

Next Monday, May 9, a man is scheduled to go on trial in the United States District Court in Boston. One day he is a pro se plaintiff against a town that had done him wrong, the next he is an accused criminal defendant for emailing the town's attorney.

The man, Jeffrey L. Clemens, is no stranger to the Town of Scituate. Out of an amazingly prejudicial encounter with one of their police officers sprang one of the most prejudiced and potentially scandalous legal battles imaginable for anybody. A non-profit organization, Access To The Court (.org), was founded on June 11, 2005 as a direct result of the interminglings of local (state) and federal authorities, which were to follow from an otherwise very civil visit by the man to Scituate, Massachusetts on May 12, 2005.

A story is often best told from the beginning. But, there are not enough pages in this issue or website of the newspaper to tell that story. The first three years of that story was documented on the Access To The Courts (.org) website as of August 2008, but mysteriously disappeared that month. The ambush trial just weeks later for Disorderly Conduct, a questionable charge made by a Scituate police officer three years earlier, demonstrated how prejudice works in our legal system.

The Patriot Ledger reported on two additional charges stemming from the noted incident in May 2005, in a June 2005 article. Only, the newspaper erroneously accused Mr. Clemens of stalking. The paper even documented a Scituate police officer commenting on an open investigation. In any case, the Scituate police used additional charges to cover for their provably false original charge of Disorderly Conduct, a charge levied only after the man was arrested without reason, with the officer's real goal to charge him with something his partner at the station was still researching. Woa, this can get complicated.

So, the man faces three unfounded charges from the Scituate Police Department in 2005, while they shared the officer report with federal authorities, to be used in their own prosecution, all to conceal a history of prejudice against Mr. Clemens, mostly at the hands of errant police. We do not need to indict the police here, for the whole story will show how easily the police have indicted themselves.

A complaint of police misconduct in a provably false speeding ticket matter in Bellevue, WA almost 17 years ago by Jeffrey Clemens spawned a generation of prejudice by police, attorneys, and judges. An invited sit down with a detective to discuss the complaint resulted in a secret reporting of an "arrest" for alleged criminal harassment, though no charges were ever filed. But, the FBI kept a record of it for all to see later. The harassment arrest was in direct response to Mr. Clemens' inquiry into his complaint, as the police also pursued a Restraint Order to keep Jeffrey from contacting the police! Police apparently do not like to be held accountable.

Future encounters with police, albeit nothing but lawfulness and civility demonstrated by Mr. Clemens, followed a pattern of police malfeasance or initial unintentional prejudice, followed by intentional prejudicing to cover up such inappropriate action. An incident of an assault upon Jeffrey in Beverly Hills in 1997 in a public lobby, two years after the Bellevue matter, was covered up by a charge of trespassing. Jeffrey was exonerated when the judge at trial threw out the case. The trend line was now

established, as Jeffrey faced a lifetime of prejudice by police, who have exclusive access to arrest records. That record was to be completely radioed to the Scituate officer in 2005, prompting an unjustified prejudiced response from the officer, which itself prompted a cover up by senior officers, who found the federal authorities of use in that regard.

Jeffrey Clemens filed a civil suit against the Town of Scituate in May 2007. An attorney for the town ensured that Mr. Clemens did not have important depositions of witnesses before the trial (of three charges). Prosecutors in Plymouth County were to disingenuously separate the three charges, under protest from Mr. Clemens. The Scituate police withheld 911 call and radio log recordings for over three years, as Jeffrey was prevented from timely going to trial. Jeffrey merely had made a civil inquiry at a residence, left politely, and was later pulled over by Scituate police after the resident called 911. The officer report was later to be found to be highly discrepant with the 911 call. A trial for only Disorderly Conduct ensured a police advantage over the private citizen...an officer's word against a lone citizen's word. Who wins there? Jeffrey had no opportunity to subpoena witnesses, let alone have access to transcripts of 911 calls and radio logs, as those had been withheld. An ambush trial in September 2008 led to a conviction, which was later reversed on appeal. The saga continues to this day.

The ambush trial in 2008 was preceded by a lawsuit for false arrest, which the town's attorney used to dismiss the lawsuit filed 16 months before trial. Only, the attorney had helped to manipulate the criminal proceedings to ensure a conviction. Intentional prejudice had real returns for these people. Jeffrey Clemens filed another lawsuit in October 2009 for malicious prosecution for the other two charges, naming the town's attorney as a co-defendant. That attorney violated attorney ethics rules in representing the town, filed a belated motion to dismiss, and communicated ex parte with the court with an email from Mr. Clemens alleged to have been threatening. The civil case is inappropriately thrown out and Mr. Clemens is charged with a crime of emailing an interstate threat.

A trial is pending, despite pretrial efforts to find the intentional prejudicing as grounds for dismissal, not to mention outright knowing falsification of material facts under oath. There is no crime on the face of the email, only misconduct in an original complaint to get Mr. Clemens arrested – resulting in a pretrial release term banning any new lawsuits. Misconduct continued at a subsequent grand jury, where prosecutorial and FBI witness prejudicing jumps out from the pages of the transcripts. The US attorney, David G. Tobin, withheld those complete transcripts for over 11 months, ensuring Jeffrey's inability to affect a pretrial dismissal. We are at the threshold of another ambush trial that will rely on prejudice, innuendo, and confusion to get a conviction. This time, there is no associated civil lawsuit – which Mr. Clemens could have rightfully used to gain access to evidence – because the feds inappropriately banned new lawsuits under terms of release after an arrest plagued with improprieties.

The public has an opportunity next week to witness a criminal trial in action. "It will not be an ordinary criminal trial, but one where the so-called victim benefits directly from the prosecution, one set in motion by the FBI, for whom the attorney has represented in the past and with whom the attorney had been communicating for a year trying to charge the man with a threatening email allegation," says Jonathan A. Clemens, the defendant's brother and founder of Access To The Courts.

Systemic prejudice in the courts means the affecting of outcomes of legal proceedings using prejudice, through implementation of unwritten rules that subvert the law, the truth, and attorney and judicial conduct rules. Very often, the constitutional rights of those accused are abused. As well, the constitutionally guarantee of access to the courts is denied, especially to pro se litigants. Prejudice can be as simple as delaying discovery in a legal proceeding, or subtly leaving out certain facts of a situation. Next week's trial is of interest to every citizen. It could be the beginning of an important education as to what is really happening in our courts. The public will learn more about Jeffrey Clemens and his exposure to prejudice. This could happen to anyone.

The public can learn more now about the case at www.accesstothecourts.org.