

RAY & FRENSLEY

ATTORNEYS AT LAW

CHARLES R. RAY*
JEFFERY S. FRENSLEY

*Also Licensed in Kentucky

December 16, 2002

TWO HUNDRED ELEVEN
THIRD AVENUE NORTH
P.O. BOX 198288
NASHVILLE, TENNESSEE 37219
TELEPHONE (615) 256-2111
FAX (615) 248-6730
E-MAIL lawdog@attglobal.net

(John W. Campbell, Esq.)
Assistant District Attorney General
30th Judicial Circuit
201 Popular Avenue
Suite 301
Memphis, Tennessee 38103-1947

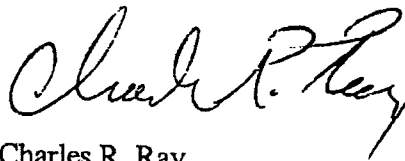
RE: Tony X. Carruthers Shelby County Post Conviction Relief No. P-25948

Dear Mr. Campbell:

I have and thank you for your supplemental response, but I fear that your response does not clear up the question. You keep on qualifying your response with the statement that Shaw "was not a 'paid government agent' planted in the jail to get a statement from the Petitioner." The question put to you is whether Shaw was a paid government agent period. The government includes local, state and federal. If you would be so kind to respond to the question put to you as to whether Shaw was a government agent irrespective of whether he was placed in the jail to get a statement from the Petitioner, it would be deeply appreciated. Again, so there can be no misunderstanding the question put to you is whether Shaw was a paid government agent. The time period encompassed is the time he was incarcerated contemporaneous with the Petitioner's incarceration at the Shelby County jail.

Thank you for your cooperation in this matter.

Very Truly Yours,



Charles R. Ray

cc: Larry Copeland
Tony Carruthers
Criminal Court Clerk Shelby County

JAMES J. CHALLEN III
DEPUTY DISTRICT ATTORNEY GENERAL

KENNETH R. ROACH
ADMINISTRATIVE ASSISTANT/CHIEF PROSECUTOR
CRIMINAL COURT DIVISION

THOMAS D. HENDERSON
ADMINISTRATIVE ASSISTANT/CHIEF PROSECUTOR
GENERAL SESSIONS CRIMINAL/
JUVENILE COURT DIVISIONS

M. CARTER MYERS
GRAND JURY ADMINISTRATIVE ASSISTANT

PRISCILLA C. CAMPBELL
CHIEF ADMINISTRATIVE OFFICER

JERRY HARRIS
CHIEF HOMICIDE PROSECUTOR

JOHN W. CAMPBELL
DIRECTOR
MAJOR CRIMES PROSECUTION UNIT

J. ROBERT CARTER, JR.
DIRECTOR, NARCOTICS PROSECUTION UNIT

JENNIFER S. NICHOLS
DIRECTOR, ANTI-GANG TEAM

KEVIN R. RARDIN
LEAD PROSECUTOR
CHILD PROTECTION INVESTIGATION TEAM

WILLIAM D. BOND, III
DIRECTOR, DOMESTIC VIOLENCE
PROSECUTION UNIT

HENRY P. WILLIAMS
LEAD PROSECUTOR
FRAUD & ECONOMIC CRIME TEAM

GEORGE A. KING
CHIEF INVESTIGATOR

GORDON E. BIGGS
ASSISTANT CHIEF INVESTIGATOR

KENNETH E. BLACKBURN
DIRECTOR, VICTIM-WITNESS UNIT

SANDRA B. TRUETT
CHIEF ADMINISTRATIVE CLERK

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ALANDA HORNE DWYER
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JOHN TIBBETTS
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ERIC N. CHRISTENSEN
WILLIAM S. CROSSNOE
PAUL HAGERMAN
W. CHRIS SCRUGGS
ASSISTANT DISTRICT ATTORNEYS
CRIMINAL COURT DIVISION

DAVID N. McGRUFF
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CHARLES SHETTLESWORTH
R. R. DAVIS
RONALD F. WILKINSON
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ROBERT HARRISON
EDIE HILL
DONALD J. FLYNN, M.P.D.
ALEXANDER McGOWAN, M.P.D.
RONNIE McWILLIAMS, M.P.D.
RONALD GOODWIN, M.P.D.
ELAINE SHELBY, S.C.S.O.
INVESTIGATORS
CRIMINAL COURT DIVISION

WILLIAM L. GIBBONS
DISTRICT ATTORNEY GENERAL
SHELBY COUNTY, TENNESSEE
CRIMINAL COURT SECTION
201 POPLAR - SUITE 301
MEMPHIS, TENNESSEE 38103-1947
PHONE (901) 545-5900
FAX (901) 545-3937
www.scdag.com



January 7, 2003

Charles R. Ray
Attorney at Law
211 Third Avenue North
Nashville, TN 37219

Re: Alfredo Shaw

Dear Mr. Ray:

I thought that this matter was resolved by my earlier response. But just incase, I have talked to the prosecutors who tried your client and neither is aware of any situation where Alfredo Shaw acted as a paid informant for anybody. To the best of their knowledge, Alfredo Shaw was never a paid informant during the time frame you stated in your letter of December 16, 2002. I do not know how much clearer I can be on this topic.

Sincerely

J.W. Campbell
JOHN W. CAMPBELL "LIAR"
Assistant District Attorney General

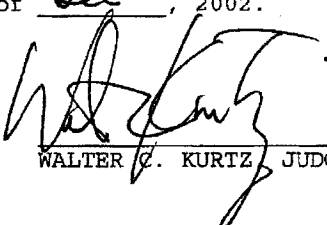
IN THE CRIMINAL COURT FOR SHELBY COUNTY, TENNESSEE

TONY CARRUTHERS,)
)
 Petitioner,)
)
 VS.) NO. P-25948
) (POST-CONVICTION)
)
 STATE OF TENNESSEE,)
)
 Respondent.)

ORDER

Before the Court is the petitioner's motion to compel the State to reveal whether Alfredo Bernard Shaw was or was not a paid government agent during the time he had conversations with the petitioner in the Shelby County jail. The motion is granted. The State shall file a written response within fifteen (15) days divulging whether Alfredo Bernard Shaw was or was not a paid government agent for either the county, state, or federal government during the time period he had conversations with the petitioner in the Shelby County jail.

This the 3 day of Dec, 2002.


WALTER C. KURTZ, JUDGE

xc: Charles R. Ray
Attorney at Law
211 Third Avenue North
P.O. Box 198288
Nashville, TN 37219

Larry Eugene Copeland, Jr.
Attorney at Law
242 Poplar Ave.
Memphis, TN 38103-1946

John Campbell
Assistant District Attorney General
201 Poplar, Suite 301
Memphis, TN 38103

FILED 12-3-02
WILLIAM A. FRY, CLERK
BY [Signature] D.C.



Shelby County Sheriff's Office

Bill Oldham, Sheriff

December 19, 2017

Mr. Paul R. Bottei
Assistant Federal Public Defender, Middle District
810 Broadway, Suite 200
Nashville, TN 37203-3805

RE: **Request for Records—Tony Carruthers v. Westbrooks, USDC 08-2425**
Records of Alfredo Shaw from “1990’s and even before”

Dear Mr. Bottei:

You have made what we construe to be a Tennessee Public Records Act request wherein you asked that the Shelby County Sheriff's Office provide you, on behalf of your client, certain records pertaining to Alfredo Shaw and his work as a confidential informant. Last month, you provided additional information to assist us in responding.

Several things should be addressed at the outset pertaining to your client's pending writ of habeas petition matter.

1. Your client's appeal of the federal district court's denial of his writ of habeas corpus is now pending before the Sixth Circuit Court of Appeals. By Order filed January 25, 2016, the Sixth Circuit allowed him to proceed on the following issues: (1) whether the trial court violated Carruthers's right to counsel when it compelled him to proceed pro se at trial; (2) whether Carruthers was denied his right to counsel in violation of United States v. Cronig; (3) whether Carruthers was competent to stand trial and to waive his right to counsel; and (4) whether Carruthers procedurally defaulted (1), (2) and/or (3).

It is duly noted that the Sixth Circuit did not grant permission to pursue any claims related to Mr. Shaw.

2. By Order entered October 2, 2013, federal district court Judge Jon P. McCalla denied your client's discovery requests pertaining to Mr. Shaw: (1) a subpoena ad testificandum for the deposition of Alfredo Shaw; (2) require the production, by the Shelby County Sheriff, Memphis Police Department, and federal law enforcement agencies in Memphis, identifying the work done by and/or consideration received by Shaw for his assistance on cases from 1992-2006; and (3) a subpoena ad testificandum to the trial prosecutors on the grounds of their work with, involvement with, discussions with, offers to, assistance to, and contact with Shaw. The Judge noted that your client had been granted, “extensive discovery in the case,” that the discovery



201 Poplar Ave., Room 9-15 • Memphis, TN 38103 • 901-222-2116 • Fax 901-222-5657

Debra.Fessenden@shelby-sheriff.org



Mr. Paul R. Bottei, Assistant Federal Public Defender

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period was closed, dispositive motions had been filed, and there was no good cause to grant discovery.

Your office is attempting to circumvent the rulings of the federal district court as well as the Sixth Circuit Court of Appeals, in addition to the federal statute governing discovery habeas corpus proceeding.

3. Judge McCalla's Order of October 2, 2013, fully outlines the reasons the State of Tennessee elected not to rely on Mr. Shaw's testimony during the trial of your client:

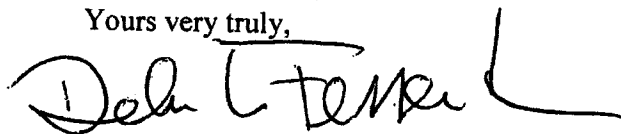
The prosecution asserted that because it refused to aid Shaw with his continued arrests, he "called the media and began this program of recantation or attempted recantation." ... The prosecution noted that Shaw's behavior in constantly getting arrested and seeking aid from them was the reason why they announced in open court that Shaw would not testify for the prosecution at trial... The decision was not because the prosecution did not believe that Shaw's prior testimony was true, but because they could not "give [Shaw] carte blanc to go out and get arrested.

4. By filing of October 31, 2012, your client submitted a variety of documents which indicate that Mr. Shaw had cooperated with authorities for some period of time, serving as a "confidential informant." None of this information is "new" or "recently discovered."

5. Without waiving any objection that you are not entitled to any of the records you are seeking, regardless of whether the request is couched as a TPRA request, or any objection that your client is not entitled to records pertaining to confidential informants, and to the extent you are seeking a record of monetary transactions involving Mr. Shaw and the Sheriff's Office, that is being provided. The document provided is a redacted computer record of the funds provided to Mr. Shaw. That took two (2) hours to retrieve from a computer system that is no longer in use. A statement for our services is enclosed.

Records pertaining to criminal investigations or prosecutions involving Mr. Shaw will not be provided absent a Court Order.

Yours very truly,



Debra L. Fessenden
Chief Policy and Statutory Compliance Officer

Enclosures

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