

## **ATTACHMENT (B) to OPEN LETTER to the Residents and Citizens of Scituate, Massachusetts**

**16 September 2012**

Information provided herein is in greater part documented on the [www.accesstothecourts.org](http://www.accesstothecourts.org) website.

### **Introduction**

The Access To The Courts website was mysteriously expunged and all files destroyed in August 2008, just weeks before the Town of Scituate police officer Michael O'Hara perjured himself, as the lone prosecution witness in a Disorderly Conduct trial against Jeffrey L. Clemens – the featured victim of prejudice since the website was created on June 11, 2005 – in Hingham District Court.

### **The Hingham Horror**

On September 18, 2008, a horrific example of prosecutorial and judicial misconduct played out, to not only suborn perjury and violate the rights of the defendant Jeffrey L. Clemens – charged with three baseless crimes, in The Scituate Scandal, but only on trial for Disorderly Conduct (a matter involving only police as witnesses) – but the violation of the civil rights of an observer – the undersigned – also accompanied the travesty of justice.

A trial commenced, whereby Judge Ronald Moynahan forced the Defendant Clemens to represent himself (under protest), totally unprepared (as it was supposed to be a status hearing), without witnesses (like Ms. Shelly Laveroni and officer Tim Goyette) and without preparation and without the transcripts of the famous 911 phone call from Shelly Laveroni. The only prosecution witness – Scituate Police officer Michael O'Hara – was allowed to perjure himself, especially with the witnesses Shelly and Tim not there to testify or to be cross-examined.

Judge Moynahan ordered the undersigned, who was attending the status hearing with the Defendant Clemens, to not take any notes, and had his bailiff tell the undersigned where to sit in the public area, all this after demanding the content of a private discussion between the Defendant and the undersigned brother. Additionally, Judge Moynahan made derogatory remarks and false allegations to the Defendant in front of the jury. Unbelievable! But the undersigned witnessed it.

The sad result was a conviction after 5 minutes of jury instruction and only 14 minutes of jury deliberation. Mr. Clemens was immediately sentenced to 6 months incarceration – the maximum for Disorderly Conduct – for allegedly “lunging” at a police officer when told he was free to go! The conviction entirely depended on collective misconduct, lies, prejudice, and subversion of court rules and law. The conviction was reversed on appeal, but not until after nearly 6 months in the Plymouth County House of Detention, where Mr. Clemens was assaulted and literally knocked unconscious.

To add insult to injury, the pending lawsuit against the Town of Scituate, filed in May 2007, for false arrest and imprisonment on the Disorderly Conduct charge, was dismissed upon a motion by the perjury suborning counsel Stephen C. Pfaff because of the conviction (called the Hech Bar...which says that a criminal conviction on a charge overrides damages otherwise awardable in civil court due to a false arrest for the same charge.) Jeffrey had the law and facts on his side in the civil case, but a perjured, prejudiced criminal trial against him was to take that access to justice away.

A motion for mistrial was verbally denied on September 18, 2008, while a later written motion for mistrial was denied as well. Judge Moynahan proved his lack of integrity and lack of independence.

## References

B1) Motion for Mistrial, filed in Hingham District Court in 2008 [illustrating the intentional prejudicing and abuses at a sham trial, that at a minimum should have allowed a defense counsel, preparation, and defense witnesses, and documentary evidence like 911 transcripts]

B2) Motion for Injunctive Relief, filed in Hingham District Court in 2008 [proving falsity of police suggesting the reason for the police to withhold discovery from a criminal defendant and public information – the 911 phone call – from the public]

## Conclusion [The Hingham Horror]

Two Scituate police officers made serious mistakes of judgment on May 12, 2005. They jointly participated in a false arrest. But, only one of them was made available to testify at a trial against Mr. Clemens. Officer Michael O'Hara testified, as he was the only officer writing a report about the arrest. Prosecutors – Assistant DA's Richard Linehan and David C. Belger – knew what they had to do...reduce the scope of the trial from three charges to one, the one with only police as witnesses, so that a conviction is based on the jury deciding between an accused criminal defendant and a police officer, while the incident giving rise to (misconducting) police involvement to begin with is completely buried.

The corruption of the Scituate Police was mirrored and "handled" by the Assistant District Attorneys, who share no small amount of dereliction and dishonor and dishonesty.

The root cause of police misconduct is judicial misconduct. If the citizens of Scituate fail to make their police accountable, then the courts will not get the message to end their own support of dishonesty and prejudice throughout the legal system. This will leave a legacy of disgrace for the town, a legacy of indifference to justice, a legacy of irresponsibility, and a lasting lack of civility.



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Access To The Courts (.org)