

CAUSE NO. 001-87528-2024

STATE OF TEXAS	§	IN THE COUNTY COURT
	§	
v.	§	AT LAW NUMBER ONE
	§	
RILEY DALTON MIX	§	COLLIN COUNTY, TEXAS

STATE'S RESPONSE TO DEFENDANT'S MOTION TO QUASH THE
INFORMATION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, the State of Texas, and submits to the Court the *State's Response to Defendant's Motion to Quash the Information*. The State respectfully requests that Defendant's motion be denied and in support thereof would show the Court the following:

I. BACKGROUND

On September 9, 2024, the State filed its information charging Defendant Riley Mix ("Defendant") with Harassment. In the Information, the State alleges in part:

with **intent** to harass, annoy, alarm, abuse, torment, or embarrass Eric July, hereafter styled the complainant, intentionally, knowingly or **recklessly threaten the complainant in a manner reasonably likely to alarm the complainant, to inflict bodily injury on the complainant,**

with **intent** to harass, annoy, alarm, abuse, torment or embarrass Eric July, hereafter styled the complainant, send repeated electronic communications to the complainant in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass or offend another, namely by posting alarming, threatening and vulgar posts on social media,

See State's Exhibit 1 – Information.

II. STATEMENT OF FACTS

On Wednesday, September 27, 2023, at approximately 0051 hours, Plano Police Officer Steven Sacco and other officers responded to a call regarding vandalism at a comic book publishing office. *See State's **Exhibit 2 – Ofc. Sacco Report***. Eric July reported that his business, Rippaverse Publishing, located at 4400 Tradition Trail suite 104, Plano, Collin County, Texas, had been vandalized by an individual named "Riley." *Id.*

According to Officer Sacco's report, July informed Sacco that on Tuesday, September 26, 2023, at approximately 1700 hours, Riley showed up to Rippaverse Publishing and took photos and videos of him with a large pair of scissors before he returned after the sun went down on the same day and recorded a video of himself putting two \$20 bills and one \$1 bill on the windows of the business. *Id.* July reported to Officer Sacco that Riley later posted those videos and photos to his own Twitter account using the twitter handle "@CYOUnextTime." *Id.*

Plano Police assigned Detective Jimmy Farias to begin investigating these events as a possible Stalking. *See State's **Exhibit 3 – Det. Farias Report***. When Det. Farias initially interviewed Mr. July, he informed Det. Farias that Defendant Riley himself posted a video on Twitter stating Riley was going to come to Texas and hold July down while he shaved him, which Mr. July initially disregarded. *Id.* However, once the Defendant actually showed up to Mr. July's publishing office, with large novelty scissors and later placed the provocative defaced dollar bills on his windows, Mr. July felt physically threatened and feared for the safety of his employees. *Id.*

During Det. Farias' investigation, he located a screenshot of Defendant Riley using his Twitter account to publish a picture of Mr. July's home on November 16, 2023, while indicating that he might "...escalate things waaay too far very soon." *Id.*

III. THE STATE’S INFORMATION AGAINST RILEY MIX COMPORTS WITH TEXAS JURISPRUDENCE BY PROVIDING THE NECESSARY NOTICE AND SPECIFICITY.

A. APPLICABLE LAW

A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:

(2) threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;

(8) publishes on an Internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern

Tex. Penal Code Ann. § 42.07 (West)

In criminal prosecutions, the accused has the constitutional right to be informed of the nature and cause of the accusations against him. U.S. Const. amend. VI; see Tex. Const. art. I, § 10.

The charging instrument must be “specific enough to inform the accused of the nature of the accusation against him” and “to allow him to investigate the allegations against him and establish a defense.” *State v. Moff*, 154 S.W.3d 599, 602 (Tex. Crim. App. 2004). “A motion to quash should be granted only where the language concerning the defendant's conduct is so vague or indefinite as to deny the defendant effective notice of the acts he allegedly committed.” *DeVaughn v. State*, 749 S.W.2d 62, 67 (Tex. Crim. App. 1988).

Subject to rare exceptions, an indictment or information that tracks the statutory language will be legally sufficient and the State need not allege facts that are merely evidentiary in nature. *State v. Mays*, 967 S.W.2d 404, 406 (Tex.Crim.App.1998); see *DeVaughn*, 749 S.W.2d at 67.

In the face of a timely motion to quash, the information must allege on its face facts necessary to show the offense was committed, to bar a subsequent prosecution for the same offense, and to give the accused notice of the precise offense with which he is charged. *State v. Engleke*, No. 05-98-00254-CR, 1998 WL 851006, at *2 (Tex. App. Dec. 10, 1998).

When analyzing whether a charging instrument provided adequate notice, the Court engages in a two-step analysis: (1) identify the elements of the offense and (2) determine “whether the statutory language is sufficiently descriptive of the charged offense.” *Zuniga*, 512 S.W.3d at 907.

Furthermore, notice must come from the face of the charging instrument. *Riney v. State*, 28 S.W.3d 561, 565 (Tex. Crim. App. 2000). However, a charging instrument that tracks the language of the applicable statute will generally satisfy constitutional and statutory requirements, *Hughitt v. State*, 583 S.W.3d 623, 626 (Tex. Crim. App. 2019).

In addition, when, as in the case of Harassment, recklessness is an element of the offense, to be sufficient, the charging instrument must allege with reasonable certainty the act or acts relied upon to constitute recklessness, and in no event shall it be sufficient to allege merely that the accused acted recklessly in committing the offense. *State v. York*, 31 S.W.3d 798, 801 (Tex. App. 2000). See *State v. Emanuel*, 873 S.W.2d 108, 109 (Tex.App.—Dallas 1994, no pet.); see also TEX.CODE CRIM.PROC.ANN. Art. 21.15 (Vernon 1989).

When an information alleges, “with the intent to harass the complainant, made repeated phone calls intentionally, knowingly and recklessly,” the Information's use of the word “intentionally” satisfies the statute's intent requirement, and the inclusion of two lesser mental states, “knowingly and recklessly,” does not render the information fundamentally defective. *Soto v. State*, 623 S.W.2d 938, 939 (Tex.Crim.App.1981).

“A person acts recklessly, or is reckless, with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur.” *Smith v. State*, 309 S.W.3d 10, 14 (Tex. Crim. App. 2010).

As long as the charging instrument specifies all the manner and means upon which the State is permitted to rely, there is no notice problem. *Williams v. State*, 685 S.W.3d 110, 115 (Tex. Crim. App. 2024), reh'g denied (Mar. 27, 2024)

B. ARGUMENT

Here, the State’s Information follows all perquisites required by Texas statute and jurisprudence. When evaluating the validity of Defendant’s argument, the first question the Court must ask itself here is, “does the charging instrument mirror the statutory language?”

The State’s first alleged manner and means clearly follows 42.07(a)(2): “with intent to harass, annoy, alarm, abuse, torment, or embarrass Eric July, hereafter styled the complainant, **intentionally, knowingly or recklessly threaten the complainant in a manner reasonably likely to alarm the complainant, to inflict bodily injury on the complainant.**” The State alleges Defendant made a threat of bodily injury against Eric July’s person, and that threat was reasonably likely to alarm the victim. The State’s charging instrument literally could not more closely follow the statutory language.

Likewise, the Second alleged manner and means mirrors that of (a)(8): “with **intent** to harass, annoy, alarm, abuse, torment or embarrass Eric July, hereafter styled the complainant, send repeated electronic communications to the complainant in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass or offend another, namely by posting alarming, threatening and vulgar posts on social media.” Here, Defendant is given ample notice that the

second manner and means derives from a social media post in which Defendant, with specific intent, posted information that was alarming to the victim Eric July.

Moreover, the inclusion of the lesser *mens rea* requirement of “recklessly” does not suddenly render the notice invalid. As outlined in the *Soto* opinion, “the Information’s use of the word “intentionally” satisfies the statute’s intent requirement, and the inclusion of two lesser mental states, “knowingly and recklessly,” does not render the information fundamentally defective.” *Soto* at 939. In each alleged manner and means, the reckless conduct is further delineated satisfying the specific notice requirement the “recklessly” *mens rea*.

IV. DEFENDANT’S RELIANCE ON *CHEN* IS MISPLACED AS IT WAS ABROGATED BY *EX PARTE BARTON* AND 42.07(a) PASSES CONSTITUTIONAL CHALLENGE *AS APPLIED* AND FOR VAGUENESS

A. APPLICABLE LAW

Whether a statute is facially constitutional is a question of law that is reviewed *de novo*. *State v. Stubbs*, 502 S.W.3d 218, 224 (Tex. App. 2016).

The First Amendment—which prohibits laws abridging the freedom of speech—limits the government’s power to regulate speech based on its substantive content. *Ex parte Flores*, 483 S.W.3d 632, 639.

However, **true threats** comprise category of speech falling outside the protection of the First Amendment—“statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.” *Va. v. Black*, 538 U.S. 343, 359, 123 S.Ct. 1536, 155 L.Ed.2d 535 (2003).

The Legislature legitimately may punish threatening and intimidating speech involving physical harm or violence. *State v. Stubbs*, 502 S.W.3d 218, 228 (Tex. App. 2016). The act of threatening, whether or not the actor actually produces fear of bodily injury in another, is a socially

intolerable type of conduct or “wrong” that implicates society's interest in establishing criminal laws. *Id.*, at 228.

Generally, “in addressing a vagueness challenge,” courts are to “consider whether the statute is vague as applied to a defendant's conduct before considering whether the statute may be vague as applied to the conduct of others.” *Wagner v. State*, 539 S.W.3d 298, 314 (Tex. Crim. App. 2018). “A plaintiff who engages in some conduct that is clearly proscribed cannot complain of the vagueness of the law as applied to the conduct of others. A court should therefore examine the complainant's conduct before analyzing other hypothetical applications of the law.” *Id.*

However, this general rule gives way when freedom of speech under the First Amendment is involved. “[W]hen a vagueness challenge involves First Amendment considerations, a criminal law may be held facially invalid even though it may not be unconstitutional as applied to the defendant's conduct.” *Ex parte Barton*, 662 S.W.3d 876, 880 (Tex. Crim. App. 2022), reh'g denied (June 8, 2022), cert. denied sub nom. *Barton v. Texas*, 143 S. Ct. 774, 215 L. Ed. 2d 46 (2023).

In *Ex parte Barton*, the Court of Criminal Appeals looked at subsection (a)(7) regarding harassment via electronic communication. Ultimately, the Court **reversed** the Court of Appeals decision finding the statute unconstitutional and held that § 42.07(a)(7), the electronic harassment statute, also fails to implicate the First Amendment's freedom of speech protections because it too prohibits non-speech conduct. *Ex parte Barton*, at 878. The court summarized by saying activity proscribed by (a)(4) “is not communicative conduct protected by the First Amendment because the statute criminalizes harassing conduct that, although it may include spoken words, is essentially noncommunicative.” *Id.*, at 881.

B. ARGUMENT

Here, the Defendant relies heavily on *State v. Chen* as the basis for his argument that 42.07(a)(2) and (a)(8) are unconstitutional. However, a mere cursory Shepardizing of *Chen* shows

that *Ex parte Barton*, and its subsequent treatment of *Scott v. State* 322 S.W.3d 662 (Tex. Crim. App. 2010) and *Wilson v. State*, 448 S.W.3d 418, 423 (Tex. Crim. App. 2014), has abrogated and reversed *Chen*.

The State of Texas has a legitimate interest in proscribing the conduct as outlined in 42.07(a)(2) and (a)(8). As the Court noted in *Barton*, “persons whose conduct violates § 42.07(4)(a) will not have an intent to engage in the legitimate communication of ideas, opinions, or information; they will have only the intent to inflict emotional distress for its own sake.” *Ex parte Barton*, at 881.

Furthermore, Defendant’s reliance on *Kramer* is spurious and disingenuous. *Kramer* dealt with the 1974 version of 42.07. However, **after** the *Kramer* decision in 1983, section 42.07 was **amended** by the Texas Legislature. *Bader v. State*, 773 S.W.2d 769, 771 (Tex. App. 1989). Therefore, *Kramer* and its progeny, ie, *May v. State*, are in all sense, a nullity. Again, a perfunctory Shepardizing would have revealed this.

CONCLUSION

For these reasons, the State respectfully requests that the Court deny the Defendant’s Motion to Quash.

Respectfully submitted,

/s/ Matthew D. McCready

Matthew D. McCready

Assistant District Attorney

State Bar No. 24117267

2100 Bloomdale Dr. Suite 100

McKinney, T.X. 75071 972-548-4328

mmccready@co.collin.tx.us

CERTIFICATE OF SERVICE

I, the undersigned attorney, hereby certify that a true and correct copy of the above foregoing filing was delivered by eFile to Defense Counsel on December 11, 2024.

/s/ Matthew D. McCready

Matthew D. McCready

Assistant District Attorney

State Bar No. 24117267

2100 Bloomdale Dr. Suite 100

McKinney, T.X. 75071 972-548-4328

mmccready@co.collin.tx.us

State's Exhibits

State's Exhibit 1: State's Information

State's Exhibit 2: Officer Sacco's Report

State's Exhibit 3: Detective Farias' Report

DEFENDANT Riley Dalton Mix
Person ID: 2439922, 2024-5415

CHARGE HARASSMENT

ADDRESS [REDACTED] **CAUSE#** 001-87528-2024

DESCRIPTION [REDACTED] M/W, 5 Ft. 6 In., 190 Lbs., GRN, BLN **AGENCY/#** Plano Police Department
23-188437

ARREST INFORMATION At large - see attached

CC N/A **TAPE#** Foray

INFORMATION

In the Name and by Authority of the State of Texas.

NOW COMES THE CRIMINAL DISTRICT ATTORNEY of Collin County, State of Texas, and presents in and to the County Court At Law 1 of Collin County, State aforesaid, that one Riley Dalton Mix hereinafter styled Defendant heretofore, on or about the 26th day of September, 2023 to the 8th day of October, 2023 in the County of Collin and State of Texas, did then and there

with intent to harass, annoy, alarm, abuse, torment, or embarrass Eric July, hereafter styled the complainant, intentionally, knowingly or recklessly threaten the complainant in a manner reasonably likely to alarm the complainant, to inflict bodily injury on the complainant,

with intent to harass, annoy, alarm, abuse, torment or embarrass Eric July, hereafter styled the complainant, send repeated electronic communications to the complainant in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass or offend another, namely by posting alarming, threatening and vulgar posts on social media,

Against the peace & dignity of the State.



Criminal District Attorney of Collin County, Texas

Filed
County Court at Law
09/09/2024 9:50 AM
Stacey Kemp, County Clerk
Collin County, Texas
Deputy: Ensley, Mark

DEFENDANT Riley Dalton Mix
2024-5415, 2439922

CHARGE HARASSMENT

ADDRESS [REDACTED]

CAUSE# 001-87528-2024

DESCRIPTION [REDACTED] M/W, 5 Ft. 6 In., 190 Lbs., GRN, BLN

AGENCY/# Plano Police Department
23-188437

ARREST INFORMATION At large - see attached

CC N/A

TAPE# Foray

AFFIDAVIT

NOW COMES THE AFFIANT and presents in and to the County Court At Law 1
of Collin County, State of Texas, that one Riley Dalton Mix hereinafter styled Defendant heretofore, on or
about the 26th day of September, 2023 to the 8th day of October, 2023 in the County of Collin and State of
Texas, did then and there

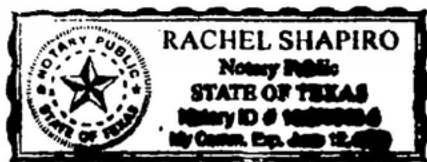
with intent to harass, annoy, alarm, abuse, torment, or embarrass Eric July, hereafter styled the complainant,
intentionally, knowingly or recklessly threaten the complainant in a manner reasonably likely to alarm the
complainant, to inflict bodily injury on the complainant,

with intent to harass, annoy, alarm, abuse, torment or embarrass Eric July, hereafter styled the complainant,
send repeated electronic communications to the complainant in a manner reasonably likely to harass, annoy,
alarm, abuse, torment, embarrass or offend another, namely by posting alarming, threatening and vulgar posts
on social media,

Against the peace & dignity of the state

Sworn to and subscribed before me this the
28th Day of August A.D., 2024

Rachel Shapiro
NOTARY PUBLIC THE STATE OF TEXAS



[Signature]
Affiant

Incident/Arrest Report
Report Date: 09/27/2023
Activity Num: 2023-00188437

Plano Police Dept.
909 14th Street PO Box 860358
Plano, TX 75086-0358

SUMMARY

Occurred: 09/26/2023 17:00 Hrs - 23:00 Hrs Report Date: 09/27/2023 00:51 Hrs
RIPPAVERSE PUBLISHING: 4400 Tradition Trl #104 Plano, TX 75093
Offense: 42.07(a)(7) PC Harassment-Repeated Electronic Communication

Activity Notes: Stalking in the 4400 block of Tradition Trail

CRIME INFORMATION

Date Secured: Suspect Type: In Custody: N
Victim Injured: N Treatment Type:

ACTIVITY STATUS

Status Date: 09/27/2023 Status: Active
Status Set By: Sacco, Steven Exception:
Comment: Stalking in the 4400 block of Tradition Trail

IBR ACTIVITY

Suspected of Using: Computer Equip/Handheld Dev
Family Violence: No

ACTIVITY ATTRIBUTES

TTY: No
Internet Crime: Yes
Officer Collected Evidence: Yes

METHOD

Location Type: Specialty Store
Object Of Attack: Business

PARTICIPANTS

Evidence Owner July, Eric Dewayne (True) - Male Black Non Hispanic, 33 DOB: [REDACTED]
Victim Person
Height: 5'11" Weight: 215
Home Address: [REDACTED]
Work Address: 4400 Tradition Trl #104 Plano, TX 75093
Cell Phone: [REDACTED]
Victim Type: Individual
Violation(s): 42.07(a)(7) PC Harassment-Repeated Electronic Communication
Drivers License #: 26696025 TX/Class: C
Citizenship: United States
Resident Status: Nonresident Plano
Eye Color: Brown
Hair Color: Black
Marital Status: Unknown
Email: Work (INFO@ERICDJULY.COM)
Current Employer: RIPPAVERSE PUBLISHING
Occupation: PUBLISHER/INTERNET PERSONALITY
Work Hours: Vary

Related Participants

Relationship: MIX, RILEY DALTON - Stranger

Suspect

MIX, RILEY DALTON (True) - Male White Non Hispanic, 25 DOB: [REDACTED]
Height: 5'6" Weight: 190
Cell Phone: [REDACTED]
Drivers License #: [REDACTED]
Alcohol Consumed: No
Social Media Sites: Twitter (@CYouNextTime)

Citizenship:	United States
Resident Status:	Nonresident Plano
Eye Color:	Green
Hair Color:	Blond
Marital Status:	Unknown
Warrant Obtained:	Yes (2024-P-336)
Unknown:	
Occupation:	PRODUCER FOR DICK MASTERSON

Vehicle Information

Owner
Toyota Prius

Related Participants

Relationship: July, Eric Dewayne - Stranger

INVOLVED PERSONNEL	
Approving Officer - Carver, Christopher	Badge: 1910
Assisting Officer - Matykunas, Collin	Badge: 1956
Assisting Officer - White, Chad	Badge: 2052
Crime Scene Unit - Sailer, Brandon - DMFS	Badge: CSIT1
Comment: patrol submission	
Evidence Officer - Sacco, Steven	Badge: 2041
Investigating Officer - Sacco, Steven	Badge: 2041
Lead Investigator - Farias, Jimmy	Badge: 1932
Reporting Officer - Sacco, Steven	Badge: 2041
Victim Assistance - Hoffpauir, Kristy	Badge:

VIOLATIONS

42.07(a)(7) PC Harassment-Repeated Electronic Communication

Classification: All Other

Category: Other

Counts: 1

Dismissable: N

IBR: All Other Offenses

State: STALKING

Bias Motivation: No Bias

Location Type: Commercial / Office Building

Location: 4400 Tradition Trl #104

LOCATIONS

Primary Offense

RIPPAVERSE PUBLISHING: 4400 Tradition Trl #104 Plano, TX 75093

Beat 2022: C1

Census Block: 0316.214

Census Tract: 0316.21

Council Areas District: 4

Neighborhood Unit: 55

Old Beat: D1

Old Reporting District: 23C4

Old Sector: D

Reporting District: 2223C

Sector 2022: C

VEHICLES

Toyota Prius - License #: Unknown State: Unknown

Suspect Vehicle

VIN: Unknown

Solid/Top Color: Red

Owner: MIX, RILEY DALTON

PROPERTY							
Status	Loss Qty	Rec Qty	Item	Property Desc	Loss Value	Rec Value	Damage Value

Activity Num:2023-00188437

Evidence	1 EA	DVR-Body Camera	all dvr bwc ON SCENE	\$0.00		
Recovered Date: 09/26/2023 Recovered by: Sacco, Steven #2041 Violation: Harassment-Repeated Electronic Communication/All Other/All Other Offenses Attribute: Recovered Jurisdiction: Collin County Attribute: Recovered Location: Person						
Evidence	1 EA	DVR-Vehicle	ALL DVR VEHICLE ON SCENE	\$0.00		
Recovered Date: 09/26/2023 Recovered by: Sacco, Steven #2041 Violation: Harassment-Repeated Electronic Communication/All Other/All Other Offenses Attribute: Recovered Jurisdiction: Collin County Attribute: Recovered Location: Vehicle						
Evidence	3 EA	Cash	2 \$20 BILLS AND 1 \$1 BILL WITH DRAWING OF BUNNY AND CARROT	\$0.00	\$41.00	\$0.00
Recovered Date: 09/26/2023 Recovered by: Sacco, Steven #2041 Violation: Harassment-Repeated Electronic Communication/All Other/All Other Offenses Attribute: Recovered Jurisdiction: Collin County Attribute: Recovered Location: Other (WINDOW OF BUSINESS)						
Totals:				\$0.00	\$41.00	\$0.00

RELATED CASES

INCID 2023-00188437 Auto-Relate on activity number
VICT VAU-02806145

On Wednesday, September 27, 2023 at approximately 0051 hours, I Officer S. Sacco 2041 and Officer C. White were dispatched to the Racetrac at Highway 121 and Parkwood Blvd for a criminal mischief. Call notes stated the office at 4400 Tradition Trail had been vandalized.

When I arrived on scene, I made contact with July, Eric ([REDACTED]). He advised that someone placed money with a drawing on it onto the windows of his business. At this time, we went to his place of business we went to Rippaverse Publishing located at 4400 Tradition Trail suite 104 Plano, Collin County, Texas.

Officer C. Matykunis met me at 4400 Tradition Trl and advised me there were two \$20 bills and a \$1 bill with a bunny drawn onto them and placed onto the windows of the business. They were attached to the windows with bunny stickers. When I asked July if these had any meaning to him he responded yes they do.

July told me he is an internet personality and one of the books his company had published was critiqued by another internet personality who goes by the name Dick Masterson. July put out a rebuttal to Dick Mastersons critique and since then around May or June and since then, he had been getting messages from a guy who goes by Riley. Riley started to "troll" July on internet posts and make statements like he is going to come to Plano and shave Julys shoulders.

Riley made statements on twitter using the twitter handle @CYOUnextTime. Riley stated he was making actionable threats. July stated he didn't take the threats seriously since Riley wasn't even from Texas. July advised Riley is some sort of producer for Dick Masterson.

Riley went on to make statements saying he wanted July to apologize for superchats. According to July, Superchats are a way for people to make donations to internet personalities to make sure the comments are read by the content creator.

On September 26th at approximately 1700 hours, Riley showed up to Rippaverse Publishing and took photos and videos of him with a large pair of scissors. Riley later posted those videos and photos to his Twitter account. Riley came back after the sun went down on September 26th and took video of himself putting the two \$20 bills and the \$1 bill on the window of the business and posted that to twitter as well.

July stated after he saw the video, and the surveillance footage of Riley at his business he now took the threats seriously and realized that he should have contacted authorities sooner. July stated Riley has gone too far with this. July stated he is not worried for his safety, but more for the safety of his employees.

Riley posted on his twitter a statement saying "False Flagging someone online WAS beyond the pale! @alexjames has made quite a mess hasn't he? If he apologizes publicly I'll go back to my trailer and smoke crack in peace like I was before this- And if he doesn't, I will rent an apartment in Plano, Tx. Its nice here" with a picture of him in front of Rippaverse Publishing giving the middle finger to the cameras.

July was advised to send all of his screen shots and video footage to PD digital media so we would be able to document them before they were deleted. July advised Riley was seen driving a red Toyota Prius when he was seen on the property but were unable to get a license plate of the vehicle.

Ofc Matykunis checked the area hotels for vehicle but he was unable to locate it at this time.

The cash with the drawings of the bunny and carrot along with the stickers that were left on the windows were collected and placed into evidence. Photos were taken at the scene and sent to PD digital media to be added to the case file.

July was advised if they see Riley around the business again to give PD a call.

This happened in Plano, Collin County, Texas. Nothing further.

On 10/2/23 I, Digital Media Forensics Supervisor Brandon Sailer, received five emails from Brandon Taylor and one email from Officer Sacco via the PDDigitalMedia email address that contained photos, videos, and screenshots to be submitted as evidence. I saved the files to my PC and also saved the emails from Mr. Taylor as .pdf files and hashed them with MD5Summer. I placed the files into a zip file and uploaded it to Evidence Library under this report number.

Because the files may not have been not sent in an original format, some of the metadata may not have been retained.

Activity Number:
OR 2023-00188437

Plano Police Dept.

SUPPLEMENTAL REPORT
ELFSTROM – RECORDS

Per the email request of Jennifer Vu, the violation **42.072(b) PC – Stalking** was changed to **42.07(a)(7) PC – Harassment – Repeated Electronic Communication.**

04/10/2024



Case Report Form
Collin County Criminal District Attorney

FM601.024
Revised: 04/2023

REPORT MADE BY:	S. Sacco #2041	INCIDENT NUMBER:	23-188437
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OFFICER(S) INVOLVED

INVESTIGATING:	J. Farias #1932	ARRESTING:	N/A
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DEFENDANT INFORMATION

NAME:	Mix, Riley Dalton	LOCATION:	UNKNOWN				
DOB:	██████████	AGE:	25	DL #	██████████	DL STATE:	NV
RACE:	White	SEX:	Male	SID#	N/A	TDC#	N/A
PHONE NUMBER:	██████████	RESIDENCE ADDRESS:	UNKNOWN				

ARREST INFORMATION


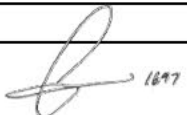
FELONY OR MISDEMEANOR:	Misdemeanor	ARREST TYPE:	<input type="checkbox"/> On-View <input checked="" type="checkbox"/> Warrant <input type="checkbox"/> GJ Referral		
DATE OF ARREST:	AT LARGE	PLACE OF ARREST:	AT LARGE	ARREST #	AT LARGE
WARRANT NUMBER:	2024-P-336	JUDGE:	Kristine Primrose	HABITUAL/SERIOUS OFFENDER:	No
CHARGE:	Harassment, TX PC 42.07(a)(7), Misdemeanor B	TX OFFENSE #	13160012		

VICTIM INFORMATION

NAME:	July, Eric Dewayne	ADDRESS:	████████████████████		
VICTIM DOB:	██████████	VICTIM RACE:	Black	VICTIM GENDER:	Male
VICTIM PHONE #:	██████████	VICTIM EMAIL:	info@ericdjuly.com		

OFFENSE INFORMATION

DATE & TIME OF OFFENSE:	09/26/2023 @ 1929 hours
WHERE & HOW COMMITTED:	In Plano, Collin County, TX, on or about September 26, 2023, Riley Dalton Mix (██████████), committed the offense of Harassment, PC 42.07 (a)(7), a Misdemeanor B, when he with intent to harass, annoy, alarm, abuse, torment, or embarrass the victim, July, sent repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend July.
PROPERTY TAKEN / DAMAGED & EVIDENCE OF VALUE:	N/A
EVIDENCE & SEIZURES:	See attached.
VOLUNTARY STATEMENTS OF:	N/A
CO-DEFENDANTS:	N/A
OTHER CHARGES:	N/A

OFFICER APPROVAL:	J. Farias #1932  1932	SUPERVISOR APPROVAL:	C. Turner #1697  1697
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SUMMARY

Affiant, Detective Jimmy Farias #1932, is a certified Master Peace Officer employed by the City of Plano Police Department for over 5 years. Affiant is currently assigned as a Detective with the Crimes Against Persons Unit and has had the opportunity to work and assist in investigating multiple types of offenses to include stalking, harassment, and assault types of offenses. In addition, Affiant has attended many training courses related to the investigation of these offenses to include training related to DNA, trace evidence, digital forensic evidence, and other types of evidence related to violent crimes. The facts contained in this affidavit were obtained through Affiant's personal investigation, review of related police reports, speaking with police officers, speaking with witnesses, and from reviewing related internet based content.

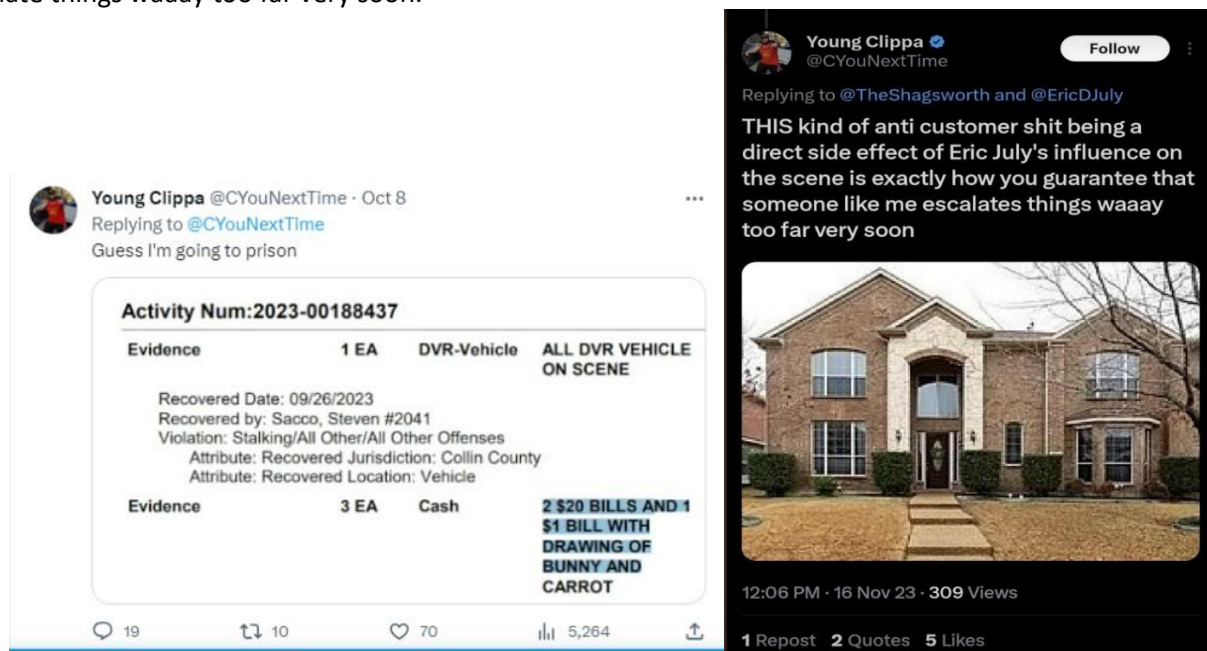
On Friday, September 29, 2023, Affiant was assigned investigative responsibility of a Stalking offense, Plano Police Department file number 23-188437. Affiant read the offense report completed by Officer S. Sacco #2041. The report documented that on Wednesday, September 27, 2023, at approximately 0051 hours, Officer Sacco and other officers responded to meet with the victim, Eric July [REDACTED], who reported that his business, Rippaverse Publishing, located at 4400 Tradition Trail suite 104, Plano, Collin County, Texas, had been vandalized by an individual named "Riley." According to Officer Sacco's report, July informed him that on Tuesday, September 26, 2023, at approximately 1700 hours, Riley showed up to Rippaverse Publishing and took photos and videos of him with a large pair of scissors before he returned after the sun went down on the same day and recorded a video of himself putting two \$20 bills and one \$1 bill on the windows of the business. July reported to Officer Sacco that Riley later posted those videos and photos to his own Twitter account using the twitter handle "@CYOUnextTime."

Affiant spoke to July, and he informed Affiant that Riley initially posted a video of himself on Twitter stating he was going to come to Texas and hold July down while he shaved him, which July disregarded, especially since he claimed Riley's Twitter account got temporarily suspended after July reported him to the platform; however, once Riley actually showed up to July's place of employment with large novelty scissors and later placed the provocative defaced dollar bills on his windows, July felt physically threatened and feared for the safety of his employees.

Affiant browsed the open-source internet and located the twitter handle "@CYOUnextTime" which had published a picture of Riley holding out the large novelty scissors on September 26, 2023, at 7:29PM, stating "I'm in Plano, pussy" and had tagged July's twitter account, "@ericdjuly." Screenshots are included below for reference, which also include another post from Riley's account published on September 26, 2023, at 11:48PM, physically showing Riley at Rippaverse Publishing with the aforementioned dollar bills taped behind him to the business windows.



Affiant also screen-captured the below post published on October 08, 2023, from Riley that acknowledged he was aware July had taken precautions and reported the incident to the police, and highlighted the “Evidence” portion which listed the dollar bills he left on the Rippaverse Publishing windows. Affiant later received correspondence from Rippaverse Publishing personnel that included the following screenshot of Riley publishing a picture of July’s home on a post in which he tagged July’s Twitter account published on November 16, 2023, while indicating that he might “...escalate things waaay too far very soon.”



Affiant obtained a search warrant and submitted it to X Corp (Twitter) for the electronic customer data for Twitter handle “@CYOUnextTime” and confirmed the account belonged to Riley Dalton Mix [REDACTED], whose identity was verified through Accurint records and the Regional Organized Crime Information Center's Criminal Intelligence Unit.

Based on the aforementioned facts and information, Affiant has probable cause to believe and does believe that on or about September 26, 2023, Riley Dalton Mix ([REDACTED]), committed the offense of Harassment, PC 42.07 (a)(7), a Misdemeanor B, when he with intent to harass, annoy, alarm, abuse, torment, or embarrass the victim, July, sent repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend July.

DEFENDANT NAME (Last, First Middle)	
Mix, Riley Dalton	
OFFENSE(S)	AGENCY CASE #
Harassment, TX PC 42.07(a)(7), Misdemeanor B	23-188437

ACKNOWLEDGMENT OF DISCLOSURE
BY LAW ENFORCEMENT AGENCY FILING CASE

In accordance with the Texas Code of Criminal Procedure, Art. 2.1397, I am providing this written statement to the Collin County Criminal District Attorney's Office, the attorney representing the State.

I am an employee of the Plano Police Department with knowledge of this case. I acknowledge that all documents, items, and information in the possession of the agency that are required to be disclosed to the defendant in the case under Article 39.14, Code of Criminal Procedure, have been disclosed to the attorney representing the State. If at any time the agency discovers or acquires any additional document, item, or information required to be disclosed to the defendant under Article 39.14, an employee of the agency shall promptly disclose it to the attorney for the State.

Signed this 10th day of April, 2024

Jennifer Dink Vu
Investigator / Officer / Employee Signature

CISD Record Tech #16732
Printed Name and ID Number

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Case Contacts

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