

May 16, 2011

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Hon. Douglas P. Woodlock
United States District Court
One Courthouse Way
Boston, MA 02210

Re US v. Jeffrey, # 10124

Your Honor,

When I submitted a Petition to address attorney misconduct (DOC 52, later retyped and submitted as DOC 59 by the defendant) on March 25, 2011, in the reference case, you requested AUSA TOBIN to respond to it, and when that was not done, you ordered him to respond. In the meantime, TOBIN submits another pleading (a Motion In Limine) with the same false statements identified in my Petition – indicating a knowingness in submitting false statements to the Court. There is a serious attorney misconduct issue and the Court is on notice at this point.

In April you finally tell the defendant – with whom you agreed to his own representation, albeit a hybrid (with FD GOLD) – that he should have submitted the Petition through his attorney (GOLD), contrary to the mutual understanding established on March 25, whereby Jeffrey was to be primarily pro se, with GOLD as backup and fill-in. You denied the Petition for Review, in effect ending an inquiry into claims of making false statements in court pleadings and other attorney misconduct. You also failed to address the fact that TOBIN never himself responded to the attorney misconduct claims, only his associate Eric CHRISTOFFERSON, who could not possibly speak for the personal actions of Mr. Tobin. In fact, TOBIN disrespected your order, thus, he could be considered in contempt of court. You misled me and my parents and you went back on your word AND caused a weeks-long delay in addressing apparent attorney misconduct, no trivial matter when start of a trial was days away. There is a serious attorney misconduct issue and the Court goes out of its way to avoid addressing it, despite being on notice for several weeks.

Do you work for the BBO? Because, they think you work for them. The BBO, or at least their Office of Bar Counsel, says that the Court (that is, a judge) must first address attorney misconduct before the BBO addresses it or investigates. SEE ATTACHED Complaint re Tobin and the BBO Response by Meagher (and note how the BBO failed to answer my request).

You should remind the BBO of their oversight role when it comes to attorney misconduct. For the BBO to wait on a judge is more like a judicial oversight role, which is appropriate for a judicial commission or the Judicial Counsel of the 1st Circuit and NOT the BBO. The Supreme Judicial Council has sanctioned the BBO with overseeing discipline of attorneys, not judges, so its reliance on initial judge action is disingenuous.

Just how is it that the conduct of a private citizen Jeffrey L. Clemens is more important than the conduct of attorneys and public servants –ALL sworn to codes of conduct?

Just how is it that the conduct of a private citizen Jeffrey L. Clemens [*in what he wrote in a private email to a misconducting lawyer*] is more important [*to be prosecuted, with false statements – “immaterial” says AUSA Eric Christofferson, to the benefit of said misconducting lawyer*] than the conduct of attorneys and public servants –ALL sworn to codes of conduct?

The defendant Jeffrey L. Clemens is a victim of crimes and official misconduct, thus he has cause to be a civil plaintiff, but then becomes – with TOBIN’s help - a criminal defendant upon an FBI complaint with provable false statements, some provably knowingly so, designed to get him arrested, detained, and restricted from defending himself or from filing lawsuits, particularly involving official misconduct. SEE ATTACHED Pre-Trial Release Terms prohibiting Mr. Clemens from filing new lawsuits.

A simple analysis will show that as of March 22, 2010, Mr. Clemens had cause for a false arrest and false imprisonment claim, on account of false statements knowingly made, arguably by their sheer quantity of over 4 false statements, though later inspection of belatedly provided grand jury transcripts begin to lead to proof of knowingness.

The bigger concern with restricting new lawsuits is that such restriction has nothing to do with pre-trial detention, especially in whether to jail a defendant or allow home detention or allow a release. As reasonable bail is a right, and mandatory pre-trial detention is only a matter of dangerousness or flight risk, the restriction of new lawsuits is a blatant violation of one’s right to access the courts for redress of grievances. Since a jailed inmate can file a lawsuit, why did a home-detained Jeffrey L. Clemens not have that same right? It is not rhetorical, it is because the accusers and prosecutors and victims all had a stake in prosecuting Mr. Clemens. The sure way to convict innocent people is to violate their rights and introduce prejudice into the proceedings - in this case, into YOUR proceedings.

It is no trivial matter that the conduct of Tobin, in using the same false statements FBI agent Boisselle used in her Complaint for an arrest in March 2010 and under oath at the Grand Jury in April, was included in my Petition of March 25, 2011. When you backpeddled and avoided addressing the false statement of TOBIN you were actually avoiding the issue of whether or not proper probable cause had been established before going to trial with this case. Evidence supports a lack of probable cause, as false statements knowingly made could not support probable cause and would not set up an issue for a trial. If you need to provide false statements and mislead a grand jury, then you do not have a case.

So, how can a case lacking probable cause be brought to trial and achieve a conviction? You know the answer, as you have paired a maligned, prejudicial Assistant US Attorney with a derelict Federal Defender whom you ordered the defendant to use. Prejudice, ignorance, and fear mongering through testimony of supposed victims (in reality, those with a financial stake in convicting Mr. Clemens) that have nothing to do with the federal statute Jeffrey L. Clemens is accused of violating, 18 USC 875c, IS how you all have done it.

As a law-abiding citizen of the United States, I am insulted by the disrespect you have shown toward the rights of Jeffrey L. Clemens and by the partiality of ignoring attorney misconduct while allowing a prejudiced prosecution of an innocent man. You even acknowledged prejudice in your Order Denying the Defendant's Motion to Dismiss Indictment. And you showed no concern ultimately that AUSA TOBIN withheld the complete grand jury transcripts to within days of the trial.

You have essentially paired a misguided, victim-linked, discovery-withholding, prejudiced prosecutor with a 17-page-indicting derelict defense attorney, an attorney doing more than a little to prejudice the trial against his defendant client...most of Jeffrey's planned defense (his own testimony, other witnesses, exculpatory documents as exhibits) was undermined by the attorney GOLD, an attorney for which you gave no choice to Jeffrey in retaining - Jeffrey had requested (actually motioned for) his dismissal for cause and you denied him. You, in open court, told Jeffrey it is either defend yourself (a fool's game, remember?) or use Ian Gold. You gave Jeffrey a false choice. Jeffrey has a right to competent, not just any, counsel, as supported by case law and the US Constitution. Unless, you prefer that "a defendant like Jeffrey L. Clemens" have a lawyer eliciting 17 pages of derelictions, including lying to his client about discovery? In face of ignoring the misconduct of the admittedly-prejudicial prosecutor (as you did, going back on your word), then I can only conclude that you, as a presumed independent, impartial judge, wanted Jeffrey to be found Guilty, by whatever means.

By whatever means, begin packing, because you do not work for the citizens of the United States anymore. I would say shame on you, but you probably do not know what that means. If you are anything like the attorneys involved in this matter, you are probably trying to derive a threat out of this letter. But, you are not like them, are you?

To be clear, I am hereby accusing you of participating in a malicious prosecution, by refusing to address fundamental probable cause and the related attorney conduct issues, and by intentionally violating the rights of the defendant, in order to effect an outcome other than justice.

Sincerely,

Jonathan A. Clemens

ATTACHMENTS (3 Documents – Complaint to BBO, Response of BBO, and Pre-Trial Release Terms)