

CAUSE NO. CS-28245

STATE OF TEXAS

v.

RODRICK JACKSON

**City of Hearne Municipal Court
Robertson County, Texas**

MOTION TO COMPEL PRODUCTION OF EVIDENCE

NOW COMES Rodrick Jackson, the Defendant, moving the Court to compel the State to produce exculpatory evidence:

On March 21, 2017, the undersigned asked the State to “disclose all information reflecting on the credibility of Sgt. Stephen Yonner [*sic*] and any other officers who participated in the investigation of my client.” *See* Email exchange between Ty Clevenger and Tangerlia Felton (Exhibit 1).¹ City Attorney Pro Tem Tangerlia Felton responded that she was not aware of any information reflecting on the credibility of the investigating officers, and the undersigned advised her to speak with Interim City Manager John Naron about such information. *Id.* Separately, the undersigned asked to see the personnel files of all officers who investigated Mr. Jackson in this case, but the city provided personnel files for only two of the three investigating officers.² On April 7, 2017, the undersigned advised Ms. Felton that Sgt. Yohner had been suspended by the City of Hearne:

The city allowed me to see Sgt. Yohner's personnel file today, but it did not indicate the reason for his suspension. I know why he was suspended, and it is relevant to his

- 1 As witnessed by his signature on this document, the undersigned declares under penalty of perjury and based on his own personal knowledge that the exhibits attached to this motion are true and correct copies of the documents that he represents them to be.
- 2 The State still has not produced the personnel file for Lt. Thomas Armstrong, the senior investigating officer on the case.

credibility as a witness. Pursuant to *Brady* and the Morton Act, that information needs to be disclosed.

Email exchange between Ty Clevenger and Tangerlia Felton (Exhibit 2). On the same date, the undersigned sent an email to Mr. Naron:

This afternoon I reviewed the personnel file for Sgt. Yohner, and it did not contain any information about his suspension. According to police personnel, the police chief was summoned to the office of Rusty Russ for a meeting, and after the chief returned to the office, he called Sgt. Yohner and informed him that he was suspended. I was told that everything was handled verbally.

Why was the meeting held in Mr. Russ's office? Is he acting as the city attorney? As permitted by the Texas Public Information Act, I request the opportunity to view any records, documents, or communications pertaining to the suspension of Sgt. Yohner. If Mr. Russ generated or received any such information while purporting to act for the City of Hearne, I request the opportunity to view that information.

April 7, 2016 Email from Ty Clevenger to John Naron (Exhibit 3). On April 21, 2017, City Secretary Linda Pecina appealed that public information request to the Office of the Attorney General (Exhibit 4), implicitly admitting that the city possesses documents that are responsive to the request for disclosure.

As indicated by the April 7, 2016 email to Ms. Felton, the undersigned was reliably informed of the reasons for Sgt. Yohner's suspension, and they indeed reflect on his credibility. First, Sgt. Yohner was suspended because he texted photographs of his genitals to one or more female employees of the City of Hearne. Second, Sgt. Yohner was suspended because he carried on extramarital relationships with one or more mistresses while he was supposed to be supervising a patrol shift. Under longstanding case law, prosecutors must disclose evidence that undermines the credibility of a witness for the State. *See Giglio v. United States*, 405 U.S. 150, 92 S. Ct. 763, 31 L. Ed. 2D 104 (1972) and *Ramirez v. State*, 96 S.W.3d 386, 397 (Tex. App.—Austin 2002, pet. ref'd). The Michael Morton Act codified some of these requirements, *see* TEX.

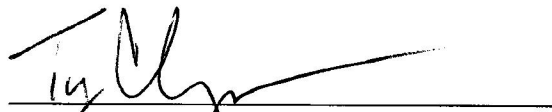
CODE CRIM. PRO. Art. 39.15, and Ms. Felton has been warned repeatedly of her duties to disclose the information, yet the information has not been disclosed.

Similarly, the State has not provided the undersigned with copies of video interviews of the alleged victim. The undersigned first requested those interviews back on March 10, 2017, and Ms. Felton repeatedly indicated that at least some of the videos would be produced. *See* Email exchange between Ty Clevenger and Tangerlia Felton (Exhibit 5). The city secretary finally contacted the undersigned on April 21, 2017 about producing "body cam" videos for the investigating officers, *see* Exhibit 6, but the State still has not produced copies of an interview conducted by Scotty's House in Bryan. In an April 17, 2017 email (Exhibit 7), Ms. Felton argued that TEX. CODE OF CRIM. PRO. Art. 39.15 permits the State to withhold the Scotty's House interview. That article, however, only applies to child witnesses under the age of thirteen. Accordingly, the State is legally obligated to produce the recording.

PRAYER

Given the State's pattern of withholding evidence, Mr. Jackson moves the Court to dismiss this case unless the State provides all exculpatory evidence at least 72 hours before trial.

Respectfully submitted,



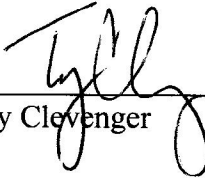
Ty Clevenger
Texas Bar No. 24034380
P.O. Box 20753
Brooklyn, New York 11202-0753
Tel: (979) 985-5289
Fax: (979) 530-9523
tyclevenger@yahoo.com

Attorney for Rodrick Jackson

CERTIFICATE OF SERVICE

I certify that on April 22, 2017 a copy of the foregoing document was provided to the following individual(s) as indicated below:

Ms. Tangerlia Felton, City Attorney Pro Tem
City of Hearne
Email: *tangerliafelton@aol.com*



Ty Clevenger

Exhibit 1

Subject: Re: Brady disclosures / public information request

From: Ty Clevenger (tyclevenger@yahoo.com)

To: tangerliafelton@aol.com; cotysiegert@robertsoncounty.org; citymanager@cityofhearnes.com; citysecretary@cityofhearnes.com;

Date: Friday, March 24, 2017 11:15 AM

Please speak with John Naron and Coty Siegert regarding the investigating officers, particularly Sgt. Yonner. I believe they will be aware of information regarding the credibility of Sgt. Yonner.

From: "tangerliafelton@aol.com" <tangerliafelton@aol.com>
To: tangerliafelton@aol.com; tyclevenger@yahoo.com; cotysiegert@robertsoncounty.org; citymanager@cityofhearnes.com; citysecretary@cityofhearnes.com
Sent: Friday, March 24, 2017 10:58 AM
Subject: Re: Brady disclosures / public information request

Good Morning Mr. Clevenger,

All recorded statements that are in the possession of the City of Hearne Police Department are available for your inspection and review. I will be in the City of Hearne on next Friday March the 31st. Please advise as to how you would like to review these statements. As far as your request for information regarding the credibility of the investigating officers I would need further clarification. At this time I am not aware of any information that would question the credibility of any of the investigating officers.

Best Regards,

Tangerlia Taylor-Felton
Attorney at Law
281-748-3582

—Original Message—

From: tangerliafelton <tangerliafelton@aol.com>
To: tyclevenger <tyclevenger@yahoo.com>
Sent: Tue, Mar 21, 2017 12:51 pm
Subject: Re: Brady disclosures / public information request

Good Afternoon, Mr. Clevenger,
I have been in contact with Sargent Yohner today and he is expecting to have all recorded statements including the Scotty House interview available for on this Friday 3/24/2017. I assure you once they are available they will be forwarded to your office. If you have any further questions or concerns feel free to contact me.

Best Regards,

Tangerlia Taylor-Felton
Attorney at Law
281-748-3582

—Original Message—

From: Ty Clevenger <tyclevenger@yahoo.com>
To: tangerliafelton <tangerliafelton@aol.com>; Coty Siegert <cotysiegert@robertsoncounty.org>
Cc: Coty Siegert <cotysiegert@msn.com>; robertyezak <robertyezak@robertsoncounty.org>; John Naron <citymanager@cityofhearne.com>; Linda Pecina <citysecretary@cityofhearne.com>
Sent: Tue, Mar 21, 2017 7:56 am
Subject: Brady disclosures / public information request

Ms. Felton and Mr. Siegert,

I write concerning *State of Texas v. Rodrick Jackson*, a pending criminal matter in Hearne Municipal Court. As you know, *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny require prosecutors to disclose exculpatory information, including information related to the credibility of investigating officers.

I request that the City of Hearne disclose all information reflecting on the credibility of Sgt. Stephen Yonner and any other officers who participated in the investigation of my client. As authorized by the Texas Public Information Act, I request the opportunity to view any such information that is in the possession or control of the Robertson County District Attorney's Office.

Thank you in advance for your assistance.

/s/Ty Clevenger
P.O. Box 20753
Brooklyn, NY 11202-0753
979-985-5289

Exhibit 2

Subject: Re: evidence
From: Ty Clevenger (tyclevenger@yahoo.com)
To: tangerliafelton@aol.com;
Date: Friday, April 7, 2017 5:00 PM

I am free every afternoon next week, but I am returning to NY on Sunday, so I will have to appear by telephone. The city allowed me to see Sgt. Yohner's personnel file today, but it did not indicate the reason for his suspension. I know why he was suspended, and it is relevant to his credibility as a witness. Pursuant to Brady and the Morton Act, that information needs to be disclosed.

From: "tangerliafelton@aol.com" <tangerliafelton@aol.com>
To: tyclevenger@yahoo.com
Sent: Friday, April 7, 2017 12:53 PM
Subject: Re: evidence

Good Afternoon Mr.Clevenger ,

Would you be available next week for a pre-trial hearing? If so what dates and times would be good for you?

Best Regards,

Tangerlia Taylor-Felton
Attorney at Law
281-748-3582

—Original Message—

From: Ty Clevenger <tyclevenger@yahoo.com>
To: tangerliafelton <tangerliafelton@aol.com>
Sent: Thu, Apr 6, 2017 10:14 am
Subject: Re: evidence

I believe we are legally entitled to that information under the Michael Morton Act (see article below). If you wish to file a pre-trial motion to avoid disclosure, I will respond as appropriate.

<https://www.goldsteinhilley.com/presentations-lectures/the-michael-morton-act/#morton>

From: "tangerliafelton@aol.com" <tangerliafelton@aol.com>
To: tyclevenger@yahoo.com

Sent: Tuesday, April 4, 2017 5:44 PM

Subject: Re: evidence

Afternoon Mr.Clevenger,

If you are requesting to review the personnel files for Sgt.Yohner and the other officers who participated in the investigation as a Discovery Request as the City Prosecutor I am objecting to this request and would ask that a Pre-Trial Hearing be set before Judge Starns. I will not be in Hearne on tomorrow or Friday with notice I will make myself available on next week. As far as a request made to the City Manager you would need to confer with him, I am not the City Attorney and I am not working in that capacity. Please advise as to how you would want to proceed.

Best Regards,

Tangerlia Taylor-Felton

Attorney at Law

281-748-3582

—Original Message—

From: Ty Clevenger <tyclevenger@yahoo.com>

To: tangerliafelton <tangerliafelton@aol.com>; John Naron <citymanager@cityofhearne.com>

Sent: Tue, Apr 4, 2017 1:08 pm

Subject: Re: evidence

Ms. Felton and Mr. Naron,

Please let me know when I can review the personnel files for Sgt. Yonner and the other officers who participated in the investigation of Rodrick Jackson. I will be in Bryan-College Station from tomorrow evening through Friday, so I'd like to do it this week if possible. Thanks.

Ty Clevenger

From: Ty Clevenger <tyclevenger@yahoo.com>

To: "tangerliafelton@aol.com" <tangerliafelton@aol.com>

Sent: Friday, March 31, 2017 2:34 PM

Subject: evidence

Ms. Felton,

Mr. Jackson found a cell phone in his home that he believes was left there by the alleged victim. I want to see what evidence may be on the phone, but I am not comfortable with letting Hearne PD handle it. Would you object to letting DPS retrieve the data?

Ty Clevenger

Exhibit 3

Subject: Sgt. Stephen Yohner
From: Ty Clevenger (tyclevenger@yahoo.com)
To: citymanager@cityofhearne.com;
Cc: bryanruss@palmosruss.com; pastorjackson21@gmail.com; sjeanharris603@gmail.com; mcastill02@att.net;
Date: Friday, April 7, 2017 5:10 PM

Mr. Naron,

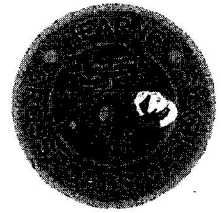
This afternoon I reviewed the personnel file for Sgt. Yohner, and it did not contain any information about his suspension. According to police personnel, the police chief was summoned to the office of Rusty Russ for a meeting, and after the chief returned to the office, he called Sgt. Yohner and informed him that he was suspended. I was told that everything was handled verbally.

Why was the meeting held in Mr. Russ's office? Is he acting as the city attorney? As permitted by the Texas Public Information Act, I request the opportunity to view any records, documents, or communications pertaining to the suspension of Sgt. Yohner. If Mr. Russ generated or received any such information while purporting to act for the City of Hearne, I request the opportunity to view that information.

Ty Clevenger

Exhibit 4

City of Hearne



April 20, 2017

Mr. Ty Clevenger

Via Email: tyclevenger@yahoo.com

RE: Sgt. Stephen Yohner/Email request dated Friday, April 07, 2017

Mr. Clevenger:

This letter is in response to your email dated Friday, April 07, 2017 concerning Sgt. Stephen Yohner.

You stated the same afternoon you had reviewed the personnel file for Sgt. Yohner, and it did not contain any information about his suspension. And, according to police personnel, the police chief was summoned to the office of Rusty Russ for a meeting, and after the chief returned to the office, he called Sgt. Yohner and informed him that he was suspended. You stated you were told everything was handled verbally.

You asked why was the meeting held in Mr. Russ's office, and was he acting as the city attorney? I am sure you are aware, that according to the Public Information Act handbook, "the Act does not require a governmental body to create new information, to do legal research, or to **answer questions.**"

Your requested the opportunity to view any records, documents, or communications pertaining to the suspension of Sgt. Yohner. And, if Mr. Russ generated or received any such information while purporting to act for the City of Hearne, you request the opportunity to view that information. Attached please find a copy of the City's All Purpose Personnel Action Form dated March 31, 2017 where Sgt. Stephen Yohner was placed on Administrative Leave. The remaining information is being submitted to the Office of the Attorney General of Texas for a ruling as to whether said information is excepted from public disclosure. A copy of the City's 15-day brief will be sent to you under separate cover.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Linda Pecina

City Secretary

City of Hearne

979/279-3461

citysecretary@cityofhearne.com

Enclosure

Information Released

CITY OF HEARNE, TEXAS

ALL PURPOSE PERSONNEL ACTION FORM

TO: PERSONNEL DIRECTOR

DATE 3/31/17

TYPE OF ACTION: APPOINTMENT () STATUS CHANGE () LEAVE () SUSPENSION () TERMINATION ()
(CHECK ONE)

EFFECTIVE DATE 3/31/17

HOUR _____

	FROM	TO
NAME OF EMPLOYEE	Stephen Yohner	
ADDRESS	[REDACTED]	[REDACTED]
PHONE NUMBER	[REDACTED]	
DEPARTMENT	Police	
POSITION TITLE	Sgt	
RATE OF PAY		

REASON FOR ACTION: (EXPLAIN IN DETAIL)

Paid Admin leave

IN CASE OF TERMINATION: LAST DAY AND HOUR OF ACTUAL WORK: _____

HAS ALL CITY OWNED PROPERTY IN THE CUSTODY OF THIS EMPLOYEE BEEN RETURNED OR SATISFACTORILY ACCOUNTED FOR? _____

IS THIS EMPLOYEE RECOMMENDED FOR RE-EMPLOYMENT? _____

REQUESTED BY

Thomas Williams
DEPARTMENT HEAD

DIVISION HEAD _____

FOR PERSONNEL DEPARTMENT USE ONLY:

EMPLOYEE NUMBER _____

EMPLOYMENT DATE: _____ LAST INCREASE: DATE: _____ AMOUNT: \$ _____

IN CASE OF TERMINATION: ACCRUED LEAVE FOR PAY PURPOSES: SICK DAYS _____ VACATION DAYS _____
AMOUNT OWED CREDIT UNION _____

REMARKS: _____

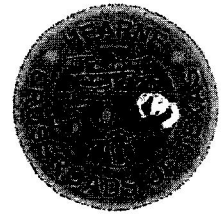
APPROVED BY

PERSONNEL DIRECTOR

BUDGET OFFICER

CITY MANAGER OR ASSISTANT CITY MANAGER

City of Hearne



April 18, 2017

The Honorable Ken Paxton, Attorney General
Office of the Attorney General
Open Records Division
P. O. Box 12548
Austin, Texas 78711-2548

RE: Request for Attorney General Decision Under TEX. GOV'T CODE § 552.301

Requestor: Ty Clevenger
Entity: City of Hearne (hereinafter, the "City")
Date Received: April 07, 2017

Dear Attorney General Paxton:

On April 07, 2017, the City received a public information request from Ty Clevenger (see Exhibit A).

Further, I hereby certify that all City administrative officers were closed on Friday, April 14, 2017 in observance of Good Friday (See Exhibit B). As such, this particular calendar day is not included in the statutory time frame in which the City must comply with section 552.301 of the Government Code in requesting this decision from the Attorney General.

Pursuant to section 552.301 of the Government Code, the City hereby requests a decision from the Attorney General about whether the requested information is excepted from disclosure under the Public Information Act (the "Act"). Specifically, the City Claims that the requested information is not information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body or for a governmental body or is excepted from disclosure as: (1) information made confidential by law under section 552.101; (2) certain personnel information under 552.102; (3) information pertaining to certain legal matters under section 552.107; (4) information concerning certain law enforcement records under section 552.108; (5) information concerning certain addresses, telephone numbers, social security numbers, and personal family information of public officials and employees, peace officers, Texas Department of Criminal Justice Employees, and certain law enforcement personnel under section 552.117; (6) confidentiality of addresses, telephone numbers, social security numbers, and personal family information of peace officers, county jailers, security officers, and employees of Texas Department of Criminal Justice or prosecutor's office under section 552.1175; (7) confidentiality of crime victim or claimant information under section 552.132; (8) crime victim impact statement under 552.1325; and (9) information concerning public employees or officer personal safety under section 552.152.

If there are any third parties whose proprietary interests may be implicated by the release of the requested information, the City will notify them pursuant to section 552.305 of the Act of their right to submit comments to you as to why the information should not be released.

In accordance with section 552.301(e) of the Act, the City will be sending, within fifteen (15) business days of the date that it received the request for information: (1) written comments stating the reasons why the stated exceptions apply that would allow the information at issue to be withheld from the requestor; (2) a copy of the written request for information indicating the date on which it was received by the City or a statement certifying when the City received it; and (3) a copy of the specific information requested, or representative samples of the information, labeled to indicate which exceptions to disclosure apply to which parts of the copy.

Should you have any questions or concerns, please contact our office at 979/279-3461.

Sincerely,



Linda Pecina
City Secretary
City of Hearne
979/279-3461
citysecretary@cityofhearne.com

Enclosure(s): As stated

Cc: Ty Clevenger
P. O. Box 20753
Brooklyn, NY 11202-0753

Via Email: tyclevenger@yahoo.com and First Class Mail

Exhibit 5

Subject: Re: State of Texas v. Rodrick Jackson
From: tangerliafelton@aol.com (tangerliafelton@aol.com)
To: tyclevenger@yahoo.com;
Date: Thursday, March 16, 2017 2:02 PM

Ok, I have requested that any and all recordings to be duplicated on DVD and made available for delivery to me as well as you.

Tangerlia Taylor-Felton
Attorney at Law
281-748-3582

—Original Message—

From: Ty Clevenger <tyclevenger@yahoo.com>
To: tangerliafelton <tangerliafelton@aol.com>
Sent: Thu, Mar 16, 2017 8:29 am
Subject: Re: State of Texas v. Rodrick Jackson

I don't have any video. I was referring to the video taken by Scotty's House.

From: "tangerliafelton@aol.com" <tangerliafelton@aol.com>
To: tyclevenger@yahoo.com
Sent: Thursday, March 16, 2017 11:09 AM
Subject: Re: State of Texas v. Rodrick Jackson

Morning Mr.Clevenger,
I have spoken with the PD and on yesterday I was told that they are in the process of getting the recording on DVD and the those will be forwarded to you. What do you mean by the second video? Are you in possession of any video recordings?

Tangerlia Taylor-Felton
Attorney at Law
281-748-3582

—Original Message—

From: Ty Clevenger <tyclevenger@yahoo.com>
To: tangerliafelton <tangerliafelton@aol.com>
Sent: Thu, Mar 16, 2017 7:13 am
Subject: Re: State of Texas v. Rodrick Jackson

Have you heard anything from Hearne PD about producing the second video?

From: "tangerliafelton@aol.com" <tangerliafelton@aol.com>
To: tyclevenger@yahoo.com
Sent: Friday, March 10, 2017 2:19 PM
Subject: Re: State of Texas v. Rodrick Jackson

I will check and give you an update.
Best Regards,
Tangerlia

Sent from AOL Mobile Mail

-----Original Message-----

From: Ty Clevenger <tyclevenger@yahoo.com>
To: tangerliafelton <tangerliafelton@aol.com>
Sent: Fri, Mar 10, 2017 12:24 PM
Subject: Re: State of Texas v. Rodrick Jackson

If the PD is in possession of the Scotty's House interview, I'm legally entitled to see it, particularly if it undermines the complainant's allegations. If the PD does not have the video, please let me know and I will issue a subpoena to Scotty's House.

From: "tangerliafelton@aol.com" <tangerliafelton@aol.com>
To: tyclevenger@yahoo.com
Sent: Friday, March 10, 2017 1:05 PM
Subject: Re: State of Texas v. Rodrick Jackson

Afternoon Mr. Clevenger,
I have requested that the statements from the PD be provided by DVD. I will forward when they are available it is my understanding should be sometime next week. The statement from Scotty's is a protected statement not conducted by Hearne Police Department.
Best Regards,
Tangerlia Felton

Sent from AOL Mobile Mail

-----Original Message-----

From: Ty Clevenger <tyclevenger@yahoo.com>
To: tangerliafelton <tangerliafelton@aol.com>
Sent: Fri, Mar 10, 2017 10:10 AM
Subject: State of Texas v. Rodrick Jackson

Ms. Felton,

According to the newspaper in Hearne, the PD has some video interviews of the alleged victim. One interview was conducted by the PD and the other by Scotty's House. Can I get copies of those? Thank you.

Ty Clevenger
(202) 577-8606

Exhibit 6

Subject: RE: Video Cam Files**From:** Linda Pecina (citysecretary@cityofhearne.com)**To:** tydevenger@yahoo.com;**Date:** Friday, April 21, 2017 6:23 PM

Mr. Clevenger,

Ms. Tangerlia Felton-Taylor requested I send the information 'registered', to make sure you received it. I will be happy to check on the priority tracking Monday morning since our post office closes at 4:30 p.m. daily. I just want to make sure you receive it, and I have some kind of receipt for our files. As for payment, the City can take payments over the phone.

Also, the City's All Purpose Personnel Action Form was not dated until March 31, 2017. That is when Sgt. Yohner was placed on Administrative Leave. I cannot send you what I did not have.

Have a good weekend.

Linda Pecina

City Secretary

City of Hearne

979/279-3461

citysecretary@cityofhearne.com

From: Ty Clevenger [mailto:tyclevenger@yahoo.com]**Sent:** Friday, April 21, 2017 4:45 PM**To:** Linda Pecina <citysecretary@cityofhearne.com>**Cc:** tangerliafelton@aol.com**Subject:** Re: Video Cam Files

Ms. Pecina,

If you send the CD via registered mail, it will not get here until too late. Please just send it Priority Mail, which includes tracking. I should not be required to pay in advance. Instead, the charges should be counted toward court costs. If you insist on pre-payment, please let me know how I can pay online.

Also, please let me know whether you intend to supplement your letter to the attorney general. Thank you.

Ty Clevenger

From: Linda Pecina <citysecretary@cityofhearnes.com>
To: "tyclevenger@yahoo.com" <tyclevenger@yahoo.com>
Sent: Friday, April 21, 2017 5:39 PM
Subject: Video Cam Files

Mr. Clevenger,

Attorney Tangerlia Taylor-Felton has advised me that you requested a copy of the Hearne Police Department body cam video files concerning Councilmember Jackson . There will be a \$1 charge for the cd plus \$12.89 registered mail fee. This brings the total to \$13.89. Please advise as to how you wish to pay for this. Thank you for your prompt response.

Linda Pecina
City Secretary
City of Hearne
979/279-3461
citysecretary@cityofhearnes.com

Exhibit 7



Ty Clevenger <tyclevenger@gmail.com>

State v. Jackson

Ty Clevenger <tyclevenger@gmail.com>
To: tangerliafelton@aol.com

Fri, Apr 21, 2017 at 5:40 PM

Ms. Felton,

I had an opportunity to review Art. 39.15, and it clearly does not apply in this case. It references Art. 38.071, but that only applies to children under the age of 13. Accordingly, I am entitled to copies of both videos. Likewise, I am entitled to information reflecting on the credibility of the lead investigator.

Unfortunately, the state has consistently obstructed my attempts to obtain evidence, therefore I intend to file a motion to compel. I should note that withholding evidence can be a criminal violation under the Morton Act, and it is also grounds for professional discipline.

Ty Clevenger

On Mon, Apr 17, 2017 at 7:20 PM, <tangerliafelton@aol.com> wrote:
Afternoon Mr. Clevenger,

Yes, I agree the Morton Act permits the duplication of these recordings but doesn't require the State to provide the copies. Under the circumstances I don't have a problem providing copies of the videos taken by Heame P.D. although I will need to check with the court regarding any duplication fees. Duplication of the forensic interview with the complaining witness is protected under Art. 39.15., this video is available and can be viewed at a mutually agreed upon time.

Best Regards,

Tangerlia Taylor-Felton
Attorney at Law
281-748-3582

—Original Message—

From: Ty Clevenger <tyclevenger@gmail.com>
To: tangerliafelton <tangerliafelton@aol.com>
Sent: Mon, Apr 17, 2017 3:37 pm
Subject: Re: State v. Jackson

With respect to the video recordings, the Morton Act permits me to receive copies. I am not allowed to disclose them (nor do I have any interest in doing that).

On Mon, Apr 17, 2017 at 6:25 PM, <tangerliafelton@aol.com> wrote:
Good Afternoon Mr. Clevenger,

The recorded statements have been available for your review per my email dated March 24, 2017. I indicated in that email I would be in the City on 3/31/2017 and would make them available. I can be available for the reviewing of the videos at the court on 4/24/2017, 4/26/2017(from 8-12am), 4/27/2017, 4/28/2017, 5/1/2017, or 5/2/2017 after 1pm.). In regards to your request to Mr. Naron for Lieutenant Armstrong's personnel file you would need to speak with him. Regarding the cell phone in your client's possession I was informed by the Heame P.D. and the complaining witnesses' mother that there were actually two cell phones left at your client's home. They have indicated that they have made several request for them and would like them returned to the Heame PD.

In regards to documentation in Sargent Yohner's file as to his Administrative leave, I have attached what was sent to me from Chief Williams.

If you have any further questions or concerns please feel free to contact me.

Best Regards,

Tangerlia Taylor-Felton
Attorney at Law
281-748-3582 

—Original Message—

From: Ty Clevenger <tyclevenger@gmail.com>
To: tangerliafelton <tangerliafelton@aol.com>
Sent: Fri, Apr 14, 2017 12:48 pm
Subject: State v. Jackson

I still have not received video recordings from Heame PD. Please let me know the status. I also overlooked your question last week about a hearing. I am open most of next week, assuming I can appear by telephone.