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IN THE DISTRICT COURT OF FRANKLIN COUNTY, KANSAS
FOURTH JUDICIAL DISTRICT

STATE OF KANSAS, **Plaintiff,**	)	
vs.	)	**Case No.** 13C30
JEFFRY D. CURRY, **SHERIFF, FRANKLIN COUNTY, KANSAS** **Defendant.**	)	

PETITION
(Pursuant to K.S.A. 60-1201 et seq. and K.S.A. 60-1701 et seq.)

COMES NOW the State of Kansas, by and through Stephen A. Hunting, Franklin County Attorney, and J. Todd Hiatt, Special Prosecutor for the Franklin County Attorney, and for its cause of action against the above-named defendant, alleges and states the following:

NATURE OF THE CAUSE OF ACTION

1. This is a civil action brought for Declaratory Judgment pursuant to K.S.A. 60-1701 et seq. and in Quo Warranto pursuant to K.S.A. 60-1201 et seq. wherein the State seeks declaratory judgment that certain acts of commission and/or omission by the defendant are violations of the Kansas Criminal Code and/or violations of the defendant's oath of office and/or the legal duties, obligations, and responsibilities inherent in the office of Sheriff of Franklin County, Kansas, as held by the defendant at all times relevant hereto.

PARTIES

2. Plaintiff is the State of Kansas.

3. At all times relevant hereto, the defendant has held the office of Sheriff of Franklin County, Kansas, having most recently been duly elected to that office on or about November 6, 2012.

JURISDICTION AND VENUE

4. The District Court for Franklin County has jurisdiction over the parties and over the subject matter of this cause of action.

5. The District Court for Franklin County is the proper venue for this cause of action.

STATEMENT OF RELEVANT FACTS

6. On or about May 30, 2012 (the May interview), Deputy Jeremi Thompson with the Franklin County Sheriff's Department (the Department) interviewed a confidential informant (CI) as part of a federal drug investigation that Deputy Jeremi Thompson had been assigned to work. This interview took place in Franklin County, Kansas.

7. During the May interview, the CI made allegations to Deputy Jeremi Thompson that Heather Jones, the then duly-elected County Attorney for Franklin County, Kansas, had purchased methamphetamine on at least two occasions from a known associate of the CI while the CI was present. These were purchases were said to have occurred in Franklin County, Kansas.

8. Once the May interview was completed but still on that same day, Deputy Jeremi Thompson informed his supervisors within the Department that the CI had made allegations about Heather Jones purchasing methamphetamine. In turn, the supervisors then notified the defendant who was then serving as the Sheriff of Franklin County, Kansas.

9. Once the defendant had been notified that a CI had identified Heather Jones as someone who had purchased methamphetamine in Franklin County, Kansas, the defendant

instructed Deputy Jeremi Thompson to notify the Assistant United States Attorney who had been assigned to the ongoing federal drug investigation of the allegations made by the CI.

10. Following his instructions to Deputy Jeremi Thompson, and still on or about May 30, 2012, the defendant notified Heather Jones that she had been identified as a potential suspect in an ongoing federal drug investigation. The defendant's notification to Heather Jones included details of the allegations made by the CI including but not limited to meeting locations and specific observations made by the CI at the time of the meetings. At the time he notified Heather Jones that she was a potential suspect in a federal drug investigation, the defendant was physically present in Franklin County, Kansas.

11. On or after May 31, 2012, Special Agent James Bridges (SA Bridges) of the Kansas Bureau of Investigation was assigned to investigate allegations that Heather Jones has purchased methamphetamine in Franklin County, Kansas. During the course of this investigation, SA Bridges learned that the defendant had notified Heather Jones that she had been identified by a CI as someone who purchased methamphetamine in Franklin County, Kansas.

12. On or about September 27, 2012, SA Bridges interviewed the defendant regarding the allegations that Heather Jones had purchased methamphetamine and the allegations the defendant notified Heather Jones that she was the subject of a federal drug investigation.

13. During the September 27, 2012 interview (the September interview), the defendant admitted to SA Bridges that he informed Heather Jones that she had been identified by the CI and was now going to be a subject in the ongoing federal drug investigation.

14. During the September interview, SA Bridges asked the defendant whether he and Heather Jones ever had an inappropriate or sexual relationship. The defendant denied ever having an inappropriate or sexual relationship with Heather Jones.

15. The defendant's assertions that he did not have an intimate and sexual relationship with Heather Jones were false. In fact, he and Heather Jones were involved in an ongoing, intimate and sexual relationship at the time of the May and September interviews.

ACTION FOR DECLARATORY JUDGMENT

COUNT 1

16. Plaintiff incorporates paragraphs 1-15.

17. By notifying Heather Jones on or about May 30, 2012, that she had been identified and accused by a CI of having purchased methamphetamine in Franklin County, Kansas, the defendant unlawfully used confidential information acquired during the course of and related to the defendant's official capacity as Sheriff of Franklin County for the personal and private benefit or gain of the defendant and/or of Heather Jones.

18. The defendant's notification made to Heather Jones regarding the allegations made by the CI was made while the defendant was acting in his capacity as and/or under the color of his employment as the Sheriff of Franklin County, Kansas.

19. The defendant's notification made to Heather Jones regarding the allegations made by the CI constitutes Official Misconduct as defined by K.S.A. 21-6002(a)(3), a class A nonperson misdemeanor.

WHEREFORE in light of the above and foregoing, Plaintiff respectfully requests the Court find and render judgment that the defendant engaged in official misconduct while in office by notifying Heather Jones that she had been identified by a CI in an ongoing federal drug investigation as someone who had purchased methamphetamine in Franklin County, KS.

COUNT 2

20. Plaintiff incorporates paragraphs 1-19.

21. On or about September 27, 2012, the defendant falsely reported to SA Bridges the nature of his relationship to Heather Jones. He did so knowing the information provided to SA Bridges was false. He did so with the intention to influence, impede, and/or obstruct SA Bridges' duties as a law enforcement agent investigating allegations of felony possession of methamphetamine.

22. The defendant's reporting of false information to SA Bridges on or about September 27, 2012, constitutes Interference with a Law Enforcement Officer as defined by K.S.A. 21-5904(a)(1)(B), a level 9 person felony.

WHEREFORE in light of the above and foregoing, Plaintiff respectfully requests the Court find and render judgment that the defendant interfered with a lawful criminal investigation being conducted by a law enforcement officer by knowingly reporting false information to SA Bridges with the intent to influence, impede, and/or obstruct the felony investigation being performed by SA Bridges, and that the defendant did so for the personal, private benefit of the defendant and/or Heather Jones.

ACTION IN QUO WARRANTO

FURTHER as to the action in Quo Warranto, Plaintiff requests the Court find that in light of the above and foregoing the defendant willfully engaged in misconduct while in office as Sheriff of Franklin County, Kansas, and willfully neglected to perform the duties enjoined him by law while serving in his official capacity as Sheriff of Franklin County, Kansas, and that the acts of commission and/or omission detailed above require forfeiture of the defendant's office as Sheriff of Franklin County, Kansas. Upon those findings, Plaintiff prays the Court issue an Order ousting the defendant from his office as Sheriff of Franklin County, Kansas, pursuant to K.S.A.

60-1205 et seq. and for such other and further relief the Court finds to be fair, just, and equitable under the circumstances.

Respectfully submitted,

Office of the County Attorney
Fourth Judicial District

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