IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE,
AT CHATTANOOGA

ROY L. DENTON, *Plaintiff*	*	**Case No. 1:07-cv-211**
	*	
	*	**Judge:** ***Collier/ Carter***
v.	*	
	*	
STEVE RIEVLEY, *in his individual capacity* *Defendant*	*	
	*	
	*	
	*	***JURY DEMAND***
	*	
	*	

PLAINTIFF ROY L. DENTON'S **REPLY** TO
DEFENDANT STEVE RIEVLEY'S RESPONSE TO PLAINTIFF'S MOTION FOR ORDER OF CONTEMPT AGAINST THE DEFENDANT STEVE RIEVLEY, IN THE ALTERNATIVE, MOTION FOR EXTRAORDINARY RELIEF

Comes now the plaintiff Roy L. Denton and hereby states the following in REPLY to the Response of the defendant regarding the plaintiff's instant motion.

In their Response, [Doc. 158] defense counsel states that the defendant's phone records were NOT an issue at the first trial. This is one thing that I, *the plaintiff*, can completely agree to. Reason being, is out of the blue, Steve Rievley testified that while he was inside my home, without a warrant, consent or exigent circumstances, HE used HIS cellular phone to call the Rhea County jail where he said he talked with Brandon Denton. So certainly, any phone records of such could not have possibly been made an issue since Rievley "sprung" his "***false telephone call***" testimony on the court, as well as the plaintiff. The defendant obviously did not plan that a *pro se non-lawyer litigant* obtained a mistrial in hanging the jury, thus requiring a second trial.

Then, and only then, did Mr. Rievley's false testimony while under oath in a federal court, spur the plaintiff to morph into a discovery seeking hound dog and spend the next several months from mid April 2010 until mid August 2010 obtaining his phone records. Phone records that both attorneys Wells and Roderick clearly did not want me to have, even seeking a protective order. And as this entire record so reflects, the phone call Rievley testified under oath to had made, he never made. Whether his counsel knew that their client had lied under oath or not is a matter that an evidentiary hearing can establish. The mere fact of a title of "attorney" or "police officer" or "constable *emeritus*" means nothing when it comes to the truth of any matter.

Sure enough, at the second trial, Rievley's phone records were indeed available but the court would not allow the plaintiff to introduce them into evidence. It was Rievley's lawyers who gave plaintiff their client's phone records. It was Rievley's lawyers who stated to this very court UNDER OATH in an affidavit, that they supplied to me [*plaintiff*] that the records they provided to me, were those of the defendant Steve Rievley. Legal tactic or misconduct, I haven't a clue. But to lay this issue to rest, plaintiff has directly accused Steve Rievley of violating federal law by testifying falsely under oath in a federal court. If Mr. Rievley didn't "***lie under oath***", let Mr. Rievley tell his same story to a federal investigator and if it is true, then he will not be in violation of Title 18 of the US Code, Section 1001, and all is well. If not, then he as a police office may get to see what "federal officers" can do to those that violate Title 18 of the US Code, Section 100 not to mention the harsh criminal contempt sanctions this honorable court can bestow upon him. As for a jury already rendering a verdict amounts to nothing more than a house built upon the sand.

Furthermore, attorney Roderick in now attempting to "*spin*" what "*she really meant*" in her sworn affidavit, is in itself without merit. Ms. Roderick, as well as attorney Ronald D. Wells

still complied with this court's order to produce Steve Rievley's phone records. Bottom line is, attorney Roderick was the one apparently chosen to sign her name on a sworn affidavit that she complied with Magistrate Judge Carter's Order. Simply put, attorney Roderick cannot have it both ways.

The truth is, at the first trial Steve Rievley testified to making a phone call from inside my home. His obvious reasons have since been discovered an intent to thwart and obstruct justice and in effect, he did that at first trial. As transcripts will show, as this matter slowly progresses to the United States Court of Appeals, that Chief Judge Collier even debated the issue of "*the phone call Rievley swore he made*", with the plaintiff over plaintiff's objections concerning any such call. Chief Judge Collier relied upon police officer defendant Rievley's words — words that were later discovered to be FALSE. Had this *non-lawyer pro se litigant* lost his first trial, then the false testimony would have never been found and once again the truth would have found its way to the bottom of the bottomless pit. In any event, the truth was found and I, the plaintiff, believe that the truth will always prevail when we seek it, and we find it, and then we live it.

As the plaintiff has requested in his instant Motion for Contempt, ***an alternative***, that this court enter an order directing a United States Attorney to investigate this rather serious allegation that the plaintiff has made directly against Steve Rievley. The plaintiff's version of the truth is defendant's phone records, as well as his false testimony, testified to as a matter "within the jurisdiction of this federal court", will establish a criminal violation of Title 18 of the United States Code, Section 1001, a very serious crime.

Moreover, defendant's Response defense counsel states, "*Not only are such allegations by the Plaintiff completely groundless and without any merit whatsoever, they seek to impugn the good name and reputation of Officer Rievley and his counsel.*" *Id.* [Doc. 158, last paragraph] . If

the plaintiff's accusations are proved to be "groundless and without merit", and police officer defendant Steve Rievley actually called Brandon Denton ***in the manner in which Rievley testified under oath in this court***, then plaintiff will stipulate to dismissing any and all outstanding motions, pay ALL requested costs of the defendant and issue a 1,000 word apology to him. In any event, if attorney Roderick can state to this court in the defendant's Response that plaintiff's motion is "*groundless and without merit*", then most certainly as a skilled, trained, knowledgeable attorney, she should be able to easily show this to the court in an evidentiary hearing. Plaintiff Roy L. Denton takes the truth very seriously and will defend it. He will also defend the sanctity of his home, as well. A police officer such as Steve Rievley should be expected to feel the same way and given the graveness miscarriage of justice that the plaintiff has suffered, due in large part to Steve Rievley's false testimony in this court, it is incumbent upon this court to find the truth so that a fair trial be secured, as guaranteed to the plaintiff.

The plaintiff has directly accused defendant Steve Rievley of giving false testimony under oath in this court. Attorney Roderick can have the "*opinion*" that such allegation is "*groundless and without merit*" if she so desires. If such position be the case, then a simple evidentiary hearing of this matter where Mr. Rievley, attorney Roderick and myself, and all else concerned, can each give independent evidence "under oath" should easily clear the matter. Seems like a very simple solution to see just how groundless and without merit anything is. However, to the contrary, once the plaintiff's accusations are established, then Title 18 of the United States Code, Section 1001, in addition to any contempt, sanctions or remedy this court uses under it's broad discretion, then Steve Rievley, as a sworn police officer, should be held into the strictest of account and made an example of for other officers to learn thereby better serving mankind.

Therefore, respectfully, for all the reasons herein stated, in addition to the reasons

inclusive within my [the plaintiff's] original motion [Doc. 152] the court should discount the defendant's Response as rhetorical and/or not well taken and GRANT all relief moved by the plaintiff in his instant motion so as to prohibit a manifest injustice.

Respectfully submitted this 4th day of October, 2010.

BY: _____

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that an exact copy of this document has been served upon all parties of interest in this cause by placing an exact copy of same in the U.S. Mail addressed to such parties, with sufficient postage thereon to carry same to it's destination, on this 4th day of Oct, 2010.

_____
Roy L. Denton

Copy mailed to:

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