WRITTEN TESTIMONY OF

L. ALLYN STOCKTON, JR.

I have personally represented three separate individuals in various courts for charges arising out of "Operation Something Bruin".

I represented Walter Cale Stancil (Cale) for misdemeanor charges he was accused of in the Superior Court of Rabun County, Georgia. Cale was also charged with misdemeanor offenses in the State Courts of North Carolina. Because I am not a licensed attorney in the State of North Carolina I assisted a North Carolina attorney with Cale's representation. Cale was also indicted in federal court on felony charges in Asheville, North Carolina. I did not represent Cale on his federal felony North Carolina charges.

I have represented Walter Henry Stancil (Walt) for misdemeanor charges he was accused of in the Superior Court of Rabun County, Georgia. Walt was also charged with misdemeanor offenses in the State Courts of North Carolina. Because I am not a licensed attorney in the State of North Carolina I assisted a North Carolina attorney with Walt's representation. Walt was also indicted in federal court on felony charges in Asheville, North Carolina. I represented Walt on his federal felony charges in Asheville, North Carolina after first being admitted to practice in that court pro hac vice and later being "specially admitted" to practice in that court.

I have also represented Cynthia Parker Clanton in the Superior Court of Lumpkin County, Georgia where she was charged with four misdemeanor violations of the law.

During my representation of these three individuals it became clear that although some of my clients may have been culpable of misdemeanor infractions of the law, by and large these infractions were induced by law enforcement and the majority of illegal conduct in "Operation Something Bruin" was committed by undercover government actors.

At no time during my representation of these individuals have I discovered anything that should be classified as a felony offense. To the contrary, the facts in these cases have shown that the government has grossly stepped outside of its law enforcement function and has become the primary criminal offender in an effort to entrap citizens into technical crimes which subject them to felony liability. In several instances, the government officers in "Operation Something Bruin" have preyed upon the emotions, sympathy and kindness of individuals in order to tempt them into committing crimes.

In situations such as the case of Cynthia Parker Clanton, the government simply charged her with crimes in order to put pressure on her then boyfriend and co-defendant. Cynthia Parker Clanton is an accountant in her mid-40s who had never owned a gun, never been arrested and had never hunted. Her entire involvement with "Operation Something Bruin" was having the misfortune to ride in a pickup truck with her then boyfriend, Edsel Brent Thomas. At no time did Cynthia Parker Clanton commit any crimes or conspire to commit any crimes. It was not until I filed a demand for speedy trial that her case was dead docketed on the eve of jury seclection on March 25, 2014.

Ironically, the investigation of Cynthia Parker Clanton's boyfriend did not reveal any crimes concerning black bears. In a nutshell, this investigation consisted of North Carolina Conservation Officer Chad Arnold and United States Forest Service Special Agent Brian Southard traveling to Georgia and riding around at night with Edsel Brent Thomas spotlighting and killing white tailed deer. According to my information, there were a total of five deer illegally killed during these spotlighting trips. One of the deer was killed by Edsel Brent Thomas and the other four deer were killed by the undercover officers.

It is important to note that Edsel Brent Thomas has only one arm and is incapable of both holding a spotlight and shooting a rifle at the same time. Furthermore, according to Edsel Brent Thomas, the undercover officers purchased the spotlight, provided him with alcohol, and drove around at a time when Edsel Brent Thomas was intoxicated with a rifle, hunting for deer illegally at night.

In Cale's case, his state charges in North Carolina were dismissed by the prosecution. His felony federal charges in North Carolina were dismissed in exchange for his plea to two counts of "removing bear from over bait" in Rabun County, Georgia.

Cale is the son of Walt. Cale is a 42-year-old ordained Baptist minister and prior to "Operation Something Bruin" had never even had a speeding ticket in his life.

In Walt's case, his state charges in North Carolina were dismissed by the prosecution. Walt went to trial before a jury in federal District Court in Asheville, North Carolina and was acquitted of the felony charges against him. Walt was convicted during that trial of the misdemeanor charges that he admitted to and is currently awaiting sentencing.

The facts concerning the felony case for which Walt was tried are as follows:

Officer Chad Arnold (Arnold) had been hunting with co-defendant Jerry Parker. Jerry Parker informed Arnold that his dogs had been worn out from the previous days of hunting and needed a rest. Jerry Parker told Arnold that Walt had a bear that was coming into a cornfield in Georgia and he could go hunt the cornfield for that bear.

Arnold called Walt and told Walt that Jerry Parker had said that Walt had a "problem bear". Walt was clearly confused at first but then stated "I know where one is, I think". Walt gave Arnold directions to his house and then drove Arnold to a location where he let him out with instructions of where to go to wait on the bear.

It is important to note that the area in which Walt had taken Arnold was an area Walt had been legally maintaining a bear bait for many years for dog training purposes. By permitting someone to hunt in the baited area, the bear bait became unlawful.

Walt explained to Arnold that there was a very large bear coming to that area but there was also a sow with two cubs coming to that area and that Arnold should not shoot the sow or the cubs. Notwithstanding these instructions, Arnold proceeded to kill a 200 pound sow black bear.

By permitting Arnold to hunt an area which had been baited for bears, Walt committed the misdemeanor Georgia offense of "unlawful use of bear bait". Walt was charged in Rabun County Superior Court for this misdemeanor offense (these charges will now be dropped because Walt was prosecuted for them in federal court). Walt was willing to enter a plea to this misdemeanor offense in Rabun County, Georgia. Unfortunately, the officers and prosecutors involved chose to prosecute him for a felony under the Lacey Act because they contended that Walt knew or should have known that the bear would be used in interstate commerce.

In a related case, Walt was tried before the Federal Magistrate Judge in Asheville North, Carolina and found guilty of the petty offense of "removing property of the United States". Walt was not entitled to a jury trial on this petty offense although he was sentenced to 15 days in jail after the Federal Magistrate Judge found him guilty. The petty offense is currently on appeal to the Federal District Court Judge.

The facts concerning the petty offense are as follows:

United States Forest Service Criminal Investigator Brian Southard became aware of what he believed to be bear baiting sites in Macon County, North Carolina.

One such alleged bear baiting site was located on what is known as the "rough road". The rough road area is located on private property. The private property is a fairly large tract of land. There is only one entrance to the rough road area which is a dead end road.

Officer Southard personally placed a surveillance camera on the rough road site in an attempt to determine who was allegedly placing bait. Although the surveillance camera was the property of the United States Forest Service, nowhere on the camera was there any type of United States Forest Service inventory number, nor is there a way for someone to know whether the camera belonged to the United States Forest Service without opening the camera. If one were looking only at the outside of the camera, there would be no way of determining whether or not the camera belonged to the United States Forest Service or to a trespasser. The camera was not attached to a tree but was laid upon the ground.

The location where the surveillance camera was laid was in a place where no United States Forest Service boundary could be seen and was approximately a quarter of a mile away from any United States Forest Service boundary. The rough road site is accessed from Highway 106. At no time are Federal lands or United States Forest Service lands traversed from the point where one would turn off of Highway 106 and onto the rough road to the place where the subject surveillance camera was laid.

Officer Southard did not have a warrant nor permission to be on the private property where he laid the surveillance camera. Officer Southard did not know who the owner of this private land was.

Prior to December 7, 2012, the surveillance camera had been on the rough road a little over a month. On December 7, 2012, Officer Southard went to the rough road area to perform a routine check on the site. As he was leaving the rough road area and traveling south on Highway 106, Officer Southard drove past Walt just a short distance away from the area where one would turn into the rough road. Officer Southard observed Walt turn into the rough road.

Approximately 15 minutes after viewing Walt turning into the rough road, Officer Southard observed Walt drive out of the rough road and turn south on Highway 106. Officer Southard followed Walt on Highway 106 until Walt turned off at a residence owned by Jack Billingsley. Jack Billingsley's house is located approximately 3 to 4 miles away from the rough road.

Officer Southard returned to the rough road to retrieve his surveillance camera. Upon arriving at the alleged rough road bait site, Officer Southard realized that his camera was gone.

Upon realizing the camera was gone, Officer Southard contacted a Georgia Department of Natural Resources Officer to help him locate Walt. Walt was located and stopped at the bottom of Walt's driveway by two Rabun County deputies.

Walt informed Officer Southard that he initially believed that the surveillance camera belonged to other hunters. Officer Southard searched Walt's vehicle and located the SD card from the surveillance camera. Walt admitted that the SD card came from the subject surveillance camera. Walt admitted that he had hidden the subject surveillance camera after wrapping it in black plastic and placing it underneath a rock alongside a road known as the double gate.

Walt was very cooperative and took Officer Southard to the place where Walt had hidden the subject camera. The camera was in excellent shape when it was retrieved. There were no parts or accessories of the camera that were not recovered by Officer Southard and the camera was not damaged in any way.

Officer Southard testified that he had placed one of his business cards inside of the surveillance camera. The card purportedly contained Officer Southard's name, who he worked for, and his telephone number. On the back of the business card, Officer Southard claims to have hand wrote "property of the United States". Upon being interviewed, Walt told Officer Southard that he never saw the business card. Officer Southard stated that he had no reason not to believe that Walt didn't see the business card other than every time he serviced the camera the card was there.

Upon reviewing the SD card from the subject surveillance camera, Officer Southard observed that on the morning of December 7, 2012 there were photographs of Walt coming to the alleged bait site, photographs from the camera being turned around in different areas, photographs from the camera inside Walt's vehicle, photographs of a couple of different vehicles, and photographs of the area that appeared to be Jack Billingsley's residence.

The surveillance camera can only be disarmed/turned off by opening the camera. Opening the surveillance camera causes it to cease taking pictures. Based upon the continued photography, Officer Southard agreed that Walt never opened nor disarmed/turned off the camera until at least after he had left Jack Billingsley's home.

Notwithstanding the fact that Walt clearly did not understand he had moved property of the United States Forest Service, he was tried without a jury trial and sentenced to serve 15 days in jail. Prior to "Operation Something Bruin", Walt had never been arrested or charged with a crime and had only had one speeding ticket in his life.

It is my firm belief that there is no way that a jury of regular citizens would have convicted Walt for removing a camera that had no business being on private property. Walt should have had the right to a jury trial for any case that could potentially subject him to jail time.

A matter I found particularly troubling during my representation of Walt was the procuring of a federal felony indictment against C.J. Junaluska. Junaluska is a young Cherokee Indian in his mid-20s who hunted with Jerry Parker on occasion. While Chad Arnold was working as an undercover officer hunting with Jerry Parker, he had an occasion to ride in the vehicle with Junaluska. Arnold's report of his time with Junaluska stated *"[w]hile traveling, Arnold stated to CJ that he hoped Parker was paying him well for as much gas as he had burned that day". "CJ replied that Jerry was paying him enough and smiled."*

Based upon this statement in Arnold's report, Junaluska was indicted for a federal felony violation of the Lacey Act. The charges against Junaluska were later dismissed.

It is important to note that Arnold was recording the conversation with Junaluska. The entirety of Arnold's involvement with Junaluska took place in the cab of a pickup truck or just outside of the pickup truck. Every word of Arnold and Junaluska during the entirety of their time together was recorded. After thoroughly reviewing the recordings it is clear that that the conversation stated in Arnold's report never happened. To the contrary, the recording clearly shows that Arnold asked Junaluska if he worked for Parker to which Junaluska replied *"no, I work for tribal construction"*.

Also of particular concern to me is the judge shopping by the government in reducing some of the cases arising out of "Operation Something Bruin" to misdemeanor offenses so that the defendants would be tried in Federal Magistrate Court and not be entitled to a jury trial.

Chad Crisp is a is a perfect example of someone who's charges were reduced to misdemeanors in order to thwart his right to a jury trial. Chad Crisp later entered a plea for which he was sentenced to serve 20 months in federal prison. No one should ever be subjected to a prison term of 20 months without having the right to a trial by jury.

BIOGRAPHICAL SUMMARY

L. Allyn Stockton, Jr.
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L. Allyn Stockton, Jr. lives in Clayton, Georgia. He is a practicing attorney and has been licensed to practice law in the State of Georgia for the past 18 years. Mr. Stockton is admitted to practice before the Georgia Court of Appeals, the Supreme Court of Georgia, the Federal Courts of the Northern District of Georgia and has been admitted to practice Pro Hac Vice and has been Specially Admitted to practice in the Federal Court for the Western District of North Carolina.

Mr. Stockton has tried nearly 40 jury trials to verdict and has handled numerous appeals in the Supreme Court of Georgia and the Georgia Court of Appeals. Mr. Stockton is certified as a second chair death penalty advocate in the State of Georgia and has served as co-counsel in a death penalty case which was tried to verdict.

Mr. Stockton has served as County Attorney for Rabun County since 2000. Mr. Stockton is a past President of the Mountain Judicial Circuit Bar Association, and a past class member, program chair and Board of Trustees member for Leadership Georgia. Mr. Stockton earned a bachelor's degree from Southern Tech in Civil Engineering and a law degree from John Marshall Law School. Mr. Stockton has a seventeen year old son and a thirteen year old daughter.

Committee on Oversight and Government Reform
Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)(5)

Name: L. ALLYN STOCKTON, JR.

1. Please list any federal grants or contracts (including subgrants or subcontracts) you have received since October 1, 2012. Include the source and amount of each grant or contract.

I HAVE RECEIVED NO FEDERAL GRANTS OR CONTRACTS SINCE OCTOBER 1, 2015 THAT I AM AWARE OF.

2. Please list any entity you are testifying on behalf of and briefly describe your relationship with these entities.

I AM TESTIFYING CONCERNING MY LEGAL REPRESENTION OF WALT STANCIL, CALE STANCIL AND CINDY CLANTON.

3. Please list any federal grants or contracts (including subgrants or subcontracts) received since October 1, 2012, by the entity(ies) you listed above. Include the source and amount of each grant or contract.

I AM NOT AWARE OF ANY OF THE ABOVE-LISTED INDIVIDUALS HAVING RECEIVED ANY GRANTS OR CONTRACTS.

I certify that the above information is true and correct.
Signature:

Date: 6/18/2015