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From: Kevin Brackett [REDACTED]  
Sent: Tue 11/25/2008 10:36 AM  
To: 'Gable, Carol (NBC Universal)'  
Subject: RE: Dateline NBC interview

Dear Carol

I will try to call you to discuss this more fully but in the event that I miss you I did not want to wait until the Thanksgiving holidays were passed. I spoke with Don Zelenka at the AG's office to advise him of our plans and he suggested that I check and make sure that my interview did not constitute a breach of my ethical responsibilities. As you are aware, prosecutors are held to a higher ethical standard than other attorneys. My subsequent conversation with Aimee Clifford who was formerly with the National Center on Prosecution Ethics gave me pause as she thought it was not advisable to participate.

In an effort to seek a second opinion I spoke with an attorney at the Office of Disciplinary Counsel who also counseled against the interview. While there are certain things that it would be ethical to discuss there are a number of issues that would violate Rule 3.6 and 3.8 of the SC Rules of Professional Conduct if I were to discuss them. The fact that the defendants have not exhausted their appellate remedies are what creates the problem. In light of this advice I will have to postpone any interview until their appeals are concluded.

I am sorry for the inconvenience and truly wish that I could make my voice heard in these matters.

I will try to call you tomorrow.

Kevin