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July 14, 2014

The Hon. Coty Siegert, District Attorney
Robertson County
Franklin, Texas 77856

Via e-mail attachment

Re: Bryan F. Russ, Jr., James H. McCullough, and Judge Robert M. Stem

Dear Mr. Siegert:

I previously copied you on my July 8, 2014 letter to various officials at the U.S. Department of Justice about political corruption in Robertson County, and I have since learned that [REDACTED] will be investigating. In addition to violations of federal law, the facts described in that letter set forth violations of state law, particularly Section 71.02 of the Texas Penal Code (engaging in organized criminal activity). Accordingly, I request an investigation to determine whether Bryan F. Russ, Jr., James H. McCullough, District Judge Robert M. Stem and their cronies have violated state law.

With this letter I have attached a copy of the civil racketeering lawsuit ([Exhibit A](#)) that I filed in the U.S. District Court for the Western District of Texas in 2009. I have also attached another letter ([Exhibit B](#)) that I sent to the Justice Department on July 8, 2014. You will recall that Judge Smith dismissed the racketeering lawsuit on the pleadings. For the reasons set forth in Exhibit B, it appears that Judge Smith dismissed the racketeering suit in order to protect his personal friend, Judge Stem.

Regardless of Judge Smith's reasons for dismissing the civil case, I have since obtained unequivocal evidence that Mr. Russ and Mr. McCullough stole more than \$1 million in mineral royalties, some of it from the clients of their firm. Exhibits [C](#), [D](#), [E](#), [F](#), and [G](#) are copies of settlement documents outlining the extent of the theft. I am also attaching copies of the deposition transcripts for Mr. McCullough and Mr. Russ (Exhibits [H](#) & [I](#), respectively). As outlined in the civil racketeering complaint, Judge Stem played a critical role in the theft.

In January I obtained evidence that Mr. Russ provided free legal services to Judge Stem, and that both men withheld this information from the parties and attorneys who were appearing before Judge Stem and opposite Mr. Russ. With the e-mailed version of this letter, I am attaching a copy of the January 7, 2014 transcript of the testimony of Judge Stem and Mr. Russ ([Exhibit J](#)) wherein they both admit that Mr. Russ provided free legal services to Judge Stem.

In that testimony, Judge Stem implicates himself in a violation of Section 36.08(e) of the Penal Code (gift to public servant by person subject to his jurisdiction), and Mr. Russ implicates himself in a violation of Section 36.09 of the Penal Code (offering gift to public servant). If the free legal services were a *quid pro quo*, as they appear to have been, then both men could also be charged with bribery under Section 36.02.¹

Unfortunately, that particular incident occurred well outside the limitations period for any of the offenses in Chapter 36 of the Penal Code. Nonetheless, any offense in Chapter 36 can be a predicate offense for purposes of an organized criminal activity indictment, *see* Section 71.02(a)(9), and the limitations period for offenses under Section 71.02 does not begin to run until the last act in furtherance of the criminal enterprise. *See Vincent v. State*, 945 S.W.2d 348, 350 (Tex.App.–Houston [1st Dist.] 1997), citing Texas Penal Code §71.03(4); *see also Tita v. State*, 267 S.W.3d 33, 35 n.1 (Tex.Crim.App. 2008), citing *Graves v. State*, 795 S.W.2d 185, 186 (Tex.Crim.App.1990).

As set forth below, the most recent acts of Mr. Russ, Mr. McCullough, Mr. Paschall and Judge Stem are well within the limitations period. The racketeering complaint ([Exhibit A](#)) outlines the nature of the criminal enterprise involving Mr. Russ, Mr. McCullough, Mr. Paschall, and Judge Stem as of 2009, but subsequent events have extended the limitations period and strengthened the case against them. As recently as 2011, for example, Mr. Russ and Mr. McCullough were still trying to get their hands on the royalties from the mineral interests that they had stolen from my clients. *See* [Exhibit K](#). And you are already aware that Mr. Paschall misappropriated money from Marium Oscar's estate at least as recently as 2011. Within the last twelve months, Mr. Paschall further filed false discovery responses and repeatedly perjured himself in order to conceal his theft from the estate, and Mr. Russ aided and abetted Mr. Paschall's attempts to conceal the stolen assets.

If it was not clear when the federal complaint was filed that Mr. Russ, Mr. McCullough, Mr. Paschall, and Judge Stem were colluding with one another, it was certainly clear thereafter. Shortly after I filed the racketeering case, the four men above, as well as Mr. Russ's son, Bryan F. “Trey” Russ, III, retaliated by trying to frame me for barratry. As set forth in Exhibits [L](#) and [M](#), one of my clients was intimidated, summoned into Judge Stem's office, and deposed in my absence in order to get testimony that appeared to implicate me in barratry. Judge Stem then gave a transcript of my client's testimony to Mr. Paschall, and Mr. Paschall tried to get the Brazos County District Attorney to charge me with barratry. I explained to an investigator from Brazos County (Brian Schwartz) what had actually happened, and Brazos County closed the investigation. Mr. Paschall then filed a false affidavit claiming that I had solicited my client for a case pending Robertson County (the case actually had been filed in federal court in McLennan County) in order to establish venue, and he sought and obtained the

¹ I suspect that Mr. Russ and Mr. McCullough have given cash or other gifts to Judge Stem in Mexico. Judge Stem and/or his wife own property there, and I know that Mr. Russ and Mr. McCullough have traveled there on at least one occasion.

appointment of a special prosecutor. I was subsequently cleared by two grand juries, and the special prosecutor finally dropped the case.

I will separately send an audio file wherein Judge Stem tried to pressure another attorney to file a bar grievance against me based on the same incident. My clients and I had reported Judge Stem, et al. to the FBI, thus any retaliation would have violated state and federal law. *See, e.g.*, Texas Penal Code §36.01 (obstruction and retaliation) and 18 U.S. Code §1503 (Influencing or injuring officer or juror).

For additional information, you may wish to speak with Dirrell S. Jones, assistant disciplinary counsel for the State Bar of Texas, at (972) 383-2900. I have provided some evidence to Mr. Jones, and you are probably aware that the state bar's investigators have been retrieving records from the district clerk's office. I suspect the state bar will be filing charges against Mr. Russ and Mr. McCullough in the near future (if it has not done so already).

Finally, I recommend the formation of a joint state and federal task force to investigate and prosecute political corruption in Robertson County. As you know, the Texas Rangers and the Office of the Attorney General already are investigating Mr. Paschall, and Asst. Attorney General Shane Attaway is serving as district attorney *pro tem* in that case. Since the case against Mr. Paschall is inextricably linked to the larger criminal enterprise involving Mr. Russ, Mr. McCullough, and Judge Stem, I recommend the expansion of Mr. Attaway's duties to include the investigation and prosecution of all crimes committed by those suspects or their cronies.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ty Clevenger', with a long horizontal flourish extending to the right.

Ty Clevenger

cc: The Hon. Shane Attaway, Asst. Attorney General
Office of the Attorney General of Texas
Mr. Dirrell S. Jones, Asst. Disciplinary Counsel
State Bar of Texas
Mr. Thomas Ruocco, Asst. Director for Criminal Investigations,
Texas Department of Public Safety
Mr. Kirby Dendy, Asst. Director for Texas Rangers,
Texas Department of Public Safety