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July 9, 2019

Via Email & First-Class Mail

Satana Deberry, Esq.
Durham County District Attorney
Durham County Courthouse
8th Floor
Durham, NC 27701

Re: Lt. Governor Justin E. Fairfax

Dear District Attorney Deberry:

As you know, I represent Justin E. Fairfax, who is serving as Lt. Governor of the Commonwealth of Virginia. For three months now, I have attempted to speak with your Office about a serious criminal allegation made by Ms. Meredith Watson, claiming she was raped by Mr. Fairfax in 2000 when both were college students at Duke University. Ms. Watson made this allegation in the most public way possible, including on national television, making her allegation public only after sending a letter threatening to do so if the Lt. Governor did not resign within two hours. The threat was made amid widespread speculation that Mr. Fairfax might imminently be elevated to the governorship of the Commonwealth of Virginia.

Mr. Fairfax knows that Ms. Watson's allegation is utterly and demonstrably false. However, he believes that allegations of sexual assault must be taken seriously and should be investigated. If what Ms. Watson claims were true, a serious crime was committed in Durham, North Carolina. Since your Office is charged with investigating and prosecuting crimes occurring in Durham, at Mr. Fairfax's direction I began calling you in April to request that your Office investigate Ms. Watson's claim as well as Mr. Fairfax's firm and consistent denial of her allegation.¹

¹ Ms. Watson also has alleged that she was raped a year earlier by former Duke Basketball player Corey Maggette when they were both students at Duke University – an allegation he has consistently and adamantly denied.

Satana Deberry, Esq.
July 9, 2019
Page 2

It is very disappointing that I have not received a response to the numerous telephone messages I have left with you about this matter. As a result, written correspondence is Mr. Fairfax's only avenue to communicate with you.

On June 12, 2019, I wrote to inform you that Lt. Governor Fairfax welcomes the opportunity to meet with your Office, to share information he has that is relevant to Ms. Watson's allegation against him, and to testify under oath and penalty of perjury about that allegation. Unfortunately, your Office has also not responded to my June 12th letter.

As an elected official and a former prosecutor, Mr. Fairfax takes all allegations of sexual assault seriously and believes they should be heard and fully investigated in a way that is fair and sensitive both to accusers and to the accused. Mr. Fairfax is aware of the special emphasis your Office has placed on protecting and providing support services for those who wish to bring forward allegations of sexual assault. He strongly supports such efforts in your Office and in other jurisdictions.

Indeed, your Office has been particularly and appropriately focused on protecting the integrity of the investigative process to protect both the accuser and the accused in light of the rush to judgment and aggressive prosecution by one of your predecessors (who was later disbarred and briefly jailed for ethical violations in that prosecution) of allegations of sexual assault against lacrosse players at Duke University that turned out to have been fabricated.

With regard to information Mr. Fairfax has about the allegation by Ms. Watson, it has been his desire to protect the privacy of the accuser, the accused, and others with potentially relevant information by not disclosing sensitive information that would, in fact, serve to support both his denial and the appropriate outcome of his exoneration, preferring to share this information with law enforcement as part of an impartial, independent, professional investigation that would respect the privacy of the individuals involved to the fullest extent possible given the very public manner in which the accusation was made. Your failure to respond to my letter, however, again puts me in the position of having to convey information by letter that I would prefer to be able to discuss in person.

Ms. Watson made her allegation publicly for the first time through her attorney and a professional public relations firm on February 8, 2019. That same day, Mr. Fairfax stated unequivocally that the allegation is "demonstrably false." While Mr. Fairfax's account of what occurred has been corroborated by a polygraph examination, the results of which I have already shared with you, you

Satana Deberry, Esq.

July 9, 2019

Page 3

need not rely solely on Mr. Fairfax's account to conclude that the allegation made by Ms. Watson is untrue. There was an eyewitness to the events underlying Ms. Watson's allegation. The eyewitness, whose identity I can share with you, has stated unequivocally that Ms. Watson's allegation that she was raped or otherwise sexually assaulted by Mr. Fairfax is false.

In the Spring of 2000, Ms. Watson came over to a fraternity house on campus where the eyewitness lived. Mr. Fairfax, a member of the fraternity who did not live in the fraternity house at the time, was there visiting the eyewitness when Ms. Watson arrived. The eyewitness observed Ms. Watson initiate a sexual encounter with Mr. Fairfax in the eyewitness' room. The eyewitness remained with Ms. Watson after Ms. Watson's sexual encounter with Mr. Fairfax had concluded and Mr. Fairfax had left. The eyewitness recalls the events clearly and has shared his recollections with a number of people. Mr. Fairfax can provide you the identity of individuals with whom the eyewitness has spoken about these events.

The eyewitness has told those individuals that he can say definitively that Ms. Watson was not raped or sexually assaulted by Mr. Fairfax in any way, as Mr. Fairfax knows and has said all along. The eyewitness corroborates that Ms. Watson was a willing participant in sexual activity. No one had been using drugs or alcohol, and Ms. Watson initiated sexual contact with Mr. Fairfax and unambiguously manifested her consent to the sexual contact that occurred. Her behavior throughout was utterly inconsistent with her present claim that she was raped or otherwise sexually assaulted by Mr. Fairfax.

Mr. Fairfax reiterates his request to meet with you to address the allegation against him and to answer any questions that you have, including under oath and penalty of perjury. As stated above, he believes that Ms. Watson's claim, like any allegation of sexual assault, should be investigated. While he is disappointed with the failure of your Office to respond to date and has not ruled out pursuing other legal remedies for the severe harm that this false allegation has caused, Mr. Fairfax continues to believe that your Office is well-equipped to conduct a serious, unbiased, and professional investigation that will deal with the allegation with sensitivity and professionalism. Mr. Fairfax knows that such an investigation will conclude that he did not rape or sexually assault Ms. Watson.

Fabricated allegations of rape and sexual assault are enormously damaging not only to the falsely accused, but also to actual survivors of rape and sexual assault. Ms. Watson's allegation has resulted in repeated news stories referencing the allegation, uninformed and sustained calls for Mr. Fairfax's resignation from public office, and vicious attacks on Mr. Fairfax's reputation and

Satana Deberry, Esq.

July 9, 2019

Page 4

character – all of which are completely unwarranted given that the allegation, which has not yet been investigated, is false. Mr. Fairfax hopes that your Office will, under the circumstances, determine that it is unfair to all concerned to have the truth concerning this matter uninvestigated and unresolved. Accordingly, he hopes that you will move forward as quickly as possible.

We look forward to hearing from you soon.

Sincerely,

Barry J. Pollack

Counsel for Lt. Governor Justin E. Fairfax