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OFFICE OF THE STATE ATTORNEY
EIGHTEENTH JUDICIAL CIRCUIT OF FLORIDA
BREVARD AND SEMINOLE COUNTIES

PHIL ARCHER
STATE ATTORNEY



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Reply to: Seminole County

May 20, 2020

Mark M. O'Mara
221 NE Ivanhoe Boulevard
Suite 200
Orlando, FL 32804

Re: Correspondence dated May 15, 2020

Dear Mr. O'Mara:

The Office of the State Attorney for the Eighteenth Judicial Circuit is in receipt of your correspondence dated May 15, 2020, as received by our office on May 18, 2020. State Attorney Phil Archer asked that I respond to you on his behalf.

Our office understands that you now represent Ms. Andrea Green, mother to Adrein Green. As I'm sure Ms. Green shared with you, prior to your representation of her, State Attorney Archer telephoned her on May 6, 2020, the day after her son's death, and extended to her his personal condolences. State Attorney Archer also explained to Ms. Green that both he, and representatives of his office, would be involved in reviewing the Sanford Police Department's investigation into the facts and circumstances surrounding her son's shooting and death.

State Attorney Archer reassured Ms. Green, as I reassure you, that this office will be methodical and deliberate in its review of this matter and in our final decision regarding the legality of the Sanford resident's actions in shooting and killing Adrein.

State Attorney Archer also expressed to Ms. Green his intention to keep her personally updated once the Sanford Police Department's investigation was received by his office. At the time of their conversation on May 6, State Attorney Archer shared with Ms. Green that he expected it would take a few weeks for the Sanford Police Department to compile all the relevant reports and statements, and to submit a final investigation for our review. That has proven to be the case. We have not yet received the final investigation for review, and we do not expect to receive it until next week, at the earliest.

This office understands that you now represent Ms. Green, but given the congenial nature of State Attorney Archer's telephone conversation with her on May 6, we must ask, is it Ms. Green's wish to forego future personal communication with State Attorney Archer and his office when this matter is received from the Sanford Police Department and as it proceeds through the review process?

We will certainly do that which Ms. Green wishes, but we have not yet had any inkling that things between this office and Ms. Green were amiss such that she should seek your intercession on her behalf as it relates to future communication. It's been quite the contrary, actually, to the point that State Attorney Archer hopes to continue to keep Ms. Green personally informed once his office receives the final investigation from the Sanford Police Department.

I trust that you will discuss this point with Ms. Green and share with us her decision as to whether she wishes to forego future, direct contact with our office. And I trust that you will share with Ms. Green that if she elects to forego future, direct contact with our office that we will do so out of respect for her wishes, not due to a lack of willingness on our part. Indeed, we remain committed to keeping her personally informed, and will only stop doing so if she elects for us to communicate through you.

Another point I wish to address with you is our office's concern that you may have information or evidence that pertains to the Sanford Police Department's investigation into Adrein's shooting and death that you have not yet shared with the authorities.

In your letter to our office dated May 15, 2020, you request "an opportunity to make a presentation on behalf of Adrein" should State Attorney Archer convene a Grand Jury to address this matter. While I reserve comment on the legality of your request to participate in a Grand Jury presentment, your request is troubling because it intimates that you have information and evidence that you wish to present to the Grand Jury.

Logically, there would be no need for you to participate in a Grand Jury presentment if the information and evidence you have regarding this matter has been turned over to the Sanford Police Department. And surely, if you have any information and evidence that is so powerful and impactful that it compels you to make such a request of our office, one would assume that you have indeed turned it over to the Sanford Police Department for further investigation and inclusion in their final report.

I know I need not say this, given your vast experience with the criminal justice system and your years of work as a criminal defense attorney, but your failure to share this evidence and information with the Sanford Police Department could have a disastrous impact on the investigation into Adrein's shooting and death, our office's review of that investigation, and our final decision as to the legality of the Sanford resident's actions in shooting and killing Adrein.

If you have not done so, sir, I implore you to turn over this evidence and information to the Sanford Police Department so as soon as possible.

Lastly, State Attorney Archer has asked that I facilitate all future communication between you and our office. Given the current state of affairs in light of the COVID-19 pandemic, many of our staff members are working remotely and on rotating schedules. I, however, as State Attorney Archer's Chief Assistant, have been in the office virtually every business day since the pandemic began. Communication with me ensures that our office will be able to respond to you in a timely fashion.

I will await word from you regarding whether Ms. Green elects to continue with direct communication with our office, or if she wishes for us to communicate with you, on her behalf. I also trust you will share the information and evidence you have regarding the circumstances of Adrein's death with the Sanford Police Department, so that they, in turn, are apprised of it, can investigate it, and can include it in their final submitted investigation to our office.

I thank you for your time and assistance with regard to this matter.

Sincerely,

PHIL ARCHER
STATE ATTORNEY



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cc: Daniel Faggard, Assistant State Attorney
Chief Cecil Smith, Sanford Police Department
Sheriff Dennis Lemma, Seminole County Sheriff's Office