

# Haywood County "Toeprints"

January 4, 2015

Vol. #6 Issue #1 (Subject: Assault by David Francis)

[www.haywoodtp.net](http://www.haywoodtp.net)

## What's Happening?

The purpose of this newsletter is to inform Haywood County Taxpayers of what transpires at the bi-monthly County Commission Meetings. This newsletter will be written from the perspective of a casual observer, myself. Any opinions expressed will be mine.

## Posting of video(s) of my being assaulted by David Francis at the Justice Center on August 6, 2012.

For background on the incident, see:

[Incident Report - Simple Assault by perpetrator David Francis, Haywood County Tax Collector on August 6, 2012. 11/09/2014...](#)

or

<http://haywoodtp.net/pubII/141109FrancisAssault.pdf>

The then Sheriff Bobby Suttles refused to let me observe or provide these video's to me, even though I had every right to obtain them. It was within his discretion, I am told. Video's, (originally preserved as evidence) have been recently provided by Sheriff Greg Christopher, are now posted on [www.haywoodtp.net](http://www.haywoodtp.net). Captain Jason Smiley provided the two video's, along with a video clip reader.

The video's appear to be in a format used by the Justice Center system, and require you, the reader, to install the clip reader on your computer, then copy the video's to your computer to play. Efforts are being made to convert these to a simpler to use YouTube video, but here are the raw video's without delay.

## Installation / Run Instructions.

Go to [www.haywoodtp.net](http://www.haywoodtp.net) and under the right column, labeled Interesting Stuff, click on -

[Step 1. View video of assault by David Francis. Install REMMClipPlayer.exe on your computer. This is the reader provided to me by Captain Jason Smiley, Haywood County Sheriff's Department.](#)

This is an executable program, so use your own judgment when installing this on your computer. It is a video clip reader for viewing video's recorded on the Haywood County Justice Center's security system. After successfully installing this reader, click on -

[Step 2. Video of actual assault. See Toeprints Vol. 6, Issue 1 for blow-by-blow.](#)

Copy this video to your computer, and then double click on the video, the reader should start and the video will start playing.

[Step 3. Video immediately after assault riding up in elevator. See Toeprints Vol. 6, Issue 1 for blow-by-blow.](#)

This is the next video in the sequence showing **David Francis** and I entering one of the elevators in the Justice Center.

## Blow-by-blow Description of the assault.

The first video starts at the time stamp (upper right hand corner of the viewing program) at 9:22:07a. It is a view from a ceiling camera facing towards the front of the building from the hallway which provides access to the elevators. At the far end of the hallway is the main hallway as you enter the building. To the right is the security checkpoint, and to the left leads to the information windows for the Clerk of Superior Court.

[**Editors Note:** There are typical controls for playing the video - pause, fast forward and frame-by-frame, etc.]

9:23:09a. I had cleared the security checkpoint, and was coming into camera view as I turned left to go to the elevator. I saw **David Francis** coming down the hallway from the opposite direction. There was eye contact.

9:23:10a. I step into view of the camera, and thinking Francis was going to exit, made kind of a wide swing over to my right.

9:23:12a. David Francis appears in the video, turning right to follow me down this hallway. He was walking fast. Notice I did not leave a whole lot of room for him to pass me on the right.

9:23:14a. This is the frame where the assault occurred. He hit me from behind on my right elbow - a good smack. Then he turns his head around to look at me as he passed me and gave me a [expletive deleted] eating grin.

**Francis** walks briskly to the elevator, and we both enter the same elevator going up. The second video shows a good shot of **Francis** looking quite casual, no eye contact in the elevator.

**David Francis** is basically a thug, and it is to the credit of the voting electorate of Haywood County that they bounced this guy out of office.

**Legend:** If any name is in **bold**, it can't be a good thing.

Monroe A. Miller Jr.,  
Haywood County Taxpayer  
19 Big Spruce Lane  
Waynesville, NC 28786  
[www.haywoodtp.net](http://www.haywoodtp.net)

August 8, 2012

Simple Assault by perpetrator David Francis, Haywood County Tax Collector  
by  
Monroe A. Miller Jr.

Larry Bryson, Ext. 2851.

I feel like I was assaulted by David Francis on August 6, 2012 at approximately 10:00am in the hallway between the security check point and the elevators on the first floor of the Justice Building in Waynesville, North Carolina. This is being written down Wednesday morning, August 8, 2012.

Description of the assault.

After leaving the Haywood County Commission meeting, which ended approximately 9:50am, I walked over to the Justice Center. The purpose was to visit the office of the DA to check with Rachael Groffsky the date when she planned to next hand over Bill's of Indictments to the Grand Jury.

David Francis, who had attended the county commission meeting, and most likely heard my public comment at that meeting, must have left the meeting a little early. As I cleared the security check point, I saw David Francis approaching me in the front hallway (windows facing the street), and he saw me. There was eye contact.

I turned left walking towards the elevators, minding my own business, and the next thing I felt was a good hit to my right elbow. I thought I had left plenty of room for anyone to pass me if they needed to and were in a rush. I looked to the right and it was David Francis. No apology, no nothing, I kind of remember a shit eating grin on his face.

We both continued walking down the hall, turning into the hallway with the elevators. He pressed the button. We both got in the same elevator. Francis did not say a word in the elevator, rather looked down at the floor. He pressed 2, I pressed 3. Francis left the elevator on the second floor, I continued to the third floor.

I continued to feel in my right elbow that I had been struck for several minutes. I didn't appreciate it. I felt that Francis was attempting to intimidate me. I felt I had been assaulted.

I returned to the Justice Center later in the day, and spoke with (who I now know as Don Robertson, head of security for the Justice Center). I was interested to review the video of the attack. Robertson indicated that I was required to have a subpoena (or something similar) before I could see any recorded video. I checked briefly down the hallway to the elevator, and sure enough, there was a camera in the main hallway looking down towards the elevator, and one directly above where the (alleged) attack occurred. I left discouraged.

Background.

I had uncovered what I felt was a potential scam operation by David Francis when it had been brought to my attention the Tax Department was sending notices to people attempting to collect back taxes on automobiles, namely Anita Gentry and Brian Estes. I was in the process of setting up a meeting with Francis to resolve a sheet of questions I had for him, and he was refusing to cooperate setting up a meeting [re: e-mail dialog with Francis, Roy Cooper, Stamey, etc.].

A second, seemingly non-related e-mail dialog with Marty Stamey regarding Vicki Hyatt and Dale Burris triggered a venomous tangential response from David Francis [re: e-mail dialog], which I posted in my newsletter, Haywood County Toeprints on August 3, 2012.

Further, I presented a public comment to the county commissioners regarding their Public Information Request Policy which I basically rendered null and void at the commission meeting on August 6, 2012. I believe that Francis was already in the room and had listened to that public comment. It was aimed at him.

The public comment and newsletter are posted on my website, [www.haywoodtp.net](http://www.haywoodtp.net). The next thing I knew is that I took a shot in the elbow by David Francis.

August 7, 2012.

Spoke to several people about the attack; my daughter, Jonnie Cure, Terry Ramey, Art Patten. Terry Ramey already has had an adverse interaction with David Francis in the hallway outside of an active county commission meeting. County Commissioners can attest.

Art Patten went ballistic, started calling around to the network. He suggested I call Keith Moore at the Waynesville Police Department, (828) 400-6486. [Art indicated the folks at the Waynesville Police Department are none to happy with Francis as he had an affair with one of the officers wives which caused the family to break up]. I called Keith Moore. He (Waynesville Police Department) does not have jurisdiction inside the Justice Center, and recommended I file a complaint with the Magistrate and /or see the Sheriff. I was hesitant to file any complaint until I had seen the video, and get an opinion from law enforcement officials to see if they concurred that Francis assaulted me as recorded on the video system.

I spoke again with Ramey and Patten, who both offered to come down to the Sheriff's office, but I declined their offer and went by myself. Neither Suttles, Larry Bryson, or (Warren), the chief of detectives were in. I went in to see the Magistrate. He was of limited usefulness, as there was not much he said he could do, although he indicated I should go down the Justice Center and speak to Don Robertson, the head of security, to see if he can at least preserve the video of August.

I walked over to the security office at the Justice Center and asked for Don Robertson, and was invited to enter the security room. I then recognized Don Robertson as one of the friendly deputies that had manned the security check points multiple times. There was another deputy in the room, and another came in during the discussion. I reviewed my situation, and asked if the security recording could be preserved, or if it had already been overwritten. No, it had not been overwritten yet, this was a newer system with extended record capacity. I mentioned I had been to the sheriff's office to see Suttles or Bryson, but neither were there. Robertson indicated he would preserve the recording in the time period between 9:50am - 10:10am. He asked for the description of my clothes - I was wearing blue jeans with a white/blue long sleeve shirt. I would be hart to miss with my white hair. Francis was wearing a black suit.

The question the video will resolve is did Francis appear to intentionally catch up to me, angle over to me and hit me. My back was to him and I didn't see any of this, but the video would capture it.

Question of the day - Why would Francis be so brazen to do this with a bunch of security camera's recording the event?

Got a call from Patten late in the evening, thought I handled the events of the day very well.

August 8, 2012

Go over to the Sheriff's office again and make an appointment to see Larry Bryson. I think he would be better than Suttles in this instance, as there would be less of any kind of internal conflict in Bryson's mind about calling this verses Suttles, who has more frequent daily contact with Francis then Bryson does.

9:15a, spoke to Larry Bryson at the Sheriff's Office, spent about 10 minutes. Explained incident. Larry called the Justice Center, Don Robertson(?), they found the recorded segment. "Looks like Francis brushed into me". Larry to go down and look at the recording, and call me back later this afternoon. Said there were 30 days of recording before being overwritten, although he asked that this be saved. Did not have a problem with me viewing the recording, lawyers wanted the subpoenas.

11:50a. Stopped by Anita to let her know. Dave Heinz cautioned about filing the complaint, maybe not serious enough and they could case problems, my same concern. I will have to see the video before I make the call.

4:17p. Larry Bryson called. Been “housebound” all day, did not get a chance to look at it. Researched law, simple assaults they want law enforcement to stay out of. I would have to file a complaint before I was able to see the recording. Or, I could get a lawyer. He will go down and look at it tomorrow after lunch, I can call him after that. His extension is 2851.

8/9/2012. About 2pm. Called Larry Bryson. Involved all day with an early morning shooting, not had a chance to get out of the building. Give him a couple of days. Call back Monday.

Jonnie brought to my attention that I could file an “incident report” and get the assault on record. Try Waynesville Police Department First.

Spoke to Keith Moore. Had called Sheriff’s department and they have the jurisdiction for filing an incident report. Talk to Wendy at the main office.

Went to Sheriff’s Office, 4:50p, looked inside door, blind had already been pulled down at the front office window. Try again tomorrow morning before cutting lumber.

Spoke to Art, let him know about the Police Incident Report concept. He said he should have thought of that. That, I told him, was the value of working with a network of people. Good ideas come from everyone, not just a single person. Two heads are better than one.

8/10/2012. Prepare formal Police Incident Report. Be sure to include request to preserve video at Justice Center.

Went to Sheriff’s Office. Spoke to deputy behind the counter. He left, and after 10 minutes, came back and said I could not submit an incident report at the Sheriff’s Office, rather I had to go down to the Justice Center and submit it to Greg Woods.

Went to the Justice Center, Greg Woods was in the security room. Gave him my sheet, took my name and DOB. Said he would write it up within the hour and it would be ready this afternoon to get a copy. Asked if I was going to file an assault charge. Indicated I need to see the video first, and that Larry Bryson was going to come by Monday or so to take a look and I would wait until that happened. Woods offered that I would need a subpoena to see the video, or, **The Sheriff Could Let Me Look At It!** First time I had hear that.

Spoke again with Jonnie, Terry and Art.

Terry, who is working on a problem Francis is giving him with Rusty McLean, said Rusty would like to talk to me. I was cutting wood on a locust tree Jack had cut down. Was all sweaty but stopped by. He was alone (+ secretary). Talked for over 20 minutes. Came up with suggestion that I should have Sheriff call a meeting with the Magistrate (and me) to review the video so the Magistrate could determine if there was enough evidence on the video to support a Simple Assault Charge against Francis. McLean also mentioned Francis was working with a lawyer in Asheville regarding passing off tax debts to this legal firm, and the firm was attempting to collect from Terry, but the letter did not contain a critical disclaimer, and the firm could be fined over \$1,000 for sending the letter. McLean asked who might have a record of Frances being able to pawn off these tax collection issues. Marty Stamey!, I suggested, the county manager. Stamey would have any record of approval of his actions by the county commissioners.

Composed and sent e-mail to Suttles, requesting the meeting with the Magistrate.

Called Jonnie. I recall that she had an issue with prior taxes, and a problem with a legal firm in Asheville. Discussed that again, and Francis is doing the same damn thing with Terry as he had done with Jonnie. Suggest Jonnie and Terry get together and compare notes. Asked Jonnie who the firm was, she couldn’t recall, but it is the largest firm in Asheville. Van Winkle?, I suggested, she said Yes.

Called Terry, told him about Jonnie, mentioned Van Winkle, he confirmed, same firm.

Went over to the Sheriff's Office a little after 4pm. Got a copy of the Incident/Investigation Report, came off a printer. Has several mistakes:

- List's my employer at Monicor. Monicor closed over a year and a half ago.
- Invalid employer telephone number.
- Listed my name as "monroe Miller".
- Incorrect time sequence, stated incident occurred after seeing Groffsky - it occurred before.
- Stated Francis hit me with his elbow. I stated I was hit in the elbow, I don't know and didn't see how Francis attacked me, with his elbow, arm, whatever.

Even though this is public record, there are enough errors in it to give me pause before splashing this up on [www.haywoodtp.net](http://www.haywoodtp.net).

When I speak to Larry Bryson next time, hopefully he will have reviewed the video. I will bring a copy (or tell him about the e-mail) of the letter I sent to Suttles.

8/14/2012. Dropped by Sheriff's Office to fill out renewal for concealed weapons permit. Sheriff saw me and asked me to come to his office. Went to Larry Bryson's office, Suttles came in. Discussed my doing the simple assault charge first, again, I explained catch-22. Bryson had not seen the video, but was going to after lunch, had my phone number in his pad. Explained in detail to Suttles what had happened, after several iterations, he and Larry saw my point of view, and I would probably not go forward without seeing the video. Larry went over to the magistrate, and returned after about 15 minutes (Suttles had an appointment at 11a that he was missing). Larry indicated that the magistrate said if I felt there was an assault, I could move forward, a green light from the magistrate. Left it that Larry would go down after lunch and look at it. I asked the Sheriff, suppose he was walking down the hall, and someone came from behind and struck him in the elbow. How would he like that? He said he doesn't like to get hit. Neither do I. Spent about half an hour with both of them.

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Message on my cell phone from Larry Bryson, Chief of Deputies, Haywood County Sheriff's Department after looking at video. 8/14/2012

"Mr. Miller, this is Chief Bryson at the Sheriff's Office. Once again in my office sitting with Sheriff Suttles and we've come back from looking at that tape, down at the Courthouse, and we've reviewed it and looked at it two times, and it don't really show, it shows Mr. Francis crossing kind of at an angle in front of you, but the way the sunlight's shining in that corridor, you can't tell if you fella's touched or not. So, we're still not too better off than we were. It does show that been on the elevator because there's a lot of light in there, and it shows him being on the, looking at his cell phone, and you standing off in the corner. But when you're walking down the hall, it just looks like you just crossed paths, and we can't tell if you touch or not. So, that's probably not going to be any big help to you, but that's really what we see. So, if you take this tape to court, it's not going to show that you physically bumped each other. So I'm sorry, but that is what we saw, so you feel free to call me back, it's about 3:20 on Tuesday afternoon. So, anyway, like I said, if you need me further, you can call me back. See ya."

[We didn't physically bump each other, he struck me!]