

No. 2015-2207-C2

THE STATE OF TEXAS,)	54 TH DISTRICT COURT
)	
Plaintiff,)	McLENNAN COUNTY, TEXAS
)	
v.)	
)	
MATTHEW ALAN CLENDENNEN,)	
)	
Defendant.)	
_____)	

MOTION FOR CHANGE OF VENUE¹

**F. Clinton Broden
TX Bar 24001495
Broden & Mickelsen
2600 State Street
Dallas, Texas 75204
214-720-9552
214-720-9594 (facsimile)**

**Attorney for Defendant
Matthew Alan Clendennen**

¹This Motion is made without prejudice to Mr. Clendennen's right to move to enjoin this proceeding under 42 U.S.C. § 1983 and *Fitzgerald v. Peek*, 636 F.2d 943 (5th Cir.), *cert. denied*, 452 U.S. 916 (1981).

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“The enormity of the event at Twin Peaks may be unique in the number of victims, the number of co-defendants, the level of violence, *and the effect on the local community.*”

-Brief of Abelino Reyna to the Texas Court of Criminal Appeals in *In re State of Texas Ex. Rel. Abelino Reyna* at 13 (emphasis added).

I. LAW ON VENUE CHANGE

Every defendant in a criminal case is guaranteed the due process of a fair trial by an impartial jury under the United States and Texas constitutions. U.S. Const. Amend. VI; Tex. Const. art. I, § 10. In cases in which pretrial publicity is so pervasive and prejudicial as to create a reasonable probability that an impartial jury cannot be empaneled, a change of venue is compelled by the Fourteenth Amendment's due process clause. *Rideau v. Louisiana*, 373 U.S. 723 (1963). Further, as explained by one Court of Appeals:

The right to a change of venue is a constitutional right. If it is improbable that a fair and impartial trial can be given to the defendant, the court may not refuse the motion. *Handy v. State*, 139 Tex. Crim. 3, 138 S.W.2d 541 (1939). **The question is not whether it is possible to select a jury whose members were not subject to challenge for cause if the defendant can show that there were influences in the community that would affect the answers on voir dire, or the testimony of witnesses at the trial, or that for any other reason a fair and impartial jury cannot be had.** *Henley v. State*, 576 S.W.2d 66 (Tex. Crim. App.1978).

Hervey v. State, 887 S.W.2d 174, 175-76 (Tex. App.—Texarkana 1994) (emphasis added).

A change of venue is warranted based on public attention sparked by media when it is shown that the “publicity was pervasive, prejudicial, and inflammatory.” *Gonzalez v. State*, 222 S.W.3d 446, 449 (Tex. Crim. App. 2007). In evaluating the nature of pretrial publicity and the particular degree to which it has circulated in the community one thing the courts should carefully consider is “**the connection of government officials with the release of publicity.**” *Henley*, 576 S.W.2d at (emphasis added). *Id.* at 71-72.

Tex. Code Crim. P. Art. 31.03(a)(1) provides for a change of venue when “there exists in the county where the prosecution is commenced so great prejudice against [a defendant] that he cannot obtain a fair and impartial trial.” The two requisite affidavits, plus several additional affidavits, as required by Tex. Code Crim. P. Art. 31.03(a) are attached hereto as *Attachment A*.

II. THE “NOT IN THIS COUNTY, NOT ON MY WATCH” INTERVIEW

I know this. I know the motto of the Cossacks is to take care of your own. So if you are showing up with those colors, you’re backing your brother. And if your brother is out there shooting a gun, and you are taking care of your own, and as many weapons as were found out there, they weren’t out there just to eat lunch. They weren’t out there just to have their little meeting. They meant business and they fall under the definition of criminal street gang. They were engaging in organized criminal activity and at this point, that’s what the evidence to us points.

Quote by District Attorney Abelino Reyna during his “Not in this County, Not on My Watch” media interview. *See* Appendix at 1 (Reyna).

III. PERVASIVE, PREJUDICIAL, AND INFLAMMATORY PUBLICITY

A. Volume of Pretrial Publicity

To say that media coverage of the Twin Peaks incident has permeated the McLennan County Community is an understatement. For example, the *Waco Tribune-Herald* is the local newspaper with an approximate daily circulation of 22,000 on weekdays and 25,000 on Sunday. A search of its website on February 3, 2016 (approximately 261 days from the incident) reveals 219 news stories about “Twin Peaks” and 71 editorials/letters about “Twin Peaks.”

The television news stations providing local news to McClennan County residents are KXXV, KCEN, KWTX and KWKT. And, for example, a search of the various websites reveal “more than 50 stories” appearing on KXXV, forty-five on KWKT and approximately 100 on KCEN. *See* Appendix at 2-3.

Many of the articles and television stories have adopted the prosecution narrative of calling the motorcycle clubs “biker gangs” and presuming Mr. Clendennen’s guilt by referring to those in his position as members of a “biker gang.”² Likewise, law enforcement released a collage of “mug shot” pictures that were repeatedly shown to the McLennan County public in numerous *Waco Tribune-Herald* articles and on the various news stations. See Appendix at 5-6.³

B. Connection of Government Officials with the Release of Publicity

1. Abelino Reyna and Patrick Swanton

a. Reyna

Texas Disciplinary Rules of Professional Conduct Rule 3.07 prohibits an attorney or a person acting at his/her direction from making extra judicial statements regarding the “character” of a party to a criminal proceeding or from making extra judicial statements expressing “any opinion as to the guilt or innocence of a defendant or suspect in a criminal case.” Nevertheless, in the week following the Twin Peaks Incident, Waco Police Spokesman Patrick Swanton held at least **six** press conferences and McLennan County District Attorney gave at least one television

²For example, of the 261 *Waco Tribune-Herald* articles on Twin Peaks, 112 reference “gang” or “gangs.”

³The calculate use by all state actors of the term “biker gangs” when speaking to the media presumed guilt and was highly prejudicial. As explained, by one court:

The prosecutor consistently used the term “motorcycle gang,” specifically choosing it over the far less prejudicial term “motorcycle club,” even after the judge instructed him to refrain from using the term “gang....The prosecutor's obvious attempt to exploit the prejudicial quality of the motorcycle gang evidence almost certainly heightened any impact the improper gang testimony had on the jury's verdict against Pastor.

United States v. Irvin, 87 F.3d 860, 865-66 (7th Cir. 1996) (emphasis added).

interview. These televised events smacked of political opportunism allowed Reyna to show his “gang” was ‘tough on crime.’ Meanwhile, Swanton would use his time in the limelight to plant the seeds for his entry into the 2016 race for the office of Sheriff of McClennan County. In any event, these press events made repeated references to the “character” of motorcycle club members present at Twin Peaks on May 17, 2015 and repeatedly offered opinions as to the guilt of those arrested that day. Moreover, many of the comments were designed to instill fear into the citizens of McLennan County.

The guilt presuming comments by Reyna made on local television alone would be enough to justify a change of venue in this case. As noted above, without even a care about the presumption of innocence, he announced during his “Not in this County, Not on My Watch” interview that those arrested, did, in fact, “fall under the definition of criminal street gang” and that “[t]hey *were* engaging in organized criminal activity.” *See* Appendix at 1 (Reyna).

Throughout the interview, Reyna repeatedly referred to the motorcyclists as “gang” members. Nevertheless, whether Mr. Clendennen was a member of a “gang” is one of the exact questions a jury will be asked to decide. *See* Tex. Penal Code 71.01(d). Moreover, in addition to the quotes noted above, Reyna did exactly what Texas Disciplinary Rules of Professional Conduct Rule 3.07 prohibits when he offered an opinion as to the guilt of Mr. Clendennen and others. Indeed, he is asked by a reporter, “Do you think 170 people are guilty?” His response, *inter. alia*, is:

Based upon what they had at the time, absolutely. And, based on what I see now, nothing is telling me otherwise.

Id.

Reyna’s remarks from the interview also included allegations that those arrested, such as

Mr. Clendennen, were not “cooperating” with law enforcement:

I can tell you that, again, if someone is claiming that they were a victim and they decided to put on their, their jacket or whatever, and they said they’re going to be a member of this gang or what have you, I can tell you this, that if you are a victim of this, then I would fully expect that you would act like a victim and I just say I m not seeing that.

Id. Reyna made this remark despite the forty-year old case of *Doyle v. Ohio*, 426 U.S. 610 (1976) in which the United States Supreme Court held that lack of cooperation is *not* evidence of guilt.⁴

b. Swanton

In a prelude to his political campaign, Swanton held at least six press conference with almost constant references to “biker gangs.” In addition, during these news conferences, Swanton constantly made remarks prejudging the guilt of Mr. Clendennen and others, made baseless claims and attempted to scare the public in relation to Mr. Clendennen and the other motorcyclists.⁵

Swanton began the prejudicial narrative from the beginning. In his first press conference he used the term “gang(s)” approximately seventeen times in nineteen minutes. *See* Appendix at 1 (Swanton 1). In another he used the term “gang(s)” approximately seventeen times in seventeen minutes. *See* Appendix at 1 (Swanton 3a and 3b). Indeed, Swanton would have made a communications professor proud. In the early press conferences most reporters properly referred to the motorcycle groups as “clubs,” but as the press conferences go on and after having

⁴Moreover, with regard to Mr. Clendennen, Reyna’s claim was blatantly false. Mr. Clendennen *did* cooperate with law enforcement upon his arrest and submitted to an interview and DNA testing.

⁵Apparently aware of Swanton’s completely inappropriate remarks, during his television interview, Reyna praised Swanton for his work in the case. *See* Appendix at 1 (Reyna).

been indoctrinated by Swanton most reporters also began referring to the motorcycle groups as “gangs.”

There were an abundance of prejudicial remarks in Swanton’s various press conferences.

The following is simply a sampling:

- In the first conference he explained that the individuals at Twin Peaks, which would include Mr. Clendennen, were part of a “criminal element.” *See Appendix at 1 (Swanton 1)*

- In another, he told the public that people such as Mr. Clendennen would have chosen not to go to Twin Peaks on the day of the incident if they were “law abiding.” *See Appendix at 1 (Swanton 3a).*

- In another, he refers to those such as Mr. Clendennen as “known criminal biker gang members.” *See Appendix at 1 (Swanton 3b).*⁶

- When he was challenged by a reporter on the use of the prejudicial term “gangs” and asked if they were actually “clubs,” Swanton quickly responded: **“If anybody told you it was a biker club, they lied. They are a criminal gang and they are a biker gang. We know exactly who they are and they are criminal element...A bunch of criminal element biker members that came to Waco and tried to instill violence in our society.”** *Id.*

- Swanton explains, “What I want you to understand. This is not a bunch of doctors and dentists and lawyers riding Harleys. These are criminals on Harley Davidsons.” *Id.*

- He also comments, “This is a criminal element that came here yesterday and killed people. They’re not here to drink beer and eat barbeque. They came here with violence in mind.” *See Appendix at 1 (Swanton 6).*

- On a direct assault on Mr. Clendennen’s character, Swanton tells the public, “These are people you don’t want to be around.” *See Appendix at 1 (Swanton 6).*

If this was not enough, during these press conferences, Swanton repeatedly told the public that motorcyclists fired upon police. For example, he told the public that motorcyclists “also

⁶In fact, Mr. Clendennen has been law abiding his entire life and has never been known by anybody as a “criminal biker gang member[.]”

turned on our officers and fired on our officers” and that “numerous rounds” were “fired at officers” *See* Appendix at 1 (Swanton 1). Curiously, however, a few weeks later, when asked if officers were fired upon, the Waco Police Chief stated unequivocally, “I cannot say that yet and I will not say that yet.” *See* Appendix at 1 (Stroman).

Finally, Swanton would go on to issue a press release in which he stated that the Cossacks were classified as a “gang” by the Texas Department of Public Safety Gang Intel Unit. *See* Appendix at 4. In fact, that statement was false. Undeterred, however, Swanton would post that claim to the Waco Police Department facebook page which has approximately 30,000 followers.

2. Justice of the Peace W.H. Peterson

Another elected government official, who had to be recused from Mr. Clendennen’s case, also wanted to appear tough to the public. After setting, \$1,000,000 bonds for all arrested, he was quoted in the *Waco Tribune-Herald* as saying, “I think it is important to send a message. We had nine people killed in our community. These people just came in, and most of them were from out of town. Very few of them were from town.” *See* Appendix at 7.

Judge Peterson’s actions and comments had two effects. Setting such an unprecedented bond for Mr. Clendennen no doubt served to send a message to McLennan County citizens that Mr. Clendennen was one of the most dangerous criminals ever to step foot in McLennan County. Moreover, contrary to these statements, Mr. Clendennen and many of those arrested were from McLennan County.

3. Texas Governor Greg Abbott and Waco Mayor Malcolm Duncan Jr

Even the Governor and Mayor portrayed this as Motorcyclists versus the McLennan County community. *See* Appendix at 10-11. Governor Abbot issued a statement:

Texas will not stand for the type of lawlessness we witnessed in Waco yesterday. My office, along with law enforcement agencies at the local, state and federal levels, is committed to providing any and all resources needed to support the Waco Police Department and the local community. I want to express my heartfelt gratitude to the first responders who put themselves in harm's way to protect innocent lives.

Mayor Duncan issued a statement:

I want to assure all of our citizens that your safety is and has been our priority and we are confident that this rogue event will not disrupt or endanger our community. The future of Waco and McLennan County continues to shine brightly, and this tragic event will serve as a reminder of the strength and heart of a strong community.

C. Other Examples of Prejudicial Press Coverage

1) Police Believe Five Motorcycle Gangs Involved in Deadly Twin Peaks Shootout,

Waco Tribune-Herald, May 17, 2015 (Appendix at 13-16). Quoting Patrick Swanton:

“These are very dangerous hostile criminal biker gangs.”

“This is one of the worst gun fights we’ve ever had in the city limits. They started shooting at our officers.”⁷

“In my 34 years of law enforcement, this is the most violent scene I have ever been involved in.”

2) Brutal Violence at Twin Peaks Exposes Fault Lines in Motorcycle World, *Waco*

Tribune-Herald, May 18, 2015 (Appendix at 18) (emphasis added). Quoting self-proclaimed expert in Outlaw Motorcycle Gangs Steve Cook:

“There’s nothing legitimate about this group. They want to compare themselves to Shriners or some frat group. *Shriners don’t sit around and ingest meth and get in shootouts in public venues. These guys are gangsters, and if they say they aren’t, they’re lying.*”

⁷In fact, there is no evidence police were shot at.
Motion for Change of Venue

3) **Waco Shootout Puts Spotlight on Motorcycle Club Culture**, *Waco Tribune-Herald*,

May 18, 2015 (Appendix at 21-23) (emphasis added). Quoting “[f]ormer undercover agent” Jay

Dobyns:

“I think, as a society, and to a large extent even in law enforcement, we fall into the sense that these guys are these big, rough-looking teddy bears that do blood drives and toy runs and are harmless. These are people that have used the motorcycle culture as camouflage.”

"You look at crime syndicates. They come to America from other places. But the biker culture? That is America's export to the ... world of crime syndicates."

"They prey on the Americana of it. And it's sexy and it's glamorous. The reality of it is that it's a very dangerous world, inhabited by violent men. And the reality of it is that it's very unsexy and it's very unglamorous.”

4) **Memo: Violence Long Simmered Between Rival Texas Biker Gangs**, *Waco*

Tribune-Herald, May 19, 2015 (Appendix at 25). Discusses claims made by Swanton that Waco Police had received threats from motorcycle groups against law enforcement.⁸

"We have a contingency plan to deal with those individuals if they try to cause trouble here"

5) **Officials Find Hundreds of Weapons, Describe Surreal Scene Inside Twin Peaks**,

Waco Tribune-Herald, May 18, 2015 (Appendix at 26) (emphasis added). Swanton had originally told the public that the number of weapons seized reached up to 1,000! This article reports that Swanton had downgraded the number to 118 handguns, one AK-47 rifle and 157 knives. Nevertheless, the article does not mention that many of these “weapons” were found locked away in cars and that many of the “knives” were basic pocket knives. Swanton then goes on to explain the guilt of those arrested:

⁸In fact, there does not appear that any such threats were made.
Motion for Change of Venue

“It goes to show the criminal intent. (It) indicates to the public that these are not clubs, these are criminal gangs that came here with the intent or anticipation of violence.”

6) **Search Warrants Yield Plethora of Bandidos, Cossack Symbols**, *Waco Tribune-Herald*, May 18, 2015 (Appendix at ____). Quoting Swanton:

“If we thought you were innocent, you did not get arrested that day.”

7) **Waco Police Can’t Wait for Video to Combat Conspiracies**, KCEN, June 11, 2015 (Appendix at 31). Again Swanton is quoted as saying:

“If we thought you were innocent, you did not get arrested that day.”

Referring to video evidence, Swanton claims:

“[W]e can’t wait to show you what truly happened.”

8) **Biker Gang Shooting Updated: Law Enforcement on High State of Alert**, KXXV, May 25, 2015 (Appendix at 32) (emphasis added). Quoted McLennan County Sheriff Parnell McNamara saying that law enforcement is on “a high state of alert concerning biker gangs.” *Describes biker gangs with “grenades and C4 explosives” who have ordered “a hit against Texas troopers and other officers” and possible attack on the McClennan County jail.”*

9) There have been several articles about the cost that McLennan County taxpayers will incur because of the Twin Peaks incident. *See, e.g.* Appendix at 33-35. This obviously creates an incentive for jurors to find individuals guilty in order to maintain the McLennan County tax base.

D. Editorials and Letter to the Editor

There have also been numerous editorials and letter to the editor that have appeared in the *Waco Tribune-Herald*. For example:

1) **Deadly Twin Peaks Biker-Gang Shootout Shouldn't Define Waco, Its People, Its Progress**, *Waco Tribune-Herald*, May 19, 2015 (Appendix at 35-38) (emphasis added). In what only can be characterized as an Us versus Them editorial:

“Critical details about the deadly shootout that erupted between rival biker gangs Sunday at Twin Peaks will bubble to the surface in days, weeks and months to come, **but the hard evidence so far is grim: heavily armed motorcycle gangsters getting into a high-noon brawl near families dining out after Sunday service.** Nine biker-gang members dead, 18 injured, more than 170 incarcerated on charges of organized crime with bonds of \$1 million each.

“Again, many questions require answers before we have a complete understanding of the Twin Peaks shootout. However, those who quip that we have returned to our “Six Shooter Junction” frontier days and that we now labor under a cloud that will be slow in dissipating ignore the fact that most of those who caused Sunday’s trouble were not local, that law enforcement was ready for them and that the episode is an isolated one, not part of some sorry trend or lamentable era.”

“Some will judge us forevermore based on this episode. Too many Americans, possibly because of their work-a-day worlds and their prejudices, stand ready to categorize, stereotype and jump to conclusions, facts notwithstanding. Wacoans will sacrifice many economic, societal and cultural gains of late if they allow others to judge hastily and pigeonhole us. The course must remain focused on bolstering our city, improving our quality of life and ensuring our prospects at home and work for the future and our children.”

2) **Twin Peaks Shootout Demonstrates More of Us Are in the News Media Than You Might Think**, *Waco Tribune-Herald*, May 20, 2015 (Appendix at 39-40).

“Some might say that the dead of a motorcycle gang linked with drug trafficking, prostitution and violence rate no special consideration. Perhaps, but at least some of their family members might be due that small token of respect. In the days, weeks and months to come, these families will likely be treated to uncomfortable

facts about their loved ones. If they're contacted by police beforehand, they can steel themselves for grief and regret, then other grim revelations."

3) **Letters to the Editor**, *Waco Tribune-Herald*, May 20, 2015 (Appendix at 41-42)

(emphasis added).

Letter 1: "I just looked at most of the mug shots of the motorcyclists involved in the mess in Waco. What a bunch of losers. *I haven't seen such dirty, sloppy-looking men in my life: hair dirty, clothes dirty — some looked like they were on drugs/alcohol. I bet none of them had an IQ above 90, if that. I can't imagine the management of Twin Peaks allowed them in there.*⁹ They should be arrested for giving the bikers a place to meet."

Letter 2: "In the wake of the horrific bloodshed spilled on Waco soil at Twin Peaks, I have never felt more protective and proud of my hometown. And I have never felt more safe. Waco Police Sgt. Patrick Swanton and the team's exemplary actions in both trying to prevent the conflict and serving this community afterward stand true to what real heroes do for us without notice — acts that we, the public, are unaware of, even as they occur on a daily basis. The police force must be recognized and commended. They shine as beacons amid this current storm of national distrust of law enforcement. Waco might have once been known as Six Shooter Junction, but in this modern Wild West story, the bad guys lose and our lawmen still wear white hats."

E. CNN Video

In addition, in December 2015, video clips labeled "Waco Police Department" were given to CNN and those clips have been repeatedly played on the various Waco television news stations. *See, e.g.*, Appendix at 1 (CNN Video). Those videos show individuals shooting indiscriminately and guns hidden in toilets. Indeed, when KXXV played the video they warned that "portions are graphic." *Id.* Unfortunately, none of the video clips showed Mr. Clendennen sauntering alone along the patio smoking an electronic cigarette shortly after the violence started, and then immediately running for cover when shooting began. In short, the carefully selected

⁹In fact, Mr. Clendennen is a graduate of Baylor University, a former firefighter and owned his own franchised business.

video clips create an indelible image that is completely non-reflective of the actions of Mr. Clendennen and would naturally prejudice McLennan County jurors.

IV. DISCUSSION

In sum, the District Attorney for McLennan County participated in a news interview in which he told the public that, despite the fact that he knew it was only a question for a jury to determine, Mr. Clendennen's motorcycle club fell "under the definition of criminal street gang." The elected District Attorney also ignored the very basic constitutional presumption of innocence and told the public that, based on what he saw, Mr. Clendennen was "absolutely" guilty. He then went on to claim that Mr. Clendennen did not cooperate with law enforcement, when, in fact, he did certainly cooperate.

Meanwhile, the spokesman for the Waco Police Department, told the public that Mr. Clendennen was part of a known "criminal element" who came to Twin Peaks with "violence in [his] mind." He also told the public that Mr. Clendennen was not "law abiding" and that he was somebody the potential jurors did not "want to be around." The *Waco Tribune-Herald* also quoted the Police Department's spokesman (whose work as a spokesman was praised by the District Attorney) as stating that Mr. Clendennen had "criminal intent" and that he was not "innocent."

To be sure, Mr. Clendennen was never mentioned by name by any of the government officials, but that is one of the exact problems caused by how this case was pursued and presented. Lost in the witty sound bites is the fact that Mr. Clendennen, while admittedly not one of Swanton's "doctors and dentists and lawyers," is, in fact, a hard working and law-abiding person with a family. Contrary to the public claims made by Reyna and Swanton, Matthew

Clendennen did *not* come to Twin Peaks on May 17, 2015 with violence in mind and video evidence indicates that he did not participate in the violence. Instead, he *did* in fact, come to Twin Peaks that day with friends to “drink beer and eat barbeque” or at least drink beer and eat a burger. He truly *is* a person that many people “want to be around” and that is how he was able to grow a successful business. Unfortunately although almost assuredly by calculated design, Reyna and Swanton proceeded to paint a false picture of Matthew Clendennen to the public using a very broad brush in which he was simply another “gang member” who was guilty of being “criminal element.”

Meanwhile, the media, picking up on Patrick Swanton’s constant use of the term “gangs” began to inundate the McLennan County jury pool with this highly prejudicial and guilt-assuming term. The media presented stories and letters referring to Mr. Clendennen as, *inter alia.*:

- (a) part of a “crime syndicate;”
- (b) somebody who ingests methamphetamine;
- (c) a “gangster[];”
- (d) a “loser” with “hair dirty, clothes dirty” and somebody who probably did not have an IQ above 90.

If there was ever a case in which the “publicity was pervasive, prejudicial, and inflammatory” this is the case. If there was ever a case in which the release of the prejudicial information is connected to “government officials,” this is the case. If there was ever a case that demanded a change of venue, this is the case. District Attorney Reyna and Police Department Spokesman Swanton made concerted and repeated efforts to taint the McLennan County jury pool. Consequently, the legitimacy of any verdict returned without a change of venue would be

forever questioned.

V. CONCLUSION

In light of the large jury pools available as well as the accommodations and infrastructure available, Mr. Clendennen respectfully requests that venue in this matter be transferred to Travis County, Dallas County or Harris County.

Respectfully submitted,

F. Clinton Broden
TX Bar 24001495
Broden & Mickelsen
2600 State Street
Dallas, Texas 75204
214-720-9552
214-720-9594 (facsimile)

Attorney for Defendant
Matthew Alan Clendennen

CERTIFICATE OF SERVICE

I, F. Clinton Broden, do hereby certify that, on this 4th day of February, 2016, I caused a copy of the foregoing document to be served on McLennan County District Attorney's Office 219 N 6th St Waco, TX 76701 by overnight mail.

F. Clinton Broden

No. 2015-2207-C2

THE STATE OF TEXAS,)	54TH DISTRICT COURT
)	
Plaintiff,)	McLENNAN COUNTY, TEXAS
)	
v.)	
)	
MATTHEW ALAN CLENDENNEN,)	
)	
Defendant.)	
_____)	

ORDER

Upon consideration of Defendant’s Motion for Change of Venue, it is this ____ day of _____, 2016

GRANTED

ORDERED the venue of this case is hereby transferred to _____, County, Texas.c

JUDGE PRESIDING