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October 17, 2016

Departmental Disciplinary Committee
First Judicial Department
Supreme Court, Appellate Division
61 Broadway, 2nd Floor
New York, New York 10006

Via facsimile
(212) 287-1045

Re: Complaint of Attorney Misconduct

To Whom It May Concern:

I wish to file a grievance against James Brien Comey, Jr. (Registration No. 2074615) for professional misconduct. Mr. Comey's address is 935 Pennsylvania Avenue, NW, Washington, DC 20535 and his phone number is (202) 324-6500. I have enclosed a letter from from four Congressional committee chairmen to U.S. Attorney General Loretta Lynch, and I incorporate that letter by reference. According to the letter, government officials acting at Mr. Comey's direction destroyed evidence that had been subpoenaed by various Congressional committees.

The New York Rules of Professional Conduct prohibit lawyers from destroying evidence: "A lawyer shall not... suppress any evidence that the lawyer or the client has a legal obligation to reveal or produce." Rule 3.4(a)(1). To the extent that Mr. Comey's conduct violated federal criminal statutes, *see* 18 U.S. Code §§ 1505 and 1519, he violated Rule 8.4(b). Furthermore, it appears that Mr. Comey's role in the destruction of evidence violated subsections a, c, d, and h of Rule 8.4.

Mr. Comey might well argue that he did not obstruct justice insofar as he leads the agency that was conducting the criminal investigation into the emails that were later destroyed. I suppose that argument might carry some weight if this was merely a dispute between different agencies of the executive branch. As the attached letter indicates, however, a separate and co-equal branch of government had subpoenaed the evidence that Mr. Comey's agents destroyed. Mr. Comey already knew that the evidence had been subpoenaed by Congress, so I cannot imagine his rationalization for destroying it.

I declare under penalty of perjury that the foregoing factual statements are true and correct to the best of my knowledge, as witnessed by my signature below. Please contact me via email (tyclevenger@yahoo.com) if additional information is needed. Thank you in advance for your consideration.

Respectfully,

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

Ty Clevenger