

January 18, 2007

The Honorable Roy Cooper  
North Carolina Attorney General  
P. O. Box 629  
Raleigh, North Carolina 27602

Dear Attorney General Cooper:

We write to urge you to instruct the State Bureau of Investigation, an organization under your authority, to investigate credible allegations that Aero Contractors conspired to commit federal crimes and then provided material support to the commission of those crimes on property owned by the State of North Carolina.

Twelve of us wrote SBI Director Robin Pendergraft on October 2, 2006, to investigate the allegations against Aero Contractors. Regrettably, Ms. Pendergraft responded on October 17, 2006, that she believed the SBI had no jurisdiction in this matter. We disagree with Ms. Pendergraft's assessment of her agency's jurisdictional limitations. The North Carolina Supreme Court holds that:

Our courts have jurisdiction over a conspiracy if any one of the conspirators commit within this State an . . . overt act in furtherance of the common design, even though the conspiracy may have been entered into outside of the State. State v. Goldberg, 261 NC 181 (1964)

The Court elaborated:

A criminal conspiracy is an agreement of two or more persons to do an unlawful thing . . . and since **the agreement itself is the offense**, no overt act in furtherance thereof is necessary to complete the crime. (Our emphasis)

The Honorable Roy Cooper  
Page 2  
January 18, 2007

It is equally clear that **if** a crime resulted from a conspiracy, **where the crime occurred and what law was broken** (federal, state or local) are irrelevant to the propriety of an SBI investigation.

Moreover, we have noticed and are encouraged that the SBI actively investigates crimes that result in federal charges and prosecutions. Two recent examples are:

(1) The SBI collaborated on an investigation that ended with a lottery commissioner answering to the federal crime of mail fraud. (See report in the **News and Observer**, October 13, 2006).

(2) The SBI acted on a tip to investigate North Carolina peddlers of child pornography who were sentenced under federal laws prohibiting distribution via the internet. (“Christopher Paul Brady, sentenced in US District Court,” **News and Observer**, September 22, 2006”; “Duane Scott Smith sentenced in US District Court,” **News and Observer**, November 3, 2006.)

In short, we are deeply concerned by the SBI’s unwillingness to investigate a North Carolina company’s alleged involvement in a conspiracy to support the kidnap and torture of individuals.

We hope you will direct the SBI to begin an investigation of Aero Contractors’ actions. As legislators, we respectfully request a detailed rebuttal to the points raised in our letter should you decline to have the SBI investigate.

Sincerely,

REPRESENTATIVES

Alma Adams – Guilford  
Martha Alexander – Mecklenburg  
Alice Bordsen – Alamance  
Susan Fisher – Buncombe  
Melanie Goodwin – Montgomery, Richmond  
Larry Hall – Durham  
Pricey Harrison - Guilford  
Verla Insko - Orange  
Maggie Jeffus - Guilford  
Earl Jones - Guilford  
Marvin Lucas - Cumberland  
Paul Luebke – Durham

Earline Parmon - Forsyth  
William Wainwright – Craven, Lenoir  
Speaker Pro Tem nominee  
Jennifer Weiss - Wake  
Winkie Wilkins – Durham, Person  
Larry Womble - Forsyth

SENATORS

Doug Berger – Franklin, Granville, Vance, Warren

Jane Cowell - Wake

Eleanor Kinnaird – Orange, Person

Jeanne Lucas - Durham

Vernon Malone – Wake

cc: Governor Mike Easley

Attn: Franklin Freeman