

CAUSE NO. 429-04031-2024

FREDERICK FRAZIER

Plaintiff,

v.

PAUL CHABOT

Defendant.

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IN THE DISTRICT COURT

OF COLLIN COUNTY, TEXAS

429th JUDICIAL DISTRICT

**PLAINTIFF FREDERICK FRAZIER'S RESPONSE TO DEFENDANT PAUL
CHABOT'S TCPA MOTION TO DISMISS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff FREDERICK FRAZIER ("Plaintiff" or "Mr. Frazier"), and files this, his Response to Defendant PAUL CHABOT's ("Defendant" or "Mr. Chabot") TCPA Motion to Dismiss and would respectfully show unto the Court as follows:

INTRODUCTION

This motion presents a simple question of whether Mr. Frazier has made the necessary showing to proceed to the merits of this case. Given the undisputed facts, Mr. Frazier has clearly met his burden. Mr. Chabot fails to understand the gravity, impact, and reality of the false statements he made, and continues to make, to the people of Collin County and to this Court. Rather than cease his defamatory conduct after being confronted with a defamation lawsuit, Mr. Chabot instead made the astonishing decision to double down by making additional patently and verifiably false and injurious statements about Mr. Frazier. Mr. Chabot apparently believes that he can post false or misleading content to his "FireFrazier.com" website and then hide behind threadbare sources that have disclaimed the very statements he relies upon to make the argument to this Court that his statements are "substantially true."

For years, Mr. Chabot has been the leader of a smear campaign dedicated to unseating Mr. Frazier from his elected position. As part of this years-long smear campaign, Mr. Chabot manages a website, FireFrazier.com, dedicated to sharing information damaging to Mr. Frazier's reputation and station, regardless of the truth of the information. Mr. Chabot has carefully gathered, researched, and cherry-picked specific articles to publish on firefrazier.com to falsely portray Mr. Frazier to the people of Collin County. As curated by Defendant Chabot, many of the documents published on firefrazier.com are false, outdated, misleading, or intentionally misinterpreted to paint a picture of Mr. Frazier that is verifiably untrue. Even articles submitted by Mr. Chabot to this Court are outdated and come from sources that later corrected those same articles. Mr. Chabot's vendetta against Mr. Frazier runs so deep that Mr. Chabot presented news articles to this Court as "evidence" that his statements are true despite the fact that those articles had been subsequently updated or corrected by their publishers. Mr. Chabot has demonstrated a willingness to mislead the voters of Collin County—and, now, even this Court—in a misguided effort to sustain his crusade against Mr. Frazier.

Remarkably, as a result of Mr. Chabot's ongoing intentional and reckless conduct Mr. Frazier can establish a prima facie case of defamation based on statements that Mr. Chabot has made *since the inception of this lawsuit*. As fully set out below, this Court should deny Mr. Chabot's Motion to Dismiss and award attorney's fees to Mr. Frazier.

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EVIDENCE IN SUPPORT OF RESPONSE

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BACKGROUND

1. Mr. Frazier receives a general discharge from the Dallas Police Department and a dismissal of his criminal action pending in Collin County District Court.

Mr. Frazier is an elected state representative for Texas State House District 61 in Collin County and a former Dallas police officer who retired after serving for over 28 years. During the 2022 election, Mr. Frazier and Mr. Chabot found themselves opposite each other in a heated campaign, each seeking the Republican nomination for House District 61. In or around June of 2022, Mr. Chabot complained that Mr. Frazier removed some of Mr. Chabot's campaign signs. As a result, Mr. Frazier was investigated for criminal mischief and impersonation of a public servant. During the course of this investigation, Mr. Frazier resigned from the Dallas Police Department ("DPD"). Because Mr. Frazier resigned from the DPD amidst an active investigation, it was standard procedure for the DPD to *temporarily* designate his discharge as "dishonorable," pending the outcome of the investigation. *See Exhibits "A" and "P"*.

While Mr. Frazier ultimately accepted the criminal mischief charge, he was not convicted or found guilty for the attempted impersonation of a public servant. Rather, Mr. Frazier received deferred adjudication, completed his probationary period, and procured a final dismissal of that charge. *See Exhibits "B" and "C"*. Upon completion of his probationary period and the dismissal of the impersonation of a public servant charge, Mr. Frazier's discharge status with the Dallas Police Department was thereafter re-classified as a "general discharge" on May 8, 2024. *See Exhibit "D"*. To be clear, since May 8, 2024, Mr. Frazier's departure from the DPD has been publicly classified as a general discharge and *not* a dishonorable discharge. In addition, the attached Separation of Licensee indicates that, as of the Separation Date of December 9, 2023, Mr. Frazier received a general discharge from the DPD. *See Exhibit "D"*, page 2. In short, multiple public records confirm that Mr. Frazier ultimately received a general discharge from the Dallas

Police Department, not the dishonorable discharge that Mr. Chabot claimed to any Collin County voter who would listen.

2. Mr. Chabot owns and manages a website, firefrazier.com, dedicated to spreading negative information about Mr. Frazier.

Mr. Chabot lost to Mr. Frazier in the 2022 Republican Primary Election for Texas State House District 61. Instead of acknowledging his defeat and supporting the Republican Party's nominee for House District 61, Mr. Chabot instead continued to "campaign" continuously against Mr. Frazier for years. After his loss in 2022, Mr. Chabot apparently dedicated significant amounts of his time and energy to monitoring Mr. Frazier's life. Mr. Chabot's interest in Mr. Frazier ran so deep that Mr. Chabot created and maintained a website and document server dedicated exclusively to Mr. Frazier. On this website, "firefrazier.com," Mr. Chabot publishes (and continues to publish even today) various blog posts, news articles, and political advertisements that are adverse to Mr. Frazier.

Although he did not again seek the Republican nomination for House District 61 in the 2024 election cycle, Mr. Chabot created and ran a political action committee called "Collin County Citizens for Integrity PAC" dedicated to "defeating Plaintiff Frazier in the Republican Primary" for the 2024 election. *See* Defendant Chabot's TCPA Motion to Dismiss, page 4. Mr. Chabot solicits donations for the Collin County Citizens for Integrity PAC from firefrazier.com.

3. Mr. Chabot publishes statements that Mr. Frazier was dishonorably discharged, convicted, and found guilty by a judge.

While "firefrazier.com" has always contained defamatory statements and demonstrated a defamatory intent, Mr. Chabot's conduct in recent months alone is sufficient to establish a prima facie case of defamation and to allow Mr. Frazier's lawsuit to survive Defendant's TCPA Motion to Dismiss. As recently as September 4, 2024, Mr. Chabot published two news articles on firefrazier.com stating that Mr. Frazier will be dishonorably discharged from the DPD. *See Exhibit*

“E”. One of these articles was originally published by the Dallas Morning News on December 4, 2023. *See Exhibit “F”*. The other article was originally published by WFAA on December 5, 2023. *See Exhibit “G”*. Copies of these articles published on firefrazier.com show that these articles were accessed by Mr. Chabot on July 7, 2024, published on firefrazier.com on July 8, 2024, and re-published or “modified” on firefrazier.com on September 4, 2024. *See Exhibits “H” and “I”*. All of these dates on which Defendant Chabot published these articles claiming that Mr. Frazier received a dishonorable discharge from the DPD are, of course, subsequent to the re-classification of Mr. Frazier’s discharge to general on May 8, 2024. And, as a bizarrely close of observer of Mr. Frazier’s life, Defendant Chabot was aware that Mr. Frazier was the recipient of a general discharge from the DPD when he published this content asserting Mr. Frazier had a dishonorable discharge on July 8, 2024 and again on September 4, 2024.

In addition to falsely claiming as recently *as September 4, 2024* that Mr. Frazier was dishonorably discharged from the DPD, Mr. Chabot has also made numerous misleading public statements about the disposition of the criminal charges against Mr. Frazier. For example, one of many blog posts on firefrazier.com purports to connect Mr. Frazier to criminal activity and suggests that “[i]n all, he *received 3 convictions.*” *See Exhibit “J”* (emphasis added). Mr. Chabot also shared an excerpt from the Register of Actions for Mr. Frazier’s prior criminal case that is now dismissed. In that publication, the excerpt shows that Mr. Frazier received deferred adjudication. Jarringly, Mr. Chabot titles the document “Frazier Conviction 3.” *See Exhibit “K”*. In another publication concerning the same entry of deferred adjudication, Mr. Chabot titled the document “Judge Finds GUILT on Frazier in State/ Texas Ranger Case.” *See Exhibit “L”* (emphasis in original). Information on firefrazier.com indicates that these documents were created on February 14, 2024 and last modified on September 4, 2024. *See Exhibits “K” and “L”*.

Mr. Chabot's campaign of defamatory statements eventually made its way off of the internet and into the parking lots outside polling places. In advance of the 2024 Republic Primary Runoff Election, throughout May of 2024, Mr. Chabot (who was not a candidate in 2024) placed campaign signs around polling stations claiming that Mr. Frazier was "convicted" and "dishonorably discharged." See **Exhibits "M" and "N"** (Video of Mr. Chabot placing Fire Frazier signs). The May 2024 runoff election date was, of course, subsequent to Mr. Frazier receiving his general discharge from the DPD, such that Defendant Chabot was aware that his "dishonorably discharged" signs were not truthful.

4. The documents and sources that Mr. Chabot relied upon, in truth, indicate that Mr. Frazier received a general discharge after procuring a dismissal of his pending criminal case.

The Court's Register of Actions expressly provide that the court deferred any adjudication of guilt. See **Exhibit "B"**. Mr. Chabot was aware of this document as he formerly published it in its entirety on firefrazier.com on February 14, 2024. See also **Exhibit "O"**. Accordingly, Mr. Chabot had the full truth in his possession—that the court deferred any adjudication of guilt—at the time that he published the misleading excerpts indicating that the judge found Mr. Frazier guilty, and that Mr. Frazier was convicted. Nevertheless, Mr. Chabot posted these excerpts, emphasizing discrete language that "the evidence and the Defendant's plea substantiates the Defendant's guilt of the offense" to present an inaccurate depiction of the nature of this disposition, which was to defer any adjudication of guilt. See **Exhibit "K"**; cf. **Exhibit "O"**. In reality, this document is, on its face, fundamentally at odds with how Mr. Chabot presented it to the electorate.

When Mr. Chabot accessed, published, and re-published the information discussed above in July and September of 2024, and when Mr. Chabot placed campaign signs around polling places in May of 2024, Mr. Chabot knew that Mr. Frazier received a general discharge from the DPD.

Still, Mr. Chabot dug deep for seven-month old, outdated articles and presented them to the electorate and to this Court as fact.

Incredibly, on May 16, 2024, WFAA itself acknowledged that the relevant charges against Mr. Frazier had been dismissed and that he had received a general discharge from the DPD. *See Exhibits “P” and “Q”*. While WFAA’s correction states that it “regrets the errors,” Mr. Chabot “continues to stand by them today.” *See Exhibit “Q”*; *see also* Defendant Paul Chabot’s TCPA Motion to Dismiss, page 26. Accordingly, Mr. Chabot completely ignored the more-recent article correcting WFAA’s prior errors and instead relied on and republished an outdated, uncorrected article instead—the author of which has disclaimed its factual claims.

5. Several other sources established the falsity of Mr. Chabot’s statements before he published them.

As if Mr. Chabot’s primary source, WFAA, recanting its prior statement was insufficient to alert him to the falsity of his statements, Mr. Frazier personally told Mr. Chabot that his statements were false. On May 9, 2024, Mr. Frazier’s attorney sent a demand letter to Mr. Chabot, alerting them to the fact that Mr. Frazier was not dishonorably discharged from the DPD. *See Exhibit “R”*. Mr. Chabot, eager to push the envelope, represented to this Court that he “has never seen any documentation to confirm this fact.” Defendant Paul Chabot’s TCPA Motion to Dismiss, page 26. However, on May 8, 2024, the Texas Commission on Law Enforcement sent a letter to the DPD acknowledging and requiring official records to reflect that Mr. Frazier received a general discharge from the DPD. *See Exhibit “D”*. Finally, Mr. Frazier went as far as to file a lawsuit against Mr. Chabot, contending that his statements were false and defamatory. Mr. Chabot’s years of deep research on Mr. Frazier suggests that he was aware of these public sources confirming Mr. Frazier’s general discharge from the DPD, but cherry-picked ones that were helpful to his preferred “dishonorable discharge” narrative. Mr. Chabot’s decision to continue sharing and re-publishing

false claims of “dishonorable discharge” and multiple “criminal convictions” after the filing of this lawsuit reveals Mr. Chabot’s fundamental disregard of the truth regarding the political foe with whom he is obsessed.

ARGUMENT

In order to overcome a TCPA motion to dismiss, Mr. Frazier must establish by clear and specific evidence a prima facie case for each essential element of his claims. TEX. CIV. PRAC. & REM. CODE § 27.005(c). To make this determination, the Court considers the pleadings, evidence that a court could consider at the summary judgment stage, and affidavits. *Id.* § 27.006(a). The phrase “clear and specific evidence” requires Mr. Frazier to provide enough detail to show the factual basis for its claim, and to provide enough evidence to support a rational inference that the allegation of fact is true. *Dallas Morning News, Inc. v. Hall*, 579 S.W.3d 370, 377 (Tex. 2019). Accordingly, this language does not establish any heightened evidentiary standard. *Warner Bros. Entm’t, Inc. v. Jones*, 538 S.W.3d 781, 800 (Tex. App.—Austin 2017), *aff’d*, 611 S.W.3d 1 (Tex. 2020) (citing *In re Lipsky*, 460 S.W.3d 579, 591 (Tex. 2015)). Mr. Frazier is entitled to use circumstantial evidence to establish his prima facie case. *Id.* (citing *In re Lipsky*, 460 S.W.3d at 589).

In determining whether a plaintiff presented a prima facie case, the Court considers only the pleadings and evidence in favor of the plaintiff’s case. *D Magazine Partners, L.P. v. Rosenthal*, 475 S.W.3d 470, 480 (Tex. App.—Dallas 2015), *aff’d in part on other grounds, rev’d in part on other grounds*, 529 S.W.3d 429 (Tex. 2017). The Court does not consider whether the defendant presented evidence rebutting the plaintiff’s case—“such evidence is appropriate in determining a defendant’s motion for summary judgment or at trial but not in determining whether the plaintiff presented a prima facie case.” *Id.* at 480-81 (citing TEX. CIV. PRAC. & REM. CODE § 27.005(c)). The TCPA does not require nonmovants to marshal all of their evidence at this early stage of

litigation, but merely “the minimum quantum of evidence necessary to support a rational inference that the allegation of fact is true.” *In re DuPont de Nemours & Co.*, 136 S.W.3d 218, 223 (Tex. 2004).

Because Mr. Frazier can establish a prima facie case of defamation against Mr. Chabot, and because Mr. Chabot cannot conclusively establish any affirmative defenses that would bar Mr. Frazier’s claims, the Court should deny Mr. Chabot’s TCPA motion to dismiss. Additionally, the Court should award Mr. Frazier his attorney’s fees and costs.

1. MR. FRAZIER CAN READILY DEMONSTRATE A PRIMA FACIE CASE OF DEFAMATION AGAINST MR. CHABOT.

In order to prove a prima facie case of defamation, Mr. Frazier must prove (1) the publication of a false statement of fact to a third party, (2) that was defamatory concerning Mr. Frazier, (3) that Mr. Chabot acted with actual malice, and (4) damages, in some cases. *In re Lipsky*, 460 S.W.3d at 593. Mr. Frazier can establish each of the requisite elements.

A. Mr. Chabot published false statements of fact.

As discussed above, Mr. Chabot published and re-published multiple false statements of fact regarding Mr. Frazier. For the purposes of this motion, Mr. Frazier relies on Mr. Chabot’s false published statements that Mr. Frazier was found guilty and convicted of an attempt to impersonate a public servant and that Mr. Chabot received a dishonorable discharge from the Dallas Police Department. Neither statement is true. But Mr. Chabot shared two news articles on firefrazier.com as recently as July 8, 2024, and September 4, 2024, stating that Mr. Frazier received a dishonorable discharge from the DPD. *See Exhibits “H” and “I”*. Additionally, Mr. Chabot published an excerpt from the Register of Actions in one of Mr. Frazier’s prior criminal cases that is now dismissed. Mr. Chabot published this exact excerpt twice, one titled “Frazier Conviction 3” and the other titled “Judge Finds GUILT on Frazier in State/ Texas Ranger Case.” *See Exhibits*

“K” and “L” (emphasis in original). Separately, on a blog post on firefrazier.com, Mr. Chabot states that Mr. Frazier “received 3 convictions.” See **Exhibit “J”**. Finally, Mr. Chabot placed campaign signs at polling locations that stated that Mr. Frazier was “convicted” and “dishonorably discharged.” See **Exhibits “M”, “N”, and “S”**. Each of these statements are false and published by Mr. Chabot.

i. **The content Mr. Chabot posts on firefrazier.com is a publication for which Mr. Chabot is accountable.**

Mr. Chabot’s choice to republish documents containing false statements about Mr. Frazier on firefrazier.com amounted to an adoption of the words as his own. “The almost universal rule in the United States is that one is liable for republishing a defamatory statement.” *Neely v. Wilson*, No. 11-0228, 2013 Tex. LEXIS 511, at *3, 56 Tex. Sup. Ct. J. 766 (Tex. Jun. 28, 2013); *see also* Restatement (Second) of Torts § 581A, cmt. e (1977) (“When one person repeats a defamatory statement that he attributes to some other person, it is not enough for the person who repeats it to show that the statement was made by the other person. The truth of the defamatory charges that he has thus repeated is what is to be established”).

Mr. Chabot republished defamatory content on firefrazier.com on multiple occasions. For example, on July 8, 2024, Mr. Chabot published two articles onto firefrazier.com. See **Exhibits “H” and “I”**. The first article, originally published by Dallas Morning News on December 4, 2023, states that Mr. Frazier is “to be dishonorably discharged from DPD.” See **Exhibit “F”**. The second article, originally published by WFAA on December 5, 2023, similarly states that Mr. Frazier “will be dishonorably discharged from Dallas Police Department.” See **Exhibit “G”**. By sharing these articles on July 8, 2024, and September 4, 2024, Mr. Chabot adopted the statements as his own. As such, Mr. Chabot published numerous false statements about Mr. Frazier on the firefrazier.com website.

Similarly, Mr. Chabot's published excerpts of the disposition of Mr. Frazier's now-dismissed criminal case, along with the titles "Frazier Conviction 3" and "Judge Finds GUILT on Frazier in State/ Texas Ranger Case." *See Exhibits "K" and "L"* (emphasis in original).

ii. The content on Mr. Chabot's campaign signs is also a publication.

A defamatory statement is actionable as libel if it is expressed in written or other graphic form that tends to injure a living person's reputation and thereby expose the person to public hatred, contempt, ridicule, or financial injury or to impeach any person's honesty, integrity, virtue, or reputation. TEX. CIV. PRAC. & REM. CODE § 73.001. In May of 2024, Mr. Chabot created and placed in public numerous campaign signs stating that Mr. Frazier was dishonorably discharged from the DPD and a convict. Mr. Chabot's statements on these signs were expressed in both written and graphic form: the sign contained words accusing Mr. Frazier of being convicted and dishonorably discharged and depicted Mr. Frazier behind photo-edited prison bars. By putting them up in public Mr. Chabot's published the contents of his campaign signs, which defamed Mr. Frazier's reputation by misrepresenting both his discharge from the DPD and the disposition of his criminal case.

iii. Mr. Chabot's publications are verifiably false.

The postings on firefrazier.com and the campaign signs contain verifiably, demonstrably false statements. First, Mr. Chabot published articles and statements on firefrazier.com stating that Mr. Frazier was "convicted." *See Exhibits "J" and "K"*. One of these articles shared by Mr. Chabot stated that a judge found guilt on Mr. Frazier in connection with the "State/ Texas Ranger Case," which refers to Mr. Chabot's now-dismissed charge for the attempt to impersonate a public servant. **Exhibit "L"**. Second, Mr. Chabot published articles and statements on the campaign sign, stating that Mr. Frazier was "dishonorably discharged." *See Exhibits "M", "N", and "S"*.

Mr. Frazier concedes that he received a conviction for a misdemeanor criminal charge of criminal mischief in a McKinney Municipal Court in Collin County, Texas. However, Mr. Chabot's posts stating that Mr. Frazier was convicted and found guilty relate to the separate charge against Mr. Frazier for the attempted impersonation of a public servant. *See Exhibits "B", "K", and "L"*. Mr. Chabot expressly stated that the judge found Mr. Frazier guilty in connection with the "State/ Texas Ranger Case," which refers to the case that was pending in Collin County District Court, not the case in McKinney Municipal Court. **Exhibit "L"**.

In reality, Mr. Frazier received deferred adjudication on the attempted impersonation of a public servant charge on December 5, 2023, completed probation, and the case was completely and finally dismissed by April 25, 2024. *See Exhibits "B" and "C"*. Because Mr. Frazier resigned from the DPD amidst a criminal investigation, it was standard procedure to designate Mr. Frazier's discharge *temporarily* as dishonorable, pending resolution of the investigation. *See Exhibits "A" and "P"*. Upon completion of his probation, Mr. Frazier's discharge status was changed to general, and this amendment to a general discharge related back to Mr. Frazier's date of separation on December 9, 2023. *See Exhibit "D"*, pages 2-3. In other words, any claim after May 8, 2024 that Mr. Frazier was dishonorably discharged from the DPD was demonstrably false via public records. Therefore, it defies reason for Mr. Chabot, in July of 2024, to dig up old articles from December of 2023, re-publish them to his website on July 8, 2024, and September 4, 2024, and submit these articles to the Court as "evidence" that his statements are true on August 22, 2024.

In fact, WFAA, the source for one of the articles Mr. Chabot re-published on firefrazier.com on July 8, 2024, updated its coverage two months earlier on May 16, 2024 to state that "[a]n earlier version of this article indicated that the charges against Frazier were not dismissed

despite their deferred adjudication, which is not the case. This article has been updated to clarify that point.” **Exhibit “Q”**. Mr. Chabot took the opposite approach.

Additionally, on May 8, 2024, the Texas Commission on Law Enforcement ordered that Mr. Frazier’s discharge status be changed to reflect a general discharge from the DPD. *See Exhibit “D”*. Moreover, the Separation of Licensee Form attached thereto states that Mr. Frazier received a general discharge as of his separation date on December 9, 2023. *See Exhibit “D”*, page 2. The very same day, May 9, 2024, Mr. Frazier’s attorney sent a cease-and-desist letter to Mr. Chabot, informing Mr. Chabot that any statements to the effect that Mr. Frazier was “convicted” or “dishonorably discharged” were incorrect, defamatory, and that all criminal charges pending in Collin County District Court were dismissed. *See Exhibit “R”*. Finally, Mr. Frazier went as far as to file a lawsuit against Mr. Chabot, publicly asserting that Mr. Chabot’s statements were false and defamatory. Accordingly, based on public court records, public documents created by the Texas Commission on Law Enforcements, Mr. Frazier’s demand letter, and Plaintiff’s sworn pleadings, the statements made by Mr. Chabot are verifiably false and were verifiably false at the time Mr. Chabot made the statements.

B. The statements that Mr. Chabot published defamed Mr. Frazier.

Whether a statement is defamatory is a question of law. *Innovative Block of S. Tex., Ltd. v. Valley Builders Supply, Inc.*, 603 S.W.3d 409, 419-20 (Tex. 2000). A statement is defamatory if it “tends [] to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating or dealing with him.” *Id.* (quoting Restatement (Second) of Torts § 559) (Am. L. Inst. 1977)). Answering this question involves two independent steps: (1) determining whether the meaning that the plaintiff assigns to the statement is reasonably capable of arising from the text of which the plaintiff complains, and (2) determining whether the meaning

ascribed to the statement by the plaintiff is reasonably capable of defaming the plaintiff. *Bookout v. Shelley*, No. 02-22-00055-CV, 2022 Tex. App. LEXIS 8639, at *47-48 (Tex. App.—Fort Worth Nov. 23, 2022, no pet.) (citing *Dall. Morning News, Inc. v. Tatum*, 554 S.W.3d 614, 625 (Tex. 2018)).

Here, statements that Mr. Frazier was found guilty, convicted of attempted impersonation of a public servant, and received a dishonorable discharge from the DPD clearly tend to harm his reputation or deter third persons from associating or dealing with him, especially given that these statements were made in the context of the election. Accordingly, Mr. Chabot's statements are defamatory. In a case dealing with similar facts, a Texas Court of Appeals found that statements that a member of the city council was convicted of a felony were defamatory. *Clark v. Jenkins*, 248 S.W.3d 418, 437 (Tex. App.—Amarillo 2008, pet. denied). Accordingly, Mr. Chabot's statements defamed Mr. Frazier.

C. Mr. Chabot published these statements with actual malice.

To establish actual malice, Mr. Frazier must show that Mr. Chabot published a defamatory statement with either knowledge of its falsity or reckless disregard for its truth. *In re Lipsky*, 460 S.W.3d at 593.

i. Mr. Chabot had knowledge of the falsity of the information published.

The evidence produced herein establishes that Mr. Chabot had knowledge of the falsity of the information published. First, Mr. Chabot acquired the full Register of Actions related to Mr. Frazier's now-dismissed charge for the attempted impersonation of a public servant. See **Exhibit "O"**. While this document clearly states that Mr. Frazier received deferred adjudication and that the judge deferred any adjudication of guilt, Mr. Chabot published statements on firefrazier.com suggesting that the judge found Mr. Chabot guilty and convicted him the attempted impersonation

of a public servant. *See Exhibits “K” and “L”*. Accordingly, Mr. Chabot possessed and published documents that affirmatively proved the falsity of the statements he made. Bizarrely, he used an excerpt from this Register of Actions to support his statement by cherry-picking a single statement that he highlighted for viewers to take out of context from the rest of the document.

Second, Mr. Chabot knew that Mr. Frazier received a general discharge from the DPD. Mr. Frazier had a general discharge as of May 9, 2024. *See Exhibit “D”*. Mr. Frazier communicated this to Mr. Chabot the very same day. *See Exhibit “R”*. The WFAA submitted a correction on May 16, 2024, acknowledging that Mr. Frazier’s criminal charges were dismissed, and that Mr. Frazier received a general discharge from the DPD. *Exhibit “Q”*. On July 8, 2024, Mr. Chabot researched an article from the same source—WFAA—from December of 2023 and chose to publish a much older, non-corrected edition of the article, to firefrazier.com along with another similarly incorrect article from the Dallas Morning News. *See Exhibits “H” and “I”*. Mr. Chabot “modified” these documents on September 4, 2024, which caused them to be republished to the top of the screen within the “Files on Frazier” tab of firefrazier.com. Mr. Chabot submitted these documents to the Court as evidence of the truth of his statements on August 22, 2024. Defendant Paul Chabot’s TCPA Motion to Dismiss, Exhibits “V” and “W” therein.

Third, throughout May of 2024, Mr. Chabot personally traveled to polling stations and personally set up signs that disparaged Mr. Frazier by stating that he was “convicted” and “dishonorably discharged” and depicted him behind prison bars. *See Exhibits “M”, “N”, and “S”*.

Each of these instances demonstrate that Mr. Chabot knowingly made false statements about Mr. Frazier. Mr. Chabot personally uncovered documents or received information from other sources showing that Mr. Frazier was not convicted, was not found guilty, and was not dishonorably discharged prior to the publication of each respective statement.

ii. **Mr. Chabot published statements with a reckless disregard for the truth.**

Reckless disregard is a subjective standard, focusing on the defendant's state of mind. *Forbes Inc. v. Granada Biosciences, Inc.*, 124 S.W.3d 167, 171 (Tex. 2003). To prove reckless disregard, Mr. Frazier must establish that Mr. Chabot entertained serious doubts as to the truth of his publications or had a high degree of awareness of the probable falsity of the published information. *Id.* Evidence that a failure to investigate was contrary to Mr. Chabot's usual practice and was motivated by a desire to avoid the truth demonstrates a reckless disregard for the truth. *Bentley v. Bunton*, 94 S.W.3d 561, 584, 591 (Tex. 2002). Further, a defendant's state of mind "can—indeed, must usually—be proved by circumstantial evidence." *Id.*

Mr. Chabot stated several times in his motion to dismiss that he stands by his statements or still believes them to this day. Defendant Paul Chabot's TCPA Motion to Dismiss at page 26 ("Frazier has no evidence that Chabot knew any statement he made was false or had reckless disregard to its falsity...[H]is statements were not only accurate at the time he made them, he continues to stand by them today. Indeed, to the extent anything has changed with regard to Frazier's dishonorable discharge status, Chabot states that he has never seen any documentation to confirm this fact"). This is especially ironic, given the frequent investigation Mr. Chabot conducts of Mr. Frazier and how frequently he monitors him. After presenting outdated, disclaimed news articles to this Court, Mr. Chabot wants to further take the position that (1) his grave misinterpretation and false reporting of the disposition of Mr. Frazier's criminal charge was not a reckless disregard for the truth; (2) the demand letter received via counsel on May 9, 2024, did not alert him to any potential falsity in any of his subsequent statements; (3) despite obtaining Mr. Frazier's case records and other files on Mr. Frazier, Mr. Chabot was completely unaware of the documentation altering Mr. Frazier's discharge status; and (4) despite relying on WFAA to

publish injurious statements about Mr. Frazier, Mr. Chabot did not locate the more-recent article that accurately reflects the disposition of Mr. Frazier's case and his general discharge status from the DPD. While WFAA "regrets the errors," Mr. Chabot ignored this article altogether so that he could "continue[] to stand by them today." See **Exhibit "Q"**; Defendant Paul Chabot's TCPA Motion to Dismiss, page 26.

The clear fact is that Mr. Chabot recklessly disregarded any information that did not conform to his false narrative of Mr. Frazier. From official public records, to communications from Mr. Frazier, to Mr. Chabot's authorities retracting the precise statements he cites them for, Mr. Chabot recklessly disregarded the truth and steadfastly relied on outdated or misinterpreted information. This considerable failure to investigate is so contrary to Mr. Chabot's usual practice that it alone can support a finding of actual malice. *Bentley*, 94 S.W.3d at 591.

Even if, as Mr. Chabot contends, his published statements would have no different effect on the mind of the reader than the truth, the statements were still made with actual malice. When the defendant's words lend themselves to more than one interpretation, the plaintiff must establish either that the defendant knew that the words would convey a defamatory message, or had reckless disregard for their effect. *Forbes Inc.*, 124 S.W.3d at 172 (citing *Bentley*, 94 S.W.3d at 603).

First, there is a clear difference between a finding of guilt and a deferral of an adjudication of guilt. There is a clear difference between a conviction and a dismissal. There is a clear difference between a dishonorable discharge and a general discharge. Mr. Chabot's argument fails at its core because he attempts to suggest that near opposite messages would evoke the same response from the reader. Defendant Paul Chabot's TCPA Motion to Dismiss, page 22.

However, even if, somehow, these statements would evoke the same effect on the mind of a reasonable listener, for the same reasons described above, Mr. Chabot knew that his words would

convey a defamatory message and had a reckless disregard for their effect. For all of these reasons, Mr. Chabot published statements with a reckless disregard for their truth.

D. Mr. Frazier suffered damages as a result of Mr. Chabot's statements.

Under Texas law, a statement is defamatory *per se* when it is “so obviously harmful that general damages, such as mental anguish and loss of reputation, are presumed.” *Lipsky*, 460 S.W.3d at 596. Accusing someone of a crime constitutes defamation *per se*. *Id.* Remarks that adversely reflect on a person's fitness to conduct his or her business or trade are also deemed defamatory *per se*. *Id.*

Statements that Mr. Frazier was found guilty and convicted of a crime that, in truth, was dismissed are defamatory *per se*. *See, e.g., Clark*, 248 S.W.3d at 437 (finding that the statement that a city council member was a convicted felon was defamatory *per se*). Of course, statements that Mr. Frazier was dishonorably discharged from the DPD adversely reflects on his fitness to conduct his business, both as a police officer and as an elected official. These false statements would have negative implications on Mr. Frazier's efforts to seek employment as a police officer or run for public office in the future.

Remarkably, Mr. Chabot purports to rely on a California case that was dismissed prior to any determination of whether a statement was defamatory *per se* to support his argument that his statements were not defamatory *per se*. Defendant Paul Chabot's TCPA Motion to Dismiss, page 24. First, Mr. Chabot improperly applied this analysis to the section devoted to whether the statements were capable of being defamatory, but the Texas Supreme Court recently specified that an analysis of whether a statement was defamatory *per se* is only triggered when considering whether a party suffered damages. *Tatum*, 554 S.W.3d at 625-26.

Second, Mr. Chabot entirely failed to argue that the statements do not adversely reflect on Mr. Frazier's fitness to conduct his business, because he could not do so in good faith. Mr. Frazier has provided uncontroverted authority herein supporting the fact that these statements were defamatory *per se*. Mr. Chabot's argument merely refers back to his prior argument that the statements are not defamatory, or that Mr. Frazier cannot prove actual malice. Defendant Paul Chabot's TCPA Motion to Dismiss, page 26-27. The fact is that Mr. Chabot's choice to tell people that Mr. Frazier was dishonorably discharged from his police department adversely reflects on his fitness to conduct his business as a police officer and elected official.

2. MR. CHABOT CANNOT CONCLUSIVELY ESTABLISH ANY AFFIRMATIVE DEFENSES.

Under the TCPA, Mr. Chabot had the burden to conclusively establish the applicability of an affirmative defense that demonstrated that he was entitled to judgment as a matter of law. TEX. CIV. PRAC. & REM. CODE § 27.005(d). Mr. Chabot raised two affirmative defenses and failed to carry his burden on each.

A. Mr. Frazier is not libel-proof.

Reflecting his intentions throughout his campaign, Mr. Chabot boldly asserted that Mr. Frazier was libel-proof because "after Frazier ruined his own reputation, there was nothing left of it to be harmed by Chabot's allegedly defamatory statements." Defendant Paul Chabot's TCPA Motion to Dismiss, page 29. Mr. Chabot had the burden to establish that Mr. Frazier's reputation was "so diminished that, at the time of an otherwise libelous publication, it could not be damaged further." *Bui v. Fort Worth Star-Telegram*, No. 2-06-206-CV, 2007 Tex. App. LEXIS 1333, at *6 (Tex. App.—Fort Worth Feb. 22, 2007, pet. denied); *Finklea v. Jacksonville Daily Progress*, 742 S.W.2d 512, 517-18 (Tex. App.—Tyler 1987, writ dismiss'd w.o.j.); *Swate v. Schiffers*, 975 S.W.2d 70, 77 (Tex. App.—San Antonio 1998, pet. denied). Mr. Chabot wholly failed to carry his burden.

The libel-proof plaintiff doctrine is an extremely high burden that is unfit for consideration by this Court in this action. “There are few so impure that cannot be traduced...ordinarily even the public outcast’s remaining good reputation is entitled to protection.” *Finklea*, 742 S.W.2d at 516. The cases that Mr. Chabot rely upon are simply inapposite to the instant matter. *Bui*, 2007 Tex. App. LEXIS, at *6 (evidence of widely-reported gang membership meant that plaintiff was libel-proof with respect to articles reporting plaintiff’s gang membership); *Finklea*, 742 S.W.2d at 517-18 (plaintiff was not injured by false statements accusing him of crime when he had at least eight convictions for “burglary, theft, and drug possession spanning the last quarter century”); *Swate v. Schiffers*, 975 S.W.2d at 77 (affirming finding that pro se plaintiff is libel-proof regarding statements attributing criminal behavior when the plaintiff physician was placed on probation with the Texas Board of Medical Examiners for five years after botching multiple abortion operations and subsequently operated two methadone clinics while on probation, leading to ten years of negative media attention).

The fact is that, while Mr. Chabot attempted to compile a laundry list of negative information about Mr. Frazier to bring to the Court’s attention, this doctrine is simply inapplicable to a man convicted of a single misdemeanor. If anything, Mr. Chabot’s efforts to look long and hard to bring everything favorable to him to the Court’s attention—including outdated, disclaimed articles—simply lend more credibility to a finding that Mr. Chabot recklessly disregarded the truth, both in statements made to the electorate, and statements made to this Court.

B. Mr. Frazier’s claims are not barred for failure to comply with the Defamation Mitigation Act.

A person may maintain an action for defamation only if the person has made a timely and sufficient request for a correction, clarification, or retraction from the defendant, or the defendant has made a correction, clarification, or retraction. TEX. CIV. PRAC. & REM. CODE § 73.055(a). A

request under the Defamation Mitigation Act is timely if it is made during the limitations period. *Id.* § 73.055(b). A request under the Defamation Mitigation Act is sufficient if it is (1) served on the publisher, (2) made in writing, reasonably identifies the person making the request, and is signed by the individual claiming to be defamed or by the person's authorized attorney or agent; (3) states with particularity the statement alleged to be false and defamatory; (4) alleges the defamatory meaning of the statement; and (5) specifies the circumstances causing a defamatory meaning of the statement if it arises from something other than the express language of the publication. *Id.* § 73.055(d). The Defamation Mitigation Act is to be liberally construed. *Id.* § 73.051. The purpose of the Defamation Mitigation Act is not to provide defendants with a way out of lawsuits, but to provide a person who is defamed by a publication to mitigate any perceived damage or injury. *Id.* § 73.052.

i. Mr. Frazier complied with the Defamation Mitigation Act.

Mr. Frazier's May 9, 2024 demand letter satisfied the requirements of the Defamation Mitigation Act. *See Exhibit "R"*. The letter was served on Mr. Chabot. The letter identifies that the request is made on behalf of Mr. Frazier and is signed by Mr. Frazier's attorney. The letter specifically refers to statements related to Mr. Frazier being "convicted" or "dishonorably discharged" and states that these accusations are false, establishing the defamatory meaning of the statement. In this circumstance, the defamatory meaning of the statement arises from the express language of the publication. Accordingly, especially under the liberal-construction standard, Mr. Frazier complied with the Defamation Mitigation Act. To the extent that Mr. Chabot argued that Mr. Frazier failed to comply with this statute, Mr. Frazier points out that Mr. Chabot did not avail himself of his statutorily-prescribed opportunity to request Mr. Frazier to provide reasonably available information regarding the falsity of the allegedly defamatory statement. *Id.* § 73.056(a).

ii. Alternatively, Mr. Chabot failed to request an abatement.

Moreover, the Defamation Mitigation Act is not an open invitation to avoid the merits of a dispute. Rather, it provides for abatement to permit the speaker to withdraw the statement or mitigate the harm suffered. If Mr. Chabot felt that the demand letter sent on May 9, 2024 did not fall within the liberally-construed Defamation Mitigation Act, he should have filed a plea in abatement not later than the 30th day after he filed his answer. *Id.* § 73.062(a). However, Mr. Chabot waived his opportunity to file such a plea, assuming that he ever had one. Mr. Chabot filed his Original Answer on July 19, 2024. Mr. Chabot did not file any plea in abatement. To the extent that Mr. Chabot requested an abatement in his motion to dismiss, Mr. Chabot filed his motion to dismiss more than 30 days after his answer. Mr. Chabot did not request an abatement. Rather, Mr. Chabot erroneously argued that the supposed failure to comply with a liberally-construed statute should result in a bar of Mr. Frazier's claims.

iii. Even if Mr. Frazier did not comply with the Defamation Mitigation Act, such a failure would not bar Mr. Frazier's claims.

Mr. Chabot, as he has shown himself to do, spun a yarn to argue to this Court that, under the Defamation Mitigation Act, “this Court is required to dismiss this legal action.” Defendant Paul Chabot's TCPA Motion to Dismiss, page 30. In support of this position, Mr. Chabot relied upon (1) a plurality decision from the Supreme Court of Texas, and (2) a decision from the Dallas Court of Appeals, both of which concluded that abatement was the appropriate remedy. *Hogan v. Zoanni*, 627 S.W.3d 163 (Tex. 2021); *Hardy v. Commun. Workers of Am. Local*, 536 S.W.3d 38, 44 (Tex. App.—Dallas 2017, pet. denied). The *Hogan* case, which found that abatement was appropriate, should not persuade this Court to overlook binding precedent in *Hardy* to outright dismiss this action for the supposed failure to comply with a statute that is to be liberally construed.

3. THE COURT SHOULD AWARD ATTORNEYS FEES AND COSTS TO MR. FRAZIER.

If the court finds that a motion to dismiss filed under Chapter 27 of the Texas Civil Practice and Remedies Code is frivolous or solely intended to delay, the court may award court costs and reasonable attorney's fees to the responding party. TEX. CIV. PRAC. & REM. CODE § 27.009(b). As demonstrated herein, Mr. Chabot brought forth rebuked statements by news sources and purported to use them as evidence before this Court. Mr. Chabot argued that he did not recklessly disregard the truth despite turning a blind eye to official public records, direct communications, and news sources that he follows and relied upon to this Court. Mr. Chabot argued that statements related to a police officer being dishonorably discharged would not adversely reflect on the officer's fitness to conduct his business. Mr. Chabot's baseless arguments should not be rewarded or condoned. Mr. Chabot's motion to dismiss is frivolous and was filed solely to delay this proceeding. Accordingly, Mr. Frazier requests leave to file an affidavit together with a Motion for Award of Attorney's Fees and Costs upon a denial of Mr. Chabot's motion to dismiss.

PRAYER

For the foregoing reasons, Plaintiff Frederick Frazier respectfully requests that this Court deny Defendant Paul Chabot's TCPA Motion to Dismiss, award Mr. Frazier his reasonable attorney's fees and costs incurred in responding to this motion, and grant Mr. Frazier such other and further relief to which he may be entitled.

DATED: October 14, 2024

Respectfully submitted,

DYKEMA GOSSETT PLLC

By: /s/ Christopher D. Kratovil

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ATTORNEYS FOR PLAINTIFF

FREDERICK FRAZIER

CERTIFICATE OF SERVICE

The foregoing document was served on all parties of record in accordance with the Texas Rules of Civil Procedure on this the 14th day of October, 2024.

/s/ Christopher D. Kratovil

Christopher D. Kratovil

EXHIBIT A

CAUSE NO. 429-04031-2024

FREDERICK FRAZIER

Plaintiff,

v.

PAUL CHABOT

Defendant.

§
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§

IN THE DISTRICT COURT

OF COLLIN COUNTY, TEXAS

429th JUDICIAL DISTRICT

**DECLARATION OF FREDERICK FRAZIER IN SUPPORT OF PLAINTIFF'S
RESPONSE TO DEFENDANT'S TCPA MOTION TO DISMISS**

I, Frederick Frazier, declare as follows:

1. My name is Frederick Frazier. My date of birth is November 30, 1971, and my address is 321 Bachman Creek Drive, McKinney, TX 75072. I am over eighteen years of age, capable of making this declaration, and fully competent to testify to the matters stated herein. I have personal knowledge of the facts stated in this declaration and they are true and correct.

2. I have reviewed my Response to Defendant Paul Chabot's TCPA Motion to Dismiss. I have personal knowledge of the facts stated therein and verify that they are true and correct.

3. I am an elected Texas state representative for Texas State House District 61. I am a former police officer and was previously employed with the Dallas Police Department for over 28 years.

4. I defeated Mr. Chabot in the 2022 Texas Republican Primary Election in 2022, when we were both candidates for Texas State House District 61. However, Mr. Chabot continued to run a "campaign" of his own designed to target and unseat me from my elected office. In

December of 2023, Mr. Chabot created and ran a political action committee called Collin County Citizens for Integrity PAC with the express purpose of defeating me in the Republican Primary Election of 2024, despite not running in the race.

5. After a heated election in 2022, Mr. Chabot filed a criminal complaint against me, ultimately leading to an arrest for criminal mischief in the McKinney Municipal Court in Collin County, Texas, and a separate arrest for the attempt to commit an impersonation of a public servant in Collin County District Court.

6. With respect to the charge for the attempt to commit an impersonation of a public servant, the judge expressly deferred any adjudication of guilt. After completing my probationary period, this charge was dismissed. I was not convicted or found guilty.

7. I resigned from my role with the Dallas Police Department in December of 2023. Because the criminal investigations described above were ongoing, it was standard practice for the Dallas Police Department to temporarily designate my discharge status as dishonorable, pending completion of the investigation. Upon dismissal of my charge in the Collin County District Court, my discharge status was thereafter re-designated as a general discharge.

8. Although Mr. Chabot has not been my political opponent since 2022, Mr. Chabot has constantly and thoroughly spread negative information about me to the electorate. Mr. Chabot owns and manages a website, called firefrazier.com, that is dedicated to spreading negative information about me. This website contains defamatory publications that tend to injure me in my profession and/or adversely reflect on my fitness to conduct my business, both as a police officer and as an elected official.

9. For example, on July 8, 2024, and on September 4, 2024, Mr. Chabot shared two articles on firefrazier.com that falsely claimed that I was dishonorably discharged from the Dallas

Police Department. The first of these articles was originally posted on December 4, 2023 by Dallas Morning News. The second of these articles was originally posted on December 5, 2023 by WFAA. Copies of these articles published on firefrazier.com show that these articles were accessed on July 7, 2024, published on firefrazier.com on July 8, 2024, and re-published or “modified” on firefrazier.com on September 4, 2024.

10. Mr. Chabot also made false statements related to me being found guilty or convicted in connection with the dismissed criminal charge from Collin County District Court. In a blog post on firefrazier.com, Mr. Chabot states that “[i]n all, he received 3 convictions.” Mr. Chabot also shared an excerpt from the Register of Actions related to the dismissed criminal charge from the Collin County District Court on two separate occasions. Mr. Chabot titles the first excerpt “Frazier Conviction 3.” Mr. Chabot titles the second excerpt “Judge Finds GUILT on Frazier in State/ Texas Ranger Case.” The excerpt posted by Mr. Chabot actually explains that I received deferred adjudication, not a conviction or a finding of guilt. Having completed my probationary period, the charge is dismissed.

11. Although Mr. Chabot shared this excerpt with misleading titles, Mr. Chabot was in possession of the full document that clearly stated that the judge deferred any finding of guilt. Mr. Chabot formerly published the complete Register of Actions on firefrazier.com.

12. Mr. Chabot’s defamatory conduct eventually made its way off of the internet and into polling areas. In advance of the 2024 Republic Primary Runoff Election, throughout May of 2024, Mr. Chabot placed campaign signs around polling stations indicating that I was “convicted” and “dishonorably discharged.”

13. Mr. Chabot knew that these statements were false at the time he made them. The complete Register of Actions is fundamentally at odds with how Mr. Chabot presented it to the

electorate. On May 16, 2024, before Mr. Chabot accessed the WFAA article shared on firefrazier.com and filed with his Motion to Dismiss, WFAA released an editorial note stating that my criminal charges were dismissed and that I received a general discharge from the Dallas Police Department. Mr. Chabot ignored this more-recent, updated article and opted to rely on outdated, disclaimed information. The Texas Commission on Law Enforcement sent a letter to the Dallas Police Department on May 8, 2024, requiring that my discharge status be changed to a general discharge. The very next day, my attorney sent a demand letter to Mr. Chabot's political action committee telling him to cease and remove all defamatory statements that I was convicted or dishonorably discharged.

14. **Exhibit "B"** is a complete Register of Actions from the Collin County District Court describing the disposition of my criminal charge.

15. **Exhibit "C"** is an official court record confirming the completion of my probationary period and the complete and final dismissal of the criminal action that was pending against me in Collin County District Court.

16. **Exhibit "D"** is a letter from the Texas Commission of Law Enforcement to the Dallas Police Department requiring that my discharge status be changed to a general discharge and attaching an amended F5 form reflecting my general discharge status.

17. **Exhibit "E"** is a screenshot of the "Files on Frazier" tab accessible within firefrazier.com.

18. **Exhibit "F"** is a Dallas Morning News article falsely claiming that I was dishonorably discharged from the Dallas Police Department.

19. **Exhibit "G"** is a WFAA article falsely claiming that I was dishonorably discharged from the Dallas Police Department.

20. **Exhibit “H”** is a copy of the Dallas Morning News article as it appears published on firefrazier.com.

21. **Exhibit “I”** is a copy of the WFAA article as it appears published on firefrazier.com.

22. **Exhibit “J”** is a blog post visible on the home page of firefrazier.com stating that I received three convictions.

23. **Exhibit “K”** is a post made in the “Files on Frazier” tab accessible within firefrazier.com titling an excerpt of my deferred adjudication as “Frazier Conviction 3.”

24. **Exhibit “L”** is a post made in the “Files on Frazier” tab accessible within firefrazier.com titling an excerpt of my deferred adjudication as “Judge Finds GUILT on Frazier in State/ Texas Ranger Case.”

25. **Exhibit “M”** is a photograph of the Fire Frazier signs that Mr. Chabot placed around polling stations in McKinney, Texas depicting me in a jail or prison cell and stating that I was “convicted” and “dishonorably discharged.”

26. **Exhibit “N”** is a video of Mr. Chabot placing the Fire Frazier signs around polling stations in McKinney, Texas.

27. **Exhibit “O”** is a post made in the “Files on Frazier” tab accessible within firefrazier.com containing the complete Register of Actions for my dismissed criminal case that was located in Collin County District Court. The Register of Actions shows that I was not convicted, or found guilty, but rather received deferred adjudication.

28. **Exhibit “P”** is an article made by WFAA about me where WFAA issued a correction, stating that I was not dishonorably discharged, and that the criminal charges against me were dismissed. The article states that WFAA regrets the errors.

29. **Exhibit “Q”** is an excerpt of the correction made in the WFAA article where WFAA issued a correction, stating that I was not dishonorably discharged, and that the criminal charges against me were dismissed. The excerpt states that WFAA regrets the errors.

30. **Exhibit “R”** is a demand letter that my attorney sent to Mr. Chabot, informing him of the falsity of his statements that I was “convicted” and/or “dishonorably discharged” and further demanding removal of publications containing these statements.

31. **Exhibit “S”** is a declaration executed by Jason Moyer, my chief of staff.

32. Pursuant to TEX. CIV. PRAC. & REM. CODE § 132.001, I declare under penalty of perjury that the foregoing is true and correct.

Executed in Collin County, State of Texas, on October 14, 2024.



/s/_____
Frederick Frazier

EXHIBIT B

REGISTER OF ACTIONS**CASE No. 219-82367-2022****Make Payment****The State of Texas vs. Frederick Eugene Frazier, II**§
§
§
§
§Case Type: **Filed by Indictment**Date Filed: **06/23/2022**Location: **199th District Court****RELATED CASE INFORMATION****Related Cases**

219-82366-2022 (Same Defendant)

PARTY INFORMATION**Lead Attorneys****Defendant** **Frazier, Frederick Eugene, II****Robert L Rogers**
Retained
214-965-0090(W)**State** **The State of Texas****Greg Willis**
972-548-4323(W)**CHARGE INFORMATION****Charges: Frazier, Frederick Eugene, II**

1. Attempt to Commit IMPERSONATE PUBLIC SERVANT (Penal Code 12.44 (b))

Statute
37.11**Level**
Class A Misdemeanor**Date**
02/09/2022**EVENTS & ORDERS OF THE COURT****DISPOSITIONS**

12/05/2023 **Plea** (Judicial Officer: Pruitt, Jim)
1. Attempt to Commit IMPERSONATE PUBLIC SERVANT (Penal Code 12.44 (b))
Nolo Contendere

12/05/2023 **Disposition** (Judicial Officer: Pruitt, Jim)
1. Attempt to Commit IMPERSONATE PUBLIC SERVANT (Penal Code 12.44 (b))
Deferred Adjudication

12/05/2023 **DC-Deferred Probation** (Judicial Officer: Pruitt, Jim)
1. Attempt to Commit IMPERSONATE PUBLIC SERVANT (Penal Code 12.44 (b))
CSCD 1 Years

OTHER EVENTS AND HEARINGS

06/23/2022 **Case Filed by Indictment (OCA)**

06/24/2022 **General Docket Entry**
District Judge has voluntarily recused and aux may review warrants.

06/24/2022 **Order**
Order of Recusal

06/24/2022 **Warrant Received Executed**

06/27/2022 **Order**
Order Transferring

06/29/2022 **Letter of Representation**

06/29/2022 **Request**
Defendant's Request for Discovery as Required by Article 39.14 of the Texas Code of Criminal Procedure

07/01/2022 **Approving Bond by Sheriff**
202209716

07/01/2022 **Notice to Appear Issued**

07/22/2022 **First Appearance** (9:00 AM) (Judicial Officer Tucker, Angela)

08/19/2022 **Order**
The State of Texas First Administrative Judicial Region Order of Assignment by the Presiding Judge

11/17/2022 **Status** (10:00 AM) ()

12/13/2022 **Letter of Representation**

12/13/2022 **Letter of Representation**

12/15/2022 **Hearing** (10:00 AM) ()
LOcation TBD

01/09/2023 **Motion for Continuance**

06/27/2023 **Motion**
Motion for Extension of Legislative Continuance

06/28/2023	Order <i>Order for Continuance</i>
06/29/2023	CANCELED Hearing (10:00 AM) (Judicial Officer Pruitt, Jim) <i>Reset</i> <i>Legislative Continuance; Location TBD</i>
07/28/2023	CANCELED Hearing (9:00 AM) (Judicial Officer Pruitt, Jim) <i>Reset</i> <i>Legislative Continuance/ Judge Pruitt</i>
08/24/2023	Motion <i>State's Motion to Consolidate Cause Numbers 219-82366-2022 and 219-82367-2022</i>
09/19/2023	Motion for Continuance <i>Defendant's Motion to Continue Trial Date</i>
09/20/2023	Motion Limine <i>State's Motion in Limine</i>
09/22/2023	Order Denied <i>Order Denying Defendant's Motion to Continue Trial Date</i>
10/09/2023	Motion for Continuance <i>Motion for Legislative Continuance</i>
10/10/2023	Order for Continuance
10/10/2023	Order <i>Order on State's Motion to Consolidate</i>
11/14/2023	Motion for Continuance <i>Defendant's Motion for Legislative Continuance</i>
11/15/2023	Judge's Docket Entry <i>Parties informed Court of Settlement. Plea set for 10am on December 6.</i>
11/30/2023	CANCELED Pre Trial (10:00 AM) (Judicial Officer Tucker, Angela) <i>Reset</i>
12/04/2023	CANCELED Plea - Agreed (10:00 AM) (Judicial Officer Pruitt, Jim) <i>Reset</i> <i>In Aux C</i>
12/05/2023	Plea - Agreed (10:00 AM) ()
12/05/2023	Court Reporter's Notes <i>Proceedings taken by David R. Roy, Official Court Reporter Aux Court C, Plea</i>
12/05/2023	Trial Court Certification of Defendant's Right of Appeal
12/05/2023	Defendant's Plea Agreement Packet
12/05/2023	Discovery Acknowledgement
12/05/2023	Bond Discharged
12/05/2023	Deferred Adjudication (Judicial Officer: Pruitt, Jim) <i>DEFERRED ADJUDICATION Jury Waived. Defendant arraigned. Defendant warned. Defendant enters plea of no contest before Court and prays that Court withhold adjudication of guilt under Art 42A. Court finds that the evidence and Defendant's plea substantiates the Defendant's guilt of the offense beyond a reasonable doubt as charged in the indictment. Adjudication of guilt Deferred and Defendant placed on probation for 1 year, subject to terms and conditions of probation served on Defendant. Fine: \$3,922. Psay restitution if \$78. 12.44(b)</i>
12/05/2023	Bill of Cost
12/06/2023	CANCELED Plea - Agreed (10:00 AM) (Judicial Officer Tucker, Angela) <i>Reset</i>
12/06/2023	Payment Agreement
12/11/2023	CANCELED Jury Trial (9:00 AM) (Judicial Officer Tucker, Angela) <i>Reset</i>

FINANCIAL INFORMATION

[Make Payment](#)

	Defendant Frazier, Frederick Eugene, II		
	Total Financial Assessment		4,279.00
	Total Payments and Credits		2.00
	Balance Due as of 12/11/2023		4,277.00
06/28/2022	Transaction Assessment		1.00
06/28/2022	Payment	Receipt # DC-14828-2022	(1.00)
07/01/2022	Transaction Assessment		0.00
08/31/2023	Transaction Assessment		1.00
08/31/2023	Payment	Receipt # DC-21714-2023	(1.00)
12/05/2023	Transaction Assessment		355.00
12/05/2023	Transaction Assessment		3,922.00
12/05/2023	Transaction Assessment		0.00

EXHIBIT C

NO. 219-82366-2022

THE STATE OF TEXAS	§	IN THE 199 TH JUDICIAL
	§	
vs	§	DISTRICT COURT
	§	
FREDERICK EUGENE FRAZIER, II	§	COLLIN COUNTY, TEXAS

**ORDER ON MOTION FOR EARLY RELEASE FROM PROBATION AND
DISMISSAL OF CHARGE**

On this day FREDERICK EUGENE FRAZIER, III *Motion for Early Release from Probation and Dismissal of Charge*, and the Court, having considered same, is of the opinion that same should be GRANTED/DENIED.

IT IS THEREFORE ORDERED that the information against the defendant be dismissed, that the defendant be discharged from deferred adjudication community supervision, and that the defendant be released from all penalties and disabilities from resulting from the charge and the deferred adjudication as provided by law.

SIGNED April 25, 2024.


JUDGE PRESIDING

Sitting By Assignment

NO. 219-82367-2022

THE STATE OF TEXAS

vs

FREDERICK EUGENE FRAZIER, II

§
§
§
§
§

IN THE 199TH JUDICIAL

DISTRICT COURT

COLLIN COUNTY, TEXAS

**ORDER ON MOTION FOR EARLY RELEASE FROM PROBATION AND
DISMISSAL OF CHARGE**

On this day FREDERICK EUGENE FRAZIER, III *Motion for Early Release from Probation and Dismissal of Charge*, and the Court, having considered same, is of the opinion that same should be GRANTED/DENIED.

IT IS THEREFORE ORDERED that the information against the defendant be dismissed, that the defendant be discharged from deferred adjudication community supervision, and that the defendant be released from all penalties and disabilities from resulting from the charge and the deferred adjudication as provided by law.

SIGNED

April 25, 2024


JUDGE PRESIDING

Sitting By Assignment

EXHIBIT D



TEXAS COMMISSION ON LAW ENFORCEMENT

May 8, 2024

Chief Edgardo Garcia
Dallas Police Department
1400 Botham Jean Blvd., Ste. 2-E
Dallas, Texas 75215

via CM/RRR: 9589 0710 5270 0159 7362 22

Re: *In the Matter of Frederick E. Frazier v. Dallas Police Department*, State Office of
Administrative Hearing Docket No. 407-24-09901.F5.

Dear Chief Garcia:

Enclosed is the confidential F-5 Report of Separation and dispositive order of the State Office of
Administrative Hearings in this matter. By law, your agency is required to replace the original
F-5 report with the enclosed version. See Tex. Occ. Code § 1701.4525(e).

Please let me know if you have questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "John P. Beauchamp", is written over a horizontal line.

John P. Beauchamp, General Counsel
Texas Commission on Law Enforcement
6330 East Highway 290, Suite 200
Austin, Texas 78723
Telephone: (512) 936-7746

cc: Mr. Mr. Frederick E. Frazier
C/o Mr. Robert L. Rogers
Lyon, Gorsky & Gilbert, L.L.P.
CBS Tower
12001 N. Central Expressway, Suite 650
Dallas, Texas 75243

via CM/RRR: 9589 0710 5270 0159 7362 39

enc: SOAH Decision & Order
F-5 Report of Separation

TEXAS COMMISSION ON LAW ENFORCEMENT
6330 E. Highway 290, STE. 200, Austin, Texas 78723-1035
Phone: (512) 936-7700
<http://www.tcole.texas.gov>

SEPARATION OF LICENSEE (F-5)

LICENSEE INFORMATION (Occupations Code 1701.452)

Non-refundable \$35 fee for paper form. Money order, agency or cashier's check. (5541)

1. TCOLE PID 206883	2. Last Name. Frazier	3. First Name Frederick	4. M.I. E	5. Suffix (Jr., etc.)
6. Date of Birth 11/30/1971	7. Home or Permanent Mailing Address 321 Bachman Creek		8. City McKinney	
9. State TX	10. Zip Code 75070	11. Phone Number 214-549-4918	12. Email	

13. APPOINTMENT

<input checked="" type="checkbox"/> Peace Officer <input type="checkbox"/> County / Contract Jailer <input type="checkbox"/> Telecommunicator <input type="checkbox"/> Medical Corporation P.O. <input type="checkbox"/> Public Security Officer <input type="checkbox"/> Reserve Officer (licensed reserve or conditional only)	
14. TCOLE Agency Number 113208	15. Appointing Agency Dallas Police Department

16. DESIGNATION OF SEPARATION: (Check only one).

Report must be submitted not later than the seventh business day after the date the license holder:

- (1) resigns, retires, or separates from the agency; and
- (2) exhausts all administrative appeals available to the license holder.

17. Date Appointed: 12/8/95 18. Separation Date: 12/9/23

☐ **Honorably Discharged**

Retired, resigned, or separated from employment with or died while employed by a law enforcement agency while in good standing and not because of pending or final disciplinary actions or a documented performance problem.

☒ **General Discharge**

- (A) was terminated by, retired or resigned from, or died while employed by a law enforcement agency and the separation was related to a disciplinary investigation of conduct that is not included in the definition of dishonorably discharged; or
- (B) was terminated by or retired or resigned from a law enforcement agency and the separation was for a documented performance problem and was not because of a reduction in workforce or an at-will employment decision.

☐ **Dishonorably Discharged**

- (A) was terminated, by a law enforcement agency or retired or resigned in lieu of termination by the agency in relation to allegations of criminal misconduct; or
- (B) was terminated, by a law enforcement agency or retired or resigned in lieu of termination by the agency for insubordination or untruthfulness.

ATTENTION LICENSEE:

To appeal this F-5 Report, you must complete and submit to TCOLE a "Petition to Correct" form within 30 days after receipt.

If this is your second dishonorable discharge on an F-5 Report, your license will be suspended upon TCOLE's receipt of this document. Failure to timely appeal a second dishonorable discharge with a petition to correct form will result in the revocation of your license.

18. I, chief administrator or designees, attest that this is a true and accurate explanation of the circumstances under which this person resigned or was terminated.

A copy of this F-5 was provided to the person as required by Occupations Code 1701.452, in 7 business days by:

☐ Hand delivery on _____
Date

☒ Certified mail on 5/8/24
Date

Gregory Stevens

Agency Administrator or Designee (Type or Print)

Signature

Date

FILED
407-24-09901
5/8/2024 9:22 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Julian Jaramillo, CLERK

ACCEPTED
407-24-09901
5/8/2024 9:27:06 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Julian Jaramillo, CLERK

CONFIDENTIAL

SOAH Docket No. 407-24-09901

Suffix: F5

BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

**FREDERICK E. FRAZIER,
PETITIONER
V.
DALLAS POLICE DEPARTMENT,
RESPONDENT**

ORDER NO. 2 REQUIRING F-5 REPORT BE CHANGED TO REFLECT GENERAL DISCHARGE AND DISMISSING CASE

On May 6, 2024, Frederick E. Frazier (Petitioner) and the Dallas Police Department (Respondent) filed a Joint Motion to Dismiss and Request for Entry of Amended F-5 Report. The motion states that the parties have settled this matter and request (1) entry of an order directing the Texas Commission on Law Enforcement to amend Petitioner's F-5 Report of Separation of Licensee to reflect that he received a general discharge from Respondent; and (2) dismissal of this proceeding. Based on the parties' agreement, the Administrative Law Judge (ALJ) finds it appropriate to grant the requested relief.

IT IS THEREFORE ORDERED that the F-5 Report of Separation of Licensee submitted to the Texas Commission on Law Enforcement for Frederick E. Frazier shall be changed to reflect a “General Discharge” from the Dallas Police Department. Accordingly, the ALJ finds that a hearing is no longer necessary and this case may be dismissed.

IT IS FURTHER ORDERED that the hearing scheduled for June 13, 2024, is **CANCELED**, and this case is **DISMISSED** from the docket of the State Office of Administrative Hearings.

SIGNED May 8, 2024.



Cassandra Quinn,

Presiding Administrative Law Judge

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 87498618

Filing Code Description: Order Granting Motion to Dismiss

Filing Description: ORDER NO. 2 - REQUIRING F-5 REPORT BE CHANGED TO REFLECT GENERAL DISCHARGE AND DISMISSING CASE

Status as of 5/8/2024 9:28 AM CST

Associated Case Party: FrederickE.Frazier

Name	BarNumber	Email	TimestampSubmitted	Status
Robert L.Rogers		rlrogerslaw@me.com	5/8/2024 9:22:25 AM	SENT

Associated Case Party: Dallas Police Department

Name	BarNumber	Email	TimestampSubmitted	Status
Chief Edgardo L.Garcia		eddie.garcia@dallaspolice.gov	5/8/2024 9:22:25 AM	SENT
Jennifer Brissette		jennifer.brissette@dallascityhall.com	5/8/2024 9:22:25 AM	SENT
James Peacock		james.peacock@dallas.gov	5/8/2024 9:22:25 AM	SENT
Sarah Mendola		sarah.mendola@dallas.gov	5/8/2024 9:22:25 AM	SENT
Angie Wilson		angie.wilson1@dallas.gov	5/8/2024 9:22:25 AM	SENT

Associated Case Party: Texas Commission on Law Enforcement (TCOLE)

Name	BarNumber	Email	TimestampSubmitted	Status
Iris Martinez		iris.martinez@tcole.texas.gov	5/8/2024 9:22:25 AM	SENT
Alyssa MTobola		alyssa.tobola@tcole.texas.gov	5/8/2024 9:22:25 AM	SENT

EXHIBIT E

m/doc13/show.php?i=2947495&cat=3

General Interest

News

Research

n Frazier

List View

	Modified	
s Absurd Lawsuit After Losing Election	Sep 19, 2024 1:21pm	
nterview of Frazier Regarding Multiple Crimes	Sep 4, 2024 12:25pm	
verage of Frazier Convictions.mp4 -- 39.1 meg	Sep 4, 2024 12:23pm	
irt Exhibits Supporting Motion to Dismiss Frazier Frivolous Suit	Sep 4, 2024 12:23pm	
ghlights from Above Chabot Motion to Dismiss Frivolous Frazier Suit	Sep 4, 2024 12:23pm	
sponds to Frivolous Frazier Lawsuit w/ Motion to Dismiss & Sanctions	Sep 4, 2024 12:22pm	
verage of Frazier Conviction.mp4 -- 23.1 meg	Sep 4, 2024 12:01pm	
Chabot after 711 Hours After Frazier Committed Crime There	Sep 4, 2024 12:01pm	
exas State Lawmaker to be Dishonorably Discharged from DPD After 'No Contest' Plea	Sep 4, 2024 12:00pm	
ot from Jail/Booking after Arrest	Sep 4, 2024 11:59am	
ible for Rehire as a Dallas Police Officer	Sep 4, 2024 11:59am	
JILT on Frazier in State/ Texas Ranger Case	Sep 4, 2024 11:58am	
ed Conservatives PAC Exposes Frazier in Text Campaign to Voters meg	Sep 4, 2024 11:57am	
endorsement of McKinney Police.png -- 140k	Sep 4, 2024 11:57am	
rd by Police Demanding Action Against Chabot signs	Sep 4, 2024 11:56am	
ies to Media and Voters	Sep 4, 2024 11:56am	
ly Cop List .jpg -- 96k	Sep 4, 2024 11:55am	
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EXHIBIT F

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North Texas state lawmaker to be dishonorably discharged from DPD after 'no contest' plea

McKinney GOP Rep. Frederick Frazier appeared in the Collin County Courthouse to plead no contest to misdemeanor charges of attempting to impersonate a public servant.



Frederick Frazier speaks during a Parent Empowerment Tour luncheon in McKinney on Apr. 21, 2022. He pleaded no contest Tuesday to two misdemeanor charges of attempting to impersonate a public servant. (Jason Janik/Special Contributor) (Jason Janik / Special Contributor)

By [Kelli Smith](#) and [Aarón Torres](#)

4:41 PM on Dec 4, 2023 — Updated at 4:51 PM on Dec 5, 2023



Update:

Revised at 2:09 p.m. to include details from Dallas police.

McKINNEY — McKinney GOP Rep. Frederick Frazier pleaded no contest Tuesday to two misdemeanor charges of attempting to impersonate a public servant.

Frazier, a [Dallas police officer](#) and freshman lawmaker, appeared in the Collin County Courthouse in a suit and orange tie around 10 a.m. to enter his plea. In the plea deal, he was given one year of deferred adjudication probation and two fines of about \$4,000 each, the maximum penalty for the Class A misdemeanors.

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After the proceedings, Frazier briskly left the courtroom with his attorney and entered a conference room, where he appeared to be meeting with a probation officer. He did not come out to speak with reporters. Instead, he issued a written statement later saying the process has been “long and ridiculous” and revolved around four signs his opponent placed “in violation of various ordinances.”

“I am ready to put this dispute aside,” Frazier said. “I am very happy to have this 2-year-old issue behind me. At the end of the process, my record will remain clear. I remain committed to serving the people of Collin County.”



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The proceedings happened one day after Dallas police confirmed Frazier submitted his intent to retire while under investigation from the department. The retirement would be made official if approved by his chain of command.

Dallas police Assistant Chief Monique Alex, one of the department’s highest ranking officials, left a voicemail to the complainant in the case stating Frazier would receive a dishonorable discharge because he chose to retire while under investigation, according to a recording of the message.

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His attorney Robert Rogers said the calls for Frazier to resign are “stupid.” Frazier filed for re-election last month.

“He’s not resigning,” Rogers told reporters after the proceedings. “This is a blip on the radar screen. This whole thing started as politics. They want to make it politics. We’re putting it to bed.

“This was a distraction. At the end of the day, Fred didn’t need this distraction and he’s ready to move on.”

Gretchen Grigsby, a spokeswoman for the Texas Commission on Law Enforcement, said in an email that a dishonorable discharge is visible to a subsequent agency when making hiring decisions. A second such discharge could result in more serious consequences for Frazier’s law enforcement license.

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Related: State Rep. Frederick Frazier expected to plead no contest to misdemeanor charges, DA says

Prosecutors have said Frazier also intended to plead guilty to criminal mischief, a Class C misdemeanor, and will face a fine of about \$500. Rogers said they handled that case and paid a fee

online.

A Collin County grand jury [indicted Frazier on two third-degree felony charges in June 2022](#) after Paul Chabot, Frazier's opponent in the GOP runoff, reported to McKinney police that some of his campaign signs outside a Walmart were removed. Chabot has said store officials told him someone who said they were a McKinney code compliance officer asked them to tell Chabot his signs weren't in compliance.

Chabot has said a city manager later told him no code compliance officer had been to the store. One of his signs was taken from the area near the store days later.

Frazier has previously denied wrongdoing, calling the case a political stunt. Rogers said Tuesday they still assert to this day that Frazier never said he was a code enforcement officer and there was "a miscommunication."

Related: [Dallas cop backed by Trump for state House wins despite indictment, disclosures about past](#)

Chabot, who sat in the courtroom gallery Tuesday, released a written statement calling for Frazier to be expelled from the Texas House of Representatives. He called the case the "George Santos moment for Texas," referencing the New York Republican recently expelled from the U.S. House [as the lies he offered to win his seat unraveled](#).

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"The Texas we love deserves our best to lead us, and we must demand it for our children's sake, leading by example with integrity," Chabot said in the statement.

Two challengers for Frazier's seat, Keresa Richardson and Chuck Branch, also appeared at the courthouse for the proceedings. Someone held up a sign outside the courthouse with Frazier's name crossed out.



Frazier serves on [the board of the Dallas Police Association](#) and has been a law enforcement officer for about 28 years. Following the indictment, Dallas police placed him on administrative leave and launched an internal investigation. A Dallas police spokesperson said Saturday the investigation was ongoing and Frazier has been on approved leave without pay. Frazier must step down from the Dallas Police Association board on his last day of active status with the department, said Sgt. Mike Mata, president of the association.

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The first-term GOP lawmaker received the endorsement of former President Donald Trump ahead of the 2022 midterm election, [helping him win an election despite being under indictment](#).

The Collin County representative was among the five area lawmakers who voted in May to impeach Attorney General Ken Paxton, who represented the North Texas county in the House and Senate and still lives there.

The Senate, however, acquitted Paxton of all charges — which accused him of sweeping abuses — in September. Since then, Paxton has campaigned against lawmakers who supported his removal. Paxton endorsed Frazier's opponent, Chuck Branch, in the March 5 GOP primary election.

Texas Gov. Greg Abbott recently endorsed Frazier for reelection when he [threw his support behind 58 House Republicans](#) who supported creating education savings accounts — one of his top priorities in 2023.

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Abbott's campaign did not immediately respond to an email asking if the governor still supports Frazier for reelection.

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[Kelli Smith](#), Staff Writer. Kelli covers public safety and the Dallas Police Department for The Dallas Morning News. She grew up in El Paso and graduated from the University of Notre Dame with degrees in political science and film and a minor in journalism. Before joining the staff, she reported for the Chicago Tribune and KTSM, the NBC affiliate in El Paso.

✉ kelli.smith@dallasnews.com X [@kellixsmith](#)



[Aarón Torres](#), Austin Bureau Correspondent. Aarón is an Austin native who previously covered local government for The Kansas City Star and high school sports for the Knoxville News Sentinel. He is a University of Texas graduate, and Spanish is his first language.

✉ aaron.torres@dallasnews.com X [AaronTorres_](#)

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EXHIBIT G

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North Texas state representative will be dishonorably discharged from Dallas Police Department; pleads 'no contest' to misdemeanor charges

Rep. Fred Frazier (R, McKinney) plead no contest to Class A misdemeanor charges of attempting to impersonate a public servant.



Author: **Natalie Haddad**
Published: **5:46 PM CST** December 5, 2023
Updated: **5:46 PM CST** December 5, 2023



COLLIN COUNTY, Texas — Republican [State Representative Frederick Frazier](#) of McKinney [pleaded no contest](#) Tuesday to two Class A misdemeanor charges of attempting to impersonate a public servant.

Frazier also pleaded guilty to a Class C misdemeanor charge of criminal mischief. His attorneys said the case had been handled and the fee was paid online.

Frazier, a 28-year Dallas police officer and freshman lawmaker in the Texas House, appeared in the Collin County Courthouse Tuesday morning to enter his plea. The plea deal he was given includes one year of deferred adjudication probation and one fine of \$4,000, another of \$3,922, and restitution of \$78 for the Class A misdemeanor charges.

The plea comes one day after Frazier filed to retire from the Dallas Police Department. Deputy Police Chief Monique Alex confirmed to WFAA that because Frazier is retiring while under investigation, he will be released with a dishonorable discharge. This means he cannot work as a law enforcement officer in Texas again.

Frazier can continue to serve the Texas House of Representatives with a misdemeanor. Had he been convicted of a felony, Frazier would have faced expulsion.

In June 2022, [Frazier was indicted for impersonating a code enforcement officer](#) after Dr. Paul Chabot, Frazier's then-opponent in the GOP runoff, reported his campaign signs began "disappearing," including from an area Walmart.

According to Chabot, he was told by the city manager that his signs "were fine." Chabot said a Walmart store manager told him a person claiming to be a code compliance officer ordered the signs be removed because they were out of compliance.


That person was later determined to be Frazier.

The Texas Rangers began an investigation into Frazier after Chabot filed a police report after some of his signs were allegedly stolen.

Frazier did not speak with media Tuesday, but his attorney, [Robert Rogers](#), spoke on his behalf. Rogers called the Walmart encounter a miscommunication.

"To this day, [Frazier] denies that he ever specifically said he was a code compliance officer," Rogers said. "He's just pointing out these signs are in the wrong place."

Rogers called the case against Frazier a political ploy that he's happy to put to rest.



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"Mr. Chabot is a sore loser," Rogers said. "He's obsessed with trying to take form [Frazier] because he couldn't do it legitimately."

Chabot said he is glad to see Frazier exposed for having his signs unlawfully removed.

"Frazier is the George Santos of Texas," Chabot said, calling Frazier a liar. "I looked at a coward today who has no business being in public office."

Chabot called on constituents, House Speaker Dade Phelan, Lieutenant Governor Dan Patrick, and Governor Greg Abbott to pull their support from Frazier. Gov. Abbott recently endorsed Frazier for reelection when he threw his support behind House Republicans who supported creating education savings accounts, his top priority of the regular and special legislative sessions.

Meanwhile, two challengers for Frazier's seat, Keresa Richardson and Chuck Branch, also appeared at the courthouse for the proceedings. Outside, supporters of both held signs calling for Frazier's resignation.

Rogers called the calls for the resignation "stupid."

Frazier filed for re-election last month.

"This whole thing started as politics. They want to make it politics. We're putting it to bed," Rogers said. "This was a distraction. At the end of the day, [Frazier] didn't need this distraction and he's ready to move on."

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(paulchabot)

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(paulchabot)

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North Texas state lawmaker to be dishonorably discharged from DPD after 'no contest' plea

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North Texas state lawmaker to be dishonorably discharged from DPD after 'no contest' plea

McKinney GOP Rep. Frederick Frazier appeared in the Collin County Courthouse to plead no contest to misdemeanor charges of attempting to impersonate a public servant.

https://www.dallasnews.com/news/police-safety/2024/09/10/north-texas-rep-frazier-dishonored-discharge-from-dpd-after-no-contest-plea/

2024, 9:11 PM

North Texas state lawmaker to be dishonorably discharged from DPD after 'no contest' plea



Frederick Frazier speaks during a press conference Tuesday in McKinney on Sept. 10, 2024. He pleaded no contest Tuesday to two misdemeanor charges of attempting to impersonate a public servant. (Austin Smith/Reporter Contributor) (Austin Smith/Reporter Contributor)

By Austin Smith and Austin Smith
First published at 10:00 a.m. on Sept 10, 2024

Update:
Revised at 2:09 p.m. to include details from Dallas police.

McKINNEY — McKinney GOP Rep. Frederick Frazier pleaded no contest Tuesday to two misdemeanor charges of attempting to impersonate a public servant.

Frazier, a Dallas police officer and freshman lawmaker, appeared in the Collin County Courthouse in a suit and orange tie around 10 a.m. to enter his plea. In the plea deal, he was given one year of deferred adjudication probation and two fines of about \$4,000 each, the maximum penalty for the Class A misdemeanors.

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2024, 9:11 PM

North Texas state lawmaker to be dishonorably discharged from DPD after 'no contest' plea

After the proceedings, Frazier briefly left the courtroom with his attorney and entered a conference room, where he appeared to be meeting with a probation officer. He did not come out to speak with reporters. Instead, he issued a written statement later saying the process has been "long and ridiculous" and revealed around four signs his opponent placed "in violation of various ordinances."

"I am ready to put this dispute aside," Frazier said. "I am very happy to have this 2-year-old issue behind me. At the end of the process, my record will remain clear. I remain committed to serving the people of Collin County."

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The proceedings happened one day after Dallas police confirmed Frazier submitted his intent to retire while under investigation from the department. The retirement would be made official if approved by his chain of command.

Dallas police Assistant Chief Marique Allen, one of the department's highest ranking officials, left a

https://www.keepandshare.com/doc13/32256/news-north-texas-state-lawmaker-to-be-dishonorably-discharged-from-dpd-after-no-contest-plea

2/3

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NEWS

North Texas state representative will be dishonorably discharged from Dallas Police Department; pleads 'no contest' to misdemeanor charges

Rep. Fred Frazier (R, McKinney) pleads no contest to Class A misdemeanor charges of attempting to impersonate a public servant.




Author: NORTON PARRISH
Published: 9:58 PM CDT on October 15, 2024
Updated: 9:58 PM CDT on October 15, 2024

<https://www.wfaa.com/story/news/politics/2024/10/15/collin-county-rep-fred-frazier-dishonorably-discharged-from-dallas-police-department/12874416001/> 1/5

2024, 9:58 PM Collin County Rep. Fred Frazier dishonorably discharged from DPD | wfaa.com

COLLIN COUNTY, Texas — Republican State Representative Fredrick Frazier of McKinney pleaded no contest Tuesday to two Class A misdemeanor charges of attempting to impersonate a public servant.

Frazier also pleaded guilty to a Class C misdemeanor charge of criminal mischief. His attorneys said the case had been handled and the law was paid online.

Frazier, a 28-year Dallas police officer and business leader in the Texas House, appeared in the Collin County Courthouse Tuesday morning to enter his plea. The plea deal he was given includes one year of deferred adjudication probation and a fine of \$4,000, another of \$10,000, and restitution of \$20 for the Class A misdemeanor charges.

The plea comes one day after Frazier filed to retire from the Dallas Police Department. Deputy Police Chief Wanda Allen confirmed WFAA that because Frazier is retiring while under investigation, he will be released with a dishonorable discharge. This means he cannot work as a law enforcement officer in Texas again.

Frazier can continue to serve the Texas House of Representatives with a misdemeanor. But he hasn't considered a felony. Frazier would have faced up to 10 years in prison.

In June 2022, Frazier was indicted for impersonating a state enforcement officer after Dr. Paul Chabot, Frazier's then opponent in the GOP runoff, reported his campaign signs began "disappearing" "coming from an area Walmart."

According to Chabot, he was told by the city manager that his signs "were fine." Chabot said a Walmart store manager told him a person claiming to be a state compliance officer ordered the signs be removed because they were "out of compliance."

That person was later determined to be Frazier.

The Texas Rangers began an investigation into Frazier after Chabot filed a police report after some of his signs were allegedly stolen.

Frazier did not speak with media Tuesday, but his attorney, Robert Beggs, spoke on his behalf. Beggs called the Walmart encounter "an unfortunate mistake."

"On this day [Frazier] denies that he ever specifically said he was a state compliance officer," Beggs said. "He's just pointing out these signs are in the wrong place."

Beggs called the case against Frazier a political ploy that he's happy to put to rest.

<https://www.wfaa.com/story/news/politics/2024/10/15/collin-county-rep-fred-frazier-dishonorably-discharged-from-dallas-police-department/12874416001/> 2/5

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"Mr. Chabot is a state rep," Beggs said. "He's interested in trying to take him [Frazier] because he wants to do it legitimately."

Chabot said he is grateful for Frazier's support for heading his signs voluntarily removed.

"Frazier is the George Soros of Texas," Chabot said, calling Frazier a "liar" instead of a recent policy who has no business being in public office."

Chabot called on commissioners, House Speaker Clark Frazier, Lieutenant Governor Dan Patrick, and Governor Greg Abbott to put their support for Frazier. Also, Abbott recently endorsed Frazier for reelection after he threw his support behind House Republicans after reported meeting with state lawmakers, his top priority of the regular and special legislative sessions.

Meanwhile, two challengers for Frazier's seat, Karina Richardson and Chuck Branch, also appeared at the courthouse for the proceedings. Outside, supporters of both held signs calling for Frazier's resignation.

Beggs called the calls for the resignation "insult."

Frazier filed for retirement last month.

"This whole thing started as a political ploy. They want to make it public. We're putting it to rest," Beggs said. "This was a distraction. At the end of the day, [Frazier] didn't need this distraction and he's ready to move on."

These rep pleads no contest to charges accusing him of stealing an opponent's



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EXHIBIT J

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ENDORSEMENT

Disgraced State Rep. Frederick Frazier Loses McKinney Police Endorsement

McKinney Police Association members reportedly declined to endorse Frazier in the 2022 election after backing him in 2022.

3 min read

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In yet another criminal matter, McKinney PD identified Frederick Frazier, seen in the grey shirt, lying to the gas station to take down another one of his opponent's campaign signs. This is the third recorded location where Frazier was found on video. In all, he received 3 convictions.

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Visiting Paul Chabot

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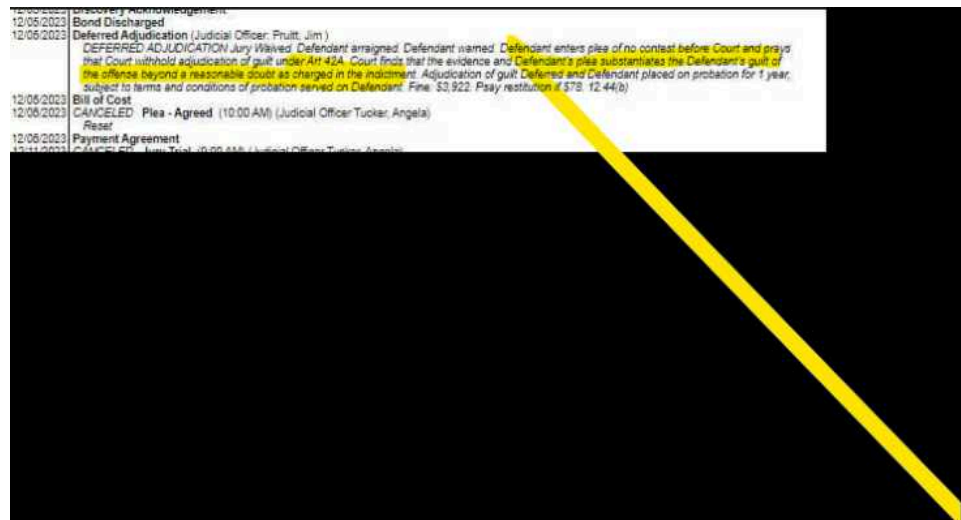
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12/05/2023 **Deferred Adjudication** (Judicial Officer: Pruitt, Jim)
DEFERRED ADJUDICATION Jury Waived. Defendant arraigned. Defendant waived. Defendant enters plea of no contest before Court and prays that Court withhold adjudication of guilt under Art 42A. Court finds that the evidence and Defendant's plea substantiates the Defendant's guilt of the offense beyond a reasonable doubt as charged in the indictment. Adjudication of guilt Deferred and Defendant placed on probation for 1 year, subject to terms and conditions of probation served on Defendant. Fine: \$3,922. Pay restitution if \$78. 12-44(b)
12/05/2023 **Bill of Cost**
12/08/2023 **CANCELED: Plea - Agreed** (10:00 AM) (Judicial Officer Tucker, Angela)
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12/08/2023 **Payment Agreement**
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EXHIBIT M



EXHIBIT N

This exhibit is an audio/video file. Pursuant to instructions from the Court Coordinator on August 28, 2023, Plaintiff Frederick Frazier will offer this exhibit at the hearing on Defendant Paul Chabot's Motion to Dismiss on October 21, 2024. Plaintiff Frederick Frazier will produce this exhibit to the Court in a flash drive.

EXHIBIT O

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EXHIBIT P

LOCAL NEWS

State Rep. Frederick Frazier discharged from probation, charges of impersonating public official dismissed

"With this behind us, I look forward to earning your support once again in the upcoming Republican Primary Runoff," Frazier wrote in a tweet on X.



Credit: KVUE

Rep. Frederick Frazier talks to a colleague on the Texas House floor.

Author: Paul Wedding, Natalie Haddad

Published: 5:54 PM CDT May 9, 2024

Updated: 7:16 PM CDT May 16, 2024



COLLIN COUNTY, Texas — State Rep. Frederick Frazier has been discharged from his probation, which he was serving as part of his sentencing for [his conviction of impersonating a](#)

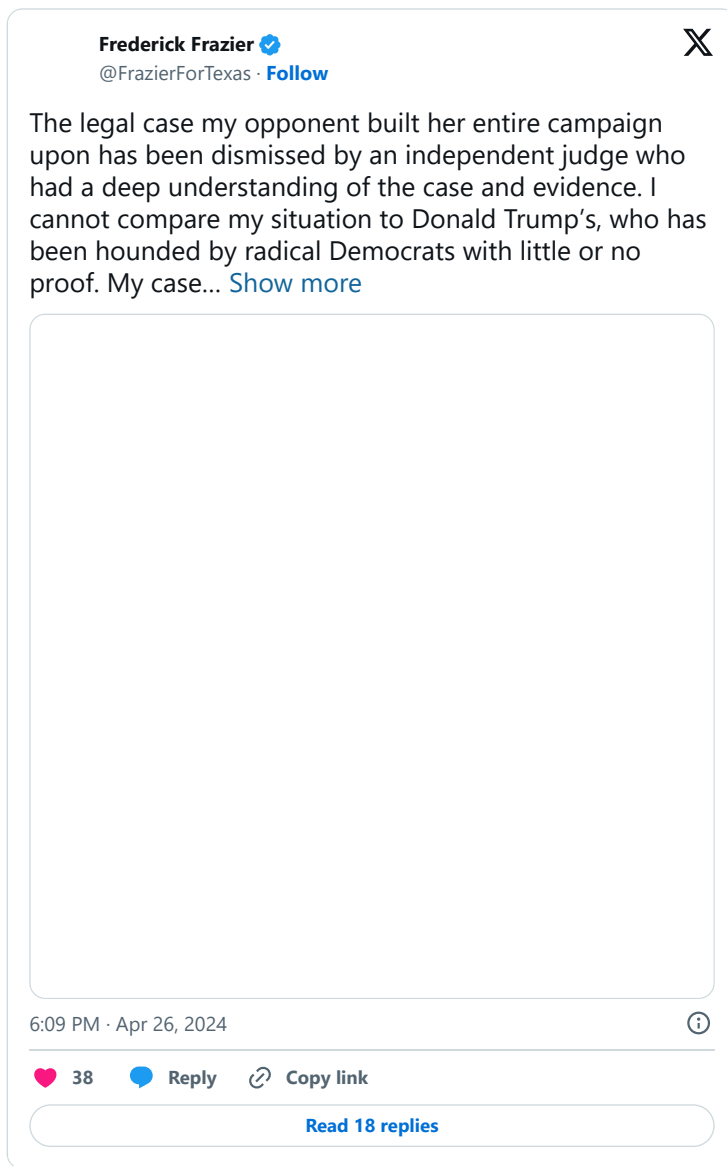
[public official](#), the Collin County District Clerk's Office confirmed. As a result of his probation being complete, the charges against him have been dismissed.

Frazier had earlier pleaded no contest, the equivalent of a guilty plea, to two counts of impersonating a public official, a misdemeanor charge. On April 25, the clerks' office said, he was discharged from his probation, which he was to serve as part of his plea deal. As part of the plea deal, Frazier was also offered deferred adjudication, meaning the charges won't remain on his criminal record following his discharge from probation.

Frazier separately pleaded guilty to a charge of criminal mischief -- a misdemeanor.

In a [tweet posted on X](#) late last month, Frazier celebrated his charge's dismissal, and compared his plight to that of former President Donald Trump.

"[M]y case has given me a profound appreciation of how blind bitterness leads people to push politically motivated issues as far as they can if they think it will give them a political advantage," Frazier wrote in that. "It gave me a small taste of what President Trump faces now."



With the charges dismissed, the 28-year veteran of the Dallas Police Department's initial [dishonorable discharge from DPD](#) has since been amended.

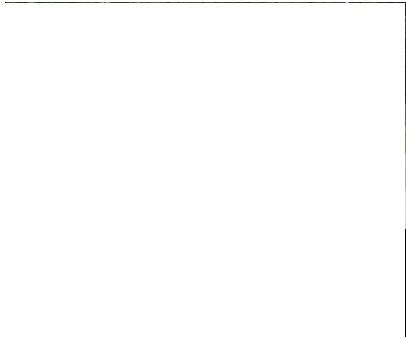
Because Frazier's no contest and not guilty pleas came a day after he filed to retire from the Dallas Police Department, and he filed for his retirement while under investigation by DPD for his criminal charges, Frazier was released from the department with a dishonorable discharge - standard procedure for such cases at DPD. With his criminal case now dismissed, his discharge has been re-designated to a general discharge.

In June 2022, [Frazier was indicted for impersonating a code enforcement officer](#) after Dr. Paul Chabot, Frazier's then-opponent in the GOP runoff, reported his campaign signs began "disappearing," including from an area Walmart.

Chabot said he was told by the city manager that his signs' placements at the Walmart "were fine," but that he was later told by a Walmart store manager that a person claiming to be a code compliance officer ordered his signs removed from the store's property, claiming they were out of compliance. That person was later determined to be Frazier.

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IN OTHER NEWS

Dallas real estate investor buys Greyhound station in downtown Dallas

The Texas Rangers then began an investigation into Frazier after Chabot filed a police report, claiming some of his signs were allegedly stolen.

"To this day, [Frazier] denies that he ever specifically said he was a code compliance officer," Frazier's attorney, Robert Rogers, said last December. "He's just pointing out these signs are in the wrong place."

At the time, Rogers called the case against Frazier a political ploy.

"Mr. Chabot is a sore loser," Rogers said. "He's obsessed with trying to take form [Frazier] because he couldn't do it legitimately."

Frazier is currently [headed for a runoff in the primary of his reelection campaign to represent District 61 in the Texas House](#). In the Tuesday, March 5, election, Frazier earned 32 percent of the votes cast in that race's Republican primary -- a second-place finish behind challenger Keresa Richardson's 40 percent, but good enough to earn him a spot in a runoff election, as neither candidate earned more than 50 percent of the votes.

Voters will choose between Frazier and Richardson in the May 28 runoff elections.

The winner of that vote will then square off against a Democratic challenger on the November 5 ballots.

Editor's note: An earlier version of this article indicated that the charges against Frazier were not dismissed despite their deferred adjudication, which is not the case. This article has been updated to clarify that point. It has also been updated to include new information about Frazier's discharge from the Dallas Police Department, which changed as a result of the charges against him being dismissed. WFAA regrets the errors.

Related Articles

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EXHIBIT Q

tor's note: An earlier version of this article indicated that the charges against Frazier were dismissed despite their deferred adjudication, which is not the case. This article has been updated to clarify that point. It has also been updated to include new information about Frazier's discharge from the Dallas Police Department, which changed as a result of the charges against him being dismissed. WFAA regrets the errors.

EXHIBIT R

FREDERICK
FRAZIER
STATE REPRESENTATIVE



May 9, 2024

Paul Chabot
900 Creekline Way
McKinney, TX 75072
Via Hand Delivery

Re: Cease and Desist from Defamation of Representative Frederick Frazier

Mr. Chabot:


This letter is a demand that you immediately cease and desist your defamation of Representative Frederick Frazier ("Rep. Frazier").

You have published emails and other messages, often forwards of defamatory statements from the Collin County Citizens for Integrity PAC, indicating that Rep. Frazier has been 'convicted' and is 'dishonorably discharged'. These statements are of course incorrect and are defamatory to Rep. Frazier.

The indisputable facts in this matter are that all criminal charges that were pending in Collin County District Court against Rep. Frazier have been dismissed. Rep. Frazier is not dishonorably discharged and is eligible for rehire as a law enforcement officer.

We demand that you immediately retract and remove, as applicable, all emails, mailers, signs, advertisements, and other materials containing these defamatory statements. Further, we demand that you issue a public retraction and correction in the same medium and manner as your defamatory statements were made. Failure to take both of these corrective measures will result in legal action being taken against you personally and anyone else that is spreading these defamatory statements.

Sincerely,

A handwritten signature in black ink that reads "Joseph E. Legere".

Joseph E. Legere

Attorney for Frederick Frazier

EXHIBIT S

CAUSE NO. 429-04031-2024

FREDERICK FRAZIER

Plaintiff,

v.

PAUL CHABOT

Defendant.

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IN THE DISTRICT COURT

OF COLLIN COUNTY, TEXAS

429th JUDICIAL DISTRICT

DECLARATION OF JASON MOYER IN SUPPORT OF PLAINTIFF'S RESPONSE TO
DEFENDANT'S TCPA MOTION TO DISMISS

I, Jason Moyer, declare as follows:

1. My name is Jason Moyer. My date of birth is 01/09/1992, and my address is 7201 Henneman Way Apt 473, McKinney, TX 75070. I am over eighteen years of age, capable of making this declaration, and fully competent to testify to the matters stated herein. I have personal knowledge of the facts stated in this declaration and they are true and correct.

2. I am the Chief of Staff for Texas House Representative Frederick Frazier.

3. In May of 2024, I observed Mr. Paul Chabot placing signs containing defamatory language concerning Mr. Frazier at polling locations. I captured a video of Mr. Chabot placing these defamatory signs near high-traffic areas in McKinney County, Texas on May 27, 2024.

4. These signs depicted Mr. Frazier in a jail or prison cell and stated that he was "convicted" and "dishonorably discharged."

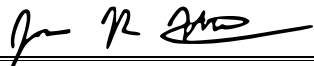
5. Upon observing this behavior, I began recording a video depicting Mr. Chabot placing these defamatory signs concerning Mr. Frazier at polling locations.

6. The individual depicted in the video is Mr. Chabot.

7. **Exhibit “N”** is a copy of the video that I took on May 27, 2024. **Exhibit “N”** is a true and correct copy of the video that I took. **Exhibit “N”** is a fair and accurate depiction of the content of the video. The video has not been altered in any way in **Exhibit “N.”**

8. Pursuant to TEX. CIV. PRAC. & REM. CODE § 132.001, I declare under penalty of perjury that the foregoing is true and correct.

Executed in Collin County, State of Texas, on October 14, 2024.

/s/ 

Jason Moyer