

THE COMMITTEE is a self-elected ad hoc citizen task force. Unaffiliated with any governmental agency, THE COMMITTEE is constituted by a voluntary assembly of individuals serving together in an unincorporated association as established by the First Amendment of the Bill of Rights of the Constitution of the USA.



THE COMMITTEE
For Honest Law Enforcement
VAN BUREN COUNTY, ARKANSAS



February 14, 2009

The Honorable U. S. District Judge J. Leon Holmes
U.S. Federal Court Eastern District of Arkansas
c/o Kimberly Lawson, Probation Officer for Michael C. Kelley
Arkansas Eastern District Probation Office
600 W. Capitol, suite 233
Little Rock, AR 72201
Phone: 501-604-5240

Re: UNITED STATES OF AMERICA v. MICHAEL CURTIS KELLY,
PRESENTENCE INVESTIGATION REPORT, DOCKET NO. 4:08CR00053-01 JLH

Your Honor:

Regarding the above titled case, please allow me to formally introduce myself and the work of the ombudsman group I represent. As noticed in our letterhead, we are by law an unincorporated association, peaceably assembled in voluntary cooperation with the single purpose of ensuring honesty in the enforcement of the law.

Michael C. Kelley is a co-cofounder of this group, as am I. My service as chair began in August of 2007 as an interim appointment and has been confirmed each January since that time by virtue of a vote of the membership gathered at a duly convened public meeting, most recently on January 17, 2009, to which the documents furnished in the attached dossier duly attest.

Regarding the case of Michael C. Kelley, in response to the presentence report referenced above, I and we wish to respectfully go on record about the following for your consideration:

From the strict viewpoint of citizens paying taxes to pay the salaries of professionals who are supposed to ensure that our justice system works, we find cause to grieve over the mockery that has resulted in this abysmal mess. Frankly, we are sick about this and see you as our last bastion of due process to petition for redress.

We strongly assert that the real reason Michael C. Kelley is now incarcerated has ONLY to do with the vigorous action he took to expose injustice and corruption. That is, that

were it not for his outspoken activism in support of honesty and justice the initial charges brought against him would long ago have been resolved and faded away.

This dumbfounds us.

Directly related to this, my daughter, her siblings and myself have been traumatized by these actions. That is, that Joseph Daniel Watts – aka: Confidential Informant #7032503 - did in fact *sell* marijuana to Michael Kelley which we know is doubly-illegal for an agent of a law enforcement agency, and that he did in fact lie to officers of the law on at least two different occasions each of which resulted in Michael C. Kelley's arrest.

Knowing this with absolute certainty makes us horrifically and justifiably distrustful of the justice system in our own town.

Additionally, Michael Kelley's incarceration has inflicted a heavy financial burden, emotional pain and physical suffering on all of us by what has been to date a grave miscarriage and obstruction of justice: That Joseph Daniel Watts with the conveyance and contrivance of the VBCSO and others in law enforcement threatened and attempted extortion against my daughter, and that the only person who has stood foursquare for honesty, integrity and justice in this whole matter has since May been kept behind bars because of lies told about him by Joseph Daniel Watts.

Beyond this we assert that those who have conspired to protect Watts from prosecution and persecute Kelley because of the civic issues that he and The Committee addressed did in fact tamper with local elections by and through the intimidation of members of the press and in other ways colluded to pervert honest law enforcement, all of which and considerably more cause for grievance is documented in this dossier.

Respectfully, we assert that the events outlined and substantiated herein demand a full investigation which we are confident will in service only to justice result in the dismissal of all charges against Michael C. Kelley and his immediate release.

In the interest of honest law enforcement, I and we petition Your Honor for relief.

----- (date)

Christine Beems, Chairwoman
The Committee for Honest Law Enforcement
223 Primrose Ln.
Shirley, AR 72153
501-745-4153

INTRODUCTION

By Michael C. Kelley, transcribed from hand-written notes and verbal instructions, edited and corrected for grammar, punctuation, spelling by Christine L. Beems, February 14, 2009.

Your Honor:

This may not be a correct brief but I submit it regardless and ask your indulgence because I must mount a defense. I stand before you accused of growing marijuana. I did grow marijuana – 22 plants in all which were themselves less than 3’ tall when (just a few days before my March 2007 arrest) I cut 16 of them into 2” tall slips -- and that all 22 plants together would have had an equivalent weight of no more than (22 plants x 100 grams per plant = 2200 grams =) 2.2 kilograms.

Further, **I did not sell marijuana to Joseph Daniel Watts**. He sold the 23.4 grams listed separately in the indictment to me and then lied about this to law enforcement officers. In addition to the proofs referenced herein, law enforcement photos and lab tests will measurably attribute to confirming this.

I did not possess firearms for the purpose of committing a crime, nor were the firearms found in my possession the derivative of alleged drug sales but were family heirlooms willed to me by my late father.

I did not threaten the life of Joseph Daniel Watts but did, after over 9 months of abiding legal due process, take the next legal and logical step in The Committee’s pursuit of honest law enforcement by attempting a procedurally correct ‘citizen arrest’ of a person who, under the law, must be brought to justice.

Respectfully, this case will be two years old in March (2009) and not once during this time in any hearing have I been allowed to present our evidence to substantiate my defense to any of the charges raised against me. That is why I cannot allow my sentencing hearing to pass without bringing all this to your attention.

~Michael C. Kelley

BACKGROUND

By Michael C. Kelley & Christine L. Beems, February 14, 2009.

Joseph Daniel Watts was 25 years of age in 2003 when he met Shalom Weiss, then age 14. Watts lied about his age, claiming to be 19, in order to win favor with the girl and her family.

By 2005 and over the course of on-again/off-again encounters, Watts' true age, interest in and intentions toward the girl became self-evident, as did his increasingly controlling and manipulative behavior toward her. When she was 17, he physically assaulted her and she ended the relationship.

Watts then quickly married another young woman and just as quickly was divorced by her under allegations of abuse subsequent to which criminal charges were filed against him.

By the time Shalom turned 18 (December 9, 2006), Watts had refocused his attentions on her and quickly manipulated (with professions of undying love) and 'guilted' the girl into taking him back. This reunion was short-lived, however, and on March 22, 2007, after a bitter disagreement, Shalom determined again to end the relationship.

Also in 2003, Michael C. Kelley was 58 years of age, working as a dishwasher and caring for his elderly father, age 96, who suffered from leukemia, when he met and befriended John Bolin, uncle to Joseph Daniel Watts. The fledgling friendship with Bolin ended tumultuously when Bolin sold Kelley a truck, the deal went sour, Kelley took action in small claims court and in 2004(?), won a lien against a piece of Bolin's property. About a year later, Bolin died leaving the claim unresolved.

Prior to this (circa 2001), Kelley had become acquainted with Shalom Weiss and her family. The girl's mother, Christine Beems, did freelance website development work out of the family home and Kelley contracted her to post a manuscript he'd written on the Internet. By 2007, Kelley and the Weiss/Beems family had become good friends. Also,

Kelley's father had passed away and Kelley was renting a house owned by the Weiss children. Kelley and Watts became known to each other through this relationship.

CHRONOLOGY OF EVENTS

From the evening of Thursday, March 22, 2007, through the early afternoon of Sunday, March 25, Watts badgered Shalom with accusations that she and her family 'owed' him and threatened that if she refused to live with him he would do harm to her family and 'get away with it' because of his 'insider connections' with local law enforcement.

On Saturday, March 24, Watts attended a family gathering at which his rebuff by Shalom was discussed. Also discussed was the 'debt of honor' owed to the Bolin clan by Kelley regarding Kelley's 'bad treatment' of the now deceased Uncle John and a connection was made between Kelley and the Weiss/Beems family, who Watts was by now determined to 'get' as, according to Watts, 'they owed him' and the mother of the family was standing in the way of him marrying the girl.

On Sunday, March 25, wearing a 'wire' under the authority of VBC Sheriff's Office Deputies (Randy Murray and Ted Jones), Watts was sanctioned to enter Kelley's household and, as proof of allegations brought by Watts, make a purchase of marijuana.

While being recorded on the VBCSO wire as he was driving to Kelley's household, Watts says aloud (as if to the listening officers) that if he goes through with this action it will bring the end to his relationship with Shalom. He then places a cellphone call to Shalom at her place of employment and presses her again to rethink her decision. She declines, the call ends and a few moments later Watts parks his vehicle and enters Kelley's rented house.

During the visit, as the VBCSO covertly taped conversation between Watts and Kelley clearly shows, Watts does NOT consummate any purchase of marijuana from Kelley. Yet **on reporting back to the officers, Watts lies** by affirming that a purchase was made. Later that same day, Watts returns to Kelley's home. On this second visit, he pressures

Kelley to buy an ounce of marijuana from him. At first, Kelley declines saying that he has no money. Watts persists, saying he will take a check from Kelley which he does in the amount of \$100.

On Monday, March 26, for reasons surmised to be related to law enforcement's realization that the covert operation carried out the day before was tainted, officers set about to find new 'probable cause' to search Kelley's home, however they were still acting on information given to them by the discredited confidential informant, thus continuing to taint the legality of Michael C. Kelley's arrest.

From March through August of 2007, as proofs of the above became self-evident, it also became clear that the VBC Prosecutor's office was acting to shield Watts from testifying, specifically in one instance by filing a motion to quash the subpoena of Watts by Kelley's defense council, Kent Tester.

Also during this time (April 12, 2007), Shalom Weiss filed for a "No Contact Order" against Watts, which was granted. However, by admission of the VBC Deputy Prosecutor no substantive investigation was conducted and instead of Watts being charged with the Felony offenses he'd committed, this being his 'second offense' as a domestic abuser – which under the full force of law should have at the least been charged with 5-71-229, Stalking, First Degree, Class B Felony and 5-13-310, Terroristic Act, Class B Felony -- was charged as a misdemeanor and 'plea bargained' by the prosecutor (who is **supposed to** represent the 'victim') to a \$500 fine.

On August 1 of 2007, Kelley filed a complaint with the VBC Sheriff's office, accusing Joseph Daniel Watts of having sold marijuana to him. This complaint was ignored. Thus two weeks later a letter was mailed to the VBC Prosecutor's office, also requesting relief.

By this time, Beems had agreed to co-found with Kelley and serve as chair of The Committee for Honest Law Enforcement (see also www.gozarks.com/thecommittee) as a means of direct response to these accumulating events.

When the letter to the VBC Prosecutor was ignored, Kelley and Beems met with Deputy Prosecutor Vickie Elliot in the Conway, Arkansas, office of 20th Judicial District Prosecuting Attorney, Marcus Vaden, on September 12, 2007, continuing to request that Watts be arrested and showing proofs – the cancelled check, a photograph taken by the VBC Sheriff's Department of the marijuana Watts sold to Kelley and a tape recorded admission by Watts that he had in fact sold Kelley the pot.

To date, there has been no response to Beems or Kelley by any officer of the court or any law enforcement agency regarding the charges and allegations of drug dealing raised against Watts which they still insist must be prosecuted.

On August 22 of 2007 a Letter to the Editor publicly announcing the formation of The Committee for Honest Law Enforcement was published by the Van Buren County Democrat and on September 29, 2007, the first 'citizen briefing' of The Committee was convened.

From September of 2007 through February of 2008, additional actions were taken by Kelley and Beems on behalf of The Committee. These actions included two more public meetings, visits with public officials, a letter writing and email campaign, the submission of news releases to media, two orderly and peaceable public picketings at the Van Buren County Courthouse and the production of a video documentary ("Where's The Beef?") raising serious questions about claims made by law enforcement regarding a local/major 'pot bust' in which one Eddy Watts, brother of Joseph Daniel Watts, was arrested as a criminal participant.

On February 14, 2008, at what had been initially scheduled as a long-awaited suppression hearing on the original charge, the state dismissed the case against Michael C. Kelley on the advise from the Prosecutor that a Federal Indictment – allegedly authored at the covert behest of local DEA Agent Johnny Sowell (alleged cousin to Joseph Daniel Watts) -- was being filed against him (Kelley).

At his Federal arraignment, Kelley bonded out on his own recognizance. Still, no matter that the state's charges had been dismissed, Kelley forfeited the \$5000 bond he'd posted with a credit card to secure his freedom while awaiting trial with the state.

Additionally during this overall timeframe reports had come to The Committee that the VBC Sheriff's Office was violating the law and abusing power in various other ways. For example, from mid-December of 2007 though early February of 2008, Megan Stall, then editor of the Van Buren County Democrat, reported in emails to Kelley and Beems that she and others with the VBCD were being 'encouraged' by local law enforcement officials to "either work with them, or against them" which she took "as some sort of threat to withhold information." Also that she was "starting to feel like a double-agent" and that she was "finding a drastic distinction between the impression given [by law enforcement]... vs. the truth of what happened," relating her serious concerns over the impropriety of ongoing events.

Another report, made by a concerned citizen, alleged that according to State Auditors the Sheriff's Office was 'not in compliance with the law' on serious financial matters.

This specific issue was raised by The Committee in accord of due process twice (February 21 and March 20, 2008) on the agenda of the Van Buren County Quorum Court and was, on the second appearance, slandered by Prosecutor Vaden, resultant of which Beems was personally expelled under threat of police escort by County Judge Robert 'Bogie' Bramlett, though her actions of record that evening showed no justifiable cause for her ejection.

Noteworthy however is that Beems was accompanied by Kelley at this meeting and Kelley directly addressed Vaden not only on the fiduciary matters but pointedly on The Committee's continuing adamancy for the arrest of Watts. As had been ongoing throughout this time, The Committee's demand for the arrest of Joseph Daniel Watts as a drug dealer was persistently ignored contrary to the fact that local authorities were

chronically stumping for citizens to 'call the drug hot line' and report suspected drug crime.

Coincidental to all these events, the community was in the fray of local elections and the unceasing questions being raised by The Committee about the integrity of the VBC Sheriff's Office had drawn significant media and public attention. In light of all that had transpired, The Committee publicly endorsed a new contender for the Sheriff's office, an officer of the Clinton Police Department, Eric Koonce. Notably, the local newspaper declined to publish this news release or the photo submitted with it because, the editor asserted, 'things' had gotten too hot and 'must cool down'.

Also during this time, Koonce alleged that he knew what happened to a particular \$1500 cited as 'missing from an unsecured lock box' in the VBC Sheriff's Office as reported by State Auditors, alleging that the funds had been stolen by a young woman who was employed there at that time (as had Koonce himself been) and further alleging that Bradley had 'covered' for her because he 'had a thing for her' and 'couldn't say no' to anything she asked.

On April 22, 2008, after 9 months of patiently petitioning authorities to arrest Joseph Daniel Watts on Kelley's allegation and submission of factual proofs that Watt's had sold marijuana to him, Kelley endeavored a perfectly legal citizen's arrest of Watts. There was, according to Kelley, no violence or threat to life involved. Kelley simply knocked on Watts' door, announced that he was there to arrest Watts, and displayed the photograph originally submitted to (but declined by) the newspaper showing several supporters of The Committee publicly endorsing Koonce at a chili supper, whereupon Watts retreated into his house, closed the door and Kelley left.

Watts reported the incident differently, allegedly going first to the Clinton Police with claims that Kelley had threatened his (Watts) life, although factually the Clinton Police would have no jurisdiction over the incident (which took place well outside the city limits and would have correctly been in the jurisdiction of the VBC Sheriff's Office) but was

the place of employment of Officer Koonce, aka: Sheriff Scott Bradley's political opponent.

Reasonably, it seems more likely that Watts would have gone first to DEA Agent Johnny Sowell, who is reportedly kin to Watts, or to his long-time friend, VBC Sheriff Scott Bradley, with the report that Kelley had tried to arrest him (Watts), and that then a plan had been contrived to use the situation to do damage to Bradley's political opponent – Koonce – which it did.

Conjecture aside it is a fact that when Mike Kelley issued a news release describing the circumstances of his attempted citizen's arrest of Watts, that news release was (on about April 29, 2008) delivered by the Van Buren County Democrat (allegedly under threat of subpoena) into the hands of DEA Agent Johnny Sowell.

On May 9, 2008, eleven days before the Bradley/Koonce election, while driving to work at the same dishwashing job he had held for nearly 7 years, and on the same date the new State Auditors report was officially made public (citing the VBC Sheriff's Office with material deficiency), Michael C. Kelley was surrounded by a dozen law enforcement officers serving a 'sealed' warrant and put under arrest. The car he was driving, on loan from Christine Beems since his own vehicle had broken down earlier in the week, was searched with vigor. No form of contraband was found, yet the car – ownership of which was clearly distinguishable -- was impounded and a scant few hours after his arrest it cost Beems \$180 to retrieve it.

In that same timeframe, the VBCD declined to run an advertisement the week before the election, to be paid for by Officer Eric Koonce, which contained factual information from the Auditor's reports and called Sheriff Bradley's accountability into serious question. When the election was held, not surprisingly Bradley was re-elected.

A week after the election, a newspaper article in the VBCD confirmed that the allegations

first brought by Kelley and Beems regarding the serious financial illegalities of the VBC Sheriff's office were grounded.

Over the next several months, extensive research conducted by Beems, her family members and Committee friends on behalf of Michael Kelley into hundreds of drug-driven cases filed at the State level in the 20th Judicial District dating from 1995 through 2008 in Faulkner, Searcy, and Van Buren counties revealed a pejorative trend.

During 2008 in Van Buren County, for example, 48 cases were identified as having characteristics similar to Michael Kelley's. Of these, 15 were dismissed or nol prossd and 7 concluded with probation or a fine. This translates to 46% of those charged with offenses similar to (and in several instances considerably more grievous than) those to which Michael Kelley is now facing five years in jail.

In Searcy County 43 cases from 2007 were examined. Of these 23 ended in convictions and 20 (46.5%) were nol prossd or dismissed.

In Faulkner County, 7 random cases from 2007 were examined. These ended with 3 on probation, 2 nol prossd (with one of these due to a federal indictment) and 2 prison sentences. Of the two men sentenced to jail time, no record of Toguan Cornelious Ratliff, sentenced May 7, 2007 (to serve 8 years) could (on January 24, 2009) be found in the Arkansas Innate Population search, thus the disposition of his sentence is unknown yet the absence of a name from this record generally indicates that an individual is not presently incarcerated. If this is so, he served less than 2 years of an 8 year sentence, presuming he did any jail time at all.

Justin Carter, the other Faulkner county case referenced above is, according to the Arkansas Innate Population search, currently serving time and scheduled for release in July of 2009 after having served 12 months due to probation revocation after having been initially convicted and sentenced to 5 years for Domestic Battering in the 3rd Degree, Manufacturing, Delivery and Possession of a Controlled Substance, Fraud, Etc, and Drug

Paraphern., and also for Fleeing, charges which in themselves are markedly more serious than those Michael Kelley stands accountable to, and yet Mr. Carter's drug conviction was initially remedied with probation.

Respectfully, beyond the lack of 'equal treatment under the law' and selective prosecution which is abysmally self-evident from this research, we as The Committee find it deeply unsettling to consider this exceedingly high rate of dismissal and nul prossd as a clear indicator of how much of the court's precious time is being wasted by ill-founded drug busts.

On January 1, 2009, in a feature article published by the VBCD, The Committee was acknowledged as #10 on the list of Top Ten News Events of 2008, citing particularly the circumstances surrounding the audits. On January 17, 2009, a properly noticed public meeting of The Committee was convened in the Community Room of the Petit Jean Electric Cooperative in Clinton, Arkansas. As a matter of record and abiding due process, Beems was duly elected to serve a third term as Chairwoman.

As of this writing, February 14, 2009, Mike Kelley is detained at the City of Sheridan Detention Center, in Sheridan, Arkansas, awaiting a sentencing hearing which is to determine his fate.

Joseph Daniel Watts, however, walks the streets a free man while Shalom Weiss and her family cannot forget that Watts – a man who has proven that he will lay in wait for years to pursue a vendetta -- has threatened to kill them and burn their house down because, he says, 'they owe him' and he will, he says, get away with it because of his 'close connections with the cops'.

CONCLUSION

The following materials substantiate the true motivation for the federal indictment and prosecution of Michael C. Kelley. By following the text with the news clips and documents, a pattern emerges of corrupt law enforcement in the 20th Judicial District and

how officials thereof obstructed justice in a concocted effort to exacerbate a relatively minor and completely victimless offense into a federal case in order to discredit and silence Kelley and by extension The Committee before the election held in May of 2008.

The Committee herein alleges that those who participated in or stood mute with knowledge of these offenses and abridgements of guaranteed civil liberties have committed the crimes of embezzlement, lying under oath to the state police, obstruction of justice, intimidation of the press, tampering with elections and perjury.

The Committee further asserts that the tape recorded confession (CD attached) of informant Joseph Daniel Watts admitting to drug sales – during which Watts also asserts that he would have no problem lying to the court about any of this -- along with the copy of the cancelled check payable to Watts and bearing his endorsement provide ample probable cause for officials including the VBCSO and 20th Judicial District Prosecutors Office to take Kelley's sworn criminal complaint against Watts as a drug dealer seriously. Having failed in their sworn duty, we assert that same must be held accountable for dereliction of duty.

The Committee additionally asserts that the attached materials conclusively prove that the actions taken by Michael C. Kelley in the instance of his attempted Citizen Arrest of Joseph Daniel Watts were concordant of due process, perfectly legal, historically rooted in Arkansas and U.S. law and had nothing to do with 'witness intimidation' but were in fact a legitimate effort to bring a criminal to justice which is every citizen's right and duty.

Thus we assert that upon close examination of the attached materials two things become self-evident: (1) that the law is not being enforced with honest integrity in Van Buren County, and (2) that Michael C. Kelley has consistently acted as a diligent and forthright whistleblower in abiding due process, documenting and reporting said instances of criminal activity to proper authorities and is thus entitled to be credited with full cooperation and, in the service of justice, to have all charges against him dismissed. ~~~