



## ELLIS COUNTY & DISTRICT ATTORNEY

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FOR IMMEDIATE RELEASE

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### **NO ADDITIONAL CHARGES AGAINST WOMAN WHO LIED ABOUT TEXAS TROOPER**

This office shares the outrage felt by the general public for the blatantly false and malicious allegations made by Sherita Dixon-Cole against the Texas Highway Patrol trooper who arrested her for driving while intoxicated on Sunday, May 20, 2018. However, no criminal charges will be filed against Dixon-Cole for her conduct. We know this decision will frustrate many in the public who have called for criminal charges against Ms. Dixon-Cole as both a punishment to her and as a deterrent to others who may make false and damaging allegations against the peace officers who protect all of us. We share the public's frustration. In making any decision to charge a crime, this office is bound by the facts and the law. To help the public understand our decision in this matter, we are providing a detailed analysis of the facts and law.

#### **FACTS**

At approximately 3:53 a.m. on Sunday, May 20, 2018, Sherita Dixon-Cole was being booked into the Ellis County jail when she first made a claim of inappropriate conduct by the Texas Highway Patrol trooper who arrested her. Ms. Dixon made a general claim that the trooper made inappropriate physical contact with her. That claim was made to a detention officer, not to a peace officer. That fact is important in this office's analysis. In response to the claim, the detention officer advised Ms. Dixon-Cole that she needed to make a complaint with the Texas Department of Public Safety after she was released from jail. The detention officer provided Dixon-Cole with the phone number to call for her complaint.

At a later time, while still in the Ellis County jail, Ms. Dixon-Cole made additional, more detailed false claims about the trooper who arrested her. Those additional statements were also made to a detention officer, not to a peace officer.

After she persisted with her complaint to detention officers, Dixon-Cole was transported to a hospital by Ellis County Sheriff's Office personnel. After arriving at the hospital, Dixon-Cole refused to be examined or treated.

During her time in the Ellis County jail, Dixon-Cole made several phone calls which were recorded as part of the jail's routine security measures. Every call that is made by an inmate in the Ellis County jail is preceded by a recorded message that tells the inmate that the call is being recorded and that the call is subject to monitoring. Over the course of several hours, Dixon-Cole made multiple phone calls in which she made shockingly detailed false allegations of criminal conduct against the Texas Highway Patrol trooper who arrested her. Those claims were all made to a private citizen. It is from those phone calls that the false claims against the trooper were made public.

## **LAW**

There are two possible criminal charges that this office considered. One is False Report to Peace Officer, Federal Special Investigator, or Law Enforcement Employee (Texas Penal Code § 37.08), a Class B misdemeanor. The other is False Alarm or Report (Texas Penal Code § 42.06), a class A misdemeanor.

### **False Report to a Peace Officer (Texas Penal Code § 37.08)**

(a) A person commits an offense if, with intent to deceive, he knowingly makes a false statement that is material to a criminal investigation and makes the statement to:

- (1) a peace officer or federal special investigator conducting the investigation; or
- (2) any employee of a law enforcement agency that is authorized by the agency to conduct the investigation and that the actor knows is conducting the investigation.

(b) In this section, "law enforcement agency" has the meaning assigned by Article 59.01, Code of Criminal Procedure.

(c) An offense under this section is a Class B misdemeanor.

The false report statute requires that a false claim be made to a peace officer conducting an investigation or to an employee of a law enforcement agency that is authorized by the agency to conduct an investigation. Detention officers are clearly employees of a law enforcement agency, the Ellis County Sheriff's Office. But detention officers are not authorized by the E.C.S.O. to conduct criminal investigations. That fact was supported when the detention officer referred Dixon-Cole to another law enforcement agency for her complaint. For these reasons, statements

that Ms. Dixon-Cole made to detention officers at the Ellis County jail do not constitute a false report to a peace officer.

**False Alarm or Report (Texas Penal Code 42.06)**

(a) A person commits an offense if he knowingly initiates, communicates or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he knows is false or baseless and that would ordinarily:

- (1) cause action by an official or volunteer agency organized to deal with emergencies;
- (2) place a person in fear of imminent serious bodily injury; or
- (3) prevent or interrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircraft, automobile, or other mode of conveyance.

(b) An offense under this section is a Class A misdemeanor unless the false report is of an emergency involving a public or private institution of higher education or involving a public primary or secondary school, public communications, public transportation, public water, gas, or power supply or other public service, in which event the offense is a state jail felony.

As detailed above, when Dixon-Cole told her lies about the trooper who arrested her, she clearly made false and baseless allegations of multiple criminal offenses which had allegedly already occurred. Her specific lies about false conduct which occurred only to her would not ordinarily place a person in imminent fear of serious bodily injury; neither would those lies prevent or interrupt the occupation of a building, room, place of assembly, etc.

To compare, a common situation in which this statute is used to charge a crime is the all-too-common scenario in which a threat of future violence against a public building is conveyed to emergency officials.

The question for our analysis of Dixon-Cole's lies then becomes, "Would her lie about a past false crime in which she was the alleged victim ordinarily cause action by an official who deals with emergencies?" That question requires a review of the definition of "emergency."

In Texas Penal Code § 38.15(e), "emergency" is defined as follows:

a condition or circumstance in which an individual is or is reasonably believed by the person transmitting the communication to be in imminent danger of serious bodily injury or in which property is or is reasonably believed by the person transmitting the communication to be in imminent danger of damage or destruction.

In a nutshell, the lies told by Dixon-Cole related to already-completed conduct against her. Those lies did not create a situation, either real or false, in which there was imminent danger of serious bodily injury or imminent danger of damage or destruction to property.

### **Conclusion**

There are many wrongs in the world. Not all wrongs are criminal wrongs. This office agrees wholeheartedly with the public sentiment that something should be done to Sherita Dixon-Cole for the malicious lies she told and for the harm she brought to a dedicated peace officer who was just doing his job with grace and dignity. But the law and the facts in this matter do not support the filing of criminal charges. Other possible remedies at law are outside the scope and expertise of this office.

Ellis County & District Attorney Patrick Wilson issued the following statement:

“The real harm in this case was caused when outside parties with no concern for the truth employed social media to ignite flames of malice and discontent. That bell, once rung, cannot be un-rung. Sadly, the situation that unfolded here in Ellis County over the past five days is being repeated in communities all across our country every day. In our fast-paced, social media-driven world, truth and justice too often take a back seat to misguided keyboard anger. As we know, there are tragic consequences for that behavior. Baseless digital rage can create real world, innocent victims. As things stand in our world today, there is no reason to think the problem will soon be solved.

I want to commend and thank the traditional media outlets who exercised professional restraint and accountability in reporting this story. They investigated first and reported second. The rock of truth has special meaning to those who have been crushed under a tidal wave of lies.”