

THE
SCHOLL
LAW FIRM

AN ASSOCIATION OF ATTORNEYS

27 June, 2017

Ms. Beverly P. Sharpe, Counsel
Board of Professional Responsibility
10 Cadillac Drive, Suite 220
Brentwood, Tennessee 37027

Re: Kristina Cole
File No. 52676c-9

Dear Ms. Sharpe:

I'm writing in response to the complaint filed by Kristina Cole that was received in my office on June 17, 2017. First it should be pointed out that although Ms. Cole signed a contract with me and paid a portion of her retainer, she did not pay her full retainer fee, nor did she meet her obligations under the contract.

Ms. Cole was a very demanding client. She did call virtually every day and often multiple times a day. I did not speak to her every day, because I often did not have anything to tell her. I did meet with Ms. Cole on multiple occasions. My meetings with Ms. Cole would take a great deal of time and she always cried throughout them. Ms. Cole almost always brought family with her to these meetings. Her daughter, mother, and either an aunt or friend have all met with me about her case. These meetings ran several hours. There was one specific meeting that ran from 4:00 p.m. to 8:00 p.m. on a Friday evening. Just about all of these meetings ended with her crying and apologizing to me. When Ms. Cole complained that she felt that she had issues contacting me, I would allow her to come in and meet with me for as long as she needed. She was also given my cell phone number, which I do not usually give to clients.

Initially, Ms. Cole did not close the door on testifying in court. However after the case was set for trial, she told me she did not want to testify and I began to prepare for trial. It should be clear that Ms. Cole had an ongoing relationship with her co-defendant, inmate Jason White, who has ultimately been incarcerated since he was 18 years old in 1999 and whose sentence ends on August 15, 2018. Mr. White is a 36 year old Caucasian high ranking Vice Lord gang member. Ms. Cole is a 44 year old mother with no criminal record. Ms. Cole was able to see her boyfriend/co-defendant for the first time in person at the arraignment of this case in court. This "relationship" has been going on for years.

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Ms. Cole's case involves a controlled delivery by the police of approximately 1 pound of methamphetamine to her home. The police in Visalia, California were called to a FedEx location on a suspicious package call. The package was opened and tested positive for methamphetamine. The Visalia police then contacted the Bartlett Police Department who then set up the controlled delivery of the package to Ms. Cole's home. Ms. Cole was seen picking up the package and taking it inside her home. The police then executed a search warrant for the home and found the package inside the house. They also found Ms. Cole's computer where she had been tracking the package and text messages between Ms. Cole and Mr. White discussing the package. ("Package arrived" and "they put the wrong street name. Luckily they knew what it was supposed to be.").

Also, while the police were there, Mr. White's brother just happened to show up at Ms. Cole's home. Ms. Cole has given me a version of what took place that I will not disclose here. However, the version she has provided defies common sense. The authorities were also able to link Ms. Cole to several other transactions involving PayPal and prepaid cards with other inmates. This being a common way that inmates pay for contraband.

In preparing for trial, I reviewed the phone/text records. These records did not match up completely with what Ms. Cole was telling me. In the weeks leading up to trial, I tried calling Ms. Cole several times to discuss the discrepancies found in the records and her version of the events, but she would not return my calls. Ms. Cole is charged with four counts of possession of Methamphetamine with intent to manufacture, sell or deliver and is facing a significant amount of time in jail. She has no record, but because of the nature of the charges she is not eligible for probation. The State has the strongest case against Ms. Cole as she knew about the package, allowed it to be delivered to her home, tracked and notified her Co-Defendant that it had arrived. As she is facing jail time, I did continue to advise her of my opinion that she should testify and work out a deal with the State to keep her out of jail. Ms. Cole did continually refuse to cooperate, however the prosecutor kept renewing the offer and it is my job to convey and give my opinion on any offer.

Ms. Cole did talk to me about filing a motion to suppress. I did not feel that this motion was strong and I explained to her that this could damage the ability to resolve her case. However, Ms. Cole insisted that I file the motion. The basis of the motion was that the address was wrong on the FedEx package that the drugs were sent in and was delivered incorrectly. Thus the search and seizure of the drugs; the computer used to track the package; and the phones with texts discussing the package and tracking number, etc. should all be suppressed. The original FedEx label was handwritten by the shipper as 2552 Jinwood or possibly Linwood (see attached copies of label) and after it was opened and deemed to be methamphetamine a new FedEx label was printed with the address 2552 Linwood Road (see attached copies of label). When the Bartlett police realized there was no street named Linwood, they searched for similar streets with the same house number and found Ms. Cole's house at 2552 Jenwood. There was a lengthy amount of research involved in the preparation of this motion. The motion was filed in court and I assure you I gave it my full effort. The motion was heard by Judge Carter and denied.

As trial approached, I spoke with Mr. White's attorney several times. We discussed bringing in Mr. Mullins to testify that the drugs in the package were his. Mr. White's attorney had communicated with Mr. Mullins and advised that he would enter the order bringing Mr. Mullins to Shelby County to testify in trial. I did not enter a duplicate order because it was unnecessary, nor did Ms. Cole have

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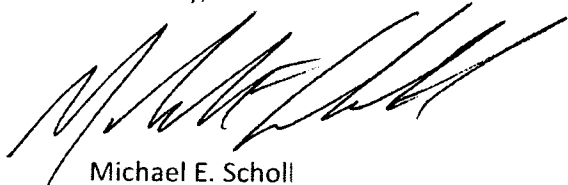
specific information concerning this inmate. When Mr. Mullins arrived at the jail, I met with him and advised him that he could have an attorney prior to talking to me. Mr. Mullins advised that he wished to talk to me without counsel. He did admit the drugs were his and that Ms. Cole knew nothing about them. However, as we talked, I discovered details about conversations he had with my client and other aspects of what occurred that did not match with what my client had told me. Mr. Mullins then spoke to the prosecutor in the case. After speaking with him, the prosecutor stated that he felt that Ms. Cole, Mr. White and Mr. Mullins were all three involved in the drug deal. He did not feel that what Mr. Mullins said matched up to the text messages and phone records he had. The prosecutor sought and was granted a continuance of the trial. He re-indicted the case to include Mr. Mullins.

It had always been the position for trial that Ms. Cole had been taken advantage of and knew nothing about the drugs. However, there are text messages between Mr. White and Ms. Cole concerning the status of the package. It should be noted that Mr. White has a long criminal history and what appears to be a long history of manipulating women to commit and fund his illegal activities. There were recorded conversations to this effect provided in discovery. It was communicated to me that Mr. White wanted me fired because I wasn't following what he wanted done. I told Ms. Cole that I only represent her and her best interest, not Mr. White. Ms. Cole fired me and hired an attorney in Jackson, Tennessee. I spoke with that attorney and she could not be in court on Ms. Cole's court date. Even though I had been fired, I appeared for her new attorney and entered all the appropriate paperwork for Ms. Cole. I looked up Ms. Cole's case status before writing this response and I saw that her attorney requested the Court to order Ms. Cole to have a mental evaluation. That would explain a lot of the issues that kept coming up over and over with Ms. Cole.

I have done a great deal of work on Ms. Cole's case and have not been paid the full agreed upon retainer fee. Ms. Cole's case was fully prepared for trial when I was fired. Ms. Cole has been a very time consuming and emotional client and I have spent many hours discussing and counseling her about her case. She has now developed a history of attorney swapping in what I believe is an effort to delay the inevitable. Throughout the case she has maintained contact with Mr. White and his family against the advice of counsel. Mr. White has used the same attorney swapping strategy in his case. Ms. Cole's complaint is unfounded and should be dismissed.

Thank you for your time and consideration of this matter.

Sincerely,



Michael E. Scholl

MES/dh

Enclosures

copy to: Kristina Cole

FedEx Express **1/15/2016** Tracking Number **8088 5707 3374**

Ship No. **0200**

1 From
Date **02-02-16**

Sender's Name **Treas. P. H.** Phone **559 597 5500**

Company
Address **3105 Westcott, NW**

City **Visalia** State **CA** ZIP **93271**

2 Your Internal Billing Reference

3 To
Recipient's Name **Bob Lee Green** Phone **786 559 6682**

Company
Address **2151 Democrat Road**

City **Visalia** State **CA** ZIP **93271**

Hold Weekend
Hold Saturday
Hold Sunday



4 Express Package Service

Next Business Day
 FedEx First Overnight
 FedEx Priority Overnight
 FedEx Standard Overnight

FedEx 2Day A.M.
 FedEx 2Day
 FedEx Express Saver

No Signature Required
 Direct Signature
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FedEx

8088 5707 3374

020

1 From

Company Name [Redacted]

Address [Redacted]

City [Redacted] State [Redacted] ZIP [Redacted]

4 Express Package

Next Business Day
FedEx First Class
FedEx Priority Mail
FedEx Priority Mail Express

Signature Required
Signature Required
Signature Required

2 Your Internal Billing Reference

3 To

Recipient's Name [Redacted] Phone 214 554 6082

Company [Redacted]

Address [Redacted]

City Barrett State TX ZIP 30134

5 Packaging

FedEx Envelope

6 Special Handling

Saturday Delivery NOT available

No Signature Package may be returned to sender

Does this address require special handling?

No

Restrictions apply

7 Payment

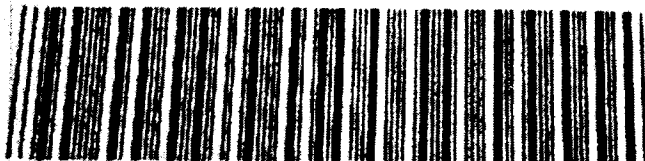
Sender's Payment Method

Total Package Weight

Total Package Value

Key Date

tedex.com 1-800-GO-FEDEX



8088 5707 3374

ORIGIN ID:VISA

SHIP DATE: 02FEB16
ACTWGT: 2.30 LB
CAD: /POS1621
DIMS: 14x8x8 IN

BILL SENDER

UNITED STATES US

TO BAILEY GREEN

2552 LINWOOD ROAD

Jenwood

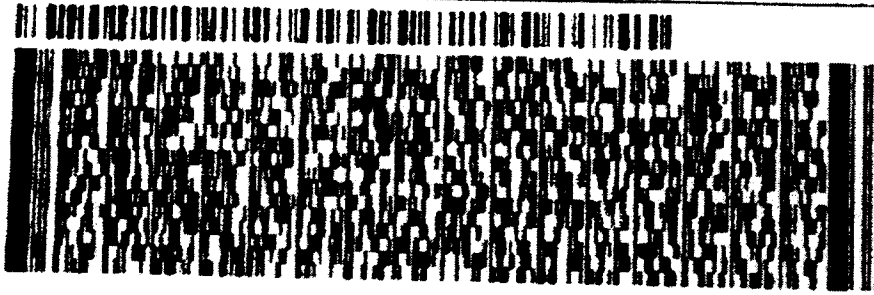
BARTLETT TN 38134

(788) 559-8882

LMU:
PO:

REF:

DEPT:



FedEx
Express



TPKN
0200 8088 5707 3374

WED - 03 FEB 8:00P
STANDARD OVERNIGHT

XH HKAA

RES
38134
TN-US MEM



FROM THE SERVICE CENTER
FOR THE UNITED STATES
AND POSITIVE TRACKING
AND DELIVERY CONFIRMATION