

May 11, 2012

Transcript of meeting with
Jeff Jones, Assistant DA
Rachael Groffsky, Assistant DA
Michael Bonfoey, DA
Russ Connor, Law Enforcement Investigator

I received a call from Jeff Jones, an Assistant DA on May 4, 2012, saying he had just received a package from ***** [grand jury foreman, name intentionally blocked out for this transcript], who wanted them to take a look at it. Jeff asked if I would like to come in and discuss this, which I thought would be a good idea. A meeting was set up for May 11, 2012 at 10am in his office.

Four (4) people were present in the DA's conference room: Jeff Jones, Rachael Groffsky, Michael Bonfoey and Russ Conner. I had invited Terry Ramey to attend.

It was unclear what the purpose of the meeting was other than to go over the package he had received. I prepared additional questions (see next page). The meeting ended abruptly, with out my having a chance to go over most of these questions, so Michael Bonfoey said to leave the questions with Jeff Jones.

In a subsequent telephone call to Jeff Jones after the meeting, I inquired to when I might be expecting a response to my questions. He indicated about a week and a half. He also offered that he was contacting the investigator at NCDOI to obtain a full and complete file of the investigation [on Bruce Crawford and Johnny Glance].

Editors notes are inserted during the transcript for clarification, and denoted with **[Editors Note: ...]**

Monroe A. Miller Jr.
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Meeting, Assistant DA Jeff Jones

Reason for meeting: Discuss the criminal complaints handed to him by ***** *****.

- You said on phone Grand Jury Foreman told you to “look at this”. Who are you going to get to investigate it? Sheriff’s department has been compromised (Suttles), and the DA’s office has been compromised (Bonfoey). What higher Investigative Authority (Attorney General?), and appointment of Attorney Pro Tem, will you be selecting?
- In Texas, there is a statute which says that if a Sheriff or DA is presented with knowledge of a public official involved in a crime, he must turn it over to a Grand Jury, otherwise they themselves will be prosecuted. Is there a similar statute for North Carolina.
- Submit Voluntary Settlement Agreement and Transcript of NC Code Qualifications Board to add to criminal complaints.
- Ask for and inspect any documentation that accompanied the criminal complaints from the Grand Jury Foreman. Get a copy.
- Why am I having this meeting at this table today with you and not Bonfoey?
- Discuss the cover sheet to Grand Jury Foreman -
 1. Suttles and Bonfoey throwing the Complaint Investigation Report in the trash.
 2. RED FOLDER: Review transcript of Regan Mathis and Maurice Dawson - Obstruction, Title 18.
 3. RED FOLDER: Review transcript of June Ray - Tampering with US Mail, Jury Tampering, Title 18.
- Future Criminal Complaints. Three (3) options:
 1. Give to Jeff Jones,
 2. Give to Grand Jury during open court, [re: June Ray transcript]
 3. Give to Grand Jury Foreman as I did the last criminal complaint.
- What happens with Criminal Complaint against Crawford and Glance?
 1. DA Investigate? Who will perform the investigation?
 2. DA to create bill of indictment?
 3. Turned back over to Grand Jury for them to return True or No bill of indictment?
 4. DA to prosecute if true bill of indictment returned?
- Any personal comment on the way you received this criminal complaint (through the Grand Jury Foreman)?
- I will do presentment to the Grand Jury. I do not need you to do that, but you can assist if necessary.
- Has case file been created?
- Has Attorney Pro-Tem been selected (re: Bonfoey has compromised the office of DA).
- Presented to a Magistrate? Present to Brad Letts? Creation of Criminal Case Files.
- Your boss is disqualified, he may have compromised your department and position. You may have to step aside.
- Additional Witness - Shawn Leatherwood, original Architect on Fairgrounds Arena Building.
- Go over the procedure at Monday’s Administrative Court Session - DA and Grand Jury Foreman.

Bonfoey: Before we get started, let me let Jeff explain the Grand Jury process to you. Ok?

Jones: Grand Jury is a mechanism where ... Oh, let me do this, since you're recording it. We have Terry Ramey in the room, Monroe Miller, Mike Bonfoey, Jeff Jones, Rachael Groffsky and Russ Connor. And today is, what is it, May 11th ?, at 10 am. 2012. The grand jury process, well I'll do this, in criminal cases, there's two types of cases, felony and misdemeanors. And felonies are big crimes and misdemeanors are small crimes. That's just the best way to describe them. The legal definition is a felony is usually designated by statute which are felony's and which are misdemeanors, and if not, the common law says if you spend more than a year in jail or pay more than I think a thousand dollars, it's considered by common law a felony. But that's for the default provision. The way felonies are tried, is they're tried only in superior court. And so you have superior court and district court. Original jurisdiction for felonies is in superior court, and original jurisdiction for misdemeanors is in district court. And, there's no jury trial in district court, and the way you get around that constitutional requirement is if you are convicted by a judge in district court, it goes, you can appeal it to superior court for a trial de no go

[Editors Note: not sure spelling is correct - de no go]

which means start again, and then have a jury trial. And that's the way that works. The main way that cases get into the jurisdiction of the superior court is by bill of indictment. And that is a document that under the statute, the DA's office prepares and submits to the grand jury. When a case is charged, often it's charged, even if it's a felony at the district court level, where it sits until it's ready for a grand jury indictment. If we don't think it needs to be indicted, for whatever reason, maybe insufficiency of the evidence, we may offer a misdemeanor down in district court level, and that is kind of more of a clearing house for felonies in that regard. If we feel like it needs to be prosecuted as a felony, we will submit a bill of indictment to the grand jury, which is a body that consists of eighteen people, and I think you need to have at least 12 there to have your business done. The grand jury's are selected twice a year, it's done at random, through a polling process that the clerk does under the statute. We don't have anything to do with it. They're selected, they're sworn in, and they select nine each six months, a new set of nine, and the service is for one year.

Miller: Ok.

Jones: When, we don't know who they are, we never communicate with them. We, under a very limited circumstance, can a DA ever appear in front of a grand jury, a special grand jury, but to my knowledge, it's never happened here. And so we do our bill's of indictments, and in open court we hand them judge, where he directs us to hand them to the bailiff in charge of the grand jury, and they go, and there's witness that show up, they're usually law enforcement officers, they tell their side of the story, and the grand jury can ask questions if they want to. That's all a secret process by statute, and they either return a true bill, which means they decide there's probable cause for that charge, or they return a not a true bill, which means they don't believe there is enough probable cause for that particular charge. Or they take no action, which usually means the officer didn't show up for some reason or another. Sometimes people get sick or they're out of town, it happens. Once it's been indicted, it goes to an administrative docket. In administrative, there's two types of courts you see in this district. You have an administrative session, and a trial session. In administrative session, we take care of discovery issues, which is you know, which is our evidence, any plea offers which are made back and forth, and if plea's are taken we'll do it then. If it can only be determined by a jury, then it goes to a trial docket, and we pick a jury to try the case, and the jury decides whether they are guilty or not guilty. Misdemeanors do not go up to superior court except on limited circumstances, generally because they are related to a felony. Let's say you have a flee allude case which means you are running from the police, you're driving reckless and doing more than fifteen over, and you happen to be drunk too, which is a misdemeanor, driving while impaired, since that's related to the felony, it can go up through the grand jury process. The other way it gets to superior court is just an appeal from district court. Say you're found guilty of driving while impaired and you want a jury trial, you appeal up, that does not go through the grand jury, that just operates by statute. So for the most part, misdemeanors do not sound or appear at all in superior court, unless it's appealed or it's related to a felony.

I remember myself and Ms. Groffsky had met you at a few dockets ago, I don't remember the exact date, it was a civil session, but it was a grand jury session, I'm guessing March 19?

Miller: I have it right here. March 19.

Jones: Ok.

Miller: It was an administrative session.

Jones: Ok. And you had asked us a question, and we didn't know the answer, and we weren't invited back to whatever they were doing. There was one grand juror that, I think, did not get sworn in because they were sick or absent in January.

Miller: There were three that showed up there, and then the judge took them...

Jones: Yeah, but the foreperson and the assistant foreperson, they almost always, I think, show up when they're getting the bills, and so on. So when they're done deliberating that, they bring them back in and the judge makes sure they are all signed and no boxes didn't get checked, that kind of thing.

Miller: I want to ask a question about that because I missed all that.

Jones: Ok. That's not a process the state is involved in. We became aware of your package, ok, and so at that point we had a little bit of concern about it. And we are basically obligated to tell you this, by the rules that govern the ethics of lawyers, and particularly prosecutors,

Miller: Ok.

Jones: When you sent this to the grand jury foreperson, it may have been a technical violation of law. And it's not anything that is being investigated currently at this point, but we just wanted to make you aware of that violation, and I got the feeling from your cover letter...

Miller: Do you have a statute?

Jones: I do. It's right here. We're going to give you a copy to show you. And, we're obligated to tell you that that happened, and so you just know, from your letter, it looks like you tried different avenues of trying to have this looked at. These issues that you have in your packet looked at. And you weren't getting anywhere, I mean that's what I got from your letter. And so you took the extraordinary step of sending it directly to the grand jury foreperson. There is a statute it's 14-225.2, it's called "Harassment of and communication with jurors", and essentially if it has the intent to influence the official of another as a juror, and some if it includes harassing, intimidation, none of that's here, but it says, or communicates with a juror, or their spouse, and ... what that is that can be a violation. And it's 225.2 (a) (1) ... I'm going to give you a copy of this. We just want to make sure you understood

6:58

Miller: Well that makes sense to me if somebody is trying to ...

Jones: Sure.

Miller: talk to or influence a juror, you know, that's a bad thing.

Jones: Yeah.

Miller: But my situation is different here.

Jones: Well, but.... but...

[?] Whoa, wait, wait, wait, ...

Bonfoey: A juror includes a grand juror Mr. Miller.

Miller: Yes it does.

Bonfoey: You need to understand that.

Ramey: I understand that too, but are you saying the only person that, is what you all are saying right here, that you're applying that statue to say, that the only person, if somebody out here sees a crime that they think is not being investigated or anything, that we don't have no other avenues but to go through the DA, is that what applying that statue to?

Jones: I'm just telling you what the statue says.

Ramey: Well, have you interpreted that statue is what I'm saying. If a normal citizen does not have an obligation, if they see something wrong, to try to get - to - or not tattle on somebody or something, but you're saying the only thing, if you don't want it to go to the grand jury, are you saying you're applying that statue to tell the people they don't have a duty to go to the grand jury if somebody had done something criminal.

Bonfoey: What we're saying here, Terry, is Mr. Miller sent a package to a grand juror.

Ramey: After, after the fact that he tried to get...

Bonfoey: Wait, wait a minute, don't interrupt, let me finish. Alright, Mr. Miller sent a package to a grand juror. Before he goes on and says other things with meeting, he needs to know this statue. Ok.

Ramey: You're not saying that statue to try to keep him from doing his obligation.

Jones: What I telling you is the plain language of the statue says, and I'll read it to you, "A person is guilty of harassment of a juror if he: With the intent to influence the official action as a juror, communicates with the juror". Now I paraphrased a little, cause it also has harass and intimidation...

Ramey: Are you trying to say that he is, by doing what he thought was doing was intimidating a juror?

Jones: [elevated voice] I'm telling Mr. Miller because I have an obligation to tell him, that he may have committed a technical violation, it's nothing that we're proceeding on. Ok? But he has ...

Ramey: It's not in any way a threat to keep him from quit doing this, I mean to say, a thing to say he can get in trouble if he tries to abide by the law.

Bonfoey: No, if you continue to communicate with the juror's ...

Jones: [talking over Bonfoey] I'm going to hand that ...

Bonfoey: ... you could be in violation of the law.

Jones: That's just for you...

Miller: Do you mind if I sit here and read it right now?

Jones: Oh no, no, no, ... go right ahead.

Ramey: I just don't understand that, it sounds to me like, my personal opinion, I'm not a lawyer or nothing, but it sounds to me like that's your saying ...

Bonfoey: Just read the statue, Terry.

Ramey: Well, I mean that statues are just like everything else, Mike, you know that and I know that, everybody interprets them different ...

Bonfoey: Well this is pretty clear, just read it and you'll see.

Ramey: Well let me ask you this. In other words, what your saying is, the normal citizen out here, the people of the United States, have no grounds to go to the grand jury.

Bonfoey: I'm not saying that. We're telling you what the statue says.

Ramey: Sounds to me like, I mean in my personal opinion, that you're trying to tell him if you do that, you are going to get in trouble. I mean, that's my personal opinion. That's what it looks like to me, I mean it's pretty cut and dried. In my opinion.

Bonfoey: Well, he's ... do you have counsel?

Miller: No.

Bonfoey: Ok.

Miller: I don't use counsel.

Bonfoey: Alright. Well, you can make your own ... decision, in light of that statue, how you want to act in the future. But that's not the purpose of us giving you the statue, *this time*.

[Editors Note: **At this point in the meeting, I personally felt I was being threatened by Bonfoey.**]

We just need to make you aware of this statue, before you go on and say something that could be incriminating to yourself.

Miller: Well, I'll have this on a recorder, and I'll be glad to give this to you on a recorder after the meeting.

Bonfoey: Sure.

Jones: You understand we have an obligation as prosecutors not to seek the forfeiture of any fundamental constitutional right for an unrepresented person. I think it's rule 3.6 or 3.7.

Conner: Can I jump in and maybe explain something, it might be easier on a lay person?

Jones: Sure.

Conner: Like me as a cop, Terry, if I want, if I want, Mr. Monroe, if I want to talk to you as a police officer, and you're not in custody, you're not under arrest, I'm under no obligation to give you Miranda warnings, right? But if you are arrested, I have to give you Miranda warnings. Ok? If I want to talk to you. The difference is they're prosecutors, and I'm a cop. They have a legal obligation to tell you, you don't need to incriminate yourself, whether or not you're in custody. For me, it's a custodial issue, if you're not in custody, I don't have to say anything to you. For them as prosecutors, whether you're in custody or not, they have to say, hey, you might want to be aware that there's a violation here and we don't want you to do anything to incriminate yourself. Does that make sense?

Miller: Sure.

Conner: Ok.

Miller: What is, you say you're a cop.

Conner: Yes sir.

Miller: What department are you in?

Bonfoey: He's an investigator with me.

Conner: I'm an investigator for him, but I'm a sworn law enforcement officer, and I have been for many years.

Miller: With the Sheriff's department?

Conner: A couple different ... yeah.

Miller: So, you're a law enforcement officer, but you're not with the Sheriff's department?

Conner: I'm full time employed for Mr. Bonfoey, as an investigator. I'm a sworn ...

Miller: Oh, so you would be the one investigating this case.

Conner: Not unless he assigns it. I don't work under the direction of the Sheriff. I'm sworn to the Sheriff, I work under his direction. It's kind of a complicated process. Once you're certified in North Carolina as an officer, you have to maintain that certification. So I'm certified through a couple of different places. But my job, my get up in the morning and go to work job, is an investigator here, and I investigate whatever he assigns me to investigate.

Miller: Ok. I'm going to be asking a lot of questions...

Conner: That's ok. I'm just trying to help you understand.

Jones: Well, let me say just one last thing.

Miller: Sure.

Jones: None of that is meant to be adversarial, but we just have a duty to inform you that kind of behavior could be construed as a violation of that statute.

Miller: Okay, well I'm going to take it that way.

Jones: Yeah,

Miller: Cause there's nothing that I've done ...

Jones: We're not saying that you did, and there's no active criminal investigation of that. We just felt that, were just going to let you know, just be... , you know, it looked like you were trying to get somewhere with your information ...

Miller: Yeah, we're going to go into that.

Jones: So, based upon that, we just want to make sure you understood that that statute existed. Heck, I didn't even know it existed until we knew that you had said something to the grand jury foreperson. It's nothing I've ever seen prosecuted.

Miller: I haven't said anything to the grand jury foreperson.

Bonfoey: Communicated with ..

Jones: Yeah. Sent the package.

Ramey: When they charge a grand jury and tell them their duties, don't they tell them it's up to them who they talk to and everything? Is that not ...

Bonfoey: No. That's not the way it works, Terry. The only witness that can go before the grand jury, are witnesses that I approve of, as the District Attorney, or my prosecutors approve of as the District Attorney, or the presiding judge, that's it.

Conner: And to add to that, Terry, me, again as an officer, he can put my name on an indictment to go in and testify as somebody I arrested, right, as an officer. I can go in that grand jury room and swear on a bible and communicate to them what I know the facts of that case. But outside that grand jury room, I'm not supposed to be having conversation with any of those grand jurors.

Ramey: My point is, I understand there's a difference in talking to the grand jury, and trying to get something that you think is wrong to them. That would be, what is the difference of a police officer ...

Bonfoey: [unintelligible - Bonfoey started talking over Ramey...]

Miller: Now you are interrupting him...

Bonfoey: It doesn't matter if it's wrong or right. You can't communicate with members of the grand jury trying to influence them, unless it's done in a proper way.

Ramey: Well how would that be trying to influence them if you're trying to get them to investigate a crime? How would you construe that being ...

Miller: It can't be construed. That's why I'm okay here.

Ramey: Well, that's what I'm saying...

Conner[?]: I think that's the essence of influence, is if I want to convince you of something, then I give you this, and say, I'm convincing you that my way's right. That is influencing.

Ramey: When a police officer goes to them, and he says to them, this is evidence I got, is that not trying to convince them?

Conner[?]: Yeah. But we're doing it in accordance with the law in the grand jury room under oath.

Miller: That's part of the secret closed session that nobody knows about.

Conner[?]: It's in a room where you swear on a bible that you will tell the truth.

Ramey: In other words, what your telling me is then, now I could be wrong, but just trying to

Jones: I'm listening...

Ramey: I'm just trying to get this in my mind, you mean this man right over here has all the power in the world over everything that happens in Haywood County, right or wrong, if he don't want to investigate somebody he don't do it ...

Jones: He can decide what's gets prosecuted, that's why he's called "the prosecutor".

Ramey: That's a perfect example of what I come talk to you about one time, Jeff, on that Highway Patrol stuff, where they threatened that witness. Now it's right here. I'm glad you all brought this up, cause this is a perfect, perfect example. You, especially as being an attorney, once you know something, and you got proof of something, are you not supposed to bring that out? And once you know, that a crime's been committed, is that not your oath and stuff as being an attorney that you're supposed to bring that out? I mean somebody shows you evidence, laying right here on this table, and shows you that somebody has committed a crime, is that not your duty to do something about it?

Jones: Let me answer your question, okay?

Ramey: Yes sir.

Jones: Alright. The only way I know whether a crime has been committed is if I witnessed it. When I evaluate alleged criminal conduct, it's a, it's an evaluation of the evidence, which can include witness statements, photographs, sometimes video, which is just moving photographs, okay, circumstantial evidence, about maybe they were in the area, or they had a motive, things of that nature, and so when we evaluate any particular case, we don't have personal knowledge, of whether the crime committed, we look at a probability, and matter of fact, our standard of review is we can't prosecute something unless there's probable cause, for the charge. So if we have PC, then we can go forward and prosecute that. You have to have probable cause, which reasonable and trustworthy facts that a crime was probably committed, and it was probably committed by a certain individual. That is the standard on which we proceed under any prosecution.

Ramey: What about discovery? and it come from the people there selves, there own discovery, they make mistakes and send the wrong e-mails and stuff, like I showed you right out there in that hall one day, that the e-mails we got in discovery, from there own ...

Jones: Is this with you and Rusty McLean and the civil lawsuit with the Highway Patrol?

Ramey: It was a Highway Patrol officer, and we got the discover, and I brought it here and showed you, and you said "see what the governor says first" ...

Jones: Okay, I have a vague recollection of that. It was out here in the ...

Ramey: I don't, I brought you the paperwork and everything.

Bonfoey: Whoa, whoa, Terry, if you, we can set up another meeting. Let's address Mr. Millers ...

Ramey: Well I mean ... [Unintelligible - Bonfoey starts talking over Ramey]

Bonfoey: I understand you have an axe to grind there, but this whole meeting was set up for Mr. Miller concerns, so let's deal with Mr. Miller...

Ramey: He asked me to come.

Bonfoey: Okay, but that's a different concern, Terry, ...

Jones: Let me ..

Ramey: We're talking about the same thing...

Bonfoey: I'm telling you, we're not going to talk about that right now. We're going to talk about Mr. Miller's concerns with regard to the package he sent to the grand jury foreperson.

Jones: And before we get there, I wanted to give you two more statutes. 15A- 626 talks about who can appear in front of a grand jury as a witness, and how that happens, so I just wanted to give that to you for your own edification, and then 15A-641 talks about the three ways that matters get into jurisdiction of superior court, and that's by bill of indictments,

Miller: You had mentioned something on the phone about that.

Jones: Yeah, bill of indictment, bill of information, or presentment. So that's that statue there, too.

Miller: I'll read these in a little bit.

Jones: Okay. Based upon all that, we have looked at your package, and we could tell you were having some problems getting it investigated in a manner that you thought was appropriate, and so we invited you in to come and tell us what your concerns are.

Miller: Ok.

Jones: Ok.

Miller: Great. Alright, good introduction, that's fine. Have all of you read the package?

Conner: I have not.

Miller: Have you read it?

Jones: I have not read the entire thing. I've read parts of it.

Miller: It's pretty lengthy. It's a hundred pages. I document ... Have you read it?

Bonfoey: Yes.

Miller: I've made a copy of it, it's an exact copy of everything. And I've got two more things to add to it at during this meeting.

Jones: Ok.

Miller: Probably, what do you want to talk about first? Do you want to talk about the content of that, or do you want to talk about my problems getting that to the grand jury? What is it that are you looking for?

Jones: We're not going to ask you about the problems of getting it to the grand jury, because, again it may be construed as a technical violation of that criminal statute, and you have a right not to talk about it. We've decided that the criminal investigation in that at all is not proceeding, we're not pursuing that. But we do have an obligation to tell you that we're not looking for you to say anything about that to incriminate yourself. We're not that interested about the mechanism in which it came to us, cause we feel like we know what happened, and your cover letter explains your efforts to try to get it looked at by somebody, but what we decided to do is, you're having a lot of difficulty getting this to somebody with the power to look into things. So that's why we invited you here. So we would rather go ahead and hear what it is that you want to talk about the substance of the package. Does that make sense?

Miller: Um...

Jones: But we'll talk about whatever you want.

Miller: Well, actually, ...

Bonfoey: [laughter] Not whatever you want. What we need to know, Mr. Miller, is it appears, from the package, that there's two individuals that you're interested in. And you have certain allegations concerning them. I guess we want you to articulate that in a, if that's correct, in a more concise way.

Miller: Okay, so you want me to review the package with you?

Bonfoey: Well, basically, yeah, I mean ...

Miller: I'm trying to understand what you all want. It's a simple question. What do you want?

Bonfoey: We want to know what you want.

Miller: Okay. What I want, is I want to see this, well, it's already been before the grand jury, your conversation, you said this was handed to you by the grand jury forelady,

Jones: Not directly,

Miller: Not directly, I don't know how it happened, but it came from the grand jury foreman.

Jones: That's my understanding, yeah.

Miller: That's okay. And the process that, and let me back up just a little bit, We've never really met each other, you don't know me, I'm not a lawyer, I'm just a casual observer. I've taken an interest in some of the stuff that's going around in this county, and there's some problems, and I've decided to I'm going to address some of those. The two people that I've been interested in for a while, this has been over a year, are Bruce Crawford, he's the Haywood County Building Inspector, and Johnny Glance, he's the Haywood County Fire Marshall. There were some problems with Bruce Crawford and Johnny Glance and I started digging into it. And I'm fully documented on it, as you can get a hint from the amount of material that you just got, and I addressed those problems with the North Carolina Department of Insurance. The North Carolina Department of Insurance uniquely has it's own investigative agency and investigators...

Conner: Yes sir, they do.

Miller: and two weeks ago I was there at their board meeting.

Conner: Ok.

Miller: and I met a couple, and that's the two documents I'm going to add to this pile. And I don't know if I can even do this yet. It's the Voluntary Settlement Agreement by Bruce Crawford, and I took a recorder to the meeting and I transcribed that portion of the meeting. I have here, both of these are on my website, I have a website. That investigative group found that both Crawford and Glance had committed violations of statute, gross negligence, whatever, and they went before the board about two weeks ago, whenever it was,

April 27th, The Voluntary Settlement Agreement with Crawford, basically they slapped him on the wrist, and he has to take a class, and they attempted to blow off anything against Glance. There were some problems during that meeting, and that's continuing right now. The most authority this board has it to do something with his certification and stuff like that. They don't have any ...

Bonfoey[?]: Their licenses, ...

Miller: Stuff like that. This guy Crawford violated a general statute carries a class 1 misdemeanor. The can't address that other than slap him on the wrist and have him take an administrative law class. That's his penalty.

Jones: Do you mind if I look at those documents?

Miller: Sure. They're yours. I don't know if you can officially put them in that clip board or not, or clip, ... Is there a place where I can get a drink of water?

Jones: I'll get you some.

Conner: I got it. You keep on reading. You need anything Terry?

Miller: I'm getting a little parched, I didn't bring a cough drop or something like that. So I decided what's going to happen here is, if he's violated a statute, that needs to be ...

Bonfoey: You want it investigated, is what you're saying.

Miller: No, yeah, investigated, well, it's been investigated. I want action against them, against Crawford.

Bonfoey: Well, it's been investigated by you, ...

Miller: Well, it's been investigated by the North Carolina Department of Insurance.

Bonfoey: Ok.

Miller: They're the investigators. I mean there's a ten page Complaint Investigation Report that's in there, that's attachment 16. There's been an investigation, they found ... thank you very much ...

Ramey: Are you trying to say that they investigate to the extent that they could,

Miller: They did an investigation that I thought was better than I could do. I mean they uncovered stuff that I didn't know needed uncovering. And they came up with five items that these guys basically were guilty of. So that investigation, that report, is the entire basis of this. And everything else is explanatory background, and after the fact, and further explanation of everything supplementing the Complaint Investigation Report. Now the North Carolina Code Qualifications Board, frankly, I [unintelligible] couldn't believe it, he was just going to get a slap on the wrist, and nothing was going to happen to this guy Glance. But that's what happened. And there's some on-going stuff right now. So the focus of this is to bring this before someone, and have them address the problems that the North Carolina Department of Insurance investigators found, and see how that relates to punishable crimes.

Jones: Is this something you created, this document?

Miller: I created that document.

Jones: And this one is an official document of the

Miller: Yes it is.

Jones: department of Insurance.

Groffsky. Mr. Miller, the editors notes on here, your input? Just want to make sure.

Miller: Yes, that's explained up in the top there. Both of these, like I said, are on my web site right now.

Groffsky: Which, yeah I looked at it.

Miller: [unintelligible]

Groffsky: It's informative.

Miller: It is. That's, I'm very detailed, I'm thorough, there's nothing that goes on my website that isn't bulletproof.

Bonfoey: Okay. Mr. Miller, just so we can get up with you later on, if we need to, what's your address and phone number we can reach you?

Miller: It's all on there.

Jones: It's right here.

Bonfoey: You got it right there, okay.

Jones: It's on the cover letter to the grand jury, right?

[?] Well, in the cover letter, you mentioned you sent some of this to the Sheriff's office?

Miller: Yeah, that's one of my questions here. If you want, I've got a list of questions I could give it to you. But I'd like to be able to go over these also during this meeting.

Bonfoey: Well, no, I think what you've told us, we'll take this and if we think we need additional information, we'll conduct an investigation, then, ... What you want, is then for this to be reviewed by my office and a decision made whether criminal action should be taken.

Miller: Well, actually, to put it in slightly different words, the grand jury foreman asked you to look at it, not me. I've already done that.

Jones: When did you ask us to look at it?

Miller: That cover letter? I'll get that out.

Jones: This cover letter, April 15th, 2012?

Miller: April 15th. I am taking the path of delivering this to you directly, as other attempts have failed. Number one, Turning the Complaint Investigation Report, that's attachment 16, to Sheriff Bobby Suttles, to advance to DA Michael Bonfoey. Sheriff Suttles never responded back to me with any feedback as to how that went. I went to Sheriff Suttles office one day, it's one of the few things I don't have documented as far as the date, but I can bracket it. I brought the Complaint Investigation Report with me, in fact I had already given him a copy of that about a week to that meeting, he lost it. I brought another one. I had requested to Sheriff Suttles I would like to see this go before the grand jury. And at that point, we had talked about three different ways to do it. One was, the Sheriff could take the Complaint Investigation Report and go to you, and you would make the indictment out of it. I asked him several times, twice, one during that meeting, to give me some feedback on how the meeting went with you. I gave him my cell phone number. About a week later, I gave him a hand written note, left it at the front office, asking him again what was the feedback that he had talking to you about giving you that Complaint Investigation Report. And do you know the feedback that I've gotten so far?

[Editors Note: I held my hand up, touched my forefinger with my thumb, making a little zero, and blew a puff of air through the opening.]

Zero. So for all I know, Sheriff Suttles threw the Complaint Investigation Report in the garbage can, I don't know if you did, if it ever got to you, I don't know. But see, this makes it very difficult now for me to ever come to Sheriff Suttles or you with any kind of complaint in the future. I mean, how can I do that?

Bonfoey: Well, you're doing it now.

Miller: No. No. That Complaint, that criminal complaint, they're two there, went to the grand jury, and the grand jury, - you're shaking your head no.

[Editors Note: Ms. Groffsky was shaking her head no.]

Am I getting something wrong here?

Groffsky: No. Go ahead.

Miller: Ok. That went to the grand jury, the grand jury foreperson, somehow, got it to this desk. And now because it's on this desk, you're going to take a look at it.

Jones: The first time I've ever seen these documents is when we got it, what, a week ago?

[?] Yeah.

Miller: You called me on Friday.

Jones: Yeah, that was right after we got the documents.

Miller: That's, and I had sent it on the 15th .

Jones: Yeah, we had it picked up by law enforcement.

Miller: Ok.

Jones: See, what it was, we had no clue what it was.

Miller: Ok. Where did you pick it up from, or can you say?

Jones: The law enforcement went to her house and picked it up. Brought it to us. Left it with us.

Miller: So, I've got a big problem with that first part.

Jones: You're assuming we had prior knowledge of it. I didn't have any prior knowledge of it.

Miller: I don't know who had prior - the thing I knew was that I gave it to Bobby Suttles, he was going to advance it to you, and I never heard any feedback. The second way...

Conner: I think what they're saying is that that didn't happen, cause it never got here.

Miller: Well, they didn't say anything.

Conner: No, they said the first time they saw it was when they picked it up from the grand jury foreman.

Miller: No, no, no, no, no. You're misunderstanding. Attachment 16, here we go, attachment 16 is a ten page Complaint Investigation Report.

Conner: Right.

Miller: This is what I gave to Suttles.

Conner: Right.

Miller: I didn't give him that.

[Editors Note: Pointing to the 100 page criminal complaint]

Conner: No, that's what I saying, you're saying you gave that to Sheriff Suttles and your assuming that he forwarded that to the District Attorney, and what these guys are saying is that, if I'm understanding correctly, is that they never saw any of this until it was picked up by the grand jury foreperson.

Miller: No, hold on, you haven't said you saw -

Conner: They just said that.

Miller: No, you're talking about this. You're talking about this, and I'm talking about this.

Groffsky: That is part ...

Conner: That is part and parcel, I think...

Miller: No. I know that's what they got because ...

Bonfoey: Well, regardless, what we hear about today is you have a complaint, about Mr. Crawford and Mr. Glance and you'd like for it to be investigated to see whether or not criminal action should be taken. Correct?

Miller: That's ultimately correct.

Bonfoey: Ok.

Miller: But there were two other things, cause there were three things that Sheriff Suttles and I discussed on how to get this to him. One was, he was going to take it and advance it to the DA, Michael Bonfoey, the second was, as a law enforcement official, it's my understanding that he can take that directly to the grand jury.

Conner: No, not without going through the prosecutor, he could not.

Miller: Okay, that could be [unintelligible]. The third is for me to submit a criminal complaint directly to the grand jury.

[?] No. If you read the statutes ...

Ramey: **Did you tell the Sheriff that, did you and the Sheriff discuss that?**

Miller: **Yeah.**

Ramey: **And he didn't say that was against the law?**

Miller: **No.** He said, out of those three, what he was going to do, he was going to take - this - these ten pages, of the Criminal Complaint Investigation and he was going to take that to the DA. That's the last that I heard from Suttles. And I've seen him a couple of times, he hasn't volunteered anything, he's just been extremely quiet. That's where that went.

Groffsky: Mr. Miller, I think I can safely speak, at least for Jeff and I, but we have not seen those ten pages or anything else, outside of that until we got the package from law enforcement, last Friday.

[Editors Note: Looks like Groffsky and Jones just threw their boss under the bus].

[Editors Note: The three (3) general statutes handed to me earlier in the meeting were printed the day before, Thursday, May 3. General Statute § 14-225.2 looked like a document from LexisNexis, accessed Thursday, May 3, 2012 - 2:38pm, EDT., Both General Statutes § 15A-626 and § 15A-641 were printed out on 5/3/2012. If Groffsky did not see the package until Friday, who pulled these statutes?]

Miller: Ok.. That's duly noted.

Groffsky: Thank you.

Miller: I appreciate your saying that. I didn't know what happened to it...

Conner: Why didn't you bring it to our office directly?

Jones: I mean this is, we're open to the public, we're here.

Miller: I didn't think of it as an option.

Conner: Ok.

Miller: See, I'm kind of I'm not an expert, I'm not a lawyer, I am working with quite a few talented folks who I'm getting a little bit of guidance from, and that didn't seem to be, that wasn't one of the things that popped up, to march into here and do that.

Ramey: Wouldn't it be a good idea, Mike, to have some kind of public education on how this stuff works here, cause your average person out here doesn't have a clue. The average person, I mean, they don't have a clue, they don't stand a chance...

Bonfoey: What, how it works? How it works is if a crime is committed in Haywood County, if it's in the jurisdiction of Waynesville, city limits, the Town of Waynesville, you make a complaint to the Town of Waynesville, and let them investigate. If it's in Canton, let them investigate it.

Miller: You can go to a law enforcement official, which is what I did.

Bonfoey: Yeah, if it's in the county, let the county investigate it. Now what you've done, is take it to the what I think is the appropriate authority,

Miller: That's what I thought.

Bonfoey: But,

Miller: That's not going to happen ...

Bonfoey: What we're concerned about, is communication with the grand jury. No one's to communicate with the grand jury, other than the presiding judge.

Miller: Um, is there a statue on that?

Bonfoey: We just gave it to you.

Miller: No, no. ...

Ramey: Who's the judge that's over there?

Miller: You gave me a statue on harassment and communication with jurors.

Bonfoey: That includes the grand jury.

Jones: We also gave you 15A-626

Miller: These are over here. I didn't read those yet.

Ramey: and can we talk to the judge on something like that? Is it illegal to talk to the judge too?

Bonfoey: If the judge will talk to you, no, it's not illegal to talk to the judge. Now if it's about a case that he is already, he or she, is already sitting on, they're probably not going to talk to you.

Ramey: I came here a while back on a case and Ed, I think it was you, Jeff, said that I couldn't talk him, remember, up there and the judge said, yes, come up here, it's your right to talk to me right here, and I thought ...

Jones: I don't remember any of that.

Ramey: ... the boys that broke in and stole all my stuff up there,

Jones: What was his name?

Ramey: and that Larse Subbella (sp) was in on it,

Jones: Oh, I remember Subbella (sp)

Ramey: ... keeping the little fish and throwing the big one away. I sat there two days and five cases, she was involved in five of them, and she never never got charged. But that's when I talked to judge Yen (sp) that day, Reid was up there,

Jones: Taylor or Brown?

Ramey: Brown.

Jones: Ok.

Miller: So all the statues that I need to know about are the ones that you just handed me.

[?] Well, that's not all the statues..

Groffsky: Let me draw your attention to 626(d) for one second, take a look at it.

Miller: 6 ..

Groffsky: 626(d).

Miller: Any person not called as a witness, ... Yeah, fine, I'm not called as a witness. And I'm not desiring to testify before the grand jury. Now it may be their decision that they may want me to testify during their study and bill of indictment ...

Groffsky: And when they decide, and if that's the decision that they make, I think they have to apply to Mr. Bonfoey to in order to call you as a witness.

Miller: Ok.. That's fine.

Groffsky: You were asking how to get in to speak with them, and that's the only way that could happen.

Miller: Well, obviously, there are other ways, because I did it, unless you want to you want to charge me with ...

Conners: What they're saying, Mr. Monroe,

Miller: It's Mr. Miller,

Conners: I'm sorry, Mr. Miller, what they're saying is, you did it, but you did it wrong, and you did it in violation of the law, and there's a right way to do it, and the right way to do it is Mr. Bonfoey, or one of his assistants, makes the decision on what cases go before the grand jury, and what witness's testify to those cases.

Miller: Ok ...

Conners: That's how it's done, that's how it's been done for ...

Miller: Seventy years.

Conners: I don't know how many years.

Miller: Seventy years.

Conners: Probably longer then that.

Miller: Seventy in North Carolina, so I'm told.

Conners: Probably longer then that, would be my guess.

Ramey: Can the superior court judge send you to the grand jury?

Conner: No.

Ramey: There still has to be, he doesn't have that authority?

Bonfoey: Here's the thing, you've got us the package. Is there anything else other than the two items that you supplemented ...

Miller: Yeah. I've got a page full of stuff here.

Bonfoey: Ok. If you can, well, if you want to give it to us, we'll take it, we'll review it, and we'll get back to you.

Miller: Alright, that would be okay. I do have an immediate question which I would like to run by you, if you don't mind.

Bonfoey: Well, it depends what it is.

Miller: Ok. There's going to be an administrative hearing Monday. I believe. On May 14th.

Groffsky: It's a civil superior court session.

Miller: Ok. It's my understanding that the grand jury is going to be in session.

Groffsky: They will be convening.

Miller: Convening. I had spoken with June Ray, she's the Clerk of the Superior Court, a couple of days ago, I spent an hour with her, on reviewing how bill of indictments are passed back and forth during open court. And when I went to the administrative session on March 19th, I've been to two of them, one before that, and this one is one that the grand jury was in session also. It's my understanding from different people in different states, that at some point, during the beginning of the meeting, or session perhaps, the grand jury foreman comes up and receives a bunch of bill of indictments from the judge, which got there through this office. And then she takes them, and then they do whatever they do in secret session, and then towards the end of the day, they come back with either true bills or no bills and again goes before the judge, hands them over, and the judge goes through those to make sure they are properly signed and dated and stuff like that.

That didn't seem to happen at the last meeting. So, are you going to be, are both of you going to be at - just you. Can you alert me, because I'm going to go to that, you're shaking your head no.

Groffsky: No, I'm just sitting here.

Miller: Can you alert me when that process happens? I'll be kind of sitting in the back.

Groffsky: I'm going to defer to my boss on that one.

Bonfoey: What we do is, the normal course of events, is that we have a packet of indictments with a list of the indictments, and hand them to, or tell the court, that we have them, the court may take them, from us and hand them to either the grand jury foreperson, or the bailiff for the grand jury, and then those are out of our hands and go to the grand jury. And so,

Miller: And when they return?

Bonfoey: When they return, they return by the foreperson in open court to the judge, is the normal course of events. We're not in the process at all.

Miller: Uh-huh.

Bonfoey: Okay? You can sit there and watch when we submit - hand the bills of indictments

Miller: That's exactly what I would like to do.

Bonfoey: But we are not going to alert you to that, because all grand jury proceedings are secret. And I don't want to do anything as violating that by my office. And so whether it's alerting you, or not, we're not going to do it. But it's done in open court.

Miller: Okay, Well, I'll just hang around

Bonfoey: Usually, that's at the beginning of court when it's open, and Rachael or Jeff, whom ever is there, and it would be Rachael this time, will announce to the court, your honor, that we have some bills of indictment, and whose our judge on Monday?

Jones: Letts.

Bonfoey: It's judge Letts?

Groffsky: Powell.

Bonfoey: It's judge Powell. How does he normally do, does he normally direct us to hand em to

Groffsky: When ever the foreperson or the bailiff are there, I hand them up to him.

Bonfoey: But that's it, I mean we can't even communicate with them, the foreperson.

Miller: Okay, that's fine. I just want to watch it happen.

Jones: Every judge is a little different.

Miller: Well, that's what I saw, I was at two of these things, the first one was before this, I don't know who the judge was, he was a young guy,

Jones: That was Letts. That was in January? February?

Miller: It was in February. Young guy, black hair,

Jones: That was Letts.

Miller: That guy was sharp as a tack.

Jones: I know that Letts looks through every one, when he receives the package, I've seen him look through them

Miller: We, there were no packages transferred that day because the grand jury wasn't there. Do you remember the judge that was there March 19th?

Groffsky: Judge Powell.

Miller: Powell looked like he had trouble figuring out what day it was, in my view. A completely different guy than Letts. So whose going to be there Monday, you say Letts?

Groffsky: I believe it is going to be Judge Powell.

Bonfoey: Was that your question about that?

Miller: My question was, I'm going to sit in administrative session and I'd like to observe that process happen. That's my question. I wanted you to kind of alert me when it was...

Bonfoey: Well, we're not going to alert you, but I'm telling you now, that it's done - when you see Rachael take a package, it's usually, we keep it in an envelope, don't we, it's just an envelope,

Miller: I'll watch for that, that's fair.

Jones: When they return that back, we don't have any part of that, once we turn the bills of indictment over to the bailiff, foreperson or judge, it's no longer our document, it then goes to the clerks, they keep that original in the file, we'll get a photocopy of it, for our records, later,

Miller: I talked with June Ray extensively on

Jones: Yeah, but they're out of our custody and control

Miller: It looked like what happened on March 19th was is that you all kind of took the package out and - I didn't see that happen at all. So.

Jones: I try to remember but I don't ...

Groffsky: I believe that it was handed up to the judge.

Jones: Yeah, typically what we do, is we hand it to the judge, and he tells us to hand it to the bailiff.

Bonfoey: Once court opens, they don't usually leave court.

Miller: Okay. I'll just watch for that.

Jones: We stay there with the package, hoping that someone will take it sooner than later.

Miller: I did want to touch on one more thing, it's related, the third thing in my cover letter,

Bonfoey: Let me stop you right here. Okay? Basically, you're asking my office to investigate possible crimes against Mr. Crawford ...

Miller: I'm not asking that at all. This package was sent to you, a law enforcement officer picked up this package,

Bonfoey: It was not sent to us...

Miller: No. It was not sent to you.

Bonfoey: But what you've done here today is basically asked us to investigate.

Miller: I haven't asked you. The grand jury has asked you to investigate.

Bonfoey: The grand jury has not asked us to do that. Okay?

Ramey: Did they send you all ...

Bonfoey: Jeff already explained that. It was picked up by law enforcement, that's the only way we had this. Okay? What basically you're asking us to look at this, and see if there's crimes that have been committed and you're asking us to consider whether or not my office will proceed on this.

Miller: Well, I'm going under the presumption that now that you have it, however you got it, that you will do that.

Bonfoey: Okay. Alright. That's where we start, when I was addressing that. If that's the case, you're possibly a witness in this case. I don't know if these crimes are misdemeanors, or felonies, at this point, okay? If they're felonies, you are a witness, and everything you say may be discoverable by the defense. I don't want you saying something, or giving us something, that makes either Rachael, Jeff, or I a witness, where I can't prosecute it. If we're witnesses, I going to have to get someone else to prosecute it. So if you have other things, we have this package, if we do follow up, we won't be coming to talk to you about it, I'll be sending Russ Conner or law enforcement officer, to come talk to you and ask you questions,

Miller: I would welcome that.

Bonfoey: Okay? But I don't want you to say anything now that's going to be information that's going to disqualify us.

Miller: I not sure ...

Bonfoey: I know you're not sure, that's why I'm asking you to be hesitant and wait. We've got the package. If there's any other documentation, you need to supplement, give it to us.

Miller: I just did.

Bonfoey: If we questions, and we may have a follow up question,

Miller: I'll bet you will,

Bonfoey: I'll send an investigator to talk to you. Okay?

Miller: Uh-huh.

Ramey: He's not to discuss the case itself with you. And that would make him a witness.

Miller: Oh, so that's what you're trying to say. You can't discuss the case.

Bonfoey: That's exactly it. I don't want you to say something that's going to disqualify either one of my two assistants here, or me, from handling the case.

Miller: Okay. I haven't done that so far, right?

Bonfoey: No, I don't think so.

Miller: Ok.

Bonfoey: Ok.

Miller: By the way, most of the stuff that's on here, probably about eighty percent, of the material, is already on my website. So, it's all very, very public. The one thing I was going to suggest, is that if you do decide to move forward, there's another great witness that you all should look at, his name is Shawn Leatherwood,. He was the original architect for the Fairgrounds Arena Building, and he has tons of data on this whole thing. He was the one basically brought me into his office and gave me an information dump.

Conners: Do you have a contact number for him or anything?

Bonfoey: He's got a letterhead in here.

Conners: Got it.

Miller: Oh, that's right, I think there's a, it's one of the lawyers or something.

Bonfoey: Right, it's from his attorney or something. You're right.

Miller: Van Winkle. He, I talked to him to tell him I was having a meeting here this morning, he said fine, give him a call. He'd be happy to talk to you all. And anything anybody needs to talk to me about, that's fine. No problem.

Conner: So he's a willing witness? That's good. That's good when we have folks that are willing to be witnesses.

Miller: He is a willing witness. I'm a willing witness, I'd like to see this thing, you know, get some attention. But you don't want me to go over this last item on my cover letter. About the Priority Registered Restricted Package.

Miller: Okay, that's all.

Bonfoey: You're talking about the, this here?

Miller: Yes. It was just one of the methods, I

Bonfoey: I think I can tell you that, you are talking about whether the package was returned to you?

Miller: It was returned to me.

Bonfoey: Ok. I do not know of my own knowledge

Miller: There is the package. It's still sealed.

Bonfoey: I do not know of my own knowledge, but I think Ms. Ray told you that she refused to take it.

Miller: She did.

Bonfoey: And that's all I know about it.

Miller: That's right and it surprised me because the mail carrier told me a judge had refused it and then she let me

Bonfoey: I have no knowledge of that, I'm just telling you something that I ...

Miller: Well, I'm glad she talked to you about it.

Bonfoey: Okay. Alright, we'll look at this, we have your number, we'll get back to you on this.

Miller: Here are some questions that I was going to ask at this meeting, I would like to see if you could answer those and get back to me

Bonfoey: Okay, we'll review those too.

Miller: Alright?

Bonfoey: Alright. Thanks for coming in.

Miller: I'll study these very carefully.

End Transcript.

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