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September 17, 2015

Members, Grimes County Grand Jury
c/o Grimes County District Clerk
P.O. Box 234
Anderson, Texas 77830

Re: Les Shipman

Members of the Grimes County Grand Jury:

I write on behalf of my client, Les Shipman, to request a criminal investigation of Lt. Joseph Sclider of the Montgomery County Sheriff's Office. Lt. Sclider is the commander of the Montgomery County Auto Theft Task Force, and with this letter I am submitting evidence that Lt. Sclider coerced a false statement from a witness in order to justify criminal charges against Mr. Shipman.

Mr. Shipman owns an automobile repair business in Anderson, and Lt. Sclider appears to have a grudge. Between March of 2013 and June of 2015, Lt. Sclider or other task force officers visited Mr. Shipman's business at least four times without finding a single violation. Mr. Shipman was planning to auction off all of the cars on his property on June 27, 2015 so he could ultimately sell the business and move out of state. Immediately after the auction began, however, Lt. Sclider and other officers shut down the auction, seized 56 vehicles, and arrested Mr. Shipman, an associate (Jerry Williams), and the auctioneer (Israel Curits) on organized crime charges. Lt. Sclider also summoned a local television station to cover the event.

Many of the cars at the auction belonged to Richard Ralph Masto, an elderly resident of Houston. Prior to the auction, Mr. Williams had regularly acted as Mr. Masto's agent. In fact, Mr. Shipman, Mr. Williams, and Mr. Masto had done business together for many years. After the arrests, however, Lt. Sclider obtained a written statement from Mr. Masto claiming that he had never authorized Mr. Williams to sell the vehicles. This made it appear that Mr. Shipman and Mr. Williams were selling stolen cars.

In reality, Mr. Masto *had* authorized Mr. Williams to sell the vehicles at the auction, and he told a private investigator in a recorded conversation that he signed the written statement only because Lt. Sclider threatened him with arrest if he did not provide testimony against Mr. Shipman and Mr. Williams. I am providing the foreman, the district clerk, and the district attorney with copies of the recorded conversation, as well as the original statement signed by Mr. Masto.¹ You will notice that the statement is actually

¹ I also expect to have the recording and the written statement uploaded to my blog, LawFlog.com, by the time you receive this letter.

written by Lt. Sclider, not Mr. Masto, and this is further evidence that Mr. Masto was coerced.

Unfortunately, Mr. Masto was in poor health and he died soon after the interview with the private investigator, but the bottom line is this: Lt. Sclider appears to have bullied and threatened a sick old man in order to manufacture evidence against my client. Accordingly, I ask that you investigate Lt. Sclider for abuse of official capacity and official oppression. *See* Texas Penal Code §§ 39.02 and 39.03, respectively.

I should also note that the felony charge against Mr. Shipman for engaging in organized criminal activity is preposterous. A defendant can only be convicted of organized criminal activity if he is part of a group that engages in specific crimes like murder, theft, and kidnapping. *See* Texas Penal Code §71.02. If Mr. Shipman was not selling stolen cars – and he wasn't – then there is no basis for charging him with engaging in organized criminal activity. Lt. Sclider also filed misdemeanor charges against Mr. Shipman, *e.g.*, for selling cars without a license, but none of those purported crimes can support a charge of engaging in organized criminal activity.

According to the July 1, 2015 edition of *The Bryan-College Station Eagle*, “title jumping” was the basis of one of the misdemeanor charges against Mr. Shipman, but this charge is equally preposterous. As I explained above, most of the cars at the auction belonged to Mr. Masto and were to be sold with his permission. The only other vehicle that might be the basis for a “title jumping” charge had been purchased by Cheryl Griffith in January of 2015. According to my client, Ms. Griffith failed to complete the paperwork on the transaction (despite numerous requests), but instead went to the tax assessor's office and falsely represented herself as the owner so she could get it registered in her own name. She finally relinquished the truck after failing to complete the transfer or make any payments. All of this could have been explained up front if Lt. Sclider had bothered to investigate *before* making the arrests (and before smearing my client and his associates on television).

Even if Mr. Shipman could be convicted of selling cars without a license, that would be a Class C misdemeanor, *i.e.*, the equivalent of a traffic ticket. Yet Lt. Sclider towed away 56 cars, summoned the media, and frog marched Mr. Shipman to jail as if he was the trigger man for the Gambino crime family. That may explain why Lt. Sclider coerced a false statement from Mr. Masto. According to the July 1 article in the *Eagle*, Lt. Sclider and his officers ran the license plates and VIN numbers of the 56 cars prior to the auction and discovered that many of the cars did not belong to Mr. Shipman. But Lt. Sclider did not interview Mr. Masto until almost two weeks *after* the auction. In other words, Lt. Sclider launched his television drama and arrested three people for engaging in organized crime without first determining whether those three people were authorized to sell the cars.

Mr. Shipman is also represented by attorney John Quinn of Bryan, and I encourage you to invite Mr. Quinn to speak at your next meeting. I also request that you review all of the outstanding charges against Mr. Shipman and no-bill him on those charges. Finally, I

encourage you to subpoena Lt. Sclider to appear before the grand jury and explain himself.

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: The Hon. Tuck McLain, Grimes County District Attorney
Sheriff Tommy Gage, Montgomery County
Major Jeffrey Collins, Texas Ranger Company A
Mr. Perrye K. Turner, Special Agent in Charge, FBI Houston Division