

OFFICE OF THE DISTRICT ATTORNEY

Fourth Judicial District
326 South Tejon Street
Colorado Springs, Colorado 80903

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EXHIBIT D

JOHN W. SUTHERS
District Attorney

JEANNE M. SMITH
Assistant District Attorney

August 14, 1995

Mr. Harmon Wilfred
31 N. Tejon, Ste. 320
Colorado Springs, CO 80903

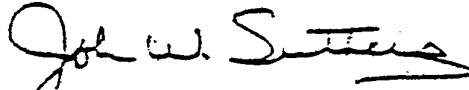
Dear Mr. Wilfred:

El Paso County employees have supplied me with a copy of a letter dated August 4, 1995 in which you allege the participation of my office and numerous others in the "cover-up" of a crime committed by Michael Witty and your former employers. In your letter you detail your efforts to get the state or federal government to investigate the matter, apparently believing they will determine the evidence will support a criminal prosecution. I'm quite confident that any law enforcement agency that chooses to investigate your allegations will reach the same conclusion that we have. As you are well aware, we have never endorsed the conduct of Mr. Witty or given him a "clean bill of health". In fact we have uncovered numerous conflicts of interest and poor record keeping. We simply have thus far not found a sufficient basis to commence a criminal prosecution.

Nevertheless, I'm writing to alert you to the fact that the Colorado law provides that any citizen who believes that the District Attorney has arbitrarily and capriciously failed to prosecute a crime can file a petition in the District Court asking that the court order the District Attorney or a special prosecutor to file and prosecute a case. Upon the filing of such a petition, it would be your burden of showing that the District Attorney's Office has acted arbitrarily and capriciously in failing to file criminal charges. We would respond to the petition by informing the court of the results of our investigation and the basis of our decision not to file.

I wanted to inform you of this remedy so that you might utilize it if you so choose. While my office deals with disgruntled persons such as yourself, who make irresponsible allegations, on a fairly frequent basis, others who are being slandered by your reckless accusations might prefer you to put forth your proof for judicial scrutiny in the manner described.

Sincerely,



JOHN W. SUTHERS
District Attorney
4th Judicial District
of Colorado

JWS:sl

cc: El Paso County Commissioners
El Paso County Attorney
David Zook, Chief Deputy District Attorney
Pam Zubeck, Gazette Telegraph
Chuck Baker, KVOR Radio

EXHIBIT NOTE

This is the annexure marked "C" referred to in the within affidavit of
HARMON LYNN WILFRED and sworn at Christchurch this 24th day of
February 2006 before me:



.....
A Solicitor of the High Court of New Zealand
(Solicitor to sign in part on Exhibit)

Christina Jane Glubb
Solicitor
Christchurch