



GREG WILLIS
CRIMINAL DISTRICT ATTORNEY

COLLIN COUNTY COURTHOUSE
2100 BLOOMDALE ROAD, SUITE 100
MCKINNEY, TEXAS 75071
972.548.4323
FAX 214.491.4860
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July 27, 2015

Mr. Ty Clevenger
1095 Meadow Hill Drive
Lavon, Texas 75166

Re: July 13, 2015 P.I.A. request

Dear Mr. Clevenger:

I write concerning your letter dated July 13, 2015. In that correspondence, you make two requests pursuant to the Texas Public Information Act. Your first request reads as follows:

"All correspondence, documents, or records wherein any person or entity asked Judge Chris Oldner or Judge John Roach, Jr. to seal the names of grand jurors. This request includes, but is not limited to, motions, letters, and emails, as well as document drafts.

For example, if any person or entity sent a proposed or draft version of the orders sealing grand juror names, that information should be produced, even if it is just an envelope or sticky note addressed to the judge."

I have attached certain documents for your review. Although these attached documents are arguably not responsive to your request because neither this office nor any member of this office "asked Judge Chris Oldner or Judge John Roach, Jr. to seal the names of grand jurors," in an abundance of caution, I am providing them. Although members of this office helped prepare requested drafts of the orders in question, neither this office nor any member of this office requested any judge to seal the names of grand jurors or otherwise issue and/or sign the orders you reference.

Your second request pursuant to the Texas Public Information Act reads as follows:

"All correspondence, documents, or records (e.g., memoranda) explaining how sending information to a grand juror is a violation of the laws of the [S]tate of Texas."

After a thorough and diligent search, we have no documents responsive to your second request. However, please see Chapters 19 and 20 of Texas Code of Criminal Procedure and Section 1.07 (41) (B) and Chapter 36 of the Texas Penal Code for potential violations of the laws of the State of Texas.

In your letter you reference a May 12, 2015 letter from the Lone Star Project to ADA Gail Leyko and make certain allegations regarding the same. For your general information, any correspondence and/or material received by this office involving any potential allegation regarding Mr. Paxton (in whole or in part) is promptly forwarded intact to both prosecutors pro tem and the Texas Rangers for their independent review and possible presentation to a Collin County grand jury.

Sincerely,



Bill Dobiwanski
First Assistant District Attorney
Collin County, Texas

cc: Judge Chris Oldner (w/ enclosures)
Judge John Roach, Jr. (w/ enclosures)
Kent Schaffer (w/ enclosures)
Brian Wice (w/ enclosures)

John Rolater

From: Gail Leyko
Sent: Thursday, June 18, 2015 9:34 AM
To: John Rolater
Subject: order securing names of grand jurors
Attachments: order securing names of grand jurors.doc

John, let me know what you want to change. Thanks, gail

John Rolater

From: John Rolater
Sent: Wednesday, June 24, 2015 9:08 AM
To: Gail Leyko
Subject: RE: grand jury order

ack. I'll finish it up shortly

From: Gail Leyko
Sent: Wednesday, June 24, 2015 9:00 AM
To: John Rolater
Subject: grand jury order

John, did you have a chance to look at the grand jury order yet? thanks, gail

Gail Leyko
Assistant District Attorney
Collin County District Attorney's Office Chief of Grand Jury and Intake Divisions

John Rolater

From: Gail Leyko
Sent: Wednesday, June 24, 2015 11:28 AM
To: John Rolater
Subject: RE: grand jury order

Yes. thanks for your help!

From: John Rolater
Sent: Wednesday, June 24, 2015 10:43 AM
To: Gail Leyko
Subject: RE: grand jury order

An order like this would be filed with the minute clerk, Brian.

From: Gail Leyko
Sent: Wednesday, June 24, 2015 10:42 AM
To: John Rolater
Subject: RE: grand jury order

Ok thanks

From: John Rolater
Sent: Wednesday, June 24, 2015 9:28 AM
To: Gail Leyko
Subject: RE: grand jury order

I edited this using the redline function so that you can see my changes. In word, under the Review Tab, choose "show final including markup."

From: Gail Leyko
Sent: Wednesday, June 24, 2015 9:00 AM
To: John Rolater
Subject: grand jury order

John, did you have a chance to look at the grand jury order yet? thanks, gail

Gail Leyko

Assistant District Attorney
Collin County District Attorney's Office
Chief of Grand Jury and Intake Divisions

IN RE

§ IN THE 416TH

GRAND JURY

§ JUDICIAL DISTRICT COURT

FOR THE JULY TERM, 2015

§

**ORDER SECURING THE NAMES AND PERSONAL INFORMATION
OF THE GRAND JURORS**

WHEREAS members of a previous grand jury were contacted at their residences and places of employment and given information regarding an investigation.

WHEREAS, the information was received outside the grand jury process and in violation of the laws of the state of Texas.

WHEREAS, the matter regarding which the prior grand jury was improperly contacted remains under investigation.

The Court **ORDERS** that, pursuant to Article 19.42 of the Code of Criminal Procedure, the name and personal information of each grand juror of the 416th District Court, July Term 2015, collected by the court, court personnel, district clerk, or prosecuting attorney, are confidential and may not be disclosed by the court, court personnel, district clerk, or prosecuting attorney without prior permission of the Court.

The Court further orders that on a showing of good cause, the above sought information will be disclosed to a party to the proceeding.

Signed this _____ day of _____, 2015

Honorable Chris Oldner, Judge Presiding
416th Judicial District Court

MINUTES OF THE 416th JUDICIAL DISTRICT COURT

IN RE

§

FOR THE

GRAND JURY

§

JULY TERM, 2015

ORDER SECURING THE NAMES AND PERSONAL INFORMATION OF THE GRAND JURORS

Pursuant to Article 19.42 of the Code of Criminal Procedure, this Court orders that the name and personal information of each grand juror of the 416th District Court, July Term 2015, collected by the court, court personnel, district clerk, or prosecuting attorney, are confidential and may not be disclosed by the court, court personnel, district clerk, or prosecuting attorney without permission of the Court.

Members of a previous grand jury had been contacted at their residences and places of employment and given information regarding an investigation. Grand jurors received this information outside the grand jury process and in violation of the laws of the state of Texas.

The Court further orders that on a showing of good cause, the above sought information will be disclosed to a party to the proceeding.

Signed this _____ day of _____, 2015

Honorable Chris Oldner, Judge Presiding
416th Judicial District Court
State of Texas, Collin County

Gail Leyko

From: Gail Leyko
Sent: Thursday, June 25, 2015 1:57 PM
To: Judge John Roach Jr.
Subject: order securing names of grand jurors
Attachments: order securing names of grand jurors.doc

Judge, here is a copy of the order. Please let me know if you want me to make any changes. Thank you, Gail Leyko

Gail Leyko

From: Gail Leyko
Sent: Wednesday, July 08, 2015 10:48 AM
To: Judge John Roach Jr.
Subject: RE: order securing names of grand jurors

Are you ok with me sending it to Judge Oldner to sign?

From: Judge John Roach Jr.
Sent: Wednesday, July 08, 2015 10:47 AM
To: Gail Leyko
Subject: Re: order securing names of grand jurors

Well, I am out of the office for the rest of the week. Can you get another judge to sign it?

Sent from my iPhone

On Jul 8, 2015, at 10:41 AM, Gail Leyko <gfalco@co.collin.tx.us> wrote:

Thank you, Judge. Do you mind sending me a copy of the new order when it is signed?

From: Judge John Roach Jr.
Sent: Wednesday, July 08, 2015 10:24 AM
To: Gail Leyko
Subject: Re: order securing names of grand jurors

Got it. No problem. I did not catch it when I signed it either.

Sent from my iPhone

On Jul 8, 2015, at 10:22 AM, Gail Leyko <gfalco@co.collin.tx.us> wrote:

Judge Roach,

I just realized I left "416th" in the body of the order you signed. I have changed it to "296th". Here is the new order for you to sign. I am sorry about that.

Thank you, Gail Leyko

<order securing names of grand jurors.doc>

Gail Leyko

From: Gail Leyko
Sent: Wednesday, July 08, 2015 10:49 AM
To: Judge John Roach Jr.
Subject: RE: order securing names of grand jurors

Ok, thank you.

From: Judge John Roach Jr.
Sent: Wednesday, July 08, 2015 10:47 AM
To: Gail Leyko
Subject: Re: order securing names of grand jurors

Or Jennifer Smith can do it.

Sent from my iPhone

On Jul 8, 2015, at 10:41 AM, Gail Leyko <gfalco@co.collin.tx.us> wrote:

Thank you, Judge. Do you mind sending me a copy of the new order when it is signed?

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Subject: Re: order securing names of grand jurors

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Judge Roach,

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Thank you, Gail Leyko

<order securing names of grand jurors.doc>

Gail Leyko

From: Gail Leyko
Sent: Wednesday, July 08, 2015 3:05 PM
To: Suzanne Davis
Subject: RE: order securing names of grand jurors

Yes thanks

From: Suzanne Davis
Sent: Wednesday, July 08, 2015 3:04 PM
To: Gail Leyko
Subject: RE: order securing names of grand jurors
Importance: High

Gail,

Attached is the version I have on file in the minutes and sent to staff. Is this the correct version?

Suzanne Davis

Criminal Supervisor

Collin County District Clerk

2100 Bloomdale Road

McKinney, Texas 75071

972-548-4366

Extraordinary Service. Every Time.

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From: Gail Leyko
Sent: Wednesday, July 08, 2015 1:12 PM
To: Suzanne Davis
Subject: FW: order securing names of grand jurors

Suzanne, I made a typo in the first order that Judge Roach signed. He signed a second one. Do you mind replacing his first order with this one? Thanks, gail

From: Jennifer Smith
Sent: Wednesday, July 08, 2015 1:09 PM
To: Gail Leyko
Subject: RE: order securing names of grand jurors

Does this work?

Jennifer Smith
296th District Court Coordinator
Collin County Texas
972-548-4409
jlsmith@co.collin.tx.us
296@co.collin.tx.us

From: Gail Leyko
Sent: Wednesday, July 08, 2015 1:05 PM
To: Jennifer Smith
Subject: FW: order securing names of grand jurors

Sorry about that. thanks, gail

From: Gail Leyko
Sent: Wednesday, July 08, 2015 10:22 AM
To: Judge John Roach Jr.
Subject: order securing names of grand jurors

Judge Roach,

I just realized I left "416th" in the body of the order you signed. I have changed it to "296th". Here is the new order for you to sign. I am sorry about that.

Thank you, Gail Leyko

Gail Leyko

From: Gail Leyko
Sent: Wednesday, July 08, 2015 1:10 PM
To: Jennifer Smith
Subject: RE: order securing names of grand jurors

Yes it does. Thanks, gail

From: Jennifer Smith
Sent: Wednesday, July 08, 2015 1:09 PM
To: Gail Leyko
Subject: RE: order securing names of grand jurors

Does this work?

Jennifer Smith
296th District Court Coordinator
Collin County Texas
972-548-4409
jlsmith@co.collin.tx.us
296@co.collin.tx.us

From: Gail Leyko
Sent: Wednesday, July 08, 2015 1:05 PM
To: Jennifer Smith
Subject: FW: order securing names of grand jurors

Sorry about that. thanks, gail

From: Gail Leyko
Sent: Wednesday, July 08, 2015 10:22 AM
To: Judge John Roach Jr.
Subject: order securing names of grand jurors

Judge Roach,

I just realized I left "416th" in the body of the order you signed. I have changed it to "296th". Here is the new order for you to sign. I am sorry about that.

Thank you, Gail Leyko

Gail Leyko

From: Gail Leyko
Sent: Thursday, June 25, 2015 10:53 AM
To: Judge Oldner
Subject: RE: order securing names of grand jurors

Thank you

From: Judge Oldner
Sent: Thursday, June 25, 2015 10:48 AM
To: Gail Leyko
Subject: RE: order securing names of grand jurors

I will keep the original, but you are welcome to have a copy. I have instructed Cindy to get a copy to you and to the District Clerk.

Judge Chris Oldner

416th Judicial District Court
2100 Bloomdale, Ste. 20030
McKinney, TX 75071
(972)548-4520
(972)548-4525 fax
http://www.co.collin.tx.us/district_courts/index.jsp

NOTE: All email correspondence relating to pending cases will be filed with the District Clerk for inclusion in the record of the case. Any communication to the Court or staff via email must comply with Rules 21 and 21a, T.R.C.P., and to do so by the fastest means available to the other affected parties or counsel. The provisions of Canon 3B.(8) of the Code of Judicial Conduct should be carefully reviewed before any person connected with a case attempts any communication with the judge or court personnel.

From: Gail Leyko
Sent: Thursday, June 25, 2015 10:46 AM
To: Judge Oldner
Subject: RE: order securing names of grand jurors

Thanks, do you want me to file a copy with the clerks office? also can I get a signed copy? Debbie Harrison just got an open records request from the dallas morning news wanting your grand jurors information and Debbie wants to send your order with her response to the AG. Thanks, gail

From: Judge Oldner
Sent: Thursday, June 25, 2015 10:39 AM
To: Gail Leyko
Subject: RE: order securing names of grand jurors

Looks good to me. I will print and sign.

Judge Chris Oldner

416th Judicial District Court

2100 Bloomdale, Ste. 20030

McKinney, TX 75071

(972)548-4520

(972)548-4525 fax

http://www.co.collin.tx.us/district_courts/index.jsp

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From: Gail Leyko

Sent: Thursday, June 25, 2015 10:09 AM

To: Judge Oldner

Subject: order securing names of grand jurors

Judge Oldner,

Here is the order that John Rolater and I came up with. Please look it over and let me know what you want to change and I will bring you a corrected copy. Thanks, Gail