



**DOJ Complaint Referral Form**

DOJ Referral No. 7709

Total Number of Pages: fourteen (14)

Please note that this is an administrative form devised by POPULAR, Inc. (POPULAR) and the ACORN 8 to facilitate the "Obama Lights The Way" campaign described at [http://www.popular4people.org/Candlelight\\_Vigils.html](http://www.popular4people.org/Candlelight_Vigils.html) Pursuant to that campaign, POPULAR and the ACORN 8 periodically submit compelling evidence to the Criminal Section of the Civil Rights Division of the U.S. Department of Justice, seeking its thorough investigation of underlying matters to establish, buttress, or soundly refute *prima facie* allegations of Title 18 U.S.C. §§241 and/or 242 violations.

**I. Complainant:**

POPULAR, Inc. and the ACORN 8 *c/o* 7519 W. 77<sup>th</sup> Avenue – Crown Point, Indiana 46307

**(P)** 219.865.6248 Ext 2    **(TF)** 888.478.4439 Ext 2    **(F)** 219.865.6355  
**(Email)** [admin@popular4people.org](mailto:admin@popular4people.org)    **(Internet)** [www.popular4people.org](http://www.popular4people.org) / [www.acorn-8.net](http://www.acorn-8.net)

/s/

Zena D. Crenshaw Logal, Executive Director – POPULAR, Inc.

Date

**Number of Constituent Witnesses:** two (2)

NAME	AGE	City of Residence	State of Residence
1. Michayl Mellen	65	Abilene	Texas
2. George Stokes	55	Abilene	Texas
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			



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**II. Complaint Summary –**

1. Complainant hereby alleges one or more violations of the following federal statutes (check all that apply):

18 U.S.C. §241 (private conspiracy against rights)

18 U.S.C. §242 (deprivation of rights under color of law)

2. Complainant hereby alleges that the Accused (check all that apply):

is/are one or more private individuals

is/are one or more government officials

plainly and willfully acted or continues to act for the purpose of depriving one or more Constituent Witnesses of one or more civil and/or constitutional rights

acted or acts in open defiance or reckless disregard of the civil and/or constitutional rights of one or more Constituent Witnesses

in so doing, misused or continues misusing power and authority possessed by virtue of local, state, and/or federal law

conspired or is conspiring with one or more people to do so.

3. Narrative Summary:

It seems in teaming to address local governance with one or more national grassroots reform organizations, complainant witnesses Michayl Mellen and George Stokes evoked the wrath of at least some targeted institutions. That ire was arguably animated on February 12, 2009, launching a course of exceptional and otherwise unwarranted



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treatment for Mellen, Stokes, and one or more of their children respectively. Their case may establish a pattern extending from the 30 year sentencing in 2007 of Juan Manuel Albarado and Moishe Curtis Turner. The District Attorney for Taylor County, Texas has yet to release comparative data, probative of whether these young men received 30 year sentences in retaliation for their families' high profile challenge of his closed file policy and other tactics prompting their arguably unwarranted convictions.

**III. The Civil and/or Constitutional Right(s) Allegedly Violated Is/ Are:**

Including but not necessarily limited to the First Amendment right and freedom of speech, association, and public advocacy.

**IV. As far as the Complainant knows, the latest relevant act of the accused occurred on this date:**

July 1<sup>st</sup> 2009

**MONTH**

**DAY**

**YEAR**

**V. The Alleged Perpetrators are:**

1. Deputy Taylor County, Texas District Attorney Harriet Hagg and/or unknown agents of the Taylor County, Texas District Attorney's office;
2. Unknown agents of the Abilene, Texas City Attorney's office;
3. Unknown agents of the Texas Department of Criminal Justice, Parole Division;
4. Martin Hernandez and/or unknown agents of the Abilene District Parole Office;
5. Texas attorney Jenny Henley;
6. Discovery continues.



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**VI. Does the Complainant allege that the conduct complained of is or was in retaliation for the exercise of some civil and/or constitutional right?**

Yes

No

**NOTE:** If yes, section VII below will explain the “causal link” between that protected activity and corresponding adverse action; indicating how the alleged perpetrator(s) knew of the protected activity upon taking the adverse action and; demonstrating that the adverse action would not have occurred “but for” the protected activity.

**VII. The Operative Facts as Conveyed to Complainant by the Constituent**

**Witness(es):**

**Background:**

Residents have gathered on multiple occasions this millennium to complain about every aspect of their local, state, and federal law enforcement in Abilene, Taylor County, Texas, including criminal justice systems and detention facilities. The complaints essentially credit law enforcement in the city with systematic or consistent victimization of residents lacking political influence. Anecdotal evidence suggests minorities and poor Caucasians are prime targets.

A few Abilene residents embarked on relatively recent efforts with national grassroots organizations to substantiate and redress their referenced grievances through litigation, one or more public service clinics, sociological research, and/or journalism. Only Abilene and nearby constituents are local representatives of these national groups; hence the alliance truly ushers in “outside” influences dating back to 2006. In some instances the imposition apparently provoked unlawful retaliation.

**Alleged Retaliation Against Constituent Witnesses and POPULAR Advisory Board Members Michayl Mellen and George Stokes:**

Re Michayl Mellen –

On or about **January 30, 2009**, a small coalition of good government advocates including POPULAR, a present complainant, wrote several area educational institutions, seeking help to establish an “Educational, Legal Services, and Investigative Journalism Program” for Taylor County, Texas residents. The letter explains:

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...

Over the past five (5) years, various executive officers and board members of POPULAR, AD-TSCC, and TJP have collectively (and some individually) received hundreds of serious complaints about every aspect of law enforcement in Taylor County, Texas and particularly the city of Abilene, Texas. The complaints suggest a consistent if not systematic victimization of residents lacking political influence. Anecdotal evidence suggests local minorities and poor Caucasians are prime targets for abuse and neglect by police and sheriff departments, state and federal prosecutors, state and federal courts, public defenders, and private attorneys.

...

*See Attachment MS17709.*

The same correspondence was featured on **February 12, 2009** in POPULAR's internationally circulated, online newsletter.<sup>1</sup>

On **February 12, 2009**, a summons was served on Constituent Witness and POPULAR Advisory Board Member Michayl Mellen (hereinafter MM), directing him "to appear personally before the Juvenile Court at the Taylor County Juvenile Justice Center" regarding allegedly delinquent conduct by his daughter on October 16, 2007 and February 4, 2008.<sup>2</sup> As a notorious critic of the Abilene Independent School District, MM is clearly protective of his children.<sup>3</sup> Yet on **February 24, 2009**, a smug prosecutor insisted that he be tried for allegedly contributing to the truancy of his minor son after MM advised her that the child is homeschooled, a fact previously reported to appropriate school authorities.<sup>4</sup>

It was rumored on **February 9, 2009** that Texas attorney Jenny Henley was assigned to represent MM's daughter in the aforementioned juvenile proceeding though it commenced on February 12, 2009. MM was quite pleased with that prospect and eagerly attempted to coordinate with Henley until **February 25, 2009** when she proposed that he enter a waiver or plea bargain for his daughter. In fact Henley's lobbying for the deal erupted on **February 26, 2009** with her angrily abandoning the case at hearing, moments before MM's daughter entered a plea of "not true".

At nearly 7:00 p.m. on February 26, 2009, Henley emailed MM as follows:

After you left, I decided to let the disrespectful behavior go from your daughter and work this case to the best of my ability. It is important that we get started on discovery soon. I will prepare a discovery request to the Court asap and should be able to meet with Harriet Haag to review discovery and get my copies within one month. I anticipate a jury trial for May or June of this year.

<sup>1</sup> See - <http://community.icontact.com/p/popular4people/newsletters/february2009/posts/theres-some-popular-news-to-share> The complainant has email addresses of five (5) Taylor County, Texas government agents who "opened" POPULAR's referenced newsletter on February 12, 2009. An "open" is counted when images in the HTML version of POPULAR's newsletter are downloaded or turned on.

<sup>2</sup> The corresponding "State's Original Adjudication Petition" was purportedly filed nearly 90 days earlier on October 20, 2008, exactly one month before POPULAR debuted at the National Press Club in Washington, D.C. (See - <http://www.popular4people.org> )

<sup>3</sup> See for example, <http://m.reporternews.com/news/2006/Apr/20/aisd-parents-grievances-adding-up/>

<sup>4</sup> MM has been home schooling his fourteen (14) year old, learning disabled son since September 22, 2008 when he was expelled from public school for in MM's words, "self-defense against bullies." MM contends his son's school expulsion was unlawful.

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I first need your CD or a copy of such. I need to get started on talking to witnesses or finding them if they are not at the contact info given so I can determine what every person intends to say.

Next, after I retrieve a copy of the CD from you, I will set up a time for you and (your daughter) to come in so I can go over every detail of that day. I will call you to set up the time, if you are the contact person.

We are going to have to get past our differences to help your daughter. I want to know EVERYTHING there is to know, no surprises. I need complete cooperation with regard to this case. A jury is going to have to see that we are top rate on the facts of this case.

...

Emails confirm that by **April 24, 2009**, Henley, MM, and his daughter had not reconciled:

michayl mellen <mlmellen@hotmail.com> Fri, Apr 24, 2009 at 4:48 AM  
 To: jenny henley <justicewithjenny@yahoo.com>, MICHAYL MELLEN <mlmellen@hotmail.com>, Zena Crenshaw <zcrenshaw@comcast.net>, Kamau <kamau@policeabuse.com>, GEORGE STOKES <gstokes2008@hotmail.com>, ANITA GUAJARDO <lauralulu@sbcglobal.net>, DEBORAH JOHNSON <gedemo3@aol.com>  
 4/24/2009

Ms. Henley:

I am surprised that you consider yourself still the Court Appointed Public Juvenile Criminal Defender for (my daughter) after all you said and have done.

As a matter of fact, you Ms. Henley made the following statements in a recorded meeting at which were present 2 Deputy Sheriffs, who stood directly behind me, one on each side, of which I am filing a complaint with the Sheriff- (police abuse), also present and listening was the Juvenile Judge Rollins who should now recluse herself for hearing testimony out of a court session, The Assistant Prosecuting Attorney Harriet Haig who listened from a hidden location and now knows about her case against (my daughter), and various Juvenile Parole officers were hiding and listening. You specifically stated "I Never wanted this case, I am not taking this case, find yourself another lawyer" and then you walked away.

We have been waiting for your petition to remove yourself as suggested, from being my daughter's alleged public defender, so that the Juvenile Judge who appointed you will have time before the alleged trial to replace you. I have my daughter's power of attorney and as such I have this whole incident on tape and I do intend to file with the Texas Bar on you and Harriet Haig. I intend to make a complaint about Juvenile Judge Rollins with Congressman Conyers Chairman of the legislative committee who have oversight over Judges

I ask you specifically, WHY HAS NOT (my daughter) RECEIVED AN AMENDED CORRECTED PETITION? HAVE YOU FILED TO DISMISS THE ASSAULT CHARGES? WHERE ARE THE COURT DOCUMENTS APPOINTING YOU (my daughter's) PUBLIC DEFENDER? WHERE ARE ANY DOCUMENTS SIGNED BY YOU AND (my daughter) MAKING YOU HER ATTORNEY OF RECORD TO ESTABLISH ATTORNEY CLIENT CONFIDENTIAL RELATIONSHIP?

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(My daughter) has received no letters from you as you state, and this is the first communication you have had with me since the ambush in the Juvenile Court Room. I wonder why you did not use return receipt requested as proof you even sent any letters to (my daughter). You stated that as the father of the alleged juvenile I had nothing to do with this case and that you were going to treat me as a hostile witness and that you worked alone. Now, you want what from me? The answer is NO, because there is no Attorney Client relationship nor has there ever been and certain information may be forth coming when the District Attorney and Abilene City Attorney answer the Open Records Request of POPULAR4PEOPLE INC. As (my daughter's) power of Attorney, I will cooperate with a Bone Fide Public Defender or Criminal Attorney, who has (my daughter's) best interest at heart.

I am sure the Texas Bar Association will share the complaint with you and it will include the court room tape and your very own CD.

Michayl

-----  
Date: Wed, 22 Apr 2009 08:58:05 -0700  
From: justicewithjenny@yahoo.com  
Subject: (Your Daughter's) TRIAL  
To: mlmellen@hotmail.com

Mr. Mellen:

I have written to (your daughter) several times since our last hearing. I am filing a discovery motion with order. (Your daughter) is set for trial on May 18. I still have no list of witnesses that she wants me to subpoena and have not heard from her. I am writing you in hopes that you can get me the disk you talked of that has information that would be relevant to the trial. If I do not get information from either of you, I cannot call any of the witnesses you wish for me to call. I am preparing for this trial without you or your daughter's assistance at this time. I would like to be able to work through our differences so that your daughter's case is tried with all witnesses for which you and your daughter want me to subpoena, but without contact from either of you, that is absolutely impossible.

If you can have your daughter contact me as soon as possible.

...

Though interim emails did not improve the situation, it was not until **April 27, 2009** that Henley confirmed plans to file her motion to withdraw. *See Attachment MS27709.*

MM received the following email from his daughter on **April 28, 2009**:

28 Apr 2009 19:31:36 -0700  
From: (MM's daughter)  
Subject: email from jennyhenly, she added me to myspace and sent me this message

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To: mlmellen@hotmail.com

----- Original Message -----

From: Jenny

To: (MM's Daughter)

Date: Apr 28, 2009 5:34 PM

Subject: 2 Court Hearings coming up that you have to go to!!!

...

I've emailed you and I've written you, and finally, Jessica, from the probation office, said that she talked to your mother in law who says you are in Virginia with your mother.

First of all, I have been trying to appease your dad and get ready for your trial, but it is very difficult to work with your dad, as you know. He's asked me to give him the emails you sent to me, and I said no because they are attorney-client privileged. He also said he has Power of Attorney over you but won't provide a copy of the Power of Attorney.

You last said to me that you were going to think about everything, talk to your husband, and let me know. Did you do that?

Your dad said he did not want me to be your lawyer, so there is a hearing on whether I will be your lawyer on Friday, **May 8, 2009** at 11AM in Judge Rollins Courtroom, 5th Floor of the Courthouse. Your jury trial is still on for **May 18, 2009** beginning at 9AM.

Please email me and let me know what you are planning to do, when you plan to be here, etc. We need to work on your trial. Until a judge tells me that I'm not your lawyer, I'm your lawyer.

I know you are young and you think that this will go away, but it will not. The DA has pressed forward, you are set for trial and you have been set for trial since late February. I know you have a lot going on in your life, but you have to deal with this situation.

You told me you didn't want to plead true to the assault charge because you were defending yourself.

Your dad gave me a list of witnesses that I'm working on finding right now, but YOU are my most important witness, (MM's daughter)...

I also have to tell you that the DA renewed her final offer this week and I have to give her an answer by the end of next week: Her plea bargain offer is : Deferred probation until your 18th birthday. I am obligated by law to advise you of this offer. Please give me your answer ASAP.

Finally, I also am obligated to go over the consequences that could happen if you are found in need of supervision because the Jury finds the assault allegation true: you could be sent to the Texas Youth Commission until your 19th birthday.

PLEASE.....respond to me. I know you think that if you ignore this it will go away, but it won't. I need to talk to you or have contact with you. Email is okay with me. You can email me at justicewithjenny@yahoo.com.

Thank you!

Jenny Henley

*Emphasis Added.*

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On **April 29, 2009**, POPULAR's Executive Director emailed the organization's board members including MM as well as his daughter<sup>5</sup> and Henley as follows:

Hi Michayl and (your daughter\*):

Unfortunately all the back and forth emails and reported verbal confrontations between Michayl and attorney Henley did not inspire her to seek withdrawal from (his daughter's) case until little more than a week before it is scheduled for jury trial. Obviously Michayl and perhaps (his daughter) do not trust or otherwise have confidence in attorney Henley as to the matters at hand. However, (MM's daughter) needs legal counsel.

In my view, it would take a highly skilled lawyer just to accurately portray the historic contentiousness between Michayl and attorney Henley. The related facts are muddled in a storm of emails. I shudder to imagine how a presiding judge will respond.

Apparently it is attorney Henley's contention that she remains willing and able to effectively represent (your daughter), but the two of you (again, according to attorney Henley) are jeopardizing her ability to do so. It may be too late for (MM's daughter) to get alternative counsel under such circumstances (and/or her May 18th trial date postponed), even if another were readily available whom the two of you explicitly trust. My bar admissions are limited to the U.S. Court of Appeals for the Seventh Circuit as detailed by our POPULAR website.

Michayl and (MM's daughter), please promptly secure attorney Henley's recommendations on how best to proceed and make your decisions accordingly. Hopefully she will advise you in writing and/or allow that advice to be tape recorded. I very much recognize the difficult predicament facing both of you and hope POPULAR soon effects some meaningful, related reforms.

Zena

\*(MM's daughter) is blind copied on this message.

On **April 30, 2009**, Henley emailed MM as follows:

Mr. Mellen:

I've always been willing to help your daughter. I've just wanted to meet with her and talk to her and prepare for trial.

Okay, (your daughter) has several options. I want to explain the option and then explain the consequences. I like to do that for my clients, because it is not my life that is affected by the choice made, you see. (Your daughter) has a child now to think of and is married and has a life to live...so it is always her choice and her option and her decision. I will accept whatever her decision is and proceed accordingly.

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<sup>5</sup> This form intentionally excludes the name of MM's children.

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Option 1: Accept the plea offer. In exchange for (your daughter's) plea of true to a child in need of supervision, the District Attorney has offered deferred probation until (your daughter's) 18th birthday. As she is out of state, she can sign the deferral by mail and she can report one time per month by email to Jessica Collins - stating her location, what she's been doing to stay out of trouble, and verifying each month until her 18th birthday that she has not been arrested on any other charge. The day (your daughter) is 18, she is off of this deferred probation and she never reports again by email. This is a deferred probation, so it is not a juvenile conviction. Her juvenile file may be sealed according to law and no one could ever look at that arrest and deferral for any purpose with one exception: in the event (your daughter) would get arrested on some type of offense in the future, the authorities could use this prior referral to the probation department when considering punishment for the potential future case. That is option 1.

Option 2. Plead not true (which is where we are at right now ) and go to trial. I need to meet with you and (your daughter), or at least talk to (your daughter) to prepare for this properly. I have her statements made just after the incident that you provided me recently. I have a trial notebook prepared, and I am attempting to locate the witnesses which you provided to me with tel. numbers. The trial is set for May 18 beginning at 9AM. If we win – (your daughter) goes home. If we lose, then the only options available for a child in need of supervision who has lost the trial is 1) probation inside the home until 18 with presentation every month or 2) confinement in the Texas Youth Commission until she is 19 or 3) probation outside the home in a long term facility run by TYC until age 18. . There is no guarantee for either option, only that one of the options will be applied. This is a criminal conviction on (your daughter's) record. The chance, then, for (your daughter) to be sent to a juvenile detention facility until age 19 is 50/50. If she wants to take the risk, I am willing to take the case all the way to trial. What she must understand is that I cannot guarantee an outcome, only that I will work diligently and zealously to represent her side of the story.

I hope this answers your questions. Please advise if it did not.

Jenny Henley

Of course in pledging to “work diligently and zealously to represent her side of the story”, Henley fails to emphasize that she never challenged the timeliness of the underlying prosecution,<sup>6</sup> completed discovery, asserted affirmative defenses, nor sought additional time to pursue such options for MM's daughter.

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<sup>6</sup> Both the Taylor County District Attorney and the Attorney General of Texas contend that just the case referral number and corresponding date of referral, date of underlying conduct, case number and filing date of the corresponding original adjudication petition and the date(s) of each corresponding officer's return is confidential information about a juvenile, properly withheld in response to a request for public information. *See Attachments MS37709 and MS47709*. So the complainant lacks this comparative data for the months of October 2007 and February 2008 and cannot secure it without instigating litigation. In contrast local media generally enjoyed access to the juvenile proceedings of now convicted felons, Juan Manuel Albarado (Case No. 15959B before the 104<sup>th</sup> District Court at Abilene) and Moishe Curtis Turner (Case No. 7646D before the 350<sup>th</sup> District Court at Abilene). The D.A. has yet to release comparative data, probative of whether these young men received 30 year sentences in retaliation for their families' high profile challenge of the prosecutor's closed file policy and other tactics prompting what seems to be Albarado and Turner's unwarranted convictions.

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Through Henley's inaction,<sup>7</sup> a May 18, 2009 trial became imprudent for MM and his daughter. Not having an acceptable alternative as far as they could determine, MM and his daughter acquiesced to that trial. She was found guilty of assaulting a police officer and given probation until her eighteenth birthday, approximately four (4) months from that sentence.<sup>8</sup>

MM emailed Henley on **May 19, 2009**, asking her to "please start the appeals process and also request a court appointed appeals attorney." On **May 23, 2009**, he made essentially the same request as Henley advised, to the local Juvenile Justice Center. On **June 15, 2009**, two (2) days before her deadline to appeal, that agency advised MM it would not provide his daughter appellate counsel.<sup>9</sup> Then lo and behold, on **June 18, 2009**, she was visited by Child Protective Services and subjected to urine drug analysis, reportedly based on an anonymous tip.<sup>10</sup>

Re George Stokes –

George Stokes committed to fighting injustice when his son Matthew got convicted and sentenced twelve (12) years for what many considered reasonable self-defense.<sup>11</sup> Though George combats crime and recidivism, all of his sons eventually became entangled in the criminal justice system. Contending with their difficulties is not made easier by George's good government advocacy though in the process, he encourages lawfulness, morality, and personal responsibility.<sup>12</sup>

On **February 17, 2009**, George's son Ricky was inexplicably arrested and remains detained without arraignment as of this submission.<sup>13</sup> Apparently Ricky was the only parolee arrested and/or provided a related notice in Abilene,

<sup>7</sup> Inaction precipitated only in part by MM and his daughter, consistent with their unequivocal resistance at the time to Henley's representation which she chose to ignore.

<sup>8</sup> MM and his daughter are unsure, but suspect that her six (6) person jury included a son of a deputy Taylor County, Texas prosecutor.

<sup>9</sup> Interestingly, there were no impediments to MM's daughter being appointed trial counsel.

<sup>10</sup> Since **June 16, 2009**, MM has had to contend with multiple citations for alleged city code violations in his yard which is fenced and not readily visible to the general public.

<sup>11</sup> See [http://www.popular4people.org/files/GS\\_profile\\_POPULAR.pdf](http://www.popular4people.org/files/GS_profile_POPULAR.pdf)

<sup>12</sup> In addition to serving on POPULAR's Advisory Board, George Stokes is president and Michayl Mellen is secretary of the Texas State Client Council, Abilene Division, which co-wrote the January 30, 2009 program proposal referenced above. An Abilene parole officer reportedly promised a parolee he would be sent back to prison because George requested an attorney on his behalf. George has also been told that the Texas parole process is being used to retaliate against him for his advocacy through his sons.

<sup>13</sup> Well after his arrest, Ricky Soto Stokes was advised that warrant number 02-17-2009-05298649 had been issued for his retaking on February 17, 2009. The warrant indicates that "reliable information has reached the Texas Department of Criminal Justice, Parole Division that the administrative release has violated the terms, rules, and/or conditions of administrative release, has lapsed or is about to lapse into criminal ways or company, or was ineligible for release and is hereby declared a fugitive from justice." Yet it appears Ricky has only been confronted by parole officials about events that allegedly happened on February 17, 2009 or that he subsequently disclosed.

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Texas in 2009 as of March 17, 2009.<sup>14</sup> After being incriminated through a questionable strip search (*See Attachments MS87709*), Ricky admitted while incarcerated on February 20, 2009 to having used marijuana, a parole violation.<sup>15</sup>

**VIII. The Substantial Federal Interests Served by the Requested Relief:**

It remains to be seen whether the rule of law prevails in Abilene, Taylor County, Texas. Public meetings collectively attended by hundreds of the city's residents suggest they contend with rampant law enforcement and criminal justice system abuses. POPULAR strives to help communities build, enhance, and/or repair relationships with local law enforcement; ultimately to prevent, control, and reduce crime while accomplishing compatible criminal justice system reforms. Surely nothing undermines that healing process more than it seeming to occasion negative consequences for participants.

It seems in teaming to address local governance with one or more national grassroots reform organizations that otherwise lack local presence, complainant witnesses Michayl Mellen and George Stokes evoked the wrath of at least some targeted institutions. That ire was arguably animated on **February 12, 2009**, launching a course of exceptional and otherwise unwarranted treatment for Mellen, Stokes, and one or more of their children respectively. Attorney Jenny Henley served that end as much if not more than any other as to Mellen and his daughter.

Henley forewent her opportunity to conclusively determine whether the disputed prosecution of Mellen's daughter was untimely as a matter of law. However, the exceptionalness of its timing or lack thereof, can be gleaned from a consideration of relevant dates.<sup>16</sup> There also may be significant parallels between that prosecution and the 30 year sentencing, respectively, of Moishe Curtis Turner and Juan Manuel Albarado.<sup>17</sup> In challenging their prosecution, the families of both Turner and Albarado partnered with "outside" national grassroots reform groups; and fear the young men were wrongfully convicted and harshly sentenced as a result.

Already events prompting this submission have chilled the First Amendment rights of Michayl Mellen, George Stokes, and the immediate families of Moishe Curtis Turner and Juan Manuel Albarado. That fact alone warrants a collection and review of relevant comparative data, currently withheld by the Taylor County, Texas District Attorney. This case moves clearly beyond serendipity should that data correspond with exceptional government treatment of Mellen, Stokes, their children, Turner, and Albarado. At stake is the ability of community leaders to confirm or refute that due process and equal protection are substantially intact within their city borders.

<sup>14</sup> In response to a related request for public information, James Wu, Assistant General Counsel for the Texas Department of Criminal Justice indicates there are no notices "... of alleged violation or violations of release reflecting a Releasee's signature acknowledging notification of said allegation(s) as of any day in December 2008 (to March 17, 2009) ..." *See Attachments MS57709 and MS67709*. Attached is a copy of one such notice signed by Ricky Stokes on February 20, 2009. *See Attachment MS77709*.

<sup>15</sup> Interestingly, attorney Jenny Henley successfully defended Ricky in the past on a parole violation charge and is representing him in the matter at hand.

<sup>16</sup> See footnote 6 above.

<sup>17</sup> Again, see footnote 6 above.



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**IX. Relief Requested:**

For the foregoing reasons, POPULAR and the ACORN 8 request that the following information be secured from the Taylor County, Texas District Attorney or other appropriate government agent(s):

Information Request #1:

The case referral number and/or initials for the first and last as well as middle name if any of every child alleged in a referral to your office pursuant to Section 53.01 of the Texas Family code to have engaged during the month of October 2007 in delinquent conduct or conduct indicating a need for supervision, indicating for each child:

1. the respective date of said referral(s);
2. the respective date(s) of that underlying conduct;
3. the case number(s) and file date(s) of the State's corresponding original adjudication petition(s); and
4. the date(s) of each corresponding officer's return.

Information Request #2:

The case referral number and/or initials for the first and last as well as middle name if any of every child alleged in a referral to your office pursuant to Section 53.01 of the Texas Family code to have engaged during the month of February 2008 in delinquent conduct or conduct indicating a need for supervision, indicating for each child:

1. the respective date of said referral(s);
2. the respective date(s) of that underlying conduct;
3. the case number(s) and file date(s) of the State's corresponding original adjudication petition(s); and
4. the date(s) of each corresponding officer's return.

Information Request #3:

A copy of the written plea of each and every defendant prompted by a charge or charges against him or her, including but not necessarily limited to Capital Murder, as levied by the State of Texas through your office at any time this millennium.

Information Request #4:

A copy of the verdict and corresponding sentence of each and every defendant prompted by a charge or charges against him or her, including but not necessarily limited to Capital Murder, as levied by the State of Texas through your office at any time this millennium.



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Information Request #5:

A copy of the judgment and corresponding sentence of each and every defendant prompted by a charge or charges against him or her, including but not necessarily limited to Capital Murder, as levied by the State of Texas through your office at any time this millennium.

POPULAR and the ACORN 8 further request a comprehensive investigation into the prospect of one or more 18 U.S.C. §242 violations as well as any and all corresponding conspiracies should the foregoing comparative data confirm that Michayl Mellen, George Stokes, one or more of their children, Moishe Curtis Turner, and Juan Manual Albarado were prosecuted and/or sentenced on exceptional terms.

POPULAR and the ACORN 8 further request the fervent prosecution of any and all persons for which there is probable cause to believe committed one or more federal offenses on which the present complaint is premised.

**X. List of Attachments:**

<u>Label</u>	<u>Description</u>	<u>No. of Pages</u>
<i>MS17709</i>	Taylor County Program Proposal	three (3)
<i>MS27709</i>	Series of Henley/Mellen Emails 4/26-27	five (5)
<i>MS37709</i>	Asst DA to Opinion Comm. Letter	five (5)
<i>MS47709</i>	Atty Gen to Asst D.A. Letter	three (3)
<i>MS57709</i>	Logal's Parole Office Request	three (3)
<i>MS67709</i>	Mu's Notice to Attny Gen	one (1)
<i>MS77709</i>	R. Stokes' Signed Notice	one (1)
<i>MS87709</i>	TSCC-AD Statement re R. Stokes	five (5)

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