

LAW OFFICES OF  
**ROBISON, BELAUSTEGUI, SHARP & LOW**

A PROFESSIONAL CORPORATION

71 WASHINGTON STREET

RENO, NEVADA 89503

TELEPHONE (775) 329-3151

FACSIMILE (775) 329-7941

(775) 329-7169

KENT R. ROBISON  
THOMAS L. BELAUSTEGUI  
F. DEARMOND SHARP  
KEEGAN G. LOW  
BARRY L. BRESLOW

CLAYTON P. BRUST  
STEFANIE T. SHARP  
MARK G. SIMONS  
MICHAEL E. SULLIVAN

FRANK C. GILMORE

November 24, 2008

**Via Facsimile (775) 684-1108  
and Original U.S. Mail**

Catherine Cortez Masto  
Attorney General  
State of Nevada  
100 N. Carson Street  
Carson City, NV 89701-4717

**Re:** Grand Jury Proceeding Re: Lieutenant Governor Brian Krolicki

Dear General:

On Friday, November 21st, Chief Deputy Conrad Hafen, faxed my office a Notice of Intent to Seek Indictment. The Notice of Intent was apparently faxed to me as Lt. Governor Brian Krolicki's legal counsel. We assume Mr. Hafen's activities have been approved, if not directed, by you as the Nevada Attorney General. If that assumption is incorrect we ask that you immediately review the actions of your office to ensure that it fulfills its obligation to seek justice, rather than partisan political gain.

Your office's choice to use a Grand Jury is especially inappropriate given the facts of this matter. Lt. Governor Krolicki has enjoyed a distinguished career as an elected official of this state. He has been elected by the people of the State of Nevada for a public office on three separate occasions. Since the beginning of this desultory process over 20 months ago, Lt. Governor Krolicki, his staff and his attorneys have been completely cooperative, transparent and forthright. He has submitted to hours-long questioning when requested, as have members of his staff, and provided every document that was requested. Despite his transparency and goodwill, you and your office have decided to proceed in the most secretive manner against this very public official. Under all of these circumstances, Lt. Governor Krolicki and the People of the State of Nevada are entitled to a public hearing and a transparent process.

Rather than proceed by criminal complaint, however, your office has elected to proceed with a secret proceeding commonly referred to as a Grand Jury based upon an extremely broad criminal statute – making it exceedingly difficult to identify which specific action by my client is the premise of your Notice. Your tactics are obvious. By using a secret Grand Jury you are preventing the Lt. Governor from having a public hearing in which through his attorneys, he can confront the evidence your office intends to present. The secret proceeding offends traditional notions of fairness since there is no cross examination of witnesses in a Grand Jury proceeding and the Lt. Governor is denied the opportunity of having considerable exculpatory evidence presented by and through his attorneys. Your office's refusal to allow transparency in this matter is unconscionable. Condoning such conduct makes it obvious that you have placed partisan politics above fairness and justice.

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Additionally, your office received a report from the Nevada Division of Investigation (NDI) that was the result of 16 months of investigation by NDI detectives. During NDI's investigation, Lt. Governor Krolicki, his staff and his attorneys were completely cooperative and accommodating. Yet, your office refuses to make the report available and has denied my request for a copy of the report. Your need for secrecy is baffling. The People of the State of Nevada deserve and are entitled to public hearings rather than "star chamber proceedings" in which politically or personally motivated witnesses are not cross examined.

Third, and probably most abusive, is the complete lack of respect your offices has demonstrated for our ability to present exculpatory evidence in a timely fashion. We recently heard rumblings that indicated your office had decided to utilize the secret Grand Jury. Indeed, I discussed this matter this past Monday with Mr. Hafen and asked for any information concerning the Grand Jury proceeding. He refused to divulge any information and would not even admit that the Lt. Governor was a target of a Grand Jury proceeding. Your office purposefully waited until Friday, November 21<sup>st</sup> in which to notify the Lt. Governor that your office intends to seek an indictment. Nevada law requires the Grand Jury to order presentment of evidence that we identify that will explain away the charges. You are well aware of the fact that such evidence is substantive and comes from many sources.

The Thanksgiving holiday at hand, you have given the Lt. Governor three working days to provide the statutory notice to present evidence that will explain away the charges. The people of the State of Nevada deserve better. Your notice is untimely and unconscionably unfair. If the consequences weren't so serious, it would be almost comical that you tell us on this late date that the evidence we have to explain away the charges must be provided to your office "immediately." We are aware of strategic witnesses who have yet to be interviewed after 20 months of investigation who will provide exculpatory evidence and you have given us no opportunity to fairly and completely respond to this notice.

It is clear your office is afraid to bring these politically motivated charges by way of criminal complaint. Under that process, Lt. Governor Krolicki would be permitted to appear before a Justice of the Peace and present his side of the story. He would be able to make an opening statement through his counsel. He would be able to cross examine your witnesses and demonstrate that the State's primary witness is worthy of no credibility whatsoever. He would be able to present witnesses to the Justice of the Peace. He would be able to present his own documentary evidence. He would be able to make closing arguments to the Justice of the Peace. But, you have decided to deprive the Lt. Governor of these essential and cherished rights of due process. Your office's desire to be unfair to the Lt. Governor is, from my view point, irresponsible and reprehensible.

As a fellow attorney, I challenge you to bring these charges to a public arena rather than in a secret Grand Jury proceeding where you are so clearly capable of stacking the deck against the Lt. Governor. I challenge you, not only as an attorney, but also as a public official with an obligation to seek justice, to allow fairness and equity in the proceeding, and I challenge you to afford us sufficient time to contact our witnesses and assemble our exculpatory evidence. I challenge you to seek fairness and justice rather than political advantage.

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The Lt. Governor demands and expects transparency in government and in this matter. It matters little that the Grand Jury's assignment is to determine whether probable cause exists. It matters little that the Lt. Governor would ultimately be permitted to defend himself in public before a jury of Nevada citizens. An indictment will cause irreparable damage regardless of the fact that the Lt. Governor will be ultimately acquitted by a jury of Nevada citizens. His private and public professional lives will effectively be destroyed by your choice to use a secret proceeding notwithstanding the fact that Lt. Governor is innocent.

This letter requests that you do what is right and honorable. If you want to file charges against the Lt. Governor we ask that you do so in a public forum and seek a public complaint so that the Lt. Governor can confront his accusers at a public hearing. If you reject this request and follow your present strategy of attempting to indict the Lt. Governor in a clandestine and secretive manner we ask that you reschedule the Grand Jury proceeding so that Lt. Governor Krolicki and his attorneys have a sufficient amount of time in which to designate their witnesses and documentary evidence that will explain away the charges. In light of the fact that it has taken your office over 20 months to complete its investigation of the Lt. Governor, it can hardly be suggested that your one week notice is reasonable, fair, or honorable.

Yours very truly,

ROBISON, BELAUSTEGUI, SHARP & LOW

BY:

  
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KENT R. ROBISON

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