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April 1, 2015

Mr. Gregg Cox, Director
Special Prosecution Division
Travis County District Attorney's Office
Austin, Texas
Via facsimile
(512) 854-4810

Ms. Ashley Hoff, Chief, Austin Division
Office of the U.S. Attorney (W.D. Texas)
Austin, Texas
Via facsimile
(512) 916-5854

Re: Trooper Billy L. Spears

Mr. Cox and Ms. Hoff:

I write on behalf of Billy L. Spears, a trooper with the Texas Department of Public Safety, to request a criminal investigation of his superiors. As set forth in the enclosed letter to DPS Director Steven McCraw, Trooper Spears was disciplined by DPS for allowing someone to photograph him standing next to Calvin Broadus, Jr., *a.k.a.* Snoop Dogg, at the 2015 South by Southwest music festival. This incident is only the latest retaliatory act against Trooper Spears.

Last year, Trooper Spears filed a complaint and requested a criminal investigation of Sgt. Marcus Stokke of the Texas Alcoholic Beverage Commission. The complaint arose from a May 10, 2014 off-duty incident at Lake Fork wherein Sgt. Stoke detained Trooper Spears, with no apparent probable cause, because he thought Trooper Spears had been disrespectful to him at a public event.

The detention appears to have been a straightforward violation of Section 39.03 of the Texas Penal Code, but neither DPS nor TABC investigated the complaint against Sgt. Stokke. Instead, Trooper Spears's superiors filed a disciplinary complaint against him, apparently because he "rocked the boat" by requesting an investigation of an officer from another agency.

The investigations conducted by DPS personnel, including its Office of Inspector General, were laughable. In multiple interviews, Sgt. Stokke repeatedly gave contradictory reasons for his detention of Trooper Spears, even though DPS interviewers asked him only softball questions. On some occasions, for example, Sgt. Stokke claimed

that he detained Trooper Spears because he thought Trooper Spears was intoxicated, and on other occasions he claimed that it was because he thought Trooper Spears might be falsely impersonating a peace officer. Furthermore, Sgt. Stokke's statements to DPS investigators were refuted by troopers and game wardens who were present at Lake Fork on May 10, 2014, including a captain of the game wardens, yet DPS doggedly pursued disciplinary charges against Trooper Spears.

Trooper Spears gave consistent testimony corroborated by multiple witnesses, but disciplinary charges were sustained against him and his superiors ordered a suspension. On the other hand, DPS and TABC internal affairs refused even to investigate Sgt. Sparks, an officer with a history of disciplinary violations.

Trooper Spears appealed the suspension and it was sustained at every level up to the chief of the highway patrol. Finally, on January 23, 2015, Director McCraw reversed the suspension. Two months later, however, DPS brought the new disciplinary charge against him, and I don't think it's a coincidence. As noted in my letter to Director McGraw, even Trooper Spears's immediate supervisors recognize the charge for what it is: retaliation.

DPS claims that the counseling forms are not really discipline, therefore the employee has no right to appeal. Yet those counseling incidents can block a trooper's chances for promotion or advancement. So it appears that DPS commanders are papering Billy's file with counseling incidents because they can't prove that he violated any law, order, or policy, and they know that he will beat them with the law and the facts if he is given an opportunity to appeal.

By copy of this letter, I ask the members of the Texas Public Safety Commission and the Texas Alcoholic Beverage Commission to investigate the handling of the Sgt. Stokke / Trooper Spears incident. I have included links to relevant documents and additional details on my blog, LawFlog.com. Thank you in advance 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: Texas Public Safety Commissioners
Texas Alcoholic Beverage Commissioners