

Stark, Pamela

From: [REDACTED]
Sent: Friday, January 25, 2019 8:36 AM
To: Stark, Pamela
Subject: Fwd:

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Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Pamela Fleming [REDACTED]
Date: 1/7/19 12:18 PM (GMT-06:00)
To: mayor@memphistn.gov
Subject:

Dear Mayor Strictland:

I write to you as a victim, first of domestic violence, then of the misconduct of the Memphis Police Department. You see I am a prosecutor with the Shelby County District Attorney General's Office and my husband is a Sergeant with the Memphis Police Department. On June 17, 2018, my husband, Sgt. Joe Stark, and I had an argument which lead to my decision to end our marriage. I asked him to leave, he refused. I then placed a basket of his clothing on our screened in front porch. At this point, my husband decided to begin throwing my trial suits outside. As he carried an arm load of my suits upstairs, I tried to grab them. Intentionally or not, my arm got trapped in the clothes hangers and under his arm and he proceeded to drag me up the stairs of our home. At the top of the stair, as I got to my feet, my husband then slammed me three or more times into the door frame leading to the upstairs' outside door before proceeding to throw my clothes over the railing. I received a laceration to my elbow and had bruising and swelling of both my arm and knee.

I opted not to call the police. This decision was based in part on the normal concerns that any victim experiences which of course was magnified and complicated by our jobs. Unfortunately, approximately a week later, my husband became concerned that I would report him to the police and decided to make a preemptive strike of his own. He "reported" the incident to police himself. His stated purpose, in so doing, was to cover himself in case "his wife" called the police. He told Memphis Police that "his wife" had attacked him and she

Exhibit SA-D

was injured in the process. He refused to give a statement or give any contact information for "his wife" and reportedly denied being "the victim of anything."

Contemporaneously, a Colonel with the Memphis Police Department contacted my supervisory, Deputy General Ray Lepone. Deputy Lepone was told that 'Joe and I were having problems' and that it needed to just remain a "memo" and not a report in order to protect both of our careers. I first learned of this "behind the scene activity" on June 28th when I was called into Deputy Lepone's office for a wellness check as the Colonel both knew and relayed that I had been injured in the incident. I was also told that at this point this was a "memo" and not a report. My office recused itself from any potential investigation; however, as I later learned, MPD chose not to exercise this same precaution.

Despite the stated desires of MPD, this did not remain a "memo." As I am sure you are aware, the law prohibits any domestic violence act with injuries from being recorded as a "memo". Thus, the reporting system used by MPD kicked the memo out of the system and turned it into an official "report." From that point, things get very complicated. While it is my understanding that my husband only referred to me as "his wife", MPD researched and located my name and listed me as "the suspect" and my husband as "the victim". This was done even though the report, and thus investigation, was mandated due to my injuries.

After the "memo" turned into an official report, the investigating officer, I believe Sgt Mote, also went to Deputy Lepone for the purpose of discussing criminal charges. Deputy Lepone contacted Chief Shearin as the office had already recused itself and the conversation was wholly inappropriate. It is my understanding that at this time Sgt. Mote was removed from the case and a Sgt. Codero was assigned. I will note that MPD had never spoken to me, checked on the nature of my injuries, or received anymore information then what has already been stated at the time the investigator attempted to discuss charging decisions with Deputy Lepone.

I was contacted by Sgt Cordero on June 29th. This contact was initiated by having me paged over the intercom system at the District Attorney's Office because, as Sgt. Cordero explained, my husband had given them no contact information for "his wife." I agreed to give a statement and meet with Sgt Cordero on July 1st. I gave an audio recorded statement, taped at my request, which was later transcribed, reviewed and signed by me. The statement was titled a "suspect/victim" statement. Sgt Cordero photographed my elbow which was still scabbed over from the laceration I received during the assault two weeks prior. I showed Sgt. Cordero a photograph on my cell phone which showed a large bruise on my forearm still visible over a week after the assault. Likewise, I gave Sgt Cordero a list of people who had observed my injuries the day after the assault. Sgt. Cordero did not download the photograph or write down the names that I gave him. I was told that my husband, though repeatedly refusing to give an official statement, indicated that I had jumped on his back and punched him in the head as he was attempting to throw my clothes outside. I told Sgt. Codero that this was impossible and invited him to my home to see the layout and verify this for himself. He refused.

A few days later, it was brought to my attention that the report in the MPD reporting system listed me as a suspect, my husband as a victim, and the crime being investigated as a domestic assault. However, everything else was marked as confidential. I verified that this was true and contacted Sgt. Cordero and spoke with his

supervisor, Lt. Roach, as well concerning the situation. I was repeatedly informed that this would be changed. It has not been. I also asked to file a report of my own, I was not allowed to. When I asked what would happen with the case, I was told they had to determine if a crime was even committed based on the fact that I had indicated that my husband's intention was to throw my clothes over the balcony, not to injure me.

It is my position that the Memphis Police Department has not only violated my rights, but also violated the law both as it relates to domestic violence and official misconduct.

Domestic Assault:

T.C.A. 36-3-618 Purpose- Legislative Intent

T.C.A. 36-3-619 Officer response- Primary Aggressor- Factors- Reports- Notice of legal rights

T.C.A. 39-13-111 Domestic Assault

T.C.A. 39-13-101 Assault

Misconduct Involving Public Officials and Employees

T.C.A. 39-16-401 Definitions for Public Misconduct Offenses

T.C.A. 39-16-402 Official Misconduct

T.C.A. 39-16-403 Official Oppression

1. Based on these laws, it is difficult to imagine a scenario, not involving a police officer, where someone would go to the police with the stated purpose of covering for himself while indicating that another person was injured, and police would not check on the welfare of that other person
2. Likewise, it seems rather unlikely that under any other circumstance a report would be generated based on a person being injured, yet that person would be named as a suspect.
3. The law clearly gives a person the right to file a report, yet I was denied that right. Further, MPD's actions denied me the right to circumvent them and file a complaint with a district attorney within 30 days as the protection specifically provided for within the law.
4. The laws of domestic violence clearly favors an arrest. This was not done. Further, the rules for determining a primary aggressor were clearly ignored.
5. These laws require that I be given certain information. I was not given this information, despite having been noted as a "suspect/victim" by MPD on the statement I gave.
6. Though MPD opted to take a "suspect/victim" statement from me, the official report continues to list me as suspect only.
7. Domestic assault does not require intentionality, but specifically allows for knowing or reckless intent.
8. It was wholly inappropriate for an MPD Colonel to come to my place of employment with the stated purpose of preventing this from becoming an official report. Quite frankly, it seems and felt like intimidation.

I want to make very clear that I am not asking for special consideration based on my status as a prosecutor. Quite the opposite. I shudder to imagine what happens to those individuals in a relationship with a law enforcement officer who are not well known to MPD, who do not have a long-standing working relationship with law enforcement, and who are not as well versed in the law as I am.

I have tried everything I can to get MPD to correct this situation. Of course, my job further complicates this. I am placed in a position where I can be accused of using my status as a prosecutor to manipulate the system. Further, the District Attorney's office which would normally be available to assist, has recused itself. Even this is suspect, given MPD did not see any reason to recuse themselves in this situation.

This report basically forecloses on my future. As a prosecutor who has tried over 125 cases, I would like to pursue a judicial appointment in the future. However, any background check will show a report listing me as a suspect in a domestic assault. This is even further complicated by the fact that it is marked as confidential. Thus, the very unusual circumstances surrounding this report cannot even be accessed. Not only does this significantly reduce any hope of a judicial appointment, but it has the same affect on my seeking employment with any other governmental agency. Additionally, given the nature of my employment, basically everyone I work with, prosecutors as well as law enforcement, have access to this information, not the facts, just the accusations.

I cannot allow this to stand as it already has for the last six months. I love my job and I am a huge supporter of law enforcement, including MPD, but this is just wrong and unjust. Still, I have no desire to take this further. I do not wish to involve outside investigative agencies or the court system, but I will if I have to. So, it is in desperation I ask you to look into this before it goes further.

.Sincerely,

Pamela Diane Stark


Sent from Mail for Windows 10