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

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| STATE OF MISSOURI, EX INF. CATHERINE HANAWAY, ATTORNEY GENERAL, | ) | |
| Relator, | ) | |
| v. | ) | Case No. |
| LEEANN MILES, | ) | |
| Respondent. | ) | |

**Petition in Quo Warranto**

The State of Missouri, on the personal information of the Attorney General, brings this suit to remove Respondent LeeAnn Miles from the office of County Clerk of Harrison County

**Introduction**

1. Missouri law places a great deal of authority in the office of County Clerk.

2. Some county clerks describe their office as "the 'nerve center' of the county government." *See, e.g.,* Henry County, Missouri Webpage, available at https://www.henrycomo.com/county-clerk; *see also* Pulaski County, Missouri Webpage, available at http://www.pulaskicountymo.org/county-clerk.html.

3. Respondent holds a position of public trust and must strive to scrupulously abide by the law.

4. Respondent has failed to personally devote her time to the performance of the duties of the office of the Harrison County Clerk.

5. Specifically, Respondent is alleged to have committed two felony offenses while holding the office of Harrison County Clerk, and as a result, she has been arrested and detained for nearly a week.

6. Upon information and belief, Respondent has been unable to attend to her duties by virtue of her detention.

7. Upon information and belief, if Respondent remains detained, she will be unable to comply with her duty to administer the general election scheduled for November 3, 2026.

8. For these reasons, Respondent has forfeited her office.

9. This Court should issue a writ of quo warranto.

**Parties**

10. Relator Catherine Hanaway, Attorney General of Missouri, prosecutes this cause for and on behalf of the State of Missouri and its citizens.

11. Respondent LeeAnn Miles is the County Clerk of the County of Harrison, Missouri, and has held that office continuously since January 1, 2023.

12. The position of Harrison County Clerk is an elective office.

## Jurisdiction and Authority

13. Circuit courts have plenary subject matter jurisdiction over all cases and matters, civil and criminal. Mo. Const. art. V, § 14.

14. Circuit courts "may issue and determine original remedial writs[.]" Mo. Const. art. V, § 14.

15. A writ of quo warranto is an original remedial writ. *See Gall v. Steele*, 547 S.W.3d 564, 571–72 (Mo. 2018) (Draper, J., concurring).

16. Quo warranto proceedings before a circuit court are governed by Rule 98, the rules of civil procedure, and Chapter 531 of the Missouri Revised Statutes.

17. Relator is authorized to bring this action under § 531.010, RSMo 2016, which provides that "in case any person shall . . . unlawfully hold or execute any office . . . the attorney general of the state . . . shall exhibit to the circuit court, or other court having concurrent jurisdiction therewith in civil cases, an information in the nature of a quo warranto . . . ."

18. Relator is authorized to bring such action under Rule 98.02(b)(1), which provides, "The attorney general of this state, upon personal information" may proceed as Relator in quo warranto.

19. Because the Attorney General is the relator in this action, this Court is required to issue a preliminary writ and to order Respondent to answer the allegations contained in the petition. Rule 98.04 ("If the relator is

the attorney general or the prosecuting attorney, filing upon personal information, the court shall issue a preliminary order in *quo warranto*."); Rule 98.05 ("The preliminary order in *quo warranto* shall require the respondent to file an answer within the time fixed by the order.").

20. Respondent is not subject to impeachment under Article VII, § 1 of the Missouri Constitution because she is not one of the "elective executive officials of the state" or a judge. Mo. Const. art. VII, § 1.

21. Respondent is subject to § 106.220, RSMo, which provides:

> Any person elected or appointed to any county, city, town or township office in this state, except such officers as may be subject to removal by impeachment, who shall fail personally to devote his time to the performance of the duties of such office, or who shall be guilty of any willful or fraudulent violation or neglect of any official duty, or who shall knowingly or willfully fail or refuse to do or perform any official act or duty which by law it is his duty to do or perform with respect to the execution or enforcement of the criminal laws of the state, shall thereby forfeit his office . . . .

22. This Court has personal jurisdiction over the parties.

23. This Court has subject matter jurisdiction over this quo warranto proceeding. Mo. Const. art. V, § 14

24. This Court has the authority to grant a permanent writ of quo warranto to remove Respondent from office. Mo. Const. art. V, § 14; § 531.010.

**Venue**

25. Respondent resides within the territorial limits of Harrison County, and may be found within the territorial limits of Harrison County.

26. Venue for this action is properly laid in the Harrison County Circuit Court. § 508.010.2(1).

**Duties of the County Clerk**

27. The office of County Clerk for Harrison County is a county office. § 51.020, RSMo.

28. The County Clerk for Harrison County is elected every four years. § 51.020, RSMo.

29. The County Clerk for Harrison County has legal duties and official acts that are required by law and custom.

30. The duties of Respondent's public office include "those [duties] lying fairly within its scope, those essential to the accomplishment of the main purpose for which the office was created, and those which, although incidental and collateral, serve to promote the accomplishment of the principal purposes." *State ex inf. Fuchs v. Foote*, 903 S.W.2d 535, 538 (Mo. banc 1995) (quoting *State ex inf. McKittrick v. Wymore*, 132 S.W.2d 979, 987 (Mo. banc. 1939)).

31. The acceptance of a public office implies the obligation to subordinate private interests to public duties. *State ex rel. Taylor v. Cumpton*,

240 S.W.2d 877, 885 (Mo. banc 1951), *overruled in irrelevant part by State ex inf. Dalton v. Mosley*, 286 S.W.2d 711, 732 (Mo. banc 1956).

32. "It is the duty of public officers to refrain from outside activities which interfere with the proper discharge of their duties." *Cumpton*, 240 S.W.2d at 880, *overruled in irrelevant part by Mosley*, 286 S.W.2d at 732.

33. "A public officer owes an undivided loyalty to the public whom he serves and he should not place himself in a position which will subject him to conflicting duties or expose him to the temptation of acting other than in the best interests of the public." *Cumpton*, 240 S.W.2d at 886, *overruled in irrelevant part by Mosley*, 286 S.W.2d at 732.

34. Any person elected to any county office in this state, "except such officers as may be subject to removal by impeachment, who shall fail personally to devote his time to the performance of the duties of such office . . . shall thereby forfeit his office, and may be removed therefrom in the manner provided in sections 106.230 to 106.290." § 106.220.

35. The duties of the County Clerk for Harrison County include that she "shall keep [her] office at such place or places as the county commission shall direct, not more than two hundred yards from the courthouse or permanent meeting place of the county commission of which [s]he is clerk, and there shall keep the records, papers, seal and property of [her] office and transact [her] official business." § 51.100, RSMo.

36. Further, the County Clerk for Harrison County serves as a local election authority. § 115.015, RSMo.

37. As a local election authority, the County Clerk for Harrison County "shall conduct all public elections within its jurisdiction." § 115.023.1.

38. The 2026 general election takes place on November 3, 2026.

39. However, pursuant to Missouri law, no-excuse absentee voting has already begun. § 115.277, RSMo.

40. Under Missouri law, voters may vote absentee in person at the Office of the Circuit Clerk for the County of Harrison today.

41. Yet, as explained below, Respondent is not and cannot be present at her office.

42. The Missouri Supreme Court has noted that it is the "policy of this state that officers generally may be removed from office for misconduct in the performance of the duties of the office." *State on inf. McKittrick v. Williams,* 144 S.W.2d 98, 103 (Mo. banc 1940).

43. It is a dereliction of an elected official's duties to remain absent, without establishing proper management of the office, from her statutory position. *See State v. Yager*, 157 S.W. 557, 561 (Mo. Div. 2 1913).

## Reasons Why this Court Should Issue a Writ of Quo Warranto

### Count I

**I. This Court should issue a writ of quo warranto because Respondent has failed personally to devote her time to the performance of the duties of the office of County Clerk for the County of Harrison.**

44. Relator re-alleges all previous allegations as if set forth herein.

45. Respondent began her current term of office on January 1, 2023. *See* § 51.020.

46. Upon information and belief, upon taking office, Respondent swore to "support the Constitution of the United States and of the state of Missouri," and to "demean [herself] faithfully in office." § 51.060, RSMo.

**A. Respondent has been charged with financial exploitation of the elderly and stealing more than $25,000.**[1]

47. The State has charged Respondent with financial exploitation of the elderly and stealing more than $25,000 as result of Respondent's conduct between December 1, 2019 and June 30, 2026. *State v. LeeAnn Miles*, 26AH-CR00213 (Harrison County Associate Cir. Ct).

48. The State has alleged that, during that time frame, Respondent gained control over Victim's bank account, that Victim was over the age of

[1] Respondent is presumed innocent of any criminal offense until proven guilty.

sixty, and that Respondent, by deceit, obtained more than $75,000 of Victim's money. Rel. Ex. A (probable cause statement).

49. According to the probable cause statement, Victim was unaware of this until Victim was notified that her bank account balances were low, at which time Victim discovered there were more than 500 transfers from Victim's bank accounts to Respondent's bank account. Rel. Ex. A (probable cause statement).

50. According to the probable cause statement, law enforcement reviewed Respondent's bank account and discovered that it appears that Respondent used Victim's money for Respondent's benefit, including use on things like car loan payments and payments made to Walt Disney World in Florida. Rel. Ex. A (probable cause statement).

51. Indeed, the probable cause statement explains, Respondent converted $127,615.89 from Victim's bank account that could not be explained by Victim's reasonable expenses.

52. Worse yet, one year and a day after assuming office, Respondent made a series of transfers totaling $3,000, which the Missouri State Highway Patrol believes directly correlated to a trip to Walt Disney World in Florida, which cost $2,976.02.

**B. Respondent willfully neglected and failed to perform her official duties as County Clerk for the County of Harrison in that Respondent has been, and remains, absent from her elected position for the unauthorized reason of being arrested and incarcerated after being charged with two felonies.**

53. Relator re-alleges all previous allegations as if set forth herein.

54. As Relator requests separately, this Court should take judicial notice of the docket, and individual filings, in *State v. LeeAnn Miles*, 26AH-CR00213 (Harrison County Assoc. Cir. Ct).

55. At approximately 3:00 P.M. on October 16, 2026, Respondent was arrested for two criminal offenses. Rel. Ex. B (arrest warrant).

56. The first offense for which Respondent was arrested was the class A felony of financial exploitation of the elderly. *See* § 570.145, RSMo.

57. The second offense for which Respondent was arrested was the class C felony of stealing over $25,000. *See* § 570.030, RSMo.

58. On October 18, 2026, Respondent was booked in the Daviess/Dekalb Regional Jail. Rel. Ex. C (booking letter).

59. Upon information and belief, the Daviess/Dekalb Regional Jail is more than 200 yards from the Harrison County courthouse.

60. Upon information and belief, the Daviess/Dekalb Regional Jail is more than 200 yards from the Harrison County Clerk's Office.

61. On October 18, 2026, the State filed a felony complaint against Respondent, charging her with the aforementioned felonies. *State v. LeeAnn Miles*, 26AH-CR00213 (Harrison County Assoc. Cir. Ct).

62. The complaint was supported by a probable cause statement made under oath by a Trooper with the Missouri State Highway Patrol. Rel. Ex. A (probable cause statement).

63. Upon information and belief, the Harrison County Circuit Court found probable cause sufficient to issue a warrant for Respondent's arrest that Respondent committed the criminal offenses of financial exploitation of the elderly and stealing more than $25,000. Rel. Ex. B (arrest warrant)

64. In the arrest warrant, the Harrison County Circuit Court stated that it had found, "based upon *clear and convincing evidence* that no combination of non-monetary and monetary conditions will secure the safety of the community or other person." Rel. Ex. B (arrest warrant) (emphasis in original).

65. On October 19, 2026, the Harrison County Circuit Court held Respondent's initial arraignment, where the court lowered Respondent's bond to $150,000, cash only. Rel. Ex. D (initial appearance form).

66. The court's handwritten notes on the form reflect that Respondent requested release because Respondent "does not have funds" and to "take care of personal business." *Id*.

67. No entry on the form reflects that Respondent requested release to attend to her duties as County Clerk for the County of Harrison.

**C. Respondent violated and has violated Section 51.100.**

68. Upon information and belief, the Harrison County courthouse is open from 8:00 AM to 4:30 PM, Monday through Friday.

69. Upon information and belief, the usual business hours of the office of the County Clerk for Harrison County are from 8:00 A.M. to 4:30 P.M. Monday through Friday, with a temporary closure from 12:00 P.M. to 1:00 P.M. for lunch, unless that temporary closure is covered by an employee from a separate county office.

70. Upon information and belief, the office of the County Clerk for Harrison County is located on the first floor of the Harrison County courthouse.

71. Upon information and belief, Respondent did not attend her office during the usual business hours beginning on or about 3:00 P.M. on October 16, 2026, through the date of filing.

72. Upon information and belief, Respondent's absence from her office during the usual business hours was not due to other pressing official duties, illness, or some other lawful reason; rather, her absence was due to her arrest for two criminal offenses and subsequent incarceration.

73. In fact, Respondent has been detained in the Daviess/Dekalb Regional Jail from October 18, 2026, through the present. Rel. Ex. C (booking letter).

74. The Missouri Supreme Court has distinguished a mere physical absence from an office that is still managed by the elected official and an elected official who leaves "his office in charge of a deputy or deputies without any personal supervision, management or control on his part . . . ." *Cumpton*, 240 S.W.2d at 884, *overruled in irrelevant part by Mosley*, 286 S.W.2d at 732.

75. But, the Missouri Supreme Court has been unequivocal in its condemnation of an elected official's unauthorized absence from her position:

> There are certain elements of personal selection and personal responsibility imputed as dominating the minds of the voters in the election of officers who shall perform the statutory duties in the several counties. To take the view of defendant would be tantamount to saying that the selection of the voters is transferable and delegable on the part and at the unrestricted will of the elected, a thing which the Constitution itself specifically negatives, by providing generally that officers shall devote their time personally to the duties of the several offices to which they have been elected. Const. Mo. 1875, art 2, § 18.

*Yager*, 157 S.W. at 561.

76. The voters who elected Respondent to the office of County Clerk of the County of Harrison expected her to personally be present in her office and to perform her statutory duties.

77. Those same voters are currently allowed to cast absentee ballots in person at the Respondent's office for the 2026 general election. § 115.277, RSMo.

78. Yet, because Respondent is detained on her criminal charges, she is not and cannot be present at her office to supervise such absentee votes.

79. In fact, Respondent is miles away at the Daviess/Dekalb Regional Jail.

80. Therefore, Respondent has failed personally to devote her time to the performance of the duties of the office of County Clerk for the County of Harrison. § 106.220.

81. Further, Respondent has failed to attend her office in the county courthouse for the transaction of her official business. § 51.100, RSMo.

**Conclusion**

82. Relator re-alleges all previous allegations as if set forth herein.

83. Because Respondent has engaged in actions causing the forfeiture of her office, this Court should issue a preliminary writ in quo warranto and, after any necessary proceedings, make that preliminary writ permanent and oust Respondent from the office of County Clerk for Harrison County.

84. Respondent is a usurper who must be removed.

85. Therefore, and consistent with Relator's past practices, Relator requests that the Court, as part of its preliminary order in quo warranto,

prohibit Respondent from exercising any authority as an elected official. *See, e.g.,* Preliminary Order in Quo Warranto, *State ex rel. Hawley v. Hutcheson*, 17MI-CV00263 (Miss. Cnty. Cir. Ct. May 9, 2017) (preliminary order granting immediate ouster of Mississippi County Sheriff); Preliminary Order in Quo Warranto, *State ex inf. Bailey v. Burkett*, 23IR-CC00010 (Iron Cnty. Cir. Ct. Jun. 8, 2023) (preliminary order granting immediate ouster of Iron County Sheriff); Preliminary Order in Quo Warranto, *State ex inf. Bailey v. Jordan*, 24CG-CC00039 (Cape Girardeau Cnty. Cir. Ct. Feb. 8, 2024) (preliminary order granting immediate ouster of Cape Girardeau County Coroner); Preliminary Order in Quo Warranto, *State ex inf. Bailey v. Childers*, 24RY-CV00208 (Ray Cnty. Cir. Ct. Mar. 6, 2024) (preliminary order in quo warranto granting immediate ouster of Ray County Sheriff); *State v. Johnson*, 26RY-CV00635 (Ray Cnty. Cir. Ct. July 16, 2026) (preliminary order in quo warranto granting immediate ouster of Ray County Prosecuting Attorney).

86. In the foregoing cases, the respondents' property rights to their salary was protected, even though they were not allowed to act as an elected official.

87. Therefore, the respondents' due process rights were preserved.

88. In addition, this Court's preliminary order in quo warranto should direct that Respondent surrender all county property, including any financial instruments and county debt or credit cards.

89. At the conclusion of the case, the Court should issue a permanent writ of quo warranto against Respondent to remove her from office, for all taxable costs, and for such other relief as this Court deems proper. § 531.050, RSMo.

**Requests for Relief**

WHEREFORE, Relator prays for an order of quo warranto immediately removing Respondent from office, for a permanent writ of quo warranto against Respondent removing her from office, for all taxable court costs, and for such other relief as this Court deems just and proper.

Dated: October 23, 2026

Respectfully submitted,

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