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AND US MAIL
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May 4, 2011

Mark Johnson
Assistant State Attorney
2155 Old Moultrie Road, Suite 105
St. Augustine, FL 32086

Mark Brutnell, Special Agent Supervisor
FDLE
711 N. Liberty Street, Suite B
Jacksonville, FL 32202

RE: Jeremy Banks:

Dear Mr. Johnson and Mr. Brutnell:

As you are both aware, as is Rusty Rogers of FDLE, I represent the interests of Jeremy Banks concerning an investigation which has been ongoing by FDLE, primarily by Mr. Rogers, for sometime. Both I and Mr. Banks have indicated to Mr. Rogers and to Mr. Brutnell that I am the attorney for Mr. Banks. Moreover, I have communicated this fact to Mr. Johnson and Christopher France and Robert Mathis of the State Attorney's Office.

Notwithstanding, recently Mr. Rogers confronted Mr. Banks while Mr. Banks was on duty at the St. Johns County Sheriff's Office and began to question him about matters concerning the issues in which I represent him. Not only is this extremely unprofessional in the circumstances, it is in direct contravention of Mr. Banks' constitutionally protected right to counsel.

Mr. Banks has done nothing wrong and, has been completely forthcoming and cooperative in his own department's investigation and that of the FDLE and yet, continues to be subjected to baseless allegations. The reason why I have instructed my client to exercise his Sixth and Fifth Amendment rights is because it has become obvious Mr. Rogers is seeking charges against Mr. Banks irrespective of Mr. Banks' innocence and a lack of *credible* evidence to support any theory of criminal conduct by Mr. Banks. Mr. Rogers confirmed to me that he has his own thoughts about what occurred and intends to pursue them. The only way I know how to protect an innocent from such maverick law enforcement behavior is to exercise one's

constitutional privileges in the circumstances. Obviously this investigation and behavior is damaging Mr. Banks' law enforcement career. The air of suspension fueled by innuendo regardless of factual predicate is damaging in and of itself to a law enforcement officer such as Mr. Banks. It is even more tragic insofar as Mr. Banks has been cooperative throughout this process in which he too suffered a loss. I am certain I will be unable to convince Mr. Rogers contrary to that which he is so compelled to believe. However, I ask that his agency and the chief prosecuting officers of the Circuit, the State Attorney's Office, ensure no further violations of my client's constitutionally protected privileges occur. Simply put, please see Mr. Rogers and others involved in this matter do not attempt to engage Mr. Banks further.

I also want to reiterate that should the State Attorney desire to engage investigative subpoenas upon Mr. and Mrs. Dixon we will certainly comply with the subpoenas. Mr. and Mrs. Dixon will testify truthfully and fully concerning any matters they are asked about. I only request there be some reasonable attempt to coordinate those statements with me so I may be present. I have also asked for confirmation in writing that use and derivative use immunity will accrue to Mr. and Mrs. Dixon should they be questioned pursuant to the State Attorney Investigative subpoenas. Again, Mr. Rogers was very clear in his indication that FDLE "would not hesitate" to seek prosecution of the Dixons should they deem it appropriate after questioning them. I know of no other way to appropriately represent a client in the face of such threats than to request the immunity afforded in that process.

I thank you all for your time and attention to the foregoing.

Sincerely,



Robert L. McLeod II

RLM/kfb