

POPULAR, Inc.

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June 23, 2010

James Eidson, Esq.
Taylor County District Attorney
300 Oak Street, Suite 300
Abilene, Texas 79602

FILE COPY

RE: **Request for Recusal / Special Prosecutor**
State of Texas vs. Michayl Lamar Mellen
Unindicted Poss / Promotion of Child Pornography F3

Dear Mr. Eidson:

As you may know, POPULAR, Inc. (POPULAR) is a nonprofit, national legal reform organization. More specifically it is an association of public interest attorneys and law school graduates committed to helping poor and other disadvantaged people access affordable and competent legal representation, important civil and criminal justice system reforms, as well as appropriate judicial oversight.

POPULAR is advised by a board of lay community leaders. Its Advisory Board members have included the prospective defendant in the above referenced matter since the organization began in late 2008.

Almost one (1) year ago POPULAR complained to the U.S. Justice Department that Mr. Mellen and other Taylor County, Texas residents may be experiencing criminal violations of their federal rights. The fourteen (14) page, single-spaced complaint includes the Taylor County District Attorney's office as a possible source of those alleged crimes.

A lengthy supplement of that DOJ complaint indicates "(t)horough investigation may confirm a concerted effort by local government officials to not only annoy, harass, and retaliate against Mr. Mellen – but also prompt his death."

Among other items, your office reportedly provided defense counsel a copy of Mr. Mellen's profile from POPULAR's website pursuant to discovery in *State of Texas vs. Mellen*, No. 17567-B (*federal illegal dumping charges*).

Despite the apparent familiarity of your office with POPULAR, it may be difficult to discern that our aforementioned DOJ complaint and supplement became part of an April 2010 U.N. submission for the upcoming Universal Periodic Review of America's human rights record.

James Eidson, Esq.
District Attorney – Taylor County, Texas
June 23, 2010

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Obviously POPULAR and Mr. Mellen monitor the activities of your office as well as criminal law enforcement in general, in and for Taylor County, Texas. In fact Mr. Mellen has long been an outspoken critic of the criminal justice system directly serving Taylor County, Texas on a local, state, and federal level. He regularly and widely advises agents of that system of his association with POPULAR and the Texas State Client Council Abilene Division (TSCCAD).

According to the U.S. Supreme Court, history proves “that speech is suppressed when either the speaker or the message is critical of those who enforce the law.” We are therefore especially concerned about the involvement of your office in Mr. Mellen’s unindicted child pornography case.

Abilene police have already searched and seized Mr. Mellen’s computers and files (including all TSCCAD files) under questionable circumstances, i.e. the child pornography allegations against him.

Now we have a rap sheet from your office referencing a 1989 arrest Mr. Mellen denies for seeking or offering child sex. We cannot determine an outcome for the supposed arrest which Mr. Mellen says never happened.

That section of the rap sheet for listing disposition of Mellen’s purported 1989 arrest is left blank. Apparently there is no supporting arrest report or police log.

So with very few details Mr. Mellen has been sullied by the same criminal justice system he regularly challenges. And our related complaints are conveniently discredited in the process.

Of course you and all agents of your office may not harbor inappropriate bias and / or animosity against Mr. Mellen and his affiliates as a social justice advocate. But clearly a reasonable observer could think otherwise.

To allow Mr. Mellen, his community (including TSCCAD), and POPULAR not only fair and impartial administration of justice, but a related appearance of propriety prospectively, we ask that your office promptly recuse itself from processing and other substantial involvement in the unindicted child pornography charges against Mr. Mellen.

Feel free to contact our administrative office with questions or comments. We may be reached at 7519 W. 77th Avenue in Crown Point, Indiana 46307; (phone) 219.865.6248 Ext. 2; (toll free) 888.478.4439 Ext. 2; (email) admin@popular4people.org

Your consideration is greatly appreciated. Thank you in advance for your anticipated cooperation.

James Eidson, Esq.
District Attorney – Taylor County, Texas
June 23, 2010

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Sincerely,
POPULAR, Inc.
By:

Zena D. Crenshaw-Logal, Executive Director

And

George Stokes, Advisory Board Member
and president of TSCCAD

ZDCL/abm

cc: Mr. Michayl Mellen
Kenneth G. Leggett, Esq.