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Maybe in the future we can help people prove their innocence after they have been released, but currently we just don't have the resources.

I'm sorry to be a dead end, but I wish you the best of luck. vzb

Vicki Zemp Behenna
Attorney at Law
BEHENNA, GOERKE, KRAHL & MEYER
Oklahoma Tower
210 Park Avenue, Suite 3030
Oklahoma City, OK 73102
Office: (405) 232-3800
Cell: (405) 535-8016
Fax: (405) 232-8999
Email: vzb@lawfirmokc.com

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From: Roth, Jim <jaroth@okcu.edu>
Sent: Wednesday, December 16, 2020 9:55 AM
To: Vicki Behenna <vzb@lawfirmokc.com>
Subject: Fwd: CR-99-0107-T

Good morning Vicki.

I hope this email finds you enjoying a good week.

Please see the below email forwarded to me this morning. Mr. Kluding, who I met outside of OCU, called me today to inquire about his situation and previous overtures to you. I listened and assured him that this issue is not a matter for OCU, but that if he would share his previous communication then I would review and forward to you.

Is this something you can take from here?

Thank you,

Jim Roth

Dean and Professor of Law

OCU School of Law

405.208.5440 * Desk

405.514.7684 * Cell

Begin forwarded message:

From: "kluding.acme" <kluding.acme@gmail.com>

Date: December 16, 2020 at 9:50:16 AM CST

To: "Roth, Jim" <jaroth@okcu.edu>

Subject: FW: CR-99-0107-T

EXTERNAL SENDER: Use caution with links and attachments

Thanks for taking my call. I appreciate that.

I spoke with Lyle Nelson this morning. He has not been contacted about these matters.

Chris

Sent from my Galaxy

----- Original message -----

From: Christopher Kluding <kluding.acme@gmail.com>

Date: 7/15/20 8:36 AM (GMT-06:00)

To: vbehenna@okcu.edu, Chris Eulberg <chris@eulberglaw.com>

Subject: CR-99-0107-T

Good morning, Ms. Behenna! I realize some time has passed, but I now feel compelled to reach out to you. More than ever before, there is an interest in exposing abusive and corrupt law enforcement behaviors and setting records straight. With that interest in mind, please allow me to present these particulars:

12/18/2012 SA Timothy Klotz sentenced to prison for stealing money intended for confidential informants related to classified counterintelligence investigations. SA Klotz attempted to hide his crimes by forging the signatures of fellow law enforcement. The US Attorney's office for the Northern District of Texas handled the prosecution as SA Klotz had spent over fifteen years working in conjunction with the US Attorney's Office for the Western District of Oklahoma.

I had long known that SA Klotz threatened key witnesses necessary for my defense. These witnesses included Mr. Lyle Nelson, US Bankruptcy Trustee, appointed by Judge Bohannon to oversee the QualiCare, Inc. bankruptcy(97-16891-BH). My hope was that someone would finally confess to SA Klotz's criminal behavior now that Klotz no longer wielded the incredible power of the FBI.

I spent much of late December 2012 and early January 2013 reviewing transcripts and other documentation in my case along with records filed in the QualiCare, Inc. bankruptcy case. I learned from filed bankruptcy documents that SA Klotz had blatantly tampered with witnesses. One instance occurred on 02/14/2000(the day before proceedings in my case started) during a surprise visit to Mr. Nelson's office where he threatened the trustee and his staff. Mr. Nelson contacted E. Joe Lankford(my trial counsel) on the same day via telephone to say that he could no longer testify or cooperate in my case. Mr. Nelson gave no explanation and was adamant. Mr. Nelson had cooperated previously and knew he had been included on our witness list. Additionally, transcripts and filed bankruptcy records reveal that SA Klotz perjured himself repeatedly, both during trial and at sentencing.

01/11/2013 I share some of what I found with my friend and neighbor, Chris Eulberg. Mr. Eulberg suggests contacting Mr. Lankford.

01/13/2013 Spoke with Mr. Lankford. He has reviewed some of the documents. He was angry and said, "it's corrupt shit". Mr. Lankford says he'll think about the situation and start making some phone calls.

01/14/2013(week of) Mr. Nelson acknowledges FBI threats and being too scared to come forward and help. This call is digitally recorded and transcribed. Mr. Nelson, Mr. Lankford and myself were on this call. Mr. Nelson says about SA Klotz, in part, "It's just so crazy because you know you always hear that you always talk about that stuff that what goes around comes around - we always have people that cross our paths like you see things and you are like how in the hell does that person - why doesn't a load of bricks just fall on them walking down the street - It's karma - And it never seems to hit them - I always tell myself if it doesn't happen on this earth then God's going to take care of it or something like that - I try to tell myself that then every once in a while you see something like this and you have to laugh - and there you go".

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Late January 2013 - Mr. Lankford has been communicating with Nick Lillard, an assistant US Attorney in the Western District of Oklahoma, that he knows and respects. Mr. Lillard indicates that if these allegations are accurate my criminal case should be dismissed.

02/07/2013 John Mashburn, attorney for Mr. Nelson, acknowledges threats from FBI. This call is digitally recorded and transcribed. Mr. Mashburn, Mr. Lankford and myself were on the call.

02/12/2013 Vicki Behenna, an assistant US Attorney in the Western District of Oklahoma, is assigned my case.

03/18/2013 Mr. Eulberg hand delivers some of the discovered documents to Ms. Behenna.

Late 2013 Ms. Behenna quits the US Attorney's Office

12/11/2013 Mr. Lankford emails "Once they complete their investigation and decide what to do they will notify me and I will notify you. Remember they have many witnesses to visit with who may give them many more to talk to. The Assistant U.S. Attorney handling this also has dozens of ongoing cases to deal with on a daily basis."

I have lodged legitimate, well documented complaints. Will you please help me? I believe you can. I'm saddled from here forward with restitution payments and the inability to practice as a Registered Nurse. This conviction punishes me continually while the facts involving SA Klotz criminal behaviors in my case remain unacknowledged. If this was your twenty year old conviction, would you give up?

I have compiled an extensive timeline cross referenced with document and page numbers. I'm willing to do whatever footwork and heavy lifting in order to minimize your time requirements.

Thank you in advance for your consideration.

Respectfully,

Chris Kluding



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Christopher Kluding <kluding.acme@gmail.com>

RE: FW: CR-99-0107T

2 messages

kluding.acme <kluding.acme@gmail.com>
To: Vicki Behenna <vzb@lawfirmokc.com>
Cc: jaroth@okcu.edu

Wed, Dec 16, 2020 at 1:09 PM

Ms. Behenna:

Thank you for your quick response.

I recognize that you didn't have my case originally. You were assigned this matter in February 2013. Plainly put, what investigating did you do and who took the case over when you left the US Atty's office in late 2013? Do you know if the US Atty's office that prosecuted Klotz was notified of these allegations? Do you know if OIG and/or OPR was notified?

Just trying to understand how conduct so egregious that Nelson literally remembers what SA Klotz was wearing, goes unchecked.

Thank you for your time.

Chris Kluding

Sent from my Galaxy

----- Original message -----

From: Vicki Behenna <vzb@lawfirmokc.com>
Date: 12/16/20 10:25 AM (GMT-06:00)
To: kluding.acme@gmail.com
Subject: FW: CR-99-0107-T

Mr. Kluding,

Dean Roth forwarded your email to me. Please understand that restitution is something that can't be amended or reversed. I fully understand that restitution is a heavy obligation and the U.S. Attorney's office is relentless is collecting it, but unfortunately there is little anyone can do to relieve you of that obligation.

As for Tim Klotz, and his behavior in investigating you case, I don't think there is anything anyone can do to help you. Your case went to trial almost 20 years ago. I was not the AUSA who handled your case and I do not know the volume of evidence presented at trial. To be granted post-conviction relief, Mr. Klotz' behavior must have overwhelmingly influenced the jury verdict.

I wish the Innocence Project could be of more assistance, but we do not review cases where the defendant has been released from prison. We don't even review cases where a person has to register as a sex offender, primarily because we have so many cases where our client is currently incarcerated that we can only focus on those cases right now.