

Williams, Todd M.

From: jmogoduke@aol.com
Sent: Thursday, March 14, 2019 2:50 PM
To: kmking@sbgvtv.com
Subject: Re: DWI dismissal

It's all in the eye of the beholder, I guess. I'd say those double lines have faded to the point of non-existence.

With regard to your comment about there being no statute that prevents the type of publicity that occurred in this case, I think that misses the point. I was coming at this from the perspective of the Rules of Professional Conduct that govern lawyers. RPC 3.6 and 3.8(f) are relevant. Law enforcement personnel are part of the prosecution of a case, and the D.A. has a responsibility for reining in their comments, especially when such out of court comments have a substantial likelihood of heightening public condemnation of the accused. That is what occurred in this case.

There is an inherent tension between the Fourth Estate's 1st Amendment rights and the accused's right to a fair trial. It is not easily explained in a news feature. But Frank Goldsmith is considered to be a fine authority on these types of Constitutional and ACLU issues. You might do well to contact him. He's probably more amenable to talking with you than I have been.

As for us, we will have to agree to disagree. I believe that Mr. Williams took the high road as required by our professional ethics when he dismissed the charges against Sarah. There was nothing in it for him except for blowback.

Thank you.

John

PS Surprise me tonight and run that feature without . . . the picture. Or even Sarah's last name. I don't think they are necessary for the story.

-----Original Message-----

From: Kimberly King <kmking@sbgvtv.com>
To: jmogoduke@aol.com <jmogoduke@aol.com>
Sent: Thu, Mar 14, 2019 12:46 pm
Subject: RE: DWI dismissal

Also, the Woodfin pd says there's absolutely a double yellow out there. So I'm not sure why you thought there wasn't. Were you saying it was faded. I saw the photo you attached.
Thanks.

From: jmogoduke@aol.com [mailto:jmogoduke@aol.com]
Sent: Wednesday, March 13, 2019 4:56 PM
To: Kimberly King <kmking@sbgvtv.com>
Subject: Fwd: DWI dismissal

-----Original Message-----

From: jmogoduke <jmogoduke@aol.com>
To: kmking <kmking@sbgvtv.com>
Sent: Wed, Mar 13, 2019 4:20 pm
Subject: DWI dismissal

I enjoyed talking with you, Ms. King. The reason that I met with the district attorney in Sarah's case is that her right to a fair trial had been irrevocably compromised due to all of the pre-trial publicity, which

publicity itself began when the Woodfin PD placed a posting on their own Facebook Page. You attached the Woodfin Facebook post from three weeks after the accident. I am re-attaching it, along with your cyber-stringer's posting on the WLOS web site minutes later. I suspect she was contacted by Woodfin, though no proof as to that. Maybe Ms. Steward trolls the Woodfin site and happened to ninja the notice. Both postings emphasize that Sarah crossed a "double yellow line" and struck a "fully-marked" patrol vehicle. I am also attaching a photograph of the accident site. There is no visible double line in daylight; even less at night. The Woodfin post states conclusively that Sarah crossed the double line, as noted, when in fact it is debatable as to who hit whom.

I spoke with the D.A. chiefly over concern about it being impossible for Sarah to get a fair trial, as noted, and also over concern about the public shaming experienced by Sarah. The law enforcement agency ratcheted up facts which were then delivered to and/or picked up by the media, first locally and then nationally. In this context the D.A.'s office is inextricably linked to the police department. And then there was that picture . . . As noble as your profession is, it compromises the integrity of the judicial system when the State is linked to a case that has already been tried in the press with information gleaned solely from the social media posting of one side. It took courage for the D.A. to put the fairness of our judicial process over just taking an easy out.

The posting was stale (3 weeks old) when it was first issued by Woodfin, and would have gone nowhere except for the gratuitous shaming that was connected to the post. It was old news then and is beyond old now, even though the bell cannot be unrung. My hope is that you will pursue news that is fresher.

Thank you.

John

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Williams, Todd M.

From: Hasty, Rodney G.
Sent: Friday, December 07, 2018 2:34 PM
To: Williams, Todd M.
Subject: FW: the finish line
Attachments: DOC120718-12072018111332.pdf

FYI

From: jmogoduke@aol.com [jmogoduke@aol.com]
Sent: Friday, December 07, 2018 1:12 PM
To: hoskisarah@yahoo.com; hoskij@bellsouth.net; barbinnc@bellsouth.net
Subject: the finish line

Hello again. I hope that Sarah's all-day presentation went great yesterday. If you can stand any additional good news as we await Snowmageddon, read on.

Sarah's cases were dismissed yesterday. I am forwarding a copy of the computer printout documenting that. After all my years those papers still are hard to read (almost as difficult as a medical bill, Jim!) But the key notation is the VD that you see in the disposition section on the first page. That stands for Voluntarily Dismissed. The third page succinctly states the reason why. I went to the courthouse today to check on the status. The window clerk told me that he was aware that the dismissal had been filed, and that he heard a couple of the clerks grousing about that. As he read the reason for the dismissal he recalled the news incident and became angry at Woodfin PD for trying to make this so personal and vindictive. Suffice it to say that there are people on both sides. Hopefully word won't get out any further than the Clerk's office. Woodfin may not even get wind of this any time soon. And if/when they do, all they have to do is read the reason and re-evaluate their internal practices before pointing the finger at someone else. If word gets out, I am sure that the D.A. will take some heat. He is aware of that and still thought it was appropriate to dismiss the charges because having a fair judicial system is even more important than going for a conviction. It kind of renews my own belief in what I do. I would hope that a judge would conclude the same, but I am glad that we did not have to go that far with this.

As we go forward, I reiterate how proud I am, Sarah, of how you have conducted yourself both before and after this incident. You remain a bit under the microscope, even though you have not asked for that. So continue to be amazing. We will talk about some long-term options at a later time. For now, I know we all can breathe a sigh of relief as you go forward and put this matter in your rear view mirror.

Stay warm and safe this weekend.
John

-----Original Message-----
From: deverelentz.toshiba <deverelentz.toshiba@gmail.com>
To: John Olesiuk <jmogoduke@aol.com>
Sent: Fri, Dec 7, 2018 11:13 am
Subject: Send data from MFP12013008 12/07/2018 11:13

Scanned from MFP12013008

Williams, Todd M.

From: Hasty, Rodney G.
Sent: Wednesday, December 05, 2018 5:24 PM
To: Williams, Todd M.
Subject: FW: Hoski

Just FYI

From: jmogoduke@aol.com [jmogoduke@aol.com]
Sent: Wednesday, December 05, 2018 5:16 PM
To: Hasty, Rodney G.
Subject: Re: Hoski

Thank you so much. I cannot express how much this means to the family - - especially Sarah.

-----Original Message-----

From: Hasty, Rodney G. <Rodney.G.Hasty@nccourts.org>
To: jmogoduke@aol.com <jmogoduke@aol.com>
Sent: Wed, Dec 5, 2018 5:14 pm
Subject: RE: Hoski

No worries, I'm finalizing the dismissals now and will be filing them tomorrow. She doesn't need to come to court so she's good to go.

Rodney

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From: jmogoduke@aol.com [jmogoduke@aol.com]
Sent: Wednesday, December 05, 2018 5:11 PM
To: Hasty, Rodney G.
Subject: Hoski

Hi Rodney. Sarah's cases are on in admin on Thursday. I am attaching the file numbers for your ready reference. I know how slammed you guys are. I have a matter on the probation calendar in Superior and a couple admin matters. I will be around if you need me.

I think we're linked but in case not, my cell # is 828-335-8260 for texting purposes.

Best,
JohnO

-----Original Message-----

From: deverelentz.toshiba <deverelentz.toshiba@gmail.com>
To: John Olesiuk <jmogoduke@aol.com>
Sent: Wed, Dec 5, 2018 3:53 pm
Subject: Send data from MFP12013008 12/05/2018 15:53

Scanned from MFP12013008
Date:12/05/2018 15:53
Pages:4
Resolution:200x200 DPI

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