

Chief Kauffman,
Texas Rangers Headquarters
Austin, Texas
Via Fax # (512) 424-2857

Ernest Henslee
4494 County Road 4530
Avery, Texas 75554-9658
(903) 684-0090

Dear Sir,

I am writing this as a formal complaint, and as a private law abiding citizen hereby request an immediate investigation of Texas Ranger Roger Lough. Under U.S. and Texas Law, Ranger Lough violated my first amendment constitutional right to Freedom of Speech and Press, and the Texas Penal Code §39.03 Official Oppression (a) (2) (b) (d). Please read my statement of the two telephone calls attached that Ranger Lough made to my home on two different occasions. On both occasions Texas Ranger Roger Lough used his Official Title as a Texas Ranger in a forceful and intimidating attempt to make me change articles that I had written. He blatantly ordered me to take the articles down, or change facts / opinions that credible witnesses had relayed to me. Yes I do have witnesses. He ordered me to take down the statement about him telling Gary Mackey he did not have the right to an attorney which I have a tape of him clearly saying it, and a witness. These articles clearly stated the truth I had obtained from these witnesses, court documents, and recorded tape. They also stated my opinion of his actions, which is my first amendment right to freedom of speech.

It is a common practice in Red River County for law enforcement to use their Official Capacity to intimidate citizens for their own benefit, and evidently Texas Ranger Roger Lough has acquired the same bad habit. I have been threatened twice with bodily harm by the constable Tim Shimpock, and filed a formal complaint with the FBI. I am not from this county, but have lived in Texas all my life and am appalled that just because this area is sparsely populated that the law enforcement, legal system and elected officials think that they can do anything they want to do whether it is legal or not.

In these two telephone calls Texas Ranger Roger Lough attempted to intimidate me personally using his official capacity as a Texas Ranger. He used his name along with his official title at the beginning of each call. The tone of his voice was clearly and intentionally forceful and intimidating. Texas Ranger Roger Lough is considered closely associated with local law enforcement by most of the people in this county, and knows Constable Tim Shimpock.

Before I moved to Red River County I **never** had a law enforcement official approach me using intimidation. I know at the time of the calls that Texas Ranger Roger Lough was using his official capacity, and I know from the tone of his voice, and his attitude that he was attempting to place undue pressure on me using his official capacity as a Texas

Ranger to make me do what he wanted. His attempt in the second call to phrase his words in such a matter to make me feel that I had to come to the Red River County Sheriff's department to talk to him clearly shows that his actions were in an official capacity. If he had wanted to talk to me as a private individual about these articles, he would have called me as a private individual, and refrained from using his official title as Captain Sweeney did when he called, He would have used a tone of voice that was unofficial and non-threatening like Captain Sweeney. In other words, he would have been professional and courteous not intimidating and threatening.

I have lived in Texas for 54 years, which is all of my life. In other words, I am a dyed in the wool, born and bread Texan, and damn proud of it. I retired from a public utility company with 30 years of service to take care of my wife who is totally disabled. I **do not** violate the law. I have **never** been arrested, and I **do not** have a criminal record. I run a successful Computer Sales, networking, and service business that provides quite well, and I have a reputation as an honest businessperson. I have never talked about law enforcement or their actions without total respect, until I moved to Red River County and witnessed the actions of the law enforcement and legal system with my own eyes.

In our call Captain Sweeney said that I should have called Texas Ranger Roger Lough and asked him for his side of the story. I will not be calling and asking any law enforcement officer about writing an article about them. As long as I have credible witnesses providing me information that I feel it is correct, the actions of the official speaking through the witness says it all. In other words, if the official does not like the article then they need to stop doing things the way they want, and **follow the law**.

I have never had any encounter with any law enforcement official who used any method other than professional courtesy, except in Red River County. Texas Ranger Roger Lough was clearly using his official capacity to pressure me to remove his name, or remove the articles entirely. I submit to you that Texas Ranger Roger Lough has violated the very laws he has sworn to uphold, and ask you to take action to ensure that Texas Ranger Roger Lough does not violate mine or any other individual's civil rights again.

Thank you for your time and courtesy. I hope that you will weigh the circumstances and the facts carefully and completely, come to a final conclusion, and take the necessary action that will remedy this situation **according to the law**. I was always told that Peace Officers in any capacity are public servants, who are here to protect and serve, not to oppress and intimidate.

In my opinion, **any** law enforcement official who would make the statement that a private citizen does not have the right to have his attorney present during formal or informal audience of that law enforcement official is an idiot or a fool, and I will not hesitate to state it.

Respectfully submitted,


Ernest Henslee

attachments: Sworn Statement of the two telephone calls that Texas Ranger Roger Lough made to me at my home.

cc. Captain Sweeney
Supervisor,
Garland, Texas
Via Fax # (214) 861-2360

Ken Nicolas
Governor's Office
Criminal Justice Division
Austin, Texas
Via Fax # (512) 475-3155

M. Mark Leshner
Attorney At Law,
Clarksville, Texas
Via Hand Delivery

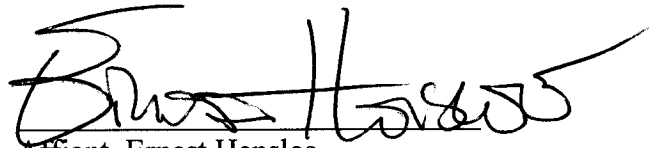
STATE OF TEXAS §
 §
COUNTY OF RED RIVER §

AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared, Ernest Henslee, who being by me duly sworn, deposed and said:

“My name is Ernest Henslee. I am over 18 years of age, of sound mind, capable of making this Affidavit, and I am personally acquainted with the facts stated in it.

I, Ernest Henslee, swear to, and attest that the attached Exhibits A and B are true and correct to the best of my knowledge.


Affiant, Ernest Henslee

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned Notary Public, on this the 21st day of December, 2006.


Notary Public, State of Texas



This is not the first time that this has happened. The 3rd week of April 2006, 16 April 2006 to be exact, Sheriff Terry Reed after the election, wrote a letter to the website, and requested it be posted in its entirety. I then posted a response, and talked about Texas Ranger Roger Lough taking a statement from Jimmie Townsend's niece about the destruction of a drug lab that the County Judge Powell Peek's son Steve Peek was running, and that the County Sheriff Jerry Neil Conway had sent his deputies, along with a convicted inmate who was supposed to be housed in the TDC and used the inmate to destroy the lab, and dispose of it.

Within a day or so of my response to Sheriff Reed's letter being posted, my phone rang. When I picked it up a very authoritative male voice on the other end said, "Is this Mr. Ernest Henslee?" and I said "Yes." and the male voice then said, "This is Texas Ranger Roger Lough." and I said "And?" and he said "You have made a statement about me on your website that is a lie, and I want it taken down." I said, "If you will tell me what statement is a lie, and why it is a lie, I will take it down or modify it." Ranger Lough then said "You stated that I took a statement from Jimmy Townsend's niece, and could verify the content of that statement." I said "Yes." and he said "I cannot verify that I took a statement, nor do I want people calling and asking me if I can." Even knowing that he did take a statement, and could verify that statement I told him that I would modify the statement. The call ended.

<END OF FIRST CALL>

At the time he called during this first time frame, I was still extremely afraid of law enforcement in this county, and someone with the authority of a Texas Ranger calling me, telling me to make a change intimidated me to the point that I changed the story even though I knew that what he was saying to me was a lie, and could be proved. The statement he took is in the court records of the Jimmie Townsend trial. Shortly before the time Ranger Lough called me the first time, I had been threatened with bodily harm by and filed a complaint on the County Constable Tim Shimpock who I know to associate with Texas Ranger Lough. Shortly after this occurrence, I filed a complaint on the Constable with the FBI for threatening me about writing a story talking about the cover-up of Steve Peek's drug lab destruction. Constable Shimpock threatened me in the presence of Mark Perkins, investigator for County Attorney Val Varley in the parking lot of the Bowie County Courthouse during the Jimmie Townsend trial. Having been shaken up severely by the threat, when the Texas Ranger called using his position of authority to demand the story be changed, I changed it, because I felt extremely intimidated.

Today December 18, 2006 somewhere between 2 and 3 p.m. my phone rang and I picked it up and said "Hello. The voice on the other end I recognized before he even made the statement. "Is this Ernest Henslee?" and I said "Yes." The voice said "This is Roger Lough, Texas Ranger, and you have put something on your website about me, and it is a lie, and I want it taken down. To me he was acting very authoritative sounding with his tone of voice, and the statement that he was a Texas Ranger, and demanding that I take the statement down from the website.

I asked him "Just what is there on the site that is a lie?" and he said "The part about me telling the gentleman that he does not have the right to an attorney, you have taken that out of context and do not have the whole story." I told him that "I have a tape of the incident, and that is what you said." He then stated that "I do not want to argue about it over the telephone, you need to come down to the Sheriff's department, and we will go into a room and discuss the situation, and I will prove that you are wrong, and that it is a lie." I again stated that "I have a tape of you, and can clearly hear you say it, and I have no intention or need, nor am I going to come to the Sheriff's department to talk to you about it." "I do not feel comfortable coming to the Sheriff's department." He then said, "That damn Cooksey is who made the tape." and I told him that "Cooksey had nothing to do with this." He then said that "Well, come down here, and we will stand out front of the Sheriff's Department and talk about it." I then told him again that "Understand, I am not going to come to the Sheriff's Department." Ranger Lough then made the statement, "I have made copies of everything that you have up on the website, and it is slander." I said, "Tell me what slander is when I have a tape of you telling the gentleman that he does not have the right to an attorney." He said that "I have been wearing a badge for 30 years, and know constitutional law, and I can prove that I am right." Ranger Lough also said that "You have said that the Bogata P.D., the Red River County Sheriff's department, myself, and the Red River County Attorney were in a conspiracy to put the gentleman out of business, and that is a lie also, and I can prove it, and that makes it slander." I said, "I said no such thing about a conspiracy."

He again stated that he wanted the statements taken down, and I told him that "Here's what I am going to do. As soon as we hang up, I am going to call my attorney and have him read the story, and if he thinks it is bad, I will take it down." When I said this, Ranger Lough got a change of attitude, and made the statement that he would appreciate it if I would take the story down." I again stated that "I will call my attorney, have him read the story, and if he says it is bad, and I need to take it down, that I will." At this time, the conversation ended.

<END OF SECOND CALL>

PENAL CODE
CHAPTER 39. ABUSE OF OFFICE
§§39.02 - 39.03



Knorpp v. State, 645 S.W.2d 892, 904 (Tex.App.—El Paso 1983, no pet.). “Appellant’s status as a payee-holder of the check is not determinative of guilt or innocence. The indictment charged misapplication of the funds themselves, not the check. Even if Appellant had a greater right to possession of the check because of his payee status, this would not exonerate him from subsequent unlawful retention of the money represented by the check.”

PENC §§39.021, 39.022.
RENUMBERED

Renumbered as §§39.04, 39.05 by Acts 1993, 73rd Leg., ch. 900, §1.01, eff. Sept. 1, 1994.

PENC §39.03. OFFICIAL OPPRESSION

(a) A public servant acting under color of his office or employment commits an offense if he:

(1) intentionally subjects another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful;

(2) intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing his conduct is unlawful; or

(3) intentionally subjects another to sexual harassment.

(b) For purposes of this section, a public servant acts under color of his office or employment if he acts or purports to act in an official capacity or takes advantage of such actual or purported capacity.

(c) In this section, “sexual harassment” means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person’s exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly.

(d) An offense under this section is a Class A misdemeanor.

History of PenC §39.03: Acts 1973, 63rd Leg., ch. 399, §1, eff. Jan. 1, 1974. Amended by Acts 1989, 71st Leg., ch. 1217, §1, eff. Sept. 1, 1989; Acts 1991, 72nd Leg., ch. 16, §19.01(34), eff. Aug. 26, 1991. Renumbered from §39.02 by Acts 1993, 73rd Leg., ch. 900, §1.01, eff. Sept. 1, 1994.

Haight v. State, 137 S.W.3d 48, 50-51 (Tex.Crim. App.2004). “[T]he statute’s various phrases and subsections are separated by the disjunctive ‘or,’ which is at least some indication that any one of the prohibited types of conduct would constitute a separate offense. [W]e conclude that the Legislature intended each of the prohibited types of conduct to be a separate statutory

offense, even though such criminal acts might be in close temporal proximity.”

Sanchez v. State, 995 S.W.2d 677, 685 (Tex.Crim. App.1999). “[T]he statute does not impose a reasonable person requirement. ... The statute specifies both the perpetrator’s and the victim’s sensitivities. The phrase ‘intentionally subjects another to sexual harassment’ indicates that (1) someone is subjected to sexual harassment, i.e., the victim’s sensitivities are affected, and (2) the perpetrator intends that someone be subjected to sexual harassment, i.e., the perpetrator’s own sensitivities are involved. [¶] Moreover, the statute requires intent on the part of the perpetrator that the conduct be of a sexual nature, not merely that the recipient perceive the conduct as sexual. To intentionally subject someone to a sexual advance, for example, the actor must be *intending a sexual advance*.... [¶] Further, by making ‘sexual harassment’ the object of ‘intentionally subjects’ and then defining sexual harassment separately, the statute makes clear that the perpetrator’s intent relates to the entire definition of sexual harassment. The statute requires that the perpetrator not only intentionally subject a victim to the specified unwelcome sexual conduct (sexual advances, request for sexual favors, etc.), the perpetrator must also intend that submission to the conduct is made a term or condition of a person’s exercise of any right, privilege, power, or immunity. In other words, the culpable mental state applies to both (1) sexual conduct, and (2) the *quid pro quo*.”

State v. Edmond, 933 S.W.2d 120, 126-27 (Tex. Crim.App.1996). “[W]e decline to adopt the State’s contention that intentional mistreatment is, by itself, criminal. Rather, we adopt the ... interpretation of §39.02(a)(1) [now 39.03(a)(1)] that ‘knowledge of illegality’ modifies ‘mistreatment.’ ... ‘Unlawful’ both clarifies the meaning of ‘mistreatment’ and provides law enforcement authorities with an objective standard by which to determine whether ‘mistreatment’ is criminal. [¶] [A] defendant charged under §39.02(a)(1) must mistreat another and must also know that his conduct is criminal or tortious. This interpretation avoids constitutional difficulties because potential defendants are not subject to the arbitrary predilection of law enforcement regarding the meaning of ‘mistreatment’; only ‘mistreatment’ which is criminal or tortious is condemned.”

PENC §39.03

For a quick reference of penalties, see the Chart of Penalties on p. 621.