

IN THE CIRCUIT COURT OF TENNESSEE  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

FILED  
SEP 30 2021


PAMELA DIANE STARK (FLEMING),

Plaintiff/Respondent,

vs.

JOE EDWARD STARK,

Defendant/Petitioner

CIRCUIT COURT CLERK  
BY  D.C.

No CT-002958-18  
Division VIII

**ORDER ON HUSBAND'S PETITION FOR CIVIL AND CRIMINAL CONTEMPT  
AND FOR DETERMINATION OF RESERVED FEES**

THIS CAUSE came on to be heard on August 10, 2021 before the Honorable Robert S. Weiss, Judge of Division VIII of the Shelby County Circuit Court upon the Husband's Petition for Civil and Criminal Contempt and for Determination of Reserved Attorney Fees filed by Defendant/Counter-Plaintiff (hereinafter "Husband"). Plaintiff/Counter-Defendant, Pamela Diane Stark (hereinafter "Wife") did not file a written response. Based upon the Petition, the testimony of the parties, argument of counsel for Husband and Wife, *pro se* and the record as a whole, from all of which the Court finds as follows:

**PROCEDURAL HISTORY**

1 Plaintiff filed a Complaint for divorce on June 29, 2018 and parties were divorced pursuant to a Final Decree of Divorce entered by the Court on November 24, 2020.

2 Subsequent to filing the original Complaint for Divorce, Wife sought leave and filed an Amended Complaint for Divorce to add allegations of Interspousal Tort on November 28, 2018.

3 At the time of the filing of the Complaint for Divorce the Notice to the Parties of Mandatory Injunctions Issued was also filed which provided, in part, as follows:

(3) Each party is restrained from harassing, threatening, assaulting or abusing the other and from making disparaging remarks about the other in the presence or to either party's employer.

(6) This injunction shall not preclude either party from applying to the Court for further temporary orders, and expanded injunction or modifications or revocation of this temporary injunction.

4. Despite the injunctions being in place Wife contacted Husband's direct supervisor in the Memphis Police Department and sent correspondence to Mayor Strickland, his overall supervisor.

5. In addition, Wife posted a message on Facebook on December 14, 2018 critical of the Memphis Police Department and referenced an allegation of being a victim of domestic assault at the hands of Husband.

6. On January 15, 2019, Husband filed a Petition for Restraining Order Pursuant to Tennessee Rules of Civil Procedure Rule 65.03.

7. On February 13, 2019, the Court issued an Order on Petition for Restraining Order Pursuant to Tennessee Rules of Civil Procedure 65 03 finding, in part, as follows

2 The Respondent, Pamela Stark, shall remove the December 14, 2018 Facebook post immediately.

3. The Respondent, Pamela Stark, shall be further enjoined from making any other public allegations against the Petitioner, Joe Stark, on social media (on any platform) or to his employer which may affect Petitioner's reputation or employment

8. On July 17, 2019 Husband filed a Petition for Civil and Criminal Contempt and for Determination of Reserved Attorney Fees. Wife was personally served with this Petition and Scire Facias on July 17, 2019.

9. The hearing of this Petition had been delayed due to the ongoing appeals of the Court's Order of February 13, 2019 to the Tennessee Court of Appeals, Tennessee Supreme Court cert. denied and United States Supreme Court, cert. denied.

### FACTS

10. On June 27, 2019, the Commercial Appeal published an article authored by Philip Jackson entitled "Former prosecutor: Memphis police 'destroyed' my career after domestic assault involving officer".

11. On July 17, 2019, Wife was served with the instant Petition for Contempt in this cause.

12. On July 24, 2019, Wife submitted to a deposition at which time counsel for Husband asked numerous questions regarding the Commercial Appeal article.

13. Wife admitted to speaking to the reporter on the phone and meeting with him for several hours discussing and verifying the allegations set forth in the Federal lawsuit and declaratory judgment actions

14 She discussed and verified a number of allegations in which she was quoted throughout the article explaining how the allegations related to destroying her career.

15. Wife was aware of the ongoing injunction prohibiting her from making any other public allegations against the Petitioner, Joe Stark, on social media (on any platform) or to his employer which may affect Petitioner's reputation or employment

16 Wife argues that the injunction was not a gag order and she did not write, print or publish the article.

17. Wife argues that the injunction did not prevent her from filing the Federal lawsuit and that Mr Jackson was going to write his article based on the filings alone.

18 Wife denies giving Mr. Jackson the Facebook post asserting that he would have gotten it from the declaratory judgment action filed in Federal Court as it was an attached exhibit.

19 Wife admits that on or about May 9, 2019 she reposted the Facebook post, changing the language from “I speak now as a recent victim of domestic violence at the hands of a Memphis Police Officer, ..” to “From personal experience .”

20. The new post would have reached the same people who observed the prior post and would have had the same contextual frame of reference that Wife was referring to her “personal experience” with Husband and the Memphis Police Department.

21. The impact of Wife’s actions and her disparaging Facebook post has been made exponentially worse in that the disparaging comments have been published worldwide and will have an even greater negative impact on Husband.

22. Since the allegations in the Commercial Appeal article are posted on the internet the effects are irreversible and not subject to civil contempt

23. At the beginning of the hearing, the Court clarified the type of contempt sought. Husband’s counsel verified on the record that the he sought a finding of criminal contempt and that Wife be fined and/or incarcerated to the fullest extent of the law. Further, that she be ordered to pay Husband’s suit expenses and attorney fees for the necessity of bringing the Petition and for a judgment in an amount certain.

24 At no time did Wife attempt to assert a claim of privilege or refuse to answer any questions until the close of proof when she asserted that her testimony should be excluded from consideration for as she had a privilege not to self-incriminate herself.

25 The Petition, which Wife was personally served with, contains a warning in bold font directly under the Fiat which states:

**WARNING**

**This petition places you in jeopardy of being found in Criminal contempt of this court's order(s). Each incident of contempt can result in your incarceration in jail for contempt.**

**As to Criminal contempt, pursuant to Ten. Code Ann. 29-9-101, et seq., you have certain constitutional rights of a criminally accused person including but not limited to, the right not to testify against yourself, the right to counsel, and the presumption of innocence.**

26 The Scire Facias, which Wife personally signed acknowledging receipt, also advised her of her rights with regard to criminal contempt. Specifically, it provides:

NOTICE TO THE RESPONDENT: You have the right to be represented by an attorney. If you are unable to afford an attorney, and wish to have one appointed by the court, you must file a motion with the court at once, giving five (5) days' notice to the petitioner or petitioner's attorney of the time and place your motion will be heard.

You are charged with Contempt of Court, which may be of a civil and/or criminal nature. When charged with Criminal Contempt, you are not required to give evidence against yourself. You are presumed innocent until proved guilty beyond a reasonable doubt. If you are convicted of contempt, there is a possibility that you will be fined or imprisoned.

27. Additionally, Ms Stark (Fleming) has been a practicing attorney in the criminal courts in Shelby County as a deputy district attorney and is well aware of the rights afforded to her, and how and when she could claim her privilege to not testify.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:**

1. That Pamela Diane Stark (Fleming) is guilty of criminal contempt of the Court's mandatory injunction entered upon the filing of the Complaint for Divorce for knowingly and

intentionally participating in the creation of the Commercial Appeal article by submitting to hours of in-person and telephonic communications with the author.

2. Ms Stark (Fleming) knew or should have known the obvious potential and intent that the publication of the disparaging comments was going to be received by Mr Stark's employer, Memphis Police Department

3. The fact that Ms Stark (Fleming) was able to utilize the media does insulate her from liability for her participation in the violation of the Mandatory Injunction Order.

4 Ms. Stark (Fleming) is further in criminal contempt for her willful posting of the Facebook post she posted on or about May 9, 2019 with the slightly modified language of the Facebook she was specifically ordered to take down on February 7, 2019.

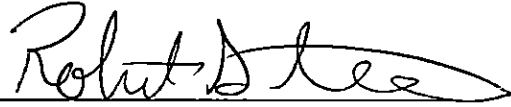
5. Having found Ms. Stark (Fleming) guilty of two counts of contempt the Court could order that she could be incarcerated for twenty (20) days. However, in light of her education and legal ability the Court finds that Ms Stark (Fleming) shall instead perform one hundred and sixty (160) hours of community service working with the Family Safety Center (or comparable agency) representing victims of abuse to be completed on or before December 31, 2022.

6 Proof of completion of the community service hours shall be filed with the Court clerk upon completion of 160 hours.

7. Ms. Stark (Fleming) is further ordered to pay \$3,500 00 in attorney fees and expenses for the necessity of Husband bringing this Petition, which is reduced to judgment for which let execution issue, if necessary

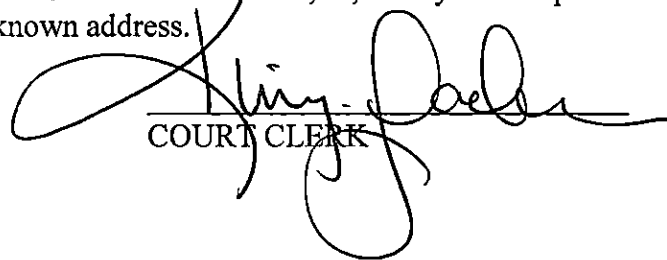
8. The Court calculated the 160 hours based on 20 days of incarceration at 8 hours per day

9. That the costs of this cause are taxed to the Respondent, Pamela Diane Stark (Fleming) for which let execution issue, if necessary

  
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JUDGE  
Date: 9/30/21

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above order was mailed, postage prepaid, to the parties of record at the addresses shown in the file, or, if they were represented, to their attorney of record at his or her last known address.

  
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COURT CLERK