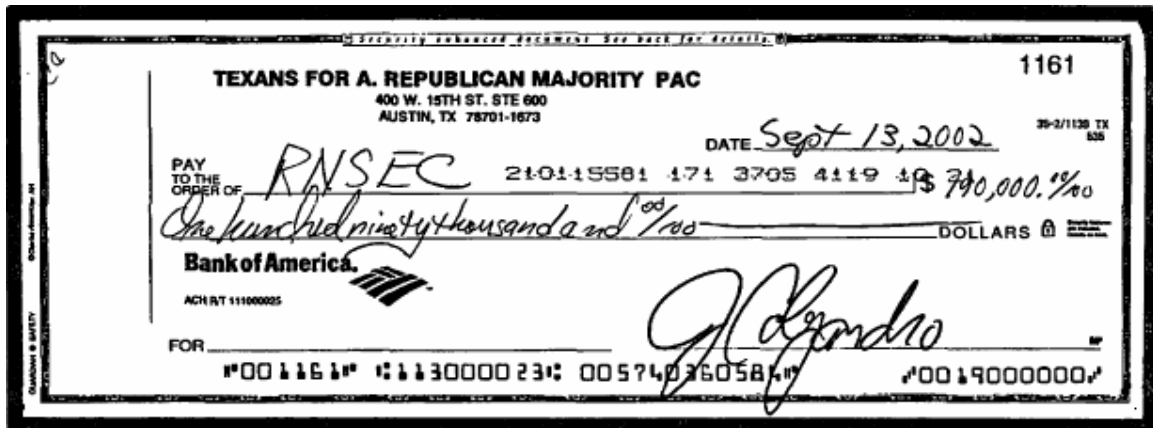


the defendants herein, with the intent that a felony be committed, did enter into an agreement with one or more of each other or with a general purpose political committee known as Texans for a Republican Majority PAC that one or more of them would engage in conduct that would constitute the offense of knowingly making a political contribution in violation of Subchapter D of Chapter 253 of the Texas Election Code, a violation of Sections 253.003 and 253.094 and 253.104 of the Election Code, in that said contribution was made directly to the Republican National Committee, a political party, during a period beginning sixty days before the date of a general election for state and county officers and continuing through the date of the election, and indirectly to candidates for the Texas House of Representatives, and that said contribution included a prohibited political contribution by a corporation; and that John Dominick Colyandro, and James Walter Ellis, and Texans for a Republican Majority PAC did perform overt acts in pursuance of the agreement, to wit: John Colyandro and Texans for a Republican Majority PAC did accept contributions from corporations, namely Diversified Collection Services, Inc. in the amount of \$50,000, and Sears, Roebuck and Co. in the amount of \$25,000, and Williams Companies, Inc. in the amount of \$25,000, and Cornell Companies, Inc. in the amount of \$10,000, and Bacardi U.S.A., Inc. in the amount of \$20,000, and Questerra Corporation in the amount of \$25,000; and James Ellis and Texans for a Republican Majority PAC did tender, deliver, and cause to be tendered and delivered to the Republican National Committee and Terry Nelson, a representative of the Republican National Committee, a check (a copy of which is hereinafter reproduced) payable to RNSEC (the Republican National State Elections Committee, a nonfederal component of the Republican National Committee) in the amount of \$190,000, said check being from the same bank account into which the above-described corporate contributions had been deposited; and James Ellis and Texans for a Republican Majority PAC did

provide the said Terry Nelson with a document that contained the names of candidates for the Texas House of Representatives and amounts to be contributed to each of the said candidates, namely, Todd Baxter, Dwayne Bohac, Glenda Dawson, Dan Flynn, Rick Green, Jack Stick, and Larry Taylor; and James Ellis and Texans for a Republican Majority PAC requested, solicited, and proposed that the Republican National Committee and the Republican National State Elections Committee make political contributions to said candidates after the aforesaid check was delivered to Terry Nelson; and John Colyandro did sign the aforesaid check; and John Colyandro did deliver the aforesaid check, and did cause the aforesaid check to be delivered to James Ellis by instructing Russell Anderson to send the aforesaid check to James Ellis;

[INDICTMENT EXHIBIT]



THE GRAND JURY FURTHER PRESENTS that, with the advice and consent of counsel, the defendant, THOMAS DALE DELAY, did heretofore knowingly, intelligently, and voluntarily waive the application of Articles 12.01 and 12.03 of the Texas Code of Criminal Procedure to the indictment presented herein. In particular, the Grand Jury present that with the advice and consent of counsel, the defendant, THOMAS DALE DELAY, did knowingly, intelligently, and voluntarily

waive the requirement that an indictment for the felony offense of criminal conspiracy, the object of which is a felony other than those listed in Subdivisions (1) through (5) of Article 12.01 of the Texas Code of Criminal Procedure, may be presented within three years from the date of the commission of the offense, and not afterward, insofar as such requirement pertains to the indictment presented herein,

THE GRAND JURY FURTHER PRESENTS that on or about the thirteenth day of September, A.D., 2005, the Grand Jury of the County of Travis, State of Texas, duly selected, organized, sworn, and charged as such at the April term, A.D., 2005, of the 147th Judicial District Court of said county, in said court at said term, upon their oaths did present an indictment charging the defendants, JOHN DOMINICK COLYANDRO AND JAMES WALTER ELLIS, with the offense hereinbefore charged in this indictment, and the said indictment was pending in the 331st Judicial District Court of Travis County, Texas at the time of the presentment of this indictment.

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Foreperson of the Grand Jury