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14 November 2013

Mr. Walt Bogdanich
Investigative Reporter
The New York Times
620 Eighth Avenue
New York, New York 10018

Dear Mr. *Walt* Bogdanich,

Since we first met back in February of 2013, we have communicated many times in person, over the telephone, through e-mail and through written correspondence. I think it would be fair to say that many of these communications have been contentious for a variety of reasons. On May 29, 2013 I sent you a seven page letter where I clearly stated that though I was willing to talk to any media entities about this case, I would not discuss it with you. In that letter and in a subsequent letter I sent to an attorney representing the New York Times, I clearly articulated the reasons why I would not discuss this case with you.

Fortunately, after several months had elapsed and after some additional communications, we both agreed to meet privately for an off-the-record conversation. The purpose of this meeting was to see if we could establish a baseline of trust that would allow me to possibly agree to an in-person and on-the-record interview. I felt our meeting was pleasant and I left feeling that it was good for the both of us to have had it. During this meeting I conveyed to you that some of the individuals you are working with to produce a documentary about this case had met with some staff from a local television station. I further conveyed to you that staff from this television station had contacted us because of a concern they had. They stated that the individuals representing the documentary production company were asking questions about the O'Connell case and they seemed to be "fishing" for anything negative about the St. Johns County Sheriff's Office. Additionally, they came off as advocating that the O'Connell case was the result of a homicide and not a suicide. Fortunately, members from the television station were very familiar with this case and they soon ended the conversation. When I mentioned this to you, you stated that you would check into it and if it occurred as I described, it was wrong and should not have occurred.

After that meeting and some additional thought, I communicated to you that as a result of our recent meeting I would be willing to sit with you for an in-person and on-the-record interview. My only condition was that I would not allow the interview to be filmed, especially for use in the documentary. I'm glad I made this stipulation because since then, there have been previews of this documentary on local television and the themes that seem to emerge are that Deputy Banks may be culpable in the death of Michelle O'Connell and that the St. Johns County Sheriff's Office may not be sensitive to the issue of domestic violence. Both themes, of



course, are wrong. Ms. O'Connell died from a self-inflicted gunshot wound and the Sheriff's Office is not only sensitive about domestic violence but is aggressive in the enforcement of domestic violence statutes. In fact, as you know, just in the past year and a half we arrested three of our own personnel for engaging in domestic violence. One of those cases resulted in the employee being sentenced to five years in state prison and in another of those cases, the event occurred a year before it was reported to us and we still investigated it resulting in an arrest of an employee.

Our in-person interview was scheduled for November 14, 2013, at 3:00pm at the St. Johns County Sheriff's Office. On November 13, 2013, you contacted me and asked if we could conduct our interview over the telephone because you were not feeling well. After we spoke, I agreed to have our interview over the telephone on the original date and time.

On the evening of November 13, 2013, I thought more and more about our brief conversation earlier in the day and I kept focusing on two statements you made during it. First, you stated that the interview wasn't going to be a "real investigative-type interview" and second, you did not anticipate the interview taking much time. Through your words and tone I was left with the belief that the interview was no big deal and that it would be a "soft" interview. I was struck by those two comments because as a principal in this case and as the author of our 160 page case review, I fully anticipated and was hoping for an aggressive "investigative-type" interview. In fact, my hope was that the interview would be very long, taking several hours where we would examine this case from many different perspectives with all of its nuances and complexities. I was even more perplexed because I know you have been to St. Augustine on numerous occasions, over the past several months, conducting many in-person interviews even with folks who had little or no connection to this case, and now, as one of the major participants in the case, I am going receive a "non-investigative" and "short" interview over the telephone.

Nonetheless, I came to work fully prepared to have our interview at the agreed upon time. Upon arriving at work I was briefed that a local television station (not the one mentioned earlier) ran a preview for an evening news story regarding Michelle O'Connell and that the documentary production company and the New York Times were mentioned in the previews. I suddenly found myself having to respond and prepare for the local news story that was about to air. In talking with the folks from the television station, it seems that the catalyst for their story was that staff from the documentary production company had contacted them about this case. I am not sure what the substance of their story may be but I am sure that The New York Times being involved certainly got their attention. We also began to get multiple media inquiries about the lawsuit recently filed against FDLE and Agent Rodgers.

Walt, as I have conveyed to you many times, I always try to be candid in all of my affairs and I will close this letter with candor and respect for you. Regarding my interview, I almost feel that it has become inconsequential and that having it would allow you to "check a box" so to speak on your "things to do list." In light of the items mentioned above, I have come to believe that your story has already been written and that the documentary film you are collaborating on is also complete, though both are probably going through some final changes and edits. I believe that your story will embrace the same themes advanced during the preview of the documentary (mentioned earlier). I hope I am wrong because both themes are wrong and the second one is dishonest.

On several occasions you mentioned to me that my "voice" is important in the story and I could not agree more. I have spoken numerous times to several media outlets "on-the-record" and have authored numerous written documents involving this case that are now in the public domain. After much thought I have decided to revert back to my earlier position of not having an the "on-the-record" interview with you regarding this case. I honestly do not think that anything that I say could add or detract from your story. I realize that the conventional wisdom is to never say "no comment" to the media because it "doesn't look good." Fortunately, there are many records in the public domain where I have commented on this case and I will continue to do so. In fact, today we are posting all of our documents related to this case on our website and facebook account because I am so committed to full disclosure.

In closing, I sincerely hope you do not take this personal. I simply cannot be involved in a story that I am convinced now more than ever will create doubt about Deputy Banks and he has been victimized enough. The last time we met you mentioned that in looking back you felt that you have acted honorably throughout your involvement in this case. With that in mind, I want to appeal to your honor and ask that you please share with your readers that I have been very vocal about this case and that I have spoken and written extensively about in the past and will continue to do so in the future. Feel free to direct them to our website (www.sjso.org) so they can view documents (including those by Rodgers) and read about the case. I wish you all the best.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Shoar', with a stylized flourish at the end.

David B. Shoar
Sheriff