

Remaining Woodlands RUD voter receives probation for election fraud

By Jennifer Summer Published 2:25 pm CDT, Friday, May 25, 2018



James Alan Jenkins recently pleaded no contest to an illegal voting charge and convicted of false statement on a registration application. He received 12 months of probation and a \$2,000 fine.

Three years after the 14th Court of Appeals overturned the voter fraud conviction of James Alan Jenkins and remanded the case for retrial, The Woodlands resident recently received 12 months probation and ordered to pay a \$2,000 fine.

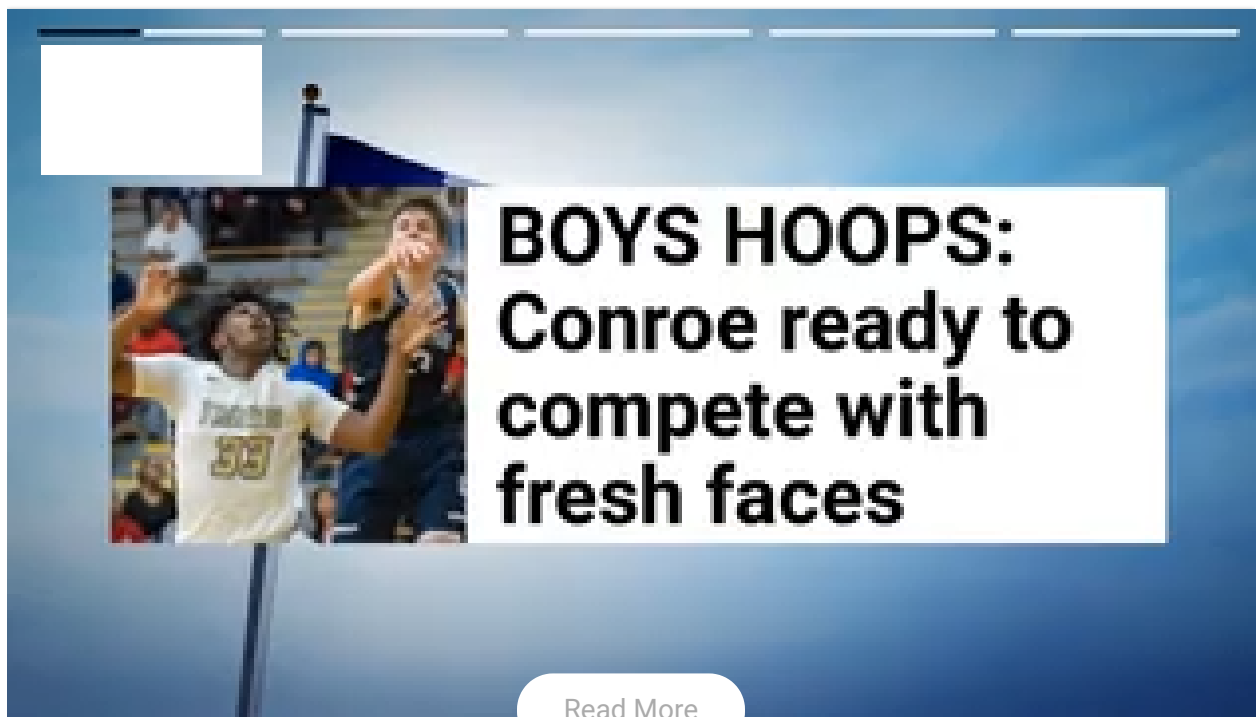
According to information provided by state's attorney Jonathan White, Jenkins recently pleaded no contest to the illegal voting charge and was convicted of false statement on a registration application.

"The case is resolved," White said in an email.

According to court documents, Jenkins and a group of residents moved into The Residence Inn in The Woodlands and changed their voting addresses to that location in order to vote in The Woodlands Road Utility District (RUD) election to gain control of the board in 2010.

"Jenkins contends a section of the election code was unconstitutionally vague as applied to him," majority opinion from the appellate court documents stated.

Jenkins' defense hinged on a theory called "mistake of law," which means a defendant had a reasonable belief that what he or she was doing was not illegal. In his case, Jenkins claims the 10 voters consulted with multiple local and state officials, including a representative with the Texas Secretary of State's Office, who made the voters come



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to the conclusion that they would be within the legal parameters of the Texas Election Code by casting their ballots in the RUD election.



Hence, why the appeals court remanded the case for a new trial which recently ended.

The RUD, created by state legislation in 1991, is an entity empowered by Texas law to levy taxes and spend the revenue on road improvements in The Woodlands.

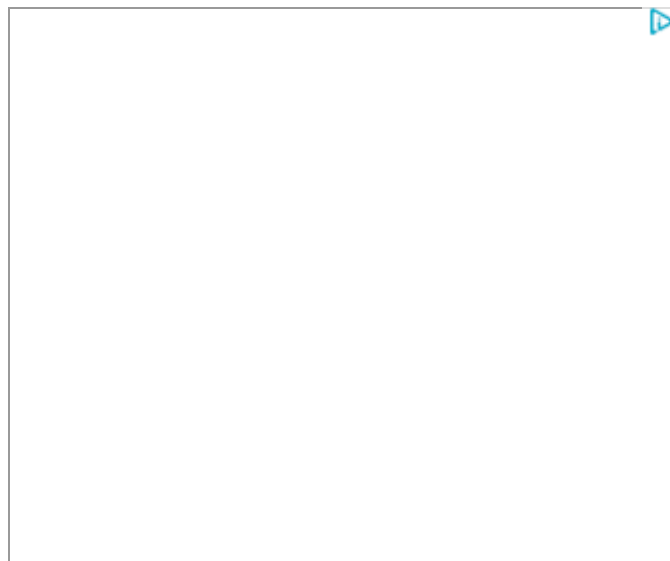
Three board members of the RUD lost the May 8, 2010, election each by a 10-2 vote. However, Gene "Ed" Miller, Bill Neill and Winton Davenport filed suit, alleging the results were obtained by illegal votes.



Visiting Senior District Judge P.K. Reiter ruled the next month there was "clear and convincing" evidence that the 10 Montgomery County residents

who voted for the three challengers - Richard McDuffie, Peter Goeddertz and Bill Berntsen - did not reside within the boundaries of the RUD.

Jenkins was convicted by a jury and sentenced to three years in prison which has been tied up in appeals court ever since. Adrian Heath, Sybil Doyle and Roberta Cook also were sentenced.



Heath was recently released from prison and Doyle died not long after the sentencing.

The three other defendants — Berntsen, Thomas Curry and Peter Goeddertz — were given probation in exchange for guilty pleas and cooperation, previous articles state.

According to court documents, Jenkins' former Houston-based attorney, George Secrest, appealed the conviction, arguing that visiting trial Judge John Stevens, of Jefferson County, refused to relay to the jury that Jenkins had consulted with the state of Texas before carrying out his plan and reasonably understood his actions were legal.

The 14th Court of Appeals agreed. In July 2015, prosecutors with the AG's Office asked the Court of Criminal Appeals to take a look at the 14th Court of Appeals' decision by filing a petition for discretionary review, which the Court of Criminal Appeals accepted in September 2015.

However, the Court of Criminal Appeals changed its mind and refused to hear the case, paving the way for prosecutors to bring the case to another jury.

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