

**IN THE CIRCUIT COURT OF RAY COUNTY
STATE OF MISSOURI**

State of Missouri, ex inf.	)	
Catherine Hanaway,	)	
Attorney General of the	)	
State of Missouri,	)	
	)	
Relator,	)	
	)	
v.	)	Case No.
	)	
Camille Johnston,	)	
Ray County Prosecuting Attorney,	)	
	)	
Respondent.	)	

Petition for Quo Warranto

CATHERINE HANAWAY, Attorney General of the State of Missouri, upon her own information, Relator herein, in support of her application for judgment in quo warranto against Respondent, states as follows:

1. Relator Catherine Hanaway is the Attorney General of the State of Missouri, and Relator prosecutes this cause for and on behalf of the State of Missouri upon her own information.

2. Respondent Camille Johnston is the elected Prosecuting Attorney of Ray County, Missouri, and has held that office continually since January 1, 2023. The position of Ray County's Prosecuting Attorney is an elective office.

Authority and Jurisdiction

3. This cause of action is governed by Chapter 531 RSMo, and Rule 98 of the Missouri Rules of Civil Procedure.

4. Relator is authorized to bring this action under § 531.010, RSMo, which provides that “in case any person shall usurp, intrude into or unlawfully hold or execute any office...the attorney general of the state . . . shall exhibit to the circuit court, or other court having concurrent jurisdiction therewith in civil cases, an information in the nature of a quo warranto”

5. Relator is also authorized to bring such action under Rule 98.02(b)(1), which provides that “the attorney general of this state, upon personal information” may proceed as Relator in quo warranto.

6. This Court has jurisdiction of this matter under Article VII, § 4, and Article V, § 14 of the Constitution of Missouri.

Introduction

7. The office of Prosecuting Attorney of Ray County, Missouri, is an elective county office of great trust in the administration of justice.

8. On or about January 1, 2023, Respondent took the following oath of office:

I, Camille Johnston, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Missouri, and I will faithfully demean myself in the office of Prosecuting Attorney of Ray County, Missouri.

9. Respondent has knowingly or willfully failed and refused to perform official acts and duties which by law it is her duty to do or perform with respect to the execution or enforcement of criminal laws of the State, and she has engaged in willful acts of misconduct, malfeasance, misfeasance, and nonfeasance in office as more fully alleged herein.

10. As an elected official of Ray County, Missouri, Respondent is subject to the provisions of § 106.220, RSMo. Through the misconduct more fully alleged below, Respondent has forfeited the office of prosecuting attorney of Ray County, Missouri.

11. Section 106.220, RSMo, states, in pertinent part,

[a]ny person elected . . . to any county . . . office in this state . . . who shall be guilty of any willful or fraudulent violation or neglect of any official duty, or who shall knowingly or willfully fail or refuse to do or perform any official act or duty which by law it is his duty to do or perform with respect to the execution or enforcement of the criminal laws of the state, shall thereby forfeit his office

Allegations

12. Among Respondent's duties as the elected Ray County Prosecutor, she "shall commence and prosecute all civil and criminal actions in the prosecuting attorney's county" (emphasis added).

13. The citizens of Ray County elected Respondent to serve as Prosecuting Attorney based on the belief that she would fulfill her duties through "a good faith exercise of sound discretion," *State ex inf. McKittrick v.*

Wallach 182 S.W.2d 313, 319 (Mo. banc 1944), and exercise her discretion to represent the interests of the citizens of Ray County “to the dictates of her own judgment and conscience uncontrolled by the judgment and conscience of any other person.” *State ex rel. Peters-Baker v. Round*, 561 S.W.3d 380, 388 (Mo. 2018).

14. Missouri Rule of Professional Conduct 4-1.7 permits an attorney to undergo representation and participation in a cause of action unless the representation is prohibited by law. It also requires written, informed consent by all clients.

15. Thus, the conduct of a prosecutor “must avoid even the appearance of impropriety” and “ought to be above suspicion.” *Ross v. State*, 829 S.W.2d 948, 951 (Mo. 1992).

16. T.T. is a licensed attorney practicing in Ray County, and in that capacity, he has represented, and continues to represent, numerous criminal defendants against criminal charges filed by Respondent in her role as prosecutor.

17. Respondent and T.T. are, and have been, engaged in an intimate and romantic relationship.

18. Upon information and belief, this relationship has been intentionally concealed from the public, from the defendants charged by the

Respondent with criminal charges, and from the citizens of Ray County and the judicial officers before whom Respondent and T.T. appear.

19. This undisclosed relationship creates, at the very least, an obvious appearance of a conflict of interest.

20. For instance, Rule 4-1.7(a)(2) states that a concurrent conflict of interest exists and arises from “a personal interest of the lawyer” that creates a significant risk that the Respondent’s ability to represent the citizens of Ray County will be materially limited.

21. Likewise, Rule 4-8.4(d) prohibits conduct that is prejudicial to the administration of justice.

22. Because of the size of the Ray County Prosecuting Attorney’s Office, and because Respondent is the supervisor of all employees in her office, Respondent was required by Missouri’s Rules of Professional Conduct to disqualify herself, and her office, and seek a special prosecutor in any case in which T.T was representing a defendant.

23. Respondent failed to do so.

24. Not only is this conflict being withheld from the citizens of Ray County who elected Respondent, but Respondent is also aware that it is a conflict that should be, and must be, disclosed to the defendants being represented by T.T. in Ray County. *See State v. White*, 81 S.W.3d 561 (Mo. App. 2002).

25. Further, Respondent has knowingly created an atmosphere within the Ray County Prosecuting Attorney's Office of fear and intimidation by verbally berating her staff and employees.

26. One former employee, J.M., became aware that Respondent was engaged in another romantic relationship with a prospective defendant, C.W., who was charged with acts of domestic violence against his wife. Respondent retaliated against this former employee by firing her when Respondent became aware that J.M. was aware of the inappropriate relationship.

27. Prosecutors have special responsibilities as a "minister of justice" and cannot simply act as an advocate for a particular individual. Rule 4-3.8, Comment [1].

28. Respondent was eventually disqualified from the prosecution of those charges based on acts of domestic violence when local law enforcement officers became aware of the prosecutor's relationship with C.W. and sought the appointment of a special prosecuting attorney for that case.

29. Respondent recognized the impropriety of the relationship and intentionally and willfully withheld information regarding that relationship from the victim, the staff and employees of the Ray County Prosecuting Attorney's Office, and the circuit court.

30. Despite the readily apparent conflict of interest and the reasonable concern of anyone, including the reporting victim in C.W.'s case, that

Respondent could not objectively weigh the evidence and make detached, professional decisions about the State's response to the allegations, Respondent willfully failed to take any action to avoid the appearance of a conflict of interest or to address any actual conflict of interest.

31. Under Missouri's Rules of Professional Conduct, Respondent had the affirmative obligation to disqualify herself, and her office, from C.W.'s case. Instead, the circuit court ordered Respondent's disqualification when it became aware of the allegations regarding the Respondent's relationship with C.W.

32. Respondent's failure to seek disqualification in the cases described above was willful as Respondent has sought disqualification of her office in other cases when a potential conflict of interest existed.

33. Respondent has willfully failed to fulfill her obligations as a prosecutor.

34. In another case, Respondent was presented with evidence that an individual named J.G. was a suspect in the alleged commission of a crime of sexual violence and should be prosecuted for that crime.

35. Respondent had been, or became, involved in a romantic and intimate relationship with J.G.

36. Respondent, as the Ray County Prosecuting Attorney, was informed by local law enforcement officers and members of the Missouri State

Highway Patrol as early as September 15, 2020, that Respondent's paramour, J.G., was a suspect in a sexual assault in Ray County.

37. Respondent and J.G. had lived together prior to this and had been involved in a romantic and intimate relationship.

38. Respondent was also aware that J.G. was a citizen of Mexico and was in the United States illegally since 2019.

39. Again, Respondent willfully failed to fulfill her responsibility to seek her disqualification from the investigation and prosecution of J.G.'s case because of her conflict of interest.

40. Respondent did, in fact, know of the whereabouts of J.G. and demonstrated her obvious conflict of interest by deliberately failing to disclose the location of J.G.

41. In fact, Respondent subsequently visited J.G. in Mississippi, where he had absconded, and subsequently went to Florida to vacation with J.G.

42. Additionally, during Respondent's current term of office, Respondent drove her personal vehicle to Mississippi in 2023 and gave J.G. the title to her vehicle.

43. In 2024, J.G. was arrested in Ohio, and he is currently awaiting trial for the sexual offenses, which included felony offenses.

44. The circuit court disqualified Respondent and her office from prosecuting J.G., but not at Respondent's request.

45. Respondent willfully withheld this information from the victim, law enforcement, her office personnel and all others, and Respondent failed to bring any criminal charges because of her relationship with J.G.

46. Furthermore, Respondent actually assisted J.G. in absconding from Ray County, knowing that he had been accused of a sexual offense and that he was under criminal investigation.

47. This assistance in absconding included making a vehicle available to J.G. so that he could abscond and with knowledge that he would likely return to his native country of Mexico to avoid detection and apprehension.

48. In all of these situations, Respondent's objectivity and fidelity to her obligation as a prosecutor to seek justice came into question and were clearly compromised, such that the victims and citizens of Ray County could doubt that justice was being served by the decisions made by Respondent.

49. In all of these situations, Respondent recognized the impropriety of these relationships, and they created genuine concern among the legal community and citizens of Ray County that justice was being denied.

50. For this reason, Respondent willfully withheld information about these relationships and falsely denied the existence of those compromising relationships when questioned.

51. The Missouri Supreme Court has previously publicly suspended members of the Missouri Bar for having inappropriate relationships with suspects and witnesses. *See, e.g.*, SC99875 (Mo. Dec. 20, 2022). Such discipline is further published in the Missouri Bar Journal. *See, e.g.*, 79 J. Mo. B. at *277 (2023), available at https://access.heinonline.com/HOL/Page?men_tab=srchresults&handle=hein.barjournals/jrmobar0079&id=275&size=2

52. Furthermore, and upon information and belief, Respondent has created an atmosphere of fear and tension within the office of Ray County Prosecuting Attorney by her outbursts of anger and violence, causing her staff to be fearful and afraid whenever Respondent was in the office.

53. Respondent has likely committed of the crime of acceding to corruption, § 576.020, RSMo, and hindering prosecution, § 575.030, RSMo, because Respondent violated her known legal duty as a public servant.

54. Section 576.020, states that a public servant is guilty of the crime of acceding to corruption:

if he or she knowingly solicits, accepts or agrees to accept any benefit, direct or indirect, in return for his or her:

- (1) Official vote, opinion, recommendation, judgment, decision, action or exercise of discretion as a public servant; or
- (2) Violation of a known legal duty as a public servant.

55. Section 575.030, states that a person is guilty of hindering prosecution:

if, for the purpose of preventing the apprehension, prosecution, conviction or punishment of another person for conduct constituting an offense, he or she:

- (1) Harbors or conceals such person; or
- (2) Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law; or
- (3) Provides such person with money, transportation, weapon, disguise or other means to aid him in avoiding discovery or apprehension; or
- (4) Prevents or obstructs, by means of force, deception, intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person.

56. Respondent's conduct likely constitutes the Class D felony of acceding to corruption in violation of § 576.020 by receiving or accepting a benefit, directly or indirectly, in exchange for violating Respondent's known duty to be a minister of justice.

57. Respondent's conduct likely constitutes the Class E felony of hindering prosecution in violation of § 575.030 by harboring or concealing another person or by providing transportation or other means to another person to avoid discovery or apprehension.

58. Respondent's willful violations and neglect of her known duties and responsibilities, and her failure to perform official acts or duties required of her as the Prosecuting Attorney of Ray County, singularly and collectively constitute a violation of § 106.220, and result in Respondent's forfeiture of the office of Prosecuting Attorney of Ray County.

WHEREFORE, Relator prays for a preliminary order of quo warranto, for a judgment against Respondent removing her from office, for all costs and for such other relief as this Court deems just and proper.

Respectfully submitted,

CATHERINE L. HANAWAY
Attorney General

/s/ Ted Bruce

TED A. BRUCE
Assistant Attorney General
Missouri Bar #29687
P.O. Box 899
Jefferson City, MO 65102
(573) 751-0782
(573) 751-2096 Fax
Ted.Bruce@ago.mo.gov

/s/ George Lankford

GEORGE R. LANKFORD
Assistant Attorney General
Missouri Bar #70186
P.O. Box 899
Jefferson City, MO 65102
(573) 751-0782
(573) 751-2096 Fax
George.Lankford@ago.mo.gov