

December 8, 2005

Andy Gregson, Chief Assistant District Attorney
Randolph County District Attorney's Office
176 East Salisbury Street, Suite 305
Asheboro, N.C. 27203

Mr. Gregson,

This letter is in reference to our phone conversation on Friday, December 2. While I have re-drafted the criminal complaint I originally sent to Mr. Yates in 2003, it will not be forwarded to your office, but on to the local law enforcement agencies that actually have the authority to investigate felony/criminal charges. The following is a chronology of my interactions with your office:

On **April 30, 2003**, I forwarded a letter to Mr. Yates regarding the case of State v. Michael Wayne Watts (COA99-1234). As you might recall, this was a child-assault case in which I had been involved while still employed by Randolph Medical Associates. I was consulted three months after the fact (the literature is clear that less than three days is the standard). There were no definitive physical findings. However, the child had a dissociative episode right in front of me as I questioned her. I was quite certain, based on the child's very disturbed psychological state and a review of the ER records, that an assault had happened, but I could not testify to vaginal penetration. Under threat of arrest (your idea, I'm told), I did come back from Virginia to testify (the only time I ever insisted on full re-imburement as an expert witness). ADA King Dozier told me that I was there to corroborate the child's testimony. My testimony was, in fact, admitted only to corroborate the child's account. But Mr. Dozier put me on the stand first. The child was subsequently unresponsive on the stand. My testimony became hearsay. Notwithstanding, Mr. Watts was convicted of "rape" (Mr. Dozier gloated, on the strength of my testimony) when I did not testify to rape. The conviction was reversed on appeal and not re-prosecuted.

In my letter to Mr. Yates, I expressed concern about how my testimony was obtained and used – and the methods by which I was compelled to provide it. I asked how I might review the Court transcripts. **Mr. Yates never responded to the correspondence.**

On or about **June 18 2003**, my Mother, Irene Johnson, placed in Garland Yates' hands, a complaint (with supporting documentation) outlining misconduct by Randolph Hospital administrators (specifically Robert Morrison, Steven Eblin, and Michael Bridges) and their lawyers (Robert Ford, Demetrius Worley and Robert Wilson) during or preceding civil litigation in Randolph County Superior Court (99 CvS 161 and 00 CvS 1033). The allegations included multiple instances of perjury and contempt of Court during discovery.

I had been directed to your office by my (former) attorney, Steven Schmidly (who shortly afterwards abandoned the case when I ultimately questioned the adequacy of his

representation – by missing the perjury in the first place). **As Randolph Hospital is a non-profit organization, and I am making serious charges of administrative impropriety, every attorney I have since consulted – formally and informally – has opined that Mr. Yates would be well-advised to refer its investigation outside of Randolph County to the SBI (in order to avoid any appearance of conflict of interest), and to act on their findings.** Apparently, that was too much to expect.

ADA King Dozier subsequently left a message on my answering machine stating the complaint had been forwarded to the SBI for investigation.

I received no further correspondence or follow-up from the District Attorney's office on the complaint. After waiting over a month for word, I contacted the SBI. This is the text of the response I received:

Dr. Johnson:

I forwarded the information I receive from you to Special Agent in Charge Frank Brown. SAC Brown's office is in Greensboro and his district covers Randolph County. SAC Brown had an agent review the information and make contact with District Attorney Yates. Keep in mind the SBI does not have jurisdiction in many matters unless the DA requests an investigation into matters he or she feels are criminal in nature.

I understand that District Attorney Yates informed opinion is that there is not sufficient evidence to suggest that any criminal violations were committed and that he would not be requesting any further inquiry by the State Bureau of Investigation.

Based on the assessment made by District Attorney's Office, any further inquiry you may have concerning the matter should not be directed to the SBI and should be directed to Mr. Yates' Office.

Erik A. Hooks, Special Agent in Charge
Professional Standards

It is very clear that **an SBI investigation of my complaint was not conducted.** SBI Agents later explained to me that it did not matter how valid my claims might be, they could not “waste the resources” if the District Attorney would not prosecute. In essence, Mr. Yates killed any investigation before it could take place.

I believe that Mr. Yates obstructed this investigation due to conflicted political and/or personal interests. It is crystal clear he did not look at the evidence – which is more than “sufficient” to prove perjury.

As you no doubt know, upon discovering Mr. Yates' ruse, I filed a complaint with the North Carolina State Bar. They took no action, citing “prosecutorial discretion”.

Last December, I requested the intervention of Governor Mike Easley and North Carolina Attorney General Roy Cooper. Despite Randolph Hospital's clear violation of the public trust as a “non-profit” institution in these matters (the documents Mr. Morrison and Mr. Eblin withheld on the false premise that they were “confidential” were federal tax returns on the public record), the Attorney General's office has thus refused to acknowledge jurisdiction and has deferred all action back to Mr. Yates.

This past fall, a series of articles was published in the Courier Tribune outlining the workings of the criminal court system – specifically addressing the processing of criminal complaints. You were quoted in the articles. The series was interesting reading – and made it crystal clear that there had been a “disconnect” in terms of pursuing my felony charges against Mr. Morrison and Mr. Eblin. I therefore re-drafted my complaint into the language prescribed by North Carolina General Statute and went to visit a magistrate. Once again, instead of being sworn or directed to a police detective, the magistrate on duty referred me back to your office – specifically to “Randy” Gibson. In our phone conversation, you offered that if I had bothered to read the articles, I would know that appearing before a magistrate only applied to misdemeanors. At your suggestion, I have gone back and re-read the articles. Here’s what one of them says: **“Police investigate suspected felonies and testify before magistrates to draw charges. Likewise, grand juries can also have felony warrants issued by handing down true bills of indictment against suspects.”** So I ask you. **Where have the police been in this equation? When I presented my original complaint to the District Attorney’s office in 2003, it should have been referred to the proper authorities for a fair and thorough investigation. When I presented myself to a magistrate two Saturdays ago, I should have been directed to the police.**

The phone call on Friday was actually a follow-up to a phone conversation I had with Mr. Gibson on Thursday morning. Unfortunately, Mr. Gibson took a completely different tone than he had in our first conversation, and immediately moved to shut my inquiry down – repeatedly saying that the case had been investigated and he would not speak to me further. I objected and pointed out that the case had actually never been investigated – and I repeatedly asked “why” the case would not be pursued – even as he tried to cut me off. I wanted an explanation for the District Attorney’s actions. In the absence of an explanation, I wanted an appointment with Mr. Yates. Instead, I got a self-righteous “Chief Assistant District Attorney” who (1) listened in on the speaker phone without letting me know he was there, (2) opted to Mr. Gibson do his obstructive dirty work, (3) got caught whispering in the background and initially refused to give his name, (4) offered no explanation to the victim of these crimes for the actions of the District Attorney’s office in this matter, (5) refused to schedule the appointment I requested to get that explanation, (6) was rude, abrasive and insulting, and (7) hung up on me.

I made a number of inquiries after that phone call on Friday. Two years after the fact, I am now informed that Mr. Schmidly steered me in the wrong direction when I brought these matters to his attention. While the District Attorney can direct investigations, the office doesn’t actually have the authority or means to investigate anything. That is the job of the police. **So in 2003, when I brought these matters to Mr. Yates’ attention, I should have been immediately directed to the Sheriff Litchard Hurley’s office and or Asheboro Chief of Police Gary Mason. Your office has, in fact, been stepping on the turf of others to stonewall this case.**

You asked how I would like it if someone told me how to do my job. Mr. Gregson, I’ve got news for you. People tell me how to do my job every day . . . from Mamas barely out of high school who want antibiotics that I cannot prescribe, to learned Appellate Court

judges who think I should quiz an abused/disturbed child on the abstracts of truth & consequences while she is having a dissociative episode in my office.

I always explain the decisions I make to parents. Likewise, when parents call my office for an appointment, they get one. **So when I ask the District Attorney's office to explain a decision about a situation where I have suffered great harm, I expect an answer. When I call your office for an appointment with Mr. Yates, I expect to be given one.** It's called common courtesy.

With all due respect, you do not get to lecture me on "arrogance", when Randolph County Court system, from day one, consistently treated me with arrogance, condescension and disdain . . . from the total disregard that was shown for my office schedule (back in the day when I testified in child abuse cases pro bono except for the crumbs the state would throw when we did the paperwork), ultimately to threats of arrest to return to testify in the rape case that wasn't – a case your office ultimately botched. How many times did I shut down my office or cancel appointments or turn patients away to accommodate the Court only to be told, "The case didn't get heard, you'll have to come back."? The treatment that the Randolph County Court system dished out over the years is the reason I will not touch a child abuse case now unless it is emergent. The plain old lack of common sense and common courtesy intrinsic to our legal system is the reason so many child advocates give up.

In your phone tirade, you referenced my website (www.asheboropediatrics.com), as well as letters I have sent to the Editor of the Courier Tribune. You said that people "afraid" to talk to me because of my allegations. Well, **my "allegations" are true, and I fail to understand what anyone in the District Attorney's office has to be afraid of if they have acted appropriately.** To my knowledge, my letters and e-mails to the Courier Tribune's Editor (trying in vain to get public attention cast on this situation) have never been published, so HOW do you know about them? As for the Asheboro Pediatrics website, it exists because people like you (in a position to put a STOP to what was going on by holding Robert Morrison and Steven Eblin accountable) repeatedly covered their ears, looked the other way and kept their mouths shut while Robert Morrison and Steven Eblin acted with impunity to destroy and slander anyone who did not play on their "team". That's not leadership or "vision". It's called being a bully. I hear they're lecturing against that these days in the school system where my Mama used to teach. It's too bad the adults don't take the advice they give their children.

A number of people have asked me why I have not pursued civil claims. The answer is very simple. If Robert Morrison and Steven Eblin can repeatedly bold-faced lie in Randolph County Superior Court . . . and face no consequences whatsoever, even when they're caught red-handed . . . why would I subject myself to the same farce again?

Perjury is a "serious offense" because it speaks to the integrity of the justice system. It does not have a statute of limitations for just that reason. Lies obstruct justice. An ADA in another county told me that, "We prosecute perjury in this county, Dr. Johnson, because people in this county HATE liars." Well, I KNOW the people of

Randolph County hate them. So what's your problem? And what's Garland Yates' problem . . . when a citizen wronged, who has all of the EVIDENCE any of you could ever want in big fat black and white, asks you to prosecute two liars – two liars who knew they were lying and profited from the lies? I'm supposed to "forgive and forget" and let one of those liars be given free license to plan our city's future?

On Friday afternoon, I forwarded a complaint about your behavior to the North Carolina Attorney General's office. Mr. Gregson, I am not a female cadet at the Citadel. I was threatened for being a patient advocate. I was fired after intervening to save a child's life and reporting what happened to medical Peer Review. I was sued for telling the truth. And I was defrauded at settlement by the liars who pulled all of these stunts. Prior to that, I survived seven years at NC Baptist Hospital. So shouting me down and hanging up me is not going to cut it. I am the VICTIM of a series of white-collar crimes committed by people who were supposed to have the public good at heart, I am righteously angry about what they did, and I'm going to MAKE A LOT OF NOISE until the people who were/are supposed to protect me DO something about it. Asheboro is my home and I am not going to "just go away". **Ethics is a REALLY BIG topic in government & medicine these days**, and the story of my return "home" to Asheboro more than demonstrates why. If the politicians are going to talk about ethics and health-care reform, I am going to make very sure they talk about what's really wrong.

You wanted yet another letter, Mr. Gregson and you got one. I don't know why I bothered since **your office has never seen fit to respond to ANYTHING** before now. Please don't feel you have to run right over to Randolph Hospital with it (as the Editors of the Courier Tribune have apparently done with theirs). Robert Morrison's new City-Council sanctioned strategic-planning committee has asked for feedback about the way things are done in Asheboro, and they're going to get it. Accordingly, **this letter is being copied to Sheriff Hurley, Police Chief Mason, Resident Superior Court Judge Brad Long, Chief District Judge William Neely, Chief Magistrate Roger Greene, the Asheboro City Council, all of my state and federal representatives, and ANYBODY & EVERYBODY ELSE I CAN THINK OF.** I can mail out postcards too. Thank you, so much for the "permission" to exercise my right of free speech.

Behind all the fancy glass and stone in that gleaming new courthouse, your office has forgotten who it works for. By the way, if you ever run for Mr. Yates' chair, I expect I will be out there stumping for the opposition. **For I believe the general public is sick and tired of liars – AND the people who protect them. In fact, I KNOW it. If the lawyers in the District Attorney's office don't want to be known as a bunch of "good-ole-boys", don't act that way when someone comes to you for help.**

Mary H. Johnson, M.D., FAAP