

The Independent OBSERVER

April 16, 2012

ATTC-MAGO-R002

REPORT

From

Access To The Courts
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Unwritten Rules by attorneys and judges use prejudice to subvert the law and violate the constitutional rights of citizens!

Unwritten Rules are a direct result of a lack of discipline for persistent non-compliance to professional standards of conduct often condoned by overseers, judges, and judicial counsels. Such unprofessional conduct leads to crimes.

To

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Problem: Lack of Accountability of Civil (Public) Servants – Dereliction of Duty and Substandard Conduct

Subject: The Scituate Matter – Police Crimes, Cover ups, and Malicious Prosecutions ALL IN ONE

Reference: **Motion for Injunctive Relief** re Jury Trial on September 18, 2008 (for Disorderly Conduct) ON GROUNDS OF PROSECUTION WITNESS MISCONDUCT, in Hingham District Court No. 0558CR000954 [ATTACHED 42 Pages + Cover]

This report is the second in a series of reports to the Massachusetts Attorney General Office (MAGO) in support of investigations into the criminal conduct of police, attorneys, and judges who have errantly and intentionally prejudiced the legal system against Jeffrey L. Clemens for the purpose of concealing official misconduct, crimes, and a culture of dishonesty and prejudice.

Jeffrey L. Clemens has faced only two criminal trials in his life, both in Massachusetts:

September 18, 2008 re Disorderly Conduct [from an accusation by Scituate Police Sgt. Michael O'Hara]
May 11, 2011 re E-mailing Threatening Communications [from an accusation by Sgt. Michael O'Hara's and Town of Scituate's counsel Stephen C. Pfaff – the focus of prior criminal complaints to MAGO]

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In both cases, release pending appeal had been denied, particularly by the judges – Ronald Moynahan in state court and Douglas Woodlock in federal court.

For the first, a 6 month sentence was served before the Court of Appeals reversed the conviction AND while two related charges stemming from the same incident were pending, oddly separated and headed for separate trials, though using the same facts and witnesses...and very unfair and prejudicial process.

For the second, a 60 month sentence is being served while in appeal despite a documented host of obvious and highly prejudicial errors. Official misconduct also plays no small part in those proceedings, as documented by Access To The Courts [.org].

The attached Motion for Injunctive Relief is based on two primary grounds:

- 1) Sole Prosecution Witness Misconduct
- 2) Lack of Probable Cause in Criminal Charge of Disorderly Conduct (as a result of sole prosecution witness misconduct)

Issues for Injunctive relief include:

CONTESTABLE FACTS (not allowed challenge by the Defendant)

DELIBERATE OMISSIONS (of ostensibly collaborative or potentially countering evidence)

INCONSISTENCIES & DISCREPANCIES (existing prior to trial)

HEARSAY EVIDENCE (used extensively by the reporting police officer)

COMPARATIVE ANALYSIS (revealing questionable, missing, or prejudicial information)

REASONABLE INFERENCES (that differ from false impressions constructed by police)

The Motion for Injunctive Relief was never ruled upon, though an earlier written Motion for Mistrial was denied.

The Motion for Injunctive Relief proves the perjury on the part of Scituate Police Officer Michael O'Hara and indicates an obvious cover up by O'Hara's boss, Lt. John C. Rooney. What does MAGO's refusal to investigate O'Hara and Pfaff – actually a refusal to acknowledge jurisdiction – more actually an insistence that somebody else has jurisdiction – say about these crimes? - That we have a system better at putting innocent citizens in jail than holding public servants accountable. How sustainable is that?