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September 16, 2013

Major Frank Malinak, Commander  
Texas Ranger Company F  
Waco, Texas

*Via Facsimile*  
(254) 752-6688

Re: *In re Marium Oscar, Deceased / Calvert Historical Foundation v. John C. Paschall*, Cause No. 11-09-18,927-CV (82<sup>nd</sup> District Court)

Major Malinak:

I spoke with you briefly a couple of years ago about some issues pertaining to John C. Paschall, who was then the district attorney in Robertson County. On a broader level, we discussed political corruption in Robertson County, and that is the reason I am writing.

I have attached a copy of a letter that I sent to the Robertson County Grand Jury on February 26, 2013, as well as a copy of the petition mentioned in that letter. Someone forwarded a copy of that letter to Coty Siegert, the new district attorney for Robertson County. Mr. Siegert, in turn, invited the Office of the Attorney General ("OAG") to investigate.

More than six months later, the OAG is still sitting on its hands, despite multiple inquiries from me, Mr. Siegert, and Senator Charles Schwertner. Similarly, I have been asking the OAG to get involved on the civil side since 2011 because OAG has a statutory duty to protect the interests of charitable trusts. To date, OAG has done nothing.

As you will see from the letter to the grand jury, I asked Judge Stem to recuse himself from all grand jury proceedings because he may be implicated in the investigation. At the very least, he is a witness. Judge Stem has since refused additional requests that he recuse himself. Instead, it looks as if he is using his hand-picked jury commissioners to stack the grand jury with political supporters of himself and Mr. Paschall. The forewoman of the last grand jury, for example, is the sister-in-law of one of Mr. Paschall's lawyers. (That same law firm had represented Judge Stem in a real estate dispute, and neither the firm nor Judge Stem disclosed their conflict of interest to the other parties and lawyers appearing before Judge Stem). And the current grand jury is not any better than the last.

As a result, I began investigating whether a court of inquiry could be used to bypass the grand jury. As you know, a district judge must petition for a court of inquiry, and Judge Stem obviously is not going to seek a court of inquiry to investigate himself. However, nothing in Chapter 52 of the Code of Criminal Procedure establishes a venue requirement for a court of inquiry, therefore I concluded that *any* district judge in the state can petition for a court of inquiry.

As a result of this conclusion, I recently met with a district judge in another county who is familiar with Robertson County. (I'll be glad to tell you the name of that judge, but I'm omitting the name from this letter since I am cc'ing this letter to other people). That district judge recommended that, before seeking a court of inquiry, I ask the Texas Rangers to investigate rather than OAG. Accordingly, I request that your agency investigate these matters.

In addition to the evidence that Mr. Paschall misapplied fiduciary property from Ms. Oscar's estate in violation of Texas Penal Code §32.45, I believe there is compelling evidence that Judge Stem and Mr. Paschall (among others) have violated Texas Penal Code § 71.02 (engaging in organized criminal activity) in other matters, most of which are unrelated to the estate of Ms. Oscar. Some of these activities have a nexus in other counties, therefore the case could be presented and prosecuted in counties other than Robertson. In other words, it might not be necessary to seek a court of inquiry in order to bypass a stacked grand jury in Robertson County. And it might not be necessary to rely on OAG to prosecute the case, because prosecutors in any of the other counties could present the case.

At the moment, I am actively engaged in discovery on behalf of the plaintiff in *Calvert Historical Foundation v. John C. Paschall*, and later this week I hope to determine exactly what Mr. Paschall did with the estate's property. I will, of course, be glad to share any evidence that I obtain. Thank you for considering this request.

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. Greg Abbott, Attorney General of Texas  
Senator Charles Schwertner  
Judge Olen M. Underwood, 2<sup>nd</sup> Administrative Judicial Region  
Judge Robert M. Stem, 82<sup>nd</sup> District Court  
The Hon. Coty Siegert, Robertson County District Attorney  
Robertson County Grand Jury