

## The Scituate Matter

### **Background**

A man approaches a residence at 52 Old Oaken Bucket Road in Scituate, Massachusetts, introduces himself, is told to leave by the owner's daughter, leaves without incident, is pulled over minutes later (as the woman had called 911), is held for about twenty minutes, is then told he is free to go (but to expect a summons in the mail), asks a few questions regarding the summons, is grabbed by the two police officers, arrested, taken to the station and booked...for disorderly conduct. Officer O'Hara literally submitted the charge himself at court the next day, because, as he knew at the time of charging the man with disorderly conduct, his boss Officer Rooney was to be on vacation and would normally have been the police prosecutor. Five days later the reporting officer's boss files two additional charges in Hingham District Court. So, a short civil encounter results in three criminal charges against a man who only wanted to ask a few questions.

Something had gone terribly wrong. But, how do we find out what really happened? Ask questions. But, in Scituate, Massachusetts if you ask questions, you can be charged with a crime...the kind that can be distorted by the players in the system, like disorderly conduct, criminal harassment, and a new one to most – being an unlicensed private investigator.

### **Introduction**

This is a formal complaint of police misconduct, in summary fashion (as evidence will be provided by reference to public documents), involving a victim – Jeffrey L. Clemens – and offending parties from the Scituate, Massachusetts Police Department, plus the man paid to keep and/or get them out of trouble. Those parties – Sgt. Michael O'Hara, Lt. John Rooney, and Town Counsel Stephen C. Pfaff – have friends in the legal system, as their derelictions have been whitewashed and the perfect image of the honest public servant serving and protecting is maintained. Why? It's "for the money", of course.

### **Parties**

Sergeant Michael O'Hara  
Lieutenant John Rooney  
Attorney Stephen C. Pfaff

### **Evidence Relied Upon** (all Documents in the public record)

REPORT by O'Hara on May 12, 2005 (at Hingham District Court, or HDC)  
COMPLAINT by Jonathan A. Clemens on August 17, 2005 (to the Town of Scituate Board of Selectmen)  
911 CALL Transcripts of Shelly Laveroni on May 12, 2005 (at the Scituate Police Department; also, HDC)  
RADIO LOGS by the Scituate Police Department on May 12, 2005 (See MOTION FOR I.R.)  
MOTION FOR INJUNCTIVE RELIEF by Jonathan for Jeffrey L. Clemens on November 3, 2008 (at HDC)

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Most of these documents can be found in the case file for case number 5CR0954, originated with the submittal of the O'Hara REPORT in Hingham District Court. Civil case filings can be reviewed at the United States District Court in Boston, MA, with Jeffrey L. or Jonathan A. Clemens as Plaintiffs.

### **Additional Evidence To Be Considered**

TRANSCRIPTS of the September 18, 2008 Trial re Disorderly Conduct  
APPELLANT BRIEF (by Clemens re Conviction on Disorderly Conduct)  
RESPONDENT BRIEF (by the Commonwealth re Clemens Appeal)  
TESTIMONY of Jonathan A. Clemens (witness to the Trial)

Most disturbing, besides the numerous grounds for a mistrial of the September 18, 2008 Trial, is the Judge Moynahan's prohibition against taking notes placed upon the only person in that courtroom (other than Jeffrey Clemens, the defendant) who gave a damn about due process, honesty, and justice. Why is this the most disturbing aspect of the trial? It is a fundamental liberty enjoyed by Americans that was denied and it was an essential task required to defend against the malice in the prosecution.

The second most disturbing part of the Trial is how two other charges stemming from the same incident, stemming from the same so-called conversational exchange at the side of the road that allegedly led to Jeffrey Clemens being disorderly on May 12, 2005, and stemming from the same O'Hara REPORT, were NOT being tried with the disorderly conduct charge. This complainant has no personal knowledge of anyone ever getting enraged or disorderly when told they were free to leave by a police officer.

The third most disturbing aspect of the trial is the clear insistence that the defendant wanted competent defense counsel and was not prepared to proceed with a trial, yet Judge Moynahan never bothered to inquire as to the grounds for Jeffrey Clemens dismissing his public defender – Robert Greenspan – that morning of the trial, and that the judge DENIED counsel for Mr. Clemens. Simply, Mr. Greenspan had himself not prepared for the trial (remember, three charges were really supposed to be stated that morning), as he had not provided to the defendant the transcripts of the 911 CALL, nor had he subpoenaed any witnesses, especially Shelly Laveroni (whose supposed comments to the prosecution witness O'Hara were included in the REPORT, which was eventually read into the trial record by the prosecutor) and even more importantly Officer Timothy Goyette was not called to testify. Goyette witnessed the alleged disorderly conduct!

Officer Goyetter and Officer O'Hara sat in the same sworn deposition (called by Mr. Clemens) the day before the September 18, 2008 Trial. Perhaps, since the officers now had their testimony in sync, the defense counsel really had no need to bring in Goyette to the trial, right? In fact, comments by Shelly Laveroni contained in the REPORT are only HEARSAY. The police never obtained a witness statement by Shelly Laveroni, nor did Officer Goyette submit a report of the incident. From the REPORT we see that Goyette had in fact talked with Shelly Laveroni separately and before O'Hara had talked with her.

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The least disturbing aspect of the Trial is probably the verdict, as six jurors were presented with a distorted view of what happened, were not presented all the witnesses (so were not exposed to cross-examination and consistency checking so important when the smell of dishonesty is about). If a defendant lunged and swung his arms at a police officer, and there is no other evidence except the defendant's testimony, and you are asked to essentially believe either the defendant or the lone police officer (a false choice by the way), then guilty is a logical conclusion. And THAT is why the trial went off as it did, intentional prejudicing of the jury. We come to the last part of evidence in the case, the jury pool. The undersigned was denied access to information about the jury. He understands from the defendant that one of the jury members was or had been a police officer. Why a police officer is sitting in a jury in a case of alleged disorderly conduct toward a police officer, is not a mystery, as a guilty finding was the intended goal that day, not a fair trial.

A not so little disturbing aspect of the Trial is the mere 13 minutes taken by the jury to deliberate the case. Judge Moynahan had given a litany of instructions to the jury, probably lasting 5 minutes just to state. It is physically impossible that the jury had followed the judge's instructions. So, a question arises, was the jury tampered with? What does bailiff Maloney have to say about his communication with the jury, as after all, he implemented the rights violating instructions by Judge Moynahan against the liberties of the undersigned citizen-complainant, some carried out IN FRONT OF THE JURY.

### **Findings** (derived from inspections of Documents in the public record)

REPORT is void of substantive facts but steeped in concluding and/or general statements.

REPORT has Self-Inconsistencies and Self-Discrepancies, per the COMPLAINT.

REPORT is Discrepant with the 911 CALL Transcripts.

REPORT is Discrepant with the RADIO LOGS.

RADIO LOGS indicate that Errors committed by Scituate Police Department when relaying arrests (derived only from police officers as witnesses) as implied convictions, relayed to O'Hara by a dispatcher calling Jeffrey Clemens a "kook", a dispatcher not knowing a single true thing about Clemens.

No Factual Basis exists on the record for an Unlicensed Private Investigator charge.

No Factual Basis exists on the record for a Criminal Harassment charge.

No Factual Basis (and even as stated, Insufficient & Self-Discrepant) for a disorderly conduct charge.

The Scituate Police Department (particularly, Lt. Rooney) inappropriately withheld public information.

Witness Shelly Laveroni may have provided a False Report to the 911 dispatcher, especially if O'Hara is to be believed in his REPORT. At the least, either Laveroni or O'Hara lied. But, we can not believe the REPORT, because to do so would be to allow discrepancies to stand. So, it looks more and more like O'Hara lied, and you may not need Shelly Laveroni to prove it. The lack of any official statement by Shelly Laveroni (or witness officer Timothy Goyette) is a questionable circumstance. The undersigned has no reason to believe that Shelly Laveroni did nothing other than misjudge Jeffrey Clemens and over react to a civil situation. Remember, it was Shelly's neighbors that told Jeffrey to approach Shelly's house! The undersigned DOES have reason to believe that Michael O'Hara has done wrong, as multiple conflicting documents and oddly omitted reports and statements say so.

## **Further Observations**

Attorney Stephen C. PFAFF:

- 1) Withheld witnesses from Trial Court and from Depositions in civil court
- 2) Placed two witnesses (actual both police officers) in the same sworn deposition on September 17, 2008, ahead of an unknown-to-the-defendant-at-the-time Criminal Trial on the 18<sup>th</sup>
- 3) Behaved unethically, as when he acted as defendant counsel while a co-defendant himself, in violation of the attorney Rules of Professional Conduct
- 4) Colluded with civil defendants who had not timely responded to the civil complaint
- 5) Colluded with the FBI to charge Jeffrey Clemens – a civil plaintiff – for a crime of allegedly making a threat
- 6) Communicated with the Court in March 2010 Ex Parte, contrary to the Attorney Rules of Professional Conduct
- 7) Carried on phone call and email communication with the FBI since at least April 2008, months BEFORE the September 18, 2008 Trial. And there is documented evidence of email exchanges with assistant US attorneys in December 2009. This is important, as Lt. Rooney had faxed the REPORT to FBI Agent David Kice on May 27, 2005, after faxing the REPORT to US Secret Service Agent Ralph Sozio – whose office resides at the same location as Shelly Laveroni's father, Jerry, security manager of the New York Yankees – on May 17, 2005, the day Rooney filed two additional charges against Jeffrey Clemens, charges that were not tried with the disorderly conduct charge.

An important coincidence has occurred...Michael Cashman of the Massachusetts State Police (and officed and/or assigned at the Massachusetts Attorney General Office) called the undersigned on January 10, 2011 and warned him about the potential for a Criminal Harassment charge, something to do with making phone calls to people with published phone numbers, people NOT identifying themselves as attorneys with the office, nor stating to the undersigned not to call them. A letter, dated January 10, 2011, by assistant attorney general Glenn Cunha, was received by the undersigned; the letter stated that the investigation into police misconduct was not the attorney general's jurisdiction and authority laid somewhere else – and Mr. Cunha never stated who had authority to investigate...it is now presumed to be the MSP, who had already been informed of the matter, yet apparently took no action to investigate. That person, Michael Cashman, admitted to the undersigned that he was related to Brian Cashman (executive) of the New York Yankees. Hmm.

## **Additional Information**

A Motion for Mistrial in a written pleading was submitted to the Hingham District Court on or about September 24, 2008, a week after an egregious trial loaded with prejudicial acts on the part of the judge and prosecutor. Review of the pleading – which was denied about a month later – will reveal multiple prejudicial acts, designed to make the defendant – caught in a last minute self-representing with no

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preparation-trial – to look confrontational and thus capable of disorderly conduct to a police officer. But, after being told he was free to leave?

Jonathan A. Clemens was in attendance of what he thought was a status hearing for the three charges the Scituate Police lodged against Jeffrey, but was disallowed from taking notes, was ordered out of the public area for communicating to his brother sitting next to him in written notes (rather than talking while other cases were being handled), and was ordered where to sit in the public area. Disgusting behavior from Judge Moynahan. Such behavior was whitewashed out of the case upon the written opinion accompanying the conviction reversal on July 8, 2010. Never mind that the state asked for and received 120 days extension to their response to the appellant brief, with the state court of appeals taking their own 30 extra days to decide the appeal...while ignoring any addressing of the prejudicial acts in the trial. We were to later find out why – to allow the re-filing and resetting of the disorderly conduct case, on October 26, 2010, for trial again. Note how that re-filing date is 19 days after Jonathan A. Clemens asked the Massachusetts Attorney General Office to help investigate the police misconduct at the Scituate Police Department. Jonathan's inquiry to the MAGO arrived on October 9, 2010, yet the AGO first responded on November 18, 2010, which comes after two averse decisions...one to dismiss a complaint involving PFAFF and board counsel at the BBO and the second to deny an appeal over the egregious Ex Parte Communication by PFAFF in civil court, which led to an unfair dismissal of a civil suit for malicious prosecution of the Unlicensed PI charge and Criminal Harassment charge. Hmm. Most disturbing is how the MAGO finally responded AFTER its lower department – the Plymouth County DA – re-filed the disorderly conduct case for trial. With AGA Glenn Cunha's declaration that this matter was out of their authority, then it is logical to assume that the matter rests with the MSP. Once the MSP does a diligent and honest investigation – as their sworn duty only allows and even mandates – then a report back to the AG by the MSP can finally begin the prosecution of those responsible for the utter destruction of an innocent man's life, and the lives of his family members.

### **Profiles of Involved Parties**

These are not complete profiles by any means, but do contain important background information.

Shelly Laveroni Dell – is daughter of Jerry Laveroni, a former DEA Agent, a former stunt man with the *Wild Wild West* television series, a former sheriff deputy, and current security manager for the New York Yankees. She is a licensed family therapists, thus she has a background in psychology and obviously knows a thing or two about communication and behavior. Shelly's mother Sherrie is a hotel manager. The Laveroni's have direct ties to California. Her husband Ty Dell is no stranger to security, as he worked at one time in internet security. Jerry Laveroni is thus familiar with Robert Conrad (aka Konrad Falkowski), the star of the *Wild Wild West* series...was Jim West (Conrad) not a US Secret Service agent in that TV series?

Michael Ohara – is a sergeant with the Scituate Police Department. He heard the entire arrest history of Jeffrey Clemens over the radio BEFORE arresting Jeffrey for disorderly conduct. One will notice a past charge of disorderly conduct against Jeffrey Clemens. Impressed with the arrest history? You should be,

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as it is loaded with errors in reporting and contains a mountain of allegations by police officers (not originating with citizens as witnesses). Up to September 18, 2008 (Disorderly Conduct Trial), Jeffrey had never been on trial for any crime, nor had he pled guilty to any crime (except for a later, forced plea bargain to get out of a seven month detention associated with the collusion by the named parties in this complaint, detention largely due to the possession by the feds of the O'Hara REPORT). Jeffrey's very first arrest – Criminal Harassment (a charge levied by Rooney 10 years later) was a direct response to Jeffrey's ongoing complaint of police misconduct at the Bellevue Police Department – provably false statements (in a speeding citation matter) by a police officer actually harassing Jeffrey. And the so-called trespassing charge in 1997? That was done by a private security officer and the incident was actually an assault upon Jeffrey. The exoneration on that trespassing charge was never provided to the FBI criminal database...which explains a lot of things later.

John Rooney – is a lieutenant with the Scituate Police Department. The undersigned made written requests for the 911 CALL, in the Fall of 2006, and was denied. Rooney failed to turn over Discovery requests made in 2005 by the defendant. Rooney claimed to be the supervisor of records and he stated – on the phone – that the 911 CALL was investigative material and thus exempt from public disclosure. NO !!!! The 911 CALL contained discrepancies with the O'Hara REPORT, thus, could not be turned over, as it would have aided in the defense of an innocent man.

Jeffrey L. Clemens – is a screenwriter and craftsman. His character and integrity could be understood from what he has experienced with our legal system. He has faced more dishonest police and lawyers than most people, so his profile could be misrepresented or misinterpreted by studying the decades long history of incidences with police...this PREJUDICE was the intended outcome by Bellevue (Washington) Police Department Detective Bob Thompson, who instead of investigating the perjuring officer Dennis Richards, he opted to make an implicative allegation against the complainant Clemens by detaining Mr. Clemens and ratting to the FBI that it was an arrest, so the police could muck with him the rest of his life. What resulted is a documented trail of police, attorney, and judicial misconduct that scares anyone charged with looking into the matters. Well, get over the scariness and do your jobs, police and other public servants!

Jonathan A. Clemens – is an engineer and a trained Private Investigator. He obtained his training in 1999 in private investigation in direct response to the malfeasance of the secretive Gavin Debecker and Associates, a security and threat management firm tied to the destruction of the life of Jeffrey L. Clemens (and thus to the preservation of their profitable lifestyle). GDB also has handy ties to the US government – FBI, Secret Service, US Marshals, and god knows who else. Well, Jonathan knows anyway.

### **The Case for Perjury**

The undersigned is not a public servant and is not charged with investigating crimes. Jonathan A. Clemens should not have to make the case for perjury on the part of Michael O'Hara, as enough evidence has been presented to authorities for their duties to give cause to investigating. Jonathan does see evidence of a deep and persistent coverup. We have not even talked about how Jeffrey for years

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was prevented from even traveling to Massachusetts to defend himself against the charges by the Scituate Police Department.

Firstly, the key evidence is simply that the O'Hara REPORT states that Jeffrey claimed to be a private investigator to Shelly Laveroni – hearsay by O'Hara – yet Shelly's own words stated to the 911 dispatcher (a record admitted by O'Hara to have never been heard by him) were that she did not know who the man was at her door.

Secondly, if one were to look at the timing (as evidenced in radio logs and times of being pulled over), one would see that indeed Jeffrey had left the Laveroni residence – though Shelly seemingly talked to Jeffrey as he supposedly refused to leave...and that is why we have father Jerry Laveroni protecting her daughter, who in reality was not truthful about the incident. Jeffrey left politely and she implied to the 911 dispatcher that he was lingering. Not true, and you do not need Jeffrey's statement to know that fact. This fibbing by Shelly Laveroni explains why attorney Stephen C. Pfaff worked so hard to keep Jeffrey from deposing her, and why other attorneys like Robert Greenspan failed to subpoena her to the related Trial.

Thirdly, lying by omission is another category of lying and is subject to the laws of perjury, as when one is under oath knowingly testifies as to the truthfulness of his statements. One serious omission on the part of Officer O'Hara is the lack of facts or descriptions in his (sworn) REPORT as to the defendant's reason for visiting the Laveroni residence on May 12, 2005, or how the defendant acted. Did the officer not think to ask the defendant what he was doing at the Laveroni residence and what happened? Jeffrey Clemens has stated, at least since his sworn statement (sent to the Board of Selectmen in Scituate), that he introduced himself to the effect, "I am Jeffrey Clemens and am here about a civil matter concerning Robert Conrad." Key words – Jeffrey's name and the name of "Robert Conrad". O'Hara makes no mention of Jeffrey's introduction to Shelly Laveroni nor mention of Robert Conrad. BUT, radio logs record O'Hara's own mentioning of "Robert Conrad". So, O'Hara thought not to mention significant facts of the incident, facts that identify why he was there.

If Jeffrey was a Plaintiff in a civil matter, he certainly has the right to ask questions of related parties, without being accused of being a private investigator. Did Jeffrey advertise that he was in the BUSINESS of private investigation? No, and O'Hara provided no facts as such. Did Jeffrey advertise an address for a supposed private investigation business? No, and O'Hara provided no facts as such. Such facts would necessarily relate to the basis of a criminal charge of Unlicensed Private Investigator in Massachusetts. Then why did Lt. Rooney charge Jeffrey with Unlicensed Private Investigator without the necessary basis? There is an answer, right? Logically, there is no connection between the contents of the O'Hara REPORT and the charge of Unlicensed Private Investigator. But, we notice that the REPORT does mention the name of FBI agent Brian Zin (actually Bryan Zinn). Did O'Hara misrepresent Jeffrey's statement as to his relation and association with FBI Agent Zinn? Yes, and that can be proved by contacting Brian Zinn. Jeffrey was reporting possible criminal behavior to Agent Zinn, not working with Zinn, as O'Hara noted. And who was suspected of criminal behavior? You will have to talk with Agent Zinn. The Police to date have produced no report of contact with FBI Agent Zinn. Why not?

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The self-discrepancies and self-inconsistencies in the REPORT can not be ignored. Questions arise, such as how Officer O'Hara obtained what he calls a Plot Plan from the Defendant. Those words were used to describe a printout from the County that is public information and is not a plot plan. Mr. Clemens used the information to confirm that the residence was indeed that of Jerry Laveroni. What has been forgotten or otherwise ignored is the fact that O'Hara reached into the defendant's car without permission and took the information and reviewed it, an illegal search and seizure, as identified in the COMPLAINT to the Board of Selectmen in August 2005. Yes, 2005.

In O'Hara's mind, Jeffrey Clemens was suspiciously looking like he was doing something wrong, but what? An investigator should ask Scituate Police Officer Erik Steverman what O'Hara wanted to know (over the radio) about statutes regarding impersonating a private investigator. O'Hara was literally hunting for a basis to arrest Clemens for something, despite there not even being grounds for pulling him over in the first place. Literally, there was no cause for pulling Clemens over on May 12, 2005. Shelly Laveroni never told the 911 dispatcher that a man was trespassing, never told the dispatcher that the man had done anything illegal, while Mr. Clemens was never accused of violating any traffic laws. Yet, we get an arrest and eventually three criminal charges out of the matter. Hmm.

One does not need a single statement from the Defendant Clemens to prove the perjury of Officer O'Hara. The police have some explaining to do in their apparent cover up (withholding public information, omitting police reports, omitting witness statements, communicating with other – federal - agencies with no legal involvement in a state criminal matter, etc.) of the misconduct of Officer O'Hara. Is cover up too strong of words? Let's tone it down, then, to dereliction of duty. Cover up sounds too criminal, anyway.

After all, we the people have NO choice but to rely on police to investigate alleged crimes. Only, the undersigned has every right to insist that MSP Officer Michael Cashman stays off the case, as he has relations to parties involved, parties tied to parties suspected of wrongdoing.

### Conclusions

Sgt. Michael O'Hara intentionally made false statements in his REPORT and at TRIAL. His unprofessional conduct, lack of discipline, and disregard for the power of prejudice brought him simply to misuse information, gain stature by making empty arrests and claims, and act out on essentially criminal impulses. The perjury is provable even before the Trial of September 2008, though the false statements under oath were again presented at the Trial. The indifference by the Town, the FBI, and the Courts to the misconduct of a misguided town police officer is the real crime.



Prepared by Jonathan A. Clemens 1/28/11

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