Five felony charges against former Keith County Attorney Blake Edwards were dismissed.

In a written order, filed in Keith County District court, County Judge Anne Paine dismissed the two counts of tax evasion and three counts of filing false income tax statements charges, citing lack of evidence.

After an Oct. 5 preliminary hearing on the five counts, Paine took the information under consideration and rendered her ruling Monday, Oct. 17.

On the two counts of income tax evasion, where the state alleged Edwards “willfully attempted to evade paying taxes” on income earned during 2007 and 2008, none of the exhibits presented, which included copies of income tax forms from 2007, 2008 and 2009, were signed.

To prove Edwards attempted to evade paying taxes on income earned, the state is required to show Edwards filed the tax returns, Paine wrote.

In addition, Paine wrote in her order, Nebraska Department of Revenue Criminal Investigator Marcus Ford testified the exhibits were obtained by subpoena from Edwards’ tax accountant. Ford testified he did not personally question the tax accountant.

Regarding the counts of filing false income tax returns in 2007, 2008 and 2009, Paine wrote that there was no evidence to show that the tax returns used as evidence were signed by Edwards or filed with the Nebraska Department of Revenue, and that state statute requires such action to show that a crime has been committed.

“Without some evidence that the returns offered at the preliminary hearing were signed, verified and actually filed by the defendant, the plaintiff has failed to establish any proof that the alleged crimes have been committed,” she wrote.

During the Oct. 5 hearing, Edwards’ attorney Chuck Stolz had encouraged Paine to dismiss the charges based on those specific reasons.

Edwards still faces three felony theft by unlawful taking charges, which stem from him allegedly mishandling the diversion program fund during the time he was in sole control of the fund while serving as Keith County attorney.