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CAUSE NO. 25-DCR-110888
CAUSE NO. 25-DCR-110889

THE STATE OF TEXAS	**§**	**IN THE 458TH DISTRICT COURT**
VS.	**§**	**OF**
KYLE PRASAD GEORGE	**§**	**FORT BEND COUNTY, TEXAS**

STATE'S RESPONSE TO DEFENDANT'S MOTION TO QUASH

TO THE HONORABLE JUDGE OF SAID COURT:

The State of Texas, through its Assistant District Attorney, respectfully submits this response to the Defendant's Motion to Quash Indictment. For the reasons set forth below, the State requests that the Court deny the Defendant's motion.

SUMMARY OF THE ARGUMENTS

The State's indictments track the language of the money laundering statute and specify all the manner and means upon which it is permitted to rely. Therefore, there is no notice problem.

The State's Response to Defendant's Motion to Quash and its compliance with Article 39.14, provide the Defendant with adequate pretrial notice of the State's intended theory of prosecution. Moreover, the defendant's public statements demonstrate that he has actual notice.

SUMMARY OF THE FACTS

The Defendant was elected to the office of County Judge on November 6, 2018.

On January 14, 2019, the Defendant filed a campaign finance report for the period October 28, 2018, to December 31, 2018. In it, the Defendant reported under oath that his balance as of December 31, 2018, was $399. His actual campaign account balance was $37,128.94.

Two weeks later, the Defendant transferred $30,000 from his campaign account to his personal account. On March 19, 2019, he transferred another $16,500 from his campaign account to his personal account. The Defendant used the money to pay his personal property taxes and

toward a down payment on a new house. The Defendant not only concealed the campaign contributions from his January report but also concealed the transfers from the subsequent campaign finance report.

The Defendant was charged in two separate indictments with the offense of money laundering. In cause number 25-DCR-110888, the State alleged federal wire fraud as the predicate criminal activity, and in cause number 25-DCR-110889, the State alleged the state jail felony offense of tampering with governmental record.

Under the tampering theory, the State alleges that the Defendant intentionally omitted more than $30,000 from his campaign finance report to conceal the funds and convert them to personal use. The Defendant's act of knowingly making a false entry in a governmental record with the intent to defraud, converted the unreported funds into proceeds of an illicit act.

Under the wire fraud theory, the State contends that the Defendant knowingly engaged in a scheme to defraud campaign donors and to obtain money by fraudulent pretenses. As part of the scheme, the Defendant solicited and accepted thousands of dollars in campaign contributions that he used to personally enrich himself by way of two bank transfers totaling $46,500. This scheme constituted wire fraud. The Defendant then comingled the illicit proceeds with legitimate funds (a portion of which was used to pay his property taxes), withdrew a combined amount as a cashier's check, and used it as a down payment on a new home. This series of transactions satisfies three of the four ways of committing money laundering.

The State's indictments allege all three manner and means in the alternative.

The Defendant was arrested for money laundering on April 4, 2025. That same day, he issued the following statement to media outlets: "*There is nothing illegal about loaning personal funds to my own campaign and later repaying that loan*."[1]

The State's file, including offense reports, witness statements, and financial records, was shared in discovery on or about June 26, 2025.

ARGUMENTS & AUTHORITIES

The State's indictments track the language of the money laundering statute and specify all the manner and means upon which it is permitted to rely. Therefore, there is no notice problem.

Generally, an indictment that tracks the language of the statute will satisfy the constitutional and statutory requirements. *Moreno v. State*, 721 S.W.2d 295, 300 (Tex. Crim. App. 1986); *State v. Mays*, 967 S.W.2d 404, 406 (Tex. Crim. App. 1998). "[T]he State need not allege facts that are merely evidentiary in nature." *Mays*, 967 S.W.2d at 406 (citations omitted). When a statute defines the manner or means of committing an offense, an indictment based on that statute need not allege anything beyond that definition. *Id.* "As long as the charging instrument specifies **all the manner and means upon which the State is permitted to rely, there is no notice problem**." *Williams v. State*, 685 S.W.3d, 110, 115 (Tex. Crim. App. 2024) (emphasis added). The Court "**would never require the State to *abandon* a manner and means in the charging instrument**." *Id.* (emphasis added).

The Defendant primarily relies on *Delay v. State* to support his motion, but that reliance is misplaced. 465 S.W.3d 232 (Tex. Crim. App. 2014). *Delay* is distinguishable from this case in every way, except that both were charged with money laundering related to political contributions.

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[1] *Fort Bend County Judge KP George jailed April 4 on new charges*. Katy Times (April 12, 2025). Fort Bend County Judge KP George jailed April 4 on new charges | Katy Times

Delay was not an appeal relating to a pre-trial motion to quash an indictment, but rather an appellate complaint that the evidence was not legally sufficient to support the jury's guilty verdict. *Delay,* 465 S.W.3d at 234-35.

Delay was convicted of money laundering based on a complex "money swap" scheme where political committees exchanged "hard money" for "soft money" to circumvent Election Code restrictions on the use of corporate political contributions. *Delay,* 465 S.W.3d at 234. Here, by contrast, the Defendant is alleged to have engaged in a straightforward scheme to embezzle campaign funds for his personal use.

Delay involved violations of the Texas Election Code. *Delay,* 465 S.W.3d at 235-36. In the instant case, the State has alleged violations of the Penal Code and United States Code. The facts are dissimilar, and the analysis is inapplicable, making *Delay* unhelpful in resolving the issue before the Court.

Importantly, the Defendant repeatedly claims that the Court in *Delay* said things that do not appear anywhere in the opinion. Statements like the Court "warn[ed]" that "*Using § 34.02 to prosecute what is essentially an alleged campaign paperwork violation 'turns the statute on its head.*'"[2] And the *DeLay* Court "*expressly warned against prosecutorial theories that would 'transform every false document offense involving money into a money laundering felony*.'"[3] And the "Court noted that such applications would '*usurp the carefully calibrated penalties for records tampering … even if the money itself is not illicit in any conventional sense.*'"[4] And more.[5] These

[2] Defendant's Motion to Quash, Pg. 15, para. 2.
[3] Defendant's Motion to Quash, Pg. 18-19.
[4] Defendant's Motion to Quash, Pg. 19, para. 1.
[5] *See* Defendant's Motion to Quash, Pg. 21, para. 1 ("recasting a campaign finance report violation as money laundering introduces severe criminal penalties into the political arena and could chill protected political participation…would think twice if routine financial mistakes... escalated to laundering charges.")

are merely the Defendant's arguments, disingenuously presented as legal authority, which only serve to highlight just how inapplicable *Delay* is to this case.

Instead of relying on *Delay*, the Court should look to *Williams v. State* for guidance. 685 S.W.3d 110 (Tex. Crim. App. 2024). Following a denial of his motion to quash, Williams was convicted of aggravated promotion of prostitution. *Id.* at 111. Williams' indictment alleged that he "did then and there knowingly *own, invest in, control, supervise, or manage* a prostitution enterprise that used at least two prostitutes." *Id.* Williams complained that the State was required to specify which of the alternative ways of committing the offense the State would rely upon. While the San Antonio Court of Appeals agreed with Williams, the Court of Criminal Appeals rejected his claim in holding, "as long as the charging instrument specifies all the manner and means upon which the State is permitted to rely, there is no notice problem." *Id.* at 115. In clarifying its previous opinion, the Court explicitly stated that "it would never require the State to *abandon* a manner and means in the charging instrument." *Id.*

Like Williams, the Defendant complains that the charge is phrased in the disjunctive and lists alternative manners and means, which deprives him of sufficient notice and prejudices his ability to prepare his defense. The Court of Criminal Appeals recently considered and rejected this argument in *Williams*, and this Court is legally bound by its holding. *Williams*, 685 S.W.3d at 115 ("As long as the charging instrument specifies all the manner and means upon which the State is permitted to rely, there is no notice problem.")

This pretrial filing considered together with the indictments provides adequate notice.

It is well settled that the court "need not look solely at the language of the indictment when analyzing whether appellee received constitutionally sufficient notice of the offense." *See State v. Moff*, 154 S.W.3d 599, 603 (Tex. Crim. App. 2004) (holding that while "as a general rule, an indictment must give the defendant notice of precisely what he is charged with so that he may

prepare an adequate defense … in a case such as the one before us, in which each unauthorized transaction was a separate criminal act but together constitutes a single offense of misapplication of fiduciary duty, details regarding specific acts on which the State intends to rely are not required to be listed in the indictment, as long as they are provided by some other means."). In reliance on *Moff,* both Houston Courts of Appeals have consistently held that pretrial filings considered together with the indictment's allegations provided adequate notice to the Defendant. *See, e.g., State v. Peterson,* 612 S.W.3d 508, 514 (Tex. App.—Houston [1st Dist.] 2020, pet. ref'd) ("conclud[ing] that the State's various pretrial filings, considered together with the indictment's allegations … is adequate notice of the State's theory of criminal liability so that appellee can prepare a defense."); *Buxton v. State*, 526 S.W.3d 666, 683 (Tex. App.—Houston [1st Dist.] 2017, pet ref'd) ("[E]ven if the indictment was not sufficient, standing alone, to provide notice to appellant, when analyzing whether a defendant received notice of the offense adequate to satisfy due process concerns, we are not required to look solely to the language of the charging instrument.); *State v. Stukes*, 490 S.W.3d 571, 577 (Tex. App.—Houston [14th Dist.] 2016, no pet.) (same).

In *Peterson*, the Houston Court of Appeals found that the State's theory of criminal liability was reflected in the State's pretrial filings, **including in the State's brief in response to the appellee's motion to quash, and the State's discovery**. 612 S.W.3d at 514-15 (emphasis added). The Court concluded that the pretrial filings and discovery considered with the indictments provided adequate pretrial notice of the State's theory of criminal liability so that appellee/defendant could prepare a defense. *Id.* It further held that the "**trial court erred in granting appellee's motion to quash**" based on lack of notice. *Id.* at 515 (emphasis added).

In deciding the adequacy of defendant's pretrial notice, this Court is not limited to the four corners of the indictments. It may consider a broad range of information to determine whether the Defendant has actual notice of the State's intended theory. This includes *this* State's response to Defendant's motion to quash, which clearly outlines its theories of criminal liability. It also includes the fact that the State has provided substantial discovery, making its file available to the defense. The Court is also entitled to consider the defendant's own public statements, which plainly demonstrate that he has actual notice of the State's theory and his ability to prepare his defense has not been prejudiced.

CONCLUSION

For these reasons, the State respectfully requests that the Court DENY the Defendant's Motion to Quash Indictment.

Respectfully submitted,

Charann Thompson
Assistant District Attorney
Fort Bend County, Texas

CERTIFICATE OF SERVICE

I, the undersigned Assistant District Attorney, hereby certify that a true and correct copy of the foregoing response was e-filed and e-served on August 13, 2025, to the Defendant.

Charann Thompson
Assistant District Attorney
Fort Bend County, Texas

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