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THE STATE OF TEXAS § DOCKET # _____
 §
COUNTY OF TRAVIS § COURT: _____

Affidavit for Arrest Warrant

BEFORE ME, THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED THE AFFIANT HEREIN, A PEACE OFFICER UNDER THE LAWS OF TEXAS, WHO, BEING DULY SWORN, ON OATH MADE THE FOLLOWING STATEMENTS AND ACCUSATIONS:

My name is Brad Weatherford (Affiant) and I am commissioned as a peace officer by the Texas Department of Public Safety, currently a Texas Ranger assigned to the Public Integrity Unit responsible for investigating public officials accused of criminal activity and all other crimes relating to fraud and public corruption. I have been a peace officer for over fourteen years, with over six years' fraud and financial crimes investigative experience. I have previously served as a Federal Task Force Officer with the Federal Bureau of Investigations White Collar Crimes Unit and the United States Secret Service Financial Crimes Unit where I was responsible for investigations involving white collar, gambling, and property type crimes to include money laundering, identity theft, and all forms of fraud. I received formal training through the Texas Department of Public Safety, Federal Law Enforcement Training Center, Association of Certified Fraud Examiners, and the National Association of Attorney Generals, in investigations involving financial and fraud type crimes. I am certified as a Certified Fraud Examiner through the Association of Certified Fraud Examiners, and I am a member of a Central Texas Fraud Investigator's working network where I confer and consult with other senior investigators regarding all types of crimes involving fraud and financial crimes.

I hereby state upon my oath that I have reason to believe and do believe that heretofore, and before the making and filing of this affidavit, that

TODD MALCOLM SMITH, W/M, DOB: 08/07/1961, Texas Driver License [REDACTED]
on or about the 23rd day of August, 2019, through the 29th day of November 2019,
engaged in a scheme to commit the offense of **Theft, Texas Penal Code 31.03 (a)**
\$30,000.00 <\$150,000.00, against the laws of this state in multiple Texas counties to
include Travis County, Texas.

My probable cause for said belief and accusation is as follows:

According to government websites and open media sources that I viewed, the Texas Legislature passed House Bill (HB) 1325 during the 86th Legislative Session. The bill was signed into law on June 10, 2019, legalizing hemp production under a state-regulated program. HB 1325 amended the Texas Agriculture Code to provide for the regulation of hemp production in Texas by the Texas Department of Agriculture (TDA).

Andre Vinson and/or Hannah Smith provided the following information to me through interviews and written statements: Andre Vinson was interested in getting involved in the hemp industry and had good relationships with several landowners, farmers, and individuals in the Cannabidiol (CBD) business. On or about August 18, 2019, Andre Vinson was approached by Keenan Williams at a social gathering. Keenan Williams told Andre Vinson he (Keenan Williams) was working directly with senior leadership at the TDA and added there would only be 15 total hemp licenses issued in the entire state. Keenan Williams told Andre Vinson that he (Williams) was already guaranteed one of those licenses. Keenan Williams told Andre Vinson he (Williams) needed \$150,000.00 in cash, with some of the money going toward campaign contributions, in order to receive the 'guaranteed' hemp license. Vinson agreed and collected monies from his business associates to participate in the deal. Andre Vinson told me that his business associate, Hannah Smith, participated in the subsequent money exchange agreed upon by Vinson and Williams. Hannah Smith later provided a written statement to me detailing the incident. On or about August 23, 2019, Hannah Smith met Keenan Williams at a Legacy Bank parking lot in Dallas County, Texas. Hannah Smith gave Keenan Williams \$25,000.00 cash that Andre Vinson had provided and instructed her to deliver to Keenan Williams. Vinson was under the impression that the \$25,000.00 cash was for a hemp survey and required to get a hemp license. Vinson never received any information, agreement, invoice, or results of the hemp survey. Vinson provided the money for the hemp survey in cash per Williams' instructions. Vinson provided me text message screenshots Williams sent Vinson. The text messages were between Williams and Todd Smith. Williams discussed the \$25,000.00 with Todd Smith on the text message communication and the timeframe when Todd Smith expected payment. In the text message, Todd Smith and Williams confirmed the date, time, and meeting location to exchange the money. Keenan Williams convinced Andre Vinson that another \$25,000.00 in cash would be needed for the hemp license. Vinson then directed Hannah Smith to withdraw another \$25,000.00 cash from Andre Vinson's Legacy Bank account on the same day. Hannah Smith was reluctant to give Keenan Williams more cash, so Hannah Smith provided Keenan Williams with a \$15,000.00 check made payable to Keenan Williams and a **\$10,000.00** check made payable to Todd Smith. I confirmed through subpoenaed bank records the \$15,000.00 check made payable to Keenan Williams was drawn out of Andre Vinson's bank account and deposited into Keenan Williams' bank account. I confirmed through subpoenaed bank records the

\$10,000.00 check made payable to Todd Smith was drawn out of Andre Vinson's bank account and deposited into Todd Smith's bank account. I checked the online records for the Texas Ethics Commission, and Todd Smith never registered Williams, Vinson, or South and West Land as clients of his lobbyist services in 2019. The Texas Ethics Commission records confirmed Todd Smith was a paid consultant for the current TDA Commissioner, and TDA employees gave me statements that Todd Smith had access to the TDA offices and employees. Todd Smith communicated directly with TDA employees and requested letters be placed on TDA letterhead for letters sent to his paid clients. TDA provided subpoenaed records which included registration records maintained and/or submitted to the Texas Ethics Commission after July 1st, 2019 as outlined and required by law, Texas Government Code, CHAPTER 2004-REPRESENTATION BEFORE STATE AGENCY which reads:

Sec. 2004.002. REGISTRATION. (a) An individual who appears before a state agency or contacts in person an officer or employee of a state agency on behalf of an individual, firm, partnership, corporation, or association about a matter before that agency shall register with the state agency:

(1) the name and address of the registrant;

(2) the name and address of the person on whose behalf the appearance or contact is made; and

(3) a statement on whether the registrant has received or expects to receive any money, thing of value, or financial benefit for the appearance or contact.

(b) Each state agency shall provide for recording the registration in a record and shall maintain the record.

There were no TDA ethics visitor reports from 7/1/2019 to 3/19/2020 with Todd Smith's name, which would have been required if Todd Smith was acting in his lobbyist capacity before TDA agency and/or the TDA Commissioner.

Vinson went through Williams to pay Todd Smith. Vinson had one conference call with Todd Smith and Williams where Todd Smith discussed the hemp license. Williams gave Vinson instructions not to discuss money with Todd Smith before the conference call.

Keenan Williams coordinated a meeting at the TDA offices in Travis County on November 6, 2019. Keenan Williams requested additional funds from Vinson prior to the meeting at TDA to secure the hemp license. Vinson and Hannah Smith rode together from Dallas to Austin for the November 6, 2019, meeting. Andre Vinson brought \$10,000.00 cash with him and withdrew another \$20,000.00 in cash from his bank account at a branch in Austin, Travis County, Texas, on November 6, 2019. I confirmed through bank records and video that Andre Vinson withdrew \$20,000.00 in

cash from Andre Vinson's account. Vinson recalled giving Williams \$30,000.00 cash in a car outside El Mercado restaurant in Austin, Travis County, Texas, located approximately one block from the TDA offices. Keenan Williams insisted that Vinson not go with him to take the money to the TDA offices. Keenan Williams left through an alley alone and returned after about 20 minutes to get the rest of the group, who then walked over to the TDA building for a scheduled meeting. I reviewed visitor logs from TDA, which confirmed Keenan Williams, Hannah Smith, and Andre Vinson were at the TDA offices on November 6, 2019.

In late November 2019, Vinson learned from TDA officials that Williams wasn't guaranteed a license, and anyone would be able to get a hemp license that submitted a valid application when TDA started taking applications in 2020. Andre Vinson had been under the impression from Williams that Vinson had to spend \$150,000.00 in payments to consultants and elected officials to receive a hemp license. Vinson made telephonic contact with Todd Smith about the money Vinson gave to Williams for the hemp license. Todd Smith denied any knowledge but did admit to receiving a \$5,000.00 gift from Williams.

Keenan Williams provided the following information to me through interviews. Williams was introduced to Todd Smith by a friend in August 2019. I had Williams positively identify Todd Smith through a photo I provided Williams. Williams had phone calls with Todd Smith, who communicated that getting a hemp license would take \$25,000.00 upfront for a survey and the funding of campaigns, for a total of \$150,000.00. Todd Smith told Williams there would be three different categories and a limited number of hemp licenses, with only 10-15 groups getting the hemp licensing in Texas. The survey had to be done first before the state could move forward with licensing. Williams relayed to me that he received a lot of pressure from Smith for the survey money. Williams never received any type of invoice or contract from Todd Smith. Williams received \$25,000.00 cash from Andre Vinson for the survey, with Williams keeping \$10,000.00 and giving \$15,000.00 to Todd Smith on 8/23/2019. Williams never worked on a hemp survey and never received any information, agreement, invoice, or hemp survey results.

Vinson provided me with a text message screenshot of the following conversation between Williams and Todd Smith about the \$25,000.00 for a survey. Williams confirmed the validity of the text message.

- Todd Smith: Got an unexpected conference call. Can you give me 30 minutes?
- Williams: Absolutely. When do you need the \$25,000.00? I know you said 72 hours, so I'm thinking before or after lunch.

- Todd Smith: Yesterday, but after lunch is fine.
- Todd Smith: Next Thursday for lunch in Fort Worth at the Stockyards between 12 Noon and 12:30 PM.

I also confirmed through open-source social media sites that Todd Smith and Williams met in Ft. Worth on August 23, 2019.

Williams also provided Todd Smith with a 10,000.00 check from Vinson, as previously mentioned, around the same time frame as the August 23, 2019 meeting.

Williams coordinated with Todd Smith a meeting to take place for Vinson other potential partners on November 6, 2019, at the TDA offices. Before the meeting, Vinson gave Williams \$20,000.00 cash as part of the required money for a hemp license. Williams met Todd Smith in front of the TDA building prior to the meeting and gave Todd Smith \$10,000.00 cash, but Todd Smith acknowledges to Vinson in a phone call that Williams gave Todd Smith \$5,000.00 on November 6, 2019. The money was given to Todd Smith for everything they were doing for the business and setting up the meetings. The \$10,000.00 was another payment to Todd Smith that went toward the \$150,000.00 needed per Todd Smith to get the license. Williams never gave any money to Todd Smith as a gift. Williams gave Todd Smith money to get the business done.

Williams' impression was they were getting the license, and Williams never thought otherwise. Williams told everyone to be discreet since they were getting the license because of Todd Smith, and there would be people who wanted a license that would not get one. Williams didn't have any prior knowledge about the hemp industry or licensing except what Todd Smith told him. Williams did not get any licensing information from any TDA employee, other lobbyists, or any other source. Williams provided information and expectations for the hemp license to Vinson based on what Todd Smith told Williams.

Brandon Witherspoon provided the following information to me through interviews and written statements: Witherspoon was a business partner with Andre Vinson and was a managing partner of South and West Land, LLC, before parting ways with Vinson in November of 2019. Witherspoon corroborated Vinson's testimony regarding what was required to obtain a hemp license. Specifically, Todd Smith was providing an exact list of requirements that would need to be met. Williams told Witherspoon that there had to be polling done in order for the hemp program to come to fruition, and whoever paid for the polling would get preferential treatment. Witherspoon confirmed the cost of the polling, also known as a survey, would cost \$25,000.00. Witherspoon provided me with a screenshot of a group text message on August 23, 2019. Williams discussed the \$25,000.00 payment with Vinson's direction for checks made payable to Todd Smith

and Associates. The message continued on August 24, 2019, with Williams providing a screenshot to Witherspoon and Vinson from a phone number associated with Todd Smith, which I confirmed through AT&T records. Todd Smith said the following in the text message to Williams: "Hey my friend. Now that I have accepted compensation, I need to register with the Texas Ethics Commission. For whom do I register? I need name of entity and address."

Witherspoon and Vinson provided me with multiple recorded phone calls between Williams, Witherspoon, and Vinson, which corroborated Vinson and Witherspoon's statements about the money for the survey, limited hemp licensing, and Todd Smith's involvement in securing a hemp license. In one of the recordings I reviewed, Williams tells Witherspoon about a conversation with Todd Smith while discussing a hemp license with Witherspoon. During a discussion about hemp, Williams told Smith that he trusted Vinson and Williams said in the recording that Todd Smith responded to him with a comment of, you do realize that this is not supposed to happen.

William "Bill" Cavalier provided the following information to me through interviews, written statements, and supporting documents. Cavalier was introduced to Todd Smith in July of 2019. Todd Smith introduced himself as a lobbyist and discussed the new hemp law with Cavalier. Cavalier had other business partners in the hemp industry, so they created a Texas company named Green Grow Farms Texas, LLC, which I confirmed through the company's filings with the Texas Secretary of State. Todd Smith told Cavalier there would not be political support for hemp unless there were support among Texas voters, and a political survey was needed to determine voter support on the issue. Todd Smith told Cavalier he (Todd M. Smith) was experienced in political surveys and would help facilitate the survey but needed funding for the survey. Todd Smith told Cavalier the survey would be lawful if Todd Smith registered the company as a lobbyist client. I reviewed public records from the Texas Ethics Commission, which confirmed Todd Smith is a registered lobbyist in Texas. Todd Smith filed lobby reports with the Texas Ethics Commission in 2019 and 2020 that documented Green Grow Farms Texas, LLC as a lobbyist client. Cavalier communicated and reached an agreement with Todd Smith through email. Cavalier provided me a copy of his emails with Todd Smith. The first email provided to me was dated August 13, 2019, from Todd Smith to Cavalier, discussing Todd Smith's attached invoice of \$25,000.00 for hemp survey research and \$1,500.00 for Todd Smith's lobby registration fee. Cavalier provided me a copy of Todd Smith's invoice. I reviewed the invoice dated August 13, 2019, which was addressed to Green Grow Farms Texas, LLC, C/O William Cavalier from Todd Smith and Associates, Political and Governmental Consultants. The invoice total was \$26,500.00 with a fee of \$25,000.00 for "Governmental Affairs Consulting Services 86th Legislative Session Texas Department of Agriculture Survey Research." Todd Smith and Associates' banking information and wiring instructions were included on the invoice, as was Todd Smith's home address, located in Austin, Travis County,

Texas, which I verified through public records and law enforcement databases. Todd Smith told Cavalier the results of the survey would be shared with TDA. Cavalier provided me with a wire transfer confirmation dated August 26, 2019, from Green Grow Farms, Inc. to Todd Smith for \$26,500.00. The wire transfer was sent to the same bank account that Todd Smith had listed on his invoice. I reviewed the public filings from the Texas Secretary of State's Office, which listed Todd Smith as the registered agent for Todd Smith and Associates. Cavalier told me after the invoice was paid, various contacts were made to Todd Smith, who indicated to Cavalier the survey effort was underway. On March 13, 2020, after additional questioning of Todd Smith about the survey results, Todd Smith admitted to Cavalier that the survey was never attempted. Cavalier followed up his conversation with an email to Todd Smith on March 13, 2020, and provided me a copy of the email. Cavalier's email to Todd Smith was a formal demand for the immediate return of the \$25,000.00 Todd Smith received from Green Grow Farms, LLC, to complete the survey as per their written and verbal agreement. Cavalier provided Todd Smith with wiring instructions on where to send the \$25,000.00 to Green Grow Farms, LLC. On March 8, 2021, I confirmed with Cavalier that Todd Smith never responded to Cavalier about his demand for the return of the \$25,000.00, and neither Green Grow Farms, LLC nor Cavalier had received any payments from Todd Smith or information/results of the hemp survey.

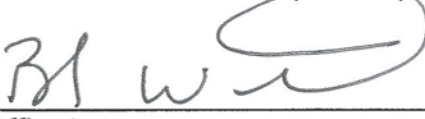
Nathaniel Czerwinski provided the following information to me through interviews and supporting documents. In August 2019, Todd Smith solicited \$25,000.00 from Czerwinski to conduct a survey to help obtain and solidify the Republican votes on hemp issues. An employee for TDA put Czerwinski in contact with Todd Smith. While Czerwinski and Smith were discussing the plan, Todd Smith said they had to maneuver just right because of backlash that happened to pharmaceuticals a couple of years back. Czerwinski said Todd Smith was offered front of the line hemp access and the ability to "do whatever," which Czerwinski took as being loosely monitored after he received the hemp license. Czerwinski thought the plan sounded illegal, which is why he testified at the Texas Department of State Health services hearing regarding his encounter with Todd Smith. Czerwinski provided me with the invoice given to him by Todd Smith, which was similar to Todd Smith's invoice to Cavalier. Czerwinski said he never followed through with payment to Todd Smith. I reviewed the invoice addressed to Nathaniel Czerwinski, Make Texas Hemp Again, from Todd Smith and Associates, Political and Governmental Consultants. The invoice total was \$25,500.00 with a fee of \$25,000.00 for "Governmental Affairs Consulting Services 86th Legislative Session Texas Department of Agriculture Survey Research and Polling Includes Lobby Registration." Todd Smith's invoice for the survey, dated August 27, 2019, was after Todd Smith had already received funding from Cavalier and Vinson for the hemp survey. Czerwinski also provided me text message communication he had with Todd Smith dated August 28, 2019. Todd Smith wanted to know when the checks were ready and said he (Todd Smith) could take partial payment to get the survey started.

I obtained Todd Smith's email subscriber information and records through a search warrant and reviewed the records. In an email to another potential client dated August 12, 2019, Todd Smith stated the following, "Attached, please find the invoice we discussed and wiring instructions. I have contacted the polling company, and they plan to be in the field on Wednesday so that we can have results towards the end of the week or weekend. Please let me know if you have any questions or concerns. Also, please let me know when the wire transfer has been made so that I can transfer funds to the survey research company post haste." In reviewing Todd Smith's email records, I never saw an email related to Todd Smith engaging, hiring, or consulting with a survey company regarding hemp in Texas.

Eloise Frischkorn provided the following information to me through interviews and supporting documents. Frischkorn is a member of TDA's Texas Hemp Council. Frischkorn was introduced to Todd Smith on or about August 9, 2019. Frischkorn was aware Todd Smith was soliciting money for a hemp survey, and the cost was \$25,000.00. Todd Smith told Frischkorn the survey was to learn what Texans wanted regarding hemp and who wanted to grow hemp since there was no money allocated for the program. Todd Smith instructed Frischkorn to solicit people she knew for money to fund the survey. Frischkorn never saw any of Todd Smith's surveys or survey results, and Todd Smith never provided her the name of the company he used to conduct the surveys. Frischkorn was in a position with TDA where she would have seen the survey results if there was one conducted by Todd Smith.

Therefore, Todd Smith did unlawfully appropriate property, specifically \$55,000.00 and pursuant to one scheme or continuing course of conduct, with the intent to deprive the owner(s) of the property and commit the offense of Theft more than \$30,000 but less than \$150,000, a 3rd Degree Felony. Todd Smith created by words and his conduct, a false impression of fact that affected the judgment of others in the transactions to obtain a hemp license and/or conduct a survey that was never attempted by Todd Smith.

Wherefore, affiant asks for issuance of an arrest warrant for **Theft, Texas Penal Code 31.03 (a) \$30,000.00 <\$150,000.00** that will authorize affiant and other peace officers to search and arrest suspected party named and described herein.



Affiant

Brad Weatherford
Texas Ranger

SWORN TO AND SUBSCRIBED BEFORE ME BY SAID AFFIANT/COMPLAINANT ON
THIS THE 14 DAY OF April, 2021

LEON GRIZZARD
Criminal Law Magistrate
TRAVIS COUNTY, TEXAS