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Travis County District Attorney Margaret Moore announced today that the felony charges against State Representative Dawnna Dukes have been dismissed upon motion of the State. D.A. Moore announced additionally that the misdemeanor cases for which Representative Dukes was indicted have been resolved by agreement between the State and Representative Dukes. The State has moved to dismiss, because Representative Dukes has made restitution to the State of Texas in the amount of \$1,340.00 for the salary paid to her legislative staffer to reimburse that staffer for transporting Representative Dukes's daughter. Additionally, Representative Dukes has paid \$500.00 for an outstanding fine owed to the Texas Ethics Commission, and she has restored \$5,230.74 to her campaign account for her conversion of campaign funds to personal use. All dismissals were signed by Judge Brad Urrutia on October 23, 2017.

Moore said, "On January 17, 2017, Rep. Dukes was indicted by a Travis County Grand Jury for 13 counts of felonious Tampering with a Governmental Record. She was accused of providing false information on vouchers presented by her to the House Business Office (HBO), to receive an interim per diem reimbursement made available to members by House rules. As a basis for presenting the case, prosecutors and investigators from the State Auditor's Office and the Texas Rangers Public Integrity Unit relied upon the written rules and interviews with the Executive Director of the House Business Office conducted during the initial phases of the investigation that began in February, 2016. It was our belief that, in order for a member to receive the reimbursement, he or she had to travel to Austin to conduct legislative business in his or her office at the State Capitol. Rep. Dukes filed vouchers stating that she was entitled to the per diem reimbursement because she traveled to the Capitol to conduct legislative business; however, evidence acquired during the investigation demonstrated that on a number of the days claimed, she had not, in fact, traveled to the Capitol.

In preparing for trial, we discovered that shortly after the indictment was returned, the Executive Director had given a statement to Rep. Dukes's attorneys that was materially different from the prior information. According to him, the HBO did not require members to travel to the Capitol to qualify for the interim reimbursement. Upon learning about this statement, we deepened our investigation. After a thorough examination of the evidence available to us, we have determined that we cannot continue the lawsuit. It is a defense to a prosecution for Tampering with a Government Record that the false entry or false information could have no effect on the government's purpose for requiring the governmental record.

Because the HBO did not enforce the House rule requiring travel to the Capitol, and because of the lack of House policies regarding the type of activities that would qualify as legislative business, we cannot demonstrate that Rep. Dukes received the payments because of her false statements.

This office, the Texas Rangers, and the State Auditor agree that, had we known the actual practice of the House Business Office, the investigation would have been closed without filing charges. In deciding how to resolve the two misdemeanors, I have taken into account the fact that the felony charges should not have been pursued. Dismissing the misdemeanors for restitution, restoration of the campaign funds, and the paying of a fine to the Ethics Commission is a just result, given the amount of money involved and the nature of the offenses.

The Tampering statutes are critically important to ensure the public's confidence in governmental records, particularly those that result in the expenditure of taxpayer dollars. It is disappointing when the enforcement of these statutes is thwarted. However, it is the prosecutor's role to see that justice is done, and I am satisfied that we have discharged our duties to the best of our ability given the facts as we have found them."