



NEIL GODFREY
SHERIFF

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April 25, 2018

District Attorney Maureen Krueger
19D Prosecutorial District
P.O. Box 429
Carthage, North Carolina 28327

Reference: Notice of *Giglio* Impairment Against Sergeant Tracy Carter

Dear Mrs. Krueger,

I have received your letter in reference to Sergeant Tracy Carter.

I have several issues in reference to your letter. First, I have never received any credible or ostensive information or evidence from either you or any member of your office that Sergeant Carter was not completely truthful with the SBI during their investigation.

I have never agreed with you or anyone that Sergeant Carter was not completely truthful with the SBI during the investigation. I have not received any information from the SBI or the North Carolina Attorney General's Office that Sergeant Carter or any other deputy interviewed during the investigation by the SBI was either untruthful or uncooperative during their investigation.

I agree with you that the credibility of the judicial system is based on the foundation that law enforcement officers and prosecutors are truthful and possess an integrity that is beyond reproach. But it concerns me that you have made statements in your letter that are completely unfounded. I have never agreed with you that a *Giglio* violation occurred in this case. I have not been provided with credible information by the SBI or the North Carolina Attorney General's Office demonstrating such a violation undermining Sergeant Carter's credibility.

Additionally, as you are well aware (or certainly should be aware) your investigator made false statements under oath in an affidavit seeking to procure our telephone records. I am certain that the SBI investigation showed that his statements were completely false. Your investigator, a member of the prosecutor's office, an office which requires integrity and honesty, stated that I went to the hospital on the night of the incident involving my son and that I sat in the back seat of Lieutenant Shingleton's car while my son was being interviewed by Lieutenant Shingleton. These statements are and were completely false. Your investigator either knew the statements were false or made them in reckless disregard for the truth or falsity of the facts.

You have never offered to allow me to review the report from this SBI investigation.

In a meeting in which we discussed a second investigation conducted by the SBI of my office in response to an anonymous letter containing false information, you told me that you had not told me you were requesting the investigation because you believed there was a cover up in the first investigation involving my son. I found your comment to be very insulting, made with no factual or legal basis because I had been completely cooperative with the SBI during that investigation.

You have also refused to allow me or the county attorney review the report from second SBI investigation. Yet, you have taken no action with regard to that report, which I am informed and believe, exonerated the persons subject to the investigation, and demonstrated that the allegations in the anonymous letter were unfounded, false, and baseless.

As you know, defamatory statements made in the due course of judicial proceedings are absolutely privileged and will not support a civil action for defamation, even though they be made with express malice. However, this immunity applies to defamation actions, designed to make a victim of defamation whole by seeking money damages from the alleged slanderer, not in other circumstances such as those referenced in this letter.

I am in the process of scheduling a meeting with the SBI and the North Carolina Attorney General's Office in reference to your allegation. I will make my decision concerning the status of Sergeant Tracy Carter based upon the information provided to me by the SBI and the North Carolina Attorney General's Office.

I am also very concerned about the timing and wording of your letter and the implications that are politically motivated. I am certain that you are aware of the election and the implications, particularly in light of your position and relationships.

I have made every effort to cooperate with your office even though I have been very disappointed in comments you have made.

Your conduct shows that your comments and those of your staff member are not only false, but inexcusable, and clearly, cogently and convincingly demonstrate the personal animosity and ill will on your part toward me and my office and your actual malice in making the statements that you have made and in acting in the manner that you have acted.

In whole, it appears that your conduct as well as your statements, written and oral, are not supported by facts, and your failure to speak when you have a duty to do so to remove the taint of false statements and to exonerate those baselessly accuse, inflammatory in nature and bring the Office of the District Attorney into disrepute. I sincerely hope that you can and will convince me otherwise.

Sincerely,


Sheriff Neil Godfrey