>, 2019

Honorable Ed Klein  
420<sup>th</sup> Judicial District Court  
101 W Main Street, Suite 210  
Nacogdoches, Texas 75961

Judge Klein,

Attached to this letter please find a September 25<sup>th</sup>, 2013 State of Texas Attorney's Oath of Office executed by Nacogdoches County Assistant District Attorney Andrew E. Jones.

Andrew Jones took the July 2013 Texas Bar Exam. The results of the bar exam were posted November 5<sup>th</sup>, 2013. Andrew Jones was identified as *not eligible* for licensure (#1194\*).

Andrew Jones was apparently sworn in *before* his bar results were posted.

According to the State Bar of Texas, Andrew Jones was, in fact, licensed to practice law on September 4<sup>th</sup>, 2014. Only after licensure and the issuance of a bar number can an applicant execute the Texas Attorney Oath of Office.

Andrew Jones was practicing law from September 3<sup>rd</sup>, 2013 until December 1<sup>st</sup>, 2013 under the auspices of a Qualified Unlicensed Law School Graduate. This temporary license to practice law requires every pleading to be signed by a designated supervising attorney. Nicole LoStracco was Mr. Jones' designated supervising attorney. I possess at least 11 felony case pleadings from the 420<sup>th</sup> during this period and none have Nicole LoStracco's signature.

On December 1<sup>st</sup>, 2013, ALL privileges allowing Andrew Jones to practice law as a Qualified Unlicensed Law School Graduate were terminated by operation of law until he was actually licensed to practice as an attorney. "Temporary Bar Card Status" expires at the end of the month in which a candidate is notified of passing the bar exam (November 4<sup>th</sup>, 2013).

For the period between December 1<sup>st</sup>, 2013 to September 4<sup>th</sup>, 2014, I possess at least 11 felony case documents signed by Andrew Jones that have no signature of Nicole LoStracco or that were signed by Andrew Jones as "Nacogdoches County Assistant District Attorney."

After Andrew Jones was sworn in by Judge Cox on September 25<sup>th</sup>, 2013, it was 11 months and ten days before he was formally licensed to practice law on September 4<sup>th</sup>, 2014.

I am bringing to the attention of the Court this discrepancy for investigation. Please let me know if I can be of further assistance.

Respectfully,



PAUL ANDERSON

**CASE NO. 520010539**

**(Warrant AB3920)**

**STATE OF TEXAS**

§

**IN THE**

**Vs.**

§

**COUNTY COURT AT LAW**

§

**PAUL ANDERSON**

§

**NACOGDOCHES COUNTY, TEXAS**

**AFFIDAVIT OF PAUL ANDERSON**

**STATE OF TEXAS §**

**NACOGDOCHES COUNTY §**

“My name is Paul V. Anderson. I am over the age of 18. I am fully competent in all respects to swear this affidavit. I have personal knowledge of the facts of this affidavit.

On the 4<sup>th</sup> of December, 2020, I was arrested by the Nacogdoches County Sheriff’s Office for an alleged Misdemeanor B harassment of Lori Tanton.

Through the date of this affidavit 3 months and 26 days (116 days) have elapsed since my arrest and 4 hour detention. There have been no charges, indictment, information, dismissal or acquittal related to the alleged misdemeanor.

Because of a conflict of interest, the County Attorney’s office has stated it intends to seek an outside prosecutor to review the December 4<sup>th</sup>, 2020 Misd. B charges. To date, that has not been done.

My office consulted with the State Bar of Texas Ethics Hotline and was advised this “charge” would not rise to a level of a grievance and would be dismissed.

I am a licensed Texas attorney seeking reciprocal licensing to practice law in the states of Colorado and Oklahoma.

The State Bar of Oklahoma requires that law license applicants must disclose if, “you ever been cited for, arrested for, charged with, or convicted of any violation of any law other than a case that was resolved in juvenile court.” Furthermore, the applicant must, “[I]nclude matters that have been dismissed, expunged, subject to a diversion or deferred prosecution program, or otherwise set aside.”

The State Bar of Colorado requires that, “If, at the time of the application, criminal charges are pending against the applicant, Attorney Admissions will hold the application in abeyance until these charges are completely resolved.”

The Nacogdoches County Attorney's office has had enough time to resolve the matter but instead has chosen to delay, defer and postpone the inevitability of these charges being dismissed for lack of probable cause.

The Nacogdoches County Attorney's office has intentionally and tortiously interfered in my ability to seek licensure in another state and pursue my professional goals.

I, swear and affirm that I have been damaged professionally by the conduct of the Nacogdoches County Attorney's office by their refusal to take action in this case despite statements that an outside prosecutor would be retained.

The application for admission on motion with the Colorado and Oklahoma State Bars takes a minimum of four to six months to complete once an application has been submitted.

As of this date, the inaction of the Nacogdoches County Attorney in this matter has, so far delayed my ability to apply for licensure in Oklahoma and Colorado by 116 days (3 months and 26 days).

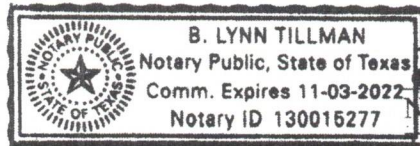
I have suffered damages and continue to suffer damages as long as this criminal matter is not concluded by the Nacogdoches County Attorney.

FURTHER AFFIANT SAYETH NOT."



Paul V. Anderson

SUBSCRIBED AND SWORN TO BEFORE ME on this the 30<sup>th</sup> day of March 2021.



*B. Lynn Tillman*  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS