

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

LESLIE W. SHIPMAN

VS.

DONALD SOWELL, et al

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§  
§  
§  
§

CASE NO. 16-cv-692

**ATTORNEY'S AFFIDAVIT**

BEFORE ME, the undersigned authority, personally appeared JOHN T. QUINN, a person known to me, and after being duly sworn, deposed as follows:

"My name is JOHN T. QUINN. I am over eighteen (18) years of age and have never been convicted of a felony and I am fully competent to make this affidavit. I am an attorney licensed to practice law in Texas and I am the attorney of record for Leslie Wayne Shipman in various criminal cases in Grimes County, Texas, the continued prosecution of which forms the basis for this lawsuit."

"On June 3, 2016, Grimes County District Attorney Tuck McLain recused himself from all pending cases against Mr. Shipman (and his co-defendants). 12<sup>th</sup> District Judge Donald Kraemer told me he was considering appointing district attorney pro tem from the Montgomery County District Attorney's Office. I objected and told Judge Kraemer that a prosecutor from Montgomery County would have a conflict of interest since Montgomery County, its sheriff, and its employees are defendants in Mr. Shipman's federal case. Judge Kraemer, notwithstanding my objection, appointed Montgomery County Assistant District Attorneys Joel Daniels and Brent Chappel as district attorneys pro tem in Grimes County."


"On July 5, 2016, despite being on vacation to celebrate my birthday, I appeared at a scheduled docket call hearing in Grimes County Court regarding a jury trial scheduled for July 19, 2016 regarding three (3) Misdemeanor Criminal Trespass/Property cases. Neither Joel Daniels nor Brent Chappel appeared at the docket call hearing. I announced ready for trial. Sometime later, Joel Daniels contacted the County Judge (Hon. Ben Leman) ex parte and convinced him to re-set the cases until 2017. I was never afforded an opportunity to object to the continuance. I was told by Joel Daniels after the continuance was granted that his reason for asking for the continuance was because the court notice was sent to someone else in his office and was not forwarded to him. I have since filed a motion to dismiss the cases based upon a denial of my client's constitutional right to a speedy trial."

"On July 29, 2016, I had a telephone conversation with Joel Daniels about Mr. Shipman's cases. He informed me that he did not believe he would be able to prove the charged that Mr. Shipman had engaged in organized criminal activity, but he suggested that Mr. Shipman accept a plea to a misdemeanor charge. Barring that, he said he intended to re-indict Mr. Shipman on a separate felony charge of fraudulent execution of

a government document (to wit: a motor vehicle title). That would necessarily result in the cancellation of the currently scheduled September 26, 2016 preferential setting (which will again result in a violation of my client's constitutional right to a speedy trial)."

"By their own admission, the new prosecutors know that there is no basis for the current criminal charges against Mr. Shipman. I can only conclude that they are trying to pressure Mr. Shipman to accept a misdemeanor plea in order to negate any malicious prosecution or wrongful arrest claims against the Montgomery County defendants."

Further affiant sayeth not.

  
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JOHN T. QUINN

STATE OF TEXAS      §  
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COUNTY OF BRAZOS   §

SUBSCRIBED AND SWORN TO BEFORE ME on this the 4 day of August, 2016.

  
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Notary Public, State of Texas

