

From: Martin Erwin [mailto:Martin.Erwin@smithmoorelaw.com]
Sent: Monday, January 14, 2008 3:27 PM
To: Alan Duncan; Allison VanLaningham; Miles, Linda
Subject: FW: Phone conversation of January 10, 2008

From: Coman, James [mailto:Jcoman@ncdoj.gov]
Sent: Monday, January 14, 2008 3:14 PM
To: Martin Erwin
Subject: Phone conversation of January 10, 2008

As a follow-up to our phone conversation of Thursday, January 10, 2008, I want to make it clear that I have received phone calls from two members of the present Greensboro City Council reference their interest in wanting to see the so-called "black book." Both conversations were extremely professional and cordial. It was my understanding that if I agreed it would be during a closed session of council with their attorneys. I declined to make the "black book" available because the original is in the possession of the SBI and is intended to be used as evidence at the criminal trial of at least one of the defendants. I explained this to both of them with the caveat that if that or some other item now held as evidence was needed by the attorneys representing the City in a legal action, I would consider making the item available with proper safeguards for the court proceeding. I made it clear I thought that I had always tried to cooperate with the City if they needed something in order to defend themselves in a legal action by either providing the materials or filing an affidavit with the court on the City's behalf. When the Attorney General's Office and the SBI undertook this investigation on June 9, 2006, I spoke with the City Manager, the City Attorney and the leadership of the Greensboro Police Department and asked them not to release information or items of potential evidence into the public domain that could compromise the investigation or jeopardize the rights of those being investigated. I reiterated the importance of this request on two occasions: one was after the release of the RMA report; the second, was after the Grand Jury handed down indictments. To my knowledge they have complied with my request and apparently have been criticized in some circles for complying with my request not to release anything that would be harmful to the rights of the accused or could hurt the investigation. This case is proof of how difficult it is to protect the rights of the accused and to keep the city leaders and the public informed. I hope this clarifies my concern that the right to a fair trial and a fair investigation trumps any concerns other than to ensure fairness to those under investigation. If you need any additional clarification, please let me know. Jim