[June 9, 2010]

[DOJ Office of Inspector General: please consider this as a submittal]

Assistant US Attorney David Tobin,

I have observed your world (of litigation, particularly criminal prosecution) for almost 13 years, beginning with an "attempted" prosecution of Jeffrey L. Clemens in Beverly Hills, CA, the very first (of too many to come). The private security and threat management firm, Gavin Debecker (& Associates), Inc., instigated that prosecution with their citizen arrest – weeks earlier - of Mr. Clemens for alleged trespassing in a public lobby. Their letter writing to the Beverly Hills police alleging mental illness on the part of Mr. Clemens was an early and disingenuous way to cover for their crime of assault upon Mr. Clemens, which police and prosecutors choice to not pursue or even investigate.

I have concluded that in your world the notion that the ends justify the means has taken hold. But, what justifies the ends?

In your world, the (criminal) convictions justify the prejudice. Convictions are needed to protect the public and offer a deterrent to crime. But, what justifies the departure from the diligent application of the rule of law in such prosecutions and achieved convictions?

I'm with the governed and I'm here to help.

Firstly, to commemorate the peaking of prejudice in our US Justice System, I am announcing the 5 year anniversary of the founding of Access To The Courts and its accompanying website, www.accesstothecourts.org, on June 11, 2005. You will be honored with being named the top Peak Prejudice professional in our legal system.

Secondly, to ameliorate the peaking of prejudice, I am offering up your best hope of passing the top PP professional prize to someone else. That is, to assure that you successfully prosecute a Querilous Paranoia claim against Jeffrey L. Clemens, I am going to help you with the obvious technical and legal challenges of bringing that prejudicial means to a convictional end.

The candidate for winning the top PP prize after you is US District Court (Boston) Judge William G. Young, a judge-turned-prosecutor, as he lent his name to initiating the current prosecution of Jeffrey L. Clemens. Before any FBI criminal complaint was prepared or sworn out or filed (with Judge Young's junior magistrate judge), before any investigation into official misconduct identified by Mr. Clemens, and before any grand jury convened, Judge Young provided a published, public accusation that Jeffrey L. Clemens had made threatening communications, without even citing the communication, leaving Mr. Clemens defenseless…that is prejudice in its purest form, in its peak form!

Let's get back to the Querilous Paranoia pretext. You have these obvious hurdles to surmount:

1) Provably false statements by FBI Agent Rachel R. BOISSELLE in her Complaint of March 16, 2010 (for an Arrest Warrant) and provably false statements by Agent BOISSELLE in her Form 302 Report of March 18, 2010 (for use by attorneys determining detention terms and conditions following the arrest of March 17, 2010, prompted by the said Complaint). Such falsity is recognizable by merely reviewing the public court records (at the US District Court in Boston, case numbers 1:2007-cv-10845 and 1:2009-cv-11821), the same records BOISSELLE presumably reviewed. The criminal prosecution in 1:2010-mj-01016 and 1:2010-cr-10124 do tell a story. If amateurs like me could identify the false statements, then certainly the OIG at the DOJ could identify them, too. The DOJ OIG is herein requested to look into the matter.

2) The subversion of the law by Judge William G. Young on March 9, 2010 in his Order of March 9, 2010, in Jeffrey Clemens v. Town of Scituate, et al, wherein the judge is the first to accuse Jeffrey Clemens of threatening communications (without actually citing the communication) and his Order of April 2, 2010 dismissing the civil suit (brought by Mr. Clemens against the Town of Scituate et all, including your Suffolk Law 1988 classmate Stephen C. PFAFF, who happens to be the so-called victim in said threatening communications), wherein the judge dismissed a suit with prejudice without citation of facts or law to support a dismissal, i.e., without addressing the merits of the case…to say nothing of the apparent improper ex parte communication (as said communication was not part of the court record or pleadings). It is going to be hard to argue paranoia (or another prosecutor favorite, to argue delusions) when the accused is denied a lawful means to adjudicate and prove claims.

3) Professional derelictions in the mental evaluation process to date, namely the unfounded, limited bases, court-directed notions of delusions in these three reports:

YANOFSKY REPORT – oops, the doctor forgot to actually read the court documents specifying claims and evidence of official misconduct, instead basically reading unopposed hearsay-self-interested reports by police and others make accusations against Mr. Clemens.

CASSEL REPORT – professional dereliction that was given immunity by the court in subsequent civil litigation by Mr. Clemens, but clearly challenged (and attached) in a 6th Circuit brief relating to alleged Supervised Release violations, starting with – what else – an accusation of a threat against FBI Agent Thomas GREENAWALT, but the DOJ OIG already knows about him. We already know that USDC Judge Katz said there was no threat, but he changed terms of a prior agreement anyway.

NIEBERDING REPORT – the result of court ordered competency evaluation by USDC Judge David A. KATZ, an order never served on the Defendant Clemens, an order following a previous order barring Mr. Clemens from contacting law enforcement officials and from traveling to Massachusetts to defend against the charges in which attorney Stephen C. PFAFF is accused (of suborning perjury) in the civil case dismissed by Judge Young. The N Report provided a good excuse to keep the counseling going…

4) The provable perjury and false reporting by Scituate Police officer Michael O'Hara, cover-up by his "boss" John Rooney, and perjury-suborning by the Town of Scituate defending attorney Stephen C. PFAFF. Putting two corroborating witnesses together in the same sworn deposition is a sickening disregard for ethics and the Rules of Professional Conduct, especially when one of them was to go on the stand the next day against Mr. Clemens, who had no idea a trial on only one of three charges was to commence, the charge that relies only on one officer's testimony (O'Hara, and not directly on the testimony of witnesses that Mr. PFAFF withheld from Mr. Clemens during previous civil litigation), a charge that was wholly fabricated by Mr. O'Hara. All of these criminal behaviors have been ignored by the FBI, who chose to instead arrest Mr. Clemens on March 17, 2010.

5) The improper dismissal on March 18, 2010 (the day after the arrest in the current prosecution, in which Defendant Jeffrey L. Clemens is disallowed access to legal research, disallowed work release to make a living, and is confined to home) of the civil case Jonathan A. Clemens v. Town of Scituate (and Gavin Debecker & Associates). The court wrote an order which contradicts the court record, which ignores the filing of the Return of Service on the Town of Scituate, citing inactivity when there had in fact been activity on the case. The Complaint in that case illustrated the extension of misconduct beyond Jeffrey to his brother Jonathan. The Complaint (dismissed by the disqualified-in-a-related-case Judge Stearns) describes the horrific hack job our public servants performed on September 18, 2008, leading to a 6 month incarceration of Jeffrey Clemens and gutted US Constitutional rights of Jonathan Clemens.

6) Gavin Debecker & Associates (noted above) are professional associates of the FBI, US Secret Service, and to other US agencies and is the security and threat management company sued by Jeffrey L. Clemens in 1998 for false arrest, false imprisonment, and defamation. Jeffrey was exonerated for the trespass charge instigated by this firm, when the Beverly Hills judge threw the case out in 1997. Gavin Debecker's involvement in Jeffrey Clemens' litigation exists to this day. Just ask them. Maybe you know that already.

7) The past association of US Attorney David Tobin with Plymouth County Assistant DA Richard Linehan, who prosecuted Jeffrey L. Clemens (ambush style on September 18, 2008 at Hingham District Court in Hingham, MA) with the perjured testimony of Scituate Police officer Michael O'Hara, helped along by Scituate's attorney Stephen C. PFAFF, David Tobin's Suffolk Law classmate.

I hope I have helped in identifying the problems you must first overcome before pursuing a prejudicing, life-wrecking (via months-long incarceration) Querilous Paranoia claim against Jeffrey L. Clemens. You see, I have information indicating your intention to play the mental card. Gavin Debecker did that "successfully" in 1997, and only had to pay with over a decade of litigation and one hell of an appearance of corporate impropriety and corruption of our government, your employer.

We have now come to the real point of this communication.

This is a submittal to the US Department of Justice Office of Inspector General Hotline, alleging intentional false reporting by FBI Agent Rachel R. BOISSELLE.

The OIG Hotline knows me, as I submitted a facts-based complaint of perjury against FBI Agent Ingerd SOTELO on September 18, 2005 (and two more updates later – all before your fellow US Attorneys used release from 7 months of pretrial incarceration – achieved largely through the unopposed OHARA report used to charge Mr. Clemens in May 2005 in Massachusetts – to achieve an extorted plea) and a facts-based complaint of rights violations and false reporting by FBI Agent Thomas GREENAWALT on August 17, 2006, just five days before Judge KATZ improperly changed Supervised Release conditions to deny Mr. Clemens the ability to defend himself against pending charges in Massachusetts. Mr. Greenawalt's misconduct was already introduced in the Sotelo complaint, so it would be of interest to know about communication between the two in 2005 and 2006. Mr. Greenawalt, I understand, is involved in this current prosecution, as he was consulted as to the contents of the alleged threatening communications. Mr. Greenawalt's threat accusing phone call to probation folks in Toledo, Ohio in August 2006 just so happens to follow the DOJ OIG's transmittal of the case to the FBI, indicated to me by a written letter in early August 2006.

It is demanded that the DOJ OIG not cover up the misconduct of accused FBI Agents, but instead conduct diligent investigations into matters brought by the people it is paid to serve.

The OIG Hotline ignored my SOTELO complaint (saying later that they knew nothing about it, despite three separate submittals by email, necessitating my separate and subsequent submittal) and ignored my GREENAWALT complaint. The FBI, in a written letter in November 2006, signed by Timothy C. CAMPBELL, found no "serious misconduct" and dropped the matter, but not without acknowledging receipt of the GREENAWALT complaint via the hotline, as they put Greenwalt's name in a letter addressing the SOTELO complaint, the only acknowledged investigation going on. They dropped nothing but the US Constitution and the Oath they swore to uphold.

The DOJ Office of Inspector General should not be dropping this complaint. This memo will be mailed with receipt confirmation to the DOJ Inspector General (Glenn A. Fine or his successor), US Attorney General (Eric Holder), and US Attorney of the Boston District (Ms. Carmen Ortiz). Maybe they can help you, too, Mr. Tobin.

Welcome to Hadleyburg. Actually, you have been there the whole time.

Sincerely,

Jonathan A. Clemens
Access To The Courts