

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

State of Missouri, ex inf.)
Andrew Bailey,)
Attorney General of the)
State of Missouri)
)
Relator,)
)
v.)
)
Scott Childers)
Ray County Sheriff,)
)
Respondent.)

FILED
MAR 06 2024
RAY COUNTY CIRCUIT COURT

Case No. 24RY-CV00208

Petition for Quo Warranto

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

1. Relator Andrew Bailey is the Attorney General of the State of Missouri, and Relator prosecutes this cause for and on behalf of the State of Missouri upon his own information.
2. Respondent Scott Childers is the elected Sheriff of Ray County, Missouri, and has held that office continually since January 1, 2021. The position of Ray County’s Sheriff is an elective office.

Authority and Jurisdiction

3. This cause of action is governed by Chapter 531 RSMo, and Rule 98 of the Missouri Rules of Civil Procedure.
4. Relator is authorized to bring this action under § 531.010, RSMo, which provides that “in case any person shall...unlawfully hold or execute any office...the attorney general of the state...shall exhibit to the circuit court, or other court having concurrent jurisdiction therewith in civil cases, an information in the nature of a quo warranto....”
5. Relator is also authorized to bring such action under Rule 98.02(b)(1), which provides that “the attorney general of this state, upon personal information” may proceed as Relator in quo warranto.
6. This Court has jurisdiction of this matter under § 531.010, RSMo, and Article VII, §4, and Article V, §4 of the Constitution of Missouri.

Introduction

7. The office of Sheriff of Ray County, Missouri, is an elective county office of great trust in the administration of justice.
8. On or about January 1, 2021, Respondent took the following oath of office:

I, Scott Childers, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the

State of Missouri, and I will faithfully demean myself in the office of Sheriff at Ray County, Missouri.

9. Respondent has knowingly or willfully failed and refused to perform official acts and duties which by law it is his duty to do or perform with respect to the execution or enforcement of criminal laws of the State, and he has engaged in willful acts of misconduct, malfeasance, misfeasance, and nonfeasance in office as more fully alleged herein.
10. As an elected official of Ray County, Missouri, Respondent is subject to the provisions of § 106.220, RSMo. Through the misconduct more fully alleged below, Respondent has forfeited the office of sheriff of Ray County, Missouri.

Section 106.220, RSMo, states, in pertinent part,

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

Allegations

11. Among Respondent's duties as the elected Ray County Sheriff, are the duties to "apprehend and commit to jail all felons and traitors,

and execute all process directed to him by legal authority, including writs of replevin, attachments and final process issued by circuit and associate circuit judges.” §57.110, RSMo.

12. Section 544.470, RSMo, expressly states that individuals accused of a crime who cannot pay bond or bail “shall be committed to the jail of the county in which the same is to be tried, there to remain until such individual be discharged by due course of law.” (Emphasis added).
13. Respondent, in violation of his known duties and responsibilities, has allowed multiple individuals who have been committed to the Ray County Jail by lawful orders of the Circuit and Associate Circuit Judges of Ray County, to leave the Ray County Jail in willful violation of his known duties, as set forth in the proceeding statutes.
14. Respondent has been informed by judicial and elected officials in Ray County that his conduct is unlawful, but Respondent has continued to unlawfully release detainees of the Ray County Jail.
15. Respondent has stated on social media that he has used, and will use, detainees from the Ray County Jail to work at individual’s homes or businesses.
16. Every single detainee Respondent has allowed to escape confinement and custody is confined in the Ray County Jail because

each detainee had failed to meet conditions and requirements for release established by a judge.

17. Citizens of Ray County who are crime victims have been subject to needless fear and emotional distress upon seeing the perpetrators of their crimes out of jail and freely walking in public.
18. Section 575.240, RSMo, makes it a Class D felony for any person who “allows or permits a person in custody or confinement to escape.”
19. Respondent has allowed these detainees to drive vehicles, make purchases at local stores, leave the State of Missouri, and generally move about Ray County without proper supervision.
20. Furthermore, while allowing the detainees to freely travel and move outside their lawful confinement, Respondent has continually failed to take reasonable steps to assure that the detainees have not obtained contraband which they bring into the jail.
21. Respondent has allowed released detainees from the Ray County Jail to do work on Respondent’s property, and the property of friends, and acquaintances.
 - a. These friends and acquaintances include individuals who have provided financial and other support of Respondent’s efforts to be elected.

22. Respondent's conduct constitutes the Class D felony of Acceding to Corruption in violation of §576.020, RSMo, by receiving or accepting a benefit, directly or indirectly, in exchange for violating Respondent's known duty to keep pretrial detainees in the Ray County Jail.

23. Respondent has permitted the detainees of the Ray County Jail whom he has illegally released from the Jail to bring contraband into the Ray County Jail, including drugs, alcohol, cellphones, and he has allowed conjugal visits with the detainees. §221.111, RSMo.

24. Respondent's willful violations and neglect of his known duties and responsibilities, and his failure to perform official acts or duties required of him as the Sheriff of Ray County, singularly and collectively constitute a violation of §106.220, RSMo, and result in Respondent's forfeiture of the office of Sheriff of Ray County.

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

Respectfully submitted,

ANDREW BAILEY
Attorney General

/s/ Ted Bruce

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