

Sept 10, 2013

Sheriff David Shoar  
St. Johns County Sheriff  
4015 Lewis Speedway  
St. Augustine, FL 32084

Dear Sheriff Shoar,

Several months ago I received a letter from you, dated May 29, 2013, in which you made a series of unsubstantiated and false accusations against me. Although it was a personal letter addressed to me, you sent copies to 31 additional people. At the time, I chose not to respond because I did not want to divert attention from the story I was attempting to report. But on June 6, our paper's legal counsel, David E. McCraw did respond on my behalf, saying:

**“I am deeply concerned by the number of misrepresentations and distortions contained in the letter, which impugned Mr. Bogdanich’s reputation and, as shown by its broad distribution, was clearly designed to impede his reporting on your department.”**

Before I finish my reporting, I thought it prudent for me personally to set the record straight. Earlier this year, you described me in a written report as having “impeccable” credentials and background. You thanked me in an email for being such a gentleman, while expressing the hope that you could respond in kind. You invited me to ask the “hard questions.” You said that we both share the same goal -- the truth.

I can assure you that I’m the same reporter you described back then, the only difference being that I had begun investigating the conduct of your officers and your role in supervising them. On one of my first visits to St. Augustine, I stopped by your office to leave my business card and to let your office know what I was doing in town. I told Commander Mulligan that if you heard anything about my reporting that troubled you, to give me a call day or night. Later, I repeated that message in an email, but this time I included the name and number of my editor, Matt Purdy.

Until I received your letter, announcing that you were backing out of our agreed upon interview neither I nor Matt Purdy received any complaints from you. I’ll leave it to others to judge why you suddenly decided to attack me while canceling an interview.

Now, for your letter:

- 1) You object to me asking Commander Mulligan when you might acknowledge the shortcomings of your O’Connell investigation. The fact that you now publicly admit that your department made numerous mistakes in the O’Connell investigation validates my

question. It is worth noting that you made that public admission only after I began investigating the case.

- 2) I did not tell Commander Mulligan, as you allege, that “Banks was culpable in the death of Michelle O’Connell.” That is absolutely false. As for asking whether O’Connell’s brother was unfairly terminated from the sheriff’s office, that is what reporters do – they ask questions.
- 3) You apparently object to me mentioning that some officers who responded to the shooting questioned Deputy Banks’s account of what happened the night O’Connell died. I’m not sure what point you are making here, since you admit that what I said was true.
- 4) You object to me questioning a lawyer who filed suit against your department for violating her client’s constitutional rights. I plead guilty to asking questions about the behavior of your officers. That is my job.
- 5) You said that I would be the first reporter to receive your lengthy review of FDLE’s investigation of the O’Connell shooting. You not only broke your word, you didn’t extend the common courtesy of warning me that you had changed your mind. In your review, you also included information about me that I had previously told you in person was false. So, yes, I was momentarily upset with you, which is why I called you back and followed up by sending you this email:

**Sheriff Shoar,**

**Thank you for taking the time last night to explain your reasons for writing the attached report. I look forward to talking to you after I read it. I also appreciate your apology yesterday.**

**Last night, I listened carefully and respectfully to your thoughts about this case and how it was handled by FDLE. I always strive to give a fair hearing to both sides. As you know, I contacted your office soon after I arrived on my first visit to St. Augustine because I wanted you to know upfront what I was doing in town and that you should feel free to contact me at any point if you had questions about my reporting. That offer still stands.**

**That said, I do feel the need to correct the record about a few things that were said last night. When we spoke during my last visit to St. Augustine, you suggested that I had interviewed Mark Brutnell. At that time, I said emphatically that I had NOT interviewed Agent Brutnell because he had declined to talk to me about the O’Connell case. For that reason, I explained, I had driven all the way to FDLE’s Tallahassee headquarters in an attempt to secure an interview with someone from that agency. Also, I did not tell Agent Brutnell that I had concluded the O’Connell shooting was a homicide.**

**Please know that you can call me any time of the day or night with questions about my reporting. If I can answer those questions, I will. If you are unsatisfied with my responses, you should feel free to call my supervising editor, Matt Purdy. I’m very pleased that your important voice will be included in our report and I look forward to talking to you soon.**

**Best, Walt**

You apparently appreciated my response, because you wrote:

**Thanks so much Walt. I believe you 100% when you say that you never made that statement to Brutnell, you don't reach the level that you are at in your profession making a statement such as that.**

- 6) You say you learned of my interview with FDLE's Brutnell from Matt Cline, your general counsel. I was not, as you allege, rude and unprofessional when speaking with Mr. Cline. I asked tough questions that elicited Mr. Cline's admission that he had not taken notes of his conversation with Brutnell. Here is another email exchange with you in which you say you believe my account.

**(my email to you)**

**Either your general counsel has a bad memory or Mr. Brutnell, whose wife works in your office, is trying to curry favor with you through a dishonest account of our meeting. Actually, your lawyer Matt Cline just told me he did not take contemporaneous notes on his conversation with Brutnell, yet I see him quoting me in your email. Maybe that's the way he does business in the legal world, but that's not how we operate at The New York Times. There was no 30 to 40 minute meeting. There was no playing defense. Brutnell kept repeating that he couldn't comment on the case. End of story.**

**(your email to me)**

**Again Walt, I believe you.**

By the way, a colleague was waiting for me outside FDLE's Jacksonville office and can vouch that there was no 30 to 40 minute meeting.

- 7) You provide a distorted account of my conversation with Jim Casey, a former FBI agent you hired to review your written account of FDLE's investigative failures. Mr. Casey, who lists you as a character reference on his resume, became angry when I asked him two questions -- how much money he received for performing this review (he declined to answer) and why didn't he comment on the shortcomings of your original investigation, since he was asked to give his "unvarnished professional opinion" on the full report, titled, "Review of Michelle O'Connell's Death Investigation."
- 8) You imply that I had done something improper in my effort to set up an interview with you. As a matter of fact, I precisely followed Commander Mulligan's instructions in setting up that interview. I told Commander Mulligan that Frontline had joined the Times in this investigation and he instructed me to set up the interview through your assistant, which I did. Many days later when I called to confirm the interview, Mr. Mulligan suddenly balked, saying he normally discusses lighting etc. with producers, not an investigative reporter. I explained that I could answer his questions because I had been a television producer for many years, but he would not accept that. I offered to bring Glenn Silber, the producer, to meet him personally, and we agreed upon a date. I then received your letter saying you had decided not to grant us an interview.

You conclude your letter by expressing the hope that another journalist will investigate this case "so that our citizens are made fully aware of what occurred." You made similar statements to me when I first started reporting this story.

In an email on March 28, 2013, you told me: **“Please know that I want you to investigate this story and case. Both of our destinations are the same, the truth.”**

The following day you sent me another email: **“Feel free to ask me any hard questions and thank you for being such a gentleman. I hope I can respond in kind.”**

Finally, on April 8, 2013 you interviewed Michelle O’Connell’s brother, Scott. In that interview, you pressed Scott to find out how I got onto this story, but then added: **“Just for the record, actually I consider it a blessing that the media has got involved....”**

It is apparent in your letters to The New York Times that you do not understand the newsgathering process. Questions are not statements of facts – they are questions. You may not like them, but asking questions and reviewing public records are part of the fact gathering process. In your most recent letter to our legal counsel, you wrote: “It has become clear to all of us based on his questions, theories and public records requests that he is not objective and that very early on he arrived at a theme for his coverage.” You have no basis for making that statement other than uninformed speculation.

I wrote this letter to set the record straight and clear the air. But I still have questions about the O’Connell case and having your perspective and voice in my reporting is as important as ever. If you change your mind about granting us an interview, you know how to reach me.

Sincerely,  
Walt Bogdanich  
The New York Times  
212 556-5881