

BLACK LIVES MATTER

MEMPHIS

MISSION: In the spirit of the birth of the Civil Rights movement the Black Lives Matter Memphis principal objective is to progress and ensure the protection of all Black Lives regardless of gender, disability, levels of education, socio-economics status, political beliefs, and sexual orientations, our organization promotes black unity, to achieve equality amongst our citizens. BLMM seeks to eliminate systematic oppression through awareness, education, and a demand for betterment and change for all black lives.

Honorable Bill Haslam, Governor
State Capitol, 1st Floor
600 Charlotte Ave
Nashville, TN 37243

P. O. Box 80564
Memphis, TN 38108

November 22, 2017

RE: LETTER OF GREAT CONCERN OF THE NOMINATION OF 30TH JUDICIAL POSITION VACANCY

Dear Governor Haslam,

As a social justice organization, we are greatly concerned about the nomination of Deputy D .A. Jennifer Nicholas to become a judge in Division 10 of the Shelby County Criminal Court. As a senior prosecutor to D. A. Weirich, Ms. Nicholas has been involved in many improprieties in the District Attorney Office. Even more, prior to Weirich being elected Nicholas executed a pattern of vengeful and abusive tactics throughout the Shelby County District Attorney's office. More specifically, these improprieties include but not limited to; instructing subordinates *not* to settle cases or dismiss cases brought without proper merit, pursuing unwarranted investigations, and wasting resources of the State of Tennessee.

Furthermore, as a city plagued with constant crime and violence, it is a disservice to law-abiding citizens whose tax dollars have been wasted repeatedly by the District Attorney's Office under her tenure. It is our belief that her actions do *not* serve the people or the State of Tennessee, but promote *injustice* which harms everyone. We have spoken to several prosecutors who currently work under her and the consensus is that they fear her temperament, lack of ability to be rational, and impartial. Several defense attorneys share the same sentiments.

On November 7, 2017, a meeting for the consideration of the Thirtieth Judicial position for retiring Judge James Beasley was held at 5795 Poplar Ave, at the Marriott Hotel. The meeting was opened to the public by Chairman Lawless who gave P. Moses, a local activist, permission to speak. She was also permitted to provide the board with documentation of the Tennessee Bureau of Investigation {TBI} file that Ms. Nicholas initiated against her 10-2014

{See Attached}. This retaliatory investigation was launched by Ms. Nicholas after P. Moses filed a formal complaint with Department of Justice against Judge Phyllis Gardner 2-19-2014. During the meeting, Moses articulated a passionate explanation of her objections to the board for recommending Attorney Jennifer Nicholas due to abuse of power, vindictive prosecutions, and possible integrity issues that have plagued the entire administration.

After the committee recessed for lunch in this meeting, 2 marked police cars arrived at the Marriott hotel. While leaving the conference room Ms. Nichols immediately approached the Memphis Police Department {MPD} officers and was overheard describing P. Moses to the officers, as if, she was a suspect in a crime just committed. A public records request of this dispatch was made in regards to this day, time, and location *{see attachment}*. There was no report made or memo to indicate why MPD had been called or dispatched to this location *{Attached is a copy of the audio from dispatch and their event chronology, it appears the audio was edited after the request was made.}* An external investigation will show Nicholas used her influence as a Deputy DA to summons MPD officers to intimidate citizens who objected to her confirmation in a public meeting which you are now considering.

Nicholas, a close friend and former colleague of Gardner secured a fraudulent indictment against P. Moses, (7) days before Christmas, in 2014. She was falsely imprisoned, separated from her small child *{to this day, due to the collusion with the local Juvenile Court}*, held in jail (35) days without bail and then based on the D.A.'s recommendation her bond was set at a **HALF-A-MILLION** dollars, for no lawful purpose, other than to restrict her political commentary on Facebook. Nicholas strategically ensured that P. Moses could not be released to investigate the *alleged* crimes, which did not include the filing of a police report or a complainant. The records will show that the Shelby County Grand Jury did **not** convene on the day (12-19-2014) which the indictment was issued and the TBI agent Ryan Fletcher no longer employed with the TBI. The Shelby County D. A.'s office elected to prosecute this case despite the conflict of interest of Gardner's former employment with their office based on Nicholas' instruction.

This is a prime example as to why Ms. Nicholas should **not** be confirmed as a judge. Officers in our city plagued with violent crimes, should be protecting or serving Memphis but they are being used to intimidate and surveil citizens who elect to utilize their free speech through verbal objections. These intimidatory tactics are used on a daily basis by Ms. Nicholas in the D.A.'s office. Our concern is an appointment of Ms. Nicholas to the judiciary would cause public harm and disruption.

The ***Thurgood Marshall Committee*** specifically works to create criminal justice reform on all levels. It is our position that you cannot have reform if people are rewarded and promoted into a powerful position where they could collectively cause harm and disenfranchise a specific

group of people. As our Governor, you should only consider persons who respect the U. S. Constitution and all people's rights, regardless of their race, especially free speech.

As the governor of the great State of Tennessee, we respectfully request that your selection for this position be someone who has no indication of any moral turpitude. The person chosen should have a sense of integrity and seek justice for all including those allegedly accused of crimes. If Nicholas is chosen, it is our position that she does not meet the requirements and that she will use her power to intimidate others and would not be impartial.

Based on the recorded presentation of all the persons being considered for this position it is our recommendation that the Governor appoint a person of integrity who can be trusted to uphold the law and protect citizens from overzealous prosecutors. We believe that person would be Attorney Dean DeCandia.

Thurgood Marshall Committee Goals

- We intend to reduce the number of injustices against our youth, by holding public officials and law enforcement accountable.
- We hope to establish a close working relationship between honest law enforcement officers and our communities by promoting transparency.
- We hope to establish a higher standard for the protection of our blacks in our criminal justice system.
- We intend to develop a better understanding of trauma and mental illness in the black community and promote Restorative Justice.

Respectfully submitted,

Pastor Steven Bradley, *Spokesperson*

Approved by BLM Memphis' Thurgood Marshall Committee

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**TENNESSEE BUREAU OF INVESTIGATION
INVESTIGATIVE REPORT**

Case # : ME-44A-000003

IR # : 1

Author: Fletcher, Ryan

Activity Date: 10/14/2014

Case Agent: Fletcher, Ryan

Report Date: 10/15/2014

SAC/ASAC: Simmons, Johnny Allen

Approved By: Simmons, Johnny Allen

Description: Request for Investigation

(S) PAMELA JEANINE MOSES, B/F, DOB: 10/05/1977

(V) VIRGINIA BOZEMAN, [REDACTED]

On 10/14/2014, the Tennessee Bureau of Investigation received a written request for investigation from District Attorney General Amy Weirich, 30th Judicial District; DAG Weirich requested that agents investigate the possible threatening and/or stalking of (V) VIRGINIA BOZEMAN by (S) PAMELA JEANINE MOSES. This agent was notified of the request by Assistant Special Agent in Charge Johnny Simmons.

Attached as a related item is the request for investigation.

RF/jjf

Attachment: Request for Investigation

30TH JUDICIAL DISTRICT

This confidential document is the property of TBI.
Its contents are not to be distributed outside of your agency.

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Event Chronology

Summary

Event Number/Type P173101084 COMP (Complaint (Not covered by another type))	Location 5795 POPLAR AVE MEMPHIS Cross Streets POPLAR AVE TO 240 E /POPLAR AVE TO 240 E	First Call Call Source OFFICER
Assigned Units 6814	Dispositions	Event Times Started 11/6/2017 12:04:28 PM Created 11/6/2017 12:04:28 PM First Dispatch 11/6/2017 12:04:28 PM First Arrive 11/6/2017 12:04:28 PM Closed 11/6/2017 12:04:53 PM
Case Numbers	Cross-References	

Date/Time	Operator	Terminal	Details
11/6/2017 12:04:28 PM	HAMPTON, MONETTA	(2903) adp08	MPD event P173101084 created at 5795 POPLAR AVE MEMPHIS Cross Street POPLAR AVE TO 240 E Cross Street POPLAR AVE TO 240 E Type COMP (Complaint (Not covered by another type)) Dispatch Group APPLF Priority 4 Beat 823 Alarm Level 0 New Call Call Source OFFICER
11/6/2017 12:04:28 PM	HAMPTON, MONETTA	(2903) adp08	Event Updated Total Assigned Units 1
11/6/2017 12:04:28 PM	HAMPTON, MONETTA	(2903) adp08	Event Updated First Unit Dispatched Time 11/6/2017 12:04:28 PM
11/6/2017 12:04:28 PM	HAMPTON, MONETTA	(2903) adp08	Unit Action Unit 6814 Agency MPD Group APPLF Action DP 5795 POPLAR AVE MEMPHIS
11/6/2017 12:04:28 PM	HAMPTON, MONETTA	(2903) adp08	Unit Action Unit 6814 Agency MPD Group APPLF Action AR 5795 POPLAR AVE MEMPHIS
11/6/2017 12:04:29 PM	HAMPTON, MONETTA	(2903) adp08	Event Updated First Unit Arrived Time 11/6/2017 12:04:28 PM
11/6/2017 12:04:53 PM	HAMPTON, MONETTA	(2903) adp08	Event Updated Total Assigned Units 0
11/6/2017 12:04:53 PM	HAMPTON, MONETTA	(2903) adp08	Event Closed Unit Action Unit 6814 Agency MPD Group APPLF Action AV

A TRUE COPY ATTEST
 DATE Nov 13, 2017
 NAME [Signature]
 Memphis Police Communications