

From: wilson [REDACTED]
Sent: Monday, October 27, 2014 7:52 AM
To: Bob Cook
Subject: Fwd: 2 drafts
Attachments: Pascoe ltr 1.docx; ATT00001.htm; Pascoe ltr 2.docx; ATT00002.htm

Sent from my iPhone
Please excuse typos

Begin forwarded message:

From: Alan Wilson <wilson [REDACTED]>
Date: October 26, 2014 at 10:51:07 PM EDT
To: Alan Wilson <wilson [REDACTED]> Richard Quinn [REDACTED]
Subject: 2 drafts

Letter 1 is the longer one I read to you tonight. Letter 2 is a slightly shorter version. I will be working on these tomorrow with Bob.

Let me know what you think.
Alan

Dear Solicitor Pascoe,

Thank you for your acceptance of the July 24, 2014 designation as prosecutor in the Robert W. Harrell matter. Your acceptance of this designation allowed our office to overcome the numerous unprecedented legal and political roadblocks that were preventing this case from moving forward. However, this office has several concerns arising out of the negotiated plea that you entered into with Mr. Harrell on Thursday, October 23, 2014.

While we have quite a few questions regarding the conduct Mr. Harrell pled to we do not feel that we have information sufficient to support this office opining, second guessing or publicly commenting on the discretion that you used to come to this conclusion as this office was not included in the drafting of or notified beforehand of any plea negotiations with Mr. Harrell. We are sure that you exercised the authority granted to you by this office honorably and professionally.

However, some of the plea agreement terms require us to intervene. There were some aspects of the negotiated plea that went beyond the scope of your granted authority as the designated prosecutor in this case. We discussed on several occasions that this office would maintain control over all other cases arising out of this matter in which Mr. Harrell was not a target or defendant.

My designation of you as prosecutor was limited solely to the disposition of Mr. Harrell's case and not to other cases arising out of that one. The plea negotiation contains language that suggest that any state criminal charges against other individuals arising out of any cooperation from Mr. Harrell will be handled by you.

While it was always my intent to include you as a collaborative working partner on any future cases arising out of this matter it was never my intent to cede my constitutional authority as the state's chief prosecuting officer.

It is the position of this office that the negotiated plea agreed to by you and Mr. Harrell and approved by Judge Manning is only controlling as to you both as signatories and not to this office. Article 5 Section 24 of the South Carolina Constitution states "[t]he Attorney General shall be the chief prosecuting officer of the State with authority to supervise the prosecution of all criminal cases in courts of record." This constitutional authority cannot be bound by an agreement between you and Mr. Harrell.

Therefore, this office shall continue to supervise the investigation and prosecution of any possible cases that should arise from any cooperation that Mr. Harrell may provide under the terms of the plea agreement. Should Mr. Harrell violate those terms then you will be notified immediately so that you can take any action that you deem appropriate.

If you decide that you would like to participate in any possible future case then please contact me so that we can discuss your involvement. Your cooperation is greatly appreciated by my staff and me.

Thank you for helping this office conclude the Harrell matter. Please do not hesitate to contact me if I can ever be of service to you.

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While it was always my intent to include you as a collaborative working partner on any future cases arising out of this matter it was never my intent to cede my constitutional authority as the state's chief prosecuting officer. This is an issue that I believe could have easily been avoided had our office been notified of the terms of the negotiated plea agreement beforehand.

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Thank you for helping this office conclude the Harrell matter. Please do not hesitate to contact me if I can ever be of service to you.

Bob Cook

From: Bob Cook
Sent: Monday, October 27, 2014 9:01 AM
To: Joanne Lee
Subject: FW: 2 drafts
Attachments: Pascoe ltr 1.docx; ATT00001.htm; Pascoe ltr 2.docx; ATT00002.htm

Robert D. Cook
Solicitor General
S.C. Attorney General's Office
P.O. Box 11549
Columbia, S.C. 29211
P: 803-734-3736
F: 803-734-3524

From: wilson [mailto:wilson] [redacted]
Sent: Monday, October 27, 2014 7:52 AM
To: Bob Cook
Subject: Fwd: 2 drafts

Sent from my iPhone
Please excuse typos

Begin forwarded message:

From: Alan Wilson <wilson [redacted]>
Date: October 26, 2014 at 10:51:07 PM EDT
To: Alan Wilson <wilson [redacted]> Richard Quinn < [redacted]>
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Thank you for helping this office conclude the Harrell matter. Please do not hesitate to contact me if I can ever be of service to you.

Bob Cook

From: Joanne Lee
Sent: Monday, October 27, 2014 12:49 PM
To: Alan Wilson
Cc: Bob Cook; Kristy Quattrone
Subject: Sending: latest draft Letter to David Pascoe, 10-27-2014 (A. Wilson) (00474825).DOCX
Attachments: Draft Letter to David Pascoe, 10-27-2014 (A. Wilson) (00474825).DOCX

Importance: High

Joanne Lee
Administrative Assistant
Opinions Section
Office of the Attorney General
State of South Carolina
(803) 734-3736

From: robert cook <[REDACTED]>
Sent: Monday, October 27, 2014 1:56 PM
To: Alan Wilson
Subject: Fwd: McINTOSH Version
Attachments: PASCOE LETTER McINTOSH VERSION.docx

----- Forwarded message -----

From: Richard Quinn <[REDACTED]>
Date: Mon, Oct 27, 2014 at 1:51 PM
Subject: McINTOSH Version
To: robert cook <[REDACTED]>

With a few new edits.

David M. Pascoe
Solicitor, First Judicial Circuit
Post Office Box 1525
Orangeburg, SC 29116

Dear Solicitor Pascoe:

The Attorney General and all us who have been involved in this investigation appreciate your willingness to accept the designation Attorney General Wilson gave you as prosecutor in the Robert W. Harrell matter as specified in the consent order of July 24, 2014. Your acceptance of this designation helped our office overcome roadblocks that were preventing this important case from moving forward.

As you know, as Chief Deputy Attorney General, I have traditionally been the contact person in this office with our state's Solicitors. And while this Office has no comment on the substance of the facts pled to by Mr. Harrell, there is one concern that should be addressed: the plea negotiation suggests any state criminal charges against other individuals arising out of Mr. Harrell's cooperation would be handled solely by you. While that interpretation may not have been your intent, please understand that such an agreement goes beyond your authority as the designated prosecutor in this one case.

The Attorney General's designation of you as prosecutor was limited solely to the disposition of Mr. Harrell's case and not to any other cases related to or arising out of that one. The Consent Order agreed to by this office, you and Mr. Harrell clearly confirms this specifically limited authority.

The Attorney General, the Solicitor General and I all agree that the negotiated plea entered into by you and Mr. Harrell and approved by Judge Manning is not controlling to this office with respect to the expanded authority the negotiation appears to give you. Article 5 Section 24 of the South Carolina Constitution states "[t]he Attorney General shall be the chief prosecuting officer of the State with authority to supervise the prosecution of all criminal cases in courts of record." This constitutional authority cannot be bound by an agreement between you and Mr. Harrell. A contract cannot alter the authority bestowed by the Constitution

Therefore, please understand that this office shall supervise the investigation and prosecution of any possible cases that might arise from any cooperation that Mr. Harrell provides under the terms of the plea agreement. Should Mr. Harrell violate those terms, you will be notified immediately so that you can take any action that you deem appropriate as stipulated by the consent order.

While the Attorney General hopes to include you as a collaborative working partner on any future cases arising from this matter, it was never his intent, nor does the consent order suggest, that he has forfeited the Constitutional authority of the Attorney General as the state's chief prosecuting officer. We hope this clears up any misunderstanding.

Your cooperation and service to the state is greatly appreciated. Please let this Office know if you would like to participate in any possible future case. I know the Attorney General values your assistance.

Again, thank you for helping this office conclude the Harrell matter. Please contact the Attorney General, Solicitor General Bob Cook, me, or any member of this office you've been working with if you have any questions.

Sincerely,

John McIntash
Chief Deputy Attorney General

AW/jl

Bob Cook

From: Kristy Quattrone
Sent: Monday, October 27, 2014 2:41 PM
To: Deborah Staberg; Joanne Lee; Alan Wilson; Bob Cook; John McIntosh; Creighton Waters
Subject: Letter to Pascoe
Attachments: sent 10-27-14 FINAL letter to solicitor david pascoe re. harrell matter and other possible cases (00475243xD2C78).pdf



KRISTY QUATTRONE
SR. EXECUTIVE ASSISTANT
& SCHEDULER
803.734.3596
KQUATTRONE@SCAG.GOV
REMBERT C. DENNIS BLDG.
1000 ASSEMBLY STREET
COLUMBIA, SC 29201
WWW.SCAG.GOV



ALAN WILSON
ATTORNEY GENERAL

October 27, 2014

David M. Pascoe
Solicitor, First Judicial Circuit
Post Office Box 1525
Orangeburg, South Carolina 29116

Dear Solicitor Pascoe:

The Attorney General and all of us who have been involved in this investigation appreciate your willingness to accept the July 24, 2014 designation Attorney General Wilson gave you as prosecutor in the Robert W. Harrell matter. Your acceptance of this designation helped our Office overcome roadblocks that were preventing this important case from moving forward.

As you know, as Chief Deputy Attorney General, I have often been the contact person in this Office with our state's Solicitors. And while this Office has no comment on the substance of the facts pled to by Mr. Harrell, there is at least one concern that should be addressed: the plea negotiation suggests any state criminal charges against other individuals arising out of Mr. Harrell's cooperation would be handled solely by you. While that interpretation may not have been your intent, please understand that such an agreement goes beyond your authority as the designated prosecutor in this one case.

The Attorney General's designation of you as prosecutor was limited solely to the disposition of Mr. Harrell's case and not to any other cases related to or arising out of that one. The Consent Order agreed to by this Office and Mr. Harrell clearly confirms this specifically limited authority.

The Attorney General, the Solicitor General and I all agree that the negotiated plea entered into by you and Mr. Harrell and approved by Judge Manning is only controlling as to you both as signatories of the plea and not to this Office. Article 5 Section 24 of the South Carolina Constitution states "[t]he Attorney General shall be the chief prosecuting officer of the State with authority to supervise the prosecution of all criminal cases in courts of record." This constitutional authority cannot be altered by an agreement between you and Mr. Harrell. A contract cannot diminish the authority bestowed by the Constitution.

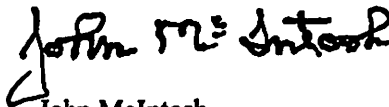
Therefore, please understand that this Office will continue to supervise and direct the investigation and prosecution of any possible cases that might arise from any cooperation that Mr. Harrell may provide under the terms of the plea agreement. Should Mr. Harrell violate those terms, you will be notified immediately so that you can take any action that you deem appropriate as stipulated by the consent order.

While the Attorney General hopes to include you as a collaborative working partner on any future cases arising from this matter, it was never his intent, nor does the consent order suggest, that he has forfeited the constitutional authority of the Attorney General as the state's chief prosecuting officer. We hope this clears up any misunderstanding.

Your cooperation and service to the state is greatly appreciated. Please let this Office know if you would like to participate in any possible future case. I know the Attorney General values your assistance.

Again, thank you for helping this office conclude the Harrell matter. Please contact the Attorney General, Solicitor General, me, or Creighton Waters if you have any further questions.

Sincerely,

A handwritten signature in black ink that reads "John McIntosh". The signature is written in a cursive style with a large initial "J" and "M".

John McIntosh
Chief Deputy Attorney General

AW/jl

cc: Chief Mark Keel, SLED

Bob Cook

From: Bob Cook
Sent: Monday, October 27, 2014 3:15 PM
To: Joanne Lee
Subject: FW: Letter to Pascoe
Attachments: sent 10-27-14 FINAL letter to solicitor david pascoe re. harrell matter and other possible cases (00475243xD2C78).pdf

Robert D. Cook
Solicitor General
S.C. Attorney General's Office
P.O. Box 11549
Columbia, S.C. 29211
P: 803-734-3736
F: 803-734-3524

From: Kristy Quattrone
Sent: Monday, October 27, 2014 2:41 PM
To: Deborah Staberg; Joanne Lee; Alan Wilson; Bob Cook; John McIntosh; Creighton Waters
Subject: Letter to Pascoe



KRISTY QUATTRONE
SR. EXECUTIVE ASSISTANT
& SCHEDULER
803.734.3596
KQUATTRONE@SCAG.GOV
REMBERT C. DENNIS BLDG.
1000 ASSEMBLY STREET
COLUMBIA, SC 29201
WWW.SCAG.GOV



ALAN WILSON
ATTORNEY GENERAL

October 27, 2014

David M. Pascoe
Solicitor, First Judicial Circuit
Post Office Box 1525
Orangeburg, South Carolina 29116

Dear Solicitor Pascoe:

The Attorney General and all of us who have been involved in this investigation appreciate your willingness to accept the July 24, 2014 designation Attorney General Wilson gave you as prosecutor in the Robert W. Harrell matter. Your acceptance of this designation helped our Office overcome roadblocks that were preventing this important case from moving forward.

As you know, as Chief Deputy Attorney General, I have often been the contact person in this Office with our state's Solicitors. And while this Office has no comment on the substance of the facts pled to by Mr. Harrell, there is at least one concern that should be addressed: the plea negotiation suggests any state criminal charges against other individuals arising out of Mr. Harrell's cooperation would be handled solely by you. While that interpretation may not have been your intent, please understand that such an agreement goes beyond your authority as the designated prosecutor in this one case.

The Attorney General's designation of you as prosecutor was limited solely to the disposition of Mr. Harrell's case and not to any other cases related to or arising out of that one. The Consent Order agreed to by this Office and Mr. Harrell clearly confirms this specifically limited authority.

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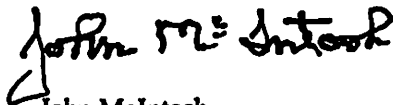
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Your cooperation and service to the state is greatly appreciated. Please let this Office know if you would like to participate in any possible future case. I know the Attorney General values your assistance.

Again, thank you for helping this office conclude the Harrell matter. Please contact the Attorney General, Solicitor General, me, or Creighton Waters if you have any further questions.

Sincerely,

A handwritten signature in black ink that reads "John McIntosh". The signature is written in a cursive style with a large initial "J" and "M".

John McIntosh
Chief Deputy Attorney General

AW/jl

cc: Chief Mark Keel, SLED

Bob Cook

From: Kristy Quattrone
Sent: Monday, October 27, 2014 4:17 PM
To: Bob Cook; Joanne Lee; John McIntosh; Deborah Staberg; Dorothy Moore; Alan Wilson
Subject: Final Letter to Solicitor Pascoe
Attachments: 2014_10_27_16_15_20.pdf



KRISTY QUATTRONE
SR. EXECUTIVE ASSISTANT
& SCHEDULER
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WWW.SCAG.GOV



ALAN WILSON
ATTORNEY GENERAL

October 27, 2014

David M. Pascoe
Solicitor, First Judicial Circuit
Post Office Box 1525
Orangeburg, SC 29116

Dear Solicitor Pascoe:

It was good talking to you earlier today to discuss the plea agreement you reached last week in the matter of Robert W. Harrell and how we shall proceed going forward.

Again, let me express to you my personal appreciation, as well as the gratitude of all of us in this Office who have worked with you. Your willingness to accept my July 24, 2014 designation of you as prosecutor in the Harrell case greatly helped our Office overcome roadblocks that were preventing this important case from moving forward.

The main purpose of this letter is briefly to memorialize our conversation, so that all involved will understand exactly how any future cases will be managed. We agreed that, as chief prosecutor, the Office of the Attorney General shall supervise and direct the investigation and prosecution of any possible cases that might arise from any cooperation of Mr. Harrell under the terms of the plea agreement. At any time Mr. Harrell is questioned, one or more representatives of the Attorney General's Office will be present. And should Mr. Harrell violate the terms of the agreement, you will take any prosecutorial action against him that you deem appropriate.

This Office looks forward to working with you as a collaborative partner on any issues arising from the Harrell matter. If you would like to participate in any possible future cases, please let me know. Your skills as a prosecutor are well known and respected.

Again, thank you for helping this Office conclude the Harrell matter.

Sincerely,

Alan Wilson

cc: Chief Mark Keel, SLED

Bob Cook

From: David M. Pascoe <dpascoe@scsolicitor1.org>
Sent: Thursday, October 30, 2014 12:21 PM
To: Alan Wilson
Cc: Bob Cook
Subject: Bobby Harrell

Alan,

I received your letter dated October 27th concerning the disposition of the Harrell case. I want to thank you for your kind words. You and your entire staff have been a pleasure to work with on this matter. I look forward to continuing our good working relationship.

One thing I wish to correct from your letter is that I never agreed that "one or more representatives of the Attorney General's Office will be present" during any of Harrell's debriefings. I plan to defer to the agents on who should be present. The fact of the matter is that I doubt anyone from my office will be present. I certainly will make sure that your office is provided with all information that derives from any such debriefings. More importantly, I will make sure the Attorney General's Office is contacted prior to any debriefing to make sure your input is provided to the agents who conduct the questioning of Mr. Harrell.

Again, I cannot fully express my appreciation to you for all you did to make sure I had the necessary tools and means to prosecute the Harrell case.

Take care,

David



David M. Pascoe, Jr.

First Circuit Solicitor
P.O. Box 1525
Orangeburg, S.C. 29116
(803) 533-6252
(800)776-3009
dpascoe@scsolicitor1.org

Bob Cook

From: Bob Cook
Sent: Thursday, October 30, 2014 12:57 PM
To: David M. Pascoe; Alan Wilson
Subject: RE: Bobby Harrell

David, it has been a good partnership. Thank you. Warm regards, Bob

Robert D. Cook
Solicitor General
S.C. Attorney General's Office
P.O. Box 11549
Columbia, S.C. 29211
P: 803-734-3736
F: 803-734-3524

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Orangeburg, S.C. 29116
(803) 533-6252
(800)776-3009
dpascoe@scsolicitor1.org

Bob Cook

From: Alan Wilson
Sent: Thursday, October 30, 2014 1:31 PM
To: David M. Pascoe
Cc: Bob Cook; John McIntosh
Subject: RE: Bobby Harrell

David,

You are correct in your understanding that we should "defer to the agents on who should be present." Our prosecutors don't participate in SLED interviews and we would obviously defer as well. Should SLED agents discover anything through interviews with Mr. Harrell or other parties then we will notify you, especially if it involves a violation of the terms of his probation.

Thank you again for everything. Please call if you ever need something.

Sincerely,

Alan Wilson
South Carolina Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549

Executive Assistant: Kristy Quattrone
(803) 734-3596
kquattrone@scag.gov

From: David M. Pascoe [<mailto:dpascoe@scsolicitor1.org>]
Sent: Thursday, October 30, 2014 12:21 PM
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Subject: Bobby Harrell

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First Circuit Solicitor

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