

AUG 10 2012

INCIDENT/INVESTIGATION REPORT

INCIDENT DATA	Agency Name Haywood County Sheriff's Office		OCA 201202579						
	ORI NC0440000		Date / Time Reported Month: 08, Day: 10, Yr: 2012, Time: 9:43 Hrs						
	#1 Crime / Incident(s) 0810 - Simple Physical Assault		At Found Month: 08, Day: 06, Yr: 2012, Time: 10:15 Hrs						
MO	#2 Crime Incident		Location of Incident Haywood County Justice Center, Waynesville, NC 28786						
	#3 Crime Incident		Premise Type 35 - Government/Public Building						
	How Attacked or Committed By bumping into subject		Weapon / Tools 40 - Personal Weapons (Hand)						
VICTIM	# of Victims 1		Type: <input checked="" type="checkbox"/> Person <input type="checkbox"/> Business <input type="checkbox"/> Society <input type="checkbox"/> Government <input type="checkbox"/> Financial Institute <input type="checkbox"/> Religious <input type="checkbox"/> L.E. Officer Line of Duty <input type="checkbox"/> Other/Unk						
	Victim/Business Name (Last, First, Middle) Miller Jr, Monroe Albert		Injury: <input checked="" type="checkbox"/> None <input type="checkbox"/> Minor <input type="checkbox"/> Loss of Teeth <input type="checkbox"/> Broken Bones <input type="checkbox"/> Severe Lacerations <input type="checkbox"/> Internal <input type="checkbox"/> Unconscious <input type="checkbox"/> Other Major						
	Victim of Crime # 1		DOB / Age 09/18/1947 64						
	Home Address 19 Big Spruce Lane, Waynesville, NC 28786		Race W						
	Employer Name/Address Monitor Electronic Corp - Waynesville, NC 28786		Sex M						
OTHERS INVOLVED	Type: <input type="checkbox"/> Person <input type="checkbox"/> Business <input type="checkbox"/> Society <input type="checkbox"/> Government <input type="checkbox"/> Financial Institute <input type="checkbox"/> Religious <input type="checkbox"/> L.E. Officer Line of Duty <input type="checkbox"/> Other/Unknown		Relationship To Offender AQ						
	Code Name (Last, First, Middle)		Resident Status <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Non-Resident <input type="checkbox"/> Unknown						
	Home Address		Home Phone (828) 456-3718						
	Employer Name/Address		Business Phone (828) 456-4322						
	Type: <input type="checkbox"/> Person <input type="checkbox"/> Business <input type="checkbox"/> Society <input type="checkbox"/> Government <input type="checkbox"/> Financial Institute <input type="checkbox"/> Religious <input type="checkbox"/> L.E. Officer Line of Duty <input type="checkbox"/> Other/Unknown		Victim of Crime #						
Code Name (Last, First, Middle)		DOB / Age							
Home Address		Home Phone							
Employer Name/Address		Business Phone							
PROPERTY	Status Codes: L = Lost, S = Stolen, R = Recovered, D = Damaged, Z = Seized, B = Burned, C = Counterfeit / Forged, F = Found (Check "OJ" column if recovered for other jurisdiction)								
	Victim #	DCI	Status	Value	OJ	QTY	Property Description	Make/Model	Serial Number
Number of Vehicles Stolen				Number of Vehicles Recovered					
STATUS	Complainant Signature		Case Status <input checked="" type="checkbox"/> Further Investigation <input type="checkbox"/> Inactive <input type="checkbox"/> Closed/Cleared <input type="checkbox"/> Closed/Leads Exhausted		Case Disposition: <input type="checkbox"/> Unfounded <input type="checkbox"/> Juvenile/No Custody <input type="checkbox"/> Death of Offender <input type="checkbox"/> Extradition Declined <input type="checkbox"/> Return to Cooperate <input type="checkbox"/> Located <input type="checkbox"/> Cleared by Arrest <input type="checkbox"/> Cleared by Arrest by Another Agency <input type="checkbox"/> Prosecution Declined		Supervisor Signature		Page 1 of 2
	Officer Name G Wood		ID# 406						

INCIDENT/INVESTIGATION REPORT

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OCA 201202579

Status Codes	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found																				
DRUGS	DCI	Status	Quantity	Type Measure	Suspected Type						Check up to 3 types of activity for each										
OFFENDER	Offender Used Alcohol/Drugs		<input type="checkbox"/> Yes <input type="checkbox"/> Unk <input checked="" type="checkbox"/> No <input type="checkbox"/> NIA		Offender 1						Primary Offender Resident Status										
	Computer		<input type="checkbox"/> Yes <input type="checkbox"/> Unk <input checked="" type="checkbox"/> No <input type="checkbox"/> NIA		Age: 00	Race: W	Sex: M	Age:	Race:	Sex:	Age:	Race:	Sex:	Age:	Race:	Sex:	<input type="checkbox"/> Resident <input type="checkbox"/> Non-Resident <input type="checkbox"/> Unknown				
SUSPECT	Name (Last, First, Middle)				Alias or Nickname						Home Address										
	Francis, David										Waynesville, NC 28786										
	Occupation				Business Address																
	DOB / Age		Race	Sex	Height	Weight	Build	Hair Color	Hair Style	Hair Length	Eye Color	Glasses									
	00		W	M																	
	Scars, Marks, Tattoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)																				
	Hat	Jacket	Shirt/Blouse	Tie/Scarf	Coat/Suit	Pants/Dress/Skirt	Socks	Shoes													
	Was Suspect Armed?		Type of Weapon						Direction of Travel						Mode of Travel						
	VYR	Make	Model	Style	Color	Lic/Lit	Vin														
	Name (last, first, middle)								DOB / Age		Race	Sex	OCA								
Home Address								Home Phone		Employer				Phone							
Suspect Hate / Bias Motivated: Yes <input type="checkbox"/> No <input type="checkbox"/>																					
NARRATIVE	Narrative																				
	On 8/10/2012 at 0940 monroe Miller reported to the security office at the Justice Center that																				
	he had been assaulted in the Justice Center by David Francis. Mr. Miller stated that the																				
	incident occurred on 8/6/2012 around 1000 hours shortly after leaving the commissioner meeting.																				
	Mr. Miller advises that he came over to the Justice Center to meet with ADA Rachael Groffsky																				
	after the meeting and was approaching the elevators on the first floor when David Francis																				
	walked by him and hit Mr. Miller with his elbow.																				
	Mr Miller approached Lt. Don Robertson on 8/7/2012 and advised him of the incident and asked																				
	Lt. Robertson if he could preserve the video of the incident. Lt. Robertson located and																				
	preserved the video.																				
	Charges not taken out by Mr. Miller at this time.																				
	Attached: Mr. Miller's statement.																				

August 8, 2012

Simple Assault by perpetrator David Francis, Haywood County Tax Collector
by
Monroe A. Miller Jr.

Larry Bryson, Ext. 2851.

I feel like I was assaulted by David Francis on August 6, 2012 at approximately 10:00am in the hallway between the security check point and the elevators on the first floor of the Justice Building in Waynesville, North Carolina. This is being written down Wednesday morning, August 8, 2012.

Description of the assault.

After leaving the Haywood County Commission meeting, which ended approximately 9:50am, I walked over to the Justice Center. The purpose was to visit the office of the DA to check with Rachael Groffsky the date when she planned to next hand over Bill's of Indictments to the Grand Jury.

David Francis, who had attended the county commission meeting, and most likely heard my public comment at that meeting, must have left the meeting a little early. As I cleared the security check point, I saw David Francis approaching me in the front hallway (windows facing the street), and he saw me. There was eye contact.

I turned left walking towards the elevators, minding my own business, and the next thing I felt was a good hit to my right elbow. I thought I had left plenty of room for anyone to pass me if they needed to and were in a rush. I looked to the right and it was David Francis. No apology, no nothing, I kind of remember a shit eating grin on his face.

We both continued walking down the hall, turning into the hallway with the elevators. He pressed the button. We both got in the same elevator. Francis did not say a word in the elevator, rather looked down at the floor. He pressed 2, I pressed 3. Francis left the elevator on the second floor, I continued to the third floor.

I continued to feel in my right elbow that I had been struck for several minutes. I didn't appreciate it. I felt that Francis was attempting to intimidate me. I felt I had been assaulted.

I returned to the Justice Center later in the day, and spoke with (who I now know as Don Robertson, head of security for the Justice Center). I was interested to review the video of the attack. Robertson indicated that I was required to have a subpoena (or something similar) before I could see any recorded video. I checked briefly down the hallway to the elevator, and sure enough, there was a camera in the main hallway looking down towards the elevator, and one directly above where the (alleged) attack occurred. I left discouraged.

Background.

I had uncovered what I felt was a potential scam operation by David Francis when it had been brought to my attention the Tax Department was sending notices to people attempting to collect back taxes on automobiles, namely Anita Gentry and Brian Estes. I was in the process of setting up a meeting with Francis to resolve a sheet of questions I had for him, and he was refusing to cooperate setting up a meeting [re: e-mail dialog with Francis, Roy Cooper, Stamey, etc.].

A second, seemingly non-related e-mail dialog with Marty Stamey regarding Vicki Hyatt and Dale Burris triggered a venomous tangential response from David Francis [re: e-mail dialog], which I posted in my newsletter, Haywood County Toeprints on August 3, 2012.

Further, I presented a public comment to the county commissioners regarding their Public Information Request Policy which I basically rendered null and void at the commission meeting on August 6, 2012. I believe that Francis was already in the room and had listened to that public comment. It was aimed at him. The public comment and newsletter are posted on my website, www.haywoodtp.net. The next thing I knew is that I took a shot in the elbow by David Francis.

August 7, 2012.

Spoke to several people about the attack; my daughter, Jonnie Cure, Terry Ramey, Art Patten. Terry Ramey already has had an adverse interaction with David Francis in the hallway outside of an active county commission meeting. County Commissioners can attest.

Art Patten went ballistic, started calling around to the network. He suggested I call Keith Moore at the Waynesville Police Department, (828) 400-6486. [Art indicated the folks at the Waynesville Police Department are none to happy with Francis as he had an affair with one of the officers wives which caused the family to break up]. I called Keith Moore. He (Waynesville Police Department) does not have jurisdiction inside the Justice Center, and recommended I file a complaint with the Magistrate and /or see the Sheriff. I was hesitant to file any complaint until I had seen the video, and get an opinion from law enforcement officials to see if they concurred that Francis assaulted me as recorded on the video system.

I spoke again with Ramey and Patten, who both offered to come down to the Sheriff's office, but I declined their offer and went by myself. Neither Suttles, Larry Bryson, or (Warren), the chief of detectives were in. I went in to see the Magistrate. He was of limited usefulness, as there was not much he said he could do, although he indicated I should go down the Justice Center and speak to Don Robertson, the head of security, to see if he can at least preserve the video of August.

I walked over to the security office at the Justice Center and asked for Don Robertson, and was invited to enter the security room. I then recognized Don Robertson as one of the friendly deputies that had manned the security check points multiple times. There was another deputy in the room, and another came in during the discussion. I reviewed my situation, and asked if the security recording could be preserved, or if it had already been overwritten. No, it had not been overwritten yet, this was a newer system with extended record capacity. I mentioned I had been to the sheriff's office to see Suttles or Bryson, but neither were there. Robertson indicated he would preserve the recording in the time period between 9:50am - 10:10am. He asked for the description of my clothes - I was wearing blue jeans with a white/blue long sleeve shirt. I would be hart to miss with my white hair. Francis was wearing a black suit.

The question the video will resolve is did Francis appear to intentionally catch up to me, angle over to me and hit me. My back was to him and I didn't see any of this, but the video would capture it.

Question of the day - Why would Francis be so brazen to do this with a bunch of security camera's recording the event?

Got a call from Patten late in the evening, thought I handled the events of the day very well.

August 8, 2012

Go over to the Sheriff's office again and make an appointment to see Larry Bryson. I think he would be better than Suttles in this instance, as there would be less of any kind of internal conflict in Bryson's mind about calling this versus Suttles, who has more frequent daily contact with Francis than Bryson does.

9:15a, spoke to Larry Bryson at the Sheriff's Office, spent about 10 minutes. Explained incident. Larry called the Justice Center, Don Robertson(?), they found the recorded segment. "Looks like Francis brushed into me". Larry to go down and look at the recording, and call me back later this afternoon. Said there were 30 days of recording before being overwritten, although he asked that this be saved. Did not have a problem with me viewing the recording, lawyers wanted the subpoenas.

11:50a. Stopped by Anita to let her know. Dave Heinz cautioned about filing the complaint, maybe not serious enough and they could cause problems, my same concern. I will have to see the video before I make the call.

4:17p. Larry Bryson called. Been "housebound" all day, did not get a chance to look at it. Researched law, simple assaults they want law enforcement to stay out of. I would have to file a complaint before I was able to see the recording. Or, I could get a lawyer. He will go down and look at it tomorrow after lunch, I can call him after that. His extension is 2851.

8/9/2012. About 2pm. Called Larry Bryson. Involved all day with an early morning shooting, not had a chance to get out of the building. Give him a couple of days. Call back Monday.

Jonnie brought to my attention that I could file an "incident report" and get the assault on record. Try Waynesville Police Department First.

Spoke to Keith Moore. Had called Sheriff's department and they have the jurisdiction for filing an incident report. Talk to Wendy at the main office.

Went to Sheriff's Office, 4:50p, looked inside door, blind had already been pulled down at the front office window. Try again tomorrow morning before cutting lumber.

Spoke to Art, let him know about the Police Incident Report concept. He said he should have thought of that. That, I told him, was the value of working with a network of people. Good ideas come from everyone, not just a single person. Two heads are better than one.

8/10/2012. Prepare formal Police Incident Report. Be sure to include request to preserve video at Justice Center.

Went to Sheriff's Office. Spoke to deputy behind the counter. He left, and after 10 minutes, came back and said I could not submit an incident report at the Sheriff's Office, rather I had to go down to the Justice Center and submit it to Greg Woods.

Went to the Justice Center, Greg Woods was in the security room. Gave him my sheet, took my name and DOB. Said he would write it up within the hour and it would be ready this afternoon to get a copy. Asked if I was going to file an assault charge. Indicated I need to see the video first, and that Larry Bryson was going to come by Monday or so to take a look and I would wait until that happened. Woods offered that I would need a subpoena to see the video, or, **The Sheriff Could Let Me Look At It!** First time I had heard that.

Spoke again with Jonnie, Terry and Art.

Terry, who is working on a problem Francis is giving him with Rusty McLean, said Rusty would like to talk to me. I was cutting wood on a locust tree Jack had cut down. Was all sweaty but stopped by. He was alone (+ secretary). Talked for over 20 minutes. Came up with suggestion that I should have Sheriff call a meeting with the Magistrate (and me) to review the video so the Magistrate could determine if there was enough evidence on the video to support a Simple Assault Charge against Francis. McLean also mentioned Francis was working with a lawyer in Asheville regarding passing off tax debts to this legal firm, and the firm was attempting to collect from Terry, but the letter did not contain a critical disclaimer, and the firm could be fined over \$1,000 for sending the letter. McLean asked who might have a record of Francis being able to pawn off these tax collection issues. Marty Stamey!, I suggested, the county manager. Stamey would have any record of approval of his actions by the county commissioners.

Composed and sent e-mail to Suttles, requesting the meeting with the Magistrate.

Called Jonnie. I recall that she had an issue with prior taxes, and a problem with a legal firm in Asheville. Discussed that again, and Francis is doing the same damn thing with Terry as he had done with Jonnie. Suggest Jonnie and Terry get together and compare notes. Asked Jonnie who the firm was, she couldn't recall, but it is the largest firm in Asheville. Van Winkle?, I suggested, she said Yes.

Called Terry, told him about Jonnie, mentioned Van Winkle, he confirmed, same firm.

Went over to the Sheriff's Office a little after 4pm. Got a copy of the Incident/Investigation Report, came off a printer. Has several mistakes:

- List's my employer at Monicor. Monicor closed over a year and a half ago.
- Invalid employer telephone number.
- Listed my name as "monroe Miller".
- Incorrect time sequence, stated incident occurred after seeing Groffsky - it occurred before.
- Stated Francis hit me with his elbow. I stated I was hit in the elbow, I don't know and didn't see how Francis attacked me, with his elbow, arm, whatever.

Even though this is public record, there are enough errors in it to give me pause before splashing this up on www.haywoodtp.net.

When I speak to Larry Bryson next time, hopefully he will have reviewed the video. I will bring a copy (or tell him about the e-mail) of the letter I sent to Suttles.

8/14/2012. Dropped by Sheriff's Office to fill out renewal for concealed weapons permit. Sheriff saw me and asked me to come to his office. Went to Larry Bryson's office, Suttles came in. Discussed my doing the simple assault charge first, again, I explained catch-22. Bryson had not seen the video, but was going to after lunch, had my phone number in his pad. Explained in detail to Suttles what had happened, after several iterations, he and Larry saw my point of view, and I would probably not go forward without seeing the video. Larry went over to the magistrate, and returned after about 15 minutes (Suttles had an appointment at 11a that he was missing). Larry indicated that the magistrate said if I felt there was an assault, I could move forward, a green light from the magistrate. Left it that Larry would go down after lunch and look at it. I asked the Sheriff, suppose he was walking down the hall, and someone came from behind and struck him in the elbow. How would he like that? He said he doesn't like to get hit. Neither do I. Spent about half an hour with both of them.

Message on my cell phone from Larry Bryson, Chief of Deputies, Haywood County Sheriff's Department after looking at video. 8/14/2012

“Mr. Miller, this is Chief Bryson at the Sheriff's Office. Once again in my office sitting with Sheriff Suttles and we've come back from looking at that tape, down at the Courthouse, and we've reviewed it and looked at it two times, and it don't really show, it shows Mr. Francis crossing kind of at an angle in front of you, but the way the sunlight's shining in that corridor, you can't tell if you fella's touched or not. So, we're still not too better off than we were. It does show that been on the elevator because there's a lot of light in there, and it shows him being on the, looking at his cell phone, and you standing off in the corner. But when you're walking down the hall, it just looks like you just crossed paths, and we can't tell if you touch or not. So, that's probably not going to be any big help to you, but that's really what we see. So, if you take this tape to court, it's not going to show that you physically bumped each other. So I'm sorry, but that is what we saw, so you feel free to call me back, it's about 3:20 on Tuesday afternoon. So, anyway, like I said, if you need me further, you can call me back. See ya.”

[We didn't physically bump each other, he struck me!]