

CIV-23-0240  
CAUSE NO. Parker County - County Court at Law 2

MORGAN MCCOMB § IN THE COUNTY COURT  
Plaintiff, § AT LAW NO.\_\_\_\_  
v §  
JEFFREY LEACH, §  
Defendant. § PARKER COUNTY, TEXAS

**PLAINTIFF’S ORIGINAL PETITION**

COMES NOW, Plaintiff Morgan McComb (“Plaintiff” or “McComb”) and brings this her Original Petition against Jeffrey Leach (“Defendant” or “Leach”) and respectfully represent the following:

**I.  
SUMMARY OF ACTION**

1. This is an action for defamation for Defendant Leach’s statements published on Twitter that Plaintiff McComb is guilty of “treasonous sedition” because of her support for HB 3596 known as the “Texas Independence Referendum Act” or “TEXIT.” The facts of this case are similar to the recent case of *Dickson v. Afiya Ctr.*,<sup>1</sup> which concerned a pro-life activist who referred to organizations who operated abortion clinics as “criminal organizations” and stated that what they did amounted to “murder” at a time prior to the Supreme Court reversing *Roe v. Wade*. See *Dickson*, 636 S.W.3 at 257. The Dallas Court of Appeals held that the plaintiff in *Dickson* had stated a claim for defamation because the statements were statements of fact that could be objectively determined to be false by reviewing the status of Texas criminal law regarding abortion and that a reasonable person reading such statements could believe that the plaintiff intended them literally. *Id.* at 267.

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<sup>1</sup> 636 S.W.3d 247 (Tex. App.—Dallas 2021), *reconsideration en banc denied*, No. 05-20-00988-CV, 2021 WL 4963435 (Tex. App.—Dallas Oct. 25, 2021, no pet.) and *rev'd sub nom. Lilith Fund for Reprod. Equity v. Dickson*, No. 21-0978, 2023 WL 2193586 (Tex. Feb. 24, 2023).

2. The Texas Supreme Court narrowly reversed the Dallas Court of Appeals because of the overall context of the statement and the public's general understanding of the abortion debate:

A reasonable person, equipped with the national, historical, and temporal context, and informed by the overall exhortative nature of his posts, could not understand Dickson as conveying false information about the plaintiffs' underlying conduct, as opposed to his opinion about the legality and morality of that conduct. "A reasonable person would understand that [the plaintiff] is advancing longstanding arguments against legalized abortion, in the context of an ongoing campaign to criminalize abortion, on public-discourse sites regularly used for such advocacy.

*Lilith Fund for Reprod. Equity v. Dickson*, No. 21-0978, 2023 WL 2193586, at \*10 (Tex. Feb. 24, 2023).

3. Leach's statements can be distinguished from the statements at issue in the *Dickson* case because a reasonably intelligent member of the public is not equipped with the same general understanding and awareness that supporting Texas independence is not sedition or treason as compared to the general understanding that abortion is not legally defined to be murder.<sup>2</sup>

4. In fact, one obstacle to the movement for Texas independence is that many people mistakenly believe that it literally is sedition or treason to advocate for Texas independence. Thus, the holding the Texas Supreme Court reversing the Dallas Court of Appeals holding in *Dickson* does not apply to the facts of this case. Therefore, under the reasoning of the *Dickson* precedent, Leach's statement is actionable defamation.

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<sup>2</sup> Referring to the time period prior to *Roe v. Wade* being overturned.

**II.**  
**DISCOVERY CONTROL PLAN**

5. Discovery should be conducted under Level 3 in accordance with a tailored discovery control plan under Rule 190.4 of the Texas Rules of Civil Procedure (“TRCP”).

**III.**  
**CLAIM FOR RELIEF**

6. Plaintiff seeks only monetary relief of \$250,000 or less.

**IV.**  
**PARTIES**

7. Plaintiff Morgan McComb is an individual residing in Parker County.

8. Defendant, Jeffrey Leach is a member of the Texas House of Representatives who is being sued in his individual capacity and who may be served with process at his residence located at 800 Glen Rose Dr., Allen, Texas 75013 or wherever he may be found.

**V.**  
**FACTUAL ALLEGATIONS**

9. Plaintiff McComb is a member of the Texas Nationalist Movement, a organization dedicated to seeing Texas return to being an independent nation through a legal process starting with placing a referendum on the ballot.

10. On March 6, 2023 Texas State Representative Bryan Slaton tweeted, “Today, I filed HB 3596, which is commonly known as the ‘Texas Independence Referendum Act,’ or TEXTIT.” **Exhibit A**, p. 2. The “TEXTIT Bill” would allow Texans the opportunity to vote in the next general election on whether they wish for Texas to leave the United States and establish an independent nation.

11. Defendant Leach retweeted Rep. Slaton’s Tweet stating, “This ridiculous bill is the very definition of hypocritical & seditious treason & it is already dead.” **Exhibit A**, p. 3. Retweet from Rep. Leach. Leach further tweeted “Any legislator who signs on to support this reckless, seditious and treasonous bill will not pass a single bill this session.”

12. McComb, one of Leach's constituents, then tweeted at Jeff Leach: "Are you accusing me of treasonous sedition? A person who is tired of living under the boot of the federal govt. Texans who love this state?" **Exhibit A**, p. 2. Leach publicly responded on Twitter: "If you believe that Texas should secede from the United States of American# [sic] – then yes. Unequivocally yes." *Id.*

13. In fact, there is no law of the United States or other applicable law that makes it a crime of sedition or treason to "believe that Texas should secede from the United States."

14. Both "seditious conspiracy" and "treason" are serious crimes under the United States Code. "Seditious conspiracy" is defined as follows:

If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both.

18 U.S.C. § 2384.

15. "Treason" is defined as follows:

Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States.

18 U.S.C. § 2381.

16. In fact, contrary to Leach's statements, the act of supporting the TEXIT Bill does not fall under the definitions of either of these two crimes.

**VI.**  
**CAUSE OF ACTION: DEFAMATION PER SE**

17. Plaintiff incorporates all of the allegations stated above and as though fully set forth herein.

18. Leach published a statement of fact referring to McComb when he indicated in a tweet that McComb was guilty of “seditious treason” for

19. Both “seditious conspiracy” and “treason” are crimes under the United States Code.

20. Neither McComb’s support for the TEXIT Bill nor a belief that “Texas should secede from the United States” fit the definition of treason or sedition under the United States Code or any other applicable law. Thus, Leach’s statement was false.

21. The statement was defamatory because a reasonable person of ordinary intelligence could read Leach’s statement and conclude that he was accusing McComb of a crime.

22. Whereas Leach, an attorney and lawmaker, certainly knows how to review and apply the definitions for seditious conspiracy and treason, he made the statement with knowledge of its falsity or reckless disregard for its falsity.

23. A statement that falsely accuses a person with the commission of a crime is considered defamation per se, and damages are presumed. *See, e.g., Leyendecker & Associates, Inc. v. Wechter*, 683 S.W.2d 369, 374 (Tex. 1984). Leach falsely accused McCombs with a crime. Therefore, damages are presumed.

**VII.**  
**CONDITIONS PRECEDENT**

24. All conditions precedent to Plaintiff’s claim for relief have been performed or have occurred.

**VIII.**  
**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Morgan McComb prays that the Court grant her judgment against Defendant Jeffrey Leach for damages and pre-judgment and post-judgment interest and grant her all other and further relief to which she may be entitled.

Respectfully submitted,

*/s/ Paul M. Davis* \_\_\_\_\_

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ATTORNEY FOR PLAINTIFF  
MORGAN MCCOMB

# EXHIBIT A



**Jeff Leach**

Follow

9,908 Tweets



This same State Representative - who here is violating his very oath of office - will proudly pledge allegiance to the American flag every day when we commence [#txlege](#) session.


This ridiculous bill is the very definition of hypocritical & seditious treason & it is already dead.



**Bryan Slaton** @BryanforHD2 · Mar 6

Today, I filed HB 3596, which is commonly known as the "Texas Independence Referendum Act," or TEXIT

If passed, it will place a referendum on the ballot during the next general election, allowing the people of Texas to vote on whether or not the State [bryanslaton.com/issues/textit\\_p.....](http://bryanslaton.com/issues/textit_p.....) [Show more](#)



TEXAS HOUSE OF REPRESENTATIVES  
**BRYAN SLATON**  
*District 2*

For Immediate Release  
Monday, March 6, 2023  
Contact: Andrew McVeigh  
[andrew.mcveigh@house.texas.gov](mailto:andrew.mcveigh@house.texas.gov)

**Representative Slaton Files TEXIT Referendum Bill**

AUSTIN, TEXAS – Today, Representative Slaton filed HB 3596, which is commonly known as the "TEXIT Referendum Act." If HB 3596 is passed, it will place a referendum on the ballot during the next general election, allowing the people of Texas to vote on whether or not the State should investigate the possibility of Texas independence, and present potential plans to the Legislature.

Representative Slaton stated the following: "The Texas Constitution is clear that all political power resides in the people. After decades of continuous abuse of our rights and liberties by the federal government, it is time to let the people of Texas make their voices heard."

If a majority of the people of Texas vote 'yes' on the referendum, a committee will be established to investigate the feasibility of independence from the Union and propose options and potential plans for independence to the Texas Legislature.

Rep. Slaton added, "On this 187<sup>th</sup> anniversary of the fall of the Alamo I'm proud to file this bill to let the people of Texas vote on the future of our State. Texas was born out of a desire for liberty and self-governance, and that desire continues to burn in the hearts of all Texans."

Similar legislation was filed by Rep. Kyle Biedermann in the 87<sup>th</sup> Legislature, where it was referred to the State Affairs committee and failed to receive a hearing, and died.

###



208



132



508




204.7K







**Jeff Leach**  @leachfortexas · Mar 6

Any legislator who signs on to support this reckless, seditious and treasonous bill will not pass a single bill this session.

This isn't a threat. It's a promise.

[#txlege](#)



**Chad Hasty** @ChadHastyRadio · Mar 6

.@leachfortexas doesn't appear to be a fan of the textit bill.  
[twitter.com/leachfortexas/...](https://twitter.com/leachfortexas/)



**Jeff Leach**  @leachfortexas

If you believe that Texas should secede from the United States of American# - then yes. Unequivocally yes.



**Morgan McComb** @MorganMcComb · Mar 6

@leachfortexas Are you accusing me of treasonous sedition? A person who is tired of living under the boot of the federal govt. Texans who love this state?

7:50 PM · Mar 6, 2023 · **58.8K** Views

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Paul Davis on behalf of Paul Davis

Bar No. 24078401

pauldavis@utexas.edu

Envelope ID: 74753473

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#### Case Contacts

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