

**IN THE CIRCUIT COURT OF PLATTE COUNTY, MISSOURI  
SIXTH JUDICIAL CIRCUIT**

**IN RE: CRIMINAL INVESTIGATION OF )  
SCOTT FRICKER )**

**MOTION TO APPOINT SPECIAL PROSECUTOR**

The State of Missouri, by Platte County Prosecuting Attorney Eric G. Zahnd, moves the Court to appoint a special prosecutor in this matter. In support of this motion, the State offers the following suggestions:

1. Scott Fricker currently serves as Platte County Presiding Commissioner.

2. On February 3, 2026, Prosecuting Attorney Zahnd received notice of a complaint Mr. Fricker filed with the Missouri Ethics Commission alleging Prosecuting Attorney Zahnd violated Section 115.646, RSMo, by sending a press release dated January 5, 2026, in which Prosecuting Attorney Zahnd “publicly revoked his endorsement of [Mr. Fricker’s] re-election bid and asked [Mr. Fricker] to return [Prosecuting Attorney Zahnd’s] multiple campaign contributions.” The news release also said:

“I feel like I’ve been scammed,” Zahnd said, “and I fear Presiding Commissioner Fricker will try to hoodwink the voters in a bid to stay in power.” Zahnd said he was asking for a refund of his campaign contributions like he “would ask for a refund for a car that turned out to be a lemon.”

Zahnd also said he would “no longer attend Presiding Commissioner Fricker’s campaign events to be trotted out like a show pony when [Fricker] falsely claims to support law enforcement.”

3. Section 115.646, RSMo, specifically provides a safe harbor from liability or culpability for “issuing press releases.” In addition, the press release, titled “Sheriff, Prosecutor blast law enforcement budget cuts,” was unmistakably political speech regarding the Platte County Commission’s unprecedented, unnecessary, and unexplainable defunding of Platte County law enforcement in advance of the 2026 World Cup, which is expected to bring 650,000 visitors to Kansas City, the vast majority of whom will fly into Kansas City International

Airport, located in the heart of Platte County. The opening two paragraphs of the press release read:

Platte County Sheriff Erik Holland and Prosecuting Attorney Eric Zahnd took the stage at Monday's County Commission meeting to sharply criticize the Commission's budget cuts to Platte County law enforcement.

Zahnd concluded his 10 minutes of remarks saying, "Make no mistake . . . due to the lack of funding from this Commission, Platte County will become a more dangerous place to raise a family, own a business, and go to school or work. I will not stand silent as this Commission makes that fateful decision."

4. Political speech is at the core of the First Amendment, subject to its strongest protection. As a result, Prosecuting Attorney Zahnd believes Mr. Fricker is liable under Missouri law for Prosecuting Attorney Zahnd's "actual and compensatory damages." Section 115.642.2, RSMo.

5. Mr. Fricker's complaint attached a copy of the news release listing Prosecuting Attorney Zahnd's county-owned email address in the header. Even more strikingly, addresses in the "bcc" field were visible. Upon information and belief, the email was printed by someone who had accessed Prosecuting Attorney Zahnd's emails which are stored in his official Platte County email account: [ezahnd@co.platte.mo.us](mailto:ezahnd@co.platte.mo.us).

6. Prosecuting Attorney Zahnd's official Platte County email account includes:

- a) Confidential law enforcement information;
- b) Attorney work product;
- c) Sensitive communications with crime victims; and
- d) Other protected information (collectively, the "Confidential Information").

7. Prosecuting Attorney Zahnd serves Platte County as an independently-elected law enforcement official.

8. Given the Confidential Information contained in Prosecuting Attorney Zahnd's email account and in the email accounts of every other employee of the Platte County

Prosecuting Attorney's Office (the "Prosecutor's Office"), Prosecuting Attorney Zahnd had previously communicated with County Information Technology Director Ted Smith regarding access to emails of employees of the Prosecutor's Office. Mr. Smith is a Platte County employee who serves at the discretion of the Platte County Commission.

9. Prosecuting Attorney Zahnd previously demanded of Mr. Smith and Mr. Smith assured Prosecuting Attorney Zahnd that emails belonging to employees in the Prosecutor's Office would not be accessed by Mr. Smith or any county employee under Mr. Smith's supervision *without Prosecuting Attorney Zahnd's prior authorization.*

10. Prosecuting Attorney Zahnd has not authorized Mr. Smith or any other person to access his email during calendar year 2026.

11. Upon learning that his email had likely been accessed by another without his prior authorization, Prosecuting Attorney Zahnd contacted Sheriff Erik Holland.

12. Sheriff Holland concluded that there was reasonable suspicion to believe Prosecuting Attorney Zahnd may be the victim of at least three crimes committed by Mr. Fricker. There is reasonable suspicion to believe Mr. Fricker himself gained unauthorized access to Prosecuting Attorney Zahnd's emails or that Mr. Fricker, in his capacity as Platte County Presiding Commissioner, ordered Mr. Smith or another member of Platte County's Information Technology Department to access Prosecuting Attorney Zahnd's email without Prosecuting Attorney Zahnd's authorization. Mr. Fricker may have also committed one or more of these three crimes by simply accepting Prosecuting Attorney Zahnd's email without ordering anyone to access Prosecuting Attorney Zahnd's email.

13. There is reasonable suspicion that Mr. Fricker committed the crime of tampering with computer data because Mr. Fricker knowingly and without authorization: disclosed or took

data residing or existing internal or external to a computer, computer system, or computer network; and/or disclosed or took a password, identifying code, personal identification number, or other confidential information about a computer system or network that is intended to or does control access to the computer system or network; and/or accessed a computer, a computer system, or a computer network, and intentionally examines information about another person; and/or received, retained, used, or disclosed data he knew or believed was obtained in violation of this subsection.

14. The offense of tampering with computer data is a class E felony when, as here, the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, the value of which is seven hundred fifty dollars or more. Section 569.095, RSMo.

15. There is reasonable suspicion to believe the Mr. Fricker also committed the crime of tampering with computer equipment because he knowingly and without authorization or without reasonable grounds to believe that he had such authorization modified a computer, computer system, or computer network.

16. The offense of tampering with computer equipment is a class E felony, where, as here, the offense was committed for the purpose of executing any scheme or artifice to defraud or obtain any property, the value of which is seven hundred fifty dollars or more. Section 569.097, RSMo.

17. There is reasonable suspicion to believe the Mr. Fricker also committed the crime of tampering with computer users because he knowingly and without authorization or without reasonable grounds to believe that he had such authorization accessed or caused to be accessed any computer, computer system, or computer network.

18. The offense of tampering with computer users is a class E felony where, as here, the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, the value of which is seven hundred fifty dollars or more. Section 569.099, RSMo.

19. The three crimes of tampering with computer data, tampering with computer equipment, and tampering with computer users are separate crimes duly enacted by the Missouri Legislature. Mr. Fricker can be charged with each of those three crimes based on Mr. Fricker's alleged single act of himself gaining unauthorized access to Prosecuting Attorney Zahnd's emails or, in his capacity as Platte County Presiding Commissioner, ordering another person to access Prosecuting Attorney Zahnd's email without Prosecuting Attorney Zahnd's authorization, or by merely accepting delivery of Prosecuting Attorney Zahnd's email.

20. Sheriff Holland has also publicly criticized Mr. Fricker. Among other things, at a publicly-broadcast Administrative Session of the Platte County Commission, Sheriff Holland accused Mr. Fricker of peddling "lies, damned lies, and statistics." Accordingly, Sheriff Holland immediately requested the Missouri State Highway Patrol's Division of Drug and Crime Control to undertake an investigation of Mr. Fricker's alleged criminal activity.

21. Because Prosecuting Attorney Zahnd has publicly revoked his endorsement of Mr. Fricker's re-election bid and asked Mr. Fricker to return Prosecuting Attorney Zahnd's multiple campaign contributions, said that he felt like Mr. Fricker had "scammed" him and would "hoodwink the voters in a bid to stay in power," Prosecuting Attorney Zahnd is "interested" in this matter and a special prosecutor should be appointed. Section 56.110, RSMo.

22. To ensure that Mr. Fricker is accorded full due process and to avoid even the appearance of impropriety, the State seeks a special prosecuting attorney to assist with the

Missouri State Highway Patrol's investigation of Mr. Fricker and proceed with any criminal prosecution of Mr. Fricker the special prosecutor deems appropriate in this matter.

**RESPECTFULLY SUBMITTED,**

**ERIC G. ZAHND  
PROSECUTING ATTORNEY**

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**IN RE: CRIMINAL INVESTIGATION OF    )  
SCOTT FRICKER                                )**

**ORDER APPOINTING A SPECIAL PROSECUTOR**

This matter comes before the Court on the State’s Motion for Special Prosecutor. Having reviewed the Motion, the Court hereby appoints Greene County Prosecuting Attorney J. Daniel Patterson or his designee(s) to serve as special prosecutor in this matter.

The special prosecutor shall have all the duties and powers of the prosecuting attorney set forth in Chapter 56, RSMo, and other applicable Missouri statutes and case law and shall proceed to assist the Missouri State Highway Patrol in its investigation of Scott Fricker, apply for search warrants or investigative subpoenas as he deems warranted, review investigative reports and other evidence, and proceed with any criminal prosecution he deems appropriate in this matter.

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W. Ann Hansbrough  
Presiding Judge  
Sixth Judicial Circuit  
Platte County, Missouri