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February 26, 2013

Ms. Deborah Hicks, Forewoman  
Robertson County Grand Jury  
P.O. Box 1166  
Franklin, Texas 77856

Re: John C. Paschall and Estate of Marium Oscar

Dear Ms. Hicks:

I write to request an investigation of John C. Paschall, the former district attorney of Robertson County. I have enclosed a copy of the petition from a lawsuit that I filed on behalf of Marsha Gilbert and John Gilbert. As you can see from the lawsuit, we strongly suspect that Mr. Paschall misappropriated funds from the estate of Marium Oscar.

For more than a year, I tried to get a copy of the document creating the 1992 Marium Oscar Trust, but Mr. Paschall refused to provide it. The trial judge ordered Mr. Paschall to turn it over, but Mr. Paschall asked the Tenth Court of Appeals to block the trial judge's order. On February 7, 2012, the Court of Appeals refused Mr. Paschall's request. *See In re John C. Paschall*, Case No. 10-12-00339-CV.

Even after the appeals court reached its decision, Mr. Paschall tried to withhold the document, but he finally relented last week. I received the document on Saturday, but unfortunately, the trial court's order prohibits me from sharing copies of the document or revealing its contents. That said, I now understand why Mr. Paschall fought so hard to keep anyone from seeing the document, and I strongly urge you to subpoena a copy for yourselves, as well as copies of the trust's financial records. I am now more convinced than ever that Mr. Paschall committed a crime.

I also ask that you request the appointment of a special prosecutor to assist you in your investigation. I spoke with District Attorney Coty Siegert before the November election, and I told him that I would bring this matter directly to the grand jury (regardless of the election outcome). I did not want to put Mr. Siegert in the difficult position of investigating his predecessor and political opponent. Moreover, it appears that District Judge Robert M. Stem may be implicated in an investigation of the Marium Oscar trust, and I did not want to put Mr. Sigert in the particularly difficult position of investigating a judge before whom he regularly appears. (By copy of this letter, I urge Judge Stem to recuse himself from the grand jury proceedings).

“Texas courts have long described the grand jury as a separate tribunal, independent of the control of judges and prosecutors.” *In re Guerra*, 235 S.W.3d 392, 408 (Tex.App. – Corpus Christi 2007). Moreover, grand jurors have the right to demand the appointment of a special prosecutor to assist in an investigation. *Guerra*, 235 S.W.3d at 414 (“A judge has the authority, *as well as an obligation*, to appoint an attorney pro tem to assist a grand jury that intends to criminally investigate the district attorney.”)(emphasis added).

In this instance, I strongly recommend that you request the appointment of the Office of the Attorney General of Texas (“OAG”) to assist in any investigation of Mr. Paschall. First and foremost, OAG has statutory responsibility for overseeing certain trust and estate matters (I have enclosed my concurrent letter to OAG, as well as a copy of an earlier letter). Second, the OAG has considerable resources and expertise, and its services will not cost the taxpayers of Robertson County any additional money.

I am sending copies of this letter directly to 11 grand jury members whose addresses I could find, but without the enclosures. However, I am concurrently providing copies of the enclosure documents to the district clerk, where any grand juror may review them. And anyone can view the lawsuit on my blog at <http://lawflog.com/wp-content/uploads/2012/10/2012.02.21-Second-Amended-Petition.pdf>.

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: Members, Robertson County Grand Jury  
The Hon. Robert M. Stem, Judge  
82<sup>nd</sup> District Court of Texas  
Office of the Attorney General of Texas