

## Open Records Request Investigation

I want to make clear the circumstances surrounding my report to the Texas Rangers regarding possible criminal activity inside the DA's office.

In December 2017, I received a copy of a letter dated December 1, 2017 that was sent to District Attorney Matt Bingham by Amber Reeves. The letter was also sent to Smith County Judge Nathaniel Moran, the Attorney General's Office, Sheriff Larry Smith, Smith County Assistant District Attorney Phillip Smith, and Smith County IT Director Don Bell. This letter referenced a prior complaint that was filed regarding the Smith County District Attorney's Office involvement in refusing to provide documents responsive to her request. Pursuant to Sections 552.3215(e)-(g) of the Texas Government Code, the initial complaint filed with DA Matt Bingham on September 25, 2017 **required him to initiate an investigation into Amber Reeves' alleged violation(s) and determine whether an action will be brought in reference to it.** DA Matt Bingham was required to notify Amber Reeves of the results of this investigation no later than the 30<sup>th</sup> day thereafter (October 26, 2017). As stated in the December 1, 2017 letter, DA Matt Bingham had refused to conduct an investigation into why employees of his office were not disclosing documents and notify Amber Reeves of same.

In Amber Reeves' December 1<sup>st</sup> letter, she also stated that she believed the reasons for DA Matt Bingham's refusal to initiate an investigation was because it would potentially incriminate 1<sup>st</sup> Assistant District Attorney April Sikes of possible crimes, including falsification of government records. The letter included attached documents and indicated that the documents were received as a part of a Public Information Request she had sent to Smith County on March 29, 2017.

When I received a copy of the letter, I did not know what, if any, investigation was being done into the allegations. Anytime a serious accusation is made that a crime has been committed internally, I believe that an external agency should conduct the investigation. After reviewing the letter, I believed I needed to report the allegations to the Texas Rangers for investigation. While my intention is not to speak for Sheriff Larry Smith, historically throughout my career as a prosecutor, I know it is standard operating procedure to call in the Texas Rangers when an allegation involves local officials.

When I filed to run for Smith County District Attorney in February of 2017, my opponent was April Sikes. The December 1<sup>st</sup> letter from Amber Reeves specifically made claims of criminal conduct against April Sikes. **While April Sikes was no longer my opponent in December of 2017, I believed that it would be assumed that I had orchestrated the Open Records Request and the letter sent December 1<sup>st</sup>.**

Let me be clear, I did not submit the Open Records Request on March 29<sup>th</sup>, nor did I direct anyone else to do so. I only discovered the request had been made weeks later as the Smith County District Attorney's Office began to comply with the request. I also did not send the letter

on December 1<sup>st</sup>, nor did I direct anyone else to do so. I became aware of it when I received a copy.

While I believed the claims and documents submitted by Amber Reeves deserved further investigation, I also believed that DA Matt Bingham and April Sikes would retaliate against me, assuming that I was behind the request. Those who report legitimate violations of the law to law enforcement are protected under state law, but only if they personally make the report. **I was unaware if Amber Reeves' letter had started an investigation or not, but I felt it necessary to personally make such a report. I refused to sit back with this information. I took a sworn oath to uphold the law and reporting what I believed, and still believe, to be ongoing criminal conduct by April Sikes, is what the whistleblower act was enacted to protect.**

Based on those officials who were copied on Amber Reeves' letter, I noted to Ranger Castle that since the Attorney General's Office had been notified, the Rangers might not take the investigation at all, and that I certainly knew that he would have to get an investigation approved. I also understood that if the case was approved for an investigation, the investigation might be assigned to someone other than Ranger Castle.

I explained that where the investigation led and the ultimate outcome was up to the investigators and that I was not seeking any particular result. My statements referenced in his report stating I didn't "really care" **referred to whether Ranger Castle personally handled the investigation**, not whether the crimes were investigated at all.

While I did refer to Sheriff Larry Smith being copied on the letter from Amber Reeves, at no time was it my intent to convey that I believed the Sheriff Larry Smith had failed to investigate the case. At the time I reported the potential crimes, I did not know the status of any other investigations, and I still do not.

**Had I wished to exploit this situation for political purposes, I could have held a press conference or posted it on social media, as my opponent has. However, as a career prosecutor, I know that this is a poor way to handle an ongoing investigation.** As I believe that I am bound by my official oath to do, I reported the alleged crimes to a law enforcement official so that the investigation could take its proper course.

I do believe that if the public sees the documents Amber Reeves obtained from her Open Records Requests, they too will have serious concerns.

It has and continues to be my duty to uphold the rule of law – all of the time – and to root out and expose corruption, no matter the consequences.

Sincerely,

Jacob Putman